

**MEMORANDUM NO. MF 12-12**

DATE: September 12, 2012  
 TO: Marine Advisory Board  
 FROM: Andrew Cuba, Manager of Marine Facilities *Ac*  
 RE: October 12, 2012 Agenda - Application - Dock Waiver of Limitations  
 ERP Operating, Ltd. & EQR Port Royale Vistas, Inc. - 3355 Port Royale Blvd

Attached for your review is an application from ERP Operating, Ltd. & EQR Port Royale Vistas, Inc. 3355 Port Royale Boulevard (see **Exhibit 1**).

**APPLICATION AND BACKGROUND INFORMATION**

The applicant is requesting approval for expansion of an existing private docking facility located on privately owned submerged land as specified in the Summary Description provided in **Exhibit 1** and summarized in Table 1 below. The distance provided in Table 1 list those structures requiring a waiver measured from the property line into the adjacent yacht basin beyond the maximum allowable distance as specified in the ULDR.

**TABLE 1**

<b>PROPOSED STRUCTURES</b>	<b>NUMBER OF STRUCTURES REQUIRING A WAIVER</b>	<b>STRUCTURE DISTANCE FROM SEAWALL</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING A WAIVER</b>
<b>FINGER PIERS</b>	<b>13</b>	<b>30'</b>	<b>25'</b>	<b>5'</b>
<b>MOORING PILES</b>	<b>12</b>	<b>30'</b>	<b>25'</b>	<b>5'</b>
<b>MOORING PILES</b>	<b>4</b>	<b>55'</b>	<b>25'</b>	<b>30'</b>
<b>MOORING PILES</b>	<b>20</b>	<b>45'</b>	<b>25'</b>	<b>20'</b>
<b>MOORING PILES</b>	<b>6</b>	<b>39'</b>	<b>25'</b>	<b>14'</b>

The proposed expansion includes the construction of a wood marginal dock and twenty-one (21) finger-piers and associated mooring piles. The City's Unified Land and Development Regulations (ULDR), Section 47-19.3.C. and D., limits the maximum distance for mooring structures to 25' or 25%, whichever is less, and mooring/dolphin pilings to 25' or 30%, whichever is less. Section 47.19.3 E. authorizes the City Commission to waive that limitation based on a finding of extraordinary circumstance. The applicant indicates that the proposed finger piers will allow for a minimum of 1' bottom clearance as required by the permitting agencies. In addition, the proposed design should minimize impacts associated with adjacent oyster beds.

### PROPERTY LOCATION AND ZONING

The project site is an existing man-made basin located in Section 7, Township 49, Range 43. It is zoned RMH-60, Residential High Rise Multifamily/High Density District.

### WATERWAY DEPTH AND TIDAL CONDITIONS

Shallow waterway depths within the basin, in particular along the edge of the perimeter, necessitate the proposed finger piers so as to adhere to regulatory agency vessel clearance requirements. The property location is approximately 3.5 miles south of the Hillsboro Inlet, resulting in the incoming tidal waters (flood) moving to the south while the outgoing (ebb) waters move to the north.

### RECOMMENDATIONS

Should the Marine Advisory consider approval of the application, the Resolution under consideration for approval by the City Commission should include at least the following as prescribed in the ULDR and City Code of Ordinances:

1. The applicant is required to comply with all applicable building and zoning regulations as well as any other Federal and State laws and requirements.
2. As a condition of the issuance of the building permit, the applicant install and affix reflector tape to the outermost mooring pilings requiring waivers as required by the Unified Land and Development Regulations (ULDR), Section 47-19.3E.
3. As a general condition of approval, the applicant is required to comply with all other conditions of site plan approval previously granted.
4. No fueling of major boat repair work that would be a violation of the City's Code shall take place on site.
5. The marina operation shall be equipped with oil spill containment and fire safety equipment as required by the City's code.
6. No outside loudspeakers or amplification systems shall be permitted on the marina site that would be a violation of noise ordinances.
7. No rafting of boats shall be permitted along any dock or seawall adjacent to the property except in the case of an emergency.
8. Substantial changes to the marina site plan, including the distances of the piers and pilings, requiring an amendment shall be reviewed by the Marine Advisory Board.
9. The applicant shall comply with all permits required by governmental agencies having jurisdiction over the waterways, and shall comply with all codes and regulations affecting

the operation of the marina, including Section 47.19.3 of the Urban Land and Development Regulations (ULDR) on Boats, Slips, Docks, Boat Davits and similar mooring devices.

10. Should County, State or federal permitting agencies having jurisdiction impose more restrictive standards to the conditions of local approval as specified above, then the more restrictive standards shall apply.
11. The applicant shall furnish copies of final plans to the Supervisor of Marine facilities for review and comment to the appropriate City Department staff prior to finalizing permits with all required governmental agencies.

AC  
Attachment

cc: Cate McCaffrey, Assistant Director of Parks and Recreation  
Jon Luscomb, Supervisor of Marine Facilities

**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: **ERP Operating, Ltd. & EQR Port Royale Vistas, Inc.**

TELEPHONE NO: (954) 579-6003 (home) (954) 495-2090 (business) FAX NO. (954) 491-0708

2. APPLICANT'S ADDRESS (if different than the site address): **P.O. Box 87407, Chicago, IL 60680**

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: **The Applicant requests the Marine Advisory Board approval for a proposed project that includes the repair and replacement of existing fixed wood marginal docks, along with the construction of additional fixed wood finger piers to expand an existing private docking facility within an existing, man-made basin. Per coordination with the City Attorney and Marine Facilities, the proposed project will require formal approval as the proposed docks, finger piers and mooring piles extend greater than 25' from the existing seawall, which will be used as the point of measurement within the privately owned basin. The basin is entirely owned by the applicant, with one shared property line between the two applicant-owned parcels bisecting the basin.**

4. SITE ADDRESS: **3355 PORT ROYALE BLVD , FT LAUDERDALE 33308** ZONING: **RMH-60**

LEGAL DESCRIPTION: **BAR HARBOUR 79-16 B LOT 3 E 95 & LOT 4 and BAR HARBOUR 79-16 B LOTS 5, 6 & 7**

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).  
**Application fees, Existing conditions, Project Plans (11" x 17"), Site Photos & Warranty Deed**

  
Applicant's Signature

9/12/12  
Date

The sum of \$ 300.00 was paid by the above-named applicant on the \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.  
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**



Will Call: Commonwealth Land  
TITLE INSURANCE Company  
Gene Brown 74942

94-555392 T#001  
11-17-94 04113PM  
\$ 908.60  
DOCU. STAMPS-DEED  
RECVD. BROWARD CTY  
B. JACK OSTERHOLT  
COUNTY ADMIN.

94-587188 T#001  
12-08-94 10:09AM  
\$ 89915.70  
DOCU. STAMPS-DEED  
RECVD. BROWARD CTY  
B. JACK OSTERHOLT  
COUNTY ADMIN.

PREPARED BY AND AFTER RECORDED  
DEED SHOULD BE RETURNED TO:  
DANIEL L. BASKES  
ROSENBERG & LEBENTRITT, P.C.  
TWO NORTH RIVERSIDE PLAZA  
SUITE 400  
CHICAGO, ILLINOIS 60608

PORT ROYALE APARTMENTS  
3201-3355 S. PORT ROYALE DRIVE, FT. LAUDERDALE, FLORIDA

WARRANTY DEED  
(STATUTORY FORM - SECTION 689.02 F.S.)

THIS INDENTURE, made this 16th day of November, 1994, between EXECUTIVE LIFE INSURANCE COMPANY IN REHABILITATION/LIQUIDATION, 11400 West Olympic Blvd., Third Floor, Attn: Real Estate Trust Department, Los Angeles, California ("Grantor"), and EQN-PORT ROYALE VISTAS, INC., an Illinois corporation whose post office address is 2 North Riverside Plaza, Suite 400, Chicago, Cook County, Illinois 60608 ("Grantee").

WITNESSETH: That said Grantor, for and in consideration of the sum of TEN and NO/100 DOLLARS and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Broward County, Florida, the "Real Property" to wit:

SEE EXHIBIT "A" ATTACHED HERETO

PARCEL IDENTIFICATION Folio No. 9307-14-005 and No. 9307-14-010.2

Together with all improvements and fixtures located in or on the Real Property, all rights, privileges and easements appurtenant to the Real Property, including, without limitation, all mineral, oil, gas and other hydrocarbon substances on and under the Real Property, all development rights and air rights relating to the Real Property, all water, water rights and water stock relating to the Real Property, and any easements, rights of way or appurtenances used in connection with the beneficial use and enjoyment of the Real Property; free and clear of any and all liens and subject to: taxes and assessments for the current and subsequent years not yet due and payable, conditions, easements, restrictions and other non-lien matters of record.

Said Grantor does hereby fully warrant the title to said land, as aforesaid and will defend that same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantee's hand and seal the day and year first above written. Signed, sealed and delivered in our presence.

GRANTOR:  
EXECUTIVE LIFE INSURANCE COMPANY IN REHABILITATION/LIQUIDATION

WITNESSES:  
Celia C. Santomasia  
Celia C. Santomasia Printed Name  
Kenneth A. Noele  
Kenneth A. Noele Printed Name

By: [Signature]  
Title: Chief Deputy Insurance Commissioner

MAIL TAX STATEMENTS TO:  
EQUITY TAX DEPT.-PORT ROYALE APARTMENTS  
P.O. BOX 43879  
CHICAGO, IL 60680-3878

This instrument is being rerecorded to indicate the correct amount of Documentary Stamps due.

THIS IS NOT AN OFFICIAL COPY

BR 22911PC0022

BR 22840P80130

EXHIBIT  
CAN 12-83  
PAGE 1

STATE OF CALIFORNIA  
COUNTY OF San Francisco SS.

On November 2, 1994 before me, Barbara N. Kish, personally appeared Richard D. Baum, Chief Deputy Insurance Commissioner, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Barbara N. Kish  
Notary Public

My commission expires: 3/22/95



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OFFICIAL COPY

Grantee:  
EOR-PORT ROYALE VISTA, INC.  
2 North Riverside Plaza  
Suite 400  
Chicago, Illinois 60608

Taxpayer I.D. Number:  
30-3898619

BK22911PG0023

BK22640760131

PORT ROYALE APARTMENTS

EXHIBIT A

**PARCEL I:**

Lots 5, 6 and 7 of BAR HARBOR, according to the Plat thereof, as recorded in Plat Book 79, at Page 16, of the Public Records of Broward County, Florida

**PARCEL II:**

A portion of Lot 10 of BAR HARBOR, according to the Plat thereof, as recorded in Plat Book 79, at Page 16, of the Public Records of Broward County, Florida, described as follows:

Commencing at the Southeast corner of said Lot 10; thence South 88 degrees 21 minutes 53 seconds West along the South line of said Lot 10, a distance of 487.81 feet to the Point of Beginning; thence continue South 88 degrees 21 minutes 53 seconds West, along said South line, a distance of 97.34 feet; thence North 01 degree 38 minutes 07 seconds West, a distance of 120.00 feet; thence South 88 degrees 21 minutes 53 seconds West, a distance of 31.73 feet to the West line of Section 7, Township 49 South, Range 43 East, Broward County, Florida; and the East line of Section 12, Township 49 South, Range 42 East, Broward County, Florida; thence continue South 88 degrees 21 minutes 53 seconds West, a distance of 16.79 feet to a point on a curve on the Northwesterly line of said Lot 10, said curve being concave to the Southeast having a radius of 360.00 feet and to said point a radial line bears North 44 degrees 27 minutes 41 seconds West; thence Northwesterly, along said curve on said Northwesterly line, through a central angle of 28 degrees 23 minutes 02 seconds, a distance of 178.34 feet; thence South 26 degrees 24 minutes 35 seconds East, non-radial to said curve, departing said Northwesterly line, a distance of 87.50 feet; thence South 63 degrees 35 minutes 03 seconds West, a distance of 27.70 feet; thence South 01 degree 38 minutes 07 seconds East, a distance of 113.54 feet to the Point of Beginning.

RECORDED IN THE OFFICIAL RECORDS BOOK  
OF BROWARD COUNTY, FLORIDA  
COUNTY ADMINISTRATOR

**PARCEL III:**

Non-exclusive easement for ingress and egress for the benefit of Parcels I and II, as provided for in that certain Declaration of Protective Covenants and Restrictions dated August 10, 1981, filed August 19, 1981 in Official Records Book 8733, at Page 203, together with First Amendment to Declaration of Protective Covenants and Restrictions For Port Royale dated May 2, 1984, filed May 14, 1984 in Official Records Book 11698, at Page 69B and amended in Amendment to Declaration of Protective Covenants and Restrictions For Port Royale dated August 4, 1987, filed August 5, 1987 in Official Records Book 14684, at Page 439 and First Supplement to Declaration of Protective Covenants and Restrictions For Port Royale dated August 4, 1987, filed August 5, 1987 in Official Records Book 14684, at Page 474 and Second Supplement to Declaration of Protective Covenants and Restrictions For Port Royale dated 12-11-87, 1987, filed DEC. 16, 1987 in Official Records Book 19042, at Page 258.

RECORDED IN THE OFFICIAL RECORDS BOOK  
OF BROWARD COUNTY, FLORIDA  
COUNTY ADMINISTRATOR

WARNING: Signing or writing  
on this document after recording  
may be void.

BK 22911 PG 0024

BK 2294 PG 0132

**DOCUMENT COVER PAGE**

96-140915 T#001  
03-25-96 02:45PM

\$ 71050.00  
DOCU. STAMPS-DEED

RECVD. BROWARD CTY  
B. JACK OSTERHOLT

COUNTY ADMIN.

**THIS IS NOT AN OFFICIAL COPY**

(Space above this line reserved for recording office use.)

**Document Title:**

Special Warranty Deed  
( Warranty, Deed, Mortgage, Affidavit, etc. )

**Executed By:**

Alliance/PCA Apartment Portfolio II Limited Partnership, a Georgia limited partnership

**To:**

ERP Operating Limited Partnership, an Illinois limited partnership

**Brief Legal Description:**  
(if applicable)

Portions of Bar Harbour  
Plat Book 79 Page 16  
Broward



**Return Recorded Document to:**

Will Call -> Commonwealth Land Title Ins. Co.  
Gen. Bm/FT 755667

BK 24651 PG 0859

WAK

**SPECIAL WARRANTY DEED**

THIS INDENTURE, made this 19<sup>th</sup> day of March, 1996, between Alliance/PCA Apartment Portfolio II Limited Partnership, a Georgia limited partnership ("Grantor"), and ERP Operating Limited Partnership, an Illinois limited partnership ("Grantee") at Two North Riverside Plaza, Suite 450, Chicago, Illinois 60606.

WITNESSETH, That for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does by these presents GRANT, BARGAIN, SELL and CONVEY unto Grantee, its successors and assigns, that certain tract of land located in Broward County, Florida, more particularly described in Exhibit "A" attached hereto and made a part hereof, together with all improvements located thereon and all rights appurtenant thereto (the "Property").

This conveyance is made by Grantor and accepted by Grantee subject to the matters set forth in Exhibit "B" attached hereto and made a part hereof (the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, subject to the Permitted Exceptions, unto Grantee, and its successors and assigns, and Grantor does hereby bind itself, and its successors and assigns, to WARRANT and FOREVER DEFEND all and singular the Property by, through and under Grantor, but not otherwise, unto Grantee, and its successors and assigns.

IN WITNESS WHEREOF the said Grantor has hereunto set its hand the day and year above written.

**THIS IS NOT AN OFFICIAL COPY**

ALLIANCE/PCA APARTMENT PORTFOLIO II LIMITED PARTNERSHIP, a Georgia limited partnership

Nancy K. Ryan  
Witness NANCY K. RYAN

By: Alliance/PCA Company, a Georgia corporation,  
its general partner,

Danielle Musick  
Witness DANIELLE MUSICK

By: Phillip D. Hinch  
Phillip D. Hinch, President

Prepared by

AFTER RECORDING RETURN TO:  
Deborah A. Payne  
Commonwealth Land Title Insurance Company  
30 N. LaSalle, Suite 3440  
Chicago, IL 60602  
96-06-0067

STATE OF OKLAHOMA       )  
  ) ss.  
COUNTY OF TULSA       )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of March, 1996 by Phillip D. Hinch, as President of Alliance/PCA Company, a Georgia corporation, on behalf of the corporation as general partner of Alliance/PCA Apartment Portfolio II Limited Partnership, a Georgia limited partnership. He is personally known to me and did take an oath.



Judi Meier  
JUDI MEIER, Notary Public  
[Name of Officer taking Acknowledgment, typed, printed or stamped]

BR 24651PG0860

EXHIBIT A

PARCEL I: LOT 3, LESS THE WEST 200 FEET THEREOF, AND ALL OF LOT 4 OF BAR HARBOUR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 79, AT PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PARCEL II: A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL I CREATED UNDER THAT CERTAIN BUILDING EASEMENT AND USE AGREEMENT DATED MARCH 1, 1990, FROM EXECUTIVE LIFE INSURANCE COMPANY - REAL ESTATE EQUITIES DIVISION TO MORTGAGEE, RECORDED ON MARCH 21, 1990, IN OFFICIAL RECORDS BOOK 17263, AT PAGE 0942, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE FOLLOWING DESCRIBED REAL PROPERTY:

A PORTION OF LOT 10 OF BAR HARBOUR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 79, AT PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 10; THENCE S 88°21'53" WEST, ALONG THE SOUTH LINE OF SAID LOT 10, A DISTANCE OF 487.81 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 88°21'53" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 97.94 FEET; THENCE N 01°38'07" WEST, A DISTANCE OF 120.00 FEET; THENCE S 88°21'53" WEST, A DISTANCE OF 31.23 FEET TO THE WEST LINE OF SECTION 7, TOWNSHIP 49 SOUTH, RANGE 43 EAST, BROWARD COUNTY, FLORIDA, AND THE EAST LINE OF SECTION 12, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA; THENCE CONTINUE S 88°21'53" WEST, A DISTANCE OF 16.79 FEET TO A POINT ON A CURVE ON THE NORTHWESTERLY LINE OF SAID LOT 10, SAID CURVE BEING CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 360.00 FEET AND TO SAID POINT A RADIAL LINE BEARS N 44°27'41" WEST; THENCE NORTHEASTERLY, ALONG SAID CURVE ON SAID NORTHWESTERLY LINE, THROUGH A CENTRAL ANGLE OF 28°23'02", A DISTANCE OF 178.34 FEET; THENCE S 26°24'55" EAST, NON-RADIAL TO SAID CURVE, DEPARTING SAID NORTHWESTERLY LINE, A DISTANCE OF 87.50 FEET; THENCE S 63°35'05" WEST, A DISTANCE OF 27.70 FEET; THENCE S 01°38'07" EAST, A DISTANCE OF 113.34 FEET TO THE POINT OF BEGINNING.

PARCEL III:

Non-exclusive easement for ingress and egress for the benefit of Parcel I as provided for in that certain Declaration of Protective Covenants and Restrictions dated August 10, 1981, filed August 19, 1981 in Official Records Book 9733, at Page 303, together with First Amendment to Declaration of Protective Covenants and Restrictions For Port Royal dated May 7, 1984, filed May 14, 1984 in Official Records Book 11698, at Page 698 and amended in Amendment to Declaration of Protective Covenants and Restrictions For Port Royal dated August 4, 1987, filed August 5, 1987 in Official Records Book 14684, at Page 439 and First Supplement to Declaration of Protective Covenants and Restrictions For Port Royal dated August 4, 1987, filed August 5, 1987 in Official Records Book 14684, at Page 474 and Second Supplement to Declaration of Protective Covenants and Restrictions For Port Royal dated 12-11-87, 1987, filed DEC 16, 1987 in Official Records Book 17022, at Page 288.

MEMO: Legibility of writing, typing or printing unsatisfactory in this document when microfilmed.

