

AGENDA
CITY OF VALPARAISO & VALPARAISO CABLE AUTHORITY JOINT MEETING
465 Valparaiso Parkway
Valparaiso, Florida
850-729-5402
April 14, 2014
6:00 pm

Invocation (Commissioner Morgan)
Pledge of Allegiance (Mayor Arnold)

CITIZENS' CONCERNS (non-agenda items)

1. Resident
2. Non-resident

NEW ACTION ITEMS

1. Added Agenda Items
2. Removal of City Assets from Inventory-----Attach 1
3. Proclamation Child Abuse Prevention Month-----Attach 2
4. Dock Length-----Attach 3
5. Ordinance No. 653 Amend Landscape Checklist-----Attach 4
6. Etc.

OLD BUSINESS

1. Plat 1 Docks-----Attach 5
2. City Hall Roof Update
3. Dangerous Building-----Attach 6
4. Fleet Maintenance Program -----Attach 7
5. Etc.

REPORTS / CORRESPONDENCE / ANNOUNCEMENTS

1. TPO/DOT
2. Stormwater
3. Legal Activities
4. City Parks Update
5. Median Beautification Update
6. Planning Commission Report
7. Visioning Committee Update
8. CDBG
9. Audit
10. Okaloosa League of Cities Meeting April 24, 6pm
11. Etc.

ADMINISTRATIVE ITEMS

1. Minutes
2. Bills Payable
3. Etc.

1. INTRODUCTION

The purpose of the Asset Disposal Policy is to provide a framework for the disposal of the municipality's assets that are not needed to provide the minimum level of basic municipal services and that are surplus to the municipality's requirements.

Chapter 274 of the Florida Statutes governing Tangible Personal Property Owned by Local Governments establishes the State required procedure.

2. OBJECTIVE

The objectives of the Asset Disposal Policy are to:

- Ensure that only assets that do not provide the minimum level of basic municipal services are disposed of.
- Ensure that assets are not disposed when the disposal of the asset or the terms of the disposal of the asset could disadvantage the municipality or community financially or otherwise.
- Ensure that all disposals are in compliance with Sections 274.05 and/or 274.06 of Chapter 274 of the Florida Statutes for fair, equitable, transparent, competitive and consistency with the best interests of the City of Valparaiso.

3. SCOPE

The Asset Disposal Policy is applicable to all departments and assets owned by the City of Valparaiso except those assets deemed to be valued at less than \$1,000 for fixed asset inventory purposes and/or to have less than an anticipated one year service life.

4. DEFINITIONS

4.1 Asset

An asset shall mean any resource controlled by the municipality, from which the municipality expects to derive economic benefits or use for service delivery to the general public over a period extending beyond one financial year.

4.2 Basic municipal service

Basic municipal service means a municipal service that is necessary to ensure an acceptable and reasonable quality of life and which, if not provided, would endanger public health or safety or the environment.

4.3 Carrying amount

Carrying amount is the amount at which an asset is recognized after deducting any accumulated depreciation and accumulated impairment losses.

4.4 Commission

Commission means the Board of Commissioners of the City of Valparaiso.

4.5 Disposal

Disposal means a process of preparing, negotiating and concluding a written contract where necessary which involves the removal of an asset no longer needed by the municipality from the fixed asset inventory by means of destruction, sale, lease or donation.

4.6 Fair value

The fair value of an asset is the amount obtainable from the sale of the asset in an arm's length transaction between willing parties less the selling costs.

5. PLANNING FOR DISPOSALS

Department Heads are responsible for the strategic planning for the disposal of assets that are no longer of value to the municipality. Planning for disposals must be conducted by Department Heads on at minimum an annual basis and must be submitted to the Commission for approval. The submittal to the Commission should include a detailed assessment of assets identified as surplus, redundant or obsolete by the Department Heads.

Surplus, obsolete or redundant assets include the following:

- Assets not required for the delivery of services, either currently, or over the longer planning period.
- Assets that have become uneconomical to maintain or to operate.
- Assets not suitable for the particular service delivery.
- Assets having a negative impact on the service delivery of the municipality, the environment or the community.
- Assets that no longer support a department's service objective due to a change in type of service being delivered or the delivery method.
- Assets where the use has become uneconomical to continue due to the limited availability of spares or the cost of replacement parts exceeding the reasonable value of the item.
- Assets where the technology has been outdated.
- Assets which can no longer be used for the purpose originally intended.

Planning for disposals offers Department Heads a means of disposal of surplus assets timed to minimize disruption to their service delivery and to maximize the residual value by selecting the appropriate time in the assets life cycle for removal.

6. APPROVAL OF DISPOSALS

The Board of Commissioners shall have sole discretion to dispose of an asset by majority vote after:

- Deciding on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and
- Consideration of the fair market value of the asset and the economic and community value to be received in exchange for the asset.

7. METHOD OF DISPOSAL

Disposal of an asset should be performed in a manner which satisfies the requirements of Sections 274.05 and/or 274.06 of Chapter 274 of the Florida Statutes and the following objectives:

- The disposal should take place on an equitable basis. There should be an equal opportunity for all to purchase the asset.
- The best possible return for the municipality must be achieved.
- Any adverse environmental impacts should be avoided.
- Preference shall be given to educational institutions, welfare and charitable organizations.

Any other proposed method of disposal shall be communicated to the Commission for approval. Disposal of assets by direct negotiations with one possible interested party are prohibited.

8. FINAL DISPOSITION OF ASSET

Before any asset is disposed of, the appropriate Department Head under whose control the relevant asset is, will be responsible to prepare a disposal document detailing the following information:

- Fixed asset identification number.
- Results of the asset disposal method.
- The purchase price obtained.
- The fair market value of the asset associated with donations.

This document will be submitted to the City Clerk and upon receipt of tender, contract or agreement the City Clerk will complete the transfer of such asset. The City Clerk will retire the Asset Identification Number and remove the asset from the fixed asset inventory.

APPENDIX - FLORIDA STATUTES

274.05 Surplus property.—A governmental unit shall have discretion to classify as surplus any of its property, which property is not otherwise lawfully disposed of, that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. Within the reasonable exercise of its discretion and having consideration for the best interests of the county or district, the value and condition of property classified as surplus, and the probability of such property's being desired by the prospective bidder or donee to whom offered, the governmental unit may offer surplus property to other governmental units in the county or district for sale or donation or may offer the property to private nonprofit agencies as defined in s. 273.01(3) by sale or donation. If the surplus property is offered for sale and no acceptable bid is received within a reasonable time, the governmental unit shall offer such property to such other governmental units or private nonprofit agencies as determined by the governmental units on the basis of the foregoing criteria. Such offer shall disclose the value and condition of the property. The best bid shall be accepted by the governmental unit offering such surplus property. The cost of transferring the property shall be paid by the governmental unit or the private nonprofit agency purchasing or receiving the donation of the surplus property.

274.06 Alternative procedure.—Having consideration for the best interests of the county or district, a governmental unit's property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function, which property is not otherwise lawfully disposed of, may be disposed of for value to any person, or may be disposed of for value without bids to the state, to any governmental unit, or to any political subdivision as defined in s. 1.01, or if the property is without commercial value it may be donated, destroyed, or abandoned. The determination of property to be disposed of by a governmental unit pursuant to this section instead of pursuant to other provisions of law shall be at the election of such governmental unit in the reasonable exercise of its discretion. Property, the value of which the governmental unit estimates to be under \$5,000, may be disposed of in the most efficient and cost-effective means as determined by the governmental unit. Any sale of property the value of which the governmental unit estimates to be \$5,000 or more shall be sold only to the highest responsible bidder, or by public auction, after publication of notice not less than 1 week nor more than 2 weeks prior to sale in a newspaper having a general circulation in the county or district in which is located the official office of the governmental unit, and in additional newspapers if in the judgment of the governmental unit the best interests of the county or district will better be served by the additional notices; provided that nothing herein contained shall be construed to require the sheriff of a county to advertise the sale of miscellaneous contraband of an estimated value of less than \$5,000.

City of Valparaiso, Florida

Proclamation



CHILD ABUSE PREVENTION MONTH

WHEREAS, Florida's future prosperity depends on nurturing the healthy development of more than four million children currently living, growing and learning within our many diverse communities; and

WHEREAS, research shows that safe and nurturing relationships and stimulating and stable environments improve brain development and the well-being of children, while neglectful or abusive experiences and unstable or stressful environments increase the odds of poor childhood outcomes; and

WHEREAS, the abuse and neglect of children can cause severe, costly, and lifelong problems affecting all of society, including physical and mental health problems, school failure, and criminal behavior; and

WHEREAS, research also shows that parents and caregivers who have social networks and know how to seek help in times of trouble are more resilient and better able to provide safe environments and nurturing experiences for their children; and

WHEREAS, individuals, businesses, schools, and faith-based and community organizations must make children a top priority and take action to support the physical, social, emotional, and educational development and competency of all children; and

WHEREAS, during the month of April, Prevent Child Abuse Florida, in collaboration with the Florida Department of Children and Families, will be engaging communities throughout the state in a coordinated effort to prevent child abuse and neglect by promoting the awareness of healthy child development, positive parenting practices, and the types of concrete support families need within their communities;

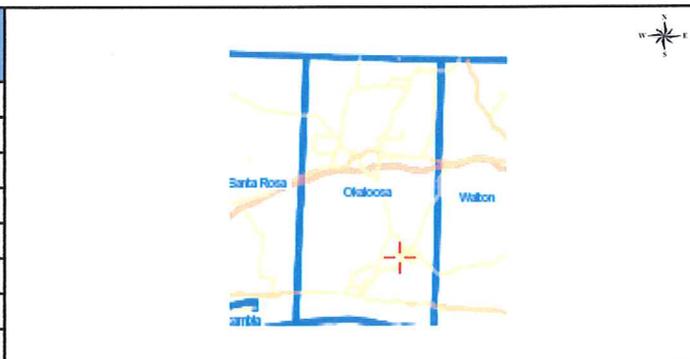
NOW, THEREFORE, I, John B. Arnold, Jr., Mayor of the State of Florida, do hereby extend greetings and best wishes to all observing April 2014 as *Child Abuse Prevention Month*.

In witness whereof, I have hereunto set
my hand and caused this seal to be
affixed.

John B. Arnold Jr.
Mayor



Okaloosa County Property Appraiser		
13-1S-23-0000-0025-0000 Acres: 0		
BENNES JAME M	Land Value	125,925
199 HIGHLAND ST	Building Value	81,030
16,691 on 01-1977 Reason=U Qual=N	Misc Value	3,774
199 HIGHLAND	Just Value	210,729
VALPARAISO, FL 325801255	Assessed Value	178,995
	Exempt Value	50,000
	Taxable Value	128,995



Okaloosa County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER OKALOOSA COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 04/04/14 : 15:05:33

CITY OF VALPARAISO

APPLICATION FOR BUILDING PERMIT

Commercial _____ Residential

Application is hereby made for a building permit to accomplish the work as herein described in accordance with plans and /or specifications submitted herewith. It is agreed that all corrections in plans and /or specifications necessary for compliance shall be observed and all pertinent laws and ordinances of the City of Valparaiso regulating construction shall be complied with in the pursuit of this work whether or not specified herein. I understand that a separate permit must be secured for electrical work, plumbing, signs, wells, pools, furnaces, boilers, heaters, tanks and air conditioners, etc.

Date 3/31/14 Is owner applicant? y/n NO Zoning Approval y/n _____

Property Information

Street Address: 199 Highland St. Apt.: _____ Zip: 32578 Subdivision: _____

Parcel No.: 13-15-23-0000-0025-0000 Lot No.: _____ Parcel Type: Residential Commercial _____

Owner Information

Name: JAME BENNES Phone: 357-2279

Street Address: 199 Highland St. City: Valp. State: Fl. Zip: 32578

(LOBELLO, DUMON, LOBELLO) General Contractor Information

Name: L DL Marine Phone: 585-3003 License No.: 4166

Street Address: 297 W Miracle Str, Pky City: May Eshew State: Fl Zip: 32565

Architect/Engineer Information

Name: N/A Phone: _____ License No.: _____

Street Address: _____ City: _____ State: _____ Zip: _____

Building Information

Improvement Type: New Construction Addition _____ Alteration _____ Repair _____ Demolition _____ Change of Use _____

Proposed Use: Assembly _____ Business _____ Educational _____ Factory _____ Institutional Residential _____ Storage _____ Other _____

Type of Construction: I-A _____ I-B _____ II-A _____ II-B _____ III-A _____ III-B _____ IV _____ V-A _____ V-B _____

No. of Stories: N/A Building Area: _____ No. of Bedrooms: _____ No. of Bathrooms: _____

Is this application for a detached, residential accessory building? Yes _____ No _____

Is the accessory building greater than 80 square feet? Yes _____ No _____

Construction: \$ 4,615 Property Zoning: _____

Description of Project: Add to existing dock. See attached drawing

Flood Plain Evaluation

Flood Map Number & Date: _____ Lowest Floor Elevation: _____

Flood Zone: _____ Base Flood Elevation: _____

Certification

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable city ordinances, codes, and state laws. In addition, if a permit for work described in this application is issued, I certify that the code official or the code officials authorized representative shall have the authority to enter areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING AND THAT THE FACTS STATED IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

[Signature]

Signature of Applicant

357-2239

Phone No.

3/31/14

Date

Chuck LoBello Owner Lobello Duhon LoBello

Responsible person in charge of work, title

585-3005

Phone No.

3/31/14

Date

Approved By

Date

STATE OF FLORIDA COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____

Who is personally known to me OR who has produced identification _____

VERIFICATION PURSUANT TO § 92.525 FLORIDA STATUTES.

NOTARY PUBLIC – STATE OF FLORIDA

PRINT OR STAMP COMMISSIONED NAME OF NOTARY

Owner/Builder please read the following disclosure and have your signature notarized. Florida Statute 489.103 (7) State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own contractor with certain restrictions even though you do not have a license. You must provide direct, onsite supervision of the construction yourself. You may build or improve a one-family or two-family residence or a farm outbuilding. You may also build or improve a commercial building, provided your costs do not exceed \$75,000. The building or residence must be for your own use or occupancy. It may not be built or substantially improved for sale or lease. If you sell or lease a building you have built or substantially improved yourself within 1 year after the construction is complete, the law will presume that you built or substantially improved it for sale or lease, which is a violation of this exemption. You may not hire an unlicensed person to act as your contractor or to supervise people working on your building. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances. You may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on your building who is not licensed must work under your direct supervision and must be employed by you, which means that you must deduct F.I.C.A. and withholding tax and provide workers' compensation for that employee, all as prescribed by law. Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.

OWNERS AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING AND THAT THE FACTS STATED IN IF IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Owner/Builder Signature *[Handwritten Signature]*

STATE OF FLORIDA COUNTY OF OKALOOSA

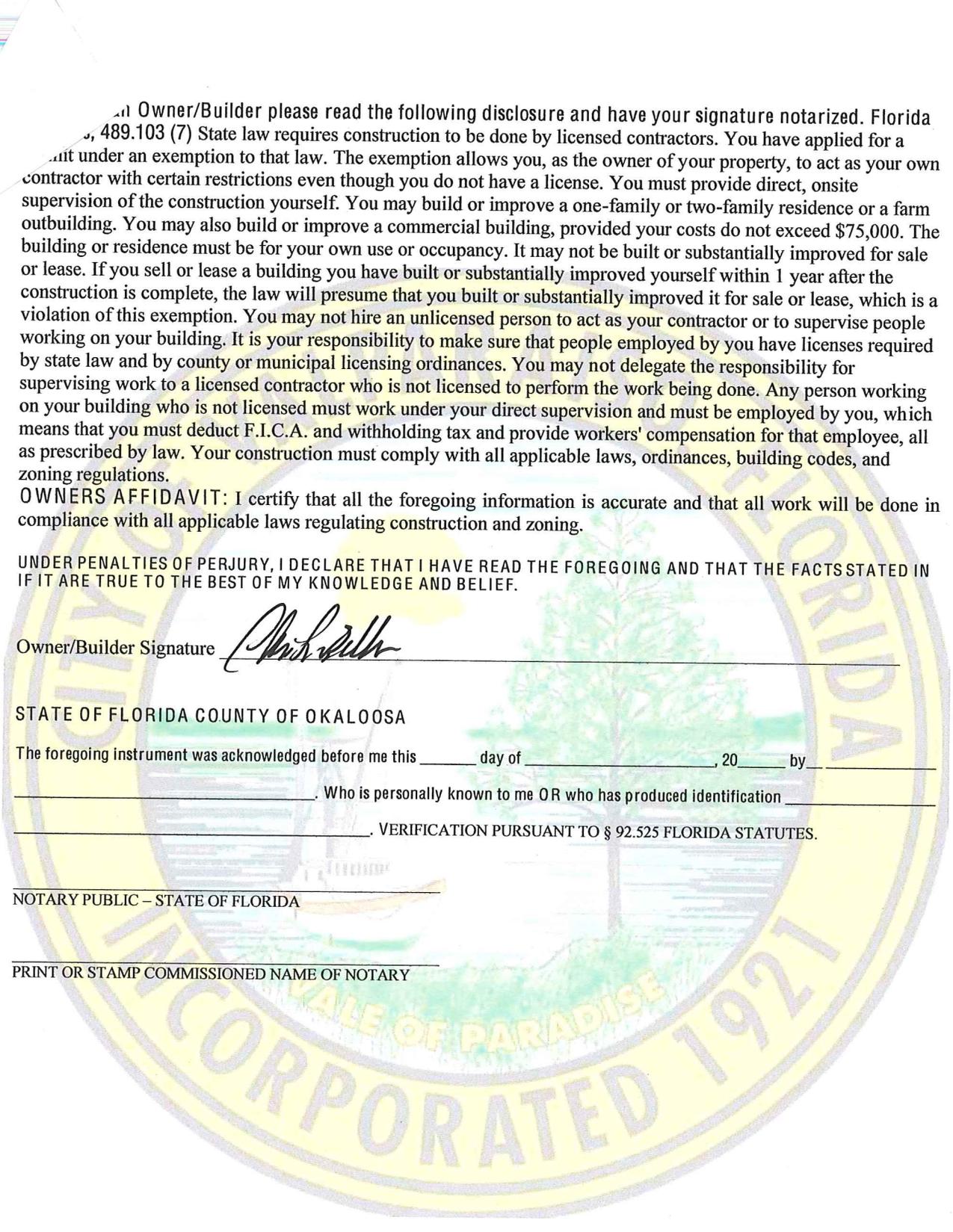
The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____

_____, Who is personally known to me OR who has produced identification _____

_____. VERIFICATION PURSUANT TO § 92.525 FLORIDA STATUTES.

NOTARY PUBLIC – STATE OF FLORIDA

PRINT OR STAMP COMMISSIONED NAME OF NOTARY



Okaloosa County Property Appraiser

[Sales In Area](#) |
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 [Next Parcel](#) |
 [Field Definitions](#) |
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Owner and Parcel Information

Owner Name	BENNES JAME M	Today's Date	March 31, 2014
Mailing Address	199 HIGHLAND	Parcel Number	13-1S-23-0000-0025-0000
	VALPARAISO, FL 32580-1255	Tax District	VALPARAISO (District 8)
Location Address	199 HIGHLAND ST	2013 Millage Rates	15.5458
Property Usage	SINGLE FAM (000100)	Acreage	0
Section Township Range	13-1S-23	Homestead	Y
Business Name			

[Show Parcel Maps](#)

Value Information

	2012 Certified Values	2013 Certified Values
Building Value	\$79,527	\$81,030
Extra Feature Value	\$3,700	\$3,774
Land Value	\$125,925	\$125,925
Land Agricultural Value	\$0	\$0
Agricultural (Market) Value	\$0	\$0
Just (Market) Value*	\$209,152	\$210,729
Assessed Value	\$176,003	\$178,995
Exempt Value	\$50,000	\$50,000
Taxable Value	\$126,003	\$128,995

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

Legal Information

BEG 1465.07 FT W OF NE COR S
413.12 FT FOR BEG W 63 FT S 161
FT TO BAYOU E 63.9 FT ALONG
W/E N 167.88 FT W 15 FT TO BEG
OR 878- 64

The legal description shown here may be condensed for assessment purposes. Exact description should be obtained from the recorded deed.

