

# ITEM VI

## MEMORANDUM MF NO. 14-12

DATE: July 1, 2014  
TO: Marine Advisory Board  
FROM: Andrew Cuba, Manager of Marine Facilities  
RE: July 15, 2014 MAB - Dock Waiver of Distance Limitations  
–Grand Birch LLC / 321 N.Birch Road

Attached for your review is an application from Grand Birch, LLC / 321 N. Birch Road (see **Exhibit 1**).

### APPLICATION AND BACKGROUND INFORMATION

The applicants are requesting a recommendation for approval for the installation of three triple pile dolphin piles (clusters) and ten mooring piles extending a maximum of 75' from the property line into the Intracoastal Waterway (ICW). The distances these proposed structures would extend from the property line into the ICW is shown in the survey in **Exhibit 1** and summarized in Table 1 below:

**TABLE 1**

<b>PROPOSED STRUCTURE</b>	<b>STRUCTURE MAXIMUM DISTANCE FROM PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING WAIVER</b>
<b>THREE TRIPLE PILE DOLPHIN PILES</b>	<b>75'</b>	<b>25'</b>	<b>50'</b>
<b>TEN MOORING PILES</b>	<b>75'</b>	<b>25'</b>	<b>50'</b>

Section 47.19.3.D. limits the distance that mooring or dolphin piles can extend to no more than thirty (30) percent of the width of the waterway, or twenty-five (25) feet beyond the property line, whichever is less. Section 47.19.3.E authorizes the City Commission to waive this limitation based upon a finding of extraordinary circumstances. The applicant has indicated that the pilings are necessary to properly protect, stabilize and secure vessels from strong currents, storm events, and excessive wakes.

### PROPERTY LOCATION AND ZONING

The property is located within the IOA Zoning District. It is situated on the ICW where the overall average width between property lines from shoreline to shoreline is approximately 560 feet, according to the narrative provided in **Exhibit 1**. At its closest proximity, the distance from the outermost edge of the proposed pilings to the eastern edge of the ICW navigable channel is approximately 255'.

DOCK PLAN AND BOATING SAFETY

Records reflect that there have been seven (7) waivers of docking distance limitations approved by the City Commission since 1984. A comparison of these as shown in Table 2 including the maximum distances of all mooring structures extending into the ICW follows:

**TABLE 2**

<b>DATE</b>	<b>ADDRESS</b>	<b>MAXIMUM DISTANCE</b>
1984	27 Isla Bahia Drive	30'
1988	2430 Laguna Drive	50'
1992	2412 Laguna Drive	49'
2002	2418 Laguna Drive	43' (pier and boatlift)
2009	540 Lido Drive	45'6"
2001	215 N Birch Road	47'6"
2013	209 Birch Road	39'9"

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 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. 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.

AC  
Attachment

cc: Carl Williams, Deputy Director of Parks and Recreation  
Jon Luscomb, Supervisor of Marine Facilities

**APPLICATION FOR WAIVER OF LIMITATIONS  
FOR MOORING AND DOLPHIN PILES**

Pursuant to ULDR Sections 47-19.3(d) and (e)

Grand Birch, LLC  
321 N. Birch Road  
Fort Lauderdale, FL 33304



# GRAND BIRCH, LLC

## WAIVER OF LIMITATIONS FOR MOORING AND DOLPHIN PILES

### INDEX OF DOCUMENTS

<u>EXHIBIT NO.</u>	<u>ITEM</u>
1.	Application for Waterway Permits, Waivers and Licenses (2 pages)
2.	Summary of project and narrative providing the basis for the waiver of limitations meeting the criteria set forth in UDLR Section 47.19.3(d) and (e) (3 pages)
3.	Special Warranty Deed (3 pages)
4.	Consent Letter (1 page)
5.	Survey (1 page)
6.	Approved Upland Site Plan with proposed docking structures (1 page)
7.	ICW Plan View – Aerial (2 pages)
8.	Plan View – Existing Condition (1 page)
9.	(As-Built Survey) Plan View – Proposed condition (1 page)
10.	(As-Built Survey) Section View (1 page)
11.	FDEP/ACOE Approval (20 pages)
12.	Broward County Environmental License (16 pages)
13.	Photos (7 pages)
14.	Aerial photograph / location map (1 page)

# **EXHIBIT 1**

**EXHIBIT 1**

**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: GRAND BIRCH, LLC

TELEPHONE NO: \_\_\_\_\_ 954-294-3648 \_\_\_\_\_ FAX NO. \_\_\_\_\_  
(home) (business)

2. APPLICANT'S ADDRESS (if different than the site address): 20801 Biscayne Boulevard  
Suite 501  
Aventura, FL 33180

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:  
Waiver of limitation for mooring devices

4. SITE ADDRESS: 321 N. Birch Road ZONING: IOA

LEGAL DESCRIPTION: SEE ATTACHED.

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).

 \_\_\_\_\_ June 30, 2014 \_\_\_\_\_  
Applicant's Signature Date

The sum of \$ \_\_\_\_\_ was paid by the above-named applicant on the \_\_\_\_\_ of \_\_\_\_\_, 2014. 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 \_\_\_\_\_

**GRAND BIRCH, LLC**  
**Attachment to Marine Advisory Board Application**

**LEGAL DESCRIPTION**

Lots 1, 2, 3 and 4 in Block 9 of LAUDER DEL MAR, according to the Plat thereof recorded in Plat Book 7, Page 30, of the Public Records of Broward County, Florida.

TOGETHER WITH:

A Parcel of Dry Land in New River Sound adjacent to Lots, 1, 2, 3 and 4, Block 9, LAUDER DEL MAR, according to the Plat thereof, as recorded in Plat Book 7, Page 30, of the Public Records of Broward County, Florida, more fully described as follows:

Commencing at the Southeast corner of said Lot 4; thence North 90°00'00" West, on the South line of said Lot 4, a distance of 125.00 feet to the Point of Beginning; thence continuing North 90°00'00" West, on the Westerly extension of the West line of said Lot 4, a distance of 25.31 feet; thence North 02°34'56" East, on the wet face of an existing seawall cap marking the East edge of New River Sound, a distance of 200.86 feet to a point on the North line of said Lot 1, 125.00 feet West of the Northeast corner of said Lot 1; thence South 04°38'00" East on the approximate West line of said Lot 1, 2, 3 and 4, a distance of 201.32 feet to the Point of Beginning.

# **EXHIBIT 2**



July 1, 2014

Marine Advisory Board  
City of Fort Lauderdale  
2 South New River East  
Fort Lauderdale, Florida 33301

**Re: Project Summary – Waiver of Limitations for Mooring and Dolphin Piles  
Pursuant to ULDR Sections 47-19.3(d) and (e)  
Grand Birch, LLC, 321 N. Birch Road, Fort Lauderdale, Florida 33304**

Dear Marine Advisory Board Members,

Grand Birch, LLC (the “Applicant”) requests a waiver of the limitations imposed by Section ULDR 47-19.3(d) so that it may install three triple pile dolphin piles and ten mooring piles (collectively, the “Piles”) in that portion of the Intracoastal Waterway (“ICW”) which is adjacent to Applicant’s property at 321 N. Birch Road (the “Property”). Applicant has obtained the required Federal, State and County permits and licenses for the Piles and a development order from the City of Fort Lauderdale which permits it to construct a 22 unit multi-family residence on the upland Property known as Privage. Applicant proposes to construct the Piles in order to provide dockage for not more than four vessels for Privage.

ULDR Section 47-19.3(d) requires a waiver if mooring or dolphin piles are proposed to extend more than 30% of the width of the waterway, or 25 feet beyond the property line into the ICW, whichever is less (the “Limitation”). Applicant requests a waiver of the Limitation to allow the Piles to extend into the ICW an additional 50 feet beyond the 25 foot limit of the ULDR for a total extension of 75 feet from the Property line. The width of the ICW from the western edge of the Property line is extremely wide at this point and measures approximately 560 feet. If the waiver is approved, the outermost Piles will be located 255 feet from the closest eastern edge of the ICW’s navigable channel and over 88 feet from the ICW right-of-way. Thirty percent (30%) of the width of the ICW at this location is 168 feet; however, this request is only for the Piles to extend 75 feet from the Property line or 13.39% of the width of the ICW.

Applicant requests that the Limitation be waived and the Piles approved because:

1. The Army Corps of Engineers, the Florida Department of Environmental Protection and the Broward County Environmental Protection and Growth Management Department have reviewed the application and issued the necessary permits, exemptions and licenses based on the fact that the requested Piles will not create a hazard or obstruct navigational waters or be a detriment to the surrounding area.

2. As stated above, the proposed extension of the Piles will not exceed 30% of the width of the ICW. Based on the width of the ICW at this location - 560 feet - 30% of the ICW would permit a structure to extend 168 feet from the Property line. The Applicant is requesting only to extend the Piles 75 feet from the Property line or 13.39% of the width of the ICW.
3. The limitation request is only to permit dolphin and mooring piles to extend an additional 50 feet. No docks, finger piers or other large structures will extend out beyond the permitted 25 feet from the Property line.
4. The design and location of the Piles will not adversely impact the navigation of vessels within the ICW channel or the ICW right-of-way, nor create a hazard to navigation. The area within which the Piles will be constructed is located in one of the widest sections of the ICW and the Piles will be located far enough away from the ICW channel and ICW right-of-way so as to not create a navigational hazard or obstruction.
5. The Piles have been carefully designed within the riparian lines so as to not unreasonably interfere with adjacent riparian owners, impede navigation or limit access to future docking facilities that could be constructed by neighbors. Additionally, the Piles meet (and exceed) the State's requirements regarding riparian line setbacks.
6. The Extraordinary Circumstances relating to the Application include:
  - a. The need for the Piles to properly protect, stabilize and secure vessels to withstand the powerful elements of the ICW.
  - b. The ICW at this location contains strong under currents due to the geography and geometry of the area and site and without the proposed Piles to secure the vessels, the vessels will sustain damage.
  - c. The damaging effect of excessive wakes in this portion of the ICW and the high wave pitch coming from accelerating vehicles requires vessels to be properly secured to avoid damage.
  - d. The location of the Property faces the wide ICW water body, which means there are effects from wind particularly during storm events. By allowing bow lines to be tied to the Piles, the vessels can be safely moored in the event of a storm or high wind.

The Applicant will affix and maintain reflector tape on the Piles to assist with night visibility pursuant to ULDR Section 47-19.3(e), and comply with all applicable regulations of those governmental agencies which have jurisdiction over the Property and the Piles.

Marine Advisory Board

July 1, 2014

Page 3

The Application, which will permit the docking of four mid-sized private yachts, will also further the City's need for larger slips to accommodate these sized vessels in keeping with the City's reputation as the Yachting Capital of America.

Applicant respectfully requests this Board to recommend that the City Commission approve a waiver of the Limitation to allow Applicant to construct the Piles as described in this narrative and the application.

Sincerely,



Heidi Davis Knapik

HDK/mh

cc: Mr. Andrew Cuba

FTL\_ACTIVE 4484603.3

# **EXHIBIT 3**

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Prepared by and return to:  
Mark R. Wysocki, Esq.  
Mombach, Boyle & Hardin, P.A.  
500 East Broward Boulevard  
Fort Lauderdale, Florida 33394

[Space Above This Line For Recording Data]

**SPECIAL WARRANTY DEED**

THIS INDENTURE, made as of the 1<sup>st</sup> day of MAY, 2012, by and between

315 BIRCH, LP, a Florida limited partnership ("Grantor"), whose address is 3201 W Griffin Road, Suite 106, Dania Beach, Florida 33312,

and

GRAND BIRCH LLC, a Florida limited liability company ("Grantee"), whose address is c/o Gary A. Korn, Esquire, 20801 Biscayne Blvd., Suite #501, Aventura, Florida 33180.

THIS IS NOT AN OFFICIAL COPY

WITNESSETH: That said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration 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**, more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

And the said Grantor hereby covenants with Grantee that the Grantor is lawfully seized of said land in fee simple; that said Grantor has good right and lawful authority to sell and convey said land, and does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other; and that said land is free of all encumbrances, except (i) that certain Mortgage Deed and Security Agreement dated September 12, 2007 and recorded September 14, 2007 in Official Records Book 44612, Pages 1559-1577 of the Public Records of Broward County, Florida; and (ii) taxes for calendar years 2010, 2011 and 2012.

3

NO MERGER WITH MORTGAGE. THIS CONVEYANCE is not given in satisfaction of that certain Mortgage dated September 12, 2007, executed by 315 BIRCH, LP in favor of OPTIMUM BANK, and recorded in O.R. Book 44612, Page 1559, securing the original principal sum of TWO MILLION NINE HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$2,925,000.00). This conveyance is an absolute conveyance subject to said mortgaged indebtedness, and it is the intent of Grantor and Grantee that the interest conveyed by this instrument not be merged with the Mortgage.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered  
in the presence of

315 BIRCH, LP, a Florida limited partnership

By: 315 BIRCH, LLC, a Florida limited  
liability company, General Partner

Print Name: Mark S. London  
*Mark S. London*  
Print Name: Mark S. London

By: Gordon Deckelbaum, Manager  
*Gordon Deckelbaum*

**THIS IS NOT AN OFFICIAL COPY**

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 1 day of May, 2012, by GORDON DECKELBAUM, as Manager and on behalf of 315 Birch, LLC, a Florida limited liability company, the General Partner of 315 Birch, LP, a Florida limited partnership. He is  personally known to me or \_\_\_\_\_ has produced a driver's license as identification.

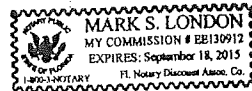
*Mark S. London*

NOTARY PUBLIC-State of Florida

Print/Type/Stamp Name:

Commission Expiration Date:

Notary Seal:



N:\CJB\OptimumBank\315 Birch, LP\Deed - Special-2.doc

EXHIBIT "A"

Legal Description

Lots 1, 2, 3 and 4 in Block 9 of LAUDER DEL MAR, according to the Plat thereof recorded in Plat Book 7, Page 30, of the Public Records of Broward County, Florida.

TOGETHER WITH:

A parcel of Dry Land in New River Sound adjacent to Lots 1, 2, 3 and 4, Block 9, LAUDER DEL MAR, according to the Plat thereof, as recorded in Plat Book 7, Page 30, of the Public Records of Broward County, Florida, more fully described as follows:

Commencing at the Southeast corner of said Lot 4; thence North 90°00'00" West, on the South line of said Lot 4, a distance of 125.00 feet to the Point of Beginning; thence continuing North 90°00'00" West, on the Westely extension of the West line of said Lot 4, a distance of 25.31 feet; thence North 02°34'56" East, on the wet face of an existing seawall cap marking the East edge of New River Sound, a distance of 200.86 feet to a point on the North line of said Lot 1, 125.00 feet West of the Northeast corner of said Lot 1; thence South 04°38'00" East on the approximate West line of said Lot 1, 2, 3 and 4, a distance of 201.32 feet to the Point of Beginning.

# **EXHIBIT 4**



**GRAND BIRCH, LLC**

2950 NE 188<sup>th</sup> Street  
Suite 339  
Aventura, FL 33180

June 4, 2013

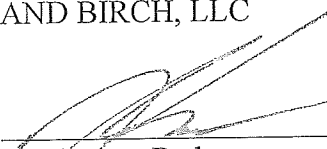
Mr. Jonda K. Joseph  
City Clerk  
City of Fort Lauderdale  
100 N. Andrews Avenue  
Fort Lauderdale, FL 33301

Re: Letter of Consent – Property Located at 315-325 N. Birch Road, Fort Lauderdale, Florida

Dear Ms. Joseph:

Gunster, Yoakley & Stewart, P.A. (specifically Donald R. Hall and Heidi Davis Knapik) is authorized to submit applications, appear before the City’s Boards and meet with City staff and elected officials on behalf of the undersigned in connection with the above-referenced property.

GRAND BIRCH, LLC

By:   
Jeremy Bedzow  
Its: Manager

STATE OF FLORIDA     )  
  ) SS.  
COUNTY OF             )

The foregoing instrument was acknowledged before me this 4<sup>TH</sup> day of June, 2013, by Jeremy Bedzow, Manager of Grand Birch, LLC. He is (personally known to me) or has produced \_\_\_\_\_ as identification.

Mary H. Hargreaves  
Notary Public  
My commission expires:  
Notary Public Number:

FTL\_ACTIVE 4332709.1



# **EXHIBIT 5**



# **EXHIBIT 6**



# **EXHIBIT 7**



NOTES:

1. ICW CHANNEL AND RIGHT OF WAY FROM F.I.N.D
2. AERIAL IMAGE FROM LABINS DATABASE.

SKETCH SUBMITTED FOR CITY OF FT. LAUDERDALE MARINE ADVISORY BOARD.  
 NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

*Matthew D. Butler*

Matthew D. Butler, P.E.  
 License No. 74039  
 Electronic signature and seal pursuant to  
 61G15-23.003 (3), F.A.C.  
 2014.06.27 10:56:49 -04'00'

PLAN VIEW



**ISIMINGER & STUBBS  
 ENGINEERING, INC.**

COASTAL - ENVIRONMENTAL - MARINE  
 CERTIFICATE OF AUTHORIZATION NUMBER: 8114  
 P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 561-481-0002

PROPOSED DOCKING FACILITIES  
 INTRACOASTAL WATERWAY  
 321 NORTH BIRCH ROAD  
 CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL  
 APPLICANT: GRAND BIRCH LLC

DATE	6/14	DRAWN	MDB	CHKD	KDB	APPRVD	MDB
DWG NO.	13071L.1	SHEET		OF		CAM 14-1305	
COMPUTER FILE NO.	13071L	1		1		Exhibit 1	

PROFESSIONALS' ELECTRONIC DATA DELIVERY SYSTEM

# Signature Document

6/27/2014 10:59:48 AM

## SIGNATURE SUMMARY

**Financial Project ID:** ---  
**Signatory Name:** Matthew D. Butler, PE - License No: PE74039  
**Signatory File Path:** ./\_META\_INFO/PE74039\_20140627\_105943303.XML  
**Date Created:** 2014/06/27 10:59:48.650  
**Scope of Work:** Submittal of aerial exhibit

## SIGNATURE DETAILS

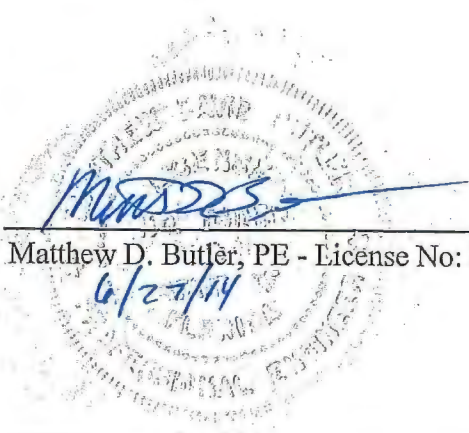
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F7A8AE44-95FABF87-DAC05E54-0E89B06D-9A08FE06

**Number of Signed and Sealed Files:** 1

## SIGN AND SEAL

This document is signed and sealed to secure the electronic files referenced by the signature files as described in Florida Department of Business and Professional Regulation, Board of Professional Engineers, Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or other Documents, Rule 61G15-23.003, F.A.C..

\* See PEDDS for any qualifications or further limitation in scope on individual signed and sealed drawings or files in this project as appropriate.

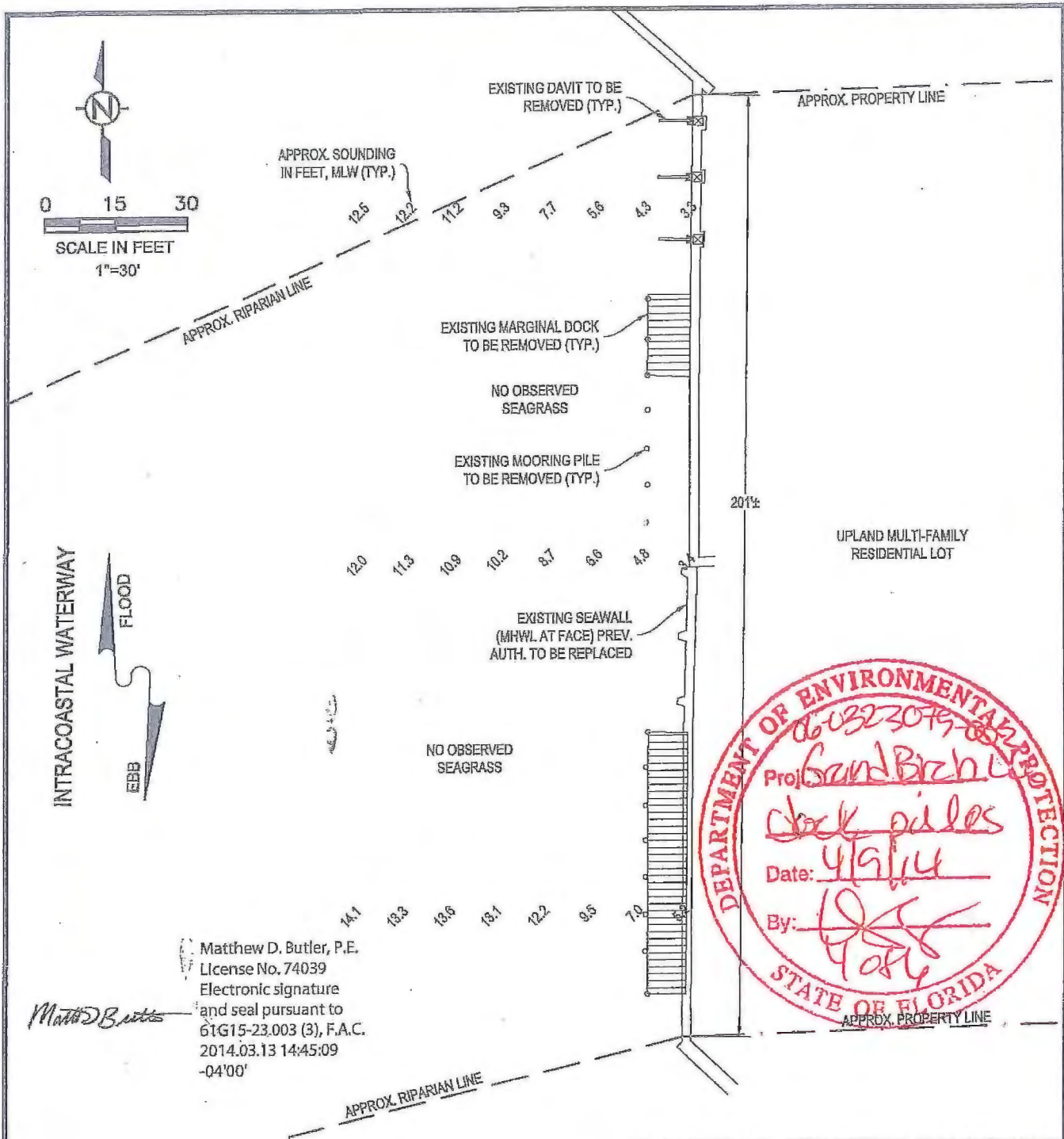


Matthew D. Butler, PE - License No: PE74039

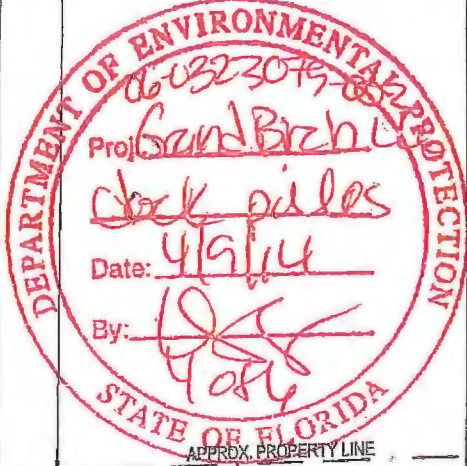
6/27/14  
Date



# **EXHIBIT 8**



Matthew D. Butler, P.E.  
 License No. 74039  
 Electronic signature  
 and seal pursuant to  
 61G15-23.003 (3), F.A.C.  
 2014.03.13 14:45:09  
 -04'00'



**PLAN VIEW - EXISTING CONDITION**

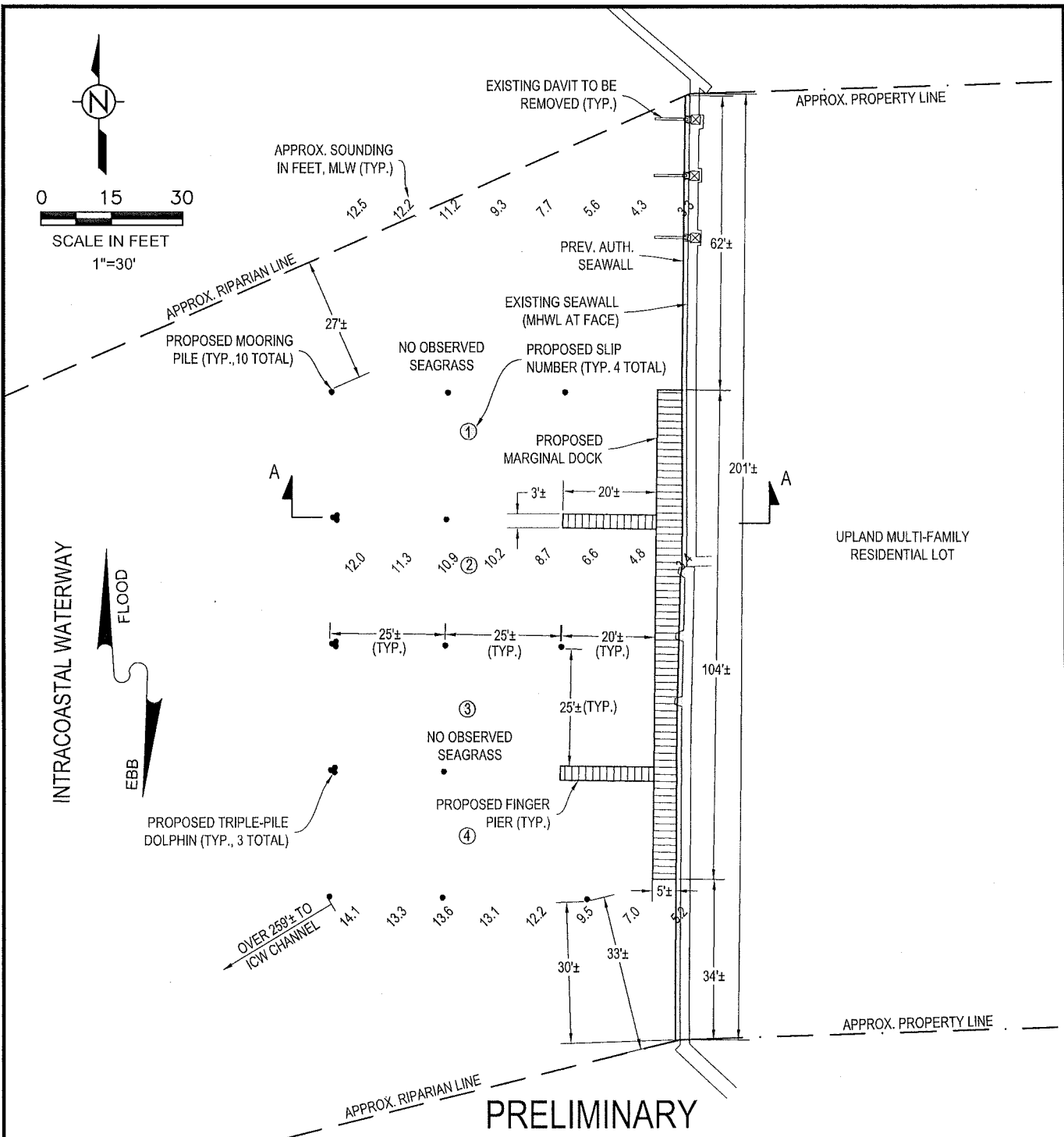
**NOTES:**

- DATUM IS MLW. MLW = -0.5± NGVD FROM LABINS DATABASE.
- EXISTING LOCATIONS ARE APPROXIMATE AND BASED ON SURVEY BY MCLAUGHLIN ENGINEERING COMPANY FILE NO. 06-3-004(07).
- SOUNDINGS BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK PERFORMED 5/2/13. SOUNDINGS REDUCED TO MLW BASED ON PREDICTED TIDES ONLY.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.  
 NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

 <b>ISIMINGER &amp; STUBBS ENGINEERING, INC.</b> COASTAL • ENVIRONMENTAL • MARINE CERTIFICATE OF AUTHORIZATION NUMBER: 8114 P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 651-881-0003							
<b>PROPOSED DOCKING FACILITIES</b> <b>INTRACOASTAL WATERWAY</b> <b>321 NORTH BIRCH ROAD</b> <b>CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL</b> <b>APPLICANT: GRAND BIRCH LLC</b>							
DATE	3/14	DRAWN	KDB	CHKD	KDB	APPRVD	MDB
DWG NO.	13071J2			SHEET		2	
COMPUTER FILE NO.	13071J			OF 4			

# **EXHIBIT 9**



**NOTES:**

1. DATUM IS MLW. MLW = -0.5± NGVD FROM LABINS DATABASE.
2. EXISTING LOCATIONS ARE APPROXIMATE AND BASED ON SURVEY BY MCLAUGHLIN ENGINEERING COMPANY FILE NO. 06-3-004(07).
3. SOUNDINGS BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK PERFORMED 5/2/13. SOUNDINGS REDUCED TO MLW BASED ON PREDICTED TIDES ONLY.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.  
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

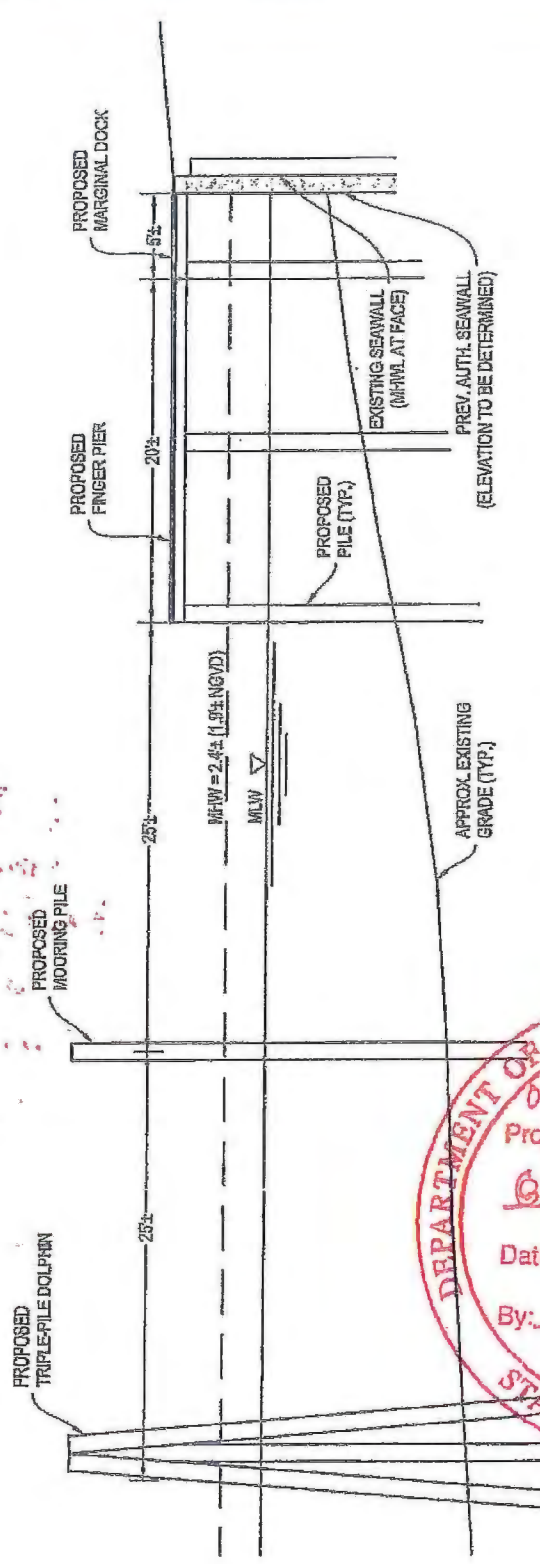
**PLAN VIEW - PROPOSED CONDITION**

<b>ISIMINGER &amp; STUBBS ENGINEERING, INC.</b> <small>COASTAL • ENVIRONMENTAL • MARINE          CERTIFICATE OF AUTHORIZATION NUMBER : 8114          P.O. BOX 14702 - NORTH PALM BEACH, FL. 33408 - 561-881-0003</small>					
<b>PROPOSED DOCKING FACILITIES          INTRACOASTAL WATERWAY          321 NORTH BIRCH ROAD          CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL          APPLICANT: GRAND BIRCH LLC</b>					
DATE	3/14	DRAWN	KDB	CHKD	APPRVD
DWG NO.	13071J3			SHEET	
COMPUTER FILE NO.	13071Jr3			OF 4	

