

PH-3

08-27-19

(GONZALEZ)

Presented by. David Gonzalez 8-27-19

The statements made by Ron Shumaker and the Palm City Trail association that reference the 13 square miles effecting our specific area more importantly the five- and ten-acre parcels originate with decisions made in 1916 some 100 plus years ago. The drainage ditches that now in this conversation are referred to as hiking biking and horseback riding trails were formed in 1919. These drainage ditches, not hiking, biking or horseback riding trails were created to manage water flow in what was essentially a swamp. As I understand some parcels include certain Right of ways that may only lead to more roads in the future and the exact opposite of what this organization claims they are trying to achieve. The association also presents examples of new trails in communities like canopy creek and the one being proposed on the Winemiller Farms property to further make their argument. As beautiful as these trails may seem to some they are part of the concession, negotiations between developers and our elected officials. A perimeter trail around a high-density community is very different than cutting through five- and ten-acre parcels that were established a hundred years ago. Who gave the palm city trail association ultimate power to represent our community in this decision-making process?

If the true motivation of the trail association is to preserve the western corridor for the equestrian community their time might be better spent guarding these 5 acre moratoriums that are now under attack by developers more than ever.

There are already dozens of amazing county parks to ride your horse in which equate to thousands of acres supported mostly by the tax dollars of non-horse-riding citizens. These are truly amazing places that offer trail riders a unique Florida experience. Riding the fence lines of

property owners is not only invasive but flat out dangerous. Leaving home owners to deal with the consequences. You may open a few drainage ditches and call them horse trails now but when something catastrophic happens and it will when horses are involved watch how fast these government easements get closed to horse traffic.

If the county is in fact interested in the possibilities of improving these easements for their intended use, then I believe this entire conversation needs to be presented to all the residence of palm city. Developing a fair and balance solution has to involve everyone impacted not just one small non-profit organization who's mission may be a wolf in sheep's clothing.

The state has been surveying the agriculture designations of Palm City very carefully in recent years and I know this first hand. The equestrian designation in their survey wasn't even considered until I personally challenged these auditors to include it. How many of you horse loving residence are aware of this and what's actually going on! Before you open pandoras box be really sure you understand what's truly at stake here. Is this a trail riding association or a land clearing scheme paving the way to urban sprawl using the unsuspecting to achieve its goal? I ask this commission to table any and all decisions here today that set precedence for the rest of us until the majority's voice can be heard. I also ask that if this commission seeks to pursue these land areas, they allow residents reasonable time to organize and examine other alternatives to finding common ground for improving these drainage ditches, acquiring certain slivers of land and work together to preserve what makes Palm City Great. Many things will change in the years to come our approach to solving problems shouldn't! that's what makes Martin County Great!

08-27-19

PH-3

(RAYSIDE)

Commissioners;

Good Morning, my name is Charles Rayside. As County Commissioners, I know you care about Martin County. My family has been Martin County residents since the late 1800's. J. J. Pitchford & Blount Pitchford, my pioneer relatives, served on the St. Lucie County Commission prior to the formation of Martin County in 1925. Later J.J. Pitchford, my great-grandfather served as the first Mayor of Jensen Beach. The decisions made by our Commissioners are important to every newcomer, visitor and resident. Change is inevitable but our responsibility, as stewards of the land, is planning and controlled growth. That's why the architects of the rights-of-way grid in Palm City Farms set aside public access land for outdoor activities, travel between farms and to ensure common green space in this rural community.

Some of these right-of ways have laid dormant, but the original decision was made to benefit the residents and visitors to our county on a long-term basis. This ordinance will provide a vehicle to remove county-wide obstructions that prevent use of public land. This is a vital part of a well-planned county that you, as commissions, manage.

At the August 13th meeting there was some opposition to this ordinance fearing the destruction of their way of life. That seemed a bit dramatic when you consider only offenders who have taken, blocked or otherwise used public property for personal use qualify. One even called the Palm City Farms Trail Association a terrorist group. I am one of the members and know many of the others, it's sad that they resorted to name calling to try and stop a good ordinance. Nobody wants "their" land or to destroy their business; we simply want to use land that was deeded to public use years ago. Ignoring this would set a huge precedent effecting the county's many public right-of-ways & jeopardize the boards public responsibility to its residents. They also said "Thousands" of residents would be affected. Commissioner Ciampi is closely involved in this and knows it's more like 10 areas with mostly simple solutions and a few that will require more thought. There is no chance of this happening until they are forced to address the issue. The majority are good folks and will understand

once talks begin. Only a few are considered blatant offenders that will require the heavier mussel contained in this ordinance. Commissioner Ciampi can attest to the peaceful resolutions to these problems once both parties meet. Naked Lady Ranch was a very successful negotiation that he knows well. His hard work led to the re-opening of the Boat Ramp Trail. Many residents enjoy it's use without any negative consequences.

Opening these right-of-ways has very little, and often zero effect on the adjacent landowner. Both sides of this issue want to preserve this country way-of-life. These illegal blockages hinder the outdoor enthusiast from using these public lands. Palm City Farms Trail Association has always taken and only asks for legal solutions. Those blocking or taking public land have resorted to illegal methods. The lack of this ordinance allows them to unfairly stonewall any attempts to resolve these issues.

A "Yes" vote is warranted & will give the county the vehicle that forces all parties to resolve these issues.

Please, vote yes to this Obstruction Removal Ordinance.

08-27-19

PH-3

(RAYSIDE)

Obstruction Removal Ordinance



Charles C. Rayside

To eciampi@martin.fl.us; hjenkins@martin.fl.us; sheard@martin.fl.us; dsmith@martin.fl.us; shetherington@martin.fl.us

You forwarded this message on 8/25/2019 12:41 PM.

Commissioners;

Thank you in advance for taking the time to read this request that affects all of Martin County. I want to share something that you will appreciate because one thing I know, as County Commissioners, you care about Martin County. So, do I. My pioneer family has been Martin County residents since before Martin County was formed in 1925. J. J. Pitchford & Blount Pitchford, my pioneer relatives, served on the St. Lucie County Commission prior to the formation of Martin County. Later J.J. Pitchford, my great-grandfather served as the first Mayor of Jensen Beach. The decisions made by our County Commission are important to me, but they are also important to every newcomer and resident of the county. Change is inevitable but our responsibility, as stewards of the land, that passes from generation, is planning and controlled growth. That's why the architects of the rights-of-way grid in Palm City Farms set aside public access land for outdoor activities, travel between farms and to ensure common green space in this rural community.

Some of these right-of ways have laid dormant and some were kept open, but in either circumstance, the original decision was made to benefit the residents and visitors to our county on a long-term basis. I'm asking you to vote yes to this ordinance because any right-of-way or deed without a course of action to resolve obstructions is useless. This ordinance will provide a vehicle to remove county-wide obstructions that prevent the public from having access to public land. This a vital step to a well-planned county that you, as county commissions, have been given the responsibility to provide for Martin County.

At the August 13th meeting there was some opposition to this ordinance fearing the destruction of their way of life, destruction of their business & the counties ability to attack them. That seemed a bit over the top considering this ordinance only kicks in if you have taken, blocked or otherwise used public property for your personal use. One even called the PCFTA a terrorist group with terrorist members. I am one of the members and know many of the others, it's sad that this name calling can be allowed against everyday hard-working people simply to prevail in this action. Nobody wants "their" land, nobody wants to destroy their business, we (all residents, PCFTA members or not) simply want access to land that was deeded to be public use years ago. Ignoring this would set a huge precedent for the people throughout the county to ignore right-of-ways. Seems it would jeopardize the county's public responsibility to its residents as well. They also mentioned in the meeting how "Thousands" of residents would be affected, damaged and otherwise hurt by this ordinance. Commissioner Ciampi has been closely involved in this and knows it's more like 10-15 areas with mostly simple solutions and a few that will require more work or ideas. There is no chance of this happening until they are forced to address the issue. The majority are good folks and will understand once talks begin and only a few are considered blatant offenders that will require the heavier mussel contained in this ordinance. Commissioner Ciampi can attest to the peaceful resolutions to these problems once both parties meet to discuss what is really being asked of them. Naked Lady Ranch was a very successful negotiation that Commissioner Ciampi has intimate knowledge of the process. His hard work led to the Boat Ramp Trail (as it is called) being opened and it is still open today. Many residents enjoy it's use without any negative consequences to Naked Lady Ranch.

