

EXHIBIT “C”

THOMAS STREET STORMWATER PUMP STATION REPLACEMENT PROJECT

HEALTH/SAFETY

The City of Delray Beach (City) owns and operates the Thomas Street Pump Station located at 1101 Thomas Street in Delray Beach, Florida. This pump station currently provides stormwater pumping for the 50-acre drainage basin including Thomas Street, Vista Del Mar Drive, and part of Andrews Avenue and Lowry Street. As discussed more-fully below, this project (“Project”) will replace the existing stormwater pump station located on Thomas Street with a new higher capacity stormwater pump station which will be able to remove stormwater from Thomas Street and the surrounding area in Delray Beach, Florida more effectively and efficiently. As the ponding/accumulation of stormwater can cause hazards for vehicles, contain bacteria, and attract mosquitoes, this Project will improve the health and safety of the residents of Delray Beach, Florida.

The design of the Project was prepared in conformance with all applicable engineering standards.

COST

The City of Delray Beach (“City”) has estimated and considered the cost of the project but determined that the benefits of more effectively and efficiently removing stormwater from Thomas Street and the surrounding area outweigh the costs. During the design of this project, reasonable efforts were made to minimize the areas of easements to be acquired through Eminent Domain.

ALTERNATE ROUTES

The Project will replace an existing stormwater pump station which is located within existing right of way for Thomas Street. The existing stormwater pump station is proximate to the edge of the right of way and a new location is not feasible without interfering with the use of Thomas Street for vehicle traffic. The permanent easement is needed to perform construction activities for the new stormwater pump station and maintenance, as well as for potential future replacement activities. The temporary easement is needed for the temporary relocation of an air conditioning unit(s) and a pool pump to allow for construction of the replacement stormwater pump station. This equipment must be located near the house which they service in order to be connected to the existing air conditioning and pool systems. For these reasons, there is virtually no flexibility as to the location of the permanent or temporary easements.

LONG RANGE PLANNING

The City of Delray Beach Stormwater Master Plan, completed by ADA Engineering in February 2019, proposed capacity increases and other major infrastructure improvements to meet South Florida Water Management District and Level of Service criteria for both current and 30-year Sea Level Rise tidal conditions.

The Thomas Street Pump Station is a vital lifeline for approximately 800 residents living in the 50 acre drainage basin. The original pump station was built in the 1970s and has reached the end of its designed useful life (about 50-years). The original pump capacity was designed for a 25-year, 3-day storm event at the time it was designed, which was 18,000 gallons per minute (GPM). A higher pump capacity is required to meet current South Florida Water Management District Level of Service criteria for both current and 30-year Sea Level Rise and tidal conditions. The existing pump station has no backup generator, and its sole power source comes from overhead powerlines, which can render the pump station out of service during frequent outages in peak hurricane season. Finally,

the existing pump station does not provide any water quality improvements to the stormwater prior to discharge to the Intracoastal Waterway.

A new 85,000 GPM stormwater pump station will be constructed with an upgraded drainage network, backup generator, diesel fuel tank, buried underground powerlines and onsite water treatment facility. The City intends to construct and install the new expanded stormwater pump station in the same location as the existing pump station. The development of this Project is in conformance with the City's efforts to improve the health, safety, and well-being of its residents by reducing accumulations of stormwater. Given the rising sea levels and storms caused by climate change and the effect on accumulation of stormwater, the replacement of the Thomas Street stormwater pump station with one that more effectively and efficiently pumps stormwater shows the City is seeking to solve long range problems with this Project.

ENVIRONMENTAL IMPACTS

The Project is not expected to have any significant environmental impacts. Any modest environmental impacts will be positive by virtue of reducing stormwater and associated bacteria.

Following is an explanation of the need for the acquisition of certain easements for the Thomas Street Stormwater Pump Station Replacement Project:

ACQUISITION OF PERMANENT EASEMENT PARCEL 2A

The permanent easement ("Permanent Easement") designated as Parcel 2A is reasonably needed for the following purposes and uses: (to access a stormwater pump station and appurtenant facilities and equipment (the "Equipment") located on property adjacent to Parcel 2A in order to install, operate, maintain, service, construct, remove, relocate, repair, replace, expand, tie into, and inspect the Equipment. City shall be authorized to perpetually use the property in, on, over, under and across the area of Parcel 2A for such purposes and uses. However, the Equipment shall not be located in the area of Parcel 2A except temporarily during the activities described herein.

Parcel 2A shall also be used for the purpose of removing and moving certain improvements of the property owners in the area of Parcel 2A, including an air conditioning unit(s) and a pool pump ("Improvements") to the area of a Temporary Construction Easement designated as Parcel 2B and reconnecting said improvements to Owners' air conditioning and pool systems all at City's expense.

Although, the owners of the property subject to Parcel 2A, and their heirs, successors, and assigns' (collectively, "Owners") activities shall not interfere with the City's use of Parcel 2A, this Permanent Easement shall be non-exclusive. Subsequent to the expiration of the temporary easement designated as Parcel 2B, City shall relocate, if practicable, or replace with a like unit(s), if not, the Improvements back to materially the same location in Parcel 2A as before they were relocated. Subsequent to the expiration of the temporary easement designated as Parcel 2B, Owners shall be permitted to maintain the Improvements in the area of Parcel 2A in the location and manner depicted in Exhibit "1", attached hereto and incorporated herein. Additionally, Owners shall be permitted to replace the Improvements provided they are replaced with a like sized unit(s) in the same location. City shall have the unrestricted right to remove or relocate the improvements in the event the easement area is required in the future (after the expiration of Parcel 2B) for equipment or personnel to access the easement area for the purposes defined herein. In the event of the need for such future use of Parcel 2A, City shall provide

advanced reasonable written notice of the removal or relocation, except in an emergency situation. In the event of an emergency situation, City shall provide written notice as soon as reasonably possible. If, after the expiration of Parcel 2B, City has to temporarily relocate any improvements within Parcel 2A, City shall be responsible for the relocation and restoration of said improvements upon the conclusion of its use of Parcel 2A. All such relocations shall be within the area of Parcel 2A unless City subsequently acquires an additional temporary easement or other right to use property of Owners for the purpose of such relocation. This provision setting forth limitations and obligations of City shall be a covenant running with the land.

ACQUISITION OF TEMPORARY EASEMENT PARCEL 2B

The temporary easement ("Temporary Easement") designated as Parcel 2B is reasonably needed for the following limited purposes and uses: access and all related construction activities reasonably required for the relocation of the Improvements described above in the area of Parcel 2A to the area of Parcel 2B and connection of same to the existing air conditioning and pool systems. The Temporary Easement shall be non-exclusive, provided, however, that Owners' (as defined above) use of the property during the easement period shall not interfere with the City's continuing use of the area of Parcel 2B as described above. This Temporary Easement shall expire upon the earlier of the acceptance of the construction of the project for the Stormwater Pump Station by the City or three (3) years from the date of the deposit of funds pursuant to an Order of Taking entered in any proceeding for its acquisition.