

ITEM V

MEMORANDUM MF NO. 19-04

DATE: March 20, 2019

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Manager of Marine Facilities

RE: April 4, 2019 MAB Meeting – Application for Dock Permit – Stephen and Kim Ann Shulman / 116 SE 11 Avenue

APPLICATION AND BACKGROUND INFORMATION

The applicant is seeking approval for use, maintenance and repair of an approximately 20' long x 5' wide existing fixed marginal dock on public property abutting the waterway and encroaching into the Himmarshee Canal (**Exhibit 1**). City Code Section 8- 144 authorizes the 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 RC-15 Residential Single Family / Cluster Dwelling / Low Medium Density Zoning District. The dock is located on the Himmarshee Canal, which connects to the New River.

ENGINEERING REVIEW REQUIREMENT

As a requirement of City Code Section 8-144, approval of the application is contingent upon all 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 seawall and fixed marginal dock 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 dock 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 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.

Marine Advisory Board

April 4, 2019

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3. As a special condition of the Permit, the Permit Holder is prohibited from erecting any signs, landscaping or fencing to restrict public access to the Dock Area except where permitted by Code. The "Dock Area" shall include the marginal dock 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 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 relatively northerly or southerly extension of the 5' vessel set-back required for the RC-15 Residential Single Family / Cluster Dwelling / Low Medium Density 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.

AC

Attachment

cc: Enrique Sanchez, Deputy Director of Parks and Recreation
Jonathan Luscomb, Supervisor of Marine Facilities

**MARINE ADVISORY BOARD –
LAND USE AUTHORIZATION APPLICATION**

116 SE 11 Ave., Fort Lauderdale, FL 33301

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March 5, 2019

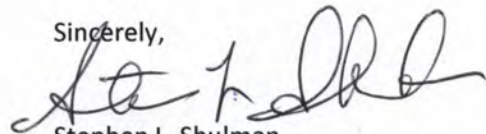
Marine Advisory Board
City of Fort Lauderdale
2 South New River Drive East
Fort Lauderdale, FL 33301

RE: Private Use of Public Lands Authorization

To Whom it May Concern:

The property at 116 SE 11 Avenue, Fort Lauderdale, consists of an existing wood dock along a concrete seawall on the east side along the Himmarshee Canal, adjacent to public property. Historically, the owners of the property utilized the dock for the purpose of mooring a vessel. The dock was constructed in 2008 for the specific use of 116 SE 11 Avenue and with permission of the City of Fort Lauderdale for Construction and use. The applicant would like to continue to use the dock for mooring a vessel.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen L. Shulman', written over the printed name.

Stephen L. Shulman

Homeowner of 116 SE 11 Avenue

**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 of corporation. If individuals doing business under a fictitious name, correct names of individuals, not fictitious names, must be used. If individuals owning the property as a private residence, the name of each individual as listed on the recorded warranty deed):

NAME: **Stephen Shulman and Kim Ann Shulman**

TELEPHONE NO: **(561) 281-3502**

2. APPLICANT'S ADDRESS (if different than the site address):
116 SE 11 AVE FORT LAUDERDALE FL 33301

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:
Private Use of Public Lands

4. SITE ADDRESS:
116 SE 11 AVE FORT LAUDERDALE FL 33301

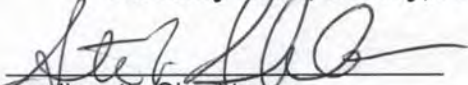
ZONING:

**RS-01
RC15**

LEGAL DESCRIPTION:

**BEVERLEY HEIGHTS 1-30 B N 40 OF LOT 19 & S 30 OF LOT 20 BLK 18, LESS S1/2 THEREOF
AKA: N 5 OF LOT 19 AND S 30 OF LOT 20 BLK 18**

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).
Warranty Deed, Survey, Photos


Applicant's Signature

3/5/2019
Date

The sum of \$ 300.00 was paid by the above-named applicant on the _____ of _____, 2019 Received by: _____

City of Fort Lauderdale

=====For Official City Use Only=====

Marine Advisory Board Action

Formal Action taken on _____

Commission Action

Formal Action taken on _____

Recommendation _____
Action _____

This Instrument was Prepared By,
Record and Return To:

William B. Mason, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
New River Center
200 East Las Olas Boulevard
Suite 2100
Ft. Lauderdale, Florida 33301

Property Appraiser Identification No:
5042 11 07 0831

WARRANTY DEED

THIS WARRANTY DEED made this 31 day of January, 2019 by **118 INVESTMENT CORP., a Florida corporation** (the "Grantor"), whose mailing address is 3801 SW 30th Avenue, Fort Lauderdale, Florida 33312 Attention: Manuel Agüero to **STEPHEN SHULMAN AND KIM ANN SHULMAN, husband and wife** (the "Grantee"), whose mailing address is 116 SE 11th Avenue, Fort Lauderdale, Florida 33301.

WITNESSETH:

That Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to Grantor in hand paid by Grantee, the receipt, adequacy, and sufficiency whereof are hereby acknowledged, does hereby grant, bargain, sell, alien, remise, transfer, release, convey and confirm unto Grantee and Grantee's successors, heirs and assigns the real property (the "Property") located in Broward County, Florida, and more particularly described in **Exhibit "A"** attached hereto and made a part hereof.

SUBJECT TO: (i) all easements, conditions, covenants, restrictions, reservations, limitations, agreements and other matters of record, provided that this instrument shall not reimpose same, (ii) real estate taxes and assessments for the year 2019 and all subsequent years, (iii) existing applicable governmental building and zoning ordinances and other governmental regulations, and (iv) matters that would appear on a current and accurate survey of the Property.

TOGETHER with all the tenements, hereditaments, and appurtenances belonging or in any way appertaining to the Property,

TO HAVE AND TO HOLD the same in fee simple forever.

AND GRANTOR does hereby specially warrant the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other. The Property is transferred and conveyed in its "AS-IS" "WHERE-IS" physical condition, without warranty except as to warranty of title as provided herein.

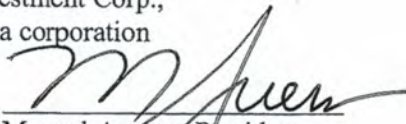
IN WITNESS WHEREOF, Grantor has caused this Warranty Deed to be executed on the day and year first above written.

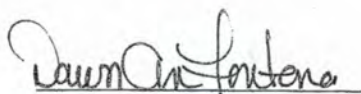
SIGNED AND SEALED IN THE
PRESENCE OF:

GRANTOR:

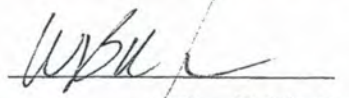
118 Investment Corp.,
a Florida corporation

By:


Manuel Agüero, President
(CORPORATE SEAL)



Print: Dawn Ann Fontana


Print: William B. Mason

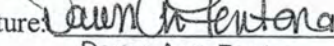
ACKNOWLEDGMENT

STATE OF FLORIDA)

COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 30 day of January, 2019, by Manuel Agüero, as President of 118 Investment Corp., a Florida corporation, on behalf of the corporation. He ☒ is personally known to me or ☐ presented a Florida driver's license as identification.

Notary Stamp/Seal:

Notary Signature: 
Notary Print: Dawn Ann Fontana
Notary Public, State of Florida
Commission No.: _____
My Commission Expires: _____

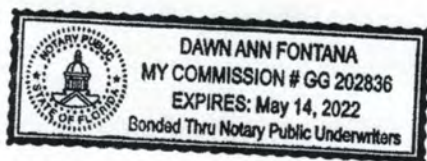
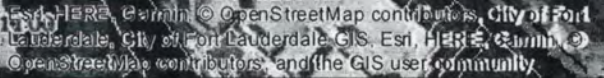


EXHIBIT "A"

The North 5 feet of Lot 19 and the South 30 feet of Lot 20, Block 18, BEVERLY HEIGHTS, according to the Plat thereof, recorded in Plat Book 1, Page 30, of the Public Records of Broward County, Florida.

LEGEND

- 1. CABLE JUNCTION BOX
- 2. CATCH BASIN
- 3. CLEAN OUT
- 4. CONTROL VALVE
- 5. ELECTRIC SERVICE
- 6. FIRE HYDRANT
- 7. FIRE PAD
- 8. GUY ANCHOR
- 9. MANHOLE
- 10. POOL EQUIPMENT
- 11. POWER/LIGHT POLE
- 12. SPRINKLER SYSTEM
- 13. WATER METER
- 14. WATER VALVE
- 15. WELL
- 16. BRICK PAVEMENT
- 17. CENTRIFUGAL
- 18. CONCRETE/CHALK
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- 483. FIRE PAD
- 484. GUY ANCHOR
- 485. MANHOLE
- 486. POOL EQUIPMENT
- 487. POWER/LIGHT POLE
- 488. SPRINKLER SYSTEM
- 489. WATER METER
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- 492. BRICK PAVEMENT
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- 494. CONCRETE/CHALK
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- 497. METAL FENCE
- 498. OVERHEAD WIRES
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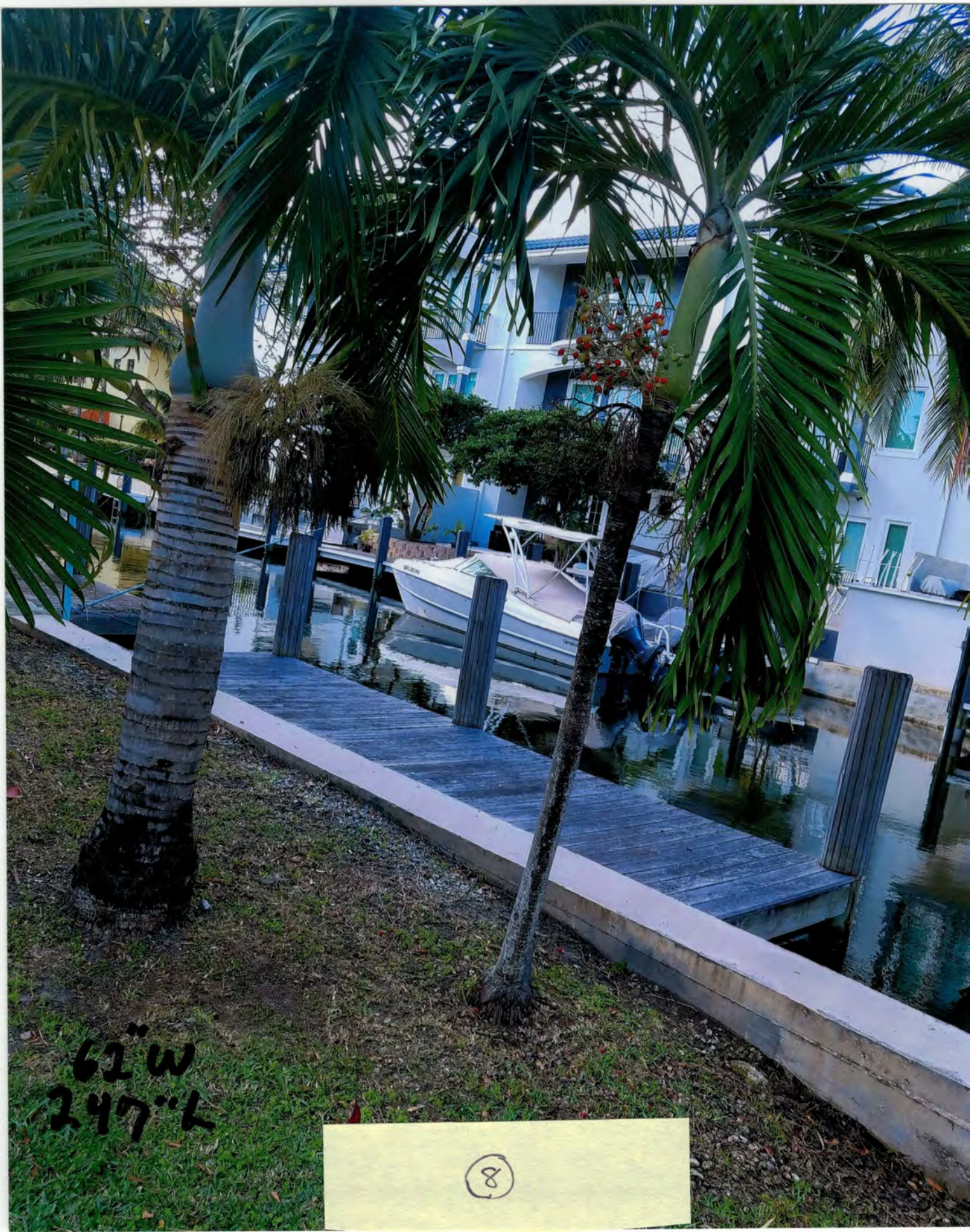


