

**ST. PETERSBURG CITY COUNCIL**

**Meeting of June 3, 2021**

**TO:** Council Chair Ed Montanari and Members of City Council  
**FROM:** Michael Jefferis, Leisure Services Administrator  
**DATE:** Meeting of June 3, 2021  
**SUBJECT:** Willow Marsh Boardwalk Renovation Project

**SUBJECT:** An ordinance in accordance with Section 1.02(c)(5)A, St. Petersburg City Charter, authorizing the Mayor, or his designee, to accept a State of Florida, Department of Environmental Protection ("DEP") grant in the amount of \$320,000 for the Willow Marsh Boardwalk renovation project ("DEP Grant"); authorizing the restrictions contained in the DEP Grant documents, which require that the City of St. Petersburg ("City") will execute and record a site dedication, dedicating the project area described in exhibit A, attached hereto and part of this ordinance, located on the west bank of Lake Maggiore within Boyd Hill Nature Preserve, as an outdoor recreation area for the use and benefit of the general public for ninety nine (99) years from the date of execution of the site dedication subject to rules regarding conservation of the project area; authorizing the mayor or his designee to execute and record the site dedication and to execute all of the documents necessary to effectuate this transaction; approving a supplemental appropriation in the amount of \$320,000 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from these additional grant revenues, to the Willow Marsh Boardwalk Project (18362); and providing an effective date.

**EXPLANATION:** The State of Florida, Department of Environmental Protection, has awarded a Recreational Trails Grant in the amount of \$320,000 to the City of St. Petersburg ("City") to assist in the funding for the design, permitting, surveying, engineering, and renovation of a boardwalk located in the project area described in Exhibit A ("Project Area") at the Willow Marsh Trail on the west bank of Lake Maggiore within Boyd Hill Nature Preserve. Costs exceeding \$320,000 will be funded by the City. The total cost of this project is currently estimated to be \$560,000.

The grant agreement ("Grant Agreement") between the City and DEP requires the City to execute and record in the public records of Pinellas County, a site dedication, dedicating the Project Area as an outdoor recreational area for the use and benefit of the public for ninety-nine years from the date of execution of the site dedication.

The Grant Agreement further provides that should the City convert all or part of the Project Area to a use other than public outdoor recreational uses, the City must replace the area, facilities, resource, or project site at its own expense with an acceptable project of comparable scope and quality.

Section 1.02 (c) (5) A of the St. Petersburg City Charter governs the use and disposition of City park and waterfront property, like the Project Area, and it authorizes City Council, by an ordinance receiving a public hearing and six (6) affirmative votes to permit the recording of encumbrances like the site dedication required by this grant.

**RECOMMENDATION:** Administration recommends approval of the attached ordinance on first reading on June 3, 2021 and scheduling of the public hearing for June 10, 2021.

**COST/FUNDING/ASSESSMENT INFORMATION:**

Revenues in the amount of \$320,000 will be received from this grant to provide additional funding for the design, permitting, surveying, engineering, and renovation of the Willow Marsh Boardwalk and deposited into the General Capital Improvements Fund (3001). Funds will be available after the approval of a supplemental appropriation from the increase in the unappropriated balance of the General Capital Improvements Fund (3001), resulting from these grant revenues, to the FY21 Willow Marsh Boardwalk Project (18362).

**ATTACHMENTS:** Ordinance

**APPROVALS:**

Administration:



Budget:



AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(c)(5)A, ST. PETERSBURG CITY CHARTER, AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT A STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT IN THE MAXIMUM REIMBURSEMENT AMOUNT OF \$320,000 FOR THE WILLOW MARSH BOARDWALK RENOVATION PROJECT (“DEP GRANT”); AUTHORIZING THE RESTRICTIONS CONTAINED IN THE DEP GRANT DOCUMENTS, WHICH REQUIRE THAT THE CITY WILL EXECUTE AND RECORD A SITE DEDICATION (“SITE DEDICATION”) DEDICATING THE PROJECT AREA DESCRIBED IN EXHIBIT A, ATTACHED HERETO AND A PART OF THIS ORDINANCE (“PROJECT AREA”), LOCATED AT THE WILLOW MARSH TRAIL ON THE WEST BANK OF LAKE MAGGIORE WITHIN BOYD HILL NATURE PRESERVE, AS AN OUTDOOR RECREATION AREA FOR THE USE AND BENEFIT OF THE GENERAL PUBLIC FOR NINETY NINE (99) YEARS FROM THE DATE OF EXECUTION OF THE SITE DEDICATION SUBJECT TO RULES REGARDING CONSERVATION OF THE PROJECT AREA; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AND RECORD THE SITE DEDICATION AND TO EXECUTE ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$320,000 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE GENERAL CAPITAL IMPROVEMENT FUND (3001), RESULTING FROM THESE ADDITIONAL GRANT REVENUES, TO THE WILLOW MARSH BOARDWALK PROJECT (18362); AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

**Section One.** The State of Florida Department of Environmental Protection (“DEP”) has awarded the City a grant for the design, permitting, surveying, engineering and renovation of a boardwalk located in the project area described in Exhibit A (“Project Area”) at the Willow Marsh Trail on the west bank of Lake Maggiore within Boyd Hill Nature Preserve, in the maximum reimbursement amount of \$320,000.

**Section Two.** The Project Area is City-owned park property, which is subject to Section 1.02, of the St. Petersburg City Charter governing use and disposition of City park and waterfront property.

**Section Three.** The grant agreement (“Grant Agreement”) between the City and DEP requires the City to execute and record in the public records of Pinellas County a site dedication (“Site Dedication”) dedicating the Project Area as an outdoor recreational area for the use and benefit of the general public for ninety-nine years from the date of execution of the Site Dedication.

**Section Four.** The Grant Agreement further provides that should the City convert all or part of the Project Area to a use other than public outdoor recreational uses, the City must replace the area, facilities, resource, or project site at its own expense with an acceptable project of comparable scope and quality.

**Section Five.** Section 1.02(c)(5)A of the St. Petersburg City Charter provides:

(5) *Exception for acceptance of grants.* Notwithstanding any other provision of this Charter, the following encumbrances or restrictions may be established with respect to future uses in order to receive grants from governmental agencies upon the approval of City Council by an Ordinance receiving a public hearing and receiving an affirmative vote from at least six members of City Council. Each such encumbrance or restriction must be approved by a single ordinance dealing with only that encumbrance or restriction:

- A. Perpetual encumbrances or restrictions for property or portions of property classified as Park or Waterfront property where such restrictions would restrict the property to recreation uses provided such restrictions could be removed either: (i) by replacing the grant facility and transferring the encumbrance or restriction to a new or comparable park at City expense; or (ii) at the option of the Granting Agency. The City could also establish similar encumbrances or restrictions that are less than perpetual using the same ordinance adoption procedure.

**Section Six.** The Project Area is located in Boyd Hill Nature Preserve, which is designated “Preservation” on the Future Land Use Map and is identified as “park property with nature preserve areas” in Section 21-83 of the City’s Code of Ordinances (“City Code”).

**Section Seven.** Policy LU 3.1. of the City’s Comprehensive Plan provides that development in areas designated “Preservation” on the Future Land Use Map” shall be “for purposes of appropriate habitat preservation and restoration, public and environmental education, *access and visitation.*”

**Section Eight.** The definition of nature preserve uses in Section 21-78 of the City Code includes “passive recreation areas that are noncompetitive in nature.”

**Section Nine.** The existing boardwalk to be renovated in the Project Area is a passive recreation area intended to be used for the purposes of public access and visitation, and it qualifies for the exemption set forth in Section 1.02(c)(5)A.

**Section Ten.** The Project Area is dedicated as an outdoor recreation area for the use and benefit of the general public for ninety-nine years from the date of execution of the Site Dedication by the City.

**Section Eleven.** The Mayor or his designee is authorized to (i) accept the DEP Grant; (ii) execute and record in the public records of Pinellas County a Site Dedication dedicating the Project Area as an outdoor recreation area for the use and benefit of the general public for a period beginning on execution of the Site Dedication and ending 99 years thereafter and (iii) execute all other documents necessary to effectuate this transaction.

**Section Twelve.** There is hereby approved from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from these additional grant revenues, the following supplemental appropriation for the Fiscal Year 2021:

<u>General Capital Improvement Fund (3001)</u>	
Willow Marsh Boardwalk Project (18362)	\$320,000

**Section Thirteen.** Severability. The provisions of this ordinance shall be deemed severable. The unconstitutionality or invalidity of any word, sentence or portion of this ordinance shall not affect the validity of the remaining portions.

**Section Fourteen.** Effective Date. In the event that this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approvals:

Legal:  \_\_\_\_\_

Administration: \_\_\_\_\_

Budget: \_\_\_\_\_  
00565469

# Description and Sketch

(NOT A SURVEY)

**DESCRIPTION:**

A portion of Boyd Hill Nature Preserve, an unplatted parcel, located within the City of St. Petersburg, Florida. Being more particularly described as follows:

COMMENCE at the northwesterly corner of the Boyd Hill Library Subdivision, recorded in Plat Book 73, Page 74, recorded in the Public Records of Pinellas County, Florida; thence North, 886.02 feet; thence East 71.53 feet ; thence North 63.44 feet to the POINT OF BEGINNING; thence the following thirty-one (31) courses that describe the 2 feet offset of the existing boardwalk;

- (1) N18°15'01"W, 9.99'
- (2) N73°15'25"E, 111.00'
- (3) N14°40'47"E, 33.37'
- (4) N71°52'17"E, 18.99'
- (5) N05°11'53"E, 37.70'
- (6) N11°10'18"W, 30.14'
- (7) N49°16'10"E, 13.65'
- (8) N42°01'59"W, 49.69'
- (9) N47°31'15"E, 19.43'
- (10) S43°09'59"E, 14.18'
- (11) S46°41'33"W, 9.36'
- (12) S41°05'31"E, 36.26'
- (13) N75°26'42"E, 23.96'
- (14) S70°48'33"E, 48.53'
- (15) N77°13'34"E, 5.00'
- (16) N08°42'23"W, 7.64'
- (17) N73°25'57"E, 14.26'
- (18) S11°00'44"E, 18.61'
- (19) S76°09'40"W, 20.62'
- (20) S10°56'32"W, 28.87'
- (21) S14°02'07"W, 19.12'
- (22) S00°17'03"E, 62.48'
- (23) S37°58'46"E, 39.79'
- (24) S05°17'35"E, 46.61'
- (25) S84°00'43"W, 48.65'
- (26) N69°02'00"W, 26.29'
- (27) N11°39'16"E, 51.75'
- (28) N53°19'01"W, 35.33'
- (29) S57°58'41"W, 21.25'
- (30) N66°35'10"W, 32.76'
- (31) S73°19'18"W, 111.03'

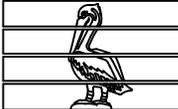
Surveyor's Notes:

1. Purpose of this Description and Sketch is to describe the general area of the Willow Marsh Boardwalk improvements at Boyd Hill Nature Preserve.
2. Bearings are based on the westerly boundary line of Boyd Hill Library Subdivision, Plat Book 73, Page 74, being N05°00'00"E.
3. This Description and Sketch does not certify or warranty: title, zoning, easements, or freedom from encumbrances.
4. This Description and Sketch was prepared without the benefit of an abstract of title or boundary survey and may be subject to easements, restrictions, rights-of-way and other matters of record.
5. Recorded documents are referenced from Pinellas County Public Records.
6. This Description and Sketch meets the requirements of Chapter 5J-17, Florida Administrative Code.
7. Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.
8. Not valid without accompanying sheet(s).
9. Located in City Atlas G-23

_____ Timothy R. Collins Professional Surveyor and Mapper Florida Registration Number 6882	_____ Date
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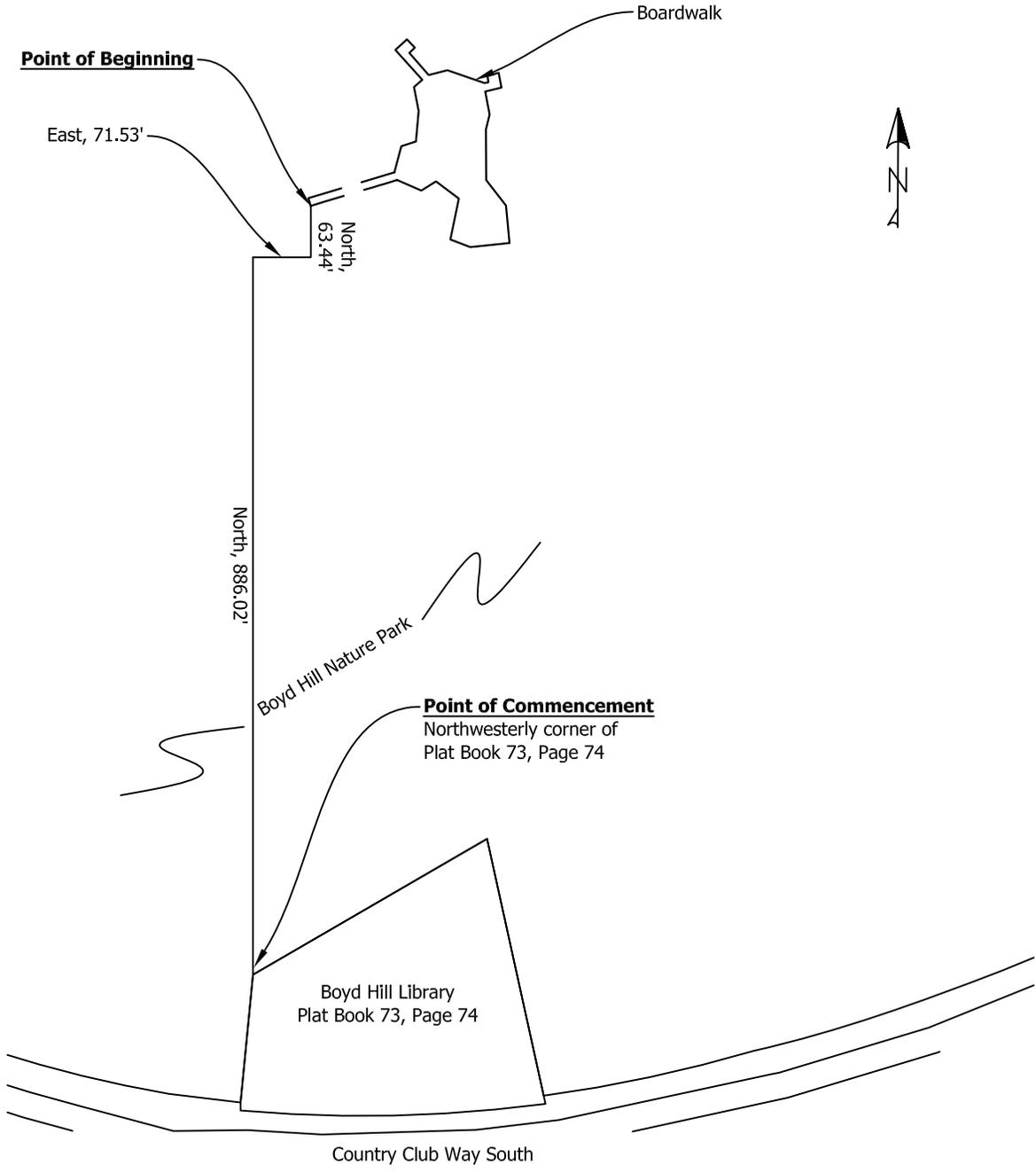
to the POINT OF BEGINNING.

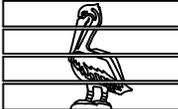
Containing ±19,526 square feet, or ±0.45 acres.

REVISIONS		 <p style="font-size: small; margin: 0;">ENGINEERING AND CAPITAL IMPROVEMENT DEPARTMENT CITY OF ST. PETERSBURG</p> <p style="font-size: x-small; margin: 0;">NOT TO SCALE</p>	Boyd Hill Nature Preserve Willow Marsh Boardwalk Improvements	
BY	DATE		SECTION 01 TOWNSHIP 32 SOUTH RANGE 16 EAST	
TRC	5/7/21			
			SHEET: 1 of 3	

