

## ITEM VII

### MEMORANDUM MF NO. 20-02

DATE: December 12, 2019

TO: Marine Advisory Board

FROM: Andrew Cuba, Manager of Marine Facilities

RE: February 6, 2020 MAB Meeting - Dock Waiver of Distance Limitations  
- 1476446 Ontario Limited / 736 NE 20<sup>th</sup> Avenue

Attached for your review is an application from 1476446 Ontario Limited / 736 NE 20<sup>th</sup> Avenue (see **Exhibit 1**).

### APPLICATION AND BACKGROUND INFORMATION

At the October 3, 2019 MAB meeting, the applicant sought a resolution granting a Waiver of Limitations for the installation of one (1) triple pile mooring cluster and two (2) single mooring pilings extending a maximum of +/-131.3' from the property line into the Middle River. The property line is +/- 5.3' landward of the wet face of the seawall. The MAB, following input from a neighboring property owner, recommended the proposed plan be reduced to restrict the distance of the two (2) proposed outermost mooring pilings to 125 feet from the wet face of the seawall (+/-130.3' from the property line). The property line is landward of the seawall's wet-face, and is the point from which the waiver is measured. The MAB's Motion to recommend approval to the City Commission (with this revision) passed unanimously.

At the November 19, 2019 City Commission meeting, the Commission denied the application (4:0). The Commission specified that if this application were to be resubmitted, via MAB recommendation, additional clarification and information is recommended. Specifically:

- a. The owner of the property or a registered legal representative (lobbyist) should be present at the Commission meeting for questioning.
- b. Neighborhood's Civic association review is recommended.
- c. Detailed specifics for the vessels to be docked at the site should be included – ownership verification, number of vessels, and dimensions.
- d. Clearer explanation of property ownership (corporate entity).
- e. Residence occupancy details, including number of months per year, should be specified.

The applicant has re-applied, and is interested in complying with the Commission requests. The updated application proposes restricting the distance of the 3-piling mooring clusters to 78.3', and the outermost single mooring pilings to 128.3'. See **TABLE 1**:

**TABLE 1**

<b>STRUCTURE</b>	<b>PROPOSED STRUCTURES</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING A WAIVER</b>
<b>1</b>	<b>Three Pile Mooring Cluster</b>	<b>+/-78.3'</b>	<b>25'</b>	<b>+/-53.3'</b>
<b>2</b>	<b>Mooring pile #2</b>	<b>+/-128.3'</b>	<b>25'</b>	<b>+/-103.3'</b>
<b>3</b>	<b>Mooring pile #3</b>	<b>+/-128.3'</b>	<b>25'</b>	<b>+/-103.3'</b>

ULDR Section 47-19.3 D. limits the maximum distance of mooring piles to 25 feet, or 30% 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 specified that the extra distance for the mooring piles and mooring pile cluster is necessary for protecting vessels due to wave action.

#### PROPERTY LOCATION AND ZONING

The property is located within the RS-8 Residential Single Family / Low Density Zoning District. It is situated on the Middle River where the width of the Middle River is identified as 708 feet in the Narrative Summation provided in **Exhibit 1**.

#### DOCK PLAN AND BOATING SAFETY

Marine Facilities records reflect that there have been nineteen (19) waivers of docking distance limitations approved by the City Commission since 1983 in the immediate area. A comparison of these as shown in **Table 2** including the maximum distances of structures extending into the Middle River follows:

**TABLE 2**

<b>DATE</b>	<b>ADDRESS</b>	<b>MAXIMUM DISTANCE</b>
March 1983	834 N.E. 20 <sup>th</sup> Avenue	Pilings – 45'
April 1983	714 N.E. 20 <sup>th</sup> Avenue	Pilings – 45' Piers – 37'
July 1985	808 N.E. 20 <sup>th</sup> Avenue	Pilings – 48' Piers – 38'
January 1990	840 N.E. 20 <sup>th</sup> Avenue	Pilings – 48' Pier – 48'
September 1992	738 N.E. 20 <sup>th</sup> Avenue	Pilings – 75' Pier – 39'
November 2007	810 N.E. 20 <sup>th</sup> Avenue	Pilings – 68' Piers – 73'

January 2008	852 N.E. 20 <sup>th</sup> Avenue	Pilings – 86' Pier – 49'
October 2008	714 N.E. 20 <sup>th</sup> Avenue	Pier – 108'
November 2012	810 N.E. 20 <sup>th</sup> Avenue	Pilings- 124.4'
May 2013	720 N.E. 20 <sup>th</sup> Avenue	Pilings-80' Pier-42'
May 2013	816 N.E. 20 <sup>th</sup> Avenue	Pilings-112.4'
March 2014	704 N.E. 20 <sup>th</sup> Avenue	Pilings – 125'
October 2014	720 N.E. 20 <sup>th</sup> Avenue	Pilings-125'
November 2014	726 N.E. 20 <sup>th</sup> Avenue	Pilings-125'
February 2015	824 N.E. 20 <sup>th</sup> Avenue	Pilings-106.3'
January 2016	900/910 N.E. 20 <sup>th</sup> Avenue	Pilings – 80.3'
November 2017	800 N.E. 20 <sup>th</sup> Avenue	Pilings – 100'
March 2018	826 NE 20 <sup>th</sup> Avenue	Pilings – 68.5'
January 2019	866 NE 20 <sup>th</sup> Avenue	Pilings – 71'

## RECOMMENDATIONS

Should the Marine Advisory Board consider approval of 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. 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 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 piles and mooring pile 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

**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: 1476446 Ontario Limited

TELEPHONE NO: \_\_\_\_\_ 419-708-9795 \_\_\_\_\_ FAX NO. \_\_\_\_\_  
(home) (business)

2. **APPLICANT'S ADDRESS** (if different than the site address):

500 Manitou Drive, Kitchener, Ontario, Canada N2C 1L3

3. **TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:**

Waiver of Limitations for mooring pilings

4. **SITE ADDRESS:**

736 NE 20th Avenue, Fort Lauderdale, FL 33304

**ZONING:**


RS-8

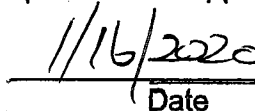
**LEGAL DESCRIPTION:**

The South 18 feet of Lot 4, all of Lot 5, and the North 15 feet of Lot 6, in Block 1, of Victoria Highlands, according to the Plat thereof, as recorded in Plat Book 9, at Page 47 of the Public records of Broward County, Florida, less the North 7 feet of the South 18 feet of said Lot 4

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

See attached table of contents and documents

  
Applicant's Signature

  
Date

The sum of \$ 15.00 was paid by the above-named applicant on the \_\_\_\_\_ of \_\_\_\_\_, 2020 Received by: \_\_\_\_\_

City of Fort Lauderdale

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

**Marine Advisory Board Action**

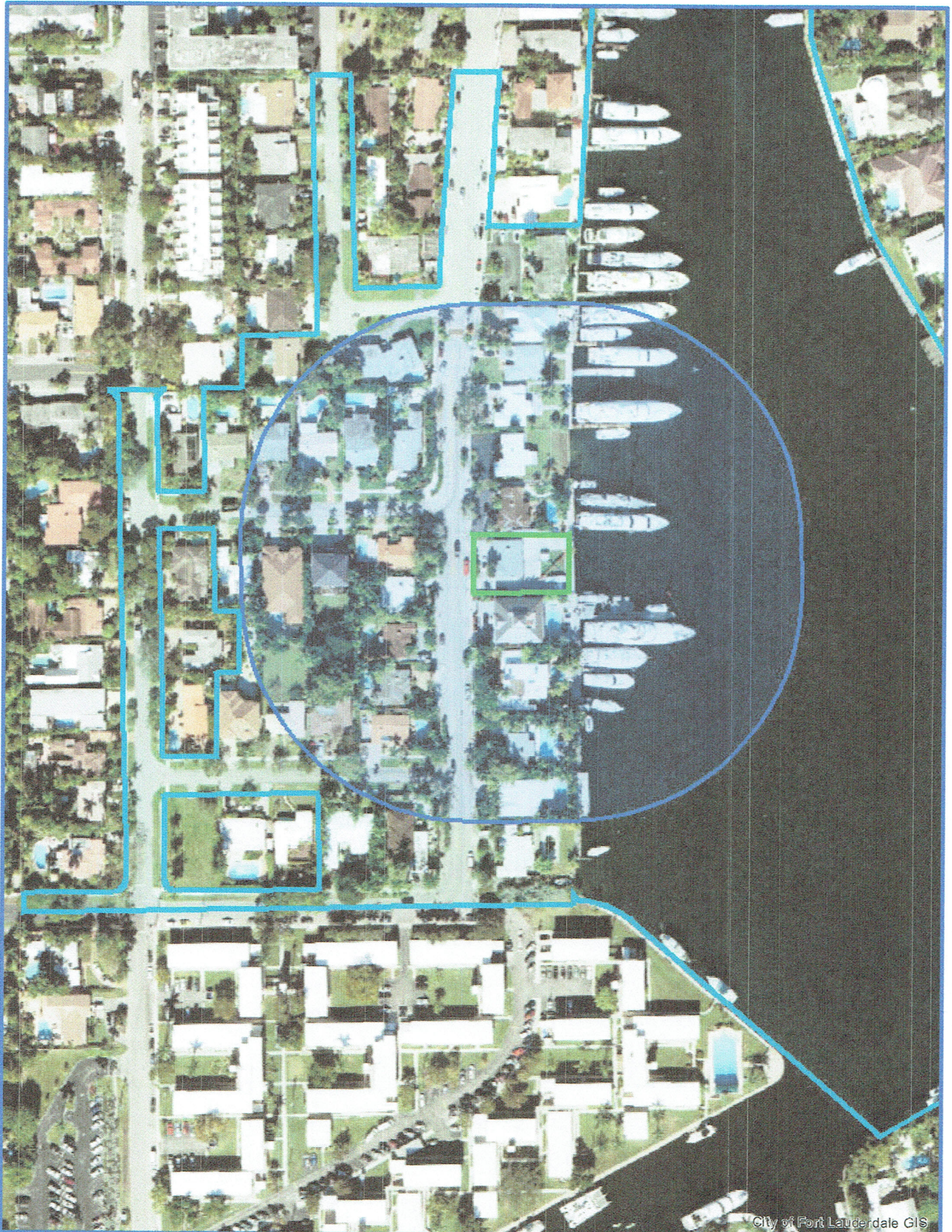
Formal Action taken on \_\_\_\_\_

**Commission Action**

Formal Action taken on \_\_\_\_\_

Recommendation \_\_\_\_\_  
Action \_\_\_\_\_





City of Fort Lauderdale GIS



CITY OF FORT LAUDERDALE

Map Created by GIS Mailer

736 NE 20th Ave.



0 90 180 Feet

**GIS**  
Fort Lauderdale

CAM 21-0264  
Exhibit 1  
Printed on: 9/17/2019

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January 23, 2020

Marine Advisory Board  
2 South New River East  
Ft. Lauderdale, Fl. 33301

Re: Gerhard Sowa/1476446 Ontario Limited  
736 NE 20<sup>th</sup> Avenue  
Fort Lauderdale, FL 33304

Dear Board Members,

We are requesting a waiver of limitations to install new mooring pilings at a single-family site. The existing seawall will remain and be repaired with a cap uppour; the seawall work will not require a waiver. The project also includes the installation of one new 3-piling mooring cluster and two single mooring pilings. The single pilings will be steel pipe pilings and the cluster will be made up by three wood pilings.

This is the second time that the Marine Advisory Board will have reviewed this request. While the MAB recommended approval, the City Commission denied the request, due to concerns about ownership and the owner's use of the property. The Commission had concerns that the owner would rent out the mooring slips, without renting the house, even though it was stated at the hearing that that would not be case. The owner of the property is Gerhard Sowa, who owns the property through his Canadian corporation, 1476446 Ontario Limited, of which he is Director, President, and Secretary-Treasurer.

The Commission had concerns about the owner staying at the property or not, when he was in the area. It was explained that he stays at a hotel, while the house was being remodeled, but that he would stay at the house when the remodeling was completed.

The reasons for the Commission's denial was more for the concerns noted above, than it was for the extension of the pilings into the water. Although there was concern expressed about the size of the vessels that would be moored at this property, as well as throughout the surrounding neighborhood, the vessels that will be moored here, will not be out of line with the other vessels in the neighborhood. As such, the pilings to be installed, will not be out of line with pilings and piers that have been approved for variances and permits, and installed at other properties along this street.

One other concern that was mentioned by one of the commissioners, was that these type of requests should be presented to impacted neighborhood associations. We plan on doing that with the HOA for this neighborhood, prior to returning to the Commission.

As to this current request, the City Building Code, Section 47-19.3, Paragraph d, allows mooring or dolphin pilings to extend out 30% of the waterway's width, up to a maximum of 25 feet, as measured from the property line. 30% is also the limit for vessels. Recently the Zoning Department has been interpreting this rule to mean, as measured from the property line or wetface, whichever is most landward. At this property, the property line is 3.3' landward of wetface.

During the MAB's original review, the pilings were laid out to be 75 feet and 125 feet from the edge of the concrete slab that sits upon the seawall cap. The MAB recommended that the pilings be placed 75 feet and 125 feet from the wetface of the panel, which would make them 3 feet less waterward.

Based on the above referenced recommendation, the new 3-piling cluster will extend a total of 78.3 feet from the property line, and the two single mooring pilings will extend 128.3 feet property line. (The measurements from the wetface will be 75 feet and 125 feet, respectively.) These pilings would then require a variance of 103.3 feet, as measured from the Property line.

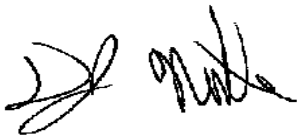
The waterway width at this location is 708 feet. 30% of the waterway width is 212 feet. The new mooring pilings and the new cluster will be well within that 30% limit. The vessels that can be moored here, will also be well within the 30% limit proscribed for vessels. Furthermore, the new structures will not encroach into or come near to the navigational channel.

While these numbers may seem excessively high, this is typical for this neighborhood. Several properties along this street moor very long vessels that require mooring pilings farther out in the water than allowed by the code. Several of these properties have gone through and been approved for similar waivers for the mooring pilings at waterward extensions similar to the ones requested here.

Therefore, the requested Waiver of Limitations will be for an additional 103.3 feet of additional waterward extension for the new mooring pilings and cluster, as measured from the property line.

Considering the navigational traffic on this waterway, the mooring pilings are essential in protecting the vessels from damage due to wave actions. This request is in line with and similar to other waiver requests in this area. The new mooring pilings will not extend further waterward than similarly approved pilings in the immediate vicinity, many which have been approved under similar waivers.

Sincerely,

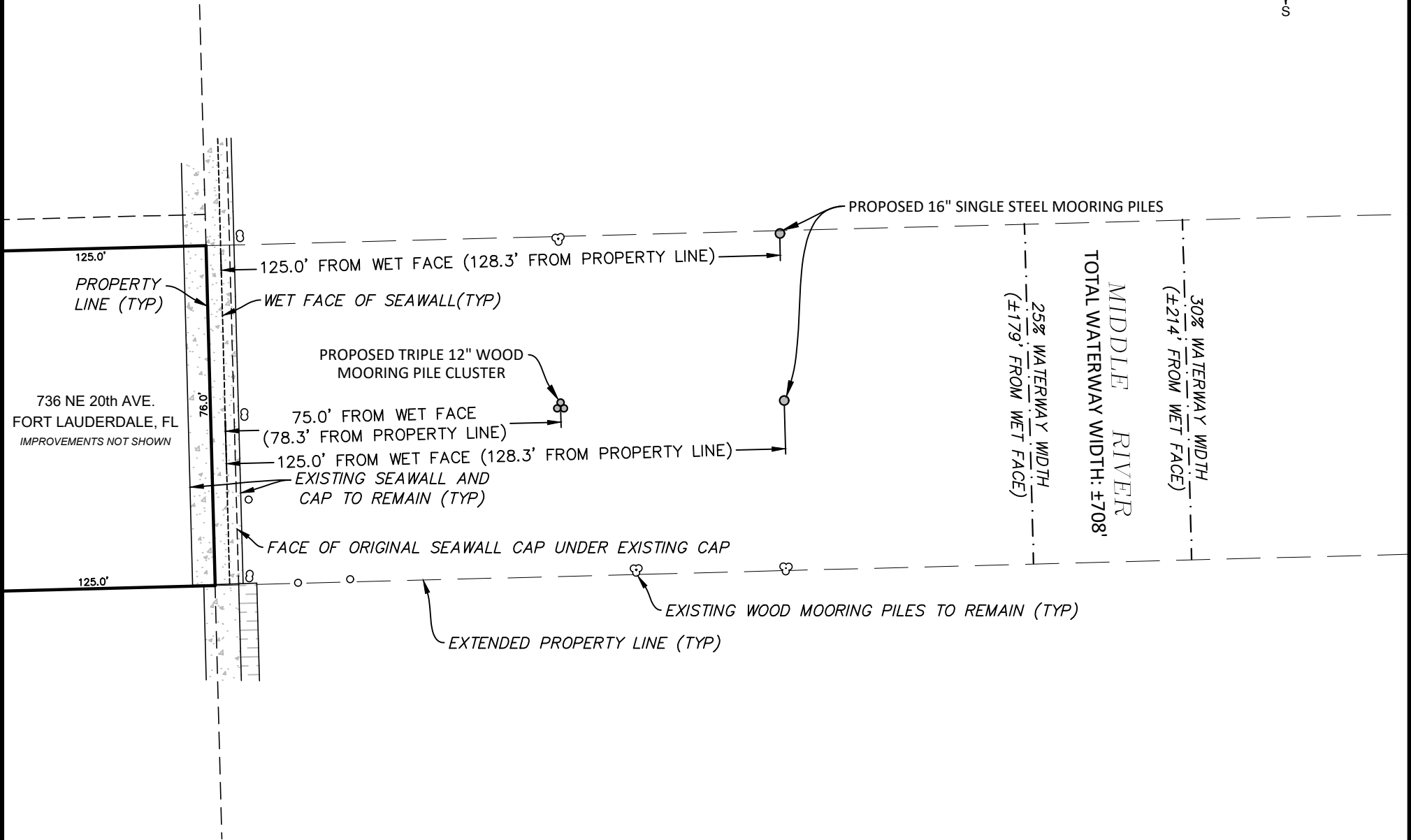
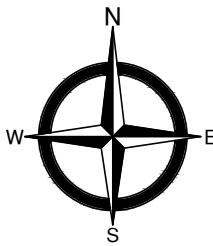
A handwritten signature in black ink, appearing to read 'David Nutter', with a stylized flourish at the end.

David Nutter  
B & M Marine Construction Inc.

# SPECIFIC PURPOSE SURVEY

SOUTH 11' OF LOT 4, LOT 5 AND NORTH 15' OF LOT 6 IN BLOCK 1 of "VICTORIA HIGHLANDS"  
PLAT BOOK 9, PAGES 47 B.C.R.  
SECTION 1, TOWNSHIP 50 SOUTH, RANGE 42 EAST  
BROWARD COUNTY, FLORIDA

0' 15' 30'  
HORIZONTAL SCALE: 1" = 30'



## SURVEY NOTES:

1. THIS IS NOT A BOUNDARY SURVEY. THIS IS A SPECIFIC PURPOSE SURVEY AS DEFINED IN THE STANDARDS OF PRACTICE FOR SURVEYING AND MAPPING IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE.
2. THIS SURVEY IS CERTIFIED TO 1476446 ONTARIO LIMITED AND B&M MARINE CONSTRUCTION.
3. THIS SURVEY IS INTENDED EXCLUSIVELY FOR THE USE BY THOSE TO WHOM IT IS CERTIFIED. IT IS NOT TO BE USED BY OTHERS FOR CONSTRUCTION, PERMITTING, DESIGN OR ANY OTHER USE WITHOUT THE WRITTEN CONSENT OF TERRAQUATIC, INC.
4. THIS SURVEY, AND ANY REPRODUCTION THEREOF, IS NOT VALID WITHOUT AN ORIGINAL OR VERIFIED DIGITAL SIGNATURE AND SEAL OF A FLORIDA REGISTERED SURVEYOR. ADDITIONALLY, THIS SURVEY IS NOT VALID IF PRINTED BEARING A DIGITAL SIGNATURE AND SEAL.
6. OTHER THAN THOSE SHOWN ON THE REFERENCED PLAT, NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED FOR EASEMENTS, ENCUMBRANCES OR OTHER INSTRUMENTS OF RECORD WHICH MAY AFFECT THIS PARCEL OF LAND.
7. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 30' OR SMALLER.
8. UNDERGROUND UTILITIES WERE NOT LOCATED AS PART OF THIS SURVEY.
8. GEOGRAPHIC AND PLANE COORDINATES SHOWN HERON ARE RELATIVE TO THE NORTH AMERICA DATUM OF 1983, FLORIDA STATE PLANE, ZONE 901, TRANSVERSE MERCATOR PROJECTION IN THE U.S. SURVEY FOOT UNIT OF MEASUREMENT.
9. LOCATIONS OF ALL IMPROVEMENTS WERE OBTAINED USING REAL TIME KINEMATIC GPS METHODOLOGIES WITH BROADCAST CORRECTIONS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION REFERENCE NETWORK AND ARE ACCURATE TO THIRD ORDER, CLASS II.
10. THE SPECIFIC PURPOSE OF THIS SURVEY IS TO SHOW THE LOCATION OF PROPOSED IMPROVEMENTS FOR PERMITTING PURPOSES.
11. EXISTING AND PROPOSED MOORING PILES ARE NOT TO SCALE.

## LEGEND:

APX APPROXIMATE  
BCR BROWARD COUNTY RECORDS  
LB LICENSED BUSINESS  
PGS PAGES  
PSM PROFESSIONAL SURVEYOR AND MAPPER  
RNG RANGE  
SEC SECTION  
TYP TYPICAL  
TWP TOWNSHIP

## CERTIFICATION:

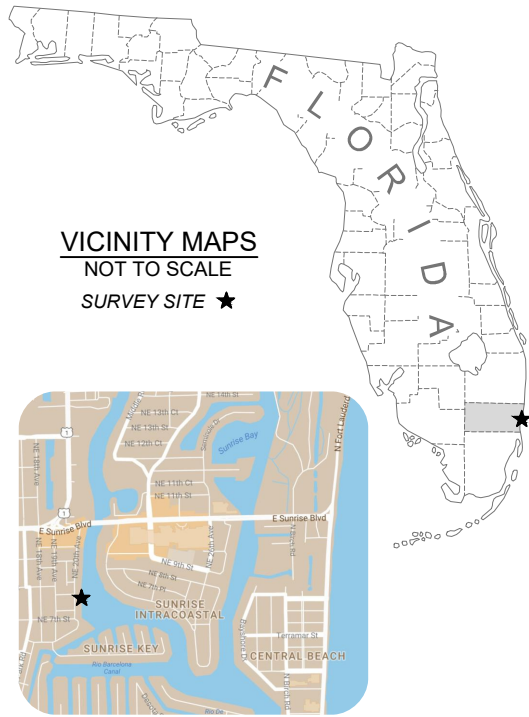
I HEREBY CERTIFY THAT THE ATTACHED SPECIFIC PURPOSE SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED UNDER MY DIRECTION ON 9/18/19.

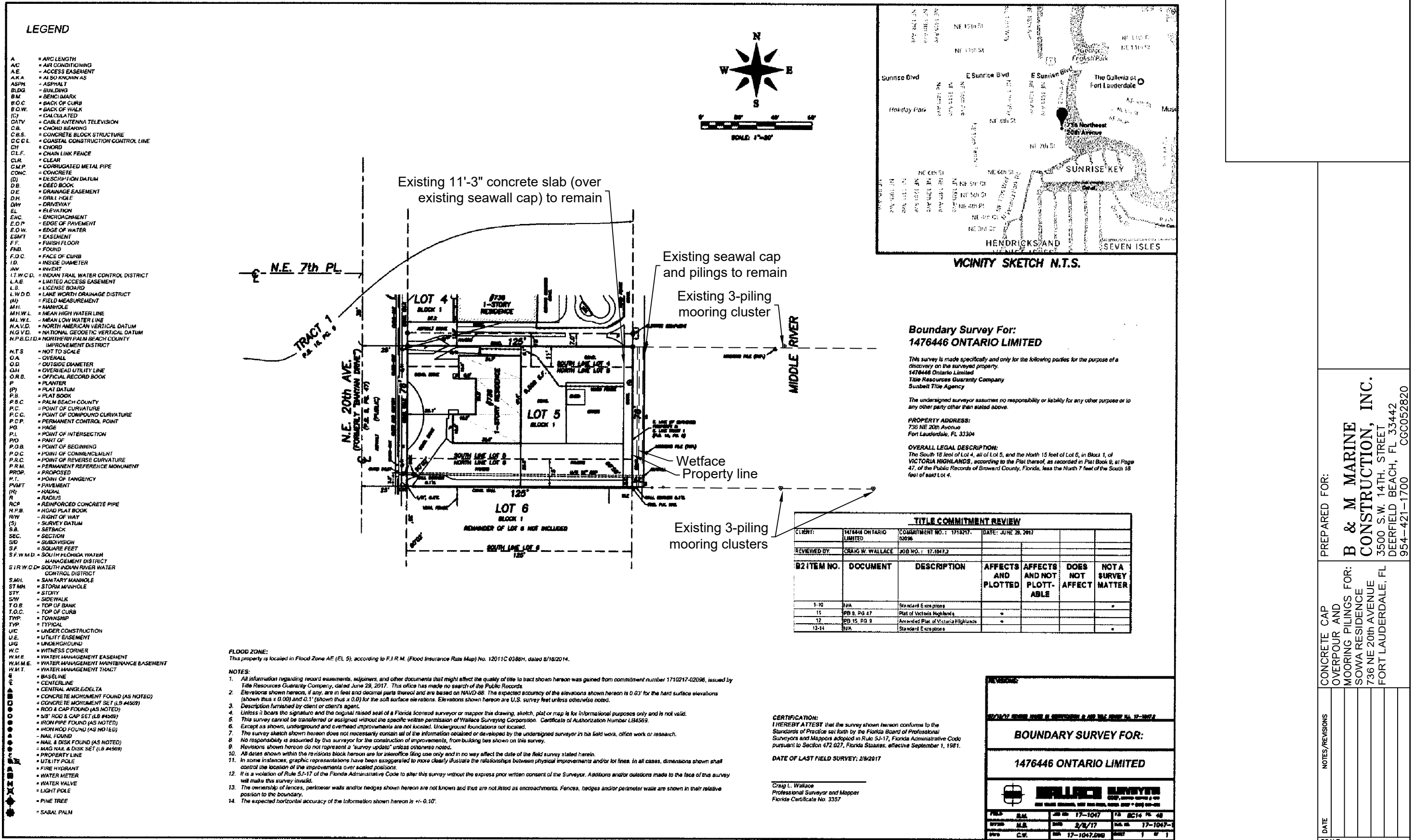
I FURTHER CERTIFY THAT THIS SPECIFIC PURPOSE SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH IN CHAPTER 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTE 472.027.



Kenneth C.  
Jackson, PSM 4549  
2020.01.24 08:54:12  
-05'00'

KENNETH C. JACKSON, PSM - FLORIDA REGISTRATION NUMBER 4549





EXISTING CONDITIONS  
SCALE: 1" = 50'-0"

PREPARED FOR:  
**B & M MARINE CONSTRUCTION, INC.**  
3500 S.W. 14TH STREET  
DEERFIELD BEACH, FL 33442  
954-421-1700  
CGC052820

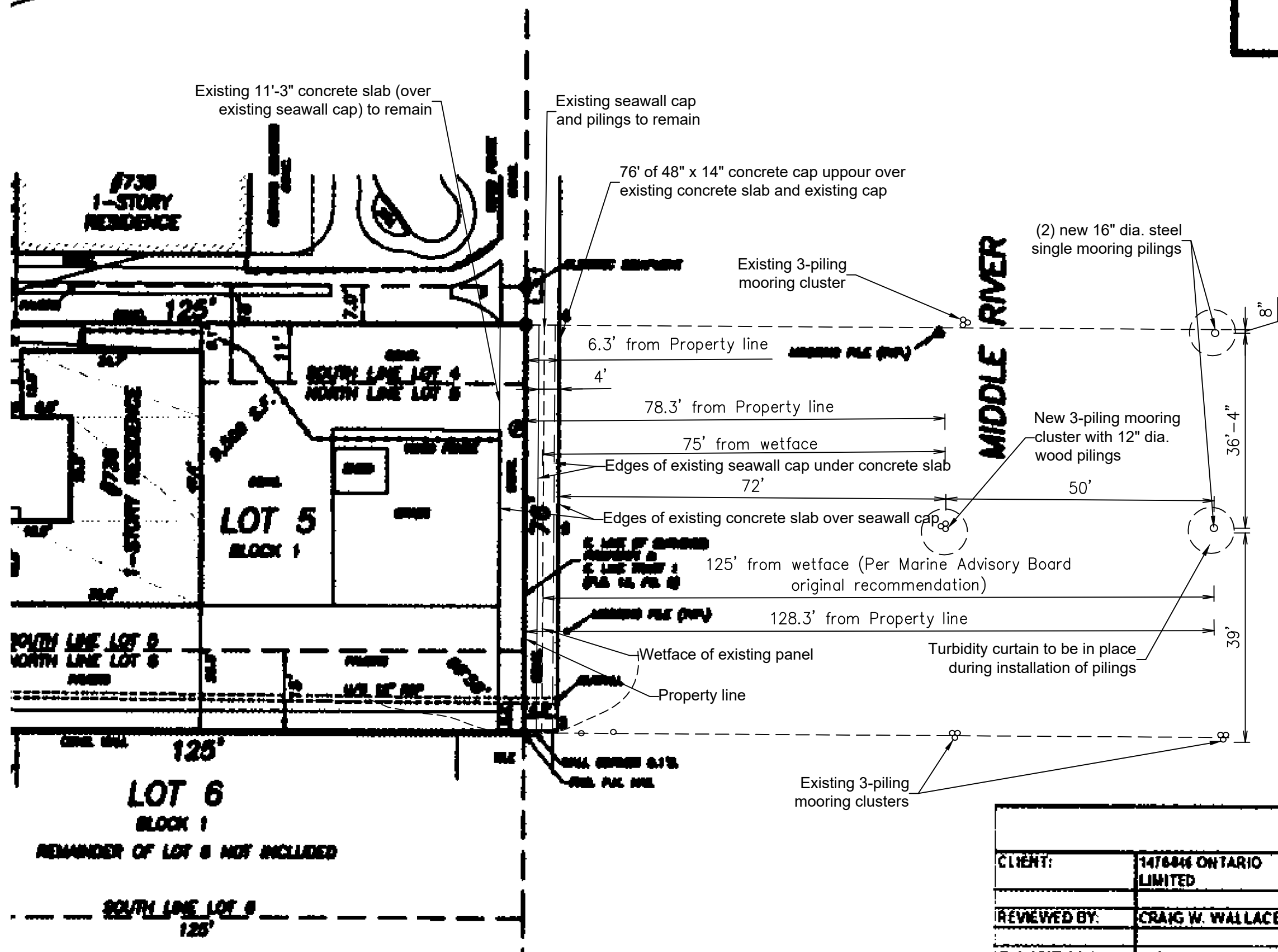
CONCRETE CAP  
OVERPOUR AND  
MOORING PILING FOR:  
SOWA RESIDENCE  
736 NE 20th AVENUE  
FORT LAUDERDALE, FL

DATE: 2/8/17

SCALE: AS NOTED

JOB No:

EC  
CAM 24-0264  
Exhibit 1  
Page 10 of 57



**Bounda  
1476446**

*This survey is a  
discovery on U  
1476446 Ontario  
Title Resource  
Sunbelt Title*

*The undersigned  
any other party*

**PROPERTY AT  
736 NE 20th Ave  
Fort Lauderdale**

**OVERALL LEGAL  
The South 18 ft  
VICTORIA HIGH  
47, of the Public  
feet of said Lot**

PREPARED FOR:

**B & M MARINE  
CONSTRUCTION, INC.**  
3500 S.W. 14TH STREET  
DEERFIELD BEACH, FL 33442  
954-421-1700 CGC052820

CONCRETE CAP  
OVERPOUR AND  
MOORING PILINGS FOR:  
SOWA RESIDENCE  
736 NE 20th AVENUE  
FORT LAUDERDALE, FL

**TITLE CC**

CLIENT:	1476446 ONTARIO LIMITED	COMMITMENT NO.: 02096
REVIEWED BY:	CRAIG W. WALLACE	JOB NO.: 17-1047

**PROPOSED CONDITIONS**  
SCALE: 1" = 20'-0"

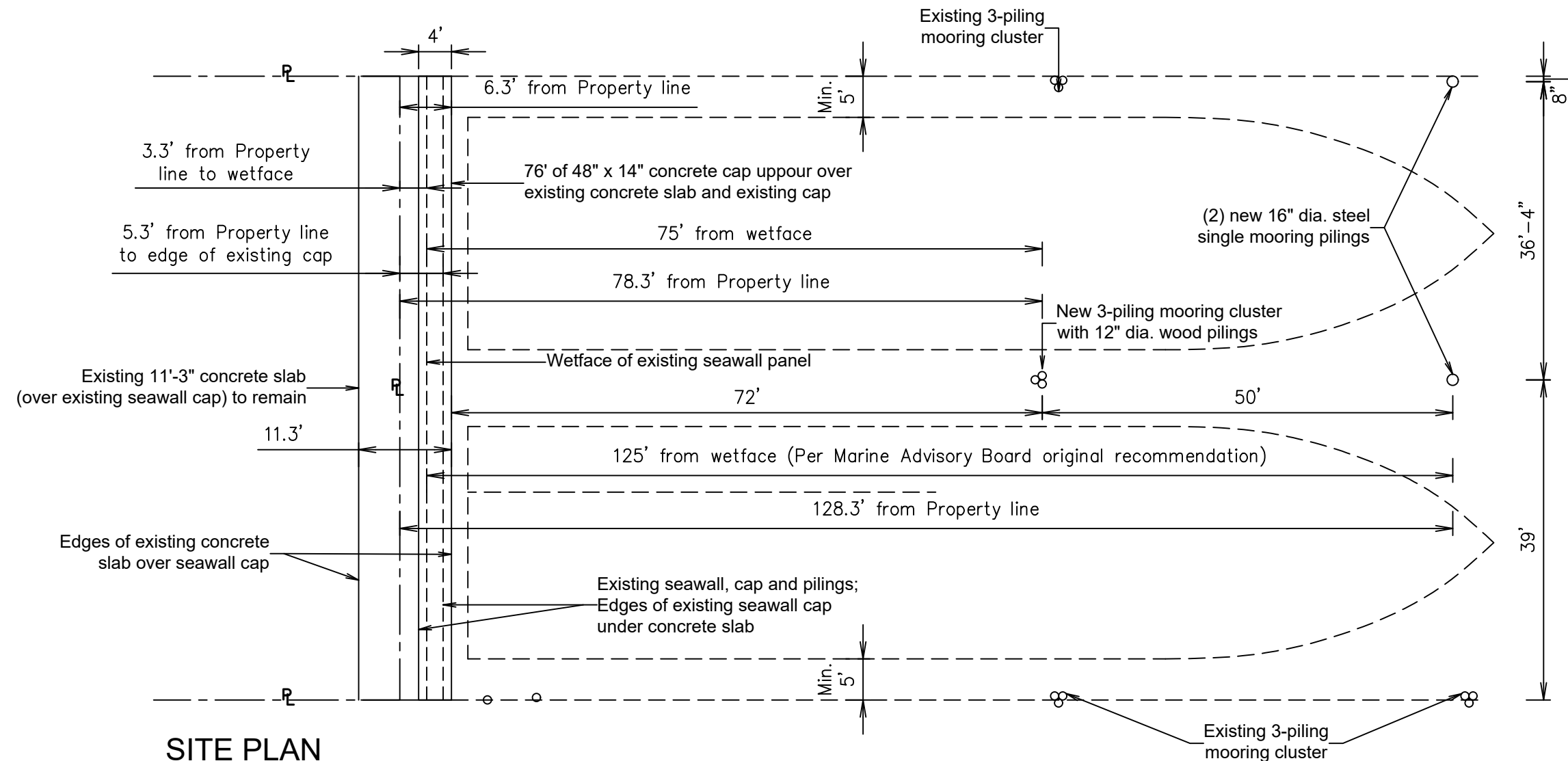
NOTES/REVISIONS

DATE

SCALE: AS NOTED

JOB No:

DC



**SITE PLAN**  
SCALE: 1/16" = 1'-0"

General Notes:

1. Dowel and epoxy #5 bars or L-bars into top of existing cap, staggered @ 24" o.c., min. 4" embedment.
2. New wood pilings to be min. 12" dia. CCA treated wood pilings.
3. New steel pilings to be min 16" dia. epoxy coated steel pipe.
4. All reinforcing steel shall be grade 60, with a minimum 3" clearance.
5. Concrete to be min. 5000 psi @ 28 days.
6. All pilings to be driven 8' into strata. If hard strata is encountered, a 2' minimum penetration is required.
7. Turbidity barriers are to surround all in water construction areas during piling and/or panel installation activities.
8. Approved contractor to verify all dimensions. The approved contractor is responsible for all methods, means, sequences and procedures of work.
9. Any deviation &/or substitution from the approved plans herein shall be submitted to the Engineer for approval prior to commencement of work.
10. Elevations shown are based on the North American Vertical Datum of 1988.
11. Design in accordance with 2017 6th Edition of the Florida Building Code.
12. Contractor covenants and agrees to fully indemnify and hold harmless, engineer, and engineer's employees, officers, directors, and representatives, from and against damages, liabilities or costs, including reasonable attorney fees and defense costs, from any and all claims, actions, causes of action, or demands of any kind or nature for loss, damage, or liability arising from Contractor's work under this agreement. The indemnity provided for in this section shall not apply to any liability resulting from defects in plans, designs, or specifications prepared, approved, or used by engineer or negligence of the engineer in the rendition or conduct of professional duties called for or arising out of the construction contract and the plans, designs, or specifications that are a part of the construction contract and arising from personal injury or death, property damage, or any expenses arising therefrom. To that extent, the total liability of Donald Cesarone & Associates, LLC or any of its employees, officers, directors, and representatives due to plan or specifications defects or negligence shall be limited to the sum equal to the amount paid to Donald Cesarone & Associates, LLC., for these engineered drawings. Acceptance and understanding of this agreement are hereby acknowledged.

PREPARED FOR:  
**B & M MARINE, INC.**  
**CONSTRUCTION, INC.**  
3500 S.W. 14TH STREET  
DEERFIELD BEACH, FL 33442  
954-421-1700 CGC052820

CONCRETE CAP  
OVERPOUR AND  
MOORING PILINGS FOR:  
SOWA RESIDENCE  
736 NE 20th AVENUE  
FORT LAUDERDALE, FL

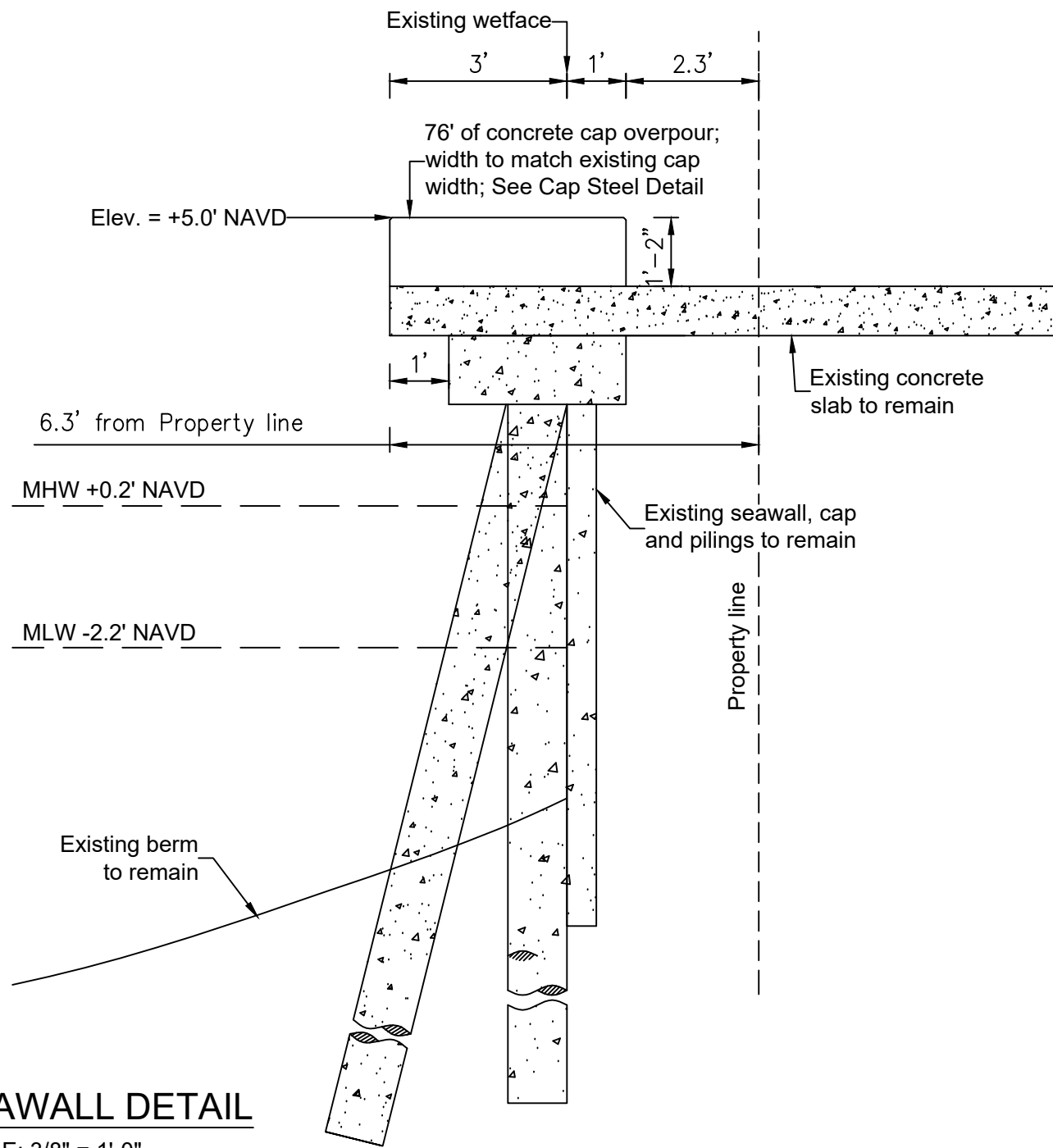
DATE	NOTES/REVISIONS

SCALE: AS NOTED

JOB No:

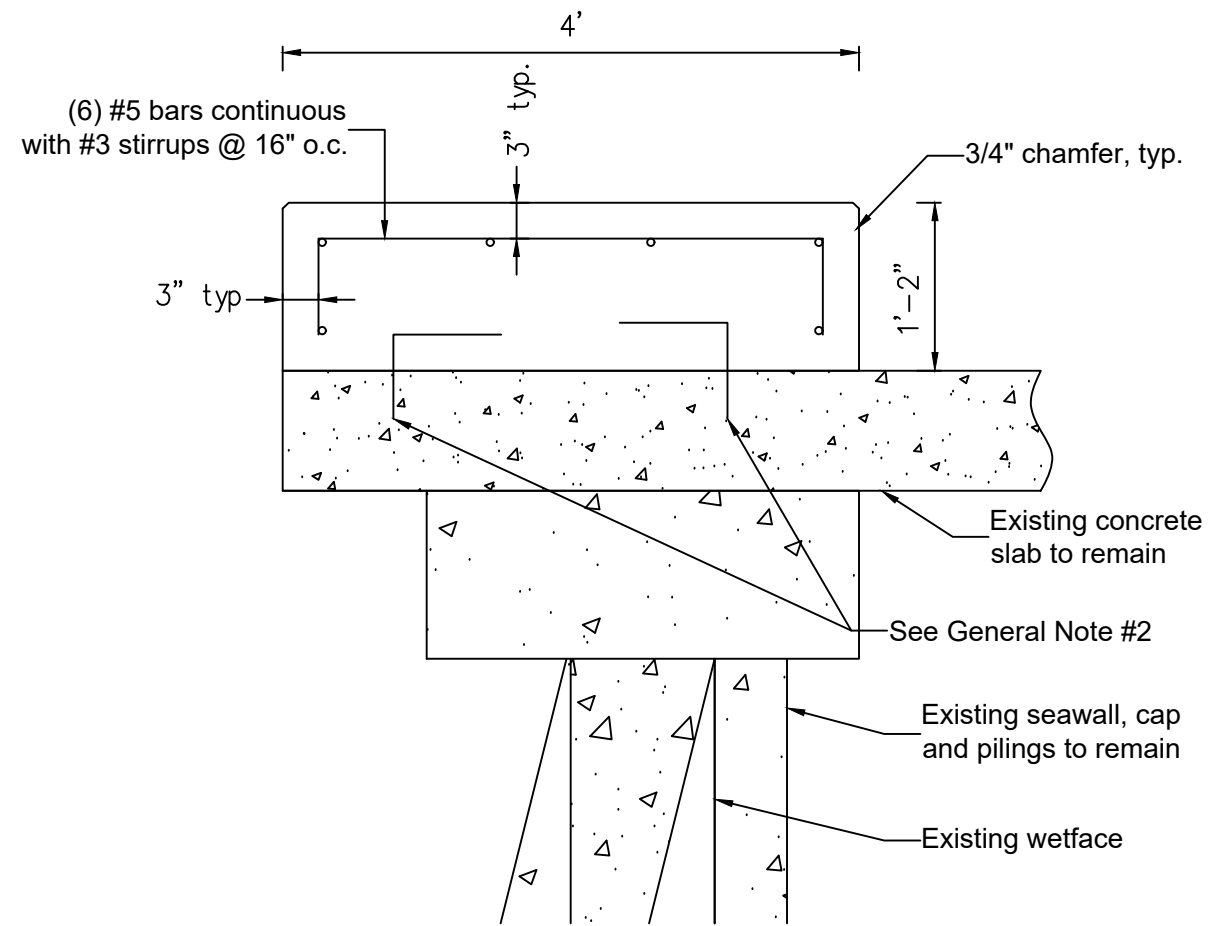
SP  
24-0264





### SEAWALL DETAIL

SCALE: 3/8" = 1'-0"



### CAP STEEL DETAIL

SCALE: 3/4" = 1'-0"

PREPARED FOR:  
**B & M MARINE CONSTRUCTION, INC.**  
 3500 S.W. 14TH STREET  
 DEERFIELD BEACH, FL 33442  
 954-421-1700 CGC052820

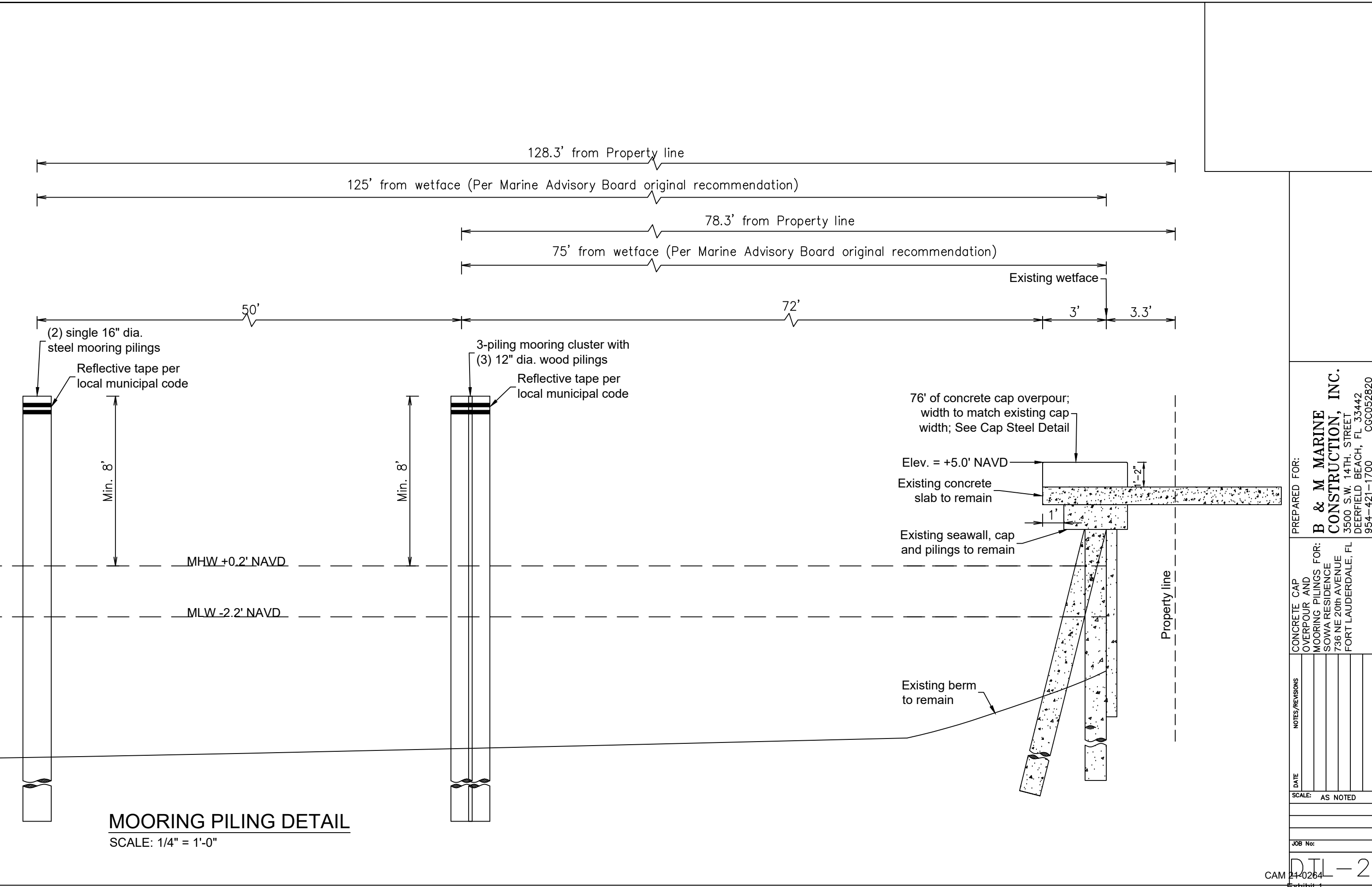
CONCRETE CAP  
 OVERPOUR AND  
 MOORING PILINGS FOR:  
 SOWA RESIDENCE  
 736 NE 20th AVENUE  
 FORT LAUDERDALE, FL

DATE	NOTES/REVISIONS

SCALE: AS NOTED

JOB No:

**DTL-1**



DATE		NOTES/REVISIONS	
SCALE:		AS NOTED	
JOB No:		DTL-2	
CONCRETE CAP OVERPOUR AND MOORING PILINGS FOR:		SOWA RESIDENCE 736 NE 20th AVENUE FORT LAUDERDALE, FL	
PREPARED FOR:		B & M MARINE CONSTRUCTION, INC. 3500 S.W. 14TH. STREET DEERFIELD BEACH, FL 33442 954-421-1700 CGC052820	

MOORING PILING DETAIL  
SCALE: 1/4" = 1'-0"

This Document Prepared By and Return to:

Robert S. Forman, Esquire  
Robert S. Forman, P.A.  
2101 West Commercial Boulevard, Suite 2800  
Fort Lauderdale, Florida 33309

Parcel ID Number: 5042-02-13-0040

## Warranty Deed

This Indenture, Made this 12 day of July, 2017 A.D., Between  
Alan G. Leigh, a single man

of the County of Broward, State of Florida, , grantor, and  
1476446 Ontario Limited

whose address is: 500 Manitou Drive, Kitchener, Ontario Canada N2C1L3

of the City of Kitchener, Country of Ontario Canada, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of

TEN DOLLARS (\$10)

DOLLARS,

and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Broward State of Florida to wit:

The South 18 feet of Lot 4, all of Lot 5, and the North 15 feet of Lot 6, in Block 1, of Victoria Highlands, according to the Plat thereof, as recorded in Plat Book 9, at Page 47, of the Public Records of Broward County, Florida, Less the North 7 feet of the South 18 feet of said Lot 4.

(Continued on Attached)

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever

In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Jean Seibold  
Printed Name: Jean Seibold  
Witness

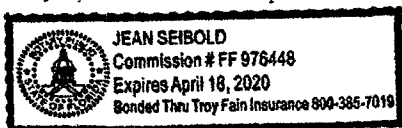
Alan G. Leigh (Seal)  
Alan G. Leigh  
P.O. Address: 738 NE 20th Avenue, Fort Lauderdale, FL 33304

Robin Harper  
Printed Name: Robin Harper  
Witness

STATE OF Florida  
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 14th day of July, 2017 by  
Alan G. Leigh, a single man

who is personally known to me or who has produced his Florida driver's license as identification.



Jean Seibold  
Printed Name: \_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

## **Warranty Deed - Page 2**

**Parcel ID Number: 5042-02-13-0040**

**Subject to restrictions, reservations, easements and limitations of record, if any, provided that this shall not serve to reimpose the same, zoning ordinances, and real property taxes for 2017 and subsequent years.**

Canada  
Province of Ontario  
To Wit

)  
) **To all whom these Presents**  
) **May come, be seen or known**  
)  
)

**I, David R. Jutzi**

a Notary Public, in and for the Province of Ontario, by Royal Authority duly appointed, residing at  
the

CITY OF WATERLOO

in said Province

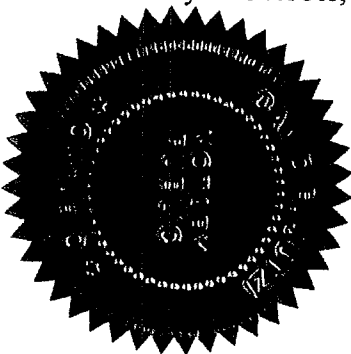
**Do Certify and Attest** that the paper-writing hereto annexed is a true copy of a document produced  
and shown to me  
and purporting to be the:

1. DIRECTORS' REGISTER of 1476446 ONTARIO LIMITED dated the 6<sup>th</sup> day of November,  
2013; and
2. OFFICERS' REGISTER of 1476446 ONTARIO LIMITED dated the 6<sup>th</sup> day of November,  
2013,

the said copies having been compared by me with the said original documents, an act whereof being  
requested I have granted under my Notarial Form and Seal of Office to serve and avail as occasion  
shall or may require.

**In Testimony Whereof** I have hereto subscribed my name and affixed my Notarial Seal of Office  
at Waterloo

this 3<sup>rd</sup> day of October, 2018.



David R. Jutzi

A Notary Public in and for the Province of Ontario.

# 1476446 Ontario Limited

## DIRECTORS' REGISTER

Name of Director	Date Elected	Date Resigned
GERHARD MICHAEL SOWA 500 Manitou Drive Kitchener, Ontario N2C 1L3	Jun 18, 2001	

## 1476446 Ontario Limited

## OFFICERS' REGISTER

[illegible]



Environmental Protection and Growth Management Department  
Environmental Engineering and Permitting Division  
1 North University Drive, Mailbox 201, Plantation, FL 33324  
Phone: 954-519-1483 Fax: 954-519-1412

**BROWARD COUNTY  
ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION  
ENVIRONMENTAL RESOURCE GENERAL LICENSE**

**GL-FTL1809-067**

**Broward County Code of Ordinance(s): 27-336(a)(1)b., 27-336(a)(1)f.**

**Applicant: 1476446 Ontario Limited - Gerhard Sowa**  
**736 NE 20TH AVE, Fort Lauderdale**

**Description: Install 76' of seawall cap overpour; Install (1) 3-piling mooring cluster (12" dia. wood pilings); Install (2) single mooring pilings (16" dia steel pilings); Existing seawall, cap, pilings, mooring pilings, and clusters to remain**

**Issue Date: 10/22/2018**

**Expiration Date: 10/21/2020**

The above project has been reviewed and was verified to meet the criteria outlined in Chapter 27-336(a)(1) of the Broward County Natural Resource Protection Code for the issuance of this Environmental Resource General License (GL). This approval is specific for the plans and description described on this verification. Any changes to project footprint, design or size must be reviewed by the Department and may require additional licensing.

Construction shall be in accordance with the submitted Application, the approved plans and the attached General Conditions. This approval does not authorize impacts to natural resources (mangroves, sea grasses, etc). Failure to comply with the license conditions may result in suspension or revocation of the license and/or enforcement actions.

Issuance of this license does not relieve the licensee from obtaining any other required federal, state or local permits or authorizations required for this project prior to commencement.

Per Section 27-58(b)(9), "The licensee, by acceptance of this license, specifically agrees to allow access and shall allow access to the licensed source, activity, or facility at times to the COUNTY personnel for the purposes of inspection and testing to determine compliance with this license and this chapter."

**Aquatic and Wetland Resources Reviewer: Kristen Scheffer**

**Telephone: (954) 519-1266**

**email: kscheffer@broward.org**



1. The terms, conditions, requirements, limitations and restrictions set forth herein are accepted by the licensee and enforceable by the Environmental Protection and Growth Management Department (EPGMD) pursuant to Chapter 27 of the Broward County Code of Ordinances. EPGMD will review this license periodically and may revoke the license, initiate administrative and/or judicial action for any violation of the conditions by the licensee, its agents, employees, servants or representatives or principals.
2. This license is valid only for the specific uses set forth in the license application, and any deviation from the approved uses may constitute grounds for revocation and enforcement action by EPGMD.
3. The licensee agrees to comply with Chapter 27 of the Broward County Code of Ordinances, as amended.
4. Enforcement of the terms and provisions of this license shall be at the reasonable discretion of EPGMD, and any forbearance on behalf of EPGMD to exercise its rights hereunder in the event of any breach by the licensee shall not be deemed or construed to be a waiver of EPGMD's rights hereunder.
5. In addition to the general conditions set forth above, each license issued by EPGMD shall contain specific conditions determined by site conditions and requirements pursuant to the regulations as determined by the director of EPGMD. The licensee agrees that specific conditions are enforceable by EPGMD for any violation thereof.
6. If the licensee wishes to renew a license or extend its term, the licensee shall make application sixty (60) days prior to its expiration. Expired licenses are not renewable.
7. This license does not constitute a waiver or approval of any other license that may be required for other aspects of the total project.
8. The licensee, by acceptance of this license, specifically agrees to allow access to the licensed source at reasonable times by EPGMD personnel for the purposes of inspection and testing to determine compliance with this license and Chapter 27 of the Broward County Code of Ordinances.
9. This license must be available for inspection on the licensee's premises during the entire life of the license.
10. The issuance of this license does not convey any vested rights or exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, or any violations of federal, state or local laws or regulations.
11. In the event the licensee is temporarily unable to comply with any of the conditions of the license, the licensee shall notify EPGMD within twelve (12) hours. Within five (5) working days of the event, the licensee shall submit a written report to EPGMD that describes the incident, its cause, the measures being taken to correct the problem and prevent its reoccurrence, the owner's intention toward repair, replacement, and reconstruction of destroyed facilities, and a schedule of action leading toward operation within the license conditions.
12. Any new owner of a licensed facility shall apply by letter for a transfer of license within thirty (30) days after sale or legal transfer. The transferor shall remain liable for performance in accordance with the license until the transferee applies for, and is granted the transfer of license. The transferee shall also be liable for performance in accordance with the license.
13. By accepting this license, the licensee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, that are submitted to EPGMD, may be used by EPGMD as evidence in any enforcement proceeding arising under Chapter 27 of the Broward County Code of Ordinances, except where such use is prohibited by Section 403.111, F.S.

**Standard Specific Conditions**  
(Required for all licenses)

**GL-FTL1809-067**

1. Notify the Department in writing a minimum of forty-eight (48) hours prior to project commencement and a maximum of forty-eight (48) hours after project completion.
2. Any project caused environmental problem(s) shall be reported immediately to the Department's Environmental Response Line at 954-519-1499.
3. All project generated solid waste and/or spoil material must be disposed of in a suitable approved manner in accordance with current regulations at an upland location (not including surface waters and wetlands).
4. Turbidity screens or equivalent shall be properly deployed and maintained as necessary during construction activities so that turbidity levels do not exceed twenty-nine (29) Nephelometric Turbidity Units (NTU's) above natural background fifty (50) feet downstream of project.
5. Only clean fill and clean demolition materials shall be placed in the water bodies being filled. Clean demolition materials include things such as brick, stone, ceramic and concrete rubble which are uncontaminated by other materials. Any fill material used shall be free of garbage, rubbish, refuse, asphalt, hazardous materials, organic matter such (as) wood, lumber, tree or tree trimmings, or other contaminants. The disposal of any putrescible or deleterious debris in any water body is prohibited.
6. This license does not eliminate the necessity to obtain any required federal, state, local or special district permit/license/approval prior to the start of any activity authorized by this license.

**Project Specific Conditions**

**GL-FTL1809-067**

1. All watercraft associated with the construction and use of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring or prop dredging. Specifically, there shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of any submerged resources or canal bottom at mean low water.
2. Backfill material shall be clean fill as defined by Section 27-332 of the Broward County Code of Ordinances.
3. Construction shall be in accordance with the attached plans and drawings. Any deviation may require a new license and may cause enforcement actions to be initiated.
4. No dredging other than that required for proper installation of the proposed seawall as authorized by this license.
5. The seawall wetface shall be located within 1' of the existing seawall wetface and shall be constructed as shown on the attached drawings. The seawall returns shall not conflict with any existing setbacks or drainage or other utility easements.
6. Turbidity levels shall be monitored and recorded if a visible turbidity plume is observed leaving the site during construction activities. If monitoring reveals that turbidity levels exceed 29 NTU's above natural background 50 feet downstream of the point of discharge, project activities shall immediately cease, and work shall not resume until turbidity levels drop to within these limits (62-302.530(69) Florida Administrative Code [FAC]).

7. Turbidity screens, silt fences, or equivalent shall be properly employed and maintained as necessary to effectively contain suspended sediments and/or runoff during construction activities. Dredging, filling, excavation, seawall removal, seawall construction, and other projects which result in similar degrees of disturbance to wet sediments shall in all cases employ turbidity control measures designed to effectively enclose the entire work area. Connected turbidity curtain segments shall be overlapped and tied at the top and bottom so as to prevent turbidity from escaping through gaps between segments.



**MARTY KIAR**  
**BR IDWARD**

**MOBILE**

Site Address	736 NE 20 AVENUE, FORT LAUDERDALE FL 33304-3414	ID #	5042 02 13 0040
Property Owner	1476446 ONTARIO LIMITED	Millage	0312
Mailing Address	500 MANITOU DR *KITCHENER ON CA N2C 1L3	Use	01
Abbr Legal Description	VICTORIA HIGHLANDS AMD PLAT 15-9 B PT OF BLK 1 F/P/A LOTS 4 S 18, LOT 5,6 N 15 LESS LOT 4 N 7 OF S 18, BLK 1 VICTORIA HIGHLANDS		

**The just values displayed below were set in compliance with Sec. 193.011, Fla. Stat., and include a reduction for costs of sale and other adjustments required by Sec. 193.011(8).**

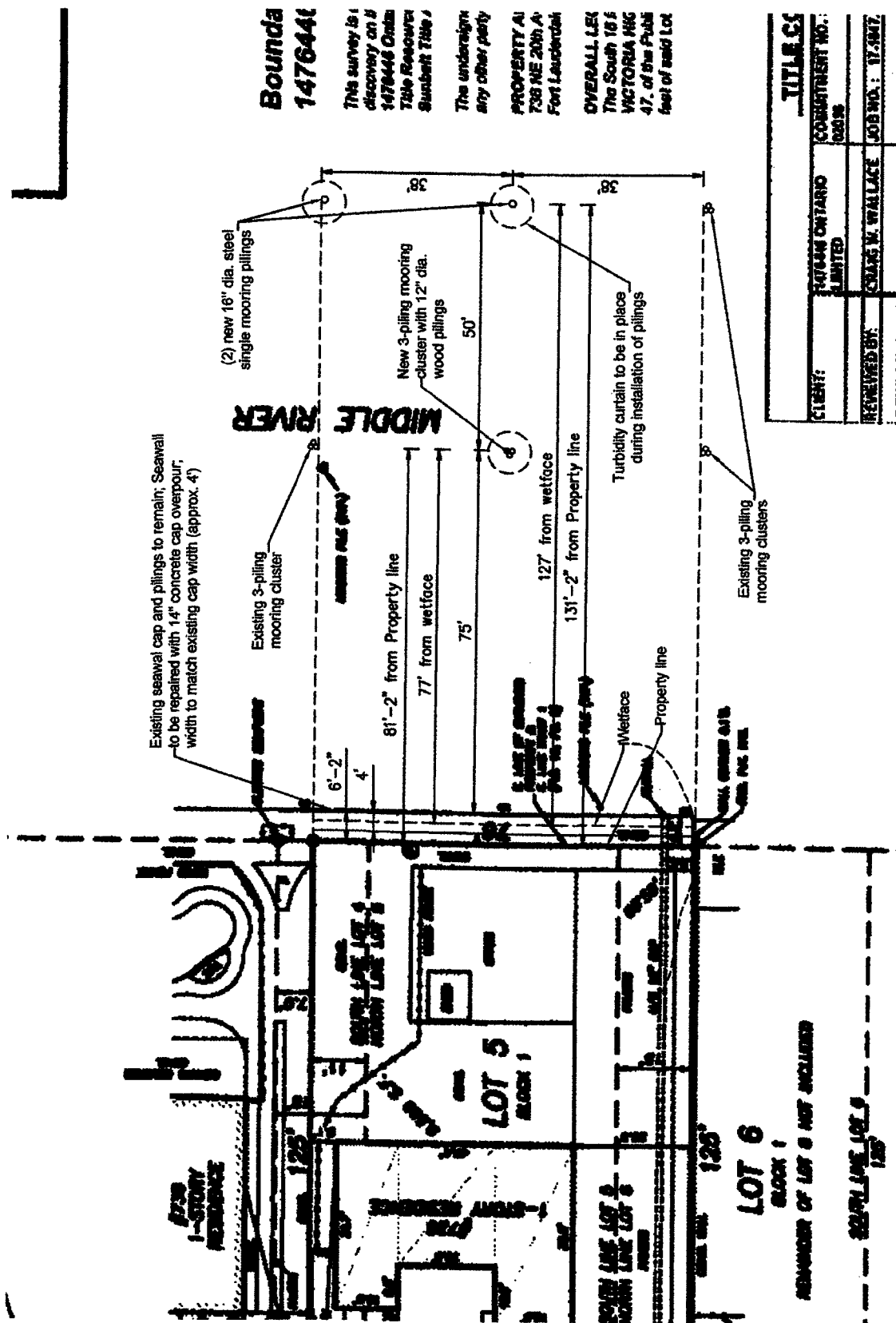
Property Assessment Values					
Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2018	\$522,120	\$952,970	\$1,475,090	\$1,475,090	
2017	\$522,120	\$701,170	\$1,223,290	\$1,005,460	\$20,256.66
2016	\$582,110	\$655,280	\$1,237,390	\$960,630	\$20,470.00

2018 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$1,475,090	\$1,475,090	\$1,475,090	\$1,475,090
Portability	0	0	0	0
Assessed/SOH	\$1,475,090	\$1,475,090	\$1,475,090	\$1,475,090
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$1,475,090	\$1,475,090	\$1,475,090	\$1,475,090

Sales History				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type
7/11/2017	WD-Q	\$1,695,500	114511254	\$55.00	9,493	SF
10/11/2002	QCD	\$347,000	33995 / 1430			
10/5/2000	WD	\$405,000	30947 / 1095			
3/1/1986	QCD	\$110	15205 / 589			
3/1/1978	WD	\$82,000				
				Adj. Bldg. S.F. (Card, Sketch)		1363
				Units		1
				Eff./Act. Year Built: 1966/1949		

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03								
R								
1								





**Bounda  
147644t**

This survey is a  
discovery on a  
147644t claim  
Title Reserved  
Sunbelt Title  
The undersigned  
any other party  
PROPERTY AT  
736 NE 20th A  
Fort Lauderdale  
OVERALL L&L  
The South 16 S  
VICTORIA HIG  
47. of the Public  
feet of said Lot

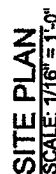
TITLE C3		
CLIENT:	147644t ONTARIO	CONTRIBUTOR NO.:
	LIMITED	00018
PREPARED BY:	CHAS M WALLACE	JOB NO. : 17,947

**PROPOSED CONDITIONS**  
SCALE: 1" = 20' 4"

PC

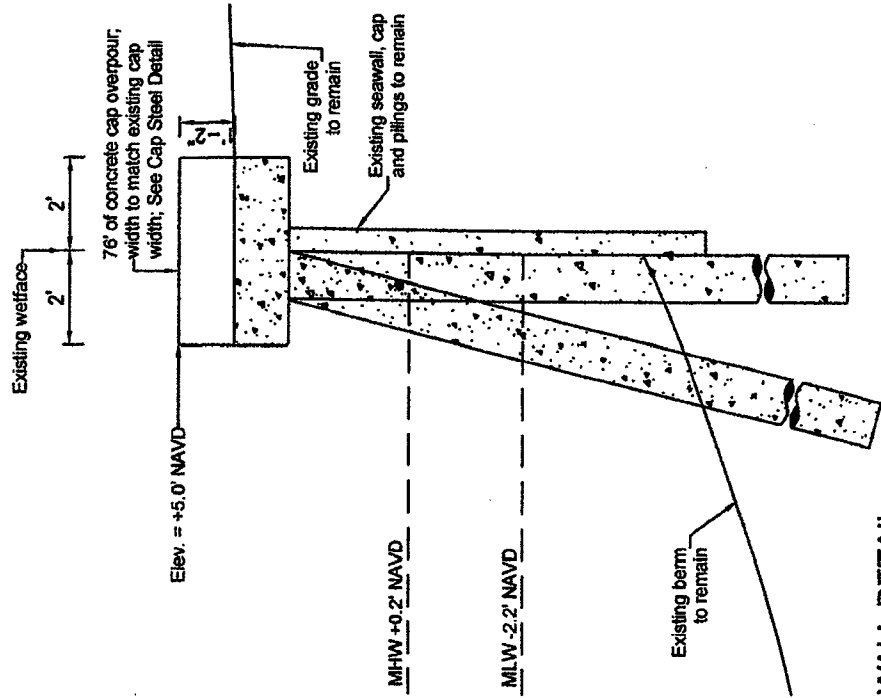
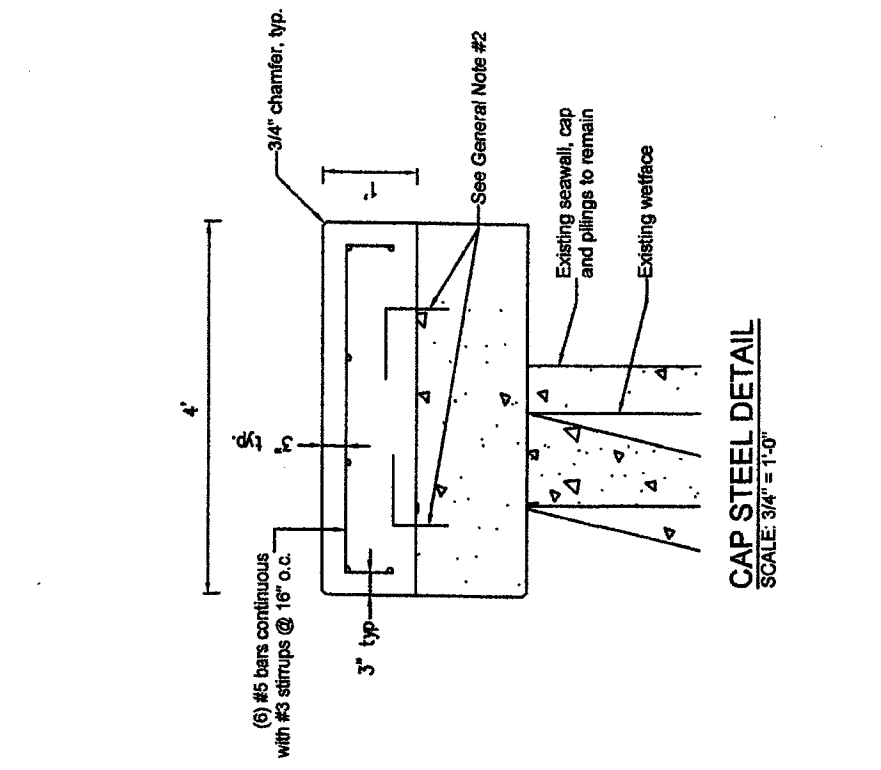
PREPARED FOR:  
**B & M MARINE  
CONSTRUCTION, INC.**  
1900 S.W. 14TH STREET  
DEERFIELD BEACH, FL 33442  
954-421-1700  
000002820

CONCRETE CAP OVERPOUR  
AND MOORING PILING FOR  
SCOWA RESIDENCE  
736 NE 20th AVENUE  
FORT LAUDERDALE, FL



**General Notes:**

1. For all new prestressed pilings, extend pilings strands a min. of 18" into cap/dock slab steel or cut strands even w/ top of pilings & dowel & epoxy (2) #5 L-bars, 12" long w/ 12" bend, into top of pilings, w/ a min. of 4" embedment.
2. Dowel and epoxy #5 bars or L-bars into top and front of existing cap, staggered @ 24" o.c., min. 4" embedment.
3. New wood pilings to be min. 12" dia. CCA treated wood pilings.
4. New steel pilings to be min 16" dia. epoxy coated steel pipe.
5. All reinforcing steel shall be grade 60, with a minimum 3" clearance.
6. Concrete to be min. 5000 psi @ 28 days.
7. All pilings to be driven 8' into strata. If hard strata is encountered, a 2' minimum penetration is required.
8. Approved contractor to verify all dimensions. The approved contractor is responsible for all methods, means, sequences and procedures of work.
9. Any deviation &/or substitution from the approved plans herein shall be submitted to the Engineer for approval prior to commencement of work.
10. Elevations shown are based on the North American Vertical Datum of 1988.
11. Design in accordance with 2017 6th Edition Florida Building Code.









# FLORIDA DEPARTMENT OF Environmental Protection

Southeast District  
3301 Gun Club Road, MSC7210-1  
West Palm Beach, FL 33406  
561-681-6600

Rick Scott  
Governor  
Carlos Lopez-Cantera  
Lt. Governor  
Noah Valenstein  
Secretary

October 25, 2018

Gerhard Sowa  
500 Manitou Dr.  
Kitchener, Ontario, Canada  
Sent via e-mail to: [permits@bm-marine.com](mailto:permits@bm-marine.com)

Re: File No.: 06-0368892-001, 002-EE  
File Name: Sowa

Dear Mr. Sowa:

On Sept 20, 2018, we received your application for an exemption to 1) repair a 76 linear foot seawall with a cap overpour and 2) install one 3 pile mooring cluster and two single mooring piles. The project is located in the Middle River, Class III Waters, adjacent to 736 NE 20<sup>th</sup> Ave. Ft. Lauderdale (Section 2, Township 50 South, Range 42 East), in Broward County (Latitude N 26° 8' 0.17", Longitude W 80° 7' 9.29").

This determination does not convey or create any property right, or any interest in real property. This determination does not authorize any trespass, entrance upon, or activities on property which is not owned or controlled by you, or convey any rights or privileges other than those specified in this determination and applicable rules and statutes.

You shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the activities described in this determination or any use of the structure/activities.

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

**Your project qualifies for all three.** However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

## 1. Regulatory Review – VERIFIED

Based on the information submitted, the Department has verified that the activity as proposed is exempt under Chapter 62-330.051(12)(d), (5)(a), Florida Administrative Code, from the need to obtain a regulatory permit under part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification will expire after one year,

[www.dep.state.fl.us](http://www.dep.state.fl.us)

and will not be valid at any other time if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. However, the activity may still be conducted without further notification to or verification from the Department after the one-year expiration of this verification, provided: 1) the project design does not change; 2) site conditions do not materially change; and 3) there are no changes to the statutes or rules governing the exempt activity. In the event you need to re-verify the exempt status for the activity after the one-year expiration of this verification, a new application and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required. Conditions of compliance with the regulatory exemption are contained in Attachment A.

## **2. Proprietary Review – GRANTED**

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under chapters 253 of the Florida Statutes, and chapter 18-21 of the Florida Administrative Code.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for an automatic Consent by Rule under rule 18-21.005(1)(b), F.A.C. and section 253.77 of the Florida Statutes to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. No further application is required for this consent of use.

### **General Conditions for State-Owned Submerged Land Authorizations:**

- (a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
- (b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
- (c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
- (d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
- (e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

(f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

(g) Structures or activities shall not create a navigational hazard.

(h) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(i) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

### **3. Federal Review – SPGP APPROVED**

Your proposed activity as outlined on your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit V, and a separate permit or authorization will not be required from the Corps. Please note that the Federal authorization expires on July 26, 2021. You, as permittee, are required to adhere to all General Conditions and Special conditions that may apply to your project." A copy of the SPGP V with all terms and conditions and the General Conditions may be found at [http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/general\\_permits/SPGP/SPGPV-Permit%20Instrument-Complete.pdf?ver=2016-07-27-071925-250](http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/general_permits/SPGP/SPGPV-Permit%20Instrument-Complete.pdf?ver=2016-07-27-071925-250).

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

### **Additional Information**

Please retain this letter. The activities may be inspected by authorized state personnel in the future to insure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

### **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice.

### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the

applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

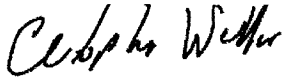
#### Judicial Review

Any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Bruce Kay at (561) 681-6695 or by email at [Bruce.Kay@floridadep.gov](mailto:Bruce.Kay@floridadep.gov)

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



---

Christopher Weller  
Environmental Manager  
Southeast District

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this permit and all copies were sent on the filing date below to the following listed persons:

FDEP – Monica Sovacool, Bruce Kay  
Linda Sunderland, Broward County EPD, [LSunderland@broward.org](mailto:LSunderland@broward.org)  
David Nutter, B & M Marine Construction, [nutt3839@bellsouth.net](mailto:nutt3839@bellsouth.net)

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.



October 25, 2018

Clerk

Date

**Enclosures:**

Attachment A- Specific Exemption Rule  
General Conditions for use of the Federal SPGP V  
Project Drawings, 7 pages

## **Attachment A**

### **Chapter 62-330.051 Exempt Activities.**

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under Chapters 253 and 258, F.S., and Chapters 18-18, 18-20, and 18-21, F.A.C., as applicable.

(12) Construction, Replacement, Restoration, Enhancement, and Repair of Seawall, Riprap, and Other Shoreline Stabilization –

(d) Installation of batter piles, king piles, or a seawall cap, used exclusively to stabilize and repair seawalls, provided they do not impede navigation.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work -

(a) Installation or repair of pilings and dolphins associated with private docking facilities or piers that are exempt under section 403.813(1)(b), F.S.



## **General Conditions for Federal Authorization for SPGP V**

1. The time limit for completing the work authorized ends on July 26, 2021.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

### **Further Information:**

1. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or Construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
  4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
    - a. You fail to comply with the terms and conditions of this permit.
    - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
    - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
  5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
  6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.
  7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation or alteration.

**Department of the Army Permit Transfer for SPGP V**

PERMITEE: \_\_\_\_\_

PERMIT NUMBER: \_\_\_\_\_ DATE: \_\_\_\_\_

ADDRESS/LOCATION OF PROJECT:

\_\_\_\_\_

\_\_\_\_\_  
(Subdivision) (Lot) (Block)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

\_\_\_\_\_  
(Transferee Signature) (Date)

\_\_\_\_\_  
(Name Printed)

\_\_\_\_\_  
(Street address)

\_\_\_\_\_  
(Mailing address)

\_\_\_\_\_  
(City, State, Zip Code)

**STANDARD MANATEE CONDITIONS FOR IN-WATER WORK**  
2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see [MyFWC.com/manatee](http://MyFWC.com/manatee)). One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Questions concerning these signs can be sent to the email address listed above.

# CAUTION: MANATEE HABITAT

All project vessels

**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:



Wildlife Alert:

**1-888-404-FWCC(3922)**

cell \*FWC or #FWC



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, FL 33701

## SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

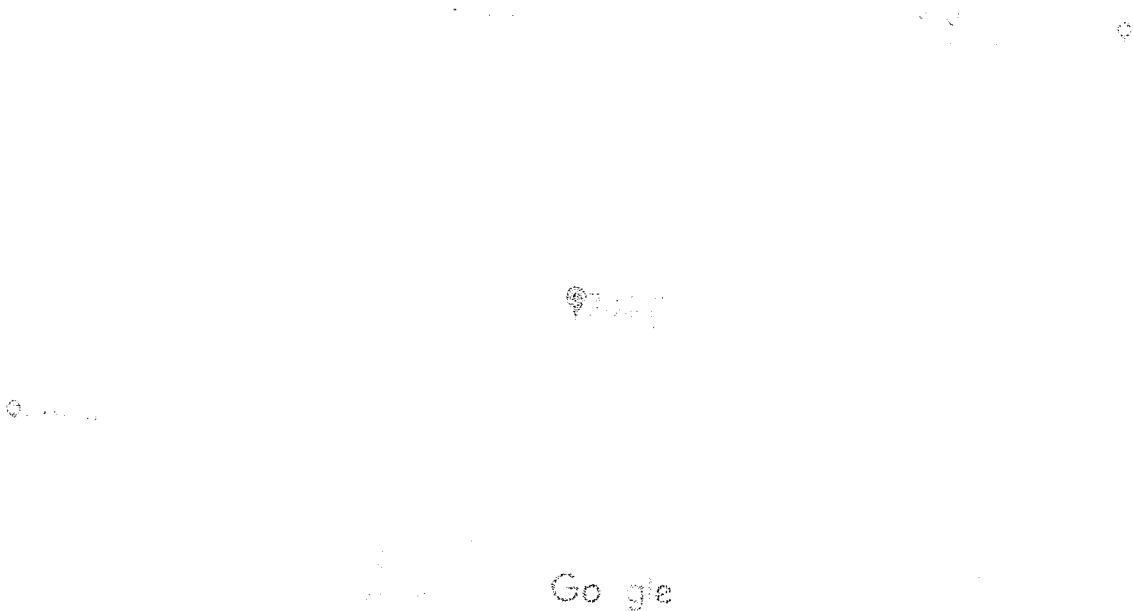
The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.
- h. Any collision(s) with and/or injuries to any whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (727-824-5312).

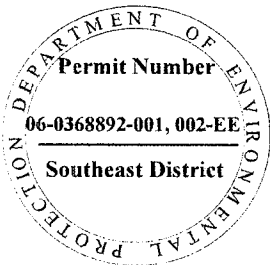
- i. Reports to NMFS's Protected Resources Division (PRD) may be made by email to [takereport.nmfs@noaa.gov](mailto:takereport.nmfs@noaa.gov).
- j. Sea turtle and marine stranding/rescue organizations' contact information is available by region at <http://www.nmfs.noaa.gov/pr/health/networks.htm>.
- k. Smalltooth sawfish encounters shall be reported to <http://www.flmnh.ufl.edu/fish/sharks/sawfish/sawfishencounters.html>.
- l. All work must occur during daylight hours.



