

1405 Duval Street, MDP & CU



APPLICATION

SMITH/HAWKS

ATTORNEYS AT LAW

Barton W. Smith, Esq
Telephone: (305) 296-7227
Facsimile: (305) 296-8448
Email: Bart@SmithHawks.com
AJ@SmithHawks.com
Chelsea@SmithHawks.com

VIA E-MAIL AND HAND DELIVERY

March 30, 2021

Katie Halloran, Planning Director
City of Key West Planning Department
1300 White Street
Key West, FL 33040
Katie.halloran@cityofkeywest-fl.gov

Re: **Sunset City, LLC & Matilde Generosa Ramos Rev. Trust –
Application for Major Development Plan and Conditional Use Approval
(RE #s 00036280-000000 & 0036370-000000)**

Dear Katie,

Please find attached Sunset City, LLC and Matilde Generosa Ramos Revocable Trust's (together, the "Applicant") Application for Major Development Plan and Conditional Use Approval ("Application") pursuant to Chapter 108, Article II and Chapter 122, Article III of the City of Key West Code of Ordinances ("Code"). The Application is for the approval of a floating seaweed barrier anchored to submerged land owned by Applicant and the State of Florida off the southernmost end of Duval Street ("Project").

The seaweed buildup is partially caused by the unusual shape of the shorelines near the Project preventing the seaweed from naturally filtering. Seaweed buildup on the shore and shallows near the Project site has for years created a nuisance to people and wildlife in the area. Once the seaweed lands on the beach, it begins decomposing and emits unpleasant odors that have been linked to respiratory issues, nausea, and irritation of the eyes. Additionally, the seaweed buildup makes the shallows near the shoreline thick with seaweed making them unsafe and unpleasant to bathe or swim in. The proposed barrier will closely resemble a natural shoreline, allowing seaweed to process and filter back into the open water with changing tides while avoiding the unpleasant and unnatural buildup on the current shoreline.

The seafloor of the Project site is uniformly sandy and the anchors are anticipated to have no impact on living marine resources. The floating barrier on the surface of the water will float so that approximately twelve inches of the barrier is below, and twelve inches of the barrier is above

the water's surface allowing marine life to swim under the proposed seaweed barrier. The remaining depth of the water will be clear for fish and wildlife ingress and egress.

Applicant is also in the process of applying to the Florida Department of Environmental Protection for a submerged lands lease and to the U.S. Army Corps of Engineers for a permit allowing construction in navigable waters, both of which will need to be obtained before beginning the Project.

Included with this Application are:

- Authorization Forms – Tab A
- Property Record Cards – Tab B
- Deeds – Tab C
- Benthic Resource Assessment of the Project site – Tab D
- Survey of the submerged state lands of the Project site – Tab E
- Site Plan with Maintenance and Operations Plan for the Project – Tab F
- Article: Toxic Seaweed a Menace to Caribbean Tourists – Tab G

Major Development Plan

A major development plan is required for the Project under 108-91(A)(2.)(d) because the Project proposes development located within tidal waters extending 600 feet seaward of the corporate city limits.

The following is provided as support for the general considerations for a development plan:

(1) Whether an application and/or a plan is consistent with applicable goals, objectives, policies, standards and proposals in the comprehensive plan.

The Application is consistent with the comprehensive plan because it will promote the health, safety and general wellbeing of the Key West residents and our visitors. The southernmost beach area is an important and heavily trafficked area that, too often, throughout the year is overwhelmed with the smell, sight and feel of the decaying sargassum. Employees of the businesses in the area are forced to be consistently exposed to these unpleasant senses and unhealthy effects of the sargassum.

The potential negative environmental effects of the Project are mitigated by the techniques and placements shown in the Site Plan. The sea bottom to which the barrier will be anchored is uniformly sandy and without seagrass.

(2) Whether all public facilities and services necessary to serve the proposed use shall be available concurrent with the actual impact of the use in question.

Impacts on public facilities and services are expected to be minimal.

(3) Whether the established level of service of public facilities necessary to serve the development or phase thereof shall be adversely impacted by the proposed use or activity.

The Project will not adversely impact the established level of service of public facilities.

(4) Whether the proposed development satisfies the development review criteria and other applicable requirements of the land development regulations.

The Project is unique in that most of the standard land development regulations are not applicable to the Project since it is underwater.

Conditional Use

As some of the submerged land the Project is on is owned by the State, the applicable zoning district is Conservation Outstanding Waters of the State C-OW. Conditional use approval is required under Section 122-129 of the Code for any development in area below mean high water.

The following is provided as support for the criteria for conditional use review and approval under Section 122-62(c) of the Code:

(1) Land use compatibility. The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.

The Project will have large favorable impacts on the adjacent land uses, which are restaurant, hotel, beach, pier, and other hospitality. The current negative effects of the sargassum build up and decay adversely impacts the land use and activities in the immediate vicinity. The Project is designed to alleviate those negative effects from the area. There are no parking or off-site adverse impacts anticipated to be associated with the Project.

(2) Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure (i.e., refer to [chapter 94](#) to ensure concurrency management requirements are met) and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

The proposed site of the Project is appropriate because it is angled to catch the incoming seaweed and allow it to process off the barrier with the changing tides. The site also has a uniformly sandy bottom as shown in the Benthic Resource Assessment included as Tab D. The Site Plans, Tab F, include a Maintenance and Operations Plan for the weed barrier that describes the upkeep the Project needs.

(3) Proper use of mitigative techniques. The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure

that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

No adverse impacts are anticipated to adjacent land uses. A main purpose of the project is to improve the adjacent land uses. The health, safety and welfare of the area will improve because of the decrease in unpleasant and harmful sargassum.

(4) Hazardous waste. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.

The proposed use will not generate hazardous waste. The Maintenance and Operations Plan for the Project shows that the upkeep will not require any heavy machinery that could impact the area.

(5) Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to any approval of a conditional use in order to protect the public health, safety, and welfare.

The Florida Department of Environmental Protection and the United States Army Corps of Engineers are reviewing the Project and any development would come only after having the appropriate permits from those entities.

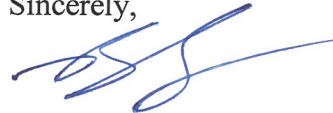
(6) Additional criteria applicable to specific land uses. Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:

a. Land uses within a conservation area. Land uses in conservation areas shall be reviewed with emphasis on compliance with [section 108-1](#) and articles III, IV, V, VII and VIII of [chapter 110](#) pertaining to environmental protection, especially compliance with criteria, including land use compatibility and mitigative measures related to wetland preservation, coastal resource impact analysis and shoreline protection, protection of marine life and fisheries, protection of flora and fauna, and floodplain protection. The size, scale and design of structures located within a conservation area shall be restricted in order to prevent and/or minimize adverse impacts on natural resources. Similarly, public uses should only be approved within a wetland or coastal high hazard area V zone when alternative upland locations are not feasible on an upland site outside the V zone.

The Benthic Resource Assessment included as Tab D shows that there are not seagrasses present on the Project site and therefore no impacts to seagrass are expected. The lines connecting the anchors to the barrier will be 20 feet apart from each other allowing marine life to travel in between. Any additional mitigative measures imposed by the City or the State and Federal agencies will be complied with.

Please do not hesitate to contact us with any questions. We look forward to working with you.

Sincerely,



Barton W. Smith

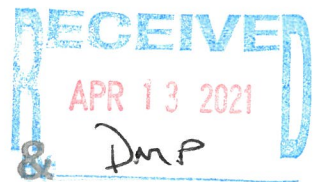
Enclosures

CC: Karen DeMaria – kdemaria@cityofkeywest-fl.gov



Application for Development Plan & Conditional Use

City of Key West, Florida • Planning Department
1300 White Street • Key West, Florida 33040 • 305-809-3764 • www.cityofkeywest-fl.gov



Development Plan & Conditional Use Application Fee schedule

(Fees listed include the \$210.00 advertising/noticing fee and the \$105.00 fire review fee)

Development Plan

Minor:

Within Historic District	\$ 3,150.00
Outside Historic District	\$ 2,520.00
Conditional Use	\$ 1,470.00
Extension	\$ 840.00

Major:

Conditional Use	\$ 4,200.00
Extension	\$ 1,470.00
Minor Deviation	\$ 840.00
Major Deviation	\$ 840.00

Conditional Use (not part of a development plan) \$ 1,470.00
Extension (not part of a development plan) \$ 2,940.00
\$ 840.00

Applications will not be accepted unless complete

Development Plan

Major ☒
Minor ☐

Conditional Use

☒

Historic District

Yes ☒
No ☐

Please print or type:

- 1) Site Address: Submerged land near 1405 Duval Street, Key West, FL 33040
- 2) Name of Applicant: Smith Hawks, PL
- 3) Applicant is:
Property Owner: _____
Authorized Representative: ☒
(attached Authorization and Verification Forms must be completed)
- 4) Address of Applicant: 138 Simonton Street, Key West, FL 33040
- 5) Applicant's Phone #: (305) 296-7227 Email: bart@smithhawks.com / aj@smithhawks.com / Chelsea@SmithHawks.com
- 6) Email Address: bart@smithhawks.com / aj@smithhawks.com / Chelsea@SmithHawks.com
- 7) Name of Owner, if different than above: Sunset City, LLC & Matilde Generosa Ramos Revocable Trust 05/25/2007 & Submerged Land - State of Florida
- 8) Address of Owner: 508 South Street, Key West, FL 33040 & 209 Duval Street, Suite 2, Key West, FL 33040
- 9) Owner Phone #: _____ Email: ddanieli@pebblebrookhotels.com & mhpa@bellsouth.net

- 10) Zoning District of Parcel: HCT/C-OW RE# 00036280-000000 & 0036370-000000
- 11) Is Subject Property located within the Historic District? Yes X No If Yes: Date of approval N/A
- HARC approval # OR: Date of meeting

- 12) Description of Proposed Development and Use. Please be specific, list existing and proposed buildings and uses, number of dwelling units, parking, restaurant seats, vehicles proposed, etc. If there is more than one use, describe in detail the nature of each use (Give concise description here and use a separate sheet if necessary).

Floating barrier anchored to submerged land to prevent seaweed buildup on beach

- 13) Has subject Property received any variance(s)? Yes No X If Yes: Date of approval Resolution #
- Attach resolution(s).

- 14) Are there any easements, deed restrictions or other encumbrances on the subject property? Yes No X
- If Yes, describe and attach relevant documents.

- A. For both *Conditional Uses* and *Development Plans*, provide the information requested from the attached **Conditional Use and Development Plan** sheet.
- B. For *Conditional Uses* only, also include the **Conditional Use Criteria** required under Chapter 122, Article III, Sections 122-61 and 122-62 of the Land Development Regulations (see attached copy of criteria).
- C. For *Major Development Plans* only, also provide the **Development Plan Submission Materials** required under Chapter 108, Article II, Division 7, Sections 108-226 through 108-248 of the Land Development Regulations (see attached copy of criteria) and any additional information as determined by the Planning Staff.
- D. For both *Conditional Uses* and *Development Plans*, one set of plans MUST be signed & sealed by an Engineer or Architect.

Please note, development plan and conditional use approvals are quasi-judicial hearings and it is improper to speak to a Planning Board member or City Commissioner about the project outside of the hearing.

**Required Plans and Related Materials for both a Conditional Use
and Minor/Major Development Plan**

- I. Existing Conditions.
- A) Recent Survey of the site by a licensed Surveyor (Survey must be within 10 years from submittal date of this application) showing all dimensions including distances from property lines, and including:
- 1) Size of site;
 - 2) Buildings, structures, and parking;
 - 3) FEMA Flood Zone;

- 4) Topography;
 - 5) Easements; and
 - 6) Location of Utility Lines (sewer, water, electric, cable) adjacent and extending into the site.
- B) Existing size, type and location of trees, hedges, and other features.
- C) Existing stormwater retention areas and drainage flows.
- D) A sketch showing adjacent land uses, buildings, and driveways.
- II. **Proposed Development:** Plans at 11" X 17" (10,000 Sq. ft. or less); 24" X 36" if site is over 10,000 sq. ft.
- A) Site Plan to scale of with north arrow and dimensions by a licensed architect or engineer.
 - 1) Buildings
 - 2) Setbacks
 - 3) Parking:
 - a. Number, location and size of automobile and bicycle spaces
 - b. Handicapped spaces
 - c. Curbs or wheel stops around landscaping
 - d. Type of pavement
 - 4) Driveway dimensions and material
 - 5) Location of Utility Lines (sewer, water, electric, cable) adjacent and extending into the site.
 - 6) Location of garbage and recycling
 - 7) Signs
 - 8) Lighting
 - 8) Project Statistics:
 - a. Zoning
 - b. Size of site
 - c. Number of units (or units and Licenses)
 - d. If non-residential, floor area & proposed floor area ratio
 - e. Consumption area of restaurants & bars
 - f. Open space area and open space ratio
 - g. Impermeable surface area and impermeable surface ratio
 - h. Number of automobile and bicycle spaces required and proposed
 - B) Building Elevations
 - 1) Drawings of all building from every direction. If the project is in the Historic District, please submit HARC approved site plans.
 - 2) Height of building.
 - 3) Finished floor elevations and bottom of first horizontal structure
 - 4) Height of existing and proposed grades
 - C) Drainage Plan: Existing & Proposed retention areas and calculations approved by the City Engineer. See one of the attached commercial and residential use Stormwater Retention Forms.
 - D) Landscape Plan: Size, type, location and number of plants to be removed, kept, and installed. The plan must be approved by the City Landscape Coordinator through a letter of approval. If the project is a Major Development Plan a landscape design prepared by a licensed Landscape Architect is required per Section 108-511(b) of the Land Development Regulations.

- III. **Solutions Statement.** Aspects of the design that address community issues including but not limited to water pollution from stormwater runoff, potable water conservation, waste disposal, recycling, energy conservation, affordable housing, and impacts on neighbors such as lighting, noise, traffic and parking.

Development Plan Submission Materials

Sec. 108-226. Scope.

A development plan, for the purposes of this division, shall include but not necessarily be limited to the requirements in this division. With the exception of sections 108-227 through 108-229, the city planner may waive or modify requirements, information and specific performance criteria for development plan review after rendering a finding in writing that such requirements:

- (1) Are not necessary prior to development plan approval in order to protect the public interest or adjacent properties;
- (2) Bear no relationship to the proposed project or its impacts; and
- (3) Are found to be impractical based on the characteristics of the use, including the proposed scale, density/intensity, and anticipated impacts on the environment, public facilities and adjacent land uses.

Sec. 108-227. Title block.

The development plan shall contain the following pertaining to the title block:

- (1) Name of development.
- (2) Name of owner/developer.
- (3) Scale.
- (4) North arrow.
- (5) Preparation and revision date.
- (6) Location/street address of development.

Sec. 108-228. Identification of key persons.

The development plan shall contain the following pertaining to identification of key persons:

- (1) Owner.
- (2) Owner's authorized agent.
- (3) Engineer and architect.
- (4) Surveyor.
- (5) Landscape architect and/or environmental consultant.
- (6) Others involved in the application.
- (7) A verified statement showing each and every individual person having a legal and/or equitable ownership interest in the subject property, except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the names and addresses of the corporation and principal executive officers together with any majority stockholders will be sufficient.

Sec. 108-229. Project description.

Project description should be included on the site plan sheet. The development plan shall contain the following pertaining to the project description:

- (1) Zoning (include any special districts).
- (2) Project site size (acreage and/or square footage).
- (3) Legal description.
- (4) Building size.
- (5) Floor area ratio permitted and proposed.
- (6) Lot coverage permitted and proposed.
- (7) Impervious surface.
- (8) Pervious surface.
- (9) Landscape areas.

- (10) Parking spaces permitted and proposed.
- (11) Delineation of location of existing and proposed structures.
- (12) Existing and proposed development type denoted by land use including density/intensity.
- (13) Setbacks.

Sec. 108-230. Other project information.

A general outline of the proposed development shall include the following criteria where applicable:

- (1) Proposed stages or phases of development or operation and facility utilization.
- (2) Target dates for each phase.
- (3) Expected date of completion.
- (4) Proposed development plan for the site.
- (5) A written description of characteristics of the proposed development (i.e., number and type of residential units; floor area by land use; number of tourist accommodations units; seating or parking capacities; number of hospital beds; any proposed outside facilities or areas to be used for storage, display, outside sales, waste disposal or similar use; and any other proposed uses).
- (6) For planned unit developments, indicate design techniques (i.e., clustering, zero lot line, or other techniques) used to reduce public facility costs, reduce disturbance of natural resources, and preserve scenic quality of the site.
- (7) Buildings and siting specifications which shall be utilized to reduce damage potential and to comply with federal flood insurance regulations.
- (8) Protection against encroachment together with proposed mitigation measures to be employed within environmentally sensitive areas.

Sec. 108-231. Residential developments.

- (a) If the development includes residential units, the following characteristics shall be discussed in the written description:
 - (1) A breakdown of the proposed residential units by number of bedrooms;
 - (2) Tenure (i.e., owner-occupied or rental); and
 - (3) Structure type, such as single-family, duplex, multiple-family, mobile home.
- (b) Refer to division 10 of article V of chapter 122 for information and legal instruments needed to satisfy the city's affordable housing requirements.

Sec. 108-232. Intergovernmental coordination.

The development plan shall contain the following pertaining to intergovernmental coordination:

- (1) Provide proof of coordination with applicable local, regional, state and federal agencies, including but not limited to the following agencies that will be involved in the project:
 - a. South Florida Regional Planning Council (SFRPC).
 - b. City electric system (CES).
 - c. State department of environmental protection (DEP).
 - d. Army Corps of Engineers (ACOE).
 - e. South Florida Water Management District (SFWMD).
 - f. State department of transportation (DOT).
 - g. State department of community affairs (DCA).
 - h. Florida Keys Aqueduct Authority (FKAA).
 - i. State fish and wildlife conservation commission (F&GC).
 - j. The county.
- (2) Provide evidence that any necessary permit, lease or other permission from applicable local, regional, state and federal agencies has been obtained for any activity that will impact wetland communities or submerged land.
- (3) When intergovernmental coordination efforts are incomplete, the applicant shall provide evidence of good faith efforts towards resolving intergovernmental coordination issues.

CONDITIONAL USE CRITERIA

Sec. 122-61. Purpose and intent.

The purpose of this article is to ensure that a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. This article sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

Sec. 122-62. Specific criteria for approval.

- (a) Findings. A conditional use shall be permitted upon a finding by the planning board that the proposed use, application and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the planning board and or the city commission during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations. If the proposed conditional use is a major development pursuant to sections 108-165 and 108-166, the city commission shall render the final determination pursuant to section 122-63. A conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest. An application for a conditional use shall describe how the specific land use characteristics proposed meet the criteria described in subsection (c) of this section and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity.
- (b) Characteristics of use described. The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:
 - (1) Scale and intensity of the proposed conditional use as measured by the following:
 - a. Floor area ratio;
 - b. Traffic generation;
 - c. Square feet of enclosed building for each specific use;
 - d. Proposed employment;
 - e. Proposed number and type of service vehicles; and
 - f. Off-street parking needs.
 - (2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection (b)(1) of this section including the following:
 - a. Utilities;
 - b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94;
 - c. Roadway or signalization improvements, or other similar improvements;
 - d. Accessory structures or facilities; and
 - e. Other unique facilities/structures proposed as part of site improvements.
 - (3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
 - a. Open space;
 - b. Setbacks from adjacent properties;
 - c. Screening and buffers;
 - d. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
 - e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.

(c) Criteria for conditional use review and approval. Applications for a conditional use shall clearly demonstrate the following:

- (1) Land use compatibility. The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.
- (2) Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure (i.e., refer to chapter 94 to ensure concurrency management requirements are met) and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.
- (3) Proper use of mitigative techniques. The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.
- (4) Hazardous waste. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
- (5) Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to any approval of a conditional use in order to protect the public health, safety, and welfare.
- (6) Additional criteria applicable to specific land uses. Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:
 - a. Land uses within a conservation area. Land uses in conservation areas shall be reviewed with emphasis on compliance with section 108-1 and articles III, IV, V, VII and VIII of chapter 110 pertaining to environmental protection, especially compliance with criteria, including land use compatibility and mitigative measures related to wetland preservation, coastal resource impact analysis and shoreline protection, protection of marine life and fisheries, protection of flora and fauna, and floodplain protection. The size, scale and design of structures located within a conservation area shall be restricted in order to prevent and/or minimize adverse impacts on natural resources. Similarly, public uses should only be approved within a wetland or coastal high hazard area V zone when alternative upland locations are not feasible on an upland site outside the V zone.
 - b. Residential development. Residential development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting setbacks, lot coverage, height, mass of building, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance, design, and land use compatibility criteria established in chapter 102; articles III, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, internal circulation, and off-street parking; as well as possible required mitigative measures such as landscaping and site design amenities.
 - c. Commercial or mixed-use development. Commercial or mixed use development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting floor area ratio, setbacks, lot coverage, height, mass of buildings, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance,

design, and land use compatibility criteria established in chapter 102; articles I, II, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, pedestrian access and circulation; internal vehicular circulation together with access and egress to the site, and off-street parking; as well as possible required mitigative measures such as landscaping, buffering, and other site design amenities. Where commercial or mixed use development is proposed as a conditional use adjacent to U.S. 1, the development shall be required to provide mitigative measures to avoid potential adverse impacts to traffic flow along the U.S. 1 corridor, including but not limited to restrictions on access from and egress to U.S. 1, providing for signalization, acceleration and deceleration lanes, and/or other appropriate mitigative measures.

- d. Development within or adjacent to historic district. All development proposed as a conditional use within or adjacent to the historic district shall be reviewed based on applicable criteria stated in this section for residential, commercial, or mixed use development and shall also comply with appearance and design guidelines for historic structures and contributing structures and/or shall be required to provide special mitigative site and structural appearance and design attributes or amenities that reinforce the appearance, historic attributes, and amenities of structures within the historic district.
- e. Public facilities or institutional development. Public facilities or other institutional development proposed as a conditional use shall be reviewed based on land use compatibility and design criteria established for commercial and mixed-use development. In addition, the city shall analyze the proposed site location and design attributes relative to other available sites and the comparative merits of the proposed site, considering professionally accepted principles and standards for the design and location of similar community facilities and public infrastructure. The city shall also consider compliance with relevant comprehensive plan assessments of community facility and infrastructure needs and location impacts relative to service area deficiencies or improvement needs.
- f. Commercial structures uses and related activities within tidal waters. The criteria for commercial structures, uses and related activities within tidal waters are as provided in section 122-1186.
- g. Adult entertainment establishments. The criteria for adult entertainment establishments are as provided in division 12 of article V of this chapter.

1405 Duval Street, MDP & CU



AUTHORIZATION & VERIFICATION FORMS

City of Key West
Planning Department



Authorization Form
(Where Owner is a Business Entity)

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, Greg Veliz as
Please Print Name of person with authority to execute documents on behalf of entity

City Manager of the City of Key West
Name of office (President, Managing Member) *Name of owner from deed*

authorize Smith Hawks, PL / Barton Smith, Esq.
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West.

[Signature]
Signature of person with authority to execute documents on behalf on entity owner

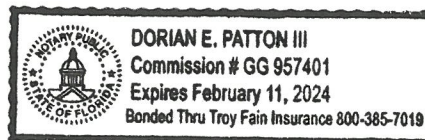
Subscribed and sworn to (or affirmed) before me on this 12 day of April 2021
Date

by Greg Veliz
Name of person with authority to execute documents on behalf on entity owner

He/She is personally known to me or has presented _____ as identification.

[Signature]
Notary's Signature and Seal

Dorian E Patton III
Name of Acknowledger typed, printed or stamped



GG 957401
Commission Number, if any

City of Key West
Planning Department



Authorization Form
(Where Owner is a Business Entity)

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, **Thomas C. Fisher** as
Please Print Name of person with authority to execute documents on behalf of entity

Vice President of **Sunset City, LLC**
Name of office (President, Managing Member) *Name of owner from deed*

authorize **Smith Hawks, PL / Barton Smith, Esq.**
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West.

A handwritten signature in blue ink that reads "Thomas C. Fisher".

Signature of person with authority to execute documents on behalf of entity owner

Subscribed and sworn to (or affirmed) before me on this _____
Date

by **Thomas C. Fisher**
Name of person with authority to execute documents on behalf of entity owner

He/She is personally known to me or has presented _____ as identification.

A handwritten signature in blue ink that reads "Susan K. Patterson".
Notary's Signature and Seal

Name of Acknowledger typed, printed or stamped

Commission Number, if any

Susan K Patterson
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
COMMISSION EXPIRES March 23, 2024



City of Key West
Planning Department



Authorization Form
(Where Owner is a Business Entity)

Please complete this form if someone other than the owner is representing the property owner in this matter.

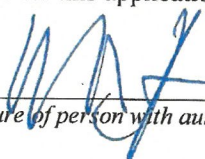
I, Michael Halpern as
Please Print Name of person with authority to execute documents on behalf of entity

Authorized Representative of Matilde Generosa Ramos Revocable Trust
Name of office (President, Managing Member) *Name of owner from deed*

authorize Smith Hawks, PL / Barton Smith, Esq.

Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West.


Signature of person with authority to execute documents on behalf on entity owner

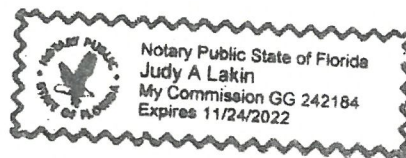
Subscribed and sworn to (or affirmed) before me on this August 12, 2020
Date

by Michael Halpern
Name of person with authority to execute documents on behalf on entity owner

He/She is personally known to me or has presented _____ as identification.


Notary's Signature and Seal

Judy A. Lakin
Name of Acknowledger typed, printed or stamped



GG 242184
Commission Number, if any



**City of Key West
Planning Department
Verification Form**
(Where Applicant is an entity)

I, Barton W. Smith, in my capacity as Authorized Person
(print name) (print position; president, managing member)
of Smith Hawks, PL
(print name of entity)

being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

Submerged land near 1405 Duval Street, RE #s 00036280-000000 & 0036370-000000
Street address of subject property

I, the undersigned, declare under penalty of perjury under the laws of the State of Florida that I am the Authorized Representative of the property involved in this application; that the information on all plans, drawings and sketches attached hereto and all the statements and answers contained herein are in all respects true and correct.

In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

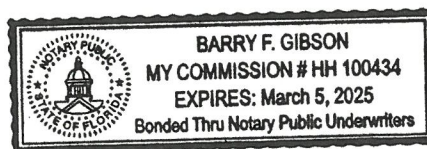

Signature of Applicant

Subscribed and sworn to (or affirmed) before me on this 3/30/2021 by
date
Barton W. Smith
Name of Applicant

He/She is personally known to me or has presented _____ as identification.


Notary's Signature and Seal

Barry Gibson
Name of Acknowledger typed, printed or stamped

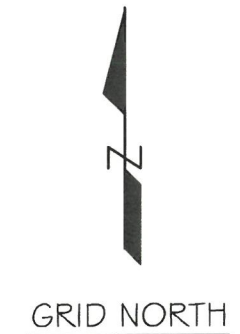
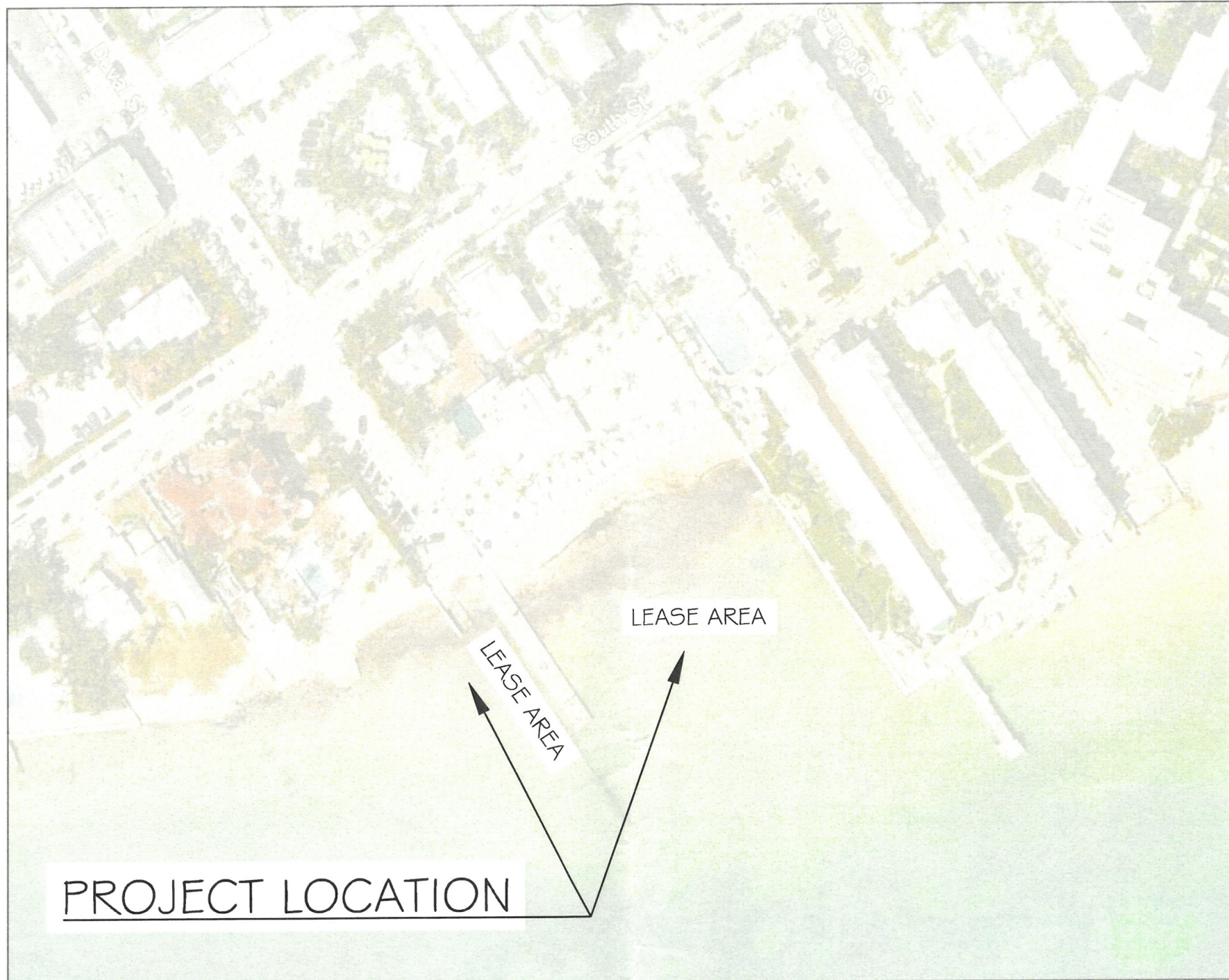


Commission Number, if any

1405 Duval Street, MDP & CU

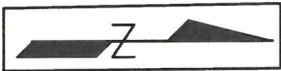
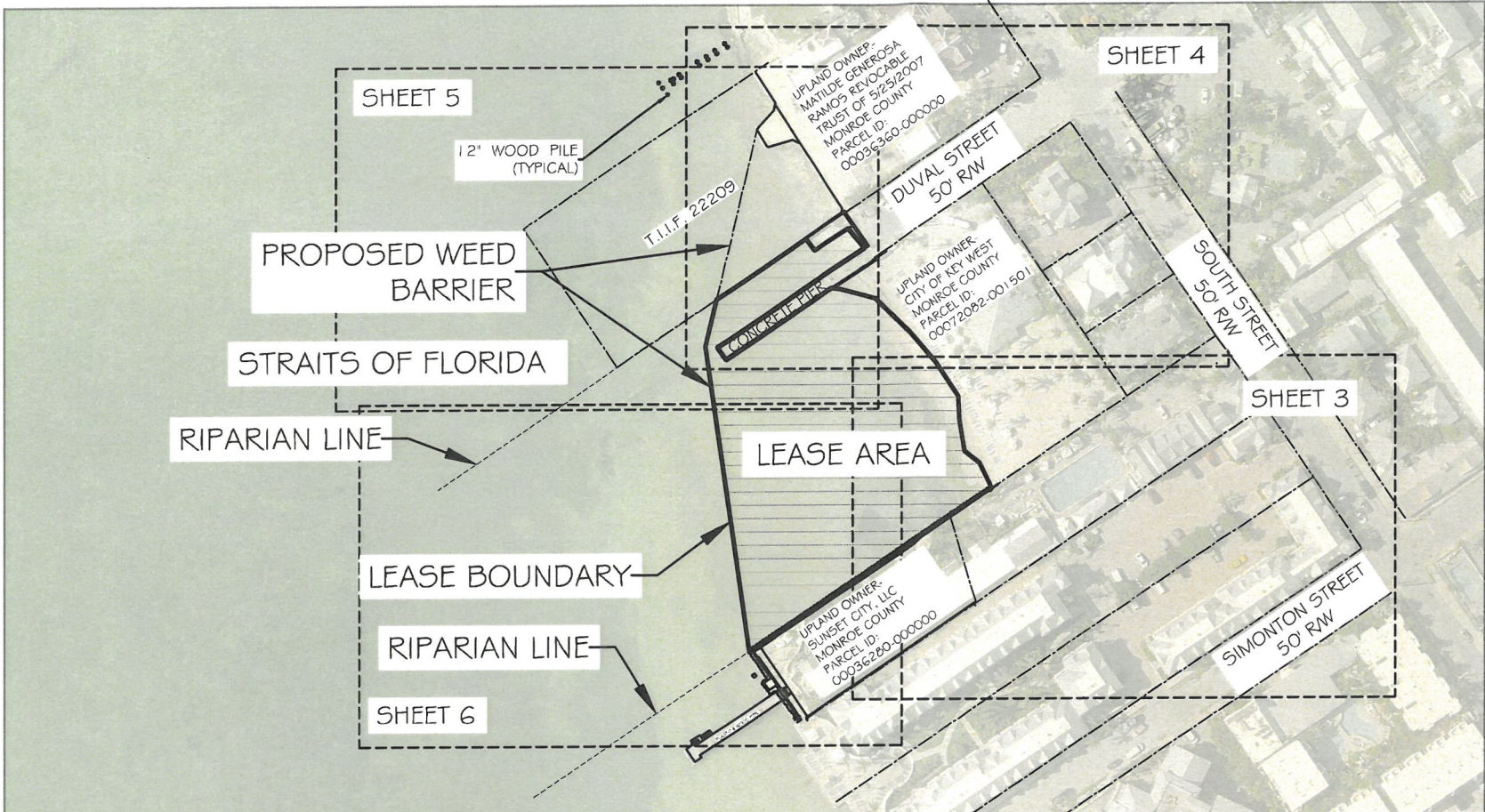


BOUNDARY SURVEY



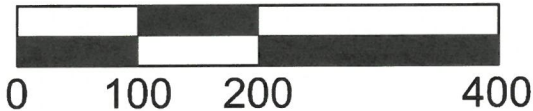
<p>SCALE: NOT TO SCALE</p> <p>FIELD WORK DATE: 08/14/2020</p> <p>MAP DATE: 09/04/2020</p> <p>REVISION DATE: 09/08/2020</p> <p>SHEET: 1 OF 7</p> <p>DRAWN BY: GBF</p> <p>JOB NO: 20-33C</p>		<p>I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH IN CHAPTER 5J, 17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND COMPLIES WITH CHAPTER 177, PART II FLORIDA STATUTES.</p> <p>NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER.</p> <p>SIGNED: </p> <p>ERIC A. GAGNIER #6783, PROFESSIONAL SURVEYOR AND MAPPER, LDM 7647</p>	 <p>FLORIDA KEYS LAND SURVEYING</p> <p>19960 OVERSEAS HIGHWAY SUGARLOAF KEY, FL 33042 PHONE: (305) 394-3690 EMAIL: FKL5email@gmail.com</p>	<p><u>SPECIFIC PURPOSE SURVEY</u></p> <p>SUBMERGED LAND LEASE LOCATION MAP</p>	<p>ADDRESS OF SUBJECT PROPERTY:</p> <p>1400/1405 DUVAL STREET KEY WEST, FL 33040</p>
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KEY MAP



GRID NORTH

1"=200'



SURVEYORS NOTES

- THIS IS A FIELD SURVEY.
- ALL ANGLES DEPICTED ARE 90 DEGREES UNLESS OTHERWISE INDICATED.
- ALL UNITS ARE SHOWN IN SURVEY FEET.
- ADDITIONS OR DELETIONS TO SURVEY MAP OR REPORT BY OTHERS THAN THE SIGNING PARTY IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY.
- HORIZONTAL COORDINATES AND BEARINGS SHOWN ARE REFERENCED TO GRID NORTH, BASED ON THE 2011 ADJUSTMENT OF THE NORTH AMERICAN DATUM OF 1983 (NAD 83/2011), OF THE FLORIDA STATE PLANE COORDINATE SYSTEM (TRANSVERSE MERCATOR PROJECTION), EAST ZONE (0901).
- HORIZONTAL POSITIONS WERE ESTABLISHED BY USING A TRIMBLE R10 GNSS ROVER, REFERENCING A WIDE AREA CONTINUOUSLY OPERATING GPS REFERENCE STATION NETWORK (TRIMBLE VRS).
- APPROXIMATE BOUNDARY LINES ARE GRAPHICALLY DELINEATED FROM INFORMATION OBTAINED FROM RECORDED DOCUMENTS AT THE TIME OF THE SURVEY. THIS INFORMATION IS SPATIALLY PLACED WITHIN THE DIGITAL FILE OF THE LEASE AREA SURVEY, BASED ON EXISTING OCCUPATION LINES TO DEPICT THE BOUNDARY RELATIVE TO THE LEASE AREA LOCATION. THIS IS NOT A BOUNDARY SURVEY AND THE INFORMATION SHOULD NOT BE RELIED UPON AS SUCH.
- ALL FIELD WORK WAS COMPLETED ON 08/14/2020
- THE MEAN HIGH WATER ELEVATION OF -0.20' NAVD88 AND MEAN LOW WATER ELEVATION OF -1.54' NAVD88, AS PER A LETTER FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF SURVEY AND MAPPING MEAN HIGH WATER REPOSITORY, DATED 8/12/2020.
- THIS MEAN HIGH WATER LINE SURVEY COMPLIES WITH CHAPTER 177, PART II, FLORIDA STATUTES.
- BACKGROUND IMAGE IS A 2017 GEOREFERENCED AERIAL IMAGE OBTAINED FROM THE MONROE COUNTY G.I.S. DEPARTMENT AND IS SHOWN FOR VISUAL REFERENCE ONLY.
- REVISION (1) 09/08/2020: REVISED TO SHOW PROPOSED WEED BARRIER.

TOTAL LEASE AREA: 59,521.16 SQFT ±
1.37 ACRES ±

LINEAR FOOTAGE OF SHORELINE: 906LF ±

ADDRESS: 1400/1405 DUVAL STREET
KEY WEST, FL 33040

UPLAND RIPARIAN PROPERTY LEGAL DESCRIPTION -
SEE SHEET SEVEN

SUBMERGED LAND LEASE LEGAL DESCRIPTION -
SEE SHEET SEVEN

CERTIFIED TO -

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

NOTE: LEGAL DESCRIPTIONS HAVE BEEN FURNISHED BY THE CLIENT OR HIS/HER REPRESENTATIVE, PUBLIC RECORDS HAVE NOT BEEN RESEARCHED BY THE SURVEYOR TO DETERMINE THE ACCURACY OF THESE DESCRIPTIONS NOR HAVE ADJOINING PROPERTIES BEEN RESEARCHED TO DETERMINE OVERLAPS OR HIATUS.

SPECIFIC PURPOSE SURVEY

SUBMERGED LAND LEASE
DESCRIPTION SKETCH

NOTE: FOUNDATIONS BENEATH THE SURFACE ARE NOT SHOWN. MEASURED DIMENSIONS EQUAL PLATTED OR DESCRIBED DIMENSIONS UNLESS INDICATED OTHERWISE.
THE FOLLOWING IS A LIST OF ABBREVIATIONS THAT MAY BE FOUND ON THIS SHEET:

BFP = BACK FLOW PREVENTER	ISW = IRON WIRE	PRC = POINT OF REVERSE CURVE
BO = BLOW OUT	ISD = IRON S.D.S.	PRM = PERMANENT REFERENCE MONUMENT
C & G = 2" CONCRETE CURB & GUTTER	IR = IRON ROD	PT = POINT OF TANGENT
CD = CONCRETE BLOCK	L = ANGLE LENGTH	E = EASEMENT
CDW = CONCRETE BLOCK WALL	LS = LANDSCAPING	RAW = RIGHT OF WAY LINE
CL = CENTERLINE	MB = MANHOLE	SSCO = SANITARY SEWER CLEAN OUT
CM = CONCRETE MONUMENT	MEAS = MEASURED	SW = SIDE WALL
CONC = CONCRETE	MHWL = MEAN HIGH WATER LINE	TBM = TEMPORARY BENCHMARK
CP = CONCRETE POWER POLE	NGVD = NATIONAL GEODETIC VERTICAL DATUM (1929)	TOS = TOP OF BANK
COVER = COVERED	NTS = NOT TO SCALE	TOS = TOP OF SLOPE
DELTA = CENTRAL ANGLE	OH = ROOF OVERHANG LINE	TS = TRAFFIC SIGN
DEASE = DRAINAGE EASEMENT	QHW = OVERHEAD WIRE	TYP = TYPICAL
EL = ELEVATION	PC = POINT OF CURVE	LEASE = UTILITY EASEMENT
ENG = ENCLOSURE	PCP = POINT OF COMPOUND CURVE	WD = WOOD DECK
EP = EDGE OF PAVEMENT	PV = PARKING VETER	WP = WOOD FENCE
FF = FINISH FLOOR ELEVATION	PCP = PERMANENT CONTROL POINT	WL = WOOD LANDFILL
FI = FIRE HYDRANT	PI = PARKER KALON NAIL	WM = WATER METER
FI = FENCE INSIDE	POB = POINT OF BEGINNING	WPP = WOOD POWER POLE
FND = FOUND	PI = POINT OF INTERSECTION	WRKLINE = LINE OF DEEDS ON SHORE
FO = FENCE OUTSIDE	PDC = POINT OF COMMENCEMENT	WV = WATER VALVE
FOL = FENCE ON LINE		

SCALE: 1" = 200'
FIELD WORK DATE: 08/14/2020
MAP DATE: 09/04/2020
REVISION DATE: 09/08/2020
SHEET: 2 OF 7
DRAWN BY: GBF
INVOICE NO.: 20-336

THIS SHEET 2 OF 7 NOT FULL AND COMPLETE WITH SHEETS 1, 3, 4, 5, 6, & 7.

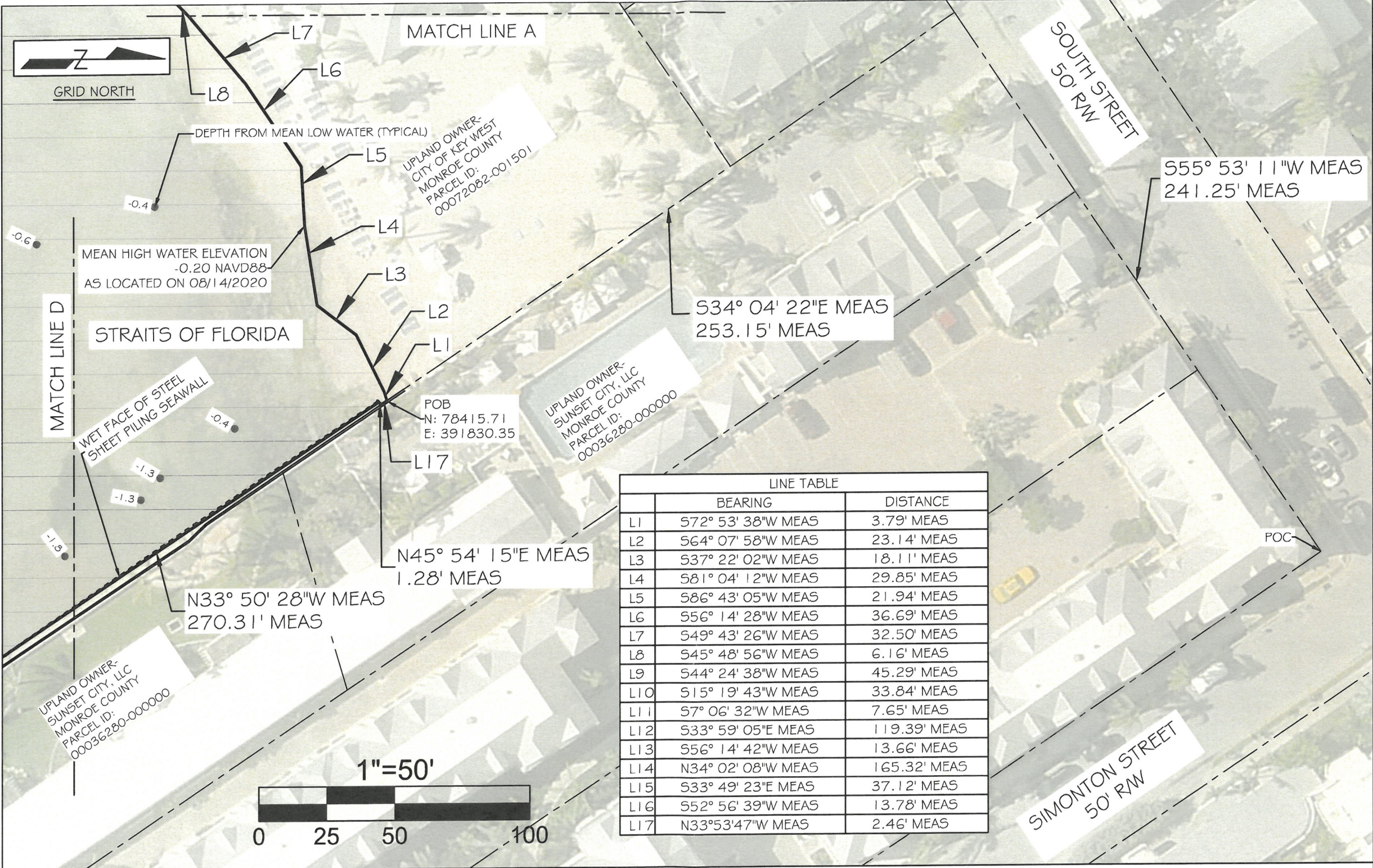
I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH IN CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND COMPLIES WITH CHAPTER 177, PART II, FLORIDA STATUTES.

NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER

SIGNED: 
ERIC A. ISAACS, FSN# 6763, PROFESSIONAL SURVEYOR AND MAPPER, L# 7647

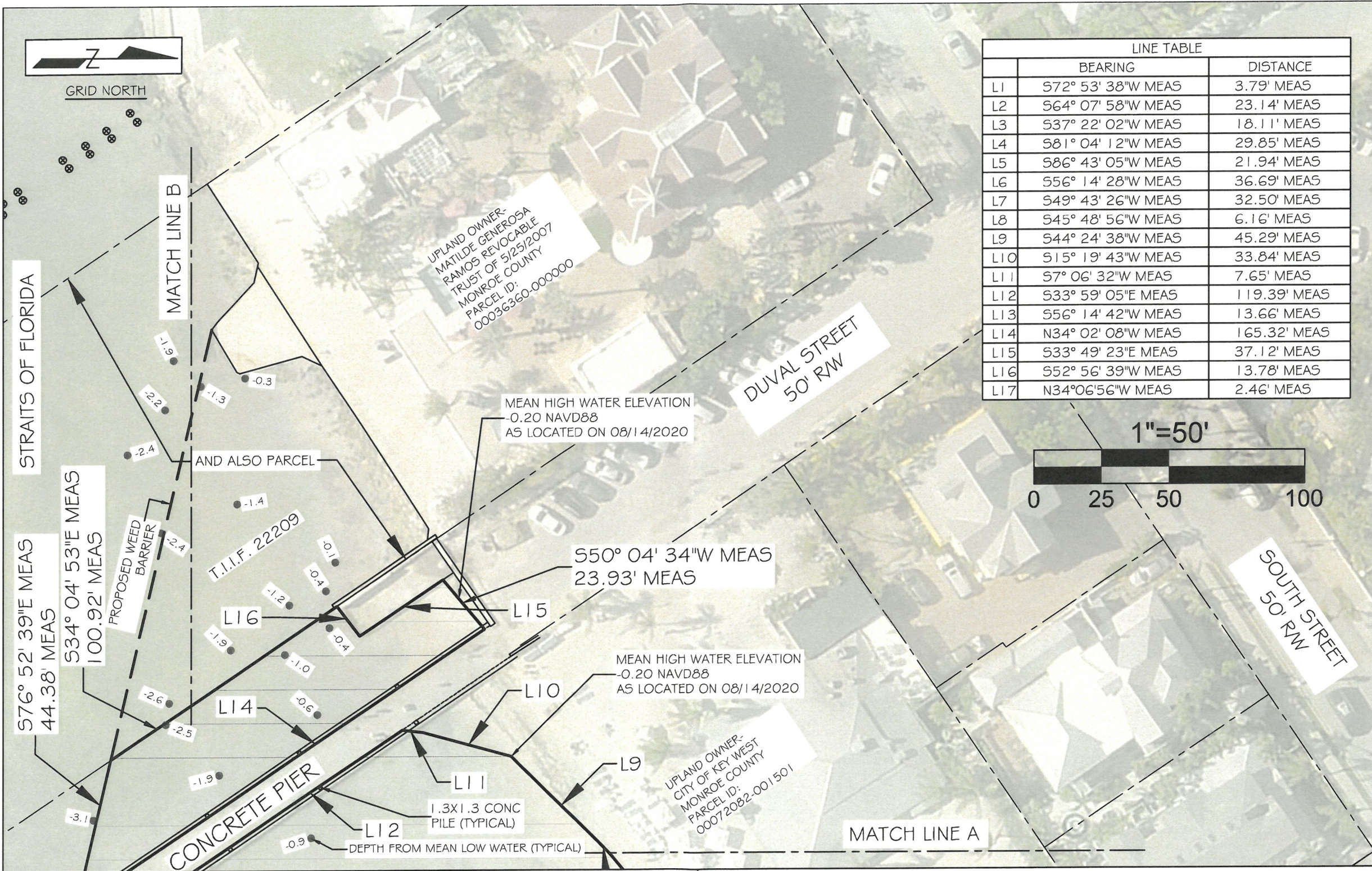


**FLORIDA KEYS
LAND SURVEYING**
19960 OVERSEAS HIGHWAY
SUGARLOAF KEY, FL 33042
PHONE: (305) 394-3690
EMAIL: FKL5email@gmail.com



LINE TABLE		
	BEARING	DISTANCE
L1	S72° 53' 38"W MEAS	3.79' MEAS
L2	S64° 07' 58"W MEAS	23.14' MEAS
L3	S37° 22' 02"W MEAS	18.11' MEAS
L4	S81° 04' 12"W MEAS	29.85' MEAS
L5	S86° 43' 05"W MEAS	21.94' MEAS
L6	S56° 14' 28"W MEAS	36.69' MEAS
L7	S49° 43' 26"W MEAS	32.50' MEAS
L8	S45° 48' 56"W MEAS	6.16' MEAS
L9	S44° 24' 38"W MEAS	45.29' MEAS
L10	S15° 19' 43"W MEAS	33.84' MEAS
L11	S7° 06' 32"W MEAS	7.65' MEAS
L12	S33° 59' 05"E MEAS	119.39' MEAS
L13	S56° 14' 42"W MEAS	13.66' MEAS
L14	N34° 02' 08"W MEAS	165.32' MEAS
L15	S33° 49' 23"E MEAS	37.12' MEAS
L16	S52° 56' 39"W MEAS	13.78' MEAS
L17	N33°53'47"W MEAS	2.46' MEAS

UPLAND RIPARIAN PROPERTY LEGAL DESCRIPTION - SEE SHEET SEVEN		CERTIFIED TO - -BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA	NOTE: LEGAL DESCRIPTIONS HAVE BEEN FURNISHED BY THE CLIENT OR HIS/HER REPRESENTATIVE. PUBLIC RECORDS HAVE NOT BEEN RESEARCHED BY THE SURVEYOR TO DETERMINE THE ACCURACY OF THESE DESCRIPTIONS NOR HAVE ADJOINING PROPERTIES BEEN RESEARCHED TO DETERMINE OVERLAPS OR HIATUS.
SUBMERGED LAND LEASE LEGAL DESCRIPTION - SEE SHEET SEVEN			
SCALE: 1" = 50'	THIS SHEET 3 OF 7 NOT FULL AND COMPLETE WITH SHEETS 1, 2, 4, 5, 6, & 7	FLORIDA KEYS LAND SURVEYING 19960 OVERSEAS HIGHWAY SUGARLOAF KEY, FL 33042 PHONE: (305) 394-3690 EMAIL: FKL5email@gmail.com	SPECIFIC PURPOSE SURVEY SUBMERGED LAND LEASE DESCRIPTION SKETCH
FIELD WORK DATE: 08/14/2020 MAP DATE: 09/04/2020 REVISION DATE: 09/08/2020 SHEET 3 OF 7 DRAWN BY: GBF INVOICE NO.: 20-336	I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH IN CHAPTER 5, § 17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.077, FLORIDA STATUTES AND COMPLETES WITH CHAPTER 177, PART II FLORIDA STATUTES. NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER SIGNED: ERIC A. ISAAC, F.S.M. #6763, PROFESSIONAL SURVEYOR AND MAPPER, L#4 7647		



LINE TABLE		
	BEARING	DISTANCE
L1	S72° 53' 38"W MEAS	3.79' MEAS
L2	S64° 07' 58"W MEAS	23.14' MEAS
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UPLAND RIPARIAN PROPERTY LEGAL DESCRIPTION -
SEE SHEET SEVEN

SUBMERGED LAND LEASE LEGAL DESCRIPTION -
SEE SHEET SEVEN

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SPECIFIC PURPOSE SURVEY

SUBMERGED LAND LEASE DESCRIPTION SKETCH

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THE FOLLOWING IS A LIST OF ABBREVIATIONS THAT MAY BE FOUND ON THIS SHEET.

BIF = BULK FLOW PREVENTER DOW = DOWN DOW C & G = 2" CONCRETE CURB & GUTTER CD = CONCRETE BLOCK CONW = CONCRETE BLOCK WALL CL = CENTERLINE CLF = CONCRETE FENCE CM = CONCRETE MONUMENT CONC = CONCRETE CWP = CONCRETE POWER POLE CVRD = COVERED DELT = CENTRAL ANGLE DEASE = DRAINAGE EASEMENT EL = ELEVATION DACL = DITCH/DORE EP = EDGE OF PAVEMENT FF = FINISHED FLOOR ELEVATION FI = FIRE HYDRANT FI = FENCE INSIDE FO = FOUND FO = FENCE OUTSIDE FOL = FENCE ON LINE	GW = GUY WIRE HD = HOSE DOW IF = IRON PIPE IR = IRON ROD L = ANGLE LENGTH LD = LANDSCAPING MB = MAILBOX MEAS = MEASURED MHW = MEAN HIGH WATER LINE MNGS = NATIONAL GEODETIC VD = VERTICAL DATUM (1929) NTS = NOT TO SCALE OHL = ROOF OVERHANG LINE OPW = OVERHEAD WIRE PC = POINT OF CURVE PM = PARKING METER PCC = POINT OF CONTROL POINT PCT = PERMANENT CONTROL POINT PFI = PARKER FALCON NAIL POB = POINT OF BEGINNING PI = POINT OF INTERSECTION POC = POINT OF COMMENCEMENT	PRC = POINT OF REVERSE CURVE PERM = PERMANENT EASEMENT MON = MONUMENT PT = POINT OF TANGENT R = ROAD RW = RIGHT OF WAY LINE SSCO = SANITARY SEWER CLEAN-OUT SW = SIDE WALK TBM = TEMPORARY BENCHMARK TOS = TOP OF BANK TOS = TOP OF SLOPE TS = TRAFFIC SIGN TYP = TYPICAL LEAS = UTILITY EASEMENT WD = WOOD DECK WF = WOOD FENCE WL = WOOD LANDING WM = WATER METER WPP = WOOD POWER POLE WV = WATER VALVE
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SCALE: 1" = 50'

FIELD WORK DATE: 08/14/2020

MAP DATE: 09/04/2020

REVISION DATE: 09/08/2020

SHEET: 4 OF 7


DRAWN BY: GBF


INVOICE NO.: 20 336

THIS SHEET 4 OF 7 NOT FULL AND COMPLETE WITH SHEETS 1, 2, 3, 5, 6, & 7

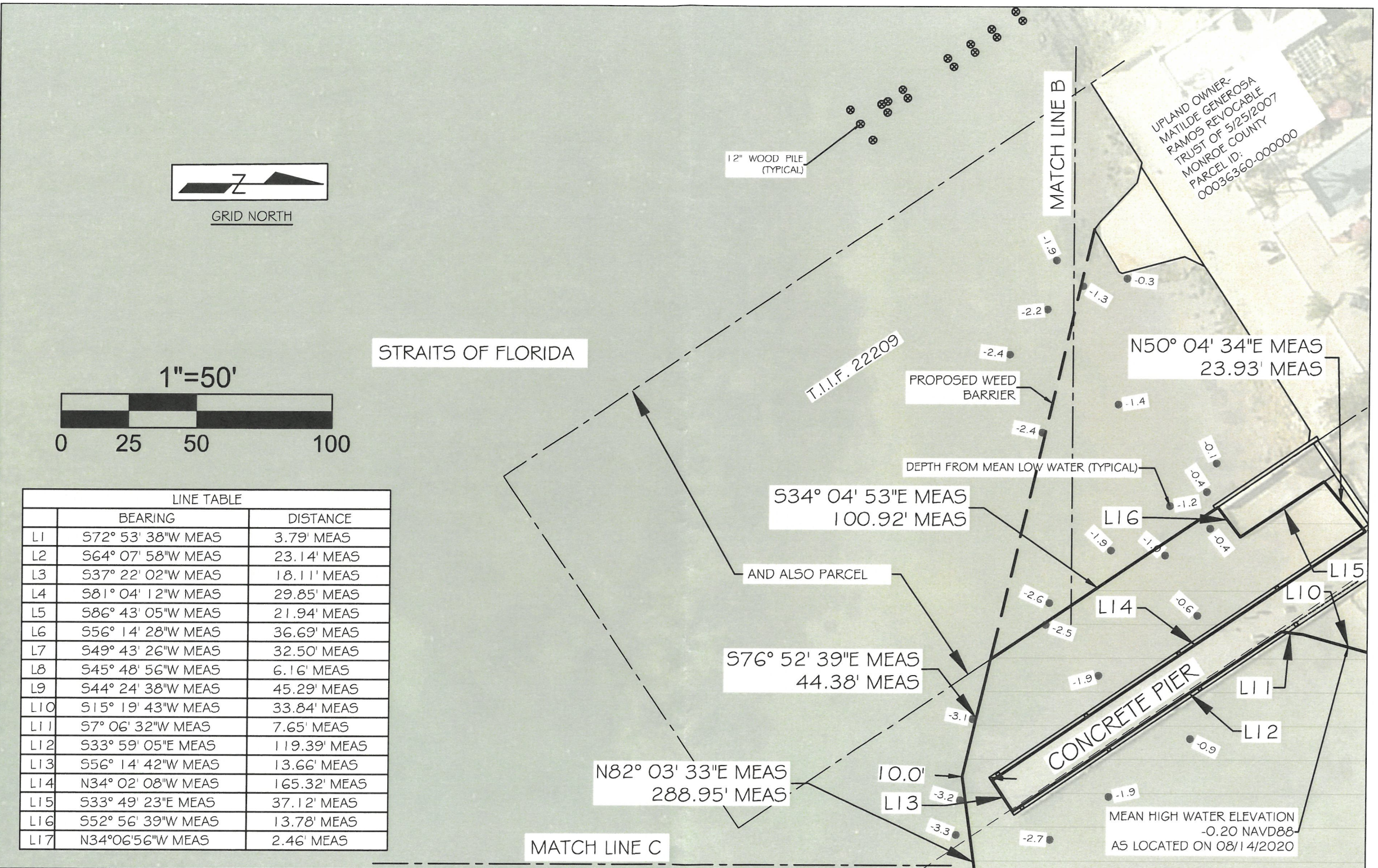
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NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER

SIGNED:  ERIC A. ISAACS, F.S.M. #6703, PROFESSIONAL SURVEYOR AND MAPPER, LBN 7047

 **FLORIDA KEYS LAND SURVEYING**

19960 OVERSEAS HIGHWAY
SUGARLOAF KEY, FL 33042
PHONE: (305) 394-3690
EMAIL: FKL5email@gmail.com



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L17	N34° 06' 56"W MEAS	2.46' MEAS

UPLAND RIPARIAN PROPERTY LEGAL DESCRIPTION -
SEE SHEET SEVEN

SUBMERGED LAND LEASE LEGAL DESCRIPTION -
SEE SHEET SEVEN

CERTIFIED TO -
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SCALE: 1" = 50'
FIELD WORK DATE: 08/14/2020
MAP DATE: 09/04/2020
REVISION DATE: 09/08/2020
SHEET: 5 OF 7
DRAWN BY: GBF
INVOICE NO.: 20.336

THIS SHEET 5 OF 7 NOT FULL AND COMPLETE WITH SHEETS 1, 2, 3, 4, 6, & 7.

