



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Branch Office
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Southeast.District@floridadep.gov

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

November 16, 2023

Steven P. McAlearney
Port and Marina Services Director
City of Key West
smcalearney@cityofkeywest-fl.gov

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

Dear Mr. McAlearney:

The Temporary Use Agreement entered on October 7, 2022 between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees) and the City of Key West (City) expired on October 6, 2023. To ensure that the City's use of state-owned submerged lands at the above-referenced site has the required Board of Trustees authorization pursuant to Section 253.77, Florida Statutes, the Department of Environmental Protection recommends that the City enter into another Temporary Use Agreement Addendum.

Enclosed is a Temporary Use Agreement Addendum to provide the City with continued temporary authorization for the existing structures and activities on state-owned submerged lands at the above-referenced site for an additional 4 months.

Please have the appropriate entity sign the original and return the signed page to this office within twenty (20) calendar days of receipt. A PDF of the signed page 2 can be emailed to Laura Pardal of this office at Laura.Pardal@FloridaDEP.gov. Please leave the date on the first page blank. After the Temporary Use Agreement Addendum has been executed by the Department, a copy will be returned to you for your records.

If you have any questions regarding this matter, please contact McKenzie Fraley by phone at 305-289-7076, or by e-mail at Laura.Pardal@FloridaDEP.gov. Thank you for your continued patience and cooperation in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Davila".

Sirena Davila
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 14 day of November, 2023, 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, April 14, 2022 and October 7, 2022 by and between the Board and the Applicant.

Whereas, the Temporary Use Agreement Addendum expired on October 7, 2023, and the Applicant and Board need additional time to process 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 7, 2023, and expiring on February 7, 2024, 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

Printed/Typed Name

Title

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

By: _____

Sirena Davila
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



Overview



Legend

- Centerline
- Easements
- Hooks
- Lot Lines
- Road Center
- Rights of Way
- Shoreline
- ☐ Condo Building
- Key Names
- ☐ Subdivisions
- ☐ Parcels

Parcel ID	00000170-000000	Alternate ID	1000167	Owner Address	CITY OF KEY WEST MALLORY SQUARE
Sec/Twp/Rng	06/68/25	Class	MUNICIPAL		PO Box 1409
Property Address	402 WALL St				Key West, FL 33041
	KEY WEST				
District	10KW				
Brief Tax	KW PT LOTS 2-3-4-5 SQR 3 G64-274-275 (CULTURAL PRESERVATION SOCIETY INC -LEASE) OR1338-417/37(II LEASE) OR1623-				
Description	215/229(II LEASE) OR2080-939/950(II LEASE)				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 3/19/2020
 Last Data Uploaded: 3/19/2020 2:14:02 AM

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BOT No. 440769265
 Exhibit A