

AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
APRIL 28, 2009

Item 1 Minutes

Submittal of the Minutes from the March 10, 2009 Cabinet Meeting.

(See Attachment 1, Pages 1-23)

RECOMMEND APPROVAL

Item 2 Premier of Fort Walton, LLC Recommended Consolidated Intent/Lease Modification

REQUEST: Consideration of an application for (1) a modification of an existing ten-year sovereignty submerged lands lease to increase the preempted area from 98,325 square feet to 209,478 square feet for a 140-slip commercial docking facility; (2) a letter of consent for the placement of a 636-foot-long seawall; and (3) a letter of consent for the placement of 473 cubic yards of riprap.

APPLICANT: Premier of Fort Walton, LLC
Lease No. 460564751
Application No. 46-0278995-001-DF

LOCATION: 12, 14 and 16 Miracle Strip Parkway SW
Fort Walton Beach, Okaloosa County
Section 23, Township 02 South, Range 24 West
Aquatic Preserve: No
Waterbody/Classification: Santa Rosa Sound, Class III
Outstanding Florida Waters: No
Designated Manatee County: No
Manatee Aggregation Area: No
Manatee Protection Speeding Zone: No

CONSIDERATION: \$26,068.37 representing: (1) \$21,915.28 as the initial annual lease fee computed at the base rate of \$0.149455 per square foot, discounted 30 percent because 90 percent of the slips are open to the public for rent on a first-come, first-served basis; and (2) \$4,153.09 as the 25 percent surcharge payment on the additional area. Sales tax and county discretionary sales surtax will be assessed pursuant to sections 212.031 and 212.054, 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)l, 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 that require authorization to use sovereignty submerged lands.

Item 2, cont.

Background

On June 7, 1983, the Board of Trustees approved issuance of a five-year sovereignty submerged lands lease, for a 69-slip commercial marina containing 86,400 square feet, to a former lessee (Liollios on the Sound). The lease has subsequently been renewed and modified under delegation of authority.

The applicant initially applied for two condominiums to be constructed on the upland and received a stormwater general permit under rule 62-25, F.A.C., for the construction of the condominiums. The applicant did not apply to modify the stormwater general permit while rule 62-25, F.A.C., was still in effect. As such, the applicant needs a new individual environmental resource permit under rule 62-346, F.A.C., for the proposed change in upland usage, which was applied for on February 6, 2009.

The applicant has obtained a modified development order from the city of Fort Walton Beach for the construction of a 146-slip wet slip marina, 176-unit dry storage facility, a 100-room hotel, retail and office space, and a restaurant.

Project Detail

The applicant is proposing to expand the existing 69-slip docking facility by constructing 71 additional slips, thereby creating a 140-wet slip (132 permanent and 8 transient) docking facility. The proposed addition is 111,153 square feet, for a new total of 209,478 square feet. The docking facility will accommodate vessels ranging in length from 20 to 55 feet with drafts from 10 inches to 4 feet in the permanent slips. Two transient slips can accommodate vessels longer than 55 feet. The docking facility will be used in conjunction with the 176-unit dry storage facility, 100-room hotel, retail and office space, and restaurant.

The applicant proposes to construct a 77-foot-long by 30-foot-wide concrete boat launch pier for transporting vessels, up to 45 feet in length, from the dry storage facility to be launched into water with adequate depths.

Ninety percent of all the wet slips will be maintained on an open to the public, first-come, first-served basis, pursuant to section 18-21.003(25), F.A.C. This requirement has been included as a special lease condition.

The applicant proposes to construct a seawall at the mean high water line (MHWL), pursuant to section 18-21.005(1)(c)5, F.A.C. The length of the seawall is approximately 636 linear feet and will run the entire length of the property. The applicant also proposes to place 473 cubic yards of riprap along the seawall, except the portion where the boat launch is located and the eastern portion of the property.

The applicant proposes to (1) grant the city of Fort Walton Beach an easement for a boardwalk and north/south pedestrian public access ways to the boardwalk from sidewalks along Highway 98; and (2) construct a ten-foot-wide boardwalk, landward of the MHWL along the southern property line, except the portion where the boat launch is located.

The structures, located in the northwest corner, extend into the 25-foot setback area and a letter of concurrence has been obtained from the affected adjacent property owner. Gulf Power has a

Item 2, cont.

subaqueous cable easement located within the 25-foot setback area on the western side of the applicant's riparian area. Gulf Power has stated it has no objection to the proposed improvements.

Noticing

The lease modification request was noticed pursuant to section 18-21.004(1)(m), F.A.C. Approximately 46 property owners were specifically noticed and no objections were received within the comment period.

Permit Summary

Department of Environmental Protection's wetland resource permit requires sewage pumpout facilities, authorizes fueling facilities, and prohibits liveboards.

Commenting Agency

The recommendations of the Florida Fish and Wildlife Conservation Commission (FWC) regarding protection of manatees have been addressed in the permit and as special lease conditions.

The project site is located on the northern side of a shoal that was created when the U. S. Army Corps of Engineers last dredged the Intracoastal Waterway (ICWW) in 1968. The ICWW is located on the southern side of the shoal and runs along the middle of Santa Rosa Sound.

FWC's Division of Law Enforcement (DLE) expressed the following concerns: (1) if any large yachts dock at any of the three southern-most docks adjacent to the shoal, they would seriously encroach upon the 92- to 130-foot fairway utilized by smaller boats traversing the area and recommended that mooring on the southern end of the docks be prohibited; and (2) boats needing pumpout should dock for the minimum amount of time necessary, in order to not infringe upon the navigation of smaller boats traversing the area.

To address FWC's DLE concerns, the applicant: (1) redesigned the project by eliminating 3 wet slips at the end of the two easternmost docks and eliminated mooring along the end of the three southern-most docks to prevent encroachment into the fairway. A special lease condition has been included which prohibits temporary or permanent mooring at the waterward ends of the 3 southern-most docks; and (2) relocated the sewage pumpout stations to 4 designated wet slips within the docking facility.

Comprehensive Plan

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 is in compliance. The proposed action is consistent with the adopted plan according to a letter received from the city of Fort Walton Beach.

(See Attachment 2, Pages 1-38)

**RECOMMEND APPROVAL SUBJECT TO THE SPECIAL LEASE CONDITIONS
AND PAYMENT OF \$26,068.37**