

RESOLUTION NO. 25-109

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 909 BEVERLY, A FLORIDA LIMITED LIABILITY COMPANY ("PERMIT HOLDER"), OF TWO (2) PROPOSED 15' +/- LONG X 8.3'+/- WIDE MARGINAL WOODEN DOCKS WITH STEPS EXTENDING A MAXIMUM DISTANCE OF 5'+/- FROM THE SEAWALL CAP ON PUBLIC PROPERTY ABUTTING THE WATERWAY ADJACENT TO 909 SE 2ND STREET, AS SUCH PROPERTY IS MORE PARTICULARLY DESCRIBED BELOW; AUTHORIZING THE PROPER PUBLIC OFFICIALS TO COUNTERSIGN THE DECLARATION OF COVENANTS RUNNING WITH THE LAND RESPECTING A CITY ISSUED DOCK PERMIT; AUTHORIZING RECORDATION OF THIS RESOLUTION; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 909 Beverly, LLC, a Florida limited liability company, applied for a permit to install, use, maintain and repair two (2) proposed 15' +/- long x 8.3' +/- wide marginal wooden docks with steps extending a maximum distance of 5'+/- from the seawall cap on public property abutting the waterway adjacent to 909 SE 2nd Street, in accordance with the provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, Florida; and

WHEREAS, the City's Marine Advisory Board on May 1, 2025, 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 909 Beverly, LLC, a Florida limited liability company, (hereinafter referred to as "Permit Holder"), to install, use, maintain and repair two (2) proposed 15' +/- long x 8.3' +/- wide marginal wooden docks with steps extending a maximum distance of

5'+/- from the seawall cap on public property abutting the waterway adjacent to 909 SE 2nd Street, legally described as follows:

The West 40.00 feet of Lot 11, and the East 20.00 feet of Lot 12, Block 16, BEVERLY HEIGHTS, according to the plat thereof, as recorded in Plat Book 1, Page 30, of the public records of Broward County, Florida. Said land situate, lying and being in the City of Fort Lauderdale, Broward County, Florida.

Street Address: 909 SE 2nd Street
Fort Lauderdale, FL 33301

Property ID# 5042 11 07 0450

(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 two marginal docks, access steps, improvements 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. The granting of this Dock Permit is conditioned upon the requirement that the Permit Holder shall repair, replace or maintain the two marginal docks, access steps, Improvements, adjacent seawall, and appurtenant fixtures constructed or utilized by the Permit Holder.

2. As a special condition, the City reserves the right to remove the Improvements for 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 East and West by the Southerly extension and prolongation of the side yard setback lines for the Upland Property into abutting waterway, (ii) bounded on the North by the Northernmost portion of the upland cap of the seawall abutting the two marginal docks and access steps, and (iii) bounded on the South by Southerly extension and prolongation of the Easternmost and Westernmost side yard setback lines for the Upland Property a distance of 12.5 feet 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 North by the Southernmost pavement for S.E. 2nd Street, (ii) bounded on the East and West by that area lying between the Southerly extension and prolongation of the Easternmost and Westernmost side Property lines of the Upland Parcel, (iii) bounded by the South by the Southerly extension of the side yard setback lines for the Upland Property in 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 the Declaration of Covenants Running with the Land Respecting A City Issued Dock Permit (hereinafter, "Declaration"). The proper City officials are hereby authorized to counter-execute the Declaration. Permit Holder, at Permit Holder's sole expense, shall record a certified copy of the Resolution and the fully executed Declaration in the Public Records of Broward County, Florida.
5. (a) During the term of the Dock Permit, the Permit Holder shall be required to repair, replace, maintain or reconstruct the two marginal docks, access steps and adjacent seawall to meet the requirements of Section 47-19.3(f) of the City of Fort Lauderdale, Florida, Unified Land Development Regulations ("ULDR").

(b) The term of this Dock Permit to use the two marginal docks, access steps and Improvements shall expire upon the (i) abandonment of the use of the marginal docks, 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 boat-lift and marginal dock pursuant to the provisions of subsection (c) below and the obligations within the First Amended Declaration.

