



**Hand-Delivery**

7 April 2025

Commissioner Steve Branhan  
Town of Longboat Key  
501 Bay Isles Road  
Longboat Key, Florida 34228

Re: Bay Isles Parkway Divestiture and Conveyance for the  
Eastbound Rampway to SR 789 Pedestrian Tunnel

Dear Steve,

As a follow-up from our conversation this past Friday evening, kindly find attached to this correspondence two documents. The first document is the proposed divestiture of Bay Isles Parkway to the Town of Longboat Key. The other document is the proposed conveyance for the Eastbound Rampway to SR 789 Pedestrian Tunnel and all related infrastructure assets to the Town of Longboat Key

These materials have been provided to the Town Staff, who will independently prepare comprehensive analysis and formal recommendations for the Town Commissioners in connection with this instant matter.

The attachments, inclusive of the executive summary and supporting documents therein, are intended to facilitate informed deliberations by the Town Commissioners as they assess the feasibility and implications of the proposed divestiture of the Bay Isles Parkway and the conveyance of the Eastbound Rampway to SR 789 Pedestrian Tunnel in connection with the operations of the pedestrian tunnel, under a special arrangement with the Florida Department of Transportation.

After you have reviewed these materials, I am available for further discussion, if you desire. I can be reached at 610-724-8308.

In the meantime, thank you for your consideration and time.

Very truly yours,

Philip S. Deming  
Vice President - Bay Isles Association, Inc.

Enclosures: (2)



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*The Proposed Conveyance for the  
Eastbound Rampway to SR 789  
Pedestrian Tunnel and All  
Infrastructure Assets from  
Bay Isles Parkway to the  
Town of Longboat Key*

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April 2025



## **EXECUTIVE SUMMARY**

TO: Commissioners of the Town of Longboat Key  
FROM: Bay Isles Association, Inc.  
SUBJECT: Proposed Conveyance for the Eastbound Rampway to SR 789  
Pedestrian Tunnel and All Infrastructure Assets

Arvida, Inc., the real estate developer for Bay Isles Association, Inc. ("Bay Isles") and Seaplace, constructed a pedestrian tunnel beneath State Road 789 (Gulf of Mexico Drive, "GMD") circa 1970. The primary purpose of this infrastructure was to provide a safe and efficient thoroughfare for bicycle and pedestrian traffic under GMD, thereby mitigating surface-level crossings and enhancing public safety.

On or about July 2, 1990, the Florida Department of Transportation ("FDOT") issued a maintenance permit to Bay Isles, assigning responsibility for the upkeep of the underpass facility. In compliance with this obligation, Bay Isles secured a surety bond in the amount of \$25,000 to ensure the continued maintenance of the structure. Since that time, Bay Isles has diligently maintained the tunnel, including the eastbound and westbound rampways, in accordance with the terms of the permit.

In 2023, the Bay Isles Board of Directors initiated an evaluation of options to terminate its maintenance permit with FDOT. This decision was guided by two principal considerations:

1. **Liability Exposure:** The tunnel is predominantly utilized by non-residents of Bay Isles, resulting in a disproportionate liability burden on Bay Isles for an asset that serves the broader public.
2. **Maintenance Costs:** Bay Isles has solely borne the financial responsibility for the upkeep of the tunnel, despite its primary beneficiaries being individuals other than Bay Isles property owners and their invitees.

Both FDOT and the Town of Longboat Key ("Town") benefit from sovereign immunity protections, which are not available to Bay Isles. Consequently, Bay Isles has been compelled to rely on commercial insurers for risk mitigation in connection with accidents, injuries, lawsuits, and asset protection.

Bay Isles is not aware of any pending legal claims, threatened litigation, or claims of injury arising from or related to the pedestrian tunnel and/or the eastbound



## **BAY ISLES**

rampway. To the best of its knowledge, no such claims have been filed or asserted against Bay Isles in connection with these facilities.

To explore the procedural requirements for terminating the maintenance permit, Bay Isles engaged its outside legal counsel, Icard Merrill. Through these discussions, FDOT acknowledged its ownership of the pedestrian tunnel structure itself. However, it was determined that Bay Isles owns the eastbound rampway, while Seaplace owns the westbound rampway.

On July 1, 2024, Icard Merrill formally served notice to the Secretary of FDOT of Bay Isles' intent to discontinue all maintenance obligations for the pedestrian underpass, with such cessation of liability to take effect on January 1, 2025.

Subsequently, Bay Isles informed Town Staff of its intent to terminate the maintenance permit and inquired whether the Town would consider assuming ownership and maintenance responsibilities.

Bay Isles conducted an on-site meeting with FDOT engineers to evaluate the tunnel's structural integrity and discuss the procedural framework for termination.

Following these discussions, FDOT approached the Town Staff to explore the possibility of the Town and/or FDOT assuming ownership and maintenance responsibilities for the tunnel and associated rampways.

On September 23, 2024, during a Regular Town Commission Workshop meeting, Town Staff delivered a presentation outlining recommendations and proposed the next steps. The Staff's recommendation included continuing discussions with Bay Isles and FDOT regarding potential partnership arrangements or a formal transfer of ownership and maintenance obligations. The Town Commission authorized these discussions to proceed.

As a result of these ongoing deliberations and in recognition of public safety concerns, Bay Isles, on an informal and voluntary basis, elected to temporarily suspend its intent to terminate the maintenance permit before January 1, 2025, pending further negotiations and resolution of ownership and maintenance responsibilities.

On March 4, 2025, the Bay Isles Board of Directors unanimously passed a Resolution. The resolution authorized the Board of Directors and/or their designees to undertake efforts to negotiate and/or convey right, title, and interest in the SR-789 pedestrian tunnel and all associated infrastructure, including the



## **BAY ISLES**

eastbound rampway, sidewalk, sump pump, electrical systems, and all related components. The resolution further stipulated that if negotiations were not reasonably entertained by government authorities, the Board would proceed with the permit termination.

Bay Isles has retained an electrical firm to bifurcate electrical utility services for the lighting and sump pump systems in connection with the pedestrian tunnel and install separate electrical metering devices. These efforts will be coordinated with Florida Power & Light. This initiative will allow the Town and/or FDOT to assume full constructive possession of all electrical assets, inclusive of meter subscription service with Florida Power & Light. The other separate meter will be used for managing Bay Isles electrical services associated with the adjacent waterway.

There have been productive discussions between Bay Isles and Seaplace in connection with Bay Isles' desire to terminate the maintenance permit and the willingness to convey the eastbound rampway. The intent is to encourage Seaplace to consider supporting any conveyance to government authorities, including considering conveying the westbound rampway, which they own but Bay Isles maintained.

FDOT has constructed a new Americans with Disabilities Act ("ADA") compliant sidewalk bypass, it circumvents the westbound rampway. The eastbound rampway is not ADA compliant but there is an ADA compliant sidewalk bypass.

In collaboration with Town Staff, Bay Isles engaged independent third-party consultant, Stantec, to collect and analyze data (including structural integrity assessment in accordance with the FDOT requirements) to support the Town's decision-making process regarding the pedestrian tunnel. Within this document, we have provided the final Stantec reporting to Town Staff, offering essential insight into Bay Isles' intent and background.

Additionally, Bay Isles has provided to Town Staff historic financial data for a six-year period relative to capital expenditures and yearly maintenance costs.

Town Staff will independently prepare a comprehensive analysis and formal recommendations for the Town Commissioners in connection with this matter.

This executive summary is intended to facilitate informed deliberation by the Town Commissioners as they assess the feasibility and implications of the proposed Conveyance for the Eastbound Rampway to SR 789 Pedestrian Tunnel and all infrastructure assets.



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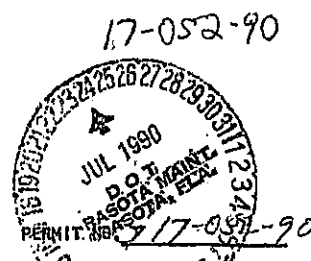


## **SECTION A**

Completed 1-23-92 KA

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

PERMIT



DATE July 2, 1990

SUBJECT: Section 17030 State Road #789 (Gulf of Mexico Drive) County Sarasota  
PERMITTEE/ Bay Isles Association, Inc. c/o JMC Property Management, Inc.,  
ADDRESS 5350 Gulf of Mexico Drive, #205, Longboat Key, FL 34228  
Requesting permission from the State of Florida Department of Transportation, hereinafter called the Department, to

~~Noncompliance~~ operate and maintain an existing vehicular-pedestrian underpass facility at  
from MP Station 6.055 to MP Station

1. Proposed work is within the corporate limits of a municipality. Yes(X) No( )  
Name of municipality Town of Longboat Key, Florida
2. Applicant declares that prior to submitting this application he has ascertained the location of all existing utilities, both aerial and underground.  
A letter of notification and plan of improvement was mailed on N/A to the following utilities/  
municipalities.
3. Is Interstate or Toll Road right-of-way involved? Yes ( ) No (X )
4. It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or vest any property right in said holder.
5. Whenever necessary for the construction, repair, improvement, maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said highway as determined by the Director of the Division of Road Operations any or all facilities and appurtenances authorized hereunder, shall be immediately removed from said highway, reset or relocated thereon as required by the Director of the Division of Road Operations and at the expense of the permittee.
6. The construction and maintenance of such facility shall not interfere with the property and rights of a prior permittee.
7. It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the State's right, title and interest in the land to be entered upon and used by the holder, and the holder will, at all times, assume all risk of indemnify, defend, and save harmless the State of Florida and Department from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise or attempted exercises by said holder of the aforesaid rights and privileges. During construction, all safety regulations of the Department shall be observed and the holder must take measures, including placing and display of safety devices, and may be necessary in order to safely conduct the public through the project area in accordance with the Department's Manual on Traffic Controls and Safe Practices for street and highway construction, maintenance and utility operation.
8. In case of noncompliance with the Department's requirements this permit is void and the facility will have to be brought into compliance or removed from the R/W at no cost to the Department.
9. All work shall meet Department standards and be performed under the supervision of H.S. ELY  
Maintenance Resident Engineer, located at Sarasota, Florida.
10. All materials and equipment shall be subject to inspection by the Maintenance Resident Engineer.
11. The office to the Maintenance or Resident Engineer named in paragraph nine (9) shall be notified twenty-four (24) hours in advance before starting work and immediately upon completion.
12. All Department property shall be restored to it's original condition as far as practical, in keeping with the Department specifications, and in a manner satisfactory to the Department.
13. The attached sketch and special provisions covering details of this installation shall be made a part of this permit.
14. The permittee shall commence construction in good faith within sixty (60) days from the date of said permit approval and shall be completed within N/A days.
15. Special conditions: The Permittee shall provide the Department with a cash or surety bond in the amount of \$25,000 to guarantee the removal of the underpass facility in the event the facility is not maintained by the\*\*
16. Special instructions:

Bay Isles Association, Inc.,  
Submitted by: a non-profit Florida corporation  
Permittee

Carl Karsh  
Signature and Title  
Carl Karsh, its President

Place  
Corporate  
Seal

Attested

Roadway construction is proposed or underway Yes( ) No ( )  
Recommended for approval

Maintenance Engineer

Date

Approved By:

L. M. Courtney, Jr.  
District Engineer

Date

\*\* Permittee in a safe and sound condition and to guarantee the restoration of the roadway to the requirements and specifications of the Department





## **SECTION B**



P: 941.366.8100

F: 941.366.6384

2033 Main Street, Suite 600  
Sarasota, FL 34237

IcardMerrill.com

Patrick Seidensticker

pseidensticker@icardmerrill.com

July 1, 2024

Jared W. Perdue, P.E.  
Secretary, Florida Department of Transportation  
605 Suwannee Street, MS 57  
Tallahassee, Florida 32399-0450

Lance Grace, P.E.  
Director of Maintenance  
Florida Department of Transportation  
605 Suwannee Street  
Tallahassee, Florida 32399-0450

2024 JUL - 8 PM 3:06

VIA Certified Mail Return Receipt Requested

**Re: Ownership and Maintenance Responsibilities Related to Pedestrian Tunnel Underlying  
Gulf of Mexico Drive, Longboat Key, Florida**

Dear Mr. Perdue and Mr. Grace:

Our firm represents Bay Isles Association, Inc. (the "Association") in various matters, including land use and real estate matters. This correspondence is intended to address the pedestrian underpass located in Longboat Key, Florida, which spans under Gulf of Mexico Drive and which is adjacent to, and spans between, land owned by the Association, more particularly described as Sarasota County PID 0008020001, and land owned by Seaplace Association Inc., more particularly described as Sarasota County PID 0008110002 (the "Pedestrian Underpass"). We were tasked with determining ownership and legal maintenance obligations associated with the Pedestrian Underpass. Such maintenance obligations have been previously undertaken at the sole cost of the Association to ensure that the underpass was maintained in a clean and safe manner for the benefit of residents of and visitors to Longboat Key. By way of this correspondence, please be aware that the Association intends to abandon any such maintenance obligations as of January 1, 2025.

We have taken the following steps to review the underlying ownership and maintenance responsibilities for the Pedestrian Underpass:

- February 7, 2024 – Icard Merrill submitted a request for a Property Information Report to Old Republic Title specifically related to the Pedestrian Underpass to determine underlying ownership of same.
- February 7, 2024 – Icard Merrill submitted a Public Records Request to the Town of Longboat Key for any records related to the "construction, permitting, ownership, maintenance, dedication, etc. of the [Pedestrian Underpass]."

- February 7, 2024 – Town of Longboat Key provided documents responsive to our request. We reviewed the records which include prior meetings of the town counsel involving development approval of the Pedestrian Underpass, construction documents, and other related materials but our review of these materials did not locate any indication of underlying ownership or any related maintenance obligations imposed on any entity.
- February 8, 2024 – Icard Merrill researched internal client files held by the firm for any documents related to ownership or maintenance obligations related to Pedestrian Underpass. No pertinent records were located.
- February 8, 2024 – Icard Merrill searched available public records in Sarasota County for recorded documents with Arvida, Bay Isles Association and Seaplace Association as parties thereto which are related to ownership or maintenance obligation of the Pedestrian Underpass. No pertinent records were located.
- February 9, 2024 – Icard Merrill's title searcher provided documents regarding ownership of the adjacent parcels but was unable to find anything related to the Pedestrian Underpass specifically.
- February 12, 2024 – After multiple correspondence whereby we provided additional documentation to our title searcher and expanded our request, it was determined that there are "no recorded easements or agreements with [Florida Department of Transportation ("FDOT")] or parties in the chain [of adjacent parcels] regarding the [underpass]." Parties which were searched in this regard included Arvida Corporation, Arvida JBM, Seaplace Association, Bay Isles Association and FDOT. Ultimately, the title searcher was unable to find any information regarding ownership of the Pedestrian Underpass specifically, besides confirmation that FDOT owns Gulf of Mexico Drive which runs above same.
- March 8, 2024 – Icard Merrill submitted a public records request to FDOT through their FOIA Public Records portal for any records related to the "construction, permitting, ownership, maintenance, dedication, etc. of the [Pedestrian Underpass]." As of the date of this correspondence no responsive documents have been provided by FDOT and the status of the pending request shows as "In Progress."

As of the date of this correspondence, our search has not uncovered any documents which are determinative of the ownership of the Pedestrian Underpass, nor documents which show that a specific parcel was ever created separately from Gulf of Mexico Drive. Because the underpass lies under Gulf of Mexico Drive, which is owned by FDOT, and because no separate ownership was ever created, in the absence of evidence to the contrary, it is our conclusion that FDOT owns the Pedestrian Underpass.

Further, and importantly, our search has not uncovered any document which obligates Bay Isles Association to maintain the Pedestrian Underpass. Though our thorough search has thus far not produced any documents which definitively answer the question of ownership and maintenance of the Pedestrian Underpass, it is possible that such documentation exists. If FDOT is in possession of any such documentation, we request that it be provided for review.

Based on our research we can find no legal obligation for the Association to continue any maintenance responsibilities associated with the Pedestrian Underpass. Therefore, we are providing, on behalf of the Association, notice to FDOT that the Association intends to cease any such maintenance of the Pedestrian



Underpass and would not continue to assume liability for same after January 1, 2025. We would thereafter expect that FDOT will assume such responsibilities at that time, as FDOT seems to be the fee simple title holder of the Pedestrian Underpass.

Please do not hesitate to contact my office with any questions or if you would like to discuss further.

Sincerely,

ICARD, MERRILL, CULLIS, TIMM,  
FUREN & GINSBURG, P.A.

A handwritten signature in black ink, appearing to read 'Patrick C. Seidensticker', written over a horizontal line.

Patrick C. Seidensticker

Cc: Association President – via e-mail only

Telese Zuberer, Esq. – via e-mail only



## **SECTION C**

## **M E M O R A N D U M**

**To:** Howard Tipton, Town Manager  
**From:** Isaac Brownman, Public Works Director  
**Report date:** September 12, 2024  
**Meeting date:** September 23, 2024  
**Subject:** Bay Isles Association, Inc. Pedestrian Tunnel (Underpass)

### **Recommended Action**

Continue conversations with Bay Isles Association, Inc. and Florida Department of Transportation (FDOT) regarding potential partnership arrangements, or full transfer of ownership and maintenance, of the Bay Isles Association, Inc. Pedestrian tunnel.

### **Background**

The pedestrian tunnel connecting the Bay Isles Harborside development and Seaplace Condominiums to east and west areas of Gulf of Mexico Drive (GMD) was originally constructed in the late 1970s by Arvida, Inc. This was to provide a safe, convenient bicycle and pedestrian crossing across GMD as this segment of GMD has no nearby marked surface crossings. An FDOT permit document dated July 2, 1990 shows the ownership and maintenance entity of the tunnel as the Bay Isles Association, Inc.

The Bay Isles Association is now contemplating abandoning the asset due to the maintenance obligation and costs of the tunnel. They have approached both the Town and FDOT about taking over ownership and maintenance.

FDOT and the Town have independently observed and analyzed the structure. FDOT indicates that it appears to be structurally sound. By observation, the Town would agree. Due to the elevation of the tunnel, tunnel drainage requires functioning submerged pumps. These pumps appear to have been recently repaired. The pump discharges runoff through the private Bay Isles system(s). The ramps into and out of either side of the tunnel are on private property, not in the GMD right-of-way. On the east side, the entire ramp is on Bay Isles Association, Inc. property and on the west side the ramp is on Seaplace Association, Inc. property as well as potential individual unit owners' property. The ramps themselves do not meet ADA standards for accessible ramps. For example, by FDOT measurements, parts of the ramp are upwards of 19% slope; ADA standard is 8.3%.

FDOT has approached the Town about partnering with them (FDOT) to take over ownership and maintenance, or for the Town to take over entirely. The Town could also work on a three (3) entity partnership to include Bay Isles Association, Inc. and FDOT.

Though the Town has participated in conversations with Bay Isles Association and FDOT, FDOT is not sure how to handle the ADA accessibility issue. Right-of-way space would need to be donated to the State of Florida by each of the property owners. As conversations progress, the Town would need final construction plans, record drawings, historical ownership and maintenance records of the tunnel, and costs to maintain it over time from Bay Isles Association, Inc.

The pedestrian tunnel is a Longboat Key community asset. It provides the sole safe GMD crossing between Bay Isles Harborside, Seaplace and areas surrounding. It is a robust, well built, large structure that is visually innocuous. It is used by members of the community, however, it is unknown to what degree.

**Staff Recommendation**

Continue conversations with Bay Isles Association, Inc. and Florida Department of Transportation (FDOT) regarding potential partnership arrangements, or full transfer of ownership and maintenance, of the Bay Isles Association, Inc. Pedestrian tunnel.

**Attachment**

PowerPoint Presentation



TOWN OF LONGBOAT KEY

**Bay Isles Association, Inc.  
Pedestrian Tunnel  
(Underpass)**

Town Commission Regular Workshop Meeting  
September 23, 2024

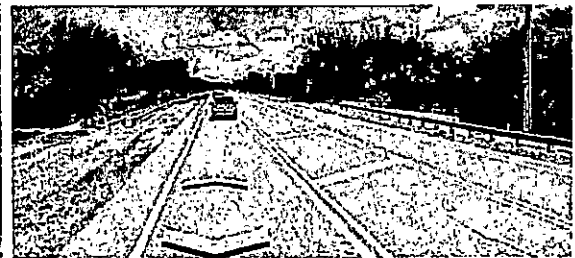




TOWN OF LONGBOAT KEY

## Bay Isles Association, Inc. Pedestrian Tunnel

### Getting Acquainted: Location and Views



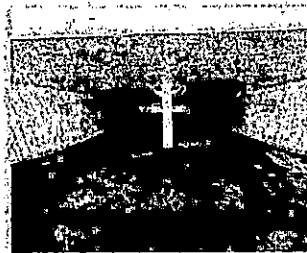
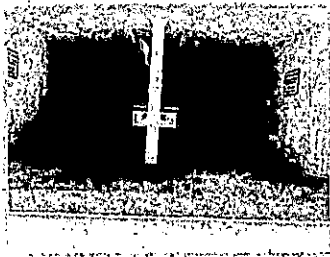
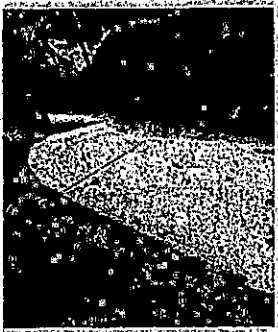


TOWN OF LONGBOAT KEY

## Bay Isles Association, Inc. Pedestrian Tunnel

Bay Isles Association, Inc. contemplating abandoning the asset due to increasing maintenance costs over time.

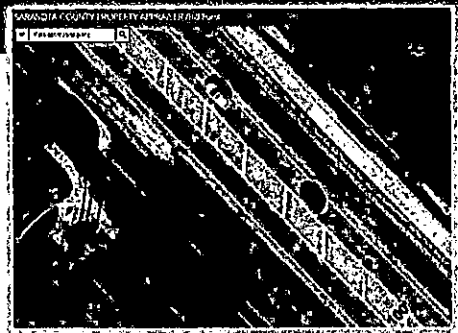
Bay Isles Association, Inc. has approached both the Town and FDOT about taking over ownership and maintenance.



## Bay Isles Association, Inc. Pedestrian Tunnel

FDOT and Town have independently reviewed and analyzed the structure. Observations:

- FDOT indicates that it appears to be structurally sound. By observation, the Town would agree.
- Due to the low elevation of the tunnel, tunnel drainage requires functioning pumps, which appear to have been repaired recently.
- Runoff discharges through the private Bay Isles system(s).
- The large ramps on either side of GMD are not in the GMD right-of-way; rather, they are on private properties.
- The ramps down to the base of the tunnel significantly do not meet ADA standards for accessible ramps (up to 19% -- standard is 8.3%).



## Bay Isles Association, Inc. Pedestrian Tunnel

### FDOT has approached the Town about...

- Partnering with them (FDOT) to take over ownership and maintenance
- Town take over entirely.
- Abandonment

### Another option:

Town can work on three (3) way partnership to include Bay Isles Association, Inc. and FDOT

NOTE: Town has engaged in initial conversations with Bay Isles Association, Inc. and FDOT. FDOT is not sure about how to handle the ADA issue. Right-of-way would need to be donated to the state.



Is this a Longboat Key community asset? Yes.

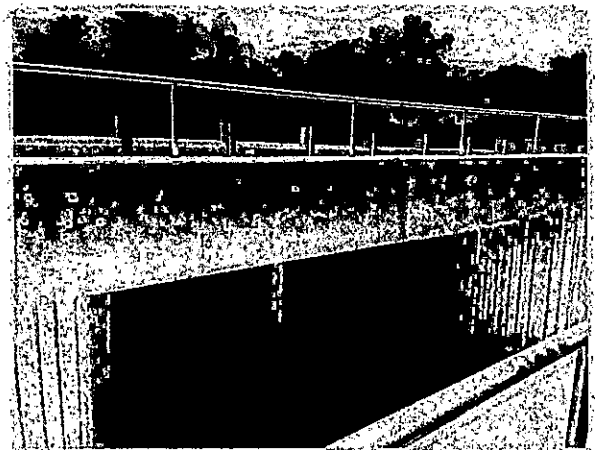
- Provides the sole safe GMD crossing between Bay Isles Harborside, Seaplace and surrounding areas.
- Robust, well built, unique, large structure
- Visually innocuous from the surface. Unless you look for it, you likely will not see it.
- It is used, however, it is unknown to what degree.

As conversations progress, the Town would need any final construction plans, record drawings, historical ownership and maintenance records of the tunnel, and costs to maintain it over time from Bay Isles Association, Inc.



## Recommendation and Next Step:

Continue conversations with Bay Isles Association, Inc. and Florida Department of Transportation (FDOT) regarding potential partnership arrangements, or full transfer of ownership and maintenance, of the Bay Isles Association, Inc. Pedestrian tunnel.





TOWN OF LONGBOAT KEY

***Thank you!***



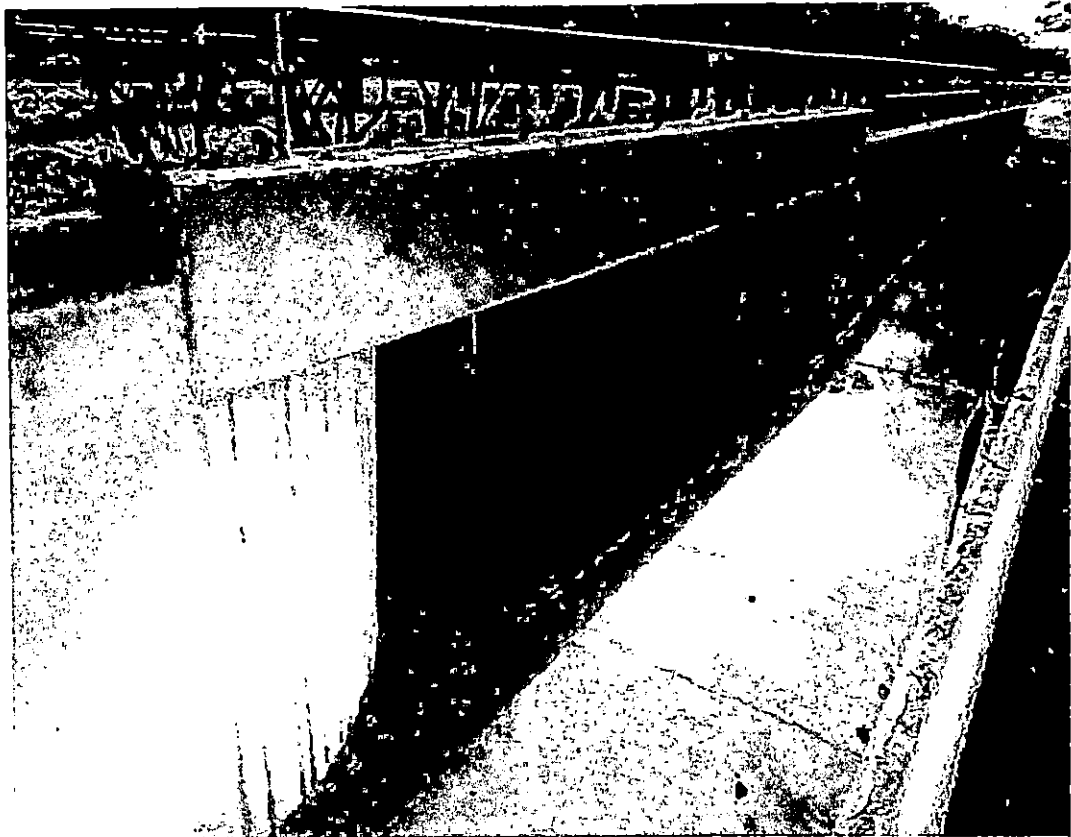
**End of Agenda Item**



## **SECTION D**

# SR 789 PEDESTRIAN UNDERPASS ASSESSMENT REPORT

Initial assessment as requested by the Bay Isles Association



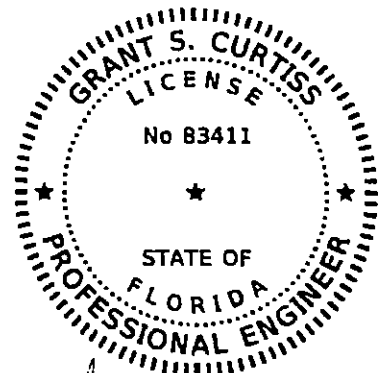
Prepared for:

**Bay Isles Association**

4651 Salisbury Rd, Suite 350  
Jacksonville, FL 32256

Stantec Project No. 215811185

January 2025



*Grant S. Curtiss*  
01/24/2025

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## 1.0 INTRODUCTION

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### 1.1 SCOPE OF WORK

This report details the initial structural assessment for the State Road (SR) 789 Pedestrian Undercrossing. This report highlights the observations made during the on-site visual assessment that took place on January 6, 2025.

This pedestrian undercrossing assessment follows the National Bridge Inspection (NBIS) Standards Code of Federal Regulations (CFR) 23 – Highway Part 650, Subpart C, FL Statute 335.074. However, this pedestrian undercrossing is not considered a bridge in accordance with NBIS since the opening measured along the center of roadway is less than 20 feet.

### 1.2 STRUCTURE DESCRIPTION

SR 789 Pedestrian Undercrossing is located in Longboat Key, Sarasota County (27°21'23"N, 82°36'51"W). It is currently maintained by the Bay Isles Association. This structure is a Double Cell Concrete Box Culvert with an 8" thick intermediate wall, headwall & wingwalls. The culvert is 100'-0" in length with an overall width of 16'-8" measured from inside face of exterior walls. The height of the culvert measured from top face of the bottom slab to the bottom face of the top slab is 7'-9". The thickness of the top and bottom slab could not be measured in the field. Each cell is 8'-0" wide between inside faces.

SR 789 crosses above the culvert, with approximately 8" of fill above the top slab. The roadway consists of (2) 12'-0" Lanes, a 12'-0" Gore, (2) 4'-0" Shoulder, (2) 12'-0" Buffer to railing. The Annual Average Daily Traffic (AADT) is 12,200 taken in 2023. The detour length for this structure is approximately 32 miles.

The undercrossing can be accessed through ramps, provided between wingwall & retaining wall, from North & South directions. At the time of inspection, many pedestrians and bicyclists were seen using the underpass.

On the East elevation, additional shared use path is provided. Refer Photo 3.

Utilities such as water, overhead electric, telephone, fiber optic are observed along and close to the SR 789 Northbound shoulder. Irrigation systems are observed along the SR 789 Southbound shoulder.

Disclaimer: Plans and load ratings were not provided for the structure. All the geometric measurements stated in this report were made in the field by the inspection team and should be confirmed if plans are made available.

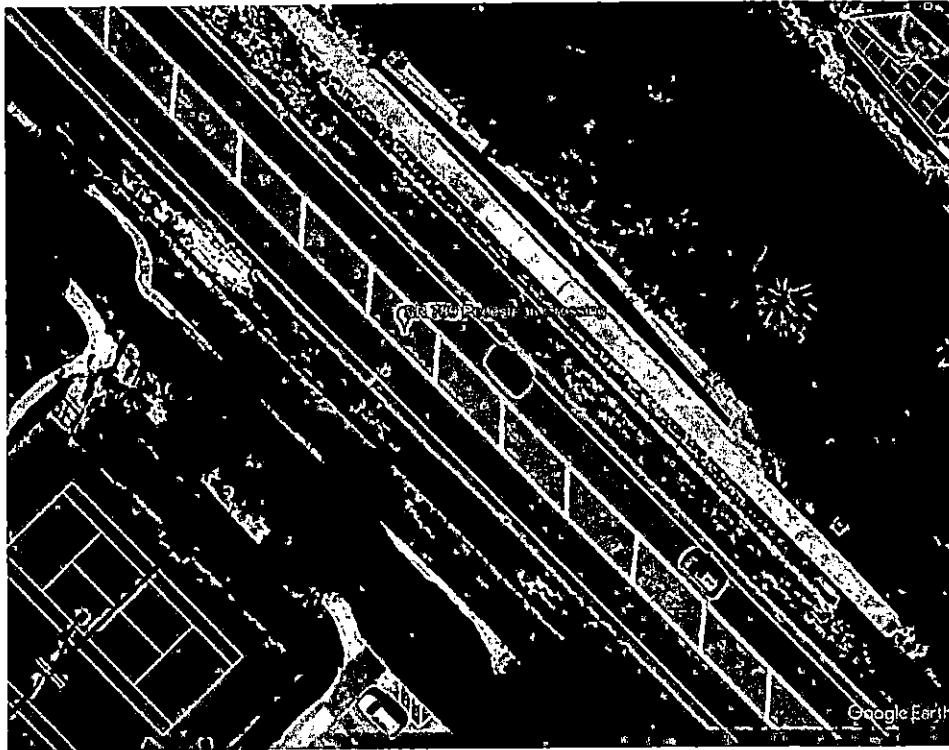


Figure 1: Aerial Map of Pedestrian Undercrossing

## 2.0 ASSESSMENT FINDINGS

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The assessment results summarized in this section reflect findings from the on-site visual assessment. Based on the field measurements, sketches for the box culvert are provided. Refer to Appendix A for sketches.

### 2.1 TYPICAL FINDINGS

The typical condition of all culvert and wingwall surfaces at the time of inspection included a painted stucco finish, approximately 1/16" in thickness.

#### 2.1.1 WEST HEADWALL

No defects were observed in the headwall.

#### 2.1.2 EAST HEADWALL

Five corroded spots on the elevation towards the culvert were observed. Refer Photo 45.

### **2.1.3 CULVERT - TOP SLAB**

No defects were observed in the bottom face of the top slab.

### **2.1.4 CULVERT - EXTERIOR SOUTH WALL**

Reveals are present in the curved portion of the wall. Refer Photo 49 and 51.

Loss of decorative coating was observed closer to the east elevation. The decorative coating was measured to 1/16". Refer Photo 29.

### **2.1.5 CULVERT - INTERMEDIATE WALL**

The intermediate wall has chamfers along the length at the top of the wall. Refer Photo 53. No defects were observed in the wall.

### **2.1.6 CULVERT - EXTERIOR NORTH WALL**

Reveals are present in the curved portion of the wall. No defects were observed in the wall.

### **2.1.7 CULVERT - BOTTOM SLAB**

Typical findings for the bottom slab in both the cells:

- Joint in bottom slab at 22'-1" from the East Elevation. Refer Photo 64 and 65.
- Drainage outlets 1'-2" x 2'-0", provided at exterior wall corners. Ponding & signs of still water was observed near all the drainage grate inlets. Refer Photo 33. The outlets seem to be filled with debris. Debris is not restricting the drainage flow.
- Insignificant cracking (0.010") is observed in the top of the bottom slab over the full span and width. Refer Photo 31 and 32.
- Two spalls (5" Long x 2" Wide x 1" Deep and 5" Long x 4" Wide x 1" Deep) are at the northwest corner of the bottom slab at the drainage inlet, refer to Photo 24.

### **2.1.8 WINGWALLS**

No defects were observed in the wingwalls.

### **2.1.9 PEDESTRIAN RAILINGS**

Pedestrian railings are provided for the full length of the headwall and the wingwall at both elevations.

Dents in pedestrian railings are observed at three locations on the Northwest Wingwall (Photo 38).

Pedestrian railings are also present on adjacent retaining walls, of which five horizontal rails were damaged on the west retaining wall (Photo 46).

#### **2.1.10 BRIDGE RAILINGS, TRANSITIONS, AND END TREATMENTS**

No defects are observed in the bridge railings, transitions, and end treatments. Guardrail post varies between steel and timber. Embedded depth of guardrail post measures 8" at the culvert crossing, connection to culvert structure could not be inspected.

#### **2.1.11 CULVERT LIGHTING**

Lighting fixtures are mounted at the top, on either side of the wall.

- On both the sides, it was observed that the first bulb closer to the east elevation is not working while the remaining four are working.
- On the South face, the lighting panel rail is detached near the 3<sup>rd</sup> light bulb. Refer Photo 30.
- On the North face, East Elevation, the enclosure panel is missing. Refer Photo 28.



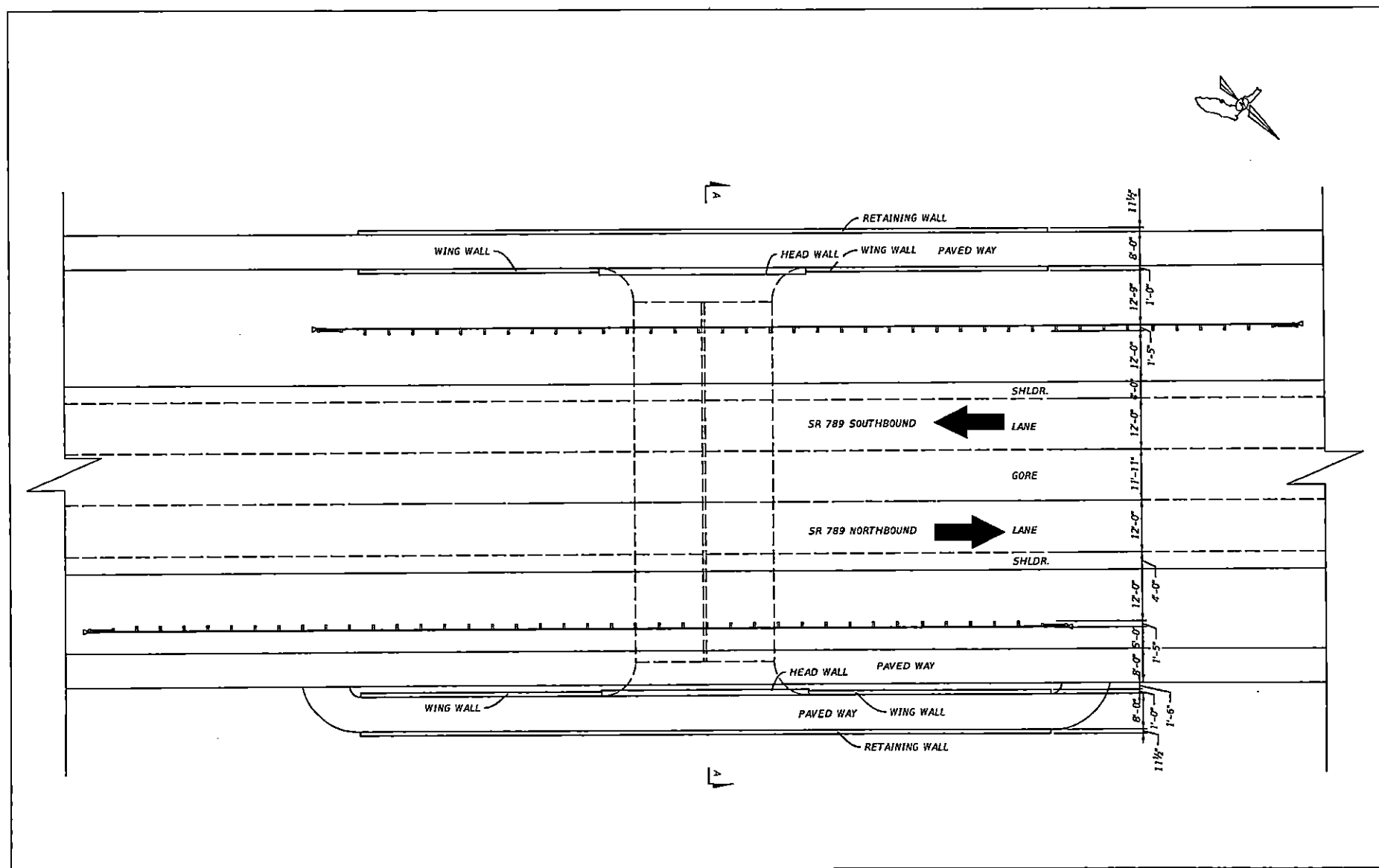
### 3.0 CULVERT CONDITION RATING

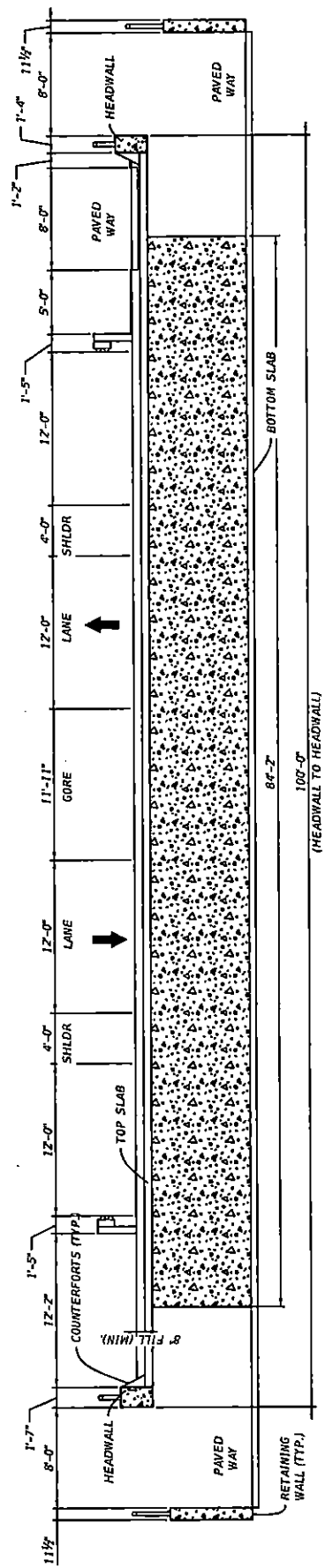
Based on the typical findings described above & visual assessment, the culvert condition is considered good with some minor defects. The Culvert Condition Rating is 7 in accordance with FHWA Specifications for the National Bridge Inventory.

Table 20. Codes and descriptions for component condition ratings.

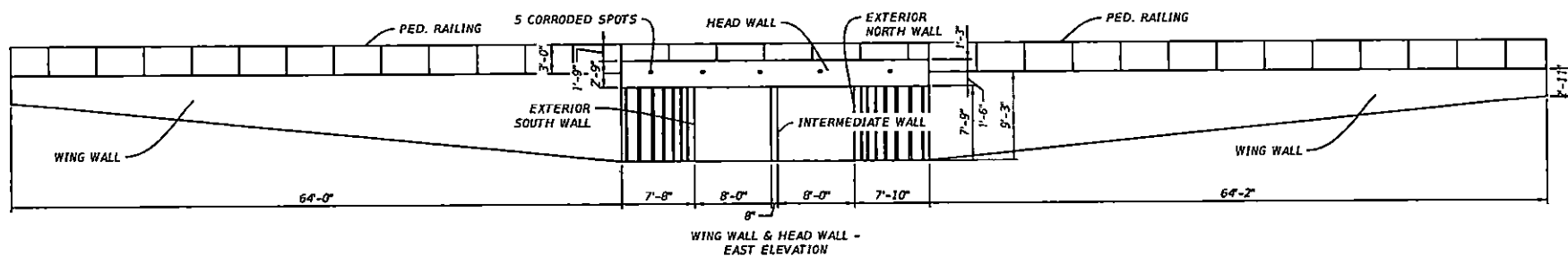
Code	Condition	Description
N	NOT APPLICABLE	Component does not exist.
9	EXCELLENT	Isolated inherent defects.
8	VERY GOOD	Some inherent defects.
7	GOOD	Some minor defects.
6	SATISFACTORY	Widespread minor or isolated moderate defects.
5	FAIR	Some moderate defects; strength and performance of the component are not affected.
4	POOR	Widespread moderate or isolated major defects; strength and/or performance of the component is affected.
3	SERIOUS	Major defects; strength and/or performance of the component is seriously affected. Condition typically necessitates more frequent monitoring, load restrictions, and/or corrective actions.
2	CRITICAL	Major defects; component is severely compromised. Condition typically necessitates frequent monitoring, significant load restrictions, and/or corrective actions in order to keep the bridge open.
1	IMMINENT FAILURE	Bridge is closed to traffic due to component condition. Repair or rehabilitation may return the bridge to service.
0	FAILED	Bridge is closed due to component condition, and is beyond corrective action. Replacement is required to restore service.

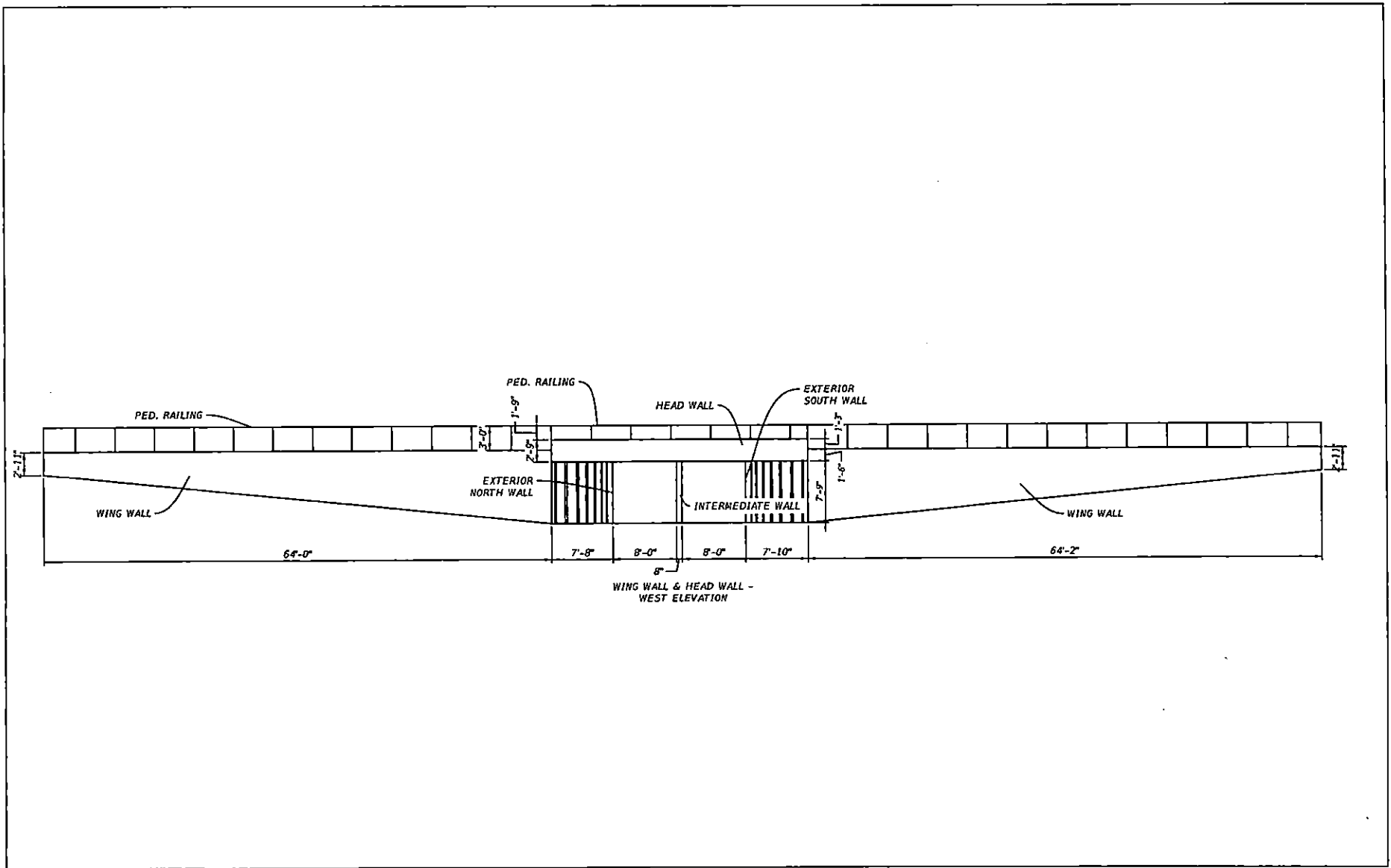
## **APPENDIX A: CULVERT FIELD MEASUREMENTS**

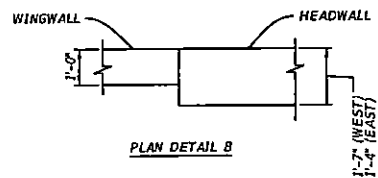
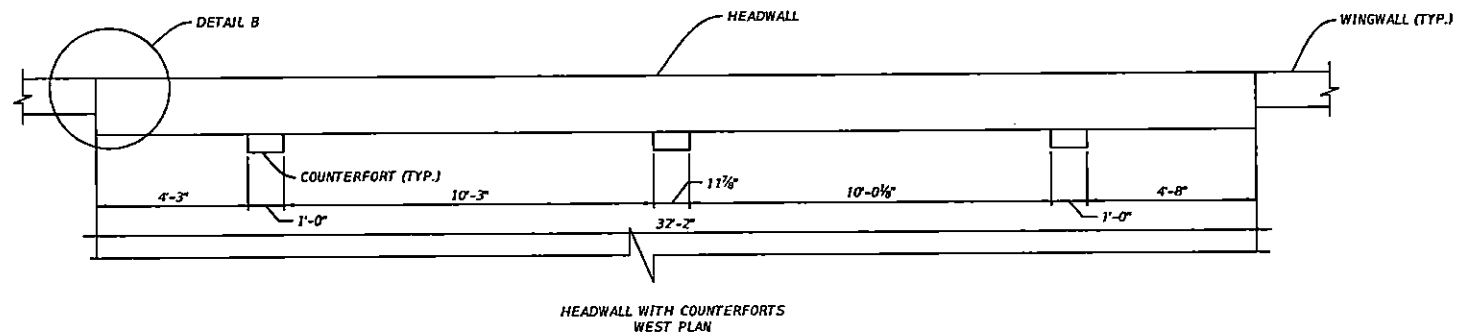
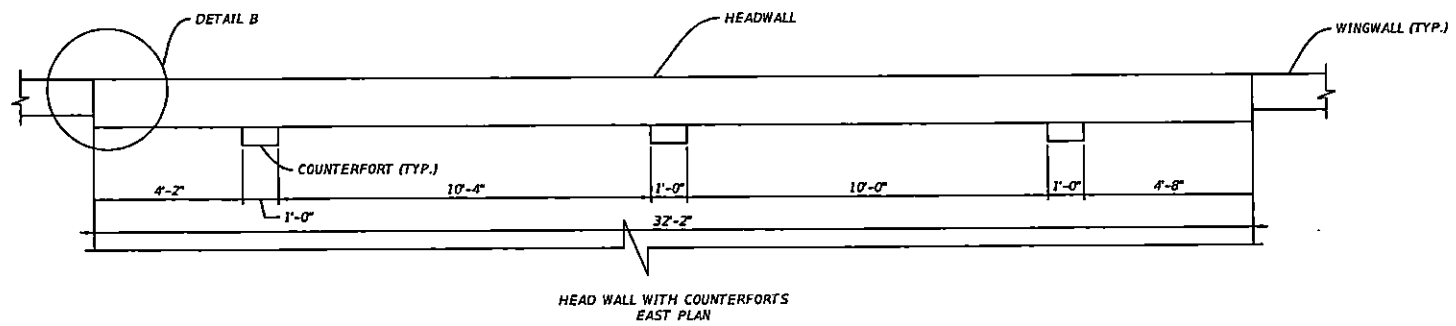


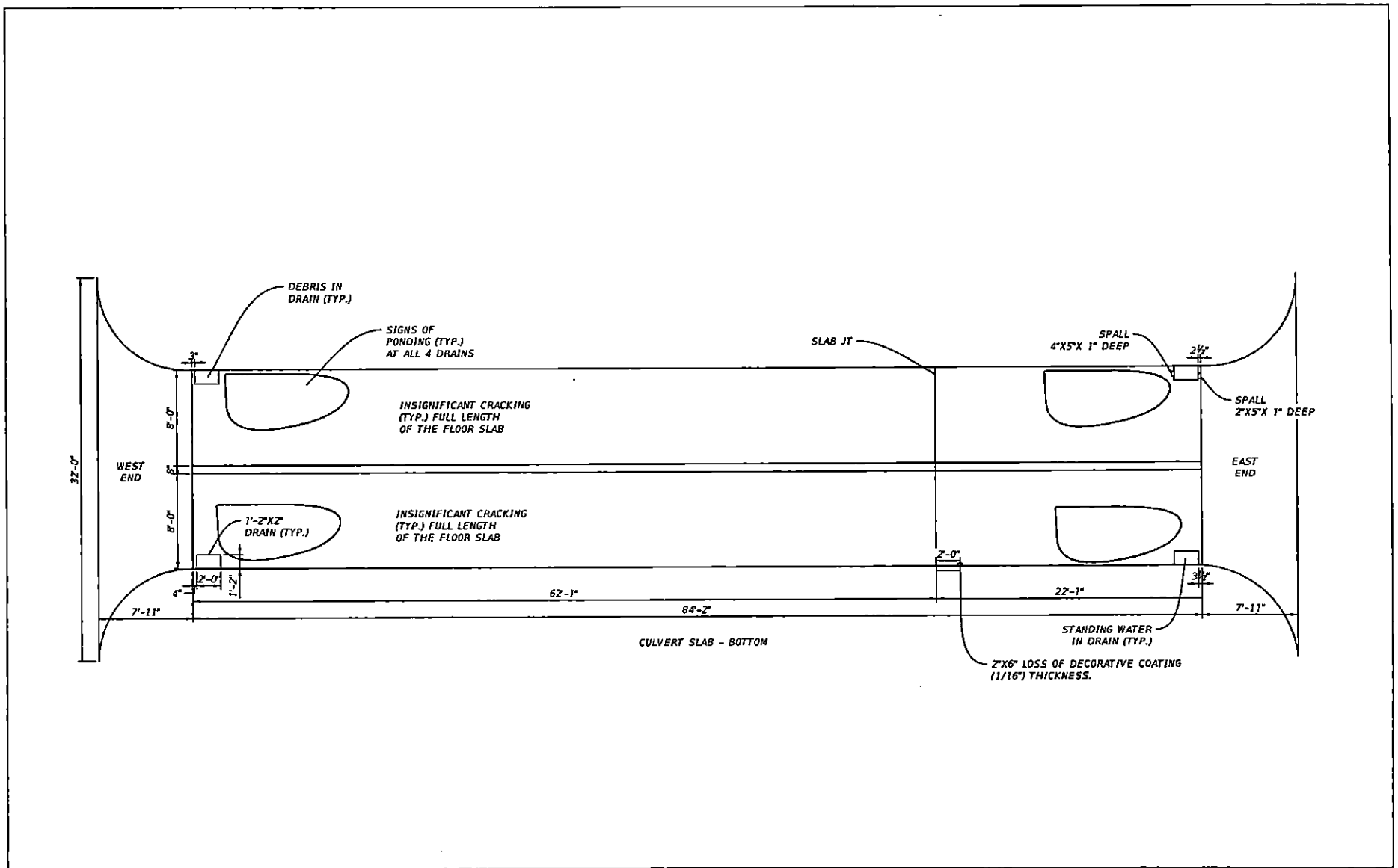


SECTION A-A











## **APPENDIX B: INVENTORY PHOTOS**

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PHOTO 1	DESCRIPTION	APPROACH (LOOKING NORTH)
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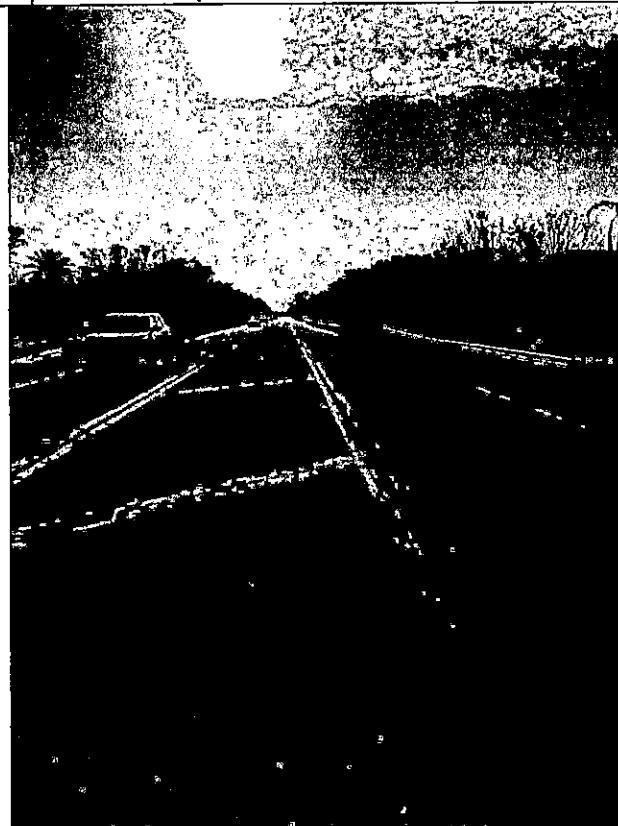


PHOTO 2	DESCRIPTION	APPROACH (LOOKING SOUTH)
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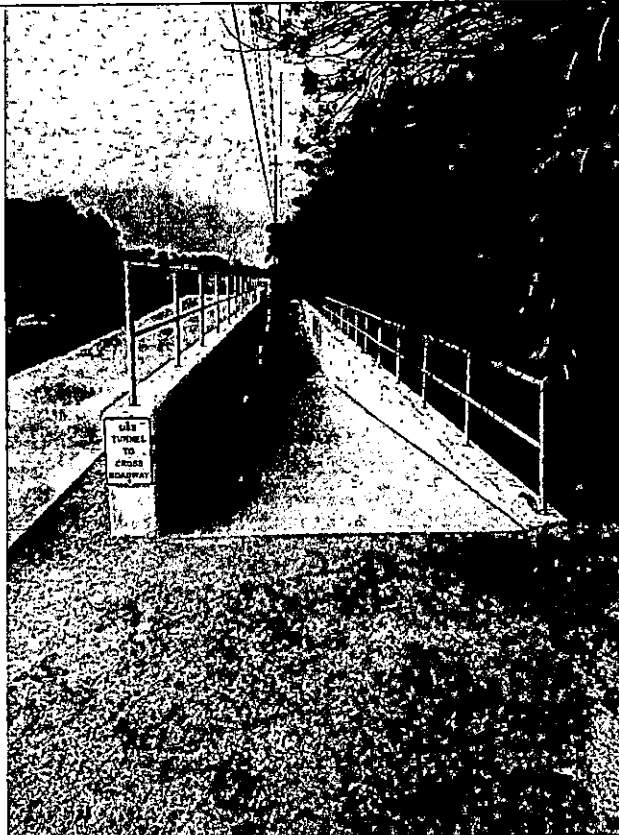


PHOTO 3	DESCRIPTION	SOUTHEAST TUNNEL ENTRANCE
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PHOTO 4	DESCRIPTION	NORTHEAST TUNNEL ENTRANCE
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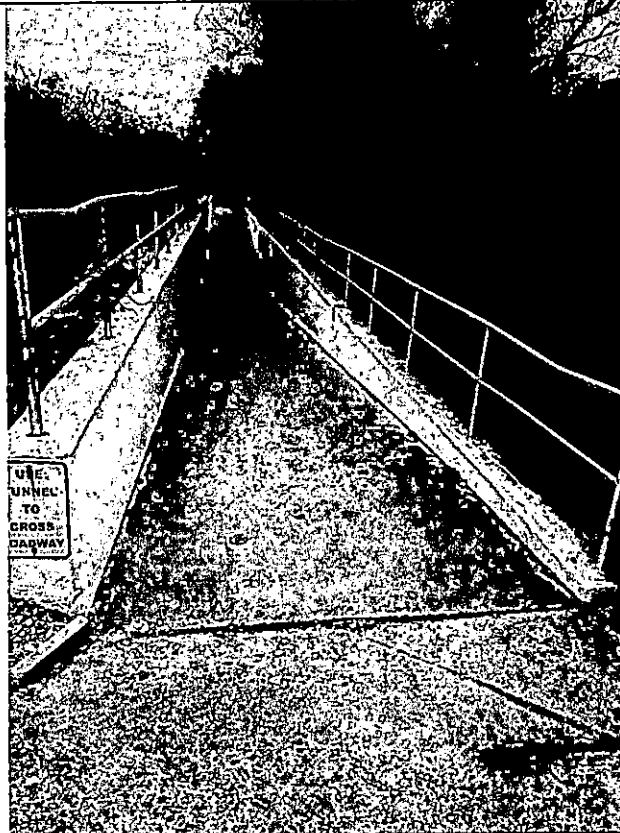


PHOTO 5	DESCRIPTION	NORTHWEST TUNNEL ENTRANCE
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PHOTO 6	DESCRIPTION	SOUTHWEST TUNNEL ENTRANCE
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PHOTO 7	DESCRIPTION	CULVERT - EAST ELEVATION (LOOKING SOUTH)
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PHOTO 8	DESCRIPTION	CULVERT - EAST ELEVATION (LOOKING NORTH)
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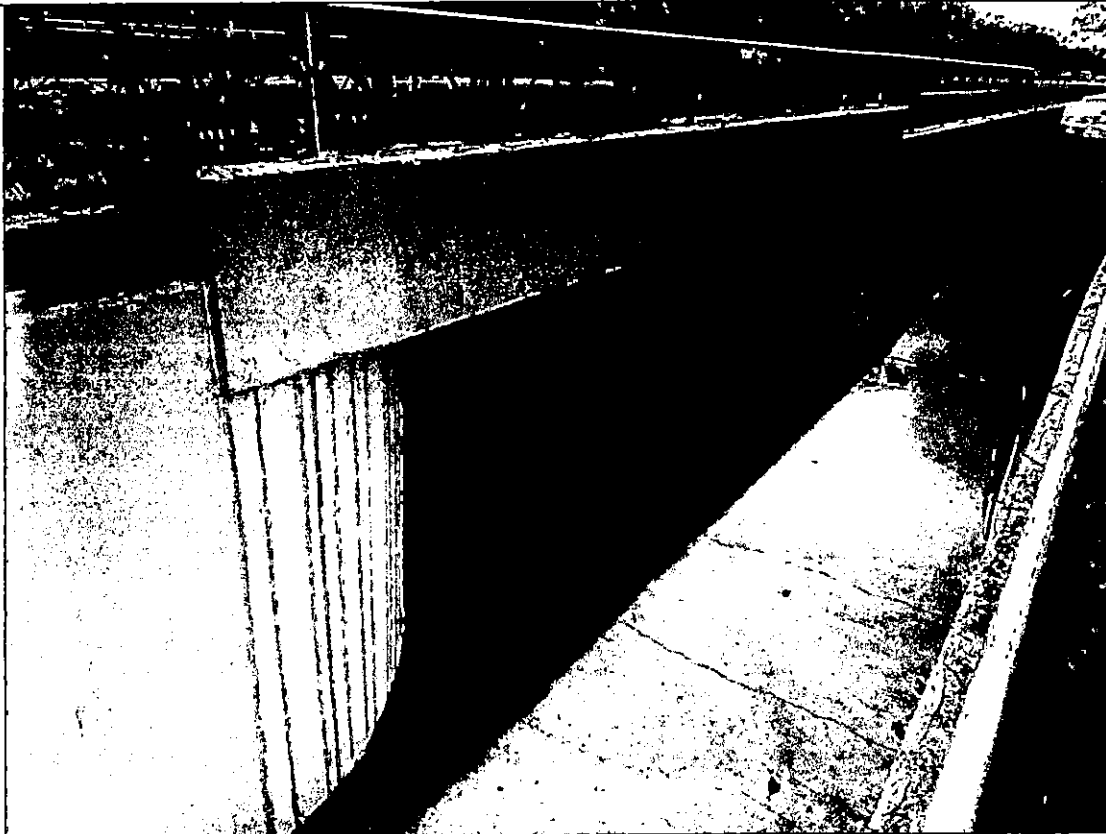


PHOTO 9    LOOKING SOUTH    CULVERT - WEST ELEVATION (LOOKING SOUTH)

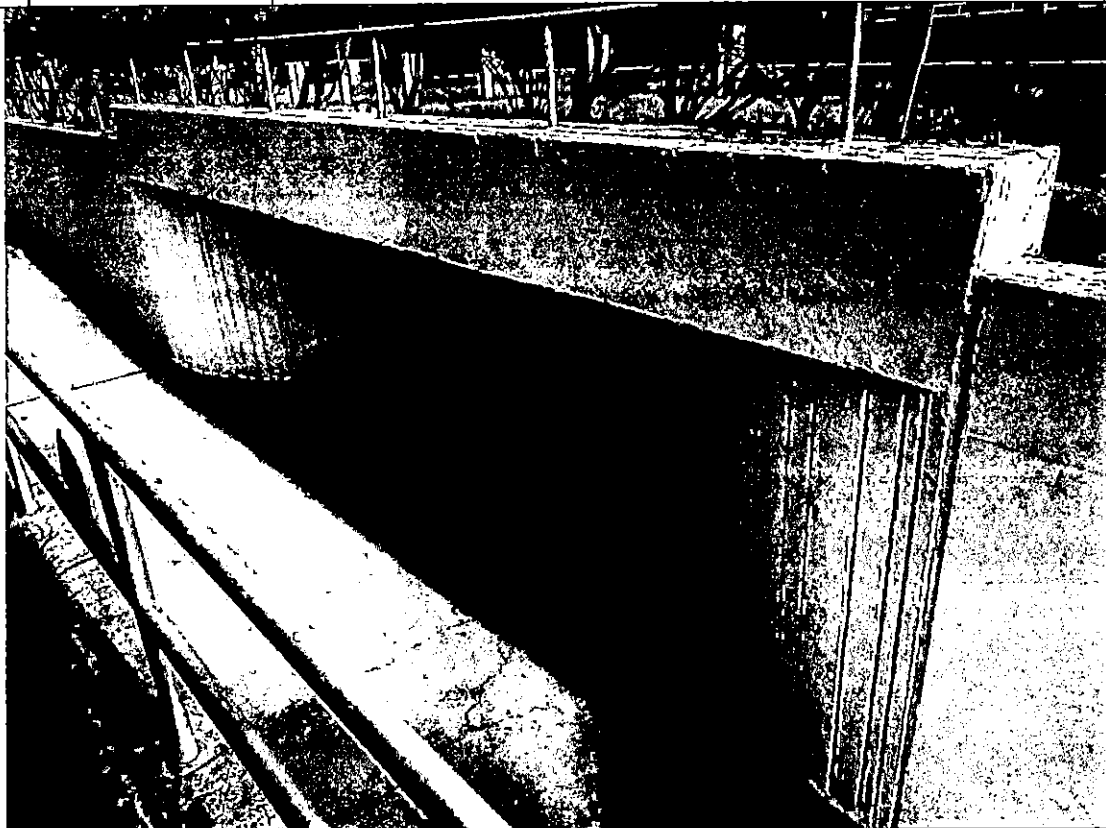


PHOTO 10    LOOKING NORTH    CULVERT - WEST ELEVATION (LOOKING NORTH)



PHOTO 11	DESCRIPTION	WEST HEADWALL & COUNTERFORTS
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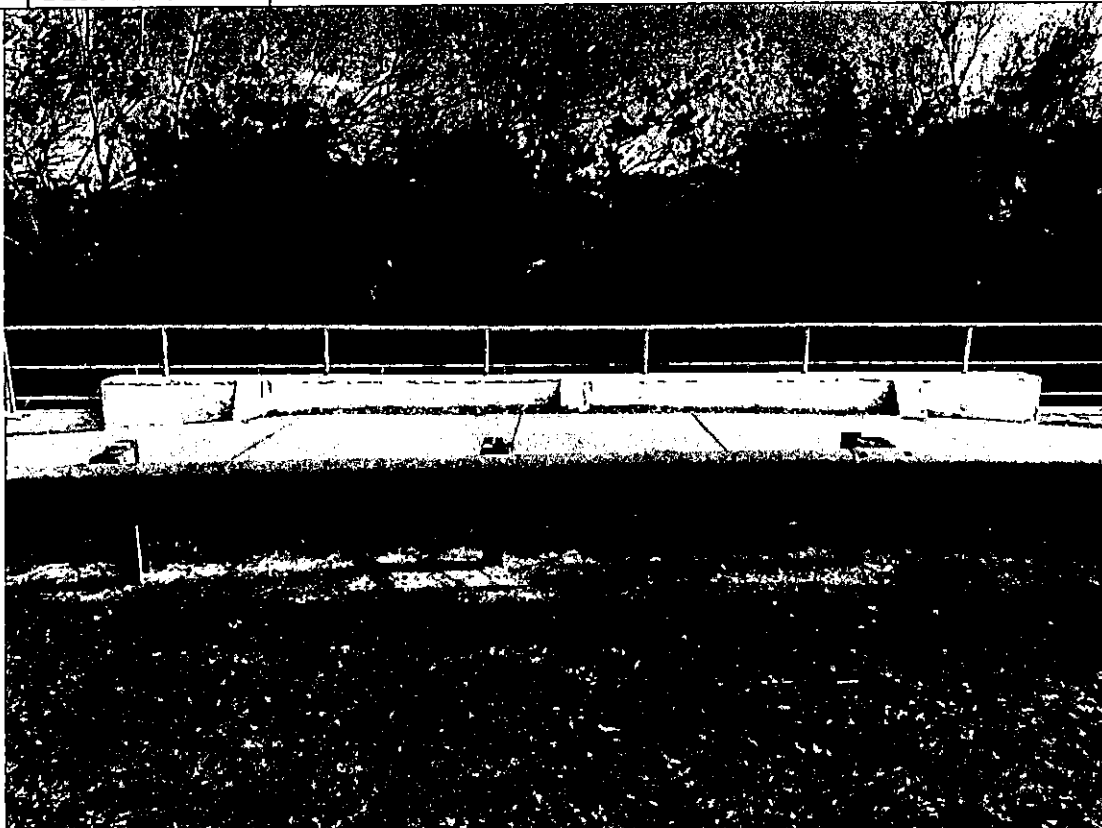


PHOTO 12	DESCRIPTION	EAST HEADWALL & COUNTERFORTS
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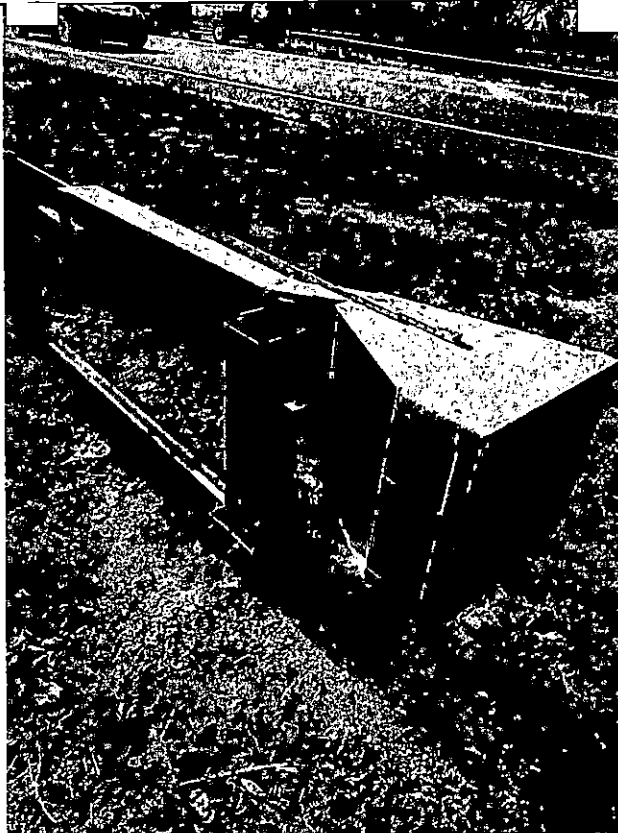


PHOTO 13	DESCRIPTION	NORTHEAST BRIDGE END RAILING
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PHOTO 14	DESCRIPTION	NORTHEAST PEDESTRIAN CROSSING SIGN. CORRODED BOLT AT THE TOP. MISSING BOLT AT THE BOTTOM
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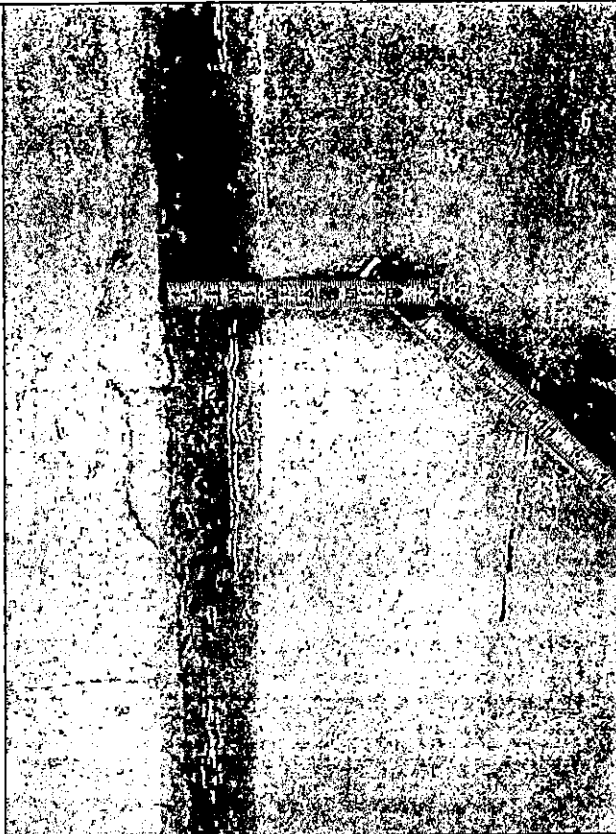


PHOTO 15	DESCRIPTION	JOINT IN WALL, TRANSITION BETWEEN STRAIGHT & CURVED WALL (TYP.)
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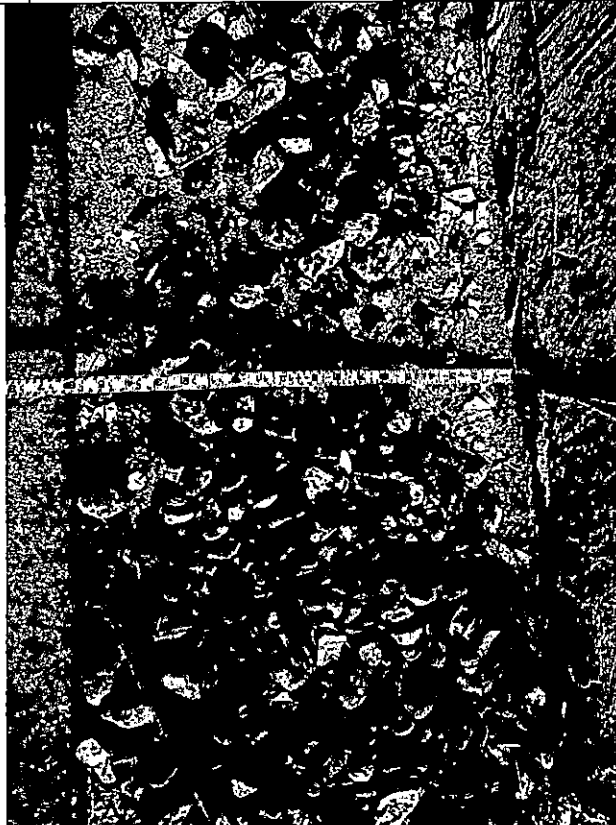


PHOTO 16	DESCRIPTION	STONE PATH AT EAST ELEVATION
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PHOTO 17

DESCRIPTION

AT SOUTHEAST ENTRANCE - MISSING & CRACKED ASPHALT AT TUNNEL  
ENTRANCE. EXPOSED CONCRETE SHARED PATH



PHOTO 18

DESCRIPTION

SOUTHEAST PEDESTRIAN CROSSING SIGN. CORRODED BOLTS TOP & BOTTOM



PHOTO 19	DESCRIPTION	UTILITIES AT THE SOUTHEAST TUNNEL ENTRANCE
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PHOTO 20	DESCRIPTION	UTILITIES AT THE SOUTHEAST TUNNEL ENTRANCE NEAR BRIDGE RAILING
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PHOTO 21

DESCRIPTION

EXPOSED WATER UTILITY PIPE NEAR BRIDGE RAILING NEAR SOUTHEAST  
TUNNEL ENTRANCE



PHOTO 22

DESCRIPTION

TELEPHONE UTILITY NEAR SOUTHEAST TUNNEL ENTRANCE



PHOTO 23	DESCRIPTION	TYPICAL DRAINAGE INLET 1'-2"x2'-0"
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PHOTO 24	DESCRIPTION	2"x5"x1" DEEP SPALL NEAR DRAINAGE INLET
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PHOTO 25

DESCRIPTION

TUNNEL SIGN ON NORTHWEST WALL



PHOTO 26

DESCRIPTION

SOUTHEAST DIRECTION - BOLT CONNECTION IN INTERMEDIATE WALL

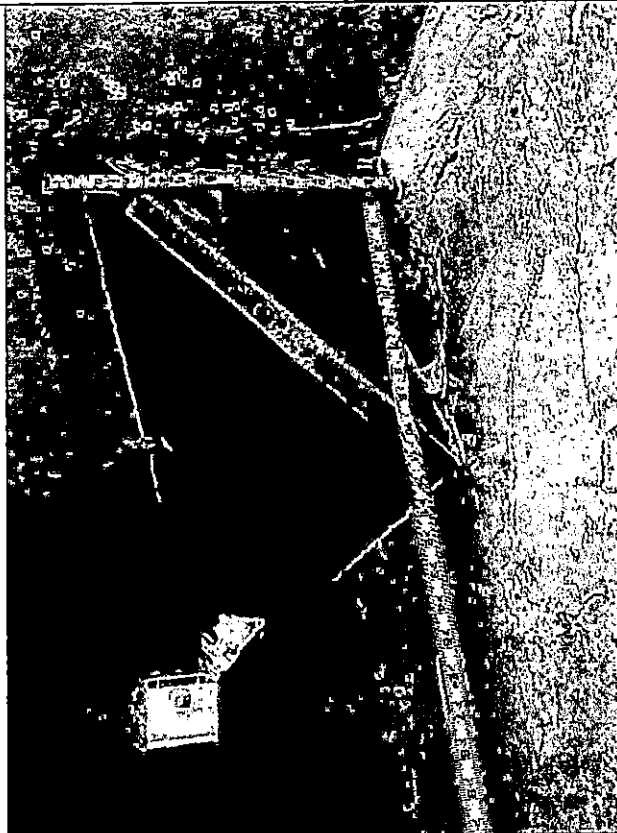


PHOTO 27	DESCRIPTION	TYPICAL LIGHTING MOUNTED TO INETRMEIATE WALL
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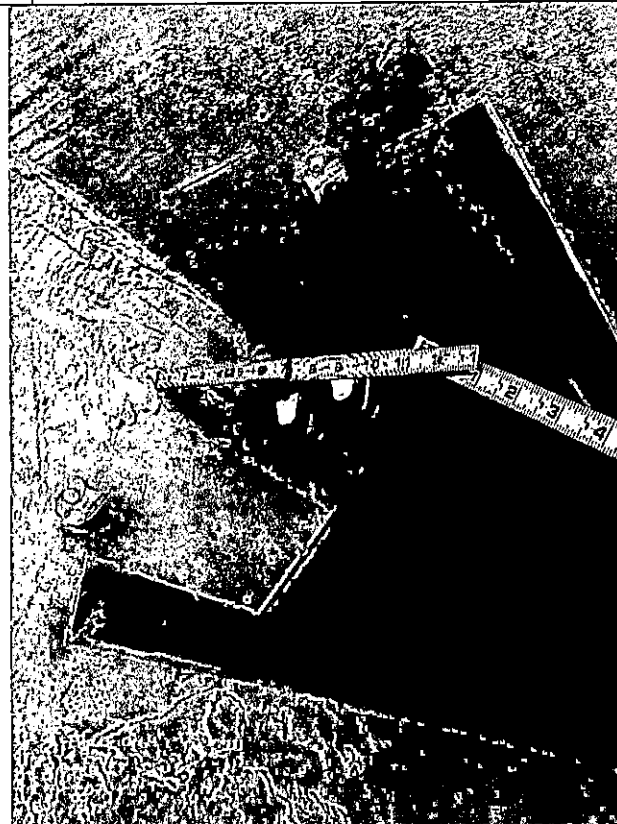


PHOTO 28	DESCRIPTION	NORTHEAST - MISSING SIDE PANEL CLOSURE FOR LIGHTING, INETRMEIATE WALL
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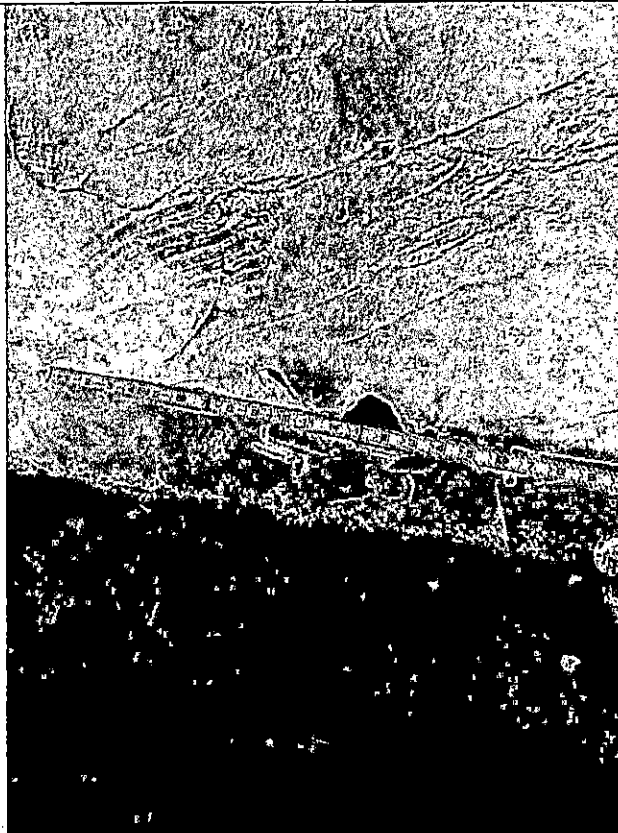


PHOTO 29

DESCRIPTION

SOUTHEAST WALL - 2'-0" FROM THE JOINT, LOSS OF DECORATIVE COATING  
(1/16" THICKNESS)

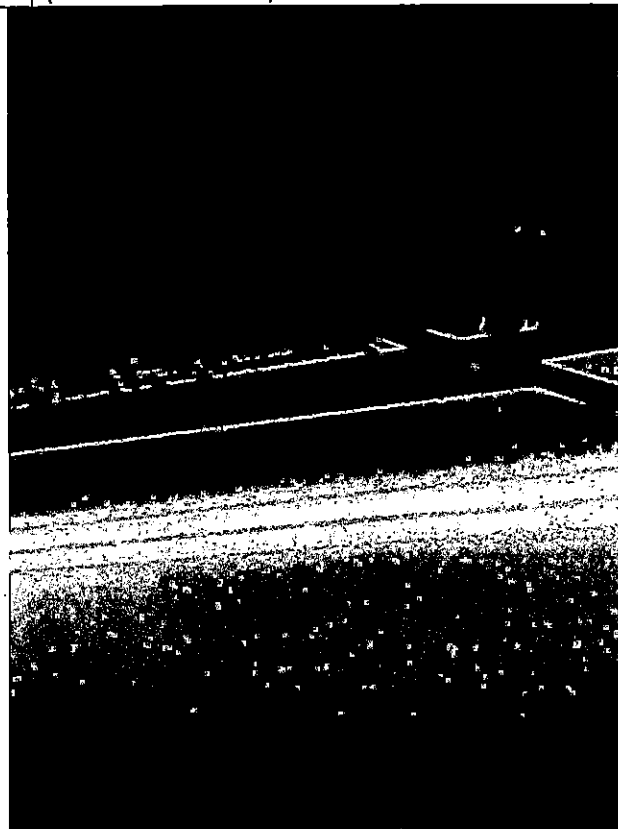


PHOTO 30

DESCRIPTION

SOUTHSIDE INTERMEDIATE WALL - DETACHED LIGHTING PANEL RAIL



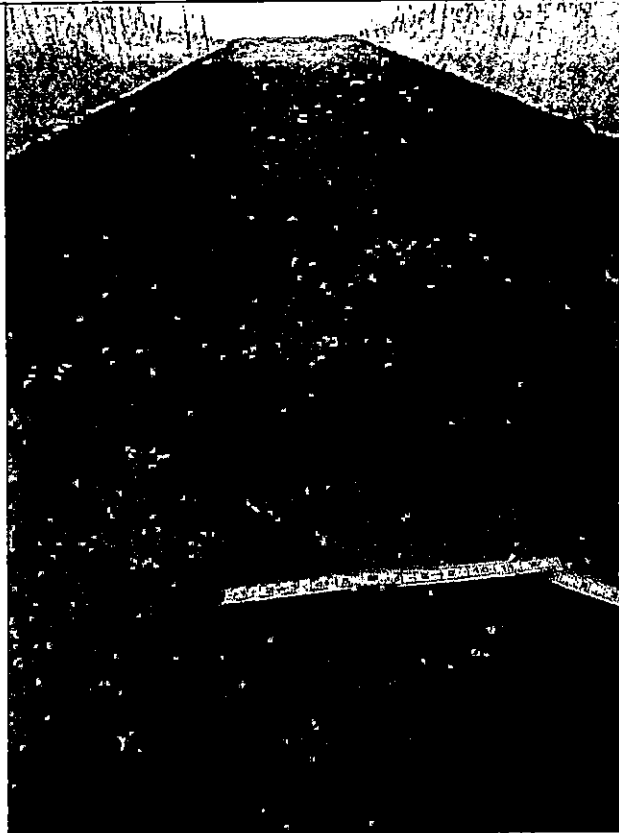


PHOTO 31	DESCRIPTION	INSIGNIFICANT CRACKING (TYP) ON THE BOTTOM FLOOR SLAB
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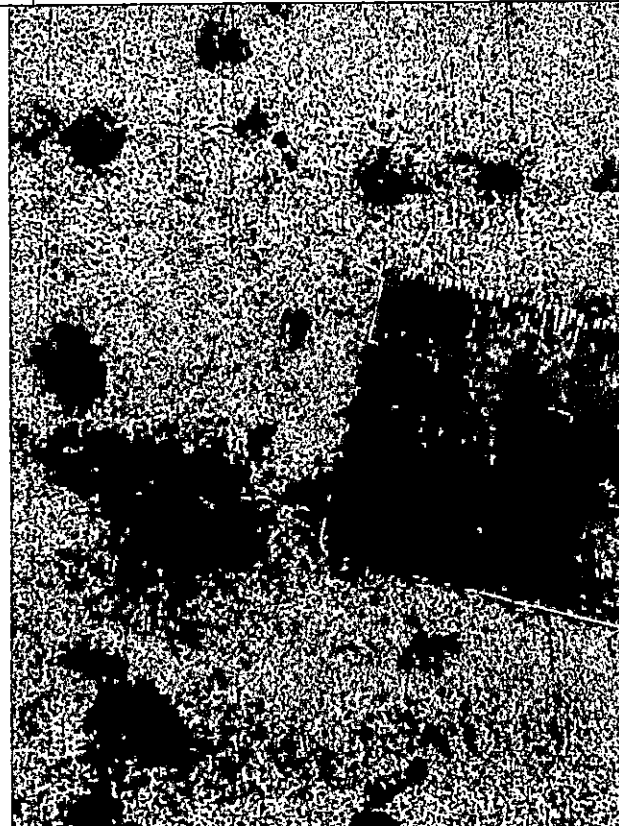


PHOTO 32	DESCRIPTION	TYPICAL CRACK WIDTH – BOTTOM FLOOR SLAB
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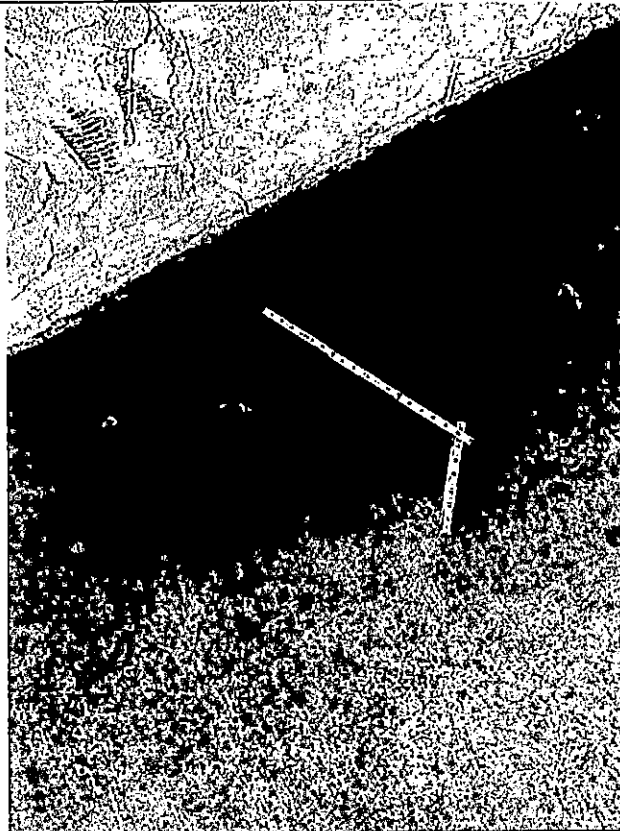


PHOTO 33

DESCRIPTION

PONDING NEAR DRAINAGE INLETS. SIGNS OF STANDING WATER. TYPICAL  
NEAR ALL 4 DRAINAGE INLET LOCATIONS



PHOTO 34

DESCRIPTION

TYPICAL WING WALL REVEALS



PHOTO 35

DESCRIPTION

SIDEWALK TRANSITION TO NORTHWEST TUNNEL ENTRANCE



PHOTO 36

DESCRIPTION

WEST BRIDGE RAILING & SHARED PATH. THOUGH NOT A PAVED WAY THERE ARE SIGNS OF USAGE



PHOTO 37	DESCRIPTION	TUNNEL ENTRANCE SIGN AT NORTHWEST ENTRANCE CORRODED BOLTS
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PHOTO 38	DESCRIPTION	DAMAGE IN PEDESTRIAN RAILING ALONG WEST ELEVATION
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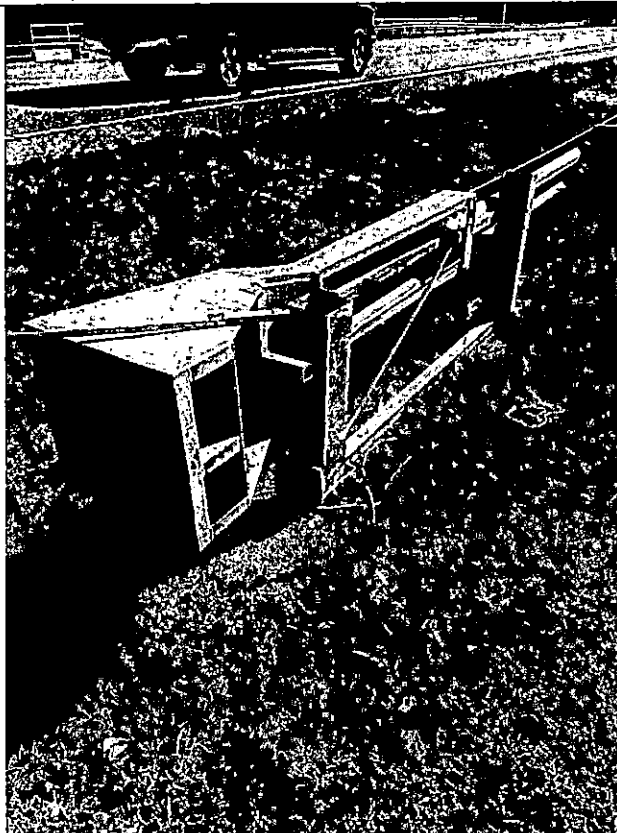


PHOTO 39	DESCRIPTION	NORTHWEST BRIDGE END RAILING
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PHOTO 40	DESCRIPTION	1'-0" DEEP HOLE IN THE PATH AT WEST ELEVATION CLOSER TO SOUTHWEST END
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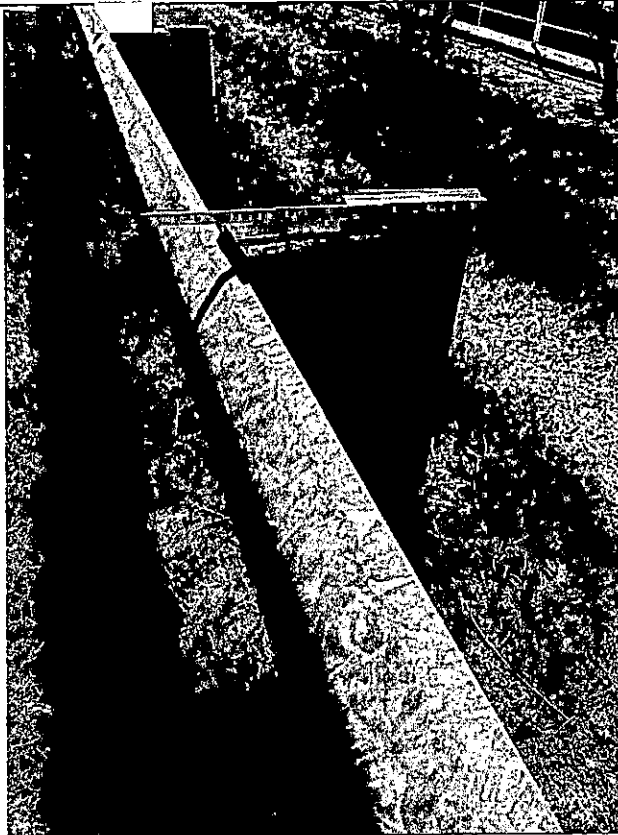


PHOTO 41	DESCRIPTION	SOUTHWEST BRIDGE RAILING WEST ELEVATION
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PHOTO 42	DESCRIPTION	SOUTHWEST - PEDESTRIAN TUNNEL SIGN. CORRODED BOLTS. UTILITIES
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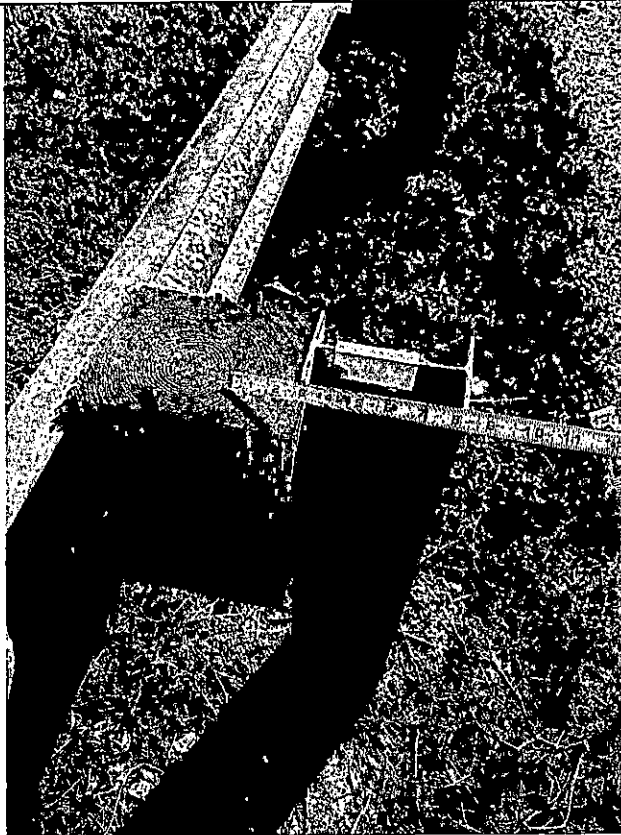


PHOTO 43	DESCRIPTION	TYPICAL RAILING WIDTH
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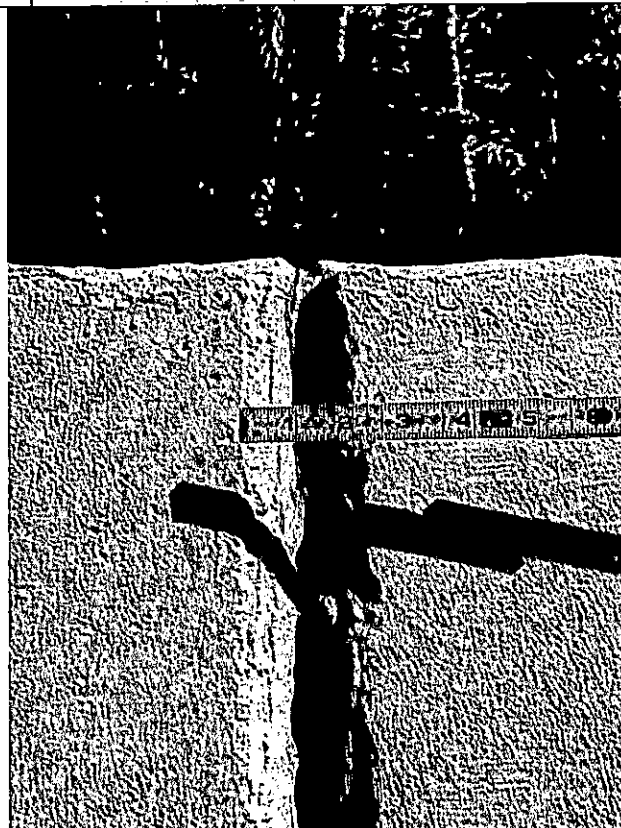


PHOTO 44	DESCRIPTION	2" JOINT IN RETAINING WALL (TYPICAL)
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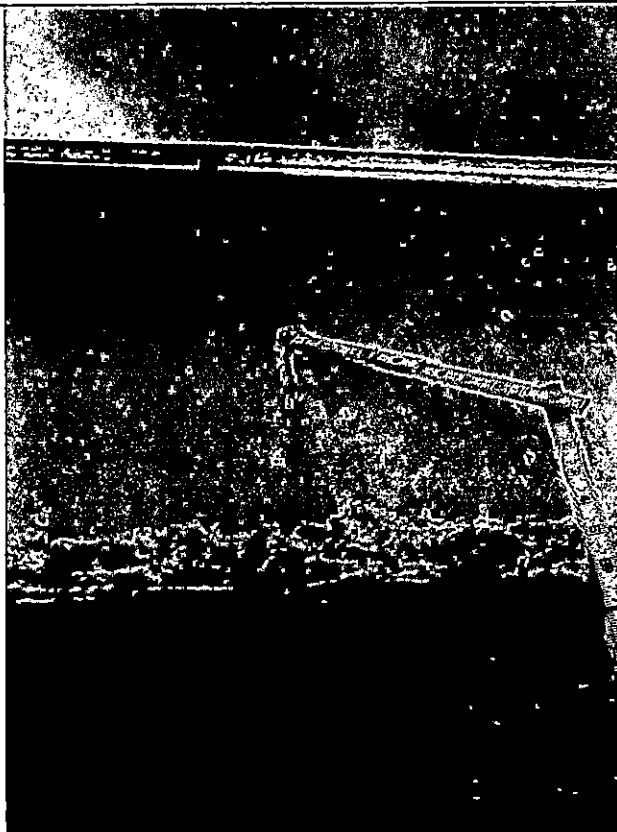


PHOTO 45

DESCRIPTION

EAST HEADWALL - 5 CORRODED SPOTS

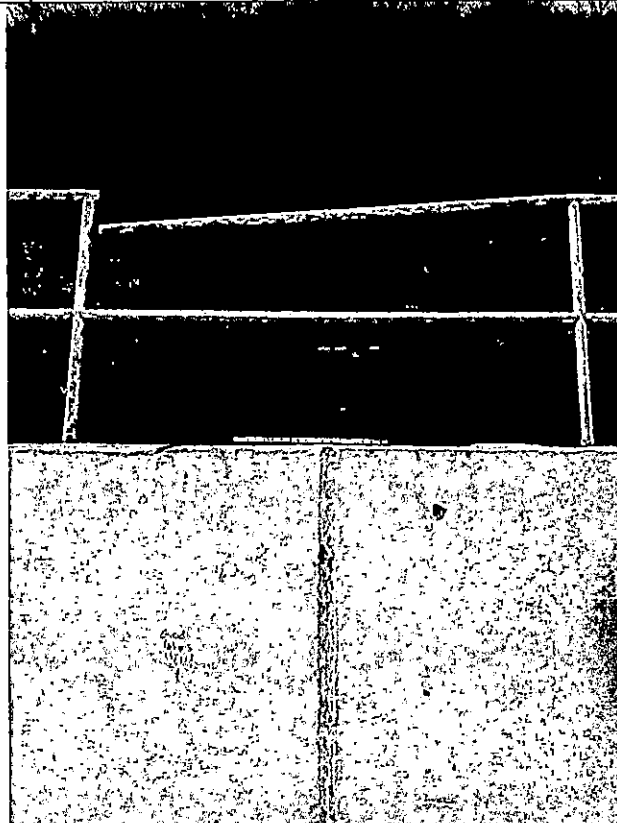


PHOTO 46

DESCRIPTION

WEST ELEVATION - RAIL DAMAGE AT RETAINING WALL



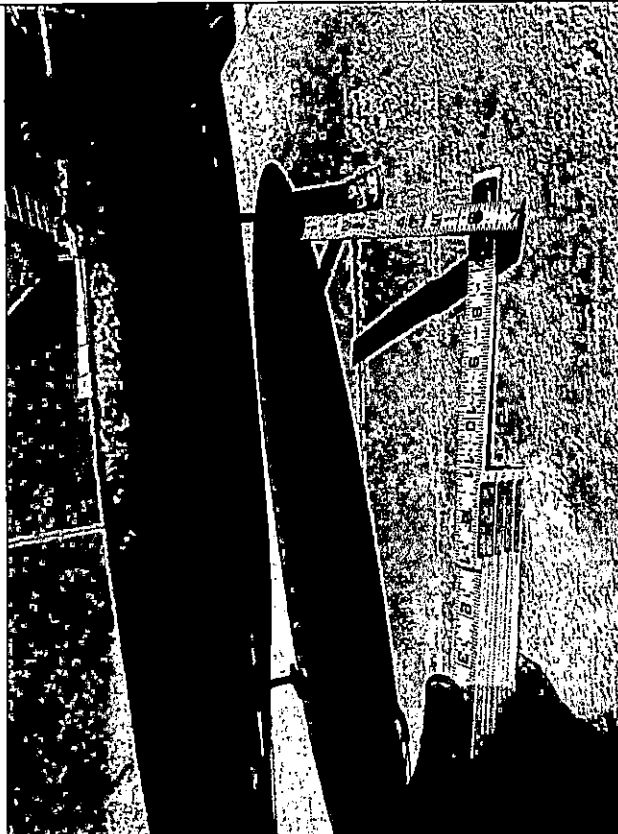


PHOTO 47	DESCRIPTION	CORRODED CONNECTION TO 2-WAY MIRROR AT EAST ELEVATION (TYPICAL)
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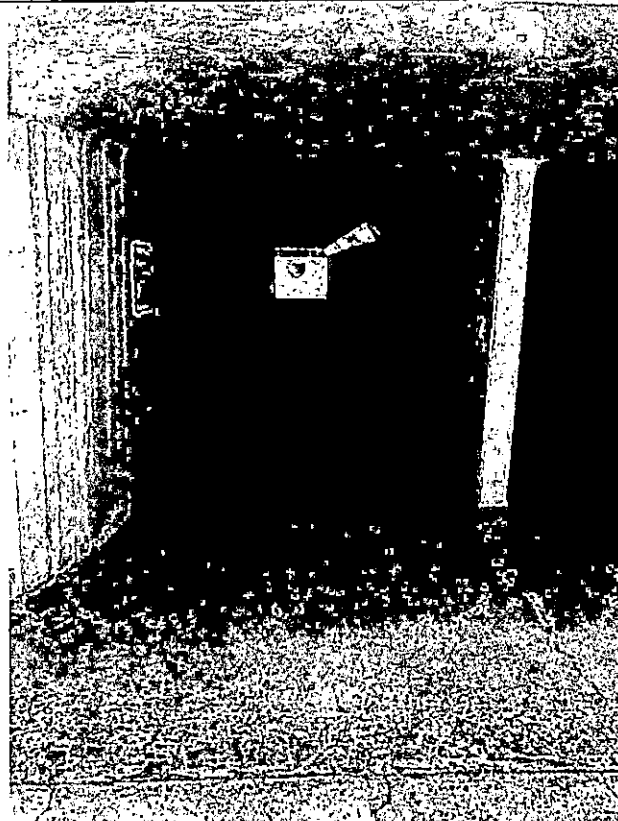


PHOTO 48	DESCRIPTION	SOUTHEAST CELL
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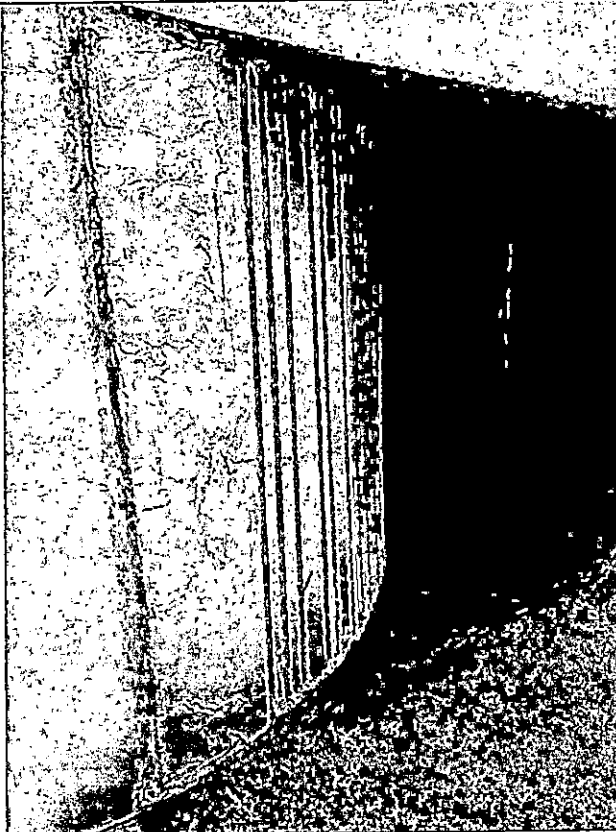


PHOTO 49	DESCRIPTION	SOUTHEAST CURVED WALL
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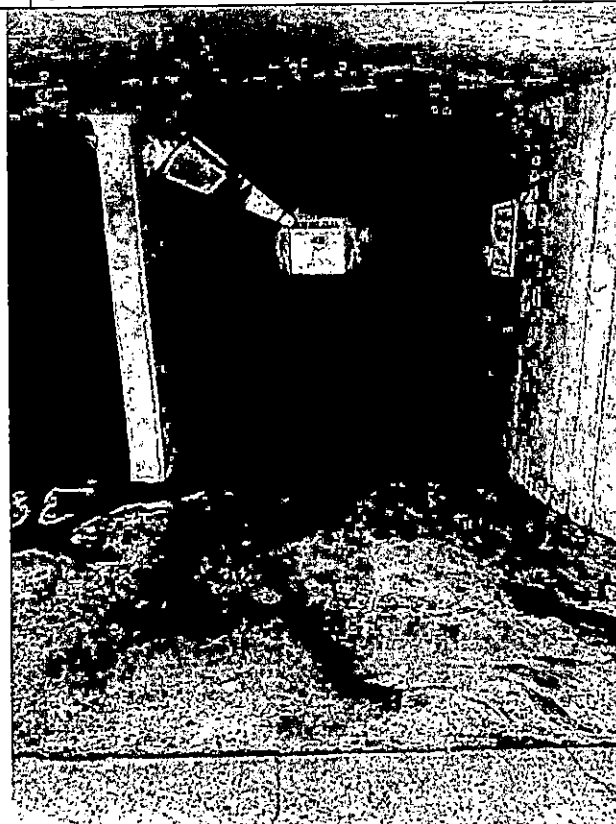


PHOTO 50	DESCRIPTION	NORTHEAST CELL
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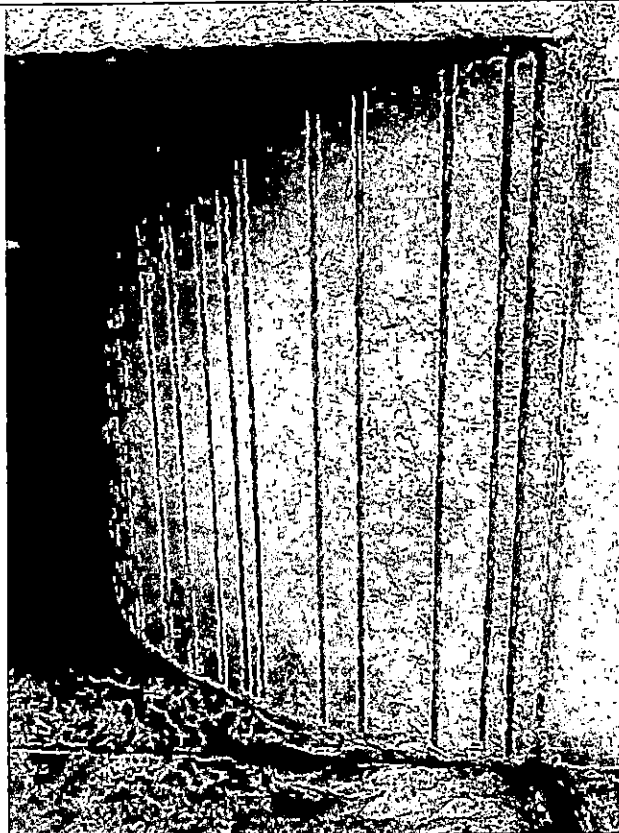


PHOTO 51	DESCRIPTION	NORTHEAST CURVED WALL
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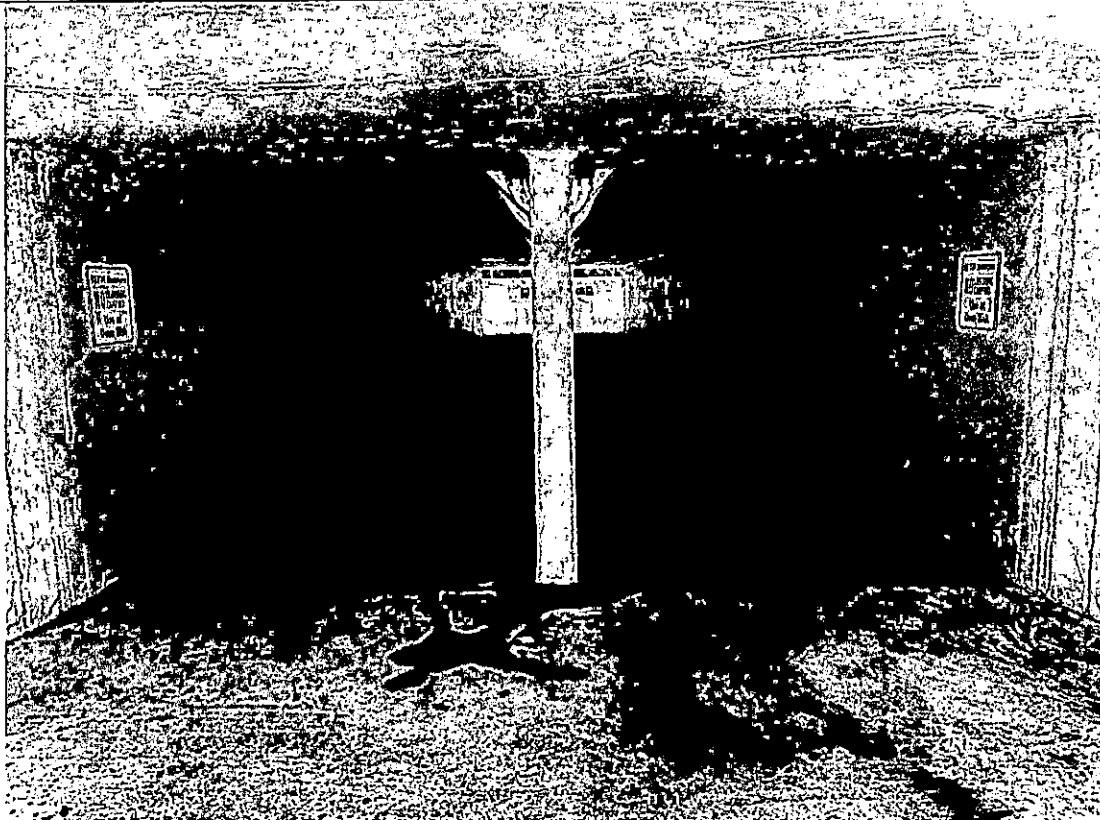
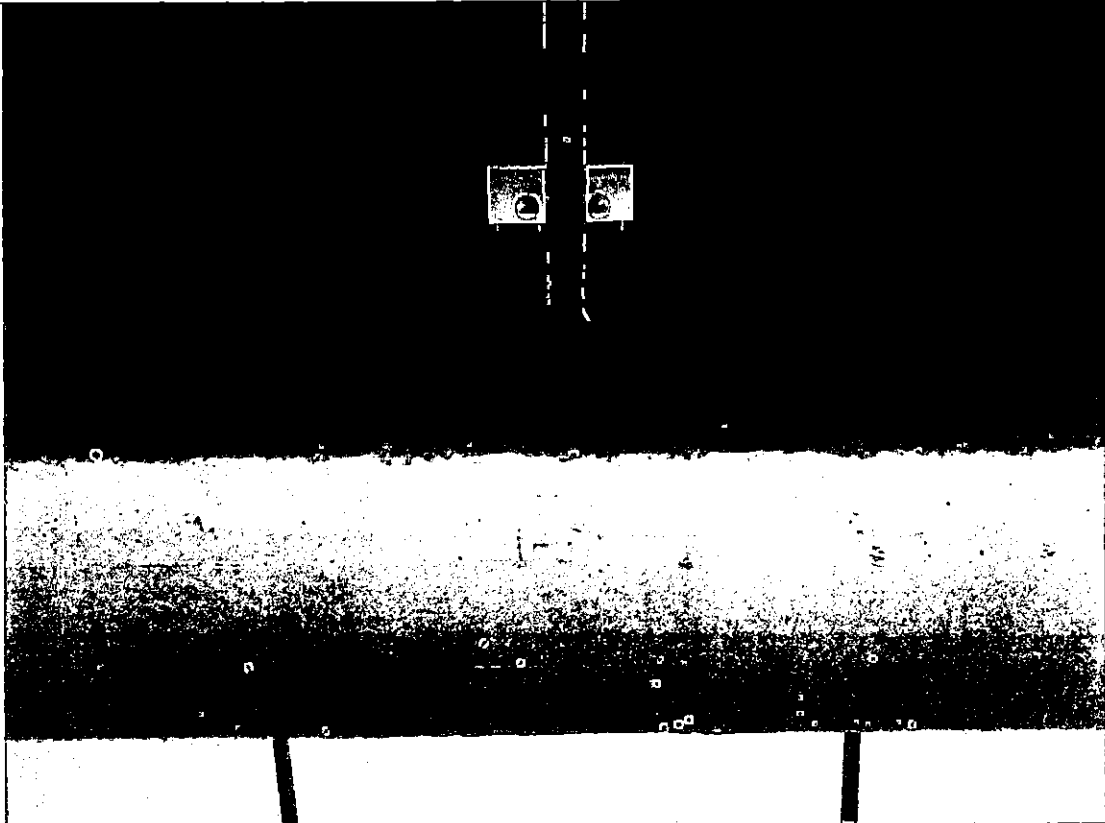
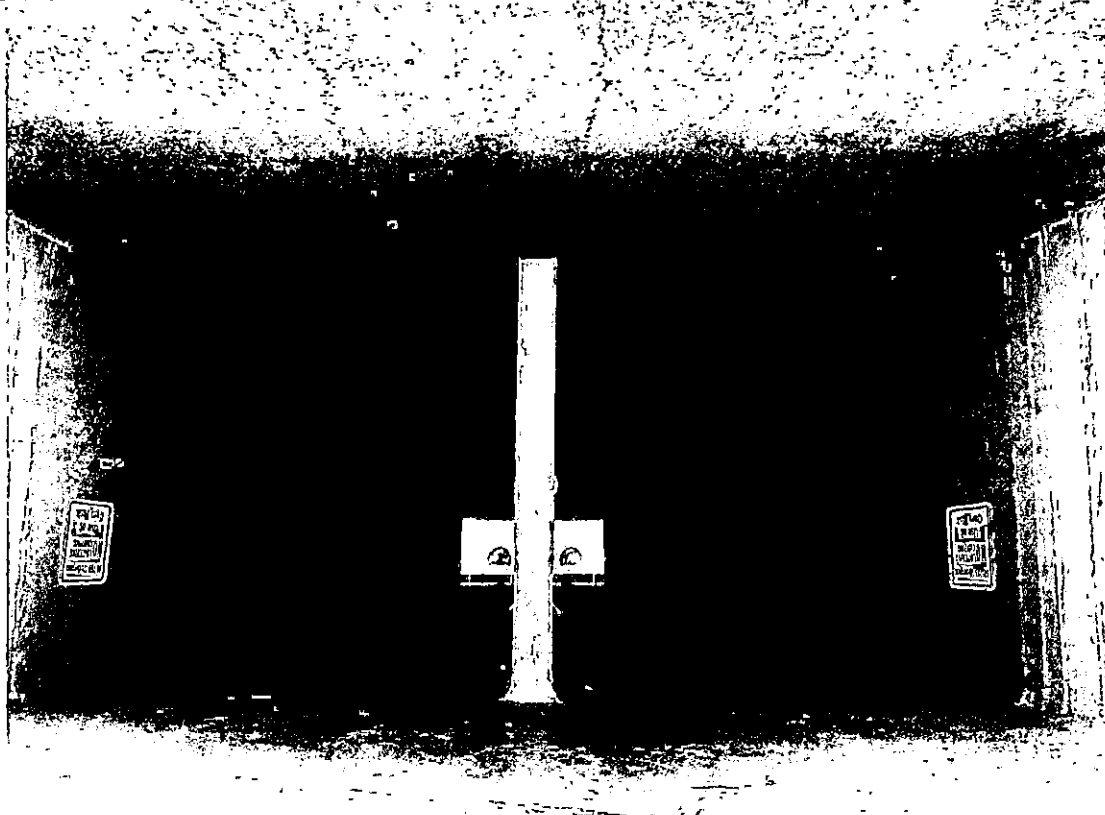


PHOTO 52	DESCRIPTION	WEST ELEVATION - INTERMEDIATE WALL
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PHOTO 54	DESCRIPTION	EAST HEAD WALL
		
PHOTO 53	DESCRIPTION	EAST ELEVATION - INTERMEDIATE WALL
		

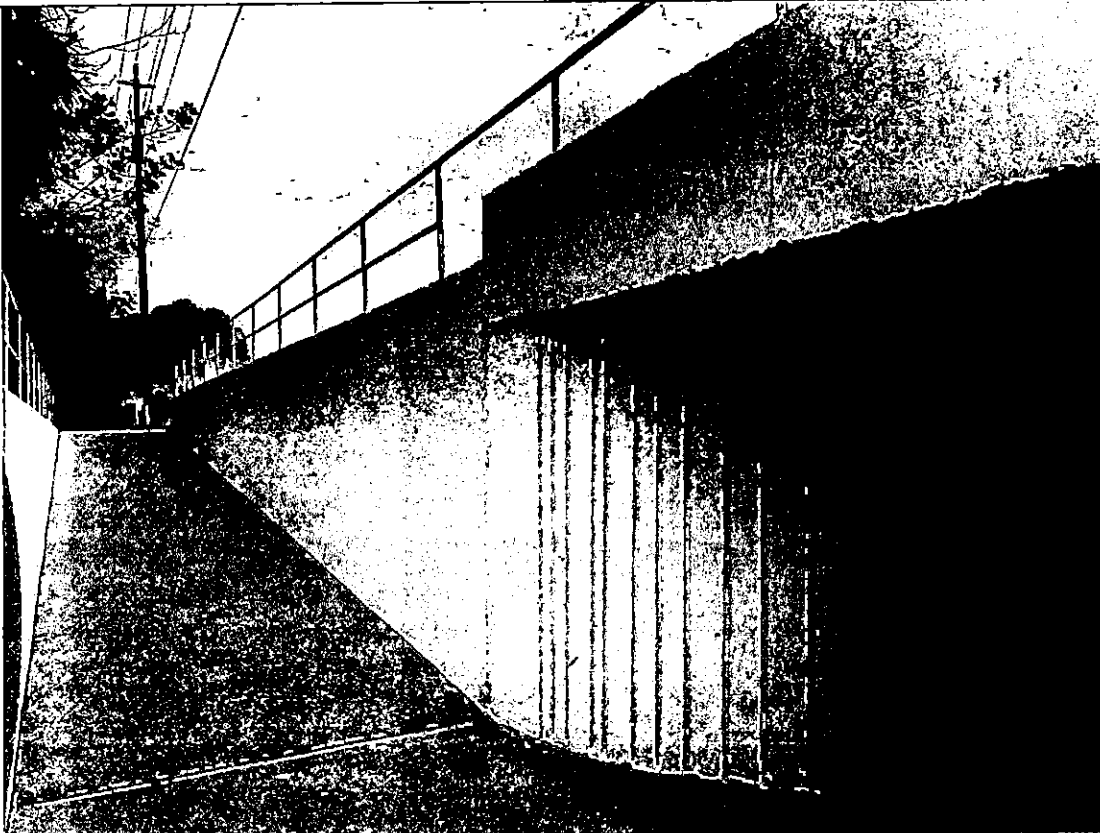


PHOTO 55	DESCRIPTION	SOUTHEAST WING WALL
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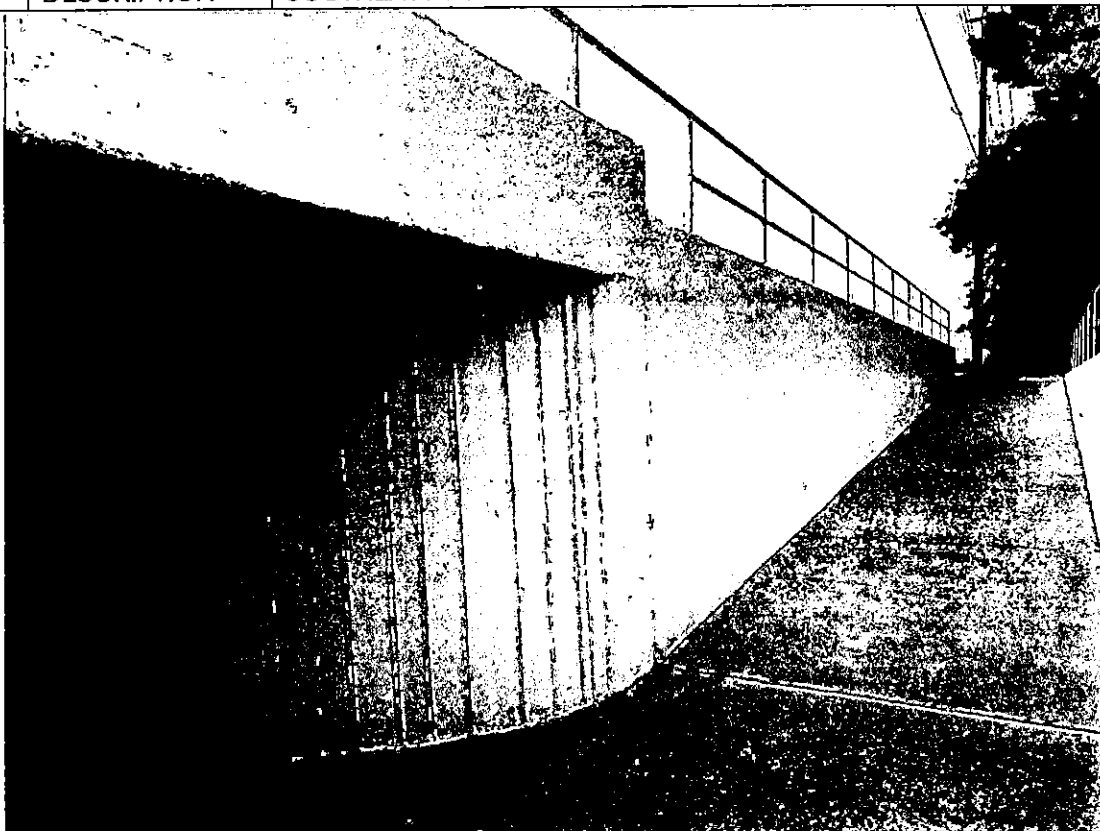


PHOTO 56	DESCRIPTION	NORTHEAST WING WALL
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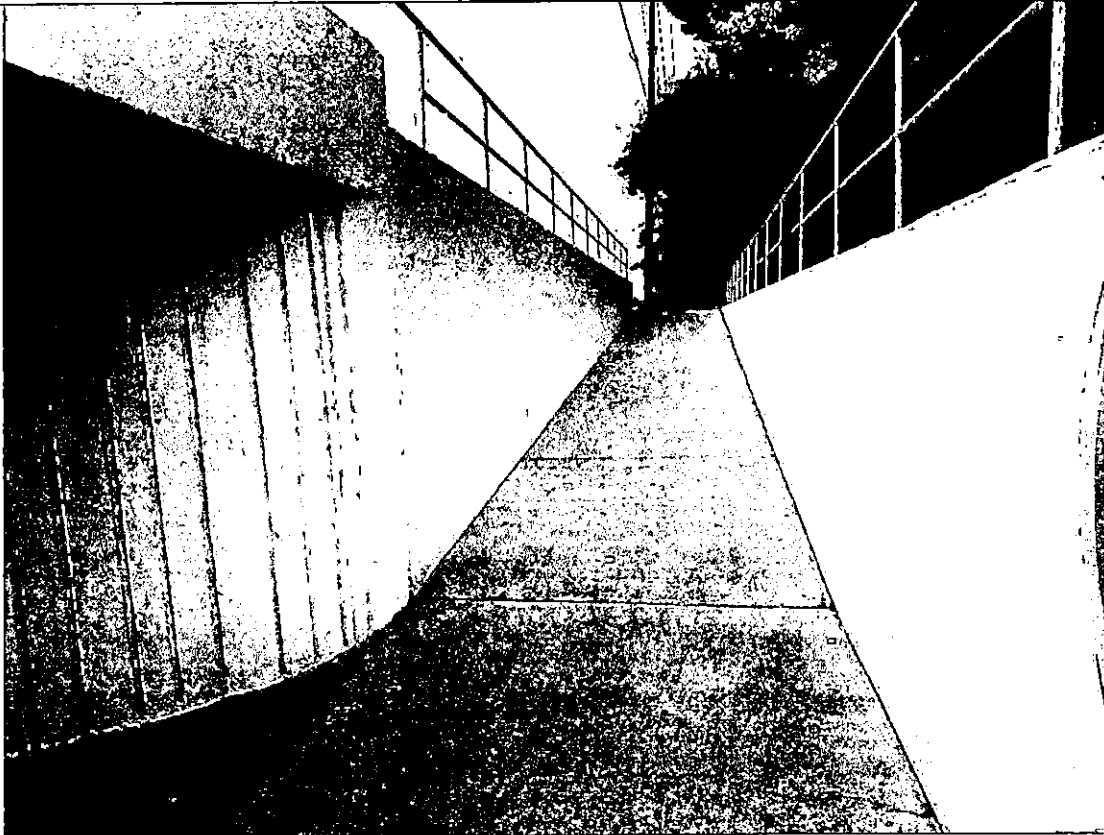


PHOTO 57	DESCRIPTION	RAMP UP TO NORTHEAST
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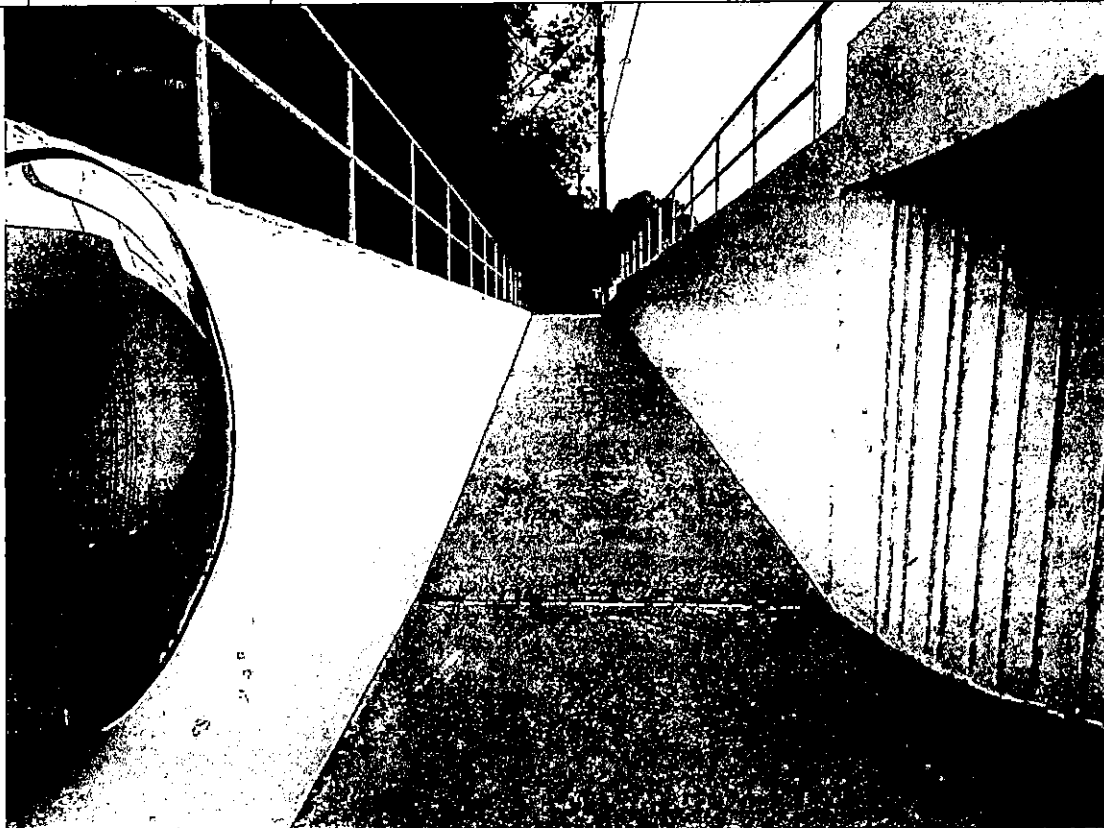


PHOTO 58	DESCRIPTION	RAMP UP TO SOUTHEAST
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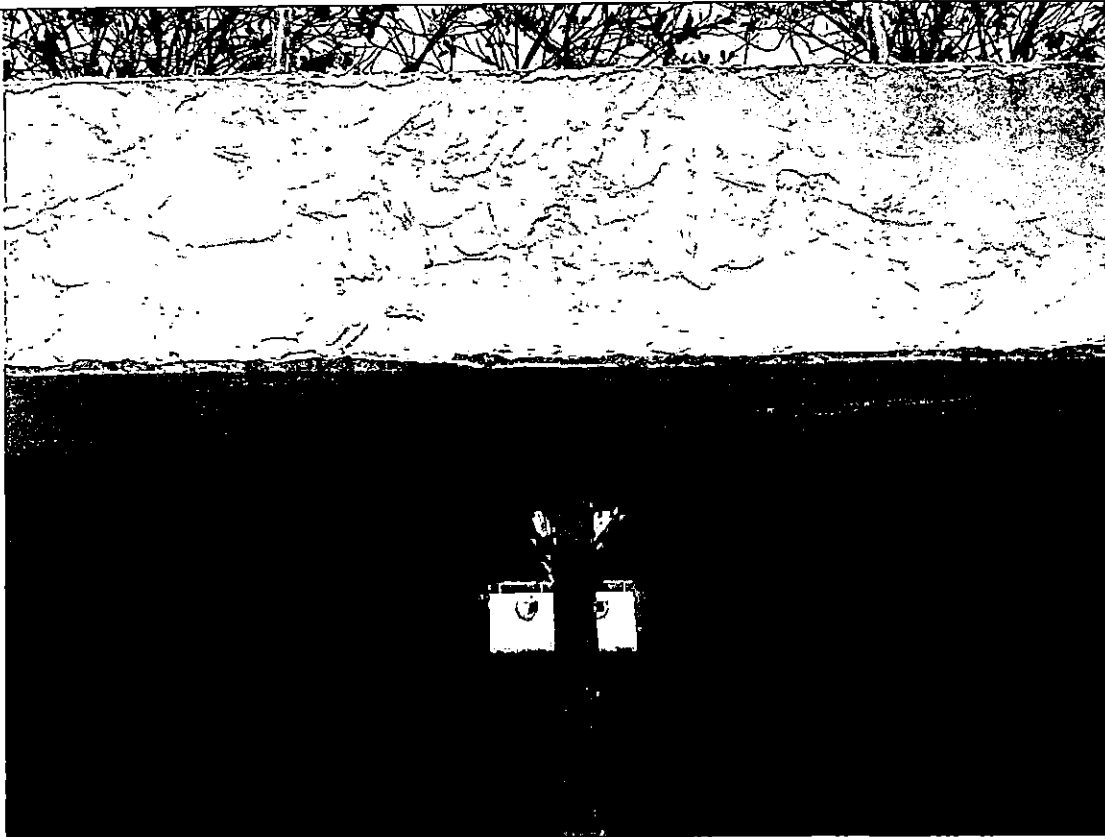


PHOTO 59	DESCRIPTION	WEST HEAD WALL
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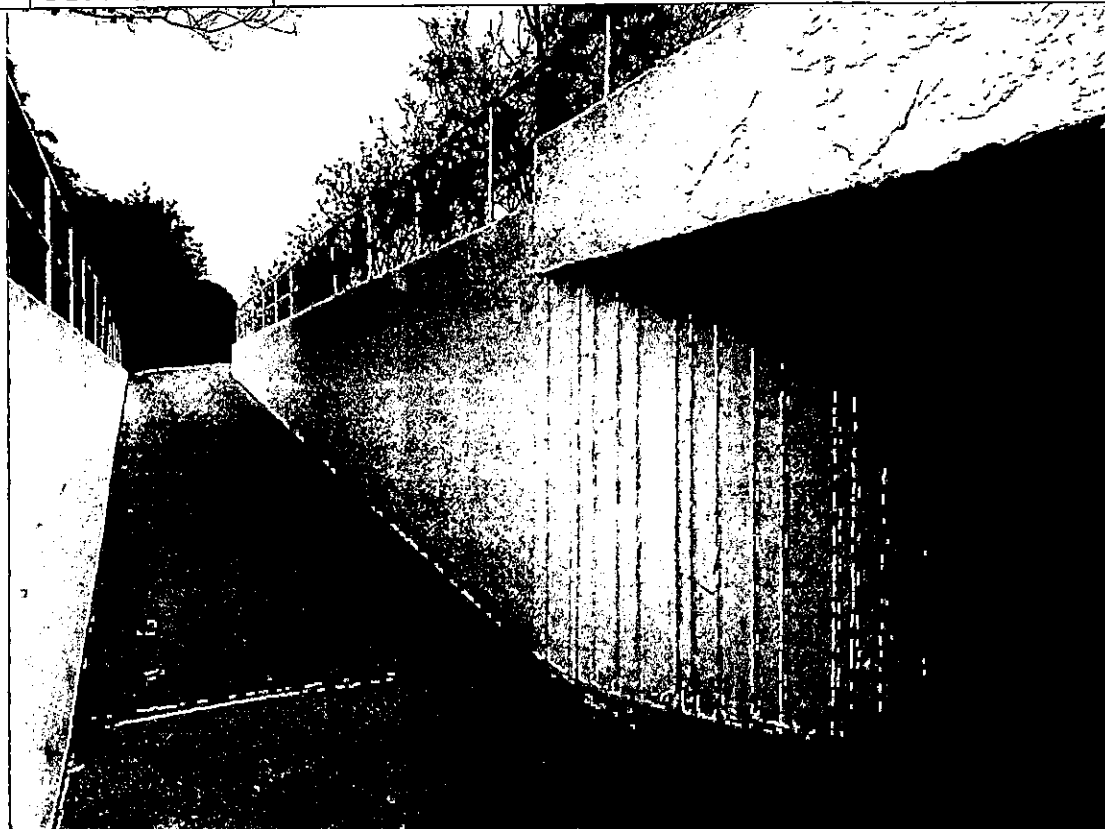


PHOTO 60	DESCRIPTION	NORTHWEST WING WALL
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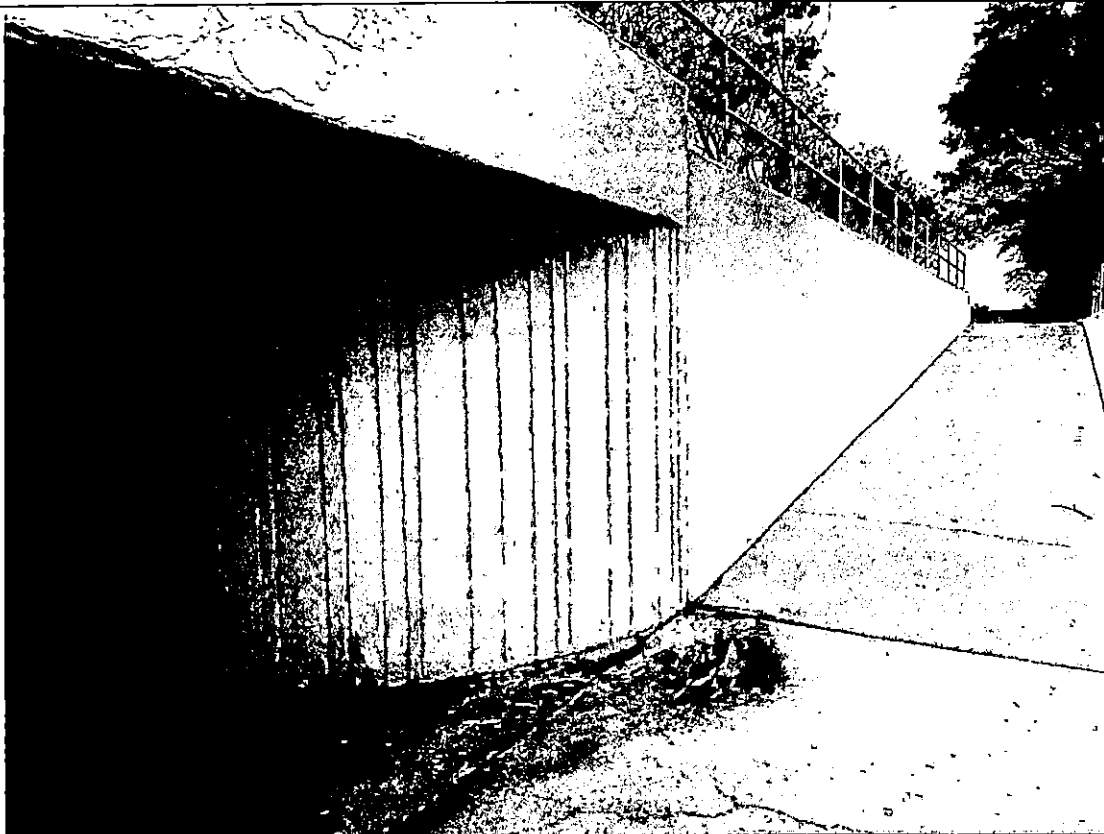


PHOTO 61	DESCRIPTION	SOUTHWEST WING WALL
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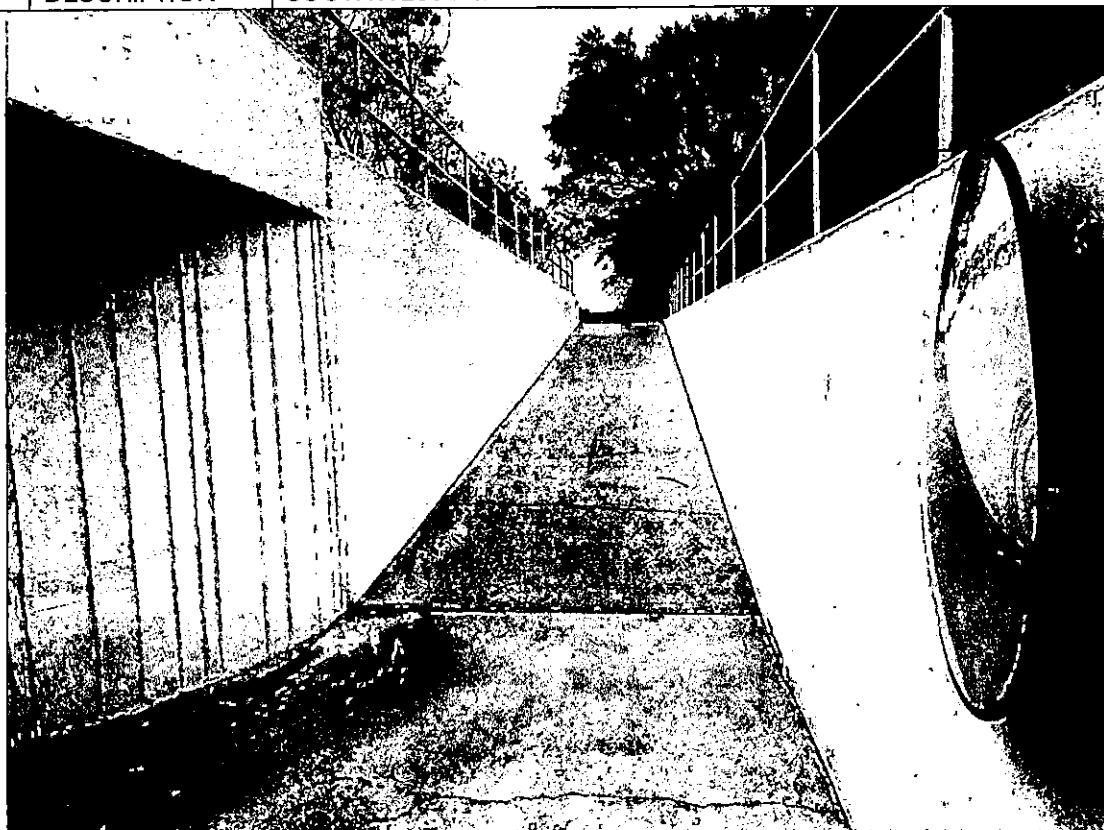


PHOTO 62	DESCRIPTION	RAMP UP TO SOUTHWEST
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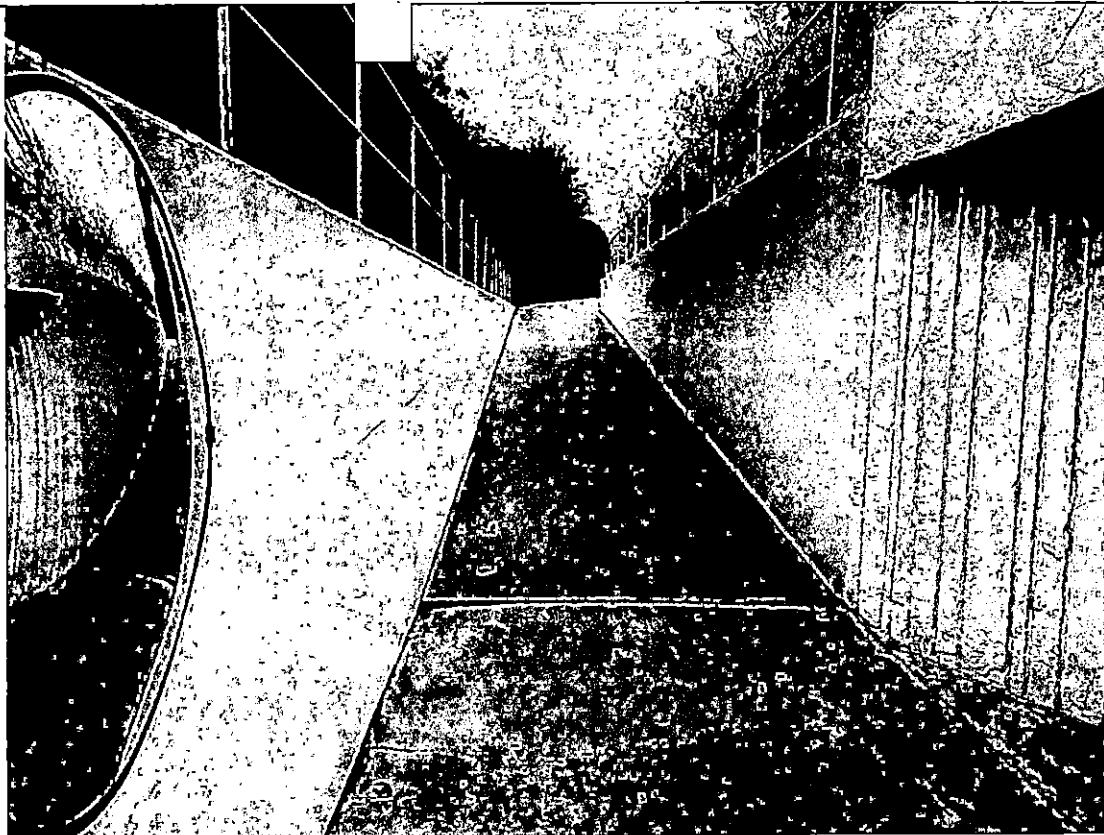


PHOTO 63	DESCRIPTION	RAMP UP TO NORTHWEST
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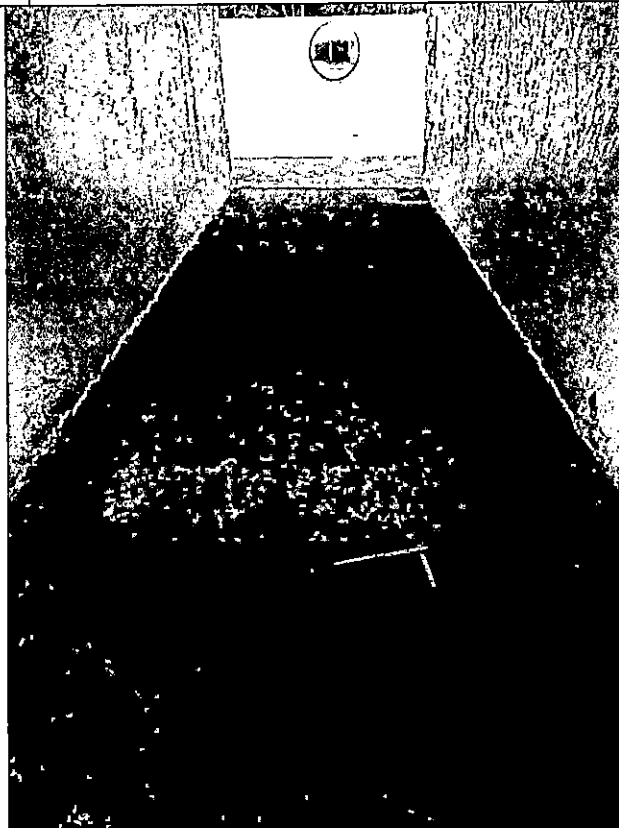


PHOTO 64	DESCRIPTION	SOUTHEAST CELL- JOINT IN BOTTOM SLAB. 22'-1" FROM EAST
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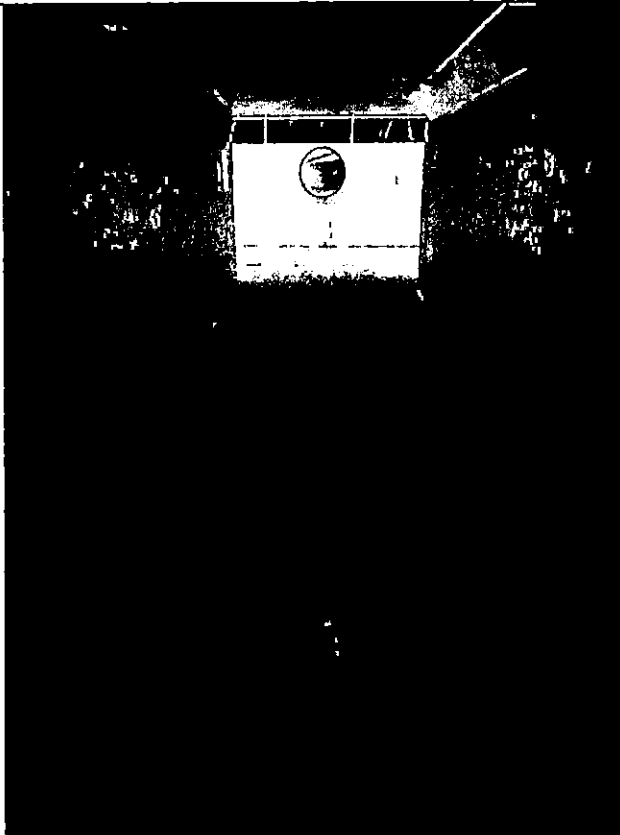


PHOTO 65

DESCRIPTION

NORTHEAST CELL - JOINT IN BOTTOM SLAB. 22'-1" FROM EAST

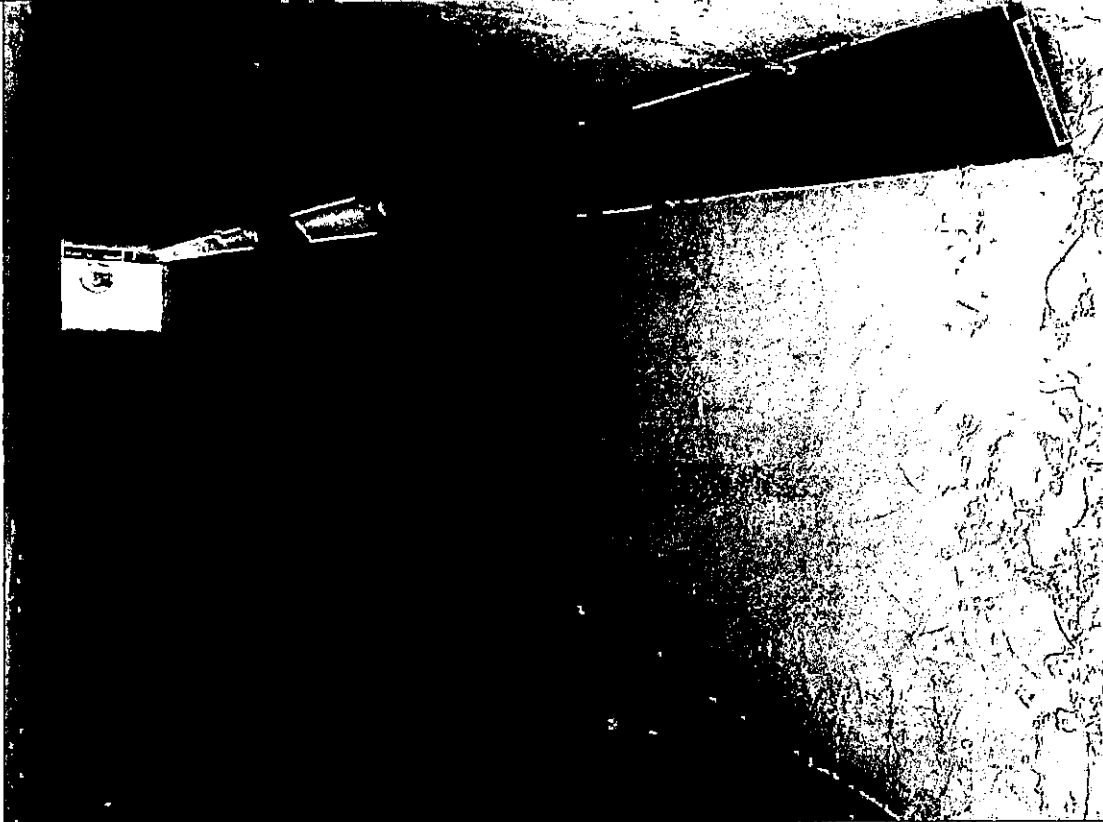


PHOTO 66

DESCRIPTION

INTERMEDIATE WALL - SOUTHEAST

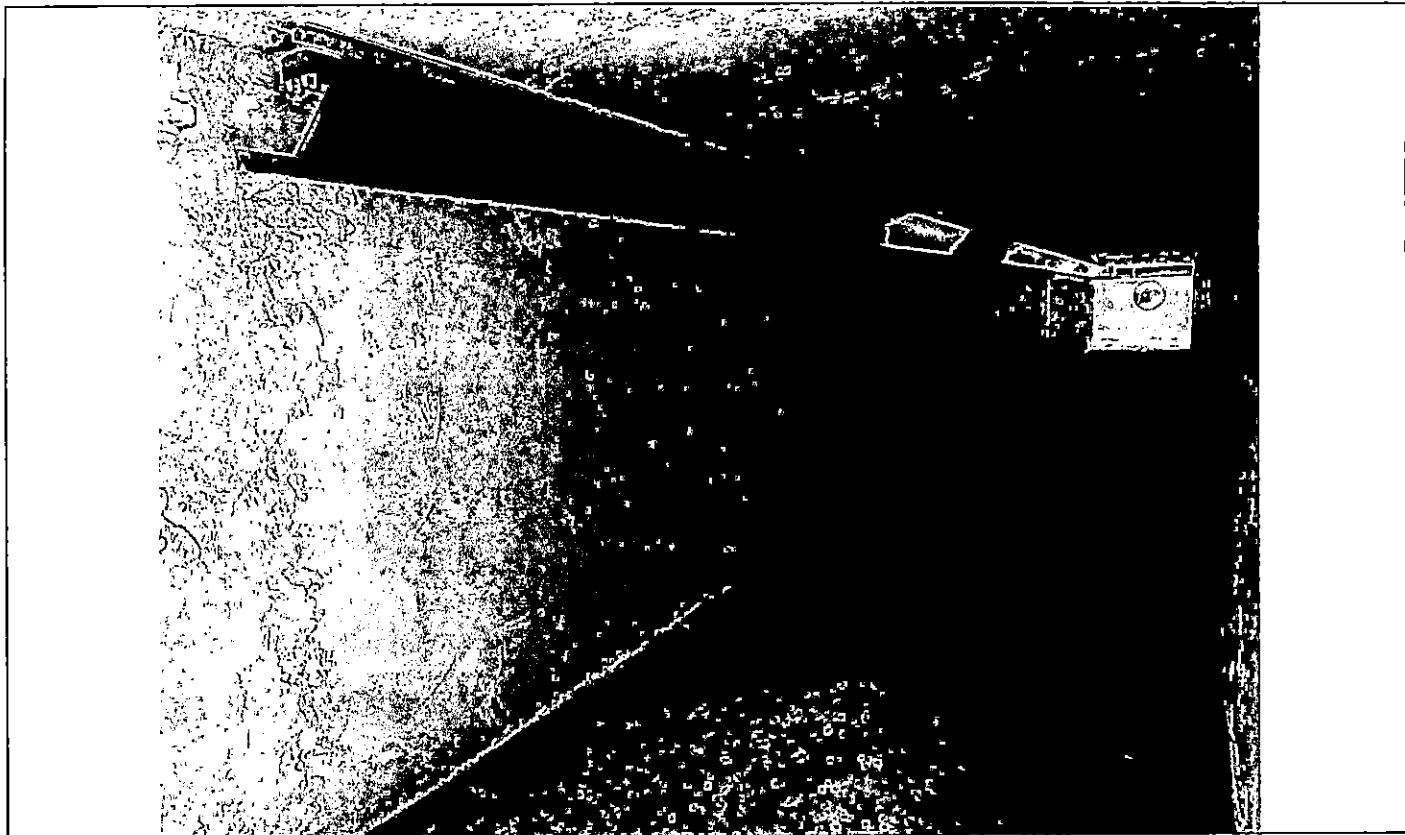


PHOTO 67	DESCRIPTION	INTERMEDIATE WALL - NORTHEAST
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## **SECTION E**



Bay Isles Association, Inc.  
Compilation of Expenses for  
the SR-789 Pedestrian Tunnel  
and Bay Isles Parkway for  
2019-2024

February 24, 2025

## **OPINION STATEMENT**

### **Compilation of Expenses for the SR-789 Pedestrian Tunnel and Bay Isles Parkway for the Period 2019-2024**

We have compiled the accompanying schedule of expenditures (See Illustration Nos. 1 through 3 herein) incurred by Bay Isles Association, Inc. ("Bay Isles") in connection with the SR-789 Pedestrian Tunnel for which Bay Isles holds an operation and maintenance permit (Permit No. G17-052-90, dated July 2, 1990) issued by the Florida Department of Transportation, and Bay Isles Parkway, which Bay Isles owns and maintains, for the period 2019-2024.

Bay Isles is responsible for the accuracy and completeness of the compiled expenditures. Our responsibility is to present the reported expenditures based on information provided by our management services company (Advanced Management, Inc. or "AMI"), in accordance with standard accounting principles and practices.

The compiled expenditures include actual costs for various accounting items, along with reasonable cost values for landscaping maintenance, electric services, and general maintenance (since they are treated as an aggregate cost to Bay Isles by BrightView, Florida Power & Light, and AMI). Bay Isles does not maintain a separate and distinct line-item accounting for the tunnel and parkway facilities. We have not audited or reviewed these expenditures; accordingly, we do not express an opinion or any assurance of them.

The actual cost figures provided in the report have been prepared based on records maintained by Bay Isles. We have relied on AMI's representations regarding the accuracy and completeness of these records. No independent verification or audit procedures have been performed on the underlying data.

Based on our compilation, we find that the expenditures as presented reasonably reflect the financial records maintained by Bay Isles for the SR-789 Pedestrian Tunnel and Bay Isles Parkway for the specified period.

This report is intended solely for the information and use by Bay Isles in connection with the divestiture of these facilities to government authorities, including but not limited to the Town of Longboat Key and the Florida Department of Transportation.

Bay Isles - Divestiture Committee

**Illustration 1. Matrix Summary (excludes insurance premium costs)**

Property	Average Cost Each Year	Total Cost for the Five Years
<b>Pedestrian Tunnel</b>	\$16,164	\$96,986
<b>Bay Isles Parkway</b>	\$15,008	\$90,050

**NOTE:** Under landscaping maintenance (BrightView), electric services (Florida Power & Light) and general maintenance (AMI) costs, Bay Isles determined a reasonable value for these items. For the Pedestrian Tunnel, we calculated a monthly charge of \$100 for landscaping, \$300 for electric service, and \$200 for general maintenance or an aggregate of \$7,200 per year. For the Bay Isles Parkway, we calculated a monthly charge of \$500 for landscaping, \$300 for electric services and \$300 for general maintenance or an aggregate of \$13,200 per year.

**Illustration 2. Pedestrian Tunnel Expenditures**

Expenses	2019	2020	2021	2022	2023	2024
<b>Tunnel Pressure Washing</b>	\$5,450	\$3,125	\$1,700	\$8,125	\$6,075	\$8,100
<b>New Mirrors</b>	\$426	\$0	\$0	\$0	\$0	\$500
<b>Clear Clogged Drains</b>	\$0	\$0	\$0	\$0	\$335	\$0
<b>Painting</b>	0	\$0	\$13,950	\$0	\$0	\$0
<b>Replace Sump Pumps</b>	0	\$0	\$0	\$0	\$0	\$6,000
<b>Landscaping/Electric/General Services</b>	\$7,200	\$7,200	\$7,200	\$7,200	\$7,200	\$7,200
<b>Totals:</b>	<b>\$13,076</b>	<b>\$10,325</b>	<b>\$22,850</b>	<b>\$15,325</b>	<b>\$13,610</b>	<b>\$21,800</b>

**Illustration 3. Bay Isles Parkway Expenditures**

Expenses	2019	2020	2021	2022	2023	2024
<b>Painting Curbs</b>	\$5,300	\$3,125	\$0	\$0	\$0	\$0
<b>Re-Striping</b>	\$0	\$0	\$0	\$0	\$1,600	\$0
<b>Sign Repairs</b>	0	\$0	\$325	\$500	\$0	\$0
<b>Landscaping/Electric/General Services</b>	\$13,200	\$13,200	\$13,200	\$13,200	\$13,200	\$13,200
<b>Totals:</b>	<b>\$18,500</b>	<b>\$16,325</b>	<b>\$13,525</b>	<b>\$13,700</b>	<b>\$14,800</b>	<b>\$13,200</b>



## **SECTION F**



**RESOLUTION OF THE BOARD OF DIRECTORS  
OF  
BAY ISLES ASSOCIATION, INC.  
RELATED TO THE SR 789 PEDESTRIAN TUNNEL**

**WHEREAS**, Bay Isles Association, Inc. ("Association") has been established for the operation of Bay Isles, in accordance with the Declaration of Maintenance Covenants and Restrictions on the Commons for Bay Isles ("Declaration"), recorded in Official Records Book 116, Page 1858 of the Public Records of Sarasota County, Florida, as amended from time to time;

**WHEREAS**, the affairs of the Association are administered by the Board of Directors ("Board") elected by the Association members, in accordance with the Articles of Incorporation of Bay Isles Association, Inc. ("Articles of Incorporation") recorded in Official Records Book 116, Page 1878 of the Public Records of Sarasota County, Florida, as amended from time to time and the Bylaws of Bay Isles Association, Inc. ("Bylaws") recorded in Official Records Book 116, Page 1895 of the Public Records of Sarasota County, Florida, as amended from time to time;

**WHEREAS**, a meeting of the Board of Directors was held on March 4, 2025 which meeting was duly noticed in accordance with the Bylaws, and a quorum was established ("Board Meeting");

**WHEREAS**, at the Board Meeting, the Board discussed the desire, need and authority to divest the Association's rights, responsibilities and title, to the extent applicable, of the SR789 Pedestrian Tunnel and all infrastructure associated therewith to one or more specific third parties;

**WHEREAS**, Article III of the Articles of Incorporation provides that the Association has the authority to sell, convey or otherwise dispose of real property, which may include the right to transfer title, or convey easement rights;

**WHEREAS**, the power set forth in Article III of the Articles of Incorporation may be exercised by the Board of Directors, as provided by Article VII(1)(f) of the Bylaws, as neither the Articles nor the Bylaws require approval of the Members; and,

**WHEREAS**, further still, Florida Statutes Section 617.0302(11) provides that every Florida Not for Profit Corporation, *"unless otherwise provided in its articles of incorporation or bylaws, shall have power to: . . . (11) Sell, convey, mortgage, pledge, lease, exchange, transfer, or otherwise dispose of all or any part of its property and assets."*

**NOW THEREFORE**, be it resolved:

1. The above recitals are true and correct and are incorporated herein.

2. The Board of Directors hereby votes and approves to undertake efforts to negotiate and/or convey whatsoever right, title and interest in the SR789 Pedestrian Tunnel and all infrastructure associated therewith, inclusive of the eastbound rampway system and sidewalk, including the sump pump, electrical systems and all related support infrastructure, whether recorded or unrecorded, that the Association may have or had historically had, to one or more potential interested parties, including but not limited to, the Town of Longboat Key, Sarasota County and/or the Florida State Department of Transportation. Alternatively, this Board of Directors hereby votes to voluntarily relinquish such right, title and interest in the SR789 Pedestrian Tunnel and all infrastructure associated therewith, by abandoning same, should conveyance to one or more parties not ultimately be accomplished.

*We hereby affirm that the statements made herein are truthful and that the Resolution adopted by not less than a majority of the Board of Directors of the Association shall be binding as of today's date.*

Dated this 4 day of March 4, 2025.

By: [Signature], Association President

By: [Signature], Association Secretary



## **SECTION G**



---

*The Proposed Conveyance for the  
Eastbound Rampway to SR 789  
Pedestrian Tunnel and All  
Infrastructure Assets from  
Bay Isles Parkway to the  
Town of Longboat Key*

---

April 2025



## **EXECUTIVE SUMMARY**

TO: Commissioners of the Town of Longboat Key  
FROM: Bay Isles Association, Inc.  
SUBJECT: Proposed Conveyance for the Eastbound Rampway to SR 789  
Pedestrian Tunnel and All Infrastructure Assets

Arvida, Inc., the real estate developer for Bay Isles Association, Inc. ("Bay Isles") and Seaplace, constructed a pedestrian tunnel beneath State Road 789 (Gulf of Mexico Drive, "GMD") circa 1970. The primary purpose of this infrastructure was to provide a safe and efficient thoroughfare for bicycle and pedestrian traffic under GMD, thereby mitigating surface-level crossings and enhancing public safety.

On or about July 2, 1990, the Florida Department of Transportation ("FDOT") issued a maintenance permit to Bay Isles, assigning responsibility for the upkeep of the underpass facility. In compliance with this obligation, Bay Isles secured a surety bond in the amount of \$25,000 to ensure the continued maintenance of the structure. Since that time, Bay Isles has diligently maintained the tunnel, including the eastbound and westbound rampways, in accordance with the terms of the permit.

In 2023, the Bay Isles Board of Directors initiated an evaluation of options to terminate its maintenance permit with FDOT. This decision was guided by two principal considerations:

1. **Liability Exposure:** The tunnel is predominantly utilized by non-residents of Bay Isles, resulting in a disproportionate liability burden on Bay Isles for an asset that serves the broader public.
2. **Maintenance Costs:** Bay Isles has solely borne the financial responsibility for the upkeep of the tunnel, despite its primary beneficiaries being individuals other than Bay Isles property owners and their invitees.

Both FDOT and the Town of Longboat Key ("Town") benefit from sovereign immunity protections, which are not available to Bay Isles. Consequently, Bay Isles has been compelled to rely on commercial insurers for risk mitigation in connection with accidents, injuries, lawsuits, and asset protection.

Bay Isles is not aware of any pending legal claims, threatened litigation, or claims of injury arising from or related to the pedestrian tunnel and/or the eastbound



## **BAY ISLES**

rampway. To the best of its knowledge, no such claims have been filed or asserted against Bay Isles in connection with these facilities.

To explore the procedural requirements for terminating the maintenance permit, Bay Isles engaged its outside legal counsel, Icard Merrill. Through these discussions, FDOT acknowledged its ownership of the pedestrian tunnel structure itself. However, it was determined that Bay Isles owns the eastbound rampway, while Seaplace owns the westbound rampway.

On July 1, 2024, Icard Merrill formally served notice to the Secretary of FDOT of Bay Isles' intent to discontinue all maintenance obligations for the pedestrian underpass, with such cessation of liability to take effect on January 1, 2025.

Subsequently, Bay Isles informed Town Staff of its intent to terminate the maintenance permit and inquired whether the Town would consider assuming ownership and maintenance responsibilities.

Bay Isles conducted an on-site meeting with FDOT engineers to evaluate the tunnel's structural integrity and discuss the procedural framework for termination.

Following these discussions, FDOT approached the Town Staff to explore the possibility of the Town and/or FDOT assuming ownership and maintenance responsibilities for the tunnel and associated rampways.

On September 23, 2024, during a Regular Town Commission Workshop meeting, Town Staff delivered a presentation outlining recommendations and proposed the next steps. The Staff's recommendation included continuing discussions with Bay Isles and FDOT regarding potential partnership arrangements or a formal transfer of ownership and maintenance obligations. The Town Commission authorized these discussions to proceed.

As a result of these ongoing deliberations and in recognition of public safety concerns, Bay Isles, on an informal and voluntary basis, elected to temporarily suspend its intent to terminate the maintenance permit before January 1, 2025, pending further negotiations and resolution of ownership and maintenance responsibilities.

On March 4, 2025, the Bay Isles Board of Directors unanimously passed a Resolution. The resolution authorized the Board of Directors and/or their designees to undertake efforts to negotiate and/or convey right, title, and interest in the SR-789 pedestrian tunnel and all associated infrastructure, including the



## **BAY ISLES**

eastbound rampway, sidewalk, sump pump, electrical systems, and all related components. The resolution further stipulated that if negotiations were not reasonably entertained by government authorities, the Board would proceed with the permit termination.

Bay Isles has retained an electrical firm to bifurcate electrical utility services for the lighting and sump pump systems in connection with the pedestrian tunnel and install separate electrical metering devices. These efforts will be coordinated with Florida Power & Light. This initiative will allow the Town and/or FDOT to assume full constructive possession of all electrical assets, inclusive of meter subscription service with Florida Power & Light. The other separate meter will be used for managing Bay Isles electrical services associated with the adjacent waterway.

There have been productive discussions between Bay Isles and Seaplace in connection with Bay Isles' desire to terminate the maintenance permit and the willingness to convey the eastbound rampway. The intent is to encourage Seaplace to consider supporting any conveyance to government authorities, including considering conveying the westbound rampway, which they own but Bay Isles maintained.

FDOT has constructed a new Americans with Disabilities Act ("ADA") compliant sidewalk bypass, it circumvents the westbound rampway. The eastbound rampway is not ADA compliant but there is an ADA compliant sidewalk bypass.

In collaboration with Town Staff, Bay Isles engaged independent third-party consultant, Stantec, to collect and analyze data (including structural integrity assessment in accordance with the FDOT requirements) to support the Town's decision-making process regarding the pedestrian tunnel. Within this document, we have provided the final Stantec reporting to Town Staff, offering essential insight into Bay Isles' intent and background.

Additionally, Bay Isles has provided to Town Staff historic financial data for a six-year period relative to capital expenditures and yearly maintenance costs.

Town Staff will independently prepare a comprehensive analysis and formal recommendations for the Town Commissioners in connection with this matter.

This executive summary is intended to facilitate informed deliberation by the Town Commissioners as they assess the feasibility and implications of the proposed Conveyance for the Eastbound Rampway to SR 789 Pedestrian Tunnel and all infrastructure assets.



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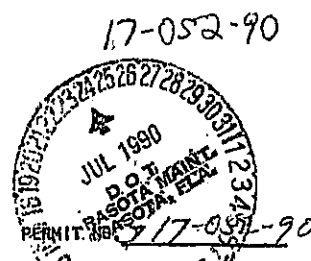


## **SECTION A**

Completed 1-23-92 KA

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

PERMIT



DATE July 2, 1990

SUBJECT: Section 17030 State Road #789 (Gulf of Mexico Drive) County Sarasota  
PERMITTEE/ Bay Isles Association, Inc. c/o JMC Property Management, Inc.,  
ADDRESS 5350 Gulf of Mexico Drive, #205, Longboat Key, FL 34228  
Requesting permission from the State of Florida Department of Transportation, hereinafter called the Department, to

~~Noncompliance~~ operate and maintain an existing vehicular-pedestrian underpass facility at  
from MP Station 6.055 to MP Station

1. Proposed work is within the corporate limits of a municipality. Yes(X) No( )  
Name of municipality Town of Longboat Key, Florida
2. Applicant declares that prior to submitting this application he has ascertained the location of all existing utilities, both aerial and underground.  
A letter of notification and plan of improvement was mailed on N/A to the following utilities/  
municipalities.
3. Is Interstate or Toll Road right-of-way involved? Yes ( ) No (X )
4. It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or vest any property right in said holder.
5. Whenever necessary for the construction, repair, improvement, maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said highway as determined by the Director of the Division of Road Operations any or all facilities and appurtenances authorized hereunder, shall be immediately removed from said highway, reset or relocated thereon as required by the Director of the Division of Road Operations and at the expense of the permittee.
6. The construction and maintenance of such facility shall not interfere with the property and rights of a prior permittee.
7. It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the State's right, title and interest in the land to be entered upon and used by the holder, and the holder will, at all times, assume all risk of indemnify, defend, and save harmless the State of Florida and Department from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise or attempted exercises by said holder of the aforesaid rights and privileges. During construction, all safety regulations of the Department shall be observed and the holder must take measures, including placing and display of safety devices, and may be necessary in order to safely conduct the public through the project area in accordance with the Department's Manual on Traffic Controls and Safe Practices for street and highway construction, maintenance and utility operation.
8. In case of noncompliance with the Department's requirements this permit is void and the facility will have to be brought into compliance or removed from the R/W at no cost to the Department.
9. All work shall meet Department standards and be performed under the supervision of H.S. ELY  
Maintenance Resident Engineer, located at Sarasota, Florida.
10. All materials and equipment shall be subject to inspection by the Maintenance Resident Engineer.
11. The office to the Maintenance or Resident Engineer named in paragraph nine (9) shall be notified twenty-four (24) hours in advance before starting work and immediately upon completion.
12. All Department property shall be restored to it's original condition as far as practical, in keeping with the Department specifications, and in a manner satisfactory to the Department.
13. The attached sketch and special provisions covering details of this installation shall be made a part of this permit.
14. The permittee shall commence construction in good faith within sixty (60) days from the date of said permit approval and shall be completed within N/A days.
15. Special conditions: The Permittee shall provide the Department with a cash or surety bond in the amount of \$25,000 to guarantee the removal of the underpass facility in the event the facility is not maintained by the\*\*
16. Special instructions:

Bay Isles Association, Inc.,  
Submitted by: a non-profit Florida corporation  
Permittee

Carl Karsh  
Signature and Title  
Carl Karsh, its President

Place  
Corporate  
Seal

Attested

Roadway construction is proposed or underway Yes( ) No ( )  
Recommended for approval

Maintenance Engineer

Date

Approved By:

L. M. Courtney, Jr.  
District Engineer

Date

\*\* Permittee in a safe and sound condition and to guarantee the restoration of the roadway to the requirements and specifications of the Department



## **SECTION B**



P: 941.366.8100

F: 941.366.6384

2033 Main Street, Suite 600  
Sarasota, FL 34237

IcardMerrill.com

Patrick Seidensticker

pseidensticker@icardmerrill.com

July 1, 2024

Jared W. Perdue, P.E.  
Secretary, Florida Department of Transportation  
605 Suwannee Street, MS 57  
Tallahassee, Florida 32399-0450

Lance Grace, P.E.  
Director of Maintenance  
Florida Department of Transportation  
605 Suwannee Street  
Tallahassee, Florida 32399-0450

2024 JUL - 8 PM 3:06

VIA Certified Mail Return Receipt Requested

**Re: Ownership and Maintenance Responsibilities Related to Pedestrian Tunnel Underlying  
Gulf of Mexico Drive, Longboat Key, Florida**

Dear Mr. Perdue and Mr. Grace:

Our firm represents Bay Isles Association, Inc. (the "Association") in various matters, including land use and real estate matters. This correspondence is intended to address the pedestrian underpass located in Longboat Key, Florida, which spans under Gulf of Mexico Drive and which is adjacent to, and spans between, land owned by the Association, more particularly described as Sarasota County PID 0008020001, and land owned by Seaplace Association Inc., more particularly described as Sarasota County PID 0008110002 (the "Pedestrian Underpass"). We were tasked with determining ownership and legal maintenance obligations associated with the Pedestrian Underpass. Such maintenance obligations have been previously undertaken at the sole cost of the Association to ensure that the underpass was maintained in a clean and safe manner for the benefit of residents of and visitors to Longboat Key. By way of this correspondence, please be aware that the Association intends to abandon any such maintenance obligations as of January 1, 2025.

We have taken the following steps to review the underlying ownership and maintenance responsibilities for the Pedestrian Underpass:

- February 7, 2024 – Icard Merrill submitted a request for a Property Information Report to Old Republic Title specifically related to the Pedestrian Underpass to determine underlying ownership of same.
- February 7, 2024 – Icard Merrill submitted a Public Records Request to the Town of Longboat Key for any records related to the "construction, permitting, ownership, maintenance, dedication, etc. of the [Pedestrian Underpass]."

- February 7, 2024 – Town of Longboat Key provided documents responsive to our request. We reviewed the records which include prior meetings of the town counsel involving development approval of the Pedestrian Underpass, construction documents, and other related materials but our review of these materials did not locate any indication of underlying ownership or any related maintenance obligations imposed on any entity.
- February 8, 2024 – Icard Merrill researched internal client files held by the firm for any documents related to ownership or maintenance obligations related to Pedestrian Underpass. No pertinent records were located.
- February 8, 2024 – Icard Merrill searched available public records in Sarasota County for recorded documents with Arvida, Bay Isles Association and Seaplace Association as parties thereto which are related to ownership or maintenance obligation of the Pedestrian Underpass. No pertinent records were located.
- February 9, 2024 – Icard Merrill's title searcher provided documents regarding ownership of the adjacent parcels but was unable to find anything related to the Pedestrian Underpass specifically.
- February 12, 2024 – After multiple correspondence whereby we provided additional documentation to our title searcher and expanded our request, it was determined that there are "no recorded easements or agreements with [Florida Department of Transportation ("FDOT")] or parties in the chain [of adjacent parcels] regarding the [underpass]." Parties which were searched in this regard included Arvida Corporation, Arvida JBM, Seaplace Association, Bay Isles Association and FDOT. Ultimately, the title searcher was unable to find any information regarding ownership of the Pedestrian Underpass specifically, besides confirmation that FDOT owns Gulf of Mexico Drive which runs above same.
- March 8, 2024 – Icard Merrill submitted a public records request to FDOT through their FOIA Public Records portal for any records related to the "construction, permitting, ownership, maintenance, dedication, etc. of the [Pedestrian Underpass]." As of the date of this correspondence no responsive documents have been provided by FDOT and the status of the pending request shows as "In Progress."

As of the date of this correspondence, our search has not uncovered any documents which are determinative of the ownership of the Pedestrian Underpass, nor documents which show that a specific parcel was ever created separately from Gulf of Mexico Drive. Because the underpass lies under Gulf of Mexico Drive, which is owned by FDOT, and because no separate ownership was ever created, in the absence of evidence to the contrary, it is our conclusion that FDOT owns the Pedestrian Underpass.

Further, and importantly, our search has not uncovered any document which obligates Bay Isles Association to maintain the Pedestrian Underpass. Though our thorough search has thus far not produced any documents which definitively answer the question of ownership and maintenance of the Pedestrian Underpass, it is possible that such documentation exists. If FDOT is in possession of any such documentation, we request that it be provided for review.

Based on our research we can find no legal obligation for the Association to continue any maintenance responsibilities associated with the Pedestrian Underpass. Therefore, we are providing, on behalf of the Association, notice to FDOT that the Association intends to cease any such maintenance of the Pedestrian



Underpass and would not continue to assume liability for same after January 1, 2025. We would thereafter expect that FDOT will assume such responsibilities at that time, as FDOT seems to be the fee simple title holder of the Pedestrian Underpass.

Please do not hesitate to contact my office with any questions or if you would like to discuss further.

Sincerely,

ICARD, MERRILL, CULLIS, TIMM,  
FUREN & GINSBURG, P.A.

A handwritten signature in black ink, appearing to read 'Patrick C. Seidensticker', written over a horizontal line.

Patrick C. Seidensticker

Cc: Association President – via e-mail only

Telese Zuberer, Esq. – via e-mail only



## **SECTION C**

## **M E M O R A N D U M**

**To:** Howard Tipton, Town Manager  
**From:** Isaac Brownman, Public Works Director  
**Report date:** September 12, 2024  
**Meeting date:** September 23, 2024  
**Subject:** Bay Isles Association, Inc. Pedestrian Tunnel (Underpass)

### **Recommended Action**

Continue conversations with Bay Isles Association, Inc. and Florida Department of Transportation (FDOT) regarding potential partnership arrangements, or full transfer of ownership and maintenance, of the Bay Isles Association, Inc. Pedestrian tunnel.

### **Background**

The pedestrian tunnel connecting the Bay Isles Harborside development and Seaplace Condominiums to east and west areas of Gulf of Mexico Drive (GMD) was originally constructed in the late 1970s by Arvida, Inc. This was to provide a safe, convenient bicycle and pedestrian crossing across GMD as this segment of GMD has no nearby marked surface crossings. An FDOT permit document dated July 2, 1990 shows the ownership and maintenance entity of the tunnel as the Bay Isles Association, Inc.

The Bay Isles Association is now contemplating abandoning the asset due to the maintenance obligation and costs of the tunnel. They have approached both the Town and FDOT about taking over ownership and maintenance.

FDOT and the Town have independently observed and analyzed the structure. FDOT indicates that it appears to be structurally sound. By observation, the Town would agree. Due to the elevation of the tunnel, tunnel drainage requires functioning submerged pumps. These pumps appear to have been recently repaired. The pump discharges runoff through the private Bay Isles system(s). The ramps into and out of either side of the tunnel are on private property, not in the GMD right-of-way. On the east side, the entire ramp is on Bay Isles Association, Inc. property and on the west side the ramp is on Seaplace Association, Inc. property as well as potential individual unit owners' property. The ramps themselves do not meet ADA standards for accessible ramps. For example, by FDOT measurements, parts of the ramp are upwards of 19% slope; ADA standard is 8.3%.

FDOT has approached the Town about partnering with them (FDOT) to take over ownership and maintenance, or for the Town to take over entirely. The Town could also work on a three (3) entity partnership to include Bay Isles Association, Inc. and FDOT.

Though the Town has participated in conversations with Bay Isles Association and FDOT, FDOT is not sure how to handle the ADA accessibility issue. Right-of-way space would need to be donated to the State of Florida by each of the property owners. As conversations progress, the Town would need final construction plans, record drawings, historical ownership and maintenance records of the tunnel, and costs to maintain it over time from Bay Isles Association, Inc.



The pedestrian tunnel is a Longboat Key community asset. It provides the sole safe GMD crossing between Bay Isles Harborside, Seaplace and areas surrounding. It is a robust, well built, large structure that is visually innocuous. It is used by members of the community, however, it is unknown to what degree.

**Staff Recommendation**

Continue conversations with Bay Isles Association, Inc. and Florida Department of Transportation (FDOT) regarding potential partnership arrangements, or full transfer of ownership and maintenance, of the Bay Isles Association, Inc. Pedestrian tunnel.

**Attachment**

PowerPoint Presentation



TOWN OF LONGBOAT KEY

**Bay Isles Association, Inc.  
Pedestrian Tunnel  
(Underpass)**

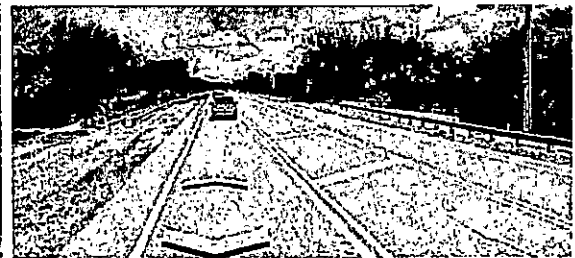
Town Commission Regular Workshop Meeting  
September 23, 2024



TOWN OF LONGBOAT KEY

## Bay Isles Association, Inc. Pedestrian Tunnel

### Getting Acquainted: Location and Views



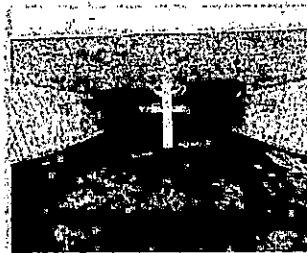
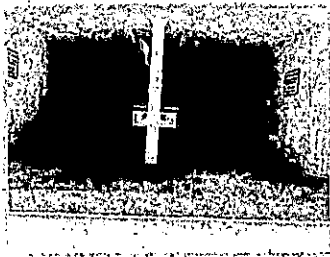
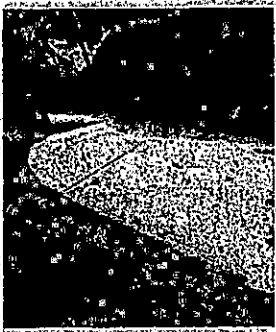


TOWN OF LONGBOAT KEY

## Bay Isles Association, Inc. Pedestrian Tunnel

Bay Isles Association, Inc. contemplating abandoning the asset due to increasing maintenance costs over time.

Bay Isles Association, Inc. has approached both the Town and FDOT about taking over ownership and maintenance.



## Bay Isles Association, Inc. Pedestrian Tunnel

FDOT and Town have independently reviewed and analyzed the structure. Observations:

- FDOT indicates that it appears to be structurally sound. By observation, the Town would agree.
- Due to the low elevation of the tunnel, tunnel drainage requires functioning pumps, which appear to have been repaired recently.
- Runoff discharges through the private Bay Isles system(s).
- The large ramps on either side of GMD are not in the GMD right-of-way; rather, they are on private properties.
- The ramps down to the base of the tunnel significantly do not meet ADA standards for accessible ramps (up to 19% -- standard is 8.3%).



## Bay Isles Association, Inc. Pedestrian Tunnel

### FDOT has approached the Town about...

- Partnering with them (FDOT) to take over ownership and maintenance
- Town take over entirely.
- Abandonment

### Another option:

Town can work on three (3) way partnership to include Bay Isles Association, Inc. and FDOT

NOTE: Town has engaged in initial conversations with Bay Isles Association, Inc. and FDOT. FDOT is not sure about how to handle the ADA issue. Right-of-way would need to be donated to the state.



Is this a Longboat Key community asset? Yes.

- Provides the sole safe GMD crossing between Bay Isles Harborside, Seaplace and surrounding areas.
- Robust, well built, unique, large structure
- Visually innocuous from the surface. Unless you look for it, you likely will not see it.
- It is used, however, it is unknown to what degree.

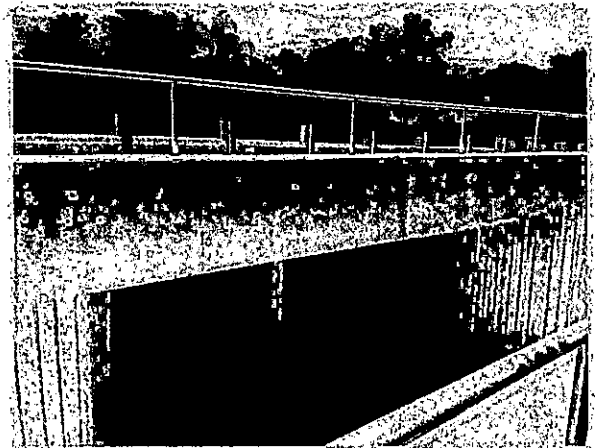
As conversations progress, the Town would need any final construction plans, record drawings, historical ownership and maintenance records of the tunnel, and costs to maintain it over time from Bay Isles Association, Inc.





## Recommendation and Next Step:

Continue conversations with Bay Isles Association, Inc. and Florida Department of Transportation (FDOT) regarding potential partnership arrangements, or full transfer of ownership and maintenance, of the Bay Isles Association, Inc. Pedestrian tunnel.





TOWN OF LONGBOAT KEY

***Thank you!***

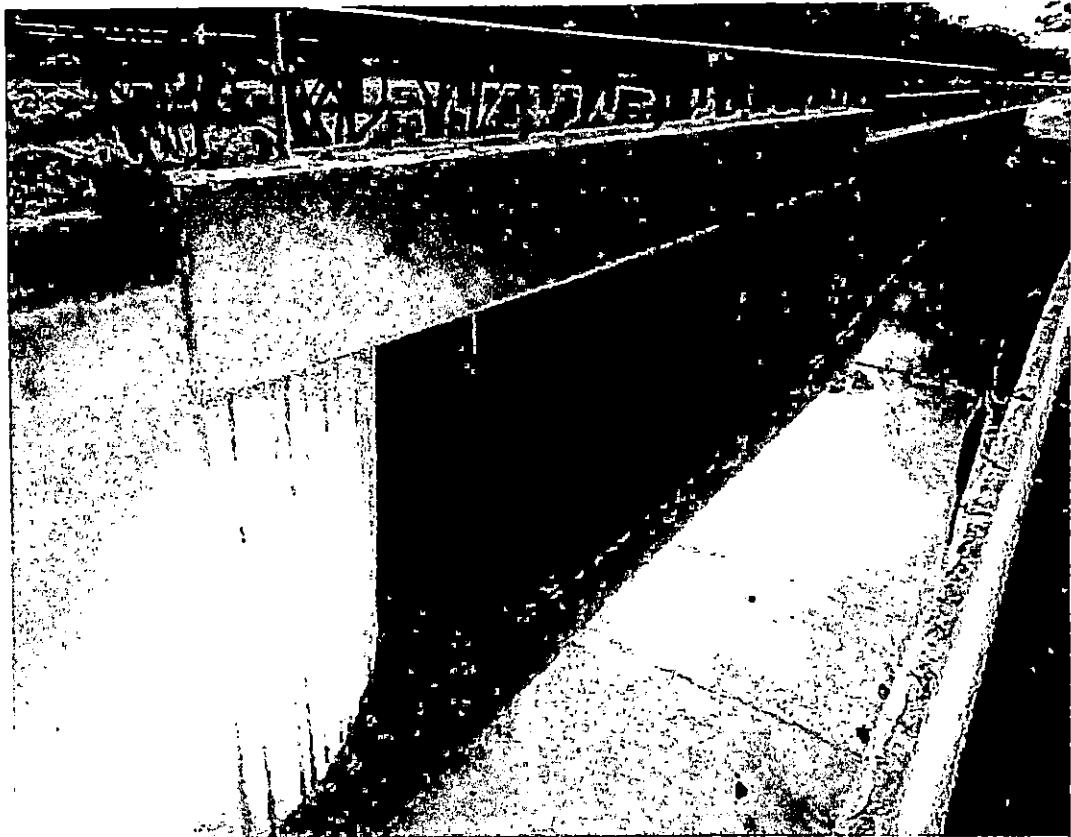
**End of Agenda Item**



## **SECTION D**

# SR 789 PEDESTRIAN UNDERPASS ASSESSMENT REPORT

Initial assessment as requested by the Bay Isles Association



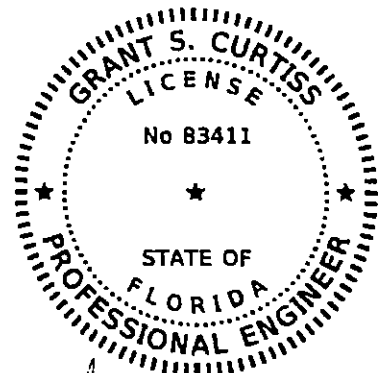
Prepared for:

**Bay Isles Association**

4651 Salisbury Rd, Suite 350  
Jacksonville, FL 32256

Stantec Project No. 215811185

January 2025



*Grant S. Curtiss*  
01/24/2025

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## 1.0 INTRODUCTION

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### 1.1 SCOPE OF WORK

This report details the initial structural assessment for the State Road (SR) 789 Pedestrian Undercrossing. This report highlights the observations made during the on-site visual assessment that took place on January 6, 2025.

This pedestrian undercrossing assessment follows the National Bridge Inspection (NBIS) Standards Code of Federal Regulations (CFR) 23 – Highway Part 650, Subpart C, FL Statute 335.074. However, this pedestrian undercrossing is not considered a bridge in accordance with NBIS since the opening measured along the center of roadway is less than 20 feet.

### 1.2 STRUCTURE DESCRIPTION

SR 789 Pedestrian Undercrossing is located in Longboat Key, Sarasota County (27°21'23"N, 82°36'51"W). It is currently maintained by the Bay Isles Association. This structure is a Double Cell Concrete Box Culvert with an 8" thick intermediate wall, headwall & wingwalls. The culvert is 100'-0" in length with an overall width of 16'-8" measured from inside face of exterior walls. The height of the culvert measured from top face of the bottom slab to the bottom face of the top slab is 7'-9". The thickness of the top and bottom slab could not be measured in the field. Each cell is 8'-0" wide between inside faces.

SR 789 crosses above the culvert, with approximately 8" of fill above the top slab. The roadway consists of (2) 12'-0" Lanes, a 12'-0" Gore, (2) 4'-0" Shoulder, (2) 12'-0" Buffer to railing. The Annual Average Daily Traffic (AADT) is 12,200 taken in 2023. The detour length for this structure is approximately 32 miles.

The undercrossing can be accessed through ramps, provided between wingwall & retaining wall, from North & South directions. At the time of inspection, many pedestrians and bicyclists were seen using the underpass.

On the East elevation, additional shared use path is provided. Refer Photo 3.

Utilities such as water, overhead electric, telephone, fiber optic are observed along and close to the SR 789 Northbound shoulder. Irrigation systems are observed along the SR 789 Southbound shoulder.

Disclaimer: Plans and load ratings were not provided for the structure. All the geometric measurements stated in this report were made in the field by the inspection team and should be confirmed if plans are made available.

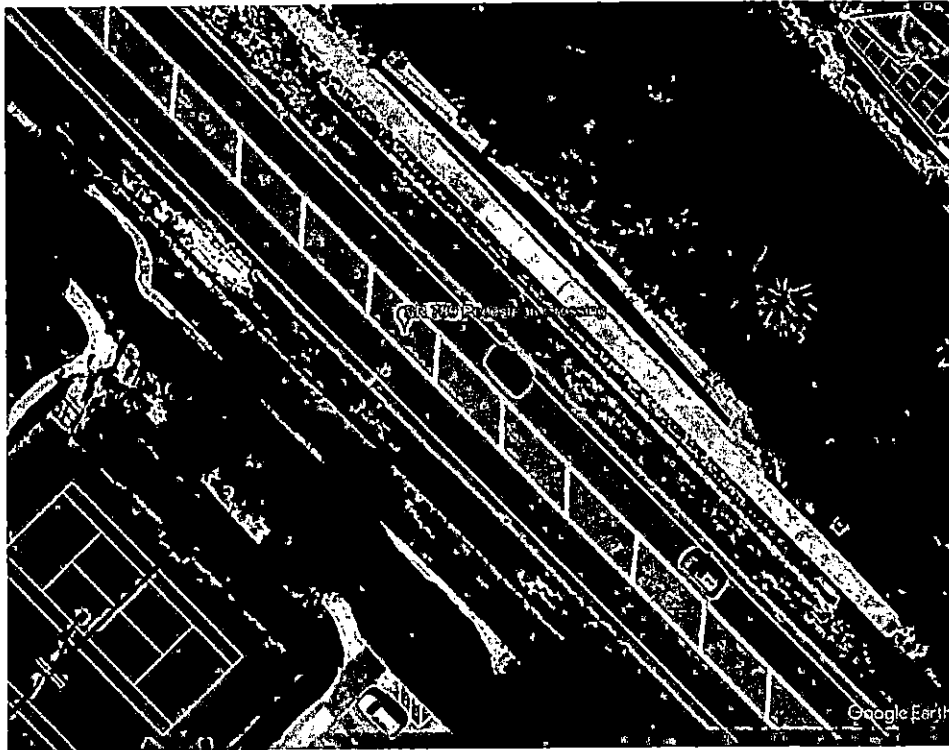


Figure 1: Aerial Map of Pedestrian Undercrossing

## 2.0 ASSESSMENT FINDINGS

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The assessment results summarized in this section reflect findings from the on-site visual assessment. Based on the field measurements, sketches for the box culvert are provided. Refer to Appendix A for sketches.

### 2.1 TYPICAL FINDINGS

The typical condition of all culvert and wingwall surfaces at the time of inspection included a painted stucco finish, approximately 1/16" in thickness.

#### 2.1.1 WEST HEADWALL

No defects were observed in the headwall.

#### 2.1.2 EAST HEADWALL

Five corroded spots on the elevation towards the culvert were observed. Refer Photo 45.



### **2.1.3 CULVERT - TOP SLAB**

No defects were observed in the bottom face of the top slab.

### **2.1.4 CULVERT - EXTERIOR SOUTH WALL**

Reveals are present in the curved portion of the wall. Refer Photo 49 and 51.

Loss of decorative coating was observed closer to the east elevation. The decorative coating was measured to 1/16". Refer Photo 29.

### **2.1.5 CULVERT - INTERMEDIATE WALL**

The intermediate wall has chamfers along the length at the top of the wall. Refer Photo 53. No defects were observed in the wall.

### **2.1.6 CULVERT - EXTERIOR NORTH WALL**

Reveals are present in the curved portion of the wall. No defects were observed in the wall.

### **2.1.7 CULVERT - BOTTOM SLAB**

Typical findings for the bottom slab in both the cells:

- Joint in bottom slab at 22'-1" from the East Elevation. Refer Photo 64 and 65.
- Drainage outlets 1'-2" x 2'-0", provided at exterior wall corners. Ponding & signs of still water was observed near all the drainage grate inlets. Refer Photo 33. The outlets seem to be filled with debris. Debris is not restricting the drainage flow.
- Insignificant cracking (0.010") is observed in the top of the bottom slab over the full span and width. Refer Photo 31 and 32.
- Two spalls (5" Long x 2" Wide x 1" Deep and 5" Long x 4" Wide x 1" Deep) are at the northwest corner of the bottom slab at the drainage inlet, refer to Photo 24.

### **2.1.8 WINGWALLS**

No defects were observed in the wingwalls.

### **2.1.9 PEDESTRIAN RAILINGS**

Pedestrian railings are provided for the full length of the headwall and the wingwall at both elevations.

Dents in pedestrian railings are observed at three locations on the Northwest Wingwall (Photo 38).

Pedestrian railings are also present on adjacent retaining walls, of which five horizontal rails were damaged on the west retaining wall (Photo 46).

#### **2.1.10 BRIDGE RAILINGS, TRANSITIONS, AND END TREATMENTS**

No defects are observed in the bridge railings, transitions, and end treatments. Guardrail post varies between steel and timber. Embedded depth of guardrail post measures 8" at the culvert crossing, connection to culvert structure could not be inspected.

#### **2.1.11 CULVERT LIGHTING**

Lighting fixtures are mounted at the top, on either side of the wall.

- On both the sides, it was observed that the first bulb closer to the east elevation is not working while the remaining four are working.
- On the South face, the lighting panel rail is detached near the 3<sup>rd</sup> light bulb. Refer Photo 30.
- On the North face, East Elevation, the enclosure panel is missing. Refer Photo 28.

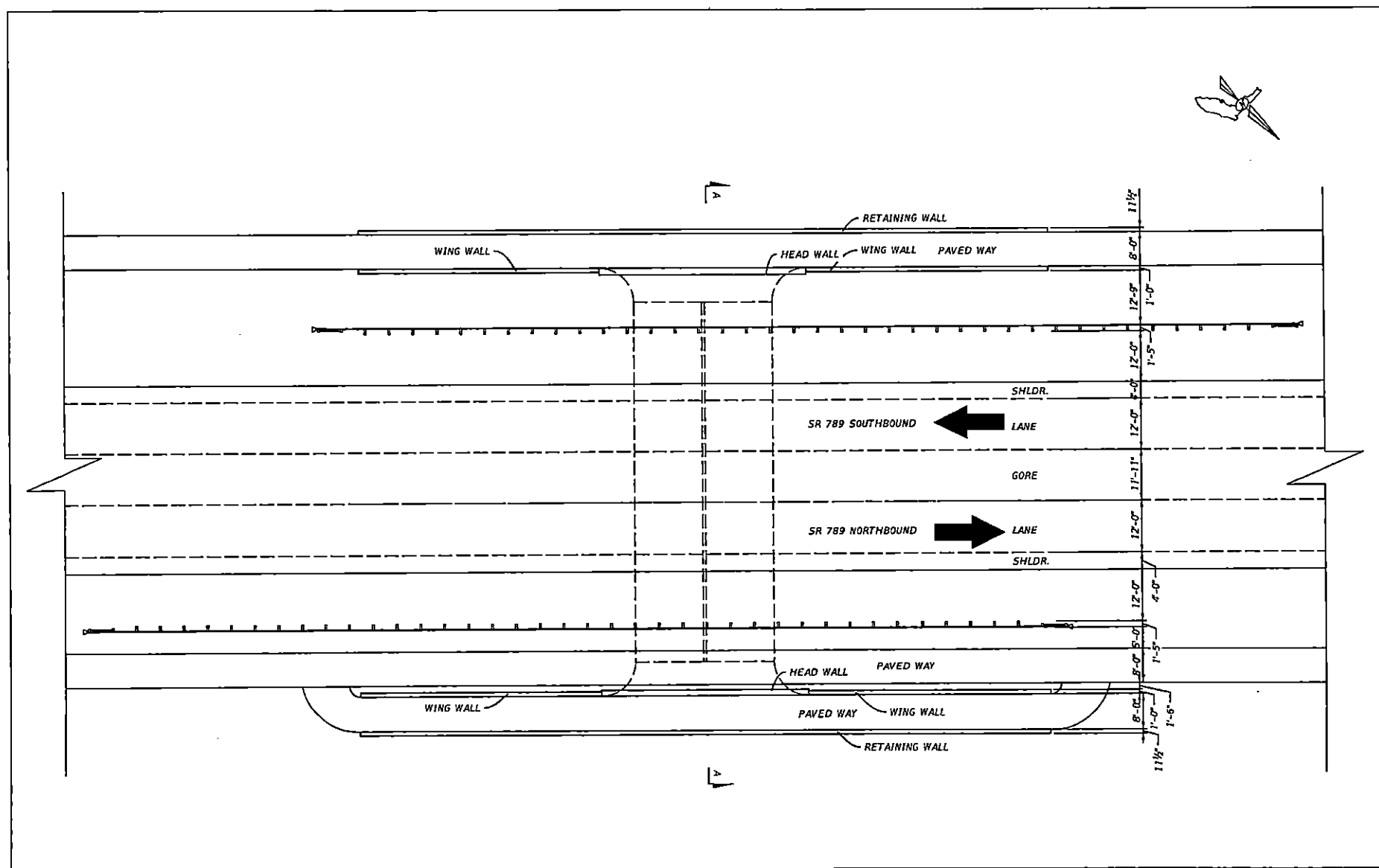
### 3.0 CULVERT CONDITION RATING

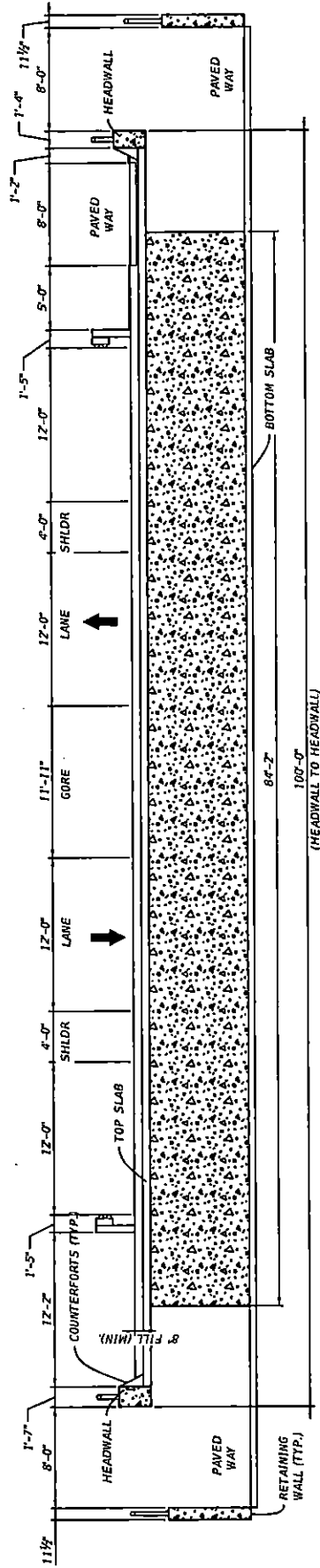
Based on the typical findings described above & visual assessment, the culvert condition is considered good with some minor defects. The Culvert Condition Rating is 7 in accordance with FHWA Specifications for the National Bridge Inventory.

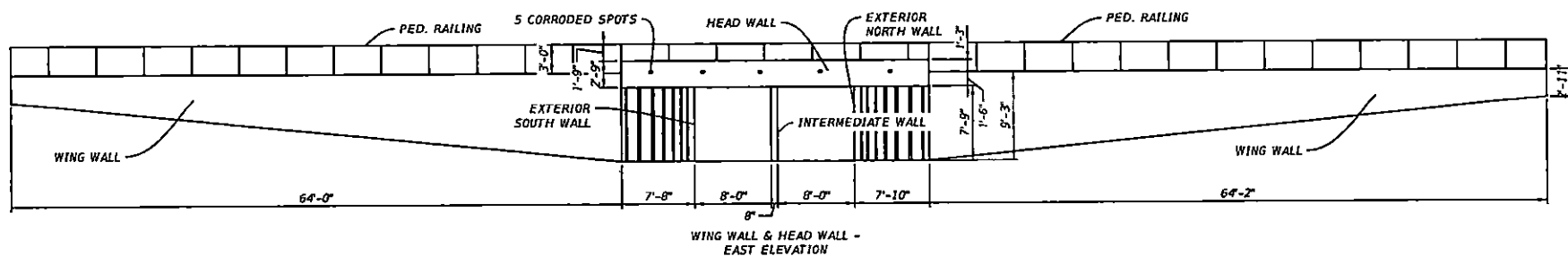
Table 20. Codes and descriptions for component condition ratings.

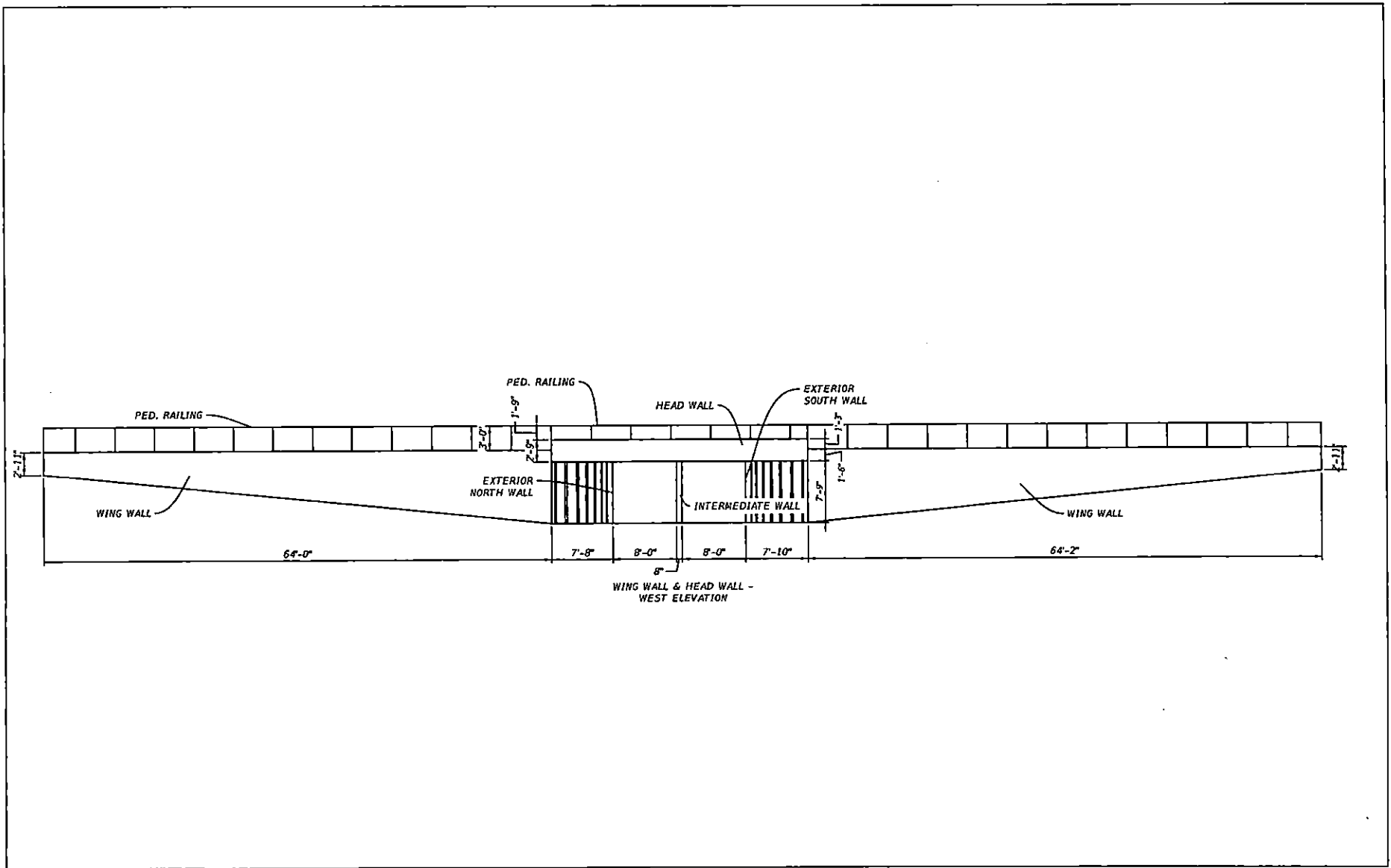
Code	Condition	Description
N	NOT APPLICABLE	Component does not exist.
9	EXCELLENT	Isolated inherent defects.
8	VERY GOOD	Some inherent defects.
7	GOOD	Some minor defects.
6	SATISFACTORY	Widespread minor or isolated moderate defects.
5	FAIR	Some moderate defects; strength and performance of the component are not affected.
4	POOR	Widespread moderate or isolated major defects; strength and/or performance of the component is affected.
3	SERIOUS	Major defects; strength and/or performance of the component is seriously affected. Condition typically necessitates more frequent monitoring, load restrictions, and/or corrective actions.
2	CRITICAL	Major defects; component is severely compromised. Condition typically necessitates frequent monitoring, significant load restrictions, and/or corrective actions in order to keep the bridge open.
1	IMMINENT FAILURE	Bridge is closed to traffic due to component condition. Repair or rehabilitation may return the bridge to service.
0	FAILED	Bridge is closed due to component condition, and is beyond corrective action. Replacement is required to restore service.

## **APPENDIX A: CULVERT FIELD MEASUREMENTS**

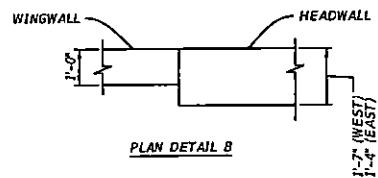
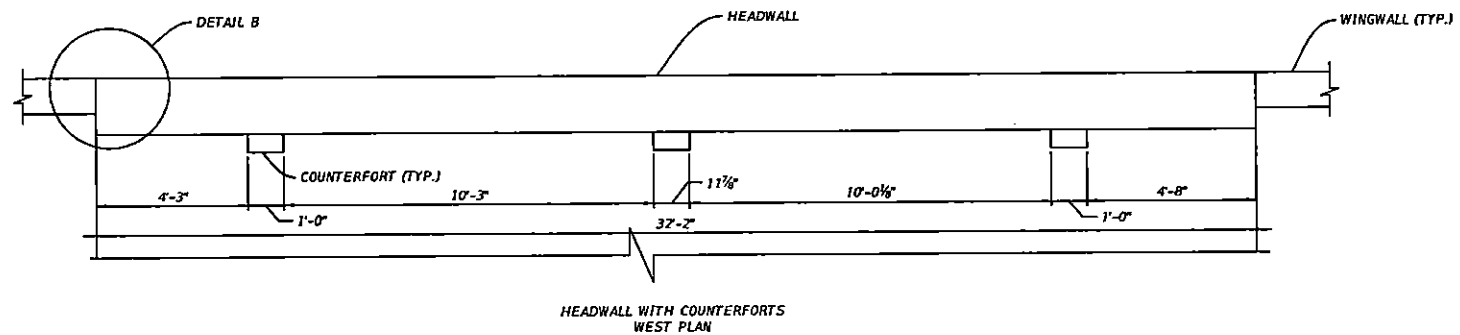
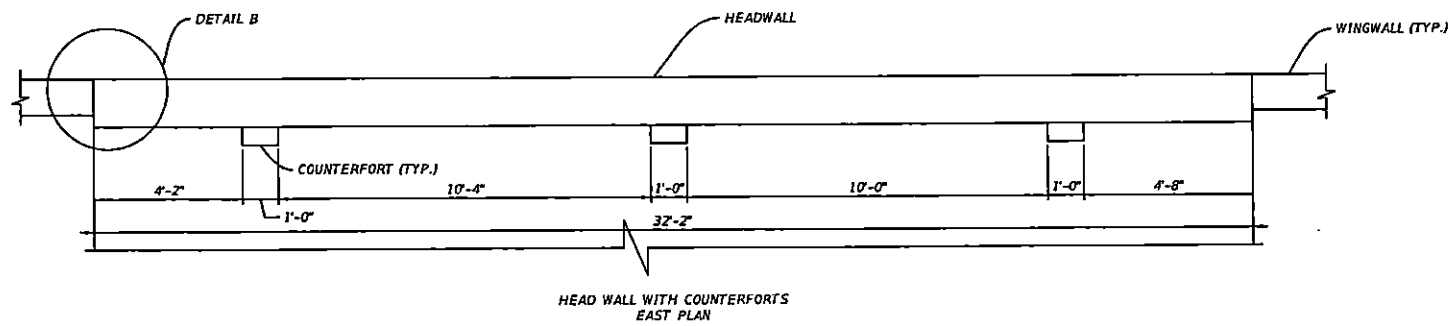


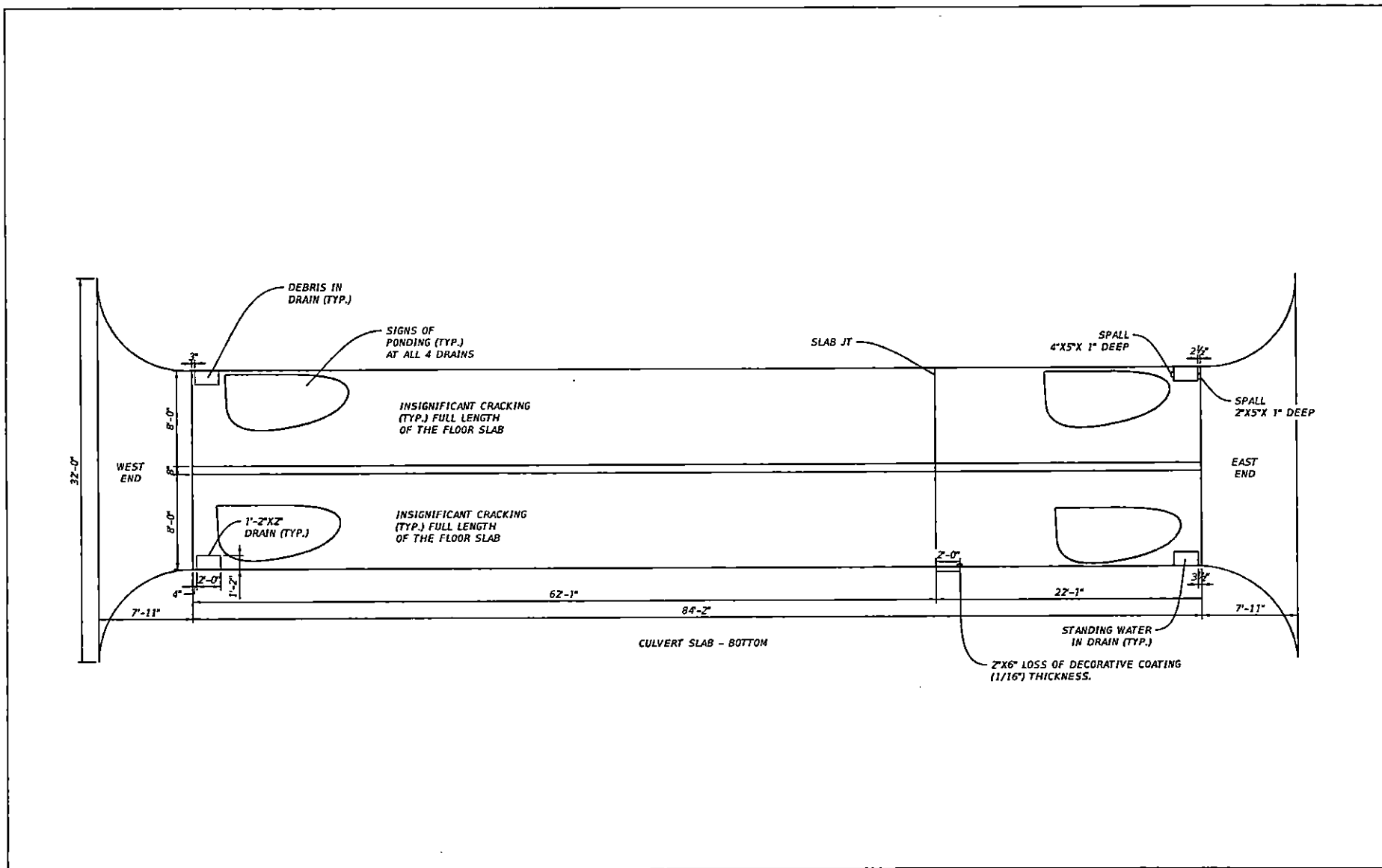












## **APPENDIX B: INVENTORY PHOTOS**

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PHOTO 1	DESCRIPTION	APPROACH (LOOKING NORTH)
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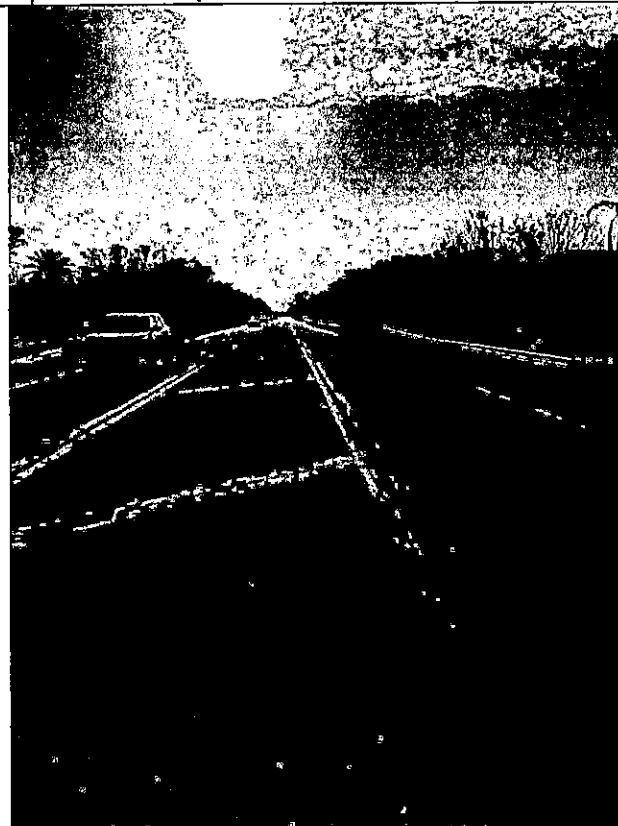


PHOTO 2	DESCRIPTION	APPROACH (LOOKING SOUTH)
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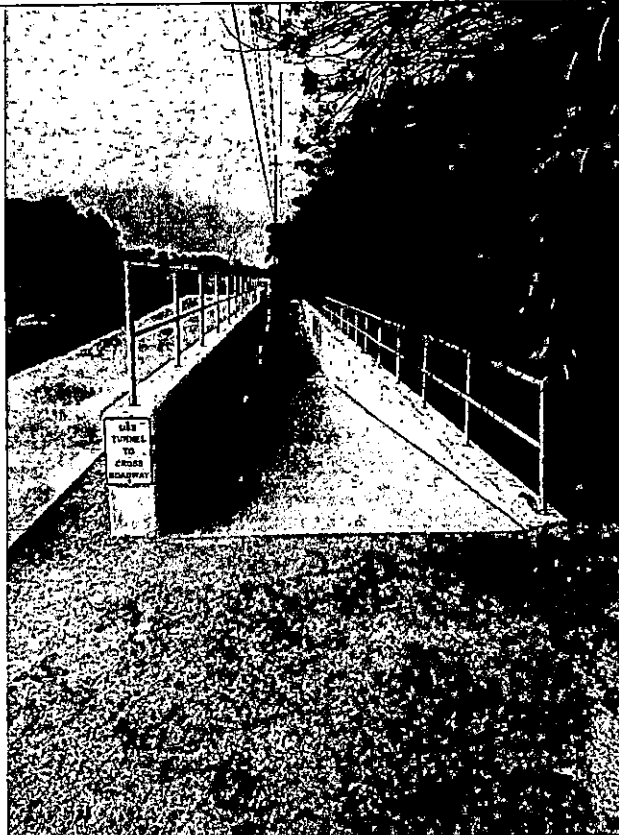


PHOTO 3	DESCRIPTION	SOUTHEAST TUNNEL ENTRANCE
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PHOTO 4	DESCRIPTION	NORTHEAST TUNNEL ENTRANCE
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PHOTO 5	DESCRIPTION	NORTHWEST TUNNEL ENTRANCE
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PHOTO 6	DESCRIPTION	SOUTHWEST TUNNEL ENTRANCE
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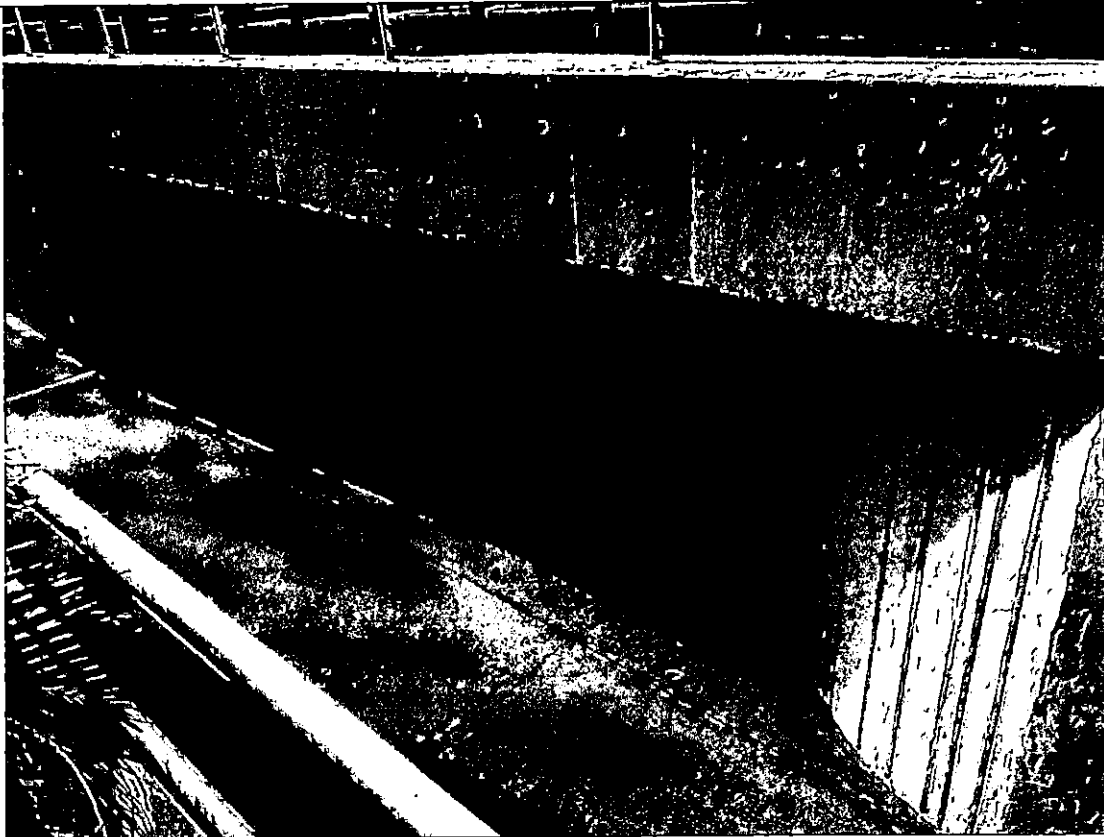


PHOTO 7	DESCRIPTION	CULVERT - EAST ELEVATION (LOOKING SOUTH)
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PHOTO 8	DESCRIPTION	CULVERT - EAST ELEVATION (LOOKING NORTH)
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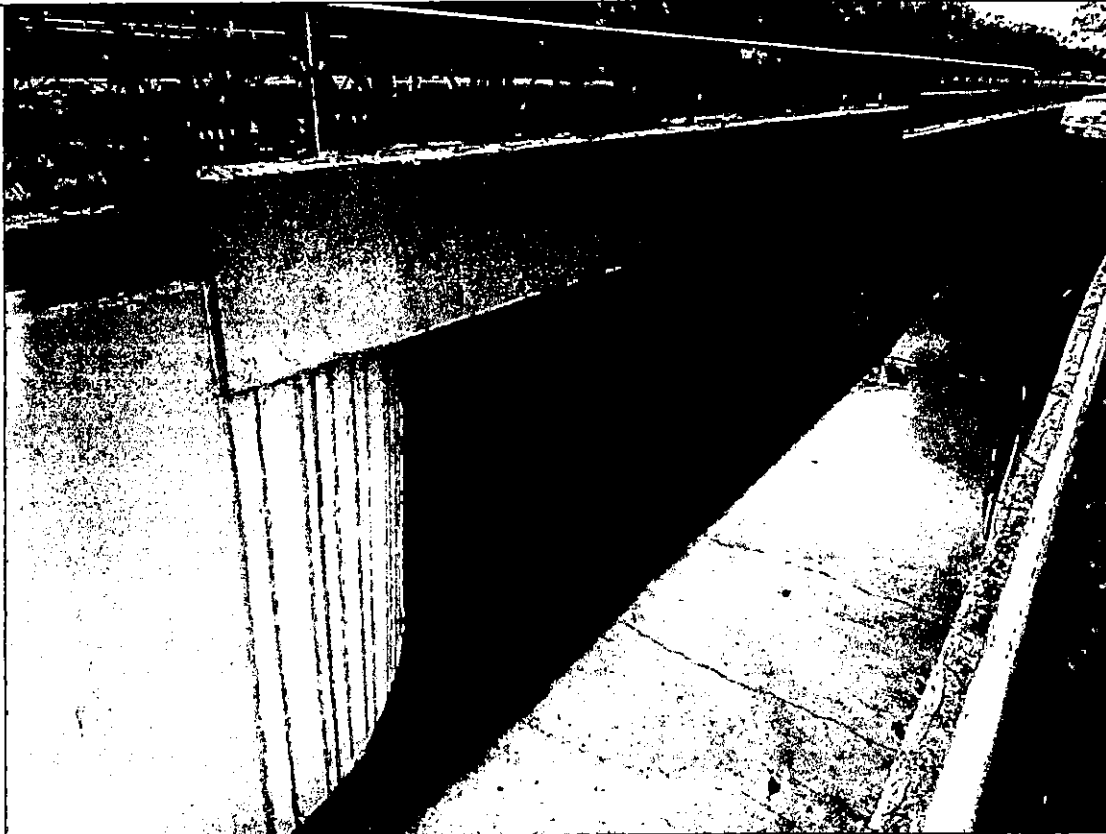


PHOTO 9	LOOKING SOUTH	CULVERT - WEST ELEVATION (LOOKING SOUTH)
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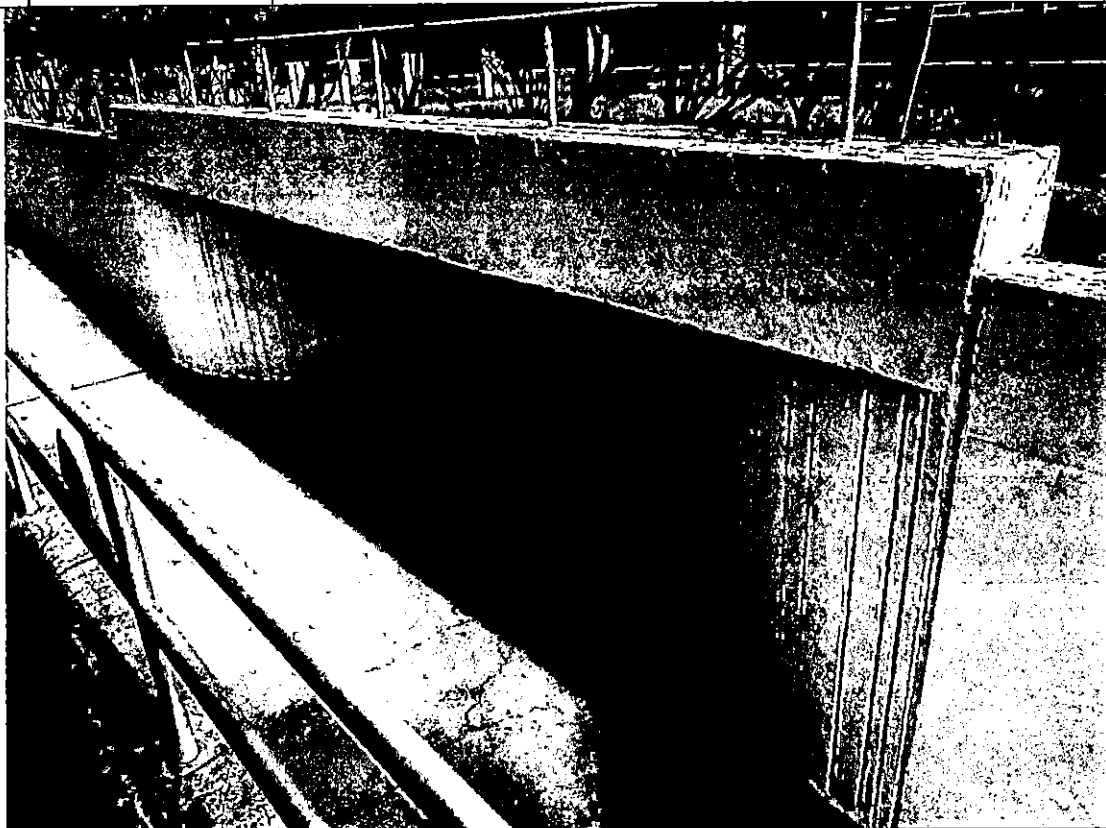


PHOTO 10	LOOKING NORTH	CULVERT - WEST ELEVATION (LOOKING NORTH)
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PHOTO 11	DESCRIPTION	WEST HEADWALL & COUNTERFORTS
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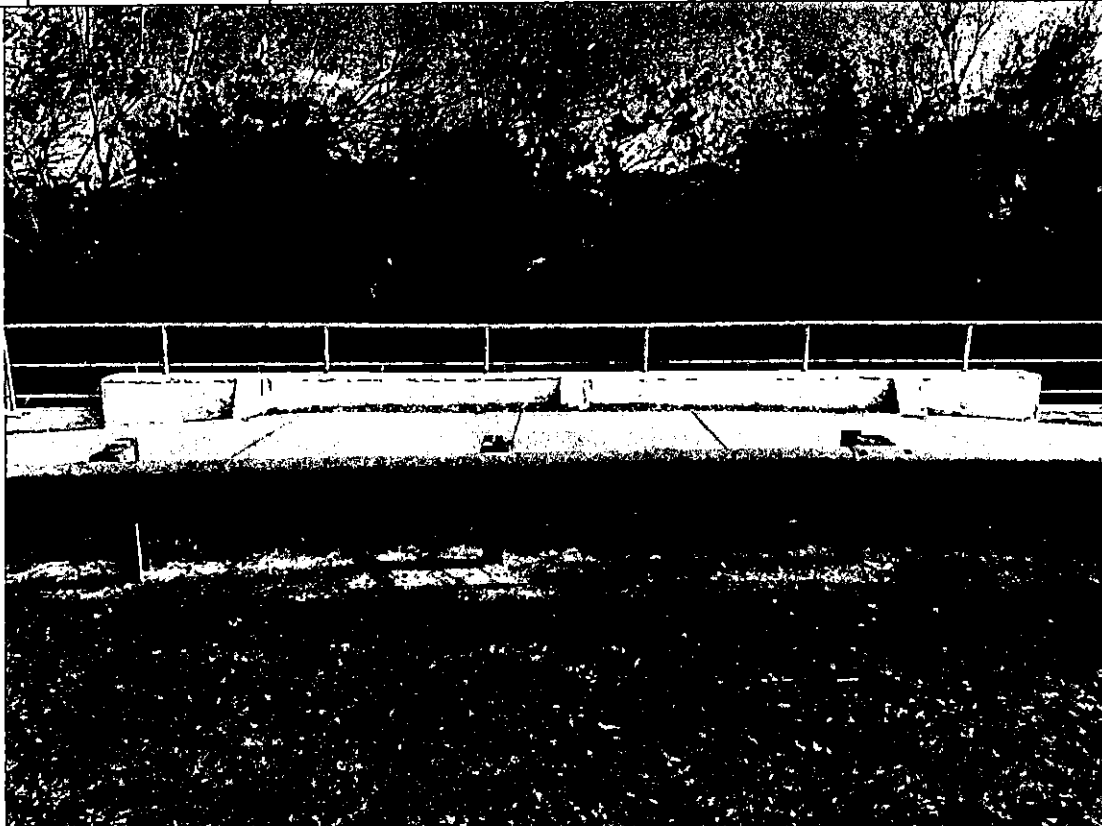


PHOTO 12	DESCRIPTION	EAST HEADWALL & COUNTERFORTS
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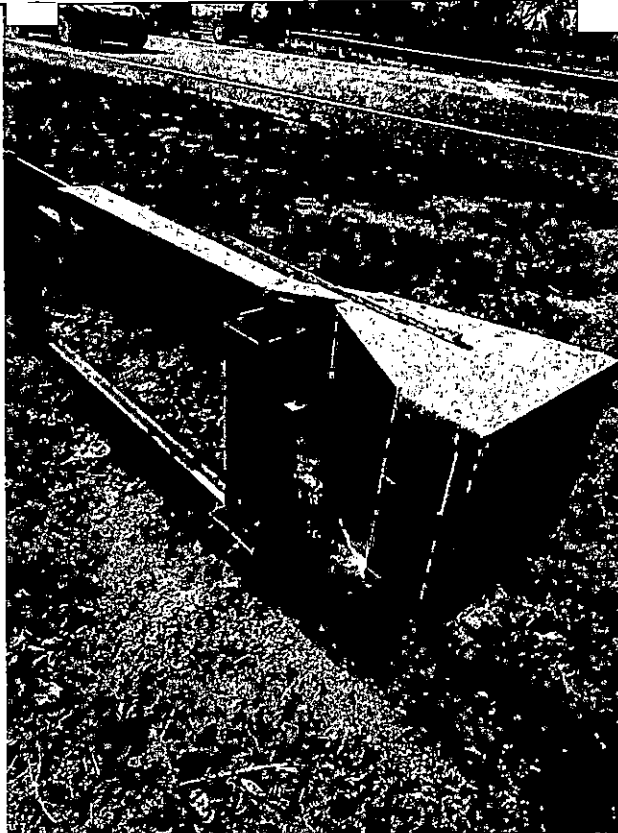


PHOTO 13	DESCRIPTION	NORTHEAST BRIDGE END RAILING
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PHOTO 14	DESCRIPTION	NORTHEAST PEDESTRIAN CROSSING SIGN. CORRODED BOLT AT THE TOP. MISSING BOLT AT THE BOTTOM
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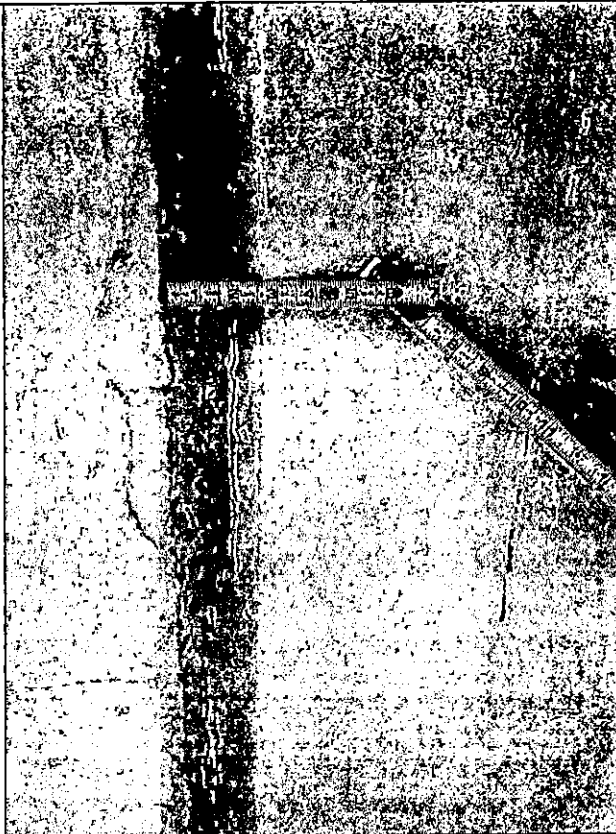


PHOTO 15	DESCRIPTION	JOINT IN WALL, TRANSITION BETWEEN STRAIGHT & CURVED WALL (TYP.)
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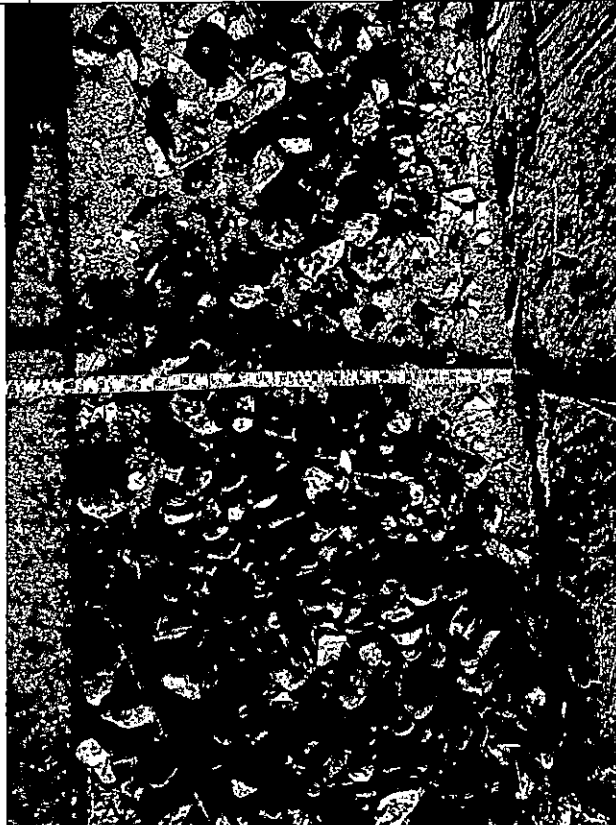


PHOTO 16	DESCRIPTION	STONE PATH AT EAST ELEVATION
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PHOTO 17	DESCRIPTION	AT SOUTHEAST ENTRANCE - MISSING & CRACKED ASPHALT AT TUNNEL ENTRANCE. EXPOSED CONCRETE SHARED PATH
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PHOTO 18	DESCRIPTION	SOUTHEAST PEDESTRIAN CROSSING SIGN. CORRODED BOLTS TOP & BOTTOM
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PHOTO 19	DESCRIPTION	UTILITIES AT THE SOUTHEAST TUNNEL ENTRANCE
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PHOTO 20	DESCRIPTION	UTILITIES AT THE SOUTHEAST TUNNEL ENTRANCE NEAR BRIDGE RAILING
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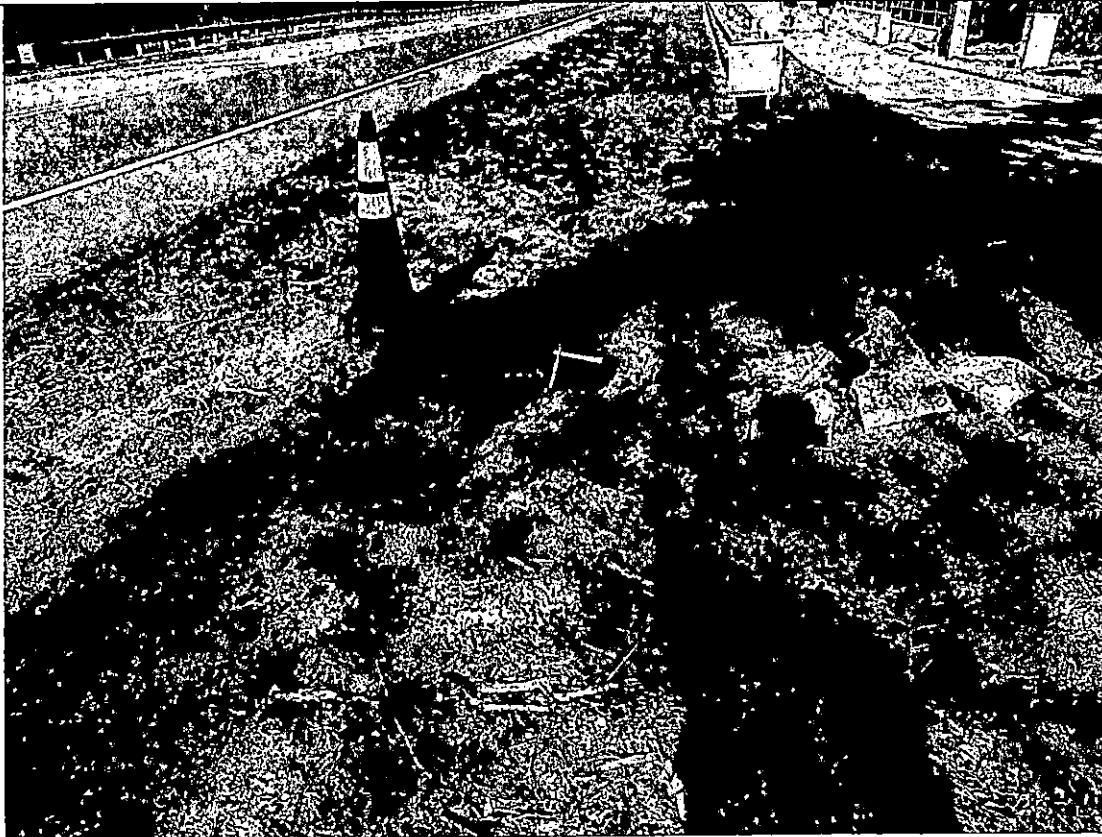


PHOTO 21	DESCRIPTION	EXPOSED WATER UTILITY PIPE NEAR BRIDGE RAILING NEAR SOUTHEAST TUNNEL ENTRANCE
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PHOTO 22	DESCRIPTION	TELEPHONE UTILITY NEAR SOUTHEAST TUNNEL ENTRANCE
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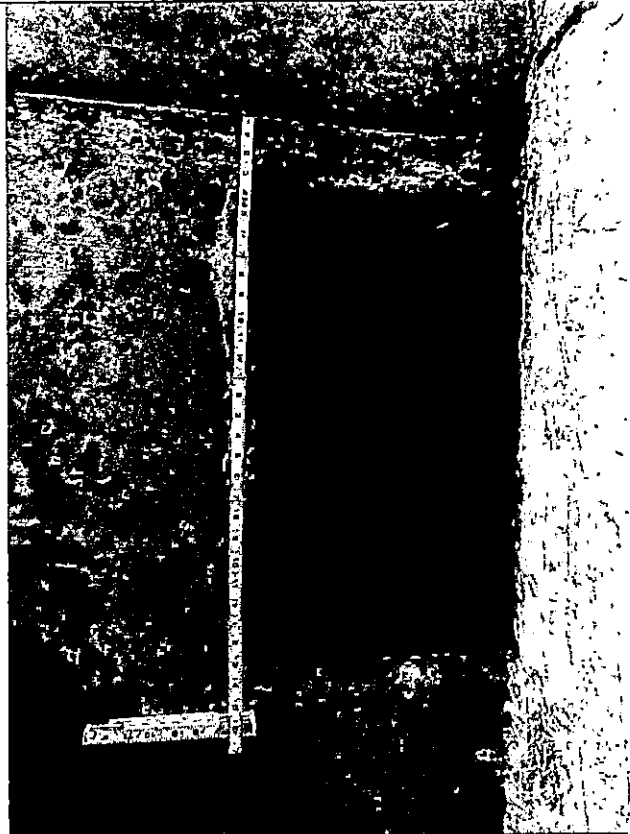


PHOTO 23	DESCRIPTION	TYPICAL DRAINAGE INLET 1'-2"x2'-0"
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PHOTO 24	DESCRIPTION	2"x5"x1" DEEP SPALL NEAR DRAINAGE INLET
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PHOTO 25

DESCRIPTION

TUNNEL SIGN ON NORTHWEST WALL



PHOTO 26

DESCRIPTION

SOUTHEAST DIRECTION - BOLT CONNECTION IN INTERMEDIATE WALL





PHOTO 27	DESCRIPTION	TYPICAL LIGHTING MOUNTED TO INETRMEIATE WALL
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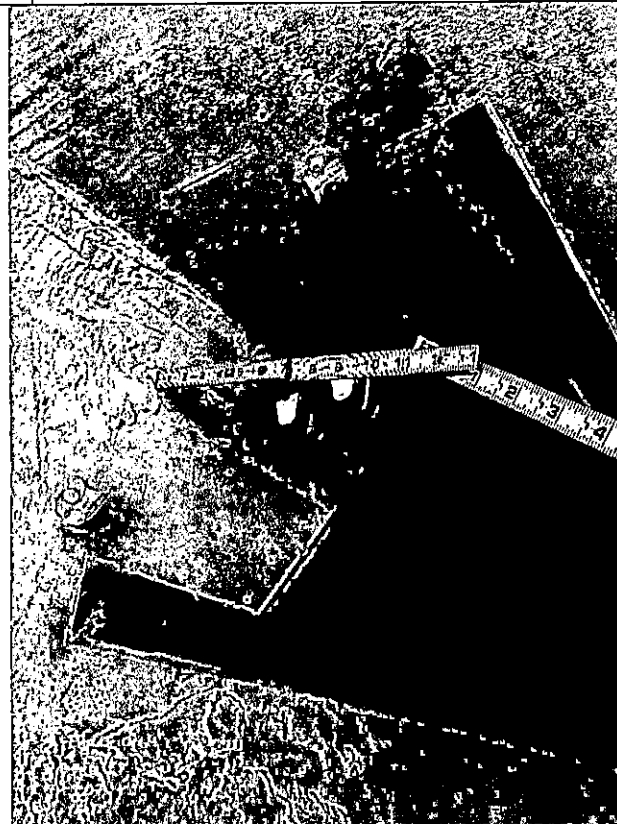


PHOTO 28	DESCRIPTION	NORTHEAST - MISSING SIDE PANEL CLOSURE FOR LIGHTING, INETRMEIATE WALL
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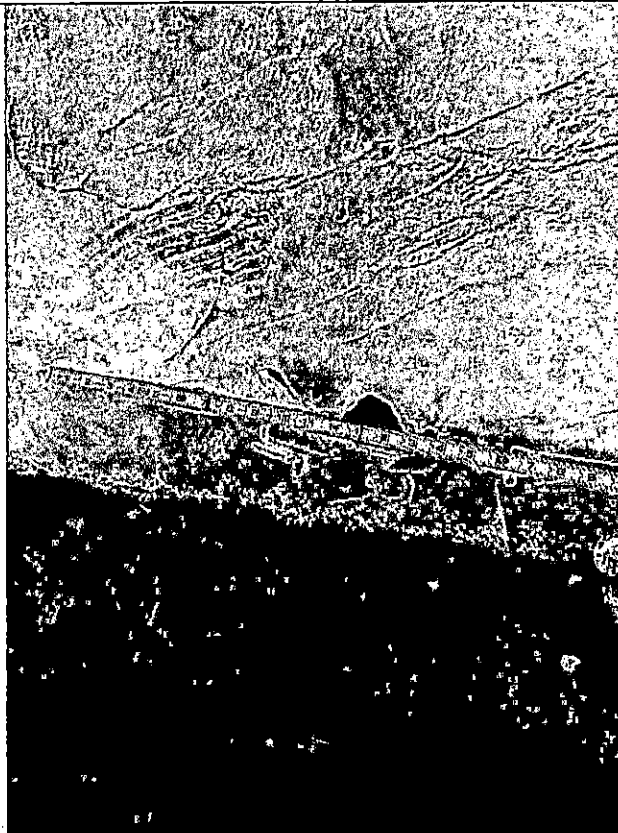


PHOTO 29	DESCRIPTION	SOUTHEAST WALL - 2'-0" FROM THE JOINT, LOSS OF DECORATIVE COATING (1/16" THICKNESS)
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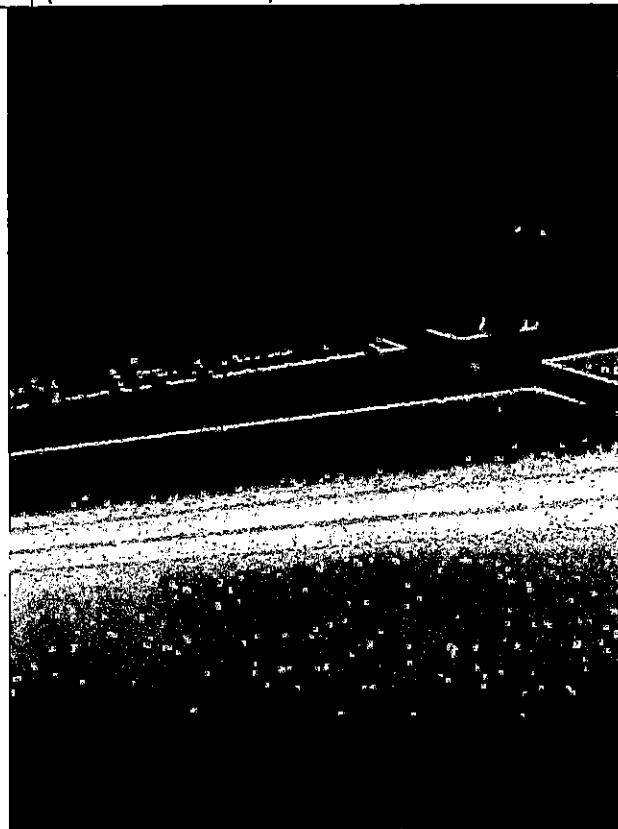


PHOTO 30	DESCRIPTION	SOUTHSIDE INTERMEDIATE WALL - DETACHED LIGHTING PANEL RAIL
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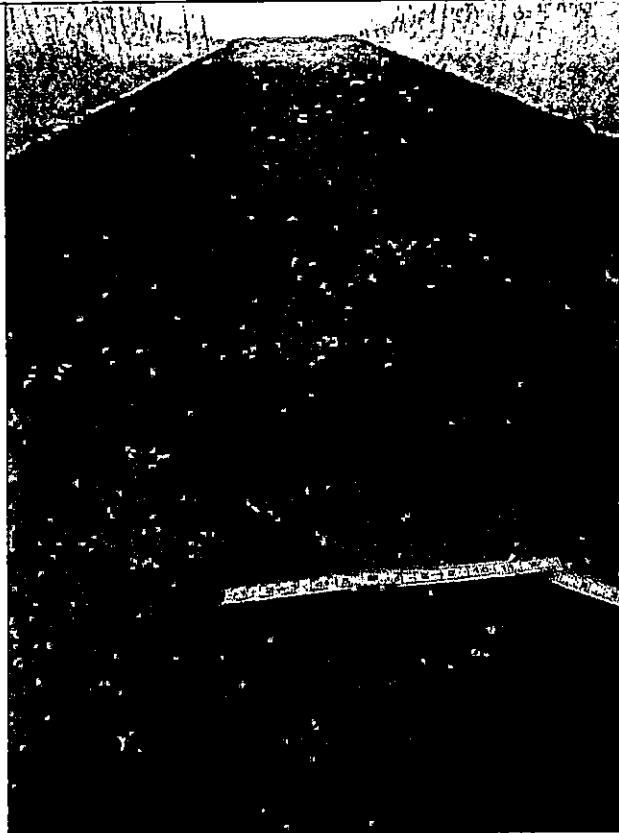


PHOTO 31	DESCRIPTION	INSIGNIFICANT CRACKING (TYP) ON THE BOTTOM FLOOR SLAB
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PHOTO 32	DESCRIPTION	TYPICAL CRACK WIDTH – BOTTOM FLOOR SLAB
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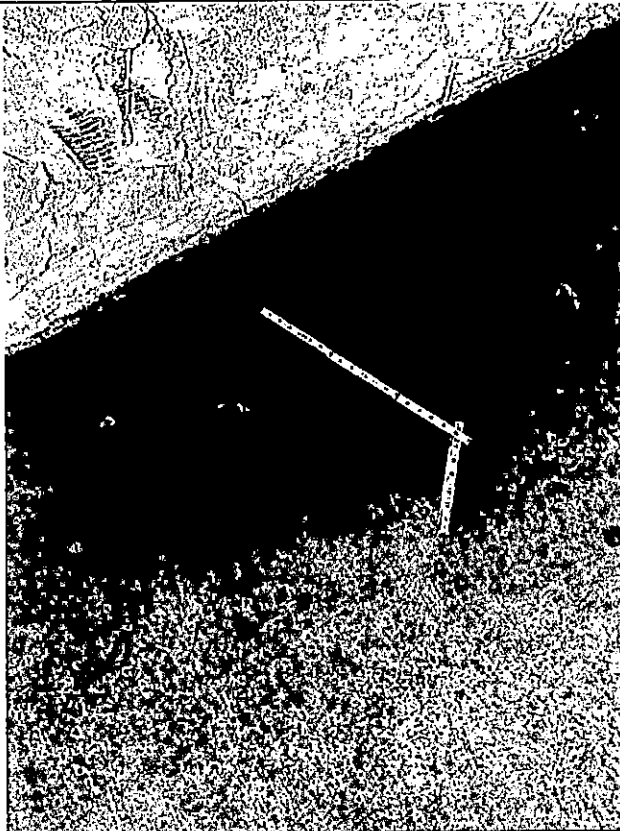


PHOTO 33

DESCRIPTION

PONDING NEAR DRAINAGE INLETS. SIGNS OF STANDING WATER. TYPICAL  
NEAR ALL 4 DRAINAGE INLET LOCATIONS



PHOTO 34

DESCRIPTION

TYPICAL WING WALL REVEALS



PHOTO 35	DESCRIPTION	SIDEWALK TRANSITION TO NORTHWEST TUNNEL ENTRANCE
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PHOTO 36	DESCRIPTION	WEST BRIDGE RAILING & SHARED PATH. THOUGH NOT A PAVED WAY THERE ARE SIGNS OF USAGE
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PHOTO 37	DESCRIPTION	TUNNEL ENTRANCE SIGN AT NORTHWEST ENTRANCE CORRODED BOLTS
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PHOTO 38	DESCRIPTION	DAMAGE IN PEDESTRIAN RAILING ALONG WEST ELEVATION
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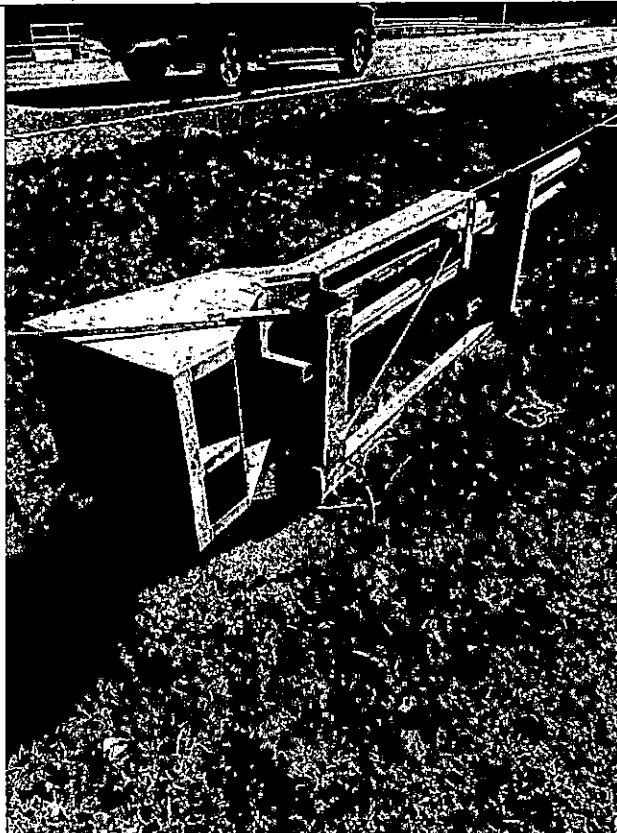


PHOTO 39	DESCRIPTION	NORTHWEST BRIDGE END RAILING
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PHOTO 40	DESCRIPTION	1'-0" DEEP HOLE IN THE PATH AT WEST ELEVATION CLOSER TO SOUTHWEST END
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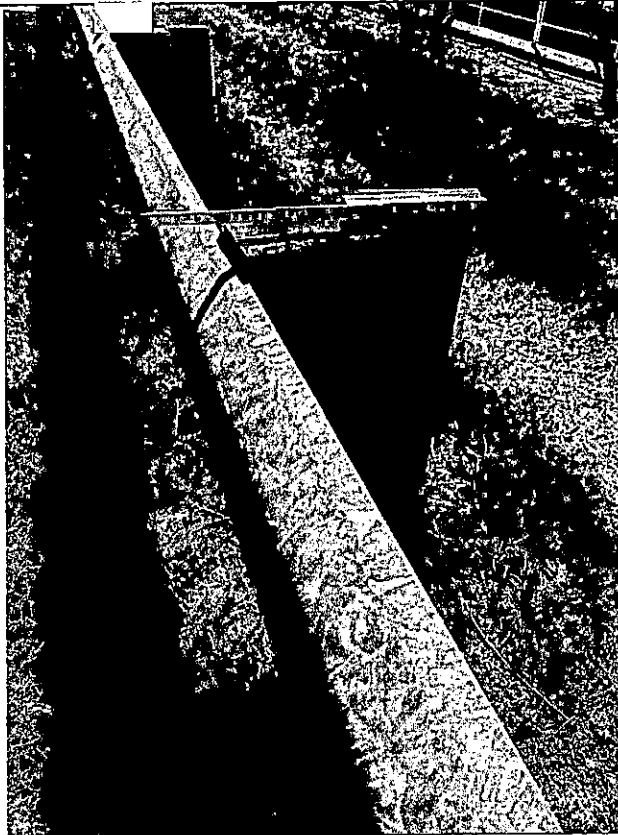


PHOTO 41	DESCRIPTION	SOUTHWEST BRIDGE RAILING WEST ELEVATION
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PHOTO 42	DESCRIPTION	SOUTHWEST - PEDESTRIAN TUNNEL SIGN. CORRODED BOLTS. UTILITIES
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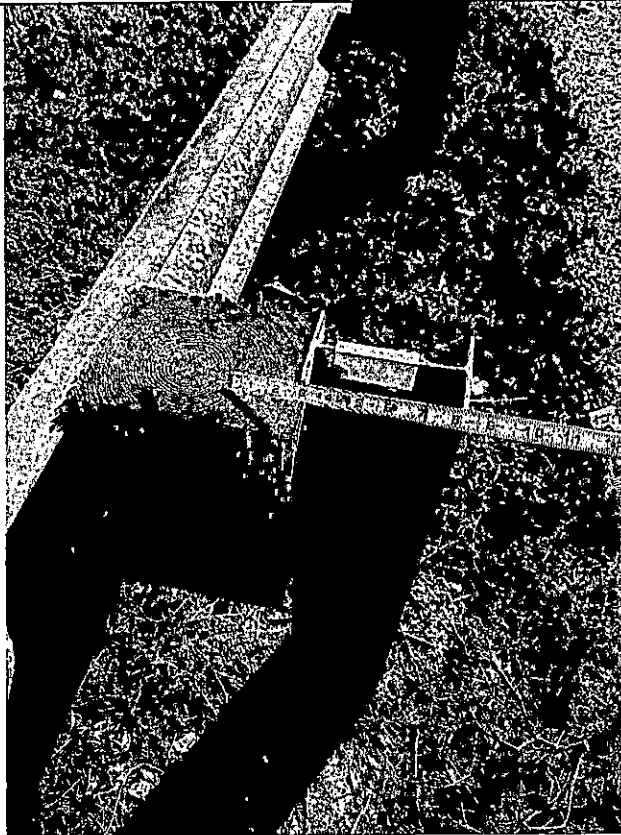


PHOTO 43	DESCRIPTION	TYPICAL RAILING WIDTH
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PHOTO 44	DESCRIPTION	2" JOINT IN RETAINING WALL (TYPICAL)
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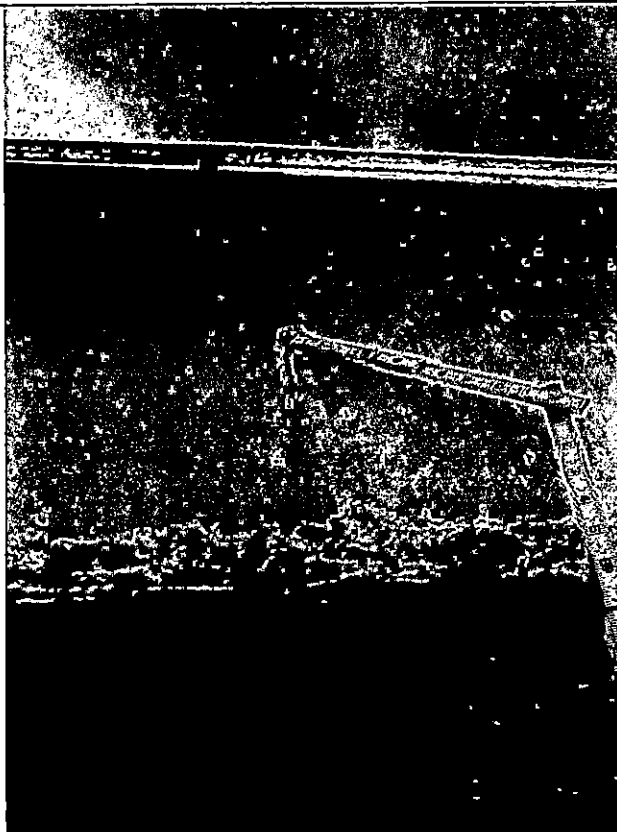


PHOTO 45

DESCRIPTION

EAST HEADWALL - 5 CORRODED SPOTS

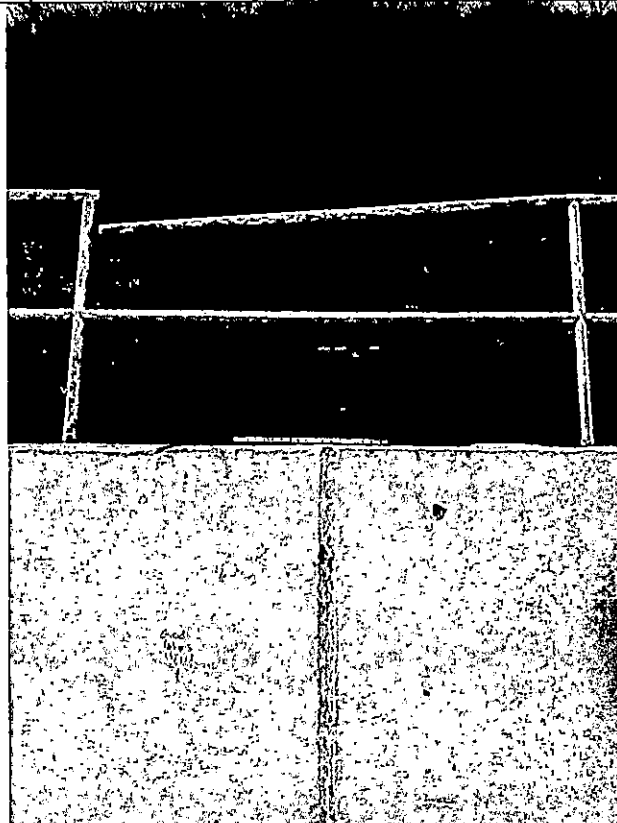


PHOTO 46

DESCRIPTION

WEST ELEVATION - RAIL DAMAGE AT RETAINING WALL

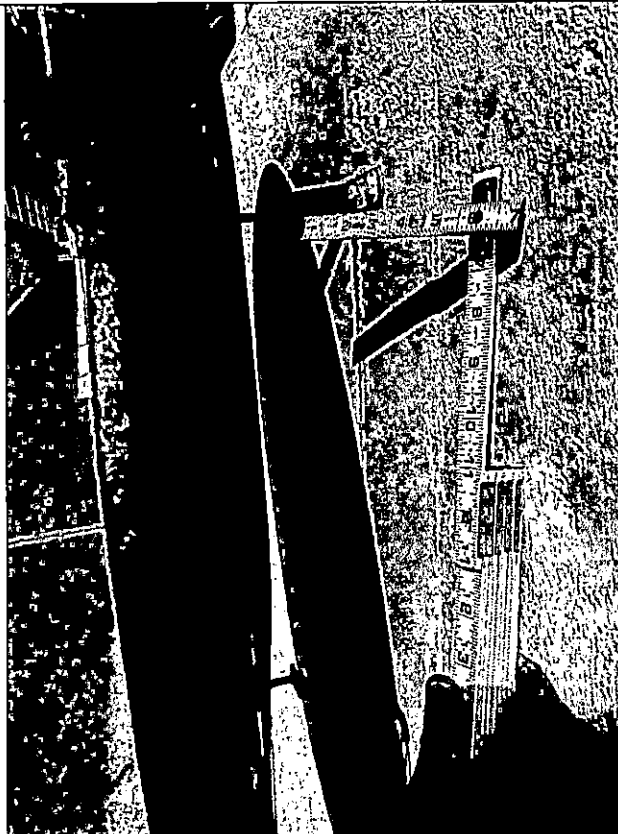


PHOTO 47	DESCRIPTION	CORRODED CONNECTION TO 2-WAY MIRROR AT EAST ELEVATION (TYPICAL)
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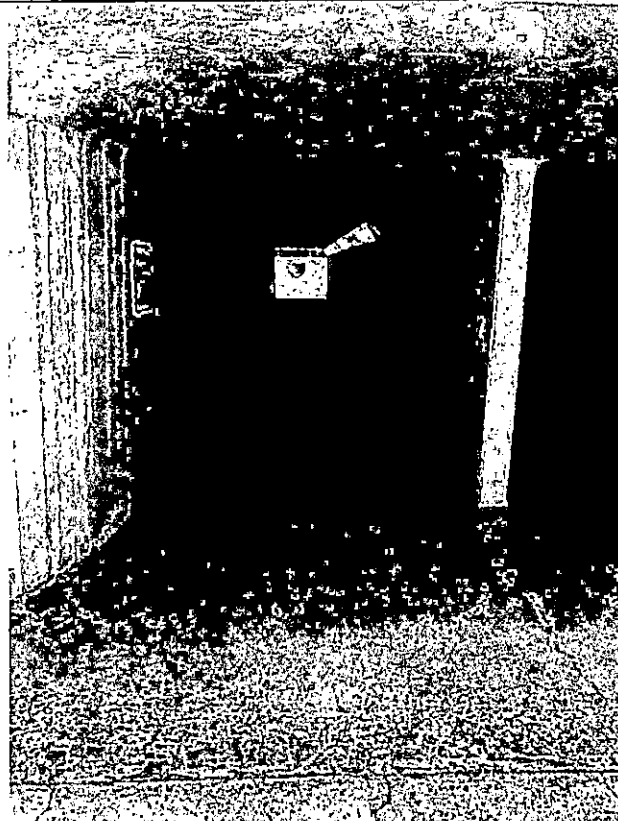


PHOTO 48	DESCRIPTION	SOUTHEAST CELL
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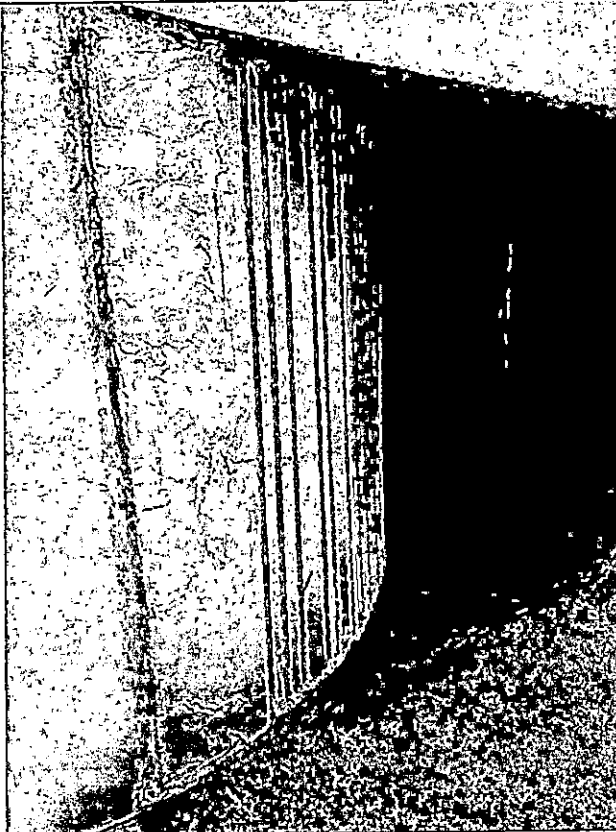


PHOTO 49	DESCRIPTION	SOUTHEAST CURVED WALL
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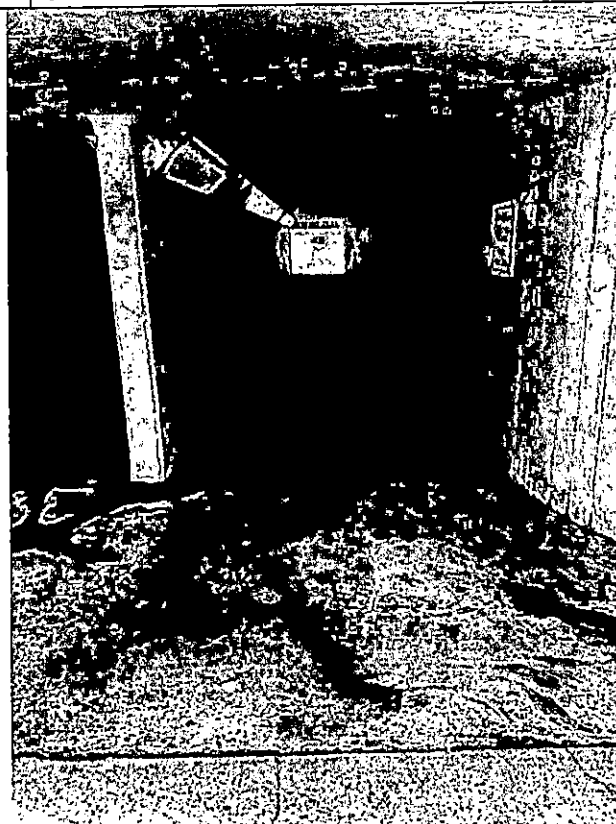


PHOTO 50	DESCRIPTION	NORTHEAST CELL
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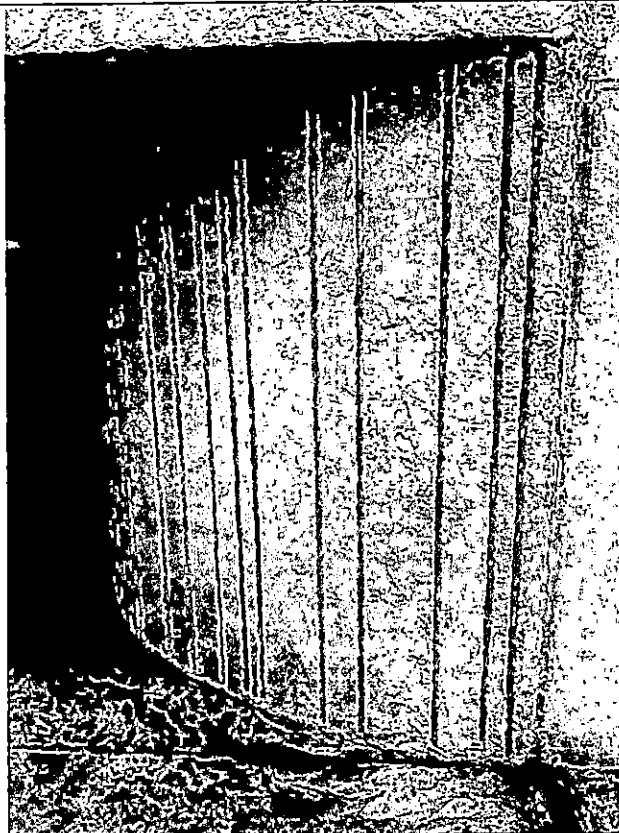


PHOTO 51	DESCRIPTION	NORTHEAST CURVED WALL
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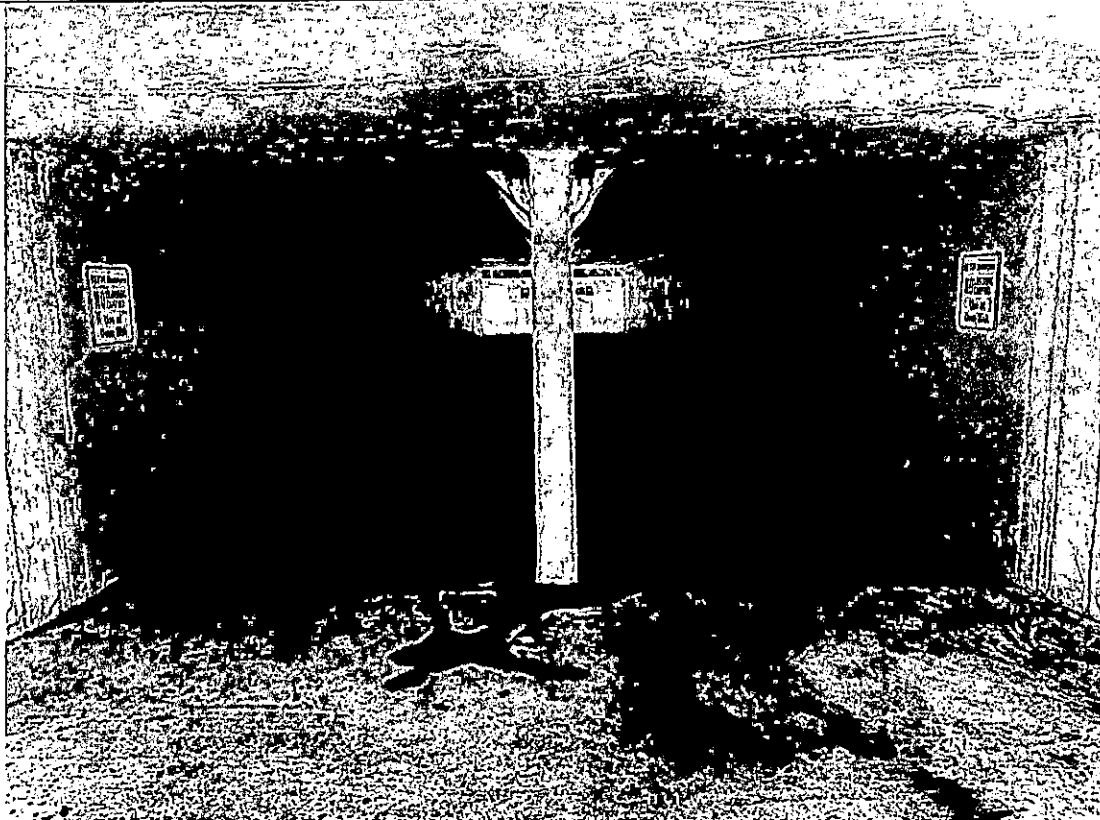
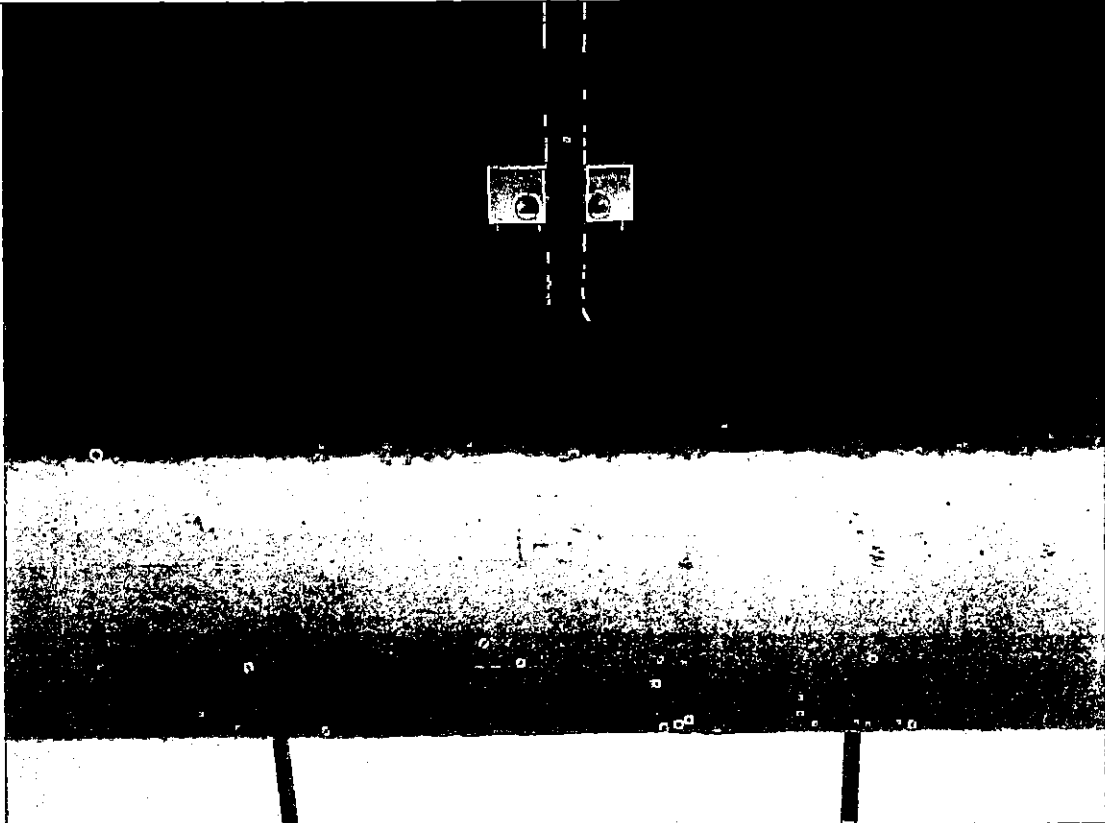
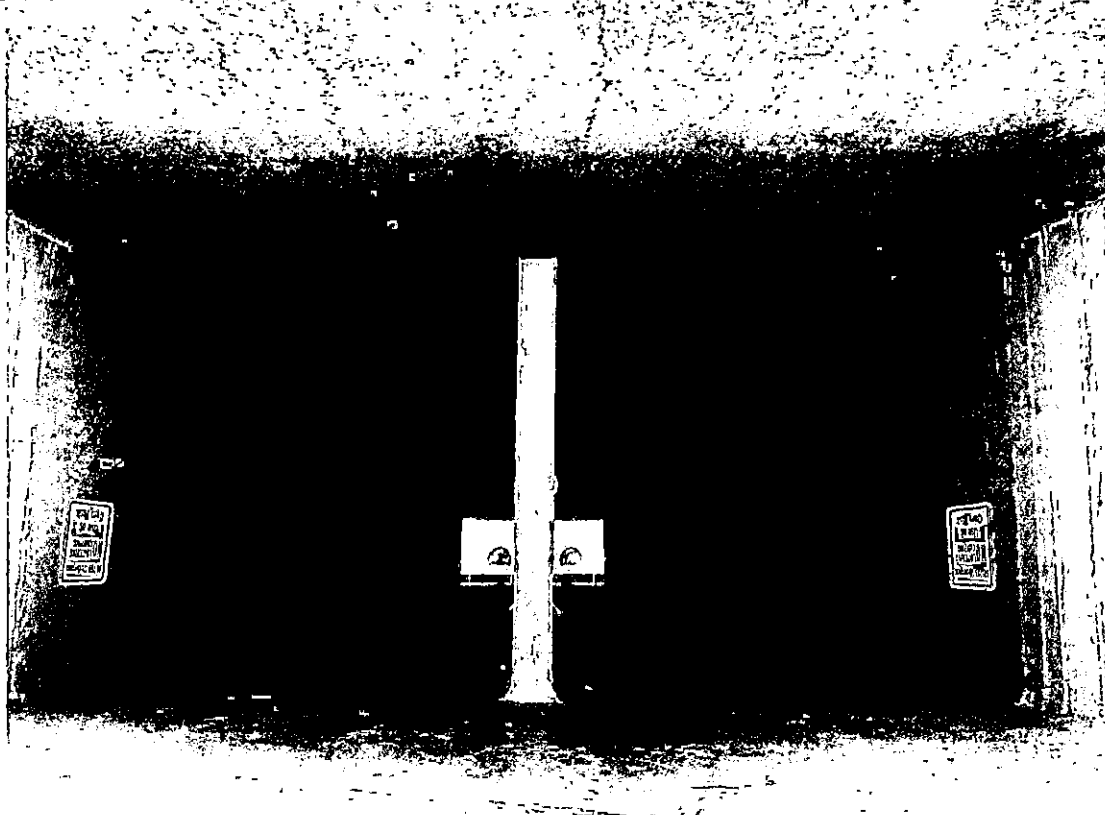


PHOTO 52	DESCRIPTION	WEST ELEVATION - INTERMEDIATE WALL
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PHOTO 54	DESCRIPTION	EAST HEAD WALL
		
PHOTO 53	DESCRIPTION	EAST ELEVATION - INTERMEDIATE WALL
		

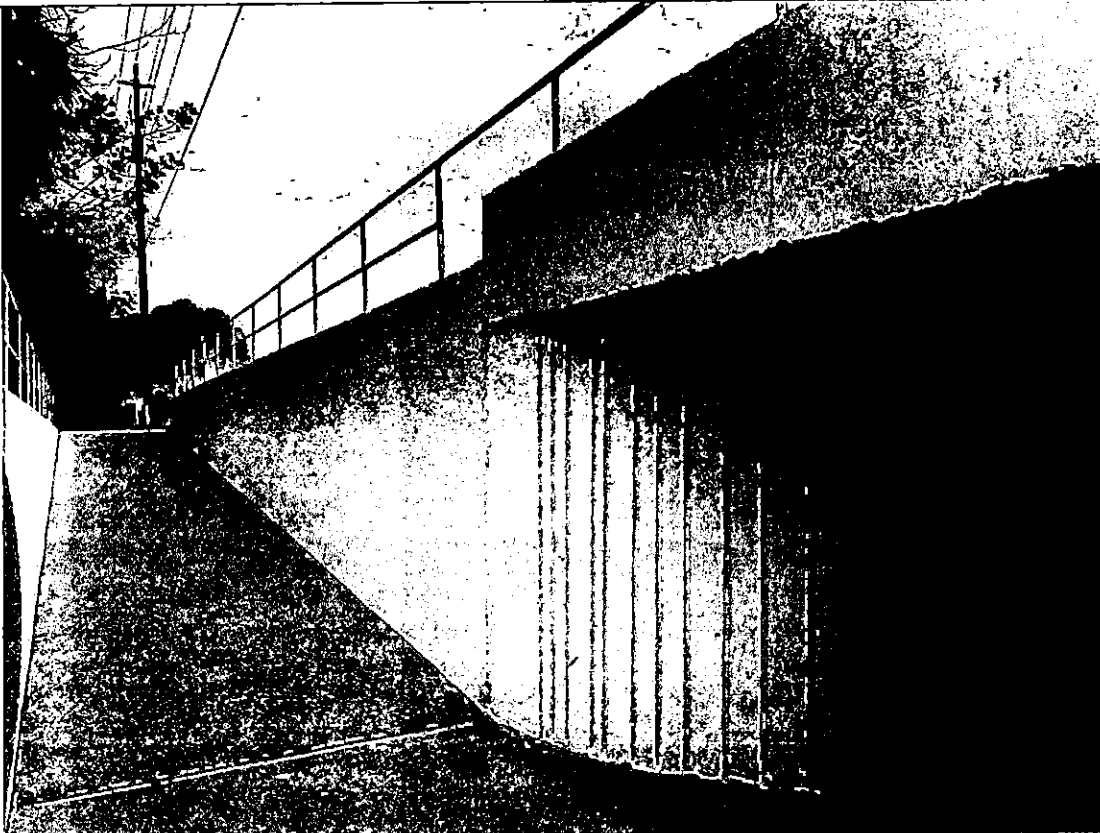


PHOTO 55	DESCRIPTION	SOUTHEAST WING WALL
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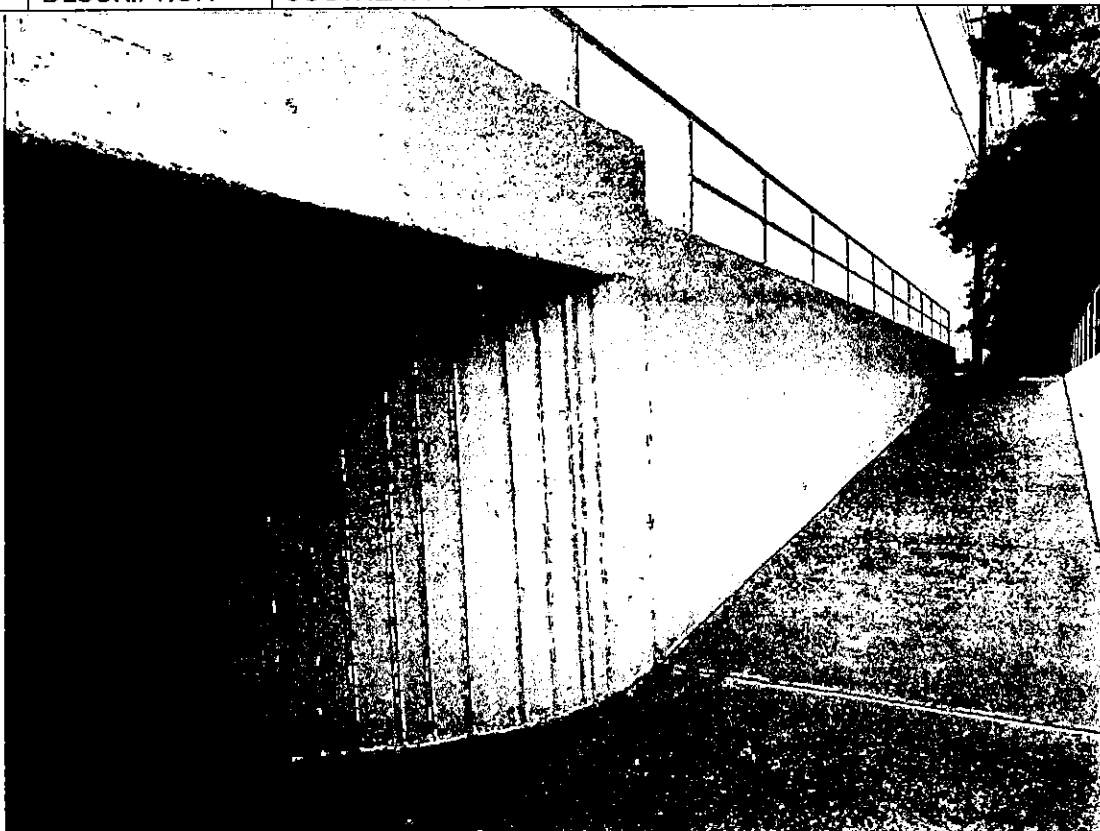


PHOTO 56	DESCRIPTION	NORTHEAST WING WALL
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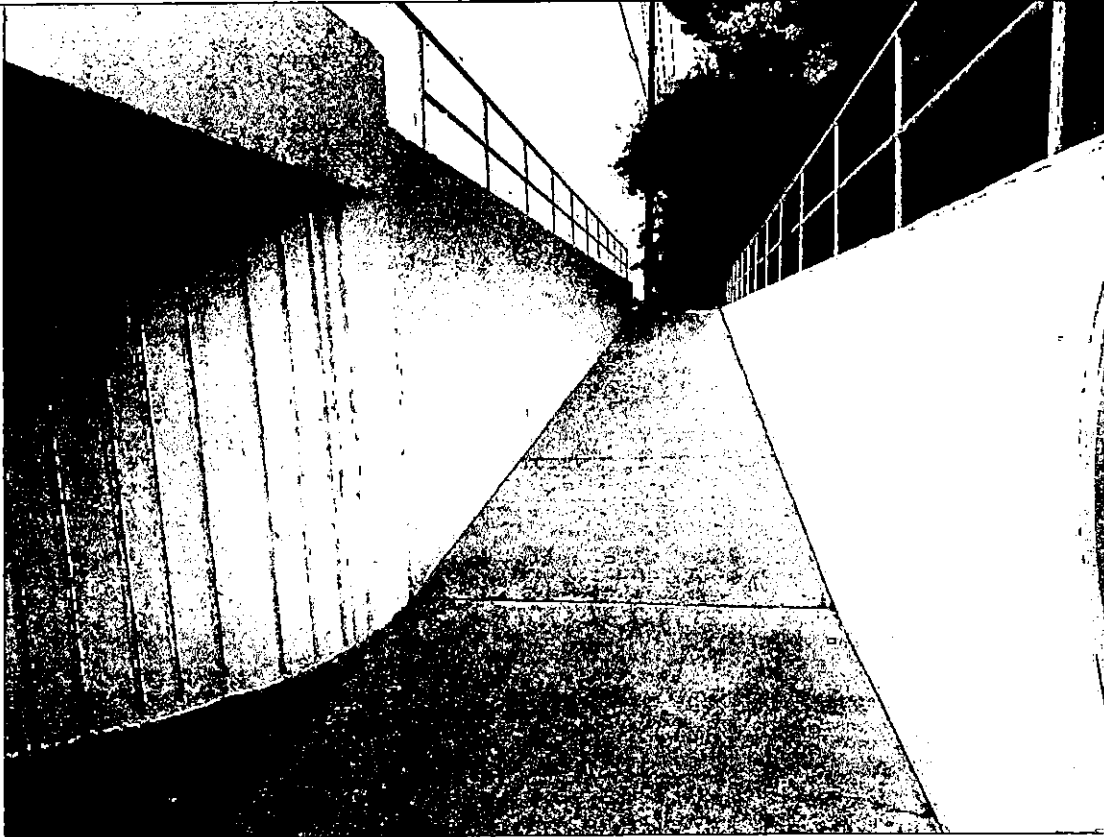


PHOTO 57	DESCRIPTION	RAMP UP TO NORTHEAST
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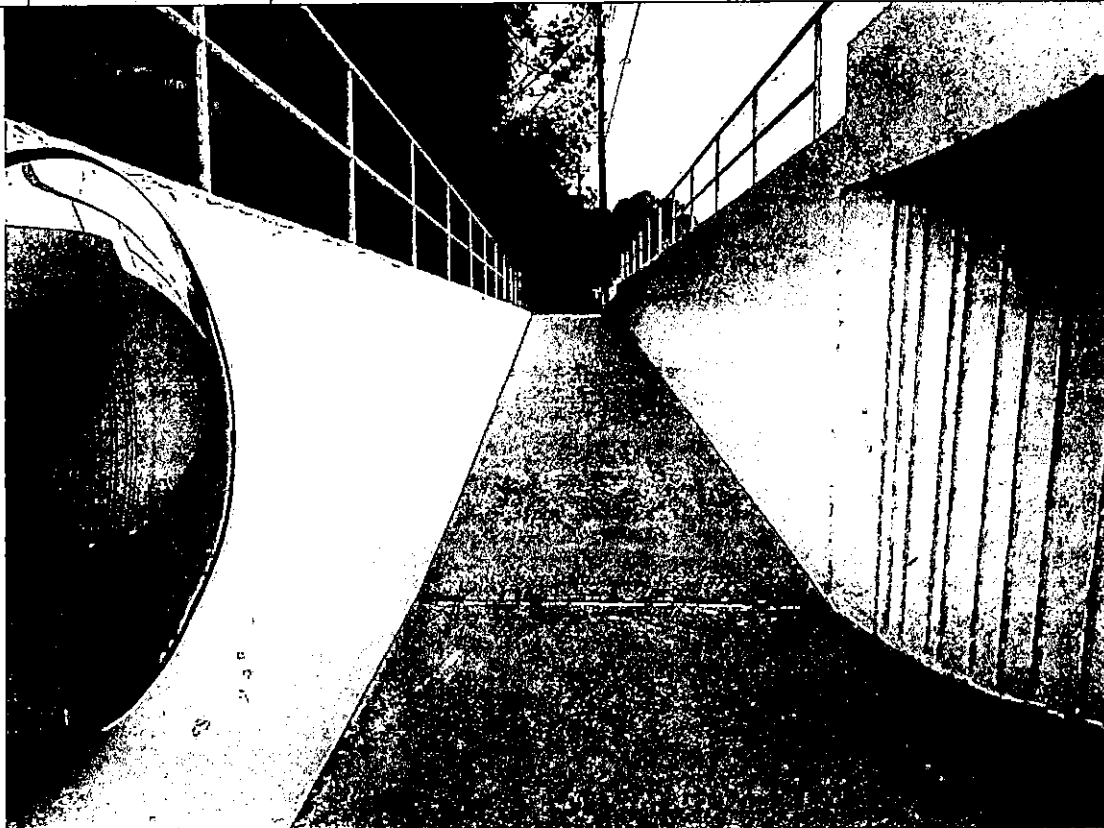


PHOTO 58	DESCRIPTION	RAMP UP TO SOUTHEAST
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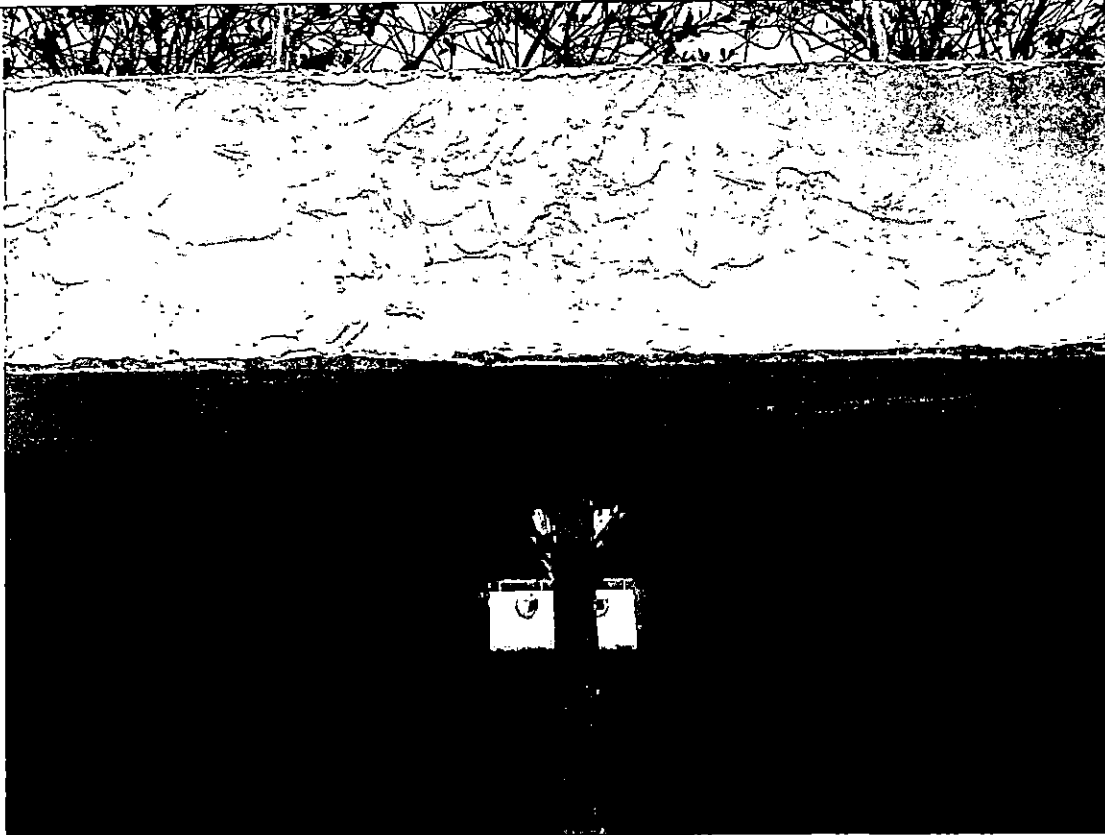


PHOTO 59	DESCRIPTION	WEST HEAD WALL
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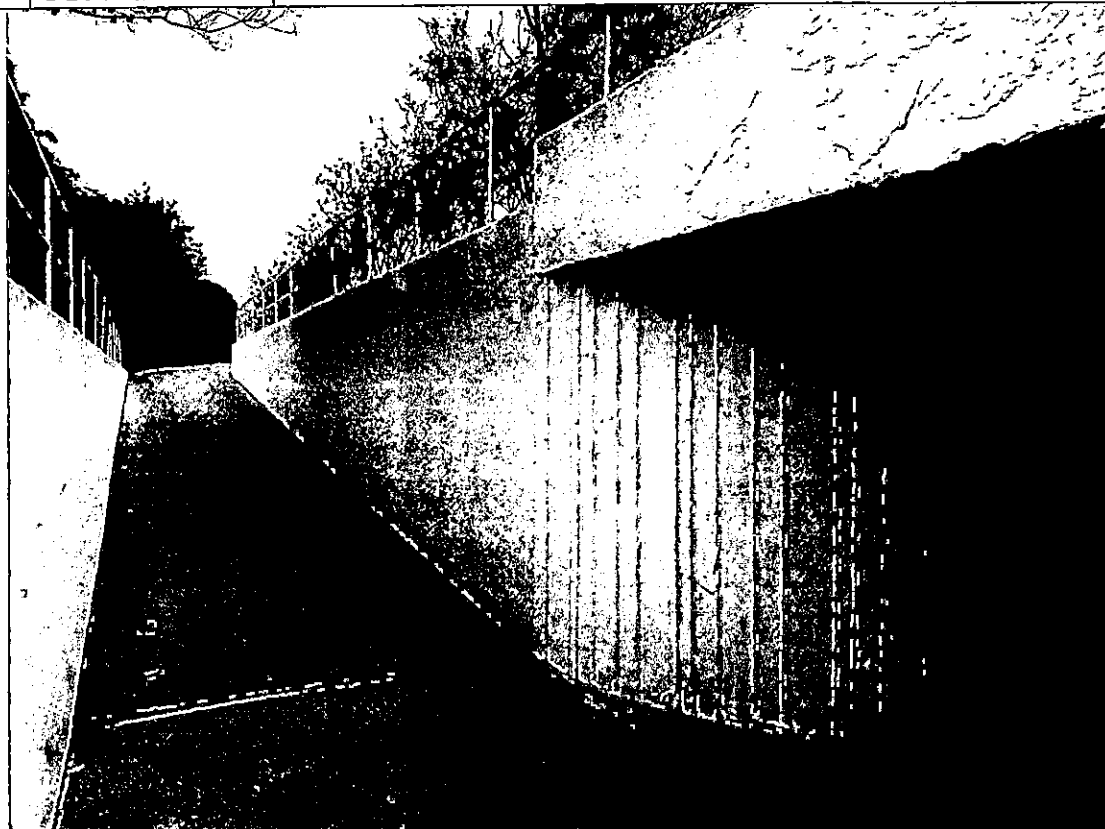


PHOTO 60	DESCRIPTION	NORTHWEST WING WALL
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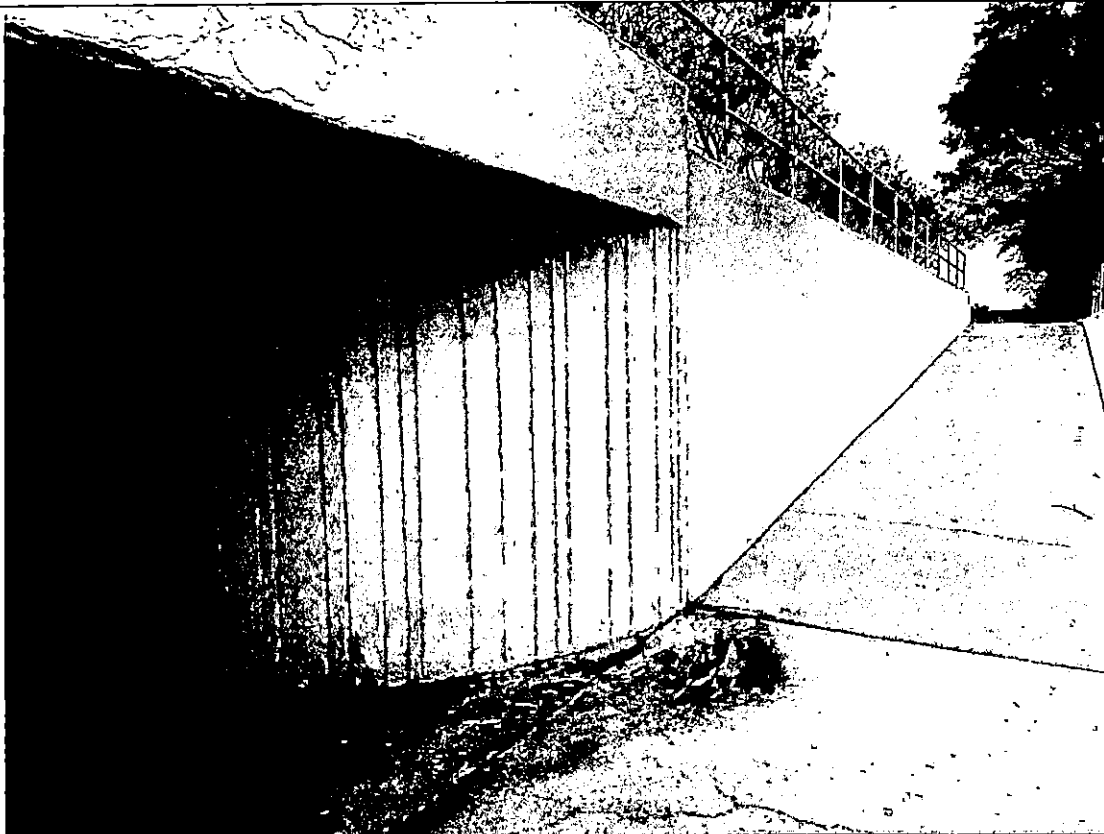


PHOTO 61	DESCRIPTION	SOUTHWEST WING WALL
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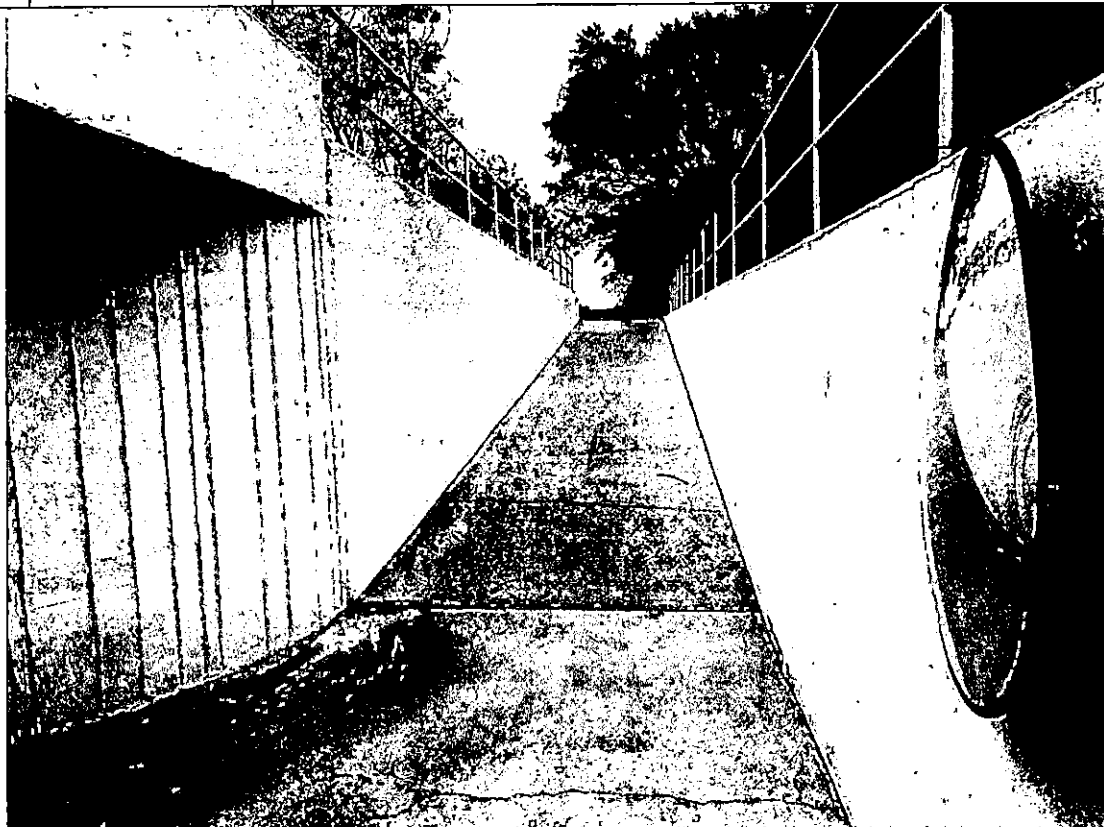


PHOTO 62	DESCRIPTION	RAMP UP TO SOUTHWEST
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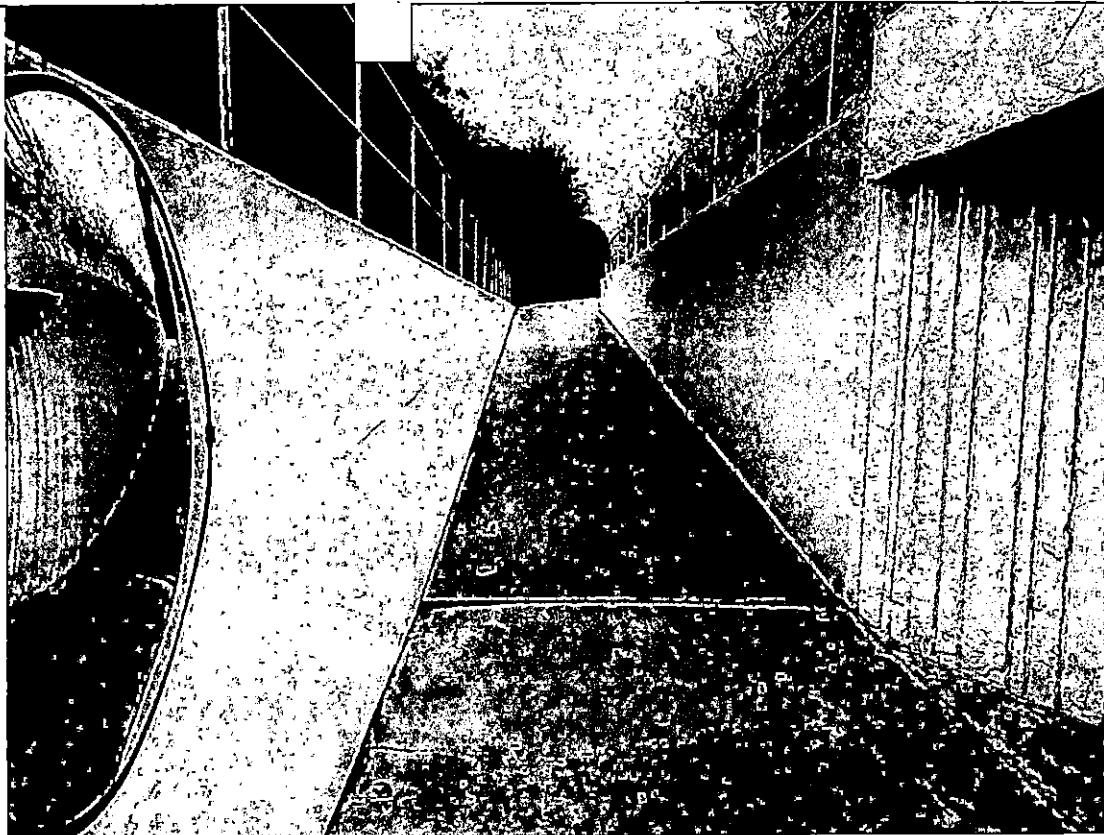


PHOTO 63	DESCRIPTION	RAMP UP TO NORTHWEST
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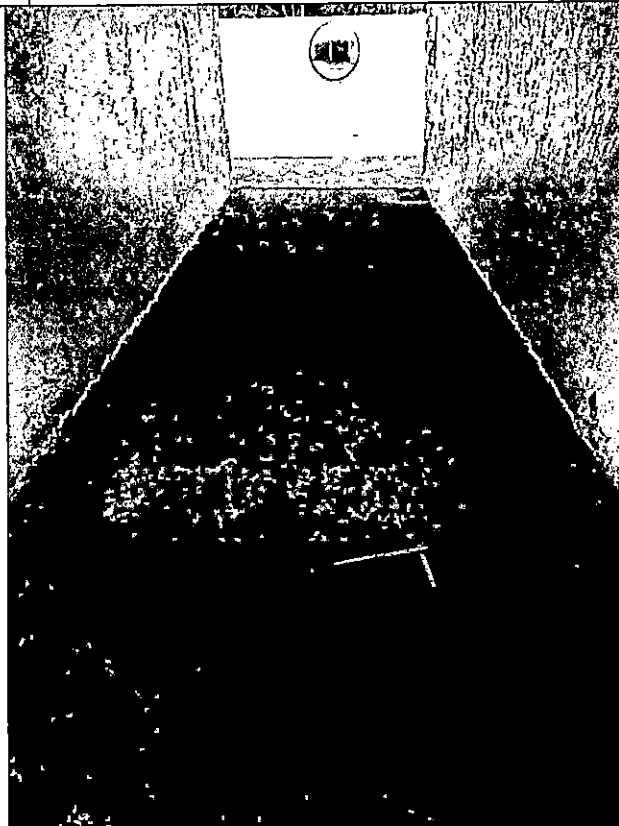


PHOTO 64	DESCRIPTION	SOUTHEAST CELL- JOINT IN BOTTOM SLAB. 22'-1" FROM EAST
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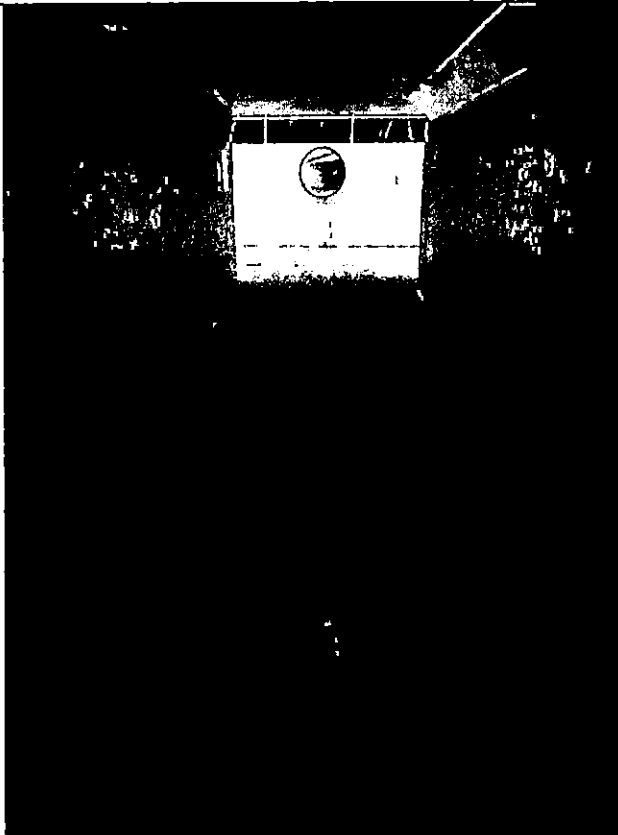


PHOTO 65

DESCRIPTION

NORTHEAST CELL - JOINT IN BOTTOM SLAB. 22'-1" FROM EAST

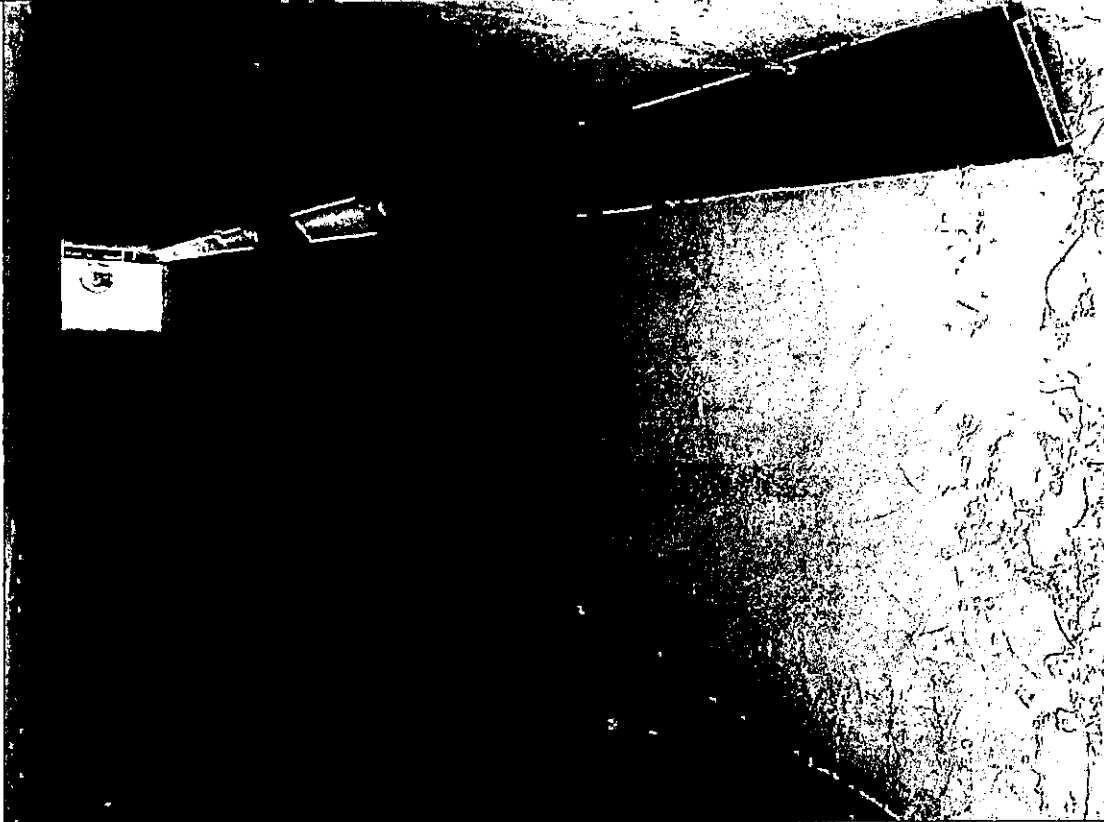


PHOTO 66

DESCRIPTION

INTERMEDIATE WALL - SOUTHEAST

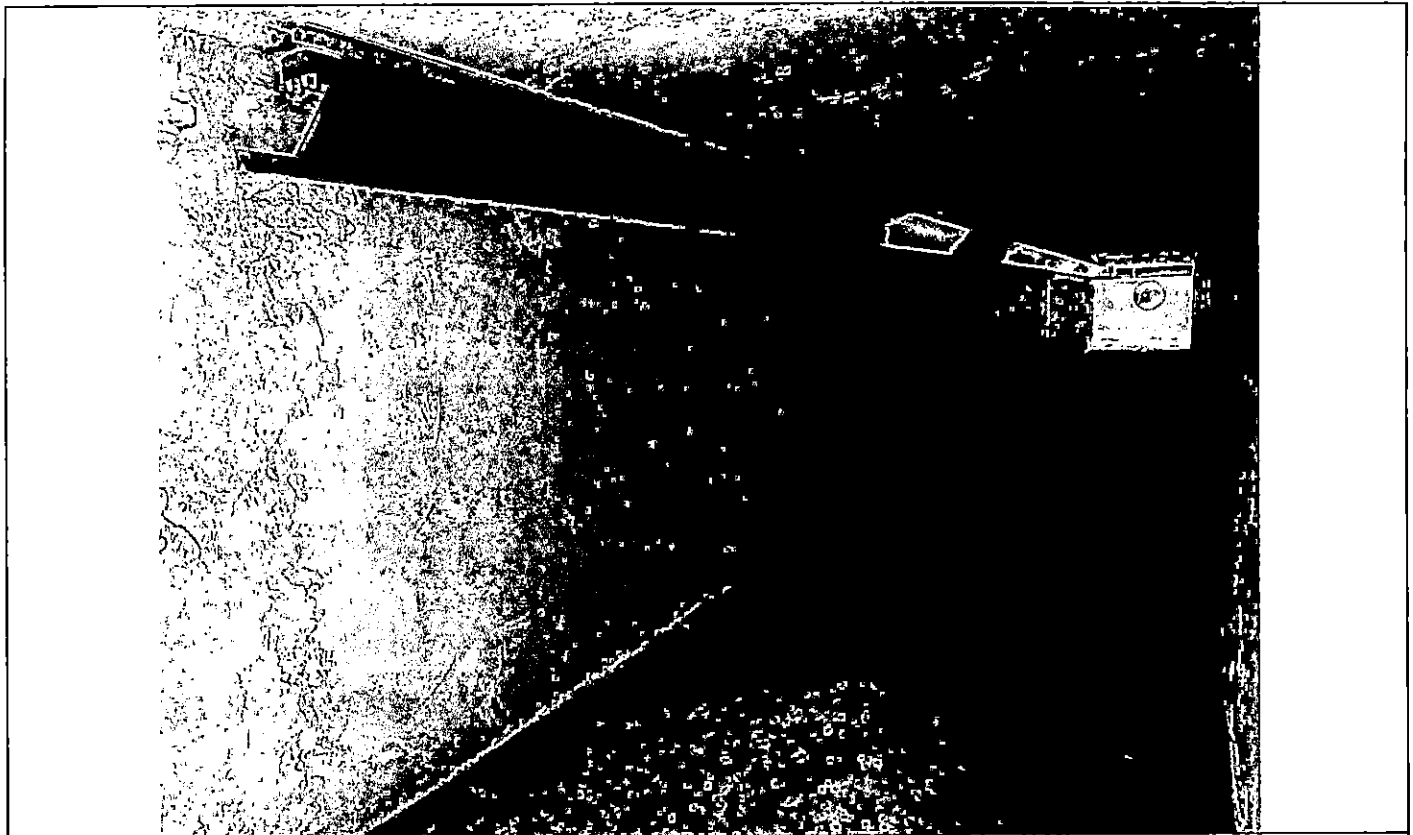


PHOTO 67	DESCRIPTION	INTERMEDIATE WALL - NORTHEAST
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## **SECTION E**



Bay Isles Association, Inc.  
Compilation of Expenses for  
the SR-789 Pedestrian Tunnel  
and Bay Isles Parkway for  
2019-2024

February 24, 2025

## **OPINION STATEMENT**

### **Compilation of Expenses for the SR-789 Pedestrian Tunnel and Bay Isles Parkway for the Period 2019-2024**

We have compiled the accompanying schedule of expenditures (See Illustration Nos. 1 through 3 herein) incurred by Bay Isles Association, Inc. ("Bay Isles") in connection with the SR-789 Pedestrian Tunnel for which Bay Isles holds an operation and maintenance permit (Permit No. G17-052-90, dated July 2, 1990) issued by the Florida Department of Transportation, and Bay Isles Parkway, which Bay Isles owns and maintains, for the period 2019-2024.

Bay Isles is responsible for the accuracy and completeness of the compiled expenditures. Our responsibility is to present the reported expenditures based on information provided by our management services company (Advanced Management, Inc. or "AMI"), in accordance with standard accounting principles and practices.

The compiled expenditures include actual costs for various accounting items, along with reasonable cost values for landscaping maintenance, electric services, and general maintenance (since they are treated as an aggregate cost to Bay Isles by BrightView, Florida Power & Light, and AMI). Bay Isles does not maintain a separate and distinct line-item accounting for the tunnel and parkway facilities. We have not audited or reviewed these expenditures; accordingly, we do not express an opinion or any assurance of them.

The actual cost figures provided in the report have been prepared based on records maintained by Bay Isles. We have relied on AMI's representations regarding the accuracy and completeness of these records. No independent verification or audit procedures have been performed on the underlying data.

Based on our compilation, we find that the expenditures as presented reasonably reflect the financial records maintained by Bay Isles for the SR-789 Pedestrian Tunnel and Bay Isles Parkway for the specified period.

This report is intended solely for the information and use by Bay Isles in connection with the divestiture of these facilities to government authorities, including but not limited to the Town of Longboat Key and the Florida Department of Transportation.

Bay Isles - Divestiture Committee



**Illustration 1. Matrix Summary (excludes insurance premium costs)**

Property	Average Cost Each Year	Total Cost for the Five Years
<b>Pedestrian Tunnel</b>	\$16,164	\$96,986
<b>Bay Isles Parkway</b>	\$15,008	\$90,050

**NOTE:** Under landscaping maintenance (BrightView), electric services (Florida Power & Light) and general maintenance (AMI) costs, Bay Isles determined a reasonable value for these items. For the Pedestrian Tunnel, we calculated a monthly charge of \$100 for landscaping, \$300 for electric service, and \$200 for general maintenance or an aggregate of \$7,200 per year. For the Bay Isles Parkway, we calculated a monthly charge of \$500 for landscaping, \$300 for electric services and \$300 for general maintenance or an aggregate of \$13,200 per year.

**Illustration 2. Pedestrian Tunnel Expenditures**

Expenses	2019	2020	2021	2022	2023	2024
<b>Tunnel Pressure Washing</b>	\$5,450	\$3,125	\$1,700	\$8,125	\$6,075	\$8,100
<b>New Mirrors</b>	\$426	\$0	\$0	\$0	\$0	\$500
<b>Clear Clogged Drains</b>	\$0	\$0	\$0	\$0	\$335	\$0
<b>Painting</b>	0	\$0	\$13,950	\$0	\$0	\$0
<b>Replace Sump Pumps</b>	0	\$0	\$0	\$0	\$0	\$6,000
<b>Landscaping/Electric/General Services</b>	\$7,200	\$7,200	\$7,200	\$7,200	\$7,200	\$7,200
<b>Totals:</b>	<b>\$13,076</b>	<b>\$10,325</b>	<b>\$22,850</b>	<b>\$15,325</b>	<b>\$13,610</b>	<b>\$21,800</b>

**Illustration 3. Bay Isles Parkway Expenditures**

Expenses	2019	2020	2021	2022	2023	2024
<b>Painting Curbs</b>	\$5,300	\$3,125	\$0	\$0	\$0	\$0
<b>Re-Striping</b>	\$0	\$0	\$0	\$0	\$1,600	\$0
<b>Sign Repairs</b>	0	\$0	\$325	\$500	\$0	\$0
<b>Landscaping/Electric/General Services</b>	\$13,200	\$13,200	\$13,200	\$13,200	\$13,200	\$13,200
<b>Totals:</b>	<b>\$18,500</b>	<b>\$16,325</b>	<b>\$13,525</b>	<b>\$13,700</b>	<b>\$14,800</b>	<b>\$13,200</b>



## **SECTION F**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF  
BAY ISLES ASSOCIATION, INC.  
RELATED TO THE SR 789 PEDESTRIAN TUNNEL**

**WHEREAS**, Bay Isles Association, Inc. ("Association") has been established for the operation of Bay Isles, in accordance with the Declaration of Maintenance Covenants and Restrictions on the Commons for Bay Isles ("Declaration"), recorded in Official Records Book 116, Page 1858 of the Public Records of Sarasota County, Florida, as amended from time to time;

**WHEREAS**, the affairs of the Association are administered by the Board of Directors ("Board") elected by the Association members, in accordance with the Articles of Incorporation of Bay Isles Association, Inc. ("Articles of Incorporation") recorded in Official Records Book 116, Page 1878 of the Public Records of Sarasota County, Florida, as amended from time to time and the Bylaws of Bay Isles Association, Inc. ("Bylaws") recorded in Official Records Book 116, Page 1895 of the Public Records of Sarasota County, Florida, as amended from time to time;

**WHEREAS**, a meeting of the Board of Directors was held on March 4, 2025 which meeting was duly noticed in accordance with the Bylaws, and a quorum was established ("Board Meeting");

**WHEREAS**, at the Board Meeting, the Board discussed the desire, need and authority to divest the Association's rights, responsibilities and title, to the extent applicable, of the SR789 Pedestrian Tunnel and all infrastructure associated therewith to one or more specific third parties;

**WHEREAS**, Article III of the Articles of Incorporation provides that the Association has the authority to sell, convey or otherwise dispose of real property, which may include the right to transfer title, or convey easement rights;

**WHEREAS**, the power set forth in Article III of the Articles of Incorporation may be exercised by the Board of Directors, as provided by Article VII(1)(f) of the Bylaws, as neither the Articles nor the Bylaws require approval of the Members; and,

**WHEREAS**, further still, Florida Statutes Section 617.0302(11) provides that every Florida Not for Profit Corporation, *"unless otherwise provided in its articles of incorporation or bylaws, shall have power to: . . . (11) Sell, convey, mortgage, pledge, lease, exchange, transfer, or otherwise dispose of all or any part of its property and assets."*

**NOW THEREFORE**, be it resolved:

1. The above recitals are true and correct and are incorporated herein.

2. The Board of Directors hereby votes and approves to undertake efforts to negotiate and/or convey whatsoever right, title and interest in the SR789 Pedestrian Tunnel and all infrastructure associated therewith, inclusive of the eastbound rampway system and sidewalk, including the sump pump, electrical systems and all related support infrastructure, whether recorded or unrecorded, that the Association may have or had historically had, to one or more potential interested parties, including but not limited to, the Town of Longboat Key, Sarasota County and/or the Florida State Department of Transportation. Alternatively, this Board of Directors hereby votes to voluntarily relinquish such right, title and interest in the SR789 Pedestrian Tunnel and all infrastructure associated therewith, by abandoning same, should conveyance to one or more parties not ultimately be accomplished.

*We hereby affirm that the statements made herein are truthful and that the Resolution adopted by not less than a majority of the Board of Directors of the Association shall be binding as of today's date.*

Dated this 4 day of March 4, 2025.

By: , Association President

By: , Association Secretary



## **SECTION G**