



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard, MS 110
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Herschel T. Vinyard, Jr.
Secretary

August 19, 2013

Marilyn Wilbarger
City of Key West
P.O. Box 1409
Key West, FL 33041-1409

RE: Deed Restrictions and Reverter for Deed#19259-A,B and C -City of Key West

Dear Ms. Wilbarger,

An internal audit was conducted by the DEP/BPLA/Audit Section of the City of Key West Corrective Deed No. 19259-A, B and C for restriction compliance. The City of Key West is found to be out of compliance with existing deed restrictions in Corrective Deed No. 19259-A and B. The City has leased water-related facilities to third party private entities such as, but not limited to, A-1 Boatyard, Garrison Bight Marina and Key West Community Sailing Center. These rentals are not consistent with the restriction within the deed language to "never sell or convey or lease" the lands or parts thereof to any "private person or firm, or corporation for any private use or purpose". The facilities are renting the upland and submerged area within the deed and appear to be receiving profits from these private business ventures. The lease fees received by the City are being placed into the City's general fund.

With regard to Corrective Deed No. 19259-C, it appears that the City of Key West is not collecting revenue from the private structures under private lease agreements. We just wanted for you to be aware, as the agenda item indicates, that if the City ever does collect revenue that those fees collected must be placed back into water-related activities for the general public.

A copy of the audit, deeds and past agenda item have been enclosed. We look forward to working with your office in this matter and look forward to hearing from you for an amicable solution.

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Please do not hesitate to call Jay Scott or myself if you have any questions at (850) 245-2555, or send an email to jay.f.scott@dep.state.fl.us.

Sincerely,



Scott Woolam
Project Manager
Division of State Lands

Cc: Cheryl McCall, Bureau of Public Lands Administration
Stephanie Leeds, Division of State Lands