



CITY OF FORT LAUDERDALE

DRAFT
MEETING MINUTES
CITY OF FORT LAUDERDALE
MARINE ADVISORY BOARD
VIRTUAL MEETING
THURSDAY, FEBRUARY 4, 2021 – 6:00 P.M.

		Cumulative Attendance	
		May 2020 – April 2021	
Grant Henderson, Chair	A	5	1
Ed Strobel, Vice Chair	P	6	0
Cliff Berry II	P	4	2
Deirdre Boling-Lewis	A	4	2
Robyn Chiarelli	A	3	3
Barry Flanigan	P	6	0
Richard Graves	A	4	2
James Harrison	P	6	0
Rose Ann Lovell	P	6	0
Kitty McGowan	P	5	1
Norbert McLaughlin	P	5	1
Ted Morley	P	5	1
Christopher Rotella	P	1	1
Bill Walker	P	5	1
Steve Witten	P	6	0

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

Staff

Andrew Cuba, Marine Facilities Manager
D'Wayne Spence, Assistant City Attorney
Dr. Nancy Gassman, Assistant Director of Public Works -- Sustainability
Ben Rogers, Director, Department of Transportation and Mobility
Sergeant Todd Mills, Fort Lauderdale Police Department
Jamie Opperee, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

Vice Chair Strobel called the meeting to order at 6:00 p.m. and roll was called.

II. Approval of Minutes – January 7, 2021

Motion made by Mr. Harrison, seconded by Mr. Witten, 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. Introduction of New Member – Christopher Rotella

New Board member Christopher Rotella introduced himself at this time.

V. Waterway Crime & Boating Safety Report

Sergeant Todd Mills of the Fort Lauderdale Police Department's Marine Unit reported the following activity during the month of January 2021:

- 43 citations
- 72 warnings
- 7 safety inspections
- 1 boating accident
- 2 burglaries

The Marine Unit undertook a two-week operation near the Middle River to target a number of jet ski rental facilities. They issued a number of citations to these businesses for livery violations. Sgt. Mills noted that although a private business may not conduct business at a City boat ramp, it is considered acceptable if business is conducted off City property and the facility only goes there to retrieve the vessel. Many jet ski rentals are conducted online.

Mr. Flanigan requested additional information regarding boats docked along the New River near a tunnel. Sgt. Mills advised that he contacted City Staff, including the Director of the Department of Sustainable Development, about this issue. It was determined that no dockage would be permitted at this location due to the potential for safety issues. More information can be provided at a subsequent meeting.

Mr. Berry requested an update on a Enhanced Marine Law Enforcement Grant (EMLEG) proposal. Sgt. Mills stated that EMLEG funds allow the Marine Unit an opportunity for Officers to work during off hours and weekends. This practice has been underway for several years. The grant also provides for additional law enforcement training. In addition to Officers who work in the Marine Unit, Officers who left the Department in good standing are permitted to work using grant funds if they have maintained their certifications.

VI. Presentation – Broward County Land Use Plan / Seawall Implications – Dr. Nancy Gassman

Dr. Nancy Gassman, Assistant Director of Public Works (Sustainability), showed a PowerPoint presentation on the Broward County Land Use Plan and its implications for seawalls within Fort Lauderdale. The City's Seawall Ordinance, which was last presented to the Board in 2016, established a minimum seawall elevation of 3.9 ft. North American Vertical Datum (NAVD). The Ordinance also included the following:

- Recommended the design of seawalls for future height adjustments of up to 5 ft.
- Maximum allowable height for seawalls and associated docks is tied to a property's base flood elevation
- Seawalls must be reconstructed to the minimum elevation if a substantial repair threshold of 50% is triggered
- Seawalls must be maintained in a state of good repair
- Property owners may be cited if tidal waters enter onto their properties and impact other properties when exiting
- 365 days are permitted for completion of repairs if cited
- Docks may extend up to 10 in. above the adjacent seawall under certain conditions
- Floating docks are also addressed in the Ordinance

Dr. Gassman advised that Broward County undertook a project with the U.S. Army Corps of Engineers to study flood management throughout the County's coastal waterways. The result of this study triggered a change in Broward County's regional tidal barrier standard, which now requires a 5 ft. minimum elevation for all tidal barriers, including seawalls, banks, berms, and other tidal barriers.

Dr. Gassman explained that a change in Fort Lauderdale's Seawall Ordinance is necessary in order to become consistent with the County's Ordinance. This requires a new minimum elevation of 5 ft. for tidal barriers, including seawalls. Regional sea level rise projections, which were adopted by the City Commission in spring 2020, are included in the NAVD, which shows a current sea level rise of 0. When the amount of sea level rise over the next 30 to 50 years is considered, as well as the increase in the number of high tides over time, the 5 ft. elevation was determined to provide more protective measures for homes against sea level rise. The 30 to 50 year timespan is consistent with the approximate life span of a seawall.

Key modifications that will accompany the change to the City's Seawall Ordinance include:

- Extension elevation requirements to any type of tidal barrier
- Requirement of a minimum elevation of 5 ft. for new or substantially repaired tidal barriers
- Allows for structures permitted before January 2035 to be built lower, but requires that they be designed to allow for new structures to be elevated by 2050
- Tidal barriers built where no previous seawalls existed must provide some type of habitat enhancement on the wet face of the new structure
- Encouragement to incorporate living shoreline features wherever possible

- Required disclosure for contracts of the sale of real estate on waterways where tidal barriers may be part of the property; purchasers must understand the requirements for these barriers

Items that will not change due to amendment of the Seawall Ordinance include:

- Reconstruction to minimum elevation is still required if repairs are over the 50% threshold
- Seawalls must be maintained in good repair
- Property owners may be cited if tidal waters leaving the property have an impact on other properties

A revised proposed Seawall Ordinance also includes a provision describing the maximum seawall height, which is consistent with the base flood elevation of the property. All new City projects related to City-owned seawalls were already being built to the standard of 5 ft. NAVD as the minimum height.

Next steps for the proposed Ordinance include considering comments and feedback from the public, including presentation to the Council of Fort Lauderdale Civic Associations. Because the Ordinance will be part of the City's Unified Land Development Regulations (ULDR), it will be presented to the Planning and Zoning Board as well. After that advisory body has given approval or a recommendation, the Ordinance will go before the City Commission for first and second readings.

Mr. Harrison noted that some seawalls currently being updated or constructed are not expected to be complete within one year. Dr. Gassman advised that the 365 day time frame was in the original Seawall Ordinance, which was substantially used as a template in creating the County's Seawall Ordinance. It has been noted that the 365 day time frame may not be sufficient.

Assistant City Attorney D'Wayne Spence added that the Broward County policy provides for the City to be consistent with the adopted model Ordinance in Chapter 39 of Broward County Code. This model Ordinance includes the 365 day period. The extent to which deviation from the model Ordinance is permissible has not been determined.

Ms. Lovell asked if riprap would be considered an acceptable habitat enhancement. Dr. Gassman confirmed this, noting that the habitat requirement has been in place in Broward County for some time, although it is new to Fort Lauderdale.

VII. Presentation – Las Olas Marina Update – Ben Rogers

Ben Rogers, Director of Transportation and Mobility, showed a PowerPoint update on the Las Olas Marina redevelopment efforts. At present, multiple levels of City Staff are reviewing the agreements necessary to take action on this redevelopment.

A parking agreement approved in July 2020 will allow the marina to set aside dedicated spaces in the property's parking garage for support of its operations. Staff is currently negotiating with the project's developer, Suntex, as well as the state of Florida on a number of items. The revocable license identifies all right-of-way impacts during construction and development, including pedestrian paths and a detour plan. These are expected to go before the City Commission for approval in March 2021.

Another requirement is for the marina to relocate and replace its existing pump station. This item is managed by the Department of Public Works. The developer must also make turn lane modifications at Las Olas Circle and Birch Road, including implementation of both left and right turn lanes in front of the parking garage to address traffic congestion.

In order for the project to waive the competitive solicitation requirement and proceed with developer Suntex, the City must take action on both the pump station and the turn lane modifications. The City Commission will provide a waiver for the process and assign the work to Suntex.

Two major requirements are the fourth amendment to the property's ground lease and the upland deed amendment. Modifications that arose from Suntex's interactions with the state are proposed, including clarification of submerged land rights as well as the upland deed amendment. The City Attorney's Office is reviewing these requirements to ensure there are no significant changes.

The City also hopes to lease a marine facilities trailer to Suntex, which the developer can use as a construction trailer during the development period. A City Commission Conference Agenda presentation is being prepared for March 2021. Mr. Rogers concluded that the schedule remains tentative. Once Suntex takes occupancy of the property, which is anticipated in April or May 2021, utility work will begin and a maintenance of traffic (MOT) plan will take effect 30 to 50 days after occupancy.

Mr. McLaughlin requested clarification of the cost of relocating and replacing a pump station on the property, most of which will be assumed by the City rather than by Suntex. Mr. Rogers stated that the City's estimated cost for replacement will be approximately \$2.5 million, which will cover the costs of pumps and component systems. Suntex will be expected to pay for the relocation of the pump.

Mr. Harrison asked if there has been discussion of a temporary pump during the construction period, pointing out that City pump stations are not always fully operational. Eric Metz, owner's representative for the Las Olas Marina, advised that the new pump station will be moved early in the process before the old station is demolished. They hope to avoid temporary pumping due to the volume of flow from this station.

Mr. Harrison also asked if an amendment related to the upland area is related to the submerged land lease with the state and the percentage of profit that goes to the state.

Mr. Rogers recalled that Suntex received its approvals from the state in September 2020 and those conditions are being integrated into the agreements between the City and Suntex. The City is reviewing these agreements to ensure they remain similar to the original proposal.

Mr. Flanigan asked if a time frame has been estimated for completion of the marina. Mr. Metz replied that once agreements are finalized and construction begins, the duration is expected to be 18 to 24 months. The schedule includes a buffer period to accommodate installation of the pump station.

Mr. Flanigan also asked a question regarding an issue on North River Drive which allowed valet staging for a restaurant at the Icon property. He advised that this resulted in congestion and disrupted the allocation of parking spaces for customers with boats docked at the location. Mr. Rogers replied that the restaurant was issued a temporary valet permit through March 15, 2021 to determine if its proposal can be successful. If not, alternate plans for this location may be required. Mr. Flanigan offered to provide photographs of the subject area.

Mr. Harrison advised that with the *Anticipation* no longer docked at the Wharf property, the Wharf is using this space as its own. He requested clarification of plans for future dockage along this seawall. Mr. Rogers advised that representatives of other City Departments, such as Parks and Recreation or Sustainable Development, may have more information on this issue.

VIII. Dock Waiver – 2407 Aqua Vista Blvd. / Troy & Tais Eakins

Jena Robbins, representing the Applicants, showed a PowerPoint presentation on the project, which is in an area heavily traveled by boat traffic. The property includes a 100 linear ft. concrete seawall and 962 sq. ft. PVC dock. The dock, one slip, and two wooden mooring piles would be removed.

The proposed project includes installation of a 100 linear ft. concrete cap, a concrete marginal dock, and a platform boat lift and platform jet ski lift. The proposed lifts would extend approximately 34.5 ft. from the property line, which would require a waiver of 9.5 ft. for each structure. The boat lift is located 10 ft. from the riparian rights line, which places it outside the side yard setback. No guiding poles will be needed atop the lifts.

Ms. Robbins noted that the waterway width in the subject area is 550 ft., which she characterized as an extraordinary circumstance. None of the proposed structures would extend as far as 30% of the waterway. The proposed lifts at 34.5 ft. are consistent with the extension of other structures into the waterway in the subject area. They are necessary to safely moor the Applicants' vessels, particularly during high wind and severe weather events as well as large waves generated by boat traffic. The subject area is not a No Wake Zone. Lifting the vessels from the water will also aid in protection of natural resources.

Code provides for one mooring device per 100 ft. of lot width and for one lift designed to raise a personal watercraft from the water. These would cover both the boat and jet ski lifts. Ms. Robbins provided five letters of support for the Application. It was noted that no feedback was received from properties within 300 ft. of the subject property.

It was asked how far the boat may extend into the waterway at the subject location. Ms. Robbins noted that it may extend up to 30% of the waterway width according to Code, which would be significantly greater than 30 ft.

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

Motion made by Mr. Flanigan seconded by Ms. Lovell, to approve. In a roll call vote, the **motion** passed 8-0 (Mr. McGowan and Mr. Morley no longer present).

IX. Old / New Business

Mr. Flanigan addressed previous comments regarding dockage “at the western end,” stating that the City was instructed not to use or rent these slips; however, the slips were in use a short time later by a restaurant. He felt it would be beneficial to the Board to see a Site Plan of the City marina, including the condition of dockage, how it is identified, whether or not the dockage generates revenue, and how that revenue stream is received by the City.

Mr. Flanigan continued that commercial boats docked near the tunnel “are there for a reason” related to the arrival of buses serving the cruise ship industry. He pointed out that the area provides a small turning basin and a pump-out facility for these vessels. He concluded that if these vessels are relocated for a particular purpose, that purpose should be identified.

Mr. Cuba advised that the Marine Facilities Department was informed that the area adjacent to the Wharf and other restaurants was closed, and the Department placed signage in the area and discontinued sale of dockage at this location. Vice Chair Strobel requested that the Board see clarification of whether or not the restaurants were charging for dockage at this location. Mr. Cuba stated that he would look into this further.

Mr. Walker asked if the dock in question remains closed at present. Mr. Cuba replied that the City had sold a portion of the dock space up until the previous week, at which time they were told to close the dock due to structural concerns. He reiterated that signage was placed on the dock indicating that it was closed.

Mr. Flanigan asked if the City is receiving any revenue from dockage in front of the former Bryant Homes property. Mr. Cuba noted that there a license agreement with the Riverwalk is still intact for this site. Mr. Luscomb added that the City has leased these spaces for overflow dockage. The agreement with the tenant of the Bryant Homes property is still in use. The tenant is expected to pay a percentage of the dock rate.

Mr. McLaughlin suggested that it could be helpful to place “No Dockage” signs on the Icon property’s walkway. Mr. Cuba advised that signage and fencing are being looked into further at present.

Mr. Berry reported that March 6, 2021, will kick off the Broward County Waterway Cleanup. Details are available online at the MIA SF site.

Vice Chair Strobel requested an update on status of the railroad bridge.

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:14 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 VI

MEMORANDUM MF NO. 21-02

DATE: February 12, 2021

TO: Marine Advisory Board

FROM: Andrew Cuba, Manager of Marine Facilities

RE: March 4, 2021 MAB Meeting - Dock Waiver of Distance Limitations
- Hal Griffith, Manager HG Middle River investments, LLC / 738 NE 20th Avenue

Attached for your review is an application from Hal Griffith, Manager HG Middle River Investments, LLC / 738 NE 20th Avenue (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for the installation of one (1) +/- 76.0' x 5.0' finger pier and eight (8) triple pile mooring clusters, as represented in **TABLE 1**:

TABLE 1

STRUCTURE	PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
A	Finger Pier	+/-84.1'	25'	+/-59.1'
Triple Pile Cluster	Triple Pile Cluster #1	+/-54.0'	25'	+/-29.0'
Triple Pile Cluster	Triple Pile Cluster #2	+/-86.3'	25'	+/-61.3'
Triple Pile Cluster	Triple Pile Cluster #3	+/-106.1'	25'	+/-81.1'
Triple Pile Cluster	Triple Pile Cluster #4	+/-86.0'	25'	+/-61.0'
Triple Pile Cluster	Triple Pile Cluster #5	+/-104.5'	25'	+/-79.5'
Triple Pile Cluster	Triple Pile Cluster #6	+/-53.9'	25'	+/-28.9'
Triple Pile Cluster	Triple Pile Cluster #7	+/-86.3'	25'	+/-61.3'
Triple Pile Cluster	Triple Pile Cluster #8	+/-106.1'	25'	+/-81.1

ULDR Section 47.9 C limits the maximum distance of mooring structures to 25 feet or 25% of the width of the waterway, whichever is less. 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 finger pier and mooring pile clusters are necessary for safely mooring resident’s vessels, especially during high wind events and severe weather. In addition, perpendicular mooring is necessary to protect vessels from high wave energy due to the lack of a “No Wake Zone” to the east with the water sports activities area.

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 ranges between 572.7’ and 680.5’, according to the Existing Distance Exhibit provided in **Exhibit 1**.

DOCK PLAN AND BOATING SAFETY

Marine Facilities records reflect that there have been at least 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

DATE	ADDRESS	MAXIMUM DISTANCE
March 1983	834 N.E. 20 th Avenue	Pilings – 45’
April 1983	714 N.E. 20 th Avenue	Pilings – 45’ Piers – 37’
July 1985	808 N.E. 20 th Avenue	Pilings – 48’ Piers – 38’
January 1990	840 N.E. 20 th Avenue	Pilings – 48’ Pier – 48’
September 1992	738 N.E. 20 th Avenue	Pilings – 75’ Pier – 39’
November 2007	810 N.E. 20 th Avenue	Pilings – 68’ Piers – 73’
January 2008	852 N.E. 20 th Avenue	Pilings – 86’ Pier – 49’
October 2008	714 N.E. 20 th Avenue	Pier – 108’
November 2012	810 N.E. 20 th Avenue	Pilings- 124.4’
May 2013	720 N.E. 20 th Avenue	Pilings-80’ Pier-42’
May 2013	816 N.E. 20 th Avenue	Pilings-112.4’
March 2014	704 N.E. 20 th Avenue	Pilings – 125’
October 2014	720 N.E. 20 th Avenue	Pilings-125’
November 2014	726 N.E. 20 th Avenue	Pilings-125’

February 2015	824 N.E. 20 th Avenue	Pilings-106.3'
January 2016	900/910 N.E. 20 th Avenue	Pilings – 80.3'
November 2017	800 N.E. 20 th Avenue	Pilings – 100'
March 2018	826 NE 20 th Avenue	Pilings – 68.5'
January 2019	866 NE 20 th 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 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



**738 NE 20TH AVENUE
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: **Hal Griffith, Manager HG Middle River Investments, LLC**

TELEPHONE NO: _____ (home) _____ (business) EMAIL: _____

2. APPLICANT'S ADDRESS (if different than the site address): **1887 West State Road 84, Fort Lauderdale, FL 33315**

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:
The applicant requests a waiver for the proposed construction of a finger pier and triple pile clusters beyond 25 feet from the property line.

