



CITY OF FORT LAUDERDALE

DRAFT
100 NORTH ANDREWS AVENUE
COMMISSION CONFERENCE ROOM – EIGHTH FLOOR
FORT LAUDERDALE, FLORIDA
THURSDAY, MARCH 7, 2019 – 6:00 P.M.

Cumulative Attendance
May 2018 - April 2019

Board Members

	<i>Attendance</i>	<u>Present</u>	<u>Absent</u>
Grant Henderson, Chair	P	7	1
Ed Strobel, Vice Chair	P	7	1
Cliff Berry II	A	6	2
George Cable	A	4	4
Robyn Chiarelli	P	3	2
Richard Graves	P	6	2
Rose Ann Lovell	A	5	2
Kitty McGowan	A	4	3
Norbert McLaughlin	P	6	1
Ted Morley	P	5	3
Curtis Parker	A	4	2
Rossanna Petreccia	P	2	0
Roy Sea	P	8	0
Randy Sweers	A	5	2
Bill Walker	P	6	2

As of this date, there are 15 appointed members to the Board, which means 8 would constitute a quorum.

Staff

Andrew Cuba, Manager of Marine Facilities
Jonathan Luscomb, Supervisor of Marine Facilities
Sergeant Todd Mills, Fort Lauderdale Police Department

Communications to City Commission

None.

I. Call to Order / Roll Call

The meeting was called to order at 6:02 p.m.

II. Approval of Minutes – February 7, 2019

A correction was noted to p.8, paragraph 7: Acting Chair Walker closed the public hearing.

Motion made, and duly seconded, to approve as amended. In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

It was noted a quorum was present at the meeting.

IV. Waterway Crime & Boating Safety Report / Fire Department Report

Sergeant Todd Mills of the Fort Lauderdale Police Department reported the following Marine Unit activity from February 2019:

- 20 citations
- 138 warnings
- 52 safety inspections
- 3 boating accidents
- 2 burglaries
- 4 fuel spills

Additional incidents to which the Marine Unit responded included a sunken vessel, vandalism, four abandoned vessels, and two trucks that slipped on ramps. Epoxy has been applied to the ramps.

Sgt. Mills advised that roughly 25% of vessels pass safety inspections. He explained that if a vessel is issued a citation, the Officer has the option of conducting a safety inspection as well. Citations are not written for failed safety inspections. Inspection decals are good through the remainder of the current calendar year.

V. Waiver of Limitations – 1 Hendricks Isle / Kenneth M. Ricketts

Heidi Davis, representing the Applicant, stated that the subject property is part of a town home project on Hendricks Isle. The property has an existing finger pier and pilings. The request is for the extension of a boat lift an additional 18 ft., reaching a total of 43 ft. from the property line. This is roughly 12% of the waterway's width.

Extraordinary circumstances include strong winds and extremely shallow depth during low tide at the subject location. The slip cannot be used during low tide. The Applicant has also experienced thefts from his vessel. An adjacent neighbor and the homeowners' association affiliated with the town homes complex have provided letters of support for the Application.

The Board members discussed the Application, with Mr. Morley requesting clarification that the Florida Department of Environmental Protection (FDEP) Self-Evaluation and Self-Certification process applied to multi-family dwellings. Frank Mormando, also

representing the Applicant, advised that the subject property is registered as a single-family home and falls under FDEP guidelines.

There being no further questions from the Board at this time, Chair Henderson opened the public hearing. As there were no individuals wishing to speak on this Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Morley, and duly seconded, to approve. In a voice vote, the **motion** passed unanimously.

VI. Dock Permit – 333 Poinciana Drive / James D. Wilson

Courtney Crush, representing the Applicant, recalled that in April 2018, two 25 ft. finger piers were approved across from the subject property. The request is to place a dock no longer than 25 ft. on land owned by the City. The City Commission has approved the addition of language and terminology for existing licenses of this nature.

Ms. Crush advised that neighbors in the Idlewyld community, including one immediate neighbor, had expressed the opinion that there should not be finger piers attached to the previous T-dock at the subject location. The Applicant is instead proposing an L-dock, which would have the same footprint and square footage as the northeast portion of the former T-dock, as well as a 5 ft. connecting pathway. The maximum proposed dimension is 30 ft. x 8 ft. Neighbors of the property would have appropriate access to the waterway.

Mr. Sea requested clarification of where the docks would be placed in reference to the two finger piers approved in 2018. Mr. Cuba noted that there is no principal upland structure on the lots for which the finger piers had been approved. The two lots are currently vacant. Ms. Crush emphasized that this is the sole application expected to be filed by the Applicant for the subject property, as he has committed to allowing no more than one boat at the dock. The Applicant has also agreed that no boat shall be docked perpendicularly to the shoreline. She asked that these two considerations be included in any motion made regarding the Application.

Mr. McLaughlin requested clarification of the seawall height required at the subject site. Ms. Crush noted that seawall height is part of an upcoming amendment to the City Ordinance governing private use of public property, and recalled that the seawall at the subject location was repaired within the previous year. She was not aware of the scope of that repair.

There being no further questions from the Board at this time, Chair Henderson opened the public hearing.

Kelly Overman, private citizen, stated that the Marine Tower Condominiums are fully supportive of the Application with three stipulations provided:

- Confirmation that no permit for an additional dock on the subject parcel would be considered
- Stipulation that only one boat be allowed at the dock
- Stipulation that no boat may be docked perpendicularly to the shoreline

Mary Fertig, private citizen, advised that the Idlewyld neighborhood was in agreement with the Marine Tower Condominiums, subject to the three conditions stated earlier.

As there were no other individuals wishing to speak on this Item, Chair Henderson closed the public hearing and brought the discussion back to the Board.

Motion made, and seconded by Ms. Chiarelli, to approve on the three stipulations of no perpendicular vessel, no second boat, and no additional docks. In a voice vote, the **motion** passed unanimously.

VII. Waiver of Limitations – 1180 N. Federal Highway #1201 / Stephen Parker

Adam Licht, representing the Applicant, provided multiple views of the subject property, noting that there are 432.5 ft. between the Applicant's slip and the natural shoreline. The Applicant proposes a 5 ft. waiver to allow expansion beyond the 25 ft. limitation in order to install a four-post, 1600 lb. boat lift at the two easternmost piles. These two piles will act as guideposts for the boat lift and will be covered in reflective tape to ensure safe navigation. The maximum boat length that could be accommodated on the lift is 45 ft.

It was noted that individual dock slips were sold as part of a condominium project that is currently under construction. The slip width is 16 ft., while the boat lift would have a width of 14 ft.

There being no further questions from the Board at this time, Chair Henderson opened the public hearing. As there were no individuals wishing to speak on this Item, the Chair closed the public hearing and brought the discussion back to the Board.

Mr. Cuba cautioned the Applicant that Site Plan Level II review may be required of the Application, as City regulations prohibit more than one boat lift per 100 ft. of seawall. This review must be complete before the Board's recommendation could be advanced to the City Commission.

Motion made by Mr. Graves, seconded by Ms. Chiarelli, to approve. In a voice vote, the **motion** passed unanimously.

VIII. Waiver of Limitations – 1180 N. Federal Highway #510 / Warren Schencker

Mr. Licht, representing the Applicant, provided a site map of the subject area, pointing out that there are 366 ft. between the property's seawall and the natural shoreline. The

Applicant is requesting a 5 ft. waiver beyond the 25 ft. limitation. As with the previous Application, two existing piles would serve as guideposts for the boat lift and would be covered in reflective tape.

Mr. Morley expressed concern that the proposed boat lift may be significantly oversized, and that future boats at the subject property could also be too large and therefore violate the submerged land lease. It was asked what might happen if an individual vessel extends beyond the condominium's submerged land lease. Mr. Cuba stated that this is not an issue with the proposed boat lift, but could apply to other boats docked in the area. He suggested that one option open to the Board could be restriction of vessels to the area within the footprint of the submerged land lease.

There being no further questions from the Board at this time, Chair Henderson opened the public hearing.

Stephen Parker, private citizen, advised that he was the previous Applicant. He asked how far the submerged land lease extends at the subject area. It was clarified that this distance was 36.5 ft. from the wet face of the seawall.

As there were no other individuals wishing to speak on this Item, the Chair closed the public hearing and brought the discussion back to the Board.

Mr. Cuba pointed out that a lift 5 ft. less in length would not require review by the Marine Advisory Board. He added that while the City has been able to alter some of its submerged land leases, he was not certain that the owner of an individual unit in a condominium would be able to do so, although it may be possible by the condominium itself if the state allows.

Mr. Morley requested clarification of the linear distance along the seawall between the two boat lifts requested for the same property in Items VII and VIII. Mr. Licht replied that this distance is 114 ft. He added that he has looked into the possibility of requesting an extension to the submerged land lease, and was informed by FDEP that this would require additional signatures and documentation. There may also be a need for additional discussion of this possibility between the Applicant and the condominium association.

Motion made by Mr. Morley, and duly seconded, to table this [Item] for another time when there is more information available. In a roll call vote, the **motion** passed unanimously (9-0).

IX. Reports

Mr. Cuba advised that at the March 5, 2019 City Commission meeting, a dock permit recommended for approval by the Board was approved by the Commission. He added

that he had sent an email to the members with an update on a proposed pedestrian bridge over the New River, which is no longer planned.

X. Old / New Business

Mr. McLaughlin recalled that some years ago, the Board had invited City and County elected officials to attend a boat ride up the New River, which could help their understanding of marine issues. He suggested that this be proposed again. Mr. Cuba cautioned that this could present difficulties due to the Sunshine Law, as members of the public would not be able to attend. He would look further into this possibility before plans are explored.

A question was asked regarding the members' terms on the Board. Mr. Cuba explained that an appointment can be renewed by the District Commissioner each year if the member wishes to continue, with a total of six years on the Board.

Mr. McLaughlin requested information on construction at a site across from the Riverside Hotel, noting that this would be a very tight area in which to navigate if boats are docked there. He asked if the U.S. Coast Guard would have any recourse, pointing out that dockage at this site would be likely to constitute a navigational hazard. Mr. Cuba recommended sending an email to Commanding Officer Derek Wallen at the Fort Lauderdale Coast Guard station.

On March 12, 2019, special elections will include two bond bills, one for a Police station and one for parks. These bonds are significant to marine interests, as the Parks Department provides funds for City seawall repairs and the proposed Police station serves the Marine Unit. Both bonds would be issued over a 30-year period.

XI. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:23 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

[Minutes prepared by K. McGuire, Prototype, Inc.]

ITEM V

MEMORANDUM MF NO. 19-04

DATE: March 20, 2019

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Manager of Marine Facilities

RE: April 4, 2019 MAB Meeting – Application for Dock Permit – Stephen and Kim Ann Shulman / 116 SE 11 Avenue

APPLICATION AND BACKGROUND INFORMATION

The applicant is seeking approval for use, maintenance and repair of an approximately 20' long x 5' wide existing fixed marginal dock on public property abutting the waterway and encroaching into the Himmarshee Canal (**Exhibit 1**). City Code Section 8- 144 authorizes the use of docks on public property, and allows for the permit to be issued for a fixed period provided the permit holder agrees to maintain the improvements and seawall.

PROPERTY LOCATION AND ZONING

The property is located within the RC-15 Residential Single Family / Cluster Dwelling / Low Medium Density Zoning District. The dock is located on the Himmarshee Canal, which connects to the New River.

ENGINEERING REVIEW REQUIREMENT

As a requirement of City Code Section 8-144, approval of the application is contingent upon all improvements to the property being maintained in accord with City Engineering standards and in full compliance with building and zoning regulations including construction permits required for any future electrical and water feeds to the property.

The granting of this Permit is subject to all of the provisions of City Code Section 8-144 as well as the following terms and conditions, violation of any of which shall be grounds for revocation of the Permit:

1. The fixed period of the Permit issued for use of the seawall and fixed marginal dock described in the application is for a period of five (5) years in accordance with City Code Section 8-144 (1). The Permit is revocable at the will of the City Commission, without cause with 90 days advance notice.
2. As a special condition, the City reserves the right to remove the dock structures for replacement of the seawall in the event that this might be required during the term of the Permit as determined by the City Engineer. The sole cost of removal and replacement of the Dock 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 location and failure to do so shall be grounds for revocation of this Permit.

Marine Advisory Board

April 4, 2019

Page 2

3. As a special condition of the Permit, the Permit Holder is prohibited from erecting any signs, landscaping or fencing to restrict public access to the Dock Area except where permitted by Code. The "Dock Area" shall include the marginal dock and adjoining seawall.
4. The public property abutting the waterway or Dock Area being used by the Permit Holder shall be kept open at all times as means of reasonable ingress and egress to the public, but Permit Holder shall have the right to exclude the public from a reasonable portion upon which improvements have been placed, not exceeding fifty (50%) percent of the area.
5. All improvements to the Dock Area must be in accord with City Engineering design standards and in compliance with applicable building and zoning permit requirements.
6. The Permit granted herein shall not be assignable without the written approval by Resolution adopted by the City Commission.
7. Permit Holder shall not charge or collect any rent or fees from anyone using such dock constructed on public property. No signage shall be placed upon such dock indicating it is a private dock.
8. As a special condition, vessels berthed within the Dock Area are prohibited from extending beyond the maximum distance of 30% of the width of the waterway.
9. As a special condition, vessels berthed within the Dock Area must not encroach into the relatively northerly or southerly extension of the 5' vessel set-back required for the RC-15 Residential Single Family / Cluster Dwelling / Low Medium Density zoning district for Applicant's (Permit Holder's) Property, unless as specified in applicant's narrative a set-back waiver is granted via the City's Board of Adjustment.
10. 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.
11. Use of the dock 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 all vessels provided by the Applicant to the Supervisor of Marine Facilities.
12. The Permit Holder is prohibited from mooring any watercraft or vessel in such a manner that it is "rafted out" from any additional vessel owned or operated by the Applicant.

AC

Attachment

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

**MARINE ADVISORY BOARD –
LAND USE AUTHORIZATION APPLICATION**

116 SE 11 Ave., Fort Lauderdale, FL 33301

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March 5, 2019

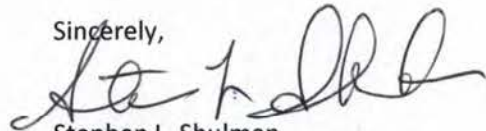
Marine Advisory Board
City of Fort Lauderdale
2 South New River Drive East
Fort Lauderdale, FL 33301

RE: Private Use of Public Lands Authorization

To Whom it May Concern:

The property at 116 SE 11 Avenue, Fort Lauderdale, consists of an existing wood dock along a concrete seawall on the east side along the Himmarshee Canal, adjacent to public property. Historically, the owners of the property utilized the dock for the purpose of mooring a vessel. The dock was constructed in 2008 for the specific use of 116 SE 11 Avenue and with permission of the City of Fort Lauderdale for Construction and use. The applicant would like to continue to use the dock for mooring a vessel.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen L. Shulman". The signature is fluid and cursive, with a large initial "S" and "L".

Stephen L. Shulman

Homeowner of 116 SE 11 Avenue

**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: **Stephen Shulman and Kim Ann Shulman**

TELEPHONE NO: **(561) 281-3502**

2. APPLICANT'S ADDRESS (if different than the site address):
116 SE 11 AVE FORT LAUDERDALE FL 33301

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:
Private Use of Public Lands

4. SITE ADDRESS:
116 SE 11 AVE FORT LAUDERDALE FL 33301

ZONING:
~~RS-01~~
RC 15

LEGAL DESCRIPTION:

**BEVERLEY HEIGHTS 1-30 B N 40 OF LOT 19 & S 30 OF LOT 20 BLK 18, LESS S1/2 THEREOF
AKA: N 5 OF LOT 19 AND S 30 OF LOT 20 BLK 18**

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


Applicant's Signature

3/5/2019
Date

=====
The sum of \$ 300.00 was paid by the above-named applicant on the _____ of _____, 2019 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 _____

This Instrument was Prepared By,
Record and Return To:

William B. Mason, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
New River Center
200 East Las Olas Boulevard
Suite 2100
Ft. Lauderdale, Florida 33301

Property Appraiser Identification No:
5042 11 07 0831

WARRANTY DEED

THIS WARRANTY DEED made this 31 day of January, 2019 by **118 INVESTMENT CORP., a Florida corporation** (the "Grantor"), whose mailing address is 3801 SW 30th Avenue, Fort Lauderdale, Florida 33312 Attention: Manuel Agüero to **STEPHEN SHULMAN AND KIM ANN SHULMAN, husband and wife** (the "Grantee"), whose mailing address is 116 SE 11th Avenue, Fort Lauderdale, Florida 33301.

WITNESSETH:

That Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to Grantor in hand paid by Grantee, the receipt, adequacy, and sufficiency whereof are hereby acknowledged, does hereby grant, bargain, sell, alien, remise, transfer, release, convey and confirm unto Grantee and Grantee's successors, heirs and assigns the real property (the "Property") located in Broward County, Florida, and more particularly described in **Exhibit "A"** attached hereto and made a part hereof.

SUBJECT TO: (i) all easements, conditions, covenants, restrictions, reservations, limitations, agreements and other matters of record, provided that this instrument shall not reimpose same, (ii) real estate taxes and assessments for the year 2019 and all subsequent years, (iii) existing applicable governmental building and zoning ordinances and other governmental regulations, and (iv) matters that would appear on a current and accurate survey of the Property.

TOGETHER with all the tenements, hereditaments, and appurtenances belonging or in any way appertaining to the Property,

TO HAVE AND TO HOLD the same in fee simple forever.

AND GRANTOR does hereby specially warrant the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other. The Property is transferred and conveyed in its "AS-IS" "WHERE-IS" physical condition, without warranty except as to warranty of title as provided herein.

IN WITNESS WHEREOF, Grantor has caused this Warranty Deed to be executed on the day and year first above written.

SIGNED AND SEALED IN THE PRESENCE OF: -

GRANTOR:

118 Investment Corp.,
a Florida corporation

By: *Manuel Agüero*
Manuel Agüero, President
(CORPORATE SEAL)

Dawn Ann Fontana

Print: Dawn Ann Fontana

William B. Mason

Print: William B. Mason

ACKNOWLEDGMENT

STATE OF FLORIDA)

COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 30 day of January, 2019, by Manuel Agüero, as President of 118 Investment Corp., a Florida corporation, on behalf of the corporation. He is personally known to me or presented a Florida driver's license as identification.

Notary Stamp/Seal:

Notary Signature: *Dawn Ann Fontana*
Notary Print: Dawn Ann Fontana
Notary Public, State of Florida
Commission No.: _____
My Commission Expires: _____

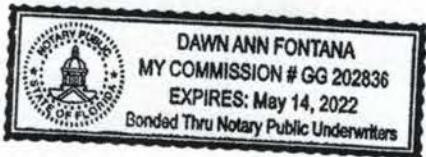


EXHIBIT "A"

The North 5 feet of Lot 19 and the South 30 feet of Lot 20, Block 18, BEVERLY HEIGHTS, according to the Plat thereof, recorded in Plat Book 1, Page 30, of the Public Records of Broward County, Florida.

LEGEND

- CABLE JUNCTION BOX
- ▣ CATCH BASIN
- CLEAN OUT
- ⊠ CONTROL VALVE
- ⊞ ELECTRIC SERVICE
- ⊕ FIRE HYDRANT
- FP&L PAD
- GUY ANCHOR
- ⊙ MANHOLE
- ⊞ POOL EQUIPMENT
- ⊞ POWER/LIGHT POLE
- ⊞ SPRINKLER SYSTEM
- ⊞ WATER METER
- ⊞ WATER VALVE
- WELL
- ▨ BRICK PAVERS
- CENTERLINE
- ▨ CONCRETE/CHAT
- ▨ CONCRETE WALL
- 0.00 ELEVATION
- METAL FENCE
- OVERHEAD WIRES
- ▨ WOOD DECK/DOCK
- ▨ WOOD FENCE

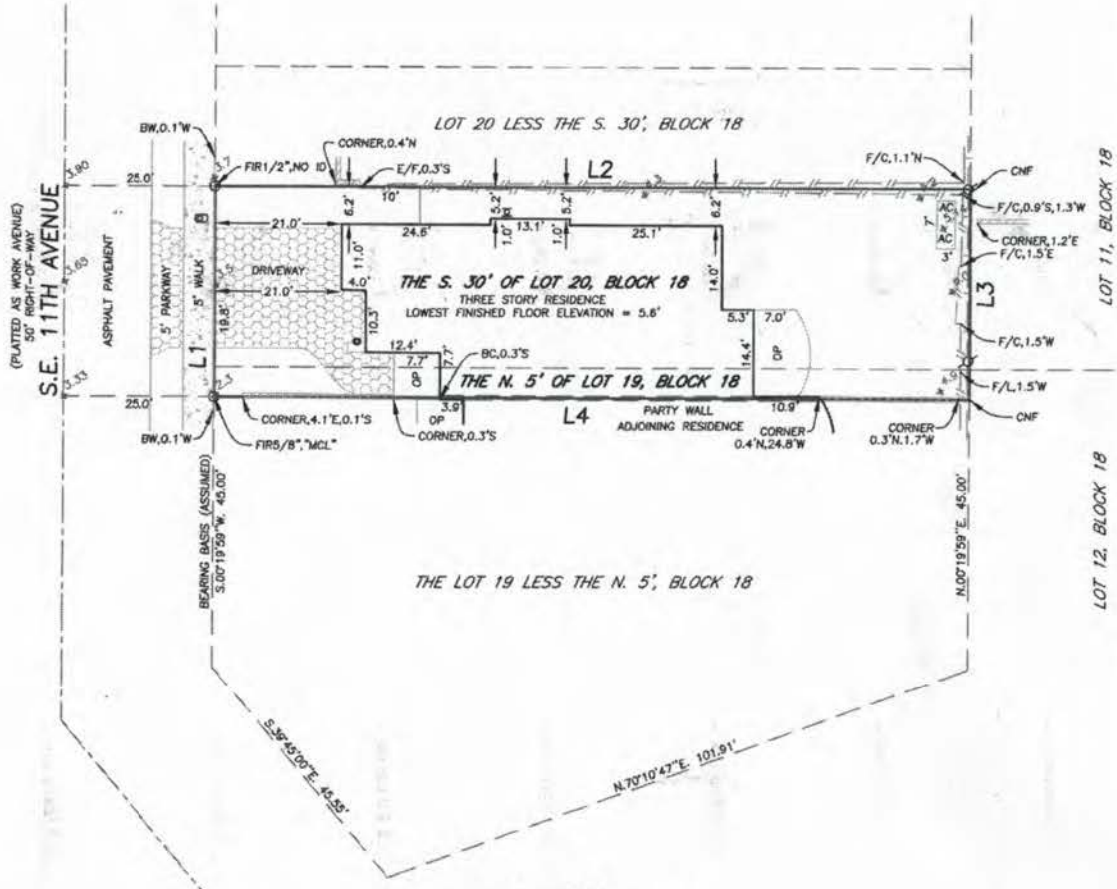
- ABBREVIATIONS**
- BC BUILDING CORNER
 - BW BACK OF WALK
 - C CALCULATED
 - M MEASURED
 - N.T.S. NOT TO SCALE
 - OP OPEN PORCH
 - ORB OFFICIAL RECORDS BOOK
 - PC POINT OF CURVATURE
 - POB POINT OF BEGINNING
 - POC POINT OF COMMENCEMENT
 - PG PAGE
 - PRC POINT OF REVERSE CURVE
 - PRM PERMANENT REFERENCE MONUMENT
 - PT POINT OF TANGENCY
 - E/F END OF FENCE
 - EP EDGE OF PAVEMENT
 - EW EDGE OF WATER
 - F/C FENCE CORNER
 - F/L FENCE LINE
 - FIP FOUND IRON PIPE
 - FIR FOUND IRON ROD
 - FN FOUND NAIL
 - FN&D FOUND NAIL & DISC
 - FP&L FLORIDA POWER AND LIGHT RECORD
 - R RADIAL
 - SH&D SET NAIL & DISC # 5495
 - SP SCREENED PORCH
 - SP&C SET 1/2" PIN & CAP # 5495
 - CNF CORNER NOT FOUND

LEGAL DESCRIPTION
 THE NORTH 5 FEET OF LOT 19 AND THE SOUTH 30 FEET OF LOT 20, BLOCK 18, BEVERLY HEIGHTS, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

CERTIFIED TO:
 STEPHEN SHULMAN
 PROPERTY ADDRESS
 116 SE 11TH AVENUE
 FORT LAUDERDALE, FL 33301

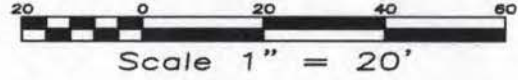
BOUNDARY SURVEY
 INVOICE # 41768
 SURVEY DATE 03/14/19

FLOOD ZONE AH-5
 MAP DATE 08/18/14
 MAP NUMBER 125105 0557H



LINE TABLE

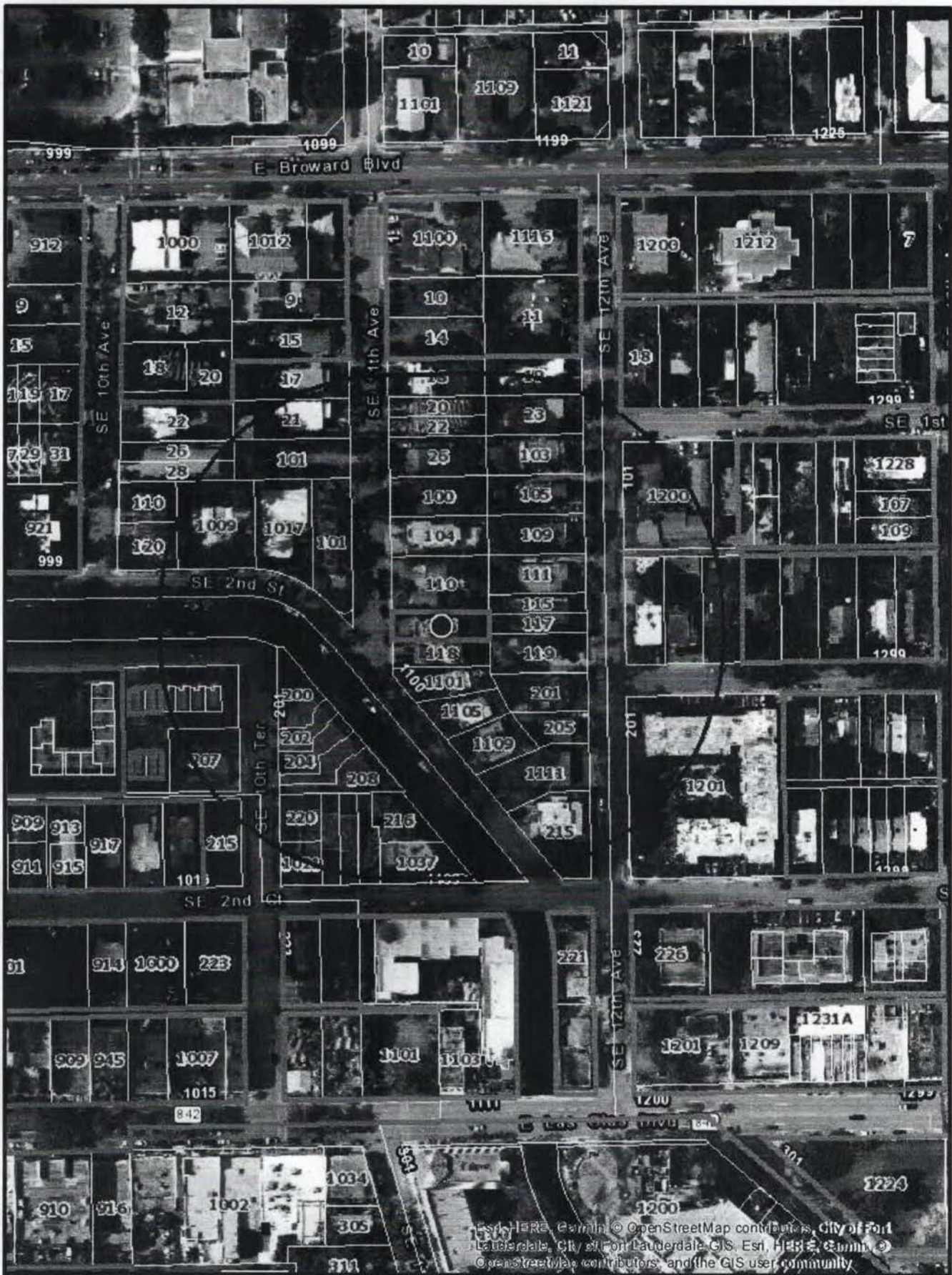
NUMBER	DIRECTION	DISTANCE
L1	N.00°19'59"E	35.00'
L2	S.89°47'11"E	125.00'
L3	S.00°19'59"W	35.00'
L4	N.89°47'11"W	125.00'