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NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER

SIGNED: [Signature]
ERIC A. ISAACS, F.S.M. #6703, PROFESSIONAL SURVEYOR AND MAPPER, LEM 7247

FLORIDA KEYS LAND SURVEYING
19960 OVERSEAS HIGHWAY
SUGARLOAF KEY, FL 33042
PHONE: (305) 394-3690
EMAIL: FKLSeam@gmail.com

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SPECIFIC PURPOSE SURVEY

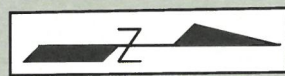
SUBMERGED LAND LEASE DESCRIPTION SKETCH

DTF = EACH FLOW PREVENTER
DO = DRAIN OUTLET
C & G = 2" CONCRETE CURB & GUTTER
CD = CONCRETE DRAIN
CDW = CONCRETE DRAIN WALL
CL = CENTERLINE
CUP = CHAIN LINK FENCE
CM = CONCRETE MONUMENT
CONC = CONCRETE
COP = CONCRETE POWER POLE
CVRD = COVERED
DETA = CENTRAL ANGLE
DEASE = DRAINAGE EASEMENT
ELEV = ELEVATION
ENCL = ENCLOSURE
EP = EDGE OF PAVEMENT
FE = FINISHED FLOOR ELEVATION
FI = FIRE HYDRANT
FIR = FENCE INTERIOR
FND = FOUND
FO = FENCE OUTSIDE
FOL = FENCE ON LINE

GW = GAP WIRE
ID = 100% D.D.
IR = IRON PIPE
IR = IRON ROD
L = LINE LENGTH
LS = LANDSCAPING
MB = MASONRY
MEAS = MEASURED
MHW = MEAN HIGH WATER LINE
NGVD = NATIONAL GEODETIC VERTICAL DATUM (1929)
NYS = NOT TO SCALE
OHL = OVERHEAD LINE
OWH = OVERHEAD WIRE
PC = POINT OF CURVE
PM = PARKING METER
PCC = POINT OF BEGINNING
PFI = PARKER FALCON NAIL
PGB = POINT OF BEGINNING
PI = POINT OF INTERSECTION
POL = POINT OF LINE

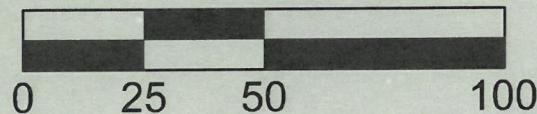
PRC = POINT OF REVERSE CURVE
PRM = PERMANENT REFERENCE MONUMENT
PT = POINT OF TANGENT
R = RADII
RW = RIGHT OF WAY LINE
SSCO = SANITARY SEWER CLEAN-OUT
SW = SIDE WALK
TBM = TEMPORARY BENCHMARK
TOS = TOP OF BANK
TOS = TOP OF SLOPE
TS = TRAFFIC SIGN
TYP = TYPICAL
URASE = UTILITY EASEMENT
W = WOOD DECK
WF = WOOD FENCE
WL = WOOD LANDING
WM = WATER METER
WPP = WOOD POWER POLE
WV = WATER VALVE
WV = WATER VALVE

LINE TABLE		
	BEARING	
L1	572° 53' 38"W MEAS	3.79' MEAS
L2	564° 07' 58"W MEAS	23.14' MEAS
	537° 22' 02"W MEAS	18.11' MEAS
L4	581° 04' 12"W MEAS	29.85' MEAS
L5	586° 43' 05"W MEAS	21.94' MEAS
L6	556° 14' 28"W MEAS	36.69' MEAS
L7	549° 43' 26"W MEAS	32.50' MEAS
L8	545° 48' 56"W MEAS	6.16' MEAS
L9	544° 24' 38"W MEAS	45.29' MEAS
L10	515° 19' 43"W MEAS	33.84' MEAS
L11	57° 06' 32"W MEAS	7.65' MEAS
L12	533° 59' 05"E MEAS	119.39' MEAS
L13	556° 14' 42"W MEAS	13.66' MEAS
L14	N34° 02' 08"W MEAS	165.32' MEAS
L15	533° 49' 23"E MEAS	37.12' MEAS
L16	552° 56' 39"W MEAS	13.78' MEAS
L17	N34° 06' 56"W MEAS	2.46' MEAS



GRID NORTH

1"=50'



UPLAND RIPARIAN PROPERTY LEGAL DESCRIPTION -
SEE SHEET SEVEN

SUBMERGED LAND LEASE LEGAL DESCRIPTION -
SEE SHEET SEVEN

SCALE: 1" = 50'
FIELD WORK DATE: 08/14/2020
MAP DATE: 09/04/2020
REVISION DATE: 09/08/2020
SHEET: 6 OF 7
DRAWN BY: GBF
INVOICE NO.: 20-336

THIS SHEET 6 OF 7 NOT FULL AND COMPLETE WITH SHEETS 1, 2, 3, 4, 5, & 7.

I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH IN CHAPTER 5, § 17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND COMPLIES WITH CHAPTER 177, PART II FLORIDA STATUTES.

NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER
SIGNED: [Signature]
ERIC A. ISAACS, PSM #6703, PROFESSIONAL SURVEYOR AND MAPPER, LDF 7047



**FLORIDA KEYS
LAND SURVEYING**
19960 OVERSEAS HIGHWAY
SUGARLOAF KEY, FL 33042
PHONE: (305) 394-3690
EMAIL: FKL5email@gmail.com

CERTIFIED TO -

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

NOTE: LEGAL DESCRIPTIONS HAVE BEEN FURNISHED BY THE CLIENT OR HIS/HER REPRESENTATIVE. PUBLIC RECORDS HAVE NOT BEEN RESEARCHED BY THE SURVEYOR TO DETERMINE THE ACCURACY OF THESE DESCRIPTIONS NOR HAVE ADJOINING PROPERTIES BEEN RESEARCHED TO DETERMINE OVERLAPS OR HIATUS.

SPECIFIC PURPOSE SURVEY

SUBMERGED LAND LEASE
DESCRIPTION SKETCH

NOTE: FOUNDATIONS BENEATH THE SURFACE ARE NOT SHOWN. MEASURED DIMENSIONS EQUAL PLATTED OR DESCRIBED DIMENSIONS UNLESS INDICATED OTHERWISE.
THE FOLLOWING IS A LIST OF ABBREVIATIONS THAT MAY BE FOUND ON THIS SHEET.

BFP = BACK FLOW PREVENTER	GW = GUY WIRE	PRC = POINT OF REVERSE CURVE
BO = BLOW OUT	ID = 1/2" DIA	PRV = PERMANENT REFERENCE
C & G = 2" CONCRETE CURB & GUTTER	R = IRON PIPE	MONUMENT
CD = CONCRETE DUCK	R = IRON ROD	PT = POINT OF TANGENT
CDW = CONCRETE DUCK WALL	L = ARC LENGTH	R = RADIUS
CL = CENTERLINE	LS = LANDSCAPING	RM = RIGHT OF WAY LINE
CLP = CHAIN LINK FENCE	MS = MILESON	SSCO = SANITARY SEWER CLEAN-OUT
CM = CONCRETE MONUMENT	MEAS = MEASURED	SW = SIDE WALK
CONC = CONCRETE	MSWD = MEASURED HIGH WATER LINE	TEM = TEMPORARY BENCHMARK
COP = CONCRETE POWER POLE	NSVD = NATIONAL GEODETIC	TBW = TOP OF BANK
CVRD = COVERED	VERTICAL DATUM (1929)	TOS = TOP OF SLOPE
DELTA = CENTRAL ANGLE	NOT TO SCALE	TS = TRAFFIC SIGN
DEASE = DRAINAGE EASEMENT	OH = ROOF OVERHANG LINE	TYF = TYPICAL
EL = ELEVATION	OSW = OVERHEAD WIRE	LEASE = UTILITY EASEMENT
ENCL = ENCLOSURE	PC = POINT OF CURVE	WD = WOOD DECK
EP = EDGE OF PAVEMENT	PM = PARKING METER	WF = WOOD FENCE
FF = FINISHED FLOOR ELEVATION	PCC = POINT OF COMPOUND CURVE	WL = WOOD LANDING
FI = FIRE HYDRANT	PCP = PERMANENT CONTROL POINT	WM = WATER METER
FI = FENCE INTER	PF = PARKER FALCON WALL	WPP = WOOD POWER POLE
FND = FOUND	POB = POINT OF BEGINNING	WRACK LINE = LINE OF DEBRIS ON SHORE
FO = FENCE OUTSIDE	PI = POINT OF INTERSECTION	WV = WATER VALVE
FO = FENCE ON LINE	POC = POINT OF COMMENCEMENT	

UPLAND RIPARIAN PROPERTY
LEGAL DESCRIPTION

On the Island of Key West and known on Wm. A. Whitehead's map delineated in February, A.D. 1829, as part of Tract Sixteen (16) but better known as part of Lots One (1) and Three (3) of Square Six (6), of said Tract Sixteen (16), according to a diagram recorded December 16th, A.D. 1885 in Deed Record Book "N", at page 476 of the Public Records of Monroe County, Florida and described by metes and bounds as follows:

Beginning at the intersection of the Southeasterly line of South Street with the Southwesterly line of Duval Street (the azimuth of said Southeasterly line of South Street is South 55 degrees 39 minutes 36 seconds West) along the said Southeasterly line of South Street a distance of 156.6 feet; thence South 34 degrees 20 minutes 24 seconds East, a distance of 212 feet to a point on the shore line of the Straits of Florida; thence North 57 degrees 59 minutes 36 seconds East along the shore line of the Straits of Florida, a distance of 156.5 feet to a point on the Southwesterly line of Duval Street; thence North 34 degrees 20 minutes 24 seconds West along the Southwesterly line of Duval Street a distance of 218.44 feet to the POINT OF BEGINNING.

AND ALSO THE FOLLOWING:

A parcel of submerged land in the Straits of Florida in Township 68 South, range 25 East, located Southeasterly of and adjacent to the Island of Key west, Monroe County, Florida, more particularly described as follows:

From the intersection of the Southeasterly line of South Street and the Southwesterly line of Duval Street in the City of Key West go Southeasterly along the Southwesterly line of Duval Street a distance of 218.44 feet, more or less, to a point in the Southeasterly shoreline of the Island of Key West, which point is the POINT OF BEGINNING; thence continue Southeasterly along the Southwesterly line of Duval Street (extended) a distance of 260 feet to a point; thence at right angles and Southwesterly a distance of 156.5 feet to a point; thence at right angles and Northwesterly a distance of 275 feet, more or less, to a point in the Southeasterly shoreline of said Island of Key West; thence Northeasterly along the meanders of said Southeasterly shoreline a distance of 158 feet, more or less, back to the POINT OF BEGINNING.

PARCEL 3A, SOUTHERNMOST ON THE BEACH:

On the Island of Key West and being a part of Tract Sixteen (16) according to William A. Whitehead's Map of said Island, but better described as being parts of Lots One (1), Three (3), Five (5) and Seven (7) in Square Five (5) of said Tract Sixteen (16), according to the Plat of diagram duly recorded in the Public Records of Monroe County, Florida, but more particularly described by metes and bounds as follows:

BEGINNING at a point on the Southeasterly side of South Street, distance 161.25 feet Southeasterly from the Southerly corner of the intersection of South and Simonton Streets, and from Point of Beginning run thence in a Southwesterly direction along the Southeasterly side of South Street 80 feet; thence at right angles and in a Southeasterly direction run 299.55 feet, more or less, to the high water mark on the Southerly shore of the Island of key West; thence meandering the said Southerly shore along the high water mark in an Easterly direction, 84 feet, more or less, to a point on a line that is at right angles to South Street and 161.25 feet Southwesterly from the Southwesterly side of Simonton Street; thence in a Northwesterly direction, along said line which is at right angles to South Street and 161.25 feet Southwesterly from the Southwesterly side of Simonton Street a distance of 325.1 feet, more or less to the Point of Beginning.

PARCEL 3B, SOUTHERNMOST ON THE BEACH-BAY BOTTOM:

A parcel of bay bottom land in the Straits of Florida South of and adjacent to Tract Sixteen (16) in the city of Key West, Florida and being more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the Southwesterly right-of-way line of Simonton Street and the Southeasterly right-of-way line of South Street, bear Southwesterly along the Southeasterly right-of-way line of South Street for a distance of 161.25 feet to a point; thence at right angles and in a Southeasterly direction for a distance of 325 feet, more or less, to a point on the shoreline of the Bay of Florida, said point also to be known as the Point of Beginning continue bearing Southeasterly and at right angles of said South Street for a distance of 190 feet, more or less, to a point, said point being on the prolongation of a line bearing Southwest and at right angles to said Simonton Street, said line also bearing the Southerly demarcation line of bay bottom lines purchased from the State of Internal Improvement Fund by Mr. Al Logan and Mr. Morris Mazar of Key West, Florida; thence bear at right angles and in a Southwesterly direction along the prolongation of said demarcation line for a distance of 80 feet to a point; thence at right angles and in a Northwesterly direction for a distance of 205 feet, more or less, to a point on the shoreline; thence meander the shoreline in a Northeasterly direction for a distance of 80 feet, more or less, back to the Point of Beginning. lying and being in Township 68 South, Range 25 East, and lying and being in the County of Monroe in the said State of Florida.

BEACH PARCEL:

All the certain piece, parcel or lot of land numbered Four (4) of Square numbered Five (5) in Tract Sixteen (16) according to the diagram of division of Tract Sixteen (16) on the Island of Key West, made between Frederick Filer and John Boyle, recorded in Book "N" page 476 of Monroe County Records, and according to the diagram of Subdivision of the portion allotted to the said Frederick Filer, made by the heirs at law of said Frederick Filer, recorded in Book "N" page 715, and which said division and Subdivision was confirmed by Decree of the Circuit Court of Monroe County, on the 16th day of December 1885; said Lot commencing at a point on Duval Street, one hundred (100) feet from South Street; and eighty five (85) feet from high water mark on the South Beach; and running parallel with South Street Two hundred and forty one (241) feet and three (3) inches; thence at right angles in a Southeasterly direction One hundred and eighty five (185) feet to high water mark on the South Beach; thence along the South Beach in a Westerly direction to the terminus of Duval Street on said beach; thence along Duval Street in a Northwesterly direction eighty five (85) feet, more or less, to the place of beginning.

ALSO, on the Island of Key West known and described on the map of said Island delineated in Feby. A.D. 1829 as a part of Lot Four in Square Five of Tract Sixteen made between Frederick Filer and John Boyle recorded in Book "N" page 476 of Monroe County Records, and according to a diagram of the portion allotted to Frederick Filer, made by the heirs at law of the said Frederick Filer, recorded in Book "N" page 715 and which said division and subdivision was confirmed by decree of the Circuit Court of Monroe County on the 16th day of Dec. A.D. 1885 - Said portion of lot herein conveyed is described as follows:




Commencing at a point on Duval Street One hundred and eighty five feet from the corner of South and Duval Streets and running thence in an Easterly direction to a point which is two hundred and forty one feet and three inches from Simonton Street and two hundred and eighty five feet from South Street, on the Easterly boudary line of lot Four; thence from said last named point in a S.E.'ly direction along the Easterly boundary line of said lot Four, One hundred feet; thence at right angles in a S.W.'ly direction Two hundred and forty one feet and three inches; thence at right angles in a N.W.'ly direction along the line of Duval Street to the place of beginning.

Together with the riparian rights thereunto belonging or in anywise appertaining. Being the same land described in deed recorded in Book "VV" page 99 of Monroe County Records.

SUBMERGED LAND LEASE
LEGAL DESCRIPTION

A parcel of submerged land being located in the Atlantic Ocean adjacent to the island of Key West, in part of Section Six (6), Township Sixty-Eight (68) South, Range Twenty-Five (25) East, Monroe County, State of Florida, being more particularly described as follows, to-wit:

COMMENCING at the intersection of the Southwesterly Right of Way line of Simonton Street and the Southeasterly Right of Way line of South Street on the island of Key West; thence South 55°53'11” West along the said Southeasterly Right of Way line of South Street for a distance of 241.25 feet to a point; thence South 34°04'22" East for a distance of 253.15 feet to the intersection of the Mean High Water Line as located on August 14, 2020, and the Westerly vertical wet face of a concrete block wall, said point being the POINT OF BEGINNING; thence meandering along the Mean High Water Line for the following Seventeen (17) courses; South 72°53'38" West, 3.79 feet; South 64°07'58" West, 23.14 feet; South 37°22'02" West, 18.11 feet; South 81°04'12" West, 29.85 feet; South 86°43'05" West, 21.94 feet; South 56°14'28" West, 36.69 feet; South 49°43'26" West, 32.50 feet; South 45°48'56" West, 6.16 feet; South 44°24'38" West, 45.29 feet; South 15°19'43" West, 33.84 feet; South 07°06'32" West, 7.65 feet to the vertical wet face of a concrete pier; thence continuing along said Mean High Water Line as located at the vertical wet face of a concrete pier, South 33°59'05" East, 119.39 feet; South 56°14'42" West, 13.66 feet; North 34°02'08" West, 165.32 feet; thence South 50°04'34" West continuing along said Mean High Water Line and leaving said vertical wet face of a concrete pier, 23.93 feet to the vertical wet face of a concrete slab; thence continuing along said Mean High Water Line as located at the vertical wet face of a concrete slab, South 33°49'23" East, 37.12 feet; South 52°56'39" West, 13.78 feet to the Northeasterly boundary line of a submerged parcel of land as described in Official Records Book 2304, Page 1, of the Public Records of Monroe County, Florida; Thence South 34°04'53" East leaving said Mean High Water Line as located the vertical wet face of a concrete slab and along said Northeasterly boundary line for a distance of 100.92 feet to a point; thence South 76°52'39" East for a distance of 44.38 feet to a point; thence North 82°00'12" East for a distance of 287.97 feet to Mean High Water Line as located at the vertical wet face of a steel sheet piling seawall; thence North 33°50'28" West along said Mean High Water Line as located at the vertical wet face of a steel sheet piling seawall for a distance of 270.31 feet to a point; thence North 45°54'15" East continuing along said Mean High Water Line as located at the vertical wet face of a steel sheet piling seawall for a distance of 1.28 feet to Westerly vertical wet face of a concrete block wall; thence North 33°53'47" West along said Mean High Water Line as located at the Westerly vertical wet face of a concrete block wall for a distance of 2.46 feet back to the POINT OF BEGINNING. Said parcel of submerged land contains 59,521.16 Square Feet or 1.37 Acres, more or less.

		SPECIFIC PURPOSE SURVEY		ADDRESS OF SUBJECT PROPERTY: 1400/1405 DUVAL STREET KEY WEST, FL 33040																
		UPLAND RIPARIAN PROPERTY LEGAL DESCRIPTION # SUBMERGED LAND LEASE LEGAL DESCRIPTION																		
<table><tr><td>SCALE: NOT TO SCALE</td><td rowspan="5"><div>I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH IN CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND COMPLIES WITH CHAPTER 177, PART II FLORIDA STATUTES.</div><div>NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER</div><div><div>FLORIDA KEYS LAND SURVEYING</div><div>19960 OVERSEAS HIGHWAY SUGARLOAF KEY, FL 33042 PHONE: (305) 394-3690 EMAIL: FKLSe@mail@gmail.com</div></div></td></tr><tr><td>FIELD WORK DATE: 08/14/2020</td></tr><tr><td>MAP DATE: 09/04/2020</td></tr><tr><td>REVISION DATE: 09/08/2020</td></tr><tr><td>SHEET 7 OF 7</td></tr><tr><td colspan="2">DRAWN BY: CBF</td></tr><tr><td colspan="2">JOB NO: 20-336</td></tr></table>		SCALE: NOT TO SCALE	<div>I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH IN CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND COMPLIES WITH CHAPTER 177, PART II FLORIDA STATUTES.</div> <div>NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER</div> <div><div>FLORIDA KEYS LAND SURVEYING</div><div>19960 OVERSEAS HIGHWAY SUGARLOAF KEY, FL 33042 PHONE: (305) 394-3690 EMAIL: FKLSe@mail@gmail.com</div></div>	FIELD WORK DATE: 08/14/2020	MAP DATE: 09/04/2020	REVISION DATE: 09/08/2020	SHEET 7 OF 7	DRAWN BY: CBF		JOB NO: 20-336		<table><tr><td colspan="2">THIS SHEET 7 OF 7 NOT FULL AND COMPLETE WITH SHEETS 1, 2, 3, 4, 5, & 6.</td></tr><tr><td>SIGNED</td><td></td></tr><tr><td colspan="2">ERIC A. ISAACS, PSM #6783, PROFESSIONAL SURVEYOR AND MAPPER, LBS# 7847</td></tr></table>			THIS SHEET 7 OF 7 NOT FULL AND COMPLETE WITH SHEETS 1, 2, 3, 4, 5, & 6.		SIGNED		ERIC A. ISAACS, PSM #6783, PROFESSIONAL SURVEYOR AND MAPPER, LBS# 7847	
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ERIC A. ISAACS, PSM #6783, PROFESSIONAL SURVEYOR AND MAPPER, LBS# 7847																				

1405 Duval Street, MDP & CU



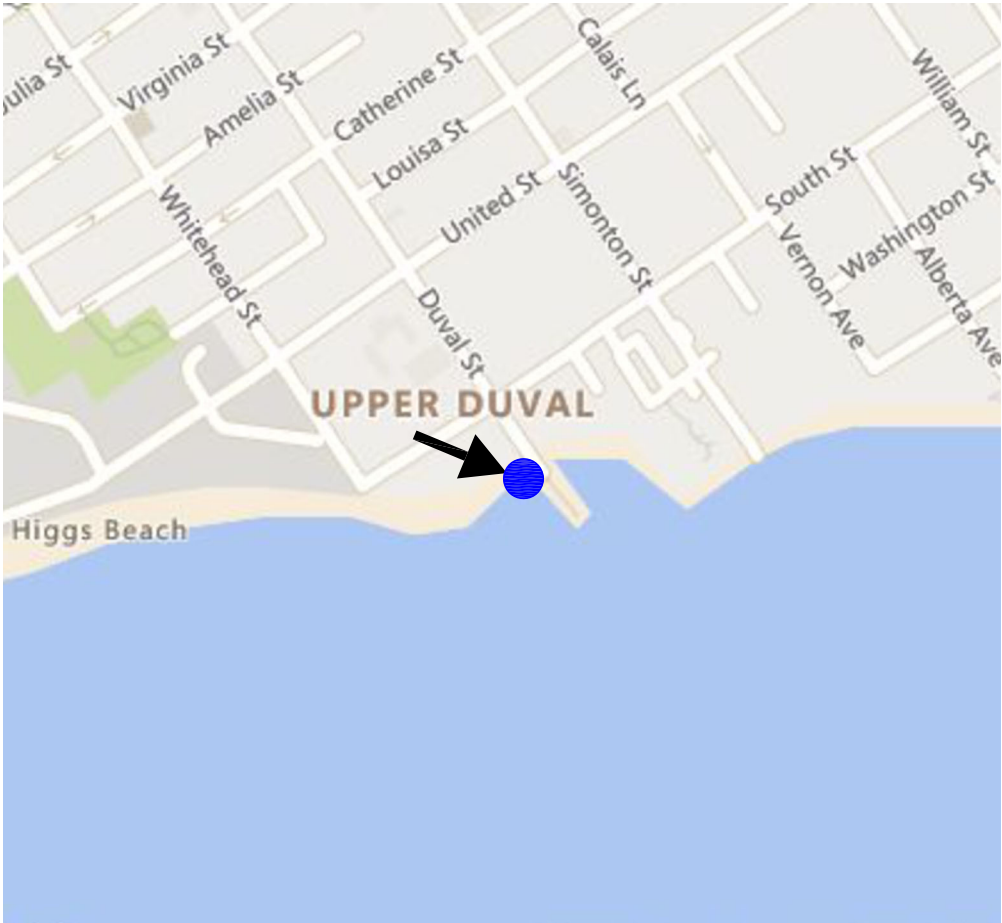
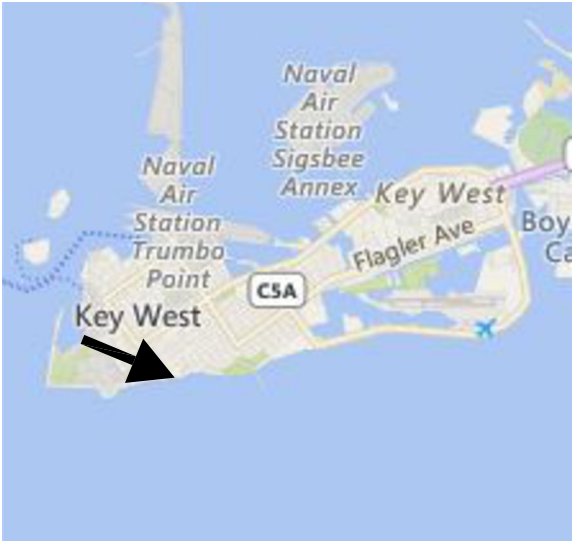
SITE PLAN

PROJECT LOCATION
PARCEL ID 00036370-000000 (RAMOS)
PARCEL ID 00072082-001501 (CITY OF KEY WEST)
PARCEL ID 00036280-000000 (SUNSET CITY LLC)
BAY BTM SE OF PT LOT 3 SQR 6 TR 16;
LOT 4 & 6 SQR 5 (SOUTH BEACH LESS THE EATERY RESTAURANT LEASE);
KW FILER BOYLE SUB N-476
KW FILER BOYLE SUB N-476 PT LOTS-1-2-3-5-7
SQR-5 TR-16 ALSO FILLED BAY BTM G45-426/27
OR18-42(II DEED 20749)
SEC/TWP/RNG 06/68/25
KEY WEST
LATITUDE: 24.546760°N LONGITUDE: 81.795885°W

DIRECTIONS:
US HIGHWAY NO 1 SOUTH TO KEY WEST. LEFT ONTO ROOSEVELT BLVD. RIGHT ONTO BERTHA ST. LEFT ONTO ATLANTIC BLVD. RIGHT ONTO WHITE ST. LEFT ONTO SOUTH ST. LEFT ONTO DUVAL ST.
PROPERTY ADDRESS: 1400, 1405, 1406 DUVAL ST, 508 SOUTH STREET

ADJOINING OWNERS
KEY WEST REACH OWNER LLC
PO BOX 396
BOCA RATON FL 33429

HUGH J MORGAN
404 SOUTH ST
KEY WEST, FL 33040



REVISIONS:				
	1	09/09/20		

LOCATION & VICINITY MAP
SCALE: AS SHOWN

WEED BARRIER FOR CITY OF KEY WEST, SUNSET CITY LLC
& MATILDE GENEROSA RAMOS REV TRUST 5/25/2007
KEY WEST, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050
Telephone (305) 743-9121 Fax (305) 743-9197
Email: glenboe@bellsouth.net

DATE: 03/30/20



SITE PLAN
SCALE: 1" = 100'



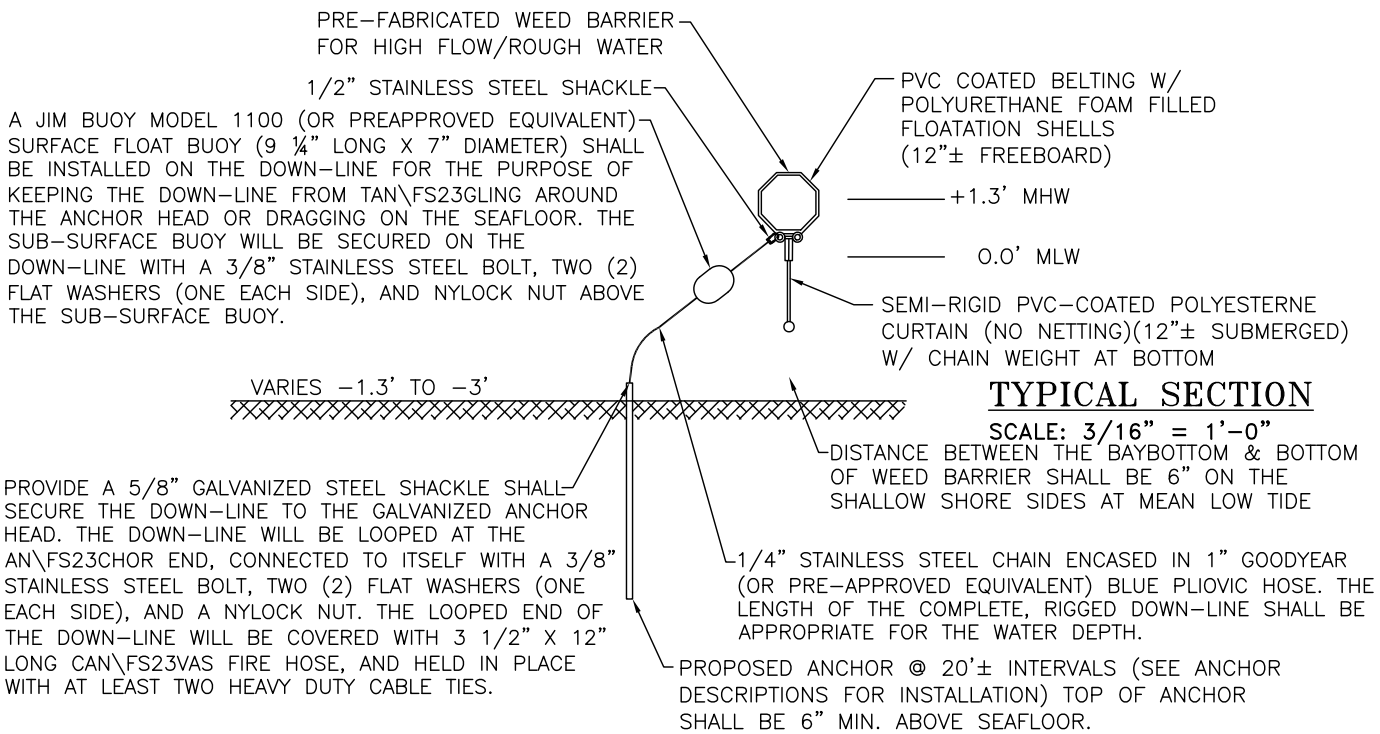
REVISIONS:	
1	09/09/20
2	07/11/22

CERTIFIED BY:
SEAN KIRWAN, P.E. #57506

WEED BARRIER FOR CITY OF KEY WEST, SUNSET CITY LLC
& MATILDE GENEROSA RAMOS REV TRUST 5/25/2007
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DATE: 03/30/20



TYPICAL SECTION

SCALE: 3/16" = 1'-0"

DISTANCE BETWEEN THE BAYBOTTOM & BOTTOM OF WEED BARRIER SHALL BE 6" ON THE SHALLOW SHORE SIDES AT MEAN LOW TIDE

NOTE: IN-WATER ROPE, CABLE OR CHAIN SHALL BE INDUSTRIAL GRADE METAL CHAINS OR HEAVY CABLES THAT DO NOT READILY LOOP AND TANGLE AND SHALL BE INSTALLED SO LINE IS TAUT AND WITHOUT EXCESS LINE IN THE WATER. LINES SHALL BE ENCLOSED IN A PLASTIC OR RUBBER SLEEVE/TUBE TO ADD RIGIDITY.

