

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, for consideration of \$1 from the  
 65 City of West Palm Beach to the Board of Trustees of the Internal  
 66 Improvement Trust Fund, subject to the riparian rights of the  
 67 respective owners of the uplands adjacent thereto. Such titles  
 68 and rights shall effectually and fully vest in said City of West  
 69 Palm Beach. No such submerged lands owned by the City of West  
 70 Palm Beach shall be sold or otherwise disposed of by the City of  
 71 West Palm Beach to any party or parties and shall only be used  
 72 for proper public and marina purposes. The submerged lands  
 73 conveyed and granted to the City of West Palm Beach shall  
 74 comprise and include the territory described as follows:

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

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

83 | centerline of Third Street, 452.49 feet to the  
84 | intersection of the centerline of Third Street with  
85 | the Easterly right-of-way line of Flagler Drive as now  
86 | established by the Office of the City Engineer; thence  
87 | Northerly, along said Easterly right-of-way line of  
88 | Flagler Drive, the following courses; North 75°46'04"  
89 | East, 10.00 feet to the Point of Curvature of a curve  
90 | concave Northeasterly, having a radius of 845.14 feet,  
91 | and whose center bears North 75°46'04" East; thence  
92 | Northerly, along said curve, through a central angle  
93 | of 9°13'12", a distance of 136.00 feet to the Point of  
94 | Tangency; thence North 5°00'04" West, 16.44 feet to  
95 | the Point of Curvature of a curve concave Easterly,  
96 | and having a radius of 1291.33 feet; thence Northerly,  
97 | along said curve, through a central angle of 6°35'57",  
98 | a distance of 148.73 feet to the Point of Tangency;  
99 | thence north 01°35'13" East, 14.10 feet, thence South  
100 | 88°24'47" East, 5.30 feet to the Point in the Easterly  
101 | right-of way line of Flagler Drive, as established by  
102 | the State Road Department and shown on plat recorded  
103 | in Road Plat Book 2, Page 234 of the Public Records of  
104 | Palm Beach County, Florida, said point situate on a  
105 | curve concave Easterly, having a radius of 1387.19  
106 | feet, and whose center bears South 88°24'47" East;  
107 | thence Northerly along said curved Easterly right-of-  
108 | way line, through a central angle of 15°49'11", a  
109 | distance of 383.01 feet to a Point of Compound  
110 | Curvature; thence northeasterly, along a curve concave

111 southeasterly, having a radius of 145.00 feet, through  
 112 a central angle of 62°44'29", a distance of 158.78  
 113 feet; thence South 82°23'15" East, continuing along  
 114 said right-of-way line as established by the State  
 115 Road Department, 451.87 feet to the Point of  
 116 Beginning, said point being the Northeast corner of C-  
 117 1 commercial unit as described in Official Records  
 118 Book 3582, Page 1704, of the Public Records of Palm  
 119 Beach County, Florida; thence South 88°10'36" East  
 120 along a line perpendicular to the West line of the  
 121 Intracoastal Waterway Channel (cut 38), 375.79 feet to  
 122 a point which is 62.50 feet West, as measured at right  
 123 angles, from the West line of said channel; thence  
 124 South 01°49'24" West, along a line which is parallel  
 125 with and 62.50 feet West of the West line of said  
 126 channel, 1018.62 feet; thence South 07°36'15" East,  
 127 continuing along a line which is parallel with and  
 128 62.50 feet West of the West line of the Intracoastal  
 129 Waterway Channel (cut 39), 512.71 feet; thence North  
 130 88°00'26" West, 351.02 feet to the southeast corner of  
 131 said C-1 commercial unit; thence North 02°15'36" West,  
 132 along the East line of said commercial unit, 1527.24  
 133 feet to the Point of Beginning.