[Tax Information](#)

Building Information

Type	Total Area	Heated Area	Exterior Wall	Roof Cover	Interior Wall	Flooring
SINGLE FAM	3,256	2,236	CB STUCCO	DIMEN/TIMB	DRYWALL	CARPET
Heating Type	A/C Type	Baths	Bedrooms	Stories	Actual Year Built	Effective Year Built
AIR DUCTED	CENTRAL	2	3	1	1955	1955

[Show Building Sketch](#)

Extra Features Data

Description	Number of Items	Unit Length x Width x Height	Units	Effective Year Built
CARPORT	1	0 x 0 x 0	1 UT	1994
BOAT HOUSE	1	0 x 0 x 0	1 UT	1994

Land Information

LAND USE	NUMBER OF UNITS	UNIT TYPE	Frontage	Depth
SFR BAYOU	69	FF	63	0

Sale Information

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
01-01-1977	\$ 16,691	PREVIOUS VALUE	<u>0</u>	<u>0</u>	Unqualified	Improved		BENNES JAME M
07-01-1976	\$ 42,800	Warranty Deed	<u>0</u>	<u>0</u>	Unqualified	Improved		



FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

BOB MARTINEZ CENTER
2600 BLAIRSTONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

FEDERAL SPGP SELF CERTIFICATION FOR
A PROJECT AT A PRIVATE, SINGLE-FAMILY RESIDENCE

Self Certification File No.: **0303745002EE**
File Name: **199 Highland Dr Niceville, FL 32578**
- Self Cert Exempt Dock (General)

Dear **Michael Bennes**: On, **03/31/2014**, you used the Florida Department of Environmental Protection's electronic Self Certification Process to certify compliance with the terms and conditions of the Federal State Programmatic General Permit (SPGP) Self Certification Process for a project at private, single-family residence located at:

LAT - Degrees: 30 Minutes: 30 Seconds: 14.8019
LONG - Degrees: -86 Minutes: 29 Seconds: 55.4247
SITE ADDRESS: 199 Highland Dr Niceville, FL 32578
COUNTY: Okaloosa

For:
Michael Bennes
199 highland Dr niceville, FL 32578

You have certified that the project you propose to construct at the above location meets all the conditions of the SPGP Self Certification Process and will be built in conformance to those conditions (attached for reference). Your proposed activity as certified is in compliance with the SPGP program. U.S. Army Corps of Engineers (Corps) Specific conditions apply to your project, attached. **No further permitting for this activity is required by the Corps.** In the event of the transfer of ownership of the property by sale or by any other means, when the structures or work authorized by this SPGP Self Certification are still in existence at the time the property is transferred, the terms and conditions of this SPGP Self Certification will continue to be binding on the new owner(s) of the property. **Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.** To validate the transfer of this SPGP Self Certification and the associated responsibilities associated with compliance with its terms and conditions, the attached transfer of SPGP Self Certification request must be completed and submitted to the Department at the time of transfer of ownership. **The address is given below on the attached transfer form.**

This SPGP Self Certification is based solely on the information you provided under this process, and applies only to the statutes and rules in effect when your certification was completed. You have recognized that your certification is effective only for the specific project proposed, and provided the project is constructed, operated, and maintained in conformance with all the terms, conditions, and limitations stated in the SPGP Self Certification Process. This Self Certification will not apply if any substantial modifications are made to the project. You agree to contact the Department for review of any plans to construct additional structures or to modify the project, as changes may result in a permit being required.

You have acknowledged that this Self Certification will automatically expire if:

1. construction of the project is not completed by midnight, July 25, 2016, unless construction commenced or a contract to construct was executed before July 25, 2016, in which case the time limit for completing the work authorized by the SPGP ends at midnight, July 25, 2017. However, in no case can construction continue for more than one year beyond the Self-Certification date;
2. site conditions materially change;
3. the terms, conditions, and limitations of the Self Certification are not followed; or
4. the governing statutes or rules are amended before construction of the project.

Completion of the Self Certification constitutes your authorization for Department or Corps personnel to enter the property for purposes of inspecting for compliance.

ADDITIONAL INFORMATION

This Self Certification Process does not relieve you from the responsibility of obtaining other permits or authorizations from other agencies (federal, state, or local) that may be required for the project. Failure to obtain all applicable authorizations prior to construction of the project may result in enforcement.

If you have any questions, please contact your local Department District Office. Contact information can be found at: http://www.dep.state.fl.us/water/wetlands/docs/sler_contacts.pdf. For further information, contact the Corps directly at: <http://www.saj.usace.army.mil/Missions/Regulatory.aspx>. When referring to your project, please use the SPGP Self Certification file number listed above.

Authority for review - an agreement with the U.S. Army Corps of Engineers entitled Coordination Agreement between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act”.

Enclosures:

- General Conditions
- Further Information
- Manatee Conditions
- Submerged Aquatic Vegetation Conditions
- Marsh and Mangroves Conditions
- Sea Turtle and Smalltooth Sawfish Construction Conditions

CONDITIONS FOR DEPARTMENT OF THE ARMY SELF CERTIFIED STATE PROGRAMMATIC GENERAL PERMIT FOR A PROJECT AT A PRIVATE, SINGLE-FAMILY RESIDENCE

General Conditions:

1. The time limit for completing the work authorized by the SPGP ends at midnight, July 25, 2016, unless construction commenced or a contract to construct was executed before July 25, 2016, in which case the time limit for completing the work authorized by the SPGP ends at midnight, July 25, 2017. However, in no case can construction continue for more than one year beyond the Self-Certification date.
2. I must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. I am not relieved of this requirement if I abandon the permitted activity, although I may make a good faith transfer to a third party in compliance with General Condition 4 below. Should I wish to cease to maintain the authorized activity or should I desire to abandon it without a good faith transfer, I must obtain a modification of this permit from this office, which may require restoration of the area.
3. If I discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, I must immediately notify this office of what I have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If I sell the property associated with this permit, I must obtain the signature and mailing address of the new owner in the space provided in the permit and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for my project, I must comply with the conditions specified in the certification as special conditions to this permit.
6. I must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of my permit.
7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work will cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim will be made against the United States on account of any such removal or alteration.

Further Information:

1. Limits of this authorization.
 1. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 2. This permit does not grant any property rights or exclusive privileges.
 3. This permit does not authorize any injury to the property or rights of others.
 4. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any

liability for the following:

1. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 2. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 3. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 4. Design or construction deficiencies associated with the permitted work.
 5. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information I provided.
4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
1. I fail to comply with the terms and conditions of this permit.
 2. The information provided by me in support of my permit application proves to have been false, incomplete, or inaccurate (see 3 above).
 3. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring I comply with the terms and conditions of my permit and for the initiation of legal action where appropriate. I will be required to pay for any corrective measures ordered by this office, and if I fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill me for the cost.
6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the transfer form attached to the permit.

Manatee Conditions:

1. All personnel associated with the project will be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee will advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered

Species Act, and the Florida Manatee Sanctuary Act.

2. All vessels associated with the construction project will operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
3. Siltation or turbidity barriers will be made of material in which manatees cannot become entangled, will be properly secured, and will be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
4. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
5. Any collision with or injury to a manatee will be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida.
6. Temporary signs concerning manatees will be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com). One sign which reads Caution: Boaters must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

Submerged Aquatic Vegetation Conditions:

1. Avoidance. The piling-supported structure will be aligned so as to minimize the size of the footprint over SAV beds.
2. The height of piling-supported structure will be a minimum of 5 feet above MHW/OHW as measured from the top surface of the decking.
3. The width of the piling-supported structure is limited to a maximum of 4 feet. A turnaround area is allowed for piling-supported structures greater than 200 feet in length. The turnaround is limited to a section of the piling-supported structure no more than 10 feet in length and no more than 6 feet in width. The turnaround will be located at the midpoint of the piling-supported structure.
4. Over-SAV bed portions of the piling-supported structure will be oriented in a north-south orientation to the maximum extent that is practicable.
5. Terminal Platforms:
 1. If possible, terminal platforms will be placed in deep water, waterward of SAV beds or in an area devoid of SAV beds.
 2. If a terminal platform is placed over SAV areas and constructed of grated decking, the total size

of the platform will be limited to 160 square feet. The grated deck material will conform to the specifications stipulated below. The configuration of the platform will be a maximum of 8 feet by 20 feet. A minimum of 5 feet by 20 feet will conform to the 5-foot height requirement; a 3 feet by 20 feet section may be placed 3 feet above MHW to facilitate boat access. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.

3. If the terminal platform is placed over SAV areas and constructed of planks, the total size of the platform will be limited to 120 square feet. The configuration of the platform will be a maximum of 6 feet by 20 feet of which a minimum 4-foot wide by 20-foot long section will conform to the 5-foot height requirement. A section may be placed 3 feet above MHW to facilitate boat access. The 3 feet above MHW section will be cantilevered. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable. If the 3 feet above MHW section is constructed with grating material, it may be 3 feet wide.
6. Pilings will be installed in a manner which will not result in the formation of sedimentary deposits ("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation, but jetting with a low pressure pump may be used.
7. The spacing of pilings through SAV beds will be a minimum of 10 feet on center.
8. The gaps between deckboards will be a minimum of 1/2 inch.

Marsh and Mangroves Conditions:

Marsh:

1. The piling-supported structure will be aligned so as to have the smallest over-marsh footprint as practicable.
2. The over-marsh portion of the piling-supported will be elevated to at least 4 feet above the marsh floor.
3. The width of the piling-supported is limited to a maximum of 4 feet. Any exceptions to the width must be accompanied by an equal increase in height requirement.

Mangroves:

1. The width of the piling-supported structure is limited to a maximum of 4 feet.
2. Mangrove clearing is restricted to the width of the piling-supported structure.
3. The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.

Sea Turtle and Smalltooth Sawfish Construction Conditions

The permittee will comply with the following protected species construction conditions:

1. The permittee will instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
2. The permittee will advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
3. Siltation barriers will be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
4. All vessels associated with the construction project will operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
5. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions will be implemented to ensure its protection. These precautions will include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment will cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
6. Any collision with and/or injury to a sea turtle or smalltooth sawfish will be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
7. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.



FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

BOB MARTINEZ CENTER
2600 BLAIRSTONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

**SELF CERTIFICATION FOR CONSTRUCTION OF
A PRIVATE, RESIDENTIAL SINGLE-FAMILY DOCK**

Self Certification File No.: **0303745002EE**
File Name: **199 Highland Dr Niceville, FL 32578**
- Self Cert Exempt Dock (General)

Dear **Michael Bennes**: On, **03/31/2014**, you used the Department's electronic Self Certification Process to certify compliance with the terms and conditions necessary for construction of a private, residential single-family dock, at a detached, single-family residence located at:

LAT - Degrees: 30 Minutes: 30 Seconds: 14.8019
LONG - Degrees: -86 Minutes: 29 Seconds: 55.4247
SITE ADDRESS: 199 Highland Dr Niceville, FL 32578
COUNTY: Okaloosa

For:

Michael Bennes
199 highland Dr

niceville, FL 32578

You have certified that the dock you propose to construct at the above location meets all the conditions of the Self Certification Process. A dock that is built in conformance to those conditions (attached for reference) will:

1. Qualify for a regulatory exemption under Part IV of Chapter 373 and Section 403.813(2)(b) of the Florida Statutes, and Chapters 62-330, and 62-343 of the Florida Administrative Code (F.A.C.). As such, it is exempt from the need to obtain a DEP Environmental Resource Permit.
2. Qualify for a consent by rule to use submerged lands under Chapter 253 of the Florida Statutes and Chapter 18-21 of the Florida Administrative Code, when the dock is located on submerged lands owned by the State of Florida.

Your Self Certification is based solely on the information you provided under this process, and applies only

to the statutes and rules in effect when your certification was completed. The certification is effective only for the specific dock proposed, and only if the dock is constructed, operated, and maintained in conformance with all the terms, conditions, and limitations stated in the Self Certification Process. In addition, any substantial modifications in your plans should be submitted to the Department for review, as changes may result in a permit being required.

You have acknowledged that this Self Certification will automatically expire if:

1. Construction of the dock is not completed within one year from the self certification date;
2. site conditions materially change;
3. the terms, conditions, and limitations of the Self Certification are not followed; or
4. the governing statutes or rules are amended before construction of the project.

Completion of the Self Certification constitutes your authorization for Department personnel to enter the property for purposes of inspecting for compliance.

Receipt of this Self Certification constitutes letter of consent required by rule 18-21.004(7) F.A.C.

ADDITIONAL INFORMATION

This Self Certification Process does not relieve you from the responsibility of obtaining other permits or authorizations from other agencies (federal, state, Water Management District, or local) that may be required for the project. Construction of the dock may require federal authorization. The Corps has been furnished a copy of your Self Certification letter. They will contact you with further information about their process. If you do not hear from them, please contact them directly. Jacksonville District contact information can be found at: <http://www.saj.usace.army.mil/Missions/Regulatory.aspx>. Failure to obtain all applicable authorizations prior to construction of the dock may result in enforcement.

If you have any questions, please contact your local Department District Office. Contact information can be found at: http://www.dep.state.fl.us/water/wetlands/docs/sler_contacts.pdf. When referring to your project, please use the Self Certification file number listed above.

Sincerely,
Florida Department of Environmental Protection

Enclosures:

- Single Family Dock Criteria
- General Conditions for Sovereignty/State-Owned Submerged Lands Authorization
- Manatee Conditions

Private residential single family docks are subject to the following criteria in accordance with Section 403.813(1)(b), F.S. The dock to be constructed:

1. Has 1,000 square feet or less over water surface (includes adjacent wetlands) in accordance with Chapter 62-340, F.A.C.;
2. Is constructed on or held in place by pilings and is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
3. Will not substantially impede the flow of water, cause water pollution, or create a navigational hazard;
4. Is used ONLY for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia;

5. Is the sole dock on the parcel; and
6. Must not be subject to any conservation easement or restrictive covenant of record prohibiting the activity.

General Conditions for Sovereignty/State-Owned Submerged Lands Authorization

Any use of sovereignty/state-owned submerged lands is subject to the following general conditions that are binding upon the applicant and are enforceable under Chapters 253 or 258, F.S.:

1. Sovereignty/state-owned submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty/state-owned submerged lands unless cured to the satisfaction of the Board of Trustees of the Internal Improvement Trust Fund (Board).
2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty/state-owned submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. or Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.
8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The applicant agrees to indemnify, defend and hold harmless the Board and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty/state-owned submerged lands or the applicant's use and construction of structures on sovereignty/state-owned submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
11. Failure by the Board to enforce any violation of the authorization or waiver by the Board of any

provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure or waiver prevent the Board from enforcing the waived or unenforced provision in the event of a future violation of that provision.

12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
13. All costs incurred by the Board in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board in writing of any change of address at least ten days before the change becomes effective.
14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant of record that prohibits the activity.

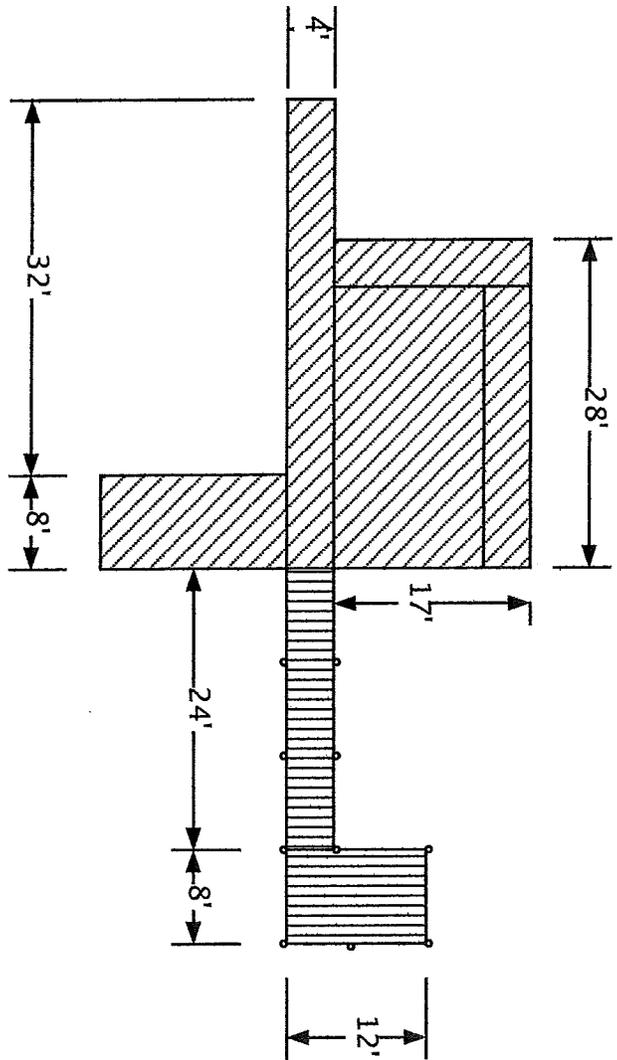
Manatee Conditions

The following conditions are intended to protect manatees from direct project effects; THESE CONDITIONS APPLY ONLY IN WATERS THAT ARE ACCESSIBLE TO MANATEES:

1. All personnel associated with the project will be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee will advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
2. All vessels associated with the construction project will operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
3. Siltation or turbidity barriers will be made of material in which manatees cannot become entangled, will be properly secured, and will be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
4. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
5. Any collision with or injury to a manatee will be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida.
6. Temporary signs concerning manatees will be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have

already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com). One sign which reads Caution: Boaters must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

DIAGRAM FOR SQUARE FOOTAGE CALC AND PILE PLACEMENT
TOTAL 988 SF WITH ADDITION



ORDINANCE NO. 653

AN ORDINANCE OF THE CITY OF VALPARAISO AMENDING CHAPTER 94, ARTICLE VI, DIVISION 2, SECTION 94-166 OF THE VALPARAISO CODE OF ORDINANCES AND PROVIDING FOR (1) FINDINGS, (2) REPEAL OF CONFLICTING ORDINANCES, (3) SEVERABILITY AND (4) AN EFFECTIVE DATE.

WHEREAS, The City of Valparaiso Land Development Code, Sec. 94-166, provides a landscape checklist for both minor and major developments, and

WHEREAS, The City of Valparaiso Land Development Code, Sec. 94-166, has requirements that seriously impede the potential development of certain projects, and

WHEREAS, The City of Valparaiso Land Development Code, Sec. 94-166 fails to offer acceptable alternatives for development of certain projects.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF VALPARAISO, FLORIDA:

Section 1: FINDINGS

The foregoing Whereas clauses are hereby incorporated, adopted and confirmed as if fully set forth herein.

The Valparaiso Code of Ordinances, Chapter 94, Article VI, Division 2, Section 94-166 is hereby amended as follows with underlining indicating new language and strike-through indicating deleted language:

Sec. 94-166. - Landscape checklist.

This checklist is to be used with either minor or major development. A landscape checklist shall be completed by a developer to accompany any application for a Preliminary Development Review.

<i>Certification</i>		
1.	This project (does/does not) fall within the scope of said Code	_____
2.	This project is a single family residence and falls within Sections 8.B and 8.C [sic] only	_____
3.	This project will be in proximity to sewage treatment ponds and will utilize deep rooted, wetland trees for nutrient uptake	_____
4.	Removal of native vegetation will be minimal; site alteration will occur in _____ stages; and adequate erosion control will be used	_____
5.	This project will affect (more than 50% / less than 50%) of the development area	_____

6.	A minimum of fifteen (15%) percent of the property will be landscaped	_____
7.	All land not used for impervious surface will be permanently landscaped	_____
8.	A minimum of a ten (10) foot strip abutting the right-of-way, and excluding sidewalks, shall be landscaped	_____
9.	One (1) tree per 25 linear feet of lot frontage is required, of which 75% of the trees must be indigenous	_____
10.	The remainder of the ten (10) foot strip shall be landscaped with appropriate cover	_____
11.	Each vehicle overhang area cannot be more than two (2) feet, and cannot be included as part of the ten (10) foot landscape requirement	_____
12.	No fences shall be forward of the front yard building setback line, except for single-family residences	_____
13.	Minimum access for one-way drives shall be 15 feet when drives are no less than 20 feet apart	_____
14.	Minimum access for two-way drives shall be 27 feet when drives are no less than 20 feet apart	_____
15.	Copy of agreement between owners of common entryways shall be filed with City Planning and Zoning	_____
16.	Vehicle overhang areas do not exceed two (2) feet each into landscaped areas	_____
17.	Interior areas of off-street parking, not specifically used for parking spaces or maneuvering areas, shall not be paved and will be landscaped	_____
18.	One space, 9 × 19 feet, shall be landscaped for each 15 continuous parking spaces	_____
19.	Each landscaped area must have one (1) tree at least six (6) feet high	_____
20.	Each row of interior parking spaces shall be terminated with a 10 × 10 foot landscaped area, each containing at least one (1) tree	_____
21.	Every 2,500 square feet of garage parking requires 171 square feet of exterior green area	_____
22.	All interior landscaping must be protected from vehicles	_____
23.	Buffer zone landscaping is required between single-family and multi-family/industrial or commercial zones	_____
24.	A landscape buffer zone, ten (10) feet deep and a minimum of six (6) feet high, is required	_____
25.	A six (6) foot wall or fence in a ten (10) foot wide area may be substituted. At least one (1) tree is required for each 25 linear feet of barrier	_____
26.	Twenty five (25) foot vegetated buffer zone is required along all bodies of water	_____
27.	No landscaping shall restrict the visibility at intersections	_____
28.	A minimum of one (1) indigenous tree is required for each 1/10 acre (10 trees per acre)	_____

29.	No tree 24 inches or more in diameter shall be removed	_____
30.	Ten (10) trees per acre credit will be given to _____ trees of _____ inches in diameter	_____
31.	Fifty percent (50%) of the dripline of preserved trees shall be retained a pervious surface	_____
32.	A minimum of 75% native vegetation shall be used toward the required 18% landscaping	_____
33.	All shrubs and hedges shall be at least twelve (12) inches in height at planting	_____
34.	All trees shall be at least six (6) feet high at planting. Tree crown spread should be at least 20 feet	_____
35.	Planting area for trees shall be at least 100 square feet with a minimum of five (5) feet maintained clear around the trunk	_____
36.	Trees whose roots can damage public works shall <i>not</i> be planted closer than 12 feet to any such infrastructure; except Willow trees shall be <i>no closer</i> than 50 feet	_____
37.	All areas subject to erosion, such as swales, shall be sodded	_____
38.	All dead plant material, planted under the provisions of this Code, shall be replaced within one (1) year	_____
39.	A landscape plan shall be submitted prior to receiving a building permit, except for single-family residences	_____
40.	Landscape Plan completed	_____
41.	No building permit shall be issued without approved landscape plan	_____
42.	Approved landscape plan will be at construction site	_____
43.	No Certificate of Occupancy shall be issued until landscape plan has been fulfilled	_____
44.	Special exception is required for slopes of 20% or more which removes 40% or more of the parcel from development	_____
45.	<u>The project applicant may elect to replace the trees as required by Numbers 9, 19, 20 and 28 of the Landscape Checklist at a preapproved off-site location or pay into the Tree Replacement Fund if it is demonstrated to the Technical Review Committee that the site cannot accommodate the total number of required or replacement trees by this section as a result of insufficient planting area and/or interference with the proposed project. Under no circumstances will the required trees in Number 25 of the Landscape Checklist be eligible for replacement and must be planted in the required buffer. The replacement value and payment into the Tree Replacement Fund is established at \$125.00 per tree.</u>	_____

Section 2: CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: SEVERABILITY

The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph section or clause is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 4: EFFECTIVE DATE.

This ordinance shall become effective immediately upon passage.

ADOPTED IN SESSION THIS _____ DAY OF _____ 2014

John B. Arnold, Jr.
Mayor

ATTEST:

Tammy Johnson, CMC
City Clerk

To: City of Valparaiso City Commissioners
From: Hayward Dykes, Jr., Esq. and Ryan Garrity, Esq.
RE: Valparaiso/Title Issue/Plat 1 Beaches
Date: April 10, 2014

Memorandum of Law

Pursuant to your request I have reviewed the title search on the parks and beaches in Plat 1 City of Valparaiso to determine the likelihood of success of an upland adjacent landowner's challenge to the City for ownership of the beaches as part of their lots.

ISSUE:

Provide a summary of the chain of title to the beaches in Plat 1 of the City Valparaiso and whether the ordinances related to encumbering the beaches and prohibiting adjacent landowners to build docks are legal.

SHORT ANSWER

The title summary based on the evidence in the public records of Okaloosa County indicates that the chain of title starts in the 1910's prior to incorporation of the City. The Valparaiso Development Company owned the property depicted in Plat 1, which is in section 7 and 18 in Township 1S, Range 22 West Tallahassee Meridian in Okaloosa County Florida. The Valparaiso Development Co. entered into Bankruptcy and Mr. James Plew purchased the property from the Bankruptcy Trustee. When Mr. Plew passed away, Marion Plew Ruckel was the heir to this property. There was not a typical dedication of the property pursuant to Plat Book 1 page 58 of Plat 1 of Valparaiso as you see today's plats. However, Marion Plew Ruckel filed a document in the Official Records Book 62 Page 297 which can be regarded as a dedication and acceptance of Parks and other amenities such as beaches executed by herself and the City of Valparaiso. Additionally, there are facts that indicate a common law dedication offer and acceptance to the city occurred prior to any revocation by the owner of the property.

Plat 1 is recorded and has been the foundation for hundreds of title policies over the years. It is my opinion that the beaches depicted in Plat 1 are owned by the city; including Lincoln and Glen Argyle Parks. However, there is an exception in the document for the beaches that form the Valparaiso Inn Property. The Valparaiso Inn Property is the point of land where Lee Street and Bay Shore Drive meet to form Bay Shore Point Road. The Valparaiso Inn Property is in fact not owned by the City, and to my knowledge not claimed to be owned by the City.

FACTS BASED ON TITLE SEARCH:

- a. Warranty Deed executed by BP Edge and his wife, Amy Edge, Warren Armstrong and his wife Lula Armstrong to William L. McCollom and Company Trustees for

the Valparaiso Development Company, dated 6/20/1920, filed 10/4/1920 in Deed Book 6, Page 341, Public Records of Okaloosa County, Florida.

- b. Quit Claim Deed executed by John B. Parrine President of Valparaiso Development Company to the Valparaiso Development Company operating under Trust Agreement, dated 3/16/1921, filed 7/14/1921 in Deed Book 7, Page 413 Public Records of Okaloosa County, Florida.
- c. Plat No. 1 Valparaiso: Plat Survey by Howard Steele, surveyor dated 01/14/1919 original filed for record on 07/14/1919 copy of original filed 02/23/1926 in Plat Book 1, Page 58, Public Records of Okaloosa County, Florida.
- d. Deed executed by Wm. L. McCollom & Company, Trustee of Valparaiso Development Company, to James E. Plew dated 03/01/1922, filed 03/06/1922 in Deed Book 9, Page 147, Public Records of Okaloosa County, Florida.
- e. Deed execute by William H. Knowles, as Trustee in bankruptcy of the Estate of the Valparaiso Development Company, to James E. Plew dated 03/02/1922, filed 03/06/1922 in Deed Book 9, Page 151, Public Records of Okaloosa County, Florida.
- f. Deed executed by James D. Plew and Nettie Raymond Plew, his wife to The Valparaiso Realty Company dated 8/1/1922, filed on 10/1/1924 in Deed Book 13, Page 120, Public Records of Okaloosa County, FL
- g. Deed executed by The Valparaiso Realty Company through V.P. C.F. Lear and C. W. Ruckel as sole remaining director to C. W. Ruckel dated 5/29/1922, filed on 8/21/1939 in Deed Book 32, Page 383, Public Records of Okaloosa County, FL
- h. Deed executed by Marion Plew Ruckel, as Administratrix with the will annexed of the estate of C.W. Ruckel, deceased to Marion Plew Ruckel individually, dated 10/8/1954 and filed 10/11/1954 in Deed Book 108, Page 63, Public Records of Okaloosa County, FL.
- i. Deed/Instrument executed by Marion Plew Ruckel and the City of Valparaiso on 9/13/1957 and 9/16/1957 respectfully and recorded 9/16/1957 in Official Records Book 62, Page 300, Public Records Okaloosa County, FL. (Exception for beaches of the Valparaiso Inn Property by Edge and Lee Street)

Analysis

The chain of title in conjunction with the Common law dedication of Plat 1 indicates that the Beaches, Glen Argyle Park and Lincoln Park are all owned by the City of Valparaiso. Any challenge based on the lack of dedication of Plat 1 should be defeated based on the following legal basis.

Potential Challenges based on Lack of Dedication

In Kirkland v. City of Tampa, 78 So. 17 (1918), the Florida Supreme Court held as follows:

The platting of land, leaving spaces for streets, alleys, and parks, and the sale of lots according to such plat or plan, creates as between the grantor and such purchasers a private right in the latter to have the spaces marked upon the plat as streets, alleys, and parks remain open for ingress and egress, and the uses indicated by the designations, a private right of ingress and egress and light and air; and as to the public it is an offer of dedication of the strips and parcels of land designated on the plat as streets, alleys, and parks for that purpose, and must be accepted by the public before revocation before the dedication becomes complete.

Therefore, pursuant to Kirkland, the following principles are clearly settled: (1) a common law dedication is established by the platting of property and the sale of lots within the plat; (2) once this occurs, everyone who has purchased lots within the plat has a private right “to have the spaces marked upon the plat as streets, alleys, and parks remain open for ingress and egress, and the uses indicated by the designations,” and to “ingress and egress and light and air;” and (3) for the public to claim an interest in the platted streets, there must be an acceptance of the dedication. Likewise, in Mumaw v. Roberson, 60 So.2d 741 (Fla. 1952), the Florida Supreme Court held that, when streets and parks are clearly and unequivocally marked on the plat and lots are sold with reference to such plat, this is sufficient to constitute an offer of dedication to the public. Id. at 743.

