

ITEM VII

MEMORANDUM MF NO. 25-01

DATE: January 8, 2025

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Marine Facilities and Parks Manager

RE: MAB Meeting - Dock Waiver of Distance Limitations – Nicholas J. & Sharon Dilorio / 1414 SE 12th Street #2C Slip 11

Attached for your review is a revised application from Nicholas J. & Sharon L. Dilorio / 1414 SE 12th Street #2C Slip 11.

APPLICATION AND BACKGROUND INFORMATION

At the November 12, 2024 MAB meeting, the applicant requested and received a recommendation of approval for an existing 31.5' +/- x 12' +/- floating vessel platform which extended a maximum of 36.4' +/- into the adjacent Cerro Gordo River. At the December 17, 2024 City Commission meeting, condominium association representation alleged that this platform extended beyond the 30% line. The alleged discrepancy was based upon the applicant's usage of a Google measurement tool as well as inconsistencies within the provided topographic survey. The applicant has resubmitted a plan which shortens the floating vessel platform by 20 inches, to ensure compliance with the 30% rule, based upon a site specific waterway width of +/-120'. The City Surveyor has confirmed this waterway width is accurate, as provided within attached 'Width of Cerro Gordo River Memorandum'. The distance this structure extends from the property line into waterway is shown in the survey and summarized in the Table below:

TABLE

EXISTING STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	AMOUNT OF DISTANCE REQUIRING WAIVER
Floating vessel Platform	+/-34.73'+/-	25'	+/-9.73'+/-

The City's Unified Land and Development Regulations (UDLR) Secs. 47-19.3.C limits the maximum distance of mooring structures to 25' or 25% of the width of the waterway, whichever is less. Section 47-19.3. E authorizes the City Commission to waive that limitation based on a finding of extraordinary circumstances. The applicant cites the floating vessel platform's positive environmental impact derived from the vessels' removal from the water. In addition, the platform's serves to reduce potential damage to the watercraft while docked.

PROPERTY LOCATION AND ZONING

The property is located in the Rio Vista Isles neighborhood where the Zoning is RML-25, Residential Multi Family Low Rise / Medium Density District. It is situated on the northern shore of the Cerro Gordo River where the width of the waterway to the adjacent shoreline has been established by the City Surveyor to be +/- 120 feet.

RECOMMENDATIONS

Should the Marine Advisory approve the application, the resolution under consideration by the City Commission should include at least the following as prescribed in the ULDR and City Code of Ordinances:

1. The applicant is required to comply with all applicable building and zoning regulations as well as any other Federal and State laws and permitting requirements including the Broward County Environmental Protection and Growth Management Department, the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers.

AC
Attachment

cc:
Enrique Sanchez, Deputy Director of Parks and Recreation

Nicholas J. & Sharon L. DiIorio

1414 Southeast 12th Street, #2C, Fort Lauderdale, Florida 33316

REVISED APPLICATION FOR WAIVER OF DISTANCE
LIMITATION FOR EXISTING
FLOATING VESSEL PLATFORM (FVP), AS MODIFIED

Nicholas J. & Sharon L. Dilorio

1414 Southeast 12th Street, #2C, Fort Lauderdale, Florida 33316

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Nicholas J. & Sharon L. Dilorio

1414 Southeast 12th Street, #2C, Fort Lauderdale, Florida 33316

APPLICATION

**CITY OF FORT LAUDERDALE
MARINE FACILITIES
APPLICATION FOR WATERWAY PERMITS, WAIVERS AND LICENSES**

Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, licenses, permits and approvals involving municipal docking facilities or private uses in the waterways as regulated by Section 8 of the City Code of Ordinances or Section 47-19.3 of the City's Urban Land Development Regulations, shall be preceded by the execution and filing of the following application form available at the Office of the Supervisor of Marine Facilities. The completed application must be presented with the applicable processing fee paid before the agreement is prepared or the application processed for formal consideration (see City of Fort Lauderdale Code Section 2-157). If legal publication is necessary, the applicant agrees to pay the cost of such publication in addition to the application fee.

**APPLICATION FORM
(Must be in Typewritten Form Only)**

1. LEGAL NAME OF APPLICANT - (If corporation, name and titles of officers as well as exact name of corporation. If individuals doing business under a fictitious name, correct names of individuals, not fictitious names, must be used. If individuals owning the property as a private residence, the name of each individual as listed on the recorded warranty deed):

NAME: Nicholas Joseph DiIorio and Sharon Lynn DiIorio

TELEPHONE NO: (707) 815-1000 N/A EMAIL: landplanco@aol.com
(home/cellular) (business)

2. APPLICANT'S ADDRESS (if different than the site address):

1248 Bags Blvd, Sonoma, CA 95476

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:

Request waiver of distance limitation for existing floating vessel platform (FVP)

4. SITE ADDRESS: 1414 Southeast 12 Street, #2C, Fort Lauderdale, FL 33316


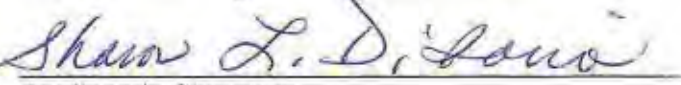
ZONING: RML-25 - Residential Multifamily Low Rise/Medium High Density

LEGAL DESCRIPTION HEMINGWAY LANDINGS CONDO BLDG 1 UNIT 2C (AKA 6) PER CDO
BK/PG: 46599/19

FOLIO NUMBER: 504214BF0060

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).

Proof of ownership documents and exhibits listed in Table of Contents



Applicant's Signature

Date January 06, 2025

=====

The sum of \$ _____ was paid by the above-named applicant on the _____ of _____,
20____ Received by: _____

City of Fort Lauderdale

=====For Official City Use Only=====

Marine Advisory Board Action

Formal Action taken on _____

Commission Action

Formal Action taken on _____

Recommendation _____

Action _____

Nicholas J. & Sharon L. Dilorio

1414 Southeast 12th Street, #2C, Fort Lauderdale, Florida 33316

NARRATIVE

NARRATIVE

Nicholas J. & Sharon L. DiIorio ("Applicant") file this Marine Advisory Board ("MAB") revised application for an after-the-fact distance waiver (of 9.73 feet), with respect to an existing and recently modified floating vessel platform ("FVP") owned by the Applicant.

The existing FVP received Broward County, Environmental Permitting Division, Environmental Resource General License, GL-FTL2201-040 and was installed in January 2022. The Applicant acquired the real property in April of 2023 with the subject FVP located within Applicant's assigned slip #11, in the Hemingway Landings Condominium marina located on the Cerro Gordo River along 1414 Southeast 12th Street, Fort Lauderdale, Florida 33316.

The City of Fort Lauderdale issued violation of Sec. 47-19.3(c) of the ULDC. With respect to Section 47-19.3(c), the City claims: "There is a floating dock that extends beyond twenty-five (25) feet into the waterway when measured from the recorded property line."

The Applicant has disputed the City of Fort Lauderdale Code Compliance, Citation CE24050303, issued May 09, 2024. Applicant contends the FVP qualified for an Exemption per FL Statute 403.813(1)(s), however the City has questioned the applicability of the Exemption. Rather than pursuing enforcement proceedings or litigating, the city offered to support the Applicant's MAB application for an after-the-fact distance waiver.

