

RESOLUTION NO. 18-

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) A DOCK PERMIT FOR USE BY **OLAS CAPITAL, LLC**, A FLORIDA LIMITED LIABILITY COMPANY FOR CONSTRUCTION, USE, REPAIR AND MAINTENANCE OF A PROPOSED NEW FINGER PIER WHICH WILL BE CONSTRUCTED ON PUBLIC PROPERTY ADJACENT TO THE PROPERTY OWNED BY OLAS CAPITAL, LLC AT 341 & 345 IDLEWYLD DRIVE, SUCH PROPERTY BEING MORE PARTICULARLY LEGALLY DESCRIBED BELOW ("SOUTH FINGER PIER") AND (B) A DOCK PERMIT FOR USE BY **JAMES D. WILSON** FOR CONSTRUCTION, USE, REPAIR AND MAINTENANCE OF A PROPOSED NEW FINGER PIER WHICH WILL BE CONSTRUCTED ON PUBLIC PROPERTY ADJACENT TO THE PROPERTY OWNED BY JAMES D. WILSON AT 333 POINCIANA DRIVE ("NORTH FINGER PIER") BOTH PERMITS FOR NORTH FINGER PIER AND SOUTH FINGER PIER BEING SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, OLAS CAPITAL, LLC, a Florida limited liability company, applied for a permit to construct, use, maintain and repair a proposed 4 feet x 25 feet finger pier ("South Finger Pier") and associated Mooring Piles, and to repair and raise the seawall on public property abutting a waterway to the new required height and adjacent to property owned by OAS CAPITAL, LLC at 341 & 345 Idlewyld Drive ("South Finger Pier"), City of Fort Lauderdale of the Code of Ordinances of the City of Fort Lauderdale; and

WHEREAS, JAMES D. WILSON applied for a permit to construct, use, maintain

and repair a proposed 4 feet X 25 feet finger pier ("North Finger Pier") and associated mooring piles and to repair and raise the corresponding seawall on public property abutting a waterway to the new required height adjacent to the property owned by **JAMES D. WILSON** at 333 Poinciana Drive, City of Fort Lauderdale; and

WHEREAS, the City's Marine Advisory Board on May 3, 2018, reviewed the application for dock waiver filed by Applicants and voted 8 - 2 to recommend to the City Commission approval of this of both the North Finger Pier and South Finger Pier applications.

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 **OLAS CAPITAL LLC** (hereinafter referred to as "Permit Holder") to construct, use, maintain and repair a proposed 4 feet x 25 feet finger pier and associated mooring piles on Las Olas Bight, directly adjacent to the Intracoastal Waterway, such dock being located adjacent to Permit Holder's property at 341 Idlewyld Drive ("South Finger Pier") and legally described as follows:

The North 85 feet of Lots 10 and 11, Block 1, IDLEWYLD, according to the map or plat thereof as recorded in Plat Book 1, Page 19, Public Records of Broward County, Florida

(Property ID#: 5042 1202 0080)

(Hereinafter, "South Finger Pier")

SECTION 2. That pursuant to Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, permission is hereby granted to JAMES D. WILSON (hereinafter referred to as "Permit Holder") to construct, use, maintain and repair a proposed 4 feet x 25 feet finger pier and associated mooring piles on Las Olas Bight, directly adjacent to the Intracoastal Waterway, such dock being located adjacent to Permit Holder's property at 333 Poinciana Drive ("North Finger Pier") and legally described as follows:

North ½ Lot 26 all of Lot 27, Block 12 of IDLEWYLD, according to the Plat thereof as recorded in Plat Book 1, Page 19, of the Public Records of Broward County, Florida.

(Property ID#: 5042 1202 0790)

(Hereinafter, "North Finger Pier")

SECTION 3. The Permits herein granted by this Resolution both as to the North Finger Pier and South Finger Pier 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 Holders shall have no authority to assign permit rights to any other individual without approval of the City Commission, except as hereinafter provided; (2) Permit Holders are prohibited from collecting rent for the dock facility; (3) the finger pier shall not be used by any person or persons other than the respective Permit Holder, except as may hereinafter be provided; (4) each respective Permit Holder shall be responsible for maintaining the improvements to the their respective finger pier, associated mooring piles and seawall in accordance with City Engineering standards and in full compliance with building and zoning requirements; (5) by acceptance of the use of each of the finger piers and associated mooring piles by each respective Permit granted hereby, each of the respective Permit Holders agree to defend, indemnify and hold City harmless for damages to property or injury to or for the death of anyone using the Expanded Dock Area (defined below in Section 4, subsection 3); (6) each respective Permit Holder shall be responsible for all governmental charges or fees in connection with the maintenance, repair and use of the respective Expanded Dock Areas finger piers and associated mooring piles; (7) Permit Holders are prohibited from erecting any signs, landscaping or fencing that would restrict public access to the Expanded Dock Area.

