

ITEM VI

MEMORANDUM MF NO. 14-16

DATE: December 17, 2014

TO: Marine Advisory Board

FROM: Andrew Cuba, Manager of Marine Facilities

RE: January 7, 2015 MAB - Dock Waiver of Distance Limitations
-HG Middle River Investments, LLC. c/o Mr. Hal E.Griffith / 824 NE 20th
Avenue

Attached for your review is an application from HG Middle River Investments, LLC c/o Mr. Hal E. Griffith / 824 NE 20th Avenue (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for the construction of an 80'x5' finger pier and the installation of eight (8) triple pile clusters. The distances these structures extend from the property line into the Middle River is shown in the survey in **Exhibit 1** and summarized in **Table 1** below:

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Triple Pile Cluster #1	±49.1'	25'	24.1'
Triple Pile Cluster #2	±79.9'	25'	54.9'
Triple Pile Cluster #3	±97.1'	25'	72.1'
Finger Pier #4	±81.2'	25'	56.2'
Triple Pile Cluster #5	±82.6	25'	57.6'
Triple Pile Cluster #6	±101.2'	25'	76.2'
Triple Pile Cluster #7	±53.1'	25'	28.1'
Triple Pile Cluster #8	±83.5'	25'	58.5'
Triple Pile Cluster #9	±106.3'	25'	81.3'

ULDR Sections 47-19.3 C. & D. limits the maximum distance of finger piers to 25 feet, or 25%, whichever is less, and dolphin/mooring pilings to 25 feet, or 30% of the width of the waterway, whichever is less. Section 47.19.3.E authorizes the City Commission to waive this limitation based upon a finding of extraordinary circumstances. The applicant has specified that the piling clusters are necessary for safely mooring existing vessels, especially during high wind events and severe weather and that there is an extraordinary width of the waterway at this location.

PROPERTY LOCATION AND ZONING

The property is located within the ROA Limited Residential Office Zoning District. It is situated on the Middle River where the width of the waterway to the closest structure or vessel is +/- 210 feet, according to the Summary Description provided in **Exhibit 1**.

DOCK PLAN AND BOATING SAFETY

Marine Facilities records reflect that there have been 14 waivers of docking distance limitations approved by the City Commission since 1983. A comparison of these as shown in **Table 2** including the maximum distances of all mooring structures extending into the New River follows:

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
March 1983	834 N.E. 20 th Avenue	Pilings – 45'
April 1983	714 N.E. 20 th Avenue	Pilings – 45' Piers – 37'
July 1985	808 N.E. 20 th Avenue	Pilings – 48' Piers – 38'
January 1990	840 N.E. 20 th Avenue	Pilings – 48' Pier – 48'
September 1992	738 N.E. 20 th Avenue	Pilings – 75' Pier – 39'
November 2007	810 N.E. 20 th Avenue	Pilings – 68' Piers – 73'
January 2008	852 N.E. 20 th Avenue	Pilings – 86' Pier – 49'
October 2008	714 N.E. 20 th Avenue	Pier – 108'
November 2012	810 N.E. 20 th Avenue	Pilings- 124.4'
May 2013	720 N.E. 20 th Avenue	Pilings-80' Pier-42'
May 2013	816 N.E. 20 th Avenue	Pilings-112.4'
March 2014	704 N.E. 20 th Avenue	Pilings – 125'
October 2014	720 N.E. 20 th Avenue	Pilings-125'
November 2014	726 N.E. 20 th Avenue	Pinings-125'

RECOMMENDATIONS

Should the Marine Advisory Board consider approval of the application, the Resolution under consideration by the City Commission should include at least the following as prescribed in the ULDR and City Code of Ordinances:

1. The applicant is required to comply with all applicable building and zoning regulations as well as any other Federal and State laws and permitting requirements including the Broward County Environmental Protection and Growth Management Department, the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers.
2. As a general condition of approval and in order to review for final consistency with construction of facilities in accord with this application and City building permits the applicant is required to provide the City's Supervisor of Marine Facilities with copies of "As Built" drawings from a certified and licensed contractor.

AC
Attachment

cc: Carl Williams, Deputy Director of Parks and Recreation
Jon Luscomb, Supervisor of Marine Facilities

EXHIBIT I
APPLICATION FOR WATERWAY WAIVER

**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)

1. LEGAL NAME OF APPLICANT - (If corporation, name and titles of officers as well as exact name of corporation. If individuals doing business under a fictitious name, correct names of individuals, not fictitious names, must be used. If individuals owning the property as a private residence, the name of each individual as listed on the recorded warranty deed):

NAME: HG MIDDLE RIVER INVESTMENTS, LLC. c/o Mr. Hal E. Griffith

TELEPHONE NO: 206-396-8097 (home) (business) FAX NO.

2. APPLICANT'S ADDRESS (if different than the site address): 1887 W State Road 84, Fort Lauderdale Florida 33315
3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: The applicant requests a waiver for the proposed construction of eight (8) triple pile clusters and a finger pier beyond 25 feet from the property line.

SITE ADDRESS: 824 NE 20th Avenue, Fort Lauderdale Florida 33304

4. ZONING: ROA

LEGAL DESCRIPTION: GATEWAY PARK 25-43 B LOT 18

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).
Warranty Deed, Project Plans, Site Photographs, Survey, Aerial Exhibit

Applicant's Signature [Signature]

Date 12/8/14

The sum of \$ was paid by the above-named applicant on the of , 2014 Received by:

City of Fort Lauderdale

=====For Official City Use Only=====

Marine Advisory Board Action

Formal Action taken on

Commission Action

Formal Action taken on

Recommendation
Action

EXHIBIT II

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**EXHIBIT III
WARRANTY DEED**

Prepared by:

RAYMOND J. POSGAY, ESQ.
1217 EAST BROWARD BOULEVARD
FORT LAUDERDALE, FL 33301

Parcel ID Number: 5042-01-20-0160

Warranty Deed

This Indenture, Made this 5th day of December, 2013 A.D., Between Robert Terrance Reilly, a single man

of the County of Broward, State of Florida, grantor, and
HG MIDDLE RIVER INVESTMENTS, LLC, a Florida limited liability company

whose address is: 1301 Alaskan Way, Seattle, WA 98101

of the County of King, State of Washington, grantee.

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

-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Broward, State of Florida to wit:

Lot 18, GATEWAY PARK, according to the plat thereof recorded in Plat Book 25, Page 43, of the Public Records of Broward, County, Florida.

Subject to restrictions, reservations and easements of record, if any, however reference thereto shall not cause same to be reimposed, and taxes subsequent to 2013

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

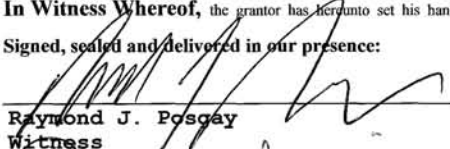
Laser Generated by © Display Systems, Inc., 2013 (063) 763-5555 Form FLWD-2


Warranty Deed - Page 2

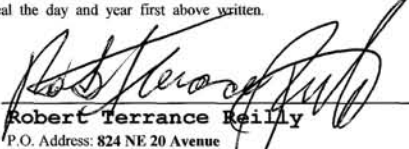
Parcel ID Number: 5042-01-20-0160

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

Signed, sealed and delivered in our presence:


Raymond J. Posgay
Witness



Pamela Swaim
Witness


Robert Terrance Reilly
P.O. Address: 824 NE 20 Avenue
Ft. Lauderdale, FL 33304-3036

(Seal)

STATE OF Florida
COUNTY OF

The foregoing instrument was acknowledged before me this 5th day of December, 2013 by
Robert Terrance Reilly, a single man
who are personally known to me.


Raymond J. Posgay
Notary Public

My Commission Expires: 01/24/17

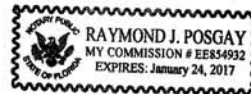


EXHIBIT IV SUMMARY DESCRIPTION

Summary Description
824 NE 20th Avenue
TCG Project No. 14-0031

The project site is located along the Middle River at 824 NE 20th Avenue, in Section 01, Township 50, Range 42, in the City of Ft. Lauderdale, Broward County, Florida

The property is located along the Middle River, which are tidal waters. The nearest direct connection to the Atlantic Ocean is 2.8 miles to the south at Port Everglades. As the project site is located along the Middle River, the incoming tidal waters (flood) at the site move to the north and the outgoing waters (ebb) move to the south.

The proposed project consists of the construction of an 80'x5' finger pier and the installation of eight (8) triple pile clusters into the Middle River. As measured from the property line, the proposed triple pile clusters and proposed finger pier encroach more than 25' from the property line into the Middle River. As these distances are over the allowable 25' distance into the waterway from the property line, the proposed finger pier and triple pile clusters will require a variance waiver.

The proposed finger pier and triple pile clusters have been tentatively approved by the Broward County Environmental Protection & Growth Management Department, Florida Department of Environmental Protection, and US Army Corps of Engineers.

The following four (4) matters provide justification for this waiver request:

1. All boat slips and structures will not exceed 30% of the width of the waterway.
2. Due to the extraordinary width of the waterway at this location to the closest structure or vessel ($\pm 210'$), the proposed project will not impede navigation within the Middle River.
3. The additional piles are necessary for safely mooring existing vessels, especially during high wind events and severe weather.
4. The proposed structures are consistent with the adjacent waivers and do not exceed the neighbor's current waiver of 112.4'.

If this waiver is approved, the applicant will comply with all necessary construction requirements stated in Section 47-19.3 (C)(D)(E).

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EXHIBIT V PROJECT PLANS

APPROXIMATE RIPARIAN RIGHTS LINE

PROPERTY
LINE

66.26'
S.05°05'01''W.

FN&D, #3635
0.5'N, 1.0'W

SEAWALL, 0.3'E
5.4'

CAP
WALL
ER

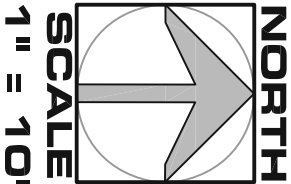
APPROXIMATE RIPARIAN RIGHTS LINE

(3) WOOD PILINGS
(TYPICAL)

2.3'

MIDDLE RIVER

APPROXIMATE
30% OF
WATERWAY



LEGEND

EXISTING 3.0' SEAWALL CAP
(#66 LINEAR FT.)

NEIGHBOR'S EXISTING TRIPLE-PILE
CLUSTERS (TYP.)

NOTE:
1. SURVEY INFORMATION PROVIDED BY ATLANTIC
COAST SURVEYING, INC.
2. M.H.W. = 1.8' NGVD M.L.W. = -0.6 NGVD

EXISTING CONDITIONS

Date: 12/4/2014	Sheet: 1	of: 3
Proj No.: 14-0031		

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THE

Chappell

INC.

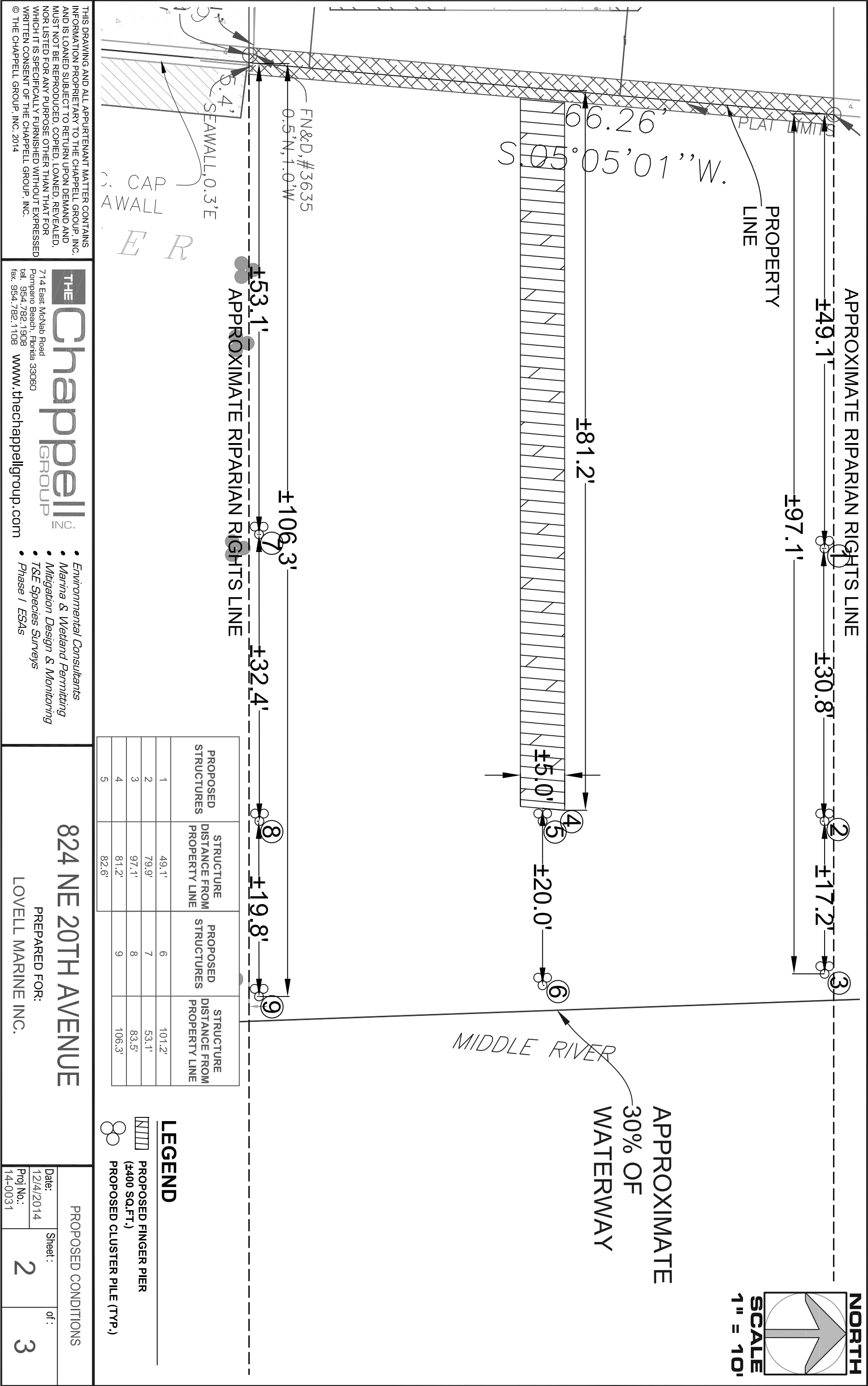
GROUP

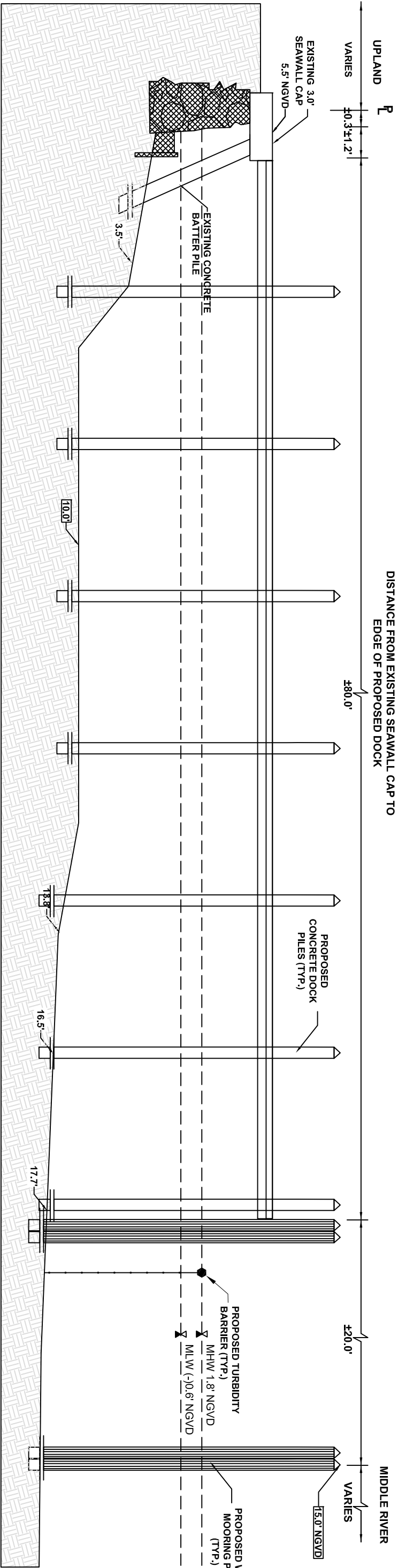
714 East McNabb Road
Pompano Beach, Florida 33060
Tel. 954.782.1908
Fax. 954.782.1108

www.thechappellgroup.com

- *Environmental Consultants*
- *Marina & Wetland Permitting*
- *Mitigation Design & Monitoring*
- *TSE Species Surveys*
- *Phase I ESAs*

824 NE 20TH AVENUE
PREPARED FOR:
LOVELL MARINE INC.





PROPOSED CONDITIONS SECTION

N.T.S.