A distance waiver request was presented to and approved by the MAB on November 12, 2024. Prior to City Commission hearing on December 17, 2024, it was alleged that the FVP may encroach beyond 30% of the width of the waterway as measured from property line to property line as City ULDR code provides. City Commission deferred action on December 17, 2024 and required Applicant return to MAB for review, prior to hearing by City Commission.

Applicant has modified the FVP to shorten overall length by 20 inches (1.67 feet) to extend 34.73 feet from property line, reducing the amount of distance requiring waiver to 9.73 feet. The FVP as modified, will not encroach beyond 30% of the width of the waterway as measured from property line to property line.

Waterway width has been established as 120 feet as measured from property line to property line.

This distance waiver is justified due to the extraordinary circumstances for the following reasons:

1. The Applicant's FVP is not extending into the waterway as to create a "navigational hazard". FVP as modified, extends 34.73 feet from property line and is within 30% of the width of the waterway.
2. FVP has a positive environmental impact derived from removing vessel from the water. FVPs are environmentally friendly products that secure boats out of the water while docked. In addition to protecting watercraft and reducing the potential for damage to watercraft while docked, floating vessel platforms keep bottom paints out of Florida's waters and reduce the possibility of pollution incidents from watercraft while they are docked on floating vessel platforms.
3. The FVP was originally permitted and installed per the FL Statutes 403.813(1)(s) Exemption being applicable, with the FVP installed in reliance upon, in good faith and with no malice or intent to violate City ordinances or zoning requirements.

4. Due to the extraordinary width of the waterway at this location, determined by City of Fort Lauderdale Surveyor Michael Donaldson, Surveyor and Mapper (License# LS6490), referencing recorded deeds / plats attached as pages 15 & 16, being 120 feet from property line to property line, noted in his December 19, 2024 email to Asst. City Attorney Robert Dunckel.

On Dec 19, 2024, at 2:34 PM, Michael Donaldson
<MDonaldson@fortlauderdale.gov> wrote:

Per the plats 9/1 and 32/37 the width is 120'. The survey seems to show the 118' from face of seawalls, not wet face.

The FVP as modified does not impede navigation within the Cerro Gordo River.

Applicant requests the support of the Marine Advisory Board and the approval of the distance waiver revised application.

Nicholas J. & Sharon L. DiIorio

1414 Southeast 12th Street, #2C, Fort Lauderdale, Florida 33316

PROOF OF OWNERSHIP



MARTY KIAR
BROWARD
 COUNTY
 PROPERTY APPRAISER

Site Address	1414 SE 12 STREET #2C, FORT LAUDERDALE FL 33316	ID #	5042 14 BF 0060
Property Owner	DIIORIO, NICHOLAS JOSEPH DIIORIO, SHARON LYNN	Millage	0312
Mailing Address	1248 BAGS BLVD SONOMA CA 95476	Use	04
Abbr Legal Description	HEMINGWAY LANDINGS CONDO BLDG 1 UNIT 2C (AKA 6) PER CDO BK/PG: 46599/19		

The just values displayed below were set in compliance with Sec. 193.011, Fla. Stat., and include a reduction for costs of sale and other adjustments required by Sec. 193.011(8).

* 2024 values are considered "working values" and are subject to change.

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2024*	\$135,000	\$1,215,000	\$1,350,000	\$1,350,000	
2023	\$117,000	\$1,053,000	\$1,170,000	\$1,170,000	\$22,491.50
2022	\$83,680	\$753,150	\$836,830	\$708,490	\$12,797.80

2024* Exemptions and Taxable Values by Taxing Authority

	County	School Board	Municipal	Independent
Just Value	\$1,350,000	\$1,350,000	\$1,350,000	\$1,350,000
Portability	0	0	0	0
Assessed/SOH	\$1,350,000	\$1,350,000	\$1,350,000	\$1,350,000
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$1,350,000	\$1,350,000	\$1,350,000	\$1,350,000

Sales History				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type
4/17/2023	WD-Q	\$1,500,000	118802327			
1/11/2022	WD-Q	\$1,300,000	117863526			
2/7/2013	SWD-Q	\$775,000	111372194			
11/16/2011	QC*-T	\$100	48322 / 575			
11/17/2011	SW*-D	\$10,000,000	48322 / 570			
				Adj. Bldg. S.F.		2107
				Units/Beds/Baths		1/2/2.5
				Eff./Act. Year Built: 2010/2009		

* Denotes Multi-Parcel Sale (See Deed)

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F2		
R								
1						2036		

Prepared by:
Taryn Wise
Attorney at Law
Levinson, Gritter & Wise, LLP
200 S. Andrews Ave. Suite 903
Fort Lauderdale, FL 33301
954-548-3351
File Number: 23-1027

Return to:
Mark Allsworth, Esq.
Doumar, Allsworth, Laystrom, Voigt,
Wachs, Adair & Dishowitz, LLP
1177 SE 3rd Ave
Ft. Lauderdale, FL 33316

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 17th day of April, 2023 between **Michael J. Morse and Robyn Morse, husband and wife** whose post office address is **3428 Riverside Drive, Saugatuck, MI 49453**, grantor, and **Nicholas Joseph DiIorio and Sharon Lynn DiIorio, husband and wife** whose post office address is **1248 Bags Blvd, Sonoma, CA 95476**, grantee;

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Broward County, Florida** to-wit:

Unit No. 1-2C, Building 1414 of HEMINGWAY LANDINGS, a Condominium, according to the Declaration of Condominium recorded in O.R. Book 46599, Page 19, and all exhibits and amendments thereof, Public Records of Broward County, Florida, together with an undivided interest in the common elements appurtenant thereto.

Parcel Identification Number: 5042 14 BF 0060

Subject to taxes for 2023 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

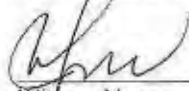
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

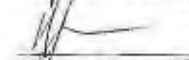
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2022**.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:



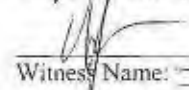
Witness Name: MARY JO CHOW



Witness Name: Taryn Wise



Witness Name: MARY JO CHOW



Witness Name: Taryn Wise



Michael J. Morse

(Seal)



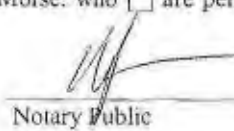
Robyn Morse

(Seal)

State of Florida
County of Broward

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14 day of April, 2023 by Michael J. Morse and Robyn Morse, who ☐ are personally known or ☒ have produced a driver's license as identification.

[Notary Seal]



Notary Public

Printed Name: _____

My Commission Expires: _____

OXYGEN ASSOCIATION
SERVICES, INC.
361 East Hillsboro Blvd.
Deerfield Beach, FL 33441

Telephone: (561) 999-9701 Fax: (561) 999-9703

CERTIFICATE OF APPROVAL FOR PURCHASE APPLICANTS

This is to certify that: NICHOLAS JOSEPH DIORIO & SHARON LYNN DIORIO

Has been approved by LINDA DANOFF
as the purchaser of the following address:

1414 SE 12th STREET # 2C, FORT LAUDERDALE, FL 33316

Such approval has been given pursuant to the Declaration of Covenants &
Restrictions, on the 30th of MARCH, 2023.

 4/11/23
Signature of Authorized Agent

LINDA DANOFF

Printed name of Authorized Agent

SECRETARY

Title

Nicholas J. & Sharon L. DiIorio

1414 Southeast 12th Street, #2C, Fort Lauderdale, Florida 33316

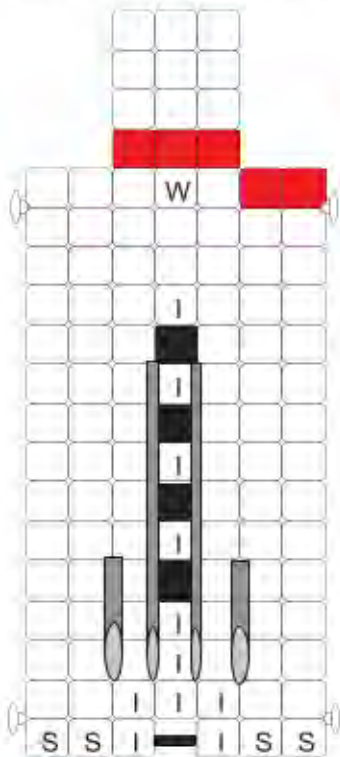
FVP MODIFICATIONS & SITE CONDITIONS



Custom Reconfiguration for
Nicholas Diiorio

CURRENT FVP

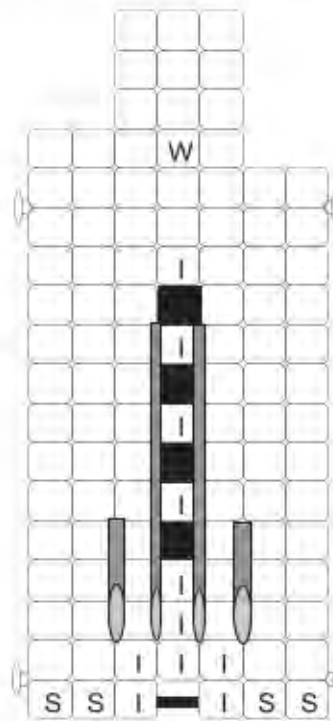
36.4 feet from property line

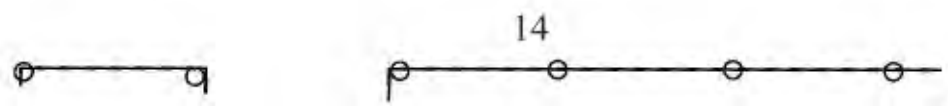
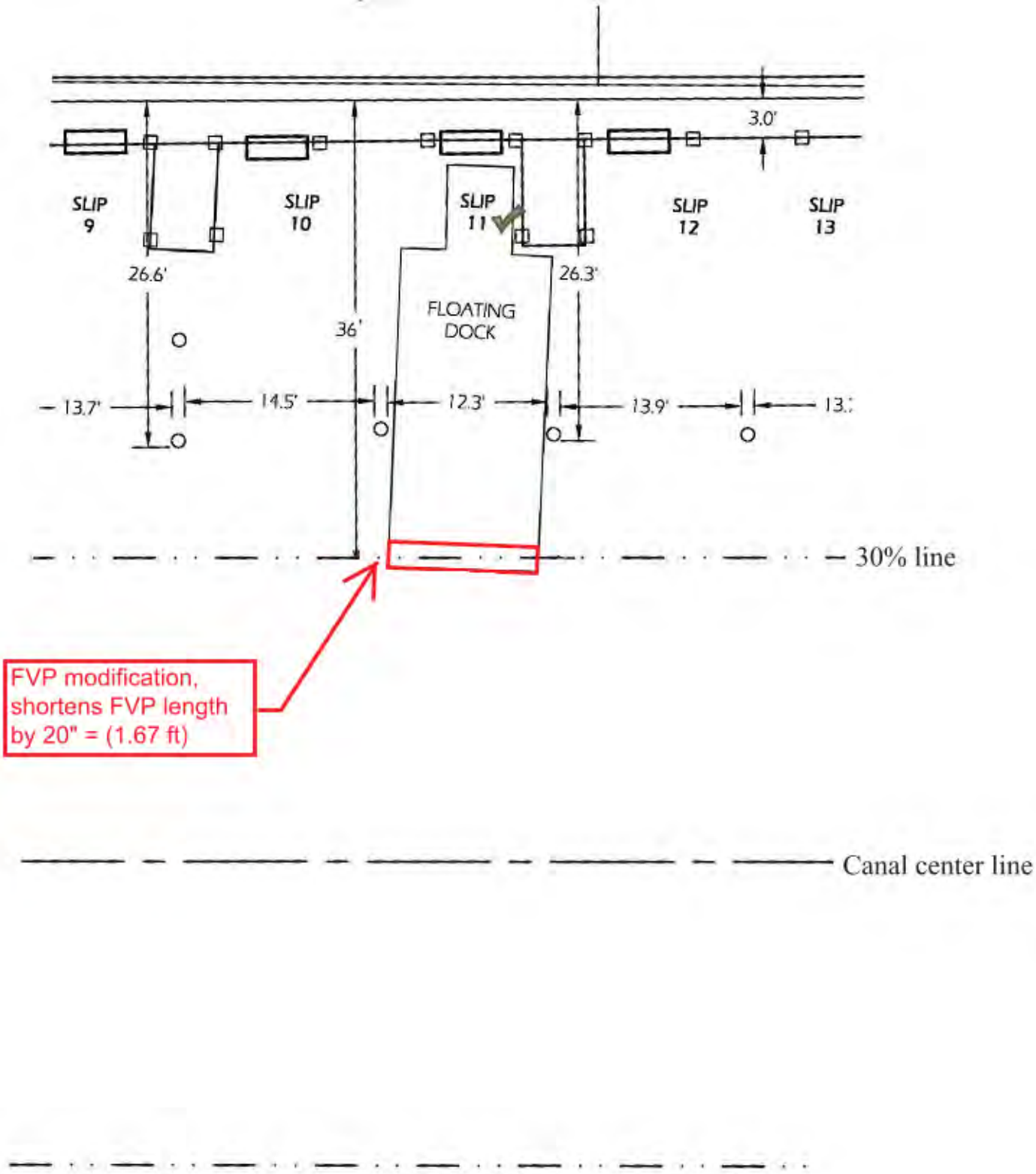


■ Cubes to be removed

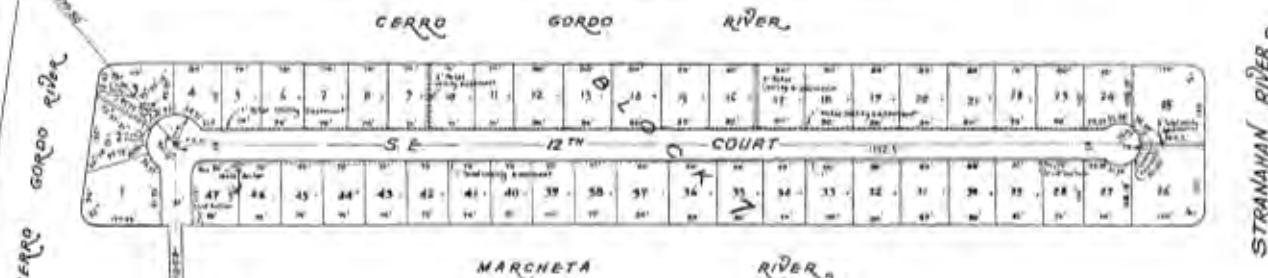
MODIFIED FVP

34.73 feet from property line

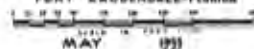




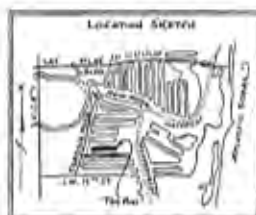
BLOCK 10 - LAUDERDALE HARBORS



BLOCK 8 - LAUDERDALE HARBORS RESUBDIVISION

A RESUBDIVISION OF BLOCKS 11 TO 14 INCL.
"SECTION A" LAUDERDALE HARBORSSEC. 14, TWP. 50 S., RGE. 42 E.
FORT LAUDERDALE - BROWARD COUNTY - FLORIDA.J.W. McLAUGHLIN, CIVIL ENGINEER
FORT LAUDERDALE - FLORIDA

DESCRIPTION

BLOCKS 11 TO 14, INCLUSIVE,
OF "SECTION A", LAUDERDALE
HARBORS, ACCORDING TO THE
PLAT THEREOF, RECORDED IN
PLAT BOOK 9, PAGE 1, OF THE
PUBLIC RECORDS OF BROWARD
COUNTY, FLORIDA.STATE OF FLORIDA,)
COUNTY OF BROWARD) ssThis is to certify that this Plat has been approved and accepted for record
by the City Commission, of the City of Fort Lauderdale, Florida, in, and by
Ordinance, N° 26,257, adopted by said City Commission, on the 22nd day of July, 1953.IN WITNESS WHEREOF, the said City Commission, has caused these presents
to be attested by its Auditor and Clerk, and the corporate seal of said city to be
here affixed this 22nd day of July, 1953.

E. Marshall
CITY AUDITOR AND CLERK
STATE OF FLORIDA,)
COUNTY OF BROWARD) ssI HEREBY CERTIFY that this Plat complies with the provisions of "AN ACT TO
REGULATE THE MAKING OF SURVEYS AND FILING FOR RECORD OF MAPS AND
PLATS IN THE STATE OF FLORIDA", approved by the Governor, June 11th, 1929.

Ted Cabot
CLERK OF THE CIRCUIT COURT

Dorothy Adams
DEPUTY CLERK
This instrument, filed for Record this 21 day of AUG, 1953, and
recorded in Book 32, of Plats at Page 37, RECORD VERIFIED.

Ted Cabot
CLERK OF THE CIRCUIT COURT

Dorothy Adams
DEPUTY CLERK
STATE OF FLORIDA,)
COUNTY OF BROWARD) ssI HEREBY CERTIFY that this Plat is a true and correct representation of a
Survey made by me and that Permanent Reference Monuments have been set as
indicated.

Dated at Fort Lauderdale, Florida, this 22nd day of July, 1953.

J.W. McLaughlin
REGISTERED ENGINEER IN THE
REGISTERED LAND SURVEYOR
STATE OF FLORIDA
KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned as officers
of Lauderdale Harbors Inc., a Florida Corporation, owners of the lands shown
and included on this Plat have caused said lands to be subdivided and
platted as shown hereon. All previous Plats of said lands are
hereby voided, annulled, cancelled and superseded by this Plat.WE, the undersigned hereby dedicate, to the perpetual use of the
public for the proper uses thereof, all thoroughfares shown on this Plat.IN WITNESS WHEREOF: We have hereunto set our hands and official seals
WITNESSES:

Audrey J. Wilford

Dorothy Adams

J.W. McLaughlin
REGISTERED ENGINEER IN THE
REGISTERED LAND SURVEYOR
STATE OF FLORIDA
STATE OF FLORIDA,)
COUNTY OF BROWARD) ssI HEREBY CERTIFY: That on this day personally appeared before me, an
officer duly authorized to administer oaths and take acknowledgements, ISABEL
MILLER, and GEORGE W. GILL, Jr., Vice President and Secretary of Lauderdale Harbors, Inc.,
and they acknowledged before me that they executed the foregoing dedication
as such officers of said Corporation, in the name of said Corporation.WITNESS: My hand and official seal at Fort Lauderdale, Broward County,
Florida, this 22nd day of July, 1953.

Dorothy Adams
NOTARY PUBLIC - STATE OF FLORIDA
MY COMMISSION EXPIRES 7th 12, 1957
This is to certify that the CITY PLANNING BOARD of Fort Lauderdale, Florida,
approved and accepted this Plat by Resolution, adopted this ___ day of ___ 1953.

SECRETARY

Approved for Record:

J.W. McLaughlin
REGISTERED ENGINEER
COUNTY ENGINEER

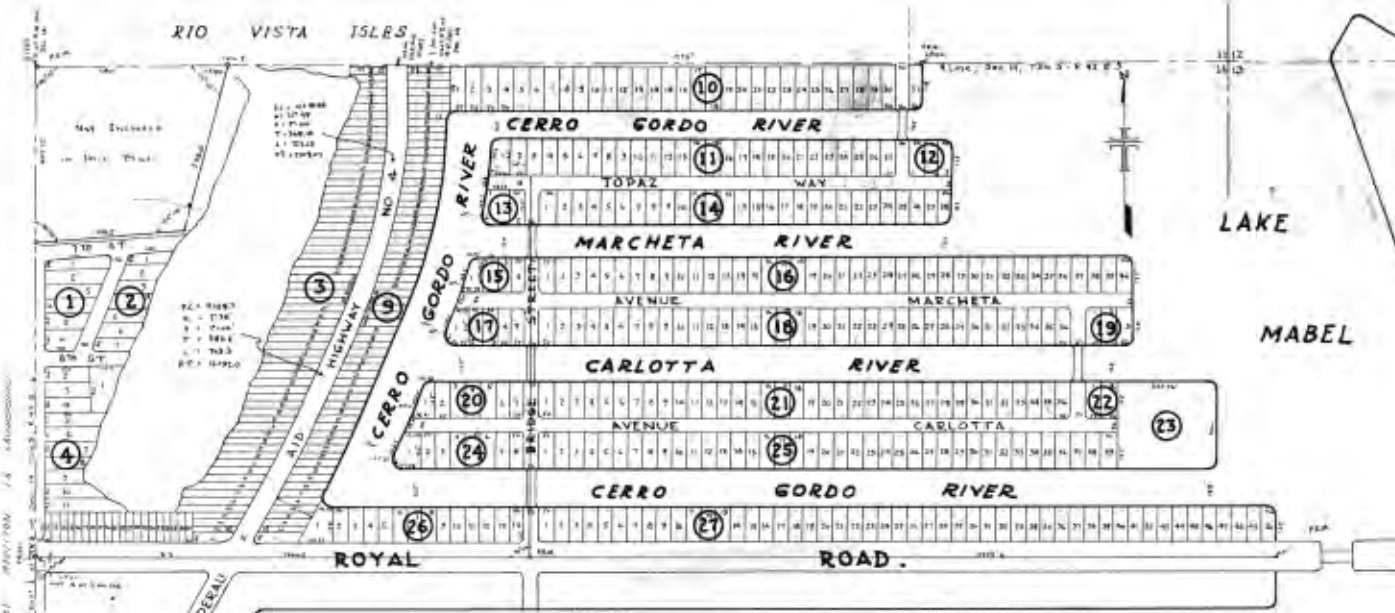
Approved for Record:

Dorothy Adams
CITY ENGINEER

9-1

6044's

For Revision of Plat
see Case 124 624 Page 213 + 217



SECTION A **LAUDERDALE HARBORS**

FORT LAUDERDALE - BROWARD COUNTY, FLA.

for
LAUDERDALE HARBORS, INC.

