

AGENDA
BOARD OF SUPERVISORS' MEETING
DEVIL'S GARDEN WATER CONTROL DISTRICT
March 12, 2020 at 2:00 P.M.

1. Call to Order
2. Approve Legal Notice of Meeting
3. Approve the following Minutes:
 - a. Board of Supervisors' Meeting of August 26, 2019
4. Agenda Additions
5. Engineer's Report
6. Partial Release of Easement
7. L2 Sandbar
8. Other Business
9. Adjourn

NOTICE OF MEETING OF THE BOARD OF
SUPERVISORS OF DEVIL'S GARDEN WATER CONTROL DISTRICT

YOU ARE HEREBY NOTIFIED that the Meeting of the Board of Supervisors of
DEVIL'S GARDEN WATER CONTROL DISTRICT will be held on March 12, 2020 at 2:00
P.M. at the Dallas Townsend Building, 1085 Pratt Boulevard, LaBelle, Florida 33935.

The purpose of this meeting is to transact any and all business which may come before the
Board.

If a person decides to appeal the decision of the Board of Supervisors with respect to any
matter considered at the public meeting herein referred, he or she may need to ensure that a
verbatim record of the proceedings is made, which record includes the testimony and evidence
upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring
special accommodation to participate in this proceeding should contact the District at (561) 655-
0620 at least five (5) days prior to the date of the proceeding.

DATED this day of 21st day of February 2020.

BOARD OF SUPERVISORS OF
DEVIL'S GARDEN WATER CONTROL DISTRICT

PUBLISH: The Clewiston News
March 4, 2020

**MINUTES OF THE BOARD OF SUPERVISORS MEETING
OF DEVIL'S GARDEN WATER CONTROL DISTRICT
AUGUST 26, 2019**

The Meeting of the Board of Supervisors of Devil's Garden Water Control District was held at the office of Barron Water Control District, 3293 Dellwood Terrace, Labelle, Florida, at 3:00 P.M. on August 26, 2019 following announcement at the close of the Landowners' Meeting.

Present were Daniel Sutton, Rusty Hyslope and Ray Hull, Supervisors; Mr. Tommy Perry, P.E. and Ms. Sommer Foster, P.E. of Johnson-Prewitt and Associates, Inc., District Engineer; Ms. Jayne Hildreth, Treasurer; and Ms. Mary M. Viator, Caldwell Pacetti Edwards Schoech & Viator LLP, Attorney and Secretary for the District were also present.

CALL TO ORDER

The Board of Supervisors Meeting was called to order.

ESTABLISHMENT OF QUORUM

It was announced that a quorum was present and that it was in order to transact any business to come before the Board.

APPROVAL OF MINUTES

Board of Supervisors Meeting of June 17, 2019: A motion was made by Mr. Hull, seconded by Mr. Hyslope and unanimously passed approving the Minutes of the Board of Supervisors' Meeting of June 17, 2019.

CONSIDER REQUEST FOR PARTIAL RELEASE OF JOINT TRUST EASEMENT.

The Engineer explained that Alico is under contract to sell a portion of its Property to the State of Florida. As a condition of sale, Alico is requesting the Joint Trust release a part of an easement adjacent to Gerber Groves Water Control District.

In the 1962 Agreement forming the Joint Trust, Alico gave a 62.5 feet easement along the north line of sections 23 and 24 twp 44S rng 29E, which provided for the operation and maintenance

of protective Dike 2.

The request is to release the south 12.5 feet of the easement.

The north bounds of this easement is the approximate center line of Sears Road. The 50 feet of the easement retained extends from the center line of Sears Road to the center of the canal along the south side of Sears Road. The release of the south 12.5 feet of the easement is consistent with previous releases granted for the sale of lands west of this location to the State.

Johnson-Prewitt & Assoc., Inc. recommends approval of the request.

The District Engineer stated he has been asked if the Release will have a financial impact for future maintenance cost. The lands being sold are not being removed from the Joint Trust Agreement or the Devil's Garden Water Control District. The operations and maintenance cost are divided among the Water Control Districts in the Joint Trust. The release of the easement will not change the burden of the cost paid by Devil's Garden Water Control District. It is further noted the lands being sold are required under F.S. 298.36 to pay the Devil's Garden Water Control District assessment.

There followed discussion by the Board. A motion was made by Mr. Hyslope, seconded by Mr. Hull and unanimously passed approving the Partial Release of Easement as recommended by the District Engineer. (Copy attached.)

Mr. Daniel Sutton announced a conflict of interest. Form 8B attached.

DISTRICT ENGINEER REPORT

The District Engineer had been contacted by the Florida Department of Environmental Protection (FDEP) regarding the Basin Management Action Plan (BMAP) requirements for lands within the Caloosahatchee River and Estuary Basin. More specifically, FDEP was interested in discussing proposed Best Management Practices (BMP's) for Special District's.

The District Engineer stated that the Caloosahatchee River has been deemed impacted. BMAP's were implemented for five years and it did not clean the waterway into compliance. FDEP

is requiring all the 298 Districts to implement BMP procedures. The District picked BMP's with virtually no impacts to the District. The District Engineer indicated that they picked up urban lands, DOT roads, conservation and preserve areas.

The District Engineer reported on the C139.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned.

President

Secretary

Canal Vacation Request

Alico is in the process of selling Sections 5 and 6, Twp. 45 S, Rng. 34 E to J & J Farms. J&J intends to develop the property as a vegetable farm. Alico and J&J Farms are requesting the DGWCD vacate the following undeveloped laterals to facilitate the sale and proposed farm development:

- 3C2 (1S)
- 3C2 (2S)
- 3C2 (3S)
- 3C2 (1N)
- 3C2 (2N)

Johnson-Prewitt & Assoc., Inc. has reviewed this request. No development has occurred within the tracts. The two sections of land being sold are the only lands who could benefit from the future development of the easements. DGWCD has no plans to develop the easements.

We recommend the Board of Supervisors approve the release of the easements.

Canal Relocation Request

The North Boundary Canal (Canal 3C2) is shown in the DGWCD Plan of Water Control and exist today. It drains the two sections being sold and additional lands to the west. The North Boundary Canal crosses the center of Section 5 and 6, Twp. 45 S, Rng. 34 E from the west to the east discharging into L-2. To facilitate the development of the proposed farm the seller and buyer are asking DGWCD to allow J&J Farms to relocate this canal and easement at J&J Farms expense to facilitate development of the farm land.

We recommend the request to relocate the North Boundary Canal (Canal 3C2) in Section 5 and 6, Twp. 45 S, Rng. 34 E be approved with the conditions the construction plans and revised easement be submitted for review and approval by the DGWCD District Engineer and J&J Farms pay for the permitting and construction cost.

The District Engineer will provide a Map at the Board meeting.

The Partial Release of Easement will be provided under separate cover.

Email – L-2 Canal Sand Bar

Mr. Wilde:

Near the Devil's Garden Water Control District Canal ## outfall into the SFWMD L-2 canal a sand bar has formed. Devil's Garden will have a long stick hydraulic excavator working in the area in the near future. We would like to remove the sand bar to eliminate the risk of it impacting flow. All of the work will occur from the bank of the canal and the material spread along the bank to dry and grass over without eroding back into the canal.

Can your agency grant authorization for us to proceed? Are permits required from your agency or others?

Thank you for your consideration of this matter.

Tommy Perry

Johnson-Prewitt & Assoc., Inc.

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