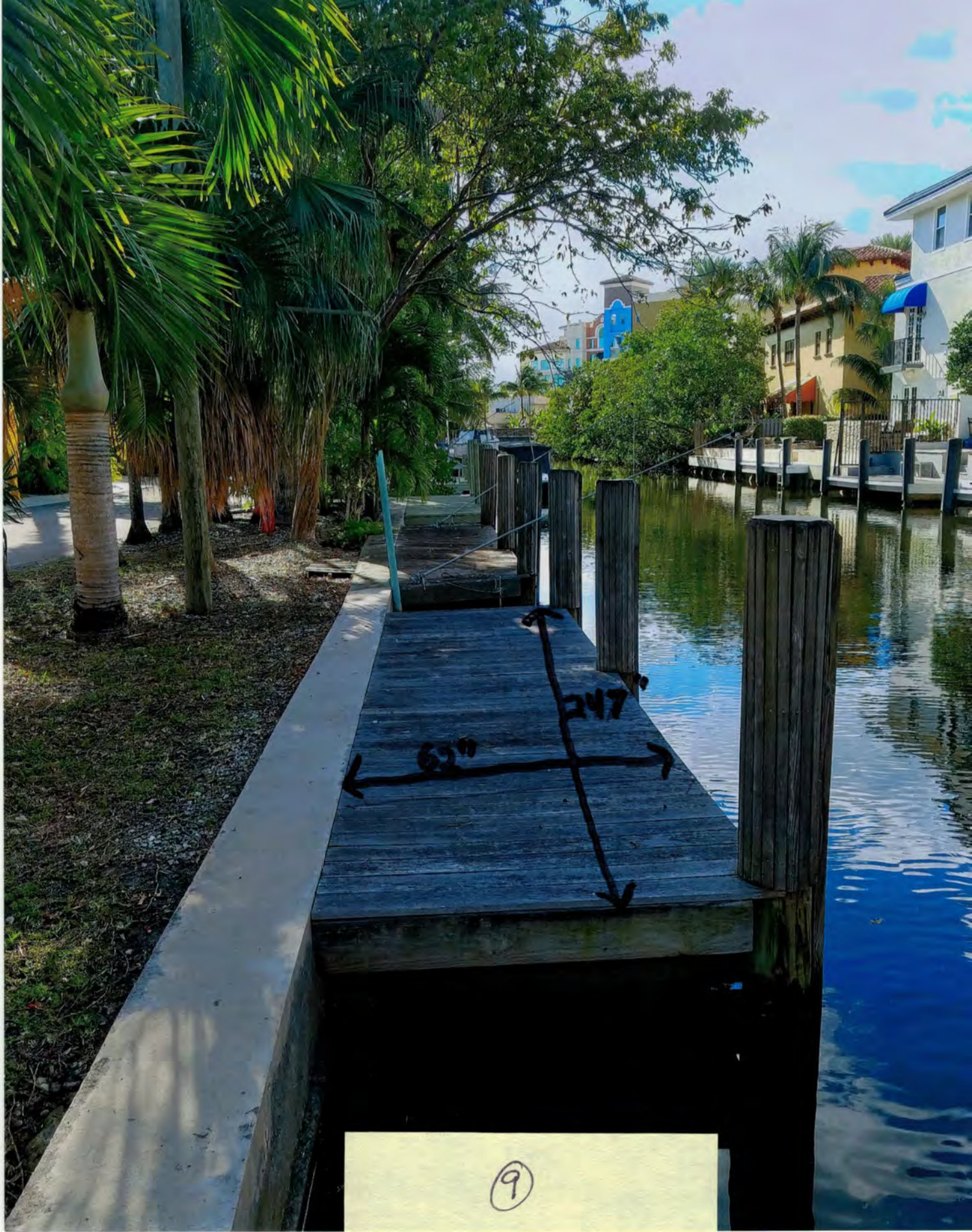
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