

By Senator Burt

16-565-01

1 A bill to be entitled
2 An act relating to the City of Daytona Beach,
3 Volusia County; providing for the lease of
4 certain submerged lands to the city by the
5 state; providing for the duration of the lease;
6 specifying the amount of the lease; providing
7 for the purpose of the lease; providing that
8 the lease is contingent upon the city's
9 acquisition of the pier situated upon the
10 leased lands; providing additional terms of the
11 lease; providing severability; providing an
12 effective date.

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14 WHEREAS, the City of Daytona Beach has undertaken a
15 major downtown redevelopment effort designed to foster
16 economic enterprise, to enhance tourism, and to restore
17 certain historic city attributes, and

18 WHEREAS, the historic pier situated centrally within
19 the redevelopment area is a key feature of the redevelopment
20 endeavor and the lease of the submerged lands underlying the
21 pier to the City of Daytona Beach is an essential component
22 for this multi-faceted project, and

23 WHEREAS, it is the intention of the City of Daytona
24 Beach to acquire ownership of the pier and establish it as the
25 center point of the redevelopment project, and

26 WHEREAS, the Legislature finds that it is in the public
27 interest to provide for a lease of the lands underlying the
28 historic pier to the City of Daytona Beach for the purposes
29 stated in this act, NOW, THEREFORE,

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31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. The lessor, State of Florida, hereby leases
2 the following described property to the lessee, City of
3 Daytona Beach, Florida:

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5 A parcel of sovereign submerged land in Volusia
6 County, Florida, more particularly described
7 as:

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9 A portion of submerged land in the Atlantic
10 Ocean adjacent to Block 2, Plan of Seabreeze
11 Subdivision as recorded in Deed Book "O" Page
12 301, Public Records of Volusia County, Florida,
13 and being more particularly described as
14 follows. As a point of reference, commence at
15 the northeast corner of Block 5, said plan of
16 Seabreeze Subdivision, thence north 89 degrees
17 49 minutes 35 seconds east along the southerly
18 original right-of-way line of Main Street and
19 along its extension thereof, 488.65 feet more
20 or less, to the mean high-water line of the
21 Atlantic Ocean beach and to the point of
22 beginning. Thence continue north 89 degrees 49
23 minutes 35 seconds east 1,000.00 feet, thence
24 south 00 degrees 10 minutes 25 seconds east
25 242.30 feet, thence south 89 degrees 49 minutes
26 35 seconds west, 979.07 feet, more or less to
27 the aforementioned high-water line, thence
28 north 05 degrees 07 minutes 29 seconds west
29 along the said mean high-water line
30 approximately 243.21 feet to the point of
31 beginning.

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2 Section 2. The term of this lease commences on July 1,
3 2001, and terminates on June 30, 2036, unless extended by
4 further act of the Legislature. The lessee shall pay an
5 initial annual lease fee of \$5,000 to the Board of Trustees of
6 the Internal Improvement Trust Fund. The annual lease fee
7 shall increase by \$5,000 at each successive 5-year interval
8 during the lease term, and such fee shall be remitted to the
9 Department of Environmental Protection as the agent for the
10 lessor. These sums shall be used by the Board of Trustees of
11 the Internal Improvement Trust Fund to monitor and administer
12 the provisions of this lease.

13 Section 3. The submerged lands described in this act
14 are leased for the purpose of furthering the city's downtown
15 redevelopment initiative, including the city's acquisition of
16 the historic pier situated upon the leased lands, and such
17 uses may include nonwater-dependent activities. If the city is
18 unable to acquire the historic pier or, once having purchased
19 the pier, relinquishes ownership, this lease is void.

20 Section 4. This lease is specifically contingent upon
21 the City of Daytona Beach acquiring ownership of the pier, and
22 this lease does not become effective unless and until such
23 acquisition is secured.

24 Section 5. The lessee shall make no claim of title or
25 interest to such lands by reason of the occupancy or use
26 thereof, and all title and interest to such land is vested in
27 the lessor. The lessee may not make any claim, including any
28 advertisement, that such land may be purchased, sold, or
29 resold.

30 Section 6. During the term of this lease, the lessee
31 shall maintain a leasehold or fee simple title interest in the

1 riparian upland property and, if such interest is terminated,
2 the lease may be terminated by the lessor at the option of the
3 lessor. Prior to sale or termination of the lessee's leasehold
4 interest in the upland property, lessee shall inform any
5 potential buyer or transferee of the lessee's upland property
6 interest of the existence of this lease and all its terms and
7 conditions.

8 Section 7. The lessee shall investigate all claims of
9 every nature arising out of this lease at its expense and
10 shall indemnify, defend, and save and hold harmless the state
11 from all claims, actions, lawsuits, and demands arising out of
12 this lease.

13 Section 8. The lessee shall assume all responsibility
14 for liabilities that accrue to the subject property or to the
15 improvements thereon, including any and all drainage or
16 special assessments or taxes of every kind and description
17 which are now or may be hereafter lawfully assessed and levied
18 against the subject property during the effective period of
19 this lease.

20 Section 9. The lessee shall not knowingly permit or
21 suffer any nuisances or illegal operations of any kind on the
22 leased premises. During the term of this lease the lessee
23 shall prohibit the operation of entry onto the leased premises
24 of gambling cruise ships or vessels that are used principally
25 for the purpose of gambling, when these vessels are engaged in
26 "cruises to nowhere," where the ships leave and return to the
27 state without an intervening stop within another state or
28 foreign country or waters within the jurisdiction of another
29 state or foreign country, and any watercraft used to carry
30 passengers to and from such gambling cruise ships.

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1 Section 10. The lessee shall maintain the leased
2 premises in good condition, keeping the structures and
3 equipment located thereon in a good state of repair in the
4 interests of public health, safety, and welfare. No dock or
5 pier shall be constructed in any manner that would cause harm
6 to wildlife. All garbage, debris, and sewage shall be disposed
7 in an appropriate upland facility. The leased premises shall
8 be subject to inspection by the Department of Environmental
9 Regulation at any reasonable time.

10 Section 11. The lessee, at its cost, shall remove any
11 structures and equipment from the subject property at the end
12 of the lease term. Any costs incurred by the lessor in removal
13 of any structures and equipment constructed or maintained on
14 the subject property shall be paid by lessee, and any unpaid
15 costs and expenses shall constitute a lien upon the interest
16 of the lessee in its riparian upland property enforceable in
17 summary proceedings as provided by law.

18 Section 12. Prior to commencement of construction or
19 activities authorized herein, the lessee shall obtain the U.S.
20 Army Corps of Engineers permit if it is required by the Corps.

21 Section 13. This lease shall not be assigned or
22 otherwise transferred without further legislative action.

23 Section 14. The lessee shall at all times comply with
24 all Florida Statutes and all administrative rules adopted
25 under the Florida Statutes not inconsistent with this act.

26 Section 15. To effectuate this lease the lessee shall
27 submit an acceptance of the terms of this lease in writing to
28 the Department of Environmental Protection.

29 Section 16. If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 invalidity does not affect other provisions or applications of

1 the act which can be given effect without the invalid
2 provision or application, and to this end the provisions of
3 this act are declared severable.

4 Section 17. This act shall take effect upon becoming a
5 law.

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