LAND ACQ. & MGMT.
COMMITTEE MEETING
September 15, 2012

PRELIMINARY AGENDA

FLORIDA INLAND NAVIGATION DISTRICT'S Land Acquisition & Management Committee Meeting

Following the Board Meeting Saturday, September 15, 2012

Doubletree Hotel
4431 PGA Boulevard
Palm Beach Gardens, Palm Beach County, Florida.

Committee Members Chair Spencer Crowley Commissioners Bruce Barkett, Carl Blow, Aaron Bowman & Gail Kavanagh

Item 1.	Call to Order.			
Chair Crowley will call the meeting to order.				
Item 2.	Roll Call.			
Assistant Ex	ecutive Director Mark Crosley will call the roll.			
Item 3.	Additions or Deletions.			
Any addition	ns or deletions to the meeting agenda will be announced.			
RECOMME	END - Approval of a final agenda.			
Item 4.	Release of MSA's 204 and 204A, St. Johns County.			
perpetual ea for the north the dike con utilized for	of MSA's 204 and 204A, the WiDan Corporation, has requested the release of these sements. The District and the Corps tried to utilize the diked portion of MSA 204 tern Palm Valley maintenance dredging project but the presence of muck soils made struction too expensive for a one time use. DMMA DU-9 was then constructed and that project. Therefore, MSA's 204 and 204A are no longer needed for dredge nagement and are recommended for release pursuant to the District's easement by.			
(see back up	pages 3 – 14)			
RECOMME	END Approval of the release of MSA's 204 and 204A subject to compliance			

Engineers.

with the District's easement release policy and approval by the Corps of

Land Acquisition Committee Meeting September 15, 2012 Page Two.

Item 5. Construction of DMMA NA-1, Nassau County.

The District has received bids for the construction of DMMA NA-1. The District Engineer is reviewing the bids for compliance with the bid requirements and staff will have a recommendation at the meeting.

(see back u	p pages 15 – 24)				
RECOMM	END Approval of the low qualified bid for the construction of DMMA NA-1				
<u>Item 6.</u>	tem 6. Additional Staff Comments and Additional Agenda Items.				
<u>Item 7.</u>	em 7. Commissioners Comments.				
Item 8.	Adjournment.				

WiDan Investment Corporation

3600 Vineland Road, Suite 101 Orlando FL 32811-6460

August 6, 2012

Mr. David K. Roach Executive Director Florida Inland Navigation District 1314 Marcinski Rd Jupiter, FL 33477 FLORIDA INLAND NAVIGATION DISTRICT

RE: MSA 204 - Request for Release of Easement

Dear David,

Thank you for meeting with Joe Wagner and me to explain the district Policy and Procedure for Release of Maintenance Spoil Area Easements.

This letter requests the release of MSA 204 & 204a easements encumbering the WiDan Corporation property in St. Johns County.

Response to requested information:

- 1. Check in the amount of \$250.00 payable to the Florida Inland Navigation District.
 - a. Enclosed.
- 2. Check in the amount of \$1,500 payable to the Treasurer of the United States of America.
 - a. Enclosed.
- 3. Attorney's Certificate of Ownership on the parcel of land encumbered by the easement to be released.
 - a. Enclosed.
- 4. A legal description of the land encumbered by the easement to be released if different from the legal description of the easement.
 - a. Land to be released is the same as described in the easements.
- 5. Certified survey of the land encumbered by the easement to be released if different from the legal description of the easement.
 - a. Land to be released is the same as described in the easements.
- 6. Phase I & II environmental report for the land encumbered by the easement, MacTec #6735-09-9244.
 - a. Enclosed.

In addition to the requested information, enclosed please find:

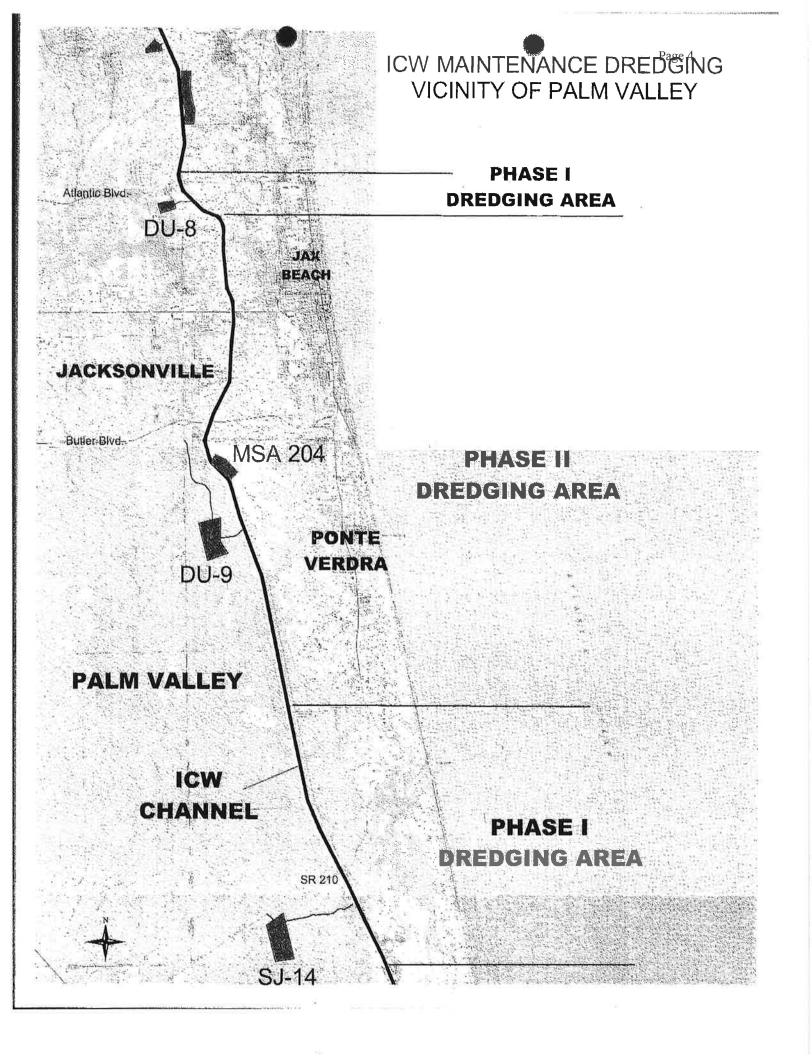
- a. Grant for Disposal of Dredge Material Deed Book 99 page 531-534.
- b. Grant in Perpetuity for Deposit of Spoil Deed Book 108 page 49-52.

Thanks for your consideration of this request.

