

RESOLUTION NO. 17-130

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 47-19.3.(e) OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE GRANTING A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3.(d) TO ALLOW S. DONALD SUSSMAN AS TRUSTEE OF THE 888 PROPERTY TRUST UNDER AGREEMENT DATED NOVEMBER 30, 2015 TO CONSTRUCT AND MAINTAIN TWO (2) MOORING PILES THAT WILL EXTEND A MAXIMUM OF 43 +/- FEET FROM THE PROPERTY LINE INTO THE ADJACENT WATERS OF DAVOCK BAY SUCH PROPERTY BEING LOCATED AT 5 HARBORAGE ISLE DRIVE AND MORE PARTICULARLY DESCRIBED BELOW; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, S. Donald Sussman as Trustee of the 888 Property Trust under Agreement dated November 30, 2015 (hereinafter "Applicant") own the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

See Exhibit "A" attached hereto

Street Address: 5 Harborage Isle, Fort Lauderdale, FL 33316

(hereinafter "Property")

WHEREAS, Applicant is requesting approval for installation and maintenance of Two (2) mooring piles which will extend a maximum of 43 +/- feet from the Applicant's property line into the waters of Davock Bay; and

WHEREAS, the City's Marine Advisory Board on April 6, 2017, reviewed the application for dock waiver filed by the Applicant and voted unanimously to recommend approval.

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

SECTION 1. That pursuant to the provisions of ULDR Section 47-19.3(d) of the Code of Ordinances of the City of Fort Lauderdale, the City Commission hereby grants a waiver of the limitations of ULDR Section 47-19.3(d), to allow Applicant to construct and maintain two (2) mooring piles extending from Applicant's property line into the waters of Davock Bay such distances being more specifically set forth in the Table of Distances set forth below:

TABLE OF DISTANCES

| PROPOSED STRUCTURES | STRUCTURE DISTANCE FROM PROPERTY LINE | PERMITTED DISTANCE WITHOUT WAIVER | DISTANCE REQUIRING WAIVER |
|---------------------|---------------------------------------|-----------------------------------|---------------------------|
| Mooring Pile #1 | +/- 43' | 25' | +/- 18' |
| Mooring Pile #2 | +/- 43' | 25' | +/- 18' |

SECTION 2. That the above waiver is subject to the following additional conditions to be performed by the Applicants:

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 and verification of all applicable Federal and State permits.
3. Use of the upland single family residence and occupation thereof shall be in conformity with the City's ULDR and other applicable municipal, county, state and federal laws, rules, regulations and ordinances, including, but not limited to City

Codes, Unified Land Development Regulations and City's Minimum Housing Code, as same may be amended from time to time.

4. In accordance with City Code Sec. 8-149, repair and/or maintenance of vessels moored at this location shall be permitted only when such repair or maintenance is routine or minor in nature and does not involve major exterior alteration, rebuilding, complete refinishing, and/or removal of machinery, or the use of tools and equipment in such repair or maintenance which would be in violation of City Code of Ordinances, Chapter 17, Noise Control. Repair or maintenance, whether major or minor, shall be permitted in residential areas if such necessary work is conducted wholly within the confines of a permanent enclosed structure, and so long as the work complies with all other applicable City ordinances.
5. Within ninety (90) days of adoption of this Resolution, Applicants shall file applications for permits for all other governmental or regulatory approvals required to implement the dock waiver herein and provide proof thereof to the Supervisor of Marine Facilities. In the event the Applicant fails to timely file applications for permits as referenced above, the granting of this waiver will expire, without prejudice to the Applicant re-filing a subsequent application for dock waivers.
6. The Applicant shall complete construction of the improvements as reflected in the application for the waiver of limitations through to a final certificate of completion no later than 180 days after issuance of all necessary permits. In the event the Applicant fails to timely file applications for permits as referenced above, the granting of this waiver will expire, without prejudice to the Applicant re-filing a subsequent application for dock waivers.
7. This property is in zoning district RS 4.4 and the City Code §8-91 (g) provides: "The renting of docks, dock space or moorings, and the rental of boats or any portion thereof, for any purpose whatsoever shall be specifically prohibited in residential areas zoned RS-8 and RS-4.4".
8. In the event ownership of the Property is transferred to a third party prior to issuance of a building permit to construct the improvements authorized under this dock waiver Resolution, then this Resolution shall become null and void.
9. By acceptance of the benefits of this dock waiver, Applicant agrees that the upland property shall not be leased out as a vacation or short-term rental, where a vacation rental or short-term rental is defined as the leasing out of the upland property with more frequency than twice every three months or the occupation of


the upland property by subtenants that change more frequently than twice every three months.

