

RESOLUTION NO. 12-147

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, MAINTENANCE AND REPAIR, UNDER CERTAIN TERMS AND CONDITIONS, OF AN EXISTING MARGINAL DOCK AND SEAWALL ON PUBLIC PROPERTY, LOCATED ON CORDOVA ROAD ABUTTING THE WATERWAY ADJACENT TO PROPERTY OWNED BY RICK J. BURGESS AT 711 CORDOVA ROAD, THE LEGAL DESCRIPTION OF SUCH PROPERTY BEING MORE PARTICULARLY DESCRIBED BELOW; REPEALING ANY RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, Rick J. Burgess ("Applicant") owns the following described Property located in Fort Lauderdale, Broward County, Florida:

Lot 45, of Block 30, RIO VISTA ISLES UNIT 3, according to the Plat thereof, as recorded in Plat Book 7, Page 47 of the Public Records of Broward County, Florida; said lands lying, situate and being in the City of Fort Lauderdale, Broward County, Florida.

(Street Address: 711 Cordova Road Fort Lauderdale, FL 33316)

(Property ID#: 5042 11 18 3640)

(Hereinafter, "Property")

WHEREAS, "Applicant" has made application for the use, repair and maintenance of an existing 39' 6" L X 8' W marginal dock on public property abutting the waterway and adjacent to Applicant's Property, in accordance with the provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale; and

WHEREAS, such application was reviewed at the July 17, 2012 Marine Advisory Board meeting and approval of this application by the City Commission was unanimously recommended, with certain conditions attached as more particularly set forth hereinafter; and

WHEREAS, the City Commission of the City of Fort Lauderdale is desirous of approving repair, maintenance and use of said marginal dock and adjoining seawall 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 Rick J. Burgess ("Permit Holder") for the repair, maintenance and use of the 39' 6" L X 8' W marginal dock and seawall constructed on public property and adjacent to Applicant's Property.

SECTION 2. Use of the marginal dock and seawall is limited to the docking of a vessel owned by Permit Holder (a copy of the documentation showing the name and registration number of the vessel shall be given by Permit Holder to the Supervisor of Marine Facilities) which such vessel shall be used exclusively for personal purposes and not commercial purposes.

SECTION 3. 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 hereinafter provided; (4) Permit Holder shall be responsible for maintaining the improvements to marginal 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 Permit Holder's Property described 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 marginal dock, seawall and 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 marginal dock and seawall; (7) approximately fifty percent (50%) of the Dock Area shall remain open to the public at all times; (8) Permit Holder is prohibited from erecting any signs, landscaping or fencing that would restrict public access to the public swale right-of-way East of Cordova Road, except where permitted by City Code.

**SECTION 4.** The granting of this Permit is subject to the following terms and conditions, violation of which shall be grounds for revocation of the Permit:

1. As a special condition in accord with City Code Section 8-144(1), the initial period of the Permit for use of the marginal dock 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 marginal dock 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 marginal dock shall be the responsibility of the Permit Holder should any portion not be salvageable.
3. 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.
4. As a special condition, vessels berthed with 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').

5. As a special condition, vessel(s) berthed within the Dock Area must not encroach into the Eastward extension of the 5' setback required for the RS-8 zoning district for the Property.
6. 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.
7. Use of the marginal 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.
8. 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.

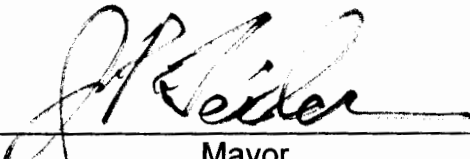
**SECTION 4.** Permit Holder shall obtain all applicable permits prior to constructing any improvements to the Dock Area, marginal dock and/or seawall including City of Fort Lauderdale Engineering Permits. All improvements to the Dock Area, marginal dock and seawall shall be in accordance with City of Fort Lauderdale Engineering design standards. Improvements to the Dock Area, marginal dock and seawall shall be done according to City Engineering design standards and in compliance with all other applicable codes and permit conditions. Design criteria shall meet acceptable installation standards for temporary removal of the deck structure or the dock and support pilings (if required) to allow replacement of the seawall. The sole cost of removal and replacement of the marginal dock is the responsibility of the Permit Holder should any portion not be salvageable.

SECTION 5. 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 6. That any Resolution or any parts of Resolution in conflict herewith are hereby repealed.

SECTION 7. That this Resolution shall be in full force and effect upon final adoption.

Adopted this the 21st day of August, 2012.

  
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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

  
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City Clerk  
JONDA K. JOSEPH

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