



COMMISSION AGENDA ITEM
DOCUMENT ROUTING FORM

HSR
RUSH

3C

Today's Date: 11-17-24

DOCUMENT TITLE: Release and Discharge for Declaration of Covenants Running With the Land Respecting a City Issued Dock Permit

COMM. MTG. DATE: 9/03/24 CAM #: 24-0705 ITEM #: CR-3 CAM attached: ☒ YES ☐ NO

Routing Origin: CAO Router Name/Ext: Erica K./ 6088 Action Summary attached: ☒ YES ☐ NO

CIP FUNDED: ☐ YES ☐ NO

Capital Investment / Community Improvement Projects defined as having a life of at least 10 years and a cost of at least \$50,000 and shall mean improvements to real property (land, buildings, or fixtures) that add value and/or extend useful life, including major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, or real.

1) Dept: CAO Router Name/Ext: Erica K./6088 # of originals routed: Date to CAO:

2) City Attorney's Office: Documents to be signed/routed? ☐ YES ☐ NO # of originals attached 3

Is attached Granicus document Final? ☐ YES ☐ NO Approved as to Form: ☐ YES ☐ NO

Date to CCO: 11-12-24

D'Wayne M. Spence
Attorney's Name

Initials

3) City Clerk's Office: # of originals: 1 Routed to: Donna V./Aimee L./CMO Date: 11/12/24

4) City Manager's Office: CMO LOG #: Nov 30 Document received from:

Assigned to: SUSAN GRANT ☐ LAURA REECE ☐
BEN ROGERS ☐ SUSAN GRANT as CRA Executive Director ☐

☐ APPROVED FOR S. GRANT'S SIGNATURE ☐ N/A FOR S. GRANT TO SIGN

PER ACM: S. Grant (Initial/Date) PER ACM: L. Reece (Initial/Date)

☐ PENDING APPROVAL (See comments below)

Comments/Questions:

Forward ☒ originals to ☐ Mayor ☒ CCO Date: 11/14/24

5) Mayor/CRA Chairman: Please sign as indicated. Forward originals to CCO for attestation/City seal (as applicable) Date:

6) City Clerk: Scan original and forwards originals to: Erica K./ xt. 6088

Attach certified Reso # ☐ YES ☐ NO

Original Route form to Erica K./6088

CM-10 24-0800 Motion Approving a Promotion Agreement Between Top Trumps USA Inc. and the City of Fort Lauderdale for MONOPOLY:FORT LAUDERDALE Edition - (Commission District 2)

APPROVED

Yea: 5 - Vice Mayor Glassman, Commissioner Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

CM-11 24-0810 Motion Accepting Donation of Equipment from the Broward Sheriff's Advisory Council - (Commission Districts 1, 2, 3 and 4)

APPROVED

Yea: 5 - Vice Mayor Glassman, Commissioner Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

CONSENT RESOLUTION

CR-1 24-0325 Resolution Approving the Consolidated Budget Amendment to Fiscal Year 2024 - Appropriation - (Commission Districts 1, 2, 3 and 4)

ADOPTED

Yea: 5 - Vice Mayor Glassman, Commissioner Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

CR-2 24-0552 Resolution Approving and Ratifying a Memorandum of Understanding with the Fraternal Order of Police, Lodge 31 - (Commission Districts 1, 2, 3 and 4)

ADOPTED

Yea: 5 - Vice Mayor Glassman, Commissioner Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

CR-3 24-0705 Resolution Pursuant to Code Sec. 8-144 (a) Approving an Application for a Dock Permit for Usage of Public Property by Neal & Susan Mehlman Adjacent to 909 Cordova Road for a Proposed Marginal Dock and (b) Authorizing Execution of a Declaration of Restrictive Covenants - (Commission District 4)

ADOPTED

Yea: 5 - Vice Mayor Glassman, Commissioner Beasley-Pittman, Commissioner Sturman, Commissioner Herbst and Mayor Trantalis



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#24-0705

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Susan Grant, Acting City Manager