BK 24651 PG 0861

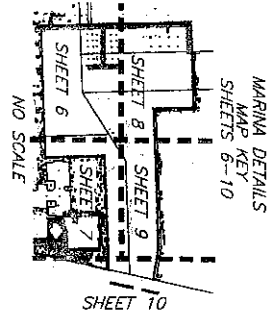
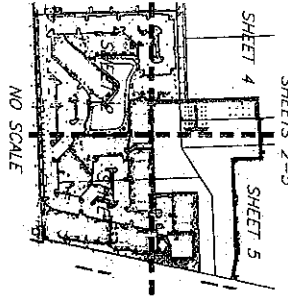
## EXHIBIT "B"

### Permitted Exceptions

1. Taxes for the year 1996, not yet due and payable.
2. Restrictions, covenants, terms and conditions contained in that certain Special Warranty Deed dated December 15, 1987 and recorded December 16, 1987, in Official Records Book 15042, Page 275, of the Public Records of Broward County, Florida.
3. Use agreement by The Apartments of Port Royale Limited Partnership, a Florida limited partnership dated December 15, 1987 and recorded February 22, 1988 in Official Records Book 15208, page 117, of the Public Records of Broward County, Florida.
4. Restrictions, covenants, conditions and easements as contained on the Plat of BAR HARBOUR, recorded in Plat Book 79, page 16, as affected by that certain instrument recorded in Official Records Book, 9753, page 202, of the Public Records of Broward County, Florida.
5. Easement between Coral Ridge Properties, Inc., and City of Fort Lauderdale dated June 6, 1973 and recorded June 22, 1973 in Official Records Book 5334, page 469, of the Public Records of Broward County, Florida.
6. Easement between Coral Ridge Properties, Inc., a Delaware corporation and Florida Power and Light Company and Southern Bell Telephone and Telegraph Company dated July 20, 1973 and recorded August 9, 1973 in Official Records Book 5399, page 30, of the Public Records of Broward County, Florida.
7. Easement between Coral Ridge Properties, Inc., a Delaware corporation and the City of Fort Lauderdale, a municipal corporation of Florida dated June 6, 1973 and recorded June 22, 1973 in Official Records Book 5334, page 462, of the Public Records of Broward County, Florida. (As to Lot 10).
8. Easement between Coral Ridge Properties, Inc., a Delaware corporation and Florida Power and Light Company dated July 20, 1973 and recorded August 9, 1973 in Official Records Book 5399, page 28, of the Public Records of Broward County, Florida. (As to Lot 10).
9. Restrictions, covenants and conditions as contained in the Declaration of Protective Covenants and Restrictions for Port Royale dated August 10, 1981 and recorded August 19, 1981 in Official Records Book 9753, page 203, together with the first amendment to Declaration of Protective Covenants and Restrictions for Port Royale dated May 2, 1984 and recorded May 14, 1984, as recorded in O.R. Book 11698, page 698, and Amendment

BK 24651 PG0862

BOUNDARY & IMPROVEMENTS  
MAP KEY  
SHEETS 2-5



TREE LOCATION TABLES

SANITARY

DRAINAGE

Table of tree locations with columns for Station, Description, and Remarks. The table contains numerous entries for various tree species and their locations along the property boundaries.

STATION	DESCRIPTION	REMARKS
1029 SW	4.23'	M/G-O-2120 6" DBH
1172 02	5.20'	M/G-O-2120 6" DBH
1280 SW	6.78'	M/G-O-2120 6" DBH
1381 SW	3.78'	M/G-O-2120 6" DBH
1482 SW	6.28'	M/G-O-2120 6" DBH
1721 SW	7.13'	M/G-O-2120 6" DBH
1773 02	7.26'	M/G-O-2120 6" DBH
1824 02	7.32'	M/G-O-2120 6" DBH
2000 SW	6.28'	M/G-O-2120 6" DBH
2024 SW	6.28'	M/G-O-2120 6" DBH
2032 SW	6.28'	M/G-O-2120 6" DBH
2033 SW	6.28'	M/G-O-2120 6" DBH
2034 SW	6.28'	M/G-O-2120 6" DBH
2035 SW	6.28'	M/G-O-2120 6" DBH
2036 SW	6.28'	M/G-O-2120 6" DBH
2037 SW	6.28'	M/G-O-2120 6" DBH
2038 SW	6.28'	M/G-O-2120 6" DBH
2039 SW	6.28'	M/G-O-2120 6" DBH
2040 SW	6.28'	M/G-O-2120 6" DBH
2041 SW	6.28'	M/G-O-2120 6" DBH
2042 SW	6.28'	M/G-O-2120 6" DBH
2043 SW	6.28'	M/G-O-2120 6" DBH
2044 SW	6.28'	M/G-O-2120 6" DBH
2045 SW	6.28'	M/G-O-2120 6" DBH
2046 SW	6.28'	M/G-O-2120 6" DBH
2047 SW	6.28'	M/G-O-2120 6" DBH
2048 SW	6.28'	M/G-O-2120 6" DBH
2049 SW	6.28'	M/G-O-2120 6" DBH
2050 SW	6.28'	M/G-O-2120 6" DBH
2051 SW	6.28'	M/G-O-2120 6" DBH
2052 SW	6.28'	M/G-O-2120 6" DBH
2053 SW	6.28'	M/G-O-2120 6" DBH
2054 SW	6.28'	M/G-O-2120 6" DBH
2055 SW	6.28'	M/G-O-2120 6" DBH
2056 SW	6.28'	M/G-O-2120 6" DBH
2057 SW	6.28'	M/G-O-2120 6" DBH
2058 SW	6.28'	M/G-O-2120 6" DBH
2059 SW	6.28'	M/G-O-2120 6" DBH
2060 SW	6.28'	M/G-O-2120 6" DBH
2061 SW	6.28'	M/G-O-2120 6" DBH
2062 SW	6.28'	M/G-O-2120 6" DBH
2063 SW	6.28'	M/G-O-2120 6" DBH
2064 SW	6.28'	M/G-O-2120 6" DBH
2065 SW	6.28'	M/G-O-2120 6" DBH
2066 SW	6.28'	M/G-O-2120 6" DBH
2067 SW	6.28'	M/G-O-2120 6" DBH
2068 SW	6.28'	M/G-O-2120 6" DBH
2069 SW	6.28'	M/G-O-2120 6" DBH
2070 SW	6.28'	M/G-O-2120 6" DBH
2071 SW	6.28'	M/G-O-2120 6" DBH
2072 SW	6.28'	M/G-O-2120 6" DBH
2073 SW	6.28'	M/G-O-2120 6" DBH
2074 SW	6.28'	M/G-O-2120 6" DBH
2075 SW	6.28'	M/G-O-2120 6" DBH
2076 SW	6.28'	M/G-O-2120 6" DBH
2077 SW	6.28'	M/G-O-2120 6" DBH
2078 SW	6.28'	M/G-O-2120 6" DBH
2079 SW	6.28'	M/G-O-2120 6" DBH
2080 SW	6.28'	M/G-O-2120 6" DBH
2081 SW	6.28'	M/G-O-2120 6" DBH
2082 SW	6.28'	M/G-O-2120 6" DBH
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2092 SW	6.28'	M/G-O-2120 6" DBH
2093 SW	6.28'	M/G-O-2120 6" DBH
2094 SW	6.28'	M/G-O-2120 6" DBH
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2096 SW	6.28'	M/G-O-2120 6" DBH
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2154 SW	6.28'	M/G-O-2120 6" DBH
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2156 SW	6.28'	M/G-O-2120 6" DBH
2157 SW	6.28'	M/G-O-2120 6" DBH
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2162 SW	6.28'	M/G-O-2120 6" DBH
2163 SW	6.28'	M/G-O-2120 6" DBH
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2183 SW	6.28'	M/G-O-2120 6" DBH
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2198 SW	6.28'	M/G-O-2120 6" DBH
2199 SW	6.28'	M/G-O-2120 6" DBH
2200 SW	6.28'	M/G-O-2120 6" DBH

**PORT ROYALE**  
 FORT LAUDERDALE, BROWARD COUNTY, FLORIDA  
**BOUNDARY & IMPROVEMENTS SURVEY**

**SDA SHAH DROTOS & ASSOCIATES**  
 ENGINEERING SURVEYING PLANNING  
 ENGINEERING AUTH. NO. 5534 SURVEYING LIC. NO. LB 6455  
 5410 N Andrews Avenue Ext • Pompano Beach, FL 33064  
 PH: 954-943-9433 • FAX: 954-763-4754

DATE: 02/05/04  
 BY:

REVISIONS:  
 REVISION NO. DESCRIPTION DATE

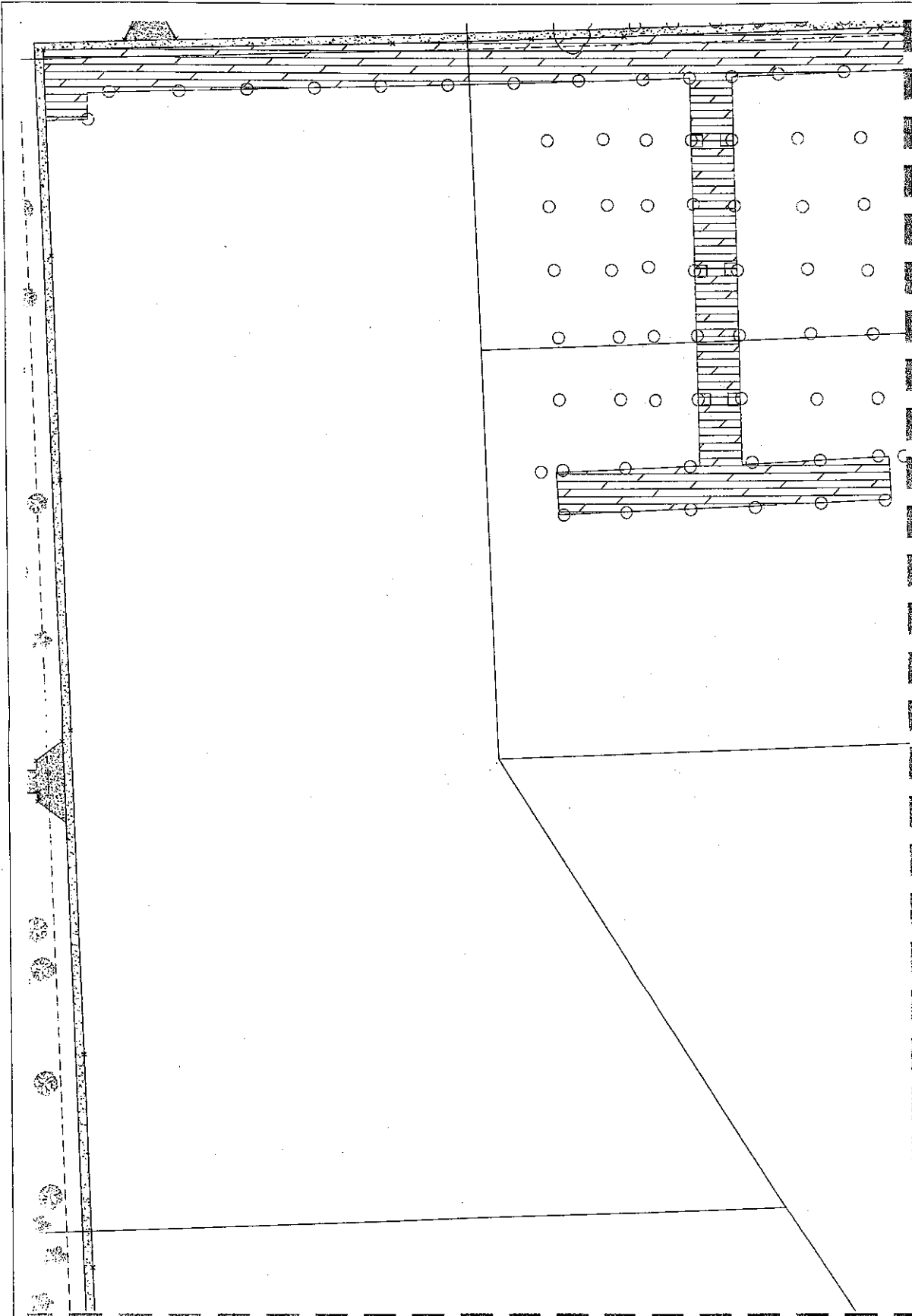
DESIGNED BY: SDA  
 CHECKED BY: JDR  
 APPROVED BY: SDA  
 SCALE: N/A

SHEET NO. 0898A01  
 OF 10 SHEETS



EXISTING ELEVATION OF MARINA BOTTOM, NGVD 1929  
AS OF 4/24/09

MATCH LINE SEE SHEET 8 OF 10 SHEETS



MATCH LINE SEE SHEET 7 OF 10 SHEETS

SEAL  
FOR THE FIRM, BY  
DATE  
0898A01

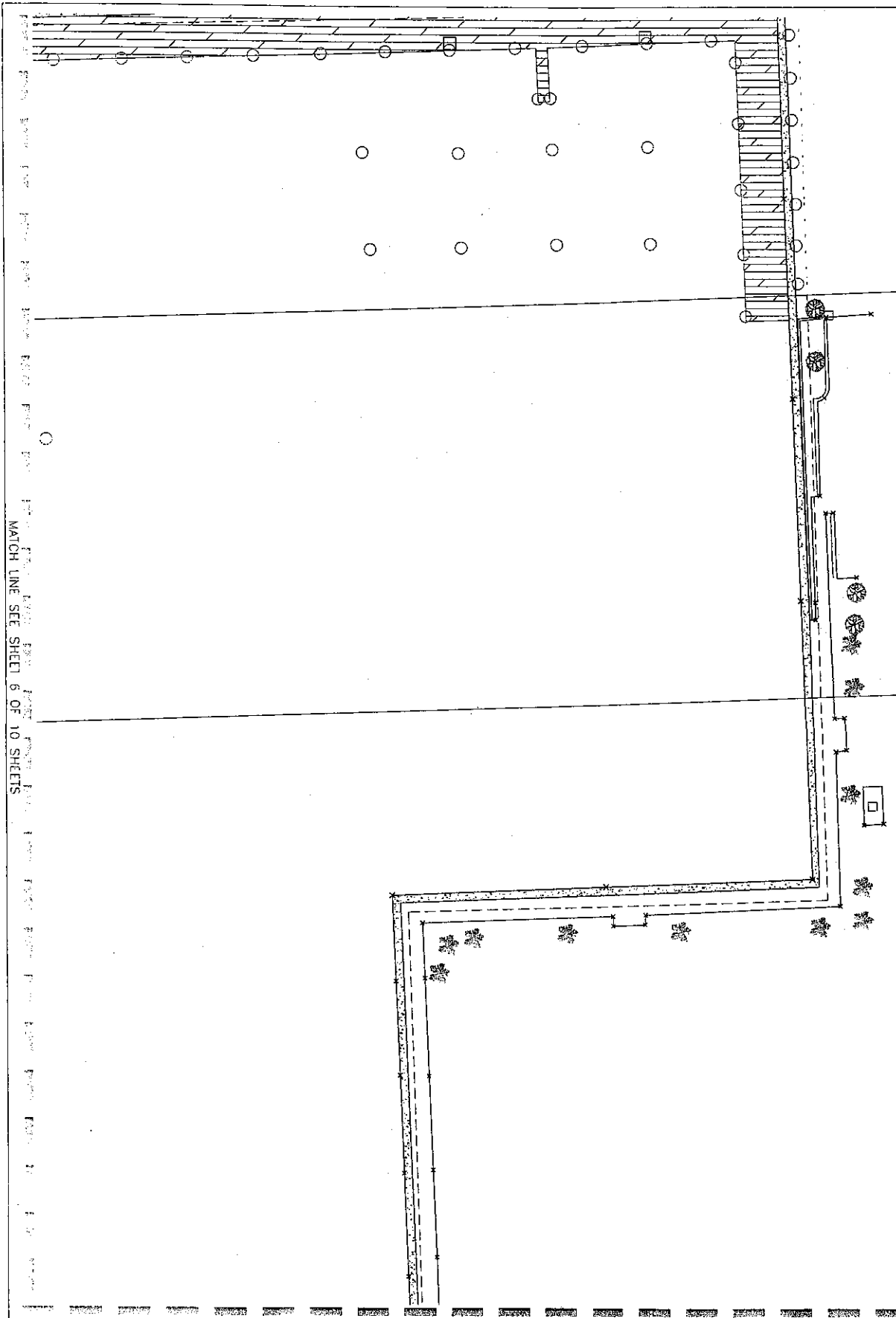
PORT ROYALE  
FORT LAUDERDALE, BROWARD COUNTY, FLORIDA  
MARINA ELEVATION DETAIL

SCALE: 1" = 10'  
DRAWN BY: JMT  
CHECKED BY: JMT  
DESIGNED BY:  
APPROVED BY: SJA

**SDA SHAH DROTOS & ASSOCIATES**  
ENGINEERING SURVEYING PLANNING  
ENGINEERING AUTH. NO. 5634 SURVEYING LIC. NO. LB 6456  
3410 N Andrews Avenue Ext • Pompano Beach, FL 33084  
PH: 954-943-9433 • FAX: 954-783-4754

REVISIONS  
DATE BY MON DESCRIPTION  
REVERSE TITLE COMMENT DATE

EXISTING ELEVATION OF MARINA BOTTOM, NGVD 1929  
AS OF 4/24/09



MATCH LINE SEE SHEET 6 OF 10 SHEETS

MATCH LINE SEE SHEET 9 OF 10 SHEETS

SEAL  
FOR THE RMA, INC.  
DATE: APR. 2009  
JENNIFER A. ROSE  
PROFESSIONAL SURVEYOR  
FLORIDA REG. NO. 17881

PORT ROYALE  
FORT LAUDERDALE, BROWARD COUNTY, FLORIDA  
MARINA ELEVATION DETAIL

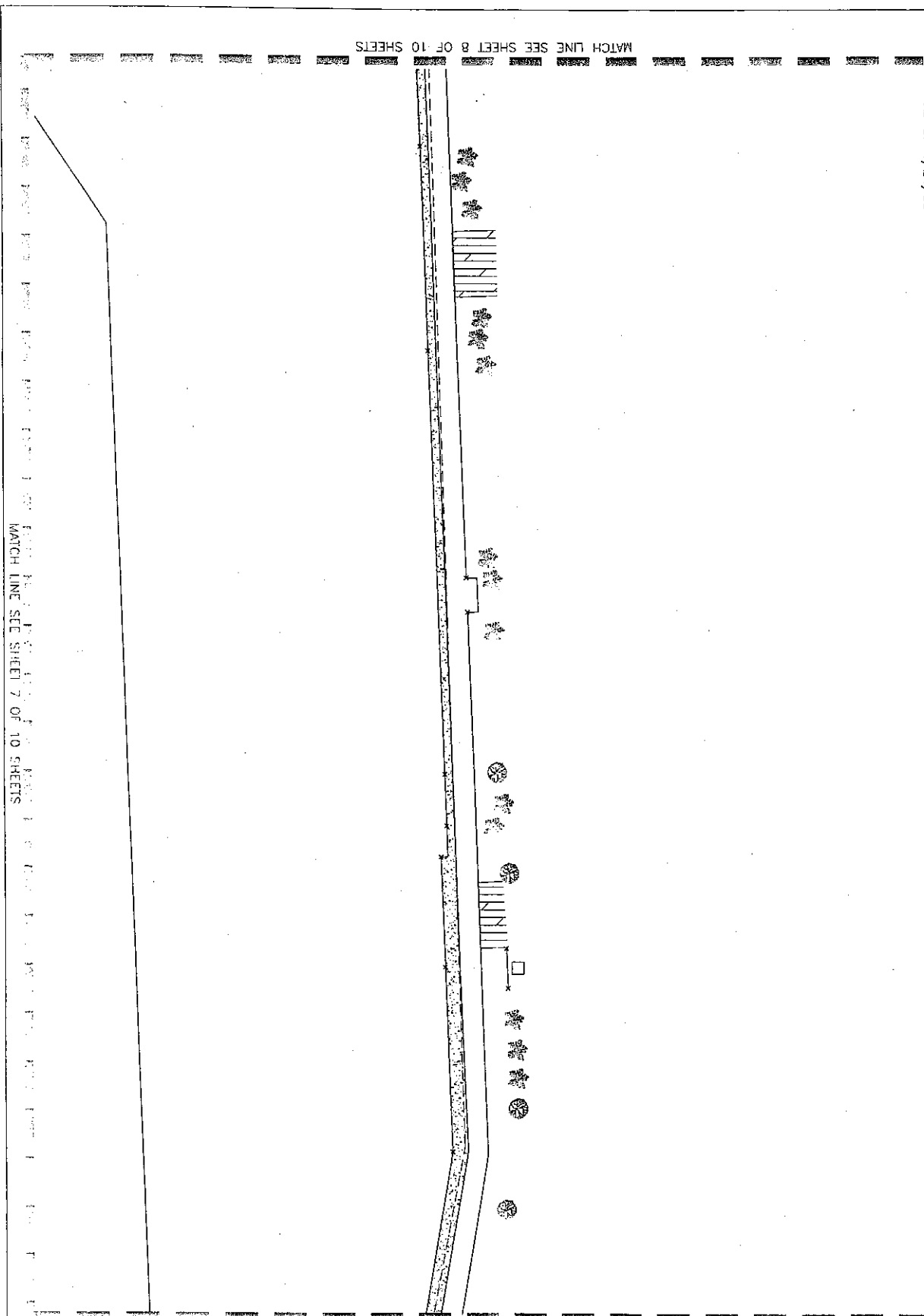
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DESIGNED BY: SDA  
APPROVED BY: SDA  
CHECKED BY: LK  
DRAWN BY: LK

**SDA SHAH DROTOS & ASSOCIATES**  
ENGINEERING SURVEYING PLANNING  
ENGINEERING AUTH. NO. 5634 SURVEYING LIC. NO. LB 8456  
3410 N Andrews Avenue Ext • Pompano Beach, FL 33064  
PH: 954-943-8433 • FAX: 954-783-4754

REVISIONS	
DATE	DESCRIPTION
02/06/08	BY: MCR
	REVISION
	REVISION
	REVISION

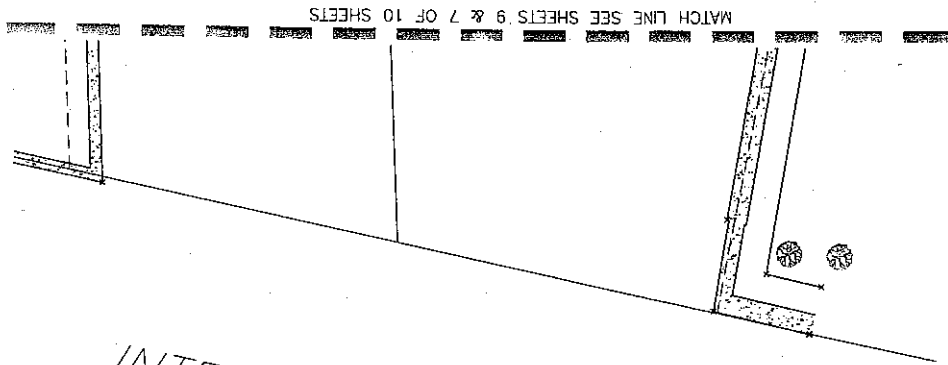


EXISTING ELEVATION OF MARINA BOTTOM, NGVD 1929  
AS OF 4/24/09



JENNIFER A. ROSE PROFESSIONAL SURVEYOR FLORIDA REG. NO. 3888 DATE: APRIL 2009 JOB NO. 0898A01 SHEET	SCALE FOR THE FINAL SET	PORT ROYALE FORT LAUDERDALE, BROWARD COUNTY, FLORIDA		<b>SDA SHAH DROTOS &amp; ASSOCIATES</b> ENGINEERING SURVEYING PLANNING ENGINEERING AUTH. NO. 5634 SURVEYING LIC. NO. LB 8456 3410 N Andrews Avenue Ext • Pompano Beach, FL 33064 PH: 954-945-8433 • FAX: 954-783-4754	REVISIONS DESCRIPTION REVISE TITLE COMMITMENT DATE
		MARINA ELEVATION DETAIL			
DRAWN BY: [ ] CHECKED BY: [ ] APPROVED BY: SDA SCALE: 1" = 10'		DATE: 02/08/09 BY: [ ] FOR: [ ]		[ ]	





MATCH LINE SEE SHEETS 9 & 7 OF 10 SHEETS

EXISTING ELEVATION OF MARINA BOTTOM, NGVD 1929  
AS OF 4/24/09

INTRACOASTAL WATERWAY



PROJECT NO. 0898A01 SHEET	SEAL FOR THE FIRM, EIT	PORT ROYALE FORT LAUDERDALE, BROWARD COUNTY, FLORIDA		<b>SDA SHAH DROTOS &amp; ASSOCIATES</b> ENGINEERING SURVEYING PLANNING ENGINEERING AUTH. NO. 5654 SURVEYING LIC. NO. LB 6456 3410 N Andrews Avenue Ext • Pompano Beach, FL 33064 PH: 954-943-9433 • FAX: 954-763-4754	DATE 02/06/09 BY MCM	REVISIONS NO.    DESCRIPTION DATE
		MARINA ELEVATION DETAIL				DESIGNED BY CHECKED BY: MCM APPROVED BY: S.D.A. SCALE: 1" = 10'

to Declaration of Protective Covenants and Restrictions for Port Royale dated August 4, 1987 and recorded August 5, 1987 and recorded August 5, 1987 in Official Records Book 14684, page 459, and First Supplement to Declaration of Protective Covenants and Restrictions for Port Royale dated August 4, 1987 and recorded August 5, 1987 in Official Records Book 14684, Page 474, and Second Supplement to Declaration of Protective Covenants and Restrictions for Port Royale, dated December 11, 1987 and recorded December 16, 1987 in Official Records Book 15042, Page 252, and Consent dated December 15, 1987 and recorded December 16, 1987 in Official Records Book 15042, Page 239, as affected by Attribution Instrument Regarding Declaration of Protective Covenants and Restrictions For Port Royale recorded December 16, 1987 in Official Records Book 15042, Page 267 and Assignment of Declarant Rights recorded February 16, 1987 in Official Records Book 15042, Page 286 and recorded March 21, 1990 in Official Records Book 17263, Page 956, all of the Public Records of Broward County, Florida.

10. Riparian rights are neither guaranteed nor insured, as to that portion of Lot 4 abutting the Intracoastal Waterway and only as to that portion of Lot 3 lying within or abutting that certain parcel of land referred to as "Boat Basin" and "legally described in Exhibit G-2" of the Declaration of Protective Covenants and Restrictions for Port Royale dated August 10, 1987 and recorded August 19, 1987 in Official Records Book 9753, page 203, of the Public Records of Broward County, Florida.
11. Unrecorded Agreement for Private Fire Protection between City of Fort Lauderdale and Coral Ridge Properties, Inc., a Delaware corporation dated April 8, 1982 allowing the City to install fire line connections to the property of the Insured upon payment of the estimated costs of installation, allowing the representative of a utility department of the City access through the property in question for purposes of inspecting the private fire service protection equipment, and restricting the applicant to have no connection of this lien with any other source or supply of water except a tank or fire pump installed as a secondary supply, as well as a restriction not to draw any water whatsoever through the connection for purposes other than extinguishment of fires or periodic tests.
12. Restrictions, covenants, conditions and easements, which include provisions for a private charge or assessment, as contained in the Declaration of Restrictions and Protective Covenants for a Portion of Lot 10, Bar Harbour recorded December 16, 1987 in Official Records Book 15042, page 225, of the Public Records of Broward County, Florida. (As to Lot 10).
13. Easement and Reservation Agreement dated December 15, 1987 and recorded December 16, 1987 in Official Records Book 15042, page 210, of the Public Records of Broward County, Florida. (As to Lot 10).
14. Building Easement and Use Agreement between Executive Life Insurance Company, a California corporation and The Apartments of Port Royale Limited Partnership, a Florida limited partnership and joined by Citicorp Real Estate, Inc., a Delaware corporation and

BK 24651 PG 0863

General Electric Capital Corporation, a New York corporation dated March 1, 1990 and recorded March 21, 1990, in O.R. Book 17263, page 942, of the Public Records of Broward County, Florida, as amended by First Amendment to the Building Easement Use Agreement, unrecorded. This First Amendment to the Building Easement Use Agreement was referenced in that certain Release of Lis Pendens recorded October 11, 1993, on O.R. Book 21244, page 902, of said Public Records.

15. Rights of the United States of America and/or the State of Florida as to the portion of the property located in the Boat Basin and east of the bulkhead.
16. Sanitary sewer manholes, utility boxes, gate valves, water meters, overhead power lines, 6-foot chain link fence, 6.5 x 0.7 masonry wall encroachment on west line of Lot 10, power poles, electric meters all as more particularly shown on surveys prepared by Campbell Consultants, Inc., Job Number 70216, last revised March 16, 1990 as to Lot 10.
17. Rights of parties in possession, as tenants only, under unrecorded leases as shown on Rent Roll attached hereto.
18. Amendment to Satellite Master Antenna Television System Agreement as contained in the Instrument, recorded February 28, 1995 in Official Records Book 23182, page 310, of the Public Records of Broward County, Florida.
19. Easement to Florida Power and Light Company as contained in the Instrument, recorded December 6, 1990 in Official Records Book 17968, page 163, of the Public Records of Broward County, Florida.
20. Title to no portion of the insured land below the mean high water line (mark) of any navigable waterbody is insured.
21. Encroachment of wood dock onto adjoining land on west line of insured property as more particularly shown on that certain survey prepared by Campbell Consultants, Inc. Land Surveyors, dated February 16, 1996, Job Number 96-27.

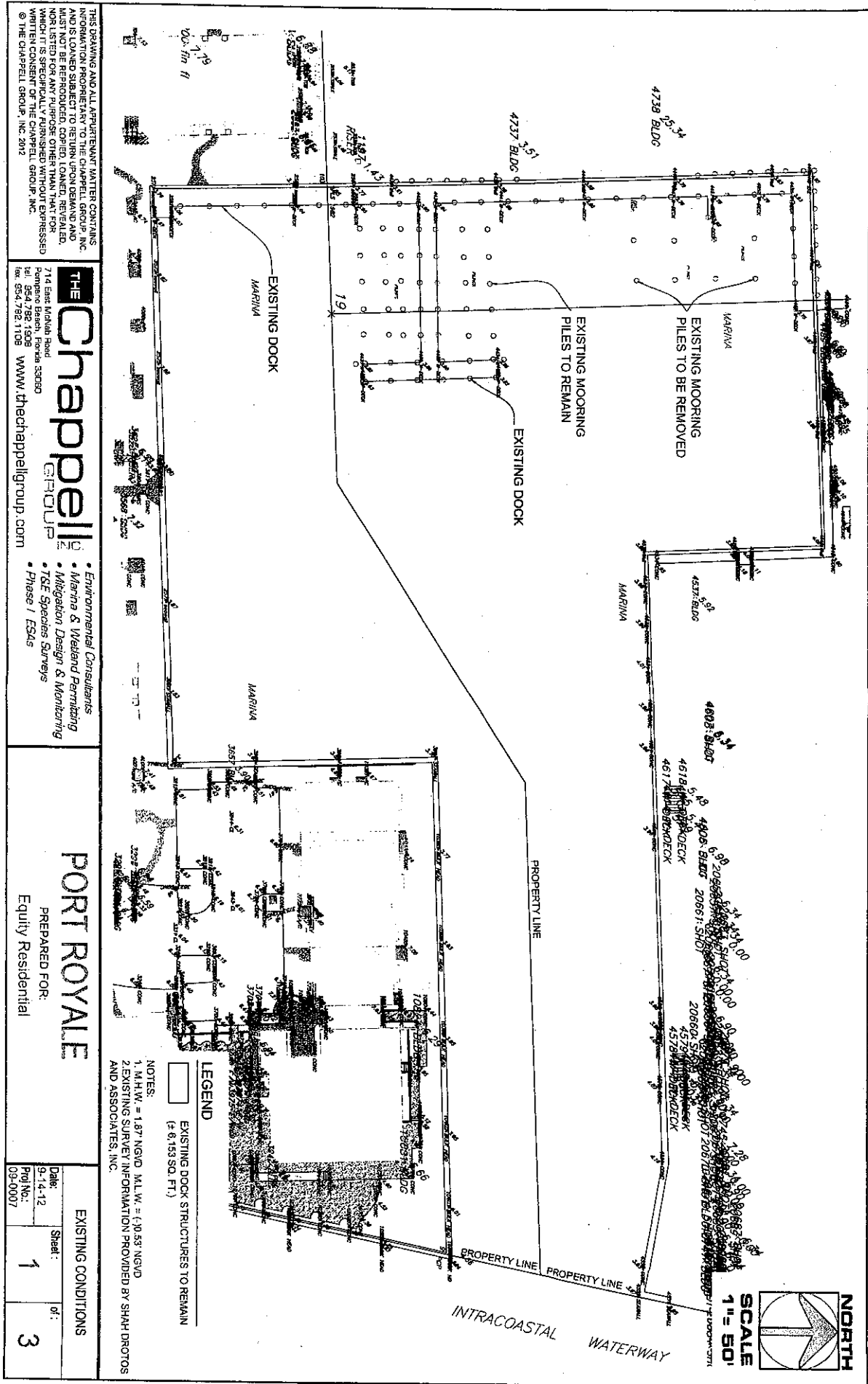
RECORDED IN THE OFFICIAL RECORDS BOOK  
OF BROWARD COUNTY, FLORIDA  
COUNTY ADMINISTRATOR

