

Application No.
PA-12-01-03
(Plan Amendment Request)

Applicant
Board of County Commissioners /
Cattle Dock Point Boat Ramp

Legislative

Commission Dist. IV



Open for Business

PA-12-01-03 CATTLE DOCK POINT BOAT RAMP General Area Map

Map Prepared By
Charlotte County
Community Development
Department



03/41/21 West County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created 02-13-2012

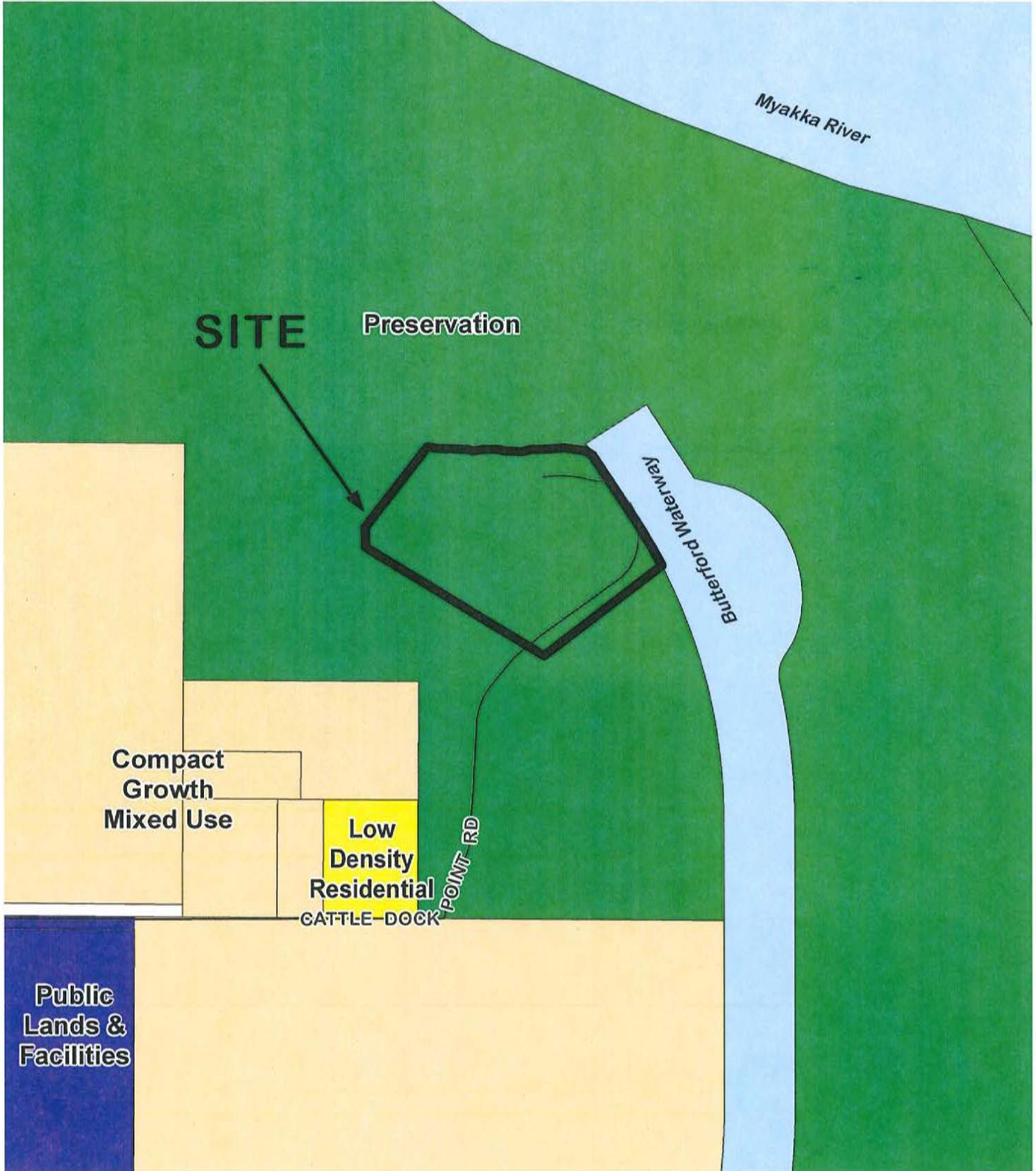




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PA-12-01-03
CATTLE DOCK POINT BOAT RAMP
2030 Future Land Use Designations

Map Prepared By
Charlotte County
Community Development
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03/41/21 West County

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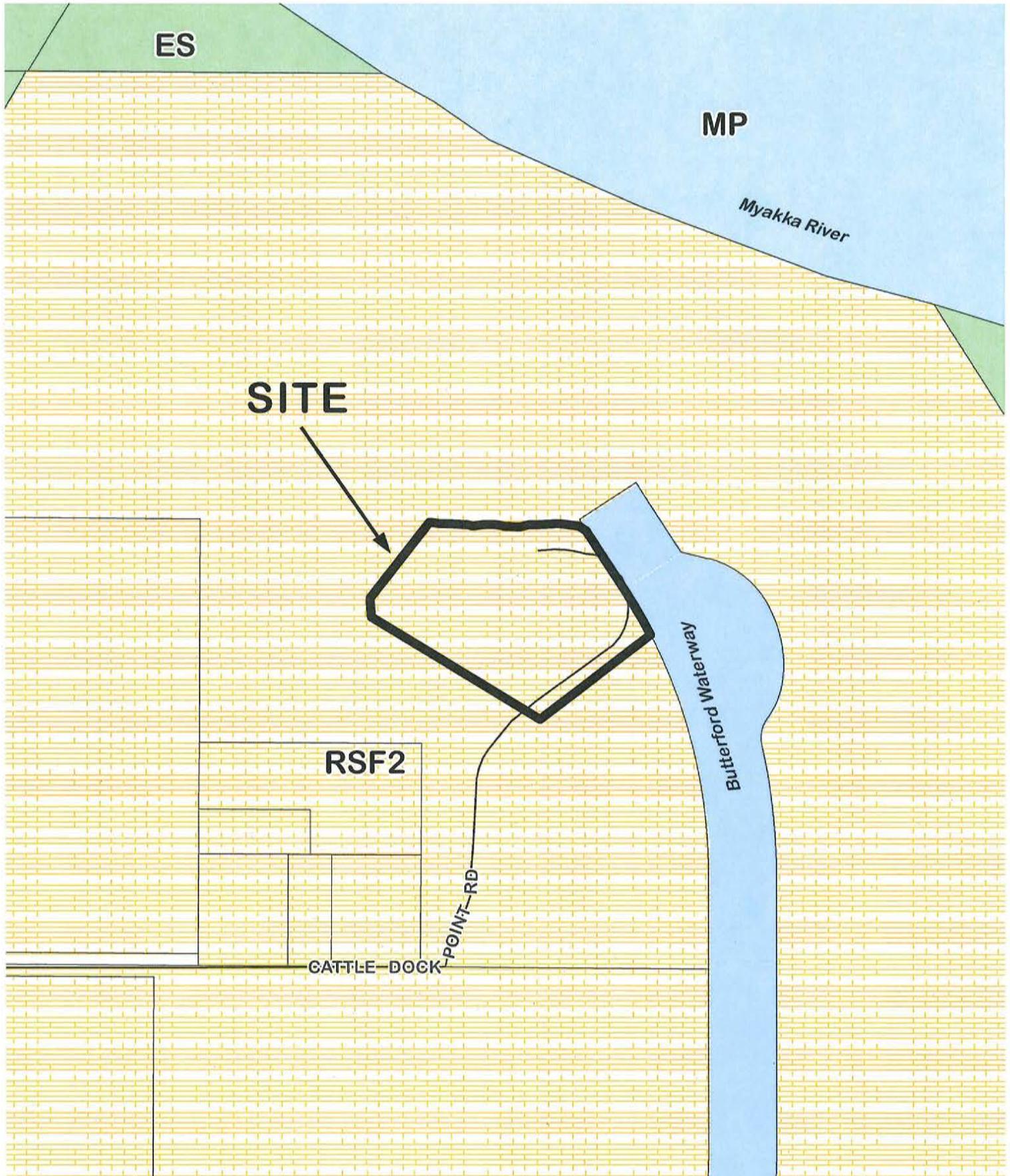




Open for Business

PA-12-01-03 CATTLE DOCK POINT BOAT RAMP Zoning Districts

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NOT TO SCALE



Community Development Department Staff Report for PA-12-01-03

DATE: February 24, 2012

TO: Honorable Board of County Commissioners
The Planning and Zoning Board

FROM: Roxann Read, Planner II

REQUESTED

ACTION(S): A publicly initiated request to amend Charlotte County FLUM Series Map #1: 2030 Future Land Use from Preservation (PR) to Parks and Recreation (PKR)

PART I

Applicant(s): Charlotte County Board of County Commissioners
18500 Murdock Circle
Port Charlotte, FL 33948

Owner(s): Same

**General Location
and Acreage:**

The subject site is located north of the Charlotte County Gulf Cove Sewer Plant, southwest of the Myakka River, and east of C.R. 771, in the Port Charlotte area, and contains 7.09 acres.

Account Number(s): 412103100001 (only portion of the property)

Analysis:

The subject property is owned jointly by Southwest Florida Water Management District (SWFWMD) and the Department of Environmental Protection. The County entered into a land lease agreement with SWFWMD on July 22, 2009 for the purpose of developing this property into a public boat ramp. The proposed boat ramp would be a very active recreational use, not compatible with the existing Future Land Use Map designation of Preservation. In addition, the proposed use requires a large amount of pavement, for 100 parking spaces, and a provision set forth in the Preservation land use category only allows a maximum impervious surface limit of 10%, which would not meet the impervious area requirement of the boat ramp. Therefore, the Community Development Department initiated, reviewed, and is recommending approval of a plan amendment

to amend FLUM Series Map #1, 2030 Future Land Use Map, from Preservation (PR) to Parks and Recreation (PKR).

Boat Ramp Needs Analysis

The nearest public boat ramp is located at 4224 El Jobean Road, approximately 4 miles away. It is north of the Myakka River and serves Mid-County residents. Another boat ramp is located at 10150 Amicola in Gulf Cove, which is approximately 6 miles away. It is south of the Myakka River and serves West County residents. A Public Boating Access Study completed in 1997 reveals that there were 35 boat ramp lanes in Charlotte County in 1992; it was estimated there would be a need for an additional 51 lanes by 2010 (pg. 42). However, as of today, the County only has fifteen lanes of boat ramps to serve County residents. There is definitely a need for additional boat ramps to accommodate the number of residents and non-residents seeking to use boat ramps in Charlotte County.

Compatibility and Impacts on the Adjacent Land Uses

The subject property is located directly west of the South Gulf Cove Lock that serves South Gulf Cove residents and allows boaters from the Butterford Waterway access to Charlotte Harbor via the Interceptor Lagoon. The subject property is completely surrounded by the State-owned preservation lands. Other land uses in the vicinity of the subject property are the County-owned Gulf Cove Sewer Plant (approximately 2,400 feet from the subject property) and a single-family home (approximately 1,000 feet from the subject property). The property located further west and south is currently vacant, and the Future Land Use Map designation for the site was amended to Compact Growth Mixed Use in 2008. The project planned for this property is called West County Town Center and it proposes to build a mixed-use community containing a maximum residential density of 3,960 units and commercial development. A public boat ramp in this area would be compatible with both the boating use that exists at the South Gulf Cove Lock that serves the boating population in South Gulf Cove and the future residents within the West County Town Center.

Consistency with the Smart Charlotte 2050 Comprehensive Plan (Smart Charlotte)

The Preservation FLUM designation only allows for the maintenance of aquatic preserves, wilderness areas, wildlife sanctuaries, and similar uses for the protection of open spaces, natural lands, natural waterbodies, wetlands, and watersheds and passive recreational uses such as hiking trails. Uses permitted in preservation areas shall be primarily of a passive nature, related to the aesthetic, educational and scientific enjoyment of the natural resources. An active use such as a boat ramp is not permitted in this designation.

In addition, according to the environmental assessment, prepared by W. Dexter Bender & Associates, Inc., the site and surrounding land were cleared and the lagoon was created in approximately 1975. The area has since become infested with exotic vegetation and is now dominated by Brazilian pepper and Australian pine, as well as 0.3 acres of mangrove wetlands and 0.1 acres of a cattail wetland. The majority of the subject property does not contain any significant natural resources, which provides the opportunity for the County to develop this site as a boat ramp.

Furthermore, ENV Policy 2.2.3., Developments Adjacent to Preserved Lands, states that "the County shall require a developer submitting for ..., plan amendment, ... for property adjacent to Federal, State or County wildlife management areas, parks, preserves and reserves to supply a

science-based analysis of possible impacts to the environmental resources of these lands and the manner in which these impacts can be eliminated. Where elimination is not possible, the analysis shall detail how these impacts can be reduced and mitigated....” According to “Analysis of Potential Impacts to Environmental Resources of Adjacent State Owned Preserves” report, prepared by W. Dexter Bender & Associates, Inc.:

- A total of 0.03 acres of impacts to the mangrove wetlands are unavoidable as the boat ramp must cross through the mangrove fringe. The location of the proposed boat ramp was selected to minimize impacts to the onsite wetland by taking advantage of a small opening.
- Impacts to this wetland will be mitigated by the purchase of 0.02 saltwater forested credits from Little Pine Island Mitigation Bank. Additionally, all exotic vegetation will be removed from the project area.
- The Florida Department of Environmental Protection has issued the Environmental Resource Permit for this boat ramp facility.
- Best Management Practices will be used during construction to ensure that the project remains in compliance with state water quality standards and does not negatively affect the Interceptor Lagoon or Charlotte Harbor.
- Educational signs will be in place to describe the natural resources in the vicinity; a used fishing line receptacle will also be provided.

Therefore, the proposed project is consistent with ENV Policy 2.2.3.

Concurrency Issues

- *Water and Sewer:* The subject property is outside of the urban service area. The only development proposed for this site is a boat ramp with a self-contained stand-alone vaulted restroom system. There is no need to provide centralized water and sanitary sewer service for this project.
- *Traffic:* The County Transportation Planner has submitted a report stating that the proposed FLUM change will not have any negative impact on the roadway network near the subject property. However, Cattle Dock Point Road is currently a substandard road and will need to be improved to County standards before opening the boat ramp to the public.

Staff Recommendation:

“Motion to approve adoption of Petition No. PA-12-01-03 based on the findings and analysis in the Comprehensive Planning Division staff report dated February 24, 2012 and the evidence presented at the public hearing on the application (if applicable).”

Conclusion:

Staff recommends approval of this plan amendment because it is consistent with the goals, objectives, and policies of Smart Charlotte.

The Planning and Zoning Board proposed recommendations:

“Motion to forward application No. PA-12-01-03 to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated February 24, 2012 and the evidence presented at the public hearing on the application (if applicable).”

PART II: RESEARCH AND FINDINGS

1. **2050 Framework Designation:** Agricultural/Rural
2. **2030 Service Area Delineation:** Rural Service Area
3. **Existing Land Use on the Site:** Vacant preservation land is now dominated by Brazilian pepper and Australian pine. The site contains 0.3 acres of mangrove wetlands and 0.1 acres of a cattail wetland.
4. **Existing Designation(s):**

FLUM	Development Standard
Preservation (PR)	<p><u>General Range of Uses</u> Allowable development activities include public services and facilities and those necessary for management of the resource and limited public access, as applicable, and sparse residential use. Uses permitted in preservation areas shall be primarily of a passive nature, related to the aesthetic, educational and scientific enjoyment of the natural resources. Development identified within an approved land management plan of a public land management agency that uphold the allowable development activities listed above are considered consistent with this designation.</p> <p><u>Minimum and Maximum Density</u> <i>Density:</i> Residential densities may not exceed one dwelling unit per 40 acres (consistent with Special Provisions provided below) and must be developed so as to minimize any impacts to natural resources. <i>Intensity:</i> The maximum Floor Area Ratio (FAR) for all non-residential structures is 0.1 and the maximum impervious surface coverage for all residential and nonresidential uses is ten percent.</p>

Zoning	Development Standard
Residential Single-family 2 (RSF-2)	<p>The residential, single-family (RSF) districts are intended to be used for single-family residential dwellings and other uses normally associate therewith. Among RSF-1, RSF-2, RSF-3.5, and RSF-5 districts, there are variations in requirements for lot area, width and certain yards.</p> <ul style="list-style-type: none"> • Minimum lot site is 20,000 square feet. • Minimum width is 100 feet. • Maximum lot coverage by all buildings is 35%. • Maximum building height is 38 feet. • Maximum density is 2 units per acre. • Setbacks: <ul style="list-style-type: none"> ○ Front setback is 25 feet. ○ Side setback is 20 feet (Abutting a road). ○ Rear setback is 20 feet (Abutting a lot).

Table 1

5. Proposed Designation(s):

FLUM	Development Standard
Parks and	These lands are designated for either active (facilities based) or passive (resource based) recreational uses.

Recreation (PKR)	<p><u>General Range of Uses</u> These lands may contain park sites with many associated facilities or with minimal facilities, and may include public services and facilities. Parks and recreational lands may be publicly or privately owned. <i>Maximum Intensity:</i></p> <ul style="list-style-type: none"> ○ The maximum FAR for all structures in a primarily active park is 0.7 and the maximum impervious surface coverage is 35 percent. ○ The maximum FAR for all structures in a primarily passive park is 0.1 and the maximum impervious surface coverage is ten percent.
Zoning	Development Standard
N/A	N/A

Table 2

6. Surrounding Land Uses and their Future Land Use Map and Zoning Designations:

Direction	Existing Land Use	FLUM Designation	Zoning District Designation
North	Vacant State-owned preservation land Myakka River	Preservation (PR)	Residential Single-Family 2 (RSF-2)
East	Vacant State-owned preservation land	Preservation (PR)	Environmentally Sensitive (ES) Residential Single-Family 2 (RSF-2)
South	Vacant State-owned preservation land	Preservation (PR)	Residential Single-Family 2 (RSF-2)
West	Vacant State-owned preservation land West County Town Center (The Master Development Plan was adopted in FLU Appendix VII of Smart Charlotte) Gulf Cove Sewer Plant – County-owned	Preservation (PR) Low Density Residential (LDR) Compact Growth Mixed Use (CGMU) Public Lands and Facilities (PL)	Residential Single-Family 2 (RSF-2)

Table 3

7. Buildout Calculations (square footage &/or density):

The proposed Parks and Recreation FLUM category carries a maximum FAR for all structures in a primarily active park of 0.7 and the maximum impervious surface coverage is 35 percent. Based on the 7.09 acreage, the maximum buildout of the subject site is 216,188 square feet for all structures.

8. Is the subject site within a Community Planning Area or Special Plan area? No

9. Is the subject site located adjacent to existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves? Yes. The Southwest Florida Water Management District owns the subject property and adjacent properties, which are designated as preservation lands.

10. Is the proposed land use designation(s) consistent with the provisions of the:

- a. **Charlotte Harbor Aquatic Preserves Management Plan?** Yes, the plan states that the "Florida Aquatic Preserve Act of 1975" allows for the lawful and traditional public uses of the aquatic preserve, such as sport fishing, boating and swimming. Boating is listed as a non-consumptive use and is not monitored unless disruption of the preserve resources occurs.
- b. **Lemon Bay Aquatic Preserve Management Plan?** N/A

11. Does the subject site contain any designated archaeological site or historic structures? No, however, the subject property has been identified on the Archaeological Predictive Map as having high probability for archaeological resources. There is an existing mound approximately 2,200 ft. east of the subject property that has been identified as a prehistoric shell midden.

12. Are there wetlands on the property? Yes. The site contains 0.4 acres of wetlands.

13. Natural Resources:

- a. **Significant natural resources and/or critical habitat for endangered/potentially endangered species:** Possibly.
- b. **Possible impacts to groundwater, surface water, wetlands or other significant natural resources:** No
- c. **Is the subject site within the Special Surface Water Protection Overlay District?** Yes
- d. **Is the subject site within the Watershed Overlay District?** No
- e. **Is the subject site within a Wellhead Protection Area?** No
- f. **Is the subject site within the Prime Aquifer Recharge Area?** No

14. Coastal Planning:

- a. **Is the subject site within the Coastal Planning Area?** The subject site is located within the Coastal Planning Area.
- b. **Could the proposed changes impact beach accessibility?** No
- c. **Could the proposed change affect other waterfront access?** No.
- d. **Flood Zone:** 8AE
- e. **Storm Surge Zone:** Category A
- f. **Coastal High Hazard Area?** Yes, Tropical Storm Surge
- g. **Could the proposed changes impact evacuation times?** No

15. Facilities and Services

- a. **Nearest Park:** N/A
- b. **Nearest Police Station:**
Name: District 4 Office
Address: 3280 Tamiami Trail Suite 505 (Promenades Mall), Port Charlotte
Distance: 13 miles
- c. **Nearest Fire/EMS Station:**
Name: Charlotte County Fire Station No. 4
Address: 13600 Marathon Blvd., Gulf Cove

Response Time: 4-6 minutes

- d. Nearest Library:** N/A
- e. Nearest Hospital:**
Name: Peace River Regional Medical Center
Address: 2500 Harbor Blvd, Port Charlotte
Distance: 13 miles
- f. Nearest Potential Emergency Shelter:** N/A
- g. Nearest Public Schools:** N/A

