

**File #:** 2020-125

**Owner's Name:** Big Pine Key Fishing Lodge, Inc.

**Applicant:** Spottswood, Spottswood,  
Spottswood & Sterling

**Agent:** Donald L Leland  
Erica Sterling

**Type of Application:** Tier Overlay Map Amendment

**Key:** Big Pine Key

**RE:** 00108630-000000

# **Additional Information added to File 2020-125**

**End of Additional File 2020-125**

**SPOTTSWOOD, SPOTTSWOOD, SPOTTSWOOD & STERLING, PLLC**

ATTORNEYS AND COUNSELORS AT LAW  
500 FLEMING STREET  
KEY WEST, FLORIDA 33040

JOHN M. SPOTTSWOOD, JR.  
ERICA HUGHES STERLING  
ROBERT A. SPOTTSWOOD, JR.  
RICHARD J. McCHESNEY

Telephone | 305-294-9556  
Facsimile | 305-504-2696

OF COUNSEL:

JOHN M. SPOTTSWOOD (1920 – 1975)  
ROBERT A. SPOTTSWOOD of Counsel  
WILLIAM B. SPOTTSWOOD of Counsel  
WILLIAM B. SPOTTSWOOD, JR. of Counsel

July 20, 2020

Ms. Emily Schemper, AICP CFM  
Senior Director  
Planning and Environmental Resources Department  
Monroe County  
2798 Overseas Highway  
Marathon, Florida 33050

Subject: Big Pine Key Fishing Camp – Request for Tier Designation Change

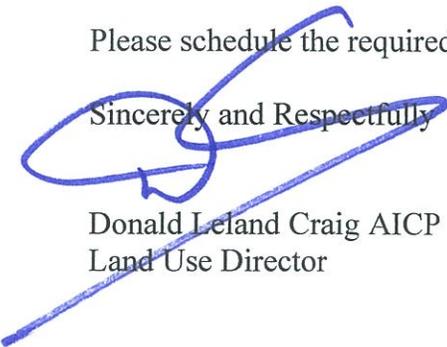
Dear Emily:

As discussed in our recent July 1 meeting for a Letter of Understanding, the contracted purchasers of the Big Pine Key Fishing Camp Incorporated, on behalf of the current owners, are submitting the attached application for a change of Tier Designation for a portion of the RV Park which, although completely disturbed, is designated Tier 1.

The attached application also includes an Environmental Conditions Report completed by Terramar Environmental.

Please schedule the required meetings, and if you have any questions, please call me.

Sincerely and Respectfully



Donald Leland Craig AICP  
Land Use Director

APPLICATION  
MONROE COUNTY  
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



**Request to Amend the Tier Overlay District Map**

**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**

Tier Amendment Application Fee: \$1,970.00 for an IS/URM platted lot  
\$4,670.00 for a non IS/URM platted lot

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

Advertising Costs: \$245.00

Surrounding Property Owner Notification (SPON): \$3.00 for each property owner required to be noticed  
Advertising and Noticing fees for a community meeting: \$245.00 plus \$3.00/SPON

**Date of Application:** 07 / 14 / 2020  
Month Day Year

**Applicant / Agent Authorized to Act for Property Owner:** (Agents must provide notarized authorization from all property owners.)

Spottswood, Spottswood, Spottswood and Sterling Donald Leland Craig AICP and/or Erica Sterling

Applicant (Name of Person, Business or Organization) Name of Person Submitting this Application

500 Fleming Street , Key West , Florida 33040

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

305 924 0249 541 879 0183 305 924 0249 dcraig@spottswoodlaw.com and erica@spottswoodlaw.com

Work Phone Home Phone Cell Phone Email Address

**Property Owner:** (Business/Corp must include documents showing who has legal authorized to sign.)

Big Pine Key Fishing Lodge Incorporated c/o Everett Atwell Contracted Buyer

(Name/Entity) Contact Person

BPK33 LLC Everett Atwell Manager Ironwood VG

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

863 607 9496 863 602 0332 ironwoodvg@tampabayrr.com

Work Phone Home Phone Cell Phone Email Address

**Legal Description of Property:** (If in metes and bounds, attach legal description on separate sheet.)

See Attached Survey and Legal Description Big Pine Key

Block Lot Subdivision Key

00108630-000000 1128180

Real Estate (RE) Number Alternate Key Number

33000 Overseas Highway Big Pine Key , Florida 33043 33

Street Address (Street, City, State & Zip Code) Approximate Mile Marker

APPLICATION

Request to Amend the Tier Overlay District Map to Correct a Tier Designation assigned in error in accordance with Section 130-130(e) of the Land Development Code

Size of Site: The overall site is 9.6 acres, the portion of the site sdesiganted Tier 1 is 4.4 acres

Platted lot (book/page): Not applicable

Existing Use: The existng use is developed RV park . See attached Environmental Conditions Report for full description of the property.

Total Wetlands/Habitat: none

Total area of native upland habitat: none 9.6 acres of disturbed uplands

Has clearing of tropical hardwood hammock or pinelands occurred on the property? Describe: no See attached Environmental Conditions Report

Current Tier: 4.4 acres are Tier 1, the remaining 5.2 acres are Tier III

Proposed Tier: Tier III for the 4.4 Acres

Description of Error (attach additional sheets if necessary):

The entirety of the site is disturbed uplands.It has been in that state for many years. At one time the 4.4 acres was owned by the United States Fish and Wildlife Service and leased to the RV park. At the time of the of the adoption of the Tier Map system, and maps, anything owned by the government, especially .the federal governement was automartiactly designated Tier I.

**APPLICATION**

**Has a previous Tier Overlay District Map amendment application been submitted for this site within the past two years?**

Yes     No

If yes, date the application was submitted: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Month      Day      Year

Is there a pending code enforcement proceeding involving all or a portion of this property?

Yes     No    Code Case file # \_\_\_\_\_ Describe the enforcement proceedings and if this application is being submitted to correct the violation: \_\_\_\_\_

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

**Applicants requesting a Land Use District (Zoning) Map Overlay amendment shall provide for public participation through a community meeting.**

*Scheduling.* The applicant will coordinate with the Planning Director regarding the date, time and location of the proposed community meeting; however, all meetings are to be held on a weekday evening at a location close to the project site, between 45 and 120 days prior to the first of any public hearings required for development approval.

*Notice of Meeting.* The community meeting shall be noticed at least 15 days prior to the meeting date by advertisement in a Monroe County newspaper of general circulation, mailing of notice to surrounding property owners, and posting of the subject property.

*Noticing and Advertising Costs.* The applicant shall pay the cost of the public notice and advertising for the community meeting and provide proof of proper notice to the Planning Director.

The community meeting shall be facilitated by a representative from the Monroe County Planning & Environmental Resources Department and the applicant shall be present at the meeting.

**PROOF OF PROPER NOTICING ON THE COMMUNITY MEETING WILL BE REQUIRED.**

APPLICATION

The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

By signing this application, the owner of the subject property authorizes the Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

I, the Applicant, 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: Richard J. McCreaney

Date: 7/23/2020

STATE OF FLORIDA

COUNTY OF MONROE

Sworn to and subscribed before me this 23rd day of July, 2020,

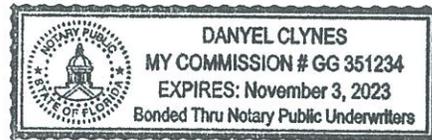
by Richard J. McCreaney, who is personally known to me OR produced  
(PRINT NAME OF PERSON MAKING STATEMENT)

\_\_\_\_\_ as identification.  
(TYPE OF ID PRODUCED)

Danyel Clynes  
Signature of Notary Public, State of Florida

Danyel Clynes

Print, Type or Stamp Commissioned Name of Notary Public  
My commission expires:



Send complete application package to:

Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050

AGENT AUTHORIZATION FORM

Date of Authorization: 07 / 14 / 2020
Month Day Year

I hereby authorize Spottswood, Spottswood, Spottswood and Sterling be listed as authorized agent
(Print Name of Agent)

representing Big Pine Key Fishing Lodge Incorporated for the application submission
(Print Name of Property Owner(s) the Applicant(s))

of Change of Tier Designation from Tier I to Tier III
(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

Table with 2 columns: See Attached Survey and Legal Description, Big Pine Key. Rows include Lot, Block, Subdivision, Key (Island), Real Estate (RE) Number, Alternate Key Number, Street Address, and Approximate Mile Marker.

Authorized Agent Contact Information:

500 Fleming Street, Key West, Florida 33040
Mailing Address (Street, City, State and Zip Code)
305 294 9556 541 879 0183 305 924 0249 dcraig@spottswoodlaw.com and erica@spottswoodlaw.com
Work Phone Home Phone Cell Phone Email Address

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.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: Jay E. Gladwell

Printed Name of Property Owner: Jay E. Gladwell

STATE OF Florida COUNTY OF Monroe

Sworn to and subscribed before me this 16 day of July, 2020,

by Jay Edward Gladwell, who is personally known to me OR produced
(Print Name of Person Making Statement)

FL Dr G434225552550 as identification.
(Type of ID Produced)

Signature of Notary Public



My commission expires:

Prepared by and Return to:  
Emily Parry  
American Government Services  
3812 W. Linebaugh Ave.  
Tampa, FL 33618

La-Florida  
Land to United States  
National Key Deer/Big Pine Key  
Fishing Lodge, Inc., a Florida  
corporation (2177)  
Exchange Land from USA ((102z) part  
thereof)

Doc# 1726236 01/12/2009 9:23AM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLHAGE

**EXCHANGE DEED (Land for Land)**

**THIS EXCHANGE DEED** is made and entered into on the dates indicated herein, before the undersigned Notaries Public, duly commissioned and qualified, and acting in and for the States and Counties as indicated, and in the presence of the undersigned witnesses, by and between:

**BIG PINE KEY FISHING LODGE, INC., a Florida corporation, under the laws of the State of Florida, whose mailing address is P.O. Box 513, Big Pine Key, FL 33043 and THE UNITED STATES OF AMERICA, whose address is 1875 Century Boulevard, Suite 420, Atlanta, GA 30345, herein after referred to as USA**

01/12/2009 9:23AM  
DEED DOC STAMP CL: RS \$8,050.00

**WITNESSETH:**

**WHEREAS, the USA, acting by and through the Regional Director, U.S. Fish and Wildlife Service, for and on behalf of the Secretary of the Interior, entered into an agreement for the exchange of lands with BIG PINE KEY FISHING LODGE, INC., a Florida corporation under the authority of the National Wildlife Refuge System Administration Act of 1966, 16 U.S. C. Section 668dd(b)(3), and**

**WHEREAS, BIG PINE KEY FISHING LODGE, INC., a Florida corporation, owns Tract 2177, within the approved acquisition boundary of the National Key Deer National Wildlife Refuge (NWR) which contains 1.0 acre, more or less, situated in Monroe County, Florida.**

**WHEREAS, the USA, owns a tract of land in the National Key Deer NWR, Monroe County, Florida containing approximately 4.4 acres, more or less.**

**NOW THEREFORE, in consideration for the exchange of the lands, BIG PINE KEY FISHING LODGE, INC., a Florida corporation does hereby convey to the USA and hereby covenants that it does fully warrant title to the premises granted and conveyed and will forever defend the same against all lawful claims and demands of all persons whomsoever, the following described lands constituting Tract 2177, National Key Deer NWR which contains 1.0 acre, more or less, situated in Monroe County, Florida.**

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART  
(the "Property/Big Pine Key Fishing Lodge, Inc.")**

The above herein described property is being acquired for its administration by the Secretary of the United States Department of the Interior for the use and benefit of the U.S. Fish and Wildlife Service.

**BIG PINE KEY FISHING LODGE, INC., a Florida corporation, for themselves, their successors and assigns, releases and quitclaims unto the USA, and their assigns, all the right, title and interest, legal and equitable, which the BIG PINE KEY FISHING LODGE, INC., a Florida corporation may have in the banks, beds, and waters of any streams opposite to or fronting upon said land including all littoral and/or riparian rights incident thereto and in alleys, roads, streets, ways, strips, gores, or railroad right of way abutting or adjoining said lands and in any means of ingress and egress appurtenance thereto.**

Doc# 1726236  
Bk# 2395 Pg# 1663

**SUBJECT, HOWEVER,** to the following: Existing easements for canals, ditches, flumes, pipelines, railroads, public highways and roads, telephone, telegraph, power transmission lines and public utilities.

**AND ALSO SUBJECT,** to oil gas and minerals outstanding in third parties, if any, as they appear of record.

**AND THE SAID BIG PINE KEY FISHING LODGE, INC., a Florida corporation,** for themselves, their successors and assigns, hereby covenants that the property is free of all encumbrances, except as stated above, that it is lawfully seized in fee of the said premises, that it has good right to sell and convey the same to the said USA, and its assigns, forever.

In consideration of the foregoing conveyance, being good and valuable consideration, the USA releases and quit claims to **BIG PINE KEY FISHING LODGE, INC., a Florida corporation** the following described lands being approximately 4.4 acres, more or less, in Monroe County, Florida, to wit:

**SEE EXHIBIT "B" ATTACHED HERETO AND MADE  
A PART (the "Property/USA").**

**CONVEYANCE OF THE LANDS** and interests herein shall not exempt such lands and interests from all federal, state and local laws and regulations applicable thereto by virtue of their characteristics as floodplains, subject to Executive Order 11988 (May 24, 1977), or as wetlands, subject to Executive Order 11990 (May 24, 1977).

**FURTHER,** the USA, does hereby release, quitclaim unto **BIG PINE KEY FISHING LODGE, INC., a Florida corporation** and its assigns, all rights, title and interest, legal or equitable, which the USA may have in the banks beds and waterways of any stream opposite to and fronting upon said land, including all littoral and/or riparian rights incident thereto and in alleys, roads, streets, ways, strips, gores, or railroad right of way abutting or adjoining said lands, and in any means of ingress and egress, appurtenant thereto.

**BIG PINE KEY FISHING LODGE, INC., a Florida corporation** declares the total value of the exchange land described in Exhibit "A" is **ONE MILLION ONE HUNDRED FIFTY THOUSAND AND NO/100 (\$1,150,000.00) DOLLARS.**

And the USA declares the value of the exchange land described in Exhibit "B" is **ONE MILLION FIFTY THOUSAND AND NO/100 (\$1,050,000.00) DOLLARS.** In order to equalize the values of the lands being exchanged the USA shall tender to **BIG PINE KEY FISHING LODGE, INC., a Florida corporation** the sum of **ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS,** cash, receipt of which is acknowledged, to equalize the values of the lands being exchange.

**NOW THEREFORE,** the before mentioned USA and **BIG PINE KEY FISHING**

**LODGE, INC., a Florida corporation,** mutually accept in exchange without further compensation the lands herein mentioned, being more fully described and by this reference incorporated therein.

Doc# 1726236  
Bk# 2395 Pg# 1664

(This space left intentionally blank)

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned Notary Public and competent witnesses in Big Pine Key Florida, on the 30th day of December, 2008.

WITNESSES:

Ronald K Jensen  
Print Name of Witness

Brenda Seabury  
Print Name of Witness

BIG PINE KEY FISHING LODGE, INC.,  
a Florida corporation

By: Joan D. Gladwell  
Joan D. Gladwell, as President

(CORPORATE SEAL)

ACKNOWLEDGMENT

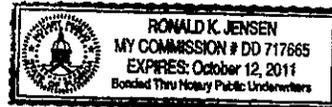
STATE OF FLORIDA  
COUNTY OF Monroe

I hereby certify that on this day before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, personally appeared Joan D. Gladwell, President of Big Pine Key Fishing Lodge, Inc., a Florida corporation, to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

Witness my hand and Official Seal in the County and State aforesaid, this 30<sup>th</sup> day of December, 2008.

Ronald K Jensen  
Notary Public  
Ronald K. Jensen  
Print Name of Notary & Number  
Commission Expires on 10-12-11

(Seal)



Doc# 1726236  
Bk# 2395 Pg# 1665

THE EXCHANGE OF LANDS described herein by this instrument to the United States of America, acting by and through the Secretary of the Interior, is hereby approved for conveyance and acceptance on behalf of the United States Fish and Wildlife Service on this 31<sup>st</sup> day of December, 2008.

THUS DONE AND PASSED, in my office in Atlanta, Dekalb County, State of Georgia, on the 31<sup>st</sup> day of December, 2008 in the presence of Richard Huffines and Betty Jarous, competent witnesses, who herunto sign their names with the said appearers and me, Notary and reading of the whole.

WITNESSES:

[Signature]  
Signature of First Witness

Richard Huffines  
Print Name of Witness

[Signature]  
Signature of First Witness

Betty Jarous  
Print Name of Witness

[Signature]  
UNITED STATES OF AMERICA,  
Acting by and through the Secretary of  
Interior, By, [Signature] Southeast Regional Director,  
Fish and Wildlife Service, Department of  
Interior

Doc# 1726236  
Bk# 2395 Pg# 1666

ACKNOWLEDGMENT

STATE OF GEORGIA  
COUNTY OF DEKALB

I hereby certify that on this day before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, personally appeared Tom Anderson, as Thomas E. Anderson of the UNITED STATES OF AMERICA, acting by and through the Secretary of Interior, By, Southeast Regional Director, Fish and Wildlife Service, Department of Interior, to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

Witness my hand and Official Seal in the County and State aforesaid, this 31<sup>st</sup> day of December, 2008

Notary Public  
[Signature]  
Print Name of Notary & Number  
Commission Expires on Feb 7, 2009

(Seal)

**Doc# 1726236  
Bk# 2395 Pg# 1667**

**Exhibit "A"**

**"The Property/Big Pine Key Fishing Lodge"**

**Tract 2177, National Key Deer, NWR  
Monroe County, Florida**

A tract of land in the Southwest Quarter of the Northeast Quarter of Section 26, Township 66 South, Range 29 East, on Big Pine Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the centerline of U.S. Highway No. 1 and the West line of the Southwest Quarter of the Northeast Quarter of Section 26, Township 66 South, Range 29 East, bear South 89 degrees, 52 minutes East, a distance of 33 feet;

Thence bear North 50 feet to a point on the North right-of-way line of U.S. Highway No. 1;

Thence bear South 89 degrees, 52 minutes East, along the North right-of-way line of U.S. Highway No. 1, 521.78 feet to the POINT OF BEGINNING of the tract of land hereinafter described;

From said POINT OF BEGINNING, continue bearing South 89 degrees, 52 minutes East along the North right-of-way line of U.S. Highway No. 1, 104.35 feet;

Thence bear North, 417.42 feet;

Thence bear North 89 degrees, 52 minutes West 104.35 feet

Thence bear South 417.42 feet, back to the POINT OF BEGINNING.

Containing 1.0 acre more or less

Doc# 1726236  
Bk# 2395 Pg# 1668

**Exhibit "B"**

**"The Property/USA"**

**((102z) part thereof)**

**Monroe County, Florida**

Commence at the Northwest corner of Section 6, Township 67 South, Range 30 East; Thence East along the North property line of Ocean Bluff for 495.0 feet for a Point of Beginning;

Thence South a distance of 55.0 feet  
Thence South 52 degrees 30'00" East a distance of 135.0 feet;  
Thence South a distance of 150.0 feet  
Thence South 53 degrees 00'00" West a distance of 80 feet;  
Thence South 30 degrees 30'00" East a distance of 60.0 feet;  
Thence North 64 degrees 00'00" East a distance of 135.00 feet;  
Thence South 71 degrees 30'00" East a distance of 235.00 feet;  
Thence North 72 degrees 30'00" East a distance of 85.00 feet;  
Thence South 89 degrees 00'00" East a distance of 160.00 feet;  
Thence North 71 degrees 00'00" East a distance of 55.00 feet to the Mean High Water Line of the Atlantic Ocean;

Thence meander of Northwesterly along said Mean High Water Line a distance of 612.00 feet to a point where said meander line intersects with the Northerly boundary line of Ocean Bluff;

Thence West along said North line of Ocean Bluff a distance of 330.00 feet to the Point of Beginning.

The above parcel lying and situate in Section 6, Township 67 South, Range 30 East, Monroe County, Florida, containing 4.4 acres more or less.

**MONROE COUNTY  
OFFICIAL RECORDS**

465661

DEC 09 95 PAGE 2 128

900  
11,825.00

STATE OF FLORIDA  
COUNTY OF MONROE

LA-Florida  
National Key Deer Refuge  
Trust for Public Land  
(102z)

WARRANTY DEED

THIS INDENTURE, made this the 11<sup>th</sup> day of December 1986, between THE TRUST FOR PUBLIC LAND, a non-profit California corporation, whose principal address is 82 Second Street, San Francisco, California 94105, hereinafter referred to as GRANTOR, and the UNITED STATES OF AMERICA, whose address is Washington, D.C. 20240, hereinafter referred to as GRANTEE.

WITNESSETH, that the GRANTOR in consideration of the sum of TWO MILLION THREE HUNDRED SIXTY-FIVE THOUSAND AND NO/100 DOLLARS (\$2,365,000.00) to it in hand paid by the GRANTEE, the receipt and sufficiency of which is hereby acknowledged, by these presents does grant, bargain, sell and convey, unto the United States of America and its assigns forever, in fee simple, a tract of land situate lying and being in the County of Monroe, State of Florida, described as follows:

The Lot numbered 1 of Section 6 in Township 67 South of Range 30 East of Tallahassee Meridian in Florida, according to the Official Plat of the survey of said lands, returned to the General Land Office by the Surveyor General, less and except land conveyed to the State Road Department by Deed recorded in OR Book 173, page 143, of the Public Records of Monroe County, Florida, and to County of Monroe, recorded in Book 174, at page 69, of the Public Records of Monroe County, Florida.

All the described land is being acquired for administration by the Secretary of the Interior through the United States Fish and Wildlife Service as a national wildlife refuge.

Together with all and singular, the tenements, appurtenances, and hereditaments thereunto belonging or in anywise appertaining to the proper use and benefit of the said GRANTEE and its assigns, forever, in fee simple, free and clear from all liens and encumbrances; and, the GRANTOR releases and quitclaims unto the GRANTEE and its assigns, all the right, title and interest, legal and equitable, which the GRANTOR may have in the banks, beds, and water of any streams opposite to or fronting upon said land including all littoral and/or riparian rights incident thereto and in alleys, roads, streets, ways, strips, canals, gores, or railroad right-of-way abutting or adjoining said lands and in any means of ingress and egress appurtenant thereto, and to any portions of the above described property lying below the Mean High Water Line of the Gulf of Mexico and adjacent waters.

This instrument was prepared by  
N. Flaaten  
U.S. Fish and Wildlife Service  
75 Spring Street, SW  
Atlanta, Georgia 30303

DE Paid 11,825.00 Date 12-10-86  
MONROE COUNTY  
DANNY L. KOLNAGE, CLERK, CIV. CT.  
*[Signature]*

465661

REC 0995 PAGE 2 1 2 9

SUBJECT, HOWEVER, to the following:

(1) Existing easements for canals, ditches, flumes, pipelines, railroads, public highways and roads, telephone, telegraph, power transmission lines and public utilities.

(2) Unrecorded lease dated April 30, 1986, between Kenneth W. Cleary, Trustee, and Big Pine Key Fishing Lodge, Inc., with expiration date of April 30, 1987.

TO HAVE AND TO HOLD the premises herein granted and conveyed unto the United States and its assigns forever.

AND SAID GRANTOR does hereby fully WARRANT the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the GRANTOR does cause this instrument to be executed on the date first written above. In the presence of:

THE TRUST FOR PUBLIC LAND  
 By: W. Dale Allen  
 Its: Attorney in Fact  
 Witness: Robert C. McClymonds  
 Witness: W. Dale Allen

ACKNOWLEDGEMENT

STATE OF FLORIDA )  
COUNTY OF Dade )

ON THIS 11<sup>th</sup> day of December, 1986, before me, a Notary Public, State of Florida, duly commissioned and sworn, personally appeared W. Dale Allen, known to me to be an Attorney-in-Fact for THE TRUST FOR PUBLIC LAND, a California non-profit corporation, described herein and that he/she is known to be the person who executed the within instrument on behalf of THE TRUST FOR PUBLIC LAND.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in Dade County, Florida, the day and year in this acknowledgment first written above.

Robert C. McClymonds (Seal)  
Notary Public

My Commission Expires: \_\_\_\_\_

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP. APR. 9, 1990  
BONDED THRU GENERAL INS. UND.

# Existing Conditions Report

## Monroe County Planning and Environmental Resources Department

Subject Property: Big Pine Key Fishing Lodge inc  
33000 Overseas Highway  
Big Pine Key, FL 33042  
RE# 00108630-000000

Property Owner: Big Pine Key Fishing Lodge inc  
33000 Overseas Highway  
Big Pine Key, FL 33042

Date of Report: July 9, 2020

Date of Site Visits: June 25, 2020

Prepared by:



Terramar Environmental Services, Inc.  
1241 Crane Boulevard  
Sugarloaf Key, Florida 33042  
(305) 393-4200 [terramar@bellsouth.net](mailto:terramar@bellsouth.net)

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## **Background**

The subject property is the Big Pine Key Fishing Lodge which is developed as an RV park with improved campsites, motel units, a ships store, recreational facilities and a marina. Based on information from the Monroe County Property Appraiser, the property is approximately 10.87 acres with RE# 00108630-000000.

Terramar Environmental Services (TES) conducted a habitat delineation in association with R.E. Reece Surveyors to develop an accurate survey of habitats present on the property. Terramar Environmental Services biologists delineated the uplands vs wetlands by flagging the limits of uplands where they abutted wetlands. Wetlands were delineated using State of Florida methodology (soils, vegetation, hydrology) in conjunction with the definitions for habitats established by the Monroe County Land Development Regulations, Section 101-1.

The purpose of this Existing Conditions Report is to document the current ecological conditions on the Big Pine Key Fishing Lodge property. Currently, no improvement to the property are proposed and this report is for documentation purposes only.

## **Site Conditions**

The property includes two polygons separated by US 1 (Figure 1). The main property that includes the RV park and marina is located south of US 1 and is the subject of this Existing Conditions Report (Figure 2). The northern polygon is located north of US 1 and is vacant land composed of salt marsh and mangrove wetlands (Figure 3). For the purpose of this Existing Conditions Report, the parcel under consideration is the main portion of the property located south of US 1 that includes the Big Pine Key Fishing Lodge.

The Big Pine Key Fishing Lodge property is developed with various improvements as described above. The property has been historically filled and improved and consists entirely of disturbed uplands (Figure 4). The disturbed uplands on the property are man-made uplands resulting from historic filling. These areas are fully developed as part of the facility. There are no native habitats on the property. The adjacent property to the south and west is owned by the United States Fish and Wildlife Service (USFWS) and is managed as part of the National Key Deer Refuge.

There are shorelines present in three configurations: canal shorelines, a wetland shoreline and an open water shoreline. The canal shorelines are improved with seawalls and dockage and are presently in use as part of the docking facilities for the RV park. The wetland shoreline occurs adjacent to an impounded salt marsh and mangrove wetland system located on USFWS property. The wetland shoreline is a filled / altered shoreline that supports scattered shoreline vegetation consisting mostly of green buttonwood and some black mangrove trees but is mostly barren as it

recovers from Hurricane Irma. The open water shoreline extending along Bogie Channel has also been altered by the legal placement of fill including sections stabilized and improved with riprap. The open water shoreline is essentially devoid of shoreline vegetation following devastation of the property by Hurricane Irma in 2017.

### **Site Plan**

Currently, the property is a functioning RV park with a docking facility for RV park users and there are no proposed changes to the facility.

### **Habitats**

As discussed above, this Existing Conditions Report is limited to the property that is developed as the Big Pine Key Fishing Lodge and does not include the un-developed area of wetlands located north of US 1. The Big Pine Key Fishing Lodge property includes only Disturbed Uplands that were created through historic dredge and fill activities associated with development of the facility. All habitats present are disturbed uplands and no intact, natural communities (e.g. hardwood hammock, Beach Berm) are present (Attachment 3 – Site Photos).

A comparison of the habitat map prepared by Terramar / Reece Surveyors and the Monroe County Land Use / Land Cover (LULC) maps indicated agreement in habitat extent. The Monroe County LULC maps indicate the presence of “Developed Land” over effectively the entire property, with the exception of a small area of “Beach Berm” located along the shoreline. The area identified as Beach Berm does not actually exist and is a section of riprap shoreline devoid of shoreline vegetation (Figure 1 – Monroe County LULC map). It is probably that this small area was mapped as beach berm based on the presence of limited shoreline vegetation prior to hurricane Irma, but current conditions indicate this area as a hardened riprap shoreline lacking any elements of a beach berm.

### **Wildlife Utilization / Animal Species List**

The Big Pine Key Fishing Lodge property is composed of disturbed uplands with scattered landscape trees including native and non-native species. There are no intact native habitats on the property. The shoreline is heavily altered and does not support shoreline vegetation. The entire property is disturbed by camping, RV use and other recreational activities. For these reasons, wildlife utilization of the property is limited to species tolerant of development and high-levels of

disturbance. The property has limited value as wildlife habitat including habitat for State or Federally listed species (except Key deer, see discussion below).

Key deer (Federal Endangered) are a regular presence at the Big Pine Key Fishing Lodge, and have become acclimated to human activity as they have throughout all of Big Pine Key. In addition to Key deer, some wading bird species that are acclimated to human activity may also use the property including the Great Egret, Great White Heron, Green-backed Heron and White Ibis. The scattered landscape trees and shrubs can provide seasonal habitat for a variety of neotropical migrant songbirds including warblers, vireos and other species. Resident songbirds that likely use landscape areas include the Grey Catbird, American Cardinal, Common Grackle, White-eye Vireo, and Palm Warblers.

No wildlife was observed on the property during several site visits conducted as part of this assessment, however these surveys were done in the middle of the day when wildlife is typically not active. A specific-purpose wildlife survey of the property would certainly document key deer use and possibly several avian species, however the ongoing use of the Big Pine Key Fishing Lodge as currently exists does not preclude continued use of the property by urban wildlife.

**Plant Species List**

A list of the native plant species observed on the property in general and specifically within the proposed development area are provided in Table 1. Invasive exotic plants listed as Category 1 & 2 by the Florida Exotic Pest Plant Council (FLEPPC) are present on the property, mainly along the shoreline of the property (Table 2).

Table 1. Native plant species observed on the property.		
Latin Name	Trade Name	Status
<i>Swietenia mahagoni</i>	Mahogany	Native / Listed Endangered
<i>Ficus citrifolia</i>	Ficus	Native
<i>Piscidia piscipula</i>	Jamaica dogwood	Native
<i>Bursera simaruba</i>	Gumbo limbo	Native
<i>Conocarpus erectus</i>	Buttonwood	Native
<i>Avicennia germinans</i>	Black Mangrove	Native

Table 2. Plants listed as Category 1 and 2 by the Florida Exotic Pest Plant Council (FLEPPC) located on the property.		
Exotic Plants	Trade Name	FLEPPC Status
<i>Schinus terebinthifolius</i>	Brazilian pepper	Category 1
<i>Thespesia populnea</i>	Seaside mahoe	Category 1
<i>Casuarina spp.</i>	Australian pine	Category 1
<i>Cupaniopsis anacardioides</i>	Carrotwood	Category 1

### **Vegetation Impacts**

Monroe County requires that the removal of any listed threatened, endangered, commercially exploited, and regionally important native plant species and all native trees with a diameter at breast height (DBH) of greater than four inches shall require payment to the county environmental land management and restoration fund in an amount sufficient to replace each removed plant or tree on a 2:1 basis.

The purpose of this Existing Conditions Report is to document the current ecological conditions on the Big Pine Key Fishing Lodge property. No improvements that would impact protected vegetation are proposed. No impacts to protected vegetation are proposed.

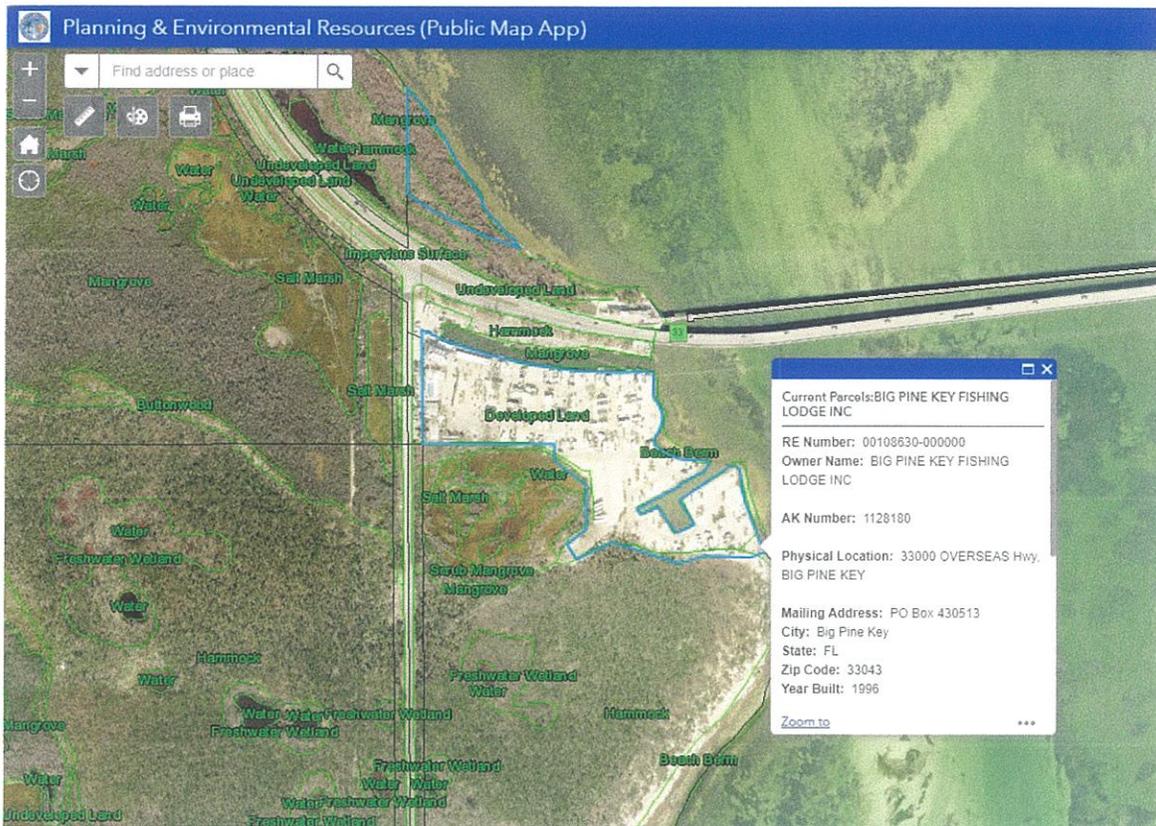


Figure 1. Location of the Big Pine Key Fishing Lodge property showing the main RV park and docking facility south of US 1 and the northern wetland area north of US 1.

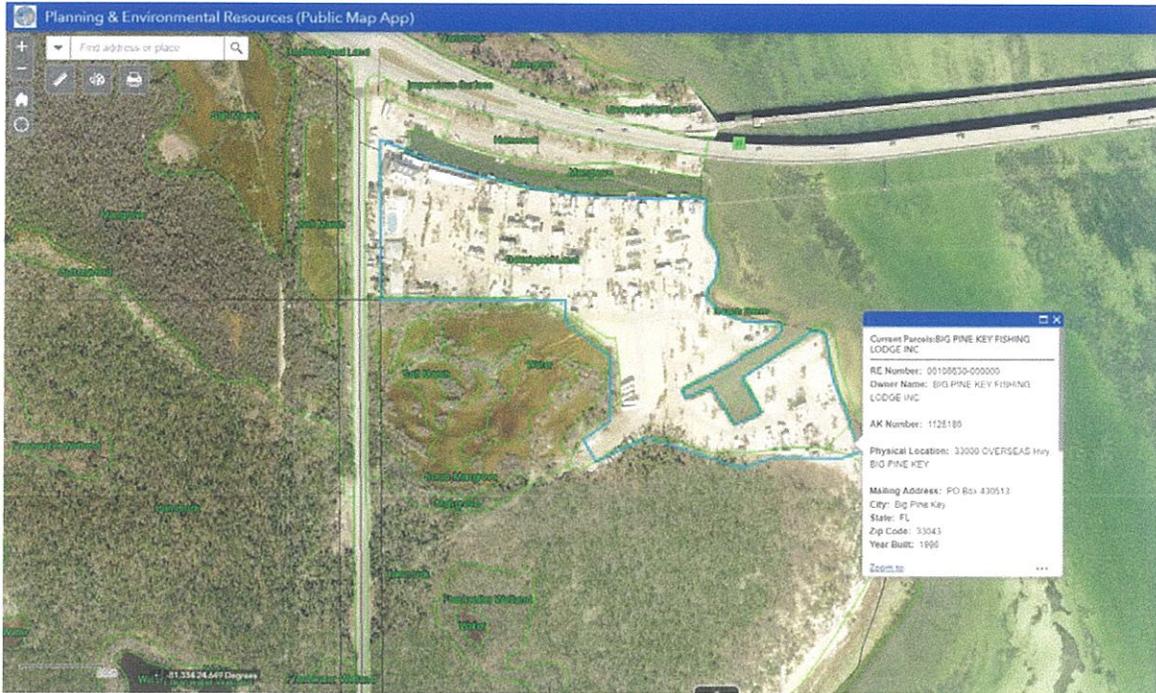


Figure 2. Location of the Big Pine Key Fishing Lodge property showing the main RV park and docking facility south of US 1. This area is the subject of the Existing Conditions Report.



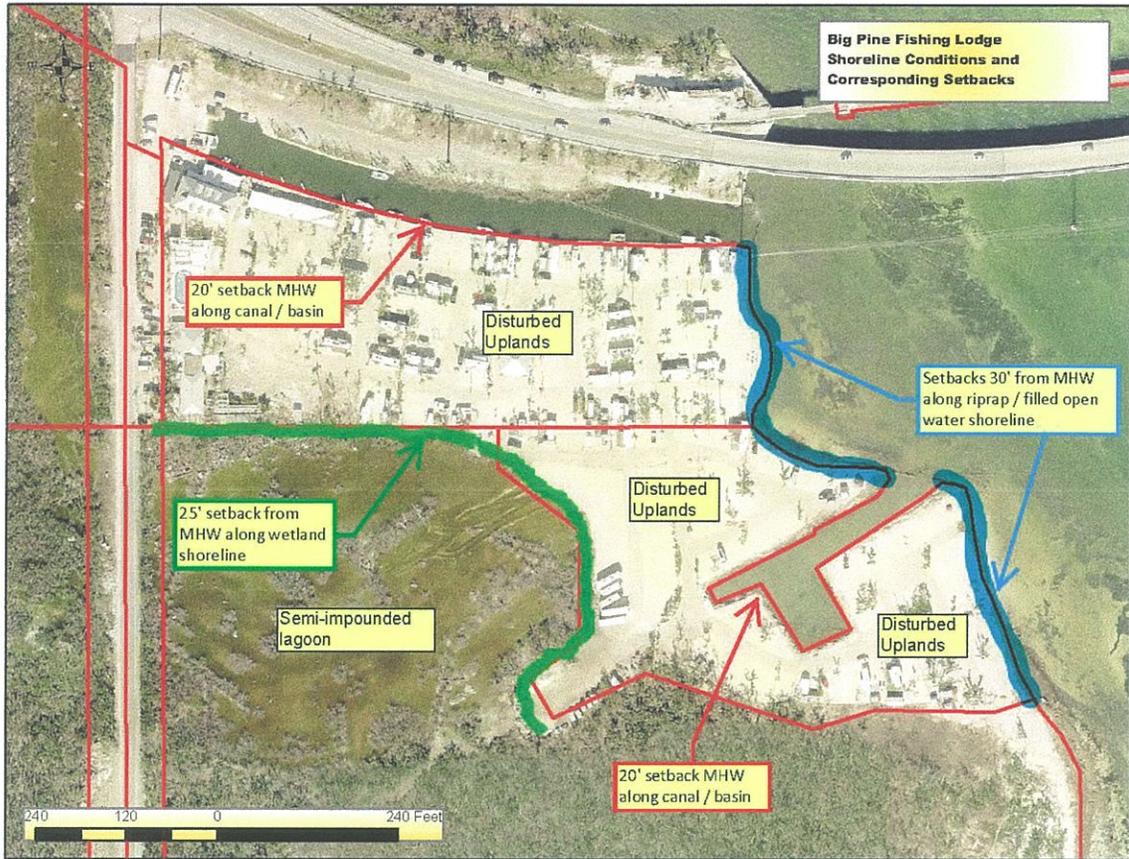


Figure 4. Habitat and shoreline conditions on the Big Pine Key Fishing Lodge property.

Attachment 3 – Current Site Photos



Photo station map for reference photos on Big Pine Key Fishing Lodge property. All photos were taken on June 25, 2020.



Photo 1. Shoreline of semi-impounded wetland showing hurricane damaged vegetation and abrupt transition from filled uplands top the shoreline. Flagging indicated wetland line.



Photo 2. Shoreline of semi-impounded wetland showing hurricane damaged vegetation and abrupt transition from filled uplands top the shoreline. Flagging indicated wetland line.



Photo 3. Shoreline of semi-impounded wetland showing hurricane damaged vegetation and abrupt transition from filled uplands top the shoreline. Flagging indicated wetland line.



Photo 4. Disturbed upland area with trailer storage.



Photo 5. Typical upland area in campground. The upland habitat to the right of the boulders is USFWS property.



Photo 6. Filled shoreline along Bogie Channel showing severe hurricane damage and limited shoreline vegetation.



Photo 7. Southern boat basin with improved dockage.



Photo 8. Filled / riprap shoreline along Bogie Channel showing severe hurricane damage and limited shoreline vegetation. Note dead mangroves from Hurricane Irma still present.

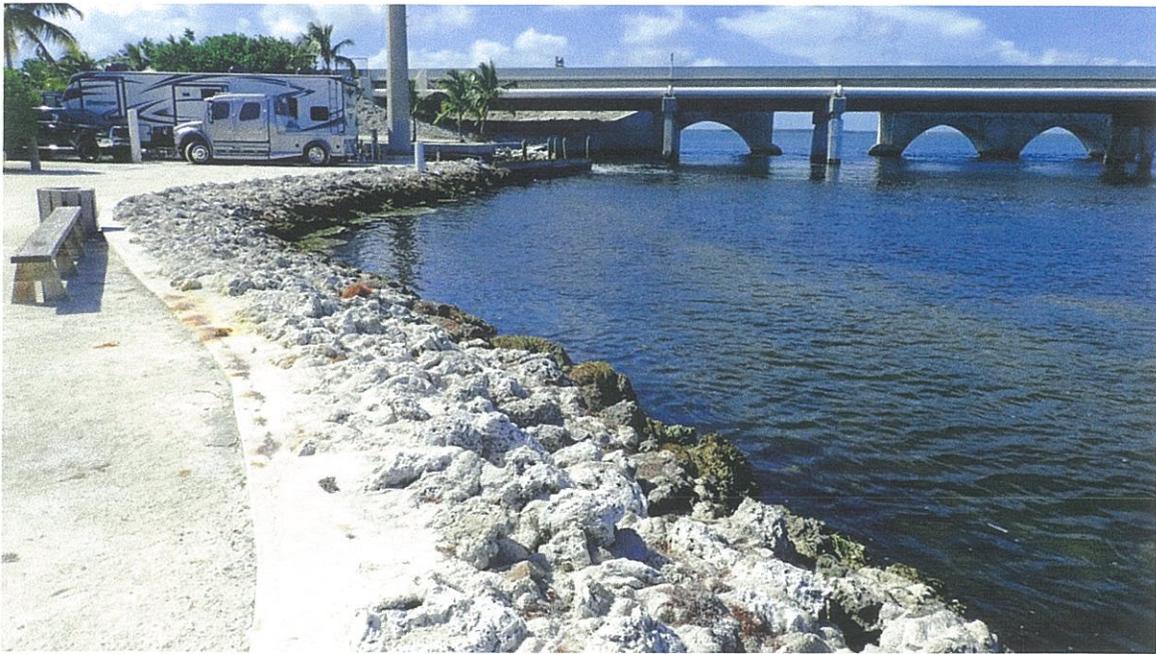


Photo 9. Filled / riprap shoreline along Bogie Channel showing limited shoreline vegetation.



Photo 10. North marina with improved dockage and no shoreline vegetation.



Photo 11. Main RV park with scattered native vegetation present. The trees in this photo are large mahogany that survived Hurricane Irma.



Photo 12. Main reception building and ships store adjacent to Long Beach Road.





FDO

GIS Layers

- Planning\_Environmental\_Public ...
- US1 Mile Markers ...
- Streets ...
- Parcel ID Text ...
- Current Parcels ...
- FEMA Flood Zones ...
- Land Cover - Habitat 2009 (Original) ...
- Tier Overlay District ...
- LUD - Zoning ...
- FLUM ...

Find address or place



400ft

-81.336, 24.652 Degrees

FDO

GIS Layers

- Planning\_Environmental\_Public
- UST Mile Markers
- Streets
- Parcel ID Text
- Current Parcels
- FEMA Flood Zones
- Land Cover - Habitat 2009 (Original)
- Tier Overlay District
- LUD - Zoning
- FLUM



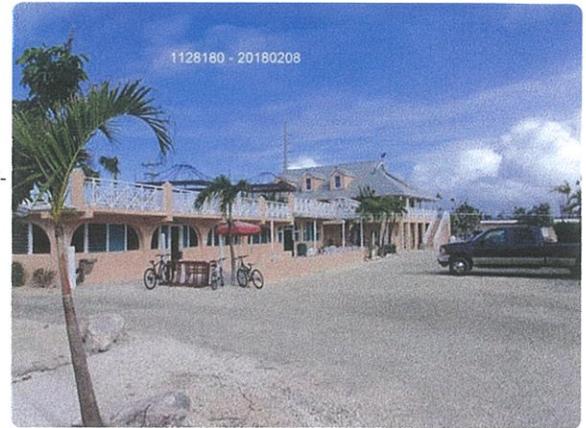
**Disclaimer**

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.

By continuing into this site you assert that you have read and agree to the above statement.

**Summary**

Parcel ID 00108630-000000  
 Account# 1128180  
 Property ID 1128180  
 Millage Group 100H  
 Location 33000 OVERSEAS Hwy, BIG PINE KEY  
 Address  
 Legal 31 66 30 BIG PINE KEY LOT 1 (5.52AC) AND 6 67 30 BIG PINE KEY PT GOV LOT 1  
 Description D3-504 G17-421/23 OR144-284 OR394-972 OR455-696E OR521-1020/22 OR574-514 CTY JUD DOC 75-146 OR891-34 OR949-2025 OR964-2428/2436LEASE OR995-2123C OR995-2124 OR995-2126/27 OR995-2128/29 OR2395-1663/68  
 (Note: Not to be used on legal documents.)  
 Neighborhood 10050  
 Property TRAILER/RV PARKS (2801)  
 Class  
 Subdivision  
 Sec/Twp/Rng 31/66/30  
 Affordable No  
 Housing



**Owner**

[BIG PINE KEY FISHING LODGE INC](#)  
 PO Box 430513  
 Big Pine Key FL 33043

**Valuation**

	2019	2018	2017	2016
+ Market Improvement Value	\$2,191,102	\$0	\$0	\$0
+ Market Misc Value	\$438,221	\$0	\$0	\$0
+ Market Land Value	\$6,135,088	\$5,243,402	\$6,075,937	\$6,075,937
= Just Market Value	\$8,764,411	\$5,243,402	\$6,075,937	\$6,075,937
= Total Assessed Value	\$7,838,991	\$5,243,402	\$5,135,332	\$4,668,484
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$8,764,411	\$5,243,402	\$6,075,937	\$6,075,937

**Land**

Land Use	Number of Units	Unit Type	Frontage	Depth
ENVIRONMENTALLY SENS (000X)	1.17	Acreage	0	0
(2801)	422,081.00	Square Foot	0	0

**Yard Items**

Description	Year Built	Roll Year	Quantity	Units	Grade
CUSTOM POOL	1969	1970	1	338 SF	4
CONCRETE DOCK	1979	1980	1	280 SF	3
WOOD DOCKS	1988	1989	1	168 SF	3
UTILITY BLDG	1989	1990	1	150 SF	3
UTILITY BLDG	1989	1990	1	190 SF	2
UTILITY BLDG	1989	1990	1	42 SF	2
UTILITY BLDG	1989	1990	1	60 SF	3

CONC PATIO	1989	1990	1	600 SF	2
UTILITY BLDG	1989	1990	1	96 SF	3
ASPHALT PAVING	1991	1992	1	276 SF	1
TIKI	1994	1995	1	208 SF	4
TIKI	1994	1995	1	64 SF	4
TIKI	1995	1996	1	112 SF	1
UTILITY BLDG	1995	1996	1	120 SF	2
FENCES	1995	1996	1	220 SF	2
UTILITY BLDG	1995	1996	1	240 SF	2
FENCES	1995	1996	1	264 SF	2
SEAWALL	1995	1996	1	316 SF	4
FENCES	1996	1997	1	108 SF	3
BRICK PATIO	1996	1997	1	1128 SF	1
CONC PATIO	1996	1997	1	1185 SF	2
COM CANOPY	1996	1997	1	240 SF	5
CONC PATIO	1996	1997	1	690 SF	2
SEAWALL	1980	1981	1	5205 SF	4
WALL AIR COND	2001	2002	1	2 UT	2
WOOD DOCKS	1958	1959	1	1432 SF	3
SEAWALL	1988	1989	1	657 SF	1
CONCRETE DOCK	1980	1981	1	5205 SF	3
COMM POOL	1991	1992	1	777 SF	1
BOAT RAMP	1992	1993	1	748 SF	3
FENCES	1993	1994	1	750 SF	2

**Permits**

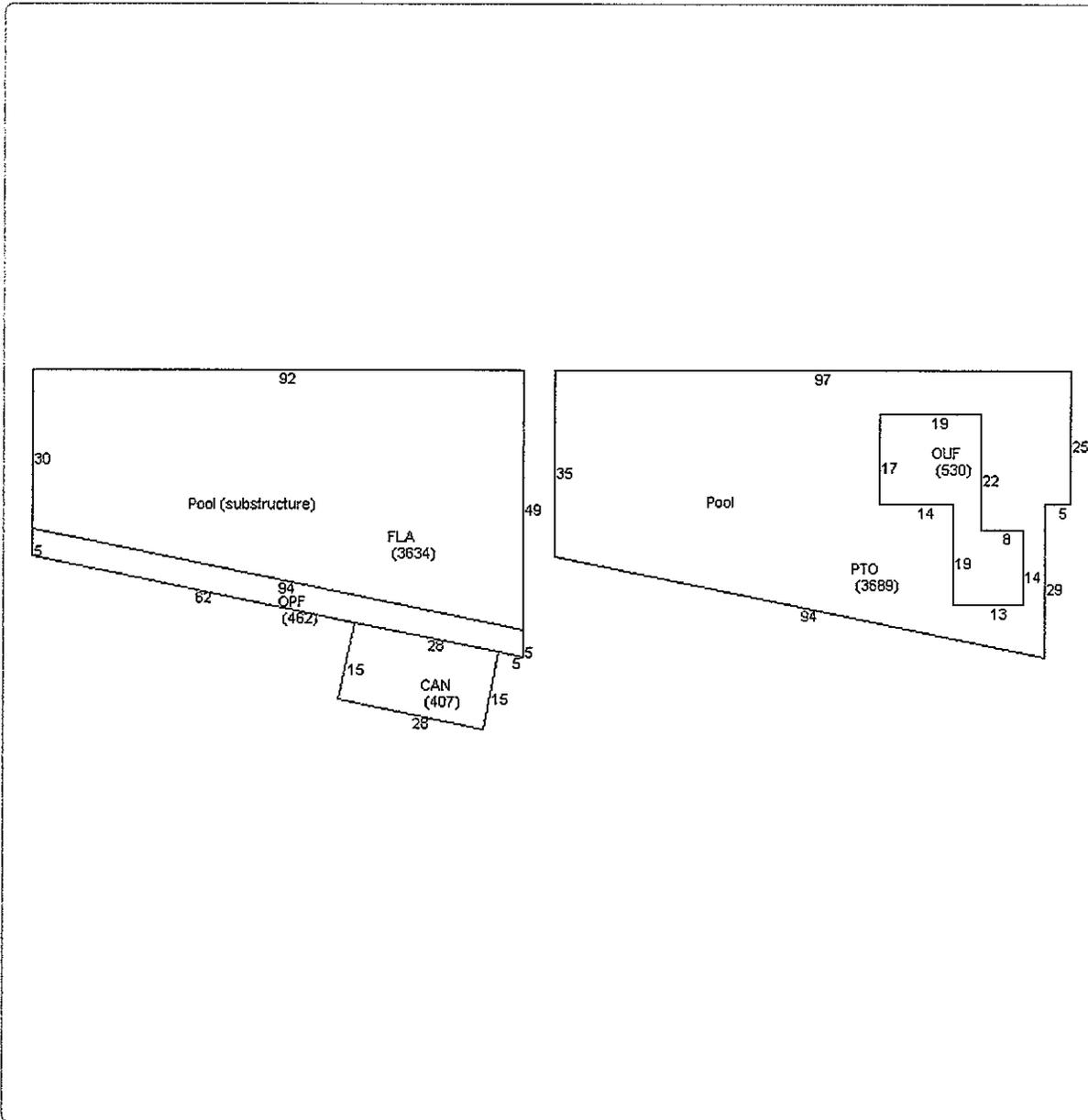
Number	Date Issued	Date Completed	Amount	Permit Type	Notes
18104050	9/5/2019		\$389,000	Commercial	REPAIR SEAWALL / DOCK 6,400 SF & 285 CY OF FILL
18105080	10/24/2018		\$250,000	Commercial	INTERIOR & EXTERIOR REMODEL / REPAIR: 1ST FLOOR OF COMMERCIAL BLDG - INCLUDES ELEC & PLUMBING
18103171	5/31/2018	6/29/2018	\$41,650	Commercial	DEMO OF WWTP & ABANDONMENT OF 2 FDEP INJECTION WELLS
18101147	3/29/2018	10/3/2018	\$12,000	Commercial	SEWER CONNECTION WITH GRINDER PUMP
17107556	1/12/2018	1/24/2018	\$3,924	Commercial	NEW 30 FT WOODEN POLE, 200 AMP METER COMBO WITH RISER & WIRE (HURR. IRMA)
17106446	11/17/2017	7/31/2018	\$12,500	Commercial	DEMOLITION OF COMMERCIAL PROPERTY - 1 STORY RESIDENCE, 1 SIX UNIT MOTEL BLDG & 5 MOBILE HOMES
17101038	5/2/2017		\$6,500	Commercial	PAVING/DRIVEWAY/SIDEWALK
15105672	11/4/2015	1/6/2016	\$958	Commercial	REPLACE METER AND RISER 100 AMP
15104933	10/1/2015	10/1/2015	\$5,000	Commercial	ELECTRIC
15100059	1/16/2015	1/21/2015	\$2,403	Commercial	BUILD A 8 FT X 3 FT X 10 FT PAD, INSTALL IN GROUND GAS TANK (200 GAL) AND RUN UNDERGROUND LINE TO 1 POST WITH SHUTOFFS AND RUN LINE TO FIRE PIT
14103843	9/3/2014	11/4/2014	\$2,450	Commercial	UPGRADE EXISTING 200 AMP ELECTRICAL SERVICE TO 400 AMP SERVICE
12105030	12/6/2012	1/15/2013	\$1,500	Commercial	PRESSURE CLEAN AND PAINT METAL ROOF
11104777	10/14/2011		\$12,000	Commercial	RESURFACE AND NEW POOL FILTER AND ADDITIONAL ELECTRICAL WORK
11104632	10/13/2011	12/8/2011	\$15,000		MAINTENANCE DREDGE
10104833	9/7/2010	12/21/2010	\$0	Commercial	SALLING REPAIR - APPROX 60 FT OF POOL DECK EDGE, 3 CANTALIVERS, AND RESURFACE POOL DECK
10101649	4/13/2010	4/26/2010	\$26,000		RIP RAP REVETMENT REPAIR
44-0102550-002	10/30/2009		\$0		D.E.P. - RIP RAP
08103953	11/4/2008		\$9,500	Commercial	ROOF/DECK AND RAILING
08103953	11/4/2008	4/15/2009	\$9,500	Commercial	DECK/ROOF/RAILINGS
7103143	10/10/2007	1/1/2008	\$94,000	Commercial	GAS TANKS
01/4528	12/28/2001	12/28/2002	\$4,800	Commercial	RE-ROOF
99-0538	3/10/1999	12/30/1999	\$5,300	Commercial	COMM.MISCELLANEOUS
95-9632	8/1/1995	8/1/1996	\$464,000	Commercial	ADD-COMM.
95-0551	5/1/1995	6/1/1995	\$19,000	Commercial	ROOFING
94-1091	1/1/1995	6/1/1995	\$6,000	Commercial	GARAGE/CARPORT
92-5373	1/1/1993	8/1/1993	\$84,000	Commercial	COMMERCIAL REMODEL
92-5497	1/1/1993	8/1/1993	\$1,500	Commercial	COMMERCIAL MISCELLANEOUS

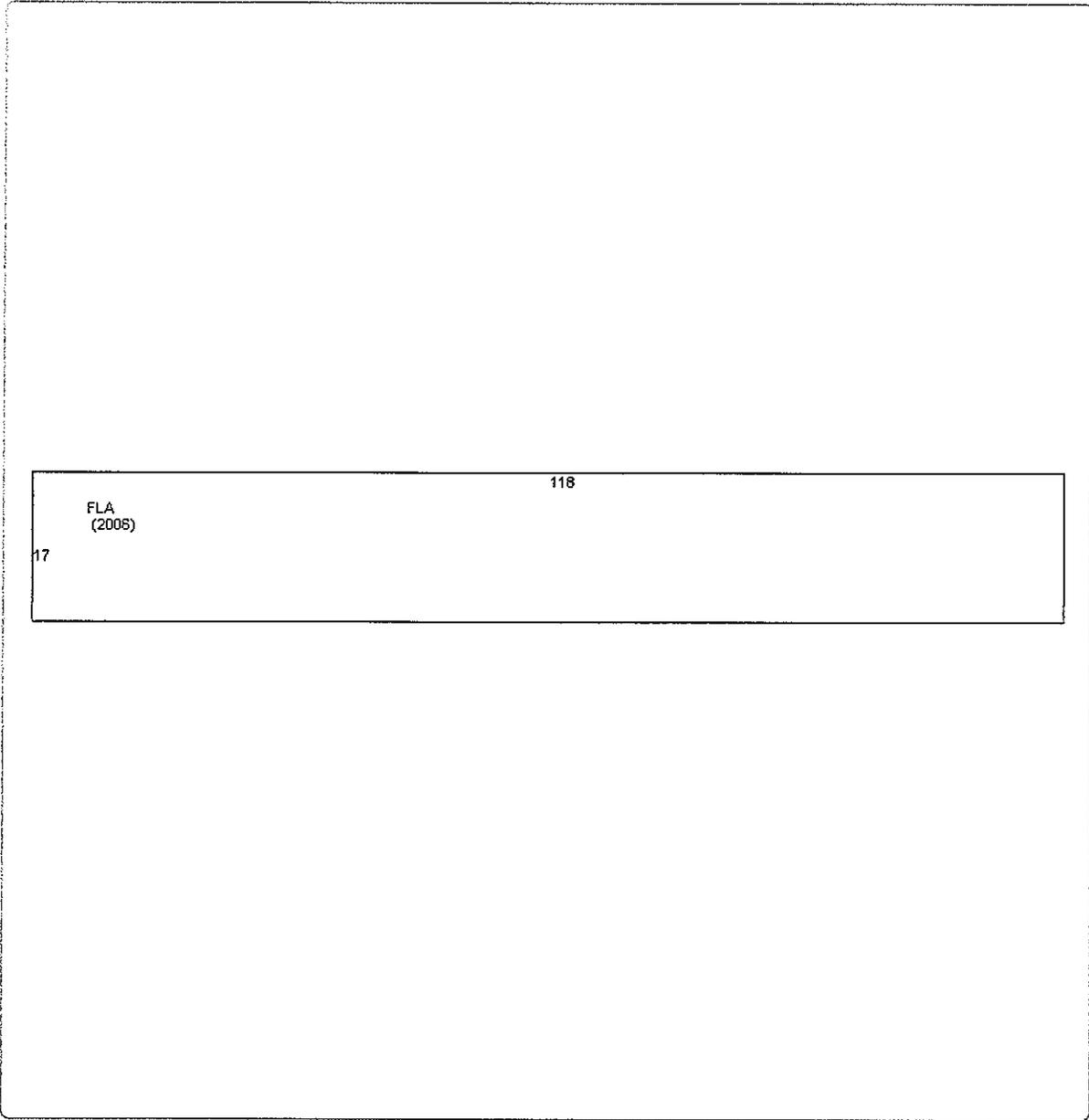
91-2896	7/1/1991	12/1/1992	\$100,000	Commercial	POOL & SPA
89-2098	5/1/1990	7/1/1990	\$6,800	Commercial	COMMERCIAL REMOLDING
90-0380	5/1/1990	12/1/1990	\$16,940	Commercial	DOCKS
89-2097	3/1/1990	12/1/1990	\$2,000	Commercial	DEMO.& MOVING BUILDING
89-2096	10/1/1989	11/1/1989	\$125,000	Commercial	COMMERCIAL MISCELLANEOUS
88-2481	12/1/1988	11/1/1989	\$9,240	Commercial	FINGER PIERS
88-1908	10/1/1988	11/1/1989	\$4,800	Commercial	SEAWALL
A-8747	10/1/1981	12/1/1982	\$2,000	Commercial	UPGRADE ELECTRIC

**View Tax Info**

[View Taxes for this Parcel](#)

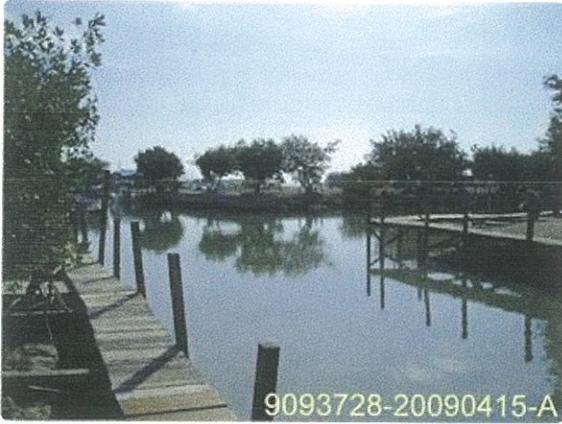
**Sketches (click to enlarge)**





FLA (2006)	118
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17



Map



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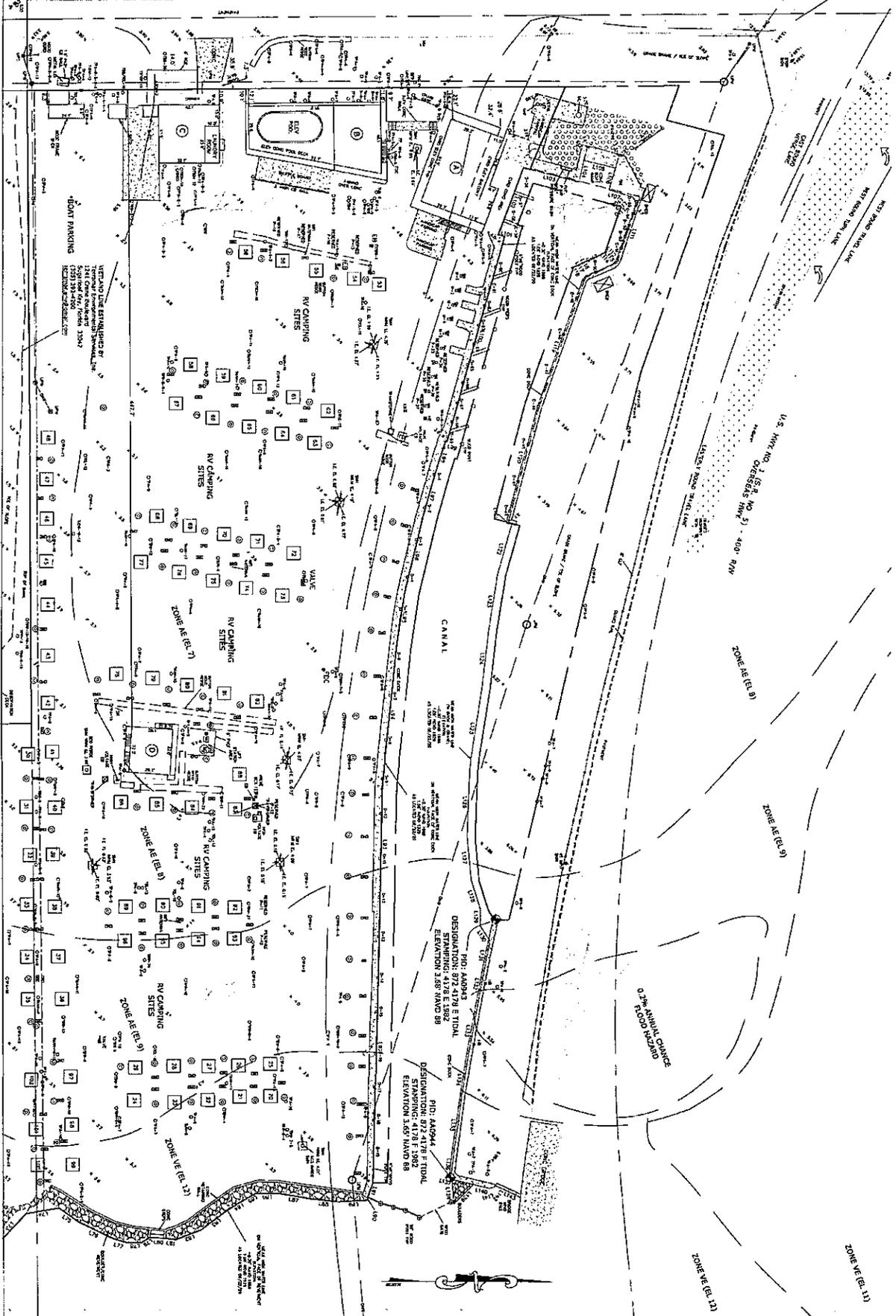
[Version 2.3.71](#)

ParcelId	OwnerName	OwnerAddress1	OwnerAddress2	OwnerAddress3	OwnerCity&Zip
00112210-000000	US FISH AND WILDLIFE SERVICE DEPT OF REALTY	1875 Century Blvd NE			Atlanta, GA 30345
00108630-000000	BIG PINE KEY FISHING LODGE INC	PO Box 430513			Big Pine Key, FL 33043
00108621-000000	BOT TIF	C/O DEP, DIVISION OF STATE LANDS	3900 Commonwealth Blvd Mail Station 108		Tallahassee, FL 32399
00112220-000000	DOT/ST.OF FL	3900 The Capitol			Tallahassee, FL 32399
00108620-000000	DOT/ST.OF FL	3900 The Capitol			Tallahassee, FL 32399
00112200-000000	DOT/ST.OF FL	3900 The Capitol			Tallahassee, FL 32399
00112240-000000	DOT/ST.OF FL	3900 The Capitol			Tallahassee, FL 32399
00112190-000100	DOT/ST.OF FL	1317 NE 4TH STREET			FT LAUDERDALE, FL 33304
00112190-000000	US FISH AND WILDLIFE SERVICE DEPT OF REALTY	1875 Century Blvd NE			Atlanta, GA 30345
00112230-000000	USA DEPARTMENT OF FISH AND WILDLIFE	1875 Century Blvd NE			Atlanta, GA 30345





LONG BEACH DRIVE - 100' R/W  
 ALKA S.E. POINT RD. (P007)



**RECEIVED**  
 JUL 14 1981  
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 THE CITY OF LONG BEACH



**BECK & ASSOCIATES**  
 ENGINEERS AND ARCHITECTS  
 1000 WEST 10TH STREET, SUITE 200  
 LONG BEACH, CALIFORNIA 90802  
 TEL: (562) 433-1111

NO.	DATE	REVISIONS:
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