

5/19/19

RESOLUTION NO. 19-194

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 47-19.3 (E) OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE GRANTING A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3 (C) TO PERMIT SAILS VENTURE, LLC, A FLORIDA LIMITED LIABILITY COMPANY TO ALLOW INSTALLATION OF A FLOATING DOCK THAT WILL EXTEND BEYOND THE MAXIMUM LIMITATIONS DEFINED BY CITY CODE FOR THE INSTALLATION OF A (1) +/-9,440 SQUARE FOOT FLOATING DOCK, (2) A +/- 480 SQUARE FOOT GANGWAY, AND (3) A +/- 70 SQUARE FOOT CONCRETE FIXED PLATFORM EXTENDING A MAXIMUM OF +/- 69.3 FEET FROM THE SUBMERGED LANDS PROPERTY LINE OR A MAXIMUM OF +/- 219.6 FEET FROM THE UPLAND PROPERTY LINE INTO THE WATERS OF THE INTRACOASTAL WATERWAY SUCH PROPERTY BEING LOCATED AT 2040 SE 17 STREET, AND MORE PARTICULARLY DESCRIBED BELOW; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sails Venture, LLC, A Florida limited liability company (hereinafter "Applicant") owns the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

Exhibit "A" - Attached

Street Address: 2040 SE 17 Street, Fort Lauderdale, FL 33304

Property ID # 5042 13 00 0160
(hereinafter "Property")

WHEREAS, Applicant is requesting approval for installation of a (i) +/- 9,440 square foot floating dock , (ii) a +/- 480 square foot aluminum gangway, and (iii) a +/- 70 square foot concrete fixed platform extending a maximum of +/- 69.3' from the Applicant's submerged lands property line or +/- 219.6 feet from the upland property line into the Intracoastal Waterway; and

WHEREAS, the City's Marine Advisory Board on August 1, 2019, reviewed the application for dock waiver filed by the Applicant and voted unanimously to recommend approval.

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

SECTION 1. That pursuant to the provisions of ULDR Section 47-19.3(E) of the Code of Ordinances of the City of Fort Lauderdale, the City Commission hereby grants a waiver of the limitations of ULDR Section 47-19.3(C), to allow Applicant to install (1) a +/- 9,440 square foot floating dock, (2) a +/- 480 square foot gangway, and (3) a +/- 70 square foot concreted fixed platform extending a maximum of +/- 69.3 feet from Applicant's submerged lands property line or a maximum of +/- 219.6 feet from Applicant's upland property line (wet-face) into the waters of the Intracoastal Waterway such distances being more specifically set forth in the Table of Distances set forth below and as shown on the Applicable Distance Exhibit #1 (Page 1 of 2) attached to CAM # 19-0918:

TABLE OF DISTANCES

PROPOSED STRUCTURES	MAXIMUM STRUCTURE DISTANCE FROM SUBMERGED LANDS PROPERTY	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Floating Dock Corner A	+/- 28.4'	25'	+/- 3.4'
Floating Dock Corner B	+/- 94.3'	25'	+/- 69.3'

PROPOSED STRUCTURES	MAXIMUM STRUCTURE DISTANCE FROM UPLAND PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Floating Dock Corner A	+/- 169.0'	25'	+/- 144'
Floating Dock Corner B	+/- 244.6'	25'	+/- 219.6'


SECTION 2. That the above waiver is subject to the following additional conditions to be performed by the Applicant:

1. The Applicant is required to comply with all applicable building and zoning regulations as well as any other Federal and State laws and permitting requirements including the Broward County Environmental Protection and Growth Management Department, the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers.
2. 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 and verification of all applicable Federal and State permits.
3. Repair and maintenance of vessels berthed within the floating dock must be in compliance with City Code Sec. 8-149.
4. Within ninety (90) days of adoption of this Resolution, Applicant shall file applications for permits for all other governmental or regulatory approvals required to implement the dock waiver herein and provide proof thereof to the Supervisor of Marine Facilities. In the event the Applicant fails to timely file applications for permits as referenced above, the granting of this waiver will expire, without prejudice to the Applicant re-filing a subsequent application for dockwaivers.
5. The Applicant shall complete construction of the improvements as reflected in the application for the waiver of limitations through to a final certificate of completion no later than 180 days after issuance of all necessary permits. In the event the Applicant fails to timely file applications for permits as referenced above, the granting of this waiver will expire, without prejudice to the Applicant re-filing a subsequent application for dock waivers.
6. Violation of any of the foregoing conditions is unlawful and constitutes a violation of the City's ULDR and may result in revocation of this Resolution by the City Commission.
7. That a certified copy of this Resolution shall be recorded in the Public Records of Broward County, Florida, at Applicants' expense, within thirty (30) days of final passage.

