

EXHIBIT I
APPLICATION FOR WATERWAY WAIVER

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: Irene P. Pawuk Trust, Emil Pawuk New Family Trust, Emil Pawuk Disclaimer Trust, E. Mark Pawuk Trustee, Emil Pawuk Irrevocable Trust For Grandchildren

TELEPHONE NO. (216) 956-8629 (home) (330) 659-9797 (business) FAX NO (330) 659-4772

- 2. APPLICANT'S ADDRESS (if different than the site address): P.O. Box 535 Richfield, Ohio 44286-0535

- 3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: The applicant requests a waiver for six (6) proposed triple-pile clusters extending more than the 30% of the width of the waterway into the waterway and two (2) finger piers extending more than 25% of the width of the waterway into the waterway.

- 4. SITE ADDRESS: 435 SEABREEZE BLVD. ZONING: SB-MHA

LEGAL DESCRIPTION: LAS OLAS BY THE SEA RE-AMEN PLAT 1-16 B ALL THAT PT LOT 7 & 8 LYING W OF SEABREEZE AVE AS SAME NOW EXISTS BLK 2

- 5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications). Warranty Deed, Original Survey, Project Plans, Site Photographs, Aerial Exhibit, Summary Description

Applicant's Signature (Handwritten signature)

Date: March 18th, 2013

The sum of \$ _____ was paid by the above-named applicant on the _____ of _____, 2011 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 _____

EXHIBIT II
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**EXHIBIT III
WARRANTY DEED**

PREPARED BY AND RETURN TO:
Ronald F. Wayne, Esq.
Buckingham, Doolittle & Burroughs, LLP
1375 East Ninth Street, Suite 1700
Cleveland, Ohio 44114
(216) 621-5300

DISCLAIMER: This document is prepared without title examination upon the representations of the parties and with no knowledge on the part of the scrivener as to the actual state of the title.

Space above for recording information

TRUSTEE'S DEED

THIS TRUSTEE'S DEED, executed this 1st day of May, 2012, by E. MARK PAWUK, AS TRUSTEE OF THE EMIL PAWUK FAMILY TRUST dated December 10, 1993 (NKA the Emil Pawuk Trust (Second Restatement) dated May 1, 2008), whose address is 2958 Brecksville Road, P.O. Box 535, Richfield, Ohio, 44286-0535 ("Grantor"), to E. MARK PAWUK, TRUSTEE OF THE EMIL PAWUK DISCLAIMER TRUST i/a/d May 1, 2008, whose address is 2958 Brecksville Road, P.O. Box 535, Richfield, Ohio, 44286-0535 ("Grantee").

(Whenever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires).

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the said Grantee and other good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby, effective as of March 1, 2012, remise, release, and warrant unto the said Grantee forever, all the right, title, interest, claim and demand which the said first party has in and to an undivided 30.25% interest in the following described lot, piece or parcel of land, situate, lying and being in the City of Fort Lauderdale, County of Broward, State of Florida, and more fully described on the attached Exhibit A.

Folio ID Nos.: 504212010160, 504212010190, 504212010150

This property is not homestead real property.

Subject to covenants, conditions and restrictions and reservations of record, if any.
Subject to taxes for current year and all subsequent years.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behalf of the same Grantee forever.

②

EXHIBIT A

PARCEL 1.

That portion of Lot 6 in Block 2, LAS OLAS BY THE SEA, a subdivision of part of Lot 1 of Section 12, Township 50 South, Range 42 East, and a part of Lot 1 of Section 7, Township 50 South, Range 43 East, according to the Re-amended Plat thereof, recorded in Plat Book 1, Page 16, of the Public Records of Broward County, Florida, lying West of the existing Westerly right of way line of Seabreeze Boulevard. And also a parcel of land lying West of Lot 6, Block 2, LAS OLAS BY THE SEA, a subdivision of part of Lot 1 of Section 12, Township 50 South, Range 42 East and a part of Lot 1 of Section 7, Township 50 South, Range 43 East, according to the Re-amended Plat thereof, recorded in Plat Book 1, Page 16, of the Public Records of Broward County, Florida, up to the existing bulkhead of New River Sound and lying between the North and South line of said Lot 6 extended to said bulkhead.

PARCEL 2.

