

RESOLUTION NO. 13-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 47-19.3E OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE GRANTING A WAIVER OF THE LIMITATIONS OF CITY SECTIONS 47-19.3.C. & D. TO PERMIT E. MARK PAWUK, TRUSTEE OF THE EMIL PAWUK DISCLAIMER TRUST, U/A/D MAY 1, 2008, AS TO AN UNDIVIDED 30.25% INTEREST AND E. MARK PAWUK, TRUSTEE OF THE EMIL PAWUK NEW FAMILY TRUST, U/A/D MAY 1, 2008, AS TO AN UNDIVIDED 69.75% INTEREST TO RENOVATE AN EXISTING MARINA, TO INCLUDE THE CONSTRUCTION AND MAINTENANCE OF EIGHT (8) MOORING PILES EXTENDING VARIOUS DISTANCES, THE MAXIMUM BEING +/-696.4 FEET AND THREE (3) PROPOSED FLOATING PIERS EXTENDING VARIOUS DISTANCES, THE MAXIMUM BEING +/-695.0 FEET FROM THE APPLICANT'S PLATTED PROPERTY LINE INTO THE WATERS OF THE INTRACOASTAL WATERWAY, SUCH PROPERTY BEING LOCATED AT 435 SEABREEZE BOULEVARD, MORE PARTICULARLY DESCRIBED BELOW; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, E. Mark Pawuk, Trustee of the Emil Pawuk Disclaimer Trust, u/a/d May 1, 2008, as to an undivided 30.25% interest and E. Mark Pawuk, Trustee of the Emil Pawuk New Family Trust, u/a/d May 1, 2008, as to an undivided 69.75% interest (hereinafter "Applicant") owns the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

PARCEL 1:

That portion of Lot 6 in Block 2, LAS OLAS BY THE SEA, a subdivision of part of Lot 1 of Section 12, Township 50 South, Range 42 East, and a part of Lot 1 of Section 7, Township 50 South, Range 43 East, according to the Re-amended Plat

thereof, recorded in Plat Book 1, Page 16, of the Public Records of Broward County, Florida, lying West of the existing Westerly right of way line of Seabreeze Boulevard. And also a parcel of land lying West of Lot 6, Block 2, LAS OLAS BY THE SEA, a subdivision of part of Lot 1 of Section 12, Township 50 South, Range 42 East and a part of Lot 1 of Section 7, Township 50 South, Range 43 East, according to the Re-amended Plat thereof, recorded in Plat Book 1, Page 16, of the Public Records of Broward County, Florida, up to the existing bulkhead of New River Sound and lying between the North and South line of said Lot 6 extended to said bulkhead.

PARCEL 2:

All that strip or parcel of land lying due West of Lot 5, Block 2, of LAS OLAS BY THE SEA, and West of Seabreeze Boulevard of said Las Olas By the Sea to the Channel of New River Sound, including all submerged lands, riparian rights and privileges, according to the Plat thereof, as recorded in Plat Book 1, Page 16, of the Public Records of Broward County, Florida. Said lands being also described as follows:

Commence at a point where the Northerly line of Lot 5, Block 2, of Las Olas By the Sea, a subdivision of lands in Broward County, Florida, according to the re-amended Plat thereof, as recorded in Plat Book 1, Page 16, of the Public Records of Broward County, Florida, extended Westerly intersects the Westerly line of Seabreeze Boulevard (new Seabreeze Avenue) as shown on said Plat: thence Westerly along the Westerly extension of the Northerly line of said Lot 5, Block 2, of said Las Olas By the Sea, a distance of 172.27 feet to the outer line of the present bulkhead on the East shore of New River Sound; thence Southerly along the outer line of said present bulkhead a distance of 75 feet to a point where the Southerly line of said Lot 5, Block 2, of said Las

PARCEL 3:

All that parcel of land in LAS OLAS BY THE SEA, a Subdivision in Broward County, Florida, according to the Plat thereof, as recorded in Plat Book 1, Page 16, of the Public Records of Broward County, Florida, bounded on the East by Seabreeze Boulevard, as the same now exists, and on the North by the North line of Lot 7, in Block 2, of said LAS OLAS BY THE SEA, extended to the waters of New River Sound, on the South by the South line of Lot 8, in Block 2, of said Las Olas By the Sea, extended to the waters of New River Sound, and on the West by the waters of New River Sound as the same now exists.

Street Address: 429 – 435 Seabreeze Boulevard  
Fort Lauderdale, FL 33316-1621

Folio Numbers: 5042 12 01 0150  
5042 12 01 0160  
5042 12 01 0190

(hereinafter "Property")

WHEREAS, Applicant is requesting approval for renovation of an existing marina, including the installation and maintenance of eight (8) mooring piles and four (4) floating finger piers to respectively extend a maximum of +/-696.4 feet and a maximum of +/-695.0 feet from the property line into the waters of the Intracoastal Waterway (a/k/a New River Sound); and

WHEREAS, the City's Marine Advisory Board on April 4, 2013 reviewed the application for dock waiver filed by Applicant and voted unanimously to approve this application;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That pursuant to the provisions of ULDR Section 47-19.3.E. of the Code of Ordinances of the City of Fort Lauderdale, the City Commission hereby grants a waiver of the

limitations of ULDR Section 47-19.3.C & D., to allow Applicant to install and maintain eight (8) mooring piles and four (4) floating finger piers to respectively extend a maximum of  $\pm$ -696.4 feet and a maximum of  $\pm$ -695.0 feet from the property line into the waters of the Intracoastal Waterway (a/k/a New River Sound), such distances being more specifically set forth in the Table of Distances set forth below:

**TABLE OF DISTANCES**

<b>PROPOSED STRUCTURES</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING WAIVER</b>
Mooring Pile #1	$\pm$ -411.8'	25'	$\pm$ -386.8'
Mooring Pile #2	$\pm$ -494.3'	25'	$\pm$ -469.3'
Mooring Pile #3	$\pm$ -618.5'	25'	$\pm$ -593.5'
Mooring Pile #4	$\pm$ -696.4'	25'	$\pm$ -671.4'
Mooring Pile #5	$\pm$ -615.4'	25'	$\pm$ -590.4'
Mooring Pile #6	$\pm$ -693.3'	25'	$\pm$ -668.3'
Mooring Pile #7	$\pm$ -612.4'	25'	$\pm$ -587.4'
Mooring Pile #8	$\pm$ -690.3'	25'	$\pm$ -665.3'
Mooring Pile #9	$\pm$ -459.2'	25'	$\pm$ -454.2'
Mooring Pile #10	$\pm$ -695.0'	25'	$\pm$ -670.0'
Mooring Pile #11	$\pm$ -692.0'	25'	$\pm$ -667.0'
Mooring Pile #12	$\pm$ -540.5'	25'	$\pm$ -515.5'

**SECTION 2.** That the granting of this waiver is contingent upon Applicant executing a submerged lands lease with the Board of Trustees Internal Improvement Fund of the State of Florida for the submerged lands here at issue.

**SECTION 3.** That the above waiver is subject to the following additional conditions to be performed by the Applicant:

1. The Applicant 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. The Applicant is required to install and affix reflector tape to the boatlift pilings in accord with Section 47-19.3E of the Unified Land and Development Regulations (ULDR).
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 the Applicant is required to provide the City's Supervisor of Marine Facilities with copies of "As Built" drawings from a certified and licensed contractor.

SECTION 4. That all Resolutions or parts of Resolutions in conflict with this Resolution are hereby repealed.

SECTION 5. That this Resolution shall be in full force and effect upon and after its final passage.

ADOPTED this the 7th day of May, 2013.

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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

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City Clerk  
JONDA K. JOSEPH

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