- SURVEYOR'S NOTES**
1. BASIS OF BEARINGS AS INDICATED ON SKETCH.
 2. LEGAL DESCRIPTION PROVIDED BY CLIENT.
 3. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THIS OFFICE FOR EASEMENTS, RIGHT-OF-WAYS, OWNERSHIP OR OTHER INSTRUMENTS OF RECORD.
 4. UNDERGROUND OR INTERIOR PORTIONS OF FOOTINGS, FOUNDATIONS, WALLS OR OTHER NON-VISIBLE IMPROVEMENTS WERE NOT LOCATED.
 5. ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 UNLESS OTHERWISE SHOWN.
 6. FENCE TIES ARE TO THE CENTER-LINE OF FENCE. WALL TIES ARE TO THE FACE OF WALL.
 7. IN SOME INSTANCES GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE THE CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.
 8. THE DIMENSIONS AND DIRECTIONS SHOWN HEREON ARE IN SUBSTANTIAL AGREEMENT WITH RECORD VALUES UNLESS OTHERWISE NOTED.
 9. PARTY WALLS ARE CENTERED ON PROPERTY LINE AND ARE 0.7' WIDE UNLESS OTHERWISE NOTED.
 10. EXISTING CORNERS FOUND OFF WITNESS PROPERTY CORNERS
 11. OBSTRUCTED CORNERS ARE WITNESSED BY IMPROVEMENTS.
 12. NO ATTEMPT WAS MADE TO LOCATE WRITTEN OR UNWRITTEN EASEMENTS OR RIGHTS-OF-WAY, OTHER THAN THOSE SHOWN HEREON.

ATLANTIC COAST
 SURVEYING, INC.

PAUL J. STOWELL
 PROFESSIONAL LAND SURVEYOR
 FLORIDA CERTIFICATION NO. 5241
 ATLANTIC COAST SURVEYING, INC.
 6129 STIRLING RD. SUITE 2 DAVIE, FLORIDA 33314
 OFFICE: 954.587.2100 FAX: 954.587.5418



CITY OF FORT LAUDERDALE

Map Created by GIS Mailer

116 SE 11 Avenue

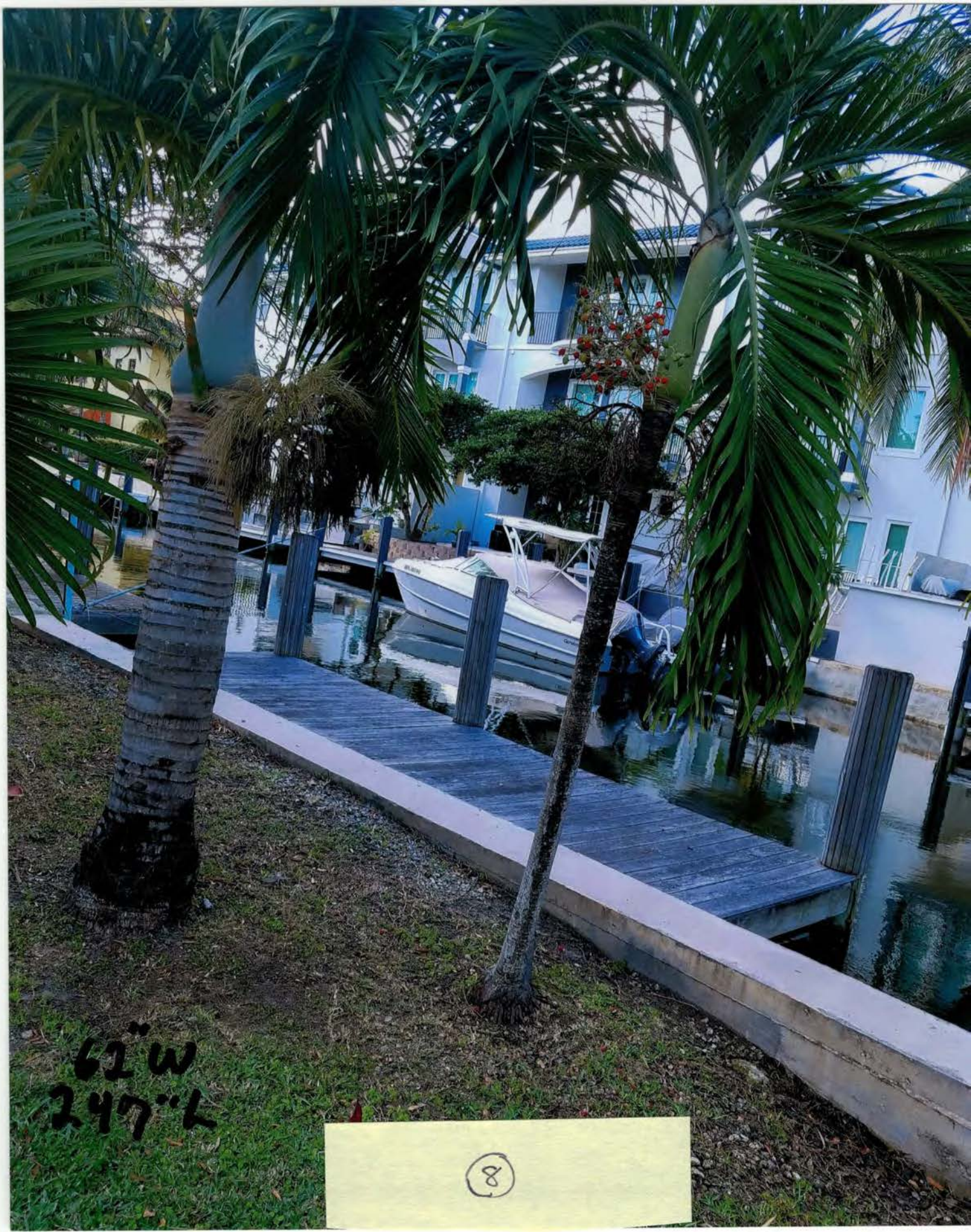


0 90 180 Feet

GIS
Fort Lauderdale

Printed on: 2/19/2019

7



8

ITEM VI

MEMORANDUM MF NO. 19-08

DATE: March 22, 2019

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Manager of Marine Facilities

RE: March 7, 2019 MAB Meeting - Dock Waiver of Distance Limitations – Warren & Silvia Schencker / 1180 N. Federal Highway #510 Slip #11

Attached for your review is an application from Warren and Silvia Schencker / 1180 N. Federal Highway #510

APPLICATION AND BACKGROUND INFORMATION

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

TABLE 1

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

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

PROPERTY LOCATION AND ZONING

The property is located is the Riva Condominium within the B-1 Boulevard Business District. It is situated on the western shore of the Middle River where the width between the closest structure (outside edge of the proposed boat lift) to the adjacent shoreline is listed as +/-319.5 feet in the Summary Description, and the distance between the seawall to the adjacent natural shoreline is listed as +/- 350' in the Existing Site Conditions, as provided in **Exhibit 1**.

RECOMMENDATIONS

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

1. The applicant is required to comply with all applicable building and zoning regulations as well as any other Federal and State laws and permitting requirements including the Broward County Environmental Protection and Growth Management Department, the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers.
2. The applicant is required to install and affix reflector tape to the proposed boat lift piles in accord with Section 47.19.3.E of the Unified Land and Development Regulations (ULDR).
3. As a general condition of approval and in order to review for final consistency with construction of facilities in accord with this application and City building permits the applicant is required to provide the City with copies of "As Built" drawings from a certified and licensed contractor.

AC
Attachment

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

EXHIBIT I
APPLICATION FOR WATERWAY WAIVER

**CITY OF FORT LAUDERDALE
MARINE FACILITIES
APPLICATION FOR WATERWAY PERMITS, WAIVERS AND LICENSES**

Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, licenses, permits and approvals involving municipal docking facilities or private uses in the waterways as regulated by Section 8 of the City Code of Ordinances or Section 47-19.3 of the City's Urban Land Development Regulations, shall be preceded by the execution and filing of the following application form available at the Office of the Supervisor of Marine Facilities. The completed application must be presented with the applicable processing fee paid before the agreement is prepared or the application processed for formal consideration (see City of Fort Lauderdale Code Section 2-157). If legal publication is necessary, the applicant agrees to pay the cost of such publication in addition to the application fee.

**APPLICATION FORM
(Must be in Typewritten Form Only)**

1. LEGAL NAME OF APPLICANT - (If corporation, name and titles of officers as well as exact name of corporation. If individuals doing business under a fictitious name, correct names of individuals, not fictitious names, must be used. If individuals owning the property as a private residence, the name of each individual as listed on the recorded warranty deed):

NAME: Warren Schencker and Silvia Schencker

TELEPHONE NO: 954-850-3329
(Home)

2. APPLICANT'S ADDRESS (if different than the site address): N/A

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: The applicant is requesting a wavier to install a (4) post boat lift that extends 5 feet beyond the 25 foot limitation enforced by the City of Fort Lauderdale.