All that strip or parcel of land lying due West of Lot 5, Block 2, of LAS OLAS BY THE SEA, and West of Seabreeze Boulevard of said Las Olas By the Sea to the Channel of New River Sound, including all submerged lands, riparian rights and privileges, according to the Plat thereof, as recorded in Plat Book 1, Page 16, of the Public Records of Broward County, Florida. Said lands being also described as follows:

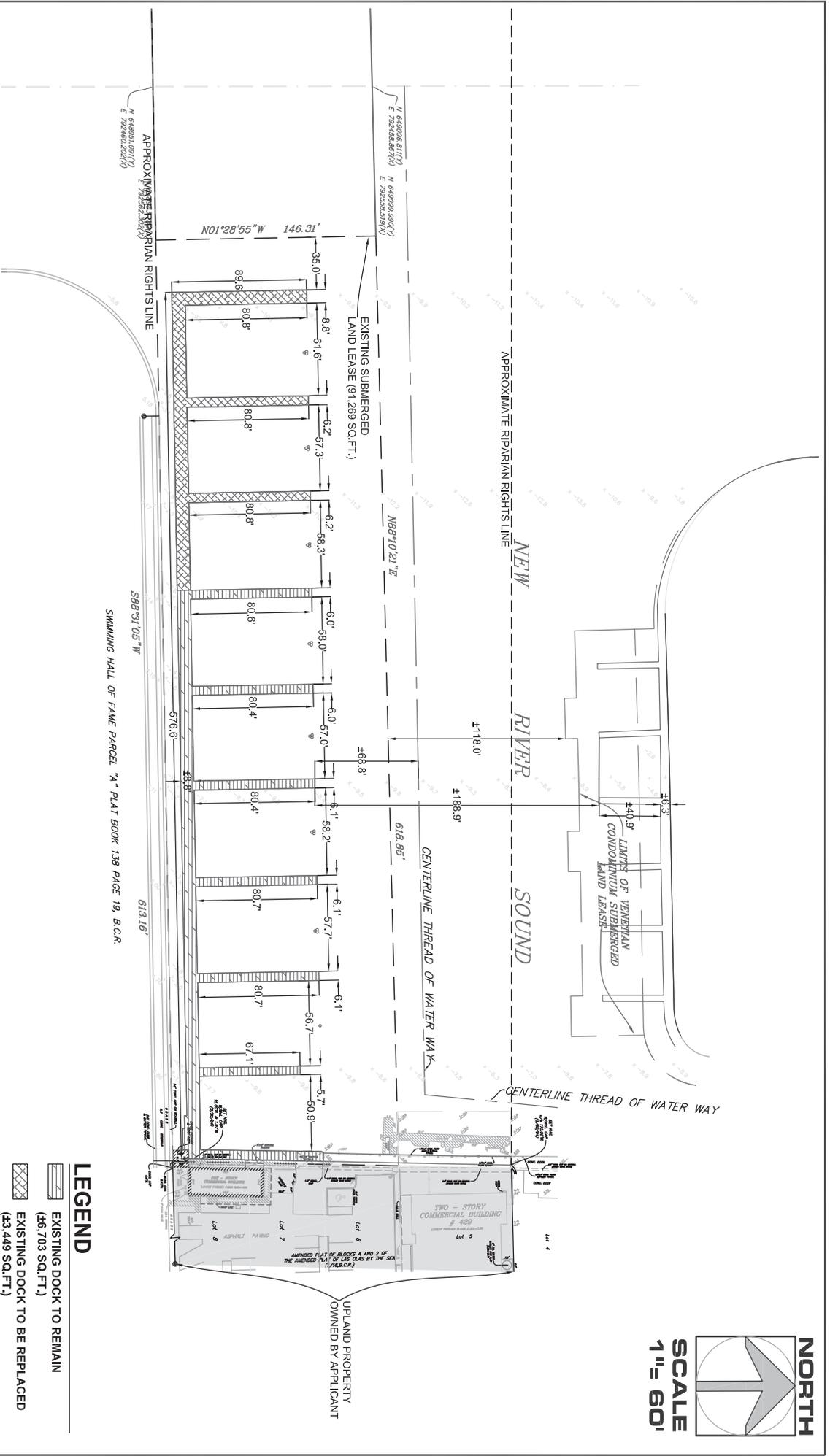
Commence at a point where the Northerly line of Lot 5, Block 2, of Las Olas By the Sea, a subdivision of lands in Broward County, Florida, according to the re-amended Plat thereof, as recorded in Plat Book 1, Page 16, of the Public Records of Broward County, Florida, extended Westerly intersects the Westerly line of Seabreeze Boulevard (now Seabreeze Avenues) as shown on said Plat; thence Westerly along the Westerly extension of the Northerly line of said Lot 5, Block 2, of said Las Olas By the Sea, a distance of 172.27 feet to the outer line of the present bulkhead on the East shore of New River Sound; thence Southerly along the outer line of said present bulkhead a distance of 75 feet to a point where the Southerly line of said Lot 5, Block 2, of said Las

PARCEL 3.

All that parcel of land in LAS OLAS BY THE SEA, a Subdivision in Broward County, Florida, according to the Plat thereof, as recorded in Plat Book 1, Page 16, of the Public Records of Broward County, Florida, bounded on the East by Seabreeze Boulevard, as the same now exists, and on the North by the North line of Lot 7, in Block 2, of said LAS OLAS BY THE SEA, extended to the waters of New River Sound, on the South by the South line of Lot 8, in Block 2, of said Las Olas By the Sea, extended to the waters of New River Sound, and on the West by the waters of New River Sound as the same now exists.

**EXHIBIT IV
ORIGINAL SURVEY**

**EXHIBIT V
PROJECT PLANS**



THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND NOT BE REPRODUCED, COPIED, LOANED, REVEALED, OR USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE CHAPPELL GROUP, INC. © THE CHAPPELL GROUP, INC. 2013

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www.thechappellgroup.com

- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- TSE Species Surveys
- Phase I ESAs

HALL OF FAME MARINA

PREPARED FOR:
WESTREC MARINAS

EXISTING CONDITIONS	Date: 3/7/13	Sheet: 1	of: 3
EXISTING DOCK TO REMAIN (46,703 SQ.FT.)	Proj No.: 06-0012.002		
EXISTING DOCK TO BE REPLACED (43,449 SQ.FT.)			

**EXHIBIT VI
ZONING AERIAL**



435 Seabreeze Blvd



**EXHIBIT VII
SUMMARY DESCRIPTION**

Summary Description
Hall of Fame Marina
TCG Project No. 06-0012.001

The project site is an existing marina located at 435 Seabreeze Boulevard, in Section 12, Township 50, Range 42, in the City of Ft. Lauderdale, Broward County, Florida

The property is located along the Intracoastal Waterway (ICWW) and New River Sound, which are tidal waters. The nearest direct connection to the Atlantic Ocean is 1.5 miles to the south at Port Everglades. As the project site is located along the ICWW and New River Sound, the incoming tidal waters (flood) at the site move to the north and east while the outgoing waters (ebb) move to the south and west.

The proposed project consists of the renovation of the existing marginal dock. Included in the renovation is the expansion of the westernmost slips, relocation of the larger slips to the ICWW for ease of berthing, and replacement of the western portions of the marina with floating docks. As a result of the renovation, the proposed project will include the removal of the three (3) westernmost fixed finger piers, the installation of two (2) floating finger piers, the relocation of two (2) triple pile clusters, and the installation of six (6) triple pile clusters. As measured from the property line, the proposed finger piers and triple pile clusters encroach into the ICWW and New River Sound beyond the 25% and/or 30% allowances. As these distances encroach over either the 25% or 30% the width of the waterway, the structures will require a variance waiver.

The proposed dock layout will be permitted through the Broward County Environmental Protection & Growth Management Department, Florida Department of Environmental Protection, and US Army Corps of Engineers following the approval of the waiver.

The following four (4) matters provide justification for this waiver request:

1. Due to the extraordinary width of the waterway at this location to the closest structure ($\pm 190'$), the proposed project will not impede navigation within the New River Sound.
2. As largest slips will be relocated to the ICWW, the proposed project will further relieve any navigation impediments within the New River Sound
3. All new structures will be encompassed in the revised sovereign submerged land lease and the current special even lease for the boat show.
4. The proposed new slips will accommodate some of the existing larger vessels that are currently mooring at the marina but are having difficulty accessing the slips based on the limited turning radius.

If this waiver is approved, the applicant will comply with all necessary construction requirements stated in Section 47-19.3 (C)(D)(E).

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Mooring Pile #1	±411.8'	25'	±386.8'
Mooring Pile #2	±494.3	25'	±469.3'
Mooring Pile #3	±618.5'	25'	±593.5'
Mooring Pile #4	±696.4'	25'	±671.4'
Mooring Pile #5	±615.4'	25'	±590.4'
Mooring Pile #6	±693.3'	25'	±668.3'
Mooring Pile #7	±612.4'	25'	±587.4'
Mooring Pile #8	±690.3'	25'	±665.3'
Proposed Pier #9	±459.2'	25'	±454.2'
Proposed Pier #10	±695.0'	25'	±670.0'
Proposed Pier #11	±692.0'	25'	±667.0'

**EXHIBIT VIII
SITE PHOTOGRAPHS**



1. Northeast corner of project site, facing west along the existing submerged land lease.



2. Southwest corner of project site, facing northwest.



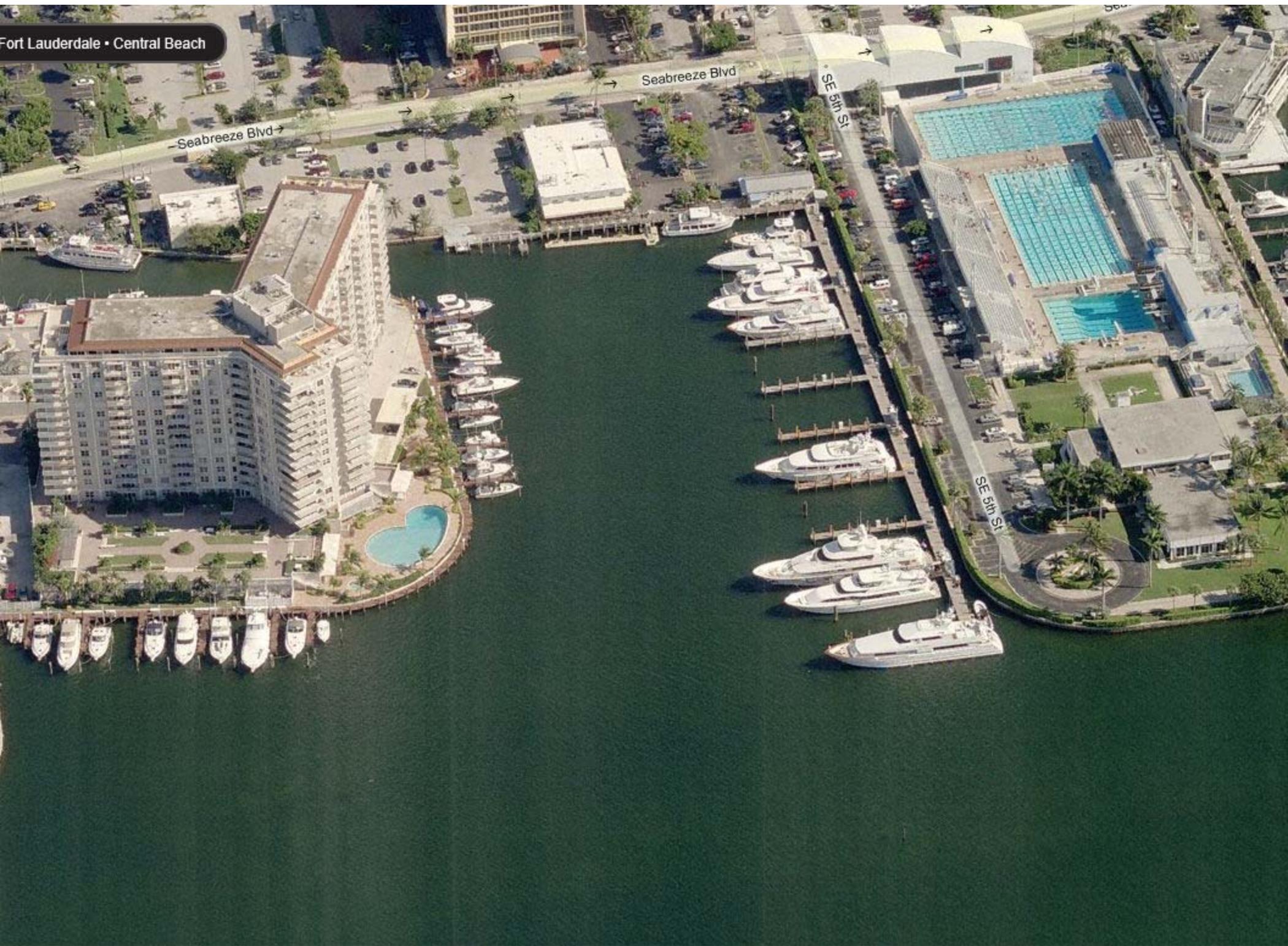
3. Southwest corner of project site, facing west toward the ICWW.



4. West of project site across the ICWW, facing east toward the project site.



Fort Lauderdale • Central Beach



Seabreeze Blvd →

Seabreeze Blvd →

SE 5th St

SE 15th St