

RESOLUTION NO. 22-185

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 PUBLIC DOCK PERMIT FOR INSTALLATION, USE, MAINTENANCE AND REPAIR BY 1550 PONCE DE LEON DRIVE LLC, A FLORIDA LIMITED LIABILITY COMPANY, OF A 40' LONG X 8' WIDE MARGINAL DOCK AND ASSOCIATED ACCESS STAIRS EXTENDING A MAXIMUM DISTANCE OF 8' FROM THE WET FACE OF THE SEAWALL ON PUBLIC PROPERTY ABUTTING THE WATERWAY ADJACENT TO 601 CORDOVA ROAD, AS SUCH PROPERTY IS MORE PARTICULARLY DESCRIBED BELOW; AUTHORIZING THE PROPER PUBLIC OFFICIALS TO COUNTERSIGN AND RECORD THE DECLARATION OF COVENANTS RUNNING WITH THE LAND RESPECTING A CITY ISSUED PUBLIC 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, 1550 Ponce De Leon Drive LLC, a Florida Limited Liability Company, applied for a permit to install, use, maintain and repair a 40' long x 8' wide marginal dock ("Public Dock") and associated stairs extending a maximum distance of 8' from the wet face of the seawall on public property abutting the waterway adjacent to 601 Cordova Road, in accordance with the provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, Florida; and

WHEREAS, the City's Marine Advisory Board on July 7, 2022, reviewed the application for the Public 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 1550 Ponce de Leon Drive, LLC, a Florida limited

liability company (hereinafter referred to as "Permit Holder"), to install, use, maintain and repair a 40' long x 8' wide marginal dock ("Public Dock") and associated stairs extending a maximum distance of 8' from the wet face of the seawall on public property abutting the waterway adjacent to 601 Cordova Road, legally described as follows:

A PARCEL BEING A PORTION OF LOTS 22, 23, 33 AND 34 OF BLOCK 30 OF THE PLAT OF 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. AND A PORTION OF TRACTS 3 AND 4 OF RIVER SHORES ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 15 PAGE 61 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 21 THENCE N05° 08' 59" E ALONG THE WEST OF LOTS 21 AND 22 FOR A DISTANCE OF 58.52 FEET; THENCE CONTINUE ALONG THE WEST LINE OF SAID LOT 22 N 28° 20' 12" W FOR A DISTANCE OF 114.53 FEET TO THE NW CORNER OF SAID TRACT 4; THENCE N 84° 36' 08" E ALONG THE NORTH LINE OF TRACTS 3 AND 4 FOR A DISTANCE OF 124.21 FEET TO THE POINT OF BEGINNING THENCE N 84° 36' 08" E ALONG THE NORTH LINE OF TRACT 3 FOR A DISTANCE OF 102.90 FEET; THENCE S 04° 58' 16" E ALONG THE EAST LINE OF LOTS 33 AND 34 FOR A DISTANCE OF 85.00 FEET; THENCE S 84° 36' 08" W A DISTANCE OF 102.27 FEET; THENCE N 05° 23' 22" W A DISTANCE OF 85.00 FEET TO THE POINT OF BEGINNING

Street Address: 601 Cordova Road
Fort Lauderdale, FL 33316

Property ID# 5042 11 18 3542

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

SECTION 2. The Public Dock Permit herein granted by this Resolution may be revoked at any

time upon thirty (30) days' advance written notice to the Permit Holder 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 Public 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 Public 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 Public Dock Permit is subject to the following terms and conditions:

1. This Public Dock Permit is conditioned upon the requirement that the Permit Holder shall repair, replace or maintain the adjacent seawall during the term of this Public Dock Permit. Permission for the Public Dock Permit may be revoked by the City upon at least thirty (30) days advance written notice to the Permit Holder.
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 Public 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 Public Dock Permit.
3. (a) The *Dock Area* is that area (i) bounded on the Northeast and Southwest by the Southwesterly extension of the side yard setback lines for the Property into the abutting waterway, (ii) bounded on the Northeast by the Northeasterly wet-faced cap of the seawall abutting the marginal dock, and (iii) bounded on the Southwest by Southwesterly extension of the Southeasterly and Northwesterly 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 Northwest by the Southwesternmost pavement for Cordova Road, (ii) bounded on the Northwest and Southwest by that area lying between the Southwesterly extension of the Northwestern and Southeastern side Property lines of the Upland Parcel, (iii) bounded on the Southwest by the Northwesternmost portion of the wet-faced 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 Public 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 Public Dock Permit, the Permit Holder shall be required to repair, replace, maintain or reconstruct the dock or adjacent seawall or both to meet the requirements of Section 47-19.3(f) of the City of Fort Lauderdale, Florida, Unified Land Development Regulations ("ULDR").

(b) The Public Dock Permit to use the dock 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 Public Dock Permit by the City Commission, whichever (i), (ii) or (iii) shall first occur, subject to the survivability of the obligation to remove the dock pursuant to the provisions of subsection (c) below and the obligations within the Declaration of Covenants Running With the Land Respecting A City Issued Public Dock Permit.

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

(d) In the event the Public 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 dock and all appurtenances thereto shall be discharged as

to this Permit Holder and a release and discharge of the Declaration of Covenants Running With the Land Respecting A City Issued Public Dock Permit 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 Public 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 Dock Permit 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 marginal dock 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 "Dock Area" and "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"**.

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 Public 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) of the ULDR, or (iii) fixed docks the height of which are even with the City's seawall, whichever (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 pursuant to the dock building permit review process, or (ii) where the seawall and dock area are being constructed by the Permit Holder, or (iii) 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 Public 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 and Mooring Piles, then the Public Dock Permit granted herein may be repealed or rescinded by the City Commission upon thirty (30) days' advance written 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 Public 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 side setback lines required for the upland principal building, as extended beyond the side setback lines into the waterway.

- 17. Parking in the "Dock Area" and/or "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.

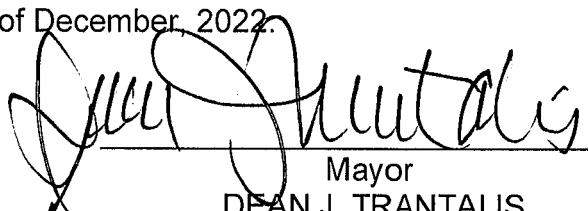
SECTION 4. That by acceptance of the benefits of this Resolution, Permit Holder acknowledges that the Public Swale Area and Dock Area are part of a publicly dedicated right-of-way for Cordova Road and that any right, title, interest or claim of use to the Public Dock, Dock Area or Public Swale Area except 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 record a certified copy of this Resolution together with the Declaration 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 and with the City's Office of Marine Facilities.


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 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 (iv) all costs of recordation have been borne by the Permit Holder.

ADOPTED this 6th day of December, 2022.


 Mayor
 DEAN J. TRANTALIS

ATTEST:


 City Clerk
 DAVID R. SOLOMAN

Dean J. Trantalis	<u>Yea</u>
John C. Herbst	<u>Yea</u>

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APPROVED AS TO FORM:



Handwritten signature of Alain E. Boileau in cursive script, positioned above a horizontal line.

City Attorney
ALAIN E. BOILEAU

Steven Glassman Yea

Pamela Beasley-Pittman Yea

Warren Sturman Yea



Exhibit "A"