BK 24651 PG 0864

**EXHIBIT IV  
ORIGINAL SURVEY**

**EXHIBIT V  
PROJECT PLANS**





THIS DRAWING AND ALL APPURTENANT WATER COUNTINGS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FORNISHED WITHOUT EXPRESSED WRITTEN PERMISSION OF THE CHAPPELL GROUP, INC. © THE CHAPPELL GROUP, INC. 2012

**THE Chappell GROUP**  
 714 East Mainline Road  
 Pompano Beach, Florida 33069  
 Tel. 954.782.1508  
 Fax. 954.782.1108  
 www.thechappellgroup.com

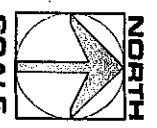
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- TCE Spreads Surveys
- Phase I ESAs

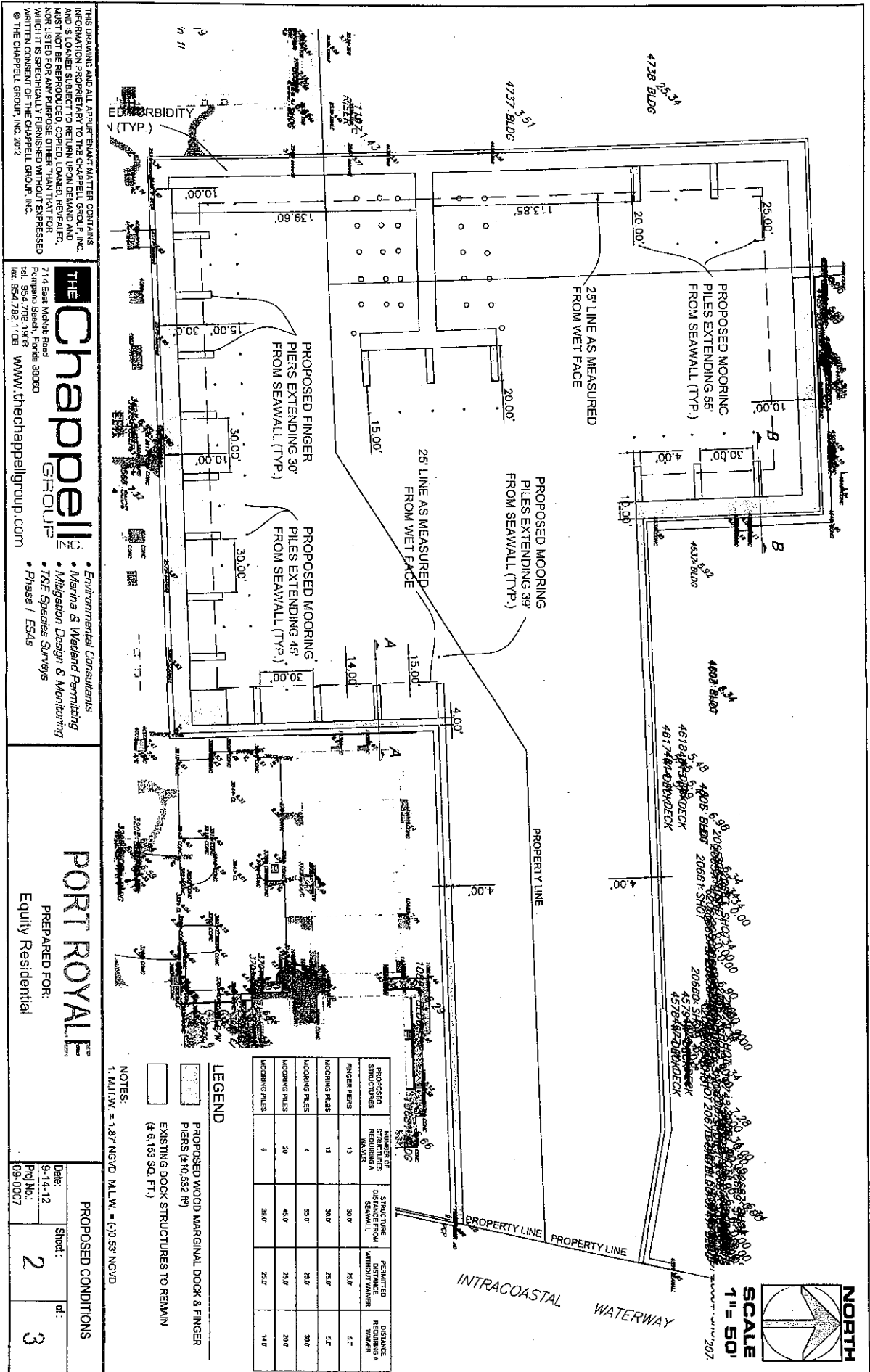
**PORT ROYALE**  
 PREPARED FOR:  
 Equity Residential

NOTES:  
 1. M.H.W. = 1.87' NGVD. M.L.W. = 0.05' NGVD  
 2. EXISTING SURVEY INFORMATION PROVIDED BY SHAH PROTOS AND ASSOCIATES, INC.

**LEGEND**  
 [Symbol] EXISTING DOCK STRUCTURES TO REMAIN  
 [Symbol] (± 0.153 SQ. FT.)

EXISTING CONDITIONS		
Date:	Sheet:	of:
9-14-12	1	3
Proj No.:	09-0007	





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 www.thechappellgroup.com

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

**PORT ROYALE**  
 PREPARED FOR:  
 Equity Residential

**PROPOSED CONDITIONS**

Date:	9-14-12	Sheet:	2	of:	3
Proj No.:	093-0007				

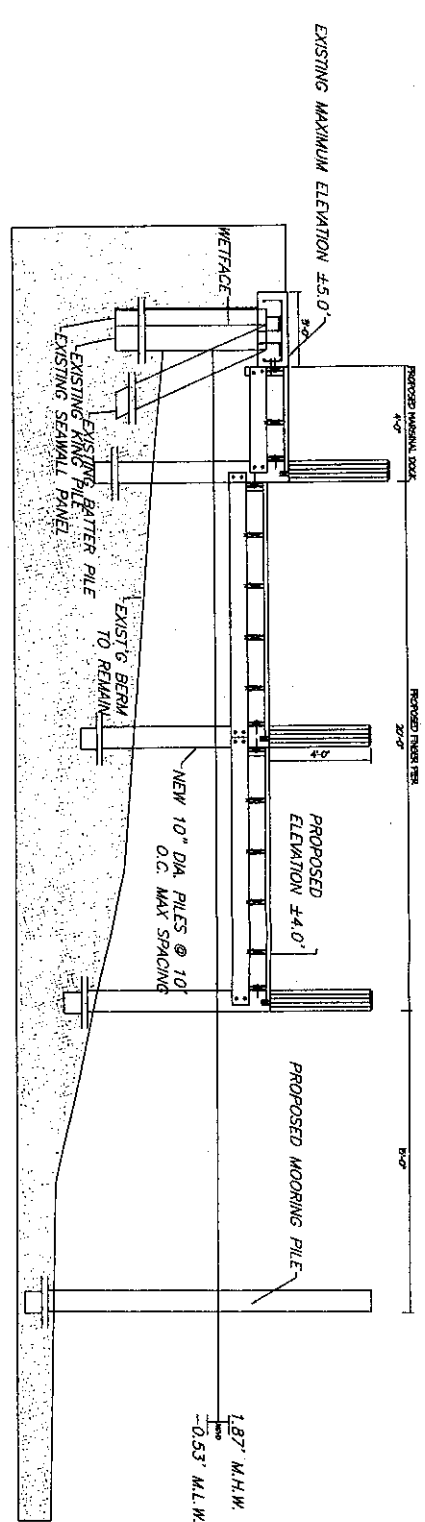
**LEGEND**

- PROPOSED WOOD MARGINAL DOCK & FINGER PIERS (610,352 SQ FT)
- EXISTING DOCK STRUCTURES TO REMAIN (46,183 SQ. FT.)

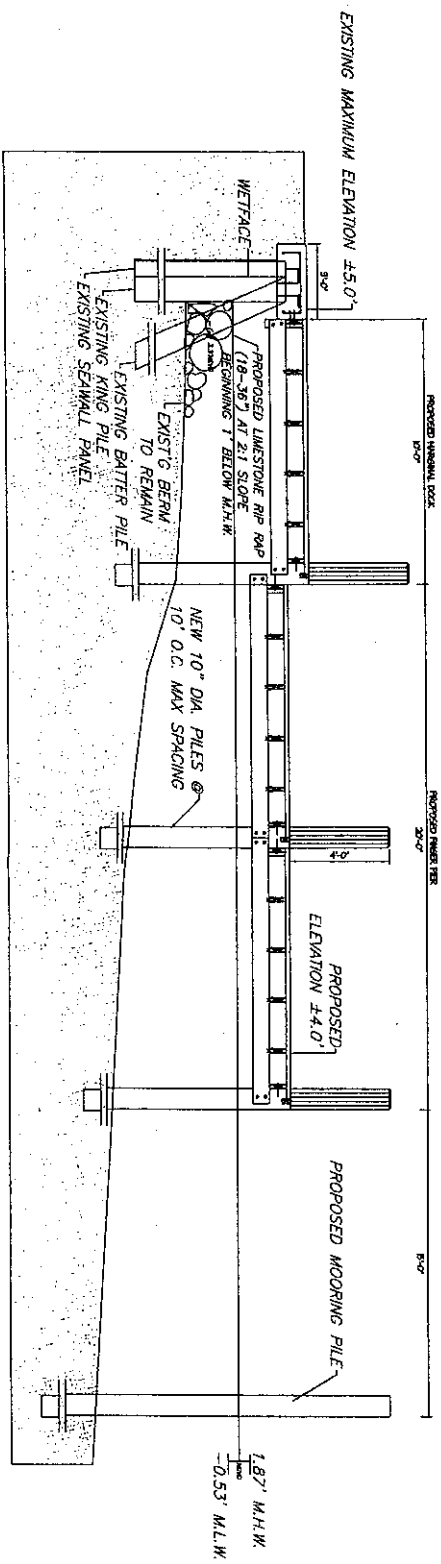
**NOTES:**  
 1. M.H.W. = 1.37' NGVD, M.L.W. = (-)0.53' NGVD

STRUCTURE TYPE	NUMBER OF STRUCTURES	STRUCTURE DISTANCE FROM SEAWALL	PERMITTED DISTANCE WITHOUT WAMER	DISTANCE REMAINING A WAMER
FINGER PIERS	13	30.0'	25.0'	5.0'
MOORING PIERS	12	30.0'	25.0'	5.0'
MOORING PIERS	4	35.0'	25.0'	10.0'
MOORING PIERS	20	45.0'	25.0'	20.0'
MOORING PIERS	6	38.0'	22.0'	16.0'





PROPOSED CONDITIONS SECTION A-A (TYP)



PROPOSED CONDITIONS SECTION B-B (TYP)

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

**PORT ROYALE**  
 PREPARED FOR:  
 Equity Residential

SECTIONS	
Date: 9-14-12	Sheet: 3
Proj No.: 09-0007	of: 3

**EXHIBIT VI  
ZONING AERIAL**



# 3355 Port Royale Blvd Yacht Basin



**EXHIBIT VII  
SUMMARY DESCRIPTION**



**Summary Description**  
**Port Royale**  
**TCG Project No. 09- 0007**

The proposed project site is an existing man-made basin located at 3355 Port Royale Boulevard in Section 7, Township 49, Range 43, in the City of Fort Lauderdale, Broward County, Florida (Figure 1). The basin is privately owned by the applicant and opens directly to the Intracoastal Waterway (ICWW).

These waters are tidal waters with the nearest direct connection to the Atlantic Ocean approximately  $\pm 3.5$  miles to the northeast at the Hillsboro Inlet. As the project site is located within a man-made basin along the ICWW, the incoming tidal waters (flood) at the site move to the south while the outgoing waters move to the north (ebb).

The proposed project consists of the expansion of an existing private docking facility. The proposed expansion includes the construction of a wood marginal dock, twenty-one (21) finger piers and associated mooring piles to accommodate forty two (42) new wet slips. Based on the proposed configuration, thirteen (13) of the proposed structures and 42 of the proposed mooring piles extend a distance greater than 25' from the existing seawall. The marina basin is privately owned, with the property line running east-west through the center of the waterway. As such, a strict interpretation of the code would reflect that all of the proposed finger piers and mooring piles meet the requirements of the City of Fort Lauderdale dock construction limitations on docks and associated mooring structures as measured from the property line. However, at the suggestion of the City Attorney, a waiver is requested from the criteria listed with Section 47-19.3.D within the City of Ft. Lauderdale Unified Land Development Regulations.

The following three (3) matters provide justification for this waiver request:

1. Due to the depths within the existing basin, the finger piers are the smallest length possible in order to allow vessels to moor with a minimum of 1' bottom clearance as required per the U.S. Army Corps of Engineers (USACOE), the Florida Department of Environmental Protection (FDEP) and the Broward County Environmental Protection and Growth Management Department (BCEPGMD).
2. Due to the presence of existing oyster beds within 10' of the existing seawall, the proposed layout minimizes incidental impacts to the existing resources.
3. Due to the approved redevelopment of Port Royale, the project is proposed in order to maximize water access in a historical docking facility. The proposed expansion will result in additional wet slips being available for the proposed upland improvements.



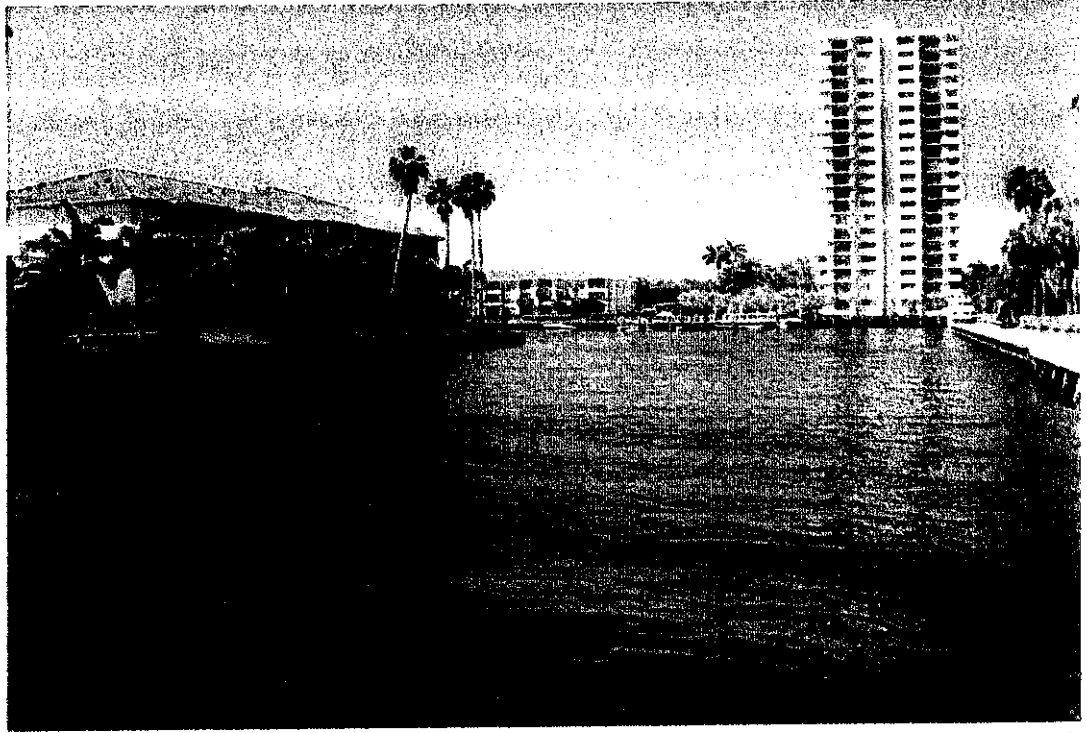
If this waiver is approved, the applicant will comply with all necessary construction requirements stated in Section 47-19.3 (D)(E)(F)(G).

<b>PROPOSED STRUCTURES</b>	<b>NUMBER OF STRUCTURES REQUIRING A WAIVER</b>	<b>STRUCTURE DISTANCE FROM SEAWALL</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING A WAIVER</b>
<b>FINGER PIERS</b>	<b>13</b>	<b>30.0'</b>	<b>25.0'</b>	<b>5.0'</b>
<b>MOORING PILES</b>	<b>12</b>	<b>30.0'</b>	<b>25.0'</b>	<b>5.0'</b>
<b>MOORING PILES</b>	<b>4</b>	<b>55.0'</b>	<b>25.0'</b>	<b>30.0'</b>
<b>MOORING PILES</b>	<b>20</b>	<b>45.0'</b>	<b>25.0'</b>	<b>20.0'</b>
<b>MOORING PILES</b>	<b>6</b>	<b>39.0'</b>	<b>25.0'</b>	<b>14.0'</b>

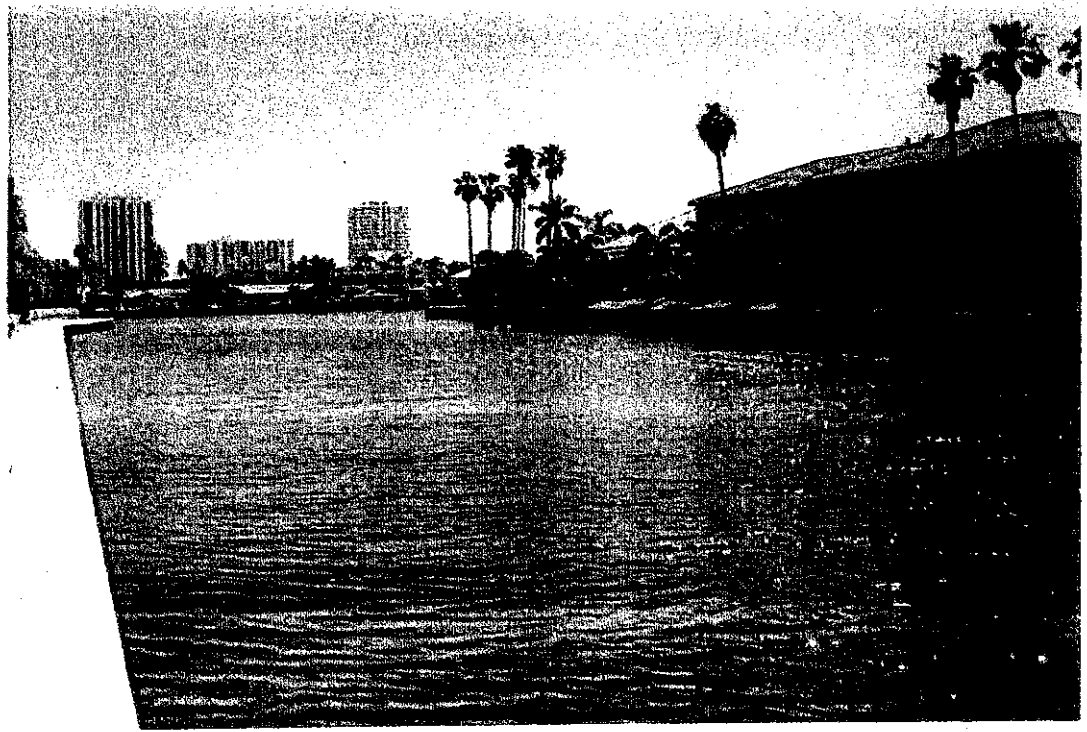




**EXHIBIT VIII  
SITE PHOTOGRAPHS**



**1. Northeastern corner of the basin opening, facing west.**



**2. Northeastern portion of the basin, facing east.**



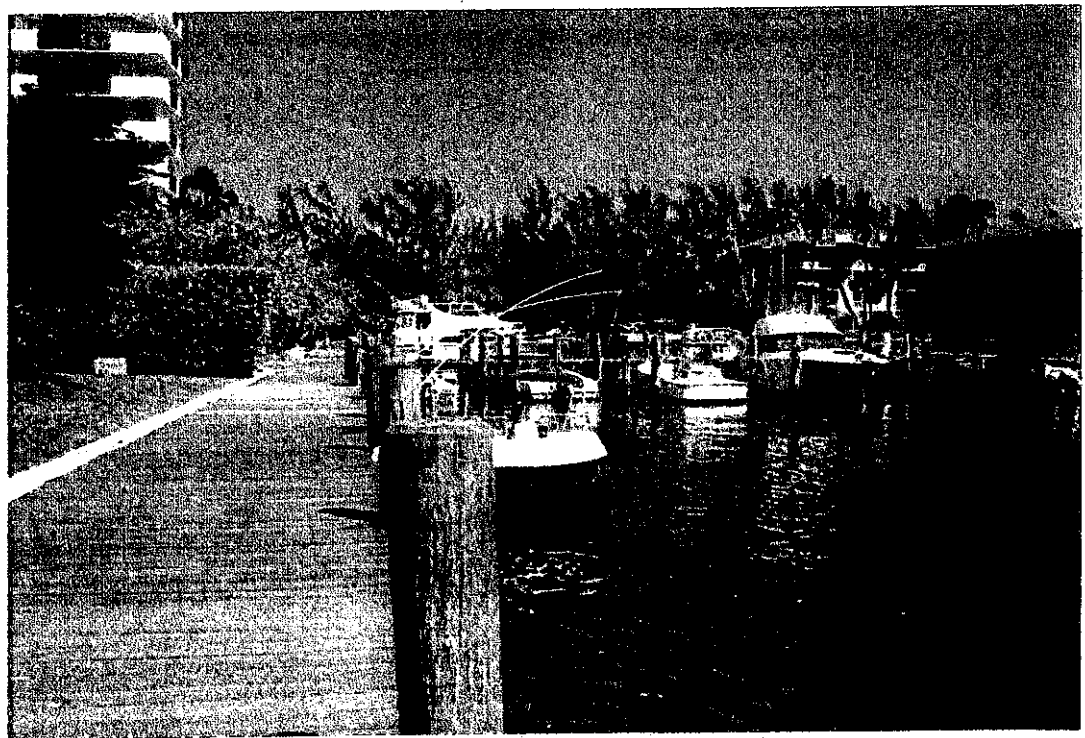
**3. Northeastern portion of the basin, facing south.**



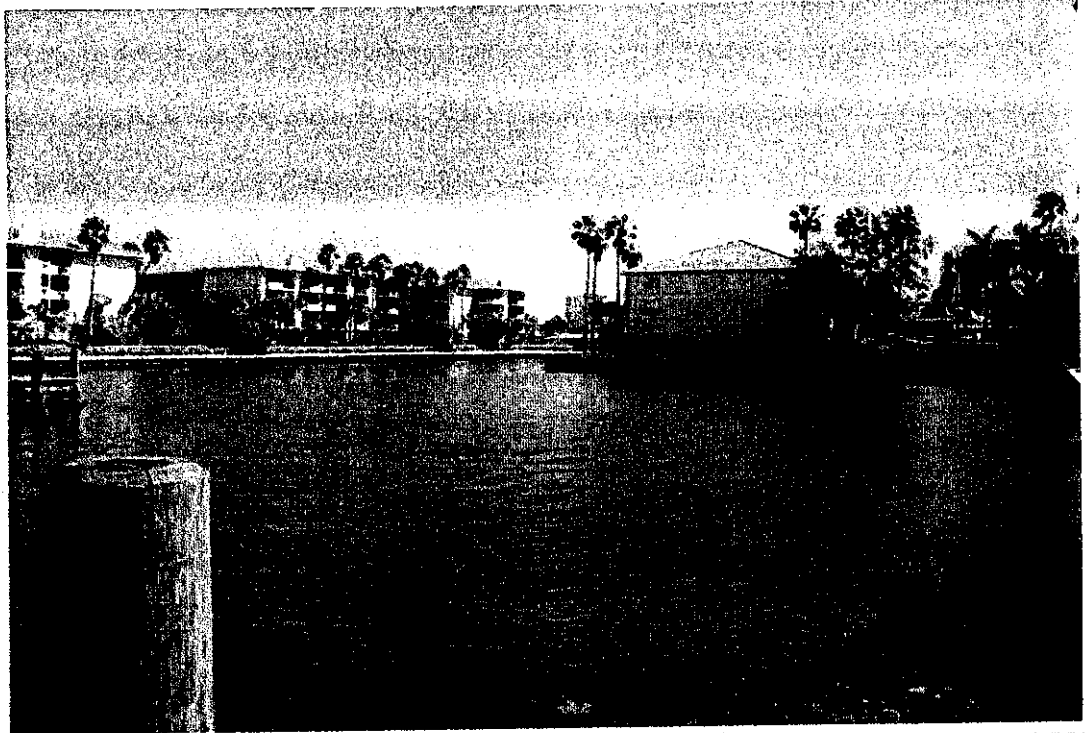
**4. Northeastern portion of the basin, facing southwest.**



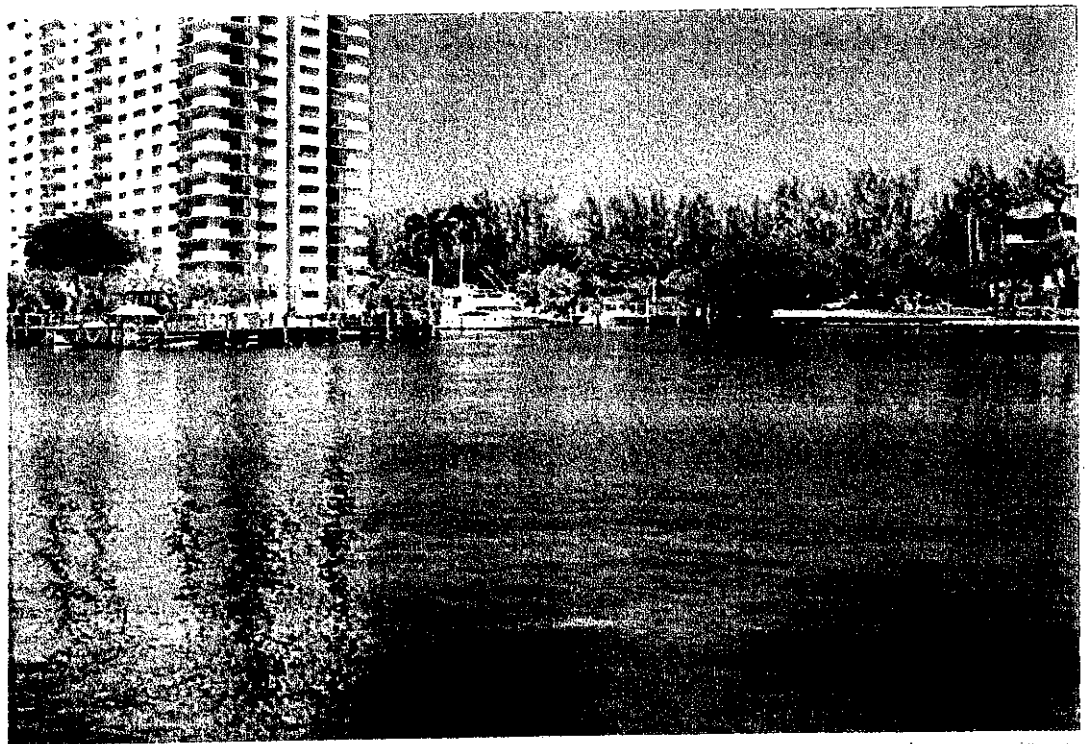
**5. Northeastern portion of the basin, facing northwest.**



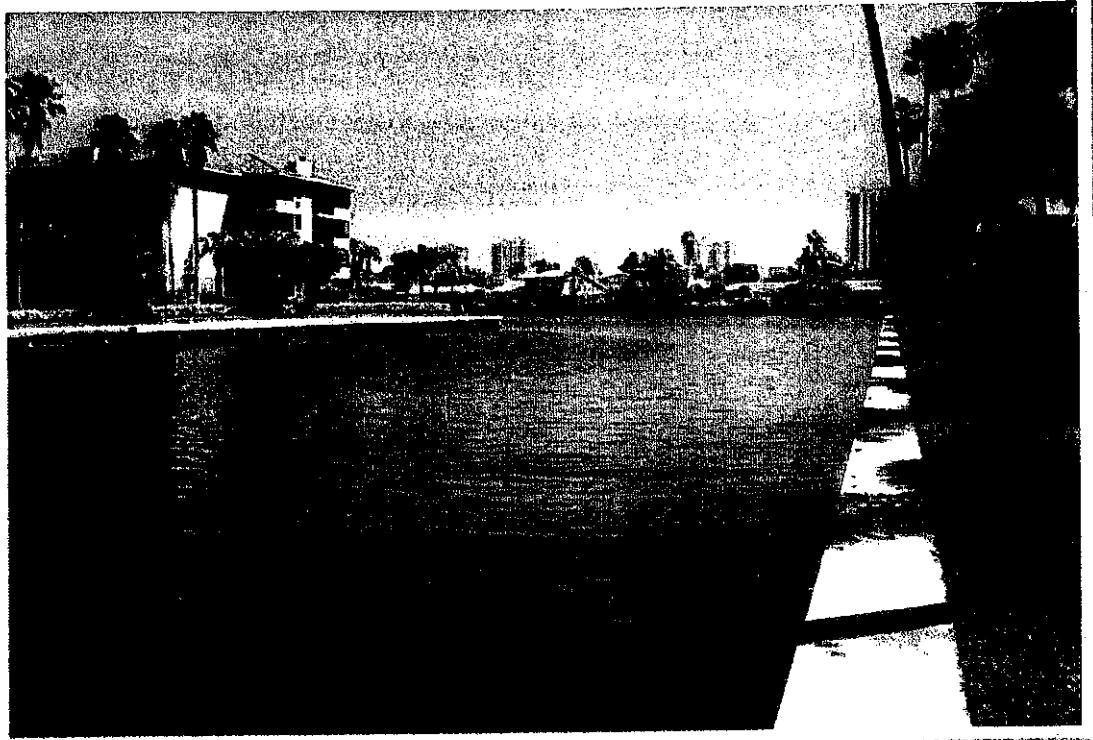
**6. Southwestern corner of the basin, facing north.**



**7. Southwestern corner of the basin, facing northeast.**



**8. Southeastern corner of the basin, facing northwest.**



**9. Southeastern portion of the basin, facing east.**