



MEMORANDUM

Date: May 6, 2025

To: Honorable Mayor and Commissioners

Via: Brian L. Barroso
City Manager

From: Steve McAlearney
Director, Port & Marine Services

Subject: Approve a Lease (BoT # 440769265) with the State of Florida for Submerged Lands at Mallory Square (Legistar 25-3302)

KH

Introduction

Request approval of a submerged lands lease for use of state lands at the Mallory T-pier.

Background

The City has partnered with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (BoT) for over 30 years to lease sovereignty submerged state lands adjacent to the Mallory Square T-pier. This is the same lease that has been in place for over 30 years and will allow the City to use state lands for an additional five years. This lease is backdated to the expiration of the previous lease on August 8, 2024, and will expire on August 8, 2029.

The previous lease (Aug. 8, 2019 – Aug 8, 2024) was allowed to expire at FDEP recommendation when the City submitted a permit application to replace the current T-pier. A redesigned T-pier (approved Res 24-166) will require an updated lease and FDEP staff initially recommended we apply for the lease and permit simultaneously. New direction from FDEP staff is to complete this proposed lease so we have one to modify for new T-pier permitting.

Additionally, the City will be asking the BoT to change paragraph 27.E.(d) at their June 10 or September 16 meeting. The spirit and intent of 27.E. is to preserve an unobstructed view of the sunset from Mallory Square. Subparagraph (d) limits overnight stays and did not anticipate smaller ships that can vacate the pier for sunset then return. The City will request 27.E.(d) to read, “no more than twelve ~~one-night~~ scheduled sunset variances per calendar year are allowed.” FDEP staff advises that we complete the proposed lease so we have one to modify for the BoT.

Procurement

There is no fee to execute this lease, as it is exempt from fees.

Recommendation

Approve the submerged lands lease for use of state lands at the Mallory T-pier. It is imperative that we complete this lease so we have one in place to modify for T-pier permitting and paragraph 27.E.(d) language change request.