

RESOLUTION NO. 16-95

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING EXECUTION BY THE CITY MANAGER, ON BEHALF OF THE CITY OF FORT LAUDERDALE, A LETTER OF CONCURRENCE RELATIVE TO THE BAHIA MAR DREDGING PROJECT ALLOWING THE DREDGING TO BE CONDUCTED WITHIN WHAT WOULD OTHERWISE BE A FLORIDA ADMINISTRATIVE CODE REQUIREMENT OF A MINIMUM TWENTY-FIVE FOOT SETBACK WITHIN THE APPLICANT'S RIPARIAN RIGHTS LINE; REPEALING ANY RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Rahn Bahia Mar, LLC, a Delaware limited liability company is proposing to undertake a dredging project within the riparian rights lines of City-owned Bahia Mar; and

WHEREAS, the Florida Administrative Code, Section 18-21.004(3)(d) provides, among other matters, that dredging activities must be set back a minimum of twenty-five (25) feet inside an applicant's (Rahn Bahia Mar, LLC's) riparian rights lines; and

WHEREAS, the Florida Administrative Code permits dredging activities to occur within the twenty-five foot setback area referenced above when a Letter of Concurrence is obtained from the affected adjacent upland riparian owner; and

WHEREAS, the City of Fort Lauderdale is also an adjacent upland owner qualified to provide the Florida Department of Environmental Protection with such a Letter of Concurrence; and

WHEREAS, the City Commission declares that expansion of the dredging area serves a valid municipal purpose;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:


SECTION 1. That the City Commission of the City of Fort Lauderdale hereby authorizes issuance of a Letter of Concurrence with respect to the twenty-five (25) foot setback requirement under Florida Administrative Code Section 18-21.004(3)(d) with regard to the proposed dredging project by Rahn Bahia Mar, LLC, a Delaware limited liability of the City-owned Bahia Mar, a copy of which is attached hereto as Exhibit "A".

SECTION 2. That authority to execute the Letter of Concurrence is hereby delegated to the City Manager.

SECTION 3. That any prior Resolutions or parts thereof to the extent of conflict with this Resolution are hereby repealed.

SECTION 4. That this Resolution shall be in full force and effect immediately upon and after its passage.

ADOPTED this the 7th day of June, 2016.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JEFFREY A. MODARELLI

S:\CityClerk\REDLINE\2016\June 7\Resolutions\16-95.docx

LETTER OF CONCURRENCE FOR SETBACK WAIVER

TO: **RAHN BAHIA MAR, LLC**, a Delaware limited liability company
By: Bahia Mar Manager, LLC, a Delaware limited liability company
By: J. Kenneth Tate, Manager
(Owner/Applicant)

801 Seabreeze Blvd, Bldg. 8349, #R
Fort Lauderdale, FL 33316
(address of project)

File No.: **06-082328-009**

FROM: **CITY OF FORT LAUDERDALE**
By: Lee R. Feldman, City Manager
100 North Andrews Avenue, Floor 7
Fort Lauderdale, FL 33301

Section 18-21.004(3)(d), Florida Administrative Code, provides:

Except as provided herein, all structures, including mooring pilings, breakwaters, jetties and groins, and activities must be set back a minimum of 25 feet inside the applicant's riparian rights lines. Marginal docks, however, must be set back a minimum of 10 feet. Exceptions to the setbacks are: private residential single-family docks or piers associated with a parcel that has a shoreline frontage of less than 65 feet, where portions of such structures are located between riparian lines less than 65 feet apart, or where such structure is shared by two adjacent single-family parcels; utility lines; bulkheads, seawalls, riprap or similar shoreline protection structures located along the shoreline; structures and activities previously authorized by the Board; structures and activities built or occurring prior to any requirement for Board authorization; **when a letter of concurrence is obtained from the affected adjacent upland riparian owner;** or when the Board determines that locating any portion of the structure or activity within the setback area is necessary to avoid or minimize adverse impacts to natural resources.

