

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: November 16, 2011

Division: Growth Management

Bulk Item: Yes  No

Department: Planning & Environmental Resources

Staff Contact Person/Phone #: Christine Hurley 289-2517  
Pedro Mercado 295-3173 & Steven Biel 453-8732

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**AGENDA ITEM WORDING:** A public hearing to consider approval of a resolution renouncing and disclaiming any right of the County and the public in and to the entire rights-of-way of Towhee Lane, Pelican Lane, Heron Drive, Flamingo Drive, and Limpkan Lane, as shown on Page 2 of the plat map of Boca Chica Ocean Shores, Geiger Key, Monroe County, Florida as recorded in Plat Book 5, Page 49 of the Public Records of Monroe County, Florida.

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**ITEM BACKGROUND:** The petitioner, the United States of America, has requested abandonment of the above-referenced rights-of-way in order to form an area of contiguous land ownership by the federal government to use as an environmental mitigation site for wetland reclamation/restoration projects.

The petitioner has prepared a Grant of Easement that is being held in escrow by the county pending resolution to this abandonment request. The Grant of Easement is a perpetual non-exclusive 20-foot easement to install, service, and maintain utility lines and services and to provide access to a single-family residence on Lots 1 and 2 of Block 15. The proposed easement is the current access for the single-family residence; therefore, there will be no need to construct a new access.

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**PREVIOUS RELEVANT BOCC ACTION:** At the June 15, 2011 BOCC meeting, the BOCC approved Resolution No. 170-2011 setting a public hearing for October 19, 2011 in Key West for this request.

October 19, 2011 – BOCC Continued item to the November 16<sup>th</sup> BOCC meeting in Key Largo to explore granting of license by the Navy for public access.

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**CONTRACT/AGREEMENT CHANGES:** The petitioner has prepared a Grant of Easement, which is being held in escrow by the County pending resolution of this abandonment request. The Grant of Easement is a perpetual, non-exclusive, 20-foot easement to install, service, and maintain utility lines and services and to provide access to the Lockamy property (Lots 1 and 2 of Block 15).

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**STAFF RECOMMENDATIONS:** Approval of resolution. Board of County Commissioners should evaluate Towhee Lane in relation to Section 19-1(a)(3) Monroe County Code.

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**TOTAL COST:** N/A    **INDIRECT COST:** N/A    **BUDGETED:** Yes  No N/A  
**DIFFERENTIAL OF LOCAL PREFERENCE:** N/A  
**COST TO COUNTY:** N/A    **SOURCE OF FUNDS:** N/A  
**REVENUE PRODUCING:** Yes  No N/A    **AMOUNT PER MONTH** N/A    **Year** \_\_\_\_\_

**APPROVED BY:** County Atty  OMB/Purchasing \_\_\_\_\_ Risk Management \_\_\_\_\_

**DOCUMENTATION:** Included  Not Required \_\_\_\_\_

**DISPOSITION:** \_\_\_\_\_ **AGENDA ITEM #** \_\_\_\_\_

**RESOLUTION NO. -2011**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY RENOUNCING AND DISCLAIMING ANY RIGHT OF THE COUNTY AND THE PUBLIC IN AND TO ENTIRE RIGHTS-OF-WAY OF TOWHEE LANE, PELICAN LANE, HERON LANE, FLAMINGO DRIVE, AND LIMPKAN LANE AS SHOWN ON PAGE 2 (SHEET 2) OF THE PLAT MAP OF BOCA CHICA OCEAN SHORES, GEIGER KEY, MONROE COUNTY, FLORIDA IN PLAT BOOK 5, PAGE 49 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

**WHEREAS**, the Board of County Commissioners of Monroe County, Florida, desires to renounce and disclaim any right of the County and the public in and to the hereinafter streets, alley-ways, roads or highways,

**WHEREAS**, due notice has been published and a public hearing has been held in accordance with Chapter 336, Florida Statutes; and

**WHEREAS**, at said public hearing the Board considered the argument of all parties present wishing to speak on the matter, and considered the renouncing and disclaiming of any right of the County and public in and to the hereinafter described streets, alley-ways, roads, or highways as delineated on the hereinafter described map or plat: and

**WHEREAS**, the Board has determined that vacation of the said road is for the general public welfare, and conforms to the requirement of Florida Statute Sections 336.09 and 336.10; and

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA**, that it hereby renounces and disclaims any right of the County and public in and to the following described streets, alley-ways, roads, or highways as delineated on the hereinafter described map or plat, to-wit:

*“The entire platted rights-of-way of Towhee Lane, Pelican Lane, Heron Lane, Flamingo Drive, and Limpkan Lane, all as shown on Page 2 (Sheet 2) of the plat map of Boca Chica Ocean Shores, Geiger Key, Monroe County, Florida according to the Plat thereof, as recorded in Plat Book 5, Page 49 of the Public Records of Monroe County, Florida.”*

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of the Board held on the \_\_\_\_ day of \_\_\_\_\_; 2011

**Mayor Heather Carruthers**  
**Mayor Pro Tem David Rice**  
**Commissioner Kim Wigington**  
**Commissioner George Neugent**  
**Commissioner Sylvia J. Murphy**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(SEAL)  
**ATTEST: DANNY L. KOLHAGE, CLERK**

**BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA**

By \_\_\_\_\_  
**Deputy Clerk**

By \_\_\_\_\_  
**Mayor Heather Carruthers**

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM  
*[Signature]*  
Date: 10-4-11



**MEMORANDUM**

Monroe County Planning & Environmental Resources Department  
We strive to be caring, professional and fair

To: Monroe County Board of County Commissioners  
From: Steven Biel, Senior Planner  
Through: Christine Hurley, AICP, Director of Growth Management  
Townasley Schwab, Sr. Director of Planning & Environmental Resources  
Date: October 4, 2011

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**BOCC Meeting: October 19, 2011 (public hearing)**

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**REQUEST:** The petitioner, the United States of America, has requested abandonment of the entire platted rights-of-way of Towhee Lane, Pelican Lane, Heron Drive, Flamingo Drive, and Limpkan Lane in Boca Chica Ocean Shores subdivision, Geiger Key, in order to form an area of contiguous land ownership by the federal government to use as an environmental mitigation site for wetland reclamation/restoration projects.

At the June 15, 2011 BOCC meeting, the BOCC approved Resolution No. 170-2011 setting a public hearing for October 19, 2011 in Key West.

**REVIEW:** In 1990, Resolution No. 334-1990 was approved by the BOCC for the abandonment of Osprey Lane, Townee Lane (should have been Towhee Lane), Pelican Lane, Geiger Road, Heron Drive, Flamingo Drive, Limpkan Lane. Due to procedural issues involving the proof of publication for the continuance of the initial public hearing and the publication of the adoption notice, the resolution has become void. The petitioner has not been able to provide this documentation nor has the County been able to locate this information. Since these documents have not been submitted to the County as of this date, the petitioner has to proceed with this current abandonment application.

During the summer of 2007, the Navy's consultant, Mr. Robert Taylor, met with Judith Clarke to discuss the process for abandoning the undeveloped Pelican Lane right-of-way. The Navy was doing a mitigation project and the Pelican Lane right-of-way was in the middle of the parcel where it proposed to do the mitigation. It was pointed out to Mr. Taylor that as part of the abandonment the Navy would have to grant an easement to the property owner of RE No. 00143100.000000, which has a single-family residence on the property, because even though the owner was currently accessing his home across Navy land, if the County abandoned the Pelican Lane right-of-way it would officially eliminate all public access to the parcel. In order to address this problem, the solution the Navy proposed was to convey two parcels abutting County right of way to the County for use as public access to the single family residence.

1 In November 2007, the issue of this residence connecting to wastewater was discussed with the  
2 County. The residence is located in the Big Coppitt hot spot area but technically does not abut  
3 county right-of-way. One solution for the residence connecting to wastewater was to get an  
4 easement from the Navy since the FKAA wasn't going to run a line down the undeveloped  
5 Pelican Lane right-of-way due to cost and the clearing of the right-of-way. The only other  
6 option was to install an onsite system.

7  
8 As the discussions progressed, the County made it clear that the County's interest would best be  
9 served if the Navy, rather than conveying the 2 lots it had proposed, would simply provide an  
10 easement for the driveway currently in existence. Upon review of the aerial maps and research  
11 of the County's property records showing that the Navy owned all of the remaining parcels in the  
12 subdivision, it also became apparent that the County could further reduce its liability exposure if  
13 the Navy included the remaining roads in the subdivision in its request. The County staff  
14 thereafter indicated it would be supportive of the abandonment of Pelican Lane as well as the rest  
15 of the platted rights-of-way under consideration under this petition due to reducing liability to the  
16 County.

17  
18 This petition has been reviewed by County staff and written recommendations of no objection  
19 were received from Monroe County Engineering Services, Fire Marshal, Code Compliance, and  
20 the Monroe County Sheriff's Office.

21  
22 The rights-of-way being requested for abandonment are platted rights-of-way that have not been  
23 constructed. All platted lots that would be affected by this road abandonment request are owned  
24 by the United States of America with the exception of one lot identified as real estate number  
25 00143100.000000.

26  
27 A conditional letter of no objection letter was received from the owner (Jack Lockamy) of a  
28 single-family residence, identified as real estate number 00143100.000000 and legally described  
29 as Block 15, Lots 1 & 2, Boca Chica Ocean Shores (PB5-49), Geiger Key, Monroe County,  
30 Florida. The petitioner has prepared a Grant of Easement, which is being held in escrow by the  
31 County pending resolution to this abandonment request. The Grant of Easement is a perpetual,  
32 non-exclusive, 20-foot easement to install, service, and maintain utility lines and services and to  
33 provide access to the Lockamy property (Lots 1 and 2 of Block 15). The proposed easement is  
34 the current access for the single-family residence; therefore, there will be no need to construct a  
35 new access.

36  
37 Only one of the platted rights-of-way (Towhee Lane) being requested for abandonment would  
38 preclude a way for the public to maintain access to open water. However, it should be noted that  
39 the location where the right-of-way meets water, which provides a way for the public to maintain  
40 access to open water, has a unique situation. This water is actually located above the "platted  
41 lot" the Navy owns, via the plat and it was dredged years ago. The Navy purchased all the lots  
42 that would be affected by this abandonment petition in the early 1980s with the exception of the  
43 lot with the single-family residence (RE No. 00143100.000000).

44  
45 Monroe County Code Section 19-1 - Abandonment of rights-of-way states:  
46

1 (a) No dedicated and accepted right-of-way in the county shall be abandoned where:

2 (1) the right-of-way terminates on a body of open water; or

- 3 • **The Towhee Lane platted right-of-way, as shown on Exhibit 1, does**  
4 **not terminate on an open body of water; however, it does terminate on**  
5 **a canal that leads to open water (identified as #1 on Exhibit 1). This**  
6 **property is owned by the Navy, which also owns the platted bay**  
7 **bottom lots.**
- 8 • **The Flamingo Drive platted right-of-way, as shown on Exhibit 1, was**  
9 **dredged at some point between 1989 and 1992, creating two canals**  
10 **that traverse Flamingo Drive (identified on Exhibit 1 as #2 & #3).**  
11 **This does not create an instance where the right-of-way ends in open**  
12 **water. The right-of-way crosses two points of the canals that lead to**  
13 **open water but do not end in open water. Since the Navy owns the lots**  
14 **that were excavated, it would also own the bay bottom that was**  
15 **created. Based on the plat, there is no way for the public to get to the**  
16 **area where the right-of-way meets the water. Therefore, there is no**  
17 **access to public land on open water.**

18  
19 (2) the right-of-way provides access to the public to land on open water; or

- 20 • **None of the platted rights-of-way being requested for**  
21 **abandonment terminate on a body of open water.**

22  
23 (3) the abandonment would preclude a way for the public to maintain access to  
24 the water.

- 25 • **The requested abandonment of the platted right-of-way of Towhee**  
26 **Lane abuts a body of water that may provide access to the public**  
27 **of a dredged area where a previously platted lot once existed,**  
28 **which has been dredged.**

29  
30 (b) In all other cases of abandonment, no right-of-way shall be abandoned unless there is  
31 an agreement to do so by all affected property owners. For purposes of this  
32 subsection, an affected property owner is the owner of property which, if the right-of-  
33 way is abandoned, will:

34 (1) Have access that is currently used by that property owner eliminated;

- 35 • **As noted above, a conditional letter of no objection letter was**  
36 **received from the owner (Jack Lockamy) of a single-family**  
37 **residence, identified as real estate number 00143100.000000.**

38  
39 (2) Have the only platted access eliminated;

- 40 • **The petitioner has prepared a Grant of Easement, which is being**  
41 **held in escrow by the County pending resolution to this**  
42 **abandonment request. The Grant of Easement is a perpetual, non-**  
43 **exclusive, 20-foot easement to install, service, and maintain utility**  
44 **lines and services and to provide access to the Lockamy property**  
45 **(Lots 1 and 2 of Block 15). The proposed easement is the current**

1                    **access for the single-family residence; therefore, there will be no**  
2                    **need to construct a new access.**

3  
4                    (4) Have the paved area adjacent to that property increased for turn-around  
5                    purposes; or

- 6                    • **There are no paved areas adjacent to the Lockamy property and**  
7                    **there are no proposed plans for a turn-around.**

8  
9                    (5) Be increased in size.

- 10                    • **There would be no increase in size.**

11                    (c) A road may be abandoned only at the terminal portion of the road and in its full width  
12                    unless the abandonment will comply with the County Code requirements for road,  
13                    turn-around, and fire-rescue access and one of the following circumstances exists:

14                    (1) An adjacent lot owner has on the platted right of way or within a setback a  
15                    substantial structure which predates the Special Session Law 59-1578  
16                    pertaining to maps, plats and right of way. The term “substantial structure”  
17                    specifically does not include wood or metal fences, sheds or tiki huts or other  
18                    items not listed which are accessory structures.

- 19                    • **Code Compliance has reviewed this request and did not note any**  
20                    **structures within the platted rights-of-way.**

21  
22                    (2) The abandonment is requested by a County department or governmental  
23                    agency for a public purpose.

- 24                    • **All of the platted rights-of way being requested for abandonment,**  
25                    **as well as all lots that could be accessed if the rights-of-way were**  
26                    **ever constructed, are owned by the United States of America. The**  
27                    **entire width and length of the rights-of-way are being requested**  
28                    **for abandonment. The reason for this request is to form an area of**  
29                    **contiguous land ownership by the federal government to use as an**  
30                    **environmental mitigation site for wetland reclamation/restoration**  
31                    **projects.**

32  
33                    (d) The board of county commissioners considers these a restriction on the rights of  
34                    individuals who desire to abandon properties in accordance with F.S. § 336.09.

- 35                    • **The petitioner meets the criteria above; therefore, there are no**  
36                    **restrictions on the rights of the United States of America.**

37  
38                    The requested abandonment of the entire platted rights-of-way of Towhee Lane, Pelican Lane,  
39                    Heron Drive, Flamingo Drive, and Limpkan Lane, as shown on Page 2 of the plat map of Boca  
40                    Chica Ocean Shores, Geiger Key, Monroe County, Florida and recorded in Plat Book 5, Page 49  
41                    of the Public Records of Monroe County, Florida meets the criteria cited above and is therefore  
42                    suitable for abandonment.

43  
44                    **RECOMMENDATION:** Approval of resolution. Board of County Commissioners should  
45                    evaluate Towhee Lane in relation to Section 19-1(a)(3) Monroe County Code.

**Exhibit 1**  
**Geiger Key Road Abandonments**  
**Areas where ROW traverses or abuts water**



 Geiger Key Road Abandonments  
 Geiger Key Road Easement

Prepared by:  
Department of the Navy  
NAVFAC SE  
Bldg. 903, Box 30  
Yorktown Ave.  
NAS Jacksonville, FL 32212

### GRANT OF EASEMENT

THIS Grant of Easement made this 2<sup>nd</sup> day of MAY, 2011 between the United States of America, herein called the Government, acting through the Department of the Navy, herein called the Grantor, and Monroe County, a political subdivision of the State of Florida, herein called the Grantee, whose address is 1100 Simonton Street, Key West, Florida, 33040.

WHEREAS, the Government owns all parcels which abut Towhee Land, Heron Drive, Flamingo Drive, and Limpkan Lane within Boca Chica Ocean Shores Subdivision; and

WHEREAS, the Government owns all but two parcels which abut Pelican Lane within Boca Chica Shores subdivision; and

WHEREAS, Lots 1 and 2 of Block 15 within the Boca Chica Shores Subdivision, which abut Pelican Lane, are privately owned; and

WHEREAS, the Government is willing to grant Monroe County an easement across its property to install, service, and maintain utility lines, and to provide public access to Lots 1 and 2 of Block 15, in exchange for Monroe County abandoning the dedicated, platted roads within Boca Chica Shores Subdivision to the Government; and

WHEREAS, the utility and public access easements will cross Lots 10 and 11 of Block 14, and Lot 15 of Block 15 (as further described in EXHIBIT A), which are owned by the Government; and

WHEREAS, the Secretary of the Navy has found that the granting of such easement on the terms and conditions hereinafter stated is not incompatible with the public interest;

NOW THEREFORE, this Grant of Easement witnesseth that, in consideration of abandonment of platted roads (specifically, Towhee Lane, Pelican Lane, Heron Drive, Flamingo Drive, and Limpkan Lane within the Boca Chica Ocean Shores Subdivision, Geiger Key, Monroe County, Key West, Florida) by the Grantee to the Government, the Government hereby grants to Monroe County and its successors and assigns, a perpetual non-exclusive easement to install, service, and maintain utility lines and services and to provide access to Lots 1 and 2 of Block 15, through that portion of the Government property hereinafter described, and as shown in Exhibits "A" and "B", attached hereto and made part hereof, together with all rights and privileges necessary or

convenient for the full enjoyment or use thereof for the aforesaid purpose, including the right of ingress and egress thereto and therefrom, along, under and across the said property:

A strip of land, 20 feet in width, lying and as shown in Exhibits "A" and "B", attached hereto and made part hereof 10.00 feet on both sides of the following described centerline, Commence at the Southeast corner of Lot 10, Block 14, Boca Chica Ocean Shores, according to the Plat thereof as recorded in Plat Book 5, Page 49 of the Public Records of Monroe County, Florida, thence bear N20°36'23"E for a distance of 10.04 feet to the Point of Beginning;

Thence bear N64°19'08"W for a distance of 192.66 feet;

Thence bear N75°52'44" W for a distance of 31.30 feet;

Thence bear S72° 04'27"W for a distance of 45.32 feet;

Thence bear N90°00'00" W 33.69 feet to a point on the Easterly boundary line of Lot 2, Block 15 of said Plat and the Point of Terminus.

Together with:

The sidelines of the above described strip of land shall be extended and shortened to terminate at East boundary lines of Lots 1 and 2, Block 15 and the East boundary line of Lot 10 Block 14, all in Boca Chica Ocean Shores Subdivision, according to the Plat thereof as recorded in Plat Book 5, Page 49 of the Public Records of Monroe County, Florida.

THIS EASEMENT is granted subject to the following terms and conditions:

1. All work in connection with the installation, service, and maintenance of the access and utility line easement and to provide access to Lots 1 and 2 of Block 15, shall be done without cost or expense to the Government and in accordance with plans approved in advance by the Commanding Officer, Naval Facilities Engineering Command Southeast, hereinafter referred to as the Commanding Officer.

2. All work shall cease and the Public Works Officer at Naval Air Station Key West shall be notified if any buried debris or hazardous material is encountered during the installation, service, and maintenance of the access and utility line easement with access to Lots 1 and 2 of Block 15.

3. The Grantee shall maintain the Premises in good condition at all times and shall promptly make all repairs thereto that may be necessary for the preservation of the condition of the Premises and the continued maintenance of the access and utility line easement with access to Lots 1 and 2 of Block 15.

4. The Grantee's rights hereunder shall be subject to such reasonable rules and regulations as may be prescribed by the Government to assure that the exercise of such rights will not interfere with Government activities at Naval Air Station Key West or with the secured Government perimeter at the Boca Chica Ocean Shores Subdivision.

5. Upon the termination of this easement all improvements installed or constructed shall become property of the U.S. Navy.

6. If at any future time, the Government determines that the access and utility line easement, or any portion thereof, unduly interferes with any of its activities, it shall have the right to terminate this easement, in whole or in part, to the extent necessary to eliminate such interference; Provided that, it shall convey to the Grantee, without charge, a substitute easement permitting the Grantee to relocate the easement or a portion thereof, on adjacent Government property, at the Grantor's cost and expense. The substitute easement shall contain the same terms and conditions as those of this easement, and shall bear the same expiration date, if any.

7. Grantee shall comply with all applicable Federal, State and Local laws, regulations, and standards that are or may become applicable to the Grantee's activities on the Premises.

8. Grantor shall not be responsible for the cost and expense for any environmental permits required for operations under this easement. Copies of all required operation permits shall be provided to the Public Works Officer at Naval Air Station Key West.

9. Grantee shall, to the extent allowed under Florida Statute §768.28, indemnify and hold harmless the Government from any costs, expenses, liabilities, fines or penalties resulting from discharges, emissions or spills arising from Grantee's occupancy, use or operation of the Easement or any other action by the Grantee giving rise to Government liability, civil or criminal, or responsibility under Federal, State or Local environmental laws. This provision shall survive the expiration or termination of this Easement, and the Grantee's obligations hereunder shall apply whenever Government incurs costs or liabilities for Grantee's actions. Nothing herein shall be construed as expanding any liability of Grantee beyond that provided in Florida Statute §768.28 relating to sovereign immunity.

10. Grantee shall, to the extent allowed under Florida Statute §768.28, indemnify and hold harmless the Government from and against all debts, claims, judgments, costs and expenses asserted by any person who is injured, or whose property is damaged as a result of or arising out of the use or occupancy of the Easement by Grantee or otherwise (excepting matters caused by the negligence or intentional act of the Government or its agents, employees, or contractors). Nothing herein shall be construed as expanding any liability of Grantee beyond that provided in Florida Statute §768.28 relating to sovereign immunity.

11. All or any part of the easement may be terminated upon failure by the Grantee to comply with any of its terms and conditions, upon abandonment of the rights granted herein, or upon non-use of such rights for a period of two consecutive years.

12. The Government may use the Premises of this easement for any purpose that does not unreasonably interfere with the use and enjoyment by the Grantee of the rights granted by this easement.

IN WITNESS WHEREOF, the United States of America, acting through the Department of the Navy, has caused this instrument to be executed the day and year written first above.

WITNESS:

UNITED STATES OF AMERICA

By: Department of the Navy

Robin McCarthy  
Printed Name

By [Signature]  
Timothy T. Yonce  
Real Estate Contracting Officer

[Signature]  
Signature

STATE OF FLORIDA    )  
                                  )  
COUNTY OF DUVAL    )

ACKNOWLEDGEMENT

PERSONALLY appeared before me Nancy J. Silverstein, who being duly sworn, says that She saw the within named Timothy T. Yonce sign and seal the foregoing Grant of Easement, on behalf of the United States of America, and that \_\_\_\_\_ with Robin McCarthy, witnessed the execution thereof.

[Signature]

Sworn to before me this 2 day of May, 2011.  
N/A, Notary Public for the State of Florida



[Signature]  
My commission expires: 6/27/2011

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM  
[Signature]  
Date: 10-4-11



**RESOLUTION NO. 170-2011**

A RESOLUTION SETTING THE DATE, TIME, AND PLACE FOR A PUBLIC HEARING CONCERNING THE PROPOSED ABANDONMENT OF THE ENTIRE RIGHTS-OF-WAY OF TOWHEE LANE, PELICAN LANE, HERON LANE, FLAMINGO DRIVE, AND LIMPKAN LANE AS SHOWN ON SHEET 2 OF THE PLAT MAP OF BOCA CHICA OCEAN SHORES, GEIGER KEY, MONROE COUNTY, FLORIDA IN PLAT BOOK 5, PAGE 49 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

**WHEREAS**, the Board of County Commissioners of Monroe County, Florida, has received a petition to renounce and disclaim any right of the County and the public in and to the hereinafter streets, alley-ways, roads or highways; and

**WHEREAS**, under Chapter 336, Florida Statutes, it is necessary to hold a public hearing after publishing due notice of said hearing in accordance with said Chapter;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA**, that the Board will hold a public hearing on **October 19, 2011, at 3:00 P.M. at the Harvey Government Center, 1200 Truman Avenue 2<sup>nd</sup> Floor, Key West, Florida**, to determine whether or not the Board will renounce and disclaim any right of the County and the public in and to the following described streets, alley-ways, roads, or highways as delineated on the hereinafter described map or plat, to-wit:

*"The entire platted rights-of-way of Towhee Lane, Pelican Lane, Heron Lane, Flamingo Drive, and Limpkan Lane, all as shown on Page 2 of the plat map of Boca Chica Ocean Shores, Geiger Key, Monroe County, Florida according to the Plat thereof, as recorded in Plat Book 5, Page 49 of the Public Records of Monroe County, Florida."*

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of the Board held on the 15<sup>th</sup> day of June, 2011

**Mayor Heather Carruthers**  
**Mayor Pro Tem David Rice**  
**Kim Wigington**  
**George Neugent**  
**Sylvia J. Murphy**

Yes  
Yes  
Yes  
Yes  
Yes

FILED FOR RECORD  
2011 JUN 29 PM 1:24  
MAYOR HEATHER CARRUTHERS



**DANNY L. KOLHAGE, CLERK**

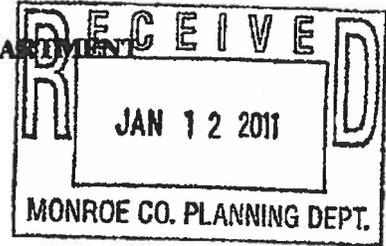
*Deborah C. DeSantis*  
**Deputy Clerk**

**BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA**

By *Heather Carruthers*  
**Mayor Heather Carruthers**

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM  
*SM [Signature]*  
Date: *06-28-11*

APPLICATION  
MONROE COUNTY  
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



Road Abandonment Petition

An application must be deemed complete and in compliance with the Monroe County Code by the Staff prior to the item being scheduled for review

Road Abandonment Application Fee: \$1,533.00

In addition to the application fee, the following fees also apply:  
Advertising Costs: \$245.00

Date of Submittal: 1 / 12 / 2011  
Month Day Year

Property Owner / Petitioner:

United States of America

Name

Mailing Address (Street, City, State, Zip Code)

Daytime Phone

Email Address

Agent (If applicable):

Gail Kenson, Naval Facilities Engineering Command

Name  
c/o NAS Key West

PO Box 9007, Key West, Florida 33040

Mailing Address (Street, City, State, Zip Code)

305-293-2633

Daytime Phone

gail.kenson@navy.mil

Email Address

Description of roadway to be abandoned:

All of Townes Lane, Pelican Lane, Herron Drive, Flamingo Drive, and Limkin Lane as shown on Sheet 2 of the plat map of Boca Chica Ocean Shores Subdivision in Plat Book 5, Page 49 of the official records of Monroe County, Florida

Petitioners seek the abandonment for the following reasons:

To form an area of contiguous land ownership by the federal government to us as an environmental mitigation site for wetland reclamation/restoration projects.

## APPLICATION

**Legal description of contiguous property in which the abandoned roadway would become part:  
(If in metes and bounds, attach legal description on separate sheet)**

**Refer to Sheet 2 of plat map of Boca Chica Ocean Shores Subdivision PB 5-49**

Block	Lot	Subdivision	Key (Island)
Real Estate (RE) Number		Alternate Key Number	
Street Address (Street, City, State, Zip Code)		Approximate Mile Marker	

**Present use of the roadway to be abandoned:** Road has never been used or improved.

**Proposed use of the roadway to be abandoned:** US government environmental mitigation

**Total land area of the roadway to be abandoned:** 5.9 acres +/-

**Please provide all reasons for why the county should grant the road abandonment (if necessary, attach additional sheets):**

The US government owns all of the lots in the area of the road abandonment. The roads and never used or improved and are not part of the county's transportation system or facilities. The Navy can use this area as a site to mitigate environmental impacts at NAS Key West by reclaiming/restoring functional wetlands.

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**Monroe County Code Section 19-1 - Abandonment of rights-of-way states:**

- (a) No dedicated and accepted right-of-way in the county shall be abandoned where:
  - (1) the right-of-way terminates on a body of open water; or
  - (2) the right-of-way provides access to the public to land on open water; or
  - (3) the abandonment would preclude a way for the public to maintain access to the water.
  
- (b) In all other cases of abandonment, no right-of-way shall be abandoned unless there is an agreement to do so by all affected property owners. For purposes of this subsection, an affected property owner is the owner of property which, if the right-of-way is abandoned, will:
  - (1) Have access that is currently used by that property owner eliminated;
  - (2) Have the only platted access eliminated;
  - (3) Have the paved area adjacent to that property increased for turn-around purposes; or
  - (4) Be increased in size.
  
- (c) A road may be abandoned only at the terminal portion of the road and in its full width unless the abandonment will comply with the County Code requirements for road, turn-around, and fire-rescue access and one of the following circumstances exists:
  - (1) An adjacent lot owner has on the platted right of way or within a setback a substantial structure which predates the Special Session Law 59-1578 pertaining to maps, plats and right of way. The term "substantial structure" specifically does not include wood or metal fences, sheds or tiki huts or other items not listed which are accessory structures.
  - (2) The abandonment is requested by a County department or governmental agency for a public purpose.

## APPLICATION

- (d) The board of county commissioners considers these a restriction on the rights of individuals who desire to abandon properties in accordance with F.S. § 336.09.

All of the following must be submitted in order to have a complete application submittal:  
(Please check as you attach each required item to the application)

- Complete road abandonment application (unaltered and unbound);
- Correct fee (check or money order to Monroe County Planning & Environmental Resources);
- Legal description of the portion of the roadway to be abandoned in metes and bounds; Plat Map
- Proof of ownership of the petitioner's property(s) (i.e. Warranty Deed);
- Current Property Record Card(s) from the Monroe County Property Appraiser for the petitioner's property;
- Location map (i.e. copy of strip map, aerial photograph);
- Photograph(s) of the roadway to be abandoned;
- Signed and Sealed Survey of roadway to be abandoned and all adjoining properties, prepared by a Florida registered surveyor – 12 sets (At a minimum, survey should include a legal description of the roadway; elevations; location and dimensions of all existing structures, paved areas and utility structures; roadways and easements; and all bodies of water on the site and adjacent to the site. The portion of the roadway to be abandoned should be marked with diagonal lines and the petitioner's property should be clearly delineated); The plat is being submitted in lieu of signed and sealed surveys of the roadway.
- Letters of "No Objection" from all utility companies (Florida Keys Aqueduct Authority (FKAA); Florida Keys Electric Cooperative (FKEC) or Keys Energy Services; telephone utility, gas utility, cable utility, wastewater treatment authority, etc.);
- Letters of "No Objection" from all affected property owners (an affected property owner is a) one who would have a means of access to his or her property closed off as a result of the abandonment even though he or she may not actually use the right-of-way prior to abandonment or b) one whose property abuts the portion of the roadway to be abandoned);
- IF A CUL-DE-SAC OR "T-TYPE" TURNAROUND IS REQUIRED to be constructed, it will be the responsibility of the Petitioner, if the road to be abandoned will result in an existing rock or paved road being shortened. See Monroe County Code §9.5-296(p). Your petition should specifically state your agreement to construct either the cul-de-sac or "T-type" turnaround per County Standard Specifications and Details. (Should you need additional information regarding this matter, please contact the Monroe County Engineering Department directly by phoning (305) 292-4427).

If applicable, the following must be submitted in order to have a complete application submittal:

- Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the subject property)

If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.

