

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Monday, July 15, 2024

3:00 PM

Village Hall - Conference Rooms 1E & 1F

Village Council Workshop

*Michael Napoleone, Mayor
John T. McGovern, Vice Mayor
Tanya Siskind, Councilwoman
Maria Antuña, Councilwoman
Amanda Silvestri, Councilwoman*

While this is a public meeting, there will be no opportunity for public comment at this workshop. This workshop will be live streamed, recorded and posted to the Village website for viewing.

1. CALL TO ORDER

Mayor Napoleone called the meeting to order at 3:03 pm.

Council Members in Attendance: Mayor Michael J. Napoleone, Vice Mayor John T. McGovern, Councilwoman Tanya Siskind, Councilwoman Maria Antuña, and Councilwoman Amanda Silvestri.

2. PLEDGE OF ALLEGIANCE**3. ACME ROW DISCUSSION****A. [24-6616](#) DISCUSSION OF 80-FOOT-WIDE DRAINAGE AREA WITHIN LITTLE RANCHES**

Ms. Cohen explained the item. She said that this was the 80-Foot Wide Drainage Area within Little Ranches. She provided a brief overview of the property, the recorded easement, and corrective declaration. She noted that the Village has maintained the area for many years until recently as some obstructions were placed in the easement area. She said that Legal has spoken with staff, Public Works and Public Utilities. She said that Public Works needs access to the area and wants to assert the Village's ownership interest. Ms. Cohen noted that the Utility Director has advised that there is a raw water well between the last two properties that the Village was not aware of before. She said that the question to be discussed with the Council is whether to continue to treat this as an easement and essentially forgo the ownership rights that the Village has or does the Village want to assert its fee simple interest in the property. She noted that this could trigger some litigation. Ms. Cohen stated that the Village has been down this road before with the PR Raintree case. She mentioned the dispute regarding the recorded corrective declaration acts as a deed and the Florida Statute that would cure any defects if there are any in such documents.

Mayor Napoleone asked what was the statute reference.

Ms. Cohen said Florida Statutes Section 95.231.

Vice Mayor McGovern asked about the date of the statute.

Ms. Cohen answered a question from Vice Mayor McGovern and provided the Council with a copy of the Florida Statute Section 95.231.

Ms. Cohen continued to discuss the item. She mentioned that there is the potential that the County would have to repay taxes collected over a three

year period. She said that she does not know whether the County will or will not repay. She said the question is how does the Village want to proceed as it is our property; either way whether the Village treats it as a easement or claim its fee simple title to that property it has to be left unobstructed.

Vice Mayor McGovern inquired about the obstructions.

Ms. Cohen and Mr. Wagner responded to Vice Mayor McGovern's inquiry.

Ms. Cohen said that this came to the Village's attention due to the notice of violations issued to a couple of the property owners.

Mr. Wagner commented about the water main access from both sides.

Vice Mayor McGovern asked what was staff's recommendation.

Ms. Cohen answered a question from Vice Mayor McGovern.

Mr. Reinsvold commented on the usage for drainage purposes.

Ms. Cohen responded to Mr. Reinsvold's comment.

Mayor Napoleone asked about the Florida Statute and the corrective declaration.

Ms. Cohen answered a question from Mayor Napoleone.

Mayor Napoelone asked if the owner of the strip of property is listed on the Property Appraiser's website.

Ms. Cohen answered a question from Mayor Napoleone.

Mayor Napoleone commented on the legal entity.

Ms. Cohen responded to Mayor Napoleone's comment.

Vice Mayor McGovern asked how did the Village get this.

Ms. Cohen answered a question from Vice Mayor McGovern.

There was discussion regarding the corrective declaration, fee simple language and the letter from the attorney working with Ms. Edwards.

Mayor Napoleone asked about the letter referenced from the lawyer.

Ms. Cohen provided the Council with copies of the letters. She said that the other correspondence received will be emailed to the Council

Vice Mayor McGovern asked if the basis for the Village's position is in Paragraph 1 of the corrective document from 1975 that the Village owns the property.

Ms. Cohen answered a question from Vice Mayor McGovern.

Vice Mayor McGovern asked about the property tax issue.

Ms. Cohen answered a question from Vice Mayor McGovern.

Mayor Napoleone asked about the statute of limitations period.

Ms. Cohen answered a question from Mayor Napoleone.

Vice Mayor McGovern asked who were the sellers of the lots.

Ms. Cohen answered a question from Vice Mayor McGovern.

There was discussion regarding the lots and corrective declaration.

Councilwoman Antuña asked if a title search were done today how would it read.

Ms. Cohen answered a question from Councilwoman Antuña.

Mayor Napoleone asked if Alcoa Florida, Inc. and Breakwater Housing Corporation owned the drainage easement at the time of the easements and did they have the right to convey them fee simple.

Ms. Cohen answered a question from Mayor Napoleone.

Vice Mayor McGovern asked about the statute listed in the first paragraph on the second page of Mr. Edwards letter regarding the 50-year time frame.

Ms. Cohen answered a question from Vice Mayor McGovern. She said that Mr. Edwards was taking about Chapter 689, the formality required for conveyances for deeds.

Mayor Napoleone asked what and why would Acme have to do

something to claim an ownership interest in property that was given in ownership interest by this declaration.

Ms. Cohen answered a question from Mayor Napoleone.

Mayor Napoleone commented on the adverse possession process.

Ms. Cohen responded to Mayor Napoleone's comment.

There was discussion regarding taking the position that Acme owns this property, declaratory action and what lead to this research and moment.

Councilwoman Siskind asked Ms. Cohen if she thinks that the fee simple will protect the Village and Acme more than continuing to treat it as an easement.

Ms. Cohen answered a question from Councilwoman Siskind.

Mayor Napoleone asked what is the 20-foot drainage easement between certain lots listed in Ms. Edwards March 7th email and why is this coming up.

Ms. Cohen and Mr. Reinsvold answered a question from Mayor Napoleone.

Vice Mayor McGovern inquired if the departments have any intention on doing anything there at this time.

Mr. Wagner and Mr. Barnes responded to Vice Mayor McGovern's inquiry.

There was discussion regarding an agreement between Acme and the property owners on a case by case basis.

Ms. Cohen advised that the Village could do a hold harmless but cannot have an obstruction that prevents the Village from having any access to it.

Mr. Barnes discussed how this could be addressed on a parcel by parcel basis to address the access issues.

Councilwoman Antuña asked what provision there would be if the existing homeowners sell their homes now.

Mr. Barnes and Ms. Cohen answered a question from Councilwoman Antuña.

Mayor Napoleone asked what is the mechanism to adjust the property line.

Ms. Cohen and Mr. Barnes answered a question from Mayor Napoleone.

Mayor Napoleone inquired what would Council need to do at this point if the Village wants to affirmatively assert Acme's ownership rights.

Ms. Cohen responded to Mayor Napoleone's inquiry. She discussed the next steps.

Councilwoman Siskind asked had staff reached out to the Property Appraiser's Office.

Ms. Cohen answered a question from Councilwoman Siskind.

Councilwoman Silvestri asked if the direction comes today or in the future. She commented that she would like to hear from the property owners.

Ms. Cohen said that the item can be placed on agenda for Public Hearing for the homeowners to come and address the Council.

Mayor Napoleone commented that he would like that, therefore, the Village could meet with representatives and hear their version of this as well, and then could take definitive action.

Ms. Cohen responded to Mayor Napoleone's comment.

There was discussion regarding the code hearing, notice of violations and placing the item on an agenda.

Vice Mayor McGovern commented that the Village and Acme should hold on to any land owned.

Ms. Cohen responded to Vice Mayor McGovern's comment.

Councilwoman Antuña asked if there are Code Enforcement violations against the residents.

Ms. Cohen answered a question from Councilwoman Antuña. She noted that the notice of violations are on hold pending Council's direction on the issue.

Mayor Napoleone asked could the Public Works Department do what they need to do prior to the Code Enforcement issue being resolved.

