

**TOWN OF LOXAHATCHEE GROVES, FLORIDA**

**RESOLUTION NO. 2016-06**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING AND ADOPTING THE “TOWN OF LOXAHATCHEE GROVES DRAINAGE IMPROVEMENTS AND CULVERTS REPLACEMENT POLICY,” ATTACHED HERETO AS EXHIBIT “A”; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town Manager recommends that the Town Council of the Town of Loxahatchee Groves approve and adopt a formal policy on Drainage Improvements and Culvert Replacement; and,

**WHEREAS**, the Town Manager has recommended a policy intended to balance public service needs with the Town’s fiscal capabilities, and to provide funding for drainage improvements and culvert replacement on a fair and equitable basis; and,

**WHEREAS**, the Town Council finds it in the best interest of the Town to approve and adopt the “Town of Loxahatchee Groves Drainage Improvements and Culvert Replacement Policy” attached hereto and incorporated herein as Exhibit “A”.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:**

**Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

**Section 2.** The Town Council hereby approves and adopts the “Town of Loxahatchee Groves Drainage Improvements and Culvert Replacement Policy” attached hereto and incorporated herein as Exhibit “A”.

**Section 3.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Resolution No. 2016-05

**Section 4.** If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

**Section 5.** This Resolution shall become effective upon adoption.

**RESOLVED AND ADOPTED** by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 19<sup>th</sup> day of January, 2016.

ATTEST:

Virginia McWalton  
TOWN CLERK

APPROVED AS TO LEGAL FORM:

[Signature]  
Office of the Town Attorney

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

David Browning  
Mayor David Browning

Ronald Jarriel  
Vice Mayor Ron Jarriel

Tom Goltzene  
Council Member Goltzene

Ron Liang  
Council Member Liang

Michael Rockett  
Council Member Rockett



**EXHIBIT "A"**

**TOWN OF LOXAHATCHEE GROVES DRAINAGE IMPROVEMENTS  
AND CULVERTS REPLACEMENT POLICY**

**TOWN OF LOXAHATCHEE GROVES**  
**DRAINAGE IMPROVEMENTS**  
**AND**  
**CULVERT REPLACEMENT POLICY**

**PURPOSE:** The purpose of this policy is to provide an orderly and efficient method for the Town to balance the public service needs of the community with its fiscal capabilities. Improvements will be performed by the Town on publicly owned lands, or lands legally secured for public purpose, and are deemed essential for health, safety, or welfare of its residents.

The Town shall provide funding for drainage improvements and culvert replacement on a fair and equitable basis, and shall not discriminate.

Flooding, road failures, property damage, and erosion can occur when culverts fail to properly convey water. These failures can create dangerous driving conditions, expensive repairs for property owners, and damage to the drainage system and to the environment.

**POLICY:** There is hereby established a policy for drainage improvements and culvert replacement as a result of the need for increased emphasis on this critical, but often hidden element of the Town's roadway infrastructure

**CRITERIA:** If the Town has a drainage problem on Town property, it has a right to have water flowing through the drainage system.

Factors that can influence any improvement, and/or replacement are:

- Risk of failure,
- Actual condition of the structure
- Whether a road is scheduled for improvement work in the near future.

All improvements must be in a public right of way, or within easements or other similar legally enforceable rights granted to the Town for access and use for this purpose.

All projects not part of a public right of way will require mandatory agreement by 100% of all affected property owners to grant an easement or other similar legally enforceable right to the Town prior to making the necessary improvement, and/or replacement

**EXCLUSIONS:** All property owners that have driveways and culverts over drainage easements will be responsible for all improvements and/or replacement of culverts for that portion of their driveway that goes over said drainage easement.