

## ITEM VII

### MEMORANDUM MF NO. 19-18

DATE: September 19, 2019

TO: Marine Advisory Board

FROM: Andrew Cuba, Manager of Marine Facilities

RE: October 3, 2019 MAB - Dock Waiver of Distance Limitations  
–Leonardo Guillermo Coll Mazzei – Costa Bahia LLC. / 435  
Bayshore Drive

Attached for your review is an application from Leonardo Guillermo Coll Mazzei-Costa Bahia LLC. / 435 Bayshore Drive (see **Exhibit 1**).

### APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for the installation of two (2) 24,000 pound boatlifts extending a maximum distance of +/- 48.5' from the property line into the Intracoastal Waterway (ICWW). The distances these proposed structure would extend from the property line into the ICWW is shown in the survey in **Exhibit 1** and summarized in Table 1 below:

**TABLE 1**

<b>PROPOSED STRUCTURE</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING WAIVER</b>
<b>Boat Lift A</b>	<b>+/-48.5'</b>	<b>25'</b>	<b>+/-23.5'</b>
<b>Boat Lift B</b>	<b>+/-43.1'</b>	<b>25'</b>	<b>+/-18.1'</b>

Section 47-19.3 C limits the maximum distance of mooring structures to 25 feet or 25% of the width of the waterway, whichever is less. Section 47.19.3.E authorizes the City Commission to waive this limitation based upon a finding of extraordinary circumstances. The applicant has indicated that the boat lifts are necessary for safely mooring resident's vessels, especially during high wind events, severe weather and boat traffic (property not in 'No Wake' zone).

### PROPERTY LOCATION AND ZONING

The property is located within the IOA/Intracoastal Overlook Area Zoning District. It is situated on the ICW where the width of the waterway to the closest structure is approximately +/-600', according to the narrative provided in **Exhibit 1**. At its closest proximity, the distance from the outermost edge of the outermost boatlift to the eastern edge of the navigable channel of the ICWW is approximately +/-101'.

## DOCK PLAN AND BOATING SAFETY

Records reflect that there have been five (5) waivers of dockage distance limitations approved by the City Commission within close proximity since 2009. A comparison of these as shown in Table 2 including the maximum distances of mooring structures extending into the ICWW:

**TABLE 2**

<b>DATE</b>	<b>ADDRESS</b>	<b>MAXIMUM DISTANCE</b>
2009	209 Grand Birch, Slip 4	45'6"
2011	215 N. Birch Road	47.5'
2013	209 Grand Birch, Slip 3	39.3'
2014	321 N. Birch Road	75'
2017	435 Bayshore Drive	61'

## RECOMMENDATIONS

Should the Marine Advisory consider approval of the application, the Resolution under consideration for approval by the City Commission should include at least the following as prescribed in the ULDR and City Code of Ordinances:

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 appropriate City staff with copies of "As Built" drawings from a certified and licensed contractor.
3. The applicant is required to install and affix reflector tape to the proposed mooring piling clusters in accord with Section 47.19.3.E of the Unified Land and Development Regulations (ULDR).

AC  
Attachment

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

**ADAGIO  
APPLICATION FOR WATERWAY WAIVER**

**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: **Leonardo Guillermo Coll Mazzei, Costa Bahia LLC.**

TELEPHONE NO: \_\_\_\_\_ (home) **(954) 716-7529** (business) EMAIL: **LGcoll@GRUPOTALCO.COM**

2. **APPLICANT'S ADDRESS** (if different than the site address): **1650 SE 17<sup>th</sup> Street Suite 404 Fort Lauderdale, FL 33316**
3. **TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:**  
**The applicant requests a waiver for the proposed construction of two boatlifts beyond 25 feet from the property line.**

4. **SITE ADDRESS:** **435 Bayshore Drive Fort Lauderdale, FL 33304** **ZONING:** **IOA**

**LEGAL DESCRIPTION AND FOLIO NUMBER:**

**ROYAL ATLANTIC 174-32B PARCEL A**

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

  
Applicant's Signature

**8/26/19**  
Date

The sum of \$ \_\_\_\_\_ was paid by the above-named applicant on the \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_ 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 \_\_\_\_\_

## **TABLE OF CONTENTS**

	<b>PAGE</b>
<b>EXHIBIT 2 - SUMMARY DESCRIPTION</b>	<b>1</b>
<b>EXHIBIT 3 - WARRANTY DEED</b>	<b>3</b>
<b>EXHIBIT 4 - ORIGINAL SURVEY</b>	<b>7</b>
<b>EXHIBIT 5 - ZONING AERIAL</b>	<b>8</b>
<b>EXHIBIT 6 - SITE PHOTOGRAPHS</b>	<b>9</b>
<b>EXHIBIT 7 - PROJECT PLANS</b>	<b>10</b>
<b>EXHIBIT 8 - DISTANCE EXHIBIT</b>	<b>16</b>
<b>EXHIBIT 9 – EXISTING WAIVERS IN THE VICINITY</b>	<b>18</b>
<b>EXHIBIT 10 - LETTERS OF SUPPORT</b>	<b>19</b>

## **EXHIBIT II SUMMARY DESCRIPTION**

**Summary Description**  
**Adagio**  
**TCG Project No. 15-0063.001**

The project site is located along the Intracoastal Waterway at 435 Bayshore Drive, in Section 01, Township 50, Range 42, in the City of Fort Lauderdale, Broward County, Florida

The property is located along the Intracoastal Waterway (ICWW), which is a tidal water. The nearest direct connection to the Atlantic Ocean is 2.4 miles to the south at the Port Everglades Inlet. As the project site is located along the ICWW, the incoming tidal waters (flood) at the site move to the northwest and the outgoing waters (ebb) move to the southeast.

The project site consists of an existing 2.5' seawall cap,  $\pm 1,272$  ft<sup>2</sup> concrete marginal dock, four  $\pm 80$  ft<sup>2</sup> finger piers, and fourteen (14) mooring piles. The proposed project includes the installation of two (2) 24,000lb boatlifts into the ICWW. As measured from the property line, the proposed structures encroach more than 25' from the property line into the ICWW. As these distances are over the allowable 25' distance into the waterway from the property line, the proposed boatlifts will require a variance waiver.

The existing structures have been authorized by the City of Fort Lauderdale, (Resolution No. 17-175), Broward County Environmental Protection & Growth Management Department (DF19-1044), Florida Department of Environmental Protection (06-342158-001-EI), and US Army Corps of Engineers (SAJ-2004-02383(LP-JKA)). The existing structures were authorized to extend a maximum of  $\pm 61'$  from the property line. The proposed structures will extend a maximum of  $\pm 48.5'$  from the property line.

The following five (5) matters provide justification for this waiver request:

1. All structures and piles will not exceed 30% of the width of the waterway.
2. Due to the extraordinary width of the waterway at this location to the closest structure ( $\pm 600'$ ), the proposed project will not impede navigation within the ICWW.
3. The boatlifts are necessary for safely mooring resident's vessels, especially during high wind events, severe weather and boat traffic (not in no wake zone).
4. The proposed structures are consistent with the adjacent neighbors and do not exceed the neighbor's finger pier at 75.0'.

5. The proposed structures are consistent with the previously authorized structures at the Applicant's property and do not exceed the mooring piles at 61.0'.

If this waiver is approved, the applicant will comply with all necessary construction requirements stated in Section 47-19.3 (C)(D)(E).

STRUCTURE	PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
A	Boatlift	±48.5'	25'	±23.5'
B	Boatlift	±43.1'	25'	±18.1



**EXHIBIT III  
WARRANTY DEED**

THIS INSTRUMENT WAS PREPARED BY  
AND SHOULD BE RETURNED TO:

Conrad J. Boyle, Esquire  
Mombach, Boyle, Hardin & Simmons, P.A.  
100 N.E. Third Avenue, Suite 1000  
Fort Lauderdale, FL 33301

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED, is made and executed as of the 11<sup>th</sup> day of August, 2015, by **ATLANTIC RESIDENTS DEVELOPMENT, LLC, a Florida limited liability company**, whose address is 26 South Pennsylvania Avenue, #201, Atlantic City, New Jersey 08401 (hereinafter referred to as the "Grantor"), to **COSTA BAHIA LLC, a Florida limited liability company**, whose address is 700 E. Las Olas Boulevard, #307, Fort Lauderdale, Florida 33301 (hereinafter referred to as the "Grantee");

**WITNESSETH:**

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey, and confirm unto the Grantee that certain piece, parcel or tract of land situated in Broward County, Florida more particularly described as follows, to wit:

**SEE EXHIBIT "A" ATTACHED HERETO**

(hereinafter referred to as the "Subject Property");

TOGETHER WITH all the tenements, hereditaments, easements and appurtenances, including riparian rights, if any, thereto belonging or in anywise appertaining;

TO HAVE AND TO HOLD the Subject Property in fee simple forever.

AND the Grantor does hereby covenant with and warrant to the Grantee that the Grantor is lawfully seized of the Subject Property in fee simple; that the Grantor has good right and lawful authority to sell and convey the Subject Property; and that the Grantor fully warrants the title to the Subject Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

THE conveyance made herein, however, is expressly made SUBJECT TO ad valorem real property taxes and assessments for the year **2015** and thereafter, and easements and restrictions of record, if any, the reference to which shall not operate to reimpose the same.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in manner and form sufficient to bind it as of the day and year first above written.

Signed, sealed and delivered  
in the presence of the following  
two (2) witnesses:

ATLANTIC RESIDENTS DEVELOPMENT,  
LLC, a Florida limited liability company

Kristina A. Miller  
Signature of Witness #1  
Kristina A. Miller  
Printed Name of Witness #1

By: [Signature]  
John Atkinson, Manager

Brian McAnn  
Signature of Witness #2  
Brian McAnn  
Printed Name of Witness #2

By: [Signature]  
George Miller, Manager

Kristina A. Miller  
Signature of Witness #1  
Kristina A. Miller  
Printed Name of Witness #1

Debra Miller  
Signature of Witness #2  
Debra Miller  
Printed Name of Witness #2

STATE OF FL  
COUNTY OF ATLANTIC

The foregoing instrument was acknowledged before me this 11 day of August, 2015 by John Atkinson, as Manager of ATLANTIC RESIDENTS DEVELOPMENT, LLC, a Florida limited liability company, on behalf of the company. He is X personally known to me or \_\_\_\_\_ has produced \_\_\_\_\_ as identification.

(NOTARY SEAL)

Sworn to and subscribed  
before me this  
11 day of Aug, 2015

Rosemary Siciliano  
Notary Public Signature

(Name typed, printed on stamp)  
Notary Public, State of FL  
Commission No.: \_\_\_\_\_  
My Commission Expires: 10/22/2015

STATE OF MT  
 COUNTY OF ATLANTIC

The foregoing instrument was acknowledged before me this 11 day of August, 2015 by George Miller, as Manager of ATLANTIC RESIDENTS DEVELOPMENT, LLC, a Florida limited liability company, on behalf of the company. He is X personally known to me or \_\_\_\_\_ has produced \_\_\_\_\_ as identification.

(NOTARY SEAL)

Sworn to and subscribed  
 before me this  
11 day of Aug. 2015

Rosemary Siciliano  
 Notary Public Signature

(Name typed, printed or stamped)  
 Notary Public, State of ROSEMARY SICILIANO  
 Commission No.: NOTARY PUBLIC OF NEW JERSEY  
 My Commission Expires: My Commission Expires 10/22/2015

EXHIBIT "A" TO SPECIAL WARRANTY DEED

PARCEL "A" OF "ROYAL ATLANTIC" ACCORDING TO THE PLAT THEREOF AS RECORDED  
IN PLAT BOOK 174 AT PAGES 32 & 33 OF THE PUBLIC RECORDS OF BROWARD COUNTY,  
FLORIDA.



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

## Detail by Entity Name

Florida Limited Liability Company  
COSTA BAHIA LLC

### Filing Information

**Document Number** L15000135006  
**FEI/EIN Number** NONE  
**Date Filed** 08/10/2015  
**State** FL  
**Status** ACTIVE  
**Last Event** LC STMT OF RA/RO CHG  
**Event Date Filed** 04/22/2019  
**Event Effective Date** NONE

### Principal Address

1650 SE 17TH STREET., SUITE 404  
FT. LAUDERDALE, FL 33316

Changed: 10/25/2017

### Mailing Address

1650 SE 17TH STREET., SUITE 404  
FT. LAUDERDALE, FL 33316

Changed: 10/25/2017

### Registered Agent Name & Address

NRAI SERVICES, INC.  
1200 SOUTH PINE ISLAND ROAD  
PLANTATION, FL 33324

Name Changed: 04/22/2019

Address Changed: 04/22/2019

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR

LEONARDO GUILLERMO COLL MAZZEI  
1650 SE 17TH STREET., SUITE 404  
FT. LAUDERDALE, FL 33316

Title MBR

COSTA SIX S.A.

1650 SE 17TH STREET., SUITE 404

FT. LAUDERDALE, FL 33316

**Annual Reports**

<b>Report Year</b>	<b>Filed Date</b>
2017	01/17/2017
2018	01/16/2018
2019	04/17/2019

**Document Images**

<a href="#">04/22/2019 -- CORLCRACHG</a>	<a href="#">View image in PDF format</a>
<a href="#">04/17/2019 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">01/16/2018 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">01/17/2017 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/12/2016 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">08/10/2015 -- Florida Limited Liability</a>	<a href="#">View image in PDF format</a>

**EXHIBIT IV  
ORIGINAL SURVEY**





**EXHIBIT V**  
**ZONING AERIAL**





**LEGEND**

- 300' Buffer
- Property Location



CITY OF FORT LAUDERDALE

**435 BAYSHORE DRIVE**

**GIS**  
Fort Lauderdale

Date: 4/19/2017  
CAM 19-1091

Exhibit 1  
Page 19 of 35

**EXHIBIT VI**  
**SITE PHOTOGRAPHS**



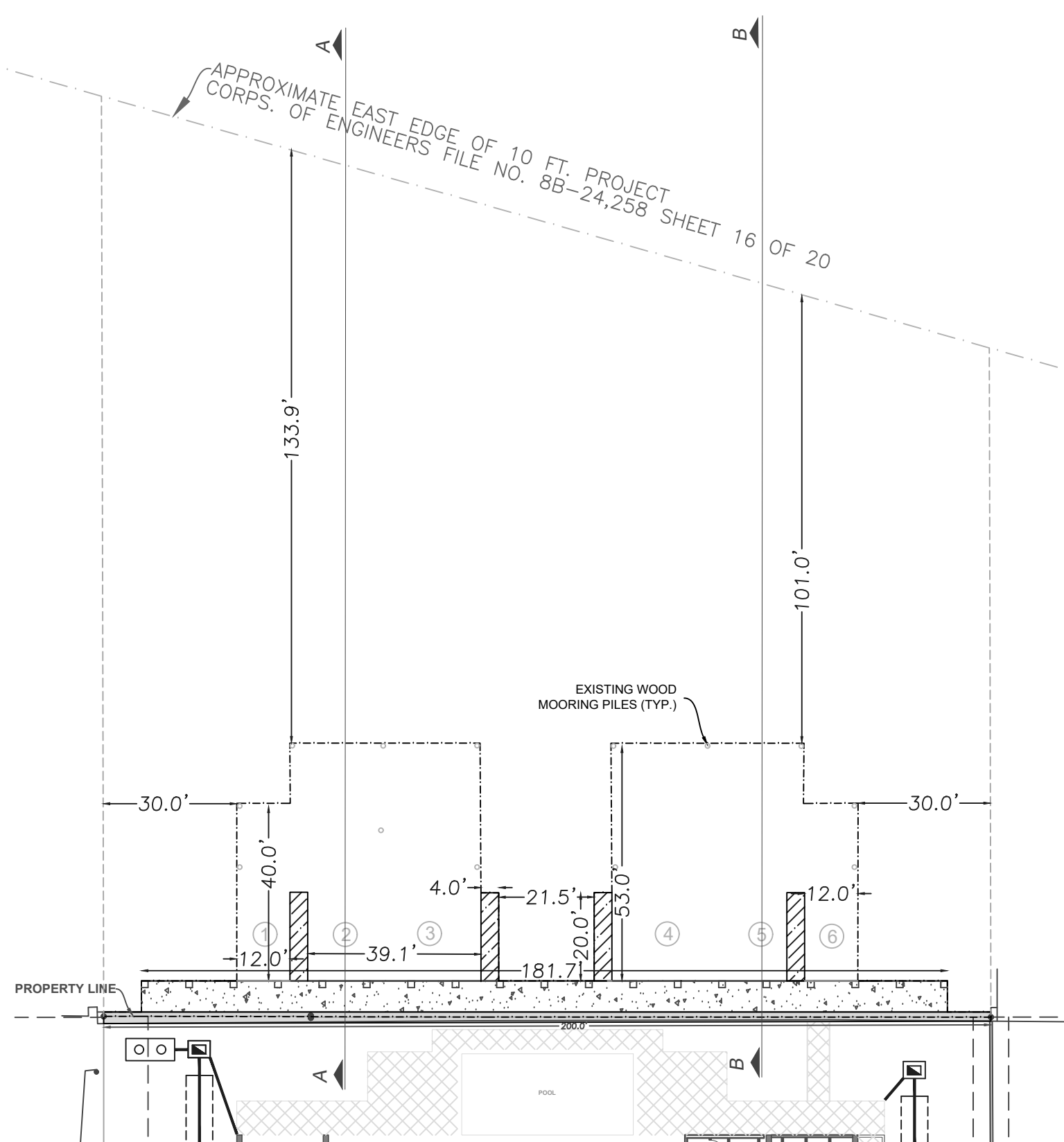


**1. Southeast corner of the subject site, facing northwest.**








**2. Northwest corner of the subject site, facing southeast.**

## **EXHIBIT VII PROJECT PLANS**



## LEGEND

-  EXISTING SEAWALL CAP  $\pm 2.5'$  ( $\pm 200$  in. ft.)
-  EXISTING CONCRETE DOCK TO REMAIN ( $\pm 1,272$  SQ.FT.)
-  EXISTING FINGER PIERS ( $\pm 320$  SQ.FT.)
-  EXISTING SUBMERGED LAND LEASE ( $\pm 7,250.5$  SQ.FT.)
-  EXISTING MOORING PILES

M.H.W. = 0.3' NAVD      M.L.W. = (-) 2.1' NAVD

### NOTE:

1. EXISTING STRUCTURES PREVIOUSLY AUTHORIZED BY CITY OF FORT LAUDERDALE (RESOLUTION No. 17-175), BCEPGMD ERL DF19-1044, FDEP No. 06-342158-001-EI, AND USACOE No. SAJ-2004-02383(LP-JKA).
2. BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY PULICE LAND SURVEYORS, INC.

