

RESOLUTION NO. 20-235

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 47-19.3(E) OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE GRANTING A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3(C) TO PERMIT VADER PROPERTIES, LLC, A DELAWARE LIMITED LIABILITY TO INSTALL ONE (1) 50,000 POUND EIGHT-POST BOAT LIFT THAT WILL EXTEND A MAXIMUM OF \pm 31.2 FEET FROM THE PROPERTY LINE INTO THE ADJACENT WATERS OF THE STRANAHAN RIVER (INTRACOASTAL WATERWAY), SUCH PROPERTY BEING LOCATED AT 1776 SE 10TH STREET, FORT LAUDERDALE, FLORIDA, 33316, AND MORE PARTICULARLY DESCRIBED BELOW; SUBJECT TO CERTAIN TERMS AND CONDITIONS; PROVIDING FOR SEVERABILITY; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Vader Properties, LLC, a Delaware limited liability company (hereinafter "Applicant") own the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

Parcel A:

Lots 34, 35, and 36, Block 14, RIO VISTA ISLES UNIT 5, according to the map or plat thereof as recorded in Plat Book 8, Page 7, of the Public Records of Broward County, Florida;

Together with:

Parcel B:

All that parcel of land lying East of the platted East boundary of Lot 36 of Block 14 of RIO VISTA ISLES, and South of the platted South line of Granada Drive, and extending to the waters of Rio Carmena and/or Lake Mabel, as shown on the plat of RIO VISTA ISLES, recorded in Plat Book 8, Page 7, of the Public Records of Broward County, Florida, more particularly defined and bounded as follows:

On the West by the platted East boundary line of Lot 36 of Block 14, above described, on the North by the platted South line of Granada Drive, as shown on the above mentioned plat of RIO VISTA ISLES; on the East by the East line of Lot 37, Block 15 of RIO VISTA ISLES, extended South to the waters of Rio Carmena

and/or Lake Mabel; and on the South by the waters of Rio Carmena and/or Lake Mabel.

Also known as:

A portion of RIO VISTA ISLES, UNIT 5 according to the Plat thereof as recorded in Plat Book 8, Page 7, of the Public Records of Broward County, Florida, more particularly described as follows: That certain triangular portion of land lying immediately East of Lot 36 in Block 14 of RIO VISTAS ISLES, UNIT 5, and bounded on the West side by the Easterly border of the aforesaid Lot 36 and on the North by the Southerly right-of-way line of Southeast Tenth Street and on the East and South by Lake Mabel.

Parcel Identification Number: 5042 11 22 0710

Street Address: 1776 SE 10 Street, Fort Lauderdale, FL 33316
(hereinafter "Property")

WHEREAS, Applicant is requesting approval for installation of one (1) 50,000 pound eight-post boat lift extending a maximum of +/- 31.2 feet from the Property line into the waters of Stranahan River (Intracoastal Waterway), as measured from the Applicant's property line (wet face of seawall); and

WHEREAS, the City's Marine Advisory Board on September 3, 2020, reviewed the application for dock waiver filed by the Applicant and voted (10 to 1) to recommend approval.

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

SECTION 1. That pursuant to the provisions of ULDR Section 47-19.3(e) of the Code of Ordinances of the City of Fort Lauderdale, the City Commission, as of the effective date hereof, grants a waiver of the limitations of ULDR Section 47-19.3(c), to allow Applicant to one (1) 50,000 pound eight-post boat lift extending a maximum distance from Applicant's upland property line into the adjacent waters of the Stranahan River (Intracoastal Waterway) such distances being more specifically set forth in the Table of Distances set forth below:

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Boat Lift	+/- 31.2'	25'	+/- 6.2'

SECTION 2. That the above waiver is subject to the following additional conditions to be performed by the Applicants:

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 City's Supervisor of Marine Facilities with copies of "As Built" drawings from a certified and licensed contractor and verification of all applicable Federal and State permits.
3. Maintenance and repair of the vessel moored at this location shall be permitted only in according with City Code § 8-149 and in compliance with City Code of Ordinances, Chapter 17, Noise Control.
4. Within ninety (90) days of the effective date of this Resolution, Applicant shall file applications for permits for all other governmental or regulatory approvals required to implement the dock waiver herein and provide proof thereof to the Supervisor of Marine Facilities. In the event the Applicant fails to timely file applications for permits as referenced above, the granting of this waiver shall expire, without prejudice to the Applicant re-filing a subsequent application for dock waivers.
5. The Applicant shall complete construction of the improvements as reflected in the application for the waiver of limitations through to a final certificate of completion no later than 180 days after issuance of all necessary permits. In the event the Applicant fails to timely complete construction of the improvements as referenced above, the granting of this waiver will expire, unless the date for completion of construction is extended by the City Manager upon good cause shown.
6. In the event ownership of the upland Property, to which the boat lift is appurtenant, is transferred to a third party prior to issuance of a building permit to construct the improvements authorized under this dock waiver Resolution, then this Resolution shall become null and void.
7. Violation of any of the foregoing conditions is unlawful and constitutes a violation of the City's ULDR and may result in revocation of this Resolution by the City Commission.

8. A copy of this Resolution shall be attached to each and every Lease Agreement for the leasing of the residential upland unit or property to which the boat lifts and mooring piles are appurtenant.
9. The Applicant is required to install and affix reflector tape to the proposed mooring piles authorized to extend beyond the limitations provided in City Code § 47-19.3 (c), Unified Land Development Regulations. The reflector tape must be formulated for marine use and be in one (1) of the following uniform colors: international orange or iridescent silver. On all such piles, the reflector tape shall be at least five (5) inches wide and within eighteen (18) inches of the top of the pile.

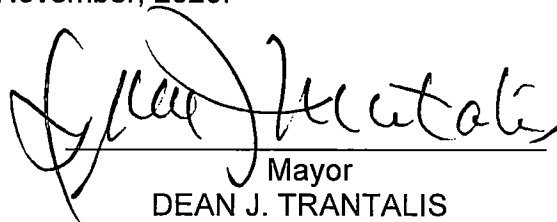
No improvements may be constructed or installed pursuant to this Resolution until after the effective date thereof.

SECTION 3. That if any clause, section or other provisions within this Resolution shall be held invalid or unconditional by a court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby but shall remain in full force and effect.

SECTION 4. That all Resolutions or parts of Resolutions in conflict with this Resolution are hereby repealed.

SECTION 5. That this Resolution shall be in full force and effect immediately upon final passage.

ADOPTED this 17th day of November, 2020.


Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI