

RESOLUTION NO. 14-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING PURSUANT TO SECTION 8-144 OF THE CITY CODE OF ORDINANCES, INSTALLATION OF A DOLPHIN PILING LOCATING FIVE FEET FROM AN EXISTING FINGER PIER AND WITHIN TWENTY-FIVE FEET OF THE SEAWALL AND AUTHORIZING THE USE, MAINTENANCE AND REPAIR, UNDER CERTAIN TERMS AND CONDITIONS, OF AN EXISTING FINGER PIER AND SEAWALL ON PUBLIC PROPERTY ABUTTING THE WATERWAY ADJACENT TO PROPERTY OWNED BY STEPHEN C. MOSS AT 350 RIVIERA DRIVE, THE LEGAL DESCRIPTION OF SUCH PROPERTY BEING MORE PARTICULARLY DESCRIBED BELOW, SUBJECT TO TERMS AND CONDITIONS; REPEALING ANY AND ALL RESOLUTIONS IN CONFLICT HEREWITH; ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, Stephen C. Moss ("Applicant") owns the following described Property located in Fort Lauderdale, Broward County, Florida:

Lots 3 and 4, Block 9, RIVIERA, according to the map of Plat thereof, as recorded in Plat Book 6, Page 17, of the Public Records of Broward County, Florida.

(Street Address: 350 Riviera Drive, Fort Lauderdale, FL 33301)

(Folio # 5042 12 08 1280)

(Hereinafter, "Property")

WHEREAS, Applicant has made application for the use, repair and maintenance an existing 20' long x 5' wide finger pier and seawall, in addition to installation of a single dolphin piling located within five feet of the finger pier and within 25' of seawall on public property abutting the waterway adjacent to Applicant's Property, in accordance with the provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale; and

WHEREAS, such application was reviewed at the February 6, 2014 Marine Advisory Board meeting and was unanimously approved; and

WHEREAS, the City Commission of the City of Fort Lauderdale is desirous of approving the repair and maintenance of said finger pier and adjoining seawall pursuant to the terms of Section 8-144 of the Code of Ordinances and subject to certain other terms and conditions;

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 Stephen C. Moss ("Permit Holder") for the use, maintenance and repair of an existing 20' long x 5' wide finger pier and seawall, in addition to installation of a single dolphin piling located within five feet of the finger pier and within 25' of seawall on public property abutting the waterway adjacent to Applicant's Property.

SECTION 2. 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. As a special condition in accord with City Code section 8-144(1), the initial period of the permit for use of the Dock and Mooring Piles will be for a minimum of five (5) years in exchange for such improvements required to maintain the seawall and dock in accord with the recommendation of the City Engineer. The Permit can be revoked by the City Commission with ninety (90) days advance notice.
2. As a special condition, the City reserves the right to remove the existing finger pier and any dolphin 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 finger pier and dolphin piles shall be the responsibility of the permit holder should any portion not be salvageable.
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, provided, however, that public access to the finger pier may be prohibited. The "Dock Area" is that area formed by the westerly extension of the north and south boundary lines of the Property, less the paved portion of Riviera Drive. The Dock Area includes the finger pier, piling(s) and adjoining seawall.
4. 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.

5. 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.
6. As a special condition, vessels berthed within the Dock Area must not encroach into the 5' setback required for the RS-8 zoning district for the Property.
7. 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 or terms or conditions of this Resolution relative to the use of the Dock Area, then the Permit granted herein may be repealed or rescinded by the City Commission upon thirty days' advance notice to the Permit Holder.
8. Use of the finger pier is limited to the long term dockage of vessels owned by the Permit Holder with a copy of the documentation showing the vessel's name and registration number provided by the applicant to the Supervisor of Marine Facilities.
9. 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.

SECTION 3. That by acceptance of the benefits of this Resolution, Permit Holder waives any right, title, interest or claim to the Dock Area other than by, through or under this Resolution and as members of the public generally, and Permit Holder acknowledges that such Dock Area is part of the public right-of-way for Cordova Road, fee simple title to which is vested in the City of Fort Lauderdale.

SECTION 4. Permit Holder shall obtain all applicable permits prior to constructing any improvements to the Dock Area, including City of Fort Lauderdale Engineering Permits. All improvements to the Dock Area shall be in accordance with City of Fort Lauderdale Engineering design standards. Improvements to the Dock Area shall be done according to City Engineering design standards and in compliance with all other applicable codes and permit conditions. Design criteria shall meet acceptable installation standards for temporary removal of the deck structure or the dock and support pilings (if required) to allow replacement of the seawall. The sole cost of removal and replacement of the Dock is the responsibility of the Permit Holder should any portion not be salvageable.

SECTION 5. The term of the Permit granted herein shall be five (5) years from the date hereof, subject to revocation as set forth in Section 3 hereof and further subject to revocation at

the will of the City Commission with a minimum of ninety (90) days advance notice to Permit Holder should the City Commission deem it appropriate for any reason or other purpose.

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

SECTION 7. That any Resolution or any parts of Resolution in conflict herewith are hereby repealed.

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

ADOPTED this the \_\_\_\_\_, 2014.

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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

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City Clerk  
JONDA K. JOSEPH