RESOLUTION NO. 18-44

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING, PURSUANT TO SECTION 8-144 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, A DOCK PERMIT FOR CONSTRUCTION AND USE BY TODD & KARIN CORRELL OF A PROPOSED 4' SEAWALL CAP WITH BATTER PILES, 456 SQUARE FOOT WOOD MARGINAL DOCK, ONE (1) 240 SQUARE FOOT FLOATING DOCK WITH ACCESS RAMP AND ONE (1) 90 SQUARE FOOT JET DOCK CONSTRUCTED ON PUBLIC PROPERTY ADJACENT TO THE PROPERTY OWNED BY TODD & KARIN CORRELL AT 1735 SE 8TH STREET, AS SUCH PROPERTY IS MORE PARTICULARLY LEGALLY DESCRIBED BELOW; SUBJECT TO CERTAIN TERMS AND CONDITIONS; SUBJECT TO APPROVAL OF A LANDSCAPE PLAN AND REQUIREMENT OF IMPLEMENTATION AND MAINTENANCE THEREOF; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, TODD & KARIN CARROLL, applied for a permit to construct, use, maintain and repair a proposed new seawall, cap with batter piles, concrete floating marginal dock, a jet dock and a fixed platform with access ramp on public property abutting a waterway in accordance with the provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale; and

WHEREAS, the City's Marine Advisory Board on February 1, 2018, reviewed the application for dock permit filed by Applicant and voted unanimously (12 to 0) to recommend to the City Commission approval of this application;

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

SECTION 1. That pursuant to Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, permission is hereby granted to **TODD & KARIN CARROLL** (hereinafter referred to as "Permit Holder") to use proposed 4' seawall cap with batter piles, 456 square foot wood marginal dock, one (1) 240 square foot floating dock with access ramp and one (1) 90 square foot dock (the "Improvements") located on the Rio Valencia Canal, such dock being located adjacent to Permit Holder's property located at 1735 SE 8th Street and legally described as follows:

Lots 24 and 25, Block 20, RIO VISTA ISLES, UNIT 5, according to the Plat thereof, as records in Plat Book 8, Page 7, Public Records of Broward County, Florida.

(Property ID#: 5042 11 22 1540)
(Hereinafter "Property")

SECTION 2. The Permit herein granted by this Resolution may be revoked at any time for violation of any one or more of the conditions of this Resolution or provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, all of which provisions are incorporated by reference as if fully set forth herein. The following conditions of that Code Section are listed for emphasis: (1) Permit Holder shall have no authority to assign permit rights to any other individual without approval of the City Commission, except as hereinafter provided; (2) Permit Holder is prohibited from collecting rent for the dock facility; (3) neither of the Improvements shall be used by any person or persons other than Permit Holder, except as may hereinafter be provided; (4) Permit Holder shall be responsible for maintaining the Improvements; (5) by acceptance of the use of the Improvements and the Permit granted hereby, (6) Permit Holder agrees to defend, indemnify and hold City harmless for damages to property or injury to or for the death of anyone using the Improvements; (7) Permit Holder shall be responsible for all governmental charges or fees in connection with the maintenance, repair and use of the Improvements; (8) Permit Holder is prohibited from erecting any signs, landscaping or fencing that would restrict public access to the Dock Area.

SECTION 3. The granting of this Permit is subject to the following terms and conditions:

1. The fixed period of the Permit issued for use of the Improvements described in the application is for a period of (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 Improvements 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 Improvements 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.

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 improvements to the Dock Area must be in accord with City Engineering design standards and in compliance with applicable building and zoning permit requirements.

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.

9. As a special condition, vessels berthed within the Dock Area must not encroach into the easterly or westerly extension of the 10' vessel set-back required for the RS-4.4 zoning district for Applicant's (Permit Holder's) Property, unless as specified in applicant's narrative a set-back waiver is granted via the City's Board of Adjustment.

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 Mooring Piles, 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.

SECTION 4. Permit holder shall repair, replace or maintain the Improvements during the term of the Permit. The term of this Permit shall be five (5) years from the date of adoption of this Resolution, provided, however that this Permit may be revoked upon ninety (90) days advance notice for failure to repair, replace or maintain the Improvements. At the end of the five (5) year term, the Permit shall be revocable at the will of the City Commission.

SECTION 5. That by acceptance of the benefits of this Resolution, Permit Holder acknowledges that the Dock Area are part of a publicly dedicated right-of-way for S.E. 8th Street and that any right, title, interest or claim of use to the Dock Area, except to the extent provided herein, is subordinate and inferior to that public dedication until such public dedication is discontinued by law.

SECTION 6. That the City Clerk is hereby directed to record a copy of this Resolution in the Public Records of Broward County, Florida at the Permit Holder's expense and after recording to file same in the City's records.

SECTION 7. That all Resolutions or parts of Resolutions in conflict are hereby repealed.

SECTION 8. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the 6th day of March, 2018.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI