

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8-144 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A DOCK PERMIT FOR INSTALLATION, USE, MAINTENANCE AND REPAIR BY WILLIAM D. AND ETHEL MCINTYRE, HUSBAND AND WIFE, OF A PROPOSED 50' LONG X 8' WIDE CONCRETE MARGINAL DOCK, A 20' LONG X 6' WIDE FLOATING DOCK AND 3' LONG X 16' WIDE ASSOCIATED RAMP, EXTENDING A MAXIMUM DISTANCE OF +/- 8- FEET FROM THE WET FACE OF THE SEAWALL ON PUBLIC PROPERTY, ABUTTING THE WATERWAY ADJACENT TO 1516 PONCE DE LEON DRIVE, AS SUCH PROPERTY IS MORE PARTICULARLY DESCRIBED BELOW; AUTHORIZING THE PROPER PUBLIC OFFICIALS TO COUNTERSIGN AND RECORD THE DECLARATION OF COVENANTS RUNNING WITH THE LAND RESPECTING A CITY ISSUED DOCK PERMIT; AUTHORIZING RECORDATION OF THIS RESOLUTION; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS William D. and Ethel McIntyre, applied for a permit to install, use, maintain and repair a proposed 50' long x 8' wide concrete marginal dock, a 20' long x 6' wide floating dock and 3' long x 16' wide associated ramp from the wet face of the seawall on public property abutting the waterway adjacent to 1516 Ponce De Leon Drive, all in accordance with the provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, Florida; and

WHEREAS, the City's Marine Advisory Board on September 2, 2021, reviewed the application for dock permit filed by Applicant and voted unanimously to recommend to the City Commission approval of this application.

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

SECTION 1. That pursuant to Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, Florida, permission is hereby granted to William D. and Ethel McIntyre, Husband and Wife (hereinafter referred to as "Permit Holder") to install, use, maintain and repair a proposed 50' long x 8' wide concrete marginal dock, a 20' long x 6' wide floating dock and 3' long x 16' wide

associated ramp from the wet face of the seawall on public property abutting the waterway adjacent to 1516 Ponce De Leon, legally described as follows:

Lots 16,17,39 and 40, Block 30, RIO VISTA ISLES UNIT 3,
according to the Plat thereof, recorded in Plat Book 7, Page 47,
of the Public Records of Broward County, Florida.

(Street Address: 1516 Ponce De Leon Drive
Fort Lauderdale, FL 33316)

(Property ID#: 5042 11 18 3490)

(Hereinafter "Property" or "Upland Parcel")

SECTION 2. The Dock Permit herein granted by this Resolution may be revoked at any time for violation of any one or more of the conditions of this Resolution or provisions of Section 8-144 of the Code of Ordinances of the City of Fort Lauderdale, Florida, a number of such provisions are incorporated by reference as if fully set forth herein. The following conditions are listed for emphasis: (1) Permit Holder is prohibited from collecting rent for the dock facility; (2) the Dock Area, as defined below, shall not be used by any person or persons other than Permit Holder; (3) Permit Holder shall be responsible for maintaining the Improvements (the term "Improvements," as used herein shall mean the dock and seawall and any other appurtenant fixtures constructed or utilized by Permit Holder); (4) by acceptance of the use of the Improvements and the Permit granted hereby, Permit Holder agrees to defend, indemnify and hold City harmless for damages to property or injury to or for the death of anyone using the Improvements; (5) Permit Holder shall be responsible for all governmental charges or fees in connection with the maintenance, repair and use of the Improvements; (6) Permit Holder is prohibited from erecting any signs, landscaping or fencing that would restrict public access to the Public Swale Area as defined below.