Opening these passages has very little and often zero effect on the adjacent landowner. As much as they(offenders) want to preserve their way of life they bought when moving to Palm City Farms, so do those that want the legal Right-Of-Ways available to them. These illegal blockages take a part of the way of life that

outdoor enthusiast knew they had coming when they purchased their land. In the case of PCFTA they have always taken the legal road and only asked for legal solutions. I as an individual have kept up my end by only legally pursuing that way of life. Those blocking or taking land have resorted to illegal methods to enhance their way of life and take unfair advantage of the lack of this ordinance to stonewall any resolution to the illegal taking of public lands. It's seems it's an easy "Yes" vote to simply approve the ordinance that can become the vehicle that forces all parties to resolve these issues.

Please vote yes to this Obstruction Removal Ordinance.

Thanks,

Charles Rayside

President

Charles Rayside | Rayside Truck & Trailer, Inc.

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Hi, my name is Mr. David Goodfriend. For over 30 years, my family has owned approximately 1000 acres of land in Palm City Farms operating in both cattle breeding and berry harvesting.

About 2 weeks ago, I was informed by my neighbors about this Proposed Martin County Ordinance.

The Proposed Ordinance regarding Palm City in Martin County will have a significant harmful impact and result in many unintended negative consequences to thousands of acres of land owned by residents in the County.

Such Ordinance will cause direct harm to our family's 30 year old farm's ability to operate, as well as causing us to personally bear significant financial expenses to attempt to comply with such Ordinance that may cause our family's farm to be shut down.

This Proposed Ordinance was drafted with outside input only from the Horse Trail Association representatives.

No public notice was made to give us a fair opportunity to participate in the process of developing a reasonable Ordinance Solution, and a final draft of the Ordinance was only provided to us late last week.

In fact, this Ordinance does not have any input from our side of the table, specifically, the homeowners, farm owners and business owners of Palm City directly impacted and harmed by such Ordinance.

Furthermore, some recent Florida case law with respect to Plat Dedications such as ours established that such rights granted are less than Fee Simple and quite limited.

It is interesting to note that the source for much of this controversy is a 100 year old Palm City Farms' one paragraph Dedication that contains only limited rights for future potential development of Public Highways or Utilities. There is no express written mention whatsoever of Horses or Horse Trails, and the Martin County Court has recently granted us a favorable summary judgment motion confirming this issue.

Since there is no present indication by Martin County to develop ^{all of Right of Ways for} ~~the~~ Public Highways or Utilities, this Ordinance will have the effect to create horse trails throughout all of Martin County across hundreds of miles of unimproved unregulated paper right of ways that were based only upon a limited grant intended for future public highways and/or utilities.

Since a Martin County Court has already determined that No Express Rights for horses or horse trails exists, I can't understand why it would be reasonable to pass an Ordinance giving county wide free of charge and regulation priority to recreational pursuits of a couple of people who want to ride horses across the entire Palm City Plat without restriction, and basically superseding the highest level Fee Simple property rights of thousands of the Actual Landowners existing for decades.

Lastly, the Ordinance fails to address, liability for injuries, monitoring use and maintenance, Restriction of ATVs and dirtbikes, and actual costs and impacts to the landowners and the County.

In any event, YES, we do want the County to regulate, and we do want to be a part of such process, but we don't want it done in a rushed fashion without any consideration for the unintended consequences.

Quick is good, but right is better. Let's get the regulation right and sometimes it takes time to get it right!

Thus, I am requesting a delay on any vote on the Proposed Ordinance because there is no reason to rush this through now.

I believe that a further study is necessary to determine the actual negative impacts to existing homes, property, farms, businesses and unintended consequences across the Martin County.

Despite such material county wide detrimental impact, should the commissioners decide to vote on the Ordinance as it is currently written, then I am requesting that all commissioners vote NO as it will cause significant financial and personal harm to the quiet use and enjoyment of the land owned by residents in Palm City.

Thank you for your consideration of my opinion.