SECTION 4. The granting of each of these Permits is subject to the following terms and conditions:

1. The fixed period for each Permit issued for use, maintenance and repair of the finger piers and adjacent seawall described in the application is for a period of five (5) years in accordance with City Code Section 8-144(1), provided however that the Permit is revocable at the will of the City Commission, without cause with ninety (90) days advance notice for failure to maintain and repair the finger piers and seawall when needed.
2. As a special condition, the City reserves the right to remove the proposed finger

piers and associated mooring piles 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 finger piers and associated mooring piles shall be the responsibility of the each respective Permit Holder as to their respective finger pier. The existing seawall shall be repaired and raised to the new height required by the City. Furthermore, the Permit Holders shall be responsible for maintaining and beautifying the expanded Dock Areas and failure to do so shall be grounds for revocation of this Permit.

3. Permit Holders are prohibited from erecting any signs, landscaping or fencing to restrict public access to the Expanded Dock Area except where permitted herein or by Code. For the purpose of this subsection 3, the "Expanded Dock Area" shall include the area described in subsection 4 below, except that the Expanded Dock Area in this subsection 3 shall also include the finger piers and adjoining seawall cap.
4. For the purpose of this subsection 4, the "Limited Dock Area" shall include the swale area abutting the waterfront side of the street corresponding the North Finger Pier and South Finger Pier, but shall not include the finger pier and seawall cap abutting the finger pier. The Limited Dock Area, as defined above and being used by the each respective Permit Holder shall be kept open at all times as a means of reasonable ingress and egress to the public and maintaining an open vista to the adjacent waterway. However, Permit Holder shall have the right to exclude the public from the finger pier and seawall cap abutting the finger pier.
5. All existing improvements to the Expanded Dock Area, as defined in subsection 3, 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 Department of Sustainable Development, Division of Building Services.
6. The Permits granted herein shall not, either individually or collectively, be assignable without the written approval by Resolution adopted by the City Commission.
7. Each respective Permit Holder shall not charge or collect any rent or fees from

anyone using such finger pier and associated mooring piles constructed in accordance with this Resolution. No signage shall be placed upon such finger pier or associated mooring piles indicating it is a private dock.

8. Vessels berthed on North Finger Pier or South Finger Pier are prohibited from extending beyond the maximum distance of 30% of the width of the waterway. Furthermore, no vessel shall be berthed on the North side of the North Finger Pier.
9. In the event either Permit Holder is found by the City Commission to have violated any of the conditions of this Resolution or by the Code Enforcement Board, Special Magistrate or County Court Judge to have violated any Code sections relative to the use of the respective Expanded Dock Area, as defined in subsection 3 above, then the respective Permit granted herein may be repealed or rescinded by the City Commission upon thirty (30) days advance written notice to the Permit Holder.
10. Use of the finger pier and associated mooring piles 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 Permit Holder to the Supervisor of Marine Facilities.
11. The each respective 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.
12. Parking of cars within the Swale Area abutting the waterway should be avoided to the greatest extent practicable. The parking of vehicles compacts the soil and prevents storm water from soaking into the ground and impairs the open vista and open accessibility the general public should have relative to the adjacent waterway.
13. The Swale Area abutting the waterway may not be altered by regarding or filling with concrete, rock, dirt or anything other than grass or ground cover, unless a City permit has been obtained under City Code §25-100.

SECTION 5. Each Permit Holder shall repair, replace or maintain the adjacent seawall 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 finger piers and adjacent seawall. At the end of the five (5) year term, the Permit shall be revocable at the will of the City Commission.

SECTION 6. That by acceptance of the benefits of this Resolution, each Permit Holder acknowledges that the Limited Dock Area is part of a publicly dedicated right-of-way for 341 Idlewyld Drive and 333 Poinciana Drive and that any right, title, interest or claim of use to the Expanded or Limited 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 7. 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 record.

SECTION 8. That all Resolutions or parts of Resolutions in conflict are hereby repealed.

SECTION 9. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the ____ day of _____, 2018.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI