

**Mayor**

Joe Coviello

**Council Members**

District 1: John Gunter

District 2: John M. Carioscia Sr.

District 3: Marilyn Stout

District 4: Jennifer I. Nelson

District 5: Dave Stokes

District 6: Richard Williams

District 7: Jessica Cosden



1015 Cultural Park Blvd.  
Cape Coral, FL

**City Manager**

John Szerlag

**City Attorney**

Dolores Menendez

**City Auditor**

Andrea R. Butola

**City Clerk**

Rebecca van Deutekom

**AGENDA  
COMMITTEE OF THE WHOLE**

April 23, 2018

4:30 PM

Council Chambers

**PLEDGE OF CIVILITY**

We will be respectful of each other even when we disagree.  
We will direct all comments to the issues. We will avoid personal attacks.

VIDEO

**1. MEETING CALLED TO ORDER**

A. MAYOR COVIELLO

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

A. MAYOR COVIELLO, COUNCIL MEMBERS CARIOSCIA,  
COSDEN, GUNTER, NELSON, STOKES, STOUT, WILLIAMS

**4. BUSINESS:**

A. CITIZENS INPUT TIME

A maximum of 60 minutes is set for input of citizens on matters  
concerning the City Government; 3 minutes per individual.

B. DISCUSSION

(1) Future Alternative Uses for Property Known as D&D Boat  
Ramp in Cape Coral

(2) Discussion of City Owned Parcels

(3) ADDENDUM: Festival Park

**5. ROUND TABLE DISCUSSION**

## 6. TIME AND PLACE OF FUTURE MEETINGS

- A. A Regular Meeting of the Cape Coral City Council is Scheduled for Monday, May 7, 2018 at 4:30 p.m. in Council Chambers

## 7. MOTION TO ADJOURN

### **GENERAL RULES AND PROCEDURES REGARDING THE CAPE CORAL CITY COUNCIL AGENDA**

In accordance with the Americans with Disabilities Act and Section of 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Office of the City Clerk at least forty-eight (48) hours prior to the meeting. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

Persons wishing to address Council under Citizens Input or the Consent Agenda may do so during the designated times at each meeting. No prior scheduling is necessary. All speakers must have their presentations approved by the City Clerk's office no later than 3:00 PM the day of the meeting.

Any citizen may appear before the City Council at the scheduled PUBLIC HEARING/INPUT to comment on the specific agenda item being considered. No prior scheduling is necessary.

When recognized by the presiding officer, a speaker shall address the City Council from the designated speaker's lectern, and shall state his or her name and whom, if anyone, he or she represents. An address shall only be required if necessary to comply with a federal, state or local law.

Copies of the agenda are available in the main lobby of Cape Coral City Hall and in the City Council Office, 1015 Cultural Park Boulevard. Copies of all back-up documentation are also available for review in the lobby of Council Chambers. You are asked to refrain from removing any documentation. If you desire copies, please request they be made for you. Copies are 15 cents per page. Agendas and back-up documentation are also available on-line on the City website (capecoral.net) after 4:00 PM on the Thursday prior to the Council Meeting.

### **\*PUBLIC HEARINGS DEPARTMENT OF COMMUNITY DEVELOPMENT CASES**

In all public hearings for which an applicant or applicants exist and which would affect a relatively limited land area, including but not limited to PDPs, appeals concerning variances or special exceptions, and small-scale rezonings, the following procedures shall be utilized in order to afford all parties or their representatives a full opportunity to be heard on matters relevant to the application:

1. The applicant, as well as witnesses offering testimony or presenting evidence, will be required to swear or affirm that the testimony they provide is the truth.
2. The order of presentation will begin with the City staff report, the

presentation by the applicant and/or the applicant's representative; witnesses called by the applicant, and then members of the public.

3. Members of the City Council may question any witness on relevant issues, by the applicant and/or the applicant's representative, City staff, or by any member of the public.
4. The Mayor may impose reasonable limitations on the offer of testimony or evidence and refuse to hear testimony or evidence that is not relevant to the issue being heard. The Mayor may also impose reasonable limitations on the number of witnesses heard when such witnesses become repetitive or are introducing duplicate testimony or evidence. The Mayor may also call witnesses and introduce evidence on behalf of the City Council if it is felt that such witnesses and/or evidence are necessary for a thorough consideration of the subject.
5. After the introduction of all-relevant testimony and evidence, the applicant shall have the opportunity to present a closing statement.
6. If a person decides to appeal any decision made by the City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**Item Number:** B.(1)  
**Meeting Date:** 4/23/2018  
**Item Type:** DISCUSSION

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Future Alternative Uses for Property Known as D&D Boat Ramp in Cape Coral

**REQUESTED ACTION:**

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

**Planning & Zoning/Staff Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

**LEGAL REVIEW:**

**EXHIBITS:**

Memo  
D&D Boat Ramp Site - DCD presentation  
Funding Source - Finance presentation  
Proposed D&D Improvements - Public Works presentation #1  
Existing Boat Ramp Improvements Public Works presentation #2  
Report from Coastal Engineering Consultants, Inc.

**PREPARED BY:**

Brenda Willis      Division- Administration      Department- Public Works

**SOURCE OF ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▢ Memo	Backup Material
▢ D&D Boat Ramp Site - DCD Presentation updated	Backup Material
▢ Funding Source - Finance presentation	Backup Material
▢ Proposed D&D Improvements - PW presentation #1	Backup Material
▢ Existing Boat Ramp Improvements - PW presentation #2	Backup Material
▢ Report from Coastal Engineering Consultants, Inc.	Backup Material

**MEMORANDUM**

CITY OF CAPE CORAL  
CITY MANAGER'S OFFICE

TO: Mayor Coviello and Council Members  
FROM: John Szerlag, City Manager   
DATE: April 20, 2018  
SUBJECT: Executive Summary for D&D Boat Ramp

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- This parcel of land is 4.48 acres and houses a bait shop and two boat ramps. The lease we have with D&D Bait Shop runs through December 31, 2018. The lease has a 12-month notification clause if the lease was to terminate prior to December 31, 2018. The tenant has recently expressed interest in renewing the lease.
- The parcel is currently zoned in two Lee County Commercial districts: C-1A and C-2 and the highest density is 10 units per acre, which would amount to a maximum of 44 dwelling units. Other allowable uses include hotels, retail such as supermarkets and restaurants, and manufacturing.
- The property has been annexed by the City of Cape Coral, but the annexation ordinance is currently under challenge by various residents of Matlacha and Cape Coral and is being reviewed by the District Court of Appeal.
- The property is currently appraised at \$3.6 million.

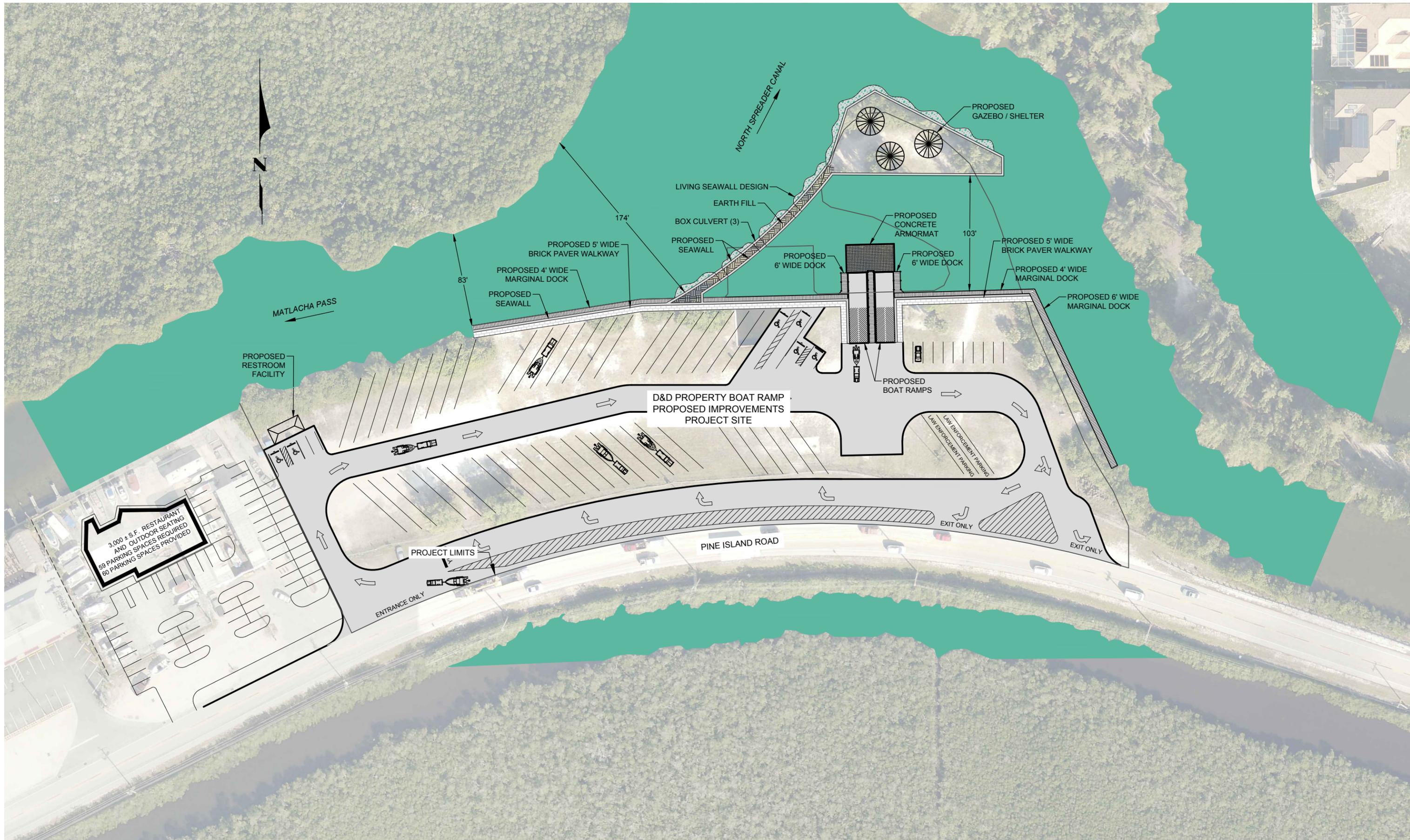
The outcome of the meeting is to get a general sense from Council relative to the following options:

1. Utilize grant funding for boat ramp enhancements including seawall and dock repairs. The WCIND grant for \$222,297 would allow the City to remove the old finger piers and seawall at the west end of the property and replace with a new seawall. The grant would also provide needed safety improvements to the existing boat ramp. The City's contribution for this effort could be up to an additional \$125,000 of budgeted funds, dependent upon final scope of work. A FBIP grant in the amount of \$67,500 is available to provide for design and permitting for improvements to the east end of the parcel that would include a developed parking lot and a new boat ramp. This grant does not require matching funds and would only lay the groundwork to submit for future grants to aid in construction cost. These types of grant applications will not be accepted unless the design and permits are already approved. Any future grants would likely require 50/50

matching funds, but the property purchase would offset a large portion of the City match of funds. The total project cost estimate would be close to \$4 million. See attached schematic for more detail. Please note the schematic also identifies a location for a potential restaurant.

2. Sell the property for its highest and best use value. This means there would no longer be a boat ramp. However, repairs to seawall and dock must be made. Estimated cost is \$300,000.
3. Enter into a public/private partnership for development of this site to its highest and best use or a subset thereof. The maximum allowable height under County zoning regulations is 35 feet. However, this could change when the City Council rezones the property.

JS:pd  
Attachment



MATLACHA PASS

NORTH SPREADER CANAL

PROPOSED GAZEBO / SHELTER

LIVING SEAWALL DESIGN

EARTH FILL

BOX CULVERT (3)

PROPOSED SEAWALL

PROPOSED CONCRETE ARMORMAT

PROPOSED 6' WIDE DOCK

PROPOSED 5' WIDE BRICK PAVER WALKWAY

PROPOSED 4' WIDE MARGINAL DOCK

PROPOSED SEAWALL

PROPOSED 5' WIDE BRICK PAVER WALKWAY

PROPOSED 6' WIDE DOCK

PROPOSED 6' WIDE DOCK

PROPOSED 4' WIDE MARGINAL DOCK

PROPOSED 6' WIDE MARGINAL DOCK

PROPOSED RESTROOM FACILITY

D&D PROPERTY BOAT RAMP PROPOSED IMPROVEMENTS PROJECT SITE

PROPOSED BOAT RAMPS

LAW ENFORCEMENT PARKING

3,000 ± S.F. RESTAURANT AND OUTDOOR SEATING  
59 PARKING SPACES REQUIRED  
60 PARKING SPACES PROVIDED

PROJECT LIMITS

PINE ISLAND ROAD

ENTRANCE ONLY

EXIT ONLY

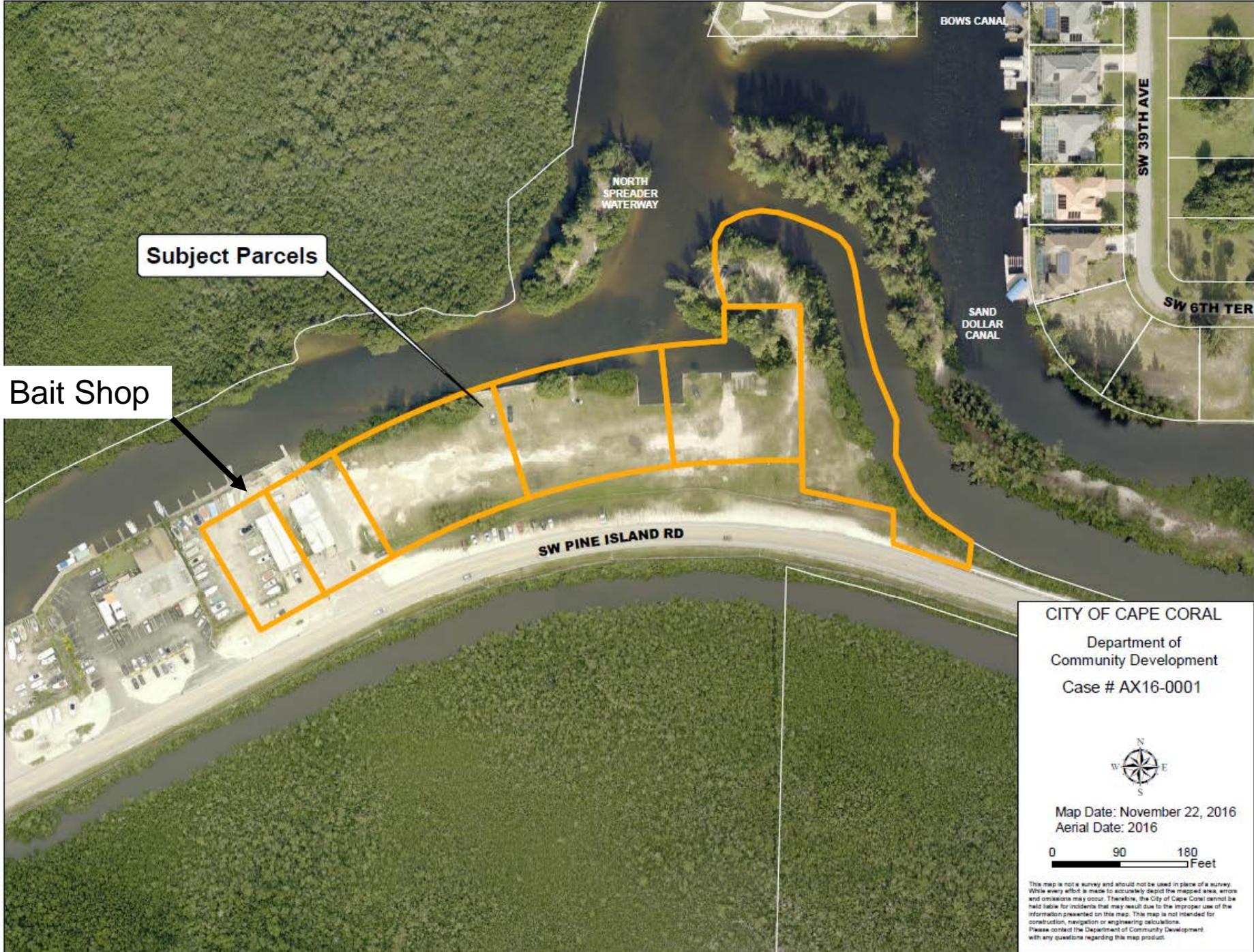
EXIT ONLY

**RANGE OF FUTURE USES  
D&D PROPERTY IN CAPE CORAL**

**CITY COUNCIL COMMITTEE OF THE WHOLE  
APRIL 23, 2018**

# PROPERTY SUMMARY

- **Property Size: 4.48 acres**
- **Lee County Future Land Use: Urban Community (Mixed Use)**
- **Density: 10 units/acre**
- **Zoning: C-1A and C-2**
- **Maximum Height: 35 feet**
- **Maximum Lot Coverage: 40%**



Subject Parcels

D&D Bait Shop

BOWS CANAL

NORTH SPREADER WATERWAY

SAND DOLLAR CANAL

SW 39TH AVE

SW 6TH TER

SW PINE ISLAND RD

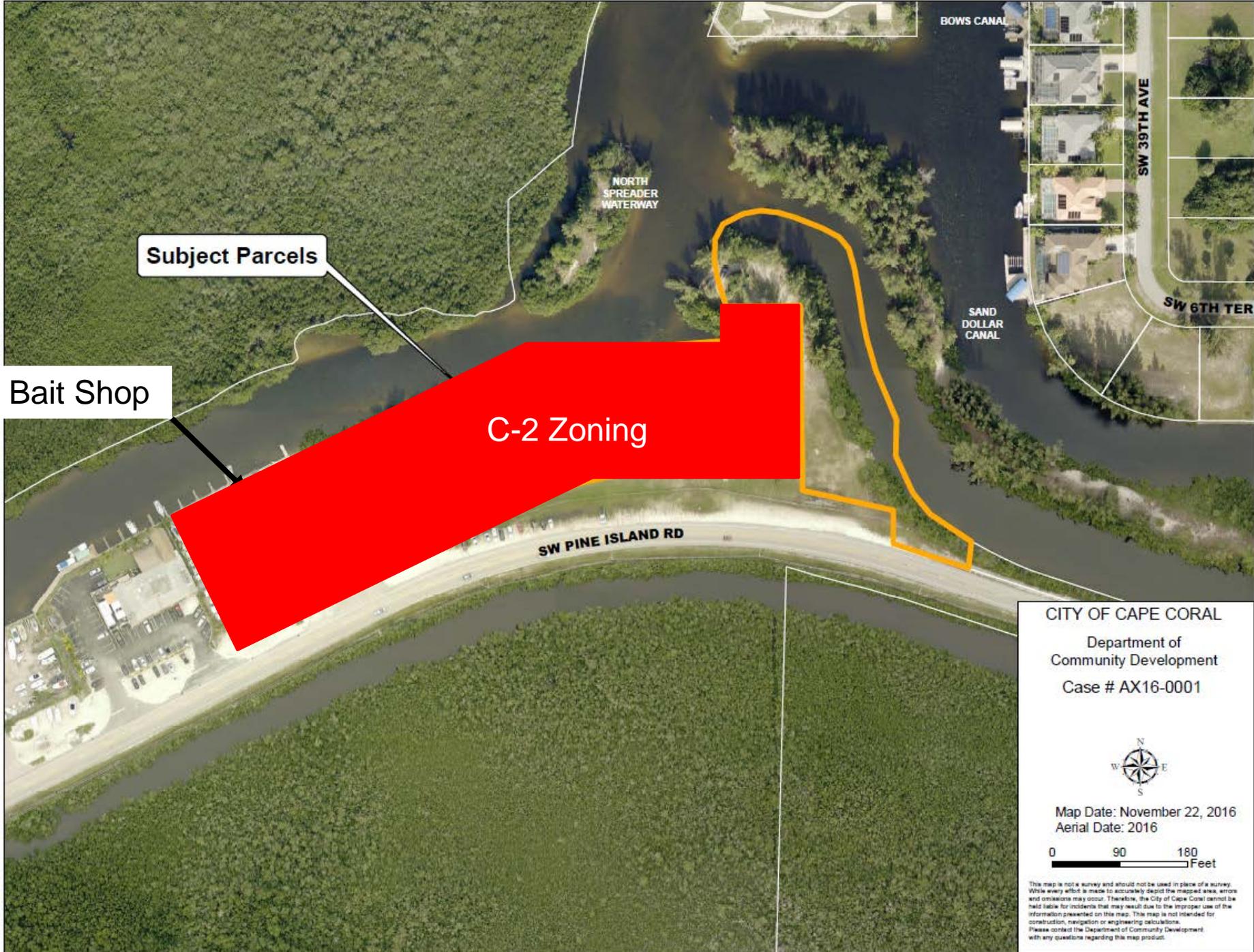
CITY OF CAPE CORAL  
Department of  
Community Development  
Case # AX16-0001



Map Date: November 22, 2016  
Aerial Date: 2016

0 90 180  
Feet

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Community Development with any questions regarding this map product.



Subject Parcels

D&D Bait Shop

C-2 Zoning

CITY OF CAPE CORAL

Department of  
Community Development

Case # AX16-0001



Map Date: November 22, 2016  
Aerial Date: 2016

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Feet

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Subject Parcels

D&D Bait Shop

C-1A Zoning

SW PINE ISLAND RD

BOWS CANAL

NORTH SPREADER WATERWAY

SAND DOLLAR CANAL

SW 39TH AVE

SW 6TH TER

CITY OF CAPE CORAL  
Department of  
Community Development  
Case # AX16-0001



Map Date: November 22, 2016  
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# Examples of Permitted Uses

- Automotive Repair and Service (C-2 only)
- **Boat ramp and Boat rental**
- Department Store
- Excavation: oil and Gas (Special Exception only)
- Hotel/Motel (C-2 only)
- Manufacturing uses: apparel, dairy, electrical machinery, fabricated metal, leather, rubber and plastic products (C-2)
- Restaurants, Groups I thru III (range from coffee shop to sit-down).  
Fast food allowed in C-2
- Supermarket
  
- Residential: Single Family, Duplex, Two-Family, and Multi-Family permitted

# Boat Ramps in Cape Coral: Comprehensive Plan

- **Policy 1.2, Recreation and Open Space Element:**
- **Boat Ramp Lane Level of Service: 1 boat ramp lane per 10,000 residents**
- **2017 Cape Coral population (BEBR) = 175,063 = 18 boat ramps**
- **At Buildout population of 400,000 = 40 boat ramp lanes needed**
- **Number of Current Boat Ramp Lanes: 7 saltwater access lanes among 4 locations**
- **Projected Deficiency @ buildout: 33 boat ramp lanes**

# PROPOSED D&D MARINA PROPERTY IMPROVEMENTS

April 23, 2018

# Funding Source Breakdown of Matlacha Parcels

STRAP Number	purchase percentage amount - 0.6048	2011 Just Value (\$)	Initial Assignment	4410021 Stormwater	185001 General Fund	185001 General Fund-Building	Site Address	2011 Taxable Value (\$)	2011 Assessed Value (\$)	December 2011 Annual Tax Amount (\$)	Land Appraisal	Total Acquisition Costs
184423030000000A0	563,749.60	932,175	Stormwater	563,432.16			3850 PINE ISLAND RD NW	932,715.00	932,715.00	15,392.49	25.21	563,457.37
13442202000000270	376,649.50	622,800	Stormwater	376,649.50			3902 PINE ISLAND RD NW	622,800.00	622,800.00	10,278.00	25.21	376,674.71
13442202000000230	369,247.14	610,560	Stormwater	369,247.14			3910 PINE ISLAND RD NW	610,560.00	610,560.00	10,076.01	25.21	369,272.35
13442202000000190	372,604.81	616,112	General Fund		373,430.80		3918 PINE ISLAND RD NW	616,112.00	616,112.00	10,167.66	113.15	373,543.95
13442202000000170	391,826.76	647,896	General Fund		278,472.07	113,354.69	3922 PINE ISLAND RD NW - improved	647,896.00	647,896.00	10,801.66	113.18	278,585.25
13442202000000150	278,472.07	460,461	General Fund		278,472.07		3926 PINE ISLAND RD NW - improved	460,461.00	460,461.00	7,598.93	113.15	278,585.22
				1,309,328.80	930,374.94	113,354.69					16,575.00	\$ 13,630,388.54
			TOTAL			2,353,058.43						
		3,600,000.00	Appraised Value	2,003,173.24	1,596,826.76	3,600,000.00						
			GAIN	693,844.44	553,097.13	1,246,941.57						
				STORMWATER	W&S	GENERAL						
			JDE #	474629	474628	474630						
			Land Purchase	6,000,000.00	6,000,000.00	1,254,585.01						
			Deliq Taxes	127,889.71	127,889.71	29,157.61						
			Adj allocation	24,789.24	(1,456.57)	(23,332.67)						
			Deliq Tax-ref	(145.13)	(145.13)	(39.58)						
			Deliq Taxes-Net	152,533.82	126,288.01	5,785.36						
			Lot Mowing	45,160.72	24,091.01	5,369.61						
			Appraisers	7,438.86	7,438.86	1,697.28						
				6,205,133.40	6,157,817.88	1,267,437.26	13,630,388.54					

# D&D Matlacha Bait & Tackle, Inc. – Summary of Lease Terms

<b>Lease Premises</b>
3922 and 3926 Pine Island Road
<b>Term of Lease</b>
5 year initial term
2 additional 5 year terms upon mutual agreement
<b>Lease Commencement Date</b>
January 1, 2014
<b>Lease Expiration Date (Initial Term)</b>
December 31, 2018
12 Month Notification
<b>Rent Amount</b>
1st year \$3,000 per month
+ Annual Property Taxes
+ Applicable Sales Tax on Rent
+ 30% of Boat Ramp Fees collected @ \$10.00 per vehicle
+ Annual CPI Rent Increases
<b>Current Monthly Rent Amount</b>
5th year \$3,497.69
<b>Uses</b>
Sale of fishing/boating supplies, live bait, patron docking boat/trailer storage and launching, cold food, beer and non-alcoholic beverages
<b>Care &amp; Maintenance of Improvements</b>
Tenant is responsible for all building maintenance and repairs



## D&D Matlacha Bait & Tackle, Inc. Collection Totals

Rental Period	Total Rent Collected	Total Boat Ramp \$ to City	Annual Revenue Amount to City	Property Taxes Paid
January - December 2014	\$36,000.00	\$17,949.00	\$53,949.00	\$17,005.49
January - December 2015	\$36,612.00	\$20,955.00	\$57,567.00	\$16,887.32
January - December 2016	\$36,612.00	\$22,254.00	\$58,866.00	\$18,711.43
January - December 2017	\$37,887.24	\$16,883.00	\$54,770.24	\$19,897.23
<b>TOTAL</b>	<b>\$147,111.24</b>	<b>\$78,041.00</b>	<b>\$225,152.24</b>	<b>\$72,501.47</b>

## Fords Boathouse Cape Coral, LLC Collection Totals

Rental Period	Total Rent Collected	Additional % Rent Collected	Annual Revenue Amount to City	Property Taxes Paid
January - December 2014	\$39,516.13	\$30,723.26	\$70,239.39	\$2,174.74
January - December 2015	\$42,000.00	\$191,755.12	\$233,755.12	\$6,655.73
January - December 2016	\$42,000.00	\$201,838.96	\$243,838.96	\$4,094.02
January - December 2017	\$42,000.00	\$226,846.50	\$268,846.50	\$4,008.73
TOTAL	\$165,516.13	\$651,163.84	\$816,679.97	\$16,933.22

PROPOSED D&D  
MARINA  
PROPERTY  
IMPROVEMENTS

APRIL 23, 2018

- In June 2016 the City was awarded 50/50 matching fund WCIND grant for \$222,297
- Repairs to existing single-lane boat ramp
- Replacement of the deteriorated seawall at west end of property
- Extension filed to continue WCIND grant through July 31<sup>st</sup>, 2018

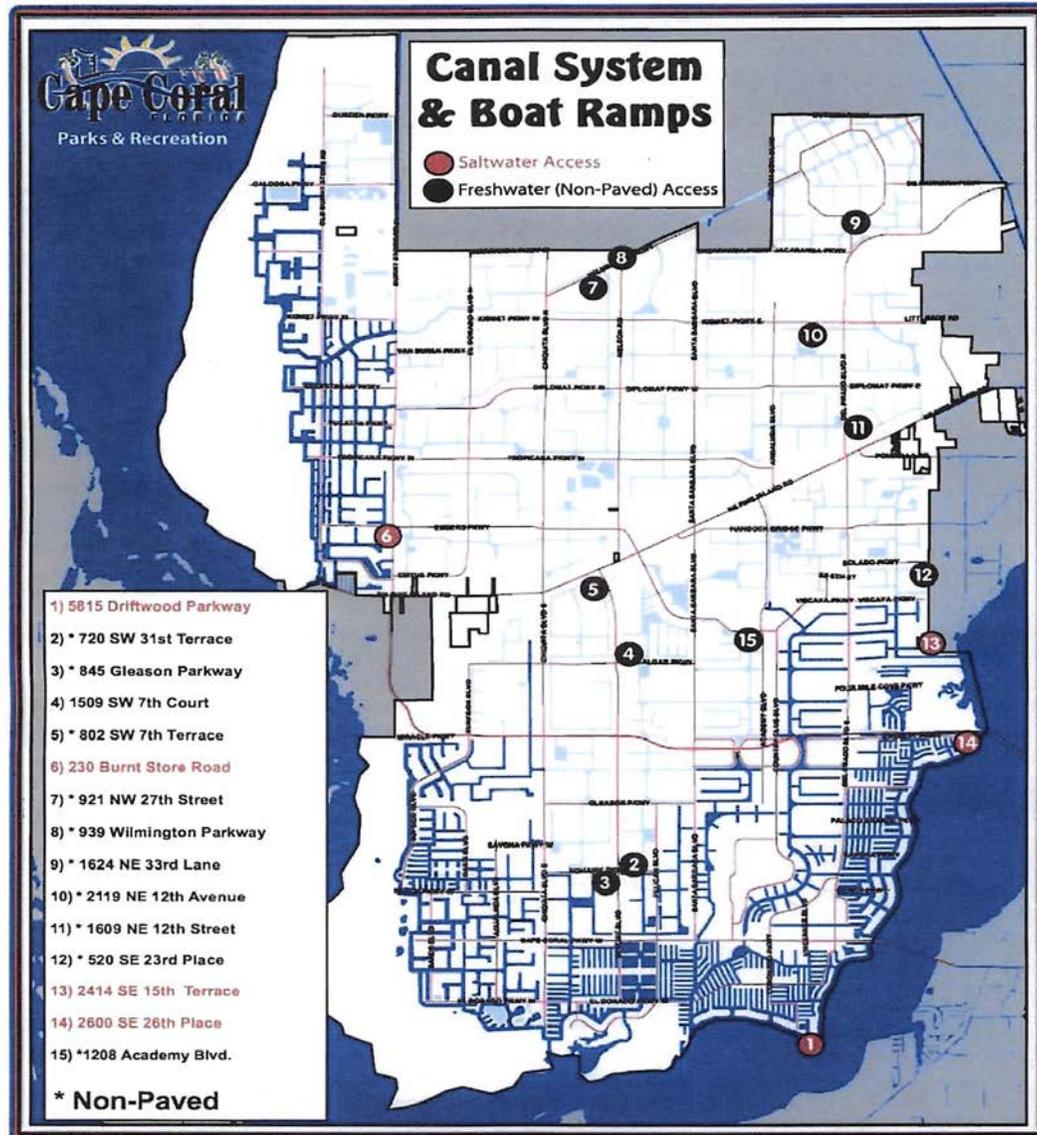


- WCIND grant will be used for the required repairs
- Project will be advertised for construction if approved
- Repairs to existing ramp will not be made if staff is directed to proceed with FBIP grant

- In July 2016, the City was awarded the FWC/FBIP grant for \$67,500
- Grant is for the design and permitting of proposed boat ramp and parking lot
- These improvements will be for the undeveloped east end of the property

- Coastal Engineering Consultants, Inc. (CEC) provided independent Feasibility Report
- Risk and safety factors of proposed boating facility improvements were evaluated
- Final report included in agenda package

- In December 2016 City Council adopted the Parks Master Plan
- Plan outlines future need for boat ramps
- Survey of City residents lists water access as one of their top priorities



- City currently has 4 direct saltwater access boat ramps
- Total of 139 boat trailer parking spaces

- No City owned saltwater canal properties large enough to support a boat ramp facility south of Pine Island Road
- Seven Islands is the only other City owned property that could support a new saltwater access boat ramp facility north of Pine Island Road



- This conceptual plan adds 44 boat trailer parking spaces
- Provides safe access in and out of the spreader waterway
- Reduces the number of current boating and trailer users

- Design and permitting for the proposed improvements funded through the FBIP grant
- FBIP Grant has not been fully executed to date pending approvals
- Expiration of grant is typically one year from executed date

- City may be eligible for construction funds through future grant application process
- Full design and approved permits are required before submittal for future construction grants

- Grants may fund 50% or more of the project
- Estimated construction cost is \$ 4 million
- Grants will need to be paid back if property is not used as a public boat ramp

QUESTIONS ?

# D&D PROPERTY EXISTING BOAT RAMP IMPROVEMENTS

CITY OF CAPE CORAL  
APRIL 23, 2018

# OBJECTIVE

- DETERMINE IF THE EXISTING BOAT RAMP FACILITY IS SAFE FOR PUBLIC USE AND IF IMPROVEMENTS ARE JUSTIFIABLE.



# PRESENTATION OUTLINE

- EXISTING USE AND ZONING
- PROPERTY HISTORY
- FWC BOATING ACCIDENT STATISTICS
- WATERFRONT PROPERTIES
- CITY BOAT RAMPS
- BOAT COUNT SURVEY
- HYDRODYNAMIC DATA
- SUMMARY

# EXISTING USE

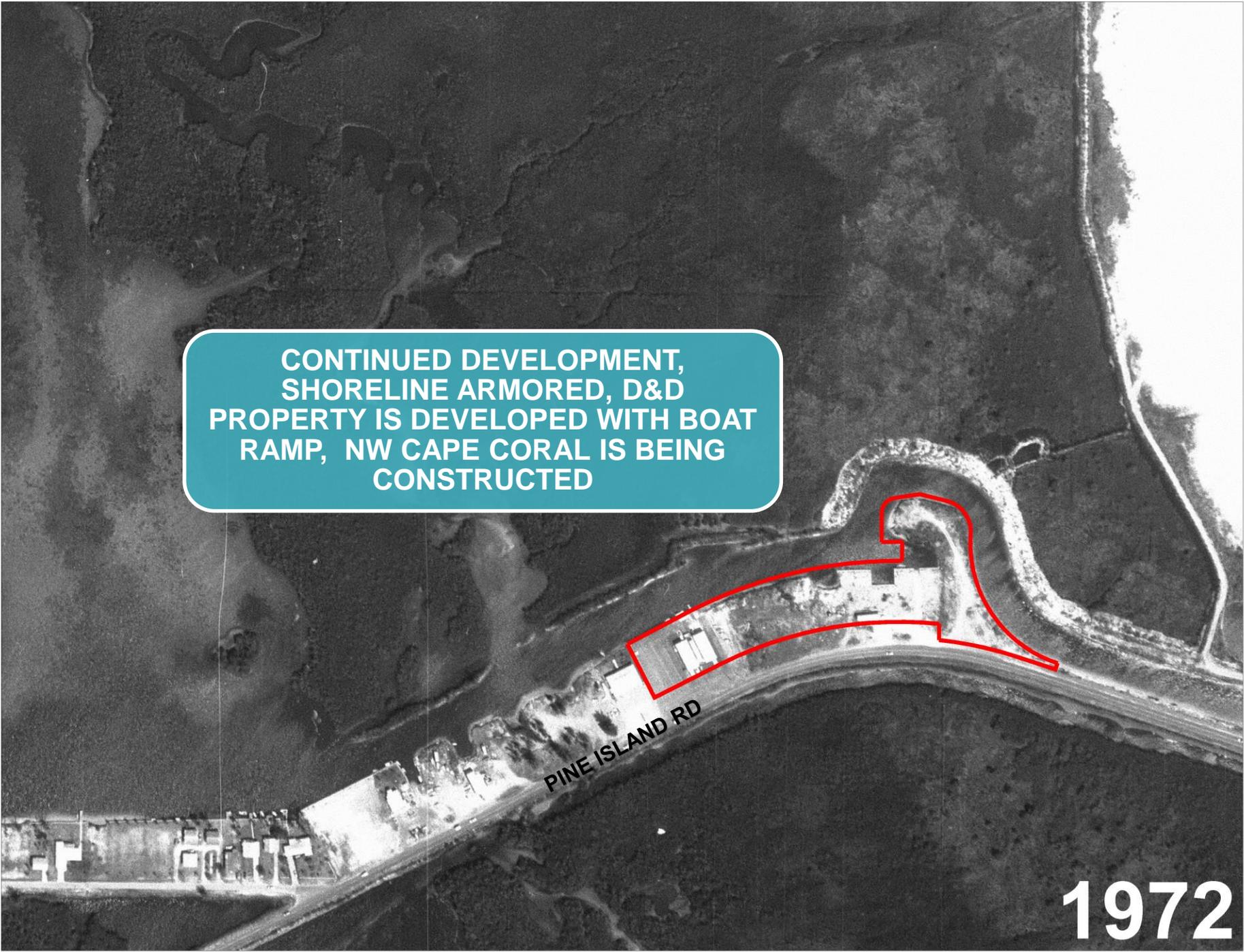
- IN 2012 CITY PURCHASED MULTIPLE ADJACENT PROPERTIES ALONG PINE ISLAND ROAD.
- USE OF PROPERTIES:
  - BAIT AND TACKLE SHOP WITH BOAT RAMPS
  - VEHICLE/TRAILER PARKING LOT



**PINE ISLAND ROAD HAS BEEN  
CONSTRUCTED VIA DREDGE  
AND FILL**

**PINE ISLAND RD**

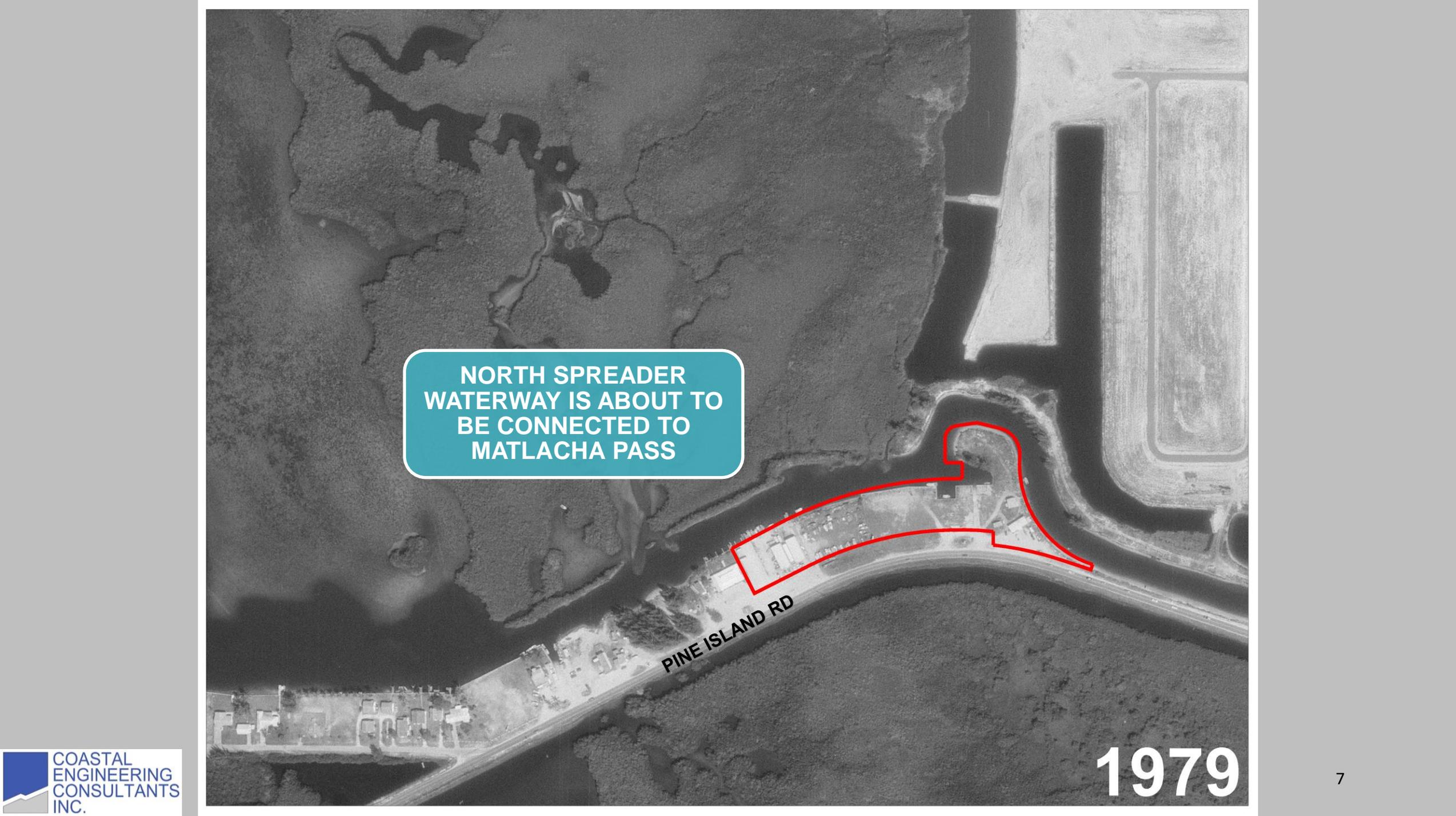
**1944**



**CONTINUED DEVELOPMENT,  
SHORELINE ARMORED, D&D  
PROPERTY IS DEVELOPED WITH BOAT  
RAMP, NW CAPE CORAL IS BEING  
CONSTRUCTED**

PINE ISLAND RD

**1972**



**NORTH SPREADER  
WATERWAY IS ABOUT TO  
BE CONNECTED TO  
MATLACHA PASS**

**PINE ISLAND RD**

**1979**

**D&D AND ADJACENT  
PROPERTY APPEARS NOT AS  
BUSY, NORTH SPREADER  
CANAL IS OPEN, BOAT LIFT IS  
CONSTRUCTED**

**PINE ISLAND RD**

**1986**



CONDITIONS SIMILAR TO  
PRESENT DAY, BOAT LIFT  
HAS BREACHED

PINE ISLAND RD

2008

CONDITIONS SIMILAR TO  
PRESENT DAY, BOAT LIFT  
HAS BEEN REMOVED

PINE ISLAND RD

2011



2014

# PROPERTY HISTORY

- TO SUMMARIZE....
  - D&D AND ADJACENT PROPERTIES HAVE BEEN USED AS MARINA-TYPE FACILITIES SINCE EARLY 1970's



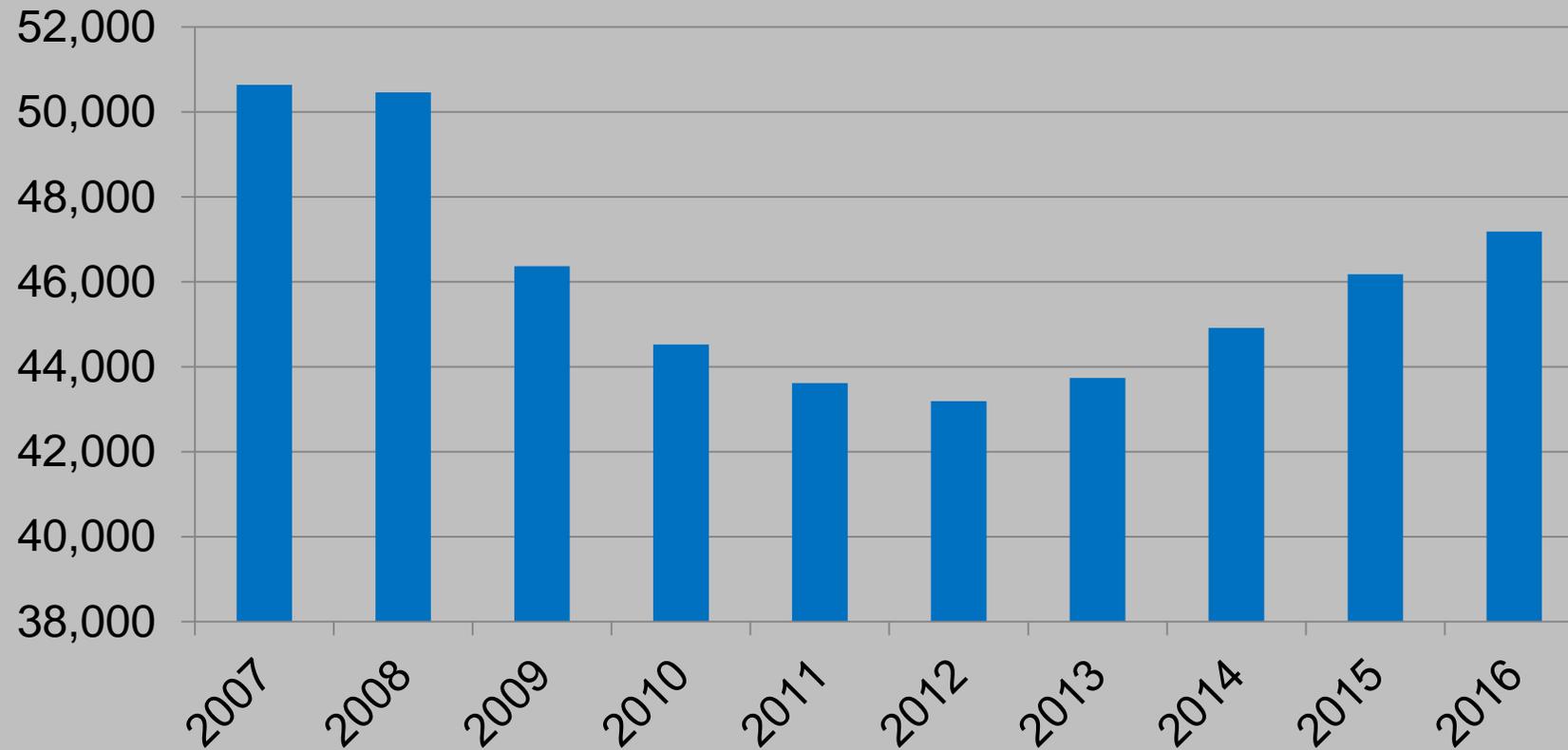
# FWC BOATING ACCIDENT STATISTICS

## LEE COUNTY (2007-2016)

- RANKED IN TOP 5 - REGISTERED VESSELS
- RANKED IN TOP 10 - REPORTABLE ACCIDENTS
- NO ACCIDENTS REPORTED WITHIN VICINITY OF D&D PROPERTY

# FWC BOATING ACCIDENT STATISTICS

## LEE COUNTY REGISTERED VESSELS

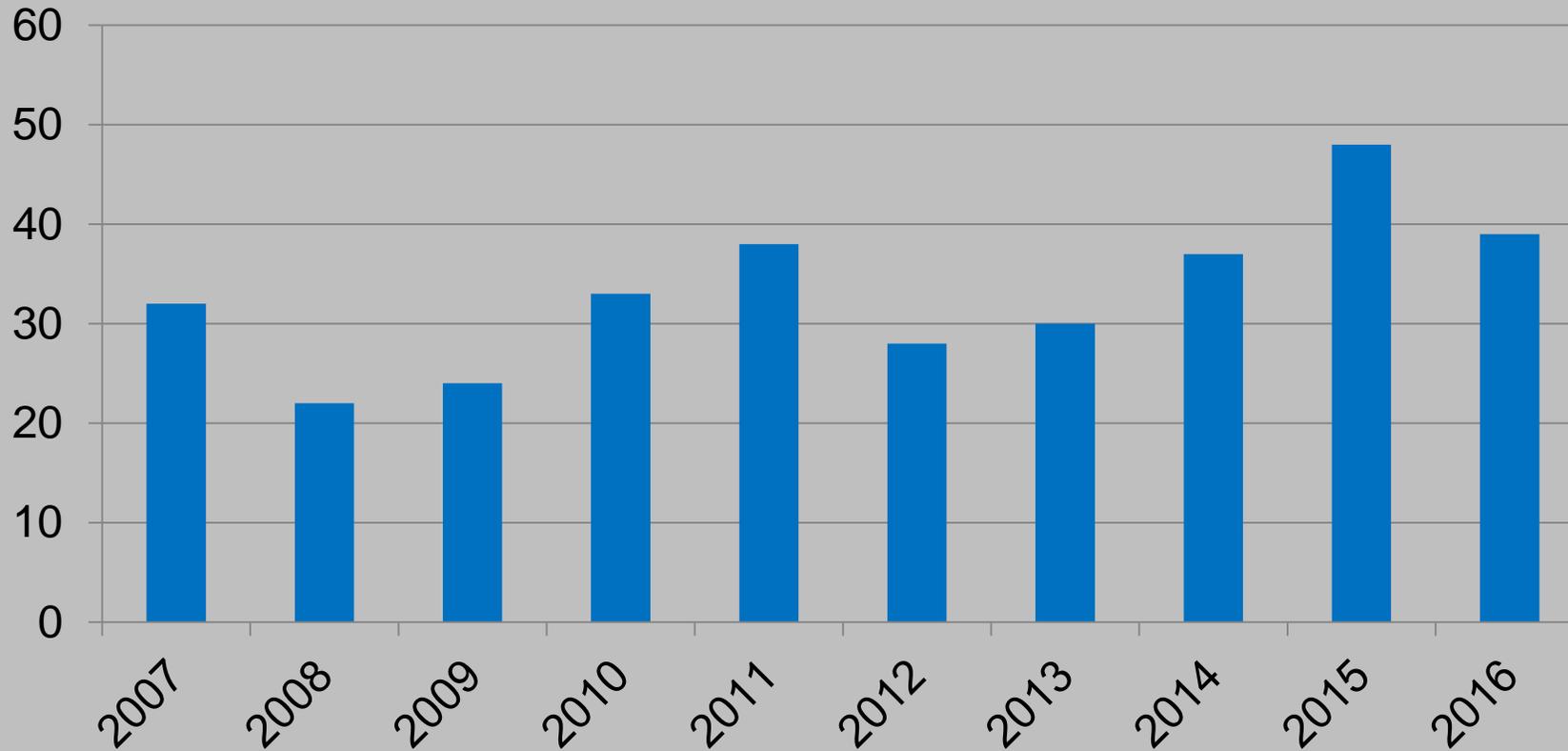


MAXIMUM: 2007, 50,642

MINIMUM: 2012, 43,194

# FWC BOATING ACCIDENT STATISTICS

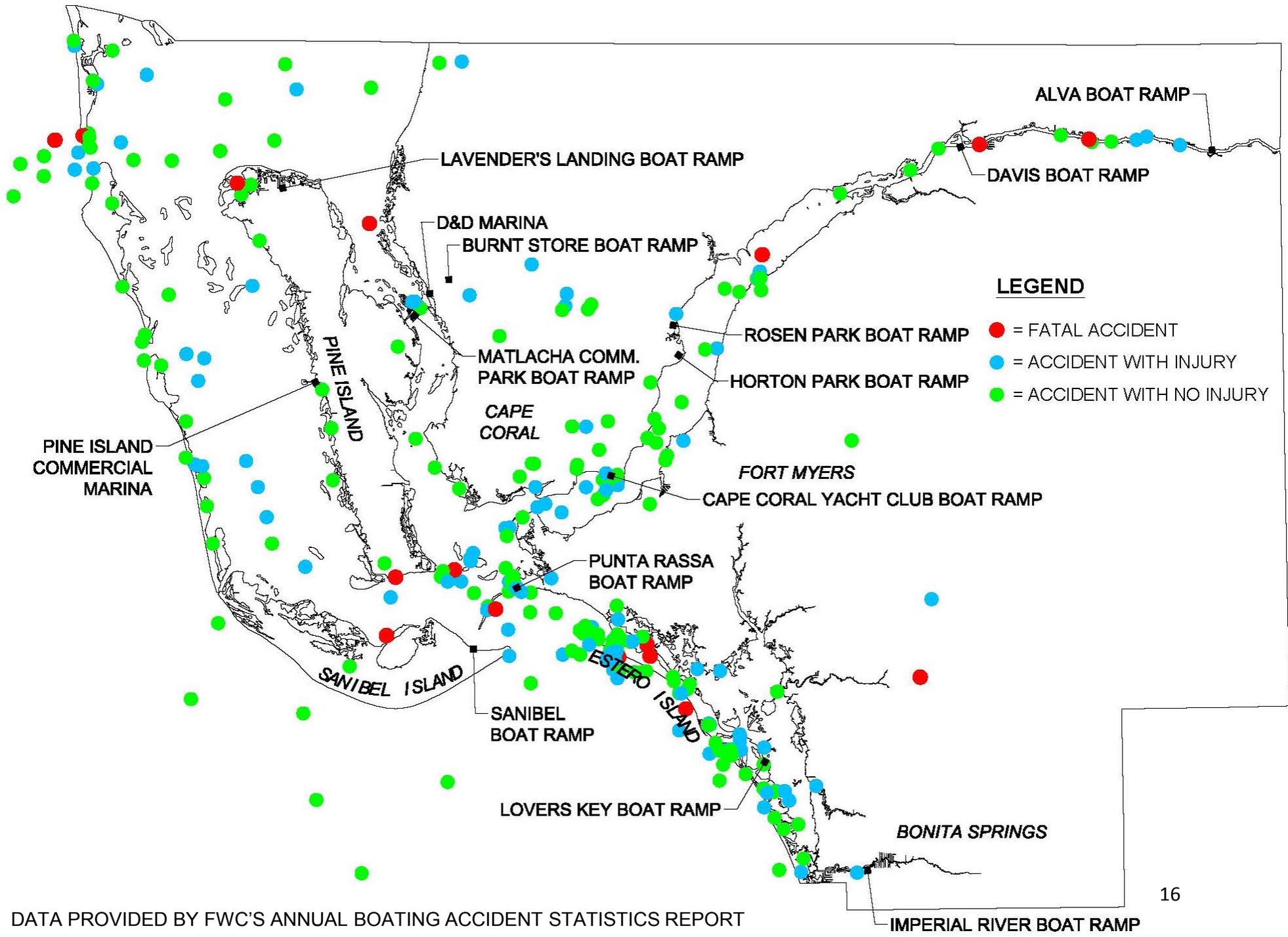
## LEE COUNTY REPORTABLE ACCIDENTS



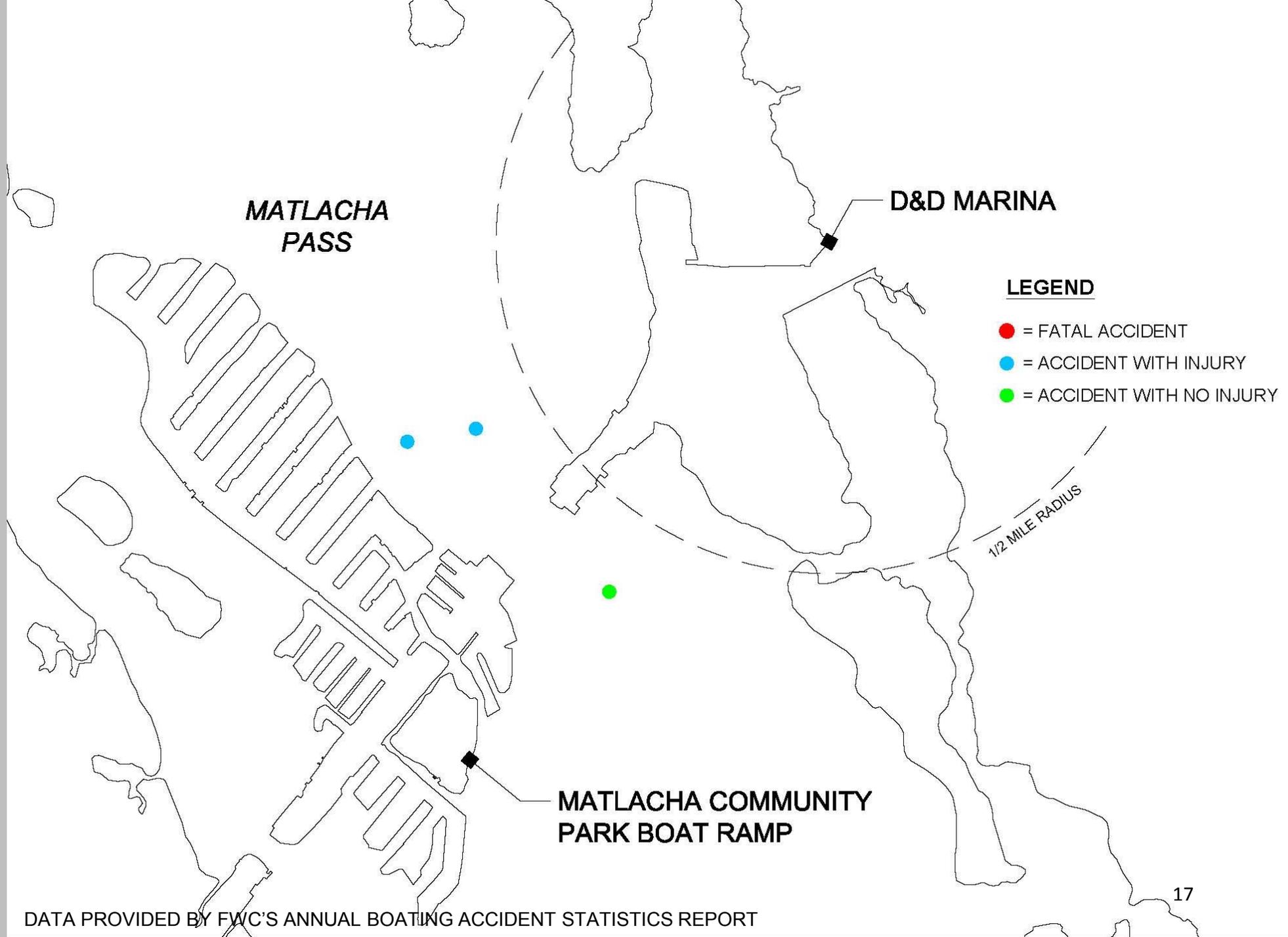
MAXIMUM: 2015, 48

MINIMUM: 2008, 22

# FWC BOATING ACCIDENT LOCATIONS (2007–2016)



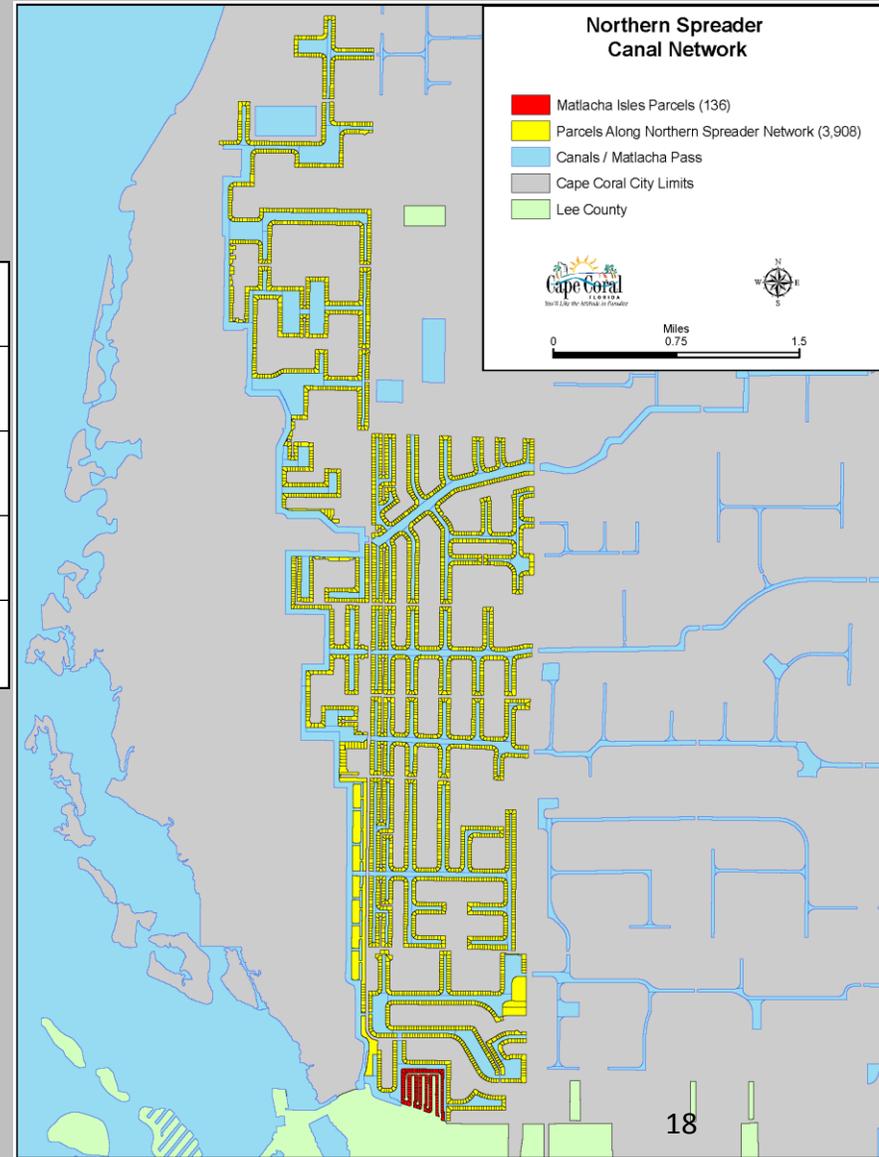
# FWC BOATING ACCIDENT LOCATIONS (2007–2016)



# NORTH SPREADER CANAL DEVELOPMENT

NORTH SPREADER CANAL ACCESS PROPERTIES			
	NORTH SPREADER	MATLACHA ISLES	TOTAL
IMPROVED	1,284	124	1,408
UNIMPROVED	2,624	12	2,636
<b>TOTAL</b>	<b>3,908</b>	<b>136</b>	<b>4,044</b>

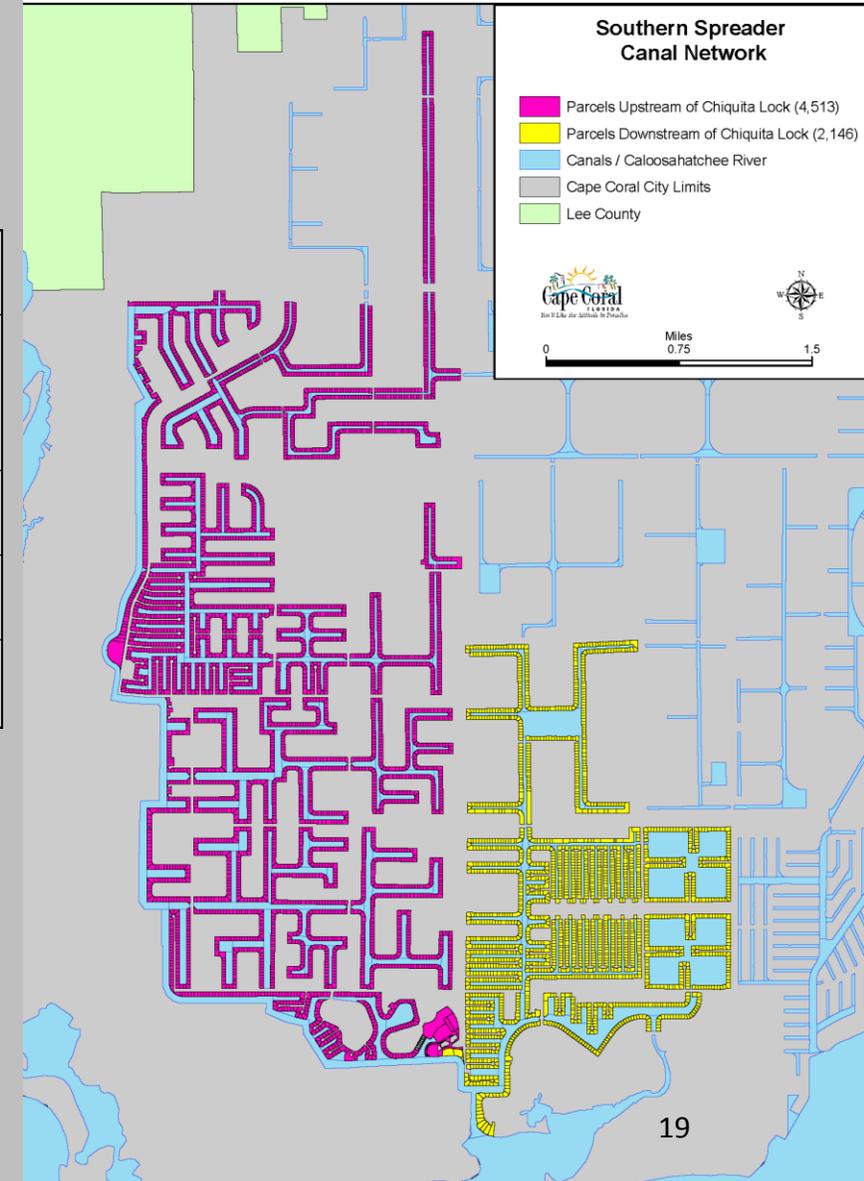
DATA AS OF MARCH 2018



# SOUTH SPREADER CANAL DEVELOPMENT

SOUTH SPREADER CANAL ACCESS PROPERTIES			
	UPSTREAM OF CHIQUITA LOCK	DOWNSTREAM OF CHIQUITA LOCK	TOTAL
IMPROVED	3,190	1,952	5,142
UNIMPROVED	1,323	194	1,517
<b>TOTAL</b>	<b>4,513</b>	<b>2,146</b>	<b>6,659</b>

DATA AS OF MARCH 2018



# CANAL ACCESS PROPERTY SUMMARY

- 77% DEVELOPED ON SOUTH SPREADER CANAL  
(5,142/6,659)
- 35% DEVELOPED ON NORTH SPREADER CANAL  
(1,408/4,044)
- FUTURE NW CAPE DEVELOPMENT WILL LIKELY GENERATE HUNDREDS OF ADDITIONAL BOATS UTILIZING NORTH SPREADER CANAL

# BOAT RAMPS WITHIN CITY LIMITS

- 4 SALTWATER ACCESS RAMPS
  - 3 ON THE CALOOSAHAATCHEE RIVER (ROSEN, HORTON, YACHT CLUB)
  - 1 INSIDE NW CAPE CORAL CANAL SYSTEM (BURNT STORE)
- 11 FRESHWATER ACCESS RAMPS (NON-PAVED)
  - 6 INSIDE SE CAPE CORAL CANAL SYSTEM
  - 5 INSIDE NW CAPE CORAL CANAL SYSTEM

# SALTWATER ACCESS BOAT RAMPS

BOAT RAMPS WITHIN CITY LIMITS				
		LAUNCH LANES	VEHICLE/TRAILER PARKING SPACES	TOTAL PARKING SPACES
SE CAPE	ROSEN	4	56	119
	HORTON	2	32	
	YACHT CLUB	2	31	
NW CAPE	BURNT STORE	2	20	20

# BOAT COUNT SURVEY

- CITY STAFF CONDUCTED A BOAT COUNT SURVEY AT D&D PROPERTY
- PERFORMED BETWEEN 6AM – 6PM, FRIDAY 11/25/16 THRU SUNDAY 11/27/16
- INCLUDED OUTGOING AND INCOMING BOATS TRANSITING IN FRONT OF D&D PROPERTY

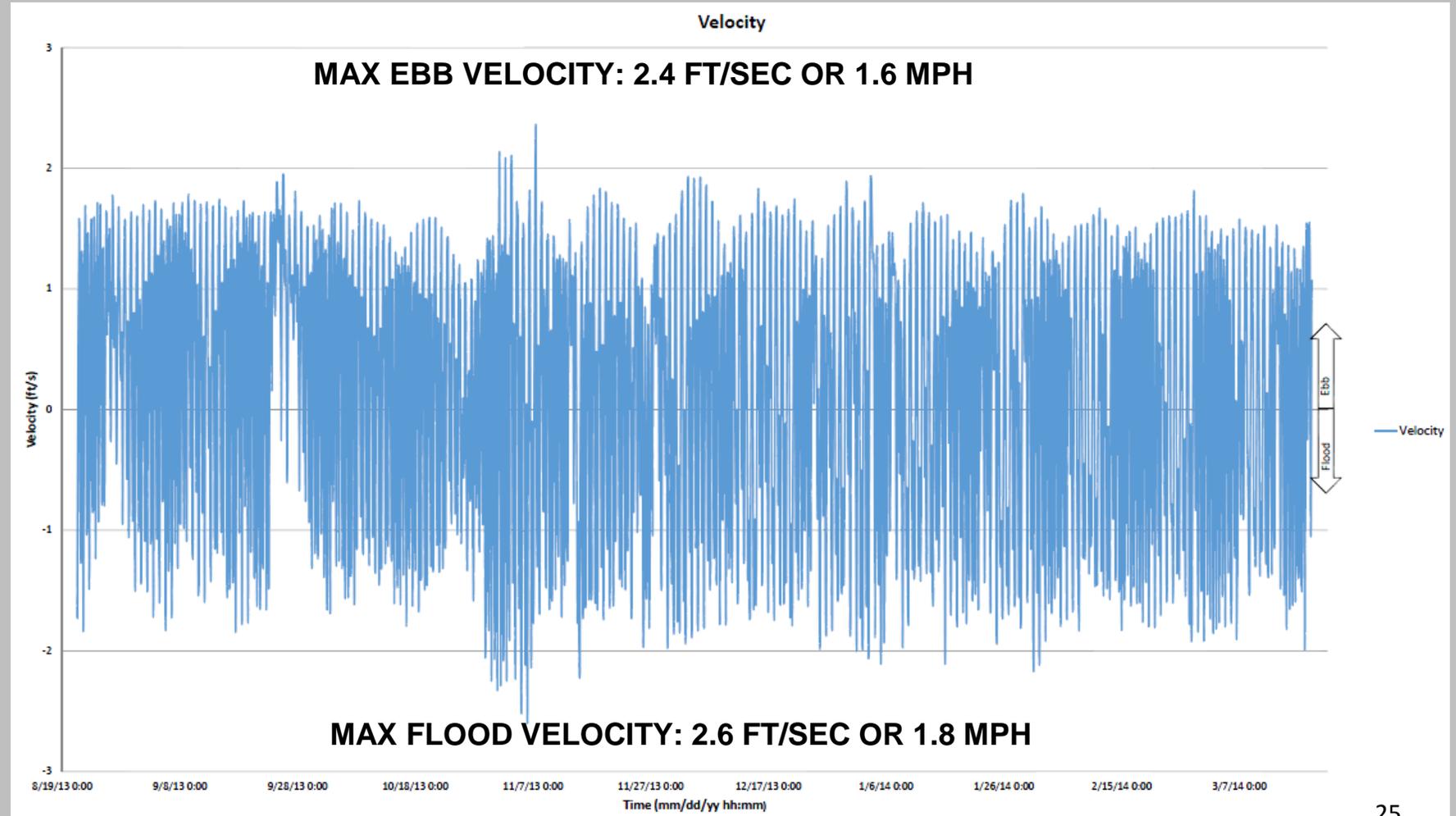
# BOAT COUNT SURVEY

<b>BOATS TRANSITING IN FRONT OF D&amp;D PROPERTY</b>			
	<b>OUTGOING</b>	<b>INCOMING</b>	<b>TOTAL</b>
<b>FRIDAY</b>	45	19	64
<b>SATURDAY</b>	116	119	235
<b>SUNDAY</b>	83	92	175

<b>VEHICLES PARKED ON D&amp;D PROPERTY AT NOON</b>			
	<b>WITH TRAILER</b>	<b>WITHOUT TRAILER</b>	<b>TOTAL</b>
<b>FRIDAY</b>	23	17	40
<b>SATURDAY</b>	28	12	40
<b>SUNDAY</b>	15	6	21

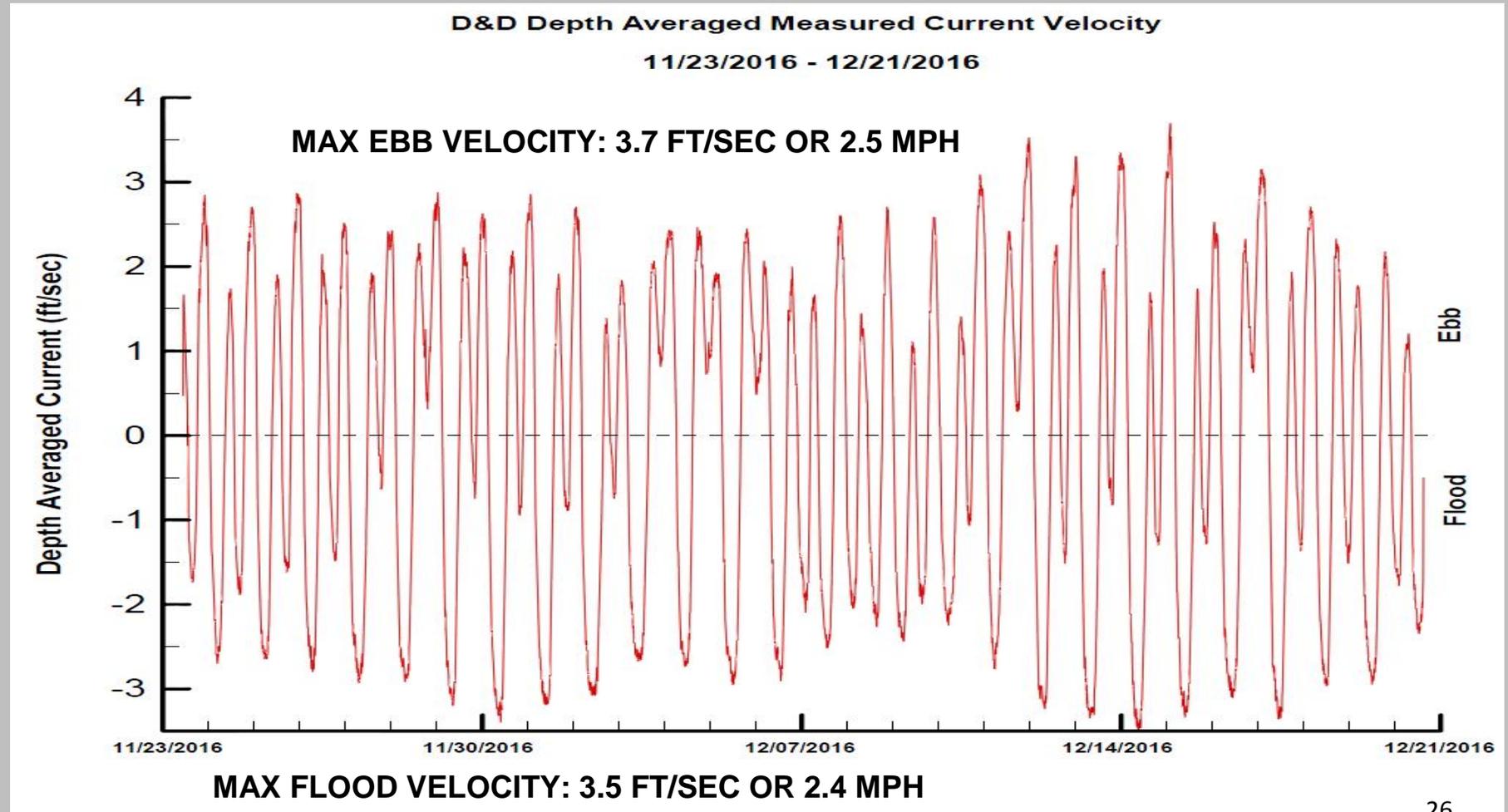
# HYDRODYNAMIC DATA - USGS

- STATION OPERATED FROM AUGUST 2013 – MARCH 2014



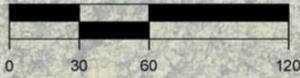
# HYDRODYNAMIC DATA - CEC

- GAUGE OPERATED FROM NOVEMBER – DECEMBER 2016



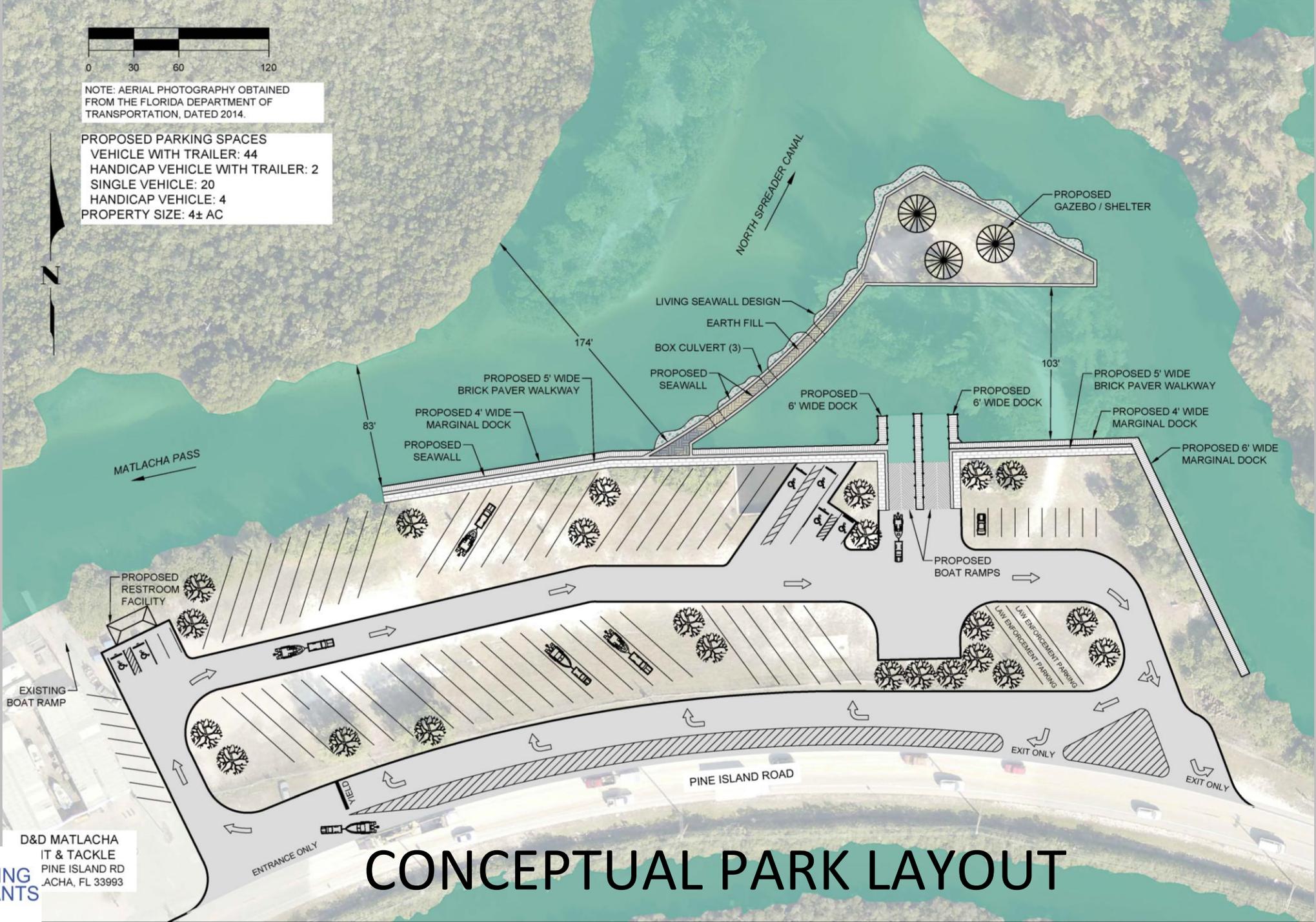
# SUMMARY

- FOR OVER 40 YEARS THESE PROPERTIES HAVE OPERATED AS MARINA-TYPE FACILITIES WITH NO KNOWN ACCIDENTS
- BASED ON DATA REVIEWED, THE LOCATION OF THESE PROPERTIES IS SAFE FOR CONTINUED MARINA-TYPE USES
- IMPROVEMENTS ARE RECOMMENDED TO ADDRESS:
  - SAFETY
  - ENVIRONMENTAL RESOURCES
  - VESSEL TRAFFIC
  - VEHICULAR TRAFFIC



NOTE: AERIAL PHOTOGRAPHY OBTAINED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION, DATED 2014.

PROPOSED PARKING SPACES  
 VEHICLE WITH TRAILER: 44  
 HANDICAP VEHICLE WITH TRAILER: 2  
 SINGLE VEHICLE: 20  
 HANDICAP VEHICLE: 4  
 PROPERTY SIZE: 4± AC



D&D MATLACHA  
 IT & TACKLE  
 PINE ISLAND RD  
 ACHA, FL 33993

# CONCEPTUAL PARK LAYOUT



[CECI Group Services](#)  
Coastal and Marine Engineering  
Environmental and Geological Services  
Land and Marine Survey and Mapping  
Website: [www.coastalengineering.com](http://www.coastalengineering.com)

A CECI GROUP COMPANY

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July 31, 2017

Via email: [mridenou@capecoral.net](mailto:mridenou@capecoral.net)

Mark Ridenour  
Facilities/Project Manager  
City of Cape Coral  
1015 Cultural Park Boulevard  
Cape Coral, Florida 33990

**Re: D&D Property Public Boat Ramp  
CEC File No. 15.250**

Mr. Ridenour:

Coastal Engineering Consultants, Inc. (CEC) is pleased to submit this feasibility report to address concerns from stakeholders about proposed improvements to the existing boat ramps at the City owned D&D property on Pine Island Road. The concerns were expressed April 11, 2016, during the public hearing on passage of Resolution 49-16. This Resolution authorized the City to apply for and administer a grant to improve the existing boating infrastructure at the D&D property. Stakeholder concerns included 1) navigation safety; 2) potential environmental impacts and; 3) community impacts. CEC was tasked with collecting data, preparing concept plans, and providing recommendations.

We appreciate the opportunity to be of service. If you have any questions, please do not hesitate to call me at (239) 643-2324, extension 128.

Sincerely,  
COASTAL ENGINEERING CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read "Mark Kincaid", is written over a light blue circular stamp.

Mark Kincaid  
Senior Engineer

Attachments

**FEASIBILITY REPORT  
FOR  
PROPOSED IMPROVEMENTS  
AT THE D&D PROPERTY  
PUBLIC BOAT RAMP**

Prepared for:

**THE CITY OF CAPE CORAL**

City Hall  
1015 Cultural Park Boulevard  
Cape Coral, Florida 33990

**JULY 31, 2017**



Coastal Engineering Consultants, Inc.  
3106 S. Horseshoe Drive  
Naples, Florida 34104  
239-643-2324

## EXECUTIVE SUMMARY

This report was requested by City of Cape Coral (City) Management to address concerns from stakeholders about proposed improvements to the existing boat ramps at the City owned D&D property on Pine Island Road. The concerns were expressed during the public hearing on passage of Resolution 49-16. This Resolution authorized the City to apply for and administer a grant to improve the existing boating infrastructure at the D&D property. Stakeholder concerns included 1) navigation safety; 2) potential environmental impacts and; 3) community impacts. Coastal Engineering Consultants, Inc. (CEC) was tasked with collecting data, preparing concept plans, and providing recommendations.

### 1. Navigation Safety

The D&D property was developed in the early 1970's and remains nearly identical today. The two original boat ramps are still heavily used. Long before wetlands were excavated, between 1975 and 1984, to create the stormwater conveyance system known as the North Spreader Canal, boats had been launched from and stored on the D&D property. During construction of the northwest Cape Coral canal system two land bridges existed; one at Sirenica Vista Park (where the future Ceitus boat lift would be installed) and one just north of the subject property. These land bridges restricted vessel navigation and tidal waters from entering the system until the mid-1980's. Prior to the removal of the land bridges the Ceitus boat lift structure was installed. This structure lifted small boats across the structure but restricted tidal waters from mixing with fresher, upstream canal water. The boat lift stopped operating around 2007 and the water control structure and boat lift were removed in 2008.

Historically, the D&D boat ramps have been very popular with boaters, providing easy access to Matlacha Pass, Charlotte Harbor, Pine Island Sound and beyond. Since purchasing the property in 2012, City staff have documented the amount of paid boat launch receipts. City staff have reported the number of launches at this facility consistently exceeds the combined number of launches from the City's other four saltwater access boat ramps (Horton, Rosen, Yacht Club and Burnt Store).

Based upon review of available State records (dating back to 2007), no vessel accident reports within ½ mile of the D&D property were recorded. This period reflects the vessel traffic after removal of the water control structure and boat lift. Navigable channel widths along the D&D property are a minimum of 50 feet wide measured at 5 feet below Mean Low Water. Average absolute tidal velocities were measured to be approximately 1.2 MPH.

The channel along the D&D property has been navigated safely by boaters of all skill levels without significant incident since development of the Matlacha area. Construction of the North Spreader Canal and removal of the water control structure resulted in a substantial increase in waterfront property and influx of vessels operating in front of the D&D property. As evidenced by the long-term successful use of the boat ramps and no accident reports on record since 2007, the concerns of navigation safety are unsubstantiated for current and projected growth conditions.

### 2. Environmental Impacts

The D&D property is mostly vacant and used as an unimproved parking area for the adjacent D&D Bait and Tackle. The main thoroughfare through the property is covered in asphalt millings while the remainder of the property is dirt and grass. The shoreline is a mix of concrete seawall and vegetation.

Multiple invasive and exotic trees exist on the property. The property has no stormwater treatment system.

Proposed improvements to the property would not result in any adverse environmental impacts. Lee County Division of Natural Resources confirmed the proposed boat ramp improvements are consistent with the approved 2004 Manatee Protection Plan (MPP). The goal of the project is to continue to provide the community a safe boat ramp while protecting the environment. To meet this goal, considerations for the project include minimizing impervious surfaces, constructing a stormwater management system, removing invasive and exotic trees, and constructing a living shoreline.

### 3. Community Impacts

The City acquired the six contiguous parcels, referenced herein as the D&D property, in 2012. On December 12, 2016 City Council approved annexation of the property with adoption of Ordinance 57-16. Parcels have a Lee County commercial zoning district of C-2 or C-1A. Boat ramps and bait and tackle shops are permitted uses.

Accessed by Pine Island Road, ingress and egress to the D&D property does not disrupt any adjacent residential neighborhoods. It is the only City owned boat ramp property not contiguous with residential property. The remnants of an old land bridge, now an island, provides a buffer to the closest residents in Cape Coral and Matlacha Isles.

On December 12, 2016 the City Council adopted the recently updated Parks Master Plan (Plan). The Plan outlines a future need for boat ramps. A survey of City residents lists water access as one of their top priorities. This adopted Plan recommends up to \$4 million of improvements for boat ramps and access at D&D. Two grants totaling \$289,797 have been secured and are ready for implementation. With the passage of Resolution 49-16 the City can utilize earmarked funds to begin the proposed improvement design. This project meets the eligibility criteria for future grants to complete the balance of the project.

Based upon the research gathered and our professional judgment, CEC recommends that the City of Cape Coral move forward with design of proposed boating facility improvements. This project is consistent with the City's Parks Master Plan. Strategic boat ramp placement, engineering, and minor realignment of the channel would be pursued to help develop community support and consensus. Further refinement of concept plans with City staff and stakeholders would ensure navigation safety, impact minimization and enhancement of the environment with a goal of creating a facility the community enjoys and values.

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## INTRODUCTION

Boating is very important to many Floridians. Millions of recreational boaters enjoy the opportunities afforded by Florida's vast tidal coastline. Across Florida, municipalities struggle to provide public boating access while meeting the steady increase in vessel registrations.

The City of Cape Coral (City) owns multiple adjacent parcels along the North Spreader Canal and Pine Island Road referred herein as the D&D property – see Figure 1 D&D Property Location Map. Most of the property is vacant, used as an unpaved parking area for neighboring D&D Bait and Tackle. The public utilizes the two-existing single-lane boat ramps as well as the waterfront property for fishing. Please reference Appendix 1 for site photographs.



FIGURE 1. D&D PROPERTY LOCATION MAP

The City is considering making improvements to these existing boat ramps and shoreline. City Management requested this Feasibility Report (Report) to address concerns from stakeholders regarding 1) navigation safety; 2) potential environmental impacts and; 3) community impacts. Coastal Engineering Consultants, Inc. (CEC) was tasked with collecting data, preparing concept plans, and providing recommendations. CEC explored the following:

- Property History
- Existing Use and Zoning
- Parks Master Plan

- Navigational Safety
- Bathymetric Survey
- Hydrodynamic Data
- Boat Count Survey
- City Waterfront Property
- City Boat Ramps
- Conceptual Design
- Environmental Concerns

## PROPERTY HISTORY

Available aerial photographs were obtained for review and can be referenced in Appendix 2. Historic aerials show Pine Island Road was constructed via dredge and fill prior to 1944. At that time, current day Matlacha Isles-Matlacha Shores was mangrove forest. Between 1953 and 1958 Matlacha Isles-Matlacha Shores (parcels north of Pine Island Road) were constructed via dredge and fill. The canal north of these properties would become the future North Spreader Canal entrance. By 1968 the properties north of Pine Island Road were being developed. Further dredging and filling was evident to the east, north of Pine Island Road. By 1972, the present day D&D Bait and Tackle buildings were constructed along with seawalls and two boat ramps. These boat ramps have been providing access to the water for over 40 years. Note the boat ramps existed prior to the construction of the North Spreader Canal system. The D&D Bait and Tackle parcels remain active through current day while the parcels to the east were observed vacant by 1990. Last year the City submitted a Limited Development Order to Lee County to improve the public parking area on the subject property. The project was permitted and completed.

## EXISTING USE AND ZONING

In 2012, as part of a larger 491 parcel purchase, the City acquired six adjacent parcels, approximately 5.3 acres, along Pine Island Road (3850 – 3926 Pine Island Road NW).

Currently, the City has a 10 year lease with D&D Bait and Tackle for the subject property. Their existing facility occupies two parcels and includes the building, fenced boat storage yard, 5 finger piers with 10 boat slips, single-lane boat ramp, and boarding pier. A concrete seawall armors the shoreline immediately behind the building and fenced boat storage. The existing seawall, finger piers, and boat ramp are severely deteriorated. As the facility nears a state of disrepair, replacement will be required.

The remaining four parcels serve as an unimproved parking area for the adjacent bait and tackle shop. There is a second existing single-lane boat ramp and boat basin. The shoreline is a mix of concrete seawall and vegetation. This existing seawall and boat ramp are in similar condition, severely deteriorated, and require replacement. Please reference to Appendix 1 for existing site condition photographs.

The properties have a future land use classification of Urban Community. Urban Community areas are defined as areas outside Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Five of the subject properties have a Lee County commercial zoning district of C-2 and one is zoned C-1A. Several of the permitted uses include; auto/boat parts stores, bait and tackle shops, drug stores/pharmacy, restaurants and supermarkets. Townhouses and duplexes can be permitted in special circumstances. Districts allow a maximum density of 10 DU/acre and a maximum building height of 35 feet. Boat ramps are a permitted use in C-2 districts and permitted as existing only/special exemption in C-1A districts.

## **PARKS MASTER PLAN**

The City recently completed its Parks Master Plan (Plan) update, dated November 2016. The City Council officially adopted the Plan on December 12, 2016. The Plan's purpose is to address the following needs of the City's Parks System:

- Identify issues, needs and opportunities.
- Ensure adequate growth.
- Modernization of the Level of Service (LOS).
- Continual funding opportunities.
- Provide planning actions and acquisition needs.

The Plan inventories and assesses the City's recreational facilities based on the needs of the community. The City's existing boat ramp lanes are included in the Plan's evaluation.

The Plan contains specific target LOS for 20 different recreational facilities. Boat ramp lanes LOS has been established to equal one boat ramp lane per 10,000 residents. According to the Plan, the City is reported to have seven existing saltwater access boat ramp lanes. Facilities and lanes include Burnt Store Boat Ramp (1), Horton Park (1), Rosen Park (2), Strausser BMX Sports Complex (1), and Yacht Club Community Park (2). Based on the City's 2015 population estimate, 18 lanes are required to meet the City's desired LOS in 2015. Thus the City currently has a boat ramp lane deficiency of 11 lanes. To achieve the same desired LOS when the City is built out, a total of 40 boat ramp lanes would be required. To meet the desired LOS upon buildout the City will need to construct 33 boat ramp lanes.

The Plan compares the City's outdoor facilities to similar facility's LOS standards published in the 2013 Florida Statewide Comprehensive Outdoor Recreation Plan (SCORP). The comparison focused on Florida's southwest region. SCORP defines LOS as the amount of resources and facilities available to support an activity, expressed in terms of units of supply per 1,000 participants. SCORP has established a 2020 boat ramp lane LOS of 0.16 boat ramp lanes units per 1,000 participants. To meet the LOS standard and participant demand at the City's buildout an additional 9 boat ramp lanes will be required.

It should be noted that these two comparison methodologies utilize different LOS units. The City accounts for residents in their analysis while SCORP focuses on specific activity participants.

The Plan lists boating/kayaking access as one of the residents' top needs. To prioritize the needs of the community a Proposed Phase 1 Projects list was drafted. It recommends a new saltwater ramp

(motorized craft) be constructed on the D&D property at an estimated cost of \$3-4 million dollars. Currently the City has secured approximately \$289,797, via two grants, to fund various work at the D&D property. Additional grants are available from the Florida Fish and Wildlife Conservation Commission (FWC), the West Coast Inland Navigation District (WCIND) and Lee County Tourist Development Council (TDC) to fund the construction of the proposed improvements. City staff has already initiated contact with these agencies regarding the application process to compete for such grants. Having already been awarded design funds it is likely the construction aspect will compete successfully for grant funds from the same agencies.

## BOATING ACCIDENT REPORTS

FWC is responsible for documenting and maintaining all boating related accidents within the State. The Boating and Waterways Section of the FWC's Division of Law Enforcement compiles investigative report data from marine law enforcement agencies and publishes an annual Boating Accidents Statistical Report. The statistics reflect data from "reportable boating accidents" in Florida. A boating accident must meet at least one of the following criteria to be considered reportable:

- A person dies.
- A person disappears under circumstances that indicate possible death or injury.
- A person receives an injury requiring medical treatment beyond immediate first aid.
- There is at least \$2,000 aggregate property damage to the vessel(s) or other property.
- There is a total loss of a vessel.

Numerous stakeholders have suggested the canal at the D&D property providing access to the North Spreader Canal is unsafe to navigate because of its narrow width, blind turn, and extreme current velocities. To determine the validity of these claims, CEC reviewed available records from FWC on boating accidents for Lee County from 2007 to 2016.

The data showed Lee County historically ranks in the top 10 most accident-prone counties in the State. However, there were no accidents observed within the project vicinity. The nearest reportable accident was in Matlacha Pass, more than ½ mile away from the D&D property.

To further the review, the same analysis was performed for the most popular boat ramps in Lee County to determine if boat ramps are inherently accident prone areas. The boat ramps at Punta Rassa, Lovers Key/Carl Johnson, Horton, Rosen, and Sanibel Parks were chosen. Within a ½ mile radius of Punta Rassa boat ramp there were nine reportable accidents, one each at Lovers Key/Carl Johnson and Horton boat ramps, and none at the Rosen and Sanibel boat ramp. The unique conditions at the Punta Rassa boat ramp should be noted as a possible cause of elevated accident count. The boat ramp is centered at the intersection of several heavily trafficked channels; multiple waterbodies are converging; and the Sanibel Causeway is restricting navigation.

Analysis of the FWC data suggests there was no evidence indicating the D&D property boat ramps are unsafe to operate or that the canal accessing the North Spreader was hazardous to navigate. There was no concentration of accidents adjacent to the property or within the North Spreader Canal system. Additionally, to suggest a boat ramp facility is inherently prone to boating accidents would be a false

claim. Lee County's busiest and most popular boat ramps do not exhibit excessively high boating accident counts.

## **BATHYMETRIC SURVEY**

A historic channel exists along the northern shoreline of Matlacha Shores. Historic aerials show most of the channel being dredged prior to 1958 but dredging is evident in parts of this channel prior to 1953. In December 2016, CEC conducted a bathymetric survey of the historic channel. The survey extended 7,400 feet from the Matlacha Pass Bridge to Sirenia Vista Park. The purpose of the survey was to determine if shoaling has affected channel navigability. To evaluate the channel, a conceptual channel template was designed and centered over the deepest water. Criteria for this channel template included a width of up to 50 feet with a depth of 5 feet Mean Low Water (6.4 feet North American Vertical Datum 1988). Based on this template there was shoaling around the Shoreview Drive peninsula. There is approximately 7,300 cubic yards of material within the template. It should be noted the channel is naturally wider and deeper than the conceptual template in multiple locations. The channel in front of the D&D property has adequate depth and width. Channel depths range from 5 to 10 feet with a minimum navigable width of 50 feet. Please reference Appendix 3 for survey results.

## **CITY WATERFRONT PROPERTY DEVELOPMENT**

Development of Cape Coral began in the mid-1950's with the goal to sell lots in "paradise" to people throughout the world. With its waterfront property abundance, Cape Coral was nicknamed and advertised as a "Waterfront Wonderland."

For discussion purposes the City was divided into four quadrants. Pine Island Road roughly divides Cape Coral north and south while Chiquita Boulevard South/Burnt Store Road North divides Cape Coral east and west. The northeast quadrant is virtually landlocked. Lakes and canals are predominately freshwater with water control structures restricting vessel traffic and water flow. Generally, City residents in the southeast quadrant have direct access to the Caloosahatchee River through residential canals. In the southwest quadrant boaters utilize the man-made South Spreader Canal to access the Caloosahatchee River. The South Spreader Canal runs from Veterans Parkway, south along the western edge of the City to Chiquita Lock and ultimately to the Caloosahatchee River. City residents in the northwest quadrant utilize the North Spreader Canal to access Pine Island Sound. The North Spreader Canal runs from Caloosa Parkway, south along the western edge of the City, along Pine Island Road to Matlacha Pass.

Development of waterfront properties on the North and South Spreader Canals varies significantly. The southwest quadrant of the Cape was the second area to be developed, behind the southeast quadrant. The southwest quadrant is much more developed and further established when compared to the northwest quadrant. The City has yet to extend its utility services to much of the northwest quadrant and many residential lots are undeveloped. Table 1 – Waterfront Access Properties provides a breakdown of the improved and unimproved waterfront lots utilizing the North and South Spreader Canals. Comparing unimproved canal access properties, approximately 70 percent of the properties

on the North Spreader Canal are not developed versus approximately 30 percent on the South Spreader Canal.

TABLE 1. WATERFRONT ACCESS PROPERTIES

<b>WATERFRONT ACCESS PROPERTIES</b>			
	<b>NORTH SPREADER</b>	<b>SOUTH SPREADER</b>	<b>TOTAL</b>
<b>IMPROVED</b>	1,222	3,062	4,284
<b>UNIMPROVED</b>	2,825	1,329	4,154
<b>TOTAL</b>	4,047	4,391	8,438

\*Data provided by City staff

Northwest Cape Coral has considerable growth potential. The “Waterfront Wonderland” dream is still alive and as development of these waterfront lots in “paradise” continues, boat sales will follow. Further development will lead to more boats navigating the North Spreader Canal system. As Table 1 depicts, the total number of canal access properties with the North Spreader is 4,047, substantially greater than the proposed 46 vehicle/trailer parking spaces in the D&D boat ramp conceptual plans. The proposed boats that would access the North Spreader Canal through the D&D boat ramp account for less than 2 percent of all the waterfront property owners. Over 98 percent of the potential boat traffic will be generated from the private property owners in northwest Cape Coral. The 46 vehicle/trailer parking spaces proposed would serve the rest of the non-waterfront homes throughout the area.

**CITY BOAT RAMPS**

With the large canal system and vast waterbodies surrounding the Cape it is important for the City to provide its residents with sufficient boating access opportunities. Currently the City owns and maintains four saltwater access boat ramps within the City limits. Three of the saltwater access boat ramps are on the Caloosahatchee River and one is inside the northwest Cape Coral canal system. Each of these saltwater access boat ramps is located within an established residential neighborhood, bordered by residential lots. The present distribution of boat ramp facilities favors the southeastern quadrant of the City, or boaters utilizing the Caloosahatchee River. This can be seen below in Table 2 – City Boat Ramp Inventory. There are significantly more boat ramps and vehicle/trailer parking spaces accessible in the City’s southeastern quadrant.

Since purchasing the property in 2012, City staff have documented the amount of paid boat launch receipts. City staff have reported the number of launches at this facility consistently exceeds the combined number of launches from the City’s other four saltwater access boat ramps (Horton, Rosen, Yacht Club and Burnt Store).

TABLE 2. CITY BOAT RAMP INVENTORY

CITY BOAT RAMP INVENTORY				
		LAUNCH LANES	VEHICLE/TRAILER PARKING SPACES	TOTAL PARKING SPACES
SE CAPE	ROSEN	4	56	119
	HORTON	2	32	
	YACHT CLUB	2	31	
NW CAPE	BURNT STORE	2	20	20

\*Data provided by FWC

Comparing the four City owned saltwater access boat ramp parks to D&D, D&D is the most isolated from residential properties. The other four parks (Horton, Rosen, Yacht Club and Burnt Store) all have common property lines with residential properties. Traveling through residential neighborhoods provides the only ingress and egress at three parks (Horton, Rosen, Yacht Club). Burnt Store Park is accessed from Burnt Store Road and is contiguous with ten residential properties.

D&D is accessed by Pine Island Road, ingress and egress to the property does not disrupt any residential neighborhoods. D&D is the only City owned boat ramp property that does not share a property line with an adjacent residential property.

As the City continues to grow it would be prudent to provide additional boating access opportunities to its residents. The City currently owns the land which D&D Bait and Tackle operates as a boat ramp facility. The existing boat ramps provide an ideal boating access point for Pine Island Sound and Charlotte Harbor. Users do not have to drive through a residential neighborhood nor is it bordered by residential lots. Improving this facility would assist in equalizing the City’s available boating access opportunities.

**BOAT COUNT DATA**

City staff conducted a boat count survey at the D&D property over the Thanksgiving Holiday weekend, November 25 – 27, 2016. Staff recorded vessels transiting the North Spreader Canal in front of the D&D property. Over the three day period, 474 vessels were counted transiting by the property with the greatest documented on Saturday, equal to 235 vessel transits. Approximately half of all vessels were between 16-feet and 24-feet long. Staff also counted vehicles with and without boat trailers parked on the D&D property. Over the three day period, 66 vehicles with trailers and 35 vehicles were observed at noon. During this survey period, only 13.9 percent of the boat traffic in the canal was generated by the users of the D&D Bait and Tackle boat ramps. Please reference Appendix 4 for the boat count data.

**HYDRODYNAMIC DATA**

There have been numerous claims the North Spreader Canal is not safe to navigate because of extreme current velocities. To determine the validity of these claims North Spreader Canal tide data was analyzed at two locations adjacent to the project site, see Figure 2 – Instrument Locations.



FIGURE 2. INSTRUMENT LOCATIONS

In 2013 the United States Geological Survey (USGS) established Station 02293344. USGS installed a self-logging acoustic Doppler velocity meter (ADVM) to measure water level and flow through the North Spreader Canal. The ADVM was installed south of the old Ceitus boat lift and west of Sirenia Vista Park. The instrument recorded data for seven months, from August 2013 to March 2014. Various hydrodynamic characteristics of the North Spreader Canal were computed utilizing field measurements and the ADVM data. Table 3 - USGS Station 0229334 summarizes the maximum velocities recorded during the observation period. It should be noted this data was collected after the removal of the Ceitus boat lift. Please reference Appendix 5 for hydrodynamic data.

TABLE 3. USGS STATION 0229334

USGS STATION 0229334		
MAXIMUM CURRENT VELOCITIES		
TIDE	FT/SEC	MPH
EBB	2.4	1.6
FLOOD	2.6	1.8

In 2016 CEC deployed a self- logging acoustic Doppler current profiler in the North Spreader Canal between the two existing boat ramps at the D&D property. Velocity data was collected for one month, capturing a complete lunar cycle between November and December 2016. Table 4 – CEC Gauge Deployment summarizes the maximum velocities recorded during the observation period. Additionally, CEC deployed tide gauges during this observation period to capture the maximum and minimum water elevations. Maximum tidal elevations ranged 2.8 feet from low to high tide. Please reference Appendix 5 for hydrodynamic data.

TABLE 4. CEC GAUGE DEPLOYMENT

CEC GAUGE DEPLOYMENT		
MAXIMUM CURRENT VELOCITIES		
TIDE	FT/SEC	MPH
EBB	3.7	2.5
FLOOD	3.5	2.4

Numerous stakeholders have suggested the tidal current velocities routinely exceed 5 MPH in this part of the North Spreader Canal. During these two observation periods no velocity came close to 5 MPH. Data from the USGS and CEC deployments revealed the maximum water velocities were 1.8 MPH and 2.5 MPH, respectively. The maximum tidal current velocities recorded are not extreme. It should be noted these maximum velocities are not constant or occur for long periods of time but only occur for a brief period of time during the tide cycle. USGS and CEC instruments observed average absolute velocities of 0.7 MPH and 1.2 MPH, respectively. To put these velocities in perspective the walking speed of an average human is approximately 3.1 MPH.

Design considerations can be implemented to reduce the effects of the tidal current on boat launching and retrieval activities. Possible considerations include the location of the proposed boat ramp on the property and angle of the boat ramp relative to the North Spreader Canal and current. Removal of the small island north of the D&D property would increase the canal cross sectional area, resulting in a reduction of tidal velocities. The canal width would increase by approximately 80 feet (40 percent) to improve navigability and sighting distance.

**ENVIRONMENTAL CONCERNS**

Most of the City’s property is vacant and used as an unimproved parking area for the adjacent D&D Bait and Tackle. The main thoroughfare through the property is covered in asphalt millings while the remainder of the property is dirt and grass. The shoreline is a mix of concrete seawall and vegetation. There are multiple invasive and exotic trees on the property. The property has no stormwater treatment system.

No adverse environmental impacts are proposed with the D&D boat ramp improvement project. The goal of the project is to continue to provide the community a safe boat ramp while protecting the

environment. To meet this goal, considerations for the project include minimizing impervious surfaces, constructing a stormwater management system, removing invasive and exotic trees, and constructing a living shoreline.

Lee County Division of Natural Resources confirmed the proposed boat ramp improvements are consistent with the approved 2004 Manatee Protection Plan (MPP). Since the boat ramp facility existed and operated prior to the adoption of the MPP, the facility is grandfathered in. The exact number of permitted vehicle/trailer parking is subject to review and will be determined during the design stage.

## **RESOLUTION 49-16**

On April 11, 2016 City Council adopted Resolution 49-16 with a 5 – 3 majority vote. This Resolution authorized the City Manager or the City Manager’s designee to apply for and administer a grant from FWC in the amount of \$67,500. Grant funds are designated for the design and permitting of D&D boat ramp improvements.

## **CONCEPTUAL DESIGN**

CEC has developed multiple concept plans for the proposed boat ramp improvements. Each iteration of the concept strives to improve usability, public safety, and accessibility while minimizing environmental impacts. During the final design and engineering, careful consideration shall be given to constructability, project costs, and future operation and maintenance costs. These concept plans are a tool used to help establish approximate ramp size and location, target parking area capacity, define traffic management and circulation and restroom location. Three main concepts have been included in Appendix 6.

Design goals for the project include, but are not limited to the following:

- Reduce/eliminate potential conflict of boats launching into the path of vessels ingressing and egressing the Spreader canal.
- Reduce/eliminate concerns of launching and retrieving boats in cross currents.
- Improve ingress and egress of vehicle traffic onto Pine Island Road.
- Provide order and flow for patrons by designing parking spaces and travel lanes.
- Beautification of property with landscaping.
- Provide clean and operational public restrooms.
- Provide ADA access to powerboat community.
- Improve water quality by constructing a stormwater management system.
- Create marine habitat by incorporating “living shoreline” concepts into bulkhead designs.

## STAKEHOLDER CONCERNS

During the initial phases of developing this project, stakeholders met with City staff to discuss concerns over the proposed improvement plans. The meeting was held on September 28, 2016 and included attendees Councilman Williams, resident David Scott, HOA President Dennis Catalano, City Manager John Szerlag, City staff, and CEC. General issues discussed in the meeting were public safety and safe navigation of the channel. Questions from the meeting are summarized along with prepared responses and included in Appendix 7.

Public comments were received regarding Ordinance 57-16 by City Council during a regular Council meeting held on December 12, 2016. The consensus of the stakeholder concerns was focused on the voluntary annexation of the subject property. Minutes of the public comment section of the meeting were produced and included in Appendix 7. Questions asked by the stakeholders were summarized along with prepared responses and are included in the appendix.

## GRANTS

Currently the City has secured approximately \$289,797, via two grants, to fund various work at the D&D property. Funds have been earmarked for engineering design, permitting and construction. To-date, none of these funds have been utilized.

On June 1, 2016 WCIND awarded the City \$222,297 through the Waterway Development Program. These funds were earmarked for construction and replacement of the deteriorated seawall and single-lane boat ramp at D&D Bait and Tackle Shop. Additional improvements included installing armor mat scour protection at the ramp toe and construction of an ADA accessible parking spot adjacent to the boat ramp.

On July 22, 2016 FWC awarded the City \$67,500 through the Florida Boating Improvement Program. These funds were earmarked for the engineering design and permitting of the proposed boat ramp improvements at the D&D property.

Additional funding is available from WCIND, FWC and TDC. Once a year these entities publish their application and eligibility requirements. Application windows vary and can be as short as one month. These entities provide millions of dollars of funding to projects related to coastal and inland waters.

## SUMMARY

This report was requested by City of Cape Coral (City) Management to address concerns from stakeholders about proposed improvements to the existing boat ramps at the City owned D&D property on Pine Island Road. The concerns were expressed during the public hearing on passage of Resolution 49-16. This Resolution authorized the City to apply for and administer a grant to improve the existing boating infrastructure at the D&D property. Stakeholder concerns included 1) navigation safety; 2) potential environmental impacts and; 3) community impacts. Coastal Engineering

Consultants, Inc. (CEC) was tasked with collecting data, preparing concept plans, and providing recommendations.

## 1. Navigation Safety

The D&D property was developed in the early 1970's and remains nearly identical today. The two original boat ramps are still heavily used. Long before wetlands were excavated, between 1975 and 1984, to create the stormwater conveyance system known as the North Spreader Canal, boats had been launched from and stored on the D&D property. During construction of the northwest Cape Coral canal system two land bridges existed; one at Sirenia Vista Park (where the future Ceitus boat lift would be installed) and one just north of the subject property. These land bridges restricted vessel navigation and tidal waters from entering the system until the mid-1980's. Prior to the removal of the land bridges the Ceitus boat lift structure was installed. This structure lifted small boats across the structure but restricted tidal waters from mixing with fresher, upstream canal water. The boat lift stopped operating around 2007 and the water control structure and boat lift were removed in 2008.

Historically, the D&D boat ramps have been very popular with boaters, providing easy access to Matlacha Pass, Charlotte Harbor, Pine Island Sound and beyond. Since purchasing the property in 2012, City staff have documented the amount of paid boat launch receipts. City staff have reported the number of launches at this facility consistently exceeds the combined number of launches from the City's other four saltwater access boat ramps (Horton, Rosen, Yacht Club and Burnt Store).

Based upon review of available State records (dating back to 2007), no vessel accident reports within ½ mile of the D&D property were recorded. This period reflects the vessel traffic after removal of the water control structure and boat lift. Navigable channel widths along the D&D property are a minimum of 50 feet wide measured at 5 feet below Mean Low Water. Average absolute tidal velocities were measured to be approximately 1.2 MPH.

The channel along the D&D property has been navigated safely by boaters of all skill levels without significant incident since development of the Matlacha area. Construction of the North Spreader Canal and removal of the water control structure resulted in a substantial increase in waterfront property and influx of vessels operating in front of the D&D property. As evidenced by the long-term successful use of the boat ramps and no accident reports on record since 2007, the concerns of navigation safety are unsubstantiated for current and projected growth conditions.

## 2. Environmental Impacts

The D&D property is mostly vacant and used as an unimproved parking area for the adjacent D&D Bait and Tackle. The main thoroughfare through the property is covered in asphalt millings while the remainder of the property is dirt and grass. The shoreline is a mix of concrete seawall and vegetation. Multiple invasive and exotic trees exist on the property. The property has no stormwater treatment system.

Proposed improvements to the property would not result in any adverse environmental impacts. Lee County Division of Natural Resources confirmed the proposed boat ramp improvements are consistent with the approved 2004 Manatee Protection Plan (MPP). The goal of the project is to continue to provide the community a safe boat ramp while protecting the environment. To meet this goal, considerations for the project include minimizing impervious surfaces, constructing a

stormwater management system, removing invasive and exotic trees, and constructing a living shoreline.

### 3. Community Impacts

The City acquired the six contiguous parcels, referenced herein as the D&D property, in 2012. On December 12, 2016 City Council approved annexation of the property with adoption of Ordinance 57-16. Parcels have a Lee County commercial zoning district of C-2 or C-1A. Boat ramps and bait and tackle shops are permitted uses.

Accessed by Pine Island Road, ingress and egress to the D&D property does not disrupt any adjacent residential neighborhoods. It is the only City owned boat ramp property not contiguous with residential property. The remnants of an old land bridge, now an island, provides a buffer to the closest residents in Cape Coral and Matlacha Isles.

On December 12, 2016 the City Council adopted the recently updated Parks Master Plan (Plan). The Plan outlines a future need for boat ramps. A survey of City residents lists water access as one of their top priorities. This adopted Plan recommends up to \$4 million of improvements for boat ramps and access at D&D. Two grants totaling \$289,797 have been secured and are ready for implementation. With the passage of Resolution 49-16 the City can utilize earmarked funds to begin the proposed improvement design. This project meets the eligibility criteria for future grants to complete the balance of the project.

Based upon the research gathered and our professional judgment, CEC recommends that the City of Cape Coral move forward with design of proposed boating facility improvements. This project is consistent with the City's Parks Master Plan. Strategic boat ramp placement, engineering, and minor realignment of the channel would be pursued to help develop community support and consensus. Further refinement of concept plans with City staff and stakeholders would ensure navigation safety, impact minimization and enhancement of the environment with a goal of creating a facility the community enjoys and values.

APPENDIX 1

SITE PHOTOGRAPHS

**D & D PROPERTY  
SITE PHOTOGRAPHS**



**Photo 1: Front view of D & D Bait and Tackle Shop**



**Photo 2: View looking east from property entrance along Pine Island Road**

**D & D PROPERTY  
SITE PHOTOGRAPHS**



**Photo 3: View looking west from east end of parking lot**



**Photo 4: View looking east from building**

## D & D PROPERTY SITE PHOTOGRAPHS



**Note: Photos numbered from top to bottom**

**Photo 5: West boat ramp view from parking lot**

**Photo 6: Damaged concrete ramp slab below water line**

**Photo 7: West boat ramp view from boarding pier**

**D & D PROPERTY  
SITE PHOTOGRAPHS**



**Photo 8: Seawall adjacent to west boat ramp**



**Photo 9: View looking east at first finger pier behind tackle shop**

**D & D PROPERTY  
SITE PHOTOGRAPHS**



**Photo 10: Third finger pier behind building looking east**



**Photo 11: Fifth finger pier behind building**

**D & D PROPERTY  
SITE PHOTOGRAPHS**



**Photo 12: View looking west at third finger pier behind building**

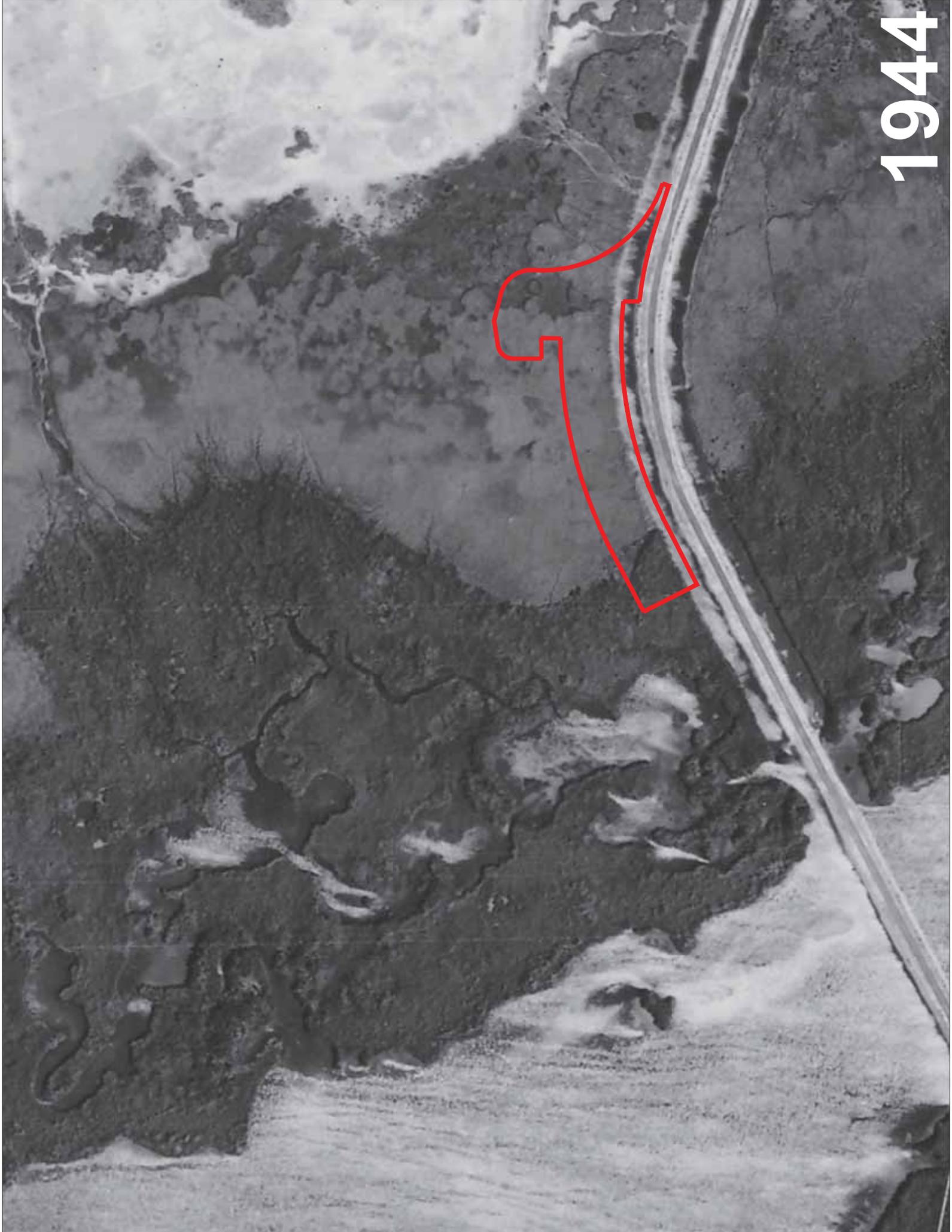


**Photo 13: East boat ramp**

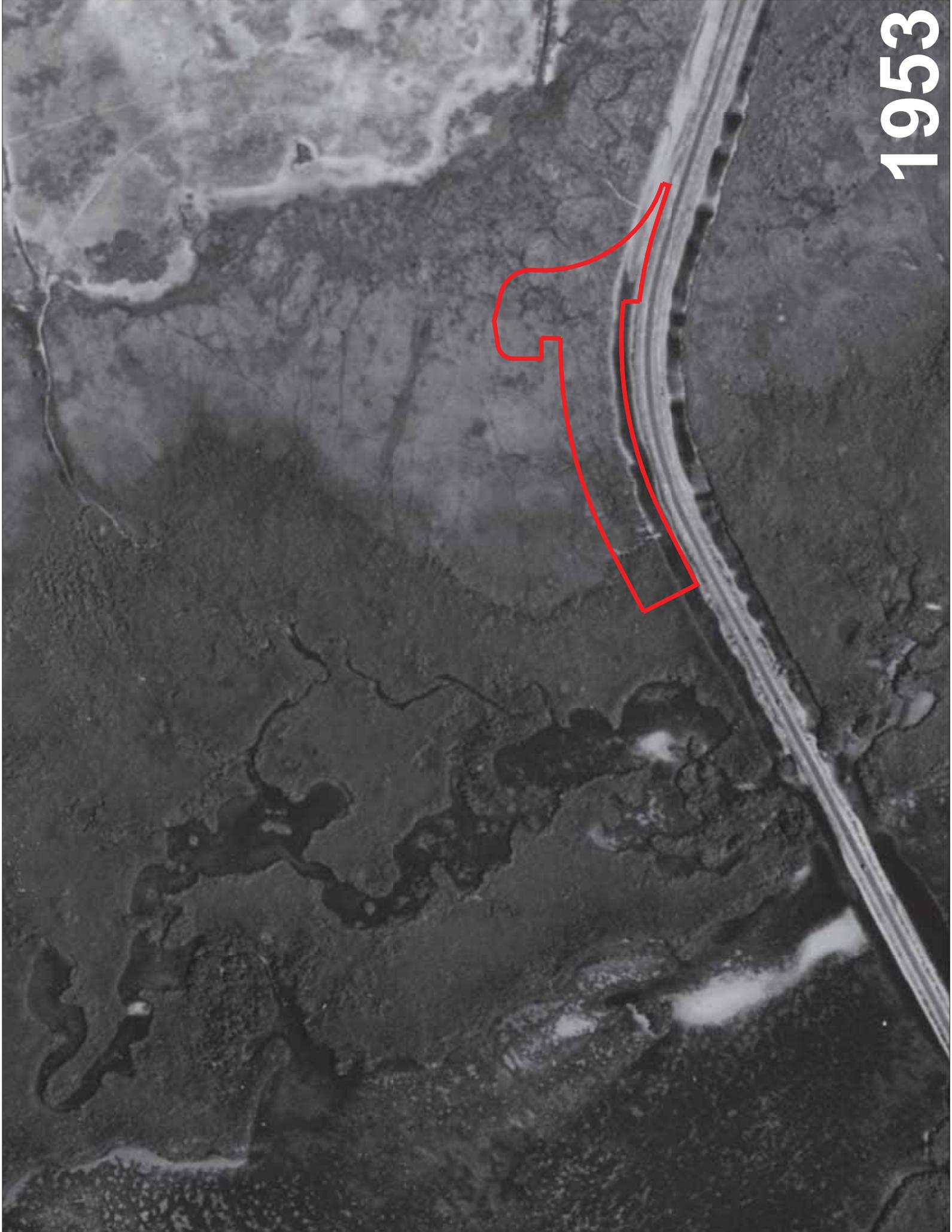
APPENDIX 2

HISTORIC AERIALS

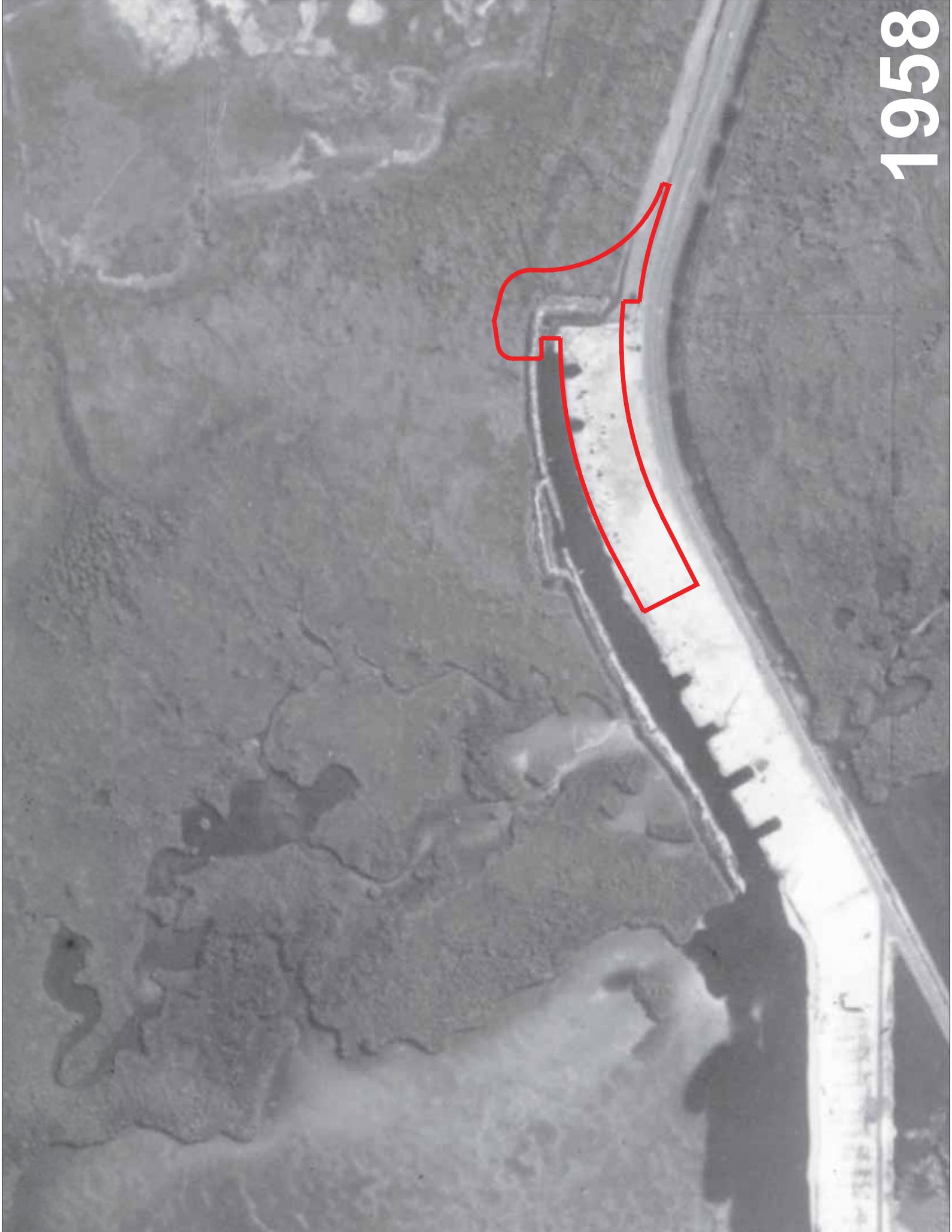
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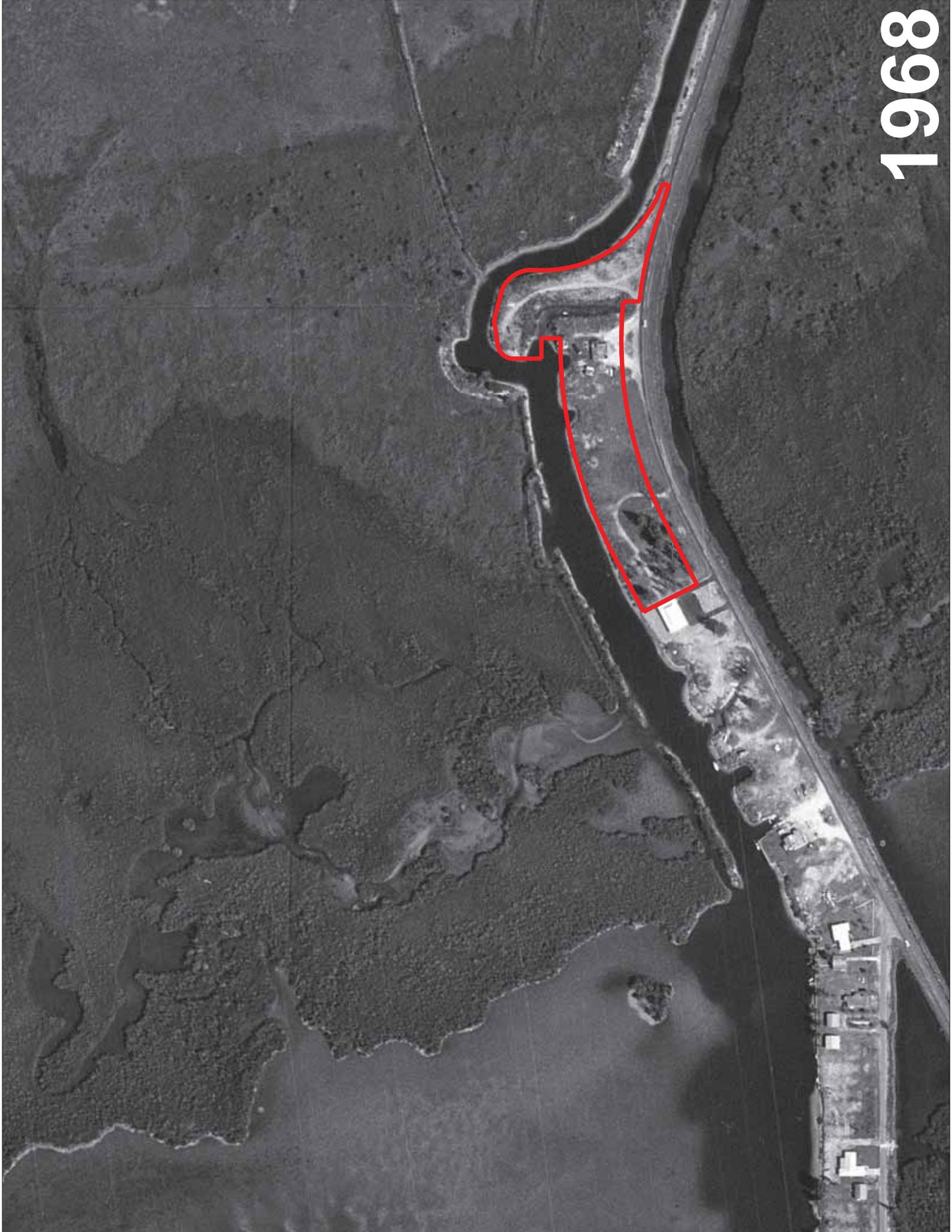
1953



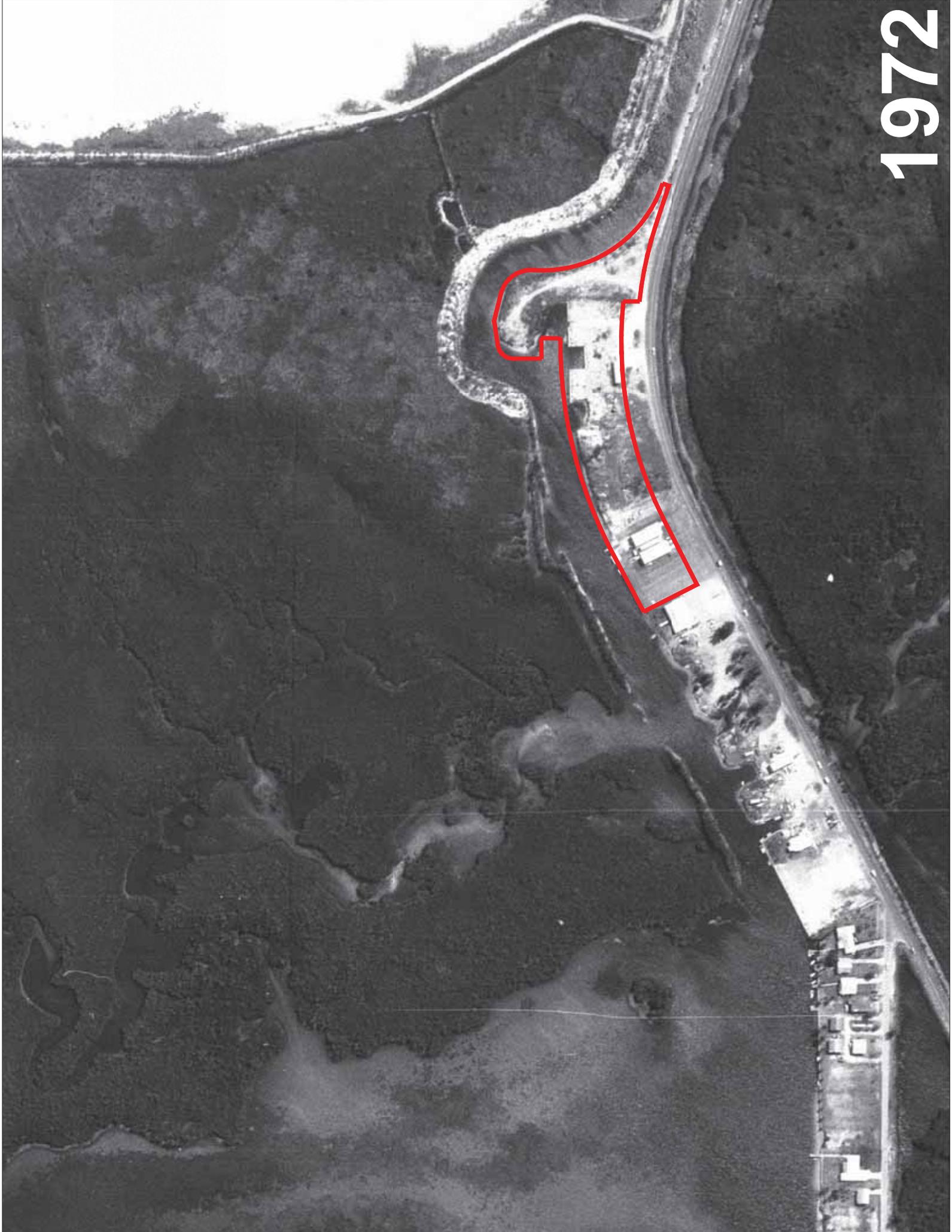
1958



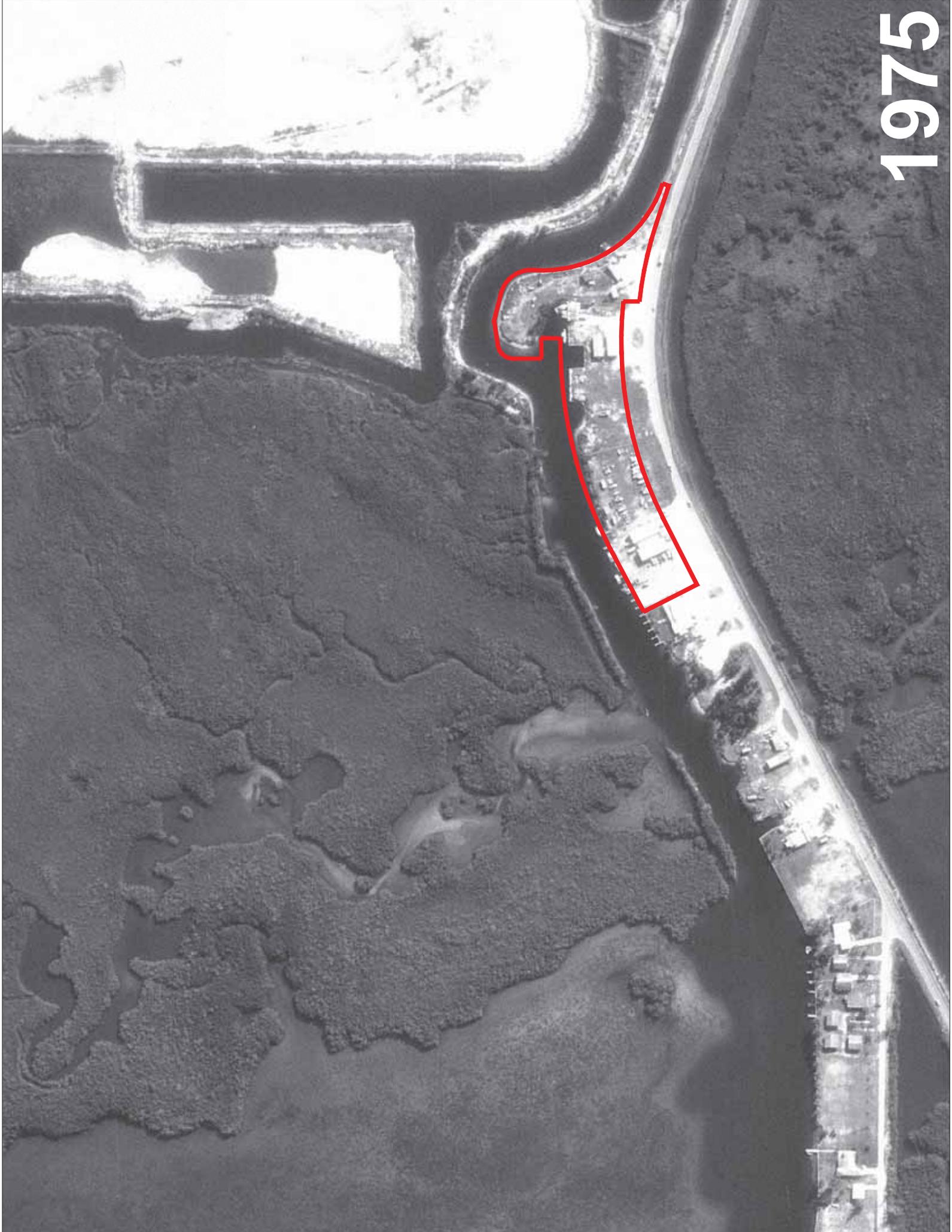
1968



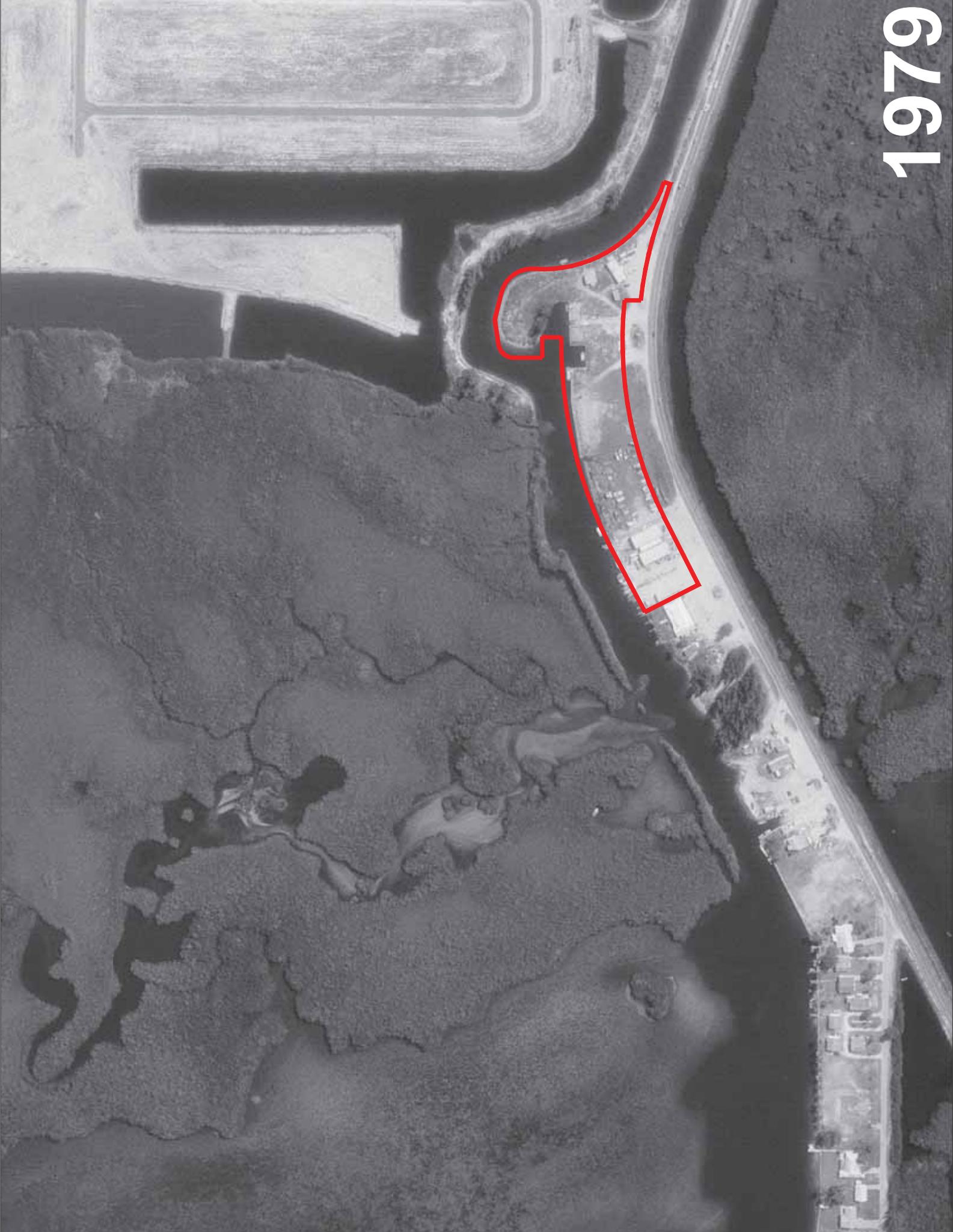
1972



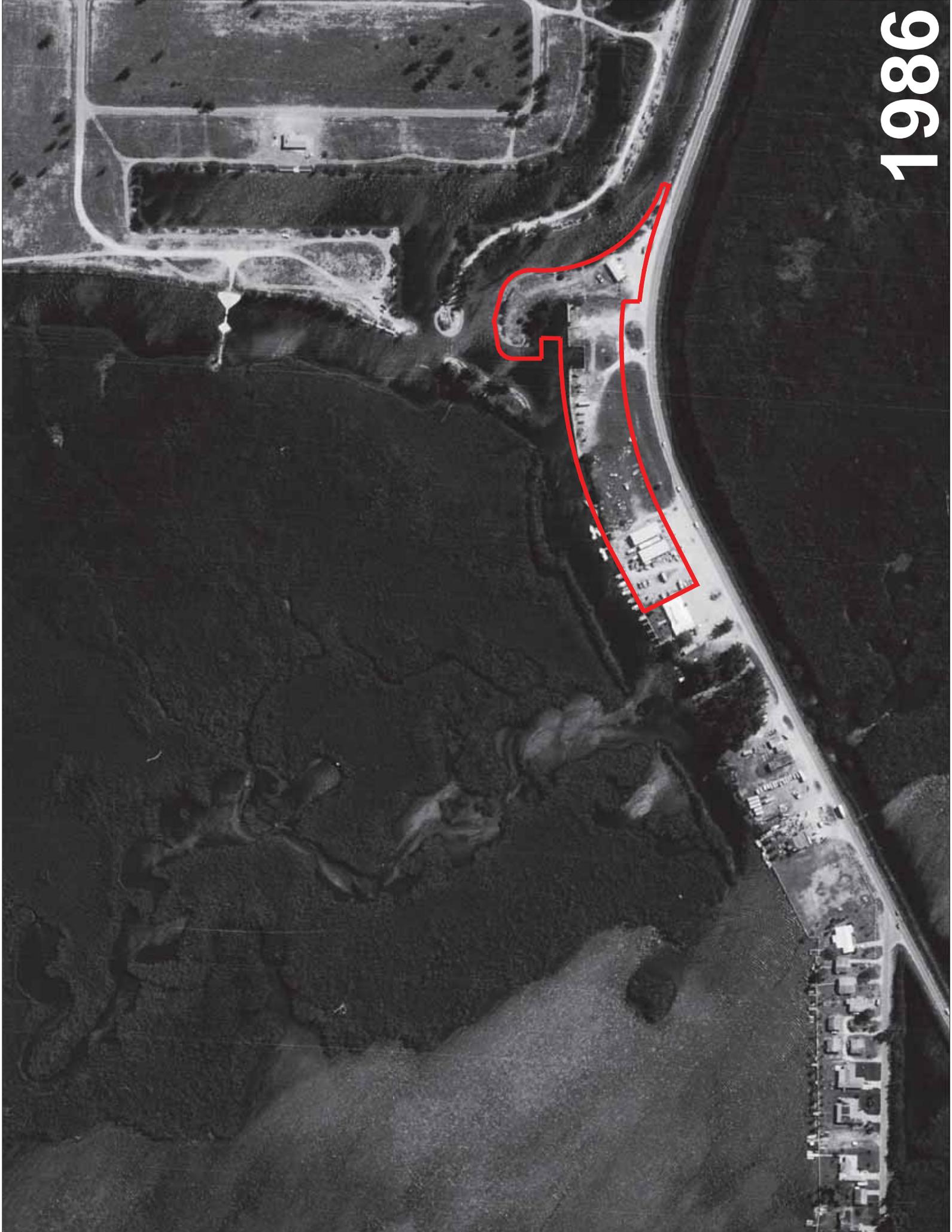
1975



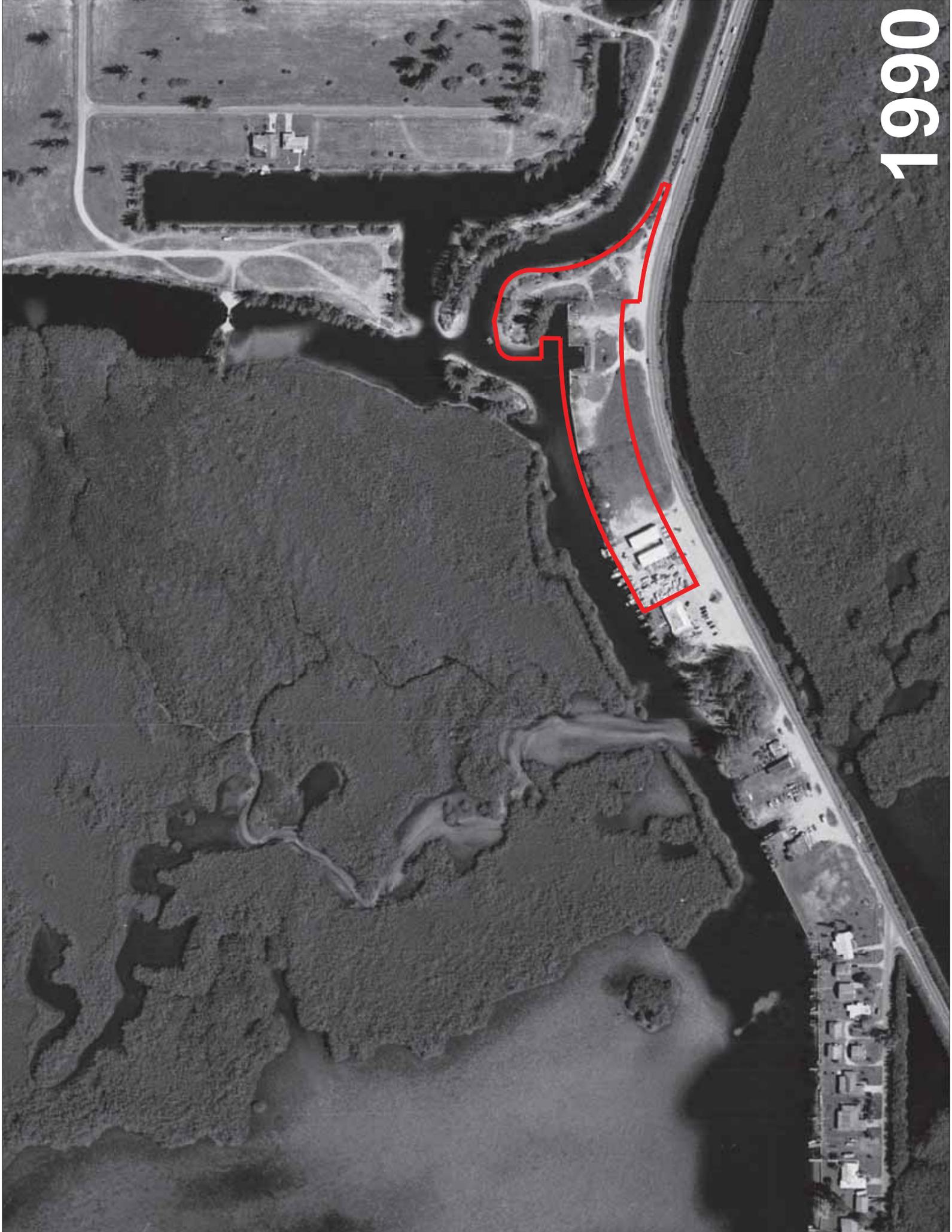
1979

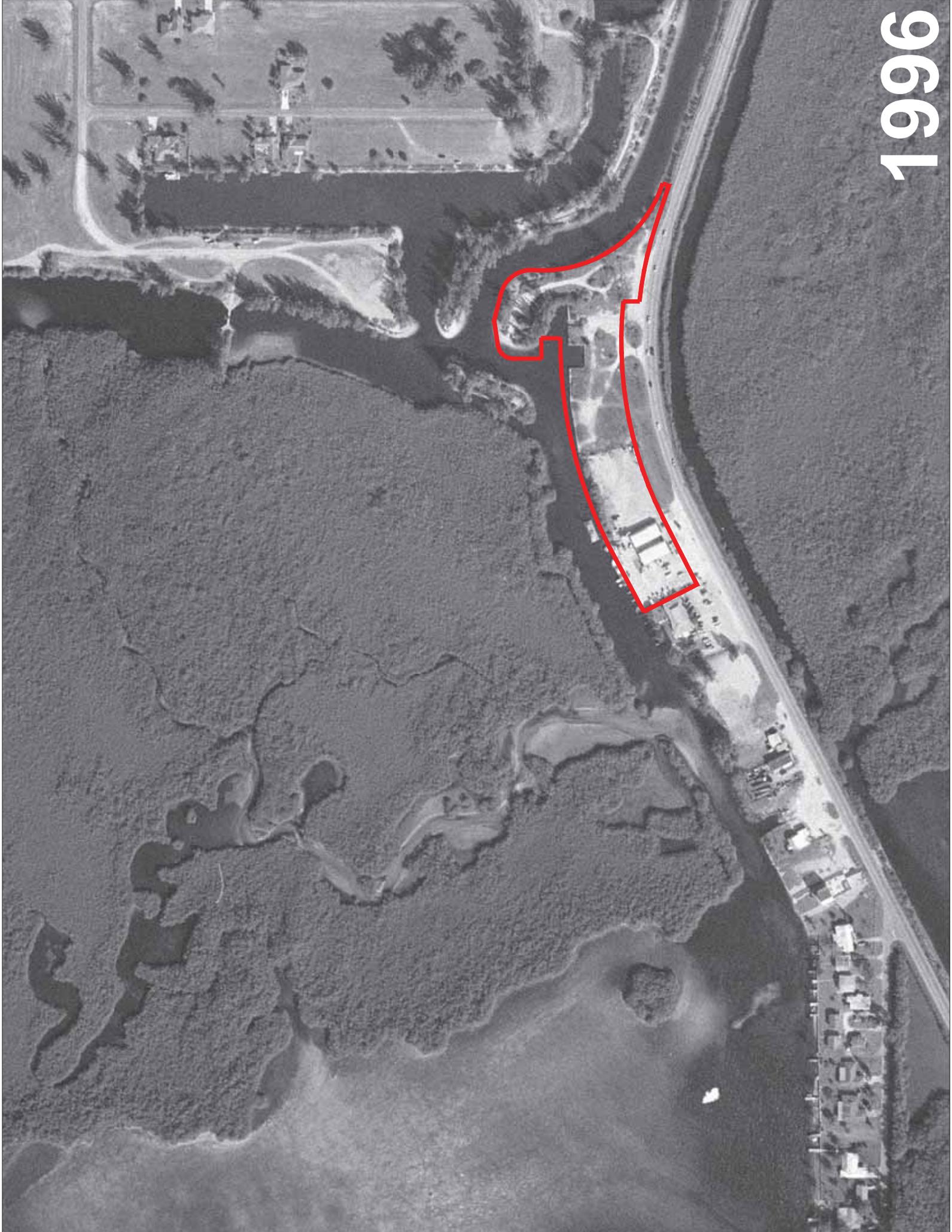


1986



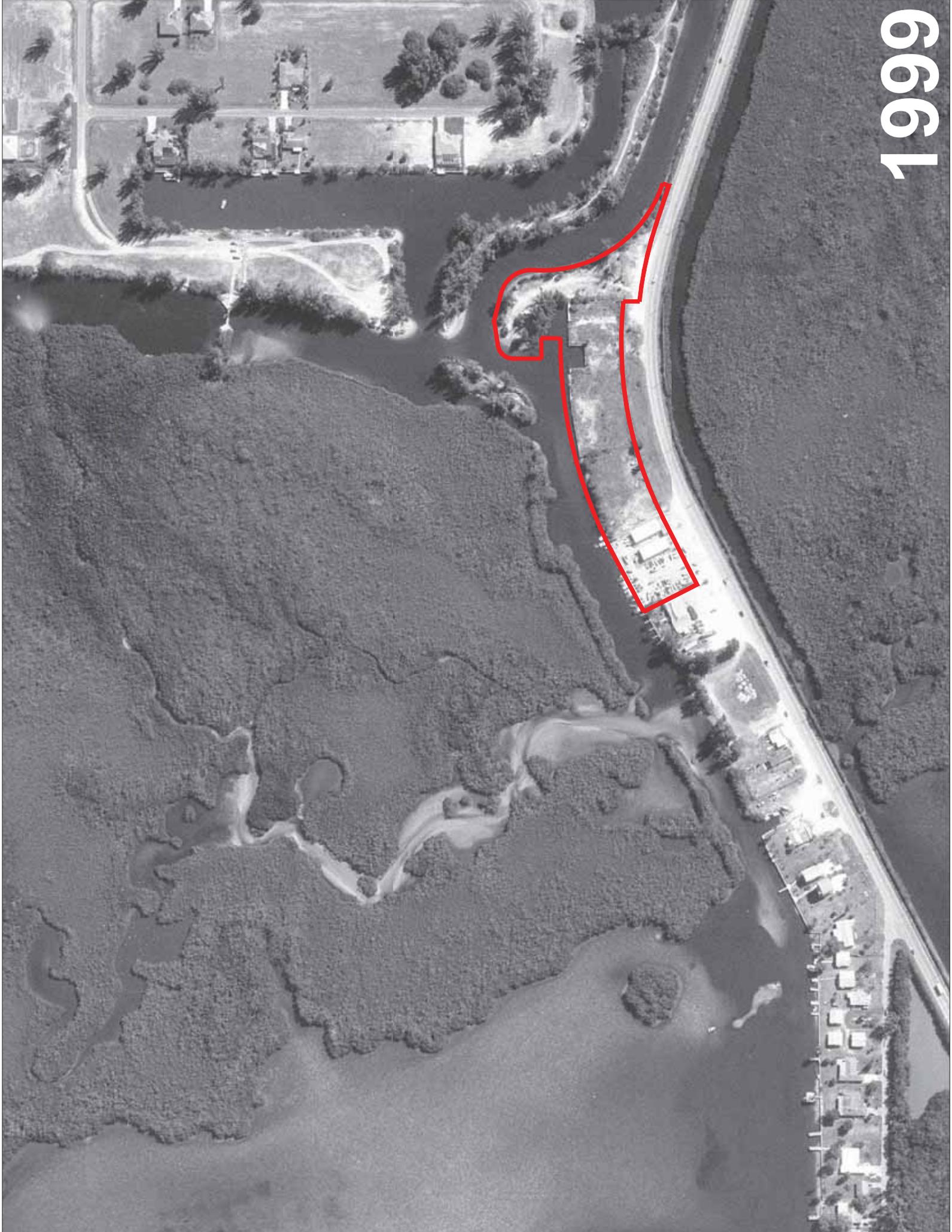
1990





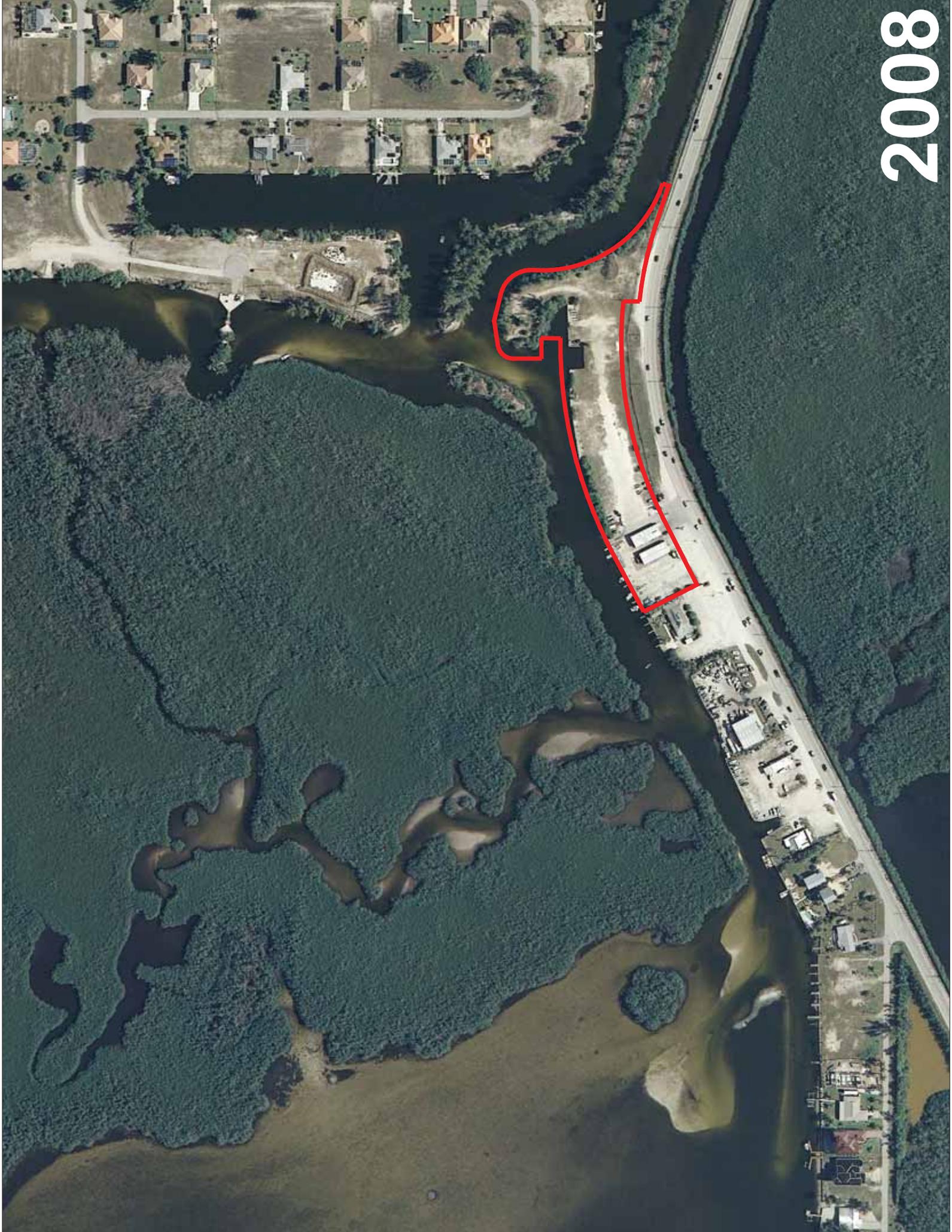
1996

1999



2005

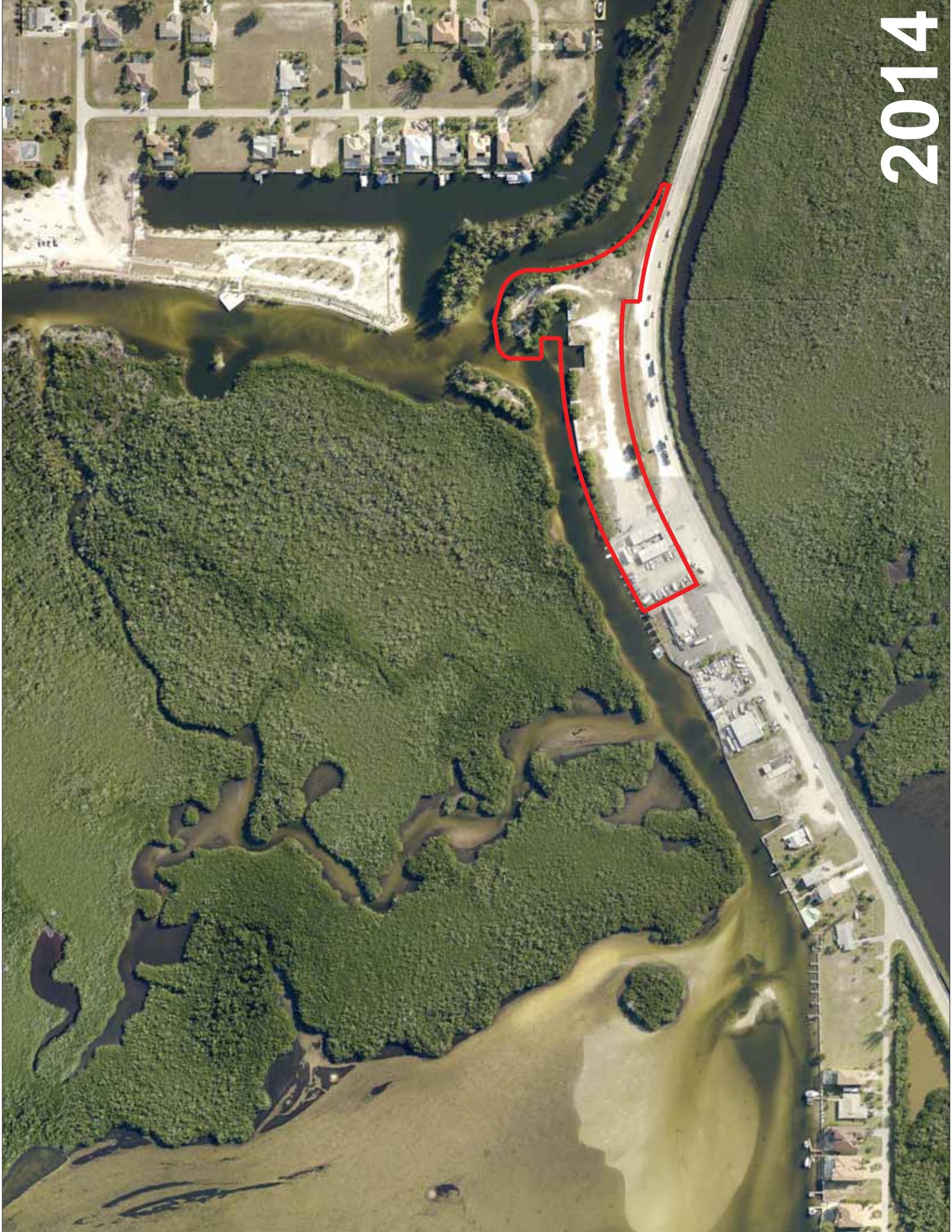




2008



2011



2014

APPENDIX 3

BATHYMETRIC SURVEY

NO.	DATE	BY	REVISION DESCRIPTION
15.250			

DATE: 1/11/2012  
 SCALE: AS NOTED  
 DRAWN: SDB  
 CHECKED: MNS  
 SEC: TMP  
 ACQD NO: 15250-Bathy Survey.dwg  
 REF NO:

CITY OF CAPE CORAL  
 PLAN VIEW  
 MATLACHA CHANNEL BATHYMETRIC SURVEY  
 CLIENT: CIVIL ENGINEERING  
 TITLE: SURVEY & MAPPING  
 PHONE: (239)643-2324  
 FAX: (239)643-1413  
 WWW.COASTALENGINEERINGINC.COM  
 E-MAIL: info@ceoff.com

**COASTAL ENGINEERING CONSULTANTS, INC.**  
 A GEO GROUP COMPANY  
 3015 SOUTHWEST  
 SHYRING TRUCKS DRIVE  
 NAPLES, FLORIDA 34110



**PUBLISHED TIDAL INFORMATION**  
 TIDAL DATUMS AT PUNTA RASSA - SAN CARLOS BAY  
 ARE BASED ON FLORIDA PZ 5591  
 = 1987 - 2001  
 = 8725110 INCHES, GULF OF MEXICO  
 CONTROL, TIDE STATION  
 ELEVATIONS OF TIDAL DATUMS ARE REFERENCED IN NAVD 1988  
 MEAN HIGHER HIGH WATER (MHHW) = +3.58 FT NAVD  
 MEAN LOWER LOW WATER (MLLW) = +1.42 FT NAVD  
 MEAN LOW WATER (MLW) = +1.88 FT NAVD  
 MEAN LOWER LOW WATER (MLLW) = +1.88 FT NAVD

**LEGEND**  
 ○ = NAVIGATIONAL BUOY  
 ○ = NAVIGATIONAL SIGN  
 ○ = CHANNEL MARKER

**NOTES**  
 1. BATHYMETRIC SURVEY CONDUCTED BY COASTAL ENGINEERING CONSULTANTS, INC. ON DECEMBER 8, 2011.  
 2. THE CAPE CORAL CITY LIMITS LINEWORK WAS PROVIDED BY THE CITY OF CAPE CORAL PUBLIC WORKS. FILE NAME: Matlacha Area City Limits Linework.dwg  
 3. THE MATLACHA PASS AQUATIC PRESERVE BOUNDARY WAS PROVIDED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FILE NAME: MATLACHA PASS AQUATIC PRESERVE BOUNDARY.dwg  
 4. ELEVATIONS SHOWN HEREON ARE IN FEET AND TENTHS AND REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988). REFERENCE BENCHMARK Z 240, ELEV. = 3.03  
 5. TIDAL REDUCTIONS WERE OBTAINED UTILIZING REAL-TIME KINEMATIC GPS AND REFERENCED TO NAVD08.  
 6. SURVEY ACCURACY STANDARDS, QUALITY CONTROL, AND QUALITY ASSURANCE REQUIREMENTS WERE FOLLOWED DURING THIS SURVEY IN ACCORDANCE WITH USAGE EM 1102-1009.  
 7. INFORMATION SHOWN HEREON REFLECTS CONDITIONS AS THEY EXISTED ON THE SURVEY DATE SHOWN AND CAN ONLY BE CONSIDERED INDICATIVE OF CONDITIONS AT THAT TIME.  
 8. AERIAL PHOTOGRAPHY OBTAINED FROM THE LEE COUNTY GIS WEBSITE, DATED JANUARY 2010.

FILE NO.: 16294-SD-1  
 SHEET 1





DATE	12/22/2016
SCALE	AS NOTED
PROJECT	CITY OF CAPE CORAL
TITLE	MATLACHA CHANNEL BATHMETRIC SURVEY
CLIENT	CIVIL ENGINEERING
DESIGNED BY	COASTAL ENGINEERING
DRAWN BY	PLANNING SERVICES
CHECKED BY	MARK
DATE	12/22/2016
NO.	15.250
DATE	
BY	
REVISION DESCRIPTION	

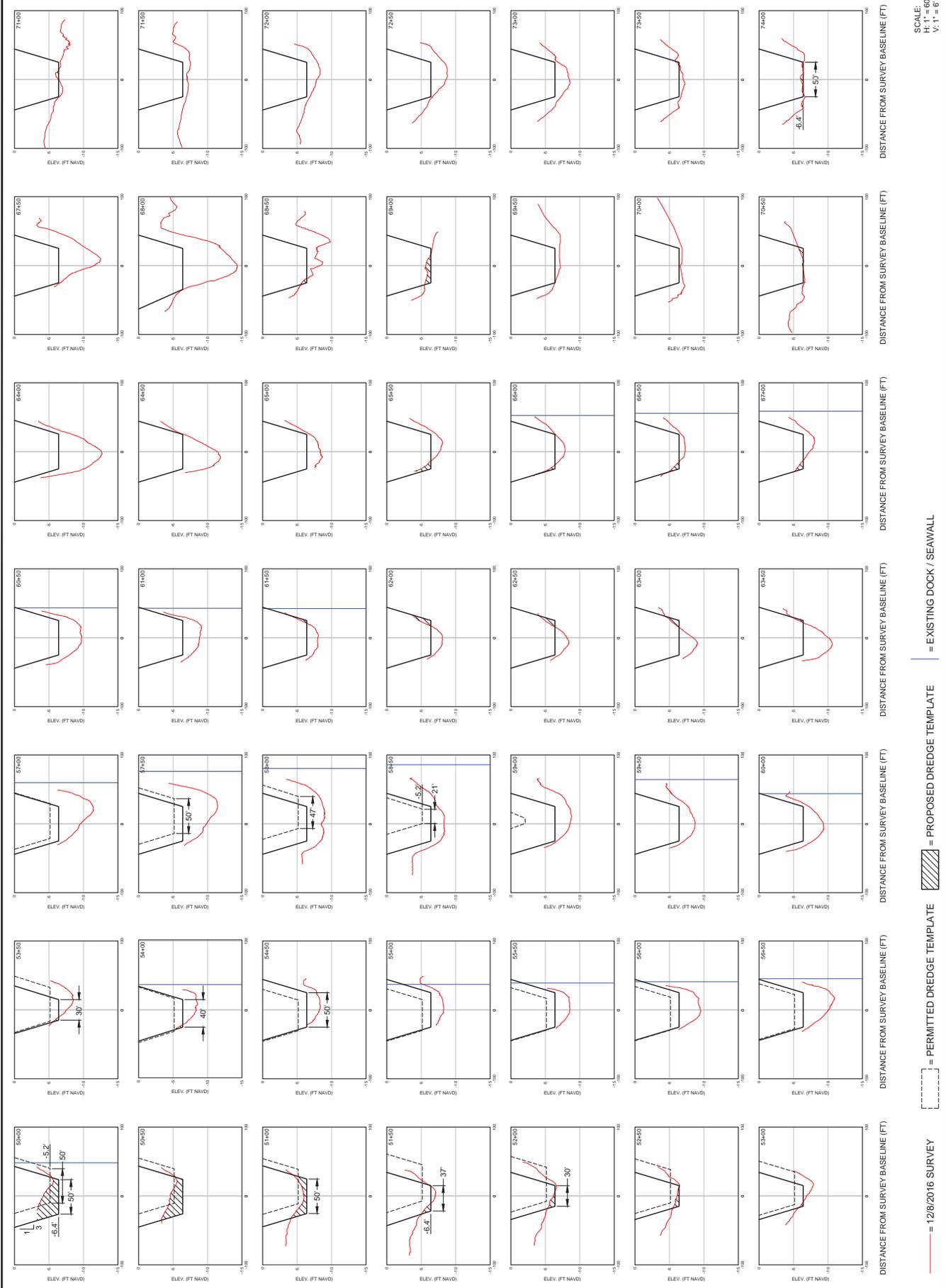
REF. NO. 15250-Bathy Survey-20161208.dwg  
 ACD NO. 15250-Bathy Survey-20161208.dwg  
 SEC. TMP.  
 MARK.  
 CHECKED BY SDB  
 DRAWN BY SDB  
 DATE 12/22/2016  
 SCALE AS NOTED

CITY OF CAPE CORAL  
 MATLACHA CHANNEL BATHMETRIC SURVEY  
 CROSS SECTIONS  
 50+00 TO 74+00

CIVIL ENGINEERING  
 COASTAL ENGINEERING  
 SURVEY & MAPPING  
 PLANNING SERVICES  
 PHONE: (239)643-2324  
 FAX: (239)643-1433  
 WWW.COASTALENGINEERING.COM  
 E-MAIL: info@ceoff.com

3100 SCOTT HORSBROOK DRIVE  
 NAPLES, FLORIDA 34110  
 A ECGI GROUP COMPANY  
 SERVING FLORIDA SINCE 1977

FILE NO.: 16294-S0-4  
 SHEET 4



SCALE: H = 8'  
 V = 1" = 6'

— = 12/2016 SURVEY  
 - - - = PERMITTED DREDGE TEMPLATE  
 [Hatched] = PROPOSED DREDGE TEMPLATE  
 — = EXISTING DOCK / SEAWALL

APPENDIX 4

BOAT COUNT DATA

# D&D Marina/Matlacha Pass Boat Traffic Counts

FRIDAY		Outgoing			Ingoing		
Date	Time	Small <16'	Medium 16' to 24'	Large > 24'	Small <16'	Medium 16' to 24'	Large >24'
11/25/2016	6:00am to 6:00pm						
Counter 1	Joe McDaniel Sr.	8	14	7	2	6	0
Counter 2	Jay Frazier	11	5	0	8	3	0
<b>Parking Lot Count at 12:00 noon</b>							
With Trailers	Without trailers						
23	17						
<b>Totals</b>		19	19	7	10	9	0
					<b>Total:</b>		64

SATURDAY		Outgoing			Ingoing		
Date	Time	Small <16'	Medium 16' to 24'	Large > 24'	Small <16'	Medium 16' to 24'	Large >24'
11/26/2016	6:00am to 6:00pm						
Counter 1	Joe McDaniel Jr.	31	30	8	4	5	6
Counter 2	Brad Ciccone	15	30	2	31	70	3
<b>Parking Lot Count at 12:00 noon</b>							
With Trailers	Without trailers						
28	12						
<b>Totals</b>		46	60	10	35	75	9
					<b>Total:</b>		235

119

SUNDAY		Outgoing			Ingoing		
Date	Time	Small <16'	Medium 16' to 24'	Large > 24'	Small <16'	Medium 16' to 24'	Large >24'
11/27/2016	6:00am to 6:00pm						
Counter 1	David Sturgeon	15	23	8	3	4	3
Counter 2	Lance Henderson	17	20	0	50	31	1
<b>Parking Lot Count at 12:00 noon</b>							
With Trailers	Without trailers						
15	6						
<b>Totals</b>		32	43	8	53	35	4
					<b>Total:</b>		175

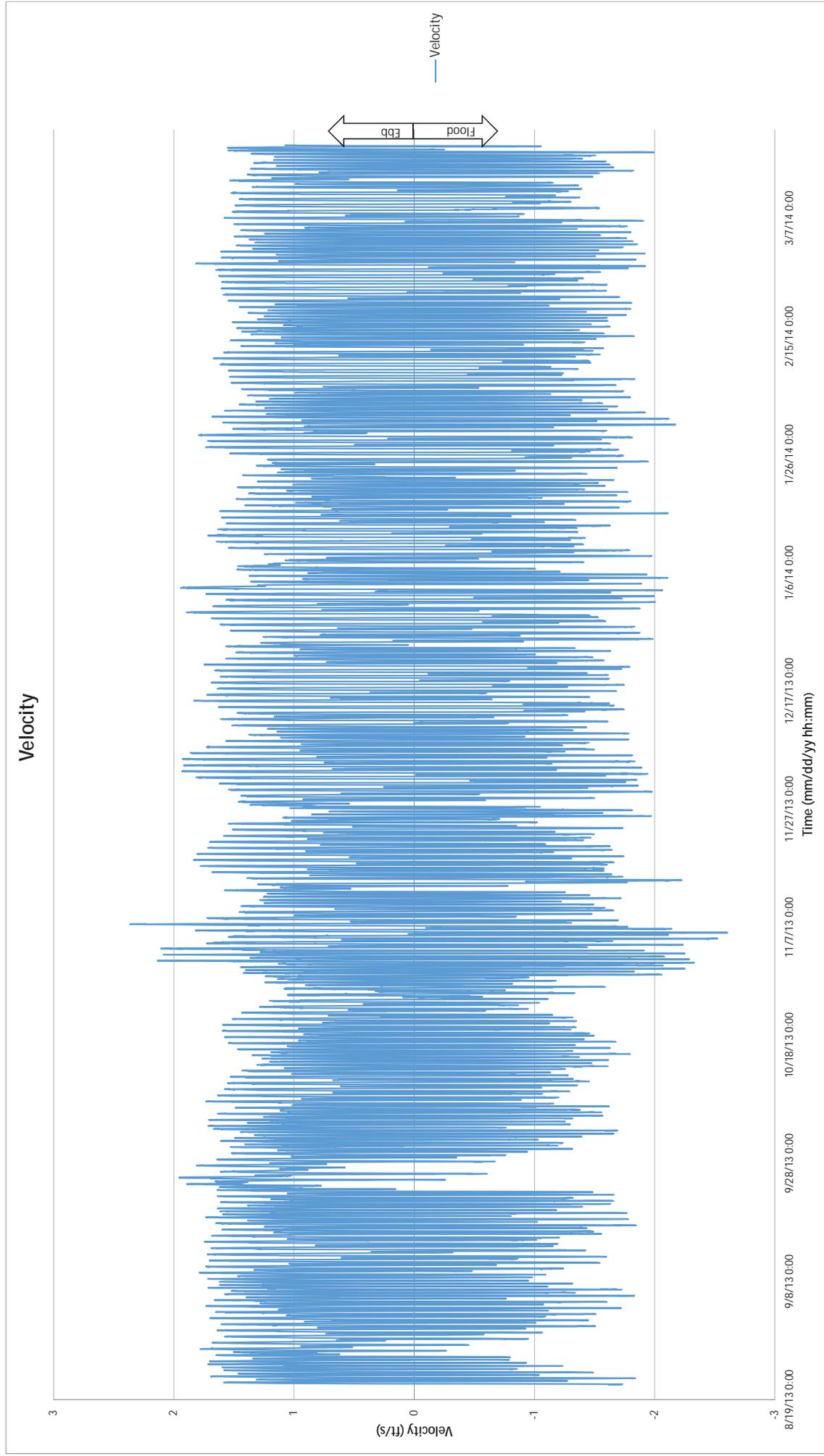
Data provided by City of Cape Coral

APPENDIX 5

HYDRODYNAMIC DATA

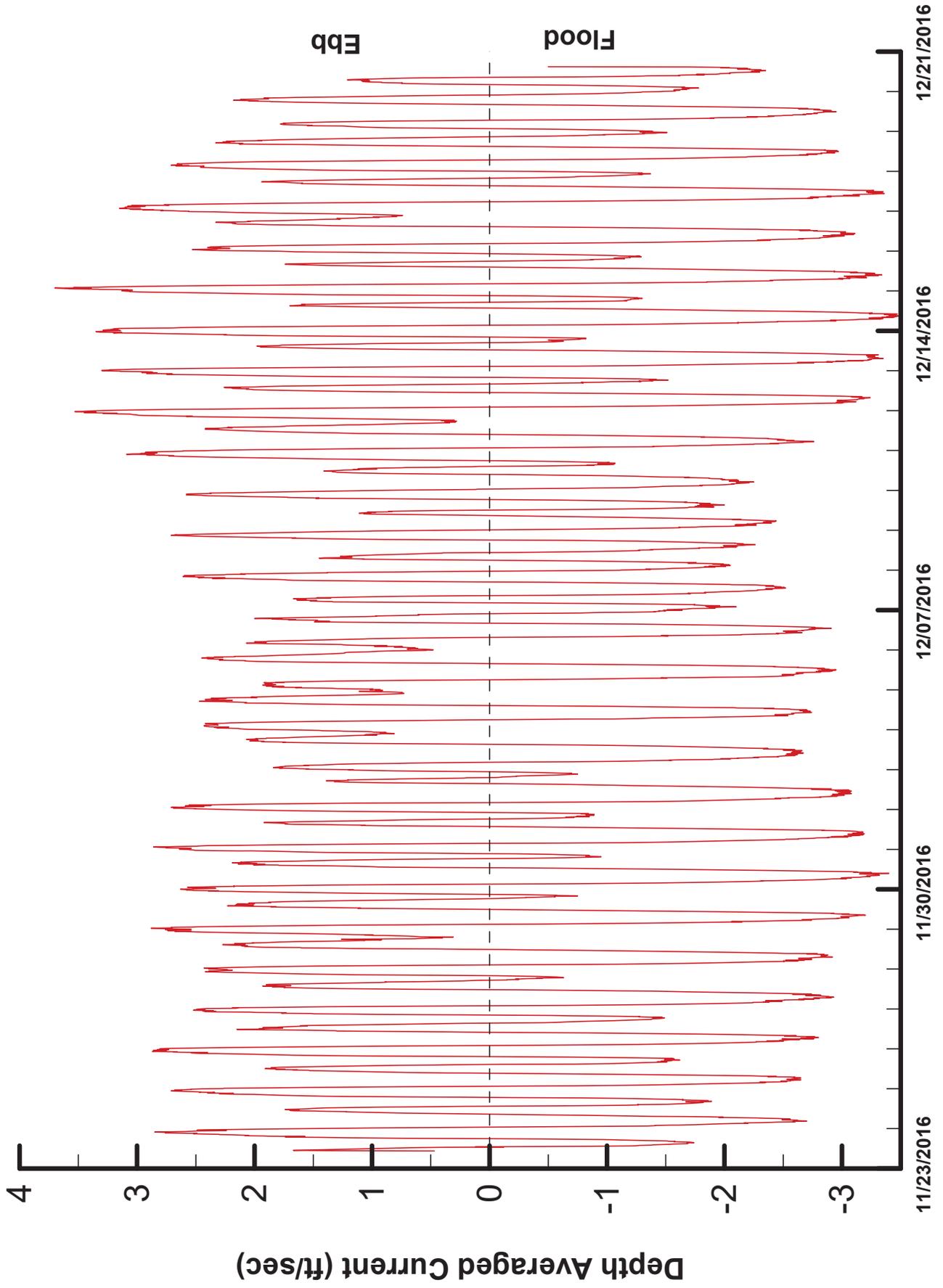
# USGS Station 02293344

August 2013 to March 2014



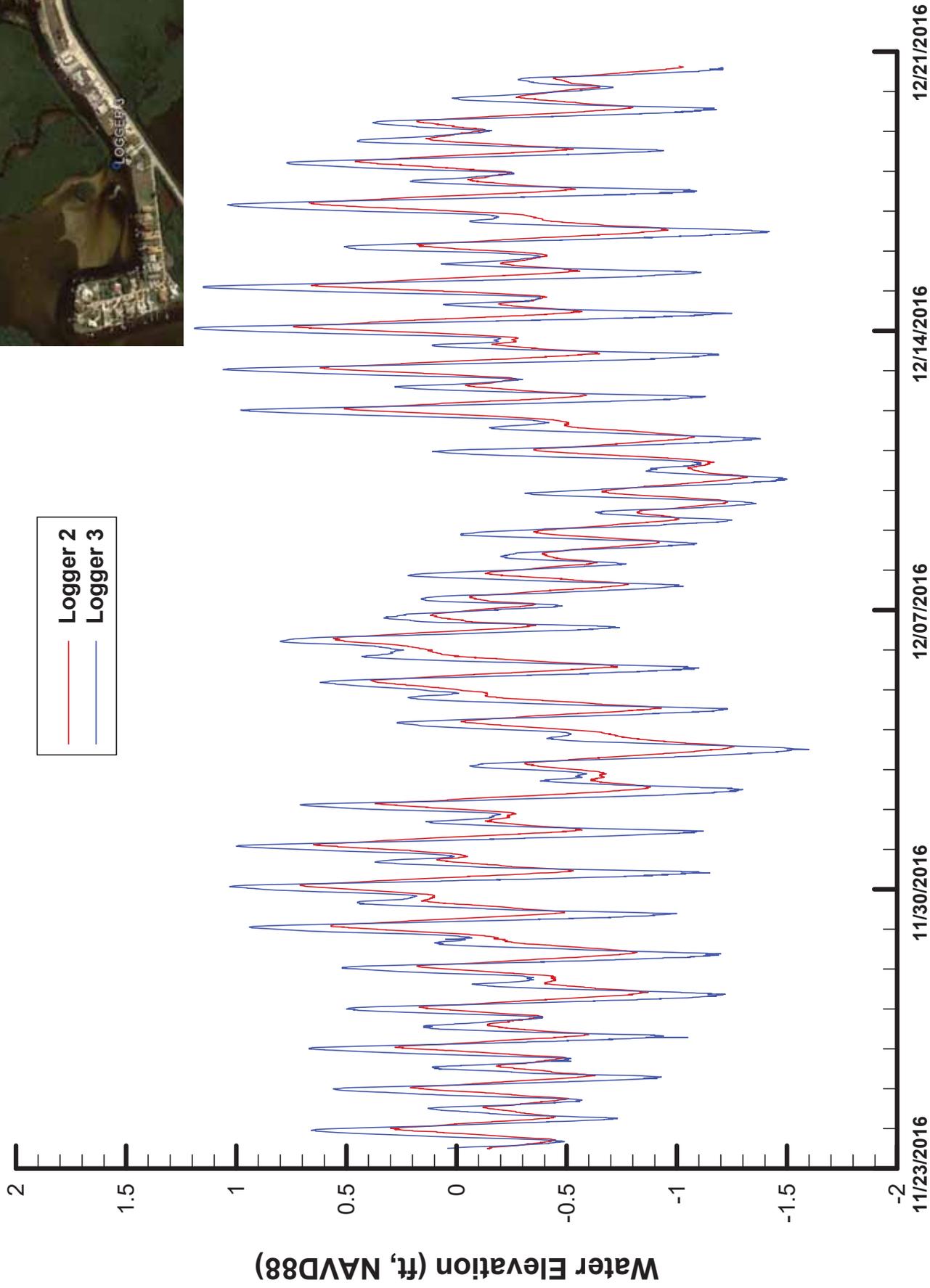
# D&D Depth Averaged Measured Current Velocity