# Description and Sketch

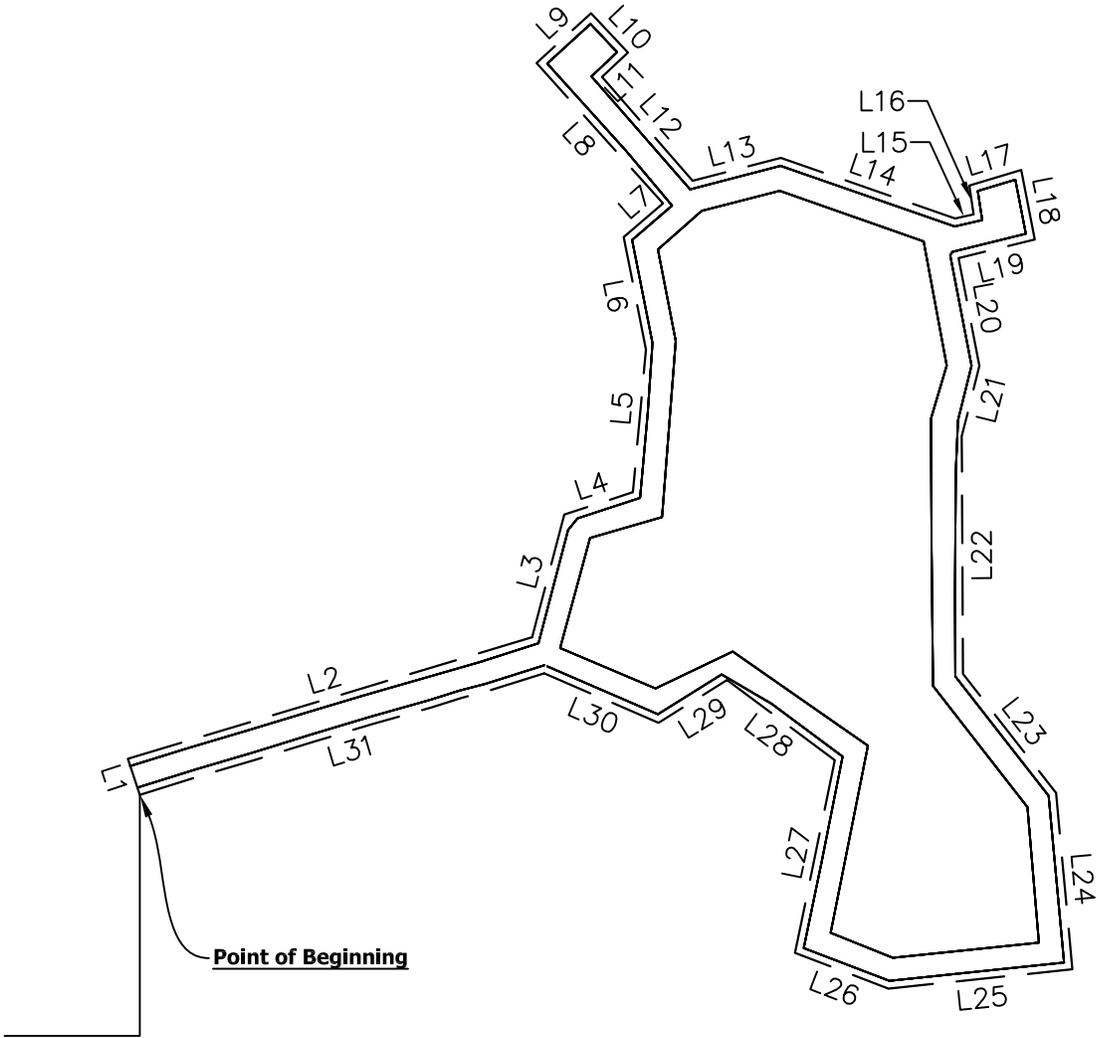
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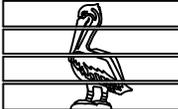


REVISIONS		 ENGINEERING AND CAPITAL IMPROVEMENT DEPARTMENT CITY OF ST. PETERSBURG  NOT TO SCALE	Boyd Hill Nature Preserve Willow Marsh Boardwalk Improvements			
BY	DATE		SECTION 01 TOWNSHIP 32 SOUTH RANGE 16 EAST			
TRC	5/7/21				DATE: April 26, 2021	
					SHEET: 2 of 3	

# Description and Sketch

(NOT A SURVEY)



REVISIONS		 ENGINEERING AND CAPITAL IMPROVEMENT DEPARTMENT CITY OF ST. PETERSBURG	Boyd Hill Nature Preserve Willow Marsh Boardwalk Improvements			
BY	DATE		SECTION 01 TOWNSHIP 32 SOUTH RANGE 16 EAST			
TRC	5/7/21				DATE: April 26, 2021	
					SHEET: 3 of 3	
		NOT TO SCALE				

**ST. PETERSBURG CITY COUNCIL**

**Meeting of June 10, 2021**

**TO:** Council Chair Ed Montanari and Members of City Council

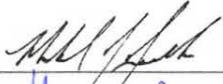
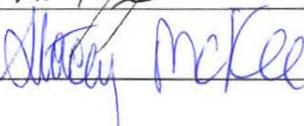
**SUBJECT:** A resolution approving the rescission of unencumbered appropriations in the Recreation and Culture Capital Improvement Fund (3029) in the amount of \$100,000 from the Preserve Imps FY20 Project (17225), \$100,000 from the Preserve Improvements FY21 Project (17952), and \$40,000 from the Park Facilities Imps FY21 Project (17950); approving a supplemental appropriation in the amount of \$240,000 from the increase of the unappropriated balance of the Recreation and Culture Capital Improvement Fund (3029), resulting from the above rescissions, to the FY21 Willow Marsh Boardwalk Project (18362); and providing an effective date.

