

RESOLUTION NO. 24-72

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8-144 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A DOCK PERMIT FOR INSTALLATION, USE, MAINTENANCE AND REPAIR BY APPLICANTS, WILLIAM S. TRETHEWEY AND LINDA M. TRETHEWEY, HUSBAND AND WIFE, OF A PROPOSED 63.4'+/- LONG X 6'+/- WIDE MARGINAL DOCK AND ACCESS STEPS EXTENDING A MAXIMUM DISTANCE OF 6'+/- FROM THE OUTSIDE EDGE OF THE SEAWALL CAP ABUTTING THE WATERWAY ADJACENT TO 919 CORDOVA ROAD, AUTHORIZING THE PROPER PUBLIC OFFICIALS TO COUNTERSIGN THE DECLARATION OF COVENANTS RUNNING WITH THE LAND RESPECTING A CITY ISSUED DOCK PERMIT; AUTHORIZING RECORDATION OF THIS RESOLUTION AND THE DECLARATION OF COVENANTS BY THE APPLICANTS; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, William J. Trethewey and Linda M. Trethewey, Husband and Wife, applied for a permit to install, use, maintain and repair an existing 63.4'+/- long x 6'+/- wide marginal dock and access steps extending a maximum distance of 6'+/- from the outside edge of the seawall cap on public property abutting the waterway adjacent to 919 Cordova Road, in accordance with the provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, Florida, entitled Private Use of Public Property Abutting Waterways; and

WHEREAS, the City's Marine Advisory Board on March 7, 2024, reviewed the application for dock permit filed by Applicant and voted unanimously to recommend to the City Commission approval of this application.

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

SECTION 1. That pursuant to Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, permission is hereby granted to William J. Trethewey and Linda M. Trethewey, Husband and Wife (hereinafter referred to as "Permit Holder"), to install, use, maintain and repair an existing 63.4'+/- long x 6'+/- wide marginal dock and access steps extending a maximum

distance of 6'+/- from the property line on public property abutting the waters adjacent to 919 Cordova Road, legally described as follows:

All of Lot 23 and that part of Lot 22, Block 22, RESUBDIVISION OF BLOCK 22, RIO VISTA ISLES (original Unit 3 Rio Vista Isles, recorded in Plat Book 7, Page 47, of the Public Records of Broward County, Florida) according to the Plat thereof, as recorded in Plat Book 23, Page 30, of the Public Records of Broward County, Florida, said part of Lot 22 described as follows:

Beginning at the Southeast corner of said Lot 22, thence North along the East boundary of said Lot 22, a distance of 25.00 feet, thence Southwesterly, a distance of 114.58 feet to an intersection with the West boundary of Lot 22, said point being 5.00 feet North of (as measured along said West boundary), the Southwest corner of Lot 22; thence Southerly along said West boundary, a distance of 5.00 feet to the Southwest corner of Lot 22; thence Northeasterly along the Southerly boundary of said Lot 22, a distance of 109.22 feet to the point of beginning

Street Address: 919 Cordova Road
Fort Lauderdale, FL 33316

Property ID# 5042 11 19 0022

(hereinafter, "Property" or "Upland Property")

SECTION 2. The Dock Permit herein granted by this Resolution may be revoked at any time for violation of any one or more of the conditions of this Resolution or provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, Florida, a number of such provisions are incorporated by reference as if fully set forth herein. The following conditions are listed for emphasis: (1) Permit Holder is prohibited from collecting rent for the dock facility; (2) the Dock Area, as defined below, shall not be used by any person or persons other than Permit Holder; (3) Permit Holder shall be responsible for maintaining the Improvements (the term "Improvements," as used herein shall mean the dock and seawall and any other appurtenant fixtures constructed or utilized by Permit Holder); (4) by acceptance of the use of the Improvements and the Permit granted hereby, Permit Holder agrees to defend, indemnify and hold City harmless for damages to property or injury to or for the death of anyone using the Improvements; (5) Permit Holder shall be responsible for all governmental charges or fees in connection with the maintenance, repair

and use of the Improvements; (6) Permit Holder is prohibited from erecting any signs, landscaping or fencing that would restrict public access to the Public Swale Area as defined below.

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

1. This Dock Permit is conditioned upon the requirement that the Permit Holder shall construct the Improvements within the Dock Area (as hereinafter defined) within one-hundred eighty (180) days from the effective date of this Resolution. Extensions of time may be granted by the City Manager upon good cause show and, thereafter, during the term of this Dock Permit, Permit Holder shall repair, replace or maintain said Improvements within the Dock Area.
2. As a special condition, the City reserves the right to remove the Improvements for replacement of the seawall in the event that this might be required during the term of the Dock Permit as determined by the City Engineer and authorized by the City Manager. The sole cost of removal and replacement of the Improvements shall be the responsibility of the Permit Holder. Furthermore, the Permit Holder shall be responsible for maintaining and beautifying a reasonable area in and around the Dock Area and Public Swale Area (more particularly described below) and failure to do so shall be grounds for revocation of this Dock Permit.
3. (a) The *Dock Area* is that area (i) bounded on the North and South by the Eastward extension or prolongation of the side yard setback lines for the Property into abutting waterway, (ii) bounded on the West by the upland cap of the seawall abutting the adjacent waterway, and (iii) bounded on the East by Eastward extension or prolongation of the Northernmost and Southernmost side yard setback lines for the Property a distance of 25' into the adjacent waterway as provided in the City of Fort Lauderdale Florida, Unified Land Development Regulations ("ULDR") 47-19.3(c) and (d). (See **Exhibit "A"** attached hereto for a schematic representation of the *Dock Area*.)

(b) The *Public Swale Area* is that area (i) bounded on the West by the Easternmost edge of pavement adjacent to the Upland Property at 607 Cordova Road, (ii) bounded on the North and South by that area lying between the Eastward extension or prolongation of the Northernmost and Southernmost Property lines of the Upland Parcel, (iii) bounded by the East by the upland cap of the seawall abutting the adjacent waterway, and (iv) LESS the *Dock Area*. (See **Exhibit "A"** attached hereto for a schematic representation of *Public Swale Area*.)

4. That as a condition to the adoption of this Resolution, Permit Holder has executed a Declaration of Covenants Running with the Land Respecting A City Issued Dock Permit (hereinafter, "Declaration"). The proper City officials are hereby authorized to counter-execute and record the Declaration and this Resolution at the expense of the Permit Holder.
5.
 - (a) During the term of the Dock Permit granted herein, the Permit Holder shall be required to construct the Improvements appurtenant to the Dock Area and the Landscaping within the Public Swale Area within one-hundred eighty (180) days from the effective date of this Resolution to meet the requirements of Sections 47-19.3(f) and 47-19.13 of the City of Fort Lauderdale, Florida, Unified Land Development Regulations ("ULDR") and to thereafter, during the term of this Dock Permit, to maintain, repair, replace or reconstruct the Improvements appurtenant to the Dock Area and landscaping within the Public Swale Area.
 - (b) The Dock Permit granted herein to use the Improvements appurtenant to the Dock Area shall expire upon the (i) abandonment of the use of the dock, or (ii) recordation of the deed of conveyance transferring title to the Upland Parcel, or (iii) termination, expiration or revocation of the Dock Permit by the City Commission, whichever (i), (ii) or (iii) shall first occur, subject to the survivability of the obligation to remove the Improvements within the Dock Area pursuant to the provisions of subsection (c) below and the obligations within the Declaration of Covenants Running With the Land Respecting A City Issued Dock Permit.
 - (c) Except as provided in subsection (d) below, upon expiration of the Dock Permit, the Permit Holder shall be obligated to remove all Improvements appurtenant to the Dock Area no later than three (3) months after the termination, revocation or expiration of the Dock Permit. The provisions of this subsection shall be a continuing obligation that survives expiration of the Dock Permit.
 - (d) In the event a new Dock Permit is granted to a successor in interest to this Permit Holder within the time proscribed in subsection (c) above, then the obligation to remove the Improvements appurtenant to the Dock Area shall be discharged as to this Permit Holder and a release and discharge of the Declaration shall be executed by the City Manager and recorded by the City in the Public Records of Broward County, Florida, at the expense of this Permit Holder.
 - (e) An application for a new Dock Permit may be filed by a contract vendee prior to obtaining fee simple title to the Upland Parcel, provided, however, that the

granting of the new Dock Permit to the applicant contract vendee shall not be effective until such time as the conveyance of fee simple title to the Upland Parcel has been recorded in the Public Records of Broward County, Florida.

6. (a) As a special condition of the Permit, the Permit Holder is prohibited from erecting any signs, landscaping or fencing the effect of which is to restrict public access to the Public Swale Area except where permitted by Code. The "Dock Area" shall include the 63.4'+/- long x 6'+/- wide marginal dock and access steps and all appurtenances thereto and adjoining seawall. Permit Holder shall post signage on the Dock Area indicating that the Dock Area is private. The Resolution Number under which this Dock Permit is granted shall be posted on the signage.
- (b) Permit Holder shall be responsible for maintaining Improvements and landscaping within the "Dock Area" and "Public Swale Area". The "Public Swale Area" shall be landscaped in accordance with the Landscape Plan approved by the Development Services Department, a copy of which is attached hereto as **Exhibit "B"**.
- (c) Prior to installation of Improvements and Landscaping hereunder, Permit Holder shall secure an Engineering / Landscape permit and approval for such Improvements and Landscaping within the "Public Swale Area."
7. (a) All improvements to the Public Swale Area and Dock Area shall be constructed in accordance with appropriate permits from all applicable regulatory authorities having subject matter jurisdiction regarding such matters and must be in accordance with City Engineering design standards and all applicable regulatory codes including the City's Unified Land Development Regulations, the Florida Building Code and Broward County Amendments thereto.
- (b) All docks installed pursuant to the Dock Permit granted herein shall be either (i) floating docks that can adapt to sea level rise over their useful life span, (ii) fixed docks installed at a minimum elevation consistent with the requirements of Section 47-19.3(f) and 47-19.13 of the ULDR, or (iii) fixed docks the height of which are even with the City's seawall, whichever (i), (ii) or (iii) is greater.
- (c) Penetrating the City seawall to support the dock or permanently attaching improvements, such as cleats, ladders, ramps, mooring whips or similar devices to the City seawall is prohibited, unless (i) specifically recommended and authorized by the City's Director of Public Works pursuant to the dock building permit review

process, or (ii), or (ii) upon demonstration of hardship, as it relates to accommodations under the Americans With Disabilities Act, as same may be amended from time to time and authorized by the Resolution granting the dock building permit.

8. The Dock Permit granted herein shall not be assignable without the written approval by Resolution adopted by the City Commission.
9. Permit Holder shall not charge or collect any rent or fees from anyone using such Dock Area constructed on public property.
10. As a special condition, vessels berthed at the within the Dock Area, pursuant to Code Sec. 8-91(e), are prohibited from extending beyond the maximum distance of 30% of the width of the waterway.
11. Repair and/or maintenance of a vessel moored at this location shall be in compliance with City Code Sec. 8-149.
12. As a special condition of the Dock Permit granted herein, in the event Permit Holder is found by the City Commission to have violated any of the above conditions or is found by the Code Enforcement Board, Special Magistrate or County Court Judge to have violated any Code sections relative to the use of the Dock Area, Dock, Public Swale Area or Mooring Piles, then the Permit granted herein may be repealed or rescinded by the City Commission upon thirty days' advance notice to the Permit Holder.
13. Use of the Dock Area is limited to the docking of a vessel owned by the Permit Holder with a copy of the documentation showing the name and registration number of the vessel provided by the Permit Holder to the Supervisor of Marine Facilities.
14. There shall be no fueling of vessels under this Dock Permit from tank trucks along the adjacent publicly dedicated Cordova Road.
15. The Permit Holder is prohibited from mooring any watercraft or vessel, other than a tender, in such a manner that it is "rafted out" from the vessel owned or operated by the Permit Holder and moored at the dock as authorized under the dock permit.
16. No vessel shall be docked, moored or anchored in such a position that causes it to extend beyond the Eastward extension or prolongation of the Northernmost and

Southernmost side yard setback lines required for the upland principal building, as extended into the waterway.

17. Parking in the "Public Swale Area" is intended to be temporary in nature only. Overnight or long-term parking by persons associated with the Permit Holder is discouraged.
18. Upon completion of the construction of the Dock Area and appurtenances thereto, Permit Holder shall provide to the City's Office of Marine Facilities an "As-Built" Survey, certified by a State of Florida licensed surveyor, of the Dock and appurtenances thereto showing the extension of the side yard property lines and side yard setbacks for the principal upland building into the adjacent waterway and the dimensions of the Dock and appurtenances thereto.
19. The dock that was authorized under Resolution No. 22-98 was constructed in a manner that was not in compliance with Code Sec. 8-144 and Resolution No. 22-98, resulting in an encroachment into the Dock Area authorized under this Resolution No. 24-72. The effective date of this Resolution No. 24-72 is contingent upon demolition of that non-compliant portion of the dock and piling that encroaches 20.75 feet +/- beyond the Southerly extension of the side yard setback lines as more particularly set forth in **Exhibit "C"** attached hereto. Demolition of the non-compliant dock and piling shall not include the dock piling directly located on the dock on the Southerly extension of the side yard setback lines.

SECTION 4. That by acceptance of the benefits of this Resolution, Permit Holder acknowledges that the Public Swale Area and Dock Area are part of a publicly dedicated right-of-way for that portion of Cordova Road adjacent to the Property and that any right, title, interest or claim of use to the Dock Area or Public Swale Area except to the extent provided herein, is subordinate and inferior to that public dedication until such public dedication is discontinued by law.

SECTION 5. That the City Clerk is hereby directed to provide to the Permit Holder (a) a certified copy of this Resolution together with (b) the original fully executed Declaration for recording in the Public Records of Broward County, Florida, at Permit Holder's expense in accordance with the provisions of Section 7 hereof.

SECTION 6. That all Resolutions or parts of Resolutions in conflict are hereby repealed.


SECTION 7. That this Resolution shall not be effective until such time as (i) a certified copy of this Resolution has been recorded in the Public Records of Broward County, Florida, together with (ii) the fully executed Declaration has been recorded in the Public Records of Broward County, Florida, (iii) the non-compliant portion of the dock referenced in Section 19 above is demolished and (iv) a recorded copy of the Resolution and Declaration are filed with the City's Office of Marine Facilities and the City Clerk within ninety (90) days of the adoption of this Resolution and (iv) all costs of recordation have been borne by the Permit Holder. Failure to meet the conditions of (i), (ii) and (iv) above shall cause this Resolution to be of no further force and effect.

ADOPTED this 16th day of April, 2024.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN


Dean J. Trantalis Yea

John C. Herbst Yea

APPROVED AS TO FORM
AND CORRECTNESS:

