

RESOLUTION NO. 13-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING PURSUANT TO SECTION 8-144 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, USE BY LORI JEAN MARCELLINO AND MILES AUSTIN FORMAN OF AN EXISTING MARGINAL DOCK AND SEAWALL WHICH WAS CONSTRUCTED ON PUBLIC PROPERTY IMMEDIATELY ADJACENT TO THEIR RESIDENCE AT 1029 CORDOVA ROAD, AS MORE PARTICULARLY DESCRIBED BELOW; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lori Jean Marcellino and Miles Austin Forman applied for a permit to use, maintain and repair an existing marginal dock and seawall on public property abutting a waterway in accordance with the provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale; and

WHEREAS, the City's Marine Advisory Board on January 3, 2013 reviewed the application for dock waiver filed by Applicant and voted unanimously to approve 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 Lori Jean Marcellino, a single woman and Miles Austin Forman, a married man, as joint tenants with right of survivorship (hereinafter referred to as "Permit Holder") to use the 5'W X 20'L marginal dock constructed on public property adjacent to the Rio Cordova canal with direct access to the Intracoastal Waterway, such dock being located on Cordova Road adjacent to Permit Holder's residence located at 1029 Cordova Road and legally described as follows:

The South 12.5 feet of Lot 33 and all of Lot 34, Block 22, RIO VISTA ISLES UNIT 3, according to the map or plat thereof as recorded in Plat Book 7, Page 47 of the Public Records of Broward County, Florida.

(Property ID#: 5042 11 18 1920)
(Hereinafter "Property")

SECTION 2. The Permit herein granted by this Resolution may be revoked at any time for violation of any one or more of the provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, all of which provisions are incorporated by reference as if fully set forth herein. The following conditions of that Code Section are listed for emphasis: (1) Permit Holder shall have no authority to assign permit rights to any other individual without approval of the City Commission, except as hereinafter provided; (2) Permit Holder is prohibited from collecting rent for the dock facility; (3) the marginal dock shall not be used by any person or persons other than Permit Holder, except as may hereinafter be provided; (4) Permit Holder shall be responsible for maintaining the improvements to marginal dock and seawall, and for beautifying the swale area in and around the dock location (hereinafter a Dock Area), which Dock Area is the upland area East of the pavement of Cordova Road and bounded by the Easterly projections of the Northernmost and Easternmost boundary lines of Permit Holder=s Property described in Section 1 above; (5) by acceptance of the use of the marginal dock and seawall and the Permit granted herein, 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 Dock Area; (6) Permit Holder shall be solely responsible for all governmental charges for fees in connection with the maintenance, repair and use of said Dock Area; (7) Permit Holder is prohibited from erecting any signs, landscaping or fencing that would restrict public access to the public swale right-of-way North of Barcelona Drive, except where permitted by City Code.

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

1. The fixed period of the Permit issued for use of the Dock and 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 ninety (90) days advance notice.
2. As a special condition, the City reserves the right to remove the existing marginal dock for replacement of the seawall or dredging 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 marginal dock shall be the responsibility of the Permit Holder. Furthermore, the Permit Holder shall be responsible for maintaining and beautifying the Dock Area 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 or this Resolution.

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 the Easternmost 50% of the marginal dock.
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 as provided in City Code Sec. 8-91 (e).
9. As a special condition, vessels berthed within the Dock Area must not encroach into the northerly and southerly extensions of the 5' set-back required for the RS 8 zoning district for 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 or provisions of this Resolution relative to the use of the Dock Area, then the Permit granted herein may be repealed or rescinded by the City Commission upon thirty (30) days' advance notice to the Permit Holder.
11. Use of the marginal 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 Permit Holder 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 the vessel registered with the Supervisor of Marine Facilities.

SECTION 4. Permit holder shall repair, replace or maintain the adjacent seawall during the term of the Permit. The term of this Permit shall be five (5) years from the date of adoption of this Resolution, provided, however that this Permit may be revoked upon ninety (90) days advance notice upon violation of any of the conditions set forth in this Resolution or upon violation of any one or more of the provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, all of which provisions are incorporated by reference as if fully set forth herein. At the end of the five (5) year term, the Permit shall be revocable at the will of the City Commission.

SECTION 5. That by acceptance of the benefits of this Resolution, Permit Holder acknowledges that the Dock Area is part of a publicly dedicated right-of-way for Cordova Road 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 6. That the City Clerk is hereby directed to record a copy of this Resolution in the Public Records of Broward County, Florida and after recording to file same in the City's records.

SECTION 7. That all Resolutions or parts of Resolutions in conflict are hereby repealed.

SECTION 8. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the _____, 2013.

 Mayor
 JOHN P. "JACK" SEILER

ATTEST:

 City Clerk
 JONDA K. JOSEPH