ITEM VI

MEMORANDUM MF NO. 15-05

DATE: April 24, 2015

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Manager of Marine Facilities

RE: June 4, 2015 MAB Meeting – Application for Dock Permit – Troy & Tais Eakins /

1725 SE 8th Street

Attached for your review is an application from Troy & Tais Eakins / 1725 SE 8th Street (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is seeking approval for use, maintenance and repair of a proposed 100' long x 9.3' wide marginal dock, 12' long x 13' wide boatlift, and replacement seawall on public property abutting the Rio Valencia canal adjacent to 1725 SE 8th Street (see **Exhibit 1**). City Code Section 8-144 authorizes the construction and use of docks on public property, and allows for the permit to be issued for a fixed period provided the permit holder agrees to maintain the improvements and seawall.

PROPERTY LOCATION AND ZONING

The property is located within the Rio Vista Isles RS-4.4 Residential Single Family Low Density Zoning District. The existing dock is directly adjacent to the Rio Valencia canal 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 existing 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 fixed period of the Permit issued for use of the Marginal Dock and Adjacent Seawall and proposed Boat Lift described in the application is for a period of five (5) years in accordance with City Code Section 8-144 (1). The Permit is revocable at the will of the City Commission, without cause with 90 days advance notice.
- 2. As a special condition, the City reserves the right to remove the existing Dock and proposed mooring structures 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 proposed mooring structures 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 location and failure to do so shall be grounds for revocation of this Permit.

- 3. As a special condition of the Permit, the Permit Holder is prohibited from erecting any signs, landscaping or fencing to restrict pubic access to the Dock Area except where permitted by Code. The "Dock Area" shall include the marginal dock, proposed boat lift, and adjoining seawall.
- 4. The public property abutting the waterway or Dock Area being used by the Permit Holder shall be kept open at all times as means of reasonable ingress and egress to the public, but Permit Holder shall have the right to exclude the public from a reasonable portion upon which improvements have been placed, not exceeding fifty (50%) percent of the area.
- 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. The Permit granted herein shall not be assignable without the written approval by Resolution adopted by the City Commission.
- 7. Permit Holder shall not charge or collect any rent or fees from anyone using such dock constructed on public property. No signage shall be placed upon such dock indicating it is a private dock.
- 8. 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.
- As a special condition, vessels berthed within the Dock Area must not encroach into the easterly or westerly extension of the 10' set-back required for the RS-4.4 zoning district for Applicant's (Permit Holder's) Property.
- 10. 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 Boat Lift, then the Permit granted herein may be repealed or rescinded by the City Commission upon thirty days' advance notice to the Permit Holder.
- 11. Use of the dock 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 all vessels provided by the Applicant to the Supervisor of Marine Facilities.
- 12. 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 the Applicant.

AC Attachment

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

1725 SE 8TH STREET PRIVATE USE OF PUBLIC LANDS

EXHIBIT I TABLE OF CONTENTS

TABLE OF CONTENTS

	PAGE
COVER LETTER	1
APPLICATION	2
WARRANTY DEED	3
ORIGINAL SURVEY	4
ZONING AERIAL	5
SITE PHOTOGRAPHS	6
PROJECT PLANS	7

EXHIBIT I COVER LETTER

March 16, 2015

Marine Advisory Board City of Fort Lauderdale 2 South New River Drive East Fort Lauderdale, FL 33301

RE: Private Use of Public Lands Authorization

To Whom It May Concern:

As you are aware, we recently purchased the 1725 SE 8th Street property. The property consists of an existing wood, marginal dock along a coral rock wall on the south side and along the Rio Valencia canal, adjacent to public property. Historically, the owners of the property had utilized the dock for the purpose of mooring a 40' vessel. Not only would we would also like to continue its use the dock for mooring a vessel but would also like to request to be allowed to improve the existing seawall and dock as they are in disrepair. The proposed project is the installation of a new seawall in front of the existing seawall, construction of a concrete marginal dock, and installation of a boat lift along the Rio Valencia canal. We are currently processing the applicable regulatory applications with Broward County Environmental Protection and Growth Management Department and United States Army Corps of Engineers.

Sincerely,

Troy Eakins and Tais Eakins 1725 SE 8th Street Fort Lauderdale, FL 33316

Cc: Mr. Patrick Murphy, The Chappell Group, Inc.

EXHIBIT II APPLICATION

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 corporation. If individuals doing business under a fictitious name, correct names of individuals, n fictitious names, must be used. If individuals owning the property as a private residence, the name each individual as listed on the recorded warranty deed):						
	NAME: <u>Troy Eakins and Tais Eakins</u>						
	TELEPHONE NO: <u>954-593-8815</u> (home)	FAX NO (business)					
2.	APPLICANT"S ADDRESS (if different the	nan the site address):					
3.	TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: Private Use of Public Lands						
4.	SITE ADDRESS: 1725 SE 8 th Street	ZONING: RS-4.4					
	LEGAL DESCRIPTION: RIO VISTA ISLES UNIT 5 8-7 B LOT 2	0,21 BLK 20					
5.	EXHIBITS (In addition to proof of owner Warranty Deed, Survey, Zoning Aeria	ship, list all exhibits provided in support of the applications). I, Photos, Project Plans					
Applicant's Signature		<u>3-/6-20/5</u> Date					
	sum of \$ was paid by	y the above-named applicant on theby: by:by:	of				
		City of Fort Lauderdale al City Use Only====================================	_				
Marin	e Advisory Board Action I Action taken on	Commission Action Formal Action taken on					
Recom	nendation						

Action

EXHIBIT III WARRANTY DEED

INSTR # 112650461, OR BK 51253 PG 1009, Page 1 of 3, Recorded 11/18/2014 at 04:00 PM, Broward County Commission, Doc. D: \$12075.00 Deputy Clerk 4015

W/C TRI-COUNTY for:
Patrick G. Kelley, P.A.

1401 E. Broward Blvd.. #206
Ft. Lauderdale, Ft. 33301

This instrument prepared by:
Douglas F. Hoffman, Esquire
Rudolf & Hoffman, P.A.
615 Northeast Third Avenue
Fort Lauderdale, Florida 33304

Property ID #: 5042 11 22 1520

TRUSTEES' DEED

THIS INDENTURE, executed the day of October, 2014, between SCOTT B. ANDERSON, a married man, whose mailing address is 2220 Northeast 52nd Street, Fort Lauderdale, Florida 33308, individually and as Successor Co-Trustee of the Laura P. Hart Revocable Trust Pursuant to Declaration of Trust dated November 30, 1985, as Amended and Restated April 9, 1990, as further amended, and BANK OF AMERICA, N.A., through its U.S. TRUST COMPANY DIVISION, whose mailing address is 150 East Palmetto Park Road, Boca Raton, FL 33432, as Successor Co-Trustee of the Laura P. Hart Revocable Trust Pursuant to Declaration of Trust dated November 30, 1985, as Amended and Restated April 9, 1990, as further amended, and who have full power and authority to sell, lease, or to encumber, or to otherwise dispose of the real property described herein pursuant to F.S. 689.071, hereinafter called "GRANTORS", to TROY EAKINS and TAIS EAKINS, his wife, whose mailing address is 904 Southeast 5th Court, Fort Lauderdale, Florida 33301, hereinafter called "GRANTEE".

WITNESSETH: Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, grants, bargains, sells, aliens, remises, releases, conveys, and confirms to Grantee, her successors and assigns forever, the real property in Broward County, Florida, described as:

Lots 20 and 21, Block 20, RIO VISTA ISLES UNIT NO. 5, according to the map or plat thereof as recorded in Plat Book 8, Page 7, Public Records of Broward County, Florida.

SUBJECT TO:

- 1. Zoning and/or restrictions and prohibitions imposed by governmental authority;
- 2. Restrictions, easements and other matters appearing on the plat, though not reimposed hereby;
 - Taxes for 2014 and subsequent years.

Trustees' Deed Page 1 of 3

3

Grantor does hereby covenant with Grantee that Grantor has good right and lawful authority to sell and convey the property and warrants the title to the property for any acts of Grantor and will defend the title against the lawful claims of all persons claiming by, through, or under Grantors.

The Co-Trustee, Scott B. Anderson, herein covenants that the subject property is not his homestead property nor contiguous to his homestead property and that he resides at 2220 Northeast 52nd Street, Fort Lauderdale, Florida 33308.

TO HAVE AND TO HOLD the same to Grantees, their successors and assigns in fee simple forever.

IN WITNESS WHEREOF, Grantors have set their hand and seal on the day and year first above written.

Signed, sealed, and delivered in the presence of: (2 witnesses)

BANK OF AMERICA, N.A., through its

Sign: Fremontary

2

U.S. TRUST COMPANY DIVISION, as Successor Co-Trustee of the Laura P. Hart Revocable Trust Pursuant to Declaration of Trust dated November 30, 1985, as Amended and Restated April 9, 1990, as Jurther amended

Sign: Sus Selmiene
Print Name: FRAN SEHMIEMAN

By: ___

JAIME RESTREPO JR., Senior Vice President

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me, an officer duly authorized to take acknowledgments in the county and state aforesaid, by JAIME RESTREPO, JR., Senior Vice President of BANK OF AMERICA, N.A., through its U.S. TRUST COMPANY DIVISION, as Successor Co-Trustee of the Laura P. Hart Revocable Trust Pursuant to Declaration of Trust dated November 30, 1985, as Amended and Restated April 9, 1990, as further amended, who is personally known to me or who has produced as identification this 22-70 day of October, 2014.

Notary Public, State of Florida
Commission# FF 143159
My comm. expires Sept. 24, 2018

Notary Public, State of Florida

[SEAL]

Trustees' Deed

Page 2 of 3

Print Name: DOUGLAS 1. +10+ MAN

Sign: Name: LULY J. LIMIN

SCOTT B. ANDERSON, individually and as Successor Co-Trustee of the Laura P. Hart Revocable Trust Pursuant to Declaration of Trust dated November 30, 1985, as Amended and Restated April 9, 1990, as further amended

STATE OF FLORIDA COUNTY OF BROWARD

The foregoing instrument was acknowledged before me, an officer duly authorized to take acknowledgments in the county and state aforesaid, by SCOTT B. ANDERSON, individually and as Successor Co-Trustee of the Laura P. Hart Revocable Trust Pursuant to Declaration of Trust dated November 30, 1985, as Amended and Restated April 9, 1990, as further amended, who is personally known to me or who has produced as identification this Dand day of October, 2014.



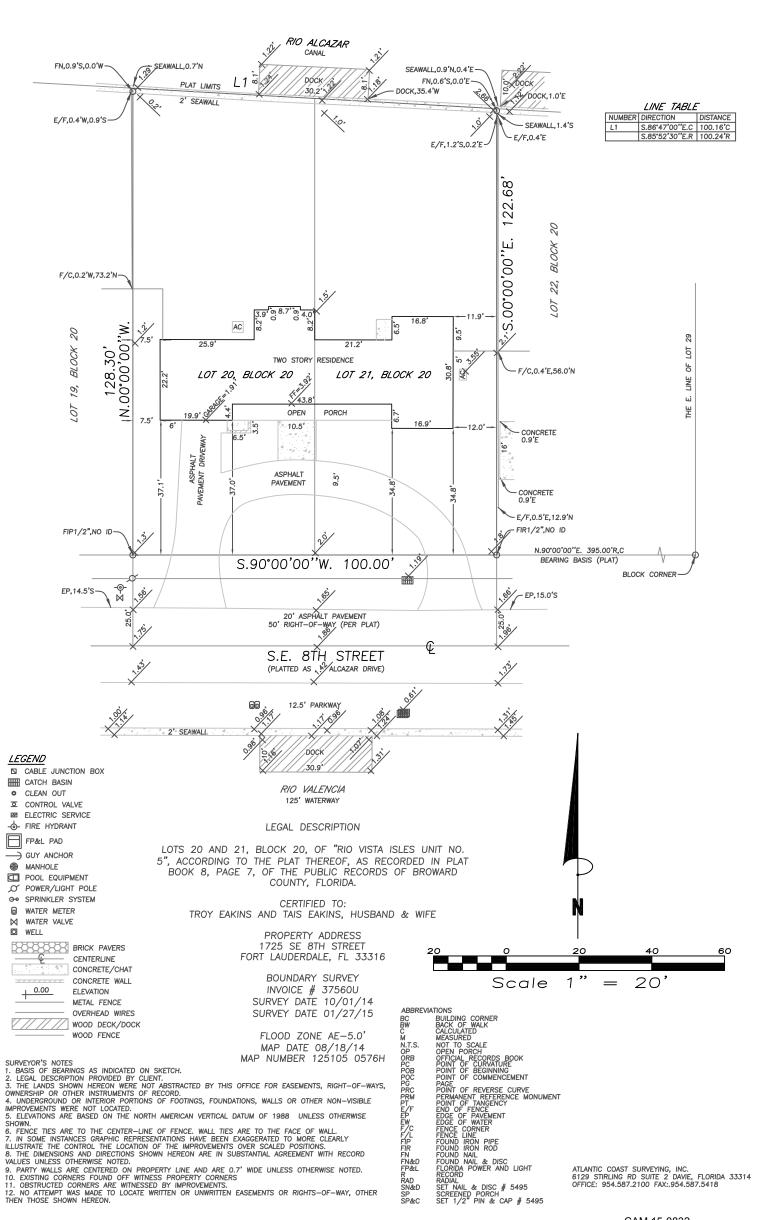
[SEAL]

Notary Public, State of Florida

Trustees' Deed

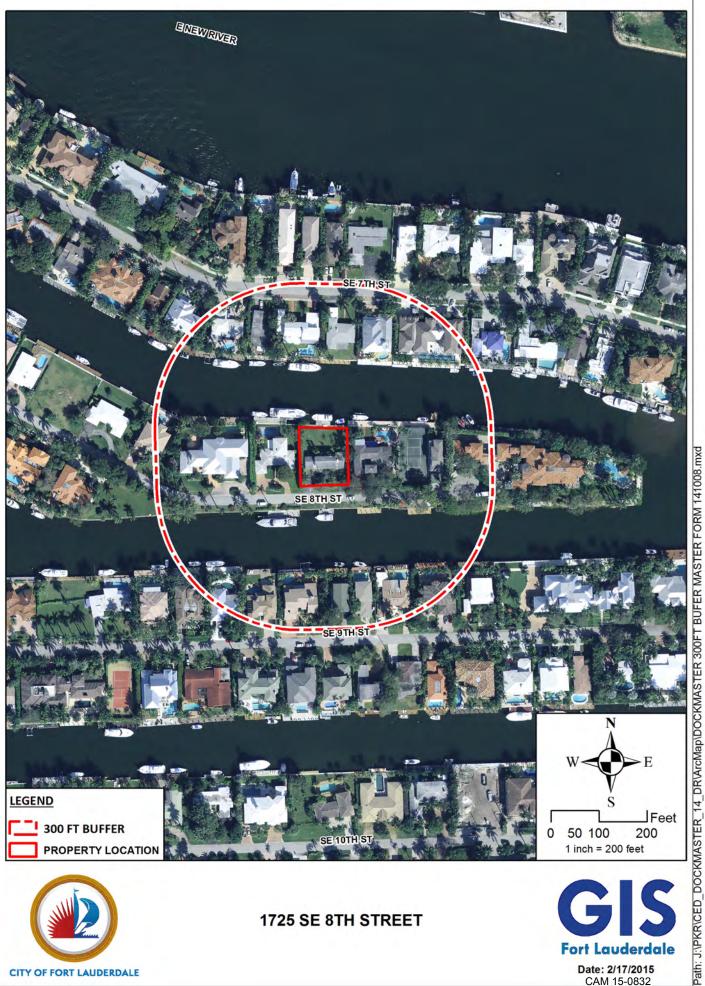
Page 3 of 3

EXHIBIT IV ORIGINAL SURVEY



CAM 15-0832 Exhibit 1 Page 15 of 27

EXHIBIT V ZONING AERIAL





1725 SE 8TH STREET



Date: 2/17/2015 CAM 15-0832

Exhibit 1 Page 17 of 27

EXHIBIT VI SITE PHOTOGRAPHS



1. Western property boundary, facing east along the Rio Valencia canal.



2. Aerial photo from the west, facing east.

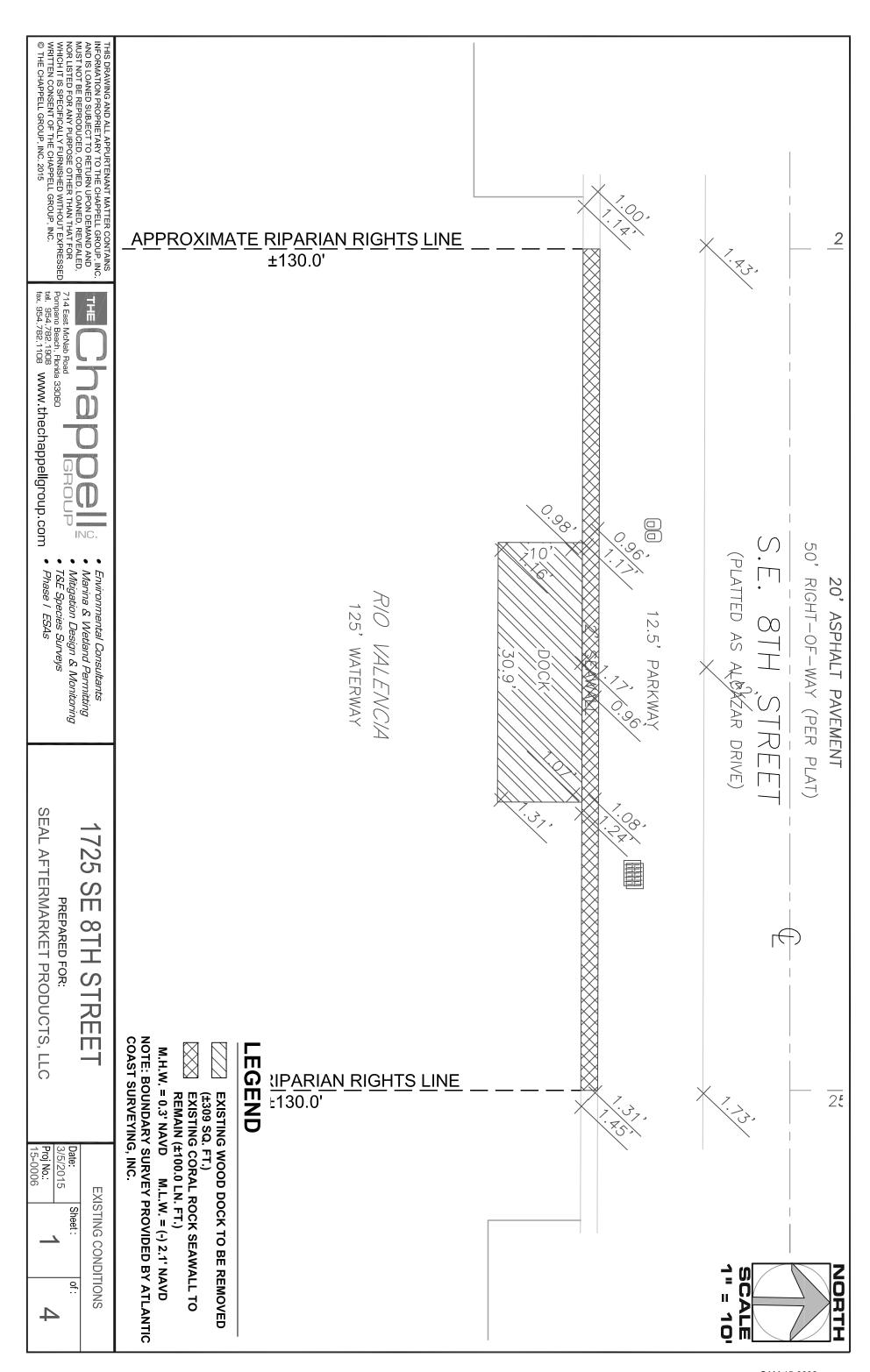


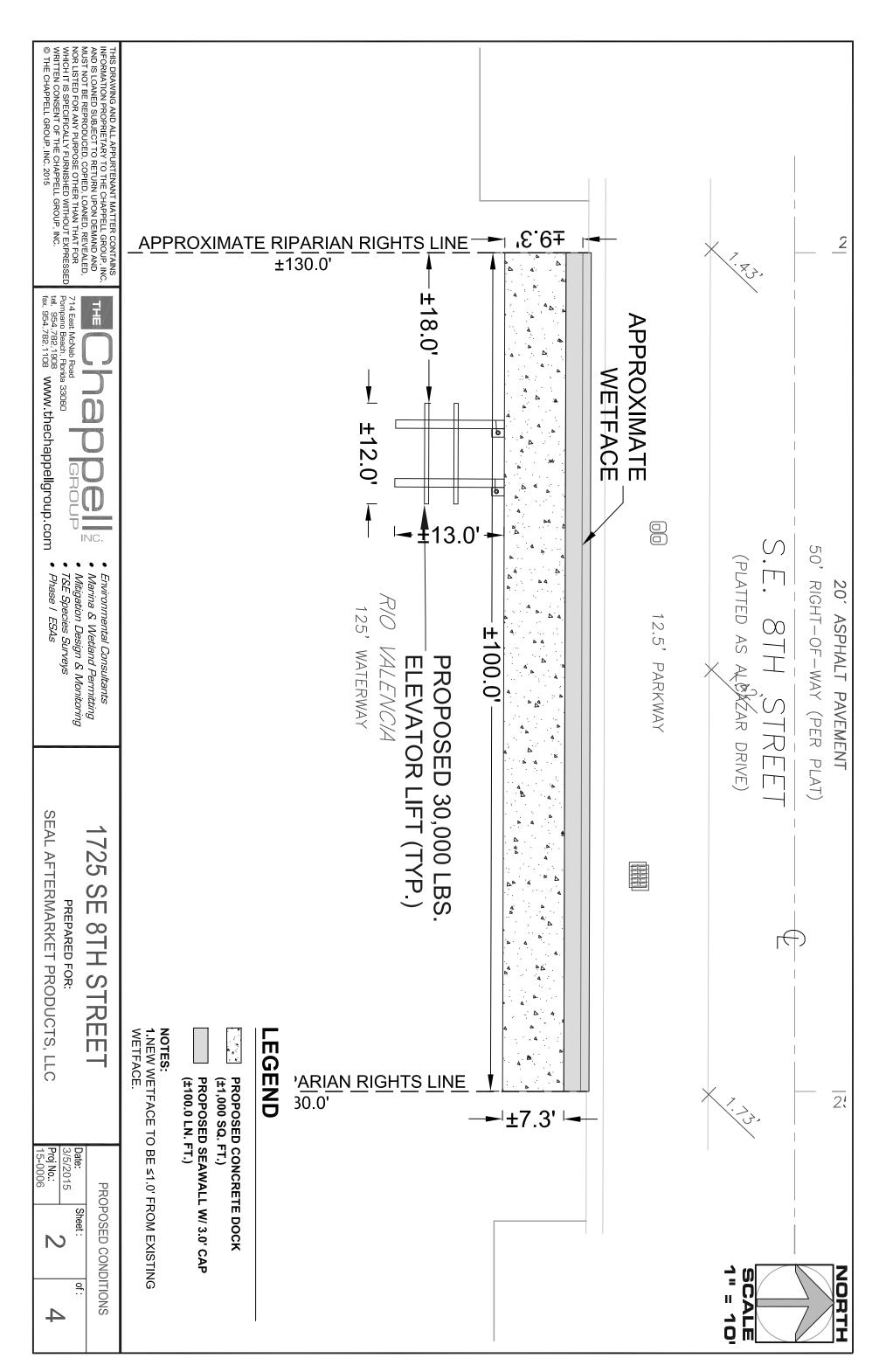
3. Eastern property boundary, facing west along the Rio Valencia canal.



