ITEM V

MEMORANDUM MF NO. 21-30

DATE: November 9, 2021

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Manager of Marine Facilities

RE: December 2, 2021 MAB Meeting - Application for Dock Permit - Edward &

Elizabeth Bohne / 721 Cordova Road

Attached for your review is an application from Edward & Elizabeth Bohne / 721 Cordova Road (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is seeking approval for the installation of an L-shaped fixed wood dock, a 20' x 5' floating dock, access gangway, a 30,000 pound boat lift and seawall access stairs extending a maximum of +/- 30 ' from the wet face of the seawall on public property abutting the waterway adjacent to 721 Cordova Road (see **Exhibit 1**). City Code Section 8-144 **(Exhibit 2)** authorizes the construction and use of docks on public property, and allows for the permit to be issued provided the permit holder agrees to maintain the improvements and seawall. A separate Dock Waiver is required to extend the proposed mooring structures beyond 25' per ULDR 47-19.3 (C).

PROPERTY LOCATION AND ZONING

The property is located within the Rio Vista Isles RS-8 Residential Low Density Zoning District. The dock area is directly adjacent to Lake Juanita with direct access to the Intracoastal Waterway.

ENGINEERING REVIEW REQUIREMENT

As a requirement of City Code Section 8-144, approval of the application is contingent upon all improvements to the property being maintained in accord with City Engineering standards and in full compliance with building and zoning regulations including construction permits required for any future electrical and water feeds to the property.

The granting of this Permit is subject to all of the provisions of City Code Section 8-144 as well as the following terms and conditions, violation of any of which shall be grounds for revocation of the Permit:

- 1. The permit to use the docks 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.
- 2. Upon expiration of the permit to use the dock, the permit holder shall be obligated to remove the dock and all appurtenances thereto no later than three (3) months after the termination, revocation or expiration of the permit to use the dock.
- 3. Signage such as "private dock" may be placed on the dock within the dock area, but not upon or within the public swale area.

- 4. Only vessels owned by the permit holder and registered with the City as part of the dock permit application may be moored at the permitted dock.
- 5. During the term of the dock permit, the permit holder shall be required to repair, replace, reconstruct or maintain the dock or adjacent seawall or both to meet the requirements of City Code 8-144 (7) and ULDR section 47-19.3 (f.)(4.). The public swale area shall be landscaped in accordance with the established landscape plan for the area in question adopted by the Department of Sustainable Development.
- 6. All improvements such as docks, seawalls and the like which are placed upon the public dock area or within the dock permit parcel or within the dock area and public swale area by a private person shall be constructed with appropriate permits from all applicable agencies. Maintenance and repairs shall be performed according to City Engineering standards and all applicable regulatory codes. Penetration of the seawall is prohibited unless as otherwise provided in 8-144 (6).
- 7. The public swale 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 dock area.
- 8. Vessels berthed within the Dock Area must not encroach into the northerly or southerly extension of the 5' set-back required for the RS-8 zoning district for Applicant's (Permit Holder's) Property.
- 9. All installed docks must be either (i)floating docks that can adapt to seal level rise over their useful life span; or (ii) fixed docks installed at a minimum height consistent with the requirements of section 47-19.3(f); or (iii) fixed docks the height of which are even with the City's seawall, whichever (ii) or (iii) is the greater.
- 10. Except as to a tender, there shall be no rafting of vessels from the moored vessel.
- 11. The permit shall guarantee from the permit holder to the city to indemnify and hold the city harmless for any damage or injury to any person using such facilities.
- 12. The violation of any provisions of Code Section 8-144 or violations of any of the terms or conditions relative to the granting or renewal of a dock permit shall be unlawful and may constitute cause for revocation of the permit. The Applicant is responsible to execute and deliver a Declaration of Covenants Running With The Land to the City Attorney's Office no later than ten (10) days prior to City Commission review date.

AC Attachment

cc: Enrique Sanchez, Deputy Director of Parks and Recreation Jonathan Luscomb, Marine Facilities Supervisor

DOCK & BOATLIFT PERMIT APPLICATION

FORT LAUDERDALE, FL 33316

DOCK & BOATLIFT PERMIT APPLICATION

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PROJECT DESCRIPTION

The applicants are seeking approval to construct a dock and

boatlift on the public property abutting the waterway

adjacent to their residence at 721 Cordova Road.

The proposed project, for the private use and enjoyment of

the applicants and their personal vessel, includes: a set of

stairs to provide access over seawall cap; an L-shaped fixed

wood dock of ± 276 square feet; a 4' x 16' aluminum

gangway; a 20' x 5' floating dock; and a 30,000 pound

capacity cradle boatlift.

Environmental permits will be obtained from FDEP, Army

Corps of Engineers and Broward County prior to obtaining a

building permit from the City of Fort Lauderdale.

721 CORDOVA ROAD, FORT LAUDERDALE, FL 33316

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APPLICATION FOR WATERWAY PERMIT

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)

	(Must be in Typew	ritten Form Only)
1,	corporation. If individuals doing business under	name and titles of officers as well as exact name or a fictitious name, correct names of individuals, no ning the property as a private residence, the name of deed):
	NAME: Edward & Elizabeth Bohne	
	TELEPHONE NO: _954-444-2234(home/cellular)	EMAIL ted@zconstructioninc.com
2.	APPLICANT'S ADDRESS (if different than the sit same	e address):
3.	TYPE OF AGREEMENT AND DESCRIPTION OF Dock Permit	REQUEST:
4.	SITE ADDRESS: 721 Cordova Road, Fort Lauderdale 33316	ZONING: RS-8
	LEGAL DESCRIPTION AND FOLIO NUMBER: RIO VISTA ISLES UNIT 3 7-47 B LOT 47 S 33.34 LE 504211183660	SS W 2 OF S 20, 48 N 33.33 LESS W 2 BLK 30
5.	Survey plans,	all exhibits provided in support of the applications).
	ant's Signature	
The st	um of \$ was paid by the above-named app Received by:	olicant on the of
		City of Fort Lauderdale se Only====================================
Marin	e Advisory Board Action al Action taken on	Commission Action Formal Action taken on

Recommendation Action

WARRANTY DEED & BCPA INFORMATION

Instr# 117332858 , Page 1 of 3, Recorded 06/09/2021 at 10:01 AM

Broward County Commission Deed Doc Stamps: \$8274.00

This Document Prepared By:

Bruce K. Herman, Esq., The Herman Law Group, P.A. 3020 NE 32nd Avenue, Suite 226 Fort Lauderdale, FL 33308 Return to:

Balocco & Abril, PLLC, 4332 East Tradewinds Avenue Lauderdale By-The-Sea, FL 33308

Parcel ID Number: 504211-18-3660

Warranty Deed

This Indenture, Made this day of June , 2021 A.D., Between

Louise Dekok, a married woman

of the County of Broward , State of Florida , grantor, and

Edward J. Bohne, III and Elizabeth Ellen Bohne, husband and wife whose address is: 721 Cordova Road, Fort Lauderdale, FL 33316

of the County of Broward , grantees. . State of Florida

Witnesseth that the GRANTOR, for and in consideration of the sum of

TEN DOLLARS (\$10)

and other good and valuable consideration to GRANTOR in hand paid by GRANTEES, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEES and GRANTEES' heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Broward State of Florida

See Exhibit "A" attached hereto and made a part hereof.

NOTE: This property is NOT the Homestead Property for the Grantor, Louise Dekok. Her Homestead address is 1409 SE 11th Court, Fort Lauderdale, FL 33316.

Subject to taxes for 2021 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

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 grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2020.

Warranty Deed-Page 2

Parcel ID Number: 504211-18-3660

In Witness Whereof, the grantor has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Louise Dekok

P.O. Address: 1409 SE 11th Court, Fort Lauderdale, FL 33316

(Seal)

Printed Name:

Witness

State of Florida

County of Broward

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this TH day of June , 2021, by Louise Dekok

who is personally known to me or who has produced her Florida's driver license as identification.

LISA A, FEIX Notary Public - State of Florida Commission # GG 347956 My Comm. Expires Oct 19, 2023

Bonded through National Notary Assn.

Printed Name: Notary Public

My Commission Expires:

Exhibit A

The South 33.34 feet (measured along the front or East lot line) of Lot 47 and the North 33.33 feet (measured along the front or East lot line) of Lot 48, Block 30, RIO VISTA ISLES, UNIT 3; less a strip of land being two feet (2') in width, lying adjacent to and immediately East of the West line of the South twenty feet (S 20') of Lot 47, Block 30, RIO VISTA ISLES, UNIT 3; less also a strip of land being two feet (2') in width, lying adjacent to and immediately East of the West line of the North 33.33 feet of Lot 48, Block 30, RIO VISTA ISLES, UNIT 3, according to the Plat thereof, recorded in Plat Book 7, Page 47, of the Public Records of Broward County, Florida.



PROPERTY SUMMARY

Tax Year: 2022

Property Id: 504211183660

Property Owner/s:BOHNE,EDWARD J III

BOHNE, ELIZABETH ELLEN

Mailing Address:721 CORDOVA RD FORT LAUDERDALE, FL 33316

Physical Address:721 CORDOVA ROAD FORT LAUDERDALE, 33316-1429

Property Use: 01 - Single family

Millage Code: 0312 Adj. Bldg. S.F: 2206

Bldg Under Air S.F: 1915 Effective Year: 1953 Year Built: 1952

Units/Beds/Baths: 1 / 3 / 2

Deputy Appraiser: Residential Department

Appraisers Number: 954-357-6831

Email: realprop@bcpa.net

Zoning : RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY

Abbr. Legal Des.: RIO VISTA ISLES UNIT 3 7-47 B LOT 47 S 33.34 LESS W 2 OF S 20, 48 N 33.33

LESS W 2 BLK 30

2020 values are considered "working values" and are subject to change.

PROPERTY ASSESSMENT

Year	Land	Building / Improvement	Agricultural Saving	Just / Market Value	Assessed / SOH Value	Tax
2022	\$354,000	\$567,090	0	\$921,090	\$921,090	
2021	\$354,000	\$567,090	0	\$921,090	\$921,090	\$17,653.46
2020	\$354,000	\$534,830	0	\$888,830	\$888,830	\$16,968.09

EXEMPTIONS AND TAXING AUTHORITY INFORMATION

	County	School Board	Municipal	Independent
Just Value	\$921,090	\$921,090	\$921,090	\$921,090
Portability	0	0	0	0
Assessed / SOH	\$921,090	\$921,090	\$921,090	\$921,090
Granny Flat				
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exemption Type	0	0	0	0
Affordable Housing	0	0	0	0
Taxable	\$921,090	\$921,090	\$921,090	\$921,090

Date	Туре	Price	Book/Page or Cin
06/07/2021	Warranty Deed Qualified Sale	\$1,182,000	117332858
03/19/2014	Warranty Deed Qualified Sale	\$950,000	112175499
05/01/1987	Warranty Deed	\$205,000	14442 / 752

LAND CALCULATIONS

Unit Price	Units	Туре
\$40.00	8,850 SqFt	Square Foot

RECENT SALES IN THIS SUBDIVISION

Property ID	Date	Туре	Qualified/ Disqualified	Price	CIN	Property Address
504211180660	10/28/2021	Warranty Deed		\$2,433,000	117701375	1108 SE 11 ST FORT LAUDERDALE, FL 33316
504211181670	10/19/2021	Warranty Deed	Qualified Sale	\$1,780,000	117679738	1212 PONCE DE LEON DR FORT LAUDERDALE, FL 33316
504211181610	09/24/2021	Warranty Deed	Qualified Sale	\$1,285,000	117647156	1110 PONCE DE LEON DR FORT LAUDERDALE, FL 33316
504211181130	09/14/2021	Warranty Deed	Qualified New Contruction	\$2,499,000	117626270	851 SE 11 CT FORT LAUDERDALE, FL 33316
504211181170	09/13/2021	Warranty Deed	Qualified Sale	\$920,000	117595274	721 SE 11 CT FORT LAUDERDALE, FL 33316

SPECIAL ASSESSMENTS								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
Ft Lauderdale Fire-rescue (03)						(F1)		
Residential (R)								

Harbordale Elementary: A Sunrise Middle: B

SCHOOL

Sunrise Middle: B Fort Lauderdale High: A

ELECTED OFFICIALS

1

Property AppraiserCounty Comm. DistrictCounty Comm. NameUS House Rep. DistrictUS House Rep. DistrictMarty Kiar7Tim Ryan22Ted Deutch

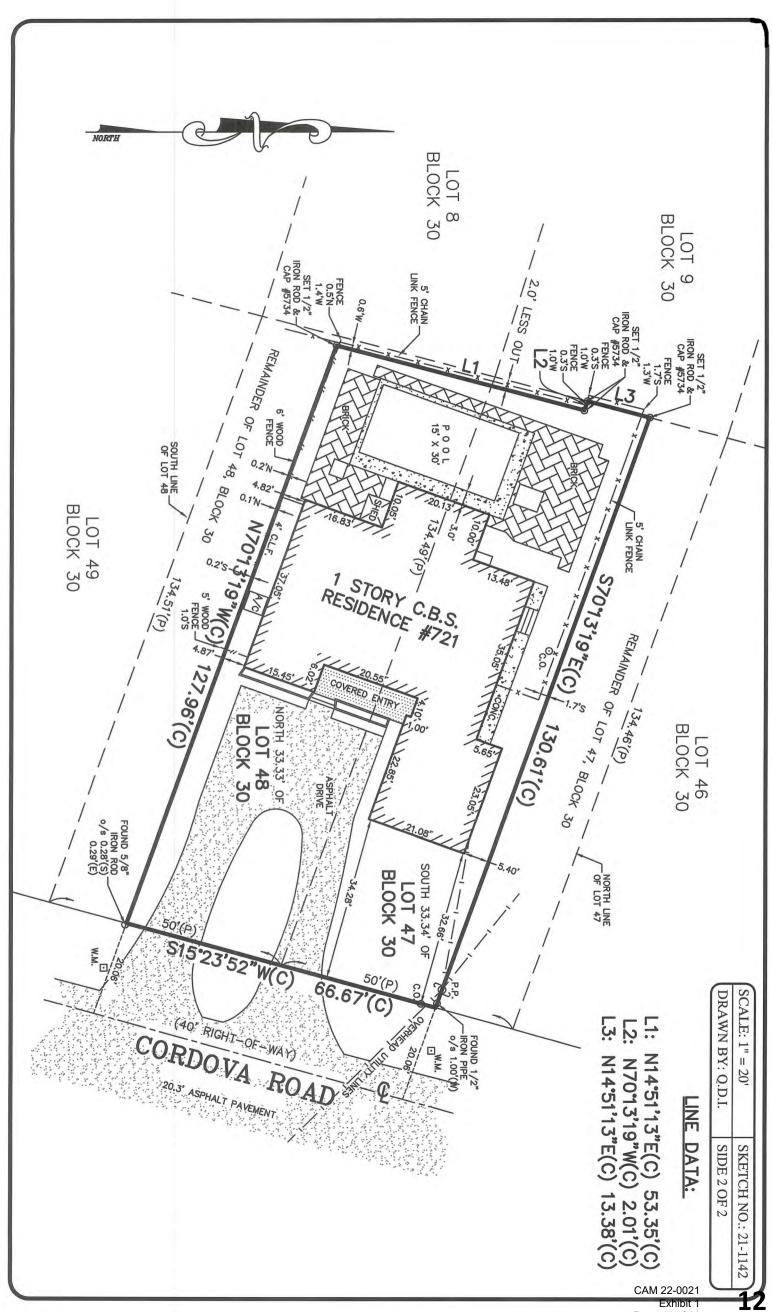
1.00

Florida House Rep.

DistrictFlorida House Rep. NameFlorida Senator DistrictFlorida Senator NameSchool Board Member93Chip LaMarca34Gary M. Farmer, Jr.Sarah Leonardi

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SURVEY



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SITE PHOTOS

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VESSEL INFORMATION

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PLEASE RETAIN THIS LETTER ON YOUR VESSEL UNTIL SUCH TIME THE U.S. COAST GUARD ISSUES A CERTIFICATE OF DOCUMENTATION INTO YOUR OWNERSHIP THIS LETTER IS DATED THE 31ST OF AUGUST 2021 AND EXPIRES ON THE 31ST OF DECEMBER 2021

EDWARD S. BOHNE, III 721 CORONA ROAD FT. LAUDERDALE, FL 33316

RE: 2014 INTREPID 400 CUDDY SC-5525-DD / IBW40174A414

This letter is issued as evidence that I am in the process of applying to the National Vessel Documentation Center, U.S. Coast Guard in Falling Waters, WV for issuance of a Certificate of Documentation into your ownership. The Coast Guard is currently 16-20 weeks behind...if you are taking a trip out of the country please contact my office.

This letter is not to be considered a substitute for the vessel's Certificate of Documentation but may be taken as evidence that an application has been made for the Certificate of Documentation in the ownership stated above.

You as the owner should be advised that although this vessel is being documented with the U.S. Coast Guard as a vessel of the United States the vessel may be subject to State registration and sales tax. Please contact the appropriate office and pay any fees that are applicable.

If you have any questions regarding the ownership and/or documentation of your vessel please do not hesitate to contact this office.

FYI...Annual Renewal Fee - One Year Renewal - Effective 11/10/14 the Coast Guard is now charging a fee of \$26 to renew your Certificate of Documentation, (COD). Your COD MUST be renewed each year...your COD will expire one year from the month of issue. Five Year Renewal - Effective 01/01/2018 the Coast Guard is now allowing you to renew your COD for five years.

Sincerely. Deanna Kolenc Deanna Kolenc

DEPARTMENT OF HOMELAND SECURITY

OMB No: 1625-0027

U.S. Coast Guard BILL OF SALE	Expires: 04/30/2023
1. VESSEL NAME	2. OFFICIAL NUMBER OR HULL ID
40' Intrepid Cuddy	NUMBER IBW40174A414
3. NAME(S) AND ADDRESS(ES) OF SELLERS The Big Ease LLC 3985 Blackmoor Street Mount Pleasant, SC 29466	
3A. TOTAL INTEREST OWNED (IF LESS THAN 100%):%	
4. NAME(S) AND ADDRESS(ES) OF BUYER(S) AND INTEREST TRANSFERRED TO EACH	A CONTRACTOR OF THE CONTRACTOR
Edward J. Bohne, III 721 Cordova Road Fort Lauderdale, FL 33316	
4A. TOTAL INTEREST TRANSFERRED (100% UNLESS OTHERWISE SPECIFIED):%	
4B. MANNER OF OWNERSHIP. UNLESS OTHERWISE STATED HEREIN, THIS BILL OF SALE CREATES A TEXT TENANT OWNING AN EQUAL UNDIVIDED INTEREST. CHECK ONLY ONE OF THE FOLLOWING BLOCKS TO OWNERSHIP.	NANCY IN COMMON, WITH EACH SHOW ANOTHER FORM OF
JOINT TENANCY WITH RIGHT OF SURVIVORSHIP TENANCY BY THE ENTIRETIES OTHER (DESCRIBE)	COMMUNITY PROPERTY
5. CONSIDERATION RECEIVED (ONE DOLLAR AND OTHER VALUABLE CONSIDERATION UNLESS OTHERW.	(ISE STATED)
6. I (WE) DO HEREBY SELL TO THE BUYER(S) NAMED ABOVE, THE RIGHT, TITLE AND INTEREST IDENTIFICANT IN THE PROPORTION SPECIFIED HEREIN. VESSEL IS SOLD FREE AND CLEAR OF ALL LIENS, MORTGAGES, AND OTHER ENCUMBRANCES OF ANY KI STATED ON THE REVERSE HEREOF. VESSEL IS SOLD TOGETHER WITH AN EQUAL INTEREST IN THE MAS ANCHORS, CABLES, TACKLE, FURNITURE, AND ALL OTHER NECESSARIES THERETO APPERTAINING AND THE REVERSE HEREOF.	IND AND NATURE, EXCEPTAS STS. BOWSPRIT, SAILS, BOATS.
7. SIGNATURES OF SELLER(S) OR PÉRSON(S) SIGNING ON BEHALF OF SELLER(S).	8. DATE SIGNED
	19/9/2/
9. NAME(S) OF PERSON(S) SIGNING ABOVE, AND LEGAL CAPACITY IN WHICH SIGNED (E.G., OWNER, AGE	ent, trustee, executory
Charles E. Biggie, Managing Member	//
10. ACKNOWLEDGMENT (TO BE COMPLETED BY NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED BY A	A LAW OF A STATE OR THE UNITED
ON THE PERSON(S) NAMED IN SECTION 9 STATE: (DATE) ABOVE ACKNOWLEDGED EXECUTION OF THE FOREGOING INSTRUMENT COUNTY: IN THEIR STATED CAPACITY(IES) FOR THE PURPOSE THEREIN CONTAINED.	Bown (ART)
JOSEPH MARINO Commission # GG 323901 Expires June 30, 2023 Bonded Thru Tray Fela Insurance 800-385-7019 NOTARY PUBLIC:	Warre)

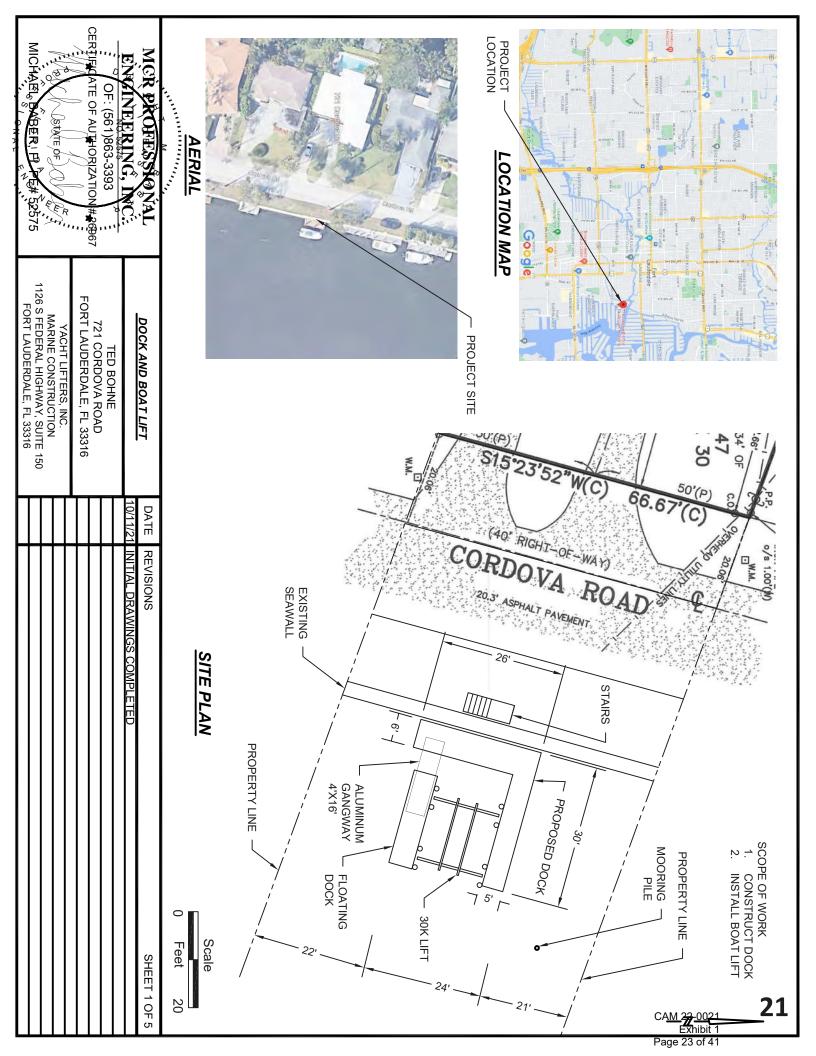
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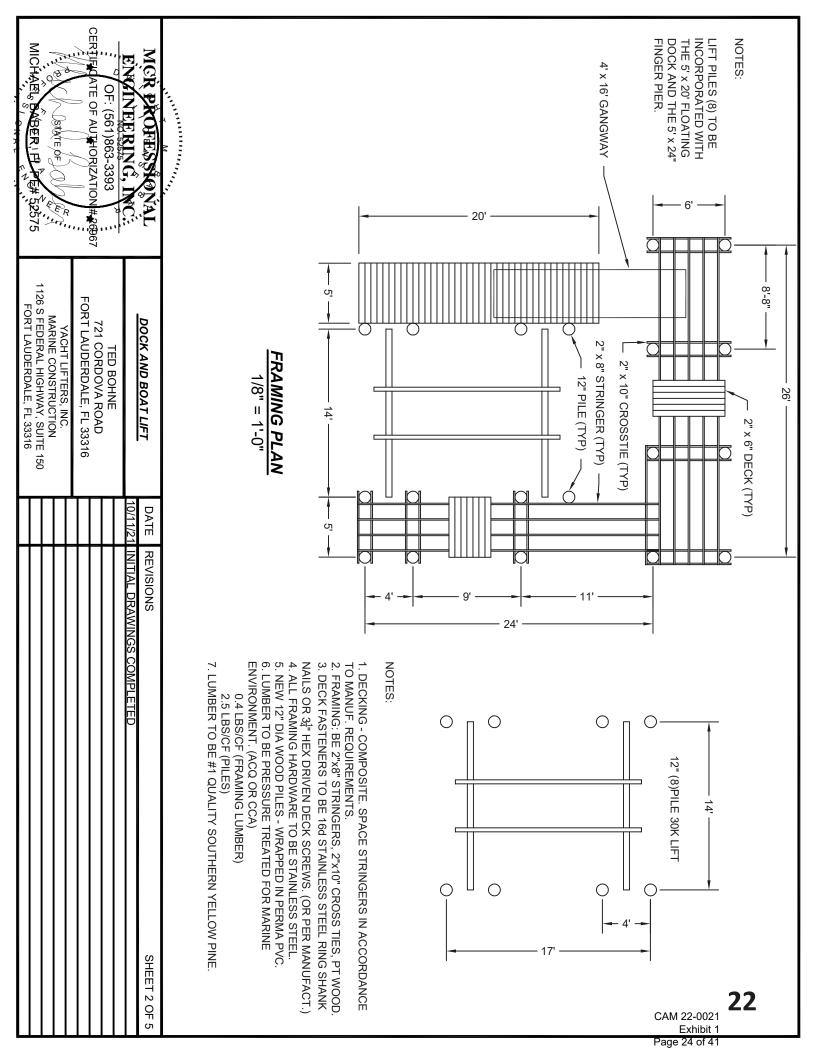
Previous Edition Obsolete

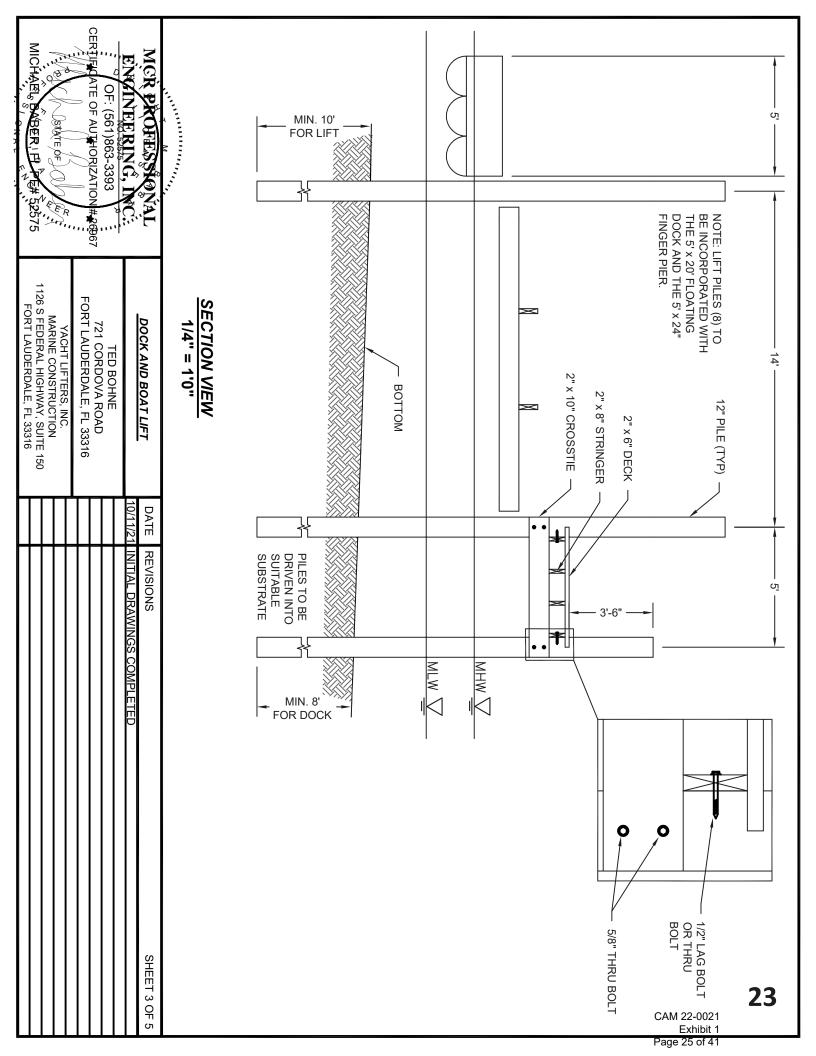
Page 1 of 2

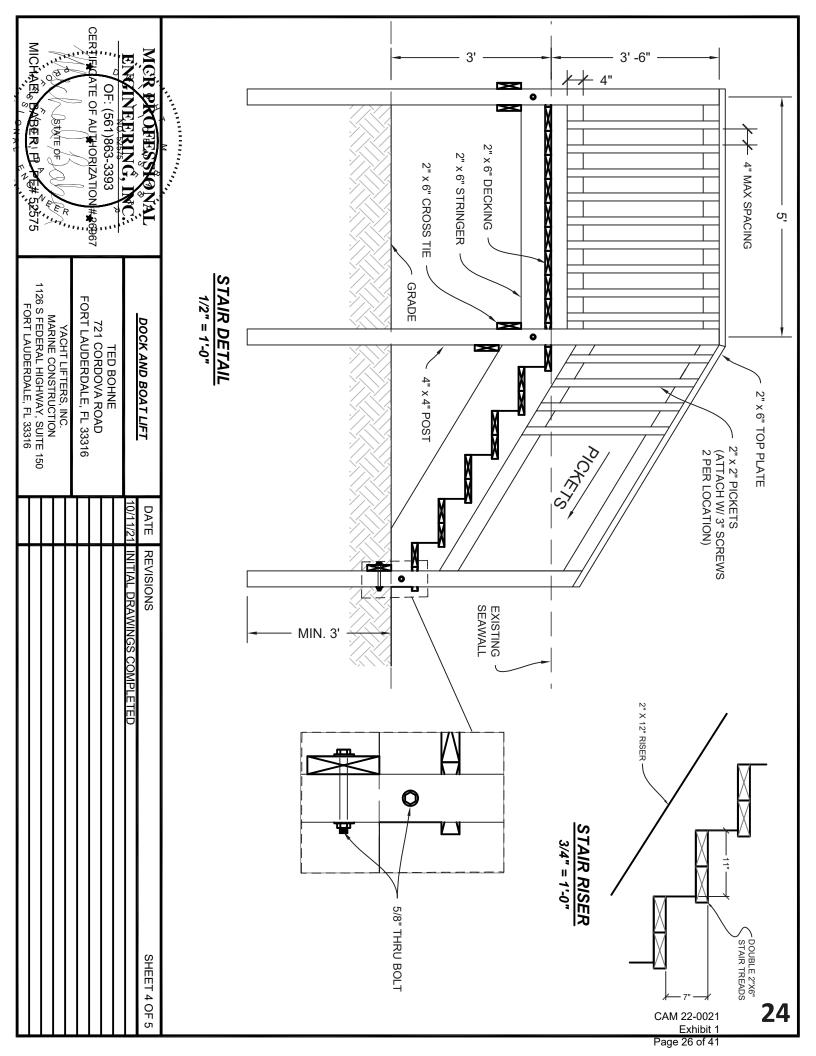
PROJECT PLANS & ENGINEERING

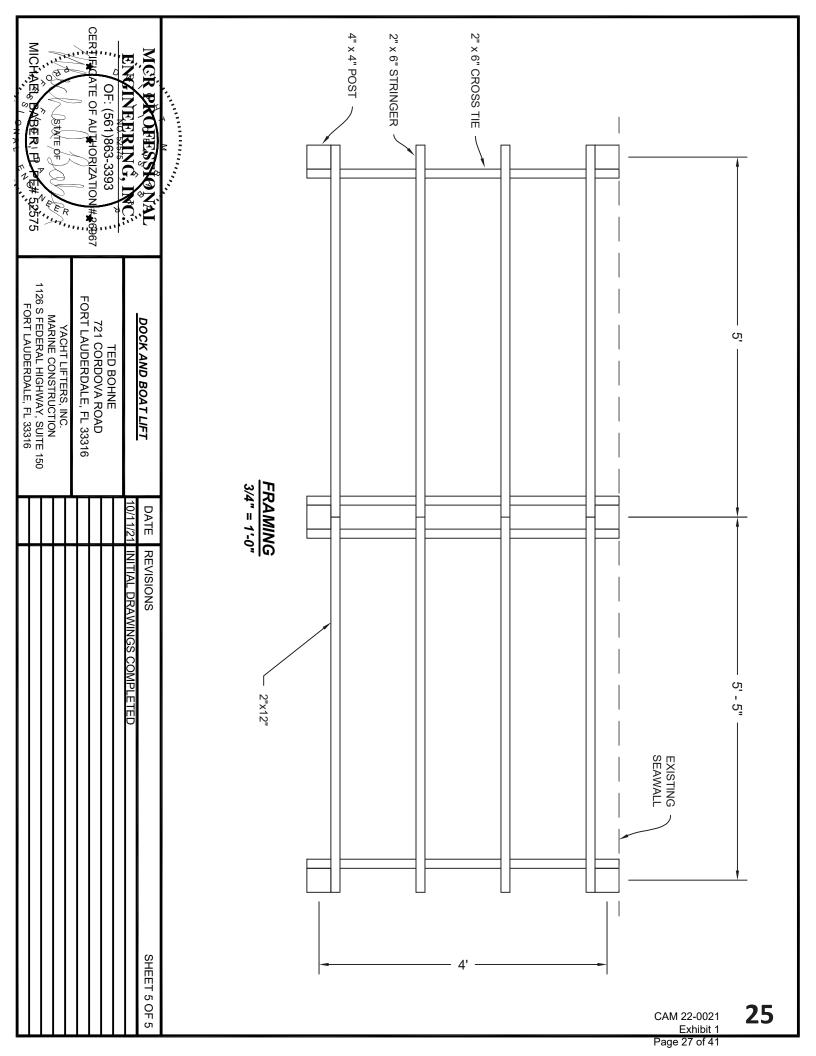
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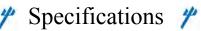


- All Aluminum and Stainless Steel Construction
- Direct Drive with Industrial Duty Stainless Steel Motors
- Massive, Solid Aluminum Grooved Winders with Exclusive SEArmor Corrosion Resistant Coating
- Heavy Duty, Easily Adjustable Guide Poles
- Solid Aluminum Bearing Blocks with Delrin Bearings
- Welded Construction (not bolted)
- Stainless Steel Cables
- Self-Adjusting Cable Keepers
- Wireless Remote Control and Limit Switch
- Optional Electrical Controls with Multiple Switches
- 10 Year Limited Warranty