SECTION 3. The granting of this Dock Permit is subject to the following terms and conditions:

1. The fixed period of the Dock Permit issued for use of the Improvements described in the application is for a period of five (5) years. The fixed period of time is conditioned upon the requirement that the Permit Holder shall repair, replace or maintain the Improvements during the term of the Dock Permit. Permission may be revoked by the City upon at least ninety (90) days advance notice to the Permit Holder.
2. As a special condition, the City reserves the right to remove the Improvements for

replacement of the seawall in the event that this might be required during the term of the Dock Permit as determined by the City Engineer and authorized by the City Manager. The sole cost of removal and replacement of the Improvements shall be the responsibility of the Permit Holder. Furthermore, the Permit Holder shall be responsible for maintaining and beautifying a reasonable area in and around the Dock Area and Public Swale Area (more particularly described below) and failure to do so shall be grounds for revocation of this Dock Permit.

3. (a) The *Dock Area* is that area (i) bounded on the West by the Easternmost pavement for Cordova Road, (ii) bounded on the North and South by that area lying between the Eastly extensions of the 5' side yard setback lines of the Upland Parcel into the adjacent waterway and (iii) bounded on the East by the North and South boundary lines [set forth in (ii) above] to a line parallel to the Easternmost boundary line of the Upland Parcel which is 30% of the width of the adjacent waterway. (See **Exhibit "A"** attached hereto for a schematic representation of *Dock Area*.)

(b) The *Public Swale Area* is that area (i) bounded on the West by the Easternmost pavement for Cordova Road, (ii) bounded on the North and South by that area lying between the Eastern extensions of the Northernmost side property lines of the Upland Parcel and the Eastward extension of the Northernmost and Southernmost 5' side yard setback lines for the Upland Parcel, (iii) bounded on the East by the seawall cap and (iv) LESS the *Dock Area*. (See **Exhibit "A"** attached hereto for a schematic representation of *Public Swale Area*.)
4. That as a condition to the adoption of this Resolution, Permit Holder has executed a Declaration of Covenants Running with the Land Respecting A City Issued Dock Permit (hereinafter, "Declaration"). The proper City officials are hereby authorized to counter-execute and record the Declaration and this Resolution at the expense of the Permit Holder.
5. (a) During the term of the Dock Permit, the Permit Holder shall be required to repair, replace, maintain or reconstruct the dock or adjacent seawall or both to meet the requirements of Section 47-19.3(f) of the City of Fort Lauderdale, Florida, Unified Land Development Regulations ("ULDR").

(b) The term of the Dock Permit to use the dock shall expire upon the (i) abandonment of the use of the dock, or (ii) recordation of the deed of conveyance transferring title to the Upland Parcel, or (iii) termination, expiration or revocation of the Dock Permit by the City Commission, whichever (i), (ii) or (iii) shall first occur,

subject to the survivability of the obligation to remove the dock pursuant to the provisions of subsection (c) below and the obligations within the Declaration of Covenants Running With the Land Respecting A City Issued Dock Permit.

(c) Except as provided in subsection (d) below, upon expiration of the term of the Dock Permit, the Permit Holder shall be obligated to remove the dock and all appurtenances thereto no later than three (3) months after the termination, revocation or expiration of the term of the Dock Permit. The provisions of this subsection shall be a continuing obligation that survives expiration of the Dock Permit term.

(d) In the event the Dock Permit is granted to a successor in interest to this Permit Holder within the time proscribed in subsection (c) above, then the obligation to remove the dock and all appurtenances thereto shall be discharged as to this Permit Holder and a release and discharge of the Declaration shall be executed by the City Manager and recorded by the City in the Public Records of Broward County, Florida, at the expense of this Permit Holder.

(e) An application for a Dock Permit may be filed by a contract vendee prior to obtaining fee simple title to the Upland Parcel, provided, however, that the granting of the Dock Permit applicant contract vendee shall not be effective until such time as the conveyance of fee simple title to the Upland Parcel has been recorded in the Public Records of Broward County, Florida.

6. (a) As a special condition of the Permit, the Permit Holder is prohibited from erecting any signs, landscaping or fencing the effect of which is to restrict public access to the Public Swale Area except where permitted by Code. The "Dock Area" shall include the floating dock, appurtenances thereto and adjoining seawall. Permit Holder shall post signage on the Dock Area indicating that the Dock Area is private. The Resolution Number under which this Dock Permit is granted shall be posted on the signage.

(b) Permit Holder shall be responsible for maintaining Improvements and landscaping within the "Dock Area" and "Public Swale Area". The "Dock Area" and "Public Swale Area" shall be landscaped in accordance with a Landscape Plan approved by the Department of Sustainable Development, a copy of which is attached hereto as **Exhibit "B"**.

7. (a) All improvements to the Public Swale Area and Dock Area shall be

constructed in accordance with appropriate permits from all applicable regulatory authorities having subject matter jurisdiction regarding such matters and must be in accordance with City Engineering design standards and all applicable regulatory codes including the City's Unified Land Development Regulations, the Florida Building Code and Broward County Amendments thereto.

(b) All docks installed pursuant to the Dock Permit granted herein shall be either (i) floating docks that can adapt to sea level rise over their useful life span, (ii) fixed docks installed at a minimum elevation consistent with the requirements of Section 47-19.3(f) of the ULDR, or (iii) fixed docks the height of which are even with the City's seawall, whichever (i), (ii) or (iii) is greater.

(c) Penetrating the City seawall to support the dock or permanently attaching improvements, such as cleats, ladders, ramps, mooring whips or similar devices to the City seawall is prohibited, unless (i) specifically recommended pursuant to the dock building permit review process, or (ii) where the seawall and dock area are being constructed by the Permit Holder, or (iii) upon demonstration of hardship, as it relates to accommodations under the Americans With Disabilities Act, as same may be amended from time to time and authorized by the Resolution granting the dock permit.

8. The Dock Permit granted herein shall not be assignable without the written approval by Resolution adopted by the City Commission.
9. Permit Holder shall not charge or collect any rent or fees from anyone using such dock constructed on public property.
10. As a special condition, vessels berthed at the permitted dock, pursuant to Code Sec. 8-91(e) are prohibited from extending beyond the maximum distance of 30% of the width of the waterway.
11. Repair and/or maintenance of a vessel moored at this location shall be in compliance with City Code Sec. 8-149.
12. As a special condition of the permit, in the event Permit Holder is found by the City Commission to have violated any of the above conditions or is found by the Code Enforcement Board, Special Magistrate or County Court Judge to have violated any Code sections relative to the use of the Dock Area, Dock and Mooring Piles, then the Permit granted herein may be repealed or rescinded by the City Commission

upon thirty days' advance notice to the Permit Holder.

13. Use of the Dock Area is limited to the docking of a vessel owned by the Permit Holder with a copy of the documentation showing the name and registration number of the vessel provided by the Permit Holder to the Supervisor of Marine Facilities.
14. There shall be no fueling of vessels under this Dock Permit from tank trucks along the adjacent publicly dedicated Cordova Road.
15. The Permit Holder is prohibited from mooring any watercraft or vessel, other than a tender, in such a manner that it is "rafted out" from the vessel owned or operated by the Permit Holder and moored at the dock as authorized under the dock permit.
16. No vessel shall be docked or anchored in such a position that causes it to extend beyond the side setback lines required for the upland principal building, as extended beyond the side setback lines into the waterway.
17. Parking in the "Dock Area" and/or "Public Swale Area" is intended to be temporary in nature only. Overnight or long-term parking by persons associated with the Permit Holder is discouraged.

SECTION 4. Permit Holder shall repair, replace or maintain the Improvements during the term of the Permit. The fixed term of this Permit shall be five (5) years from the effective date of adoption of this Resolution, and, thereafter from month-to-month until expiration of the term of the Dock Permit in accordance with Section 3, Paragraph 5 (b) hereof, provided, however that this Permit may be revoked upon ninety (90) days advance notice for failure to repair, replace or maintain the Improvements. At the end of the five (5) year term, the Permit shall be revocable at the will of the City Commission.

SECTION 5. That by acceptance of the benefits of this Resolution, Permit Holder acknowledges that the Public Swale Area and Dock Area are part of a publicly dedicated right-of-way for Cordova Road and that any right, title, interest or claim of use to the Dock, Dock Area or Public Swale Area except to the extent provided herein, is subordinate and inferior to that public dedication until such public dedication is discontinued by law.

SECTION 6. That the City Clerk is hereby directed to record a certified copy of this Resolution together with the Declaration in the Public Records of Broward County, Florida, at the Permit Holder's expense and, after recording, to file same in the City's records and with the City's Office of Marine Facilities.

SECTION 7. That all Resolutions or parts of Resolutions in conflict are hereby repealed.

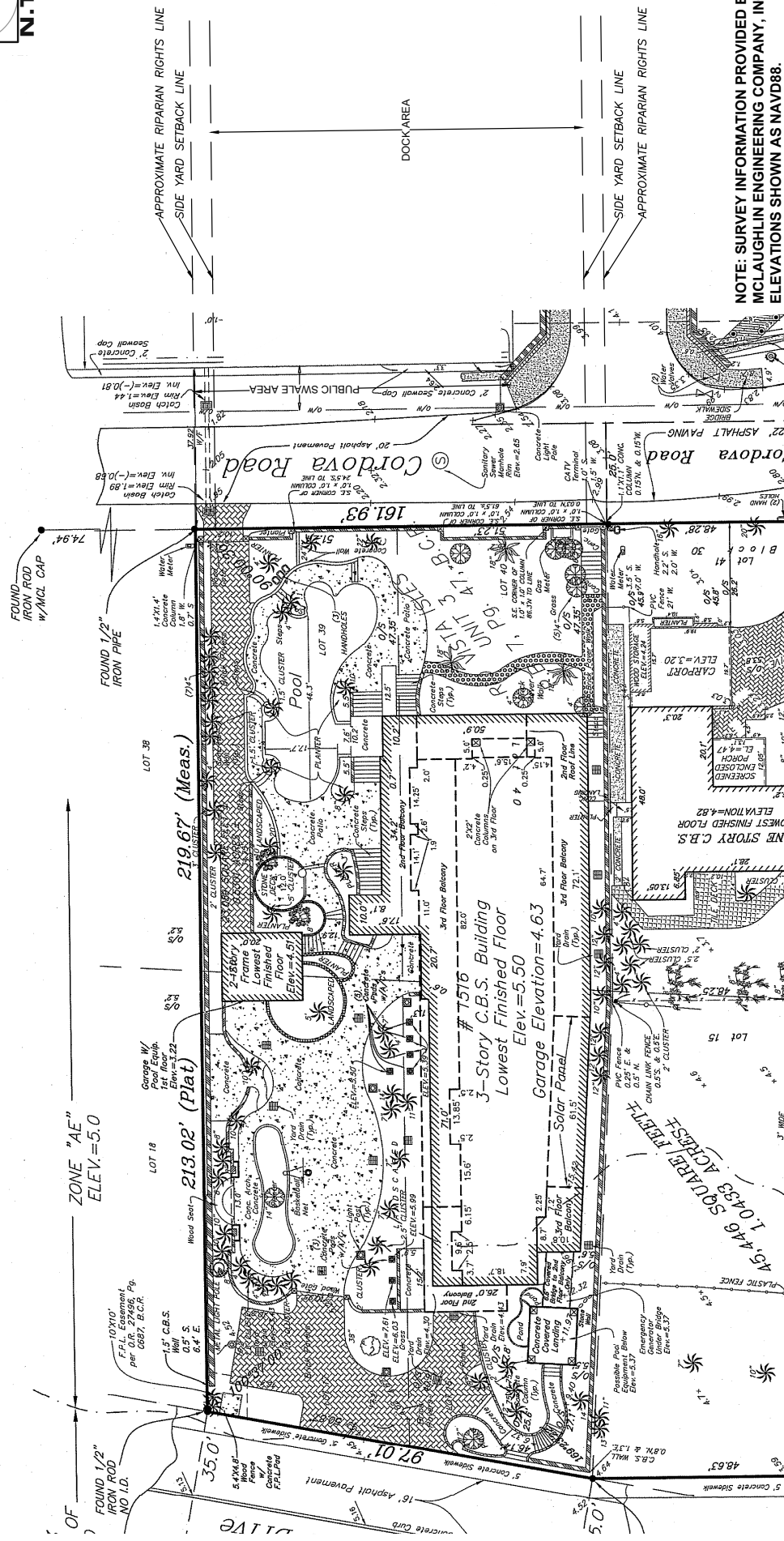
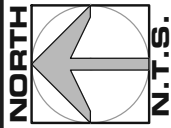
SECTION 8. That this Resolution shall not be effective until such time as (i) a certified copy of this Resolution has been recorded in the Public Records of Broward County, Florida, together with (ii) the Declaration, and (iii) a recorded copy of the Resolution and Declaration are filed with the City's Office of Marine Facilities, and (iv) all costs of recordation have been borne by the Permit Holder.

ADOPTED this _____ day of _____, 2021.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI



NOTE: SURVEY INFORMATION PROVIDED BY
MCLAUGHLIN ENGINEERING COMPANY, INC.
ELEVATIONS SHOWN AS NAVD88.

- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/Appraisals

THE Chappell GROUP
714 East Main Road
Tel. 954.782.1908
Fax 954.782.1108
www.thechappellgroup.com

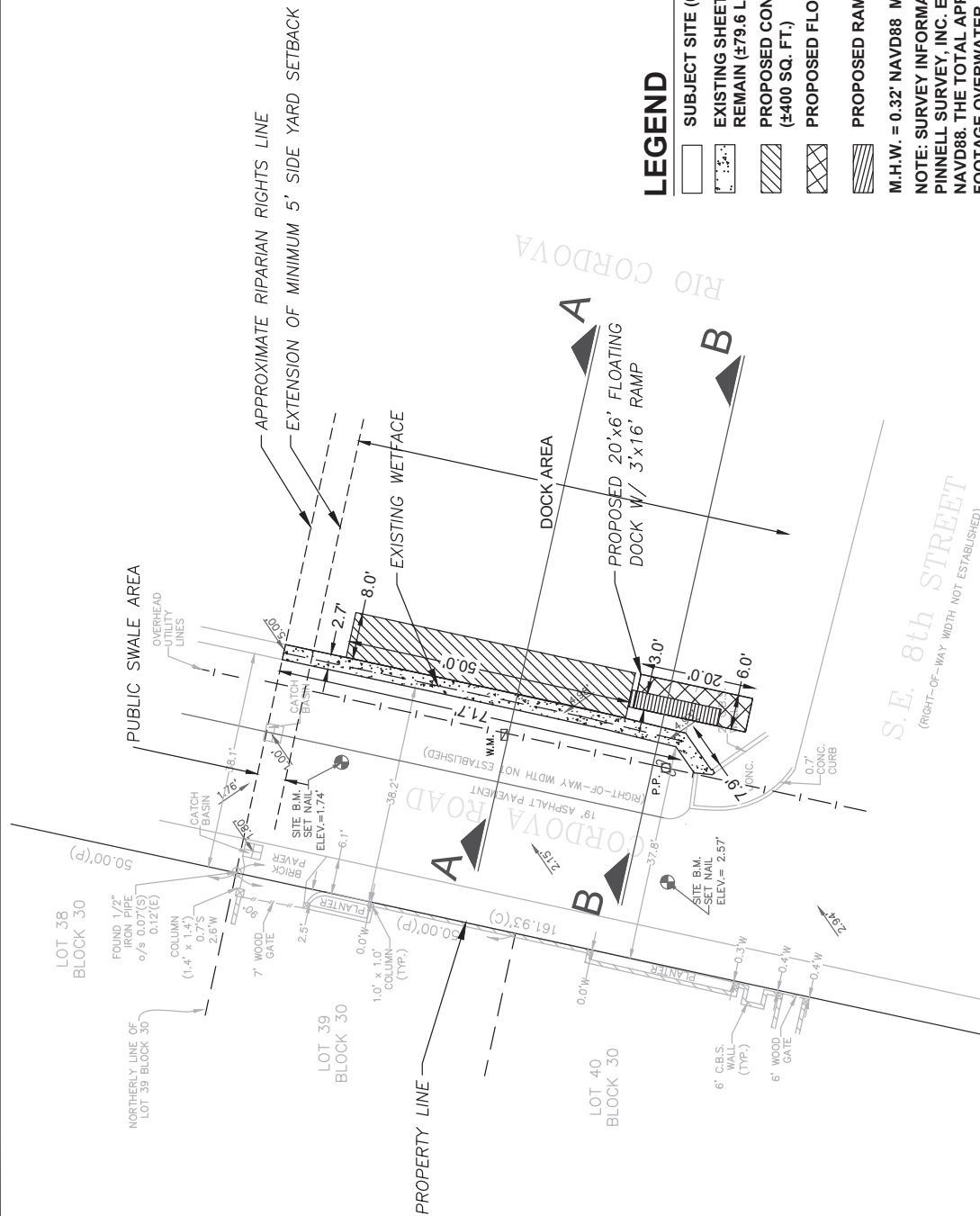
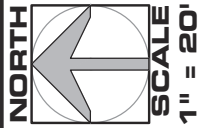
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1516 PONCE DE LEON DRIVE






