

**VILLAGE OF NORTH PALM BEACH  
WATERWAYS BOARD MEETING MINUTES  
FEB 5, 2019 6:00 PM**

I. MEMBERS:

Jerry Sullivan, Chairman  
Bill Hipple, Vice Chairman  
Bruce Crawford, Secretary  
Robert Werner, Member  
Ed Preti, Member  
Paul Bartlett, 1st Alternate  
Kelli Preti, 2<sup>nd</sup> Alternate

II. GUESTS: Vice Mayor Mark Mullinix, Councilmember Darryl Aubrey, Councilmember Searcy, Village Manager Andy Lukasik, Village Attorney Len Rubin, and 22 other guests on attached roster Attachment C.

III. MINUTES APPROVAL: The Aug 14, 2018 meeting minutes were approved unanimously

IV. EXCUSAL OF ABSENT MEMBERS: None

V. MATTERS BY THE PUBLIC: the 22 guests above attended to participate in the Earman River discussion

VI. OLD BUSINESS: None

VII. NEW BUSINESS:

A. Earman River Schwencke problem

B. Earman River clean up issues

C. Anchorage Park Marina update

A. EARMAN RIVER SCHWENCKE PROBLEM

Guest Atty Andrew Baumann, invited by the Village and representing some of the residents affected by the Schwencke problem, provided a very good overview of the problem and the impact it is having on the residents and businesses fronting on the Earman River. Some of the Guests on the attached also spoke about their experiences with this problem. Amongst the many things our Board learned were:

1) Village residents and businesses are faced with millions of dollars in legal costs and payments to the Schwencke family through their North Palm Properties, Inc. (NPBP) entity, and some as large as hundreds of thousands of dollars in individual cases.

2) There seems to be some valid questions about the origin of NPBP claims to ownership and interests in the properties they claim to own, and about the validity of their current ownership – see Attachments A from one of our Guests

3) The Guests, residents and businesses, present feel they are being **extorted** and the predatory attacks by NPBP are **immoral** see Attachments B indicating the troubling ethics and predatory methods in these attacks including; threats to sell the river frontage rights to third parties if river frontage owners don't buy the rights, which effectively blocks the owners from their own river frontage access, and threats to increase the price if owners try to defend their positions legally.

4) The pattern of these predatory attacks is random and some rights were given by NPBP free to friends or at very low cost and others are extreme at over 500,000\$ to a condo association and a proposal to Nautical Ventures to pay 750,000\$ for the right to continue using docks which have existed for decades.

5) NPBP has not so far attacked the Village which also has waterfront facilities on the Earman River and we do not know what rights NPBP may have to do so and we do not know what it means if NPBP is attacking most of the Earman River front owners but not the Village of NPB.

6) When asked how we, our Board and the Village, can help, we got the sense that the residents and businesses could work together more effectively to fight this threat as a group and more importantly, the Village could take a stand supporting the residents and businesses instead of regarding this problem as a civic matter, not a Village problem.

The Waterways Board was unanimous in its opinion that this threat to our residents and businesses on the Earman River is an unacceptable and immoral situation and that we and the Village should stand up for its citizen residents and businesses and help defend their rights to their long standing and existing use of Earman River frontage. Accordingly the Board made and unanimously approved the following recommendation to the Village Council;

