MEMORANDUM

DATE: September 24, 2010

TO: Charlie Hunsicker, Director, Natural Resources Department

THRU: Tedd N. Williams, Jr., County Attorney

FROM: William E. Clague, Deputy County Attorney

RE: TRANSFER OF OWNERSHIP OF PRIVATE AIDS TO NAVIGATION FROM PALMA SOLA YACHT CLUB TO MANATEE COUNTY CAO FILE: 1150-116; RLS-10-254

Pursuant to the above-referenced RLS you have asked whether there is any "issue or concern which would prevent the County from assuming ownership of" the channel currently marked by the Palma Sola Yacht Club with private aids to navigation. While there is no legal prohibition on the County taking ownership of this channel and establishing it as a publicly maintained and marked channel, you should recognize that doing so will impose some liability upon the County for the conditions in that channel. Accordingly, you should consider whether it meets reasonable safety standards, and whether the additional markers, which are prolific in Palma Sola Bay, will create inherent confusion for boaters attempting to use that channel. Such matters would be governed by the common law of sovereign immunity and navigational waterways.

This concludes our response to the RLS. Please do not hesitate to contact me if you have any comments or questions.

WEC/kjs

cc: Allan Lai Hipp, Marine Resources Coordinator, Natural Resources