Petitioners agree to be responsible for and pay for all costs of advertising and recording fees incurred relative to this request for the abandonment. The filing of a petition does not entitle one to abandonment.

Petitioners further agree to grant any easement necessary for the furnishing of utilities, including without limitation, electric power, water, sewer, telephone, gas, cable and other electric communication services to the

APPLICATION

We hereby petition the Honorable Board of County Commissioners to renounce and disclaim any right of the County and the public in and to the above-referenced street, alleyway, road or right-of-way as further depicted and described in the attachments.

By signing below, I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Signature of Applicant: [Handwritten Signature] Date: 18 Oct 2010

Sworn before me this 18 day of October 2010



N. Jennifer Silverstein  
N. Jennifer Silverstein  
Notary Public  
My Commission Expires

Please send the complete application package to the Monroe County Planning & Environmental Resources Department, Marathon Government Center, 2798 Overseas Highway, Suite 400, Marathon, FL 33050.

County of Monroe  
Growth Management Division

Planning & Environmental Resources  
Department  
2798 Overseas Highway, Suite 410  
Marathon, FL 33050  
Voice: (305) 289-2500  
FAX: (305) 289-2536



Board of County Commissioners  
Mayor Heather Carruthers, Dist. 3  
Mayor Pro Tem David Rice, Dist. 4  
Kim Wigington, Dist. 1  
George Neugent, Dist. 2  
Sylvia J. Murphy, Dist. 5

*We strive to be caring, professional and fair*

Date: 1.12.11

Time: AM

Dear Applicant:

This is to acknowledge submittal of your application for Road Abandonment  
Type of application

United States of America to the Monroe County Planning Department.  
Project / Name

Thank you.

Gail Creech

Planning Staff

## CONDITIONAL LETTER OF NO OBJECTION

I, Jack L. Lockamy, am an affected property owner whose real property abuts a roadway to be abandoned, and acknowledge I will have a means of access to my property closed off as a result of the road abandonment, even though I have not actually used any rights of way of the roads listed below for access to my property prior to abandonment.

I Jack L. Lockamy, an affected property owner, do not object to the abandonment of all of the following roads to the United States of America:

Townee Lane,  
Pelican Lane,  
Heron Drive,  
Flamingo Drive, and  
Limkan Lane,

as these roads are shown on Sheet 2 of the Plat Map of Boca Chica Ocean Shores Subdivision, filed in Plat Book 5, Page 49 in the Public Records of Monroe County, Florida. My non-objection is conditioned upon the Navy's agreement to grant to Monroe County contemporaneously with the County's abandonment of the preceding roads an easement for public access and utility's in recordable form to Monroe County containing the following legal description:

A strip of land, 20.00 feet in width, lying 10.00 feet on both sides of the following described centerline,  
COMMENCE at the Southeast corner of Lot 10, Block 14, Boca Chica Ocean Shores, according to the Plat thereof as recorded in Plat Book 5, Page 49 of the Public Records of Monroe County, Florida, thence bear N20°36'23"E for a distance of 10.04 feet to the Point of Beginning;  
Thence bear N64°19'08"W for a distance of 192.66 feet;  
Thence bear N75°52'44"W for a distance of 31.30 feet;  
Thence bear S72°04'27"W for a distance of 45.32 feet;  
Thence bear N90°00'00"W 33.69 feet to a point on the Easterly boundary line of Lot 2 Block 15 of said Plat and the Point of Terminus.

The sidelines of the above described strip of land shall be extended and shortened to terminate at East boundary lines of Lots 1 and 2, Block 15 and the East boundary line of Lot 10 Block 14, all in Boca Chica Ocean Shores, according to the Plat thereof as recorded in Plat Book 5, Page 49 of the Public Records of Monroe County, Florida.

(Signature Page to Follow)

Signed on even date by

Jack L. Lockamy

and

[Signature]

Witness

On: 10/3/10  
Date





**BOARD OF COUNTY COMMISSIONERS**

Mayor Heather Carruthers, District 3  
Mayor Pro Tem David Rice, District 4  
Kim Wigington, District 1  
George Neugent, District 2  
Sylvia J. Murphy, District 5



OFFICE of  
the FIRE MARSHAL  
490 63<sup>rd</sup> Street  
Marathon, FL 33050  
PHONE: (305) 289-6010  
FAX: (305) 289-6013

Townseley Schwab  
Monroe County Planning Director  
Monroe County Growth Management

January 24, 2011

Re: United States of America - File #2011-002 Road Abandonment

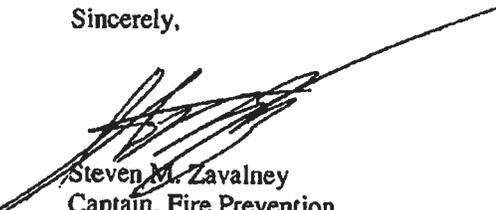
Dear Townseley,

The Monroe County Fire Marshal's Office has no objection to the abandonment petition indicated above.

There are no issues of fire department access.

If you are in need of further information or have any questions, please do not hesitate to call.

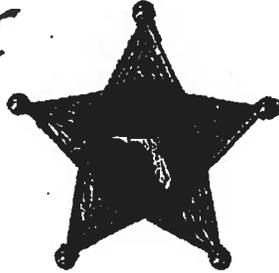
Sincerely,



Steven M. Zavalney  
Captain, Fire Prevention

Cc: Rick Tassoni, Assistant Fire Marshal  
James Callahan, Fire Chief

# Sheriff



Monroe County Sheriff's Office  
Robert P. Peryam, Sheriff  
5525 College Road  
Key West, Florida 33040  
(305) 292-7000 FAX: (305) 292-7070 1-800-273-COPS  
www.keysso.net

FEB - 4 2011

**SUBSTATIONS**

Freeman Substation  
20950 Overseas Hwy.  
Cudjoe Key, FL 33042  
(305) 745-3184  
FAX (305) 745-3761

Marathon Substation  
3103 Overseas Hwy.  
Marathon, FL 33050  
(305) 289-2430  
FAX (305) 289-2497

Islamorada Substation  
86800 Overseas Hwy.  
Islamorada, FL 33036  
(305) 664-6480  
FAX (305) 853-9372

Roth Building  
50 High Point Road  
Tavernier, FL 33070  
(305) 853-3211  
FAX (305) 853-3205

**DETENTION CENTERS**

Key West Det. Center  
5501 College Road  
Key West, FL 33040  
(305) 293-7300  
FAX (305) 293-7353  
Marathon Det. Facility  
3981 Ocean Terrace  
Marathon, FL 33050  
(305) 289-2420  
FAX (305) 289-2424

Plantation Det. Facility  
53 High Point Road  
Plantation Key, FL 33070  
(305) 853-3266  
FAX (305) 853-3270

**SPECIAL OPERATIONS**

P.O. Box 500975  
Marathon, FL 33050  
(305) 289-2410  
FAX (305) 289-2498

**AVIATION DIVISION**

10100 Overseas Hwy.  
Marathon, FL 33050  
(305) 289-2777  
FAX (305) 289-2776

**COMMUNICATIONS**

2796 Overseas Hwy.  
Marathon, FL 33050  
(305) 289-2351  
FAX (305) 289-2493

To: Colonel Rick Ramsay  
Fr: Capt. Gene Thompson  
Ref: road abandonment

01/28/2011

Colonel Ramsay I received the packet in regards to requesting a road abandonment. I conducted a physical inspection of the area under review for the abandonment.

I walked the area of concern and was unable to locate any structures or residences. A swinging metal gate presently blocks the road. The gate containing two locks one for MCSO with a combination and one for Keys Energy Service with a key lock. I spoke with Keys Energy utility workers in the area. They stated if they need access to the utility poles or lines running parallel with Geiger Road they can access the gate.

I spoke with project participant Gail Kenson who stated the land will be used as an environmental wetland so access will be difficult.

This area does not lead to any public use property; therefore it will not conflict with police and fire operations.

Colonel Ramsay I do not foresee any conflicts with approving this request.

Respectfully,

*Capt Gene Thompson*  
Capt Gene Thompson

*Concur with Capt.*

*No issue, Col. Ramsay*  
*02/09/11*





**Engineering Department  
MEMORANDUM**

**To:** Ms. Gail Creech, Planning Commission Coordinator

**From:** Judy Clarke, P.E. Director of Engineering Services

**Date:** March 15, 2011

**Re:** United States of America Road Abandonment Petition  
File #2011-002

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I have reviewed the above referenced road abandonment petition and have no objections. The abandonment is contingent upon the granting of the easement to access the one developed property in the subdivision.

If you have any questions or need any additional information, please feel free to contact me by telephone at 305-295-4329 or by email at [clarke-judith@monroecounty-fl.gov](mailto:clarke-judith@monroecounty-fl.gov).

Thank you.

**MEMORANDUM**  
**MONROE COUNTY GROWTH MANAGEMENT DIVISION**  
**BUILDING DEPARTMENT**

*We strive to be caring, professional and fair*



**DATE:** March 1, 2011  
**TO:** Townsley Schwab, Planning Director  
**FROM:** Ronda Norman, Sr. Director, Code Compliance *R. Norman*  
**SUBJECT:** File #2011-002 Road Abandonment Petition

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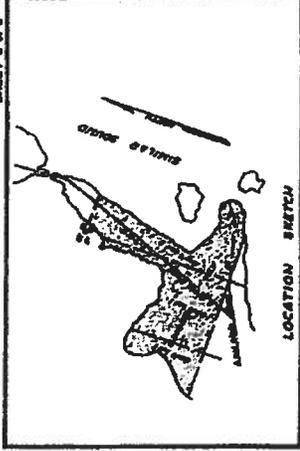
An inspection of the property located in this abandonment package was conducted and found no code violations. The lot is overgrown with Brazilian Pepper and Buttonwood.

Aerial photos show clearing and improvements such as landscaping on and around the surrounding parcels and should be inspected by the County Biologist to see if further enforcement action should be taken against the applicant.



# BOCA CHICA OCEAN SHORES ON TWO SHEETS

SHEET 2 OF 2

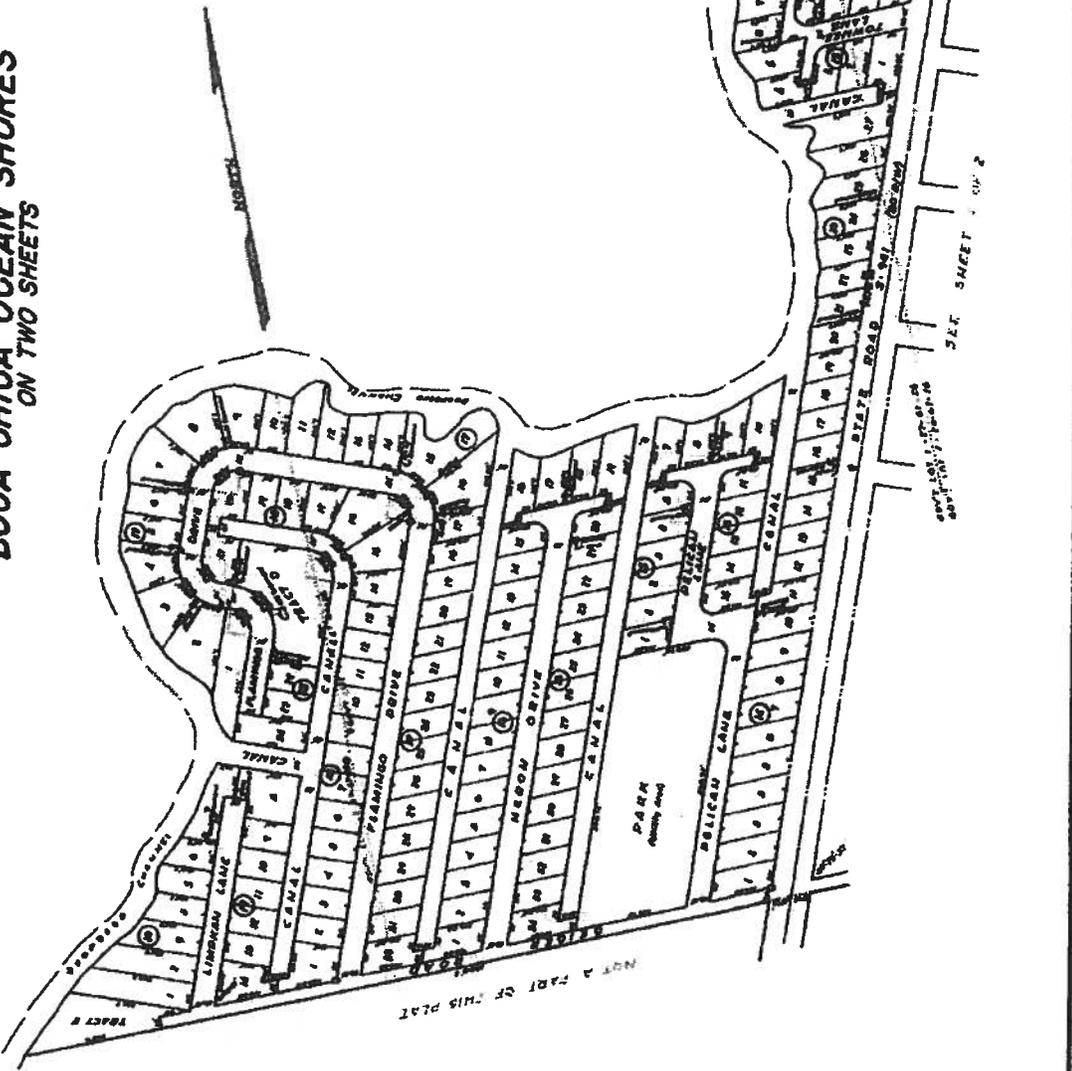


THIS IS A PRELIMINARY PLAN FOR THE PROPOSED BOCA CHICA OCEAN SHORES AND IS NOT TO BE CONSIDERED A FINAL PLAN. THE FINAL PLAN SHALL BE SUBMITTED TO THE BOARD OF PUBLIC WORKS FOR APPROVAL. THE BOARD OF PUBLIC WORKS SHALL HAVE THE FINAL SAY IN THE MATTER.

Prepared by: **Engineering, Inc.**  
 12345 Main Street  
 Boca Raton, Florida



NOT A PART OF THIS PLAN  
 NOT A PART OF THIS PLAN  
 NOT A PART OF THIS PLAN



# Vicinity Map

- Legend**
- Real Estate Number
  - Parcel Lot Text
  - Block Text
  - Hooks/Leads
  - Lot Lines
  - Easements
  - Road Centerlines
  - Water Names
  - Parcels
  - Shoreline
  - Section Lines
  - 2006 Aerials

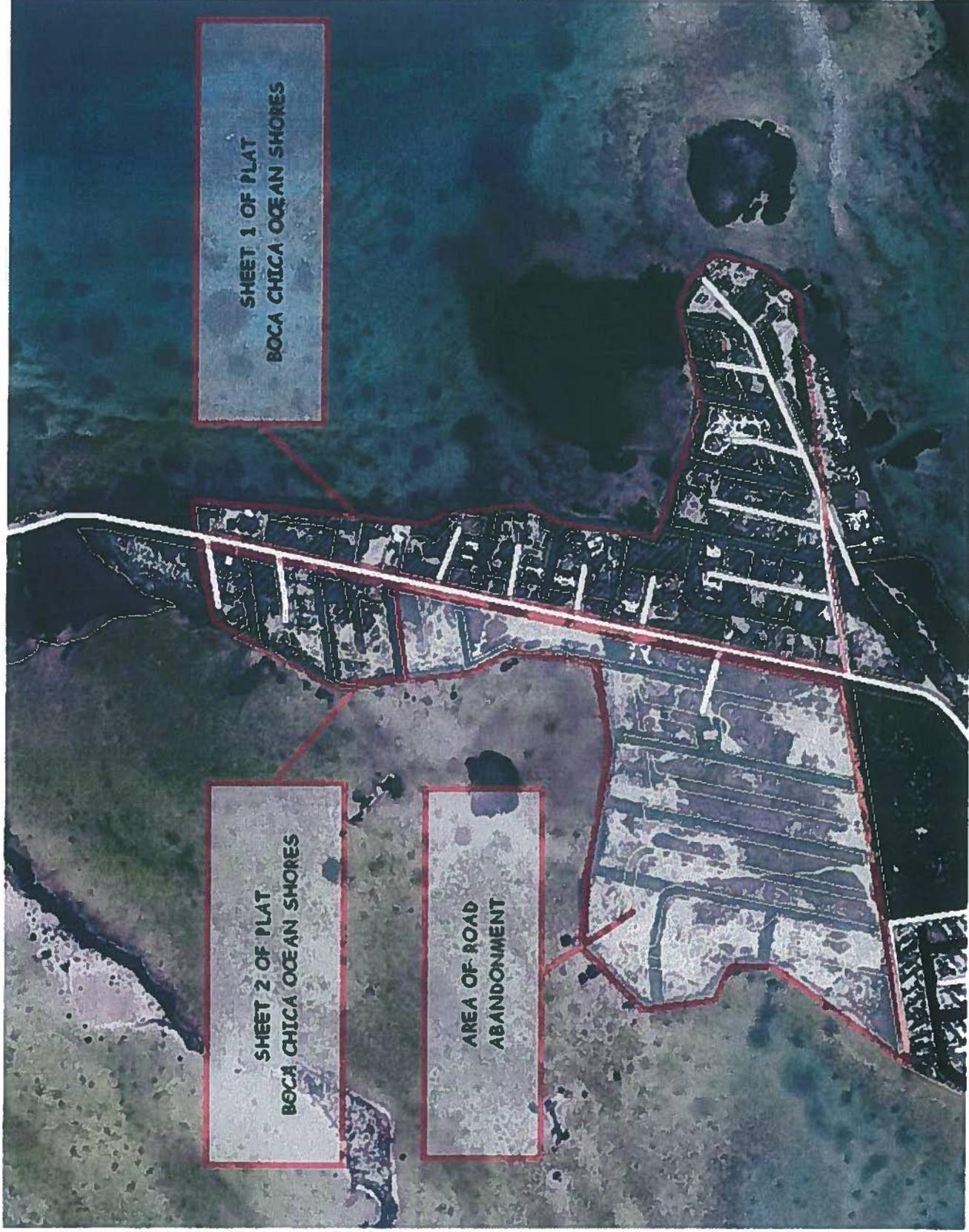
PALMIS

Monroe County Property Appraiser  
500 Whitehead Street  
Key West, FL

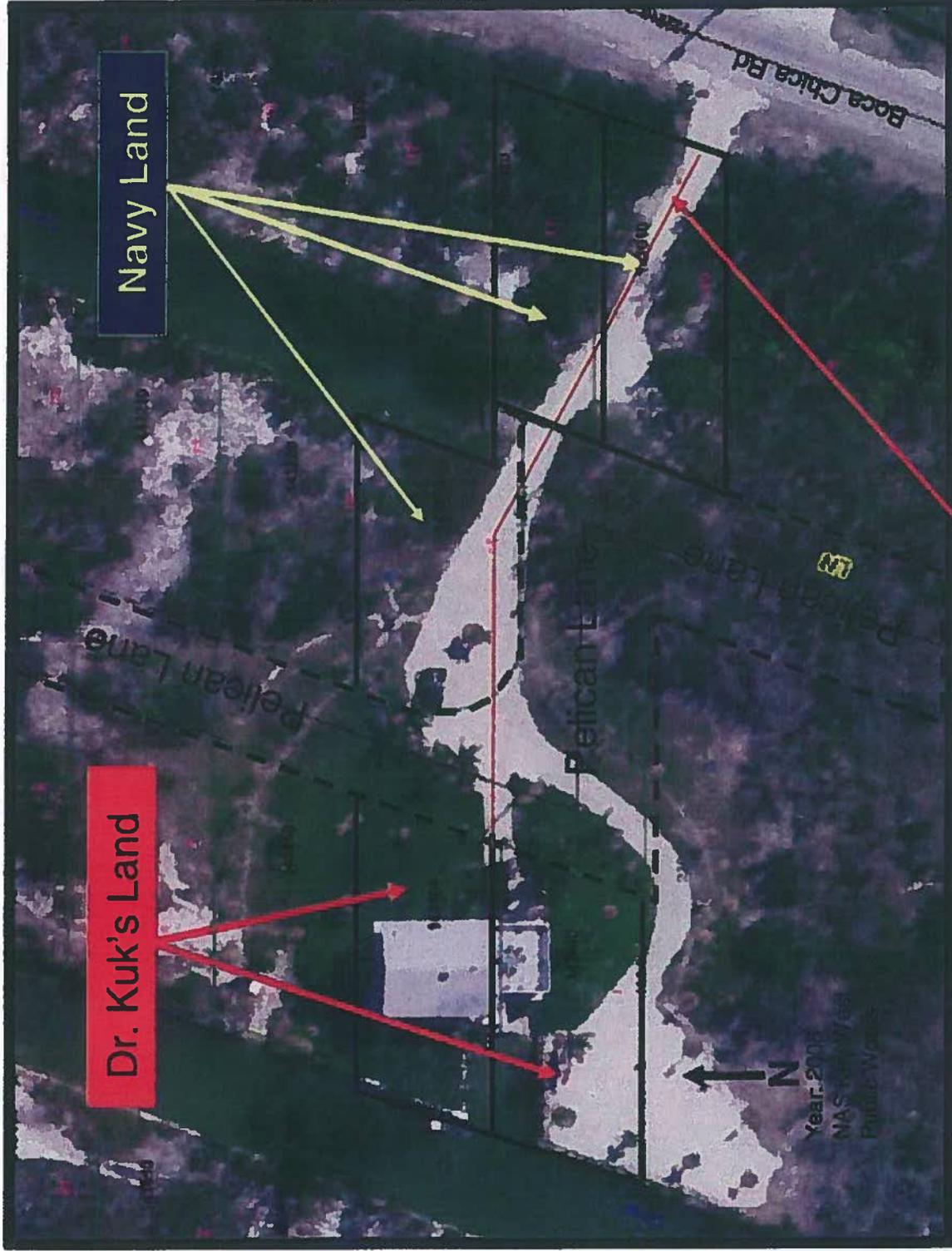
**DISCLAIMER:** The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for *ad valorem tax purposes* only and should not be relied on for any other purpose.

Date Created: January 11, 2011 2:07 PM





# NAVY LAND AFFECTED BY PROPOSED ACCESS / UTILITY EASEMENT



Proposed Access and Utility Easement  
to Conform to Existing Driveway



'90 JUL 17 P2:56

RESOLUTION NO. 334-1990

NOTE

WHEREAS, the Board of County Commissioners of Monroe County, Florida, desires to renounce and disclaim any right of the County and the public in and to the hereinafter described streets, alley-ways, roads or highways, and

WHEREAS, due notice has been published and a public hearing has been held in accordance with Chapter 336, Florida Statutes, and

WHEREAS, at said public hearing the Board considered the argument of all parties present wishing to speak on the matter, and all premises considered concerning the renouncing and disclaiming of any right of the County and the public in and to the hereinafter described streets, alley-ways, roads or highways as delineated on the hereinafter described map or plat, now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, as follows:

1. That the Board hereby renounces and disclaims any right of the County and the public in and to the following described streets, alley-ways, roads or highways as delineated on the hereinafter described map or plat, to-wit:

Osprey Lane:

Commencing at the SE corner of Lot 13, Block 12, Boca Chica Ocean Shores, P.B. 5-49 or the point of beginning, bear due west a distance of 215.0', thence northwesterly 42.7' along a 25' radius curve concave southwesterly, thence  $N20^{\circ}48'56''E$  a distance of 45.07', thence due west a distance of 25.7', thence  $S20^{\circ}48'56''W$  a distance of 199.55', thence due east a distance of 25.7', thence  $N20^{\circ}48'56''E$  a distance of 47.04', thence northeasterly 42.7' along a 25' radius curve concave northwesterly, thence due east a distance of 215.0', thence  $N20^{\circ}48'56''E$  a distance of 53.42' back to the point of beginning.

Townee Lane:

Commencing at the SE corner of Lot 11, Block 13, Boca Chica Ocean Shores, P.B. 5-49 or the point of beginning, bear due west a distance of 225.0', thence northwesterly 42.7' along a 25' radius curve concave southwesterly, thence  $N20^{\circ}48'56''E$  a distance of 47.07', thence due west a distance of 25.7', thence  $S20^{\circ}48'56''W$  a distance of 101.78', thence due east a distance of 60.0', thence  $S20^{\circ}48'56''W$  a distance of 101.77', thence

due east a distance of 25.7', thence  $N20^{\circ}48'56''E$  a distance of 45.07' thence northeasterly 47.7' along a 25' radius curve concave northwesterly, thence due east a distance of 165.0', thence  $N20^{\circ}48'56''E$  a distance of 53.42' back to the point of beginning.

**Pelican Lane:**

Commencing at the SW corner of Lot 13, Block 15, Boca Chica Ocean Shores, P.B. 5-49 or the point of beginning, bear  $N20^{\circ}48'56''E$  a distance of 155.0', thence northeasterly 42.7' along a 25' radius curve concave northwesterly, thence due east a distance of 47.07', thence  $N20^{\circ}48'56''E$  a distance of 26.31', thence due west a distance of 203.55', thence  $S20^{\circ}48'56''W$  a distance of 26.31', thence due east a distance of 45.07', thence southeasterly 42.7' along a 25' radius curve concave northeasterly, thence  $S20^{\circ}48'56''W$  a distance of 155.0', thence due east a distance of 53.42' back to the point of beginning.

**Geiger Road:**

Commencing at the SE corner of Lot 34, Block 16, Boca Chica Ocean Shores, P.B. 5-49 or the point of beginning, bear  $N89^{\circ}40'38''W$  a distance of 598.82', thence  $S00^{\circ}10'17''W$  a distance of 50.0', thence  $S89^{\circ}40'38''E$  a distance of 598.82', thence  $N00^{\circ}10'17''E$  a distance of 50.0' back to the point of beginning.

**Heron Drive:**

Commencing at the SW corner of Lot 34, Block 16, Boca Chica Ocean Shores, P.B. 5-49 or the point of beginning, bear  $N20^{\circ}48'56''E$  a distance of 885.0', thence northeasterly 42.7' along a 25' radius curve concave northwesterly, thence due  $S89^{\circ}40'38''E$  a distance of 47.07', thence  $N20^{\circ}48'56''E$  a distance of 26.31', thence due  $N89^{\circ}40'38''W$  a distance of 203.55', thence  $S20^{\circ}48'56''W$  a distance of 26.31', thence due  $S89^{\circ}40'38''E$  a distance of 45.07', thence southeasterly 42.7' along a 25' radius curve concave northeasterly, thence  $S20^{\circ}48'56''W$  a distance of 885.0', thence  $S89^{\circ}40'38''E$  a distance of 53.42' back to the point of beginning.

**Flamingo Drive:**

Commencing at the SW corner of Lot 32, Block 17, Boca Chica Ocean Shores, P.B. 5-49 or the point of beginning, bear  $N20^{\circ}48'56''E$  a distance of 951.2', thence northwesterly 146.58' along a 100' radius curve concave northeasterly, thence  $N69^{\circ}11'04''W$  a distance of 325.0', thence southwesterly 108.13' along a 100' radius curve concave northwesterly, thence  $S20^{\circ}48'56''W$  a distance of 140.0', thence southeasterly 170.28' along a 100' radius curve concave southwesterly, thence  $S69^{\circ}11'04''E$  a distance of 25.0', thence southwesterly 70.34' along a 50' radius curve concave northeasterly, thence  $S20^{\circ}48'56''W$  a distance of 163.0', thence  $S69^{\circ}11'04''E$  a distance of 50.0', thence  $N20^{\circ}48'56''E$  a distance of 163.0', thence northwesterly 157.08' along a 100' radius curve concave northeasterly, thence  $N69^{\circ}11'04''W$  a distance of 25.0', thence northeasterly 75.54' along a 50' radius curve concave southwesterly, thence  $N20^{\circ}48'56''E$  a distance of

152.0', thence northeasterly 75.54' along a 50' radius curve concave northwesterly, thence S69°11'04"E a distance of 318.06', thence southeasterly 73.12' along a 50' radius curve concave northeasterly, thence S20°48'56"W a distance of 983.76', thence S89°40'38"E a distance of 53.42' back to the point of beginning.

Limpkan Lane:

Commencing at the SW corner of Lot 14, Block 19, Boca Chica Ocean Shores, P.B. 5-49 or the point of beginning, bear N20°48'56"E a distance of 438.24', thence N69°11'04"W a distance of 50.0', thence S20°48'56"W a distance of 455.0', thence S89°40'38"E a distance of 53.42' back to the point of beginning.

2. That the Clerk of the Board is hereby directed to publish notice of the adoption of this Resolution in accordance with the provisions of Chapter 336, Florida Statutes.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 10th day of July, A.D. 1990.

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY: *John C. Stewart*  
MAYOR/CHAIRMAN

(SEAL)

Attest: DANNY L. KOLHAGE, Clerk

*Danny L. Kolhage*  
CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY.

BY *Mary Sheen*  
Attorney's Office

NOTICE OF ADOPTION OF RESOLUTION RENOUNCING  
AND DISCLAIMING ANY RIGHT OF THE COUNTY OF  
MONROE AND THE PUBLIC IN AND TO CERTAIN  
STREETS, AS DELINEATED ON A CERTAIN RECORDED  
PLAT.

NOTICE IS HEREBY GIVEN, pursuant to Chapter 336, Florida  
Statutes, that the Board of County Commissioners of Monroe County  
Florida, at a meeting on July 10, 1990, as continued from June  
19, 1990, only adopted a Resolution renouncing and disclaiming  
any right of the County and the public in and to the following  
described streets, alley-ways, roads or highways as delineated on  
the hereinafter described map or plat, to-wit:

Osprey Lane:

Commencing at the SE corner of Lot 13, Block 12, Boca  
Chica Ocean Shores, P.B. 5-49 or the point of  
beginning, bear due west a distance of 215.0', thence  
northwesterly 42.7' along a 25' radius curve concave  
southwesterly, thence N20°48'56"E a distance of 45.07',  
thence due west a distance of 25.7', thence S20°48'56"W  
a distance of 199.55', thence due east a distance of  
25.7', thence N20°48'56"E a distance of 47.04', thence  
northeasterly 42.7' along a 25' radius curve concave  
northwesterly, thence due east a distance of 215.0',  
thence N20°48'56"E a distance of 53.42' back to the  
point of beginning.

Townee Lane:

Commencing at the SE corner of Lot 11, Block 13, Boca  
Chica Ocean Shores, P.B. 5-49 or the point of  
beginning, bear due west a distance of 225.0', thence  
northwesterly 42.7' along a 25' radius curve concave  
southwesterly, thence N20°48'56"E a distance of 47.07',  
thence due west a distance of 25.7', thence S20°48'56"W  
a distance of 101.78', thence due east a distance of  
60.0', thence S20°48'56"W a distance of 101.77', thence  
due east a distance of 25.7', thence N20°48'56"E a  
distance of 45.07' thence northeasterly 47.7' along a  
25' radius curve concave northwesterly, thence due east  
a distance of 165.0', thence N20°48'56"E a distance of  
53.42' back to the point of beginning.

Pelican Lane:

Commencing at the SW corner of Lot 13, Block 15, Boca  
Chica Ocean Shores, P.B. 5-49 or the point of  
beginning, bear N20°48'56"E a distance of 155.0',  
thence northeasterly 42.7' along a 25' radius curve  
concave northwesterly, thence due east a distance of  
47.07', thence N20°48'56"E a distance of 26.31', thence  
due west a distance of 203.55', thence S20°48'56"W a  
distance of 26.31', thence due east a distance of  
45.07', thence southeasterly 42.7' along a 25' radius  
curve concave northeasterly, thence S20°48'56"W a  
distance of 155.0', thence due east a distance of  
53.42' back to the point of beginning.

**Geiger Road:**

Commencing at the SE corner of Lot 34, Block 16, Boca Chica Ocean Shores, P.B. 5-49 or the point of beginning, bear N89°40'38"W a distance of 598.82', thence S00°10'17"W a distance of 50.0', thence S89°40'38"E a distance of 598.82', thence N00°10'17"E a distance of 50.0' back to the point of beginning.

**Heron Drive:**

Commencing at the SW corner of Lot 34, Block 16, Boca Chica Ocean Shores, P.B. 5-49 or the point of beginning, bear N20°48'56"E a distance of 885.0', thence northeasterly 42.7' along a 25' radius curve concave northwesterly, thence due S89°40'38"E a distance of 47.07', thence N20°48'56"E a distance of 26.31', thence due N89°40'38"W a distance of 203.55', thence S20°48'56"W a distance of 26.31', thence due S89°40'38"E a distance of 45.07', thence southeasterly 42.7' along a 25' radius curve concave northeasterly, thence S20°48'56"W a distance of 885.0', thence S89°40'38"E a distance of 53.42' back to the point of beginning.

**Flamingo Drive:**

Commencing at the SW corner of Lot 32, Block 17, Boca Chica Ocean Shores, P.B. 5-49 or the point of beginning, bear N20°48'56"E a distance of 951.2', thence northwesterly 146.58' along a 100' radius curve concave northeasterly, thence N69°11'04"W a distance of 325.0', thence southwesterly 108.13' along a 100' radius curve concave northwesterly, thence S20°48'56"W a distance of 140.0', thence southeasterly 170.28' along a 100' radius curve concave southwesterly, thence S69°11'04"E a distance of 25.0', thence southwesterly 70.34' along a 50' radius curve concave northeasterly, thence S20°48'56"W a distance of 163.0', thence S69°11'04"E a distance of 50.0', thence N20°48'56"E a distance of 163.0', thence northwesterly 157.08' along a 100' radius curve concave northeasterly, thence N69°11'04"W a distance of 25.0', thence northeasterly 75.54' along a 50' radius curve concave southwesterly, thence N20°48'56"E a distance of 152.0', thence northeasterly 75.54' along a 50' radius curve concave northwesterly, thence S69°11'04"E a distance of 318.06', thence southeasterly 73.12' along a 50' radius curve concave northeasterly, thence S20°48'56"W a distance of 983.76', thence S89°40'38"E a distance of 53.42' back to the point of beginning.

**Limpkan Lane:**

Commencing at the SW corner of Lot 14, Block 19, Boca Chica Ocean Shores, P.B. 5-49 or the point of beginning, bear N20°48'56"E a distance of 438.24', thence N69°11'04"W a distance of 50.0', thence S20°48'56"W a distance of 455.0', thence S89°40'38"E a distance of 53.42' back to the point of beginning.

DATED at Key West, Florida, this 24th day of July, 1990.

DANNY L. KOLHAGE  
Clerk of the Circuit Court  
of Monroe County, Florida  
and ex officio Clerk of the  
Board of County Commissioners  
of Monroe County, Florida

(SEAL)



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

11416

REPLY TO  
ATTENTION OF

JUL 28 1989

Regulatory Division  
Enforcement Branch  
88IPA-20336

Mr. Glen C. Bradley, P.E.  
SOUTH NAV FAC ENG COM  
2133 Eagle Drive  
P.O. Box 10068  
Charleston, South Carolina 29411-0068

Dear Mr. Bradley:

We are pleased to enclose the Department of the Army permit and a Notice of Authorization which should be displayed at the construction site. Work may begin immediately but the appropriate Area Engineer as representative of the District Engineer must be notified of:

- a. The date of commencement of the work (mail enclosed card).
- b. The dates of work suspensions and resumptions if work is suspended over a week, and
- c. The date of final completion.

Area Engineer addresses and telephone numbers are shown on the enclosed map. The area Engineer is responsible for inspections to determine that permit conditions are strictly adhered to. A copy of the permit and drawings must be available at the site of work.

IT IS NOT LAWFUL TO DEVIATE FROM  
THE APPROVED PLANS ENCLOSED.

Sincerely,

John F. Adams  
Chief, Regulatory Division

Enclosures

bcc (permit w/plans):  
DER, Tallahassee [DER # 441371039]  
FWS (Vero Beach)  
NMFS (Panama City)  
EPA (Atlanta)  
CESAJ-RD-FM

DEPARTMENT OF THE ARMY PERMIT

Permittee UNITED STATES NAVY

Permit No. 87IPA-20336

Issuing Office U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

The project consists of filling 4.14 acres of tidal, transitional wetlands for construction of two jet fuel tanks and an access road. The purpose of the project is to upgrade existing fuel storage facilities to a level compatible with current Naval flight operations.

The work described above is shown on the attached plans numbered 87IPA-20336 in twenty-four sheets, dated 22 June 1989.

Project Location:

The project is located in wetlands adjacent to Hawk Channel, Fuel Tank Farm, Boca Chica Annex, Section 32, Township 67 South, Range 26 East, Boca Chica Key, Monroe County, Florida.

Permit Conditions:

General Conditions:

- 1994  
JUL 28 1989
1. The time limit for completing the work authorized ends on JUL 28 1989. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
  2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
  3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.



4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

a. The mitigation work, as specified on sheets 13 through 24 of the attached permit drawings, shall be undertaken concurrently with the project construction and shall be completed within 90 days of completion of the work authorized by this permit. These requirements are further described as follows: (LR)

(1) Approximately 6.8 acres on Geiger Key, adjacent to Similar Sound will be scraped down from an elevation of +1.5 ft. NGVD to an elevation of +0.5 ft. NGVD by removing approximately 16,493 cubic yards of limerock and clays from the areas indicated on the permit drawings (sheets 19 - 23). The remaining island areas of

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - ( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - ( ) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.



buttonwoods, mangroves, and marsh grasses shall be surrounded by a 5:1 (horizontal:vertical) slope to the elevation of the scrapedown area.

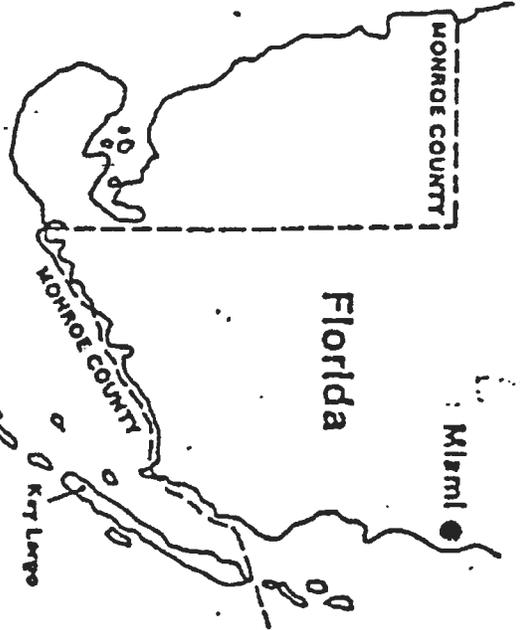
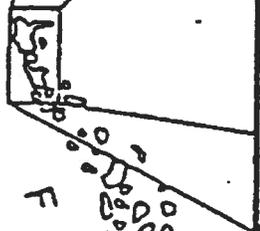
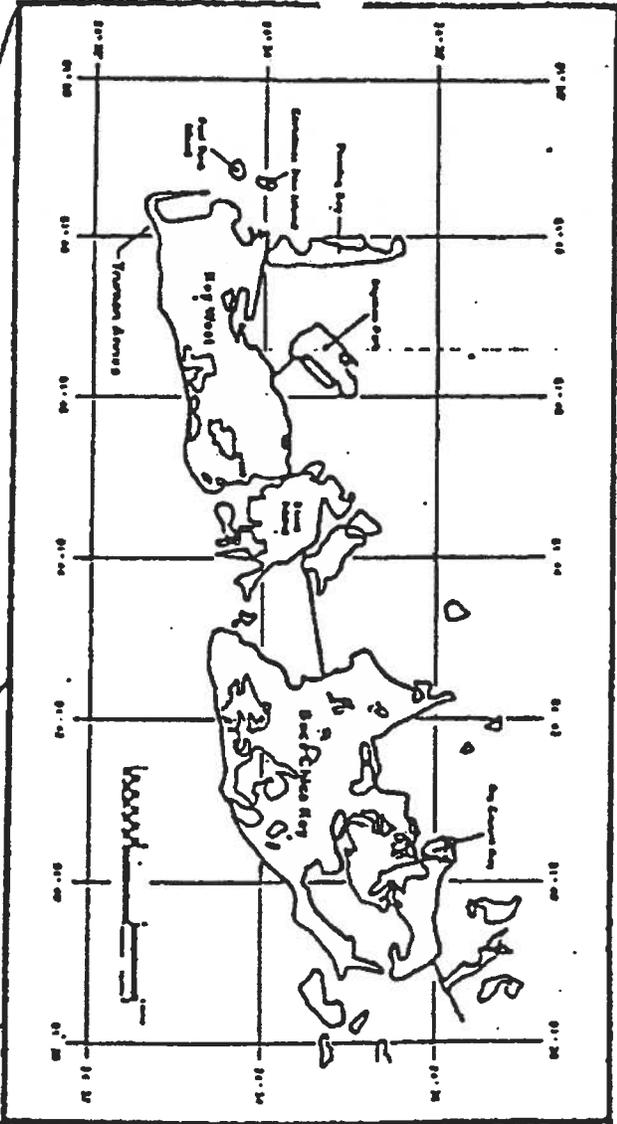
(2) The deeper parts of the existing flushing channels shall be filled with approximately 2,110 cubic yards of limerock to achieve a final elevation of -4.5 ft. NGVD.

(3) Approximately 4,336 cubic yards of limerock shall be excavated to a depth of -4.5 ft. NGVD to extend the flushing channels into Similar Sound.

(4) A flushing channel shall be extended into the impounded mangrove and high marsh area, located adjacent to the scrapedown area across Geiger Road. Two, 160-foot-long, 24-inch-diameter pipes shall be installed under Geiger Road at the end of a second flushing channel to provide flushing in the existing impounded area.

b. During the scrapedown operation, required in condition a.(1) above, all soil/muck material shall be stockpiled and then spread over the exposed limerock portions of the finished scrapedown area in order to provide a nutrient base for marine growth. (PI)

c. The permittee shall provide monitoring reports which assess the status and success of the mitigation work. The reports shall be provided for two years, annually, after completion of the mitigation work and shall be submitted to the Corps of Engineers Big Pine Key Regulatory Office and the Jacksonville District Office. (AR)



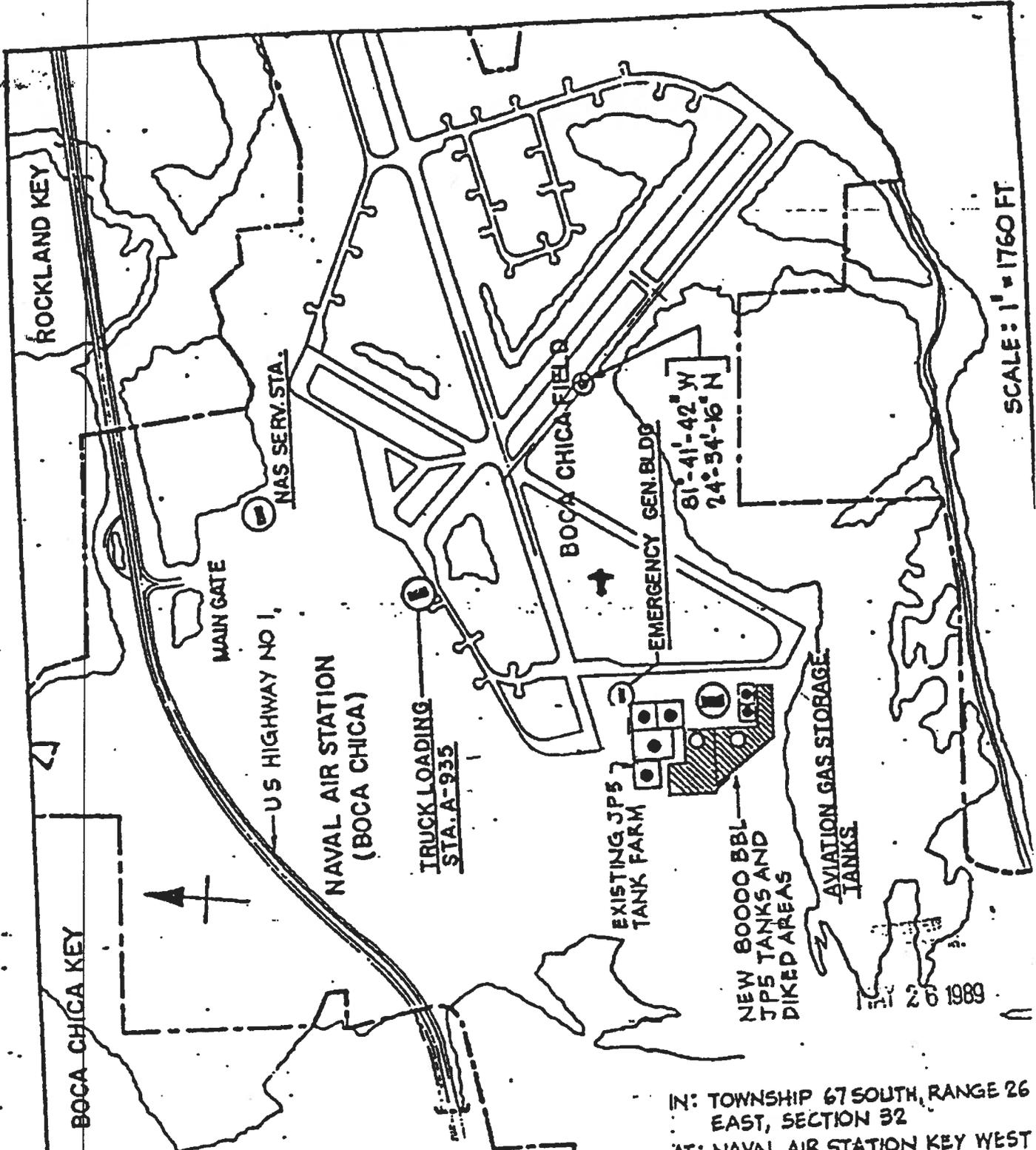
FLORIDA KEYS

NOT TO SCALE

Sources:  
 Naval Facilities Engineering Command, Southern Division 1981b.  
 U.S. Department of Commerce 1982

General Location Map

87IPA-20336  
 Sheet 1 of 24  
 22 June 89

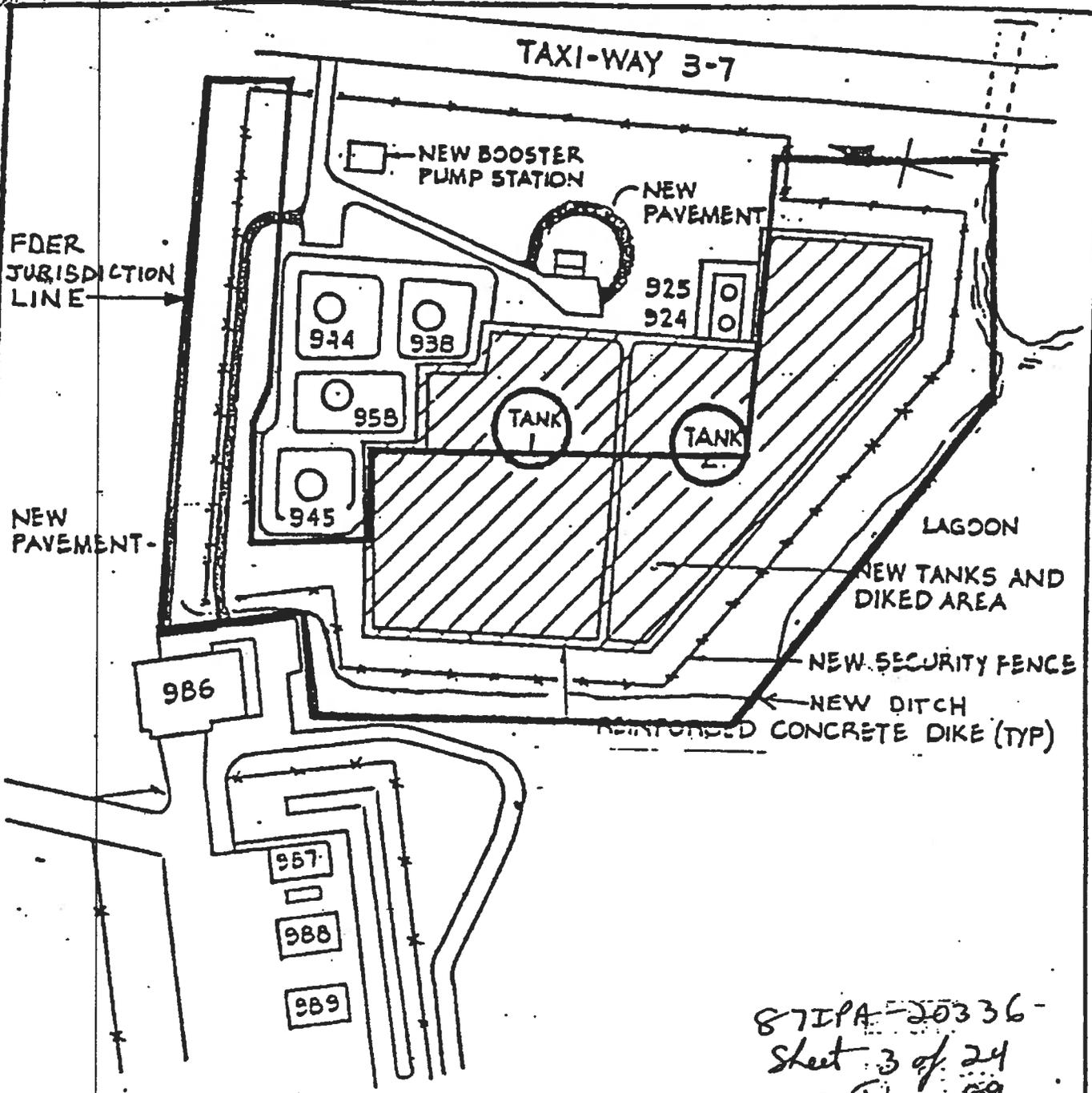


TITLE: TANK FARM LOCATION MAP  
 PURPOSE: GENERAL VIEW

DATUM: AS INDICATED

87IPA-20336  
 Sheet 2 of 24  
 22 Feb 89

IN: TOWNSHIP 67 SOUTH, RANGE 26  
 EAST, SECTION 32  
 AT: NAVAL AIR STATION KEY WEST  
 BOCA CHICA FIELD  
 COUNTY: MONROE STATE: FLA  
GENERAL VIEW



87IPA-20336-  
 Sheet 3 of 24  
 22 June 89

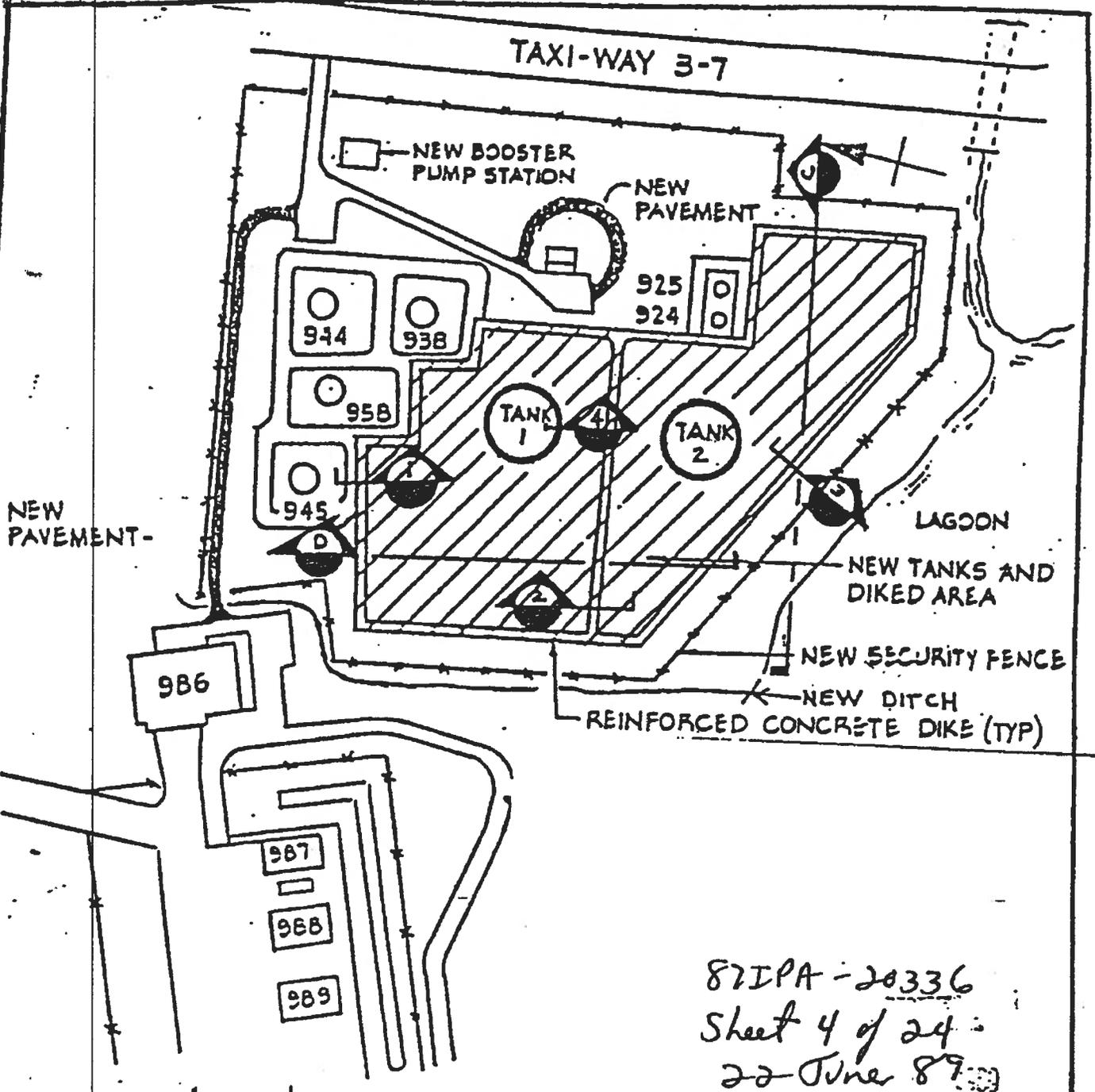
SCALE: 1" = 200'

TITLE: PLAN ON NEW TANK FARM  
 PURPOSE: FDER JURISDICTION LINE

IN: TOWNSHIP 67 SOUTH, RANGE 26  
 EAST, SECTION 32  
 AT: NAVAL AIR STATION KEY WEST  
 BOCA CHICA FIELD  
 COUNTY: MONROE STATE: FLA

DATUM: M.S.L. = 0'-0" = NGVD

FDER JURISDICTION LINE



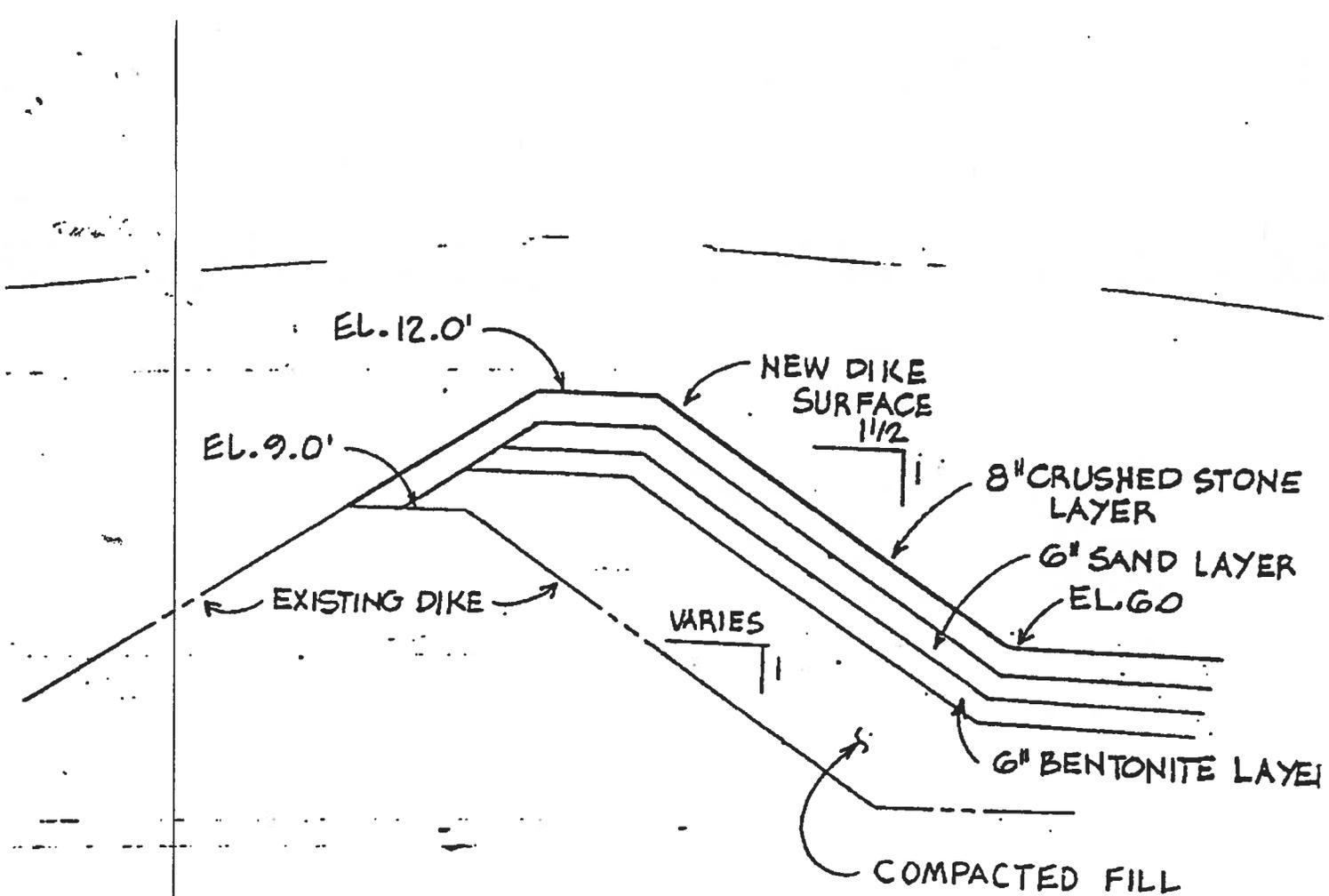
82IPA-20336  
 Sheet 4 of 24  
 22 June 89

SCALE 1" = 200'

TITLE: PLAN ON NEW TANK FARM  
 PURPOSE: SECTION KEY PLAN

DATUM: M.S.L. = 0'-0" = NGVD

IN: TOWNSHIP 67 SOUTH, RANGE 26  
 EAST, SECTION 32  
 AT: NAVAL AIR STATION KEY WEST  
 BOCA CHICA FIELD  
 COUNTY: MONROE STATE: FLA  
SECTION KEY PLAN

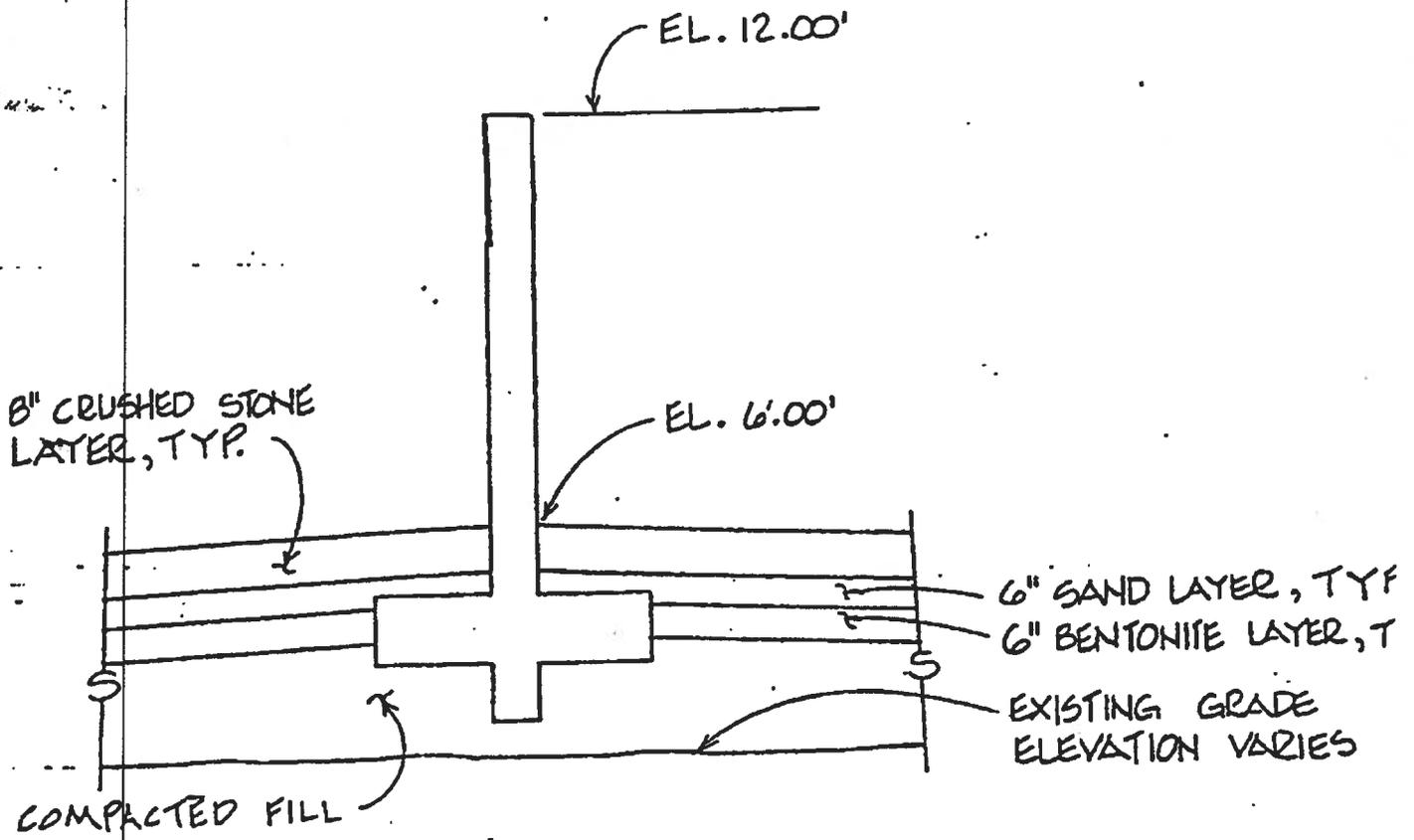


87IPA-20336  
 Sheet 5 of 24  
 22 June 89

RECORDED  
 DIV. OF PERM.

MAY 26 1989

SECTION   
 EXISTING/NEW  
 BERM INTERFACE

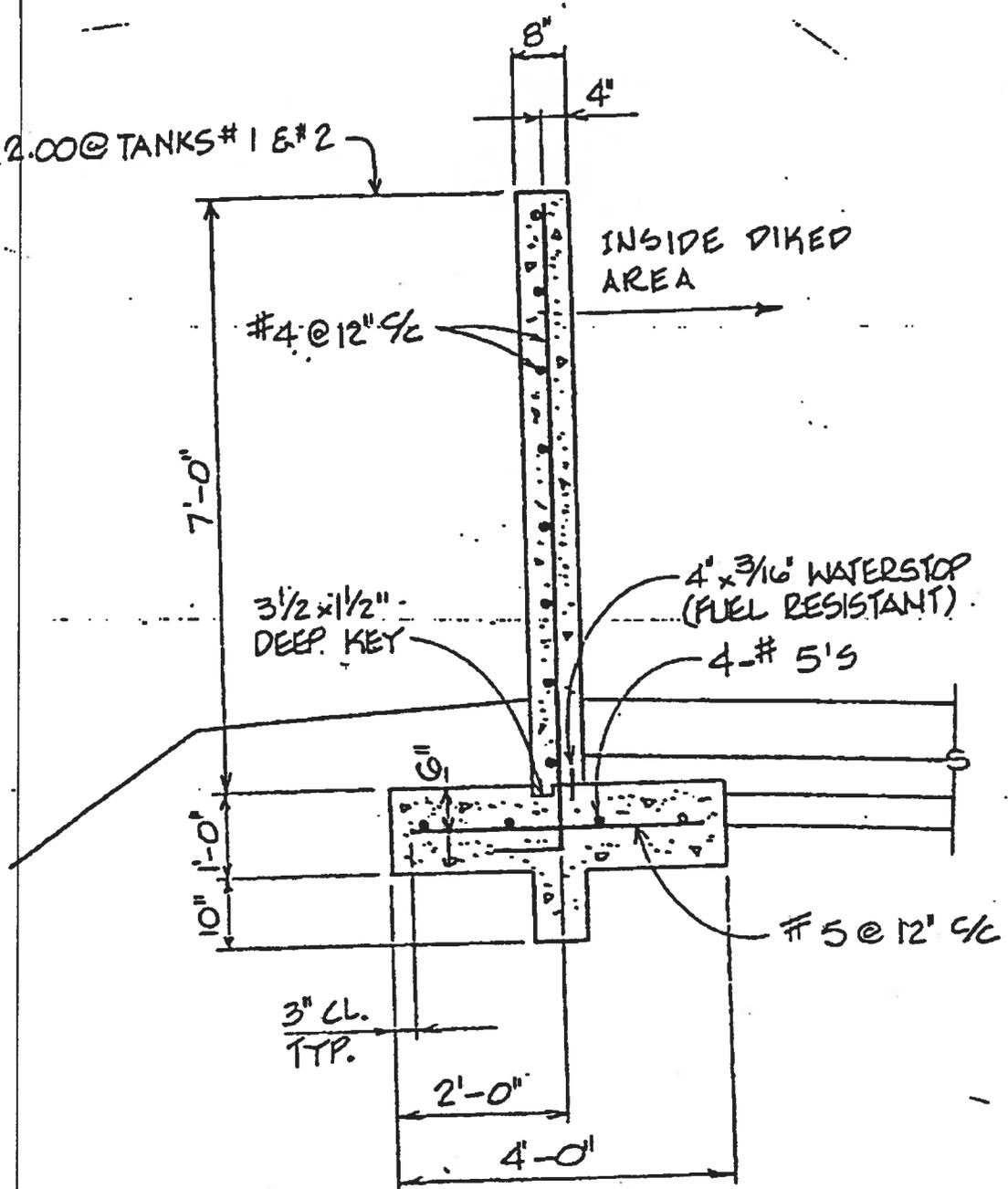


DIKE WALL BETWEEN TANKS #1 & #2



87IPA-20336  
 Sheet 6 of 24  
 22 June 89

EL. 12.00 @ TANKS # 1 & 2



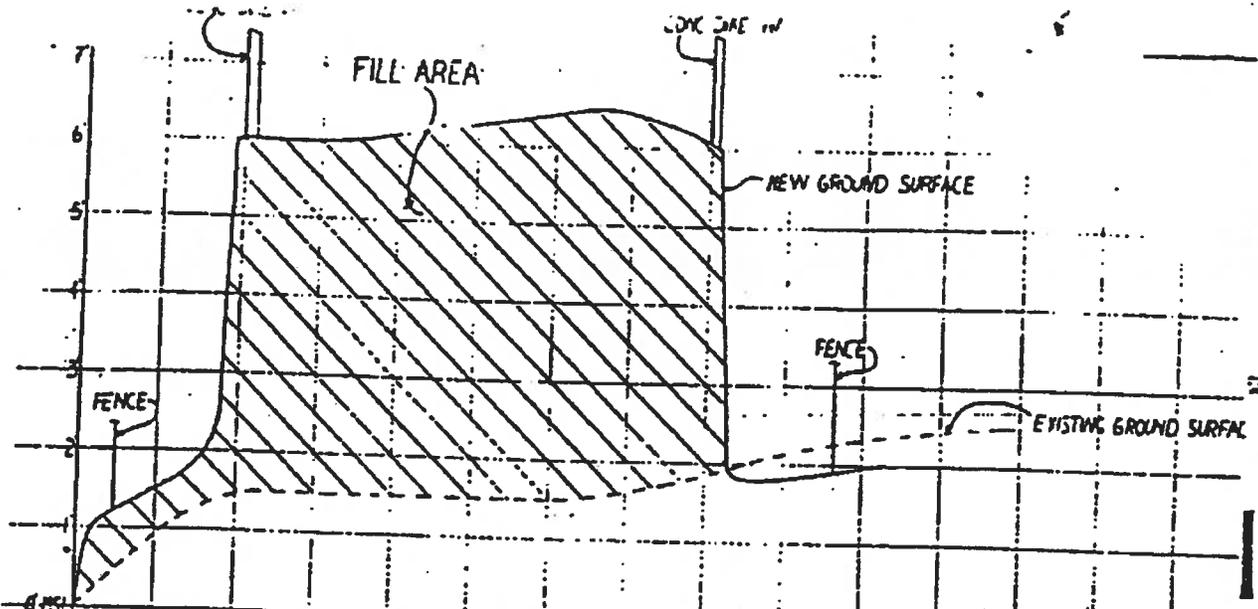
NOTE: ALL REINFORCEMENT USED IN THE CONCRETE DIKE CONSTRUCTION SHALL BE EPOXY COATED. ALL WATERSTOP MATERIAL SHALL BE JET FUEL RESISTANT.

CONCRETE DIKE SECTION

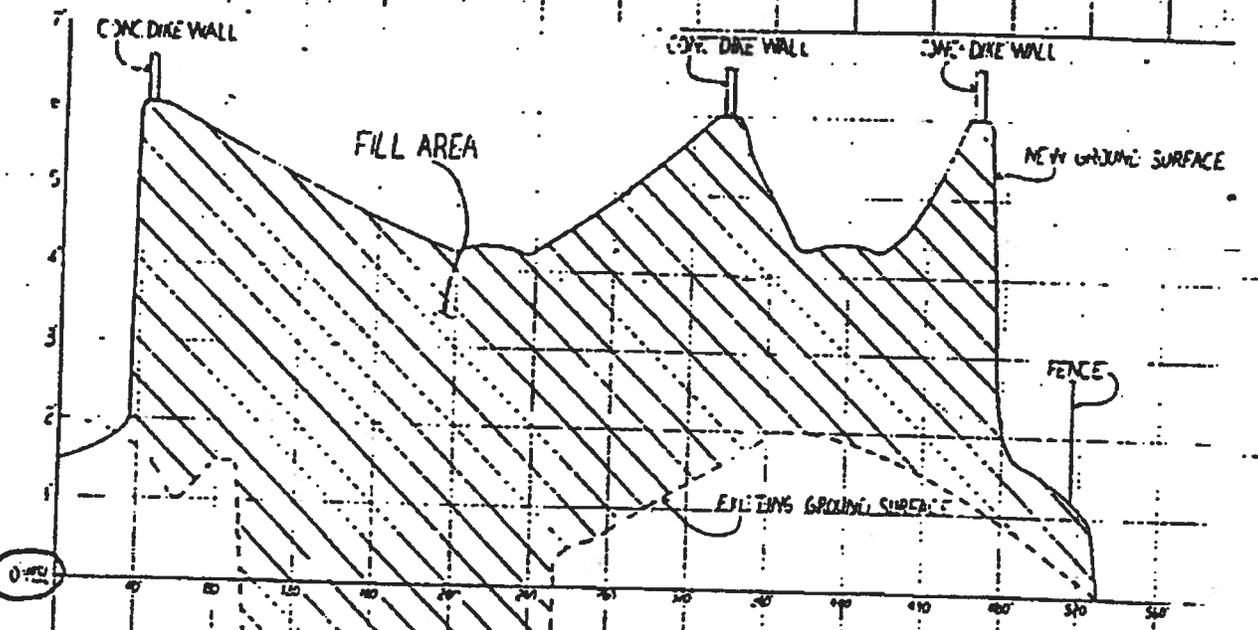


87IPA-20336  
 Sheet 7 of 24  
 22 June 89



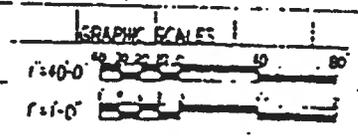


CROSS-SECTION C



CROSS-SECTION D

STIPA-203316  
 Sheet 9 of 24  
 27 June 89



RECEIVED  
 SURFACE WATER  
 MAY 26 1989  
 NGS/DEMSL



TAXI-WAY 3-7

NEW BOOSTER PUMP STATION

NEW PAVEMENT

944

938

925

924

958

TANK 1

TANK 2

945

NEW PAVEMENT

LAGOON

NEW TANKS AND DIKED AREA

NEW SECURITY FENCE

986

2 x 24"  $\phi$  CULVERT

NEW DITCH TO MAINTAIN D.E.R. JURISDICTION

987

988

989

EXCAVATION REQ'D - 1300.CY.

NOTE: 2 NEW 24"  $\phi$  CULVERT REPLACE EXISTING 24"  $\phi$  CULVERT. NEW INVERT ELEV - 1.0.

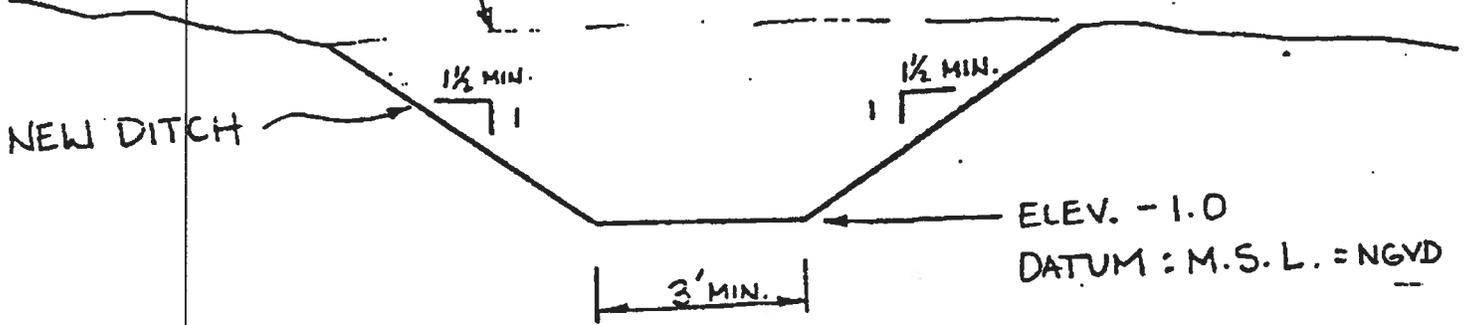
SCALE 1" = 200'

87IPA-20336  
Sheet 10 of 24  
22 June 89

TITLE: PLAN ON NEW TANK FARM  
PURPOSE: TO SHOW DITCH THAT WILL MAINTAIN DER JURISDICTION.  
DATUM: M.S.L. = 0'-0" = NGVD

IN: TOWNSHIP 67 SOUTH, RANGE 26 EAST, SECTION 32  
AT: NAVAL AIR STATION KEY WEST BOCA CHICA FIELD  
COUNTY: MONROE STATE: FLA  
87

EXISTING GROUND  
(ELEV. VARIES FROM  
3.0 TO 1.0 M.S.L.)

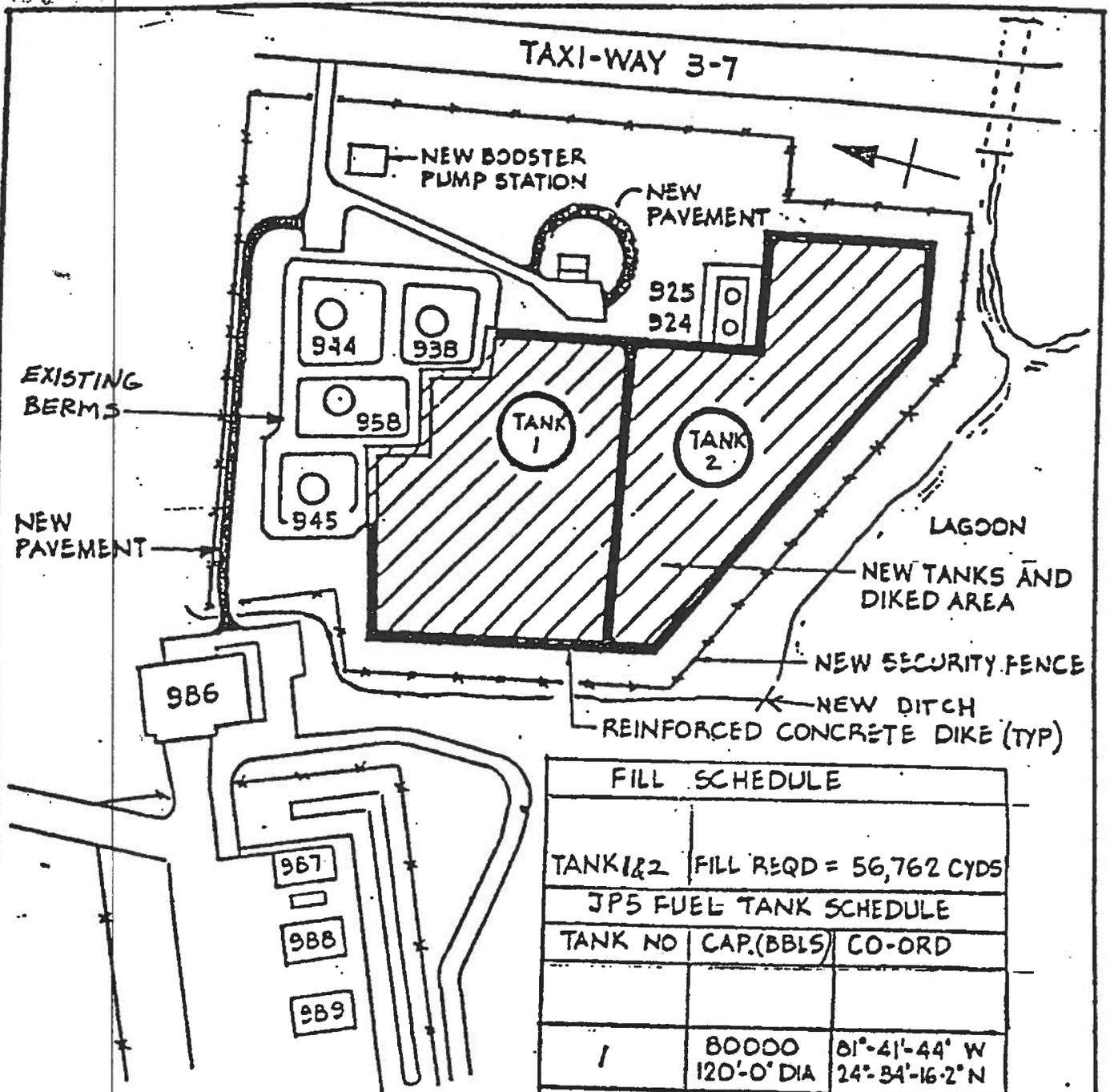


SECTION



CROSS-SECTION OF DITCH THAT WILL MAINTAIN  
DER JURISDICTION

87IPA-20336  
Sheet 11 of 24  
22 June 89



FILL SCHEDULE		
TANK 1&2	FILL REQD = 56,762 CYDS	
JPS FUEL TANK SCHEDULE		
TANK NO	CAP.(BBL)	CO-ORD
1	80000 120'-0" DIA	81°-41'-44" W 24°-34'-16.2" N
2	80000 120'-0" DIA	81°-41'-44.2" W 24°-34'-18" N

SCALE: 1" = 200'  
 87IPA-20336  
 Sheet 12 of 24  
 22 JUNE 89

TITLE: PLAN ON NEW TANK FARM

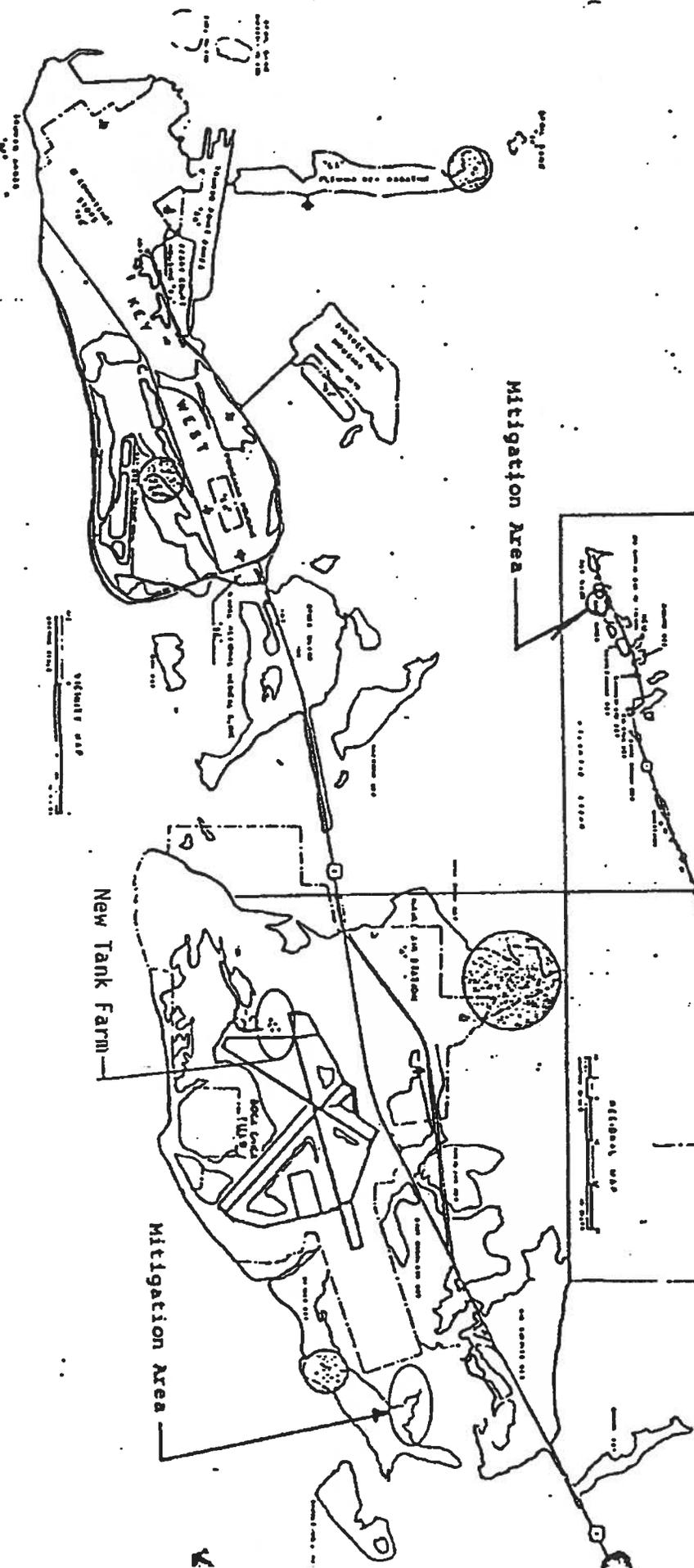
PURPOSE: TO SHOW NEW DIKE RELATIONSHIP TO EXIST BERMS AND FILL SCHEDULE

DATUM: M.S.L. = 0'-0"

IN: TOWNSHIP 67 SOUTH, RANGE 26 EAST, SECTION 32  
 AT: NAVAL AIR STATION KEY WEST BOCA CHICA FIELD  
 COUNTY: MONROE STATE: FLA

Tank Farm in Relation to Mitigation Area

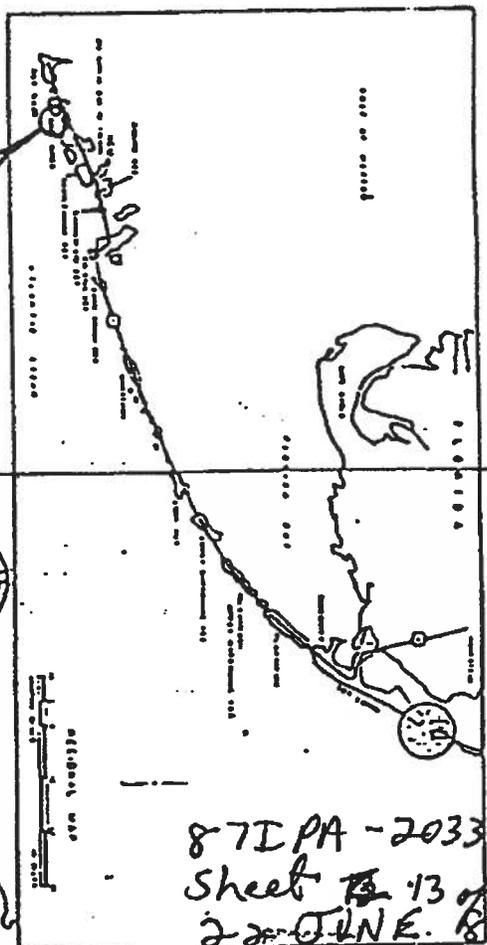
VICINITY MAP



Mitigation Area

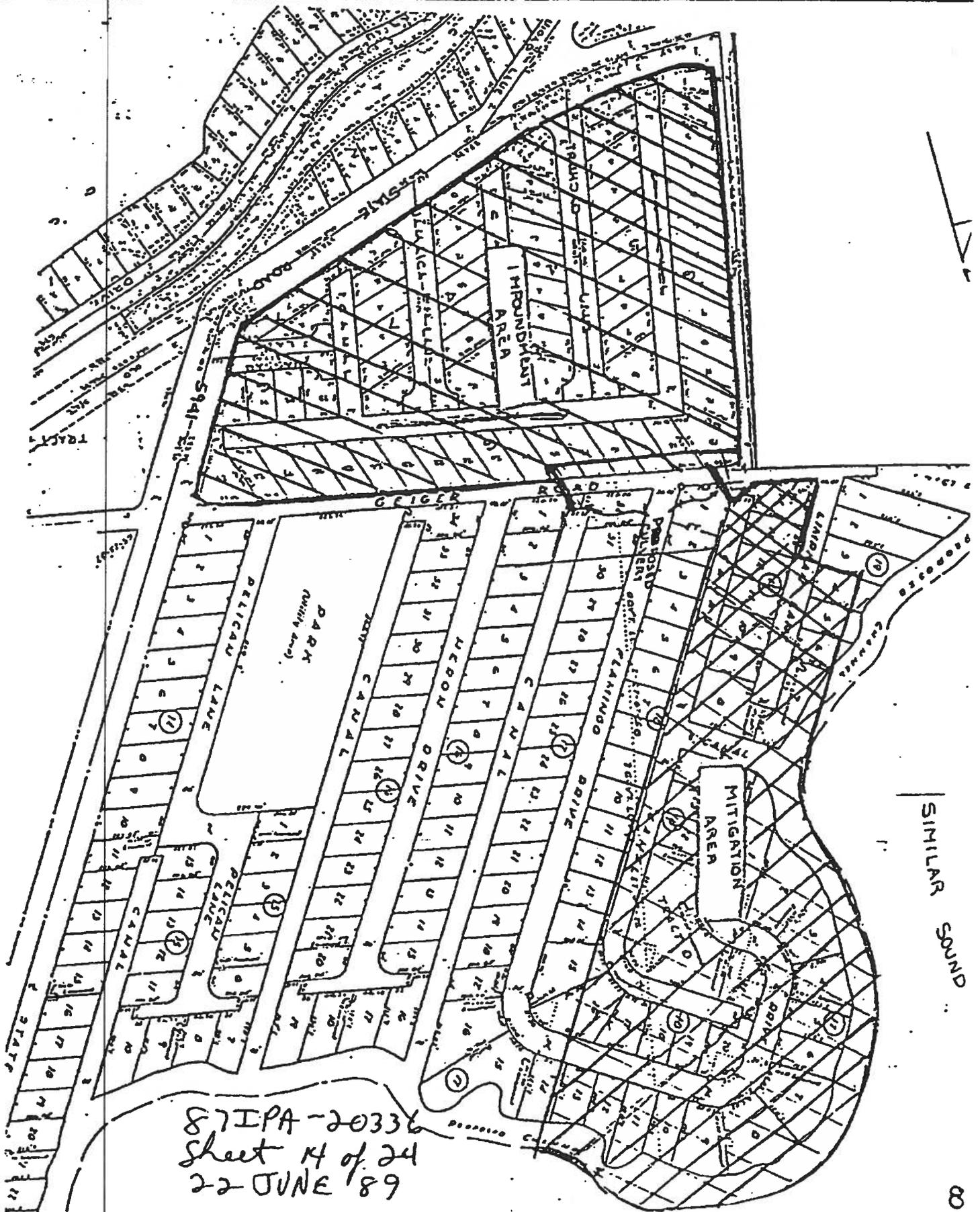
New Tank Farm

Mitigation Area

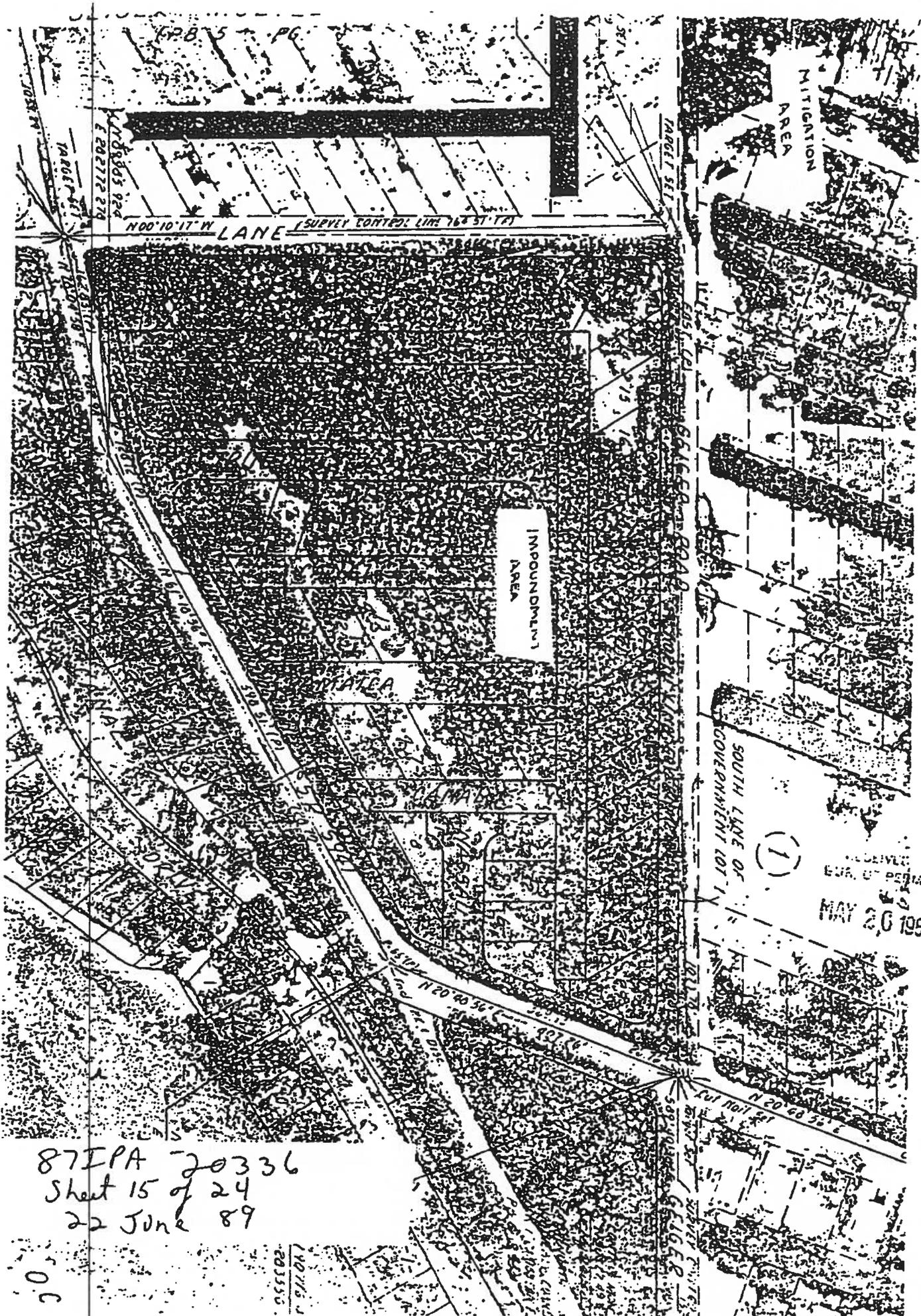


87I PA - 2033 A  
Sheet 13 of 24  
22 JUNE 1979  
Eck, G. F. 2211

MAY 26 1969



871PA-20336  
Sheet 14 of 24  
22 JUNE 89



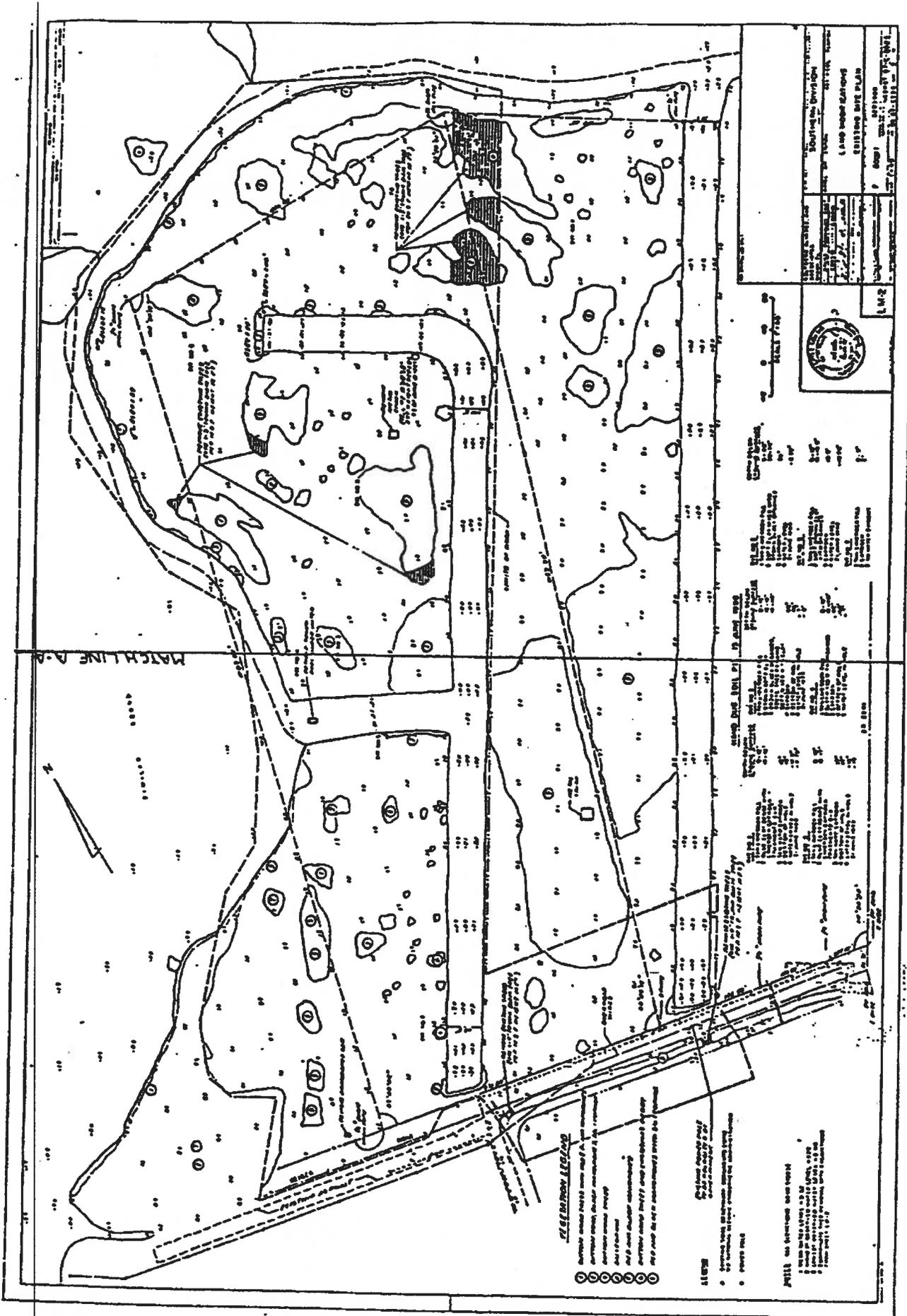
87IPA - 20336  
 Sheet 15 of 24  
 22 June 89

RECEIVED  
 ENV. DEPT.  
 MAY 26 1989

OC

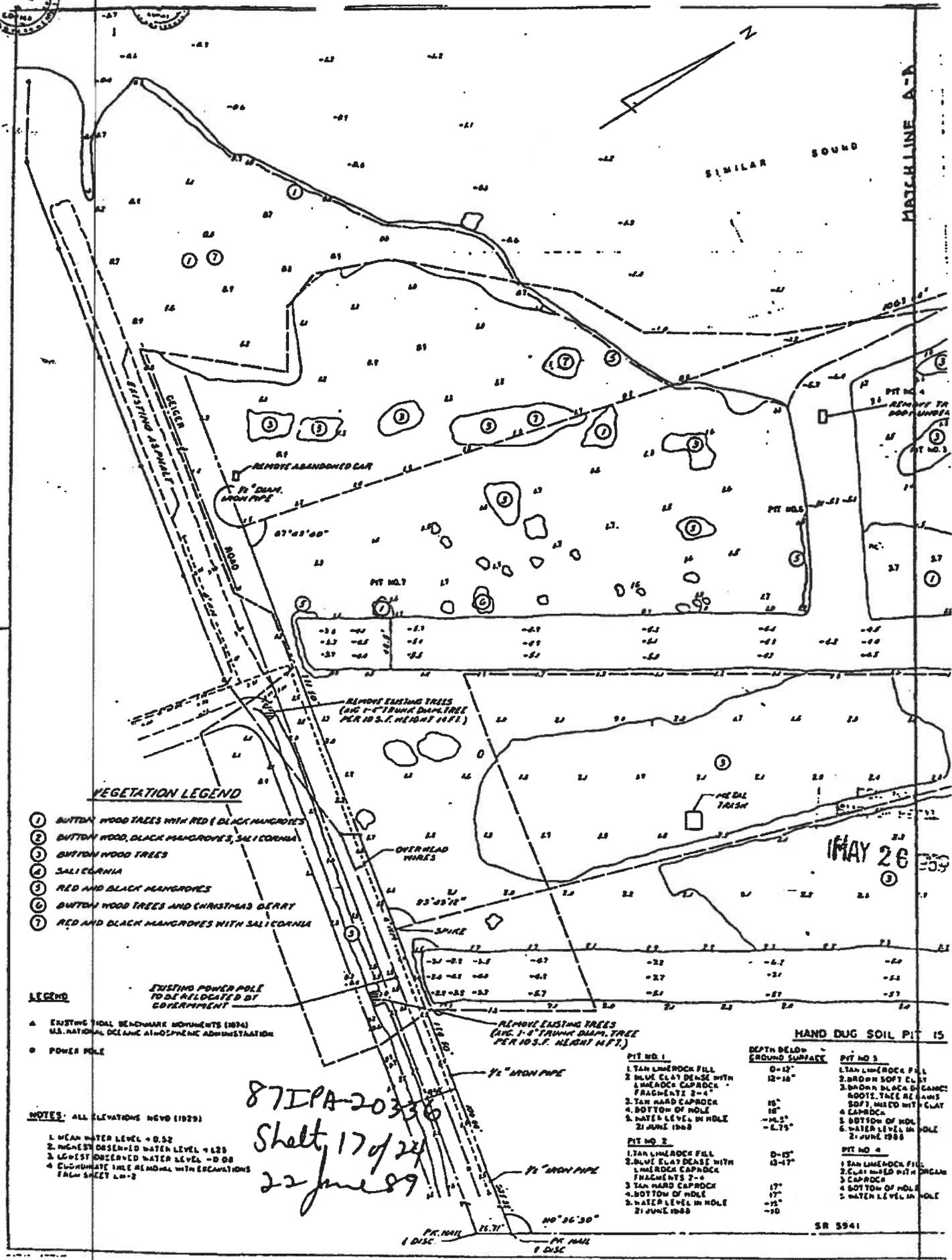
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4662  
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PURPOSE: TO SHOW EXISTING  
 MITIGATION AREA  
 SITE PLAN

87IPA-20336  
 Sheet 16 of 24  
 22 June 89



**VEGETATION LEGEND**

- ① BUTTERNUT WOOD TREES WITH RED (BLACK MANGROVES)
- ② BUTTERNUT WOOD, BLACK MANGROVES, SALICORNIA
- ③ BUTTERNUT WOOD TREES
- ④ SALICORNIA
- ⑤ RED AND BLACK MANGROVES
- ⑥ BUTTERNUT WOOD TREES AND CHRISTMAS BERRY
- ⑦ RED AND BLACK MANGROVES WITH SALICORNIA

**LEGEND**

- ▲ EXISTING TYPICAL BENCHMARK MONUMENTS (1974)  
U.S. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
- POWER POLE

**NOTES:** ALL ELEVATIONS MEVD (1929)

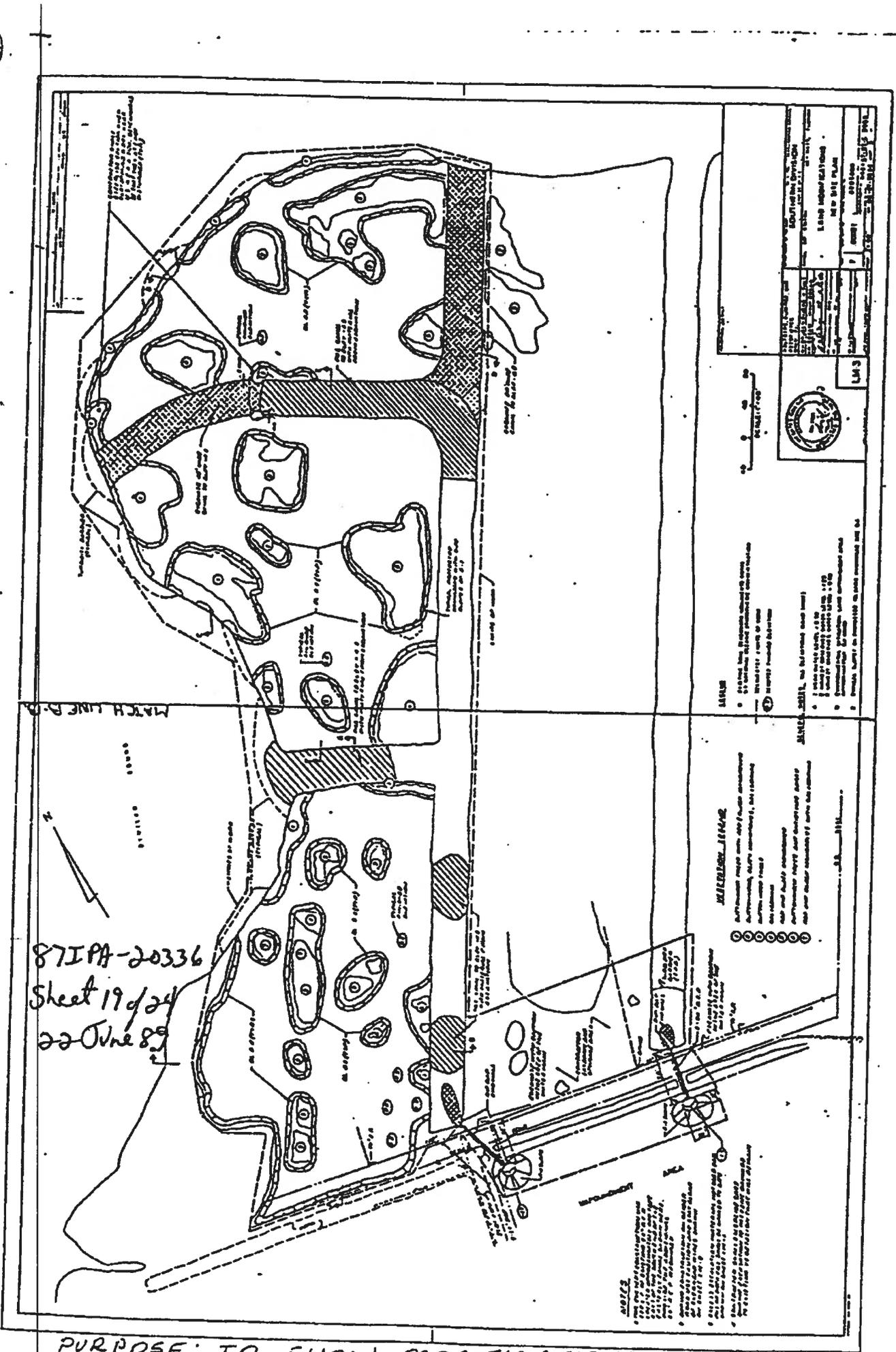
- 1 MEAN WATER LEVEL +0.52
- 2 HIGHEST OBSERVED WATER LEVEL +0.33
- 3 LOWEST OBSERVED WATER LEVEL -0.08
- 4 ELEVATIONS IN RED HORIZONTAL WITH ESCALATIONS FROM SHEET L-1-2

87IPA-20336  
Shelty, 17 of 24  
22 June 89

**HAND DUG SOIL PIT 15**

PIT NO. 1	DEPTH BELOW GROUND SURFACE	PIT NO. 2	PIT NO. 3	PIT NO. 4
1. TAN LIMESTONE FILL	0-12"	1. TAN LIMESTONE FILL	0-15"	1. TAN LIMESTONE FILL
2. BLUE CLAY DEBRIS WITH LIMESTONE CAPROCK FRAGMENTS 2-4"	12-18"	2. BROWN SOFT CLAY	15-17"	2. CLAY MOTTLED WITH LIMESTONE
3. TAN HARD CAPROCK	18"	3. BROWN BLOCKY CLAY	17"	3. CAPROCK
4. BOTTOM OF HOLE	18"	4. ROOTS, TREE REMAINS	17"	4. BOTTOM OF HOLE
5. WATER LEVEL IN HOLE 21 JUNE 1988	-14.5"	5. MOTTLED WITH CLAY	17"	5. WATER LEVEL IN HOLE
	-1.75'	6. BOTTOM OF HOLE	17"	
		6. WATER LEVEL IN HOLE 21 JUNE 1988	-15"	





87IPA-20336  
 Sheet 19 of 24  
 22 June 89

PURPOSE TO...

LMS	
DATE: 22 JUN 89 TIME: 1400 LOCATION: 87IPA-20336	OPERATOR: [illegible] CHECKER: [illegible]
1. [illegible] 2. [illegible] 3. [illegible]	

- LEGEND**
- 1. [illegible]
  - 2. [illegible]
  - 3. [illegible]
  - 4. [illegible]
  - 5. [illegible]
  - 6. [illegible]
  - 7. [illegible]
  - 8. [illegible]
  - 9. [illegible]
  - 10. [illegible]

- NOTES**
1. [illegible]
  2. [illegible]
  3. [illegible]
  4. [illegible]
  5. [illegible]
  6. [illegible]
  7. [illegible]
  8. [illegible]
  9. [illegible]
  10. [illegible]

**NOTES**

1. [illegible]

2. [illegible]

3. [illegible]

4. [illegible]

5. [illegible]

6. [illegible]

7. [illegible]

8. [illegible]

9. [illegible]

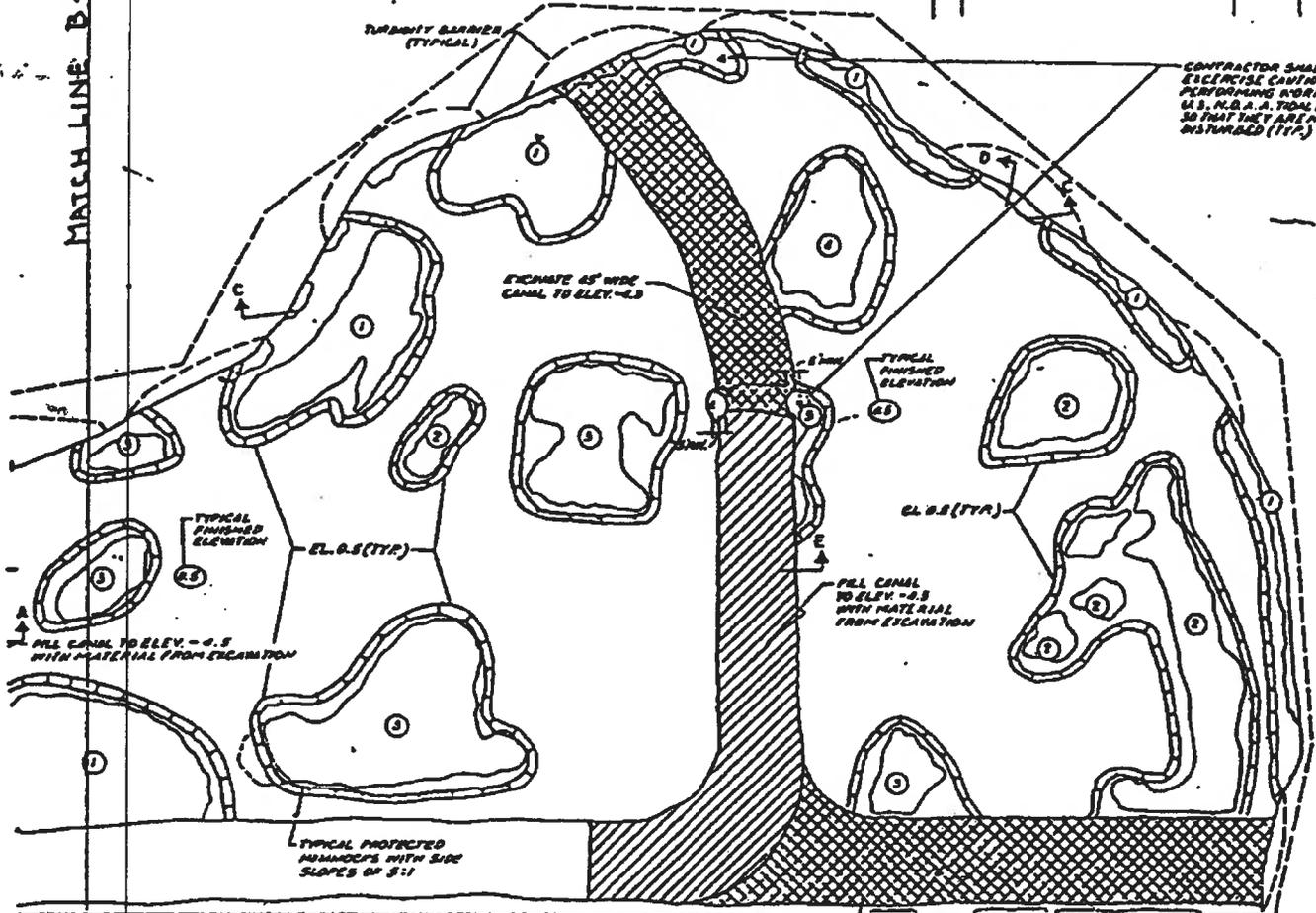
10. [illegible]





MATCH LINE B-O

NO.	DESCRIPTION	DATE	BY



LIMITS OF WORK

EXCAVATE 30' WIDE CANAL TO ELEV. -2.5

REVISED  
DATE

**LEGEND**

- ▲ EXISTING TIDAL BENCHMARK MONUMENTS (1974) U.S. NATIONAL OCEANIC ATMOSPHERIC ADMINISTRATION
- DELINEATES LIMITS OF WORK
- Ⓞ DENOTES FINISHED ELEVATION



**GENERAL NOTES: ALL ELEVATIONS MEVEL (1929)**

- A. 1. MEAN WATER LEVEL + 0.32
- 2. HIGHEST OBSERVED WATER LEVEL + 1.25
- 3. LOWEST OBSERVED WATER LEVEL - 0.00
- B. ENVIRONMENTAL MITIGATION LAND IMPROVEMENT AREA APPROXIMATELY 60 ACRES
- C. TYPICAL SLOPES ON PROTECTED ISLANDS MAMMOCKS ARE 3:1

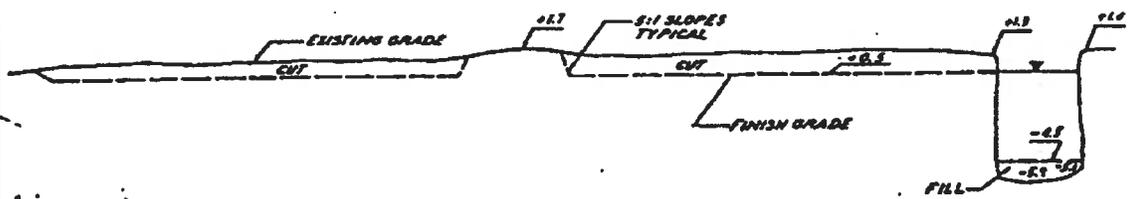


87IPA-20336  
 Sheet 21 of 24  
 22 June 89

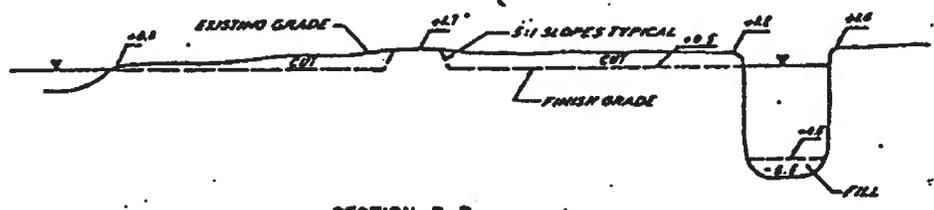
WOLBERG, ALVAREZ, AND ASSOCIATES MIAMI, FL		SOUTHERN DIVISION	
DATE OF DESIGN: 1987	DATE OF CONSTRUCTION: 1988	PROJECT NO.:	PROJECT NAME:
PROJECT NO.:	PROJECT NAME:	DATE OF DESIGN:	DATE OF CONSTRUCTION:
PROJECT NO.:	PROJECT NAME:	DATE OF DESIGN:	DATE OF CONSTRUCTION:

LM-3

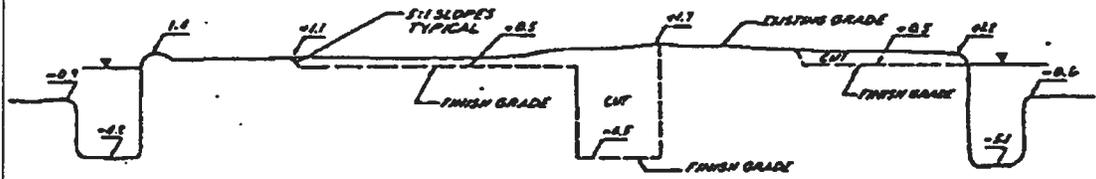




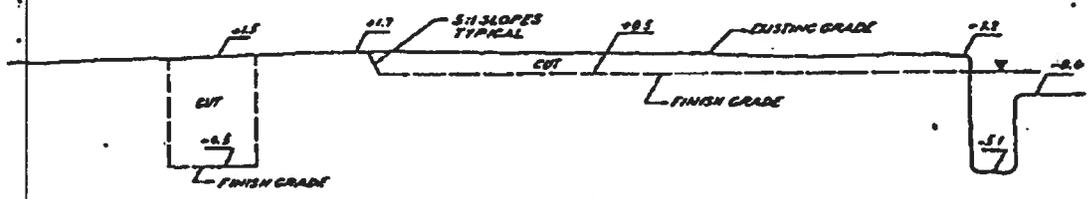
SECTION A-A  
 HORIZ. 1" = 40'  
 VERT. 1" = 4'



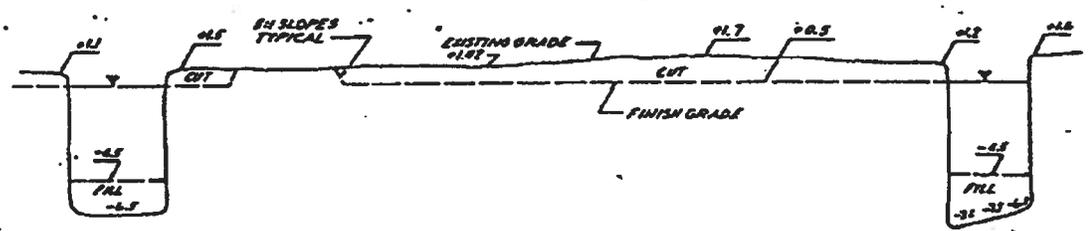
SECTION B-B  
 HORIZ. 1" = 40'  
 VERT. 1" = 4'



SECTION C-C  
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 VERT. 1" = 4'

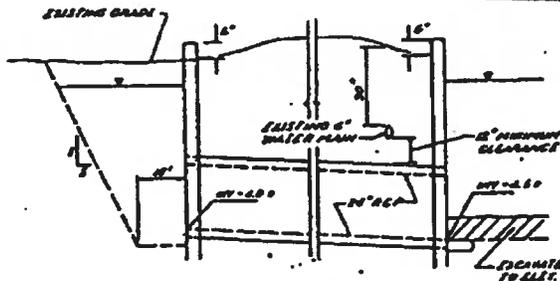


SECTION D-D  
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 VERT. 1" = 4'



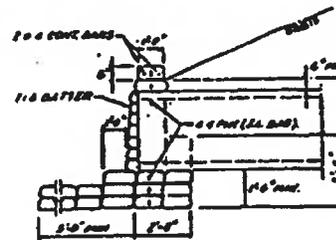
SECTION E-E  
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 VERT. 1" = 4'

87IPA-20336  
 Sheet 23 of 24  
 22 June 89

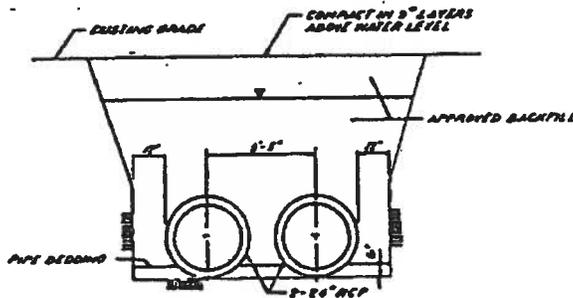


STORM PIPE DETAIL HORIZ. 1" = 20" VERT. 1" = 2"

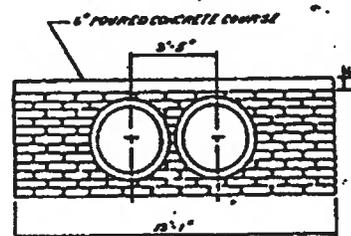
CONTRACTOR SHALL VERIFY TOP OF WATER MAIN ELEVATION AT EXISTING TOP OF WATER MAIN IS ABOVE (N.A.) INVERTS OF 16" R.C.P. MUST BE RAISED PROPORTIONATELY IF TOP IS BELOW (N.A.) CONTRACTOR SHALL CONSIDER EJECTOR MANHOLE 3'-0" BELOW AT WATER MAIN CROSSING



SECTION



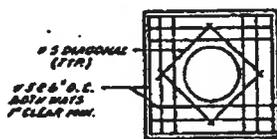
PIPE TRENCH BEDDING DETAIL



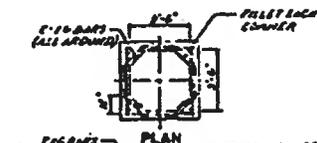
FRONT ELEVATION

RIP RAP ENDWALL

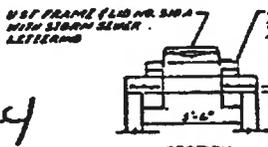
N.T.S.



PLAN

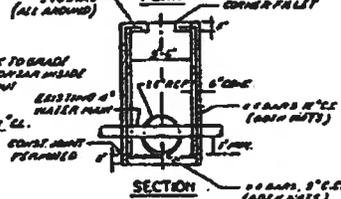


PLAN



SECTION

TOP SLAB DETAIL

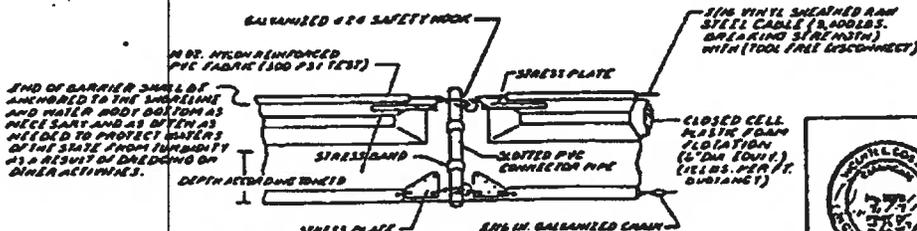


SECTION

CONFLICT MANHOLE DETAIL



87IPA-20336  
Sheet 24 of 24  
22 June 89



FLOATING TURBIDITY BARRIER DETAIL

N.T.S.

RECEIVED  
SUR. OF FERM.  
MAY 26 1989

ENGINEER, ARCHITECT, AND ASSOCIATES FIRM NO. 1140	PROJECT NO. 8001	DATE: 05/10/89	SCALE: AS NOTED
SOUTHERN DIVISION		DATE: 05/10/89	SCALE: AS NOTED
LAND MODIFICATIONS		DATE: 05/10/89	SCALE: AS NOTED
CROSS SECTIONS AND DET.		DATE: 05/10/89	SCALE: AS NOTED
LM-4	F 8001	820387	06-87-0381

Permittee: U.S. Navy  
Permit No.: 441371039

**SPECIFIC CONDITIONS:**

3. Prior to commencement of work authorized by this permit, the permittee shall notify the Department of Environmental Regulation's Bureau of Wetland Resource Management in Tallahassee and the South Florida District office in Marathon in writing of this commencement.

4. Semi-annual narrative reports shall be submitted to the Bureau of Wetland Resource Management in Tallahassee and the South District Branch Office in Marathon indicating the status of the project and include the following information:

a. Date permitted activity was begun; if work has not begun on-site, please so indicate.

b. Brief description and extent of work (dredge, fill, construction, stormwater treatment system, wetland mitigation) completed since the previous report or since the permit was issued. Indicate on copies of the permit drawings those areas where work has been completed.

c. Brief description and extent of work (dredge, fill, construction, stormwater treatment system, wetland mitigation) planned for the next six months. Indicate on copies of the permit drawings areas where it is anticipated the work will be done.

The status reports may be incorporated into the semi-annual narrative report of the mitigation monitoring. The first semi-annual report is due six months from the date of permit issuance.

5. A ditch shall be constructed around the diked area as shown on Sheets 5 and 5A of the attached permit drawings to maintain a jurisdictional connection between the wetlands to the north of the tank farm and waters of the State to the south of the tank farm.

6. As mitigation for the 3.81 ac. of wetland impacts, the permittee shall:

a. Scrapedown 6.80 ac. to an elevation of +0.5 ft. NGVD by removing 16,493 cu. yds. of limerock and clays from the areas shown in the permit drawings. In areas where a layer of soft clay mixed with organics is encountered prior to reaching the final elevation, the material shall be spread over the exposed limerock portions of the scrapedown area in order to provide a nutrient base for marine growth. The remaining island areas of buttonwoods,

Permittee: U.S. Navy  
Permit No.: 441371039

**SPECIFIC CONDITIONS:**

mangroves, and marsh grasses shall be surrounded by a 5:1 (horizontal:vertical) slope to the elevation of the scrapedown area. Exotic vegetation shall be removed initially from the islands and then as needed to ensure the success criteria listed in Specific Conditions No. 7 and 8 are met. These works are indicated in Sheets 11A and 11B of the permit drawings.

b. Place 2,110 cu. yds. of fill in the deeper parts of the existing flushing channels to achieve a final elevation of -4.5 ft. NGVD, and remove 4,336 cu. yds. of limerock to a depth of -4.5 ft. NGVD to extend the flushing channels into Similar Sound. This work is shown in Sheets 11 and 12 of the permit drawings. Fill material shall be placed in existing canals in a manner to avoid damaging submerged habitat that exists on the sides of the channel above the fill area.

c. Enhance 10 ac. of wetlands by hydraulically reconnecting an impounded mangrove and high marsh area located adjacent to the scrapedown area across Geiger Road. A flushing channel shall be extended into the impoundment area, and two 160 ft. long, 24 in. diameter pipes shall be installed under Geiger Road at the end of a second flushing channel to provide for better flushing and circulation of water in the presently impounded area. This work is indicated in Sheet 11 of the permit drawings.

7. The wetland enhancement shall be considered successful when the following conditions are met:

a. Within the area to be scraped down, at least 80% of the total coverage shall be those species listed in Florida Administrative Code Rule 17-3.022, and shall be reproducing naturally. Brazilian pepper, Australian pine and other exotics shall be limited to 10% or less of the total cover.

b. Within the reconnected mangrove and high marsh area, at least 80% of the total coverage shall be those species listed in Florida Administrative Code Rule 17-3.022, and shall be reproducing naturally. Brazilian pepper, Australian pine and other exotics shall be limited to 10% or less of the total cover.

c. All State Water Quality Standards are being met within the flushing channels and within the impoundment. If State Water Quality Standards are not being met, but the water quality conditions are indicative of background

Permittee: U.S. Navy  
Permit No.: 441371039

**SPECIFIC CONDITIONS:**

conditions in comparable wetland areas in the vicinity, the Department may determine that this success criterion has been met.

8. The permittee recognizes that it has a continuing obligation to monitor the mitigation project and to correct any unsuccessful mitigation attempts beyond the expiration date of the permit. If the mitigation project is not deemed to be successful six months prior to the permit expiration date, the permittee shall, prior to the permit expiration date, execute an agreement with the Department evidencing that obligation.

9. Immediately following the construction activity authorized by this permit, the side slopes of the perimeter dikes facing the wetlands shall be stabilized by planting railroad vine or other suitable vegetation. Turbidity control fences shall be properly placed along the base of all fill sites adjacent to wetlands, and reinforced with hay bales, if necessary. These turbidity control devices shall not be removed until the side slopes have become sufficiently vegetated to control erosion and turbid runoff.

10. During construction of the mitigation project, a turbidity curtain shall be deployed around the perimeter of the construction area. Staked filter cloth "fences" shall be used to enclose areas of active construction where possible. Any temporary spoil piles shall be stabilized to prevent turbid run-off into the waters of Similar Sound or the impoundment area.

11. All construction activity, heavy equipment, and spoil stockpiling shall be confined to the areas to be scraped down or filled at both the tank farm and the mitigation project sites. Wetland areas that are to remain undisturbed at both sites shall be staked and flagged adequately, and construction personnel shall be advised of the importance of not disturbing any areas not permitted for construction by this permit.

**MONITORING REQUIRED:**

1. Vegetation Monitoring  
The permittee shall furnish to the Bureau of Wetland Resource Management in Tallahassee and the South Florida District Office in Marathon annual statistical reports of vegetational sampling of the mitigation wetlands done by a mutually agreed upon method. Acceptable methods may be found in Daubenmire (1968), Odging (1956), or Mueller-Dombois and Ellenberg (1974). Reports shall describe the percent cover of trees and herbaceous species listed in Florida Administrative Code Rule 17-3.022. Data for listed nuisance or exotic species, as

Permittee: U.S. Navy  
Permit No.: 441371039

**MONITORING REQUIRED:**

stated in Specific Condition No. 7, shall be listed separately from native species. Data shall be taken during the summer growing season. Reports shall be submitted until a determination of a successful mitigation has been made. If after two years the percent cover of trees and herbaceous species listed in Florida Administrative Code Rule 17-3.022 is less than 50%, the permittee shall submit a plan for planting appropriate species to the Department for approval.

**2. Water Quality**

The permittee shall conduct routine sampling to determine the quality of the water within the reconnected impoundment area and the flushing channels created by this project. Within three months of issuance of this permit, and prior to commencement of any construction activity authorized by this permit, the permittee shall submit a draft water quality sampling program for the Department's review. The plan shall include parameters to be measured, stations for sampling (including background stations outside the impoundment), and the proposed frequency of sampling. The Bureau of Wetland Resource Management in Tallahassee and the South Florida District Branch Office in Marathon shall be contacted to assist in the formulation of this plan. The purposes of the water quality monitoring shall be to determine whether the reconnection results in improvements to the water quality within the impoundment and to ensure that water entering Similar Sound from the impoundment meets all applicable State Water Quality Standards.

**3. Photographic and Status**

Semi-annual narrative reports shall be submitted to the Bureau of Wetland Resource Management detailing the progress of this mitigation program. The reports should include: photographs taken from permanent stations (some of which must be located in the vegetation sampling areas), a description of problems encountered and solutions undertaken, and work planned for the following six months.

If the data indicate the mitigation effort is not successful pursuant to Specific Condition No. 7, the applicant shall present methods and proposals to be reviewed and approved by the Department to ensure success of the mitigation effort.

The references cited above are the following:

Daubenmire, R. 1968. Plant Communities: A Textbook of Synecology. Harper & Row, New York. 300 pp.

Permittee: U.S. Navy  
Permit No.: 441371039

MONITORING REQUIRED:

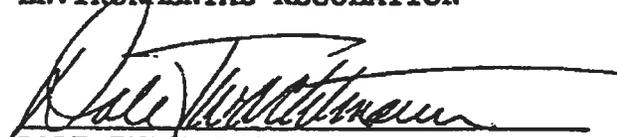
Costing, H. J. 1956. The Study of Plant Communities: An Introduction to Plant Ecology. W. H. Freeman, San Francisco. 440 pp.

Mueller-Dombois, D. and H. Ellenberg. 1974. Aims and Methods of Vegetation Ecology, John Wiley, New York. 547 pp

Recommended by

J. Payson Wilby.

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL REGULATION

  
DALE TWACHTMANN, Secretary

24 pages attached.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Richard M. Potulau 24 July 89  
(PERMITTEE) (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Robert L. Herndon JUL 28 1989  
(DISTRICT ENGINEER) (DATE)  
Robert L. Herndon  
Colonel, U.S. Army

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFeree) (DATE)

0373

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION  
NOTICE OF PERMIT

C E R T I F I E D

In the matter of an  
Application for Permit  
by:

DER File No. 441371039  
Monroe County

U.S. Navy  
c/o G.C. Bradley  
Southern Naval Facilities  
Engineering Command  
2155 Eagle Drive  
Post Office Box 10068  
Charleston, South Carolina 29411

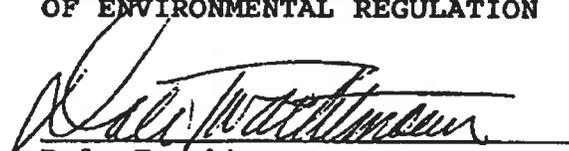
*Boca Chica Tank Farm*

Enclosed is Permit Number 441371039 to U.S. Navy, issued pursuant to Section 403.087, Florida Statutes.

Any party to this Order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION



Dale Twachtmann  
Secretary  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
904/488-4805

Copies furnished to:

Philip Edwards, DER, South Florida District  
Florida Marine Patrol  
U.S. Army Corps of Engineers, (Jacksonville)  
(Application No. 87IPV-20336)  
Florida Game and Fresh Water Fish Commission

CERTIFICATE OF SERVICE

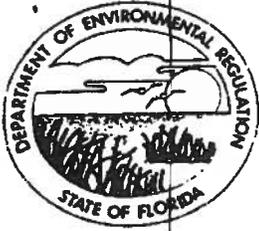
This is to certify that this NOTICE OF PERMIT and all  
copies were mailed before the close of business  
on June 12, 1989 to the listed persons.

Clerk Stamp

FILING AND ACKNOWLEDGEMENT  
FILED, on this date, pursuant to  
§120.52(9), Florida Statutes, with  
the designated Department Clerk,  
receipt of which is hereby  
acknowledged.

Patricia Gray 6-12-89  
(Clerk) Date

File No. 441371039



## Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary

**PERMITTEE:**

U.S. Navy  
c/o G.C. Bradley  
Southern Naval Facilities  
Engineering Command  
2155 Eagle Drive  
Post Office Box 10068  
Charleston, South Carolina 29411

Permit Number: 441371039  
Date of Issue: June 9, 1989  
Expiration Date: June 9, 1994  
County: Monroe  
Project: Wetland Resource,  
5 Year

This permit is issued under the provisions of Chapter 403, Florida Statutes, Public Law 92-500, and Florida Administrative Code Rule 17-12. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the department and made a part hereof and specifically described as follows:

**PROJECT DESCRIPTION:**

To fill wetlands to construct fuel storage tanks, an access road, and containment dikes by: placing 56,762 cu. yds. of fill in 3.81 ac. of wetlands; relocating a ditch around the diked area to maintain the Department's jurisdiction to an existing mangrove area; mitigating for the wetland fill by enhancing 11.34 ac. of existing wetlands by scraping down unvegetated areas to +0.5 ft. NGVD, excavating additional flushing channels, and partially filling existing deep canals; and restoring 10 ac. of impounded mangrove wetlands by installing culverts to reconnect the area to Similar Sound.

**LOCATION:**

Wetlands adjacent to Hawk Channel, Fuel Tank Farm, Boca Chica Annex, Monroe County, Section 32, Township 67 South, Range 26 East, not in an aquatic preserve, Class III waters, Outstanding Florida Water (Keys Special Waters).

Permittee: U.S. Navy  
Permit No.: 441371039

**GENERAL CONDITIONS:**

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the department.

3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefor caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and department rules, unless specifically authorized by an order from the department.

Permittee: U.S. Navy  
Permit No.: 441371039

**GENERAL CONDITIONS:**

6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:

- a. Having access to and copying any records that must be kept under the conditions of the permit;
- b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify and provide the department with the following information:

- a. a description of and cause of non-compliance; and
- b. the period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the department for penalties or revocation of this permit.

Permittee: U.S. Navy  
Permit No.: 441371039

**GENERAL CONDITIONS:**

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the department, may be used by the department as evidence in any enforcement case arising under the Florida Statutes or department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes.

10. The permittee agrees to comply with changes in department rules and Florida Statutes after a reasonable time for compliance, provided however, the permittee does not waive any other rights granted by Florida Statutes or department rules.

11. This permit is transferable only upon department approval in accordance with Florida Administrative Code Rules 17-4.12 and 17-30.30, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the department.

12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.

13. This permit also constitutes Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500).

14. The permittee shall comply with the following monitoring and record keeping requirements:

a. Upon request, the permittee shall furnish all records and plans required under department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the department, during the course of any unresolved enforcement action.

b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by department rule.

Permittee: U.S. Navy  
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**GENERAL CONDITIONS:**

- c. Records of monitoring information shall include:
- the date, exact place, and time of sampling or measurements;
  - the person responsible for performing the sampling or measurements;
  - the date(s) analyses were performed;
  - the person responsible for performing the analyses;
  - the analytical techniques or methods used; and
  - the results of such analyses.

15. When requested by the department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the department, such facts or information shall be submitted or corrected promptly.

**SPECIFIC CONDITIONS:**

1. The permittee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Natural Resources under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Florida Administrative Code Rule 16Q-14, if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

2. If historical or archeological artifacts, such as Indian canoes, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R. A. Gray Building, Tallahassee, Florida 32301.

Permittee: U.S. Navy  
Permit No.: 441371039

**SPECIFIC CONDITIONS:**

3. Prior to commencement of work authorized by this permit, the permittee shall notify the Department of Environmental Regulation's Bureau of Wetland Resource Management in Tallahassee and the South Florida District office in Marathon in writing of this commencement.

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b. Brief description and extent of work (dredge, fill, construction, stormwater treatment system, wetland mitigation) completed since the previous report or since the permit was issued. Indicate on copies of the permit drawings those areas where work has been completed.

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Permittee: U.S. Navy  
Permit No.: 441371039

**SPECIFIC CONDITIONS:**

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a. Within the area to be scraped down, at least 80% of the total coverage shall be those species listed in Florida Administrative Code Rule 17-3.022, and shall be reproducing naturally. Brazilian pepper, Australian pine and other exotics shall be limited to 10% or less of the total cover.

b. Within the reconnected mangrove and high marsh area, at least 80% of the total coverage shall be those species listed in Florida Administrative Code Rule 17-3.022, and shall be reproducing naturally. Brazilian pepper, Australian pine and other exotics shall be limited to 10% or less of the total cover.

c. All State Water Quality Standards are being met within the flushing channels and within the impoundment. If State Water Quality Standards are not being met, but the water quality conditions are indicative of background

Permittee: U.S. Navy  
Permit No.: 441371039

**SPECIFIC CONDITIONS:**

conditions in comparable wetland areas in the vicinity, the Department may determine that this success criterion has been met.

8. The permittee recognizes that it has a continuing obligation to monitor the mitigation project and to correct any unsuccessful mitigation attempts beyond the expiration date of the permit. If the mitigation project is not deemed to be successful six months prior to the permit expiration date, the permittee shall, prior to the permit expiration date, execute an agreement with the Department evidencing that obligation.

9. Immediately following the construction activity authorized by this permit, the side slopes of the perimeter dikes facing the wetlands shall be stabilized by planting railroad vine or other suitable vegetation. Turbidity control fences shall be properly placed along the base of all fill sites adjacent to wetlands, and reinforced with hay bales, if necessary. These turbidity control devices shall not be removed until the side slopes have become sufficiently vegetated to control erosion and turbid runoff.

10. During construction of the mitigation project, a turbidity curtain shall be deployed around the perimeter of the construction area. Staked filter cloth "fences" shall be used to enclose areas of active construction where possible. Any temporary spoil piles shall be stabilized to prevent turbid run-off into the waters of Similar Sound or the impoundment area.

11. All construction activity, heavy equipment, and spoil stockpiling shall be confined to the areas to be scraped down or filled at both the tank farm and the mitigation project sites. Wetland areas that are to remain undisturbed at both sites shall be staked and flagged adequately, and construction personnel shall be advised of the importance of not disturbing any areas not permitted for construction by this permit.

**MONITORING REQUIRED:**

1. Vegetation Monitoring

The permittee shall furnish to the Bureau of Wetland Resource Management in Tallahassee and the South Florida District Office in Marathon annual statistical reports of vegetational sampling of the mitigation wetlands done by a mutually agreed upon method. Acceptable methods may be found in Daubenmire (1968), Oosting (1956), or Mueller-Dombois and Ellenberg (1974). Reports shall describe the percent cover of trees and herbaceous species listed in Florida Administrative Code Rule 17-3.022. Data for listed nuisance or exotic species, as

Permittee: U.S. Navy  
Permit No.: 441371039

**MONITORING REQUIRED:**

stated in Specific Condition No. 7, shall be listed separately from native species. Data shall be taken during the summer growing season. Reports shall be submitted until a determination of a successful mitigation has been made. If after two years the percent cover of trees and herbaceous species listed in Florida Administrative Code Rule 17-3.022 is less than 50%, the permittee shall submit a plan for planting appropriate species to the Department for approval.

**2. Water Quality**

The permittee shall conduct routine sampling to determine the quality of the water within the reconnected impoundment area and the flushing channels created by this project. Within three months of issuance of this permit, and prior to commencement of any construction activity authorized by this permit, the permittee shall submit a draft water quality sampling program for the Department's review. The plan shall include parameters to be measured, stations for sampling (including background stations outside the impoundment), and the proposed frequency of sampling. The Bureau of Wetland Resource Management in Tallahassee and the South Florida District Branch Office in Marathon shall be contacted to assist in the formulation of this plan. The purposes of the water quality monitoring shall be to determine whether the reconnection results in improvements to the water quality within the impoundment and to ensure that water entering Similar Sound from the impoundment meets all applicable State Water Quality Standards.

**3. Photographic and Status**

Semi-annual narrative reports shall be submitted to the Bureau of Wetland Resource Management detailing the progress of this mitigation program. The reports should include: photographs taken from permanent stations (some of which must be located in the vegetation sampling areas), a description of problems encountered and solutions undertaken, and work planned for the following six months.

If the data indicate the mitigation effort is not successful pursuant to Specific Condition No. 7, the applicant shall present methods and proposals to be reviewed and approved by the Department to ensure success of the mitigation effort.

The references cited above are the following:

Daubenmire, R. 1968. Plant Communities: A Textbook of Synecology. Harper & Row, New York. 300 pp.

Permittee: U.S. Navy  
Permit No.: 441371039

**MONITORING REQUIRED:**

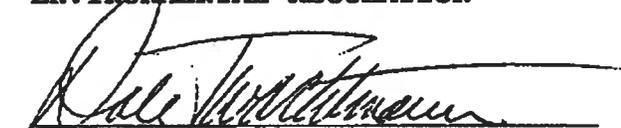
Oosting, H. J. 1956. The Study of Plant Communities: An Introduction to Plant Ecology. W. H. Freeman, San Francisco. 440 pp.

Mueller-Dombois, D. and H. Ellenberg. 1974. Aims and Methods of Vegetation Ecology. John Wiley, New York. 547 pp.

Recommended by

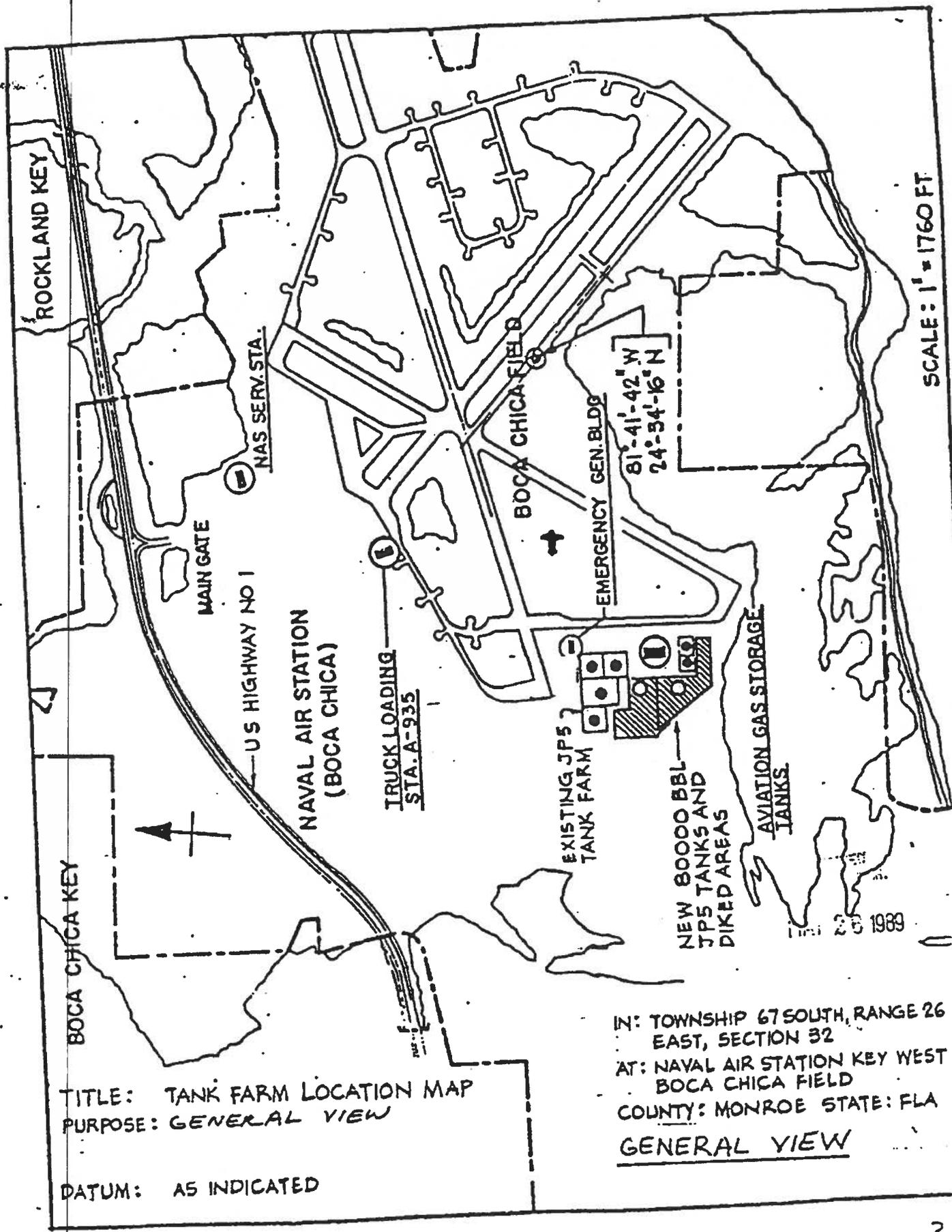
J. Payson Wetzel.

**STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL REGULATION**

  
DALE TWACHTMANN, Secretary

24 pages attached.



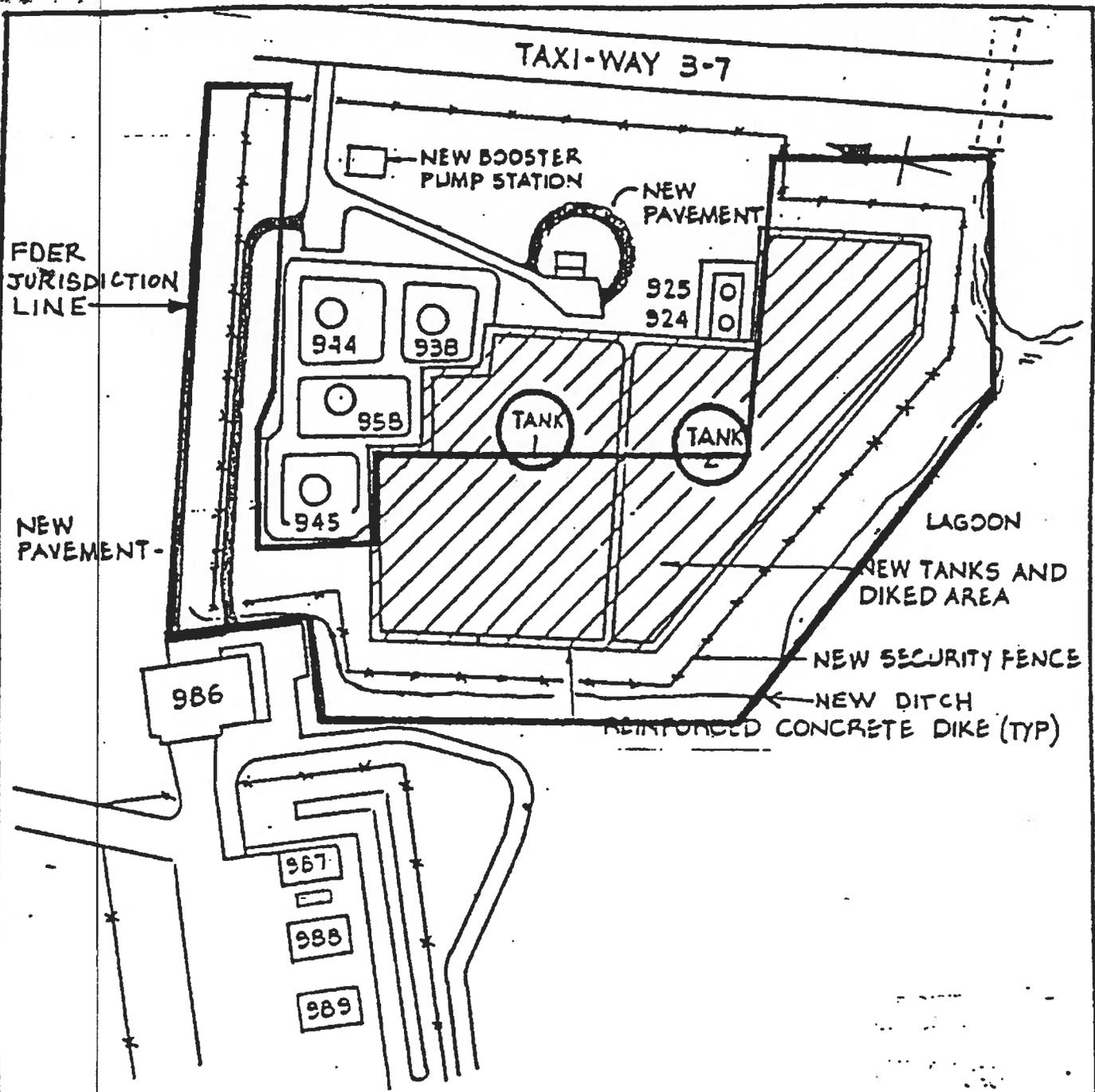


SCALE: 1" = 1760 FT

TITLE: TANK FARM LOCATION MAP  
 PURPOSE: GENERAL VIEW

DATUM: AS INDICATED

N: TOWNSHIP 67 SOUTH, RANGE 26  
 EAST, SECTION 32  
 AT: NAVAL AIR STATION KEY WEST  
 BOCA CHICA FIELD  
 COUNTY: MONROE STATE: FLA  
GENERAL VIEW



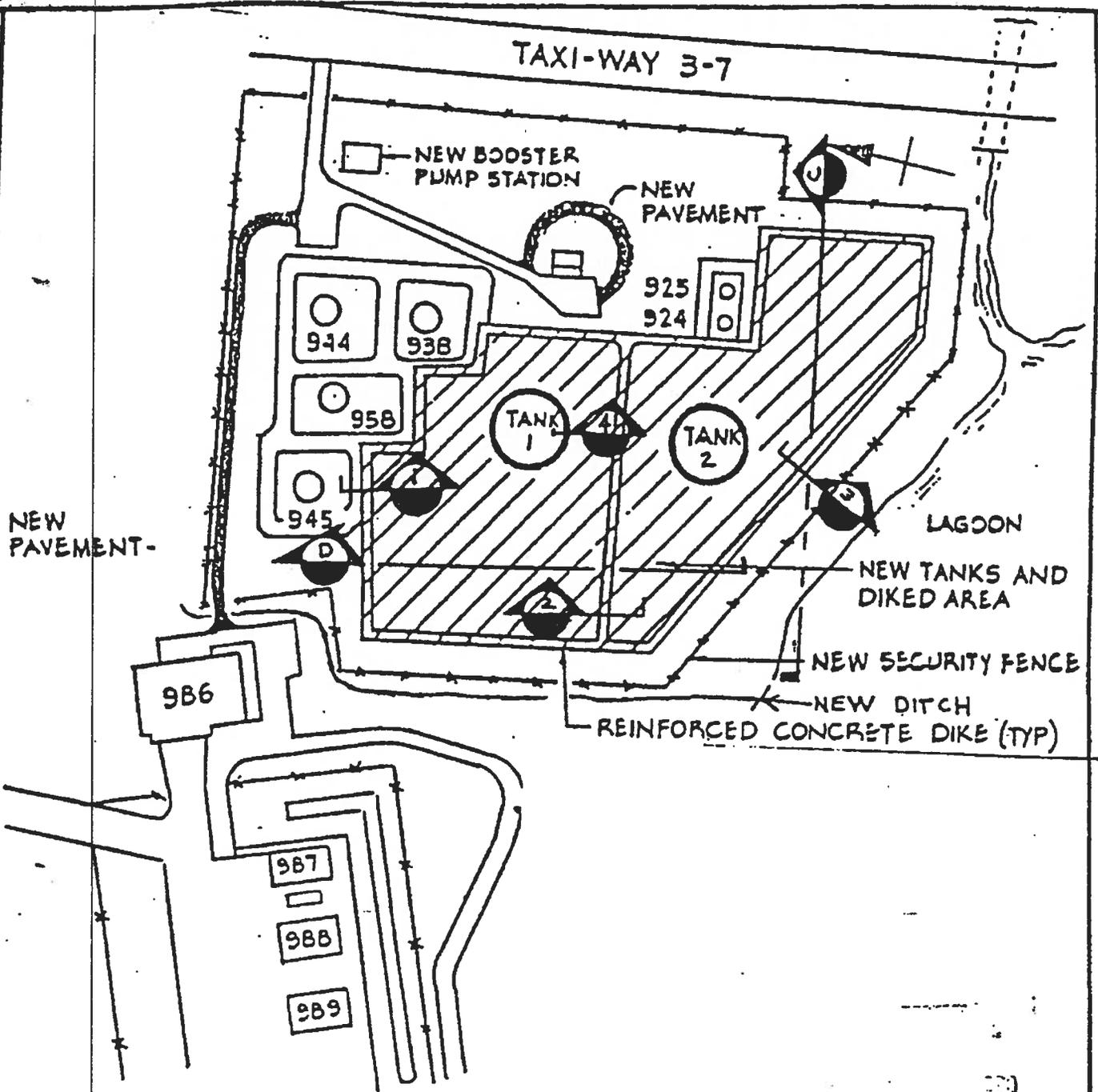
SCALE 1" = 200'

TITLE: PLAN ON NEW TANK FARM  
 PURPOSE: FDER JURISDICTION LINE

IN: TOWNSHIP 67 SOUTH, RANGE 26  
 EAST, SECTION 32  
 AT: NAVAL AIR STATION KEY WEST  
 BOCA CHICA FIELD  
 COUNTY: MONROE STATE: FLA

DATUM: M. S. L. = 0'-0" = NGVD

FDER JURISDICTION LINE

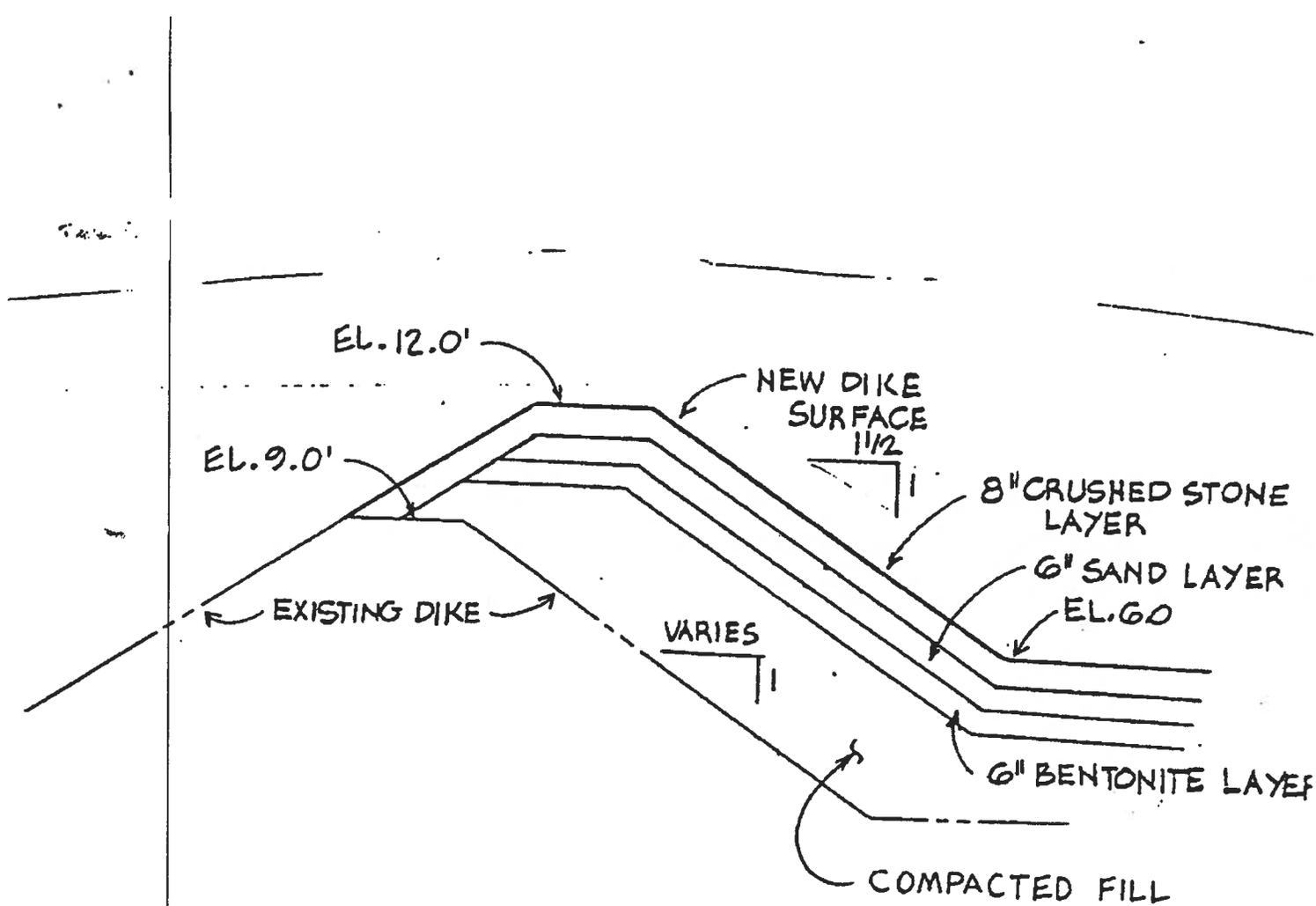


SCALE 1" = 200'

TITLE: PLAN ON NEW TANK FARM  
 PURPOSE: SECTION KEY PLAN

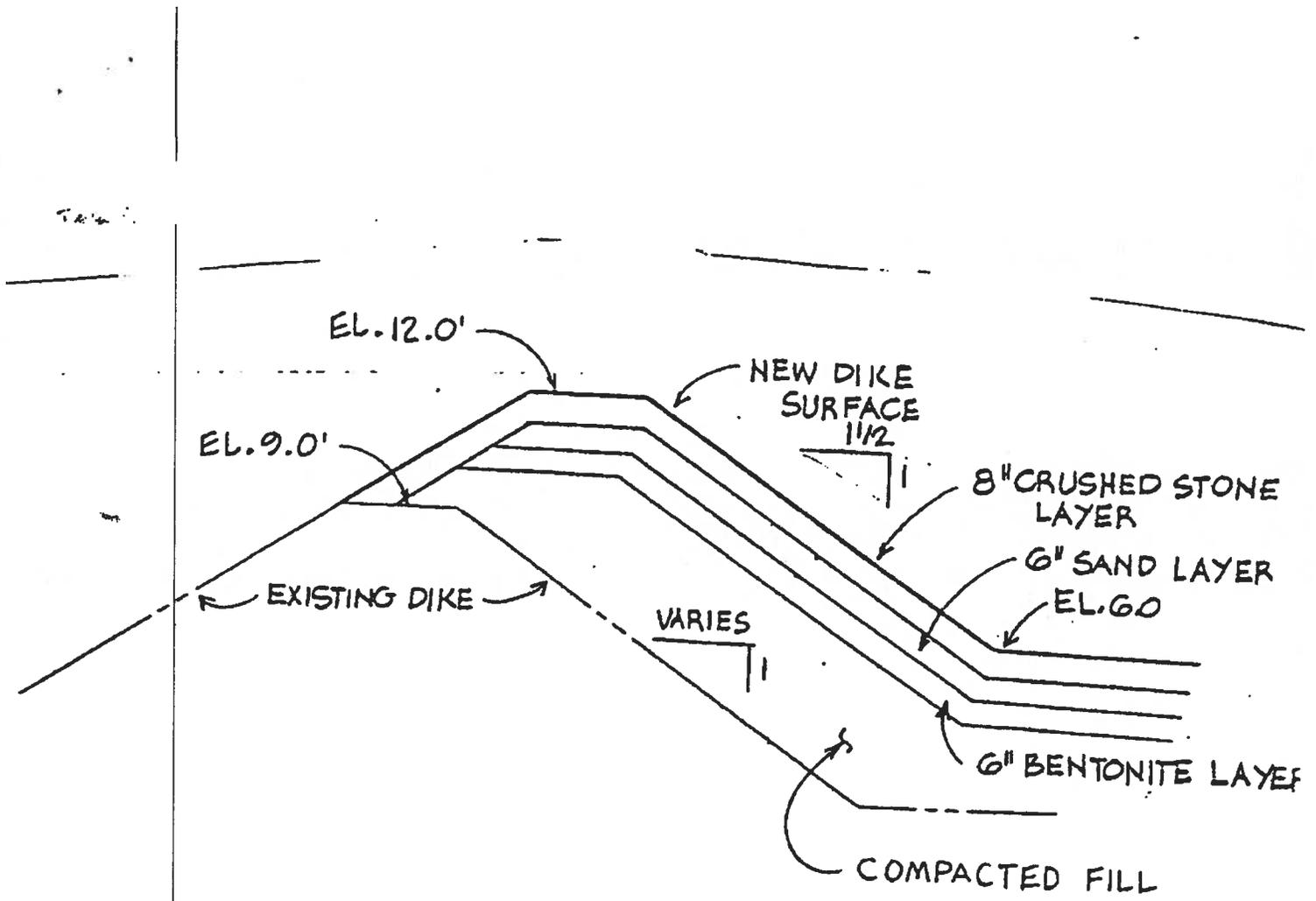
DATUM: M.S.L. = 0'-0" = NGVD

IN: TOWNSHIP 67 SOUTH, RANGE 26  
 EAST, SECTION 32  
 AT: NAVAL AIR STATION KEY WEST  
 BOCA CHICA FIELD  
 COUNTY: MONROE STATE: FLA  
SECTION KEY PLAN



SECTION  
 EXISTING/NEW  
 BERM INTERFACE

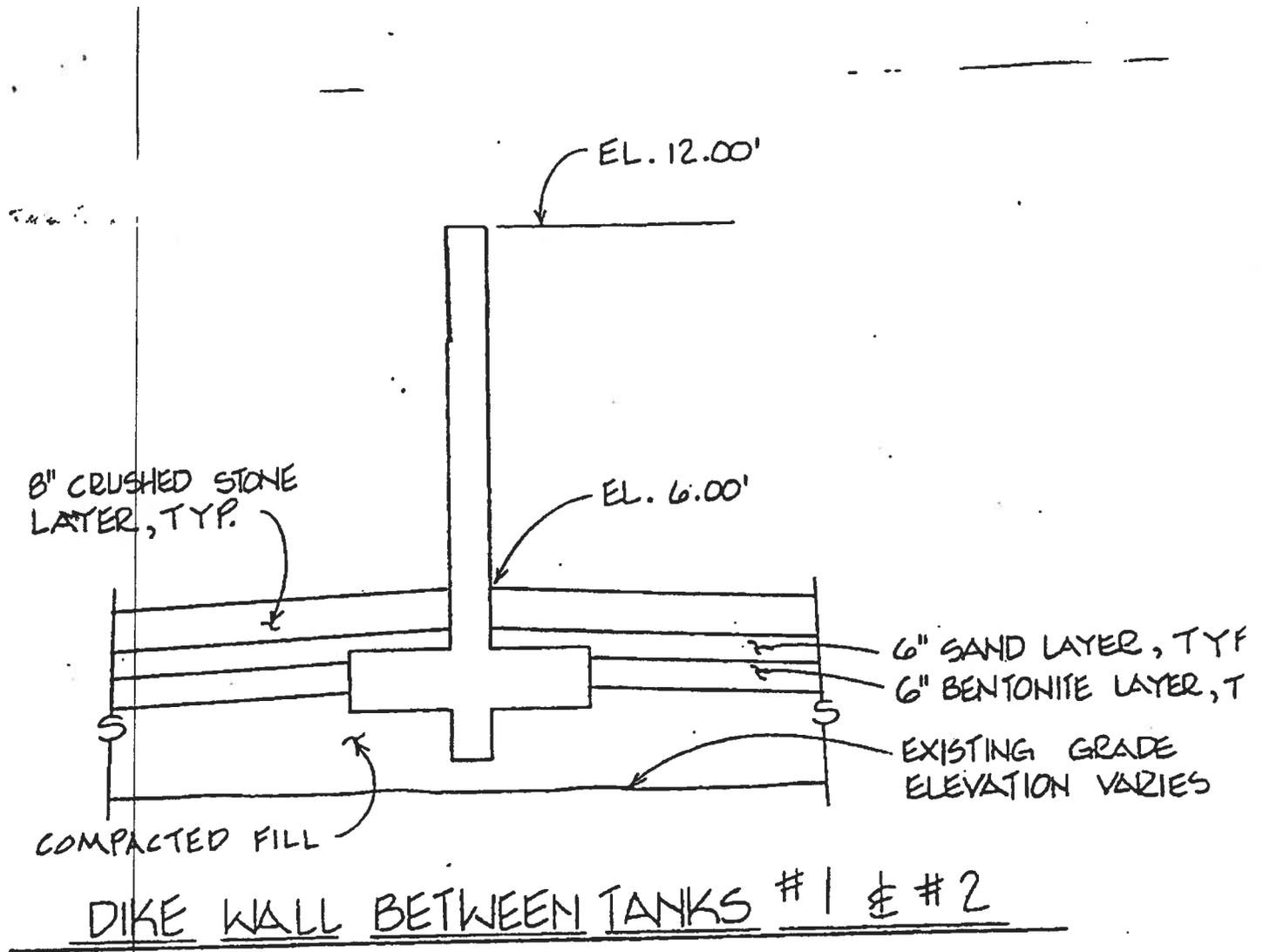
REVISIONS  
 FOR PERM.  
 MAY 26 1989



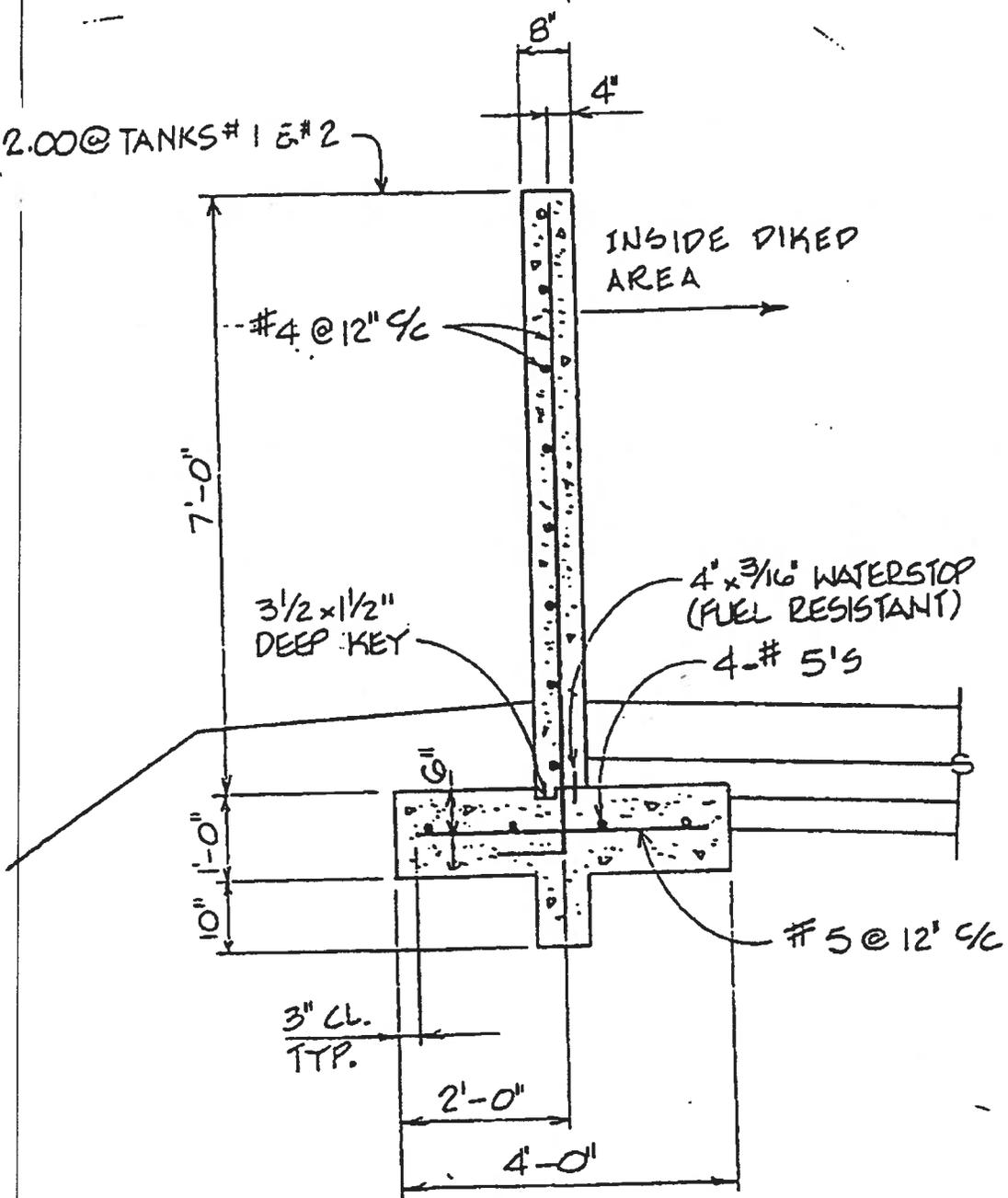
SECTION  
 EXISTING/NEW  
 BERM INTERFACE



REVISED  
 FOR RECORD  
 MAY 26 1989



EL. 12.00 @ TANKS # 1 & 2

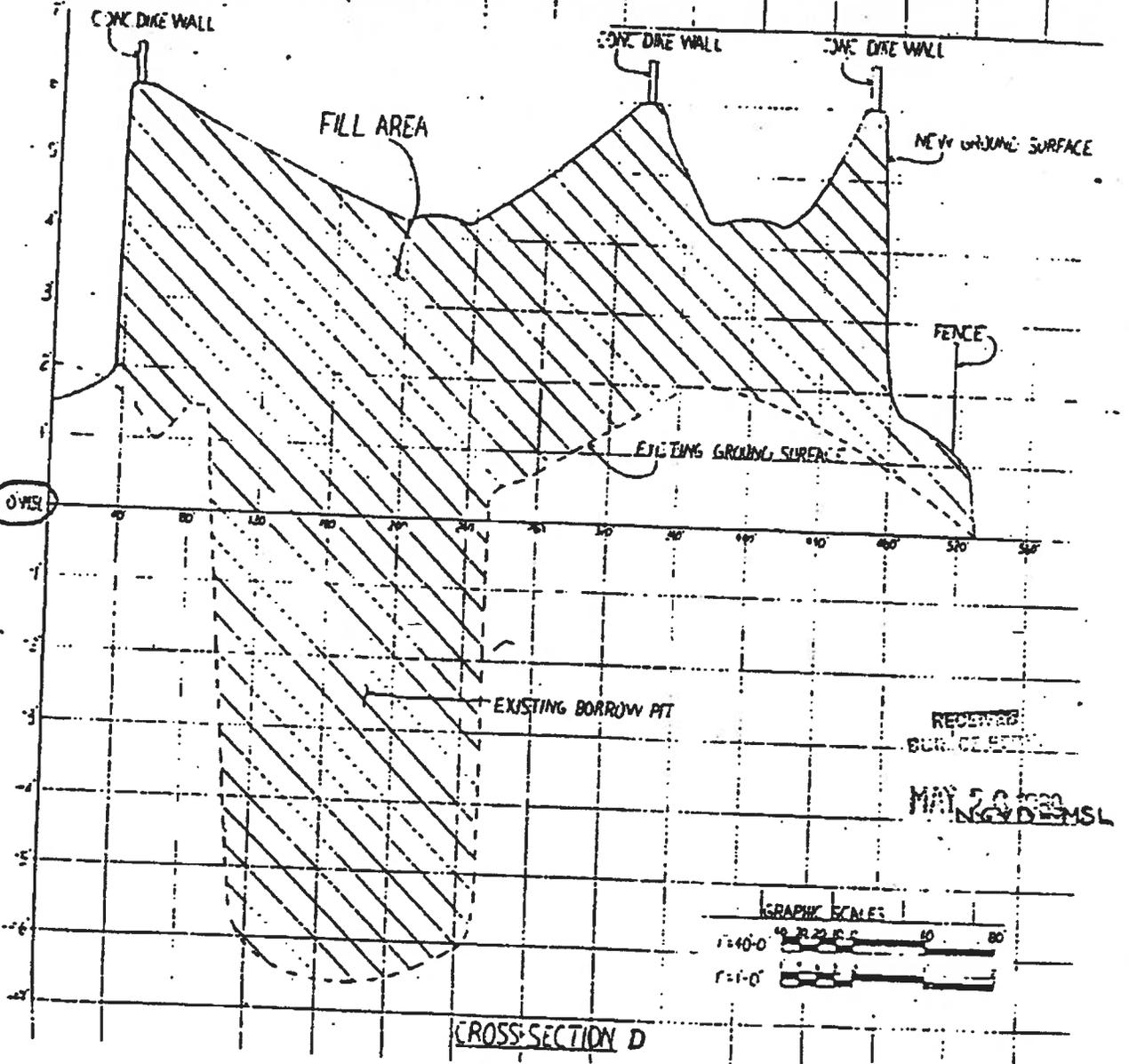
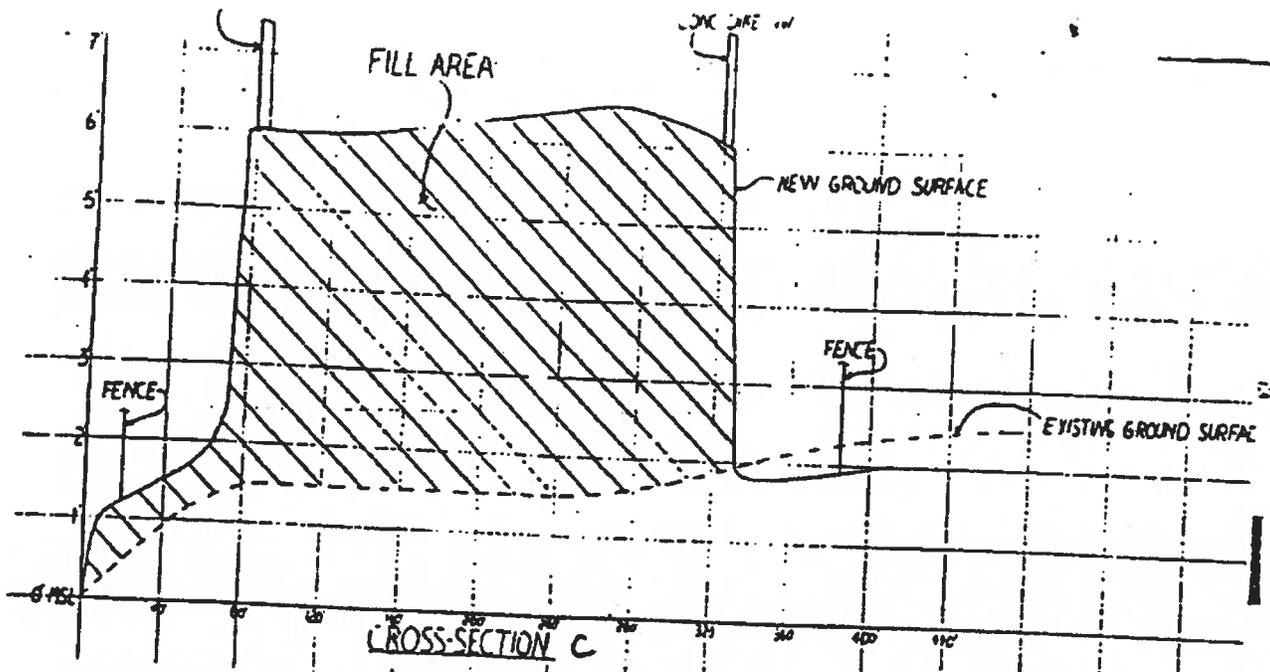


NOTE: ALL REINFORCEMENT USED IN THE CONCRETE DIKE CONSTRUCTION SHALL BE EPOXY COATED. ALL WATERSTOP MATERIAL SHALL BE JET FUEL RESISTANT.

CONCRETE DIKE SECTION

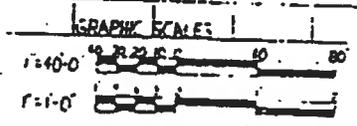






0 VMSL

REGISTERED  
SURVEYOR  
MAY 20 1933  
NGVD MSL



TAXI-WAY 3-7

NEW BOOSTER PUMP STATION

NEW PAVEMENT

944

938

925

924

959

TANK 1

TANK 2

945

NEW PAVEMENT

LAGOON

NEW TANKS AND DIKED AREA

NEW SECURITY FENCE

986

2 x 24"  $\phi$  CULVERT

NEW DITCH TO MAINTAIN D.E.R. JURISDICTION

987

988

989

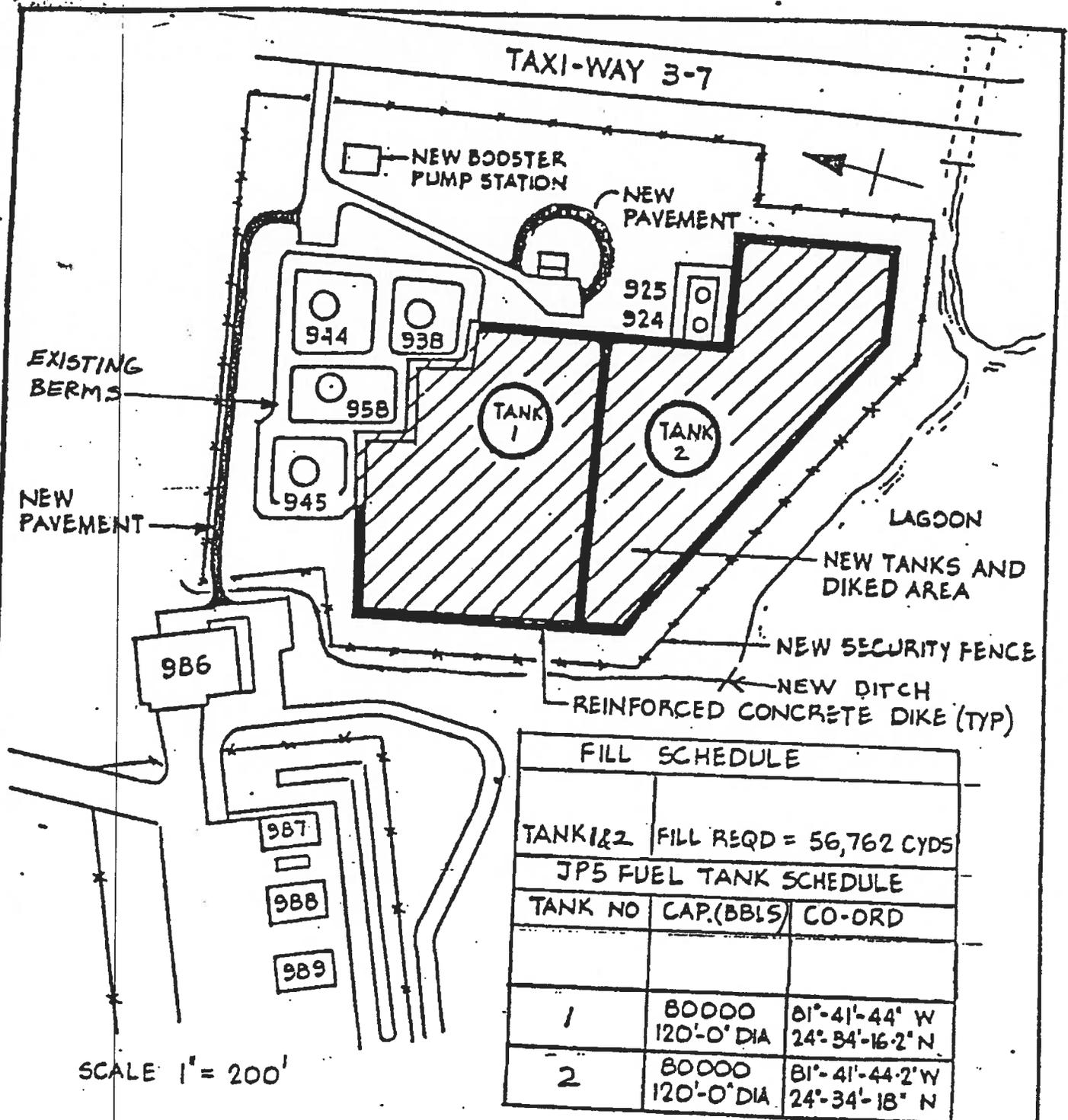
EXCAVATION REQ'D - 1300 C.Y.

NOTE: 2 NEW 24"  $\phi$  CULVERT REPLACE EXISTING 24"  $\phi$  CULVERT. NEW INVERT ELEV - 1.0.

SCALE 1" = 200'

TITLE: PLAN ON NEW TANK FARM  
PURPOSE: TO SHOW DITCH THAT WILL MAINTAIN DER JURISDICTION.  
DATUM: M.S.L. = 0'-0" = NGVD

IN: TOWNSHIP 67 SOUTH, RANGE 26 EAST, SECTION 32  
AT: NAVAL AIR STATION KEY WEST BOCA CHICA FIELD  
COUNTY: MONROE STATE: FLA



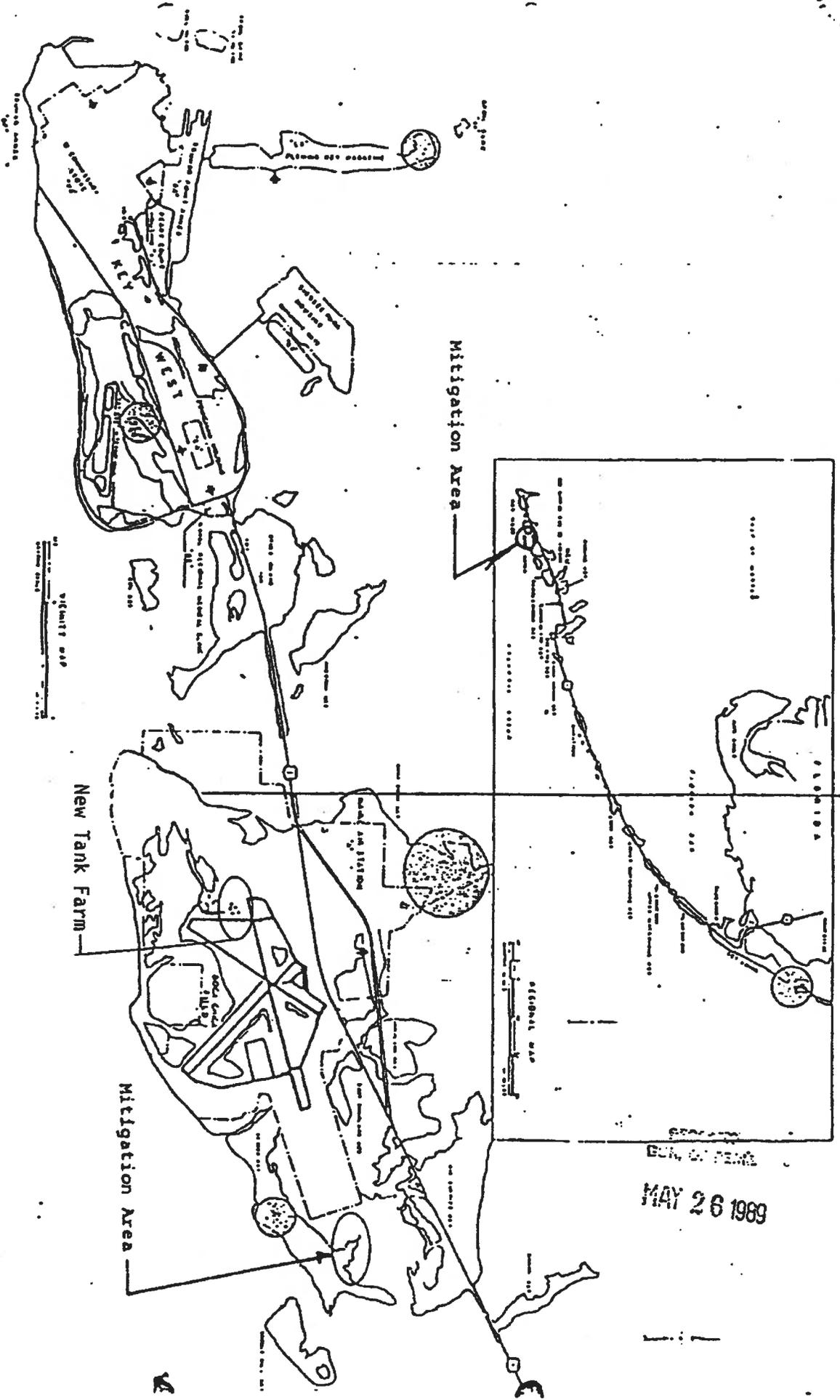
TITLE: PLAN ON NEW TANK FARM

PURPOSE: TO SHOW NEW DIKE RELATIONSHIP TO EXIST BERMS AND FILL SCHEDULE

DATUM: M.S.L. = 0'-0"

IN: TOWNSHIP 67 SOUTH, RANGE 26 EAST, SECTION 32

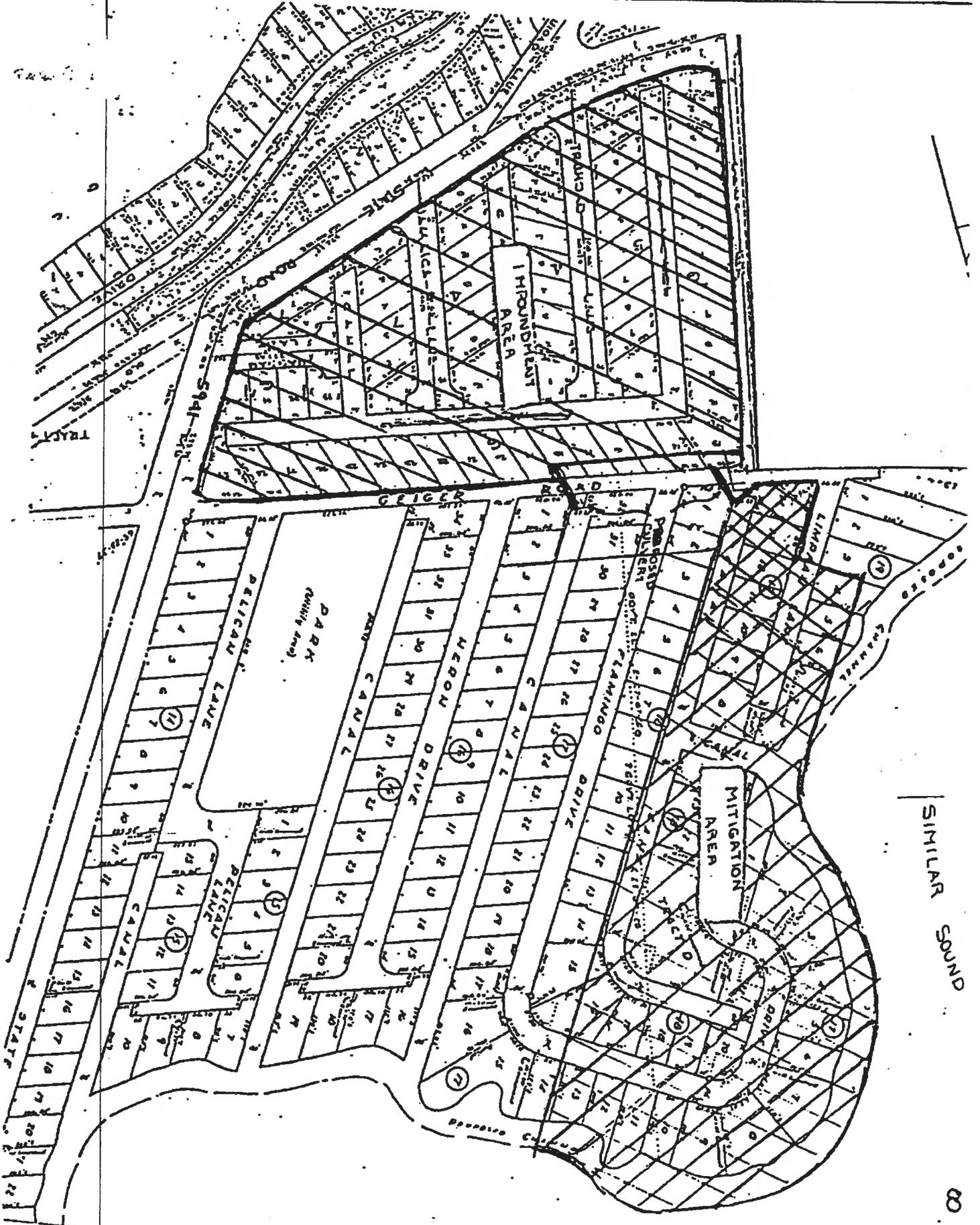
AT: NAVAL AIR STATION KEY WEST BOCA CHICA FIELD COUNTY: MONROE STATE: FLA



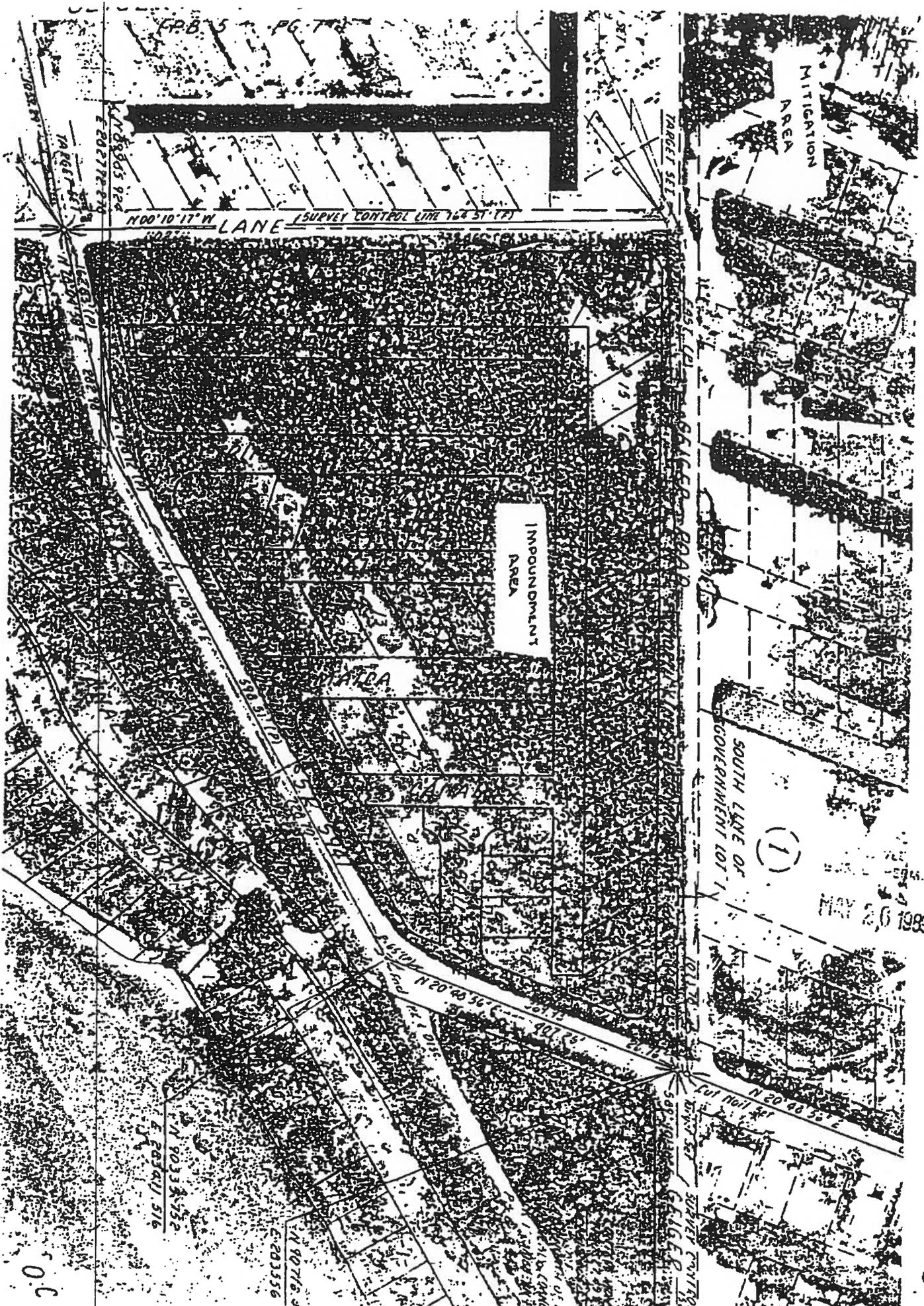
Tank Farm in Relation to Mitigation Area

VICINITY MAP

MAY 26 1989



SIMILAR SOUND



(1)

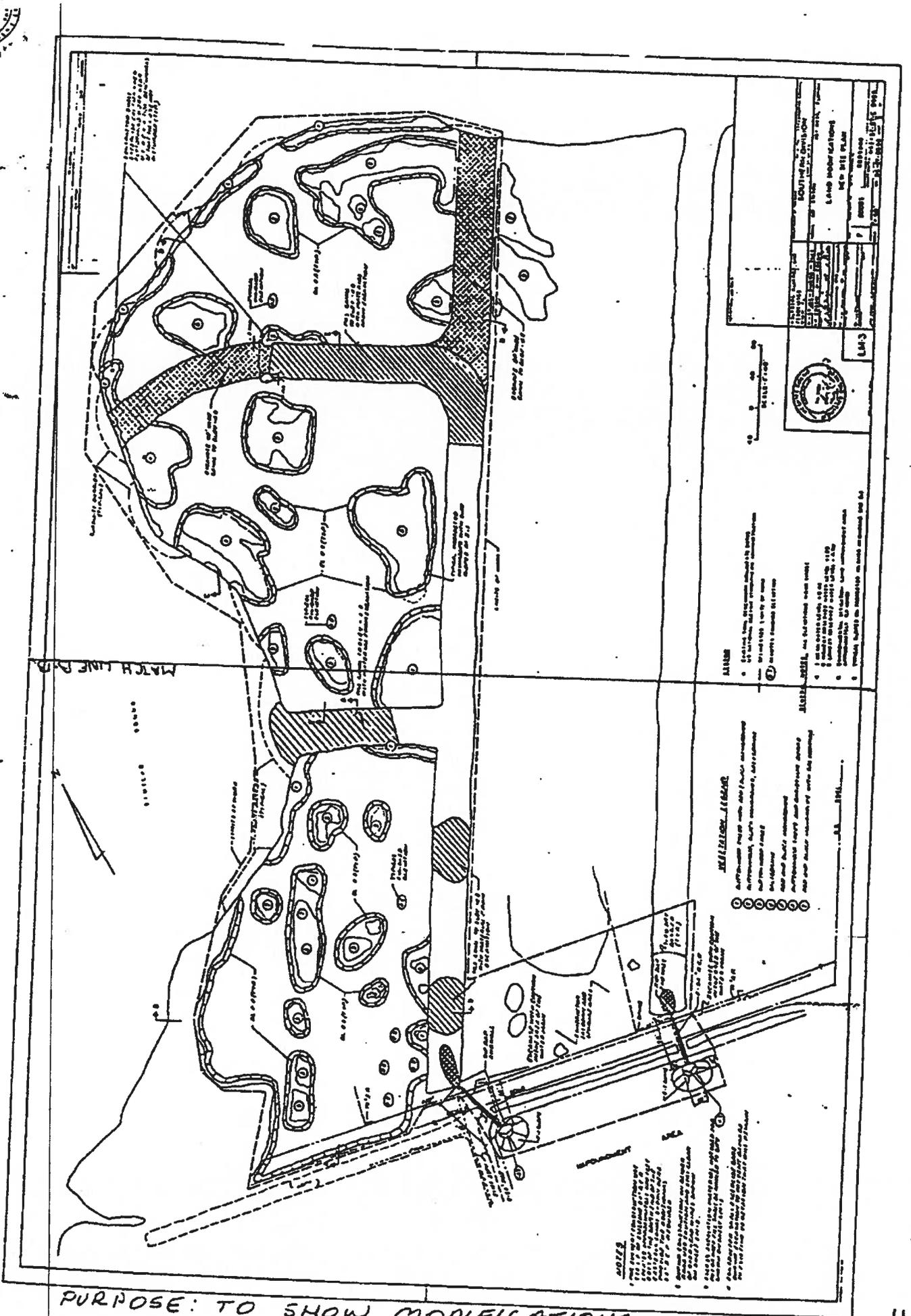
MAY 26 1989

SOUTH LINE OF  
GOVERNMENT LOT 1









PURPOSE: TO SHOW MODIFICATIONS

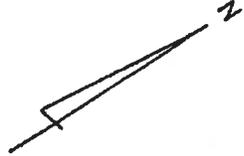
NOTE:  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. ALL WALLS ARE 4" THICK UNLESS OTHERWISE NOTED.  
 3. ALL DOORS ARE 36" WIDE UNLESS OTHERWISE NOTED.  
 4. ALL WINDOWS ARE 48" WIDE UNLESS OTHERWISE NOTED.  
 5. ALL FLOORS ARE CONCRETE UNLESS OTHERWISE NOTED.  
 6. ALL CEILING ARE 8' HIGH UNLESS OTHERWISE NOTED.  
 7. ALL ROOFS ARE FLAT UNLESS OTHERWISE NOTED.  
 8. ALL UTILITIES ARE SHOWN AS NOTED.

LEGEND:  
 (Symbol) 1. ROOM NO. 101  
 (Symbol) 2. ROOM NO. 102  
 (Symbol) 3. ROOM NO. 103  
 (Symbol) 4. ROOM NO. 104  
 (Symbol) 5. ROOM NO. 105  
 (Symbol) 6. ROOM NO. 106  
 (Symbol) 7. ROOM NO. 107  
 (Symbol) 8. ROOM NO. 108  
 (Symbol) 9. ROOM NO. 109  
 (Symbol) 10. ROOM NO. 110

REVISIONS:  
 1. REVISED TO SHOW MODIFICATIONS TO ROOM 101.  
 2. REVISED TO SHOW MODIFICATIONS TO ROOM 102.  
 3. REVISED TO SHOW MODIFICATIONS TO ROOM 103.  
 4. REVISED TO SHOW MODIFICATIONS TO ROOM 104.  
 5. REVISED TO SHOW MODIFICATIONS TO ROOM 105.  
 6. REVISED TO SHOW MODIFICATIONS TO ROOM 106.  
 7. REVISED TO SHOW MODIFICATIONS TO ROOM 107.  
 8. REVISED TO SHOW MODIFICATIONS TO ROOM 108.  
 9. REVISED TO SHOW MODIFICATIONS TO ROOM 109.  
 10. REVISED TO SHOW MODIFICATIONS TO ROOM 110.

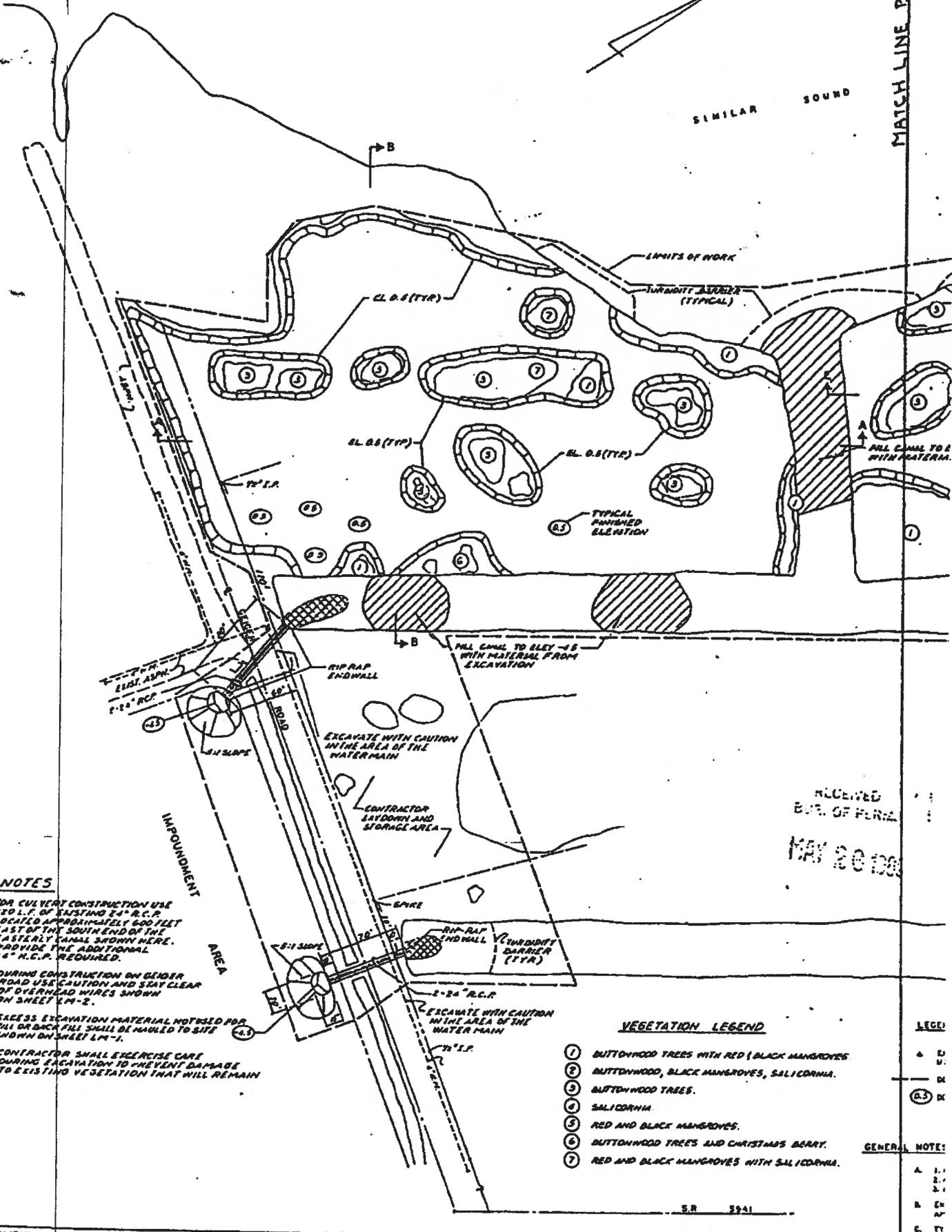


DATE	10/10/50
BY	J. H. BROWN
CHECKED BY	J. H. BROWN
APPROVED BY	J. H. BROWN
SCALE	AS SHOWN
TITLE	FLOOR PLAN OF BUILDING NO. 101
PROJECT NO.	101-101
CLIENT	U.S. ARMY
LOCATION	FOOT LOCKER DIVISION
DESIGNED BY	J. H. BROWN
DRAWN BY	J. H. BROWN
CHECKED BY	J. H. BROWN
APPROVED BY	J. H. BROWN



SIMILAR SOUND

MATCH LINE D-B



RECEIVED  
 DIV. OF FLORIDA  
 MAY 20 1968

**NOTES**

1. FOR CULVERT CONSTRUCTION USE 220 L.F. OF EXISTING 24" R.C.P. LOCATED APPROXIMATELY 600 FEET EAST OF THE SOUTH END OF THE EASTERLY CANAL SHOWN HERE. PROVIDE THE ADDITIONAL 24" R.C.P. REQUIRED.
2. DURING CONSTRUCTION ON GENDER ROAD USE CAUTION AND STAY CLEAR OF OVERHEAD WIRES SHOWN ON SHEET LM-2.
3. EXCESS EXCAVATION MATERIAL NOT USED FOR FILL OR BACK FILL SHALL BE Hauled TO SITE SHOWN ON SHEET LM-1.
4. CONTRACTOR SHALL EXERCISE CARE DURING EXCAVATION TO PREVENT DAMAGE TO EXISTING VEGETATION THAT WILL REMAIN

**VEGETATION LEGEND**

- ① BUTTWOOD TREES WITH RED (BLACK) MANGROVES
- ② BUTTWOOD, BLACK MANGROVES, SALICORNIA.
- ③ BUTTWOOD TREES.
- ④ SALICORNIA.
- ⑤ RED AND BLACK MANGROVES.
- ⑥ BUTTWOOD TREES AND CHRISTMAS BERRY.
- ⑦ RED AND BLACK MANGROVES WITH SALICORNIA.

**LEGEND**

- ▲ U
- M
- D
- ⊙ S

**GENERAL NOTE:**

- A. 1.1
- 2.1
- 3.1
- B. EN
- AP
- C. TY



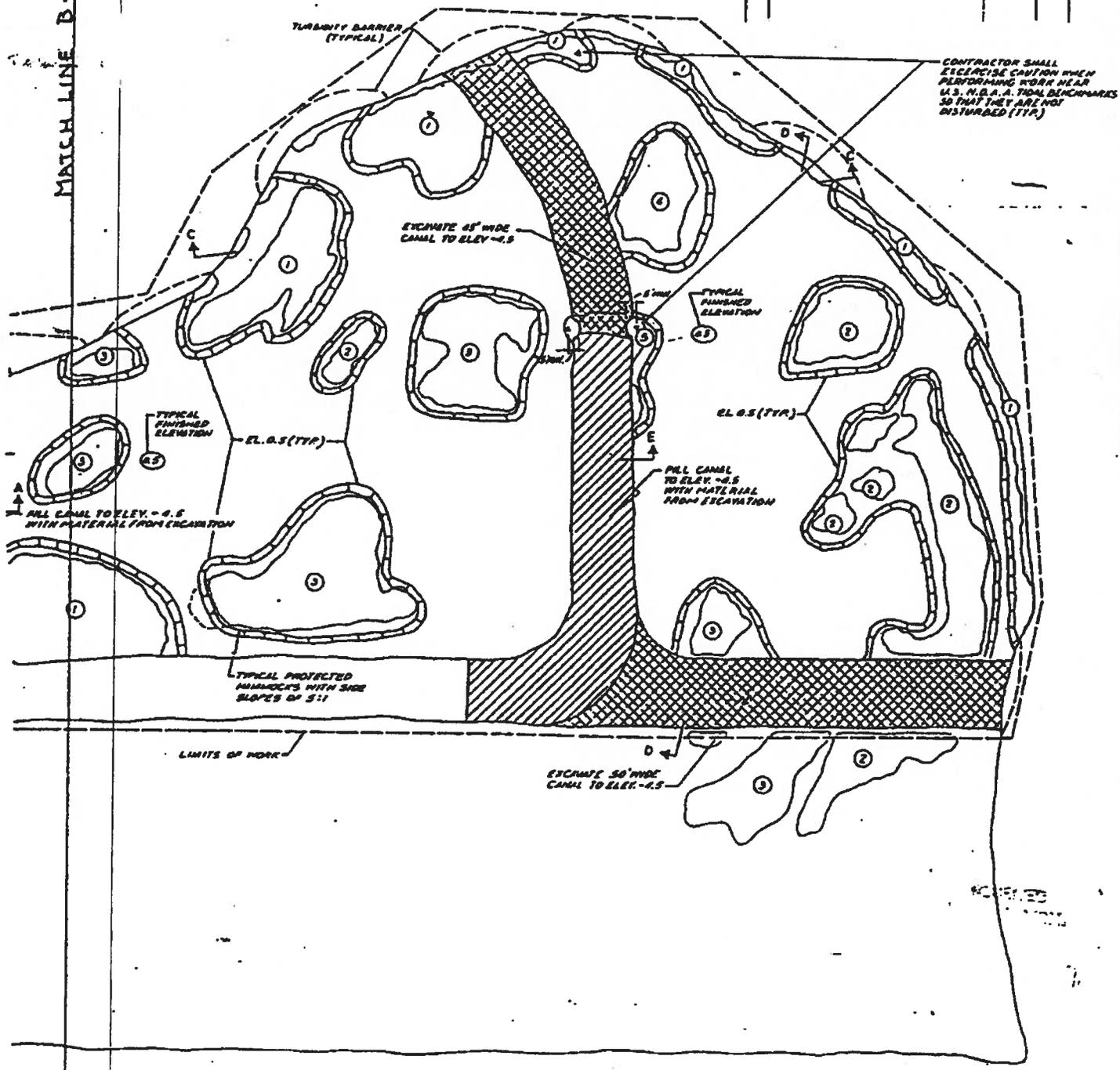


Vertical line of text or a page number indicator.



MATCH LINE B-D

NO.	DESCRIPTION	DATE	BY



**LEGEND**

- A EXISTING TIDAL BENCHMARK MONUMENTS (1974)  
U.S. NATIONAL OCEANIC ATMOSPHERIC ADMINISTRATION
- DELINEATES LIMITS OF WORK
- (0.5) DENOTES FINISHED ELEVATION

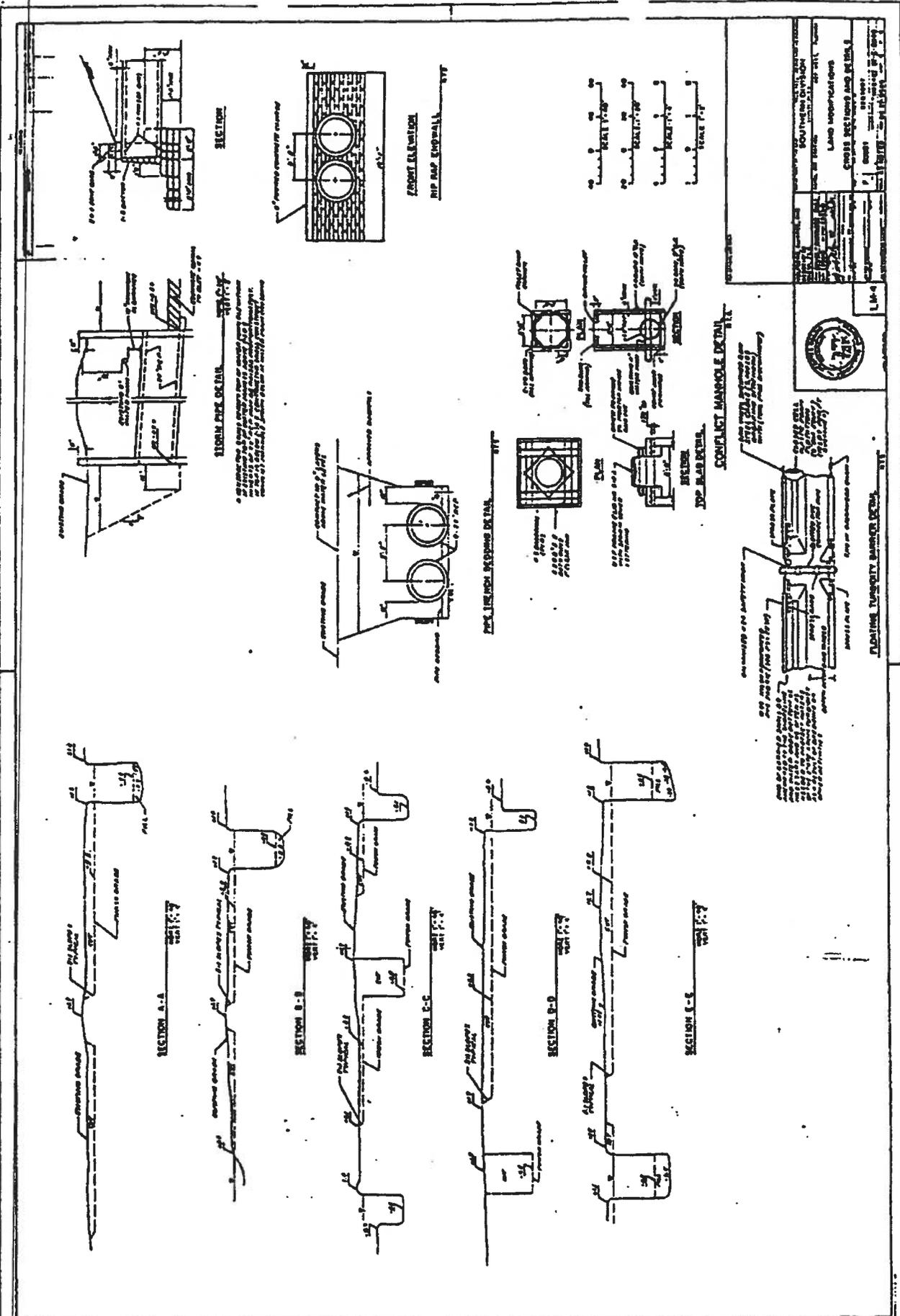


**GENERAL NOTES: ALL ELEVATIONS MSL (1929)**

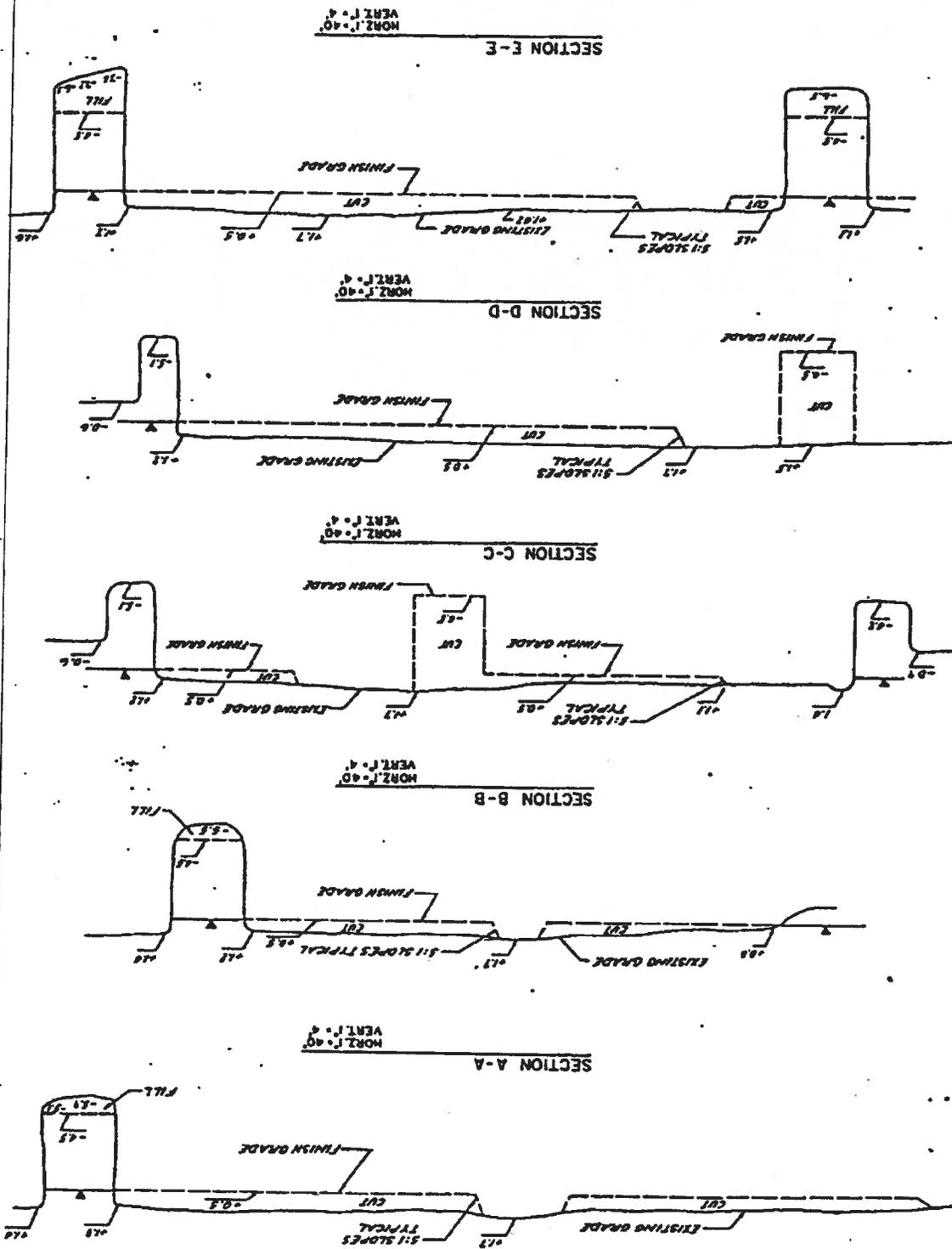
- A. 1 MEAN WATER LEVEL = 0.52
- 2 HIGHEST OBSERVED WATER LEVEL = 1.25
- 3 LOWEST OBSERVED WATER LEVEL = -0.08
- B. ENVIRONMENTAL MITIGATION LAND IMPROVEMENT AREA APPROXIMATELY 5.8 ACRES
- C. TYPICAL SLOPES ON PROTECTED ISLANDS MAMMOCKS ARE 3:1

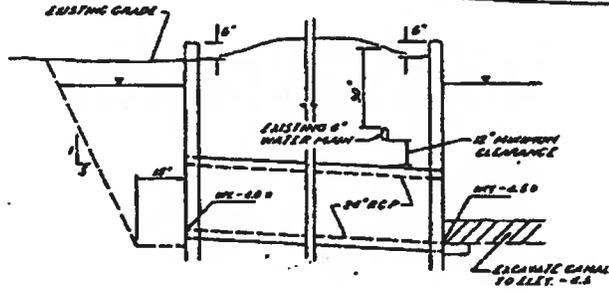


<b>LM-3</b>	<b>WOLPER, ALVAREZ, AND ASSOCIATES</b> 1001 BRUSS - OBERVO - 10ST COSSMO 1001 BRUSS - OBERVO - 10ST COSSMO	SOUTHERN DIVISION LAND MODIFICATIONS NEW SITE PLAN
	80091	5203886 1986-2467-87-C-0586 00-87-0586



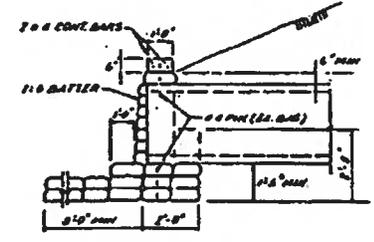
PURPOSE: CROSS SECTIONS OF MITIGATION WORK



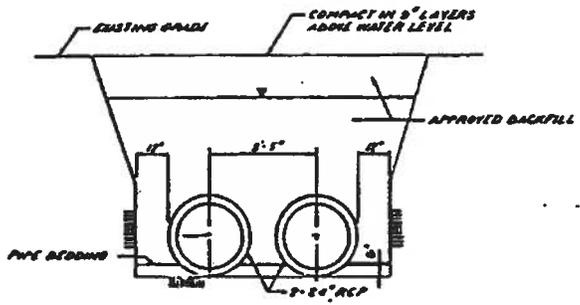


**STORM PIPE DETAIL** HORZ. 1" = 20' VERT. 1" = 2'

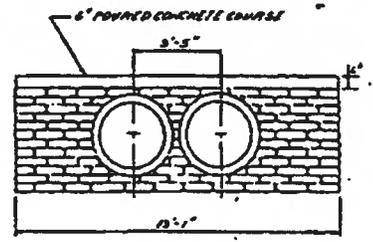
CONTRACTOR SHALL VERIFY TOP OF WATER MAIN ELEVATION AT EXISTING TOP OF WATER MAIN IS ABOVE F.O.B. DIVERTS OF 24" RCP MUST BE RAISED PROPORTIONATELY. IF TOP IS BELOW F.O.B. CONTRACTOR SHALL CONSTRUCT CONFLICT MANHOLE 300" BELOW AT WATER MAIN CROSSING



**SECTION**

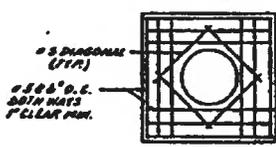


**PIPE TRENCH BEDDING DETAIL** N.T.S.

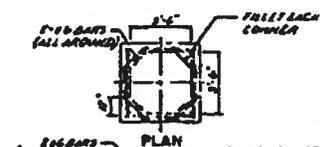


**FRONT ELEVATION**

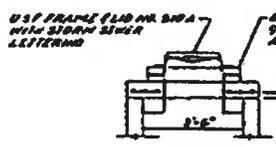
**RIP RAP ENDWALL** N.T.S.



**PLAN**

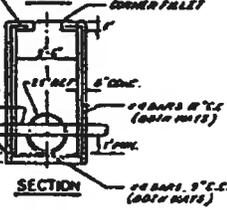


**SECTION**



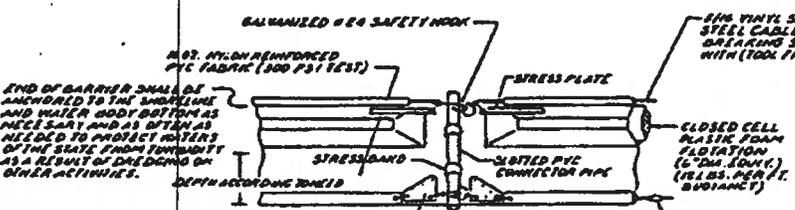
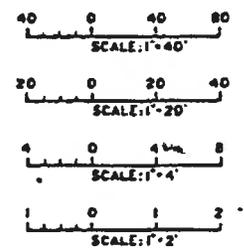
**SECTION**

**TOP SLAB DETAIL**



**SECTION**

**CONFLICT MANHOLE DETAIL** N.T.S.



**FLOATING TURBIDITY BARRIER DETAIL** N.T.S.

RECEIVED  
 SUB. OF FERM.  
 MAY 26 1989

	SOUTHERN DIVISION LAND MODIFICATIONS CROSS SECTIONS AND DETAILS
	F. 80091 S203887 AS NOTED