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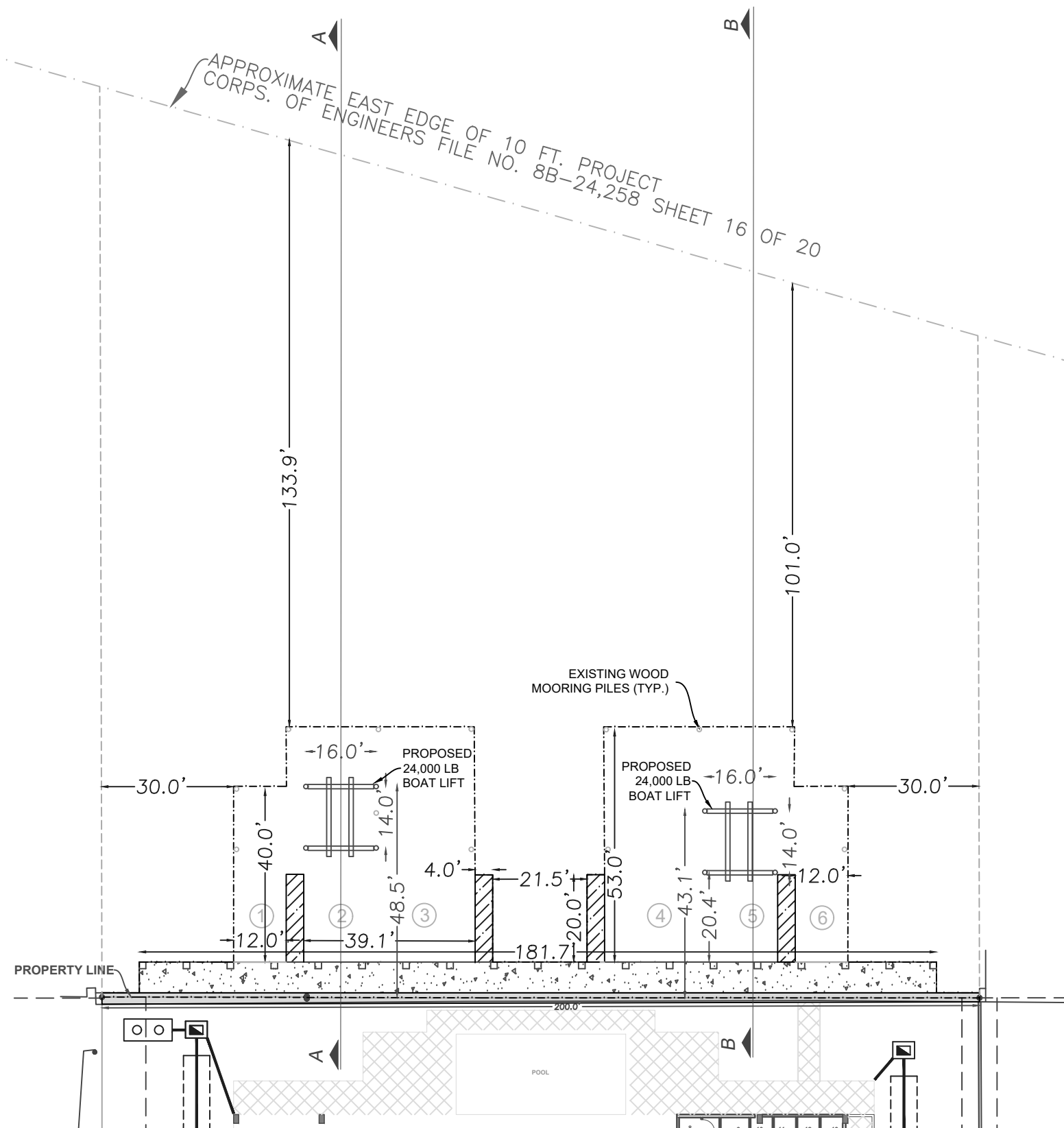
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- T&E Species Surveys
- Phase I ESAs

**ADAGIO**  
PREPARED FOR:  
GREGG STONE

### EXISTING CONDITIONS

Date: 9/20/2019	Sheet : <b>1</b>	of : <b>6</b>
Proj No.: 15-0063.001		



LEGEND

- EXISTING SEAWALL CAP ±2.5' (±200 ln. ft.)
- EXISTING CONCRETE DOCK TO REMAIN (±1,272 SQ.FT.)
- EXISTING FINGER PIERS (±320 SQ.FT.)
- EXISTING SUBMERGED LAND LEASE (±7,250.5 SQ.FT.)
- EXISTING MOORING PILES

M.H.W. = 0.3' NAVD M.L.W. = (-) 2.1' NAVD

NOTE:

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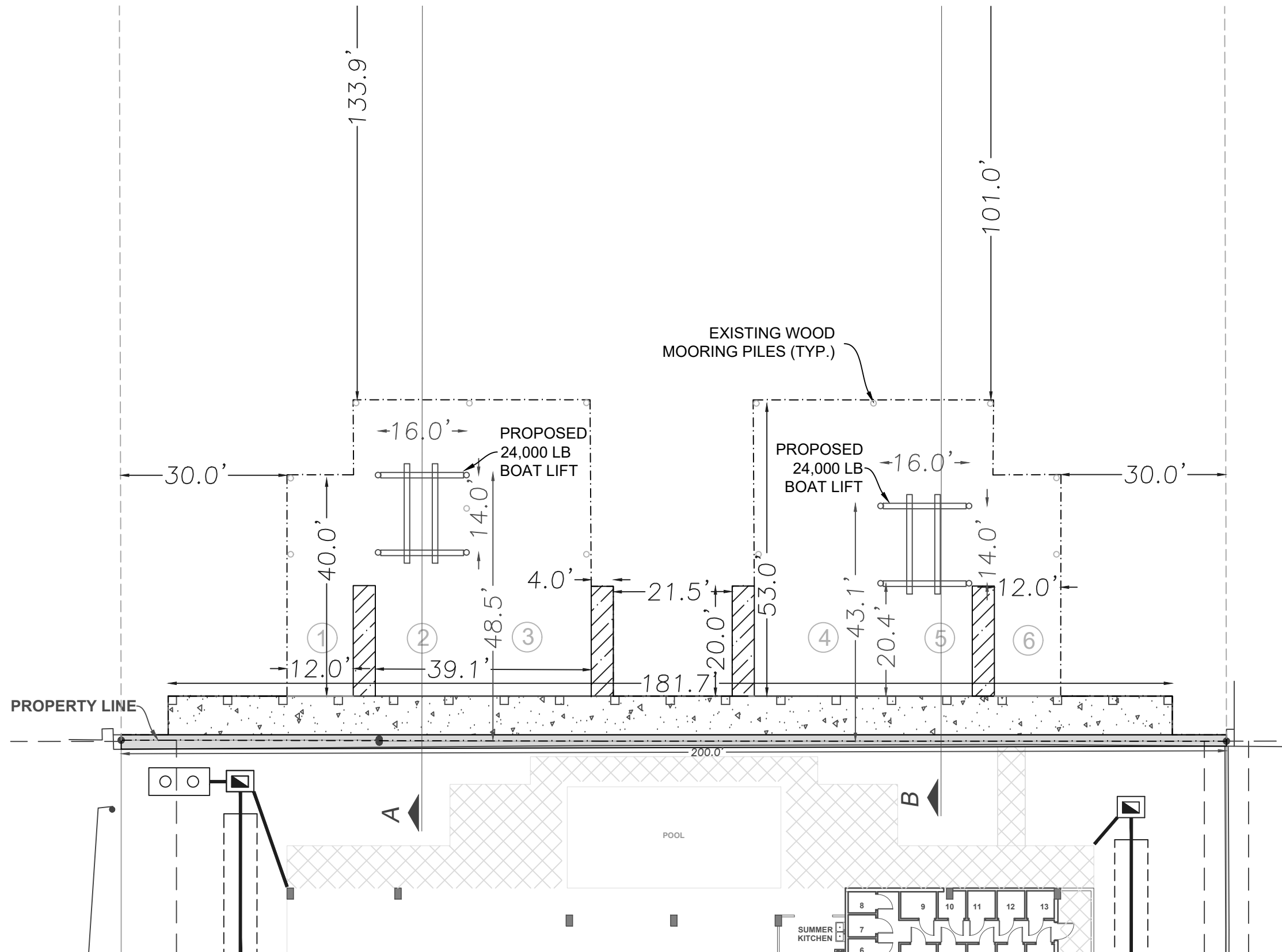
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PROPOSED CONDITIONS		
Date: 9/20/2019	Sheet : 2	of : 6
Proj No.: 15-0063.001		





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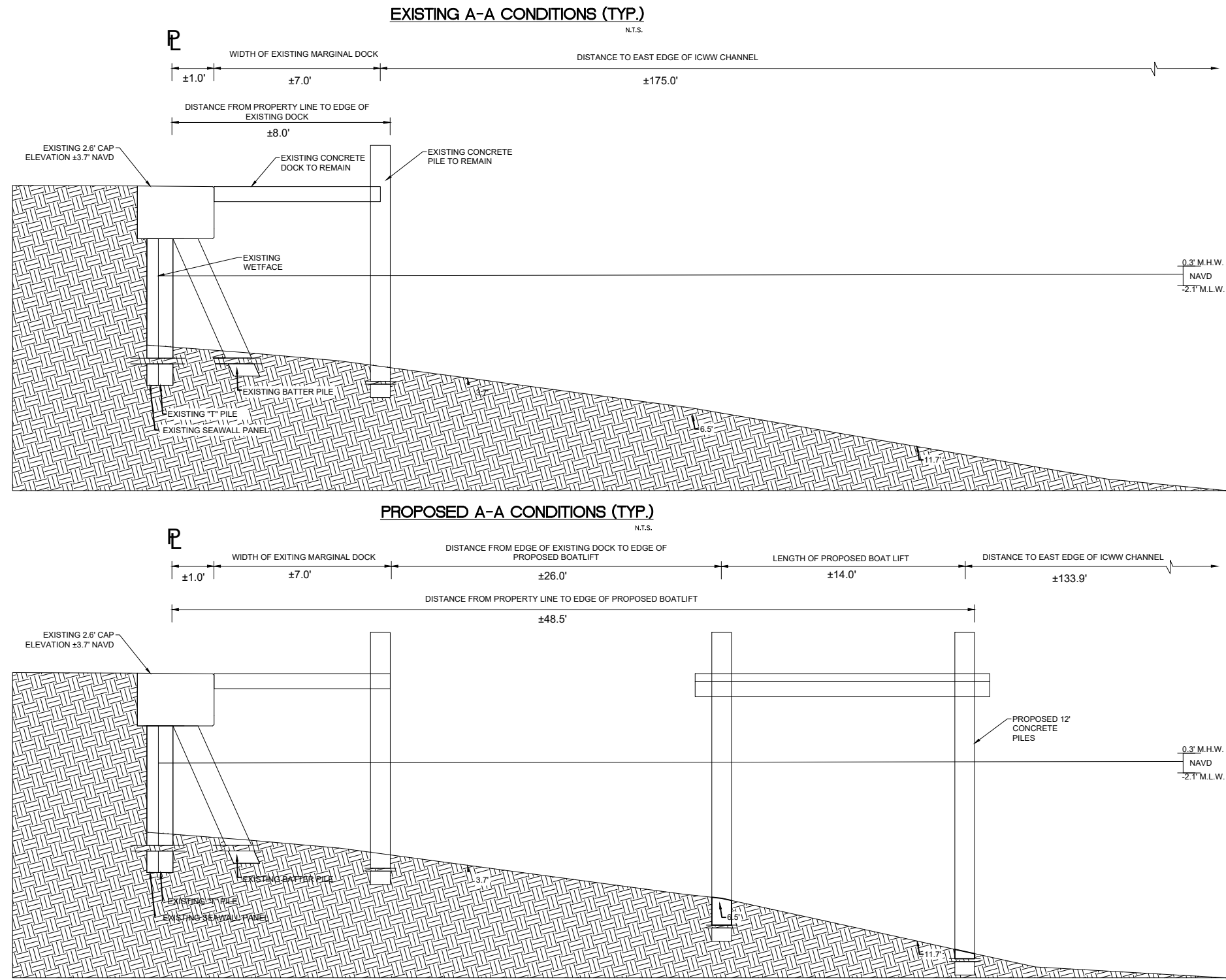
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PREPARED FOR:  
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### PROPOSED CONDITIONS

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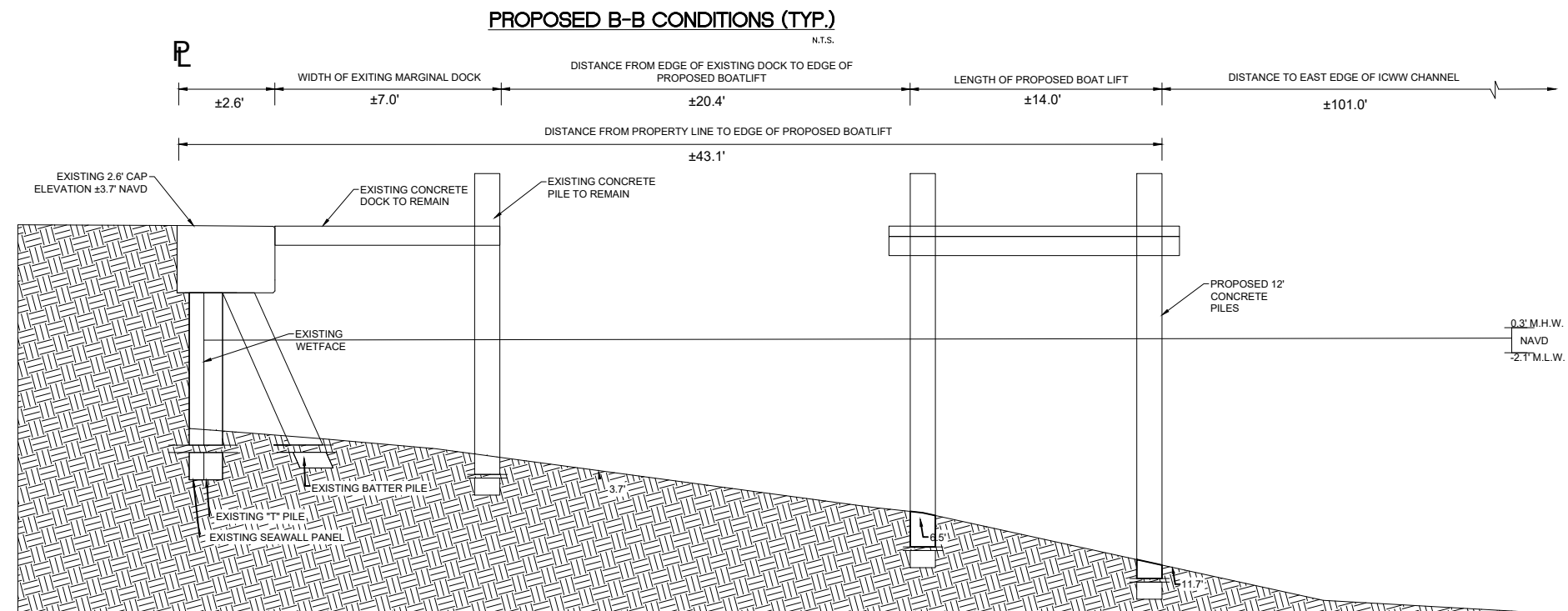
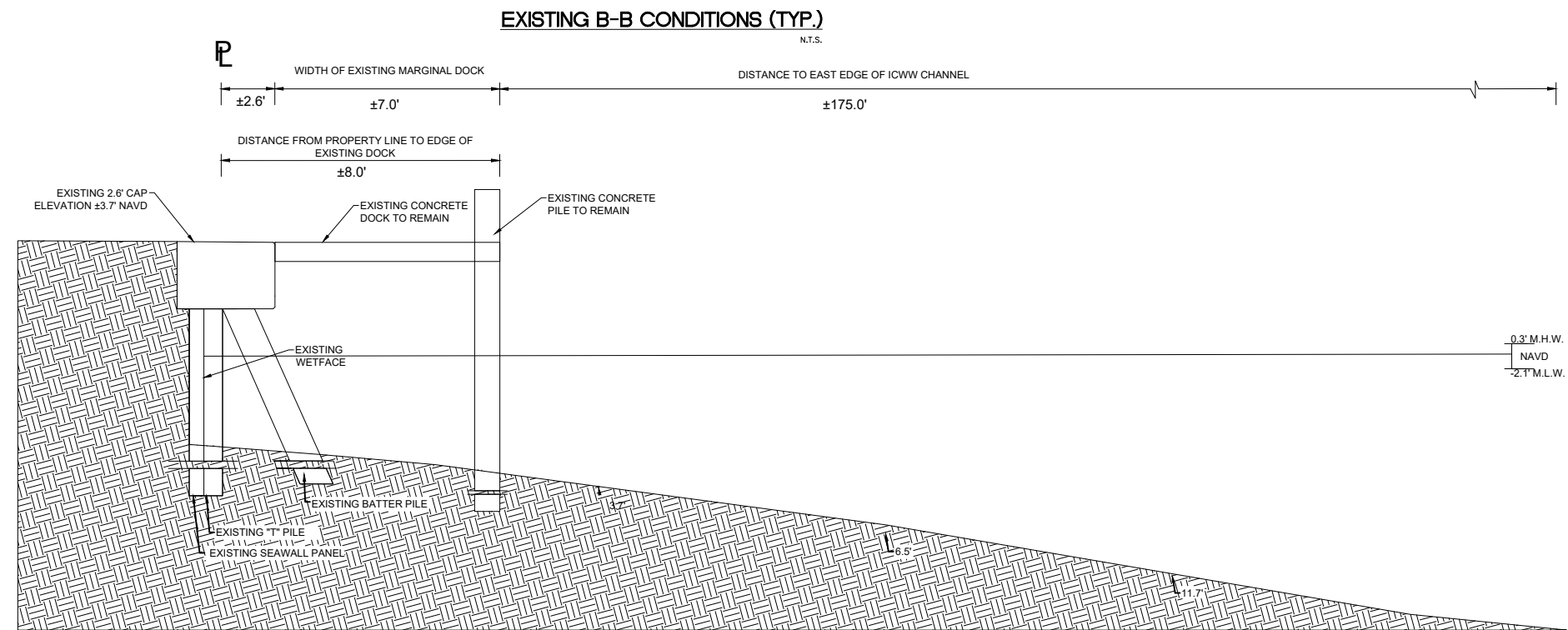
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DETAILS

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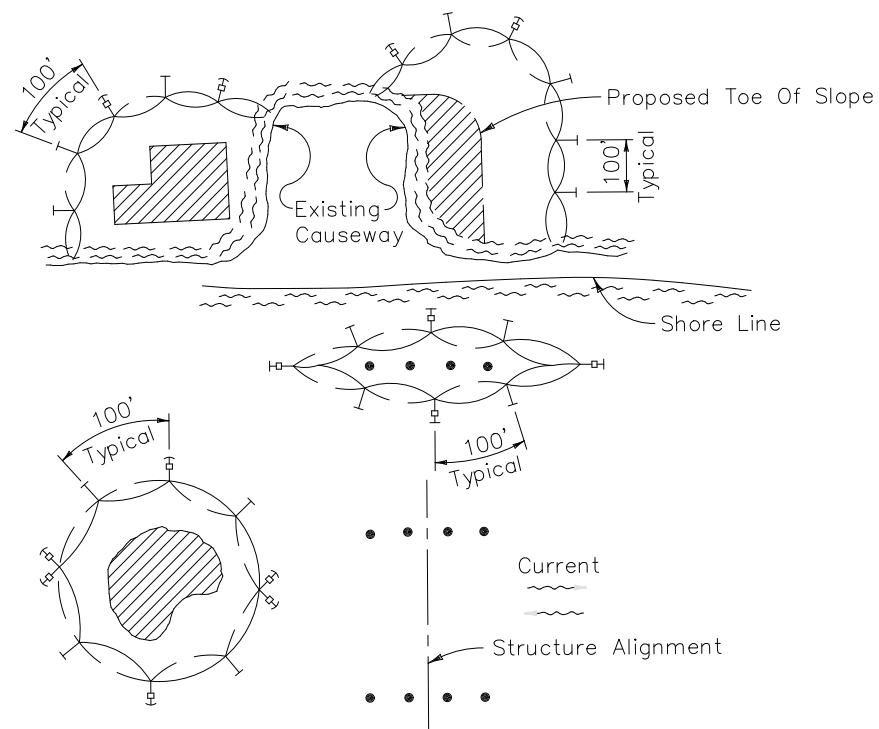
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DETAILS

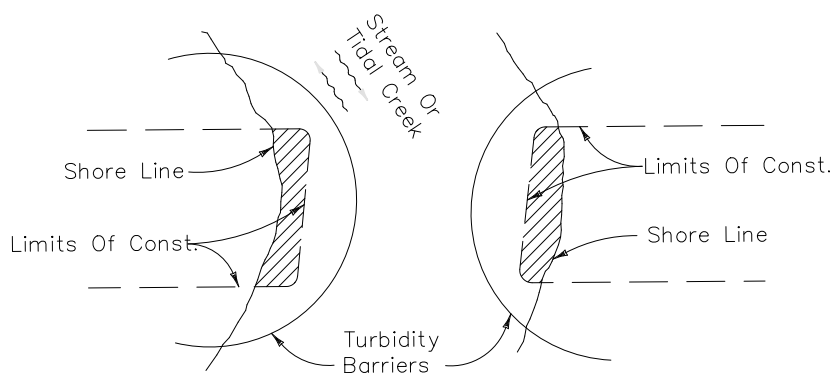
Date: 9/20/2019	Sheet : <b>5</b>	of : <b>6</b>
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CONSTRUCTION BARGE  
(TYP.)