4. Aerial photo from the east, facing west.

EXHIBIT VII PROJECT PLANS





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. 2015 714 East McNab Road IGROUP
Pompano Beach, Florida 33060
tel. 954,782.1908 www.thechappellgroup.com EXISTING SEAWALL CAP-TO BE REMOVED - ±1.1' NAVD PROPOSED FILL-PROPOSED SEAWALL CAP-ELEVATION ±4.0' NAVD 2.0' PROPOSED CONDITIONS (TYP.) EXISTING CONDITIONS (TYP.) INC. PROPOSED KING PILE EXISTING WOOD DOCK TO-BE REMOVED - ±1.1' NAVD 3.0 WETFACE Mitigation Design & Monitoring Environmental Consultants
 Marina & Wetland Permitting WETF T&E Species Surveys Phase | ESAs DISTANCE FROM EXISTING
WETFACE TO EDGE OF DOCK
±10.0' EXIST'G BERM DISTANCE FROM EXISTING WETFACE TO EDGE OF DOCK PROPOSED 7.3' CONCRETE DOCK EXISTING WOOD SEAL AFTERMARKET PRODUCT 1725 SE 8TH STRE TURBIDITY BARRIER (TYP.) PREPARED FOR: NAVD 2.1 M.L.W NAVD 21'MLW TS, LLC П SECTIONS 4

