



HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT

PALM BEACH COUNTY REGULAR BOARD MEETING & PUBLIC HEARING NOVEMBER 7, 2023 9:00 A.M.

Special District Services, Inc.
The Oaks Center
2501A Burns Road
Palm Beach Gardens, FL 33410

www.hypoluxohaverhillcdd.org

561.630.4922 Telephone
877.SDS.4922 Toll Free
561.630.4923 Facsimile

AGENDA
HYPOLUXO/HAVERHILL
COMMUNITY DEVELOPMENT DISTRICT
Special District Services, Inc. Conference Room
2501A Burns Road,
Palm Beach Gardens, FL 33410
REGULAR BOARD MEETING & PUBLIC HEARING
November 7, 2023
9:00 a.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Comments from the Public for Items Not on the Agenda
- F. Approval of Minutes
 - 1. October 10, 2023 Regular Board Meeting.....Page 3
- G. Public Hearing
 - 1. Proof of Publication.....Page 5
 - 2. Receive Public Comments on Irrigation Permit Policy and Application Process
 - 3. Consider Resolution No. 2023-06 – Adopting an Irrigation Permit Policy and Application Process.....Page 8
- H. Old Business
 - 1. Update on Tree Trimming Policy
- I. New Business
- J. Administrative Matters
- K. Board Members Comments
- L. Adjourn

LOCALiQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune
News Herald | The Palm Beach Post
Northwest Florida Daily News

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Hypoluxo Haverhill Comm Dev
Hypoluxo Haverhill Comm Dev
2501 BURNS RD
STE A

PALM BEACH GARDENS FL 334105207

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Palm Beach Post, published in Palm Beach County, Florida; that the attached copy of advertisement, being a Public Notices, was published on the publicly accessible website of Palm Beach County, Florida, or in a newspaper by print in the issues of, on:

09/29/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 09/29/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$237.93

Order No: 9318458

Customer No: 730597

PO #:

of Copies:

1

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HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT

FISCAL YEAR 2023/2024

REGULAR MEETING SCHEDULE
NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Hypoluxo/Haverhill Community Development District will hold Regular Meetings in the Conference Room of Special District Services, Inc. located at 2501A Burns Road, Palm Beach Gardens, Florida 33410 at 9:00 a.m. on the following dates:

October 10, 2023

November 7, 2023

December 12, 2023

January 9, 2024

February 13, 2024

March 12, 2024

April 9, 2024

May 14, 2024

June 11, 2024

July 9, 2024

August 13, 2024

September 10, 2024

The purpose of the meetings is to conduct any business coming before the Board. Meetings are open to the public and will be conducted in accordance with the provisions of Florida law. Copies of the Agendas for any of the meetings may be obtained from the District's website or by contacting the District Manager at (561) 630-4922 and/or toll free at 1-877-737-4922 prior to the date of the particular meeting.

From time to time one or more Supervisors may participate by telephone; therefore a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place. Meetings may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made of his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at (561) 630-4922 and/or toll-free at 1-877-737-4922 at least seven (7) days prior to the date of the particular meeting.

Meetings may be cancelled from time to time without advertised notice.

HYPOLUXO/HAVERHILL
COMMUNITY DEVELOPMENT
DISTRICT

www.hypoluxohaverhillcdd.org
9/29/2023 #9318458

NICOLE JACOBS
Notary Public
State of Wisconsin

HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
OCTOBER 10, 2023

A. CALL TO ORDER

District Manager Michael McElligott called the October 10, 2023, Regular Board Meeting of the Hypoluxo/Haverhill Community Development District to order at 9:00 a.m. at the conference room of Special District Services, Inc. located at 2501 A Burns Road, Palm Beach Gardens, Florida 33410.

B. PROOF OF PUBLICATION

Mr. McElligott presented proof of publication that notice of the Regular Board Meeting had been published in *The Palm Beach Post* on September 29, 2023, as legally required.

C. ESTABLISH A QUORUM

Mr. McElligott determined that the attendance of the following Supervisors constituted a quorum, and it was in order to proceed with the meeting: Chairman Tom Messler, Vice Chairman Bernard Gatlin, and Supervisors Brett Osinski, and Ashkan Dhegihan.

Staff in attendance were District Manager Michael McElligott of Special District Services, Inc., and District Counsel Scott Cochran of Billing, Cochran, Lyles, Mauro & Ramsey, P.A.

Also in attendance was Seymour “Nick” Watson Jr.

D. ADDITIONS OR DELETIONS TO THE AGENDA

Mr. Messler asked to add to agenda to consider an appointment to the vacant Seat # 3. There were no objections and the Board decided to take up the item immediately.

Mr. Messler nominated Mr. Seymour “Nick” Watson, Jr. Mr. Watson introduced himself and it was determined that he did qualify to hold a Board seat. There was a **motion** made by Mr. Osinski, with a second by Mr. Messler to appoint Mr. Watson to the vacant Board Seat # 3. That **motion** passed **4-0**.

Mr. McElligott issued the Oath of Office to Mr. Watson, and Mr. Watson was seated.

Mr. McElligott went over some duties and responsibilities of being a Board Member, including and not limited to, Form 1 requirements, Public Record requirements, and the Sunshine Law.

E. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no comments from the public for items not on the agenda.

F. APPROVAL OF MINUTES

1. August 4, 2023, Regular Board Meeting

HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
OCTOBER 10, 2023

Mr. McElligott presented the minutes of the August 4, 2023, Regular Board Meeting and asked if there were any changes and/or corrections. There were no corrections noted. A **motion** was then made by Mr. Dhegihan, seconded by Mr. Messler, and unanimously passed to approve the minutes of the September 13, 2022, Regular Board Meeting, as presented.

G. OLD BUSINESS

1. Update on Tree Trimming Policy

Mr. McElligott presented a proposal from Coutlier & Hearing to develop the Tree Trimming policy that will come back to the Board for approval at a later date. The proposal is for \$3,500.00.

After a brief discussion, a **motion** was made by Mr. Dhegihan, seconded by Mr. Messler, to approve the Coutlier & Hearing proposal of \$3,500.00. That **motion** passed **5-0**.

2. Set Date for Irrigation Policy Public Hearing

Mr. McElligott explained there is a required Public Hearing as one of the final stages of adopting the Irrigation Policy approved at a prior Board meeting. Mr. McElligott proposed the November 7, 2023, regular Board meeting date as the Public Hearing date.

After a brief discussion, a **motion** was made by Mr. Osinski, seconded by Mr. Messler, to set the Irrigation Policy Public Hearing date time and location as the same as our November 7, 2023, meeting at 9:00 am. That **motion** passed **5-0**.

H. NEW BUSINESS

1. Consider Resolution No. 2023-5 – Adopting a Fiscal Year 2022/2023 Amended Budget

Mr. McElligott presented Resolution No. 2023-05, entitled:

RESOLUTION NO. 2023-05

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT
AUTHORIZING AND ADOPTING AN AMENDED FINAL FISCAL YEAR
2022/2023 BUDGET (“AMENDED BUDGET”), PURSUANT TO CHAPTER
189, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.**

Mr. McElligott presented the budget and gave an explanation to the Board. After a brief discussion, a **motion** was made by Mr. Dhegihan, seconded by Mr. Messler and passed unanimously to adopt Resolution No. 2023-05, as presented.

HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
OCTOBER 10, 2023

2. Consider Rate Increase Request by Superior Waterways

Mr. McElligott explained that the district lake maintenance contractor has formally requested a rate increase of 3%. Mr. McElligott pointed to the request in the meeting books. Mr. McElligott also explained that based on the budget the Board has approved for lake maintenance the District will be able to cover the increase request.

After some discussion among the Board members, a **motion** was made by Mr. Dhegihan, with a second by Mr. Messler to approve the 3% rate increase requested by Superior Waterways. That **motion** passed 5-0.

3. Memo 2023 Legislative Update

Mr. Cochran pointed the Board to the memo in the meeting materials. He went over any items that might affect CDD's, which most of the legislative changes won't. One item that will is a new required ethics training which was discussed by the Board at a prior meeting. There was no action required.

I. ADMINISTRATIVE MATTERS

Mr. McElligott noted that the Board will meet for the Public Hearin in November, and then would probably not meet again until after the holidays, and that he would email the Board to confirm closer to the scheduled meeting dates those cancellations.

J. BOARD MEMBER COMMENTS

There were no comments from the Board Members.

K. ADJOURNMENT

There being no further business to come before the Board, a **motion** was made by Mr. Osinski, seconded by Mr. Gatlin and unanimously passed to adjourn the Regular Board Meeting at 9:25 a.m.

Secretary/Assistant Secretary

Chair/Vice-Chair

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The Gainesville Sun | The Ledger
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News Chief | Herald-Tribune
News Herald | The Palm Beach Post
Northwest Florida Daily News

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Hypoluxo Haverhill Comm Dev
Hypoluxo Haverhill Comm Dev
2501 BURNS RD
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10/09/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 10/09/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$234.84

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NOTICE OF RULE DEVELOPMENT BY HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT

In accordance with Chapters 120 and 190, Florida Statutes, the HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT (the "District") hereby gives notice of its intention to develop rules, policies, and procedures for the withdrawal and use of water from the two (2) lakes owned and maintained by the District (the "Lakes") for purposes of irrigation by those residential properties immediately abutting the Lakes.

The proposed rules, policies, and procedures will address: establishing an application process and form(s) for use by the District in granting residents a permit to withdraw water from the Lakes for irrigation purposes; establishing conditions and requirements for issuance of such permits by the District; making adjacent property owners responsible for any damage or additional maintenance to any portion of the Lakes, including the lake banks and other sodded areas; providing that property owners withdrawing water from the Lakes are solely responsible for any damage to their irrigation equipment, pumps, pipes, and any other personal property; requiring water withdrawals to be in accordance with any applicable rules of the Cocoplum Property Owners Association of Palm Beach, Inc., Palm Beach County, the State of Florida, or any other governmental entity or agency having jurisdiction.

The purpose and effect of the rules, policies, and procedures is to provide for efficient and effective District operations with respect to the Lakes and the maintenance thereof. Specific legal authority for the Mailbox Rules and the Club Schedule, and amendments thereto, includes Sections 190.011, 190.035, 120.54, and 120.81, Florida Statutes.

A copy of the proposed rules, policies, and procedures may be obtained by contacting the District Manager, Special District Services, Inc., 2501A Burns Road, Palm Beach Gardens, Florida 33410 or by calling (561) 630-4922 and/or toll free at 1-877-737-4922.

A public hearing on the adoption of the proposed rules, policies, and procedures will be conducted by the District's Board of Supervisors on November 7, 2023 at 9:00 a.m. at the offices of Special District Services, located at 2501A Burns Road, Palm Beach Gardens, Florida 33410.

Hypoluxo/Haverhill Community Development District Michael McEligott, District Manager
www.hypoluxohaverhillcdd.org
October 9, 2023 9363926

NICOLE JACOBS
Notary Public
State of Wisconsin

LOCALiQ

The Gainesville Sun | The Ledger
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10/10/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 10/10/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

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PO #: 11/7/23 Rule Making

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KAITLYN FELTY
Notary Public
State of Wisconsin

NOTICE OF RULE MAKING FOR
HYPOLUXO/HAVERHILL
COMMUNITY DEVELOPMENT
DISTRICT

In accordance with Chapters 120 and 190, Florida Statutes, the Hypoluxo/Haverhill Community Development District (the "District") hereby gives the public notice of intent to adopt and conduct a public hearing on the District's proposed rules, policies, and procedures for the withdrawal and use of water from the two (2) lakes owned and maintained by the District (the "Lakes") for purposes of irrigation by those residential properties immediately abutting the Lakes. The purpose and effect of the rules, policies, and procedures is to provide for efficient and effective District operations with respect to the District's Lakes and stormwater facilities, and the maintenance thereof. Prior notice of rule development was published in the *Palm Beach Post* on October 9, 2023. The public hearing will be conducted by the Board of Supervisors of the District on November 7, 2023, at 9:00 a.m. at the offices of Special District Services, Inc., located at The Oaks Center, 2501 A Burns Road, Palm Beach Gardens, Florida 33410. The public hearing will provide an opportunity for the public to address and comment upon the proposed rules, policies, and procedures regarding the use of district lakes and canals for purposes of irrigation. The proposed rules, policies, and procedures may be adjusted at the public hearing pursuant to discussion by the Board of Supervisors and public comment.

The proposed rules, policies, and procedures establish an application process and form(s) for use by the District in granting residents a permit to withdraw water from the Lakes for irrigation purposes; establish certain conditions and requirements for issuance of such permits by the District; make adjacent property owners who received a permit responsible for any damage or additional maintenance to any portion of the Lakes, including the lake banks and other sodded areas; provide that property owners withdrawing water from the Lakes pursuant to a permit are solely responsible for any damage to their irrigation equipment, pumps, pipes, and any other personal property; and require water withdrawals to be in accordance with any applicable rules of the Coccolum Property Owners Association of Palm Beach, Inc., Palm Beach County, the State of Florida, or any other governmental entity or agency having jurisdiction.

Specific legal authority for the proposed rules, policies, and procedures includes Sections 190.011(5), 190.035, 120.54, and 120.81 Florida Statutes.

All interested persons may appear at the public hearing at the above-stated time and place. Any person who wishes to provide the District with a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), Florida Statutes, must do so in writing within twenty-one (21) days after publication of this notice to the District Manager at 2501A Burns Road, Palm Beach Gardens, Florida 33410.

This public hearing may be continued to a date, time, and place to be specified on the record at the hearing. At the hearing, staff or Supervisors may participate in the public hearing by speaker telephone.

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN AT LEAST THREE (3) DAYS PRIOR TO ANY PROCEEDINGS, CONTACT THE DISTRICT MANAGER, SPECIAL DISTRICT SERVICES, INC., AT (561) 630-4922 OR TOLL FREE AT 1-877-737-4922. IF YOU ARE HEARING OR SPEECH IMPAIRED, PLEASE CONTACT THE FLORIDA RELAY SERVICE AT 1-800-955-8770 FOR AID IN CONTACTING THE DISTRICT MANAGER'S OFFICE.

A copy of the proposed rules, policies, and procedures may be obtained by contacting the District Manager, Special District Services, Inc., at 2501 A Burns Road, Palm Beach Gardens, Florida 33410 or by calling (561) 630-4922 and/or toll free at 1-877-737-4922.

Pursuant to Section 286.0105, Florida Statutes, the District advised the public that if anyone chooses to appeal any decision of the Board with respect to any matter considered at the public hearing, such person will need a record of the proceedings and should accordingly ensure that a verbatim record of the proceedings is made that includes the testimony and evidence upon which such appeal is to be based. This notice does not constitute consent by the Board for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

Hypoluxo/Haverhill Community
Development District
Michael McElligott, District
Manager
www.hypoluxohaverhillcdd.org
9370367 10/10/23

RESOLUTION 2023-06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING THE LIMITED USE OF THE DISTRICT LAKES FOR IRRIGATION PURPOSES UNDER CERTAIN SPECIFIED CONDITIONS; ADOPTING POLICIES AND PROCEDURES FOR THE WITHDRAWAL OF WATER FROM DISTRICT LAKES FOR IRRIGATION PURPOSES; ESTABLISHING AN APPLICATION PROCESS AND FORM FOR ISSUANCE OF A PERMIT; PROVIDING FOR ENFORCEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Hypoluxo/Haverhill Community Development District (“District”) is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes, and

WHEREAS, within the boundaries District there are two (2) lakes (each a “Lakes” and collectively the “Lakes”) owned and maintained by the District and which form a part of the stormwater management and drainage system benefitting the lands within the District; and

WHEREAS, the District the District Board of Supervisors has determined that it is necessary to establish certain policies and procedures for the withdrawal and use of water from the Lakes for purposes of irrigation by those residential properties immediately abutting the Lakes; and

WHEREAS, the District, pursuant to Sections 190.011 and 190.035, Florida Statutes, is authorized to adopt and modify rules, regulations, and rates pursuant to the provisions of Chapter 120, Florida Statutes, prescribing the conduct of the business of the District, including establishing fees for application review associated with the District Lakes for irrigation purposes; and

WHEREAS, the District Board finds that it is in the best interest of the District to enact such policies and procedures, providing for permission to withdraw water from the Lakes for irrigation purposes, making adjacent property owners responsible for any damage or additional maintenance to any portion of the Lakes, including the lake banks and other sodded areas, providing that property owners withdrawing water from the Lakes are solely responsible for any damage to their irrigation equipment, pumps, pipes, and any other personal property, requiring water withdrawals to be in accordance with any applicable rules of the Cocoplum Property Owners Association of Palm Beach, Inc., Palm Beach County, the State of Florida, or any other governmental entity having jurisdiction thereof; and

WHEREAS, the District has complied with the provisions of Chapter 120, Section 190.011, and Section 190.035, and has conducted a public hearing on November 7, 2023 to address the formal adoption of the Policies and Procedures For the Withdrawal of Water From District

Lakes For Irrigation Purposes, as contemplated herein, and as determined to be necessary by the Board of Supervisors of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT, AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated as findings of fact of the District Board of Supervisors.

Section 2. The Board of Supervisors of the Hypoluxo/Haverhill Community Development District hereby formally establishes and adopts, the “Policies and Procedures for the Withdrawal of Water from District Lakes for Irrigation Purposes,” as follows:

**POLICIES AND PROCEDURES
FOR THE WITHDRAWAL OF WATER FROM DISTRICT LAKES
FOR IRRIGATION PURPOSES**

- A. Any property owner, resident, or tenant of real property (the “Owner”) immediately adjacent to one of the District’s Lakes who desires to withdraw and use water from the Lake for purposes of irrigation must apply to the District for a permit.
- B. To apply for such a permit, the Owner must complete the application form entitled “General Permit Application,” a copy of which is attached hereto as Exhibit A, and submit the application form with the accompanying items referenced in the application form to the District Manager.
- C. The District Manager and the District Engineer will review each submitted application form to ensure it is complete and that the proposed design plans, proposed equipment and facilities, and proposed use comply with the requirements and conditions stated in the application form under the heading “Irrigation Connection Permit.”
- D. If the District Manager and District Engineer approve the application form, the District Manager will notify the applicant in writing that the application has been approved and that the written notice constitutes a permit from the District for the proposed irrigation connection, subject to the “General Permit Conditions” stated in the application form and the additional requirements and conditions stated in the application form under the heading “Irrigation Connection Permit.”
- E. The “General Permit Conditions” stated in the application form, including numbered paragraphs (1) through (14) and the additional requirements and conditions stated in the application form under the heading “Irrigation Connection Permit,” including numbered paragraphs (1) through (14) apply to and govern any permit issued pursuant to these policies and procedures, and any Owner who applies for and obtains such a permit agrees to such requirements and conditions.

- F. In addition to the requirements and conditions stated in the application form, any Owner who receives a permit pursuant to the foregoing policies and procedures will be responsible for any damage or additional maintenance to any portion of the Lakes, including the lake banks and other sodded areas.
- G. Any Owner withdrawing water from the Lakes pursuant to a District permit will be solely responsible for any damage to their irrigation equipment, pumps, pipes, and any other personal property.
- H. All withdrawal of water from the Lakes must be in accordance with any applicable rules of the Cocoplum Property Owners Association of Palm Beach, Inc., Palm Beach County, the State of Florida, and any other governmental entity or agency having jurisdiction.
- I. The District is responsible for the maintenance of the water bodies and other facilities that make up the stormwater management system, including the Lakes. Maintenance includes, but is not limited to, the use of herbicides and chemicals, when necessary to control or eradicate growth of certain aquatic plants and other vegetation, which herbicides and chemicals could have an adverse impact on upland grasses, sod, shrubs, trees, and other upland plants if irrigated with treated water from the District's stormwater management system. Therefore, any Owner drawing water from a District Lake shall do so at his or her own risk, and the District, its officers, employees, and agents shall not be liable for any damages to person or property that arise out of or area in any way connected to such irrigation activity.
- J. Violation of these policies and procedures or of any of the requirements or conditions stated in the application form may result in the District revoking any permit granted pursuant to these policies and procedures.

Section 3. The approved application form for use in connection with the Policies and Procedures for the Withdrawal of Water from District Lakes for Irrigation Purposes, entitled "General Permit Application," is attached hereto and made a part hereof as Exhibit A.

Section 4. The District Manager is hereby directed to take all actions necessary and consistent with the intent of this Resolution, including posting the Policies and Procedures For the Withdrawal of Water From District Lakes For Irrigation Purposes on the District's website, coordinating and distributing the same to the Cocoplum Property Owners Association of Palm Beach, Inc., and making the same generally available to members of the public.

Section 5. All resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 6. If any clause, section or other part or application of this Resolution is held by a court of competent jurisdiction to be unconstitutional, illegal or invalid, in part or as applied, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 7. The Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE
HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT, THIS 7th DAY
OF NOVEMBER, 2023.**

**HYPOLUXO/HAVERHILL COMMUNITY
DEVELOPMENT DISTRICT**

Print name: _____
Secretary / Assistant Secretary

Print name: _____
Chairman/Vice Chairman

Exhibit A

Permit Application Form

GENERAL PERMIT APPLICATION

1. **Project Name/Description:** _____

Permit Type: (Check all that apply) ☐ New Permit ☐ Permit Modification
☐ Transfer ☐ Other

If Other, explain: _____

2. **Project Location** (Legal description or project or property survey must be attached)

Project Address: _____

Property Control Number (for applicable parcels) _____

3. **Owner/Applicant:** _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ Email: _____

SIGNATURE:

Application is hereby made for an HHCDD Permit in accordance with support drawings, data and incidental information filed with and made part of this application. I hereby certify that all information contained in or made a part of hereof is true and correct to the best of my knowledge, that any permit issued shall require that the permitted use be constructed and operated in accordance with such information.

I further certify that I have read the general conditions for an HHCDD Permit and understand that said conditions will be incorporated within any permit issued pursuant to the application, unless expressly waived they the HHCDD. I further acknowledge that the HHCDD may incorporate additional special conditions as may be necessary in the best interest of the HHCDD.

In signing this application, I acknowledge that failure to comply with all conditions of this permit may result in permit revocation and remedial action against me by the HHCDD. I assume full responsibility for the actions of all my employees, agents and persons, whether under direct contractual obligation to me or indirectly, with respect to compliance with the conditions and limitations contained within this application or within a permit issued as a result of this application.

Owner/Applicant:

Signature

Date

Printed Name

Project Name/Description: _____

Checklist of items that may need to be included with a Permit Application.

(Please check each item that is included with your permit Application)

- ☐ Two (2) sets of design plans.
- ☐ Check for inspection/administrative fees if required.
- ☐ Map of Survey and/or Sketch of description.
- ☐ Drawing describing the proposed use or facilities (to scale if possible)
- ☐ Proof of Insurance
- ☐ Copy of other Agency permits (if Applicable)
- ☐ Other information pertinent to the application.

General Permit Conditions

All permits issued by the District are subject to the following General Permit Conditions. The following general permit conditions shall be incorporated with in any permit issued by the Hypoluxo/Haverhill Community Development District (HHCDD). Conditions may be expressly waived as necessary or determined to be in the best interest of HHCDD. Special conditions specific to the permit use type shall also be incorporated into the issued permit. With submission of a permit application, applicants certify they understand and agree to comply with the general conditions provided herein, unless expressly waived by the HHCDD.

- 1) All structures and/or works located on HHCDD property constructed by permittee shall remain the property of the permittee, who shall be solely responsible for ensuring that such structures and other uses remain in good and safe conditions. It is left to the sole discretion of HHCDD to determine whether or not the facilities are being properly maintained. Permittees are advised that other federal, state and local safety standards may govern the occupancy and use of the HHCDD Property. The HHCDD assumes no duty with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused to others by any such failure.
- 2) Permittee solely acknowledges and accepts the duty and all associated responsibilities to incorporate safety features, which meet applicable industry standards, into the design, construction, operation and continued maintenance of the permitted facilities/authorized use. This duty shall include, but not limited to, permittee's consideration of HHCDD's regulation and fluctuation, without notice, of water levels in lakes, as well as the permittee's consideration of upgrades and modifications to the Permitted facilities/authorized use which may be necessary to meet any future changes to applicable and accepted industry standards. Permittee acknowledges that HHCDD's review and issuance of this permit, including, but not limited to, any field inspections performed by HHCDD, does not in any way consider or ensure that the permitted facilities/authorized use is planned, designed, engineered, constructed, or will be operated, maintained or modified so as to meet applicable accepted industry standards, or otherwise provide any safety protections. Permittee further acknowledges that any inquires, discussions, or representations, whether verbal or written, by or with any HHCDD staff or representative during the application review and permit issuance process, including, but not limited to, any field inspections, shall not in any way be relied upon by permittee as HHCDD's assumption of any duty to incorporate safety features, as set forth above, and shall also not be relied upon by permittee in order to meet permittee's duty to incorporate safety features, as set forth above.
- 3) Permittee agrees to abide by all terms and conditions of this permit, including any representations made on the permit applications and related documents. Permittee agrees to pay all demolition, removal and restoration costs, investigative costs, court costs and reasonable attorney's fees, including appeals, resulting from any action taken by HHCDD to obtain compliance with the conditions of the permit or removal of permitted use. If legal action is taken by HHCDD, "reasonable attorney's fees" is understood to mean the fair market value of the services provided, based upon what a private attorney would charge.
- 4) This permit does not create any vested rights and is revocable at will upon 30 days prior written notice. HHCDD reserves the right to amend the terms and conditions contained herein at any time for any reason. Permittee bears all risk of loss as to monies expended in furtherance of the permitted use. Upon revocation, the permittee shall promptly modify,

relocate or remove the permitted use and properly restore the property to the HHCDD's satisfaction. In the event of failure to so comply within the specified time frames, HHCDD may remove the permitted use and permittee shall be responsible for all removal and restoration costs.

- 5) This permit does not convey any property rights nor any rights or privileges other than those specified herein, and this permit shall not, in any way, be construed as an abandonment of any other such impairment or disposition of HHCDD's property rights. Permittee shall obtain all other necessary federal, state, local, special district and private authorizations prior to the start of any construction or alteration authorized by this permit.
- 6) Unless specifically prohibited or limited by statute, permittee agrees to indemnify, defend and save the HHCDD (which used herein includes HHCDD and its past, present and/or future employees, agents, representative, offices and/or Board members and any of their successors and assign) from and against any and all lawsuits, actions, claims, demands, losses, expenses, costs, attorney's fees, judgements and liabilities which arise from or may be related to the ownership, construction, maintenance or operation of the permitted use or the possession, utilization, maintenance, occupancy or ingress or egress of the HHCDD's property which arise directly or indirectly and are caused in whole or in part by the acts, omissions or negligence of the permittee or of third parties.
- 7) Permittee releases HHCDD for any and all damages that may be caused by HHCDD to the permitted use, while exercising its responsibilities and obligations of maintenance of its drainage system. The HHCDD is not responsible for the repair of or claims of damage to any facilities and uses which may incur damage resulting from water fluctuations or flows, or by the use of HHCDD's property by HHCDD or a third party. Improvements placed within the property are done so at the sole risk of the owner/permittee.
- 8) The HHCDD is not responsible for any personal injury or property damage which may directly or indirectly result from the use of water from HHCDD lake or any activities which may include use of contact with water from HHCDD lake, since HHCDD periodically spray its lakes and/or property for aquatic weed control purposes and uses substances which may be harmful to human health or plant life.
- 9) The permittee shall not engage in any activity regarding the permitted use which interferes with the construction, alteration, maintenance or operation of the HHCDD Lake Tract including but not limited to: a) discharging of debris or aquatic weeds into the Lake Tract; b) causing erosion or shoaling within the Lake Tract; c) planting trees or shrubs or erecting structures which limit or prohibit access by HHCDD equipment and vehicles, except as authorized by the permit; d) leaving construction or other debris on the Lake Tract; e) damaging HHCDD berms; f) removing of HHCDD owned spoil material.
- 10) Permittee shall allow all HHCDD staff the right to inspect the permitted use at any reasonable time.
- 11) This permit is non-exclusive and revocable. Permittee shall not interfere with any other existing or future permitted uses or facilities authorized by the HHCDD.
- 12) If the use involves the construction of facilities for a non-exempt water withdrawal or surface water discharge, the permittee must apply for and obtain the appropriate water management permit before or concurrently with any activities which may be conducted pursuant to this permit.

- 13) Permittee shall be responsible for the repair or replacement of any existing facilities located within the HHCDD property which are damaged as a result of construction or maintenance of the authorized facility.
- 14) Permittee shall provide prior written notice to their successors in title of the permit and its terms and conditions. As the HHCDD has no control over the sale or transfer of real or personal property, it is the sole obligation of a permittee to disclose the existence of an HHCDD property permit, its terms and conditions to prospective purchasers.

Irrigation Connection Permit

- 1) Permitting requirements:
HHCDD authorization to utilize lands and other works constitutes a temporary revocable permit. In consideration for receipt of the subject temporary revocable permit, the Permittee agrees to be bound by the following standard limiting conditions; unless expressly waived or modified by the HHCDD Board.
- 2) Special Conditions:
In addition to the General Permit Conditions, the following Special Conditions may be added to the permit. The following conditions are not totally inclusive. Additional Conditions may be required based upon the circumstances of the project. The Permittee is the Applicant subsequent to issuance of the Permit.
- 3) No open channel connections are allowed to the HHCDD facilities. All connections shall be made by pipe, culverts, etc., constructed of suitable material, as approved by HHCDD.
- 4) Cover over facilities installed within HHCDD maintenance areas shall be sufficient to withstand HHCDD maintenance operations. A minimum of Twenty four inches (24").
- 5) All facilities on HHCDD property constructed by the Permittee shall remain the property of the Permittee, who shall be solely responsible for ensuring that such facilities and other uses remain in good and safe conditions and comply with all applicable federal, state, and local safety standards. HHCDD assumes no obligation with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused to other by any failure of the facilities. HHCDD further assumes no duty to ensure that the permitted use complies with the safety standards of other governmental entities.
- 6) Permittee agrees to abide by all of the terms and conditions of the permit, including any representations made on the application and related documents. Permittee agrees to pay all investigative costs, court costs and reasonable attorney's fees resulting from any successful action taken by HHCDD to obtain compliance with the conditions of the permit or removal of the permitted use.
- 7) Permittee agrees to hold harmless and indemnify HHCDD from any and all damages, injuries, liabilities or claims which arise from the ownership, construction, maintenance or operation of the permitted use of facilities, whether caused by the injured person or Permittee, and whether occurring within the area of the permitted use or outside such area, provided the activity originated from the permitted use. This obligation expressly includes any alleged or actual negligence by HHCDD as to all permitting activities regarding the subject use, including enforcement of permit conditions.

- 8) The Permittee shall not engage in any activity regarding the permitted use, which interferes with the construction, alteration, maintenance or operation of the works of HHCDD, including, but not limited to planting trees or shrubs or erecting structures which limit or prohibit access by HHCDD equipment and vehicles, except as may be authorized by the permit. Permittee shall be responsible for any costs incurred by HHCDD resulting from any such interference.
- 9) HHCDD has the right to inspect the permitted use at any time.
- 10) No encroachments shall be located within HHCDD property, other than what is permitted on the design plans. Existing facilities located within HHCDD property shall be relocated within thirty (30) days of written HHCDD notification to relocate.
- 11) Permittee releases and holds harmless HHCDD for any damages caused by Permittee to the permitted facilities.
- 12) Permittee will restore HHCDD property to its original or better condition where disturbed by construction activity.
- 13) Prior to commencement of construction, the Permittee will contact the proper authorities to locate all existing utilities that may be located in the HHCDD property.
- 14) Permittee shall submit record drawings within sixty (60) days of project completion. Drawings shall include sufficient information to show that the permitted facilities have been installed or constructed in substantial compliance with the plans and design approved by the HHCDD. Failure of the Permittee to provide these drawings or certification within the time specified may result in HHCDD revoking this permit.