



FLORIDA DEPARTMENT OF Environmental Protection

South District
PO Box 2549
Fort Myers FL 33902-2549
SouthDistrict@FloridaDEP.gov

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

January 23, 2019

Mr. Douglas Bradshaw
Port and Marina Services Director
City of Key West
201 William St
Key West, FL 33040
dbradshaw@cityofkeywest-fl.gov

Re: Monroe County - ERP
BOT No. 440346895
Site No. 302907

Dear Mr. Bradshaw:

Enclosed is the Temporary Use Agreement Addendum (No. 440346895) to provide the City of Key West with continued temporary authorization for the existing structures and activities on state-owned submerged lands in the City of Key West Mooring Field. The Temporary Use Agreement Addendum is effective through January 4, 2020.

If you have any questions regarding this matter, please contact Mark Miller by phone at (239) 344-5669, or by e-mail at Mark.Miller@floridadep.gov.

Thank you for your continued patience and cooperation in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer L. Carpenter".

Jennifer L. Carpenter
Assistant Director of District Management
South District Office

JLC/ mrm

Enclosure: Temporary Use Agreement Addendum

cc: Mark Tait, mtait@cityofkeywest-fl.gov
David Hawthorne, dhawthorne@cityofkeywest-fl.gov

TEMPORARY USE AGREEMENT ADDENDUM
BOT # 440346895

This Temporary Use Agreement Addendum (hereinafter referred to as "Addendum") is entered into this 22ND day of JANUARY, 2019, and between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (hereinafter referred to as the "Board") and the City of Key West, a Florida Municipal Corporation, (hereinafter referred to as the "Applicant"), and is hereby made a part of the Temporary Use Agreement previously entered into on December 18, 2013 by and between the Board and the Applicant, and the Temporary Use Agreement Addendums by and between the Board and the Applicant on January 4, 2016, June 5, 2017 and February 22, 2018.

Whereas, the Temporary Use Agreement Addendum expired on January 4, 2019, and the Applicant needs additional time to complete the application for a sovereignty, submerged lands lease for the structures and activities shown on Exhibit A attached hereto.

The parties hereto, then, agree as follows:

1. The parties hereby agree to extend and continue the Temporary Use Agreement for an additional term, commencing on January 4, 2019, and expiring on January 4, 2020, or the date of execution of a sovereignty submerged lands lease between the Board and the Applicant, whichever occurs first.
2. Except as specifically amended by the provisions of this Addendum, all of the terms and provisions of the Temporary Use Agreement shall remain unchanged and in full force and effect and the same are hereby ratified, approved and confirmed by the parties hereto.
3. The terms and conditions of this Addendum shall be binding upon and inure to the benefit of the parties hereto and their representatives, heirs, personal representatives, successors and assigns.

Executed on the date first written above.

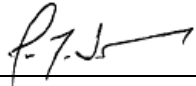
CITY OF KEY WEST

By: J.K. Scholl
Original Signature

J. K. SCHOLL
Printed/Typed Name

CITY MANAGER
Title

BOARD OF TRUSTEES OF THE
INTERNAL IMPROVEMENT TRUST
FUND OF THE STATE OF FLORIDA

By:  _____

Jon. M. Iglehart
Director of District Management,
Department of Environmental Protection, as
agent for and on behalf of the Board of
Trustees of the Internal Improvement Trust
Fund of the State of Florida

LOCATION MAP


N
 N.T.S.



Lat: 24°34'35"
 Long: 81°47'15"

BOT No. 440346985
 Exhibit A
 Page 1 of 8 Pages

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U.S. DEPT. OF COMMERCE "KEY WEST"

Sheet 1 of 8

City of Key West
 Bay of Florida (Mooring Field)

Specific Purpose Survey
 Submerged Land Lease

Dwn No.:
 11-150

Scale: N.T.S.

Ref.
 File

Flood panel No.

Dwn. By: F.H.H.

Date: 4/06/11

Flood Zone:

Flood Elev.

