

RESOLUTION NO. 26-96

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 ROBERT L. GALLAGHER, JR., A MARRIED MAN, OF ONE (1) PROPOSED 40'+/- LONG X 8'+/- WIDE MARGINAL WOOD DOCK WITH ACCESS STEPS, SAID MARGINAL WOOD DOCK EXTENDING A MAXIMUM DISTANCE OF 8'+/- FROM THE PROPERTY LINE ON PUBLIC PROPERTY ABUTTING THE WATERWAY ADJACENT TO 1101 CORDOVA ROAD, AS SUCH PROPERTY IS MORE PARTICULARLY DESCRIBED BELOW; 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; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Robert L. Gallagher, Jr., a married man applied for a permit to install, use, maintain and repair one (1) proposed 40'+/- long x 8' +/- wide marginal wood dock with access steps, with the marginal wood dock extending a maximum distance of 8'+/- into the waterway adjacent to 1101 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 April 2, 2026, 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 Robert L. Gallagher, Jr., a married man, (hereinafter referred to as "Permit Holder"), to install, use, maintain and repair one (1) proposed 40'+/- long x 8' +/- wide marginal wood dock with access steps extending a maximum distance of 8'+/- from the property line on public property abutting the waterway adjacent to 1101 Cordova Road, legally described as follows:

Lot 9, except the West 15 feet thereof, and the N 1/2 of Lot 10, except the West 15 feet thereof, in Block 6 of Rio Vistas Isles Unit 3, according to the Plat thereof, as recorded in Plat Book 7, at Page 47, Public Records of Broward County, Florida together with a permanent easement over the West 15 feet of Lots 9, 10 and 11 in Block 6 for ingress and egress in and over said lands for driveway purposes.

Street Address: 1101 Cordova Road,
Fort Lauderdale, FL 33316

Property ID# 5042 11 18 0460

(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.

SECTION 3. The granting of this Dock Permit is subject to the following terms and conditions:

1. The granting of this Dock Permit is conditioned upon the requirement that the Permit Holder shall repair, replace or maintain the 40' +/- long x 8' +/- wide marginal wood dock and access steps and appurtenant fixtures constructed or utilized by the Permit Holder.
2. As a special condition, the City reserves the right to remove the Improvements for construction or replacement of the seawall at this Project Site 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.

3. (a) The "Dock Area," pursuant to Code Sec. 8-144, shall mean that area bounded by: (i) the upland cap of the seawall abutting the dock; and (ii) extending over the water the length and width of the dock; and (iii) including the area within which the vessel may be berthed and all appurtenances to the dock area. The length of the dock shall not exceed: (1) the distance between the extension into the waterway of the two (2) side yard setbacks for the principal building on the corresponding upland parcel; nor (2) the boundaries of the dock as set by the city commission pursuant to Code Sec. 8-144(2)(b), whichever (1) or (2) above is applicable. (See **Exhibit "A"** attached hereto for a schematic representation of the Dock Area.) The Dock Area shall include the 40' +/- long x 8' +/- wide marginal wood dock and access steps, Improvements and all appurtenances constructed or utilized by Permit Holder, as depicted in **Exhibit "A."**
- (b) The "Public Swale Area," pursuant to Code Sec. 8-144, shall be the area: (1) within the waterward extension of the side property lines of the upland parcel from the edge of the adjacent publicly dedicated right-of-way closest to the waterway to the wet-faced edge of the seawall cap, excluding therefrom the dock; or (2) the boundaries of the dock as set by the city commission pursuant to Code Sec. 8-144(2)(b), whichever (1) or (2) above is applicable. (See **Exhibit "A"** attached hereto for a schematic representation of the Public Swale Area.)
4. That as a condition to the adoption of this Resolution, Permit Holder has executed the 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 the Declaration. Permit Holder, at Permit Holder's sole expense, shall record a certified copy of the Resolution and the fully executed Declaration in the Public Records of Broward County, Florida.
5. (a) During the term of the Dock Permit, the Permit Holder shall be required to repair, replace, maintain or reconstruct the 40' +/- long x 8' +/- wide marginal dock and access steps ramp and to meet the requirements of Section 47-19.3(f) of the City of Fort Lauderdale, Florida, Unified Land Development Regulations ("ULDR").
- (b) The term of this Dock Permit to use the 40' +/- long x 8' +/- wide marginal wood dock with access steps shall expire upon the (i) abandonment of the use of the marginal wood dock and access steps 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 marginal dock,

access steps and appurtenant fixtures thereto or utilized by the Permit Holder subject to the provisions of subsection (c) below and the obligations within the Declaration.

(c) Except as provided in subsection (d) below, upon expiration of the Dock Permit, the Permit Holder shall be obligated to remove the 40' +/- long x 8' +/- wide marginal dock and access steps and all appurtenances constructed or utilized by Permit Holder thereto 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 the 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 40' +/- long x 8' +/- wide marginal wood dock and access steps, and all appurtenances thereto 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 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 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. Permit Holder shall post signage within 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 within the Dock Area and maintaining and beautifying the Public Swale Area. The Public Swale Area shall be landscaped in accordance with a Landscape Plan approved by the Department of Sustainable Development, a copy of which is attached hereto as **Exhibit "B"**.

(c) Prior to installation of Improvements within the Dock Area 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 within 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) The marginal dock 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) 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 by the City's Director of Public Works 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 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 this Dock Permit, in the event Permit Holder is found by

the City Commission to have violated any of the conditions of this Resolution 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, marginal dock and access stairs, Improvements and all appurtenances constructed or utilized by Permit Holder, then the Dock Permit granted herein may be repealed or rescinded by the City Commission upon thirty (30) 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 public property.
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. Pursuant to ULDR Sec. 47-19.3(h), 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 Property, as extended 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.

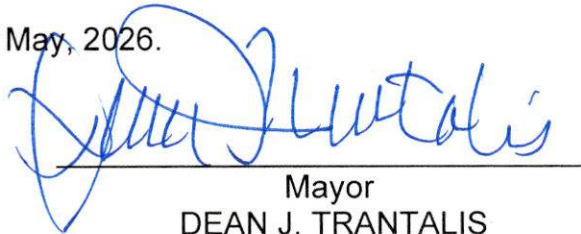
SECTION 4. That by acceptance of the benefits of this Resolution, Permit Holder acknowledges that the Public Swale Area and Dock Area are part of a publicly dedicated right-of-way for Cordova Road and that any right, title, interest or claim of use to the Dock, Dock Area or Public Swale Area except to 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 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 herein.

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) Permit Holder, at Permit Holder's expense, records in the Public Records of Broward County, Florida (a) a certified copy of this Resolution together with (b) the original fully executed Declaration and (ii) 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. Failure to meet the conditions of (i) and (ii) above shall cause this Resolution to be of no further force and effect.

ADOPTED this 19th day of May, 2026.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:



City Attorney
SHARI L. McCARTNEY

Dean J. Trantalis Yea

John C. Herbst Yea

Steven Glassman Yea

Pamela Beasley-Pittman Yea

Ben Sorensen Yea