

ITEM V

MEMORANDUM MF NO. 12-15

DATE: November 27, 2012

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Manager of Marine Facilities *Ac*

RE: December 6, 2012 MAB Meeting – Application for Dock Permit – Stephen Francis Power – 2630 Barcelona Drive

Attached for your review is an application from Mr. Stephen Francis Power, 2630 Barcelona Drive (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is seeking approval for use and maintenance of an existing approximately 20' long x 5' wide marginal dock on public property abutting the waterway adjacent to 2630 Barcelona Drive (see **Exhibit 1**). City Code Section 8-144 authorizes the construction and use of docks on public property, and allows for the permit to be issued for a fixed period provided the permit holder agrees to maintain the improvements and seawall.

PROPERTY LOCATION AND ZONING

The property is located within the Lauderdale Isles RS 4.4 Residential Single Family/Low Density Zoning District. The existing dock is directly adjacent to the Rio De Sota canal with direct access to the Intracoastal Waterway.

ENGINEERING REVIEW REQUIREMENT

As a requirement of City Code Section 8-144, approval of the application is contingent upon all existing improvements to the property being maintained in accord with City Engineering standards and in full compliance with building and zoning regulations including construction permits required for any future electrical and water feeds to the property. City Staff has inspected this dock and it appears to be structurally sound.

The granting of this Permit is subject to all of the provisions of City Code Section 8-144 as well as the following terms and conditions, violation of any of which shall be grounds for revocation of the Permit:

1. The fixed period of the Permit issued for use of the Finger Pier, Mooring Pile and Adjacent Seawall described in the application is for a period of five (5) years in accordance with City Code Section 8-144 (1). The Permit is revocable at the will of the City Commission, without cause with 90 days advance notice.
2. As a special condition, the City reserves the right to remove the existing Dock and existing Mooring Piles structures for replacement of the seawall in the event that this might be required during the term of the Permit as determined by the City Engineer. The sole cost of removal and replacement of the Dock and Mooring Piles shall be the responsibility of the Permit Holder should any portion not be salvageable. Furthermore, the Permit Holder shall be responsible for maintaining and beautifying a reasonable area in and around the dock location and failure to do so shall be grounds for revocation of this Permit.

3. As a special condition of the Permit, the Permit Holder is prohibited from erecting any signs, landscaping or fencing to restrict public access to the Dock Area except where permitted by Code. The "Dock Area" shall include the Finger Pier, Mooring Piles (if required), and adjoining seawall.
4. The public property abutting the waterway or Dock Area being used by the Permit Holder shall be kept open at all times as means of reasonable ingress and egress to the public, but Permit Holder shall have the right to exclude the public from a reasonable portion upon which improvements have been placed, not exceeding fifty (50%) percent of the area.
5. All existing improvements to the Dock Area must be in accord with City Engineering design standards and in compliance with applicable building and zoning permit requirements. Copies of all construction permits must be submitted to the Supervisor of Marine Facilities upon completion and authorization by the City's Building Services Department.
6. The Permit granted herein shall not be assignable without the written approval by Resolution adopted by the City Commission.
7. Permit Holder shall not charge or collect any rent or fees from anyone using such dock constructed on public property. No signage shall be placed upon such dock indicating it is a private dock.
8. As a special condition, vessels berthed within the Dock Area are prohibited from extending beyond the maximum distance of 30% of the width of the waterway.
9. As a special condition, vessels berthed within the Dock Area must not encroach into the easterly and westerly extensions of the 10' set-back required for the RS 4.4 zoning district for Applicant's (Permit Holder's) Property.
10. As a special condition of the permit, in the event Permit Holder is found by the City Commission to have violated any of the above conditions or is found by the Code Enforcement Board, Special Magistrate or County Court Judge to have violated any Code sections relative to the use of the Dock Area, Dock and Mooring Piles, then the Permit granted herein may be repealed or rescinded by the City Commission upon thirty days' advance notice to the Permit Holder.
11. Use of the dock is limited to the docking of a vessel owned by the Permit Holder with a copy of the documentation showing the name and registration number of all vessels provided by the Applicant to the Supervisor of Marine Facilities.
12. The Permit Holder is prohibited from mooring any watercraft or vessel in such a manner that it is "rafted out" from any additional vessel owned or operated by the Applicant.