REV	2	7/14	MOVED DOCK FACILITY NORTH
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3

# **EXHIBIT 10**



**SECTION VIEW**

**ISIMINGER & STUBBS ENGINEERING, INC.**  
 COASTAL • ENVIRONMENTAL • MARINE  
 CERTIFICATE OF AUTHORIZATION NUMBER: 6114  
 P.O. BOX 10702 • NORTH PALM BEACH, FL 33408 • 561-434-0003

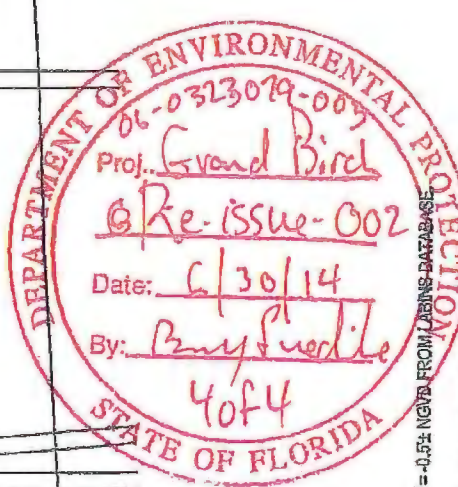
**PROPOSED DOCKING FACILITIES**  
 INTRACOASTAL WATERWAY  
 321 NORTH BIRCH ROAD  
 CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL  
 APPLICANT: GRAND BIRCH LLC

DATE	2/14	DRAWN	KDB	CHKD	KDB	APPROVD	MDJ
DWG NO.	13071-J4						
COMPUTER FILE NO.	13071-J1						
							4

Matthew D. Butler, P.E.  
 License No. 74039  
 Electronic signature and seal pursuant to 61G15-23.003 (3), F.A.C.  
 2014.04.08 16:40:32 -04'00'

*Matthew D. Butler*

REV	1	4/14	RELOCATED PILES
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- NOTES:**
- DATUM IS MLW. MLW = -0.5' NGVD FROM LABINS DATABASE
  - EXISTING LOCATIONS ARE APPROXIMATE AND BASED ON SURVEY BY McLAUGHLIN ENGINEERING COMPANY FILE NO. 06-3-104(07).
  - SOUNDINGS BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK PERFORMED 5/2/13. SOUNDINGS REDUCED TO MLW BASED ON PREDICTED TIDES ONLY.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.  
 NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

# **EXHIBIT 11**



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**  
SOUTHEAST DISTRICT OFFICE  
400 NORTH CONGRESS AVE., THIRD FLOOR  
WEST PALM BEACH, FL 33401  
561-681-6600

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

June 30, 2014

Grand Birch, LLC  
c/o Jeremy Bedzow, Managing Member  
110 Washington Ave, Suite #2322  
Miami Beach, FL 33139  
Sent via e-mail: [jbedzow@ceibagroupe.com](mailto:jbedzow@ceibagroupe.com)

Re: File No.: 06-0323079-003  
File Name: Grand Birch, LLC

Dear Mr. Bedzow:

On June 30, 2014, we received your application for an exemption to perform the following activities: (1) remove two existing marginal wood docks, (2) remove three existing davits, (3) install a 640 ft<sup>2</sup> docking structure consisting of a 5-foot by 104-foot (520 ft<sup>2</sup>) marginal dock and two 3-foot by 20-foot (120 ft<sup>2</sup> total) finger piers, to be used in conjunction with the mooring of four vessels for an upland multi-family residence, (4) install ten mooring piles, and (5) install three triple pile dolphin piles. The project is located in the Intracoastal Waterway, Class III Waters, adjacent to 321 North Birch Road, Fort Lauderdale (Section 12, Township 50 South, Range 42 East), in Broward County (Latitude N 26° 07' 35.82", Longitude W 80° 06' 22.47").

**This letter and attachments correct the Department's April 11, 2014 verification of exemption, as the incorrect cross-section was included in the previous agency action letter.**

Your request has been reviewed to determine whether it meets the requirements for any of three kinds of authorization that may be necessary for work in wetlands or waters of the United States. The kinds of authorization are (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully. Your project **may not** have qualified for all three forms of authorization. If your project did not qualify for one or more of the authorizations, refer to the specific section dealing with that authorization for advice on how to obtain it.

**1. Regulatory Review. –VERIFIED**

Based on the information submitted, the Department has verified that the activities as proposed are exempt, under Chapter 62-330.051(5)(b), Florida Administrative Code, from the need to obtain a regulatory permit under part IV of Chapter 373 of the Florida Statutes.



Based on the information submitted, the Department has determined that the removal of the existing docks and the removal of the existing davits are exempt, under section 373.406(6) of the Florida Statutes, from the need to obtain a regulatory permit under part IV of chapter 373 of the Florida Statutes. This determination is made because the activity, in consideration of its type, size, nature, location, use, and operation, is expected to have only minimal or insignificant individual or cumulative adverse impacts on the water resources.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification will expire after one year, and will not be valid at any other time if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. However, the activity may still be conducted without further notification to or verification from the Department after the one-year expiration of this verification, provided: 1) the project design does not change; 2) site conditions do not materially change; and 3) there are no changes to the statutes or rules governing the exempt activity. In the event you need to re-verify the exempt status for the activity after the one-year expiration of this verification, a new application and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required. Conditions of compliance with the regulatory exemption are contained in Attachment A.

## **2. Proprietary Review –GRANTED**

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under chapters 253 and 258 of the Florida Statutes, and chapters 18-18, 18-20 and 18-21 of the Florida Administrative Code.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a consent of use under section 253.77, Florida Statutes, to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

### **General Conditions for State-Owned Submerged Land Authorizations:**

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

- (c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
- (d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
- (e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
- (f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
- (g) Structures or activities shall not create a navigational hazard.
- (h) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
- (i) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

### 3. SPGP Review –APPROVED

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Your proposed activity as outlined on your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit IV-R1, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 25, 2016. You, as permittee, are required to adhere to all General Conditions and Special conditions that may apply to your project." A copy of the SPGP IV-R1 with all terms and conditions and the General Conditions may be found at <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>.

### Additional Information

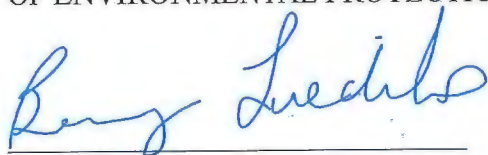
This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

Please retain this letter. The activities may be inspected by authorized state personnel in the future to insure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

If you have any questions, please contact Kelly Egan at (561) 681-6656 or by email at [Kelly.Egan@dep.state.fl.us](mailto:Kelly.Egan@dep.state.fl.us). When referring to your project, please use the FDEP file name and number listed above.

Executed in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Benny Luedike  
Environmental Manager  
Submerged Lands and Environmental  
Resource Program

**Enclosures:**

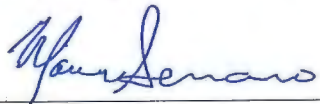
Notice of Rights  
Attachment A- Specific Exemption Rule  
Attachment B- Newspaper Publication  
Special Conditions for use of the SPGP Conditions  
Project Drawings, 4 pages

**Copies furnished to:**

USACOE- Palm Beach Gardens, [FDEP-SP@usace.army.mil](mailto:FDEP-SP@usace.army.mil)  
Linda Sunderland, Broward County EPD, [LSunderland@broward.org](mailto:LSunderland@broward.org)  
Matt Butler, Isiminger & Stubbs Engineering, Inc, [mbutler@coastal-engineers.com](mailto:mbutler@coastal-engineers.com)

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to 120.52(9),  
Florida Statutes, with the designated Department  
Clerk, receipt of which is hereby acknowledged.



6/30/2014

Clerk

Date

## NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice.

### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the

appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

#### Judicial Review

Any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

## Attachment A

### **Chapter 62-330.051 Exempt Activities.**

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under Chapters 253 and 258, F.S., and Chapters 18-18, 18-20, and 18-21, F.A.C., as applicable.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with Section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of all structures located over wetlands and other surface waters does not exceed the limitations in Section 403.813(1)(b), F.S.;
2. No structure is enclosed on more than three sides with walls and doors;
3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and
4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

### **Chapter 373.406 Exemptions.—The following exemptions shall apply:**

(6) Any district or the department may exempt from regulation under this part those activities that the district or department determines will have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the district. The district and the department are authorized to determine, on a case-by-case basis, whether a specific activity comes within this exemption. Requests to qualify for this exemption shall be submitted in writing to the district or department, and such activities shall not be commenced without a written determination from the district or department confirming that the activity qualifies for the exemption.

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF DETERMINATION OF EXEMPTION

The Department of Environmental Protection gives notice that the projects to remove two existing marginal wood docks, remove existing davits, install a 640 ft<sup>2</sup> docking structure consisting of a 5-foot by 104-foot (520 ft<sup>2</sup>) marginal dock and two 3-foot by 20-foot (120 ft<sup>2</sup> total) to be used in conjunction with the mooring of four vessels for an upland multi-family residence, install ten mooring piles, and install three triple pile dolphin piles have been determined to be exempt from requirements to obtain an Environmental Resource Permit. The project is located in the Intracoastal Waterway, Class III Waters, adjacent to 321 North Birch Road, Fort Lauderdale (Section 12, Township 50 South, Range 42 East), in Broward County (Latitude N 26° 07' 35.82", Longitude W 80° 06' 22.47").

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation is not available.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rule 62-110.106(3), F.A.C., petitions for an administrative hearing must be filed within 21 days of publication of the notice or receipt of written notice, whichever occurs first. Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 prior to the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. Upon motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect, the Department may also grant the requested extension of time.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that right.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing shall be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

Complete copies of all documents relating to this determination of exemption are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at the Southeast District office, 400 North Congress Avenue, 3<sup>rd</sup> Floor, West Palm Beach, Florida 33401.

SPECIAL CONDITIONS FOR USE OF THE SPGP IV-RI

1. The District Engineer reserves the right to require that any request for authorization under this general permit be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP IV-RI does not automatically guarantee authorization.
2. No activity is authorized under the SPGP IV-RI which may impact a federally listed threatened or endangered species or a species proposed for such designation, or its designated critical habitat.
3. On a case-by-case basis the Corps may impose additional special conditions which are deemed necessary to minimize adverse environmental impacts.
4. Failure to comply with all conditions of the Federal authorizations under the SPGP IV-RI would constitute a violation of the Federal authorization.
5. The SPGP IV-RI is not applicable in the geographical boundaries of: Monroe County; the Timucuan Ecological and Historical Preserve (Duval County); the St. Mary's River, from its headwaters to its confluence with the Bells River; the Wekiva River from its confluence with the St. Johns River to Wekiwa Springs, Rock Springs Run from its headwaters at Rock Springs to the confluence with the Wekiwa Springs Run, Black Water Creek from the outflow from Lake Norris to the confluence with the Wekiva River; canals at Garfield Point including Queens Cove (St. Lucie County); the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park; the St. Lucie Impoundment (Martin County); all areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between St. Lucie Lock (Martin County) and W.P. Franklin Lock (Lee County); American Crocodile designated critical habitat (Miami-Dade and Monroe Counties); Johnson's seagrass designated critical habitat (southeast Florida); piping plover designated critical habitat (throughout Florida); acroporid coral designated critical habitat (southeast Florida); Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mice habitat (Florida east coast and panhandle coasts); the Biscayne Bay National Park Protection Zone (Miami-Dade County); Harbor Isles (Pinellas County); the Faka Union Canal (Collier County); the Florida panther consultation area (Southwest Florida), the Tampa Bypass Canal (Hillsborough County); canals in the Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County); Lake Miccosukee (Jefferson County).
6. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf shall conduct a search of known historical properties by contracting a professional archaeologist, contacting the Florida Master Site File at 850-245-6440 or [SiteFile@dos.state.fl.us](mailto:SiteFile@dos.state.fl.us). The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research/>.

If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7.

In the unlikely event that human remains are identified, they will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, the State Archaeologist (850-245-6444), and the Corps Regulatory Project Manager shall immediately be

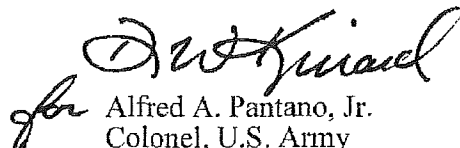


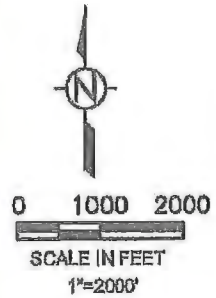
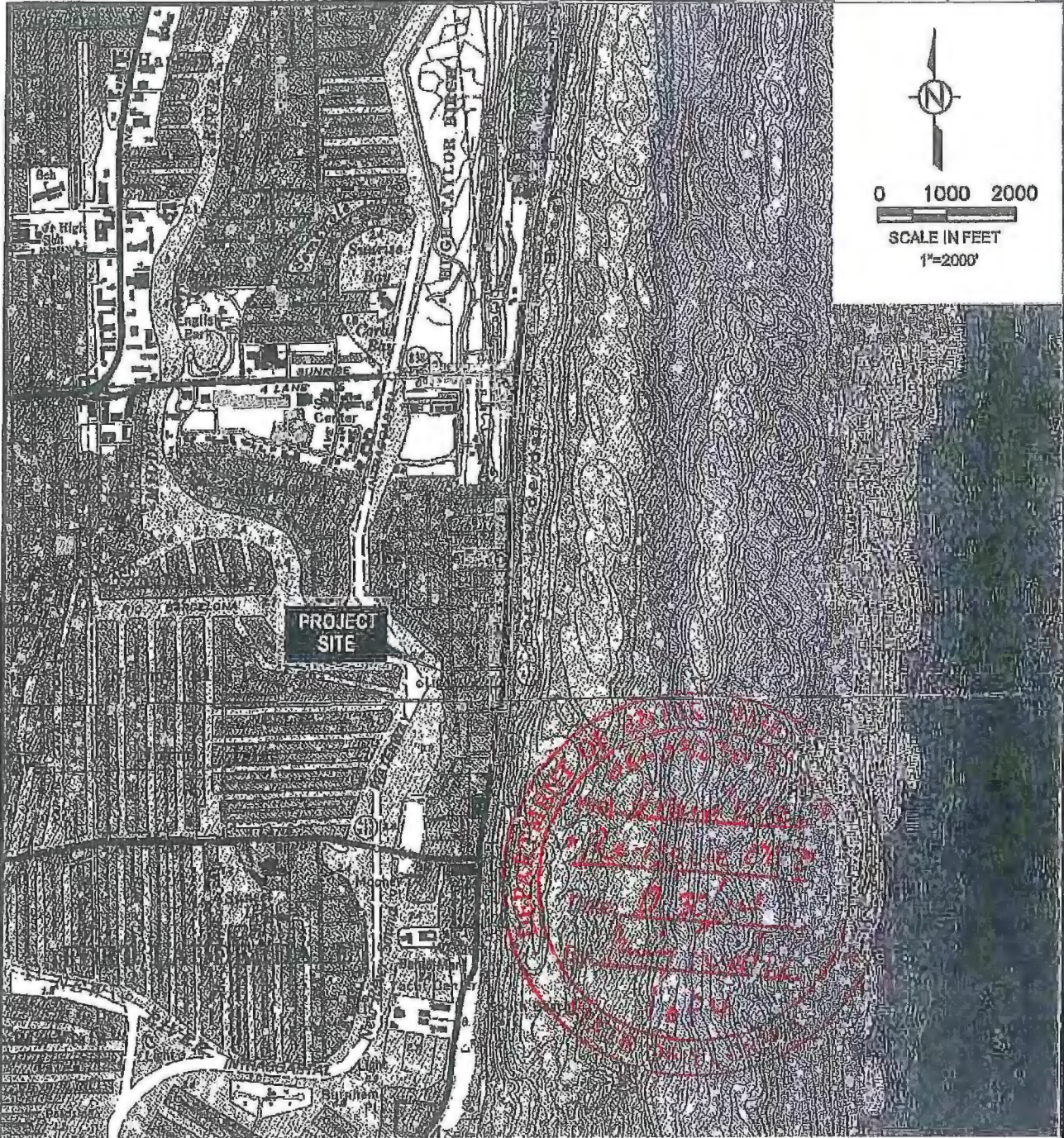
notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