CONSTRUCTION NOTES:

1. CONTRACTOR SHALL OBTAIN ALL APPLICABLE PERMITS PRIOR TO COMMENCING WORK. THE REQUIREMENTS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE ARMY CORPS OF ENGINEERS & LOCAL REGULATIONS SHALL GOVERN ALL WORK.
2. WORK SHOWN ON DRAWINGS IS DESIGNED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE 2017. FOLLOW ALL APPLICABLE PROVISIONS FOR ALL PHASES OF CONSTRUCTION. THE PROPOSED STRUCTURE(S) IS DESIGNED FOR A MINIMUM LIVE LOAD OF 40 PSF/DEAD LOAD 10 PSF, 180 MPH (3 SECOND GUST), EXPOSURE D, ASCE 7-10.
3. CONTRACTOR SHALL ADHERE TO THE STANDARD MANATEE CONSTRUCTION CONDITIONS (LATEST EDITION). IF NEEDED, THE CONTRACTOR CAN CONTACT THE ARMY CORPS OF ENGINEERS OR THIS OFFICE TO OBTAIN A COPY OF THE STANDARD MANATEE CONSTRUCTION CONDITIONS.
4. BEST MANAGEMENT PRACTICES, INCLUDING THE USE OF TURBIDITY SCREENS, ARE REQUIRED TO ISOLATE THE CONSTRUCTION AREA FROM THE ADJACENT WATERS. CONTRACTOR SHALL INSTALL TURBIDITY SCREENS AROUND THE IMMEDIATE PROJECT AREA PRIOR TO CONSTRUCTION. THE TURBIDITY SCREENS REMAIN IN PLACE UNTIL WATER QUALITY CONDITIONS RETURN TO PRECONSTRUCTION CONDITIONS. WATER QUALITY MONITORING SHALL ADHERE TO STATE REGULATIONS.
5. CONTRACTOR SHALL FIELD VERIFY DIMENSIONS & WATER DEPTHS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES ON THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE COMMENCING WORK.
6. THE STRUCTURAL INTEGRITY OF THE COMPLETED STRUCTURE DEPENDS ON INTERACTION OF VARIOUS CONNECTED COMPONENTS. PROVIDE ADEQUATE BRACING, SHORING, AND OTHER TEMPORARY SUPPORTS AS REQUIRED TO SAFELY COMPLETE THE WORK.
7. EXERCISE EXTREME CARE AND CAUTION WHEN EXCAVATING AND FILLING ADJACENT TO EXISTING STRUCTURES. UNDER NO CIRCUMSTANCES SHALL THE STRUCTURAL INTEGRITY OF THE EXISTING STRUCTURES BE IMPAIRED IN ANY WAY BY CONSTRUCTION OPERATIONS AND PROCEDURES. DO NOT EXCAVATE OR DISTURB SOIL ADJACENT TO OR BENEATH EXISTING FOOTINGS.

ANCHOR DETAIL BASED ON SUBSTRATE:

FOR SUBSTRATE OF UP TO 5' OF SAND/MUD OVERBURDEN ABOVE A HARD ROCK SUBSTRATE THE ANCHOR SHALL BE A ROCK PENETRATING HELICAL EMBEDMENT ANCHOR. THE ANCHOR SHALL BE A MINIMUM OF 6' LONG, WITH A MINIMUM HELICAL DISK SIZE OF 6", WITH A MINIMUM SHAFT DIAMETER OF 1 1/4". THE ANCHOR SHALL BE GALVANIZED STEEL. THE ANCHOR SHALL BE SECURELY EMBEDDED A MINIMUM OF 5 1/2' INTO THE SEAFLOOR WITH THE HEAD EXPOSED APPROXIMATELY 6" TO ALLOW FOR ATTACHMENT OF THE DOWNLINE. THE ANCHOR SHALL BE INSTALLED IN A MANNER WHICH PROVIDES FOR REMOVAL, VIA HEAVY EQUIPMENT, IF AND WHEN NECESSARY.

FOR SUBSTRATE GREATER THAN 5' OF SAND/MUD THE ANCHOR SHALL BE A SOFT BOTTOM HELICAL EMBEDMENT ANCHOR. THE ANCHOR SHALL BE A MINIMUM OF 6' LONG, WITH A MINIMUM HELICAL DISK SIZE OF 8", WITH A MINIMUM SHAFT DIAMETER OF 1 1/4". THE ANCHOR SHALL BE GALVANIZED STEEL. THE ANCHOR SHALL BE SECURELY EMBEDDED A MINIMUM OF 5 1/2' INTO THE SEAFLOOR WITH THE HEAD EXPOSED APPROXIMATELY 6" TO ALLOW FOR ATTACHMENT OF THE DOWNLINE. THE ANCHOR SHALL BE INSTALLED IN A MANNER WHICH PROVIDES FOR REMOVAL, VIA HEAVY EQUIPMENT, IF AND WHEN NECESSARY.

FOR EXPOSED ROCK SUBSTRATE THE ANCHOR SHALL BE THE HALAS PIN SYSTEM (OR PRE-APPROVED EQUIVALENT) WITH A MINIMUM EMBEDMENT DEPTH OF 18", MINIMUM PIN SIZE OF 5/8" DIAMETER BY 18" LENGTH, 316 STAINLESS STEEL; INSTALLED IN A 2" DIAMETER BY 18" DEEP DRILLED HOLE, AND GROUTED WITH CONCRETE. CAST IN PLACE CONCRETE SHALL BE TYPE II CONCRETE WITH A COMPRESSIVE STRENGTH OF 5,000 PSI AT 28 DAYS. MAXIMUM WATER-CEMENTIOUS MATERIALS RATIO BY WEIGHT RATIO SHALL BE 0.40. SLUMP SHALL NOT EXCEED 5" (1"±).

REVISIONS:			
1	09/09/20		
2	07/11/22		

CERTIFIED BY:
SEAN KIRWAN, P.E. #57506

WEED BARRIER FOR CITY OF KEY WEST, SUNSET CITY LLC
& MATILDE GENEROSA RAMOS REV TRUST 5/25/2007
KEY WEST, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050
Telephone (305) 743-9121 Fax (305) 743-9197
Email: glenboe@bellsouth.net

DATE: 03/30/20

1405 Duval Street, MDP & CU



SAMPLE BARRIER PHOTOGRAPHS



PRODUCTS & SERVICES | ABOUT US | CONTACT | 7/18/2022

Beach Boun



The Elastec Beach Bouncer is a boom designed for beaches, tourism, and marine life. It is also used for manufacturing quality floating boom and barrier.





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Call us at +1 (618) 382-2525
Fax +1 (618) 382-3610
E-mail contact@elastec.com
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1405 Duval Street, MDP & CU



BENTHIC RESOURCE ASSESSMENT

**BENTHIC RESOURCE ASSESSMENT
WEED BARRIER AT SOUTH END OF DUVAL STREET
CITY OF KEY WEST
KEY WEST, MONROE COUNTY**



Prepared for:

Glen Boe and Associates, inc.
5800 Overseas Highway
Marathon, Florida 33050

Prepared by:

Terramar Environmental Services, Inc.
1241 Crane Boulevard
Sugarloaf Key, Florida 33042
terramar.env@gmail.com

June 15, 2020

The City of Key West is proposing to install a weed barrier at the southern end of Duval Street, Key West, Monroe County. The weed barrier is designed to prevent the significant accumulations of waterborne marine debris, primarily the floating marine algae Sargassum, that accumulates at this location as a result of irregular shoreline configuration. The weed barrier is a floating system anchored to the seafloor, extending 4950' linear feet across the open water area at the terminus of Duval Street. Details of the proposed weed barrier are included in project plans for the project prepared by Glen Boe and Associates that were submitted as part of FDEP and USACE permit applications for the project (Attachment 1).

In order to evaluate the impacts of the proposed project to the marine environment, a current assessment of the biological resources that could potentially be impacted by the project is needed. The objective of this benthic resource assessment is to document living marine resources present in the vicinity of the proposed weed barrier, including the location of attachment and the area that will be confined by the barrier system. Included in this assessment is a specific-purpose survey for stony corals required to fulfill Florida Keys National Marine Sanctuary (FKNMS) regulatory requirements.

METHODS

A primary and secondary survey area was established using the project plans. The survey areas included the following areas:

- The alignment of the weed barrier system including a buffer area extending 5' on either side of the centerline of weed barrier attachment;
- The seafloor within the area of the seafloor that will be confined by the weed barrier system;
- The surfaces of the seawalls, piers and shoreline riprap that will be confined by the weed barrier system;

An in-water assessment of the survey area described above was conducted on June 11, 2020. The timing of the survey was scheduled at high tide to allow for improved water clarity at the site, which was approximately 3-5' visibility at the time of survey.

Benthic habitat characterization of the seafloor within survey area consisted of performing an assessment of habitat types throughout survey areas following the alignment of the weed barrier. This was facilitated by the fact that the barrier will be attached at fixed points, providing accurate reference locations for survey area location. A Keson fiberglass measuring tape was placed on the seafloor along the barrier alignment to facilitate project location. Observed benthic resources were categorized into generalized habitat classifications adapted for nearshore conditions typically encountered in the Florida Keys. Habitats present were assessed using general descriptors, and described qualitatively based on the following criteria:

Habitat Type	Cover Description	Cover Class
Seagrass	Sparse	5-25%
Seagrass	Moderate	25-75%
Seagrass	Dense	75-100%
Hardbottom	Sparse	5-25%
Hardbottom	Moderate	25-75%
Hardbottom	Dense	75-100%
Sand and Rubble, Scour	NA	NA
Mud and organics	NA	NA

Reference photographs representing dominant benthic species, examples of seagrass and macro-algal communities encountered, and other applicable reference photographs were also taken (Attachment 2).

Each stony coral encountered was identified to species, measured for size along three axes (length, width, height), and their location recorded. Following the guidelines established in the “Protocol for Benthic Surveys of Coral Resources in FKNMS”, coral surface area for colonies <10cm was determined simply as length x width. However, surface area calculations for corals ≥10 cm

diameter take into account a third dimension (e.g. height). Because the surface area of a dome (or ½ of the surface area of an oblate, prolate, or scalene ellipsoid) cannot be easily expressed by a simple elementary function, the formula for an ellipsoid developed by the Danish mathematician Knud Thomsen in 2004 was utilized, and then divided in half to estimate the surface area of a dome.

$$S \approx 4\pi \left(\frac{a^p b^p + a^p c^p + b^p c^p}{3} \right)^{1/p}, \text{ where } p=1.6075 \text{ (relative error of at most 1.178\%).}$$

The ellipsoid formula is programmed into a spreadsheet as:

=IF(D2<10,(D2*E2),(2*(3.141596)*((((((D2/2)^1.6075)*((E2/2)^1.6075))+(((D2/2)^1.6075)*(F2^1.6075))+(((E2/2)^1.6075)*(F2^1.6075)))/3)^(1/1.6075))))

where D, E and F are data columns: D = colony length, E = colony width and F = colony height.

RESULTS

BENTHIC HABITATS

The benthic habitats identified along the weed barrier alignment, effectively a 10' wide swath along the alignment was uniformly loose sand and occasional small, scattered small rubble lacking a defined benthic community (e.g. seagrass, macroalgae, sponges). See attached benthic habitat map.

The seawall along the eastern project boundary (Southernmost Hotel), the face of the public pier at the Duval Street terminus and the riprap / concrete shoreline at the Southernmost House were all assessed for attached corals. These hard structures did not support any corals; only limited macroalgae including Batophora, Acetabularia and filamentous green algae.

PROJECT IMPACTS

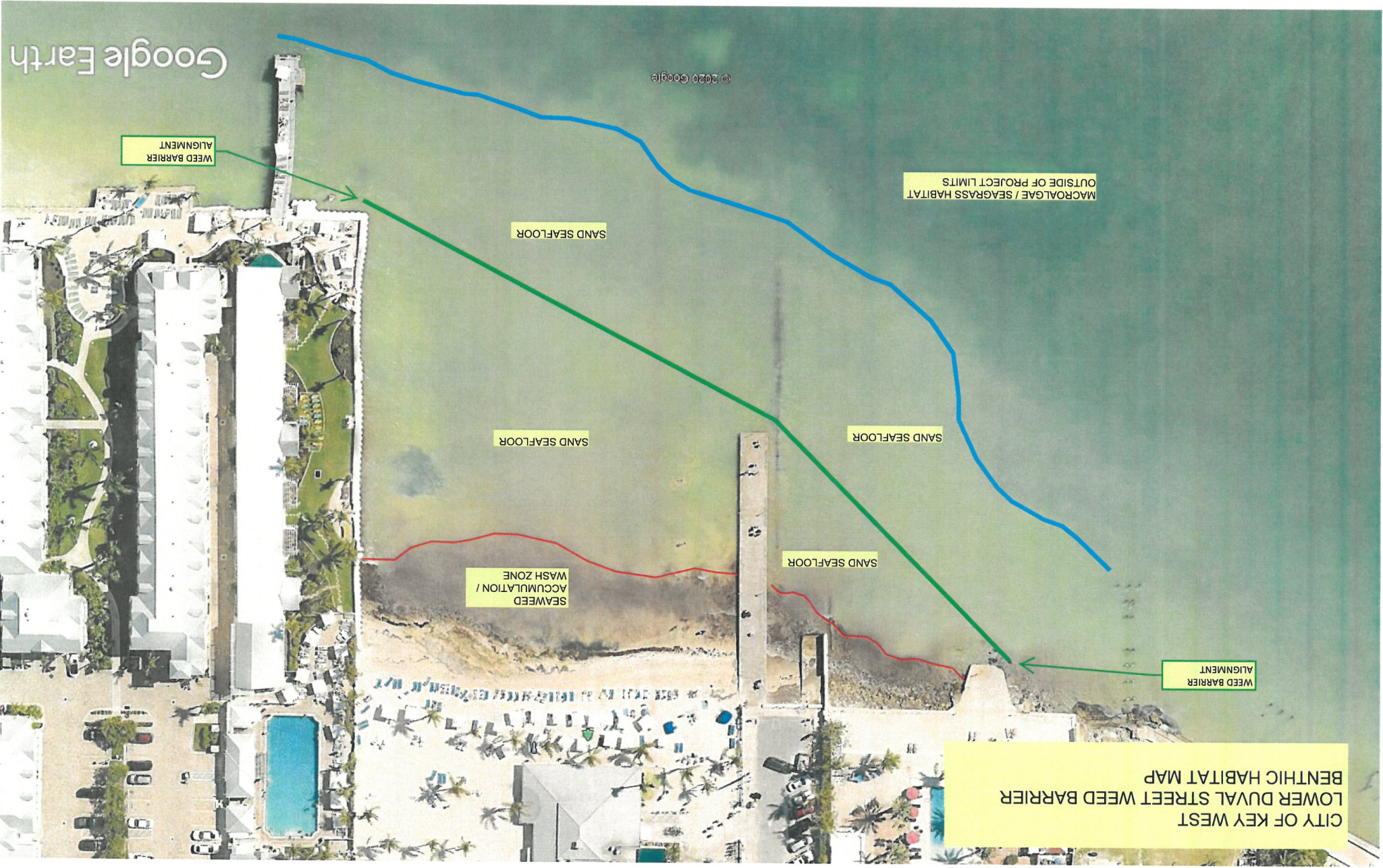
The proposed weed barrier will have negligible impacts to the marine environment as a result of installation. The seafloor along the proposed weed barrier is uniformly sandy bottom with water depths recorded at 48"-54" during the survey. The installation of 5/8" anchors into the seafloor will have no direct impact to living marine resources. There were no hard or soft corals observed within the survey area, therefore no coral impacts will result from this project.

The area enclosed by the proposed weed barrier system is a sand area lacking defined benthic communities. Considering the proposed weed barrier will allow for water exchange via the mesh fabric, water quality should not be impacted at this location.

Beyond the project limits extending waterward are intact, natural macroalgae / seagrass habitats. The installation of the weed barrier would not impact these habitats since the design assumes that floating weeds will be carried to the southwest along the barrier and dispersed at other locations along the Key West shoreline or carried out to sea by the currents. Significant accumulations of seaweed against the seaweed barrier that could impact marine habitats are not anticipated as a result of the project design.

Currently, significant accumulations of marine seaweed accumulate at this location, and decomposition of organic material was observable. The Southernmost Hotel beach area has ongoing weed removal however the shoreline at the Southernmost House is a hardened riprap / concrete shoreline that does not allow for efficient cleaning and weed removal. By preventing the accumulations of seaweed and marine organics that presently characterize this area, water quality could be improved at this location as a result of the proposed weed barrier system.





LOWER DUVAL STREET WEED BARRIER
BENTHIC HABITAT MAP
CITY OF KEY WEST

WEED BARRIER
ALIGNMENT

MACROALGAE / SEAGRASS HABITAT
OUTSIDE OF PROJECT LIMITS

SAND SEAFLOOR

SAND SEAFLOOR

SAND SEAFLOOR

SEAWEED
ACCUMULATION /
WASH ZONE

SAND SEAFLOOR

WEED BARRIER
ALIGNMENT

Google Earth



Photo 1. Terminus of Duval Street with significant seaweed accumulations. Note these photos were taken on June 11, 2020 during typical summer weather.



Photo 2. Terminus of Duval Street with significant seaweed accumulations. This is the east side of the jetty on the Southernmost Hotel property.



Photo 3. Terminus of Duval Street with significant seaweed accumulations. This is the west side of the jetty on the Southernmost House property.



Photo 4. Terminus of Duval Street with significant seaweed accumulations. This is the west side of the jetty on the Southernmost House property.



Photo 5. Typical seafloor conditions throughout the survey area, consisting of bare sand.



Photo 6 Typical seafloor conditions throughout the survey area, consisting of bare sand.



Photo 7. Jetty at the terminus of Duval Street with concrete seawall face. All hard surfaces were inspected for corals.



Photo 8. Jetty at the terminus of Duval Street with concrete seawall face showing attached filamentous algae.

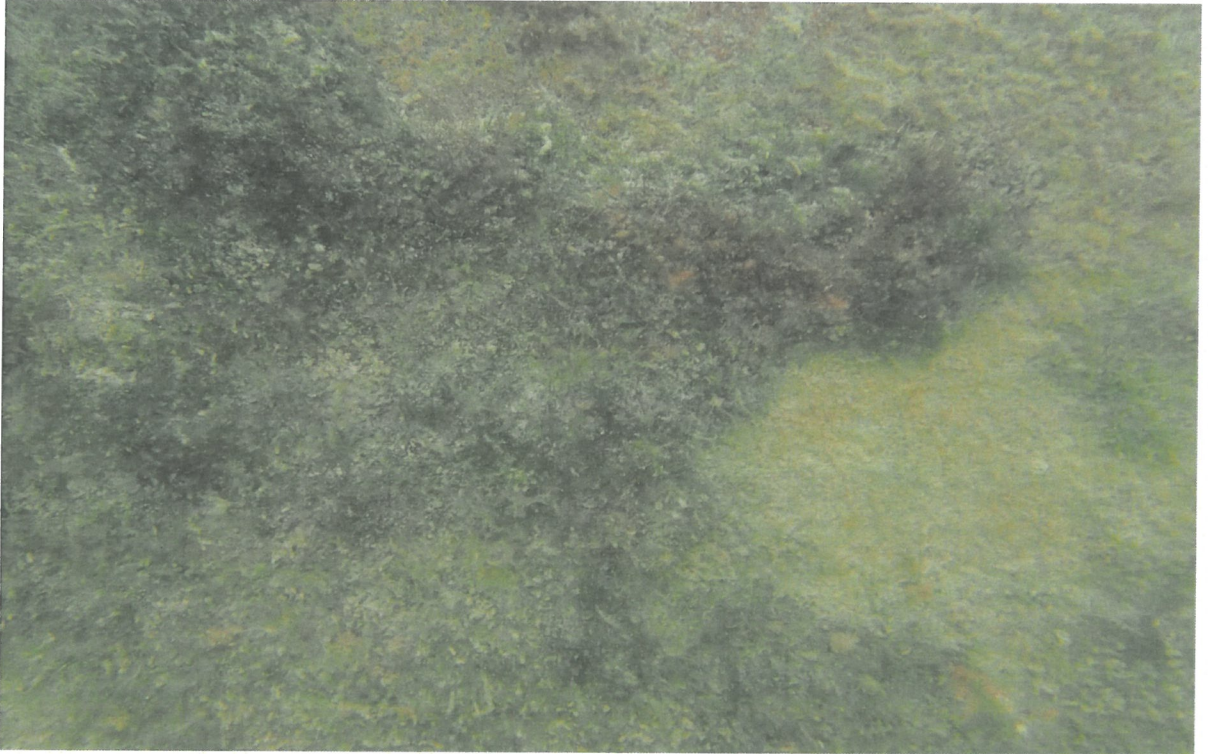


Photo 9. Jetty at the terminus of Duval Street with concrete seawall face showing attached filamentous algae.

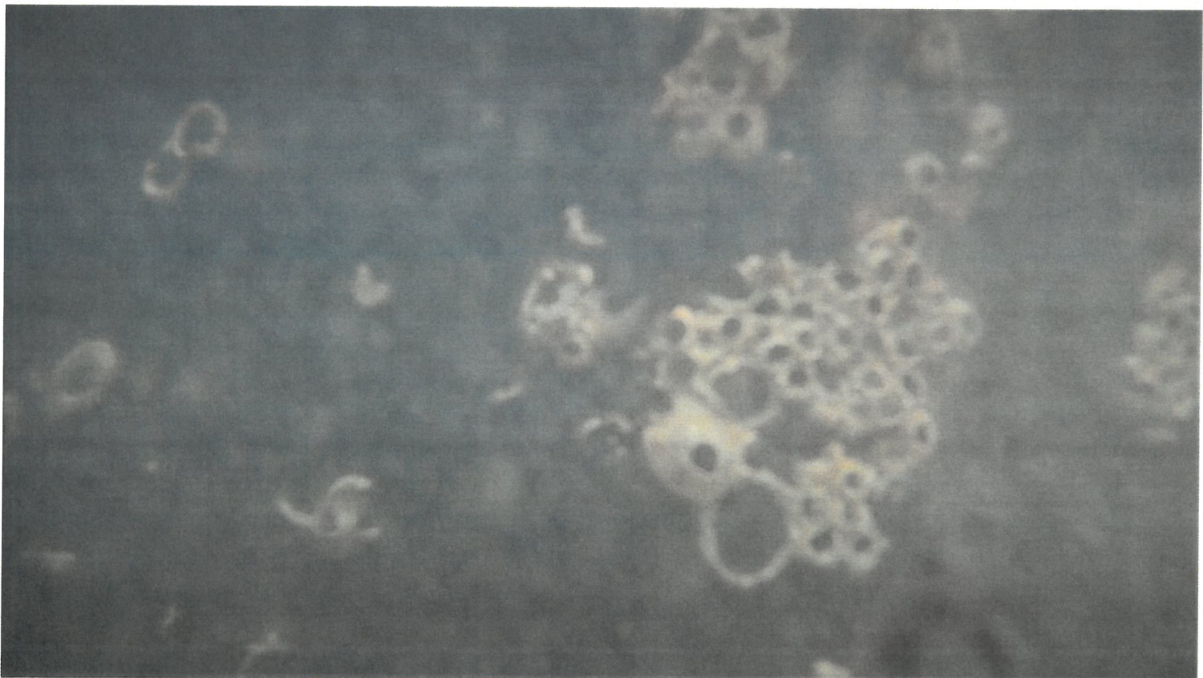


Photo 10. Steel sheetpile face along the Southernmost Hotel showing attached filamentous algae and barnacles.

Maintenance and Operations Plan

Duval Street Weed Barrier

A weed barrier is proposed at the southern end of Duval Street. The purpose of the weed barrier is to prevent accumulations of marine algae, primarily Sargassum, at the terminus of Duval Street adjacent to a public access site and developed commercial properties.

The proposed weed barrier extends approximately 490 linear feet across the project site. The barrier is pre-fabricated weed barrier composed of a floating PVC coated belting with an attached semi-rigid polystyrene curtain that is weighted to maintain a vertical disposition. The barrier is anchored to the seafloor using a 5/8" anchor and 1/4" stainless chain encased in PLIOVC hose. Details of the weed barrier are included in the attached project plans.

In order to maintain the function and integrity of the weed barrier system, the following operations and maintenance schedule will be implemented throughout the life of the project.

Task	Schedule	Management Action
Inspect floating barrier including belting and curtain.	Quarterly	If system failures are identified including cracking, tearing or significant wear, affected system components will be repaired / replaced.
Inspect anchor system including endpoint anchors, seafloor anchors, support buoys and chain retention system.	Quarterly	If system failures are identified including cracking, tearing or significant wear, affected system components will be repaired / replaced.

1405 Duval Street, CU



ARMY CORPS OF ENGINEERS PERMIT



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
9900 SOUTHWEST 107TH AVE, SUITE 203
MIAMI, FLORIDA 33176

August 25th, 2022

REPLY TO
ATTENTION OF

Regulatory Division
South Permits Branch
Miami Section
SAJ-2020-01959-(SP-GGM)

City of Key West
c/o Greg Veliz
1100 White Street
Key West, FL 33040
gveliz@cityofkeywest-fl.gov

Dear Mr. Veliz:

The U.S. Army Corps of Engineers (Corps) has completed the review and evaluation of your Department of the Army permit application, number SAJ-2020-01959. Our regulations require that you have an opportunity to review the terms and conditions prior to final signature by the Department of the Army. Enclosed is an unsigned Department of the Army permit instrument (permit).

Please read carefully the General and Special Conditions beginning on page 2 of the permit. These were developed to apply specifically to your project. Water Quality Certification was required prior to issuance of a permit. In accordance with General Condition 5 of the permit, the Water Quality Certification has been attached to the Department of the Army permit.

Instructions for Objecting to Permit Terms and Conditions: This letter contains an initial proffered permit for your proposed project. If you object to certain terms and conditions contained within the permit, you may request that the permit be modified. Enclosed you will find a Notification of Administrative Appeal Options and Process fact sheet and Request for Appeal (RFA) form. If you choose to object to certain terms and conditions of the permit, you must follow the directions provided in Section 1, Part A and submit the completed RFA form to the letterhead address.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria under 33 CFR Part 331.5, and that it has been received by the District office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the address listed in the last paragraph of this letter by **October 24th, 2022 per RGL-06-01**.

Instructions for Accepting Terms and Conditions and Finalizing Your Permit: It is not necessary to submit an RFA form to the District office if you do not object to the decision in this letter. In this case, the permit must be signed by the applicant in the space provided on the signature page of the permit. In the case of corporations, acceptance must be by an officer of that corporation authorized to sign on behalf of the

corporation. The party responsible for assuring the work is done in accordance with the permit terms and conditions must sign the permit. Please type or print the name and title of the person signing below the signature and the date signed.

In order to accept the proffered permit and receive a valid Department of the Army permit, you must sign the permit. The District Engineer or his representative will then sign the permit. The Corps will add the permit expiration date to the permit, the permit issuance date on the *Notice of Department of the Army Permit* form and return the valid permit to you. It is important to note that the permit is not valid until the District Engineer or his representative signs it. Please follow the steps below to accept the permit:

- a. Sign the signature page of the proffered permit (page 11).
- b. Return the entire permit, including all attachments, to the address listed in the last paragraph of this letter or send via email to the Project Manager listed in the last paragraph of this letter. If the file is greater than 20 MB, upload via DOD SAFE (<https://safe.apps.mil/>).

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. Please be aware this Internet address is case sensitive and you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Should you have any questions, please contact Gletys Guardia-Montoya in writing at the Permit Section at 9900 Southwest 107th Avenue, Suite 203, Miami, Florida 33176, by electronic mail at Gletys.Guardia-Montoya@usace.army.mil or by telephone at 786-920-7183.

Sincerely,



for

Shawn H. Zinszer
Chief, Regulatory Division

Enclosures

Copy Furnished (via e-mail):

Applicant-(via e-mail): City of Key West
c/o Greg Veliz
gveliz@cityofkeywest-fl.gov

Agent-(via e-mail): Glen Boe & Associates, Inc.
c/o Sean Kirwan
glenboe@bellosuth.net

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: City of Key West/Greg Veliz		File Number: SAJ-2020-01959	Date: 08/25/2022
Attached is:			See Section below
<input checked="" type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
<input type="checkbox"/>	PERMIT DENIAL	C	
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D	
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Project Manager as noted in letter

If you only have questions regarding the appeal process you may also contact:

Phillip A. Shannin
404-562-5137

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

DEPARTMENT OF THE ARMY PERMIT

Permittee: City of Key West
c/o Greg Veliz
1100 White Street
Key West, FL 33040

Permit No: SAJ-2020-1959-(SP-GGM).

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The authorized work is for the installation of a 495-linear feet floating weed barrier system consisting of a semi-rigid PVC-coated polystyrene curtain extending 12-inches below the water's surface and utilizing thirty (30) 6-inches galvanized steel helical embedment anchors placed every 20-feet interval along the sandy seafloor. Metal anchors will be installed from a barge using an auger. No more than 10 anchors will be installed per day. After the anchors are installed, the weed barrier will be installed manually by workers wading through the water. The downline for the barrier will be ¼-inch stainless steel chain encased in 1-inch Goodyear pliovic hose. The downline will also have a surface float installed for the purpose of keeping the downline from tangling around the anchor head or dragging on the seafloor. The curtain will be held vertically in the water column by PVC-coated belting with polyurethane foam-filled floatation shells at the top edge and a chain weight at the bottom edge. The looped end of the downline (at the anchor head) will be covered with a 3.5-in by 12-inches canvas fire hose secured in place with heavy duty cable ties. The structure shall maintain a distance between the bay-bottom and the chain-weight bottom of the weed barrier curtain of 6-inches on the shallow shore sides at mean low water tide. All anchors will be placed at locations devoid of submerged aquatic resources. All accumulated debris (i.e. seagrass detritus) shall be removed, periodically, by hand, not

PERMIT NUMBER: SAJ-2020-01959-(SP-GGM)
PERMITTEE: City of Key West/ c/o Greg Veliz

PAGE 2 of 42.

mechanically, and disposed on an approved upland site (i.e landfill). The work shall be conducted in accordance with the approved work plans and best management plan (4 pages) date stamped on August 20th, 2022, by the Corps. Temporary turbidity curtains will be deployed and will remain in place until the work is completed and erodible materials have stabilized.

Project Location:

The project is located within open waters of the Atlantic Ocean. The project site is located within two properties adjacent to each other. One property is located at 1405-Duval Street; legally described as, KW Filer Boyle Subdivision N-476, Lot 4 and 6 SQR 5, G73-63 (South Beach Less the Eatery Restaurant Lease) (RE#00072082-001501). The second parcel is located at 1406 Duval Street; legally described as, KW 0.95 AC, N-476, Bay BTM SE of PT Lot 03, SQR 6, TR 16 (RE# 00036370-000000); in Section 06, Township 68 South, Range 25 East; Key West, Monroe County, Florida 33040 (MM± 0.5-Ocean). Exhibits/drawings are included, which illustrate the proposed action area and geographic coordinates.

APPROXIMATE CENTRAL COORDINATES: Latitude 24.546249° North
Longitude 81.795461° West

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on _____.
If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination

PERMIT NUMBER: SAJ-2020-01959-(SP-GGM)
PERMITTEE: City of Key West/ c/o Greg Veliz

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required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. REPORTING ADDRESS/ES: The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to either (not both) of the following Corps addresses and to the following agencies:

- **U.S. Army Corps of Engineers**

Regulatory Division

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

b. For standard mail: U.S. Army Corps of Engineers
Regulatory Division,
Enforcement Section
P.O. Box 4970
Jacksonville, FL 32232-0019.

- **Fish and Wildlife Services**

Florida Ecological Services, Field Office

verobeach@fws.gov

***Identifying consultation code: 04EF2000-2020-I-1048**

The Permittee shall reference this permit number, SAJ-2020-01959-(SP-GGM), on all submittals to the Corps. The Permittee shall reference identifying consultation code: 04EF2000-2020-I-1048 on all submittal to the FWS.

PERMIT NUMBER: SAJ-2020-01959-(SP-GGM)
PERMITTEE: City of Key West/ c/o Greg Veliz

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2. COMMENCEMENT NOTIFICATION: Within 10 days from the date of initiating the work authorized by this permit, the Permittee shall submit a completed "Commencement Notification" form (Attached).

3. SELF-CERTIFICATION: Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form (Attached) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

4. ASSURANCE OF NAVIGATION AND MAINTENANCE: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

5. MANATEE CONDITIONS: The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attached). The most recent version of the Manatee Conditions must be utilized.

6. PROTECTED SPECIES CONSTRUCTION CONDITIONS: The Permittee shall comply with National Marine Fisheries Service's "Protected Species Construction Conditions, NOAA Fisheries Southeast Regional Office" dated May 2021 (Attached).

7. TURBIDITY BARRIERS: Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend within 1 foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained daily until the authorized work has been completed and turbidity within the construction area has returned to ambient levels. Turbidity barriers shall be removed upon stabilization of the work area.

8. DAYLIGHT HOURS: All work shall be performed during daylight hours.

PERMIT NUMBER: SAJ-2020-01959-(SP-GGM)
PERMITTEE: City of Key West/ c/o Greg Veliz

PAGE 5 of 42.

9. POSTING OF PERMIT: The Permittee shall have available and maintain for review a copy of this permit with approved plans and best management plan at the construction site.

10. CULTURAL RESOURCES/HISTORIC PROPERTIES:

- a. No structure or work shall adversely affect, impact, or disturb properties listed in the *National Register of Historic Places* (NRHP), or those eligible for inclusion in the NRHP.
- b. If, during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with native cultures or early colonial settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps at the addresses listed in the **Reporting Address Special Condition** within the same business day (8 hours). The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions.
- c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the SHPO or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.
- d. In the unlikely event that unmarked human remains are identified on non-federal lands; they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archaeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the SHPO and from the Corps.

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11. INSTALLATION METHODOLOGY: Installation of the structures shall take place from floating equipment (e.g., barge) with the assistance of divers; prop or wheel-washing is prohibited.

12. CLEAN MATERIAL: All construction material must be non-toxic and free of contaminants and non-indigenous flora and/or fauna.

13. OWNERSHIP AND LIABILITY: By signing this permit, the Permittee certifies and acknowledges ownership of the authorized structure and accepts responsibility for maintenance of the structure and ability to assume liability for all damages that may arise with respect to the structure. The Permittee is responsible for all inspections and for the maintenance of the approved structure and all its associated materials. The Permittee will place the approved structure and associated anchors only within the current delineated authorized location boundaries, as depicted on the approved work plans and management plan (4 pages) date stamped on August 20, 2022, by the Corps. Structures dislodged or displaced by natural events such as storms may be relocated to the same location; however, prior notification to the Corps will be required. The position of the displaced structures and any environmental damage must be reported to Corps of Engineers, Jacksonville District at the address specified in Special Condition 1, with the following minimum information:

- Coordinates (DGPS) of location to which structures were displaced,
- Status and integrity of all displaced structures,
- Impacts (observed or estimated) to sensitive resources (e.g., seagrasses, hardbottom, or corals or coral reef) resulting from structure displacement.

14. MAINTENANCE: In-water structures authorized by this permit, which have fallen into disrepair, are no longer in use, or determined to be ineffective at preventing decaying vegetation from accumulating within the permitted area shall be removed within 30 days.

15. INSPECTING STRUCTURES: The complete structure, including any related anchors, shall be inspected in accordance with the submitted and approved best management plan (Sheet 4 of 4) date stamped on August 20, 2022, by the Corps.

16. MARINE DEBRIS REMOVAL METHODS: Marine debris shall be lifted straight up and not be dragged through the. Trawling also cannot be used as a means of marine debris removal. All debris shall be properly disposed of in appropriate upland facilities (i.e. landfill) in accordance with applicable federal and state requirements.

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17. FLORIDA KEYS NATIONAL MARINE SANCTUARY: This Corps permit does not authorize you to damage, diminish, degrade, impair, destroy, or otherwise harm any Florida Keys National Marine Sanctuary (FKNMS) trust resource. In order to legally conduct your work, you are provided with a copy of the FKNMS Permit letters #FKNMS-2020-113. You must understand and agree to comply with the provisions of these documents. The FKNMS letter contains mandatory terms and conditions. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with the FKNMS requirements. Failure to comply with the FKNMS terms and conditions would constitute noncompliance with your Corps permit. The FKNMS is the appropriate authority to determine compliance with the terms and conditions of its requirements and with the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432). All construction-related material and shall be removed from U.S. Waters within 15 days of completion of the authorized work and disposed of at an upland disposal site. Post-construction photographs documenting removal of the material and debris shall be submitted to the USACE at SAJ-RD-Enforcement@usace.army.mil and to the FKNMS at Stephen.Werndli@noaa.gov concurrent with the "Self-Certification Statement of Compliance" form.

18. EDUCATION AND OBSERVATION:

The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at:

http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html

19. REPORTING OF INTERACTIONS WITH PROTECTED SPECIES: Any collision(s) with and/or injuries to any sea turtles, sawfish, whales, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (727-824-5312) or by email at:

takereport.nmfsser@noaa.gov and SAJ-RD-Enforcement@usace.army.mil

Sea turtle and marine mammal stranding/rescue organizations' contact information is available by region at <http://www.nmfs.noaa.gov/pr/health/networks.htm>.

Smalltooth sawfish encounters shall be reported to

<http://www.flmnh.ufl.edu/fish/sharks/sawfish/sawfishencounters.html>

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20. FLORIDA FISH AND WILDLIFE SERVICE (FWS): The Permittee is responsible for regularly surveying interior and exterior of the barrier and report wildlife. Any federally listed species entangled in or trapped behind the barrier shall be immediately reported to the FWS and the FWCC. verobeach@fws.gov

***Identifying consultation code: 04EF2000-2020-I-1048**

21. MARINE LIFE ENTRAPMENT: All in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species. Neither structure nor material or the method of construction shall pose more than minimal risk of entrapping fish, marine turtles, or marine mammals. In-water lines must be industrial grade metal or heavy cables that do not readily loop and tangle. All in-water lines (rope and cable) must be rigid and cannot have excess line in the water. Lines may be enclosed in a plastic or rubber sleeve/tube to add rigidity.

22. SIGNAGE: The Permittee shall install permanent "caution" signs along the shoreline in a manner visible to any watercraft activity within 30 days from the date of initiating the authorized work. The Permittee shall maintain signs in good condition for the life of the weed barrier.

23. PERMIT CONDITIONS PREVAIL: If information in the permit attachments conflict with the special conditions of the DA permit, the requirements of the permit special conditions shall prevail.

24. PROJECT DRAWINGS: The project must be completed in accordance with the enclosed submitted construction drawings (4 pages), date-stamped by the U.S. Army Corps of Engineers (Corps) on August 20, 2022, and the general and special conditions which are incorporated in, and made a part of, the permit.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899
(33 U.S.C. 403).

() Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

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2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

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c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(DATE)

Patti McLaughlin, City Manager of the City of Key West

(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)

for James L. Booth
Colonel, U.S. Army
District Commander

(DATE)

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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

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***Attachments to Department of the Army
Permit Number SAJ-2020-01959-(SP-GGM)***

1. PERMIT DRAWINGS: 4 pages, dated August 20nd, 2022.
2. Commencement Notification
3. General Conditions.
4. Self-Certification Statement of Compliance Form (1 page).
5. DA Permit Transfer Request Form.
6. NOAA Protected Species Conditions
7. Manatee standard construction conditions
8. FKNMS Permit Letters #FKNMS-2021-113
9. FDEP Individual Permit No. 0388535-001 EI
10. ADDITIONAL DOCUMENTS: As required.

PROJECT LOCATION

PARCEL ID 00036370-000000 (RAMOS)
PARCEL ID 00072082-001501 (CITY OF KEY WEST)
BAY BTM SE OF PT LOT 3 SQR 6 TR 16;
LOT 4 & 6 SQR 5 (SOUTH BEACH LESS THE EATERY
RESTAURANT LEASE);
KW FILER BOYLE SUB N-476
SEC/TWP/RNG 06/68/25
KEY WEST
LATITUDE: 24.546760°N LONGITUDE: 81.795885°W

DIRECTIONS:

US HIGHWAY NO 1 SOUTH TO KEY WEST. LEFT ONTO
ROOSEVELT BLVD. RIGHT ONTO BERTHA ST. LEFT ONTO
ATLANTIC BLVD. RIGHT ONTO WHITE ST. LEFT ONTO
SOUTH ST. LEFT ONTO DUVAL ST. PROPERTY ADDRESS
1400, 1405, 1406 DUVAL ST

ADJOINING OWNERS

SUNSET CITY LLC
C/O LASALLE HOTEL PROPERTIES
7500 WISCONSIN AVE 10TH FL
BETHESDA, MD 20814

HUGH J MORGAN
404 SOUTH ST
KEY WEST, FL 33040



REVISIONS:

LOCATION & VICINITY MAP
SCALE: AS SHOWN

WEED BARRIER FOR CITY OF KEY WEST
& MATILDE GENEROSA RAMOS REV TRUST 5/25/2007
KEY WEST, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050
Telephone (305) 743-9121 Fax (305) 743-9197
Email: glenboe@bellsouth.net

DATE: 03/30/20

1

SHEET 1 OF 3



USACE SAJ-2020-01959-(SP-GGM).
Page 2 of 4. August 20, 2022.

REVISIONS:		WEED BARRIER FOR CITY OF KEY WEST & MATILDE GENEROSA RAMOS REV TRUST 5/25/2007 KEY WEST, MONROE COUNTY, FL	GLEN BOE AND ASSOCIATES, INC. # 4061 5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050 Telephone (305) 743-9121 Fax (305) 743-9197 Email: glenboe@bellsouth.net
	DATE: 03/30/20	2	SHEET 2 OF 3

PRE-FABRICATED WEED BARRIER
FOR HIGH FLOW/ROUGH WATER

1/2" STAINLESS STEEL SHACKLE

A JIM BUOY MODEL 1100 (OR PREAPPROVED EQUIVALENT) SURFACE FLOAT BUOY (9 1/4" LONG X 7" DIAMETER) SHALL BE INSTALLED ON THE DOWN-LINE FOR THE PURPOSE OF KEEPING THE DOWN-LINE FROM TANGLING AROUND THE ANCHOR HEAD OR DRAGGING ON THE SEAFLOOR. THE SUB-SURFACE BUOY WILL BE SECURED ON THE DOWN-LINE WITH A 3/8" STAINLESS STEEL BOLT, TWO (2) FLAT WASHERS (ONE EACH SIDE), AND NYLOCK NUT ABOVE THE SUB-SURFACE BUOY.

PVC COATED BELTING W/
POLYURETHANE FOAM FILLED
FLOATATION SHELLS

+1.6' MHW

0.0' MLW

SEMI-RIGID PVC-COATED POLYESTER NE
NETTING (1"X1" MAX OPENINGS) W/ CHAIN
WEIGHT AT BOTTOM

VARIES -1.5' TO -3'

TYPICAL SECTION

SCALE: 3/16" = 1'-0"

PROVIDE A 5/8" GALVANIZED STEEL SHACKLE SHALL SECURE THE DOWN-LINE TO THE GALVANIZED ANCHOR HEAD. THE DOWN-LINE WILL BE LOOPED AT THE ANCHOR END, CONNECTED TO ITSELF WITH A 3/8" STAINLESS STEEL BOLT, TWO (2) FLAT WASHERS (ONE EACH SIDE), AND A NYLOCK NUT. THE LOOPED END OF THE DOWN-LINE WILL BE COVERED WITH 3 1/2" X 12" LONG CANVAS FIRE HOSE, AND HELD IN PLACE WITH AT LEAST TWO HEAVY DUTY CABLE TIES.

DISTANCE BETWEEN THE BAYBOTTOM & BOTTOM OF WEED BARRIER SHALL BE 6" ON THE SHALLOW SHORE SIDES AT MEAN LOW TIDE

1/4" STAINLESS STEEL CHAIN ENCASED IN 1" GOODYEAR (OR PRE-APPROVED EQUIVALENT) BLUE PLOVIC HOSE. THE LENGTH OF THE COMPLETE, RIGGED DOWN-LINE SHALL BE APPROPRIATE FOR THE WATER DEPTH.

PROPOSED ANCHOR @ 20'± INTERVALS (SEE ANCHOR DESCRIPTIONS FOR INSTALLATION) TOP OF ANCHOR SHALL BE 6" MIN. ABOVE SEAFLOOR.

NOTE: IN-WATER ROPE, CABLE OR CHAIN SHALL BE INDUSTRIAL GRADE METAL CHAINS OR HEAVY CABLES THAT DO NOT READILY LOOP AND TANGLE AND SHALL BE INSTALLED SO LINE IS TAUT AND WITHOUT EXCESS LINE IN THE WATER. LINES SHALL BE ENCLOSED IN A PLASTIC OR RUBBER SLEEVE/TUBE TO ADD RIGIDITY.

CONSTRUCTION NOTES:

1. CONTRACTOR SHALL OBTAIN ALL APPLICABLE PERMITS PRIOR TO COMMENCING WORK. THE REQUIREMENTS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE ARMY CORPS OF ENGINEERS & LOCAL REGULATIONS SHALL GOVERN ALL WORK.
2. WORK SHOWN ON DRAWINGS IS DESIGNED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE 2017. FOLLOW ALL APPLICABLE PROVISIONS FOR ALL PHASES OF CONSTRUCTION. THE PROPOSED STRUCTURE(S) IS DESIGNED FOR A MINIMUM LIVE LOAD OF 40 PSF/DEAD LOAD 10 PSF, 180 MPH (3 SECOND GUST), EXPOSURE D, ASCE 7-10.
3. CONTRACTOR SHALL ADHERE TO THE STANDARD MANATEE CONSTRUCTION CONDITIONS (LATEST EDITION). IF NEEDED, THE CONTRACTOR CAN CONTACT THE ARMY CORPS OF ENGINEERS OR THIS OFFICE TO OBTAIN A COPY OF THE STANDARD MANATEE CONSTRUCTION CONDITIONS.
4. BEST MANAGEMENT PRACTICES, INCLUDING THE USE OF TURBIDITY SCREENS, ARE REQUIRED TO ISOLATE THE CONSTRUCTION AREA FROM THE ADJACENT WATERS. CONTRACTOR SHALL INSTALL TURBIDITY SCREENS AROUND THE IMMEDIATE PROJECT AREA PRIOR TO CONSTRUCTION. THE TURBIDITY SCREENS REMAIN IN PLACE UNTIL WATER QUALITY CONDITIONS RETURN TO PRECONSTRUCTION CONDITIONS. WATER QUALITY MONITORING SHALL ADHERE TO STATE REGULATIONS.
5. CONTRACTOR SHALL FIELD VERIFY DIMENSIONS & WATER DEPTHS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES ON THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE COMMENCING WORK.
6. THE STRUCTURAL INTEGRITY OF THE COMPLETED STRUCTURE DEPENDS ON INTERACTION OF VARIOUS CONNECTED COMPONENTS. PROVIDE ADEQUATE BRACING, SHORING, AND OTHER TEMPORARY SUPPORTS AS REQUIRED TO SAFELY COMPLETE THE WORK.
7. EXERCISE EXTREME CARE AND CAUTION WHEN EXCAVATING AND FILLING ADJACENT TO EXISTING STRUCTURES. UNDER NO CIRCUMSTANCES SHALL THE STRUCTURAL INTEGRITY OF THE EXISTING STRUCTURES BE IMPAIRED IN ANY WAY BY CONSTRUCTION OPERATIONS AND PROCEDURES. DO NOT EXCAVATE OR DISTURB SOIL ADJACENT TO OR BENEATH EXISTING FOOTINGS.

ANCHOR DETAIL BASED ON SUBSTRATE:

FOR SUBSTRATE OF UP TO 5' OF SAND/MUD OVERBURDEN ABOVE A HARD ROCK SUBSTRATE THE ANCHOR SHALL BE A ROCK PENETRATING HELICAL EMBEDMENT ANCHOR. THE ANCHOR SHALL BE A MINIMUM OF 6' LONG, WITH A MINIMUM HELICAL DISK SIZE OF 6", WITH A MINIMUM SHAFT DIAMETER OF 1 1/4". THE ANCHOR SHALL BE GALVANIZED STEEL. THE ANCHOR SHALL BE SECURELY EMBEDDED A MINIMUM OF 5 1/2' INTO THE SEAFLOOR WITH THE HEAD EXPOSED APPROXIMATELY 6" TO ALLOW FOR ATTACHMENT OF THE DOWNLINE. THE ANCHOR SHALL BE INSTALLED IN A MANNER WHICH PROVIDES FOR REMOVAL, VIA HEAVY EQUIPMENT, IF AND WHEN NECESSARY.

FOR SUBSTRATE GREATER THAN 5' OF SAND/MUD THE ANCHOR SHALL BE A SOFT BOTTOM HELICAL EMBEDMENT ANCHOR. THE ANCHOR SHALL BE A MINIMUM OF 6' LONG, WITH A MINIMUM HELICAL DISK SIZE OF 8", WITH A MINIMUM SHAFT DIAMETER OF 1 1/4". THE ANCHOR SHALL BE GALVANIZED STEEL. THE ANCHOR SHALL BE SECURELY EMBEDDED A MINIMUM OF 5 1/2' INTO THE SEAFLOOR WITH THE HEAD EXPOSED APPROXIMATELY 6" TO ALLOW FOR ATTACHMENT OF THE DOWNLINE. THE ANCHOR SHALL BE INSTALLED IN A MANNER WHICH PROVIDES FOR REMOVAL, VIA HEAVY EQUIPMENT, IF AND WHEN NECESSARY.

FOR EXPOSED ROCK SUBSTRATE THE ANCHOR SHALL BE THE HALAS PIN SYSTEM (OR PRE-APPROVED EQUIVALENT) WITH A MINIMUM EMBEDMENT DEPTH OF 18", MINIMUM PIN SIZE OF 5/8" DIAMETER BY 18" LENGTH, 316 STAINLESS STEEL; INSTALLED IN A 2" DIAMETER BY 18" DEEP DRILLED HOLE AND GROUTED WITH CONCRETE. CAST IN PLACE CONCRETE SHALL BE TYPE II CONCRETE WITH A COMPRESSIVE STRENGTH OF 5,000 PSI AT 28 DAYS. MAXIMUM WATER-CEMENTIOUS MATERIALS RATIO BY WEIGHT RATIO SHALL BE 0.40. SLUMP SHALL NOT EXCEED 5" (1"±).

REVISIONS:

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CERTIFIED BY:
SEAN KIRWAN, P.E. #57506

WEED BARRIER FOR CITY OF KEY WEST
& MATILDE GENEROSA RAMOS REV TRUST 5/25/2007
KEY WEST, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050
Telephone (305) 743-9121 Fax (305) 743-9197
Email: glenboe@bellsouth.net

DATE: 03/30/20

Weed Barrier Management Plan

1400, 1405, 1406 DUVAL ST,
508 SOUTH STREET
Key West

The seagrass-detritus barrier will be visually inspected by the applicant to assure that the barrier is intact and operating properly on a daily basis. An in-water inspection, to verify the integrity of the connections and barrier will be performed on a quarterly basis. An interim in-water inspection will be performed if the daily visual inspection results in observations of maintenance being required to the barrier. Any maintenance or repairs that are required will be performed in a timely manner.

Floating debris and seagrass/detritus removed from the barrier will be transported to a landfill for disposal. The barrier will be accessed from shore or with a small vessel for debris removal.

All entrapments or entanglements of manatees, crocodile, or marine turtles shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922 (or #FWC).

COMMENCEMENT NOTIFICATION

*Within ten (10) days of initiating the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. Department of the Army Permit Number: SAJ- - (-)

2. Permittee Information:

Name: _____

Email: _____

Address: _____

Phone: _____

3. Construction Start Date: _____

4. Contact to Schedule Inspection:

Name: _____

Email: _____

Phone: _____

Signature of Permittee

Printed Name of Permittee

Date

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

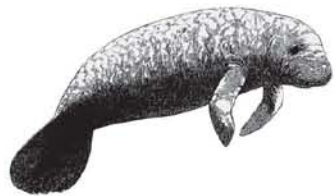
All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: SAJ- - (-)

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES ____ NO ____
PLEASE CONTACT _____ AT _____
TO SCHEDULE AN INSPECTION

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.):

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations):

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ- - (-)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

(TRANSFeree-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Florida Keys National Marine Sanctuary
33 East Quay Road
Key West, FL 33040

September 17, 2020

Ms. Gletys Guardia-Montoya
Department of the Army Jacksonville District Corps of Engineers
Miami Regulatory Office
9900 Southwest 107th Avenue, Suite 203
Miami, FL 33176

Dear Ms. Guardia-Montoya:

NOAA Florida Keys National Marine Sanctuary (FKNMS or sanctuary) has reviewed Department of the Army Corps of Engineers (DA Corps) application no. 2020-01959 (GP-GGM). The applicant, City of Key West c/o Greg Veliz, is requesting a permit to install a 495' floating weed barrier with anchors at 20' intervals adjacent to 1405 Duval Street, Key West, Monroe County, FL. The proposed activity is prohibited by FKNMS regulations at 15 CFR §922.163(a)(3).

NOAA has reviewed the project described in the DA Corps application and determined that the proposed project will have a negligible impact on sanctuary resources. Therefore, pursuant to 15 CFR § 922.49, NOAA does not object to the issuance of a DA Corps permit for the project as proposed, and a separate FKNMS permit will not be required.

This determination is only applicable to DA Corps application no. 2020-01959 (GP-GGM), including all project plans and methods detailed in that application and any additional information submitted or follow-up correspondence between the applicant and NOAA FKNMS. If any changes are made to the project description or methods deviate from those provided to NOAA FKNMS, in the application, the applicant shall notify NOAA and this letter of authorization will be rescinded. Upon such notification, NOAA shall re-review the project and special conditions and provide a supplementary determination. Further information on sanctuary permit review and authorization is set forth at 15 CFR § 922.49.

This project has been assigned authorization #FKNMS-2020-113. Please contact FKNMS Enforcement Coordinator Steve Werndli at Stephen.Werndli@noaa.gov if you have questions about NOAA's determination on this project. Thank you for your continued cooperation with the Florida Keys National Marine Sanctuary.

Sincerely,

Sarah Fangman
Superintendent

cc: Sean Kirwan, Glen Boe & Associates, Inc.