(c) Except as provided in subsection (d) below, upon expiration of the Dock Permit, the Permit Holder shall be obligated to remove the two marginal docks, access steps, and all appurtenances constructed or utilized by Permit Holder thereto no later than three (3) months after the termination, revocation or expiration of the Dock Permit. The provisions of this subsection shall be a continuing obligation that survives expiration of the Dock Permit.

(d) In the event the Dock Permit is granted to a successor in interest to this Permit Holder within the time proscribed in subsection (c) above, then the obligation to remove the dock and all appurtenances thereto shall be discharged as to this Permit Holder and a release and discharge of the First Amended Declaration shall be executed by the City Manager and recorded by the City in the Public Records of Broward County, Florida, at the expense of this Permit Holder.

(e) An application for a Dock Permit may be filed by a contract vendee prior to obtaining fee simple title to the Upland Parcel, provided, however, that the granting of the Dock Permit to the applicant contract vendee shall not be effective until such time as the conveyance of fee simple title to the Upland Parcel has been recorded in the Public Records of Broward County, Florida.

6. (a) As a special condition of the Permit, the Permit Holder is prohibited from erecting any signs, landscaping or fencing the effect of which is to restrict public access to the Public Swale Area except where permitted by Code. The "Dock Area" shall include the boatlift, marginal dock, adjoining seawall and seawall cap. 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 a Landscape Plan approved by the Department of Sustainable Development, a copy of which is attached hereto as **Exhibit "B"**.

(c) Prior to installation of Improvements 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) of the ULDR, or (iii) fixed docks the height of which are even with the City's seawall, whichever (ii) or (iii) is greater.

(c) Penetrating the City seawall to support the dock or permanently attaching improvements, such as cleats, ladders, ramps, mooring whips or similar devices to the City seawall is prohibited, unless (i) specifically recommended by the City's Director of Public Works pursuant to the dock building permit review process, or (ii) where the seawall and dock area are being constructed by the Permit Holder, or (iii) upon demonstration of hardship, as it relates to accommodations under the Americans With Disabilities Act, as same may be amended from time to time and authorized by the Resolution granting the dock permit.
8. The Dock Permit granted herein shall not be assignable without the written approval by Resolution adopted by the City Commission.
9. Permit Holder shall not charge or collect any rent or fees from anyone using such dock constructed on public property.
10. As a special condition, vessels berthed at the permitted dock, pursuant to Code Sec. 8-91(e) are prohibited from extending beyond the maximum distance of 30% of the width of the waterway.

11. Repair and/or maintenance of a vessel moored at this location shall be in compliance with City Code Sec. 8-149.
12. As a special condition of the permit, 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 Public Swale Area, Dock Area, boat-lift, marginal dock and mooring piles, then the Permit granted herein may be repealed or rescinded by the City Commission upon thirty (30) days' advance notice to the Permit Holder.
13. Use of the Dock Area is limited to the docking of a vessel owned by the Permit Holder with a copy of the documentation showing the name and registration number of the vessel provided by the Permit Holder to the Supervisor of Marine Facilities.
14. There shall be no fueling of vessels under this Dock Permit from tank trucks along the adjacent 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 or anchored in such a position that causes it to extend beyond the side setback lines required for the principal building on the Upland Property, as extended beyond the side setback lines into the waterway.
17. Parking in the "Dock Area" and/or "Public Swale Area" is intended to be temporary in nature only. Overnight or long-term parking by persons associated with the Permit Holder is discouraged.

SECTION 4. That by acceptance of the benefits of this Resolution, Permit Holder acknowledges that the Public Swale Area and Dock Area are part of a publicly dedicated right-of-way for S.E. 2nd Street and that any right, title, interest or claim of use to the Dock, Dock Area or Public Swale Area except to the extent provided herein, is subordinate and inferior to that public dedication until such public dedication is discontinued by law.