7. No work shall be authorized under the SPGP IV-RI which proposes the use of prefabricated modules for habitat creation, restoration, or enhancement.
8. No activity shall be authorized under the SPGP IV-RI which by its size or location may adversely impact water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation. Where aquatic vegetation is present adverse impacts to aquatic vegetation from construction of piling-supported structures may be avoided/minimized by adherence to, or employing alternative construction techniques that provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat U.S. Army Corps of Engineers/National Marine Fisheries Service August 2001." (See <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>) Unless otherwise specifically approved by the National Marine Fisheries Service, where aquatic vegetation is present, piling-supported structures authorized under the SPGP IV-RI must comply with, or provide a higher level of protection than, the criteria contained in the referenced construction guidelines. Additionally, because of concerns about adverse impacts to the endangered Johnson's seagrass (*Halophila johnsonii*), piling-supported structures in the lagoon (as well as canal) systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County) must also comply with, or provide a higher level of protection than, the criteria contained in the construction guidelines titled "Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*) National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002." (See <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>) *Note: Both of the Construction Guidelines may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of each Department of the Army permit application.*
9. Prior to issuance of authorization, the dichotomous key titled "The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida," dated March 2011, will be used to determine potential manatee impacts. All projects determined to be "may affect" and certain multi-slip facilities determined to be "may affect, not likely to adversely affect" will be sent to the Corps for consultation with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. *Note: The manatee key may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of each Department of the Army permit application. The current version can be found on the Jacksonville District Regulatory Home Page at: <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>*
10. For projects in waters accessible to sea turtles, Small tooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee will utilize the "Sea Turtle and Small tooth Sawfish Construction Conditions" (see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>) and any added requirements, as appropriate for the proposed activity. *Note: These conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*
11. With respect to bald eagles, the permittee should refer to the U.S. Fish and Wildlife Service's "National Bald Eagle Management Guidelines," dated May 2007 (see <http://www.fws.gov/northflorida/BaldEagles/bald-eagles.htm>) for guidance and clearance. *Note: The preceding should be considered an interim condition, after which, new rules may be promulgated. It is the Corps' intention that the most recently approved version of these conditions or ensuing rules will be utilized during the evaluation of permit applications under this general permit.*

12. For projects authorized under this SPGP IV-R1 in navigable waters of the U.S., the permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
13. The SPGP IV-R1 will be valid for five years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the five-year authorization period is not contrary to the public interest. If revocation occurs, all future applications for activities covered by the SPGP IV-R1 will be evaluated by the Corps.
14. If the SPGP IV-R1 expires or is revoked prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP IV-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP IV-R1 expired or was revoked.
15. The General conditions attached hereto are made a part of this permit and must be attached to all authorizations processed under this permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

  
for Alfred A. Pantano, Jr.  
Colonel, U.S. Army  
District Engineer



TAKEN FROM U.S.G.S. POMPANO BEACH AND  
 PORT EVERGLADES, FLORIDA QUADRANGLES  
 SEC: 12 TWP: 60S RGE: 42E  
 LAT: 26° 07' 36" N  
 LONG: 080° 06' 23" W

**VICINITY MAP**



**ISIMINGER & STUBBS  
 ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE  
 CERTIFICATE OF AUTHORIZATION NUMBER: 6114  
 P.O. BOX 14702 - NORTH PALM BEACH, FL 33400 - 681-631-0003

**PROPOSED DOCKING FACILITIES  
 INTRACOASTAL WATERWAY  
 321 NORTH BIRCH ROAD  
 CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL  
 APPLICANT: GRAND BIRCH LLC**

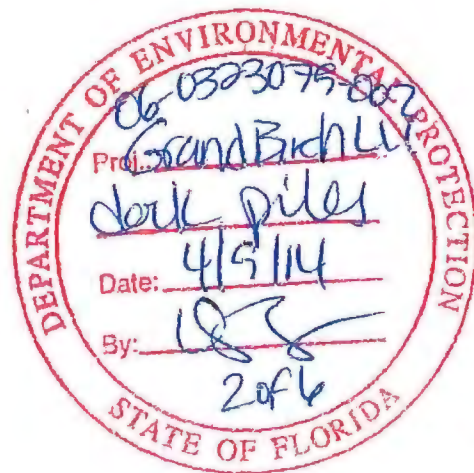
Matthew D. Butler, P.E.  
 License No. 74039 Electronic  
 signature and seal pursuant  
 to 61G15-23.003 (3), F.A.C.  
 2014.04.08 16:39:14 -04'00'

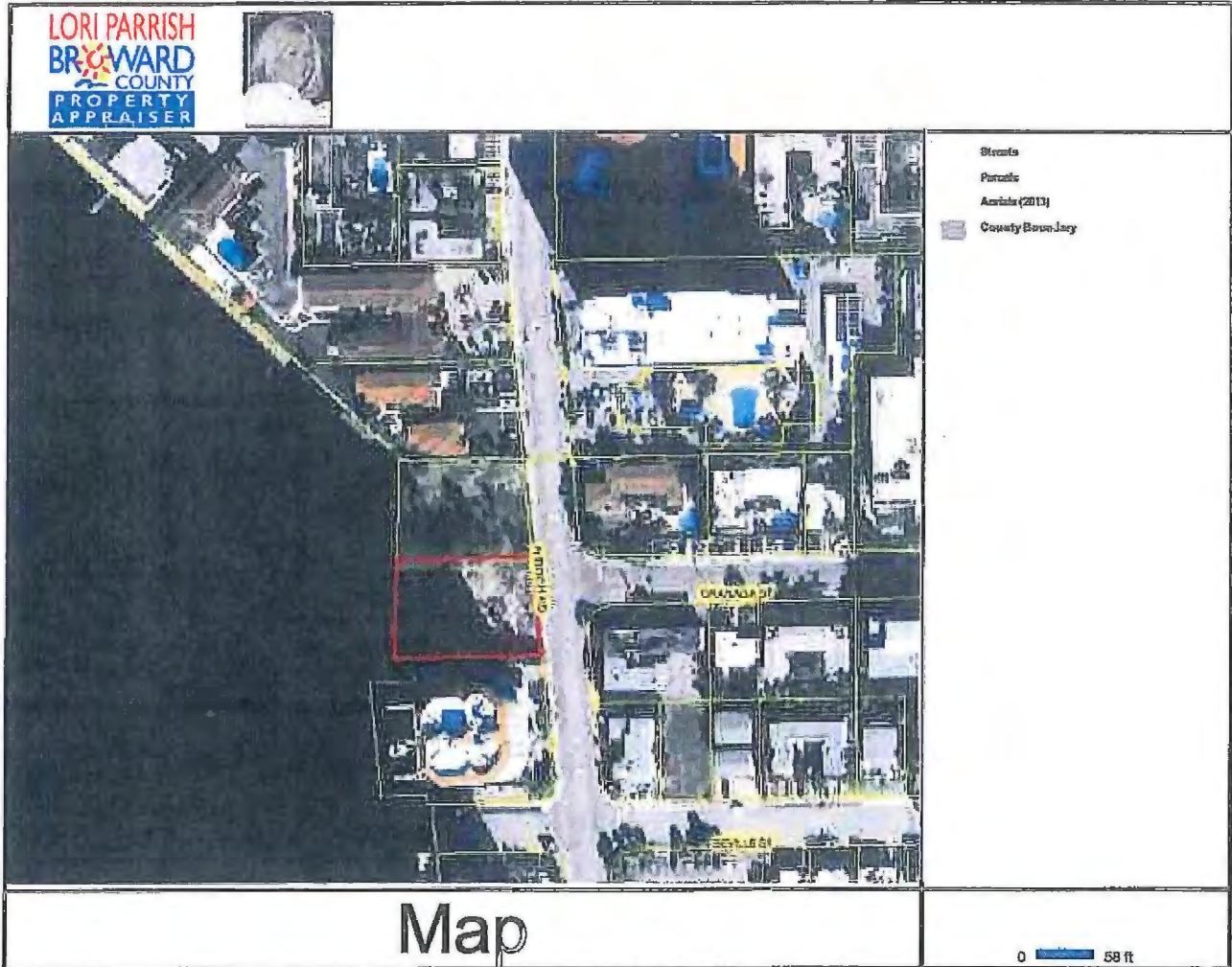
*Matthew D. Butler*

DATE	3/14	DRAWN	KDB	CHKD	KDB	APPRVD	MDB
DWG NO.	13071J1					SHEET	1
COMPUTER FILE NO.	13071J					OF	4

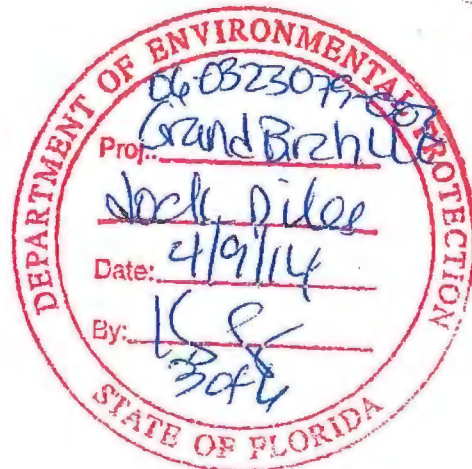


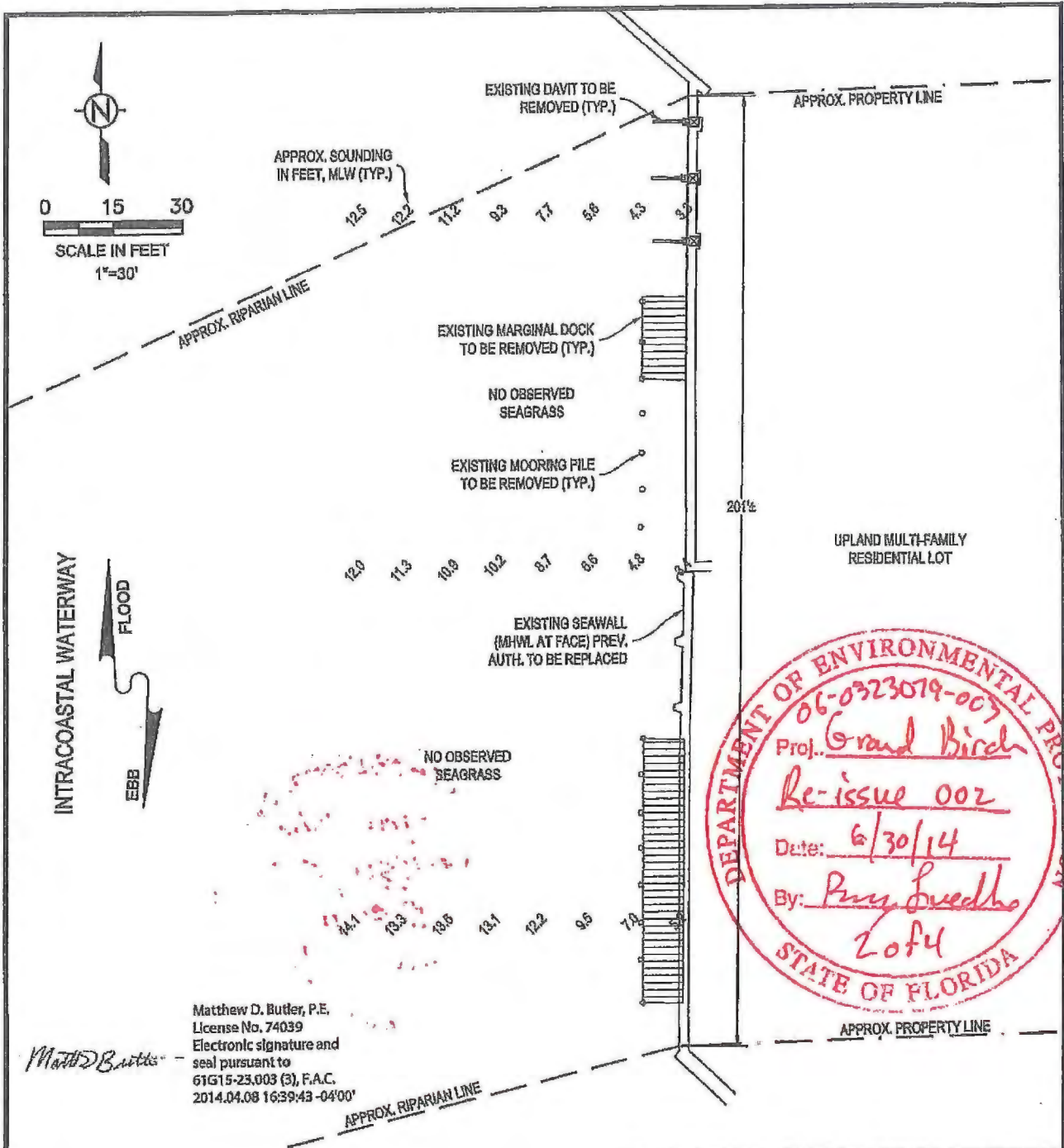
Created on 3/21/2014 10:17:17 AM using ArcIMS 4.0.1. Source: Broward County Property Appraiser





Created on 3/21/2014 10:17:53 AM using ArcIMS 4.0.1. Source: Broward County Property Appraiser



