

RESOLUTION NO. 13-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING PURSUANT TO CITY CODE OF ORDINANCES SECTION 8-141, THE CONSTRUCTION, USE AND MAINTENANCE OF A FOUR POST BOATLIFT ON PUBLIC PROPERTY ABUTTING THE WATERWAY EAST OF CORDOVA ROAD BY PERMIT HOLDER STEVEN MERSON; WHERE SAID BOATLIFT IS LOCATED EASTWARD OF PERMIT HOLDER'S RESIDENCE AT 621 CORDOVA ROAD, THE LEGAL DESCRIPTION OF PERMIT HOLDER'S RESIDENCE BEING MORE PARTICULARLY DESCRIBED BELOW; SETTING FORTH CERTAIN TERMS AND CONDITIONS; REQUIREMENT FOR RECORDING A CERTIFIED COPY OF THIS RESOLUTION IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; REPEALING ANY AND ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Resolution No. 11-322, adopted November 15, 2011, authorized Steven Merson ("Permit Holder") to construct and maintain an angled finger pier on public property abutting the waterway adjacent to his residence, located at 621 Cordova Road; and

WHEREAS, Permit Holder owns the following described Property located in Fort Lauderdale, Broward County, Florida:

Lots 41 & 42, less the South 25 feet of Block 30, "RIO VISTA ISLES UNIT 3", according to the Plat thereof, as recorded in Plat Book 7, Page 47, of the Public Records of Broward County, Florida.

(Street Address: 621 Cordova Road, Fort Lauderdale, FL 33301)

(Folio # 5042 11 18 3600)

(Hereinafter, "Property")

WHEREAS, Permit Holder now is desirous of adding a four post boat lift measuring 12 feet 5 inches x 13 feet, to the 6 feet wide x 48 feet long angled finger pier authorized pursuant to Resolution No. 11-322. Such expansion requires authorization by the City Commission under City Code Section 8-144 where, pursuant to City Code Section 8-143,

whenever a public street such as Cordova Road abuts a waterway open to the public, the City, as trustee, holds the riparian rights in trust for the public; and

WHEREAS, such application was reviewed at the July 9, 2013 Marine Advisory Board meeting and approval of this application by the City Commission was unanimously recommended, with certain conditions attached as more particularly set forth hereinafter; and

WHEREAS, adoption of this Resolution serves as an amendment to Resolution No. 11-322 to the extent that a four post boatlift is authorized at this location in addition to the 48 feet L X 6 feet W angled finger pier; and

WHEREAS, the City Commission of the City of Fort Lauderdale is desirous of approving the repair and maintenance of said finger pier, 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 Steven Merson ("Permit Holder") for the construction, use and maintenance of an additional four post boat lift measuring 12 feet 5 inches x 13 feet, in addition to the to the 6 feet wide x 48 feet long angled finger pier authorized under Resolution No. 11-322 located on Permit Holder'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. The Permit Holder is required to comply with all applicable building and zoning regulations as well as any other Federal and State laws and permitting requirements including the Broward County Environmental Protection and Growth Management Department, the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers.
2. Permit Holder is required to provide guide poles on any portion of the mooring device that is capable of being submerged in accord with Code Section 8-91(d).
3. As a general condition of approval and in order to review for final consistency with construction of facilities in accord with this application and City building permits, Permit Holder is required to provide the City's Supervisor of Marine Facilities with copies of "As Built" drawings from a certified and licensed contractor.

4. As a special condition of the Permit, Permit Holder is prohibited from erecting any signs, landscaping or fencing to restrict public access to the Dock Area, exclusive of the angled finger pier and boatlift. The "Dock Area" is that area bounded on the South by the Easterly extension of the South Boundary Line of the Property and on the North by the S.E. 8th Street Bridge abutment, less the paved portion of Cordova Road. The Dock Area includes the finger pier and adjoining seawall and boatlift.
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. 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 (determined by the City Surveyor to be a maximum of 30' based on the platted canal width of 100').
7. As a special condition, vessels berthed within the Dock Area must not encroach into the 5' set-back required for the RS-8 zoning district for the Property.
8. 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 angled finger pier, then the Permit granted herein may be repealed or rescinded by the City Commission upon thirty days' advance notice to the Permit Holder.
9. Use of the angled finger pier is limited to the docking of a vessel or vessels owned by 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.
10. 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 Permit Holder.

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 20th day of August, 2013.

ATTEST:

Mayor
JOHN P. "JACK" SEILER

City Clerk
JONDA K. JOSEPH