PROTECTED SPECIES CONSTRUCTION CONDITIONS, NOAA FISHERIES SOUTHEAST REGIONAL OFFICE

The action agency and any permittee shall comply with the following construction conditions for protected species under the jurisdiction of NOAA Fisheries Southeast Regional Office (SERO) Protected Resources Division (PRD):¹

Protected Species Sightings—The action agency and any permittee shall ensure that all personnel associated with the project are instructed about the potential presence of species protected under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing listed species and all marine mammals. To determine which protected species and critical habitat may be found in the transit area, please review the relevant [marine mammal](https://www.fisheries.noaa.gov/find-species) and [ESA-listed species](https://www.fisheries.noaa.gov/find-species) at Find A Species (<https://www.fisheries.noaa.gov/find-species>) and the consultation documents that have been completed for the project.

1. **Equipment**—Turbidity curtains, if used, shall be made of material in which protected species cannot become entangled and be regularly monitored to avoid protected species entrapment. All turbidity curtains and other in-water equipment shall be properly secured with materials that reduce the risk of protected species entanglement and entrapment.
 - a. In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) shall be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, shall be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line shall be allowed in the water. All anchoring shall be in areas free from hardbottom and seagrass.
 - b. Turbidity curtains and other in-water equipment shall be placed in a manner that does not entrap protected species within the project area and minimizes the extent and duration of their exclusion from the project area.
 - c. Turbidity barriers shall be positioned in a way that minimizes the extent and duration of protected species exclusion from important habitat (e.g. critical habitat, hardbottom, seagrass) in the project area.
2. **Operations**—For construction work that is generally stationary (e.g., barge-mounted equipment dredging a berth or section of river, or shore-based equipment extending into the water):
 - a. Operations of moving equipment shall cease if a protected species is observed within 150 feet of operations.

¹ Manatees are managed under the jurisdiction of the U.S. Fish and Wildlife Service.

- b. Activities shall not resume until the protected species has departed the project area of its own volition (e.g., species was observed departing or 20 minutes have passed since the animal was last seen in the area).
3. **Vessels**—For projects requiring vessels, the action agency, and any permittee shall ensure conditions in the [Vessel Strike Avoidance Measures](#) are implemented as part of the project/permit issuance (<https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance>).
4. **Consultation Reporting Requirements**—Any interaction with a protected species shall be reported immediately to NOAA Fisheries SERO PRD and the local authorized stranding/rescue organization.

To report to NOAA Fisheries SERO PRD, send an email to takereport.nmfsser@noaa.gov. Please include the species involved, the circumstances of the interaction, the fate and disposition of the species involved, photos (if available), and contact information for the person who can provide additional details if requested. Please include the project's Environmental Consultation Organizer (ECO) number and project title in the subject line of email reports.

To report the interaction to the local stranding/rescue organization, please see the following website for the most up to date information for reporting sick, injured, or dead protected species:

Reporting Violations—To report an ESA or MMPA violation, call the NOAA Fisheries Enforcement Hotline. This hotline is available 24 hours a day, 7 days week for anyone in the United States.

NOAA Fisheries Enforcement Hotline (800) 853-1964

5. **Additional Conditions**—Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the project consultation and must also be complied with.

For additional information, please contact NOAA Fisheries SERO PRD at:

NOAA Fisheries Service
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701
Tel: (727) 824-5312

Visit us on the web at [Protected Marine Life in the Southeast](#)
(<https://www.fisheries.noaa.gov/region/southeast#protected-marine-life>)

Revised: May 2021



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

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FLORIDA DEPARTMENT OF Environmental Protection

South District Branch Office
2796 Overseas Highway, Suite 221
Marathon, FL 33050
SouthDistrict@FloridaDEP.gov

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Permittee/Authorized Entity:

City of Key West
1100 White St
Key West, FL 33040
gveliz@cityofkeywest-fl.gov

Seaweed Barrier

Authorized Agent:

Sean Kirwan
5800 Overseas Hwy Ste 4
Marathon, FL 33050
glenboe@bellsouth.net

**Environmental Resource Permit
State-owned Submerged Lands Authorization – Granted Pending Document
Execution**

**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization
Required**

Permit No.: 0388535-001 EI
Lease No.:

**Permit Issuance Date: May 12, 2022
Permit Construction Phase Expiration Date: May 12, 2027**

Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

Permittee: City of Key West

Permit No: 0388535-001 EI

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located adjacent to 508 South Street, involving Parcel IDs 00036280000000, 00072082001501, and 00036360000000, Key West, FL, 33040, in Section 06, Township 68, Range 25, in Monroe County.

PROJECT DESCRIPTION

The permittee is authorized to install a 495 linear-foot floating seaweed barrier with 30 anchors, in the Atlantic Ocean, Class III Outstanding Florida Waters. Those activities include the preemption of 61,791 square feet of state-owned sovereignty submerged lands. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Seaweed Barrier

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that the activity within the Atlantic Ocean (**Page 2 of 3 in attached drawings**) qualifies for and requires a lease, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

The final documents required to execute the lease will be sent to the lessee by the Department's Division of State Lands for execution. The Department intends to issue the public easement, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in this permit. **You may not begin construction of the activities described until you receive a copy of the executed public easement from the Department.**

Federal Authorization

Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using their *APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT*, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at:

<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>.

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply

with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS – ADMINISTRATIVE

1. All required submittals, such as certifications, monitoring reports, notifications, etc., shall be submitted to the Florida Department of Environmental Protection, South District Office, Submerged Lands and Environmental Resource Permitting, P.O. Box 2549, Fort Myers, FL 33902-2549 or via e-mail to FTMERP_Compliance@dep.state.fl.us . All submittals shall include the project name and indicated permit number when referring to this project.

Note: In the event of an emergency, the Permittee should contact the Department by calling (800)320-0519. During normal business hours, the permittee should call (239)344-5600.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

2. The project shall comply with applicable State Water Quality Standards, namely:
Rule 62-302.500, F.A.C. – Surface Waters: Minimum Criteria, General Criteria;
Rule 62-302.530, F.A.C. – Table: Surface Water Quality Criteria, Class III Waters
3. Best management practices for erosion control shall be implemented and maintained at all times during construction of the permitted activity to prevent siltation and turbid discharges in excess of State water standards pursuant to Rule 62-302, F.A.C. The Permittee shall be responsible for ensuring that erosion and turbidity control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
4. Storage or stockpiling of tools and materials (i.e., lumber, pilings, debris,) within wetlands, along the shoreline, within the littoral zone, or elsewhere within wetlands or other surface waters is prohibited. This includes floating of pilings in surface waters. All vegetative material and debris shall be removed to a self-contained upland disposal area with no stockpiling of debris within wetland areas.

SPECIFIC CONDITIONS LISTED SPECIES

7. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are

statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to FWCConservationPlanningServices@MyFWC.com.

SPECIFIC MANATEE PROTECTION CONDITIONS

8. If a manatee appears to be in distress after coming in contact with drilling mud, work vessels or equipment, it shall be reported immediately by calling the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Any collision with or injury to a manatee shall also be reported immediately. A follow-up written report shall be sent to FWC as soon as practicable at ImperiledSpecies@myfwc.com, including the permit number, dates, details and status of the event.
9. During in-water construction activities, the following manatee conditions shall be followed:
 - a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
 - b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" while in the project area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible and follow any posted speed zones.
 - c. If used, siltation, turbidity barriers, booms or curtains shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
 - d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shut-down if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
 - e. Temporary signs concerning manatees shall be posted on all vessels associated with the project. This sign shall measure at least 8 ½" by 11" and explain the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations. Information on this sign is available at:
<https://myfwc.com/wildlifehabitats/wildlife/manatee/education-for-marinas/>.

SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS

10. The City of Key West shall be operated and maintained under the current Management Plan. The barrier shall be inspecting on a daily basis to insure there are no marine entanglements and all repairs that are required will be performed in a timely manner.

SPECIAL CONSENT CONDITIONS

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or

- b. For all other activities “As-Built Certification and Request for Conversion to Operational Phase” [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as- built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
- a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer

of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the

administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart
District Director
South District Office

Attachments:

3 project drawing(s)

Weed Barrier Management Plan

'Post Issuance' forms: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

CERTIFICATE OF SERVICE

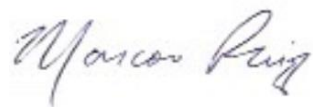
The undersigned duly designated deputy clerk hereby certifies that this document and all attachments, including all copies, were sent to the addressee and to the following listed persons:

U.S. Army Corps of Engineers, Miami Office, SEAppls@usace.army.mil

Matilde Gererosa Ramos Rev Trust 05/25/2007, mhpa@bellsouth.net

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.



Clerk

May 12, 2022
Date

PROJECT LOCATION

PARCEL ID 00036370-000000 (RAMOS)
PARCEL ID 00072082-001501 (CITY OF KEY WEST)
PARCEL ID 00036280-000000 (SUNSET CITY LLC)
BAY BTM SE OF PT LOT 3 SQR 6 TR 16;
LOT 4 & 6 SQR 5 (SOUTH BEACH LESS THE EATERY
RESTAURANT LEASE);
KW FILER BOYLE SUB N-476
KW FILER BOYLE SUB N-476 PT LOTS-1-2-3-5-7
SQR-5 TR-16 ALSO FILLED BAY BTM G45-426/27
OR18-42(II DEED 20749)
SEC/TWP/RNG 06/68/25
KEY WEST
LATITUDE: 24.546760°N LONGITUDE: 81.795885°W

DIRECTIONS:

US HIGHWAY NO 1 SOUTH TO KEY WEST. LEFT ONTO
ROOSEVELT BLVD. RIGHT ONTO BERTHA ST. LEFT ONTO
ATLANTIC BLVD. RIGHT ONTO WHITE ST. LEFT ONTO
SOUTH ST. LEFT ONTO DUVAL ST.
PROPERTY ADDRESS: 1400, 1405, 1406 DUVAL ST,
508 SOUTH STREET

ADJOINING OWNERS

KEY WEST REACH OWNER LLC
PO BOX 396
BOCA RATON FL 33429

HUGH J MORGAN
404 SOUTH ST
KEY WEST, FL 33040



REVISIONS:	
1	09/09/20

LOCATION & VICINITY MAP
SCALE: AS SHOWN

WEED BARRIER FOR CITY OF KEY WEST, SUNSET CITY LLC
& MATILDE GENEROSA RAMOS REV TRUST 5/25/2007
KEY WEST, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050
Telephone (305) 743-9121 Fax (305) 743-9197
Email: glenboe@bellsouth.net

DATE: 03/30/20



SITE PLAN

SCALE: 1" = 100'



REVISIONS:

1	09/09/20

CERTIFIED BY:
SEAN KIRWAN, P.E. #57506

WEED BARRIER FOR CITY OF KEY WEST, SUNSET CITY LLC
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DATE: 03/30/20

PRE-FABRICATED WEED BARRIER
FOR HIGH FLOW/ROUGH WATER

1/2" STAINLESS STEEL SHACKLE

A JIM BUOY MODEL 1100 (OR PREAPPROVED EQUIVALENT) SURFACE FLOAT BUOY (9 1/4" LONG X 7" DIAMETER) SHALL BE INSTALLED ON THE DOWN-LINE FOR THE PURPOSE OF KEEPING THE DOWN-LINE FROM TANGLING AROUND THE ANCHOR HEAD OR DRAGGING ON THE SEAFLOOR. THE SUB-SURFACE BUOY WILL BE SECURED ON THE DOWN-LINE WITH A 3/8" STAINLESS STEEL BOLT, TWO (2) FLAT WASHERS (ONE EACH SIDE), AND NYLOCK NUT ABOVE THE SUB-SURFACE BUOY.

PVC COATED BELTING W/
POLYURETHANE FOAM FILLED
FLOATATION SHELLS
(12"± FREEBOARD)

+1.3' MHW

0.0' MLW

SEMI-RIGID PVC-COATED POLYESTERNE
CURTAIN (NO NETTING)(12"± SUBMERGED)
W/ CHAIN WEIGHT AT BOTTOM

VARIES -1.3' TO -3'

TYPICAL SECTION

SCALE: 3/16" = 1'-0"

DISTANCE BETWEEN THE BAYBOTTOM & BOTTOM
OF WEED BARRIER SHALL BE 6" ON THE
SHALLOW SHORE SIDES AT MEAN LOW TIDE

PROVIDE A 5/8" GALVANIZED STEEL SHACKLE SHALL SECURE THE DOWN-LINE TO THE GALVANIZED ANCHOR HEAD. THE DOWN-LINE WILL BE LOOPED AT THE ANCHOR END, CONNECTED TO ITSELF WITH A 3/8" STAINLESS STEEL BOLT, TWO (2) FLAT WASHERS (ONE EACH SIDE), AND A NYLOCK NUT. THE LOOPED END OF THE DOWN-LINE WILL BE COVERED WITH 3 1/2" X 12" LONG CANVAS FIRE HOSE, AND HELD IN PLACE WITH AT LEAST TWO HEAVY DUTY CABLE TIES.

1/4" STAINLESS STEEL CHAIN ENCASED IN 1" GOODYEAR
(OR PRE-APPROVED EQUIVALENT) BLUE PLOVIC HOSE. THE
LENGTH OF THE COMPLETE, RIGGED DOWN-LINE SHALL BE
APPROPRIATE FOR THE WATER DEPTH.

PROPOSED ANCHOR @ 20'± INTERVALS (SEE ANCHOR
DESCRIPTIONS FOR INSTALLATION) TOP OF ANCHOR
SHALL BE 6" MIN. ABOVE SEAFLOOR.

NOTE: IN-WATER ROPE, CABLE OR CHAIN SHALL BE INDUSTRIAL GRADE METAL CHAINS OR HEAVY CABLES THAT DO NOT READILY LOOP AND TANGLE AND SHALL BE INSTALLED SO LINE IS TAUT AND WITHOUT EXCESS LINE IN THE WATER. LINES SHALL BE ENCLOSED IN A PLASTIC OR RUBBER SLEEVE/TUBE TO ADD RIGIDITY.

CONSTRUCTION NOTES:

1. CONTRACTOR SHALL OBTAIN ALL APPLICABLE PERMITS PRIOR TO COMMENCING WORK. THE REQUIREMENTS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE ARMY CORPS OF ENGINEERS & LOCAL REGULATIONS SHALL GOVERN ALL WORK.
2. WORK SHOWN ON DRAWINGS IS DESIGNED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE 2017. FOLLOW ALL APPLICABLE PROVISIONS FOR ALL PHASES OF CONSTRUCTION. THE PROPOSED STRUCTURE(S) IS DESIGNED FOR A MINIMUM LIVE LOAD OF 40 PSF/DEAD LOAD 10 PSF, 180 MPH (3 SECOND GUST), EXPOSURE D, ASCE 7-10.
3. CONTRACTOR SHALL ADHERE TO THE STANDARD MANATEE CONSTRUCTION CONDITIONS (LATEST EDITION). IF NEEDED, THE CONTRACTOR CAN CONTACT THE ARMY CORPS OF ENGINEERS OR THIS OFFICE TO OBTAIN A COPY OF THE STANDARD MANATEE CONSTRUCTION CONDITIONS.
4. BEST MANAGEMENT PRACTICES, INCLUDING THE USE OF TURBIDITY SCREENS, ARE REQUIRED TO ISOLATE THE CONSTRUCTION AREA FROM THE ADJACENT WATERS. CONTRACTOR SHALL INSTALL TURBIDITY SCREENS AROUND THE IMMEDIATE PROJECT AREA PRIOR TO CONSTRUCTION. THE TURBIDITY SCREENS REMAIN IN PLACE UNTIL WATER QUALITY CONDITIONS RETURN TO PRECONSTRUCTION CONDITIONS. WATER QUALITY MONITORING SHALL ADHERE TO STATE REGULATIONS.
5. CONTRACTOR SHALL FIELD VERIFY DIMENSIONS & WATER DEPTHS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES ON THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE COMMENCING WORK.
6. THE STRUCTURAL INTEGRITY OF THE COMPLETED STRUCTURE DEPENDS ON INTERACTION OF VARIOUS CONNECTED COMPONENTS. PROVIDE ADEQUATE BRACING, SHORING, AND OTHER TEMPORARY SUPPORTS AS REQUIRED TO SAFELY COMPLETE THE WORK.
7. EXERCISE EXTREME CARE AND CAUTION WHEN EXCAVATING AND FILLING ADJACENT TO EXISTING STRUCTURES. UNDER NO CIRCUMSTANCES SHALL THE STRUCTURAL INTEGRITY OF THE EXISTING STRUCTURES BE IMPAIRED IN ANY WAY BY CONSTRUCTION OPERATIONS AND PROCEDURES. DO NOT EXCAVATE OR DISTURB SOIL ADJACENT TO OR BENEATH EXISTING FOOTINGS.

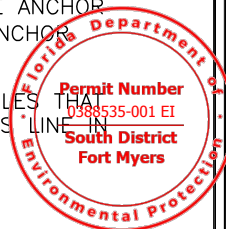
ANCHOR DETAIL BASED ON SUBSTRATE:

FOR SUBSTRATE OF UP TO 5' OF SAND/MUD OVERBURDEN ABOVE A HARD ROCK SUBSTRATE THE ANCHOR SHALL BE A ROCK PENETRATING HELICAL EMBEDMENT ANCHOR. THE ANCHOR SHALL BE A MINIMUM OF 6' LONG, WITH A MINIMUM HELICAL DISK SIZE OF 6", WITH A MINIMUM SHAFT DIAMETER OF 1 1/4". THE ANCHOR SHALL BE GALVANIZED STEEL. THE ANCHOR SHALL BE SECURELY EMBEDDED A MINIMUM OF 5 1/2' INTO THE SEAFLOOR WITH THE HEAD EXPOSED APPROXIMATELY 6" TO ALLOW FOR ATTACHMENT OF THE DOWNLINE. THE ANCHOR SHALL BE INSTALLED IN A MANNER WHICH PROVIDES FOR REMOVAL, VIA HEAVY EQUIPMENT, IF AND WHEN NECESSARY.

FOR SUBSTRATE GREATER THAN 5' OF SAND/MUD THE ANCHOR SHALL BE A SOFT BOTTOM HELICAL EMBEDMENT ANCHOR. THE ANCHOR SHALL BE A MINIMUM OF 6' LONG, WITH A MINIMUM HELICAL DISK SIZE OF 8", WITH A MINIMUM SHAFT DIAMETER OF 1 1/4". THE ANCHOR SHALL BE GALVANIZED STEEL. THE ANCHOR SHALL BE SECURELY EMBEDDED A MINIMUM OF 5 1/2' INTO THE SEAFLOOR WITH THE HEAD EXPOSED APPROXIMATELY 6" TO ALLOW FOR ATTACHMENT OF THE DOWNLINE. THE ANCHOR SHALL BE INSTALLED IN A MANNER WHICH PROVIDES FOR REMOVAL, VIA HEAVY EQUIPMENT, IF AND WHEN NECESSARY.

FOR EXPOSED ROCK SUBSTRATE THE ANCHOR SHALL BE THE HALAS PIN SYSTEM (OR PRE-APPROVED EQUIVALENT) WITH A MINIMUM EMBEDMENT DEPTH OF 18", MINIMUM PIN SIZE OF 5/8" DIAMETER BY 18" LENGTH, 316 STAINLESS STEEL; INSTALLED IN A 2" DIAMETER BY 18" DEEP DRILLED HOLE, AND GROUTED WITH CONCRETE. CAST IN PLACE CONCRETE SHALL BE TYPE II CONCRETE WITH A COMPRESSIVE STRENGTH OF 5,000 PSI AT 28 DAYS. MAXIMUM WATER-CEMENTIOUS MATERIALS RATIO BY WEIGHT RATIO SHALL BE 0.40. SLUMP SHALL NOT EXCEED 5" (1"±).

Received
Electronically
September 9, 2021
South District



WEED BARRIER FOR CITY OF KEY WEST, SUNSET CITY LLC
& MATILDE GENEROSA RAMOS REV TRUST 5/25/2007
KEY WEST, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
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Telephone (305) 743-9121 Fax (305) 743-9197
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DATE: 03/30/20



Weed Barrier Management Plan

The seagrass barrier will be visually inspected by the applicant to assure that the barrier is intact and operating properly on a daily basis. An in-water inspection, to verify the integrity of the connections and barrier will be performed on a quarterly basis. An interim in-water inspection will be performed if the daily visual inspection results in observations of maintenance being required to the barrier. Any maintenance or repairs that are required will be performed in a timely manner.

All entrapments or entanglements of manatees or marine turtles shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922 (or #FWC).

1405 Duval Street, MDP & CU



FL. DEP PERMIT



FLORIDA DEPARTMENT OF Environmental Protection

South District Branch Office
2796 Overseas Highway, Suite 221
Marathon, FL 33050
SouthDistrict@FloridaDEP.gov

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Permittee/Authorized Entity:

City of Key West
1100 White St
Key West, FL 33040
gveliz@cityofkeywest-fl.gov

Seaweed Barrier

Authorized Agent:

Sean Kirwan
5800 Overseas Hwy Ste 4
Marathon, FL 33050
glenboe@bellsouth.net

**Environmental Resource Permit
State-owned Submerged Lands Authorization – Granted Pending Document
Execution**

**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization
Required**

Permit No.: 0388535-001 EI
Lease No.:

**Permit Issuance Date: May 12, 2022
Permit Construction Phase Expiration Date: May 12, 2027**

Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

Permittee: City of Key West

Permit No: 0388535-001 EI

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located adjacent to 508 South Street, involving Parcel IDs 00036280000000, 00072082001501, and 00036360000000, Key West, FL, 33040, in Section 06, Township 68, Range 25, in Monroe County.

PROJECT DESCRIPTION

The permittee is authorized to install a 495 linear-foot floating seaweed barrier with 30 anchors, in the Atlantic Ocean, Class III Outstanding Florida Waters. Those activities include the preemption of 61,791 square feet of state-owned sovereignty submerged lands. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Seaweed Barrier

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that the activity within the Atlantic Ocean (**Page 2 of 3 in attached drawings**) qualifies for and requires a lease, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

The final documents required to execute the lease will be sent to the lessee by the Department's Division of State Lands for execution. The Department intends to issue the public easement, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in this permit. **You may not begin construction of the activities described until you receive a copy of the executed public easement from the Department.**

Federal Authorization

Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using their *APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT*, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at:

<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>.

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply

with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS – ADMINISTRATIVE

1. All required submittals, such as certifications, monitoring reports, notifications, etc., shall be submitted to the Florida Department of Environmental Protection, South District Office, Submerged Lands and Environmental Resource Permitting, P.O. Box 2549, Fort Myers, FL 33902-2549 or via e-mail to FTMERP_Compliance@dep.state.fl.us . All submittals shall include the project name and indicated permit number when referring to this project.

Note: In the event of an emergency, the Permittee should contact the Department by calling (800)320-0519. During normal business hours, the permittee should call (239)344-5600.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

2. The project shall comply with applicable State Water Quality Standards, namely:
Rule 62-302.500, F.A.C. – Surface Waters: Minimum Criteria, General Criteria;
Rule 62-302.530, F.A.C. – Table: Surface Water Quality Criteria, Class III Waters
3. Best management practices for erosion control shall be implemented and maintained at all times during construction of the permitted activity to prevent siltation and turbid discharges in excess of State water standards pursuant to Rule 62-302, F.A.C. The Permittee shall be responsible for ensuring that erosion and turbidity control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
4. Storage or stockpiling of tools and materials (i.e., lumber, pilings, debris,) within wetlands, along the shoreline, within the littoral zone, or elsewhere within wetlands or other surface waters is prohibited. This includes floating of pilings in surface waters. All vegetative material and debris shall be removed to a self-contained upland disposal area with no stockpiling of debris within wetland areas.

SPECIFIC CONDITIONS LISTED SPECIES

7. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are

statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to FWCConservationPlanningServices@MyFWC.com.

SPECIFIC MANATEE PROTECTION CONDITIONS

8. If a manatee appears to be in distress after coming in contact with drilling mud, work vessels or equipment, it shall be reported immediately by calling the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Any collision with or injury to a manatee shall also be reported immediately. A follow-up written report shall be sent to FWC as soon as practicable at ImperiledSpecies@myfwc.com, including the permit number, dates, details and status of the event.
9. During in-water construction activities, the following manatee conditions shall be followed:
 - a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
 - b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" while in the project area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible and follow any posted speed zones.
 - c. If used, siltation, turbidity barriers, booms or curtains shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
 - d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shut-down if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
 - e. Temporary signs concerning manatees shall be posted on all vessels associated with the project. This sign shall measure at least 8 ½" by 11" and explain the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations. Information on this sign is available at:
<https://myfwc.com/wildlifehabitats/wildlife/manatee/education-for-marinas/>.

SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS

10. The City of Key West shall be operated and maintained under the current Management Plan. The barrier shall be inspecting on a daily basis to insure there are no marine entanglements and all repairs that are required will be performed in a timely manner.

SPECIAL CONSENT CONDITIONS

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or

- b. For all other activities “As-Built Certification and Request for Conversion to Operational Phase” [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as- built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
- a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer

of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the

administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart
District Director
South District Office

Attachments:

3 project drawing(s)

Weed Barrier Management Plan

'Post Issuance' forms: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

CERTIFICATE OF SERVICE

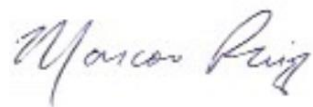
The undersigned duly designated deputy clerk hereby certifies that this document and all attachments, including all copies, were sent to the addressee and to the following listed persons:

U.S. Army Corps of Engineers, Miami Office, SEAppls@usace.army.mil

Matilde Gererosa Ramos Rev Trust 05/25/2007, mhpa@bellsouth.net

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.



Clerk

May 12, 2022
Date

PROJECT LOCATION

PARCEL ID 00036370-000000 (RAMOS)
PARCEL ID 00072082-001501 (CITY OF KEY WEST)
PARCEL ID 00036280-000000 (SUNSET CITY LLC)
BAY BTM SE OF PT LOT 3 SQR 6 TR 16;
LOT 4 & 6 SQR 5 (SOUTH BEACH LESS THE EATERY
RESTAURANT LEASE);
KW FILER BOYLE SUB N-476
KW FILER BOYLE SUB N-476 PT LOTS-1-2-3-5-7
SQR-5 TR-16 ALSO FILLED BAY BTM G45-426/27
OR18-42(II DEED 20749)
SEC/TWP/RNG 06/68/25
KEY WEST
LATITUDE: 24.546760°N LONGITUDE: 81.795885°W

DIRECTIONS:

US HIGHWAY NO 1 SOUTH TO KEY WEST. LEFT ONTO
ROOSEVELT BLVD. RIGHT ONTO BERTHA ST. LEFT ONTO
ATLANTIC BLVD. RIGHT ONTO WHITE ST. LEFT ONTO
SOUTH ST. LEFT ONTO DUVAL ST.
PROPERTY ADDRESS: 1400, 1405, 1406 DUVAL ST,
508 SOUTH STREET

ADJOINING OWNERS

KEY WEST REACH OWNER LLC
PO BOX 396
BOCA RATON FL 33429

HUGH J MORGAN
404 SOUTH ST
KEY WEST, FL 33040



REVISIONS:	09/09/20
1	

LOCATION & VICINITY MAP
SCALE: AS SHOWN

WEED BARRIER FOR CITY OF KEY WEST, SUNSET CITY LLC
& MATILDE GENEROSA RAMOS REV TRUST 5/25/2007
KEY WEST, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050
Telephone (305) 743-9121 Fax (305) 743-9197
Email: glenboe@bellsouth.net

DATE: 03/30/20



SITE PLAN

SCALE: 1" = 100'



REVISIONS:

1	09/09/20

CERTIFIED BY:
SEAN KIRWAN, P.E. #57506

WEED BARRIER FOR CITY OF KEY WEST, SUNSET CITY LLC
& MATILDE GENEROSA RAMOS REV TRUST 5/25/2007
KEY WEST, MONROE COUNTY, FL

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DATE: 03/30/20

PRE-FABRICATED WEED BARRIER
FOR HIGH FLOW/ROUGH WATER

1/2" STAINLESS STEEL SHACKLE

A JIM BUOY MODEL 1100 (OR PREAPPROVED EQUIVALENT) SURFACE FLOAT BUOY (9 1/4" LONG X 7" DIAMETER) SHALL BE INSTALLED ON THE DOWN-LINE FOR THE PURPOSE OF KEEPING THE DOWN-LINE FROM TANGLING AROUND THE ANCHOR HEAD OR DRAGGING ON THE SEAFLOOR. THE SUB-SURFACE BUOY WILL BE SECURED ON THE DOWN-LINE WITH A 3/8" STAINLESS STEEL BOLT, TWO (2) FLAT WASHERS (ONE EACH SIDE), AND NYLOCK NUT ABOVE THE SUB-SURFACE BUOY.

PVC COATED BELTING W/
POLYURETHANE FOAM FILLED
FLOATATION SHELLS
(12"± FREEBOARD)

+1.3' MHW

0.0' MLW

SEMI-RIGID PVC-COATED POLYESTERNE
CURTAIN (NO NETTING)(12"± SUBMERGED)
W/ CHAIN WEIGHT AT BOTTOM

VARIES -1.3' TO -3'

TYPICAL SECTION

SCALE: 3/16" = 1'-0"

DISTANCE BETWEEN THE BAYBOTTOM & BOTTOM
OF WEED BARRIER SHALL BE 6" ON THE
SHALLOW SHORE SIDES AT MEAN LOW TIDE

PROVIDE A 5/8" GALVANIZED STEEL SHACKLE SHALL SECURE THE DOWN-LINE TO THE GALVANIZED ANCHOR HEAD. THE DOWN-LINE WILL BE LOOPED AT THE ANCHOR END, CONNECTED TO ITSELF WITH A 3/8" STAINLESS STEEL BOLT, TWO (2) FLAT WASHERS (ONE EACH SIDE), AND A NYLOCK NUT. THE LOOPED END OF THE DOWN-LINE WILL BE COVERED WITH 3 1/2" X 12" LONG CANVAS FIRE HOSE, AND HELD IN PLACE WITH AT LEAST TWO HEAVY DUTY CABLE TIES.

