

MEMORANDUM MF NO. 12-16

DATE: November 27, 2012
TO: Marine Advisory Board Members
FROM: Andrew Cuba, Manager of Marine Facilities *AC*
RE: January 3, 2013 MAB Meeting – Application for Dock Permit/Private Use of Public Property – Lori Jean Marcellino and Miles Austin Forman – 1029 Cordova Road

Attached for your review is an application from Lori Jean Marcellino and Miles Austin Forman, 1029 Cordova Road (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is seeking approval for use and maintenance of an existing 20' long x 5' wide marginal dock on public property abutting the waterway adjacent to 1029 Cordova Road (see **Exhibit 1**). 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 Single Family Low Density Zoning District. The existing dock is directly adjacent to the Rio Cordova canal with 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. Staff has inspected this dock and it appears to be structurally sound.

The granting of this Permit is subject to all of the provisions of City Code Section 8-144 as well as the following terms and conditions, violation of any of which shall be grounds for revocation of the Permit:

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 90 days advance notice.
2. As a special condition, the City reserves the right to remove the existing Dock 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 shall be the responsibility of the Permit Holder should any portion not be salvageable. Furthermore, the Permit Holder shall be responsible for maintaining and beautifying a reasonable area in and around the dock location 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. The "Dock Area" shall include the marginal dock and adjoining seawall.
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 a reasonable portion upon which improvements have been placed, not exceeding fifty (50%) percent of the area.
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.
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 Applicant's (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 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.
11. Use of the 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 Applicant 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 any additional vessel owned or operated by the Applicant.

AC
Attachment

cc: Cate McCaffrey, Deputy Director of Parks and Recreation
Jonathan Luscomb, Supervisor of Marine Facilities

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

**LORI JEAN MARCELLINO, a single woman,
and MILES AUSTIN FORMAN, a married man, as
joint tenants with right of survivorship
1029 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: LORI JEAN MARCELLINO, a single woman, and MILES AUSTIN FORMAN, a married man, as joint tenants with right of survivorship

TELEPHONE NO: 954-658-6513 954-581-1220, Ext. 110 FAX NO. 954-332-6927
(home) (business)

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:** 1029 Cordova Road **ZONING:** RS-8
Ft. Lauderdale, FL 33316

LEGAL DESCRIPTION: RIO VISTA ISLES UNIT 3 7-47 B LOT 33 S 12.5,34 BLK 22

5. **EXHIBITS** (In addition to proof of ownership, list all exhibits provided in support of the applications): Warranty Deed dated December 16, 2011; Survey dated November 29, 2011; Existing Permit Resolution No. 94013184, dated May 19, 1994; (4) Photographs of existing dock; aerial photograph.

