

03 / 31 / 2015  
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FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
TITLE AND LAND RECORDS SECTION  
BOARD OF TRUSTEES LAND DATABASE SYSTEM  
WORKSHEET SHORT FORM (FOR INTERNAL DEP USE ONLY)

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WSMPRT02

FILE NUMBER: 0333315001  
WORKSHEET ID: 102121  
COUNTY: SARASOTA  
APPLICANT: CHIU CHENG  
COMPANY: FDEP BEACHES, INLETS AND PORTS  
SITE: LIDO KEY

TYPE OF ACTIVITY: BEACH NOURISHMENT

PROJECT LOCATION:	SECTION	TOWNSHIP	RANGE
	27	36S	17E
	34	36S	17E
	35	36S	17E
	2	37S	17E

AQUATIC PRESERVE: N/A

WATER BODY: GULF OF MEXICO

COMMENTS: AN EROSION CONTROL LINE WAS ESTABLISHED IN 2000 AT THE SITE. HOWEVER INFORMATION SUBMITTED INDICATES THAT THE MEAN HIGH WATER LINE HAS ERODED LANDWARD OF THE ECL AND ACCORDING TO SECTION 161.211(2) F.S. THE ECL SHALL CEASE TO BE OPERATIVE. THEREFORE, AN AMENDED ECL SHOULD BE ESTABLISHED AT THE MEAN HIGH WATER LINE RELOCATED BY SAID EROSION.

TO CHIU CHENG @ BEACHES  
DW 3/31/15



PREPARER: DONELLE J. WHITE  
DATE PREPARED: 03 / 31 / 2015

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NOTICE: THE CONCLUSIONS AND DETERMINATIONS SET FORTH IN THIS TITLE WORKSHEET ARE BASED ON A REVIEW OF THE RECORDS CURRENTLY AVAILABLE WITHIN THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AS SUPPLEMENTED, IN SOME CASES, BY INFORMATION FURNISHED BY THE REQUESTING PARTY. SINCE THE ACCURACY AND COMPLETENESS OF THE TITLE INFORMATION REVIEWED MAY VARY, THE CONCLUSIONS AND DETERMINATIONS SET FORTH HEREIN DO NOT CONSTITUTE A LEGAL OPINION OF TITLE AND SHOULD NOT BE RELIED ON AS SUCH.  
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History.—s. 6, ch. 70-276; s. 1, ch. 70-439; s. 3, ch. 79-233.

161.201 Preservation of common-law rights.—Any upland owner or lessee who by operation of ss. 161.141-161.211 ceases to be a holder of title to the mean high-water line shall, nonetheless, continue to be entitled to all common-law riparian rights except as otherwise provided in s. 161.191(2), including but not limited to rights of ingress, egress, view, boating, bathing, and fishing. In addition the state shall not allow any structure to be erected upon lands created, either naturally or artificially, seaward of any erosion control line fixed in accordance with the provisions of ss. 161.141-161.211, except such structures required for the prevention of erosion. Neither shall such use be permitted by the state as may be injurious to the person, business, or property of the upland owner or lessee; and the several municipalities, counties and special districts are authorized and directed to enforce this provision through the exercise of their respective police powers.

History.—s. 7, ch. 70-276.

161.211 Cancellation of resolution for nonperformance by board of trustees.—

- (1) If for any reason construction of the beach erosion control project authorized by the board of trustees is not commenced within 2 years from the date of the recording of the board of trustees' survey, as provided in s. 161.181, or in the event construction is commenced but halted for a period exceeding 6 months from commencement, then, upon receipt of a written petition signed by those owners or lessees of a majority of the lineal feet of riparian property which either abuts or would have abutted the erosion control line if the same had been located at the line of mean high water on the date the board of trustees' survey was recorded, the board of trustees shall forthwith cause to be canceled and vacated of record the resolution authorizing the beach erosion control project and the survey locating the erosion control line, and the erosion control line shall be null and void and of no further force or effect.
- (2) If the state, county, municipality, erosion control district, or other governmental agency charged with the responsibility of maintaining the protected beach fails to maintain the same and as a result thereof the shoreline gradually recedes to a point or points landward of the erosion control line as established herein, the provisions of s. 161.191(2) shall cease to be operative as to the affected upland.
- (3) In the event a substantial portion of the shoreline encompassed within the erosion control project recedes landward of the erosion control line, the board of trustees, on its own initiative, may direct or request, or, upon receipt of a written petition signed by the owners or lessees of a majority of the lineal feet of riparian property lying within the erosion control project, shall direct or request, the agency charged with the responsibility of maintaining the beach to restore the same to the extent provided for in the board of trustees' recorded survey. If the beach is not restored as directed or requested by the board of trustees within a period of 1 year

from the date of the directive or request, the board of trustees shall forthwith cause to be canceled and vacated of record the resolution authorizing the beach erosion control project and the survey locating the erosion control line, and the erosion control line shall be null and void and of no further force or effect.

History.—s. 8, ch. 70-276; s. 1, ch. 70-439; s. 3, ch. 79-233.