Google Maps 736 NE 20th Ave



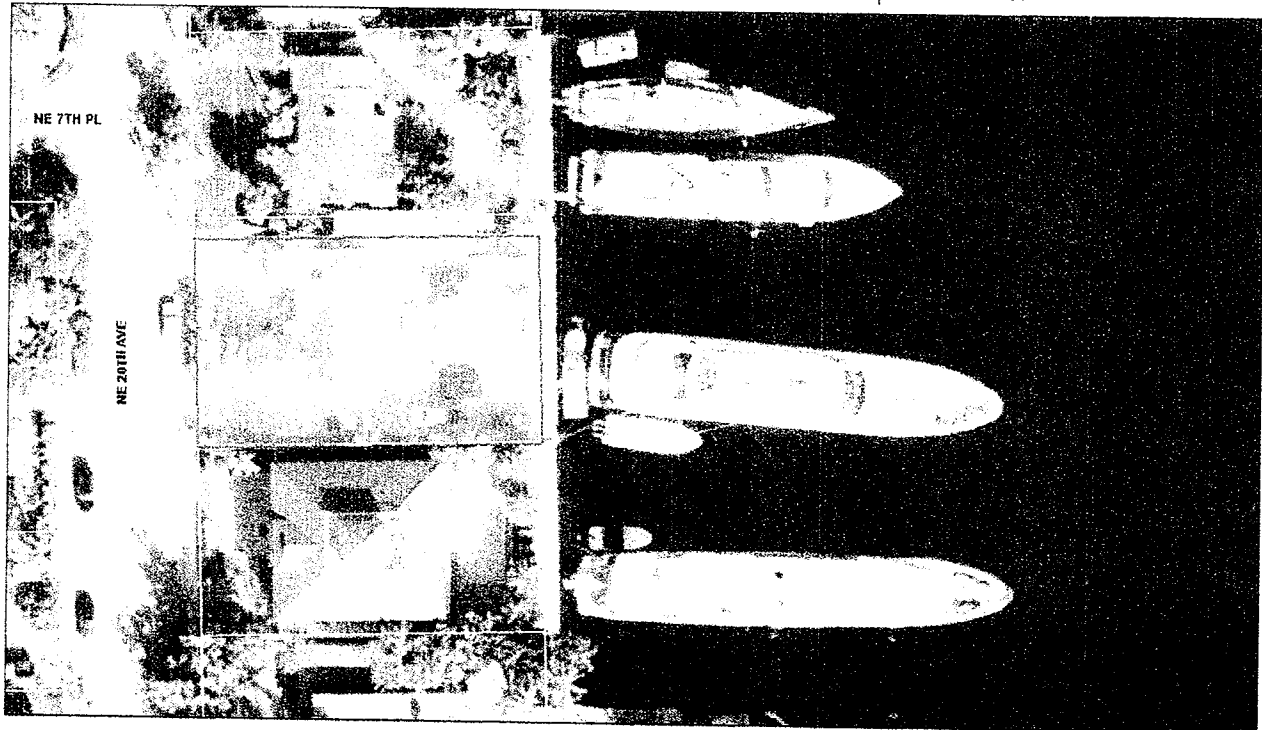
Map data ©2018 Google 200 ft





Property Id: 504202130040

\*\*Please see map disclaimer



September 17, 2018

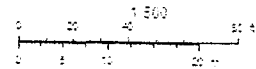
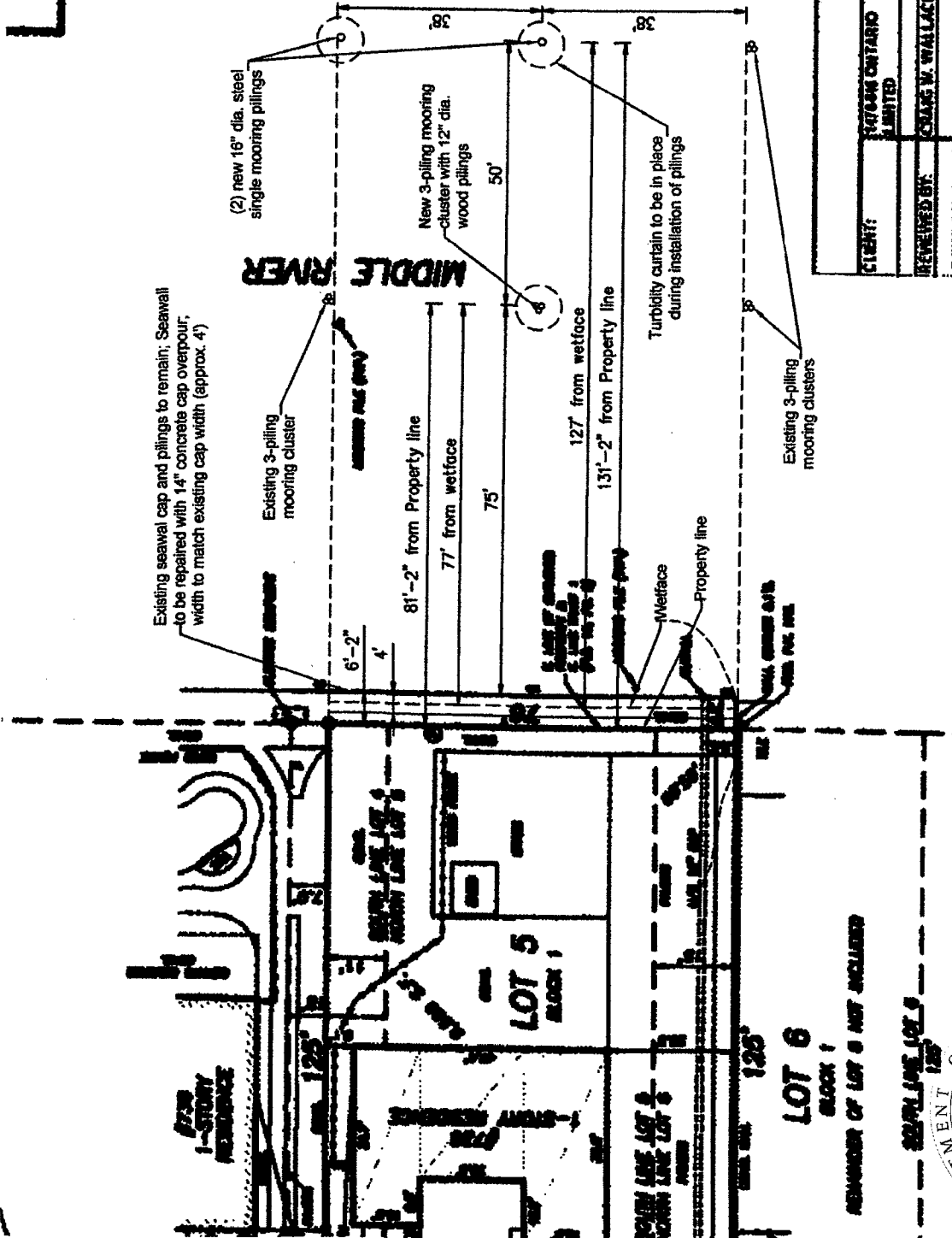


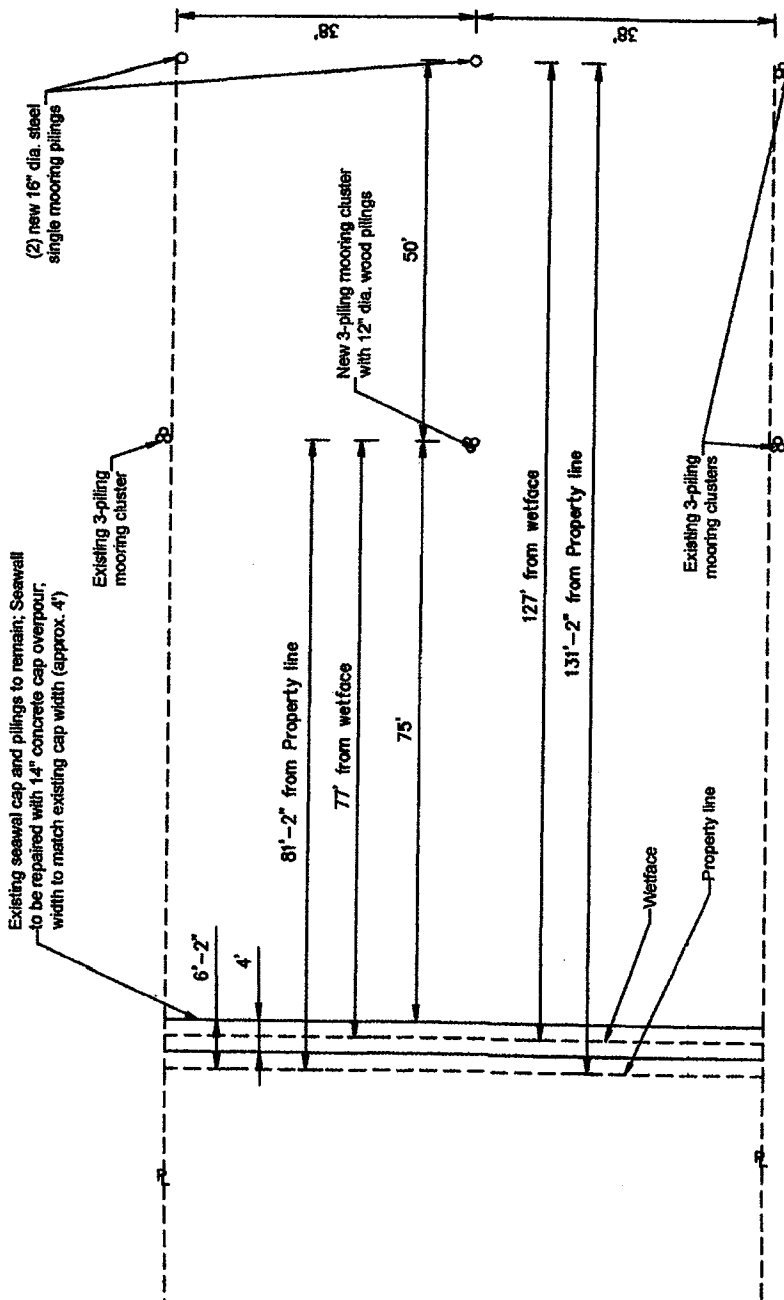
Figure 1: Aerial Photograph of the Property





CAM 21-0264  
Exhibit 1  
~~Page 47 of 57~~





**SITE PLAN**  
SCALE: 1/16" = 1'-0"

**General Notes:**

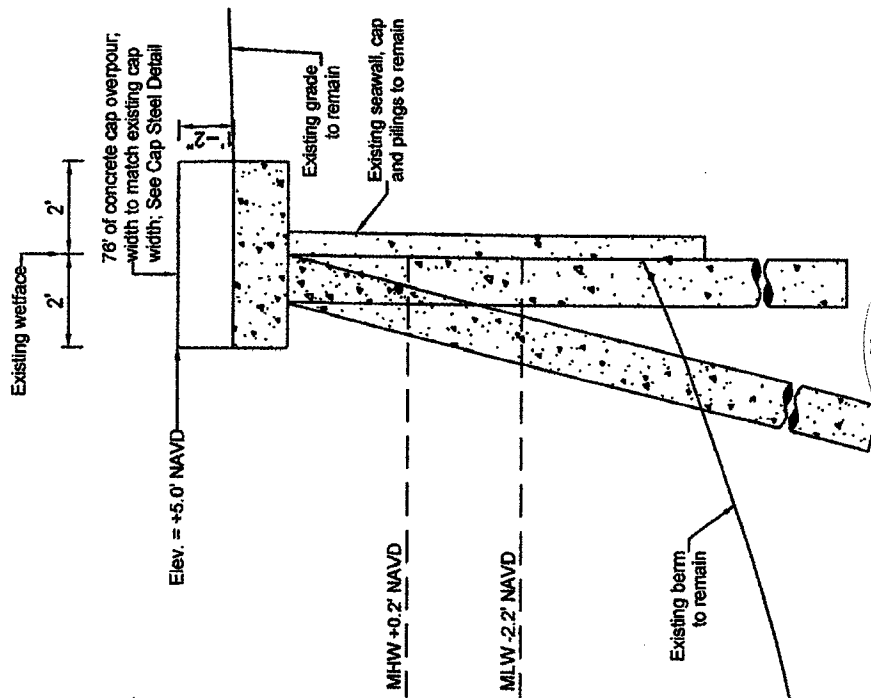
1. For all new prestressed pilings, extend pilings strands a min. of 18" into cap/dock slab steel or cut strands even w/ top of pilings & dowel & epoxy (2) #5 L-bars, 12" long w/ 12" bend, into top of pilings, w/ a min. of 4" embedment.
2. Dowel and epoxy #5 bars or L-bars into top and front of existing cap, staggered @ 24" o.c., min. 4" embedment.
3. New wood pilings to be min. 12" dia. CCA treated wood pilings.
4. New steel pilings to be min 16" dia. epoxy coated steel pipe.
5. All reinforcing steel shall be grade 60, with a minimum 3" clearance.
6. Concrete to be min. 5000 psi @ 28 days.
7. All pilings to be driven 8' into strata. If hard strata is encountered, a 2' minimum penetration is required.
8. Approved contractor to verify all dimensions. The approved contractor is responsible for all methods, means, sequences and procedures of work.
9. Any deviation &/or substitution from the approved plans herein shall be submitted to the Engineer for approval prior to commencement of work.
10. Elevations shown are based on the North American Vertical Datum of 1988.
11. Design in accordance with 2017 6th Edition Florida Building Code.



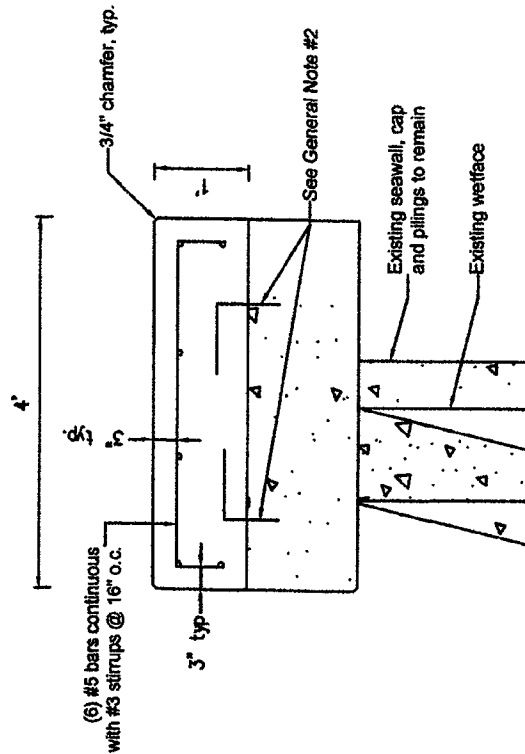
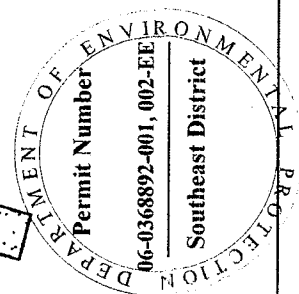
CAM 21-0264

Exhibit 1

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**SEAWALL DETAIL**  
SCALE: 3/8" = 1'-0"



**CAP STEEL DETAIL**  
SCALE: 3/4" = 1'-0"

<b>DTL-1</b> DATE SCALE AS NOTED SHEET NUMBER		<b>CONCRETE CAP OVERPOUR</b> SOWA RESIDENCE 738 NE 20th AVENUE FORT LAUDERDALE, FL		<b>B &amp; M MARINE CONSTRUCTION, INC.</b> 3500 S.W. 14th STREET DEERFIELD BEACH, FL 33442 954-421-1700 000052820		<b>Diag and Associates Engineering LLC</b> 333 W. Cypress Road Ocala, FL 34761 352-237-1200 11/27/2001 11/27/2001		Done G. Martinez, P.E. 11/27/2001	
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BUOYS

TOWN, C.I.