Lori J. Marcellino
Applicant's Signature

12/13/12
Date

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 _____

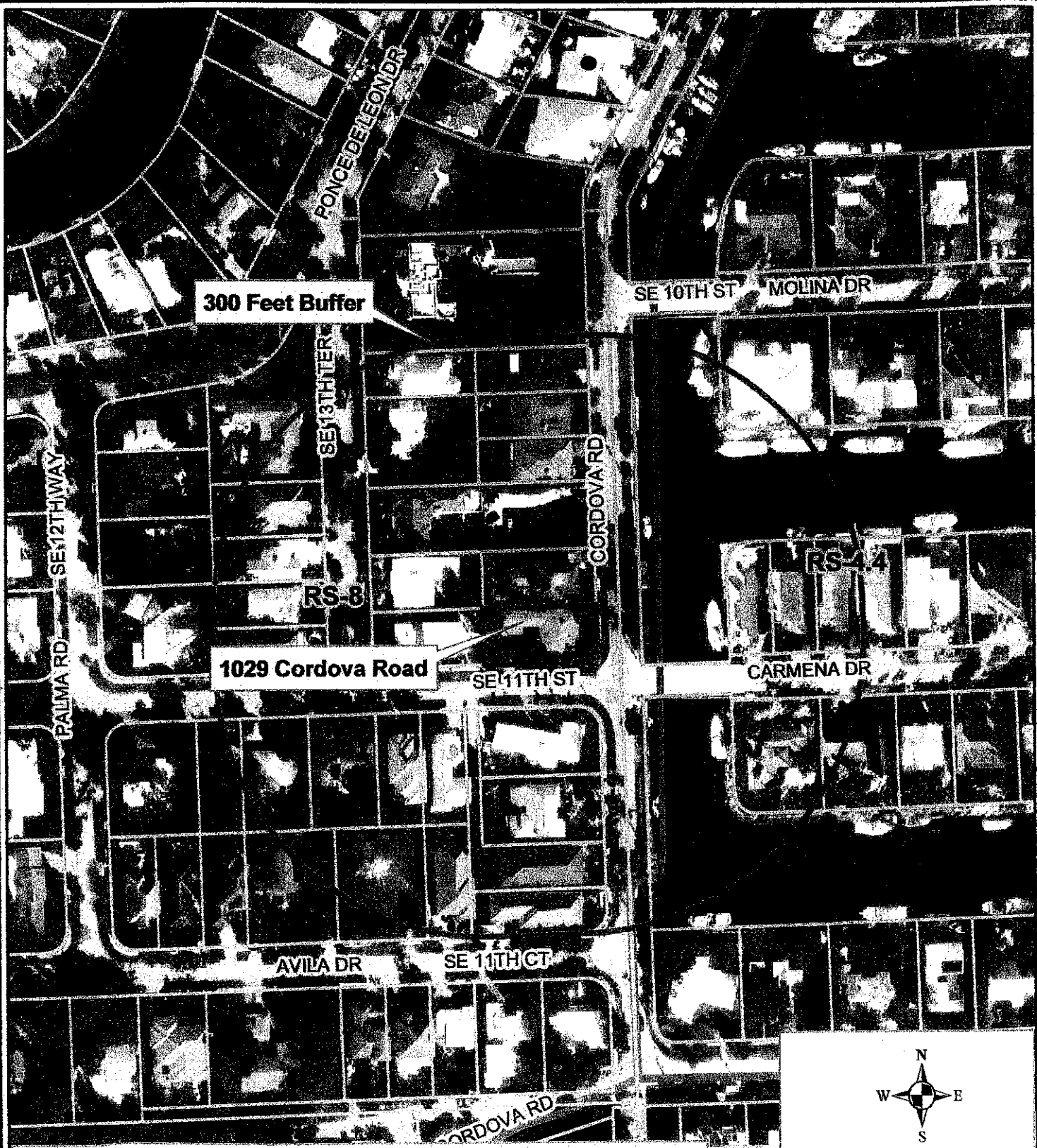
Narrative in Support of **LORI JEAN MARCELLINO**, a single woman, and **MILES AUSTIN FORMAN**, a married man, as joint tenants with right of survivorship
1029 Cordova Road, Ft. Lauderdale, FL 33316

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

After acquiring the property located at 1029 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 _ attached). The Dock (and seawall) are not currently in need of repair and are in fair, working condition. I would like to use the Dock for docking my boat and otherwise improve the plants and landscaping in the Dock area.

AERIAL PHOTOGRAPH

EXHIBIT NO. 2



Note: Multiple zoning categories are located within 300 feet of the subject site.

1029 Cordova Road



Page No. 3
Aerial Photograph
Exhibit No. 2

Plot Date 05/11/10

Projects on GIS1: p:\ced_dockmaster\arcgis\1029_Cordova_Road EXHIBIT 1



EXHIBIT INDEX

EXHIBIT NO. 3

Table of Contents and Exhibit Index
LORI JEAN MARCELLINO, a single woman,
and MILES AUSTIN FORMAN, a married man,
as joint tenants with right of survivorship,
1029 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
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Exhibit Index	Exhibit No. 3	Page No(s). 4
Survey, <i>November 29, 2011</i>	Exhibit No. 4	Page No(s). 5 – 6
Warranty Deed, <i>December 16, 2011</i>	Exhibit No. 5	Page No(s). 7 – 8
Photographs	Exhibit No. 6	Page No(s). 9 – 12
Existing Dock Permit Resolution No. 94013184, dated May 19, 1994	Exhibit No. 7	Page No(s). 13

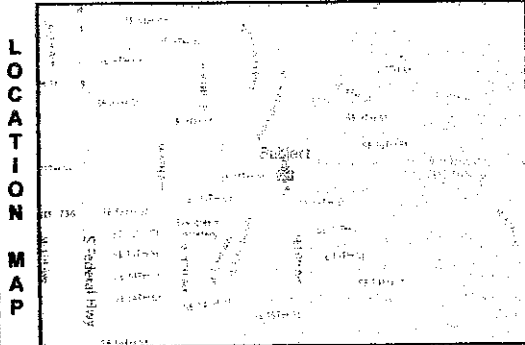
Survey, November 29, 2011

EXHIBIT NO. 4

Surveyor's Legend

	PROPERTY LINE		FND	FOUND IRON PIPE / PIN AS NOTED ON PLAT	B.R.	BEARING REFERENCE	TEL.	TELEPHONE FACILITIES
	STRUCTURE		LB#	LICENSE # - BUSINESS	Δ	CENTRAL ANGLE OR DELTA	U.P.	UTILITY POLE
	CONC. BLOCK WALL		LS#	LICENSE # - SURVEYOR	R	RADIUS OR RADIAL	E.U.B.	ELECTRIC UTILITY BOX
	CHAIN-LINK FENCE OR WIRE FENCE		CALC	CALCULATED POINT	RAD.	RADIAL TIE	SEP.	SEPTIC TANK
	WOOD FENCE		SET	SET PIN	N.R.	NON RADIAL	D.F.	DRAINFIELD
	IRON FENCE		▲	CONTROL POINT	TYP.	TYPICAL	A/C	AIR CONDITIONER
	EASEMENT		■	CONCRETE MONUMENT	I.R.	IRON ROD	S/W	SIDEWALK
	CENTER LINE		⊕	BENCHMARK	I.P.	IRON PIPE	DWY	DRIVEWAY
	WOOD DECK		ELEV	ELEVATION	H&D	NAIL & DISK	SCR.	SCREEN
	CONCRETE		P.T.	POINT OF TANGENCY	PK NAIL	PARKER-KALON NAIL	GAR	GARAGE
	ASPHALT		P.C.	POINT OF CURVATURE	D.H.	DRILL HOLE	ENCL.	ENCLOSURE
	BRICK / TILE		P.C.C.	POINT OF COMPOUND CURVATURE	⊙	WELL	N.T.S.	NOT TO SCALE
	WATER		P.R.C.	POINT OF REVERSE CURVATURE	⊠	FIRE HYDRANT	F.F.	FINISHED FLOOR
	APPROXIMATE EDGE OF WATER		P.O.B.	POINT OF BEGINNING	⊙ M.H.	MANHOLE	Y.O.B.	TOP OF BANK
	COVERED AREA		P.O.C.	POINT OF COMMENCEMENT	O.H.L.	OVERHEAD LINES	E.O.W.	EDGE OF WATER
	TREE		P.C.P.	PERMANENT CONTROL POINT	TX	TRANSFORMER	E.O.P.	EDGE OF PAVEMENT
	POWER POLE		M	FIELD MEASURED	CATV	CABLE TV RISER	C.V.G.	CONCRETE VALLEY GUTTER
	CATCH BASIN		P	PLATTED MEASUREMENT	W.M.	WATER METER	B.S.L.	BUILDING SETBACK LINE
	COUNTY UTILITY EASEMENT		D	DEED	P/E	POOL EQUIPMENT	S.T.L.	SURVEY TIE LINE
	RAILROAD / EGRESS EASEMENT		C	CALCULATED	CONC.	CONCRETE SLAB	⊕	CENTER LINE
	UTILITY EASEMENT		L.M.L	LAKE OR LANDSCAPE MAINT. ESHI.	ESMT	EASEMENT	R/W	RIGHT-OF-WAY
			R.O.W.	ROAD OVERHANG EASEMENT	D.E.	DRAINAGE EASEMENT	P.U.E.	PUBLIC UTILITY EASEMENT
					L.R.E.	LANDSCAPE BUFFER EASEMENT	C.M.E.	CANAL MAINTENANCE EASEMENT
					L.A.E.	LIMITED ACCESS EASEMENT	A.E.	ANCHOR EASEMENT

1029 CORDOVA ROAD
FORT LAUDERDALE, FL 33316



LOCATION MAP

NOT TO SCALE

General Notes:

1. The Legal Description used to perform this survey was supplied by others. This survey does not determine or is not to imply ownership.
2. This survey only shows above ground improvements. Underground utilities, footings, or encroachments are not located on this survey map.
3. If there is a septic tank, well, or drain field on this survey, the location of such items was shown to us by others and the information was not verified.
4. Examination of the abstract of title will have to be made to determine recorded instruments, if any, effect this property. The lands shown herein were not abstracted for easement or other recorded encumbrances not shown on the plat.
5. Wall ties are done to the face of the wall.
6. Fence ownership is not determined.
7. Bearings referenced to line noted B.R.
8. Dimensions shown are platted and measured unless otherwise shown.
9. No identification found on property corners unless noted.
10. Not valid unless sealed with the signing surveyors embossed seal.
11. Boundary survey means a drawing and/or graphic representation of the survey work performed in the field, could be drawn at a shown scale and/or not to scale.
12. Elevations if shown are based upon NGVD 1929 unless otherwise noted.
13. This is a BOUNDARY SURVEY unless otherwise noted.
14. This survey is exclusive for the use of the parties to whom it is certified. The certifications do not extend to any unnamed parties.

Community Number: FT LAUDERDALE/125105
 Panel Number: 12011C0219F
 Suffix: F
 Date of Firm Index: 8/18/1992
 Flood Zone: AE
 Base Flood Elevation: 7
 Date of Field Work: 11/28/2011
 Date of Completion: 11/29/2011

Certified To: LORI JEAN MARCELLINO AND MILES AUSTIN FORMAN, CHRISTOPHER J. GERTZ, P.A., OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY ISSUED THROUGH ATTORNEY'S TITLE FUND SERVICES, LLC, . . . Its successors and/or assigns as their interest may appear.

Legal Description: THE SOUTH 12.5 FEET OF LOT 33 AND ALL OF LOT 34, BLOCK 22, UNIT 3 RIO VISTA ISLES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 47

PRINTING INSTRUCTIONS:

While viewing the survey in any Acrobat Reader, select the File Drop-down and select "Print"
 Select a color printer, if available, or at least one with 8.5" x 14" paper.
 Select ALL for Print Range, and the # of copies you would like to print out.
 Under the "Page Scaling" please make sure you have selected "None."
 Do not check the "AutoRotate and Center" button.
 Check the "Choose Paper size by PDF" checkbox.
 Click OK to Print.

MIGUEL ESPINOSA LAND SURVEYING, INC.
 10665 SW 190TH STREET
 SUITE 3110
 MIAMI, FL 33157
 PHONE: (305) 740-3319
 FAX: (305) 669-3190
 LB#: 6463



Warranty Deed, December 16, 2011

EXHIBIT NO. 5

Prepared by and return to:

Christopher James Gertz, Esq.
Christopher J. Gertz, P.A.
888 South Andrews Avenue Suite 204
Fort Lauderdale, FL 33316
954-565-2601
File Number: 11-451
Will Call No.:

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 16th day of December, 2011 between **William E. Johnson and Kathryn E. Holtzman, husband and wife** whose post office address is 1126 S. Federal #172 Ft. LAUD FL 33316 grantor, and **Lori Jean Marcellino, a single woman, and Miles Austin Forman, a married man, as joint tenants with a right of survivorship,** whose post office address is 1029 Cordova Road, Fort Lauderdale, FL 33316, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations 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:

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, Public Records of Broward County, Florida.

Parcel Identification Number: 504211181920

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2011**.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

2
cy [Signature]
DoubleTimes

Signed, sealed and delivered in our presence:

C. J. Gertz
Witness Name: C. J. Gertz

Witness Name: William E. Johnson

C. J. Gertz
Witness Name: C. J. Gertz

Witness Name: William E. Johnson

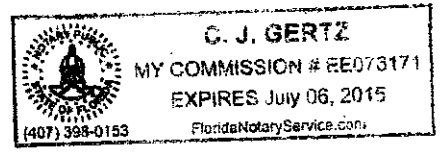
William E. Johnson (Seal)
William E. Johnson

Kathryn E. Holtzman (Seal)
Kathryn E. Holtzman

State of Florida
County of Broward

The foregoing instrument was acknowledged before me this 16th day of December, 2011 by William E. Johnson and Kathryn E. Holtzman, who are personally known or have produced a driver's license as identification.

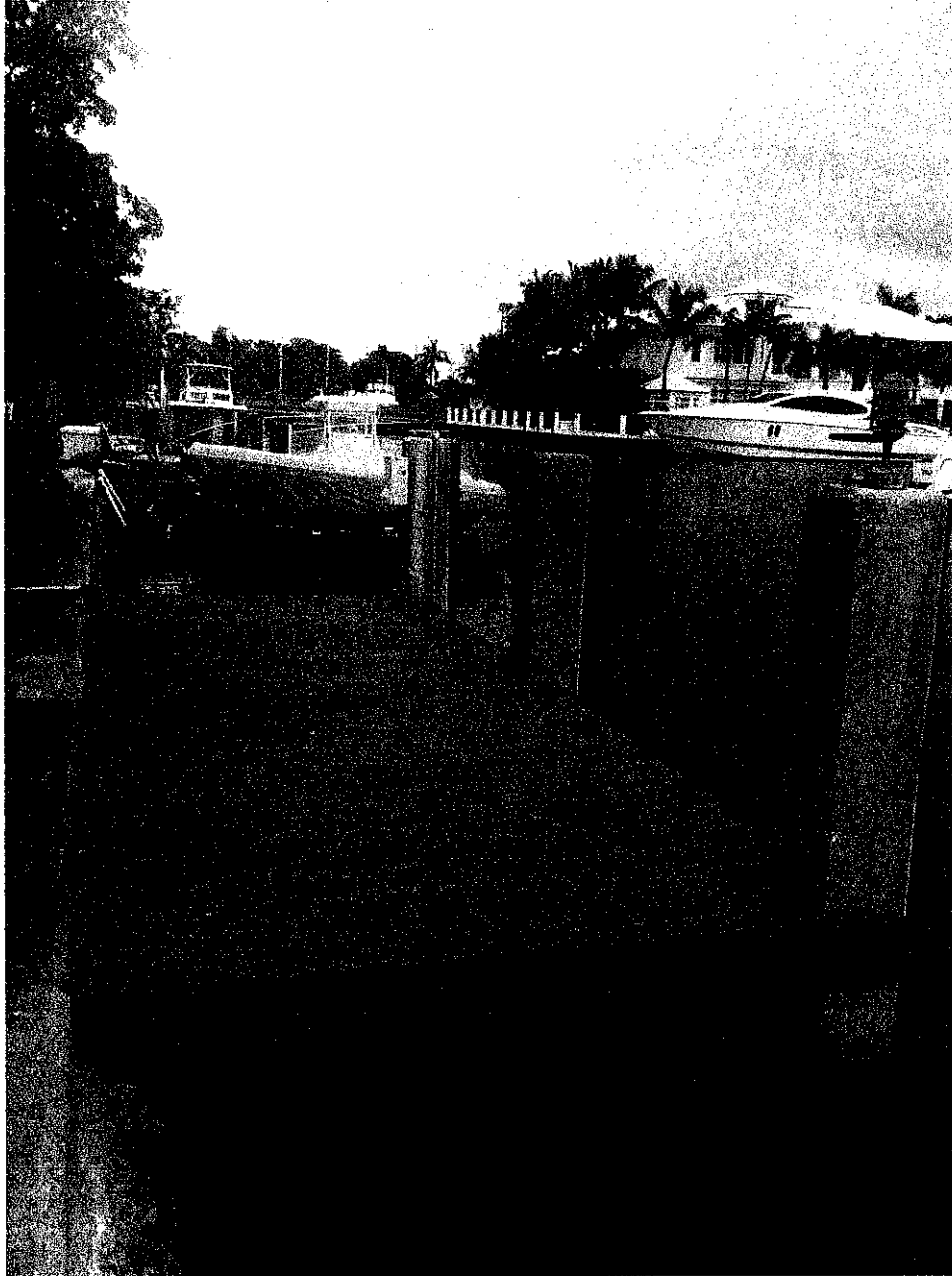
[Notary Seal]



