

LAW OFFICES
ALLEY, MAASS, ROGERS & LINDSAY, P.A.

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PALM BEACH, FLORIDA 33480-0431

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LOUIS L. HAMBY III
ROBB R. MAASS
M. TIMOTHY HANLON
WARREN D. HAYES, SR.
STUART J. HAFT
CAROL S. WAXLER
CATHERINE KENT
BRUCE A. McALLISTER
DAVID R. MAASS
CHRISTINE BIALCZAK
WARREN D. HAYES, JR.
NICOLE K. MAASS
LAURA B. KNOLL

RAYMOND C. ALLEY (1893-1975)
HAROLD G. MAASS (1923-2006)
DOYLE ROGERS (1928-2016)
KAREN S. MARX (1964-1994)

1331 SE OCEAN BOULEVARD
STUART, FLORIDA 34996
P (772) 287-4404
F (772) 287-4044

August 8, 2019

Mayor and Members of Town Council
Town Hall
360 S. County Road
Palm Beach, FL33480

Re: July 2, 2019 Administrative Appeal filed by Amanda Hand
Town of Palm Beach Code Enforcement Case #CE 19-365

Dear Madam Mayor and Council Members:

This firm represents John and Margaret Thornton, who own and permanently reside in the single family residence located at 1236 S. Ocean Blvd.

This letter is in response to Amanda Hand's letter to Josh Martin and Paul Castro dated July 2, 2019 regarding the above-referenced matter (the "July 2 Appeal"). In the July 2 Appeal, Ms. Hand challenged Officer John Moriarty's administrative decision to dismiss Code Enforcement Case #19-365 ("Case 365").

Case 365 was based upon a wall constructed by Mr. and Mrs. Thornton in the southwestern corner of their property, which is an area completely separated and shielded from the Appellant's property due to both distance and lush landscaping. The wall is more than 450 feet from the Jacobs residence located at 100 Emerald Beach Way and is also nowhere near the tennis court installed by the Thorntons. The wall was staff-approved by ARCOM on July 14, 2017 and properly permitted by the Town. A copy of the ARCOM staff approval and the building permit are attached hereto as Exhibits "A" and "B."

The history of the wall is also significant because the concrete pad next to the wall was originally used as a refuse area by the Thorntons. At the request of Roger Bollier of the Town of Palm Beach, the Thorntons moved the refuse area further away from S. Ocean Blvd. to enhance the safety of the Town's employees. The move left an empty concrete slab, which was not attractive. To beautify it and to make it useful, the Thorntons transformed it into a workout area for their family, and it is now used for fitness and agility drills for high performance athletes (which

are best performed on a hard surface). Because their contractor had paint remaining from the one tennis court installed on the other end of their property, they had the slab and wall painted green.

In connection with the issuance of a building permit for the wall, the Town advised the Thorntons that the wall could not be used as a tennis backboard or tennis rebound wall without first obtaining a special exception. The ARCOM staff approval also included similar language. The Thorntons confirmed that they would not use the wall as either a tennis backboard or a tennis rebound wall and reduced the height from 14 feet to 12 feet. Subsequently, the building permit was issued.

On March 25, 2019, Ms. Hand, on behalf of the owners of 100 Emerald Beach Way, filed a complaint with the Town objecting to the construction of the wall without first obtaining a special exception from the Town. The objection contained no testimonial or other evidence that the wall had ever been used as a ball backboard or return wall or as Ms. Hand refers to it – a “hitting wall.”

Ms. Hand’s July 2 Appeal is based only upon the appearance of the wall and perceived confusion by Town officials in their investigation of her claim. In her July 2 Appeal, she noted that on May 24, 2019, Code Enforcement Officer Carla Marcote advised Ms. Hand that Case No. 365 had been closed. After additional emails were sent by Ms. Hand to the Town further alleging that the wall was a “hitting wall,” the case was reopened for further investigation. It is noteworthy, again, that Ms. Hand’s additional emails similarly made no references to any use of the wall by the Thorntons or anyone else as a “hitting wall” and again contained no reference to witnesses or evidence of any kind regarding use as a “hitting wall.”

The Town investigated further and found no evidence that the wall was or ever has been used as a ball backboard, rebound wall or a “hitting wall.”

Also, notably, in Ms. Hand’s actual July 2 Appeal, she makes no reference to or allegations of use as a “hitting wall,” and despite including 58 pages of emails and other items the July 2 Appeal contains zero evidence of use as a “hitting wall.” In the multiple pages of emails attached to the July 2 Appeal, you will note that Josh Martin, Paul Castro and John Lindgren all at different times clarify that a special exception would be required only if the wall were being used as a “hitting wall.” The Town was correct, clear and consistent on this issue.

The reason that none of Ms. Hand’s emails or her July 2 Appeal contained any allegations or evidence of use of the wall as a “hitting wall” is simple. Neither the Thorntons nor their guests have ever used the wall as a ball backboard, rebound wall or a “hitting wall.” Attached to this letter as Exhibits “C” and “D” are signed Declarations from Margaret Thornton and Alberto Dumit, who is the property manager for the Thorntons, containing sworn declarations under penalties of perjury that the wall has not been used as a “hitting wall.”

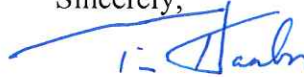
In an effort to confuse the matter and fact finders, Ms. Hand in her July 2 Appeal notes that “Notably absent from the record or any of the many emails on this topic, is what is a concrete wall that is attached to a striped tennis court being used for?????” Ms. Hand knows, however, that for the Town to cite an owner for a code violation and to enforce remedies related to an alleged violation, the Town must prove through testimonial or other evidence that a code violation exists.

In fact, Section 2-431 of the Town Code requires that the citation issued by a code inspector shall contain, among other things, facts constituting reasonable cause. She is relying only on the color of the painted wall but offers no evidence of the prohibited use.

In other words, proof and evidence that the wall has actually been used as a "hitting wall" is required for issuance of a citation and for a finding of a violation by the Code Enforcement Board. In this particular case, there is no evidence of use as a "hitting wall" and there are no facts, witnesses or other evidence constituting reasonable cause. As such, no citation may be issued and the Code Enforcement Case #19-365 was properly dismissed.

As such, we respectfully request that the July 2 Appeal be dismissed with prejudice.

Sincerely,



M. Timothy Hanlon

 **E** MEDICAMENT
D ENCH
G GROUP
 123 Street Lane Apt. 100, N.Y. 10001
 John Doe
 123 Street Lane Apt. 100, N.Y. 10001
 John Doe

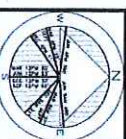
ARCHITECTURAL COMMISSION
REVIEWED BY STAFF
☒ APPROVED ☐ AS MODIFIED
☐ SUBJECT TO: Approval of Board held
cost vol. under outside of
setbacks.
DATE 7/11/77 / s/ C. J. [unclear] H
PROJECTS CODED FOR THE COMMISSION

NOTE: 5 CARDS
BE USED
FOR
ADDITIONAL
QUALITY

Private Residence
1236 South Ocean Boulevard
Palm Beach

| Site Data | | LOS CALCULATIONS | |
|---|------------------------|------------------|-----------------|
| | | REQUIRED | PROVIDED |
| LOT AREA | 10,000 SQ. FT. MINIMUM | | 260,440 SQ. FT. |
| LANDSCAPE OPEN SPACE | MINIMUM 5% | 70 % | 18,232 SQ. FEET |
| NON-LANDSCAPE GREEN | MINIMUM 5% | 60 % | 6,013 SQ. FT. |
| LANDSCAPE | | | 12,179 SQ. FT. |
| ADDITIONAL | | | 5.5% |
| MINIMUM FOR CIRCULATION OR USE OF THE PARKING | MINIMUM 5% | | 14,300 SQ. FT. |

JOB NUMBER: # 17019.00 L
 DRAWN BY: Chaitin P. M.
 DATE: 04.21.2017
 REVISION: 06.16.2017
 06.26.2017



SHEET 11

Site Plan

SCALE IN FEET 0' 30' 60' 90'

P. 50

2017

400 W. 14th St., Suite 100
 Omaha, NE 68102
1-800-432-6770
 Surfing, Fishing and Skiing
 or Vacationing?

South Ocean Boulevard

BASKETBALL HOOP

EXISTING
LANDSCAPE
BUFFER

Ω
Ω
Π

EXISTING
GATE

EXISTING DRIVE

FRONT SETBACK 35' FT.

ADDITIONAL
CONCRETE
5' FT. WIDTH

ADDITIONAL -
CONCRETE
10' FT. WIDTH

EXISTING
CONCRETE

NEW WALL 12' FT.
HT. TO MATCH
EXISTING BUILDING

NEW LANDSCAPING
TO SCREEN WALL

38' FT.
SETBACK

GATE

GATE

GRAVEL

EXISTING
BUILDING

SERVICE

Site Plan

SCALE IN FEET 0' 30' 60' 90'

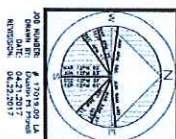
50' 60' 90

Sheet
2 of 3

SHEET 12

Private Residence
1236 South Ocean Boulevard
Palm Beach

F L O R I D A



TOWN OF
PALM BEACH
FLORIDA



▲ **Permits and Inspections: Actions**



Logon



Help



Contact



B-17-66813

08/22/2017

10/04/2017

10/06/2017

05/02/2018

10/29/2018

Type **S-FENCE/WALL/GATE**

Status **final**

Permit Description

Permit Address

1236 S OCEAN BLVD PALM BEACH FL 33480

CONSTRUCT WALL & POUR SLAB AS PER PLAN.

