

## **PROJECT DESCRIPTION**

1. Location: 26° 45' 58.69" North Latitude; 80° 03' 5.06" West Longitude  
Aquatic Preserve: No  
Waterbody Name and Classification: Lake Worth Lagoon, Class III Waters, Not Approved Shellfish Harvesting Area  
Designated Manatee County: Yes  
Manatee Aggregation Area: Yes  
Manatee Protection Speed Zone: No
2. Preempted area (square feet): 205,664 existing, 174,763 additional proposed; 380,427 total  
Structure dimensions: N/A  
Number of Berths: 17 existing, 0 additional proposed; 17 total  
Vessels: Industrial Cargo and Cruise Line Vessels
3. Liveaboards: Prohibited in the existing lease.
4. Sewage pump out facilities: Yes, authorized under the existing environmental resource permits, FDEP permits 502255809 and 501964059.
5. Fueling facility: Not authorized in DEP's environmental resource permit and will not be authorized in the lease modification.
6. Dredging: N/A

## **REQUIREMENTS/ASSESSMENTS/COMMENTS**

1. DEP environmental resource permit: No environmental resource permit is required since no structures are being constructed under this modification.
2. U.S. Army Corps of Engineers permit: A standard lease condition references the need to obtain approval, if required.
3. Fish and Wildlife Conservation Commission (FWC), Division of Habitat and Species Conservation, Imperiled Species Management Section, Manatees: FDEP received comments on December 22, 2020 for this project. The FWC has no objection to the modification of this permit provided the conditions listed in the preceding permits are applied to ensure all state requirements for protection of the Florida manatee are met in accordance with 379.2431(2) and 373.414(1)(a)2, Florida Statutes.
4. Department of State, Division of Historical Resources: FDEP received comments on April 8, 2021 for this project. DHR opinion stated the project is unlikely to affect historical properties but a condition should be included in the permit, if issued, to include inadvertent discoveries.
5. Riparian rights line setback: The proposed lease boundary complies with the required setbacks.

6. Noticing: In accordance with chapter 253.115(1) F.S., on December 28th, 2020, the lease modification request was noticed to property owners within a 500-foot radius of the project. No objections were received.

### **PUBLIC INTEREST STATEMENT**

The subject project is not located within an aquatic preserve and will not result in the sale of sovereignty submerged lands. Therefore, to receive approval, the proposal is not specifically required by rule or statute to demonstrate that it is “in the public interest,” only that it be “not contrary to the public interest,” pursuant to Rule 18-21.004(1) (a), F.A.C.

Based on the merits of the proposal, the applicant has given reasonable assurance that the proposal will maintain essentially existing conditions and will not significantly impact fish, wildlife and other natural resources, including public recreation and navigation.

Therefore, it is DEP’s opinion that the proposal is not “contrary to the public interest” and otherwise meets all applicable requirements for a proprietary authorization to use sovereignty submerged lands.

### **EXISTING FACILITIES**

- Term of lease: 25 years March 16, 2020 to March 16, 2045.
- Site inspections: The current lease (BOT No. 501964059) was inspected March 11, 2020, and again on November 17, 2020, and was determined to be out of compliance.
- Compliance history: Upon reviewing the lease modification application, it came to DEP’s attention that the Port expanded one berth which causes vessels moored in that area to extend outside of their lease boundary. On December 15, 2020, a Temporary Use Agreement (TUA) was executed to temporarily authorize the mooring until a lease modification is approved by the Board. The TUA expires on December 15, 2021.
- Designated as a Clean Marina / Clean Boatyard / Clean Marine Retailer in the Clean Marina Program: No.

### **SPECIAL LEASE CONDITION(S)**

1. The Lessee shall provide and make available to all vessels utilizing the docking facility operational and well-maintained sewage pumpout facilities acceptable to the State of Florida Department of Environmental Protection or State of Florida Department of Health, whichever agency has jurisdiction. [SC08; OGC modified 2/11/05, 4/21/08, 9/24/09, 8/24/11]
2. The Lessee shall inform all wet slip occupants in writing of the availability and requirement to use the sewage pumpout facilities provided. The Lessee shall also advise all wet slip occupants that no overboard discharges of trash, human or animal waste, including fish carcasses, shall occur at the leased premises at any time. Discharge from any holding tank or marine sanitation device, including those approved by the United States Coast Guard is strictly prohibited within the leased premises. [SC47; OGC approved 4/16/07, 4/21/08, 10/20/08]
3. The Lessee shall install and maintain, during the term of this lease and all subsequent

renewal terms, reflective markers and lighted aids to navigation at all distant corners of the facility. The lighted aides are required to be on at night and during limited visibility conditions. [SC27; OGC modified 2/11/05, 8/24/11]

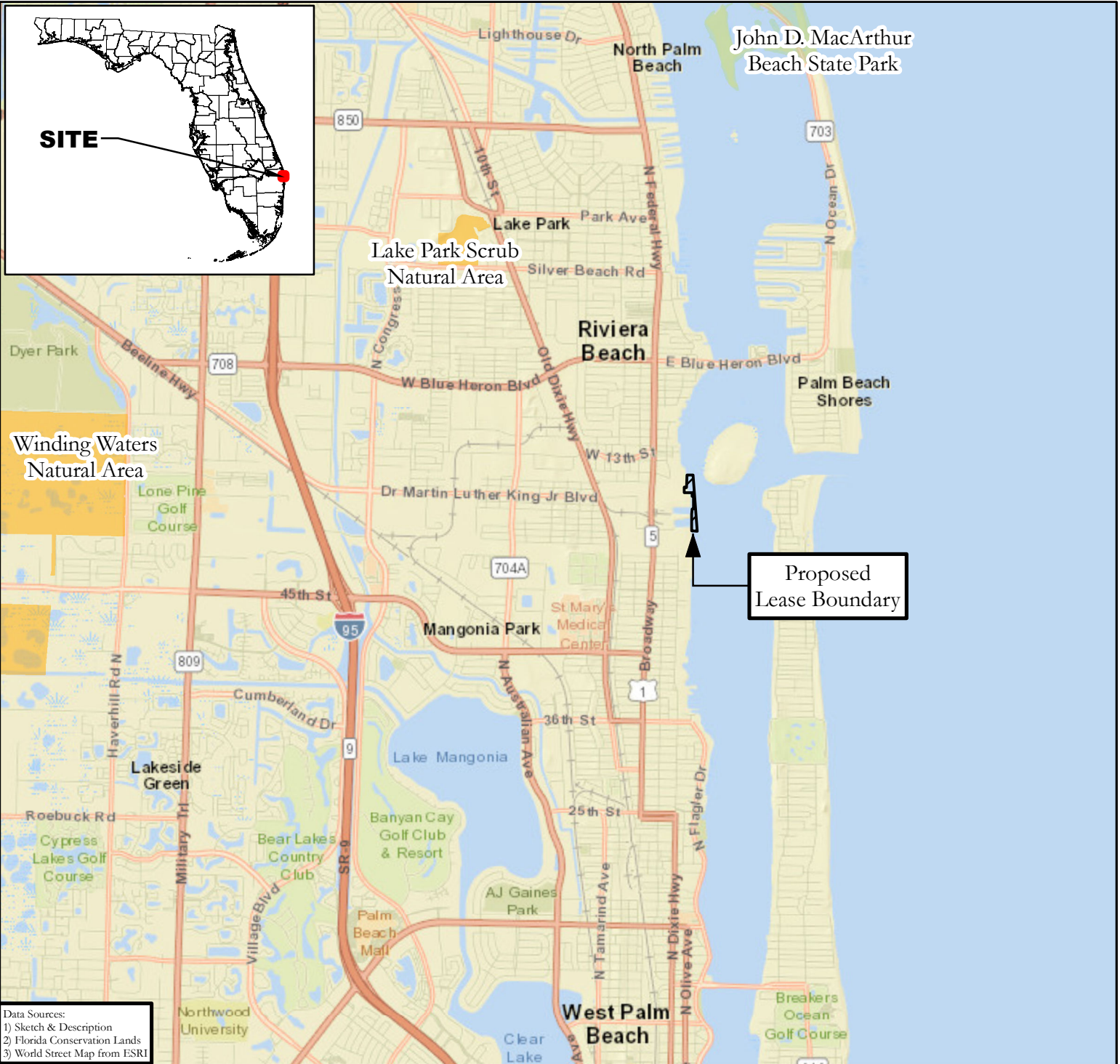
4. Vessels that either do not possess a current vessel registration and title as required by Chapters 327 and 328, Florida Statutes, or do not have a current vessel registration and title as required in another state or country are prohibited within the leased premises. [SC56 New 10/1/08]

5. All vessels that moor, dock, or otherwise use the leased premises shall be maintained in a fully operational condition. [SC57 New 10/1/08]




6. Any vessel moored at the docking facility, on either a temporary or permanent basis, shall be wholly located within the lease area and no portion of a vessel may extend beyond the leased premises. Vessel length shall be measured as overall length including all parts and accessories such as outboard motors, bow pulpits, and swim platforms. [SC55 4/21/08]

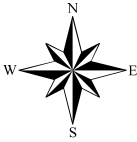
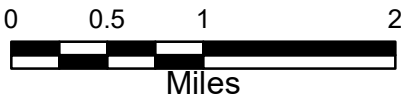
#### **FEE CALCULATION**

**CONSIDERATION DUE:** The lessee qualifies for a **waiver of lease fees** pursuant to section 253.77(4), F.S., and Rule 18-21.011(1)(b)7, F.A.C.



Data Sources:  
 1) Sketch & Description  
 2) Florida Conservation Lands  
 3) World Street Map from ESRI



-  Proposed Lease Boundary
-  State Managed Conservation Lands
-  City/County Managed Conservation Lands

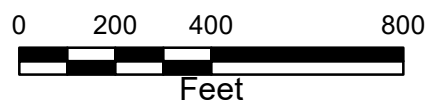


**Port of Palm Beach District**  
 Lease No. 501964059  
 Palm Beach County, Florida





 Proposed Lease Boundary  
 Existing Lease Boundary



**Port of Palm Beach District**  
 Lease No. 501964059  
 Palm Beach County, Florida



**ABBREVIATIONS:**

- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- P.B. - PLAT BOOK
- ORB - OFFICIAL RECORD BOOK
- D.B. - DEED BOOK
- PG. - PAGE
- R/W - RIGHT-OF-WAY
- U.E. - UTILITY EASEMENT
- D.E. - DRAINAGE EASEMENT
- (P) - PLAT DIMENSION
- (D) - DEED DIMENSION
- (M) - MEASURED DIMENSION
- ☉ - CENTERLINE
- PRM - PERMANENT REFERENCE MONUMENT
- BD - BRASS DISK
- PBC or PBCo - PALM BEACH COUNTY
- PBCBD - PALM BEACH COUNTY BRASS DISK IN CONCRETE
- NGS - NATIONAL GEODETIC SURVEY
- USGS - UNITED STATES GEOLOGICAL SURVEY
- PPB - PORT OF PALM BEACH
- FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION
- NAD - NORTH AMERICAN DATUM
- LB - LICENSED BUSINESS
- ICWW - INTRACOASTAL WATERWAY
- CCR - CERTIFIED CORNER RECORD
- TYP. - TYPICAL
- S/W - CONCRETE SEAWALL
- T/S - TOP OF SEAWALL

**SYMBOL LEGEND:**

☒ - FOUND PRM "LS2086"

CCR #54045  
N884345.61  
E963154.99

FOUND PBCBD  
SOUTH 1/4 CORNER

FOUND PBCBD  
NORTH 1/4 CORNER  
N889725.89  
E963354.37  
CCR #53496

5384.05'(M)  
N02°07'20"E (CCR) 5383.98'  
N-S 1/4 SECTION LINE OF SECTION 33/42/43



NOT TO SCALE

N885133.14  
E965947.92

**P.O.B.**  
S.E. CORNER OF  
P.B. 33 PG. 181

33.10'(P)

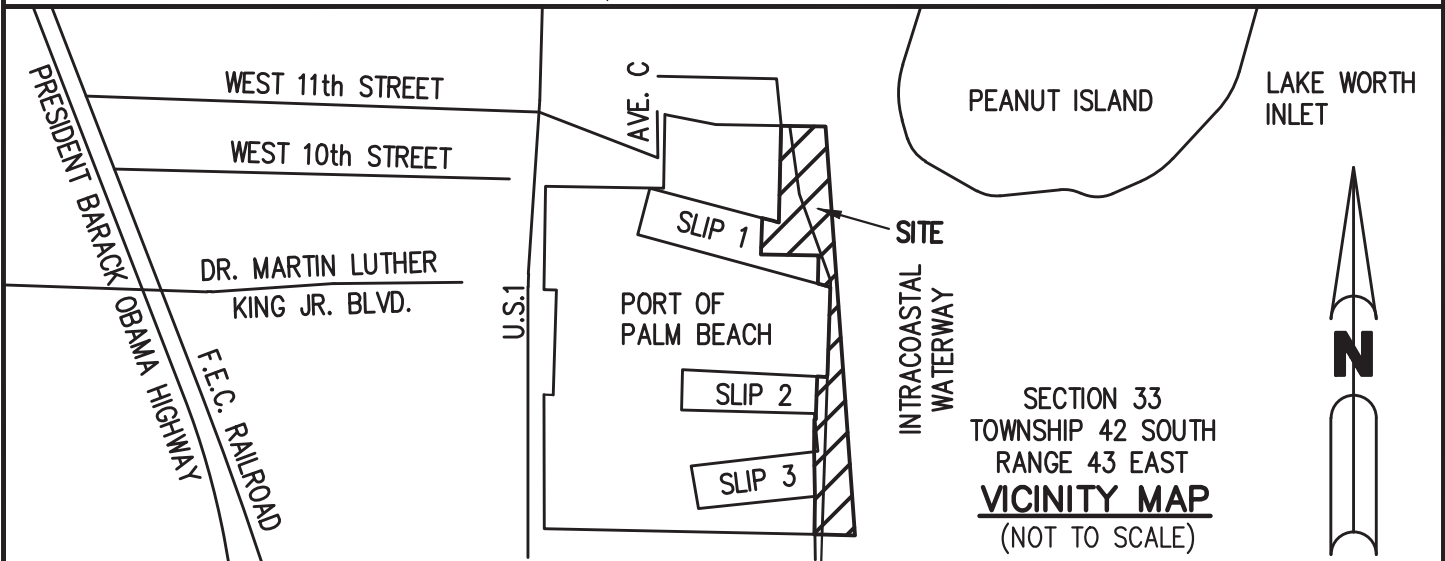
SOUTH BOUNDARY P.B. 33 PG. 181

EAST BOUNDARY P.B. 33 PG. 181

N74°03'39"E 2870.19'

N885133.81  
E965914.83

**SECTION LINE TIE-IN DETAIL**



**B BROWN & PHILLIPS, INC.**  
**PROFESSIONAL SURVEYING SERVICES**  
 CERTIFICATE OF AUTHORIZATION # LB 6473  
 1860 OLD OKEECHOBEE ROAD., SUITE 509,  
 WEST PALM BEACH, FLORIDA 33409  
 TELEPHONE (561)-615-3988, 615-3991 FAX

<b>PORT OF PALM BEACH SUBMERGED LANDS LEASE</b>	
PROJ. No. 19-138	DRAWN: MB
SKETCH OF SPECIFIC PURPOSE SURVEY	SCALE: 1"=100'
	DATE: 12/3/20
	SHEET 3 OF 9

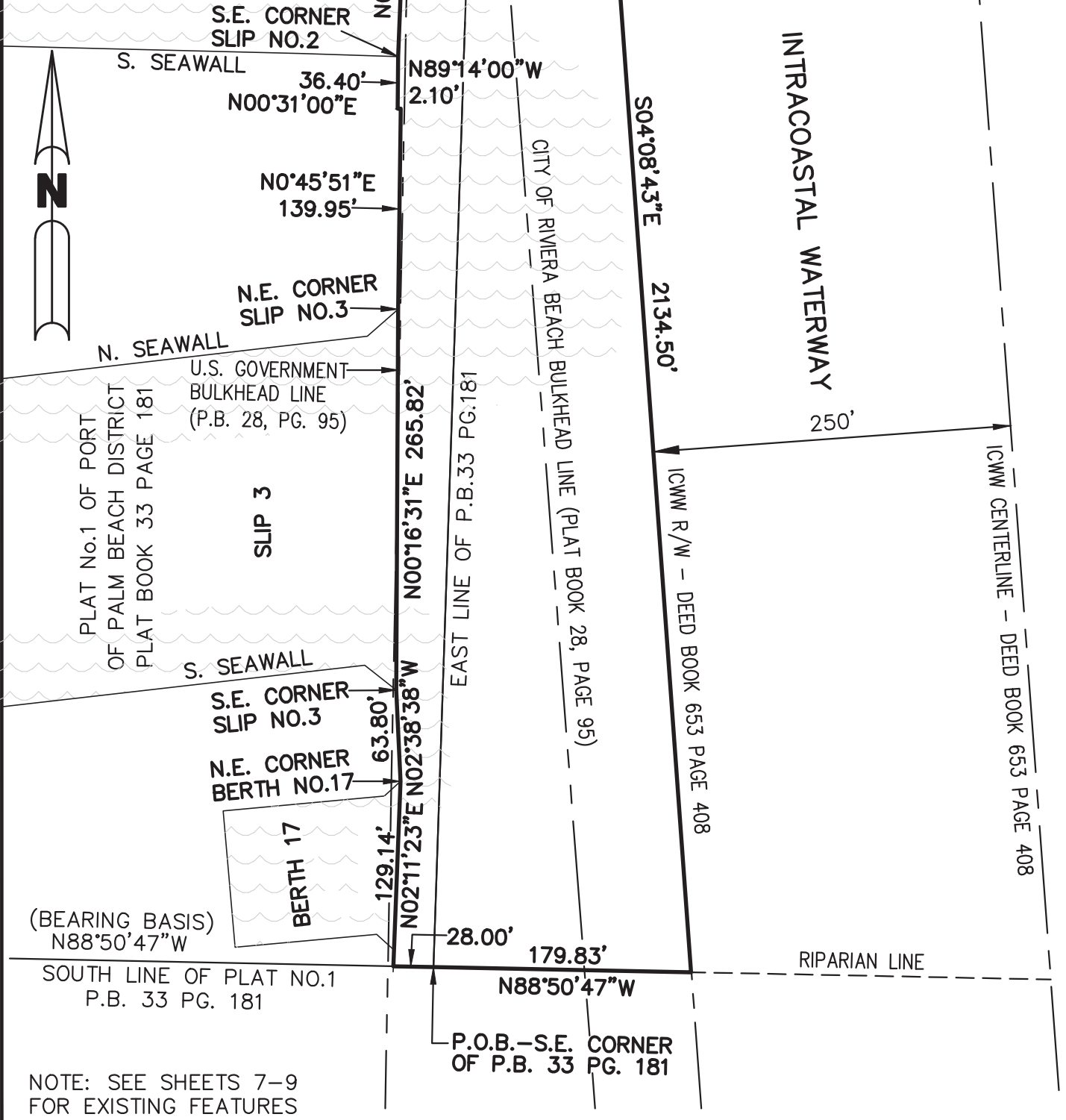
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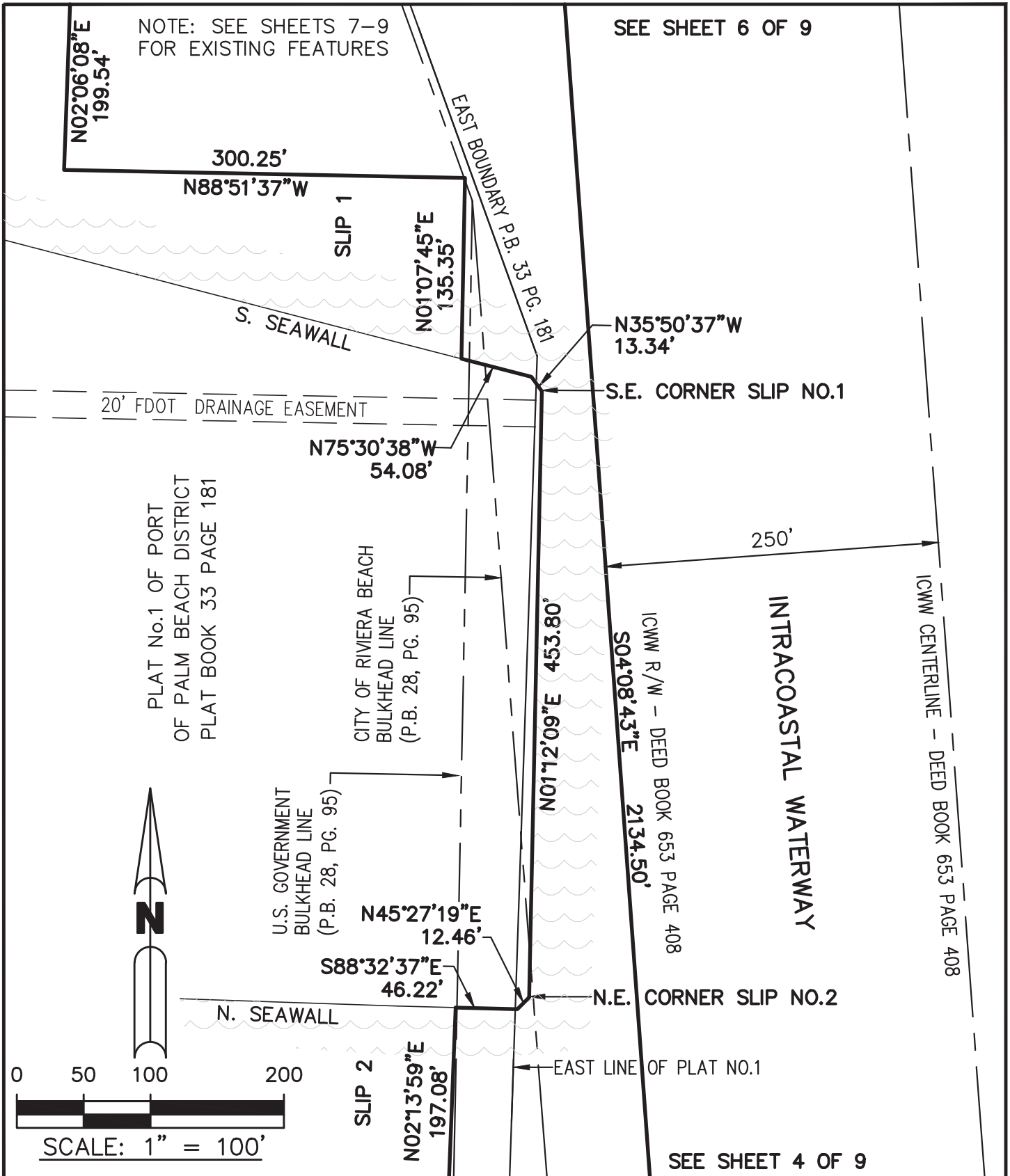
SEE SHEET 5 OF 9



