

AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
FEBRUARY 14, 2006

Item 1 Minutes

Submittal of the Minutes from the October 28, 2003 Cabinet Meeting.

(Attachment 1, Pages 1-4)

RECOMMEND APPROVAL

Item 2 Vanderbilt Partners II, Ltd. Recommended Consolidated Intent

REQUEST: Consideration of an application for (1) a five-year sovereignty submerged lands lease containing 49,245 square feet, more or less, for a proposed 49-slip private residential multi-family docking facility with a fishing pier; (2) authorization for the placement of eight 100-foot-long sections of riprap; (3) a Letter of Consent for the severance of 3,400 cubic yards of sovereignty material; and (4) a waiver of the severance fee.

COUNTY: Collier
 Permit No. 11-01725-P
 Application No. 041029-4

APPLICANT: Vanderbilt Partners II, Ltd.
 (a/k/a Dunes Dock)

LOCATION: Section 20, Township 48 South, Range 25 East, in Vanderbilt Channel, Class III Waters, within the local jurisdiction of Collier County
 Aquatic Preserve: No
 Outstanding Florida Waters: Yes
 Designated Manatee County: Yes, with an approved manatee protection plan
 Manatee Aggregation Area: No
 Manatee Protection Zone: Yes, Slow Speed year-round

CONSIDERATION: \$28,086.89, representing (1) \$8,260.85 as the initial annual lease fee computed at the base rate of \$0.1342 per square foot, and including the initial 25 percent surcharge payment; and (2) \$19,826.04 as the one-time premium pursuant to section 18-21.011(1)(c), F.A.C. The project qualifies for a waiver of the severance fee pursuant to section 18-21.011(3)(c), F.A.C. Sales tax will be assessed pursuant to section 212.031, F.S., if applicable. The lease fee may be adjusted based on six percent of the annual income pursuant to section 18-21.011(1)(a)1, F.A.C.

BACKGROUND: On August 12, 1999, the South Florida Water Management District (SFWMD) issued Permit No. 11-01725-P authorizing construction of a surface water management system serving a 43.25-acre condominium development, which is part of an overall

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188.56-acre site. Wetland impacts and onsite mitigation associated with the planned residential development at the site were addressed as part of that permit. The upland development includes a total of 635 residential units consisting of 10 single-story villas and the remainder as condominium units within 7 high rise towers, a clubhouse, pool, and 6 tennis courts. The previously permitted development also includes upland pine flatwood/scrub/gopher tortoise preserve areas in addition to extensive mangrove wetland preserve areas.

A previous environmental resource permit (ERP) application for construction of a 49-slip dock and fishing pier, associated dredging, and sovereignty submerged lands authorization was submitted on April 18, 2002. The docking facility proposed by that application was intended to accommodate 20 vessels up to 30 feet in length, 9 vessels up to 35 feet in length, and 20 vessels up to 40 feet in length. That ERP application was reviewed by SFWMD's Governing Board on October 13, 2004 and was not approved by the Governing Board, primarily due to concerns over the vessels in the 40' length category. The sovereignty submerged lands lease request was subsequently withdrawn by the applicant. The current ERP application was submitted on October 29, 2004 and proposes the same total number of slips (49) but includes 10 slips for vessels up to 30' in length and 39 slips for vessels up to 35' in length and by eliminating the slips for vessels up to 40 feet in length allows the depth of dredging to be reduced from a maximum depth of -5.5 feet mean low water (MLW) to -4.5 feet MLW.

STAFF REMARKS: In accordance with rules adopted pursuant to sections 373.427(2) and 253.77(2), F.S., the attached "Recommended Consolidated Notice" contains a recommendation for issuance of both the permit required under part IV of chapter 373, F.S., and the authorization to use sovereignty submerged lands under chapter 253, F.S. The Board of Trustees is requested to act on those aspects of the activity which require authorization to use sovereignty submerged lands. If the Board of Trustees approves the request to use sovereignty submerged lands and the activity also qualifies for a permit, SFWMD will issue a "Consolidated Notice of Intent to Issue" that will contain general and specific conditions. If the Board of Trustees denies the use of sovereignty submerged lands, whether or not the activity qualifies for a permit, SFWMD will issue a "Consolidated Notice of Denial."