PREPARED FOR:
TOM KRIPS CONSTRUCTION, INC.

EXHIBIT A

Date:	10/1/2021	Sheet:	1	of:	1
Proj No:	21-0074				



LEGEND

- | | |
|--|--|
|  | SUBJECT SITE (0.52 AC) |
|  | EXISTING SHEET PILE SEAWALL TO
REMAIN (±79.6 LN. FT.) |
|  | PROPOSED CONCRETE MARGINAL DOCK
(±400 SQ. FT.) |
|  | PROPOSED FLOATING DOCK (±120 SQ. FT.) |
|  | PROPOSED RAMP (±48 SQ. FT.) |

M.H.W. = 0.32' NAVD88 M.L.W. = (-)2.10' NAVD88

NOTE: SURVEY INFORMATION PROVIDED BY PINNELL SURVEY, INC. ELEVATIONS SHOWN AS NAVD88. THE TOTAL APPROXIMATE SQUARE FOOTAGE OVERWATER IS 520 SQ. FT.

Date: 7/23/2021 Proj No.: 21-0074	Sheet : 3	of : 6
	PROPOSED CONDITIONS	

1516 PONCE DE LEON DRIVE

PREPARED FOR:
TOM KRIPS CONSTRUCTION, INC.

- *Environmental Consultants*
- *Marina & Wetland Permitting*
- *Mitigation Design & Monitoring*
- *T&E Species Surveys*
- *Tree Surveys/ Appraisals*

THE Chappell GROUP
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954/782-7108
fax. 954/782-1108
www.thechappellgroup.com

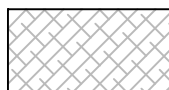
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EXHIBIT B

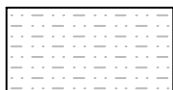
LEGEND



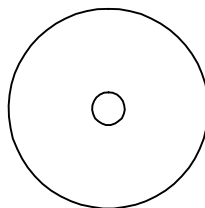
ST. AUGUSTINE SOD,
TIGHT SEAMS, FULL COVERAGE