11/23/2016 - 12/21/2016



# D&D Measured Water Elevations

11/23/2016 - 12/21/2016



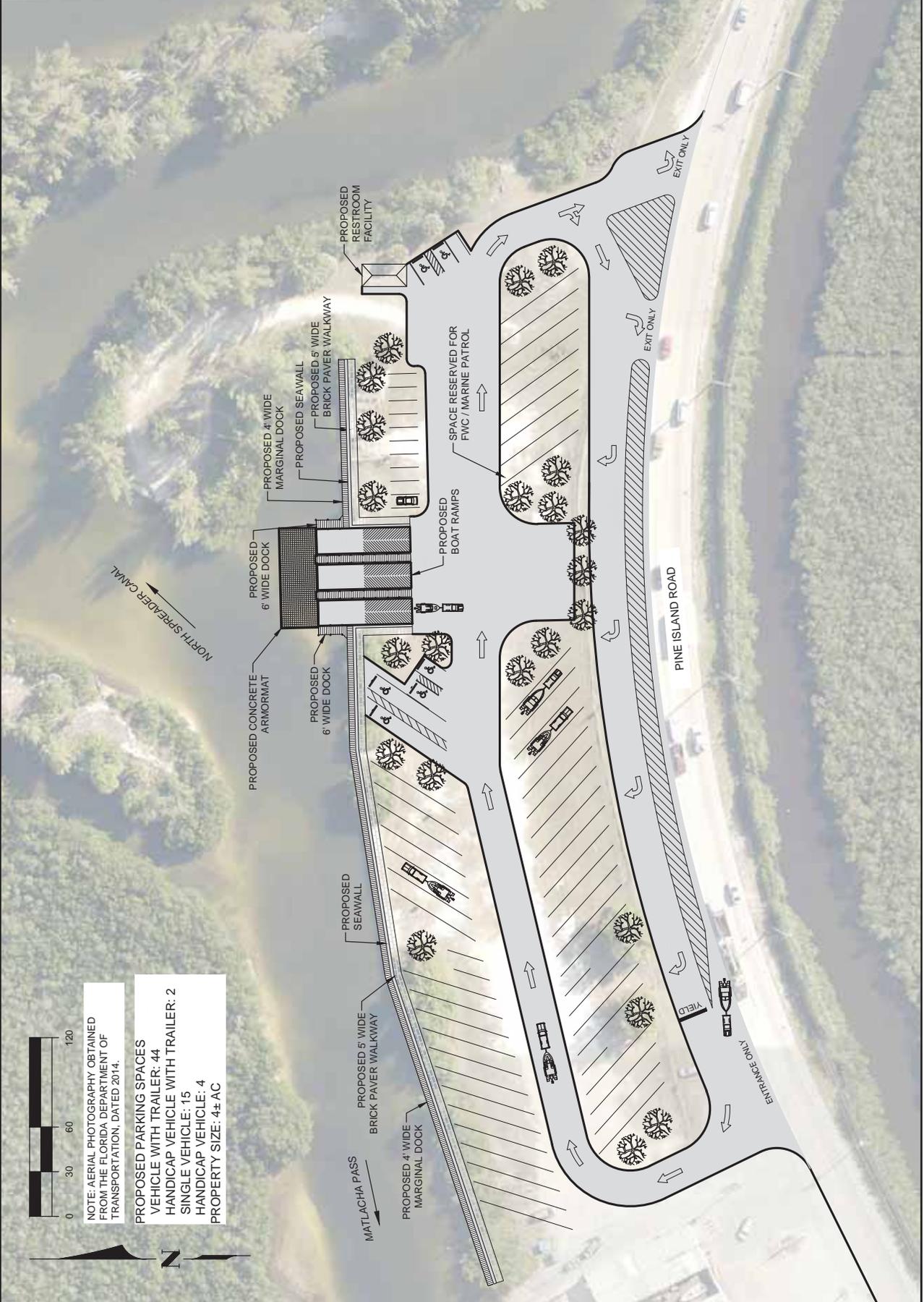
APPENDIX 6

CONCEPT PLANS

NO.	DATE	BY	REVISION DESCRIPTION
15.250			
ACD NO.	15250-Client Application - Master Plan.dwg		
SPEC.	TWP		
CHECKED	MKG		
DATE	3/3/2018		
SCALE	AS NOTED		
PROJECT	CITY OF CAPE CORAL		
TITLE	D&D PROPERTY BOAT RAMP		
CLIENT	CITY OF CAPE CORAL		

PROPOSED IMPROVEMENTS (ALT #1)  
 PINE ISLAND ROAD  
 D&D PROPERTY BOAT RAMP

CIVIL ENGINEERING  
 SURVEY & MAPPING  
 ENVIRONMENTAL  
 PLANNING SERVICES  
 INC.  
 1433 SOUTH HORSESHOE DRIVE  
 NAPLES, FLORIDA 34104  
 PHONE: (239)643-2324  
 FAX: (239)643-1143  
 E-Mail: info@cei.com  
 www.ceiengineering.com



NOTE: AERIAL PHOTOGRAPHY OBTAINED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION, DATED 2014.

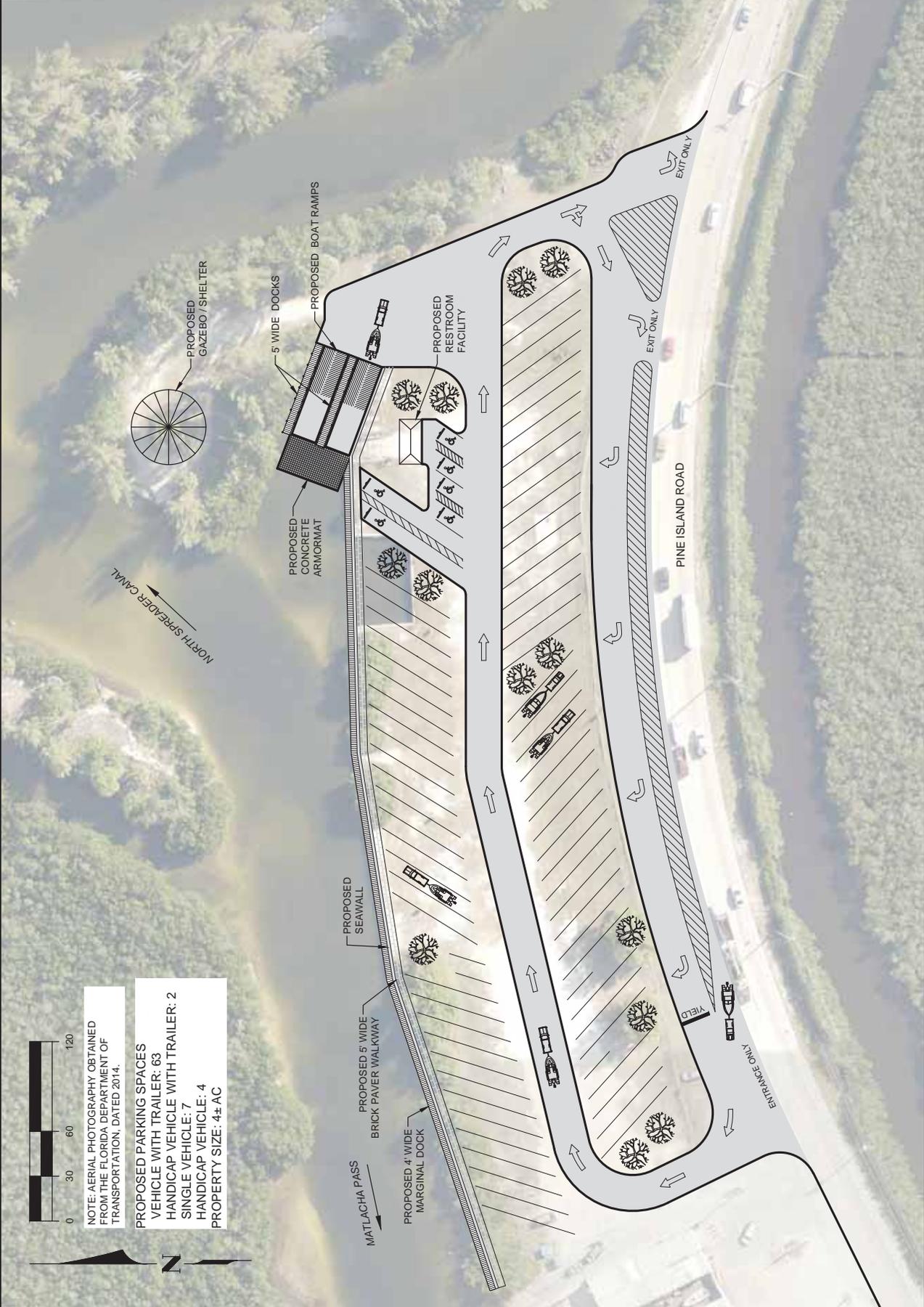
PROPOSED PARKING SPACES  
 VEHICLE WITH TRAILER: 44  
 HANDICAP VEHICLE WITH TRAILER: 2  
 SINGLE VEHICLE: 15  
 HANDICAP VEHICLE: 4  
 PROPERTY SIZE: 4+ AC



DATE	SCALE	AS NOTED
3/3/2018	1" = 40'	
DRAWN	SOB	
CHECKED	MAK	
SEC	TWP	RNG
ACD NO.	15-250	
REF NO.	15-250	
REVISION DESCRIPTION		

CITY OF CAPE CORAL  
 D&D PROPERTY BOAT RAMP  
 PINE ISLAND ROAD  
 PROPOSED IMPROVEMENTS (ALT #2)

CIVIL ENGINEERING  
 SURVEY & MAPPING  
 ENVIRONMENTAL  
 PLANNING SERVICES  
 INC.  
 4133 GROUP COMPANY  
 3108 SOUTH HORSESHOE DRIVE  
 NAPLES, FLORIDA 34104  
 E-Mail: info@ceci.com  
 WWW.CECONLINEENGINEERING.COM  
 PHONE: (239)643-2324  
 FAX: (239)643-1143



NOTE: AERIAL PHOTOGRAPHY OBTAINED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION, DATED 2014.

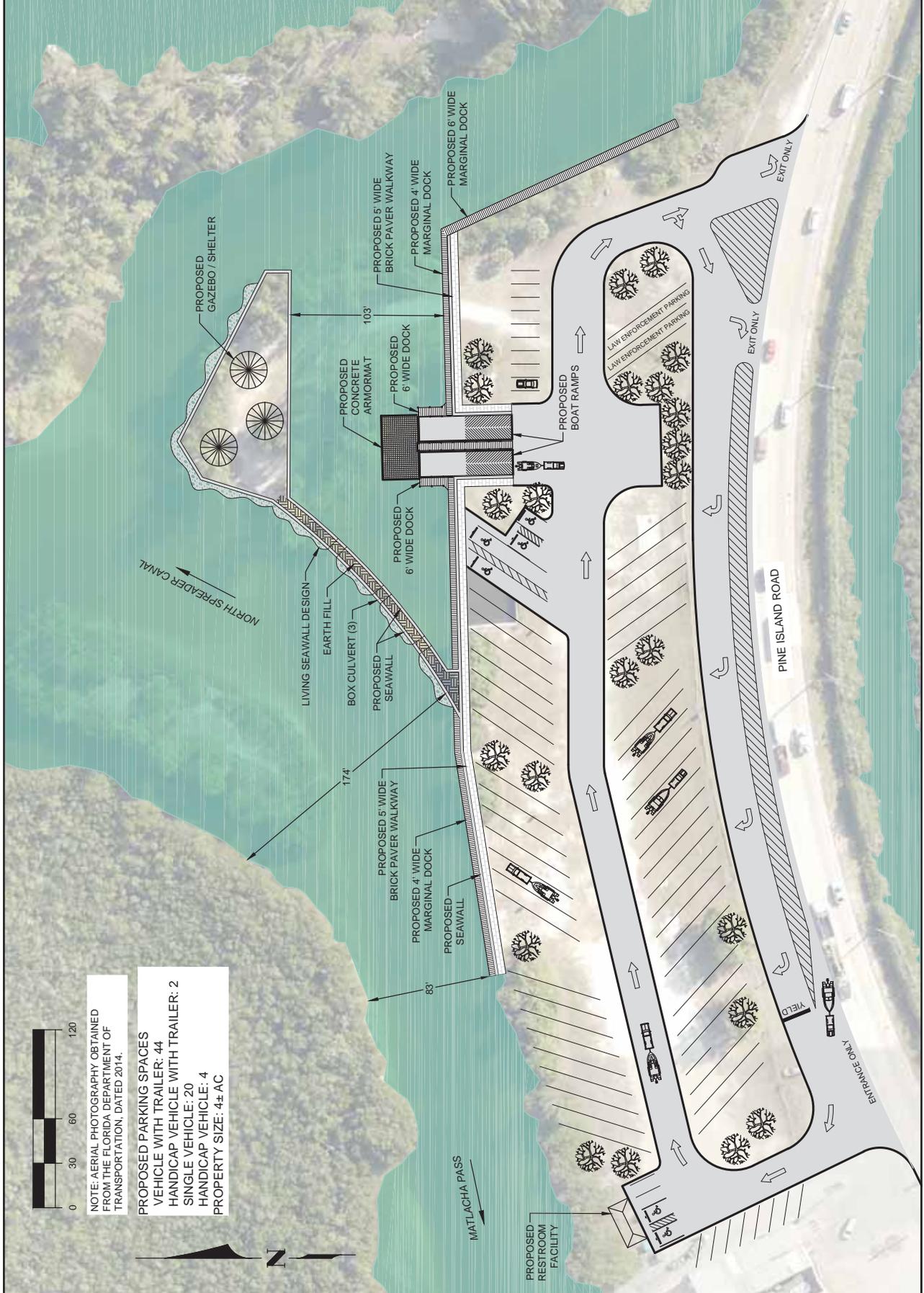
PROPOSED PARKING SPACES  
 VEHICLE WITH TRAILER: 63  
 HANDICAP VEHICLE WITH TRAILER: 2  
 SINGLE VEHICLE: 7  
 HANDICAP VEHICLE: 4  
 PROPERTY SIZE: 4+ AC



NO.	DATE	BY	REVISION DESCRIPTION
15.250			

REF. NO. \_\_\_\_\_  
 ACAD. NO. \_\_\_\_\_  
 SEC. \_\_\_\_\_  
 TWP. \_\_\_\_\_  
 RANG. \_\_\_\_\_  
 CHECKED: \_\_\_\_\_  
 MARK. \_\_\_\_\_  
 DATE: 12/28/2018  
 SCALE: \_\_\_\_\_  
 AS NOTED

CLIENT: CITY OF CAPE CORAL  
 PROJECT: D&D PROPERTY BOAT RAMP  
 PINE ISLAND ROAD  
 PROPOSED IMPROVEMENTS (ALT #3)  
 CIVIL ENGINEERING  
 SURVEY & MAPPING  
 ENVIRONMENTAL  
 PLANNING SERVICES  
 INC.  
 4531 SOUTH HORSESHOE DRIVE  
 NAPLES, FLORIDA 34104  
 PHONE: (239)643-2324  
 FAX: (239)643-1143  
 E-Mail: info@ceiinc.com  
 www.ceiinc.com



NOTE: AERIAL PHOTOGRAPHY OBTAINED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION, DATED 2014.

PROPOSED PARKING SPACES  
 VEHICLE WITH TRAILER: 44  
 HANDICAP VEHICLE WITH TRAILER: 2  
 SINGLE VEHICLE: 20  
 HANDICAP VEHICLE: 4  
 PROPERTY SIZE: 4+ AC



FILE NO. 18202/GRANTS

APPENDIX 7

STAKEHOLDER COMMENTS/QUESTIONS

**D&D Property Seawall and Boat Ramp Repair – 12/12/16 City Council Meeting Questions – Ordinance 57-16 Public Hearing**

**Comment 1: Roger Wood** president of Greater Pine Island Civic Association. If Cape Coral sticks its finger in the area that has been historically considered Matlacha by annexation, then we lose all say in the development and management of that property in the future. Negative impacts from this annexation on Pine Island Road would increase traffic, loss of business, island residents will not be able to get to work and school on time, ambulances and fire will not be able to perform emergency services, negative impacts to water quality and aquatic life of Matlacha Pass, future development will cause hazards to boat navigation and threaten the mariners from Matlacha Isles, losing say in maintaining the unique character of Pine Island and Matlacha Isles that is different from the City of Cape Coral.

**Comment 2: Birdie Smock** president of Matlacha Civic Association. Negative impacts on aquatic preserve, estuaries, waterways, threatened and endangered species. The estuary is now threatened by encroachment, overdevelopment, polluted run-off, and dredging. The idea of development along the fragile aquatic preserve is economically short-sided. The EPA needs to be notified about the impacts of development before any new zoning is considered.

**Comment 3: Laura Semzoli** The annexation and development of Matlacha land and the dismantling of the Chiquita Lock, both being considered by the City of Cape Coral can have a profound environmental impact within the Matlacha Pass National Estuary.

**Comment 4: Gabriel Saultera** resident of Pine Island. Mentioned pollution of Pine Island and Matlacha estuary and the Ceitus barrier was destroyed and never replaced. Attorney Phil Bucannon was very involved in the lawsuit against the Cape Coral to replace the barrier. Since Mr. Bucannon recently passed there is no lawsuit and Cape Coral will not replace the barrier. Pollution discharges in to the estuary from the farm polluted waters of Lake Okeechobee. Fisherman having harder time finding fish and shrimp. The estuary cannot handle more development and pollution.

**Comment 5: Louis Ramos** landscaper and resident of Pine Island and Matlacha for past 30 yrs. Interested in maintaining the character that exists at present. The way that it will be annexed will change the character, format, and feel and not a good thing for the area. Use the land but do not change the area.

**Comment 6: Johnny Glissen** resident of Matlacha. Annexation will affect thousands of people. People there need to have the right to know what is going on including new people need to have time to know what is happening in the area so they have an opportunity to voice their opinion. Hold off for 60 days and let them have a chance to see the plans.

**Comment 7: Martha Gibbons** resident of Matlacha Isles and own businesses in Matlacha which are hospitality businesses that employ locals. Matlacha is destined to be a tourist destination because it offers an “island life” experience, that people know is disappearing and now cherishing. The annexation presents several challenges: the proposed marina threatens to add more traffic. If Cape Coral continues to purchase property in Matlacha it has said that it will

not alter its restrictions, but we have seen in many cases that that is not the case. Building height restrictions are different Cape Coral than in Matlacha and asks the board to join in the commitment in responsible growth and to help maintain this piece of paradise by stopping the piece-meal annexation of Matlacha.

**Comment 8: Nora Sidler** resident of Bokeelia on Pine Island. Agrees with previous comments. Wants the property sold back to them and to leave the island alone.

**Comment 9: Scott Wilkinson** resident of Pine Island. Cape Coral has not replaced the boat lift on the northeast spreader and renegeed on that promise once the old lift was torn out. Because of that, too much silt and freshwater is being dumped out in Matlacha Pass, destroying oyster beds and plant life among other things. Council made objections to its own residents and plowed ahead on an outsized development project on the seven islands. Now with the purchase Cape Coral will rebuild it with sub-standard building codes...and asks, “for what?...little bit of money?...what could possibly be the reason?” “Not doing it to conserve it”. “How are they to deal with the increased boats and vehicles traffic from the result of the project? Are they to supply treated water from the islands wells to the project?”

**Comment 10: Claudia Bringe** resident of St. James City. If the land is developed with boat ramps or whatever will be put on the narrow 2-land road on a bad curve will damage the health and safety of the people of Pine Island. Wants to know if a traffic survey has been done to know what the impact is of what is planned to do on it. Concerned about travel time to the hospital with increased traffic.

**Comment 11: Carol Crane** resident of St. James City. Concerned with the City feeling the need to expand by acquiring an annexing property from unwilling jurisdictions in order to resume and sell it to developers. If it was inherited with the larger land purchase why annex it instead of just sell it? Concerned with navigation hazards that would result from the City’s proposed expansion of the existing boat ramp on the subject property the City proposes to annex. Rumor has it that the existing boat ramp will be repaired but also include expand in building 5 more ramps at that site. Boating and navigation problems already exist there which would be greatly increased by adding more boat ramps. Already a narrow waterway and width is only 100 feet and upstream it narrows to approx. 85 feet. The waterway is too narrow for multiple launches and pull-outs. Danger to safety with swift currents especially after the removal of the Cietus boat lift barrier. Dredging of the waterway has increased the current even more causing safety problems. Closeness of the boat ramps is an issue. City already owns 10.24 acres of suitable property just 245 feet of property from the site on the North Spreader Waterway. If the property was inherited why does the property need to be annexed? Why don’t you just sell it or just use it? Then that way you would follow the Pine Island plan instead of imposing a much less restrictive City plan.

**Comment 12: Eric Hansen** resides in Matlacha. Concerned about the negative impact on the local watershed and local ecology. Wants the property preserved by donating it to the Caloosa Land Trust instead of annexation.

**Comment 13: Dan Shephard** resident of Cape Coral and business owner in Pine Island. Feels that the Cape and Matlacha are differently unique and should stay that way. The City should sell the property since it is not the City's backyard, it's Matlacha's backyard. The City should sell and take the money and put it towards to buying the golf course that they are all talking about to make it a park that Cape Coral needs.

**Comment 14: Tim Heights** resident of Pine Island-Bokeelia. No need for annexation and does not want the "old Florida look" to change so it should be left alone. Transportation is bad and how will the boat traffic be moved out? Will the road be widened? Will a turning lane be put in? Who will pay for that? The City is creating problems.

**Comment 15: Robert Pritt** attorney with Roetzel and Andress representing his client the Matlacha-Pine Island Fire Control District. Requests that the council continue the hearing for at least a month to allow the District to review the application and possibly to confer with the City to determine the effect upon the District. The property is close to the proposed Station 4 for the District within a mile or less. The District is in the process of soliciting proposals for the new station. The annexation may affect the feasibility of the station and the fire and rescue service. Also the lack of contiguity between the property and other City boundaries. The annexation does not serve a public purpose when it should. Records show that businesses (not legitimate public businesses) on the property that the City own are tax exempt.

**Comment 16: Michael Hanon** new resident of Matlacha. Feels that all of the issues should be brought up with the attorneys - County Attorney and State Attorney. If it goes through it will go the press. Land should be given to the conservancy.

**Comment 17: Jim Nehouse** resident of Cape Coral. Used an overhead to point out the area. Ecological and estuary concerns especially manatees. Concerns with the proposed use, boat ramps on a major artery of manatee transportation. Put something on it that is useful to all like a parking lot and use shuttles to Matlacha area to lessen traffic.

**Comment 18: Rod Aldridge:** resident of Matlacha. Concern with ecological impact from development on the property along the wetlands area. The City of Cape Coral should not be in the land development business. He thinks a solution to the problem is to provide the property to the Caloosa Land Trust. Money could be generated through donations to pay the City of Cape Coral a fair amount for the property.

**Comment 19: Torrey Wolf:** resident of Bokeelia. Why a voluntary annexation? Isn't a lot of the area considered a tidal wetland?

**Comment 20: Gary Pierce:** resident of Bokeelia. Feels that Cape Coral has destroyed their own area with infrastructure and damaged natural habitats and does not want that to happen to Bokeelia-Pine Island-Matlacha. He thinks the property should be given back to Matlacha.

**Comment 21: Dr. Michael Dryclern:** resident of Bokeelia and elected commissioner of the Pine Island Matlacha Fire Control District and board member of Pine Island Water Association... Would it have an impact on traffic and where are the analysis and studies?

Mentioned the Pine Island Plan and issues regarding evacuation off the island which the Lee Co EOC was involved in. If adopting the annex would have the ability to change zoning, would it have an impact on the Lee Plan? Asking to stay the vote tonight and take the opportunity for input and allow for more analysis and have the vote at a later time. Really wants the vote rejected. Mentioned that the City spent 13mil in 2011 for the property with funds from water and sewer. How did they spend the 13mil out of water and sewer for the properties, then in 2012 filed for an exemption on the properties? Wants to know how the District will get their money from the lost tax revenue from the properties. Many tax issues mentioned at a loss to Matlacha and Pine Island. No governmental purpose for the property. Asked to reject the annexation and sell the property.

**Comment 22: Jenny Bunch** (5-acre eminent domain) In 2012, the City did not buy what it needed with the money that was borrowed from the UEP. City did not buy the property for the north for 2 UEP projects. Thinks property should be sold back to Matlacha and the City can use the money to purchase the property needed for the UEP and other projects instead of using eminent domain against Cape Coral property owners.

**Comment 23: Wendy Blake** (eminent domain) on behalf of the Bunch family. Concerns regarding the parcel and many others sat idle for the last 4 years with no taxes to the taxpayers no stormwater fees, nothing giving back to the citizens. Mentioned the UEP issue. Thinks the property has been promised for other plans (developer)...why isn't it part of the parks plan?

**Comment 24: Zal** resident of Bokeelia. Against annexation and does not want change.

**Comment 25: Katie Fisher** Matlacha resident, realtor and small business owner. Asked Council to listen to the citizens and do what's right and don't change what they have.

# ISSUES RAISED BY STAKEHOLDERS DURING DECEMBER 12, 2016 CITY COUNCIL MEETING

**1. EXTREME WATER VELOCITIES AT THIS SITE MAKE IT UNSUITABLE FOR A BOAT RAMP.**

*Current meters were deployed in 2014 by the USGS for a five month period and in 2016 by CEC for a one month period. Maximum current velocities measured during these periods were 3 ft/sec (2 mph or 1.8 knots) and 3.7 ft/sec (2.5 mph or 2.2 knots), respectively. Multiple Government and State boat ramp design publications were reviewed for current velocity criteria. These publications recommended minimizing current effects, when possible, through design considerations: site characteristics, ramp alignment and location, shoreline and waterbody features. The Ohio Boating Facilities Standards and Guidelines was the only source reviewed that published an average current velocity design value, 5 mph. The maximum velocity measured at this site is half of this recommended average velocity.*

**2. BOAT RAMP WILL CAUSE HAZARDS TO NAVIGATION.**

*Boats have been launched from the two ramps at this property for over 45 years. No reportable boating accidents or data were found on record with the FWC or the LCSO to corroborate this claim.*

**3. BOAT RAMP WILL SIGNIFICANTLY INCREASE BOAT TRAFFIC.**

*There are over 4,000 waterfront properties accessing the North Spreader Waterway. Proposed improvements to this property would restrict boat trailer/tow vehicle parking to less than 50 boats. The potential boat traffic from this boat ramp is less than 1.3 percent of the potential boat traffic generated by waterfront property owners. The average number of launches per day will be insignificant to the total number of boat trips per day in this waterway.*

**4. BOAT RAMP AT THIS LOCATION ADDS MORE BOATS INTO THE SPREADER CANAL SYSTEM.**

*See Response to Item 3.*

**5. BOAT RAMP WILL ADVERSELY IMPACT PINE ISLAND ROAD TRAFFIC.**

*Traffic on Pine Island Road may improve with the renovation of the D&D property. The number of vehicles traveling east and west on Pine Island Road towing a boat is relatively very small to the total number of vehicles. The boat ramp at D&D may beneficially impact island traffic. If boaters choose to launch at this property it will potentially reduce the number of tow vehicles and boats crossing the Matlacha Pass Bridge to launch at boat ramps to the west.*

**6. ROAD INGRESS AND EGRESS TO PROPERTY IS DANGEROUS.**

*Accident reports from the LCSO and the FHP do not support this statement.*

**7. WILL THERE BE A TRAFFIC STUDY PERFORMED?**

*The City will follow the Land Development Code for improvements to this property.*

**8. BOAT RAMP WILL ADVERSELY IMPACT WATER QUALITY.**

*By renovating the 45 year old boat ramp and constructing upland stormwater treatment the impacts to water quality are anticipated to be positive. In addition, shoreline stabilization can incorporate "living shoreline" design to create and improve marine habitat.*

**9. BOAT RAMP WILL CHANGE CHARACTER OF MATLACHA.**

*The property has existed as a boat launch for more than 45 years; it is one of the first properties seen as one approaches Matlacha from the east on Pine Island Road. There is an aging chain link fence in disrepair along the roadway and sparse vegetation consisting mainly of exotics (Australian Pines and Brazilian Peppers), cabbage palms and some red mangroves along the shoreline. Matlacha would benefit from the beautification of this property as a gateway to their community.*

**10. HOW MANY BOAT RAMPS ARE PROPOSED FOR THE PARK?**

*No more than three boat ramp lanes have ever been considered at this site. As different concepts and ideas have been discussed, replacing the existing two ramps appears to be the consensus.*

**11. THE WATERWAY IS TOO NARROW FOR A BOAT RAMP.**

*Two boat ramps have existed and functioned at this location for over 45 years.*

**12. MANATEE MORTALITY RATE IS HIGH ON NORTH SPREADER.**

*The boat ramps at this location existed prior to the development of the North Spreader system. Boat trips originating from this property will be an insignificant percentage of the traffic generated by waterfront property owners within the system.*

**13. TRAFFIC FROM BOAT RAMP MAY ADVERSELY IMPACT TRAFFIC IN MATLACHA AND INCREASE EMERGENCY VEHICLE RESPONSE TIME.**

*The number of vehicles traveling east and west on Pine Island Road towing a boat is relatively very small. The boat ramp at D&D may beneficially impact traffic on the island. If boaters choose to launch for this property it will potentially reduce the number of tow vehicles and boats crossing the bridge to launch at boat ramps to the west.*

**14. WHO WILL PAY FOR BOAT RAMP IMPROVEMENTS?**

*The City has applied for and received approval of a grant from the West Coast Inland District for replacement of the existing seawall and boat ramp immediately behind the building occupied by D&D Bait Shop. This grant requires matching funds from the City. A second grant has been applied for and received from the State of Florida Boating Improvement Fund to cover the costs of design and permitting for the property to the east. Both grants are pending approval for use*

*by the City Council. Construction of the proposed improvements is anticipated to be funded by a combination of City monies and grants from WCIND, FWC, and TDC.*

**15. WILL THE ROAD BE WIDENED?**

*The segment of Pine Island Road in front on the D&D property is maintained by Lee County Department of Transportation. Improvements to this property may have no bearing on future road improvement plans.*

**16. WILL A TURNING LANE BE INSTALLED?**

*One of the major project goals for this property would include improvements for ingress and egress.*

**17. IS THIS PROPERTY CONSIDERED A TIDAL WETLAND?**

*No. This property is not a tidal wetland.*

**Item Number:** B.(2)  
**Meeting Date:** 4/23/2018  
**Item Type:** DISCUSSION

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Discussion of City Owned Parcels

**REQUESTED ACTION:**

Informational

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No  
If Yes, Priority Goals Supported are listed below.  
If No, will it harm the intent or success of the Strategic Plan? No

**Planning & Zoning/Staff Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

The City of Cape Coral owns 1,548 strapped parcels. Staff has identified 488 parcels required for current or future use; 686 parcels with potential future development, of which 507 parcels are located in Festival Park and Lake Meade Park; and 374 parcels which could potentially be sold as surplus.