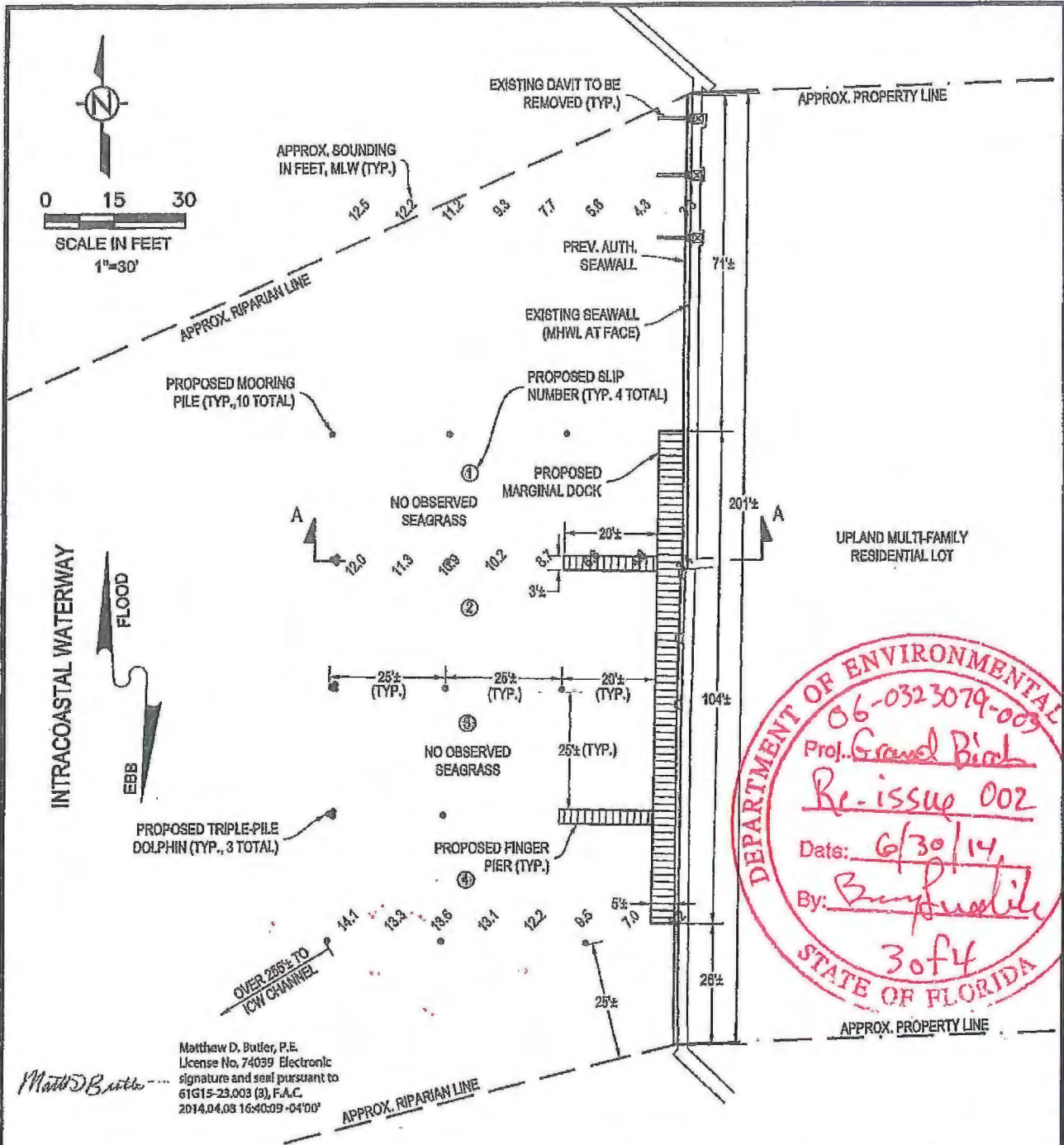


**PLAN VIEW - EXISTING CONDITION**

- NOTES:**
- DATUM IS MLW. MLW = -0.5' NGVD FROM LABINS DATABASE.
  - EXISTING LOCATIONS ARE APPROXIMATE AND BASED ON SURVEY BY MCLAUGHLIN ENGINEERING COMPANY FILE NO. 08-3-004(07).
  - SOUNDINGS BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK PERFORMED 5/2/13. SOUNDINGS REDUCED TO MLW BASED ON PREDICTED TIDES ONLY.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.  
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

 COASTAL • ENVIRONMENTAL • MARINE CERTIFICATE OF AUTHORIZATION NUMBER: 6114 P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 581-881-0003							
PROPOSED DOCKING FACILITIES INTRACOASTAL WATERWAY 321 NORTH BIRCH ROAD CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL APPLICANT: GRAND BIRCH LLC							
DATE	3/14	DRAWN	KDB	CHKD	KDB	APPRVD	MDB
DWG NO.	13071J2		SHEET			OF 4	
COMPUTER FILE NO.	13071J		2				




**NOTES:**

- DATUM IS MLW. MLW = -0.5± NGVD FROM LABINS DATABASE.
- EXISTING LOCATIONS ARE APPROXIMATE AND BASED ON SURVEY BY MCLAUGHLIN ENGINEERING COMPANY FILE NO. 06-3-004(07).
- SOUNDINGS BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK PERFORMED 5/2/13. SOUNDINGS REDUCED TO MLW BASED ON PREDICTED TIDES ONLY.

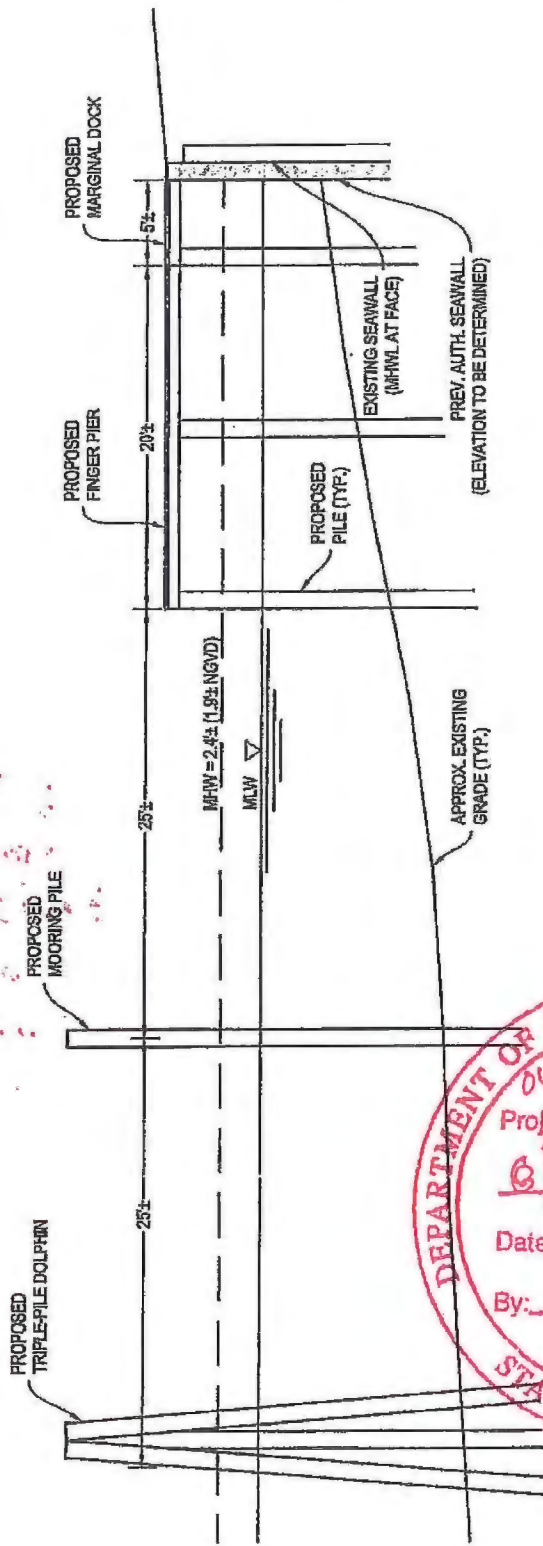
SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.  
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

Matthew D. Butler, P.E.  
License No. 74039 Electronic  
signature and seal pursuant to  
61G15-23.003 (3), F.A.C.  
2014.04.03 16:40:09 -04'00'

**PLAN VIEW - PROPOSED CONDITION**

 <b>ISIMINGER &amp; STUBBS ENGINEERING, INC.</b> COASTAL • ENVIRONMENTAL • MARINE CERTIFICATE OF AUTHORIZATION NUMBER: 0114 P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 581-631-0003							
<b>PROPOSED DOCKING FACILITIES INTRACOASTAL WATERWAY 321 NORTH BIRCH ROAD CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL APPLICANT: GRAND BIRCH LLC</b>							
DATE	3/14	DRAWN	KDB	CHKD	KDB	APPRVD	MDB
DWG NO.	13071J3					SHEET	3
COMPUTER FILE NO.	13071Jr1					OF	4

REV	1	4/14	REMOVED LEASE AREA & RELOCATED PILES
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SECTION A-A  
 0 5 10  
 SCALE IN FEET  
 1"=10'

SECTION VIEW

**ISINGER & STUBBS**  
 ENGINEERING, INC.

COASTAL - ENVIRONMENTAL - MARINE  
 CERTIFICATE OF AUTHORIZATION NUMBER: 814  
 P.O. BOX 14702 - NORTH PALM BEACH, FL 33409 - 6914-31-0003

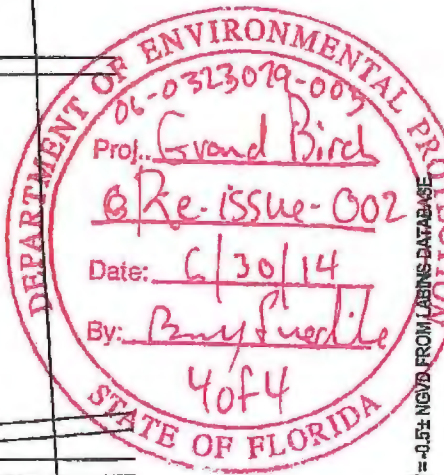
**PROPOSED DOCKING FACILITIES**  
 INTRACOASTAL WATERWAY  
 321 NORTH BIRCH ROAD  
 CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL  
 APPLICANT: GRAND BIRCH LLC

DATE	2/14	DRAWN	KDB	CHKD	KDB	APPROVD	MDB
DWG NO.	13071J4	COMPUTER FILE NO.			13071J4	SHEET	4
						OF	4

Matthew D. Butler, P.E.  
 License No. 74939  
 Electronic signature and  
 seal pursuant to  
 61G15-23.003 (3), F.A.C.  
 2014.04.08 16:40:32 -04'00'

*Matthew D. Butler*

REV	1	4/14	RELOCATED PILES
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NOTES:

- DATUM IS M.L.W. M.L.W. = -0.5' ± NGVD FROM LADBS DATABASE
- EXISTING LOCATIONS ARE APPROXIMATE AND BASED ON SURVEY BY MCLAUGHLIN ENGINEERING COMPANY FILE NO. 06-9-004(07).
- SOUNDINGS BY ISINGER & STUBBS ENGINEERING, INC. FIELD WORK PERFORMED 5/2/13. SOUNDINGS REDUCED TO M.L.W. BASED ON PREDICTED TIDES ONLY.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.  
 NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.



## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

# CAUTION: MANATEE HABITAT

All project vessels

## IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work  
all in-water activities must

## SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell \*FWC or #FWC



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, FL 33701

## SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc



# **EXHIBIT 12**



Environmental Protection and Growth Management Department  
**DEVELOPMENT AND ENVIRONMENTAL REGULATION DIVISION**  
1 North University Drive, Suite 102-A • Plantation, Florida 33324 • 954-357-6666 • FAX 954-357-6521 • 954-519-1412

June 26, 2014

Mr. Jeremy Bedrow, Manager  
Grand Birch, LLC  
110 Washington Ave, #2322

Re: Grand Birch, LLC  
Environmental Resource License DF14-1052

Dear Mr. Bedrow:

This is to notify you of the Environmental Protection & Growth Management Department's action concerning your application received on 3/13/14 for authorization to remove existing docks, install a new marginal dock, finger piers and associated mooring/dolphin pilings at your site located at 321 N Birch Road, in the City of Fort Lauderdale. The application has been reviewed for an Environmental Resource License.

**Broward County - Environmental Resource License (ERL) Review – Granted**

The Department has reviewed the project for compliance with Aquatic and Wetland Resource Protection Ordinance Sec. 27-331 through 27-341 of the Broward County Code. Based on the information submitted, Environmental Resource License No. **DF14-1052** is hereby issued. The above named licensee is hereby authorized to perform the work per the approved drawings(s), plans, documents and specifications as submitted by the licensee, and made a part hereof. The above referenced approvals will remain in effect subject to the attached Broward County General Conditions, Broward County Specific Conditions, and attached exhibits.

The issuance of this license is a **final agency determination**. A person with a substantial interest may file a petition to request review of, or to intervene in a review of, a final administrative determination, subject to the provisions of Section 27-14, Broward County Code of Ordinances.

Sincerely,

*Linda Sunderland*

Aquatic & Wetland Resources, NRS IV

June 26, 2014

Date

C: Mr. Matt Butler, Isiminger & Strubbs Engineering (via email)  
Mr. Ryan Goldman, NRS II, EPGMD

ENC:

1. Copy of Environmental Resource License
2. Variance and Administrative Review Procedures (4 pages)



Environmental Protection and Growth Management Department  
ENVIRONMENTAL LICENSING and BUILDING PERMITTING DIVISION  
1 North University Drive, Suite 201A, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

## ENVIRONMENTAL RESOURCE LICENSE

**LICENSEE:**

**Mr. Jeremy Bedrow, Manager  
Grand Birch, LLC  
110 Washington Ave, #2322  
Miami Beach, Florida 33139**

**LICENSE NO: DF14-1052**

**PROJECT: Dock installation**

This license is issued under the provision of Chapter 27 of the Broward County Code of Ordinances also cited as Broward County Natural Resource Protection Code hereinafter called the Code. The above-named applicant, hereinafter called licensee, is hereby authorized to perform the work or operate the facility shown on the approved drawing(s), plans, documents, and specifications as submitted by applicant, and made a part hereof and specifically described as follows:

**Description of Work:** This license authorizes 1) the removal of an existing 9' x 17' marginal dock, 2) the removal of an 8' x 56' marginal dock, 3) the removal of existing mooring pilings and davit, 4) the installation of a new 5' x 104' marginal dock as measured from the wet face of the existing seawall panel, 6) the installation of (2) 3' x 20' finger piers and 7) installation of (10) mooring pilings and (2) triple cluster dolphin pilings. Total square footage of all dockage shall not exceed 640 square feet. Mooring area shall be limited to (4) slips. Work shall be conducted from a barge and by land based equipment. **No dredging or impacts to natural resources are authorized by this license.**

The Department has determined that this project is in conformance with the Broward County Manatee Protection Plan and will not be subject to annual slip fees since there are only 4 slips.

**Location of Work:** This project is located at 321 N Birch Road, Township 50 South, Range 42 East, Section 12, in the City of Fort Lauderdale. Folio Number 504212101010 & 504212101020.

Construction shall be in accordance with the submitted ERL Application, received on 3/13/14, and all additional information submitted; plans stamped by the Department on 6/26/14 (attached); and with all General and Specific Conditions of this license.

License No. DF14-1052  
LICENSEE: Grand Birch, LLC

**General Conditions:**

1. The terms, conditions, requirements, limitations and restrictions set forth herein are accepted by the licensee and enforceable by EPGMD pursuant to this chapter. EPGMD will review this license periodically and may revoke the license, initiate administrative and/or judicial action for any violation of the conditions by the licensee, its agents, employees, servants or representatives or principals.
2. This license is valid only for the specific uses set forth in the license application, and any deviation from the approved uses may constitute grounds for revocation and enforcement action by EPGMD.
3. In the event the licensee is temporarily unable to comply with any of the conditions of the license, the licensee shall notify EPGMD within twelve (12) hours. Within five (5) working days of the event, the licensee shall submit a written report to EPGMD that describes the incident, its cause, the measures being taken to correct the problem and prevent its reoccurrence, the owner's intention toward repair, replacement, and reconstruction of destroyed facilities, and a schedule of action leading toward operation within the license conditions.
4. The issuance of this license does not convey any vested rights or exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, or any violations of federal, state or local laws or regulations.
5. This license must be available for inspection on the licensee's premises during the entire life of the license.
6. By accepting this license, the licensee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, that are submitted to EPGMD, may be used by EPGMD as evidence in any enforcement proceeding arising under Chapter 27, except where such use is prohibited by § 403.111, F.S.
7. The licensee agrees to comply with Chapter 27, as amended.
8. Any new owner of a licensed facility shall apply by letter for a transfer of license within thirty (30) days after sale or legal transfer. The transferor shall remain liable for performance in accordance with the license until the transferee applies for, and is granted the transfer of license. The transferee shall also be liable for performance in accordance with the license.
9. The licensee, by acceptance of this license, specifically agrees to allow access to the licensed source at reasonable times by EPGMD personnel for the purposes of inspection and testing to determine compliance with this license and this Chapter 27.
10. This license does not constitute a waiver or approval of any other license that may be required for other aspects of the total project.
11. If the licensee wishes to renew a license or extend its term, the licensee shall make application sixty (60) days prior to its expiration. Expired licenses are not renewable.
12. In addition to the general conditions set forth above, each license issued by EPGMD shall contain specific conditions determined by site conditions and requirements pursuant to the regulations as determined by the director of EPGMD. The licensee agrees that specific conditions are enforceable by EPGMD for any violation thereof.
13. Enforcement of the terms and provisions of this license shall be at the reasonable discretion of EPD, and any forbearance on behalf of EPD to exercise its rights hereunder in the event of any breach by the licensee, shall not be deemed or construed to be a waiver of EPD's rights hereunder.

License No. DF14-1052  
LICENSEE: Grand Birch, LLC

***SPECIFIC CONDITIONS:***

**A. Standard**

1. Any project caused environmental problem(s) shall be immediately reported to the Department's Environmental Response Line at 954-519-1499.
2. **Demolition and construction related debris must be disposed of at an approved upland location and may not be left in the waterway.**
3. Dredging is not authorized by this license nor does this license authorize impacts to seagrasses or other natural resources.
4. The maximum over-water area of the new dockage shall be 640 square feet.
5. All watercraft associated with the use of the permitted structures shall only operate within waters of sufficient depth so as to preclude bottom scouring or prop dredging. Specifically, there shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the bottom substrate at mean low water.
6. The licensee shall ensure that turbidity curtains surround all project areas, including all project-associated barges, all active work sites, and any previously worked sites that could continue to emit a turbid discharge.

**B. CONSTRUCTION CONDITIONS**

1. The new marginal dock shall have a maximum over-water width of 5', as measured from the wet face of the existing seawall panel to the waterward edge of the proposed wooden decking, the finger piers shall measure 3' wide by 20' long, and all structures shall be constructed as otherwise shown on the attached drawings.
2. As-built drawings by a Professional Engineer registered in the State of Florida and/or the final inspection from the City of Ft. Lauderdale demonstrating that the project is in substantial compliance with the licensed plans shall be submitted to the Department within thirty (30) days from completion of the project. **Failure to construct the project as authorized may result in enforcement action.**
3. All water bodies which are adjacent to the specific limits of construction authorized by this license shall be protected from erosion, sedimentation, siltation, scouring, excess turbidity or dewatering.
4. Prior to construction and during all operations that may degrade water quality in waters of the state, the licensee shall ensure that turbidity controls are practiced as necessary to prevent violations of the water quality standards outlined in Chapter 62-302, F.A.C. Any turbidity control devices used shall remain in place until turbidity, as measured in Nephelometric Turbidity Units (NTUs), within controlled areas returns to within 29 NTUs above natural background levels.



License No. DF14-1052  
LICENSEE: Grand Birch, LLC

5. Prior to the initiation of any work authorized by this license, floating turbidity curtains shall be installed. The screens shall be maintained and shall remain in place for the duration of the project construction to ensure that turbidity levels outside the construction area do not exceed 29 NTU's above background levels 50 feet downstream of point of discharge. The licensee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.
6. The licensee shall ensure that turbidity curtains surround all project areas, including all project-associated barges, all active work sites, and any previously worked sites that could continue to emit turbid discharge. The turbidity curtains shall be located within a 50-ft radius of the work site.
7. If an observable turbidity plume is visible leaving the site, the licensee shall:
  1. Immediately cease all work contributing to the water quality violation. Operations may not resume until the Department gives authorization to do so.
  2. Notify the EPGMD Biological Resources Division (954) 519-1230 within 24 hours of the time the first violation is detected.
  3. Stabilize all exposed material contributing to the water quality violation. Modify the work procedures that were responsible for the violation, and install more turbidity containment devices and/or repair any non-functioning turbidity containment devices. If required by EPGMD, a turbidity monitoring program shall be initiated.
8. If an observable turbidity plume is visible leaving the site, the licensee shall:
  - a. Immediately cease all work contributing to the water quality violation. Operations may not resume until the Department gives authorization to do so.
  - b. Notify the Development and Environmental Regulation Division (954) 519-1230 within 24 hours of the time the first violation is detected.
  - c. Stabilize all exposed material contributing to the water quality violation. Modify the work procedures that were responsible for the violation, and install more turbidity containment devices and/or repair any non-functioning turbidity containment devices. If required by the Department, a turbidity monitoring program shall be initiated.
9. If the approved license drawings and/or license attachments/plans conflict with the specific conditions, then the specific conditions shall prevail.
10. **This license does not eliminate the necessity to obtain any required federal, state, local or special district authorizations prior to the start of any activity approved by this license.**
11. Within 30 days of project completion, as-built drawings shall be submitted to the Department to demonstrate that the project is in substantial compliance with the licensed plans. The documents shall be certified by a Professional Engineer registered in the State of Florida.

License No. DF14-1052  
LICENSEE: Grand Birch, LLC

**C. Manatee Conditions**

1. All personnel associated with the project shall be instructed about the presence of manatees and the need to avoid collisions with and injury to manatees. The licensee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
2. All vessels associated with the construction project shall operate at "No Wake/Idle Speed" at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
3. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not block manatee entry to or exit from habitat.
4. All construction personnel are responsible for observing water-related activities for the presence of manatee(s). All equipment, including vessels, must be shut down if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
5. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Vero Beach (1-561-562-3909).
6. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the licensee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for Idle Speed and the shut down of equipment must be posted in a location prominently visible to water-related construction crews.
7. Any culvert less than eight (8) feet or greater than eight (8) inches shall be covered with grates or screens with spaces less than eight (8) inches apart to prevent manatee entrapment. These grates/screens shall be maintained to prevent upland flooding.
8. **Only 4 vessel(s) shall be moored at the site at any one time. Should the facility exceed the limit of 4 slips, a Marine Facility Operating License and associated fees shall be required.**

License No. DF14-1052  
LICENSEE: Grand Birch, LLC

**Advisory:**

NPDES Notification:

Please be advised that applicants with projects 1 acre or greater in size are required to submit a Storm Water Notice of Intent application 48 hours prior to the commencement of construction to the Florida Department of Environmental Protection, NPDES Stormwater Notices Center, MS #2510, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. In addition, please submit a Stormwater Pollution Prevention Plan to the appropriate local jurisdiction (Broward County Water Resources Division, Drainage District, or municipality) showing all Best Management Practices to be implemented during the construction of the project. The plan must be on a 24" X 36" drawing.

- D. **A COPY OF THIS LICENSE SHALL BE KEPT ON SITE DURING ALL PHASES OF LICENSED CONSTRUCTION.**

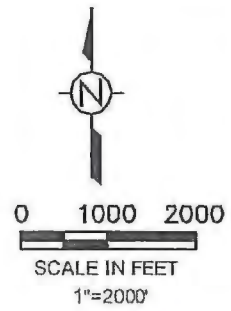
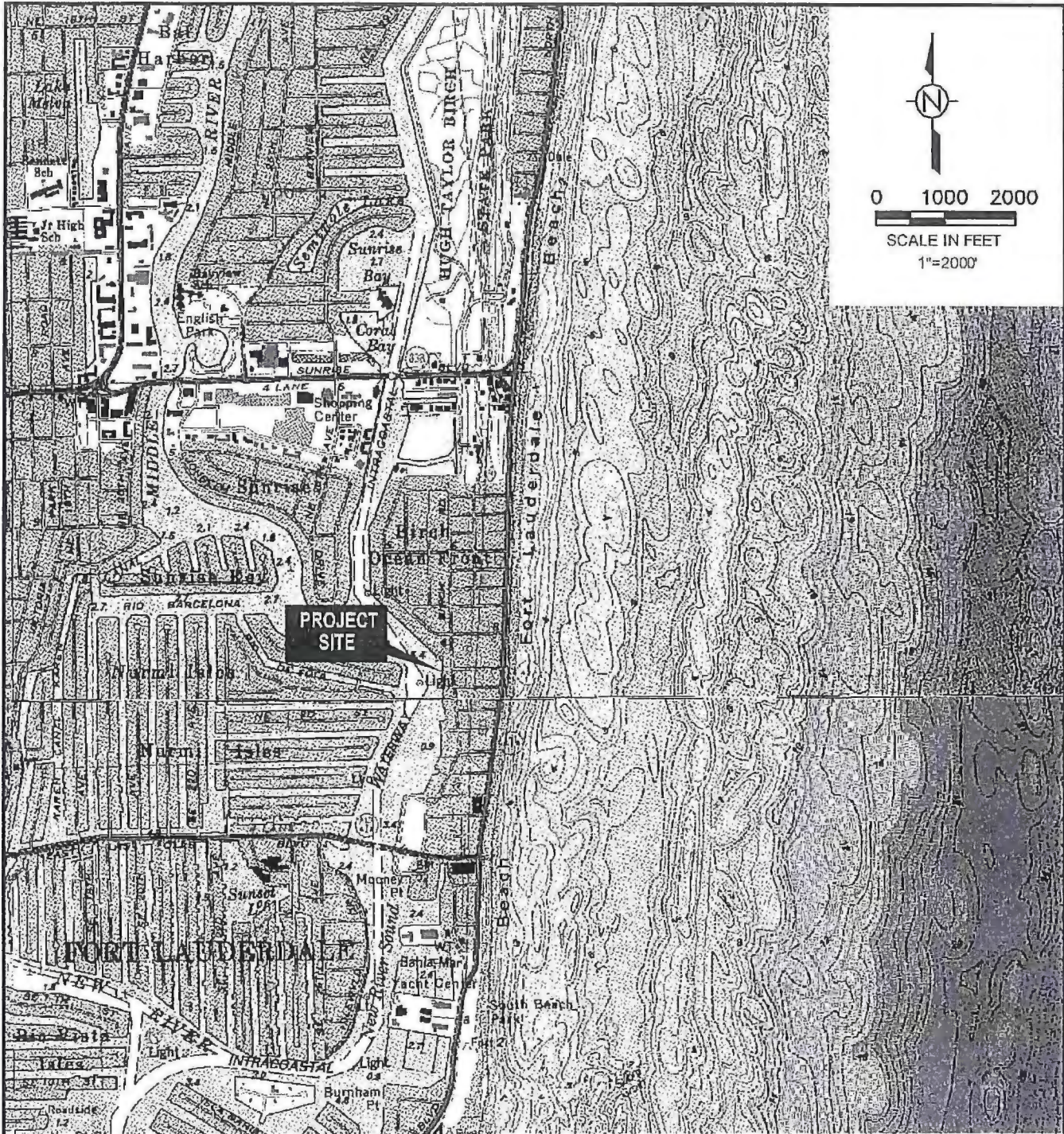
Issue Date: June 26, 2014  
Expiration Date: June 26, 2016

**BROWARD COUNTY  
ENVIRONMENTAL PROTECTION and GROWTH MANAGEMENT DEPARTMENT**

*Linda Sunderland*

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**LINDA SUNDERLAND, NRS IV  
AQUATIC & WETLAND RESOURCES PROGRAM**



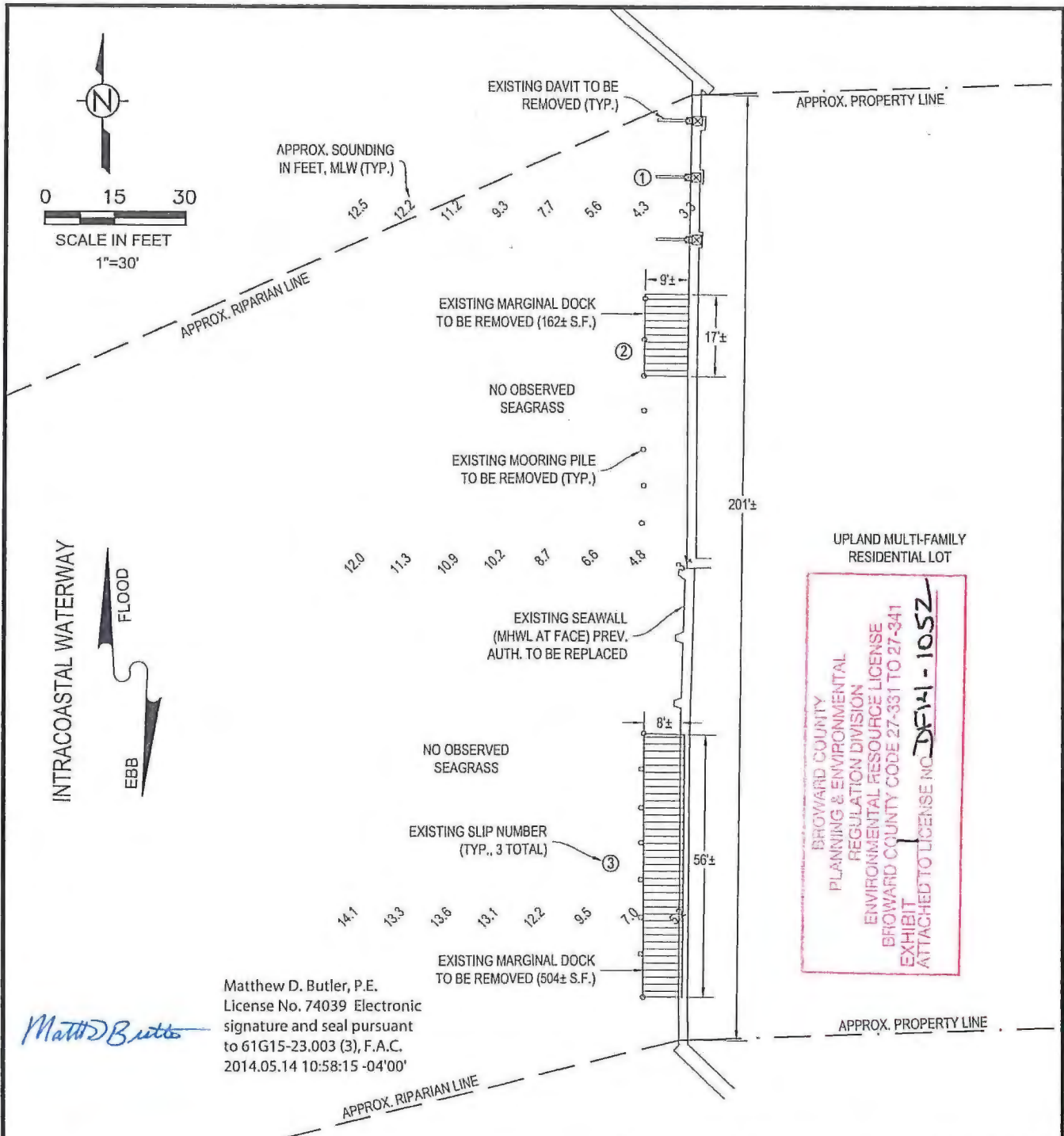
TAKEN FROM U.S.G.S. POMPANO BEACH AND  
 PORT EVERGLADES, FLORIDA QUADRANGLES  
 SEC: 12 TWP: 50S RGE: 42E  
 LAT: 26° 07' 36" N  
 LONG: 080° 06' 23" W

*Matthew D. Butler*

Matthew D. Butler, P.E.  
 License No. 74039  
 Electronic signature and  
 seal pursuant to  
 61G15-23.003 (3), F.A.C.  
 2014.05.14 10:57:25 -04'00'

**VICINITY MAP**

 <p><b>ISIMINGER &amp; STUBBS ENGINEERING, INC.</b>          COASTAL - ENVIRONMENTAL - MARINE          CERTIFICATE OF AUTHORIZATION NUMBER: 0114          P.O. BOX 14952 - NORTH PALM BEACH, FL 33468-0952-381-6008</p>							
<p><b>PROPOSED DOCKING FACILITIES          INTRACOASTAL WATERWAY          321 NORTH BIRCH ROAD          CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL          APPLICANT: GRAND BIRCH LLC</b></p>							
DATE	3/14	DRAWN	KDB	CHKD	KDB	APPRVD	MDB
DWG NO.	13071J1					SHEET	
COMPUTER FILE NO.	13071J					OF 4	
							<b>1</b>



Matthew D. Butler, P.E.  
 License No. 74039 Electronic  
 signature and seal pursuant  
 to 61G15-23.003 (3), F.A.C.  
 2014.05.14 10:58:15 -04'00'

BROWARD COUNTY  
 PLANNING & ENVIRONMENTAL  
 REGULATION DIVISION  
 ENVIRONMENTAL RESOURCE LICENSE  
 BROWARD COUNTY CODE 27-331 TO 27-341  
 EXHIBIT  
 ATTACHED TO LICENSE NO. **DFW-1-1052**