Here, lots have clearly been sold with reference to Plat 1. It is well settled that where a town plat is made, with spaces on it that appear to form no part of any of the platted lots, but indicate streets or avenues, and the lots are sold with reference to the plat, the presumption is that such spaces are dedicated to the public as streets or avenues. Porter v. Carpenter, 21 So. 788, 790 (Fla. 1897). In the City of Palmetto v. Katsch, 98 So. 352 (Fla. 1923), the Florida Supreme Court held that the act of dedication need not be by formal act or dedication, it may result from the conduct of the owner of the lands dedicated, and may be manifested by a written grant, affirmative acts, or permissive conduct of the dedicator: “[A]ny manner in which the owner sees fit to indicate a present intention to appropriate his lands to public use meets the requirements of the law.” Id. at 353. As stated, this intention to dedicate may be implied from the acts of the landowner, including filing a map or plat of the property designating the roadways thereon, or platting the land and selling lots pursuant to the plat, indicating thereon places for parks, public grounds and street. Bonifay v. Dickson, 459 So.2d 1089, 1094 (Fla. 1st DCA 1984) (*citing City*

of Palmetto v. Katsch, 98 So. 352 (Fla. 1923)). In fact, in Bonifay, although the map was recorded after the property owner conveyed the subject lots identified on the map, an offer of dedication was implied from the fact that the conveyances were made with reference to the map. Id. Therefore, there is clearly at least a common-law dedication of the streets, parks and beaches, which immediately creates a private right thereto that belongs to other owners of lots identified on Plat 1 and a public right upon acceptance of the dedication by the City.

There is no indication on Plat 1 who caused it to be filed with the Clerk of the Circuit Court in 1919 or who caused Plat 1 to be recorded. At the time the Plat was filed, on July 14, 1919, some of the property identified in Plat 1 was owned by B.P. Edge and his wife, Amy Edge, Warren Armstrong and his wife Lula Armstrong which was deeded to McCollom & Company, as Trustee of Valparaiso Development Company in 1920. Subsequent to that time, the property was sold to James E. Plew, who transferred lots contained in Plat 1, pursuant to Plat 1.

Any challenge to dedication will likely be based upon the property owner not owning the property at the time of dedication offer. People have addressed a Settlement Agreement dated September 15, 1957 between Marion Plew Ruckel and the City, which is also part of the chain of title related to Plat 1, as a document establishing either a dedication of Plat 1 or evidence that the previous owners did not own at the time the plat was filed.

In the Settlement Agreement, Ms. Ruckel acknowledged that Valparaiso Development Company, identified as the original developer of the City, created and filed several plats of land within the City, including Plat 1. The Settlement Agreement was recorded in the public records of Okaloosa County. The Settlement Agreement is clear evidence that the owner of the property created and filed the plat and, thus, dedicated the beaches, Glen Argyle and Lincoln Park depicted thereon to the public. In addition, the Settlement Agreement also states as follows: *“The owner does hereby dedicate to the City for the use of the public as the city government shall decide, the following beaches and parks set forth on the original plats referred to with respect to the various dedicated properties”*. Other than a general acknowledgement, this portion of the Settlement Agreement addresses “parks and beaches” and not streets and roads.

In addition, when Mr. Plew transferred lots pursuant to Plat 1 where he clearly manifested his intent to honor and accept the common law offer of dedication made by the previous owner. This is further supported by the fact that the Plat 1 was later recorded in 1926. Just as in Bonifay, even if the recording of the plat occurs after the sale of the lots pursuant to the plat, there is a common law dedication. Therefore, it is irrelevant to deciding this matter whether Mr. Plew physically filed or recorded the Plat, as he demonstrated by his actions his acquiescence to the dedication by selling the lots pursuant to the Plat. Therefore, the issue becomes whether the City accepted the common law dedication prior to any revocation or withdrawal.

Acceptance of Dedication

It is well-settled that acceptance of a dedication may be made within a reasonable time, but before withdrawal of the offer, “as the convenience of the public or those who live upon adjacent lots require.” See Kirkland v. City of Tampa, 78 So. 17, 21 (Fla. 1918). Moreover, in Indian Rocks Beach South Shore, Inc. v. Ewell, 59 So.2d 647 (Fla. 1952), the Florida Supreme

Court held that a municipality's acceptance of an offer to dedicate some of the streets shown on a platted subdivision constitutes acceptance of an offer to dedicate the entire system of streets (and beaches) shown therein, in absence of proof of an intention to limit the acceptance.

In our case there are streets clearly identified on Plat 1 including Bay Shore Drive. It is undisputed that the City has improved and maintained Bay Shore Drive on Plat 1. In fact, Bay Shore Drive provides ingress and egress to the Public and private land owners in Plat 1. Therefore, based on these facts and the noted case law above, it is undisputed that there was clearly a common law dedication and a common law acceptance by the City as to Plat 1.

Revocation before acceptance

It is settled law in Florida that the recording of a plat is merely an offer to dedicate the street thereon to public purposes and that, until accepted, such offer may be revoked. Weber v. City of Hollywood, 120 So.2d 826, 828 (Fla. 2d DCA 1960). However, any attempted revocation, even one based on a transfer of all of the property in the subdivision including the streets, does not in and of itself amount to a revocation unless the intent to do so is clearly expressed therein so that the public officials would be put on notice of the withdrawal of the offer of dedication. Id. There is absolutely no evidence of revocation in relation to the roads, beaches, and parks in Plat 1.

In Kirkland v. City of Tampa, the litigated dispute was between Kirkland, an owner of a lot within a recorded plat, and the City of Tampa, claiming that a public right had been created by the dedication of the streets depicted on the plat and a subsequent acceptance thereof. However, the Court also addressed the rights of another owner of a lot within the recorded plat, De Bona, and others that had purchased lots. In addressing these issues, the Court held as follows:

The propriety of the decree in this case rests solely upon the fact as disclosed by the proofs that there had been no revocation clearly and definitely shown on the part of both Kirkland and De Bona of the offer to dedicate the strip of land to public use for a street. So far as Kirkland's acts were concerned, they may have been sufficient to show an intention on his part to revoke the offer, but, as we have shown, De Bona has the right to insist upon the passageway; and, although that is a private right which the city may not enforce in its name, yet until that right is waived by some act on his part clearly showing an abandonment of it and an intention to shut the public off from an acceptance of the offer to dedicate the strip of land, the public may, within a reasonable time, accept the offer and open the passageway.

Therefore, the Court noted that it becomes important to determine if there was any withdrawal of the offer to dedicate the roads and streets shown upon the recorded plat by anyone having the authority to withdraw such offer before acceptance by the public and, if acceptance of a part of the roads and streets before revocation constitutes an acceptance of all of such roads and streets.

The Court in Kirkland held as follows:

Having acquired the property before the public had accepted the offer of dedication, and assuming, without deciding, that the two purchasers could have revoked the offer of dedication as made by their grantor as effectively as he could have done so, the case turns upon the question as to whether Kirkland and De Bona revoked the offer of dedication as made by their grantor, there being no contention that he attempted to revoke the offer. The burden of proof was upon the complainant. The evidence should have clearly established, not only an intention upon the part of Kirkland, but also upon DeBona's part, to revoke the offer of dedication. Kirkland alone could not revoke the offer; he was not the sole grantee.

There is no evidence that Wm. L. McCollom & Company, Trustee of Valparaiso Development Company, or Mr. Plew ever attempted to revoke or withdraw the dedication. In addition, as explained in Kirkland, once Wm. L. McCollom & Company, Trustee of Valparaiso Development Company and then Mr. Plew conveyed one of the lots within Plat 1 to a third party, any revocation, to be effective, must include any and all subsequent purchasers. There is no evidence in the title search record that would indicate in any way an intent to revoke the common law dedication described above.

Improvements and Maintenance of Plat 1

It is undisputed that several streets identified on Plat 1 including Bay Shore Drive have been improved and subsequently maintained by the City. In fact, Bay Shore Drive provides access to the Beach, and parks and other private property on Bay Shore Drive upland of the street. It is also undisputed that the City has installed and maintained sewer systems under Bay Shore Drive in Plat 1 on or about 1963. When a map is drawn with platted, but not recorded: showing roadways as well as a strip of property between the roadway and waterfront which developed through accretions over the years; and grading and paving of the street was coupled with installation of culverts, these acts were an acceptance of the offer of dedication of the mapped roadways. *See. Bonifay v. Dickson.*

CONCLUSION

Based upon the legal theory addressed above and review of the title search, it is my opinion that the beaches depicted in Plat 1 are owned by the city; including Lincoln and Glen Argyle Parks. I offer the above opinion for the benefit of the City of Valparaiso and its staff. No other person or persons should consider this memo or the opinions contained herein as legal advice. If there are any questions regarding this memo or anything contained herein please do not hesitate to contact my office.

Sec. 98-231. - Duties of city commission.

The city commission shall:

- (1) Upon receipt of a report of the building inspector as provided for in section 98-230(7), give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in such building as shown by the land records of the clerk of the county circuit court, to appear before it on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated, or demolished, in accordance with the statement of particulars set forth in the building official's notice provided for herein in section 98-230(6).
- (2) Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in such building as shown by the land records of the clerk of the county circuit court, shall offer relative to the dangerous building.
- (3) Make written findings of fact from the testimony offered pursuant to subsection (2) as to whether or not the building in question is a dangerous building within the terms of section 98-226.
- (4) Issue an order based upon findings of fact made pursuant to subsection (3) commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building as shown by the land records of the clerk of the county circuit court, to repair, vacate or demolish any building found to be a dangerous building within the terms of this section; provided, any person so notified, except the owners, shall have the privilege of either vacating or repairing such dangerous building or any person not the owner of such dangerous building but having an interest in such building as shown by the land records of the county may demolish such dangerous building at his own risk to prevent the acquiring of a lien by the city against the land upon which such a dangerous building stands, as provided in subsection (5).
- (5) If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (4) within ten days, the city commission shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standard provided for in section 98-228 and shall, with the repair, vacation, or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner; provided, in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety, or general welfare of the people of this city, the city commission shall notify the city attorney to take legal action to force the owner to make all necessary repairs or demolish the building.
- (6) Report to the city attorney the names of all persons not complying with the order provided for in subsection (4).

(Code 1966, § 6-2(5))

Sec. 98-232. - Duties of the city attorney.

The city attorney shall:

- (1) Appear at all hearings before the city commission in regard to dangerous buildings.
- (2) Bring suit to collect all municipal liens, assessments, or costs incurred by the board of adjustment in repairing or causing to be vacated or demolished dangerous buildings.
- (3) Take such other legal action as is necessary to carry out the terms and provisions of this section.