***See our "Complete list of Other Accessories"

Direct Drive 8-Post Yacht Lifts





Size	Top Carrier Dimensions	Lifter Beam Dimensions	Horse Power	Volt and Amperage	Cable Size	Winders/ Drive Shaft	Vertical Travel	Bunks	Pile Size
30,000 lb. (w/remote)	6" Channel	12" x 16' I-Beam	(4) 1 HP Stainless Steel Motors	240V/30A	3/8" Stainless Steel	Mil-Spec Hardened Grooved Winders	12'	3" x 12" x 20'	(8) 10" Driven Pilings
40,000 lb. (w/remote)	Twin I-Beam	Double I-Beam 16' – 20'	Neptune® Patented 1HP Stainless Steel Magnetic Brake Motors	240V/30A	3/8" Stainless Steel	Mil-Spec Hardened Solid Grooved Winders	12'	5" x 12" x 20'	(8) 10" – 12" Driven Pilings
50,000 lb. (w/remote)	Twin I-Beam	Double I-Beam 16' – 20'	Neptune® Patented 2HP Stainless Steel Magnetic Brake Motors	240V/60A	7/16" Stainless Steel	Mil-Spec Hardened Solid Grooved Winders	12'	5" x 12" x 20'	(8) 10" – 12" Driven Pilings
60,000 lb. (w/remote)	Twin I-Beam	Double I-Beam 12" 18' – 20'	Neptune® Patented 2HP Stainless Steel Magnetic Brake Motors	240V/60A	7/16" Stainless Steel	Mil-Spec Hardened Solid Grooved Winders	12'	5" x 12" x 20'	(8) 12" Driven Pilings
70,000 lb. (w/remote)	Twin I-Beam	Triple I-Beam 12" Double Lifters 18' – 21'	Neptune® Patented 2HP Stainless Steel Magnetic Brake Motors	240V/60A	7/16" Stainless Steel	Mil-Spec Hardened Solid Grooved Winders	12'	5" x 12" x 20'	(8) 12" Driven Pilings
80,000 lb (w/remote)	Twin I-Beam	Triple I-Beam 12" Double Lifters 20' – 21'	Neptune® Patented 2HP Stainless Steel Magnetic Brake Motors	240V/60A	7/16" Stainless Steel	Mil-Spec Hardened Solid Grooved Winders	12'	8" x 12" x 20'	(8) 12" Concrete Driven Pilings
120,000 lb (w/remote)	Twin I-Beam	Double I-Beam 18" Quad Lifters 20' – 22'	Neptune® Patented 2HP Stainless Steel Magnetic Brake Motors	240V/80A	7/16" Stainless Steel	Mil-Spec Hardened Solid Grooved Winders	12'	8" x 12" x 20"	(8) 12" Concrete Driven Pilings
180,000 lb (w/remote)	Twin I-Beam	Double I-Beam 18" Quad Lifters 20' – 22'	Neptune® Patented 2HP Stainless Steel Magnetic Brake Motors	240V/80A	7/16" Stainless Steel	Mil-Spec Hardened Solid Grooved Winders	12'	8" x 12" x 20'	(8) 12" Concrete Driven Pilings CAM 22-0021 Exhibit 1

Exhibit 1 P-898-2894 of 146

LANDSCAPING PLAN

NORTH

SEA WALL

CORPOVA ROAD

CORPOVA ROAD

PLANT LIST

CES C

Conocarpus erectos sericeus/silverbuttonwood Cocos nucifera "Green Malayan 8" GW Tripsacum dactyloides/Fakahatche grass Flocatom oc Bohia

SOB

12-14' DA 2'CAL

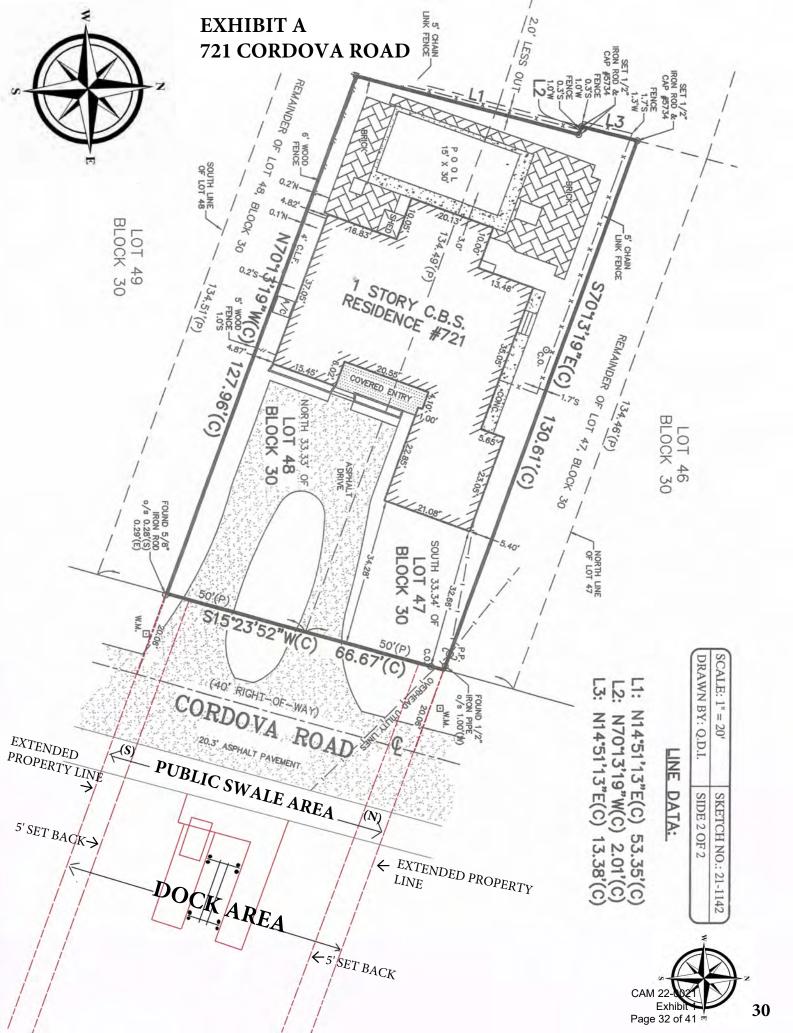
SCALE 1/8" = 1'

CAM 22-0021 Exhibit 1 Page 30 of 41 Pahne Residence

721 Canadoua Road Fort Laurerdale FL

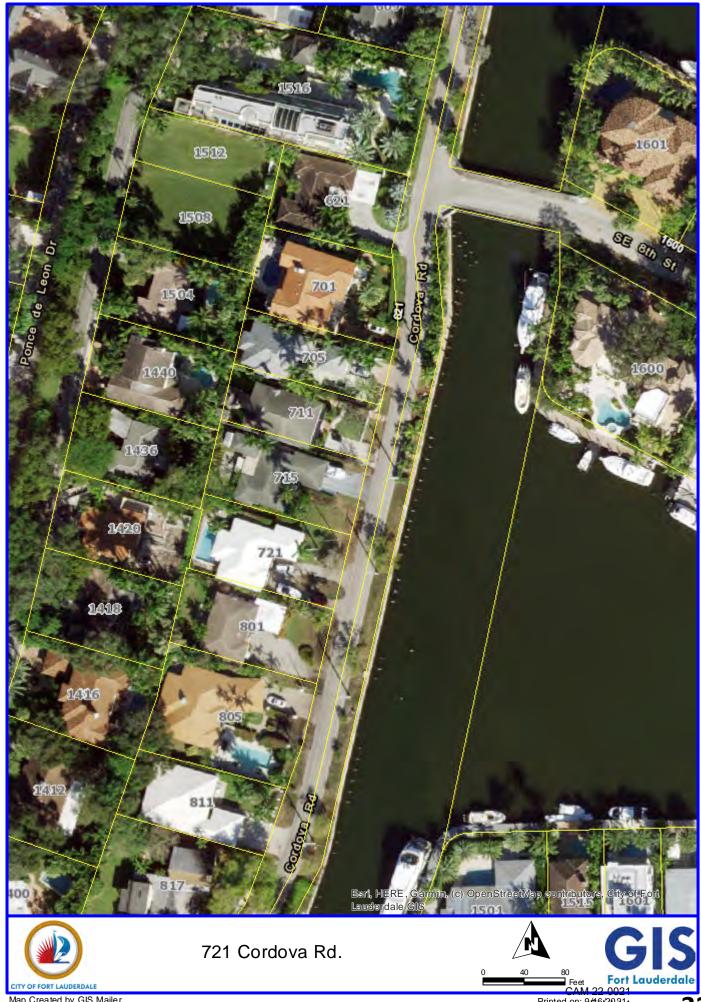
EXHIBIT A

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AERIAL PHOTOGRAPH

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Ex. 2

Sec. 8-144. - Private use of public property abutting waterways.

The city commission, by resolution duly adopted, may grant a dock permit for the use by private persons of certain public property abutting or touching a waterway, including some public property described in section 8-143 as set forth herein, except: (i) areas being utilized as municipal docks for which docking fees are being charged and collected and those areas under license by the city; (ii) street ends as more particularly defined herein; (iii) city parks; (iv) subject to certain conditions set forth in subsection (17) hereof. Upland parcels with property lines that abut or are contiguous to a navigable waterway independent of that described in section 8-143(a), and (v), certain upland parcels falling within the ambit of the Florida Supreme Court case of Burkart v. City of Fort Lauderdale, 168 So. 2d 65 (Fla. 1964) and more particularly defined below in subsection (18) hereof, said dock permits may be granted under the following conditions and restrictions, to-wit:

- (1) Application for a dock permit under this section shall be accompanied by an administrative fee, the amount of which shall be reflective of the cost of administering the application, review and adoption of resolution granting a permit for the use by private persons of public property abutting or touching a waterway and shall be established from time to time by the city commission by duly adopted resolution. As to upland parcels, the application shall also be accompanied by a survey of the upland parcel and adjacent waterway qualifying for the dock permit with the side property lines and side yard setback lines extended into the abutting waterway. The application shall further be accompanied by a sketch and description illustrating the specific location and dimensions of the dock area and public swale area, as more particularly defined below, to be reviewed and recommended for approval to the city commission. An application for a dock permit may be filed by contract vendee prior to obtaining fee simple title to the upland parcel, provided, however, the granting of a dock permit will not be effective until such time as the conveyance of fee simple title of the upland parcel to the applicant has been recorded in the Public Records of Broward County. Florida.
 - (a) Ten (10) days prior to adoption of the resolution granting a dock permit, the applicant shall: (i) execute a covenant running with the land, in a form and content acceptable to the city attorney, binding the obligation of maintenance, repair, and reconstruction and timely removal of the dock and appurtenant seawall to the applicant/permit holder and qualifying upland parcel and providing for a claim of lien to be recorded against the qualifying upland parcel for costs expended by the city in maintaining, repairing, or reconstructing the permitted dock upon the failure permit holder's obligations relative thereto and removal of the permitted dock upon failure of the dock permit holder to remove the dock within the time specified in subsection 4(c) hereof, which such covenant shall be recorded by the city in the Public Records of Broward County, Florida, at the permit holder's

expense. In the event a claim of lien is recorded against the upland parcel and the city is thereafter reimbursed for the costs underlying the claim of lien, the city shall record a release, discharge or satisfaction of the claim of lien. In the event the dock and all appurtenances are timely removed, the covenant running with the land shall be released and discharged by the city, executed by the city manager or deputy city manager and such release or discharge shall be recorded by the city in the Public Records of Broward County, Florida, at the expense of the permit holder.

- (2) The dock permit granted herein shall not be effective until such time as: (i) a certified copy of the resolution granting the dock permit has been recorded in the Public Records of Broward County, Florida by the city at the expense of the applicant/permit holder; (ii) together with a recorded copy of the covenant running with the land as referenced in subsection 1(a) above; and (iii) a copy of the recorded resolution and covenant running with the land is filed with the city's office of marine facilities. In order to optimize and preserve the existing character of the surrounding neighborhood, applicants for a permit under this section are limited to owners of upland parcels as hereinafter defined.
 - (a) An "upland parcel" is a parcel of land that by extending the side property lines thereof to perpendicularly intersect with the boundary lines of the adjacent waterway defined in section 8-143, where the upland parcel lies directly across the street from the public property abutting or touching a waterway identified in city code section 8-143, for which one may qualify for applying for a dock permit ("Public Dock Permit Parcel"). To qualify as an upland parcel, a principal building must be situated thereon. The owner(s) of the upland parcel, including contract vendees thereof, shall be the only person(s) eligible to apply for a dock permit for the public dock permit parcel across the street from the upland parcel.
 - (b) For a public dock permit parcel for an upland parcel where there is a curvature to the boundaries of the waterway, the office of marine facilities shall make recommendations to the marine advisory board with respect to criteria: (i) the length of the dock; (ii) the size and dimensions of the envelope within which a vessel may be berthed; (iii) dock area and public swale area as defined below. In its review, the marine advisory board shall make recommendations to the city commission as to: (i), (ii) and (iii) above, as well as other relevant terms and conditions. Applicants for a dock permit under this subsection 2(b) shall be limited to owners of upland parcels for which side property lines intersect in a non-perpendicular manner with the boundary lines of the adjacent waterway as defined in section 8-143.
- (3) To allow the general public's access to the waterway abutting the public dock permit

parcel, the permitted length of a marginal permitted dock shall not exceed the width of the corresponding upland parcel as measured from the extension into the waterway of the side yard setbacks for the principal building on the upland parcel. The permitted length of a marginal permitted dock under subsection 2(b) above shall be determined by the city commission upon review of the marine advisory board recommendations. No vessel may be berthed in such a manner that it encroaches into the area proscribed under section 47-19.3(h). The permitted berthing envelope for a vessel shall be determined by the city commission upon review of the marine advisory board recommendations for public dock permit parcels described in subsection 2(b) above. The berthing of a vessel in such a manner that encroaches into the area proscribed under section 47-19.3(h) or exceeds the permitted berthing envelope as determined by the city commission for public dock permit parcels described in section 2(b) hereof shall be unlawful and a violation of this Code as set forth in section 1-6.

- (4) (a) During the term of the dock permit, the permit holder shall be required to repair, replace, reconstruct or maintain the dock or adjacent seawall or both to meet the requirements of section 47-19.3(f). "Boat slips, docks, boat davits, hoists and similar mooring structures" of the city's Unified Land Development Code and other relevant terms and conditions imposed by the resolution granting the dock permit. Permit holder shall also be required, during the term of the dock permit, to post and maintain a city-issued sign on the dock indicating the Resolution No. that authorized the permit to use the dock.
 - (b) The permit to use the dock 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 survivability of the obligation to remove the dock pursuant to subsection 4(c) below and the obligations within the covenant running with the land as set forth in subsection 1(a) hereof.
 - (c) Except as set forth in subsection 4(e)(d) below, upon expiration of the permit to use the dock, the permit holder shall be obligated to remove the dock and all appurtenances thereto no later than three (3) months after the termination, revocation or expiration of the permit to use the dock. This provision shall be a continuing obligation that survives expiration of the permit to use the dock.
 - (d) In the event a dock permit is granted to a successor applicant for the same public dock permit parcel within the time proscribed in subsection 4(d) hereof, the obligation to remove the dock and all appurtenances thereto shall be discharged as to the former permit holder and a release and discharge of the covenant

- running with the upland parcel shall be executed by the city manager or deputy city manager and recorded by the city in the Public Records of Broward County, Florida at the expense of the permit holder.
- (e) The dock permit granted may be revoked by the city commission for good cause shown upon at least ninety (90) days advance notice to the permit holder and an opportunity for the permit holder to be heard.
- (5) All improvements such as docks, seawalls and the like which are made or placed upon the public dock permit parcel or within the dock area and public swale area by a private person shall be constructed with appropriate permits from all applicable regulatory authorities having subject matter jurisdiction regarding such matters. All maintenance and repairs shall be performed according to city engineering standards and all applicable regulatory codes including the city's Unified Land Development Code regulations, Florida Building Code and Broward County Amendments thereto.
- (6) All docks installed pursuant to this section must be either: (i) floating docks that can adapt to sea level rise over their useful life span; or (ii) fixed docks installed at a minimum elevation consistent with the requirements of section 47-19.3(f); or (iii) fixed docks the height of which are even with the city's seawall, whichever (ii) or (iii) is the greater. 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's seawall is prohibited, unless: (a) specifically recommended pursuant to the dock building permit review process; or (b) where the seawall and dock are being constructed by the dock permit holder; or (c) upon demonstration of hardship, as it relates to accommodations under the Americans with Disability Act, as same may be amended from time to time and as authorized in the resolution granting the dock permit.
- (7) The holder of the permit shall be responsible for maintaining improvements within the dock area, as hereinafter defined and for maintaining and beautifying the public swale area, as hereinafter defined. The public swale area shall be landscaped in accordance with: (i) the established landscape plan for the area in question adopted by the department of sustainable development; or (ii) a landscape plan approved by the department of sustainable development and embodied in the resolution adopted by the city commission granting the permit under this section. Failure to do so shall be grounds for revocation of the permit.
 - (a) For the purposes of this section, the term "dock area" shall mean that area bounded by: (i) the upland cap of the seawall abutting the dock; and (ii) extending over the water the length and width of the dock; and (iii) including the area within which the vessel may be berthed and all appurtenances to the dock area. The length of the dock shall not exceed: (1) the distance between the extension into the waterway of the two (2) side yard setbacks for the principal building on the

- corresponding upland parcel; nor (2) the boundaries of the dock as set by the city commission pursuant to subsection 2(b) above, whichever (1) or (2) above is applicable.
- (b) For the purposes of this section, the term "public swale area" shall be the area: (1) within the waterward extension of the side property lines of the upland parcel from the edge of the adjacent publicly dedicated right-of-way closest to the waterway to the wet-faced edge of the seawall cap, excluding therefrom the dock; or (2) the boundaries of the dock as set by the city commission pursuant to subsection 2(b) above, whichever (1) or (2) above is applicable.
- (8) Parking in the public swale area, where allowed, is intended to be temporary in nature. Overnight or long-term parking by persons associated with upland property owners under subsection 2(a) or (b) hereof both with and without a dock permit is discouraged. There shall be no fueling of vessels from tank trucks along the adjacent publicly dedicated right-of-way.
- (9) The holder of such dock permit shall not charge or collect any rent or fees from anyone using such dock constructed on the public dock permit parcel. Signage such as "private dock" may be placed on the dock within the dock area. No signage shall be placed upon or within the public swale area. Only vessels owned by the permit holder and registered with the city as part of the dock permit application or amended thereafter may be moored at the permitted dock. Except as to a tender, there shall be no rafting of vessels from the vessel moored at the permitted dock. The berthing of a vessel at a public dock permit parcel that is not authorized pursuant to the city commission granting a dock permit ("Unauthorized Vessel") shall be unlawful and a violation of the Code pursuant to section 1-6.
- (10) A permit granted to a permit holder to construct a dock or authorization to use an existing dock upon the public dock permit parcel and the acceptance and use of same by the permit holder shall constitute a guarantee from the permit holder to the city to indemnify and hold the city harmless for any damage or injury to any person using such facilities.
- (11) The public swale 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 dock area.
- (12) The violation of any provisions of this section or any regulations relating thereto hereinafter enacted or violations of any of the terms or conditions relative to the granting or renewal of a dock permit shall be unlawful and a violation of this Code pursuant to section 1-6 and may also constitute cause for revocation of the permit.
- (13) The resolution granting the permit or the administrative approval of the permit for a renewal term may specify additional reasonable terms and conditions pertaining to the

use or improvement of the public dock permit parcel.

- (14) Only public lands which are not needed by the city for public docking purposes are available for private use under the terms hereof, and the supervisor of marine facilities shall furnish to the city manager a complete list of all street-ends and other city-owned property abutting waterways which is not needed for dockage purposes from time to time, provided, however, no dock permits shall be issued under subsection (15), (16), (17), and (18), except in compliance with the terms and conditions thereof.
- (15) No dock permits shall be issued for public dock permit parcels where the public right-of-way terminates at the waterway (e.g. "street ends"). For dock permits that were issued for street-ends prior to June 1, 2019, those dock permits shall continue to remain valid, until expiration of their initial term, and, upon renewal such dock permit shall be subject to the terms and conditions set forth in any renewal permits and this section, other than the prohibition against issuance of dock permits for street-ends.
- (16) To preserve the general public's right to intermittently use and have access to city parks located on waterways, no dock permits shall be issued for parcels where the public right-of-way is located within city-owned land that is used for park purposes. For dock permits that were issued for city-owned land that was used for park purposes at the time of issuance, those dock permits shall continue to remain valid, until expiration of their initial term, and, upon renewal such dock permit shall be subject to the terms and conditions set forth in any renewal permits and in this section, other than the prohibition against issuance of dock permits along public rights-of-way within city-owned lands used for park purposes.
- (17) Other than upland parcels referenced in subsection (18) below, subject to exceptions hereinafter set forth, no dock permits shall be issued for upland parcels that abut and are contiguous to a waterway and have riparian rights relative thereto after July 1, 2025 or after such date that the city raises the seawall with municipal funds, whichever is first. For dock permits that were issued prior to June 1, 2019 for upland parcels that abutted and are contiguous to a waterway and to which riparian rights have attached thereto, those dock permits shall continue to remain valid until expiration of their initial term, and, upon renewal such dock permit shall be subject to the terms and conditions set forth in any renewal permits and this section, other than the prohibition against issuance of dock permits for upland parcels that abut a waterway and have riparian rights. Any permits for these upland parcels issued after June 1, 2019 will require the raising of the seawall by the applicant to the current elevation standard as a condition of the dock permit.
- (18) In accordance with the Florida Supreme Court holding in Burkart v. City of Fort
 Lauderdale, 168 So. 2d 65 (Fla. 1964), dock permits shall not be required for the
 following lots and blocks set forth on the Plat of IDLEWYLD, as recorded in Plat Book 1,

Page 19 of the Public Records of Broward County, Florida: Lots 1—5 and 11—12 Block 1; Lots 1—6 Blocks 2, 3, 4, 5, 6, and 8; Lots 1-7, Block 8: and Lots 1—3 and 27—32, Block 12 thereof.

(Code 1953, § 11-12; Ord. No. C-68-23, § 2, 6-4-68; Ord. No. C-87-95, § 1, 11-17-87; Ord. No. C-17-28, § 20, 9-13-17; Ord. No. C-19-22, § 1, 10-2-19)