

The March meeting of the Commissioners, of the WEST COAST INLAND NAVIGATION DISTRICT, was held March 18, 1968, in the Civil Defense Auditorium, Bradenton, Florida.

Present:

Ellsworth G. Simmons, Chairman, Hillsborough County
 Mrs. Dorothy R. Flowers, Secretary, Charlotte County
 Kenneth D. Dierks, Treasurer, Manatee County
 Kenneth W. Daniels, Lee County
 Robert M. Wright, Sarasota County

Harlan T. Johnson, Executive Director
 Dewey A. Dye, Jr., Counsel

Absent:

A. L. Anderson, Vice Chairman, Pinellas County

ADMINISTRATION

The Chairman called the meeting to order at 10:30 a.m. Minutes of the February 19 meeting were approved as presented. The Treasurer's Report was read and approved. Vouchers #5300 through #5336 were approved for payment.

PROGRESS REPORT

Bridges

SCL Bridge - The Chairman reported that he had called Mr. T. B. Hutcheson, SCL Railroad Company, to urge the early completion of the review of plans submitted by the J. E. Greiner Company.

Lands

Sarasota County Spoil Areas - The Director reported that he would join Sarasota County representatives, Mr. Donald J. Smally, Mr. C. O. Morgan, and Mr. Mario Lucci, attending a conference with the Corps of Engineers in Jacksonville on March 27.

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Canal Bank Treatment, Venice Area - The Director reported that he will attend a pre-construction conference on March 21 in Clewiston concerning the Venice Area Canal Bank Treatment Contract.

Bridges - Venice Area - Mr. Dye reported that he had reviewed the bill and previous correspondence relating to the North and South Bridges for which the State Road Department billed WCIND \$5,730.51. It was his opinion that the bill was legal and the WCIND should pay it. This bill was included in March Vouchers for approval.

LITIGATION

Mr. Dye reported that, in view of the temporary halt in land acquisition in Sarasota County, WCIND's attention is now turned towards trying to complete some of the work in Charlotte County. Two suits were filed Thursday, March 14:

WCIND vs. Florida Bridge Company - to condemn an easement owned by Florida Bridge Company overlapping a WCIND spoil area. At the same time, he proposed to conclude a negotiated settlement with Walter Gault for a connecting pipeline easement. In view of the WCIND statement re beach clean-up in Resolution 68 - 4, Mr. Gault had agreed to a settlement. In view of court costs which would be involved otherwise, Mr. Dye recommended that a purchase price of \$3,400 be approved. This would replace the previous approval for \$2,900.

Motion was duly made and carried that this purchase price of \$3,400 be approved for the pipeline easement from the owners, Walter Gault and Louise Gault.

WCIND vs. Walrath - This suit was filed in Charlotte County and involves approximately 27 acres of uplands requested by the Corps of Engineers. The acquisition resolution was approved at the last meeting. The hearing on the order of taking is April 19. The Chairman asked if an order of taking is necessary in this particular case? The Attorney stated that the order of taking is necessary to set a date for valuing the property; otherwise, the value is not determined until the time of the trial and conveyance to the Corps of Engineers can not be completed until that time. As the trial calendar shows, this might be several years from now.

The Progress Report was accepted by the Board.

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NEW BUSINESS

Cross Bayou Canal - The Director presented Resolution No. 68-6, supporting the Cross Bayou Canal, Pinellas County, and stated that Commissioner Anderson approves and recommends passage of this resolution. Motion was duly made and carried that Resolution No. 68-6, dated March 18, 1968, be adopted.

Next Meeting - Monday, April 15 was approved as the date of the next Board Meeting.

Charlotte County Submerged Land Areas - Mr. Dye reported that WCIND has to either acquire or get some modifications to deeds to submerged lands in Charlotte County. He requested authorization for the staff to go to Tallahassee to meet with TILF staff to present the WCIND request. Motion was duly made and carried that this request be approved.

Pinellas County Spoil Areas - Mr. Dye reported the need to go ahead on maintenance spoil areas in Pinellas County. He suggested that the WCIND Board request Pinellas County to furnish the same staff support as was previously provided: that they assign an assistant County Engineer to help with the project and also, when the time arrives, to assign one man from the Right of Way Department to work as our contact man there. It was agreed that a resolution be prepared, to be presented at the next meeting, for forwarding to the Pinellas County Board, in which WCIND will request staff support in Pinellas County work.

Drainage - Sabal Palms Subdivision - Commissioner Wright presented the problem of drainage in the Sabal Lakes section. Sarasota County has been asked to provide drainage at a cost of about \$6,000 and Commissioner Wright was requested by the Board of Commissioners, Sarasota County, to solicit WCIND help. The Chairman requested that the Attorney and the Director research this for any responsibility on the part of WCIND. The WCIND should not provide funds unless WCIND has some responsibility.

Motion was duly made and carried that the question of WCIND responsibility be reviewed. This review is to be presented at the next meeting.

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Commissioner Wright reported that he had received word that one member of the South Venice Civic Association was objecting to the granting of a proposed WCIND right of way easement by the Board of Directors of South Venice Civic Association, Inc. Since the General Membership meeting to vote on approval was scheduled for that evening, the Director and Attorney were requested to check into the matter and see if WCIND could be of assistance.

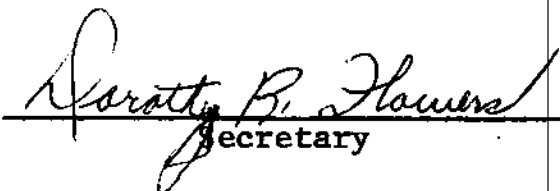
Commissioner Dierks requested that maps be made available at each Board Meeting to show areas being discussed.

The Director requested information as to the Board policy concerning attendance at a meeting of the Florida Waterways Association, April 3, 4, and 5. This meeting is not in connection with a waterway convention, as is the usual case, but is connected with the Florida State Chamber of Commerce 7th Annual World Trade Conference. Mr. Dye reported that this Committee meeting in Jacksonville is called to try to do something about the appropriation on the Cross-Florida Barge Canal. The Chairman stated that the Board would leave the matter of the Director's attendance to his own good judgment. He should attend at WCIND expense only if it appeared worthwhile for the WCIND to be represented.

The Director reported that the WCIND had been invited to present a paper at the Orlando Meeting of the National Estuarine Pollution Study on March 12 and 13. The Director did not present a paper or attend the meeting since notice was short and the connection with WCIND operations did not appear to justify the expense. The Director stated that he had expressed the WCIND interest in the study by letter and requested that the WCIND be kept informed of developments.

The meeting adjourned at 11:20 a.m.


Chairman


Secretary

PROGRESS REPORT**February 10, 1968 - March 11, 1968****BRIDGES**

SCL Bridge at Placida - The TIF granted a Dredge Permit, No. 253,123-33, for installation of submerged power cables.

LANDS

MSA/MPL's S-17 and S-19 - At the request of WCIND the Corps of Engineers authorized the elimination of these two maintenance pipelines on Siesta Key.

Right of Way Cut S-9 - Obtained easements from Sarasota County for additional right of way required in Cut S-9 at the south end of Section 3.

Concluded negotiations with the Board of Directors of the South Venice Civic Association for purchase of right of way widener easement at a cost of \$760. Approval at a general meeting is still required. This agreement is related to a claim for damages by the Civic Association against the WCIND for siltation in their private ferry channel allegedly due to wash from boat traffic in the Waterway. Commissioner Wright, Mr. Jack Van Norman, and the Director appeared before their Board of Directors on February 19 and denied the claim for damages but did offer to purchase at appraised value an easement for the additional right of way required by the Corps of Engineers.

S/A S3-4 - Received check from Steve Deans Trucking Company for \$1311.00 in full payment for spoil removed from S/A S3-4.