(Code 1966, § 6-2(6))

CONERLY, BOWMAN & DYKES, LLP

ATTORNEYS & COUNSELORS AT LAW
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4481 LEGENDARY DRIVE, SUITE 200
DESTIN, FLORIDA 32550

TELEPHONE (850) 837-5118
FAX (850) 424-7000
E-MAIL:
HDYKES@EMERALDCOASTLAWYERS.COM

HAYWARD DYKES, JR.
ADMITTED IN FLORIDA

December 3, 2013

VIA FIRST CLASS MAIL

Re: Hearing before the City of Valparaiso Commission on December XX, 2013

Dear Daniel A. & Catherine McClendon:

This is an official notice provided to you pursuant to City of Valparaiso Code 98-231(1), that the property at **59 Kelly Way, Valparaiso, FL (Parcel ID No. 01-1S-23-1349-0000-0300)**, has been deemed by the city building inspector as a "dangerous building" as defined under City of Valparaiso Code 98-226.

Accordingly, the City Commission shall have a hearing on December XX, 2013 at the City of Valparaiso City Hall, to begin at 6 p.m. to hear testimony and receive any other relevant evidence relative to the dangerous building referenced above. You or your company has been identified as someone who may have an interest in the building as shown by the land records of the Okaloosa County, Florida Clerk of Court.

It is important if you wish to be heard on the above matter you attend this hearing. If you have any questions regarding this notice please call Carl Scott, City Administrator at (850) 729-5402.

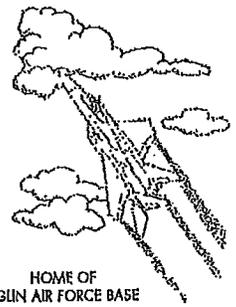
Yours truly,

Hayward Dykes, Jr., Esq.

Enclosures: August 22, 2013 Letter from Carl Scott



FRESH AND SALTWATER SPORTS
ON CHOCTAWHATCHEE BAY



CITY OF VALPARAISO
465 VALPARAISO PARKWAY • (850) 729-5402
VALPARAISO, FLORIDA 32580

August 22, 2013.

Dear Mr. and Mrs. McClendon:

This letter will serve as official notice of my intent to start the process of enforcing our code sections 98-226 to 98-231 regarding the declaration of a dangerous building. This is consistent with Section 98-230 whereby it is the duty of the building inspector to notify in writing the recorded owner that the building has been found to meet the definition of a dangerous building as provided for in Section 98-226 of the City of Valparaiso Code of Ordinances. Further, our code requires you, as the owner, to repair or demolish the building in accordance with the terms of this notice and this section of our code.

The following is provided as a description of the building or structure deemed unsafe:

Parcel Number: 01-1S-23-1349-0000-0300

Building Number: 1

Traversal Information:

BAS1986=W13S3W17S9E4S21FOP1986=S4E13FGR1
986=S13E13N22W13S9\$N4W13\$E13N5E13N28\$PTR
=N10FUS1986=E24N24W24S24\$S10\$.

Color	Area Type	Area Type Description	Area	Year Built
	BAS	BASE AREA	790	1986
	FOP	F OPN PRCH	52	1986
	FGR	F GARAGE	286	1986
	FUS	F UP STORY	576	1986

As for the required statement of particulars which make the building or structure a dangerous building, please refer to subsections (2), (4), (5) and (10) that read as follows:

"Home of the World's Largest Air Force Installation, Eglin Air Force Base, Florida"

(2) Those which, exclusive of the foundation, show 33 percent or more of damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering.

(4) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

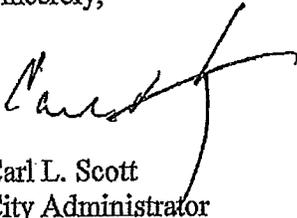
(5) Those which have become or are so dilapidated, so decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.

(10) Those buildings existing in violation of any provision of this article.

You have been given countless opportunities to have the structure evaluated by a duly licensed design professional, hire the necessary contractors and bring the structure into compliance with our code. With the Certificate of Occupancy having been revoked on this building it cannot be utilized for any purpose and remains in a state of blight which negatively impacts the health, safety and welfare of the entire neighborhood.

Lastly, our code requires the building inspector to order the building or structure to be put in such condition as to comply with all the terms and conditions of our code of ordinances within such a length of time, not to exceed 30 days. Please consider this my official order to either repair or demolish the structure located at 59 Kelly Way in Valparaiso, Florida within the next 30 days. Any future correspondence regarding this matter must be in writing.

Sincerely,



Carl L. Scott
City Administrator

cc: Chief Joe Hart
Barry Henderson, Building Official

FLEET MAINTENANCE PLAN

FORMAL APPROVAL OF POLICY

This Plan has been approved by the Safety Committee.

Authorized signature

Date of Approval

CITY OF VALPARAISO

465 Valparaiso Parkway

Valparaiso, FL 32580

FLEET MAINTENANCE PLAN

INTRODUCTION

The City of Valparaiso in its continuous development and concern for the safety of its staff and community members has developed this maintenance plan. This is a living document that will be updated on an "as needed" basis and reviewed annually for compliance to new rules, regulations, and laws.

This plan is designed to keep all vehicles, shop equipment, public areas, and tools, in safe, reliable, and operational condition. It requires management, drivers, and related staff to be well trained and accountable for specific roles. Preventive maintenance is our goal and will come about as a result of working together as a team.

Specific roles

MANAGEMENT

Management will make sure that all staff is properly trained and certified as deemed appropriate in preventive maintenance. The Program Manager must know all parts of the preventive maintenance program, supervise its implementation and evaluate its effectiveness.

DRIVERS/OPERATORS

The drivers/operators must be certified according to State laws. Driver must know the proper starting, shifting, and braking procedures to extend the life of the equipment and must be vigilant in reporting his/her observations. Drivers/operators will serve as vehicle fuelers and must make sure that all fluid levels are checked each time that the vehicle is fueled. No vehicle should be sent into service low on oil, antifreeze/coolant, automatic transmission, or power steering fluid. Unsealed batteries and windshield washer fluid must also be checked and filled. Drivers must also be trained to spot cracked or broken belts, loose or broken brackets, or other worn parts. They should be alert for unusual noises, bad tires, noisy or poor brakes, and clutch adjustments.

Only qualified drivers/operators should maneuver vehicles, especially within maintenance facility and garage. Backing should be prohibited unless absolutely necessary. When backing is necessary, it should be only done with a guide.

All drivers should be completely familiarized with the vehicles including engine compartment, driver controls, and passenger safety devices. Drivers should be trained to recognize unusual noises and describe basic mechanical problems to the supervisor and/or mechanic.

FLEET MAINTENANCE GOALS AND OBJECTIVES

The City seeks to obtain an overall goal of keeping the vehicles well maintained and servicing the community. Our objectives include:

- Maintaining chassis, body, and component manufacturers' recommended maintenance practices;
- Systematic inspections, services, and repairs;
- Defect reporting;
- Maintaining the proper level of fiscal control, and,
- The proper management of parts, equipment, facilities, fleet, and personnel.
- If inventory is maintained conduct a 6 month inventory check.

Maintenance should cover all vehicles and equipment operated by the City of Valparaiso, with the exception of Public Safety vehicles serviced by others. Manuals should be maintained for each type of vehicle and equipment being used by City staff.

PREVENTIVE MAINTENANCE INSPECTIONS & SERVICES

INTRODUCTION

Vehicle and component (e.g., hydraulic jet cleaning system) manufacturers manuals that recommend maintenance practices as well as specific guidance and instructions for troubleshooting, removal, overhaul, repair, and replacement of components. These manuals are an important part of the vehicle maintenance plan as they define specific maintenance intervals and provide critical information when the maintenance work is actually to be performed.

Preventive maintenance (PM) inspections and services should follow the recommended intervals (within 500 miles or 7 days) by the manufacturer, supplier, or builder. If preventive maintenance services are not being done according to the guidelines of the manufacturer, supplier or builder, the city may jeopardize any claim to a warranty.

Services eligible for warranty payment must be made by the appropriate personnel and filed with the manufacturer. Documentation of such services should remain in the vehicle file and a copy should be forwarded to the Public Works office with the next monthly report.

DOCUMENTATION

Preventive maintenance (PM) inspections and services should be performed, and documented according to a schedule. All documentation should be kept through the life

of the vehicle plus 3 years. Whenever a mechanic or tow truck is dispatched to a vehicle in service, documentation should be submitted to the office and placed in the vehicle file.

PM INSPECTIONS

Preventive maintenance (PM) inspections are scheduled to provide an opportunity to detect and repair damage or wear conditions before major repairs are necessary.

Each inspection will:

- Specify each item to be checked;
- Record repairs and the routine application of fluids;
- Indicate inspection interval (i.e., daily or weekly); and
- Contain a pass/fail standard for each item.

Portions of check lists and procedures may come from the manufacturer, the vendor, or the Shop Foreman. Refer to Appendix B for an example of a daily PM Inspection Checklist.

IDENTIFIED DEFECTS

Identified defects should be reported to the Shop Foreman. Defects must be reviewed and repair considered. Categories of repair include:

- **SAFETY DEFECT**

The vehicle cannot be released until the repairs are completed, except in case of an emergency. Safety cannot be compromised.

- **MECHANICAL DEFECT**

A defect that will worsen and increase cost. The vehicle cannot be released until the repairs are completed, except in case of an emergency.

- **ELECTIVE MECHANICAL DEFECT**

A defect that does not compromise safety, will not cause further damage if operated but needs to be corrected prior to the next PM cycle. Repair should be scheduled. Due to maintenance costs and disruption to operations, this decision should not be made lightly.

- **ELECTIVE OR COSMETIC DEFECT**

The defect will not compromise safety and will not cause further damage or cost as it is an aesthetic defect. This vehicle should be scheduled for an off-peak time in the future, as determined by management, or at the next scheduled PM service.

If the fleet experiences recurring defects, the Program Director should check vehicle maintenance files, check manufacturers' recall notices, service bulletins, and campaigns.

PM SERVICES

The manufacturer's recommended service schedule should be adhered to, within +/- 500 miles or 7 days.

PM MANAGEMENT BY EXCEPTION

There are many good reasons to vary a scheduled PM service. It will not necessarily hurt the vehicle to have the PM service performed off schedule and still allow the City of Valparaiso to manage its PM program to achieve its overall goal.

Management by exception allows flexibility in the PM program by authorizing the mechanic to make decisions on deleting or adjusting certain items listed on the PM schedule.