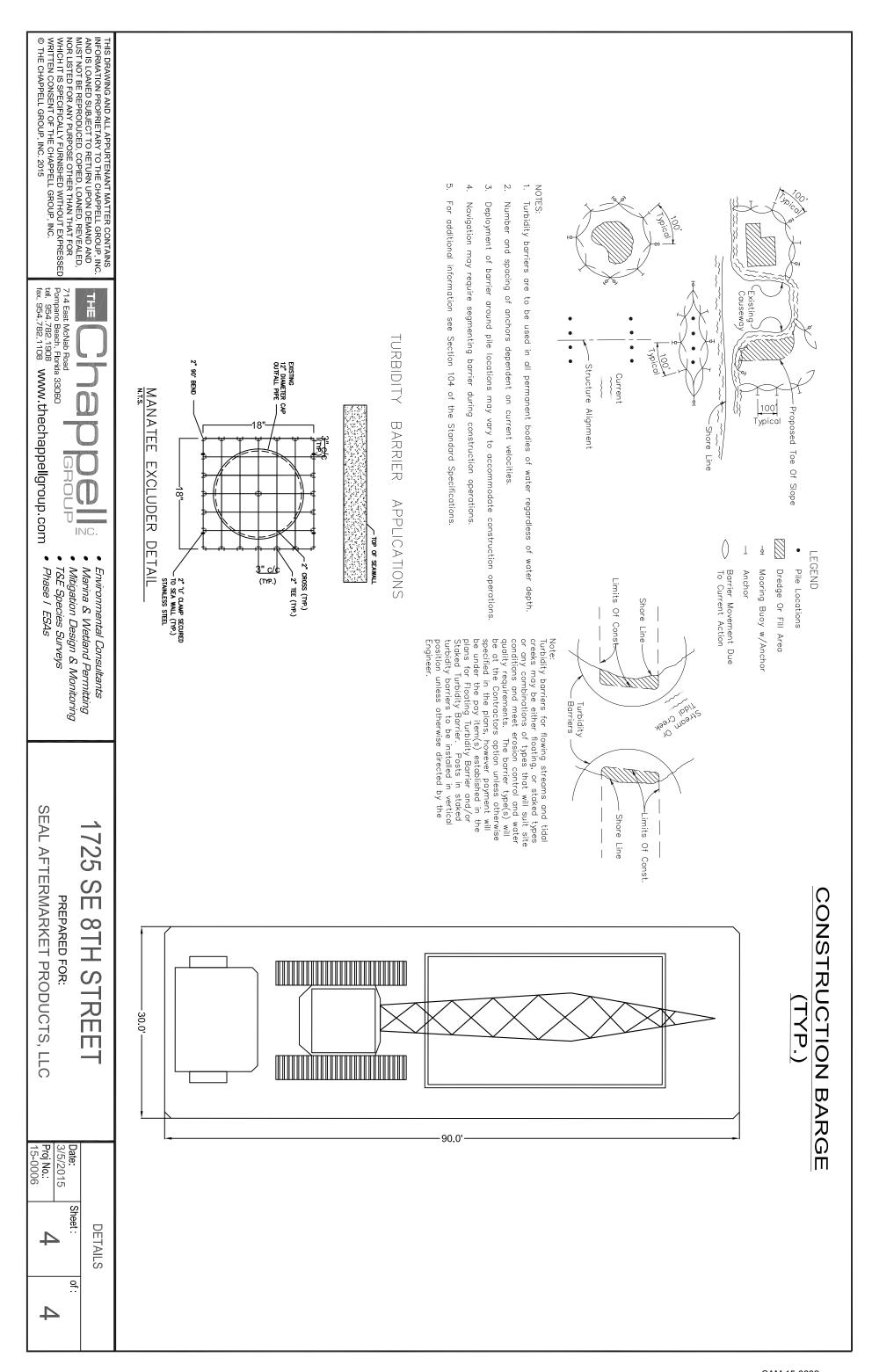


EXHIBIT VIII LANDSCAPE PLAN

S.E. STH STREET DOCK 2' SEAWALL SEE CHAPPELL GROUP FOR DOCK DETAILS. RIO VALENCIA CANAL

PLANT	LIST								
TREES	AND PA	LMS AMX3 LP-1				10-08-14			
KEY	QTY.	BOTANICAL/COMMON NAME	HEIGHT	SPREAD	CLEAR TRK. SPA.	REMARKS			
CR	2	Clusia rosea	12-14'	7'-8'		Full Canopy			
		Pitch Apple				Multi-Stem			
SHRUBS AND GROUNDCOVERS									
MUL	84	Muhlenbergia capillaries	18"	18"	18"o.c.	Full cont.			
		Muhly Grass							

MISCELLANEOUS

Sod to be St. Augustine sod.

Planting soil -1/2 cu. yd. per tree and 4" depth at all hedges and mass planting beds.

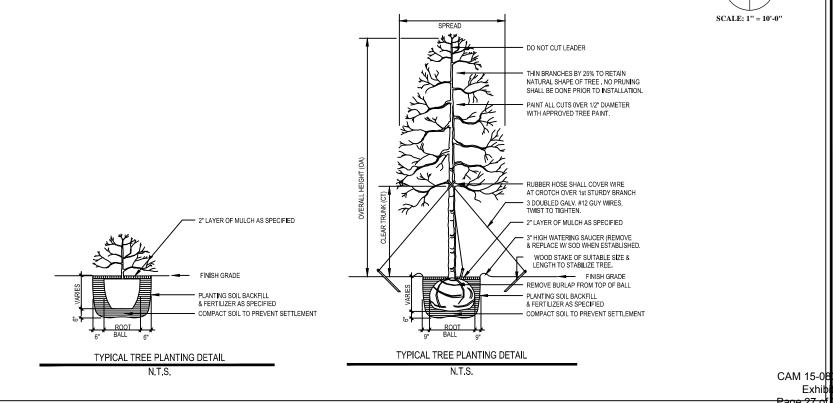
Sand - Palms to be planted in clean sand; ½ cu. yd. per palm.

Mulch - 2" depth of shredded mulch or pine straw at all hedges and mass planting beds.

- GENERAL NOTES

 ^ Indicates plant material native to Florida

 All sod to be Stenotaphrum secundatum 'Flor-tam', St. Augustine solid sod.
- All plant materials shall conform to the standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants", 2nd Edition: February 1998, State of Florida Department of Agriculture, Tallahassee, or thereto.
- All trees shall be properly guyed and staked at the time of planting to ensure proper establishment.
- The planting soil for all planting areas shall be composed of a minimum of 30% muck or horticulturally acceptable organic material. The minimum soil depth shall be four inches in all hedges and mass planting beds and ½ cu. yd. per tree. Palms to be planted in clean sand.
- Two inches minimum of shredded mulch or pine straw shall be installed around each tree and palm and throughout mass planting beds.
- Irrigation system to provide 100% coverage to landscaped areas with 50% overlap. Irrigation to be an automatic system with a rain gauge/moisture sensor shut-off.
- In case of discrepancies, planting plan takes precedence over plant list.
- Landscape contractor is responsible for his own quantity take-offs.



DSBoca

LC - 0000396

Ph: 561.955.8623

Fax: 561.362.4749

SE 8TH STREET, FORT LAUDERDALE - FLORIDA RIGHT OF WAY- PLANTING PLAN

MAY 13, 2015

CAM 15-0832 **P**-1