4. SITE ADDRESS: **738 NE 20th Ave, Fort Lauderdale, FL 33304** ZONING: **RS-8**

LEGAL DESCRIPTION AND FOLIO NUMBER:

VICTORIA HIGHLANDS AMD PLAT 15-9 B PT OF BLK 1 F/P/A LOTS 3 S 36, 4 N 32 BLK 1 VICTORIA HIGHLANDS, 504202130030

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

Applicant's Signature 

Date

=====

The sum of \$ _____ was paid by the above-named applicant on the _____ of _____, 20____ 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 _____

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EXHIBIT II SUMMARY DESCRIPTION

Summary Description
738 NE 20th Avenue
TCG Project No. 20-0032

The project site is located along the Middle River at 738 NE 20th Avenue, in Section 02, Township 50, Range 42, in the City of Fort Lauderdale, Broward County, Florida

The property is located along the Middle River, which is a tidal water. The nearest direct connection to the Atlantic Ocean is approximately 2.8 miles to the south at the Port Everglades Inlet. As the project site is located along the 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 ±75 ln. ft. sheet pile seawall and six (6) wood mooring piles. The proposed project includes the removal of the existing mooring piles, the installation of a ±300 sq. ft. concrete marginal dock, the installation of a ±380 sq. ft. finger pier (5.0'x76.0'), and the installation of eight (8) triple pile mooring clusters. As measured from the existing wetface and property line, the finger pier and mooring piles encroach more than 25' from the wetface and property line into the Middle River. As these distances are over the allowable 25' distance into the waterway from the property line, the proposed finger pier and mooring piles will require a variance waiver.

Resolution No. 92-130 was previously issued by the City of Fort Lauderdale for this site to the previous owners Cesaroni Enterprises, Inc., in 1992. The Resolution authorized three (3) dolphin pilings to extend 55' into the Middle River, to construct and maintain three (3) dolphin pilings to extend 71' into the Middle River and to construct and maintain an existing finger pier and three dolphin pilings which extend 39' into the Middle River. Based on Broward County Property Appraiser (BCPA) historical aerials, it appears that the above referenced structures were removed between 2000-2001.

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

The following five (5) 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 from wetface to wetface ($\pm 680'$), the proposed project will not impede navigation within the Middle River.
3. The proposed structure is necessary for safely mooring resident's vessels, especially during high wind events and severe weather.
4. The proposed project is consistent with existing waivers in the area that have been issued up to 125'.
5. Perpendicular mooring is necessary in this location to protect vessels from high wave energy due to the lack of a "No Wake Zone" to the east that is utilized for water skiing and jet skis.

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

STRUCTURE	PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
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Triple Pile Cluster	Triple Pile Cluster #1	$\pm 54.0'$	25'	$\pm 29.0'$
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Triple Pile Cluster	Triple Pile Cluster #3	$\pm 106.1'$	25'	$\pm 81.1'$
Triple Pile Cluster	Triple Pile Cluster #4	$\pm 86.0'$	25'	$\pm 61.0'$
Triple Pile Cluster	Triple Pile Cluster #5	$\pm 104.5'$	25'	$\pm 79.5'$
Triple Pile Cluster	Triple Pile Cluster #6	$\pm 53.9'$	25'	$\pm 28.9'$
Triple Pile Cluster	Triple Pile Cluster #7	$\pm 86.3'$	25'	$\pm 61.3'$
Triple Pile Cluster	Triple Pile Cluster #8	$\pm 106.1'$	25'	$\pm 81.1'$

**EXHIBIT III
WARRANTY DEED**

This Document Prepared By
Robert S. Forman, Esquire
Robert S. Forman, P.A.
8201 Peters Road
Suite 1000
Fort Lauderdale, Florida 33324

Return To:
Mombach, Boyle, Hardin & Simmons, P. A.
100 Northeast 3rd Avenue, Suite 1000
Fort Lauderdale, FL 33301

Parcel ID Number: 50-42-02-13-0030 and 50-42-02-13-0041

Warranty Deed

This Indenture, Made this 3rd day of **December**, 2019 A.D., **Between Alan G. Leigh, a/k/a Alan George Leigh, a single man** of the County of **Broward**, State of **Florida**, **grantor**, and **HG Middle River Investments, LLC, a Florida limited liability company** whose address is: **1887 West State Road 84, Fort Lauderdale, FL 33315** of the County of **Broward**, State of **Florida**, **grantee**.

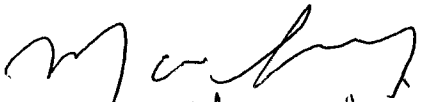
Witnesseth that the GRANTOR, for and in consideration of the sum of **TEN DOLLARS (\$10) DOLLARS**, and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained, transferred, conveyed, and sold to the said GRANTEE and 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:

See Legal Description attached hereto as Exhibit "A".

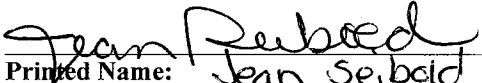
and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

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:



Printed Name: Margarita Lopez
Witness



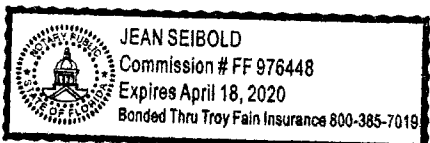
Printed Name: Jean Seibold
Witness




Alan G. Leigh, a/k/a Alan George Leigh (Seal)
P.O. Address: C/O Robert S. Forman, P. A.
8201 Peters Road, Suite 1000
Fort Lauderdale, FL 33324

STATE OF Florida
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 2nd day of **December**, 2019 by **Alan G. Leigh, a/k/a Alan George Leigh, a single man** who is personally known to me or who has produced his **Florida driver's license** as identification.





Printed Name: Jean Seibold
Notary Public
My Commission Expires: //

EXHIBIT "A" LEGAL DESCRIPTION

The South 36 feet of Lot 3 and the North 32 feet of Lot 4, Block 1, of VICTORIA HIGHLANDS, according to the Plat thereof, as recorded in Plat Book 9, Page 47, of the Public Records of Broward County, Florida.

and

The North Seven feet (7') of the South Eighteen feet (18') of Lot 4, Block 1, of VICTORIA HIGHLANDS, according to the Plat thereof, as recorded in Plat Book 9, Page 47 of the Public Records of Broward County, Florida.

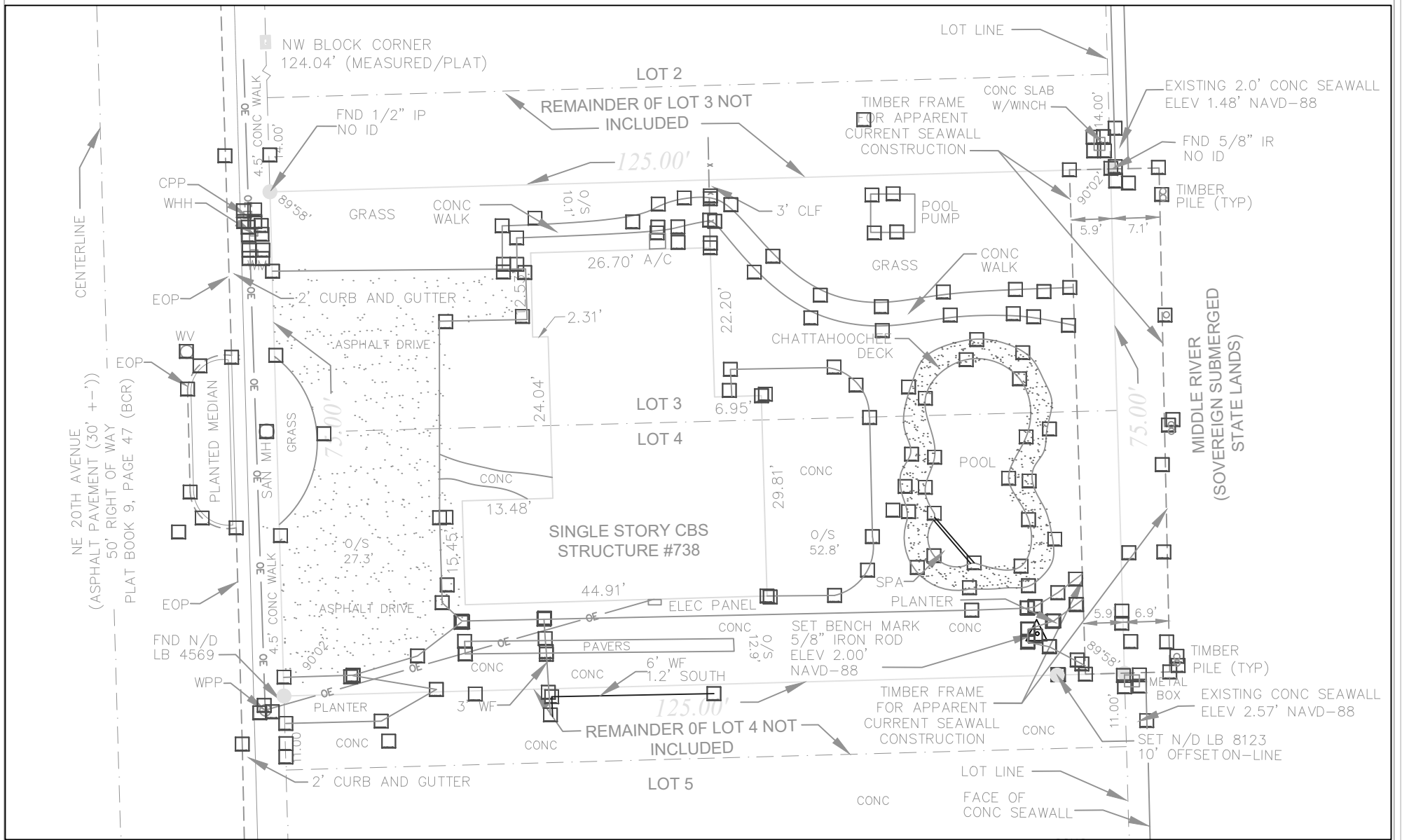
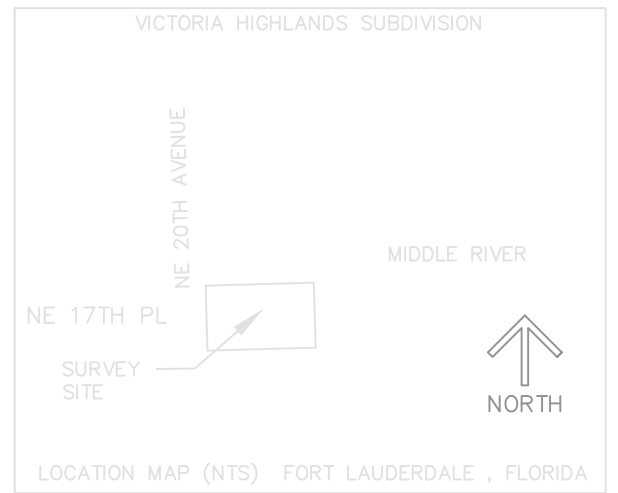
**EXHIBIT IV
ORIGINAL SURVEY**