Steven Glassman Yea

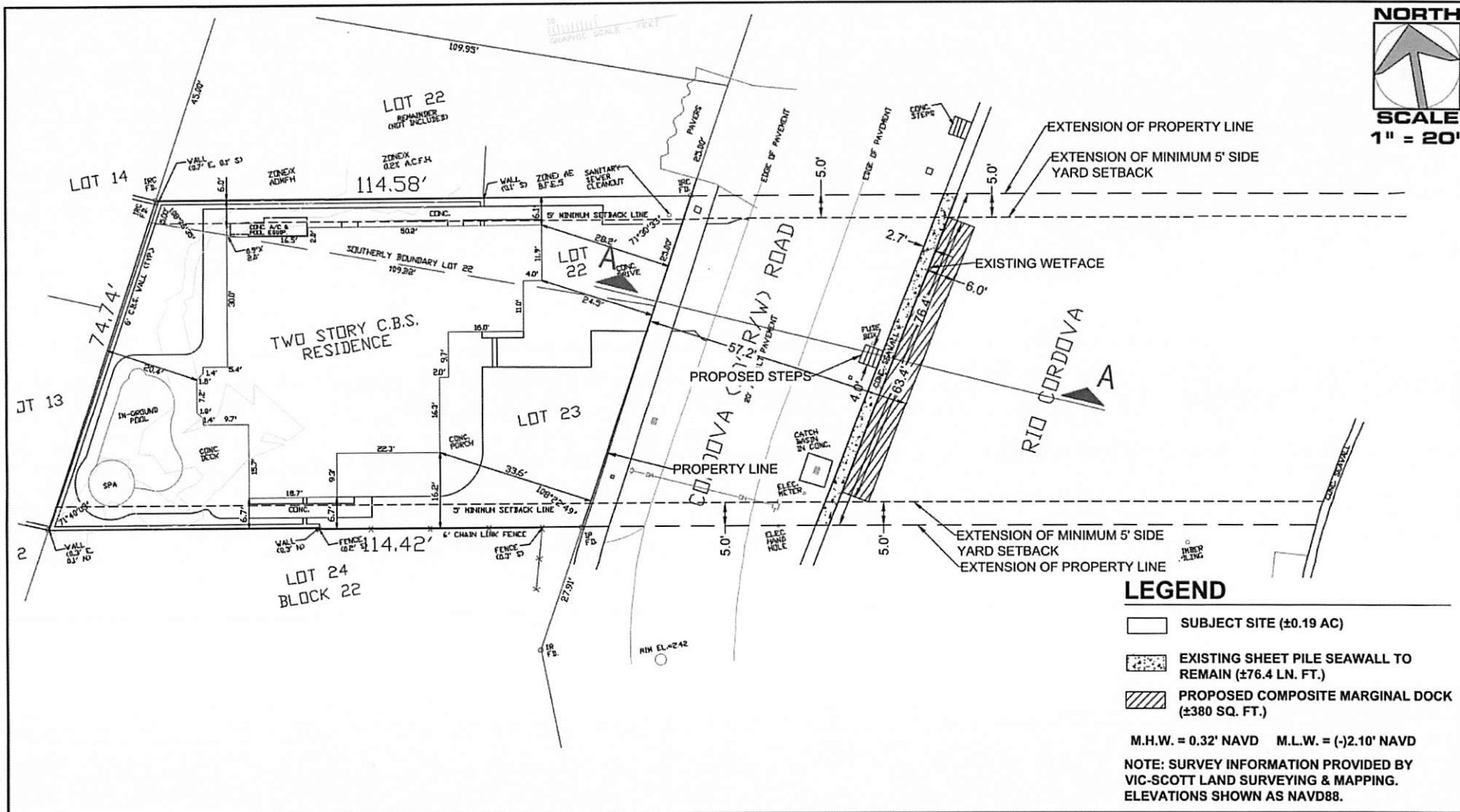
Pamela Beasley-Pittman Yea



City Attorney
THOMAS J. ANSBRO

Warren Sturman Yea

Exhibit "A"



THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
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- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/Appraisals

919 CORDOVA RD
 PREPARED FOR:
 WILLIAM S. TRETHERWEY & LINDA M. TRETHERWEY

PROPOSED CONDITIONS		
Date: 1/18/2023	Sheet: 3	of: 5
Proj No.: 22-0070		

Exhibit "B"

LEGEND



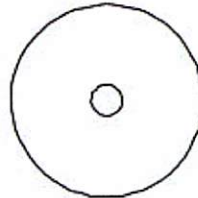
ST. AUGUSTINE SOD,
TIGHT SEAMS, FULL COVERAGE



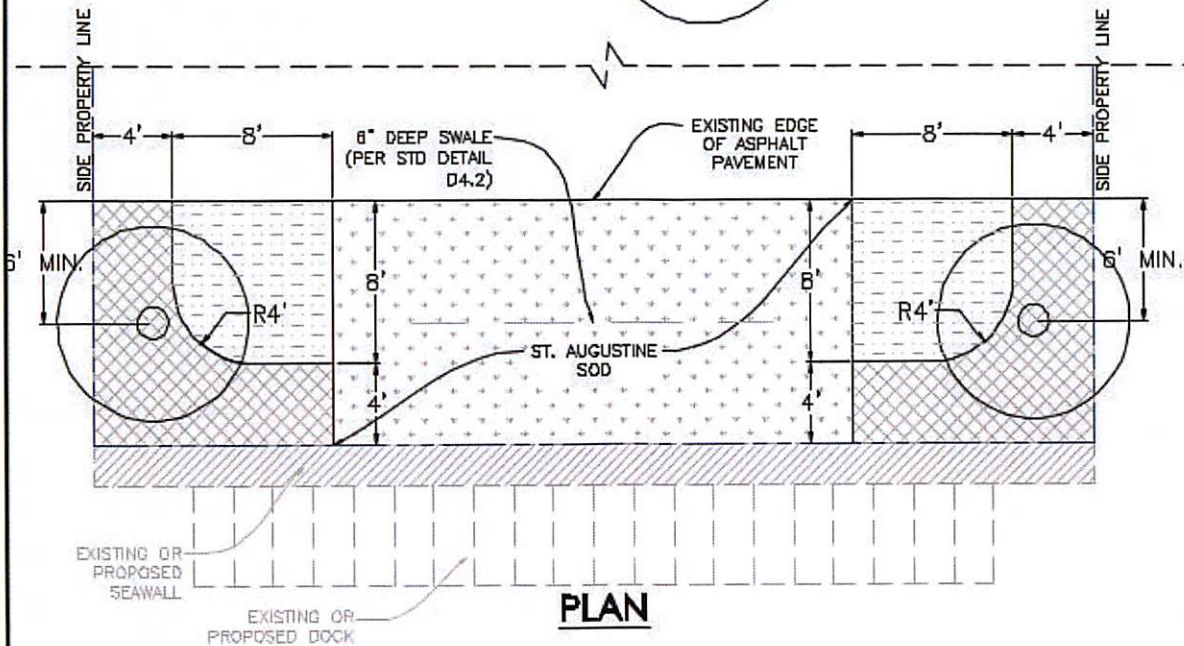
MUHLY GRASS:
18" - 24" TALL
18" - 24" ON CENTER



