

RESOLUTION NO. 26-45

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8-144 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A DOCK PERMIT FOR INSTALLATION, USE, MAINTENANCE AND REPAIR BY ROGER A. EDWARDS AND MARY ANN EDWARDS, HUSBAND AND WIFE, OF ONE (1) PROPOSED 14.91'+/- LONG X 6'+/- WIDE MARGINAL WOODEN DOCK WITH 3.0' WIDE ACCESS RAMP SAID MARGINAL DOCK. EXTENDING A MAXIMUM DISTANCE OF 12.5'+/- INTO THE WATERWAY ADJACENT TO 823 SE 2ND STREET UNIT #A-6, AS SUCH PROPERTY IS MORE PARTICULARLY DESCRIBED BELOW; AUTHORIZING THE PROPER PUBLIC OFFICIALS TO COUNTERSIGN THE DECLARATION OF COVENANTS RUNNING WITH THE LAND RESPECTING A CITY ISSUED DOCK PERMIT; AUTHORIZING RECORDATION OF THIS RESOLUTION; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Roger A. Edwards and Mary Ann Edwards, husband and wife, applied for a permit to install, use, maintain and repair one (1) proposed 14.91'+/- long x 6' +/- wide marginal wooden dock with access ramp with the marginal dock extending a maximum distance of 12.5'+/- into the waterway adjacent to 823 SE 2nd Street Unit # A-6, in accordance with the provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, Florida; and

WHEREAS, the City's Marine Advisory Board on January 7, 2026, reviewed the application for dock permit filed by Applicant and upon a vote of 9 in favor of recommending approval and 5 recommending denial voted to recommend to the City Commission approval of this application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That pursuant to Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, permission is hereby granted to Roger A. Edwards and Mary Ann Edwards, husband and wife, (hereinafter referred to as "Permit Holder"), to install, use, maintain and repair one (1) proposed 14.91'+/- long x 6' +/- wide marginal wooden dock and 3.0' wide access ramp with the marginal dock extending a maximum distance of 12.5'+/- into the waterway adjacent to 823 SE 2nd Street Unit #A-6, legally described as follows:

Townhouse Unit No. A-6, according to and subject to the Declaration of Covenants and Restrictions of Himmarshee Place, recorded December 18, 1981, in Official Record Book 9944, Page 167, of the public records of Broward County, Florida, which said Townhomes Unit is more particularly described as follows:

The East 14.91 feet of the West 99.83 feet of Lots 8, 9 and 10, Block 6, BEVERLY HEIGHTS, recorded in Plat Book 1, Page 30, Public Records of Broward County, Florida.

Street Address: 823 SE 2nd Street
Fort Lauderdale, FL 33301

Property ID# 5042 11 47 0060

(hereinafter, "Property" or "Upland Property")

SECTION 2. The Dock Permit herein granted by this Resolution may be revoked at any time for violation of any one or more of the conditions of this Resolution or provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, Florida, a number of such provisions are incorporated by reference as if fully set forth herein. The following conditions are listed for emphasis: (1) Permit Holder is prohibited from collecting rent for the dock facility; (2) the Dock Area, as defined below, shall not be used by any person or persons other than Permit Holder; (3) Permit Holder shall be responsible for maintaining the Improvements (the term "Improvements," as used herein shall mean the 14.91' +/- long x 6' +/- wide wood marginal dock and 3.0' wide ramp, and any other appurtenant fixtures constructed or utilized by Permit Holder); (4) by acceptance of the use of the Improvements and the Permit granted hereby, Permit Holder agrees to defend, indemnify and hold City harmless for damages to property or injury to or for the death of anyone using the Improvements; (5) Permit Holder shall be responsible for all governmental charges or fees in connection with the maintenance, repair and use of the Improvements; (6) Permit Holder is prohibited from erecting any signs, landscaping or fencing that would restrict public w to the Public Swale Area as defined below.

SECTION 3. The granting of this Dock Permit is subject to the following terms and conditions:

1. The granting of this Dock Permit is conditioned upon the requirement that the Permit Holder shall repair, replace or maintain the 14.91' long x 6' wide wood marginal dock and 3.0' wide access ramp and appurtenant fixtures constructed or utilized by the Permit Holder. It should be noted that this Project Site is South of the pavement on S.E. 2nd Street and is a natural shoreline populated with mangroves within the Himmarshee Canal. The City shall trim and alter mangroves in accordance with Broward County Environmental Resource License DF25-1177.
2. It should be noted that the City anticipates construction of a seawall on both sides of the Himmarshee Canal. As a special condition, the City reserves the right to remove the Improvements for construction of the seawall at this Project Site in the event that this might be required during the term of the Dock Permit as determined by the City Engineer and authorized by the City Manager. The sole cost of removal and replacement of the Improvements shall be the responsibility of the Permit Holder.
3. (a) The *Dock Area* is that area (i) bounded on the East and West by the Southerly extension and prolongation of the side yard property lines for the Upland Property into abutting waterway, (ii) bounded on the North by the Southernmost portion of the pavement for S.E. 2nd Street, and (iii) bounded on the South by Southerly extension and prolongation of the Easternmost and Westernmost side yard property lines for the Upland Property a distance of 12.5' +/- into the adjacent waterway as provided in the City of Fort Lauderdale Florida, Unified Land Development Regulations ("ULDR") 47-19.3(c) and (d). (See **Exhibit "A"** attached hereto for a schematic representation of the *Dock Area*.)

(b) The Public Swale area pursuant to Code Sec. 8-144 for Dock Permits is generally an area within the waterward extension of the side yard setbacks for the Upland Property. In this instance there are no side yard setbacks for any of the eight (8) townhouse units within this Himmarshee Place Townhouse Development. There is, however, a 10-foot side yard setback for the Himmarshee Place Townhouse Project as a whole. Under the unique circumstances of this Project Site the Public Swale area shall be the extension and prolongation of the waterward extension of the Easternmost and Westernmost side yard setbacks for the entire Himmarshee Place Townhouse Project.
4. That as a condition to the adoption of this Resolution, Permit Holder has executed

the Declaration of Covenants Running with the Land Respecting A City Issued Dock Permit (hereinafter, "Declaration"). The proper City officials are hereby authorized to counter-execute the Declaration. Permit Holder, at Permit Holder's sole expense, shall record a certified copy of the Resolution and the fully executed Declaration in the Public Records of Broward County, Florida.

5. (a) During the term of the Dock Permit, the Permit Holder shall be required to repair, replace, maintain or reconstruct the 14.91' +/- long x 6' +/- wide wood marginal dock and 3.0' wide access ramp and to meet the requirements of Section 47-19.3(f) of the City of Fort Lauderdale, Florida, Unified Land Development Regulations ("ULDR").

(b) The term of this Dock Permit to use the 14.91' +/- long x 6' +/- wide wood marginal dock and 3.0' wide access ramp and Improvements shall expire upon the (i) abandonment of the use of the marginal dock and access ramp and all appurtenances thereto or (ii) recordation of the deed of conveyance transferring title to the Upland Parcel, or (iii) termination, expiration or revocation of the Dock Permit by the City Commission, whichever (i), (ii) or (iii) shall first occur, subject to the survivability of the obligation to remove the boat-lift and marginal dock pursuant to the provisions of subsection (c) below and the obligations within the First Amended Declaration.

(c) Except as provided in subsection (d) below, upon expiration of the Dock Permit, the Permit Holder shall be obligated to remove the 14.91' +/- long x 6' +/- wide wood marginal dock and 3.0' wide wide ramp and all appurtenances constructed or utilized by Permit Holder thereto no later than three (3) months after the termination, revocation or expiration of the Dock Permit. The provisions of this subsection shall be a continuing obligation that survives expiration of the Dock Permit.

(d) In the event the Dock Permit is granted to a successor in interest to this Permit Holder within the time proscribed in subsection (c) above, then the obligation to remove the 14.91' +/- long x 6' +/- wide wood marginal dock and 3.0' wide ramp, Improvements and all appurtenances thereto shall be discharged as to this Permit Holder and a release and discharge of the Declaration shall be executed by the City Manager and recorded by the City in the Public Records of Broward County, Florida, at the expense of this Permit Holder.

(e) An application for a Dock Permit may be filed by a contract vendee prior to

obtaining fee simple title to the Upland Parcel, provided, however, that the granting of the Dock Permit to the applicant contract vendee shall not be effective until such time as the conveyance of fee simple title to the Upland Parcel has been recorded in the Public Records of Broward County, Florida.

6.
 - (a) As a special condition of the Permit, the Permit Holder is prohibited from erecting any signs, landscaping or fencing the effect of which is to restrict public access to the Public Swale Area except where permitted by Code. The "Dock Area" shall include the 14.91' +/- long x 6' +/- wide wood marginal dock and 3.0' wide access ramp, Improvements and all appurtenances constructed or utilized by Permit Holder. Permit Holder shall post signage within the Dock Area indicating that the Dock Area is private. The Resolution Number under which this Dock Permit is granted shall be posted on the signage.
 - (b) Permit Holder shall be responsible for maintaining Improvements within the "Dock Area." Since mangroves totally populate the "Public Swale Area" and Permit Holder is not the riparian owner under the Act, the Permit Holder shall not be responsible for maintaining or landscaping the "Public Swale Area."
 - (c) Prior to installation of Improvements within the Dock Area, Permit Holder shall secure an Engineering permit and approval for such Improvements within the "Dock Area."
7.
 - (a) All Improvements within the Dock Area shall be constructed in accordance with appropriate permits from all applicable regulatory authorities having subject matter jurisdiction regarding such matters and must be in accordance with City Engineering design standards and all applicable regulatory codes including the City's Unified Land Development Regulations, the Florida Building Code and Broward County Amendments thereto.
 - (b) The marginal dock installed pursuant to the Dock Permit granted herein shall be either (i) floating docks that can adapt to sea level rise over their useful life span, (ii) fixed docks installed at a minimum elevation consistent with the requirements of Section 47-19.3(f) of the ULDR, or (iii) fixed docks the height of which are even with the City's seawall, whichever (ii) or (iii) is greater.
8. The Dock Permit granted herein shall not be assignable without the written approval by Resolution adopted by the City Commission.

9. Permit Holder shall not charge or collect any rent or fees from anyone using such dock constructed on public property.
10. As a special condition, vessels berthed at the permitted dock, pursuant to Code Sec. 8-91(e) are prohibited from extending beyond the maximum distance of 30% of the width of the waterway.
11. Repair and/or maintenance of a vessel moored at this location shall be in compliance with City Code Sec. 8-149.
12. As a special condition of this Dock Permit, in the event Permit Holder is found by the City Commission to have violated any of the conditions of this Resolution 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, marginal dock and access ramp, Improvements and all appurtenances constructed or utilized by Permit Holder, then the Dock Permit granted herein may be repealed or rescinded by the City Commission upon thirty (30) days' advance notice to the Permit Holder.
13. Use of the Dock Area 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 the vessel provided by the Permit Holder to the Supervisor of Marine Facilities.
14. There shall be no fueling of vessels under this Dock Permit from tank trucks along the adjacent publicly dedicated S.E. 2nd Street.
15. The Permit Holder is prohibited from mooring any watercraft or vessel, other than a tender, in such a manner that it is "rafted out" from the vessel owned or operated by the Permit Holder and moored at the dock as authorized under the dock permit.
16. No vessel shall be docked or anchored in such a position that causes it to extend beyond the side property lines for the Upland Property, as extended into the waterway.
- 17.1 As more particularly set forth in Commission Agenda Memo #26-0137 accompanying this Project Site and Dock Permit, the City, but not the Permit Holder, is the riparian owner. Under the Mangrove Trimming and Preservation Act ("Act") it is the City, as riparian owner, that charged with responsibility under the Act with regard to the Project Site's impact on the

mangroves within the Project Site.

- 17.2 Broward County has issued Environmental Resource License DF25-1177 (“ERL”) authorizing certain actions of trimming and altering mangroves relative to accommodating this Project Site. Relative to securing ERL DF25-1177 meeting the terms and conditions thereof, the City has and will continue to incur expenses relative to (i) applying for the current ERL and potentially future ERLs and (ii) the trimming and alteration of mangroves under the ERL and compliance with the Act. Permit holder shall be responsible for reimbursing the City within 90 days of receipt of invoice for expenses incurred by the City in compliance with the ERL and Act.
- 17.3 Such reimbursable expenses shall include but not be limited to reimbursement for the fees and expenses incurred (i) in applying for the current ERL, (ii) initial trimming and removal of mangroves, (iii) any future fees incurred in securing a Supplemental ERL in the event future trimming or removal of mangroves is needed, (iv) 8% of the fees incurred relative to the 50 voluntarily planted mangroves that satisfy the alteration/removal of mangrove seedlings as to expenses incurred by the City in filing the annual reports required under the ERL and any required remedial actions, and (v) any other fees or expenses incurred by the City relative to compliance with the Act or the ERL.

SECTION 4. That by acceptance of the benefits of this Resolution, Permit Holder acknowledges that the and Dock Area are part of a publicly dedicated right-of-way for S.E. 2nd Street and that any right, title, interest or claim of use to the Dock Area except to the extent provided herein, is subordinate and inferior to that public dedication until such public dedication is discontinued by law.

SECTION 5. That the City Clerk is hereby directed to provide to the Permit Holder (a) a certified copy of this Resolution together with (b) the original fully executed First Amended Declaration for recording in the Public Records of Broward County, Florida, at Permit Holder’s expense in accordance with the provisions of Section 7 thereof.

SECTION 6. That all Resolutions or parts of Resolutions in conflict are hereby repealed.

SECTION 7. That this Resolution shall not be effective until such time as (i) Permit Holder, at Permit Holder’s expense, records in the Public Records of Broward County, Florida (a) a certified copy of this Resolution together with (b) the original fully executed Declaration and (ii) a recorded


copy of the Resolution and Declaration are filed with the City's Office of Marine Facilities and the City Clerk within ninety (90) days of the adoption of this Resolution. Failure to meet the conditions of (i) and (ii) above shall cause this Resolution to be of no further force and effect.

ADOPTED this 19th day of March, 2026.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

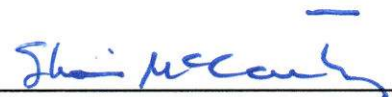
Dean J. Trantalis Yea

John C. Herbst Yea

APPROVED AS TO FORM
AND CORRECTNESS:

Steven Glassman Yea

Pamela Beasley-Pittman Yea



City Attorney
SHARI L. McCARTNEY

Ben Sorensen Yea