Applicant

PALM BEACH CONTRACTINGS SERVIC Owner N

Owner

THORNTON JOHN L &

Actions

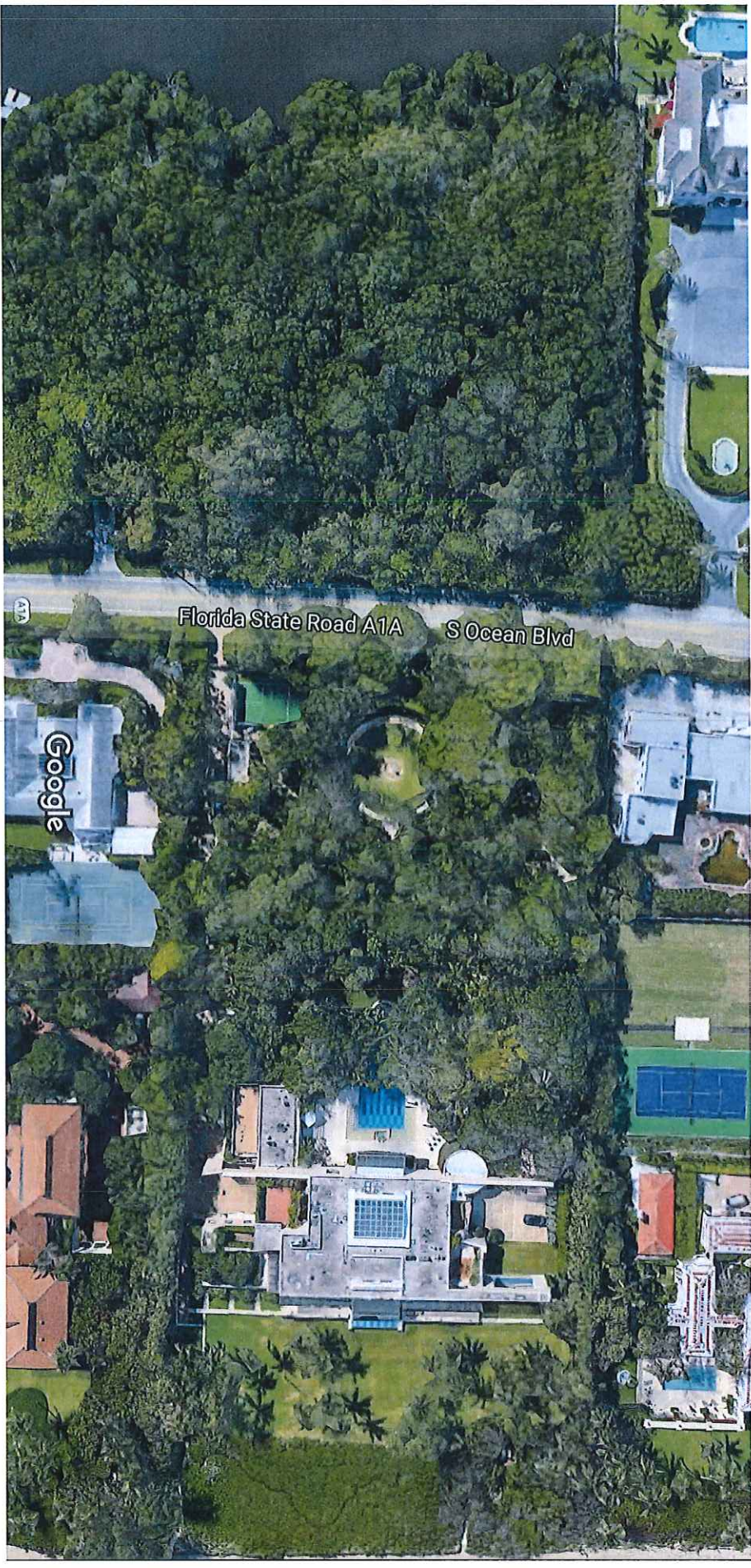
| BB-COUNTER | APPLICATION INTAKE - CONSTRUCTION | jmurphy | | 08/22/2017 | Complete | |
|----------------------|---|-----------|------------|------------|-------------------------|---|
| BB-CASHIER | PAYMENT PROCESSING - INTAKE | jmurphy | | 08/22/2017 | Complete | |
| BD-DEVT REVIEW | PLAN REVIEW - ZONING COMPLIANCE | lelliott | | 08/29/2017 | Reviewed/Endorsed | |
| BA-ARC/LPC | PLAN REVIEW - ARCOM/LPC COMPLIANCE | aquintana | | 09/07/2017 | Reviewed/Endorsed | As per staff approval from 7/4/17. "approval of basketball court w/ walls aoutside of setback. |
| BA-ARCHAEOL | PLAN REVIEW - RESUBMITTAL | aquintana | 09/22/2017 | 09/27/2017 | Reviewed/Endorsed | A phase I archaeological survey from Advanced Archaeology, Inc. dated from September 2017 submitted. |
| BA-ARCHAEOL | PLAN REVIEW - ARCHEOLOGIC SITE COMPLIANCE | aquintana | | 09/07/2017 | Reviewed/Returned | No permit involving any type of earth moving work can be issued without confirmation from an archaeologist that their services have been secured to monitor the earth moving activity. (Town's Code Sec. 18-1020). Please contact John Lindgren at 227-6414. |
| BB-PZB PL REV | PLAN REVIEW - DEP COMPLIANCE | aquintana | | 09/07/2017 | Reviewed/Not Applicable | |
| BU-PW - CONSTRUCTION | PLAN REVIEW - RESUBMITTAL | langley | 10/04/2017 | 10/04/2017 | Reviewed/Endorsed | |
| BU-PW - CONSTRUCTION | PLAN REVIEW - RESUBMITTAL | langley | 09/22/2017 | 09/25/2017 | Reviewed/Returned | Applicant did not properly address the question regarding how much additional Impervious area as a percentage of the total site impervious area. What is the area of new concrete basketball court? How much area will need to be graded out to create this wider court? How is |

| | | | | | | |
|----------------------|--|-----------|------------|------------|-------------------------|--|
| | | | | | | drainage controlled from impacting the abutter to the west? What about erosion control? Revise and resubmit this site plan. The plan scale does not match plan written dimensions. Call Chuck Langley if there are any questions. |
| BU-PW - CONSTRUCTION | PLAN REVIEW - PUBLIC WORKS/SITE WORK | langley | | 09/07/2017 | Reviewed/Returned | Applicant did not provide sufficient information for us to determine whether or not the proposed work trips any stormwater thresholds. See information below. Sec. 86-95. - Threshold requirements. The following projects involving commercial or residential development or redevelopment are considered as having met the threshold requirement: (1) The proposed work exceeds 25 percent of the market value of the property; (2) The proposed work includes the construction of a new swimming pool; (3) The proposed work includes the redevelopment of more than 20 percent of landscaped open space, 20 percent of the impervious area of the site including buildings, patios, etc., or a combination thereof which exceeds 20 percent; (4) The proposed work includes new driveways or parking areas; (5) The proposed work includes replacement or reconstruction of parking areas other than parking areas designed for less than three residential units; or (6) Other development as may be deemed appropriate by the town engineer. Prepare a plan and calculations to quantify the new and redeveloped impervious area as a percentage of the existing total impervious area for staff review. Contact Chuck Langley at 561-227-7042 with any questions. |
| BU-FOREST | PLAN REVIEW - PUBLIC WORKS/SPECIMEN TREE | aquintana | | 10/04/2017 | Reviewed/Not Applicable | |
| BB-PZB PL REV | PLAN REVIEW - CONSTRUCTION WITH PLANS | aquintana | | 10/04/2017 | Reviewed/Endorsed | |
| BB-COUNTER | ISSUE PERMIT | jmurphy | | 10/06/2017 | Issued | |
| BB-INSPECTORS | FINAL, FENCES/WALL | johns | 05/02/2018 | 05/02/2018 | Pass | |
| | GROUND SLAB | johns | | 12/20/2017 | Fail | Need form board survey. |

| | | | | | | |
|---------------|----------------------|------------|------------|------------|---------------------|------------------------------------|
| BB-INSPECTORS | | | | | | |
| BB-INSPECTORS | SITE WALL, FOOTER | johns | 12/20/2017 | 12/20/2017 | Fail | Need formboard survey. |
| BB-INSPECTORS | SITE WALL, COLUMNS | mcrisafull | 11/21/2017 | 11/21/2017 | Fail | REQUEST AM INSPECTION....NOT READY |
| BB-INSPECTORS | SITE WALL, TIE BEAM | mcrisafull | 11/21/2017 | 11/21/2017 | Fail | REQ. AM INSPECTION.... NOT READY |
| BB-INSPECTORS | SITE WALL, FOOTER | johns | 10/27/2017 | 10/27/2017 | Pass | |
| BB-INSPECTORS | SITE WALL, FOOTER | johns | 10/20/2017 | 10/20/2017 | Contractor canceled | |
| BB-INSPECTORS | GROUND SLAB | | | | | |
| BB-INSPECTORS | SITE WALL, COLUMNS | | | | | |
| BB-INSPECTORS | SITE WALL, TIE BEAM | | | | | |
| BB-INSPECTORS | EROSION CONTROL PLAN | | | | | |
| BB-INSPECTORS | FINAL, PUBLIC WORKS | | | | | |
| BB-INSPECTORS | SIGHT TRIANGLE | | | | | |
| BB-INSPECTORS | FINAL, FENCES/WALL | | | | | |
| BB-INSPECTORS | SITE WALL, FOOTER | | | | | |



Illegal Hitting Wall



Imagery ©2019 Google, Map data ©2019 Google

100 ft



TOWN OF PALM BEACH
 Planning, Zoning & Building Department
 360 S County Rd
 Palm Beach, FL 33480-6735

Permit No.: **B-17-66813**

Permit ID: **392498**

Issue Date: **10/06/2017**

Expiration Date: **10/29/2018**

Inspection Scheduling: (561) 227-7090

Web: townofpalmbeach.com/permits

**P
E
R
M
I
T**

Contractor: **PALM BEACH CONTRACTINGS SERVICE**
 Address: 11085 STONECREEK ST
 Suite: WELLINGTON FL 33467
 Phone: (561) 248-4265
 Fax: (561) 333-8167
 Qualifier: MICHEAL J MASSEY
 Certification No.: CGC1513083
 Project Address: 1236 S OCEAN BLVD
 PALM BEACH FL 33480
 PCN: 50-43-44-02-00-001-0051-00
 Owner's Name: THORNTON JOHN L &
 Owner's Address: 1236 S OCEAN BLVD
 PALM BEACH FL 33480-5006
 Construction Valuation: 43275
 Sq Footage:
 Permit Type: **S-FENCE/WALL/GATE**
 Description: CONSTRUCT WALL & POUR SLAB AS PER PLAN.

PERMIT FEES:

| | |
|--------------------------|--------|
| EXPEDITED PLAN REVIEW | 150.00 |
| CONST PERMIT FEE BLDG | 727.00 |
| HMWNR RECOV STATE PL REV | 2.80 |
| HMWNR RECOV TOWN ISSUE | 0.73 |
| HMWNR RECOV TOWN PL REV | 0.31 |
| BAIF FUND STATE PL REV | 4.21 |
| BAIF FUND TOWN PL REV | 0.47 |

PERMIT FEES:

| | |
|-------------------------|--------|
| EXPEDITED PLAN REVIEW 2 | 200.00 |
| HMWNR RECOV STATE ISSUE | 6.54 |
| NOTARY FEE 1 | 10.00 |
| CONST PLAN REVIEW BLDG | 311.58 |
| BAIF FUND STATE ISSUE | 9.82 |
| BAIF FUND TOWN ISSUE | 1.11 |

| | |
|--------------------|-----------------|
| Total Fees: | 1,424.57 |
|--------------------|-----------------|

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

The issuance of this permit is conditioned upon compliance with any approvals granted by the Town Council, Landmarks Preservation Commission, and/or Architectural Commission. Any misrepresentation of facts pertaining to required permit information and/or the required design professional's plans shall be considered prima-facie evidence and be cause for permit revocation.

B17-66813

Charles Langley

From: Dustin Mizell (dustin@environmentdesigngroup.com)
<Dustin@environmentdesigngroup.com>
Sent: Monday, October 02, 2017 12:40 PM
To: Charles Langley
Cc: 'Alberto Dumit'
Subject: 1236 S Ocean permit #B-17-66813

Chuck,

Thank you for taking my call today.

As per your comments and our discussion, please see the following responses:

- We are adding 650 square feet of impervious surface area (expanded court area)
- Our final site Landscape Open Space (LOS), after the proposed improvements, will be 184,224 sq. ft. (70% pervious)
- There will be NO site grading required to accommodate these improvements. A subbase only, on existing grade, will be added for the new concrete court
- A silt fence, parallel to the existing court (west property line) will be added to ensure no erosion will impact the existing conditions

Please let us know if this satisfies your questions & concerns.

If so, we'll turn permit back in ASAP.

Thank you again for your assistance.

Sincerely,

Dustin M. Mizell, MLA-RLA#6666784

LEED® AP

www.EnvironmentDesignGroup.com

The Paramount Building

139 North County Road - Suite 20-B

Palm Beach, Florida 33480

ph: 561.832.4600

m: 561.313.4424

God Bless

OFFICE COPY
SUBJECT TO COMPLIANCE WITH
ALL CODES AND ORDINANCES
IN EFFECT IN THE TOWN OF
PALM BEACH, FLORIDA

B17-66813

THOMAS J. TWOMEY, P.E.

2831 Exchange Ct., Ste. A • West Palm Beach, FL 33409 • (561) 688-2844 • Cell: (561) 706-2838 • Fax: (561) 686-5862

September 18, 2017

Town of Palm Beach Building Department
360 South County Road
Palm Beach, Florida 33480

RECEIVED

SEP 22 2017

**TOWN OF PALM BEACH
PZB DEPARTMENT**

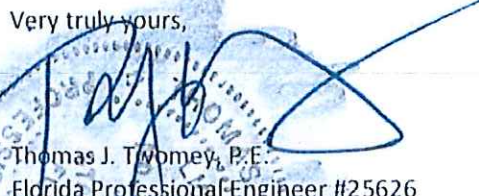
Re: Permit No. B-17-66813
200 Emerald Beach Way
(1236 South Ocean Boulevard)
Palm Beach, Florida 33480

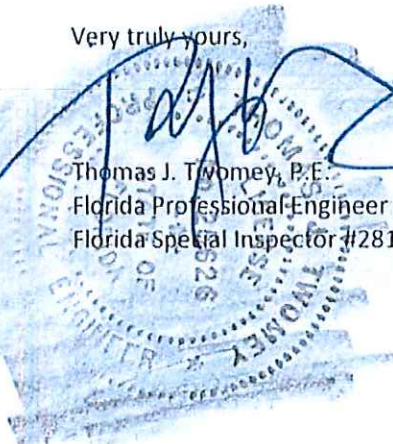
Ladies/Gentlemen:

This is to certify that the proposed 14' height concrete wall will create 20 square feet (0.67' x 30') of impervious area which is adjudged to be insignificant and will not trip stormwater threshold requirements in accordance with Section 86-95.

If you have any questions or additional information is needed, please do not hesitate to contact me. Your cooperation is as always greatly appreciated.

Very truly yours,


Thomas J. Twomey, P.E.
Florida Professional Engineer #25626
Florida Special Inspector #281

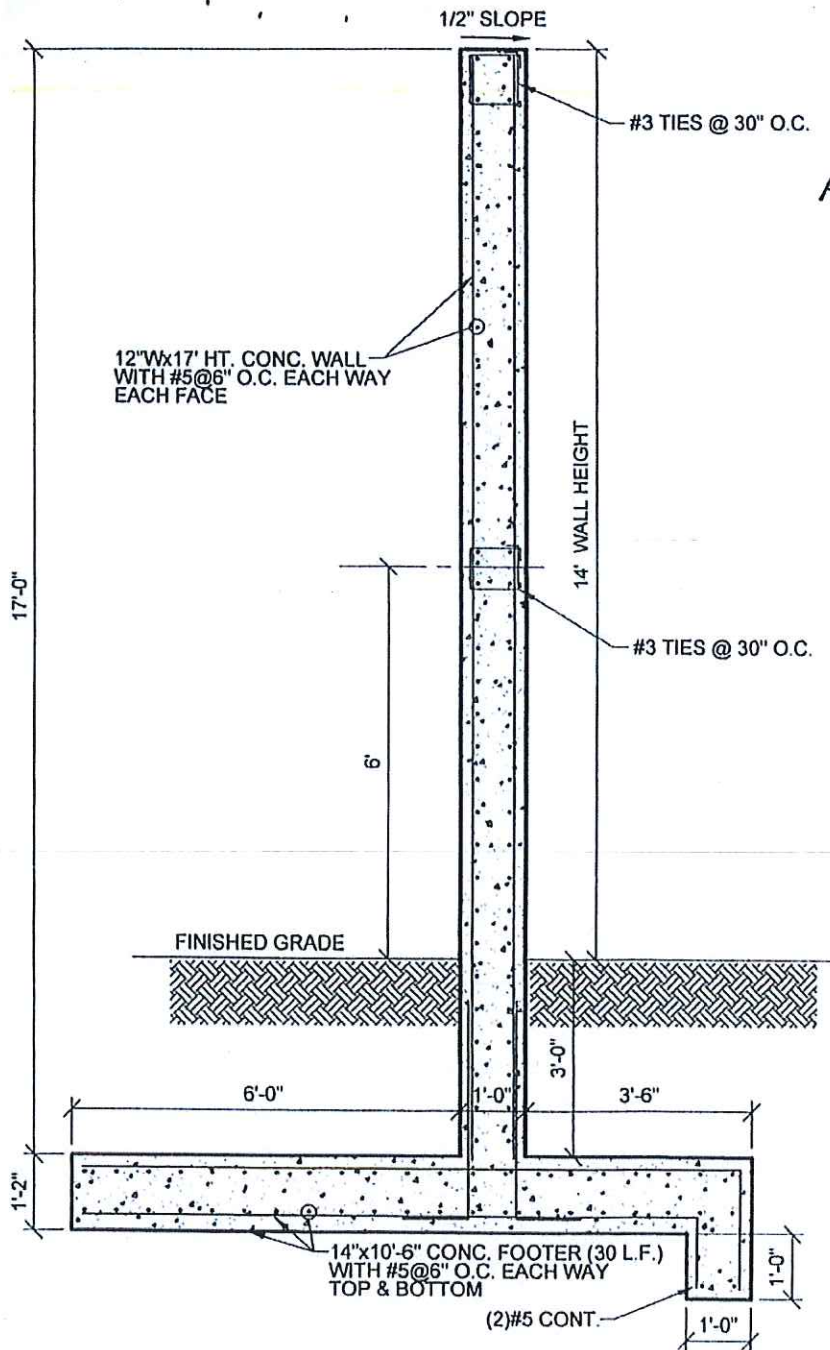


F.B.C. 2014, FIFTH EDITION
ASCE-7-10 EXP. 'D'
170 MPH (ULT.)
RISK CATEGORY II
ACI CODE, 3000 PSI CONC.

RECEIVED

AUG 22 2017

Town of Palm Beach
PZB Dept



WALL SECTION

SCALE: 3/8"=1'-0"

8/14/2017
5/23/2017

THOMAS J. TWOMEY, P.E.

CONSULTING ENGINEER

#25626

2831 EXCHANGE COURT Tel: 561 688-2844
WEST PALM BEACH, FL 33409 Fax: 561 686-5862
TWOMEYENGINEERING@YAHOO.COM

14' HT. CONCRETE WALL DETAIL
PRIVATE RESIDENCE
1236 SOUTH OCEAN BLVD.
PALM BEACH, FLORIDA

FILE:TT/14 FT WALL.....

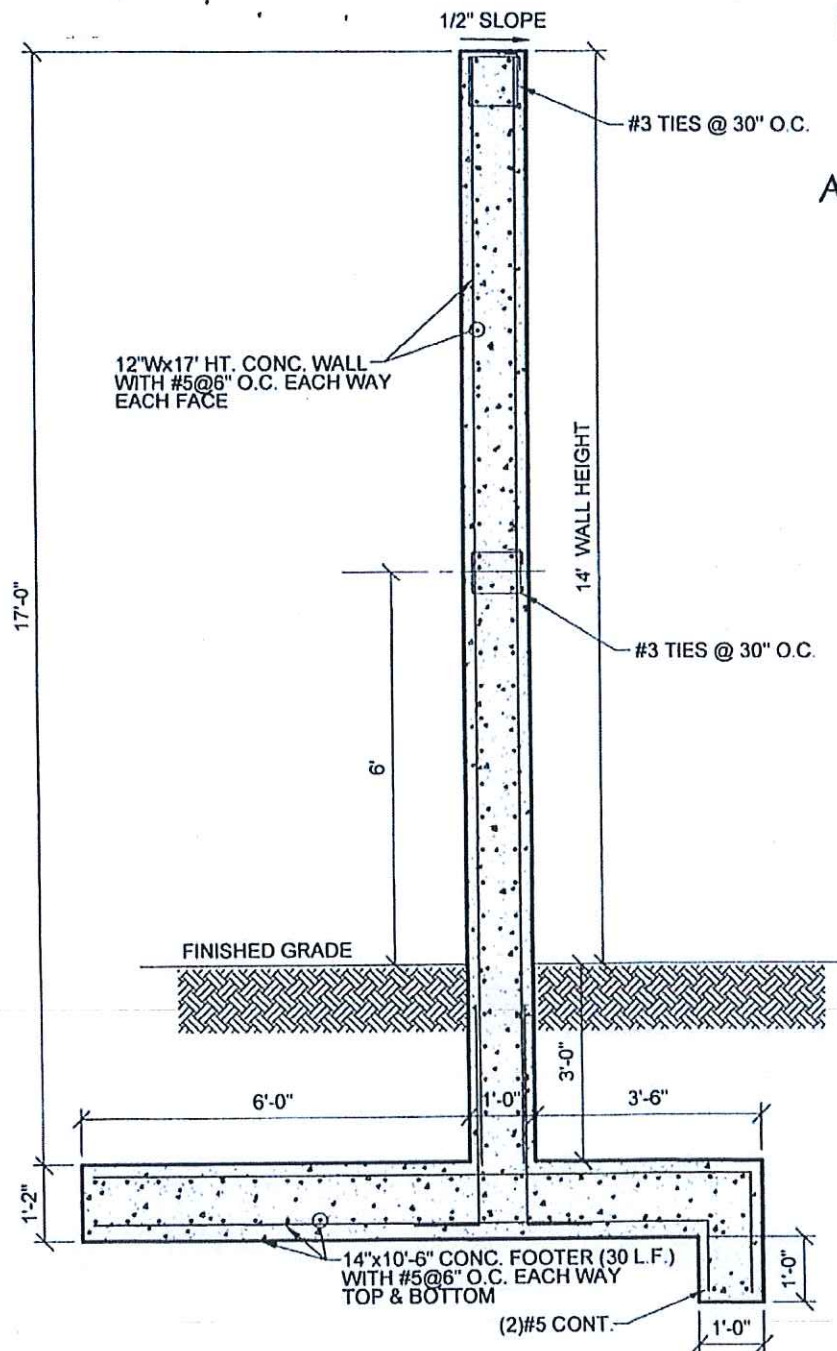
SK-1

F.B.C. 2014, FIFTH EDITION
 ASCE-7-10 EXP. 'D'
 170 MPH (ULT.)
 RISK CATEGORY II
 ACI CODE, 3000 PSI CONC.

RECEIVED

AUG 22 2017

Town of Palm Beach
 PZB Dept



WALL SECTION

SCALE: 3/8"=1'-0"

[Signature]
 8/14/17

8/14/2017
 5/23/2017

THOMAS J. TWOMEY, P.E.

CONSULTING ENGINEER

#25626

2831 EXCHANGE COURT Tel: 561 688-2844
 WEST PALM BEACH, FL 33409 Fax: 561 686-5862
 TWOMEYENGINEERING@YAHOO.COM

14' HT. CONCRETE WALL DETAIL
 PRIVATE RESIDENCE
 1236 SOUTH OCEAN BLVD.
 PALM BEACH, FLORIDA

FILE:TT/14 FT WALL.....

SK-1

**MOISTURE - DENSITY
RELATIONSHIP REPORT**

TO
Palm Beach Contracting Serv.
11085 Stonecreek Street
Wellington, Florida
33414

PROJECT NO. Boynton-6998
CLIENT Palm Beach Contracting Serv.
C.C.

PROJECT Proposed Residence

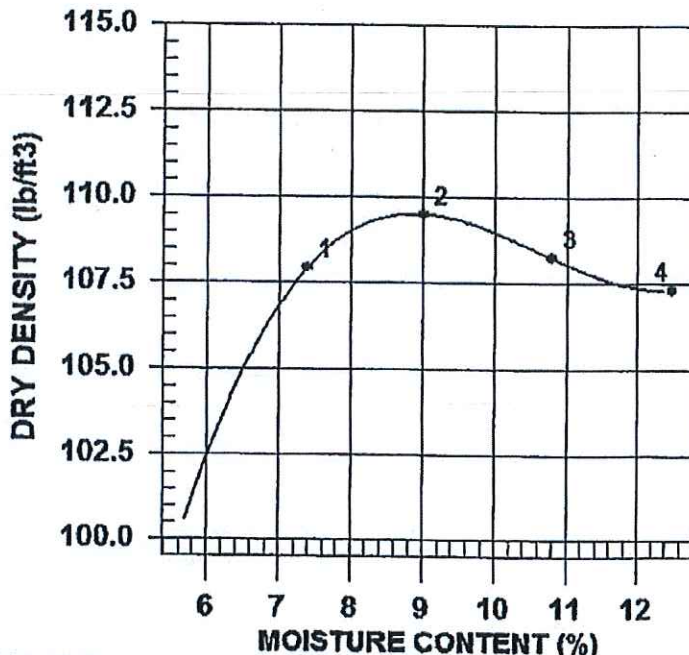
200 EMERALD BEACH WAY
1236 S Ocean Blvd
Palm Beach, FL

CONTRACTOR

B-17-66813

PROCTOR NO. 1 DATE TESTED Oct 19, 2017 DATE RECEIVED Oct 18, 2017 DATE SAMPLED Oct 18, 2017

| | | | |
|-------------------------|------------------|----------------------------|-------------------|
| INSITU MOISTURE | N/A % | COMPACTION STANDARD | Modified Proctor, |
| SAMPLED BY | M. Langevin | | ASTM D1557 |
| TESTED BY | A. Bosch | COMPACTION PROCEDURE | C: 6" Mold, |
| SUPPLIER | On-site Material | | Passing 3/4" |
| SOURCE | On-site Material | RAMMER TYPE | Automatic |
| MATERIAL IDENTIFICATION | | PREPARATION | Moist |
| MAJOR COMPONENT | Brown Fine Sand | OVERSIZE CORRECTION METHOD | None |
| SIZE | D-1557 | RETAINED 3/4" SCREEN | % |
| DESCRIPTION | Trace Rock Frags | OVERSIZE SPECIFIC GRAVITY | |
| ROCK TYPE | Limestone | TOTAL NUMBER OF TRIALS | 4 |



| TRIAL NUMBER | WET DENSITY (lb/ft³) | DRY DENSITY (lb/ft³) | MOISTURE CONTENT (%) |
|--------------|----------------------|----------------------|----------------------|
| 1 | 115.9 | 107.9 | 7.4 |
| 2 | 119.4 | 109.5 | 9.0 |
| 3 | 119.9 | 108.3 | 10.8 |
| 4 | 120.7 | 107.3 | 12.5 |

| | MAXIMUM DRY DENSITY (lb/ft³) | OPTIMUM MOISTURE CONTENT (%) |
|---------------------|------------------------------|------------------------------|
| CALCULATED | 109.5 | 9.0 |
| OVERSIEVE CORRECTED | | |

COMMENTS



10/20/17
10/27/17

FIELD DENSITY REPORT

TO

Palm Beach Contracting Serv.
11085 Stonecreek Street
Wellington, Florida
33414

PROJECT NO. Boynton-6998

CLIENT Palm Beach Contracting Serv.
C.C.

200 EMERALD BEACH WAY

PROJECT Proposed Residence

LOCATION 1236 S Ocean Blvd
Palm Beach, FL

B-17-66813

REPORT NO. 2

NO. OF DENSITIES 3

TESTED BY M. Langevin

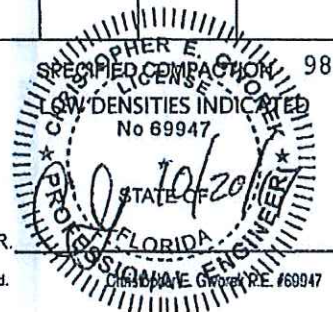
DATE TESTED Oct 18, 2017

CONTRACTOR
AREA 14' Concrete Wall
CONSTRUCTION TYPE Footing (0-12")

See Supporting Lab Testing
Reports for Detailed Material
Descriptions

| DENSITY NUMBER | LOCATION | Laboratory Soil Identifier | MOISTURE | | DRY DENSITY | | COMPACTION % |
|-------------------|---------------------|-------------------------------------|----------|-----|-------------|-------|-----------------|
| | | | FIELD | LAB | FIELD | LAB | |
| 4 | West Area (retest) | Brown Fine Sand Trace Rock Frags | 7.4 | 9.0 | 110.5 | 109.5 | 101 |
| 5 | East Area (retest) | Brown Fine Sand Trace Rock Frags | 6.9 | 9.0 | 111.6 | 109.5 | 102 |
| 6 | North Area (retest) | Brown Fine Sand Trace Rock Frags | 7.8 | 9.0 | 110.9 | 109.5 | 101 |

FIELD METHOD Nuclear ASTM D6938
LABORATORY METHOD Modified Proctor ASTM D1557
COMMENTS



Page 1 of 1

Oct 20, 2017

Nutting Engineers of Florida, Inc.

PER.

These test results only represent compaction measured at the location reported to a maximum depth of 12 inches below the surface tested.
This report does not reflect bearing capacity or deeper soil conditions.
This report shall not be reproduced, except in full or relied upon without prior written approval of Nutting Engineers of Florida, Inc..

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[Signature]
10/27/17

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

100 EMERALD BEACH WAY LC,

Plaintiff,

v.

CASE NO.: 502017CA008154XXXXMB AA

JOHN THORNTON, MARGARET
THORNTON and SMM REALTY, LLC

Defendants.

DECLARATION OF MARGARET B. THORNTON

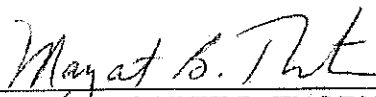
I, Declarant, MARGARET B. THORNTON, states as follows:

1. My name is Margaret B. Thornton and I reside at 1236 South Ocean Boulevard, Palm Beach, Florida with my husband, John L. Thornton.
2. The above address is our homestead.
3. I am familiar with Code Enforcement Case No. 19-365 dealing with the hitting/rebound wall issue.
4. We received approval from the Architectural Commission staff for the construction of a court with walls outside of the setbacks in July of 2017. The approval stated that the "walls cannot be used as hitting walls."
5. The permitted court and walls were inspected and approved by the Town of Palm Beach.
6. I am familiar with the use of the court and walls by all members of my family.
7. The walls have never been used as hitting or rebound walls by any member of my family or any other person.

8. My son is an internationally ranked tennis player and regularly performs fitness and agility drills on the court as a significant part of training at his level. He understands that the area is not to be used as a hitting wall and has not used it as such.
9. At all times, we have complied with the permit with regard to construction and use.
10. Our attorney requested from the Town any evidence or proof that the court and walls have ever been used as a hitting or rebound wall. The Town did not provide our attorney with any proof that the wall had ever been used in violation of the permit.

Pursuant to Section 92.525, Florida Statutes, under penalties of perjury, I declare that the facts stated above are true to the best of my knowledge.

Executed on August 7th, 2019 in Palm Beach County, Florida.



MARGARET B. THORNTON

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

100 EMERALD BEACH WAY LC,

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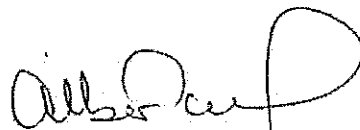
DECLARATION OF ALBERTO DUMIT

I, Declarant, ALBERTO DUMIT, states as follows:

1. My name is Alberto Dumit. I have been the property manager for 1236 South Ocean Boulevard, Palm Beach, Florida since March 2014. I am employed by John and Margaret Thornton.
2. I am familiar with the permit which was issued for the construction of the court and wall area on the Thorntons' property. I was and am aware that the approval and permit which were granted specifically prohibited the walls from being used as a hitting wall.
3. Following construction, the project was inspected, approved and the permit closed.
4. At no time have the walls been used as a hitting or a rebound wall. I have never seen any member of the Thornton family or any other individual using the surface area and walls as a hitting or rebound wall.

Pursuant to Section 92.525, Florida Statutes, under penalties of perjury, I declare that the facts stated above are true to the best of my knowledge.

Executed on August 7th, 2019 in Palm Beach County, Florida.

A handwritten signature in black ink, appearing to read 'Alberto Dumit', written over a horizontal line.

ALBERTO DUMIT