INDIAN HAWTHORN:
12" - 18" TALL
12" - 18" ON CENTER



12' SILVER BUTTONWOOD TREE,
MULTI



GENERAL NOTES:

1. ALL IRRIGATION & PLANT MATERIAL SHALL BE INSTALLED & MAINTAINED BY APPLICANT.
2. ALL PLANT MATERIAL SHALL BE FLORIDA #1 GRADE OR BETTER.
3. ALL PLANT MATERIAL SHALL BE INSTALLED IN ACCORDANCE WITH INDUSTRY BEST MANAGEMENT PRACTICES.
4. ALL AREAS TO RECEIVE AUTOMATIC IRRIGATION FROM A PERMANENT WATER SOURCE PROVIDING 100% COVERAGE AND A RAIN SENSOR SHUT OFF.
5. ALL PLANT MATERIAL SUBSTITUTIONS SHALL BE FLORIDA-FRIENDLY LANDSCAPING (FFL) EQUIVALENT.

ISSUED:
2/2015



CITY OF FORT LAUDERDALE
DEPT. OF SUSTAINABLE DEVELOPMENT

REVISED:

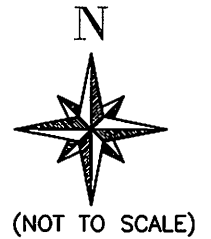
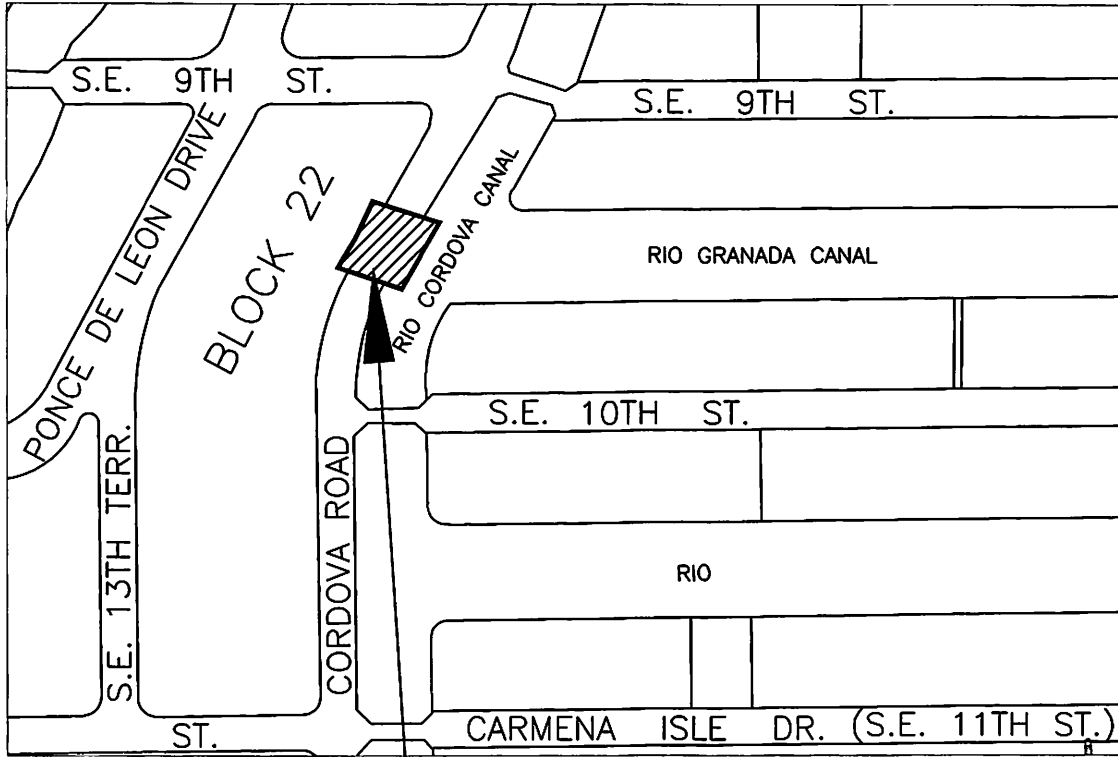
URBAN DESIGN & PLANNING
ENGINEERING DIVISION

LANDSCAPING PLAN (ROW)

SCALE:
1"=10'

TOPOGRAPHIC SURVEY

LOCATION MAP



SKETCH LOCATION

DESCRIPTION DOCK AREA:

A PORTION OF THE RIO CORDOVA CANAL, "RESUBDIVISION IN BLOCK 22 - RIO VISTA ISLES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

THAT PORTION OF SAID RIO CORDOVA CANAL LYING EAST OF LOTS 21 AND THE NORTH 25.00 FEET OF LOT 22 AND EXTENDING EASTERLY 12.00 FEET FROM THE EAST RIGHT OF WAY LINE OF CORDOVA ROAD.

SAID LANDS LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

NOTES:

- 1) THIS TOPOGRAPHIC SURVEY IS LIMITED TO THE LOCATION OF ABOVE GROUND IMPROVEMENTS WITHIN THE DESCRIBED RIGHT OF WAY, EXCEPT AS INDICATED, SUBJECT TO EXISTING EASEMENTS, RIGHT-OF WAYS, COVENANTS, RESERVATIONS AND RESTRICTIONS OF RECORD, IF ANY. THIS SURVEY IS INTENDED TO DISPLAY THE RELATIONSHIP BETWEEN THE EXISTING DOCK AND THE 5.00 FOOT BUILDING SETBACK LINE.
- 2) THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 3) ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY OTHER THAN THE SIGNING PARTY ARE PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.
- 4) THE HORIZONTAL POSITIONAL ACCURACY OF WELL DEFINED IMPROVEMENTS SHOWN HEREON IS $\pm 0.1'$.
- 5) THIS SURVEY MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 20' OR SMALLER.
- 6) PROPERTY LINES SHOWN ARE BASED ON ADJACENT PLATS AND ARE FOR INFORMATIONAL PURPOSES ONLY.
- 7) THIS IS NOT A BOUNDARY SURVEY
- 8) HORIZONTAL FEATURE LOCATIONS ARE TO THE CENTER OF SYMBOLS AND MAY HAVE BEEN ENLARGED FOR CLARITY. DISTANCES AND ELEVATIONS SHOWN HEREON ARE UNITED STATES SURVEY FEET.
- 9) DATE OF LAST SURVEY FIELD WORK: MAY 10th, 2023. MARCH 7, 2024 REVISION: ADDED DOLPHIN PILINGS.
- 10) UNDERGROUND UTILITIES WERE NOT LOCATED.

