


EXECUTIVE SUMMARY



To: Jim Scholl, City Manager

Through:  Donald Leland Craig, AICP, Planning Director

From: Kevin Bond, AICP, LEED Green Associate, Planner II

Meeting Date: September 3, 2014

RE: **Submerged Land Lease – 3810 Flagler Avenue (RE # 00071830-000000, AK # 1075647)** – A request for submerged land lease of approximately 900 square feet to construct a new 8'x105' dock, a new 8'x20' floating dock and a new 10'x11' boat lift extending into the Sunrise Canal adjacent to property located within the Single-Family Residential (SF) Zoning District

ACTION STATEMENT:

Request: To grant a submerged land lease of approximately 900 square feet within a City canal abutting the property.

Applicant: Phillip Thorpe, Pinewood Enterprises, Inc.

Property Owner: 3810 Flagler Avenue, LLC

Location: 3810 Flagler Avenue (RE # 00071830-000000, AK # 1075647)

Zoning: Single-Family Residential (SF)



BACKGROUND:

This is a request for a submerged land lease from the City for private use of City Property, which in this case is the Sunrise Canal within the Vista Del Mar subdivision. The Sunrise Canal is a T-shaped public canal dedicated to the City when the subdivision was created in December 1955 (see attached plat map). There is an existing dock and seawall at the property. The submerged land lease request is for a new 8’x105’ dock, a new 8’x20’ floating dock and a new 10’x11’ boat lift that would extend into the Sunrise Canal, as shown on the attached plans and specific purpose survey. The proposed lease area does not include additional area for vessels that would be moored to the dock or boat lift.

On April 24, 2014, the owner applied for a building permit in order to construct the proposed dock. The permit application is on hold pending approval of the requested submerged land lease. If the lease is not approved, then the owner could redesign the proposed dock so that it would not encroach beyond the property line into the City canal.

PLANNING STAFF ANALYSIS:

The proposed concrete dock, floating dock and boat lift would encroach as little as 6.5 feet and as much as 16.5 feet into City property along the entire length of the upland property, not including any moored vessels. A review of 2012 aerial photos of the Sunrise Canal (see attached) from the Monroe County Property Appraiser’s office shows very few existing encroachments into the Sunrise Canal. Existing encroachments include boat lifts, small portions of existing docks and seawalls, and moored vessels. A majority of the lots abutting the Sunrise Canal have existing docks and/or seawalls that allow the mooring of vessels without the need for any structures to encroach into City property. Staff is unaware of any prior submerged land leases approved by the City for encroachments into the Sunrise Canal.

Although staff is not concerned about any navigational hazards or other adverse effects being created by the proposed dock, staff cannot find a valid public purpose for supporting the requested submerged land lease. As the aerial photo shows, the existing dock at the property allows vessels to moor without the dock encroaching into City property, giving the owner sufficient use of the property as other similarly situated owners have. Most other properties abutting the Sunrise Canal have docks and seawalls that do not encroach into City property and have moored vessels. Thus, it appears a new concrete dock could be built without the need to encroach into City property, except for the floating dock and boat lift.

Options / Advantages / Disadvantages:

Option 1. Approve the easement with the following condition:

Prior to the approval of a final inspection associated with the dock construction, the following conditions shall be satisfied:

1. The applicant or upland property owner shall provide an as-built survey of the concrete dock, floating dock and boat lift with the submerged land lease area delineated and legal description encompassing all structures encroaching into City property.
2. The submerged land lease shall be fully executed by all parties; and

3. The applicant or upland property owner shall be responsible for paying the initial lease fees and supplying the insurance certificates to the City as required by the submerged land lease.

Consistency with the City's Strategic Plan, Vision and Mission: Granting the requested easement would not be inconsistent with the Strategic Plan.

Financial Impact: The City would collect annual fees as part of the approval of the submerged land lease. There would be no cost to the City for granting the easement.

Option 2. Deny the easement based on findings that the City's needs outweigh the request.

Consistency with the City's Strategic Plan, Vision and Mission: Denial of the requested easement would not be inconsistent with the Strategic Plan.

Financial Impact: There would be no cost to the City for denying the easement.

RECOMMENDATION: Option 2.

Attachment 1:
**Plat Map of
Vista Del Mar Subdivision**

VISTA DEL MAR

A SUBDIVISION OF TRACT 33 OF A PLAT OF SURVEY OF LANDS
ON ISLAND OF KEY WEST (PLAT BOOK 3-PAGE 35)
CITY OF KEY WEST-MONROE COUNTY-FLORIDA

SCALE 1" = 80'



OCTOBER 1955

C.G. BAILEY, REGISTERED LAND SURVEYOR
MARATHON, FLORIDA

Streets on this plat are not dedicated and are privately owned. Utilities to be provided by subdivider. There are deed restrictions in this subdivision.

KNOW ALL MEN BY THESE PRESENTS:

That Vista del Mar, Inc., a Florida corporation, owner of Tract 33, according to "Plat of Survey of Lands on Island of Key West, Monroe County, Florida, recorded in Plat Book 3 at Page 35, Public Records of Monroe County, Florida, has caused to be made the attached plat entitled "VISTA DEL MAR."

All canals as shown are hereby dedicated to the perpetual use of the public for proper purposes, reserving to themselves, their successors or assigns, the reversion or reversions thereof whenever discontinued by law.

IN WITNESS WHEREOF Vista del Mar, Inc. has caused these presents to be signed in its corporate name by its President, and its corporate seal to be hereunto affixed by its Secretary this 28TH day of OCTOBER A.D.1955.

VISTA DELMAR, INC.

Witnessed by

C. Robert Butler

Charles Thornburgh President

James E. Crowell

Nancy Thornburgh Secretary

STATE OF FLORIDA
COUNTY OF MONROE SS

I hereby certify that on this day personally appeared before me, the undersigned authority, Charles Thornburgh, President and Nancy Thornburgh, Secretary of Vista del Mar, Inc., to me well known to be the persons described in and who executed the foregoing instrument, and who acknowledged that they executed the same freely and voluntarily, that they affixed thereto the official seal of said corporation all by and with the authority of the Board of Directors, and that it is the free act and deed of said corporation.

Witness my hand and official seal this 28 day of

October A.D. 1955.

My commission expires
March 31, 1957

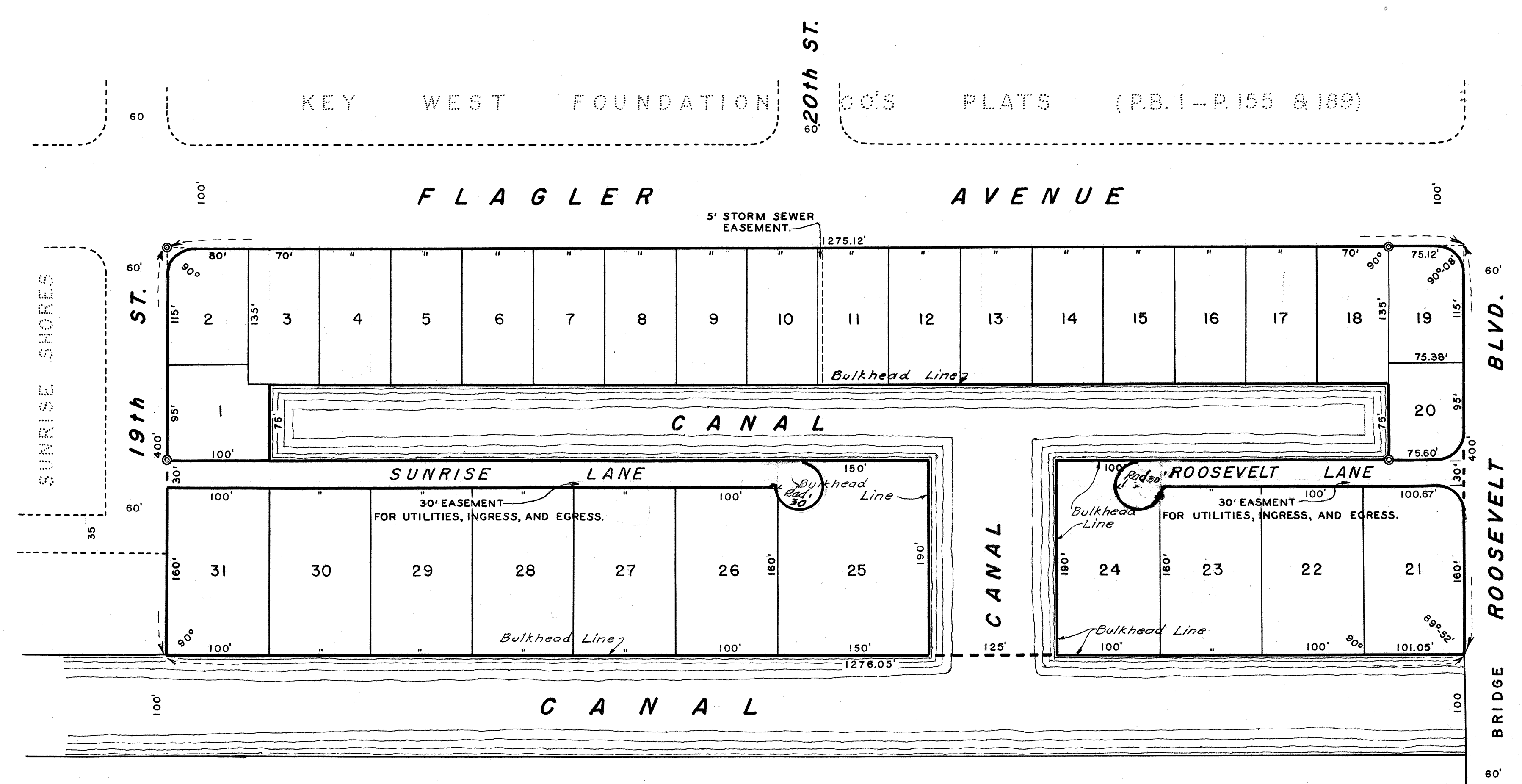
Darius Garcia
Notary Public
State of Florida at large

This plat was approved by Resolution of the Board of County Commissioners of Monroe County, Florida, this 13 day of DECEMBER A.D.1955, and filed for record in Plat Book 3 at Page 124, Public Records of Monroe County, Fla.

Earl P. Adams Clerk of the Circuit Court
Gerald Saunders Chairman of the Board

FILED DEC. 14, 1955 9:38 A.M. 45616

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Book 3 Page



ENGINEERS NOTE

© indicates Permanent Reference Monuments.
Rounded Block Corners have radius of 25 feet.
Dimensions of lots having rounded corners are to intersection of block lines extended.

I HEREBY CERTIFY that the attached plat of VISTA DEL MAR is true and correct to the best of my knowledge and belief, as recently surveyed and platted by me. I also certify that the Permanent Reference Monuments were set in accordance with Section 7, Chapter 10275 (No. 253), Laws of the State of Florida.

C.G. Bailey
C.G. Bailey
Registered Land Surveyor No. 620
State of Florida.

This plat accepted and approved for record by the Planning Commission of the City of Key West, Florida this 13th day of December A.D.1955.

Signed

Paul Carbonell
Chairman, Planning Commission.

This plat approved for record

W. M. ...
City Manager

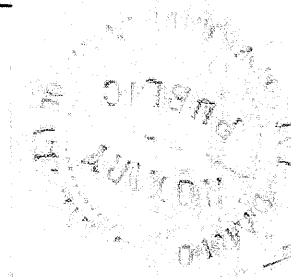
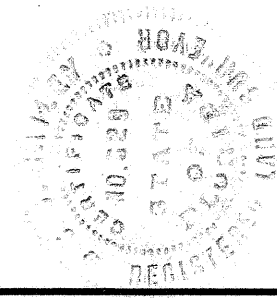
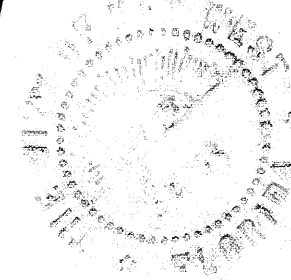
This plat was approved by resolution of the Board of City Commissioners of the City of Key West, Florida, this 13th day of December A.D.1955.

Attest

Victor ...
City Clerk

Signed

C.B. Harvey
Mayor



Attachment 2:
**Canal Aerial Photo
with Plan and Survey Overlays**

Attachment 3:
Site Photos



2014/08/08 09:09



2014/08/08 09:14



2014/08/08 09:15



2014/08/08 09:10



2014/08/08 09:12



2014/08/08 09:11





2014/08/08 09:14



2014/08/08 09:15