The sale or disposition of surplus real property is governed by the Code of Ordinances, Division 3, Section 2-155. In the past, the City's surplus real property was sold by listing the parcels on the Multiple Listing Service (MLS). The Code of Ordinances requires the property be listed for sale for a period of not less than 30 days.

Staff recommends listing any future City surplus properties on the Multiple Listing Service in order to obtain maximum exposure and the highest price for each property.

**LEGAL REVIEW:**

**EXHIBITS:**

Disposition Steps for Surplus Real Property  
Portion of Procurement Section of the Code of Ordinances  
Map

**PREPARED BY:**

Dawn Y. Andrews, Property  
Broker

Division- Real  
Estate

Department- Financial  
Services

**SOURCE OF ADDITIONAL INFORMATION:**

Victoria L. Bateman, CPA, CGFM  
Financial Services Director  
239-574-0491

Dawn Andrews, Property Broker  
Financial Services / Real Estate Division  
239-574-0735

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ Disposition Steps for Surplus Real Property	Backup Material
▣ Portion of Procurement Section of Code of Ordinances	Backup Material
▣ Map	Backup Material

## **Disposition Steps for Surplus Real Property**

The disposition of surplus real property is governed by Division 3, Section 2-155 of the Code of Ordinances. The following steps must be completed to sell the parcels:

- All of the selected parcels need confirmation that there are no restrictions for disposing of the parcel (ie., deed restriction, civil proceedings);
- Appraisals need to be obtained on the selected parcels;
- The parcels need to be declared surplus via the Ordinance process;
- Marketing the parcels for sale – The Code of Ordinances allows the property to be sold at public auction, or by sealed bid or by the Multiple Listing Service (MLS).

Once under contract all sales contracts would be presented to City Council for approval as a Consent Agenda item.

## Portion of Procurement Section of Code of Ordinances

### DIVISION 2. PURCHASE OF REAL PROPERTY

#### 📖 § 2-152 Appraisal required.

(a) Prior to purchasing any real property, the city shall obtain a minimum of one appraisal by a certified appraiser, provided, however, that if the city has obtained a recent appraisal of comparable property located in the same vicinity as the subject property, then the city may use that appraisal and shall not be required to obtain an appraisal of the subject property.

(b) For purposes of this section, a **RECENT APPRAISAL** shall mean one that was prepared not more than 12 months prior to the proposed purchase.

#### 📖 § 2-153 Disclosure.

(a) *Purchase of property.* Before entering into a contract whereby real property held in a representative capacity is sold, leased, taken by eminent domain or otherwise conveyed to the city, the city shall obtain written disclosure from any person or entity holding real property in the form of a partnership, limited partnership, corporation, trust or any form of representative capacity whatsoever for others. The public disclosure shall be in writing, signed under oath and subject to the penalties prescribed for perjury.

(b) *Written disclosure.* Written disclosure shall be made as follows:

(1) Written disclosure shall contain the name and address of the representative and the name and address of every person having beneficial interest in real property, however small or minimal;

(2) Written disclosure is to be made to the City Manager or his or her designated representative; and

(3) Written disclosure shall be made at least ten days prior to the date of closing unless the property is being acquired through the eminent domain process, in which case the provisions of § [2-153\(e\)](#) shall apply.

(c) *Notice sent.* The city shall send written notice by certified mail to the person required to make the disclosure prior to the time the disclosure is required to be made and must inform the person that the disclosure shall be made under oath, subject to the penalties prescribed for perjury.

(d) *Exemption.*

(1) Beneficial interest represented by stock in corporations registered with Federal Securities Exchange Commission or in corporations registered pursuant to F.S. Chapter 517, whose stock is for sale to the general public, is hereby exempt from the provisions of this section.

(2) When disclosure of persons having beneficial interests in nonpublic corporations or in trusts is required, the corporation or person shall not be required by the provisions of this section to disclose persons holding less than 5% of the stock or having less than a 5% vested, noncontingent, beneficial interest in the trust.

(e) *Eminent domain.* In the case of eminent domain taking, the following provisions shall apply:

(1) Written disclosure shall be made within 48 hours after the time when the required sum is deposited into the Registry of the Court;

(2) Notice of the deposit shall be made to the person or entity required to make disclosures by registered or certified mail before the 48 hour period begins; and

(3) Exemption:

a. Any entity or person other than a public officer or public employee, holding real property in the form of a trust created more than three years prior to deposit of the required sum in the Registry of the Court is hereby exempt from the provisions of this section;

b. In order to qualify for the exemption set forth in subsection (e)(3)a. above, the trustee shall be required to certify within 48 hours after the deposit, under penalty of perjury, that no public officer or public employee has any beneficial interest whatsoever in the trust; and

c. Disclosure of any changes in the trust instrument or of persons having beneficial interest in the trust shall be made if the changes occurred during the three years prior to the deposit of the sum in the Registry of the Court.

(Ord. 68-07, 7-23-2007)

### **DIVISION 3. DISPOSITION OF SURPLUS PROPERTY**

#### **§ 2-154 Sale of surplus tangible personal property.**

(a) *Determination that property is surplus.* At least once annually, the Financial Services Director shall review city inventory and make a recommendation to the City Manager of city property that should be classified as surplus; however, at any time during the fiscal year a department may identify property as being surplus.

(b) *Categories.* Surplus property can be categorized as follows.

(1) *Excess.* Property that has no further use to the department it is assigned to.

(2) *Non-repairable.* Property that is not repairable or is uneconomical to repair.

(3) *Worthless.* Property that is in a wrecked, inoperative, partially dismantled condition or has deteriorated to such a state that it has no apparent monetary value.

(c) *Disposal methods.* The following methods of disposal may be utilized:

(1) *Sale to another governmental entity.* Property which has been classified as surplus may be sold by the city to another governmental unit without bids.

(2) *Donation.* Property which has been declared surplus may be donated to an outside agency upon approval by City Council.

(3) *Discarded.* Property which is in a wrecked, inoperative or partially dismantled condition, or which has deteriorated to the point that it has no apparent monetary value may be picked up by the appropriate refuse disposal service.

(4) *Traded in for new item.* Items, such as firearms, which are inappropriate for auction, and items which because of their nature have greater value when traded in, may, in the discretion of the City Manager or designee, be traded in on newer items in lieu of being sold at public auction. Bids or proposals for trade-in of city property shall be solicited in accordance with the requirements of this article.

(5) *Transferred to another department.* Surplus property may be transferred to another city department.

(6) *Sold at auction (on-site or on-line).* Surplus property may be sold using a competitive auction process either on-site or on-line. A periodic report will be provided to City Council of all items that have been sold by auction.

(Ord. 68-07, 7-23-2007)

 **§ 2-155 Sale of surplus real property.**

(a) Whenever the city owns real property not presently used for municipal purposes, nor projected in the foreseeable future to be used for municipal purposes, such property may be declared to be surplus property and may be sold or otherwise disposed of as hereinafter provided.

(b) No later than July 1, 2007, and every three years thereafter, the city shall prepare an inventory list of all real property owned by the city that is appropriate for use as affordable housing. The inventory list shall include the address and legal description of each such property and specify whether the property is vacant or improved. City Council shall review the inventory list at a public hearing and may revise the list at the conclusion of the public hearing. Following the public hearing, the City Council shall adopt a resolution that includes an inventory list of any property that is appropriate for use as affordable housing. The properties identified as appropriate for use as affordable housing on the inventory list adopted by the City Council by resolution may be offered for sale and the proceeds may be used to purchase land for the development of affordable housing or to increase any city fund earmarked for affordable housing, or may be sold with a restriction that requires the development of the property as permanent affordable housing, may be donated to a non-profit housing organization for the construction of permanent affordable housing, or may otherwise be made available for use for the production and preservation of permanent affordable housing.

(c) Prior to the sale or other disposition of any city-owned real property, an appraisal shall be obtained unless the City Council finds that, due to exigent or other circumstances, an appraisal would not be in the best interest of the city. For platted, undeveloped residential property, a recent appraisal of comparable property located in the same vicinity of the subject property may be utilized to satisfy the appraisal requirement. For purposes of this section, a "recent" appraisal shall mean one that was prepared not more than 12 months prior to the proposed date of sale or other disposition.

(d) Any sale or other disposition of city-owned surplus real property shall be by ordinance.

(e) For surplus real property that has been acquired by the city through purchase, donation, trade, foreclosure, or purchase at a tax deed sale, any of the following methods may be employed to sell, trade, or otherwise dispose of said property:

(1) The property may be listed for sale in the multiple listing service (MLS) for a period of not less than 30 days. The city may accept the highest or best offer received during the listing period, provided that such offer is not less than 90% of the appraised value of said property.

(2) The property may be sold at public auction, after due public notice, provided that the opening (minimum) bid at such auction shall not be less than 90% of the appraised value of said property.

(3) The property may be sold, after due public notice, pursuant to sealed competitive bids, provided that the highest bid is not less than 90% of the appraised value of said property.

(4) The property may be sold or conveyed to another governmental agency, provided that, if the property is conveyed for little or no consideration, the property shall be conveyed with a restriction that the property is for public use only.

(5) The property may be traded or exchanged for another property, provided, however, that if the properties being traded are not equal or nearly equal in value, as determined by valid appraisals, additional consideration may be required.

(6) The property may be sold or donated for use for affordable housing.

(7) The property may be sold to an adjoining landowner without advertising or bids, provided the city makes a determination that:

a. The property is of insufficient size and shape to be issued a building permit for any type of development; or

b. The value of the property is \$10,000 or less, as determined by an appraisal, or as determined by the Lee County Property Appraiser; or

c. The size, shape, location, value or deed restrictions for the property make the property of use only to one or more adjacent property owners.

(8) The property may be sold utilizing any procedure that the City Council finds to be commercially reasonable.

(f) For surplus real property that has been acquired by the city through civil forfeiture proceedings pursuant to F.S. Chapter 932, the City Manager shall first make a determination of whether the property can be used presently or at a later date. If the City Manager determines that it is in the best interests of the city to sell the property, an appraisal shall be obtained and the proposal to sell the property shall be presented to City Council for approval. If Council approves the proposal to sell, the property shall be offered for sale by listing on the market pursuant to F.S. § 932.7055(1)(b).

(Ord. 68-07, 7-23-2007)

 **§ 2-156 Sale of surplus real property acquired through eminent domain.**

(a) Disposition of property acquired through eminent domain proceedings. For surplus real property that has been acquired by the city through eminent domain proceedings, involving a petition of condemnation filed on or after May 11, 2006, ownership or control of property acquired pursuant to such petition may not be conveyed by the city or any other entity to a natural person or private entity, by lease or

otherwise, except that ownership or control of property acquired pursuant to such petition may be conveyed, by lease or otherwise, to a natural person or private entity:

(1) For use in providing common carrier services or systems;

(2) For use as a road or other right-of-way or means that is open to the public for transportation, whether at no charge or by toll;

(3) For use in the provision of transportation-related services, business opportunities, and products pursuant to F.S. § 338.234, on a toll road;

(4) That is a public or private utility for use in providing electricity services or systems, natural or manufactured gas services or systems, water and wastewater services or systems, stormwater or runoff services or systems, sewer services or systems, pipeline facilities, telephone services or systems, or similar services or systems;

(5) For use in providing public infrastructure;

(6) That occupies, pursuant to a lease, an incidental part of a public property or a public facility for the purpose of providing goods or services to the public;

(7) Without restriction, after public notice and competitive bidding unless otherwise provided by general law, if less than ten years have elapsed since the condemning authority acquired title to the property and the following conditions are met:

a. The city documents that the property is no longer needed for the use or purpose for which it was acquired by the condemning authority or for which it was transferred to the current titleholder; and

b. The owner from whom the property was taken by eminent domain is given the opportunity to repurchase the property at the price that he or she received from the condemning authority.

(8) After public notice and competitive bidding unless otherwise provided by general law, if the property was owned and controlled by the city for at least ten years after the condemning authority acquired title to the property; or

(9) In accordance with subsection (b) below.

(b) Subsequent resale by a natural person or private entity. If ownership of property is conveyed to a natural person or private entity pursuant to subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5) or (6) above and the property is subsequently reconveyed then the following restrictions shall apply:

(1) If at least ten years have elapsed since the city acquired title to the property, the property may subsequently be transferred, after public notice and competitive bidding unless otherwise provided by general law, to another natural person or private entity without restriction.

(2) If less than ten years have elapsed since the city acquired title to the property, the property may be transferred, after public notice and competitive bidding unless otherwise provided by general law, to another natural person or private entity without restriction, if the following conditions are met:

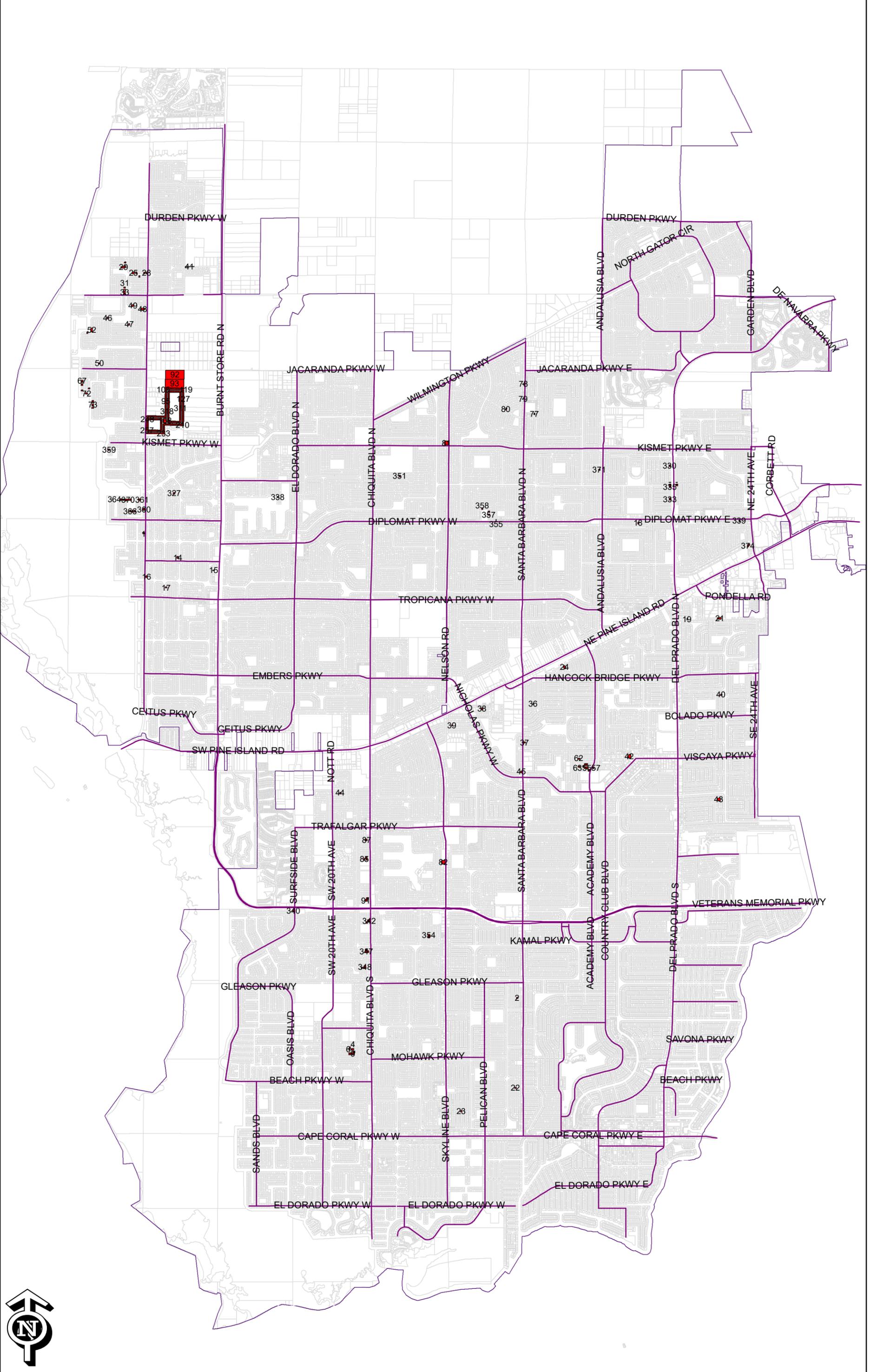
a. The current titleholder documents that the property is no longer needed for the use or purpose for which the property was transferred to the current titleholder; and

b. The owner from whom the property was taken by eminent domain is given the opportunity to repurchase the property at the price that he or she received from the condemning authority.

(c) The restrictions set forth in subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5) or (6) above shall not apply when the owner of a property relinquishes the property and concedes to the taking of the property in order to retain the ability to reinvest the proceeds of the sale of the property in replacement property under I.R.S. § 1033.

(d) Where property is conveyed by the city under the circumstances described in this section, appropriate restrictions shall be inserted into the instrument of conveyance by the city in order to give effect to the provisions of subsection (b) above.

(Ord. 68-07, 7-23-2007)



**Item Number:** B.(3)  
**Meeting Date:** 4/23/2018  
**Item Type:** DISCUSSION

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

ADDENDUM: Festival Park

**REQUESTED ACTION:**

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment?
2. Is this a Strategic Decision?  
If Yes, Priority Goals Supported are listed below.  
If No, will it harm the intent or success of the Strategic Plan?

**Planning & Zoning/Staff Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

**LEGAL REVIEW:**

**EXHIBITS:**

Memo  
Summary  
Map

**PREPARED BY:**

Division- Department-

**SOURCE OF ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
<input type="checkbox"/> Memo	Backup Material
<input type="checkbox"/> Summary	Backup Material

- ▢ Map
- ▢ Updated Map presented at meeting

Backup Material  
Backup Material

CITY OF CAPE CORAL  
PARKS & RECREATION DEPARTMENT

TO: Mayor Coviello and Council Members

FROM: John Szerlag, City Manager   
Victoria L. Bateman, CPA, CGFM, Financial Services Director   
Kerry Runyon, Parks and Recreation Director 

DATE: April 20, 2018

SUBJECT: Festival Park

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According to the City of Cape Coral Parks and Recreation Master Plan, the future Festival Park is envisioned as the City's premier community park and special events site, meeting the many top priority needs identified in the Needs Assessment and the City's Comprehensive Plan with of level of service (LOS) target of 8.5 acres of parkland per 1,000 residents.

Based on the City of Cape Coral's 2015 population estimates, the City needs an additional 660 acres to meet the City's established LOS standard of 8.5 acres per 1,000 population.

The City has purchased a total of 428 of the 517 parcels with 12 pending contracts at the future Festival Park (83%). The Parks Master Plan has identified this location as meeting the top priority needs including an amphitheater, recreation center with an indoor fitness/cardiovascular equipment, trails, North Cape Sports Complex, and other large community park amenities.

Once the purchase of the former golf course is finalized, a re-examination of the Parks Master Plan with the addition of the former golf course will need to be addressed with the Master Plan stakeholders group to ensure the needs of the Parks Master Plan are met.

City Council could consider reducing the size of the park by removing the 37 waterfront properties along the southern boundary, on the south side of NW 25<sup>th</sup> Street. Currently the City owns 18 of these parcels on the Northwind Canal.

Currently there is \$1.9 Million remaining bond proceeds to purchase additional park land from the Special Obligation Bond taken out in 2006. The bond is being repaid with Park Impact Fees.

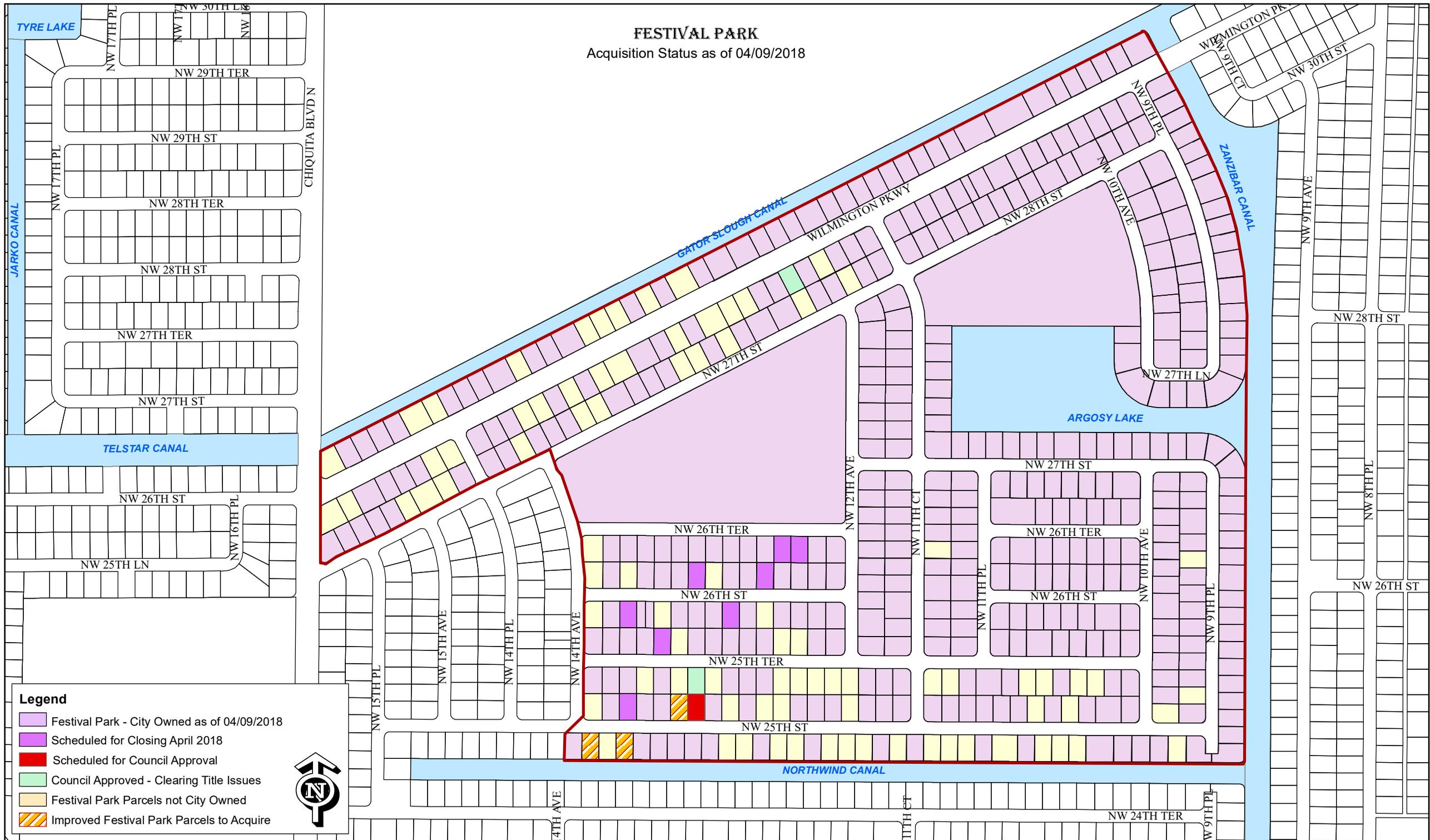
KR/tl(FestivalParkMemo)

## Festival Park

Total # of Parcels	517
Total City Owned	428
<b>Plus</b> Pending Contracts	12
Remaining to Acquire	89 (includes 12 pending)
Approximate Costs to Date	\$27.2 Million
Acquisition Began	August 2003

# FESTIVAL PARK

Acquisition Status as of 04/09/2018

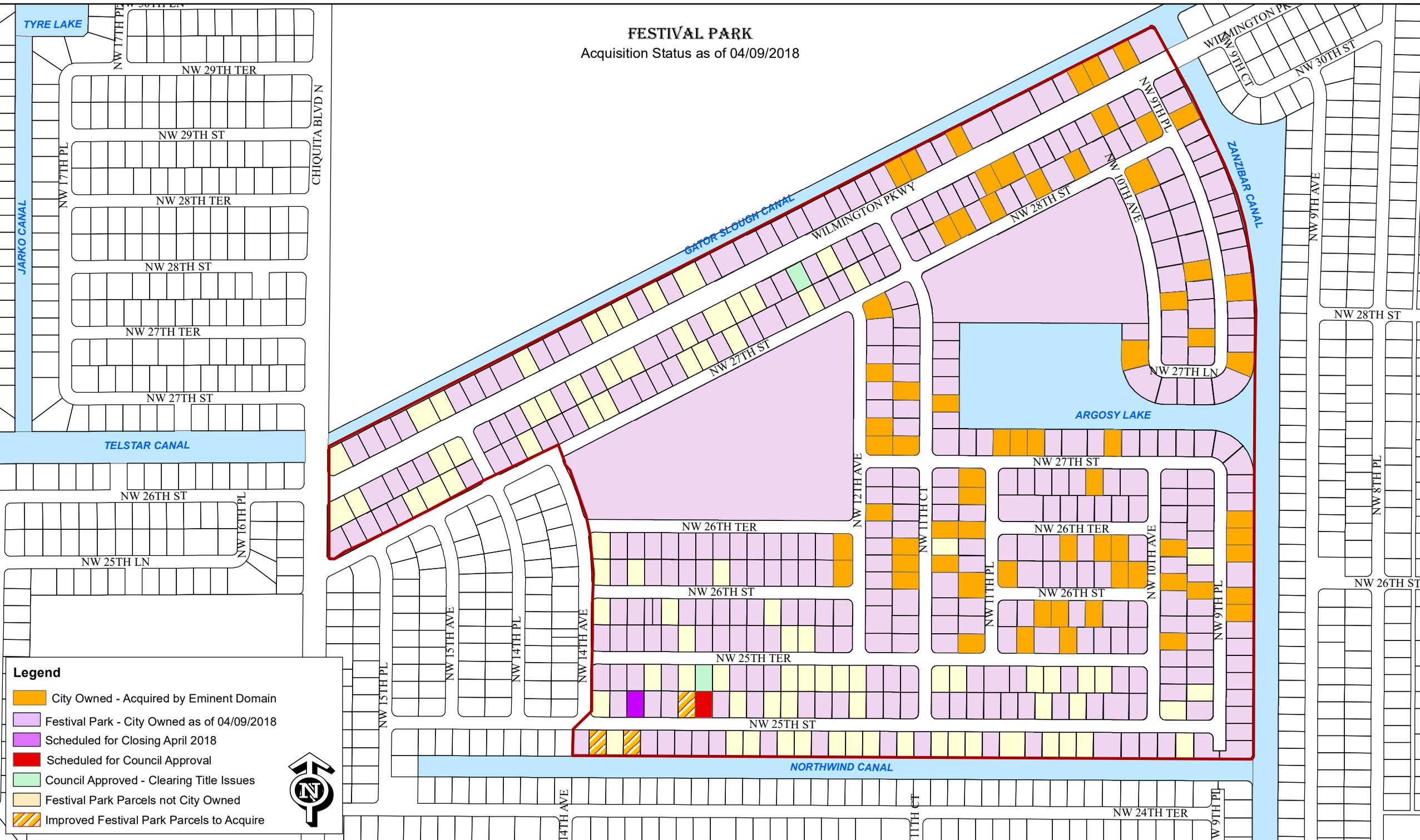


- Legend**
- Festival Park - City Owned as of 04/09/2018
  - Scheduled for Closing April 2018
  - Scheduled for Council Approval
  - Council Approved - Clearing Title Issues
  - Festival Park Parcels not City Owned
  - Improved Festival Park Parcels to Acquire



# FESTIVAL PARK

Acquisition Status as of 04/09/2018



**Legend**

- City Owned - Acquired by Eminent Domain
- Festival Park - City Owned as of 04/09/2018
- Scheduled for Closing April 2018
- Scheduled for Council Approval
- Council Approved - Clearing Title Issues
- Festival Park Parcels not City Owned
- Improved Festival Park Parcels to Acquire