

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3.C. & D. OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW ERP OPERATING LIMITED PARTNERSHIP & EQR PORT ROYALE VISTAS, INC. TO CONSTRUCT AND MAINTAIN TWENTY-ONE (21) FINGER PIERS AND ASSOCIATED PILES EXTENDING A MAXIMUM OF 55' INTO THE ABUTTING WATERSWAY OVERLAYING APPLICANTS' PRIVATELY OWNED SUBMERGED LANDS, SAID UPLAND PROPERTY BEING LOCATED AT 3355 PORT ROYALE BOULEVARD, AS BEING 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, ERP Operating Limited Partnership & EQR Port Royale Vistas, Inc. (hereinafter "Applicant") owns the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

(ATTACHED HERETO AS EXHIBIT "A")

Street Address: 3355 Port Royale Boulevard
Fort Lauderdale, FL 33308

(hereinafter "Property")

WHEREAS, Applicant is requesting approval for expansion of an existing private docking facility located on privately owned submerged land; and

WHEREAS, the proposed expansion includes construction of twenty-one (21) finger piers and associated mooring piles extending a maximum of 55' from the property line into the abutting waterway overlaying the Applicant's privately owned submerged lands for Applicant's private yacht basin; and

WHEREAS, the City's Marine Advisory Board on October 4, 2012 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 the provisions of ULDR Section 47-19.3.e. of the Code of Ordinances of the City of Fort Lauderdale, the City Commission hereby grants a waiver of the limitations of ULDR Section 47-19.3.c & d., to allow Applicant to expand an existing private dock by constructing twenty-one (21) finger piers and associated mooring piles extending a maximum of 55' from the property line into the abutting waterways overlaying Applicant's privately owned submerged lands for Applicant's private yacht basin, such distances being more specifically set forth in the Table of Distances set forth below:

TABLE OF DISTANCES

PROPOSED STRUCTURES	NUMBER OF STRUCTURES REQUIRING A WAIVER	STRUCTURE DISTANCE FROM SEAWALL	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
FINGERS PIERS	13	30'	25'	5'
MOORING PILES	12	30'	25'	5'
MOORING PILES	4	55'	25'	30'
MOORING PILES	20	45'	25'	20'
MOORING PILES	6	39'	25'	14'

SECTION 2. That the above waiver is subject to the following additional conditions to be performed by the Applicant:

1. The Applicant is required to comply with all applicable building and zoning regulations as well as any other Federal and State laws and requirements.
2. As a condition of the issuance of the building permit, the Applicant install and affix reflector tape to the outermost mooring pilings requiring waiver as required by the Unified Land and Development Regulations (ULDR), Section 47-19.3.e.

3. As a general condition of approval, the Applicant is required to comply with all other conditions of site plan approval previously granted.
4. No fueling of major boat repair work that would be a violation of the City's Code shall take place on site.
5. The marina operation shall be equipped with oil spill containment and fire safety equipment as required by the City's code.
6. No outside loudspeakers or amplification systems shall be permitted on the marina site that would be a violation of noise ordinances.
7. No rafting of boats shall be permitted along any dock or seawall adjacent to the property except in the case of an emergency.
8. Substantial changes to the marina site plan, including the distances of the piers and pilings, requiring an amendment shall be reviewed by the Marine Advisory Board.
9. The Applicant shall comply with all permits required by governmental agencies having jurisdiction over the waterways, and shall comply with all codes and regulations affecting the operation of the marina, including Section 47-19.3 of the Urban Land and Development Regulations (ULDR) on Boats, Slips, Docks, Boat Davits and similar mooring devices.
10. Should County, State or federal permitting agencies having jurisdiction impose more restrictive standards to the conditions of local approval as specified above, then the more restrictive standards shall apply.
11. The Applicant shall furnish copies of final plans to the Supervisor of Marine Facilities for review and comment to the appropriate City Department staff prior to finalizing permits with all required governmental agencies.

SECTION 3. That all Resolutions or parts of thereof in conflict with this Resolution are hereby repealed.

SECTION 4. That this Resolution shall be in full force and effect upon and after its final passage.

ADOPTED this the _____, 2012.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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EXHIBIT A

PARCEL I: LOT 3, LESS THE WEST 290 FEET THEREOF, AND ALL OF LOT 4 OF BAR HARBOUR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 79, AT PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PARCEL II: A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL I CREATED UNDER THAT CERTAIN BUILDING EASEMENT AND USE AGREEMENT DATED MARCH 1, 1990, FROM EXECUTIVE LIFE INSURANCE COMPANY - REAL ESTATE EQUITIES DIVISION TO MORTGAGEE, RECORDED ON MARCH 21, 1990, IN OFFICIAL RECORDS BOOK 17263, AT PAGE 0942, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE FOLLOWING DESCRIBED REAL PROPERTY:

A PORTION OF LOT 10 OF BAR HARBOUR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 79, AT PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 10; THENCE S 88°21'53" WEST, ALONG THE SOUTH LINE OF SAID LOT 10, A DISTANCE OF 487.81 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 88°21'53" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 97.94 FEET; THENCE N 01°38'07" WEST, A DISTANCE OF 220.00 FEET; THENCE S 88°21'53" WEST, A DISTANCE OF 51.73 FEET TO THE WEST LINE OF SECTION 7, TOWNSHIP 49 SOUTH, RANGE 43 EAST, BROWARD COUNTY, FLORIDA, AND THE EAST LINE OF SECTION 12, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA; THENCE CONTINUE S 88°21'53" WEST, A DISTANCE OF 16.79 FEET TO A POINT ON A CURVE ON THE NORTHWESTERLY LINE OF SAID LOT 10, SAID CURVE BEING CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 360.00 FEET AND TO SAID POINT A RADIAL LINE BEARS N 44°27'41" WEST; THENCE NORTHEASTERLY, ALONG SAID CURVE ON SAID NORTHWESTERLY LINE, THROUGH A CENTRAL ANGLE OF 28°23'02", A DISTANCE OF 178.34 FEET; THENCE S 26°24'55" EAST, NON-RADIAL TO SAID CURVE, DEPARTING SAID NORTHWESTERLY LINE, A DISTANCE OF 87.50 FEET; THENCE S 63°35'05" WEST, A DISTANCE OF 27.70 FEET; THENCE S 01°38'07" EAST, A DISTANCE OF 113.54 FEET TO THE POINT OF BEGINNING.

PARCEL III:

Non-exclusive easement for ingress and egress for the benefit of Parcel I as provided for in that certain Declaration of Protective Covenants and Restrictions dated August 10, 1981, filed August 19, 1981 in Official Records Book 9733, at Page 203, together with First Amendment to Declaration of Protective Covenants and Restrictions for Fort Royale dated May 2, 1984, filed May 14, 1984 in Official Records Book 11688, at Page 698 and amended in Amendment to Declaration of Protective Covenants and Restrictions for Fort Royale dated August 4, 1987, filed August 5, 1987 in Official Records Book 14684, at Page 439 and First Supplement to Declaration of Protective Covenants and Restrictions for Fort Royale dated August 4, 1987, filed August 3, 1987 in Official Records Book 14684, at Page 474 and Second Supplement to Declaration of Protective Covenants and Restrictions for Fort Royale dated 12-11-87, 1987, filed DEC. 10, 1987 in Official Records Book 18042, at Page 232.

MEMO: Legibility of writing, typing or printing unsatisfactory in this document when microfilmed.

BK 24651P80861