**EXPLANATION:** The State of Florida, Department of Environmental Protection, has awarded a Recreational Trails Grant in the amount of \$320,000 to the City of St. Petersburg ("City") to assist in the funding for the design, permitting, surveying, engineering, and renovation of a boardwalk located in the project area described in Exhibit A ("Project Area") at the Willow Marsh Trail on the west bank of Lake Maggiore within Boyd Hill Nature Preserve. An ordinance to accept this grant and dedicate the project area for recreational use as required by the grant documents is also on the June 10 City Council Meeting agenda. The total cost of the Willow Marsh Boardwalk Project is currently estimated to be \$560,000. Costs exceeding \$320,000 will be funded by the City. This resolution provides for the rescission of existing FY20 and FY21 capital funds and the appropriation of the rescinded funds to the FY21 Willow Marsh Boardwalk Project to cover the city's portion of the project (\$240,000).

**RECOMMENDATION:** Administration recommends approval of the attached resolution

**COST/FUNDING/ASSESSMENT INFORMATION:** Funding for the city portion (grant match) of the project will be available following the approval of the rescission of unencumbered appropriations in the Recreation and Culture Capital Improvement Fund (3029) in the amount of \$100,000 from the Preserve Imps FY20 Project (17225), \$100,000 from the Preserve Improvements FY21 Project (17952), and \$40,000 from the Park Facilities Imps FY21 Project (17950) and a supplemental appropriation in the amount of \$240,000 from the increase of the unappropriated balance of the Recreation and Culture Capital Improvement Fund (3029), resulting from the above rescissions, to the FY21 Willow Marsh Boardwalk Project (18362). The grant funding will be available after the approval of the ordinance at the June 10 City Council meeting.

**ATTACHMENTS:** Resolution

**APPROVALS:** Administration:   
Budget: 

Resolution No. \_\_\_\_\_

A RESOLUTION APPROVING THE RESCISSION OF UNENCUMBERED APPROPRIATIONS IN THE RECREATION AND CULTURE CAPITAL IMPROVEMENT FUND IN THE AMOUNT OF \$100,000 FROM THE PRESERVE IMPS FY20 PROJECT (17225), \$100,000 FROM THE PRESERVE IMPROVEMENTS FY21 PROJECT (17952), AND \$40,000 FROM THE PARK FACILITIES IMPS FY21 PROJECT (17950); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$240,000 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE RECREATION AND CULTURE CAPITAL IMPROVEMENT FUND (3029), RESULTING FROM THE ABOVE RESCISSIONS, TO THE FY21 WILLOW MARSH BOARDWALK PROJECT (18362); AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of St. Petersburg (“City”) applied for and was awarded a Recreational Trails Grant in the maximum reimbursement amount of \$320,000 (“Grant”) through the Florida Department of Environmental Protection for assistance in funding the design, permitting, surveying, engineering, and renovation of a boardwalk located at the Willow Marsh Trail on the west bank of Lake Maggiore within Boyd Hill Nature Preserve (the “Willow Marsh Boardwalk Project”); and

**WHEREAS**, the total cost of the Willow Marsh Boardwalk Project is currently estimated to be \$560,000; and

**WHEREAS**, the City is required to pay for project costs above the Grant amount of \$320,000; and

**WHEREAS**, additional funding of \$240,000 for the City’s estimated project costs has been identified in the Recreation and Culture Capital Improvement Fund (3029) in the Preserve Imps FY20 Project (17225), the Preserve Improvements FY21 Project (17952), and the Park Facilities Imps FY21 Project (17950).

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of St. Petersburg, Florida that unencumbered appropriations in the Recreation and Culture Capital Improvement Fund (3029) in the amount of \$100,000 from the Preserve Imps FY20 Project (17225), \$100,000 from the Preserve Improvements FY21 Project (17952), and \$40,000 from the Park Facilities Imps FY21 Project (17950) are hereby rescinded.

**BE IT FURTHER RESOLVED** that there is hereby approved from the unappropriated balance of the Recreation and Culture Capital Improvement Fund (3029), resulting from the above rescissions, the following supplemental appropriation for FY 2021:

Recreation and Culture Capital Improvements Fund (3029)  
FY21 Willow Marsh Boardwalk Project (18362)

\$240,000

This resolution shall become effective immediately upon its adoption.

Approvals:

Legal:   
00566756

Administration: 

Budget: 