



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Branch Office
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Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

January 25, 2023

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
BOT No. 440360555
Site No. 406657 / Project No. 398121
Key West Bight – Class III Waters
City of Key West - Bar Pilot Vessel Mooring Area
Parcel No. 0072082-002800 - 700 Front Street, Key West, 33041

Dear Mr. McAlearney:

Enclosed for signature is the Second 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 Bar Pilot Vessel Mooring Area. Please return a signed copy of the document for the Department's signature and execution. Once fully executed, the Second Temporary Use Agreement Addendum which will be effective through August 18, 2023, will be returned to you for your records.

If you have any questions regarding this matter, please contact Laura Pardal by phone at (305) 289-7076, or by e-mail at Laura.Pardal@FloridaDEP.gov.

Thank you for your continued cooperation in this matter.

Sincerely,

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

Jason Andreotta
Director of District Management
Southeast District Office

Enclosure: Exhibit A, Original TUA and the first Temporary Use Agreement Addendum

cc: Baron W. Smith, Esq., Smith/Hawks Attorneys at Law, bart@smithhawks.com

TEMPORARY USE AGREEMENT ADDENDUM
BOT # 440360555

This second Temporary Use Agreement Addendum (hereinafter referred to as "Second Addendum") is entered into this ____ day of __, 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 August 18, 2021 and the first addendum entered on October 7, 2022 by and between the Board and the Applicant.

Whereas, the first Temporary Use Agreement Addendum expires on February 18, 2023, and the Applicant needs additional time to complete the application for a sovereignty, submerged lands lease for 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 **6-month** term, commencing on February 18, 2023, and expiring on August 18, 2023, or the date of execution of a sovereignty submerged lands lease 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: _____

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



Authorized Vessel Mooring Area in Yellow Polygon

BOT No. 440360555

Site No. 406657 / Project No. 398121

Exhibit A