

WORKSHOP, JULY 18, 1996
AGENDA ITEM # II.2

Agenda Item: Continuation of Canal Dredging Report

Presenter: Town Manager

Summary: The canal dredging questionnaire has been prepared and mailed to approximately 1000 affected canal property owners to ascertain the support level for the canal dredging project.

The Town Attorney will have other information for the workshop meeting on canal ownership.

Attachments: 7-12-96 Memo: Town Manager to Town Commission; Draft Letter and questionnaire

Recommended Action: None.

M E M O R A N D U M

DATE: 07-12-96

TO: Town Commission
FROM: Griff Roberts, Town Manager
SUBJECT: Canal Dredging Project

Attached, please find the canal dredging survey which has been sent to approximately 1000 property owners to obtain their input.

Both the letter and the survey form were prepared with assistance from Mayor Drohlich, Town staff, Dr. Cliff Truitt, and the Town Attorney.

We are, of course, hopeful of getting a good response as an important means of assisting you with your decisions.



GHR/dhs



TOWN OF LONGBOAT KEY

Incorporated November 14, 1955

501 Bay Isles Road
Longboat Key, Florida 34228
(813) 383-3721
FAX 383-7231

August, 1996

CANAL DREDGING QUESTIONNAIRE
FROM
LONGBOAT KEY TOWN COMMISSION

Dear Longboat Key Canal Resident:

The Longboat Key Town Commission has been studying the possibility of dredging canals in our community. This is a complicated endeavor because of the differences in canals, the issues of liability, and the methods of financing.

The attached questionnaire is being mailed to the approximate 1000 affected property owners to obtain your input.

Please complete the attached questionnaire and return immediately so we may have your input.

Thanks you for your cooperation.

Sincerely,

THE TOWN COMMISSION

Bob Drohlich, Mayor

GHR/dhs



TOWN OF LONGBOAT KEY SURVEY

501 Bay Isles Road

Longboat Key, FL 34228

1. Do you favor maintenance dredging of the canals? (Circle your choice.)

A YES

B NO

2. If you answered YES to the first question (A), please complete the survey below.

C As one of the affected property owners, I would be willing to pay a proportionate share, estimated to cost between \$1400 and \$1700 which I could either pay off in one payment or could finance over a period of three to five years.

Note: The method of financing this payment(s) may be by property taxes, by special assessment, or by a special taxing district as determined by the Town Commission.

Thank you for your cooperation. Please return this questionnaire at your earliest opportunity in the enclosed postage paid envelope. DO NOT SIGN YOUR NAME BUT PLEASE IDENTIFY THE STREET ON WHICH YOU LIVE AND INDICATE WHETHER YOUR HOME IS ON THE NORTH, EAST, SOUTH OR WEST SIDE OF THE STREET.

Name of Street: _____

Side of street: (Circle One) North East South West

Note: Other suggestions or recommendations you may wish to offer are welcome.

M E M O R A N D U M

DATE: 07-17-96

TO: Town Commission
FROM: Griff Roberts, Town Manager
SUBJECT: Ownership of Canals

Attached is a report prepared by David Persson giving his preliminary assessment on the question of ownership for the various canals that would be affected by the canal dredging project.

At Thursday's meeting Dave will elaborate on his report.



GHR/dhs

Attachment

cc: David Persson, Town Attorney
Len Smally, P.E., Public Works Director
T.O. Sullivan, Finance Director
Cliff Truitt, P.E., D.Eng.

Davis, Persson, Smith & Darnell

Attorneys and Counselors At Law
A Partnership of Professional Associations
2033 Main Street, Suite 406
Sarasota, Florida 34237
Telephone (941) 365-4950
Facsimile (941) 365-3259

David P. Persson
Kevin P. Smith
Robert W. Darnell
Barbara B. Levin
Robert E. Turfffs

David D. Davis
Of Counsel

† Board Certified Civil Trial

July 16, 1996

Mr. Griff H. Roberts
Town Manager
Town of Longboat Key, Florida
501 Bay Isles Road
Longboat Key, Florida 34228



Re: Ownership of Canals - Town of Longboat Key

Dear Griff:

This is a preliminary report concerning my investigation as to the legal status of canal ownership on Longboat Key. While I have not completed my investigation, I believe giving you a preliminary report would be of assistance.

I will begin with the southern part of the island and work north. This report does not include the canals in Bay Isles.

1. The canals within Country Club Shores are dedicated to the public.
2. The waterway in Buttonwood Harbor appears to have been susceptible to navigation and therefore in the public domain.
3. The canals of Longboat Key Estates appear to have been dredged but have not been dedicated to the public. A review, however, of the Homeowners Restrictions indicates that the Homeowners Association claims some regulatory interest in the canals.
4. The Roger Cook Subdivision (immediately south of the Manatee County line) contains two canals which are privately owned. I don't believe that these canals are included in the dredging program except that one of the canals may be used for depositing of dredged material.

5. The canal north of St. Jude's Apartments was a part of Tracts 9 and 10 which were owned by Henry and Virginia Cupe in

Mr. Griff H. Roberts
July 16, 1996
Page 2

1955. We find no dedications or deeds to either the State or the Town for the canal. The condominium created on the southern side of the St. Jude's canal, however, indicates no ownership interest in the canal.

6. The canals north and south of Tarrawitt Drive appear to be assessed to the adjoining property owners and therefore privately owned.

7. The canals located within Emerald Harbor, south of Emerald Harbor Drive, are dedicated to the general public. The southerly-most canal appears to have been dredged larger than was platted. A few private property owners, therefore, may assert an ownership interest in a portion of the canal.

8. The canal located north of Emerald Harbor Drive, between Emerald Harbor and Dream Island, is not dedicated to the public. It is unclear whether this canal, the so-called Harris Channel, was manmade or natural. The Harris Channel separates Dream Island from what is now known as Emerald Harbor. The Harris Bayou is that body of water which flows behind Dream Island toward Cannons Marina. I have reviewed a couple of deeds on the Harris Channel and do not find any reference to ownership interest within the Channel.

9. The canals between Lyons, Norton, Marbury and Penfield do not appear to have been dedicated to the public. There is a restriction which states "The canals are for the use of the abutting lot owners, only." I am unable to locate a homeowners association.

10. There is no dedication of the canal between Juan Anasco and De Narvaez. The same appears to be true for the canal north of Juan Anasco. I am unable to locate the canal located between Bayview and De Narvaez on a recorded plat.

11. Finally, the body of water located north and west of Longboat Drive North appears to be natural in origin, thus in the public domain.

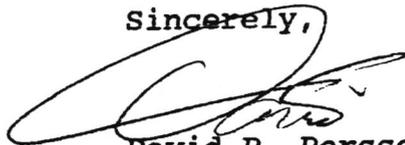
In summation, the canals on Longboat Key appear to fall into four categories: (1) publicly dedicated; (2) of natural, navigable origin and thus in public domain; (3) privately owned by adjacent property owners or homeowners associations; and (4) privately owned with no conveyance or grant from the original grantor.

Mr. Griff H. Roberts
July 16, 1996
Page 3

Who, if anyone, should be asked for permission to enter the private canals to dredge will be discussed in subsequent correspondence.

I hope this information is of assistance. If you have any questions, please call me.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Persson', written over the word 'Sincerely,'.

David P. Persson

DPP:awg221