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1                   A bill to be entitled  
2           An act relating to the City of West Palm Beach, Palm Beach  
3           County; amending chapter 65-2381, Laws of Florida;  
4           providing for the conveyance of title of certain submerged  
5           lands from the Board of Trustees of the Internal  
6           Improvement Trust Fund to the City of West Palm Beach;  
7           defining the territorial boundaries of such submerged  
8           lands; providing an effective date.

9  
10           WHEREAS, the Legislature has recognized that there is an  
11           important state interest in facilitating boating access to the  
12           state's navigable waters, and

13           WHEREAS, the Legislature has declared that this access is  
14           vital to recreational users and the marine industry in the  
15           state, to maintaining or enhancing the \$14 billion economic  
16           impact of boating in the state, and to ensuring continued access  
17           to all residents and visitors to the navigable waters of the  
18           state, and

19           WHEREAS, the Legislature has recognized that there is an  
20           important state interest in maintaining viable water-dependent  
21           support facilities, such as boat hauling and repairing and  
22           commercial fishing facilities, and in maintaining the  
23           availability of public access to the navigable waters of the  
24           state, and

25           WHEREAS, the Legislature has recognized that the waterways  
26           of the state are important for engaging in commerce and the  
27           transportation of goods and people upon such waterways and that  
28           such commerce and transportation are not feasible unless there

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29 | is access to and from the navigable waters of the state through  
30 | recreational and commercial working waterfronts, and

31 |       WHEREAS, the City of West Palm Beach is expanding its city-  
32 | owned Palm Harbor Marina into an aesthetically pleasing and  
33 | accessible working waterfront, and

34 |       WHEREAS, West Palm Beach residents and visitors will have  
35 | access to the downtown waterfront community, including  
36 | waterfront concerts and other events, restaurants, shopping,  
37 | parks, educational water-related children's activities, canoe  
38 | and kayak activities, and mooring locations, and

39 |       WHEREAS, the City of West Palm Beach erected four piers and  
40 | dredged a boat basin between the piers and a channel from the  
41 | boat basin to the Intracoastal Waterway, and

42 |       WHEREAS, the Board of Trustees granted ownership of the  
43 | submerged lands directly under the piers to the City of West  
44 | Palm Beach but denied ownership of the surrounding dredged  
45 | areas, and

46 |       WHEREAS, the City of West Palm Beach and its citizens will  
47 | benefit from integrated management of the identified submerged  
48 | lands in order to complete and sustain the City Waterfront  
49 | Commons for the general public, NOW, THEREFORE,

50

51 | Be It Enacted by the Legislature of the State of Florida:

52

53 |       Section 1. Subsection (1) of section 1.04 of section 2 of  
54 | chapter 65-2381, Laws of Florida, is amended to read:

55 Section 1.04. Enumerated powers.--The city shall have the  
 56 following enumerated powers, subject to the limitations set  
 57 forth herein:

58 (1) To acquire and dispose of any type of property or  
 59 interest therein, within or without the city; and to receive  
 60 title to, right of entry upon, and the right to regulate the  
 61 improvement of any and all submerged lands belonging to the  
 62 State of Florida contained within the area designated in this  
 63 subsection. Such submerged lands are hereby conveyed and granted  
 64 to the City of West Palm Beach, subject to the riparian rights  
 65 of the respective owners of the uplands adjacent thereto. Such  
 66 titles and rights shall effectually and fully vest in said City  
 67 of West Palm Beach. No such submerged lands owned by the City of  
 68 West Palm Beach shall be sold or otherwise disposed of by the  
 69 City of West Palm Beach to any party or parties and shall only  
 70 be used for proper public and marina purposes. The submerged  
 71 lands conveyed and granted to the City of West Palm Beach shall  
 72 comprise and include the territory described as follows:

73  
 74 A portion of Section 22, Township 43 South, Range 43  
 75 East, Palm Beach County, Florida, more particularly  
 76 described as follows:

77  
 78 Commencing at the intersection of the centerline of  
 79 North Olive Avenue with the centerline of third  
 80 street; thence South 88°02'16" East, along said  
 81 centerline of Third Street, 452.49 feet to the  
 82 intersection of the centerline of Third Street with

83 the Easterly right-of-way line of Flagler Drive as now  
84 established by the Office of the City Engineer; thence  
85 Northerly, along said Easterly right-of-way line of  
86 Flagler Drive, the following courses; North 75°46'04"  
87 East, 10.00 feet to the Point of Curvature of a curve  
88 concave Northeasterly, having a radius of 845.14 feet,  
89 and whose center bears North 75°46'04" East; thence  
90 Northerly, along said curve, through a central angle  
91 of 9°13'12", a distance of 136.00 feet to the Point of  
92 Tangency; thence North 5°00'04" West, 16.44 feet to  
93 the Point of Curvature of a curve concave Easterly,  
94 and having a radius of 1291.33 feet; thence Northerly,  
95 along said curve, through a central angle of 6°35'57",  
96 a distance of 148.73 feet to the Point of Tangency;  
97 thence north 01°35'13" East, 14.10 feet, thence South  
98 88°24'47" East, 5.30 feet to the Point in the Easterly  
99 right-of way line of Flagler Drive, as established by  
100 the State Road Department and shown on plat recorded  
101 in Road Plat Book 2, Page 234 of the Public Records of  
102 Palm Beach County, Florida, said point situate on a  
103 curve concave Easterly, having a radius of 1387.19  
104 feet, and whose center bears South 88°24'47" East;  
105 thence Northerly along said curved Easterly right-of-  
106 way line, through a central angle of 15°49'11", a  
107 distance of 383.01 feet to a Point of Compound  
108 Curvature; thence northeasterly, along a curve concave  
109 southeasterly, having a radius of 145.00 feet, through  
110 a central angle of 62°44'29", a distance of 158.78

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111 feet; thence South 82°23'15" East, continuing along  
112 said right-of-way line as established by the State  
113 Road Department, 451.87 feet to the Point of  
114 Beginning, said point being the Northeast corner of C-  
115 1 commercial unit as described in Official Records  
116 Book 3582, Page 1704, of the Public Records of Palm  
117 Beach County, Florida; thence South 88°10'36" East  
118 along a line perpendicular to the West line of the  
119 Intracoastal Waterway Channel (cut 38), 375.79 feet to  
120 a point which is 62.50 feet West, as measured at right  
121 angles, from the West line of said channel; thence  
122 South 01°49'24" West, along a line which is parallel  
123 with and 62.50 feet West of the West line of said  
124 channel, 1018.62 feet; thence South 07°36'15" East,  
125 continuing along a line which is parallel with and  
126 62.50 feet West of the West line of the Intracoastal  
127 Waterway Channel (cut 39), 512.71 feet; thence North  
128 88°00'26" West, 351.02 feet to the southeast corner of  
129 said C-1 commercial unit; thence North 02°15'36" West,  
130 along the East line of said commercial unit, 1527.24  
131 feet to the Point of Beginning.

132  
133 Said lands situate in Palm Beach County, Florida, and  
134 containing 510,962 square feet (11.730 acres), more or  
135 less, and

136  
137 A PORTION OF GOVERNMENT LOTS 4 AND 5 IN SECTION 22,  
138 TOWNSHIP 43 SOUTH. RANGE 43 EAST, PALM BEACH COUNTY,

139 FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
140  
141 COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF  
142 NORTH OLIVE AVENUE, A 60 FOOT RIGHT-OF-WAY AS SHOWN ON  
143 MAP OF RAILWAY ADDITION, AN ADDITION TO THE CITY OF  
144 WEST PALM BEACH, FLORIDA, AS RECORDED IN PLAT BOOK 1,  
145 PAGE 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY,  
146 FLORIDA, WITH THE CENTERLINE OF THIRD STREET (FORMERLY  
147 FIRST AVENUE), A 50 FOOT RIGHT-OF-WAY AS SHOWN ON SAID  
148 MAP OF RAILWAY ADDITION; THENCE SOUTH 88°02'16" EAST,  
149 ALONG SAID CENTERLINE OF THIRD STREET, 452.49 FEET TO  
150 A RAILROAD SPIKE WITH PUNCH MARK MARKING THE  
151 INTERSECTION OF THE CENTERLINE OF THIRD STREET WITH  
152 THE EASTERLY RIGHT-OF-WAY LINE OF FLAGLER DRIVE AS NOW  
153 ESTABLISHED BY THE OFFICE OF THE CITY ENGINEER, THENCE  
154 NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF  
155 FLAGLER DRIVE AS NOW ESTABLISHED, THE FOLLOWING  
156 COURSES; NORTH 75°46'04" EAST, 10.00 FEET TO THE POINT  
157 OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING  
158 A-RADIUS OF 845.14 FEET; AND WHOSE CENTER BEARS NORTH  
159 75°46'04" EAST; THENCE NORTHERLY, ALONG SAID CURVE,  
160 THROUGH A CENTRAL ANGLE OF 09°13'12", A DISTANCE OF  
161 136.00 FEET TO THE POINT OF TANGENCY; THENCE NORTH  
162 05°00'44" WEST, 16.44 FEET TO THE POINT OF CURVATURE  
163 OF A CURVE CONCAVE EASTERLY, AND HAVING A RADIUS OF  
164 1291.33 FEET; THENCE NORTHERLY, ALONG SAID CURVE,  
165 THROUGH A CENTRAL ANGLE OF 06°35'57", A DISTANCE OF  
166 148.73 FEET TO THE POINT OF TANGENCY; THENCE NORTH

167 01°35'13" EAST, 14.10 FEET; THENCE SOUTH 88°24'47"  
 168 EAST, 5.30 FEET TO A POINT IN THE EASTERLY RIGHT-OF-  
 169 WAY LINE OF FLAGLER DRIVE, AS NOW ESTABLISHED BY THE  
 170 STATE ROAD DEPARTMENT AND SHOWN ON PLAT RECORDED IN  
 171 ROAD PLAT BOOK 2, PAGE 234, OF THE PUBLIC RECORDS OF  
 172 PALM BEACH COUNTY, FLORIDA, SAID POINT SITUATED ON A  
 173 CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 1387.19  
 174 FEET, AND WHOSE CENTER BEARS SOUTH 88°24'47" EAST;  
 175 THENCE NORTHERLY ALONG SAID CURVED EASTERLY RIGHT-OF-  
 176 WAY LINE, THROUGH A CENTRAL ANGLE OF 15°49'11", A  
 177 DISTANCE OF 383.01 FEET TO A POINT OF COMPOUND  
 178 CURVATURE; THENCE NORTHEASTERLY, ALONG A CURVE CONCAVE  
 179 SOUTHEASTERLY, HAVING A RADIUS OF 145.00 FEET, THROUGH  
 180 A CENTRAL ANGLE OF 62°44'29", A DISTANCE OF 158.78  
 181 FEET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE AS  
 182 ESTABLISHED BY THE STATE ROAD DEPARTMENT, SOUTH  
 183 82°23'15" EAST, 55.91 FEET TO THE POINT OF BEGINNING;  
 184 THENCE CONTINUOUS ALONG THE LAST DESCRIBED COURSE  
 185 SOUTH 82°23'15" EAST, A DISTANCE OF 395.96 FEET,  
 186 THENCE SOUTH 02°15'36" EAST, A DISTANCE OF 1527.24  
 187 FEET, THENCE NORTH 88°00'26" WEST, A DISTANCE OF  
 188 148.45 FEET TO A POINT OF INTERSECTION WITH THE  
 189 EASTERLY RIGHT-OF-WAY OF FLAGLER DRIVE, AS NOW  
 190 ESTABLISHED BY THE OFFICE OF THE CITY ENGINEER; SAID  
 191 EASTERLY RIGHT-OF-WAY LINE BEING A CURVE CONCAVE  
 192 SOUTHWESTERLY, HAVING A RADIUS OF 300.00 FEET AND  
 193 WHOSE CENTER BEARS SOUTH 24°34'04" WEST, THE FOLLOWING  
 194 TWO COURSES ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE

195 OF FLAGLER DRIVE; THENCE NORTHWESTERLY ALONG SAID  
 196 CURVE THROUGH A CENTRAL ANGLE OF 17°22'21" A DISTANCE  
 197 OF 90.96 FEET TO THE POINT OF TANGENCY; THENCE NORTH  
 198 65°25'56" WEST A DISTANCE OF 69.29 FEET TO THE POINT  
 199 OF CURVATURE OF A CIRCULAR CURVE CONCAVE  
 200 NORTHEASTERLY, HAVING A RADIUS OF 67.75 FEET, THENCE  
 201 NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE  
 202 OF 12°41'16" A DISTANCE OF 22.53 FEET TO A POINT OF  
 203 INTERSECTION WITH A CIRCULAR CURVE CONCAVE EASTERLY,  
 204 HAVING A RADIUS OF 2882.45 FEET, WHOSE CENTER BEARS  
 205 NORTH 69°09'49" EAST, THE FOLLOWING THREE COURSES  
 206 RUNNING PARALLEL WITH AND 2.00 FEET WESTERLY OF THE  
 207 EASTERLY FACE OF THE CAP OF AN EXISTING CONCRETE  
 208 BULKHEAD; THENCE NORTHERLY ALONG THE LAST DESCRIBED  
 209 CURVE THROUGH A CENTRAL ANGLE OF 05°39'54" FOR 285.00  
 210 FEET TO A POINT OF COMPOUND CURVATURE; THENCE  
 211 NORTHERLY ALONG A CURVE CONCAVE EASTERLY, HAVING A  
 212 RADIUS OF 2839.39 FEET, THROUGH A CENTRAL ANGLE OF  
 213 8°40'00", A DISTANCE OF 429.49 FEET TO A POINT OF  
 214 COMPOUND CURVATURE, THENCE CONTINUOUS NORTHERLY  
 215 THROUGH A CENTRAL ANGLE OF 16°17'06", A DISTANCE OF  
 216 793.96 FEET TO THE POINT OF BEGINNING CONTAINING  
 217 14.3248 ACRES MORE OR LESS. THE BEARINGS HEREIN REFER  
 218 TO MAP OF CITY OF WEST PALM BEACH, FLORIDA 1963  
 219 BULKHEAD LINE, AS RECORDED IN PLAT BOOK 27, PAGES 231  
 220 THROUGH 239 OF THE PUBLIC RECORDS OF PALM BEACH  
 221 COUNTY, FLORIDA.  
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223 Less and except those submerged lands to which title  
224 has been confirmed in the City of West Palm Beach  
225 pursuant to Florida Supreme Court case, City of West  
226 Palm Beach v. Board of Trustees of the Internal  
227 Improvement Trust Fund, 746 So. 2d. 1085 (1999).

228

229 Section 2. This act shall take effect upon becoming a law.