

ITEM V

MEMORANDUM MF NO. 12-05

DATE: July 5, 2012
TO: Marine Advisory Board Members
FROM: Andrew Cuba, Manager of Marine Facilities AC
RE: July 17, 2012 MAB Meeting – Application for Dock Permit – Rick J. Burgess -
711 Cordova Road

Attached for your review is an application from Rick J. Burgess, 711 Cordova Road (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is seeking approval for usage of an existing 39' 6" long x 8' wide marginal dock on public property abutting the waterway adjacent to 711 Cordova Road (see **Exhibit 1**). The applicant's narrative specifies that the dock will be used for their personal, private vessel storage. 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 dock is directly adjacent to the Rio Cordova canal, providing 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.

A Marine Advisory Board recommendation of approval to the City Commission should include at least the following conditions:

1. As a special condition in accord with City Code section 8-144(1), the initial period of the permit for use of the Dock and Mooring Piles will be for a minimum of 5 years in exchange for such improvements required to maintain the seawall and dock in accord with the recommendation of the City Engineer. The Permit can be revoked by the City Commission with ninety (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.

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" is that area formed by the Easterly extension of the North and South Boundary Lines of the Property, less the paved portion of Cordova Road. The Dock Area includes the marginal dock and adjoining seawall.
4. 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.
5. 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 (determined by the City Surveyor to be a maximum of 30' based on the platted canal width of 100').
6. As a special condition, vessel(s) berthed within the Dock Area must not encroach into the 5' setback required for the RS-8 zoning district for the Property.
7. 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.
8. Use of the dock is limited to the docking of vessel(s) 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.
9. 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, Assistant Director of Parks and Recreation
Jonathan Luscomb, Supervisor of Marine Facilities

**CITY OF FORT LAUDERDALE
MARINE FACILITIES
APPLICATION FOR WATERWAY
PERMITS, WAIVERS AND LICENSES**

**Mr. Rick J. Burgess
711 Cordova Road
Ft. Lauderdale, FL 33316**

APPLICATION FORM / NARRATIVE

EXHIBIT NO. 1

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: Rick J. Burgess

TELEPHONE NO: 954-401-6511 (home) 954-468-1363 (business) FAX NO. 954-888-2006

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

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: Application for Section 8-144 Dock Permit.

4. SITE ADDRESS: 711 Cordova Road ZONING: RS-8
Ft. Lauderdale, FL 33316

LEGAL DESCRIPTION:

Lot 45, Block 30, RIO VISTA ISLES UNIT 3, according to the map or plat thereof, recorded in Plat Book 7, Page 47, of the Public Records of Broward County, Florida. Tax Folio No. 504211-18-3640.

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications): Warranty Deed dated March 16, 2011; Survey dated January 25, 2011; Existing Permit Resolution No. 96-170 dated October 15, 1996; Four (4) photographs of existing dock; Aerial Photograph; Dock and Seawall Repair Estimate

Applicant's Signature (Handwritten signature)

Date: 7.6.12

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 _____

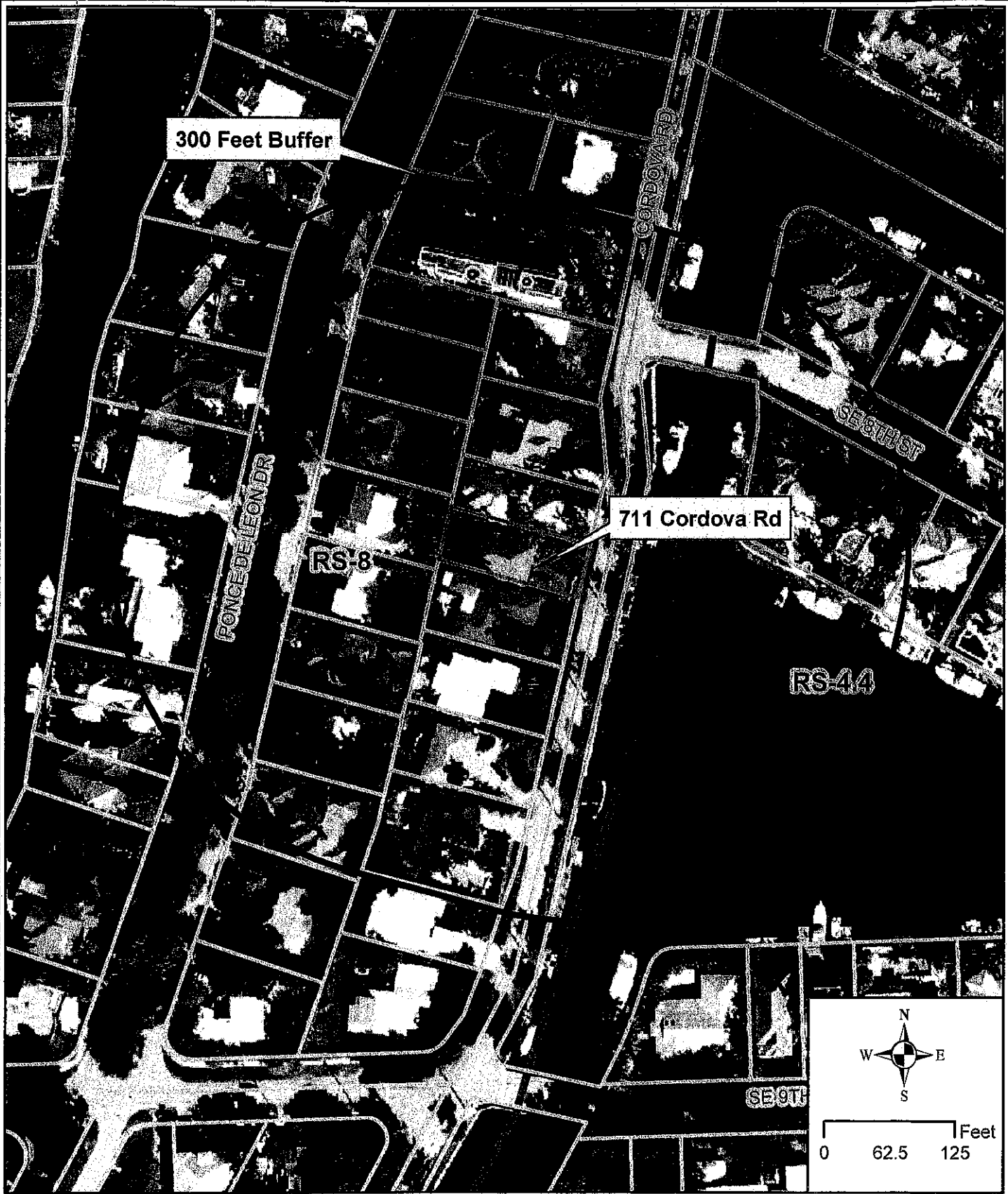
**Narrative in Support of Rick J. Burgess
711 Cordova Road, Ft. Lauderdale, FL 33316**

**CITY OF FORT LAUDERDALE
MARINE FACILITIES
APPLICATION FOR WATERWAY PERMITS, WAIVERS AND LICENSES**

After acquiring the property located at 711 Cordova Road ("Property"), I request permission for the use of the dock located directly east of the Property ("Dock"). The previous owners of the Property were registered Permit Holders for the Dock (Exhibit 8 attached). The Dock (and seawall) is in need of repair and I have obtained an estimate to accomplish the repairs. (Exhibit 6) After the repairs are completed pursuant to applicable Broward County Permits, I would like to use the Dock for docking my boat (title and registration in my name) and otherwise improve the plants and landscaping in the Dock area.

AERIAL PHOTOGRAPH

EXHIBIT NO. 2



711 Cordova Road



EXHIBIT INDEX

EXHIBIT NO. 3

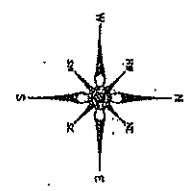
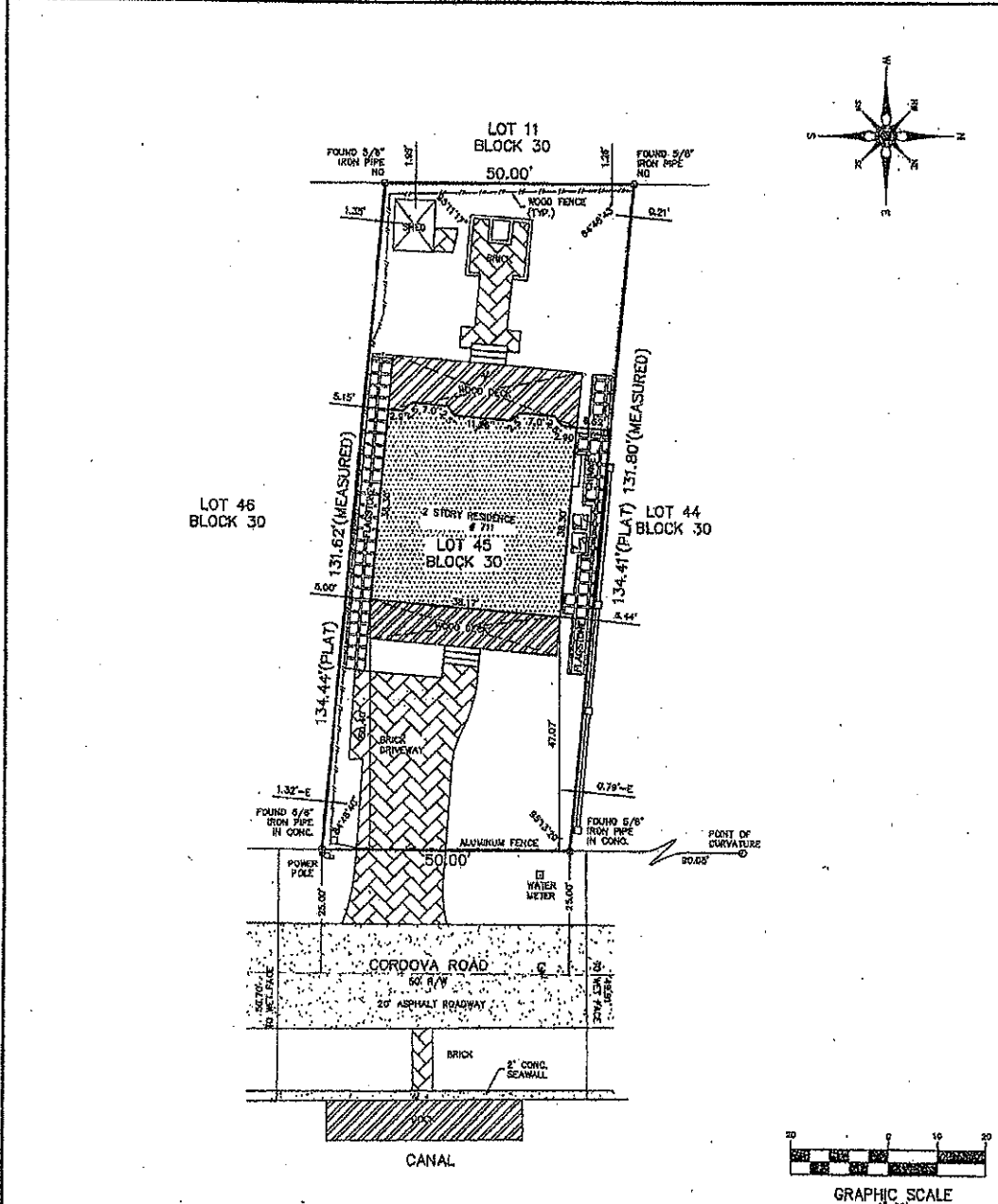
Table of Contents and Exhibit Index
For Rick J. Burgess, 711 Cordova Road, Ft. Lauderdale, FL 33316

CITY OF FORT LAUDERDALE
MARINE FACILITIES
APPLICATION FOR WATERWAY PERMITS, WAIVERS AND LICENSES

Application Form / Narrative	Exhibit No. 1	Page No(s). 1 - 2
Aerial Photograph	Exhibit No. 2	Page No(s). 3
Exhibit Index	Exhibit No. 3	Page No(s). 4
Survey, <i>January 25, 2011</i>	Exhibit No. 4	Page No(s). 5
Warranty Deed, <i>March 16, 2011</i>	Exhibit No. 5	Page No(s). 6 - 7
Broward Dock and Seawall, Inc's Repair Estimate Letter, <i>July 2, 2012</i>	Exhibit No. 6	Page No(s). 8
Photographs	Exhibit No. 7	Page No(s). 9 (View looking south) Page No(s). 10 (View looking north) Page No(s). 11 (Depression behind seawall) Page No(s). 12 (Seawall crack)
Existing Dock Permit Resolution No. 96-170, <i>October 15, 1996</i>	Exhibit No. 8	Page No(s). 13 - 16

SURVEY, JANUARY 25, 2011

EXHIBIT NO. 4



This survey was made for mortgage and title purposes only and is not valid for design or construction purposes.

