

8-18-15
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REVISED
RESOLUTION

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING, PURSUANT TO SECTION 8-144 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, A DOCK PERMIT FOR THE USE BY TROY AND TAIS EAKINS FOR AN EXISTING MARGINAL DOCK AND SEAWALL WHICH WAS CONSTRUCTED ON PUBLIC PROPERTY ADJACENT TO THE PROPERTY OWNED BY TROY AND TAIS EAKINS AT 1725 SE 8th STREET, AS SUCH PROPERTY IS MORE PARTICULARLY LEGALLY DESCRIBED BELOW; SUBJECT TO CERTAIN TERMS AND CONDITIONS; SUBJECT TO APPROVAL OF A LANDSCAPE PLAN AND REQUIRMENT OF IMPLEMENTATION AND MAINTENANCE THEREOF; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, TROY AND TAIS EAKINS, applied for a permit to use, maintain and repair an existing marginal dock and seawall on 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, the City's Marine Advisory Board on June 4, 2015, reviewed the application for dock waiver filed by Applicant and voted 13 - 0 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 **TROY AND TAIS EAKINS** (hereinafter referred to as "Permit Holder") to use the 9.3'W X 100'L marginal dock constructed on public property, together with a 12'L x 13'W boat lift and replacement seawall adjacent to the Rio Valencia canal with direct access to the Intracoastal Waterway, such dock being located on SE 8th Street

adjacent to Permit Holder's property located at 1725 SE 8th Street and legally described as follows:

Lots 20 and 21, Block 20, RIO VISTA ISLAES, UNIT NO. 5, according to the map or plat thereof, as recorded in Plat Book 8, Page 7 of the Public Records of Broward County, Florida; said lands lying, situate and being within the City of Fort Lauderdale, County of Broward and State of Florida

(Property ID#: 5042 11 22 1520)
(Hereinafter "Property")

SECTION 2. The 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, 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 or boat lift; (3) neither the marginal dock nor the boat lift shall be used by any person or persons other than Permit Holder, except as may hereinafter be provided; (4) Permit Holder shall be responsible for maintaining the improvements to the marginal dock, boat lift and seawall. (5) Permit Holder shall be responsible for implementing the Landscape Plan for the Swale Area which Swale Area is the area South of the Southern boundary of the pavement for S.E. 8th Street and bounded by the Southerly projections of the Easternmost and Westernmost boundary lines of the Property, extending and projecting into the waters of Rio Valencia; (6) by acceptance of the use of the marginal dock, boat lift and seawall 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 Swale Area, marginal dock, boat lift or seawall; (7) Permit Holder shall be responsible for all governmental charges or fees in connection with the maintenance, repair and use of the Swale Area, marginal dock, boat lift and seawall; (8) Permit Holder is prohibited from erecting any signs, landscaping or fencing that would restrict public access to the Swale Area.

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

1. The fixed period of the Permit issued for use, maintenance and repair of the seawall, marginal dock and mooring piles described in the application is for a period of five (5)

years in accordance with City Code Section 8-144(1), provided however that the Permit is revocable at the will of the City Commission, without cause with ninety (90) days advance notice for failure to maintain, repair or replace the seawall or marginal dock when needed.

2. As a special condition, the City reserves the right to remove the existing marginal dock, boat lift and mooring piles 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, boat lift and mooring piles shall be the responsibility of the Permit Holder.
3. Permit Holder is prohibited from erecting any signs, landscaping or fencing to restrict public access to the Swale Area or Dock Area except where permitted herein or by Code. The "Dock Area" shall include the seawall, adjoining marginal dock, boat lift and mooring piles.
4. The Swale Area, being used by the Permit Holder shall be kept open at all times as a means of reasonable ingress and egress to the public and maintaining an open vista to the adjacent waterway. However, Permit Holder shall have the right to exclude the public from the Southernmost 50% of the marginal dock.
5. All existing improvements to the Swale Area and 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 Department of Sustainable Development, Division of Building Services.
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 marginal dock or boat lift constructed on public property.
8. Vessels berthed within the Dock Area are prohibited from extending beyond the maximum distance of 30% of the width of the waterway.

9. Vessels berthed within the Dock Area must not encroach into the Southerly extension of the of the 10' side yard set-back required for the RS 4.4 zoning district for Permit Holder's Property. ULDR Sec. 47-19.3(h).
10. In the event Permit Holder is found by the City Commission to have violated any of the conditions of this Resolution, then the Permit granted herein may be repealed or rescinded by the City Commission upon ten (10) days' advance written notice to the Permit Holder.
11. Use of the marginal dock or boat lift 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 Permit Holder 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.
13. By adoption of this Resolution the City Commission specifically approves of and adopts the Landscape Plan which is attached hereto as **Exhibit "A."** Permit Holder shall implement the provisions set forth in the Landscape Plan through final completion within thirty (30) days after receiving a Certificate of Completion for the seawall, dock and boat lift. The dock and boat lift may not be used to berth any vessel(s) until full implementation of the Landscape Plan. Permit Holder shall maintain the Landscape Area in accordance with the provisions of the City's Unified Land Development Regulations § 47-21.8, as same may be amended from time to time.
14. Parking of cars within the Swale Area should be avoided to the greatest extent practicable. The parking of vehicles compacts the soil and prevents storm water from soaking into the ground and impairs the open vista and open accessibility the general public should have relative to the adjacent waterway.
15. The Swale Area may not be altered by regarding or filling with concrete, rock, dirt or anything other than grass or ground cover, unless a City permit has been obtained under City Code § 25-100.

SECTION 4. Permit holder shall repair, replace or maintain the adjacent seawall during the term of the Permit. The term of this Permit shall be five (5) years from the date of adoption of this Resolution, provided, however that this Permit may be revoked upon ninety (90) days advance notice for failure to repair, replace or maintain the marginal dock, boat lift and adjacent seawall. At the end of the five (5) year term, the Permit shall be revocable at the will of the City Commission.

SECTION 5. That by acceptance of the benefits of this Resolution, Permit Holder acknowledges that the Swale Area and Dock Area are part of a publicly dedicated right-of-way for S.E. 8th Street and that any right, title, interest or claim of use to the Swale Area or Dock Area, except to the extent provided herein, is subordinate and inferior to that public dedication until such public dedication is discontinued by law.

SECTION 6. That the City Clerk is hereby directed to record a copy of this Resolution in the Public Records of Broward County, Florida at the Permit Holder's expense and after recording to file same in the City's records.

SECTION 7. That all Resolutions or parts of Resolutions in conflict are hereby repealed.

SECTION 8. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the _____ day of _____, 2015.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

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Senior Assistant City Clerk
JEFFREY A. MODARELLI

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