DEVELOPERS

J.G. RAKOWSKY - RES. ENGR.
SCALE: 1" = 200 FEET

THESE PLATS, AND ALL OTHERS HEREIN, ARE THE PROPERTY OF LAUDERDALE HARBORS, INC., A CORPORATION OF THE STATE OF FLORIDA, AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF SAID CORPORATION. ANY VIOLATION OF THIS NOTICE SHALL BE CONSIDERED A VIOLATION OF THE LAWS OF THE STATE OF FLORIDA AND SHALL BE PUNISHED AS SUCH.

W. J. RAKOWSKY
WITNESSES
W. J. RAKOWSKY
W. J. RAKOWSKY

STATE OF FLORIDA
COUNTY OF BROWARD
I, J.G. RAKOWSKY, RESIDENT OF SAID COUNTY, DO HEREBY CERTIFY THAT THE ABOVE PLAT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE SAME IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SURFACE OF THE LAND DESCRIBED THEREIN, AND THAT THE SAME IS IN ACCORDANCE WITH THE LAWS OF THE STATE OF FLORIDA AND THE ORDINANCES OF SAID COUNTY.

J.G. RAKOWSKY
J.G. RAKOWSKY, RESIDENT OF SAID COUNTY, DO HEREBY CERTIFY THAT THE ABOVE PLAT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE SAME IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SURFACE OF THE LAND DESCRIBED THEREIN, AND THAT THE SAME IS IN ACCORDANCE WITH THE LAWS OF THE STATE OF FLORIDA AND THE ORDINANCES OF SAID COUNTY.

I, JAMES L. LAMON, City Clerk, do hereby certify that the attached plat was approved and accepted for record at a regular meeting of the City Commission held on the 29 day of September, A.D. 1955. Witness my hand and seal of the City of Fort Lauderdale, Florida, this 29 day of September, A.D. 1955.

James L. Lamon
JAMES L. LAMON, CITY CLERK



STATE OF FLORIDA
COUNTY OF BROWARD
I, J.G. RAKOWSKY, RESIDENT OF SAID COUNTY, DO HEREBY CERTIFY THAT THE ABOVE PLAT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE SAME IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SURFACE OF THE LAND DESCRIBED THEREIN, AND THAT THE SAME IS IN ACCORDANCE WITH THE LAWS OF THE STATE OF FLORIDA AND THE ORDINANCES OF SAID COUNTY.

J.G. RAKOWSKY
J.G. RAKOWSKY, RESIDENT OF SAID COUNTY, DO HEREBY CERTIFY THAT THE ABOVE PLAT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE SAME IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SURFACE OF THE LAND DESCRIBED THEREIN, AND THAT THE SAME IS IN ACCORDANCE WITH THE LAWS OF THE STATE OF FLORIDA AND THE ORDINANCES OF SAID COUNTY.

STATE OF FLORIDA
COUNTY OF BROWARD
I, J.G. RAKOWSKY, RESIDENT OF SAID COUNTY, DO HEREBY CERTIFY THAT THE ABOVE PLAT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE SAME IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SURFACE OF THE LAND DESCRIBED THEREIN, AND THAT THE SAME IS IN ACCORDANCE WITH THE LAWS OF THE STATE OF FLORIDA AND THE ORDINANCES OF SAID COUNTY.

J.G. RAKOWSKY
J.G. RAKOWSKY, RESIDENT OF SAID COUNTY, DO HEREBY CERTIFY THAT THE ABOVE PLAT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE SAME IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SURFACE OF THE LAND DESCRIBED THEREIN, AND THAT THE SAME IS IN ACCORDANCE WITH THE LAWS OF THE STATE OF FLORIDA AND THE ORDINANCES OF SAID COUNTY.

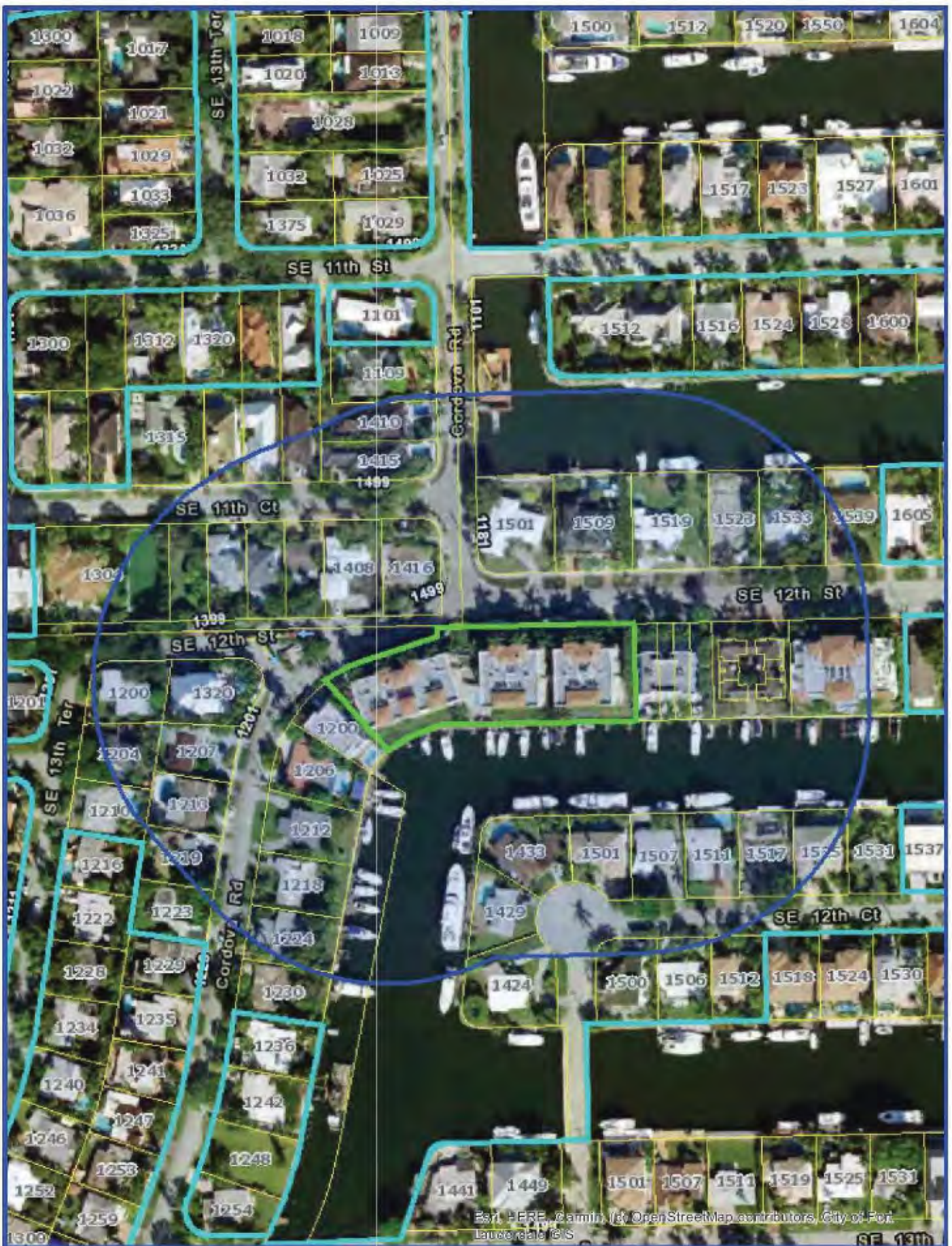
STATE OF FLORIDA
COUNTY OF BROWARD
I, J.G. RAKOWSKY, RESIDENT OF SAID COUNTY, DO HEREBY CERTIFY THAT THE ABOVE PLAT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE SAME IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SURFACE OF THE LAND DESCRIBED THEREIN, AND THAT THE SAME IS IN ACCORDANCE WITH THE LAWS OF THE STATE OF FLORIDA AND THE ORDINANCES OF SAID COUNTY.

J.G. RAKOWSKY
J.G. RAKOWSKY, RESIDENT OF SAID COUNTY, DO HEREBY CERTIFY THAT THE ABOVE PLAT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE SAME IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SURFACE OF THE LAND DESCRIBED THEREIN, AND THAT THE SAME IS IN ACCORDANCE WITH THE LAWS OF THE STATE OF FLORIDA AND THE ORDINANCES OF SAID COUNTY.

Nicholas J. & Sharon L. Dilorio

1414 Southeast 12 Street, #2C, Fort Lauderdale, Florida 33316

ZONING AERIAL



CITY OF FORT LAUDERDALE

Map Created by GIS Mailer

1414 SE 12 Street, #2C



0 90 180 Feet

GIS
Fort Lauderdale

CAM #25-0179

Exhibit on: 8/21/2024

Page 22 of 29

Nicholas J. & Sharon L. Dilorio

1414 Southeast 12th Street, #2C, Fort Lauderdale, Florida 33316

SITE PHOTOGRAPHS





FVP prior to modification

MEMORANDUM

TO: Robert B. Dunckel, Asst. City Attorney
FROM: Michael Donaldson, City Surveyor
DATE: January 23, 2025
SUBJECT: Width of Cerro Gordo River abutting Hemingway Landings Condominium as measured from property line as opposed to waterway width

You have requested that I determine the width of the Cerro Gordo River measured from the property line as opposed to the physical waterway width.

To that end you have advised me that ULDR 47-19.3 (c) provides that

Mooring structures, not including mooring or dolphin piles, shall not extend into the waterway more than twenty-five (25) per cent of the width of the waterway or twenty-five (25) feet, whichever is less as **measured from the property line**.

Further, pursuant to ULDR 47-19.3 (e) a waiver from the provisions of ULDR 47-19.3 (c) may be granted by the City Commission upon a demonstration of *extraordinary circumstances*. However, 47-19.3 (e) contains a further limitation:

In no event shall the extension exceed thirty (30) percent of the width of the waterway and no variance may be approved by the Board of Adjustment or other agency permitting an extension beyond thirty percent (30%) limitation.

You further advised that an issue arose at the 12.17.24 Commission meeting concerning a property at Hemingway Landings Condominium, where a waiver was sought as to a floating vessel platform ("fvp") that extended more than 30% of the width of the waterway. An uncertified Topographic Survey was referenced in that matter which showed the width of the waterway to be "118' physical width of waterway."

It is my conclusion, based on the following analysis that the width of the Cerro Gordon River appearing on the face of the Plat "Section A Lauderdale Harbors" PB 9/1 is 120 feet measured from the property line as required by ULDR 47-19.3, as opposed to the waterway width, based on the following analysis:

Hemingway Landing Condominium lies within Block 10, "Section A Lauderdale Harbors" according to the Plat thereof, as recorded in Plat Book 9, page 1, of the Public Records of Broward County, Florida. The Cerro Gordo River lies between blocks 10 and 11 of said Plat and has a platted width of 105 feet. Blocks 11-14, being adjacent to the south line of said canal, were re-platted to Block 7, "A Resubdivision of Blocks 11 to 14 incl. Section A Lauderdale Harbors" according to the plat thereof, as recorded in Plat Book 32, Page 37, of the Public Records of Broward County, Florida.

The lot lengths for the original Block 11 (PB 9, PG. 1) was 125 feet. The replat of Blocks 11-14 (PB 32, PG. 37) has the lot lengths as 110 feet, a 15-foot reduction. The lots reduced by the 15 feet adjacent to the Cerro Gordo River increased the width of said canal by 15 feet making the new

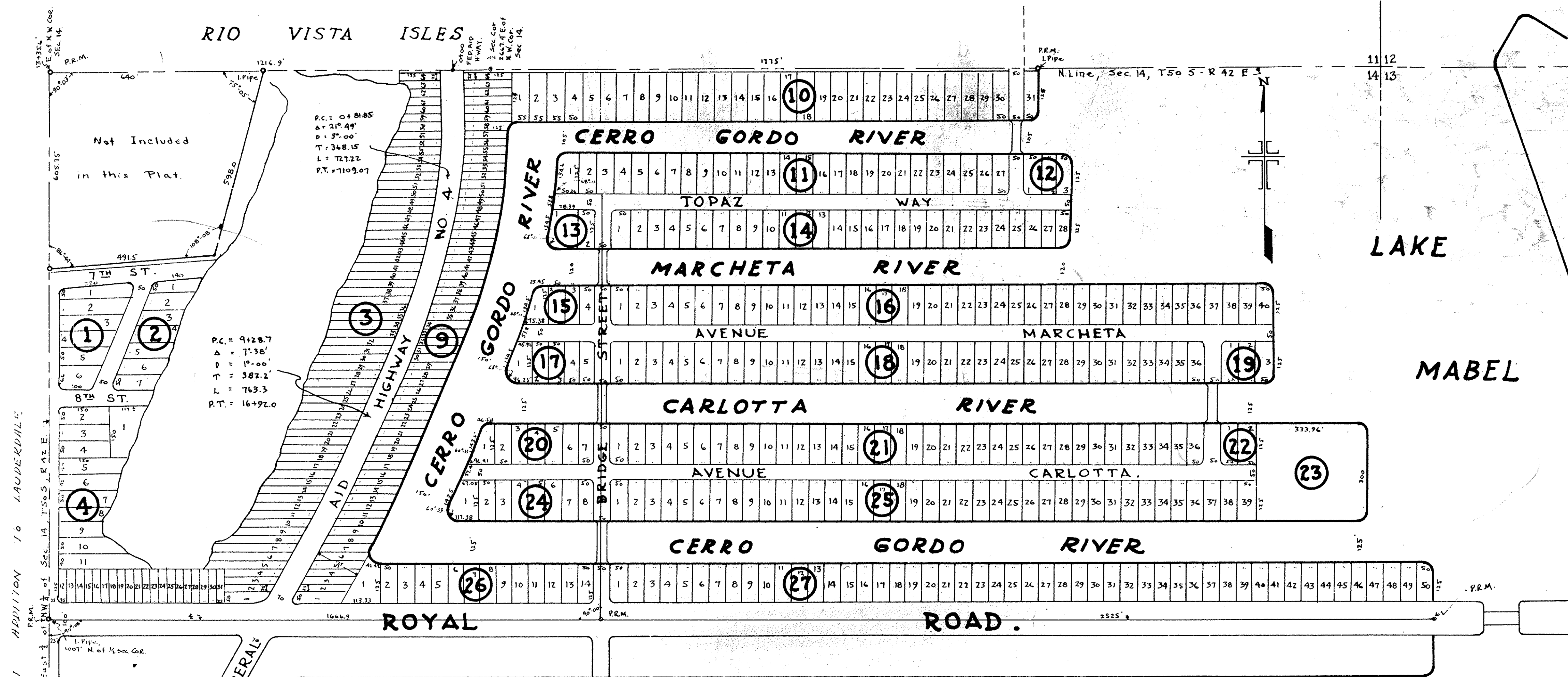
total width of the Cerro Gordo River to 120 feet, measured from the property line as opposed to the waterway width.