16. Concurrency

- a. Roads Level of Service:** See attached report (Attachment 2) from Venkat Vattikuti, Transportation Planner
- b. Potable Water Level of Service:**
 - 1. *Provider's Name:* There is no potable water service to this subject property.
 - 2. *Analysis:* N/A
- c. Sanitary Sewage Level of Service:**
 - 1. *Provider's Name:* There is no sanitary sewer service to the subject property.
 - 2. *Analysis:* N/A
- d. Park and Recreation Level of Service:**
 - 1. *Level of Service*
 Adopted Level of Service is 16 Park, Recreation and Open Space (PROS) point per 1,000 populations
 - 2. *Analysis:*
 A 2009 analysis shows that the County currently has 17.2 PROS points per 1,000 populations.
- e. Schools:** N/A
- f. Solid Waste:**
 - 1. *Refuse Collector:* Waste Management Inc. of Florida
 - 2. *Solid Waste Provider:* Public Works Department - Municipal Solid Waste Management
 - 3. *Level of Service*
 - Solid Waste (Landfill) 5.0 pounds per day per equivalent fulltime resident
 - Solid Waste (Recycle) 2.2 pounds per day per equivalent fulltime resident
 - Zemel Rd. landfill currently has capacity to dispose of 4.6 million cubic yards of waste. The landfill has a projected remaining lifespan to the year 2027. An existing estimated 170 acres for future disposal cells will provide disposal capacity beyond the year 2050.
- g. Drainage:**
 - 1. *Level of Service*
New arterials – flood free in the 100-year rainfall event
New and improved collectors - not less than one lane of traffic in each direction above the design high water elevation from a 25-year, 24-hour rainfall.
New local residential streets - designed and constructed with the pavement centerline at or above the design high water elevation resulting from a 5-year, 24-hour rainfall

Stormwater management facilities - in all new subdivisions manage a 25-year, 24-hour rainfall.

New parking facilities- maximum temporary detention depth of nine (9) inches resulting from a 5-year, 24-hour rainfall.

New development on existing platted lots (except single-family, duplex, and triplex dwellings) - on-site stormwater management for a 25-year, 24-hour rainfall.

2. *Analysis:*

The Southwest Florida Water Management District, Charlotte County’s Public Works Department, and the Community Development Department review stormwater management plans. In Charlotte County, stormwater management facilities are generally constructed on the project site as development proceeds.

17. Capital Improvements Program

- a. **Are any updates to the CIP required as a result of this petition?** No. This project has been programmed in the CIP for several years but no CIP updates are anticipated as a result of the petition.

18. Intergovernmental Coordination

- a. **Does this amendment require comments from or coordination with adjacent governments or other governmental agencies?** No

19. Has a public hearing been held on this property within the last year? No

20. Smart Charlotte 2050 Comprehensive Plan; Goals, Objectives, and Policies that may be relevant to the proposed amendment:

FLU Policy 1.3.3 Archaeological Predictive Model

The County shall determine the location of potential historic resources using the Archaeological Predictive Model (SPAM Series Map #3) prepared by Environmental Services, Inc. for the Phase II Survey of Historic Resources for Charlotte County in 2009. The model will be used to evaluate requests for any Future Land Use Map amendments and rezonings.

ENV Policy 2.2.3 Developments Adjacent to Preserved Lands

The County shall require a developer submitting for a special exception, plan amendment, rezoning, or site plan review for property adjacent to Federal, State or County wildlife management areas, parks, preserves and reserves to supply a science-based analysis of possible impacts to the environmental resources of these lands and the manner in which these impacts can be eliminated. Where elimination is not possible, the analysis shall detail how these impacts can be reduced and mitigated. After consultation with the appropriate Federal, State or County department or agency to review this analysis, the County may require the developer to revise the proposal or provide a Developer's Agreement that specifies how the development will mitigate impacts to the adjacent lands.

CST Policy 1.2.7 Location of New Boat Ramps

The County shall prohibit the location of new boat ramps, docks or slips for motorized vessels in areas:

1. Where there is less than four feet of depth at mean low water between the proposed ramp and the nearest maintained navigable channel.
2. Characterized by sensitive estuarine habitats, sensitive bottom or shoreline habitats, including but not limited to areas with submerged aquatic vegetation, or mangroves.
3. Requiring dredging to achieve at least 4.0 feet of depth at mean low water.
4. Where development or maintenance of the facility may adversely impact valuable natural resources.

CST Policy 1.2.8 Permitting of New and Expanded Boating Access Facilities

The County shall require new or expanded marinas, boat ramps, multi-docking or port facilities to be in compliance with all applicable local, State and Federal requirements and possess all applicable local, State and Federal permit approvals.

CST Policy 1.2.9 New Boating Facility Preferences

The County hereby establishes the following priority preference for approval of new boating facilities:

1. Preference shall be given to the expansion of suitable existing boating access facilities rather than construction of newly-developed sites.
2. Preference shall be given to areas where there is adequate flushing of the basin to prevent stagnation and water quality deterioration.
3. Preference shall be given to sites that require no dredging or filling to provide access by canal, channel, or road.
4. Preference shall be given to sites that would have the least impact on natural resources including but not limited to sensitive estuarine habitats, sensitive bottom or shoreline habitats, submerged aquatic vegetation, manatee or other imperiled species habitat or mangroves.

REC Policy 1.1.4 Boating Access

The County shall encourage responsible use of waterways and marine resources by evaluating the characteristics and needs of the County's boating population, both residents and visitors, and providing public access for motorized and non-motorized watercraft and mooring facilities.

- 21. Standards for Rezoning Approval:** N/A. A zoning change is not required for the property to be developed as a boat ramp.

Attachment 1
Legal Description

A tract or parcel of land lying in Section 3, Township 41 South, Range 21 East, Charlotte County, Florida, said tract or parcel of land being more particularly described as follows:

COMMENCING at the Northwest corner of the Northwest Quarter of said Section 3, run S00°57'04" W along the west line of said fraction for 1,878.20 feet; thence run S89°02'56" E for 3,007.59 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run N58°45'55" W for 583.25 feet; thence run N03°02'16" W for 55.13 feet; thence run N37°45'46" E for 285.08 feet to the Mean High Water Line of a man made Lagoon; thence run along said Mean High Water Line the following 16 courses: S81°38'38" E for 28.66 feet; S88°37'26" E for 42.89 feet; S86°29'00" E for 43.10 feet; S75°31'35" E for 15.54 feet; N81°17'04" E for 25.43 feet; N86°55'10" E for 27.55 feet; S86°47'54" E for 19.57 feet; S77°25'16" E for 25.04 feet; N86°56'09" E for 16.52 feet; S86°49'33" E for 24.58 feet; N75°55'45" E for 27.05 feet; S89°22'57" E for 24.11 feet; N86°33'02" E for 66.38 feet; S82°24'33" E for 59.40 feet; S53°52'16" E for 20.15 feet and S70°47'55" E for 3.57 feet to an intersection with the Westerly line of "Parcel 52B", Interconnector Waterway, as described in Official Records Book 1228 Pages 1638-1767, Charlotte County Records; thence run S33°10'12" E along said Westerly line for 201.74 feet to a point of curvature; thence run Southeasterly along said Westerly line along an arc of a curve to the right of radius 1,551.00 feet (delta 05°56'47") (chord bearing S30°11'49" E) (chord 160.89 feet) for 160.97 feet; thence run S52°26'32" W along a non-radial line for 411.68 feet to the POINT OF BEGINNING.



MEMORANDUM

Date: February 17, 2012
To: Roxanne Read, Planner II
From: Jamie Scudera, Environmental Specialist
Subject: PA-12-01-03
Charlotte County – Cattle Dock Point Boat Ramp
15700 Cattle Dock Point Road

The Current Planning and Zoning Environmental Review Section reviewed the above referenced petition for **environmental, landscaping and tree compliance** and offer the following comments:

The applicant is proposing to amend the current FLUM from Preservation to Parks and Recreation.

No environmental information was provided for staff to review. See below for preliminary DRC comments.

If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review Committee (DRC) and the issuance of any county permits or land improvement activities.

1. The applicant must submit a Florida Land Use, Cover and Forms Classification System (FLUCCS) Map (include the type of wetland -- category I or II per Smart Charlotte 2050 ENV Policy 3.1.1) and a current (less than one year old) listed species assessment. All required FWS and Florida Fish and Wildlife Conservation Commission (FWCC) permits must be provided to staff prior to final DRC approval and the issuance of county permits and land clearing activities.
2. The applicant has submitted an approved Florida Department of Environmental Protection (FDEP) Environmental Resource Permit (ERP) No. 08-0305682-001 including a state owned submerged lands authorization. An approved Army Corps of Engineers permit must be

GROWTH MANAGEMENT DEPARTMENT

Zoning Division

18500 Murdock Circle | Port Charlotte, FL 33948

Phone: 941.743.1290 | Fax: 941.743.1598

provided to staff prior to final DRC approval and the issuance of county permits and land clearing activities. All state and federal mitigation requirements must be met (and receipts provided) prior to clearing/building permit approval. Final DRC approval shall reflect all FDEP & ACOE conditions.

3. The project must comply with **Chapter 3-5, Article XV, Upland Buffer Zone** requirements of the County Code. Final site plans must clearly document a minimum 15', average 25' naturally vegetated upland buffer along the perimeter of all wetlands and natural surface waters. The buffer width may be contracted along portions of the wetland or surface water border, in response to site-specific development constraints, provided that it is expanded along other portions such that the minimum buffer width is maintained, on average. Please clearly define on final site plans the upland buffer and wetland hatched areas (via a legend). An additional buffer may be required by other regulatory agencies.
4. The project must comply with the Smart Charlotte 2050 Comprehensive Plan with particular attention paid to the following policies:
 - a. Per ENV Policy 2.2.3 *Developments Adjacent to Preserved Land*: "The County shall require a developer, submitting for a special exception, plan amendment, rezoning, or site plan review for property adjacent to Federal, State or County wildlife management areas, parks, preserves and reserves to supply a science-based analysis of possible impacts to the environmental resources of these lands and the manner in which these impacts can be eliminated. Where elimination is not possible, the analysis shall detail how these impacts can be reduced and mitigated. After consultation with the appropriate Federal, State or County department or agency to review this analysis, the County may require the developer to revise the proposal or provide a Developer's Agreement that specifies how the development will mitigate impacts to the adjacent lands."
 - b. Per CST Policy 1.1.7 *Preliminary Development Plan Analysis*: "The County shall require all preliminary site plans, preliminary plats, or equivalent development requests adjacent to surface waters to depict the location of submerged aquatic vegetation, coastal wetlands, oyster beds, and other natural resources, habitats or features within the proposed development site or within 200 feet of the development boundary."
 - c. Per CST Policy 2.1.1 *Water Quality Standards #4*: Development proposals must demonstrate that post-development discharges into surface waters, or diversion of freshwater inflow into (fresh or saltwater) surface waters, will not lower the quality or productive capability of the receiving waterbody (fresh or saltwater). Such discharge must not exceed the legal limit for established surface water quality parameters to include, but not limited to, biological oxygen demand, dissolved oxygen, nutrients, bacteriological quality and turbidity, for the appropriate class water, as outlined in Chapter 62, F.A.C.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning and Zoning Division
18500 Murdock Circle | Port Charlotte, FL 33948
Phone: 941.743.1242 | Fax: 941.743.1292

5. The proposed dock facilities do not conform to Charlotte County Code Section 3-9-70 which states "On man-made bodies of water, such structures shall not extend further seaward than the lesser of ten (10) percent of the open water span or twelve (12) feet from the mean high water line or seawall." The docks must be in conformance with county code (either through an approved variance or by changing the dock dimensions) prior to final DRC approval. You may contact Kenneth Quillen at 941-623-1073 for details concerning Charlotte Counties variance procedure for docks which exceed county code requirements.
6. The project must comply with **Chapter 3-5, Article IV, Clearing, Filling and Soil Conservation** requirements of the County Code. Best Use Management Plans must be documented on final site plans and utilized during all land clearing and development activities.
7. The project must comply with **Chapter 3-5, Article XVI, Open Space/Habitat Reservation Trust** requirements of the County Code. Final site and landscape plans must label the preservation areas as preserved, in perpetuity with calculations shown to meet the 5% requirement. *Note that preliminary site plans do identify several areas as open space but the 5% requirement ONLY applies to undisturbed preservation areas located on site.

The applicant is advised that the Charlotte County site review is cursory, additional wildlife or environmental reviews may be required by state and federal agencies.

Please contact me if you have any questions or need additional information (941) 743-1290.

JS

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COMMUNITY DEVELOPMENT DEPARTMENT

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Charlotte County Cattle Dock Boat Ramp Facility

Analysis of Potential Impacts to Environmental Resources of Adjacent State Owned Preserves

ENV Policy 2.2.3 Developments Adjacent to Preserved Lands

The County shall require a developer submitting for a special exception, plan amendment, rezoning, or site plan review for property adjacent to Federal, State or County wildlife management areas, parks, preserves and reserves to supply a science-based analysis of possible impacts to the environmental resources of these lands and the manner in which these impacts can be eliminated. Where elimination is not possible, the analysis shall detail how these impacts can be reduced and mitigated. After consultation with the appropriate Federal, State or County department or agency to review this analysis, the County may require the developer to revise the proposal or provide a Developer's Agreement that specifies how the development will mitigate impacts to the adjacent lands.

The Charlotte County Cattle Dock Boat Ramp Facility project is located within the state's Charlotte Harbor Preserve State Park. The project area and surrounding land was cleared and the lagoon was created around the year 1975. The area has since become infested with exotic vegetation and is now dominated by Brazilian pepper and Australian pine. The Butterford Waterway borders the project area to the east and east of the waterway is salt marsh and mangrove wetlands which abut Charlotte Harbor. The project is bordered to the north by the Interceptor Lagoon. Lands to the west and south are dominated by exotic vegetation.

Charlotte County entered into a lease of the extent of the project boundaries with Southwest Florida Water Management District/State of Florida Board of Trustees of the Internal Improvement Trust Fund (SWFWMD/BOTIITF) in 2008 for the purpose of constructing and operating a public boat ramp. The leased project area includes 540.3' of surveyed shoreline on the Interceptor Lagoon. The project area is adjacent to the South Gulf Cove Lock which allows boaters from the Butterford Waterway access to Charlotte Harbor via the Interceptor Lagoon. Interceptor Lagoon is a deep water man made lagoon which has a marked channel from the lock to deep water in Charlotte Harbor.

The project includes a boat ramp, parking, and ancillary facilities on a 7.1 acre parcel. The parcel consists of 6.7 acres of disturbed land dominated by exotic vegetation including Brazilian pepper and Australian pine, 0.3 acres of mangrove wetlands, and 0.1 acres of a cattail wetland. A total of 0.03 acres of impacts to the mangrove wetlands are unavoidable as the boat ramp must cross through the mangrove fringe. The location of the boat ramp was selected to minimize impacts to this wetland by taking advantage of a small opening. Impacts to this wetland will be mitigated by the purchase of 0.02 saltwater forested credits from Little Pine Island Mitigation Bank. Additionally, all exotic vegetation will be removed from the project area. The benthic community of the

adjacent submerged lands was surveyed and no significant submerged aquatic resources occur at or near the proposed boat ramp. No listed species or their signs were observed during a Protected Species Survey or during any other site visits. The boat ramp has been designed to a water depth of 4' at low tide to minimize the potential impacts to adjacent submerged lands. The boat ramp facility's storm water system has been designed to meet the state's criteria and the Florida Department of Environmental Protection has issued the Environmental Resource Permit for this facility. The US Army Corps of Engineers is currently writing the dredge and fill permit. Best Management Practices will be utilized during construction to ensure that the project remains in compliance with state water quality standards and does not negatively affect the Interceptor Lagoon or Charlotte Harbor. The facility will include educational signs that describe the natural resources in the vicinity as well as a used fishing line receptacle.

There are no significant negative impacts to the surrounding state owned preservation lands. Any minor impacts are unavoidable and are mitigated by the project design, mitigation bank credits and the removal of exotic vegetation from the project area.

Small Scale Plan Amendment (MAP)
Petition/ Account Number: PA-12-01-03

TO: Honorable Board of County Commissioners
The Planning and Zoning Board

FROM: Venkat Vattikuti

DATE: February 14, 2012

REQUESTED ACTION:

APPLICANT: Charlotte County Board of County Commissioners

OWNER: SWFWMD & IITF, 2379 Broad St, Brooksville, FL 34604

GENERAL LOCATION: Section: 03, Township: 41, Range: 21
Property Account #: 412103100001

1 **ANALYSIS:** From the transportation perspective, the proposed land use change is
2 not going to have any negative impact on the surrounding roadway network
3 within the vicinity of the subject property, however the Cattle Dock Point Road is
4 currently a sub-standard road per County standards and with the proposed
5 improvement, this road has to be brought to the County standard before opening
6 the boat ramp to the public.

7

8 **RECOMMENDATION:** Approve the requested Small Scale Plan Amendment (MAP)
9 with the above mentioned condition related to the Cattle Dock Point Road.

10



**CHARLOTTE COUNTY
 COMMUNITY DEVELOPMENT DEPARTMENT**

**APPLICATION for
 SMALL SCALE PLAN AMENDMENT (MAP)**

Date Received: <u>JAN. 23, 2012</u>	Time Received:
Date of Log-in: <u>JAN. 23, 2012</u>	Petition #: <u>PA-12-01-03</u>
Receipt #:	Accela #:
	Amount Paid:

1. PARTIES TO THE APPLICATION

Name of Applicant: Charlotte County Board of County Commissioners

Mailing Address: 18500 Murdock Circle

City: Port Charlotte State: FL Zip Code: 33948

Phone Number: Fax Number:

Email Address:

Name of Agent: Charlotte County Board of County Commissioners

Mailing Address: Same

City: State: Zip Code:

Phone Number Fax Number:

Email Address:

Name of Engineer/Surveyor:

Mailing Address:

City: State: Zip Code:

Phone Number: Fax Number:

Email Address:

Name of Property Owner (if more than one property owner, attach a separate sheet with a list of all owners):
 SWFWMD & TITF

Mailing Address: 2379 BROAD ST

City: Brooksville State: FL Zip Code: 34604-6899

Phone Number: 352-796-7211 Fax Number:

Email Address:

2. PROPERTY INFORMATION

If more than one account number exists, attach a separate sheet listing all information required by this section

Property Account #: 412103100001		
Section: 03	Township: 41	Range: 21
Parcel/Lot #:	Block #:	Subdivision:
Total acreage or square feet of the property: 7.09		

3. SURVEY:

- For unplatted property, provide one original boundary survey that is **signed and sealed** by a registered land surveyor and an accurate legal description (including acreage) of the property.
- For platted land, provide one original surveyor's sketch that is **signed and sealed** by a registered land surveyor and an accurate legal description (including acreage) of the property.

4. PROOF OF LAND OWNERSHIP: Provide the most current *Title Insurance Policy* or an *Ownership and Encumbrance Report* on the subject property. *NA*

5. NOTARIZED AUTHORIZATION: A written, notarized authorization from each owner must be provided with this application if:

- If the applicant is not the owner of the property, a written, notarized authorization from each owner must be provided with this application – use Form A, attached. Property owner authorization is required. If the property owner withdraws permission at any point during the review and approval process, the application is considered null and void.
- If an agent is submitting the application for the applicant – authorization from the applicant is required – use Form B, attached.

6. RESTRICTIONS: Provide a copy of any covenants, easements or restrictions that have been recorded for the subject site.

7. EXISTING LAND USE DESIGNATIONS

Future Land Use Map (FLUM) designation(s)	Acreage
Preservation	7.09
Zoning District(s)	Acreage
RSF-2	7.09

8. APPLICANT'S PROPOSED CHANGE(S):

Amending FLUM designation(s) to: Parks and Recreation

If the proposed change involves an increase in density, which of the Receiving Zone criteria does the property meet, or would this be an exemption consistent with a Revitalization Plan?

9. REASON FOR PROPOSED CHANGE(S):

7.09 acres of the property will be developed as a boat ramp

10. CURRENT LAND USE OF SUBJECT PROPERTY: (example: house, vacant land, barn, etc.)

Vacant land

11. SURROUNDING LAND USES:

North: waterway

South: vacant land

East: vacant land and waterway

West: vacant land/sewer plant

12. ENVIRONMENTAL ASSESSMENT:

- Provide an *Environmental Assessment Report*, conducted within one year or less from the date of submittal, that includes:
 - Maps and surveys of the subject site illustrating the existing land cover according to Level 3 of the FLUCCS
 - Locations of listed flora and fauna species, if present.
 - If any wetlands are identified on site, provide a survey showing delineations of any wetlands, acreages, and the wetland Category (ENV Policy 3.1.3) under which they fall.
 - If the property is adjacent to any Federal, State, or County wildlife management areas, parks, preserves or reserves, supply a science-based analysis of possible impacts to the environmental resources of these lands and the manner in which these impacts can be eliminated. Where elimination is not possible, the analysis shall detail how these impacts can be reduced and mitigated.

The County Environmental Specialist will review the application and provide a report.

13. INFRASTRUCTURE:

A. Roadway

- i. List the roads or streets upon which vehicles may travel to gain access to the site (generally within ¼ mile radius):

Cattle Dock Point Rd.

- ii. *Traffic Impact Report*: This narrative does not need to be authored by a registered professional engineer. Address the number of vehicle trips that may be generated by development of the

subject site at maximum buildout allowed under the proposed FLUM and Zoning.

The County Transportation Planner will provide a traffic impact report.

B. Potable Water and Sanitary Sewer

- i. Submit a letter from any water or sewer utilities that will be serving the subject site stating availability of utility service to the property.
- ii. Attach an *Estimated Potable Water and Sanitary Sewer Usage Report* showing the gallons per day that may be generated by development of the subject site at maximum buildout allowed under the proposed FLUM.

Requirement is waived

14. HISTORICAL OR ARCHEOLOGICAL SITES: HISTORICAL OR ARCHEOLOGICAL SITES: When the property under review is within the area determined to contain potential historic and archeological resources by the Archaeological Predictive Model (depicted on SPAM Series Map #3), the applicant must submit an *Archeological/Historical Memo* indicating that a review of the National Register of Historic Places, the Florida Master Site File and the Local Historic Register (when available) has been performed and the results of that review. If the subject site contains any object listed in these resources, the applicant must provide an *Archeological/Historical Survey* performed by a professional archeologist licensed in the State of Florida.

County staff reviewed the National Register of Historic Places and the Florida Master Site File. The subject site does not contain any sites listed on the National Register of Historic Places or the Florida Master Site File.

15. ADJACENT PROPERTY OWNERS INFORMATION:

Provide an *electronic text file (.txt)* that includes the names and addresses of all property owners within 200 feet of the subject property (excluding street right-of-ways), and a map indicating which properties are included in the address list. The Adjacent Property Owner List must be based upon the latest available property records of the Property Appraiser's Office. The list shall include property owner's name, mailing address, and parcel(s) or lot(s) description or account number so each parcel can be referenced on the Adjacent Property Owner Map. Refer to the Geographic Information System Internet site for mapping and owner information at <http://www.ccgis.com/>. (Use a buffer of 250 feet or larger in order to account for right-of-ways, canals, etc.) Every property owner within 200 feet of every parcel of land involved will be notified of the schedule of public hearings.

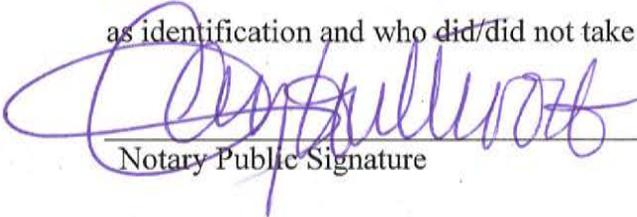
AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that I am the owner or agent of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that if I am not the owner of the property I have attached a notarized authorization from the owner(s) to submit this application. I acknowledge that all items listed in the application must be submitted concurrent at the time the County accepts the application. I swear that the attached list of adjacent property owners is complete, including all property owners within 200 feet of the subject properties (excluding right-of-ways), that it is correct, providing addresses as listed in the County Tax Roll.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 31ST day of January, 2012, by Roxann Read

who is personally known to me or has/have produced as identification and who did/did not take an oath.

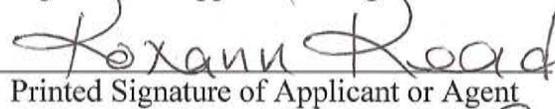


Notary Public Signature



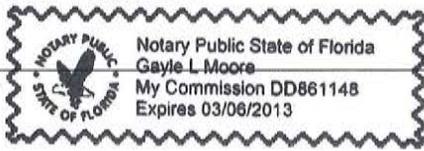
Signature of Applicant or Agent

Notary Printed Signature



Printed Signature of Applicant or Agent

Title



18500 Murdock Cir.
Port Charlotte, FL 33948

Address

Commission Code

City, State, Zip

941-764-4928

Telephone Number

Charlotte County Cattle Dock Boat Ramp Facility

Analysis of Potential Impacts to Environmental Resources of Adjacent State Owned Preserves

ENV Policy 2.2.3 Developments Adjacent to Preserved Lands

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Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

July 24, 2009

Laura Kleiss Hoeft, Director
Parks, Recreation and Cultural Resources Department
Charlotte County
2300 El Jobean Road
Port Charlotte, Florida 33948

RE: Lease 4572

Dear Laura,

Attached is an executed original of lease 4572 for you to record. If you have any questions, please contact me at (850) 245-2741 or Robin.J.Smith@DEP.state.fl.us.

Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Robin J. Smith". The signature is stylized and cursive.

Robin J. Smith
Land Acquisition Agent
Division of State Lands

RJS/s
Attachments

REC'D JUL 29 AM 10:39
OFFICE OF THE SECRETARY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
TALLAHASSEE, FLORIDA

Chg
Bec
#14

AGR 2008-055

OAL1
SWFWMD Parcel ID# 20-708-129x

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

LEASE AGREEMENT

Lease Number 4572

THIS LEASE AGREEMENT, made and entered into this 22nd day of July 2009, between the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA ("Board of Trustees") (as to its undivided 50% interest), acting pursuant to its authority set forth in Section 253.03, Florida Statutes and the GOVERNING BOARD OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (as to its undivided 50% interest), a public body existing under Chapter 373 of the Florida Statutes, hereinafter referred to as "LESSORS", and CHARLOTTE COUNTY, FLORIDA, hereinafter referred to as "LESSEE".

LESSORS, for and in consideration of mutual covenants and agreements hereinafter contained, does hereby lease to said LESSEE the lands described in paragraph 2 below, together with the improvements thereon, and subject to the following terms and conditions:

1. DELEGATIONS OF AUTHORITY: LESSORS' responsibilities and obligations herein shall be exercised by the Division of State Lands, State of Florida Department of Environmental Protection.
2. DESCRIPTION OF PREMISES: The property subject to this lease, is situated in the County of Charlotte, State of Florida and is more particularly described in Exhibit "A" attached hereto and hereinafter referred to as the "leased premises".
3. TERM: The term of this lease shall be for a period of fifty years commencing on July 22, 2009, and ending on July 21, 2059, unless sooner terminated pursuant to the provisions of this lease.
4. PURPOSE: The LESSEE shall manage the leased premises only for the maintenance and operation of a public boat ramp and public dock, along with other related uses necessary for the accomplishment of this purpose as designated in the Land Use Plan required by paragraph 8 of this lease.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3406, PGS 1540-1558 19 pg(s)
INSTR # 1868235
Doc Type AGR, Recorded 08/03/2009 at 09:57 AM
Rec. Fee: \$163.00
Cashiered By: CAROLINEH Doc. #1


Mavis
19

5. QUIET ENJOYMENT AND RIGHT OF USE: LESSEE shall have the right of ingress and egress to, from and upon the leased premises for all purposes necessary to the full quiet enjoyment by said LESSEE of the rights conveyed herein.

6. UNAUTHORIZED USE: LESSEE shall, through its agents and employees, prevent the unauthorized use of the leased premises or any use thereof not in conformance with this lease.

7. ASSIGNMENT: This lease shall not be assigned in whole or in part without the prior written consent of LESSORS. Any assignment made either in whole or in part without the prior written consent of LESSOR shall be void and without legal effect.

8. LAND USE PLAN: LESSEE shall prepare and submit a Land Use Plan for the leased premises, in accordance with Section 253.034, Florida Statutes. The Land Use Plan shall be submitted to LESSORS for approval through the State of Florida Department of Environmental Protection, Division of State Lands. The leased premises shall not be developed or physically altered in any way other than what is necessary for security and maintenance of the leased premises without the prior written approval of LESSORS until the Land Use Plan is approved. LESSEE shall provide LESSORS with an opportunity to participate in all phases of preparing and developing the Land Use Plan for the leased premises. The Land Use Plan shall be submitted to LESSORS in draft form for review and comments within ten months of the effective date of this lease. LESSEE shall give LESSORS reasonable notice of the application for and receipt of any state, federal or local permits as well as any public hearings or meetings relating to the development or use of the leased premises. LESSEE shall not proceed with development of said leased premises including, but not limited to, funding, permit application, design or building contracts, until the Land Use Plan required herein has been submitted and approved. Any financial commitments made by LESSEE which are not in compliance with the terms of this lease shall be done at LESSEE'S own

risk. The Land use Plan shall emphasize the original management concept as approved by LESSORS on the effective date of this lease which established the primary public purpose for which the leased premises are to be managed. The approved Land Use Plan shall provide the basic guidance for all management activities and shall be reviewed jointly by LESSEE and LESSORS. LESSEE shall not use or alter the leased premises except as provided for in the approved Land Use Plan without the prior written approval of LESSORS. The Land Use Plan prepared under this lease shall identify management strategies for exotic species, if present. The introduction of exotic species is prohibited, except when specifically authorized by the approved Land Use Plan.

9. EASEMENTS: All easements including, but not limited to, utility easements are expressly prohibited without the prior written approval of LESSORS. Any easement not approved in writing by LESSORS shall be void and without legal effect.

10. SUBLEASES: This agreement is for the purposes specified herein and subleases of any nature are prohibited, without the prior written approval of LESSORS. Any sublease not approved in writing by LESSORS shall be void and without legal effect.

11. RIGHT OF INSPECTION: LESSORS or their duly authorized agents, representatives or employees shall have the right at any and all times to inspect the leased premises and the works and operations of LESSEE in any matter pertaining to this lease.

12. PLACEMENT AND REMOVAL OF IMPROVEMENTS: All buildings, structures and improvements shall be constructed at the expense of LESSEE in accordance with plans prepared by professional designers and shall require the prior written approval of LESSORS as to purpose, location and design. Further, no trees other than non-native species shall be removed or major land alterations done by LESSEE without the prior written approval of LESSORS. Removable equipment and removable improvements placed on the leased premises by LESSEE which do not

become a permanent part of the leased premises will remain the property of LESSEE and may be removed by LESSEE upon termination of this lease.

13. INSURANCE REQUIREMENTS: During the term of this lease LESSEE shall procure and maintain policies of fire, extended risk, and liability insurance coverage. The extended risk and fire insurance coverage shall be in an amount equal to the full insurable replacement value of any improvements or fixtures located on the leased premises. The liability insurance coverage shall be in amounts not less than \$100,000 per person and \$200,000 per incident or occurrence for personal injury, death, and property damage on the leased premises. Such policies of insurance shall name LESSORS and the State of Florida as additional insureds. LESSEE shall submit written evidence of having procured all insurance policies required herein prior to the effective date of this lease and shall submit annually thereafter, written evidence of maintaining such insurance policies to the Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection, Mail Station 130, 3800 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and to the Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604. LESSEE shall purchase all policies of insurance from a financially-responsible insurer duly authorized to do business in the State of Florida. Any certificate of self-insurance shall be issued or approved by the Chief Financial Officer, State of Florida. The certificate of self-insurance shall provide for casualty and liability coverage. LESSEE shall immediately notify LESSORS and the insurer of any erection or removal of any building or other improvement on the leased premises and any changes affecting the value of any improvements and shall request the insurer to make adequate changes in the coverage to reflect the changes in value. LESSEE shall be financially responsible for any loss due to failure to obtain adequate insurance coverage and the failure to maintain such policies

or certificate in the amounts set forth shall constitute a breach of this lease.