SHEET 1 OF 2

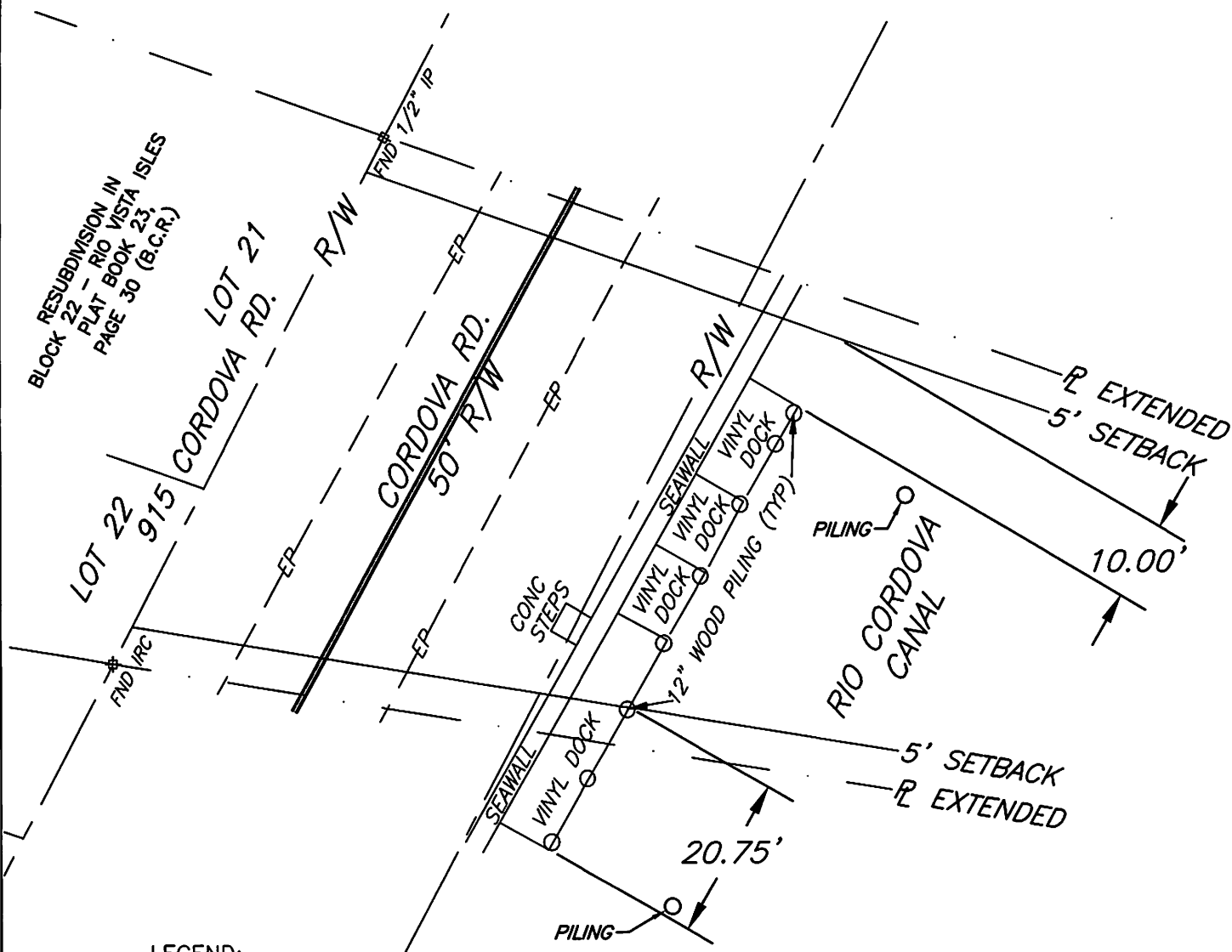
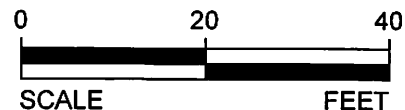
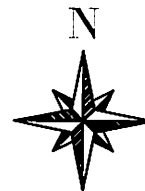
THIS IS TO CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES IN CHAPTER 5J-17.05 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. MADE UNDER MY RESPONSIBLE CHARGE AND IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE: MAY 11th, 2023

MICHAEL W. DONALDSON
PROFESSIONAL SURVEYOR AND MAPPER NO. 6490
STATE OF FLORIDA

CITY OF FORT LAUDERDALE		
TOPOGRAPHIC SURVEY 915 CORDOVA ROAD		
BY: SMP	ENGINEERING	DATE: 5/11/23
CHK'D M.D.	DIVISION	SCALE: NTS

TOPOGRAPHIC SURVEY



LEGEND:

ABBREVIATIONS DESCRIPTION

B.C.R.	BROWARD COUNTY RECORDS
(TYP)	TYPICAL
R/W	RIGHT OF WAY
EP	EDGE OF PAVEMENT
\underline{P}	PROPERTY LINE
FND	FOUND
IRC	IRON ROD AND CAP
IP	IRON PIPE
CONC	CONCRETE

SHEET 2 OF 2

CITY OF FORT LAUDERDALE

TOPOGRAPHIC SURVEY
915 CORDOVA ROAD

BY: SMP	ENGINEERING DIVISION	DATE: 5/11/23
CHK'D M.D.		SCALE: 1"=20'