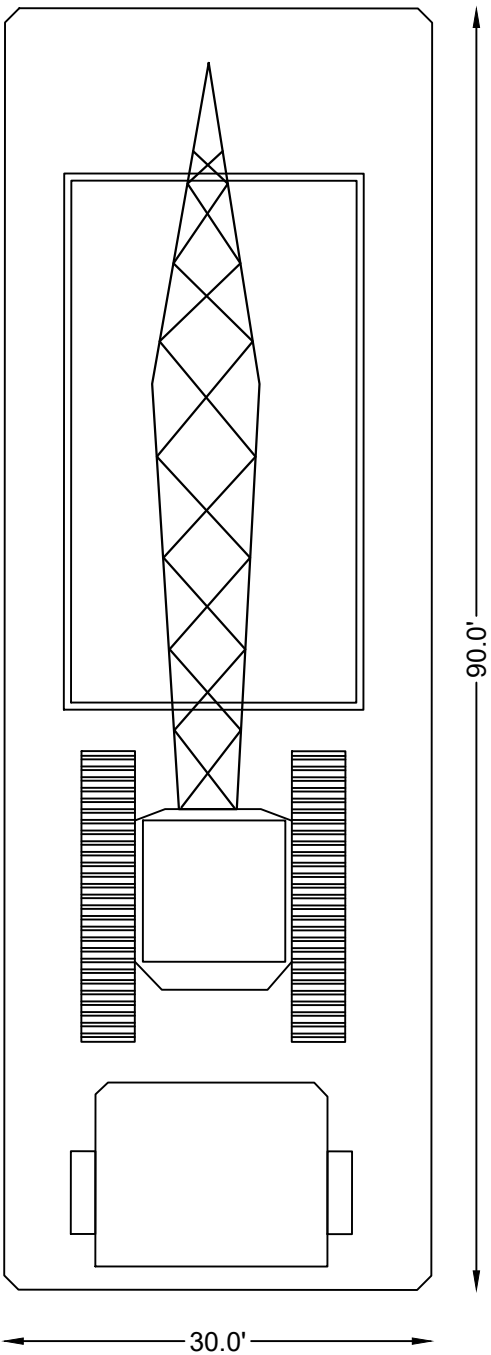


LEGEND

- Pile Locations
- ▨ Dredge Or Fill Area
- ⊕ Mooring Buoy w/Anchor
- Anchor
- Barrier Movement Due To Current Action



Note:  
Turbidity barriers for flowing streams and tidal creeks may be either floating, or staked types or any combinations of types that will suit site conditions and meet erosion control and water quality requirements. The barrier type(s) will be at the Contractors option unless otherwise specified in the plans, however payment will be under the pay item(s) established in the plans for Floating Turbidity Barrier and/or Staked Turbidity Barrier. Posts in staked turbidity barriers to be installed in vertical position unless otherwise directed by the Engineer.



NOTES:

1. Turbidity barriers are to be used in all permanent bodies of water regardless of water depth.
2. Number and spacing of anchors dependent on current velocities.
3. Deployment of barrier around pile locations may vary to accommodate construction operations.
4. Navigation may require segmenting barrier during construction operations.
5. For additional information see Section 104 of the Standard Specifications.

TURBIDITY BARRIER APPLICATIONS

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**THE Chappell GROUP INC.**  
714 East McNab Road  
Pompano Beach, Florida 33060  
tel. 954.782.1908  
fax. 954.782.1108  
[www.thechappellgroup.com](http://www.thechappellgroup.com)

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

**ADAGIO**  
PREPARED FOR:  
GREGG STONE

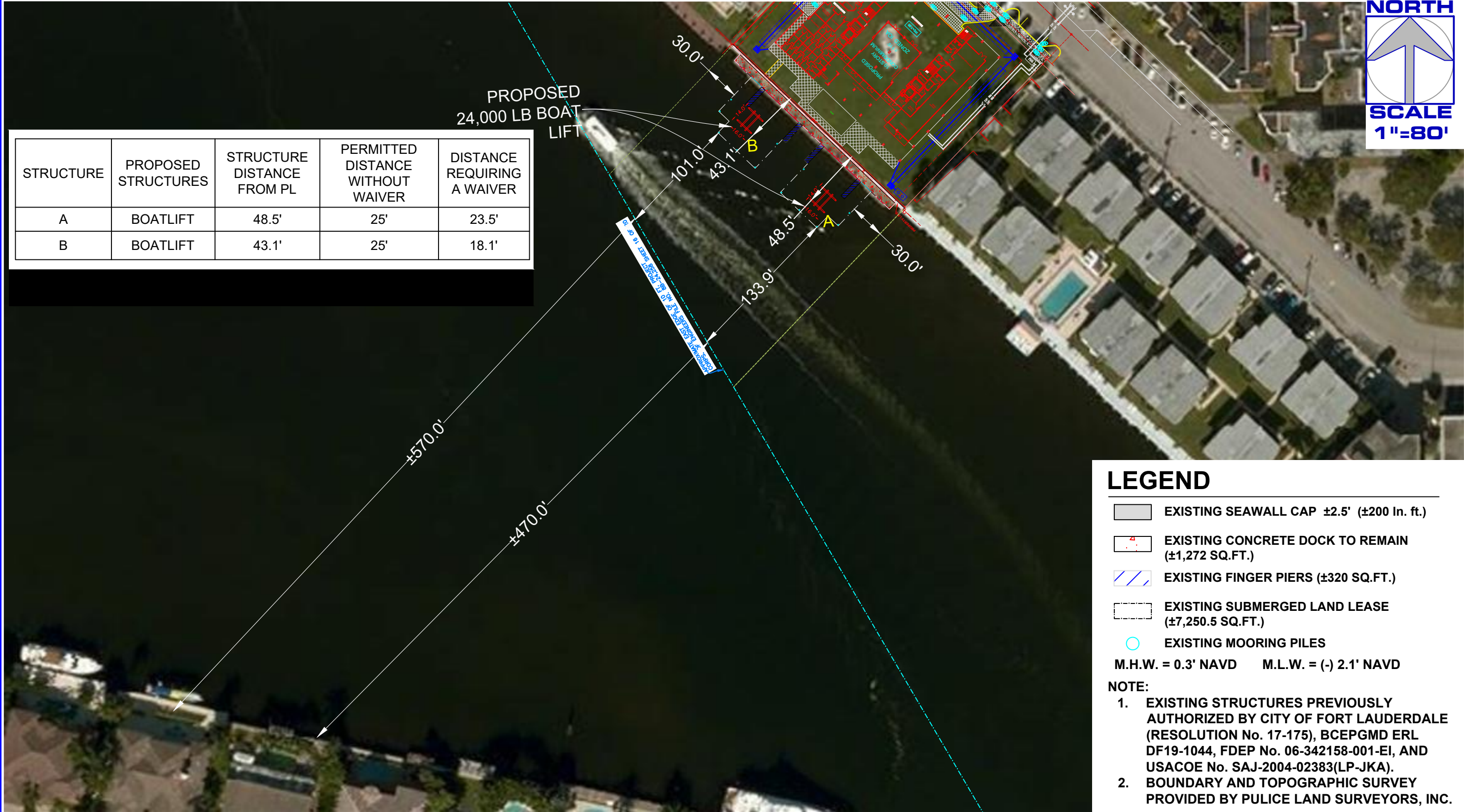
DETAILS

Date:  
9/20/2019  
Proj No.:  
15-0063.001

Sheet :  
**6**

of :  
**6**

**EXHIBIT VIII**  
**DISTANCE EXHIBIT**



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DISTANCE AERIAL		
Date: 9/20/2019	Sheet : 1	of : 2
Proj No.: 15-0063.001		





STRUCTURE	PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PL	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
A	BOATLIFT	48.5'	25'	23.5'
B	BOATLIFT	43.1'	25'	18.1'

LEGEND

- EXISTING SEAWALL CAP ±2.5' (±200 ln. ft.)
- EXISTING CONCRETE DOCK TO REMAIN (±1,272 SQ.FT.)
- EXISTING FINGER PIERS (±320 SQ.FT.)
- EXISTING SUBMERGED LAND LEASE (±7,250.5 SQ.FT.)
- EXISTING MOORING PILES

M.H.W. = 0.3' NAVD    M.L.W. = (-) 2.1' NAVD

- NOTE:
- EXISTING STRUCTURES PREVIOUSLY AUTHORIZED BY CITY OF FORT LAUDERDALE (RESOLUTION No. 17-175), BCEPGMD ERL DF19-1044, FDEP No. 06-342158-001-EI, AND USACOE No. SAJ-2004-02383(LP-JKA).
  - BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY PULICE LAND SURVEYORS, INC.

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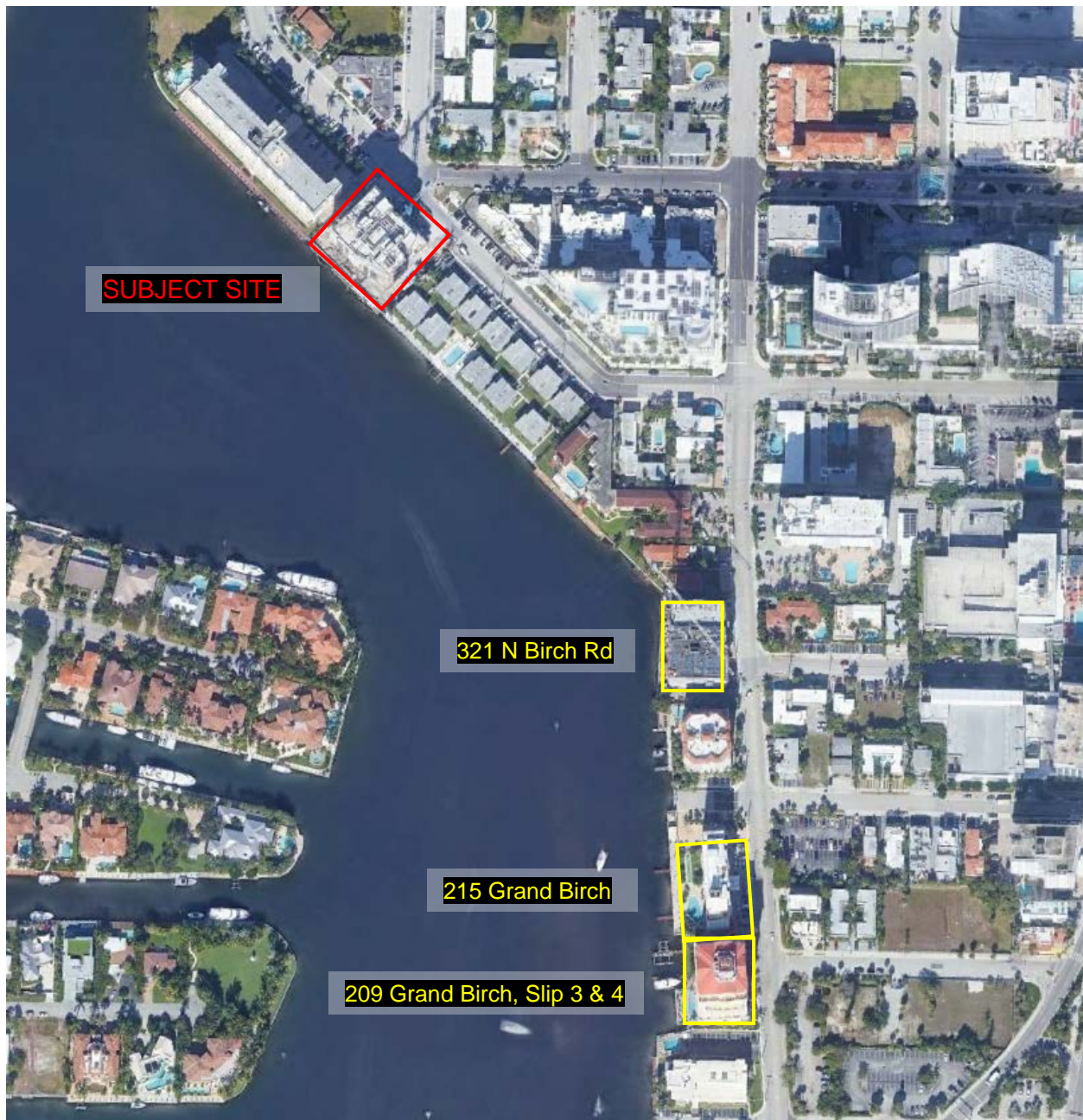
DISTANCE AERIAL

Date: 9/20/2019	Sheet : 2	of : 2
Proj No.: 15-0063.001		

**EXHIBIT IX**  
**EXISTING WAIVERS IN THE VICINTY**



## EXISTING WAIVERS IN THE VICINITY



ADDRESS	MAXIMUM DISTANCE
209 Grand Birch, Slip 4	45.5'
209 Grand Birch, Slip 3	39.3'
215 N. Birch Rd	47.5'
321 N Birch Rd	75'
<b>Subject Site</b>	<b>48.5'</b>

**EXHIBIT X**  
**LETTERS OF SUPPORT**



Costa Bahia LLC

August 27, 2019

Costa Bahia LLC  
435 Bayshore Drive  
Fort Lauderdale, FL 33304

RE: Adagio Fort Lauderdale  
City of Fort Lauderdale Waiver Request

Dear Mr. Coll,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) boat lifts, beyond 25 feet from the property line into the Intracoastal Waterway. I understand that the proposed project will require a waiver of limitations through the City of Fort Lauderdale along with permitting through the regulatory agencies. I reside at 425 Bayshore Drive, and support the project as proposed.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Hanrahan", written over a yellow rectangular highlight.

**John Hanrahan** – President  
Fort Lauderdale Surf Club, Inc.  
425 Bayshore Drive  
Fort Lauderdale, FL 33304