

ITEM V

MEMORANDUM MF NO. 14-15

DATE: October 15, 2014

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Manager of Marine Facilities

RE: November 6, 2014 MAB Meeting – Application for Dock Permit – Jack Hayes Properties, LLC - 1009 Cordova Road

Attached for your review is an application from Jack Hayes Properties, LLC, 1009 Cordova Road (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is seeking approval for use, maintenance and repair of an existing approximately 40' long x 5' wide marginal dock on public property abutting the waterway adjacent to 1009 Cordova Road (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 Rio Vista Isles RS-8 Residential Low Density Zoning District. The existing dock is directly adjacent to the Rio Vista 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. 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.

Marine Advisory Board

November 6, 2014

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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 northerly or southerly extension of the 5' set-back required for the RS-8 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: Carl Williams, Deputy Director of Parks and Recreation
Jonathan Luscomb, Supervisor of Marine Facilities

JACK HAYES PROPERTIES, LLC.
1009 Cordova Road
Fort Lauderdale
DOCK PERMIT APPLICATION

JACK HAYES PROPERTIES, LLC.
1009 Cordova Road
Fort Lauderdale
DOCK PERMIT APPLICATION

**EXHIBITS
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October 13, 2014

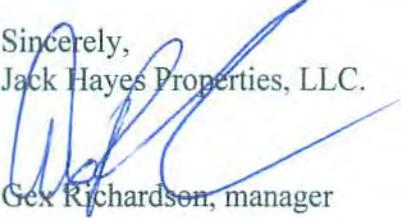
Marine Advisory Board
City of Fort Lauderdale
2 South New River
Fort Lauderdale, FL 33301

Re: 1009 Cordova Road Dock Permit

To Whom It May Concern:

I recently repurchased the above property. My wife owned the property 10 years ago and we were the people that installed the current 40 by 5ft dock with the then existing dock permit. We have now repurchased the property and desire to have the license to use the existing dock adjacent to the public right of way. The dock has been historically licensed to the homeowners and we request a license to continue the historical use. The dock is in good condition and we will adhere to the recommendations of the city staff regarding maintenance. My Son has a 21 foot shamrock that will be the primary use of the dock.

Sincerely,
Jack Hayes Properties, LLC.



Gex Richardson, manager

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

2.

**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: JACK HAYES PROPERTIES, LLC.

TELEPHONE NO: 9542753309 _____ FAX NO. 9542522321 _____
(home) (business)

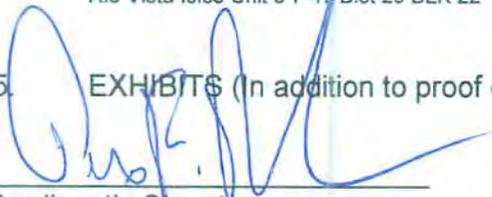
2. APPLICANT'S ADDRESS (if different than the site address):

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:

4. SITE ADDRESS: _____ ZONING: _____
1009 Cordova Road Fort Lauderdale FL 33316 RS-8

LEGAL DESCRIPTION:
Rio Vista Isles Unit 3 7-47 Blot 29 BLK 22

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


Applicant's Signature

10/9/14
Date

=====
The sum of \$ _____ was paid by the above-named applicant on the _____ of _____, 2014. 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 _____

WARRANTY DEED

4.

Prepared by and return to:
David R. Roy
Attorney at Law
David R. Roy, P.A.
4209 N. Federal Highway
Pompano Beach, FL 33064
954-784-2961
File Number: 14-DR-1011

[Space Above This Line For Recording Data]

THIS IS NOT AN
Warranty Deed
OFFICIAL COPY

This Warranty Deed made this ^{4th} day of February, 2014 between Gex F. Richardson, a married man whose post office address is 1706 NE 1st Street, Ft. Lauderdale, FL 33305, grantor, and Jack Hayes Properties, LLC, a Florida limited liability company whose post office address is 1009 Cordova Road, Fort Lauderdale, FL 33301, 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:

Lot 29, Block 22, RIO VISTA ISLES UNIT 3, according to the Plat thereof, recorded in Plat Book 7, Page 47, of the Public Records of Broward County, Florida.

A/K/A: 1009 Cordova Road, Ft. Lauderdale, FL 33301

Parcel Identification Number: 504211-18-1890

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, 2013.

Grantor warrants and represents that the Grantor is the sole member and manager of the Grantee and therefore, pursuant to Crescent Miami Center, LLC v Florida Department of Revenue, 903 So.2d. 913 (Fla. 2005) only minimal documentary stamps are due.

Grantor herein represents and warrants that this property DOES NOT constitute his homestead property nor is it contiguous or adjacent to his homestead property and that he resides at the address listed above.

*** Signature and Notary Block on following page. ***

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:

Dae Meyer
Dae Meyer
Gami Richardson
Gami Richardson

Gex F. Richardson
Gex F. Richardson

State of Florida
County of Broward

The foregoing instrument was acknowledged before me this 14 day of February, 2014 by Gex F. Richardson, a married man. He is personally known to me or has produced a driver's license as identification.

[Notary Seal]



Dae Meyer
Notary Public
Printed Name: Dae Meyer
My Commission Expires: 6/30/16

THIS IS NOT AN OFFICIAL COPY

SURVEY INFORMATION

6.

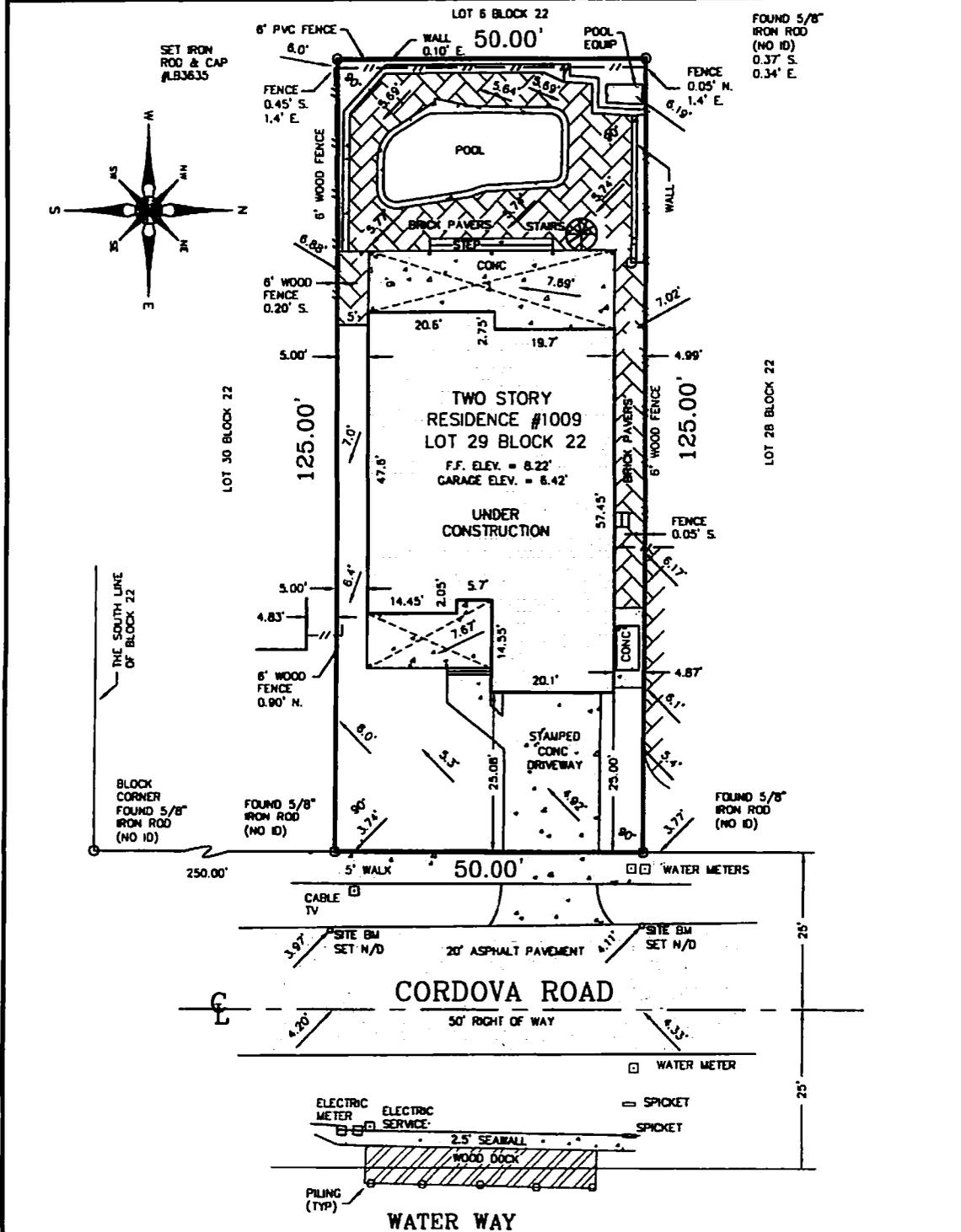
ACCURATE LAND SURVEYORS, INC.

