

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING, PURSUANT TO SECTION 8-144 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, THE USE, MAINTENANCE AND REPAIR OF AN EXISTING MARGINAL DOCK AND SEAWALL ON PUBLIC PROPERTY BY GLENN CADDY AND KRISTIE CADDY; SAID DOCK AND SEAWALL LOCATED ON PUBLIC PROPERTY IMMEDIATELY ADJACENT TO PROPERTY LOCATED AT 701 CORDOVA ROAD, THE LEGAL DESCRIPTION OF WHICH IS MORE PARTICULARLY DESCRIBED BELOW; SUCH AUTHORIZATION BEING UNDER CERTAIN TERMS AND CONDITIONS SET FORTH HEREIN; REPEALING ANY AND ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Glenn Caddy and Kristie Caddy ("Applicant") own the following described Property located in Fort Lauderdale, Broward County, Florida:

Lot 43 and the South 25 feet of Lot 42, as measured at right angles to the South line of Lot 42, Block 30 of UNIT 3, RIO VISTA ISLES, according to the Plat thereof, as recorded in Plat Book 7, Page 47, Public Records of Broward County, Florida.

Street Address: 701 Cordova Road
Fort Lauderdale, FL 33316

Property ID#: 5042 11 18 3610
(Hereinafter, "Property")

WHEREAS, Applicant on October 4, 2012 made application for the use, maintenance and repair of a dock, mooring piles and seawall ("Application") constructed on property East of the paved area of Cordova Road, immediately adjacent to 701 Cordova Road, in accordance with the provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale; and

WHEREAS, the Application was reviewed and approved unanimously on October 4, 2012 by the Marine Advisory Board of the City of Fort Lauderdale, with certain conditions attached as more particularly set forth hereinafter; and

WHEREAS, the City Commission of the City of Fort Lauderdale is willing to approve use and maintenance of said existing dock, existing mooring pilings and adjoining seawall pursuant to the terms of Section 8-144 of the Code of Ordinances and subject to certain other terms and conditions;

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 Glenn Caddy and Kristie Caddy ("Permit Holder") for use, maintenance and repair of an existing dock measuring 70'L X +/-5' 12'W on public property abutting the waterway adjacent to 701 Cordova Road (hereinafter "Dock"), together with the mooring piles appurtenant thereto ("Mooring Piles") and seawall.

SECTION 2. Use of the Dock and Mooring Piles is limited to the docking of a vessel owned by Permit Holder (a copy of the documentation showing the name and registration number of the vessel shall be given by Permit Holder to the Supervisor of Marine Facilities) which such vessel shall be used exclusively for personal purposes and not commercial purposes.

SECTION 3. The granting of this Permit is subject to the following terms and conditions, violation of which shall be grounds for revocation of the Permit:

1. As a special condition in accord with City Code Section 8-144(1), the initial period of the permit for use of the Dock and Mooring Piles will be for a minimum of 5 years in exchange for such improvements required to maintain the seawall and dock in accord with the recommendation of the City Engineer. The Permit can be revoked by the City Commission with ninety (90) days advance notice.
2. As a special condition, the City reserves the right to remove the existing Dock and existing Mooring Piles for replacement of the seawall in the event that this might be required during the term of the permit as determined by the City Engineer. The sole cost of removal and replacement of the Dock and Mooring Piles shall be the responsibility of the Permit Holder should any portion not be salvageable.
3. As a special condition of the Permit, the Permit Holder is prohibited from erecting any signs, landscaping or fencing to restrict public access to the

Dock Area, except where permitted by Code. The "Dock Area" is that area formed by the Easterly extension of the North and South Boundary Lines of the Property, less the paved portion of Cordova Road. The Dock Area includes the marginal dock and adjoining seawall.

4. The Dock Area shall be kept open at all times as means of reasonable ingress and egress to the public, but the Permit Holder shall have the right to exclude the public from the Easternmost one-half of the dock.
5. All existing improvements to the Dock Area must be in accord with City Engineering design standards and in compliance with applicable building and zoning permit requirements. Copies of all construction permits must be submitted to the Supervisor of Marine Facilities upon completion and authorization by the City's Building Services Department.
6. As a special condition, vessels berthed within the Dock Area are prohibited from extending beyond the maximum distance of 30% of the width of the waterway.
7. As a special condition, vessels berthed within the Dock Area must not encroach into the 5' setback required for the RS-8 zoning district for the Property.
8. 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 Dock Area, Dock and 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.
9. Use of the dock is limited to the long term dockage of vessels owned by the Permit Holder with a copy of the documentation showing the vessel's name and registration number provided by the Permit Holder to the Supervisor of Marine Facilities.
10. The Permit Holder is prohibited from mooring any watercraft or vessel in such a manner that it is "rafted out" from any additional vessel owned or operated by Permit Holder.

SECTION 4. Permit Holder shall obtain all applicable permits prior to constructing any improvements to the Dock Area, including City of Fort Lauderdale Engineering Permits. All improvements to the Dock Area shall be in accordance with City of Fort Lauderdale Engineering design standards. Improvements to the Dock Area shall be done according to City Engineering design standards and in compliance with all other applicable codes and permit conditions. Design criteria shall meet acceptable installation standards for temporary removal of the deck structure or the dock and support pilings (if required) to allow replacement of the seawall. The sole cost of removal and replacement of the Dock is the responsibility of the Permit Holder should any portion not be salvageable.

SECTION 5. The term of the Permit granted herein shall be five (5) years from the date hereof, subject to revocation as set forth in Section 3 hereof and further subject to revocation at the will of the City Commission with a minimum of ninety (90) days advance notice to the Permit Holder should the City Commission deem it appropriate for any reason or other purpose.

SECTION 6. That the City Clerk is hereby directed to record a copy of this Resolution in the Public Records of Broward County, Florida and after recording to file same in the City's records.

SECTION 7. That any Resolution or any parts of Resolution in conflict herewith are hereby repealed.

SECTION 8. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the _____, 2012.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH