

RESOLUTION NO. 22-223

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "TEMPORARY USE AGREEMENT ADDENDUM -- BOT #440769265" BETWEEN THE CITY OF KEY WEST ("CITY") AND THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA ("BOARD") FOR MALLORY SUBMERGED LANDS ADJACENT TO MALLORY T-PIER; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key West has a Temporary Use Agreement with the Board of Trustees of the Internal Trust for certain sovereignty submerged lands located adjacent to the Mallory T-Pier, as depicted in Exhibit A attached hereto; and

WHEREAS, the City is in process of obtaining approval of a new submerged lands lease for the location; and

WHEREAS, City staff recommends approval of the attached Temporary Use Agreement Addendum, which will extend the period of the Temporary Agreement through October 6, 2023, or the date of execution of a sovereignty submerged lands lease between the Board and the City, whichever occurs first; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA AS FOLLOWS:

Section 1: That the attached "Temporary Use Agreement Addendum -- BOT # 440769265" (Site No. 142061/Project No. 389894) for submerged land adjacent to the Mallory T-Pier area is hereby approved.


Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 6th day of October, 2022.

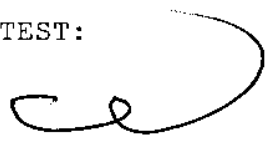
Authenticated by the Presiding Officer and Clerk of the Commission on 7th day of October, 2022.

Filed with the Clerk on October 7, 2022.

Mayor Teri Johnston	<u>No</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Absent</u>
Commissioner Jimmy Weekley	<u>Yes</u>


TERI JOHNSTON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Branch Office
2796 Overseas Highway, Suite 221
Marathon, FL 33050
Southeast.District@floridadep.gov

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

October 7, 2022

Mr. Steven McAlearney
Port and Marina Services Director
City of Key West
201 William St.
Key West, FL 33040
smcalearney@cityofkeywest-fl.gov

Re: Monroe County - ERP
City of Key West / Mallory Pier
BOT No. 440769265
Site No. 142061 / Project No. 389894

Dear Mr. McAlearney:

Enclosed is the fully executed Temporary Use Agreement Addendum to provide the City of Key West with continued temporary authorization for the existing structures and activities on state-owned submerged lands at the City of Key West Mallory Pier. The Temporary Use Agreement Addendum is effective through October 7, 2023.

If you have any questions regarding this matter, please contact McKenzie Fraley by phone at (305) 289-7079, or by e-mail at McKenzie.Fraley@FloridaDEP.gov.

Thank you for your continued cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Andreotta".

Jason Andreotta
Director of District Management
Southeast District Office

Enclosure: Temporary Use Agreement Addendum

TEMPORARY USE AGREEMENT ADDENDUM
BOT # 440769265

This Temporary Use Agreement Addendum (hereinafter referred to as "Addendum") is entered into this ___ day of October, 2022, and between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (hereinafter referred to as the "Board") and the City of Key West, a Florida Municipal Corporation, (hereinafter referred to as the "Applicant"), and is hereby made a part of the Temporary Use Agreement previously entered on April 7, 2020 and Temporary Use Agreement Addendums entered on April 20, 2021 and April 14, 2022 by and between the Board and the Applicant.

Whereas, the Temporary Use Agreement Addendum expires on October 7, 2022, and the Applicant needs additional time to complete the application made on August 29, 2022, for a sovereignty, submerged lands lease renewal and modification of the structures and activities shown on Exhibit A attached hereto.

The parties hereto, then, agree as follows:

1. The parties hereby agree to extend and continue the Temporary Use Agreement for an additional term, commencing on October 6, 2022, and expiring on October 6, 2023, or the date of execution of a sovereignty submerged lands lease renewal and modification between the Board and the Applicant, whichever occurs first.
2. Except as specifically amended by the provisions of this Addendum, all of the terms and provisions of the Temporary Use Agreement shall remain unchanged and in full force and effect and the same are hereby ratified, approved and confirmed by the parties hereto.
3. The terms and conditions of this Addendum shall be binding upon and inure to the benefit of the parties hereto and their representatives, heirs, personal representatives, successors and assigns.

Executed on the date first written above.

CITY OF KEY WEST

By: 
Original Signature

D. H. McLaughlin
Printed/Typed Name

City Manager
Title

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

By: 

**Jason Andreotta
Director of District Management,
Department of Environmental Protection, as
agent for and on behalf of the Board of
Trustees of the Internal Improvement Trust
Fund of the State of Florida**