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THE

Chappell

GROUP

714 East McNab Road

Pompano Beach, Florida 33060

tel. 954.782.1908

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824 NE 20TH AVENUE

PREPARED FOR:

LOVELL MARINE INC

SECTIONS

Date: 12/4/2014	Sheet: 3	of: 3
Proj No.: 14-0031		

EXHIBIT VI
SITE PHOTOGRAPHS



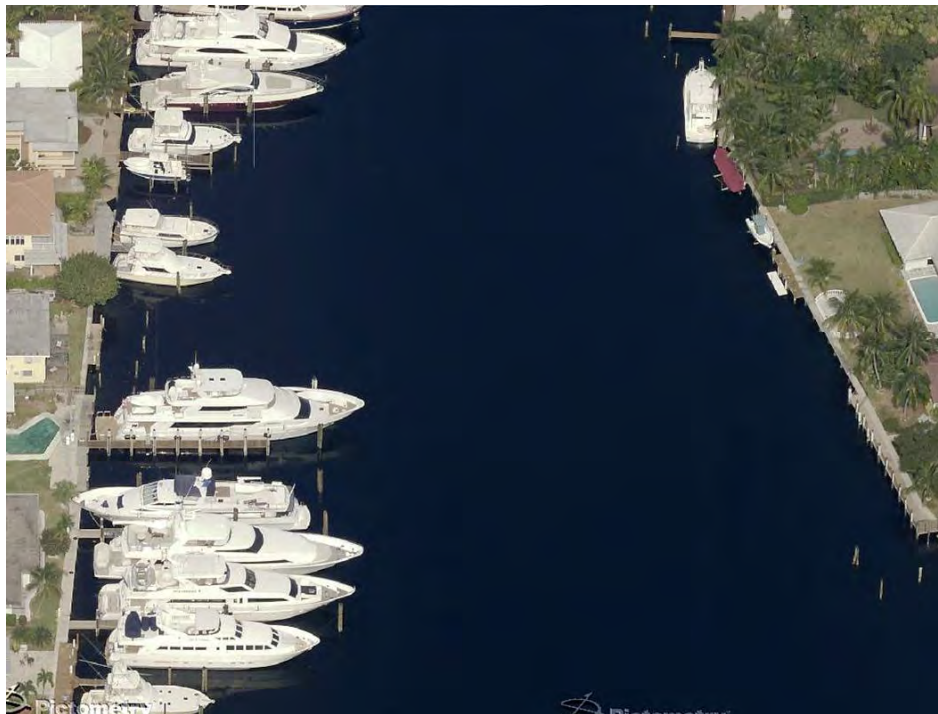
1. Northern corner of the subject site, facing south.



2. Southern corner of the subject site, facing north.

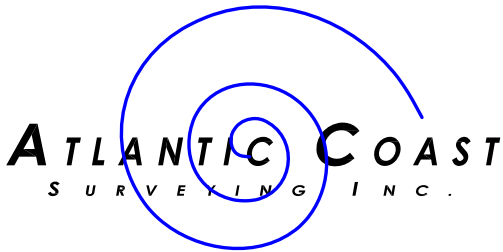


3. Southern corner of the subject site, facing east. Note neighbors existing mooring piles



4. Aerial view from the south, facing north.

**EXHIBIT VII
ORIGINAL SURVEY**



REPORT FOR BOUNDARY SURVEY

SHEET 1 OF 2

LEGAL DESCRIPTION

LOT 18, OF "GATEWAY PARK", ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 25, PAGE 43, OF THE PUBLIC RECORDS OF
BROWARD COUNTY, FLORIDA.

CERTIFIED TO:

HAL E. GRIFFITH AND JOAN I. GRIFFITH, THEIR SUCCESSORS AND/OR ASSIGNS
MOMBACH, BOYLE, HARDIN & SIMMONS, P.A.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

