

RESOLUTION NO. 23-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8-144 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A DOCK PERMIT FOR INSTALLATION, USE, MAINTENANCE AND REPAIR BY JOHN R. SWADENER AND STACI L. SWADENER, HUSBAND AND WIFE, OF A PROPOSED 32'+/- LONG X 12'8"+/- WIDE MARGINAL DOCK AND 23'+/- LONG X 5'+/- WIDE FINGER PIER AND ACCESS STEPS EXTENDING A MAXIMUM DISTANCE OF 25'+/- FROM THE PROPERTY LINE ABUTTING THE WATERS ADJACENT TO 1415 SE 11TH COURT; AUTHORIZING THE PROPER PUBLIC OFFICIALS TO COUNTERSIGN AND RECORD THE DECLARATION OF COVENANTS RUNNING WITH THE LAND RESPECTING A CITY ISSUED DOCK PERMIT; AUTHORIZING RECORDATION OF THIS RESOLUTION; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, John R. Swadener and Staci L. Swadener, Husband and Wife, applied for a permit to install, use, maintain and repair a proposed 32'+/- long x 12'8"+/- wide marginal dock and 23'+/- long x 5'+/- wide finger pier and access steps extending a maximum distance of 25'+/- from the property line on public property abutting the waters adjacent to 1415 SE 11th Court, in accordance with the provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, Florida, entitled Private Use of Public Property Abutting Waterways; and

WHEREAS, the City's Marine Advisory Board on December 19, 2023, reviewed the application for dock permit filed by Applicant and voted unanimously to recommend to the City Commission approval of 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 John R. Swadener and Staci L. Swadener, Husband and Wife (hereinafter referred to as "Permit Holder"), to install, use, maintain and repair a proposed 32'+/- long x 12'8"+/- wide marginal dock and 23'+/- long x 5'+/- wide finger pier and

access steps extending a maximum distance of 25'+/- from the property line on public property abutting the waters adjacent to 1415 SE 11th Court, legally described as follows:

Lots 13, of Block 6, RIO VISTA ISLES Unit 3, according to the Plat thereof, recorded in Plat Book 7, Page 47, of the Public Records of Broward County, Florida; said lands lying, situate and being in the State of Florida, County of Broward.

Street Address: 1415 SE 11th Court
Fort Lauderdale, FL 33316

Property ID# 5042 11 18 0491

(hereinafter, "Property" or "Upland Property")

SECTION 2. The Dock Permit herein granted by this Resolution may be revoked at any time for violation of any one or more of the conditions of this Resolution or provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, Florida, a number of such provisions are incorporated by reference as if fully set forth herein. The following conditions are listed for emphasis: (1) Permit Holder is prohibited from collecting rent for the dock facility; (2) the Dock Area, as defined below, shall not be used by any person or persons other than Permit Holder; (3) Permit Holder shall be responsible for maintaining the Improvements (the term "Improvements," as used herein shall mean the dock and seawall and any other appurtenant fixtures constructed or utilized by Permit Holder); (4) by acceptance of the use of the Improvements and the Permit granted hereby, 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 Improvements; (5) Permit Holder shall be responsible for all governmental charges or fees in connection with the maintenance, repair and use of the Improvements; (6) Permit Holder is prohibited from erecting any signs, landscaping or fencing that would restrict public access to the Public Swale Area as defined below.

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

1. This Dock Permit is conditioned upon the requirement that the Permit Holder shall construct the Improvements within the Dock Area (as hereinafter defined) within one-hundred eighty (180) days from the effective date of this Resolution. Extensions of time may be granted by the City Manager upon good cause show and, thereafter, during the term of this Dock Permit, Permit Holder shall repair, replace or maintain said Improvements within the Dock Area.

2. As a special condition, the City reserves the right to remove the Improvements for replacement of the seawall in the event that this might be required during the term of the Dock Permit as determined by the City Engineer and authorized by the City Manager. The sole cost of removal and replacement of the Improvements shall be the responsibility of the Permit Holder. Furthermore, the Permit Holder shall be responsible for maintaining and beautifying a reasonable area in and around the Dock Area and Public Swale Area (more particularly described below) and failure to do so shall be grounds for revocation of this Dock Permit.
3. (a) The *Dock Area* is that area (i) bounded on the North and South by the Eastward extension or prolongation of the side yard setback lines for the Property into abutting waterway, (ii) bounded on the East by the upland cap of the seawall abutting the adjacent waterway, and (iii) bounded on the West by Eastward extension or prolongation of the Northernmost and Southernmost side yard setback lines for the Property a distance of 25' into the adjacent waterway as provided in the City of Fort Lauderdale Florida, Unified Land Development Regulations ("ULDR") 47-19.3(c) and (d). (See **Exhibit "A"** attached hereto for a schematic representation of the *Dock Area*.)