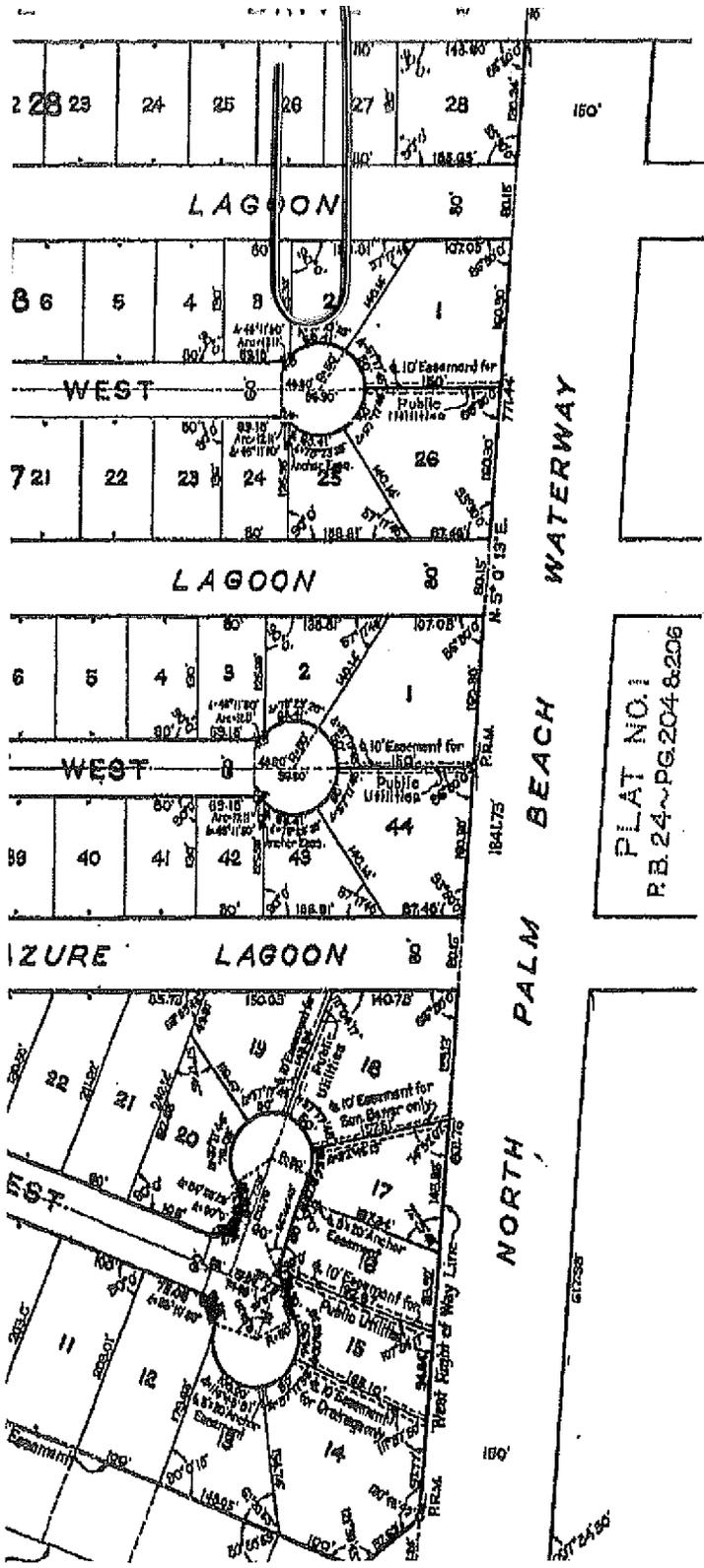
**MOTION: The Waterways Board recommends and urges the Village Council to stand up for and help defend the rights of its Earman River front property owners including:**

- a) immediately hold a workshop meeting to gather more and all relevant information and pursue options for defending the river front owner's rights, and**
- b) be proactive in supporting its residents and businesses and explore all possible legal, (like ways to put a hold/freeze/injunction on all such questionable transfers pending legal process?), code and zoning and other options to resolve this unjust and predatory situation favorably for the river front owners .**

B. EARMAN RIVER CLEAN UP ISSUES: deferred to next meeting

C. ANCHORAGE PARK MARINA UPDATE: Village Manager Andy Lukasik provided a great overview of the status of the work at the Anchorage Park Marina

The meeting was adjourned at 8:00 pm



1. Accepted by the Clerk of the Court  
By \_\_\_\_\_ D. C.

**STATE OF FLORIDA  
COUNTY OF PALM BEACH**

**KNOW ALL MEN BY THESE PRESENTS**, that the undersigned Owners of the tract of land lying and being in Section 17, Township 42 South, Range 43 East, Palm Beach County, Florida, shown hereon as **VILLAGE OF NORTH PALM BEACH, PLAT NO. 2**, and more particularly described as follows, to wit:

Beginning at the Northwest Corner of Village of North Palm Beach, Plat No. 1, said corner being the point of intersection of the north right of way line of Lighthouse Drive and the west right of way line of North Palm Beach Waterway as shown on Sheet No. 8 of said Plat No. 1, according to the plat thereof recorded in Plat Book 24, Pages 202 to 206, inclusive, Public Records of Palm Beach County, Florida, thence N 86° 23' 47" W. along the westerly extension of said north right of way line of Lighthouse Drive, a distance of 894.89 feet to the beginning of a curve concave to the south, having a radius of 1464.43 feet and a central angle of 10° 55' 59", thence continue along the arc of said curve, a distance of 278.59 feet to the end of said curve and the beginning of a curve concave to the north, having a radius of 1238.43 feet and a central angle of 10° 55' 59"; thence continue along the arc of said curve, a distance of 235.59 feet to the end of said curve, thence continue N 88° 29' 47" W. along the tangent to said curve, a distance of 178.26 feet, more or less, to a point in the north-south Quarter Section Line of said Section 17; thence S 1° 31' 50" W. along said Quarter Section Line, a distance of 122.15 feet, more or less, to the center line of the right of way of Canal C-17 of the Central and Southern Florida Flood Control District as said right of way is described in Easement Deeds recorded in Deed Books 1156 and 1163 at Pages 188 and 204, respectively, Public Records of Palm Beach County, Florida, thence S 67° 25' 17" E. along said center line, a distance of 1677.82 feet, more or less, to a point in said west right of way line of North Palm Beach Waterway; thence N 5° 0' 13" E. along said west right of way line, a distance of 1841.78 feet, more or less, to the point of beginning. Subject to existing easements of record and to the existing right of way of Prosperity Farms Road.

The Bearings in the above described property refer to the standard plane rectangular coordinate system for the East Zone of Florida.

have caused the same to be surveyed and platted as shown hereon, and do hereby dedicate all the Drives, Roads and other rights of way shown hereon to the perpetual use of the public for public road and street purposes and other purposes incidental thereto, and the use of the easements for the construction and maintenance of Public Utilities.

The undersigned Owners do hereby dedicate the Lagoons shown hereon to the Village of North Palm Beach, subject to the terms and conditions stated in the Offer to Dedicate Canals recorded in Official Record Book 6, Page 393, Public Records of Palm Beach County, Florida.

**IN WITNESS WHEREOF**, the undersigned Owners have caused these presents to be executed this 11th day of June, A.D. 1957.

**VIRGINIA GRAYLIN**, a single person, **BUNKER RANCH HOMES, INC.**, **GOLFVIEW HEIGHTS, INC.**, **BELVEDERE HOMES, INC.**, **BELVEDERE INDUSTRIAL CORP.**, **FOREST HILL HOMES, INC.**, **BELVEDERE HOLDING CORP.**, and **WILLIAM W. BLAKESLEE**, individually and as Trustees, joined by his wife, **ANITA F. BLAKESLEE**, doing business as **NORTHLAKE PROPERTIES**.

By: Richard E. Ross (Seal)  
As Attorney-in-Fact for said Owners

**STATE OF FLORIDA  
COUNTY OF PALM BEACH**

**I HEREBY CERTIFY** that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **RICHARD E. ROSS** as Attorney-in-Fact for **VIRGINIA GRAYLIN**, a single person, **BUNKER RANCH HOMES, INC.**, **GOLFVIEW HEIGHTS, INC.**, **BELVEDERE HOMES, INC.**, **BELVEDERE INDUSTRIAL CORP.**, **FOREST HILL HOMES, INC.**, **BELVEDERE HOLDING CORP.**, and **WILLIAM W. BLAKESLEE**, individually and as Trustees, joined by his wife, **ANITA F. BLAKESLEE**, doing business as **NORTHLAKE PROPERTIES**, to me well known and known to me to be the individual described in, and who executed the foregoing deed, as such Attorney-in-Fact, and acknowledged before me that it was executed freely and voluntarily for the purposes therein expressed.

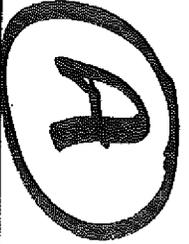
**WITNESS** my hand and official seal of West Palm Beach, County of Palm Beach, and State of Florida, this 11th day of June, A. D. 1957.