10. Violation of any of the foregoing conditions is unlawful and constitutes a violation of the City's ULDR and may result in revocation of this Resolution by the City Commission.
11. A copy of this Resolution shall be attached to each and every Lease Agreement for the leasing of the Property described herein.
12. That a certified copy of this Resolution shall be recorded in the Public Records of Broward County, Florida, at Applicants' expense, within thirty (30) days of final passage.
13. The Applicant is required to install and affix reflector tape to the proposed mooring piling clusters in accordance with Section 47.19.3.(e) of the Unified Land Development Regulations.

SECTION 3. That all Resolutions or parts of Resolutions in conflict with this Resolution are hereby repealed.

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

ADOPTED this the 20th day of June, 2017.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JEFFREY A. MODARELLI

EXHIBIT "A"
LEGAL DESCRIPTION

Lot 2 of The Harborage:

A portion of Section 12, Township 50 South, Range 42 East, Broward County, Florida, more fully described as follows:

Commencing at the Northeast corner of Government Lot 3, Section 13, Township 50 South, Range 42 East, said point being on the South line of said Section 12; thence South 88°09'38" West, along the South line of said Section 12, a distance of 2.47 feet; thence North 1°28'25" West a distance of 514.11 feet; thence South 76°45'35" West, a distance of 413.89 feet; thence North 59°22'45" West a distance of 143.90 feet to the Point of Beginning; thence continue North 59°22'45" West, a distance of 110.00 feet; thence North 4°34'42" East, a distance of 184.54 feet; thence South 71°16'08" East, a distance of 110.00 feet; thence South 6°45'17" West, a distance of 206.09 feet to the Point of Beginning.

Together with a Portion of Lot 3, The Harborage

A portion of Section 12, Township 50 South, Range 42 East, Broward County, Florida, more fully described as follows:

Commencing at the Northeast corner of Government Lot 3, Section 13, Township 50 South, Range 42 East, said point being on the South line of said Section 12; thence South 88°09'38" West, along the South line of said Section 12, a distance of 2.47 feet; thence North 1°28'25" West, a distance of 514.11 feet; thence South 76°45'35" West, a distance of 413.89 feet; thence North 59°22'45" West, a distance of 253.90 feet to the Point of Beginning; thence continuing North 59°22'45" West, a distance of 25 feet; thence North 4°34'42" East, a distance of 179.22 feet; thence South 71°16'08" East, a distance of 23.16 feet; thence South 4°34'42" West, a distance of 184.54 feet to the Point of Beginning.

EXHIBIT "A"

Lot 3 less the East 25 feet as measured at an angle along the South boundary line and Lot 4 of THE HARBORAGE, as shown on that drawing prepared by McLaughlin Engineering Co., attached to The Harborage Agreement as Exhibit "A", as filed in Official Records Book 3524, at Page 307, and being more fully described as follows:

Lot 3 less the East 25 feet as measured at an angle along the South boundary line of THE HARBORAGE:

A portion of Section 12, Township 50 South, Range 42 East, Broward County, Florida, more fully described as follows:

Commencing at the Northeast corner of Government Lot 3, Section 13, Township 50 South, Range 42 East, and point being on the South line of said Section 12; thence South 88° 09' 38" West, along the South line of said Section 12, a distance of 2.47 feet; thence North 01° 28' 25" West a distance of 514.11 feet; thence South 76° 45' 35" West, a distance of 413.89 feet; thence North 59° 22' 45" West, a distance of 253.90 feet to the Point of Beginning; thence continuing North 59° 22' 45" West, a distance of 110 feet; thence North 01° 49' 41" East, a distance of 163.33 feet; thence South 71° 16' 08" East, a distance of 110 feet; thence South 04° 34' 42" West, a distance of 184.54 feet to the Point of Beginning.

LESS: The East 25 feet as measured at an angle along the South boundary line of Lot 3 of THE HARBORAGE.

AND

Lot 4 of THE HARBORAGE:

A portion of Section 12, Township 50 South, Range 42 East, Broward County, Florida, more fully described as follows:

Commencing at the Northeast corner of Government Lot 3, Section 13, Township 50 South, Range 42 East, and point being on the South line of said Section 12; thence South 88° 09' 38" West, along the South line of said Section 12, a distance of 2.47 feet; thence North 01° 28' 25" West, a distance of 514.11 feet; thence South 76° 45' 35" West, a distance of 413.89 feet; thence North 59° 22' 45" West, a distance of 363.90 feet to the Point of Beginning; thence continue North 59° 22' 45" West, a distance of 135.00 feet; thence North 00° 23' 05" West, a distance of 144.94 feet; thence South 74° 05' 27" East, a distance of 117.25 feet to a point on a curve; thence Southerly along the arc of the curve to the left, whose radius is a prolongation of the last described course, having a radius of 15.00 feet, a central angle of 87° 10' 41" for an arc distance of 22.82 feet to a point of the East line of said Lot 4; thence South 01° 49' 41" West along said East line which forms an included angle of 150° 29' 31.5" with the chord of last described curve, a distance of 163.33 feet to the Point of Beginning.

Together with a permanent and perpetual easement with others on, over, upon, across, through and in Parcel "A" of Isla Bahia, according to the plat thereof, recorded in Plat Book 47, at Page 27, of the Public Records of Broward County, Florida, as established by that certain agreement made between Company Six-C, Inc., a Florida corporation, and Island Twenty, Inc., a Florida corporation, dated March 28, 1967, and filed in Official Records Book 3514, at Page 296, of the Public Records of Broward County, Florida.

EXHIBIT "A"

Lots 5 and 6, of THE HARBORAGE (Unrecorded):

A portion of Section 12, Township 50 South, Range 42 East, Broward County, Florida, more fully described as follows:

Commencing at the Northeast corner of Government Lot 3, Section 13, Township 50 South, Range 42 East, said point being on the South line of said Section 12; thence South 88° 09' 38" West on the South line of said Section 12, a distance of 2.47 feet; thence North 1° 28' 25" West, a distance of 514.11 feet; thence South 76° 45' 35" West, a distance of 413.89 feet; thence North 59° 22' 45" West, a distance of 498.90 feet; thence continue North 0° 23' 05" West, a distance of 144.94 feet to the point of beginning; thence continue North 0° 23' 05" West a distance of 144.94 feet; thence continue South 84° 00' 40" East, a distance of 249.61 feet; thence South 1° 12' 53" West, a distance of 178.77 feet; thence North 71° 16' 08" West, a distance of 117.71 feet to a point of curvature; thence on the arc of a curve to the left having a radius of 15 feet, a central angle of 92° 49' 19" for an arc distance of 24.30 feet; thence North 74° 05' 27" West, a distance of 117.25 feet to the Point of Beginning.

AND

Lot 7, of THE HARBORAGE (Unrecorded):

A portion of Section 12, Township 50 South, Range 42 East, Broward County, Florida, more fully described as follows:

Commencing at the Northeast corner of Government Lot 3, Section 13, Township 50 South, Range 42 East, said point being on the South line of said Section 12; thence South 88° 09' 38" West, along the South line of said Section 12, a distance of 2.47 feet; thence North 1° 28' 25" West, a distance of 514.11 feet; thence South 76° 45' 35" West, a distance of 413.89 feet; thence North 59° 22' 45" West, a distance of 498.90 feet; thence North 0° 23' 05" West, a distance of 289.88 feet; thence South 84° 00' 40" East, a distance of 249.61 feet to the Point of Beginning; thence continue South 84° 00' 40" East, a distance of 110.00 feet; thence South 1° 12' 03" West a distance of 200.99 feet to a point on a curve; thence Westerly along the arc of a curve to the right, whose chord forms an included angle of 74° 50' 31.5" with last described course having a radius of 900.00 feet, a central angle of 4° 44' 41", for an arc distance of 74.53 feet to a Point of Tangency; thence North 71° 16' 08" West, a distance of 39.58 feet; thence North 1° 12' 53" East, a distance of 178.77 feet to the Point of Beginning.

All of the above described lands situate, lying and being in Broward County, Florida.