

AGENDA

PLANNING COMMISSION
MONROE COUNTY
August 28, 2013
10:00 A.M.

MARATHON GOV'T CENTER
2798 OVERSEAS HIGHWAY
MARATHON, FL 33050

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMISSION:

Denise Werling
Jeb Hale
Elizabeth Lustberg
Ron Miller
William Wiatt, Chairman

STAFF:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Susan Grimsley, Ass't County Attorney
John Wolfe, Planning Commission Counsel
Mayte Santamaria, Assistant Director of Planning and Environmental Resources
Joe Haberman, Planning & Development Review Manager
Mitch Harvey, Comp Plan Manager
Mike Roberts, Sr. Administrator, Environmental Resources
Rey Ortiz, Planning & Biological Plans Examiner Supervisor
Emily Schemper, Sr. Planner
Barbara Bauman, Planner
Timothy Finn, Planner
Matt Coyle, Planner
Gail Creech, Planning Commission Coordinator

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

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SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

-

SWEARING OF COUNTY STAFF

CHANGES TO THE AGENDA

-

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APPROVAL OF MINUTES

-

MEETING

New Items:

1. Longstock II LLC, 7009 Shrimp Road, Stock Island, Mile Marker 5: A request for approval of a 2COP (Beer & Wine, on premise and package) Alcoholic Beverage Special Use Permit. The subject property is described as a parcel of land on Stock Island, Monroe County, Florida and submerged lands in Section 35, Township 67, Range 25, having real estate numbers 00123720.000100, 00123720.000200 and 00123760.000200.

(File 2013-088)

[2013-088 SR PC 08.28.13.PDF](#)

[2013-088 FILE.PDF](#)

[2013-088 COMBINED Plans-Surveys.pdf](#)

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS DELETING MONROE COUNTY CODE SECTION 130-158, IMPROVED SUBDIVISION AND COMMERCIAL FISHING VILLAGE DISTRICT DENSITIES AS DUPLICATIVE AND REMOVING OUTDATED PROVISIONS REGARDING COMBINING OF CONTIGUOUS LOTS IN COMMON OWNERSHIP; DELETING SECTION 130-159, URBAN RESIDENTIAL—MOBILE HOME DISTRICT DENSITY AS DUPLICATIVE AND REMOVING OUTDATED PROVISIONS REGARDING COMBINING OF CONTIGUOUS LOTS IN COMMON OWNERSHIP; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

(File 2013-073)

[2013-073 SR PC 08.28.13.PDF](#)

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 122-2(b)3 GENERAL PROVISIONS, BASIS FOR ESTABLISHING SPECIAL FLOOD HAZARD MAPS, SPECIES ASSESSMENT GUIDES (SAGS); PROVIDING A NEW DATE FOR REVISED SPECIES ASSESSMENT GUIDES (SAGS) FOR PERMIT REFERRAL PROCESS DETERMINATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

(File 2013-102)

[2013-102 SR PC 08.28.13.PDF](#)

Pursuant to Section 286.0105 Florida Statutes and Monroe County Resolution 131-1992, if a person decides to appeal any decision of the Planning Commission, he or she shall provide a transcript of the hearing before the Planning Commission, prepared by a certified court reporter at the appellant's expense. For such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".

BOARD DISCUSSION

-

GROWTH MANAGEMENT COMMENTS

- Update from Mayte Santamaria on Keith & Schnars progress

-

RESOLUTIONS FOR SIGNATURE

ADJOURNMENT



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission
Through: Townsley Schwab, Senior Director of Planning & Environmental Resources
From: Matt Coyle, Planner *mc*
Date: August 16, 2013
Subject: *Request for a 2COP (Beer & Wine, On Premise & Package) Alcoholic Beverage Special Use Permit, Longstock II LLC, 7009 Shrimp Road, Stock Island, Real Estate #'s 00123720.000100, 00123720.000200, and 00123760.000200 (File #2013-088)*

Meeting: August 28, 2013

1 I REQUEST:

2
3 The applicant is requesting approval of a 2COP (Beer & Wine, On Premise & Package)
4 Alcoholic Beverage Special Use Permit.
5



28 **Subject Property with Land Use Districts Overlaid (Aerial dated 2012)**

1 Location:

3 Address: 7009 Shrimp Road, Stock Island, mile marker 5 (Atlantic Ocean side of the
4 Overseas Highway)

6 Legal Description: A parcel of land on Stock Island, Monroe County, Florida in Section
7 35, Township 67, Range 25 (a complete legal description in metes and bounds is
8 provided in the application/file)

10 Real Estate Numbers: 00123720.000100, 00123720.000200 and 00123760.000200

11 Applicant:

12 Agent: Barton W. Smith, Esq.

13 Property Owner: Longstock II, LLC

14 Business Owner: TBD

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20 **II RELEVANT PRIOR COUNTY ACTIONS:**

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22 The existing marina was established prior to 1986 and is thereby deemed to have a major
23 conditional use permit.

24
25 A minor deviation to the major conditional use permit was approved on July 10, 2012 in
26 order to allow the reconfiguration of 173 of the site's 361 boat slips. The property owner is in
27 the process of receiving building permits to carry out the scope of work.

28
29 A minor deviation to the major conditional use permit was approved on March 5, 2013 in
30 order to allow new development atop the northernmost pier. The proposed development
31 includes bath house buildings for occupants of the live-aboard vessels and a commercial
32 building that includes marine fuel services, a marina store and management offices. The
33 property owner is in the process of receiving building permits to carry out the scope of work.

34
35 **III BACKGROUND INFORMATION:**

36
37 A. Size of Site: 1,830,741 SF (42.03 acres) of total area and approximately 533,475 SF
38 (12.25 acres) of upland area – based on Monroe County's GIS database

39 B. Land Use District: Maritime Industries (MI)

40 C. Future Land Use Map (FLUM) Designation: Industrial (I) (note: the property owner has
41 submitted an map amendment application to amend the designation to Mixed Use /
42 Commercial)

43 D. Tier Designation: Tier III

44 E. Existing Use: Mixed Use: Marina, Industrial, Commercial Fishing, Commercial Retail,
45 Office and Residential

46 F. Existing Vegetation / Habitat: Scarified with landscaped areas throughout the site

47 G. Community Character of Immediate Vicinity: Mixed Use: Marina, Industrial,
48 Commercial Fishing, Commercial Retail, Office, Residential and Public

49 H. Flood Zone: AE-EL 9

1
2 **IV REVIEW OF APPLICATION:**
3

4 Pursuant to MCC §3-6(e), the Planning Commission shall give due consideration to the
5 following factors as they may apply to the particular application prior to rendering its
6 decision to grant or deny the requested permit:
7

- 8 *(1) The effect of such use upon surrounding properties and the immediate neighborhood as*
9 *represented by property owners within 500 feet of the premises:*

10
11 The subject property is within a MI district. Commercial retail uses are permitted in the
12 MI District. There are several other commercial retail businesses, including restaurants,
13 in the vicinity as well as industrial, commercial fishing, office and residential uses.
14 Further, there are a number of businesses in the vicinity that have alcoholic beverage
15 licenses.
16
17

Known Alcohol Beverage Licenses in the Vicinity:

Surrounding Property	Business Type	Type of Alcoholic Beverage License
Chevron (5220 US 1)	Retail Store	1APS Beer, package only
Chico's Cantina (5230 US 1)	Restaurant	2COP Beer and wine, on premise and package sales
CVS Pharmacy, in process (5610 US 1)	Retail Store	2APS Beer and wine, package only
Dolphin Deli (5600 Maloney Ave)	Restaurant	2COP Beer and wine, on premise and package sales
Finz Dive Center (5130 US 1)	Retail Store	2APS Beer and wine, package only
Hogfish Bar & Grill (6810 Front St)	Restaurant	6COP Beer, wine and liquor, on-premises and package
Hogfish Catering (6810 Front St)	Caterer	13CT Caterer beer, wine and liquor on premise
Hurricane Hole (5130 US 1)	Restaurant	6COP Beer, wine and liquor, on-premises and package
Jolly's (5390 US 1)	Retail Store	3BPS Beer, wine and liquor, package sales only
Key West Harbor Yacht Club (6000 Peninsular Ave)	Marina	4COP Beer, wine and liquor, on-premises and package
Murray Marine (5710 US 1)	Retail Store	1APS Beer, package only
Oceanside Marina (5950 Peninsula Ave)	Marina	2COP Beer and wine, on premise and package sales

Rusty Anchor (5510 3rd Ave)	Restaurant	6COP Beer, wine and liquor, on-premises and package
Tom Thumb Food Store (5690 Maloney Ave)	Retail Store	2APS Beer and wine, package only

Staff does not have any evidence that approving this 2COP Alcoholic Beverage Special Use Permit will adversely affect neighboring properties or existing businesses.

Please note that no members of the community, either in support or opposition to the application, contacted the Planning and Environmental Resources Department as of the date of this report.

(2) The suitability of the premises in regard to its location, site characteristics and intended purpose. Lighting on the permitted premises shall be shuttered and shielded from surrounding properties, and construction of such permitted properties will be soundproofed. In the event music and entertainment is permitted, the premises shall be air conditioned:

There are not any approved restaurants, bars or convenience stores currently on the site. The property is currently being partially redeveloped. As part of that redevelopment, a new marina store will serve the live-a-board community and marina customers. Staff will review and require the site and buildings be brought into compliance with applicable regulations to the extents required during the building permit process.

As additional or replacement lighting is installed, it shall be required to be shuttered and shielded from the surrounding properties.

At this time event music and entertainment are not associated with the site. In any event, the buildings approved for commercial retail use are or will be air conditioned.

(3) Access, traffic generation, road capacities, and parking requirements:

The site may be accessed by several different routes to and from US 1, with the most direct route being via US 1 to 5th Street to 5th Avenue to Shrimp Road. The applicant did not submit a traffic study with this application; however, based on studies generated for similar applications, staff does not anticipate that an approved 2COP Alcoholic Beverage Special Use Permit will significantly increase traffic to the site and the site is already approved for a commercial retail use.

The site was designed to accommodate the existing development and its approved uses. Per the provisions of the Land Development Code, the granting of a 2COP Alcohol Beverage Special Use Permit does not increase the off-street parking requirements for the site. Further, while the number of off-street parking spaces is deficient and lawfully nonconforming to the current regulations, the property owner recently received approvals to modify the parking areas to bring them into compliance to the greatest extent practical.

1
2 (4) *Demands upon utilities, community facilities and public services:*
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4 It is not anticipated that the issuance of a 2COP alcohol beverage special use permit will
5 increase demands on utilities, community facilities or public services.
6

7 (5) *Compliance with the county's restrictions or requirements and any valid regulations:*
8

9 As of the date of this report, there is not any open code compliance cases related to the
10 property.
11

12 V RECOMMENDATION:
13

14 Staff recommends APPROVAL to the Planning Commission for a 2COP Alcoholic Beverage
15 Special Use Permit with the following conditions (however, valid objections from
16 surrounding property owners at the public hearing may lead the Planning and Environmental
17 Resources Department to reevaluate the recommendation or suggested conditions):
18

- 19 A. Alcoholic Beverage Special Use Permits issued by virtue of the Monroe County Code
20 shall be deemed to be a privilege running with the land. The sale of the real property
21 which has been granted an Alcoholic Beverage Special Use Permit shall
22 automatically vest the purchaser thereof with all rights and obligations originally
23 granted or imposed to or on the applicant. Such privilege may not be separated from
24 the fee simple interest in the realty.
25
- 26 B. Alcohol service sales and consumption shall occur only within areas allowed for such
27 use and approved by the Monroe County Planning & Environmental Resources
28 Department.
29
- 30 C. In the event that the holder's license by the Department of Business and Professional
31 Regulation of the State of Florida expires and lapses, this Alcoholic Beverage Special
32 Use Permit approval shall be null and void as of the date of that expiration.
33 Additional approval by the Planning Commission shall be required to renew the
34 Alcoholic Beverage Special Use Permit.
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1 **Attachment: Monroe County Code Section 3-6. Alcoholic Beverages**

2
3 (a) *Purpose and Intent:* This section is designed and intended to provide for reasonable regulation and control over
4 the sale of alcoholic beverages within the unincorporated areas of Monroe County by establishing an alcoholic
5 beverage use permit procedure and providing criteria to be utilized to assure that all future proliferation of alcoholic
6 beverage use enterprises within the unincorporated areas of the county be compatible with adjoining and
7 surrounding land uses and the county's comprehensive plan, and that alcoholic beverage use permits not be granted
8 where such uses will have an adverse impact upon the health, safety and welfare of the citizens and residents of the
9 county. All persons, firms, partnerships or corporations who have received approval from the zoning board or board
10 of county commissioners under the former provisions of section 19-218 of the Monroe County Code, as same
11 heretofore existed, shall retain all rights and privileges heretofore granted under said section.
12

13 (b) *Permits:* After the effective date of this ordinance, all persons, firms, partnerships or corporations desiring to
14 sell alcoholic beverages upon any premises located within the unincorporated areas of Monroe County and who
15 desire to do so upon a premises not heretofore approved by the zoning board or board of county commissioners
16 under the former section 19-218, shall obtain an alcoholic beverage use permit utilizing the procedure outlined in
17 subsection (d) below.
18

19 (c) *Classifications:* Corresponding to those alcoholic beverage license classifications as heretofore and hereafter
20 adopted by the State of Florida, alcoholic beverage use permits hereafter issued pursuant to this ordinance shall be
21 classified as follows:

- 22 (1) 1APS: Beer, package only;
- 23 (2) 1COP: Beer, on-premises and package;
- 24 (3) 2APS: Beer and wine, package only;
- 25 (4) 2COP: Beer and wine, on-premises and package;
- 26 (5) 6COP: Beer, wine and liquor, on-premises and package;
- 27 (6) 6COP SRX: Restaurant, no package sales;
- 28 (7) 6COP SR: Restaurant, package sale;
- 29 (8) 6COP S: Motel, package sales;
- 30 (9) 6COP SBX: Bowling, no package sales;
- 31 (10) 6COP SPX: Boat, no package sales;
- 32 (11) 3BPS: Beer, wine and liquor, package sales only;
- 33 (12) 3M: Additional license for 6COP, over three (3) bars;
- 34 (13) 12RT: Racetrack, liquor, no package sales.
35

36 (d) *Procedure:* The following procedure shall be followed on any application for an alcoholic beverage use permit
37 hereafter made:

- 38 (1) Applications for alcoholic beverage use permits shall be submitted to the director of planning in
39 writing on forms provided by the director. Such applications must be signed by the owner of the real
40 property for which the permit is requested. Lessees of the premises may apply for such permits provided
41 that proper authorization from the owner of the premises is given and the application for permit is cosigned
42 by such owner.
- 43 (2) Upon receipt of a properly completed and executed application for alcoholic beverage use permit
44 stating the exact classification requested along with the necessary fee, the director of planning shall
45 schedule a public hearing before the planning commission and shall advise the applicant of the date and
46 place of said public hearing.
- 47 (3) Notice of the application and of the public hearing thereon shall be mailed by the director of planning
48 to all owners of real property within a radius of five hundred (500) feet of the affected premises. In the case
49 of a shopping center, the five hundred (500) feet shall be measured from the perimeter of the entire
50 shopping center itself rather than from the individual unit for which approval is sought. Notice shall also be
51 provided in a newspaper of general circulation in the manner prescribed in section 110-5.
 - 52 a. For the purposes of this ordinance, a shopping center shall mean a contiguous group of
53 individual units, in any combination, devoted to commercial retail low-intensity uses, commercial
54 retail medium-intensity uses, commercial retail high-intensity uses, and office uses, as those

1 phrases are defined in section 101-1, with immediate off-street parking facilities, and originally
2 planned and developed as a single project. The shopping center's single project status shall not be
3 affected by the nature of the ownership of any of the individual office or commercial retail units,
4 within the shopping center.

5 (4) At the hearing before the planning commission, all persons wishing to speak for or against the
6 application shall be heard. Recommendations or other input from the director of planning may also be
7 heard prior to any decision by the planning commission.
8

9 (e) *Criteria:* The planning commission shall give due consideration to the following factors as they may apply to
10 the particular application prior to rendering its decision to grant or deny the requested permit:

11 (1) The effect of such use upon surrounding properties and the immediate neighborhood as represented by
12 property owners within five hundred (500) feet of the premises. For the purposes of this section, "premises"
13 shall mean the entire project site of a shopping center.

14 (2) The suitability of the premises in regard to its location, site characteristics and intended purpose.
15 Lighting on the permitted premises shall be shuttered and shielded from surrounding properties, and
16 construction of such permitted properties will be soundproofed. In the event music and entertainment is
17 permitted, the premises shall be air conditioned.

18 (3) Access, traffic generation, road capacities, and parking requirements.

19 (4) Demands upon utilities, community facilities and public services.

20 (5) Compliance with the county's restrictions or requirements and any valid regulations.
21

22 (f) *Approval by Planning Commission:* The planning commission may grant approval based on reasonable
23 conditions considering the criteria outlined herein.
24

25 (g) *Where Permitted:* Alcoholic beverage use permits may be granted in the following land use districts: urban
26 commercial; suburban commercial; suburban residential where the site abuts U.S. 1; destination resort; mixed use;
27 industrial and maritime industries. Notwithstanding the foregoing, alcoholic beverage sales may be permitted at
28 restaurants, hotels, marinas and campgrounds regardless of the land use district in which they are located. Nothing
29 contained herein shall exempt an applicant from obtaining a major or minor conditional use approval when such is
30 otherwise required by the county development regulations in part II of this Code.
31

32 (h) *TransFerability:* Alcoholic beverage use permits issued by virtue of this section shall be deemed to be a
33 privilege running with the land. The sale of the real property which has been granted an alcoholic beverage use
34 permit shall automatically vest the purchaser thereof with all rights and obligations originally granted or imposed to
35 or on the applicant. Such privilege may not be separated from the fee simple interest in the realty.
36

37 (i) *Appeals:* All persons aggrieved by the actions of the planning commission in granting or denying requested
38 alcoholic beverage permits may request an appeal hearing before a hearing officer under chapter 102, article VI,
39 division 2 by filing the notice required by that article within 30 days after the date of the written decision of the
40 planning commission.
41

42 (j) *Successive Applications:* Whenever any application for alcoholic beverage approval is denied for failure to
43 meet the substantive requirements of this ordinance, an application for alcoholic beverage approval for all or a
44 portion of the same property shall not be considered for a period of two (2) years unless a super-majority of the
45 planning commission decides that the original decision was based on a material mistake of fact or that there exists
46 changed conditions and new facts, not existing at the time of the original decision, which would justify entertaining
47 a new application before the expiration of the two-year period. However, in the case of a shopping center, as defined
48 in subsection (d)(3)a. of this section, this subsection shall only apply to the commercial retail unit within the
49 shopping center for which approval was sought and not the entire shopping center site itself.
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File #: **2013-088**

Owner's Name: Longstock II, LLC

Applicant: Longstock II, LLC

Agent: Barton W. Smith, Esq.

Type of Application: Alcoholic Beverage

Key: Stock Island

RE: 00123760-000200

Additional Information added to File 2013-088

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: 7.12.13

Time: 4:30 PM

Dear Applicant:

This is to acknowledge submittal of your application for Alcoholic Beverage
Type of application

Longstock 11, LLC to the Monroe County Planning Department.
Project / Name

Thank you.

Shil Creech

Planning Staff

2013-088

Longstock II, LLC

MONROE COUNTY PROPERTY
APPRAISER OFFICE



500' Buffer
Verified by GC

THIS PROPERTY LOCATION MAP HAS BEEN COMPILED FOR INTERNAL OFFICE USE AS AN AID IN THE PREPARATION OF THE MONROE COUNTY TAX ROLL. IT IS NOT A SURVEY AND THE OWNERSHIP INFORMATION DEPICTED THEREON SHOULD NOT BE RELIED UPON FOR TITLE PURPOSES. NEITHER MONROE COUNTY NOR THE OFFICE OF THE PROPERTY APPRAISER ASSUMES RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS.

1:18,489
Date: 7/15/2013

✓ 3 D OF KEY WEST INC
✓ 1415 FLAGLER AVE
KEY WEST, FL 33040-4921

✓ BERNSTEIN BENJAMIN TRUST B
✓ PO BOX 2455
KEY WEST, FL 33045-2455

✓ CABRERA BERTA
✓ 50D 11TH AVE
KEY WEST, FL 33040-5869

✓ HERNANDEZ ROBERT
✓ C-50 10TH AVE
KEY WEST, FL 33040

✓ K W RESORT UTILITIES CORP
✓ PO BOX 2125
KEY WEST, FL 33045

✓ MARTINEZ REYNALDO A
✓ 1107 KEY PLAZA BOX 82
KEY WEST, FL 33040

✓ PAZARA TERESA EBELING
✓ 48E 12TH AVE
KEY WEST, FL 33040-5871

✓ SAFE HARBOR ENTERPRISES INC
✓ P O BOX 2455
KEY WEST, FL 33040

✓ SPECIAL ACQUISITIONS VIII INC
✓ 6435 NAPLES BLVD
NAPLES, FL 34109-2016

✓ ARENCIBIA FRANCISCO AND MERCEDES
✓ 24E 11TH AVE
KEY WEST, FL 33040-5870

✓ BERNSTEIN ROGER T/C
✓ P O BOX 2455
KEY WEST, FL 33045-2455

✓ CABRERA LEONARDO
✓ 49D 11TH AVE
KEY WEST, FL 33040-5869

✓ HARBOR BAY INVESTMENTS LLC
✓ 5510 3RD AVE
KEY WEST, FL 33040

✓ ISLAND TRUST AGREEMENT 3/10/1989
✓ P O BOX 2455
KEY WEST, FL 33040

✓ KEY COW LLC
✓ PO BOX 169
KEY WEST, FL 33041-0169

✓ MERIDIAN WEST LTD
✓ 2937 SW 27TH AVE STE 303
MIAMI, FL 33133

✓ ROBBIE'S SAFE HARBOR MARINE ENT
✓ INC
✓ 7281 SHRIMP RD
KEY WEST, FL 33040

✓ SAFE HARBOUR PROPERTIES LLC
✓ 6810 FRONT ST
KEY WEST, FL 33040-6040

✓ THE UTILITY BOARD OF THE CITY OF
✓ KEY WEST
✓ 1001 JAMES ST
KEY WEST, FL 33040-6935

✓ BAMA ONE LLC
✓ 6810 FRONT ST
KEY WEST, FL 33040-6040

✓ BOARD OF COUNTY COMMISSIONERS
✓ OF MONROE COUNTY
✓ 500 WHITEHEAD ST
KEY WEST, FL 33040-6581

✓ CONSTELLATION YACHTS INC
✓ 6811 SHRIMP RD
KEY WEST, FL 33040

✓ HERNANDEZ CARMEN
✓ PO BOX 5168
KEY WEST, FL 33045-5168

✓ JKYD LLC
✓ PO BOX 144235
CORAL GABLES, FL 33114-4235

✓ ~~LONGSTOCK II LLC~~
✓ ~~7009 SHRIMP RD STE 2~~
✓ ~~KEY WEST, FL 33040-6067~~

✓ PARCELS B AND C LLC
✓ PO BOX 169
KEY WEST, FL 33041-0169

✓ SAFE HARBOR ENTERPRISES INC
✓ 7009 SHRIMP RD STE 2
KEY WEST, FL 33040-6067

✓ SEAVIEW RENTALS LLC
✓ PO BOX 2554
KEY WEST, FL 33045-2554

✓ TIITF/SOVEREIGNTY LANDS
✓ 3900 COMMONWEALTH BLVD
TALLAHASSEE, FL 32399-3000

✓ Verified by GC

TORRES MIRTA
✓ E25 11TH AVE
KEY WEST, FL 33040

VELOSO DOMINGO J DEC TR
✓ 11/12/1997
17042 STARFISH LN W
SUMMERLAND KEY, FL 33042-3621

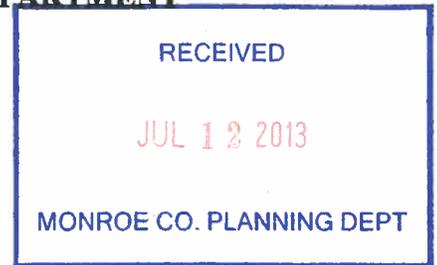
VICTORIA MARCIANA LAQUINDANUM
✓ 7985 LITTLE MILL RD
CUMMING, GA 30041-4168

End of Additional File 2013-088

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



Alcoholic Beverage Use Permit



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

Alcoholic Beverage Use Permit Application Fee: \$1,264.00

In addition to the application fee, the following fees also apply:

Advertising Costs: \$245.00

Surrounding Property Owner Notification: \$3.00 for each property owner required to be noticed

Date of Submittal: 07 / 12 / 2013
Month Day Year

Property Owner:

Longstock II, LLC

Name

7009 Shrimp Road, Key West, Florida 33040

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

305-294-2288

Daytime Phone

Email Address

Agent (if applicable):

Barton W. Smith, Esq.

Name

138 Simonton St., Key West, Florida 33040

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

305-296-7227

Daytime Phone

bart@smithoropeza.com

Email Address

Name of Lessee of Property:

(If property is leased, applicant must submit a notarized statement from the owner approving the submittal of this application)

Name

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

Daytime Phone

Email Address

APPLICATION

Legal Description of Property:

(If in metes and bounds, attach legal description on separate sheet)

See attached legal description.

Block	Lot	Subdivision	Key
00123760-000200		1157899	
Real Estate (RE) Number		Alternate Key Number	
7009 Shrimp Road, Key West, Florida 33040		5	
Street Address (Street, City, State, Zip Code)		Approximate Mile Marker	

Land Use District Designation(s): Maritime Industrial (MI)

Present Land Use of the Property: Marina, boat yard, artist studios, engine repair, boat building, dog park commercial space, storage space, warehouse space, deep water dockage, working waterfront, commercial fishing, live-a-boards, office space, commercial Retail

Total Land Area: 12.25 upland acres, 31.9 submerged land acres

Requested Type of Alcoholic Beverage: (Please check one)

- 1APS BEER, package only
- 1COP BEER, on premise and package
- 2APS BEER and WINE, package only
- 2COP BEER and WINE, on premise and package
- 3APS PACKAGE ONLY, included beer, wine and liquor
- 5COP BEER, WINE and LIQUOR, on premise and package
- 5SRX RESTAURANT, no package sales
- 5SR RESTAURANT, package sales
- 5S HOTEL, package sales
- 5SPX EXCURSION BOAT, no package sales
- 11C PRIVATE CLUB; CABANA CLUB
- 12RT RACETRACK, LIQUOR, no package sales

All of the following must be submitted in order to have a complete application submittal:

- Complete alcoholic beverage application (unaltered and unbound);
- Correct fee (check or money order to Monroe County Planning & Environmental Resources);
- Proof of ownership (i.e. Warranty Deed);
- Current Property Record Card(s) from the Monroe County Property Appraiser;
- Location map;
- Photograph(s) of site from adjacent roadway(s);

APPLICATION

Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – sixteen (16) sets or Signed and Sealed Site Plan, prepared by a Florida registered architect, engineer or landscape architect– sixteen (16) sets (drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale). At a minimum, the boundary survey or site plan should include the following:

- Date, north point and graphic scale;
- Boundary lines of site, including all property lines and mean high-water lines;
- Locations and dimensions of all existing structures and drives;
- Adjacent roadways;
- Location and dimensions of all parking spaces (including handicap accessible, bicycle and scooter) and loading zones;

Typed name and address mailing labels of all property owners within a 500 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 500 foot radius, each unit owner must be included;

A certificate of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation or the Department of Agriculture and Consumer Services or the Department of Health or the Monroe County Health Department, stating that the place of business wherein the business is to be conducted meets all of the sanitary requirements of the state

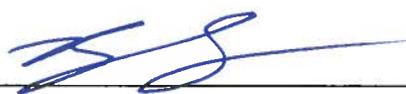
If applicable, the following must be submitted in order to have a complete application submittal:

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

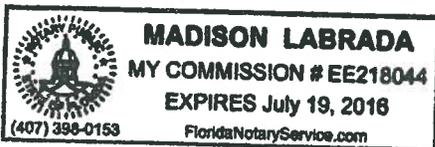
Traffic Study, prepared by a licensed traffic engineer

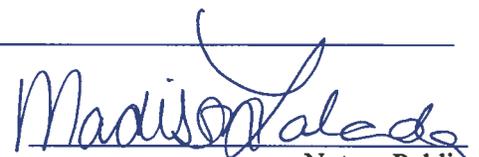
If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.

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:  Date: 7-12-13

Sworn before me this 12 day of July 2013




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.

Doc# 1818016 01/04/2011 11:13AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

This Document Prepared By and Return To:
Joe Miklas, Esq.
Joe Miklas, P.A.
P.O. Box 366
Islamorada, FL 33036

01/04/2011 11:13AM
DEED DOC STAMP CL: RHONDA \$112,000.00

Parcel ID Number: 9091103 et seq.

Doc# 1818016
Bk# 2499 Pg# 355

Special Warranty Deed

This Indenture, made this 29th day of December, 2010, between NEW STOCK ISLAND PROPERTIES, LLC, a Delaware limited liability company, authorized to do business in the State of Florida, having an address of 7009 Shrimp Road, Suite 2, Key West, Monroe County, Florida 33040, grantor and

LONGSTOCK II, LLC, a Florida limited liability company, having an address of 7009 Shrimp Road, Suite 2, Key West, Monroe County, Florida 33040, grantee.

WITNESSETH that the Grantor, for and in consideration of the sum of TEN (\$10) DOLLARS and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee and Grantee's heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Monroe, State of Florida, to wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" HERETO

NOTE: This is an absolute conveyance of the title in consideration of the cancellation of the debt secured by the mortgage and is not intended to be an additional security.

Together with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that grantor is lawfully seized of said land in fee simple; that grantor has good right and lawful authority to sell and convey said land; that grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantor.

In Witness Whereof, the grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence

NEW STOCK ISLAND PROPERTIES, LLC,
a Delaware limited liability company

By: New Stock Island Properties II, LLC,
a Delaware limited liability company
its Member

Patricia Dougherty
Printed name: Patricia Dougherty
Witness

By: New Stock Island Properties III, LLC,
a Delaware limited liability company
its Member

Maria Cerullo
Printed name: Maria Cerullo
Witness

By: EVA Realty, LLC, a Delaware limited
liability company its Manager

By: Matthew Strunk
Matthew Strunk
Title: Authorized Representative

STATE OF New York

COUNTY OF Suffolk

The foregoing instrument was acknowledged before me this 29th day of December, 2010, by Matthew Strunk, as Authorized Rep of EVA Realty, LLC, the Manager of New Stock Island III, LLC, a Delaware limited liability company, the Member of New Stock Island Properties II, LLC, a Delaware limited liability company, the Member of New Stock Island Properties, LLC, a Delaware limited liability company, on behalf of said companies, who is personally known to me or who produced NYS Driver's License as identification.

(Seal)

Janet Gerena
Notary Public
Print Name: Janet Gerena
Commission No. ~~01GE223275~~ 01GE223275
Commission Expires: 6/7/14

JANET GERENA
Notary Public, State of New York
No. 01GE223275
Qualified in Suffolk County
Commission Expires 06/07/2014

EXHIBIT A

**Doc# 1819016
Bk# 2489 Pg# 357**

PARCEL A:

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF FIFTH STREET AND THE SOUTHERLY LINE OF FIFTH AVENUE OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEAR SOUTH 84 DEGREES 02 MINUTES 07 SECONDS EAST, 484.79 FEET; THENCE BEAR SOUTH 05 DEGREES 39 MINUTES 55 SECONDS WEST, 938.76 FEET; THENCE BEAR SOUTH 08 DEGREES 09 MINUTES 05 SECONDS EAST 249.71 FEET; THENCE BEAR SOUTH 14 DEGREES 38 MINUTES 05 SECONDS EAST, 131.51 FEET; THENCE BEAR SOUTH 01 DEGREES 56 MINUTES 55 SECONDS WEST, 456.55 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AND SUBMERGED LANDS HEREIN AFTER DESCRIBED; FROM SAID POINT OF BEGINNING CONTINUE BEARING SOUTH 01 DEGREES 56 MINUTES 55 SECONDS WEST, 119.17 FEET; THENCE BEAR SOUTH 05 DEGREES 54 MINUTES 55 SECONDS WEST, 186.69 FEET; THENCE BEAR SOUTH 84 DEGREES 05 MINUTES 05 SECONDS EAST, 175.00 FEET TO A POINT; THENCE BEAR NORTH 34 DEGREES 32 MINUTES 55 SECONDS EAST, 116.44 FEET TO A POINT; THENCE BEAR NORTH 89 DEGREES 27 MINUTES 55 SECONDS EAST, 915.36 FEET TO A POINT; THENCE BEAR NORTH 06 DEGREES 02 MINUTES 03 SECONDS WEST, 230.00 FEET, TO A POINT WHICH IS BEARING NORTH 89 DEGREES 27 MINUTES 55 SECONDS EAST FROM THE AFOREMENTIONED POINT OF BEGINNING; THENCE BEAR SOUTH 89 DEGREES 27 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 1108.00 FEET BACK TO THE POINT OF BEGINNING.

PARCEL B:

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF FIFTH STREET AND THE SOUTHERLY LINE OF FIFTH AVENUE OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEAR SOUTH 83 DEGREES, 56 MINUTES EAST, 485.00 FEET; THENCE BEAR SOUTH 05 DEGREES, 47 MINUTES WEST, 938.88 FEET; THENCE BEAR SOUTH 08 DEGREES, 02 MINUTES EAST, 249.71 FEET; THENCE BEAR SOUTH 14 DEGREES, 31 MINUTES EAST, 131.51 FEET; THENCE BEAR SOUTH 02 DEGREES, 04 MINUTES WEST, 262.26 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AND SUBMERGED LAND HEREINAFTER DESCRIBED; THENCE SOUTH 84 DEGREES 19 MINUTES EAST, 140 FEET MORE OR LESS TO THE OUTSIDE FACE OF AN EXISTING CONCRETE SEAWALL; THENCE BEAR NORTH 88 DEGREES, 56 MINUTES EAST, 970 FEET, MORE OR LESS, OUT INTO AN EXISTING SLIP; THENCE BEAR SOUTH 05 DEGREES, 55 MINUTES WEST, 180 FEET, MORE OR LESS, TO THE CENTER LINE OF AN EXISTING SPIT OF LAND; THENCE BEAR SOUTH 89 DEGREES, 32 MINUTES WEST, ALONG SAID CENTER LINE OF SAID SPIT OF LAND 1108 FEET, MORE OR LESS, TO A POINT WHICH IS BEARING SOUTH 02 DEGREES, 04 MINUTES WEST FROM THE POINT OF BEGINNING; THENCE BEAR NORTH 02 DEGREES, 04 MINUTES EAST, 194.29 FEET BACK TO THE POINT OF BEGINNING.

ALSO DESCRIBED AND INSURED AS:

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF FIFTH STREET AND THE SOUTHERLY LINE OF FIFTH AVENUE OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEAR SOUTH 84 DEGREES 02 MINUTES 07 SECONDS EAST 484.79 FEET; THENCE BEAR SOUTH 05 DEGREES 39 MINUTES 55 SECONDS WEST, 938.76 FEET; THENCE BEAR SOUTH 08 DEGREES 09 MINUTES 05 SECONDS EAST 249.71 FEET; THENCE BEAR SOUTH 14 DEGREES 38 MINUTES 05 SECONDS EAST 131.51 FEET; THENCE BEAR SOUTH 01 DEGREES 56 MINUTES 55 SECONDS WEST 262.26 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AND SUBMERGED LAND HEREINAFTER DESCRIBED; THENCE SOUTH 84 DEGREES 26 MINUTES 05 SECONDS EAST, 131.81 FEET TO THE OUTSIDE FACE OF AN EXISTING CONCRETE SEAWALL; THENCE BEAR NORTH 88 DEGREES 48 MINUTES 55 SECONDS EAST 977.77 FEET OUT INTO AN EXISTING SLIP; THENCE BEAR SOUTH 05 DEGREES 37 MINUTES 29 SECONDS WEST, 192.30 FEET TO THE CENTERLINE OF AN EXISTING SPIT OF LAND; THENCE BEAR SOUTH 89 DEGREES 27 MINUTES 55 SECONDS WEST, ALONG SAID CENTERLINE OF SAID SPIT OF LAND 1096.56 FEET TO A POINT WHICH IS BEARING SOUTH 01 DEGREES 56 MINUTES 55 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE BEAR NORTH 01 DEGREES 56 MINUTES 55 SECONDS EAST, 194.29 FEET BACK TO POINT OF BEGINNING.

PARCEL C:

A TRACT OF LAND AND SUBMERGED LAND AT STOCK ISLAND, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF FIFTH STREET AND THE SOUTHERLY LINE OF FIFTH AVENUE OF THE PLAT OF STOCK ISLAND AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEAR SOUTH 84° 02' 07" EAST, 484.79 FEET; THENCE BEAR SOUTH 05° 39' 55" WEST, 938.76 FEET; THENCE BEAR SOUTH 08° 09' 05" EAST, 249.71 FEET; THENCE BEAR SOUTH 14° 38' 05" EAST, 36.68 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AND SUBMERGED LANDS HEREINAFTER DESCRIBED; THENCE CONTINUE BEARING SOUTH 14° 38' 05" EAST, 94.83 FEET; THENCE BEAR SOUTH 01° 56' 55" WEST, 82.95 FEET; THENCE BEAR NORTH 89° 24' 55" EAST, 1120.76 FEET, OUT ONTO A SPIT OF LAND TO THE SHORELINE; THENCE BEAR NORTH 05° 37' 29" EAST, 161.06 FEET TO A POINT; THENCE BEAR SOUTH 89° 24' 55" WEST, 1000.60 FEET TO A POINT ON A CONCRETE SEAWALL, SAID POINT BEARING SOUTH 85° 13' 05" EAST FROM THE POINT OF BEGINNING; THENCE BEAR NORTH 85° 13' 05" WEST, 157.63 FEET TO THE POINT OF BEGINNING.

PARCEL E:

A PARCEL OF FILLED LAND AND ADJACENT BAY BOTTOM LYING SOUTHERLY OF BLOCK 57, MALONEY'S SUBDIVISION OF A PART OF STOCK ISLAND, MONROE COUNTY, FLORIDA AS RECORDED IN PLAT BOOK 1 AT PAGE 55 OF MONROE COUNTY PUBLIC RECORDS AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE EASTERLY LINE OF 5TH STREET (AS CONSTRUCTED) AND THE SOUTHERLY LINE OF 5TH AVENUE (AS CONSTRUCTED) GO EASTERLY ALONG THE SOUTHERLY LINE OF 5TH AVENUE A DISTANCE OF 500 FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES A DISTANCE OF 730 FEET TO A POINT; THENCE EASTERLY AND AT RIGHT ANGLES A DISTANCE OF 191.5 FEET

TO A POINT WHICH IS THE POINT OF BEGINNING; THENCE CONTINUE EASTERLY ALONG THE PROLONGATION OF THE PREVIOUSLY DESCRIBED COURSE A DISTANCE OF 393.5 FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES A DISTANCE OF 226.08 FEET TO A POINT; THENCE EASTERLY AND AT RIGHT ANGLES A DISTANCE OF 125 FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES A DISTANCE OF 20 FEET TO A POINT IN AN EXISTING SEAWALL; THENCE WESTERLY AND PARALLEL WITH THE SOUTHERLY FACE OF SAID SEAWALL A DISTANCE OF 450.1 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES TO A SOUTHERLY LINE OF FIFTH AVENUE A DISTANCE OF 30 FEET TO A POINT; THENCE WESTERLY AND AT RIGHT ANGLES A DISTANCE OF 68.5 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES A DISTANCE OF 227.2 FEET BACK TO THE POINT OF BEGINNING.

ALSO

A PARCEL OF BAY BOTTOM SOUTHERLY OF AND ADJACENT TO THE SOUTHERLY LINE OF THE ABOVE DESCRIBED PARCEL, SAID BAY BOTTOM BEING 10 FEET WIDE.

ALSO DESCRIBED AND INSURED AS:

A PARCEL OF FILLED LAND AND ADJACENT BAY BOTTOM LYING SOUTHERLY OF BLOCK 57, MALONEY'S SUBDIVISION OF A PART OF STOCK ISLAND, MONROE COUNTY, FLORIDA AS RECORDED IN PLAT BOOK 1 AT PAGE 55 OF MONROE COUNTY PUBLIC RECORDS AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF FIFTH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE, OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S 84° 02' 07" E, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE 499.98 FEET TO THE EASTERLY LINE OF AN EASEMENT AGREEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 780, PAGE 1169 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S 05° 57' 53" W, ALONG SAID EASTERLY LINE, A DISTANCE 729.82 FEET TO THE SOUTHERLY LINE OF AN INGRESS/EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1239, PAGE 464 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S 84° 02' 07" E, ALONG SAID SOUTHERLY LINE, A DISTANCE 191.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTHERLY LINE S 84°02'07" E, A DISTANCE OF 393.51; THENCE S 06° 00' 38" W, A DISTANCE OF 227.17 FEET; THENCE S 85° 29' 39" E, A DISTANCE OF 125.00 FEET; THENCE S 06° 01' 16" W, A DISTANCE OF 20.01 FEET TO THE SOUTHERLY FACE OF A CONCRETE SEAWALL; THENCE N 85° 29' 39" W, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 450.10 FEET; THENCE N 06° 23' 31" E, A DISTANCE OF 30.00 FEET; THENCE N 85° 29' 39" W, A DISTANCE 68.50 FEET; THENCE N 05° 56' 58" E, A DISTANCE OF 227.20 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PARCEL OF BAY BOTTOM SOUTHERLY OF AND ADJACENT TO THE SOUTHERLY LINE OF THE ABOVE DESCRIBED PARCEL, SAID BAY BOTTOM BEING 10 FEET WIDE. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER AND UPON THE FOLLOWING DESCRIBED PROPERTY, RECORDED IN OFFICIAL RECORDS BOOK 1239, PAGE 464, AND ALSO IN OFFICIAL RECORDS BOOK 2287, PAGE 719, PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, SITUATED, LYING AND BEING IN THE COUNTY OF MONROE, STATE OF FLORIDA, TO WIT: A PARCEL OF LAND LYING SOUTHERLY OF BLOCK 57, MALONEY'S SUBDIVISION OF PART OF STOCK ISLAND, MONROE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 1, AT PAGE 55, MONROE

COUNTY OFFICIAL RECORDS, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE EAST LINE OF 5TH STREET (AS CONSTRUCTED) AND THE SOUTHERLY LINE OF 5TH AVENUE (AS CONSTRUCTED) GO WESTERLY ALONG THE SOUTHERLY LINE OF 5TH AVENUE A DISTANCE OF 499 FEET TO A POINT, WHICH POINT IS THE POINT OF BEGINNING; THENCE SOUTHERLY AND AT RIGHT ANGLES A DISTANCE OF 701 FEET TO A POINT; THENCE EASTERLY AND AT RIGHT ANGLES A DISTANCE OF 586 FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES A DISTANCE OF 29 FEET TO A POINT; THENCE WESTERLY AND AT RIGHT ANGLES A DISTANCE OF 615 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES A DISTANCE OF 730 FEET TO A POINT IN THE SOUTHERLY LINE OF 5TH AVENUE; THENCE EASTERLY AND AT RIGHT ANGLES AND ALONG THE SOUTHERLY LINE OF 5TH AVENUE A DISTANCE OF 29 FEET BACK TO THE POINT OF BEGINNING.

SAID EASEMENT ALSO DESCRIBED AND INSURED AS:

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 67 SOUTH, RANGE 25 EAST, MONROE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF BLOCK 57 OF MCDONALD'S PLAT OF A PART OF STOCK ISLAND AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE SOUTH 84°02'07" EAST, A DISTANCE OF 499.98 FEET TO THE WEST LINE OF TRUSTEE'S DEED NO.20083 AS RECORDED IN O.R. BOOK G-65, PAGE 82; THENCE LEAVING SAID LINE SOUTH 05° 57' 53" WEST, ALONG SAID LINE A DISTANCE OF 699.82 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 84° 02' 07" EAST, PARALLEL WITH THE SOUTHERLY LINE OF SAID FIFTH AVENUE A DISTANCE OF 740.00 FEET; THENCE SOUTH 05° 57' 53" WEST, A DISTANCE OF 40.00 FEET; THENCE NORTH 84° 02' 07" WEST, A DISTANCE OF 155.00 FEET; THENCE NORTH 05° 57' 53" EAST, A DISTANCE OF 10.00 FEET; THENCE NORTH 84° 02' 07" WEST, A DISTANCE OF 585.00 FEET TO THE WEST LINE OF SAID TRUSTEE'S DEED; THENCE NORTH 05° 57' 53" EAST, ALONG SAID LINE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

PARCEL F:

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF FIFTH STREET AND THE SOUTHERLY LINE OF FIFTH AVENUE OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, BEAR SOUTH 83 DEGREES AND 56 MINUTES EAST, 485.00 FEET; THENCE BEAR SOUTH 05 DEGREES AND 47 MINUTES WEST, 938.88 FEET; THENCE BEAR SOUTH 08 DEGREES AND 02 MINUTES EAST, 249.71 FEET; THENCE BEAR SOUTH 14 DEGREES AND 31 MINUTES EAST, 131.51 FEET; THENCE BEAR SOUTH 02 DEGREES AND 04 MINUTES WEST, 82.95 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AND SUBMERGED LANDS HEREINAFTER DESCRIBED; THENCE CONTINUE BEARING SOUTH 02 DEGREES AND 04 MINUTES WEST, 179.31 FEET; THENCE BEAR SOUTH 84 DEGREES AND 19 MINUTES EAST, 140.00 FEET, MORE OR LESS, TO THE OUTSIDE FACE OF AN EXISTING CONCRETE SEAWALL; THENCE BEAR NORTH 88 DEGREES AND 56 MINUTES EAST OUT INTO A SLIP 970 FEET, MORE OR LESS, TO A POINT; THENCE BEAR NORTH 05 DEGREES AND 55 MINUTES EAST, 150.00 FEET, MORE OR LESS, TO A POINT WHICH IS BEARING NORTH 89 DEGREES AND 32 MINUTES EAST FROM THE POINT OF BEGINNING; THENCE BEAR SOUTH 89

DEGREES AND 32 MINUTES WEST, 1120.00 FEET, MORE OR LESS, BACK TO THE POINT OF BEGINNING.

ALSO DESCRIBED AND INSURED AS:

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF FIFTH STREET AND THE SOUTHERLY LINE OF FIFTH AVENUE OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, BEAR SOUTH 84 DEGREES 02 MINUTES 07 SECONDS EAST, 484.79 FEET; THENCE BEAR SOUTH 05 DEGREES 39 MINUTES 55 SECONDS WEST, 938.76 FEET; THENCE BEAR SOUTH 08 DEGREES 09 MINUTES 05 SECONDS EAST, 249.71 FEET; THENCE SOUTH 14 DEGREES 38 MINUTES 05 SECONDS EAST, 131.51 FEET; THENCE BEAR SOUTH 01 DEGREES 56 MINUTES 55 SECONDS WEST, 82.95 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AND SUBMERGED LANDS HEREINAFTER DESCRIBED; THENCE CONTINUE BEARING SOUTH 01 DEGREES 56 MINUTES 55 SECONDS WEST, 179.31 FEET; THENCE BEAR SOUTH 84 DEGREES 26 MINUTES 05 SECONDS EAST, 131.81 FEET TO THE OUTSIDE FACE OF AN EXISTING CONCRETE SEAWALL; THENCE BEAR NORTH 88 DEGREES 48 MINUTES 55 SECONDS EAST OUT INTO A SLIP, 977.77 FEET TO A POINT; THENCE BEAR NORTH 05 DEGREES 37 MINUTES 29 SECONDS EAST, 184.10 FEET TO A POINT WHICH IS BEARING NORTH 89 DEGREES 24 MINUTES 55 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE BEAR SOUTH 89 DEGREES 24 MINUTES 55 SECONDS WEST, 1120.76 FEET BACK TO THE POINT OF BEGINNING.

PARCEL G:

A PARCEL OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF FIFTH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE, OF THE PLAT OF STOCK ISLAND, AS RECORDED-IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S 84° 02' 07" E ALONG THE SAID SOUTHERLY LINE OF FIFTH AVENUE FOR 484.98 FEET; THENCE S 05° 57' 53" W FOR A DISTANCE OF 938.76 FEET; THENCE S 08° 09' 05" E FOR A DISTANCE OF 109.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 08° 09' 05" E, A DISTANCE OF 139.96 FEET; THENCE S 14° 38' 05" E, A DISTANCE OF 32.68 FEET; THENCE S 85° 13' 05" E, A DISTANCE OF 157.63 FEET; THENCE N 89° 24' 55" E, A DISTANCE OF 49.99 FEET; THENCE N 05° 12' 11" E, A DISTANCE OF 161.18 FEET; THENCE N 84° 02' 55" W, A DISTANCE OF 252.15 FEET TO THE POINT OF BEGINNING.

PARCEL H:

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF FIFTH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE, OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE SOUTH 84° 02' 07" EAST ALONG THE SAID SOUTHERLY LINE OF FIFTH AVENUE FOR 484.79 FEET; THENCE SOUTH 05° 39' 55" WEST FOR A DISTANCE 938.76 FEET; THENCE SOUTH 08° 09' 05" EAST FOR A DISTANCE OF 42.15 FEET TO THE EASTERLY LINE OF A 30 FOOT EASEMENT AND THE EASTERLY RIGHT-OF-WAY LINE OF SHRIMP ROAD AS

RECORDED IN O.R. BOOK 2030, PAGE 949 (PARCEL A TRACT 1), OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE LEAVING SAID LINE SOUTH 08°09'05" EAST, A DISTANCE OF 207.56 FEET; THENCE SOUTH 14°38'05" EAST, A DISTANCE OF 131.51 FEET; THENCE SOUTH 01° 56' 55" WEST, A DISTANCE OF 575.72 FEET; THENCE SOUTH 05° 54' 55" WEST, A DISTANCE OF 186.69 FEET; THENCE SOUTH 84° 05' 05" EAST, A DISTANCE OF 175.00 FEET; THENCE NORTH 34° 32' 55" EAST, A DISTANCE OF 116.44 FEET; THENCE NORTH 89° 27' 55" EAST, A DISTANCE OF 915.36 FEET; THENCE SOUTH 01° 07' 35" WEST, A DISTANCE OF 384.62 FEET; THENCE NORTH 84° 02' 07" WEST, A DISTANCE OF 30.84 FEET TO A MEAN HIGH WATER LINE; THENCE ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING TWENTY SEVEN (27) COURSES: 1. NORTH 08° 33' 02" EAST, A DISTANCE OF 25.26 FEET; 2. NORTH 01°03' 10" WEST, A DISTANCE OF 36.70 FEET; 3. NORTH 16°11'45" WEST, A DISTANCE OF 18.64 FEET; 4. NORTH 01°20'32" WEST, A DISTANCE OF 27.71 FEET; 5. NORTH 05°48'23" EAST, A DISTANCE OF 27.11 FEET; 6. NORTH 07°24'12" WEST, A DISTANCE OF 86.16 FEET; 7. NORTH 11° 54'19" EAST, A DISTANCE OF 34.64 FEET; 8. NORTH 09°22'05" WEST, A DISTANCE OF 27.51 FEET; 9. NORTH 57° 40'41" WEST, A DISTANCE OF 4.94 FEET; 10. NORTH 84° 56' 08" WEST, A DISTANCE OF 14.50 FEET; 11. NORTH 61°03'44" WEST, A DISTANCE OF 14.78 FEET; 12. SOUTH 85°47'17" WEST, A DISTANCE OF 117.62 FEET; 13. SOUTH 83°15'58" WEST, A DISTANCE OF 26.59 FEET; 14. NORTH 85° 01' 19" WEST, A DISTANCE OF 21.47 FEET; 15. SOUTH 80°37'17" WEST, A DISTANCE OF 8.06 FEET; 16. NORTH 75°44'52" WEST, A DISTANCE OF 11.67 FEET; 17. SOUTH 86° 09' 28" WEST, A DISTANCE OF 82.77 FEET; 18. SOUTH 89° 59' 29" WEST, A DISTANCE OF 40.54 FEET; 19. NORTH 64°26'30" WEST, A DISTANCE OF 6.15 FEET; 20. SOUTH 88°41'05" WEST, A DISTANCE OF 60.16 FEET; 21. SOUTH 79°29'50" WEST, A DISTANCE OF 36.47 FEET; 22. NORTH 88°07'58" WEST, A DISTANCE OF 57.82 FEET; 23. NORTH 86° 26' 25" WEST, A DISTANCE OF 91.35 FEET; 24. SOUTH 88° 24' 02" WEST, A DISTANCE OF 97.85 FEET; 25. SOUTH 81°39'19" WEST, A DISTANCE OF 76.27 FEET; 26. SOUTH 86°43'16" WEST, A DISTANCE OF 75.93 FEET; 27. SOUTH 81° 33' 16" WEST, A DISTANCE OF 23.73 FEET; THENCE LEAVING SAID LINE SOUTH 07°52'54" WEST, A DISTANCE OF 138.68 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SHRIMP ROAD PER QUIT CLAIM DEED RECORDED IN O.R. BOOK 2030, PAGE 949, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE ALONG THE NORTHERLY AND EASTERLY RIGHT-OF-WAY LINE OF SAID SHRIMP ROAD THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1. NORTH 84° 02' 07" WEST, A DISTANCE OF 288.11 FEET TO A POINT OF CURVATURE; 2. NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 115.28 FEET, A CENTRAL ANGLE OF 88° 03' 57", AND A CHORD BEARING AND DISTANCE OF NORTH 40°00'08" WEST, 104.26 FEET; 3. NORTH 04°01'50" EAST, A DISTANCE OF 555.62 FEET TO THE NORTHERN TERMINUS OF PARCEL A TRACT 2 OF SAID QUIT CLAIM ON THE WEST LINE OF TRUSTEES DEED NO.20083 O.R.BOOK G-65, PAGE 82; THENCE NORTH 05°57'53" EAST, ALONG SAID LINE A DISTANCE OF 606.85 FEET TO THE POINT OF BEGINNING.

AND ALSO: BAY BOTTOM

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF FIFTH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE, OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S. 84°02'07" E. ALONG THE SAID SOUTHERLY LINE OF FIFTH AVENUE FOR 499.98 FEET; THENCE S. 05°57'53" W. FOR A DISTANCE OF 2242.25 FEET; THENCE S.84°02'07"E., A DISTANCE OF 1310.00 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE S.84°02'07"E., A DISTANCE OF 363.01 FEET TO THE CENTERLINE OF THE ENTRANCE OF THE

HARBOR; THENCE N.08°15'27"W., A DISTANCE OF 959.38 FEET; THENCE S. 81°44'33" W., A DISTANCE OF 132.23 FEET; THENCE N. 05°47'25" W., A DISTANCE OF 658.21 FEET; THENCE N. 83°54'54" W., A DISTANCE OF 255.03 FEET TO THE WESTERLY PART OF THE BAY BOTTOM LINE; THENCE MEANDER THE SAID BAY BOTTOM LINE SOUTHERLY FOR A CHORD OF S.14°34',07" E., A DISTANCE OF 284.16 FEET; THENCE N. 85°29'39" W., A DISTANCE OF 310.00 FEET; THENCE S. 06°01'16" W., A DISTANCE OF 10.00 FEET; THENCE N. 85°29'39" W., A DISTANCE OF 450.16 FEET; THENCE S. 06°23'31" W., A DISTANCE OF 49.85 FEET; THENCE S. 84°02'55" E., A DISTANCE OF 9.27 FEET; THENCE S. 05°12'11" W., A DISTANCE OF 161.18 FEET; THENCE N. 88°24'55" E., A DISTANCE OF 950.61 FEET; THENCE S. 05°37'29" W., A DISTANCE OF 537.46 FEET; THENCE N. 89°27'55" E., A DISTANCE OF 11.44 FEET; THENCE S. 06°02'03" E., A DISTANCE OF 230.00 FEET; THENCE S.01°07'35" W., A DISTANCE OF 384.62 FEET TO THE POINT OF BEGINNING.

PARCEL I: **Intentionally Omitted (Leasehold/Option terminated effective 7/31/2010)**

PARCEL J:

A PARCEL OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF FIFTH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE, OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S 84° 02' 07" e ALONG THE SAID SOUTHERLY LINE OF FIFTH AVENUE FOR 499.98 FEET; THENCE S 05° 57' 53" W FOR A DISTANCE OF 913.46 FEET TO THE POINT OF BEGINNING; THENCE S 84° 02' 07" E, FOR A DISTANCE OF 191.55 FEET; THENCE S 05° 56' 58" W, A DISTANCE OF 43.56 FEET; THENCE S 85° 29' 40" E, A DISTANCE OF 68.50 FEET; THENCE S 06° 23' 31" W, A DISTANCE OF 89.85 FEET; THENCE N 84° 02' 55" W, A DISTANCE OF 242.88 FEET; THENCE N 08° 09' 05" W, A DISTANCE OF 67.60 FEET; THENCE N 05° 57' 53" E, A DISTANCE OF 66.17 FEET TO THE POINT OF BEGINNING.

AS TO ALL PARCELS:

TOGETHER WITH THOSE BENEFICIAL EASEMENTS RECORDED IN OFFICIAL RECORDS BOOK 780, PAGE 1169, PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND ON STOCK ISLAND, MONROE COUNTY, FLORIDA, AND BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF BLOCK 57 OF MCDONALD'S PLAT OF A PART OF STOCK ISLAND AS RECORDED IN PLAT BOOK 1 AT PAGE 55 OF PUBLIC RECORDS, OF MONROE COUNTY, FLORIDA AND RUN THENCE SOUTH 83 DEGREES, 56 MINUTES EAST ALONG THE NORTH BOUNDARY LINE OF SAID BLOCK 57 FOR A DISTANCE OF 470 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND BEING DESCRIBED HEREIN; THENCE RUN SOUTH 6 DEGREES 04 MINUTES WEST FOR A DISTANCE OF 1283.02 FEET; THENCE RUN SOUTH 41 DEGREES 58 MINUTES EAST FOR A DISTANCE OF 40.35 FEET TO THE SOUTHEAST CORNER OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 24078 AND THE WEST BOUNDARY LINE OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20083; THENCE RUN SOUTH 6 DEGREES 04 MINUTES WEST ALONG THE WEST BOUNDARY LINE OF SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20083 FOR A DISTANCE OF 932.25 FEET TO THE SOUTHWEST CORNER OF

SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20083; THENCE RUN SOUTH 83 DEGREES 56 MINUTES EAST ALONG THE SOUTH BOUNDARY LINE OF SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20083, THE SOUTH BOUNDARY LINE OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 19837-A AND THE NORTH BOUNDARY LINE OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20793 FOR A DISTANCE OF 1116.72 FEET; THENCE RUN NORTH 6 DEGREES 04 MINUTES EAST FOR A DISTANCE OF 30 FEET; THENCE RUN NORTH 83 DEGREES 56 MINUTES WEST FOR A DISTANCE OF 1086.72 FEET; THENCE RUN NORTH 6 DEGREES 04 MINUTES EAST FOR A DISTANCE OF 915.62 FEET; THENCE RUN NORTH 41 DEGREES 58 MINUTES WEST FOR A DISTANCE OF 40.35 FEET TO THE WEST BOUNDARY LINE OF SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20083 AND THE EAST BOUNDARY LINE OF SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 24078; THENCE RUN NORTH 6 DEGREES 04 MINUTES EAST ALONG THE WEST BOUNDARY LINE OF SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20083 AND THE EAST BOUNDARY LINE OF SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 24078, EXTENDED NORTHERLY, FOR A DISTANCE OF 1269.65 FEET TO THE NORTH BOUNDARY LINE OF SAID BLOCK 57; THENCE RUN NORTH 83 DEGREES 56 MINUTES WEST ALONG THE NORTH BOUNDARY LINE OF THE SAID BLOCK 57 FOR A DISTANCE OF 30 FEET BACK TO THE POINT OF BEGINNING.

SAID EASEMENT ALSO DESCRIBED AND INSURED AS:

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 67 SOUTH, RANGE 25 EAST, MONROE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF BLOCK 57 OF MCDONALD'S PLAT OF A PART OF STOCK ISLAND AS RECORDED IN PLAT BOOK I, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE SOUTH 84°02'07" EAST, A DISTANCE OF 469.98 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 84°02'07" EAST, A DISTANCE OF 30.00 FEET TO THE WEST LINE OF TRUSTEE'S DEED NO. 20083 AS RECORDED IN O.R. BOOK G-65, PAGE 82; THENCE ALONG SAID LINE SOUTH 05°57'53" WEST, A DISTANCE OF 1,268.45 FEET; THENCE LEAVING SAID LINE SOUTH 42°04'07" EAST, A DISTANCE OF 40.35 FEET; THENCE SOUTH 05°57'53" WEST, A DISTANCE OF 916.82 FEET; THENCE SOUTH 84°02'07" EAST, A DISTANCE OF 1,086.72 FEET; THENCE SOUTH 05°57'53" WEST, A DISTANCE OF 30.00 FEET TO THE SOUTH LINE OF TRUSTEE'S DEED NO. 20083 AS RECORDED IN OR BOOK G-65, PAGE 82; THENCE ALONG SAID LINE NORTH 84°02'07" WEST, A DISTANCE OF 1,116.72 FEET TO THE WEST LINE OF TRUSTEE'S DEED NO. 20083 AS RECORDED IN O.R. BOOK G-65, PAGE 82; THENCE ALONG SAID LINE NORTH 05°57'53" EAST, A DISTANCE OF 933.45 FEET; THENCE LEAVING SAID LINE NORTH 42°04'07" WEST, A DISTANCE OF 40.35 FEET; THENCE NORTH 05°57'53" EAST, A DISTANCE OF 1,281.82 FEET TO THE POINT OF BEGINNING.

MONROE COUNTY
OFFICIAL PUBLIC RECORD

EXHIBIT A

**Doc# 1819016
Bk# 2499 Pg# 357**

PARCEL A:

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF FIFTH STREET AND THE SOUTHERLY LINE OF FIFTH AVENUE OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEAR SOUTH 84 DEGREES 02 MINUTES 07 SECONDS EAST, 484.79 FEET; THENCE BEAR SOUTH 05 DEGREES 39 MINUTES 55 SECONDS WEST, 938.76 FEET; THENCE BEAR SOUTH 08 DEGREES 09 MINUTES 05 SECONDS EAST 249.71 FEET; THENCE BEAR SOUTH 14 DEGREES 38 MINUTES 05 SECONDS EAST, 131.51 FEET; THENCE BEAR SOUTH 01 DEGREES 56 MINUTES 55 SECONDS WEST, 456.55 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AND SUBMERGED LANDS HEREIN AFTER DESCRIBED; FROM SAID POINT OF BEGINNING CONTINUE BEARING SOUTH 01 DEGREES 56 MINUTES 55 SECONDS WEST, 119.17 FEET; THENCE BEAR SOUTH 05 DEGREES 54 MINUTES 55 SECONDS EAST, 186.69 FEET; THENCE BEAR SOUTH 84 DEGREES 05 MINUTES 05 SECONDS EAST, 175.00 FEET TO A POINT; THENCE BEAR NORTH 34 DEGREES 32 MINUTES 55 SECONDS EAST, 116.44 FEET TO A POINT; THENCE BEAR NORTH 89 DEGREES 27 MINUTES 55 SECONDS EAST, 915.36 FEET TO A POINT; THENCE BEAR NORTH 06 DEGREES 02 MINUTES 03 SECONDS WEST, 230.00 FEET, TO A POINT WHICH IS BEARING NORTH 89 DEGREES 27 MINUTES 55 SECONDS EAST FROM THE AFOREMENTIONED POINT OF BEGINNING; THENCE BEAR SOUTH 89 DEGREES 27 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 1108.00 FEET BACK TO THE POINT OF BEGINNING.

PARCEL B:

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF FIFTH STREET AND THE SOUTHERLY LINE OF FIFTH AVENUE OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEAR SOUTH 83 DEGREES, 56 MINUTES EAST, 485.00 FEET; THENCE BEAR SOUTH 05 DEGREES, 47 MINUTES WEST, 938.88 FEET; THENCE BEAR SOUTH 08 DEGREES, 02 MINUTES EAST, 249.71 FEET; THENCE BEAR SOUTH 14 DEGREES, 31 MINUTES EAST, 131.51 FEET; THENCE BEAR SOUTH 02 DEGREES, 04 MINUTES WEST, 262.26 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AND SUBMERGED LAND HEREINAFTER DESCRIBED; THENCE SOUTH 84 DEGREES 19 MINUTES EAST, 140 FEET MORE OR LESS TO THE OUTSIDE FACE OF AN EXISTING CONCRETE SEAWALL; THENCE BEAR NORTH 88 DEGREES, 56 MINUTES EAST, 970 FEET, MORE OR LESS, OUT INTO AN EXISTING SLIP; THENCE BEAR SOUTH 05 DEGREES, 55 MINUTES WEST, 180 FEET, MORE OR LESS, TO THE CENTER LINE OF AN EXISTING SPIT OF LAND; THENCE BEAR SOUTH 89 DEGREES, 32 MINUTES WEST, ALONG SAID CENTER LINE OF SAID SPIT OF LAND 1108 FEET, MORE OR LESS, TO A POINT WHICH IS BEARING SOUTH 02 DEGREES, 04 MINUTES WEST FROM THE POINT OF BEGINNING; THENCE BEAR NORTH 02 DEGREES, 04 MINUTES EAST, 194.29 FEET BACK TO THE POINT OF BEGINNING.

ALSO DESCRIBED AND INSURED AS:

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF FIFTH STREET AND THE SOUTHERLY LINE OF FIFTH AVENUE OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEAR SOUTH 84 DEGREES 02 MINUTES 07 SECONDS EAST 484.79 FEET; THENCE BEAR SOUTH 05 DEGREES 39 MINUTES 55 SECONDS WEST, 938.76 FEET; THENCE BEAR SOUTH 08 DEGREES 09 MINUTES 05 SECONDS EAST 249.71 FEET; THENCE BEAR SOUTH 14 DEGREES 38 MINUTES 05 SECONDS EAST 131.51 FEET; THENCE BEAR SOUTH 01 DEGREES 56 MINUTES 55 SECONDS WEST 262.26 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AND SUBMERGED LAND HEREINAFTER DESCRIBED; THENCE SOUTH 84 DEGREES 26 MINUTES 05 SECONDS EAST, 131.81 FEET TO THE OUTSIDE FACE OF AN EXISTING CONCRETE SEAWALL; THENCE BEAR NORTH 88 DEGREES 48 MINUTES 55 SECONDS EAST 977.77 FEET OUT INTO AN EXISTING SLIP; THENCE BEAR SOUTH 05 DEGREES 37 MINUTES 29 SECONDS WEST, 192.30 FEET TO THE CENTERLINE OF AN EXISTING SPIT OF LAND; THENCE BEAR SOUTH 89 DEGREES 27 MINUTES 55 SECONDS WEST, ALONG SAID CENTERLINE OF SAID SPIT OF LAND 1096.56 FEET TO A POINT WHICH IS BEARING SOUTH 01 DEGREES 56 MINUTES 55 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE BEAR NORTH 01 DEGREES 56 MINUTES 55 SECONDS EAST, 194.29 FEET BACK TO POINT OF BEGINNING.