**NOTES:**

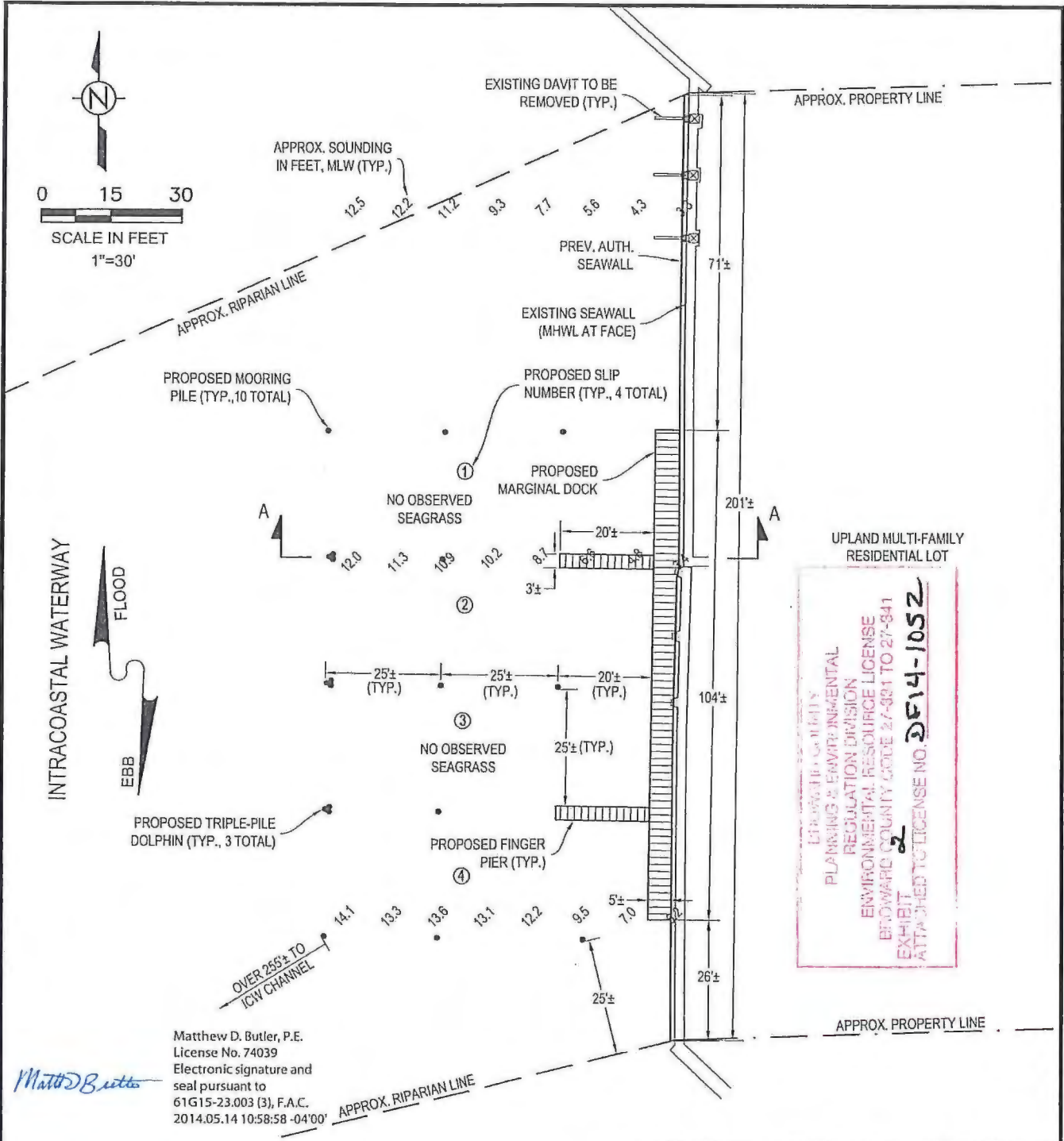
1. DATUM IS MLW. MLW = -0.5± NGVD FROM LABINS DATABASE.
2. EXISTING LOCATIONS ARE APPROXIMATE AND BASED ON SURVEY BY MCLAUGHLIN ENGINEERING COMPANY FILE NO. 06-3-004(07).
3. SOUNDINGS BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK PERFORMED 5/2/13. SOUNDINGS REDUCED TO MLW BASED ON PREDICTED TIDES ONLY.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.  
 NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

**PLAN VIEW - EXISTING CONDITION**

<b>ISIMINGER &amp; STUBBS ENGINEERING, INC.</b> <small>COASTAL • ENVIRONMENTAL • MARINE          CERTIFICATE OF AUTHORIZATION NUMBER : 8114          P.O. BOX 14702 - NORTH PALM BEACH, FL, 33408 - 561-881-0003</small>							
<b>PROPOSED DOCKING FACILITIES          INTRACOASTAL WATERWAY          321 NORTH BIRCH ROAD          CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL          APPLICANT: GRAND BIRCH LLC</b>							
DATE	5/14	DRAWN	KDB	CHKD	KDB	APPRVD	MDB
DWG NO.	13071J2			SHEET		OF 4	
COMPUTER FILE NO.	13071Jr2			2			

REV	1	5/14	ADDED SLIP NUMBERS, DIMINSIONS
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UPLAND MULTI-FAMILY RESIDENTIAL LOT  
 PLANNING & ENVIRONMENTAL REGULATION DIVISION  
 ENVIRONMENTAL RESOURCE LICENSE  
 BROWARD COUNTY CODE 27-001 TO 27-041  
 EXHIBIT 2  
 ATTACHED TO LICENSE NO. **DF14-1052**

Matthew D. Butler, P.E.  
 License No. 74039  
 Electronic signature and seal pursuant to 61G15-23.003 (3), F.A.C.  
 2014.05.14 10:58:58 -04'00'

**NOTES:**

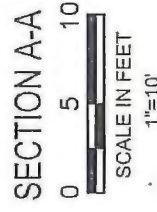
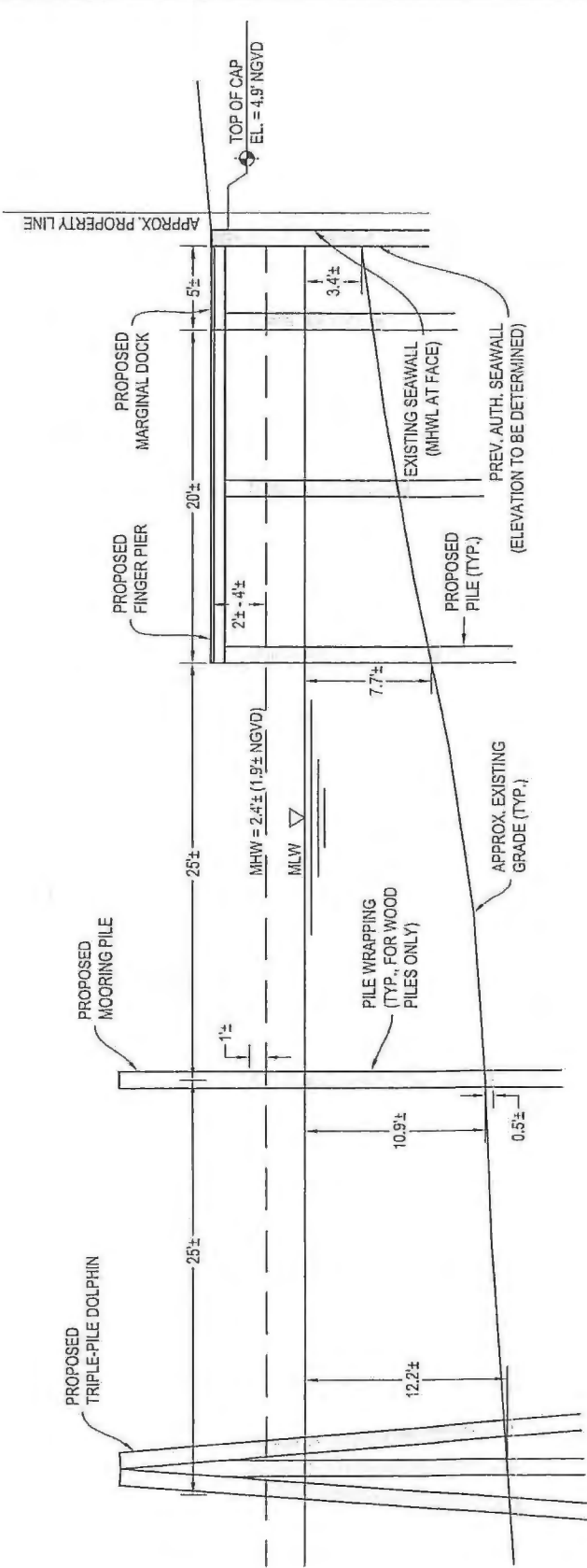
1. DATUM IS MLW. MLW = -0.5± NGVD FROM LABINS DATABASE.
2. EXISTING LOCATIONS ARE APPROXIMATE AND BASED ON SURVEY BY MCLAUGHLIN ENGINEERING COMPANY FILE NO. 06-3-004(07).
3. SOUNDINGS BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK PERFORMED 5/2/13. SOUNDINGS REDUCED TO MLW BASED ON PREDICTED TIDES ONLY.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.  
 NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

**PLAN VIEW - PROPOSED CONDITION**

<b>ISIMINGER &amp; STUBBS ENGINEERING, INC.</b> <small>COASTAL • ENVIRONMENTAL • MARINE          CERTIFICATE OF AUTHORIZATION NUMBER : 6114          P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 561-881-0003</small>							
<b>PROPOSED DOCKING FACILITIES</b> <b>INTRACOASTAL WATERWAY</b> <b>321 NORTH BIRCH ROAD</b> <b>CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL</b> <b>APPLICANT: GRAND BIRCH LLC</b>							
DATE	5/14	DRAWN	KDB	CHKD	KDB	APPRVD	MDB
DWG NO.	13071J3		COMPUTER FILE NO.		13071Jr2		SHEET OF 4
							<b>3</b>

REV	1	5/14	REMOVED LEASE AREA, RELOCATED PILES
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**SECTION VIEW**



ISIMINGER & STUBBS  
ENGINEERING, INC.  
COASTAL - ENVIRONMENTAL - MARINE  
CERTIFICATE OF AUTHORIZATION NUMBER: 0114  
P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 561-581-0000

PROPOSED DOCKING FACILITIES  
INTRACOASTAL WATERWAY  
321 NORTH BIRCH ROAD  
CITY OF FORT LAUDERDALE, BROWARD COUNTY, FL  
APPLICANT: GRAND BIRCH LLC

DATE	5/14	DRAWN	KDB	CHKD	KDB	APPRVD	MDB
DWG NO.	13071J4	COMPUTER FILE NO.		13071J2		SHEET	OF 4
							4

Matthew D. Butler, P.E.  
License No. 74039  
Electronic signature and seal pursuant to 61G15-23.003 (3), F.A.C.  
2014.05.14 10:55:54  
-04'00'

*Matthew D. Butler*

REV	1	5/14	RELOCATED PILES, ADDED ELEVATIONS
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Environmental Compliance  
Provided by Environmental  
REGULATORY DIVISION  
ENVIRONMENTAL RESOURCES  
BROWARD COUNTY COUSE ET AL  
EXHIBIT 3  
ATTACHED TO LICENSE NO. DF 14-1052

**NOTES:**

- DATUM IS MLW. MLW = -0.5'± NGVD FROM LABINS DATABASE.
- EXISTING LOCATIONS ARE APPROXIMATE AND BASED ON SURVEY BY MCLAUGHLIN ENGINEERING COMPANY FILE NO. 06-3-004(07).
- SOUNDINGS BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK PERFORMED 5/2/13. SOUNDINGS REDUCED TO MLW BASED ON PREDICTED TIDES ONLY.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.  
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

PROFESSIONALS' ELECTRONIC DATA DELIVERY SYSTEM

# Signature Document

5/14/2014 11:00:54 AM

## SIGNATURE SUMMARY

**Financial Project ID:** ---  
**Signatory Name:** Matthew D. Butler, PE - License No: PE74039  
**Signatory File Path:** ./\_META\_INFO/PE74039\_20140514\_1104991.XML  
**Date Created:** 2014/05/14 11:0:53.961  
**Scope of Work:** Submittal of permit sketches

## SIGNATURE DETAILS

**Signature File Hash Code:** 20161870-02B798E9-51BF893B-C82F9FB8-AD5DC2AB  
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**Number of Signed and Sealed Files:** 4

## SIGN AND SEAL

This document is signed and sealed to secure the electronic files referenced by the signature files as described in Florida Department of Business and Professional Regulation, Board of Professional Engineers, Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or other Documents, Rule 61G15-23.003, F.A.C..

\* See PEDDS for any qualifications or further limitation in scope on individual signed and sealed drawings or files in this project as appropriate.



Matthew D. Butler, PE - License No: PE74039

5/14/14

5/14/14

Date



Sec. 27-14. Administrative review of EPD determinations.

- (a) A person with a substantial interest may file a petition to request review of or to intervene in a review of a final administrative determination made pursuant to this chapter concerning:
  - (1) The requirement that a facility or activity obtain a license or environmental review approval.
  - (2) Interpretations of license or environmental review approval conditions.
  - (3) Interpretations of variance conditions.
  - (4) The decision to suspend or revoke a license or environmental review approval.
  - (5) The requirement of certain license conditions.
  - (6) The issuance of a license or environmental review approval.
  - (7) The denial of a license or environmental review approval.
  - (8) The scope of a license or environmental review approval, geographic or otherwise.
  - (9) The scope of a variance, geographic or otherwise.
  - (10) The issuance of a stop work order.
  - (11) Similar final administrative determinations.

This administrative review procedure shall be the only means of review available for the above final administrative determinations by either the petitioner or the intervenor (the parties).

- (b) person may not obtain review by this procedure of:
  - (1) The issuance or adjudication of or other matters involving a notice of violation or a citation.
  - (2) Internal policy decisions
- (c) A person desiring a review of a staff determination made pursuant to this Chapter shall first bring the determination to the attention of the appropriate section supervisor to attempt to resolve the matter. If a resolution cannot be reached, then the decision shall be reviewed by successive supervisory levels until the issue is resolved or reaches the level of the director or his or her designee for the final determination.
- (d) A person desiring administrative review of a final determination made by the director or the designee shall file a petition with the director for review by the hearing examiner. The petition shall be filed within ten (10) days from the rendition of the action taken or of the decision made by the director. An entity whose license or approval is being challenged shall be a party to the action.
- (e) The review shall not be heard until the provisions of subsection (f) are met. Upon motion to the hearing examiner, an insufficient petition shall be dismissed with or without leave to refile. If a petition is determined to be insufficient by the hearing examiner and the petitioner has been given leave to refile by the hearing examiner, unless otherwise ordered by the hearing examiner, the petitioner must refile within ten (10) days of the rendition of the order of dismissal or the petition will be dismissed with prejudice.
- (f) A sufficient petition for review or petition for intervention in the review shall, at a minimum, contain the following information:
  - (1) The nature of the determination sought to be reviewed.