(b) The *Public Swale Area* is that area (i) bounded on the West by the Easternmost edge of pavement adjacent to 1415 S.E. 11th Court, (ii) bounded on the North and South by that area lying between the Eastward extension or prolongation of the Northernmost and Southernmost side Property lines of the Upland Parcel, (iii) bounded by the East by the upland cap of the seawall abutting the adjacent waterway, and (iv) LESS the *Dock Area*. (See **Exhibit "A"** attached hereto for a schematic representation of *Public Swale Area*.)
4. That as a condition to the adoption of this Resolution, Permit Holder has executed a Declaration of Covenants Running with the Land Respecting A City Issued Dock Permit (hereinafter, "Declaration"). The proper City officials are hereby authorized to counter-execute and record the Declaration and this Resolution at the expense of the Permit Holder.
5. (a) During the term of the Dock Permit granted herein, the Permit Holder shall be required to construct the Improvements within the Dock Area and the Landscaping within the Public Swale Area within one-hundred eighty (180) days from the effective date of this Resolution to meet the requirements of Sections 47-19.3(f) and 47-19.13 of the City of Fort Lauderdale, Florida, Unified Land Development Regulations ("ULDR") and to thereafter, during the term of this Dock

Permit, to maintain, repair, replace or reconstruct the Improvements within the Dock Area and landscaping within the Public Swale Area.

(b) The Dock Permit granted herein to use the Improvements within the Dock Area shall expire upon the (i) abandonment of the use of the dock, or (ii) recordation of the deed of conveyance transferring title to the Upland Parcel, or (iii) termination, expiration or revocation of the Dock Permit by the City Commission, whichever (i), (ii) or (iii) shall first occur, subject to the survivability of the obligation to remove the Improvements within the Dock Area pursuant to the provisions of subsection (c) below and the obligations within the Declaration of Covenants Running With the Land Respecting A City Issued Dock Permit.

(c) Except as provided in subsection (d) below, upon expiration of the Dock Permit, the Permit Holder shall be obligated to remove all Improvements within the Dock Area no later than three (3) months after the termination, revocation or expiration of the Dock Permit. The provisions of this subsection shall be a continuing obligation that survives expiration of the Dock Permit.

(d) In the event a new Dock Permit is granted to a successor in interest to this Permit Holder within the time proscribed in subsection (c) above, then the obligation to remove the Improvements within the Dock Area and all appurtenances thereto shall be discharged as to this Permit Holder and a release and discharge of the Declaration shall be executed by the City Manager and recorded by the City in the Public Records of Broward County, Florida, at the expense of this Permit Holder.

(e) An application for a new Dock Permit may be filed by a contract vendee prior to obtaining fee simple title to the Upland Parcel, provided, however, that the granting of the new Dock Permit to the applicant contract vendee shall not be effective until such time as the conveyance of fee simple title to the Upland Parcel has been recorded in the Public Records of Broward County, Florida.

6. (a) As a special condition of the Permit, the Permit Holder is prohibited from erecting any signs, landscaping or fencing the effect of which is to restrict public access to the Public Swale Area except where permitted by Code. The "Dock Area" shall include the 32.0' of marginal dock and 23.0' of the finger pier and all, appurtenances thereto and adjoining seawall. Permit Holder shall post signage on the Dock Area indicating that the Dock Area is private. The Resolution Number under which this Dock Permit is granted shall be posted on the signage.

(b) Permit Holder shall be responsible for maintaining Improvements and landscaping within the "Dock Area" and "Public Swale Area". The "Public Swale Area" shall be landscaped in accordance with a Landscape Plan approved by the Development Services Department, a copy of which is attached hereto as **Exhibit "B"**.

(c) Prior to installation of Improvements and Landscaping hereunder, Permit Holder shall secure an Engineering / Landscape permit and approval for such Improvements and Landscaping within the "Public Swale Area."