PARCEL C:

A TRACT OF LAND AND SUBMERGED LAND AT STOCK ISLAND, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF FIFTH STREET AND THE SOUTHERLY LINE OF FIFTH AVENUE OF THE PLAT OF STOCK ISLAND AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEAR SOUTH 84° 02' 07" EAST, 484.79 FEET; THENCE BEAR SOUTH 05° 39' 55" WEST, 938.76 FEET; THENCE BEAR SOUTH 08° 09' 05" EAST, 249.71 FEET; THENCE BEAR SOUTH 14° 38' 05" EAST, 36.68 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AND SUBMERGED LANDS HEREINAFTER DESCRIBED; THENCE CONTINUE BEARING SOUTH 14° 38' 05" EAST, 94.83 FEET; THENCE BEAR SOUTH 01° 56' 55" WEST, 82.95 FEET; THENCE BEAR NORTH 89° 24' 55" EAST, 1120.76 FEET, OUT ONTO A SPIT OF LAND TO THE SHORELINE; THENCE BEAR NORTH 05° 37' 29" EAST, 161.06 FEET TO A POINT; THENCE BEAR SOUTH 89° 24' 55" WEST, 1000.60 FEET TO A POINT ON A CONCRETE SEAWALL, SAID POINT BEARING SOUTH 85° 13' 05" EAST FROM THE POINT OF BEGINNING; THENCE BEAR NORTH 85° 13' 05" WEST, 157.63 FEET TO THE POINT OF BEGINNING.

PARCEL E:

A PARCEL OF FILLED LAND AND ADJACENT BAY BOTTOM LYING SOUTHERLY OF BLOCK 57, MALONEY'S SUBDIVISION OF A PART OF STOCK ISLAND, MONROE COUNTY, FLORIDA AS RECORDED IN PLAT BOOK 1 AT PAGE 55 OF MONROE COUNTY PUBLIC RECORDS AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE EASTERLY LINE OF 5TH STREET (AS CONSTRUCTED) AND THE SOUTHERLY LINE OF 5TH AVENUE (AS CONSTRUCTED) GO EASTERLY ALONG THE SOUTHERLY LINE OF 5TH AVENUE A DISTANCE OF 500 FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES A DISTANCE OF 730 FEET TO A POINT; THENCE EASTERLY AND AT RIGHT ANGLES A DISTANCE OF 191.5 FEET

TO A POINT WHICH IS THE POINT OF BEGINNING; THENCE CONTINUE EASTERLY ALONG THE PROLONGATION OF THE PREVIOUSLY DESCRIBED COURSE A DISTANCE OF 393.5 FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES A DISTANCE OF 226.08 FEET TO A POINT; THENCE EASTERLY AND AT RIGHT ANGLES A DISTANCE OF 125 FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES A DISTANCE OF 20 FEET TO A POINT IN AN EXISTING SEAWALL; THENCE WESTERLY AND PARALLEL WITH THE SOUTHERLY FACE OF SAID SEAWALL A DISTANCE OF 450.1 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES TO A SOUTHERLY LINE OF FIFTH AVENUE A DISTANCE OF 30 FEET TO A POINT; THENCE WESTERLY AND AT RIGHT ANGLES A DISTANCE OF 68.5 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES A DISTANCE OF 227.2 FEET BACK TO THE POINT OF BEGINNING.

ALSO

A PARCEL OF BAY BOTTOM SOUTHERLY OF AND ADJACENT TO THE SOUTHERLY LINE OF THE ABOVE DESCRIBED PARCEL, SAID BAY BOTTOM BEING 10 FEET WIDE.

ALSO DESCRIBED AND INSURED AS:

A PARCEL OF FILLED LAND AND ADJACENT BAY BOTTOM LYING SOUTHERLY OF BLOCK 57, MALONEY'S SUBDIVISION OF A PART OF STOCK ISLAND, MONROE COUNTY, FLORIDA AS RECORDED IN PLAT BOOK 1 AT PAGE 55 OF MONROE COUNTY PUBLIC RECORDS AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF FIFTH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE, OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S 84° 02' 07" E, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE 499.98 FEET TO THE EASTERLY LINE OF AN EASEMENT AGREEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 780, PAGE 1169 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S 05° 57' 53" W, ALONG SAID EASTERLY LINE, A DISTANCE 729.82 FEET TO THE SOUTHERLY LINE OF AN INGRESS/EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1239, PAGE 464 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S 84° 02' 07" E, ALONG SAID SOUTHERLY LINE, A DISTANCE 191.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTHERLY LINE S 84°02'07" E, A DISTANCE OF 393.51; THENCE S 06° 00' 38" W, A DISTANCE OF 227.17 FEET; THENCE S 85° 29' 39" E, A DISTANCE OF 125.00 FEET; THENCE S 06° 01' 16" W, A DISTANCE OF 20.01 FEET TO THE SOUTHERLY FACE OF A CONCRETE SEAWALL; THENCE N 85° 29' 39" W, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 450.10 FEET; THENCE N 06° 23' 31" E, A DISTANCE OF 30.00 FEET; THENCE N 85° 29' 39" W, A DISTANCE 68.50 FEET; THENCE N 05° 56' 58" E, A DISTANCE OF 227.20 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PARCEL OF BAY BOTTOM SOUTHERLY OF AND ADJACENT TO THE SOUTHERLY LINE OF THE ABOVE DESCRIBED PARCEL, SAID BAY BOTTOM BEING 10 FEET WIDE. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER AND UPON THE FOLLOWING DESCRIBED PROPERTY, RECORDED IN OFFICIAL RECORDS BOOK 1239, PAGE 464, AND ALSO IN OFFICIAL RECORDS BOOK 2287, PAGE 719, PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, SITUATED, LYING AND BEING IN THE COUNTY OF MONROE, STATE OF FLORIDA, TO WIT: A PARCEL OF LAND LYING SOUTHERLY OF BLOCK 57, MALONEY'S SUBDIVISION OF PART OF STOCK ISLAND, MONROE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 1, AT PAGE 55, MONROE

COUNTY OFFICIAL RECORDS, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE EAST LINE OF 5TH STREET (AS CONSTRUCTED) AND THE SOUTHERLY LINE OF 5TH AVENUE (AS CONSTRUCTED) GO WESTERLY ALONG THE SOUTHERLY LINE OF 5TH AVENUE A DISTANCE OF 499 FEET TO A POINT, WHICH POINT IS THE POINT OF BEGINNING; THENCE SOUTHERLY AND AT RIGHT ANGLES A DISTANCE OF 701 FEET TO A POINT; THENCE EASTERLY AND AT RIGHT ANGLES A DISTANCE OF 586 FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES A DISTANCE OF 29 FEET TO A POINT; THENCE WESTERLY AND AT RIGHT ANGLES A DISTANCE OF 615 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES A DISTANCE OF 730 FEET TO A POINT IN THE SOUTHERLY LINE OF 5TH AVENUE; THENCE EASTERLY AND AT RIGHT ANGLES AND ALONG THE SOUTHERLY LINE OF 5TH AVENUE A DISTANCE OF 29 FEET BACK TO THE POINT OF BEGINNING.

SAID EASEMENT ALSO DESCRIBED AND INSURED AS:

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 67 SOUTH, RANGE 25 EAST, MONROE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF BLOCK 57 OF MCDONALD'S PLAT OF A PART OF STOCK ISLAND AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE SOUTH 84°02'07" EAST, A DISTANCE OF 499.98 FEET TO THE WEST LINE OF TRUSTEE'S DEED NO.20083 AS RECORDED IN O.R. BOOK G-65, PAGE 82; THENCE LEAVING SAID LINE SOUTH 05° 57' 53" WEST, ALONG SAID LINE A DISTANCE OF 699.82 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 84° 02' 07" EAST, PARALLEL WITH THE SOUTHERLY LINE OF SAID FIFTH AVENUE A DISTANCE OF 740.00 FEET; THENCE SOUTH 05° 57' 53" WEST, A DISTANCE OF 40.00 FEET; THENCE NORTH 84° 02' 07" WEST, A DISTANCE OF 155.00 FEET; THENCE NORTH 05° 57' 53" EAST, A DISTANCE OF 10.00 FEET; THENCE NORTH 84° 02' 07" WEST, A DISTANCE OF 585.00 FEET TO THE WEST LINE OF SAID TRUSTEE'S DEED; THENCE NORTH 05° 57' 53" EAST, ALONG SAID LINE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

PARCEL F:

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF FIFTH STREET AND THE SOUTHERLY LINE OF FIFTH AVENUE OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, BEAR SOUTH 83 DEGREES AND 56 MINUTES EAST, 485.00 FEET; THENCE BEAR SOUTH 05 DEGREES AND 47 MINUTES WEST, 938.88 FEET; THENCE BEAR SOUTH 08 DEGREES AND 02 MINUTES EAST, 249.71 FEET; THENCE BEAR SOUTH 14 DEGREES AND 31 MINUTES EAST, 131.51 FEET; THENCE BEAR SOUTH 02 DEGREES AND 04 MINUTES WEST, 82.95 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AND SUBMERGED LANDS HEREINAFTER DESCRIBED; THENCE CONTINUE BEARING SOUTH 02 DEGREES AND 04 MINUTES WEST, 179.31 FEET; THENCE BEAR SOUTH 84 DEGREES AND 19 MINUTES EAST, 140.00 FEET, MORE OR LESS, TO THE OUTSIDE FACE OF AN EXISTING CONCRETE SEAWALL; THENCE BEAR NORTH 88 DEGREES AND 56 MINUTES EAST OUT INTO A SLIP 970 FEET, MORE OR LESS, TO A POINT; THENCE BEAR NORTH 05 DEGREES AND 55 MINUTES EAST, 150.00 FEET, MORE OR LESS, TO A POINT WHICH IS BEARING NORTH 89 DEGREES AND 32 MINUTES EAST FROM THE POINT OF BEGINNING; THENCE BEAR SOUTH 89

DEGREES AND 32 MINUTES WEST, 1120.00 FEET, MORE OR LESS, BACK TO THE POINT OF BEGINNING.

ALSO DESCRIBED AND INSURED AS:

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF FIFTH STREET AND THE SOUTHERLY LINE OF FIFTH AVENUE OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, BEAR SOUTH 84 DEGREES 02 MINUTES 07 SECONDS EAST, 484.79 FEET; THENCE BEAR SOUTH 05 DEGREES 39 MINUTES 55 SECONDS WEST, 938.76 FEET; THENCE BEAR SOUTH 08 DEGREES 09 MINUTES 05 SECONDS EAST, 249.71 FEET; THENCE SOUTH 14 DEGREES 38 MINUTES 05 SECONDS EAST, 131.51 FEET; THENCE BEAR SOUTH 01 DEGREES 56 MINUTES 55 SECONDS WEST, 82.95 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AND SUBMERGED LANDS HEREINAFTER DESCRIBED; THENCE CONTINUE BEARING SOUTH 01 DEGREES 56 MINUTES 55 SECONDS WEST, 179.31 FEET; THENCE BEAR SOUTH 84 DEGREES 26 MINUTES 05 SECONDS EAST, 131.81 FEET TO THE OUTSIDE FACE OF AN EXISTING CONCRETE SEAWALL; THENCE BEAR NORTH 88 DEGREES 48 MINUTES 55 SECONDS EAST OUT INTO A SLIP, 977.77 FEET TO A POINT; THENCE BEAR NORTH 05 DEGREES 37 MINUTES 29 SECONDS EAST, 184.10 FEET TO A POINT WHICH IS BEARING NORTH 89 DEGREES 24 MINUTES 55 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE BEAR SOUTH 89 DEGREES 24 MINUTES 55 SECONDS WEST, 1120.76 FEET BACK TO THE POINT OF BEGINNING.

PARCEL G:

A PARCEL OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF FIFTH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE, OF THE PLAT OF STOCK ISLAND, AS RECORDED-IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S 84° 02' 07" E ALONG THE SAID SOUTHERLY LINE OF FIFTH AVENUE FOR 484.98 FEET; THENCE S 05° 57' 53" W FOR A DISTANCE OF 938.76 FEET; THENCE S 08° 09' 05" E FOR A DISTANCE OF 109.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 08° 09' 05" E, A DISTANCE OF 139.96 FEET; THENCE S 14° 38' 05" E, A DISTANCE OF 32.68 FEET; THENCE S 85° 13' 05" E, A DISTANCE OF 157.63 FEET; THENCE N 89° 24' 55" E, A DISTANCE OF 49.99 FEET; THENCE N 05° 12' 11" E, A DISTANCE OF 161.18 FEET; THENCE N 84° 02' 55" W, A DISTANCE OF 252.15 FEET TO THE POINT OF BEGINNING.

PARCEL H:

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF FIFTH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE, OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE SOUTH 84° 02' 07" EAST ALONG THE SAID SOUTHERLY LINE OF FIFTH AVENUE FOR 484.79 FEET; THENCE SOUTH 05° 39' 55" WEST FOR A DISTANCE 938.76 FEET; THENCE SOUTH 08° 09' 05" EAST FOR A DISTANCE OF 42.15 FEET TO THE EASTERLY LINE OF A 30 FOOT EASEMENT AND THE EASTERLY RIGHT-OF-WAY LINE OF SHRIMP ROAD AS

RECORDED IN O.R. BOOK 2030, PAGE 949 (PARCEL A TRACT 1), OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE LEAVING SAID LINE SOUTH 08°09'05" EAST, A DISTANCE OF 207.56 FEET; THENCE SOUTH 14°38'05" EAST, A DISTANCE OF 131.51 FEET; THENCE SOUTH 01° 56' 55" WEST, A DISTANCE OF 575.72 FEET; THENCE SOUTH 05° 54' 55" WEST, A DISTANCE OF 186.69 FEET; THENCE SOUTH 84° 05' 05" EAST, A DISTANCE OF 175.00 FEET; THENCE NORTH 34° 32' 55" EAST, A DISTANCE OF 116.44 FEET; THENCE NORTH 89° 27' 55" EAST, A DISTANCE OF 915.36 FEET; THENCE SOUTH 01° 07' 35" WEST, A DISTANCE OF 384.62 FEET; THENCE NORTH 84° 02' 07" WEST, A DISTANCE OF 30.84 FEET TO A MEAN HIGH WATER LINE; THENCE ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING TWENTY SEVEN (27) COURSES: 1. NORTH 08° 33' 02" EAST, A DISTANCE OF 25.26 FEET; 2. NORTH 01°03' 10" WEST, A DISTANCE OF 36.70 FEET; 3. NORTH 16°11'45" WEST, A DISTANCE OF 18.64 FEET; 4. NORTH 01°20'32" WEST, A DISTANCE OF 27.71 FEET; 5. NORTH 05°48'23" EAST, A DISTANCE OF 27.11 FEET; 6. NORTH 07°24'12" WEST, A DISTANCE OF 86.16 FEET; 7. NORTH 11° 54'19" EAST, A DISTANCE OF 34.64 FEET; 8. NORTH 09°22'05" WEST, A DISTANCE OF 27.51 FEET; 9. NORTH 57° 40'41" WEST, A DISTANCE OF 4.94 FEET; 10. NORTH 84° 56' 08" WEST, A DISTANCE OF 14.50 FEET; 11. NORTH 61°03'44" WEST, A DISTANCE OF 14.78 FEET; 12. SOUTH 85°47'17" WEST, A DISTANCE OF 117.62 FEET; 13. SOUTH 83°15'58" WEST, A DISTANCE OF 26.59 FEET; 14. NORTH 85° 01' 19" WEST, A DISTANCE OF 21.47 FEET; 15. SOUTH 80°37'17" WEST, A DISTANCE OF 8.06 FEET; 16. NORTH 75°44'52" WEST, A DISTANCE OF 11.67 FEET; 17. SOUTH 86° 09' 28" WEST, A DISTANCE OF 82.77 FEET; 18. SOUTH 89° 59' 29" WEST, A DISTANCE OF 40.54 FEET; 19. NORTH 64°26'30" WEST, A DISTANCE OF 6.15 FEET; 20. SOUTH 88°41'05" WEST, A DISTANCE OF 60.16 FEET; 21. SOUTH 79°29'50" WEST, A DISTANCE OF 36.47 FEET; 22. NORTH 88°07'58" WEST, A DISTANCE OF 57.82 FEET; 23. NORTH 86° 26' 25" WEST, A DISTANCE OF 91.35 FEET; 24. SOUTH 88° 24' 02" WEST, A DISTANCE OF 97.85 FEET; 25. SOUTH 81°39'19" WEST, A DISTANCE OF 76.27 FEET; 26. SOUTH 86°43'16" WEST, A DISTANCE OF 75.93 FEET; 27. SOUTH 81° 33' 16" WEST, A DISTANCE OF 23.73 FEET; THENCE LEAVING SAID LINE SOUTH 07°52'54" WEST, A DISTANCE OF 138.68 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SHRIMP ROAD PER QUIT CLAIM DEED RECORDED IN O.R. BOOK 2030, PAGE 949, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE ALONG THE NORTHERLY AND EASTERLY RIGHT-OF-WAY LINE OF SAID SHRIMP ROAD THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1. NORTH 84° 02' 07" WEST, A DISTANCE OF 288.11 FEET TO A POINT OF CURVATURE; 2. NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 115.28 FEET, A CENTRAL ANGLE OF 88° 03' 57", AND A CHORD BEARING AND DISTANCE OF NORTH 40°00'08" WEST, 104.26 FEET; 3. NORTH 04°01'50" EAST, A DISTANCE OF 555.62 FEET TO THE NORTHERN TERMINUS OF PARCEL A TRACT 2 OF SAID QUIT CLAIM ON THE WEST LINE OF TRUSTEES DEED NO.20083 O.R.BOOK G-65, PAGE 82; THENCE NORTH 05°57'53" EAST, ALONG SAID LINE A DISTANCE OF 606.85 FEET TO THE POINT OF BEGINNING.

AND ALSO: BAY BOTTOM

A TRACT OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF FIFTH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE, OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S. 84°02'07" E. ALONG THE SAID SOUTHERLY LINE OF FIFTH AVENUE FOR 499.98 FEET; THENCE S. 05°57'53" W. FOR A DISTANCE OF 2242.25 FEET; THENCE S.84°02'07"E., A DISTANCE OF 1310.00 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE S.84°02'07"E., A DISTANCE OF 363.01 FEET TO THE CENTERLINE OF THE ENTRANCE OF THE

HARBOR; THENCE N.08°15'27"W., A DISTANCE OF 959.38 FEET; THENCE S. 81°44'33" W., A DISTANCE OF 132.23 FEET; THENCE N. 05°47'25" W., A DISTANCE OF 658.21 FEET; THENCE N. 83°54'54" W., A DISTANCE OF 255.03 FEET TO THE WESTERLY PART OF THE BAY BOTTOM LINE; THENCE MEANDER THE SAID BAY BOTTOM LINE SOUTHERLY FOR A CHORD OF S.14°34',07" E., A DISTANCE OF 284.16 FEET; THENCE N. 85°29'39" W., A DISTANCE OF 310.00 FEET; THENCE S. 06°01'16" W., A DISTANCE OF 10.00 FEET; THENCE N. 85°29'39" W., A DISTANCE OF 450.16 FEET; THENCE S. 06°23'31" W., A DISTANCE OF 49.85 FEET; THENCE S. 84°02'55" E., A DISTANCE OF 9.27 FEET; THENCE S. 05°12'11" W., A DISTANCE OF 161.18 FEET; THENCE N. 88°24'55" E., A DISTANCE OF 950.61 FEET; THENCE S. 05°37'29" W., A DISTANCE OF 537.46 FEET; THENCE N. 89°27'55" E., A DISTANCE OF 11.44 FEET; THENCE S. 06°02'03" E., A DISTANCE OF 230.00 FEET; THENCE S.01°07'35" W., A DISTANCE OF 384.62 FEET TO THE POINT OF BEGINNING.

PARCEL I: **Intentionally Omitted (Leasehold/Option terminated effective 7/31/2010)**

PARCEL J:

A PARCEL OF LAND AND SUBMERGED LANDS AT STOCK ISLAND, MONROE COUNTY FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF FIFTH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE, OF THE PLAT OF STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S 84° 02' 07" e ALONG THE SAID SOUTHERLY LINE OF FIFTH AVENUE FOR 499.98 FEET; THENCE S 05° 57' 53" W FOR A DISTANCE OF 913.46 FEET TO THE POINT OF BEGINNING; THENCE S 84° 02' 07" E, FOR A DISTANCE OF 191.55 FEET; THENCE S 05° 56' 58" W, A DISTANCE OF 43.56 FEET; THENCE S 85° 29' 40" E, A DISTANCE OF 68.50 FEET; THENCE S 06° 23' 31" W, A DISTANCE OF 89.85 FEET; THENCE N 84° 02' 55" W, A DISTANCE OF 242.88 FEET; THENCE N 08° 09' 05" W, A DISTANCE OF 67.60 FEET; THENCE N 05° 57' 53" E, A DISTANCE OF 66.17 FEET TO THE POINT OF BEGINNING.

AS TO ALL PARCELS:

TOGETHER WITH THOSE BENEFICIAL EASEMENTS RECORDED IN OFFICIAL RECORDS BOOK 780, PAGE 1169, PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND ON STOCK ISLAND, MONROE COUNTY, FLORIDA, AND BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF BLOCK 57 OF MCDONALD'S PLAT OF A PART OF STOCK ISLAND AS RECORDED IN PLAT BOOK 1 AT PAGE 55 OF PUBLIC RECORDS, OF MONROE COUNTY, FLORIDA AND RUN THENCE SOUTH 83 DEGREES, 56 MINUTES EAST ALONG THE NORTH BOUNDARY LINE OF SAID BLOCK 57 FOR A DISTANCE OF 470 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND BEING DESCRIBED HEREIN; THENCE RUN SOUTH 6 DEGREES 04 MINUTES WEST FOR A DISTANCE OF 1283.02 FEET; THENCE RUN SOUTH 41 DEGREES 58 MINUTES EAST FOR A DISTANCE OF 40.35 FEET TO THE SOUTHEAST CORNER OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 24078 AND THE WEST BOUNDARY LINE OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20083; THENCE RUN SOUTH 6 DEGREES 04 MINUTES WEST ALONG THE WEST BOUNDARY LINE OF SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20083 FOR A DISTANCE OF 932.25 FEET TO THE SOUTHWEST CORNER OF

SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20083; THENCE RUN SOUTH 83 DEGREES 56 MINUTES EAST ALONG THE SOUTH BOUNDARY LINE OF SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20083, THE SOUTH BOUNDARY LINE OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 19837-A AND THE NORTH BOUNDARY LINE OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20793 FOR A DISTANCE OF 1116.72 FEET; THENCE RUN NORTH 6 DEGREES 04 MINUTES EAST FOR A DISTANCE OF 30 FEET; THENCE RUN NORTH 83 DEGREES 56 MINUTES WEST FOR A DISTANCE OF 1086.72 FEET; THENCE RUN NORTH 6 DEGREES 04 MINUTES EAST FOR A DISTANCE OF 915.62 FEET; THENCE RUN NORTH 41 DEGREES 58 MINUTES WEST FOR A DISTANCE OF 40.35 FEET TO THE WEST BOUNDARY LINE OF SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20083 AND THE EAST BOUNDARY LINE OF SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 24078; THENCE RUN NORTH 6 DEGREES 04 MINUTES EAST ALONG THE WEST BOUNDARY LINE OF SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 20083 AND THE EAST BOUNDARY LINE OF SAID TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA DEED NO. 24078, EXTENDED NORTHERLY, FOR A DISTANCE OF 1269.65 FEET TO THE NORTH BOUNDARY LINE OF SAID BLOCK 57; THENCE RUN NORTH 83 DEGREES 56 MINUTES WEST ALONG THE NORTH BOUNDARY LINE OF THE SAID BLOCK 57 FOR A DISTANCE OF 30 FEET BACK TO THE POINT OF BEGINNING.

SAID EASEMENT ALSO DESCRIBED AND INSURED AS:

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 67 SOUTH, RANGE 25 EAST, MONROE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF BLOCK 57 OF MCDONALD'S PLAT OF A PART OF STOCK ISLAND AS RECORDED IN PLAT BOOK I, PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE SOUTH 84°02'07" EAST, A DISTANCE OF 469.98 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 84°02'07" EAST, A DISTANCE OF 30.00 FEET TO THE WEST LINE OF TRUSTEE'S DEED NO. 20083 AS RECORDED IN O.R. BOOK G-65, PAGE 82; THENCE ALONG SAID LINE SOUTH 05°57'53" WEST, A DISTANCE OF 1,268.45 FEET; THENCE LEAVING SAID LINE SOUTH 42°04'07" EAST, A DISTANCE OF 40.35 FEET; THENCE SOUTH 05°57'53" WEST, A DISTANCE OF 916.82 FEET; THENCE SOUTH 84°02'07" EAST, A DISTANCE OF 1,086.72 FEET; THENCE SOUTH 05°57'53" WEST, A DISTANCE OF 30.00 FEET TO THE SOUTH LINE OF TRUSTEE'S DEED NO. 20083 AS RECORDED IN OR BOOK G-65, PAGE 82; THENCE ALONG SAID LINE NORTH 84°02'07" WEST, A DISTANCE OF 1,116.72 FEET TO THE WEST LINE OF TRUSTEE'S DEED NO. 20083 AS RECORDED IN O.R. BOOK G-65, PAGE 82; THENCE ALONG SAID LINE NORTH 05°57'53" EAST, A DISTANCE OF 933.45 FEET; THENCE LEAVING SAID LINE NORTH 42°04'07" WEST, A DISTANCE OF 40.35 FEET; THENCE NORTH 05°57'53" EAST, A DISTANCE OF 1,281.82 FEET TO THE POINT OF BEGINNING.

MONROE COUNTY
OFFICIAL PUBLIC RECORD

July 11, 2013

I hereby authorize Barton W. Smith, Esq. be listed as authorized agent
(Name of Agent)

for Longstock II, LLC for the application submittal for
(Name of Property Owner(s) the Applicant(s))

Property described as Lot: _____, Block _____,

Subdivision: _____, Key (island): Stock Island

and Real Estate number: 00123760-000200
00123720-000100
00123720-000200.

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated.

The undersigned understands the liabilities involved in the granting of this agency and accepts full responsibility (thus holding Monroe County harmless) for any and all of the actions of the agent named, related to the acquisition of approvals/permits for the aforementioned applicant.

Note: Authorization is needed from each owner of the subject property. Therefore, one or more authorization forms must be submitted with the application if there are multiple owners.

Property Owner(s) Signature

Matthew Strunk

Matthew Strunk, Manager

NOTARY:
STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 11 day of July, 2013.

MATTHEW STRUNK is X personally known _____ produced identification

Type of Identification, did / did not take an oath.

Jana Carter

Notary





Scott P. Russell, CFA
Property Appraiser
Monroe County, Florida

Key West (305) 292-3420
 Marathon (305) 289-2550
 Plantation Key (305) 852-7130

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Website tested on IE8, IE9, & Firefox.

Requires Adobe Flash 10.3 or higher

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Ownership Details

Mailing Address:
 LONGSTOCK II LLC
 7009 SHRIMP RD STE 2
 KEY WEST, FL 33040-6067

Property Details

PC Code: 18 - OFFICES BUILDINGS MULTI/STORY
Millage Group: 110A
Affordable Housing: No
Section-Township-Range: 35-67-25
Property Location: 7009 SHRIMP ST SOUTH STOCK ISLAND
Legal Description: 35 67 25 PT TRACT 1 - ALL TRACTS 2-3-4 AND PARCEL OF LAND AND BAY BTM LYING SOUTH OF AND ADJ TO SQRS 55,56 AND 57 MALONEY SUB PB1-55 OR1-17/18 OR53-238OR65-324/328 OR163-299 OR164-562/575 OR286-270/273 OR313-53-56 OR315-531/532 OR359-85/89 OR423-622-624 ID 4-057008 UNRECORDED MERGER ON FILE OR427-859/60 OR427-861-862 OR500-566E OR508-638/39 OR509-52 OR547-972D/C(PROB DOCKET 73-146-CP-12) OR780-1169/71E OR780-1172/75E OR806-1706/61 OR866-2451/2455E OR866-2460/2464E OR866-2474/2477E OR1076-1688/1689 OR1195-1402/03C OR1229-967/71 OR1239-460/62 OR1269-1002/03 OR1436-1614/15 OR1595-206/7 OR1617-1777/1842DEC OR1618-999/1000 OR1618-1001/02 OR1625-418/19 OR1625-420 OR1699-2300/02 OR1699-2325/26 OR1701-834/35 OR1707-1140Q/C OR1708-1890AFF OR1761-1026/47AMD OR1765-1978 OR1771-2113/15 OR1789-1224 OR1831-1735/37 OR1840-998/1040DEC OR1843-46/49 OR1848-1336/37 OR1852-2346/47T/C OR1854-466/67 OR1855-127/28 OR1857-775/78 OR1858-503/04 OR1858-560/61 OR1870-2281/2357DEC OR1873-879/80 OR1873-1197/98 OR1879-964/65 OR1881-196/97 OR1883-2201/02 OR1890-2271/72 OR1899-1738/39 OR1901-2216/17 OR1903-1186/87 OR1913-2276C OR1937-1567 OR2017-2389/90 OR2045-2319Q/C OR2050-2190 OR2062-621/23 OR2071-1650 OR2218-1284/25Q/C OR2219-832/33Q/C OR2220-1578 OR2222-389C OR2223-1519 OR2224-1197 OR2224-1198 OR2224-1199 OR2225-2132 OR2231-765 OR2235-782C OR2247-1559 OR2247-1560 OR2250-1000C OR2257-1636Q/C OR2260-2432 OR2262-30 OR2267-26 OR2270-306 OR2270-307 OR2270-2314 OR2273-2487

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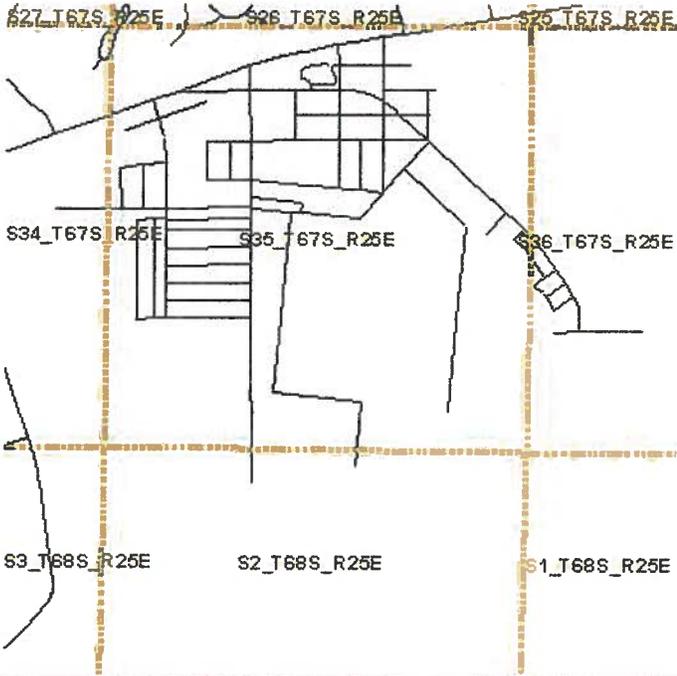
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- » [Census Info](#)

OR2274-1219C OR2277-484 OR2277-488 OR2278-1963 OR2278-1964 OR2283-2297
OR2287-716/17Q/C-E OR2287-718 OR2287-719/20 OR2287-1647/54 OR2291-353
OR2291-354/55 OR2291-356/57 OR2294-900/901 OR2294-902/04 OR2294-905
OR2294-906/08 OR2294-909/11 OR2294-940/43 OR2294-944/46 OR2294-1344/1345
OR2298-1259/60 OR2298-1261/62 OR2298-1263/66 OR2305-2179/84 OR2305-2185/90
OR2305-2191/96 OR2305-2197/98 OR2305-2199/2200 OR2305-2207/08 OR2305-
2209/11 OR2313-1249/51 OR2314-1759/60 OR2316-1525/26 OR2385-20/52OR2499-
355/64

[Click Map Image to open interactive viewer](#)



Land Details

Land Use Code	Frontage	Depth	Land Area
100W - COMMERCIAL WATERFRON	0	0	299,822.00 SF
9500 - SUBMERGED			6.18 AC
100W - COMMERCIAL WATERFRON			45,910.00 SF
000X - ENVIRONMENTALLY SENS			13.18 AC
100D - COMMERCIAL DRY			199,069.00 SF
100W - COMMERCIAL WATERFRON			48,865.00 SF
9500 - SUBMERGED			4.15 AC
9500 - SUBMERGED			3.19 AC

Building Summary

Number of Buildings: 5
Number of Commercial Buildings: 5
Total Living Area: 31017
Year Built: 1950

Building 1 Details

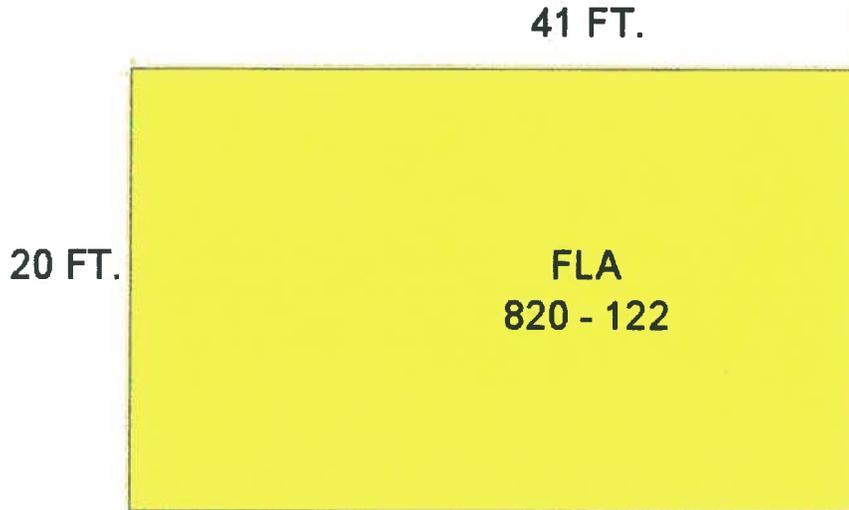
Building Type	Condition F
Effective Age 38	Perimeter 244
Year Built 1968	Special Arch 0
Functional Obs 0	Economic Obs 0

Inclusions:

Roof Type	Roof Cover
Heat 1	Heat 2
Heat Src 1	Heat Src 2

Extra Features:

2 Fix Bath	0
3 Fix Bath	0
4 Fix Bath	0
5 Fix Bath	0
6 Fix Bath	0
7 Fix Bath	0
Extra Fix	4



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %
1	FLA		1	1967			

Interior Finish:

Section Nbr	Interior Finish Nbr	Type
	9618	WHLSE MFG OUTLETS

Exterior Wall:

Interior Finish Nbr	Type
69	C.B.S.