NOTE: SEE SHEETS 7-9 FOR EXISTING FEATURES

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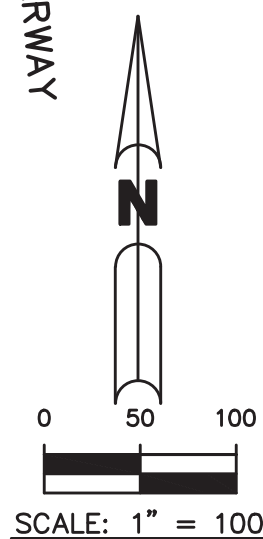
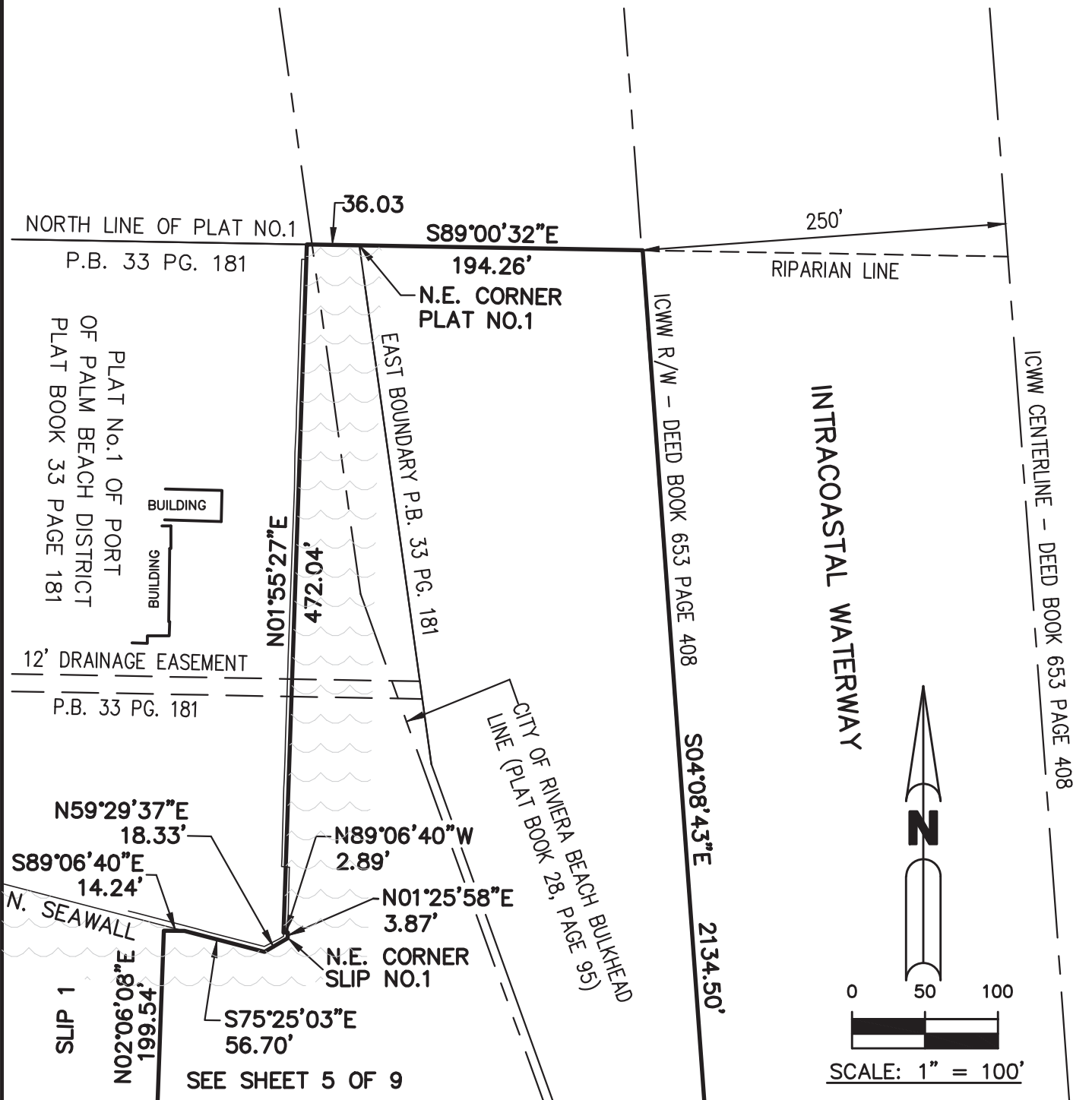
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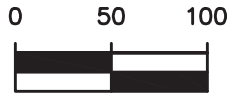


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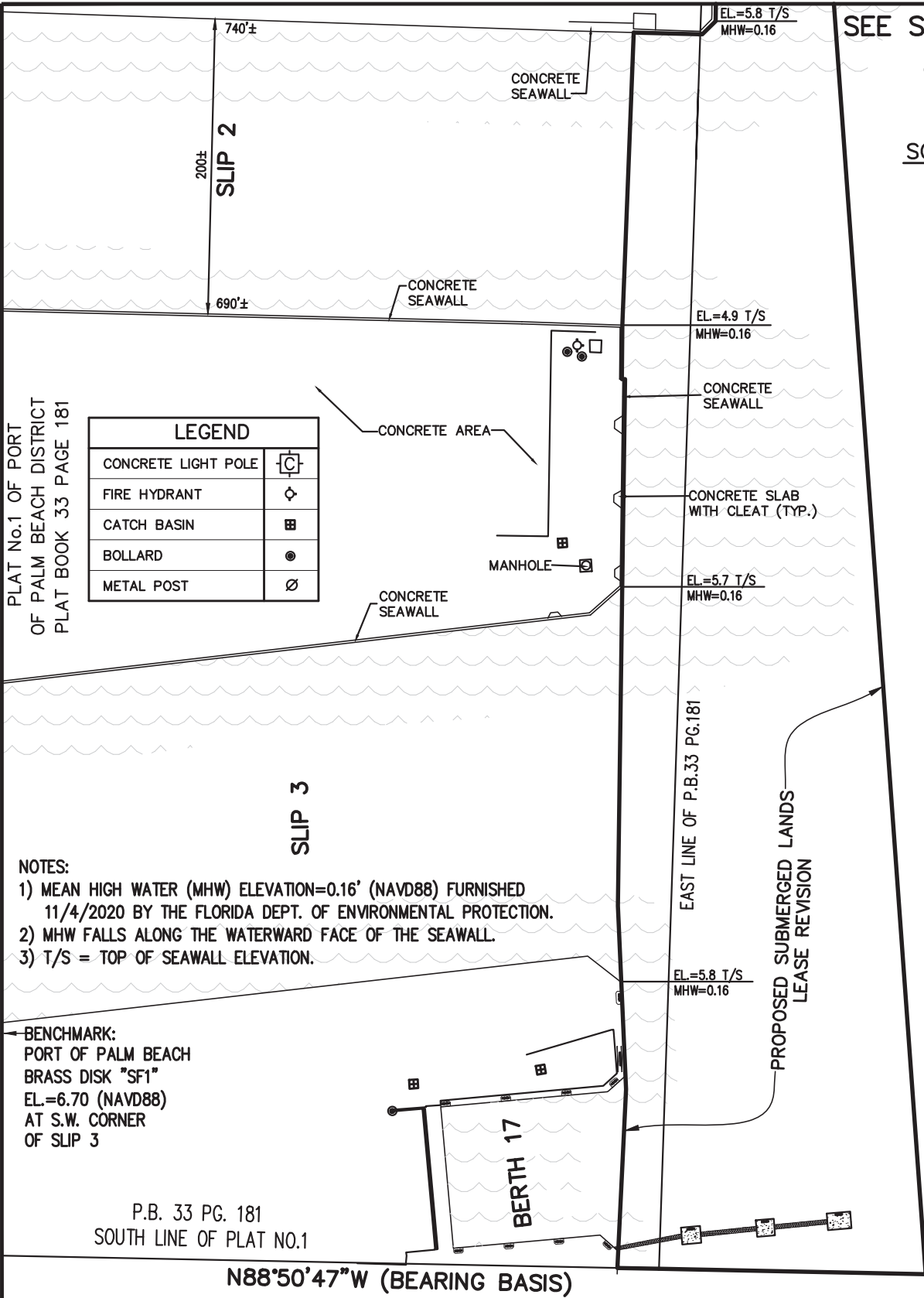
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	SHEET 6 OF 9



SCALE: 1" = 100'



LEGEND	
CONCRETE LIGHT POLE	□
FIRE HYDRANT	⊕
CATCH BASIN	⊞
BOLLARD	●
METAL POST	⊘

PLAT No.1 OF PORT OF PALM BEACH DISTRICT PLAT BOOK 33 PAGE 181

INTRACOASTAL WATERWAY

- NOTES:
- 1) MEAN HIGH WATER (MHW) ELEVATION=0.16' (NAVD88) FURNISHED 11/4/2020 BY THE FLORIDA DEPT. OF ENVIRONMENTAL PROTECTION.
  - 2) MHW FALLS ALONG THE WATERWARD FACE OF THE SEAWALL.
  - 3) T/S = TOP OF SEAWALL ELEVATION.

BENCHMARK:  
PORT OF PALM BEACH  
BRASS DISK "SF1"  
EL.=6.70 (NAVD88)  
AT S.W. CORNER  
OF SLIP 3

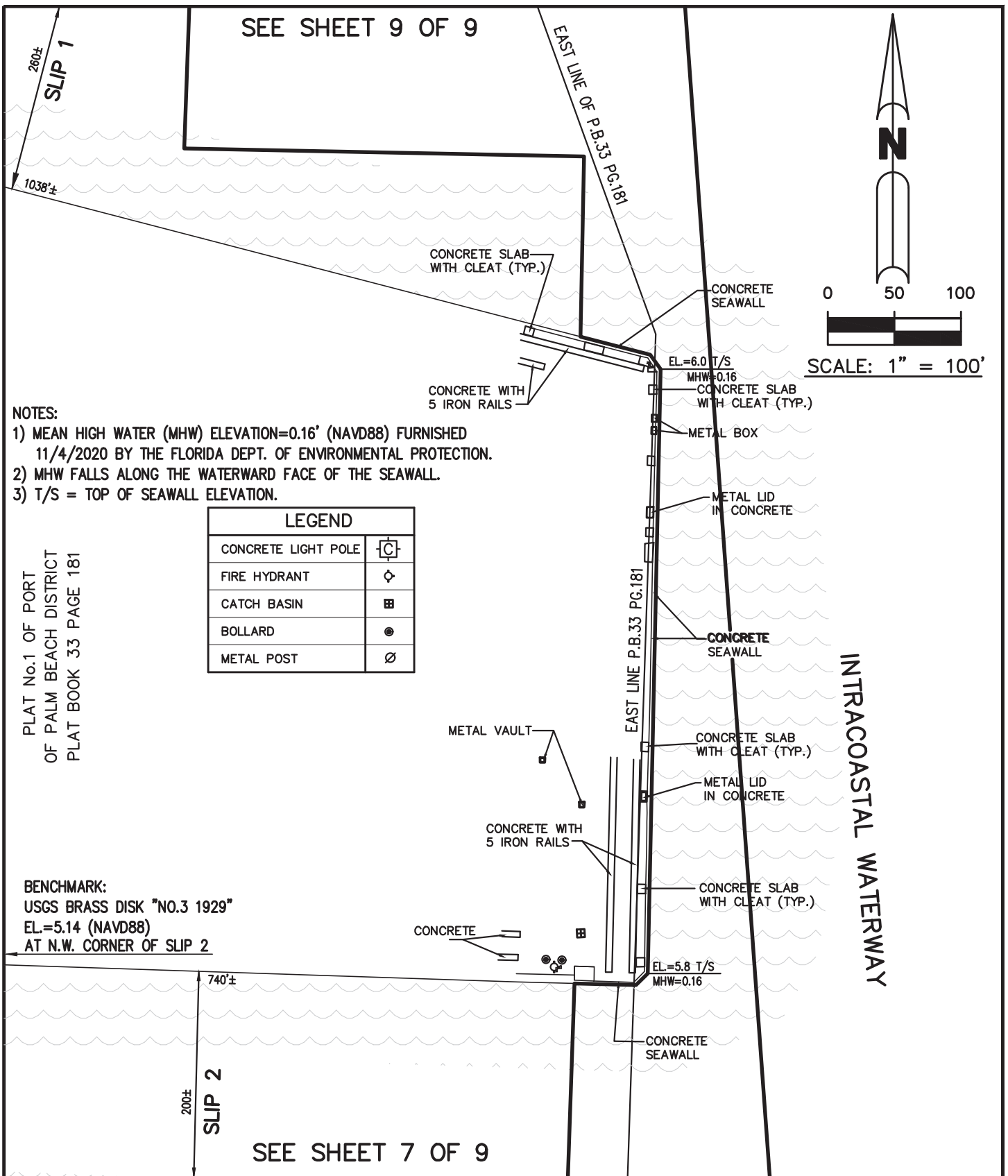
P.B. 33 PG. 181  
SOUTH LINE OF PLAT NO.1

N88°50'47"W (BEARING BASIS)

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SKETCH OF PURPOSE SURVEY SURVEY	SCALE: 1"=100'
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	SHEET 7 OF 9



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LEGEND	
CONCRETE LIGHT POLE	⊠
FIRE HYDRANT	⊕
CATCH BASIN	⊞
BOLLARD	●
METAL POST	⊘

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	SHEET 8 OF 9

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0 50 100

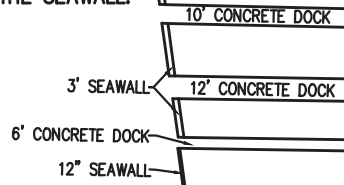


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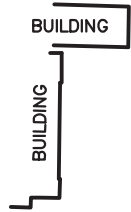


NORTH LINE OF PLAT NO.1  
P.B.33 PG.181

PLAT NO.1 OF PORT  
OF PALM BEACH DISTRICT  
PLAT BOOK 33 PAGE 181



EL.=5.5 T/S  
MHW=0.16  
61'x4.5'  
PROP WASH WALL



CONCRETE SEAWALL

EAST LINE P.B.33 PG.181

EL.=4.6 T/S  
MHW=0.16

CONCRETE SEAWALL

SLIP 1

PROPOSED SUBMERGED LANDS  
LEASE REVISION

INTRACOASTAL WATERWAY

SEE SHEET 8 OF 9

E-Mail: info@brown-phillips.com

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**PORT OF PALM BEACH  
SUBMERGED LANDS LEASE**

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	SHEET 9 OF 9