

ITEM VI

MEMORANDUM MF NO. 12-10

DATE: September 11, 2012

TO: Marine Advisory Board

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

RE: October 4, 2012 MAB - Dock Waiver of Distance Limitations
-Raymond Parker, Registered Agent, 810, LLC/Dixie Southland Corporation / 810
N.E. 20th Avenue

Attached for your review is an application from Mr. Raymond Parker, Registered Agent, LLC/Dixie Southland Corporation (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicants are requesting approval for installation of three (3) triple-pile clusters adjacent to an existing four (4) slip floating pier docking facility, extending a maximum of 124.4' from the property line into the Middle River. The distances these structures extend from the property line into the Middle River are shown in the survey in **Exhibit 1** and summarized in Table 1 below:

TABLE 1

LOCATIONS OF STRUCTURES FROM NORTH TO SOUTH	SURVEYED DISTANCE OF PROPOSED STRUCTURES	PERMITTED DISTANCE WITHOUT WAIVER	AMOUNT OF DISTANCE REQUIRING WAIVER
MOORING PILE #1	116'	25'	91'
MOORING PILE #2	121'	25'	96'
MOORING PILE #3	124.4'	25'	99.4'

Marine Facilities' records reflect that two floating concrete piers and two cluster dolphin pilings with distances extending to 73' into the Middle River from the property line were authorized in 2007 under a Waiver of Limitations in accord with Resolution No. 07-219. The City's Unified Land and Development Regulations (UDLR), Section 47-19.3. D limits the maximum distance of dolphin or mooring pilings to 30% of the width of the waterway, or 25', whichever is less. Section 47.19.3.E authorizes the City Commission to waive this limitation based upon a finding of extraordinary circumstances. The applicant has indicated that the additional piles are necessary for safely mooring vessels, especially during high wind events and severe weather, and will be located within an existing submerged land lease. The applicant also emphasizes the extraordinary width of the waterway at this location.

PROPERTY LOCATION AND ZONING

The property is located within the ROA Zoning District. It is situated on the Middle River where the overall average width between property lines from shoreline to shoreline is approximately +/- 402' according to the survey provided in **Exhibit 1**. At its closest proximity, the distance from the outermost proposed piling cluster to the center of the Middle River is approximately 86.8'.

DOCK PLAN AND BOATING SAFETY

Records reflect that there have been eight (8) waivers of docking distance limitations approved by the City Commission since 1983. A comparison of these as shown in Table 2 including the maximum distances of all mooring structures extending into the Middle River follows:

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
March 1983	834 N.E. 20 th Avenue	Pilings – 45'
April 1983	714 N.E. 20 th Avenue	Pilings – 45' Piers – 37'
July 1985	808 N.E. 20 th Avenue	Pilings – 48' Piers – 38'
January 1990	840 N.E. 20 th Avenue	Pilings – 48' Pier – 48'
September 1992	738 N.E. 20 th Avenue	Pilings – 75' Pier – 39'
November 2007	810 N.E. 20 th Avenue	Pilings – 68' Piers – 73'
January 2008	852 N.E. 20 th Avenue	Pilings – 86' Pier – 49'
October 2008	714 N.E. 20 th Avenue	Pier – 108'

RECOMMENDATIONS

Should the Marine Advisory consider approval of the application, the Resolution under consideration for approval 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.
2. The applicant is required to install and affix reflector tape to the cluster pilings in accord with Section 47.19.3.E of the Unified Land and Development Regulations (ULDR).
3. As a general condition of approval and in order to review for final consistency with construction of facilities in accord with this application and City building permits the applicant is required to provide the City's Supervisor of Marine Facilities with copies of "As Built" drawings from a certified and licensed contractor.

AC
Attachment

cc: Cate McCaffrey, Assistant Director of Parks and Recreation
Jon Luscomb, Supervisor of Marine Facilities

EXHIBIT I APPLICATION FOR WATERWAY WAIVER

**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: Raymond Parker, Registered Agent, 810, LLC/DIXIE SOUTHLAND CORPORATION

TELEPHONE NO: _____ 954-768-0274 _____ FAX NO. 954-768-0276
(home) (business)

2. APPLICANT'S ADDRESS (if different than the site address): 810 NE 20th Avenue, Ft Lauderdale, FL 33304

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: The applicant requests a waiver for three (3) proposed triple-pile clusters extending more than the 30% of the width of the waterway into the waterway and more than twenty-five (25) feet beyond the property line.

4. SITE ADDRESS: 810 NE 20 AVENUE, FT LAUDERDALE, FL 33304 ZONING: ROA

LEGAL DESCRIPTION: GATEWAY PARK 25-43 B LOT 20

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).
Warranty Deed, Corporate Information, Project Plans, Site Photographs, Survey, Aerial Exhibit

Raymond Parker, Pres.
Applicant's Signature

9/10/12
Date

The sum of \$ _____ was paid by the above-named applicant on the _____ of _____, 2011. 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 _____

**EXHIBIT II
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TABLE OF CONTENTS

<u>EXHIBITS</u>	<u>PAGE</u>
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**EXHIBIT III
WARRANTY DEED**

Return to: (enclose self-addressed stamped envelope)

Name:

Carol D. Holler, ACP

Address:

Ruden, McClosky, Smith, Schuster &
Russell, P.A.
200 East Broward Boulevard
Fort Lauderdale, Florida 3301

This Instrument Prepared by:

Mark F. Grant, Esq.

Address:

Ruden, McClosky, Smith, Schuster &
Russell, P.A.
200 East Broward Boulevard
Fort Lauderdale, Florida 3301

Property Appraisers Parcel I.D. (Folio) Number(s):
50-42-01-20-0180

THIS IS NOT AN

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

OFFICIAL COPY

This SPECIAL WARRANTY DEED made and executed the 1st day of November, 2007 by DIXIE SOUTHLAND CORPORATION, a Florida corporation hereinafter called the Grantor, to 810, LLC, a Florida limited liability company, whose post office address is 810 N.E. 20th Avenue, Fort Lauderdale, Florida 33304 hereinafter called the Grantee:

(Wherever 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)

Witnesseth: That the Grantor, for and in consideration of the sum of TEN and 00/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Broward County, Florida, viz:

Parcel 1 - Lot 20, GATEWAY PARK, according to the Plat thereof, recorded in Plat Book 25, Page 43 of the Public Records of Broward County, Florida

Parcel 2 - Sovereignty Submerged Lands Lease as recorded March 22, 1994, in Official Records Book 21901, Page 221; Public Records of Broward County, Florida; Affected by: Modification recorded in Official Records Book 25352, Page 997; Renewal recorded in Official Records Book 29173, Page 276 and Renewal recorded in Official Records Book 36903, Page 58.

FTL2424436:2

1

3

SUBJECT TO:

1. Zoning and/or restrictions and prohibitions imposed by governmental authority; and
2. Restrictions, easements and other matters appearing on the plat and/or common to the subdivision but without reimposing same; and
3. Taxes for the year 2008 and subsequent years; and
4. Mortgage Deed and Security Agreement in favor of SunTrust Bank/South Florida, N.A. n/k/a SunTrust Bank, a State Bank organized under the laws of the State of Georgia, recorded September 12, 1996, in Official Records Book 25387, Page 648 of the Public Records of Broward County, Florida, which Grantee assumes and promises to pay.

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 it is lawfully seised of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor.

IN WITNESS WHEREOF, the said grantor has hereunto caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officer thereunto duly authorized the day and year first above written.

Signed, sealed and delivered in presence of:

Johnny Woods
Signature
Johnny Woods
Printed Name

Lynne Nasta
Signature
LYNNE NASTA
Printed Name

DIXIE SOUTHLAND CORPORATION, a
Florida Corporation

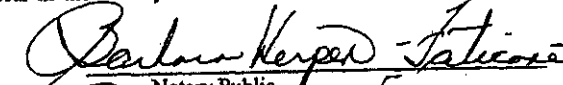

By: *Raymond C. Parker*
Raymond C. Parker, President
Address: 810 N.E. 20th Avenue
Fort Lauderdale, Florida 33304

(Notary Jurat located on Page 3 hereof)


STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by RAYMOND C. PARKER, the President of DIXIE SOUTHLAND CORPORATION, a Florida corporation, freely and voluntarily under authority duly vested in him by said corporation and that the seal affixed thereto is the true corporate seal of said corporation. He is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 13 day of November, 2007.


Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires:

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OFFICIAL COPY

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No Events

No Name History

Detail by Entity Name

Florida Limited Liability Company

810, LLC

Filing Information

Document Number L07000108897

FEI/EIN Number 650170401

Date Filed 10/26/2007

State FL

Status ACTIVE

Principal Address

810 N.E. 20TH AVENUE
FORT LAUDERDALE FL 33304 US

Changed 03/18/2008

Mailing Address

810 N.E. 20TH AVENUE
FORT LAUDERDALE FL 33304 US

Changed 03/18/2008

Registered Agent Name & Address

C T CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION FL 33324 US

Name Changed: 08/27/2010

Address Changed: 08/27/2010

Manager/Member Detail

Name & Address

Title MGRM

DIXIE SOUTHLAND CORPORATION
810 NE 20TH AVE
FORT LAUDERDALE FL 33304 US

Annual Reports

Report Year Filed Date

2010 02/17/2010

2011 03/02/2011

2012 03/08/2012

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Detail by Entity Name

Florida Profit Corporation

DIXIE SOUTHLAND CORPORATION

Filing Information

Document Number L30721
FEI/EIN Number 650170401
Date Filed 11/20/1989
State FL
Status ACTIVE
Last Event MERGER
Event Date Filed 04/10/2008
Event Effective Date NONE

Principal Address

810 NE 20TH AVE.
FORT LAUDERDALE FL 33304 US

Changed 03/23/1998

Mailing Address

810 NE 20TH AVE.
FORT LAUDERDALE FL 33304 US

Changed 03/31/2009

Registered Agent Name & Address

PARKER, RAYMOND
810 NE 20TH AVE
FORT LAUDERDALE FL 33304 US

Name Changed: 03/07/1997

Address Changed: 03/07/1997

Officer/Director Detail

Name & Address

Title PDS

PARKER, RAYMOND
810 NE 20TH AVE
FORT LAUDERDALE FL 33304 US

Title SEC

PARKER, WESLEY W

**EXHIBIT IV
ORIGINAL SURVEY**



McLAUGHLIN ENGINEERING COMPANY
LB#285

ENGINEERING • SURVEYING • PLATTING • LAND PLANNING
400 N.E. 3rd AVENUE FORT LAUDERDALE, FLORIDA
33301 PHONE (954) 763-7611 • FAX (954) 763-7615

SUBMERGED LAND SURVEY
A PORTION OF MIDDLE RIVER
IN SECTION 1-50-42 ADJACENT
TO LOT 20, GATEWAY PARK
PLAT BOOK 25, PAGE 43, B.C.R.
SHEET 1 OF 2 SHEETS

LEGAL DESCRIPTION:

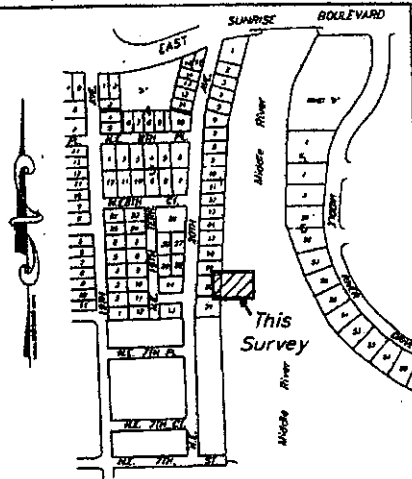
A portion of Middle River, in Section 1, Township 50 South, Range 42 East, Broward County, Florida, lying East of and adjacent to Lot 20, GATEWAY PARK, according to the plat thereof, as recorded in Plat Book 25, Page 43, of the public records of Broward County, Florida, more fully described as follows:

Beginning at the Northeast corner of said Lot 20; thence North $87^{\circ}50'34''$ East, on the Easterly extension of the North line of said Lot 20, a distance of 123.41 feet; thence South $02^{\circ}16'29''$ West, a distance of 100.30 feet; thence South $87^{\circ}50'34''$ West, on the Easterly extension of the South line of said Lot 20, a distance of 124.57 feet to the Southeast corner of said Lot 20; thence North $02^{\circ}56'14''$ East, on the West line of said Lot 20, a distance of 100.40 feet to the Point of Beginning.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 12,400 square feet or 0.2847 acres more or less.

NOTES:

- 1) This survey reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements, road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Underground improvements if any not located.
- 3) This drawing is not valid unless sealed with an embossed surveyors seal.
- 4) Boundary survey information does not infer Title or Ownership.
- 5) All iron rods $5/8''$, unless otherwise noted.
- 6) Reference Bench mark: N. rim of Manhole in centerline of NE 20 Ave. at #907 NE 20 Ave. ELEVATION = 5.47
- 7) Elevations shown refer to National Geodetic Vertical Datum (1929), and are shown per Mean Low Water Datum, and are indicated thus: $\frac{12.50}{12.50}$
- 8) THIS IS A FIELD SURVEY.
- 9) This property has 100.4 linear feet of shoreline.
- 10) The majority of the land within 1000 feet of this property is bulkheaded.
- 11) Bearings shown assume the East line of said Lot 20, as North $02^{\circ}56'14''$ East.
- 12) Existing docks shown hereon to be removed.



Location Map
Not To Scale

CERTIFIED TO THE BOARD OF
TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF
THE STATE OF FLORIDA (TIIF).

CERTIFICATION

We hereby certify that this survey meets the minimum technical standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Dated at Fort Lauderdale, Florida, this 30th day of May, 2008.
Revised proposed improvements, this 5th day of June, 2008.

McLAUGHLIN ENGINEERING COMPANY

Carl E. Albrektzen
CARL E. ALBREKTSEN
Registered Land Surveyor No. 4185
State of Florida.

FIELD BOOK NO. LB#281-51 & PRINT

DRAWN BY: JMM

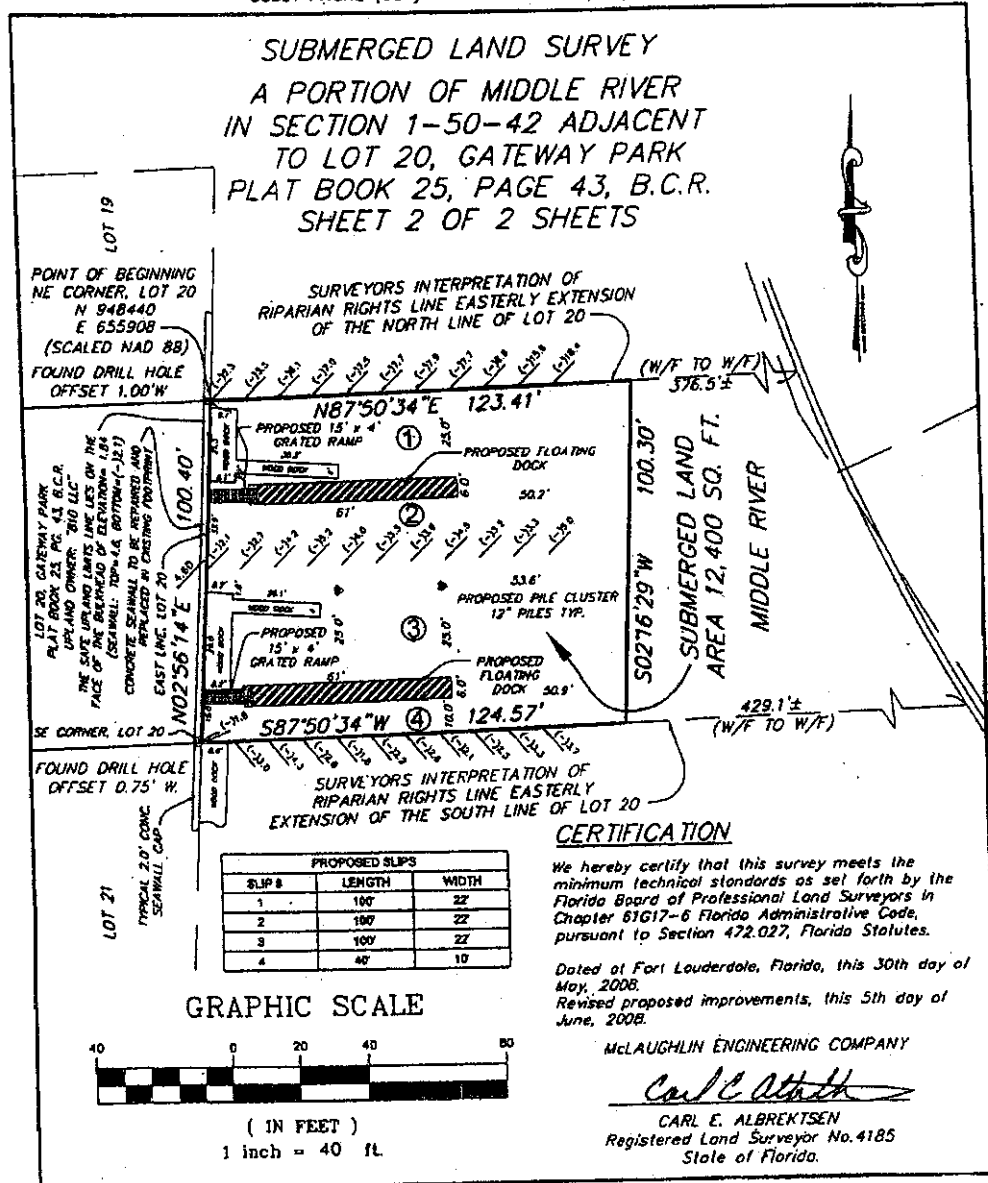
JOB ORDER NO. U-4454

CHECKED BY: CA

REF. DWG.: 07-3-034
C: \JMM\2008\U4454



McLAUGHLIN ENGINEERING COMPANY
LB#285
ENGINEERING • SURVEYING • PLATTING • LAND PLANNING
400 N.E. 3rd AVENUE FORT LAUDERDALE, FLORIDA
33301 PHONE (954) 763-7611 • FAX (954) 763-7615

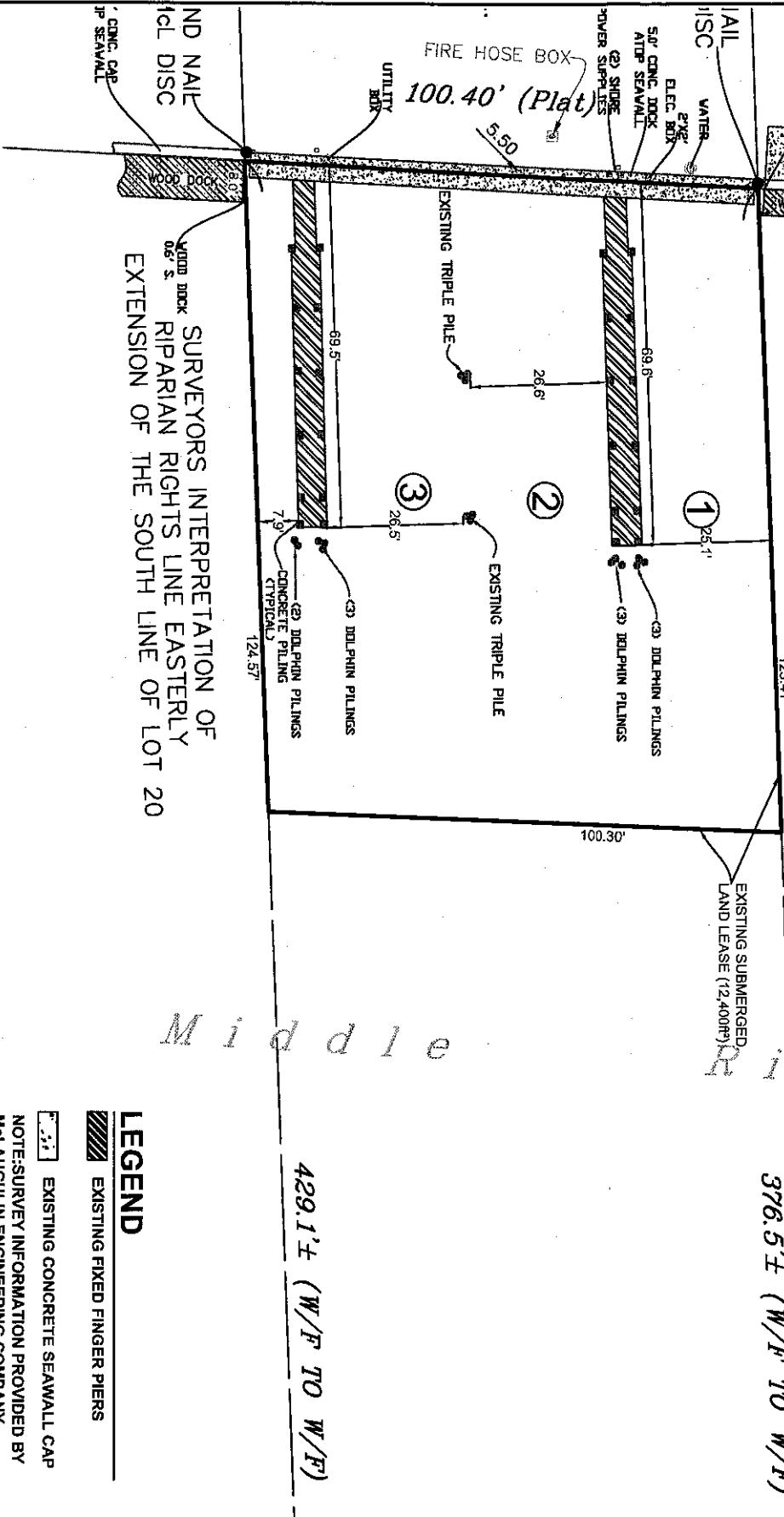


FIELD BOOK NO. LB#281-51 & PRINT
JOB ORDER NO. U-4454
REF. DWG.: 07-3-034
C:\JMM\2008\114454

DRAWN BY: JMM
CHECKED BY: CA

**EXHIBIT V
PROJECT PLANS**

SURVEYORS INTERPRETATION OF RIPARIAN RIGHTS LINE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 20



LEGEND

EXISTING FIXED FINGER PIERS

EXISTING CONCRETE SEAWALL CAP

NOTE: SURVEY INFORMATION PROVIDED BY
McLAUGHLIN ENGINEERING COMPANY.

810 NE 20TH AVENUE

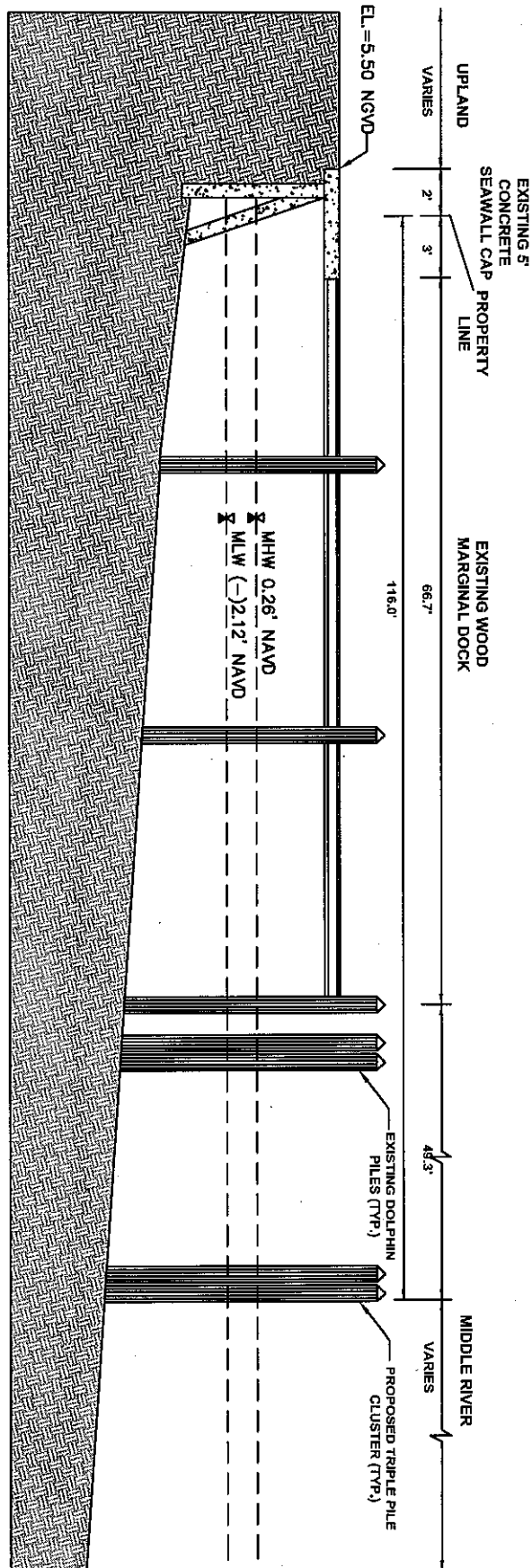
PREPARED FOR:
810, LLC

EXISTING CONDITIONS		
Date:	Sheet:	of:
9/25/12	1	3

Chappell
GROUP
714 East Main Street
Pompano Beach, Florida 33060
Tel. 954.782.1100 WWW.chappellgroup.com

- Environmental Consultants
- Marine & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

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SECTION A-A
PROPOSED CONDITIONS
N.T.S.

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THE Chappell GROUP
714 East Main Street
Bldg. 554, 2nd Floor
Bldg. 554, 2nd Floor
Tel. 554.725.1138
Fax. 554.725.1139
www.thechappellgroup.com

- Environmental Consultants
- Marine & Wetland Permitting
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- T&E Species Surveys
- Phase I ESAs

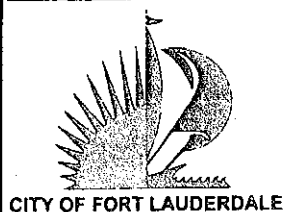
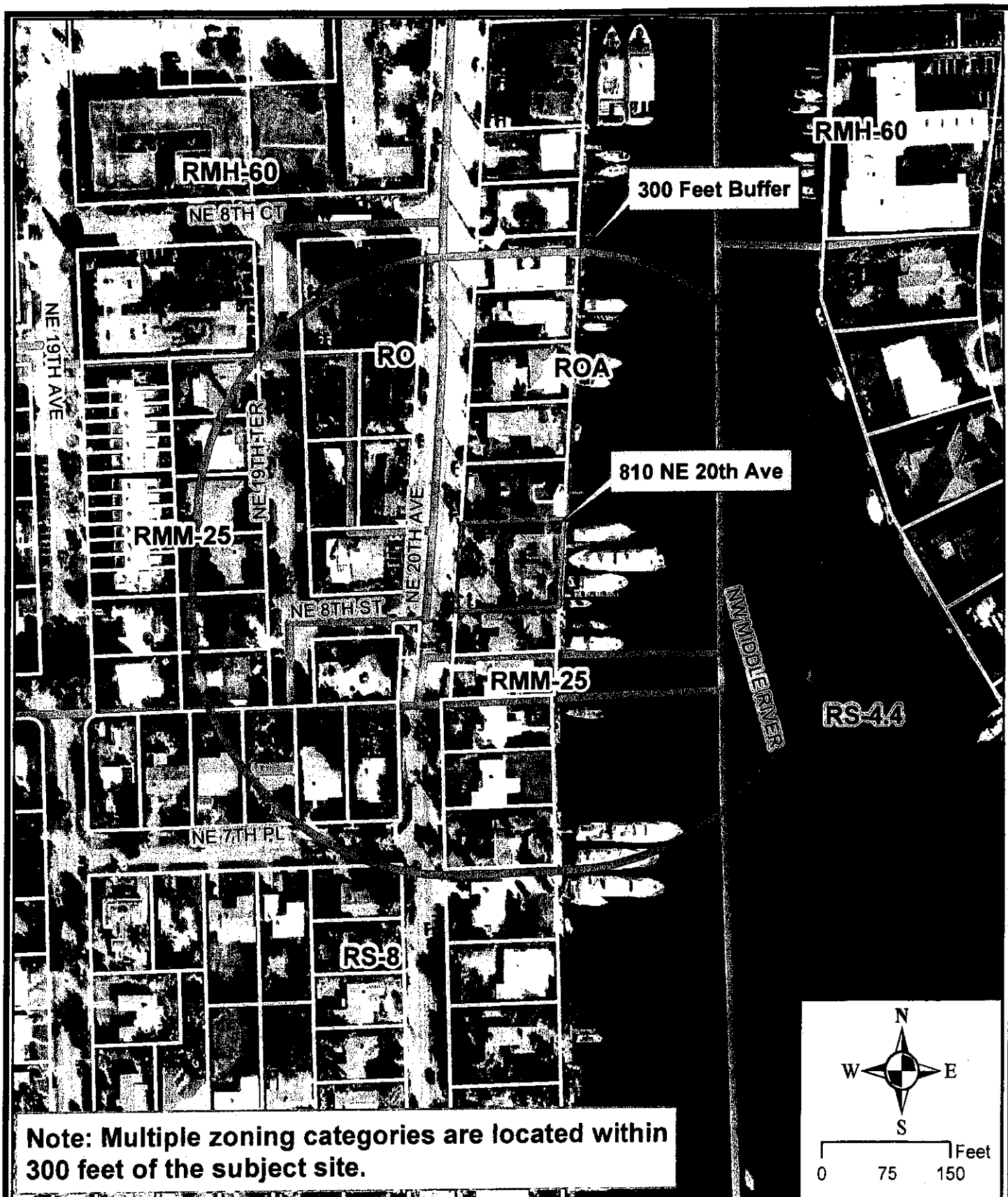
810 NE 20TH AVENUE

PREPARED FOR:

810, LLC

SECTIONS		
Date:	Sheet:	of:
9/25/12	3	3
Proj No.:	07-2005.001	

**EXHIBIT VI
ZONING AERIAL**



810 NE 20th Ave



EXHIBIT 1
CAM 12-2324
PAGE 20 of 20

EXHIBIT VII SUMMARY DESCRIPTION



Summary Description
810 NE 20th Avenue
TCG Project No. 07-0005.001

The project site is located along the Middle River at 810 NE 20 Avenue, in Section 01, Township 50, Range 42, in the City of Ft. Lauderdale, Broward County, Florida

The property is located along the Middle River, which are tidal waters. The nearest direct connection to the Atlantic Ocean is 2.8 miles to the south at Port Everglades. As the project site is located along the Middle River, the incoming tidal waters (flood) at the site move to the north and the outgoing waters (ebb) move to the south.

The proposed project consists of the installation of three (3) triple-pile clusters within the boundary of an existing, active submerged land lease. As measured from the property line along the face of the existing seawall, the proposed triple-pile clusters moving north to south will encroach into the Middle River approximately 116.0', 121.0', and 124.4' from the property line. As these distances are greater than twenty-five (25) feet beyond the property line, the triple-pile clusters will require a waiver. None of the proposed structures extend beyond 30% the width of the waterway and all structures and slips will be completely encompassed by the existing lease through the Florida Department of Environmental Protection,

The proposed triple-pile clusters will be permitted through the Broward County Environmental Protection & Growth Management Department, Florida Department of Environmental Protection, and US Army Corps of Engineers following the approval of the waiver.

The following four (4) matters provide justification for this waiver request:

1. The applicant has an existing submerged land lease with the State of Florida that would encompass the proposed triple-pile clusters.
2. All boat slips and structures will not exceed 30% of the width of the waterway.
3. Due to the extraordinary width of the waterway at this location ($\pm 376'$ - $429'$) to the opposite shoreline, the proposed project will not impede local navigation within the Middle River.
4. The additional piles are necessary for safely mooring the existing vessels, especially during high wind events and severe weather.

If this waiver is approved, the applicant will comply with all necessary construction requirements stated in Section 47-19.3 (C)(E).



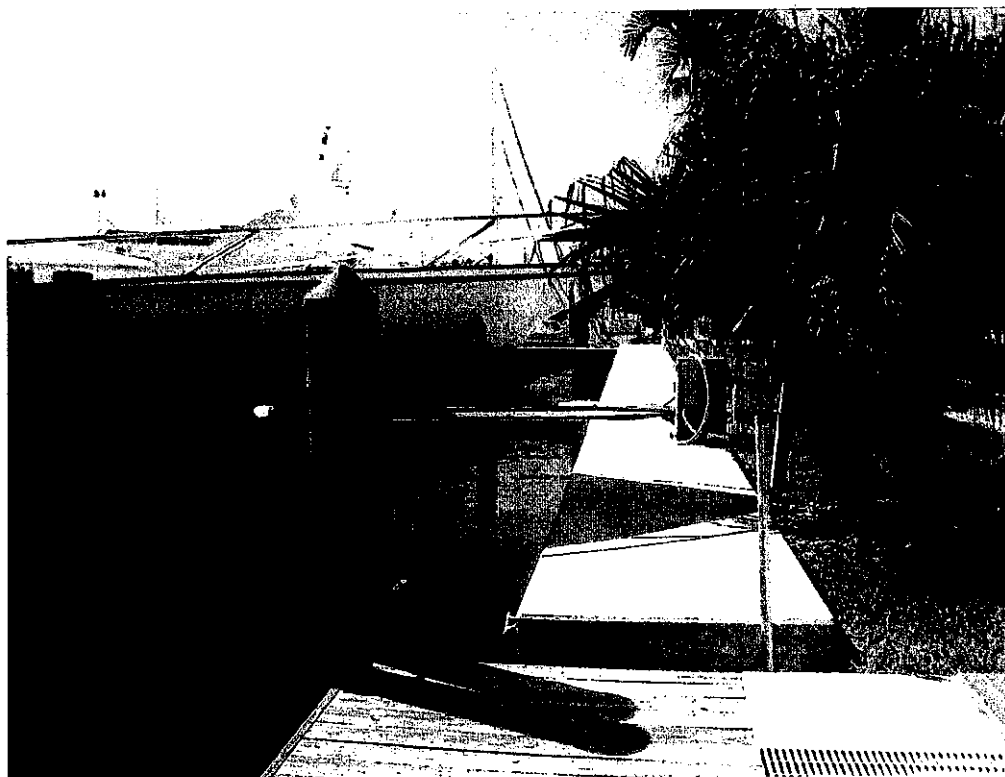
PROPOSED WAIVER REQUEST

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
MOORING PILE #1 (North)	116.0'	25'	91.0'
MOORING PILE #2 (Center)	121.0'	25'	96.0'
MOORING PILE #3 (South)	124.4'	25'	99.4'

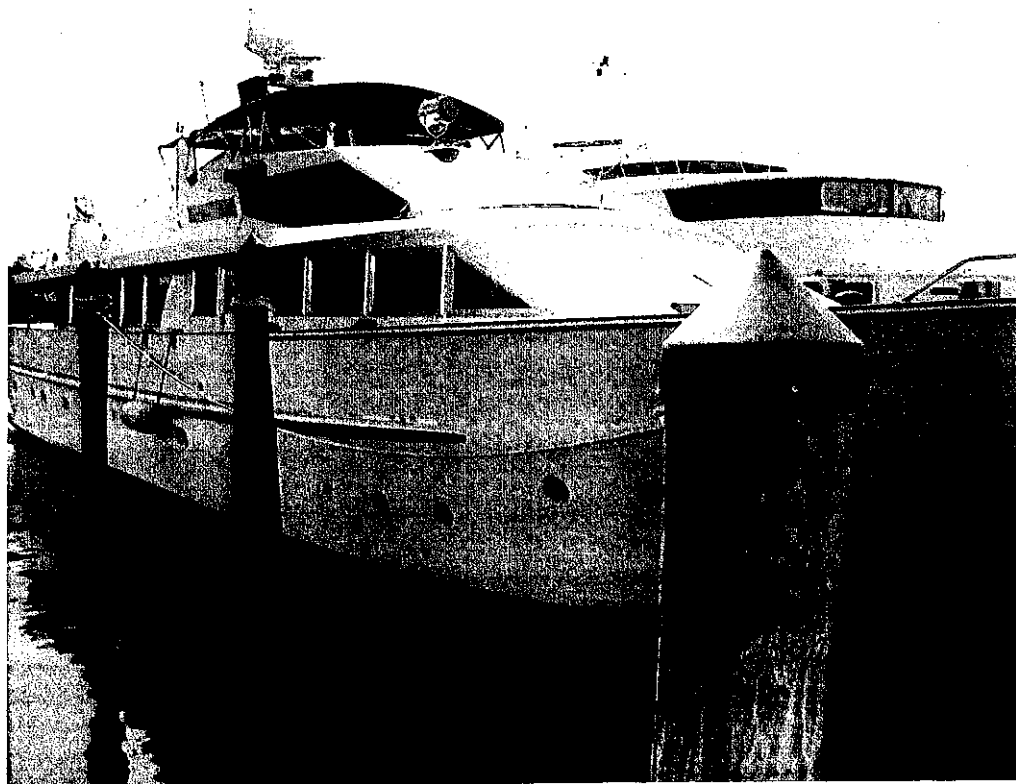
PREVIOUSLY APPROVED WAIVER (Resolution No. 07-219)

LOCATION OF STRUCTURES (FROM NORTH TO SOUTH)	SURVEYED DISTANCE OF PROPOSED STRUCTURES	PERMITTED DISTANCE WITHOUT WAIVER	AMOUNT OF DISTANCE REQUIRING A WAIVER
FLOATING FINGER PIER #1	73'	20'	53'
CLUSTER MOORING PILE #1	38'	25'	13'
CLUSTER MOORING PILE #2	68'	25'	43'
FLOATING FINGER PIER #2	73'	20'	53'

EXHIBIT VIII SITE PHOTOGRAPHS



1. North property corner, facing south.



2. North property corner, facing southeast.



3. North property corner, facing east across the Middle River.



4. South property corner, facing north.



5. Center of property, facing southeast across the Middle River.

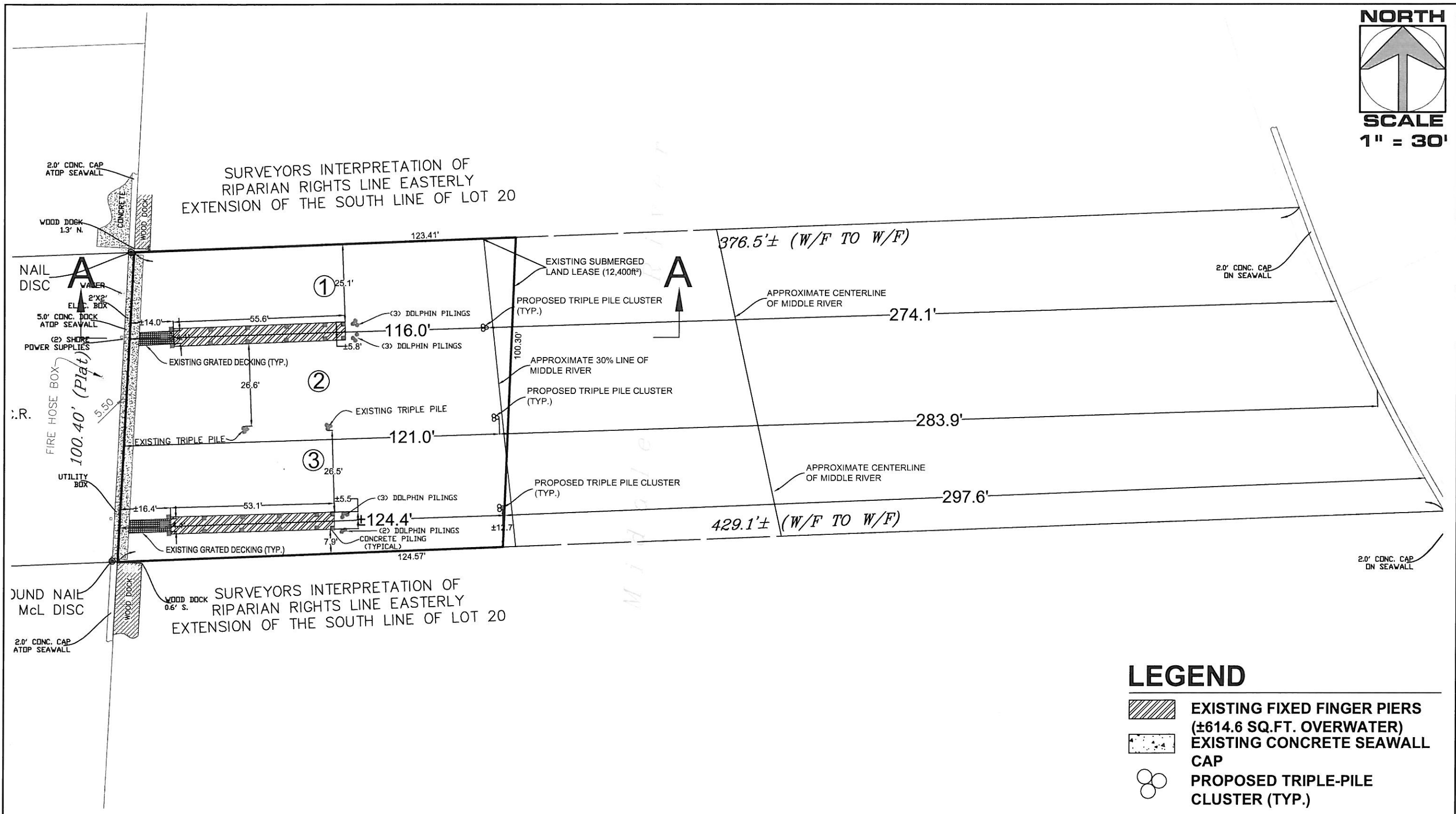


EXHIBIT 1
CAM 12-2324
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