REVISIONS AND/OR ADDITIONS

8/23/11: Revise Lease Area

f:/datafred/dwg//cityK.W./MOORING1

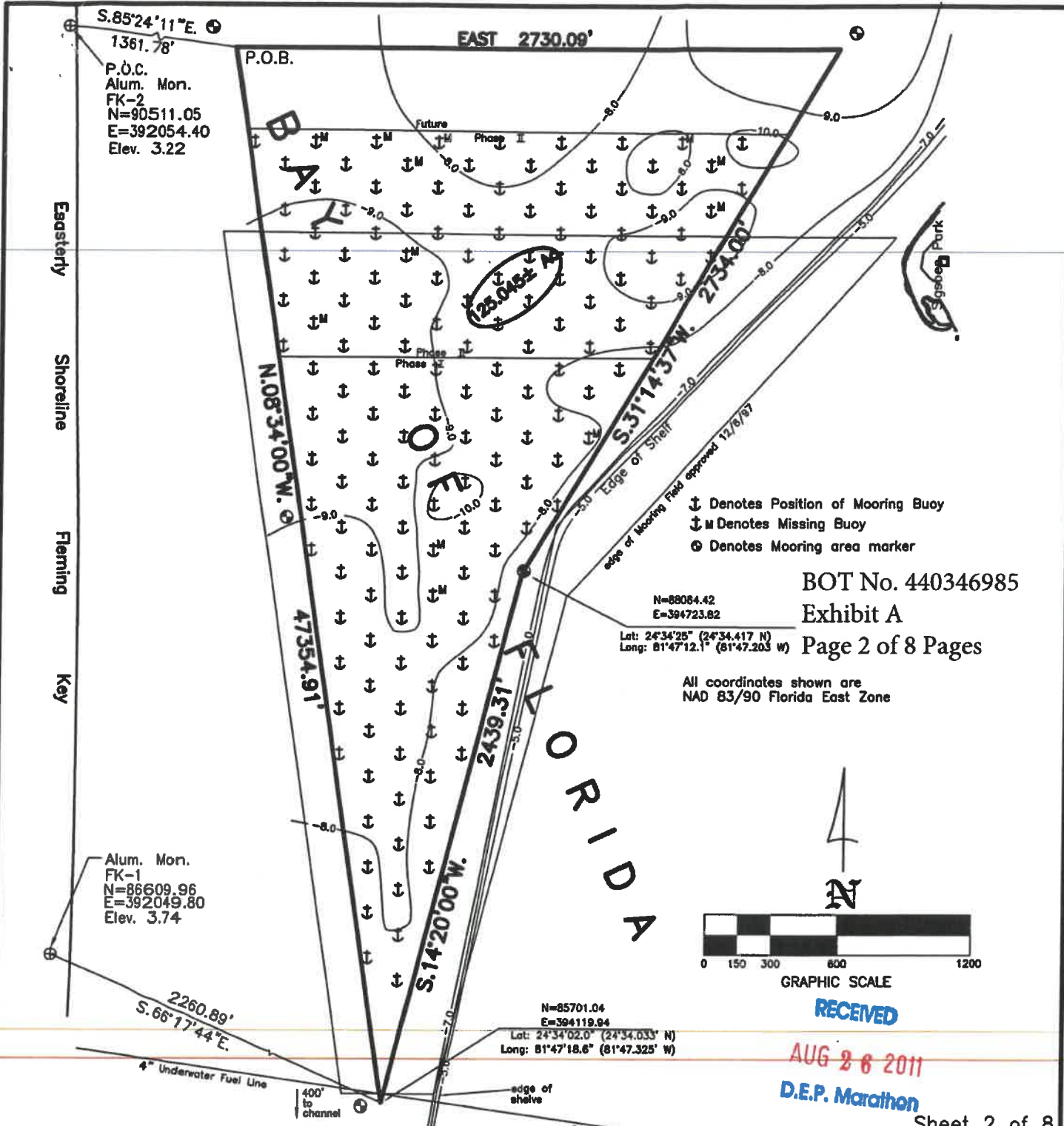


ISLAND SURVEYING INC.

ENGINEERS PLANNERS SURVEYORS

3152 Northside Drive
 Suite 201
 Key West, Fl. 33040

(305) 293-0466
 Fax. (305) 293-0237
 fhildeb1@bellsouth.net
 L.B. No. 7700



Easterly Shoreline Flaming Key

S.85°24'11"E. 1361.78'
 P.O.C.
 Alum. Mon.
 FK-2
 N=90511.05
 E=392054.40
 Elev. 3.22

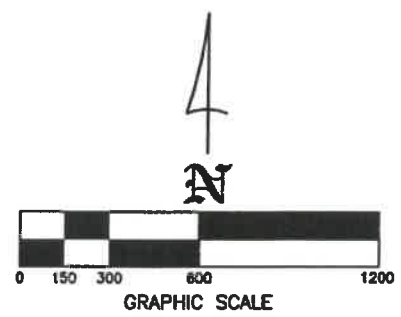
Alum. Mon.
 FK-1
 N=86609.96
 E=392049.80
 Elev. 3.74

⊥ Denotes Position of Mooring Buoy
 ⊥M Denotes Missing Buoy
 ⊙ Denotes Mooring area marker

BOT No. 440346985
 Exhibit A
 Page 2 of 8 Pages

N=88064.42
 E=394723.82
 Lat: 24°34'25" (24°34.417' N)
 Long: 81°47'12.1" (81°47.203' W)

All coordinates shown are
 NAD 83/90 Florida East Zone



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Sheet 2 of 8

City of Key West Bay of Florida (Mooring Field)			
Specific Purpose Survey Submerged Land Lease		Dwn No.: 11-150	
Scale: 1"=600'	Ref. File	Flood panel No.	Dwn. By: F.H.H.
Date: 4/06/11		Flood Zone:	Flood Elev.
REVISIONS AND/OR ADDITIONS			
8/23/11: Revise Lease Area			
f:/datafred/dwg//cityK.W./MOORING1			

ENGINEERS PLANNERS SURVEYORS

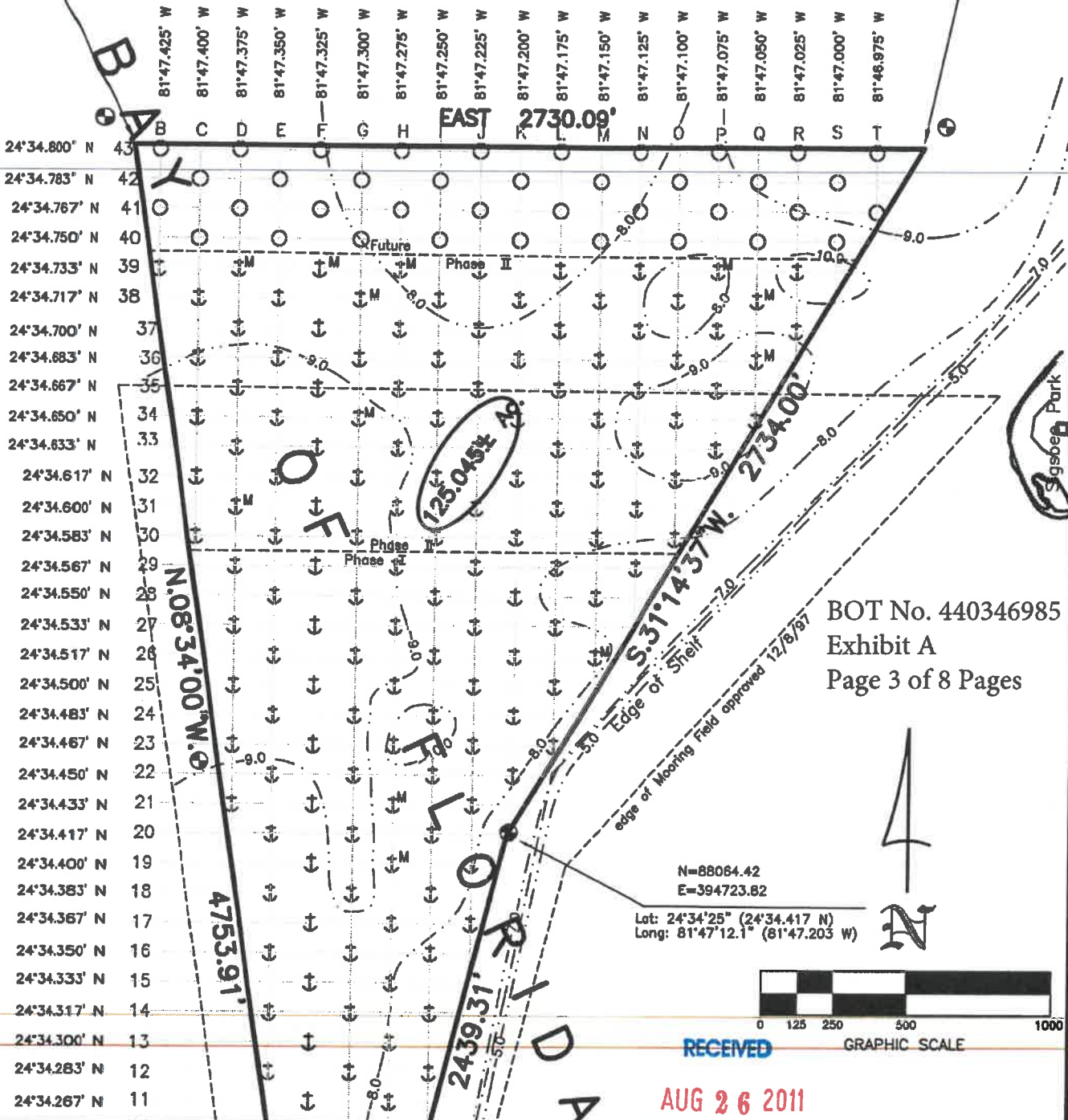
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 Fax. (305) 293-0237
 fhildeb1@bellsouth.net
 L.B. No. 7700

Revised Submerged Land Lease, Florida Department of Environmental Protection, Bay of Florida Mooring Field revised to add survey data 8/23/11

N=90401.91
E=393411.79
Lat: 24°34'48.1" (24°34.80.2 N)
Long: 81°47'26.5" (81°47.44.1 W)

N=90401.91
E=396141.89
Lat: 24°34'48.3" (24°34.80.5 N)
Long: 81°46'57" (81°46.95' W)



BOT No. 440346985
Exhibit A
Page 3 of 8 Pages

N=88064.42
E=394723.82
Lat: 24°34'25" (24°34.417 N)
Long: 81°47'12.1" (81°47.203 W)



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Sheet 3 of 8



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City of Key West
Bay of Florida (Mooring Field)

Specific Purpose Survey
Submerged Land Lease

Scale: 1"=500'

Ref. File

Flood panel No.

Dwn No.:
11-150

Date: 4/06/11

Flood Zone:

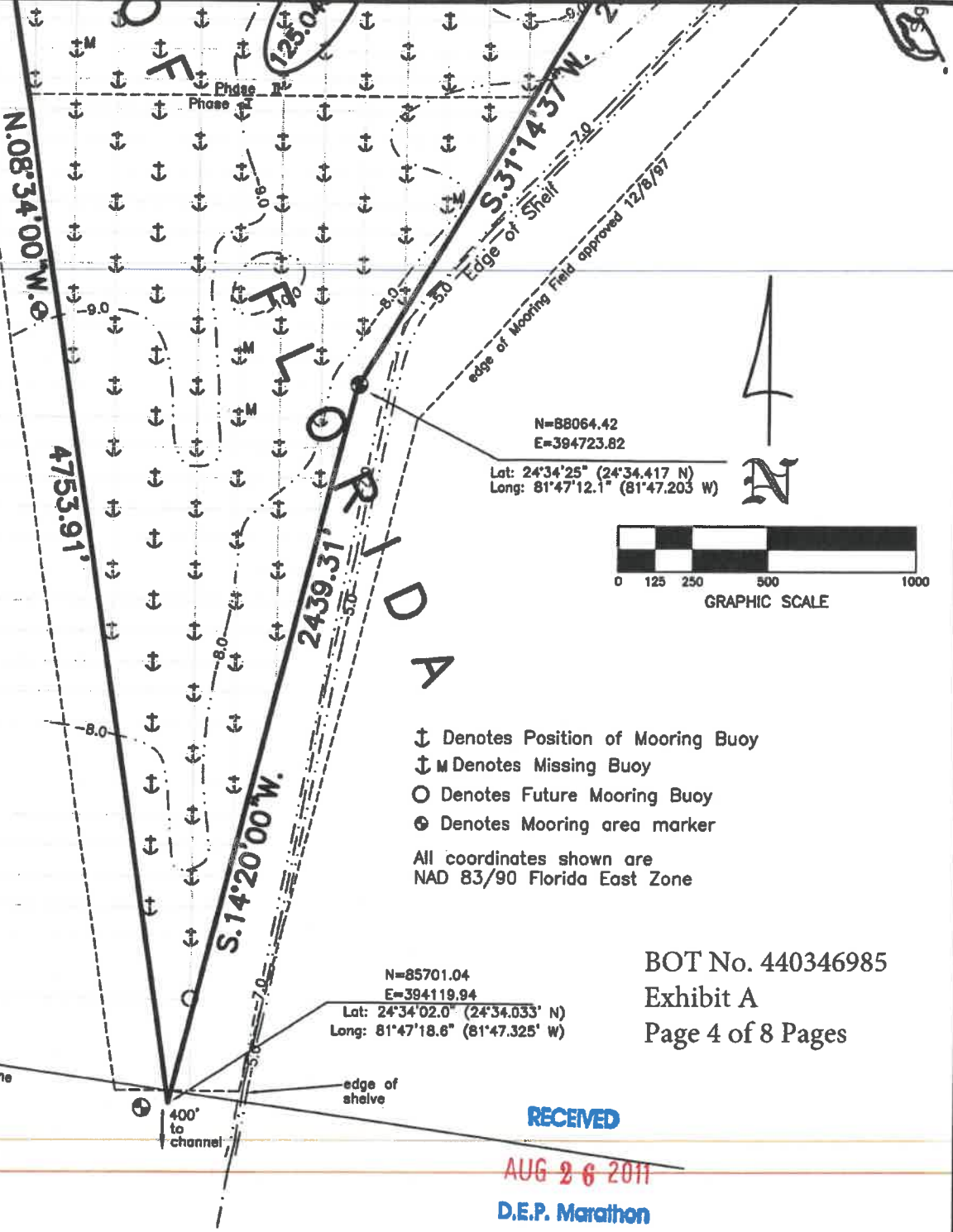
Dwn. By: F.H.H.
Flood Elev.

REVISIONS AND/OR ADDITIONS

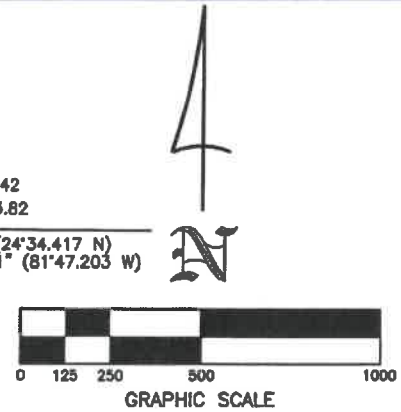
8/23/11: revised lease area

f:/datafred/dwg//cityK.W./MOORING1

24°34.617' N 32
 24°34.600' N 31
 24°34.583' N 30
 24°34.567' N 29
 24°34.550' N 28
 24°34.533' N 27
 24°34.517' N 26
 24°34.500' N 25
 24°34.483' N 24
 24°34.467' N 23
 24°34.450' N 22
 24°34.433' N 21
 24°34.417' N 20
 24°34.400' N 19
 24°34.383' N 18
 24°34.367' N 17
 24°34.350' N 16
 24°34.333' N 15
 24°34.317' N 14
 24°34.300' N 13
 24°34.283' N 12
 24°34.267' N 11
 24°34.250' N 10
 24°34.233' N 9
 24°34.217' N 8
 24°34.200' N 7
 24°34.183' N 6
 24°34.167' N 5
 24°34.150' N 4
 24°34.133' N 3
 24°34.117' N 2
 24°34.100' N 1
 24°34.083' N 0



† Denotes Position of Mooring Buoy
 †M Denotes Missing Buoy
 ○ Denotes Future Mooring Buoy
 ⊕ Denotes Mooring area marker
 All coordinates shown are
 NAD 83/90 Florida East Zone



City of Key West Bay of Florida (Mooring Field)			
Specific Purpose Survey Submerged Land Lease		Dwn No.: 11-150	
Scale: 1"=500'	Ref. File	Flood panel No.	Dwn. By: F.H.H.
Date: 4/06/11		Flood Zone:	Flood Elev.
REVISIONS AND/OR ADDITIONS			
8/23/11: revised lease area			
f://datafred/dwg//cityK.W./MOORING1			

Sheet 4 of 8

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 L.B. No. 7700

MOORING BUOY POSTIONS

PHASE I

POSITION	Latitude	Longitude
D-21	24°34.433' N	81°47.375' W
D-23	24°34.467' N	81°47.375' W
D-25	24°34.500' N	81°47.375' W
D-27	24°34.533' N	81°47.375' W
D-29	24°34.567' N	81°47.375' W
E-12	24°34.283' N	81°47.350' W
E-14	24°34.317' N	81°47.350' W
E-16	24°34.350' N	81°47.350' W
E-18	24°34.375' N	81°47.350' W
E-20	24°34.417' N	81°47.350' W
E-22	24°34.450' N	81°47.350' W
E-24	24°34.483' N	81°47.350' W
E-26	24°34.517' N	81°47.350' W
E-28	24°34.550' N	81°47.350' W
F-03	24°34.133' N	81°47.325' W
F-05	24°34.167' N	81°47.325' W
F-07	24°34.200' N	81°47.325' W
F-09	24°34.233' N	81°47.325' W
F-11	24°34.267' N	81°47.325' W
F-13	24°34.300' N	81°47.325' W
F-15	24°34.333' N	81°47.325' W
F-17	24°34.367' N	81°47.325' W
F-19	24°34.400' N	81°47.325' W
F-21	24°34.433' N	81°47.325' W
F-23	24°34.467' N	81°47.325' W
F-25	24°34.500' N	81°47.325' W
F-27	24°34.533' N	81°47.325' W
F-29	24°34.567' N	81°47.325' W
G-02	24°34.117' N	81°47.300' W
G-04	24°34.150' N	81°47.300' W
G-06	24°34.183' N	81°47.300' W
G-08	24°34.217' N	81°47.300' W
G-10	24°34.250' N	81°47.300' W
G-12	24°34.283' N	81°47.300' W
G-14	24°34.317' N	81°47.300' W
G-16	24°34.350' N	81°47.300' W
G-18	24°34.383' N	81°47.300' W
G-20	24°34.417' N	81°47.300' W
G-22	24°34.450' N	81°47.300' W
G-24	24°34.483' N	81°47.300' W
G-26	24°34.517' N	81°47.300' W
G-28	24°34.550' N	81°47.300' W
H-07	24°34.200' N	81°47.275' W
H-09	24°34.233' N	81°47.275' W
H-11	24°34.267' N	81°47.275' W
H-13	24°34.300' N	81°47.275' W
H-15	24°34.333' N	81°47.275' W
H-17	24°34.367' N	81°47.275' W

POSITION	Latitude	Longitude
H-19	24°34.400' N	81°47.275' W
H-21	24°34.433' N	81°47.275' W
H-23	24°34.467' N	81°47.275' W
H-25	24°34.500' N	81°47.275' W
H-27	24°34.533' N	81°47.275' W
H-29	24°34.567' N	81°47.275' W
I-12	24°34.283' N	81°47.250' W
I-14	24°34.317' N	81°47.250' W
I-16	24°34.350' N	81°47.250' W
I-18	24°34.383' N	81°47.250' W
I-20	24°34.417' N	81°47.250' W
I-22	24°34.450' N	81°47.250' W
I-24	24°34.483' N	81°47.250' W
I-26	24°34.517' N	81°47.250' W
I-28	24°34.550' N	81°47.250' W
J-17	24°34.367' N	81°47.225' W
J-19	24°34.4000' N	81°47.2306' W
J-21	24°34.433' N	81°47.225' W
J-23	24°34.467' N	81°47.225' W
J-25	24°34.500' N	81°47.225' W
J-27	24°34.533' N	81°47.225' W
J-29	24°34.567' N	81°47.225' W
K-22	24°34.450' N	81°47.200' W
K-24	24°34.483' N	81°47.200' W
K-26	24°34.517' N	81°47.200' W
K-28	24°34.550' N	81°47.200' W
L-23	24°34.467' N	81°47.175' W
L-25	24°34.500' N	81°47.175' W
L-27	24°34.533' N	81°47.175' W
L-29	24°34.567' N	81°47.175' W
M-26	24°34.517' N	81°47.150' W
M-28	24°34.550' N	81°47.150' W
N-29	24°34.567' N	81°47.125' W

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City of Key West
Bay of Florida (Mooring Field)

Specific Purpose Survey
Submerged Land Lease

Dwn No.:
11-150

Scale: 1"=500'

Ref. File

Flood panel No.

Dwn. By: F.H.H.

Date: 4/06/11

Flood Zone:

Flood Elev.

REVISIONS AND/OR ADDITIONS

8/23/11: Revise Lease Area

f:/datafred/dwg//cityK.W./MOORING1

Sheet 5 of 8



ISLAND SURVEYING INC.

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L.B. No. 7700

MOORING BUOY POSTIONS FUTURE

POSITION	Latitude	Longitude
B-41	24°34.767' N	81°47.425' W
B-43	24°34.800' N	81°47.425' W
C-40	24°34.750' N	81°47.400' W
C-42	24°34.783' N	81°47.400' W
D-41	24°34.767' N	81°47.375' W
D-43	24°34.800' N	81°47.375' W
E-40	24°34.750' N	81°47.350' W
E-42	24°34.783' N	81°47.350' W
F-41	24°34.767' N	81°47.325' W
F-43	24°34.800' N	81°47.325' W
G-00	24°34.080' N	81°47.300' W
G-40	24°34.750' N	81°47.300' W
G-42	24°34.783' N	81°47.300' W
H-41	24°34.787' N	81°47.275' W
H-43	24°34.800' N	81°47.275' W
I-40	24°34.750' N	81°47.250' W
I-42	24°34.783' N	81°47.250' W
J-41	24°34.767' N	81°47.225' W
J-43	24°34.800' N	81°47.225' W
K-40	24°34.750' N	81°47.200' W
K-42	24°34.783' N	81°47.200' W
L-41	24°34.767' N	81°47.175' W
L-43	24°34.800' N	81°47.175' W
M-40	24°34.750' N	81°47.150' W
M-42	24°34.783' N	81°47.150' W
N-41	24°34.767' N	81°47.125' W
N-43	24°34.800' N	81°47.125' W
O-40	24°34.750' N	81°47.100' W
O-42	24°34.783' N	81°47.100' W
P-41	24°34.767' N	81°47.075' W
P-43	24°34.800' N	81°47.075' W
Q-40	24°34.750' N	81°47.050' W
Q-42	24°34.783' N	81°47.050' W
R-41	24°34.767' N	81°47.025' W
R-43	24°34.800' N	81°47.025' W
S-40	24°34.750' N	81°47.000' W
S-42	24°34.783' N	81°47.000' W
T-41	24°34.767' N	81°46.975' W
T-43	24°34.800' N	81°46.975' W

BOT No. 440346985
Exhibit A
Page 7 of 8 Pages

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Sheet 7 of 8

City of Key West Bay of Florida (Mooring Field)			
Specific Purpose Survey Submerged Land Lease		Dwn No.: 11-150	
Scale: 1"=500'	Ref. File	Flood panel No.	Dwn. By: F.H.H.
Date: 4/06/11		Flood Zone:	Flood Elev.
REVISIONS AND/OR ADDITIONS			
8/23/11: Revise Lease Area			
f:/datafred/dwg//cityK.W./MOORING1			



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LEGAL DESCRIPTION: SUBMERGED LAND LEASE

Prepared by undersigned:

A parcel of submerged land in the Bay of Florida located in Township 67 South, Range 25 East, Monroe County Florida and being more particularly described as follows:

Commence at a Aluminium Monument (FK-2) located on Fleming Key, having for it coordinates N 90511.05, E 392054.40 (NAD-83, Florida East Zone); thence S 85°24'11" E for a distance of 1361.78 feet to the Northwest corner of a mooring field, having a coordinate of N 90,401.91, and E 393411.79 and also being the Point of Beginning of the following parcel; thence East for a distance of 2730.09 feet; thence S 31°14'37" W for a distance of 2734.00 feet; thence S 14°20'00" W for a distance of 2439.31 feet; thence N 08°34'00" W for a distance of 4753.91 feet to the Point of Beginning. Containing 5,446,969.93 square feet, or 125.0452 acres, more or less.

SURVEYOR'S NOTES:

North arrow based on State Plane Coor. (Florida East Zone)

Reference Bearings: NAD/90 Florida East Zone

Elevations based on N.V.A.D. 1988

Bench Mark No.:FK-2, Elev. 3.22

Monumentation:

⊕ = Found Alumin. Disc. in Concrete

fd. = Found

m. = Measured

M.H.W.= Mean High Water

Sec. = Section

Twp. = Township

Rge. = Range

N.T.S.= Not to Scale

P.O.C.= Point of Commence

P.O.B.= Point of Beginning

Mean High Water Elevation -0.25

Mean Low Water Elevation -1.60

This is a field survey

Field Work performed on: 3/22/11

_____ -8.0 _____ Contour line showing the depth of water at Mean Low Water

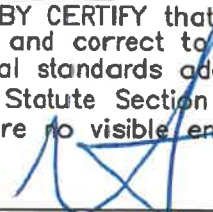
The length of the boundary of the mooring field is 12,507.00 l.f.

The entire land Lease lies in the Bay of Florida. No part of the lease abuts upland

CERTIFICATION made to: The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

CERTIFICATION:

I HEREBY CERTIFY that the attached Specific Purpose Survey, Submerged Land Lease is true and correct to the best of my knowledge and belief; that it meets the minimum technical standards adopted by the Florida Board of Land Surveyors, Chapter 61G17-6, Florida Statute Section 472.027, and the American Land Title Association, and that there are no visible encroachments unless shown hereon.



FREDERICK H. HILDEBRANDT
Professional Land Surveyor & Mapper No. 2749
Professional Engineer No. 36810
State of Florida

BOT No. 440346985

Exhibit A

Page 8 of 8 Pages

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NOT VALID UNLESS EMBOSSED WITH RAISED SEAL & SIGNATURE

City of Key West Bay of Florida (Mooring Field)			
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Scale: 1"=500'	Ref. File	Flood panel No.	Dwn. By: F.H.H.
Date: 4/06/11		Flood Zone:	Flood Elev.
REVISIONS AND/OR ADDITIONS			
8/23/11: Revise Lease Area			
f:/datafred/dwg/cityK.W./MOORING1			

Sheet 8 of 8



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