- (2) A short, plain statement of the facts which form the subject matter upon which the determination was made as asserted by all parties of record at the time that the petition is filed; a statement of the material facts in dispute, if any. If any party is unable to state the matters in sufficient detail at the time initial petition is filed, the petition may be limited to a statement of the issues involved; and thereafter, upon timely written motion, a more definite and detailed statement shall be furnished not less than seven (7) days prior to the date set for the hearing.
  - (3) The specific determination for which the review is sought.
  - (4) The specific legal grounds upon which the parties seek review of the determination.
  - (5) A short statement of the petitioner's or the intervenor's substantial interest in the matter to be reviewed.
  - (6) The specific section of this chapter on which the decision is based, if known, and the specific section that the parties allege should control the decision, if known.
  - (7) A copy of the director's or the designee's written final determination.
  - (8) A statement of the relief requested stating precisely the action that the petitioner wants EPD to take with respect to the final determination.
- (g) All pleadings or other documents filed in the proceeding must be signed by a party, the party's attorney, or the party's qualified representative. The signature of a party, the party's attorney or a party's qualified representative constitutes a certificate that he or she has read the pleading or other document and that to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not brought for any improper purposes, such as to harass or to cause unnecessary delay or for frivolous purpose or needless increase in the cost of litigation. If a pleading or other document is signed in violation of these requirements, the hearing examiner, upon motion or his or her own initiative, shall dismiss the matter.
- (h) A petitioner or intervenor may request an emergency hearing to stay all activities or work conducted pursuant to the challenged license or approval. Such petitioner or intervenor has the burden of proof to show by a preponderance of the evidence that the continued activities would cause substantial pollution or degradation to the environment. An emergency hearing shall be scheduled by EPD and be held within five (5) days of said request or as soon thereafter as possible subject to the availability of the hearing examiner. The petitioner or intervenor shall comply with the notice provisions of section 27-14(j)(2)a. and c. and section 27-14(j)(3) and (4) of this chapter.
- (i) The petition for review will not stay environmental protection activities required for the remediation or mitigation of a site or facility, the protection of the environment or the health, safety and welfare of the citizens of Broward County, or the prevention of further environmental degradation. The person responsible for these activities must take all necessary steps to prevent environmental degradation and must conduct the remediation or mitigation activities required by this chapter. The director may allow these activities to be delayed until after the hearing examiner's decision by certifying to the hearing examiner that, by reason of facts stated in the certificate, a delay in the initiation or completion of these activities would not cause substantial environmental degradation or peril to life or property. The delay for conducting these activities may be subject to appropriate terms to ensure protection of the environment. The person responsible for these activities shall be responsible for any environmental damage or any violation of this chapter caused by the delay.
- (j) Notice and Scheduling Requirements:

- (1) The hearing on the review shall be scheduled within a reasonable time. It shall be the responsibility of the petitioner to request through EPD that the hearing date be scheduled. It shall also be the responsibility of the petitioner to give notice in accordance with this section at least ten (10) days prior to the hearing.
- (2) The petitioner shall give notice of the hearing by:
  - a. Giving personal notice to all proper parties; and
  - b. Publishing notice on two (2) days in a newspaper of general circulation in the county; and
  - c. Posting notice at a location determined by the Broward County Administrator's Office.
- (3) The petitioner shall bear the cost of giving notice.
- (4) The notice shall contain, at a minimum:
  - a. A description and location of the facility or the activity to be conducted by the petitioner; and
  - b. The time and place of the hearing.
- (k) The petitioner shall bear the cost of accurately and completely preserving all testimony and providing full or partial transcripts to all parties.
- (l) The hearing shall be a quasi-judicial hearing.
  - (1) The applicant/petitioner requesting the administrative review, any intervenor/petitioner and EPD shall have an opportunity to respond to and to present witnesses, other evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, and to be represented by counsel. Members of the general public who are not intervenors as set forth in Section 27-14 of this chapter are not parties to the proceeding.
  - (2) When appropriate, the general public may be given an opportunity to present oral or written communications. If the hearing examiner proposes to consider such material, then all parties shall be given an opportunity to cross-examine, challenge or rebut it.
- (m) Denial, protest of, revocation, or suspension of a license, environmental review approval, or any other approval:
  - (1) In regard to denial or protest of approval of a license and any other review of an administrative decision, notwithstanding (2) below, the petitioner shall have the burden of showing, by a preponderance of the evidence, that the determination of the director was an arbitrary and/or capricious abuse of discretion, not supported by competent, substantial evidence or not in conformance with the essential requirements of this chapter. The hearing examiner shall not substitute his or her judgment for that of EPD on an issue of discretion even though the hearing examiner may have reached a different conclusion based on the same facts.
  - (2) In an action to revoke or suspend a valid license or approval, the burden shall be upon EPD to prove, by a preponderance of the evidence in an administrative hearing, the grounds for revocation or suspension. The license holder or approval recipient shall be provided notice of the hearing and a copy of the petition stating the grounds for revocation or suspension as provided in section 27-63 of this chapter. The petition shall state with specificity the acts complained of in order to allow the license holder or

approval recipient an opportunity to prepare a defense. The hearing shall be conducted in accordance with the provisions of Section 27-37 of this chapter.

- (n) Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.
- (o) If the hearing examiner finds that the director or his or her designee has erroneously interpreted a provision and that a correct interpretation compels a particular action, he or she shall remand the case to the director or his or her designee for further action under a correct interpretation of the provision.
- (p) The hearing examiner shall complete and submit to the director and all parties a final order consisting of his or her findings of fact and conclusions of law.
- (q) A party to the hearing may obtain appellate review of the final order as provided by section 27-42 of this chapter.
- (r) A petitioner or intervenor shall pay a filing fee at the time the application for review is filed. The amount of the filing fee shall be set by resolution of the Board.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-08, § 2.03, 4-26-05)  
Secs. 27-15--27-19. Reserved.

# **EXHIBIT 13**



321 N Birch Rd, Fort Lauderdale, FL 33304, USA

Google

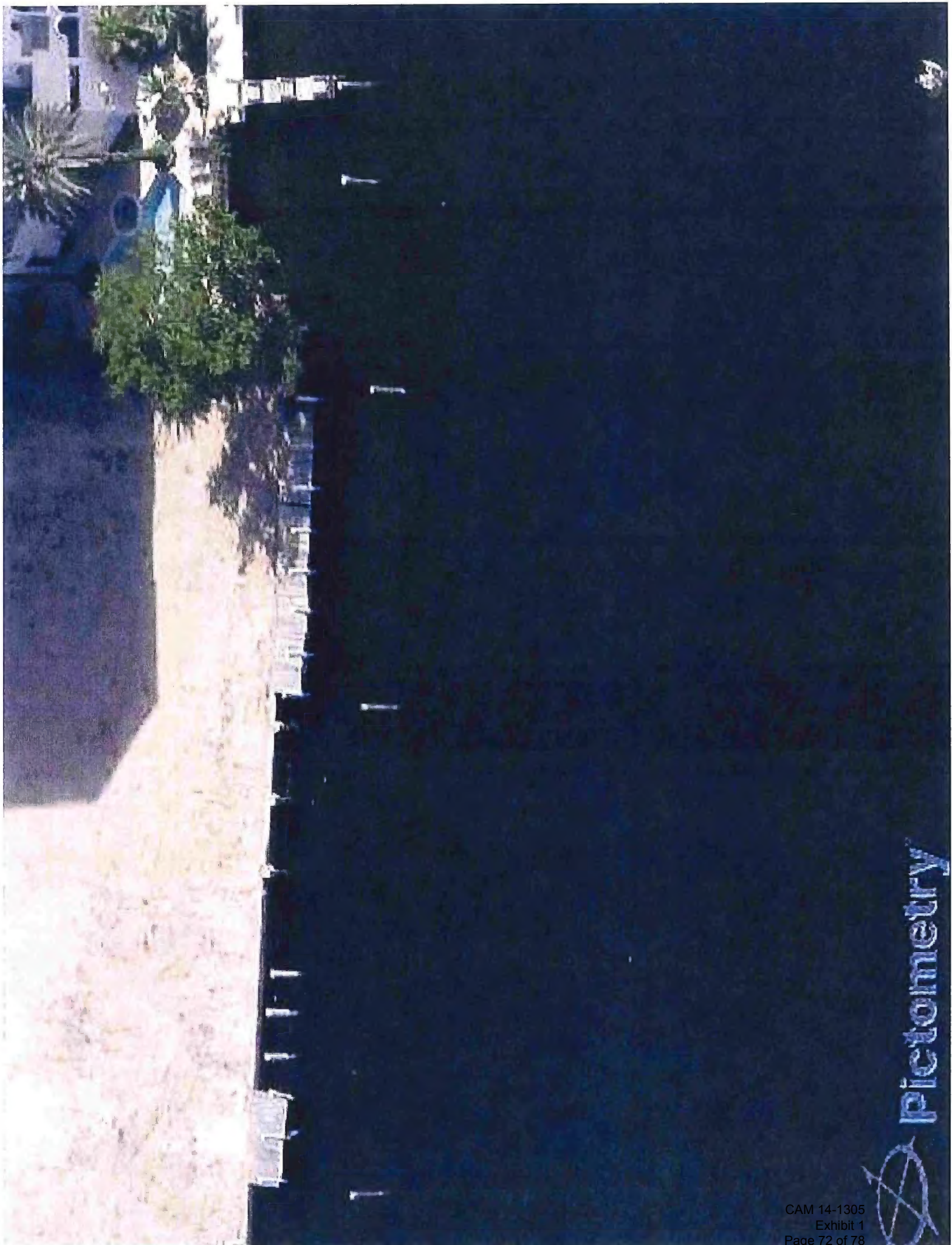
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© 2014 Google

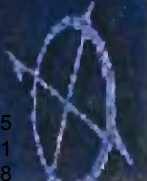
CAM 14-1365  
Exhibit 1  
Page 70 of 78



Photometry

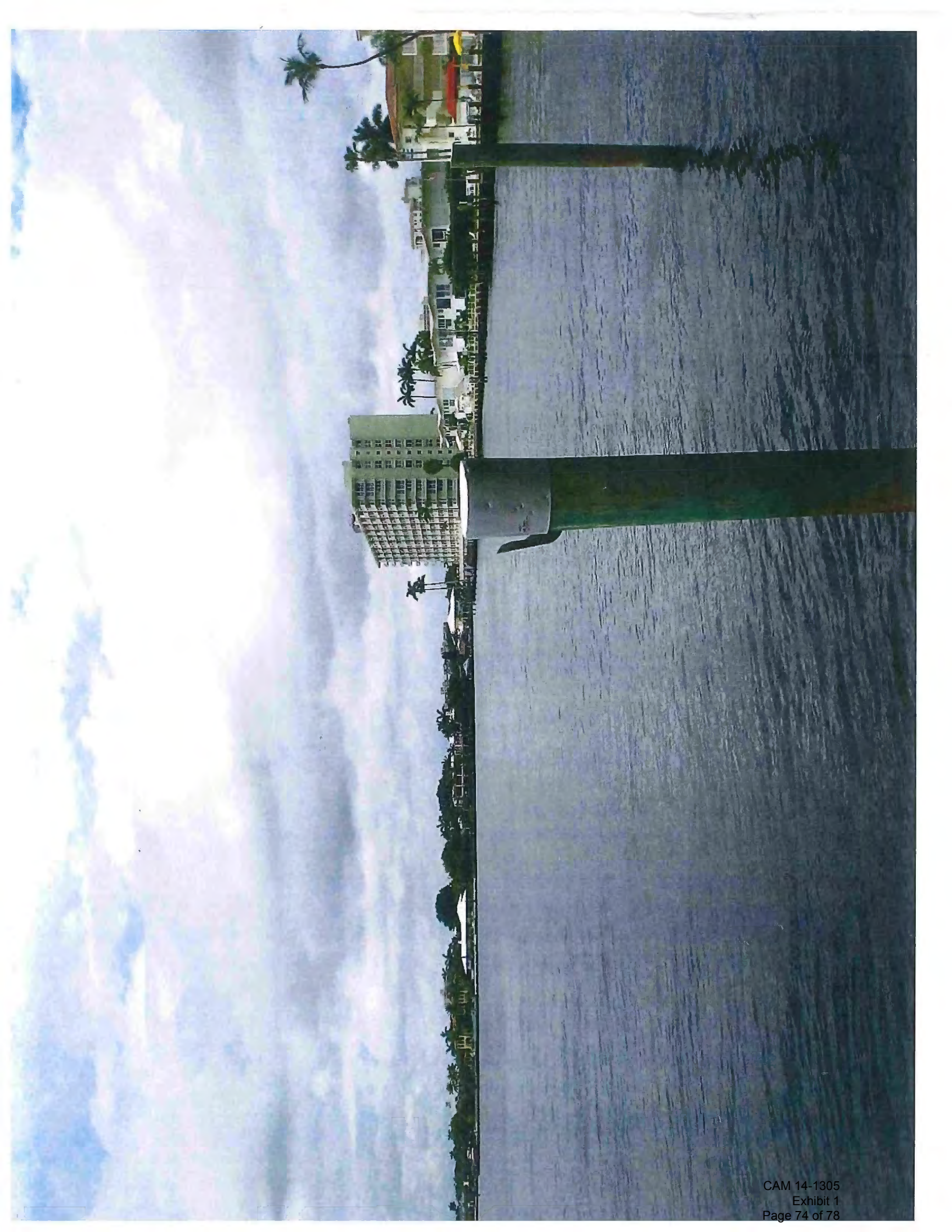


Pictometry





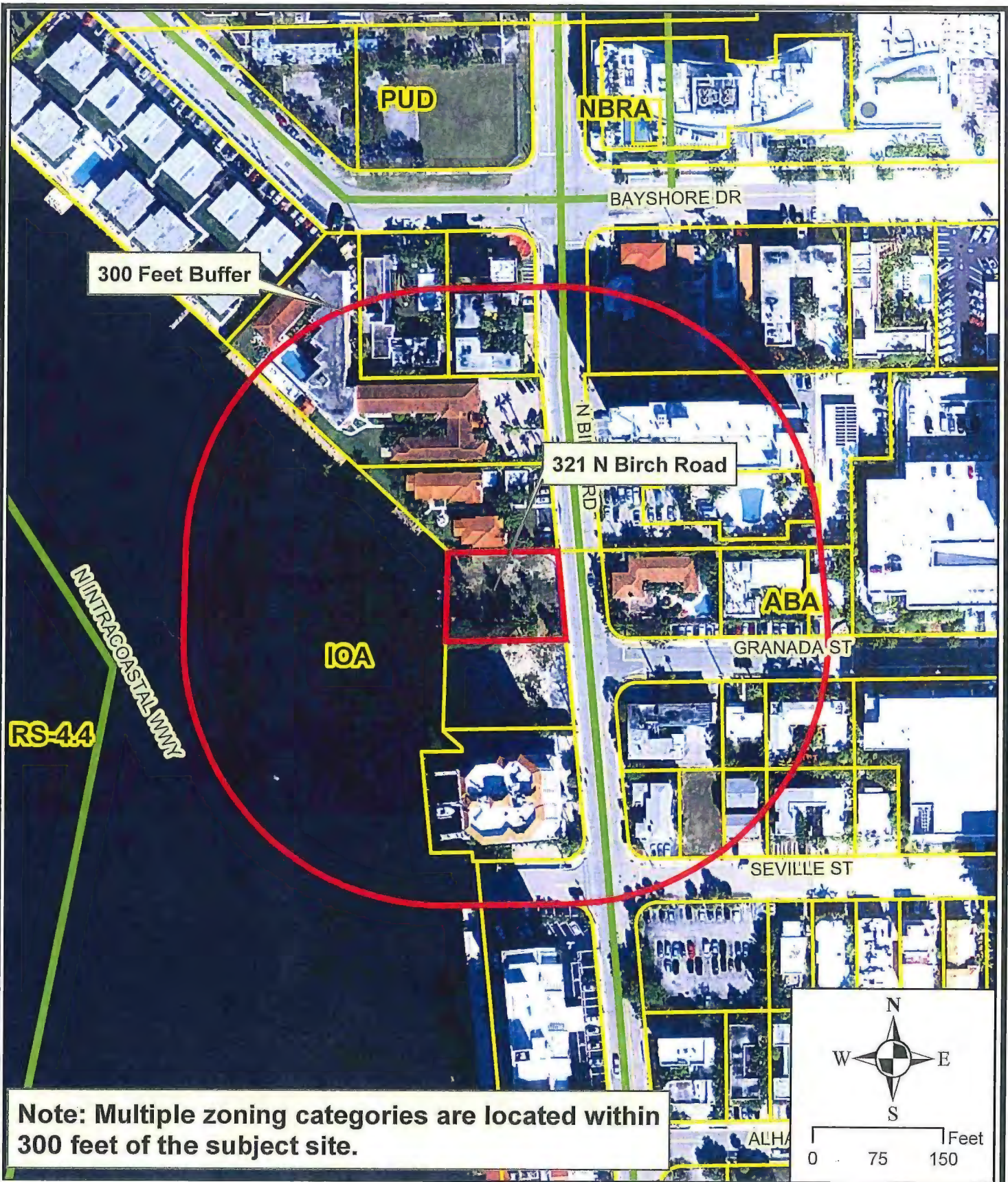








# **EXHIBIT 14**



**Note: Multiple zoning categories are located within 300 feet of the subject site.**

# 321 N Birch Road