Attachments:

- Plat of Section A, Lauderdale Harbors, PB 9/1
- Plat of "A Resubdivision of Blocks 11 to 14 incl. 'Section A' Lauderdale Harbors, PB 32/37

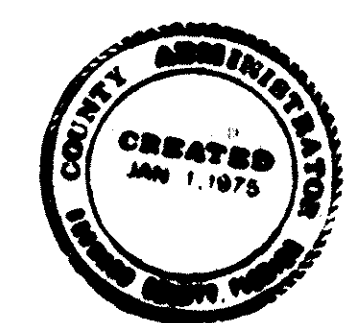
66496

For Revocation of Plat
see Weil Pl. 224 pages 215 + 217.

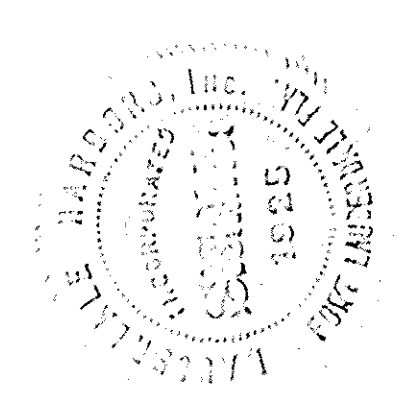


SECTION A
LAUDERDALE HARBORS
FORT LAUDERDALE - BROWARD COUNTY, FLA.
for
LAUDERDALE HARBORS, INC.
DEVELOPERS
J.G. RAKOWSKY - RES. ENGR.
SCALE: 1" = 200 FEET.

I, JASPER LAWSON, City Clerk, do hereby certify that the attached plat was approved and accepted for record at a regular meeting of the City Commissioners of City of FORT LAUDERDALE, FLORIDA, held on the 29 day of September, A.D. 1925.
Witness my hand and seal this 29 day of September, A.D. 1925
Jasper Lawson
CITY CLERK.

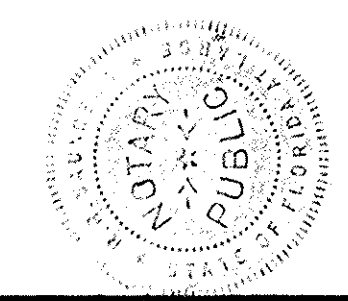


KNOW ALL MEN BY THESE PRESENTS - That 'Lauderdale Harbors, Inc.', a Florida Corporation, has caused the above described land shown on the annexed plat as being in Sections 14 and 13, T.50 S., R.42 E., to be surveyed, subdivided and plotted under the name of SECTION A, LAUDERDALE HARBORS, and said corporation does hereby dedicate to the public in fee simple forever all streets, parks and highways, as shown thereon.
In testimony whereof 'LAUDERDALE HARBORS, INC.' has caused these presents to be executed, in its corporate name, and its corporate seal attached hereto by and with the authority of the Board of Directors of said corporation, this 25th day of August, A.D. 1925.
C. C. Chaney
SECRETARY
W. F. McManis
PRESIDENT.



WITNESSES
C. C. Chaney
W. F. McManis
State of Florida, Broward County.
I, J. F. Chaston, County Engineer, do hereby certify that the making and filing of maps of maps and plots in the State of Florida approved by the State Engineer on the 11th day of June, A.D. 1925.
Witness my hand and official seal this 24 day of October, 1925.
J. F. Chaston
County Engineer.
Approved 10/23/25
J. F. Chaston
County Engineer.

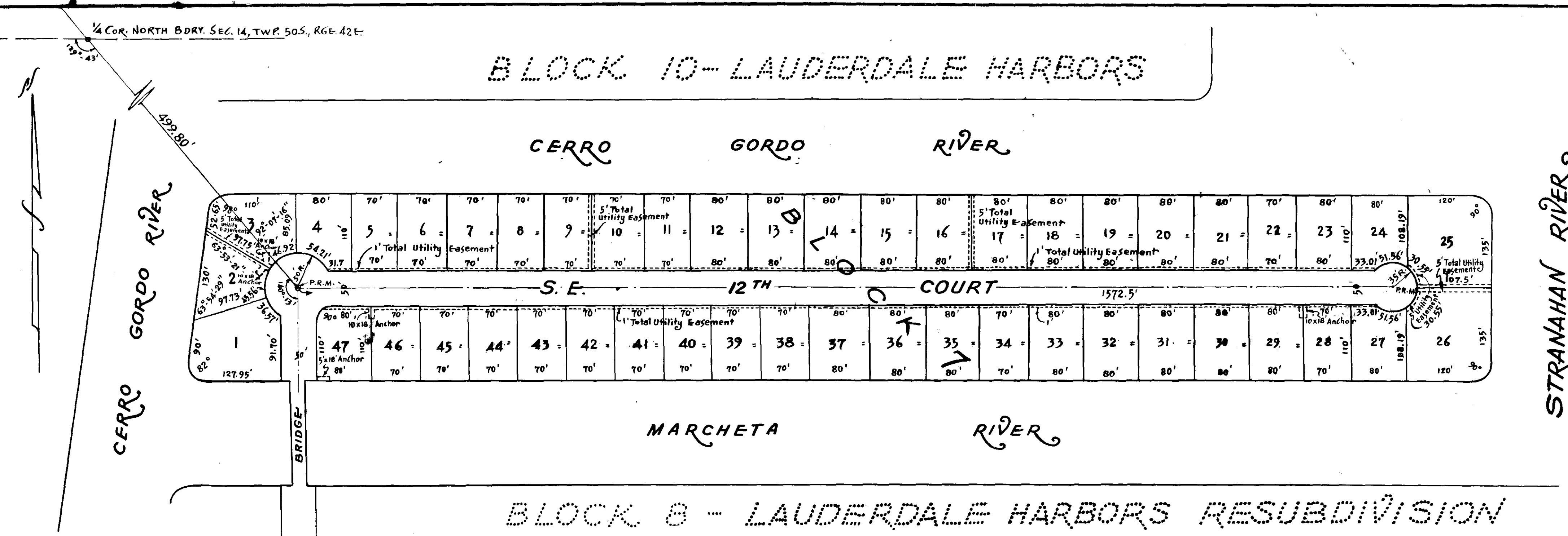
STATE OF FLORIDA,
COUNTY OF BROWARD.
I, the undersigned authority, do hereby certify that on this 25th day of August, A.D. 1925, personally appeared before me *W. F. McManis*, President, and *C. C. Chaney*, Secretary, officers of LAUDERDALE HARBORS, INC., a Florida corporation, and they each of them acknowledged to me the foregoing dedication by and with the authority of the Board of Directors of said corporation and they also acknowledged that the attached seal is the seal of said corporation and was affixed by and with the authority of said Board of Directors.
In witness whereof, I have hereunto set my hand and seal the day and year first written above.
W. F. McManis
NOTARY PUBLIC, STATE OF FLA. at large.
MY COMMISSION EXPIRES AUGUST 17, 1929.