1/4" STAINLESS STEEL CHAIN ENCASED IN 1" GOODYEAR
(OR PRE-APPROVED EQUIVALENT) BLUE PLOVIC HOSE. THE
LENGTH OF THE COMPLETE, RIGGED DOWN-LINE SHALL BE
APPROPRIATE FOR THE WATER DEPTH.

PROPOSED ANCHOR @ 20'± INTERVALS (SEE ANCHOR
DESCRIPTIONS FOR INSTALLATION) TOP OF ANCHOR
SHALL BE 6" MIN. ABOVE SEAFLOOR.

NOTE: IN-WATER ROPE, CABLE OR CHAIN SHALL BE INDUSTRIAL GRADE METAL CHAINS OR HEAVY CABLES THAT DO NOT READILY LOOP AND TANGLE AND SHALL BE INSTALLED SO LINE IS TAUT AND WITHOUT EXCESS LINE IN THE WATER. LINES SHALL BE ENCLOSED IN A PLASTIC OR RUBBER SLEEVE/TUBE TO ADD RIGIDITY.

CONSTRUCTION NOTES:

1. CONTRACTOR SHALL OBTAIN ALL APPLICABLE PERMITS PRIOR TO COMMENCING WORK. THE REQUIREMENTS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE ARMY CORPS OF ENGINEERS & LOCAL REGULATIONS SHALL GOVERN ALL WORK.
2. WORK SHOWN ON DRAWINGS IS DESIGNED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE 2017. FOLLOW ALL APPLICABLE PROVISIONS FOR ALL PHASES OF CONSTRUCTION. THE PROPOSED STRUCTURE(S) IS DESIGNED FOR A MINIMUM LIVE LOAD OF 40 PSF/DEAD LOAD 10 PSF, 180 MPH (3 SECOND GUST), EXPOSURE D, ASCE 7-10.
3. CONTRACTOR SHALL ADHERE TO THE STANDARD MANATEE CONSTRUCTION CONDITIONS (LATEST EDITION). IF NEEDED, THE CONTRACTOR CAN CONTACT THE ARMY CORPS OF ENGINEERS OR THIS OFFICE TO OBTAIN A COPY OF THE STANDARD MANATEE CONSTRUCTION CONDITIONS.
4. BEST MANAGEMENT PRACTICES, INCLUDING THE USE OF TURBIDITY SCREENS, ARE REQUIRED TO ISOLATE THE CONSTRUCTION AREA FROM THE ADJACENT WATERS. CONTRACTOR SHALL INSTALL TURBIDITY SCREENS AROUND THE IMMEDIATE PROJECT AREA PRIOR TO CONSTRUCTION. THE TURBIDITY SCREENS REMAIN IN PLACE UNTIL WATER QUALITY CONDITIONS RETURN TO PRECONSTRUCTION CONDITIONS. WATER QUALITY MONITORING SHALL ADHERE TO STATE REGULATIONS.
5. CONTRACTOR SHALL FIELD VERIFY DIMENSIONS & WATER DEPTHS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES ON THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE COMMENCING WORK.
6. THE STRUCTURAL INTEGRITY OF THE COMPLETED STRUCTURE DEPENDS ON INTERACTION OF VARIOUS CONNECTED COMPONENTS. PROVIDE ADEQUATE BRACING, SHORING, AND OTHER TEMPORARY SUPPORTS AS REQUIRED TO SAFELY COMPLETE THE WORK.
7. EXERCISE EXTREME CARE AND CAUTION WHEN EXCAVATING AND FILLING ADJACENT TO EXISTING STRUCTURES. UNDER NO CIRCUMSTANCES SHALL THE STRUCTURAL INTEGRITY OF THE EXISTING STRUCTURES BE IMPAIRED IN ANY WAY BY CONSTRUCTION OPERATIONS AND PROCEDURES. DO NOT EXCAVATE OR DISTURB SOIL ADJACENT TO OR BENEATH EXISTING FOOTINGS.

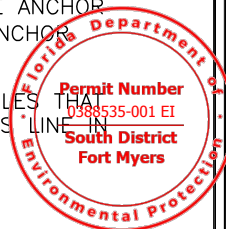
ANCHOR DETAIL BASED ON SUBSTRATE:

FOR SUBSTRATE OF UP TO 5' OF SAND/MUD OVERBURDEN ABOVE A HARD ROCK SUBSTRATE THE ANCHOR SHALL BE A ROCK PENETRATING HELICAL EMBEDMENT ANCHOR. THE ANCHOR SHALL BE A MINIMUM OF 6' LONG, WITH A MINIMUM HELICAL DISK SIZE OF 6", WITH A MINIMUM SHAFT DIAMETER OF 1 1/4". THE ANCHOR SHALL BE GALVANIZED STEEL. THE ANCHOR SHALL BE SECURELY EMBEDDED A MINIMUM OF 5 1/2' INTO THE SEAFLOOR WITH THE HEAD EXPOSED APPROXIMATELY 6" TO ALLOW FOR ATTACHMENT OF THE DOWNLINE. THE ANCHOR SHALL BE INSTALLED IN A MANNER WHICH PROVIDES FOR REMOVAL, VIA HEAVY EQUIPMENT, IF AND WHEN NECESSARY.

FOR SUBSTRATE GREATER THAN 5' OF SAND/MUD THE ANCHOR SHALL BE A SOFT BOTTOM HELICAL EMBEDMENT ANCHOR. THE ANCHOR SHALL BE A MINIMUM OF 6' LONG, WITH A MINIMUM HELICAL DISK SIZE OF 8", WITH A MINIMUM SHAFT DIAMETER OF 1 1/4". THE ANCHOR SHALL BE GALVANIZED STEEL. THE ANCHOR SHALL BE SECURELY EMBEDDED A MINIMUM OF 5 1/2' INTO THE SEAFLOOR WITH THE HEAD EXPOSED APPROXIMATELY 6" TO ALLOW FOR ATTACHMENT OF THE DOWNLINE. THE ANCHOR SHALL BE INSTALLED IN A MANNER WHICH PROVIDES FOR REMOVAL, VIA HEAVY EQUIPMENT, IF AND WHEN NECESSARY.

FOR EXPOSED ROCK SUBSTRATE THE ANCHOR SHALL BE THE HALAS PIN SYSTEM (OR PRE-APPROVED EQUIVALENT) WITH A MINIMUM EMBEDMENT DEPTH OF 18", MINIMUM PIN SIZE OF 5/8" DIAMETER BY 18" LENGTH, 316 STAINLESS STEEL; INSTALLED IN A 2" DIAMETER BY 18" DEEP DRILLED HOLE, AND GROUTED WITH CONCRETE. CAST IN PLACE CONCRETE SHALL BE TYPE II CONCRETE WITH A COMPRESSIVE STRENGTH OF 5,000 PSI AT 28 DAYS. MAXIMUM WATER-CEMENTIOUS MATERIALS RATIO BY WEIGHT RATIO SHALL BE 0.40. SLUMP SHALL NOT EXCEED 5" (1"±).

Received
Electronically
September 9, 2021
South District



WEED BARRIER FOR CITY OF KEY WEST, SUNSET CITY LLC
& MATILDE GENEROSA RAMOS REV TRUST 5/25/2007
KEY WEST, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050
Telephone (305) 743-9121 Fax (305) 743-9197
Email: glenboe@bellsouth.net

DATE: 03/30/20



Weed Barrier Management Plan

The seagrass barrier will be visually inspected by the applicant to assure that the barrier is intact and operating properly on a daily basis. An in-water inspection, to verify the integrity of the connections and barrier will be performed on a quarterly basis. An interim in-water inspection will be performed if the daily visual inspection results in observations of maintenance being required to the barrier. Any maintenance or repairs that are required will be performed in a timely manner.

All entrapments or entanglements of manatees or marine turtles shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922 (or #FWC).

1405 Duval Street, MDP & CU



WARRANTY DEED

2

623888
RETURN TO:
First American Title Ins. Co.
30 N. LaSalle Street, Suite 2700
Chicago, IL 60602

Prepared by:
Scott J. Fuerst, Esq.
Greenspoon Marder, P.A.
100 W. Cypress Creek Road
Suite 700
Fort Lauderdale, FL 33309

Doc# 1948011 08/29/2013 12:17PM
Filed & Recorded in Official Records of
MONROE COUNTY AMY HEAVILIN

Record and Return to:
R.K. Hagan, Esq.
Haagan & Vidovic LLP
200 East Randolph Drive
43rd Floor
Chicago, IL 60601

08/29/2013 12:17PM
DEED DOC STAMP CL: Krys \$448,000.00

Doc# 1948011
Bk# 2647 Pg# 767

Property Appraisers Parcel ID Numbers:
1036820, 1037125, 1037133, 1037150,
1037168

SPECIAL WARRANTY DEED

This Special Warranty Deed made and executed the 27th day of August, 2013, by **Southernmost Beach Motels Limited Partnership, a Michigan limited partnership**, having an address at c/o Rankauf Company, 121 West Long Lake Road, Suite 310, Bloomfield Hills, MI 48304 ("Grantor") to **Sunset City, LLC, a Delaware limited liability company**, having an address at c/o LaSalle Hotel Properties, 3 Bethesda Metro Center, Suite 1200, Bethesda, MD 20814 ("Grantee"):

Witnesseth: That Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, the receipt and sufficiency whereof are hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, and Grantee's successors and assigns, all that certain real property situate in Monroe County, Florida ("Real Property"), as follows:

See Exhibit "A" attached hereto and made a part hereof.

SUBJECT TO the "**Permitted Exceptions**" as set forth on Exhibit "B" attached hereto and made a part hereof without any intention to reimpose same.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

10/10/86-70

Together with any and all right, title or interest of Grantor in and to that certain Sovereignty Submerged Lands Lease No. 440003325 recorded in Official Records Book 2139, Page 1402, and Modification recorded in Official Records Book 2321, Page 221, as affected by Official Records Book 1566, Page 810, and that certain Sovereignty Submerged Lands Lease Renewal Lease No. 440000835, recorded February 9, 2012 in Official Records Book 2554, Page 2421, all of the Public Records of Monroe County, Florida.

To Have and to Hold, the same in fee simple forever.

AND the Grantor hereby covenants with Grantee that it has good right and lawful authority to sell and convey the Real Property; that it hereby specially warrants the title to the Real Property, and it will defend the same against the lawful claims of all persons claiming by, through and under Grantor, but against none other, subject to the Permitted Exceptions.


WHEREVER used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and their heirs, legal representatives and assigns of individuals, and the successors and assigns of entities. "Grantors" and "Grantee" as used herein shall, wherever applicable, refer to the masculine, feminine and/or neuter gender, and to singular or plural.

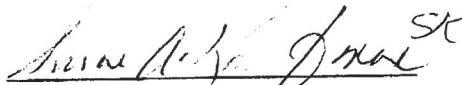
In Witness Whereof, the Grantor has executed this Special Warranty Deed on the day and year first above written.

Signed, sealed and delivered
in the presence of:

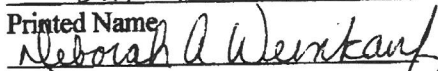
SOUTHERNMOST BEACH MOTELS LIMITED
PARTNERSHIP, a Michigan limited partnership

By: Key West Holdings, Inc., a Michigan
corporation, a General Partner

By: 
Name: Stuart M. Kaufman
Title: President

 SK
Signature

Susan A. Kaufman
Printed Name


Signature

DEBORAH A. WEINKAUF
Printed Name

STATE OF MICHIGAN)
) SS:
COUNTY OF CHARLEVOIX)

Doc# 1948011
BKN 2647 Pgn 769

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Stuart M. Kaufman, the President of Key West Holdings, Inc., a Michigan corporation, as a General Partner of Southernmost Beach Motels Limited Partnership, a Michigan limited partnership, freely and voluntarily under authority duly vested in him by said company. He is personally known to me or has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 26TH day of August, 2013.

My Commission Expires:
02-14-2015

Deborah A Weinlauf
Notary Public, State of Michigan, Charlevoix County
Typed, printed or stamped name of Notary Public
DEBORAH A. WEINKAUF

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MONROE, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

On the Island of Key West and being a part of Tract 16, according to Wm. A. Whitehead's map of said Island, but better described as being a Part of Lot 7, in Square 5 of said Tract 16, according to Plat or Diagram duly recorded in the Public Records of Monroe County, Florida, but more particularly described by metes and bounds as follows:

PARCEL 1, SANDS: (Fee Simple)

Beginning at a point on the Southwesterly side of Simonton Street, distant 306.58 feet Southeasterly from the Southerly corner of the intersection of South and Simonton Streets, and from said point of beginning run thence in a Southwesterly direction and at right angles to the Southwesterly side of Simonton Street 81.25 feet; thence at right angles and in a Southeasterly direction run 56 feet, more or less, to the high water mark on the Southerly Shore of the Island of Key West; thence meandering the said Southerly Shore, along the high water mark, in an Easterly direction 87 feet, more or less, to a point on the Southwesterly side of Simonton Street, thence along the Southwesterly side of Simonton Street and in a Northwesterly direction 90.42 feet, more or less, to the point of beginning.

PARCEL 1A, SANDS BAY BOTTOM: (Fee Simple)

A parcel of bay bottom land in the Straits of Florida, in Township 68 South, Range 25 East, Monroe County, Florida, South of and adjacent to Tract 16, in the City of Key West, Florida, and being more particularly described by metes and bounds as follows:

Commencing at the intersection of the northwesterly property line of Simonton Street and the southeasterly property line of South Street, bear southeasterly along the northwesterly property line of Simonton Street for a distance of 416.54 feet to the point of beginning of the parcel of bay bottom land hereinafter described; said point of beginning also being on the shoreline of the Straits of Florida, from said point of beginning continue bearing southeasterly along the northwesterly property line of Simonton Street, extended southeasterly for a distance of 100 feet to a point; thence at a right angle and southwesterly and parallel with South Street for a distance of 81.25 feet to a point; thence at right angles and northwesterly and parallel with the northwesterly property line of Simonton Street, extended southeasterly for a distance of 155 feet to a point on the shoreline; thence meander the shoreline in a northeasterly direction for a distance of 95 feet, more or less, back to the point of beginning.

PARCEL 2, ATLANTIC SHORES: (Fee Simple)

On the island of Key West and being a part of Tract 16 according to Wm. A. Whitehead's Map of said Island, but better described as being part of Lots 1, 3, 5, 7 & filled bay bottom in Square 5, said Tract 16, according to Plat or Diagram duly recorded in Public Records of Monroe County, Florida, but more particularly described by metes and bounds as follows:

Begin at the intersection of the Southwesterly Right-of-Way Line of Simonton Street and the Southeasterly Right-of-Way line of South Street; thence S. 55 degrees 56' 34" W., and along the Southeasterly Right-of-Way Line of South Street a distance of 161.25 feet; thence S. 34 degrees 03' 26" E., a distance of 522.92 feet to the Mean High Water Line of the Atlantic Ocean and the face of a Concrete Sealwall; thence meander the said Mean High Water line and a concrete seawall for the following five (5) metes and bounds; thence N. 52 degrees 33' 18" E., a distance of 30.59 feet; thence S. 41 degrees 30' 24" E., a distance of 17.33 feet; thence N. 54 degrees 28' 02" E., a distance of 47.08 feet; thence N. 34 degrees 10' 54" W., a distance of 14.81 feet; thence N. 55 degrees 49' 06" E., a distance of 0.18 feet; thence N. 34 degrees 03' 26" W., and leaving the said Mean High Water line a distance of 215.69 feet; thence N. 55 degrees 56' 34" E., a distance of 81.25 feet to the said Southwesterly Right-of-Way Line of Simonton Street; thence N. 34 degrees 03' 25" W., and along the said Southwesterly Right-of-Way line of Simonton Street a distance of 306.58 feet to the Point of Beginning.

PARCEL 2A, ATLANTIC SHORES-PIER: (Leasehold)

Lessee's interest in a parcel of sovereign submerged land in Section 05, Township 68 South, Range 25 East, in Straits of Florida, Monroe County, appearing in Sovereignty Submerged Land Lease Renewal #440003325, recorded August 5, 2005 in O.R. Book 2139, Page 1402, and Modification recorded September 18, 2007 in O.R. Book 2321, Page 221, being more particularly described as follows:

On the Island of Key West, Monroe County, Florida and being a parcel of submerged land adjacent to and Southerly of Lot 5, Square 5, Tract 16, according to William A. Whitehead's map of said Island but more particularly described as follows:

Commence at the intersection of the Southwesterly right of way line of Simonton Street with the Southeasterly right of way line of South Street thence South 55 degrees 56' 34" West along the said line of South Street for a distance of 81.25 feet to a point; thence South 34 degrees 03' 26" East for a distance of 537.08 feet to the Point of Beginning of the parcel of submerged land herein described; thence continue South 34 degrees 03' 26" East for a distance of 16.0 feet to a point; thence South 55 degrees 56' 34" West for a distance of 16.0 feet to a point; thence South 34 degrees 03' 26" East for a distance of 108.0 feet to a point; thence South 55 degrees 56' 34" West for a distance of 50.0 feet to a point; thence North 34 degrees 03' 26" West for a distance of 140.24 feet to a point; thence North 55 degrees 56' 34" East for a distance of 15.16 feet to a point; thence South 42 degrees 04' 28" East for a distance of 16.4 feet to a point; thence North 55 degrees 56' 34" East for a distance of 48.55 feet back to the Point of Beginning.

PARCEL 3A, SOUTHERNMOST ON THE BEACH: (Fee Simple)

On the island of Key West and being a part of Tract Sixteen (16) according to William A. Whitehead's Map of said Island, but better described as being parts of Lots One (1), Three (3), Five (5) and Seven (7) in Square Five (5) of said Tract Sixteen (16), according to the Plat or diagram duly recorded in the Public Records of Monroe County, Florida, but more particularly described by meters and bounds as follows:

BEGINNING at a point on the Southeasterly side of South Street, distance 161.25 feet Southeasterly from the Southerly corner of the intersection of South and Simonton Streets, and from said Point of Beginning run thence in a Southwesterly direction along the Southeasterly side of South Street 80 feet; thence at right angles and in a Southeasterly direction run 299.55 feet, more or less, to the high water mark on the Southerly shore of the Island of Key West; thence meandering the said Southerly shore along the high water mark in an Easterly direction, 84 feet, more or less, to a point on a line that is at right angles to South Street and 161.25 feet Southwesterly from the Southwesterly side of Simonton Street; thence in a Northwesterly direction, along said line which is at right angles to South Street and 161.25 feet Southwesterly from the Southwesterly side of Simonton Street a distance of 325.1 feet, more or less, to the Point of Beginning.

PARCEL 3B, SOUTHERNMOST ON THE BEACH-BAY BOTTOM: (Fee Simple)

A parcel of bay bottom land in the Straits of Florida South of and adjacent to Tract Sixteen (16) in the City of Key West, Florida and being more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the Southwesterly right-of-way line of Simonton Street and the Southeasterly right-of-way line of South Street, bear Southwesterly along the Southeasterly right-of-way line of South Street for a distance of 161.25 feet to a point; thence at right angles and in a Southeasterly direction for a distance of 325 feet, more or less, to a point on the shoreline of the Bay of Florida, said point also to be known as the Point of Beginning of the parcel of bay bottom land hereinafter described; from said Point of Beginning continue bearing Southeasterly and at right angles of said South Street for a distance of 190 feet, more or less, to a point, said point being on the prolongation of a line bearing Southwest and at right angles to said Simonton Street, said line also bearing the Southerly demarcation line of bay bottom lines purchased from the State of Internal Improvement Fund by Mr. Al Logan and Mr. Morris Mazar of Key West, Florida; thence bear at right angles and in a Southwesterly direction along the prolongation of said demarcation line for a distance of 80 feet to a point; thence at right angles and in a Northwesterly direction for a distance of 205 feet, more or less, to a point on the shoreline; thence meander the shoreline in a Northeasterly direction for a distance of 80 feet, more or less, back to the Point of Beginning, lying and being in Township 68 South, Range 25 East, and lying and being in the County of Monroe in the said State of Florida.

PARCEL 3D, SOUTHERNMOST MOTEL: (Fee Simple)

Lots numbered Six (6) and Eight (8) of Square numbered Two (2), according to the diagram of division of Tract Sixteen (16) of the Island of Key West made between Frederick Filler and John Boyle, recorded in Book N, Page 476, Public Records of Monroe County, Florida; also according to diagram recorded in Book N, Page 715, of said Public Records of Monroe County, Florida.

COMMENCING at the corner of Duval and South Streets, and running along South Street in a Northeasterly direction Two Hundred Forty-One (241) and Three (3) inches; thence at right angles in a Northwesterly direction Two Hundred (200) feet; thence at right angles in a Southwesterly direction Two Hundred Forty-One (241) feet and Three (3)

inches to Duval Street; thence along Duval Street in a Southeasterly direction Two Hundred (200) feet back to the Beginning.

PARCEL 3E, SOUTHERNMOST HOTEL: (Fee Simple)

A parcel of real property with improvements situated thereon the Island of Key West, Monroe County, Florida, consisting of all of Lot 1, and all of Lot 2 and Part of Lot 3 and Part of Lot 4, of Square 2, according to the diagram of Tract 16 of the Island of Key West, recorded in Book N of Deeds, Page 715, of the Monroe County, Florida, Public Records, which parcel is described by metes and bounds, described as follows:

COMMENCING at the Southwesterly corner of Simonton and United Street, and running thence along the Southerly boundary of United Street in a Southwesterly direction a distance of Four Hundred Eighty-Two (482), Six (6) inches to the Southeasterly corner of intersection point of United Street and Duval Street; thence run at right angles along the Easterly boundary line of Duval Street in a Southeasterly direction a distance of 140 feet; thence run at a right angle in a Northeasterly direction parallel to United Street a distance of One Hundred Twenty-Three (123) feet, Three (3) inches; thence at right angles in a Southeasterly direction parallel to Duval Street a distance of 60 feet; thence at right angles in a Northeasterly direction parallel to United Street a distance of One Hundred Fifty-Nine (159) feet, Three (3) inches; thence at right angles in a Northwesterly direction parallel to both Simonton Street and Duval Street a distance of 100 feet; thence at right angles in a Northeasterly direction parallel to United Street a distance of 200 feet to the Westerly boundary line of Simonton Street; thence at right angles along the Westerly boundary line of Simonton Street in a Northwesterly direction a distance of 100 feet to the point or place of beginning at the Southwesterly corner Simonton and United Streets.

PARCEL 3F, DEWEY HOUSE: (Fee Simple)

Part of Lot Number 2 in Square Number 5, according to the Diagram of Tract No. 16 on the Island of Key West made by Frederick Filer and John Boyle, and recorded in Deed Book "N", Page 476, Monroe County, Florida Records; and also according to the Diagram of Subdivision of the portion allotted to the said Frederick Filer under agreement between himself and the said John Boyle made by the heirs at law of said Frederick Filer, and recorded in Deed Book "N", Page 715, Monroe County, Florida Records;

Beginning at the Southeast side of South Street at a point 102 feet, in a Northeast direction from the corner of South and Duval Streets, running thence in a Northeast direction along the Southeast side of South Street, 69 feet 3 inches; thence at right angles in a Southeast direction 100 feet; thence at right angles in a Southwest direction 71 feet 3 inches; thence at right angles in a Northwest direction 29 feet 8 inches; thence at right angles in a Northeast direction 2 feet; thence at right angles in a Northwest direction 70 feet 4 inches to the Place of Beginning.

PARCEL 3G, LA MER: (Fee Simple)

On the Island of Key West, known on Wm. A. Whitehead's map delineated in February A.D. 1829, as part of Tract 16 but better known as Parcel of Lot No. 2 of Square 5, according to the division of said Tract 16 made between Frederick Filer and John Boyle and recorded in Book "N", Page 476 of Monroe County, Florida Records.

COMMENCING at a point on the Southeast side of South Street 171 feet and 3 inches from the corner of Duval and said South Streets and running thence along the line of South Street in a Northeasterly direction 70 feet; thence at right angles in a Southeasterly direction 100 feet; thence at right angles in a Southeasterly direction 70 feet; thence at right angles in a Northwesterly direction 100 feet to the Point of Beginning.

PARCEL 3H, SOUTHERNMOST ON THE BEACH-PIER: (Leasehold Interest)

Lessee's interest in a parcel of sovereign submerged land in Section 31, Township 67 South, Range 25 East, in Atlantic Ocean, Monroe County, appearing in Sovereignty Submerged Land Lease Renewal #44000835, recorded February 9, 2012 in Official Records Book 2554, Page 2421, being more particularly described as follows:

A PARCEL OF SUBMERGED LAND BEING LOCATED IN THE ATLANTIC OCEAN ADJACENT TO THE ISLAND OF KEY WEST, IN PART OF SECTION SIX (6), TOWNSHIP SIXTY-EIGHT (68) SOUTH, RANGE TWENTY-FIVE (25) EAST OF THE TALLAHASSEE BASE AND MERIDIAN, MONROE COUNTY, STATE OF FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF SIMONTON STREET AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF SOUTH STREET ON THE ISLAND OF KEY WEST; THENCE S 89° 20' 47" W ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID SOUTH STREET A DISTANCE OF 165.61 FEET TO A POINT; THENCE S 00° 39' 13" E A DISTANCE OF 523.09 FEET TO A POINT ON THE EXTERIOR MOST FACE OF A CONCRETE BLOCK WALL; THENCE S 89° 16' 53" W ALONG SAID WALL FACE A DISTANCE OF 22.22 FEET TO A POINT; THENCE S 00° 25' 22" E A DISTANCE OF 3.47 FEET TO THE MEAN HIGH WATER LINE (MHWL) ON THE WET FACE OF A STEEL SHEET PILING SEAWALL, SAID MEAN HIGH WATER LINE (MHWL) HAS AN NAVD88 ELEVATION OF NEGATIVE 0.20 FEET, PER THE LAND BOUNDARY INFORMATION SYSTEM (LABINS) INTERNET WEB SITE AS SHOWN JANUARY 26, 2011, SAID POINT BEING THE POINT OF BEGINNING (POB); THENCE S 00° 25' 22" E A DISTANCE OF 91.09 FEET TO A POINT; THENCE S 88° 43' 10" E A DISTANCE OF 2.82 FEET TO A POINT; THENCE S 02° 17' 16" W A DISTANCE OF 4.83 FEET TO A POINT; THENCE N 86° 59' 38" E A DISTANCE OF 1.11 FEET TO A POINT; THENCE S 00° 42' 52" E A DISTANCE OF 3.42 FEET TO A POINT; THENCE N 89° 49' 55" W A DISTANCE OF 16.59 FEET TO A POINT; THENCE N 00° 50' 32" W A DISTANCE OF 7.35 FEET TO A POINT; THENCE N 77° 50' 05" W A DISTANCE OF 3.87 FEET TO A POINT; THENCE N 00° 09' 18" E A DISTANCE OF 10.92 FEET TO A POINT; THENCE S 87° 54' 08" E A DISTANCE OF 1.85 FEET TO A POINT; THENCE N 00° 17' 20" W A DISTANCE OF 11.32 FEET TO A POINT; THENCE S 87° 59' 16" E A DISTANCE OF 4.50 FEET TO A POINT; THENCE N 00° 26' 59" W A DISTANCE OF 56.59 FEET TO A POINT; THENCE S 89° 33' 01" W A DISTANCE OF 27.29 FEET TO A POINT; THENCE N 00° 39' 13" W A DISTANCE OF 12.48 FEET TO THE FORE SAID MEAN HIGH WATER LINE (MHWL) ON THE WET FACE OF A STEEL SHEET PILING SEAWALL; THENCE MEANDERING ALONG SAID MEAN HIGH WATER LINE (MHWL) IN A NORTHEASTERLY DIRECTION TO THE POINT OF BEGINNING (POB), SAID MEANDER LINE HAS A LINEAR DISTANCE OF 37.59 FEET, SAID PARCEL CONTAINS 1434.53 SQUARE FEET MORE OR LESS.