601 Cordova Road Fort Lauderdale, FL 33316

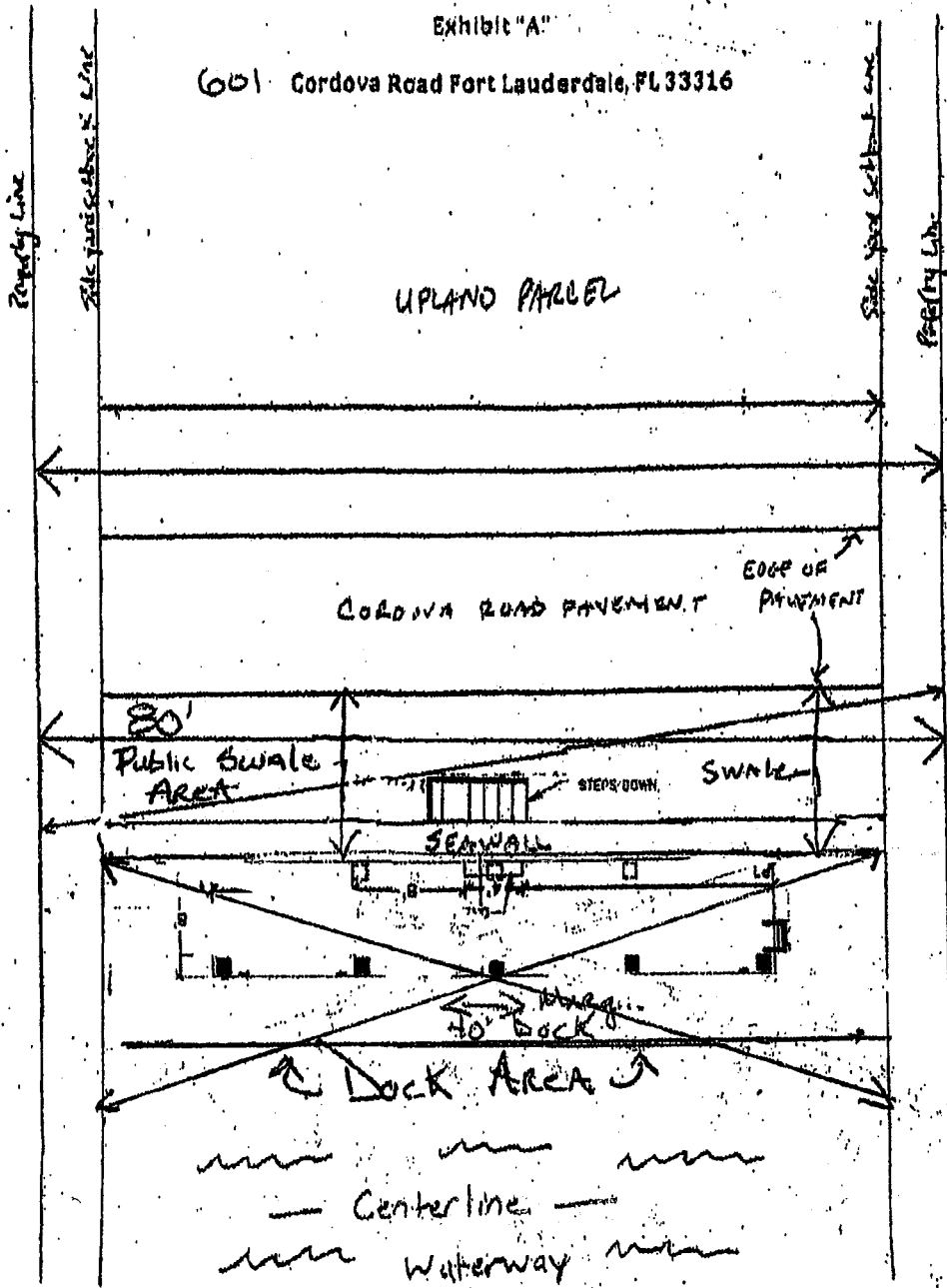
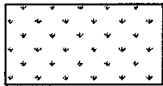


Exhibit "B"

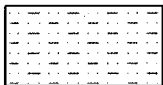
LEGEND



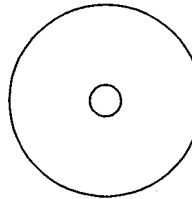
**ST. AUGUSTINE SOD,
TIGHT SEAMS, FULL COVERAGE**