The applicant requests a five-year sovereignty submerged lands lease over 49,245 square feet to accommodate a 49-slip private residential multi-family docking facility, an associated fishing pier at the north end of the dock and installing riprap beneath the dock. The project also requires a Letter of Consent authorization for dredging 3,400 cubic yards of material within and outside of the lease area, as well as, an ERP. The riparian uplands are currently under construction for a previously permitted condominium development, residents of which will be the sole purchasers of slips at the proposed marina. Since the applicant proposes to sell the use of the slips, a lease is required because the activity is considered to be revenue-generating. The proposed lease will contain the following new standard lease condition:

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“3. WET SLIP RENTAL CERTIFICATION/SUPPLEMENTAL PAYMENT:
(A) The Lessee shall provide upon request by the Lessor any and all information in a certified form needed to calculate the lease fee specified in paragraph two (2) above, including the income, as defined in subsection 18-21.003(26), Florida Administrative Code, derived directly or indirectly from the use of sovereignty submerged lands on an annual basis. When six percent (6%) of said annual income exceeds the base fee or minimum annual fee established pursuant to Rule 18-21.011, Florida Administrative Code, for any lease year during the term of this lease, the Lessor shall send the Lessee a supplemental invoice for the difference in the amounts for that lease year. (B) The instrument or agreement used by the Lessee to transfer or assign the right to use a wet slip at the leased docking facility to a third party shall include a provision that clearly notifies the wet slip renter/user/holder that if the wet slip renter/user/holder subsequently transfers his right to use said wet slip to another party, the instrument or agreement used to transfer said wet slip shall contain a provision that requires six percent (6%) of the annual gross income derived from said instrument or agreement for the use of said wet slip be paid to the Lessee who, upon receipt, shall report and transmit said amount to the Lessor. The instrument or agreement used by the Lessee to transfer a wet slip shall also include a provision that clearly notifies the wet slip renter/user/holder that no interest in said wet slip may be further transferred unless a substantially similar provision to the one contained in the preceding sentence is placed in each succeeding instrument or agreement used to transfer said wet slip to each new wet slip renter/user/holder.”

The docking facility includes approximately 11,300 square feet over water and consists of a 35-foot-long by 6-foot-wide fishing pier at the north end, a shore-parallel dock approximately 1,140-foot-long by 6-foot-wide that includes fifteen 30-foot-long by 4-foot-wide finger piers requiring bow-first mooring for 26 of the 49 proposed mooring slips, with the remaining 23 slips parallel to the dock. The project also includes installing eight 100-foot-long sections of natural limestone riprap beneath the dock to provide structural habitat for marine life, function as a wave baffle to help protect nearshore seagrasses and to help stabilize submerged sediments. In addition, the applicant requests a Letter of Consent to dredge approximately 3,400 cubic yards of material from 57,364 square feet (1.32 acres) of sovereignty submerged lands to achieve depths of -4.5 feet MLW. Dredging is to be accomplished using a hydraulic dredge to minimize potential turbidity, with dredged material pumped to an upland spoil containment area and return discharge of excess water from the containment area directed to non-OFW waters. A turbidity monitoring program will be implemented during in-water project construction and dredging activities. The proposed dredging has been determined to qualify for a waiver of the severance fee, pursuant to section 18-21.011(3)(c), F.A.C., as the dredged material has been documented to not be beach compatible material and to have no economic value.

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The project is not expected to have adverse impacts to natural resources. While dredging is planned in the vicinity of the proposed boat slips to achieve navigable water depths, the docking facility and associated dredging are proposed to occur waterward of observed seagrass limits. To minimize and avoid potential adverse resource impacts, the project has been reduced from an earlier proposal for 84 slips to 49, thereby also reducing the proposed lease area; the slip layout has been reconfigured to reduce the scope of proposed dredging by about half and to avoid potential disturbance to seagrasses and mangrove wetlands, while limiting the dock to not encroach more than 25 percent of the width of the waterway to maintain clearance for navigable access; bow first mooring is required for those slips perpendicular to the dock to reduce potential sedimentation due to prop wash from affecting seagrasses; fixed finger piers elevated 3 foot above MHW as opposed to floating piers and grated decking will be used where the access pier passes over seagrasses to improve light penetration to the submerged bottom. Any residual shading associated with the access pier is expected to affect less than 0.01 acre of seagrasses. While construction of the access pier/boardwalk is expected to impact 0.15 acre of mangrove wetlands, the previous SFWMD permit issued for the upland condominium development included mitigation for these impacts. Any temporary disturbance to mangroves due to project activities will be restored.

Coordination with the Florida Fish and Wildlife Conservation Commission (FWC) indicates that based on the design modifications made to the project as described above, FWC's earlier concerns regarding the project's impacts to seagrasses have been resolved. The applicant has addressed FWC's water depth concerns by providing bathymetry data for the channel between the project site and Wiggins Pass. FWC staff had recommended a maximum of 28 slips be allowed. However, this calculation excluded the applicant's shoreline which was proposed to be placed under a conservation easement granted to the District during the original permitting of the upland condominium development and which the District had agreed could be counted toward the applicant's allowable number of slips. The 49 slips proposed by the applicant fall below the thresholds contained in Collier County's approved Manatee Protection Plan.

The applicant has demonstrated that the proposed docking facility meets the sovereignty submerged lands standards and criteria for private residential multi-family docks and piers outlined in section 18-21.004, F.A.C. With 49,245 square feet of preempted area, the project is well below the threshold of 10 square feet of preempted area for every foot of shoreline (10 square feet x 9,467 linear feet of shoreline = 94,670 square feet) that would otherwise trigger a calculation of allowable number of slips. The docking facility does not encroach more than 25 percent of the width of the waterway. The lease would prohibit liveaboard vessels and no fueling facilities are proposed. Although the project is not required by section 18-21.004(4)(g), F.A.C. to record a proprietary conservation easement over the shoreline since

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the project preempts less than 10 square feet for each foot of the applicant's shoreline, the applicant will place a proprietary conservation easement along the affected 9,467 linear feet of riparian shoreline to prohibit additional docking facilities other than those already described.

The applicant has provided notice of the proposed sovereignty submerged lands lease to the adjacent property owners within 500 feet of the proposed project. SFWMD has been contacted and has received correspondence from adjacent property owners, interested parties and attorneys representing various individuals and property owners' associations who have concerns about the project. District staff held a public workshop during the processing of the previous application for the Dunes Dock and held a second public workshop on November 29, 2005 for the current application to listen to the concerns of interested parties which previously focused on seagrasses, manatees, and navigational issues. The individuals who have written to SFWMD regarding the project proposed by this application have been included in the distribution list and are being provided a copy of the SFWMD's staff report. Concerns about seagrasses have been addressed by making a number of project modifications to reduce and avoid adverse impacts to seagrasses and mangrove wetlands, including reducing the number of boat slips, reducing the vessel size expected to use the slips, re-orienting the slips to include bow-first mooring to reduce potential disturbance to nearshore seagrasses and using grated decking where the access pier passes over seagrasses. Manatee concerns have been addressed by including the special conditions recommended by FWC for manatee signage and educational displays and required manatee protection measures during construction in the permit. In addition, the project is located in an area that is designated as slow speed zone all year. The applicant has addressed navigational safety issues by limiting the draft of vessels using the dock to a maximum of 3 feet, restricting the dock to not extend more than 25 percent of the width of the waterbody as required by section 18-21.004(4)(d), F.A.C., and installing navigational lighting at the dock.

A local government comprehensive plan has been adopted for this area pursuant to section 163.3167, F.S. The Department of Community Affairs determined that the plan was in compliance. The docks were listed as permitted accessory uses subject to the County's Land Development Code in the petition for the Dunes Planned Unit Development approved by Collier County, which has therefore been determined to be consistent with the adopted plan.

(See Attachment 2, Pages 1-57)

**RECOMMEND APPROVAL SUBJECT TO THE SPECIAL APPROVAL CONDITION,
THE SPECIAL LEASE CONDITIONS, AND PAYMENT OF \$28,086.89**

Item 3 **Northside Marina Venture, LLC Recommended Consolidated Intent**

REQUEST: Consideration of an application for (1) modification of three existing sovereignty submerged land leases to increase the total preempted area from 440,305 square feet to

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1,012,001 square feet (23.23 acres), more or less, for expansions as follows: (a) Harborage Marina's lease from 378,067 to 490,455 square feet for a private yacht club; (b) Doss Pier's lease from 29,903 to 445,687 square feet for a commercial marina; and (c) Southside Marina's lease from 32,335 to 75,859 square feet for a commercial marina and repair facility; (2) a change in use for the Harborage Marina from a commercial marina to a private yacht club; and (3) authorization for the severance of a total of 9,284 cubic yards of sovereignty material within Harborage Marina and Southside Marina lease areas.