7. (a) All improvements to the Public Swale Area and Dock Area shall be constructed in accordance with appropriate permits from all applicable regulatory authorities having subject matter jurisdiction regarding such matters and must be in accordance with City Engineering design standards and all applicable regulatory codes including the City's Unified Land Development Regulations, the Florida Building Code and Broward County Amendments thereto.

(b) All docks installed pursuant to the Dock Permit granted herein shall be either (i) floating docks that can adapt to sea level rise over their useful life span, (ii) fixed docks installed at a minimum elevation consistent with the requirements of Section 47-19.3(f) and 47-19.13 of the ULDR, or (iii) fixed docks the height of which are even with the City's seawall, whichever (i), (ii) or (iii) is greater.

(c) Penetrating the City seawall to support the dock or permanently attaching improvements, such as cleats, ladders, ramps, mooring whips or similar devices to the City seawall is prohibited, unless (i) specifically recommended and authorized by the City's Director of Public Works pursuant to the dock building permit review process, or (ii), or (ii) upon demonstration of hardship, as it relates to accommodations under the Americans With Disabilities Act, as same may be amended from time to time and authorized by the Resolution granting the dock permit.
8. The Dock Permit granted herein shall not be assignable without the written approval by Resolution adopted by the City Commission.
9. Permit Holder shall not charge or collect any rent or fees from anyone using such dock constructed on public property.

10. As a special condition, vessels berthed at the permitted dock, pursuant to Code Sec. 8-91(e) are prohibited from extending beyond the maximum distance of 30% of the width of the waterway.
11. Repair and/or maintenance of a vessel moored at this location shall be in compliance with City Code Sec. 8-149.
12. 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, Public Swale Area or 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.
13. Use of the Dock Area 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 the vessel provided by the Permit Holder to the Supervisor of Marine Facilities.
14. There shall be no fueling of vessels under this Dock Permit from tank trucks along the adjacent publicly dedicated Cordova Road.
15. The Permit Holder is prohibited from mooring any watercraft or vessel, other than a tender, in such a manner that it is "rafted out" from the vessel owned or operated by the Permit Holder and moored at the dock as authorized under the dock permit.
16. No vessel shall be docked or anchored in such a position that causes it to extend beyond the Eastward extension or prolongations Northernmost and Southernmost side yard setback lines required for the upland principal building, as extended into the waterway.
17. Parking in the "Public Swale Area" is intended to be temporary in nature only. Overnight or long-term parking by persons associated with the Permit Holder is discouraged.
18. Upon completion of the construction of the Dock and appurtenances thereto, Permit Holder shall provide to the City's Office of Marine Facilities an "As-Built" Survey, certified by a State of Florida licensed surveyor, of the Dock and appurtenances thereto showing the extension of the side yard property lines and side yard setbacks

for the principal upland building into the adjacent waterway and the dimensions of the Dock and appurtenances thereto.

SECTION 4. That by acceptance of the benefits of this Resolution, Permit Holder acknowledges that the Public Swale Area and Dock Area are part of a publicly dedicated right-of-way for that portion of S.E. 11th Court adjacent to the Property and that any right, title, interest or claim of use to the Dock, Dock Area or Public Swale Area except to the extent provided herein, is subordinate and inferior to that public dedication until such public dedication is discontinued by law.

SECTION 5. That the City Clerk is hereby directed to provide to the Permit Holder (a) a certified copy of this Resolution together with (b) the original fully executed Declaration for recording in the Public Records of Broward County, Florida, at Permit Holder's expense in accordance with the provisions of Section 7 hereof.

SECTION 6. That all Resolutions or parts of Resolutions in conflict are hereby repealed.

SECTION 7. That this Resolution shall not be effective until such time as (i) a certified copy of this Resolution has been recorded in the Public Records of Broward County, Florida, together with (ii) the fully executed Declaration has been recorded in the Public Records of Broward County, Florida, and (iii) a recorded copy of the Resolution and Declaration are filed with the City's Office of Marine Facilities and the City Clerk within ninety (90) days of the adoption of this Resolution and (iv) all costs of recordation have been borne by the Permit Holder. Failure to meet the conditions of (iii) above shall cause this Resolution to be of no further force and effect.

ADOPTED this _____ day of _____, 2023.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:

City Attorney
THOMAS J. ANSBRO

Dean J. Trantalis _____

John C. Herbst _____

Steven Glassman _____

Pamela Beasley-Pittman _____

Warren Sturman _____

EXHIBIT A

1415 SE 11TH COURT
LOT 13 BLOCK 6



