

The March meeting of the Commissioners, of the WEST COAST INLAND NAVIGATION DISTRICT, was held March 9, 1970, in the Commissioners Meeting Room, Manatee County Court House, Bradenton, Fla.

Present: Ellsworth G. Simmons, Chairman, Hillsborough County  
 Kenneth W. Daniels, Vice Chairman, Lee County  
 Dan P. McClure, Treasurer, Manatee County  
 Larry Rhodes, Secretary, Sarasota County  
 A. L. Anderson, Pinellas County  
 Haywood W. Conover, Charlotte County

Charles E. Furbee, Executive Director  
 Dewey A. Dye, Jr., Counsel

The meeting convened at 10:30 a.m.

Minutes of the February 16, 1970 meeting were approved as presented.

The Treasurer's Report was read and approved. Vouchers #6223 through #6252 were approved for payment.

The Director reported that the Right-of-Way office has been relocated and the move was made from Manatee National Bank Building to the Court House, Room No. 252. Files, maps, and equipment have been moved and only the remaining record files held by Mr. J. Hardin Peterson in his Lakeland office need to be secured in Room 252. All records then will be readily available to WCIND Counsel - both active and inactive.

The Director was instructed by the Board to complete the move of records from Mr. Peterson's office in Lakeland.

#### ACTIVITIES REPORT

##### Sarasota County

Court Refunds - The Director reported that court refunds, due to final rulings on three cases, have been deposited in various Manatee County banks at the current legal interest rate; the amount of refund is \$71,770.61.

Venice Rip Rap Contract - The Director informed the Board that the rip rap work in Venice is now complete. The contractor finished his work as of Friday, March 6.

Venice Jetty Rehabilitation Contract - The Director and Corps of Engineers Inspector have inspected the work being done on the Venice Jetty. An additional \$60,000 was allocated to complete this project to the satisfaction of the Corps of Engineers.

Fisherman's Wharf Restaurant - The Director stated that efforts were made in an attempt to finalize this matter of encroachment on WCIND property. Mr. Dye reported that the attorney for the owner has withdrawn from the case. He suggested that WCIND handle the matter directly with Mr. Dunn, owner. Mr. Dye recommended that the Director proceed to obtain bids for the erection of a fence since there was no progress in negotiations. Commr. Rhodes concurred. The estimated cost will cover approximately 165 feet.

Motion was duly made and carried that the Director proceed to obtain bids for erection of fence to protect the District from liability and, as an alternate, the WCIND will lease this property to the owner for a fee - appraised at \$50 per month.

Mr. Dye stated the reasons being, 1) WCIND is responsible for any public liability on the property and 2) other people are paying rental fees to the District for similar privileges.

Maintenance Pipe Line S-42 - The Director reported that the pipeline easement from the Hequembourg estate was secured by Mr. Dye and it is recorded.

Maintenance Spoil Area S3-4 Rezoning Status - The District's request for rezoning from M-1 to G-2 (Governmental - Special), as recommended by Commr. Brumbaugh last year, has not been acted upon by Sarasota County to date. An open hearing is to be scheduled with discussion regarding the holding of dune buggy race events in this area. Commr. Rhodes asked that WCIND await the results of this hearing.

Spoil Sale - Sarasota County - Commr. Rhodes presented to the Board the County's letter concerning spoil material from S3-4 area, for 25 cents per cubic yard; this material is found to be acceptable for County use. The Director suggested that Sarasota County do the engineering work and the District accept the County's certification. Motion was duly made and carried that Sarasota County be granted the authorization to purchase spoil material from S3-4 area at 25 cents per cubic yard and that the Director and Mr. Dye prepare the instrument for Sarasota County to enter into this agreement.

Right-of-Way Widener at Alligator Creek - Commr. Rhodes reported that he had a conference with Dr. J. Caspersen, owner, who stated he was not interested in negotiating with WCIND for sale of this piece of property and further suggested that WCIND condemn to acquire. Dr. Caspersen has deeded this property to the County of Sarasota for twenty years and two years have now elapsed. Mr. Dye reported that the Corps of Engineers has requested this additional fifty feet for a widener - about 1200 - 1500 feet long on the easterly side - in order to protect the District right-of-way here. There are two other parties involved in the property acquisition: South Venice Civic Association which is awaiting condemnation, and the W & A Construction Company. In addition, there are two MPL easements on the Caspersen property going across the waterway to the Gulf; these will complete

the WCIND requirements on Manasota Key. The one resolution, No. 70-01, as prepared and presented by Mr. Dye, includes all these as a resolution of necessity. The property has been appraised.

Motion was duly made and carried that resolution No. 70-01 be adopted for the required widener for the Right-of-Way and additional property.

The Activities Report was accepted as presented.

#### NEW BUSINESS

Support for Cross-Florida Barge Canal - The Director submitted a proposed resolution, at the request of Florida Waterways Association, for WCIND continued support of the Cross-Florida Barge Canal, based on two prior WCIND resolutions in 1963 and 1966. The proposed resolution reiterates WCIND support for the Cross-Florida Barge Canal and its continued construction without delay. Commr. Anderson stated that in view of the today's reported question of feasibility and benefits to be derived from the project for the State of Florida and for the nation, he would move that the resolution be tabled. The Chairman asked for consideration on this proposed statement: "...in support of waterways and development of any waterway, which is determined by the proper officials in such matters, to be in the best public interest and that the project supports the utilization of our own waterway."

Commr. Anderson stated that he did not object to this - he supported the Cross-Florida Barge Canal heretofore on that same basis - out now at this time when there is doubt in the public mind as to the feasibility and benefits of this project, he did not approve adoption at this time.