4. SITE ADDRESS: 1180 N. FEDERAL HWY #510, FORT LAUDERDALE FLORIDA, 33304

ZONING: B-1

LEGAL DESCRIPTION: RIVA CONDOMINIUM UNIT 510 PER AMCDO CIN #113566952

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).
6. Warranty Deed, Project Plans, Site Location, Summary Description, Letter of Recommendation by HOA, Assignment of use rights to boat slip, Site Photographs, Sovereignty Submerged Land Lease


Applicant's Signature



3-14-2019

Date

The sum of \$ 300.00 was paid by the above-named applicant on the _____ of _____, 2019 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 _____

EXHIBIT II
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TABLE OF CONTENTS

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HOA LETTER OF RECOMMENDATION	5
ASSIGNMENT OF USE RIGHTS TO BOAT SLIP	6
SITE PHOTOGRAPHS	7
SOVEREIGNTY SUBMERGED LAND LEASE	8

**EXHIBIT III
WARRANTY DEED**

Prepared by and return to:

Denise Dugan
Legal Assistant
Trantalis & Associates
2301 Wilton Drive Suite C1-A
Wilton Manors, FL 33305
954-566-2226
File Number: 11-18-03

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this ³ day of November, 2018 between PREMIER RIVA, LLC, a Delaware limited liability company whose post office address is 1180 N. Federal Highway, Fort Lauderdale, FL 33304, grantor, and Warren Schencker and Silvia Schencker, husband and wife whose post office address is 1180 N. Federal Highway, #510, Fort Lauderdale, FL 33304, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Broward County, Florida to-wit:

Unit 510 of Riva Condominium, a Condominium according to the Amended and Restated Declaration of Condominium thereof, recorded as Instrument No. 113566952, of the Public Records of Broward County, Florida, and any amendments thereto, together with its undivided share in the common elements.

Parcel Identification Number: 4942-36-AL-0100

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby warrants the title to said land by, through, and under the said Grantor and will defend the same against the lawful claims of all persons claiming by, through, or under the Grantor; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2017**.

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

Signed, sealed and delivered in our presence:

PREMIER RIVA, LLC, a Delaware limited liability company

By: PREMIER DEVELOPERS V, LLC, a Florida limited liability company, its Manager

By: *[Signature]*
BRADLEY DECKELBAUM, Manager

Marlene Nicholson
Witness Name: Marlene Nicholson

Denise M. Dugan
Witness Name: Denise M. Dugan

State of Florida
County of Broward

The foregoing instrument was acknowledged before me this 30 day of November, 2018 by BRADLEY DECKELBAUM, Manager of PREMIER DEVELOPERS V, LLC, a Florida limited liability company, on behalf of the corporation for PREMIER RIVA, LLC, a Delaware limited liability company. He/she is personally known to me or has produced a driver's license as identification.

[Notary Seal]

Marlene Nicholson
Notary Public

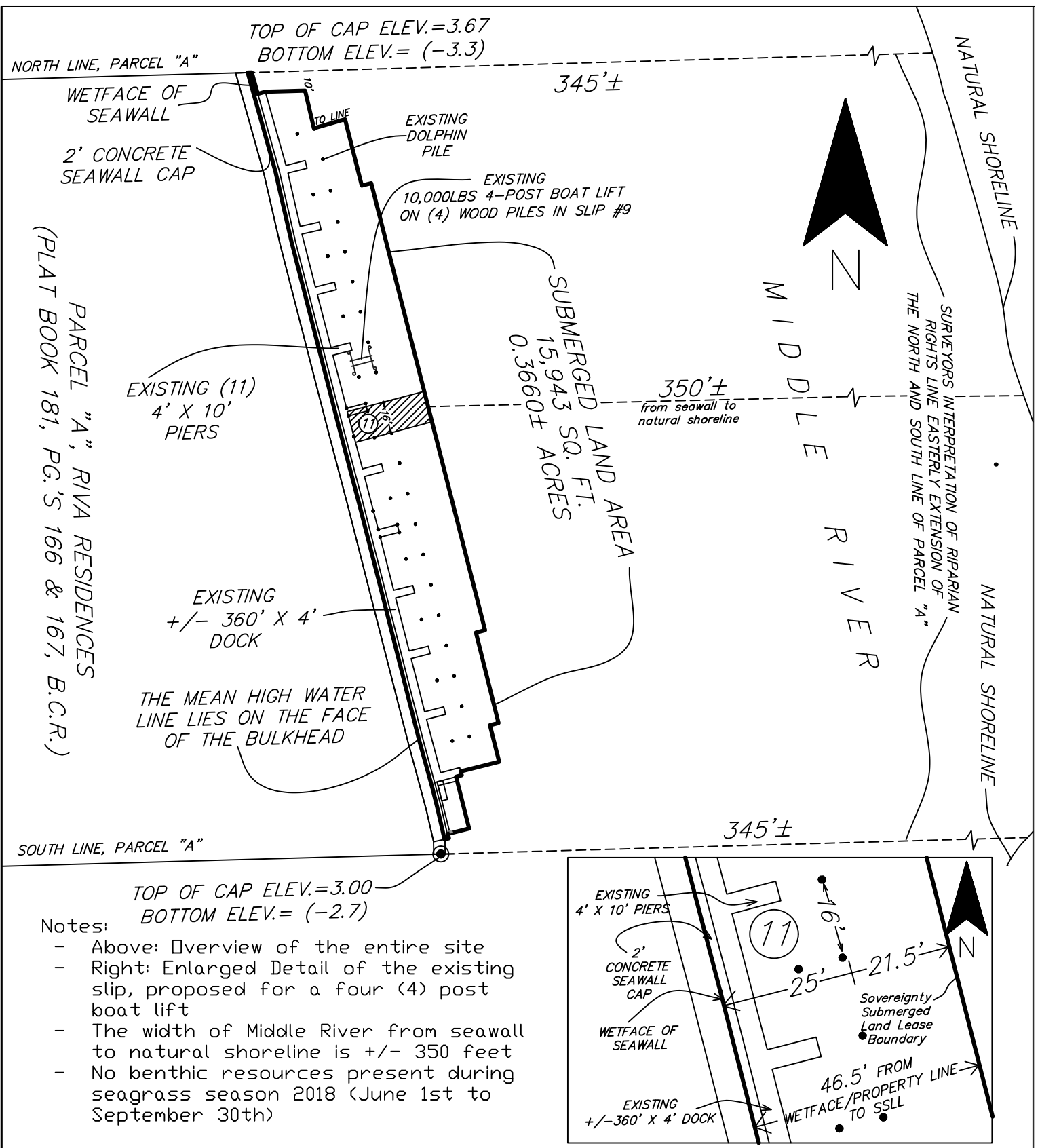
Printed Name: Marlene Nicholson

My Commission Expires: _____

Exhibit "A"

1. Terms, covenants, conditions, easements, restrictions, reservations and other provisions, including provisions which provide for a private charge or assessment, according to that certain Amended and Restated Declaration of Condominium of Riva, a Condominium, and the exhibits and attachments thereto, recorded March 11, 2016, in Official Records Instrument No. 113566952, as the same may be further amended, of the Public Records of Broward County, Florida.
2. General or special taxes and assessments required to be paid in the year of closing and subsequent years.
3. Any dispute as to the boundaries caused by a change in the location of any water body within or adjacent to the land and any adverse claim to all or part of the land that is, or was previously, under water.
4. Easement in favor of Florida Power & Light Company recorded in Official Records Book 4628, Page 166.
5. Easement in favor of Florida Power & Light Company recorded in Official Records Book 5025, Page 294.
6. Rights, if any, of the public to use as a public beach or recreation area any part of the land lying between the body of water abutting the subject property and the natural line of vegetation, bluff, extreme high water line, or other apparent boundary line separating the publicly used area from the upland private area.
7. Any and all rights of the United States of America over artificially filled lands in what were formerly navigable waters, arising by reason of the United States of America's control over navigable waters in the interest of navigation and commerce, and any conditions contained in any permit authorizing the filling in of such areas.

**EXHIBIT IV
PROJECT PLANS**



Notes:

- Above: Overview of the entire site
- Right: Enlarged Detail of the existing slip, proposed for a four (4) post boat lift
- The width of Middle River from seawall to natural shoreline is +/- 350 feet
- No benthic resources present during seagrass season 2018 (June 1st to September 30th)

Figure 1
Existing Site Conditions Slip #11

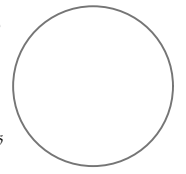
1180 North Federal Hwy #510
Ft. Lauderdale Florida, 33304