PH-3
(GOODFRIEND)
08-27-19

08-27-19

PH-3

(CAMPBELL/SCHMIDT)

8/27/2019

Good morning commissioners and guests,

As many of you know, my name is John Campbell and I own and operate one of the older horse farms in Martin county, Just- Enuf-Acres, for 44 years. We, and 7 of my neighbors have been involved in a lawsuit which concerns the very subject on your agenda.....quite a coincidence don't you think? The two articles we are most concerned about are Article2, section 155.38 which states all public ROW.s are to be considered an "open" road, and article 3, section 155.62a which states no person shall obstruct a ROW".....these are the very subjects about which we are being sued.

There are already ordinances on the books ~~that~~ that address these subjects.....~~these ordinances~~ ~~they already exist in some form~~, as the county already has the right to control these right of ways.....it doesn't need these "draconian" measures to do so, which favor only the trail riders group. and will negatively affect a great number of land owners.

Since most people in Palm City farms have shared fences, there is often one fence down the center of a ROW. This change in ordinance would require thousands of feet of fence to be replaced at costs exceeding ~~100's~~ of thousands of dollars for anyone with ROW's on their property.....anywhere in MARTIN COUNTY! A great number of people have already moved fences and paid the price after being forced, by threat of lawsuit, to capitulate and allow passage on their properties. Several people have sold businesses and properties and have left Palm City due to this harassment. Is this how we want to live? This is "horse pucky"!

We are horse people, and are not against a properly constructed and county controlled horse trail system that does not bisect businesses, or invade privacy, ~~like~~ riding right next to my neighbors home who is 90 years old, and very worried about this intrusion on her privacy and her security! We feel it is the county's duty to regulate a trail system, to conduct a study to determine how best to do it.....to look at how the state does it with the "Florida Greenways and Trail Act", among others.

We need a "COMMON SENSE" approach, not a bullying and "lawsuit threat" approach to resolve this problem. All my neighbors have either horses or livestock or both, and work very hard protecting their "little piece of paradise" and their peace and quiet of the country. ~~We live in the country for a reason.~~

This brings up a final point, and that is how are these trails are to be regulated. People not only have horses, but also motorcycles and ATV's (including myself) and like to ride trails as well...horses and motor vehicles don't mix, but both are ridden by the "public", and if one gets the right, won't the other sue for their rights? Other considerations to be investigated are liability....whose liable? Health issues,... horses can spread disease ~~by passing~~, Fire and ambulance considerations..., security issues for property and person.....and rules and regulations for use.....this cannot be a simple free -for- all as it has been. Let's take our time and do it right!!

Please quit "horsing around" and stand down on these regulations.....thank you for your time and consideration.

PM PUBLIC
(PH-3)
(SHEWMAKER)

If allowed to speak I will say thank you commissioners for at least hearing the debate about your ordinance to help with obstruction removal from the right of ways of Palm City Farms.

I will not repeat any of that agenda items. But would like to refer you to an ordinance on the record that I had input into in 2008.

Ordinance 791:

2. It shall be unlawful for anyone to open a road in the unincorporated portion of Martin County without having obtained a permit therefore in accordance with this Article. This provision shall not affect the lawful use of any platted, unopened road right-of-way.

AS you can see the words "shall not affect the lawful use of any platted unopened road right of way" seemed pertinent. Your problem is that you do not have an easy way to correct a problem of people ignoring your nice friendly letters requesting removal of obstructions. Your recourse is by indictment and you choose not to go there!

FILED FOR RECORD
COMMISSION RECORDS
MARTIN COUNTY, FL
Date 8/27/19 Time _____
CAROLYN TIMMANN
CLERK OF CIRCUIT COURT
By MS D.C.

Ordinance 791:

2. It shall be unlawful for anyone to open a road in the unincorporated portion of Martin County without having obtained a permit therefore in accordance with this Article. This provision shall not affect the lawful use of any platted, unopened road right-of-way.

What are the lawful and unlawful uses?

1. Lawful

- a. Walk on the ROW?
- b. Bicycle on the ROW?
- c. Ride a horse on the ROW?
- d. Drive a vehicle on the ROW?
- e. Access a property not in the plat?
- f. Access a property in the plat?
- g.

2. Unlawful

- a. Take for personal use?
- b. Use equipment to disturb the ROW?
- c. Dig a ditch in the ROW?
- d. Take fill from the ROW?
- e. Install a culvert for a driveway?
- f.