NOTES:
 1. UNLESS OTHERWISE NOTED FIELD MEASUREMENTS ARE IN AGREEMENT WITH RECORD MEASUREMENTS.
 2. BEARINGS SHOWN HEREON ARE BASED ON A BEARING OF N 74° 15' 00" W.
 3. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR OWNERSHIP RIGHTS-OF-WAY, EASEMENTS, OR OTHER MATTERS OF RECORD 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 OR REPRODUCED 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.
 8. THIS SURVEY WAS MADE FOR MORTGAGE AND TITLE PURPOSES ONLY AND SHOULD NOT BE USED FOR DESIGN OR CONSTRUCTION PURPOSES.

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 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 5A-17 ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS, OCTOBER 1ST, 2009.



Robert L. Thompson 1-25-11
 ROBERT L. THOMPSON (PRESIDENT)
 PROFESSIONAL SURVEYOR AND MAPPER No. 3859 - STATE OF FLORIDA

REVISIONS	DATE	BY
UPDATE SURVEY 11-0162	01-24-11	AL/KLW
UPDATE SURVEY 63-1067	04-28-13	MFB
DATE OF SURVEY 06-20-11	DRAWN BY CLG	CHECKED BY RLT

FIELD BOOK 111/89
 SCALE 1"=20'
 SKETCH NUMBER SU-8418

WARRANTY DEED, MARCH 16, 2011

EXHIBIT NO. 5

Prepared by:
JOSEPH M. BALOCCO, ESQ.
1323 SE Third Avenue
Fort Lauderdale, FL 33316

WARRANTY DEED
(STATUTORY FORM-SECTION 689.02 F.S.)

THIS INDENTURE, made this 16th day of March, 2011 BETWEEN JOAN C. DRISCOLL, a single woman, Grantor, located at the following address: 1800 SW 75th Terrace, Plantation, FL 33317 and RICK J. BURGESS, Grantee, located at the following address: 711 Cordova Road, Fort Lauderdale, FL 33316.

WITNESSETH, that said Grantor, for and in consideration of the sum of TEN and 00/100 (\$10.00) DOLLARS and other good and valuable consideration 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 45, Block 30, RIO VISTA ISLES UNIT 3, according to the map or plat thereof, recorded in Plat Book 7, Page 47, of the Public Records of Broward County, Florida.

Tax Folio No. 504211-18-3640

Subject to: Covenants, easements and restrictions of record, if any; matters of plat, if any; existing zoning and government regulations; and taxes for the year 2011.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

"Grantor" and "Grantee" are used for singular or plural, as the context requires.

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:

Vicki Summers
Witness Signature

Vicki Summers
Witness Printed Name

Joan C. Driscoll
JOAN C. DRISCOLL

Stuart M. Balocco
Witness Signature

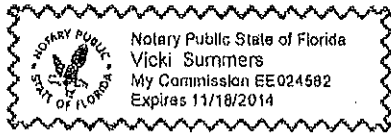
Stuart M. Balocco
Witness Printed Name

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 16th day of March, 2011 by JOAN C. DRISCOLL, who _____ is personally known to me or ✓ has produced a valid drivers license as identification.

Vicki Summers (SEAL)
Notary Public

My Commission Expires:



**BROWARD DOCK AND SEAWALL,
INC'S REPAIR ESTIMATE LETTER,**

JULY 2, 2012

EXHIBIT NO. 6

Phone: (954) 557-3775
Fax: (954) 975-9691

Licensed and Insured
Serving South Florida Since 1965



BROWARD DOCK AND SEAWALL, INC.

MARINE ENGINEERING CONTRACTORS
SEAWALLS • DOCKS • PILING

4430 NE First Terrace, Pompano Beach, Florida 33064

TO: R. Burgess
711 Cordova Road
Ft. Lauderdale, FL 33316-1429

JOB ADDRESS: Same
rburgess@gunster.com

LEGAL DESCRIPTION:

DATE: July 2, 2012

OWNER:
PHONE:

We propose to: install a footer on existing 50 ft. coral rock seawall. 3 ft. AWL-3 sheet piling will be jetted and/or driven into canal bottom. Sheet piling will be 6061-T6 marine alloy aluminum. A form will be installed at the top of sheets and 3,000 p.s.i. will be pumped into forms and between sheet piling and existing seawall. Face of seawall will be pressure cleaned of marine growth. Wall will be refaced from top of footer to bottom of cap with high-density masonry cement mixture and brushed for appearance. Cavities behind seawall will be located and filled.

PRICE: \$3,200.00
PLUS PLANS AND PERMITTING.

20% deposit with signed contract.

TERMS: Payment in full on completion if not otherwise specified. Broward Dock and Seawall, Inc. is not liable for any damages to electrical, water, sewer or other utilities, landscaping, sprinklers, buildings, swimming pools, etc. and will be indemnified therefore by owner with the exception of gross negligence. No changes will be made to the work in the absence of Broward Dock and Seawall, Inc.'s receipt of a change order signed by owner or contractor authorizing the work and adjusting the contract price accordingly. If any sums are collected by suit or demand of an attorney the owner agrees to pay all costs including reasonable attorney fees plus 1½% per month carrying charges. We reserve the right to withdraw this bid if not accepted within 15 days.

ACCEPTED BY _____
(OWNER OR OWNER'S AGENT)

BROWARD DOCK AND SEAWALL, INC.

TITLE

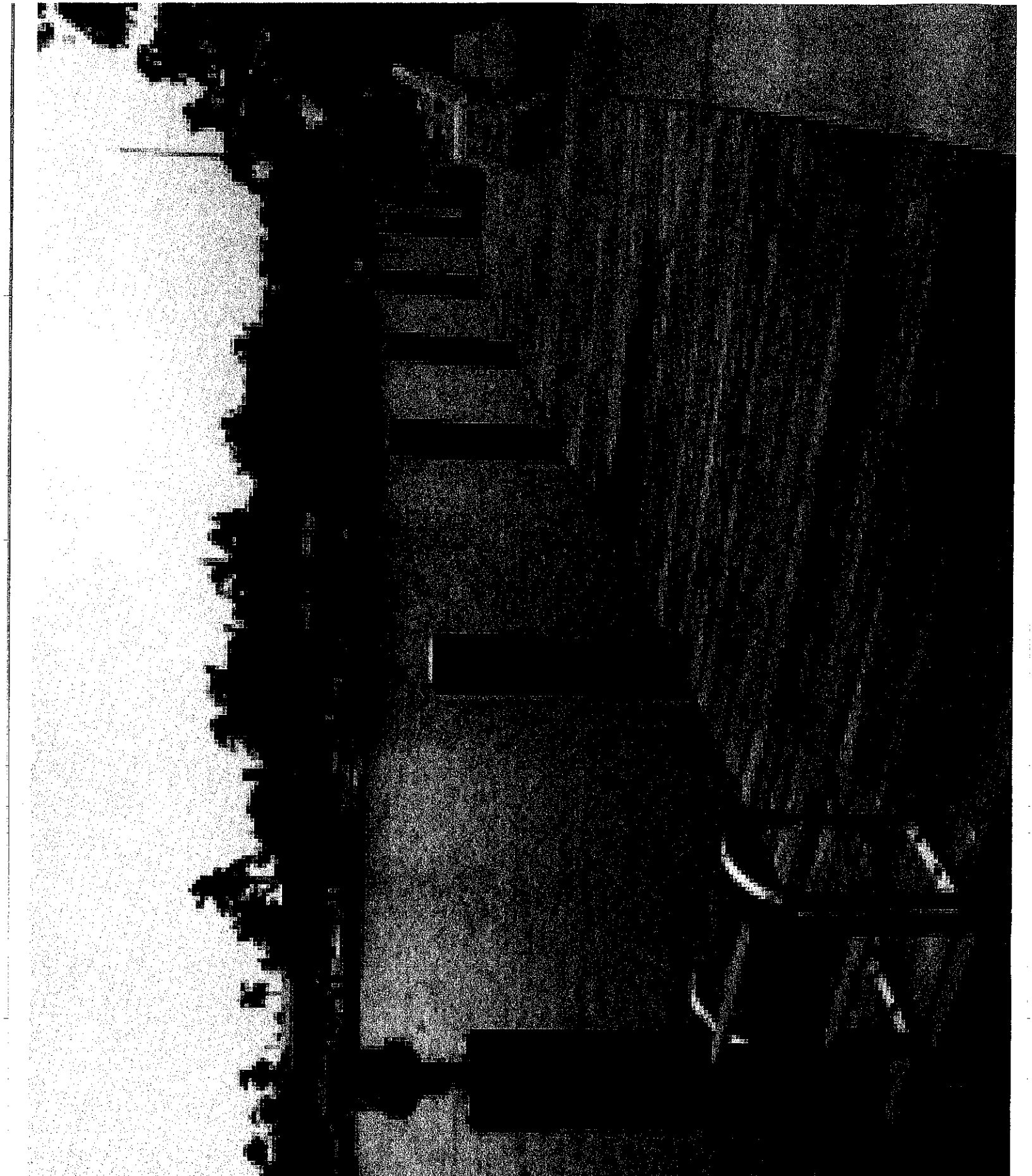
DATE

BY: _____
JERRY WOOTEN

TITLE

PHOTOGRAPHS

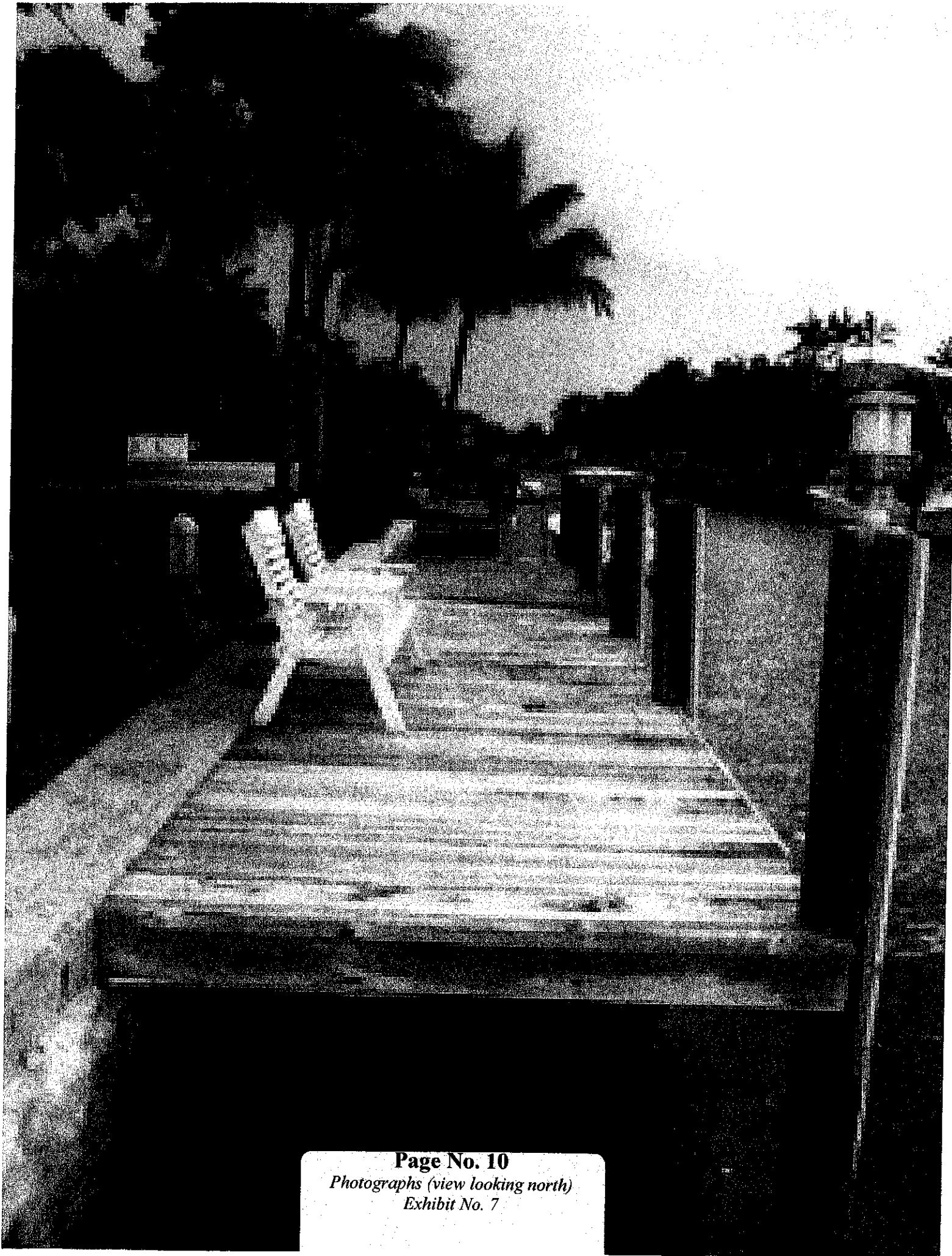
EXHIBIT NO. 7



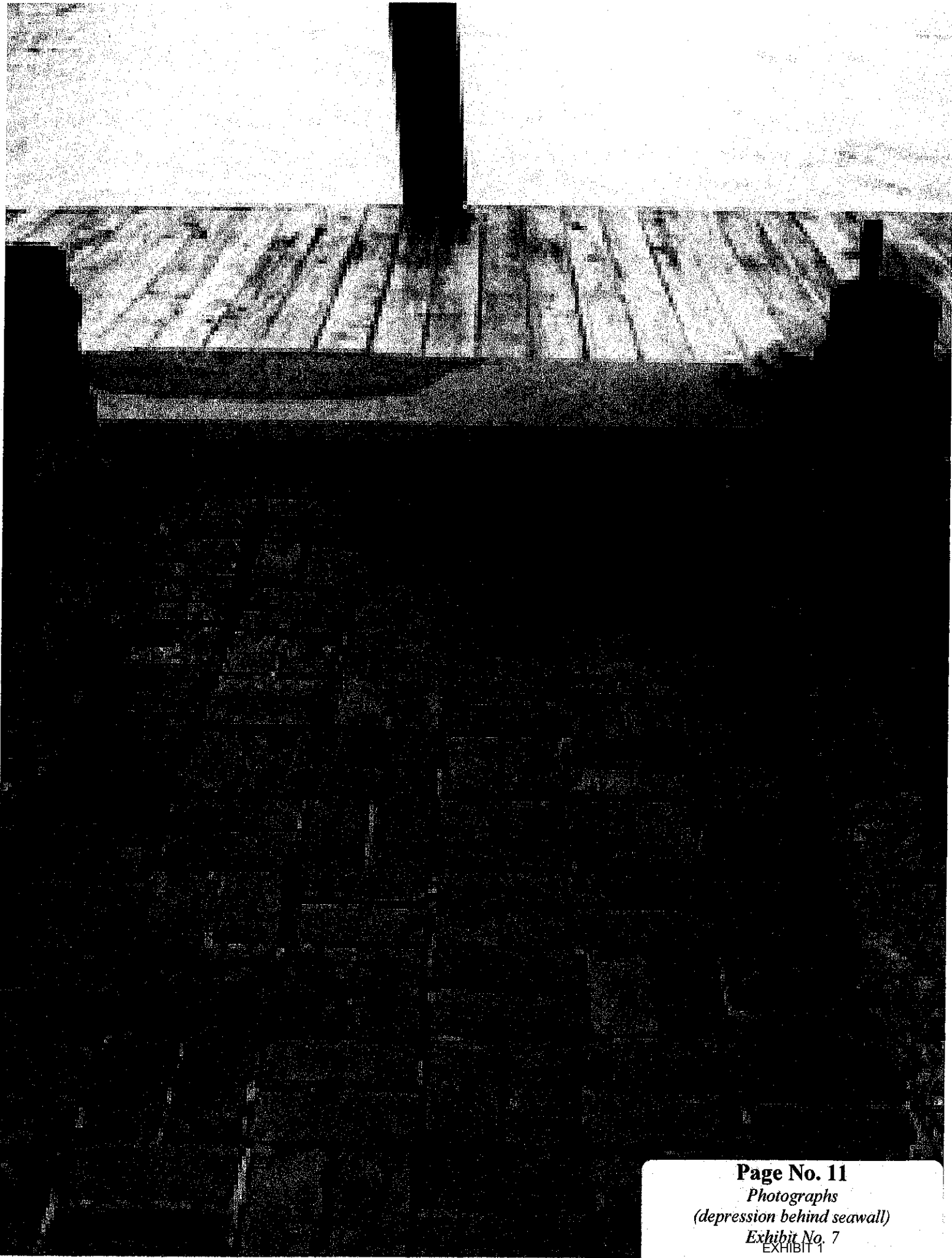
Page No. 9

*Photographs (view looking south)
Exhibit No. 7*

EXHIBIT 1
CAR 12-1237
PAGE 19 of 27



Page No. 10
Photographs (view looking north)
Exhibit No. 7



Page No. 11

Photographs

(depression behind seawall)

Exhibit No. 7

EXHIBIT 1

CAR 12-1237

PAGE 21 of 27



Page No. 12
Photographs (seawall crack)
Exhibit No. 7

EXISTING DOCK PERMIT
RESOLUTION NO. 96-170,
OCTOBER 15, 1996

EXHIBIT NO. 8



CITY OF
FORT LAUDERDALE

Venice of America

January 09, 1997

Mr. James P. Driscoll
711 Cordova Road
Ft. Lauderdale, FL 33316

Dear Mr. Driscoll:

Enclosed please find a certified copy of Resolution No. 96-170,
adopted by the City Commission at their meeting of October 15,
1996.

Sincerely,

Jamie Hart
Supervisor of Marine Facilities

JCH/mk
L-97-03
Enclosure



I certify this to be a true and correct copy of the record of the City of Fort Lauderdale, Florida.

WITNESSETH my hand and official seal of the City of Fort Lauderdale, Florida, this 28th day of October, 1996
[Signature] City Clerk

RESOLUTION NO. 96-170

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, FLORIDA THE USE BY JAMES P. DRISCOLL AND JOAN C. DRISCOLL, HIS WIFE, OF A DOCK ON PUBLIC PROPERTY LOCATED ON CORDOVA ROAD IMMEDIATELY EAST OF THE DRISCOLL RESIDENCE WITH THE STREET ADDRESS OF 711 CORDOVA ROAD AND MORE PARTICULARLY DESCRIBED BELOW, UNDER CERTAIN TERMS AND CONDITIONS.

WHEREAS, James P. Driscoll and Joan C. Driscoll, his wife, have made application for the use of a 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, such application has been reviewed and approved by the Marine Advisory Board of the City of Fort Lauderdale, with certain conditions attached as more particularly set forth hereinafter; and

WHEREAS, the City Commission of the City of Fort Lauderdale is willing to grant permission for the use of a dock pursuant to the terms of Section 8-144 of the Code of Ordinances and subject to certain other terms and conditions;

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 James P. Driscoll and Joan C. Driscoll, his wife, (hereinafter referred to as "Permit Holders") for the use of a existing dock on public property abutting a waterway, such dock being located on Cordova Road immediately east of the Permit Holders' residence which has a street address of 711 Cordova Road, which such property is legally described as follows:

Lot 45, Block 30, RIO VISTA ISLES UNIT 3, a Subdivision, Section 11, Township 50 South, Range 42 East, according to the Plat thereof, as

96-170

Page No. 14

Existing Dock Permit Resolution
No. 96-170, October 15, 1996

Exhibit No. 8

EXHIBIT 1

CAR 12-1237

PAGE 25 of 27

recorded in Plat Book 7, at Page 47, of the Public Records of Broward County, Florida; said lands lying, situate and being in the City of Fort Lauderdale, County of Broward, State of Florida.

SECTION 2. Use of the existing dock is limited to the docking of a vessel owned by Permit Holders (a copy of the documentation showing the name and registration number of the vessel shall be given by Permit Holders to the Supervisor of Marine Facilities).

SECTION 3. That the existing dock for which this permit is granted is 39' 6 1/2" in length and 8' 0" in width and the permit herein granted by this Resolution is revocable at the will of the City Commission or 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 Holders shall have no authority to assign permit rights to any other individual without approval of the City Commission, except as hereinafter provided; (2) Permit Holders are prohibited from collecting rent for the dock facility; (3) the dock shall not be used by any person or persons other than Permit Holders, except as hereinafter provided; (4) the Permit Holders shall be responsible for maintaining the improvements to, including dock and seawall, and for beautifying an area in and around the dock location (hereinafter "dock area"), which "dock area" is the upland area east of the pavement of Cordova Road and bounded by the easterly projections of the northerly and southerly boundary lines of the property described in Section 1 above; (5) by acceptance of the use of the dock and the permit granted herein, Permit Holders agree to defend, indemnify and hold City harmless for damages to property or injury to or for the death of anyone using the dock facility and dock area; (6) Permit Holders shall be solely responsible for all governmental charges for fees in connection with the maintenance, repair and use of said dock; (7) approximately fifty percent (50%) of the "dock area" shall remain open to the public at all times; (8) Permit Holders are prohibited from erecting any signs to restrict public access to the public swale right-of-way shown on the survey.

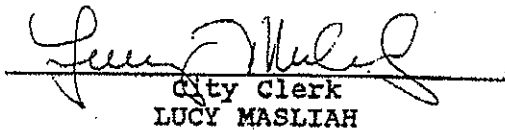
SECTION 4. That any Resolution or parts of Resolution in conflict herewith are hereby repealed.

ADOPTED this the 15th day of October, 1996.



Mayor
JIM NAUGLE

ATTEST:



City Clerk
LUCY MASLIAH