

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20040347

1. REQUESTED MOTION:

ACTION REQUESTED: Approve License with the Town of Fort Myers Beach for temporary use of the Matanzas Harbor Land Base site, 19365 Ostego Drive, to stage and store materials for the construction of the Matanzas Harbor Mooring Field.

WHY ACTION IS NECESSARY: Provides legal use of the County property by the Town's hired contractor.

WHAT ACTION ACCOMPLISHES: Allows the Town's contractor to stage material, anchors, rigging, mooring buoys, on the County's property for an initial period of 3 months.

2. DEPARTMENTAL CATEGORY: 08	<i>CBA</i>	3. MEETING DATE: <i>04-06-2004</i>
COMMISSION DISTRICT #: C-W		
4. AGENDA: <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> APPEALS <input type="checkbox"/> PUBLIC <input type="checkbox"/> WALK ON TIME REQUIRED:	5. REQUIREMENT/PURPOSE: (Specify) <input type="checkbox"/> STATUTE <input type="checkbox"/> ORDINANCE <input type="checkbox"/> ADMIN. CODE <input checked="" type="checkbox"/> OTHER License approval	6. REQUESTOR OF INFORMATION: A. COMMISSIONER B. DEPARTMENT <u>Public Works</u> C. DIVISION <u>Natural Resources</u> BY: <u>Roland Ottolini, Division Director</u>

7. BACKGROUND: The Town of Fort Myers Beach has received a permit and approval from the Florida Department of Environmental Protection to install 70 mooring field buoys in Matanzas Harbor. These buoys provide the means for the Town to manage the anchoring of vessels, including liveaboard vessels, in a safe and environmentally sound manner. Blue Sheet#20030985 approved funding in the amount of \$306,500 for the construction of the mooring field. The funding is through the West Coast Inland Navigation District's CNIF funds. The Town approached the County seeking permission to utilize the county's site on Ostego Bay Drive, commonly known as the Murphy Oil property. This site is next to the Harbor and provides close and easy access to the construction site. The license details conditions that the Town's contractor must adhere to while utilizing the site. The portion of the site that the contractor will be allowed to use will not interfere with the other current uses of the site, i.e. boat ramp, shrimping.

Attachments- BS#20030985
3 original copies of the license

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services <i>3/24/04</i>				G County Manager
					OA	OM	Risk	GC	
<i>J. J. J. 3/22/04</i>				<i>[Signature]</i> <i>3/23/04</i>	<i>[Signature]</i> <i>3/23/04</i>	<i>[Signature]</i> <i>3/24/04</i>	<i>[Signature]</i> <i>3/24/04</i>	<i>[Signature]</i> <i>3/23/04</i>	<i>[Signature]</i> <i>3/22/04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: *3/23/04*
 Time: *9:20 am*
 Forwarded To:
[Signature]
3/23/04

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
3/23/04
10:59 AM '04
 COUNTY ADMIN
 FORWARDED TO: *[Signature]*
3/24/04
3PM

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20030985

1. REQUESTED MOTION:

ACTION REQUESTED: Approve Resolution requesting funding from the West Coast Inland Navigation District's (WCIND) Lee County Countywide Navigation Improvement Fund (CNIF) for the Town of Fort Myers Beach in the amount of \$306,500 to construct the Matanzas Harbor Mooring Field. Approve Budget Amendment Resolution for FY 03-04 in the amount of \$306,500.

WHY ACTION IS NECESSARY: Additional funds are available from WCIND subject to a resolution from the County.

WHAT ACTION ACCOMPLISHES: Approves a request for funding to WCIND for the mooring field project.

2. DEPARTMENTAL CATEGORY: 08
COMMISSION DISTRICT #: C-W

CBA

3. MEETING DATE: 09-09-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER
Grant requirement

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
 - B. DEPARTMENT Public Works
 - C. DIVISION Natural Resources
- BY: Roland Ottolini, Division Director

7. BACKGROUND: On August 16, 2003 County staff received a request from the Town of Fort Myers Beach for funding from WCIND in the amount of \$306,500 to construct the Matanzas Harbor Mooring Field. The Town has obtained the permits necessary to construct and manage a mooring field for vessels in Matanzas Harbor. The mooring field will have 70 moorings and will allow the Town to gain some measure of control over the mooring field that currently is established in the Harbor. Funding will be for the removal of existing derelict vessels, mooring buoys and rigging, various signage, environmental protection, water quality and construction safeguards, construction surveys and administration, and 2 vessels, one sewage pump-out vessel and one vessel for the Harbormaster. The Town expects to begin construction in November 2003 and be complete by February 2004. The Waterway Advisory Committee supports funding the project through Lee County BIP funds. County staff recommends funding through WCIND CNIF to avoid jeopardizing other projects currently funded through BIP funding. Project complies with Lee Comprehensive Plan Policy 62.2.5 - Public/Private cooperation on Matanzas Harbor Plan, as well as Objective 94.6 - Matanzas Harbor Plan, where several of the policies are implemented by this action.

LEE COUNTY DIV. OF
NATURAL RESOURCES

SEP 12 2003

RECEIVED

Attachments- Funding Application from Fort Myers Beach.
Resolution

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services	G County Manager
Jacobs 8.26.03				[Signature] 8/26/03	OA [Signature] 8/25/03 RM [Signature] 8/28/03 Risk [Signature] 08/28/03 GC [Signature] 8/28/03	Jacobs 8.26.03

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty T.D.
Date: 8/26/03
Time: 9:30 AM
Forwarded To: Co. Adm. 8/26/03 11:30 AM

RECEIVED BY
COUNTY ADMIN: [Signature]
8/26/03
COUNTY ADMIN
FORWARDED TO: [Signature]
8/26/03
12:30 PM

**LICENSE FOR USE OF SITE AT 19365 OSTEKO DRIVE
BY TOWN OF FORT MYERS BEACH TO
STORE MOORING PROJECT MATERIALS**

This Agreement made this _____ day of _____, 2004, by and between LEE COUNTY, a political subdivision and Charter County of the State of Florida, acting by and through its Board of County Commissioners, the owner of the property located at 19365 Ostego Drive, Fort Myers Beach, Florida (also referred to as the Murphy Oil property), hereinafter called the Licensor and the TOWN OF FORT MYERS BEACH, a municipal corporation of the State of Florida, acting by and through its Town Council, the governing body thereof, hereinafter called the Licensee:

WITNESSETH:

Licensor, in recognition of the public health and safety benefits in installing moorings, informational signs and day markers in the Mooring Field in the Matanzas Harbor, located in the Town of Fort Myers Beach, the covenants and agreements herein to be kept and performed by the Licensee, does hereby grant to the Licensee a license solely for the purpose of using the property located at the above address belonging to Licensor, as a staging site to store project materials.

In further consideration of this Agreement, the parties agree as follows:

1. The purpose of this license is to allow the Licensee to erect, at its own cost, a temporary storage container or unit to store materials, supplies and equipment to be used in connection with Licensee's Mooring Field Project. Licensee is granted access, by ingress and egress, to and from such unit through the Licensor's property. Licensee may also utilize the boat

ramp at such site in connection with the mooring project, provided that such use does not interfere with the Licensor's use.

2. Licensee may only erect such storage unit on the area depicted in the attached Exhibit "A".
3. This License is not assignable.
4. This License shall be effective on June 1st, 2004 and extend for an initial term of three (3) months, which at the expiration of such term may be renewable upon the written concurrence of both parties, for one (1) additional three month (3) period and/or may be revocable by the Licensor by giving the Licensee thirty (30) days written notice to remove the storage unit from the premises.
5. Licensee will not use the property described in Exhibit "A" for any other purpose other than for those specified in this license.
6. Licensee will maintain the storage unit in good condition during the term of this license and will be responsible for ensuring that it is securely locked when not in use. Licensor is not responsible for theft or damage to Licensee's storage unit or to the materials or property stored therein.
7. Licensee agrees to indemnify and hold harmless and defend the Licensor and its agents from and against any losses, claims, demands and actions brought or recoverable against it by reason of any act or omission by the Licensor, its agents or employees for any loss or damage or injury resulting

from Licensee's use of the premises.

Signed and sealed the date above written.

LICENSOR-LEE COUNTY

ATTEST:
CHARLIE GREEN, CLERK OF COURTS

By: _____
Deputy Clerk

By: _____
CHAIRMAN

APPROVED AS TO FORM BY:

Office of the County Attorney

LICENSEE-TOWN OF FORT
MYERS BEACH

By: Daniel Hughes
Daniel Hughes, Mayor

Rachel Lambert
Witness
Printed Name: Rachel

Lambert
Witness Masterson
Printed Name: MAT FEEWEY

STATE OF FLORIDA) ss:
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 16 day of MARCH, 2004, by Daniel Hughes, an individual, who is personally known to me or has produced _____ as identification and did (did not) take an oath.

Jill C Bitterman
Notary Public

Jill C Bitterman
(Print Name)

My Commission Expires:



OFFICIAL SEAL
Jill C. Bitterman
DD# 101828
My Commission Expires March 20, 2006

Exhibit A

Area available for storage unit

11 FEES REQ. @ 10/100' =