SECTION 3. That all Resolutions or parts of Resolutions in conflict are hereby repealed.

SECTION 4. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the 17th day of September, 2019.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI

Exhibit "A"

The land referred to herein below is situated in the County of Broward, State of Florida, and is described as follows:

All that part of Section 13, Township 50 South, Range 42 East, lying between the Easterly right of way line of the Intracoastal Waterway and the Westerly boundary of the subdivision of HARBOR HEIGHTS, according to the Plat thereof, as recorded in Plat Book 34, Page 33, of the Public Records of Broward County, Florida, and bounded on the South by the extended South boundary of said subdivision and bounded on the North by the North boundary and extended North boundary of Government Lot 8 of said Section 13.

TOGETHER WITH:

Parcel "A" and Parcel "B", all in HARBOR HEIGHTS, according to the Plat thereof, as recorded in Plat Book 34, Page 33 of the Public Records of Broward County, Florida.

LESS AND EXCEPT the South 35 feet of the West 420 feet of said Parcel B, and the South 35 feet of said Parcel A, more particularly described as follows:

Begin at the Southeast corner of said Parcel B; thence West along the South boundary of said Parcel B a distance of 40 feet to the Point of Beginning of this description; thence West along the South boundaries of said Parcels B and A, a distance of 772.06 feet, more or less to the Northwest corner of Lot 52, Block 7 of the subdivision of HARBOUR HEIGHTS ADDITION, according to the Plat thereof, as recorded in Plat Book 35, Page 21 of the Public Records of Broward County, Florida, which point is also the Southwest corner of said Parcel A of HARBOR HEIGHTS; thence Northwesterly along the Westerly boundary of said Parcel A to a point which is 35 feet North of the extended South boundary of said Parcel A measured along a line parallel to the East boundary of said Parcel A; thence East along a line parallel to the South boundaries of said Parcels A and B a distance of 775 feet more or less to a point 40 feet West of the East boundary of said Parcel B, measured along said line; thence South along a line parallel to the East boundary of said Parcel B a distance of 35 feet to the Point of Beginning.

AND LESS AND EXCEPT that part of said Parcel B described as follows:

Begin at the Southeast corner of said Parcel B and run Northerly along the East boundary line of said Parcel B for a distance of 30 feet to a point; thence Westerly and parallel to the South boundary line of said Parcel B for distance of 20 feet to a point; thence Southerly and parallel to the East boundary line of said Parcel B for a distance of 30 feet to a point on the South boundary line of said Parcel B; thence run Easterly along the South boundary line of said Parcel B a distance of 20 feet to the Point of Beginning.

AND LESS AND EXCEPT that portion of the above-described property lying within Parcel 101 in that certain Order of Taking filed December 17, 1996 in Official Records Book 25787, Page

484 of the Public Records of Broward County, Florida, being more particularly described as follows:

That part of Parcel B of HARBOR HEIGHTS, according to the Plat thereof, as recorded in Plat Book 34, Page 33 of the Public Records of Broward County, Florida, lying in Government Lot 8, Section 13, Township 50 South, Range 42 East, being more particularly described as follows:

Commence at the Southwest corner of Parcel "A", said HARBOR HEIGHTS; thence North 05°41'01" West along the West line of said Parcel "A", a distance of 420.62 feet to the South Existing Right Of Way line of State Road A-I-A (S.E. 17th Street Causeway) and the North line of said Parcel "A"; thence North 88°13'58" East along said South Existing Right of Way line, a distance of 407.70 feet to the POINT OF BEGINNING; thence continue North 88°13'58" East, along the North line of said Parcel "B" and said South Existing Right of Way line, a distance of 424.79 feet to a point on a curve concave Southwesterly, having a chord bearing of South 46°13'17" East; thence Southeasterly along said curve, having a radius of 25.00 feet, through a central angle of 91°05'30", an arc length of 39.75 feet to the end of said curve; thence South 00°40'32" East, along the East line of said Parcel "B" and the West Existing Right of Way line of Harbor Heights Drive (S.E. 23rd Ave.), a distance of 29.35 feet; thence North 46°53'59" West, a distance of 22.93 feet; thence South 88°06'01" West, a distance of 11.00 feet to a point on a curve concave Northeasterly, having a chord bearing of North 82°58'19" West; thence Northwesterly along said curve, having a radius of 364.17 feet, through a central angle of 17°51'20", an arc length of 113.49 feet to the end of said curve and to a point of reverse curve concave Southwesterly, having a chord bearing of North 82°54'21" West; thence Northwesterly, along said curve, having a radius of 324.80 feet, through a central angle of 17°43'23", an arc length of 100.47 feet to the end of said curve; thence South 88°13'58" West, a distance of 97.30 feet; thence North 88°46'13" West, a distance of 114.26 feet to the POINT OF BEGINNING.

AND LESS AND EXCEPT that portion of the above-described property described fully in Exhibit "C" in that certain Stipulated Partial Final Judgment recorded October 13, 2000 in Official Records Book 30932, Page 495 and referenced in Trustee's Deed to the State of Florida Department of Transportation recorded March 17, 2005 in Official Records Book 39261, Page 1558 of the Public Records of Broward County, Florida, being more fully described as follows:

A portion of Parcel "B", HARBOR HEIGHTS, according to the Plat thereof, as recorded in Plat Book 34, Page 33 of the Public Records of Broward County, Florida, more fully described as follows:

Commencing at the Northwest corner of said Parcel "B"; thence North 88°13'58" East, on the North line of said Parcel "B", a distance of 9.75 feet; thence Easterly on the South right-of-way line of State Road A-I-A (S.E. 17th Street Causeway) the following three (3) courses and distances: South 88°46'13" East, a distance of 114.26 feet; thence North 88°13'58" East, a distance of 97.30 feet to a point of curve (P.C.(1)); thence Southeasterly on a curve to the right, with a radius of 324.80 feet and a central angle of 11°59'04", an arc distance of 67.94 feet to the point of termination (P.O.T.(1)) of the said three (3) courses and distances and the Point of Beginning (P.O.B.); thence continuing Easterly on the said South right-of-way line the following four (4) courses and distances; continuing Southeasterly on a curve to the right, with a radius of

324.80 feet and a central angle of $05^{\circ}44'19''$, an arc distance of 32.53 feet to a point of reverse curve (P.R.C.); thence Southeasterly on a curve to the left, with a radius of 364.17 feet and a central angle of $17^{\circ}51'20''$, an arc distance of 113.49 feet to a point of tangency (P.T.(1)); thence North $88^{\circ}06'01''$ East, a distance of 11.00 feet; thence South $46^{\circ}53'59''$ East, a distance of 22.95 feet to the point of termination P.O.T. (2) of the said four (4) courses and distances; thence South $00^{\circ}43'01''$ East, on the East line of said Parcel "B", a distance of 16.23 feet to a point of cusp; thence Northeasterly on a curve to the left, whose tangent bears North $00^{\circ}43'01''$ West, with a radius of 22.00 feet and a central angle of $91^{\circ}10'58''$, an arc distance of 35.01 feet to a point of tangency (P.O.T. (2)); thence South $88^{\circ}06'01''$ West, a distance of 4.90 feet to a point of curve (P.C. (2)); thence Northwesterly on a curve to the right, with a radius of 374.17 feet and a central angle of $15^{\circ}06'14''$, an arc distance of 98.64 feet; thence North $65^{\circ}05'30''$ West, a distance of 51.06 feet to the Point of Beginning.