COUNTY: Martin
Permit No. 43-01725-P (Includes all docks and previously permitted upland facilities)
Application No. 050603-16
Harborage Marina Lease No. 430076928
Doss Pier Lease No. 430288838
Southside Marina Lease No. 430020728

APPLICANT: Northside Marina Venture, LLC

LOCATION: Section 32, Township 37 South, Range 41 East, in the St. Lucie River, Class III Waters, within the local jurisdiction of the city of Stuart
Aquatic Preserve: No.
Outstanding Florida Waters: No.
Designated Manatee County: Yes, with an approved manatee protection plan
Manatee Aggregation Area: No.
Manatee Protection Zone: Yes - Slow Speed year-round

CONSIDERATION: Harborage Marina: \$79,973.43, representing (1) \$69,589.62 as the initial lease fee computed at the base rate of \$0.1342 per square foot, and including the initial 25 percent surcharge payment for the additional area; and (2) \$10,383.75 for the severance of approximately 8,307 cubic yards of material computed at the rate of \$1.25 per cubic yard pursuant to section 18-21.011(3)(a)3, F.A.C.

Doss Pier: \$55,817.39, representing the initial lease fee computed at the base rate of \$0.1342 per square foot, discounted 30 percent because of the first-come, first-served nature of the facility, and including the initial 25 percent surcharge payment for the additional area.

Southside Marina: \$12,861.76, representing (1) \$10,180.28 as the initial lease fee computed at the base rate of \$0.1342 per square foot, and including the initial 25 percent surcharge payment for the additional area; and (2) \$1,221.25 for the severance of approximately 977 cubic yards of material computed at the rate of \$1.25 per cubic yard pursuant to section 18-21.011(3)(a)3, F.A.C.

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Sales tax will be assessed for each lease fee pursuant to section 212.031, F.S., if applicable. Each of the lease fees may be adjusted based on six percent of the annual income pursuant to section 18-21.011(1)(a)1, F.A.C.

STAFF REMARKS: In accordance with rules adopted pursuant to sections 373.427(2) and 253.77(2), F.S., the attached "Recommended Consolidated Notice" contains a recommendation for issuance of both the permit required under part IV of chapter 373, F.S., and the authorization to use sovereignty submerged lands under chapter 253, F.S. The Board of Trustees is requested to act on those aspects of the activity which require authorization to use sovereignty submerged lands. If the Board of Trustees approves the request to use sovereignty submerged lands and the activity also qualifies for a permit, SFWMD will issue a "Consolidated Notice of Intent to Issue" that will contain general and specific conditions. If the Board of Trustees denies the use of sovereignty submerged lands, whether or not the activity qualifies for a permit, SFWMD will issue a "Consolidated Notice of Denial."

On June 3, 2005, the South Florida Water Management District (SFWMD) issued Permit No. 43-01725-P, authorizing construction of a surface water management system serving an 8.56-acre mixed use development, including commercial, private residential, public parks, and a private yacht club. No impacts to wetlands were identified in that permit. This development is upland of three existing docks currently under lease for use of sovereignty submerged lands. The three lease modifications are contained in one authorization as they all serve the combined upland development (referenced above), which is owned by one owner; however, the docks provide three separate services to different parts of the upland development (one for a yacht club, one as a commercial marina open to the public, and one for dry storage open to the public), therefore the three leases will remain separate. The upland development (as permitted through SFWMD ERP Permit No. 43-01725-P), adjacent to the three proposed docking facilities, contains 129 residential units, an 11,000 square-foot yacht club, 17,837 square feet of retail/ offices/ restaurants, two dedicated public parks, and public parking.

This project requires three sovereignty submerged lands lease modifications (mentioned above) for the docking facilities, as well as an Environmental Resource Permit (ERP). Where an applicant requires both a State Lands Lease and an ERP permit, both authorization requests are reviewed concurrently and processed as one consolidated permit application. Pursuant to section 18-21.0051(2) F.A.C., due to the number of slips proposed, the District's Governing Board does not have delegated authority to take final agency action on behalf of the Board of Trustees for use of sovereignty submerged lands.