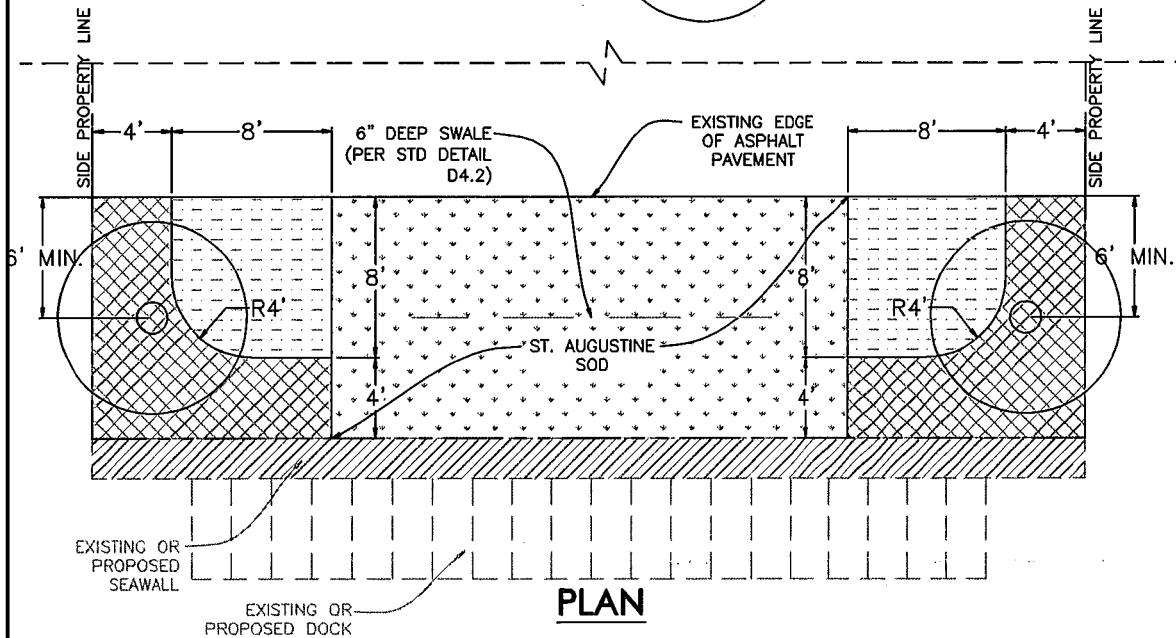
**MUHLY GRASS:
18" - 24" TALL
18" - 24" ON CENTER**



**INDIAN HAWTHORN:
12" - 18" TALL
12" - 18" ON CENTER**



**12' SILVER BUTTONWOOD TREE,
MULTI**



PLAN

GENERAL NOTES:

1. ALL IRRIGATION & PLANT MATERIAL SHALL BE INSTALLED & MAINTAINED BY APPLICANT.
2. ALL PLANT MATERIAL SHALL BE FLORIDA #1 GRADE OR BETTER.
3. ALL PLANT MATERIAL SHALL BE INSTALLED IN ACCORDANCE WITH INDUSTRY BEST MANAGEMENT PRACTICES.
4. ALL AREAS TO RECEIVE AUTOMATIC IRRIGATION FROM A PERMANENT WATER SOURCE PROVIDING 100% COVERAGE AND A RAIN SENSOR SHUT OFF.
5. ALL PLANT MATERIAL SUBSTITUTIONS SHALL BE FLORIDA-FRIENDLY LANDSCAPING (FFL) EQUIVALENT.

ISSUED: 2/2015		CITY OF FORT LAUDERDALE DEPT. OF SUSTAINABLE DEVELOPMENT		
REVISED:		URBAN DESIGN & PLANNING ENGINEERING DIVISION	LANDSCAPING PLAN (ROW)	SCALE: 1"=10'