AC
Attachment

cc: Cate McCaffrey, Deputy Director of Parks and Recreation
Jonathan Luscomb, Supervisor of Marine Facilities

STEPHEN FRANCIS POWER

2630 BARCELONA DRIVE

FT LAUDERLAE FL 33301

DOCK PERMIT APPLICATION

STEPHEN FRANCIS POWER , DOCK PERMIT APPLICATION

2630 Barcelona Drive

Ft Lauderdale Fl, 33301

305-525-1436

EXHIBIT INDEX

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November 26 2012

Marine Advisory Board

City of Fort Lauderdale

2 South New River Drive East

Fort Lauderdale FL 33301

Re: Re 2630 Barcelona Drive Ft Lauderdale FL , 33031 and Application for Permit for Dock usage across from Our Property

To Whom It May Concern,

I recently purchased the property at 2630 Barcelona Drive. The Property has an existing dock and seawall approximately 75' in width on the northern side of the property, in which the former owners historically are permitted to use the dock, I am respectfully requesting a permit to continue the historical use of the dock, .

I agree to provide full landscape, seawall and dock maintenance to provide safety and beautification to the said property.

We are avid boaters and intend to use the dock for a 30' personal boat. The Dock is in Perfect condition as I have personally maintained it for the past 10 months.

We will adhere to any recommendations of the City Staff regarding the Maintenance and use.

Respectfully Yours


Stephen F Power

11/26/12

**APPLICATION FOR WATERWAY PERMITS, LICENCES, AND
WAIVERS**

**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: Stephen Francis Power

TELEPHONE NO: 305-525-1436 _____ FAX NO. 813-775-3163

_____ (home)

_____ (business)

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

3. **TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST**
Ordinances, section 8-144 Private use of public properties abutting waterways:

4. **SITE ADDRESS:**
2630 BARCELONA DRIVE FT LAUDERDALE FL 33301

ZONING: RS-44

LEGAL DESCRIPTION:

Lot 39 together with lot 38 Less the west one-half (1/2) thereof, block 48 Lauderdale Isles Unit A, according to the plat thereof as recorded on plat book 9, pg 28 of the public records of broward county, Florida, together with that certain strip of land approximately 10 feet (10') in width and 75 ft (75') in length lying on the northerly side of said Lots between the Northerly boundary of said lots and NE Third (3rd) Street as it is now constituted, according to the Plat of Sea Island Unit Four, recorded in Plat Book 27, page 50, of the Public Records of Broward County Florida

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

Applicant's Signature _____

11/26/12

Date

=====

The sum of \$ _____ was paid by the above-named applicant on the _____ of _____, 2012 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 _____

(3)

WARRANTY DEED

(4)

This instrument prepared by :

Seth S. Sheitelman, Esq.
GREENBERG TRAURIG
777 South Flagler Drive
Suite 300 East
West Palm Beach, Florida 33401

CFN # 110416259
OR BK 48351 Pages 983 - 984
RECORDED 12/08/11 07:59:36 AM
BROWARD COUNTY COMMISSION
DOC-D: \$15225.00
DEPUTY CLERK 1911
#1, 2 Pages

After recording return to:

James J. Hurchalla, Esq.
JAMES J. HURCHALLA & ASSOCIATES, P.A.
888 E. Las Olas Boulevard, Suite 200
Fort Lauderdale, Florida 33301

(Space Reserved for Clerk of Court)

Parcel I.D. No.: 5042-11-23-0030

WARRANTY DEED

THIS WARRANTY DEED is made and entered into as of the 15 day of November, 2011 between **NICE HOUSE, LLC**, a Delaware limited liability company ("**Grantor**"), with a mailing address at c/o SOUTHBANK, 118 Jefferson Street, Huntsville, Alabama 35801 and **STEPHEN F. POWER** ("**Grantee**"), whose mailing address is 2630 Barcelona Drive, Ft. Lauderdale, Florida 33301. Wherever used herein, the terms "Grantor" and "Grantee" shall include all of the parties to this instrument and their heirs, personal representatives, and assigns.

WITNESSETH:

GRANTOR, for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained and sold, and by these presents does hereby grant, bargain and sell to Grantee and Grantee's successors and/or assigns forever, the following described land situate and being in Broward County, Florida (the "**Property**"), to wit:

Lot 39, together with Lot 38, Less the West one-half (1/2) thereof, Block 48, LAUDERDALE ISLES UNIT "A", according to the Plat thereof, as recorded in Plat Book 9, Page 28, Public Records of Broward County, Florida, together with that certain strip of land approximately 10 feet in width and 75 feet in length lying on the Northerly side of said lots between the Northerly boundary of said lots and N.E. 3rd Street as it is now constituted, according to the Plat of Sea Island Unit Four, recorded in Plat Book 27, Page 50, of the Public Records of Broward County, Florida.

TOGETHER WITH all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

THIS CONVEYANCE is subject to (collectively, the "**Permitted Exceptions**"): (a) taxes and assessments for the year of closing and subsequent years which are not yet due and payable; (b) zoning, restrictions, prohibitions and other requirements imposed by governmental authority, (c) restrictions and matters appearing on the plat or otherwise common to the subdivision, and (d) all covenants, conditions, restrictions, rights of way, limitations, easements and similar matters of record, if any, but this reference shall not operate to reimpose same.

TO HAVE and to hold the same in fee simple forever.

WPB 382,666,489v1 11-14-11

(5)

2

GRANTOR hereby covenants with the Grantee that the Grantor is lawfully seized of the Property in fee simple; that the Grantor has good right and lawful authority to sell and convey the Property; that the Grantor hereby warrants the title to the Property, and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but not otherwise, subject to the Permitted Exceptions.

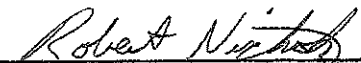
IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal as of the day and year first above written.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the day and year first above written.

WITNESSES:


GRANTOR:


Print Name: James S. Leake Jr.


Print Name: Robert Nichols

NICE HOUSE LLC, a Delaware limited liability company, f/k/a 2584 Lucille Drive LLC


By: Corinthian Mortgage Corporation, a Mississippi corporation
Its: Sole Member

By: 
Name: Danny L. Wiginton
Its: President/CEO

STATE OF ALABAMA)
COUNTY OF Madison)

This instrument was acknowledged before me this 15 day of November, 2011 by Danny L. Wiginton, as President/CEO of Corinthian Mortgage Corporation, a Mississippi corporation, sole member of Nice House LLC, a Delaware limited liability company, on behalf of the company, who personally appeared before me, ☒ is personally known to me or ☐ produced _____ as identification.

[NOTARIAL SEAL]

Notary: 
Print Name: Sheryl McMillan
Notary Public, State of Alabama
My commission expires: 12-18-12

ARIEL PHOTOGRAPH

(7)



CITY OF FORT LAUDERDALE

2630 Barcelona Drive



Path: P:\CI_Standard_Maps\ArcGIS\2630_Barcelona_drive.mxd

Date: 11/26/2012

(8)

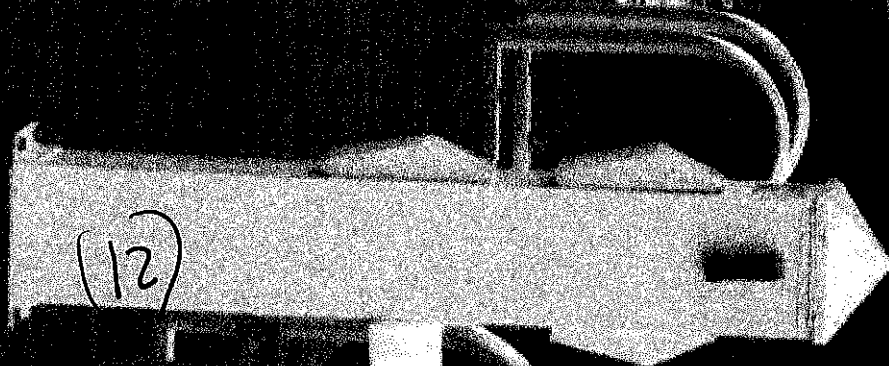
DOCK PHOTOGRAPHS

(9)





(11)



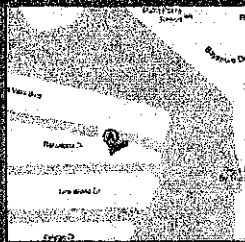
PROPERTY SURVEY

(13)

Prepared By:

EXACTA
Land Surveyors, Inc.

www.exactalands.com
Toll Free 866-735-1916 • F 866-744-2882



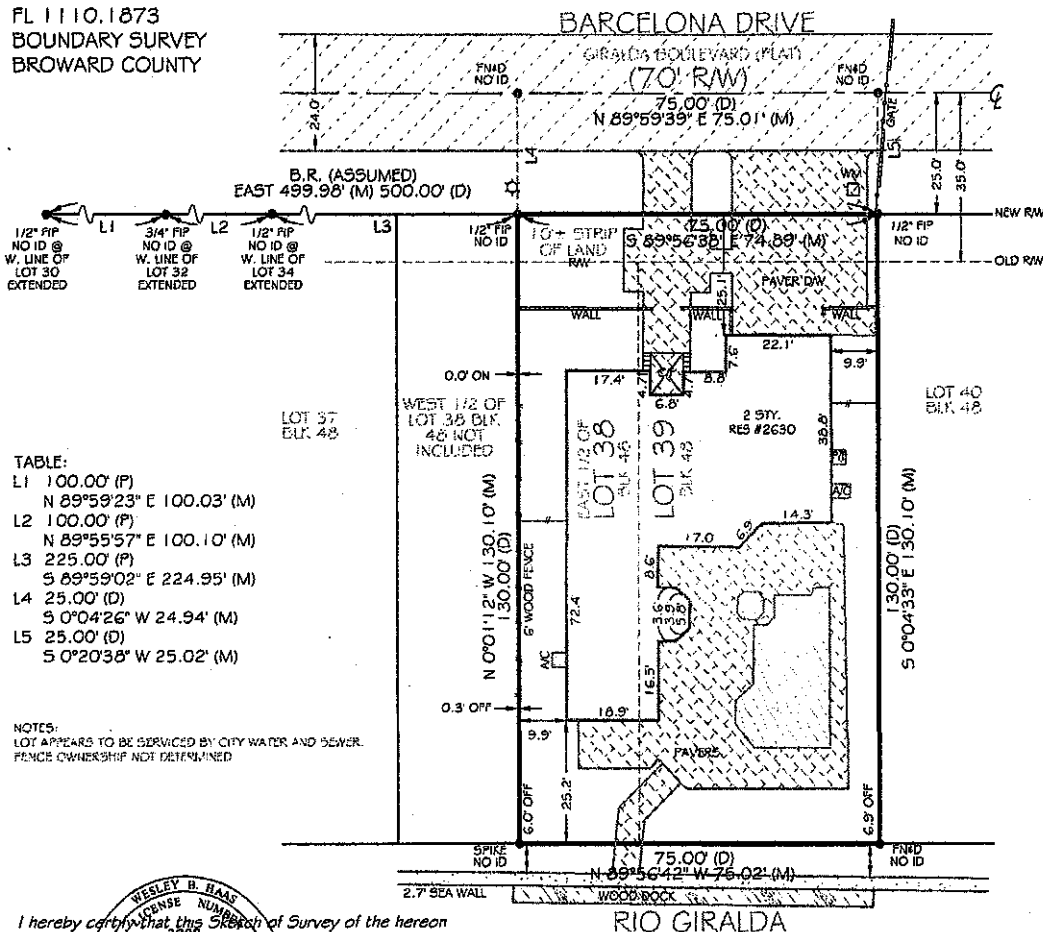
PROPERTY ADDRESS: 2630 BARCELONA DRIVE FORT LAUDERDALE, Florida 33301

SURVEY NUMBER: FL1110.1873

FIELD WORK DATE: 11/2/2011

REVISION DATE(S): (rev.0 11/2/2011)

FL 1110.1873
BOUNDARY SURVEY
BROWARD COUNTY



I hereby certify that this Survey of the hereon described property has been made under my direction, and to the best of my knowledge and belief, it is a true and accurate representation of a survey that meets the minimum technical standards set forth by the Florida Board of Professional Land Surveyors as described in Chapter 5J-17 of the Florida Administrative Code.

Wesley B. Maas
State of Florida Professional Surveyor and Mapper
License No. 3708

GRAPHIC SCALE (In Feet)
1 inch = 30' ft.



Use of This Survey for Purposes other than Intended, Without Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor.
Nothing hereon shall be construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

FLOOD INFORMATION:

By performing a search with the local governing municipality or www.fema.gov, the property appears to be located in zone AE (with a Base Flood Elevation of 6.0 NGVD 1929). This Property was found in the CITY OF FORT LAUDERDALE, community number 125105, dated 08/18/92.

POINTS OF INTEREST
NONE VISIBLE

CLIENT NUMBER: 11-296-1

DATE: 11/2/2011

BUYER: STEPHEN F. POWER

SELLER: NICE HOUSE LLC

CERTIFIED TO: STEPHEN F. POWER, JAMES J. HURCHALLA & ASSOCIATES, PA;
FIRST AMERICAN TITLE INSURANCE COMPANY, INC.; REGENT
BANK; ITS SUCCESSORS AND/OR ASSIGNS; AS THEIR INTERESTS
MAY APPEAR

This is page 1 of 2 and is not valid without all pages.



**AFFILIATE
MEMBERS**

EXACTA
Land Surveyors, Inc.

www.exactalands.com
P (305) 668-6169 • F (305) 668-6325
12220 Towne Lake Drive, Suite 55 • Ft. Myers, FL 33913

(14)

EXHIBIT 1
CAM 13-0110
PAGE 18 of 19

Lot 39, together with Lot 38, Less the West one-half (W 1/2) thereof, Block 48, UNIT "A", LAUDERDALE ISLES, according to the Plat thereof, as recorded in Plat Book 9, at Page 28 of the Public Records of Broward County, Florida, together with that certain strip of land approximately 10 feet in width and 75 feet in length lying on the Northernly side of said lots between the Northernly boundary of said lots and N.E. 3rd Street as it is now constituted, according to the Plat of Sea Island Unit Four, recorded in Plat Book 27, Page 50, of the Public Records of Broward County, Florida.

THE ASSUMED BEARING REFERENCE OF EAST IS BASED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BARCELONA DRIVE, LOCATED WITHIN LAUDERDALE ISLES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 28 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

1. The Legal Description used to perform this survey was supplied by others. This survey does not determine or imply ownership.
2. This survey only shows improvements found above ground. Underground footings, utilities and encroachments are not located on this survey map.
3. If there is a septic tank, or drain field shown on this survey, the location is approximate, and was determined by visual above ground inspection only, and cannot be relied on for accuracy.
4. This survey is exclusively for the use of the parties to whom it is certified.
5. Additions or deletions to this survey map and report by other than the signing party or parties is prohibited without written consent of the signing party or parties.
6. Dimensions are in feet and decimals thereof.
7. Due to varying construction standards, house dimensions are approximate.
8. Any FEMA flood zone data contained on this survey is for informational purposes only. Research to obtain such data was performed at www.fema.gov.
9. All corners marked as set are at a minimum a 1/2" diameter, 18" iron rebar with a cap stamped LB#7337.
10. If you are reading this survey in an electronic format, the information contained on this document is only valid if this document is electronically signed as specified in Chapter 5J-17.052 (3) of the Florida Administrative Code. The Electronic Signature File related to this document is prominently displayed on the invoice for this survey which is sent under separate cover. Manually signed and sealed logs of all survey signature files are kept in the office of the performing surveyor. If this document is in paper format, it is not valid without the signature and original raised seal of a Florida Licensed Surveyor.
11. Unless otherwise noted, an examination of the abstract of title was NOT performed by the signing surveyor to determine which instruments, if any, are affecting this property.
12. The symbols reflected in the legend and on this survey may have been enlarged or reduced for clarity. The symbols have been plotted at the center of the field location, and may not represent the actual shape or size of the feature.

[illegible]

Your PDF is electronically signed if all of the characters in the SHA-1 code submitted by STARS matches the code which is produced by the hash calculator. If they match exactly, your PDF is electronically signed. If the codes do not match exactly, your PDF is not authentic.

1. While viewing the survey in Adobe Reader, select the "Print" button under the "File" tab.
2. Select a printer with legal sized paper.
3. Under "Print Range", click select the "All" toggle.
4. Under the "Page Handling" section, select the number of copies that you would like to print.
5. Under the "Page Scaling" selection drop down menu, select "None."
6. Uncheck the "Auto Rotate and Center" checkbox.
7. Check the "Choose Paper size by PDF" checkbox.
8. Click OK to print.

TO PRINT IN BLACK & WHITE

1. In the main print screen, choose "Properties".
2. Choose "Quality" from the options.
3. Change from "Auto Color" or "Full Color" to "Gray Scale".

Offer valid only for the buyer as listed on the first page of the survey. Total discount not to exceed \$800.

www.exactalend.com
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