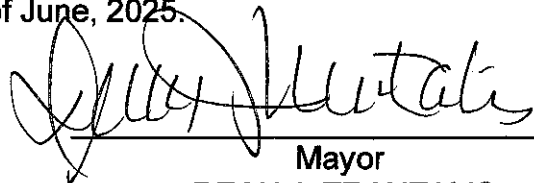
SECTION 5. That the City Clerk is hereby directed to provide to the Permit Holder (a) a certified copy of this Resolution together with (b) the original fully executed First Amended

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) Permit Holder, at Permit Holder's expense, records in the Public Records of Broward County, Florida (a) a certified copy of this Resolution together with (b) the original fully executed Declaration and (ii) a recorded copy of the Resolution and Declaration are filed with the City's Office of Marine Facilities and the City Clerk within ninety (90) days of the adoption of this Resolution. Failure to meet the conditions of (i) and (ii) above shall cause this Resolution to be of no further force and effect.

ADOPTED this 30th day of June, 2025.



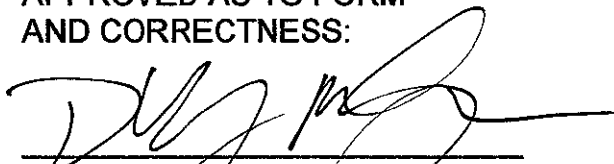
Mayor
DEAN J. TRANTALIS

ATTEST:



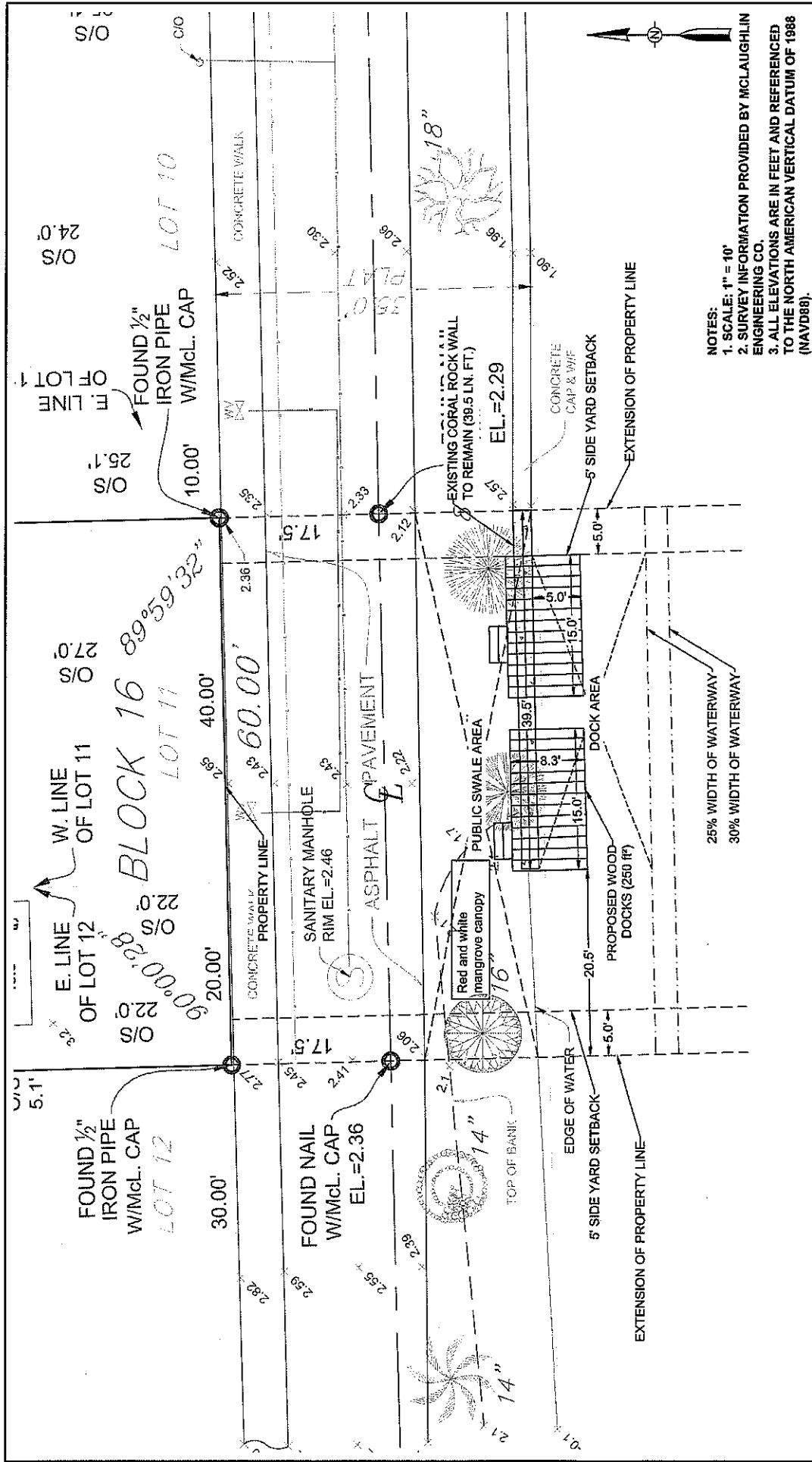
City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:



Interim City Attorney
D'WAYNE M. SRENCE

Dean J. Trantalis	<u>Yea</u>
John C. Herbst	<u>Not Present</u>
Steven Glassman	<u>Yea</u>
Pamela Beasley-Pittman	<u>Yea</u>
Ben Sorensen	<u>Yea</u>



NOTES:
 1. SCALE: 1" = 10'
 2. SURVEY INFORMATION PROVIDED BY MCLAUGHLIN ENGINEERING CO.
 3. ALL ELEVATIONS ARE IN FEET AND REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).

	PROJECT: 909 SE 2ND STREET	CLIENT: MODERN MARINE, LLC	DATE/REVISIONS: 3/20/2025	SHEET TITLE/NUMBER: EXHIBIT A SHEET 1 OF 1
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General Conditions

ENGINEERING

ENGINEERING APPROVAL CONDITIONS

*****APPROVAL CONDITIONS*****

LANDSCAPING IS EXISTING

Approved with the following
conditions and requirements on June
17, 2025:

1.To request an inspection, please
use LauderBuild or call (954) 828-
6520.

2.Prior to the start of excavation, an
ENG-PRE-CONSTRUCTION
inspection shall be scheduled to
assess Right-of-Way conditions and
to inspect site preparation.

3.An ENG-INSTALLATION inspection
shall be scheduled to confirm that
landscaping, irrigation, and other
design elements adhere to the
applicable city standard
specifications.

5.An ENG-FINAL inspection shall be
scheduled to verify that the work has

been completed in accordance with
the approved permit, ensure that
stormwater is properly managed on-
site, and confirm that no damage has
occurred to the Right of Way or
adjacent properties before the permit
is closed out.

6.The contractor shall contact
Sunshine State One Call of Florida at
(800) 432-4770 for location of
underground utilities prior to digging
or initiating work in the right-of-way.

7.Please be advised that all
sidewalks along the boundaries of the
site shall be protected for a safe and
adequate access of pedestrian from
construction activities and flying
debris.

8.Separate permits and/or licenses
will be required prior to commencing
any other construction or activities in
the public Right-of-Way, including but
not limited to:

- a.A separate Maintenance of Traffic
Permit will be required for any
disruption of traffic (vehicular or
pedestrian) at the City Right-of-Way.
A Revocable License is required for
closures lasting over 72 hours.
- b.Placement or operation of any
crane or lifting device of any kind.
- c.Utility, Pavement, or any other type
of construction.

9.Staging/storage of dumpsters,
equipment or materials in the City's

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909 SE 2 ST, FORT LAUDERDALE FL

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Right of Way is not allowed under any circumstances.

10.Erosion and sediment controls
BMP's measures must be implemented before any site disturbance construction activity begins. All necessary measures must remain in place and well maintained during all stages of construction until permeant site stabilization is achieved.

11.Erosion and sediment control
BMP's are performance based. It is the Contractor/Owner responsibility to replace, maintain or substitute the underperforming BMP with one that will control the erosion or sediment before leaving the construction site.

12.Provisions for dust control shall include the use of water to keep material or debris sufficiently wet or other equivalent steps taken to prevent dust from rising.

