

## **Board of County Commissioners Agenda Request**

Date of Meeting: June 16, 2009

Date Submitted: June 12, 2009

To: Honorable Chairman and Members

From: Benjamin H. Pingree, County Administrator  
Tim Barden, Assistant County Administrator

Subject: Request Board Approval of Florida Communities Trust Additional Revisions to the Management Plan with Florida Foresight, Incorporated for the Development of the Big Bend Maritime Center

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### **Statement of Issue:**

This agenda item requests Board approval of additional revisions requested by the Florida Communities Trust (FCT) to the Management Plan prepared by Florida Foresight, Incorporated for the development of the Big Bend Maritime Center (BBMC) in Panacea.

### **Background:**

On May 22, 2009, the FCT sent a letter (Attachment #1) to the County advising that additional changes to the Management Plan prepared by Florida Foresight, Incorporated were required. The revisions provide for clarification and logistical details such as the boat livery and the paddling trail for canoeing and kayakers. This information was provided to Florida Foresight who has since made the revisions (Attachment #2) as required by the FCT. The paddling trail for canoeing and kayaking is proposed to allow launching from the Walker Avenue site and paddling around the back to the end of the pier to tie-up the canoes and kayaks and access to the Big Bend Maritime Center restroom and other facilities by way of the boardwalk. This option requires further review by the Florida Department of Environmental Protection (FDEP) for feasibility.

At the June 2, 2009 Board Meeting, staff advised the Board of an additional concern regarding the pier/dock that was being inspected by FDEP and was a concern that the FCT requested it to be resolved for compliance with state wetland and submerged land lease permitting laws. This issue has since been resolved between the FDEP and Mr. Ronald Fred Crum by FDEP issuing a consent letter to Mr. Crum. The County Grants Coordinator has verified with FCT that this satisfies the FCT's concern with the pier permitting. Once this property is conveyed to the County, permitting exemption may be possible, but will need to be determined based on the proposed use of the pier for the Big Bend Maritime Center project.

An issue that arose since the last Board meeting of June 2, 2009, is the existence of a perpetual easement (Attachment #3) that extends horizontally across the Crum properties, beginning at Mound Avenue and extending to Walker Avenue. This easement presented a concern since it runs directly into the proposed 5,000 square foot building planned to house the reception area,

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orientation, and exhibit and gift shop. Mr. Crum provided this easement to the tenant residing at 26 Crum Drive. This easement serves as the tenant's only driveway into his property from Walker Avenue and he utilizes it to walk and drive through the Crum properties for access to Mound Avenue. Additionally, this easement has served to provide access to emergency vehicles and vendors when Mound Avenue is shut off during festivals to prevent event goers from driving into the area reserved for vendors and in the Woolly Park area. This easement cannot be quieted or relocated without consent of the tenant. The Grants Department staff met with the tenant to discuss the FCT's proposed option of relocating the easement to an area behind one of the homes currently on the site and adjacent to the property boundary line. However, the tenant at 26 Crum Drive will not give up rights to use of the easement at the present location. Therefore, in order to mitigate this situation, Florida Foresight advised the County's Grants Coordinator, that the easement at its present location will not be a problem for the tenant at 26 Crum Drive, because the proposed 5,000 square foot building will be elevated. The property will be secured by a locking gate with locks at the Crum property line that is contiguous with the tenant's property line at the easement entrance location. This will enable access to the tenant by providing a key to the gate for his sole use. This appears to resolve the issue for the tenant at 26 Crum Drive and for Florida Foresight, however, this option appears to pose a potential liability to the County by allowing a private resident and his heirs unrestricted access through County property.

**Analysis:**

The revisions required by the FCT are not significant and do not represent a deviation from initial or previously approved activities by the Board. The clarification to the boat livery activity in the conceptual drawing was necessary due to the FCT understanding this activity to be a boat launching area, rather than the intended boat history and making educational interpretative area.

Also, the logistical detail for the paddling trail involving canoe launching and kayaking required clarification. The natural launch at Walker Avenue will be used for launching canoes and kayaks and they will be paddling to the end of the pier for tie up and access to bathroom and other BBMC facilities and activities. The natural launch area located off Walker Avenue would enable launching for canoes and kayakers. However, this area is known to be a dumping ground for waste disposal, oyster shelling and fish bones, which may pose a potential health concern. Additionally, this area is prone to flooding during excessive rain or during hurricanes.

**Status of Outstanding Issues**

1. The Wagner Home Inspection Report repairs are in progress and should be finalized shortly. Once staff is advised that the repairs are complete a final inspection to verify will be scheduled and staff will report the status to the Board at the next meeting.
2. The pier/dock permitting issue; FDEP will be issuing a consent letter that will satisfy the FCT's request that this be resolved prior to closing on the properties. This item will be reported on at the next board meeting.

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3. The easement issue may be resolved by the planned elevation of the proposed new 5,000 square foot building. The tenant at 26 Crum Drive will be given access to the security gate located at the boundary line of his property that is contiguous to the Crum property towards the Walker Avenue side. The elevation of the buildings will permit the easement to remain in its present location, and may present an immediate solution for the tenant and Florida Foresight. However, this presents the County with potential liability by allowing the tenant and heirs in perpetuity, unrestricted access through County property.
4. At the request of the FCT, the paddling trail for canoeing and kayaking needed to be revisited since the original management plan was presented to the Board. The modification proposed to the paddling trail is necessary to allow a more logistical location for the paddling trail and to assure access to canoers and kayakers to restroom and other BBMC facilities. However, the modification, as proposed by Florida Foresight, to launch from the Walker Avenue site and paddle around to tie-up at the end of the pier, requires review by FDEP. This area contains wetlands and other potential state submerged lands permitting concerns that need closer review by FDEP. The FDEP and the County Grants Coordinator will be conducting a visit to the site to review the feasibility of this proposal. Additionally, dumping of trash, oyster shelling and fish carcasses may present a potential health hazard and present liability to the County. The status of this item will be reported at the next board meeting.

**Options:**

1. Approve the revisions requested by the FCT to the Management Plan prepared by Florida Foresight, Inc. for the management of the proposed BBMC.
2. Do not approve the revisions requested by the FCT's to the Management Plan prepared by Florida Foresight, Inc. for the management of the proposed BBMC.
3. Board Direction.

**Recommendation:**

Option # 1

**Attachments(s):**

1. May 22, 2009 FCT Letter
2. Revised Management Plan
3. Easement Information

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