Building 2 Details

Building Type
 Effective Age 26
 Year Built 1950
 Functional Obs 0

Condition A
 Perimeter 640
 Special Arch 0
 Economic Obs 0

E
 G

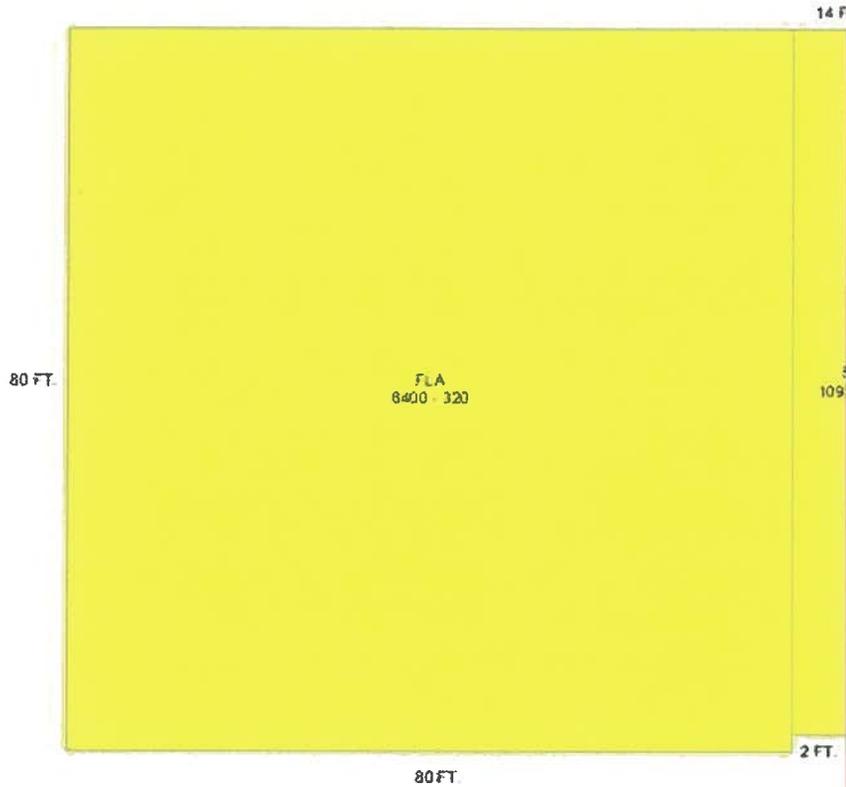
Inclusions:

Roof Type FLAT OR SHED
Heat 1
Heat Src 1

Roof Cover TAR & GRAVEL
Heat 2
Heat Src 2

Extra Features:

2 Fix Bath 0
3 Fix Bath 0
4 Fix Bath 0
5 Fix Bath 0
6 Fix Bath 0
7 Fix Bath 0
Extra Fix 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %
0	FLA	5:C.B.S.	1	1982			
0	SPF	5:C.B.S.	1	1982			

Interior Finish:

Section Nbr	Interior Finish Nbr	Type
		SERVICE SHOPS-B-

Exterior Wall:

Interior Finish Nbr	Type
70	C.B.S.
71	AVE WOOD SIDING

Building 3 Details

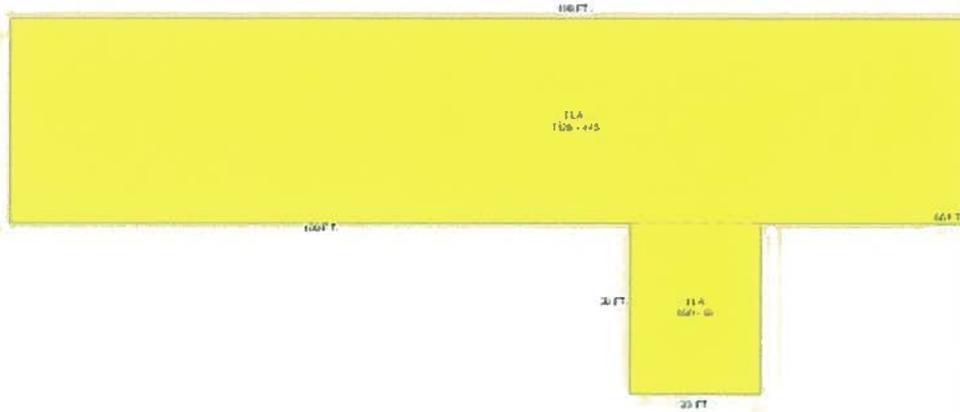
Building Type	Condition A	Qua
Effective Age 32	Perimeter 1,102	Depr
Year Built 1953	Special Arch 0	Grnd
Functional Obs 0	Economic Obs 0	

Inclusions:

Roof Type GABLE/HIP	Roof Cover METAL	F
Heat 1	Heat 2	
Heat Src 1	Heat Src 2	

Extra Features:

2 Fix Bath	2
3 Fix Bath	3
4 Fix Bath	0
5 Fix Bath	0
6 Fix Bath	0
7 Fix Bath	0
Extra Fix	0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %
0	FLA	4:CONC BLOCK	1	1953		Y	
0	FLA	4:CONC BLOCK	1	1953		N	

Interior Finish:

Section Nbr	Interior Finish Nbr	Type
		MARINA/AUTO/BUS TERM
		MARINA/AUTO/BUS TERM

Exterior Wall:

Interior Finish Nbr	Type
72	C.B.S.

Building 4 Details

Building Type
Effective Age 22

Condition A
Perimeter 2,059

Quality
Depreci

Year Built 1967
Functional Obs 0

Special Arch 0
Economic Obs 0

Grnd Flo

Inclusions:

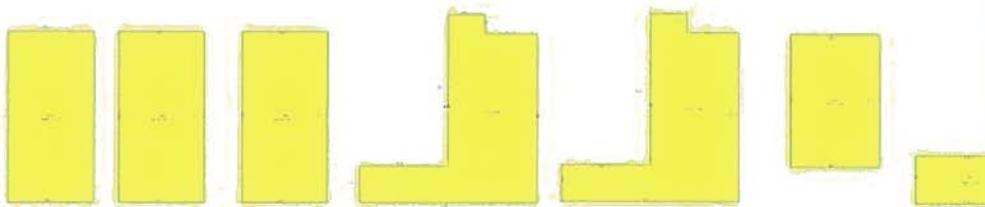
Roof Type
Heat 1
Heat Src 1

Roof Cover METAL
Heat 2
Heat Src 2

Fou
Be

Extra Features:

2 Fix Bath 4
3 Fix Bath 0
4 Fix Bath 0
5 Fix Bath 0
6 Fix Bath 0
7 Fix Bath 0
Extra Fix 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %
0	ELF.		1	1970			
0	ELF.		1	1967			
0	ELF.		1	1973			
0	FLA	1:WD FRAME/COMPOSITE	1	1973		N	
0	FLA	4:CONC BLOCK	1	1967		N	

0	FLA	4:CONC BLOCK	1	1973	N
0	FLA	8:METAL/ALUM	1	1970	N
0	FLA	8:METAL/ALUM	1	1970	N

Interior Finish:

Section Nbr	Interior Finish Nbr	Type
		MARINA/AUTO/BUS TERM

Exterior Wall:

Interior Finish Nbr	Type
73	METAL SIDING

Building 5 Details

Building Type	Condition E	Qu
Effective Age 6	Perimeter 378	Depi
Year Built 2006	Special Arch 0	Grnd
Functional Obs 0	Economic Obs 0	

Inclusions:

Roof Type IRR/CUSTOM	Roof Cover METAL
Heat 1	Heat 2
Heat Src 1	Heat Src 2

Extra Features:

2 Fix Bath	4
3 Fix Bath	0
4 Fix Bath	0
5 Fix Bath	0
6 Fix Bath	0
7 Fix Bath	0
Extra Fix	0

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	CL2:CH LINK FENCE	5,964 SF	994	6	1975	1976	2	30
2	UB2:UTILITY BLDG	80 SF	10	8	1991	1992	2	50
3	UB2:UTILITY BLDG	96 SF	12	8	1993	1994	2	50
4	UB2:UTILITY BLDG	96 SF	12	8	1993	1994	2	50
5	UB2:UTILITY BLDG	96 SF	12	8	1993	1994	2	50
5	RW2:RETAINING WALL	560 SF	140	4	1975	1976	4	50
6	CL2:CH LINK FENCE	600 SF	100	6	1975	1976	2	30
6	FN2:FENCES	240 SF	40	6	1999	2000	5	30
7	AP2:ASPHALT PAVING	12,000 SF	150	80	1994	1995	2	25
7	FN2:FENCES	560 SF	140	4	1988	1989	3	30
8	PT3:PATIO	1,053 SF	39	27	1981	1982	2	50
8	DK2:CON DKS/CONPIL	1,464 SF	244	6	1975	1976	3	60
9	SW2:SEAWALL	1,636 SF	409	4	1975	1976	4	60
9	PT3:PATIO	360 SF	24	15	1981	1982	2	50
10	AP2:ASPHALT PAVING	4,000 SF	80	50	1984	1985	2	25
10	AP2:ASPHALT PAVING	3,135 SF	285	11	1975	1976	2	25
11	CA2:CARPORT	324 SF	18	18	1955	1956	1	50
12	CL2:CH LINK FENCE	360 SF	60	6	1975	1976	2	30
13	CL2:CH LINK FENCE	1,860 SF	310	6	1975	1976	1	30
14	SW2:SEAWALL	300 SF	6	50	1949	1950	4	60
15	DK3:CONCRETE DOCK	100 SF	50	2	1949	1950	1	60
16	CL2:CH LINK FENCE	1,560 SF	260	6	2004	2005	2	30
17	DK3:CONCRETE DOCK	1,456 SF	91	16	1981	1982	5	60
18	SW2:SEAWALL	564 SF	141	4	1981	1982	4	60
19	CL2:CH LINK FENCE	7,152 SF	1,192	6	2006	2007	1	30
20	SW2:SEAWALL	404 SF	202	2	1953	2008	4	60
21	DK3:CONCRETE DOCK	2,000 SF	250	8	1953	2008	1	60
22	DK2:CON DKS/CONPIL	1,170 SF	78	15	1970	2008	3	60
23	SW2:SEAWALL	1,840 SF	920	2	1953	2008	4	60
24	SW2:SEAWALL	912 SF	152	6	1975	1976	4	60
25	DK3:CONCRETE DOCK	2,128 SF	152	14	1975	1976	4	60
26	SW2:SEAWALL	3,996 SF	999	4	1975	1976	4	60
27	SW2:SEAWALL	436 SF	109	4	1975	1976	4	60
28	DK3:CONCRETE DOCK	3,600 SF	300	12	1979	1980	5	60
29	DK3:CONCRETE DOCK	1,650 SF	165	10	1953	2008	3	60
30	DK3:CONCRETE DOCK	1,139 SF	67	17	1980	2008	3	60
31	SW2:SEAWALL	3,680 SF	920	4	1953	2008	4	60
32	CL2:CH LINK FENCE	2,100 SF	350	6	2006	2008	1	30

33	AC2:WALL AIR COND	6 UT	0	0	2000	2008	2	20
34	SW2:SEAWALL	660 SF	110	6	1975	1976	4	60
35	SW2:SEAWALL	3,360 SF	560	6	1975	1976	4	60
36	SW2:SEAWALL	2,700 SF	450	6	1975	1976	4	60
37	RW2:RETAINING WALL	784 SF	112	7	1975	1976	4	50
38	DK3:CONCRETE DOCK	3,384 SF	282	12	1974	1975	5	60
39	PT4:PATIO	5,495 SF	157	35	2006	2007	2	50
40	FN3:WROUGHT IRON	1,950 SF	325	6	2006	2006	3	60
41	FN2:FENCES	3,600 SF	600	6	2012	2012	2	30

Appraiser Notes

THE FOLLOWING AK'S HAVE BEEN COMBINED WITH THIS PARCEL PER THE OWNER'S REQUEST, DONE FOR THE 2011 TAX ROLL (5/16/2011 SCJ). AK 1157864 (RE 00123750-000000) AK 1157848 (RE 00123730-000000) AK 1157830 (RE 00123720-000000) AK 9091104 (RE 00123760-000103) AK 9091103 (RE 00123760-000102) AK 1157902 (RE 00123760-000300) AK 9088432 (RE 00123720-000300) AK 9091102 (RE 00123760-000101)

FEMA PARCELS (AK 9091103 AND AK9091102) HAVE BEEN COMBINED WITH THIS PARCEL AND THE FEMA INJUCTION TAB HAS BEEN CHANGED TO PARTIAL.

KING SHRIMP CO OF FLA INC SW2 1120 X 4 DONE IN 2 SECTIONS 1993 AUDIT PARCEL 2001-03-05 CHANGED THE PACKING PLANT TO WAREHOUSE FOR THE 2001 TAX ROLL. DUG 6/04 SALE DOES NOT SEEM TO FIT PROPERTY OR NBHD TREND. KDB

ALL STRUCTURES DEMO'D AS OF 12/30/05, NEW BUILDING UNDER CONSTRUCTION - PIC'S ON FILE.

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	1102743	07/19/2011	11/08/2012	100,000	Commercial	BRICK DRIVEWAY
	12103164	08/23/2012	10/31/2012	5,000	Commercial	SEAWALL CAP REPAIR
	12103165	08/23/2012	11/08/2012	2,000		REPAIR DOCK CAP ATF
	12101179	04/10/2012	11/08/2012	16,000	Commercial	600 LF OF 6' CHAIN LINK FENCE
	12102570	07/13/2012	11/08/2012	234,777	Commercial	NEW LIFT STATION AND 8 MANHOLES
	12103136	10/23/2012	01/02/2013	800,000	Commercial	REPAIR SEAWALL AND SITE WORK
	12103136	10/23/2012		8,000,000	Commercial	NEW/REPAIR SAEWALL 115,520 SQ FT
	13100846	04/17/2013		1,500	Commercial	6' FENCE ALONG SIDE OF PROPERTY
	13101086	04/22/2013		314,613	Commercial	INSTALL MARINE SEWER VACUME SYS
	04-2512	05/26/2004	05/25/2005	20,000	Commercial	DEMOLITION
	05103354	06/29/2005	12/30/2005	15,000	Commercial	PILINGS
	04102513	08/24/2004	06/20/2006	450,000	Commercial	COMERCIAL-BUILDING REPLACE

04104529	10/12/2004	07/01/2005	375,000	Commercial	DOCK / REPAIR SEAWALL
061044474	08/15/2006	11/08/2006	6,000	Commercial	ASPHALT DRIVEWAY.

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2012	2,763,631	846,884	7,705,502	11,316,017	11,316,017	0	11,316,017
2011	2,838,929	871,642	7,705,502	11,416,073	11,416,073	0	11,416,073
2010	833,605	294,204	2,543,820	1,638,250	1,638,250	0	1,638,250
2009	850,971	305,018	2,010,492	3,166,481	3,166,481	0	3,166,481
2008	850,971	316,746	1,440,252	3,269,801	3,269,801	0	3,269,801
2007	796,452	250,349	2,223,000	1,397,644	1,397,644	0	1,397,644
2006	0	162,122	536,700	698,822	698,822	0	698,822
2005	146,653	186,642	465,252	798,547	798,547	0	798,547
2004	149,005	192,368	372,252	713,625	713,625	0	713,625
2003	149,005	199,230	372,252	720,487	720,487	0	720,487
2002	149,005	207,325	241,752	598,082	598,082	0	598,082
2001	149,005	213,051	241,752	603,808	603,808	0	603,808
2000	204,263	71,941	241,752	517,956	517,956	0	517,956
1999	166,306	66,344	210,357	443,007	443,007	0	443,007
1998	110,870	68,130	210,357	389,357	389,357	0	389,357
1997	110,870	70,083	210,357	391,310	391,310	0	391,310
1996	100,792	72,423	210,357	383,572	383,572	0	383,572
1995	100,792	74,210	210,357	385,359	385,359	0	385,359
1994	104,349	76,163	210,357	390,869	390,869	0	390,869
1993	104,349	78,503	384,702	567,554	567,554	0	567,554
1992	96,416	50,752	384,702	531,870	531,870	0	531,870
1991	96,416	52,154	384,702	533,272	533,272	0	533,272
1990	96,420	53,555	384,702	534,677	534,677	0	534,677
1989	96,420	54,485	384,702	535,607	535,607	0	535,607
1988	94,725	49,263	384,702	528,690	528,690	0	528,690
1987	92,219	50,499	320,508	463,226	463,226	0	463,226
1986	92,743	51,038	320,508	464,289	464,289	0	464,289
1985	89,794	49,230	320,508	459,532	459,532	0	459,532
1984	88,618	50,400	320,508	459,526	459,526	0	459,526
1983	60,340	28,665	320,508	409,513	409,513	0	409,513
1982	56,828	28,665	158,939	244,432	244,432	0	244,432

Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
12/29/2010	2499 / 355	16,000,000	<u>WD</u>	<u>30</u>
4/30/2007	2291 / 354	16,720,000	<u>WD</u>	<u>Q</u>
1/15/2003	1857 / 0775	450,900	<u>WD</u>	<u>U</u>
8/26/1999	1595 / 206	750,000	<u>WD</u>	<u>Q</u>
2/1/1972	509 / 52	125,000	00	<u>Q</u>

This page has been visited 97,434 times.

Monroe County Monroe County Property Appraiser
Scott P. Russell, CFA
P.O. Box 1176 Key West, FL 33041-1176





RESERVED BY
HANDICAPPED
PERSONS
1500 FINE



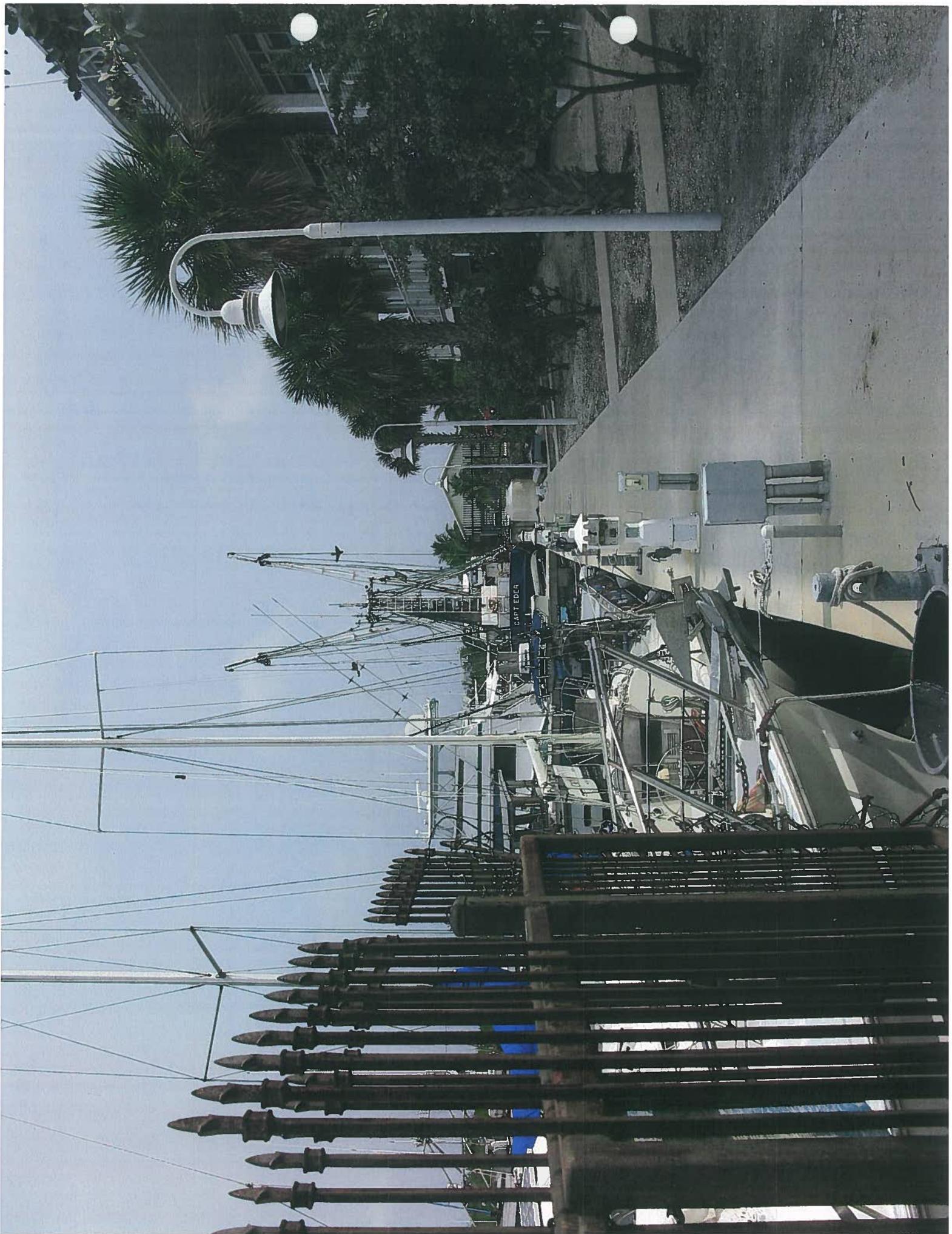




SLOWLY
ALL PETS
MUST BE
ON A LEASH
Please Close &
Latch Your Pet

5
SPEED
LIMIT































































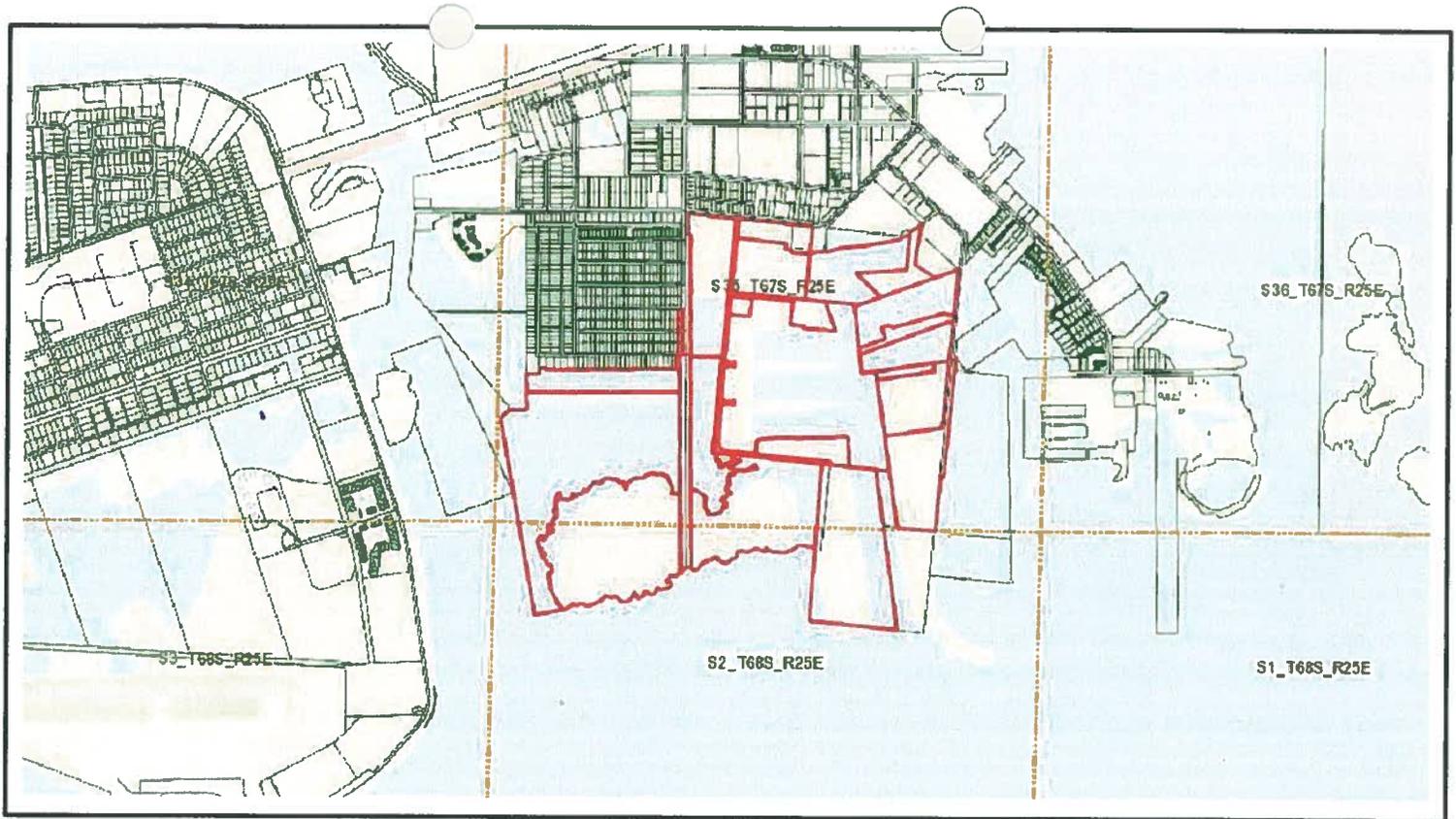












Longstock II, LLC

500 Foot Buffer

Printed: Jul 12, 2013

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.



✓ BERNSTEIN ROGER T/C
P O BOX 2455
KEY WEST, FL 33045-2455

✓ SPECIAL ACQUISITIONS VIII INC
6435 NAPLES BLVD
NAPLES, FL 34109-2016

✓ PAZARA TERESA EBELING
48E 12TH AVE
KEY WEST, FL 33040-5871

✓ BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY
500 WHITEHEAD ST
KEY WEST, FL 33040-6581

✓ ARENCIBIA FRANCISCO AND MERCEDES
24E 11TH AVE
KEY WEST, FL 33040-5870

✓ VELOSO DOMINGO J DEC TR 11/12/1997
17042 STARFISH LN W
SUMMERLAND KEY, FL 33042-3621

✓ CABRERA BERTA
50D 11TH AVE
KEY WEST, FL 33040-5869

✓ PARCELS B AND C LLC
PO BOX 169
KEY WEST, FL 33041-0169

✓ TORRES MIRTA
E25 11TH AVE
KEY WEST, FL 33040

✓ ROBBIE'S SAFE HARBOR MARINE ENT INC
7281 SHRIMP RD
KEY WEST, FL 33040

✓ 3 D OF KEY WEST INC
1415 FLAGLER AVE
KEY WEST, FL 33040-4921

~~LONGSTOCK II LLC
7009 SHRIMP RD STE 2
KEY WEST, FL 33040-6067~~

~~BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY FL
500 WHITEHEAD ST
KEY WEST, FL 33040-6581~~

✓ MARTINEZ REYNALDO A
1107 KEY PLAZA BOX 82
KEY WEST, FL 33040

✓ SAFE HARBOR ENTERPRISES INC
P O BOX 2455
KEY WEST, FL 33040

✓ ~~BERNSTEIN BENJAMIN TRUST B
PO BOX 2455
KEY WEST, FL 33045-2455~~

~~LONGSTOCK II LLC
7009 SHRIMP RD STE 2
KEY WEST, FL 33040-6067~~

✓ CONSTELLATION YACHTS INC
6811 SHRIMP RD
KEY WEST, FL 33040

✓ JKYD LLC
PO BOX 144235
CORAL GABLES, FL 33114-4235

✓ VICTORIA MARCIANA LAQUINDANUM
7985 LITTLE MILL RD
CUMMING, GA 30041-4168

~~BERNSTEIN BENJAMIN TRUST B
PO BOX 2455
KEY WEST, FL 33045-2455~~

✓ HERNANDEZ CARMEN
PO BOX 5168
KEY WEST, FL 33045-5168

~~MONROE COUNTY
500 WHITEHEAD ST
KEY WEST, FL 33040-6581~~

✓ KEY COW LLC
PO BOX 169
KEY WEST, FL 33041-0169

✓ HERNANDEZ ROBERT
C-50 10TH AVE
KEY WEST, FL 33040

✓ BAMA ONE LLC
6810 FRONT ST
KEY WEST, FL 33040-6040

✓ THE UTILITY BOARD OF THE CITY OF KEY
WEST
1001 JAMES ST
KEY WEST, FL 33040-6935

✓ K W RESORT UTILITIES CORP
PO BOX 2125
KEY WEST, FL 33045

✓ HARBOR BAY INVESTMENTS LLC
5510 3RD AVE
KEY WEST, FL 33040

~~THE UTILITY BOARD OF THE CITY OF KEY
WEST
1001 JAMES ST
KEY WEST, FL 33040-6935~~

~~LONGSTOCK II LLC
7009 SHRIMP RD STE 2
KEY WEST, FL 33040-6067~~

✓ SAFE HARBOR ENTERPRISES INC
7009 SHRIMP RD STE 2
KEY WEST, FL 33040-6067

✓ TIITF/SOVEREIGNTY LANDS
3900 COMMONWEALTH BLVD
TALLAHASSEE, FL 32399-3000

~~BERNSTEIN JORDAN M
PO BOX 2455
KEY WEST, FL 33045-2455~~

~~HARBOR BAY INVESTMENTS LLC
5510 3RD AVE
KEY WEST, FL 33040~~

✓ MERIDIAN WEST LTD
2937 SW 27TH AVE
MIAMI, FL 33133

~~BERNSTEIN JORDAN M
PO BOX 2455
KEY WEST, FL 33045-2455~~

~~THE UTILITY BOARD OF THE CITY OF KEY
WEST
1001 JAMES ST
KEY WEST, FL 33040-6935~~

~~BERNSTEIN JORDAN M
PO BOX 2455
KEY WEST, FL 33045-2455~~

~~BERNSTEIN BENJAMIN RESIDUARY TR B
U/T/W
PO BOX 2455
KEY WEST, FL 33045-2455~~

✓ SEAVIEW RENTALS LLC
PO BOX 2554
KEY WEST, FL 33045-2554

✓ CABRERA LEONARDO
49D 11TH AVE
KEY WEST, FL 33040-5869

~~DOG TRACK PARCELS CONDOMINIUM~~

✓ SAFE HARBOUR PROPERTIES LLC
6810 FRONT ST
KEY WEST, FL 33040-6040

✓ ISLAND TRUST AGREEMENT 3/10/1989
P O BOX 2455
KEY WEST, FL 33040

DATE	04/13/2010
BY	WMC
APP. NO.	130672003
DATE	04/13/2010
BY	WMC
APP. NO.	130672003
DATE	04/13/2010
BY	WMC
APP. NO.	130672003

WMC
 201 W MARION AVE. SUITE 1300
 PUNTA GORDA, FLORIDA 33950
 888-505-1272
 941-505-1272

OVERALL DOCK DIMENSIONING PLAN
 for
 STOCK ISLAND MARINA VILLAGE

DATE	04/13/2010
BY	WMC
APP. NO.	130672003
DATE	04/13/2010
BY	WMC
APP. NO.	130672003

APR 13 2010
 10:00 AM
 RECEIVED
 CIVIL ENGINEERING DEPARTMENT
 2013-CSS
 MOBILE PLANNING DEPT



DOCK DESIGN NOTE
 1. ALL DOCK DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. ALL DOCK DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 3. ALL DOCK DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 4. ALL DOCK DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 5. ALL DOCK DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

RECEIVED
 APR 13 2010
 2013-CSS
 MOBILE PLANNING DEPT

DOCK DIMENSIONS NOTE
 1. ALL DOCK DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. ALL DOCK DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 3. ALL DOCK DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 4. ALL DOCK DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 5. ALL DOCK DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.



LEGEND

- C.A.T.V. = UNDERGROUND CABLE TELEVISION MARKER
- C.U.T.V. = CABLE TELEVISION UTILITY BOX
- U.T.M. = UNDERGROUND TELEPHONE CABLE ROUTE SIGN
- T.U.B. = TELEPHONE UTILITY BOX
- F.H. = FIRE HYDRANT
- F.E.C. = FIRE DEPARTMENT CONNECTION
- U.P. = UTILITY POLE
- L.P. = LIGHT POLE
- U.L.P. = UTILITY & LIGHT POLE
- G.P. = CITY POLE
- M.P. = METER POLE
- C.W. = CITY WIRE
- E.T. = ELECTRIC TRANSFORMER
- H.M. = ELECTRIC HAND-HOLD
- U.G.C. = UNDERGROUND GAS LINE MARKER
- T.S. = TRAFFIC SIGN
- T.S.B. = TRAFFIC SIGNAL UTILITY BOX
- T.S.P. = TRAFFIC SIGNAL POLE
- C.P. = CONCRETE
- M.B. = MAIL BOX
- F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION
- S.R.D. = STATE ROAD DEPARTMENT
- O.R. BOOK = OFFICIAL RECORD BOOK
- P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER
- L.S. = LICENSED BUSINESS NUMBER
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- C. = CENTERLINE
- R/W = RIGHT-OF-WAY
- ELEV. = ELEVATION
- F.I.R. = FOUND IRON ROD (SIZE AND IDENTIFICATION IF SHOWN)
- F.B.C. = FOUND BROWN PIPE WITH CAP (SIZE AND IDENTIFICATION IF SHOWN)
- F.N.C. = FOUND NAIL & DISK (TYPE AND IDENTIFICATION IF SHOWN)
- F.L.P. = FOUND IRON PIPE (SIZE AND IDENTIFICATION IF SHOWN)
- S.L.R. = SET 1/2" IRON ROD & CAP L.S. 2010
- F.P.M. = FOUND P.K. NAIL & DISK (IDENTIFICATION IF SHOWN)
- S.P.M. = SET P.K. NAIL & DISK "YING LEISHT"
- F.L.R. = FOUND IRON ROD (SIZE AND IDENTIFICATION IF SHOWN)
- F.B.C. = FOUND BROWN PIPE WITH CAP (SIZE AND IDENTIFICATION IF SHOWN)
- F.N.C. = FOUND NAIL & DISK (TYPE AND IDENTIFICATION IF SHOWN)
- F.L.P. = FOUND IRON PIPE (SIZE AND IDENTIFICATION IF SHOWN)
- S.L.R. = SET 1/2" IRON ROD & CAP L.S. 2010
- F.P.M. = FOUND P.K. NAIL & DISK (IDENTIFICATION IF SHOWN)
- S.P.M. = SET P.K. NAIL & DISK "YING LEISHT"

LEGAL DESCRIPTION - CONSTELLATION YACHTS, INC. (AS FURNISHED)

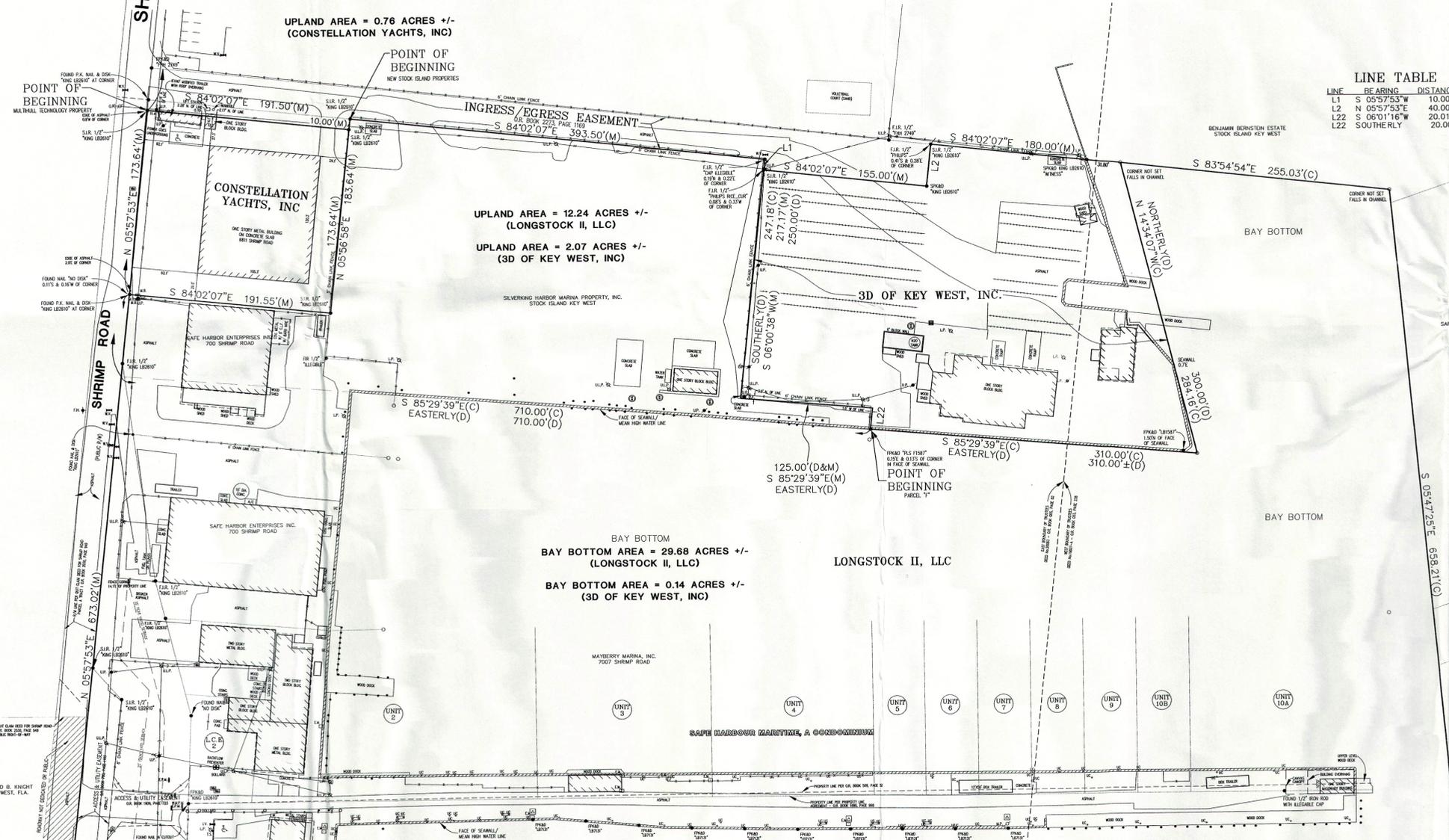
A PARCEL OF LAND ON STOCK ISLAND, MONROE COUNTY, FLORIDA AND BEING DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF BLOCK 57 OF McDONALD'S PLAT OF A PART OF STOCK ISLAND AS RECORDED IN PLAT BOOK 1 AT PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA AND RUN THENCE S 83°56'00" E ALONG THE NORTH BOUNDARY LINE OF BLOCK 57 FOR A DISTANCE OF 500.00 FEET; THENCE RUN S 06°04'00" W FOR A DISTANCE OF 740.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 06°04'00" W FOR A DISTANCE OF 173.64 FEET; THENCE S 83°56'00" E FOR A DISTANCE OF 191.50 FEET; THENCE N 06°04'00" E FOR A DISTANCE OF 173.64 FEET; THENCE N 83°56'00" W FOR A DISTANCE OF 173.64 FEET TO THE POINT OF BEGINNING.
CONTAINING 33,252.06 OR 0.7634 ACRES, MORE OR LESS.

SURVEY LEGAL DESCRIPTION - CONSTELLATION YACHTS, INC.

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 67 SOUTH, RANGE 25 EAST, MONROE COUNTY, FLORIDA, AND BEING A PARCEL OF LAND ON STOCK ISLAND, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF BLOCK 57 OF McDONALD'S PLAT OF A PART OF STOCK ISLAND AS RECORDED IN PLAT BOOK 1 AT PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA AND RUN THENCE SOUTH 84°02'07" EAST ALONG THE NORTH BOUNDARY LINE OF BLOCK 57 FOR A DISTANCE OF 499.98 FEET TO THE EAST RIGHT-OF-WAY LINE OF SHRIMP ROAD (A 30' R/W); THENCE SOUTH 05°57'53" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 739.82 FEET; THENCE LEAVING SAID LINE SOUTH 84°02'07" EAST, A DISTANCE OF 191.50 FEET; THENCE NORTH 05°56'58" EAST, A DISTANCE OF 10.00 FEET TO THE SOUTHERLY LINE OF AN INGRESS/EGRESS EASEMENT RECORDED IN OFFICIAL RECORD BOOK 2273, PAGE 1169 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE ALONG SAID EASEMENT LINE THE FOLLOWING FOUR (4) COURSES: 1. SOUTH 84°02'07" EAST, A DISTANCE OF 393.50 FEET; 2. SOUTH 05°57'53" WEST, A DISTANCE OF 10.00 FEET; 3. SOUTH 84°02'07" EAST, A DISTANCE OF 155.00 FEET; 4. NORTH 05°57'53" EAST, A DISTANCE OF 40.00 FEET; THENCE LEAVING SAID LINE SOUTH 84°02'07" EAST, A DISTANCE OF 180.00 FEET; THENCE SOUTH 83°54'54" EAST, A DISTANCE OF 255.03 FEET; THENCE SOUTH 05°47'25" EAST, A DISTANCE OF 658.21 FEET; THENCE NORTH 81°44'33" EAST, A DISTANCE OF 132.23 FEET; THENCE SOUTH 08°15'27" EAST, A DISTANCE OF 959.38 FEET; THENCE NORTH 84°02'07" WEST, A DISTANCE OF 393.85 FEET TO A MEAN HIGH WATER LINE; THENCE ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING TWENTY SEVEN (27) COURSES: 1. NORTH 08°33'02" EAST, A DISTANCE OF 25.26 FEET; 2. NORTH 01°03'10" WEST, A DISTANCE OF 36.70 FEET; 3. NORTH 16°11'45" WEST, A DISTANCE OF 18.64 FEET; 4. NORTH 01°20'32" WEST, A DISTANCE OF 27.71 FEET; 5. NORTH 05°48'23" EAST, A DISTANCE OF 27.11 FEET; 6. NORTH 07°24'12" WEST, A DISTANCE OF 86.16 FEET; 7. NORTH 11°54'19" EAST, A DISTANCE OF 34.64 FEET; 8. NORTH 09°22'05" WEST, A DISTANCE OF 27.51 FEET; 9. NORTH 57°40'41" WEST, A DISTANCE OF 4.94 FEET; 10. NORTH 84°56'08" WEST, A DISTANCE OF 14.50 FEET; 11. NORTH 61°03'44" WEST, A DISTANCE OF 14.78 FEET; 12. SOUTH 85°47'17" WEST, A DISTANCE OF 117.62 FEET; 13. SOUTH 83°15'58" WEST, A DISTANCE OF 26.59 FEET; 14. NORTH 85°01'19" WEST, A DISTANCE OF 21.47 FEET; 15. SOUTH 80°37'17" WEST, A DISTANCE OF 8.06 FEET; 16. NORTH 75°54'52" WEST, A DISTANCE OF 11.67 FEET; 17. SOUTH 86°09'28" WEST, A DISTANCE OF 82.77 FEET; 18. SOUTH 89°58'29" WEST, A DISTANCE OF 40.54 FEET; 19. NORTH 64°28'30" WEST, A DISTANCE OF 6.15 FEET; 20. SOUTH 88°41'05" WEST, A DISTANCE OF 60.16 FEET; 21. SOUTH 79°29'50" WEST, A DISTANCE OF 36.47 FEET; 22. NORTH 88°07'58" WEST, A DISTANCE OF 57.82 FEET; 23. NORTH 86°26'25" WEST, A DISTANCE OF 91.35 FEET; 24. SOUTH 88°24'02" WEST, A DISTANCE OF 97.85 FEET; 25. SOUTH 81°38'19" WEST, A DISTANCE OF 76.27 FEET; 26. SOUTH 86°43'31" WEST, A DISTANCE OF 75.93 FEET; 27. SOUTH 81°33'16" WEST, A DISTANCE OF 23.73 FEET; THENCE LEAVING SAID LINE SOUTH 07°52'54" WEST, A DISTANCE OF 138.68 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SHRIMP ROAD PER QUIT CLAIM DEED RECORDED IN O.R. BOOK 2030, PAGE 945 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE ALONG THE NORTHERLY AND EASTERLY RIGHT-OF-WAY LINE OF SAID SHRIMP ROAD THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1. NORTH 84°02'07" WEST, A DISTANCE OF 288.11 FEET TO A POINT OF CURVATURE; 2. NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 115.28 FEET, A CENTRAL ANGLE OF 88°03'57"; AND A CHORD BEARING AND DISTANCE NORTH 40°00'08" WEST, 104.26 FEET; 3. NORTH 04°01'50" EAST, A DISTANCE OF 555.62 FEET TO A POINT ON THE WEST LINE OF TRUSTEES DEED NO. 20083 AS RECORDED IN THE OFFICIAL RECORDS BOOK G-65, PAGE 82 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE ALONG SAID LINE NORTH 05°57'53" EAST, A DISTANCE OF 673.02 FEET; THENCE LEAVING SAID LINE SOUTH 84°02'07" EAST, A DISTANCE OF 191.55 FEET; THENCE NORTH 05°56'58" EAST, A DISTANCE OF 183.64 FEET TO THE SOUTHERLY LINE OF AN INGRESS/EGRESS EASEMENT RECORDED IN OFFICIAL RECORD BOOK 2273, PAGE 1169 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA AND THE POINT OF BEGINNING.
CONTAINING 44.124 ACRES, MORE OR LESS.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 05°57'53" W	10.00'(M)
L2	N 05°57'53" E	40.00'(M)
L22	S 06°01'16" W	20.01'(M)
L22	SOUTHERLY	20.00'(D)



- SURVEYOR'S NOTES**
- NO EXCAVATION WAS PERFORMED TO VERIFY THE LOCATION OR EXISTENCE OF ANY UNDERGROUND IMPROVEMENTS, STRUCTURES, OR FOUNDATIONS. UNDERGROUND UTILITIES SHOWN HEREON ARE SHOWN PER ABOVE GROUND EVIDENCE AND/OR RECORD DRAWINGS OR MUNICIPAL ATLAS INFORMATION AND THE LOCATION OF ALL UNDERGROUND UTILITY LINES ARE APPROXIMATE ONLY. THIS DOCUMENT SHOULD NOT BE RELIED UPON FOR EXCAVATION OR CRITICAL DESIGN FUNCTIONS WITHOUT FIELD VERIFICATION OF UNDERGROUND UTILITY LOCATIONS. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST.
 - THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT.
 - NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO OR PURSUED BY THE UNDERSIGNED OTHER THAN THOSE SHOWN HEREON. EASEMENTS OR RESTRICTIONS OF RECORD OTHER THAN THOSE SHOWN HEREON MAY EXIST.
 - KING ENGINEERING ASSOCIATES, INC. AND CERTIFYING LAND SURVEYOR ACCEPT NO RESPONSIBILITY FOR RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS OF RECORD OR OTHER MATTERS AFFECTING TITLE TO LANDS SURVEYED OTHER THAN THOSE RECITED IN CURRENT DEED AND/OR OTHER INSTRUMENTS OF RECORD FURNISHED BY CLIENT.
 - THE SURVEY DEPICTED HEREON IS NOT INTENDED TO SHOW THE LOCATION OR EXISTENCE OF ANY WETLAND OR JURISDICTIONAL AREAS, OR AREAS OF PROTECTED SPECIES OF VEGETATION EITHER NATURAL OR CULTIVATED.
 - ADDITIONAL PORTABLE STORAGE TRAILERS ARE ON AND AROUND THE SUBJECT PROPERTY AND HAVE NOT BEEN LOCATED OR SHOWN.
 - UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
 - ANY USE OF THIS SURVEY FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
 - BEARINGS SHOWN HEREON ARE GRID BEARINGS BASED UPON A NETWORK ADJUSTMENT OF G.P.S. OBSERVATIONS ORIGINATING FROM NATIONAL GEODETIC SURVEY CONTROL STATIONS "MON 3", "FLGPS MALLORY" "ROCK POINT 3" AND "WEST MARTELLO TOWER 2" UTILIZING THEIR POSITIONS AS PUBLISHED BY THE NATIONAL GEODETIC SURVEY. THE SOUTH RIGHT-OF-WAY LINE OF FIFTH AVENUE BEARS S 84°02'07" E AND HAS BEEN STATED HEREIN FOR REFERENCE PURPOSES.
 - BY SCALED DETERMINATION THE SUBJECT PROPERTY APPEARS TO LIE IN FLOOD ZONE "AE", PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 15228-K, MAP REVISED FEBRUARY 18, 2005. AN ACCURATE ZONE DETERMINATION SHOULD BE MADE BY THE PREPARER OF THE MAP, THE FEDERAL EMERGENCY MANAGEMENT AGENCY, OR THE LOCAL GOVERNMENT AGENCY HAVING JURISDICTION OVER SUCH MATTERS PRIOR TO ANY JUDGMENTS BEING MADE FROM THE ZONE AS NOTED. THE REFERENCED FEDERAL EMERGENCY MANAGEMENT AGENCY MAP STATES IN THE NOTES TO THE USER THAT "THIS MAP IS FOR INSURANCE PURPOSES ONLY".
 - THERE IS NO ABOVE GROUND OBSERVABLE EVIDENCE OF CEMETERIES ON THE PROPERTY AND THE SUBJECT PROPERTY IS NOT USED FOR DEFINED DRAINAGE WAYS.
 - LAST DATE OF FIELD SURVEY: MAY 3, 2007.

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JUL 19 2013
2013-038
MONROE CO. PLANNING DEPT

KING ENGINEERING ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION NO. LB 2610
JAMES DAVID GREER
P.S.M.
FLORIDA LICENSE - LS #5189

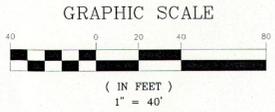
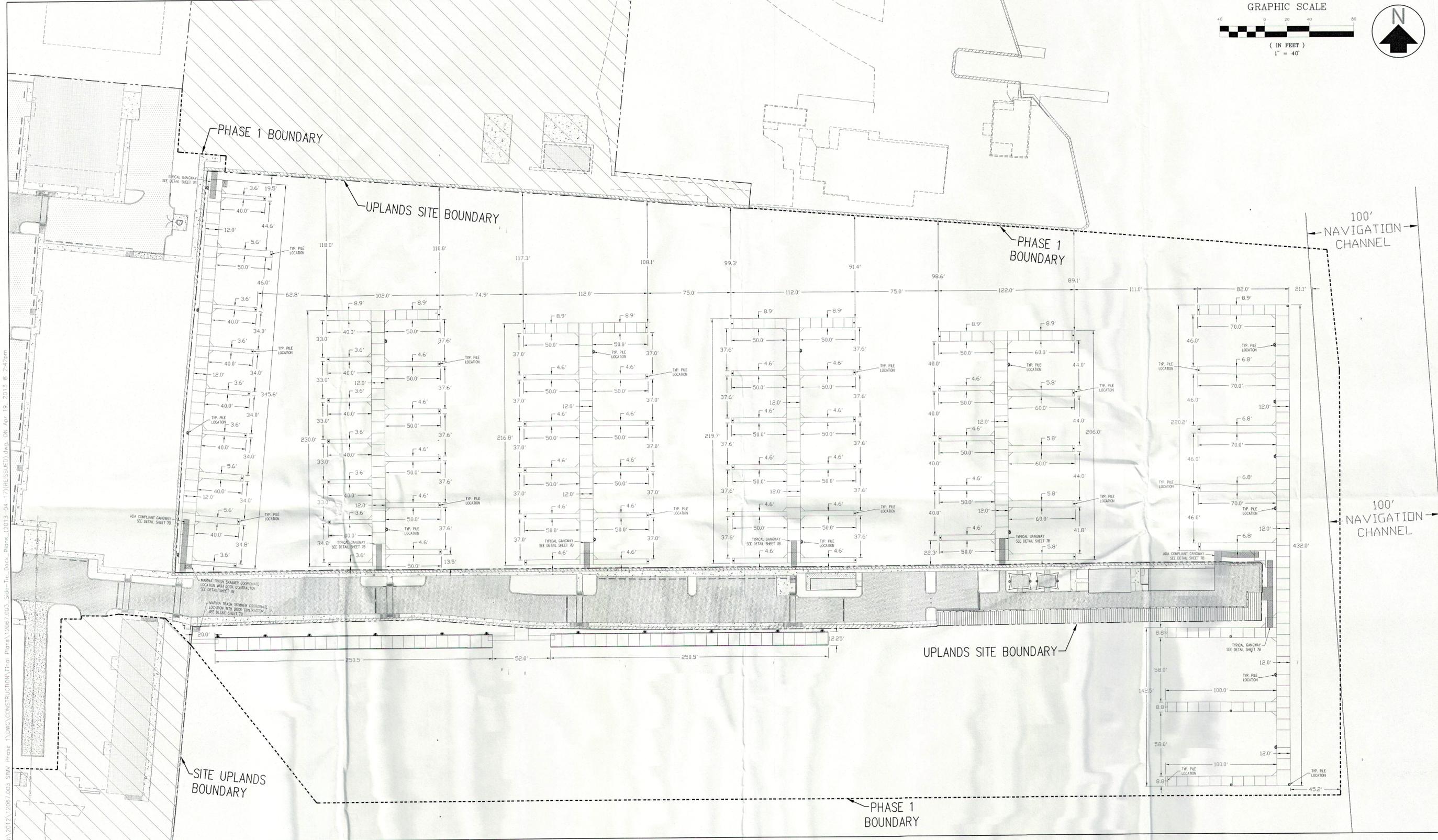
King ENGINEERING ASSOCIATES, INC.

4921 MEMORIAL HIGHWAY
ONE MEMORIAL CENTER, SUITE 300
TAMPA, FLORIDA 33634
PHONE 813-880-8881
FAX 813-880-8882
E-MAIL king@kingengineering.com

BOUNDARY SURVEY
OF A PORTION OF THE
OVERALL STOCK ISLAND PROPERTY

PREPARED FOR
LONGSTOCK II, LLC

NO.	DATE	REVISIONS	APPROVED BY	SCALE
3	5/1/12	REMOVE PARCEL F AND BERNSTEIN LEASE OPTION PARCEL, ADD AREAS	J.D.G.	1/8" = 60'
2	7/12/11	REVISE CERTIFYING SURVEYOR & OWNERSHIP ENTITY	J.D.G.	
1	6/13/07	ADD BERNSTEIN LEASE OPTION PARCEL & DESCRIPTION	M.D.G.	



Approved By:	MUG	Design:	MUG
Scale:	1" = 40'	Drawn:	JNB
Job No:	12067.003	Checked:	MUG
Date Issued:	04/19/2013		

WEER ENGINEERING CORPORATION
WEER *excellence in engineering*
 201 W. MARION AVE, SUITE 1306
 PUNTA GORDA, FLORIDA 33950
 941-505-1700
 EB #6656

OVERALL DOCK DIMENSIONING PLAN
 for
STOCK ISLAND MARINA VILLAGE

Revisions	Description
1.	REVISOR PER CLIENT FOR CONSTRUCTION
2.	COLLABORATION OF ALL CHANGES TO DATE
3.	REISSUED AT CONTRACTOR'S REQUEST

- DOCK DESIGN NOTE:**
 CONTRACTOR SHALL PROVIDE CALCULATIONS FOR ENGINEER'S REVIEW DEMONSTRATING THAT THE DOCK SYSTEM MEETS THE FOLLOWING CRITERIA:
- MAXIMUM WIND SPEED AT FULL OCCUPANCY = 90 MPH (28 PSF)
 - MAXIMUM WIND SPEED UNOCCUPIED = 120 MPH (35 PSF)
 - MEAN HIGH WATER LEVEL = 1.0' (NGVD)
 - MEAN LOW WATER LEVEL = 0.15' (NGVD)
 - DESIGN STORM SURGE = ±8.0 FT
 - CONTROLLING WAVE HEIGHT AT SITE = 1.5 FT / 2.0 SECOND PERIOD AT FUEL DOCK
 - CURRENT AT FULL OCCUPANCY = 1.0 KNOT

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 JUL 13 2013
 2013-088
 MONROE CO. PLANNING DEPT

DOCK DIMENSIONS NOTE:
 PRIOR TO CONSTRUCTION, CONTRACTOR SHALL PROVIDE A FINAL DOCK LAYOUT TO THE ENGINEER FOR APPROVAL. THE DIMENSIONS SHOWN ARE FOR INFORMATIONAL PURPOSES ONLY.

APR 19 2013
 Michael J. Gambulo
 Professional Engineer
 State of Florida
 Registration No. 00676
 Sheet No. 7A of 9

USER: nballmore PLOTTED THE DOCK-DIM LAYOUT OF W:\2012\12067.003 SIMV Phase 1\DWG\CONSTRUCTION\Final Plans\12067.003_Site-Tip_Dock_Phase 1.dwg, ON Apr 19, 2013 @ 2:27pm



**Item # 2 Contiguous Ownership Sec 130-188
& 130-159 – Text Amendment
Staff Report**

**MEMORANDUM
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**

To: Monroe County Planning Commission

Through: Townsley Schwab, Senior Director of Planning & Environmental Resources

From: Emily Schemper, Senior Planner

Date: August 13, 2013

Subject: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS DELETING MONROE COUNTY CODE SECTION 130-158, IMPROVED SUBDIVISION AND COMMERCIAL FISHING VILLAGE DISTRICT DENSITIES AS DUPLICATIVE AND REMOVING OUTDATED PROVISIONS REGARDING COMBINING OF CONTIGUOUS LOTS IN COMMON OWNERSHIP; DELETING SECTION 130-159, URBAN RESIDENTIAL—MOBILE HOME DISTRICT DENSITY AS DUPLICATIVE AND REMOVING OUTDATED PROVISIONS REGARDING COMBINING OF CONTIGUOUS LOTS IN COMMON OWNERSHIP; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.*

Meeting: August 28, 2013

I. REQUEST

This is a request from the Planning & Environmental Resources Department to delete §130-158 and §130-159 of the Monroe County Code (MCC) as duplicative and to remove outdated provisions which eliminate the density associated with a platted lot, in the event that two contiguous Improved Subdivision (IS), Urban Residential Mobile Home (URM), or Commercial Fishing Village (CFV) lots are owned in common ownership.

II. RELEVANT PRIOR COUNTY ACTIONS

On May 16, 2013, the Senior Director of Planning & Environmental Resources issued Administrative Interpretation #2013-01, directing staff to not enforce the provisions of MCC §130-158(b) and §130-159(b) due to the provisions being outdated.

During a regularly scheduled meeting held on June 25, 2013, the Monroe County Development Review Committee (DRC) considered the proposed amendment and recommended approval with several adjustments made at the meeting.

III. REVIEW

The adopted sections of MCC under review read as follows:

Sec. 130-158. Improved subdivision and commercial fishing village district densities.

(a) Notwithstanding the density limitations of section 130-157, the owner of a lot in an improved subdivision district or commercial fishing village district shall be entitled to develop a single-family detached dwelling on the lot, provided that:

- (1) The lot has sufficient land area and dimensions to meet the requirements for the installation of on-site wastewater treatment systems;
- (2) The lot was a lawful buildable lot eligible for a building permit on the effective date of the ordinance from which this chapter is derived; and
- (3) The development of a single-family detached dwelling on the lot conforms to each and every other requirement of the plan.

(b) In the event contiguous lots are owned in common ownership on or after the effective date of the ordinance from which this chapter is derived, the owner thereof shall be entitled to one unit per two lots or 12,500 square feet of land area, exclusive of rights-of-way, whichever area is less, provided that in no event shall a landowner be entitled to more dwelling units than buildable lots were provided for in the plat as originally approved by the county and filed with the clerk of the court.

Sec. 130-159. Urban residential—mobile home district density.

(a) Notwithstanding the density limitations of section 130-157, the owner of a lot in an urban residential—mobile home district shall be entitled to develop a dwelling on the lot, provided that:

- (1) The lot has sufficient land area and dimensions to meet the requirements of F.A.C. ch. 64E-6 for the installations of on-site wastewater treatment systems;
- (2) The lot was a lawful buildable lot eligible for a building permit on the effective date of the ordinance from which this chapter is derived; and
- (3) The development of a single-family detached dwelling on the lot conforms to each and every other requirement of the plan.

(b) In the event contiguous lots are owned in common ownership on or after the effective date of the ordinance from which this chapter is derived, the owner thereof shall be entitled to one unit per two lots or 8,000 square feet of land area, exclusive of rights-of-way, whichever area is less; provided that in no event shall a landowner be entitled to more dwelling units than buildable lots were provided for in the plat as originally approved by the county and filed with the clerk of the court.

MCC §130-158(a) and §130-159(a)

Density is regulated by the adopted Comprehensive Plan (CP) and the adopted Monroe County Code (MCC). Consistent with CP Policy 101.4.21, MCC §130-157 states that the residential

allocated density for the IS and URM land use districts is 1 dwelling unit per lot (with no maximum net density assigned). There is not a density for CFV assigned in MCC §130-157; however controlling CP Policy 101.4.21 specifies that the allocated density for the CFV district is 1 dwelling unit per lot (with no maximum net density available). Therefore, the provisions of MCC §130-158(a) and §130-159(a), which state that “the owner of a lot...shall be entitled to develop a dwelling on the lot” are duplicative with the relevant density tables in MCC §130-157 and CP Policy 101.4.21.

Further, the qualifying provisions for developing a dwelling on a lot stated in MCC §130-158(a)(1-3) and §130-159(a)(1-3), are also unnecessary:

(1) The lot has sufficient land area and dimensions to meet the requirements of F.A.C. ch. 64E-6 for the installations of on-site wastewater treatment systems; – Building permits for any dwelling unit must already meet the State of Florida Department of Health requirements for on-site wastewater treatment systems or wastewater collection systems, as governed by Florida Administrative Code.

(2) The lot was a lawful buildable lot eligible for a building permit on the effective date of the ordinance from which this chapter is derived; – It is not practical or necessary for planning staff to look into the history of a parcel and the applicable land development regulations at the time of this ordinance. Current density requirements and all other applicable regulations control whether or not a parcel is eligible for a building permit.

(3) The development of a single-family detached dwelling on the lot conforms to each and every other requirement of the plan. – Development of any type within any land use district is already required to conform with every applicable requirement of Monroe County Code and the Comprehensive Plan.

MCC §130-158(b) and §130-159(b)

MCC §130-158(b) and §130-159(b) state that, “in the event contiguous lots are owned in common ownership on or after [September 15, 1986], the owner thereof shall be entitled to one unit per two lots or 12,500 square feet of land area, exclusive of rights-of-way, whichever area is less.”

In most communities, withstanding compliance with other regulations, a property owner may reasonably presume there is adequate residential density associated with each platted lot within a platted subdivision.

Effectively, if applied, the regulation stated in MCC §130-158(a) and §130-159(a) eliminates the density associated with a platted lot by the simple act of a property owner purchasing two contiguous IS, URM, or CFV lots on any date after September 15, 1986.

It should be noted for IS lots that are also designated Residential Medium (RM), §130-158(b) is inconsistent with CP Policy 101.4.3 that in part states “Development on vacant land within [the

RM] category shall be limited to one residential dwelling unit for each such platted lot or parcel which existed at the time of plan adoption.”

This regulation is not dependent on any development application. Therefore, a property owner may purchase two lots with reasonable intent to develop two dwelling units only to find out upon building permit submittal that one of the lots is unbuildable.

It is not common practice for a regulatory body to eliminate the density associated with a platted lot without directly informing the property owner (via a building permit condition, unity of title requirement, etc.). In addition, it is an unreasonable expectation for a regulatory body to assume that 1) all potential property owners are aware of such an ambiguous regulation and 2) all potential property owners of IS, URM and CFV lots should carry out a title search for every contiguous lot to determine if a contiguous lot was once under common ownership. Further, since MCC §130-158(b) and §130-159(b) were adopted into code, outreach to inform the community of this financially damaging restriction has not been done.

It is impractical, difficult and, in some cases, impossible, for staff to research the past ownership of a lot as 1) Growth Management staff does not have readily available access to all documents recorded with the Clerk of Courts; 2) not all ownership documents are recorded with the Clerk of Courts, and 3) recent real estate transactions are not immediately recorded or available for review. Further, even if such information was readily available and complete, it would be a time consuming task to research real estate transactions for each building permit application for a new dwelling unit on a platted lot (as well as research real estate transactions for every contiguous lot thereto).

As a result, staff would ultimately enforce MCC §130-158(b) and §130-159(b) in an inequitable manner. Such would violate the principles of good planning related to equity and be inconsistent with MCC §101-3(b), which provides the purpose of the LDC, which states “**in order to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly and progressive development of the unincorporated areas of the county, it is the intent of this chapter that the development process in the county be efficient, in terms of time and expense; effective, in terms of addressing the natural resource and public facility implications of proposed development; and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of the county.**”

In addition, for IS lots designated RM on the future land use map (of which the majority are designated such), and for lots with CFV land use designations, MCC §130-158(b) is in direct conflict with CP Policy 101.4.3 which states that development should be limited to one dwelling unit per lot for RM districts, and CP Policy 101.4.21, which specifies that the allocated density for the CFV district is 1 dwelling unit per lot.

IV. PROPOSED AMENDMENT

Therefore, staff recommends the following changes (Deletions are ~~stricken through~~ and additions are underlined):

Sec. 130-158. Reserved. ~~Improved subdivision and commercial fishing village district densities.~~

~~(a) Notwithstanding the density limitations of section 130-157, the owner of a lot in an improved subdivision district or commercial fishing village district shall be entitled to develop a single family detached dwelling on the lot, provided that:~~

- ~~(1) The lot has sufficient land area and dimensions to meet the requirements for the installation of on-site wastewater treatment systems;~~
- ~~(2) The lot was a lawful buildable lot eligible for a building permit on the effective date of the ordinance from which this chapter is derived; and~~
- ~~(3) The development of a single family detached dwelling on the lot conforms to each and every other requirement of the plan.~~

~~(b) In the event contiguous lots are owned in common ownership on or after the effective date of the ordinance from which this chapter is derived, the owner thereof shall be entitled to one unit per two lots or 12,500 square feet of land area, exclusive of rights of way, whichever area is less, provided that in no event shall a landowner be entitled to more dwelling units than buildable lots were provided for in the plat as originally approved by the county and filed with the clerk of the court.~~

Sec. 130-159. Reserved. ~~Urban residential—mobile home district density.~~

~~(a) Notwithstanding the density limitations of section 130-157, the owner of a lot in an urban residential—mobile home district shall be entitled to develop a dwelling on the lot, provided that:~~

- ~~(1) The lot has sufficient land area and dimensions to meet the requirements of F.A.C. ch. 64E-6 for the installations of on-site wastewater treatment systems;~~
- ~~(2) The lot was a lawful buildable lot eligible for a building permit on the effective date of the ordinance from which this chapter is derived; and~~
- ~~(3) The development of a single family detached dwelling on the lot conforms to each and every other requirement of the plan.~~

~~(b) In the event contiguous lots are owned in common ownership on or after the effective date of the ordinance from which this chapter is derived, the owner thereof shall be entitled to one unit per two lots or 8,000 square feet of land area, exclusive of rights of way, whichever area is less; provided that in no event shall a landowner be entitled to more dwelling units than buildable lots were provided for in the plat as originally approved by the county and filed with the clerk of the court.~~

V. STAFF RECOMMENDATION

Staff has found that the proposed text amendment would be consistent with one or more of the required provisions of §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based; 2. Changed assumptions (e.g., regarding demographic trends); 3. Data errors, including errors in mapping, vegetative types and natural features described in volume I of the plan; 4. New issues; 5. Recognition of a need for additional detail or comprehensiveness; or 6. Data updates. Specifically, staff has found that the

proposed text amendments are necessary due to new issues and recognition of a need for additional detail or comprehensiveness.

Staff has found that the proposed text amendments would be consistent with the Monroe County Year 2010 Comprehensive Plan, the Florida Keys Principles for Guiding Development, and Sections 163.3194, 163.3201 and 163.3202, Florida Statute.

Staff recommends that the Board of County Commissioners amend the Monroe County Code as stated in the text of this staff report.

VI. EXHIBITS

1. Monroe County Code §130-157. Maximum residential density and district open space.
2. Comprehensive Plan Policies
3. Consistency with the Florida Keys Principles for Guiding Development, Comprehensive Plan and Florida Statutes

Exhibit 1

Monroe County Code - Section 130-157. Maximum residential density and district open space.

The maximum residential density and district open space shall be in accordance with the following table:

<i>Land Use District</i>	<i>Allocated Density DU/Acre</i>	<i>Maximum Net Density DU/Buildable Area</i>	<i>Open Space Ratio*</i>
Urban commercial	6.0	12.0	0.2
Urban residential	6.0	12.0	0.2
(Affordable housing)	6.0	25.0	0.2
(Employee housing)	6.0	25.0	0.2
Urban residential mobile home (URM)	1/lot	0	0.2
Mobile home parks per section 101-1	5.0	7.0	0.2
URM-limited	1/lot	0	0.2
Suburban commercial	3.0	6.0	0.2
(Employee housing)	3.0	15.0	0.2
Suburban residential	0.5	5.0	0.5
Suburban residential LTD	0.5	3.0	0.5
Sparsely settled	0.5	0	0.8
Native	0.25	0	*
Mainland native	0.01	0	0.99
Offshore island	0.1	0	0.95
Improved subdivision	1/lot	0	0.2
Commercial fishing**	3.0	12.0	0.2
Destination resort	1.0	18.0	0.2

Industrial	1.0	2.0	0.2
Maritime industry	1.0	2.0	0.2
Mixed use	1.0	12.0	0.2
(Affordable housing)	1.0	18.0	0.2
(Employee housing)	1.0	18.0	0.2
Military facility	6.0	12.0	0.2
Park and refuge	0.25	0	0.9
*See additional open space ratios in chapter 118; in accordance with section 101-2(1), the most restrictive of these ratios applies.			
**The allocated and maximum net densities listed in this table do not apply to CFSD-20 (Little Torch). See section 130-79(14)c. for residential densities.			

Exhibit 2

Monroe County Year 2010 Comprehensive Plan – Relevant Adopted Policies

Policy 101.4.3

The principal purpose of the Residential Medium land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of this plan and to define improved subdivisions as those lots served by a dedicated and accepted existing roadway, have an approved potable water supply, and have sufficient uplands to accommodate the residential uses. **Development on vacant land within this land use category shall be limited to one residential dwelling unit for each such platted lot or parcel which existed at the time of plan adoption.** However, Monroe County shall adopt Land Development Regulations which allow nonresidential uses that were listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is more restricted. Lands within this land use category shall not be further subdivided. [9J-5.006(3)(c) 1 and 7]

Policy 101.4.21

Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the Future Land Use Map and described in Policies 101.4.1 - 101.4.17: [9J-5.006(3)(c)7].

Future Land Use Densities and Intensities			
Future Land Use Category And Corresponding Zoning	Allocated Density ^(b) (per acre)	Maximum Net Density ^{(a)(b)(i)} (per buildable acre)	Maximum Intensity (floor area ratio)
Agriculture (A) ^(b) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.20-0.25
Airport (AD) (AD zoning)	0 du 0 rooms/spaces	N/A N/A	0.10
Conservation (C) (CD zoning)	0 du 0 rooms/spaces	N/A N/A	0.05
Education (E) ^(b) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.30
Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25-0.60
Institutional (INS) ^(b) (no directly corresponding zoning)	0 du 3-15 rooms/spaces	N/A 6-24 rooms/spaces	0.25-0.40
Mainland Native (MN) (MN zoning)	0.01 du 0 rooms/spaces	N/A N/A	0.10
Military (M) (MF zoning)	6 du 10 rooms/spaces	12 du 20 rooms/spaces	0.30-0.50
Mixed Use/Commercial (MC) ^{(a)(i)} (SC, UC, DR, RV, MU and MI zoning)	1-6 du 5-15 rooms/spaces 1 du (MI zoning)	2-18 du 10-25 rooms/spaces 2 du (MI zoning)	0.10-0.45 (SC, UC, DR, RV, and MU zoning) 0.30-0.60 (MI zoning)
Mixed Use/Commercial Fishing (MCF) ^(a) (CFA, CFV ^(c) , CFSD zoning)	Approx. 3-8 du 0 rooms/spaces	12 du 0 rooms/spaces	0.25-0.40

Public Facilities (PF) ^(h) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Public Buildings/Grounds (PB) ^(h) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Recreation (R) (PR zoning)	0.25 du 2 rooms/spaces	N/A N/A	0.20
Residential Conservation (RC) (OS and NA zoning)	0-0.25 du 0 rooms/spaces	N/A N/A	0-0.10
Residential Low (RL) (SS ^(g) , SR, and SR-L zoning)	0.25-0.50 du 0 rooms/spaces	5 du N/A	0.20-0.25
Residential Medium (RM) (IS zoning)	approx. 0.5-8 du (1 du/lot) 0 rooms/spaces	N/A N/A	0
Residential High (RH) (IS-D ^(e) , URM ^(e) , and UR ^(f) zoning)	approx. 3-16 du (1-2 du/lot) 10 rooms/spaces	12 du 20 rooms/spaces	0

Notes:

- (a) "N/A" means that maximum net density bonuses shall not be available.
- (b) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net densities bonuses shall not be available.
- (c) The allocated density for CFV zoning shall be 1 dwelling unit per lot and the maximum net density bonuses shall not be available.
- (d) Maximum net density bonuses shall not be available to the SS district.
- (e) The allocated density for IS-D and URM zoning shall be 2 and 1 dwelling units per lot, respectively and the maximum net density bonuses shall not be available.
- (f) The maximum net density for the UR district shall be 25 for units where all units are designated as affordable housing.
- (g) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing land use categories, the floor area ratio shall be 0.10 and the maximum net residential density bonuses not apply.
- (h) Uses under the categories of Agriculture, Education, Institutional, Public Facilities, and Public Buildings and Uses, which have no directly corresponding zoning, may be incorporated into new or existing zoning districts as appropriate.
- (i) The Maximum Net Density is the maximum density allowable with the use of TDRs.
- (j) A mixture of uses shall be maintained for parcels designated as MI zoning district that are within the MC future land use category. Working waterfront and water dependent uses, such as marina, fish house/market, boat repair, boat building, boat storage, or other similar uses, shall comprise a minimum of 35% of the upland area of the property, pursuant to Policy I01.4.5.

Exhibit 3

Consistency Review

1. The proposed amendment to delete §130-158 and §130-159 as duplicative and to remove outdated provisions which eliminate the density associated with a platted lot is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statute.

For the purposes of reviewing consistency of the adopted plan or any amendments to that plan with the principles for guiding development and any amendments to the principles, the principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions.

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
- (g) Protecting the historical heritage of the Florida Keys.
- (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 - 4. The Florida Keys Aqueduct and water supply facilities;
 - 5. Sewage collection, treatment, and disposal facilities;
 - 6. Solid waste treatment, collection, and disposal facilities;
 - 7. Key West Naval Air Station and other military facilities;
 - 8. Transportation facilities;
 - 9. Federal parks, wildlife refuges, and marine sanctuaries;
 - 10. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 - 11. City electric service and the Florida Keys Electric Co-op; and
 - 12. Other utilities, as appropriate.
- (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.

- (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.
- (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
- (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
- (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.
- (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is consistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle.

2. The proposed amendment to delete §130-158 and §130-159 as duplicative and to remove outdated provisions which eliminate the density associated with a platted lot is consistent with the adopted Comprehensive Plan as described in the staff report.

3. The proposed amendment to delete §130-158 and §130-159 as duplicative and to remove outdated provisions which eliminate the density associated with a platted lot is consistent with Part II of Chapter 163, Florida Statute (F.S.). Specifically, the amendment furthers:

163.3161(6), F.S. - It is the intent of this act that adopted comprehensive plans shall have the legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act.

163.3161(10), F.S. - It is the intent of the Legislature that all governmental entities in this state recognize and respect judicially acknowledged or constitutionally protected private property rights. It is the intent of the Legislature that all rules, ordinances, regulations, comprehensive plans and amendments thereto, and programs adopted under the authority of this act must be developed, promulgated, implemented, and applied with sensitivity for private property rights and not be unduly restrictive, and property owners must be free from actions by others which would harm their property or which would constitute an inordinate burden on property rights as those terms are defined in s. 70.001(3)(e) and (f). Full and just compensation or other appropriate relief must be provided to any property owner for a governmental action that is determined to be an invalid exercise of the police power which constitutes a taking, as provided by law. Any such relief must ultimately be determined in a judicial action.

163.3194(1)(b), F.S. – All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent. If a local government allows an existing land development regulation which is inconsistent with the most recently adopted comprehensive plan, or element or portion

thereof, to remain in effect, the local government shall adopt a schedule for bringing the land development regulation into conformity with the provisions of the most recently adopted comprehensive plan, or element or portion thereof. During the interim period when the provisions of the most recently adopted comprehensive plan, or element or portion thereof, and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan, or element or portion thereof, shall govern any action taken in regard to an application for a development order.

163.3194(3)(a), F.S. – A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

163.3201, F.S. – It is the intent of this act that adopted comprehensive plans or elements thereof shall be implemented, in part, by the adoption and enforcement of appropriate local regulations on the development of lands and waters within an area. It is the intent of this act that the adoption and enforcement by a governing body of regulations for the development of land or the adoption and enforcement by a governing body of a land development code for an area shall be based on, be related to, and be a means of implementation for an adopted comprehensive plan as required by this act

163.3202(2), F.S. - Local land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan and shall at a minimum:

- (a) Regulate the subdivision of land.
- (b) Regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open space.
- (c) Provide for protection of potable water wellfields.
- (d) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management.
- (e) Ensure the protection of environmentally sensitive lands designated in the comprehensive plan.
- (f) Regulate signage.
- (g) Provide that public facilities and services meet or exceed the standards established in the capital improvements element required by s. 163.3177 and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. A local government may not issue a development order or permit that results in a reduction in the level of services for the affected public facilities below the level of services provided in the local government's comprehensive plan.
- (h) Ensure safe and convenient onsite traffic flow, considering needed vehicle parking.
- (i) Maintain the existing density of residential properties or recreational vehicle parks if the properties are intended for residential use and are located in the unincorporated areas that have sufficient infrastructure, as determined by a local governing authority, and are not located within a coastal high-hazard area under s. 163.3178.



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional, and fair.

DATE: August 16, 2013

TO: MONROE COUNTY PLANNING COMMISSION

THROUGH: TOWNSLEY SCHWAB; SENIOR PLANNING AND ENVIRONMENTAL
RESOURCES DIRECTOR

FROM: LAURIE MCHARGUE, PH.D.; SENIOR BIOLOGIST, PLANNING AND
ENVIRONMENTAL RESOURCES

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 122-2(b)3 PROVIDING A NEW DATE FOR REVISED SPECIES ASSESSMENT GUIDES FOR PERMIT REFERRAL PROCESS DETERMINATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Meeting: August 28, 2013

1
2 I REQUEST

3
4 The Planning & Environmental Resources Department is proposing to amend the text of the
5 Monroe County Floodplain Ordinance §122-2(b)3 of the Monroe County Code to reflect the
6 date of the most recently revised version of the Species Assessment Guides (SAGs) for
7 Permit Referral Process determinations in the review of development permits that may affect
8 federally listed species. Specifically, the proposed text amendment would change the date of
9 the SAGs to July 29, 2013.

10
11 II RELEVANT PRIOR COUNTY ACTIONS AND BACKGROUND INFORMATION:

12
13 On June 20, 2012 the Board of County Commissioners (BOCC) approved Ordinance No.
14 015-2012 that created Section 122-8 which made the May 20, 2012 SAGs part of the
15 Ordinance.
16

1 In April 2013 the U.S. Fish and Wildlife Service (Service) provided updated SAGs to the
2 County for staff review and comment. In a transmittal letter dated July 29, 2013, the Service
3 notified the Federal Emergency Management Agency (FEMA) of the updated 2013 SAGs for
4 Monroe County and the Florida Keys' municipalities, provided final copies of the revised
5 documents, and posted digital copies on the Service's website.
6

7 III REVIEW

8

9 The Growth Management Division, the County Attorney, and the County's outside Counsel
10 worked closely with FEMA and the Service following the BOCC meeting of March 16, 2011
11 to reach agreement on the implementation of the Reasonable and Prudent Alternative (RPA)
12 of the Service's revised April 30, 2010 Biological Opinion and the language for the required
13 Ordinance.
14

15 FEMA provided a draft of items for adoption to Monroe County on June 15, 2011 and
16 provided further recommendations via e-mail on October 3, 2011. These Ordinance
17 recommendations were developed by FEMA to meet the requirements of the RPA and would
18 require the County to make permit determinations based on the SAGs. The Service provided
19 draft SAGs that required Monroe County to review each floodplain development permit
20 application to determine if the parcel was on the list of RE #s that are within the species
21 focus areas or buffers, and to confirm this by reviewing the Species Focus Area Maps
22 provided by FEMA. If the parcel is on the list, then Monroe County staff evaluates the
23 application in accordance with the SAGs and makes the permit determination.
24

25 On February 16, 2012 the Service provided draft revisions to the SAGs for the Lower Keys
26 marsh rabbit that would allow the County to pre-determine that the development of certain
27 parcels within canal subdivisions and substantially developed subdivisions would "Not
28 Likely to Adversely Affect" the Lower Keys marsh rabbit. In addition, the Service stated
29 that a similar revision would be made to the SAGs for the Key Largo cotton mouse, the Key
30 Largo wood rat and the silver rice rat. These provisions substantially reduce the County's
31 potential exposure for liability for inverse condemnation or takings claims.
32

33 On May 20, 2012 the Service provided revised versions of the SAGs. These revisions
34 included clarification on development of parcels that contain and/or are adjacent to
35 contiguous hammock greater than one acre in size. In addition, the revised SAGs decreased
36 the potential for exceeding the allowable take for each species.
37

38 Following a public hearing, staff requested further revisions to the SAGs concerning
39 recommended fencing guidelines for Key deer outside of Big Pine Key and No Name Key.
40 The Service revised the guidelines to remove the setback restrictions and the "net buildable
41 area" limit originally provided in the SAG guidelines, and provided a revised version to the
42 County on June 18, 2012.
43

44 Implementation of the use of the May 20, 2012 SAGs for permit referral process
45 determinations revealed some inconsistencies and contradictions in the wording and ordering
46 of the assessment keys. Following consultation with the Service, further clarification and

1 reorganization of the assessment keys produced a revised version that was finalized and
2 provided to the County on July 29, 2013. The revisions to each SAG are summarized below:
3 Eastern Indigo Snake: reorders assessment keys for clarification; requires deduction of
4 habitat area in lieu of technical assistance; refers to a generic signature form; specifies
5 calculation of percent development by area and not by parcel; eliminates adjacency to
6 hammock area as an assessment criterion; requires quarterly habitat "take" summary for
7 parcels

8
9 Key Deer: corrects wording to account for map habitat labeling errors; corrects semantic
10 problem that gave conflicting determinations; provides date of fencing guidelines

11
12 Keys Tree Cactus: simplifies assessment key by reordering criteria

13
14 Key Largo Woodrat and Key Largo Cotton Mouse: improves assessment key with more
15 concise wording; specifies calculation of percent development by area and not by parcel;
16 clarifies requirements for covenant restriction prohibiting keeping free-roaming cats

17
18 Lower Keys Marsh Rabbit: specifies calculation of percent development by area and not by
19 parcel; clarifies requirements for covenant restriction prohibiting keeping free-roaming cats

20
21 Schaus Swallowtail Butterfly: specifies calculation of percent development by area and not
22 by parcel

23
24 Silver Rice Rat Critical Habitat: reorganizes assessment key wording for clarity

25
26 Silver Rice Rat: clarifies requirements for covenant restriction prohibiting keeping free-
27 roaming cats; eliminates assessment key for occurrence on Big Pine Key and No Name Key;
28 specifies calculation of percent development by area and not by parcel

29
30 Stock Island Tree Snail: eliminates stipulation of 25 known snail locations to allow for
31 inclusion of new findings; eliminates percent surrounding development as an assessment key
32 criterion; requires a Stock Island tree snail survey if native habitat is removed

33
34 Based on the above, staff is recommending the following amendment to Section 122-2(b)3
35 Floodplain Management:

36
37 **Section 1. Section 122-2(b)3 of the Monroe County Land Development Code shall be**
38 **amended as follows:** (additions are underlined; deletions are ~~struck through~~)

39
40 **122-2(b)3. Species Assessment Guides (SAGs).** FEMA and FWS have provided the Species
41 Assessment Guides (SAGs) ~~mailed to Monroe County and dated May 20, 2012~~ July 29, 2013.
42 These SAGs are declared to be a part of this chapter. The SAGs are on file at the Monroe
43 County Clerk's office and the Monroe County Growth Management Division Office.

44 **Section 2. Severability.**

45 If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be

1 adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect,
2 impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be
3 confined to the section, paragraph, subdivision, clause, sentence or provision immediately
4 involved in the controversy in which such judgment or decree shall be rendered.

5 **Section 3. Conflicting Provisions.**

6 In the case of direct conflict between any provision of this ordinance and a portion or provision
7 of any appropriate federal, state or county law, rule, code or regulation, the more restrictive
8 shall apply.

9 **Section 4. Filing, Transmittal, and Effective Date.**

10 This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, and
11 transmitted to the State Land Planning Agency, but shall not become effective until a notice is
12 issued by the State Land Planning Agency or Administrative Commission approving the
13 ordinance pursuant to Chapter 380, Florida Statutes, and after any appeal period has expired.

14 **Section 5. Codification**

15 The provisions of this ordinance shall be included and incorporated into the Code of
16 Ordinances of the County of Monroe, Florida, as an addition or amendment thereto and shall
17 be appropriately numbered to conform to the uniform numbering system of the Code.

18

19 **IV RECOMMENDATION**

20

21 Staff has found that the proposed text amendment would be consistent with the provisions of
22 §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public service needs) from those
23 on which the text or boundary was based; 2. Changed assumptions (e.g., regarding
24 demographic trends); 3. Data errors, including errors in mapping, vegetative types and
25 natural features described in volume I of the plan; 4. New issues; 5. Recognition of a need for
26 additional detail or comprehensiveness; or 6. Data updates.

27

28 Specifically, staff has found that the proposed text amendment is necessary due to the
29 revision of the Species Assessment Guides.

30

31 Staff recommends that the Board of County Commissioners amend the Monroe County Code
32 as stated in the text of this staff report.

33

34

35 Attachments:

36 A. Revised Species Assessment Guides dated July 29, 2013

37

Eastern Indigo Snake Species Assessment Guide

July 29, 2013

The U.S. Fish and Wildlife Service's (Service) FEMA Biological Opinion (BO) dated April 30, 2010, and modified on December 14, 2010, identified 14,413 at-risk parcels, representing 14,960 acres, intersecting habitats that may occasionally be used by the threatened eastern indigo snake (indigo snake; *Drymarchon corais couperi*) in Monroe County. There are at-risk 10,921 acres and 10,711 parcels in unincorporated Monroe County; 1,406 acres and 1,433 parcels in Islamorada; 20 acres and 112 parcels in Key Colony Beach; 703 acres and 433 parcels in Key West; 1 acre and 6 parcels in Layton; and 1,910 acres and 1,718 parcels in Marathon. The BO also identified an additional 8,580 acres of at-risk lands outside Monroe County's parcel layer not subject to the Rate of Growth Ordinance program.

The at-risk properties were determined by overlaying the County's property parcel layer onto the County's 2009 land cover boundary maps (Monroe County 2009). The County's land cover boundary maps included 13 land cover types. Developed land, undeveloped land, impervious surface, and exotic are considered non-native land cover types. Hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm are considered native land cover types. The water classification is also considered a native cover type. The minimum mapping unit for land cover polygons was 0.35 acre for hammock and 0.5 acre for all other cover types.

The County's boundary map land cover types containing suitable habitat for the indigo snake include undeveloped land, hammock, pineland, exotic, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm.

Species Profile: The Florida Keys are on the extreme southern end of the indigo snake's range. The indigo snake population in the Florida Keys is very small (Cox and Kautz 2000). Verified observations are rare and scattered; the latest was in 2009 on Little Knockemdown Key (Service 2010). In the last several years, three unsubstantiated observations of the indigo snake were reported, two on Grassy Key (City of Marathon) and one in the Village of Islamorada (Sheahan 2006). Indigo snake surveys were conducted on Big Pine and No Name Key in 2006 and 2007 (Schmidt et al. 2008) and, although 27 species of reptiles were noted (973 total observations), the indigo snake was not observed.

The Service issued a Section 10(a)(1)(B) Incidental Take Permit (ITP) to Monroe County, Florida Department of Transportation, and Florida Department of Community Affairs (applicants) in June 2006 for adverse effects from development on Big Pine and No Name Keys. The ITP authorizes take of 168 acres of suitable indigo snake habitat. The take will be incidental to land clearing for development and recreational improvements. The Service issued the ITP to the applicants based upon their development of a Habitat Conservation Plan (HCP) that sets guidelines for development activities on Big Pine and No Name Keys to occur progressively over the permit period (20 years). The HCP provides avoidance, minimization, and mitigation measures to offset impacts to covered species, including the indigo snake. Mitigation includes the protection of three mitigation units for each development unit of suitable habitat within the plan area.

Threats: Although the species may occur in all referenced habitats, it is suspected that they prefer hammocks and pine forest, because most observations occur in these habitats disproportionately to their presence in the landscape (Steiner et al. 1983). In the Florida Keys, the primary threat to the indigo snake is native habitat loss and fragmentation due to development. Residential housing is also a threat because it increases the likelihood of indigo snakes being killed by property owners.

Assessment Guide: In order to provide assistance in assessing threats to the indigo snake from a given project, the Service has developed the following guidance and recommendations that, if implemented, will minimize adverse effects to the indigo snake. If the use of this guide results in a determination of “no effect” for a particular project, the Service supports this determination. If the use of this guide results in a determination of “not likely to adversely affect” (NLAA), the Service concurs with this determination and no additional correspondence is necessary. If the use of this guide results in a “may affect” determination, the acreage of impacts will be subtracted from the take limits provided in the BO and/or the HCP. This guide is subject to revision as necessary.

- A. Parcel is not in the species focus area and/or on the Real Estate (RE) parcel list.....**no effect**
 Parcel is in the species focus area or on the RE parcel list..... **go to B**
- B. Parcel is on Big Pine Key or No Name Key..... **refer to HCP for coverage**
 Parcel is not on Big Pine Key or No Name Key..... **go to C**
- C. Parcel contains the indigo snake’s native habitat (*i.e.*, hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, or beach berm) **go to D**
 Parcel contains only non-native habitat (undeveloped land or exotic)..... **go to G**
- D. The proposed action will not remove or modify the indigo snake’s native habitat..... **go to G**
 The proposed action will remove or modify the indigo snake’s native habitat..... **go to E**
- E. The property is within a developed subdivision or canal subdivision and the area within 500 feet of the parcel is greater than 60 percent developed or scarified..... **go to G**
 The property is not as above..... **go to F**
- F. The applicant has proposed either on-site or off-site habitat compensation* commensurate with the amount of native habitat lost, has received a copy of the Service’s indigo snake protection measures (attached), and has agreed to implement the measures and post the information sign on-site. Signed verification of this is in the permit file maintained by the NFIP participant community. Permit with indigo snake protection measures and habitat compensation* **NLAA**

The applicant will not agree to the indigo snake protection measures, is not proposing habitat compensation* or the proposed habitat compensation* does not meet minimum compensation requirements *may affect, subtract project footprint from authorized Take***

G. The applicant has received a copy of the Service’s indigo snake protection measures and has agreed to implement the measures and post the information sign on-site. Signed verification of this is in the permit file maintained by the NFIP participant community. Permit with indigo snake protection measures..... *NLAA*

Not as above *may affect, subtract project footprint from authorized Take***

***Habitat Compensation**

The minimum recommended habitat compensation is replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions to accomplish the aforementioned activities, according to the participating community’s land development regulations. The Service has reviewed the following participating communities’ Codes of Ordinances governing habitat compensation and found them to meet minimum recommended habitat compensation: Monroe County, Part II, Chapter 18, Sections 118-2 and 118-8; City of Marathon, Article 2, Chapter 106; Village of Islamorada, Part II, Chapter 30, Article VII, Division 4, Section 30-1616; and Key West, Part II, Subpart B, Chapter 110, Article V, Section 110-223 and Section 110-225, and Article VI, Division 2, Section 110-287 and Division 3, Section 324 and 327. The cities of Key Colony Beach and Layton were determined to not have ordinances that meet the minimum recommended habitat compensation. If the participating community proposes to modify the habitat compensation requirements of their ordinance, additional review by the Service will be necessary.

If habitat compensation is being provided in excess of the minimum recommended, the Service may consider the additional compensation as a credit to the not-to-exceed habitat acreage losses referenced in the BO. To be considered for credit, the compensation must be like for like habitat compensation and credit will be granted at half value. For example, if 4 acres of additional compensation are provided, the credit granted would be 2 acres. This partial credit is considered appropriate as existing vegetation currently provides benefit and the credit vegetation may not provide the same habitat benefit until later in time.

****For projects where take is subtracted, the participating community shall transmit a list of parcel numbers and acreage of take to the Service quarterly.**

Monitoring and Reporting Effects

For the Service to monitor cumulative effects and to track incidental take exempted for the indigo snake, it is important for FEMA and the NFIP participants to monitor the number of permits and provide information to the Service regarding the number of permits issued. In order to meet the reporting requirements in the BO, we request that FEMA and/or the NFIP participants send to the Service an annual database summary consisting of: project date, permit number, project acreage, native impact acreage, amount of acres and/or number of trees/plants replaced as habitat compensation, and project location in latitude and longitude in decimal degrees.

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Eastern Indigo Snake Protection Measures

It appears that harm to the eastern indigo snake occurs primarily through construction accidents, vehicular strikes, and habitat loss and/or degradation. These adverse effects can be minimized by maintaining a careful watch during construction and when traveling onsite to avoid killing snakes. In addition, protecting burrows and leaving native vegetation as refugia onsite for indigo snakes displaced by construction activity can benefit this species.

The eastern indigo snake is not likely to be adversely affected if the following measures are implemented for the project.

- 1) Burrows and onsite native vegetation should be protected. If such habitat must be disturbed, limit disturbance to a minimum and improve remaining habitat through exotic vegetation removal. Maintain native vegetation onsite as refuges for the snake.
- 2) Clearing and grading activities should be performed outside high activity months (June to November). Winter months (January to March) provide the best opportunity to initiate and complete construction activities that will not impact this species.
- 3) Post informational signs containing the following information throughout the construction site and along any proposed access road:
 - a) A description and picture of the eastern indigo snake, its habits, and protection under Federal Law;
 - b) Instructions not to injure, harass, or kill this species;
 - c) Directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
 - d) Telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered.

Other useful educational materials may consist of a combination of posters, videos, pamphlets, and lectures (e.g., an observer trained to identify eastern indigo snakes could instruct construction personnel before any clearing activities occur).

- 4) Monitor eastern indigo snake activity onsite. Report any eastern indigo snake observations that occur during project activities (see monitoring report below). Document with photograph, if possible. If large snake skins are found, they may belong to an eastern indigo snake. Skins can be collected and sent to the Service's South Florida Ecological Services Office (attention: Monroe County FEMA Biologist, U.S. Fish and Wildlife Service, South Florida Ecological Services Office, 1339 20th Street, Vero Beach, Florida 32960) for positive identification. Provide information on the date and location collected.

Monitoring Report: A monitoring report should contain the following information: location, dates, and times for any sightings of eastern indigo snakes. Also include the results any of burrow searches and observations. If a snake is encountered during a burrow search, then a description of the outcome for the snake is needed. Document by photograph, if possible. Was the snake left in an intact burrow? Was the burrow excavated? If so, did the snake leave and where did it go? A site map with sighting locations marked would be helpful. If an indigo snake is observed onsite a copy of the report is to be sent to the Service at the address listed above within 60 days of the conclusion of the project.

Dead, injured, or sick animals: If a dead, injured, or sick eastern indigo snake is found onsite, notification should be made to the Service at the address listed above. Secondary notification should be made to the Florida Fish and Wildlife Conservation Commission; South Region; 3900 Drane Field Road; Lakeland, FL 33811; Wildlife Alert Number 1-800-404-3922.

Example Eastern indigo snake informational sign.

WATCH OUT FOR THE EASTERN INDIGO SNAKE



potential dens are stumps of trees, cavities in the soil, and under piles of debris.

The decline in the population of indigo snakes is attributed to habitat loss due to development and overcollecting for the pet trade. Fragmentation of habitat by roads results in many indigo snakes killed by vehicle traffic.

Every effort should be undertaken to avoid harming any snake observed during work on this construction site. Any indigo snakes encountered during construction activity should be allowed to crawl off on its own before continuing construction activities. If it appears that the construction activities will cause harm to the snake, construction must be stopped until the proper action can be determined.

These rare snakes are protected by the U.S. Endangered Species Act (ESA) of 1973 makes it a violation to "harass, harm, pursue, hunt, shoot, wound, kill, capture, or collect endangered or threatened species." Violations can result in fines of up to \$20,000 and/or up to one year in prison. Only permitted personnel are allowed to handle the snakes.

Contact the following agencies if indigo snakes are observed:

U.S. Fish and Wildlife Service 772-562-3909

Florida Fish and Wildlife Conservation Commission

800-282-8002

The Eastern Indigo Snake is the largest nonpoisonous snake in North America, growing up to 8 feet in length. The color of both adults and young is shiny bluish-black with some red or cream coloring on the chin or sides of the head. The indigo snake is usually found in high, dry, well-drained sandy soils, but may also be found in hammocks, swamps, and flatwoods habitats in south Florida. Burrows are used by many prey animals that are easily captured by the indigo snake in the burrow. Indigo snakes also use the burrows as dens for cover, and laying eggs. Other

Key Tree-Cactus Assessment Guide

July 29, 2013

The U.S. Fish and Wildlife Service's (Service) FEMA Biological Opinion (BO) dated April 30, 2010, and modified on December 14, 2010, identified 5,607 at-risk parcels, representing 2,322 acres, intersecting habitats that may support populations of endangered Key tree-cactus (*Pilosocereus robinii*) in Monroe County. There are 1,725 acres and 4,101 at-risk parcels in unincorporated Monroe County; 300 acres and 779 parcels in Islamorada; 5 acres and 5 parcels in Key Colony Beach; 43 acres and 102 parcels in Key West; less than 1 acre and 1 parcel in Layton; and 249 acres and 579 parcels in Marathon. The BO also identified an additional 436 acres of at-risk lands outside Monroe County's parcel layer not subject to the Rate of Growth Ordinance program.

The at-risk properties were determined by overlaying the County's property parcel layer onto the County's 2009 land cover boundary maps (Monroe County 2009). The County's land cover boundary maps included 13 land cover types. Developed land, undeveloped land, impervious surface, and exotic are considered non-native land cover types. Hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm are considered native land cover types. The water classification is also considered a native cover type. The minimum mapping unit for land cover polygons was 0.35 acre for hammock and 0.5 acre for all other cover types.

The County's boundary map land cover types containing suitable habitat for the Key tree-cactus include hammock and beach berm. Beach berm cover types were included as this mapping unit could also include small inclusions of tropical hardwood hammock.

Species Profile: As of 2009, the known distribution of this species is restricted to seven populations on four islands of the Florida Keys including Big Pine Key, Long Key, Lower Matecumbe Key, and Upper Matecumbe Key (Adams and Lima 1994; Service 1999; Maschinski 2009; Florida Natural Areas Inventory 2008). Six of seven populations are located on lands protected through acquisition or agreements (Maschinski et al. 2009). One is located on private, developable property currently used for aquaculture.

Long distance dispersal and establishment of new tree-cactus populations are dependent upon the production of seed. However, reproduction within a single population (a clump) is mostly, if not entirely, vegetative (asexual). Seed dispersal by birds (*Cardinalis cardinalis*, for example) is indicated for this species (Austin 1980). Given the Key tree-cactus' preference for naturally disturbed patches of hammock and the fact that these patches are subject to change as a result of natural succession and disturbance events, predicting where a new population may be found is problematic.

The preferred habitat for the Key tree-cactus is naturally disturbed patches in hammock (Avery [no date], Small 1917, 1921). It grows only on lightly shaded, upland sites on a limerock substrate. This habitat is not common in the Florida Keys, and, furthermore, is transient in nature. The location and number of these patches changes with time as disturbed areas re-grow and new sites are disturbed (e.g., from tropical weather events). The primary cause for the cactus' rarity seems to be its rather restrictive habitat requirements.

Threats: In the Florida Keys, the primary threat to the Key tree-cactus is native habitat loss and fragmentation due to development, although much of the suitable protected habitat is currently unoccupied. Natural disasters such as hurricanes and drought can have a significant effect.

Assessment Guide: In order to provide assistance in assessing threats to the Key tree-cactus from a given project, the Service has developed the following guidance and recommendations that, if implemented, will minimize adverse effects to the species. If the use of this guide results in a determination of “no effect” for a particular project, the Service supports this determination. If the use of this guide results in a determination of “not likely to adversely affect” (NLAA) for the Key tree-cactus, the Service concurs with this determination and no additional correspondence is necessary. If the use of this guide results in a “may affect” determination, then additional coordination with the Service is necessary prior to permit issuance. For projects that result in a “may affect” determination, if, after reviewing the specific project and assessing its potential effects to federally listed species, the Service determines that the project will result in take, the Service will notify FEMA and the acreage of impacts will be subtracted from the take limits provided in the BO. This guide is subject to revision as necessary.

- A. Parcel is not in the species focus area and/or on the Real Estate (RE) parcel list....*no effect*
 Parcel is in the species focus area or is on the RE parcel list.....*go to B*
- B. The applicant proposes no removal or modification of the Key tree-cactus’ native habitat (i.e., hammock or beach berm).....*NLAA*
 The applicant proposes removal or modification of the Key tree-cactus’ native habitat (i.e., hammock or beach berm). A vegetation survey is required to document plant species and size present prior to construction impact. A general description of the surrounding properties within 500 feet is also required.....*go to C*
- C. The Key tree-cactus is not present on the property.....*NLAA*
 The Key tree-cactus is present on the property..... *may affect*

Habitat Compensation

The minimum recommended habitat compensation is replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions to accomplish the aforementioned activities, according to the participating community’s land development regulations. The Service has reviewed the following participating communities’ Codes of Ordinances governing habitat compensation and found them to meet minimum recommended habitat compensation: Monroe County, Part II, Chapter 18, Sections 118-2 and 118-8; City of Marathon, Article 2, Chapter 106; Village of Islamorada, Part II, Chapter 30, Article VII, Division 4, Section 30-1616; and Key West, Part II, Subpart B, Chapter 110, Article V, Section 110-223 and Section 110-225, and Article VI, Division 2, Section 110-287 and Division 3, Section 324 and 327. The cities of Key Colony Beach and Layton were determined to not have ordinances that meet the minimum recommended habitat compensation. If the participating

Key Deer Assessment Guide

July 29, 2013

The U.S. Fish and Wildlife Service's (Service) FEMA Biological Opinion (BO) dated April 30, 2010, and modified on December 14, 2010, identified 8,205 at-risk parcels intersecting 6,746 acres of habitats that may occasionally be used by the endangered Key deer (*Odocoileus virginianus clavium*) in Monroe County, Florida. The BO also identified an additional 3,510 acres of at-risk lands outside Monroe County's parcel layer not subject to the Rate of Growth Ordinance (ROGO) program.

The at-risk properties were determined by overlaying the County's property parcel layer onto the County's 2009 land cover boundary maps (Monroe County 2009). The County's land cover boundary maps included 13 land cover types. Developed land, undeveloped land, impervious surface, and exotic are considered non-native land cover types. Hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm are considered native land cover types. The water classification is also considered a native cover type. The minimum mapping unit for land cover polygons was 0.35 acre for hammock and 0.5 acre for all other cover types.

The County's boundary map land cover types containing suitable habitat for the Key deer included all 13 land cover types. We also noted that potential habitat is present only in unincorporated Monroe County (Lower Keys only).

Species Profile: The Key deer's historical range was thought to extend from Key Vaca to Key West (Klimstra et al. 1978), although the current range is restricted to 20 to 26 islands within and adjacent to the boundaries of the National Key Deer Refuge and the Great White Heron National Wildlife Refuge. The largest concentration (about 75 percent of the overall population) is found on Big Pine Key (Lopez et al., 2004a). The principal factor influencing the distribution and movement of Key deer is the location and availability of freshwater. Key deer swim easily between keys and use all islands in their range during the wet season, but suitable water is available on only 13 of the 26 islands during the dry season (Folk 1991). Key deer use all habitat types including pine rocklands, hardwood hammocks, buttonwood salt marshes, mangrove wetlands, freshwater wetlands, and disturbed/developed areas (Lopez 2001). The deer use uplands more than wetlands (Lopez et al. 2004b). Key deer use these habitats for foraging, cover, shelter, fawning, and bedding. Pine rocklands hold freshwater year round and are especially important to Key deer survival. About 34 percent of the range is pine rocklands and hardwood hammocks (Lopez et al. 2004c), and over 85 percent of fawning occurs in these two habitats (Hardin 1974). Five of 26 islands occupied by Key deer have significant pine rocklands. Key deer also use residential and commercial areas extensively where they feed on ornamental plants and grasses and can seek refuge from biting insects.

The greatest number of at-risk parcels (4,925 parcels or 60 percent) are on Big Pine and No Name Keys. The Service issued a Section 10(a)(1)(B) Incidental Take Permit (ITP) to Monroe County, Florida Department of Transportation, and Florida Department of Community Affairs in June 2006 for adverse effects from development on Big Pine and No Name Keys. The ITP authorizes take of 4 Key deer per year and 168 acres of Key deer habitat. The take will be incidental to land clearing for development and recreational improvements. The Service issued

the ITP to the applicants based upon their development of a Habitat Conservation Plan (HCP) that sets guidelines for development activities on Big Pine and No Name Keys to occur progressively over the permit period (20 years). The HCP provides avoidance, minimization, and mitigation measures to offset impacts to covered species, including the Key deer. Mitigation includes the protection of three mitigation units for each development unit of suitable habitat within the plan area.

Threats: The principle threat to Key deer is native habitat loss and fragmentation due to development (Klimstra et al., 1974). Fencing associated with development may cause direct Key deer habitat loss by preventing access to areas used for breeding, feeding, and sheltering. Native habitat that is fenced is no longer available for use by the Key deer and the fencing may block access to other areas. Residential and commercial development over the past 20 years has increased the number of vehicles and vehicular traffic in the Keys. This additional traffic has increased the likelihood of Key deer/vehicle collisions

Assessment Guide: In order to provide assistance in assessing threats to the Key deer from a given project, the Service has developed the following guidance and recommendations that, if implemented, will minimize adverse effects to the Key deer. If the use of this guide results in a determination of “no effect” for a particular project, the Service supports this determination. If the use of this guide results in a determination of “not likely to adversely affect” (NLAA), the Service concurs with this determination and no additional correspondence is necessary. If the use of this guide results in a “may affect” determination, then additional coordination with the Service is necessary prior to permit issuance. For projects that result in a “*may affect*” determination, if, after reviewing the specific project and assessing its potential effects to federally listed species, the Service determines that the project will result in take, the Service will notify FEMA and the acreage of impacts will be subtracted from the take limits provided in the BO. This guide is subject to revision as necessary.

- A. Parcel is not in the species focus area and/or on the Real Estate (RE) parcel list... *no effect*
 Parcel is in the species focus area or on the RE parcel list.....*go to B*
- B. Parcel is on Big Pine Key or No Name Key..... *refer to HCP for coverage*
 Parcel is not on Big Pine Key or No Name Key.....*go to C*
- C. Parcel includes one of referenced permanent freshwater sources.....*go to D*
 Not as above.....*go to E*
- D. The applicant’s proposed action does not restrict access to the referenced permanent
 freshwater.....*go to E*
 Not as above *may affect*
- E. Parcel contains only non-native habitat (developed land, undeveloped land, impervious
 surfaces, or exotic).....*go to H*

- Parcel contains native habitat (hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, or beach berm).....*go to F*
- F.** The proposed action will not remove or modify native habitat..... *go to H*
 - The proposed action will remove or modify native habitat. A vegetation survey is required to document the native plant species and size present on the property and a general description of the surrounding properties within 500 feet is also required. Once complete ...
.....*go to G*
- G.** The property is less than 1 acre **AND** is **not** adjacent to contiguous native habitat greater than 1 acre *go to H*
 - The property is greater than 1 acre **OR** the property (regardless of size) is adjacent to contiguous native habitat greater than 1 acre in size..... *may affect*
- H.** The applicant has proposed either on-site or off-site habitat compensation* commensurate with the amount of native habitat lost.....*go to I*
 - The applicant is not proposing habitat compensation* or the proposed habitat compensation* does not meet minimum compensation requirements.....*may affect*
- I.** The proposed action does not include fencing or includes fencing that complies with the attached May 2012 Key deer fencing guidelines.....*NLAA*
 - The proposed action includes fencing that is not compliant with the attached Key deer fencing guidelines. Habitat fragmented by non-compliant fencing will be considered a deduction from the not-to-exceed habitat acreage losses referenced in the BO...*may affect*

***Habitat Compensation**

The minimum recommended habitat compensation is replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions to accomplish the aforementioned activities, according to the participating community’s land development regulations. The Service has reviewed the following participating communities’ Codes of Ordinances governing habitat compensation and found them to meet minimum recommended habitat compensation: Monroe County, Part II, Chapter 18, Sections 118-2 and 118-8; City of Marathon, Article 2, Chapter 106; Village of Islamorada, Part II, Chapter 30, Article VII, Division 4, Section 30-1616; and Key West, Part II, Subpart B, Chapter 110, Article V, Section 110-223 and Section 110-225, and Article VI, Division 2, Section 110-287 and Division 3, Section 324 and 327. The cities of Key Colony Beach and Layton were determined to not have ordinances that meet the minimum recommended habitat compensation. If the participating community proposes to modify the habitat compensation requirements of their ordinance, additional review by the Service will be necessary.

If habitat compensation is being provided in excess of the minimum recommended, the Service may consider the additional compensation as a credit to the not-to-exceed habitat acreage losses referenced in the BO. To be considered for credit, the compensation must be like for like habitat compensation and credit will be granted at half value. For example, if 4 acres of additional

compensation are provided, the credit granted would be 2 acres. This partial credit is considered appropriate as existing vegetation currently provides benefit and the credit vegetation may not provide the same habitat benefit until later in time.

Monitoring and Reporting Effects

For the Service to monitor cumulative effects and to track incidental take exempted for the Key deer, it is important for FEMA and the NFIP participants to monitor the number of permits and provide information to the Service regarding the number of permits issued. In order to meet the reporting requirements in the BO, we request that FEMA and/or the NFIP participants send to the Service an annual database summary consisting of: project date, permit number, project acreage, native impact acreage, amount of acres and/or number of trees/plants replaced as habitat compensation, and project location in latitude and longitude in decimal degrees.

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KEY DEER FENCING GUIDELINES**May 2012**

The Key deer is a federally-listed endangered species endemic to the Lower Florida Keys. Loss of habitat is the major threat to the future of the Key deer. Nearly half of the islands in the range of the deer are currently inhabited by people, and eight have large subdivisions and commercial areas. Habitat degradation and fragmentation have reduced the Key deer's distribution and affected behavior. Habitat fragmentation from fencing and development restricts deer movements, creating bottlenecks that interfere with their ability to reach permanent water and feeding areas and often forcing them to cross roads in areas of heavy traffic where they are susceptible to roadkill. Vehicular strikes are the greatest known source of deer deaths, and typically account for about 70 percent of all known deaths.

Fencing of private property throughout the range of the Key deer is currently regulated by the Monroe County Comprehensive Plan and Land Development Regulation (114-20), with more stringent rules in effect for Big Pine and No Name Keys (114-20(3)). Specific deer-friendly design standards are incorporated in the code and include fence setbacks from roadways and maximum fencing allowances under various zoning and habitat conditions. As fencing of private lands throughout the range of the Key deer proceeds, comprehensive fencing guidelines are needed that recognize the needs of the private citizens and the cumulative impacts of fencing on the Key deer herd.

To this end, we are applying the Monroe County Comprehensive Plan and Land Development Regulation below, in its entirety, to Big Pine and No Name Keys. For other islands with parcels that fall within the Key deer focus area but outside of Big Pine and No Name Keys, we are only applying items c. through f. of Sec. 114-20(3) (below). Only a minor segment of the Key deer population (about 10%) occurs outside of Big Pine and No Name Keys, and there are no prior records of negative fencing effects on Key deer on other islands where habitat occurs in large, native patches and is less likely to be fragmented by fencing.

Monroe County Big Pine and No Name Keys Fencing Regulations 114-20(3)**Sec. 114-20(3). Big Pine and No Name Key.**

The purpose of this section is to recognize and provide for the particular habitat needs of the Florida Key Deer (*Odocoileus virginianus clavium*) on Big Pine Key and No Name Key so that deer movement throughout Big Pine Key and No Name Key is not hindered while allowing for reasonable use of minimal fencing for the purposes of safety and protection of property. In addition to all other standards set forth in this section, all fences located on Big Pine Key and No Name Key shall meet the standards of this subsection as listed below:

- a. In the improved subdivision (IS) land use district, fences shall be set back as follows:
 1. On canal lots, fences shall be set back at least 15 feet from the edge of abutting street rights-of-way; and built to the edge of all other property lines or as approved through a U.S. Fish and Wildlife Service coordination letter; and

2. On all other lots, fences shall be set back at least 15 feet from the edge of abutting street rights-of-way, at least five feet from side property lines and at least ten feet from the rear property line, or as approved through a U.S. Fish and Wildlife Service coordination letter.
- b. In all other land use districts, fences may enclose up to a maximum of and not to exceed the net buildable area of the parcel only.
- c. Enclosure of the freshwater wetlands by fences is prohibited.
- d. All fences shall be designed and located such that Key Deer access to native habitat, including pinelands, hammocks, beach berms, salt marshes, buttonwoods and mangroves is maintained wherever possible.
- e. All fences shall be designed and located such that Key Deer corridors, as identified by the U.S. Fish and Wildlife Service, shall be maintained.
- f. Fences shall not be permitted without a principal use except where the enclosed area consists of disturbed lands or disturbed land with exotics.

community proposes to modify the habitat compensation requirements of their ordinance, additional review by the Service will be necessary.

If habitat compensation is being provided in excess of the minimum recommended, the Service may consider the additional compensation as a credit to the not-to-exceed habitat acreage losses referenced in the BO. To be considered for credit, the compensation must be like for like habitat compensation and credit will be granted at half value. For example, if 4 acres of additional compensation are provided, the credit granted would be 2 acres. This partial credit is considered appropriate as existing vegetation currently provides benefit and the credit vegetation may not provide the same habitat benefit until later in time.

Monitoring and Reporting Effects

The “take” (removal) of plants on private property is not a violation of the Act (unless State law also prohibits take). Therefore, authorization to “take” plants on private property is not required under section 10(a)(1)(B) nor exempted under section 7. However, Federal agencies are required under section 7(a)(2) to make sure that their actions do not jeopardize the continued existence of listed plants. Therefore, to monitor the Key tree-cactus populations and avoid jeopardy to the species from FEMA’s actions, the Service, in coordination with FEMA, will monitor the amount of habitat impacted by proposed actions as a surrogate for avoiding jeopardy of the Key tree-cactus.

For the Service to monitor cumulative effects for the Key tree-cactus, it is important for FEMA and the NFIP participants to monitor the number of permits and provide information to the Service regarding the number of permits. In order to meet the reporting requirements in the BO, we request that FEMA and/or the NFIP participants send to the Service an annual database summary consisting of: project date, permit number, project acreage, native impact acreage, amount of acres and/or number of trees/plants replaced as habitat compensation, and project location in latitude and longitude in decimal degrees.

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Key Largo Woodrat and Key Largo Cotton Mouse Assessment Guide

July 29, 2013

The U.S. Fish and Wildlife Service's (Service) FEMA Biological Opinion (BO) dated April 30, 2010, and modified on December 14, 2010, identified 3,261 at-risk parcels, representing 977 acres, intersecting habitats that may occasionally be used by the endangered Key Largo woodrat (*Neotoma floridana smalli*) and/or the endangered Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*), all within unincorporated Monroe County. The BO also identified an additional 287 acres of at-risk lands outside Monroe County's parcel layer not subject to the Rate of Growth Ordinance (ROGO) program. In addition, the BO noted that the ROGO program would allow for the construction of 153 new residences (with a potential for 139 associated cats); 77 residences (70 cats) in potentially suitable Key Largo woodrat and/or cotton mouse habitat and 76 residences (69 cats) in adjacent buffer lands. New residences in the buffer areas may have an indirect effect on predation of the Key Largo woodrat and/or cotton mouse due to associated free-roaming cats (see Tables 19, EA-8a and EA-8b in the BO).

The at-risk properties were determined by overlaying the County's property parcel layer onto the County's 2009 land cover boundary maps (Monroe County 2009). The County's land cover boundary maps included 13 land cover types. Developed land, undeveloped land, impervious surface, and exotic are considered non-native land cover types. Hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm are considered native land cover types. The water classification is also considered a native cover type. The minimum mapping unit for land cover polygons was 0.35 acre for hammock and 0.5 acre for all other cover types.

The County's boundary map land cover types containing suitable habitat for the Key Largo woodrat and cotton mouse included undeveloped land, hammock, and beach berm. Undeveloped land and beach berm cover types were included as these mapping units could also include small inclusions of tropical hardwood hammock. Based on the mapping, there are 413 parcels, representing 251 acres in North Key Largo and 2,848 parcels, representing 1,013 acres in South Key Largo.

The Key Largo woodrat and cotton mouse occupy the same area of the Keys and have nearly identical habitat requirements. Suitable habitat is tropical hardwood hammock in North Key Largo, north of the U.S. 1 and S.R. 905 intersection, and tropical hardwood hammock extending south of this intersection to South Key Largo, but not including Tavernier. Although suitable hardwood hammock exists in South Key Largo, there have been no documented occurrences of either woodrats or cotton mice on South Key Largo in recent years.

Species Profile: The Key Largo cotton mouse builds leaf-lined nests in logs, tree hollows, and rock crevices. The entrances measure 1.2 to 3.5 inches in diameter. The cotton mouse often partially covers entrances with leaves or bark. Their holes are usually located at the bases of trees, or near or in woodrat nests. They also use recently burned areas where bracken fern (*Pteridium aquilinum*) dominates ground layers (Goodyear 1985).

The Key Largo cotton mouse feeds on leaves, buds, seeds, and fruits. They breed throughout the year and produce two to three litters annually. The average litter is four and the cotton mouse's average life expectancy is 5 months. However, individuals may live for 2 to 3 years (Service 2009).

Key Largo woodrats are active climbers, seem to have definite trails, and often use fallen trees to move over the forest floor. They, like other members of the genus *Neotoma*, have a habit of building large stick nests. Woodrats construct their nests out of sticks, twigs, and various other objects that they assemble into mounds that can reach 4 feet high and 6 to 7 feet in diameter. They frequently build their nests against a stump, fallen tree, or boulder and may use old sheds, abandoned cars, rock piles, and machinery as nest sites. Their nests have several entrances and a single, central nest chamber.

Key Largo woodrats feed on a variety of leaves, buds, seeds, and fruits. They are capable of reproducing all year, although there are seasonal peaks. Reproductive activity is highest during the summer and lowest during the winter. Litter sizes range from one to four although a litter typically contains two young. Females can produce two litters per year, with both sexes reaching sexual maturity in about 5 months. The life expectancy of the Key Largo woodrat is unknown, but is probably similar to other subspecies of *N. floridana*, which may live for 3 years, but probably averages less than 1 year in the wild.

Threats: The Key Largo woodrat and cotton mouse were formerly distributed throughout Key Largo, but are now restricted to hardwood hammocks on North Key Largo (Frank et al. 1997). The majority of high quality hammock available on North Key Largo has been protected through acquisition and is being managed for conservation by the Service and State of Florida. Because of these efforts and current land use regulations in place by Monroe County, the threat of occupied habitat loss from development on North Key Largo is low.

Contiguous tracts of hammock remain on South Key Largo, but no longer appear to support these species (Frank et al. 1997). Brown (1978 and 1978b) and Hersh (1981) attributed the possible extirpation of the cotton mouse in South Key Largo to land clearing and development. In addition, predation by feral and domestic cats is also suspected (Frank et al. 1997). However, given the historic presence of the species in this area, the secretive nature of these species and the lack of systematic trapping on South Key Largo, the Service considers these habitats suitable and potentially occupied.

Assessment Guide: In order to provide assistance in assessing threats to the Key Largo woodrat and cotton mouse from a given project, the Service has developed the following guidance and recommendations that, if implemented, will minimize adverse effects to these species. If this guide results in a determination of "no effect," the Service supports this determination. If this guide results in a determination of "not likely to adversely affect" (NLAA) for these species and a cat brochure is provided, then the Service concurs and no additional correspondence is necessary. If the use of this guide results in a "may affect" determination, then additional coordination with the Service is necessary prior to permit issuance. For projects that result in a "may affect" determination, if, after reviewing the specific project and assessing its potential effects to federally listed species, the Service determines that the project will result in take, the

Service will notify FEMA and the acreage of impacts will be subtracted from the take limits provided in the BO. This guide is subject to revision as necessary.

NOTE: The Service recommends that all new residences in the Key Largo woodrat and Key Largo cotton mouse focus area or buffer, except on South Key Largo or as outlined in couplet G (below), be subject to a covenant restriction which prohibits keeping free-ranging cats, per Monroe County Ordinance 015-2012, Section 122-8(d)2-i. A new residence for which the applicant does not agree to such a restriction shall be subtracted from the allocated residences take (couplet H).**

A. Parcel is located in the species focus area, buffer area, or on the Real Estate (RE) parcel list.....*go to B*

Parcel is not in the species focus area, the buffer area, or on the RE parcel list.....*no effect*

B. Parcel is in the species focus area in North Key Largo. The Service will examine the site-specific parameters of the habitat and proposed development.....*may affect*

Parcel is located in the buffer area (a zone extending 500 meters [1,641 feet] from the focus area). If a parcel is mapped as being both within the species focus area and the buffer zone, it should be wholly considered a species focus area.....*go to F*

Parcel is in South Key Largo.....*go to C*

C. The applicant proposes no removal or modification of these species' native habitat (hammock, beach berm, and native habitat in the undeveloped lands classification)..
.....*NLAA*

The applicant proposes removal or modification of these species' native habitat (hammock, beach berm, and native habitat in the undeveloped lands classification). A vegetation survey is required to document the native plant species and size present on the property and a general description of the surrounding properties within 500 feet is also required. Once these have been completed *go to D*

D. The property is within a developed subdivision or canal subdivision and the area within 500 feet of the parcel is greater than 60 percent developed or scarified*NLAA*

The property is not as above and contains and/or is adjacent to contiguous tracts of this species' native habitat greater than 1 acre in size. Further coordination with the Service is necessary and a small mammal survey may be required.....*may affect*

Native habitat (hammock, beach berm, and native habitat in the undeveloped lands classification) will be impacted but neither of the above applies to the property.....*go to E*

E. The applicant has proposed either on-site or off-site habitat compensation* commensurate with the amount of native habitat lost.....*NLAA*

The applicant is not proposing habitat compensation* or habitat compensation* does not meet minimum compensation requirements.....*may affect*

- F. The applicant proposes the construction of a new residence and does not agree to enforceable cat restrictions***go to G*

Proposal is for actions other than a new residence OR is for a residence with enforceable cat restrictions**. Provide cat brochure*NLAA*

- G. Parcel is within a canal subdivision and is separated by a canal, open water, or US-1 from these species’ native habitat in the buffered woodrat/cotton mouse focus area OR the parcel is adjacent to less than 1 acre of these species’ native habitat in the buffered woodrat/cotton mouse focus area. Provide cat brochure.....*NLAA*

The parcel is not as above..... *go to H*

- H. The new residence is proposed in the buffer area, does not result in a cumulative loss of species habitat, and the total number of new residential permits issued in buffer lands has not exceeded 76. Provide cat brochure.....*take exempted in BO, additional consultation with the Service not required*

The proposed new residence in the buffer exceeds the limits of take in the 2010 BO (76 residences)..... *may affect*

***Habitat Compensation**

The minimum recommended habitat compensation is replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions to accomplish the aforementioned activities, according to the participating community’s land development regulations. The Service has reviewed the following participating communities’ Codes of Ordinances governing habitat compensation and found them to meet minimum recommended habitat compensation: Monroe County, Part II, Chapter 18, Sections 118-2 and 118-8; City of Marathon, Article 2, Chapter 106; Village of Islamorada, Part II, Chapter 30, Article VII, Division 4, Section 30-1616; and Key West, Part II, Subpart B, Chapter 110, Article V, Section 110-223 and Section 110-225, and Article VI, Division 2, Section 110-287 and Division 3, Section 324 and 327. The cities of Key Colony Beach and Layton were determined to not have ordinances that meet the minimum recommended habitat compensation. If the participating community proposes to modify the habitat compensation requirements of their ordinance, additional review by the Service will be necessary.

If habitat compensation is being provided in excess of the minimum recommended, the Service may consider the additional compensation as a credit to the not-to-exceed habitat acreage losses referenced in the BO. To be considered for credit, the compensation must be like for like habitat compensation and credit will be granted at half value. For example, if 4 acres of additional compensation are provided, the credit granted would be 2 acres. This partial credit is considered

appropriate as existing vegetation currently provides benefit and the credit vegetation may not provide the same habitat benefit until later in time.

****Enforceable Cat Restrictions**

On June 20, 2012, the Monroe County Board of Commissioners passed Ordinance 015-2012. Section 122-8(d)2-i of this ordinance requires property owners applying for new construction permits in Key Largo wood rat and Key Largo cotton mouse habitat to agree to execute and record a covenant restriction in favor of Monroe County which prohibits keeping free-ranging cats.

Monitoring and Reporting Effects

For the Service to monitor cumulative effects and to track incidental take exempted for these species, it is important for FEMA and the NFIP participants to monitor the number of permits and provide information to the Service regarding the number of permits issued. In order to meet the reporting requirements in the BO, we request that FEMA and/or the NFIP participants send to the Service an annual database summary consisting of: project date, permit number, project acreage, native impact acreage, amount of acres and/or number of trees/plants replaced as habitat compensation, and project location in latitude and longitude in decimal degrees.

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Lower Keys Marsh Rabbit Assessment Guide

July 29, 2013

The U.S. Fish and Wildlife Service's (Service) FEMA Biological Opinion (BO) dated April 30, 2010, and modified on December 14, 2010, identified 3,710 at-risk parcels, representing 4,331 acres, intersecting habitats that may occasionally be used by the endangered Lower Keys marsh rabbit (LKMR; *Sylvilagus palustris hefneri*) in Monroe County. The BO also identified an additional 1,427 acres of at-risk lands outside Monroe County's parcel layer not subject to the Rate of Growth Ordinance (ROGO) program. In addition, the BO noted that the ROGO program would allow for the construction of 871 new residences (with a potential for 787 associated cats); 296 residences (268 cats) in potentially suitable LKMR habitat and 575 residences (520 cats) in adjacent buffer lands. New residences in the buffer areas may have an indirect effect on predation of the LKMR due to associated free-roaming cats (see Tables 19, EA-11a and EA-11b in the BO).

The at-risk properties were determined by overlaying the County's property parcel layer onto the County's 2009 land cover boundary maps (Monroe County 2009). The County's land cover boundary maps included 13 land cover types. Developed land, undeveloped land, impervious surface, and exotic are considered non-native land cover types. Hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm are considered native land cover types. The water classification is also considered a native cover type. The minimum mapping unit for land cover polygons was 0.35 acre for hammock and 0.5 acre for all other cover types.

The County's boundary map land cover types containing suitable habitat for the LKMR included pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, and beach berm. We also noted that potential habitat is present only in unincorporated Monroe County (Lower Keys only).

Species Profile: The LKMR's historic range extended from Big Pine Key to Key West, encompassing a linear distance of about 30 miles. It occurs on some of the larger keys from Boca Chica, just north of Key West, to Big Pine Key. The LKMR is habitat specific, depending upon a transition zone of grasses and sedges for feeding, shelter, and nesting. The majority of potential suitable habitat areas lie in transitional zones between marine environments and uplands. The current population estimate is about 500 rabbits in the Lower Florida Keys (Perry, personal communication, 2006). Although habitat loss is responsible for the original decline of the LKMR, high mortality from predation from feral cats has also occurred and may be the greatest current threat. Feral cat control is an ongoing operation on Naval Air Station Key West (NASKW) and lands within the National Key Deer Refuge (NKDR). However, feral cat control activities outside NASKW and the NKDR are unknown.

Typical LKMR habitat includes wetlands with a dense herbaceous cover that is dominated by a mixture of grasses, sedges, and forbs. This community is considered a transitional plant community that is similar in form and species composition to comparable communities interspersed among the mangrove forests of mainland Florida (Forys and Humphrey 1994). Forys (1995) concluded that marsh rabbits spend most of their time in the mid-marsh (seaside

oxeye) and high-marsh (cordgrasses and marsh fimbry) and avoid areas with mature buttonwoods and high canopy cover.

Marsh rabbits have been documented to feed on at least 19 different plant species (Forys 1995). However, the most abundant species in the rabbit's diet is seashore dropseed, glassworts, cordgrass, seaside oxeye, red mangrove, and white mangrove.

Marsh rabbits are sexually mature at about 9 months of age. During this time, the majority of the males disperse. Sexually maturing females are not as likely as males to disperse. Like other marsh rabbit subspecies, LKMRs are polygamous, and generally breed throughout the year (Holler and Conway 1979). Although LKMRs do not display an apparent seasonal breeding pattern (Service 1994), the highest proportion of females with litters occurs in March and September; the lowest proportion occurs in April and December.

The Service issued a Section 10(a)(1)(B) Incidental Take Permit (ITP) to Monroe County, Florida Department of Transportation, and Florida Department of Community Affairs (applicants) in June 2006 for adverse effects from development on Big Pine and No Name Keys. The ITP was issued to the applicants based upon their development of a Habitat Conservation Plan (HCP) that sets guidelines for development activities on Big Pine and No Name Keys to occur progressively over the permit period (20 years). The take will be incidental to land clearing for development and recreational improvements. The HCP provides avoidance, minimization, and mitigation measures to offset impacts to covered species. Mitigation includes the protection of three mitigation units for each development unit of suitable habitat within the plan area.

The HCP includes specific development restrictions in LKMR habitat and within a 1,640-foot (500 meter) buffer surrounding this habitat. The distance of 1,640-feet is based on the use of upland areas by this species and the estimated distance domestic cats will travel from their homes (Frank, personal communication, 1996). The ITP does not authorize incidental take of suitable marsh rabbit habitat, but does authorize incidental take of up to 40 acres of buffer lands surrounding suitable marsh rabbit habitat. Since incidental take of suitable marsh rabbit habitat was not exempted in the Big Pine and No Name HCP, the potential direct, indirect, and cumulative effects of NFIP actions on at-risk marsh rabbit habitat were addressed in the 2010 FEMA BO.

Threats: The LKMR is vulnerable to predation by free-roaming cats, habitat loss and degradation, fire suppression, vehicular traffic, hurricanes, sea level rise, fire ants, and exotic constrictor snakes. The greatest threats to the continued existence of the LKMR are predation by cats, habitat loss and degradation, and hurricanes (Service 2007). These threats not only directly affect the viability of local subpopulations, but also reduce the probability of successful dispersal among the increasingly fragmented habitats. Connectivity among suitable habitat patches is necessary for LKMR dispersal among patches (Forys and Humphrey 1999), and dispersal is a necessary process if rabbit metapopulations are to remain self-sustainable.

Assessment Guide: In order to provide assistance in assessing threats to the LKMR from a given project, the Service has developed the following guidance and recommendations that, if

implemented, will minimize adverse effects to this species. If this guide results in a determination of “no effect,” the Service supports this determination. If this guide results in a determination of “not likely to adversely affect” (NLAA) for these species and a cat brochure is provided, then the Service concurs and no additional correspondence is necessary. If the use of this guide results in a “may affect” determination, then additional coordination with the Service is necessary prior to permit issuance. For projects that result in a “*may affect*” determination, if, after reviewing the specific project and assessing its potential effects to federally listed species, the Service determines that the project will result in take, the Service will notify FEMA and the acreage of impacts will be subtracted from the take limits provided in the BO. This guide is subject to revision as necessary.

NOTE: The Service recommends that all new residences in the LKMR focus area or buffer, except as outlined in couplet G (below), be subject to a covenant restriction which prohibits keeping free-ranging cats, per Monroe County Ordinance 015-2012, Section 122-8(d)2-i. A new residence for which the applicant does not agree to such a restriction shall be subtracted from the allocated residences take (couplet H).**

A. Parcel is located in the species focus area or on the Real Estate (RE) parcel list.....go to B

Parcel is located in the buffer area (a zone extending 500 meters [1,641 feet] from the focus area). If a parcel is mapped as being both within the species focus area and the buffer zone, it should be wholly considered as being in the species focus area.....go to F

Parcel is not in the species focus area, the buffer area, or on the RE parcel list...no effect

B. Parcel is on Big Pine Key or No Name Key..... refer to HCP for coverage

Parcel is not on Big Pine Key or No Name Key.....go to C

C. The applicant proposes no removal or modification of this species’ native habitat (pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, and beach berm).....go to F

The applicant proposes removal or modification of this species’ native habitat (pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, and beach berm). A vegetation survey is required to document the native plant species and size present on the property and a general description of the surrounding properties within 500 feet is also required. Once these have been completed..... go to D

D. The property is within a developed subdivision or canal subdivision and the area within 500 feet of the parcel is greater than 60 percent developed or scarified go to F

The property is not as above, and contains and/or is adjacent to contiguous tracts of this species’ native habitat greater than 1 acre in size. Further coordination with the Service is necessary and a small mammal survey may be required.....*may affect*

Native habitat (pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, and beach berm) will be impacted, but neither of the above applies to the property...*go to E*

- E. The applicant has proposed either on-site or off-site habitat compensation* commensurate with the amount of native habitat lost.....*go to F*

The applicant is not proposing habitat compensation* or habitat compensation* does not meet minimum compensation requirements.....*may affect*

- F. The applicant proposes the construction of a new residence and does not agree to enforceable cat restrictions**.....*go to G*

Proposal is for actions other than a new residence OR is for a residence with enforceable cat restrictions**. Provide cat brochure*NLAA*

- G. Parcel is within a canal subdivision and is separated by a canal, open water, and/or US-1 from this species’ native habitat in the buffered LKMR focus area OR the parcel is adjacent to less than 1 acre of this species’ native habitat in the buffered LKMR focus area. Provide cat brochure.....*NLAA*

The parcel is not as above..... *go to H*

- H. The new residence is proposed in the species focus area, does not result in a cumulative loss of species habitat, and the total of new residential permits issued in the focus area lands has not exceeded 296. Provide cat brochure.....*take exempted in BO, additional consultation with the Service not required*

The new residence is proposed in the buffer area and the total number of new residential permits issued in buffer lands has not exceeded 575. Provide cat brochure.*take exempted in BO, additional consultation with the Service not required*

The proposed new residence exceeds the limits of take in the 2010 BO (296 residences in the focus area, 575 residences in buffer lands).....*may affect*

***Habitat Compensation**

The minimum recommended habitat compensation is replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions to accomplish the aforementioned activities, according to the participating community’s land development regulations. The Service has reviewed the following participating communities’ Codes of Ordinances governing habitat compensation and found them to meet minimum recommended habitat compensation: Monroe County, Part II, Chapter 18, Sections 118-2 and 118-8; City of Marathon, Article 2, Chapter 106; Village of Islamorada, Part II, Chapter 30, Article VII, Division 4, Section 30-1616; and Key West, Part II, Subpart B, Chapter 110, Article V, Section 110-223 and Section 110-225, and Article VI, Division 2, Section 110-287 and Division 3, Section 324 and 327. The cities of Key Colony Beach and Layton were determined to not have

ordinances that meet the minimum recommended habitat compensation. If the participating community proposes to modify the habitat compensation requirements of their ordinance, additional review by the Service will be necessary.

If habitat compensation is being provided in excess of the minimum recommended, the Service may consider the additional compensation as a credit to the not-to-exceed habitat acreage losses referenced in the BO. To be considered for credit, the compensation must be like for like habitat compensation and credit will be granted at half value. For example, if 4 acres of additional compensation are provided, the credit granted would be 2 acres. This partial credit is considered appropriate as existing vegetation currently provides benefit and the credit vegetation may not provide the same habitat benefit until later in time.

****Enforceable Cat Restrictions**

On June 20, 2012, the Monroe County Board of Commissioners passed Ordinance 015-2012. Section 122-8(d)2-i of this ordinance requires property owners applying for new construction permits in LKMR habitat to agree to execute and record a covenant restriction in favor of Monroe County which prohibits keeping free-ranging cats.

Monitoring and Reporting Effects

For the Service to monitor cumulative effects and to track incidental take exempted for the LKMR, it is important for FEMA and the NFIP participants to monitor the number of permits and provide information to the Service regarding the number of permits issued. In order to meet the reporting requirements in the BO, we request that FEMA and/or the NFIP participants send to the Service an annual database summary consisting of: project date, permit number, project acreage, native impact acreage, amount of acres and/or number of trees/plants replaced as habitat compensation, and project location in latitude and longitude in decimal degrees.

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Schaus Swallowtail Butterfly Assessment Guide

July 29, 2013

The U.S. Fish and Wildlife Service's (Service) FEMA Biological Opinion (BO) dated April 30, 2010, and modified on December 14, 2010, identified 4,312 at-risk parcels representing 1,414 acres, intersecting habitats that may be used by the endangered Schaus swallowtail butterfly (*Heraclides aristodemus ponceanus*) in Monroe County. Specifically, we noted that potential habitat is present in unincorporated Monroe County and in the Village of Islamorada. There are 411 parcels with potential habitat representing 247 acres, in North Key Largo; 2,846 parcels, representing 725 acres, in South Key Largo; and 1,055 parcels, representing 442 acres, in Islamorada. The BO also identified an additional 349 acres of at-risk lands outside of Monroe County's parcel layer not subject to the Rate of Growth Ordinance program.

The at-risk properties were determined by overlaying the County's property parcel layer onto the County's 2009 land cover boundary maps (Monroe County 2009). The County's land cover boundary maps included 13 land cover types. Developed land, undeveloped land, impervious surface, and exotic are considered non-native land cover types. Hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm are considered native land cover types. The water classification is also considered a native cover type. The minimum mapping unit for land cover polygons was 0.35 acre for hammock and 0.5 acre for all other cover types.

The County's boundary map land cover types containing suitable habitat for the Schaus swallowtail butterfly include undeveloped land, hammock, and beach berm. Undeveloped land and beach berm cover types were included as these mapping units could also include small inclusions of tropical hardwood hammock.

Species Profile: The Schaus swallowtail butterfly is a large blackish-brown swallowtail butterfly with contrasting markings that are mostly dull yellow (Klots 1951, Pyle 1981, Opler and Krizek 1984). This subspecies is most easily confused with the giant swallowtail (*Papilio cresphontes*), which is widespread in eastern North America and occurs in habitat occupied by the Schaus swallowtail butterfly. Although 30 different wild plant species may be exploited as a nectaring food source (Emmel 1988, 1995a), only torchwood (*Amyris elemifera*) and wild lime (*Zanthoxylum fagara*) are known to be used by larvae for development. Nectaring activity usually occurs on blossoms of wild coffee (*Psychotria nervosa*), guava (*Psidium guajava*), or cheese shrub (*Morinda royoc*), also known as yellowroot. Adults may fly in clearings and along roads and trails, or even out over the ocean for short distances (Rutkowski 1971, Brown 1973), but typically remain in the hammocks proper and rarely feed in areas open to direct sunlight (Service 1982, Rutkowski 1971).

Suitable habitat for the Schaus swallowtail butterfly is tropical hardwood hammock in the northern Keys (north Key Largo through Upper Matecumbe Key). Within this area, the Schaus swallowtail appears to be restricted to northern Key Largo, as well as a few islands within Biscayne National Park. However, potential suitable habitat within the subspecies' historic range extends southward to the Matecumbe Keys in Islamorada. Schaus swallowtail butterflies have rarely been reported south of northern Key Largo in recent years, but occurrence has not

been assessed on a frequent or widespread basis (Service 2008). The amount of suitable habitat undoubtedly fluctuates depending on hurricanes, wildfires, and subsequent vegetation succession, but the primary upland habitat is hardwood hammocks.

Threats: Contiguous tracts of hammock remain on South Key Largo and portions of Upper Matecumbe Key, but no longer appear to support the Schaus swallowtail butterfly (Salvato, personal communication, 2006). However, the Service considers these habitats potentially suitable for this subspecies. The reasons these lands likely no longer support the subspecies are not known. A wide array of factors may be contributing to their absence including use of mosquito control pesticides (Service 2008). Prior to human influences, populations of this butterfly were probably subject to naturally occurring population depressions caused by hurricane damage, drought, and rare freezes (Covell 1976).

Assessment Guide: In order to provide assistance in assessing threats to the Schaus swallowtail butterfly, the Service has developed the following guidance and recommendations that, if implemented, will minimize adverse effects to the Schaus swallowtail butterfly. If the use of this guide results in a determination of “no effect” for a particular project, the Service supports this determination. If the use of this guide results in a determination of “not likely to adversely affect” (NLAA) for the Schaus swallowtail butterfly, the Service concurs with this determination and no additional correspondence is necessary. If the use of this guide results in a “may affect” determination, then additional coordination with the Service is necessary prior to permit issuance. For projects that result in a “may affect” determination, if, after reviewing the specific project and assessing its potential effects to federally listed species, the Service determines that the project will result in take, the Service will notify FEMA and the acreage of impacts will be subtracted from the take limits provided in the BO. This guide is subject to revision as necessary.

- A. Parcel is not in the species focus area or on the Real Estate (RE) parcel list.....*no effect*
 Parcel is in the species focus area or is on the RE parcel list.....*go to B*
- B. The applicant proposes no removal or modification of the Schaus swallowtail butterfly’s native habitat (i.e., beach berm, hammock, and native habitat in the undeveloped lands classification).....*NLAA*
 The applicant proposes removal or modification of the Schaus swallowtail butterfly’s native habitat. A vegetation survey is required to document the native plant species and size present on the property and a general description of the surrounding properties within 500 feet is also required.....*go to C*
- C. The property is in North Key Largo. The Service will examine the site-specific parameters of the habitat and proposed development.....*may affect*
 The property is in South Key Largo or Islamorada.....*go to D*
- D. The property is within a developed subdivision or canal subdivision and the area within 500 feet of the parcel is greater than 60 percent developed or scarified*NLAA*

Not as above.....*go to E*

- E. The vegetation survey documents the presence of torchwood and/or wild lime, and any of the above referenced nectaring food source plant species (wild coffee, guava, or cheese shrub/yellowroot) and the parcel is adjacent to contiguous tracts of this species' native habitat greater than 1 acre in size*may affect*

The property is not as above*go to F*

- F. The property is less than 1 acre and/or is not adjacent to contiguous native habitat greater than 1 acre. The applicant has proposed either on-site or off-site habitat compensation* commensurate with the amount of native habitat lost. Permit with habitat compensation*..... *NLAA*

The property contains and/or is adjacent to contiguous native habitat greater than 1 acre in size AND/OR the applicant is not proposing habitat compensation* or the proposed habitat compensation* does not meet minimum compensation requirements..... *may affect*

***Habitat Compensation**

The minimum recommended habitat compensation is replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions to accomplish the aforementioned activities, according to the participating community's land development regulations. The Service has reviewed the following participating communities' Codes of Ordinances governing habitat compensation and found them to meet minimum recommended habitat compensation: Monroe County, Part II, Chapter 18, Sections 118-2 and 118-8; City of Marathon, Article 2, Chapter 106; Village of Islamorada, Part II, Chapter 30, Article VII, Division 4, Section 30-1616; and Key West, Part II, Subpart B, Chapter 110, Article V, Section 110-223 and Section 110-225, and Article VI, Division 2, Section 110-287 and Division 3, Section 324 and 327. The cities of Key Colony Beach and Layton were determined to not have ordinances that meet the minimum recommended habitat compensation. If the participating community proposes to modify the habitat compensation requirements of their ordinance, additional review by the Service will be necessary.

If habitat compensation is being provided in excess of the minimum recommended, the Service may consider the additional compensation as a credit to the not-to-exceed habitat acreage losses referenced in the BO. To be considered for credit, the compensation must be like for like habitat compensation and credit will be granted at half value. For example, if 4 acres of additional compensation are provided, the credit granted would be 2 acres. This partial credit is considered appropriate as existing vegetation currently provides benefit and the credit vegetation may not provide the same habitat benefit until later in time.

Monitoring and Reporting Effects

For the Service to monitor cumulative effects and to track incidental take exempted for the Schaus swallowtail butterfly, it is important for FEMA and the NFIP participants to monitor the number of permits and provide information to the Service regarding the number of permits issued. In order to meet the reporting requirements in the BO, we request that FEMA and/or the NFIP participants send to the Service an annual database summary consisting of: project date, permit number, project acreage, native impact acreage, amount of acres and/or number of trees/plants replaced as habitat compensation, and project location in latitude and longitude in decimal degrees.

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Silver Rice Rat Critical Habitat Assessment Guide

July 29, 2013

The U.S. Fish and Wildlife Service's (Service) FEMA Biological Opinion (BO) dated April 30, 2010, and modified on December 14, 2010, identified 644 at-risk parcels (representing 1,316 acres) that: (1) are located within designated critical habitat for the endangered silver rice rat (rice rat) (*Oryzomys palustris natator* [= *O. argentatus*]) and (2) may contain the critical habitat's constituent elements. The BO also identified an additional 466 acres of at-risk lands outside Monroe County's parcel layer not subject to the Rate of Growth Ordinance program.

Critical habitat for the rice rat includes areas containing mangrove swamps, salt marsh flats, and buttonwood transition vegetation. The major constituent elements of this critical habitat that require special management considerations or protection are:

- (1) mangrove swamps containing red mangrove, black mangrove, white mangrove, and buttonwood;
- (2) salt marshes, swales, and adjacent transitional wetlands containing saltwort, perennial glasswort, saltgrass, sea ox-eye, Key grass and
- (3) coastal dropseed and freshwater marshes containing cattails, sawgrass, and cordgrass.

The at-risk properties were determined by overlaying the County's property parcel layer onto the County's 2009 land cover boundary maps (Monroe County 2009). The County's land cover boundary maps included 13 land cover types. Developed land, undeveloped land, impervious surface, and exotic are considered non-native land cover types. Hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm are considered native land cover types. The water classification is also considered a native cover type. The minimum mapping unit for land cover polygons was 0.35 acre for hammock and 0.5 acre for all other cover types.

The County's boundary map land cover types containing critical habitat constituent elements for the rice rat include six habitat classifications. These land cover types include scrub mangrove, freshwater wetland, salt marsh, and buttonwood. We also noted that potential habitat is present only in unincorporated Monroe County (Lower Keys only).

Critical Habitat Profile: The Service's designated critical habitat for the rice rat includes all lands and waters above mean low tide on the following Keys: Little Pine, Big Torch, Middle Torch, Johnston, Raccoon, and the Water Keys. In addition, it includes Summerland Key north of U.S. 1, and the Saddlebunch Keys south of U.S. 1; but not lands in Township 67S, Range 27E, Section 8, nor the northern 1/5 of Section 17 (50 CFR 17.95) (Service 1993). The critical habitat boundary encompasses an area of about 9,362 acres, all of which fall within unincorporated Monroe County. Within the designated boundary, only 8,532 acres have the constituent elements required to be critical habitat for the rice rat.

Critical habitat only affects Federal agency actions and does not apply to private or local or State government activities that are not subject to Federal authorization or funding. Federal agencies that may be affected by the designation of rice rat critical habitat include, but are not limited to the Service (National Key Deer Refuge [NKDR]), Corps, FEMA, U.S. Navy, and the Federal

Highway Administration. Seven of the nine Keys in critical habitat are within the NKDR boundaries. Although the NKDR is managed for Key deer, the habitat requirements and biological needs of the two species do not conflict (Service 2006).

Threats: The primary threat to rice rat critical habitat is degradation and loss of wetland habitat (Barbour and Humphrey 1982). Construction activities typically result in the direct loss of habitat as well as secondary effects that extend into surrounding habitats. Related secondary effects include habitat fragmentation.

Assessment Guide: In order to provide assistance in assessing threats to rice rat critical habitat, the Service has developed the following guidance and recommendations that, if implemented, will minimize adverse effects to rice rat critical habitat. If the use of this guide results in a determination of “no effect” for a particular project, the Service supports this determination. If the use of this guide results in a determination of “not likely to adversely affect (NLAA)” for a particular project and the applicant is provided with a copy of the cat brochure, then the Service concurs with this determination and no additional correspondence is necessary. If the use of this guide results in a “may affect” determination, then additional coordination with the Service is necessary prior to permit issuance. For projects that result in a “may affect” determination, if, after reviewing the specific project and assessing its potential effects to federally listed species, the Service determines that the project will result in take, the Service will notify FEMA and the acreage of impacts will be subtracted from the take limits provided in the BO. This guide is subject to revision as necessary.

- A. Parcel is not located within designated rice rat critical habitat and/or on the Real Estate (RE) parcel list.....*no effect*
 Parcel is located within designated rice rat critical habitat or is on the RE parcel list
 *go to B*
- B. The applicant proposes no removal or modification of the rice rat’s native habitat (scrub mangrove, freshwater wetland, salt marsh, or buttonwood).....*NLAA*
 The applicant proposes removal or modification of this species’ native habitat (hammock, pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm). A vegetation survey is required to document the native plant species and size present on the property and a general description of the surrounding properties within 500 feet is also required. Once these have been completed.....*go to C*
- C. The property contains and/or is adjacent to contiguous tracts of the rice rat’s native habitat greater than 1 acre in size.....*may affect*
 The property is not as above.....*go to D*
- D. The applicant has proposed either on-site or off-site habitat compensation* commensurate with the amount of native habitat lost. Permit with habitat compensation* and provide cat brochure.....*NLAA*

The applicant is **not** proposing habitat compensation* or habitat compensation* does not meet minimum compensation requirements..... *may affect*

***Habitat Compensation**

The minimum recommended habitat compensation is replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions to accomplish the aforementioned activities, according to the participating community’s land development regulations. The Service has reviewed the following participating communities’ Codes of Ordinances governing habitat compensation and found them to meet minimum recommended habitat compensation: Monroe County, Part II, Chapter 18, Sections 118-2 and 118-8; City of Marathon, Article 2, Chapter 106; Village of Islamorada, Part II, Chapter 30, Article VII, Division 4, Section 30-1616; and Key West, Part II, Subpart B, Chapter 110, Article V, Section 110-223 and Section 110-225, and Article VI, Division 2, Section 110-287 and Division 3, Section 324 and 327. The cities of Key Colony Beach and Layton were determined to not have ordinances that meet the minimum recommended habitat compensation. If the participating community proposes to modify the habitat compensation requirements of their ordinance, additional review by the Service will be necessary.

If habitat compensation is being provided in excess of the minimum recommended, the Service may consider the additional compensation as a credit to the not-to-exceed habitat acreage losses referenced in the BO. To be considered for credit, the compensation must be like for like habitat compensation and credit will be granted at half value. For example, if 4 acres of additional compensation are provided, the credit granted would be 2 acres. This partial credit is considered appropriate as existing vegetation currently provides benefit and the credit vegetation may not provide the same habitat benefit until later in time.

Monitoring and Reporting Effects

For the Service to monitor cumulative effects and to track incidental take exempted for the silver rice rat critical habitat, it is important for FEMA and the NFIP participants to monitor the number of permits and provide information to the Service regarding the number of permits issued. In order to meet the reporting requirements in the BO, we request that FEMA and/or the NFIP participants send to the Service an annual database summary consisting of: project date, permit number, project acreage, native impact acreage, amount of acres and/or number of trees/plants replaced as habitat compensation, and project location in latitude and longitude in decimal degrees.

Literature Cited

Barbour, D.B. and S.R. Humphrey. 1982 . Status and habitat of the Key Largo woodrat and cotton mouse (*Neotoma floridana smalli* and *Peromyscus gossypinus allapaticola*). *Journal of Mammalogy* 63(1):144-148.

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Silver Rice Rat Assessment Guide

July 29, 2013

The U.S. Fish and Wildlife Service's (Service) FEMA Biological Opinion (BO) dated April 30, 2010, and modified on December 14, 2010, identified 3,985 at-risk parcels, representing 4,134 acres, intersecting habitats that may occasionally be used by the endangered silver rice rat (rice rat) (*Oryzomys palustris natator* [= *O. argentatus*]) in Monroe County. The BO also identified an additional 3,358 acres of at-risk lands outside Monroe County's parcel layer not subject to the Rate of Growth Ordinance (ROGO) program. The BO noted that the ROGO program would allow for the construction of 871 new residences; 522 in potentially suitable rice rat habitat and 349 in adjacent buffer lands. New residences in the buffer areas may have an indirect effect on predation of the rice rat due to associated free-roaming cats (see Tables 19, EA-14a and EA-14b in the BO).

The at-risk properties were determined by overlaying the County's property parcel layer onto the County's 2009 land cover boundary maps (Monroe County 2009). The County's land cover boundary maps included 13 land cover types. Developed land, undeveloped land, impervious surface, and exotic are considered non-native land cover types. Hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm are considered native land cover types. The water classification is also considered a native cover type. The minimum mapping unit for land cover polygons was 0.35 acre for hammock and 0.5 acre for all other cover types.

The County's boundary map land cover types containing suitable habitat for the rice rat include hammock, pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm. We also noted that potential habitat is present only in unincorporated Monroe County (Lower Keys only).

Species Profile: The rice rat occurs on 13 islands in the Lower Keys: Big Pine, Little Pine, Howe, Water, Middle Torch, Big Torch, Summerland, Raccoon, Johnston, Ramrod, Cudjoe, Upper Sugarloaf, and Saddlebunch Keys (Vessey et al. 1976, Goodyear 1984, Wolfe 1987, Forsys et al. 1996, Perry 2006, Service 2008). Based on the availability of suitable habitat and proximity to existing populations, the rice rat may also occur on several other islands in the Lower Keys such as Little Torch. Range-wide surveys confirmed that rice rat populations are not established on Boca Chica, Geiger, East Rockland, or Big Coppit Keys (the islands that encompass Naval Air Station Key West) (Perry 2006).

The rice rat is restricted to a narrow range of wetland habitat types. Populations are widely distributed and occur at extremely low densities. Rice rats use low intertidal and low salt marsh habitats during activity periods, and swales in the low salt marsh are primary foraging sites. Buttonwood transitional salt marsh is at a higher elevation than other salt marsh habitats, and is used for foraging and nesting (Goodyear 1987). Forsys et al. (1996) found that the rice rat occurs at comparable densities in both scrub and fringe mangrove communities. Mitchell (1996) conducted additional work on rice rats and found that reproductive activity occurs in freshwater habitat and that animals regularly use freshwater marsh on Big Torch Key.

Silver rice rats are generalized omnivores that eat a variety of plant and animal material (Wolfe 1982). The diet of the rice rat includes seeds of saltwort, mangroves, *Borrchia* spp., coconut palm (*Cocos nucifera*), and invertebrates, including isopods (Spitzer 1983; Goodyear 1992). However, they probably eat a greater variety of foods than those listed above.

A variety of ecological factors likely influence reproduction in rice rats throughout the year (Wolfe 1982). The reproduction peak occurs after the wet season, from October to November. The gestation period for rice rats is 21 to 28 days, with litter sizes ranging from 4 to 6. Spitzer (1983) studied a pregnant female rice rat during winter and observed litter sizes of 3 to 5. The average number of litters that are produced in a year has not been documented. Forsy et al. (1996) found that juvenile rice rats comprised only 14 percent of the total number of individuals captured in their study. Although there is high survivorship of rice rats in the Keys, the low proportion of juveniles in this population may indicate a low reproductive rate.

Threats: The primary threat to the rice rat is degradation and loss of wetland habitat (Barbour and Humphrey 1982). Rice rats require expanses of high quality salt marsh habitat. They are extremely limited in habitat occupancy, occurring in salt marsh and transitional buttonwood habitats. Construction activities typically result in the direct loss of habitat, as well as secondary effects that extend into surrounding habitats. Related secondary effects include habitat fragmentation and an increase in the densities of black rats and domestic cats. Cats are predators of rice rats and there is evidence of habitat competition between rice rats and black rats.

Assessment Guide: In order to provide assistance in assessing threats to the rice rat from a given project, the Service has developed the following guidance and recommendations that, if implemented, will minimize adverse effects to this species. If this guide results in a determination of “no effect,” the Service supports this determination. If this guide results in a determination of “not likely to adversely affect” (NLAA) for these species and a cat brochure is provided, then the Service concurs and no additional correspondence is necessary. If the use of this guide results in a “may affect” determination, then additional coordination with the Service is necessary prior to permit issuance. For projects that result in a “*may affect*” determination, if, after reviewing the specific project and assessing its potential effects to federally listed species, the Service determines that the project will result in take, the Service will notify FEMA and the acreage of impacts will be subtracted from the take limits provided in the BO. This guide is subject to revision as necessary.

NOTE: The Service recommends that all new residences in the rice rat focus area or buffer, except as outlined in couplet F (below), be subject to a covenant restriction which prohibits keeping free-ranging cats, per Monroe County Ordinance 015-2012, Section 122-8(d)2-i. A new residence for which the applicant does not agree to such a restriction shall be subtracted from the allocated residences take (couplet G).**

A. Parcel is located in the species focus area or on the Real Estate (RE) parcel list.....*go to B*

Parcel is located in the buffer area (a zone extending 500 meters [1,641 feet] from the focus area). If a parcel is mapped as being both within the species focus area and the buffer zone, it should be wholly considered a species focus area.....*go to E*

Parcel is not in the species focus area, the buffer area, or on the RE parcel list.....*no effect*

- B.** The applicant proposes no removal or modification of this species’ native habitat (hammock, pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm).....*go to E*

The applicant proposes removal or modification of this species’ native habitat (hammock, pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm). A vegetation survey is required to document the native plant species and size present on the property and a general description of the surrounding properties within 500 feet is also required. Once these have been completed..... *go to C*

- C.** The property is within a developed subdivision or canal subdivision and the area within 500 feet of the parcel is greater than 60 percent developed or scarified *go to E*

The property is not as above, and contains and/or is adjacent to contiguous tracts of this species’ native habitat greater than 1 acre in size. Further coordination with the Service is necessary and a small mammal survey may be required.....*may affect*

Native habitat (hammock, pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm) will be impacted but neither of the above applies to the property.....*go to D*

- D.** The applicant has proposed either on-site or off-site habitat compensation* commensurate with the amount of native habitat lost.....*go to E*

The applicant is not proposing habitat compensation* or habitat compensation* does not meet minimum compensation requirements.....*may affect*

- E.** The applicant proposes the construction of a new residence and does not agree to enforceable cat restrictions**.....*go to F*

Proposal is for actions other than a new residence OR is for a residence with enforceable cat restrictions**. Provide cat brochure*NLAA*

- F.** Parcel is within a canal subdivision and is separated by a canal, open water, and/or US-1 from this species’ native habitat in the buffered rice rat focus area OR the parcel is adjacent to less than 1 acre of this species’ native habitat in the buffered rice rat focus area. Provide cat brochure.....*NLAA*

The parcel is not as above.....*go to G*

- G.** The new residence is proposed in the species focus area, does not result in a cumulative loss of species habitat, and the total of new residential permits issued in the focus area

lands has not exceeded 522. Provide cat brochure.....*take exempted in BO, additional consultation with the Service not required*

The new residence is proposed in the buffer area and the total number of new residential permits issued in buffer lands has not exceeded 349. Provide cat brochure.*take exempted in BO, additional consultation with the Service not required*

The proposed new residence exceeds the limits of take in the 2010 BO (522 residences in the focus area, 349 residences in buffer lands).....*may affect*

***Habitat Compensation**

The minimum recommended habitat compensation is replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions to accomplish the aforementioned activities, according to the participating community's land development regulations. The Service has reviewed the following participating communities' Codes of Ordinances governing habitat compensation and found them to meet minimum recommended habitat compensation: Monroe County, Part II, Chapter 18, Sections 118-2 and 118-8; City of Marathon, Article 2, Chapter 106; Village of Islamorada, Part II, Chapter 30, Article VII, Division 4, Section 30-1616; and Key West, Part II, Subpart B, Chapter 110, Article V, Section 110-223 and Section 110-225, and Article VI, Division 2, Section 110-287 and Division 3, Section 324 and 327. The cities of Key Colony Beach and Layton were determined to not have ordinances that meet the minimum recommended habitat compensation. If the participating community proposes to modify the habitat compensation requirements of their ordinance, additional review by the Service will be necessary.

If habitat compensation is being provided in excess of the minimum recommended, the Service may consider the additional compensation as a credit to the not-to-exceed habitat acreage losses referenced in the BO. To be considered for credit, the compensation must be like for like habitat compensation and credit will be granted at half value. For example, if 4 acres of additional compensation are provided, the credit granted would be 2 acres. This partial credit is considered appropriate as existing vegetation currently provides benefit and the credit vegetation may not provide the same habitat benefit until later in time.

****Enforceable Cat Restrictions**

On June 20, 2012, the Monroe County Board of Commissioners passed Ordinance 015-2012. Section 122-8(d)2-i of this ordinance requires property owners applying for new construction permits in silver rice rat habitat to agree to execute and record a covenant restriction in favor of Monroe County which prohibits keeping free-ranging cats.

Monitoring and Reporting Effects

For the Service to monitor cumulative effects and to track incidental take exempted for the silver rice rat, it is important for FEMA and the NFIP participants to monitor the number of permits and provide information to the Service regarding the number of permits issued. In order to meet the reporting requirements in the BO, we request that FEMA and/or the NFIP participants send

to the Service an annual database summary consisting of: project date, permit number, project acreage, native impact acreage, amount of acres and/or number of trees/plants replaced as habitat compensation, and project location in latitude and longitude in decimal degrees.

Literature Cited

- Barbour, D.B. and S.R. Humphrey. 1982 . Status and habitat of the Key Largo woodrat and cotton mouse (*Neotoma floridana smalli* and *Peromyscus gossypinus allapaticola*). *Journal of Mammalogy* 63(1):144-148.
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Stock Island Tree Snail Assessment Guide

July 29, 2013

The U.S. Fish and Wildlife Service's (Service) FEMA Biological Opinion (BO) dated April 30, 2010, and modified on December 14, 2010, identified 5,607 at-risk parcels, representing 2,322 acres, intersecting habitats that may be used by the threatened Stock Island tree snail (*Orthalicus reses*, not incl. nesodryas) in Monroe County. There are 1,725 acres and 4,101 at-risk parcels in unincorporated Monroe County; 300 acres and 779 parcels in Islamorada; 5 acres and 5 parcels in Key Colony Beach; 43 acres and 102 parcels in Key West; less than 1 acre and 1 parcel in Layton; and 249 acres and 579 parcels in Marathon. The BO also identified an additional 436 acres of at-risk lands outside Monroe County's parcel layer not subject to the Rate of Growth Ordinance program.

The at-risk properties were determined by overlaying the County's property parcel layer onto the County's 2009 land cover boundary maps (Monroe County 2009). The County's land cover boundary maps included 13 land cover types. Developed land, undeveloped land, impervious surface, and exotic are considered non-native land cover types. Hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm are considered native land cover types. The water classification is also considered a native cover type. The minimum mapping unit for land cover polygons was 0.35 acre for hammock and 0.5 acre for all other cover types.

The County's boundary map land cover types containing suitable habitat for the Stock Island tree snail include hammock and beach berm. Beach berm cover types were included as this mapping unit could also include small inclusions of tropical hardwood hammock.

Species Profile: The Stock Island tree snail is an arboreal snail inhabiting hardwood hammocks of the Keys (Deisler 1987). Its historic range includes the islands of Stock Island and Key West (Voss 1976). Individuals of the species have since been relocated to other hammocks in the Keys and the mainland. Today, populations of snails occur throughout the Keys in hardwood hammocks. As of 2006, the Service had records of 27 populations, 25 in the Keys and 2 in mainland Miami-Dade County (Service 2006). However, for most populations, the area occupied is poorly defined (Service 2009). Survey and monitoring efforts have been limited and highly variable, and methodologies are not usually reported in detail (Service 2009). The Service will provide updated information to the County and municipalities on known locations of the Stock Island tree snail as new data become available. Since 2006, an additional 15 population locations have been reported.

Threats: Although the predominant threat described at the time of listing was habitat destruction (Service 2009), much of the suitable protected habitat is currently unoccupied. Additional threats include: non-native predators, inadequacy of existing regulatory mechanisms, climate change, hurricane winds, right-of-way maintenance, and Key deer browsing. Natural disasters such as hurricanes and drought can have a significant effect. The snails are also faced with predation by invertebrate predators, such as fire ants (Service 2009).

Assessment Guide: In order to provide assistance in assessing threats to the Stock Island tree snail from a given project, the Service has developed the following guidance and

recommendations that, if implemented, will minimize adverse effects to the Stock Island tree snail. If the use of this guide results in a determination of “no effect” for a particular project, the Service supports this determination. If the use of this guide results in a determination of “not likely to adversely affect” (NLAA) for the Stock Island tree snail, the Service concurs with this determination and no additional correspondence is necessary. If the use of this guide results in a “may affect” determination, then additional coordination with the Service is necessary prior to permit issuance. For projects that result in a “*may affect*” determination, if, after reviewing the specific project and assessing its potential effects to federally listed species, the Service determines that the project will result in take, the Service will notify FEMA and the acreage of impacts will be subtracted from the take limits provided in the BO. This guide is subject to revision as necessary.

- A. The parcel **IS** in a known location of the Stock Island tree snail, in the species focus area and/or on the RE parcel list..... **go to B**
 The parcel **IS NOT** in a known location of the Stock Island tree snail, in the species focus area and/or on the RE parcel list.....**no effect**
- B. The applicant proposes no removal or modification of the Stock Island tree snail’s native habitat (hammock and beach berm).....**NLAA**
 The applicant proposes removal or modification of the Stock Island tree snail’s native habitat. A Stock Island tree snail survey and a vegetation survey are required. Once these have been completed.....**go to C**
- C. A negative Stock Island tree snail survey, following Service protocol, has been provided to and accepted as valid by the Service (*i.e.*, Stock Island tree snails are not present). The applicant has proposed either on-site or off-site habitat compensation* commensurate with the amount of native habitat lost. Permit with habitat compensation*.....**NLAA**
 A Stock Island tree snail survey documents presence, or habitat compensation* is either not proposed or not sufficient..... **may affect**

***Habitat Compensation**

The minimum recommended habitat compensation is replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions to accomplish the aforementioned activities, according to the participating community’s land development regulations. The Service has reviewed the following participating communities’ Codes of Ordinances governing habitat compensation and found them to meet minimum recommended habitat compensation: Monroe County, Part II, Chapter 18, Sections 118-2 and 118-8; City of Marathon, Article 2, Chapter 106; Village of Islamorada, Part II, Chapter 30, Article VII, Division 4, Section 30-1616; and Key West, Part II, Subpart B, Chapter 110, Article V, Section 110-223 and Section 110-225, and Article VI, Division 2, Section 110-287 and Division 3, Section 324 and 327. The cities of Key Colony Beach and Layton were determined to not have ordinances that meet the minimum recommended habitat compensation. If the participating

community proposes to modify the habitat compensation requirements of their ordinance, additional review by the Service will be necessary.

If habitat compensation is being provided in excess of the minimum recommended, the Service may consider the additional compensation as a credit to the not-to-exceed habitat acreage losses referenced in the BO. To be considered for credit, the compensation must be like for like habitat compensation and credit will be granted at half value. For example, if 4 acres of additional compensation are provided, the credit granted would be 2 acres. This partial credit is considered appropriate as existing vegetation currently provides benefit and the credit vegetation may not provide the same habitat benefit until later in time.

Monitoring and Reporting Effects

For the Service to monitor cumulative effects and to track incidental take exempted for the Stock Island tree snail, it is important for FEMA and the NFIP participants to monitor the number of permits and provide information to the Service regarding the number of permits issued. In order to meet the reporting requirements in the BO, we request that FEMA and/or the NFIP participants send to the Service an annual database summary consisting of: project date, permit number, project acreage, native impact acreage, amount of acres and/or number of trees/plants replaced as habitat compensation, and project location in latitude and longitude in decimal degrees.

Literature Cited

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