

April 13, 1950

A meeting of the West Coast Inland Navigation District was held. Thursday, April 13, 1950 at the Court House, Bradenton, Florida at 2:00 p.m. Members present were:

|                      |                                   |
|----------------------|-----------------------------------|
| CHARLOTTE COUNTY:    | Matt Weeks, Member                |
| HILLSBOROUGH COUNTY: | Fred W. Ball, Chairman            |
| LEE COUNTY:          | H. M. Stringfellow, Vice Chairman |
| MANATEE COUNTY:      | J. E. McLeod, Treasurer           |
| SARASOTA COUNTY:     | W. L. Woodard, Secretary          |

Others present were:

Joe K. Merrin, Engineer for the West Coast Inland Navigation District, J. Ben Fuqua, Attorney for the District, Captain W. A. Read, Corps of Engineers, Tampa, Mr. R. W. Marsh and Col. C. R. Mayo.

The meeting was called to order by Chairman Ball. Minutes of the previous meeting were read by Secretary Woodard and approved on motion by Mr. McLeod and seconded by Mr. Weeks, Motion carried.

On motion by Mr. Stringfellow, seconded by Mr. Weeks, that Chairman Ball be authorized to sign contract with Col. Jones. Motion carried.

On motion by Mr. Stringfellow, seconded by Mr. Woodard, that the letter which Mr. Fuqua wrote to Hon. Richard Ervin, Attorney General, Tallahassee, Florida, together with his reply be included in the minutes. Motion carried.

The Commissioners of the District instructed Col. Mayo to ask the Florida Waterway Congress to offer an approved Resolution for an appropriation for the West Coast Inland Navigation District.

Chairman Ball was instructed by the Board to contact Mr. George Smathers to see whether or not he approves of the District.

On motion by Mr. Stringfellow, seconded by Mr. Woodard, the following Resolution was <sup>unanimously</sup> adopted, to-wit:

✓ RESOLUTION

WHEREAS, on August 10, 1949, the Board of Commissioners of the West Coast Inland Navigation District, adopted a resolution at the

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request of some 200 residents and property owners of Venice, Florida, to the effect that the Board of Commissioners had investigated the proposed canal route designated therein as the Park Boulevard Route and recommending to the Corps of Engineers, United States Army, that this proposed Park Boulevard Route be adopted as the approved route for the construction of said canal, certified copy thereof being forwarded to said engineering corps, and

WHEREAS, on December 1, 1949, the Board of Commissioners of said Inland Navigation District were advised by letter from the engineering corps that such proposed new route was approved by the Secretary of the Army, subject to the condition that the cost of the construction of said proposed Park Boulevard Route will not exceed the cost of the original route provided for in House Document 371, 76th Congress, and

WHEREAS, the engineering corps, by its letter of April 11, 1950, further advised the Board of Commissioners of said Navigation District, that the estimated cost of the Authorized Route would require an outlay of \$856,215, showing a difference in the estimated cost of the old and new route of the sum of \$59,770 -- that is, that the proposed Boulevard Route is estimated to cost \$59,770 more than the old Authorized Route, and

WHEREAS, said letter further advised the Board of Commissioners of said Navigation District that due to the fact that said Park Boulevard Route, in its construction, would require the said additional expenditure of said \$59,770, that therefore, it would not be approved in preference to the old route unless the West Coast Inland Navigation District would agree to assume and pay said additional \$59,770 representing the difference between the cost of the old and new route, and

WHEREAS, it has been determined by the Board of Commissioners of the said Navigation District that it is their opinion unani- mously expressed, that it is to the best interest of said Inland Navigation District that said new route be approved, accepted, and constructed in preference to the old Authorized Route and to this end, it was decided that the said West Coast Inland Navigation would assume and agree to pay the additional cost in its construc- tion in accordance with the letter of April 11, 1950 from the engineering corps.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the West Coast Inland Navigation District that by the unanimous adoption of this resolution, it does hereby obligate itself to pay the said \$59,770 representing the additional cost of the construc- tion of the Park Boulevard Route, over and in preference to the old Authorized Route and all as conditioned by the terms of the said letter from the engineering corps of April 11, 1950 and addressed to Mr. Fred W. Ball, Chairman, West Coast Inland Navigation Dis- trict, Court House, Tampa, Florida.

STATE OF FLORIDA )  
 )  
 COUNTY OF MANATEE )

I, W. L. Woodard, Secretary of the Board of Commissioners of the West Coast Inland Navigation District, do hereby certify that the foregoing is a true and correct copy of a resolution unanimously adopted by said Board of Commissioners at its regular monthly meet- ing held at its usual meeting place at the Court House in Bradenton, Manatee County, Florida, on Thursday, April 13, A. D. 1950  
 Witness my hand and official seal, this, the 18th day of April, A.D. 1950.

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Mr. Woodard moved that vouchers number 252-262 be approved for payment. Seconded by Mr. Stringfellow and carried.

Upon motion by Mr. Stringfellow, seconded by Mr. Weeks, the Treasurer's report was accepted.

Engineer Merrin presented his monthly report and it was accepted.

On motion by Mr. Stringfellow, seconded by Mr. Woodard, that this Board instruct Engineer Merrin and Attorney Fuqua to get all information for getting the deeds up for the condemnation and procuring a man to get it valued before putting it in effect. Motion carried.

Mr. Stringfellow moved that this District pay the difference in the two routes as stated in the preceding Resolution. Seconded by Mr. Woodard and carried.

On motion by Mr. Woodard, seconded by Stringfellow, that this Board approve Resolution from Col. Jones to support the people of Venice in their efforts to obtain Federal aid in the construction of a harbor adjoining their city. Motion carried.

On motion by Mr. McLeod, seconded by Mr. Weeks, the Board adjourned to meet again Wednesday, May 10, 1950 at the Court House, Bradenton, Florida.

ATTEST:

W. L. Woodard  
Secretary

APPROVED:

L. H. Daw  
Chairman

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February 18, 1950

Hon. Richard W. Ervin  
Attorney General  
Tallahassee, Florida

Dear General Ervin:

I am attorney for the West Coast Inland Navigation District comprised of the counties of Lee, Charlotte, Sarasota, Manatee, Hillsborough and Pinellas of the State of Florida and created by Chapter 23770, General Laws of the Legislature, 1947. The northern point of this district is the mouth of Anclote River in Pinellas County. You will understand that the territory from the mouth of Anclote River to St. Marks is not included in any navigation district, however, such district extends on around the coast to some point off the coast of Texas. The Board of Commissioners in charge of this district, composed of a county commissioner from each of the respective counties of the district has decided, after advising with certain U. S. governmental officials that it is essential that a preliminary survey be made in this territory from the mouth of Anclote River to St. Marks with a view of showing the necessity of continuing the construction of such navigation canal on through this territory at St. Marks. This survey will cost an estimated \$1,250.00.

Due to the fact that this territory is not subject to the jurisdiction of our district, the question has arisen as to whether or not our Board of Commissioners for our district would have authority to expend this sum of money for the cost of making this preliminary survey. Due to the liberalness of the act creating the district and especially so under the terms of Section 19 thereof, it has been my impression and I so advised the Board, that it was my opinion that a Court would approve such expenditure in event it was questioned in some Court action, however, I may be mistaken about the matter and advised the Board that I would seek an opinion from you as to the legality of authorization for such expenditure of the district's funds outside of our district and will state the question in the following form, to-wit; Has the Board of Commissioners of the West Coast Inland Navigation District authority, under Chapter 23770, General Laws of Florida, Legislature of 1947, to expend a minimum estimated sum of \$1,250.00 in making a preliminary survey of the territory outside of said district reaching from the mouth of Anclote River to St. Marks, Florida, for the purpose of ascertaining if it is necessary in the interest of said navigation district to promote the construction of said canal from the mouth of Anclote River to St. Marks in order to complete such canal for the entire west coast of Florida from its northern point to Ft. Myers?

I hope I have stated the question so as to fully advise you of the matter that you may render your opinion as to the question involved. Due to the fact that we are pressed for time in that we must report at the earliest possible date to the governmental authorities regarding the matter, I will greatly appreciate your opinion as soon as it is convenient for you to prepare it.

Thanking you for your cooperation in the matter, I am

J. Ben Fuqua

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March 16, 1950

Re: West Coast Navigation  
District.Hon. Richard W. Ervin  
Attorney General  
Tallahassee, FloridaAttention: Mr. Burns, Assistant Attorney General.

Dear Mr. Burns:

Pursuant to our telephone conversation yesterday afternoon regarding the above navigation district, I am writing to amplify the question set forth in my letter of February 18, 1950, now on your desk.

The commissioners of the district propose to spend the estimated sum of \$1,250.00 in the preparation of a brief instead of a survey. This brief is for the purpose of showing the necessity of a survey mentioned in my letter and the survey will be made by the government engineers if, in their opinion, the brief prepared and filed, shows sufficient facts to justify the survey. Due to the fact that this money that belongs to our district is gathered under a state law, we are concerned about whether or not we would be justified under the law in expending money belonging to the district on territory involved outside the district. I hope that matter is clear enough that you will be able to give us your opinion and will appreciate hearing from you at the earliest date consistent with your convenience.

Yours truly,

J. Ben Fuqua, Attorney  
for the West Coast Inland  
Navigation District.JBF/n  
cc - Mr. Fred Ball

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Tallahassee, Florida  
March 30, 1950

Honorable J. B. Fuqua  
Attorney for West Coast  
Inland Navigation District  
Palmetto, Florida

Re: Gathering of information concerning  
possible traffic for inland canal

Dear Mr. Fuqua:

Replying to your two letters of recent date requesting an opinion of this office upon substantially the following question:

May the board of commissioners of the West Coast Inland Navigation District, under the authority of chapter 23770, laws of Florida, acts of 1947, or otherwise, in order to determine the advisability for constructing the proposed inland navigation canal within the said district, expend district funds for the purpose of making a preliminary survey to determine the advantages of the proposed canal without an extension from mouth of the Anclote river to St. Marks, and with such an extension, which would complete the inland waterway from Texas to east Florida, in order to determine the advisability of constructing the canal through the said West Coast Inland Navigation District?

The West Coast Inland Navigation District is composed of Lee, Charlotte, Satasota, Manatee, Hillsborough and Pinellas counties, Florida, and was created for the purpose of aiding and assisting the federal government in connection with the construction of an inland waterway from Maine to Texas. The east coast portion of the said waterway has been constructed and is now in use. The west coast portion of the waterway has been substantially completed from Texas to St. Marks, Florida. The construction of the waterway through the said West Coast Inland Navigation District and the construction of a like canal from the northern boundary of said district, or Anclote river to St. Marks, Florida, will be a substantial completion of the proposed inland waterway.

One of the elements going to the advisability of the construction of the waterway through the said West Coast Inland Navigation District is the amount of use the canal would be put to and the benefit to the said district. It is readily apparent that the completion of the link from

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the said Anclote river to St. Marks would open up the canal to inland traffic from the middle west and would enable traffic moving over the Mississippi river to continue into west Florida and into the above mentioned counties.

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The return of the district, for funds expended for or in connection with the construction of the canal, will be the use of the proposed canal and the traffic moving into the district by reason of the canal. Without the completion of the link from the Anclote river to St. Marks, Florida, the contemplated traffic must be from the south and east. With the completion of such link traffic could then move into the district from the west and middle west. The district and the winter resorts within its boundaries would be opened up, upon the completion of the said link, to small craft and pleasure vessels from the many cities bordering on the Mississippi and other middle west rivers. It seems possible that a survey of the possibilities of obtaining this traffic for the area might be a major factor in deciding upon the construction of the canal. With the opening up of the said link freight traffic on small craft and barges would be opened up from the areas bordering on the Gulf of Mexico and the Mississippi river. When viewed from the standpoint it seems that the investigation would have sufficient local features to justify it being made by the said district. The district would be justified in making such a traffic survey for its own use and benefit, but would not be so justified if the said survey is for the benefit of some other area.

If the purpose of the survey is as above pointed out we feel that the above question should be answered in the affirmative.

Yours very truly,

Richard W. Ervin  
Attorney General

Prepared by:

Fred Burns  
Assistant Attorney General  
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