



Legislation Details (With Text)

File #: 19-0952

Type: Consent

Status: Agenda Ready

In control: Board of County Commissioners

On agenda: 10/22/2019

Final action:

Title: APPROVAL OF JOINT SOVEREIGNTY SUBMERGED LANDS LEASE (SSLL) RENEWAL WITH BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND (TIITF) TO RED SKY, INC. (RED SKY) AND MARTIN COUNTY

Sponsors:

Indexes:

Code sections:

Attachments: 1. Lease - unsigned with ADA.pdf, 2. Location Map.pdf, 3. Submerged Lands Lease-BOT #430125408 - BK2991 PG2404.pdf

Date	Ver.	Action By	Action	Result
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PLACEMENT: Consent

TITLE:

APPROVAL OF JOINT SOVEREIGNTY SUBMERGED LANDS LEASE (SSLL) RENEWAL WITH BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND (TIITF) TO RED SKY, INC. (RED SKY) AND MARTIN COUNTY

EXECUTIVE SUMMARY:

Request for approval of a joint SSLL renewal with TIITF for the boat slip and dinghy dock area with Red Sky, Inc. and Martin County in Port Salerno.

DEPARTMENT: Public Works

PREPARED BY: **Name:** Carla Segura
Title: Real Property Manager

REQUESTED BY: Department of Environmental Protection

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

1. Leases drafted by: Board of Trustees of the Internal Improvement Trust Fund of The State of Florida -TIITF
2. Parties to the Leases: TIITF - Lessor

Red Sky, Inc. and Martin County - Lessees

3. Purpose of the Leases: Extension of the current lease for the boat dockage and dinghy dock area
4. New/Renewal/Modification Renewal
5. Duration: 5 years
6. Benefits to Martin County: Public use of dinghy dock and boat slips
7. Cost to Martin County: Minimal recording fees

In 2010, the County, TIITF, and Red Sky entered into Agreement No. 430125408 for a five (5) year term which expired May 25, 2014.

Several years of negotiations took place and in 2017 the Board of County Commissioners (BOCC) approved a new Memorandum of Agreement (MOA) which allowed certain docking configurations in exchange for a public use dinghy dock and three boat slips. In March 2018, the BOCC approved the lease modification for the RED SKY joint lease for 13 commercial docking slips and a connecting public boardwalk on sovereignty submerged lands as part of a 17-slip docking facility (4 slips are part of the public boardwalk are located on privately owned submerged lands. The renewal expired on May 25, 2019. To which staff notified all parties. The Florida Department of Environmental Services (FDEP) inspected the site and issued the attached lease renewal with a five (5) year term, to expire on May 25, 2024. All other terms and conditions remain the same as previously approved.

Upon expiration of the terms, the parties may, upon mutual written agreement, agree to renew for an additional term as required by FDEP.

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks and has developed strategies for legal defensibility.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board approve the Sovereignty Submerged Lands Lease Renewal between Martin County and Red Sky, Inc. concerning the Submerged Lands Lease and Public Use Boat Dockage Area and Dinghy Dock, as well as authorize the Chairman to execute any and all documents necessary to complete this transaction.

ALTERNATIVE RECOMMENDATIONS

Pull this item from the Consent Agenda and direct staff.

FISCAL IMPACT:

RECOMMENDATION

Red Sky, Inc. is responsible for paying the annual lease fee.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☒ Contract / Agreement
☐ Grant / Application ☐ Notice ☐ Ordinance ☐ Resolution
☐ Other:

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