

The February meeting of the Commissioners of the WEST COAST INLAND NAVIGATION DISTRICT was held February 15, 1965 at the Manatee County Office Building.

Present were:

Ellsworth G. Simmons, Chairman, Hillsborough County  
A. L. Anderson, Vice Chairman, Pinellas County  
Mrs. Dorothy R. Flowers, Secretary, Charlotte County  
Ralph S. Clark, Treasurer, Manatee County  
Kenneth W. Daniels, Lee County

George Kumpe, Executive Director  
J. Hardin Peterson, Sr., Special Counsel  
Dewey A. Dye, Jr., General Counsel  
Joe K. Merrin, Engineer

Absent:

Robert M. Wright, Sarasota County

ADMINISTRATION

The Chairman called the meeting to order at 11:05 a.m. Minutes of the January 11 meeting were approved as presented. The Treasurer's Report was read by the Director and accepted. Vouchers #3955 through #3986 were approved for payment. Commissioner Anderson brought up the matter of the uncommitted balance. The Chairman suggested completing the financing of the Venice Avenue bridge and asked the status of funds. The Director answered that there was \$426,000 available to meet the \$215,000 additional costs requested by the State Road Department and the \$15,834 required by changes made in the utility portion of the contract. He suggested adding \$231,000 to the escrow account for the Venice Avenue bridge held by the Bank of Palmetto, as had been suggested by Mr. Clark. Motion was made and passed authorizing the increase in the escrow account as recommended and the necessary transfer of funds from the checking account. (p 77 Annex to WCIND minutes)

PROGRESS REPORT

The Director gave the construction progress in Section 2 during January, reporting that at the end of the month the section was 40% complete.

Mr. Dye commented on S3-4 Haul Road, regarding an easement to be acquired about half way between Venice Avenue and Center Road so the contractor can cross the railroad to the spoil area located to the east. SAL will grant a temporary grade crossing. The adjacent private property owner has agreed to grant a haul road easement for \$444 for the first year with an option to renew for one additional year for \$600, payments to be made monthly at rates of \$37 and \$50 for the respective years. Corps of Engineers and the State Road Department have approved the site. June 1 would be the earliest possible starting date, and it will be necessary to make the haul road available to the Corps of Engineers at start of the job. The Road Department contractors are paying \$50 a month for a similar haul road. The Chairman asked about the liability on the part of the District, to which Mr. Dye replied other than within the track area where a temporary structure such as putting down planks or whatever goes in crossing itself may be necessary, there is no liability. The railroad will look to the District to see that railroad tracks are protected, probably they will want to do the work themselves and charge the District. It is a legal obligation of the District. Mr. Daniels asked Mr. Dye how long the haul road would be used. Mr. Dye answered either one or two years depending on the contractor's schedule of operations. The Chairman asked what an appraisal of the private easement would cost and Mr. Dye replied between \$50 and \$100. Mr. Simmons expressed his opinion that there should be

something more than a reported private agreement to show that the District was not paying too much. Mr. Daniels agreed and suggested figures be injected into records which would show comparisons. Mr. Anderson advised that for the protection of the Board and the attorneys something should be in our records to substantiate whatever action is taken, and should be fortified with an appraisal. Motion was made and passed unanimously to obtain an appraisal.

The Director reported that in order to make definite certain agreements in Sec. 3 the Corps of Engineers had been advised that contributions would be made for Eagle Point spoil areas (S3-8&9) and for the elimination of one pipeline into S/A S3-4 as had been approved by Board on December 14, 1964. The sale of submerged lands to Eagle Point Inc. has been completed. The Director asked that authority be granted to have checks signed to effect these contributions. Motion was made and passed unanimously that necessary instruments be prepared for transfer of funds in keeping with the contributions agreed to by the Board and Corps of Engineers.

The Director reported, in the absence of Mr. Wright, that during the month Sarasota County has shown considerable interest in Section 2 for elimination of the remaining spoil area island S1 by increased use of S/A S2 (Paulsen Tract). The County also desired additional spoil on S/A S-4 (County-Alexander). He had met twice with the county commissioners and the county attorney. The County has received proposals from the contractor of \$9,000 and \$9,600 to meet the County's desires. The County, however, questions

its authority to accept the offers without competitive bid and had asked if the District would accept the contributions. The Director had pointed out that the District is similarly restricted. He had determined that the Corps of Engineers would accept a contribution from the District for the desired work but as an administrative requirement would have to add to the agreed price an allowance for overhead, such as supervision. The questions to be decided are, does the county wish to make the contributions, including overhead and, if so, will the District process the contribution. The Chairman stated his opinion the District should assist Sarasota County and that the District should act as agent with the Corps of Engineers without any expense to the District. Mr. Dye answered a question that no liability would accrue to the District. Motion was made and passed unanimously that District act as agent, at no expense to the District, in meeting Sarasota County's desires. Motion made and passed unanimously.

Upon motion duly made and unanimously carried the Progress Report was approved and accepted.

#### NEW BUSINESS

Mr. Simmons asked Mr. Dye for comments on Florida Waterway Association membership. Mr. Dye answered that it is a worthwhile organization. The \$600 bill received for dues had been sent out by former executive director of Association without review by their Board of Directors. All navigation boards around the state had received similar bills and all felt they were a little too high. The Association is asking all districts that have active projects in construction stage to give a minimum of \$200 for District membership. Mr. Anderson asked if the District is

authorized under Florida law to make such contributions, to which Mr. Dye replied that it was. Motion made and accepted unanimously authorizing payment of \$200 dues for 1965. Mr. Dye feels that Board should designate their official representative in the Association. The Chairman feels the Director should be the official designee of this Board. Mr. Anderson moved that George Kumpe be so designated; the motion passed unanimously.

Mr. Dye reported on S/A S3-1D (Caspersen), merely as a possible expense to the District. The Corps of Engineers requires diking in this area but does not deal directly with the property owner, looking to the District to see that diking is done. Mr. Caspersen has resources to build dikes in accordance with specifications, and in the spoil area easement agreed to construct required dikes. The Chairman then asked if the Board can affirm this commitment to the Corps of Engineers based on the commitment from Caspersen, to which Mr. Dye replied in the affirmative. No action is necessary.

Mr. Dye noted that a question had been asked at last meeting regarding progress on Venice access road, on the west side of the airport. 90% of right-of-way has been cleared and drainage ditches are being constructed. Engineering is 90% complete. Half of the money in escrow has been paid, and the City will not be ready for more money for another six weeks (when project is 50% complete).

Mr. Dye discussed Parcel #1 in the Section 3 spoil area condemnation suit. A court appraisal has been made by two appraisers, one in the amount of \$22,900 by Mr. McArthur and \$20,900 by Mr. Lopshire. The attorney of the owner has agreed to settle for \$22,000 plus attorney's fee in the amount of \$1,000.

As the case is in court the District is liable for attorney's fees. Mr. Dye recommended settlement of \$22,000 plus \$1,000. Mr. Anderson stated he is in favor to authorize legal department to settle this matter accordingly. Motion to this effect was made and passed unanimously.

Mr. Simmons noted for the record a District action involving Mr. Wright. The District is negotiating settlements for damages which may occur in Sec. 2 spoil areas. The attorney has been authorized to conclude such agreements if at no greater cost than the appraisals made for the District. Before Mr. Wright assumed office as commissioner of Sarasota County or the District he had agreed to a settlement at the appraised value of \$100. This agreement was noted to avoid any criticism of Mr. Wright.

Mr. Peterson discussed appropriations. The President's budget message proposed \$1,200,000 for continued construction of the waterway and \$75,000 for maintenance. No difficulties are anticipated.

Mr. Simmons asked about the law on taxing spoil areas, Mr. Peterson commented that whatever right private individuals had in spoil areas were taxable. Mr. Dye noted that a recent case in the Court of Appeals pretty well states the law. Where owner makes spoil area available on an easement basis his fee is taxable.

Mr. Anderson discussed an application in Pinellas County to remove a portion of a spoil area to gain access for boats to navigable waters. Mr. Dye commented if it is a permanent maintenance spoil area, that the Corps of Engineers does have an interest and a permit should be sought from the Corps of Engineers. Whoever does the work stands the risk of getting the area filled some day.

Mr. Anderson will furnish more information to the Director.

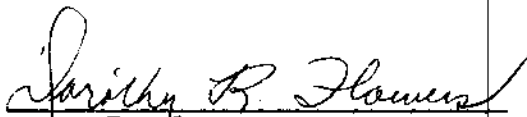
Mrs. Flowers asked if the contract is to be let soon for the remaining section. The Director replied Section 3 is scheduled to be advertised late in March. It will be both the last contract and the last section.

Mr. Daniels introduced Mr. Howard Banta, Executive Secretary of the Okeechobee Waterway Association, who discussed waterway difficulties on the east coast. Efforts have been made to abolish FIND on the basis of cost in relationship to work done. He asked for support of FIND from this district. Mr. Clark commented that a resolution should be passed showing the inter-relationship of waterways throughout the state of Florida. It was agreed to have the attorneys draft an appropriate resolution. Mr. Simmons commented that the resolution should support Florida waterways and should ask that responsible local boards be constituted so that they provide an effective working body to cooperate with the Corps of Engineers and the State for the completion and maintenance of projects, but that the paper should avoid any political aspect. Mr. Clark suggested the attorneys draw a resolution for consideration at the next meeting, with copies sent to commissioners in advance for study. Motion to this effect was made and accepted unanimously.

March 8 was set for next meeting date.

The meeting adjourned at 11:55 a.m.

  
Chairman

  
Secretary

PROGRESS REPORT

11 January - 15 February 1965

CONSTRUCTION

Construction Progress - During January the contractor in Section 2 dredged 225,835 cu. yds. of material and advanced 8,350 linear ft. At the end of the month the section was 40% complete.

CONSTRUCTION PLANNING

Section 2

S/A S2 & 4 - Contractor furnished to Sarasota County an estimate of \$9,000 to eliminate S/A S1 by increased utilization of S/A S2 (Paulsen). Contractor also furnished an estimate of \$9,600 to place additional material on spoil island S4 (Sarasota County).

S/A S2 - Information was furnished to Sarasota County that the contract specifications prohibited any operation or entry of the contractor into the Indian Mound area.

Section 3

S/A S3-4 HR - Investigation of relocation of rail crossing is under way at the suggestion of Seaboard Railroad.

S/A S3-6 (Board of Public Instruction) - CE agreed to quantitative limitations, which will be shown in contract specifications.

S/A S3-7A (Aquatite) - Agreement was reached with SRD on treatment of drainage along Venice Bypass.

S/A S3-8 & 9 - Sale of submerged lands to Eagle Point Inc. was approved by the Trustees on January 12.

SAL Railroad - Composite sketch was furnished to railroad and other information covering all easements required in Sec 3.

Bay Dredging Company - The contractor for the three Venice Avenue bridges asked permission to utilize the canal right-of-way for moving equipment and materials among the bridge sites. Permission was granted with necessary safeguards, which were agreed to.

UTILITIES

Venice Avenue Water Supply - Florida Geological Survey submitted bill for \$750 for operation of the monitor well system for the year starting July 1, 1964.

BRIDGES

Stickney Point - CE wrote to Sarasota County Engineer



reminding him that plans for reconstruction should provide for placement of the draw span on permanent canal alignment.

ADMINISTRATION

Governor's Conference - Commissioners Flowers, Clark and Daniels, Mr. Dye and the Director attended the Governor's Annual Conference on Water Development Programs in Tallahassee on February 2.

Appropriations - President's Budget Message included \$1,200,000 for continued construction of the West Coast Waterway and \$75,000 for maintenance. At the Governor's Conference testimony supporting these items was recommended.

Time Deposits - Approval was granted for the exchange of securities safeguarding deposits in The Island Bank.

Venice Avenue Bridge - SRD wrote to the five banks holding escrow account for construction of Venice Avenue bridge withdrawing \$236,000. Payments were made except that \$47,200 withdrawal from Inter City Bank will be made on March 14 to gain maximum interest.

Bridge Clearances - Sarasota County Chamber of Commerce furnished copies of a study indicating the need for the replacement of all substandard bridges.

Florida Waterway Association - Annual meeting was held in Tallahassee on February 1. Mrs. Flowers and Mr. Dye attended.

Director spoke before the Florida West Coast Yacht Club Council at Bird Key Yacht Club on January 13.

Mississippi Valley Association - Mr. Clark, Mr. Dye and the Director attended the annual meeting of the MVA in St. Louis on February 6 - 9, 1965.