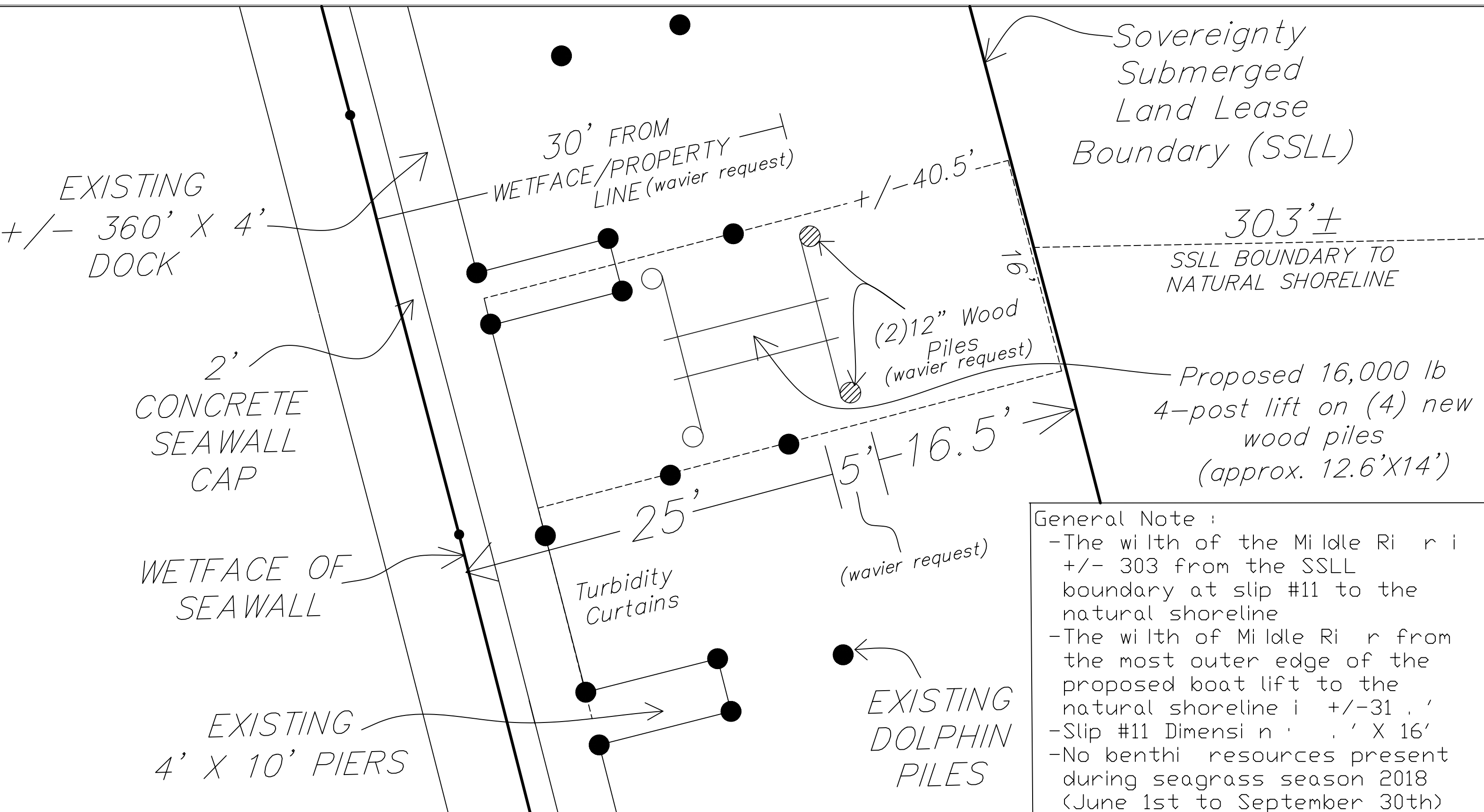
EnviroCare International
Solutions, Inc.
832 NE 26th Street
Wilton Manors Florida, 33305
Phone: (954) 730-7707
Fax: (954) 730-7717



Biagi and Associates
Engineering, LLC
555 W Prospect Road
Oakland Park, FL 33309
T: 954.776.8004 | F: 954.776.8015
info@biagiengineering.com



Diane G. Marotta, P.E.
FL # 82591



General Note :

- The width of the Middle River is +/- 303 from the SSLL boundary at slip #11 to the natural shoreline
- The width of Middle River from the most outer edge of the proposed boat lift to the natural shoreline is +/- 31 . '
- Slip #11 Dimensions ' . ' X 16'
- No benthic resources present during seagrass season 2018 (June 1st to September 30th)

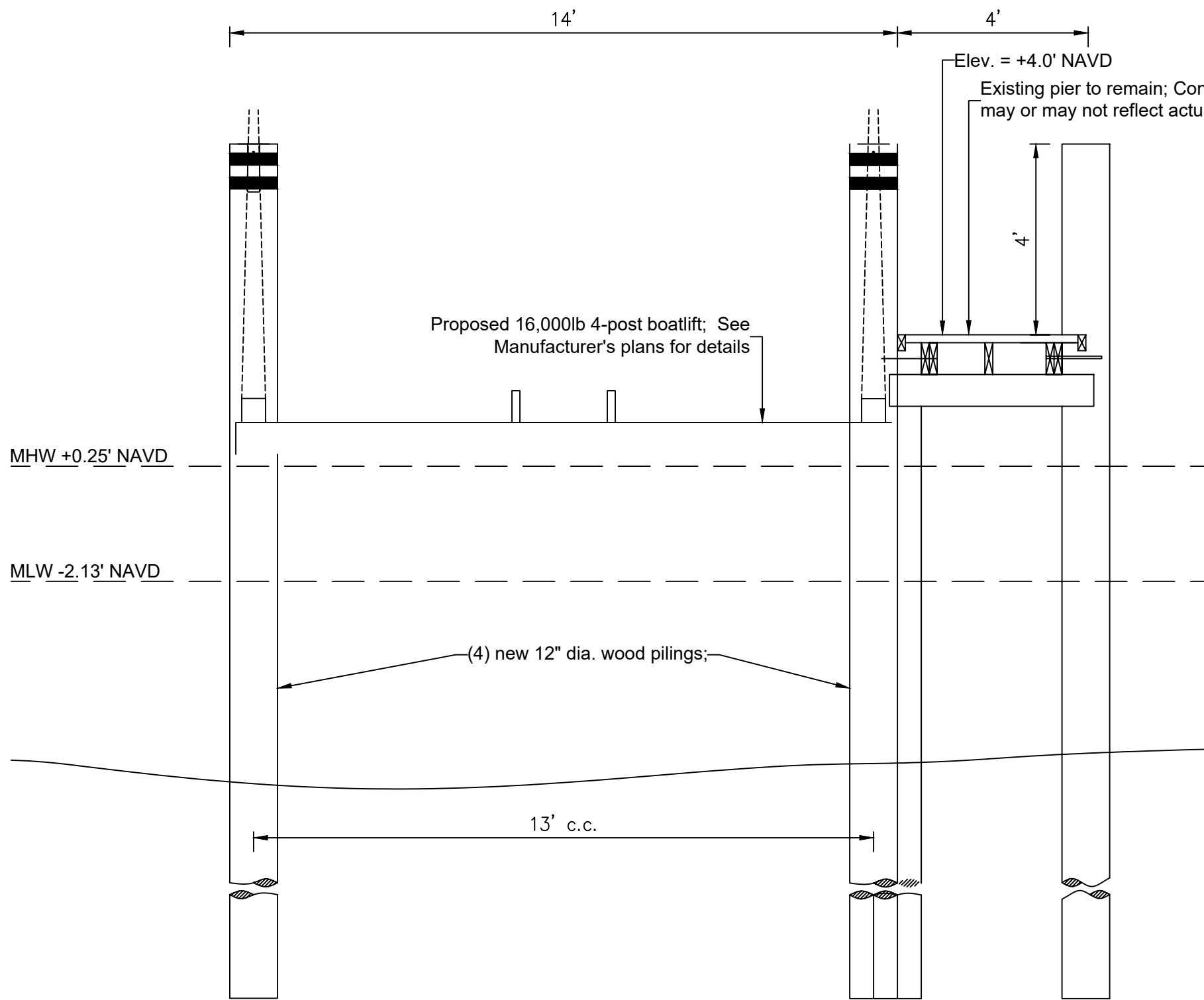


EnviroCare International Solutions, Inc.
 26th Street
 Winton Manors Florida, 33305
 Phone : -7707
 Fax: -7717

Figure 2
 Proposed Site Plan Slip #11
 1180 North Federal Hwy #510
 Ft. Lauderdale Florida, 33304

J Biagi and Associates
 Engineering, LLC
 555 W Prospect Road
 Oakland Park, FL 33309
 T: 954.776.8004 | F: 954.776.8015
 info@biagiengineering.com

Diane G. Marotta, P.E.
 FL# 82591

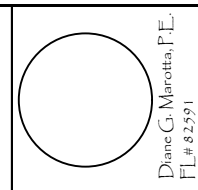


BOATLIFT DETAIL

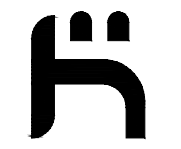
SCALE: 3/8" = 1'-0"

General Notes:

1. New pilings to be min. 12" dia. CCA treated wood pilings.
2. All pilings to be driven 8' in -ra-a. If hard strata is encountered, a 2' minimum penetration is required.
3. Approved contractor to verify all dimensions. The approved contractor is responsible for all methods, means, sequences and procedures of work.
4. Any deviation &/or substitution from the approved plans herein shall be submitted to the Engineer for approval prior to commencement of work.
5. Elevations shown are based on the North American Vertical Datum of 1988.
6. Design in accordance with 2017 6th Edition Florida Building Code.



Diagi and Associates
Engineering, LLC
555 W. Prospect Road
Oakland Park, FL 33409
Tel: 954-776-8004 | Fax: 954-776-8015
info@diagiengineering.com



852 NE 26th St.
Wilton Manors, FL 33305
Tel: 954-750-7707
Fax: 954-730-7717

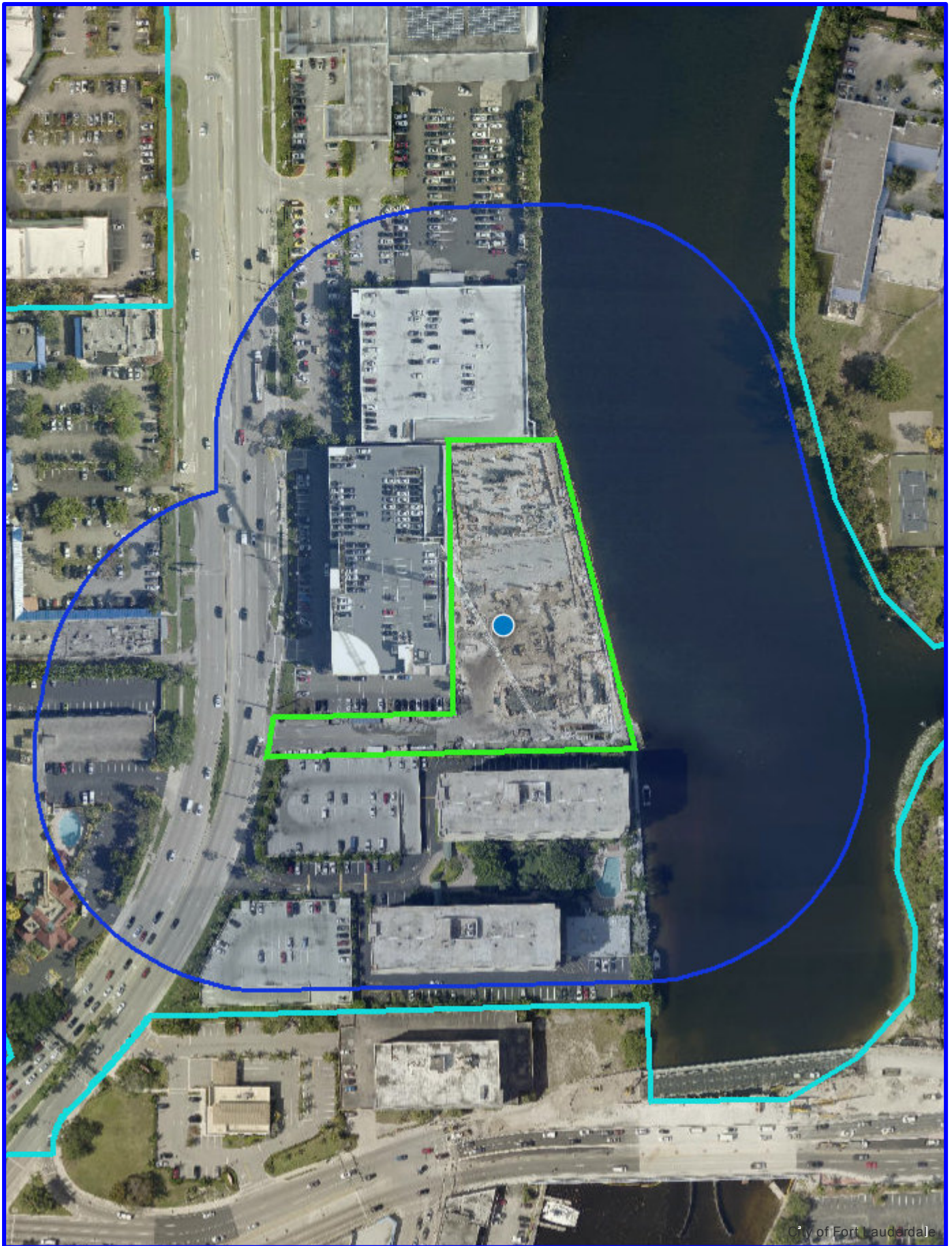


4-POST BOATLIFT - 14' x 14'
PARKER (SLIP #14) &
SCHENCKER (SLIP #11)
@ RIVA CONDO
1180 N FEDERAL HWY
FORT LAUDERDALE, FL

NO. OF REVISIONS	
DATE	
DESCRIPTION	
BY	
CHECKED	

JOB No:
DTL-1

**EXHIBIT V
SITE AERIAL**

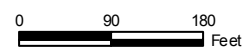


City of Fort Lauderdale



CITY OF FORT LAUDERDALE

1180 N Federal Hwy



GIS
Fort Lauderdale

EXHIBIT VI
SUMMARY DESCRIPTION

Summary Description
1180 N. Federal Hwy.
#510

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

The Marine Advisory Board had seen this project at the previous Marine Advisory Board meeting on March 7th 2018, where the waiver request was tabled due to concerns of Mr. Schencker purchasing a larger vessel and encroaching upon the sovereignty submerged land lease boundary. Since that meeting Mr. Schencker has been given a new slip (#11) which has a foot print of 40.5' X 16' compared to his old slip which was 30.5' X 16'. This new slip will ensure that Mr. Schencker will not encroach on the sovereignty submerged land lease boundary if he wishes to invest in a larger vessel.

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

The project site consists of an existing \pm 1,880 sq. ft. marginal dock. The proposed project includes the installation of a 16,000lbs 4-post boat lift on the Middle River. As measured from the property line, (2) of the wooden piles that the proposed 16,000lbs 4-post boat lift will rest on encroaches more than 25' from the property line (encroaches 30') into the Middle River. As this distance is over the allowable 25' distance into the waterway from the property line, the proposed boat lift will require a variance waiver. The boat lifts (4) wooden piles will serve as guide poles and reflective tape will be placed on these piles to ensure safety and compliance with city code: 8-91(d).

The proposed boat lift is being applied for concurrently with the Broward County Environmental Protection & Growth Management Department, Florida Department of Environmental Protection, and the US Army Corps of Engineers (Through FDEP SPGP Green).

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

1. All structures and piles will not exceed 30% of the width of the waterway.
2. Due to the extraordinary width of the waterway at this location to the outer edge of the proposed boat lift (\pm 319.5), the proposed project will not impede navigation within Middle River.
3. The 16,000lbs 4-post boat lift protects the vessel in and adjacent to a water-skiing area.

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

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

**EXHIBIT VII
HOA LETTER OF
RECOMMENDATION**

PREMIER
RIVA

March 14, 2019

To Whom It May Concern:

Silvia and Warren Schencker purchased Boat Slip #11 at Riva Condominiums. They have the approval of the board to install a boat lift in it.

If you have any questions, please do not hesitate to call me at 954-288-5019.

Sincerely,

RIVA FORT LAUDERDALE CONDOMINIUM ASSOCIATION, INC.



Anita Ortiz
Secretary/Treasurer

Please note that our new address is 1180 N Federal Highway, Suite 302, Fort Lauderdale, FL 33304

2101 N. Andrews Avenue ■ Ste 100 ■ Fort Lauderdale, FL 33311 ■ (954) 400 - 7309

**EXHIBIT VIII
ASSIGNMENT OF
USE RIGHTS TO
BOAT SLIP**

ASSIGNMENT OF USE RIGHTS

TO BOAT SLIP

THIS ASSIGNMENT OF USE RIGHTS TO **BOAT SLIP** ("Assignment") is made this 3-14-2019 day of March, 2019, by **PREMIER RIVA, LLC**, a Delaware limited liability company (hereinafter "Assignor"), whose address is 1180 North Federal Highway, Fort Lauderdale, FL 33304 to **Warren and Silvia Schencker** (hereinafter "Assignee"), whose address is 1180 North Federal Highway #510, Fort Lauderdale, FL 33304.

WHEREAS, Assignor is the Developer under the Amended and Restated Declaration of Condominium of RIVA, a Condominium (the "Condominium") (the "Declaration") recorded in Official Records Book 50792, Page 797, as amended from time to time, of the Public Records of Broward County, Florida; and

WHEREAS, as part of the Condominium, there are BOAT SLIPs (the "BOAT SLIPs"). A diagram of the BOAT SLIPs is included on page 5 of "Exhibit B" of the First Amendment to the Declaration recorded as Document No 114873809 on February 6, 2018, and

WHEREAS, Assignee is the owner of Unit No. 904, in RIVA, A CONDOMINIUM.

WHEREAS, Assignor has agreed to assign to Assignee use rights to a certain BOAT SLIP described below.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Recitals. The above recitals are true and correct and form a material part of this Assignment.
2. Revocation. The previous assignments to this Assignee of Boat Slip #22 is revoked as of the effective date of this assignment.
3. Assignment of Use Rights to BOAT SLIP. Assignor hereby assigns to Assignee use rights to:

BOAT SLIP No. 11, as shown on Sheet labeled "Lower Parking" of Exhibit "B" to the Declaration (the "BOAT SLIP"), governed by that certain Board of Trustees of the Internal Improvement Trust Fund of the State of Florida Sovereignty Submerged Lands Lease No. 060352716.
4. Rules and Regulations of RIVA Fort Lauderdale Condominium Association, Inc. The use of the Assigned BOAT SLIP is subject to rules and regulations promulgated by RIVA FORT LAUDERDALE CONDOMINIUM ASSOCIATION, INC. (the "Association"), and all terms and provisions set forth in the Declaration. Assignee agrees to comply with all rules and regulations governing the Assigned BOAT SLIP.

5. Further Assignment by Assignee. Assignee may assign the Assigned BOAT SLIP only to a person or entity owning a unit in RIVA, A CONDOMINIUM. Such assignment shall be in compliance with Florida law and shall be on forms approved by the Association. The Association shall be provided with notice of the assignment.
6. Exceptions. This Assignment is made subject to and Assignee shall be bound by the terms, conditions and regulations contained in the Declaration.
7. Use of BOAT SLIP. Assignee agrees that only reasonable and customary use will be made of the Assigned BOAT SLIP covered hereby, and that no unnecessary wear and tear, disturbance, nuisance, rubbish or garbage will be permitted on the Assigned BOAT SLIP or adjacent facilities or premises. Assignee agrees to keep the Assigned BOAT SLIP and adjacent premises free and clear of all obstructions, and Assignee will dispose of all rubbish and garbage in appropriate containers. Assignee shall be responsible for the conduct and actions of his or her guests.
8. Damages and Insurance. Assignor and the Association will not be responsible for any injuries and property damage caused by or arising out of the use of the Assigned BOAT SLIP. The use of all the Assigned BOAT SLIP are entirely at the risk of Assignee, as to theft, fire, vandalism and other acts of God. Assignor and the Association do not maintain insurance covering the personal property of Assignee. It is the responsibility of Assignee to adequately insure its property.
9. No Liability for Damages. Assignor and the Association, their employees or agents, shall not be responsible for any injuries, including death, or property damage resulting from, caused by, or arising out of the use of the Assigned BOAT SLIP. Assignee releases and discharges Assignor and the Association from any and all liability from loss, injury or damages to persons or property sustained while in or on the Assigned BOAT SLIP.
10. Miscellaneous.
 - a. Execution by Parties. This Assignment shall not become effective until it has been executed by all of the parties hereto; but shall be dated for purposes hereof as of the date and year first above written.
 - b. Applicable Law. This Assignment shall be construed under the laws of the State of Florida.
 - c. Time of the Essence. Time is of the essence.

- d. Binding Effect upon Successors and Assigns. This Assignment shall be binding upon and inure to the benefit of, respectively, the parties, their successors, legal representatives, grantees and assigns, as applicable and appropriate.
- e. Severability. If any term of this Assignment shall be held to invalid, illegal or unenforceable, the validity of the other terms of this Assignment shall in no way be affected thereby.
- f. Counterparts. This Assignment may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original counterpart shall together constitute one and the same instrument.
- g. Attorneys' Fees. If it becomes necessary for either party herein, their successors or assigns, or the Association, to seek legal means to enforce the terms of this Assignment, the prevailing party will be liable for all reasonable attorneys' fees, collection costs, travel expenses, deposition costs, expert witness expenses and fees, and any other cost of whatever nature reasonably and necessarily incurred by the prevailing party as a necessary incident to the prosecution or defense of such action plus court costs in all proceedings, trials and appeals.
- h. Waiver. No waiver of any breach of this Assignment shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this Assignment shall be taken and construed as cumulative; this is, in addition to every other remedy provided therein or by law. The failure of either party to enforce at any time any of the provisions of this Assignment, or to exercise any option which is herein provided, or to require at any time performance by the other party of any of the provisions hereof, shall in no way be construed to be a waiver or create an estoppel from enforcement of such provisions, nor in any way to affect the validity of this Assignment or any part thereof, or the right of either party to thereafter enforce each and every such provision, or to seek relief as a result of the prior breach.
- i. Total Agreement. This Assignment contains the entire understanding of the parties and supersedes all previous verbal and written agreements. There are no other agreements, representations or warranties not set forth herein.


IN WITNESS WHEREOF, this Assignment has been executed in the day and year first above written.

ASSIGNOR:

PREMIER RIVA, LLC, a Delaware limited liability company formerly Premier Riva, LLC, a Florida limited liability company

BY: 
Anita Ortiz, Owners Rep

ASSIGNEE:


Warren Schencker


Silvia Schencker

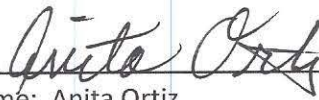
**RECEIPT OF ASSIGNMENT BY RIVA FORT LAUDERDALE
CONDOMINIUM ASSOCIATION, INC.**

I, Anita Ortiz, as Secretary/Treasurer of RIVA FORT LAUDERDALE CONDOMINIUM ASSOCIATION, INC., a non-profit Florida corporation, acknowledges receiving a copy of the foregoing Assignment of Use Rights to Boat Slip. The Assignment will be duly noted in the official records of the Association.

RIVA FORT LAUDERDALE CONDOMINIUM
ASSOCIATION, INC., a non-profit Florida
Corporation



Witness Signature

By: 
Name: Anita Ortiz
Title: Secretary Treasurer

Witness Signature

**EXHIBIT XI
SITE PHOTOGRAPHS**

1. Northern portion of slip #11, facing southeast along marginal dock



2. Center portion of slip #11, facing directly east along marginal dock



3. Southern portion of slip #11, facing Northeast



**EXHIBIT X
SOVEREIGNTY
SUBMERGED
LAND LEASE**



McLAUGHLIN ENGINEERING COMPANY
LB#285

ENGINEERING * SURVEYING * PLATTING * LAND PLANNING
400 N.E. 3rd AVENUE FORT LAUDERDALE, FLORIDA 33301
PHONE (954) 763-7611 * FAX (954) 763-7615

CERTIFIED TO:
THE BOARD OF TRUSTEES
OF THE INTERNAL
IMPROVEMENT TRUST
FUND OF THE
STATE OF FLORIDA
LEGAL DESCRIPTION:

SKETCH AND DESCRIPTION
A PORTION OF MIDDLE RIVER
ADJACENT TO PARCEL "A",
RIVA RESIDENCES (181-166 & 167)
IN SECTION 36-49-42
SHEET 2 OF 3 SHEETS

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

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

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

NOTES:

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

CERTIFICATION

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

McLAUGHLIN ENGINEERING COMPANY

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

FIELD BOOK NO. _____

DRAWN BY: JMMjr _____

JOB ORDER NO. V-0161 _____

CHECKED BY: JST _____

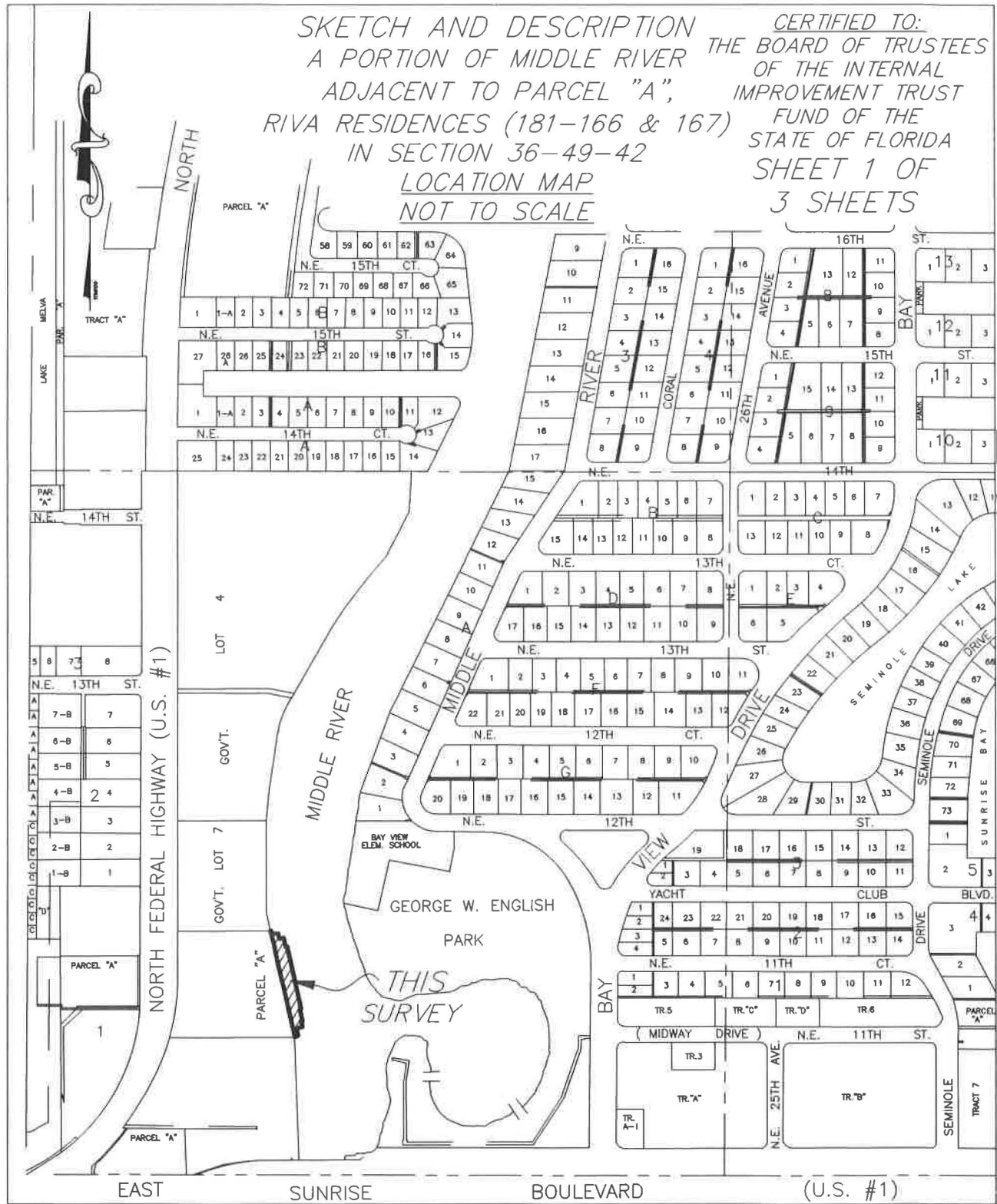


McLAUGHLIN ENGINEERING COMPANY
LB#285

ENGINEERING * SURVEYING * PLATTING * LAND PLANNING
400 N.E. 3rd AVENUE FORT LAUDERDALE, FLORIDA 33301
PHONE (954) 763-7611 * FAX (954) 763-7615

SKETCH AND DESCRIPTION
A PORTION OF MIDDLE RIVER
ADJACENT TO PARCEL "A",
RIVA RESIDENCES (181-166 & 167)
IN SECTION 36-49-42
LOCATION MAP
NOT TO SCALE

CERTIFIED TO:
THE BOARD OF TRUSTEES
OF THE INTERNAL
IMPROVEMENT TRUST
FUND OF THE
STATE OF FLORIDA
SHEET 1 OF
3 SHEETS



FIELD BOOK NO. _____

DRAWN BY: JMMjr

JOB ORDER NO. V-0161

CHECKED BY: _____