DATE: September 3, 2024

TITLE: Resolution Pursuant to Code Sec. 8-144 (a) Approving an Application for a Dock Permit for Usage of Public Property by Neal & Susan Mehlman Adjacent to 909 Cordova Road for a Proposed Marginal Dock and (b) Authorizing Execution of a Declaration of Restrictive Covenants – **(Commission District 4)**

Recommendation

Staff recommends that the City Commission adopt a Resolution pursuant to Code Sec. 8-144 (a) granting a dock permit for use by private persons of public property adjacent to 909 Cordova Road, Fort Lauderdale, FL for an existing marginal dock and access steps and (b) authorizing execution of a Declaration of Restrictive Covenants relative to the dock permit.

Background

The applicant is seeking adoption of a Resolution granting a dock permit for use by private persons of public property in accordance with Section 8-144 of the Code of Ordinances for the use, repair and maintenance of an existing marginal dock and access steps adjacent to 909 Cordova Road. Per Resolution 19-205, an application fee of \$1,500 is associated with obtaining a dock permit.

Pursuant to Code Sec. 8-144 (1) (a) the applicant is required to execute a Declaration of Restrictive Covenants relative to the Dock Permit. The Resolution authorizes the proper City officials to countersign the Declaration.

The Marine Advisory Board recommended unanimous approval (8:0) of the application.

Resource Impact

Revenue related to the application fee is included in the FY2024 Operating Budget in the account listed below.

Funds available as of August 12, 2024					
ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB-OBJECT NAME	AMENDED BUDGET (Character)	AMOUNT RECEIVED (Character)	AMOUNT
10-001-6060-575-347- 200-PKR189	Marine Facilities Administration	Service Charge – Parks and Recreation / Private Dock Fees	\$15,000	\$6,000	\$1,500
TOTAL AMOUNT ►					\$1,500

Strategic Connections

This item is a 2024 Commission Priority, advancing the Parks and Public Places initiative.

This item supports the *Press Play Fort Lauderdale 2029* Strategic Plan, specifically advancing:

- The Public Places Focus Area
- Goal 5: Build a beautiful and welcoming community

This item advances the *Fast Forward Fort Lauderdale 2035* Vision Plan: We Are Here.

This item supports the *Advance Fort Lauderdale 2040* Comprehensive Plan specifically advancing:

- The Public Places Focus Area
- The Parks, Recreation & Open Spaces Element
- Goal 1: Be a community where persons of all ages are able to partake in a fun and healthy lifestyle.

Attachments

Exhibit 1 – Application

Exhibit 2 – Code Sec. 8 – 144

Exhibit 3 – July 9, 2024, Draft Marine Advisory Board Minutes

Exhibit 4 – Declaration of Restrictive Covenants

Exhibit 5 – Approval Resolution

Exhibit 6 – Denial Resolution

Prepared by: Carolyn Bean, Asst. to the Director, Parks and Recreation

Department Director: Carl Williams, Parks and Recreation

RESOLUTION NO. 24-155

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 DOCK PERMIT FOR INSTALLATION, USE, MAINTENANCE AND REPAIR BY APPLICANTS, NEAL MEHLMAN AND SUSAN MEHLMAN HUSBAND AND WIFE, OF AN EXISTING 39.7' +/- LONG X 7.4' +/- WIDE MARGINAL DOCK AND ACCESS STEPS, SAID MARGINAL DOCK EXTENDING A MAXIMUM DISTANCE OF 7.4'+/- FROM THE SEAWALL CAP ON PUBLIC PROPERTY ABUTTING THE WATERWAY ADJACENT TO 909 CORDOVA ROAD, AUTHORIZING THE PROPER PUBLIC OFFICIALS TO COUNTERSIGN THE DECLARATION OF COVENANTS RUNNING WITH THE LAND RESPECTING A CITY ISSUED DOCK PERMIT; AUTHORIZING RECORDATION OF THIS RESOLUTION AND THE DECLARATION OF COVENANTS BY THE APPLICANTS; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Neal Mehlman and Susan Mehlman, Husband and Wife, applied for a permit to install, use, maintain and repair an existing 39.7'+/- long x 7.4'+/- wide marginal dock and access steps, said marginal dock extending a maximum distance of 7.4'+/- from the seawall cap on public property abutting the waterway adjacent to 909 Cordova Road, in accordance with the provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, Florida, entitled Private Use of Public Property Abutting Waterways; and

WHEREAS, the City's Marine Advisory Board on July 9, 2024, reviewed the application for 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 Neal Mehlman and Susan Mehlman, Husband and Wife (hereinafter referred to as "Permit Holder"), to install, use, maintain and repair an existing 39.7'+/- long x 7.4'+/- wide marginal dock and access steps, said marginal dock extending a

maximum distance of 7.4'+/- from the seawall cap on public property abutting the waterway adjacent to 909 Cordova Road, legally described as follows:

Lot 20, in Block 22, Resubdivision in Block 22-Rio Vista Isles, according to the map or plat thereof, as recorded in Plat Book 23, Page 30, Public Records of Broward County, Florida; said lands lying, situate and being in the City of Fort Lauderdale, Broward County, Florida.

Street Address: 909 Cordova Road
Fort Lauderdale, FL 33316

Property ID# 5042 11 19 0070

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

SECTION 2. The Dock 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, 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 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 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 Dock Permit is subject to the following terms and conditions:

1. This Dock Permit is conditioned upon the requirement that the Permit Holder shall construct the Improvements within the Dock Area (as hereinafter defined) within one-hundred eighty (180) days from the effective date of this Resolution. Extensions of time may be granted by the City Manager upon good cause show and, thereafter, during the term of this Dock Permit, Permit Holder shall repair, replace or maintain said Improvements within the Dock Area.

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 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 Dock Permit.
3. (a) The *Dock Area* is that area (i) bounded on the North and South by the Eastward extension or prolongation of the side yard setback lines for the Upland Property into the abutting waterway, (ii) bounded on the West by the Westernmost portion of the upland cap of the seawall abutting the adjacent waterway, and (iii) bounded on the East by Eastward extension or prolongation of the Northernmost and Southernmost 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 West by the Easternmost edge of pavement adjacent to the Upland Property at 909 Cordova Road, (ii) bounded on the North and South by that area lying between the Eastward extension or prolongation of the Northernmost and Southernmost Property lines of the Upland Parcel, (iii) bounded by the East by the Westernmost portion of the upland 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 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 Dock Permit granted herein, the Permit Holder shall be required to construct the Improvements appurtenant to the Dock Area and the Landscaping within the Public Swale Area within one-hundred eighty (180) days from the effective date of this Resolution to meet the requirements of Sections 47-

19.3(f) and 47-19.13 of the City of Fort Lauderdale, Florida, Unified Land Development Regulations ("ULDR") and to thereafter, during the term of this Dock Permit, to maintain, repair, replace or reconstruct the Improvements appurtenant to the Dock Area and landscaping within the Public Swale Area.

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

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

(d) In the event a new 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 Improvements appurtenant to the Dock Area shall be discharged as to this Permit Holder and a release and discharge of the Declaration 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 new 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 new Dock Permit to the 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 39.7'+/- long x 7.4'+/- wide marginal dock and access steps and all appurtenances thereto 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 "Public Swale Area" shall be landscaped in accordance with the Landscape Plan approved by the Development Services Department, a copy of which is attached hereto as Exhibit "B".

(c) Prior to installation of Improvements and Landscaping hereunder, Permit Holder shall secure an Engineering / Landscape permit and approval for such Improvements and Landscaping within the "Public Swale Area."

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 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) and 47-19.13 of the ULDR, or (iii) fixed docks the height of which are even with the City's seawall, whichever (i), (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 and authorized by the City's Director of Public Works pursuant to the dock building permit review process, or (ii), or (ii) 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 building permit.

8. The 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 Area constructed on public property.

10. As a special condition, vessels berthed at the within the Dock Area, 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 Dock Permit granted herein, 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, Public Swale Area or Mooring Piles, then the Dock Permit granted herein may be repealed or rescinded by the City Commission upon thirty days' advance 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 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, moored or anchored in such a position that causes it to extend beyond the Eastward extension or prolongation of the Northernmost and Southernmost side yard setback lines required for the upland principal building, as extended into the waterway.
17. Parking in the "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.
18. Upon completion of the construction of the Dock Area and appurtenances thereto, Permit Holder shall provide to the City's Office of Marine Facilities an "As-Built" Survey, certified by a State of Florida licensed surveyor, of the Dock and

appurtenances thereto showing the extension of the side yard property lines and side yard setbacks for the principal upland building into the adjacent waterway and the dimensions of the Dock and appurtenances thereto.

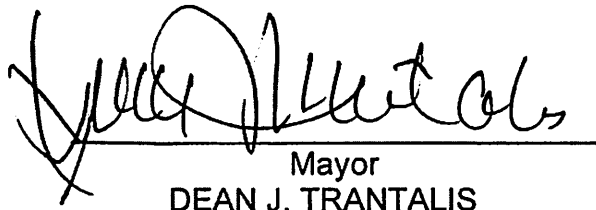
SECTION 4. That by acceptance of the benefits of this Resolution, Permit Holder acknowledges that the Public Swale Area and Dock Area are part of a publicly dedicated right-of-way for that portion of Cordova Road adjacent to the Property and that any right, title, interest or claim of use to the Dock 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 provide to the Permit Holder (a) a certified copy of this Resolution together with (b) the original fully executed Declaration for recording in the Public Records of Broward County, Florida, at Permit Holder's expense in accordance with the provisions of Section 7 hereof.

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 fully executed 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 the City Clerk within ninety (90) days of the adoption of this Resolution and (iv) all costs of recordation have been borne by the Permit Holder. Failure to timely meet the conditions of (i), (ii) and (iii) above shall cause this Resolution to be of no further force and effect.

ADOPTED this 3rd day of September, 2024.




Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:



City Attorney
THOMAS J. ANSBRO

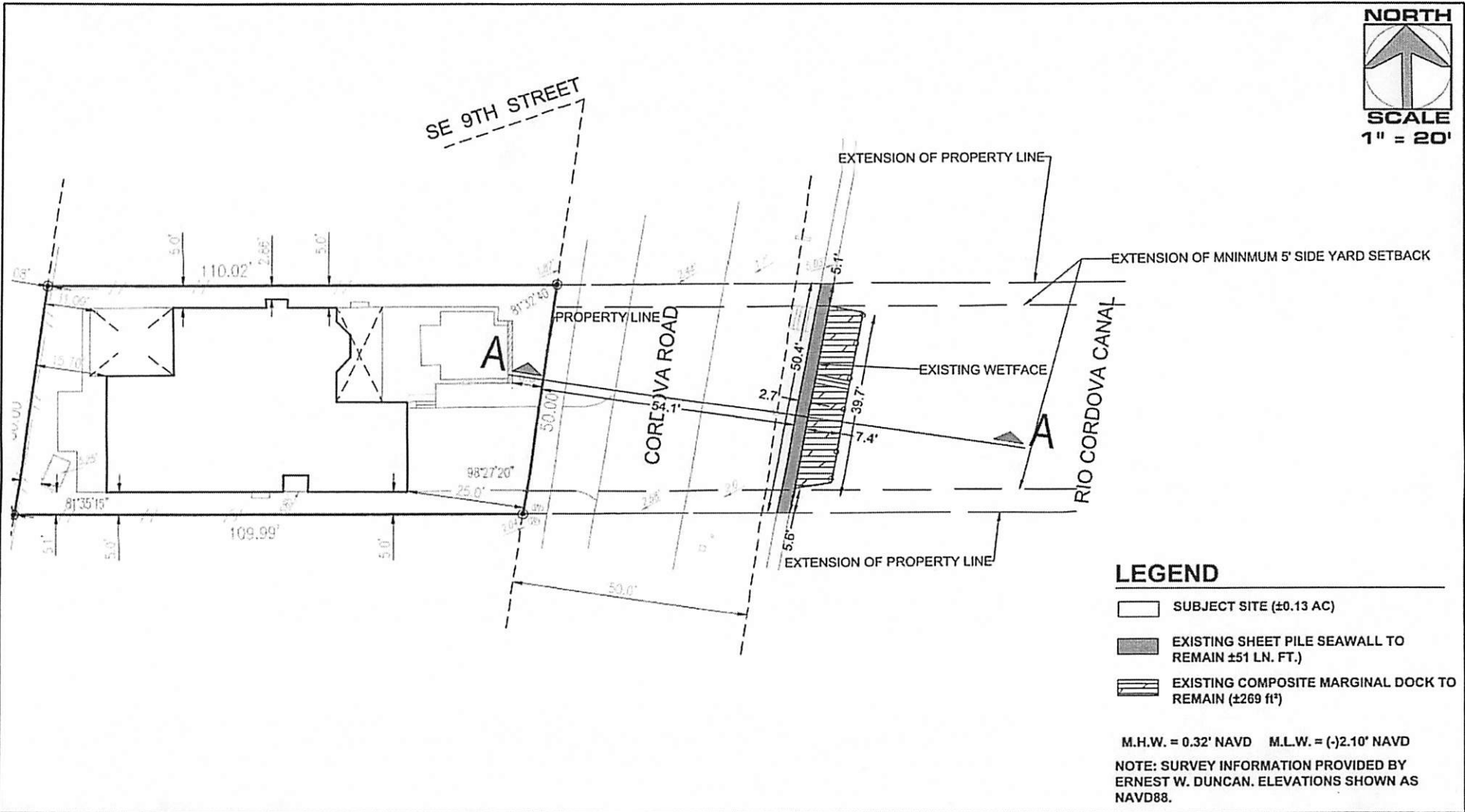
Dean J. Trantalis Yea

John C. Herbst Yea


Steven Glassman Yea

Pamela Beasley-Pittman Yea

Warren Sturman Yea



Date: 6/11/2024	Sheet : 2	of : 3
Proj No.: 24-0029.001		



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.

SCALE:
1"=10'

This instrument prepared by:
Robert B. Dunckel, Asst. City Attorney
City of Fort Lauderdale
1 E. Broward Blvd., Suite 1320
Fort Lauderdale, FL 33301

**RELEASE AND DISCHARGE FOR
DECLARATION OF COVENANTS RUNNING WITH THE LAND
RESPECTING A CITY ISSUED DOCK PERMIT**

This is a Release and Discharge of that Declaration of Covenants Running With the Land Respecting a City issued Dock Permit (hereinafter, "Declaration" by and between:

DAVID L. CUNNINGHAM, JR. and CAROL JESSIE CUNNINGHAM,
Trustees of the Cunningham Living Trust Dated March 25, 2022, whose
mailing address is 505 River Drive, Vero Beach, Florida 32963 (hereinafter,
"DECLARANTS")

and

CITY OF FORT LAUDERDALE, a Florida municipal corporation, whose
address is 101 NE 3rd Avenue, Suite 2100, Fort Lauderdale, FL 33301
(hereinafter, "CITY")

RECITALS

A. The CITY on August 16, 2022, adopted Resolution No 22-166, recorded September 1, 2022, at Instrument # 118378637 of the Public Records of Broward County, Florida, granting the above-described DECLARANT a Dock Permit for the premises located at 909 Cordova Road, Fort Lauderdale, Florida 33316 and further authorized counter-execution of the Declaration respecting the Dock Permit.

B. At the time Resolution No. 24-166 was adopted DECLARANT(S) were vested with fee simple title to the following described Property ("Property"):

Lot 20, Block 22, Resubdivision in Block 22, RIO VISTA ISLES,
according to the Plat thereof as recorded in Plat Book 23, Page 30,
of the Public Records of Broward County, Florida; said lands lying,
being and situate in the State of Florida, County of Broward.