The Marina Expansions project sites are located on the north side of the St. Lucie River to the east and west of the Roosevelt Bridge, with one marina (Doss Pier) having its access pier lying beneath the Bridge, at the north end of Martin County.

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All three of the existing facilities were affected in some way by the recent hurricanes (Frances and Jeanne). The Harborage Marina sustained major damage and has since received a permit and lease modification (FDEP Permit #43-0112228-007 and modification of Lease No. 430076928) for reconfiguration of the marina to its presently proposed form. The Doss Pier sustained major damage as well, and will be reconfigured through the proposed SFWMD Permit No. 43-01725-P and modification of Lease No. 430288838. The Southside Marina sustained only minor damage that was repaired after the storms.

Harborage Marina: On October 31, 2003, the Department of Environmental Protection (DEP), under delegation of authority, approved a modification to Sovereignty Submerged Lands Lease No. 430076928 (Harborage Marina, FKA Northside Marina), to reflect a change in ownership of a 156-slip docking facility, containing 363,691 square feet, to be used in conjunction with a commercial marina facility (open to the public) and for patrons of an upland restaurant. In September of 2005, DEP, under delegation of authority, granted another lease modification to (1) increase the preempted area from 363,691 to 378,067 square feet; (2) reconfigure the docking facility; and (3) reduce the number of wet slips from 156 to 151. The existing lease allows fueling and sewage pump out facilities but prohibits live-aboards. These conditions will remain the same, however, the new fueling facilities and sewage pump out facilities will be open to the public. Also, a special lease condition requires a manatee informational display and manatee awareness signs. The lessee is not requesting any changes to these stipulations or to any conditions of the regulatory environmental permits FDEP #43-0112228-001 issued in November of 1999, #43-0112228-007 issued in July of 2005, and SFWMD Permit No. 43-01725-P issued on June 3, 2005. The applicant requests a modification of a ten-year lease to (1) change the existing use from a commercial marina to a private yacht club; (2) reduce the lease term to five years; and (3) increase the preempted area by an additional 112,388 square feet, for a total of 490,455 square feet to accommodate a 151-slip docking facility serving a private yacht club. The proposed increase in preempted area is a result of including an access channel into the lease area, which will serve both the Harborage Marina and the Doss Pier. The riparian uplands are currently under construction for a mixed use development consisting of commercial, residential, public parks, and a private yacht club.

Doss Pier Marina: On October 31, 2003, DEP, under delegation of authority, approved a modification to Sovereignty Submerged Lands Lease No. 430288838 (Doss Pier), to reflect a change in ownership of a 96-slip docking facility, containing 29,903 square feet, to be used in conjunction with a commercial marina facility. The existing lease allows fueling and sewage pump out facilities, but prohibits live-aboards. Fueling will not be allowed at the modified docking facility. Even though the existing lease authorizes a 96-slip commercial docking facility, this facility was never constructed, and for several years, the facility has been a single pier where barges would moor without authorization. No boat slips were constructed. The applicant requests a modification of a ten-year lease to increase the preempted area by an additional 415,784 square feet for a total of 445,687 square feet to accommodate a 150-slip

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commercial docking facility that will be open to the public on a first-come, first-serve basis. The riparian uplands are currently under construction for a mixed use development consisting of commercial, residential, public parks, and a private yacht club. The existing access pier goes beneath the Roosevelt Bridge and through the FDOT right-of-way for the Bridge.

Southside Marina: On October 31, 2003, DEP, under delegation of authority, approved a modification to Sovereignty Submerged Lands Lease No. 430020728 (Southside Marina), to reflect a change in ownership of a 6-slip docking facility, containing 32,335 square feet, to be used in conjunction with a commercial marina and repair facility. The applicant requests a modification of a ten-year lease to (1) reduce the lease term to five years; and (2) increase the preempted area by an additional 43,524 square feet for a total of 75,859 square feet to accommodate a 10-slip commercial marina serving a dry storage facility and commercial brokerage office. The 10 slips will be used as temporary docking to serve the dry storage facility and upland commercial/retail establishments. The riparian uplands are currently under construction for a mixed use development consisting of commercial, residential, public parks, and a private yacht club. The proposed access channel requires a minor amount of dredging within the FDOT right-of-way for the Roosevelt Bridge.

The proposed lease modifications will contain the following new standard lease condition:

“3. WET SLIP RENTAL CERTIFICATION/SUPPLEMENTAL PAYMENT:

(A) The Lessee shall provide upon request by the Lessor any and all information in a certified form needed to calculate the lease fee specified in paragraph two (2) above, including the income, as defined in subsection 18-21.003(26), Florida Administrative Code, derived directly or indirectly from the use of sovereignty submerged lands on an annual basis. When six percent (6%) of said annual income exceeds the base fee or minimum annual fee established pursuant to Rule 18-21.011, Florida Administrative Code, for any lease year during the term of this lease, the Lessor shall send the Lessee a supplemental invoice for the difference in the amounts for that lease year. (B) The instrument or agreement used by the Lessee to transfer or assign the right to use a wet slip at the leased docking facility to a third party shall include a provision that clearly notifies the wet slip renter/user/holder that if the wet slip renter/user/holder subsequently transfers his right to use said wet slip to another party, the instrument or agreement used to transfer said wet slip shall contain a provision that requires six percent (6%) of the annual gross income derived from said instrument or agreement for the use of said wet slip be paid to the Lessee who, upon receipt, shall report and transmit said amount to the Lessor. The instrument or agreement used by the Lessee to transfer a wet slip shall also include a provision that clearly notifies the wet slip renter/user/holder that no interest in said wet slip may be further transferred unless a substantially similar provision to the one

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contained in the preceding sentence is placed in each succeeding instrument or agreement used to transfer said wet slip to each new wet slip renter/user/holder.

The project is expected to have minimal adverse impacts to natural resources. A total of 9,284 cubic yards of submerged material will be Dredged at the Harborage Marina and the Southside Marina to achieve navigable water depths (up to -8 feet NGVD at the Harborage Marina and up to -6 feet NGVD at the Southside Marina). This dredging is proposed to occur in areas that do not contain submerged aquatic vegetation or any other significant benthic resources. The applicant proposes to utilize hydraulic dredging as described in the Notice of Consolidated Intent to Issue. The applicant has tested material proposed to be dredged and has determined that it is suitable for fill at industrial project sites. Therefore, the applicant will pay severance fees of \$1.25 per cubic yard for a total of \$11,605, pursuant to section 18-21.011(3)(a)3, F.A.C. To minimize potential adverse resource impacts, the Doss Pier was reconfigured and moved waterward to avoid dredging in that location, and the Southside Marina was reduced in size to avoid near-shore benthic habitat.

Coordination with the Florida Fish and Wildlife Conservation Commission (FWC) indicates that based on the design modifications made to the project as described above, FWC has no concerns regarding the proposed modifications. The project site is in an area defined as Preferred Location by the Martin County Boat Facility Siting Plan (contained within the Martin County Manatee Protection Plan), suitable for expansion and redevelopment. The standard manatee construction conditions will be followed for all in-water construction. In addition, the applicant will be required to implement a marina manatee education program developed with the assistance of, and approved by, the Imperiled Species Management Section of FWC.

The applicant has demonstrated that the proposed docking facility meets the sovereignty submerged lands standards and criteria outlined in section 18-21.004, F.A.C. All proposed facilities are commercial in nature and two of the three will be open to the public on a first-come, first-serve basis. The three leases will prohibit live-aboard vessels; no fueling facilities are proposed at the Doss Pier or Southside Marina facilities, but new fueling facilities will replace the old facilities at Harborage Marina.

The applicant has provided notice of the proposed state lands leases to the adjacent property owners within 500 feet of each of the proposed projects. No third party has contacted the District with concerns about any lease for this application.

A local government comprehensive plan has been adopted for this area pursuant to section 163.3167, F.S. The Department of Community Affairs determined that the plan was in compliance. The proposed docking facilities have been approved by the City of Stuart (under resolution number 196-04), Planning and Zoning, the Community Redevelopment Board, and

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the City Commission, and have therefore been determined to be consistent with the adopted plan.

(See Attachment 3, Pages 1-47)

**RECOMMEND APPROVAL SUBJECT TO THE SPECIAL LEASE CONDITIONS
AND PAYMENT OF \$148,652.58**