C. J. Gertz
Notary Public
Printed Name: C. J. Gertz
My Commission Expires: 7.6.2015

Photographs

EXHIBIT NO. 6

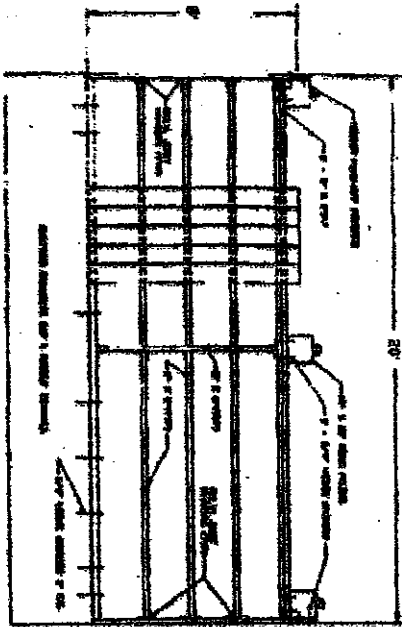






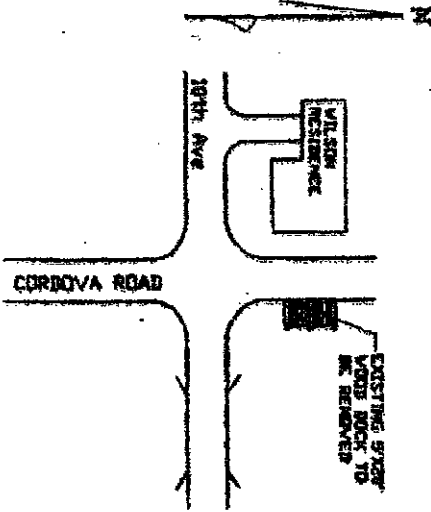
EXISTING DOCK PERMIT
RESOLUTION NO. 094013184,
May 19, 1994

EXHIBIT NO. 7

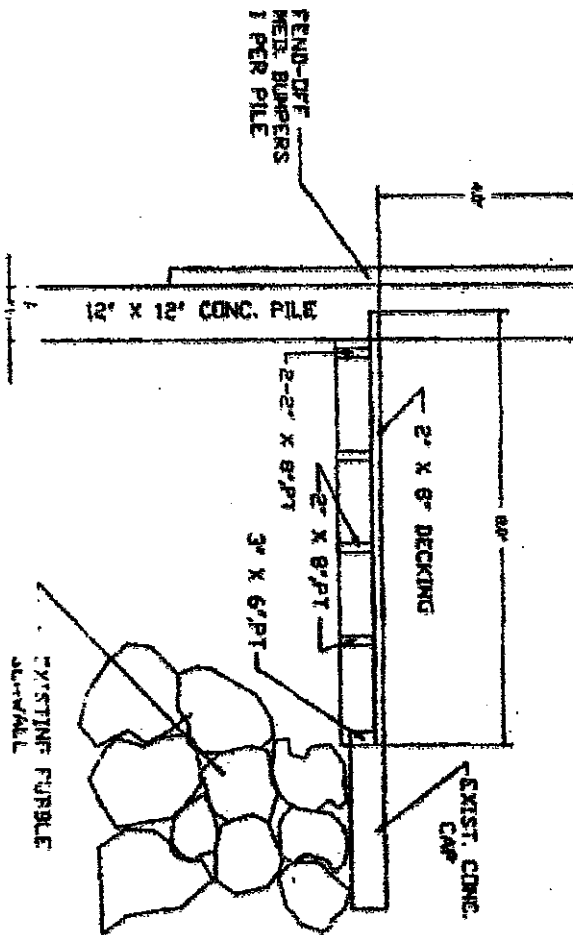


PLAN VIEW
SCALE 1/8" = 1'-0"

PLDT PLAN
N.T.S.



SECTION VIEW
SCALE 1/8" = 1'-0"



NOTES

ALL MATERIALS TO BE HOT DIPPED GALVANIZED

PILEMS SHALL BE DRIVEN TO A MINIMUM OF THREE TIMES THEIR LENGTH

PILEMS SHALL BE STIFFENED WITH 2" X 8" GALVANIZED

WALLS AT EVERY CORNER SHALL BE 12" X 12" CONC. PILES

WHERE INDICATED TO BE DRIVEN AS PER DIMENSIONS AND SPECIFICATIONS



10/1	C.R. THRESE CONSTRUCTION INC. 200 E. 4th STREET MIAMI, FLORIDA 33134	NEW DOCK FOR MR. DON WILSON 1003 CORDOVA ROAD FT. LAUDERDALE, FLORIDA	[Professional Seal/Stamp]
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