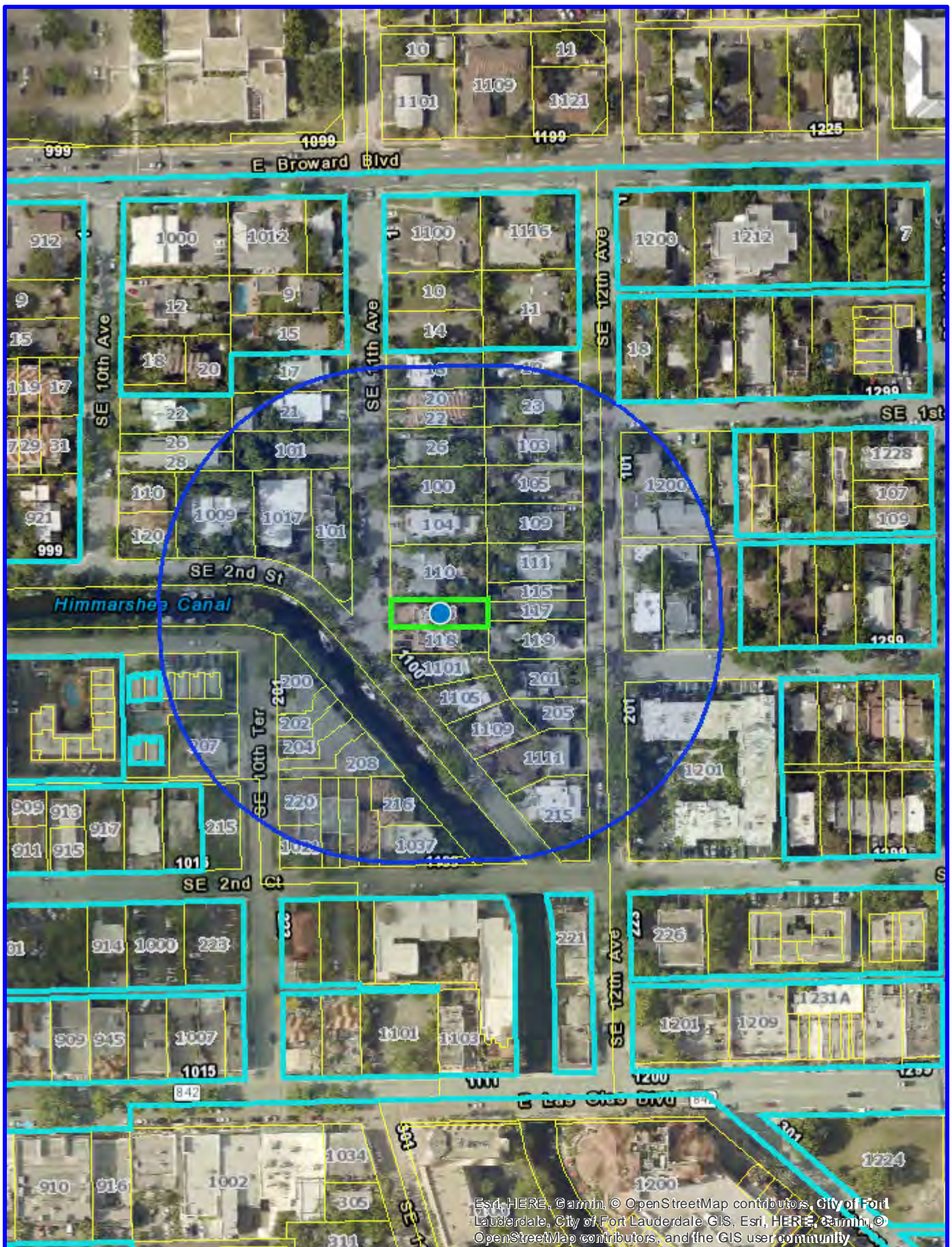
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