14. LIABILITY: Each party is responsible for all personal injury and property damage attributable to the negligent acts or omissions of that party and the officers, employees and agents thereof. Nothing herein shall be construed as an indemnity or a waiver of sovereign immunity enjoyed by any party hereto, as provided in Section 768.28, Florida Statutes, as amended from time to time, or any other law providing limitations on claims. Additionally, in consideration of LESSORS' agreement to allow LESSEE to use the property described herein which is owned by LESSORS, for the purpose stated in paragraph 4. above, LESSEE agrees to indemnify and hold LESSORS harmless, to the extent allowed under Section 768.28, F.S., from all claims, loss, damage and expense, including attorney fees and costs and attorney fees and costs on appeal, arising from the negligent acts or omissions of LESSEE'S officers, employees, contractors and agents related to its performance under this lease. This provision does not constitute a waiver of either LESSEE'S or LESSORS' sovereign immunity under Section 768.28, F.S. or extend either LESSEE'S or LESSORS' liability beyond the limits established in Section 768.28, F.S.

15. PAYMENT OF TAXES AND ASSESSMENTS: LESSEE shall assume full responsibility for and shall pay all liabilities that accrue to the leased premises or to the improvements thereon, including any and all ad valorem taxes and drainage and special assessments or taxes of every kind and all mechanic's or materialman's liens which may be hereafter lawfully assessed and levied against the leased premises.

16. NO WAIVER OF BREACH: The failure of LESSORS to insist in any one or more instances upon strict performance of any one or more of the covenants, terms and conditions of this lease shall not be construed as a waiver of such covenants, terms or conditions, but the same shall continue in full force and effect, and no waiver of LESSORS of any of

the provisions hereof shall in any event be deemed to have been made unless the waiver is set forth in writing, signed by LESSORS.

17. TIME: Time is expressly declared to be of the essence of this lease.

18. NON-DISCRIMINATION: LESSEE shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicap, or marital status with respect to any activity occurring within the leased premises or upon lands adjacent to and used as an adjunct of the leased premises.

19. UTILITY FEES: LESSEE shall be responsible for the payment of all charges for the furnishing of gas, electricity, water and other public utilities to the leased premises and for having all utilities turned off when the leased premises are surrendered.

20. MINERAL RIGHTS: This lease does not cover petroleum or petroleum products or minerals and does not give the right to LESSEE to drill for or develop the same, and LESSORS specifically reserve the right to lease the leased premises for purpose of exploring and recovering oil and minerals by whatever means appropriate; provided, however, that LESSEE named herein shall be fully compensated for any and all damages that might result to the leasehold interest of said LESSEE by reason of such exploration and recovery operations.

21. RIGHT OF AUDIT: LESSEE shall make available to LESSORS all financial and other records relating to this lease, and LESSORS shall have the right to either audit such records at any reasonable time or require the submittal of an annual independent audit by a certified public accountant during the term of this lease. This right shall be continuous until this lease expires or is terminated. This lease may be terminated by LESSORS should LESSEE fail to allow public access to all documents, papers, letters or other materials made or received in conjunction with this lease, pursuant to the provisions of Chapter 119, Florida Statutes.

22. CONDITION OF PREMISES: LESSORS assume no liability or obligation to LESSEE with reference to the condition of the leased premises. The leased premises herein are leased by LESSORS to LESSEE in an "as is" condition, with LESSORS assuming no responsibility for the care, repair, maintenance or improvement of the leased premises for the benefit of LESSEE.

23. COMPLIANCE WITH LAWS: LESSEE agrees that this lease is contingent upon and subject to LESSEE obtaining all applicable permits and complying with all applicable permits, regulations, ordinances, rules, and laws of the State of Florida or the United States or of any political subdivision or agency of either.

24. NOTICE: All notices given under this lease shall be in writing and shall be served by certified mail including, but not limited to, notice of any violation served pursuant to Section 253.04, Florida Statutes, to the last address of the party to whom notice is to be given, as designated by such party in writing. LESSORS and LESSEE hereby designate their address as follows:

LESSOR: State of Florida Department of
Environmental Protection
Division of State Lands
Bureau of Public Land Administration, M. S. 130
3800 Commonwealth Boulevard,
Tallahassee, Florida 32399-3000

LESSOR: Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34604

LESSEE: Charlotte County Parks, Recreation &
Cultural Resources
2300 Jobean Road
Port Charlotte, Florida 32948

25. BREACH OF COVENANTS, TERMS, OR CONDITIONS: Should LESSEE breach any of the covenants, terms, or conditions of this lease, LESSORS shall give written notice to LESSEE to remedy such breach within sixty days of such notice. In the event LESSEE fails to remedy the breach to the satisfaction of LESSORS within sixty days of receipt of written notice, LESSORS may either terminate this lease and recover from LESSEE all damages LESSORS may incur by reason of the breach

including, but not limited to, the cost of recovering the leased premises and attorneys' fees or maintain this lease in full force and effect and exercise all rights and remedies herein conferred upon LESSORS.

26. DAMAGE TO THE PREMISES: (a) LESSEE shall not do, or suffer to be done, in, on or upon the leased premises or as affecting said leased premises or adjacent properties, any act which may result in damage or depreciation of value to the leased premises or adjacent properties, or any part thereof. (b) LESSEE shall not generate, store, produce, place, treat, release or discharge any contaminants, pollutants or pollution, including, but not limited to, hazardous or toxic substances, chemicals or other agents on, into, or from the leased premises or any adjacent lands or waters in any manner not permitted by law. For the purposes of this lease, "hazardous substances" shall mean and include those elements or compounds defined in 42 USC Section 9601 or which are contained in the list of hazardous substances adopted by the United States Environmental Protection Agency (EPA) and the list of toxic pollutants designated by the United States Congress or the EPA or defined by any other federal, state or local statute, law, ordinance, code, rule, regulation, order, or decree regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic or dangerous waste, substance, material, pollutant or contaminant. "Pollutants" and "pollution" shall mean those products or substances defined in Chapters 376 and 403, Florida Statutes, and the rules promulgated thereunder, all as amended or updated from time to time. In the event of LESSEE'S failure to comply with this paragraph, LESSEE shall, at its sole cost and expense, promptly commence and diligently pursue any legally required closure, investigation, assessment, cleanup, decontamination, remediation, restoration and monitoring of (1) the leased premises, and (2) all off-site ground and surface waters and lands affected by LESSEE'S failure to comply, as may be necessary to bring the leased premises

and affected off-site waters and lands into full compliance with all applicable federal, state or local statutes, laws, ordinances, codes, rules, regulations, orders, and decrees, and to restore the damaged property to the condition existing immediately prior to the occurrence which caused the damage. LESSEE'S obligations set forth in this paragraph shall survive the termination or expiration of this lease. This paragraph shall not be construed as a limitation upon the obligations or responsibilities of LESSEE as set forth herein. Nothing herein shall relieve LESSEE of any responsibility or liability prescribed by law for fines, penalties and damages levied by governmental agencies, and the cost of cleaning up any contamination caused directly or indirectly by LESSEE'S activities or facilities. Upon discovery of a release of a hazardous substance or pollutant, or any other violation of local, state, or federal law, ordinance, code, rule, regulation, order or decree relating to the generation, storage, production, placement, treatment, release, or discharge of any contaminant, LESSEE shall report such violation to all applicable governmental agencies having jurisdiction, and to LESSORS, all within the reporting periods of the applicable governmental agencies.

27. ENVIRONMENTAL AUDIT: At LESSORS' discretion, LESSEE shall provide LESSORS with a current Phase I environmental site assessment conducted in accordance with the State of Florida Department of Environmental Protection, Division of State Lands' standards prior to termination of this lease, and if necessary a Phase II environmental site assessment.

28. SURRENDER OF PREMISES: Upon termination or expiration of this lease, LESSEE shall surrender the leased premises to LESSORS. In the event no further use of the leased premises or any part thereof is needed, LESSEE shall give written notification to LESSORS and the Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection, Mail Station 130, 3800 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, at least

six months prior to the release of any or all of the leased premises. Notification shall include a legal description, this lease number, and an explanation of the release. The release shall only be valid if approved by LESSORS through the execution of a release of lease instrument with the same formality as this lease. Upon release of all or any part of the leased premises or upon termination or expiration of this lease, all improvements, including both physical structures and modifications to the leased premises shall become the property of LESSORS, unless LESSORS give written notice to LESSEE to remove any or all such improvements at the expense of LESSEE. The decision to retain any improvements upon termination or expiration of this lease shall be at LESSORS' sole discretion. Prior to surrender of all or any part of the leased premises a representative of the Division of State Lands, State of Florida Department of Environmental Protection shall perform an on-site inspection and the keys to any building on the leased premises shall be turned over to the State of Florida Department of Environmental Protection, Division of State Lands. If the improvements do not meet all conditions as set forth in paragraphs 19 and 35 herein, LESSEE shall pay all costs necessary to meet the prescribed conditions.

29. BEST MANAGEMENT PRACTICES: LESSEE shall implement applicable Best Management Practices for all activities conducted under this lease in compliance with paragraph 18-2.018(2)(h), Florida Administrative Code, which have been selected, developed, or approved by LESSORS or other land managing agencies for the protection and enhancement of the leased premises.

30. PROHIBITIONS AGAINST LIENS OR OTHER ENCUMBRANCES: Fee title to the leased premises is held by LESSORS. LESSEE shall not do or permit anything to be done which purports to create a lien or encumbrance of any nature against the real property contained in the leased premises including, but not limited to, mortgages or construction liens against the leased premises or against any interest of LESSORS therein.

31. PARTIAL INVALIDITY: If any term, covenant, condition or provision of this lease shall be ruled by a court of competent jurisdiction, to be invalid, void, or unenforceable, the remainder shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

32. ARCHAEOLOGICAL AND HISTORIC SITES: Execution of this lease in no way affects any of the parties' obligations pursuant to Chapter 267, Florida Statutes. The collection of artifacts or the disturbance of archaeological and historic sites on state-owned lands is prohibited unless prior authorization has been obtained from the State of Florida Department of State, Division of Historical Resources. The Land Use Plan prepared pursuant to Chapter 18-2, Florida Administrative Code, shall be reviewed by the Division of Historical Resources to insure that adequate measures have been planned to locate, identify, protect and preserve the archaeological and historic sites and properties on the leased premises.

33. SOVEREIGNTY SUBMERGED LANDS: This lease does not authorize the use of any lands located waterward of the mean or ordinary high water line of any lake, river, stream, creek, bay, estuary, or other water body or the waters or the air space thereabove.

34. ENTIRE UNDERSTANDING: This lease sets forth the entire understanding between the parties and shall only be amended with the prior written approval of LESSORS.

35. MAINTENANCE OF IMPROVEMENTS: LESSEE shall maintain the real property contained within the leased premises and any improvements located thereon, in a state of good condition, working order and repair including, but not limited to, removing all trash or litter, maintaining all planned improvements as set forth in the approved Land Use Plan, and meeting all building and safety codes. LESSEE shall maintain any and all existing roads, canals, ditches, culverts, risers and the like in as good condition as the same may be on the effective date of this lease.

36. GOVERNING LAW: This lease shall be governed by and interpreted according to the laws of the State of Florida.

37. SECTION CAPTIONS: Articles, subsections and other captions contained in this lease are for reference purposes only and are in no way intended to describe, interpret, define or limit the scope, extent or intent of this lease or any provisions thereof.

38. ADMINISTRATIVE FEE: LESSEE shall pay Board of Trustees an annual administrative fee of \$300 pursuant to subsection 18-2.020(8), Florida Administrative Code. The initial annual administrative fee shall be payable within thirty days from the date of execution of this lease agreement and shall be prorated based on the number of months or fraction thereof remaining in the fiscal year of execution. For purposes of this lease agreement, the fiscal year shall be the period extending from July 1 to June 30. Each annual payment thereafter shall be due and payable on July 1 of each subsequent year.

39. SPECIAL CONDITIONS: The following special conditions shall apply to this lease:

1. LESSEE shall construct a two-lane boat ramp facility (15' each lane) that can serve up to 70 boats and trailers at a time. The facility shall provide up to 30 parking spaces for cars without boat trailers and composting-type restrooms. No fish cleaning or car wash-down facilities shall be provided.

2. The boat ramp facility shall be open to public 24 hours a day, seven days a week.

3. LESSEE shall issue five passes to the State of Florida Department of Environmental Protection (DEP) and the Southwest Florida Water Management District (SWFWMD) granting perpetual free access to all county operated boat ramps. LESSEE shall provide keys to State of Florida Department of Environmental Protection, Department of Recreation and Parks (DRP), and SWFWMD for all gates and entrances to the boat ramp facility.

4. LESSEE shall implement best management and "Clean Marina" practices for all activities conducted on the leased premises and shall install aesthetically pleasing native plant landscaping buffers.

5. LESSEE shall be responsible for repair and maintenance of the access road to the boat ramp.

6. LESSEE shall remove exotic plants from the leased premises and from areas lying within 25 feet of the edge of the access road, and ensure that these areas remain exotic-free by treating new growth and re-growth.

7. LESSEE shall provide adequate opportunity for DRP and the State of Florida Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas (OCAMA) to review and approve all design, construction and landscaping plans for the boat ramp facility, including any navigation channels required, and all criteria for boats using the premises (such as draft restrictions) prior to beginning construction.

8. LESSEE shall designate and post an enforceable "no internal combustion engine zone" from shore to shore within the lagoon area of the Myakka River near the boat ramp facility and north of the entrance channel.

9. LESSEE shall develop a stormwater management design that includes parameters for maintaining or improving water quality, water quantity and timing in the receiving waters, as well as a treatment area for stormwater runoff from the parking site.

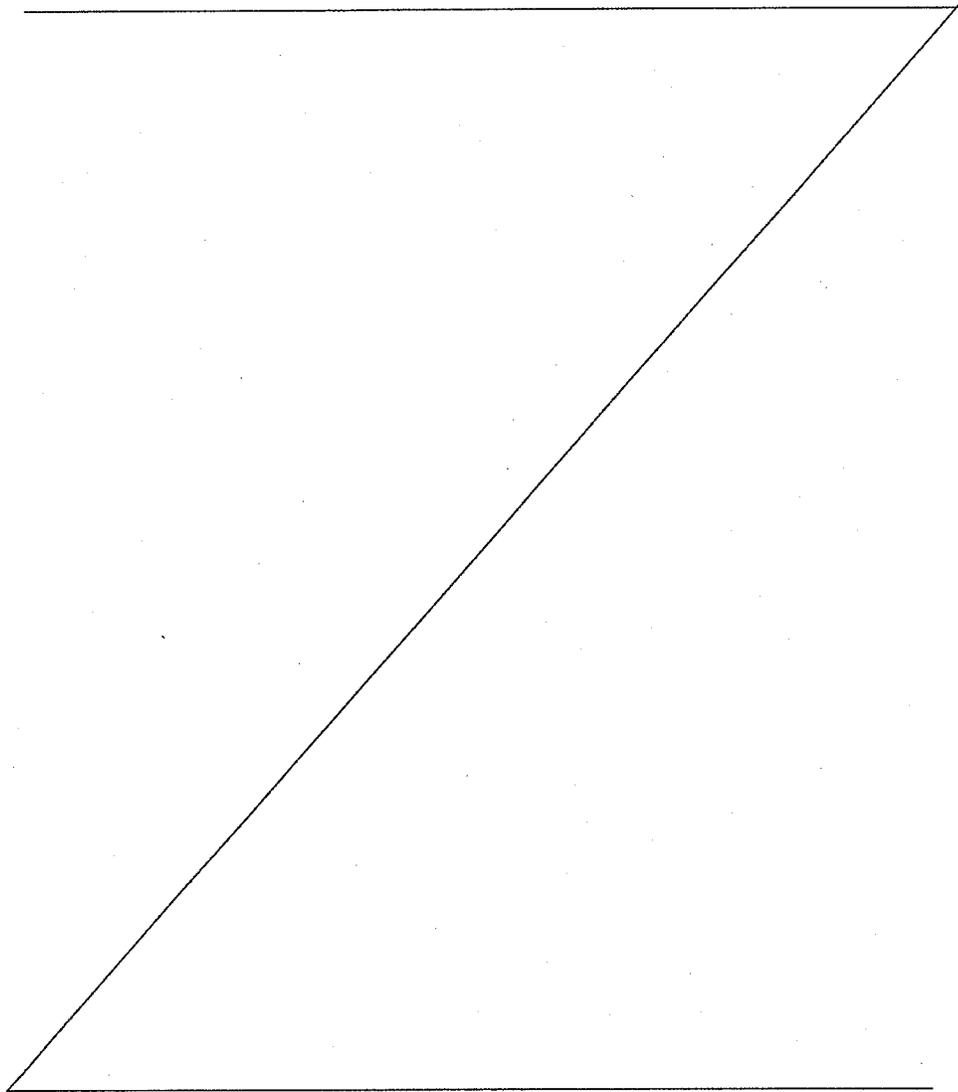
10. LESSEE shall develop a site-specific manatee protection plan for the man-made basin where the boat ramp facility shall be constructed and that portion of the Myakka River depicted in Exhibit "B". The protection plan shall be subject to review and approval by DRP and OCAMA.

10. DRP, OCAMA and Florida Fish and Wildlife Conservation Commission shall be permitted to construct and maintain an environmental educational kiosk near the boat ramp facility on a site

to be determined by mutual agreement. LESSEE, DRP, OCAMA and the Southwest Florida Water Management District (SWFWMD) shall jointly develop a signage plan that includes the educational kiosk and all other signage at the boat ramp facility.

11. LESSEE shall provide signs to identify the boundaries of the newly restored areas of the Charlotte Harbor Preserve State Park adjacent to the leased premises and shall install exclusion devices to route boats away from these areas.

12. Any modifications to this lease shall be reviewed and approved by the DRP, SWFWMD and OCAMA prior to Trustees' approval.



IN WITNESS WHEREOF, the parties have caused this lease to be executed on the day and year first above written.

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

Robert Smith
Witness
Rosam J. Smith
Print/Type Name
Judy Woodard
Witness
Judy Woodard
Print/Type Name

By: Gloria C. Barber (SEAL)
GLORIA C. BARBER, OPERATIONS AND MANAGEMENT CONSULTANT MANAGER
BUREAU OF PUBLIC LAND ADMINISTRATION, DIVISION OF STATE LANDS, STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

"LESSOR"

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 22nd day of July, 2008, by Gloria C. Barber, as Operations and Management Consultant Manager, Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. She is personally known to me.

Sylvia S. Roberts
Notary Public, State of Florida

Print/Type Notary Name

Commission Number:

Commission Expires:

Approved as to Form and Legality

By: [Signature]
DEP Attorney



SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: Bruce C. Wittel (SEAL)
Dave Moore
Executive Director

Dianna M Brass
WITNESS

Dianna M Brass
PRINT/TYPE WITNESS NAME

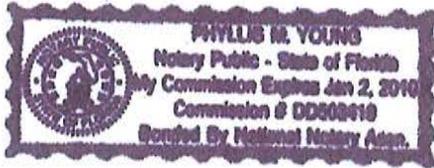
Gina Sowers
WITNESS

Gina Sowers
PRINT/TYPE WITNESS NAME

"LESSOR"

STATE OF FLORIDA
COUNTY OF Hernando

The foregoing instrument was acknowledged before me this 21st day of July 2009, by Bruce C. Wittel acting as agent for and on behalf of the Governing Board of the Southwest Florida Water Management District. He/She is personally known to me or has produced _____ as identification.



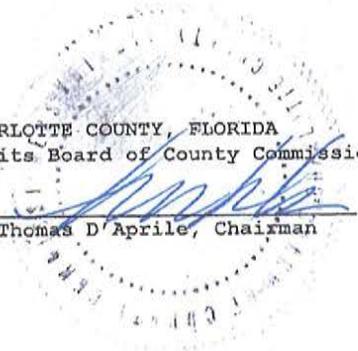
Phyllis M. Young
Notary Public, State of Florida
PHYLLIS M. YOUNG
Print/Type Notary Name

Commission Number: DD 50348
Commission Expires: 1/2/2010

Approved as to Form and Legality
By: Karen West
Karen West
SWFWMD Attorney

CHARLOTTE COUNTY, FLORIDA
By its Board of County Commissioners

By: [Signature]
Thomas D'Aprile, Chairman



(OFFICIAL SEAL)

Witness

Print/Type Name

Witness

Print/Type Name

Attest:

Barbara I. Scott, Clerk of
Circuit Court and Ex-officio
Clerk of the Board of County
Commissioners

By: [Signature]
Deputy Clerk 11-12-08

ATTEST: _____
County Administrator and Ex-Officio
Clerk of the Board of County
Commissioners of Charlotte
County

"LESSEE"

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 12th
day of November 2008, by Thomas D' Aprile, as Chairman and
_____ as _____, respectively on behalf of the
Board of County Commissioners of Charlotte County, Florida. He is
personally known to me.

Notary Public, State of Florida

Print/Type Notary Name

Commission Number:

Commission Expires:

Approved to Form and Legality

By: [Signature]
Janette S. Knowlton DR LR 2008-188
County Attorney

EXHIBIT "A"

LEGAL DESCRIPTION OF THE LEASED PREMISES

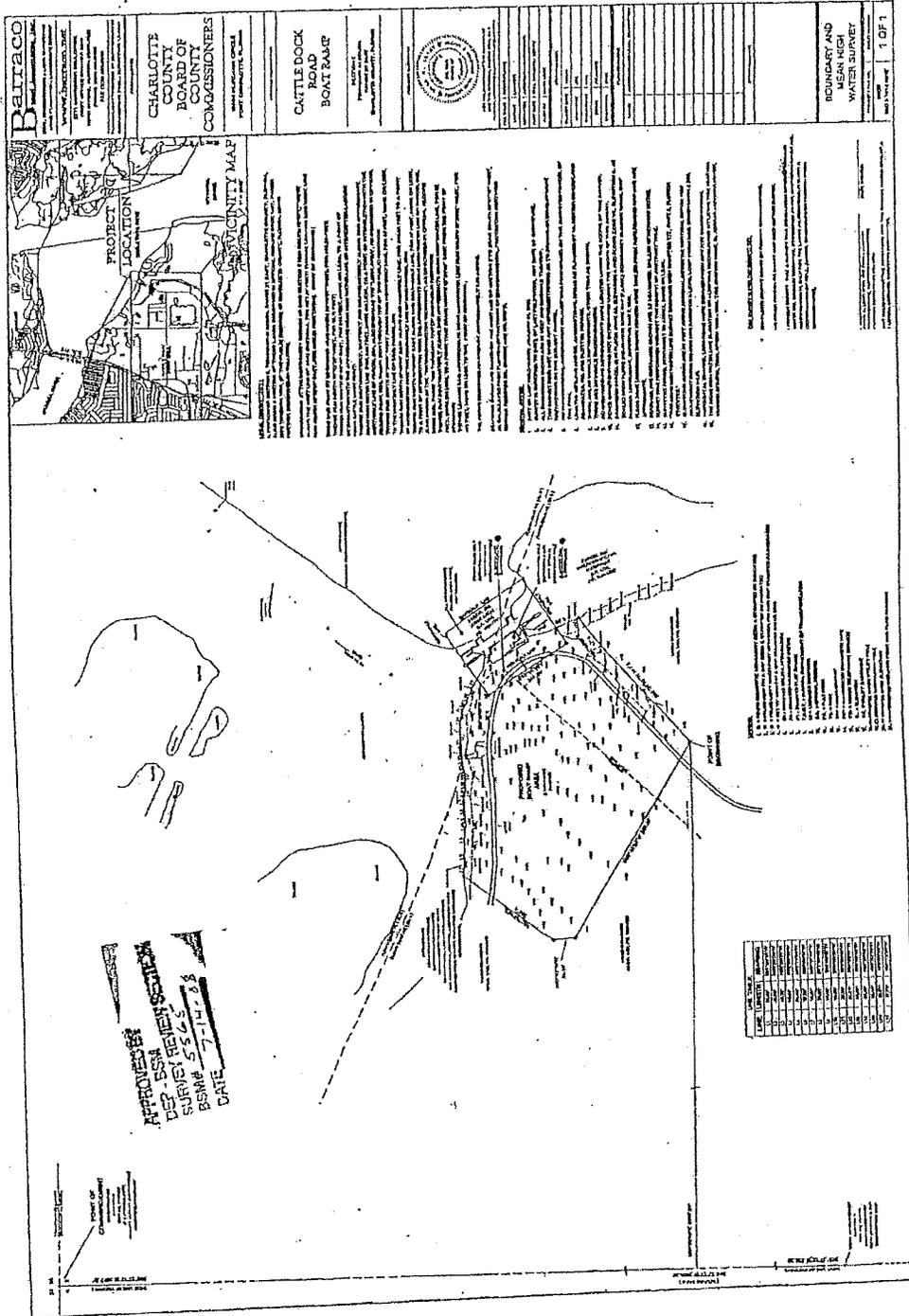
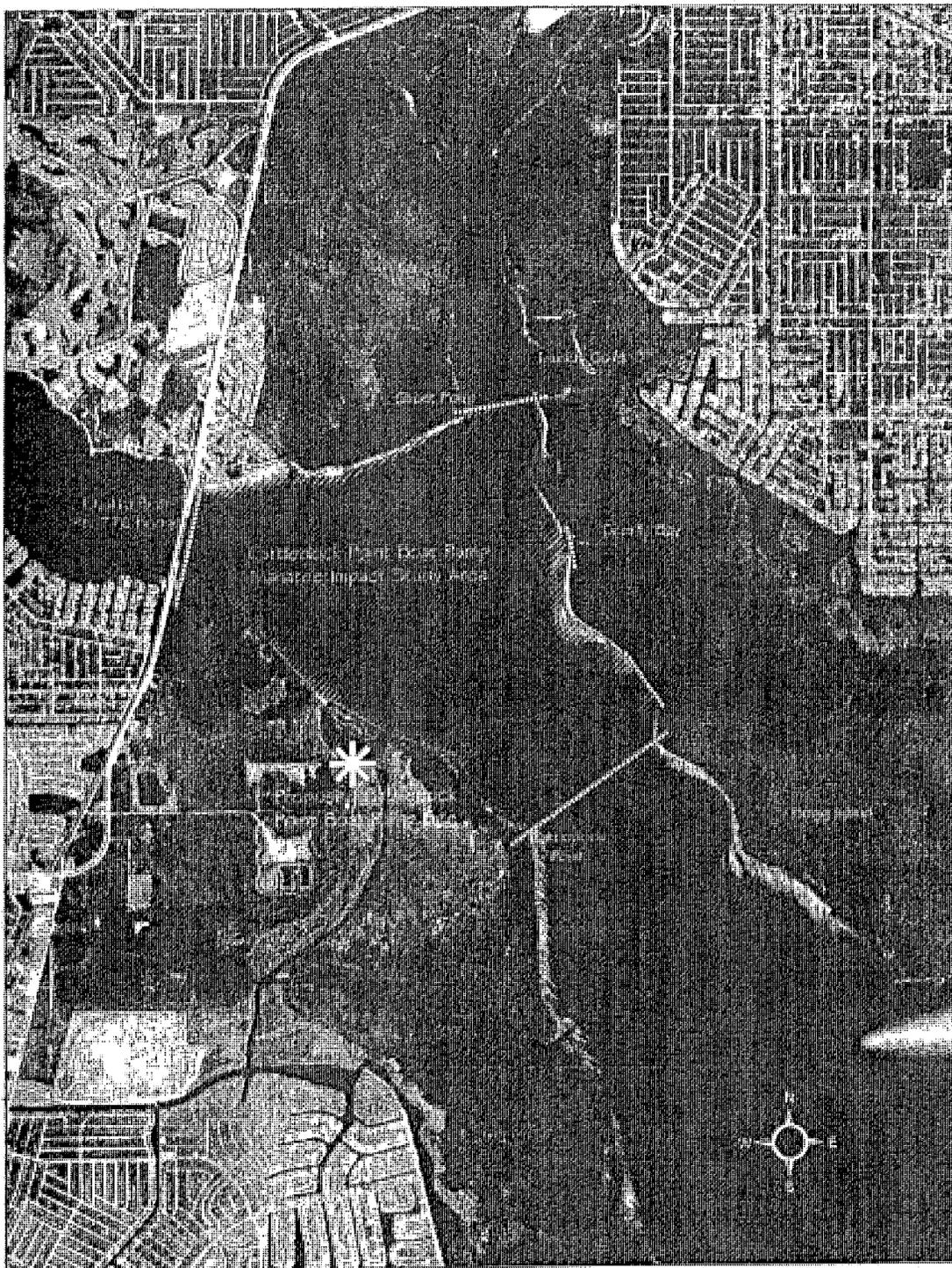


EXHIBIT "B"



CATTLEDOCK BOAT RAMP AND PARK

Written Narrative Statement

The Cattle Dock Boat Ramp and Park is a proposed public boat ramp facility located at 16200 Cattle Dock Point Road, Port Charlotte, Florida 33891. The account number associated with the property is 412103100001. The project boundary is +/- 7.09 acres in area and average existing elevations onsite vary between 1.7' NGVD and 14.0' NGVD; a boundary survey of the property is collated to the site development plans enclosed herein as part of this submittal. The property is located at the east end of Cattle Dock Point Road and is adjacent to an interceptor lagoon discharging directly into the Myakka River; an aerial location map is enclosed herein as part of this submittal package. The property is currently undeveloped and moderately vegetated.

The property is jointly owned by the Internal Improvement Trust Fund of the State of Florida (IITF) and the Southwest Florida Water Management District (SWFWMD). Charlotte County has entered into a lease agreement with the owners, effective as of November 12, 2008 and ending on November 12, 2058, for the purpose of constructing, operating and maintaining the proposed boat ramp facility described herein.

The proposed facility shall consist of two (2) concrete boat ramps, 15 feet wide and 60 feet in length, with accessory docks and structures, which will provide boat access to the Myakka River. The boat ramps shall be within a shared basin excavated to a depth of 4 feet below the mean low water (MLLW) elevation, and shall be reinforced at the base of the ramps by proposed concrete matting. Parking to the facility shall be provided onsite and shall consist of 70 parking spaces sufficient in length to accommodate vehicles with trailers, as well as 30 standard parking spaces. Access to the facility will be via the existing Cattle Dock Point Road. There is an existing gravel access to a Charlotte County Boat Lock located adjacent to the property which will remain. Detailed site development plans are enclosed herein as part of this submittal package for preliminary review and comment.

An Environmental Resource Permit (ERP) has been obtained from the Florida Department of Environmental Protection (FDEP) authorizing the activities proposed, a copy of which is enclosed herein. Approval from the Army Corp of Engineers (ACOE) is still pending at this time. The project will impact 0.03 acres of mangrove habitat and will also require the dredging of approximately 780 square feet of sovereign submerged lands in order to construct the proposed facilities; these impacts are offset through the purchase of forested saltwater mitigation credits. The proposed facility shall have a surface water management system, wherein any onsite surface water runoff shall be conveyed into a dry retention system to satisfy water quality treatment and storage requirements. A control structure is located within the dry retention system which outfalls into the interceptor lagoon.

The project shall include an onsite restroom facility for patrons to utilize. There are no potable water or wastewater facilities within a reasonable proximity of the project, so several alternative

systems are currently being considered. A well will be utilized to provide water to the facility, if needed. The restroom facility will be located within Flood Zone AE 8 as designated by the Florida Emergency Management Agency (FEMA) and therefore will be constructed at or above the flood zone elevation in accordance with FEMA requirements.

The project will include all necessary landscaping so as to be in compliance with Charlotte County requirements. In addition, all landscaping shall be 100 percent native and shall require no irrigation once established. The proposed landscape plans are collated to the site development plans enclosed herein for preliminary review and comment.

The project is currently intended to be a 24 hour facility, and as such, lighting is proposed for the parking lot as well as all onsite facilities. It is intended that the lighting system will function entirely off of solar energy, however existing electric facilities owned by Florida Power and Light are onsite and shall remain, if needed for future use. The proposed site lighting plans are collated to the site development plans enclosed herein for preliminary review and comment.