Mr. Wagner and Ms. Cohen answered a question from Mayor Napoleone.

Mayor Napoleone commented that he would rather place this on the agenda and have it hashed out.

Ms. Cohen responded to Mayor Napoleone's comment.

Mayor Napoleone asked Ms. Cohen if all the correspondence on this issue could be provided to the Council.

Ms. Cohen answered a question from Mayor Napoleone.

4. LOTIS PROJECT UPDATE

A. [24-6624](#)

LOTIS UPDATE

Mr. Barnes introduced the item. He said that this was the Lotis Project Update. He noted that Rich Kasser with Lotis Group was present to provide the Council with an update.

Mr. Kasser, Director of Entitlements for Lotis Group, presented a PowerPoint Presentation Lotis Wellington Project Overview & Update Summer 2024. He discussed the Project Overview - Phase 1, Project Overview - Phase 2, Development Update - Phase 1, and The Square At Lotis Wellington.

Mayor Napoleone asked if the building pads to Cooper's Hawk and Lazy Dog had been delivered.

Mr. Kasser answered a question from Mayor Napoleone. He continued the presentation and presented The Square At Lotis Wellington, The Residences At Lotis Wellington, and The Flats At Lotis Wellington.

Vice Mayor McGovern asked when do we expect construction to be done.

Mr. Kasser answered a question from Vice Mayor McGovern. He continued the presentation and presented The Pavilions At Lotis Wellington, and Public Space & Recreation Areas Phase 1 & 2.

Vice Mayor McGovern asked about the retail buildings opening in quarter one of 2025 and the pads for Cooper's Hawk and Lazy Dog.

Mr. Kasser said it would be late August or early September 2025.

Vice Mayor McGovern commented on the delay. He asked Mr. Kasser about the openings of Lazy Dog and Cooper's Hawk.

Mr. Kasser said that it is up to them.

James Gielda, Co-Founder & Chief Development Officer of Lotis Group said that the last item that they have been trying to work with the Village on is grease traps because there is a permitting process as there is a timing issue which has caused a little bit of a delay.

There was discussion regarding the build-out process of Cooper's Hawk and Lazy Dog.

Vice Mayor McGovern asked Mr. Stillings if plans have been submitted.

Mr. Stillings commented that he could check and see if there are any permits for those projects.

Mr. Kasser said that Cooper's Hawk and Lazy Dog have submitted plans for permits but they have not been issued yet.

Vice Mayor McGovern asked Mr. Stillings to provide an update tomorrow and give his take on the grease traps and the pads.

Mr. Stillings said that the grease traps are a utility issue.

Ms. Panse said that the grease traps have to be sized based on the plumbing in the plan in order of the design of the building. She commented that staff had done a lot of work; it is her understanding that it was very close from the last round. She will provide an update tomorrow.

Vice Mayor McGovern commented that he wants an update on what the timeline is in the delay; whether it is them or us; it is time to build.

Mr. Gielda commented that he is well aware as he is paying interest everyday.

Mr. Stillings provided an update. He said that Lotis is pending to submit applications as the two received were voided due to inactivity.

Ms. Panse noted that she just received an update; they are waiting on corrections and a resubmittal.

Vice Mayor McGovern commented on the updates. He asked who the Village was waiting for a resubmittal from.

Mr. Kasser responded to Vice Mayor McGovern's comment and question.

Vice Mayor McGovern asked Mr. Kasser if the ball is the Village's or his court.

Mr. Kasser responded to Vice Mayor McGovern's question.

There was discussion about the coordination and submittal of documents to obtain permits and when this is going to get done.

Mr. Barnes provided an update. He said that Mr. Tomasik has advised that Cooper's Hawk was resubmitted on July 10, 2024. He said that they would be reviewed after the payment for planning review has been received; Lazy Dog has not yet reapplied.

Ms. Kasser said that Lazy Dog should be reapplying next week.

5. CLOSING COMMENTS

None.

6. ADJOURN

There being no further business to discuss with Council, the meeting was adjourned at 4:15 p.m.