Street Address: 909 Cordova Road
Fort Lauderdale, FL 33316

Property ID# 5042 11 19 0070

C. Pursuant to the terms of City of Fort Lauderdale Code Section 8-144 (1) (a) DECLARANTS executed the Declaration which was recorded in the Public Records of Broward County, Florida on September 1, 2022, at Instrument # 118378617.

D. By that certain Warranty Deed dated June 18, 2024, recorded June 20, 2024, recorded at Instrument # 119640838 in the Public Records of Broward County, Florida DECLARANTS conveyed fee simple title to Neal Mehlman and Susan Mehlman, husband and wife to the above-described Property.

E. Upon taking title to the Property, Neal Mehlman and Susan Mehlman, husband and wife pursuant to CITY Code § 8-144 applied for a Dock Permit for the Property.

F. Pursuant to ¶ 8 of the Declaration, in the event a Dock Permit is granted to DECLARANTS' successor in interest within the time provided in ¶ 7 thereof, the City Manager is authorized to execute and record a Release and Discharge of the Amended and Restated Declaration.

G. On September 3, 2024, pursuant to Resolution No. 24-155 the CITY granted NEAL MEHLMAN and SUSAN MEHLMAN, Husband and Wife a Dock Permit for the Property and authorized execution and recordation of a Declaration of Covenants Running With The Land Respecting a City Issued Dock Permit (hereinafter "Declaration"), which such Resolution was recorded September 20, 2024 at Instrument # 119809023 of the Public Records of Broward County, Florida and which such fully executed Declaration, encumbering the Property, was recorded September 20, 2024 at Instrument # 119809022 of the Public Records of Broward County, Florida.

NOW, THEREFORE, in consideration of the foregoing, CITY agrees as follows:

1. **Recitals.** The foregoing Recitals are true and correct and are incorporated herein by reference.

2. **Release and Discharge of the Declaration.** By virtue of the foregoing Recitals, the CITY releases and discharges DECLARANTS from the covenants set forth in that Declaration recorded September 1, 2022 at Instrument # 118378617 of the Public Records of Broward County, Florida, subject to CITY's retention of the indemnification provisions for acts or omissions giving rise to Claims prior to the recordation September 20, 2024 of Instr# 119809022 of the Public Records of Broward County, Florida, of a Declaration of Restrictive Covenants Running With the Land Respecting a City Issue Dock Permit under City Code Section 8-144 which such indemnification provisions shall survive the release and discharge of the Declaration and continue for a period of time coincident with the statute of limitations period applicable to the offending act, omission or default during the term of the Amended and Restated Declaration.

SIGNATURE BLOCK ON NEXT PAGE

IN WITNESS whereof, Susan Grant, Acting City Manager for the City of Fort Lauderdale has set his hand and seal this 14 day of November 2024

WITNESSES:

CITY OF FORT LAUDERDALE,
a Florida municipal corporation

Donna Varisco
Donna Varisco
[Witness-print or type name]
101 NE 3rd Ave
Ft. Lauderdale, FL 33301
Address

By: [Signature]
Susan Grant, Acting City Manager

ATTEST:

[Signature]
David R. Soloman, City Clerk



ask
Maria Amrett
[Witness-print or type name]
101 NE 3rd Ave Ste 2100
FT LAUD, FL 33301
Address

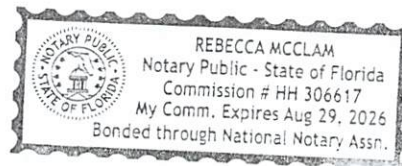
Approved as to form and correctness:

By: [Signature]
D'Wayne M. Spence, Deputy City Attorney
Interim

STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online, this 14th day of November, 2024, by SUSAN GRANT, Acting City Manager of the City of Fort Lauderdale, a municipal corporation of Florida on behalf of the City of Fort Lauderdale.

[Signature]
Notary Public, State of Florida
Name of Notary Typed, Printed or Stamped



Personally Known ✓ OR Produced Identification _____

Type of Identification Produced _____



Notary Public

W. H. McLean