I hereby state, as City Manager of the CITY OF FORT LAUDERDALE, that the CITY OF FORT LAUDERDALE IS the owner of the Adjacent Upland Riparian Property located to the south of the facility or activity proposed to be constructed or conducted by Rahn Bahia Mar, LLC, a Delaware limited liability company, (the Applicant/Owner) (Broward County Property Appraiser's Folio # 5042 12 27 0-012) as shown in the above referenced file (and on the attached drawing). By Resolution No. 16-95 the City Manager, Lee R. Feldman, has been granted authority to execute this Letter of Concurrence for Setback Waiver on behalf of the CITY OF FORT LAUDERDALE, Adjacent Upland Riparian Property Owner. The CITY OF FORT LADUERDALE, Adjacent Upland Property Owner, understands **that the subject project will be located within the riparian rights area of 801 Seabreeze Blvd, Fort Lauderdale and I do not object to the proposed activity being located within the area required as a setback distance from the common riparian rights line, as required by Chapter 18-21.004(3)(d), F.A.C.** This file shows the dredging will be located entirely within the Applicant's/Owner's riparian rights area and within 0.0 feet of the common riparian rights line between our parcels.

CITY OF FORT LAUDERDALE, Adjacent
Upland Property Owner

BY: _____

Lee R. Feldman, City Manager

6/15/16

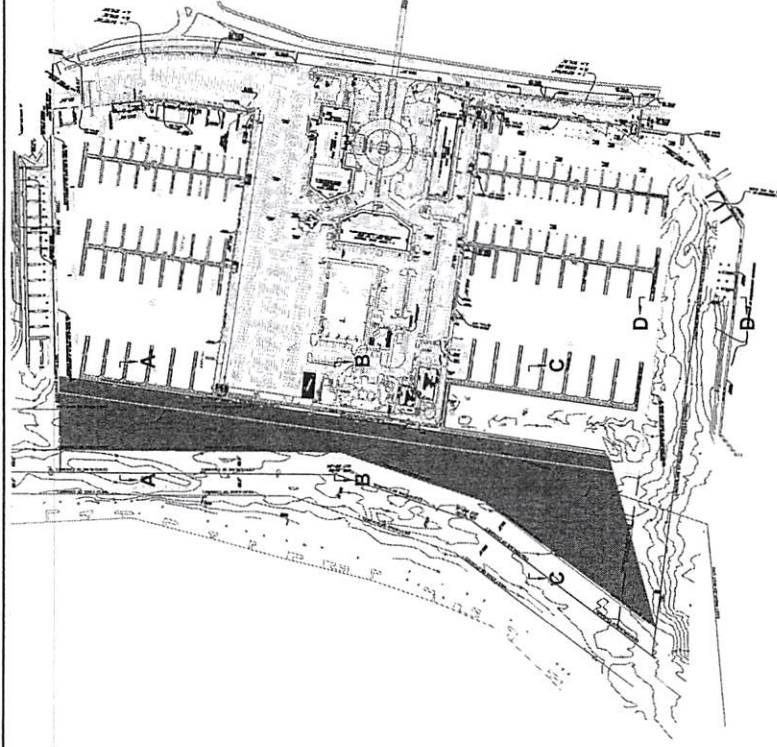
(Date signed)

Approved as to Form:
Cynthia A. Everett, City Attorney

By: _____

Robert B. Dunckel, Assistant City Attorney

L:\Marine\2016\Bahia Mar Dredging\Bahia Mar waiver.1clean.doc



LEGEND

PROPOSED DREDGING TO (-115' + 2' MLW
(±294.139ft - ±54.470yds')

FDEP LETTER OF CONCURRENCE
FOR SETBACK WAIVER

INITIALS OF ADJACENT OWNER: _____
DATE: _____

THIS DOCUMENT
IS UNCLASSIFIED
DATE 01/15/2010 BY
SP-1000

THE Chappell GROUP
714 East Main Road, Suite 2000
St. Augustine, FL 32080
Tel: 854-782-1100 • Fax: 854-782-1101 • www.thechappellgroup.com

- Environmental Consultants
- Mitigation & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

BAHIA MAR
PREPARED FOR:
RAHN BAHIA MAR, LLC

DF-2 KEY SHEET
Date: 3-15-10
Sheet: 1 of 1
Proj No.: 15-0020