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

139 A PORTION OF GOVERNMENT LOTS 4 AND 5 IN SECTION 22,  
 140 TOWNSHIP 43 SOUTH. RANGE 43 EAST, PALM BEACH COUNTY,  
 141 FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 142  
 143 COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF  
 144 NORTH OLIVE AVENUE, A 60 FOOT RIGHT-OF-WAY AS SHOWN ON  
 145 MAP OF RAILWAY ADDITION, AN ADDITION TO THE CITY OF  
 146 WEST PALM BEACH, FLORIDA, AS RECORDED IN PLAT BOOK 1,  
 147 PAGE 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY,  
 148 FLORIDA, WITH THE CENTERLINE OF THIRD STREET (FORMERLY  
 149 FIRST AVENUE), A 50 FOOT RIGHT-OF-WAY AS SHOWN ON SAID  
 150 MAP OF RAILWAY ADDITION; THENCE SOUTH 88°02'16" EAST,  
 151 ALONG SAID CENTERLINE OF THIRD STREET, 452.49 FEET TO  
 152 A RAILROAD SPIKE WITH PUNCH MARK MARKING THE  
 153 INTERSECTION OF THE CENTERLINE OF THIRD STREET WITH  
 154 THE EASTERLY RIGHT-OF-WAY LINE OF FLAGLER DRIVE AS NOW  
 155 ESTABLISHED BY THE OFFICE OF THE CITY ENGINEER, THENCE  
 156 NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF  
 157 FLAGLER DRIVE AS NOW ESTABLISHED, THE FOLLOWING  
 158 COURSES; NORTH 75°46'04" EAST, 10.00 FEET TO THE POINT  
 159 OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING  
 160 A-RADIUS OF 845.14 FEET; AND WHOSE CENTER BEARS NORTH  
 161 75°46'04" EAST; THENCE NORTHERLY, ALONG SAID CURVE,  
 162 THROUGH A CENTRAL ANGLE OF 09°13'12", A DISTANCE OF  
 163 136.00 FEET TO THE POINT OF TANGENCY; THENCE NORTH  
 164 05°00'44" WEST, 16.44 FEET TO THE POINT OF CURVATURE  
 165 OF A CURVE CONCAVE EASTERLY, AND HAVING A RADIUS OF  
 166 1291.33 FEET; THENCE NORTHERLY, ALONG SAID CURVE,

167 THROUGH A CENTRAL ANGLE OF 06°35'57", A DISTANCE OF  
 168 148.73 FEET TO THE POINT OF TANGENCY; THENCE NORTH  
 169 01°35'13" EAST, 14.10 FEET; THENCE SOUTH 88°24'47"  
 170 EAST, 5.30 FEET TO A POINT IN THE EASTERLY RIGHT-OF-  
 171 WAY LINE OF FLAGLER DRIVE, AS NOW ESTABLISHED BY THE  
 172 STATE ROAD DEPARTMENT AND SHOWN ON PLAT RECORDED IN  
 173 ROAD PLAT BOOK 2, PAGE 234, OF THE PUBLIC RECORDS OF  
 174 PALM BEACH COUNTY, FLORIDA, SAID POINT SITUATED ON A  
 175 CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 1387.19  
 176 FEET, AND WHOSE CENTER BEARS SOUTH 88°24'47" EAST;  
 177 THENCE NORTHERLY ALONG SAID CURVED EASTERLY RIGHT-OF-  
 178 WAY LINE, THROUGH A CENTRAL ANGLE OF 15°49'11", A  
 179 DISTANCE OF 383.01 FEET TO A POINT OF COMPOUND  
 180 CURVATURE; THENCE NORTHEASTERLY, ALONG A CURVE CONCAVE  
 181 SOUTHEASTERLY, HAVING A RADIUS OF 145.00 FEET, THROUGH  
 182 A CENTRAL ANGLE OF 62°44'29", A DISTANCE OF 158.78  
 183 FEET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE AS  
 184 ESTABLISHED BY THE STATE ROAD DEPARTMENT, SOUTH  
 185 82°23'15" EAST, 55.91 FEET TO THE POINT OF BEGINNING;  
 186 THENCE CONTINUOUS ALONG THE LAST DESCRIBED COURSE  
 187 SOUTH 82°23'15" EAST, A DISTANCE OF 395.96 FEET,  
 188 THENCE SOUTH 02°15'36" EAST, A DISTANCE OF 1527.24  
 189 FEET, THENCE NORTH 88°00'26" WEST, A DISTANCE OF  
 190 148.45 FEET TO A POINT OF INTERSECTION WITH THE  
 191 EASTERLY RIGHT-OF-WAY OF FLAGLER DRIVE, AS NOW  
 192 ESTABLISHED BY THE OFFICE OF THE CITY ENGINEER; SAID  
 193 EASTERLY RIGHT-OF-WAY LINE BEING A CURVE CONCAVE  
 194 SOUTHWESTERLY, HAVING A RADIUS OF 300.00 FEET AND

195 WHOSE CENTER BEARS SOUTH 24°34'04" WEST, THE FOLLOWING  
 196 TWO COURSES ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE  
 197 OF FLAGLER DRIVE; THENCE NORTHWESTERLY ALONG SAID  
 198 CURVE THROUGH A CENTRAL ANGLE OF 17°22'21" A DISTANCE  
 199 OF 90.96 FEET TO THE POINT OF TANGENCY; THENCE NORTH  
 200 65°25'56" WEST A DISTANCE OF 69.29 FEET TO THE POINT  
 201 OF CURVATURE OF A CIRCULAR CURVE CONCAVE  
 202 NORTHEASTERLY, HAVING A RADIUS OF 67.75 FEET, THENCE  
 203 NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE  
 204 OF 12°41'16" A DISTANCE OF 22.53 FEET TO A POINT OF  
 205 INTERSECTION WITH A CIRCULAR CURVE CONCAVE EASTERLY,  
 206 HAVING A RADIUS OF 2882.45 FEET, WHOSE CENTER BEARS  
 207 NORTH 69°09'49" EAST, THE FOLLOWING THREE COURSES  
 208 RUNNING PARALLEL WITH AND 2.00 FEET WESTERLY OF THE  
 209 EASTERLY FACE OF THE CAP OF AN EXISTING CONCRETE  
 210 BULKHEAD; THENCE NORTHERLY ALONG THE LAST DESCRIBED  
 211 CURVE THROUGH A CENTRAL ANGLE OF 05°39'54" FOR 285.00  
 212 FEET TO A POINT OF COMPOUND CURVATURE; THENCE  
 213 NORTHERLY ALONG A CURVE CONCAVE EASTERLY, HAVING A  
 214 RADIUS OF 2839.39 FEET, THROUGH A CENTRAL ANGLE OF  
 215 8°40'00", A DISTANCE OF 429.49 FEET TO A POINT OF  
 216 COMPOUND CURVATURE, THENCE CONTINUOUS NORTHERLY  
 217 THROUGH A CENTRAL ANGLE OF 16°17'06", A DISTANCE OF  
 218 793.96 FEET TO THE POINT OF BEGINNING CONTAINING  
 219 14.3248 ACRES MORE OR LESS. THE BEARINGS HEREIN REFER  
 220 TO MAP OF CITY OF WEST PALM BEACH, FLORIDA 1963  
 221 BULKHEAD LINE, AS RECORDED IN PLAT BOOK 27, PAGES 231  
 222 THROUGH 239 OF THE PUBLIC RECORDS OF PALM BEACH



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225 Less and except those submerged lands to which title  
 226 has been confirmed in the City of West Palm Beach  
 227 pursuant to Florida Supreme Court case, City of West  
 228 Palm Beach v. Board of Trustees of the Internal  
 229 Improvement Trust Fund, 746 So. 2d. 1085 (1999).

230

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