

FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis Governor

Jeanette Nuñez Lt. Governor

Shawn Hamilton Secretary

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

February 5, 2024

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 Addendum entered on November 14, 2023, 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") expires on February 7, 2024. 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 Alicia Cedeño Salgado of this office at Alicia.CedenoSalgado@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 Alicia Cedeño Salgado by phone at 305-289-7082, or by e-mail at Alicia.CedenoSalgado@FloridaDEP.gov. Thank you for your cooperation in this matter.

Sincerely,

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 day of <u>February</u>, 2024, 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, October 7, 2022, and November 14, 2023 by and between the Board and the Applicant.

Whereas, the Temporary Use Agreement Addendum expired on February 7, 2024, 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 February 7, 2024, and expiring on June 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

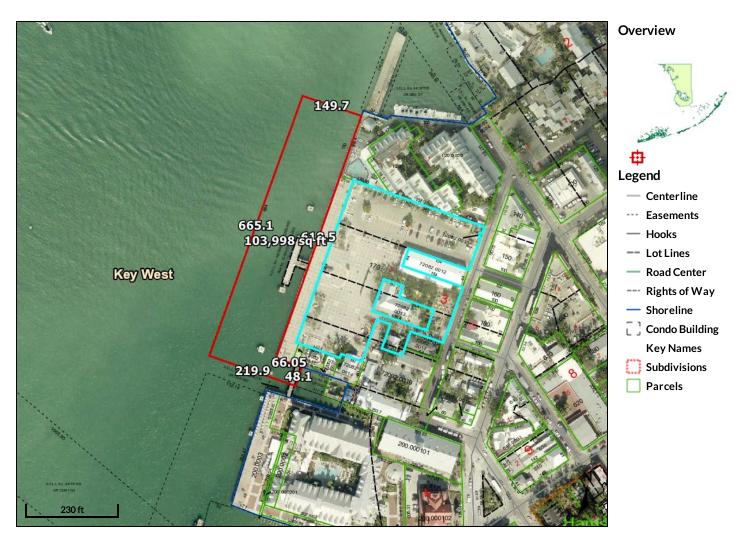
Title

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

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

qPublic.net™ Monroe County, FL



 Parcel ID
 00000170-000000

 Sec/Twp/Rng
 06/68/25

 Property Address
 402 WALL St

 KEY WEST

District

10KW

Alternate ID 1000167 Class MUNICIPAL Owner Address CITY OF KEY WEST MALLORY SQUARE
PO Box 1409
Key West, FL 33041

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)

(Note: Not to be used on legal documents)

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BOT No. 440769265 Exhibit A