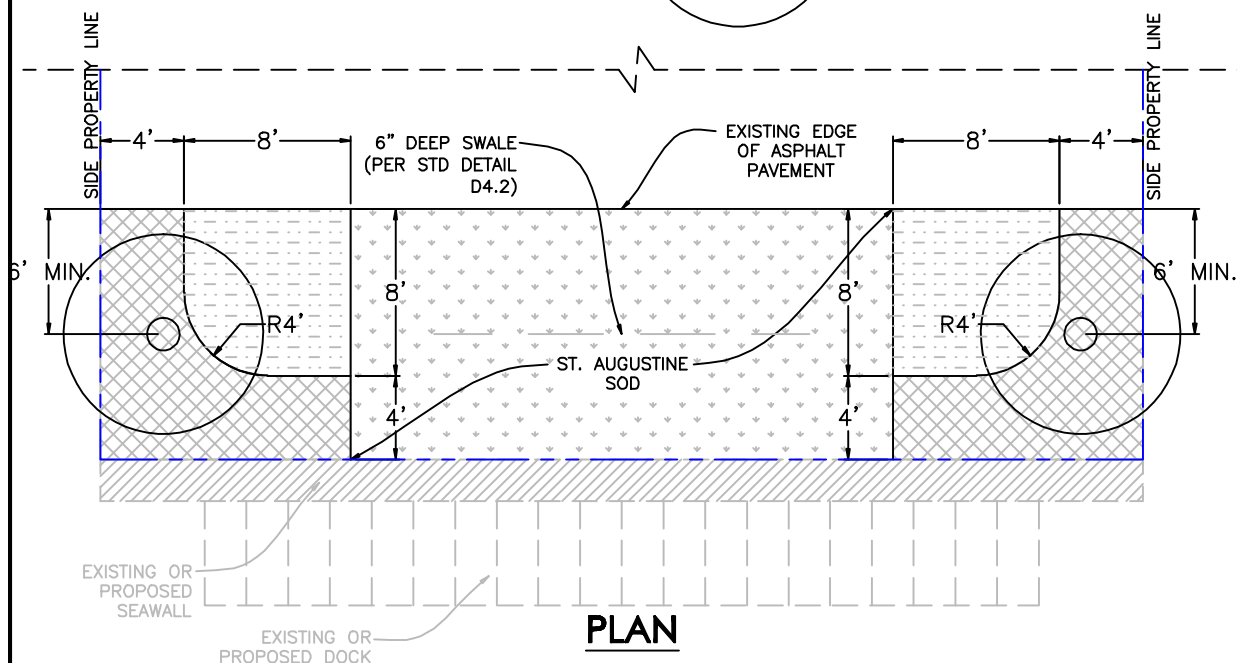
MUHLY GRASS:
18" - 24" TALL
18" - 24" ON CENTER



INDIAN HAWTHORN:
12" - 18" TALL
12" - 18" ON CENTER



12' SILVER BUTTONWOOD TREE,
MULTI



GENERAL NOTES:

1. ALL IRRIGATION & PLANT MATERIAL SHALL BE INSTALLED & MAINTAINED BY APPLICANT.
2. ALL PLANT MATERIAL SHALL BE FLORIDA #1 GRADE OR BETTER.
3. ALL PLANT MATERIAL SHALL BE INSTALLED IN ACCORDANCE WITH INDUSTRY BEST MANAGEMENT PRACTICES.
4. ALL AREAS TO RECEIVE AUTOMATIC IRRIGATION FROM A PERMANENT WATER SOURCE PROVIDING 100% COVERAGE AND A RAIN SENSOR SHUT OFF.
5. ALL PLANT MATERIAL SUBSTITUTIONS SHALL BE FLORIDA-FRIENDLY LANDSCAPING (FFL) EQUIVALENT.

ISSUED: 2/2015		CITY OF FORT LAUDERDALE DEPT. OF SUSTAINABLE DEVELOPMENT		
REVISED:		URBAN DESIGN & PLANNING ENGINEERING DIVISION	LANDSCAPING PLAN (ROW)	SCALE: 1"=10'