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. The lien of the taxes for the year 2013 and all subsequent years, which are not yet due and payable.
2. Reservations contained in Deed recorded in Official Records Book 7, Page 280. (Parcel 1A)
3. Reservations contained in Mineral Reservations recorded in Official Records Book 18, Page 42. (Parcel 2).
4. Reservations contained in Mineral Reservations recorded in Official Records Book 2, Page 138. (Parcel 2)
5. All of the terms and provisions set forth and contained in that certain Sovereignty Submerged Land Lease between Board of Trustees of the Interval Improvement Trust Fund of the State of Florida, Lessor, and Atlantic Shores Resort, LLC, a Florida limited liability company, Lessee, recorded in Official Records Book 2139, Page 1402, and Modification recorded September 18, 2007 in O.R. Book 2321, Page 221, as affected by Official Records Book 1566, Page 810. (Parcel 2A)
6. Note for Information: Rules and Regulations Re: Cypress Swamp recorded in Official Records Book 668, Page 44. (Parcels 3A, Parcels 3B, Parcels 3C, Parcels 3D, Parcels 3E, Parcels 3F, Parcel 3G and 3H)
7. Easement recorded in Official Records Book 383, Page 998, as pertaining to (Parcel 3E). (Parcel 3E)
8. Easement recorded in Official Records Book 141, Page 107. (Parcel 3E).
9. All of the terms and provisions set forth and contained in that certain Sovereignty Submerged Lands Lease Renewal between Board of Trustee of the Internal Improvement Trust Fund of the State of Florida, Lessor, and Southernmost Beach Motels Limited Partnership, a Michigan limited partnership, Lease No. 44-0000835, recorded February 9, 2012, Lessee, recorded in Official Records Book 2554, Page 2421. (Parcel 3H)
10. City of Key West Area of Critical State Concern, Rule 27F-15 of the Florida Administrative Code, adopted by the Administration Commission pursuant to Section 380.05, F.S. on February 7, 1984, effective February 28, 1984, recorded in Official Records Book 906, Pages 200-208, (all).
11. House Bill No. 634 Chap. 70-231 RE: Bureau of beaches, shores, and Coastal Construction amended by Chap. 161.052 F.S. (setback line for

coastal construction and excavation and providing for granting of variances by Department of Natural Resources-provides for penalties). (Parcel 3D)

12. Riparian and/or littoral rights are not insured. (Parcel 1A, 2, 3B)
13. Due to all or a part of the land described herein being artificially filled in land in what was formerly navigable waters, this policy is subject to the rights of the United States Government and the State of Florida arising by reason of the United States Government's control over navigable waters in the interest of navigation and commerce and the inalienable rights of the State of Florida in the lands and waters of such character. (Parcels 1 and 1A, 2, 3A, Parcel 3B, Parcel 3D, Parcel 3E, Parcel 3F, Parcel 3G and 3H)
14. The right, title or interest, if any, of the public to use a public beach or recreation area or any part of the land described in Schedule A hereof, lying between the water abutting said land and the most inland of any of the following: (a) the natural line of vegetation; (b) the most extreme high water mark; (c) the bulkhead line; or (d) any other line which has been or which hereafter may be legally established as relating to such public use. (Parcels 1 and 1A)
15. This Policy does not insure title to any part of the land lying below the mean high water line of any abutting body of water. (Parcels 3A, 3B and 3G)
16. State Law under Chapter 76-190 and Chapter 22F-8.02 of the Florida Administrative Code for Land Planning for the Florida Keys Area of Critical State Concern, recorded in Official Records Book 668, Page 43 (all).
17. The terms, provisions and conditions contained in that certain Unity of Title recorded in Official Records Book 2388, Page 2025 (Parcels 1, 1A, 2, 3A, 3B, 3D, 3E, 3F, 3G).
18. Easement recorded in Official Records Book 2373, Page 633 (Parcels 1, 1A, 2, 3A, 3B, 3D, 3E, 3F, 3G).

Note: All of the recording information contained herein refers to the Public Records of Monroe County, Florida, unless otherwise indicated.

Return to: (enclose self-addressed stamped envelope)
Name: Harold E. Wolfe, Jr., Esq.
Address: 2300 Palm Beach Lakes Blvd., Suite 302
West Palm Beach, Florida 33409

This Instrument Prepared by: HAROLD E. WOLFE, JR., P.A.

Address: 2300 Palm Beach Lakes Blvd., Suite 302
West Palm Beach, Florida 33409
Telephone: (561) 697-4100

Property Appraiser's Parcel Identification:
00036360-000000-01-01-01

Doc# 1649729 06/25/2007 1:19PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

06/25/2007 1:19PM
DEED DOC STAMP CL: PA \$0.70

Doc# 1649729
Bk# 2304 Pg# 1

WARRANTY DEED

THIS INDENTURE, made this 25th day of May, 2007, by and between MATILDE G. RAMOS, a single woman, of 1401 Duval Street, Key West, Florida 33040, hereinafter referred to as the "Grantor" and MATILDE GENEROSA RAMOS, as Trustee of the MATILDE GENEROSA RAMOS REVOCABLE TRUST dated May 25th, 2007, whose mailing address is 1401 Duval Street, Key West, Florida 33040, hereinafter referred to as "Grantee".

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land and the improvements thereon located in the County of Monroe, State of Florida and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

This Conveyance is made subject to the following:

1. Real estate taxes for the current year and all subsequent years.
2. Applicable zoning regulations and ordinances.
3. All of the covenants, conditions, restrictions and easements of record, if any, which may now affect the aforescribed property.
4. Perpetual easement for encroachments now existing or hereafter existing caused by the settlement or movement or improvement or caused by minor inaccuracies in building or rebuilding.
5. Limitations, conditions, restrictions and easements of record, if any.

TOGETHER with the improvements thereon and all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said property in fee simple; that the Grantor has good right and lawful authority to sell and convey said property; that the Grantor hereby fully warrants the title to said property and will defend the same against the lawful claims of all persons whomsoever; and that said property is free of all encumbrances, except as stated above and except for taxes accruing subsequent to December 31st, 2006.

IN WITNESS WHEREOF, the said Grantor has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:


Signature of Witness


MATILDE G. RAMOS

Donald L. Evans
Printed Name of Witness


Signature of Witness

Duck Fenwick
Printed Name of Witness


STATE OF FLORIDA
COUNTY OF DADE

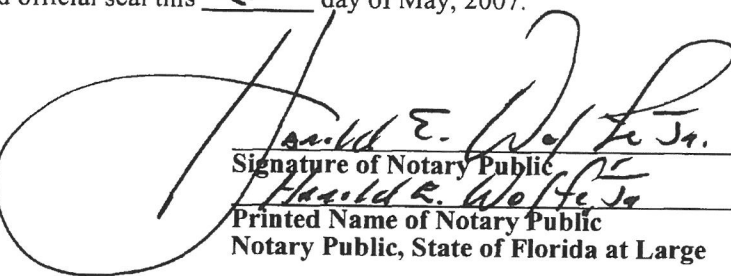
)
) SS
)

Doc# 1649729
Bk# 2304 Pg# 3

BEFORE ME personally appeared **MATILDE G. RAMOS**, the signor who personally appeared before me at the time of this notarization, and is personally known to me or has produced _____ as identification and is known to be the person described in and who executed the foregoing instrument and acknowledged to and before me that she executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal this 25th day of May, 2007.

NOTARY PUBLIC - STATE OF FLORIDA
 Harold E. Wolfe, Jr.
Commission # DD627474
Expires: JAN. 20, 2011
BONDED THRU ATLANTIC BONDING CO., INC.



Signature of Notary Public

Harold E. Wolfe, Jr.
Printed Name of Notary Public
Notary Public, State of Florida at Large

Serial Number of Commission

My commission expires:

[Notarial Stamp or Seal]

Exhibit "A"

On the Island of Key West and known on Wm. A. Whitehead's map delineated in February, A.D. 1829, as part of Tract Sixteen (16) but better known as part of Lots One (1) and Three (3) of Square Six (6), of said Tract Sixteen (16), according to a diagram recorded December 16th, A.D. 1885 in Deed Record Book "N", at page 476 of the Public Records of Monroe County, Florida, and described by metes and bounds as follows:

Beginning at the intersection of the Southeasterly line of South Street with the Southwesterly line of Duval Street (the azimuth of said southeasterly line of South Street is South 55 degrees 39 minutes 36 seconds West) along the said Southeasterly line of South Street a distance of 156.6 feet; thence South 34 degrees 20 minutes 24 seconds East, a distance of 212 feet to a point on the shore line of the Straits of Florida; thence North 57 degrees 59 minutes 36 seconds East along the shore line of the Straits of Florida, a distance of 156.63 feet to a point on the Southwesterly line of Duval Street; thence North 34 degrees 20 minutes 24 seconds West along the Southwesterly line of Duval Street a distance of 218.44 feet to the POINT OF BEGINNING.

AND ALSO THE FOLLOWING:

A parcel of submerged land in the Straits of Florida in Township 68 South, Range 25 East, located southeasterly of and adjacent to the Island of Key West, Monroe County, Florida, more particularly described as follows:

From the intersection of the southeasterly line of South Street and the southwesterly line of Duval Street in the City of Key West go southeasterly along the southwesterly line of Duval Street a distance of 218.44 feet, more or less, to a point in the southeasterly shoreline of the Island of Key West, which point is the POINT OF BEGINNING; thence continue southeasterly along the southwesterly line of Duval Street (extended) a distance of 260 feet to a point; thence at right angles and southwesterly a distance of 156.5 feet to a point; thence at right angles and northwesterly a distance of 275 feet, more or less, to a point in the southeasterly shoreline of said Island of Key West; thence northeasterly along the meanders of said southeasterly shoreline a distance of 158 feet, more or less, back to the POINT OF BEGINNING.

Subject to any long term leases that may now encumber the property.

1405 Duval Street, MDP & CU



PROPERTY RECORD CARD



Disclaimer

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

Summary

Parcel ID 00036280-000000
Account# 1037125
Property ID 1037125
Millage Group 10KW
Location 508 SOUTH St, KEY WEST
Address
Legal KW FILER BOYLE SUB N-476 PT LOTS-1-2-3-5-7 SQR-5 TR-16 ALSO FILLED BAY BTM
Description G45-426/27 OR18-42(II DEED 20749) OR319-316/18 OR547-284 OR620-486/88
OR959-1522/25OR961-80/83C OR1009-1939/46(LEASE) OR1160-1671/77(LEASE)
OR1267-525/28AFF OR1267-529/32AFF OR1484-371/376(LEASE) OR1670-
2260/72(LEASE) OR2647-767/76
(Note: Not to be used on legal documents.)
Neighborhood 32110
Property HOTEL/MOTEL (3900)
Class
Subdivision
Sec/Twp/Rng 06/68/25
Affordable No
Housing



AK 1037125 508 SOUTH STREET 4/16/2014

Owner

[SUNSET CITY LLC](#)
C/O PEBBLEBROOK HOTEL TRUST
4747 BETHESDA AVE STE 1100
Bethesda MD 20814

Valuation

	2020	2019	2018	2017
+ Market Improvement Value	\$8,228,338	\$9,111,881	\$9,111,881	\$9,792,255
+ Market Misc Value	\$1,029,566	\$1,012,431	\$1,012,431	\$1,088,028
+ Market Land Value	\$7,266,096	\$10,124,312	\$10,124,312	\$10,880,284
= Just Market Value	\$16,524,000	\$20,248,624	\$20,248,624	\$21,760,567
= Total Assessed Value	\$16,524,000	\$19,025,262	\$17,295,693	\$15,723,358
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$16,524,000	\$20,248,624	\$20,248,624	\$21,760,567

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
COMMERCIAL WATERFRON (100W)	25,600.00	Square Foot	80	315
COMMERCIAL DRY (100D)	16,000.00	Square Foot	80	200

Commercial Buildings

Style HOTELS/MOTEL A / 39A
Gross Sq Ft 8,160
Finished Sq Ft 6,566
Perimeter 0
Stories 3
Interior Walls
Exterior Walls C.B.S.
Quality 400 ()
Roof Type
Roof Material
Exterior Wall1 C.B.S.
Exterior Wall2
Foundation
Interior Finish
Ground Floor Area
Floor Cover
Full Bathrooms 0
Half Bathrooms 0
Heating Type

Year Built 1958
 Year Remodeled
 Effective Year Built 1995
 Condition

Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	140	0	0
FLA	FLOOR LIV AREA	6,566	6,566	0
OUU	OP PR UNFIN UL	64	0	0
OPF	OP PRCH FIN LL	921	0	0
OUF	OP PRCH FIN UL	469	0	0
TOTAL		8,160	6,566	0

Style HOTELS/MOTEL A / 39A
 Gross Sq Ft 4,433
 Finished Sq Ft 1,514
 Perimeter 0
 Stories 1
 Interior Walls
 Exterior Walls C.B.S.
 Quality 400 ()
 Roof Type
 Roof Material
 Exterior Wall1 C.B.S.
 Exterior Wall2
 Foundation
 Interior Finish
 Ground Floor Area
 Floor Cover
 Full Bathrooms 0
 Half Bathrooms 0
 Heating Type
 Year Built 1958
 Year Remodeled
 Effective Year Built 1995
 Condition

Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	1,514	1,514	0
OPF	OP PRCH FIN LL	1,215	0	0
OUF	OP PRCH FIN UL	774	0	0
SBF	UTIL FIN BLK	930	0	0
TOTAL		4,433	1,514	0

Style HOTELS/MOTEL A / 39A
 Gross Sq Ft 15,897
 Finished Sq Ft 11,584
 Perimeter 0
 Stories 4
 Interior Walls
 Exterior Walls C.B.S.
 Quality 400 ()
 Roof Type
 Roof Material
 Exterior Wall1 C.B.S.
 Exterior Wall2
 Foundation
 Interior Finish
 Ground Floor Area
 Floor Cover
 Full Bathrooms 0
 Half Bathrooms 0
 Heating Type
 Year Built 1963
 Year Remodeled
 Effective Year Built 1995
 Condition

Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	11,584	11,584	0
OPF	OP PRCH FIN LL	2,377	0	0
OUF	OP PRCH FIN UL	1,936	0	0
TOTAL		15,897	11,584	0

Yard Items

Description	Year Built	Roll Year	Quantity	Units	Grade
FENCES	1975	1976	1	36 SF	1
ASPHALT PAVING	1975	1976	1	8868 SF	2
TILE PATIO	2001	2002	1	320 SF	1
ASPHALT PAVING	2001	2002	1	4550 SF	3
SEAWALL	2002	2003	1	2159 SF	3
CUSTOM POOL	2002	2003	1	2475 SF	3
FENCES	1975	1976	1	2380 SF	4
FENCES	2001	2002	1	120 SF	2
FENCES	2001	2002	1	36 SF	2
BRICK PATIO	2002	2003	1	1089 SF	2
WOOD DOCKS	2006	2007	1	945 SF	5

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
8/26/2013	\$64,000,000	Warranty Deed		2647	767	39 - Unqualified	Improved
12/1/1985	\$1	Warranty Deed		959	1522	M - Unqualified	Improved
2/1/1975	\$600,000	Conversion Code		620	486	Q - Qualified	Improved

Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
BLD2020-2221	7/30/2020		\$7,900	Commercial	WIRING AND INSTALLATION OF LIGHT FIXTURES,SWITCHES ETC. ELECTRICAL SCOPE FOR PROJECT AS PER DRAWINGS.
BLD2020-2186	7/29/2020		\$16,900	Commercial	DEMO & INSTALL TITLE, LVT FLOORING, FLOOR LEVELING, PAINTING, DRYWALL REPAIRS, MILLWORK TRIM, DOOR.
BLD2019-2472	8/14/2019		\$120,000	Commercial	Building C - Repair second floor balcony, replace doors (32) with hurricane impact doors. New tile, 3200sf on balconies and 1st floor breezeway. Painting and trim.
16-00003494	9/7/2016	9/7/2018	\$12,000	Commercial	BUILDING C-REMOVE EXISTING TRENDS AND LANDING DECK BOARDS. REPLACE WITH LUMBEROCK TREADS AND DECK BOARDS. **NOC REQUIRED***
14-5679	12/18/2014	2/8/2017	\$26,000		REPLACE 1800 SF OF DECKING ON PIER
14-4363	9/17/2014	5/14/2017	\$11,132	Commercial	REPLACE THREE (3) 1.5 TON DUCTLESS MINI SPLIT UNITS WITH EXISTING POWER A STAND *NEED FILE NOTICE OF COMMENCEMEN
09-00004145	12/30/2009		\$7,000	Commercial	POOL DECK 1000 SF & 430 LF STEPPING STONES
09-0837	3/24/2009		\$800	Commercial	INSTALLATION OF SOLAR POOL HEATING CIRC. PUMP
09-0742	3/16/2009		\$3,500	Commercial	INSTALL 3 ENTRANCE SIGNS
09-0680	3/5/2009		\$1,600	Commercial	100 AMP TEMP. SERVICE FOR EVENTS
09-0326	2/11/2009		\$32,898	Commercial	SOLAR POOL HEATING SYSTEM INCLUDING 44 HEATING PANELS, HIGH-FLOW PUMP
08-4475	11/26/2008		\$0	Commercial	ISSUED C/O
08-4476	11/26/2008		\$0	Commercial	ISSUED C/O
08-4476	11/26/2008		\$0	Commercial	ISSUED CO
07-4629	12/3/2007		\$325,000	Commercial	COMPLETE SCH 40 PVC SANITARY WASTE AND VENT SYSTEM RUN TO EXISTING UTILITIES. CPVC POTABLE WATER PIPING STUBBED OUT OF BUILDING (BUILDING B) 508 SOUTH "A"
07-4630	12/3/2007		\$350,000	Commercial	COMPLETE SCH 40 PVC SANITARY WASTE AND VENT SYSTEM, CPVC POTABLE WATER PIPING STUBBED OUT OF BUILDING (BUILDING B) 508 SOUTH ST B
07-4631	11/13/2007		\$225,000	Commercial	COMPLETE SCH 40 A.C. SANITARY WASTE AND VENT SYSTEM RUN TO EXISTING ON SITE UTILITIES
07-4132	9/6/2007		\$2,116,181	Commercial	CONSTRUCTION OF NEW CONCRETE HOTEL ROOM (BLDGA)
07-4134	9/6/2007		\$3,496,298	Commercial	CONSTRUCTION OF NEW CONCRETE HOTEL ROOM (BLDGB)
06-1009	3/24/2006	8/14/2006	\$20,000	Commercial	REPAIR AND REBUILD EXISTING DECKING ON LANSIDEWHERE BEACH WAS
06-0371	1/24/2006	8/14/2006	\$5,000	Commercial	EMERGENCY DECK REPAIRS
04-1666	5/24/2004	10/22/2004	\$5,000	Commercial	REPLACE GUTTERS ON EAST & WEST SIDES
02-1522	7/31/2002	10/4/2002	\$140,000	Commercial	REPAIR SEAWALL
02-1245	5/15/2002	10/4/2002	\$1,860	Commercial	REMODEL SIGN
01-3807	12/6/2001	10/14/2002	\$6,400	Commercial	SANDBLAST SIGN
01-1109	10/10/2001	10/29/2001	\$5,860	Commercial	ROOF
01-3349	10/5/2001	10/29/2001	\$9,500	Commercial	REPLACE DECKING
01-3114	9/10/2001	10/29/2001	\$2,700	Commercial	SMOKE DETECTORS
01-3007	9/5/2001	10/29/2001	\$12,500	Commercial	REPAIR WALL
01-1884	7/24/2001	10/29/2001	\$58,000	Commercial	REVISED PLUMBING PERMIT
01-1780	6/18/2001	10/29/2001	\$560,000	Commercial	ADDITIONS & RENOVATIONS
01-2079	5/25/2001	10/29/2001	\$15,000	Commercial	DEMOLIITION & SPRINKLERS
01-1109	3/8/2001	10/29/2001	\$5,860	Commercial	ROOF
01-2752	9/21/2000	10/29/2001	\$750,000	Commercial	RENOVATIONS
99-0347	1/28/1999	8/5/1999	\$41,873	Commercial	ROOF
98-3224	11/13/1998	1/1/1999	\$95,000	Commercial	STORM DAMAGE

CHANGE 1 TON DUCTLESS SYS
REMODEL INTERIOR
ROOFING
AWNINGS
NEW STAIRS
ELECTRICAL
ELECTRIC
SWIMMING POOL
DOCKS
PAVING

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The figure consists of two diagrams, (a) and (b), showing the layout of a site in the 1980s and 1990s respectively. Both diagrams include dimensions and labels for various areas.

Diagram (a) - 1980s Layout:

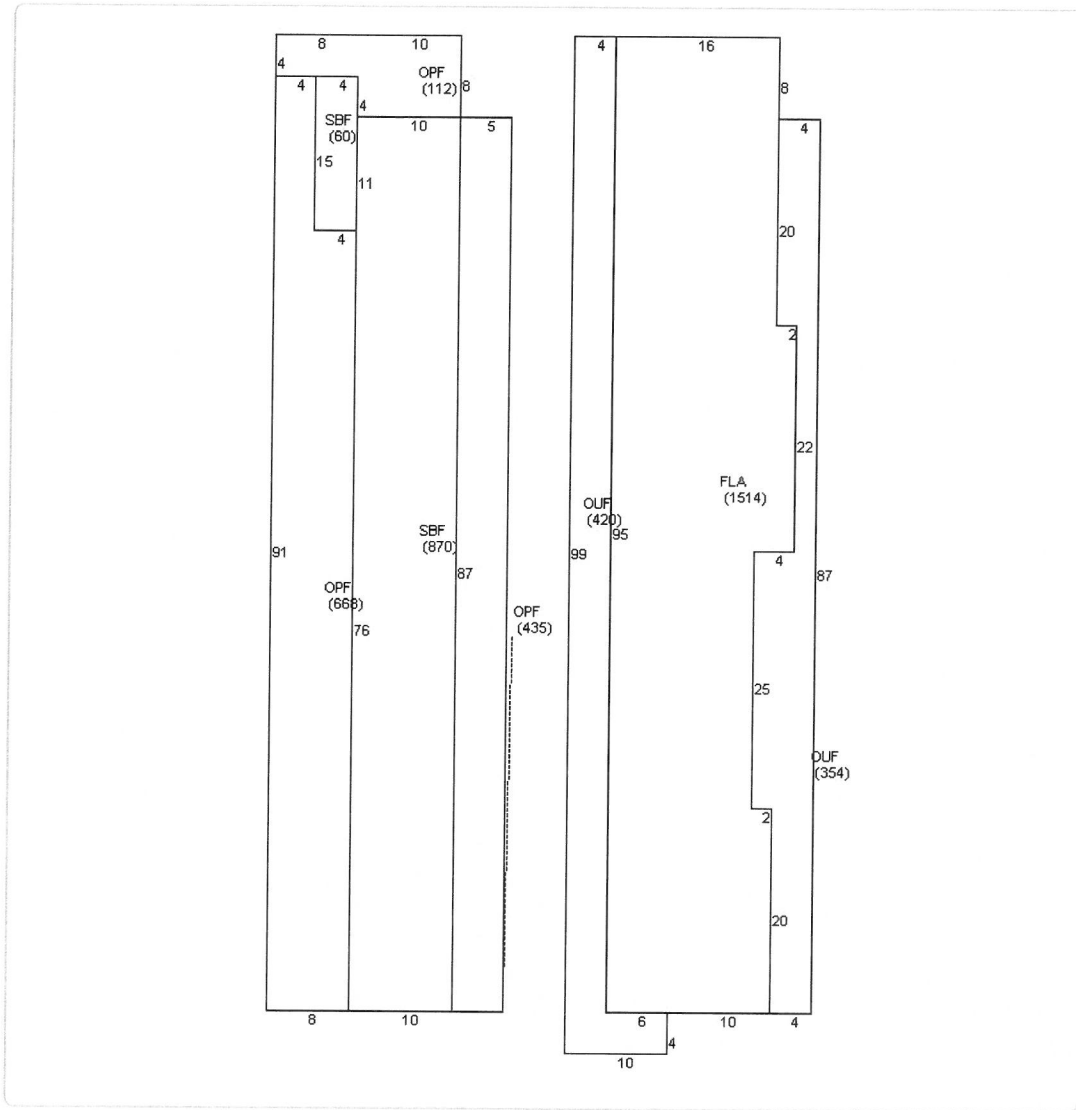
- Top left: OPF (388)
- Top center: 16
- Top right: 9
- Right side (vertical): 7, 5, 4, 9, 4, 5, 4, 5, 4, 9, 4, 5, 4, 5, 4, 7
- Center: FLA (2597)
- Right side (vertical): OFE (409)
- Bottom right: 8
- Bottom center: 26
- Bottom left: 3
- Left side (vertical): 97, 94
- Bottom left: 4
- Bottom center: 27
- Bottom right: 24
- Bottom center: 35
- Bottom left: 4
- Bottom center: OPX (140)

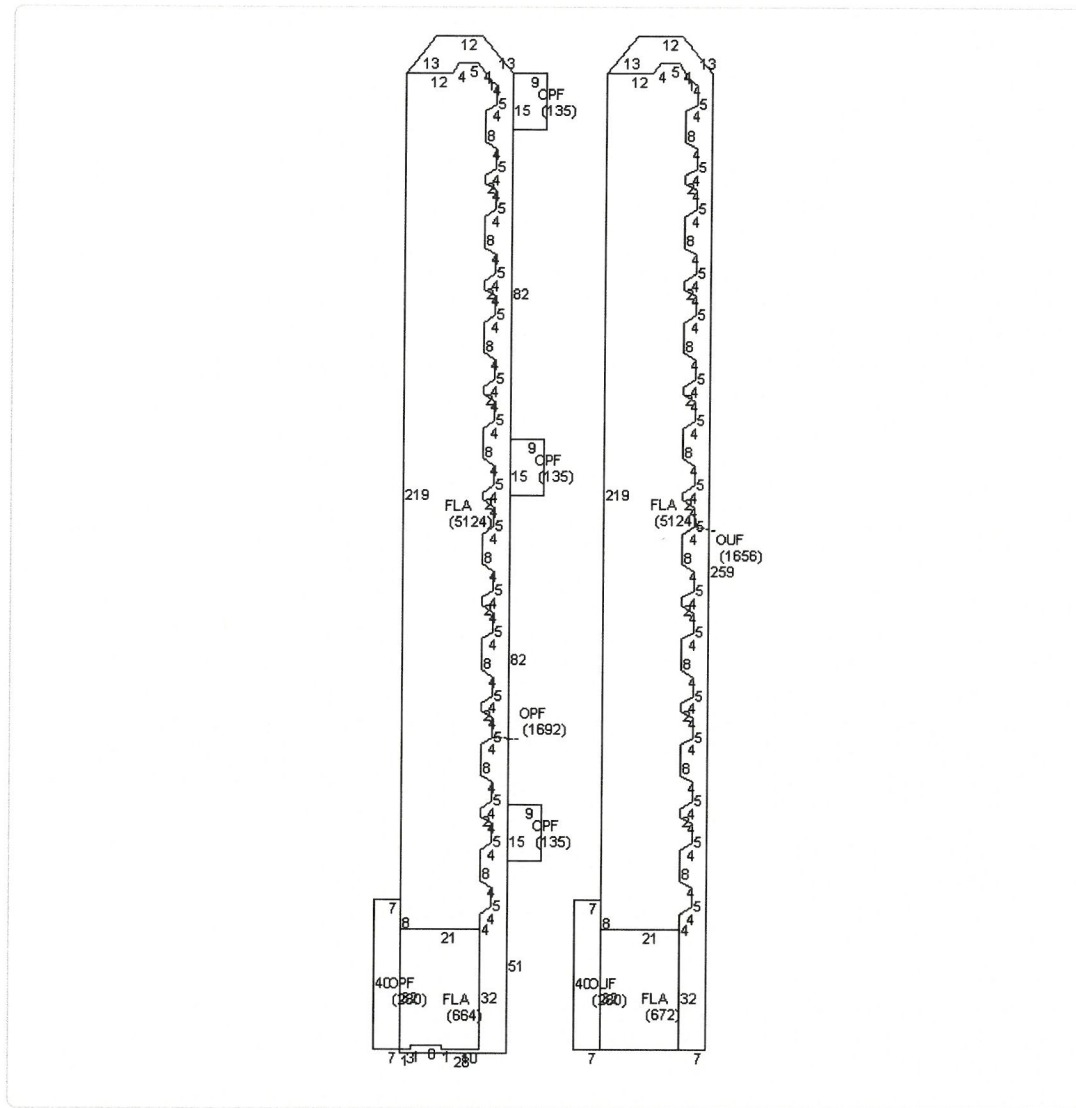
Diagram (b) - 1990s Layout:

- Top left: 20
- Top center: 3
- Top right: 9
- Right side (vertical): 7, 5, 4, 9, 4, 5, 4, 5, 4, 9, 4, 5, 4, 5, 4, 7
- Center: FLA (2973)
- Right side (vertical): OUF85 (469)
- Bottom right: 8
- Bottom center: 30
- Left side (vertical): 94

Legend for 1990s Layout:

- 8 (84) OPF
- 8 (64) OUF





Photos



Map



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2020 Notices Only

No data available for the following modules: Buildings, Mobile Home Buildings, Exemptions.

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By continuing into this site you assert that you have read and agree to the above statement.

Summary

Parcel ID 00036370-000000
Account# 1037214
Property ID 1037214
Millage Group 10KW
Location Address 1406 DUVAL St, KEY WEST
Legal Description KW 0.95AC N-476 BAY BTM SE OF PT LOT 3 SQR 6 TR 16 OR161-178(II DEED 22209) OR1062-2301/2302L/E OR1132-2211/12 OR2304-01/04 OR2952-1611D/C
(Note: Not to be used on legal documents.)
Neighborhood 32110
Property Class NON AGRICULTURE (9900)
Subdivision
Sec/Twp/Rng 06/68/25
Affordable No
Housing

Owner

RAMOS MATILDE GENEROSA REV TRUST 05/25/2007
 1401 Duval St
 Key West FL 33040

Valuation

	2020	2019	2018	2017
+ Market Improvement Value	\$0	\$0	\$0	\$0
+ Market Misc Value	\$0	\$0	\$0	\$0
+ Market Land Value	\$143	\$143	\$143	\$143
= Just Market Value	\$143	\$143	\$143	\$143
= Total Assessed Value	\$143	\$143	\$143	\$143
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$143	\$143	\$143	\$143

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
ENVIRONMENTALLY SENS (000X)	0.95	Acreage	0	0

Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
	1/1/1900		\$0		COMMERCIAL POOL REPAIR 130 L.F. RESURFACE, REPLACE STEPS TILE, REPAIR EXISTING HANDRAIL & LADDER

View Tax Info

[View Taxes for this Parcel](#)

Map



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2020 Notices Only

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