

495841

D E E D

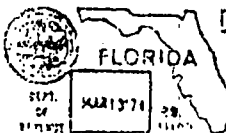
THIS INDENTURE made this 6th day of March, 1974, between SARASOTA BANK AND TRUST COMPANY, a state banking association, as Trustee under a certain Trust Agreement dated July 19, 1971, known and referred to as "Longbeach Land Trust", herein called "Grantor" and the STATE OF FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND herein called "Grantee",

W I T N E S S E T H:

The Grantor for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars and other good and valuable consideration in hand paid by Grantee to Grantor, receipt whereof is hereby acknowledged, hereby remises, releases, bargains and sells unto the Grantee all of Grantor's right, title and interest, claim and demand to the property located in Manatee County, Florida, described on attached "Schedule A" which is by reference adopted and incorporated herein together with a certain described easement for ingress and egress to and from the above described property, which easement is hereinafter described in paragraph 4 of this deed.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, including riparian rights appurtenant to land described in "Schedule A", and all of the estate, right, title, interest, and claim whatsoever of the Grantor either in law or in equity to the only proper use, benefit and behoof of the Grantee and Grantee's assigns forever, subject however to the following conditions, all of which shall be considered as covenants running with the land and applicable both to the land granted and to the easements herein described.

RECORDED  
MANATEE  
COUNTY  
FLORIDA  
9 5 5 3 6  
1 3 5 3 6



DOCUMENTARY  
SUR TAX  
\$00.55

FLORIDA  
STAMP TAX  
\$00.30

OFF REC 660 PAGE 895

4/16/74  
H. H. of Homer Grant

to Grantee any interest in accretion which may hereafter form northerly of the agreed common boundary line. It is the intention of the parties that Bank and its successors in interest shall own all accretion to Longboat Key attaching to property owned by them lying southerly of the said common boundary line and that Grantee shall own all accretion, whether actually attached to Longboat Key or not, lying northerly of said common boundary line. Any erosion of the described tract owned by Plaintiffs southerly of the common boundary line and below the mean high tide line will vest ownership of such eroded land in the State of Florida. Any accretion to the described tract owned by Plaintiffs which occurs southerly of the common boundary line and above the mean high tide line will vest ownership of such accreted land in the Plaintiff and its successors in interest.

3. In further consideration of said settlement and conveyances incident thereto, Grantor does hereby further grant unto Grantee and its successors in interest an easement appurtenant to the land herein conveyed in favor of the said conveyed land and as dominant estate, in and to the land of Grantor lying southerly of and within 200 feet of the agreed common boundary line herein established, said easement being granted for the following uses and purposes incident to the ownership by Grantee of the said dominant estate, to-wit: If natural forces shall cause a breakthrough or a washout of the said isthmus of land, affecting in whole or in part, the common boundary line of the parties (extended easterly and westerly as may be required by erosion or accretion), Grantor shall not artificially fill any of its said land lying southerly and within 200 feet of the said common boundary line without the express written permission of Grantee herein. Upon the express written demand of Grantee herein, and providing other requirements

of law are met by Grantee, Grantor will fill such land which has become eroded or avulsed due to natural forces, at Grantor's expense.

4. In further consideration of said settlement and the exchange of the said deeds, Grantor herein, being the owner of all of said Blocks 38 & 39 of Longbeach Subdivision, Plat Book 6, Page 66, Public Records of Manatee County, hereby grants unto Grantee herein, and its successors in interest, an easement in gross over land of Grantors described in Schedule "C" attached hereto and made a part hereof, such easement being described as follows:

A strip of land 10 feet in width, extending in a generally northerly-southerly direction along the entire westerly edge of the land described in said Schedule "C", terminating on the northerly end at the said common boundary line of the parties described in Schedule "B" hereto, and terminating on the southerly end where such 10' strip of land intersects Sea Breeze Avenue of the said plat of Longbeach or the extension of said street westerly, said strip being more specifically described as that parcel of land between the northerly and southerly terminus described, representing at all times the 10 feet of the said land immediately easterly of mean high water line of the Gulf of Mexico.

The parties recognize that the westerly boundary line of Grantor's land over which this easement is created is formed by the Gulf of Mexico and is therefore subject to change by accretion and erosion, and all of Grantor's said land is impressed with the obligation of this easement to the end that despite such changes in Grantor's said westerly boundary, Grantee's access easement shall, at all times, constitute the 10 feet immediately easterly of the Gulf of Mexico mean high water line, extending from Grantee's land described in Schedule "A" on the north, southerly a distance to at all times intersect Sea Breeze Avenue and Sea Breeze Avenue extended to the Gulf of Mexico as same is located

*Approved*

from time to time, or some intervening platted street of said subdivision so as to provide, at all times, public access from public roads, via platted streets, thence via this said easement to the land conveyed herein to Grantee and described in Schedule "A" hereto. In the event Sea Breeze Avenue, or any platted street between Sea Breeze Avenue and the said common boundary line, should ever be vacated, such vacation shall be subject to a 10 foot easement, running from Ringling Boulevard to the access easement first above described.

5. Grantee, by acceptance of this deed, acknowledges and agrees to all of the terms and conditions expressed in the deed and acknowledges that the conditions, limitations and restrictions with respect to use of the property shall constitute covenants running with the land binding on all parties to the deed and those claiming under them and that such limitations, restrictions and conditions are for the benefit of all future owners of the property.

6. The parties have used metes and bounds description from a J. V. Mosby survey of the area dated November 12, 1973, reflecting the mean high water line as of August 1, 1973 (a sketch of which survey is attached and adopted by reference). The parties acknowledge that this is the most recent survey available and it has been assumed for simplicity of conveyancing that the said description accurately tracks, where applicable, the mean high water line on the date of conveyance and to the extent, if any, that there is a variance between the survey mean high water line and the actual location of same on the ground, then the mean high water line on the ground on the date of conveyance shall govern.

IN WITNESS WHEREOF, the parties hereto have hereunto set their

hands and seals the day and year first above written.

SARASOTA BANK AND TRUST COMPANY  
A State Banking Corporation,  
As Trustee

By: Robert M. Stith, Jr.

Robert M. Stith, Jr.  
Executive Vice President  
and Senior Trust Officer

ATTEST:

Wm. J. Collins  
As Secretary

STATE OF FLORIDA  
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 6th  
day of March, 1974, by Robert M. Stith, Jr. as  
Executive Vice President of SARASOTA BANK AND TRUST COMPANY,  
a State Banking Corporation, as Trustee under Trust Agreement dated  
July 19, 1971.

Edna L. Moore  
Notary Public

My commission expires:  
Notary Public, State of Florida at Large  
My Commission Expires Jan 30, 1977  
Bonded by Aetna Casualty & Surety Co.

SCHEDULE "A"

Commence at the Southeasterly corner of Block 38, Longbeach Subdivision, recorded in Plat Book 6, Page 66 of the Public Records of Manatee County, Florida, said point also being the Northwesterly corner of the intersection of Coral Avenue and Seabreeze Avenue; thence along the Northwesterly right-of-way line of said Coral Avenue to the Point of Intersection of said right-of-way line of Coral Avenue, and the Southwesterly right-of-way line of Coral Avenue, and the Southwesterly right-of-way line of Ringling Blvd.; thence N 40°00'00" W, along said right-of-way line, 639.88 ft. to the existing Mean High Water Line of Sarasota Bay; thence along said Mean High Water Line, the following courses and distances, S 13°30'00" W, 280.0 ft.; S 33°24'09" W, 125.20 ft.; N 53°58'31" W, 81.50 ft.; N 08°18'30" W, 116.64 ft.; N 22°25'20" W, 91.38 ft.; N 36°59'31" W, 88.49 ft.; N 70°03'27" W, 176.25 ft.; N 21°09'38" W, 82.41 ft.; N 00°19'11" W, 93.01 ft.; N 11°10'34" W, 78.87 ft. to the Point of Beginning; thence continue northerly more or less along said Mean High Water Line on the following courses and distances: N 22°09'59" W, 78.45 ft.; N 29°18'47" W, 89.94 ft.; N 06°46'26" E, 93.45 ft.; N 54°46'00" E, 72.21 ft.; N 58°48'12" E, 86.49 ft.; N 45°51'07" E, 88.58 ft.; N 15°13'58" W, 113.72 ft.; N 10°56'23" E, 88.89 ft.; S 78°17'17" E, 47.80 ft.; N 02°51'25" W, 177.00 ft.; N 15°56'29" E, 84.74 ft.; N 72°23'27" E, 141.57 ft.; S 50°51'52" E, 151.80 ft.; S 41°38'19" E, 149.97 ft.; N 41°32'54" E, 30.01 ft.; N 07°30'21" E, 16.28 ft.; N 10°53'59" W, 62.82 ft.; N 23°49'57" W, 85.07 ft.; N 24°59'12" W, 71.03 ft.; N 38°00'08" W, 80.37 ft.; N 23°14'13" W, 80.23 ft.; N 18°08'46" W, 86.46 ft.; N 54°27'37" W, 62.84 ft.; N 85°39'39" W, 81.19 ft.; N 80°01'56" W, 82.11 ft.; N 89°45'49" W, 78.27 ft.; S 79°29'58" W, 90.70 ft.; S 76°10'56" W, 90.87 ft.; S 79°42'42" W, 86.74 ft.; S 52°21'23" W, 87.86 ft.; S 32°36'00" W, 87.59 ft.; S 22°32'17" W, 84.12 ft.; S 01°36'44" W, 72.98 ft.; S 11°02'42" E, 90.02 ft.; S 12°50'58" E, 94.00 ft.; S 10°56'49" E, 92.04 ft.; S 08°06'58" E, 91.43 ft.; S 03°05'01" E, 88.93 ft.; S 06°15'24" E, 90.22 ft.; S 10°21'08" E, 86.26 ft.; S 11°38'30" E, 92.78 ft.; S 10°11'55" E, 91.48 ft.; S 11°58'07" E, 93.78 ft.; to a point on the Mean High Water Line where the Point of Beginning bears N 78°01'04" E, thence N 78°01'04" E, 183.34 ft.; to the Mean High Water Line of Sarasota Bay, being the Point of Beginning.

Said property immediately above-described lying and being in Sections 15 and 22, Township 35 South, Range 16 East, Manatee County, Florida.

State - County Property

660 and 701

SCHEDULE "B"

Begin at the Southeasterly corner of Block 38, Longbeach Subdivision, recorded in Plat Book 6, Page 66, Public Records of Manatee County, Florida, said point also being the Northwesterly corner of the intersection of Coral Avenue and Seabreeze Avenue; thence N 05°00'00" E, along the Northwesterly right of way line of said Coral Avenue, 90.71 feet to the P.C. of a curve to the right, having a radius of 425.0 feet; thence along the arc of said curve, and along said right of way line thru a central angle of 42°41'30", a distance of 316.67 feet to the P.T. of said curve; thence continuing along said right of way line, N 47°41'30" E, 275.27 feet to the Point of Intersection of said right of way line of Coral Avenue, and the Southwesterly right of way line of Ringling Boulevard; thence N 40°00'00" W, along said right of way line, 639.88 feet to a point on the existing Mean High Water Line of Sarasota Bay; thence continue N 40°00'00" West, 390.66 feet to a point in Sarasota Bay, thence South 78°01'04" West, 270.32 feet to the Mean High Water Line of Sarasota Bay, which point is the easterly end of the agreed boundary line; thence continue across the upland South 78°01'04" West, 183.34 feet to the Mean High Water Line of the Gulf of Mexico, which point is the westerly end of the agreed boundary line between said parties, it further being the intention of the parties and is agreed that the agreed boundary line shall extend easterly and westerly on the last described bearing to the extent necessary to cross the uplands at all times taking into account the changes in the shoreline occurring from time to time resulting from erosion and accretion.

Said boundary line of said property lying in Section 15, Township 35 South, Range 16 East, Manatee County, Florida.

Common Boundary Line

660

SCHEDULE "C"

Begin at the Southeasterly corner of Block 38, Longbeach Subdivision, recorded in Plat Book 6, Page 66 of the Public Records of Manatee County, Florida, said point also being the Northwesterly corner of the intersection of Coral Avenue and Seabreeze Avenue; thence N 05°00'00"E, along the Northwesterly right-of-way line of said Coral Avenue, 90.71 ft. to the P.C. of a curve to the right, having a radius of 425.0 ft.; thence along the arc of said curve, and along said right-of-way line, thru a central angle of 42°41'30", a distance of 316.67 ft. to the P. T. of said curve; thence continuing along said right-of-way line, N 47°41'30"E, 275.27 ft. to the Point of Intersection of said right-of-way line of Coral Avenue, and the Southwesterly right-of-way line of Ringling Blvd.; thence N 40°00'00"W, along said right-of-way line, 639.88 ft. to a point on the existing Mean High Water Line of Sarasota Bay; thence along said Mean High Water Line, the following courses and distances; S 13°30'00"W, 280.0 ft.; S 33°24'09"W, 125.20 ft.; N 53°58'31"W, 81.50 ft.; N 08°18'30"W, 116.64 ft.; N 22°25'20"W, 91.38 ft.; N 36°59'31"W, 88.49 ft.; N 70°03'27"W, 176.25 ft.; N 21°09'38"W, 82.41 ft.; N 00°19'11"W, 93.01 ft.; N 11°10'34"W, 78.87 ft.; thence leaving said Mean High Water Line of Sarasota Bay, S 78°01'04"W, 183.34 ft.; to the Mean High Water Line of the Gulf of Mexico; thence along said Mean High Water Line, the following courses and distances: S 15°27'15"E, 94.65 ft.; S 13°06'18"E, 95.11 ft.; S 07°13'14"E, 96.40 ft.; S 05°15'42"E, 97.34 ft.; S 04°08'06"E, 100.57 ft.; S 14°03'50"E, 96.39 ft.; S 21°52'09"E, 93.46 ft.; S 20°55'32"E, 155.72 ft.; thence S 28°24'11"E, 472.57 ft. to the Point of Intersection of said Mean High Water Line, and the Northerly right-of-way line of Seabreeze Avenue; thence S 85°00'00"E, along said right-of-way line, 345.0 ft. to the Point of Beginning.

Said Longbeach Subdivision lying and being in Sections 15 and 22, Township 35 South, Range 16 East, Manatee County, Florida,

Bank Property.

FILE NO.	495841
DATE	
CLASSIFICATION	
INDEXED	
SERIALIZED	
FILED	
MAR 13 3 41 PM '74	
M.T. McINNIS, CLERK	
MANATEE CO. FLA.	

495841

FILED AND RECORDED

MAR 13 3 41 PM '74

M.T. McINNIS, CLERK  
MANATEE CO. FLA.