Myrtle Yonson  
Notary Public

My Commission expires \_\_\_\_\_ 1959

**BROCKWAY, WEBER & BROCKWAY**  
ENGINEERS

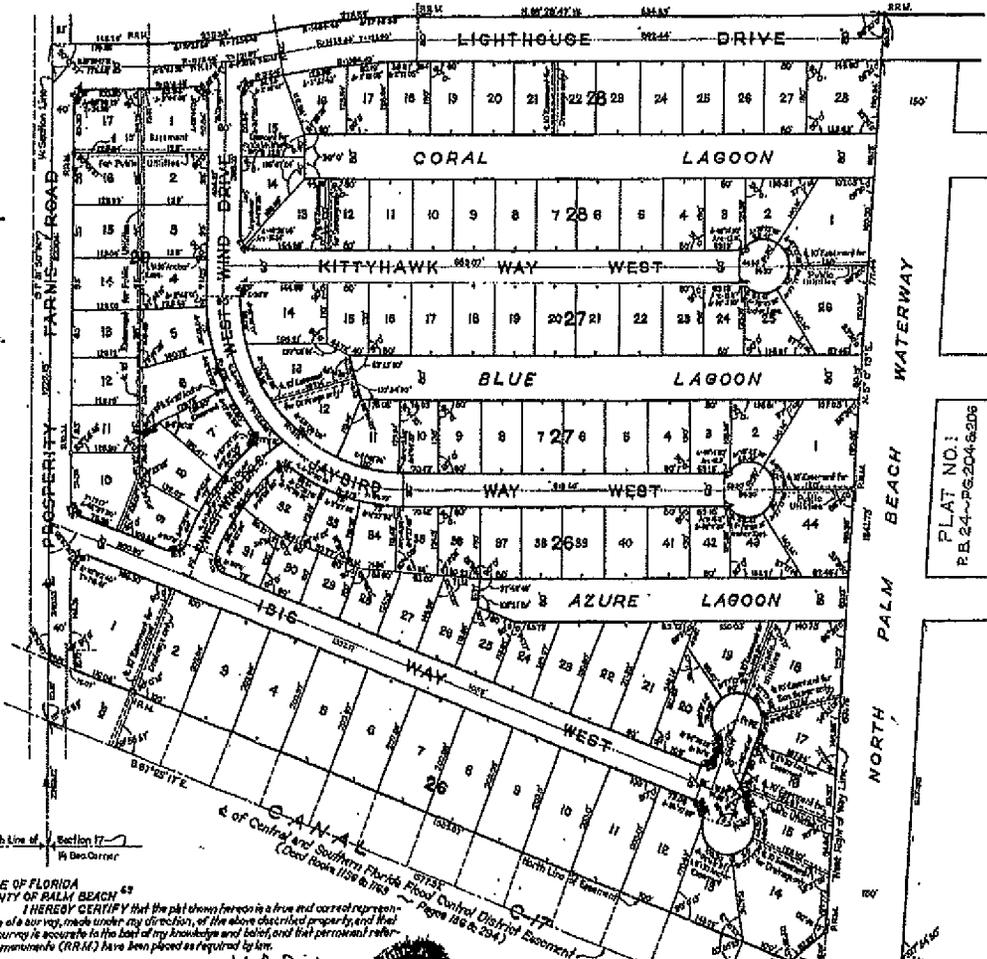
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VILLAGE OF NORTH PALM BEACH PLAT NO. 2 IN SECTION 17, TWP. 42 S., R9E. 43 E. PALM BEACH COUNTY, FLORIDA

NOT PLATTED

STATE OF FLORIDA COUNTY OF PALM BEACH



STATE OF FLORIDA COUNTY OF PALM BEACH KNOW ALL MEN BY THESE PRESENTS, that the undersigned Owners of the tract of land lying and being in Section 17, Township 42 South, Range 43 East, Palm Beach County, Florida, shown hereon as VILLAGE OF NORTH PALM BEACH, PLAT NO. 2, and more particularly described as follows, to-wit:

Beginning at the Northwest Corner of Village of North Palm Beach, Plat No. 1, said corner being the point of intersection of the north right of way line of Lighthouse Drive and the west right of way line of North Palm Beach Waterway as shown on Sheet No. 6 of said Plat No. 1, according to the plat thereof recorded in Plat Book 202, Page 202 to 208, inclusive, Public Records at Palm Beach County, Florida, thence N 88° 29' 47" W. Along the westerly extension of said north right of way line of Lighthouse Drive, a distance of 159.63 feet to the beginning of a curve concave to the south, having a radius of 184.46 feet and a central angle of 105° 03' 03", thence continue along the arc of said curve, a distance of 278.33 feet to the end of said curve and the beginning of a curve concave to the north, having a radius of 413.43 feet and a central angle of 105° 33' 10" (these curves being the two arcs of said curve a distance of 233.58 feet in the end of said curve, thence continue N 88° 29' 47" W. along the tangent to said curve, a distance of 178.28 feet, more or less, to a point in the north-south Quarter Section Line of said Section 17, thence S 1° 31' 57" W. along said Quarter Section Line, a distance of 232.30 feet, more or less, to the other line of the right of way of Canal C-17 of the Central and Southern Florida Flood Control District, as said right of way is described in Easement Deeds recorded in Deed Books 194 and 163 of Pages 158 and 159, respectively, Public Records at Palm Beach County, Florida, thence S 97° 45' 17" E. along said other line, a distance of 187.42 feet, more or less, to a point in said west right of way line, a distance of 184.78 feet, more or less, to the point of beginning, subject to existing easements of record and to the existing right of way of Prosperity Farms Road.

The Burden in the above described property refer to the standard plane rectangular coordinate system for the East Zone of Florida. The same to be surveyed and platted as shown hereon, and observe by checks of the Drive, Easement and other rights in any manner to the satisfaction of the public, for public road and street purposes and other purposes incidental thereto, and the use of the easements for the construction and maintenance of Public Utilities. The undersigned Owners do hereby dedicate the Lagoons shown hereon to the Village of North Palm Beach subject to the terms and conditions stated in the Offer to Dedicate Curbs recorded in Official Record Book 4, Page 454, Public Records of Palm Beach County, Florida. IN WITNESS WHEREOF, the undersigned Owners have caused these presents to be executed this 11th day of June, A. D. 1957.

VIRGINIA BRAVILIN, a single person, BUNKER RANCH HOMES, INC. COLYVIA HEIGHTS, INC., BELVEDERE HOMES, INC., BELVEDERE INDUSTRIAL CORP., FOREST HILL HOMES, INC., BELVEDERE HOLDING CORP., and WILLIAM W. BLAKESLEE, individually and as Trustee, joined by his wife, ANITA P. BLAKESLEE, doing business as NORTHLAKE PROPERTIES, its sole business as NORTHLAKE PROPERTIES.

By: [Signature] As Attorney-in-Fact for said Owners (Cont)

STATE OF FLORIDA COUNTY OF PALM BEACH I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, RICHARD E. ROSS as Attorney-in-Fact for VIRGINIA BRAVILIN, a single person, BUNKER RANCH HOMES, INC., COLYVIA HEIGHTS, INC., BELVEDERE HOMES, INC., BELVEDERE INDUSTRIAL CORP., FOREST HILL HOMES, INC., BELVEDERE HOLDING CORP., and WILLIAM W. BLAKESLEE, individually and as Trustee, joined by his wife, ANITA P. BLAKESLEE, doing business as NORTHLAKE PROPERTIES, its sole business as NORTHLAKE PROPERTIES, in one well known and known to me to be the individual described in, and who executed the foregoing deed, as each Attorney-in-Fact, and acknowledged before me that it was executed freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal of said Palm Beach County, Florida, and State of Florida, this 11th day of June, A. D. 1957. [Signature] Notary Public

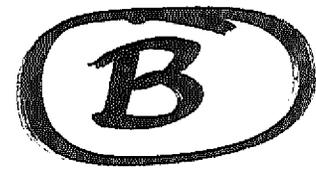
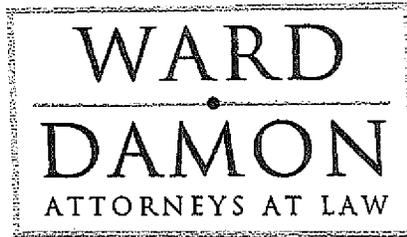
STATE OF FLORIDA COUNTY OF PALM BEACH I HEREBY CERTIFY that the plat shown hereon is a true and correct representation of a survey made under my direction, of the above described property, and that said survey is accurate to the best of my knowledge and belief, and that permanent reference monuments (RRM's) have been placed as required by law.

Subscribed and sworn to before me this 11th day of June, A. D. 1957. [Signature] Notary Public

Approved: June 11th, A. D. 1957 Village of North Palm Beach [Signature] Village Manager [Signature] Village Clerk

Professional seal and stamp for BROCKWAY, WEBER & BROCKWAY ENGINEERS WEST PALM BEACH, FLORIDA. VILLAGE OF NORTH PALM BEACH PLAT NO. 2. SCALE: 1" = 100'. DATE: MAY, 1957.





*4420 Beacon Circle  
West Palm Beach, Florida 33407  
Tel: (561) 842-3000/Fax: (561) 842-3626*

*Philip H. Ward, III*  
[pward@warddamon.com](mailto:pward@warddamon.com)

May 24, 2018

Mr. and Mrs. Ronald K. Lantz  
720 Ibis Way  
North Palm Beach, FL 33408

Re: Waterfront Property

Dear Mr. and Mrs. Lantz:

We represent North Palm Beach Properties, Inc. ("NPB Properties"), owner of the C-17 Canal next to your property. We have been directed to advise you that NPB Properties is prepared to sell to you the C-17 Canal property adjacent to your property. As waterfront property with access to the Intracoastal Waterway, the sale would substantially increase the value of your property.

NPB Properties, along with its affiliates (collectively "NPB Properties"), developed the Village of North Palm Beach and the Town of Lake Park beginning in the late 1950's. NPB Properties caused the property on the north and south of the C-17 Canal to be sub-divided and platted in recorded plats referred to as Village of North Palm Beach Plats 1 through 5. Your property is within the plat known as Village of North Palm Beach Plat #2. NPB Properties developed and sold the lots within these plats but retained ownership of the C-17 Canal. Because NPB Properties retained ownership of the C-17 Canal, most properties along the C-17 Canal do not own water frontage along the C-17 Canal. Some owners have built docks and other improvements within the C-17 Canal property, but the fact is that they do not own this property, nor do they have any right to build within this property.

NPB Properties was originally controlled by John Schwencke. His son, Kim Schwencke, now controls NPB Properties. Mr. Schwencke has decided that it is time to sell the C-17 Canal. He believes that the owners of the lots along the C-17 Canal should be offered the opportunity to buy the water frontage. He has authorized this office to notify owners of property such as yours, the opportunity to own the waterfront land next to their properties.



Offers have already been made to some property owners along the C-17 Canal. Some of those owners have eagerly accepted the opportunity to increase the value of their home by purchasing the waterfront property. These owners now have the legal right to access the water and the waterway. However, in other cases, the land owners who have been using the C-17 Canal property as their own, without ownership, have elected to fight NPB Properties in court. This is expensive for the land owners as well as NPB Properties, but NPB Properties is prepared to protect its ownership rights and will add whatever legal expenses they incur to the price of the land.

Consistent with the foregoing, please note that we recently secured a judgement against Paradise Villas Condominium Association, for property along the C-17 Canal, east of US Highway One. Thirty-eight boat slips were built within the C-17 Canal by the Condominium. The judgement confirms:

1. NPB Properties owns the submerged land within the C-17 Canal next to the Paradise Villas Condominium Association;
2. Paradise Villas Condominium Association has no rights to the C-17 Canal, by adverse possession, prescriptive easement, or otherwise.

Now that the judgment has confirmed ownership of the C-17 Canal by NPB Properties, NPB Properties has agreed to sell the thirty-eight boat slips within the C-17 Canal to the unit owners.