Spoil Areas - Sarasota County - The Board of Commissioners of Sarasota County held an informal hearing concerning spoil areas on February 26. The WCIND was represented by Commissioner Wright, Mr. Jack Van Norman, and the Director. Other interests represented included the Casey Key Protective Association, Manasota Key Association, North Manasota Key Association, Siesta Key Association, and Save Our Bays.

At this meeting an opportunity was provided to explain the problems, plus the responsibilities and policies of the WCIND. This

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appeared to result in a better understanding. It was decided by the Board of Commissioners, Sarasota County, that additional information from the CE was necessary prior to a decision. The WCIND was requested to arrange for the necessary conferences. A conference has been arranged in Jacksonville on March 27 and the CE has been requested to suggest a date for a subsequent conference in Sarasota.

ADMINISTRATION

Financial - On February 27, 1968, deposits of \$50,000 at 5 per cent interest were made in the Bank of Palmetto and Manasota Bank. On February 28, 1968, \$60,921.91 was transferred from Time Deposit in the First National Bank to the Checking Account.

Silting of Hatchett Creek - On March 8 the Director conferred with representatives of the City of Venice, Sarasota County, and the Corps of Engineers concerning a claim for damages resulting from the alleged siltation of Hatchett Creek caused by run-off from S/A S3-4. The Corps of Engineers drained the large settling basin in S/A S3-4 toward Hatchett Creek for only 19½ hours. Adequate evidence was presented by the CE, including photographs, to establish that no reasonable basis existed for a claim against the CE or the WCIND. Representatives of the City of Venice and Sarasota County concurred. The continuing problem of maintaining Hatchett Creek is not one belonging to the CE or the WCIND.

Canal Bank Treatment, Venice Area - On March 4, 1968, the Corps of Engineers let a contract to Gregg, Gibson and Gregg, Inc., Leesburg, Florida for "Canal Bank Treatment" at a bid price of \$353,201.60. Completion is due in 410 calendar days.

OWA - Annual Meeting - Commissioner Daniels and the Director attended the annual meeting in Clewiston on February 29.

Public Hearings - The Director attended the hearing concerning beach erosion in Manatee County on February 28.

Commissioners Flowers and Daniels and the Director attended the hearing on Navigation Channels to Port Charlotte on March 11.

Manasota Key Water Project - Mr. Dye filed an official opinion with the Director that WCIND may legally participate in a special-improvement project such as that proposed.

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Encroachments - Siesta Key - As part of an effort to eliminate encroachments, a survey report of a revised right of way north of Stickney Point Bridge was ordered.

Siltation - Lemon Bay - A report of soundings through Lemon Bay area was received from the Corps of Engineers. Siltation had been surprisingly light. Indications are that maintenance dredging will be required only in the vicinity of Channel Marker No. 9, and this will be minor.

Bridges, Venice Area - Received a letter from the State Road Department reiterating their request for \$5,730.51 in full payment for the North and South Bridges. A bill for \$13,473.22 as final payment for the Venice Avenue Bridge was also received. Payment of these will complete bridge payments.

Litigation - Caspersen vs. WCIND - Mr. O. W. Caspersen, in his suit filed on January 26, 1968, alleged that the WCIND, by construction of the Intracoastal Waterway through his property south of Venice, destroyed certain easements that he had to the Gulf which were appertenant to lands he owned east of said canal. An Answer which denied these allegations and stated affirmative defenses of Res adjudicata were filed. The affirmative defenses were that Mr. Caspersen has been paid for any rights he had within the right of way in the condemnation suit which was appealed in both the District and Supreme Courts. No hearing date has been set.

WCIND vs. Bickel, et al - The last outstanding parcel in this case was settled and the Circuit Court has entered in Order of Dismissal.

City of Venice vs. Norfolk Dredging Co. - The Defendant, Norfolk Dredging Co., has filed its Answer. Interrogatories to City of Venice officials have been filed by Defendant. Depositions will be taken in April and an early trial date has been requested.

WCIND vs. Zimm, et al - Negotiations were completed with Mr. Zimm and Final Judgment was entered in this case.