MEMORANDUM MF NO. 20-06

DATE: June 15, 2020
TO: Marine Advisory Board Members
FROM: Andrew Cuba, Manager of Marine Facilities
RE: August 6, 2020 MAB Meeting - Dock Waiver of Distance Limitations – Richard and Liliane Bolz / 1180 N. Federal Highway Unit 609 Slip #4.

Attached for your review is an application from Richard and Liliane Bolz / 1180 N. Federal Highway Unit 609 Slip #4.

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for installation of a 4-post boat lift extending a maximum of +/-30' into the Middle River. The distances this structure will extend from the property line (wet face of the seawall) into waterway is shown in the survey and summarized in Table 1 below:

PROPOSED	STRUCTURE	PERMITTED	AMOUNT OF
STRUCTURES	DISTANCE FROM	DISTANCE	DISTANCE
	PROPERTY LINE	WITHOUT	REQUIRING
		WAIVER	WAIVER
Boat Lift	+/-30'	25'	+/-5'

TABLE 1

The City's Unified Land and Development Regulations (UDLR) Secs. 47-19.3.C limits the maximum distance of mooring structures to 25' or 25% of the width of the waterway, whichever is less. Section 47-19.3. E authorizes the City Commission to waive that limitation based on a finding of extraordinary circumstances. The applicant indicates that the proposed boat lift is necessary to protect the vessel as it is located adjacent to a water skiing area.

PROPERTY LOCATION AND ZONING

The property is located is the Riva Condominium within the B-1 Boulevard Business District. It is situated on the western shore of the Middle River where the width between the applicant's most waterward structure of the proposed boat lift to the adjacent natural shoreline is +/- 308 feet, according to the Summary Description provided in **Exhibit 1**.

Marine Advisory Board August 6, 2020 Page 2

RECOMMENDATIONS

Should the Marine Advisory approve the application, the resolution under consideration 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. The applicant is required to install and affix reflector tape to the proposed boat lift piles 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 Facilitis

EXHIBIT I APPLICATION FOR WATERWAY WAIVER

CAM 20-0630 Exhibit 1 Page 3 of 31

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)

 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: Richard and Liliane Bolz

TELEPHONE NO: (619) 677-6908 (Home)

- APPLICANT"S ADDRESS (if different than the site address): <u>N/A</u>
- 3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: <u>The applicant requests a wavier for</u> the proposed construction of a four (4) post boat lift that extends beyond 25ft from the property line in slip #4.
- SITE ADDRESS: <u>1180 N. FEDERAL HWY #609, FORT LAUDERDALE FLORIDA, 33304</u> ZONING: <u>B-1</u>
 LEGAL DESCRIPTION: <u>RIVA CONDOMINIUM UNIT 609 PER AMCDO CIN #113566952</u>
- EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).
 Warranty Deed, Project Plans, Site Location, Summary Description, Letter of Recommendation by HOA, Assignment of use rights to boat slip, Site Photographs, Sovereignty Submerged Land Lease

Applicant's Signature_

Applicant's Signature

<u>6-9-20</u> Date

<u>6 - *G* - 20</u>

The sum of \$_1,500.00 was paid by the above-named applicant on the _____ of , 2020 Received by:

Fort Lauderdale cial City Use Only====================================
Commission Action Formal Action taken on

EXHIBIT II TABLE OF CONTENTS

TABLE OF CONTENTS

	PAGE
WARRANTY DEED	1
PROJECT PLANS	2
SITE AERIAL	3
SUMMARY DESCRIPTION	4
HOA LETTER OF RECOMMENDATION	5
ASSIGNMENT OF USE RIGHTS TO BOAT SLIP	6
SITE PHOTOGRAPHS	7
SOVEREIGNTY SUBMERGED LAND LEASE	8

EXHIBIT III WARRANTY DEED

Instr# 115515782 , Page 1 of 3, Recorded 12/20/2018 at 01:49 PM
Broward County Commission
Deed Doc Stamps: \$4235.00

Prepared By and Return To: Columbia Title of Florida, Inc. d/b/a EWM Title Attn: Misty Slater 2000 Main Street Weston, FL 33326-3691

Order No.: 2018-04808

Property Appraiser's Parcel I.D. (folio) Number: 494236-AL-0190

WARRANTY DEED

THIS WARRANTY DEED dated December 4, 2018, by Peter E. Katz, a married man, whose post office address is 9751 S. Miralago Way, Parkland, Florida 33076 (the "Grantor"), to Richard Gordon Bolz and Liliane Nogueira Bolz, as husband and wife, whose post office address is 1180 N Federal Highway #609, Fort Lauderdale, Florida, 33304 (the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in County of Broward, State of Florida, viz:

Unit 609 of Riva Condominium, a Condominium according to the Declaration of Condominium thereof, recorded in Official Records Book 50792, Page(s) 797, of the Public Records of Broward County, Florida, and any amendments thereto, together with its undivided share in the common elements.

The property herein conveyed neither constitutes the homestead property of the GRANTOR nor is it contiguous to any homestead property of GRANTOR'S family. GRANTOR'S homestead address is:9751 S. Miralago Way, Parkland, FL 33076.

Subject to easements, restrictions, reservations and limitations of recorded, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: 2017.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Peter E. Katz

Signed, sealed and delivered in presence of:

ጥወ

Witness Signature

MICTV Printed Name of First Witness C 10

Witness Signature ANA GARCIA

Printed Name of Second Witness

STATE OF Florida

Grantor Address:

9751 S. Miralago Way Parkland, FL 33076

COUNTY OF Broward

THE FOREGOING instrument was acknowledged before me this 29th day of November, 2018, by Peter E. Katz who is personally known to me or who (___) produced <u>Natural 64666</u> as identification.



Notary

MISTY J. SLATER



RESIDENCES

December 14, 2018

Re: CERTIFICATE OF APPROVAL

To Whom It May Concern;

THIS IS TO CERTIFY that Richard Bolz and Liliane Nogueira have been approved by Riva Fort Lauderdale Condominium Association, as the purchaser of the following described property in BROWARD COUNTY, FLORIDA.

Property address located at 1180 North Federal Highway #609, Fort Lauderdale, FL 33304.

Please contact the Management Office if you have any questions regarding this approval letter.

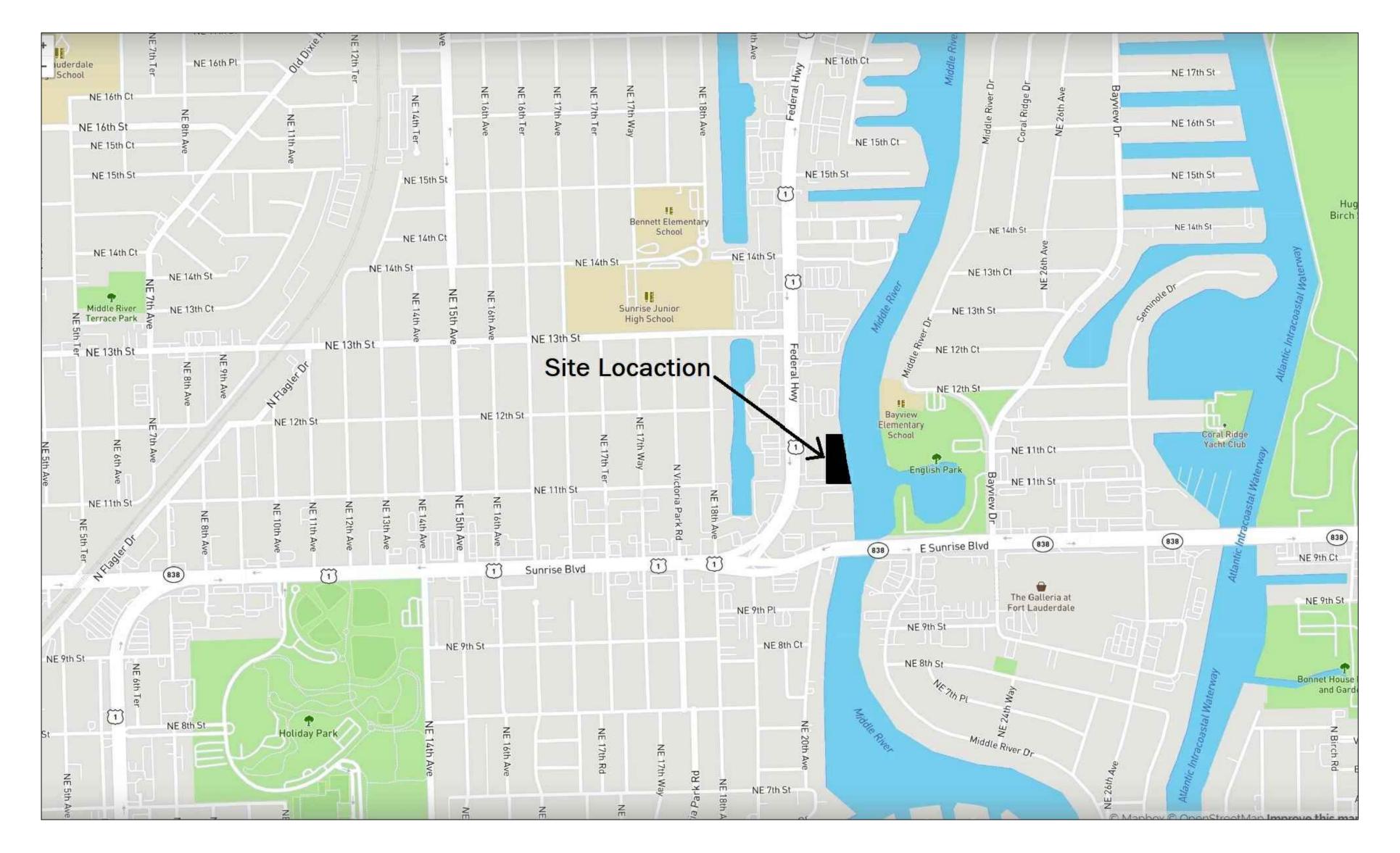
Regards,

Unita Of

On behalf of the Board of Directors Riva Fort Lauderdale Condominium Association

EXHIBIT IV PROJECT PLANS

Project Name: 1180 N. Fed - Richard and Liliane Bolz



Location Map

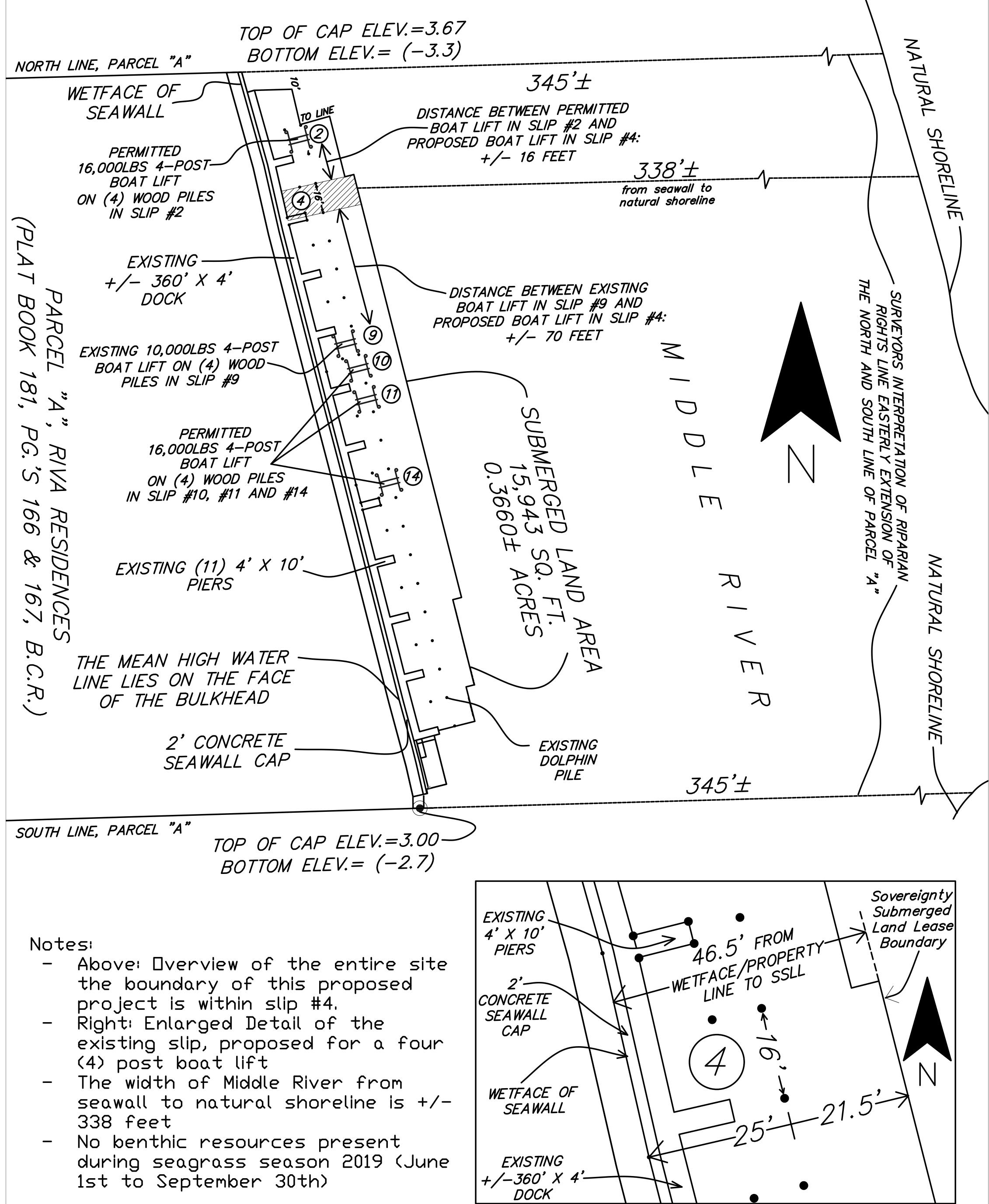
1180 North Federal Hwy #609 Ft. Lauderdale Florida, 33304

SLIP #4

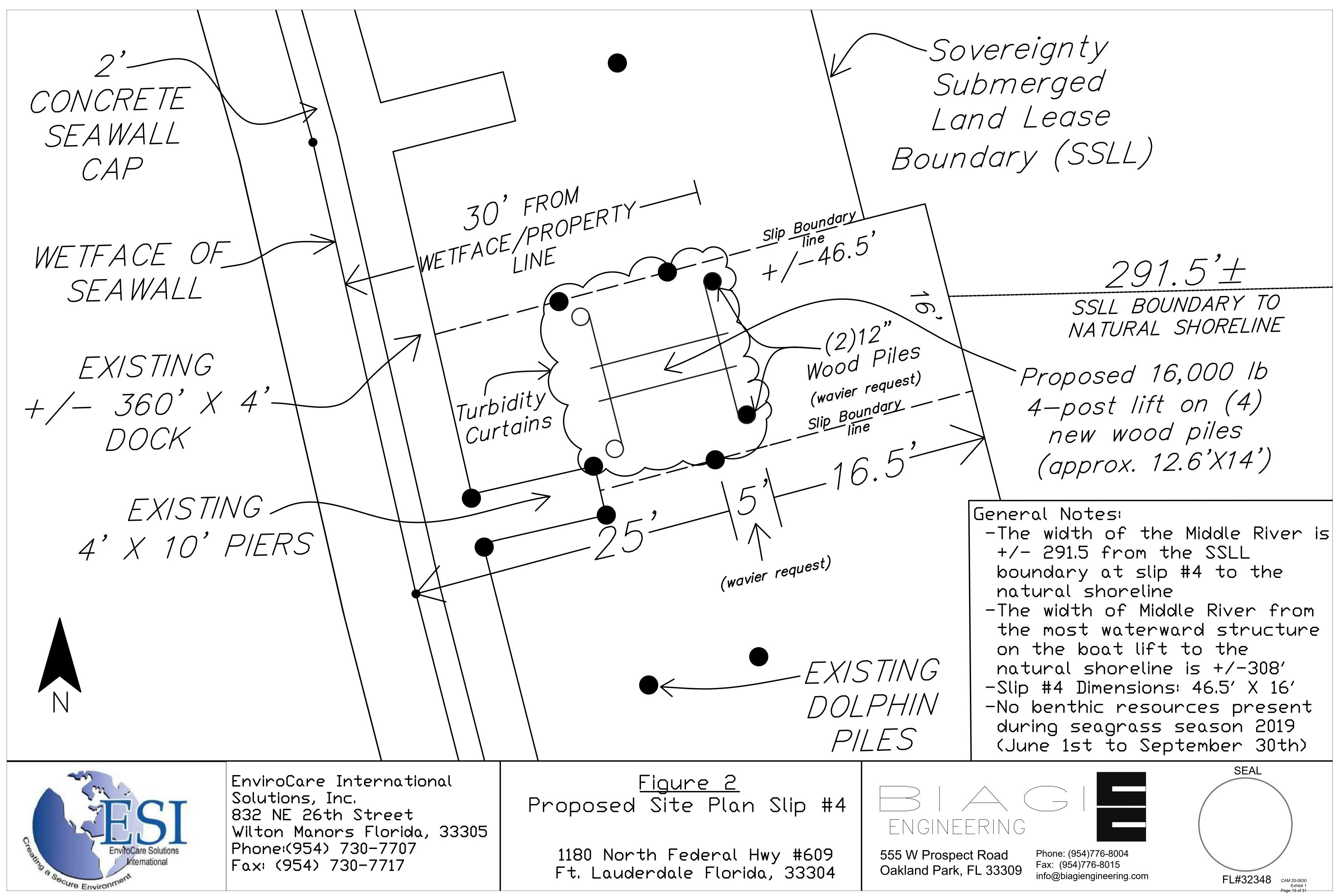
Latitude: 26.138902 Longitude: -80.118872 Section: 36 Township: 495 Range: 42E State Tax Property ID: 4942 36 AL 0190

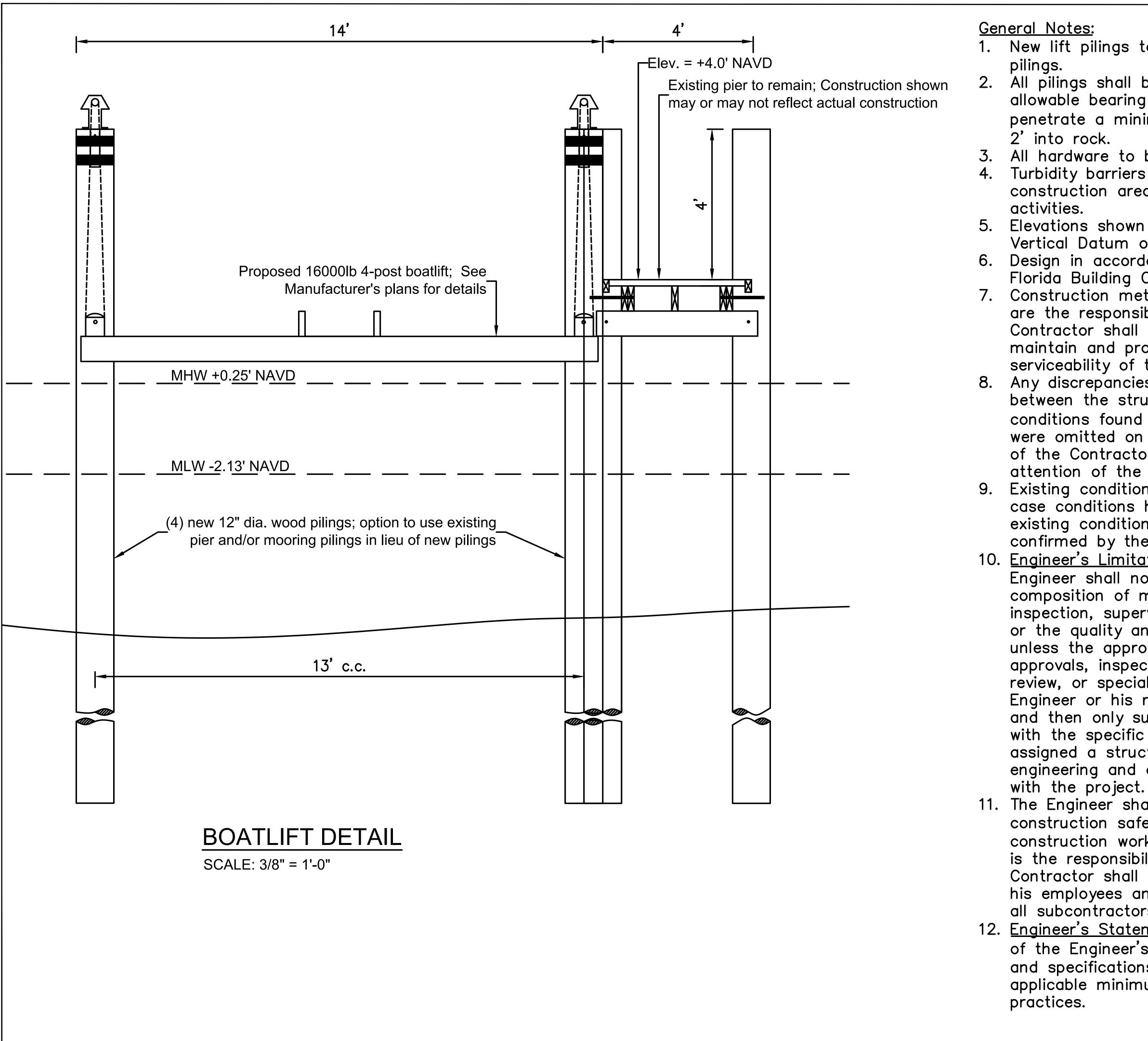
Plan Index	
Figure 1	Existing Site Conditions Slip #4
Figure 2	Proposed Site Plan Slip #4
Figure 3	Cross Section of Proposed Boat Lift





<u>Figure 1</u>		1180 North Federal Hwy #609		
Existing Site Conditions Slip #4		Ft. Lauderdale Florida, 33304		
Control of the environment of th	EnviroCare International Solutions, Inc. 832 NE 26th Street Wilton Manors Florida, 33305 Phone:(954) 730-7707 Fax: (954) 730-7717	SEAL ENGINEERING 555 W Prospect Road Oakland Park, FL 33309 Phone: (954)776-8004 Fax: (954)776-8015 info@biagiengineering.com FL#32348 Info@biagiengineering.com		





1. New lift pilings to be 12" dia. CCA treated wood 2. All pilings shall be driven to develop a minimum allowable bearing capacity of 10 tons and shall penetrate a minimum of 8' into yielding material or All hardware to be galvanized or stainless steel. 4. Turbidity barriers are to surround all in water construction areas during piling installation Elevations shown are based on the North American Vertical Datum of 1988. 6. Design in accordance with 2017 6th Edition of the Florida Building Code. 7. Construction methods, procedures, and sequences are the responsibility of the Contractor. The Contractor shall take the necessary means to maintain and protect the structural integrity and serviceability of the construction at all times. 8. Any discrepancies found for any circumstance between the structural plans and the existing conditions found on site and/or any conditions that were omitted on the plans will be the responsibility of the Contractor to immediately bring to the attention of the Engineer of Record. Existing conditions are unknown, therefore, worst case conditions have been approximated. all existing conditions are assumed and must be confirmed by the gc after permitting. 10. Engineer's Limitations of Responsibility: The Engineer shall not be responsible for the quality or composition of materials, fabrications, construction inspection, supervision, or review, special inspection, or the quality and correctness of construction unless the appropriate submissions, reports, approvals, inspections, site visit, construction review, or special inspections are performed by the Engineer or his representative as required herein, and then only such responsibility as is associated with the specific work performed as is commonly assigned a structural engineer in relation to other engineering and construction disciplines associated 11. The Engineer shall not be responsible for site and construction safety and/or the safety of construction workers. Site and construction safety is the responsibility of the Contractor. The Contractor shall be responsible for the safety of his employees and the safety of the employee of all subcontractors to the project. 12. Engineer's Statement of Compliance: To the best of the Engineer's knowledge, the structural plans and specifications presented herein comply with the applicable minimum building codes, standards, and

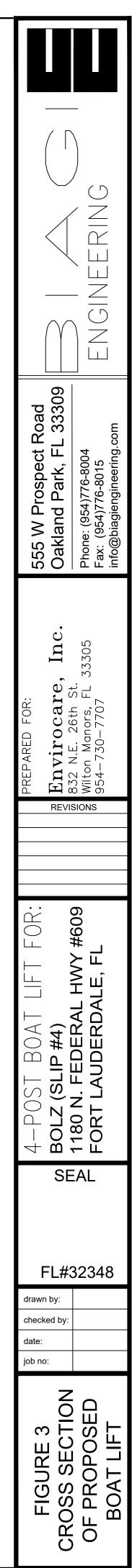


Exhibit 1 Page 16 of 31

EXHIBIT V SITE AERIAL



EXHIBIT VI SUMMARY DESCRIPTION

Summary Description <u>1180 N. Federal Hwy.</u> #609

The project site is located along Middle River at 1180 N. Federal Hwy, in Section 36, Township 49, Range 42E, in the City of Fort Lauderdale, Broward County, Florida

The property is located along Middle River, which is a tidal waterbody. The nearest direct connection to the Atlantic Ocean is about 3.1 miles to the south at the Port Everglades Inlet. As the project site is located along middle river, the incoming tidal waters (flood) at the site move to the north and the outgoing waters (ebb) move to the south.

The project site consists of an existing \pm 1,880 sq. ft. marginal dock. The proposed project includes the installation of a 16,000lbs 4-post boat lift in slip #4 at the RIVA Condominium on the Middle River. As measured from the property line, (2) of the wooden piles that the proposed 16,000lbs 4-post boat lift will rest on encroaches more than 25' from the property line (encroaches 30') into the Middle River. However, the boat lift is setback 16.5 feet from the Sovereignty Submerged Land Lease Boundary. This distance is over the allowable 25' distance into the waterway from the property line, requiring a variance waiver for the proposed boat lift. The boat lift's (4) wooden piles will serve as guide poles and reflective tape will be placed on these piles to ensure safety and compliance with city code: 8-91(d).

The City of Fort Lauderdale Code Section 47-19.3(b)(1) states: Only one (1) mooring device per one hundred (100) feet of lot width or portion thereof, and one mooring device for each additional one hundred (100) feet of lot width are permitted. At this site there is +/- 412 linear feet of shoreline and 5 existing boatlifts of which 4 have been approved by the MAB for encroaching beyond 25 feet. Therefore, the site requires a DRC site plan level II approval before additional boat lifts can be added to the property.

The applicant is requesting to add a boat lift to his boat slip. The site only allows four boat lift under the code without obtaining a DRC Site Plan Level II approval. Envirocare had a pre-DRC application meeting with Mohammed Malik, Zoning Administrator and Burt Ford, Zoning Chief to review and discuss options for adding an additional boat lift to the applicant's property. The applicant is required to submit a DRC Site Plan Level II application which can be filed concurrently with a MAB application.

The following three (3) matters provide justification for this waiver request:

- 1. All structures and piles will not exceed 30% of the width of the waterway.
- Due to the extraordinary width of the waterway at this location to the closest structure (±308), the proposed project will not impede navigation within Middle River.
- 3. The 16,000lbs 4-post boat lift protects the vessel in and adjacent to a waterskiing area.

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

Environmental permits for the proposed boat lift are being applied for concurrently with the Broward County Environmental Protection & Growth Management Department, Florida Department of Environmental Protection, and the US Army Corps of Engineers.

PROPOSED STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
16,000lbs 4-post boat lift: (2) eastern piles beyond 25' require wavier	±30.0'	25.0'	±5.0'

EXHIBIT VII HOA LETTER OF RECOMMENDATION



June 8, 2020

To Whom It May Concern,

Richard and Liliane Bolz own Boat Slip # 4 at Riva Condominium. They have the approval of the Board of Directors to install a boat lift in it.

If you have any questions, please do not hesitate to contact the Management Office at 954-507-1405.

Sincerely,

0

Howard Braverman, President of the Board of Directors Riva Fort Lauderdale Condominium Association, Inc.

EXHIBIT VIII ASSIGNMENT OF USE RIGHTS TO BOAT SLIP

Prepared By and Return To: Columbia Title of Florida, Inc. d/b/a EWM Title Attn: Misty Slater 2000 Main Street Weston, FL 33326-3691

ASSIGNMENT OF USE RIGHTS TO PARKING SPACE, STORAGE LOCKER AND BOAT SLIP

This Assignment of Parking Space Storage Locker and Boat Slip, made this 4th day of December, 2018, between Peter E. Katz ("Grantor"), and Richard Gordon Bolz and Liliane Nogueira Bolz ("Grantee"):

Witnesseth, that Grantor, in consideration of the sum of \$10.00 and other good and valuable consideration paid to Grantor by Grantee, receipt and sufficiency of which is hereby acknowledged, assigns parking space No. 9 and 106, Storage Locker No. 7, Boat Slip No. 4 (the "Property") located at 1180 N Federal Highway #609, Fort Lauderdale, FL 33304, more particularly described as follows:

Unit 609 of Riva Condominium, a Condominium according to the Declaration of Condominium thereof, recorded in Official Records Book 50792, Page(s) 797, of the Public Records of Broward County, Florida, and any amendments thereto, together with its undivided share in the common elements.

This assignment is subject to the Declaration of Condominium as described above.

"Grantor" and "Grantee" shall be used for singular or plural, natural or artificial, which terms shall include the heirs, legal representatives, successors and assigns of Grantor and Grantee whenever the context so requires or admits.

Peter EV Katz

STATE OF FLORIDA COUNTY OF BROWARD

The foregoing instrument was sworn to and subscribed before me this 29th day of November, 2018, by Peter E. Katz, who \Box is personally known or \Box have produced valid FL/DL as identification.



Notary Public Printed Name: MISTY J. SLATER My Commission Expires:

EXHIBIT XI SITE PHOTOGRAPHS

1. Standing North of Slip #4 looking Southeast

2. Standing West of slip #4 looking East.



Man Man

3. Standing South of Slip #4 looking Northeast



CAM 20-0630 Exhibit 1 Page 27 of 31 EXHIBIT X SOVEREIGNTY SUBMERGED LAND LEASE



McLAUGHLIN ENGINEERING COMPANY LB#285 ENGINEERING * SURVEYING * PLATTING * LAND PLANNING

400 N.E. 3rd AVENUE FORT LAUDERDALE, FLORIDA 33301 PHONE (954) 763–7611 * FAX (954) 763–7615

<u>CERTIFIED_TO:</u> THE BOARD OF TRUSTEES	SKETCH AND DESCRIPTION
OF THE INTERNAL	A PORTION OF MIDDLE RIVER
IMPROVEMENT TRUST	ADJACENT TO PARCEL "A",
FUND OF THE	RIVA RESIDENCES (181–166 & 167)
STATE OF FLORIDA	IN SECTION 36-49-42
LEGAL DESCRIPTION:	SHEET 2 OF 3 SHEETS

Any and all sovereignty lands lying within the following described boundaries: A portion of Middle River, being a portion of, Section 36, Township 49 South, Range 42 East, Broward County, Florida, being Submerged Lands more fully described as follows:

Commencing at the most North Northwest corner of Parcel "A", RIVA RESIDENCES, according to the plat thereof, as recorded in Plat Book 181, Pages 166 and 167, of the public records of Broward County, Florida; thence North 90°00'00" East, on the North line of said Parcel "A", a distance of 138.77 feet to a point on the wetface of an existing 1.3 foot concrete bulkhead marking the West line of Middle River, being a point on the Mean High Water Line and to the Point of Beginning of the herein described Submerged Lands; thence Southerly on said wetface and the Mean High Water Line the following ten (10) courses and distances; 1) South 14'03'11" East, a distance of 52.29 feet; 2) South 11'14'53" East, a distance of 36.68 feet; 3) thence South 12'46'03" East, a distance of 78.26 feet; 4) thence South 12'45'46" East, a distance of 16.54 feet; 5) thence South 13'06'54" East, a distance of 44.29 feet; 6) thence South 12'38'43" East, a distance of 49.42 feet; 7) thence South 12°37′50" East, a distance of 72.48 feet; 8) thence South 13'47'56" East, a distance of 26.31 feet; 9) thence South 12'16'56" East, a distance of 9.57 feet; 10) thence South 11°21'56" East, a distance of 16.76 feet to the end of said ten (10) courses and distances; thence North 78'35'29" East, a distance of 2.29 feet; thence North 11'08'54" West, a distance of 2.35 feet; thence North 77'35'36" East, a distance of 11.12 feet; thence North 12^{*}31'45" West, a distance of 27.14 feet; thence North 76^{*}33'45" East, a distance of 2.95 feet; thence North 13^{*}30'12" West, a distance of 2.00 feet; thence North 77'26'22" East, a distance of 20.22 feet: thence North 12'35'44" West, a distance of 19.18 feet; thence North 77'26'22" East, a distance of 4.50 feet; thence North 12'28'03" West, a distance of 47.41 feet; thence North 77'17'35" East, a distance of 4.82 feet; thence North 12'40'48" West, a distance of 234.61 feet; thence South 77'26'22" West, a distance of 4.97 feet; thence North 12'35'01" West, a distance of 34.72 feet; thence South 75'50'25" West, a distance of 16.47 feet; thence North 11'38'02" West, a distance of 19.61 feet; thence North 89'59'28" West, a distance of 20.21 feet; thence South 75'54'13" West, a distance of 3.99 feet; thence North 14'05'47" West, a distance of 11.30 feet; thence North 90'00'00" West, on the Easterly extension of the North line of said Parcel "A", a distance of 2.06 feet to the Point of Beginning.

Said Submerged Lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 15,943 square feet or 0.3660 acres, more or less.

NOTES:

- This sketch reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Legal description prepared by McLaughlin Engineering Co.
 3) This drawing is not valid unless sealed with an embossed
- surveyors seal.
- 4) THIS IS A FIELD SURVEY.
- 5) Bearings shown assume the North line of said Parcel "A", as N90'00'00"E.
- 6) This property has 410 linear feet of shoreline frontage on Middle River.
- 7) The Mean High Water Line Elevation (0.26) as prorated from the LABINS website.
- B) Elevations shown refer to North American Vertical Datum *1988) and are indicated thus: ELEV.=
- 9) Reference Bench Mark: NW Bolt of fire hydrant at NE corner of N.E. 13th Street and N.E. 17th Avenue, Elevation= 8.71

FIELD BOOK NO.

JOB ORDER NO. V-0161

<u>CER TIFICA TION</u>

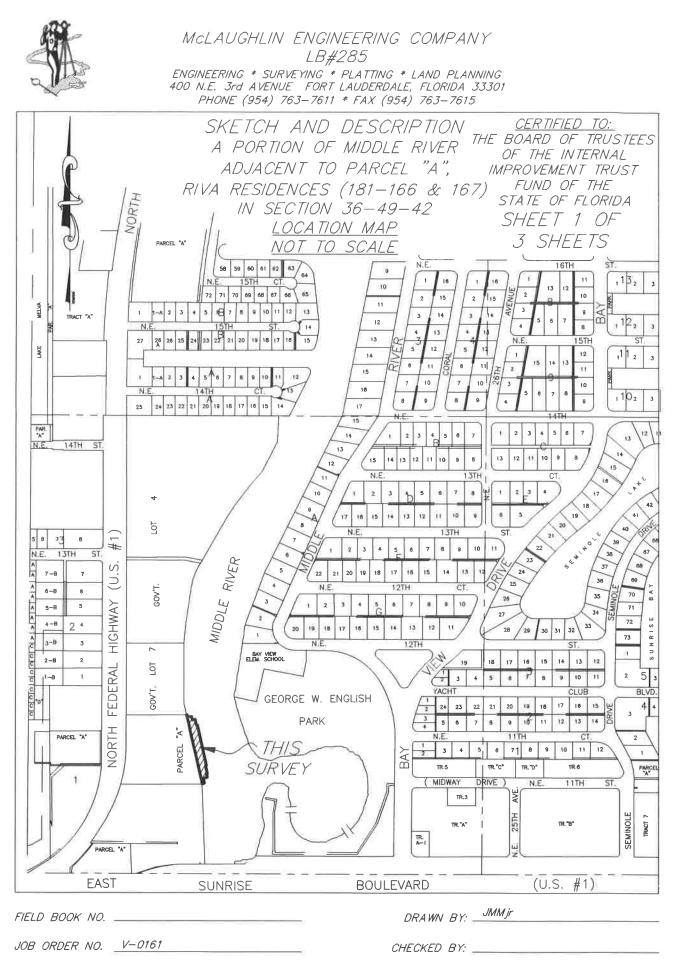
Certified Correct. Dated at Fort Lauderdale, Florida this 21st day of November, 2015. Limits revised this 29th day of July, 2016.

McLAUGHLIN ENGINEERING COMPANY

JAMES M. McLAUGHLIN JR. Registered Land Surveyor No. 4497 State of Florida.

DRAWN BY: _______

CHECKED BY: __JST



CAM 20-0630 Exhibit 1 Page 30 of 31

