

RESOLUTION NO. 03- 08

A RESOLUTION OF THE MARCO ISLAND CITY COUNCIL RELATING TO THE COLLIER CREEK DREDGING PROJECT; CONFIRMING A VALID PUBLIC PURPOSE FOR SUCH IMPROVEMENTS TO MAINTAIN SAFE NAVIGATION; PROVIDING FOR A STATEMENT OF PROPOSED USE TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; CONFIRMING JURISDICTION, MAINTENANCE, AND OPERATION OF THE ATTENDANT WATER BODY; DECLARING THE NEED FOR A SUBMERGED PUBLIC EASEMENT ACROSS SOVEREIGN LANDS GOVERNED BY THE STATE OF FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND; PROVIDING DIRECTION TO THE CITY MANAGER TO SUBMIT FORMAL APPLICATION FOR SAID SUBMERGED PUBLIC EASEMENT THROUGH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Collier Creek in the vicinity of Collier Bay and adjacent waterways are located within and are under the jurisdiction of the City of Marco Island; and

WHEREAS, the City of Marco Island Comprehensive Plan, under the Conservation and Coastal Management Element, sets forth the City's goal of protecting, promoting, and enhancing its coastal, bay, and river systems; and

WHEREAS, City Council has heretofore, as part of its Five-Year Capital Improvement Program (Fiscal Years 2003-2007), authorized funds in fiscal year 2003 for the dredging and restoration of Collier Creek located in Section 5, Township 52 South, Range 26 East, Collier County, Florida; and

WHEREAS, on November 20, 2002 an Environmental Resource Permit Application for the dredging and restoration of Collier Creek was submitted for processing to the Florida Department of Environmental Protection, Fort Myers, Florida; and

WHEREAS, on December 20, 2002 the Florida Department of Environmental Protection acknowledged receipt of and commented on the City's Environmental Resource Permit Application for Collier Creek dredging and restoration work under File Number 11-0207403-001; and

WHEREAS, pursuant to rules and regulations promulgated under Florida Administrative Code Section 18-21.009(1)(d) and the Florida Department of Environmental Protection, the City of Marco Island requests through the passage of this Resolution approval of a submerged public easement through the State of Florida Board of Trustees of the Internal Improvement Trust Fund for the sole purpose of undertaking dredging and restoration work under the Collier Creek dredging project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marco Island, Florida:

Section 1. The Collier Creek dredging and restoration project serves a valid public purpose and is planned to result in the re-establishment of a safe waterway navigation channel, which extends from the Big Marco River through Collier Bay and thence south to Smokehouse Bay.

Section 2. Improvements to Collier Creek, through the dredging of approximately 13,400 cubic yards of sandy soils, will complement existing channel dimensions while avoiding and/or mitigating environmental impacts to oyster beds and sea grass habitat.

Section 3. It is in the best interest, safety, health, and welfare of the citizens of the City of Marco Island to re-establish channel requirements in Collier Creek pursuant to guidelines set forth by the U.S. Army Corps of Engineers to afford waterway users with safe and efficient navigation, taking into account vessel sizes, vessel traffic volumes, speed zones, and varying weather conditions.

Section 4. The City of Marco Island has jurisdiction over the operation and maintenance of Collier Creek and vicinity waterways.

Section 5. A submerged public easement is required to undertake the Collier Creek dredging and restoration project pursuant to Florida Administrative Code, Section 18-21.009(I)(d). Accordingly, this Resolution serves to direct the City Manager to make formal application for said submerged public easement through the Florida Department of Environmental Protection with final authorization being processed through the State of Florida Board of Trustees of the Internal Improvement Trust Fund.

Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 21st day of January 2003.

Attest:



Laura Litzan, City Clerk



E. Glenn Tucker, Chairman