

PRELIMINARY AGENDA – ADDITIONAL AGENDA ITEMS

FLORIDA INLAND NAVIGATION DISTRICT Board of Commissioners Meeting

9:00 a.m., Friday, May 19, 2023

**Miami Marriott Biscayne Bay
1633 N Bayshore Drive
Miami (Miami-Dade County), FL 33132-1215**

Item 14b-Add. Completion of Lease Agreement Terms with Rybovich Marina for Material Removal at Dredged Material Management Area PB-PI (Peanut Island), Palm Beach County, FL.

In 2015-2016, the Navigation District conducted a deepening project of the Intracoastal Waterway (IWW) in the vicinity of Palm Beach Island. The IWW project was deepened from -10' to -15' from the southwest corner of Peanut Island to a point approximately 3,500 feet north. During the project, Rybovich Marina also commissioned the dredging contractor to deepen the approach channel to their nearby facility.

At that time, the District entered into a lease agreement with Rybovich to temporarily store approximately 73,688 cubic yards of material from their portion of the project in the Peanut Island DMMA. The material was to remain until the current Palm Beach County environmental project offloaded the DMMA. Rybovich Marina has approximately 49,158 cubic yards of material remaining in DMMA PB-PI. The County has offered to remove this material (and additional District material) for \$20/cu yd. Payment from Rybovich to the District would complete the outstanding requirement of the lease and required material removal.

(Please see back up pages a2-a6)

RECOMMEND: Approval of a payment in the amount of \$938,160.00 from Rybovich Marina for removal of approximately 49,158 cubic yards of material from DMMA PB-PI (Peanut Island), Palm Beach County, FL.

Item 14c-Add. Material Storage Area (MSA) 617-C Lease Amendment and Extension Request, Palm Beach County, FL.

On October 11, 2019, the FIND Board of Commissioners approved a Lease Agreement with Palm Beach County for the use of Material Storage Area (MSA) 617-C for the handling and temporary storage of rock, shell, and sand material. The lease allows the County to use the site as a temporary storage area for screened shell material during the renourishment of Juno Beach, the renourishment of Jupiter Beach, as well as the storage of materials for the restoration of Tarpon Cove Islands. This lease was amended July 16, 2021, to include staging for the Sawfish Island project and on November 18, 2022, to extend the lease date to July 31, 2024.

The County has requested a third amendment to the lease agreement to include the use of MSA-617-C for the County's Bonefish Cove Project in the permitted uses, and to extend the term of the lease until August 29, 2025. All other existing lease terms will remain in effect.

(Please see back up pages a7-a10)

RECOMMEND: Approval of Amendment Number 3 of the Lease Agreement with Palm Beach County for the expanded use and duration of terms for MSA-617-C, Palm Beach County, FL.

From: Carlos Vidueira <CVidueira@Huizenga.com>
Sent: Tuesday, May 16, 2023 10:53 AM
To: Mark Crosley <mcrosley@aicw.org>
Cc: JSprague@shmarinas.com; Janet Zimmerman <jzimmerman@aicw.org>
Subject: FW: [External] FW: Peanut Island Offload
Importance: High

Hi Mark:

I hope you have been doing well. I miss talking to you now that I am not at Safe Harbor/Rybovich but hopefully you can see the overwhelmingly positive impact that your dredging advocacy has had upon our local community and economy. The most exciting part is that the cities of West Palm Beach and Riviera Beach are just getting started with respect to their role within the marine industry! Your personal commitment and contributions in dredging the necessary navigational infrastructure will have a lasting impact on how this part of Florida's waterfront will evolve into the envy of the worldwide marine industry.

It seems like the last step of our major project together will be to finally deliver the dredged sand to an environmentally positive and accretive final resting place. Our pre-dredge and post-dredge surveys indicated a Net Fill of 73,688 cubic yards. We were very careful to measure and document this quantity precisely at the time in 2016. At the emergency request of the County, we then contracted and paid to relocate 24,530 cubic yards to the public beach on Peanut Island after the Hurricane Irma storm event in 2017. Although this beach renourishment project had immediate public service benefit, there was little time for planning and it resulted in an expensive, underappreciated but effective operation where we paid all the costs and FIND led the way to restoring the beach in time for another successful tourist season.

Based upon the \$20 per cubic yard that FIND negotiated, the remaining 49,158 cubic yards should result in a \$983,160 payment to FIND. We are prepared to make this payment immediately and conclude this productive chapter in the history of inland navigation in the State of Florida. As you indicated, I have copied Janet to facilitate the payment.

Thank you for your tireless efforts!

Carlos Vidueira

Terraquatic, Inc.
121 SE 24th Avenue
Boynton Beach, Florida 33435



QUANTITY SURVEY REPORT MAY 9TH, 2016

PREPARED FOR:
 CAVACHE, INC.
 843 SE 8th AVENUE
 DEERFIELD BEACH, FLORIDA 33441

PREPARED BY:
 TERRAQUATIC, INC.
 121 SE 24TH AVENUE
 BOYNTON BEACH, FLORIDA 33435
 TELEPHONE: (561) 806-6085
 LB NUMBER. 7324

PROJECT: RYBOVICH RIVIERA MARINA FACILITY, RIVIERA BEACH, FLORIDA
 ENTRANCE CHANNEL POST-DREDGE SURVEY RESULTS

THE PROJECT AREA CONSISTED OF A BASIN AND ENTRANCE CHANNEL ACCESSING THE FACILITY ALONG THE WESTERN SIDE OF THE INTRACOASTAL WATERWAY IN RIVIERA BEACH, FLORIDA. THE BASIN AND CHANNEL CONTAINED THREE (3) DREDGE DEPTH COMPONENTS BEING A THE ENTRANCE CHANNEL DREDGE DEPTH OF -14 FEET, TRANSITION AREA FROM -14 FEET TO -17 FEET AND THE INSIDE BASIN AREA OF -17 FEET, ALL REFERENCED TO MEAN LOWER LOW WATER (MLLW). VOLUME EXCAVATION CALCULATIONS WERE CONDUCTED USING THE PRE-SURVEY DATA COLLECTED IN MARCH 24, 2016 AND THE POST-SURVEY DATA COLLECTED MAY 7, 2016. BOTH SURVEYS WERE CONDUCTED BY COLLECTING SURVEY DATA ALONG TRANSECTS SPACED AT TWENTY-FIVE FOOT (25') INTERVALS. THE DATA SETS WERE THEN PROCESSED AND USED TO CREATE SURFACE MODELS FOR VOLUME ESTIMATES. THE VOLUME ESTIMATES ARE AS FOLLOWS:

-14 MLLW CHANNEL	= 42,720 CUBIC YARDS
-17 MLLW BASIN /TRANSITION SLOPE	= 23,432 CUBIC YARDS
TOTAL MATERIAL REMOVED	= 66,152 CUBIC YARDS

THESE ESTIMATES ARE NOT CONSTRAINED TO THE DESIGN TEMPLATE AND INCLUDE SIDE SLOPE SLUFFING, OVER-DREDGE AND ADDITIONAL MATERIAL REMOVED BETWEEN THE DESIGN TEMPLATE AND THE INTRACOASTAL WATERWAY.

CERTIFICATION

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS QUANTITY SURVEY MEETS REQUIREMENTS SET FORTH IN RULE 5J-17.050 ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTE 472.027 AS SURVEYED UNDER MY DIRECTION ON DATE INDICATED.

A handwritten signature in black ink, appearing to read "Kenneth C. Jackson".

KENNETH C. JACKSON, P.S.M.
 VICE PRESIDENT
 TERRAQUATIC, INC.
 PROFESSIONAL SURVEYOR AND MAPPER, LS NUMBER 4549

Terraquatic, Inc.
121 SE 24th Avenue
Boynton Beach, Florida 33435



QUANTITY SURVEY REPORT
JUNE 2nd, 2016

PREPARED FOR:
CAVACHE, INC.
843 SE 8th AVENUE
DEERFIELD BEACH, FLORIDA 33441

PREPARED BY:
TERRAQUATIC, INC.
121 SE 24TH AVENUE
BOYNTON BEACH, FLORIDA 33435
TELEPHONE: (561) 806-6085
LB NUMBER. 7324

PROJECT: RYBOVICH RIVIERA MARINA FACILITY, RIVIERA BEACH, FLORIDA
ENTRANCE CHANNEL POST-DREDGE SURVEY RESULTS

THE PROJECT AREA CONSISTED OF A BASIN AND ENTRANCE CHANNEL ACCESSING THE FACILITY ALONG THE WESTERN SIDE OF THE INTRACOASTAL WATERWAY IN RIVIERA BEACH, FLORIDA. VOLUME EXCAVATION CALCULATIONS WERE CONDUCTED USING THE PRE-SURVEY DATA COLLECTED IN MAY 07, 2016 AND THE POST-SURVEY DATA COLLECTED JUNE 2, 2016. BOTH SURVEYS WERE CONDUCTED BY COLLECTING SURVEY DATA ALONG TRANSECTS SPACED AT TWENTY-FIVE FOOT (25') INTERVALS. THE DATA SETS WERE THEN PROCESSED AND USED TO CREATE SURFACE MODELS FOR VOLUME ESTIMATES. THE VOLUME ESTIMATES ARE AS FOLLOWS:

TOTAL MATERIAL REMOVED = 18,805 CUBIC YARDS

THESE ESTIMATES ARE NOT CONSTRAINED TO THE DESIGN TEMPLATE AND INCLUDE SIDE SLOPE SLUFFING, OVER-DREDGE AND ADDITIONAL MATERIAL REMOVED BETWEEN THE DESIGN TEMPLATE AND THE INTRACOASTAL WATERWAY.

CERTIFICATION

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS QUANTITY SURVEY MEETS REQUIREMENTS SET FORTH IN RULE 5J-17.050 ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTE 472.027 AS SURVEYED UNDER MY DIRECTION ON DATE INDICATED.

A handwritten signature in blue ink, appearing to read "Kenneth C. Jackson".

KENNETH C. JACKSON, P.S.M.
VICE PRESIDENT
TERRAQUATIC, INC.
PROFESSIONAL SURVEYOR AND MAPPER, LS NUMBER 4549

DESIGN – Dredge Template & DMMA

a5

- **Dredge**

- Cut length = 3,500 ft
- Channel width = 100 ft
- Volume = $\pm 101,000$ cy
- Template = -15 ft MLW + 2 ft allowable overdredge

- **DMMA**

- FIND-owned upland confined disposal area
- Capacity = 289,000 cy



SUMMARY

a6



**AMENDMENT NUMBER 3
TO LEASE AGREEMENT
BETWEEN
PALM BEACH COUNTY
AND FLORIDA INLAND NAVIGATION DISTRICT**

THIS THIRD AMENDMENT TO THE LEASE AGREEMENT is made and entered into on this ____ day of _____, 2023, by and between FLORIDA INLAND NAVIGATION DISTRICT, an independent special taxing district of the State of Florida, hereinafter referred to as Landlord or DISTRICT, and PALM BEACH COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter referred to as Tenant or County.

WITNESSETH:

WHEREAS, the parties entered into a Lease Agreement dated November 13, 2020 (R2020-1588) (the "Lease"); wherein the County is using the Landlord's premises for the handling and temporary storage of rock, shell and sand for the restoration of Tarpon Cove Islands and Sawfish Island (collectively, the "Project"); and

WHEREAS, the Landlord and County entered into an amendment of the Lease ("Amendment Number 1") on August 27, 2021; and

WHEREAS, the Landlord and County entered into a second amendment of the Lease ("Amendment Number 2") on November 17, 2022; and

WHEREAS, the Landlord and County desire to extend the term of the Lease from July 31, 2024 to August 29, 2025, and to include the Lake Worth Lagoon Project in the permitted uses; and

WHEREAS, the County is the local sponsor for the Lake Worth Lagoon Project, which is being constructed by the Department of the Army under the Continuing Authorities Program; and

WHEREAS, the County has requested the Landlord to grant to the Department of the Army and its contractors an irrevocable right to enter for purposes of construction, inspection and, if necessary, for the purpose of completing, operating, repairing, maintaining, replacing, or rehabilitating the Lake Worth Lagoon Project upon lands which the Florida Inland Navigation District owns or possesses the necessary use rights for the Project.

NOW, THEREFORE, in consideration of the promises and mutual covenants and conditions contained herein, the parties agree to modify the Lease as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference. Terms not defined herein shall have the same meaning and effect as in the Lease. Any reference to "Lease" contained herein shall include all amendments thereto.
2. Section 2 of the Lease is hereby amended as follows:

Landlord hereby leases to Tenant that property located in Palm Beach County, Florida and known as MSA-617C, as more particularly described in Exhibit "A" attached hereto and made part hereof by reference (the "Premises"), for a term commencing November 13, 2020 and terminating

August 29, 2025 (the "TERM").

Landlord authorizes Tenant to certify to the Department of Army a temporary easement and right-of-way in, on, over and across contained herein for a period not to exceed August 29, 2025, for use by the United States, its representatives, agents, and contractors as a work area, including the right to move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the Lake Worth Lagoon Project, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

3. The definition of "Project" is amended to read:

The handling and temporary storage of rock, shell and sand for the restoration of Tarpon Cove Islands and Sawfish Island and the Lake Worth Lagoon Project.

4. All other terms and conditions of the Lease shall remain the same

IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment to the Lease Agreement on the day and year first written above.

AS TO LANDLORD

FLORIDA INLAND NAVIGATION DISTRICT

By: _____
John C. Blow, Chair

Date: _____, 2023

AS TO COUNTY

PALM BEACH COUNTY BOCC

By: _____

Name: _____

Title: Director, Environmental Resources Management

Date: _____, 2023

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

By: _____

Name: _____

Title: Assistant County Attorney



Site	MSA FO-617C
Common Name	Juno Isles
County/City	Palm Beach/Unincorporated
Geographic Proximity	Juno Beach
Acquisition Dates	10/1941; 11/13/1996
Status	Not constructed; partially cleared
Year Constructed	N/A
Reach/Cuts	PB-II / P-15 to P-32
Site Acres	14.1
Basin Acres	N/A
Design Capacity (cy)	83,032

0 250 500 750
Feet

Legend

- Site
- Easement (if shown)
- Reaches (if shown)
- Cuts (if shown)