For example, if vehicle A comes in for scheduled service and according to the vehicle's records, the front wheel bearings were inspected and repacked at the time of the last front brake job (only 1300 miles ago), s/he could then delete the requirement to repeat this service.

PRE-TRIP INSPECTIONS

An important aspect of preventive maintenance is the establishment of strong communication between drivers/operators and management. An easy way to ensure and document this communication link is through the use of the driver's daily vehicle inspection checklist.

Each vehicle should have a labeled monthly copy of the checklist on-board for the drivers/operators to conduct the inspection. The driver/operator should identify any defects and report them to the program manager before driving the vehicle. If a problem arises during the shift, the driver/operator should add comments to the checklist. All checklists are to be maintained in the vehicle's permanent file.

NOTE: When malfunctions and/or defects are detected which threaten safe operating performance, the vehicle will not be used until defects are corrected.

The pre-trip inspection forms shall be legibly completed and signed by the vehicle driver. Pre-trip inspections should include as a minimum:

- Insure current registration and insurance paperwork is in vehicle.
- Cleanliness – Properly maintained and free of loose articles.
- Lights and reflectors – High/low beams, tail lights, turn signals,
- 4-way hazard flashers, marker lights, license plate light and reflectors should be cleaned as needed
- Brakes – Both foot and emergency brakes should be capable of effectively stopping or restraining the vehicle. Brake pedal should be firm after 1-2 inch free-play on a single down stroke. No noises, vibration or steering changes should result from applying the brakes while moving.

- Horn – Gives an adequate and reliable warning signal.
- Windshield, washer, wipers and defroster – Surfaces must be clean and unobstructed, inside and outside. Washer reservoirs are to be filled as needed.
- Mirrors – All rear vision mirrors must be clean, properly adjusted and unobstructed. Outside mirrors must be mounted on both sides.
- Tires – Must be of adequate load capacity when vehicle is fully loaded. Tires shall be inflated to recommended pressures and compatible with each set (i.e., all radials or all bias ply; no mixed sets.) Tire wear surfaces and sidewalls shall be inspected daily for debris, damage, and wear. Tires shall be replaced prior to revealing the “wear bars” between the treads at the contact surface.
- Speedometer – Shall be operational and accurately record speed.
- *Seat Belts – If the vehicle has seat belts, they must be in good operating condition and used by all passengers and drivers.*
- Doors – Capable of being opened, shut, and locked as required.
- Fluids – All fluid levels must be checked each time the vehicle is fueled and maintained at the manufacturers recommended operating levels. This includes engine coolant, oil, brake fluid, power steering fluid, transmission fluid and washer solvent.
- Emergency Equipment – Should be present and operational: ***Specific to each vehicle type as needed***
 - Flares
 - Fire Extinguishers
 - First Aid Kits
 - Flashlight W/Batteries
 - Blood Borne Pathogens Clean-Up Kit
 - Reflective Triangle
 - Reflective Vest for Driver
 - Clean-Up Kit for Cleaning & Sanitizing the Vehicle

Example of an Inspection Form is in Appendix B.

POST-TRIP INSPECTION

Post-trip inspection is required.

(a). Drivers/operators should report in writing at the completion of each day's work any item(s) which require attention:

(b) Report content. The report shall identify the vehicle and list any defect or deficiency discovered by or reported to the driver/operator which would affect the safety of operation of the vehicle or result in its mechanical breakdown.

(c) Corrective action. Prior to requiring or permitting a driver/operator to operate a vehicle, the City shall repair any defect or deficiency listed on the driver vehicle inspection report which would be likely to affect the safety of operation of the vehicle.

(1) The Shop Foreman or his designee shall certify on the original driver vehicle inspection report which lists any defect or deficiency that the defect or deficiency has been repaired or that repair is unnecessary before the vehicle is operated again.

(2) The Shop Foreman shall maintain the original driver vehicle inspection report, the certification of repairs, and the certification of the driver's review for the life of the vehicle plus 3 years.

MANAGEMENT OF FLEET

PHYSICAL INVENTORY

The City will conduct a physical inventory of capital items of value >\$1000 and of all vehicles and reconcile the results with its equipment records annually.

VEHICLE HISTORY FILE

Each vehicle will have a written record documenting preventive maintenance, regular maintenance, inspections, lubrications, and repairs performed. A minimum of the following information will be maintained in the records:

- Identification of the vehicle
 - Year
 - Manufacturer
 - Make
 - Model
 - License number
 - Registration of ownership
- Date
- Mileage
- Description of each inspection, maintenance, repair, lubrication performed
- The name & address of any business performing an inspection, maintenance, lubrication, or repair

FLEET LIFE PLAN

A fleet plan is an internal, working document that is updated annually. It covers a period of five (5) years. The fleet plan addresses replacement and expansion without regard to funding availability. The fleet plan is based on service needs and economic replacement life. It is used to project new equipment deliveries and disposal, and helps to plan grant activities. It will serve to assist the Program Director to consider vehicle rehabilitation or replacement in lieu of extensive repair and constant unscheduled maintenance.

OTHER POLICIES

- **NO SMOKING** - smoking is prohibited in all facilities and vehicles. Signs will be posted accordingly.
- **EMERGENCY NUMBERS** - emergency phone numbers must be posted.
- **JUMP START PROCEDURES** - employees should be properly instructed on jump starting procedures, including cable connection and disconnection.
- **VEHICLE MOVEMENT** - when vehicles are being moved for any reason, including fueling, speed restrictions should be followed. Personnel should ask for assistance when backing a vehicle, wear seat belts, and drive with tool compartment doors closed. All passengers must wear seat belts. Only City employees are permitted as passengers in City vehicles unless prior authorization is granted by the Program Manager. Personnel will not jump into or out of a vehicle.

MANAGEMENT OF PERSONNEL

PERSONNEL SAFETY

The health and well-being of every employee is of vital importance. The active participation of each employee is mandatory in establishing a safe work environment. The City will keep employees aware of required safety and health procedures and employees will be expected to comply with all prescribed guidelines and procedures.

PERSONAL PROTECTIVE EQUIPMENT

Employees are required to wear all protective equipment at the proper times and in the proper environments. Failure to wear the required protective equipment should be cause for disciplinary action.

LIFTING TECHNIQUE

Use proper lifting techniques at all times when lifting objects. Bend the knees to utilize leg power and get into a proper position before lifting. Ask for assistance from fellow workers for heavy loads. Avoid twisting and awkward or jerky movements during a lift or while carrying an object.

Appendix A:

INFORMATION For Onsite Mechanic/Tow

INFORMATION SHEET

1) Today's Date _____ 2) Last 5 digits of VIN _____

3) Time Called : _____ 4) Driver _____

5) Department _____

6) Location of Vehicle: Be specific -- street address, cross street, highway marker

7) Reported Trouble: Ask specific questions and be as precise as possible.

10) Replacement vehicle _____ 11) Call received by: _____

SUPERVISOR'S REPORT

1) Time arrived at vehicle: _____ 2) In-Service Repair Vehicle Exchange
Towed

(Circle one)

3) Time Repair/Exchange Completed _____

4) Nature of Trouble: _____

5) Remarks _____

Operator's Signature _____

Shop Foreman's Signature _____

APPENDIX B: DAILY INSPECTION CHECKLIST

- Insert blank here

DRAFT

APPENDIX C: REPORTING DEFECTS

**CITY OF VALPARAISO PROGRAM
DEFECT REPORT**

- Insert blank form here

DRAFT

APPENDIX D: PM SERVICE SCHEDULE

Preventive Maintenance Level – Schedule by Mileage

Last 5 digits of VIN _____

Date _____

PM Level	Cum. Mileage	PM Description	Date of Service	Comments--Note if Added Comments on Back
A	3,000			
A	6,000			
A	9,000			
B	12,000	A + B		
A	15,000			
A	18,000			
A	21,000			
C	24,000	A + B + C		
A	27,000			
A	30,000			
A	33,000			
B	36,000	A + B		
A	39,000			
A	42,000			
A	45,000			
D	48,000	A + B + C + D		

Repeat the schedule.

Level A – Conducted at 3,000 miles interval. Change oil and filter, inspect tires, electrical system, service all fluid levels, lubricate chassis and doors, check A/C, hoses, fire extinguishers, belts, brakes, lights, test drive, body damage, etc. Inspect and test vehicle lift.

Level B – Conducted at 12,000 mile intervals. Includes all items in level A, plus transmission fluid and filter change. Check coolant, specific gravity, and pH.

Level C – Conducted at 24,000 mile intervals. All items in levels A and B, plus change fuel filter, perform complete engine tune-up, replace air filter, drain and refill differential lubricant and inspection of braking system.

Level D – Conducted at 48,000 mile intervals. All items in levels A, B, and C, plus inspection and repack of wheel bearings.

MEMORANDUM

Date: April 11, 2014
To: Mayor and Commissioners
From: City Clerk

Subject: ADD AN AGENDA ITEM



Valparaiso Realty Company would like to add a Request for Partial Release of an Existing 30' Easement to the agenda.

On the afternoon of April 11, 2014, the attached survey was received by the City.

Valparaiso Realty Company

via US Mail and Email

March 14, 2014

Mr. Carl Scott
City Administrator
City of Valparaiso
465 Valparaiso Parkway
Valparaiso, FL 32580

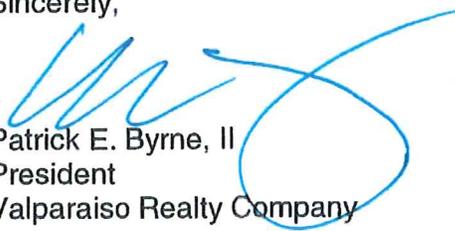
*RE: Partial Release of existing 30 foot easement adjacent to Highway
85 and State Road 190*

Dear Carl,

Valparaiso Realty Company is hereby requesting that the City of Valparaiso release the westernmost 10 feet of the existing 30-foot sewer force-main utility easement on the Highway 85 and State Road 190 property, as shown on the attached survey.

Please initiate the process to release the above-referenced portion of the easement.

Sincerely,



Patrick E. Byrne, II
President
Valparaiso Realty Company

Enclosure

cc: C. Jeffrey McInnis, Esq. (*via email*)

Land Development Since 1921

Post Office Box 8 ♦ Valparaiso, FL 32580 ♦ 128 John Sims Parkway ♦ (850) 678-7812 ♦ Fax (850) 678-8353