STATE OF FLORIDA,
COUNTY OF BROWARD.
I hereby certify that I have surveyed and plotted the North 1679 feet of the N.E. 1/4 of Sec. 14, T.50 S., R.42 E., and the North 179 feet of the East 1/2 of the N.W. 1/4 of Sec. 14, T.50 S., R.42 E., and that portion of the N.W. 1/4 of Sec. 13, T.50 S., R.42 E., lying North of a point 1007 feet North of the South line of said N.W. 1/4 of Sec. 13, T.50 S., R.42 E., and West of Lake Mabel, in the manner shown hereon, that permanent reference monuments have been established at the location shown and that the dimensions shown on said plat are correct to the best of my knowledge and belief.
IN WITNESS WHEREOF, I have hereunto set my hand and seal this 19 day of Oct. A.D. 1925.
J. R. Reynolds
RES. CIVIL ENGINEER.

STATE OF FLORIDA,
COUNTY OF BROWARD.
This instrument filed for record on the 24 day of Oct. 1925 and recorded in Book 9, Page 1.
RECORD FURNISHED.
FRANK A. BRYAN
County Clerk.
By *M. L. Garrison*
CLK. 1915

STATE OF FLORIDA
COUNTY OF BROWARD
I HEREBY CERTIFY that this is a true and correct copy of a map or plat as the same appears of record in Plat Book 9 at Page 1 of the public record of Broward County Florida. WITNESS my hand and official seal in the City of Fort Lauderdale, FL this 1st day of Oct. A.D. 1927.
A. MESTER, County Administrator
By *Carry Miller* ac.



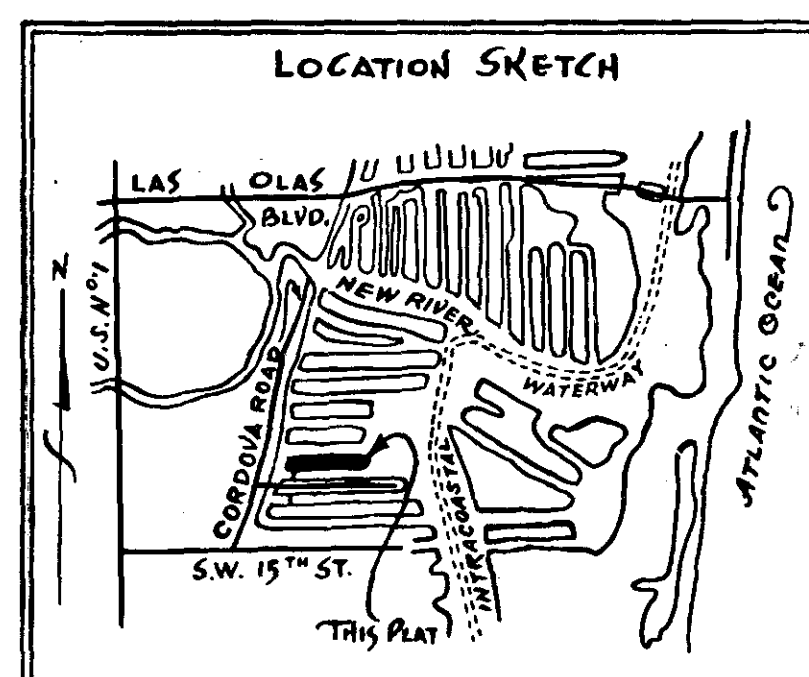
A RESUBDIVISION OF BLOCKS 11 TO 14 INCL. "SECTION A" LAUDERDALE HARBORS

SEC. 14, TWP. 50 S., RGE. 42 E.
FORT LAUDERDALE - BROWARD COUNTY - FLORIDA

J.W. McLAUGHLIN CIVIL ENGINEER
FORT LAUDERDALE - FLORIDA
SCALE IN FEET 1"=100'
MAY 1953

DESCRIPTION

BLOCKS 11 TO 14, INCLUSIVE,
OF "SECTION A", LAUDERDALE
HARBORS, ACCORDING TO THE
PLAT THEREOF, RECORDED IN
PLAT BOOK 9, PAGE 1, OF THE
PUBLIC RECORDS OF BROWARD
COUNTY, FLORIDA.



STATE OF FLORIDA } SS
COUNTY OF BROWARD }

This is to certify that this Plat has been approved and accepted for record by the City Commission of the City of Fort Lauderdale, Florida, in and by Ordinance No. 26-947 adopted by said City Commission on the 25th day of JULY, 1953.

IN WITNESS WHEREOF: the said City Commission has caused these presents to be attested by its Auditor and Clerk and the corporate seal of said city to be here affixed this 2nd day of JULY, 1953.

St. Marshall
CITY AUDITOR AND CLERK

STATE OF FLORIDA } SS
COUNTY OF BROWARD }

I HEREBY CERTIFY: that this Plat complies with the provisions of "AN ACT TO REGULATE THE MAKING OF SURVEYS AND FILING FOR RECORD OF MAPS AND PLATS IN THE STATE OF FLORIDA", approved by the Governor, June 11th, 1925.

Ted Cabot
CLERK OF THE CIRCUIT COURT
By: *Berachy Adams*
DEPUTY CLERK

This instrument filed for Record this 31 day of AUG., 1953, and recorded in Book 32, of Plats at Page 37, RECORD VERIFIED.

Ted Cabot
CLERK OF THE CIRCUIT COURT
By: *Berachy Adams*
DEPUTY CLERK

STATE OF FLORIDA } SS
COUNTY OF BROWARD }

I HEREBY CERTIFY: that this Plat is a true and correct representation of a Survey made by me and that Permanent Reference Monuments have been set as indicated.

Dated at Fort Lauderdale, Florida, this 2nd day of JULY, 1953.

J.W. McLaughlin
REGISTERED ENGINEER No. 1713
REGISTERED LAND SURVEYOR No. 467
STATE OF FLORIDA

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned as officers of Lauderdale Harbors Inc., a Florida Corporation, owners of the lands shown and included on this Plat have caused said lands to be subdivided and platted as shown hereon. All previous Plats of said lands are hereby voided, annulled, cancelled and superseded by this Plat.

WE, the undersigned hereby dedicate to the perpetual use of the public for the proper uses thereof, all thoroughfares shown on this Plat.

IN WITNESS WHEREOF: We have hereunto set our hands and affixed our seals.

WITNESSES:

Audrey J. Willard
Donna Woodward

Isabel Miller (SEAL)
LAUDERDALE HARBORS INC., VICE PRESIDENT
George W. Gill, Jr. (SEAL)
LAUDERDALE HARBORS INC., SECRETARY

STATE OF FLORIDA } SS
COUNTY OF BROWARD }

I HEREBY CERTIFY: That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, ISABEL MILLER, and GEORGE W. GILL, Jr., Vice President and Secretary of Lauderdale Harbors, Inc., and they acknowledged before me that they executed the foregoing dedication as such officers of said Corporation, in the name of said Corporation.

WITNESS: My hand and official seal at Fort Lauderdale, Broward County, Florida, this 29th day of JUNE, 1953.

Donna Woodward
NOTARY PUBLIC - STATE OF FLORIDA
MY COMMISSION EXPIRES: JULY 12, 1955

This is to certify that the CITY PLANNING BOARD of Fort Lauderdale, Florida, approved and accepted this Plat by Resolution adopted this ___ day of ___ 1953.

SECRETARY

Approved for Record:

W.B. Davis
COUNTY ENGINEER

Approved for Record:

E.L. Pothum
CITY ENGINEER