PROPERTY ADDRESS
824 NE 20TH AVENUE
FORT LAUDERDALE, FL 33304

BOUNDARY SURVEY
INVOICE # 37004
SURVEY DATE 11/07/13

FLOOD ZONE AE-7.0
MAP DATE 10/02/97
MAP NUMBER 1205105 0217F

LEGEND

- ☐ CABLE JUNCTION BOX
- ▨ CATCH BASIN
- CLEAN OUT
- ⊠ CONTROL VALVE
- ⊞ ELECTRIC SERVICE
- ⊕ FIRE HYDRANT

☐ FP&L PAD

→ GUY ANCHOR

⊙ MANHOLE

⊞ POOL EQUIPMENT

⊕ POWER/LIGHT POLE

⊕ SPRINKLER SYSTEM

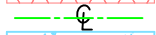
⊕ WATER METER

⊕ WATER VALVE

⊕ WELL



BRICK PAVERS



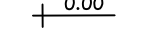
CENTERLINE



CONCRETE/CHAT



CONCRETE WALL



ELEVATION



METAL FENCE



OVERHEAD WIRES



WOOD DECK/DOCK



WOOD FENCE

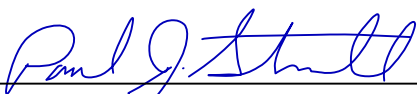
SURVEYOR'S NOTES

1. BASIS OF BEARINGS AS INDICATED ON SKETCH.
2. LEGAL DESCRIPTION PROVIDED BY CLIENT.
3. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THIS OFFICE FOR EASEMENTS, RIGHT-OF-WAYS, OWNERSHIP OR OTHER INSTRUMENTS OF RECORD.
4. UNDERGROUND OR INTERIOR PORTIONS OF FOOTINGS, FOUNDATIONS, WALLS OR OTHER NON-VISIBLE IMPROVEMENTS WERE NOT LOCATED.
5. ELEVATIONS ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 UNLESS OTHERWISE SHOWN.
6. FENCE TIES ARE TO THE CENTER-LINE OF FENCE. WALL TIES ARE TO THE FACE OF WALL.
7. IN SOME INSTANCES GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE THE CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.
8. THE DIMENSIONS AND DIRECTIONS SHOWN HEREON ARE IN SUBSTANTIAL AGREEMENT WITH RECORD VALUES UNLESS OTHERWISE NOTED.
9. PARTY WALLS ARE CENTERED ON PROPERTY LINE AND ARE 0.7' WIDE UNLESS OTHERWISE NOTED.
10. EXISTING CORNERS FOUND OFF WITNESS PROPERTY CORNERS
11. OBSTRUCTED CORNERS ARE WITNESSED BY IMPROVEMENTS.
12. NO ATTEMPT WAS MADE TO LOCATE WRITTEN OR UNWRITTEN EASEMENTS OR RIGHTS-OF-WAY, OTHER THEN THOSE SHOWN HEREON.

See map of boundary survey, lands described as LOT 18.
The survey map and report or the copies thereof, are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties. The map and report are not full and complete without the other.

ABBREVIATIONS

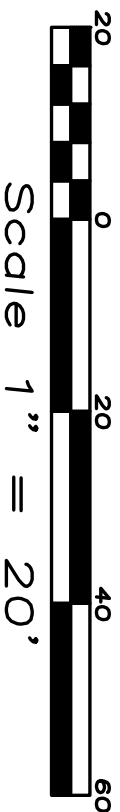
BC	BUILDING CORNER
BW	BACK OF WALK
C	CALCULATED
M	MEASURED
N.T.S.	NOT TO SCALE
OP	OPEN PORCH
ORB	OFFICIAL RECORDS BOOK
PC	POINT OF CURVATURE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PG	PAGE
PRC	POINT OF REVERSE CURVE
PRM	PERMANENT REFERENCE MONUMENT
PT	POINT OF TANGENCY
E/F	END OF FENCE
EP	EDGE OF PAVEMENT
EW	EDGE OF WATER
F/C	FENCE CORNER
F/L	FENCE LINE
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
FN	FOUND NAIL
FN&D	FOUND NAIL & DISC
FP&L	FLORIDA POWER AND LIGHT
R	RECORD
RAD	RADIAL
SN&D	SET NAIL & DISC # 5495
SP	SCREENED PORCH
SP&C	SET 1/2" PIN & CAP # 5495



PAUL J. STOWELL
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5241
ATLANTIC COAST SURVEYING, INC.
6129 STIRLING RD SUITE 2 DAVIE, FLORIDA 33314
OFFICE: 954.587.2100 FAX: 954.587.54089

Exhibit 1

SHEET 2 OF 2

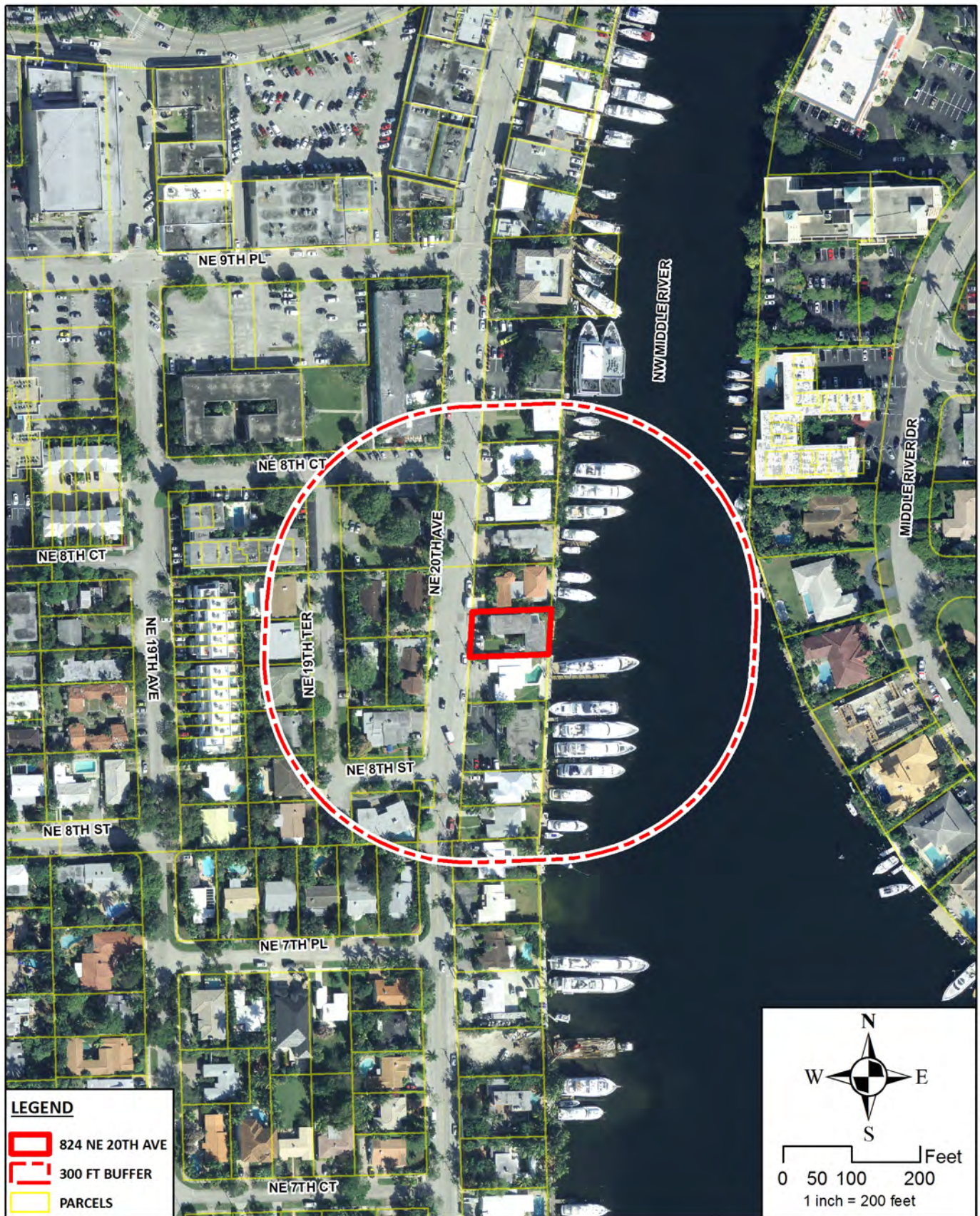


See report a boundary survey, lands described as LOT 18. The survey map and report of the copies thereof, are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties. The map and report are not full and complete without the other.



ATLANTIC COAST
SURVEYING INC.

**EXHIBIT VIII
ZONING AERIAL**



CITY OF FORT LAUDERDALE

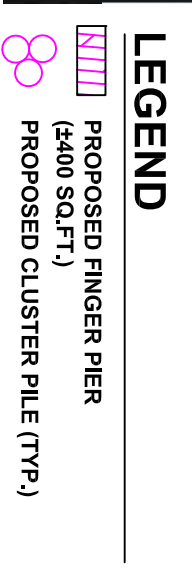
824 NE 20TH AVE

GIS
Fort Lauderdale

Date: 12/15/2014
CAM 15-0089

Exhibit 1
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**EXHIBIT IX
DISTANCE EXHIBIT**



DISTANCE EXHIBIT		
Date: 12/4/2014	Sheet : 1	of : 1
Proj No.: 14-0031		