1150 E. ATLANTIC BLVD.
POMPAHO BEACH, FLORIDA 33060

L.B. #3635

SHEET 2 OF 2

TEL (954) 782-1441
FAX (954) 782-1442



NOTES:

1. UNLESS OTHERWISE NOTED FIELD MEASUREMENTS ARE IN AGREEMENT WITH RECORD MEASUREMENTS.
2. BEARINGS SHOWN HEREON ARE BASED ON A BEARING OF MA
3. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS, OR OTHER MATTERS OF RECORDS BY ACCURATE LAND SURVEYORS, INC.
4. OWNERSHIP OF FENCES AND WALLS IF ANY NOT DETERMINED.
5. THIS DRAWING IS THE PROPERTY OF ACCURATE LAND SURVEYORS, INC. AND SHALL NOT BE USED FOR REPRODUCTION IN WHOLE OR IN PART WITHOUT WRITTEN AUTHORIZATION.
6. THIS SURVEY CONSISTS OF A MAP AND TEXT REPORT. ONE IS NOT VALID WITHOUT THE OTHER.
7. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE CERTIFIED HEREON, TO BE VALID ONE YEAR FROM THE DATE OF SURVEY AS SHOWN.

CERTIFICATION:

This is to certify that I have recently surveyed the property described in the foregoing title caption and have set or found monuments as indicated on this sketch and that said above ground survey and sketch are accurate and correct to the best of my knowledge and belief. I further certify that this survey meets Minimum Technical Standards under Rule 5J-17 adopted by the Florida Board of Land Surveyors, January 11th, 2010.



Robert L. Thompson
ROBERT L. THOMPSON (PRESIDENT)
PROFESSIONAL SURVEYOR AND MAPPER No. 3869 - STATE OF FLORIDA

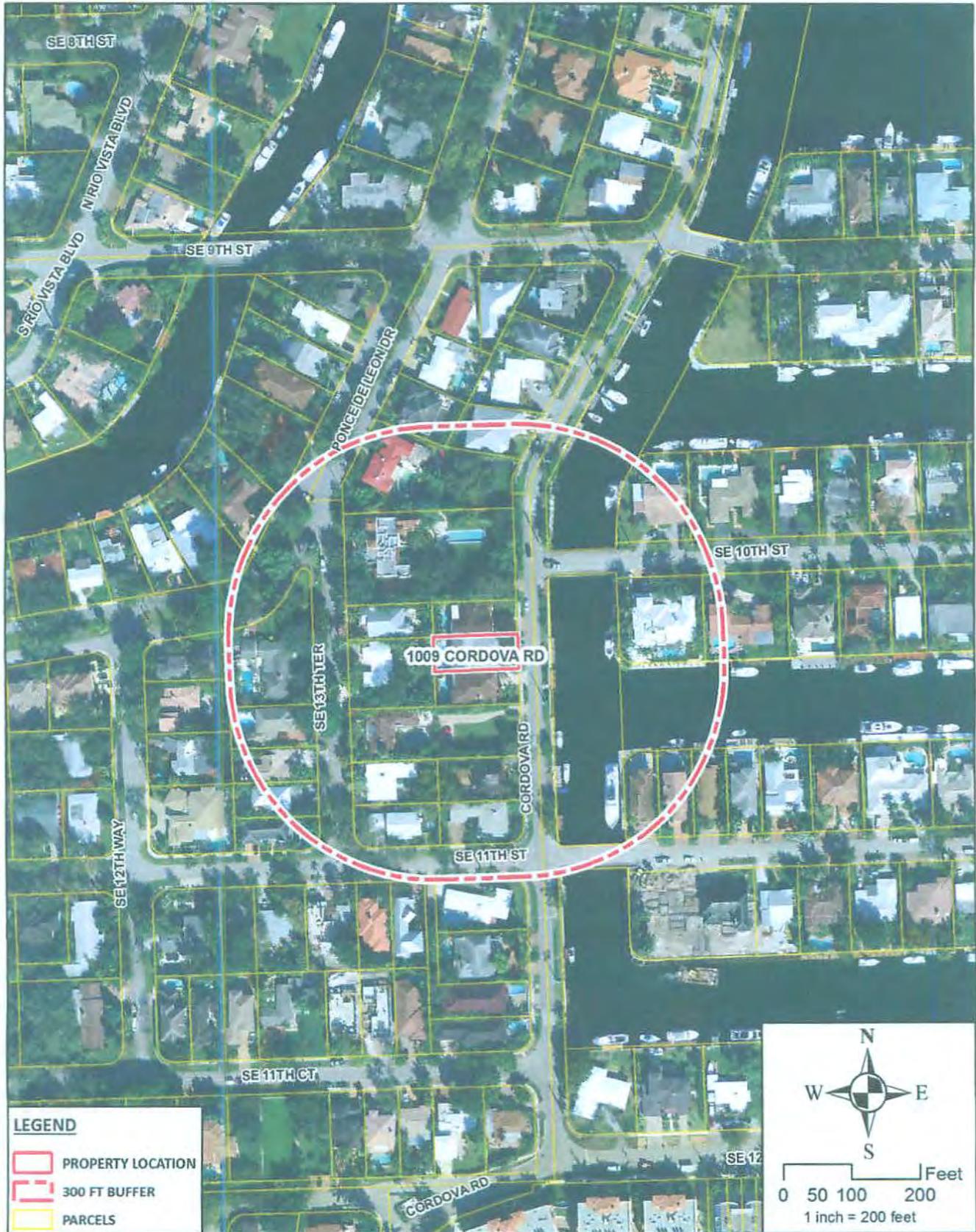
REVISIONS	DATE	BY	

DATE OF SURVEY 12/27/13	DRAWN BY SP	CHECKED BY JMS	FIELD BOOK 13-3900
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SCALE 1" = 20' SKETCH NUMBER SU-13-3900

AERIAL PHOTOGRAPH

8.



Path: J:\PKR\ICED_DOCKMASTER_14_Drv\Map\DOCKMASTER 300FT BUFR MASTER FORM 141008.mxd



CITY OF FORT LAUDERDALE

1009 CORDOVA RD



Date: 10/8/2014

CAM 14-1475

Exhibit 1

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**PHOTOGRAPHS
OF DOCK**

10.