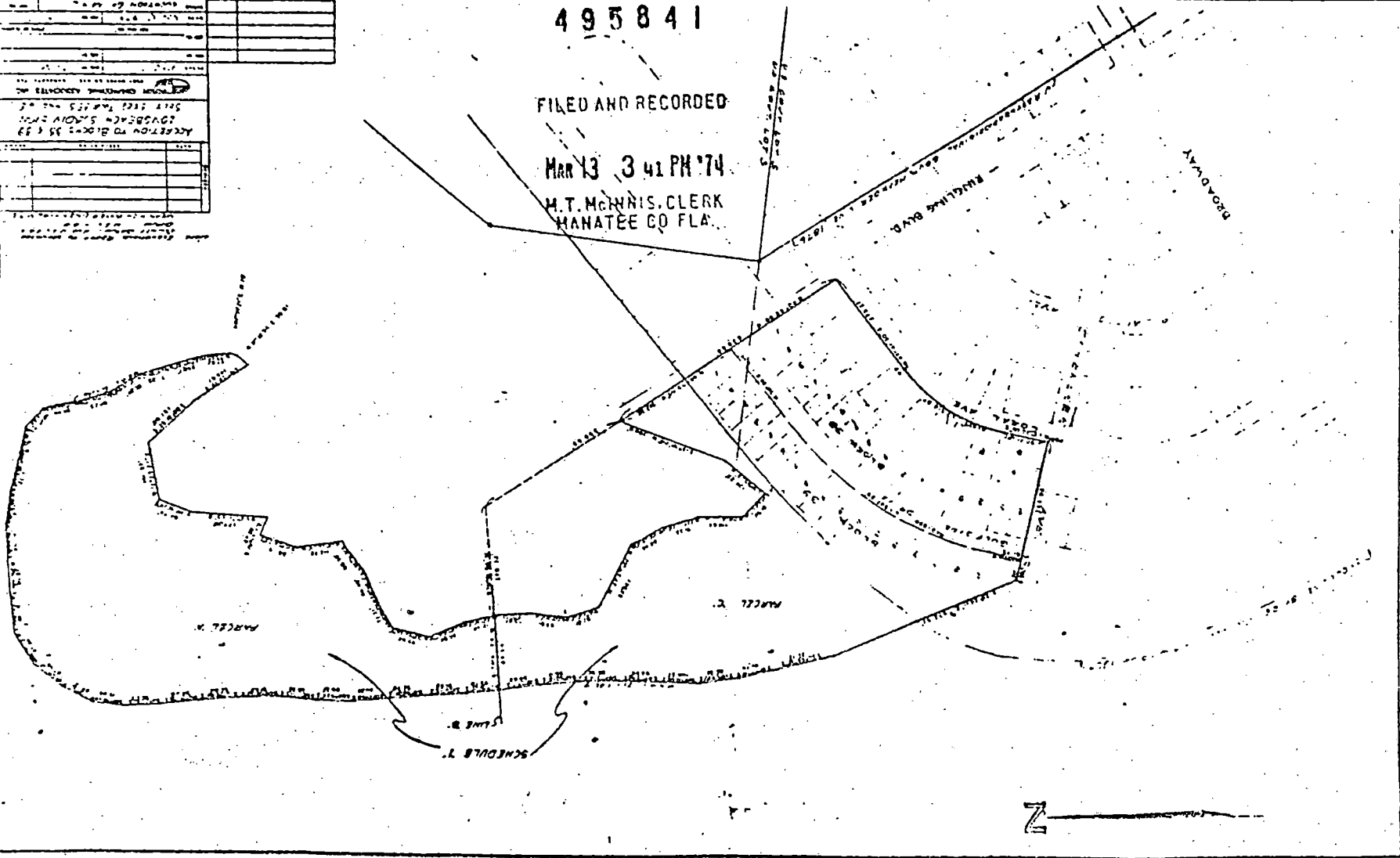


EXHIBIT TO Deed From Sarany Bank & Trust Company To City of Florida

REC 860 PAGE 70A



TOWN OF  
**LONGBOAT KEY**

Incorporated November 14, 1955

501 Bay Isles Road  
Longboat Key, Florida 34228  
(813) 383-3721  
FAX 383-7231

January 30, 1992

Pamela Garvin  
Fowler, White, Gillen, et al  
101 N. Monroe, Suite 910  
Tallahassee, Fl. 32301

Re: Greer Island (Beer Can Island)

Dear Pam:

Per your request, enclosed please find copies of documents pertaining to the ownership of Greer Island, the Agreement between the Town and Manatee County, and the DNR Application. The Application will be sent to the DNR immediately.

Very truly yours,

  
Leonard A. Smally, P. E.  
Director of Public Works

/cmm  
enc.

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

DEED SUBJECT TO REVERSION

NO. 25461

KNOW ALL MEN BY THESE PRESENTS,

WHEREAS, the State of Florida Board of Trustees of the Internal Improvement Trust Fund has approved, pursuant to agenda item no. 27, December 4, 1973, the settlement of Frank J. Conrad and Marjorie L. Conrad, his wife, vs. Reubin O'D. Askew, et al, in the Circuit Court in and for Manatee County, Florida, Case No. CA-5879, and

WHEREAS, that settlement provides for the conveyance by the State of Florida Board of Trustees of the Internal Improvement Trust Fund to Manatee County, a political subdivision of the State of Florida, and

WHEREAS, under authority of law, the State of Florida Board of Trustees is charged with the right to dispose of, sell and convey lands vested in said State of Florida Board of Trustees of the Internal Improvement Trust Fund,

NOW, THEREFORE, the State of Florida Board of Trustees of the Internal Improvement Trust Fund, under authority of law, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars and other good and valuable consideration in hand paid by Manatee County, a political subdivision of the State of Florida, does sell and remise to said Manatee County, all of right, title and interest, claim and demand, which the State of Florida Board of Trustees of the Internal Improvement Trust Fund may have in and to the following described lands located in Manatee County, Florida:

4/16/74  
Gift of Homer Greer

...corner of Block 15, Longbeach  
...Page 66 of the Public  
...County, Florida, said point also being the  
...of the intersection of Coral Avenue and  
...Avenue, thence along the Northwesterly right-of-way  
...of said Coral Avenue to the Point of Intersection of said  
...line of Coral Avenue, and the Southwesterly right-  
...of-way line of Coral Avenue, and the Southwesterly right-of-way  
...line of Ringling Blvd.; thence N 40°00'00" W, along said right-  
...of-way line, 639.88 ft. to the existing Mean High Water Line  
...of Sarasota Bay; thence along said Mean High Water Line, the  
...following courses and distances, S 13°30'00" W, 280.0 ft.;  
S 33°24'09" W, 125.20 ft.; N 53°58'31" W, 81.50 ft.; N 08°18'30"  
W, 116.64 ft.; N 22°25'20" W, 91.38 ft.; N 36°59'31" W, 88.49 ft.;  
N 70°03'27" W, 176.25 ft.; N 21°09'38" W, 82.41 ft.; N 00°19'11"  
W, 93.01 ft.; N 11°10'34" W, 78.87 ft. to the Point of Beginning;  
thence continue northerly more or less along said Mean High Water  
Line on the following courses and distances: N 22°09'59" W, 78.45  
ft.; N 29°18'47" W, 88.94 ft.; N 06°46'26" E, 93.45 ft.; N 54°46'  
00" E, 72.21 ft.; N 58°48'12" E, 86.49 ft.; N 45°51'07" E, 88.58  
ft.; N 15°13'58" W, 113.72 ft.; N 10°56'23" E, 88.89 ft.; S 78°  
17'17" E, 47.80 ft.; N 02°51'25" W, 177.00 ft.; N 15°56'29" E,  
84.74 ft.; N 72°23'27" E, 141.57 ft.; S 50°51'52" E, 151.80 ft.;  
S 41°38'19" E, 149.97 ft.; N 41°32'54" E, 30.01 ft.; N 07°30'21"  
E, 16.29 ft.; N 10°53'59" W, 62.82 ft.; N 23°49'57" W, 85.07 ft.;  
N 24°59'12" W, 71.03 ft.; N 38°00'08" W, 80.37 ft.; N 23°14'13" W,  
80.23 ft.; N 18°08'46" W, 86.46 ft.; N 54°27'37" W, 62.84 ft.;  
N 85°39'39" W, 81.19 ft.; N 80°01'56" W, 82.11 ft.; N 89°45'49" W,  
78.27 ft.; S 79°29'58" W, 90.70 ft.; S 76°10'56" W, 90.87 ft.;  
S 79°42'42" W, 86.74 ft.; S 52°21'23" W, 87.86 ft.; S 32°36'00" W,  
87.59 ft.; S 22°32'17" W, 84.12 ft.; S 01°36'44" W, 72.98 ft.;  
S 11°02'42" E, 90.02 ft.; S 12°50'58" E, 94.00 ft.; S 10°56'49" E,  
92.04 ft.; S 08°06'58" E, 91.43 ft.; S 03°05'01" E, 88.93 ft.;  
S 06°15'24" E, 90.22 ft.; S 10°21'08" E, 86.26 ft.; S 11°38'30"  
E, 92.78 ft.; S 10°11'55" E, 91.48 ft.; S 11°58'07" E, 93.78 ft.;  
to a point on the Mean High Water Line where the Point of Begin-  
ning bears N 78°01'04" E, thence N 78°01'04" E, 183.34 ft.; to  
the Mean High Water Line of Sarasota Bay, being the Point of  
Beginning.

Said property immediately above-described lying and being in  
Sections 15 and 22, Township 35 South, Range 16 East, Manatee  
County, Florida.

State - County Property

This conveyance is subject to the following conditions:

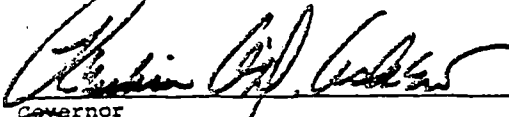
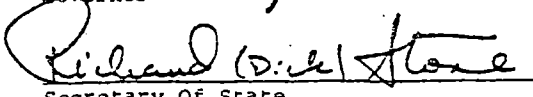
1. The foregoing property shall be kept in its natural state and preserved as a natural wilderness recreational and public preserve. No man-made alterations shall be caused or structures of any kind constructed or placed on said property other than in connection with the protection of the property from natural elements, and then only with applicable local, state and federal permits.

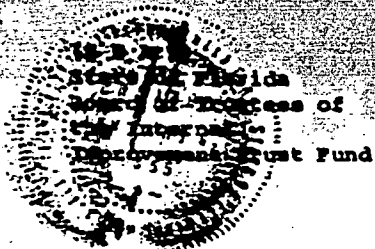
2. The use of motor driven wheeled vehicles shall be prohibited on the described property except for emergency, public or service vehicles performing official duties relating to public health, safety and welfare.

3. Should it be judicially established that the grantee has substantially violated the foregoing conditions, title to the said land together with the access easement hereinafter provided shall revert to the State of Florida Board of Trustees of the Internal Improvement Trust Fund.

The State of Florida Board of Trustees of the Internal Improvement Trust Fund hereby assign, convey and set over onto Manatee County, a political subdivision of the State of Florida, that certain access easement to and from the described property granted by Sarasota Bank And Trust Company, a State Banking Association, as Trustee, to the grantor herein by deed dated the 6 day of March, 1974, recorded in O.R. Book 660, Page 695, Public Records of Manatee County, Florida.

IN WITNESS WHEREOF, the said parties have hereunto set their hands and seals the 15 day of March, 1974.

  
Governor  
  
Secretary Of State



*Robert L. Latta*  
Attorney General

*Freddie Dickinson*  
Comptroller

*Thomas W. Smiley*  
Treasurer

*Floyd T. Christian*  
Commissioner of Education

*Deke Cowan*  
Commissioner of Agriculture

As and Constituting the State of Florida Board of Trustees of the Internal Improvement Trust Fund.

RECORDED

FILED AND RECORDED  
APR 4 4 22 PM '74  
M. T. McINNIS, CLERK  
MANATEE COUNTY, FLA.

498263

ACCEPTED By Manatee County this 2nd day of April, 1974.

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

By: *[Signature]*  
Chairman

ATTEST:

MANATEE COUNTY FLA.  
M. T. McInnis  
Clerk of Circuit Court  
By: *[Signature]*  
Deputy Clerk

OF THE TOWN OF LONGBOAT KEY ("Town"), and the BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY ("County").

WHEREAS, the Town is currently engaged in permitting a dredge and fill project adjacent to Greer Island which is owned by the County; and

WHEREAS, the Town has received a dredge and fill permit from the Department of Environmental Regulation, number 411581783; and

WHEREAS, that permit requires the Town to undertake the removal of certain exotic vegetative species from the island; and

WHEREAS, the Town proposes to deposit spoil from the dredge project on the island as an enhancement to the natural conditions of the area; and

WHEREAS, the County has concerns that its title to the island might be affected by this; and

WHEREAS, the County and the Town have attempted to get clarification from the Department of Natural Resources since November of 1990 regarding what this project will do to the County's title to this island; and

WHEREAS, the Town wishes to proceed with the permitting process for the project; and

WHEREAS, the Town needs the County to execute these permit applications as owner of the island; and

WHEREAS, the County does not wish to jeopardize its title by moving forward with the project.

NOW, THEREFORE, for and in consideration of the foregoing which are incorporated herein by reference and the mutual covenants which are contained herein, it is hereby understood and agreed:

1. The County will not withhold its signature on permit applications for the project, as described in Exhibit "A" attached hereto and made a part hereof.

the Internal Improvement Trust Fund regarding what the project's effect will be on the County's title to the Island.

3. The Town agrees that the County will have final approval of the dredge project after permits are acquired, but before work is commenced and the County can withhold its approval, unless the Board of Trustees has determined that the County's title to the Island is not being jeopardized by the Project.

4. The Town and the County will cooperate to obtain a Declaratory Statement or other binding determination from the Board of Trustees of the Internal Improvement Trust Fund stating whether or not this project will violate Condition 1 of the County's deed to the island, attached hereto as Exhibit "B" and made a part hereof.

5. In the event of a breach of this Agreement or failure to comply with the conditions of this Agreement, this Agreement may be enforced in the Circuit Court for the Twelfth Judicial Circuit in and for Manatee County. The prevailing party in any administrative, judicial, appellate proceeding arising from this Agreement shall be entitled to an award of reasonable attorney's fees and court costs.

6. The terms and conditions of this Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto.

7. This Agreement may not be modified, amended or extended orally. This Agreement may be amended only by written agreement executed by the governing bodies of both parties.

8. In the event that any provision of this Agreement shall, for any reason, be determined invalid, illegal or unenforceable by a court of competent jurisdiction, the parties hereto shall negotiate in good faith and agree to such amendments, modifications or supplements of or to this Agreement

the other provisions of this Agreement shall remain in full force and effect.

9. Each of the parties hereto covenants to the other party that it has lawful authority to enter into this Agreement and has authorized the execution of this Agreement by their respective boards in open session and granted signatory authority to the representative signing this Agreement.

10. The date of execution of this Agreement shall be the date that the last party signs and acknowledges this Agreement.

IN WITNESS WHEREOF, the Town and County have executed this Agreement on the day, month and year written below.

TOWN COUNCIL OF THE TOWN OF  
LONGBOAT KEY, FLORIDA

By: James P. Brown  
Mayor

10/22/91  
Date

ATTEST:

Patricia L. Arends  
City Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: Kathy A. Succi  
Chairman

January 7, 1992  
Date

ATTEST: R. B. SHORE, Clerk  
of the Circuit Court

[Signature]





APPLICATION FOR A PERMIT FOR CONSTRUCTION OR ACTIVITIES SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE OR FIFTY-FOOT SETBACK

MAIL TO:

Bureau of Coastal Engineering and Regulation  
 Division of Beaches and Shores  
 Florida Department of Natural Resources  
 Marjory Stoneman Douglas Building  
 3900 Commonwealth Boulevard  
 Tallahassee, Florida 32303

PERMIT FEES ARE NOW REQUIRED

INSTRUCTIONS:

- A. Please read this form carefully before making entries, then type or neatly print all answers using black ink.
- B. Note that the application is divided into two sections. Applicants for construction of any rigid coastal or shore protection structure, any habitable major structure, or any nonhabitable major structure of a type reserved for approval or denial by the Governor and Cabinet (as determined by the staff), are generally required to submit all information requested on this form in both sections. Applicants for permits for emergency work or for permits for minor activities or construction of a type which may be approved or denied by the Executive Director or Division Director, including any nonhabitable major structures of a type which may be approved by the Executive Director (as determined by the staff), generally are not required to submit the information described in section two. However, the staff may require any applicant to provide any or all information requested on this form, and the application will not be considered by the appropriate authority until all information requested by the staff has been received by the Bureau.
- C. If you have any questions about filling out this form or if you would like to consult with the staff concerning preliminary plans, call the Bureau of Coastal Engineering and Regulation at (904) 486-3180. In order to reach the appropriate staff engineer, tell the person who answers the phone the county in which the proposed project is located and give a very brief description of the type of project.

SECTION ONE

1. Name of authorized agent for permit application (if applicable) TOWN OF LONGBOAT KEY / Leonard Smally		Mailing Address C/O Fowler, White, Gillen, et al 101 N. Monroe, Suite 910	
City Tallahassee	State FL	Zip Code 32301	Telephone (904) 681-0411
2. Name of owner of record MANATEE COUNTY		Mailing Address P.O. BOX 1000	
City BRADENTON	State FL	Zip Code 34206	Telephone (813) 748-4501

I hereby certify that all information submitted with this application is true and complete to the best of my knowledge, and that any work that has already been done has been indicated as such in this application.

Signature of Applicant: Leonard Smally Date: 12/20/91

4. Typed or Printed Name of Applicant. Also Name and Title of Person signing if representing a Corporation or Firm.  
 Leonard Smally, Director of public Works, Town of Longboat Key.

5. Street address of proposed construction or activity. If no street address is available, give directions from the nearest readily identifiable address or landmark. (Do not give legal description.)  
 WILY SHORE OF GREER (aka 'BEER CAN') ISLAND E LONGBOAT PASS

Check here if information is continued on an attached sheet.

CAUTION: Failure to obtain a permit from the Department of Natural Resources as required prior to construction or other activities seaward of the coastal construction control line or fifty-foot setback is a violation of Chapter 161, Florida Statutes. Violators are subject to prosecution for a first or second degree misdemeanor (as appropriate), and a fine of up to \$10,000.00 for each day that the violation continues; and the Department may order removal of structures built in violation and restoration of damaged beach/dune areas and the vegetation growing thereon, to their pre-construction condition.

REMOVAL OF MATERIAL OF DRESSED MATERIAL AS BEACH NOURISHMENT ON THE WESTERLY SHORE OF GREEK ISLAND @ LONGBOAT PASS, MANATEE COUNTY, FLORIDA.

Check here if information is continued on an attached sheet.

7. In the space provided below, please write the specific reasons the applicant feels that the permit should be approved and why construction seaward of the control line or 50-foot setback is considered necessary for reasonable use of the property.

THE DREDGE PROJECT IS TO KEEP OPEN A 15-20 Acre LAGOON WHICH IS IN DANGER OF BEING CLOSED DUE TO THE ACCRETION OF A SAND SPIT.

THE BEACH DISPOSAL IS PROPOSED SINCE THE ACCRETED MATERIAL IS ORIGINALLY FROM THE BEACH. BEACH IS THE MOST ECOLOGICALLY SOUND METHOD AVAILABLE.

Check here if information is continued on an attached sheet.

ALL APPLICANTS ARE TO SUBMIT THE FOLLOWING ITEMS AS ATTACHMENTS:

- 8. Sufficient evidence of ownership of the property as specified in Paragraph 16B-33.008(2)(b), Florida Administrative Code
- 9. Written evidence provided by the appropriate local governmental agency having jurisdiction over the activity, that the proposed activity as submitted to the Division, does not contravene local setback requirements or zoning or building codes
- 10. Details and justification including engineering design computations for any proposed waste discharge onto, over, under, or across the beach and dune system, including but not limited to the following:
  - 10.1 Storm water runoff
  - 10.2 Swimming pool drainage
  - 10.3 Air conditioning cooling water discharge
  - 10.4 Well discharge
  - 10.5 Domestic waste systems
  - 10.6 Outfalls
- 11. Two copies of a topographic survey drawing of the subject property
  - 11.1 The topographic information depicted in the drawing shall be from field survey work performed not more than six months prior to the date of application.

COMPLETED BY THE APPLICANT		
Attached or Included	Waiver Requested	Not Applicable

DNR OFFICE USE ONLY				
Reviewed		Not Received	Additional Information Requested	See Remarks Section
Adequate	Inadequate			

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ALL APPLICANTS ARE TO SUBMIT THE FOLLOWING ITEMS AS ATTACHMENTS:

- 11.2 The topographic survey drawing shall include the following specific information:
  - 11.21 Designation of north direction; .....
  - 11.22 The scale of the drawing; .....
  - 11.23 The date of the field survey; .....
  - 11.24 Sufficient legal description of the property (plat number, lot number, etc.), street address (if known), and county; .....
  - 11.25 The property owner's name; .....
  - 11.26 The location of the property in relation to bordering roads and streets; .....
  - 11.27 Property boundaries and right-of-ways; .....
  - 11.28 The location of the contour line corresponding to 0 NGVD, and the location of the seasonal high-water line in relationship to the coastal construction control line except in surveys associated with applications for permits to construct coastal or shore protection structures, minor structures, piers, or intake and discharge structures to be located seaward of the coastal construction control line; ..
  - 11.29 The location of the existing vegetation line on the subject property; .....
  - 11.30 The date that the legal description of the coastal construction control line which was used for the survey was recorded in the county records; .....
  - 11.31 Field identified control markers and property corners and their designations, including the computed State Plane Coordinates (referenced to the control stations used in locating the coastal construction control line) of at least two monumented corners for the subject property which are consecutive to each other, and distances and bearings from the monumented property corners to the coastal construction control line; .....
  - 11.32 The route of the location traverse showing all adjusted angles and directions along with each control point and the ties to the coastal construction control line; .....
  - 11.33 The location of the coastal construction control line including the location and number of the two nearest Department baseline monuments, or, if no coastal construction control line is established for the county in which the property is located, the mean high water line and the 50-foot setback for the full width of the subject property; .....
  - 11.34 Accurate dimensions and locations of the foundation outlines of any existing structures on the subject property, and the distance perpendicular from the coastal construction control line or 50-foot setback to the seaward corners of the foundations of any major structures or the seaward limit of the crest or cap at the extremities of any coastal or shore protection structure; .....
  - 11.35 Accurate dimensions and locations of the foundation outlines of any existing structures in the immediate contiguous or adjacent areas that the applicant contends have established a reasonably continuous and uniform construction line if the permit is requested under the provisions of Paragraphs 161.053(5)(b), or 161.052(2)(b), Florida Statutes, and the distance perpendicular from the coastal construction control line or fifty foot setback to the seaward corners of the foundations of any major structures or the seaward limit of the crest or cap at the extremities of any coastal or shore protection structure; .....
  - 11.36 The signature and seal of the surveyor who performed the survey, accompanied by a certification that the submitted drawing accurately reflects a field survey which complied with the requirements of Section 165-33.009, Florida Administrative Code; and .....
  - 11.37 Any other site-specific information required by the staff to make a thorough evaluation of an application .....

COMPLETED BY THE APPLICANT			DNR OFFICE USE ONLY				
Attached or Included	Waiver Requested	Not Applicable	Received		Additional Information Requested	See Remarks Section	
			Adequate	Inadequate			

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ALL APPLICANTS ARE TO SUBMIT THE FOLLOWING ITEMS AS ATTACHMENTS:

- 12. Two copies of detailed site, grading, drainage and structural plans and specifications for all proposed structures or excavation including all planned appurtenant structures and utilities
- 12.1 For major structures and rigid coastal and shore protection structures the detailed plans shall be signed and sealed by the design engineer, or by an architect (as appropriate). The engineer or architect certifying these plans must be registered in the State of Florida; the plans must bear the certification specified in Paragraphs 16B-33.007(4)(o) or 16B-33.007(5)(c), Florida Administrative Code; and the site plan shall include all information required in Paragraph 16B-33.008(2)(g), Florida Administrative Code. (Copies of Rule 16B-33, Florida Administrative Code, and other design guidance are available from the Division of Beaches and Shores upon request.)
- 13. A fee as set forth in Section 16B-33.0085, Florida Administrative Code. Pages 7 and 8 of this application form are to be detached and mailed separately from the rest of this application. The fee is to be mailed with those pages, directly to the Department Cashier.

SECTION TWO

APPLICANTS APPLYING TO CONSTRUCT HABITABLE MAJOR OR RIGID COASTAL OR SHORE PROTECTION STRUCTURES, AND SOME NONHABITABLE MAJOR STRUCTURES, ARE REQUIRED TO SUBMIT THE FOLLOWING ITEMS:

- 14. One copy of a dimensioned site plan drawing(s) with the following requirements:
  - 14.1 To be an appropriate scale on 8 1/2 inch by 14 inch size paper
  - 14.2 Showing the location of the proposed structure or structures and the location and volume of any proposed excavation or fill
  - 14.3 Showing all distances and locations required in Paragraph 16B-33.008(2)(f), Florida Administrative Code
- 15. One copy of a dimensioned cross-sectional drawing with the following requirements:
  - 15.1 To be an appropriate scale on 8 1/2 inch by 14 inch size paper
  - 15.2 Showing all subgrade construction and/or excavation with elevations referenced to National Geodetic Vertical Datum (NGVD)
  - 15.3 Showing a typical cross-section view of the structural components above grade with elevations for the underside of the building support structure and/or crest elevations for any proposed coastal or shore protection structure.
  - 15.4 Showing location of the coastal construction control line or if not established, the mean high water line and the 50-foot setback.
  - 15.5 Showing typical profile of the existing and proposed grade at the site
  - 15.6 Showing location of the following:
    - 15.61 The contour line corresponding to 0 NGVD.
    - 15.62 Any existing line of vegetation.

BY THE APPLICANT			RECEIVED				
Attached or included	Waiver Requested	Not Applicable	Adequate	Inadequate	Not Received	Additional Information Requested	See Remarks Section

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10 In the spaces below, please write the name and mailing address of the owners of the immediately adjacent properties, exclusive of street ends and easements. If the adjacent property is under cooperative or condominium ownership, the name and mailing address of the cooperative or condominium association will be adequate.

Name of Adjacent Property Owner  <i>SEE ATTACHED</i>	Mailing Address
--	-----------------

City	State	Zip Code
------	-------	----------

Name of Adjacent Property Owner	Mailing Address
---------------------------------	-----------------

City	State	Zip Code
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Check here if there are additional adjacent properties, and attach the appropriate information.

**APPLICATION FOR WAIVER**

The applicant may request waiver of any portion of the information specified in this application form. Any such request should be made below:

Item # from Application	Reason for waiver	DNR Use Only

Waiver Approved       Waiver Denied       \_\_\_\_\_ Date \_\_\_\_\_  
Chief, Bureau of Coastal Engineering and Regulation

**FOR DEPARTMENT OF NATURAL RESOURCES USE ONLY**

Remarks:

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_

(Check if additional review sheets are attached)

CERTIFICATE OF OWNER'S AUTHORIZATION

MAIL TO:

Bureau of Coastal Engineering and Regulation  
Division of Beaches and Shores  
Florida Department of Natural Resources  
Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32303

INSTRUCTIONS:

If the applicant is not the owner of record, the applicant shall submit this certificate by which the owner authorizes the applicant to act as the owner's agent for the purpose of applying for a permit, and to act on behalf of the owner in other matters pertaining to the permit.

(Provide legal description of property)

(see exhibit "A")

I hereby authorize Leonard Smally - Town of Longboat Key to make application for a permit for construction or other activities seaward of the coastal construction control line or 50-foot setback on the above-mentioned property, and to act in my behalf in other matters pertaining to the permit.

Manatee County - Patricia M. Glass, Chairman  
Board of County Commissioners

Signature of Property Owner

Printed or Typed Name of Property Owner. Also Name and Title of Person Signing if Representing a Corporation or Firm.

CAUTION: Providing information in this permit application or certification which you know to be false is a misdemeanor of the second degree pursuant to Section 837.06, Florida Statutes; and is punishable as is provided in Sections 775.082, 775.083, or 775.084, Florida Statutes.

FLORIDA DEPARTMENT OF NATURAL RESOURCES  
Division of Beaches and Shores

**WORKSHEET FOR PERMIT FEE COMPUTATION AND FEE TRANSMITTAL FORM**

**WARNING:** Permit fees are not refundable except for exempted projects and overpayment. Once submitted, fees are kept by the Department of Natural Resources if the application is withdrawn, if the application is denied by the Department, or if separate applications to other agencies or local government are denied. Applicants are encouraged to utilize the consultation process established in Section 16B-33.011, Florida Administrative Code, when appropriate, in order to minimize the possibility of paying a fee but not obtaining a permit.

**INSTRUCTIONS:** Make any necessary calculations and fill in the appropriate blanks below. Please read the Rules of the State of Florida, Department of Natural Resources, Sections 16B-33.002, 16B-33.0025, 16B-33.012, 16B-33.013, and 16B-33.014, Florida Administrative Code (F.A.C.), for complete information concerning permit categories. Fees in category (A) apply to all dwelling structures, any portion of the foundation or habitable portion of which extends seaward of the coastal construction control line, and to all units in such structures. Copies of Rule 16B-33, F.A.C. and information to assist you in calculating the appropriate fee may be obtained by telephone at (904) 488-3180.

(A) Application for permits for which final agency action is to be taken by the Governor and Cabinet, pursuant to Subsection 16B-33.012(1), and Section 16B-33.013, F.A.C.:

(1) Habitable major structures — \$660 for each structure plus \$110 for each unit after the first:

	_____		x \$660 = \$	_____	subtotal
	# of structures				
_____	-	_____	=	_____	
# of units		# of structures			
			x \$110 = \$	_____	subtotal

(2) Additions to existing habitable major structures — \$440 for each structure plus \$110 for each unit after the first:

	_____		x \$440 = \$	_____	subtotal
	# of additional structures				
_____	-	_____	=	_____	
# of units		# of additional structures			
			x \$110 = \$	_____	subtotal

(3) Nonhabitable major structures and coastal and shore protection structures — \$440, total, for all; plus an additional \$110 for each additional parcel upon which such structures are to be constructed, if no habitable structures are proposed in the same application. If habitable structures are proposed in the same application, only the appropriate fees in (1) and (2) above apply, provided that the property upon which the nonhabitable major structures and coastal and shore protection structures are to be constructed is under the same ownership as the property upon which the habitable major structures are to be constructed.

(If applicable)

	_____		x \$440 = \$	_____	subtotal
	# of additional parcels upon which nonhabitable major structures and coastal and shore protection structures are to be constructed.				
			x \$110 = \$	_____	subtotal

\$ \_\_\_\_\_  
Total amount of fee

(B) Applications for permits for which final agency action is taken by the Executive Director, pursuant to Subsection 16B-33.012(10), and Section 16B-33.013, F.A.C., except for types of structures listed in subcategories (A)(1) and (A)(2), above — \$440.

\$ \_\_\_\_\_  
Total amount of fee

(C) Applications for permits for which final agency action is taken by the Division Director, pursuant to Subsection 16B-33.012(9), and Section 16B-33.013, F.A.C. — \$220.

\$ 220<sup>00</sup>  
Total amount of fee

(D) No fee is required with:

- (1) Applications pursuant to Section 161.052, Florida Statutes, for work to be conducted in counties for which no coastal construction control line pursuant to Section 161.053, Florida Statutes, has been established.
- (2) Applications filed by agencies of government of the executive branch of the State of Florida.
- (3) Applications for permits for which final agency action is to be taken by the staff representatives of the Division Director, pursuant to Section 16B-33.012(11), F.A.C.
- (4) Emergency permit applications for which final agency action is to be taken by the Division Director or staff designees, pursuant to Section 16B-33.014, F.A.C. (NOTE: Emergency permits are issued only after the Executive Director has determined that there is a general shoreline emergency and has notified the Governor and Cabinet of such pursuant to Subsection 16B-33.014(3), F.A.C.; and are distinct from permits issued for emergency work in isolated incidences affecting only one or a few sites pursuant to Subsection 16B-33.012(9)(j), F.A.C., for which a fee is charged pursuant to paragraph (C) above.)

PLEASE DETACH THIS SHEET (PAGES 7 & 8 OF THE APPLICATION FORM) FROM THE PERMIT APPLICATION FORM, ATTACH THE APPROPRIATE FEE PAYMENT TO THIS SHEET, AND MAIL THIS SHEET AND THE FEE PAYMENT SEPARATELY FROM THE REST OF YOUR APPLICATION, TO THE ADDRESS SHOWN BELOW. MAILING THIS SHEET OR YOUR FEE PAYMENT WITH THE REST OF YOUR APPLICATION WILL RESULT IN DELAY IN PROCESSING YOUR PERMIT APPLICATION!

MAIL PAGES 7 & 8 WITH YOUR CHECK TO:

Department of Natural Resources *ATTN. CASHIER*  
Division of Beaches and Shores  
Bureau of Coastal Engineering and Regulation  
Attention — Cashier's Office  
~~6900 Commonwealth Boulevard~~ P.O. Box 3070  
Tallahassee, Florida ~~32307~~ 32315-3070

To assure the correct credit for your payment, please provide the following information:

- 1. The county in which the site of the proposed work is located: MANATEE
- 2. The name of the permit applicant: MANATEE CO.
- 3. The telephone number of the permit applicant: PAM GARYN (904) 681-0211
- 4. All personal or company names preprinted or signed on the check:  
TOWN OF LONGBOAT KEY

EXHIBIT 'A'

Commence at the Southeasterly corner of Block 38, Longbeach Subdivision, recorded in Plat Book 6, Page 66 of the Public Records of Manatee County, Florida, said point also being the Northwesterly corner of the intersection of Coral Avenue and Seabreeze Avenue; thence along the Northwesterly right-of-way line of said Coral Avenue to the Point of Intersection of said right-of-way line of Coral Avenue, and the Southwesterly right-of-way line of Coral Avenue, and the Southwesterly right-of-way line of Ringling Blvd.; thence N 40°00'00" W, along said right-of-way line, 639.88 ft. to the existing Mean High Water Line of Sarasota Bay; thence along said Mean High Water Line, the following courses and distances, S 13°30'00" W, 280.0 ft.; S 33°24'09" W, 125.20 ft.; N 53°58'31" W, 81.50 ft.; N 08°18'30" W, 116.64 ft.; N 22°25'20" W, 91.38 ft.; N 36°59'31" W, 88.49 ft.; N 70°03'27" W, 176.25 ft.; N 21°09'38" W, 82.41 ft.; N 00°19'11" W, 93.01 ft.; N 11°10'34" W, 78.87 ft. to the Point of Beginning; thence continue northerly more or less along said Mean High Water Line on the following courses and distances: N 22°09'59" W, 78.45 ft.; N 29°18'47" W, 88.94 ft.; N 06°46'26" E, 93.45 ft.; N 54°46'00" E, 72.21 ft.; N 58°48'12" E, 86.49 ft.; N 45°51'07" E, 88.58 ft.; N 15°13'58" W, 113.72 ft.; N 10°56'23" E, 88.89 ft.; S 78°17'17" E, 47.80 ft.; N 02°51'25" W, 177.00 ft.; N 15°56'29" E, 84.74 ft.; N 72°23'27" E, 141.57 ft.; S 50°51'52" E, 151.80 ft.; S 41°38'19" E, 149.97 ft.; N 41°32'54" E, 30.01 ft.; N 07°30'21" E, 16.28 ft.; N 10°53'59" W, 62.82 ft.; N 23°49'57" W, 25.07 ft.; N 24°59'12" W, 71.03 ft.; N 38°00'08" W, 80.37 ft.; N 23°14'13" W, 80.23 ft.; N 18°08'46" W, 86.46 ft.; N 54°27'37" W, 62.84 ft.; N 85°39'39" W, 81.19 ft.; N 80°01'56" W, 82.11 ft.; N 89°45'49" W, 78.27 ft.; S 79°29'58" W, 90.70 ft.; S 76°10'56" W, 90.67 ft.; S 79°42'42" W, 86.74 ft.; S 52°21'23" W, 87.86 ft.; S 32°36'00" W, 87.59 ft.; S 22°32'17" W, 84.12 ft.; S 01°36'44" W, 72.98 ft.; S 11°02'42" E, 90.02 ft.; S 12°50'58" E, 94.00 ft.; S 10°56'49" E, 92.04 ft.; S 08°06'58" E, 91.43 ft.; S 03°05'01" E, 88.93 ft.; S 06°15'24" E, 90.22 ft.; S 10°21'08" E, 86.26 ft.; S 11°38'30" E, 92.78 ft.; S 10°11'55" E, 91.48 ft.; S 11°58'07" E, 93.78 ft.; to a point on the Mean High Water Line where the Point of Beginning bears N 78°01'04" E, thence N 78°01'04" E, 183.34 ft.; to the Mean High Water Line of Sarasota Bay, being the Point of Beginning.

Said property immediately above-described lying and being in Sections 15 and 22, Township 35 South, Range 16 East, Manatee County, Florida.

REV 7-27-89 INVERT-TYPE  
REV 2-13-89 REV 6-21-89

BENSON ENGINEERING  
ENGINEERS-PLANNERS-SURVEYORS  
BRADENTON FLORIDA

PROJECT  
BEEK CAY (GREEK) ISLAND  
DREDGING PROJECT

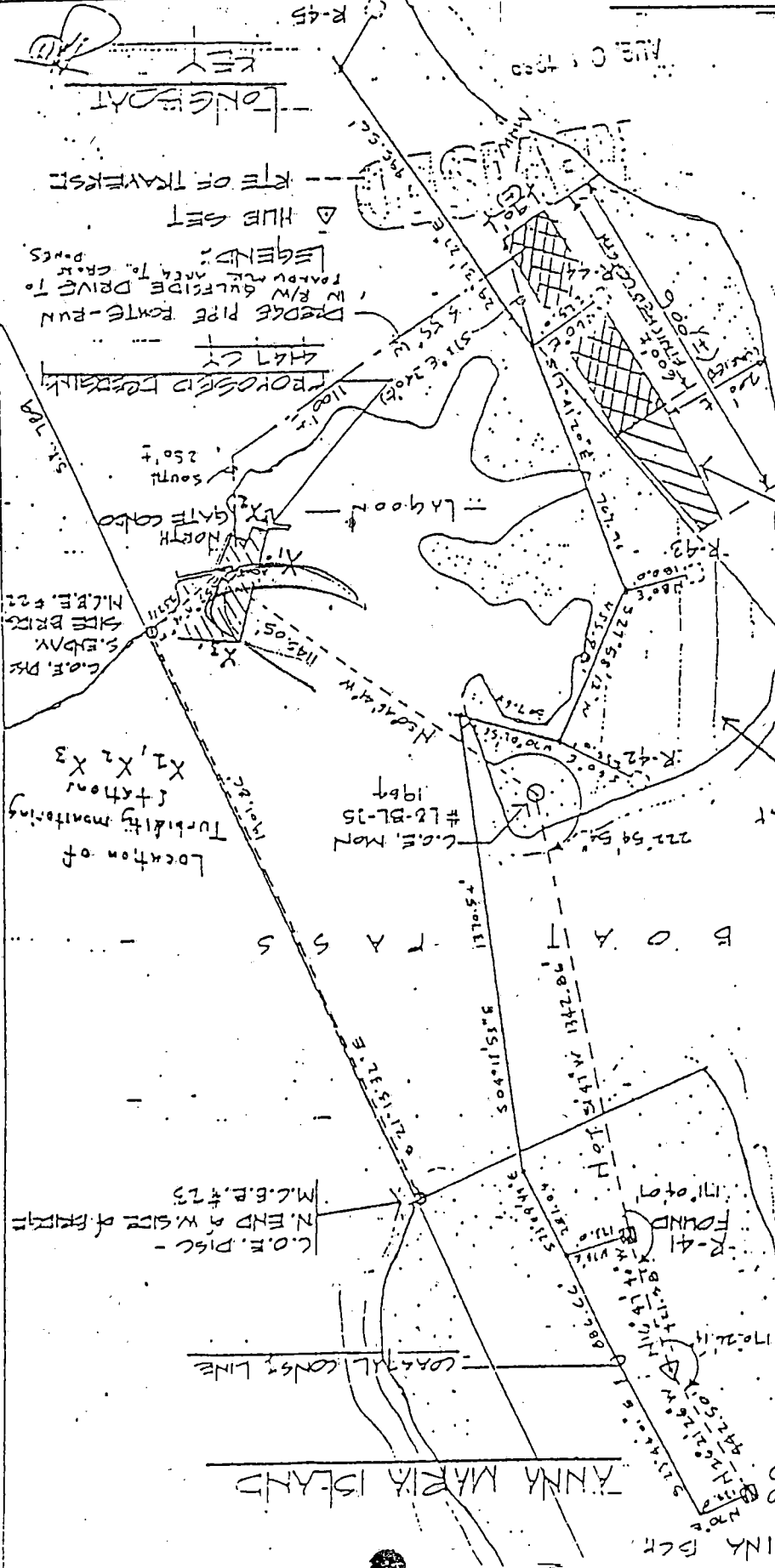
SCALE	DATE	DWN	SHEET
1"=500'	11-16-88	SRP	14

SHEET TITLE  
HORIZONTAL CONTROL

NOTE: MONUMENTS R-42, R-43, R-44, R-45 - NO EVIDENCE FOUND. LOCATION BASED ON BEAKINGS & DISTANCES FROM MANATEE CO. ROAD. PLOT BK 7, PAGE 7B.

AUG 01 1989  
JUL 3 1989  
SOUTH DISTRICT ENGINEER  
TASOS M. TASSANIS

PROPOSED SHOALS AREA



GULL F  
 M  
 NORTH BASED ON COASTAL CONSTRUCTION SETBACK LINE  
 500 X  
 FEET  
 SCALE  
 NORTH

DEED SUBJECT TO REVERSIONS

NO. 25461

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the State of Florida Board of Trustees of the Internal Improvement Trust Fund has approved, pursuant to agenda item no. 27, December 4, 1973, the settlement of Frank J. Conrad and Marjorie L. Conrad, his wife, vs. Reubin O'D. Askew, et al, in the Circuit Court in and for Manatee County, Florida, Case No. CA-5879, and

WHEREAS, that settlement provides for the conveyance by the State of Florida Board of Trustees of the Internal Improvement Trust Fund to Manatee County, a political subdivision of the State of Florida, and

WHEREAS, under authority of law, the State of Florida Board of Trustees is charged with the right to dispose of, sell and convey lands vested in said State of Florida Board of Trustees of the Internal Improvement Trust Fund,

NOW, THEREFORE, the State of Florida Board of Trustees of the Internal Improvement Trust Fund, under authority of law, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars and other good and valuable consideration in hand paid by Manatee County, a political subdivision of the State of Florida, does sell and remise to said Manatee County, all of right, title and interest, claim and demand, which the State of Florida Board of Trustees of the Internal Improvement Trust Fund may have in and to the following described lands located in Manatee County, Florida:

Commence at the Southeasterly corner of Block 38, Longbeach Subdivision, recorded in Plat Book 6, Page 66 of the Public Records of Manatee County, Florida, said point also being the Northwesterly corner of the intersection of Coral Avenue and Seabreeze Avenue; thence along the Northwesterly right-of-way line of said Coral Avenue to the Point of Intersection of said right-of-way line of Coral Avenue, and the Southwesterly right-of-way line of Ringling Blvd.; thence N 40°00'00" W, along said right-of-way line, 639.88 ft. to the existing Mean High Water Line of Sarasota Bay; thence along said Mean High Water Line, the following courses and distances, S 13°30'00" W, 280.0 ft.; S 33°24'09" W, 125.20 ft.; N 53°58'31" W, 81.50 ft.; N 08°18'30" W, 116.64 ft.; N 22°25'20" W, 91.38 ft.; N 36°59'31" W, 88.49 ft.; N 70°03'27" W, 176.25 ft.; N 21°09'38" W, 82.41 ft.; N 00°19'11" W, 93.01 ft.; N 11°10'34" W, 78.87 ft. to the Point of Beginning; thence continue northerly more or less along said Mean High Water Line on the following courses and distances: N 22°09'59" W, 75.45 ft.; N 29°18'47" W, 88.94 ft.; N 06°46'26" E, 93.45 ft.; N 54°46'00" E, 72.21 ft.; N 58°48'12" E, 86.49 ft.; N 45°51'07" E, 28.58 ft.; N 15°13'58" W, 113.72 ft.; N 10°56'23" E, 88.89 ft.; S 78°17'17" E, 47.80 ft.; N 02°51'25" W, 177.00 ft.; N 15°56'29" E, 84.74 ft.; N 72°23'27" E, 141.57 ft.; S 50°51'52" E, 151.80 ft.; S 41°38'19" E, 149.97 ft.; N 41°32'54" E, 30.01 ft.; N 07°30'21" E, 16.28 ft.; N 10°53'59" W, 62.82 ft.; N 23°49'57" W, 85.07 ft.; N 24°59'12" W, 71.03 ft.; N 38°00'08" W, 80.37 ft.; N 23°14'13" W, 80.23 ft.; N 18°08'46" W, 86.46 ft.; N 54°27'37" W, 62.84 ft.; N 85°39'39" W, 81.19 ft.; N 80°01'56" W, 82.11 ft.; N 89°45'49" W, 78.27 ft.; S 79°29'58" W, 90.70 ft.; S 76°10'56" W, 90.87 ft.; S 79°42'42" W, 86.74 ft.; S 52°21'23" W, 87.86 ft.; S 32°36'00" W, 87.59 ft.; S 22°32'17" W, 84.12 ft.; S 01°36'44" W, 72.98 ft.; S 11°02'42" E, 90.02 ft.; S 12°50'58" E, 94.00 ft.; S 10°56'49" E, 92.04 ft.; S 08°06'58" E, 91.43 ft.; S 03°05'01" E, 88.93 ft.; S 06°15'24" E, 90.22 ft.; S 10°21'08" E, 86.26 ft.; S 11°38'30" E, 92.78 ft.; S 10°11'55" E, 91.48 ft.; S 11°58'07" E, 93.78 ft.; to a point on the Mean High Water Line where the Point of Beginning bears N 78°01'04" E, thence N 78°01'04" E, 183.34 ft.; to the Mean High Water Line of Sarasota Bay, being the Point of Beginning.

Said property immediately above-described lying and being in Sections 15 and 22, Township 35 South, Range 16 East, Manatee County, Florida.

State - County Property

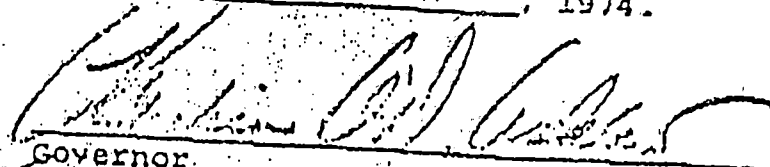
Property shall be kept in its natural state in perpetuity and preserved as a natural wilderness recreational area and wildlife preserve. No man-made alterations shall be caused or structures of any kind constructed or placed on said property other than in connection with the protection of the property from natural elements, and then only with applicable local, state and federal permits.

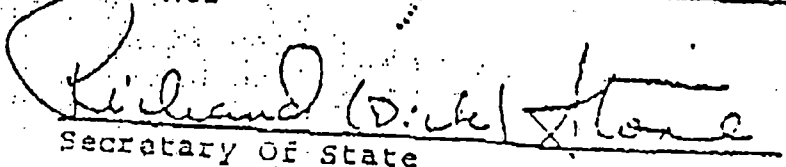
2. The use of motor driven wheeled vehicles shall be prohibited on the described property except for emergency, public or service vehicles performing official duties relating to public health, safety and welfare.

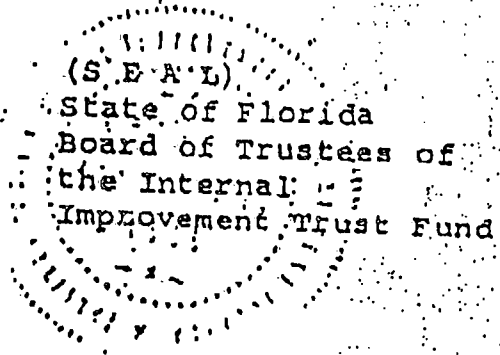
3. Should it be judicially established that the grantee has substantially violated the foregoing conditions, title to the said land together with the access easement hereinafter provided shall revert to the State of Florida Board of Trustees of the Internal Improvement Trust Fund.

The State of Florida Board of Trustees of the Internal Improvement Trust Fund hereby assign, convey and set over onto Manatee County, a political subdivision of the State of Florida, that certain access easement to and from the described property granted by Sarasota Bank And Trust Company, a State Banking Association, as Trustee, to the grantor herein by deed dated the 6 day of March, 1974, recorded in O.R. Book 660, Page 695, Public Records of Manatee County, Florida.

IN WITNESS WHEREOF, the said parties have hereunto set their hands and seals the 15 day of March, 1974.

  
Governor.

  
Secretary of State



William D. Rusk  
Comptroller

Robert D. Phillips  
Treasurer

Donald T. Rusk  
Commissioner of Education

Deke Connor  
Commissioner of Agriculture

As and Constituting the State of Florida Board of Trustees of the Internal Improvement Trust Fund.

ACCEPTED By Manatee County this 2nd day of April, 1974.

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

By: [Signature]  
Chairman

ATTEST:

[Signature]  
M. T. McInnis  
Clerk of Circuit Court  
By: [Signature]  
Deputy Clerk



APPLICATION FOR A PERMIT FOR CONSTRUCTION OR ACTIVITIES SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE OR FIFTY-FOOT SETBACK

MAIL TO:

Bureau of Coastal Engineering and Regulation  
 Division of Beaches and Shores  
 Florida Department of Natural Resources  
 Marjory Stoneman Douglas Building  
 3900 Commonwealth Boulevard  
 Tallahassee, Florida 32303

PERMIT FEES ARE NOW REQUIRED

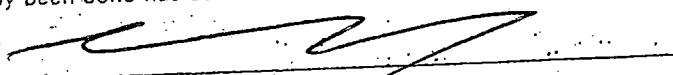
INSTRUCTIONS:

- A. Please read this form carefully before making entries, then type or neatly print all answers using black ink.
- B. Note that the application is divided into two sections. Applicants for construction of any rigid coastal or shore protection structure, any habitable major structure, or any nonhabitable major structure of a type reserved for approval or denial by the Governor and Cabinet (as determined by the staff), are generally required to submit all information requested on this form in both sections. Applicants for permits for emergency work or for permits for minor activities or construction of a type which may be approved or denied by the Executive Director or Division Director, including any nonhabitable major structures of a type which may be approved by the Executive Director (as determined by the staff), generally are not required to submit the information described in section two. However, the staff may require any applicant to provide any or all information requested on this form, and the application will not be considered by the appropriate authority until all information requested by the staff has been received by the Bureau.
- C. If you have any questions about filling out this form or if you would like to consult with the staff concerning preliminary plans, call the Bureau of Coastal Engineering and Regulation at (904) 488-3180. In order to reach the appropriate staff engineer, tell the person who answers the phone the county in which the proposed project is located and give a very brief description of the type of project.

SECTION ONE

1. Name of authorized agent for permit application (if applicable) TOWN OF LONGBOAT KEY / Leonard Smally		Mailing Address C/O Fowler, White, Gillen, et al 101 N. Monroe, Suite 910	
City Tallahassee	State FL	Zip Code 32301	Telephone (904) 681-0411
2. Name of owner of record MANATEE COUNTY		Mailing Address P.O. Box 1000	
City BRADENTON	State FL	Zip Code 34206	Telephone (813) 748-4501

I hereby certify that all information submitted with this application is true and complete to the best of my knowledge, and that any work that has already been done has been indicated as such in this application.

  
 Signature of Applicant

12/20/91  
 Date

4. Leonard Smally, Director of Public Works, Town of Longboat Key  
 Typed or Printed Name of Applicant. Also Name and Title of Person signing if representing a Corporation or Firm.

5. Street address of proposed construction or activity. If no street address is available, give directions from the nearest readily identifiable address or landmark. (Do not give legal description.)

W'LY SHORE OF GREER (aka 'BEER CAN') ISLAND @ LONGBOAT PASS

Check here if information is continued on an attached sheet.

CAUTION: Failure to obtain a permit from the Department of Natural Resources as required prior to construction or other activities seaward of the coastal construction control line or fifty-foot setback is a violation of Chapter 161, Florida Statutes. Violators are subject to prosecution for a first or second degree misdemeanor (as appropriate), and a fine of up to \$10,000.00 for each day that the violation continues; and the Department may order removal of structures built in violation and restoration of damaged beach/dune areas and the vegetation growing thereon, to their pre-construction condition.

ALL APPLICANTS ARE TO SUBMIT THE FOLLOWING ITEMS AS ATTACHMENTS:

- 11.2 The topographic survey drawing shall include the following specific information:
- 11.21 Designation of north direction; .....
  - 11.22 The scale of the drawing; .....
  - 11.23 The date of the field survey; .....
  - 11.24 Sufficient legal description of the property (plat number, lot number, etc.), street address (if known), and county; .....
  - 11.25 The property owner's name; .....
  - 11.26 The location of the property in relation to bordering roads and streets; .....
  - 11.27 Property boundaries and right-of-ways; .....
  - 11.28 The location of the contour line corresponding to 0 NGVD, and the location of the seasonal high-water line in relationship to the coastal construction control line except in surveys associated with applications for permits to construct coastal or shore protection structures, minor structures, piers, or intake and discharge structures to be located seaward of the coastal construction control line; .....
  - 11.29 The location of the existing vegetation line on the subject property; .....
  - 11.30 The date that the legal description of the coastal construction control line which was used for the survey was recorded in the county records; .....
  - 11.31 Field identified control markers and property corners and their designations, including the computed State Plane Coordinates (referenced to the control stations used in locating the coastal construction control line) of at least two monumented corners for the subject property which are consecutive to each other, and distances and bearings from the monumented property corners to the coastal construction control line; .....
  - 11.32 The route of the location traverse showing all adjusted angles and directions along with each control point and the ties to the coastal construction control line; .....
  - 11.33 The location of the coastal construction control line including the location and number of the two nearest Department baseline monuments, or, if no coastal construction control line is established for the county in which the property is located, the mean high water line and the 50-foot setback for the full width of the subject property; .....
  - 11.34 Accurate dimensions and locations of the foundation outlines of any existing structures on the subject property, and the distance perpendicular from the coastal construction control line or 50-foot setback to the seaward corners of the foundations of any major structures or the seaward limit of the crest or cap at the extremities of any coastal or shore protection structure; .....
  - 11.35 Accurate dimensions and locations of the foundation outlines of any existing structures in the immediate contiguous or adjacent areas that the applicant contends have established a reasonably continuous and uniform construction line if the permit is requested under the provisions of Paragraphs 161.053(5)(b), or 161.052(2)(b), Florida Statutes, and the distance perpendicular from the coastal construction control line or fifty foot setback to the seaward corners of the foundations of any major structures or the seaward limit of the crest or cap at the extremities of any coastal or shore protection structure; .....
  - 11.36 The signature and seal of the surveyor who performed the survey; accompanied by a certification that the submitted drawing accurately reflects a field survey which complied with the requirements of Section 16B-33.009, Florida Administrative Code; and .....
  - 11.37 Any other site-specific information required by the staff to make a thorough evaluation of an application .....

COMPLIANCE BY THE APPLICANT	
Attached or Included	Not Applicable
Waiver Requested	

Received				
Adequate	Inadequate	Not Received	Additional Information Requested	See Remarks Section

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<i>N/A</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. In the spaces below, please write the name and mailing address of the owners of the immediately adjacent properties, exclusive of street ends and easements. If the adjacent property is under cooperative or condominium ownership, the name and mailing address of the cooperative or condominium association will be adequate.

Name of Adjacent Property Owner  <i>SEE ATTACHED</i>	Mailing Address
--	-----------------

City	State	Zip Code
------	-------	----------

Name of Adjacent Property Owner	Mailing Address
---------------------------------	-----------------

City	State	Zip Code
------	-------	----------

Check here if there are additional adjacent properties, and attach the appropriate information.

### APPLICATION FOR WAIVER

The applicant may request waiver of any portion of the information specified in this application form. Any such request should be made below:

Item # from Application	Reason for waiver	DNR Use Only

Waiver Approved       Waiver Denied       \_\_\_\_\_ Date \_\_\_\_\_      \_\_\_\_\_ Chief, Bureau of Coastal Engineering and Regulation

**FOR DEPARTMENT OF NATURAL RESOURCES USE ONLY**

Remarks:

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_

(Check if additional review sheets are attached)

## WORKSHEET FOR PERMIT FEE COMPUTATION AND FEE TRANSMITTAL FORM

**WARNING:** Permit fees are not refundable except for exempted projects and overpayment. Once submitted, fees are kept by the Department of Natural Resources if the application is withdrawn, if the application is denied by the Department, or if separate applications to other agencies or local government are denied. Applicants are encouraged to utilize the consultation process established in Section 16B-33.011, Florida Administrative Code, when appropriate, in order to minimize the possibility of paying a fee but not obtaining a permit.

**INSTRUCTIONS:** Make any necessary calculations and fill in the appropriate blanks below. Please read the Rules of the State of Florida, Department of Natural Resources, Sections 16B-33.002, 16B-33.0085, 16B-33.012, 16B-33.013, and 16B-33.014, Florida Administrative Code (F.A.C.), for complete information concerning permit categories. Fees in category (A) apply to all dwelling structures any portion of the foundation or habitable portion of which extends seaward of the coastal construction control line, and to all units in such structures. Copies of Rule 16B-33, F.A.C. and information to assist you in calculating the appropriate fee may be obtained by telephone at (904) 488-3180.

(A) Application for permits for which final agency action is to be taken by the Governor and Cabinet, pursuant to Subsection 16B-33.012(1), and Section 16B-33.013, F.A.C.:

(1) Habitable major structures — \$660 for each structure plus \$110 for each unit after the first:

	_____		# of structures		x \$660 = \$ _____		subtotal
_____	=	_____	# of units	# of structures	x \$110 = \$ _____		subtotal

(2) Additions to existing habitable major structures — \$440 for each structure plus \$110 for each unit after the first:

	_____		# of additional structures		x \$440 = \$ _____		subtotal
_____	=	_____	# of units	# of additional structures	x \$110 = \$ _____		subtotal

(3) Nonhabitable major structures and coastal and shore protection structures — \$440, total, for all; plus an additional \$110 for each additional parcel upon which such structures are to be constructed, if no habitable structures are proposed in the same application. If habitable structures are proposed in the same application, only the appropriate fees in (1) and (2) above apply, provided that the property upon which the nonhabitable major structures and coastal and shore protection structures are to be constructed is under the same ownership as the property upon which the habitable major structures are to be constructed.

(if applicable)

\_\_\_\_\_

# of additional parcels upon which nonhabitable major structures and coastal and shore protection structures are to be constructed.

1	x \$440 = \$ _____		subtotal
	x \$110 = \$ _____		subtotal

\$ \_\_\_\_\_  
total amount of fee

EXHIBIT 'A'

Commence at the Southeasterly corner of Block 38, Longbeach Subdivision, recorded in Plat Book 6, Page 66 of the Public Records of Manatee County, Florida, said point also being the Northwesterly corner of the intersection of Coral Avenue and Seabreeze Avenue; thence along the Northwesterly right-of-way line of said Coral Avenue to the Point of Intersection of said right-of-way line of Coral Avenue, and the Southwesterly right-of-way line of Coral Avenue, and the Southwesterly right-of-way line of Ringling Blvd.; thence N 40°00'00" W, along said right-of-way line, 639.88 ft. to the existing Mean High Water Line of Sarasota Bay; thence along said Mean High Water Line, the following courses and distances, S 13°30'00" W, 280.0 ft.; S 33°24'09" W, 125.20 ft.; N 53°58'31" W, 81.50 ft.; N 08°18'30" W, 116.64 ft.; N 22°25'20" W, 91.38 ft.; N 36°59'31" W, 88.49 ft.; N 70°03'27" W, 176.25 ft.; N 21°09'38" W, 82.41 ft.; N 00°19'11" W, 93.01 ft.; N 11°10'34" W, 78.87 ft. to the Point of Beginning; thence continue northerly more or less along said Mean High Water Line on the following courses and distances: N 22°09'59" W, 78.45 ft.; N 29°18'47" W, 88.94 ft.; N 06°46'26" E, 93.45 ft.; N 54°46'00" E, 72.21 ft.; N 58°48'12" E, 86.49 ft.; N 45°51'07" E, 88.58 ft.; N 15°13'58" W, 113.72 ft.; N 10°56'23" E, 88.89 ft.; S 78°17'17" E, 47.80 ft.; N 02°51'25" W, 177.00 ft.; N 15°56'29" E, 84.74 ft.; N 72°23'27" E, 141.57 ft.; S 50°51'52" E, 151.80 ft.; S 41°38'19" E, 149.97 ft.; N 41°32'54" E, 30.01 ft.; N 07°30'21" E, 16.28 ft.; N 10°53'59" W, 62.82 ft.; N 23°49'57" W, 85.07 ft.; N 24°59'12" W, 71.03 ft.; N 38°00'08" W, 80.37 ft.; N 23°14'13" W, 80.23 ft.; N 18°08'46" W, 86.46 ft.; N 54°27'37" W, 62.84 ft.; N 85°39'39" W, 81.19 ft.; N 80°01'56" W, 82.11 ft.; N 89°45'49" W, 78.27 ft.; S 79°29'58" W, 90.70 ft.; S 76°10'56" W, 90.87 ft.; S 79°42'42" W, 86.74 ft.; S 52°21'23" W, 87.86 ft.; S 32°36'00" W, 87.59 ft.; S 22°32'17" W, 84.12 ft.; S 01°36'44" W, 72.98 ft.; S 11°02'42" E, 90.02 ft.; S 12°50'58" E, 94.00 ft.; S 10°56'49" E, 92.04 ft.; S 08°06'58" E, 91.43 ft.; S 03°05'01" E, 88.93 ft.; S 06°15'24" E, 90.22 ft.; S 10°21'08" E, 86.26 ft.; S 11°38'30" E, 92.78 ft.; S 10°11'55" E, 91.48 ft.; S 11°58'07" E, 93.78 ft.; to a point on the Mean High Water Line where the Point of Beginning bears N 78°01'04" E, thence N 78°01'04" E, 183.34 ft.; to the Mean High Water Line of Sarasota Bay, being the Point of Beginning.

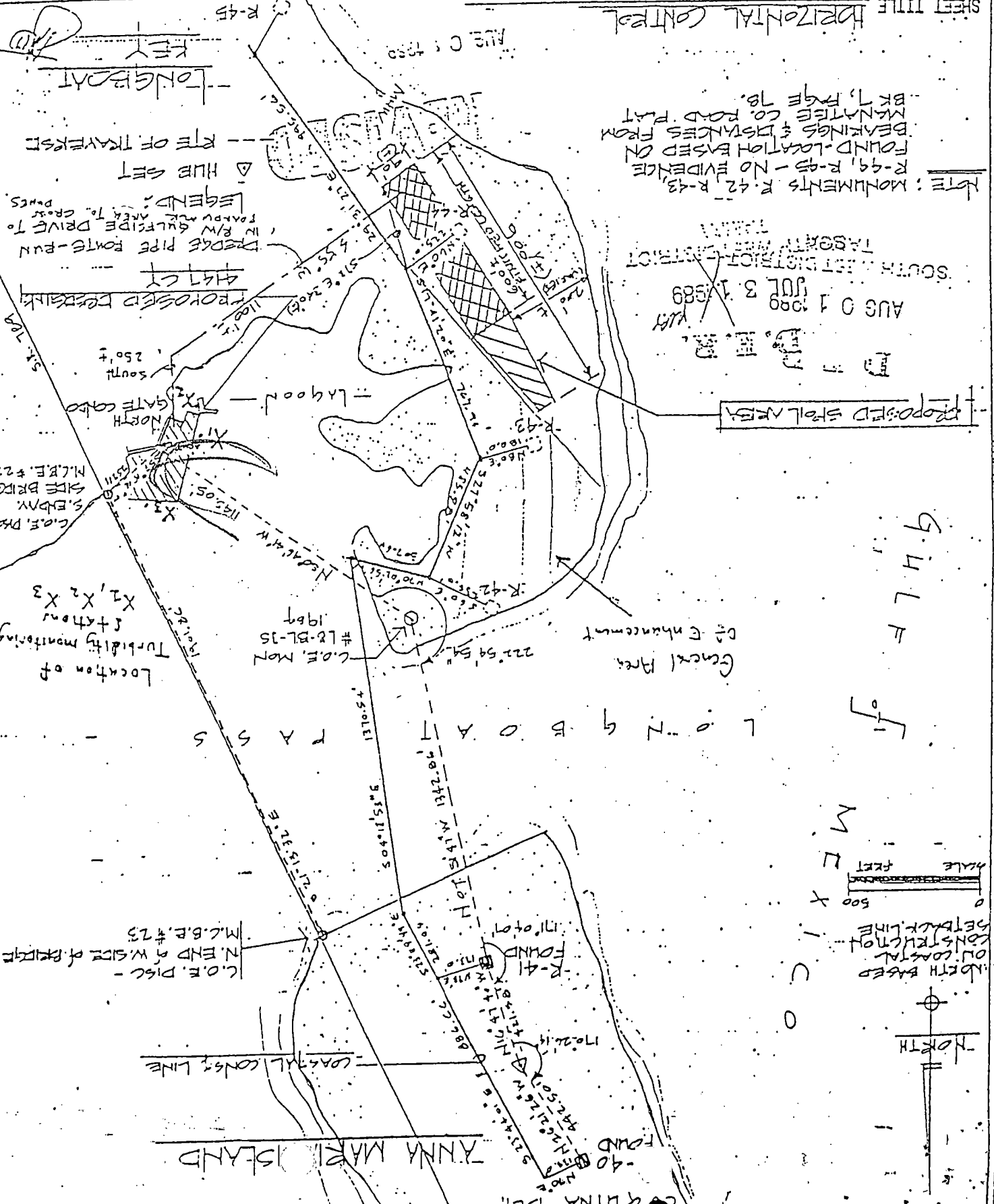
Said property immediately above-described lying and being in Sections 15 and 22, Township 35 South, Range 16 East, Manatee County, Florida.

PROJECT				BENSON ENGINEERING				ENGINEERS-PLANNERS-SURVEYORS BRADENTON FLORIDA			
SHEET TITLE				SCALE				DATE			
HORIZONTAL CONTROL				= 500				11.16.88			
SHEET 14				DWN				SHEET			

REV 7.27.89 REV 6.21.89  
REV 7.27.89 M.C.B.P.P.P.E

NOTE: MONUMENTS R-42, R-43, R-44, R-45 - NO EVIDENCE FOUND-LOCATION BASED ON BEAKINGS & DISTANCES FROM MANTLE CO. ROAD PLAT BK 7, PAGE 7B.

AUG 3 1989  
JUL 3 1989  
TASORRY DISTRICT

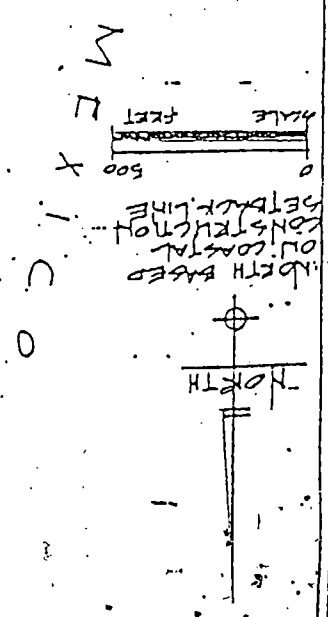


LEGEND:  
R/W GUARDRAIL DRIVE TO FORMERLY AREA TO CROSS REDDGE PIPE FORTS-PUN

Location of Turbidity monitoring stations X1, X2, X3  
C.O.E. Mon #18-BL-15 1987  
S. E. BANK M.C.B.P.E. #22  
SIDE BRIDGE  
NORTH  
GATE CANAL  
PROPOSED SHOULDER  
R/W GUARDRAIL DRIVE TO FORMERLY AREA TO CROSS REDDGE PIPE FORTS-PUN

Genl. Area  
C.P. Enhancement  
FOUND R-41  
R-42  
R-43  
R-44  
R-45  
S. 75° E 133.0  
S. 81° E 291.1

C.O.E. Disc - N. END of W. SIDE of BRIDGE  
M.C.B.P.E. #23



NORTH BASED ON COASTAL CONST. LINE  
500 X  
SCALE FEET

YANK MARK ISLAND

NORTH



STATE OF FLORIDA  
 BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND  
 ELLIOT BUILDING — TALLAHASSEE, FLORIDA 32304

Joel Küperberg  
 Executive Director

TELEPHONE 488-8123

JANUARY 3, 1974

*Handwritten notes:*  
 Aff  
 for down file

Mrs. W. L. Cornwell  
 212 - 62nd Street NW  
 Bradenton, Florida 33505

Dear Mrs. Cornwell:

Beer Can Island

This is to acknowledge receipt of your letter of October 20, 1973 expressing concern over the development of Beer Can Island and the contiguous mainland. The Governor has taken this matter up with me and asked that I reply to your inquiry.

Settlement of this controversy was recommended to the Cabinet by myself on behalf of the staff based upon the advice of attorneys for the county and our counsel, Ross McVoy. I know that you have a deep interest in the maintenance of the beauty of this island and I think once you understand what was accomplished in the settlement you will be able to report to the Manatee Audubon Society that Beer Can Island indeed has been preserved.

As you know, the issue in the lawsuit was who owned approximately 19.7 acres of land that accreted to the north end of Longboat Key. The factual dispute in the case involved the manner in which the accretion formed. After much research and exhaustive investigation it appeared the state had no claim to the land. Staff recommended that the Trustees Quit Claim any state interest to the county so it could fight the legal battle to preserve the Island on the basis of adverse possession, public prescriptive rights or similar legal theories. However, attorneys for the Conrads were able to enjoin the state from this action.

When Mr. Conrad's deposition was taken just shortly before the case was scheduled to go to trial, a new factual dispute arose which was somewhat damaging to the plaintiffs' case. Although the preponderance of the evidence in the factual dispute was in the plaintiffs' favor, there was enough to force the plaintiffs to reconsider their earlier claims to the entire 19.7 acres.

Reubin O'D. Askew  
 Governor

Richard (Dick) Stone  
 Secretary of State

Robert L. Shevin  
 Attorney General

Fred O. Dickinson, Jr.  
 Comptroller

Thomas D. O'Malley  
 Treasurer

Floyd T. Christian  
 Commissioner of Education

Doyle Conner  
 Commissioner of Agriculture

JANUARY 3, 1974

Mrs. W. L. Cornwell

Page 2

With that background, I would like to outline the terms of the settlement which I believe has been misunderstood by your Society. Attached is the settlement agenda item approved by the Trustees, December 4, 1973. Also attached is a color-coded map illustrating the settlement. The yellow hatched area will become the property of the Sarasota Bank and Trust Company upon entry of a final order by Judge Roy Dean. The red hatched area will become the property of the State of Florida. However, the state will convey this area to the county by a deed containing a provision that the property be maintained as a public recreation area in its natural state; that no permanent improvements be erected thereon and the use of motor-driven wheeled vehicles shall be prohibited except for emergency, police, or service vehicles performing official duties related to public welfare. If the terms of the deed are violated or not enforced then ownership of the island will revert to the State of Florida Board of Trustees of the Internal Improvement Trust Fund which I can assure you will protect the island.

The blue area bordered by red illustrates Seabreeze Avenue which is a platted street. It also illustrates a pedestrian easement across the property of the plaintiffs. You will note the blue area enclosed by red runs across the western side of the Bank property to the island. This 10 foot wide easement will be restricted to pedestrian and non-motor traffic such as bicycles and will be landward of the line of mean high water. As the configuration of the Bank property changes the easement will also change.

The solid green line that surrounds the entire area is intended to represent the line of mean high water. All land, submerged or covered and uncovered by the daily ebb and flow of the tide, outside that line belongs to the state. A survey was performed by Mosby Engineering Associates for Mr. Conrad and the Bank to locate the line of mean high water. The survey appears to be accurate but if there is any error, the Trustees are not bound by the error and the land boundaries can be corrected accordingly in the future.

The broken green line running east and west will be a common boundary line. This line marks the boundary beyond which the plaintiffs have relinquished all claims to any accretion in the future. This means that plaintiffs or their successors can never claim north of the broken green line. For instance, assume that by gradual and imperceptible erosion the red hatched area disappears entirely and the only accretion remaining is the yellow hatched area. Thereafter, accretion begins to form on the

JANUARY 3, 1974

Mrs. W. L. Cornwell

Page 3

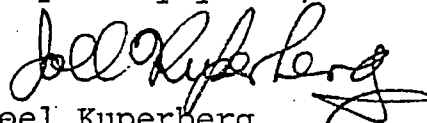
yellow hatched area and extends beyond the broken green line eventually recreating the red hatched area. Without the settlement agreement, the recreated land would belong to the Bank. The terms of this settlement prevent that situation from occurring because any accretion beyond the broken green line automatically becomes state - county owned property. However, the reverse is not the case. If any gradual and imperceptible erosion occurs south of the broken green line, that is on the property of the plaintiffs, then ownership of that land which becomes submerged and below the line of mean high water vests in the State of Florida.

Any dredging, filling, seawalling or construction in or bordering on the navigable waters of this state require a permit from this agency. The plaintiffs are well aware of the laws of the State of Florida in this regard and I can assure you that no roads will be built over open water to Beer Can Island.

I understand that Ross McVoy called your home Saturday, December 8 to explain this settlement to you. I have directed him to be available to your Society to answer any questions you may have concerning this settlement. He is a former officer of Tropical Audubon of Miami, and is to be commended, in concert with your own county attorneys, for their excellent representation of the public interest.

Thank you very much for your efforts to save this beautiful spot. The job could not have been accomplished without your assistance.

Very truly yours,



Joel Kuperberg  
Executive Director

JK/ysm

Enclosure

cc: Governor Reubin Askew  
Don Hadsock, County Attorney, Manatee County

LOCATION: Longboat Pass between Longboat Key and Anna Maria on the Gulf of Mexico in Section 15, Township 35 South, Range 16 East, Manatee County.

NATURE OF

CONTROVERSY: Beer Can Island is a spit of beachfront land attached to Longboat Key. It is not presently an island. Plaintiffs requested a disclaimer from the state to this spit. The Trustees deferred its issuance because of county and public interest in the property. Subsequently, the Trustees unanimously voted to quitclaim their interest to the county but were enjoined from this action. Plaintiffs filed suit to quiet title. Extensive litigation followed and this cause came up for trial September, 1973. Attorneys Warren Goodrich, Dan Haddock and Robert J. Boylston were vigorous in their representation on behalf of the county. At the time of trial, negotiations were renewed resulting in the proposed settlement of this cause.

PROPOSED

SETTLEMENT:

1. The spit will be divided into public and private ownership. Approximately 12.1 acres will be retained in public ownership and about 7.6 acres will be quitclaimed to plaintiffs.
2. Plaintiffs will grant a right-of-way easement for pedestrian and non-motor traffic access (a covenant that will run with the land) across their upland. The access will be 10 feet wide.
3. Based upon a survey by plaintiffs, none of the 19.7 acres in dispute is below the mean high tide line. It is a condition of this settlement that if there is any survey error, in that any part of the 7.6 acre tract is below the elevation of 1.46 mean sea level datum as of the date of the survey, the State shall not be bound by the erroneous survey.
4. A common boundary line will be established by agreement of the parties beyond which the plaintiffs or their successors in interest may not claim accretion. This line will not be a permanent boundary line, however, and any erosion on plaintiffs' tract behind the line and below mean high tide will vest ownership of such land in the state.
- ✓ 5. The Trustees will quitclaim the entire 19.7 acres to plaintiffs or their successors in interest. Plaintiffs or their successors will deed in fee simple 12.1 acres together with the access easement to the Trustees. (This procedure has certain title and tax benefits for plaintiffs that do not otherwise affect the interests of the State or County.)
6. Plaintiff's will obtain a dissolution of Judge Taylor's injunction prohibiting the Trustees

(continued on next page)

*Agenda*  
DEC 4 1973

#27 continued:

from conveying their interest to the county upon approval of this settlement by the Trustees.

7. Upon dissolution of the injunction, the Trustees will convey their interest together with the access easement to the County. However, the Trustees' deed will contain a provision that the property be maintained as a public recreation area in its natural state; no permanent improvements shall be erected thereon and the use of motor-driven wheeled vehicles shall be prohibited except for emergency, police or service vehicles performing official duties related to public welfare. If the terms of this provision are substantially violated, then the property ownership will revert to the State.

7. The plaintiffs or their successors shall be entitled to a stipulation and judgement quieting title to their 7.6 acre tract subject to the provisions of this item.

COMMENTS: Legal staff and the parties are in favor of settlement of this controversy on the terms as described in this item.

Staff recommends approval of the settlement as described in this item.

*Agenda*  
DEC 4 1973

This color coded diagram are noted

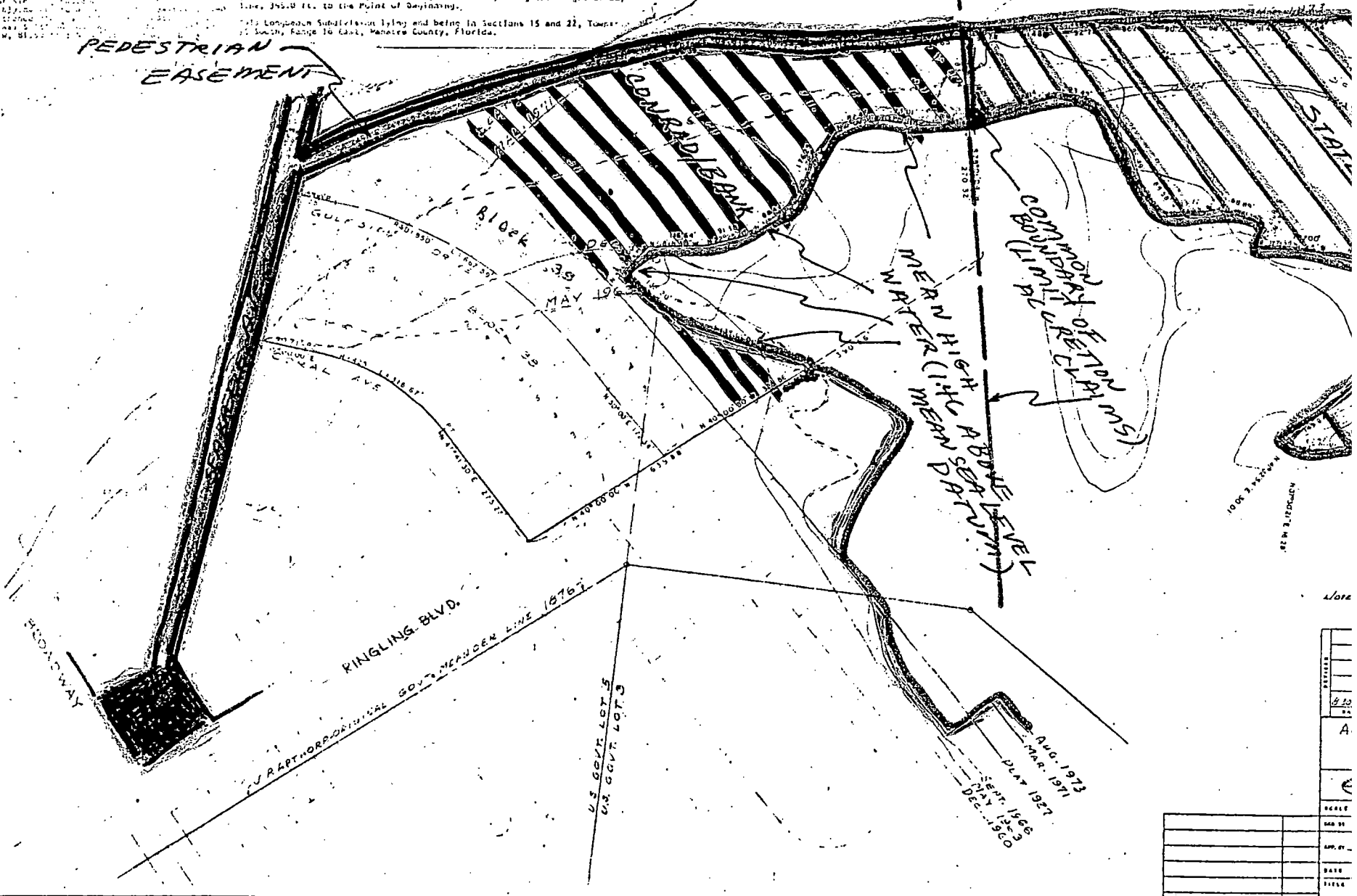
MAR. 1971

Longbeach Subdivision lying and being in Sections 15 and 22, Township 27 South, Range 16 East, Manatee County, Florida.

PEDESTRIAN EASEMENT

CONRAD BANK

COMPANY OF FLORIDA (S) COMPANY OF FLORIDA (S) NORTHERN HIGH RISE BUILDING MEAN HIGH WATER



Blue plotted street and public easement  
Red - state/county ownership

GREEN ACCRETION LINE AND MEAN H.  
Yellow COMPAD / SARASOTA BANK OWN

EXHIBIT

DATE	
BY	
SCALE	
NO. OF	
DATE	
TITLE	
PRINTED IN U.S.A.	

D E E D

THIS INDENTURE made this 6th day of March, 1974, between SARASOTA BANK AND TRUST COMPANY, a state banking association, as Trustee under a certain Trust Agreement dated July 19, 1971, known and referred to as "Longbeach Land Trust", herein called "Grantor" and the STATE OF FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND herein called "Grantee",

W I T N E S S E T H:

The Grantor for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars and other good and valuable consideration in hand paid by Grantee to Grantor, receipt whereof is hereby acknowledged, hereby remises, releases, bargains and sells unto the Grantee all of Grantor's right, title and interest, claim and demand to the property located in Manatee County, Florida, described on attached "Schedule A" which is by reference adopted and incorporated herein together with a certain described easement for ingress and egress to and from the above described property, which easement is hereinafter described in paragraph 4 of this deed.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, including riparian rights appurtenant to land described in "Schedule A", and all of the estate, right, title, interest, and claim whatsoever of the Grantor either in law or in equity to the only proper use, benefit and behoof of the Grantee and Grantee's assigns forever, subject however to the following conditions, all of which shall be considered as covenants running with the land and applicable both to the land granted and to the easements herein described.

9 6 5 8 1 0  
MANATEE COUNTY



FLORIDA  
SEPT. 20 1845

DOCUMENTARY  
SUR TAX  
\$ 00.55

FLORIDA  
STAMP TAX  
\$ 00.30

4/16/74  
Gift of Homer Green

1. The said property shall be used and maintained at all times henceforth solely as a public recreation area in its natural state; no permanent structure or improvements shall be erected thereon, and all use thereon of motor-driven wheeled vehicles shall be prohibited except for emergency, police, maintenance or service vehicles which shall be permitted thereon while in performance of official duties directly related to public health, safety or welfare.

2. This deed is given in connection with settlement by the parties of Case No. CA-5879, Circuit Court, Manatee County, Florida, styled Frank J. Conrad, et ux, vs. Reubin O'D Askew, et al, as Trustees, wherein the Plaintiffs sought to quiet title to certain lands in Manatee County therein described. As part of the settlement of said case, both parties agreed to a division of the land in question and the establishment of a common boundary line to separate the land of the Grantor from the land of the Grantee both now and in the future to the extent herein provided. Said common boundary line is described in Schedule "B" attached hereto and made a part hereof. The described boundary line extended east and west shall continue to be the common boundary line of the said lands of the Grantor and their respective successors and assigns, regardless of any breakthrough or washout which may occur through the neck of the narrow isthmus of land traversed by said boundary line and the re-building of said breakthrough or washout either by accretion or natural forces. Any re-building of said area in the event of breakthrough or washout shall be done only after compliance with Chapter 253, Florida Statutes, and other applicable laws and regulations. The said agreed boundary line extended east and west shall, as between the parties, henceforth constitute the northerly limit of Grantor's ownership. Grantor irrevocably disclaims and quit-claims

to Grantee any interest in accretion which may hereafter form northerly of the agreed common boundary line. It is the intention of the parties that Bank and its successors in interest shall own all accretion to Longboat Key attaching to property owned by them lying southerly of the said common boundary line and that Grantee shall own all accretion, whether actually attached to Longboat Key or not, lying northerly of said common boundary line. Any erosion of the described tract owned by Plaintiffs southerly of the common boundary line and below the mean high tide line will vest ownership of such eroded land in the State of Florida. Any accretion to the described tract owned by Plaintiffs which occurs southerly of the common boundary line and above the mean high tide line will vest ownership of such accreted land in the Plaintiff and its successors in interest.

3. In further consideration of said settlement and conveyances incident thereto, Grantor does hereby further grant unto Grantee and its successors in interest an easement appurtenant to the land herein conveyed in favor of the said conveyed land and as dominant estate, in and to the land of Grantor lying southerly of and within 200 feet of the agreed common boundary line herein established, said easement being granted for the following uses and purposes incident to the ownership by Grantee of the said dominant estate, to-wit: If natural forces shall cause a breakthrough or a washout of the said isthmus of land, affecting in whole or in part, the common boundary line of the parties (extended easterly and westerly as may be required by erosion or accretion), Grantor shall not artificially fill any of its said land lying southerly and within 200 feet of the said common boundary line without the express written permission of Grantee herein. Upon the express written demand of Grantee herein, and providing other requirements

of law are met by Grantee, Grantor will fill such land which has become eroded or avulsed due to natural forces, at Grantor's expense.

4. In further consideration of said settlement and the exchange of the said deeds, Grantor herein, being the owner of all of said Blocks 38 & 39 of Longbeach Subdivision, Plat Book 6, Page 66, Public Records of Manatee County, hereby grants unto Grantee herein, and its successors in interest, an easement in gross over land of Grantors described in Schedule "C" attached hereto and made a part hereof, such easement being described as follows:

A strip of land 10 feet in width, extending in a generally northerly-southerly direction along the entire westerly edge of the land described in said Schedule "C", terminating on the northerly end at the said common boundary line of the parties described in Schedule "B" hereto, and terminating on the southerly end where such 10' strip of land intersects Sea Breeze Avenue of the said plat of Longbeach or the extension of said street westerly, said strip being more specifically described as that parcel of land between the northerly and southerly terminus described, representing at all times the 10 feet of the said land immediately easterly of mean high water line of the Gulf of Mexico.

The parties recognize that the westerly boundary line of Grantor's land over which this easement is created is formed by the Gulf of Mexico and is therefore subject to change by accretion and erosion, and all of Grantor's said land is impressed with the obligation of this easement to the end that despite such changes in Grantor's said westerly boundary, Grantee's access easement shall, at all times, constitute the 10 feet immediately easterly of the Gulf of Mexico mean high water line, extending from Grantee's land described in Schedule "A" on the north, southerly a distance to at all times intersect Sea Breeze Avenue and Sea Breeze Avenue extended to the Gulf of Mexico as same is located

*Apr 2/1974*

from time to time, or some intervening platted street of said subdivision so as to provide, at all times, public access from public roads, via platted streets, thence via this said easement to the land conveyed herein to Grantee and described in Schedule "A" hereto. In the event Sea Breeze Avenue, or any platted street between Sea Breeze Avenue and the said common boundary line, should ever be vacated, such vacation shall be subject to a 10 foot easement, running from Ringling Boulevard to the access easement first above described.

5. Grantee, by acceptance of this deed, acknowledges and agrees to all of the terms and conditions expressed in the deed and acknowledges that the conditions, limitations and restrictions with respect to use of the property shall constitute covenants running with the land binding on all parties to the deed and those claiming under them and that such limitations, restrictions and conditions are for the benefit of all future owners of the property.

6. The parties have used metes and bounds description from a J. V. Mosby survey of the area dated November 12, 1973, reflecting the mean high water line as of August 1, 1973 (a sketch of which survey is attached and adopted by reference). The parties acknowledge that this is the most recent survey available and it has been assumed for simplicity of conveyancing that the said description accurately tracks, where applicable, the mean high water line on the date of conveyance and to the extent, if any, that there is a variance between the survey mean high water line and the actual location of same on the ground, then the mean high water line on the ground on the date of conveyance shall govern.

IN WITNESS WHEREOF, the parties hereto have hereunto set their

hands and seals the day and year first above written.

SARASOTA BANK AND TRUST COMPANY  
A State Banking Corporation,  
As Trustee

By: Robert M. Stith, Jr.

Robert M. Stith, Jr.  
Executive Vice President  
and Senior Trust Officer

ATTEST:

Wm. J. Coffin  
Trust Secretary



STATE OF FLORIDA  
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 6th  
day of March, 1974, by Robert M. Stith, Jr. as  
Executive Vice President and Trust Officer OF SARASOTA BANK AND TRUST COMPANY,  
a State Banking Corporation, as Trustee under Trust Agreement dated  
July 19, 1971.

Ernest L. Morse  
Notary Public

My commission expires:  
Notary Public, State of Florida at Large  
My Commission Expires Jan. 30, 1977  
Bonded by Aetna Casualty & Surety Co.

SCHEDULE "A"

Commence at the Southeasterly corner of Block 38, Longbeach Subdivision, recorded in Plat Book 6, Page 66 of the Public Records of Manatee County, Florida, said point also being the Northwesterly corner of the intersection of Coral Avenue and Seabreeze Avenue; thence along the Northwesterly right-of-way line of said Coral Avenue to the Point of Intersection of said right-of-way line of Coral Avenue, and the Southwesterly right-of-way line of Coral Avenue, and the Southwesterly right-of-way line of Ringling Blvd.; thence N 40°00'00" W, along said right-of-way line, 639.88 ft. to the existing Mean High Water Line of Sarasota Bay; thence along said Mean High Water Line, the following courses and distances, S 13°30'00" W, 280.0 ft.; S 33°24'09" W, 125.20 ft.; N 53°58'31" W, 81.50 ft.; N 08°18'30" W, 116.64 ft.; N 22°25'20" W, 91.38 ft.; N 36°59'31" W, 88.49 ft.; N 70°03'27" W, 176.25 ft.; N 21°09'38" W, 82.41 ft.; N 00°19'11" W, 93.01 ft.; N 11°10'34" W, 78.87 ft. to the Point of Beginning; thence continue northerly more or less along said Mean High Water Line on the following courses and distances: N 22°09'59" W, 78.45 ft.; N 29°18'47" W, 89.94 ft.; N 06°46'26" E, 93.45 ft.; N 54°46'00" E, 72.21 ft.; N 58°48'12" E, 86.49 ft.; N 45°51'07" E, 88.58 ft.; N 15°13'58" W, 113.72 ft.; N 10°56'23" E, 88.89 ft.; S 78°17'17" E, 47.80 ft.; N 02°51'25" W, 177.00 ft.; N 15°56'29" E, 84.74 ft.; N 72°23'27" E, 141.57 ft.; S 50°51'52" E, 151.80 ft.; S 41°38'19" E, 149.97 ft.; N 41°32'54" E, 30.01 ft.; N 07°30'21" E, 16.28 ft.; N 10°53'59" W, 62.82 ft.; N 23°49'57" W, 85.07 ft.; N 24°59'12" W, 71.03 ft.; N 38°00'08" W, 80.37 ft.; N 23°14'13" W, 80.23 ft.; N 18°08'46" W, 86.46 ft.; N 54°27'37" W, 62.84 ft.; N 85°39'39" W, 81.19 ft.; N 80°01'56" W, 82.11 ft.; N 89°45'49" W, 78.27 ft.; S 79°29'58" W, 90.70 ft.; S 76°10'56" W, 90.87 ft.; S 79°42'42" W, 86.74 ft.; S 52°21'23" W, 87.86 ft.; S 32°36'00" W, 87.59 ft.; S 22°32'17" W, 84.12 ft.; S 01°36'44" W, 72.98 ft.; S 11°02'42" E, 90.02 ft.; S 12°50'58" E, 94.00 ft.; S 10°56'49" E, 92.04 ft.; S 08°06'58" E, 91.43 ft.; S 03°05'01" E, 88.93 ft.; S 06°15'24" E, 90.22 ft.; S 10°21'08" E, 86.26 ft.; S 11°38'30" E, 92.78 ft.; S 10°11'55" E, 91.48 ft.; S 11°58'07" E, 93.78 ft.; to a point on the Mean High Water Line where the Point of Beginning bears N 78°01'04" E, thence N 78°01'04" E, 183.34 ft.; to the Mean High Water Line of Sarasota Bay, being the Point of Beginning.

Said property immediately above-described lying and being in Sections 15 and 22, Township 35 South, Range 16 East, Manatee County, Florida.

State - County Property

SCHEDULE "B"

Begin at the Southeasterly corner of Block 38, Longbeach Subdivision, recorded in Plat Book 6, Page 66, Public Records of Manatee County, Florida, said point also being the Northwesterly corner of the intersection of Coral Avenue and Seabreeze Avenue; thence N 05°00'00" E, along the Northwesterly right of way line of said Coral Avenue, 90.71 feet to the P.C. of a curve to the right, having a radius of 425.0 feet; thence along the arc of said curve, and along said right of way line thru a central angle of 42°41'30", a distance of 316.67 feet to the P.T. of said curve; thence continuing along said right of way line, N 47°41'30" E, 275.27 feet to the Point of Intersection of said right of way line of Coral Avenue, and the Southwesterly right of way line of Ringling Boulevard; thence N 40° 00'00" W, along said right of way line, 639.88 feet to a point on the existing Mean High Water Line of Sarasota Bay; thence continue N 40° 00'00" West, 390.66 feet to a point in Sarasota Bay, thence South 78°01'04" West, 270.32 feet to the Mean High Water Line of Sarasota Bay, which point is the easterly end of the agreed boundary line; thence continue across the upland South 78°01'04" West, 183.34 feet to the Mean High Water Line of the Gulf of Mexico, which point is the westerly end of the agreed boundary line between said parties, it further being the intention of the parties and is agreed that the agreed boundary line shall extend easterly and westerly on the last described bearing to the extent necessary to cross the uplands at all times taking into account the changes in the shoreline occurring from time to time resulting from erosion and accretion.

Said boundary line of said property lying in Section 15, Township 35 South, Range 16 East, Manatee County, Florida.

Common Boundary Line

SCHEDULE "C"

Begin at the Southeasterly corner of Block 38, Longbeach Subdivision, recorded in Plat Book 6, Page 66 of the Public Records of Manatee County, Florida, said point also being the Northwesterly corner of the intersection of Coral Avenue and Seabreeze Avenue; thence N 05°00'00"E, along the Northwesterly right-of-way line of said Coral Avenue, 90.71 ft. to the P.C. of a curve to the right, having a radius of 425.0 ft.; thence along the arc of said curve, and along said right-of-way line, thru a central angle of 42°41'30", a distance of 316.67 ft. to the P. T. of said curve; thence continuing along said right-of-way line, N 47°41'30"E, 275.27 ft. to the Point of Intersection of said right-of-way line of Coral Avenue, and the Southwesterly right-of-way line of Ringling Blvd.; thence N 40°00'00"W, along said right-of-way line, 639.88 ft. to a point on the existing Mean High Water Line of Sarasota Bay; thence along said Mean High Water Line, the following courses and distances; S 13°30'00"W, 280.0 ft.; S 33°24'09"W, 125.20 ft.; N 53°58'31"W, 81.50 ft.; N 08°18'30"W, 116.64 ft.; N 22°25'20"W, 91.38 ft.; N 36°59'31"W, 88.49 ft.; N 70°03'27"W, 176.25 ft.; N 21°09'38"W, 82.41 ft.; N 00°19'11"W, 93.01 ft.; N 11°10'34"W, 78.87 ft.; thence leaving said Mean High Water Line of Sarasota Bay, S 78°01'04"W, 183.34 ft.; to the Mean High Water Line of the Gulf of Mexico; thence along said Mean High Water Line, the following courses and distances: S 15°27'15"E, 94.65 ft.; S 13°06'18"E, 95.11 ft.; S 07°13'14"E, 96.40 ft.; S 05°15'42"E, 97.34 ft.; S 04°08'06"E, 100.57 ft.; S 14°03'50"E, 96.39 ft.; S 21°52'09"E, 93.46 ft.; S 20°55'32"E, 155.72 ft.; thence S 28°24'11"E, 472.57 ft. to the Point of Intersection of said Mean High Water Line, and the Northerly right-of-way line of Seabreeze Avenue; thence S 85°00'00"E, along said right-of-way line, 345.0 ft. to the Point of Beginning.

Said Longbeach Subdivision lying and being in Sections 15 and 22, Township 35 South, Range 16 East, Manatee County, Florida.

Bank Property.

495841

FILED AND RECORDED

MAR 13 3 41 PM '74

M. T. McINNIS, CLERK  
MANATEE CO. FLA.

NO. 1	100	100	100
NO. 2	100	100	100
NO. 3	100	100	100
NO. 4	100	100	100
NO. 5	100	100	100
NO. 6	100	100	100
NO. 7	100	100	100
NO. 8	100	100	100
NO. 9	100	100	100
NO. 10	100	100	100

ACCRETION TO BLOCKS 35 & 36  
SCHEDULES 7 & 8  
SARASOTA, FLORIDA

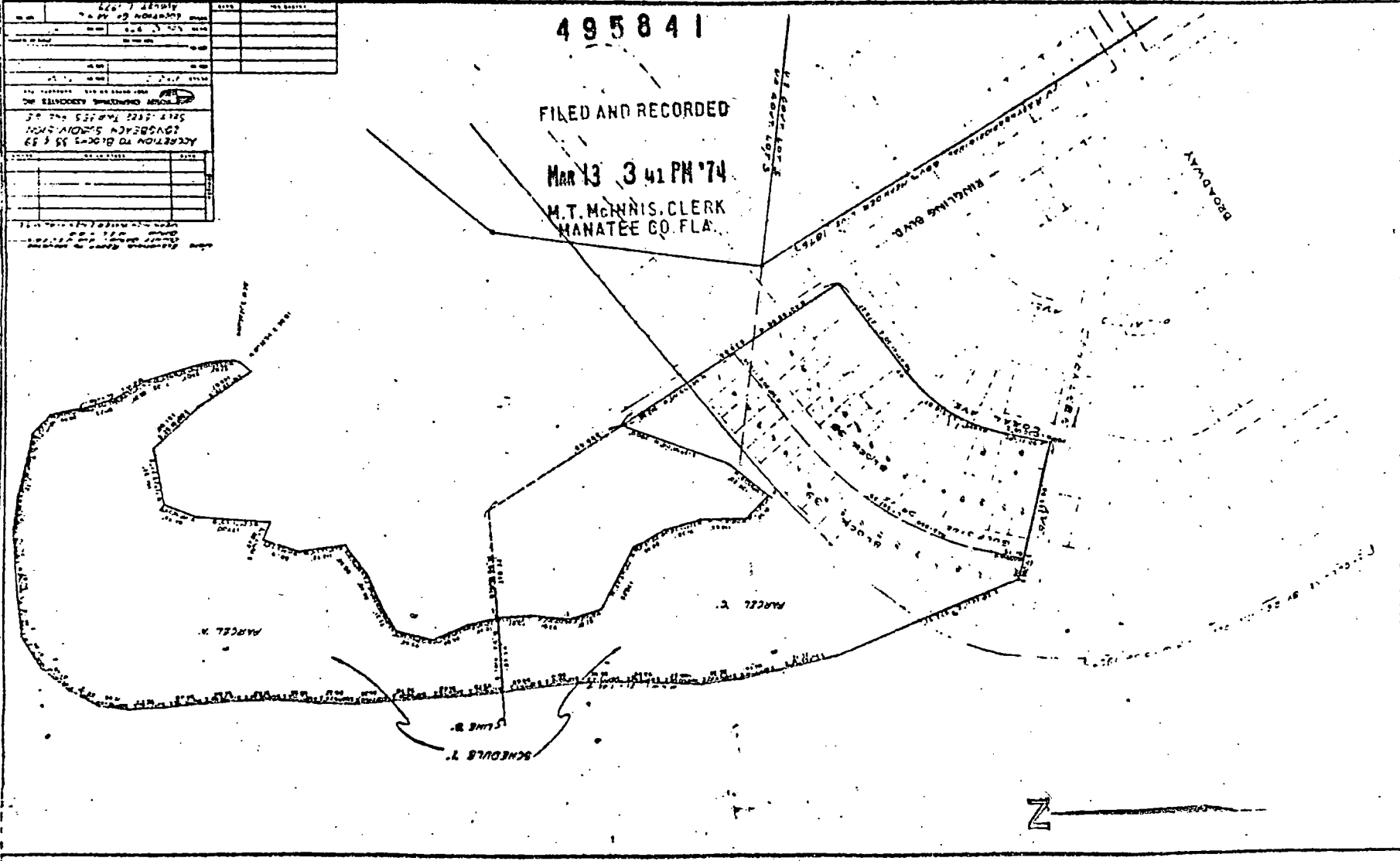


Exhibit to Deed from Sarasota Bank & Trust Company to State of Florida

REC 660 PAGE 704

FOWLER, WHITE, GILLEN, BOGGS, VILLAREAL AND BANKER, P. A.

ATTORNEYS AT LAW

TAMPA — ST. PETERSBURG — CLEARWATER  
FT. MYERS — TALLAHASSEE

CABLE - FOWHITE  
TELEX 52776  
TELECOPIER  
(904) 681-6036

SUITE 910  
101 NORTH MONROE STREET  
TALLAHASSEE, FLORIDA 32301  
(904) 681-0411

MAILING ADDRESS:  
POST OFFICE BOX 11240  
TALLAHASSEE, FLORIDA 32302

January 21, 1992

Mr. Leonard A. Smally, P.E.  
Director of Public Works  
Town of Longboat Key  
501 Bay Isles Road  
Longboat Key, FL 34228

RE: Longboat Key Dredge & Fill Project

Dear Mr. Smally:

Enclosed is a copy of correspondence received today from the Department of Natural Resources concerning the pending application.

Please contact me once you have reviewed this letter.

Sincerely yours,



Pamela Presnell Garvin

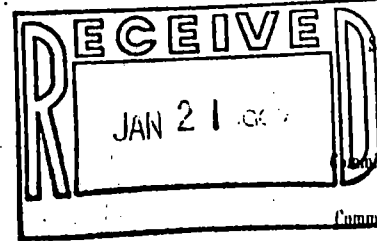
Enclosure  
PPG:jl

1881261



## FLORIDA DEPARTMENT OF NATURAL RESOURCES

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399



Lawton Chiles  
Governor  
Jim Smith  
Secretary of State  
Bob Butterworth  
Attorney General  
Gerald Lewis  
State Comptroller  
Tom Gallagher  
State Treasurer  
Bob Crawford  
Commissioner of Agriculture  
Betty Castor  
Commissioner of Education

January 15, 1992

Town of Longboat Key  
c/o Pamela Presnell Garvin  
Fowler, White, Gillen, Boggs, Villareal and Banker, P.A.  
Post Office Box 11240  
Tallahassee, Florida 32302

Dear Ms. Garvin:

File No. 411581783  
Applicant: Town of Longboat Key

An agenda item has been prepared for the above referenced application, and upon review by staff several questions arose that require your response.

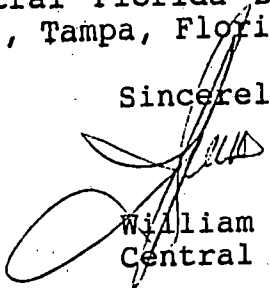
It has been determined by our staff and that of Beaches and Shores that in order to present the item to the Board of Trustees, a complete application must be submitted to the Bureau of Beaches and Shores. Subsequently, an agenda item shall be submitted simultaneously by both bureau's to the Board of Trustees for consideration and final Department action.

Secondly, it is staff understanding that you wish to be assured that removal of exotic vegetation along the uplands, pursuant to the Department of Environmental Regulations permit, and placement of sand on the gulf side of the island would not be determined as contrary to the deed requirements of leaving the area in its natural condition. Your concern may be irrelevant since it appears that a portion of the northern part of the island which was given to the county (Dec. 1973) was deeded back to the Board of Trustees (1974) noted as Parcel A and any accretion. Therefore, if the vegetation to be removed is located south of Parcel A, then that area is not covered by the deed restriction. I suggest that you identify the location of the exotic intended for removal and determine if the deed restrictions would apply.

Page Two  
Town of Longboat Key

Please submit this information at your earliest convenience, and if you have any questions, please feel free to contact me at the DSL West Central Florida District Office, 8402 Laurel Fair Circle, Suite 212, Tampa, Florida 33610 or at 813/620-6161.

Sincerely,



William M. Torres, Environmental Administrator  
Central Region

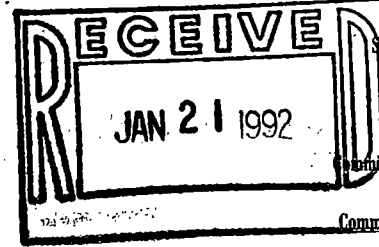
WMT/er

cc: Jeffrey N. Steinsnyder



# FLORIDA DEPARTMENT OF NATURAL RESOURCES

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399



Lawton Chiles  
Governor  
Jim Smith  
Secretary of State  
Bob Butterworth  
Attorney General  
Gerald Lewis  
State Comptroller  
Tom Gallagher  
State Treasurer  
Bob Crawford  
Commissioner of Agriculture  
Betty Castor  
Commissioner of Education

January 15, 1992

Town of Longboat Key  
c/o Pamela Presnell Garvin  
Fowler, White, Gillen, Boggs, Villareal and Banker, P.A.  
Post Office Box 11240  
Tallahassee, Florida 32302

Dear Ms. Garvin:

File No. 411581783  
Applicant: Town of Longboat Key

An agenda item has been prepared for the above referenced application, and upon review by staff several questions arose that require your response.

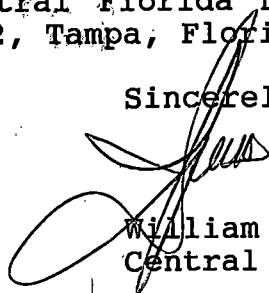
It has been determined by our staff and that of Beaches and Shores that in order to present the item to the Board of Trustees, a complete application must be submitted to the Bureau of Beaches and Shores. Subsequently, and agenda item shall be submitted simultaneously by both bureau's to the Board of Trustees for consideration and final Department action.

Secondly, it is staff understanding that you wish to be assured that removal of exotic vegetation along the uplands, pursuant to the Department of Environmental Regulations permit, and placement of sand on the gulf side of the island would not be determined as contrary to the deed requirements of leaving the area in its natural condition. Your concern may be irrelevant since it appears that a portion of the northern part of the island which was given to the county (Dec. 1973) was deeded back to the Board of Trustees (1974) noted as Parcel A and any accretion. Therefore, if the vegetation to be removed is located south of Parcel A, then that area is not covered by the deed restriction. I suggest that you identify the location of the exotic intended for removal and determine if the deed restrictions would apply.

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Please submit this information at your earliest convenience, and if you have any questions, please feel free to contact me at the DSL West Central Florida District Office, 8402 Laurel Fair Circle, Suite 212, Tampa, Florida 33610 or at 813/620-6161.

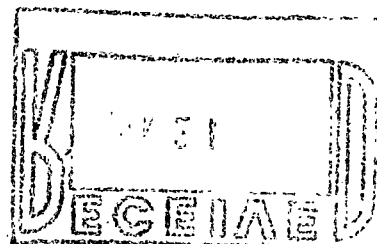
Sincerely,



William M. Torres, Environmental Administrator  
Central Region

WMT/er

cc: Jeffrey N. Steinsnyder



FOWLER, WHITE, GILLEN, BOGGS, VILLAREAL AND BANKER, P. A.

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TELEX 52776  
TELECOPIER (813) 229-8313  
ABA NET 2917

PLEASE REPLY TO:  
P. O. BOX 1438  
TAMPA, FLORIDA 33601

August 13, 1991

Pamela P. Garvin, Esquire  
Fowler, White  
Post Office Box 11240  
Tallahassee, Florida 32301

RE: Longboat Key Dredge & Fill Project

Dear Pam:

Thank you for your comprehensive memo of August 12, 1991. The position of myself, my wife and most of the residents at Northgate Condominium is that we do not want to go forward with the present dredging permit if it will require removal of the trees from Beer Can Island. The reason for this is that I don't think that the dredging of 4,000 cubic yards will be of any great benefit to us in the long run. I would expect the area to refill within a couple of years and at that point the trees would be gone.

If we could expand the dredging permit to 10,000 cubic yards - which I understand is the maximum - I think that we would probably reluctantly agree to the removal of the trees. The original request for dredging was for the maximum of 10,000 cubic yards. As I understand it, this could not be done because of mangroves that had grown on the spit. For some mysterious reason those mangroves died. Therefore, at the present time the previous mangrove problem should not restrict the amount of the dredge.

Insofar as the town is concerned, I don't really know what

CODY FOWLER 1892-1978  
MORRIS E. WHITE 1892-1988

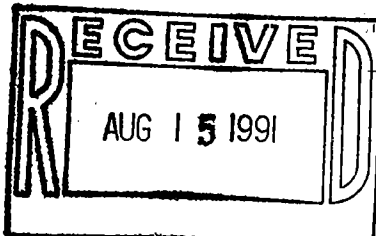
E. JACKSON BOGGS  
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BRENDAN P. O'SULLIVAN  
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RALPH A. BLINE  
WILLIAM F. RUTGER  
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JEFFREY P. WINKLER  
CHARLES A. WACHTER  
MARK T. TATE, JR.  
BRADLEY E. POWERS  
PAUL E. BERG  
HALA MARY AYOUB  
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DEBORAH A. GETZOFF

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L. ROBERT BOURGEOIS  
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MITCHELL I. HOROWITZ  
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JOHN U. BIEDENHARN, JR.  
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FLORENCE E. HARMON  
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PAMELA P. GARVIN  
MICHAEL G. FINK  
ROBERT E. SHARBAUGH  
JOSEPH L. NAJMY  
JOHN STEWART TIFFIN  
JEFFREY M. PASKERT



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their position is. Al Cox, the City Manager, lives on Northshore Drive and he may well be quite anxious to proceed with the present dredging. Initially there was a great concern that the spit would close off the lagoon and create a health hazard. At the present time it doesn't look to me like that is going to happen although there is only a trickle of water that goes through at low tide.

I originally volunteered the services of Fowler-White to try to get this permit in an effort to encourage the City of Longboat Key to adopt the project. I believe that that was in May of 1988 or 1989. At that time I mistakenly thought that it would be a very simple project since it was an effort to restore the area to its natural condition and to prevent the development of a health hazard. I anticipated being able to get the permits in 2 to 3 months with a minimum amount of work. Obviously, I could not have been more wrong, and I'm very sorry that I got us involved in this miserable project. I would have stopped it when the subject of the trees first came up, but I was told that the State would not enforce that provision. Obviously, that was wrong.

The bottom line is that I would still like to get the 10,000 cubic yards now that the mangrove problem has disappeared. If we could get that, we would reluctantly give up the trees. I assume that in order to get that it would probably require another 2 years of work and that there would be a lot of uncertainty. I obviously don't want you or your office to spend that amount of additional time on this project. As the matter now stands with a dredge permit for approximately 4,000 cubic yards and the removal of the trees, we would personally prefer that the entire matter die a natural death with no further action. Unfortunately, I'm not sure that that can be done since I did volunteer you guys to represent the City, and if the City wants to go forward I suppose that we will have to live up to our word and do it. I guess this would be particularly true if you are going to be representing the City with regard to the beach renourishment program which hopefully will be more lucrative than my sand spit. Again, if everyone would agree to drop it, in my opinion that would be the best solution. If the City won't agree to drop it, I guess we're going to have to go forward with whatever additional work is required.

Please give me a call after you have had an opportunity to read this letter.

I do appreciate the excellent work that you have done. Unfortunately, my lack of understanding with regard to the

Pamela P. Garvin, Esquire  
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necessary work involved is what created the problem.

Very truly yours,



Robert E. Banker  
REB/od  
cc/Rhea Law



THE TOWN OF  
**LONGBOAT KEY**

501 Bay Isles Road  
Longboat Key, Florida 33548  
(813) 383-3721

7PP

October 22, 1991

Jeffrey N. Steinsnyder  
Assistant County Attorney  
Manatee County  
P.O. Box 1000  
Bradenton, Fl. 34206

Re: Town of Longboat Key Dredge and Fill Project  
Adjacent to Greer Island - CAO File 1042-012

Dear Mr. Steinsnyder:

Enclosed please find two originals of the Agreement between the Town of Longboat Key and the Manatee County Board of County Commissioners, executed by the Town.

The Town would appreciate it if the County would expedite signing the DNR Permit Application so that we may continue the permitting process. If I can be of assistance, please let me know.

Please advise me when this item will be on the County Commission agenda. Thank you for your cooperation.

Very truly yours,

Leonard A. Smally, P. E.  
Director of Public Works

/cmm

cc: Pam Garvin, Esquire ✓  
John Benson, P.E., P.L.S.