




MEMORANDUM

Date: December 14, 2023

To: Honorable Mayor and Commissioners

Via: Albert P. Childress
City Manager 

From: Steve McAlearney
Director, Port & Marine Services

Subject: Ratifying a Temporary Use Agreement Addendum for Submerged Lands at Mallory Square

Introduction

Request ratification of a Temporary Use Agreement Addendum (TUA) for use of submerged state lands at the Mallory T-Pier.

Background

The Director of the Southeast District of the Florida Department of Environmental Protection (FDEP), in a letter dated November 16, 2023, recommended that the City sign a TUA Addendum for use of submerged state lands at the Mallory T-Pier while awaiting completion of a more permanent Sovereign Submerged Lands Lease, which is currently at State Lands for approval.

The City was given twenty (20) days from issuance to sign the TUA Addendum, with the next Commission meeting twenty-eight (28) days away. The City Manager executed the TUA Addendum within the deadline in accordance with FDEP recommendation. (This recommendation from the State conflicts with their previous direction to forgo a TUA, which was briefed to the Commission at the Nov. 9 meeting.)

The previous TUA Addendum and Commission approval is attached for reference.

Procurement

There is no fee to execute this TUA Addendum, and the lease itself is exempt from fees.

Recommendation

Ratify the Temporary Use Agreement Addendum for use of submerged state lands at the Mallory T-Pier.