Commr. Conover stated his belief that there is no more objection today than at previous times to the Cross-Florida Barge Canal.

Mr. Dye advised that a select committee of the Legislature will have a two-day hearing to determine whether the state should continue to support this project. This will be the only state hearing. The Federal people will hold their meeting. The Florida Waterways Association has contacted all previous supporters to re-state their support at this time.

No. 70-02

Motion was duly made and carried that this/resolution/be re-worked for "support of waterways and the development of any waterway which is determined by proper officials in such matters to be in the best public interest, and that the project supports our own waterway."

*Amended #143  
Resolutions  
No. 70-02*

SCL Bridge at Placida - The Chairman stated that plans have now come into being regarding the bridge. These plans have not yet

been approved by the SCL Railroad Company. He asked the Board to consider writing a letter to SCL to ascertain their decision on the engineering plans; then, obtain bids and see if WCIND is in a position to proceed. Mr. Dye has prepared a current statement dated March 3, 1970, covering the complete file on the SCL Bridge at Placida project; copies of Mr. Dye's current statement were presented to Board members.

Commr. Anderson stated that the Board should request the SCL Railroad Company to state that "they will or they will not" use the bridge at Placida; also, to press SCL to act on the plans submitted by J. E. Greiner Company, Inc. Commr. Daniels stated that SCL has caused some of this delay themselves. The plans and specifications must not exceed WCIND responsibility.

Motion was duly made and carried that the Director write to the Seaboard Coast Line Railroad Company and request their statement on the SCL bridge construction project at Placida at this date; also, request their action on plans as presented by J. E. Greiner Co., Inc.

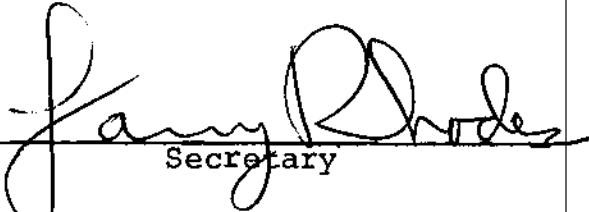
Questioned by Mr. W. Powers, Sarasota Herald-Tribune, Commr. Daniels stated his opinion that phosphate pollution is affecting only the SCL railroad property and no other at this time. He referred Mr. Powers to the State Health Department. Questioned by Mr. Powers as to whether WCIND would go forward and build the bridge if phosphate pollution is ascertained in that locale, the Chairman stated: "We would have to re-evaluate the District's position and its responsibility, and learn whether the SCL Railroad Company would make the necessary correction."

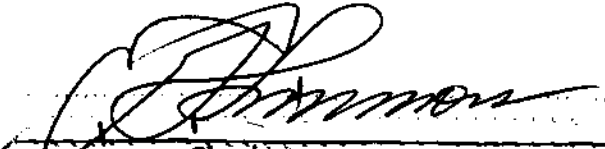
Martin Concrete Company Proposal - Commr. Rhodes reported on the request for docking space. He recommended that WCIND draw up a contract in order that the Company can begin construction. Mr. Dye advised that the Corps of Engineers must first approve and the WCIND must have plans from the company's engineers in preparation of the permit request. The District will make available to them a copy of the Corps of Engineers Work Permit Pamphlet.

NEXT MEETING DATE - It was agreed that the next Board meeting will be held on Monday, April 13, 1970, Manatee County Court House, in Bradenton, Florida.

The Director announced that travel arrangements and reservations have been made for the NR&H Congress meeting March 17 - 20 for: Commrs. Simmons, Daniels, McClure, Rhodes, and Conover; and for the Director.

The meeting was adjourned at 11:10 a.m.

  
Secretary

  
Chairman

## ACTIVITIES REPORT

February 16, 1970 - March 9, 1970

I. A. CHARLOTTE COUNTY

1. MSA C-29A - Corrected description has been received. This is in accordance with Corps of Engineers request to combine description of two parcels.

B. SARASOTA COUNTY

1. Court Funds - Received refunds from Clerk, Circuit Court of Sarasota County for settlement of excess funds from the lawsuits which final court rulings had been rendered.

CASE #5696	\$ 5,752.00
CASE #5654	17,206.82
CASE #6871	48,811.79
	<u>\$71,770.61</u>

2. Venice Rip Rap Contract - An inspection with the Corps of Engineers representative of the rip rap contract was performed by the Director. All discrepancies were to be corrected prior to withdrawal of contractor. Generally, the condition of the job was satisfactory. The contract is now complete.

3. Venice Jetty Rehabilitation Contract - An additional \$60,000 has been allocated. Job completion estimate is approximately 60% complete.

4. Fisherman's Wharf Restaurant - A reply to WCIND's most recent attempt of a settlement was that Mr. Rosin, Mr. Dunn's attorney, had forwarded WCIND's letter to Mr. Dunn, owner.

5. MPL S-42 - Mr. Dye secured and recorded this pipeline easement from the Hequembourg estate.

II. GENERAL

- A. Director had a telephone conference with Mr. L. Stahl of J. E. Greiner Company, Inc. re completed plans and specifications for SCL Bridge. Plans have been submitted to the SCL Railroad Company for their comments. A reply is due by April 1, 1970.
- B. Director received an office visit by Mr. Adkins, Executive Secretary of Florida Waterways Association, March 3, in regard to the F.W.A.'s appearance in Tallahassee on March 17 concerning the CROSS-FLORIDA BARGE CANAL.
- C. Director has completed activities reservations, for the National Rivers & Harbors Congress meeting in Wash. D.C., March 17-20, for Board members and staff who will participate.