We have carefully documented NPB Properties' ownership of the C-17 Canal. Evidence of that ownership is available on the Palm Beach County Appraiser's web site. The web site shows NPB Properties as the owner of the C-17 Canal. Attached is a map from the web site showing your property in red, and the C-17 Canal outside of your property line. Separately, I have attached the Appraiser's map of C-17 Canal outlined in red. You will note that the ownership is in the name of North Palm Beach Properties, Inc.

As mentioned above, NPB Properties is prepared to sell C-17 Canal parcels to owners along the C-17 Canal. A survey of the parcel which NPB Properties is prepared to sell to you is enclosed. NPB Properties is willing to sell this parcel to you for a purchase price of \$40,000, plus closing costs. NPB Properties believes that this price is a bargain since you will now own waterfront property and have legal rights to access the private waterway. Without the land, you have no right to enter NPB Properties' land, access the water, or use the submerged land within C-17 Canal.

Please note that this offer is part of a plan by NPB Properties to sell all its land within the C-17 Canal extending from Prosperity Farms Road to the Intracoastal. We will be conducting closings on these properties as quickly as we can.

Should you choose not to take advantage of this offer, NPB Properties will be forced to prohibit any further use of its property by you. NPB Properties can not be liable for injuries or losses within the property. Therefore, to the extent that you are currently using any portion of the C-17 Canal, or to the extent that you have improvements within the C-17 Canal, this letter shall

Mr. and Mrs. Ronald K. Lantz  
May 24, 2017  
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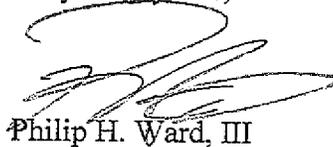
**B**  
Threat to  
sell to  
others  
blocking  
access to  
canal

constitute a Notice of Trespass and withdrawal of any prior consent to your use of lands within the C-17 Canal. You are advised to remain off our client's property and to remove any of your property from the C-17 Canal. In addition, NPB Properties may offer the property to other owners along the canal. Of course, should you accept the offer, no action will be taken, and we will simply proceed to a closing.

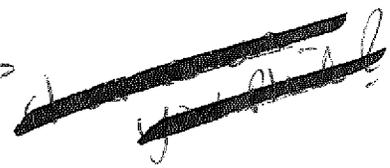
If you have an attorney, please feel free to have him or her contact me with regard to NPB Properties, the ownership of the C-17 Canal, and the proposed conveyance to you. If you are willing to accept the offer contained in this letter, please contact Richard Raymond of Trex Management, the property manager, at 561-632-6089 to execute a Sale and Purchase Agreement for this property.

Should you have any questions, please feel free to contact me.

Very truly yours,



Philip H. Ward, III



Enc.

cc: North Palm Beach Properties, Inc.

# ATTENDEES



	<u>name</u>	<u>contact</u>
1)	Karen Marcus	KarenMarcus@gmail.com
2)	Sandi Berkenfeld	sandiberkenfeld@gmail.com SANDI AS ABOVE
3)	Nelson Parrish	
4	Ed Garcia	GARCIA-ED@BELLSOUTH.NET
5	Danny Aubry	
6	Boone Strubling	BSTRIBLING@JOHNSOUTH.COM
7	Gibby Whetstone	GIBBYWHETSTONE@YAHOO.COM
8	Stuart Brazier	STUARTBRAZIER@YAHOO.COM
9	Tom Lundeen	
10.	Andrew Braumann	HUNDEEN27@YAHOO.COM ABRAUMANN@LLW-LAW.COM
11.	Carter Graham	Carter@Shorelinefg.net
12.	Tom Bell	561-612-7076 Tom@Nauticalventures.com
13	Tina Lantz	561 389 3781 tantztitle@yahoo.com
14	Ron Lantz	561 906 6321
15.	Jack Devanny	772-530-1553
16.	Joe + Debbie Willis	361-622-0391
17.	Guillermo Gonzalez	561-601-7006 728 Ibis Way
18.	Bill + Suzanne Neville	561-626-0291 716 Ibis Way
19.	James Hassell	
20.	Ed L. Preti	561-842-4936
21	Kyle Knoth	561-282-8860 752 Ibis Way " 385-6955 Hummingbird Way
22	Nancy Knoth	561-255-8044