Danul B Well

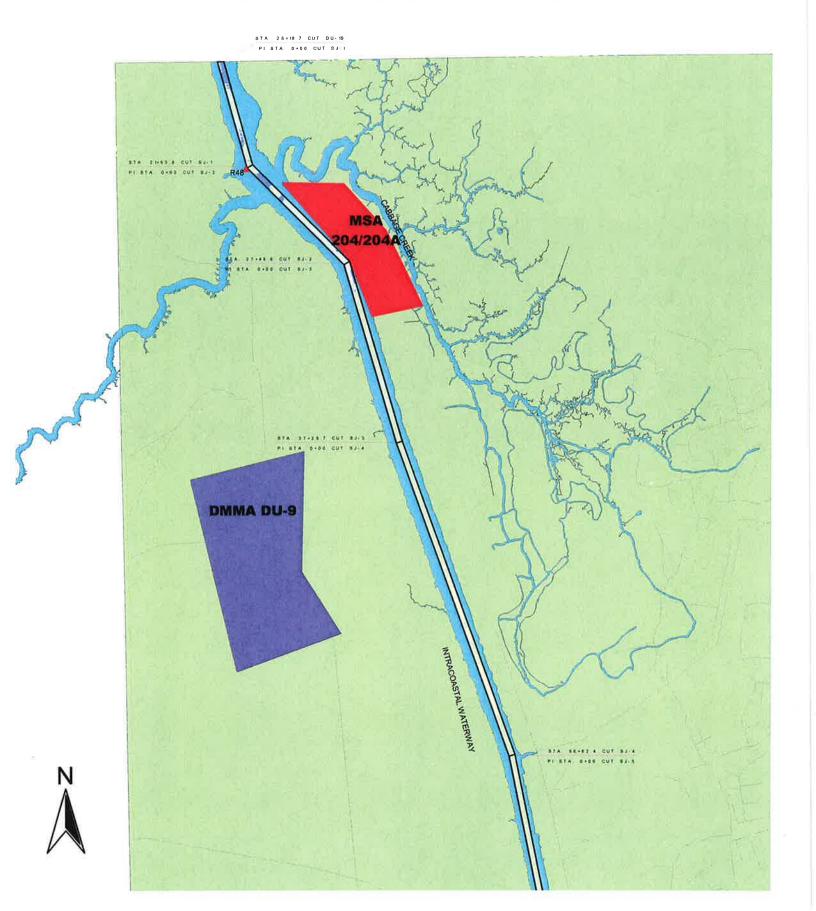
Daniel B. Webb

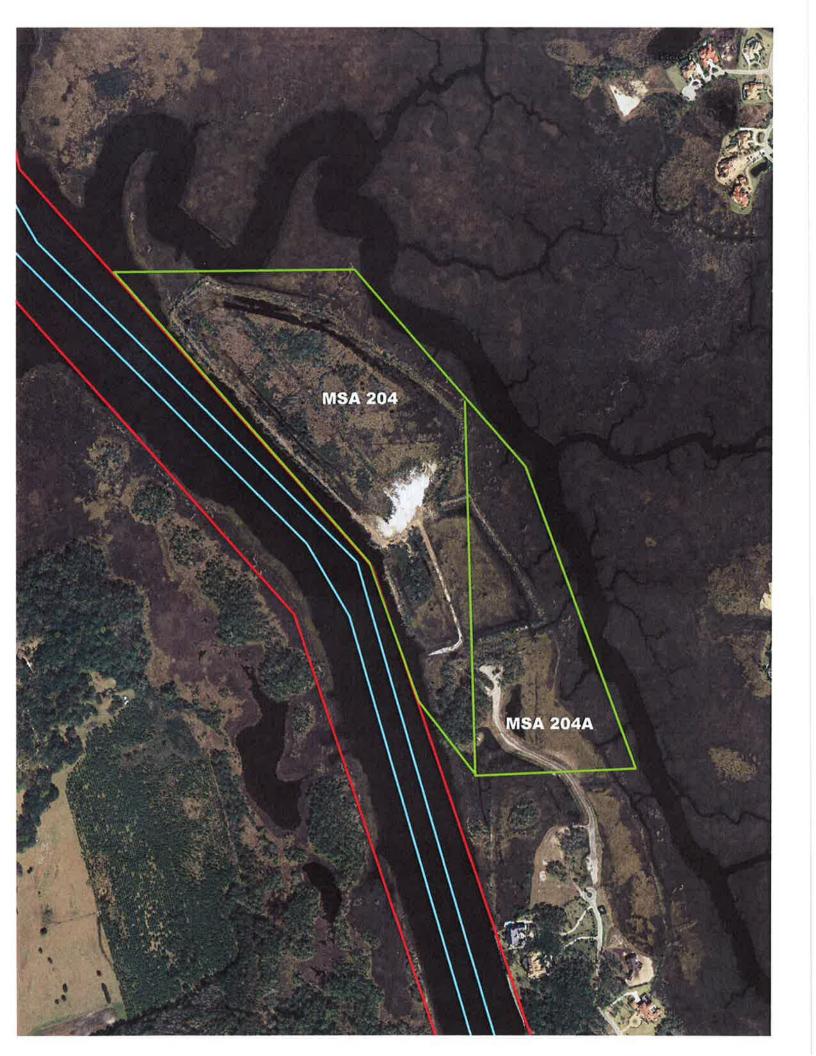
President



LOCATION MAP

DMMA DU-9 and MSA 204/204A





Easement Release Data Form

MSA No. 204 AND 204A County: St. Johns City: NA

Date Acquired: 7/15/1935 Price Paid: \$421.14 Adjusted to Today's Dollars: \$6,618.81

Current Fee Simple Owner: WiDan Investment Corporation

Total Size: 140.38 acres Uplands: ~90 acs. Wetlands: ~30 acs. Submerged: ~10 acs.

Zoning Designation: None Comp Plan Designation: Agriculture

Access: Only from the water, upland access would be through a high end gated community

Easement Type: perpetual Reverter Language: no

Easement Uses Allowed: Deposit of dredged material from construction or maintenance of the waterway

Site Usage History: several times since acquisition with the latest being in 1986

Potential for Other Uses: No

Dredged Material Management Plan Comments

Site was not evaluated much because the Corps reported that the site has a "history of slumping and dike failure as a result of inadequate foundation conditions".

Dredging Reach Capacity Status:

Only ½ of DMMA DU-9 has been constructed because of ongoing contamination cleanup on the other half which is going well. When site is fully constructed DU-9 will exceed capacity by approximately 495,000 cyds. Reach has been fully maintained in the 2007-2009.

Potential for Further Dredged Material or Easement Allowed Uses:

None, we tried to use it in 2005-7 but the cost to stabilize the foundation made the investment impractical even the property owner was going to pay for the mitigation.

Easement Maintenance and Carrying Cost History: None

Easement Release Value Per Easement Release Policy: Not determined yet

Other pertinent information about the easement: Property was previously approved by the Board for release but the property owner's representative requested that we use it one more time. The Easement Release Policy changed so the item has been brought back for review.

MSA-US - 1

CHILL OF LECTIVE 92 GE13 : 1 P.135

GRANT IN PERFETUITY FOR DEPOSIT OF SPOIL IN CONNECTION WITH THE MAINTENANCE OF THE INTRACOASTAL WATERWAY (EAST COAST CANAL) JACKSONVILLE TO MIAMI, FLORIDA IN COUNTY ST. DRYS

MSA Grant No. 204 & 2044

STATE OF FLORIDA

COUNTY ST. JOHNS

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, in the river and harbor Acts of Congress, approved January 21, 1927 and July 3, 1930, provision was made for the construction of an Intraconstal Materway from Jacksonville to Miami, Florida, in accordance with the reports submitted in House Document No. 526, Sixty-minth Congress. second session, and Senate Document No. 71, Seventy-first Congress, second session, subject to the condition, among others, that local interests shall, without costs to the United States, furnish suitable areas for the deposit of dredged material in connection with the work and its subsequent maintenance; and

meereas, the undersigned Grantor is min the true and lawful OWDER_ W ...

of the certain tracts or parcels of land situated

St. Johns County, State of Florida, and more particularly design mated as follows:

Tract No. 37 MSA 204 Being all that portion of the Unsurveyed part of Section Eighteen (15), Township Three (3) South, Range Twenty-nine (29) aus East, lying East of the Easterly boundary of the Five Bundred (500) foot right-of-way of the Intracoastal Waterway and West of a line parallel to and distant One Thousand (1000) feet Rasterly from (when measured at right

ungles to) the Easterly boundary of the Five Bundred (500) foot right-of-way of the Intracoastal Waterway as that right-of-say is shown on the map recorded in the current Public Records of St. Johns County, Florids in Flat Book 4 at page 69.

Tract No. 38 38 MSA 204s Being all that perties of the Unsurveyed part of Section Seventeen (17), Township Three (3) South, Bange Teamty-nine (29) East, lying West of a line parallel to and distant One Thousand (1000) feet Easterly from (when measured at right angles to) the Easterly boundary of the Five Emdred (500) foot right-of-way of the Intraconstal Waterway as that right-of-way is shown on the map recorded in the current Public Records of St. Johns County, Florida in Plat Book 4 at page 69.

MSA 20L

MSA 20ba

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TRACT NO. 37

TRACT NO. 38

MSA-US - 2

DEED 108 NGE 50

THEREAS, the Grantor has the right and power to execute this sevenant and release:

NOW, IMPREFORE, In consideration of the benefits to accrue to
the Grantor in the added convenience for the use of said Waterway and
the schanced value that will result to the lands of the Grantor as the
result of the construction and maintenance thereof, and in order to facilitate the United States in the construction and maintenance of the said
Waterway, the Grantor hereby grants and conveys to the United States
the perpetual right and easement to deposit upon the aforesaid tract of
land material that may at any time be dredged in the construction and maintenance of the said Waterway.

Reserving, however, to the Grantor , his successors or assigns, all such rights and privileges in said tract or percel of land as may be used and enjoyed without interfering with or abridging the right and easement hereby conveyed to the United States.

The said Grantor hereby waive and release sthe United States of America, its efficers, agents, servents and contractors from liabilities for any and all damages which may result to the lands and premises hereinabore described by reason of the construction and maintenance of said Waterway and the deposit of dredged material; this waiver and release of damages being intended as a continuing covenant which shall run with the land and be binding on the Grantor and his successors in ownership of said land.

Z - :-

INDIVIDUAL DEED 108 MAGE 51 IN WITNESS WHEREOF WC hart caused this instrument to be executed and, in the presence of witnesses, have hereunte set our and souls on this the 15. day of Signod, souled and dolivered in the presence of: bleves with offens or what for touther thethe Jour OF Stock lon - on Ges TOUNTY OF Dech am I EXREST CERTIFY, That on this day personally appeared before me, an officer, duly authorized to administer caths and take acknowledgments_ Willis Bruich and Amie Bruich, to me well known and known to me to be the individual f described in and who expouted the foregoing instrument, and anknowledged before me that day executed the same freely and voluntarily for the purpose therein expressed. AND I FURTHER CERTIFY, That the said known to me to be the wife of the said on a separate and private emmination taken and made by and and apart from her said husband, did acknowledge that she made herself a party to said instrument for the purpose of renouncing, relinquishing and conveying all hor right, title and interest whether of dower, homestoad, separate property or otherwise, in and to the lands described therein, to such extent, and to such extent only, as shall be necessary to the purpose of said instrument and without projudice to any of her right, title and interest thereafter remaining and that she executed the said instrument freely and voluntarily and without any compulsion, constraint, apprehension or fear of or from her said husband. WITHESS my hand and official seal at Stock lin - m - Ters R.C. covery and State aforesaid, this_ .. D. 1935.

FLORIDA INLAND NAVIGATION DISTRICT

POLICY AND PROCEDURE FOR RELEASE OF MAINTENANCE SPOIL AREA EASEMENTS

Release of Maintenance Spoil Area (MSA) Easements will occur in conformance with this policy and procedure.

PROCEDURE FOR RELASE CONSIDERATION

A property owner having property encumbered by an MSA will make a letter request for release of the easement to the District. This request will include a location map of the property.

District staff will review the request for conformance with this policy and procedure and will make a recommendation to the District Board for approval or rejection of the request.

CRITERIA FOR BOARD APPROVAL

The Board will review each release request and determine whether the District needs the easement for the operation, maintenance, or construction of the waterway. At a minimum the following criteria will be met for an easement to be released.

- 1. The District will have completed a Long Range Dredged Material Management Plan for the Atlantic Intracoastal Waterway project in the subject area and the plan will have determined that the subject easement is not required for long term management of the waterway.
- 2. Board approval will be subject to the concurrence of our partner in the project, the U.S. Army Corps of Engineers.

PAYMENT FOR EASEMENT RELEASE

The property owner agrees to pay the District (1) the price that the District originally paid for the easement adjusted by the inflation rate to today's value, and (2) fifty percent (50%) of the enhanced value of the property if the District's activities on the property has increased its value and this enhancement was not identified in the easement as a benefit accruing to the property for the granting of the easement. The

EASEMENT RELEASE POLICY PAGE TWO.

amount of the enhanced value will be determined by a property appraisal, performed by a State certified MAI appraiser, that calculates the difference in the value of the property with and without District activities; provided, however, that in the event the District's Executive Director determines that such difference in value is reasonably expected to be less than the cost of the appraisal, then an appraisal shall not be required. The property owner will pay all applicable appraisal costs.

PROCEDURE FOR EASEMENT RELEASE

The District will coordinate the approval and release from the Corps. If the District Board approves the release the following information is required.

- 1. A check in the amount of \$250.00 payable to the Florida Inland Navigation District.
- 2. A check in the amount of \$1,500.00 payable to the Treasurer of the United States of America.
- 3. Attorney's Certificate of Ownership on the parcel of land encumbered by the easement to be released.
- 4. A legal description of the land encumbered by the easement to be released if different from the legal description of the easement.
- 5. A certified survey of the land encumbered by the easement to be released if different from the legal description of the easement.
- 6. A Phase I environmental assessment of the land encumbered by the easement to be released.

Upon receipt of this information the District will initiate the Corps approval. Their approval normally takes approximately one month.

EASEMENT RELEASE POLICY PAGE TWO.

The Corps issues a quit claim deed of their easement interest to the District. The District issues a quit claim deed of our interest to the property owner. The District records both deeds in the public records of the county wherein the subject property is located. Copies of both recorded deeds are provided to the property owner.

Adopted May 1994, Revised December 2002 and January 2003

DREDGED MATERIAL MANAGEMENT AREA NA-1 CONSTRUCTION PROJECT

FIRM	BASE BID	ALT. BID
HARRY PEPPER	3,757,807.20	3,318,347.20
BARCO DUVAL	4,239,266.20	4,090,346.20
BGCO	4,242,922.00	4,229,782.00
BAKER INFRASTRUCTURE GROUP	5,126,044.00	4,826,744.00
	2 442 645 22	
ENGINEERS ESTIMATE	3,440,645.00	

