

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20030866

1. REQUESTED MOTION:

ACTION REQUESTED: Consider resolution requesting State Board of Trustees of Internal Improvement Trust and other State Agencies to approve the transfer and assignment of Submerged Lands Dedication #2325 to City of Cape Coral, Florida.

WHY ACTION IS NECESSARY: Dedication of land at west end of Cape Coral Parallel Span was given to Lee County and Lee County must be the party formally requesting the State of Florida to transfer lands for use of Cape Coral and Cape Coral Chamber of Commerce.

WHAT ACTION ACCOMPLISHES: Provides City and Cape Coral Chamber with the ability to provide planning and redevelopment use of parcel not needed for county road and bridge related purposes.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

A12A

3. MEETING DATE:

08-19-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE F.S. 125.38
- ORDINANCE
- ADMIN. CODE
- OTHER State Dedication #2325
- Co. Res. 1-04-07 & 1-04-08

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION
- BY: James G. Yaeger
County Attorney

7. BACKGROUND: On or about January 4, 1963 the County was the recipient of a State of Florida Sovereign Submerged Lands Dedication (#2325). The dedication pertained to a parcel of land that now comprises upland property immediately west of the Cape Coral Parallel Span Bridge (See sketch attachments to Resolution). On or about July, 1976 Lee County leased a portion of the property to the Cape Coral Chamber of Commerce for an extended period of time to be used for providing its public services to include a Welcome Station. A small Chamber Structure and parking lot was built shortly thereafter and has existed thereon for over 20 years. The Chamber and City of Cape Coral desire to pursue redevelopment of the parcel as it is now within the City limits. The County does not need the entire parcel for any present or future road and/or bridge related purposes. In order for the City and Chamber to pursue their planning and redevelopment efforts, the State of Florida must approve the transfer and potentially any uses on the parcel. As the County was the recipient of the dedication, the County must formally request the transfer and assignment. The County by prior resolution supported the City's assumption of the dedication and their expressed efforts to receive State waterfront improvement funds.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
N/A	N/A	N/A	N/A	<i>[Signature]</i>	OA <i>[Signature]</i>	OM <i>[Signature]</i>	RISK <i>[Signature]</i>	GC <i>[Signature]</i>	<i>[Signature]</i> 8-6-03

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.
FORWARDED
TO CO. ADMIN.
8-4-03

RECEIVED BY
COUNTY ADMIN. *[Signature]*
8-4-03
11:00
COUNTY ADMIN
FORWARDED TO: *[Signature]*
763

DRAFT

LEE COUNTY RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, REQUESTING THE STATE OF FLORIDA, BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST TO APPROVE THE TRANSFER AND ASSIGNMENT TO AND ASSUMPTION OF SOVEREIGN SUBMERGED LAND DEDICATION #2325 BY THE CITY OF CAPE CORAL, FLORIDA WITH ANY REQUIRED AMENDMENTS OR RELEASES OF SAID DEDICATION TO THE CITY.

WHEREAS, on or about January 4, 1963, the State of Florida executed the attached Dedication of Sovereign Submerged Lands, "Exhibit A" hereto; and

WHEREAS, the Submerged Lands as so dedicated, hereinafter called "The Parcel", provided lands for Lee County to use for public road purposes and potentially other public purposes not in conflict with road purposes; and

WHEREAS, the County determined that the Cape Coral Chamber of Commerce was a bonafide not-for-profit corporation which provided a useful service in the common interests of the people of Lee County by supporting and promoting County and City projects in the advertising, welfare, recreation and enhancement of goodwill toward Lee County and Cape Coral, Florida; and

WHEREAS, Lee County in 1976 leased a small portion of "The Parcel" to the Cape Coral Chamber of Commerce in order that said entity could perform a public service in using the parcel as a public Welcome Center and related uses; and

WHEREAS, the County does not presently or in the future need a significant portion of "The Parcel" for road and bridge related purposes; and

WHEREAS, "The Parcel" was by Legislative Act recently included within the municipal boundaries of the City of Cape Coral, Florida; and

WHEREAS, the City of Cape Coral and the Cape Coral Chamber of Commerce seek the ability to provide certain planning, use and redevelopment of that portion of "The Parcel" that Lee County does not need for road and road related purposes; and

WHEREAS, the City and Chamber's ability to plan and redevelop "The Parcel" will be for the overall benefit of the citizens of Lee County and Cape Coral; and

WHEREAS, Lee County by Resolutions 1-04-07 and 1-04-08, attached as "Exhibit B", previously supported the City of Cape Coral's assumption of said Submerged Land Dedication and the City's participation in State funding opportunities in order to improve "The Parcel".

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA THAT:

1. The above recitations are hereby found and declared to be true and accurate, and are approved and adopted herein as if set out further at length in this section.
2. Lee County, Florida hereby requests and petitions the State of Florida, Board of Trustees of Internal Improvement Trust and related State Agencies, to assign and transfer Sovereign Submerged Land Dedication #2325 to the City of Cape Coral, Florida, with the City assuming said dedication with any required amendments or releases of said dedication as deemed necessary by the parties.
3. The County continues to support the City of Cape Coral's assumption of Sovereign Submerged Land Dedication #2325, as articulated in Resolution 1-04-07.

4. Said transfer to and assumption by the City of Cape Coral, Florida, is to include "The Parcel", except that portion as reserved by the County for its existing road and bridge related uses and needs. The County will provide a survey thereof as an integral part of the application process.

5. The County respectfully requests the State of Florida, Board of Trustees of Internal Improvement Trust and any affected State Agencies to favorably approve this request and petition and to further favorably resolve any outstanding issues pertaining to the use of "The Parcel".

6. Lee County, its employees, and designees are hereby directed to proceed to take those actions reasonably necessary to accomplish the intent of this resolution request, to include coordination, as necessary, with the City of Cape Coral and Cape Coral Chamber of Commerce to effectuate this requested assignment and assumption.

7. This Resolution shall become effective upon its adoption by a majority vote of the Board of County Commissioners sitting at a regularly scheduled Board meeting.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner _____ and seconded by Commissioner _____, and upon being put to a vote, the result was as follows:

Robert P. Janes	_____
Douglas R. St. Cerny	_____
Ray Judah	_____
Andrew W. Coy	_____
John E. Albion	_____

11/13/03

DULY PASSED AND ADOPTED this _____ day of _____, 2003.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
County Attorney