ABBREVIATIONS/LEGEND			
WHH	WATER HAND HOLD	CBS	CONCRETE BLOCK STRUCTURE
EHH	ELECTRIC HAND HOLD	O/S	BUILDING OFFSET
BCR	BROWARD COUNTY RECORDS	WM	WATER METER
IR	IRON ROAD	CONC	CONCRETE
N/D	NAIL AND DISK	O/S	BUILDING OFFSET
PG	PAGE	CPP	CONCRETE POWER POLE
PB	PLAT BOOK	WV	WATER VALVE
PSM	PROFESSIONAL LAND SURVEYOR	OE	OVERHEAD ELECTRIC
TYP	TYPICAL	MH	MANHOLE
ELEC	ELECTRIC	WPP	WOOD POWERPOLE
R/W	RIGHT OF WAY	COMM	COMMUNICATION
IP	IRON PIPE	LB	LICENSED BUSINESS
AC	AIR CONDITIONER	FND	FOUND
SAN	SANITARY	EOP	EDGE OF PAVEMENT
WF	WOOD FENCE	CLF	CHAIN LINK FENCE



HORIZONTAL SCALE: 1" = 20'
 0 10' 20' 40'

INTENDED TO BE DISPLAYED AT THE ABOVE SCALE OR SMALLER



SURVEY NOTES:

- 1) LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR OWNERSHIP, RIGHT OF WAYS, EASEMENTS OR ANY OTHER INSTRUMENTS OF RECORD OTHER THAN THOSE SHOWN ON THE REFERENCED PLAT.
- 2) ANY ELEVATIONS SHOWN HEREON ARE RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD-88), AND BASED ON GPS OBSERVATIONS UTILIZING THE FLORIDA DEPARTMENT OF TRANSPORTATION'S PERMANENT REFERENCE SYSTEM.
- 3) ADDITIONS OR DELETIONS TO THIS SURVEY BY OTHER THAN THE SIGNING LICENSED SURVEYOR ARE PROHIBITED WITHOUT WRITTEN CONSENT.
- 4) UNLESS OTHERWISE NOTED, BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED AND CONSISTENT WITH THE INSTRUMENT OF RECORD.
- 5) THE LAND DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT.
- 6) UNDERGROUND FOUNDATIONS WERE NOT LOCATED.
- 7) THIS SURVEY OR COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF UNDERSIGNED.

LEGAL DESCRIPTION:

THE SOUTH 36 FEET OF LOT 3 AND THE NORTH 32 FEET OF LOT 4, BLOCK 1, OF VICTORIA HIGHLANDS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 47, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND THE NORTH SEVEN FEET (7') OF THE SOUTH EIGHTEEN FEET (18') OF LOT 4, BLOCK 1, OF VICTORIA HIGHLANDS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 47 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

CERTIFIED TO:

LOVELL MARINE CONSTRUCTION

CERTIFICATION:

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON DECEMBER 27TH, 2019. I FURTHER CERTIFY THAT THIS BOUNDARY SURVEY MEETS THE FLORIDA MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 5J-17 ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTES 472.027.

STAN D. COPELAND, PSM
 FLORIDA REGISTRATION NUMBER 6797
 DECEMBER 27ND, 2019

SHEET 1 OF 1

PREPARED BY:

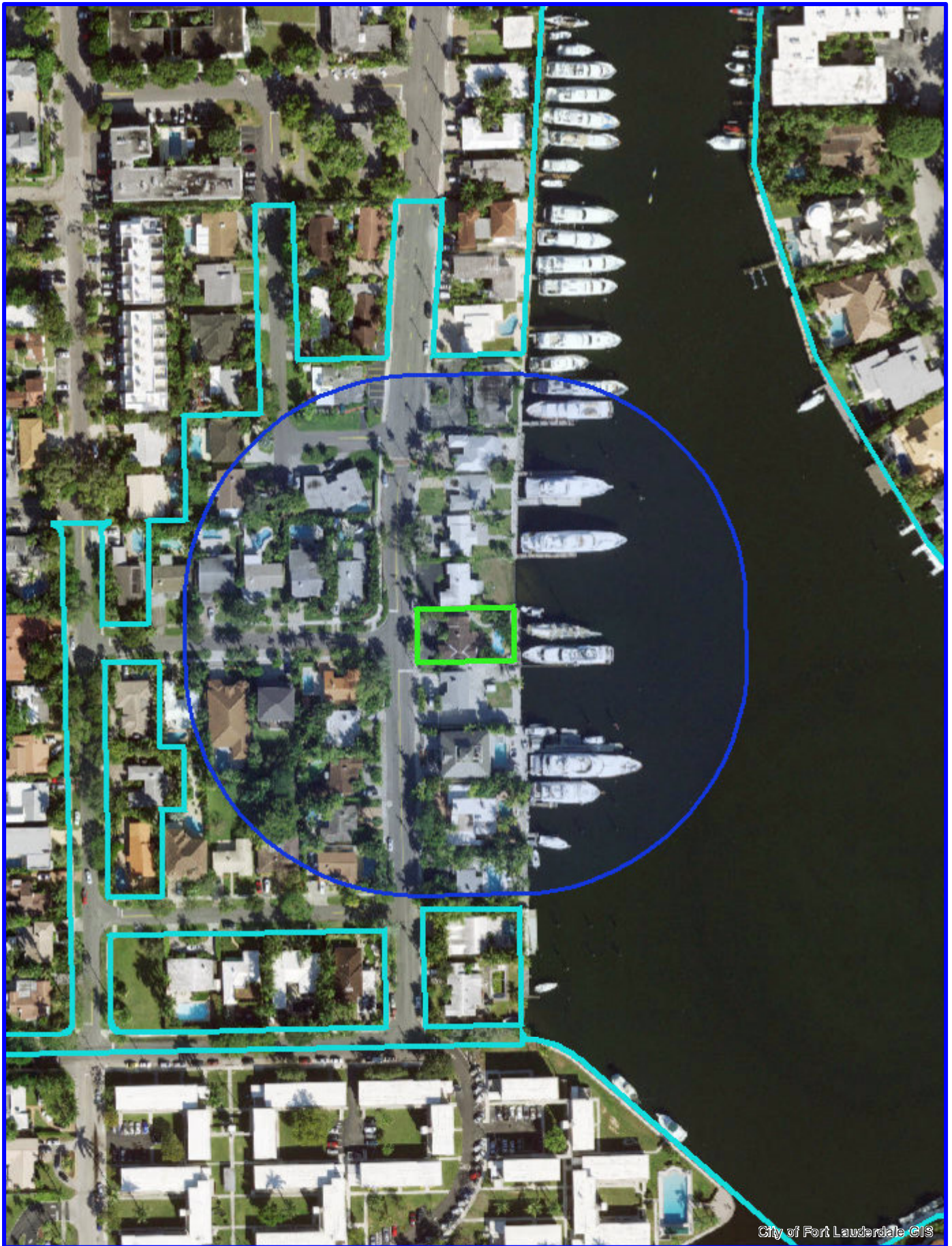
C:\Users\Owner\Pictures\TDI.jpg

TECHNICAL DISCIPLINES, INC. (LB 8123)
 1533 SE 8TH TERRACE
 DEERFIELD BEACH, FLORIDA 33441
 954-850-2008

BOUNDARY SURVEY
 A PORTION OF LOT 3 AND 4, BLOCK 1
 PLAT BOOK 9, PAGE 47
 BROWARD COUNTY RECORDS
 PROPERTY ADDRESS:
 738 NE 20TH AVENUE
 FORT LAUDERDALE, FLORIDA

DATE	12/27/19
DRAWN BY	SC/JC
F.B./ PG.	ELEC
SCALE	AS SHOWN
JOB NO.	TDI-678

**EXHIBIT V
ZONING AERIAL**



City of Fort Lauderdale GIS



CITY OF FORT LAUDERDALE

738 NE 20 AVE



0 90 180 Feet

GIS
Fort Lauderdale

EXHIBIT VI SITE PHOTOGRAPHS

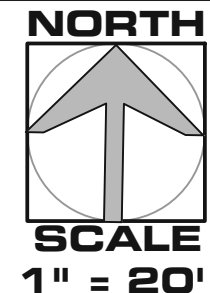


1. Southern portion of the subject site, facing north along the Middle River.

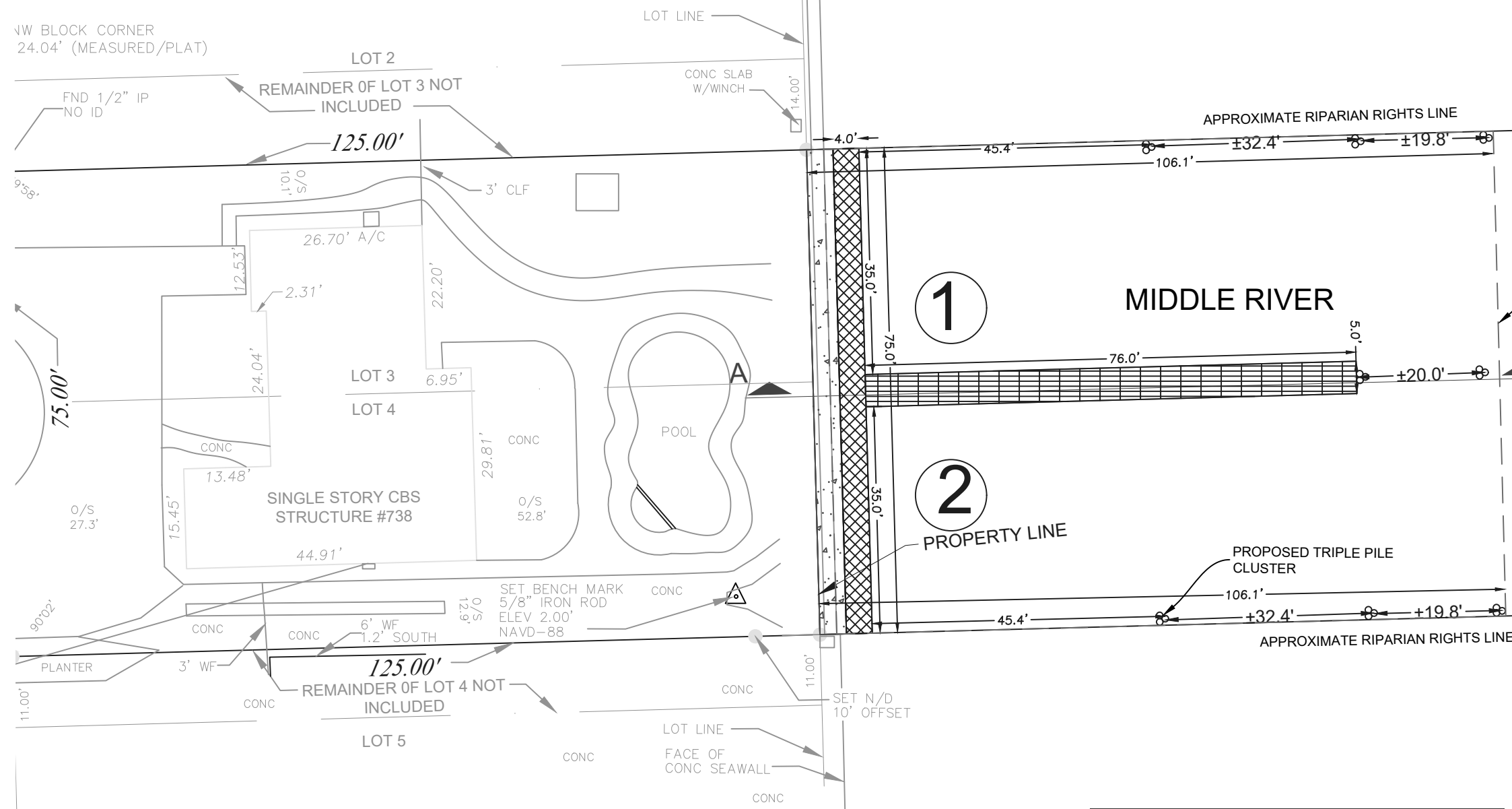


2. Northern portion of the subject site, facing south along the Middle River.

EXHIBIT VII PROJECT PLANS



NW BLOCK CORNER
24.04' (MEASURED/PLAT)



LEGEND

- SUBJECT SITE (±0.195 AC)
- EXISTING SHEET PILE WALL W/ 4.1' CAP TO REMAIN (±75 LN. FT./135 ft² OVERWATER)
- PROPOSED CONCRETE MARGINAL DOCK (±300 ft²)
- PROPOSED FINGER PIER (±380 ft²)
- PROPOSED TRIPLE PILE CLUSTER (8)

M.H.W. = 0.26' NAVD M.L.W. = (-)2.12' NAVD

NOTE: 1. SURVEY INFORMATION PROVIDED BY TECHNICAL DISCIPLINES, INC.
2. TOTAL PROPOSED OVERWATER SQUARE FOOTAGE IS 815 ft²

SLIP TABLE		
SLIP NUMBER	SLIP DIMENSIONS (LXW)	VESSEL DRAFT
1	100'x33'	5'
2	100'x33'	5'

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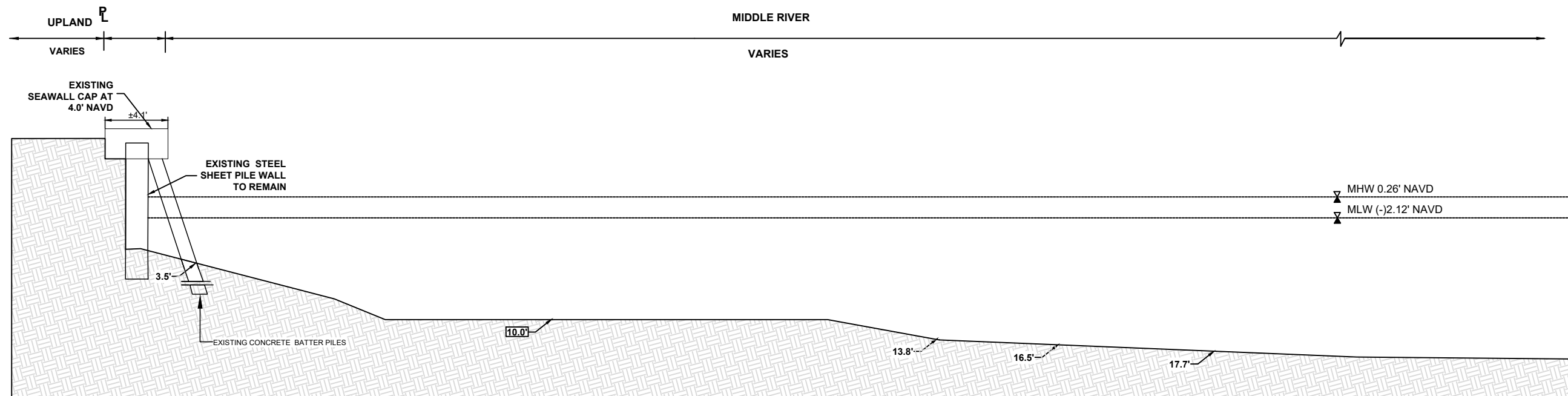
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

738 NE 20TH AVENUE
PREPARED FOR:
HG MIDDLE RIVER INVESTMENTS

PROPOSED CONDITIONS		
Date: 2/16/2021	Sheet : 2	of : 4
Proj No.: 20-0032		

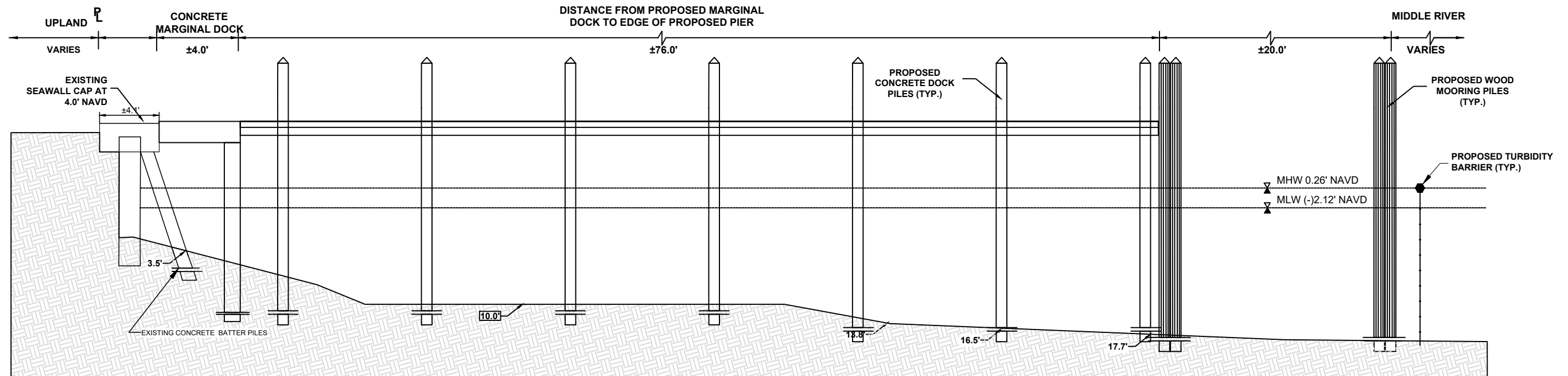
EXISTING CONDITIONS SECTION A-A (TYP.)

N.T.S.



PROPOSED CONDITIONS SECTION A-A (TYP.)

N.T.S.



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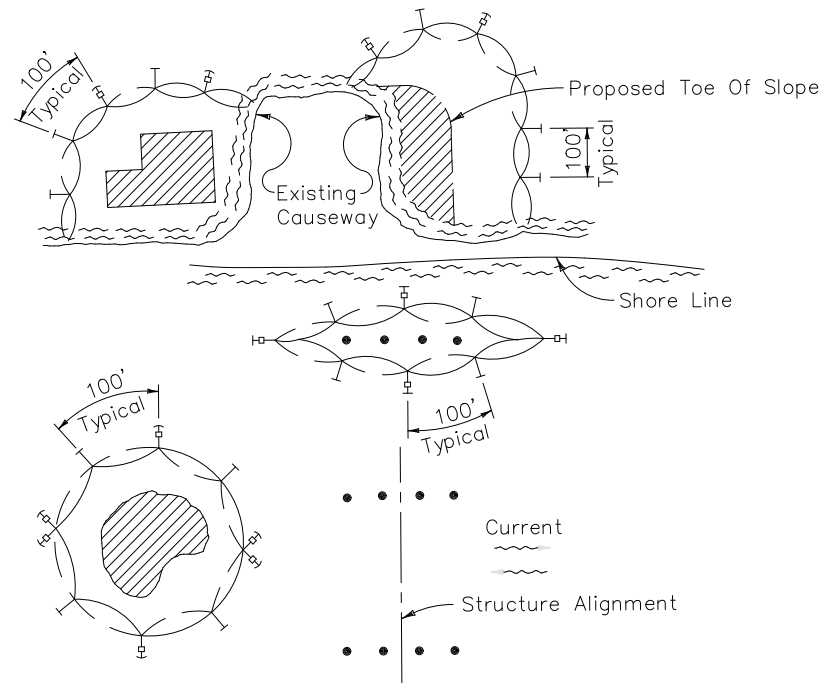
738 NE 20TH AVENUE

PREPARED FOR:
HG MIDDLE RIVER INVESTMENTS

SECTIONS

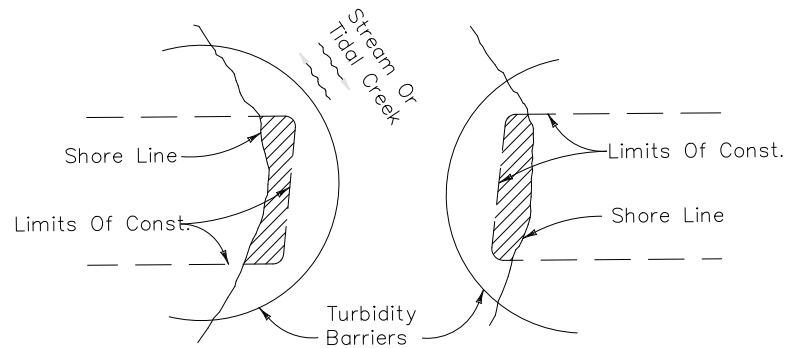
Date: 2/16/2021	Sheet : 3	of : 4
Proj No.: 20-0032		

CONSTRUCTION BARGE (TYP.)



LEGEND

- Pile Locations
- ▨ Dredge Or Fill Area
- ⊕ Mooring Buoy w/Anchor
- ⊖ Anchor
- ⊖ Barrier Movement Due To Current Action

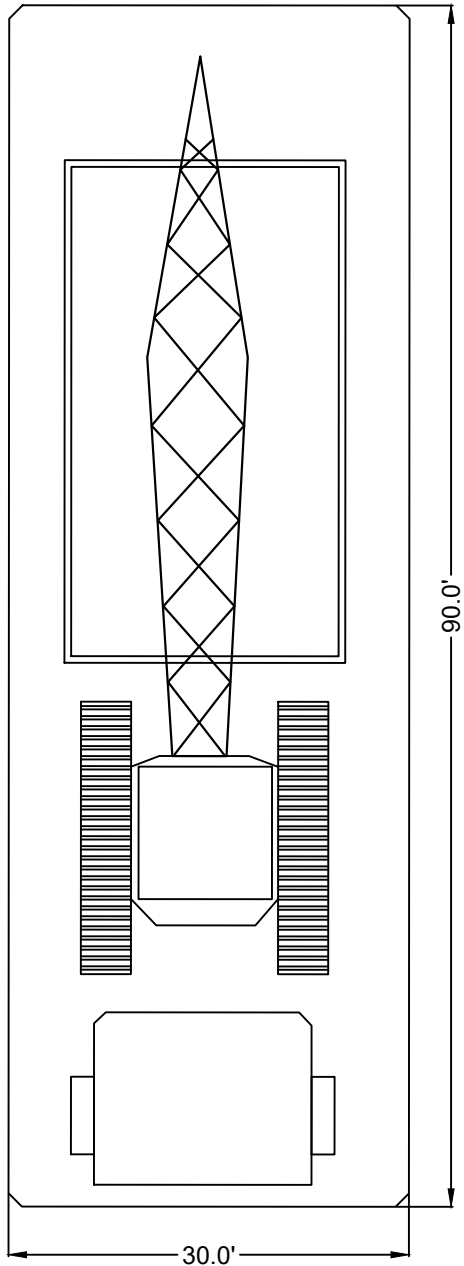


Note:
Turbidity barriers for flowing streams and tidal creeks may be either floating, or staked types or any combinations of types that will suit site conditions and meet erosion control and water quality requirements. The barrier type(s) will be at the Contractors option unless otherwise specified in the plans, however payment will be under the pay item(s) established in the plans for Floating Turbidity Barrier and/or Staked Turbidity Barrier. Posts in staked turbidity barriers to be installed in vertical position unless otherwise directed by the Engineer.

NOTES:

1. Turbidity barriers are to be used in all permanent bodies of water regardless of water depth.
2. Number and spacing of anchors dependent on current velocities.
3. Deployment of barrier around pile locations may vary to accommodate construction operations.
4. Navigation may require segmenting barrier during construction operations.
5. For additional information see Section 104 of the Standard Specifications.

TURBIDITY BARRIER APPLICATIONS



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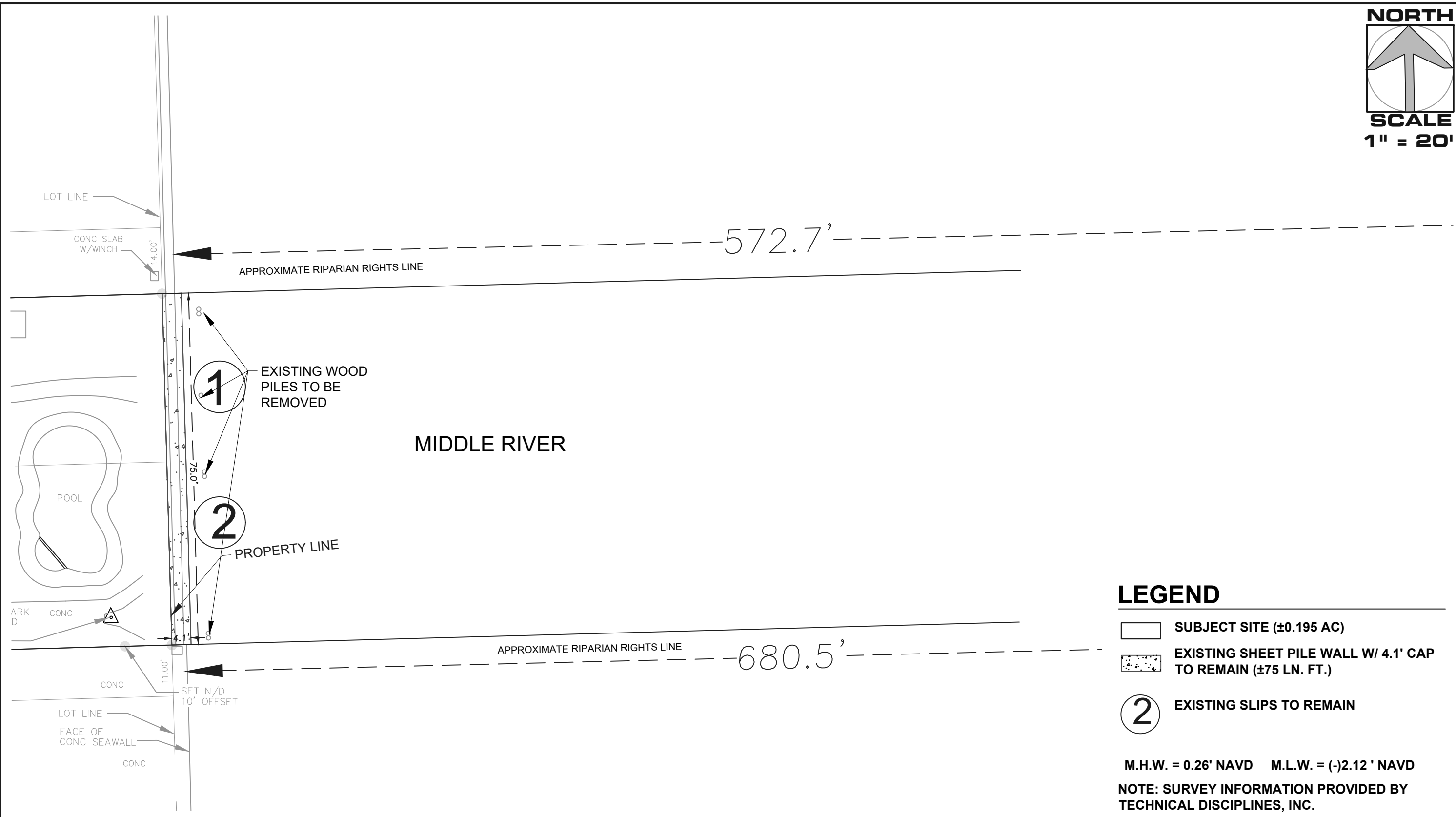
738 NE 20TH AVENUE

PREPARED FOR:
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


DETAILS

Date: 2/16/2021	Sheet : 4	of : 4	
Proj No.: 20-0032			

**EXHIBIT VIII
DISTANCE EXHIBIT**



LEGEND

-  SUBJECT SITE (±0.195 AC)
-  EXISTING SHEET PILE WALL W/ 4.1' CAP TO REMAIN (±75 LN. FT.)
-  EXISTING SLIPS TO REMAIN

M.H.W. = 0.26' NAVD M.L.W. = (-)2.12' NAVD
 NOTE: SURVEY INFORMATION PROVIDED BY TECHNICAL DISCIPLINES, INC.

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738 NE 20TH AVENUE

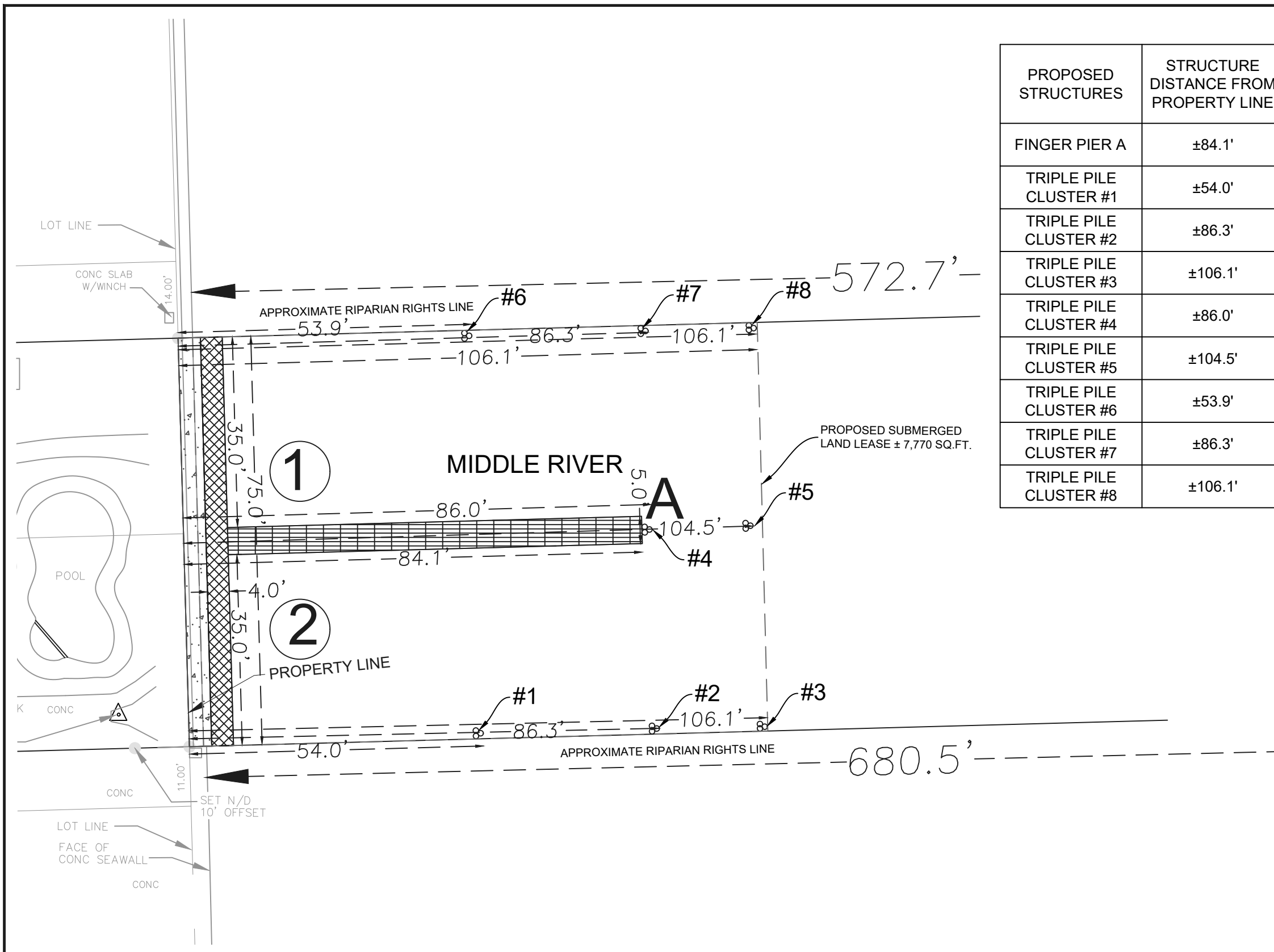
PREPARED FOR:
 HG MIDDLE RIVER INVESTMENTS

DISTANCE EXISTING

Date: 2/16/2021	Sheet : 1	of : 3
Proj No.: 20-0032		



PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
FINGER PIER A	±84.1'	25'	±59.1'
TRIPLE PILE CLUSTER #1	±54.0'	25'	±29.0'
TRIPLE PILE CLUSTER #2	±86.3'	25'	±61.3'
TRIPLE PILE CLUSTER #3	±106.1'	25'	±81.1'
TRIPLE PILE CLUSTER #4	±86.0'	25'	±61.0'
TRIPLE PILE CLUSTER #5	±104.5'	25'	±79.5'
TRIPLE PILE CLUSTER #6	±53.9'	25'	±28.9'
TRIPLE PILE CLUSTER #7	±86.3'	25'	±61.3'
TRIPLE PILE CLUSTER #8	±106.1'	25'	±81.1'



LEGEND

- SUBJECT SITE (±0.195 AC)
- EXISTING SHEET PILE WALL W/ 4.1' CAP TO REMAIN (±75 LN. FT.)
- PROPOSED 4.0' CONCRETE MARGINAL DOCK (±300 ft²)
- PROPOSED FINGER PIER (±380 ft²)
- PROPOSED TRIPLE PILE CLUSTER (8)

M.H.W. = 0.26' NAVD M.L.W. = (-)2.12' NAVD
 NOTE: SURVEY INFORMATION PROVIDED BY TECHNICAL DISCIPLINES, INC.

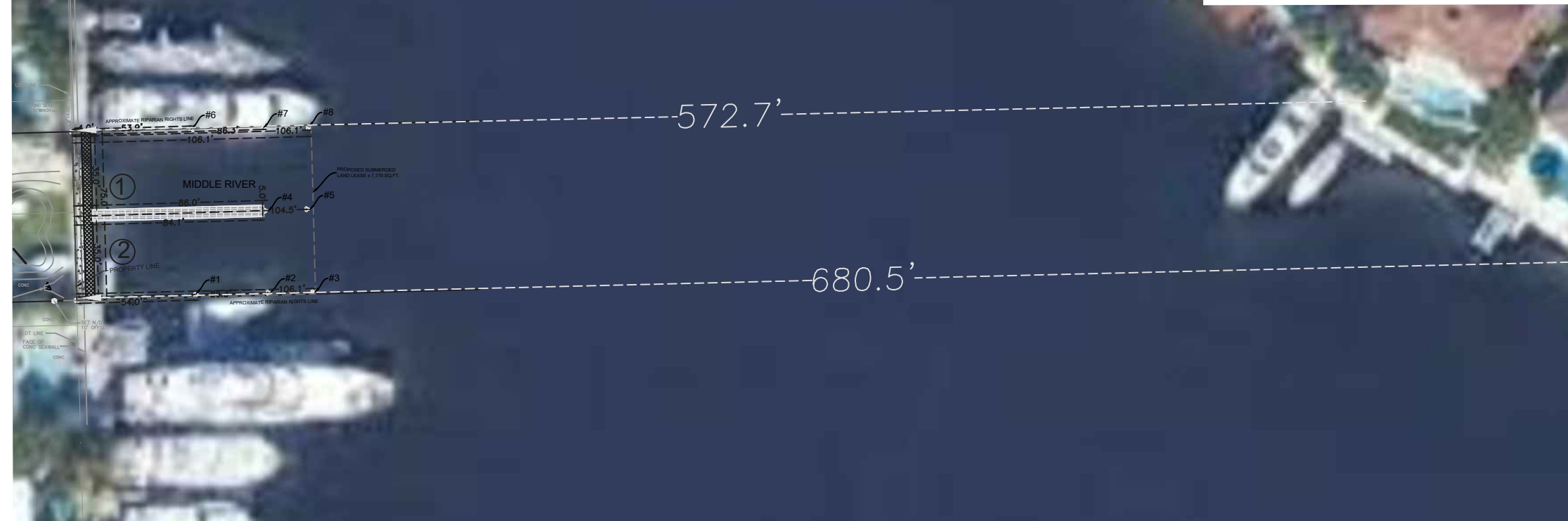
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




DISTANCE PROPOSED		
Date: 2/16/2021	Sheet : 2	of : 3
Proj No.: 20-0032		



PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
FINGER PIER A	±84.1'	25'	±59.1'
TRIPLE PILE CLUSTER #1	±54.0'	25'	±29.0'
TRIPLE PILE CLUSTER #2	±86.3'	25'	±61.3'
TRIPLE PILE CLUSTER #3	±106.1'	25'	±81.1'
TRIPLE PILE CLUSTER #4	±86.0'	25'	±61.0'
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TRIPLE PILE CLUSTER #6	±53.9'	25'	±28.9'
TRIPLE PILE CLUSTER #7	±86.3'	25'	±61.3'
TRIPLE PILE CLUSTER #8	±106.1'	25'	±81.1'



LEGEND

-  SUBJECT SITE (±0.195 AC)
-  EXISTING SHEET PILE WALL W/ 4.1' CAP TO REMAIN (±75 LN. FT.)
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-  PROPOSED FINGER PIER (±380 ft²)
-  PROPOSED TRIPLE PILE CLUSTER (8)

M.H.W. = 0.26' NAVD M.L.W. = (-)2.12' NAVD
 NOTE: SURVEY INFORMATION PROVIDED BY TECHNICAL DISCIPLINES, INC.

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738 NE 20TH AVENUE

PREPARED FOR:
 HG MIDDLE RIVER INVESTMENTS

DISTANCE PROPOSED

Date: 2/16/2021	Sheet : 3	of : 3
Proj No.: 20-0032		

**EXHIBIT IX
EXISTING WAIVERS IN THE VICINTY**

EXISTING WAIVERS IN THE VICINITY

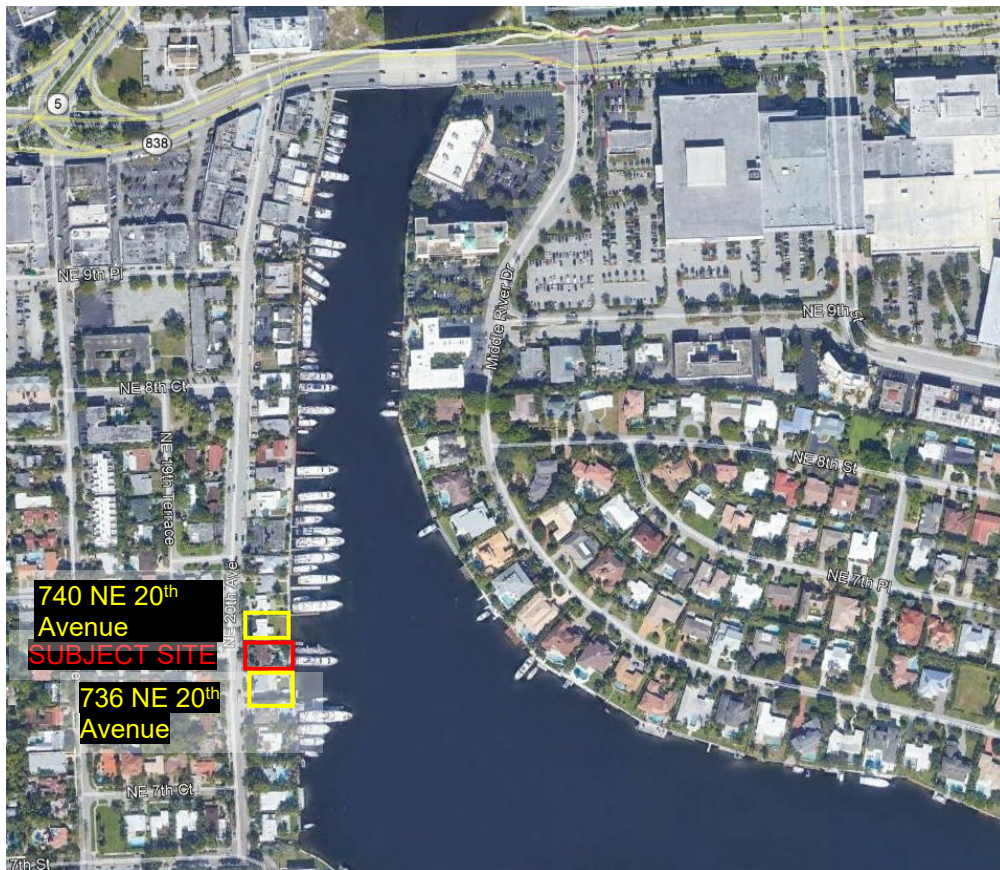


ADDRESS	MAXIMUM DISTANCE
761 Middle River Drive	40.0'
773 Middle River Drive	60.0'
785 Middle River Drive	40.0'
815 Middle River Drive	40.0'
738 NE 20 th Ave	75.0'
726 NE 20 th Ave	125.0'
720 NE 20 th Ave	125.0'
714 NE 20 th Ave	108.0'
704 NE 20 th Ave	125.0'
2407 Aqua Vista	34.5'
321 N Birch Rd	75.0'
215 N Birch Rd	47.5'
209 Grand Birch, Slip 3	39.3'
209 Grand Birch, Slip 4	45.5'
Subject Site	106.1'

EXHIBIT X LETTERS OF SUPPORT

LETTERS OF SUPPORT

ADDRESS	OWNER
740 NE 20 th Avenue	Joseph McDonald
736 NE 20 th Avenue	1476446 Ontario Limited



June 29, 2020


Hal Griffith
HG Middle River Investments, LLC
1887 West State Road 84
Fort Lauderdale, FL 33315

RE: 738 NE 20th Avenue
City of Fort Lauderdale Waiver Request

Dear Mr. Griffith,

I have reviewed the attached plans for the proposed project to install a finger pier and seven (7) triple cluster piles beyond 25 feet from the property line into the Middle River. I understand that the proposed project will require a waiver of limitations through the City of Fort Lauderdale along with permitting through the regulatory agencies. As the owner of 736 NE 20th Avenue and support the project as proposed.

Sincerely,



1476446 Ontario Limited
500 Manitou Drive
*Kitchener on CA N2C 1L3

June 29, 2020

Hal Griffith
HG Middle River Investments, LLC
1887 West State Road 84
Fort Lauderdale, FL 33315

RE: 738 NE 20th Avenue
City of Fort Lauderdale Waiver Request

Dear Mr. Griffith,

I have reviewed the attached plans for the proposed project to install a finger pier and seven (7) triple cluster piles beyond 25 feet from the property line into the Middle River. I understand that the proposed project will require a waiver of limitations through the City of Fort Lauderdale along with permitting through the regulatory agencies. I reside at 740 NE 20th Avenue and support the project as proposed.

Sincerely,



Joseph McDonald
740 NE 20th Avenue
Fort Lauderdale, FL 33304

EXHIBIT XI PREVIOUS RESOLUTION

RESOLUTION NO. 92-130

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, WAIVING THE LIMITATIONS OF SECTION 47-37(b) OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW CESARONI ENTERPRISES, INC. TO CONSTRUCT AND MAINTAIN THREE DOLPHIN PILINGS WHICH EXTEND FIFTY-FIVE FEET INTO THE MIDDLE RIVER, TO CONSTRUCT AND MAINTAIN THREE DOLPHIN PILINGS, WHICH EXTEND SEVENTY-ONE FEET INTO THE MIDDLE RIVER, AND TO MAINTAIN AN EXISTING FINGER PIER AND THREE DOLPHIN PILINGS WHICH EXTEND THIRTY-NINE FEET INTO THE MIDDLE RIVER ADJACENT TO PROPERTY LOCATED AT 738 NORTHEAST 20TH AVENUE.

WHEREAS, Section 47-37 of the Code of Ordinances of the City of Fort Lauderdale provides certain limitations upon the construction of boat slips, docks, dolphin piles and decks; and

WHEREAS, pursuant to subsection (c) of Section 47-37, the City Commission of the City of Fort Lauderdale is empowered to waive the limitations of subsection 47-37(b) wherein dolphin piles are not permitted to extend more than thirty percent (30%) of the width of the waterway, or twenty-five (25) feet, whichever is smaller, beyond the property line; and

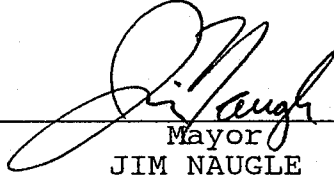
WHEREAS, the City Commission finds that the application of Cesaroni Enterprises, Inc. for permission to construct and maintain three dolphin pilings to extend 55 feet into the Middle River, to construct and maintain three dolphin pilings to extend 71 feet into the Middle River and to maintain an existing finger pier and three dolphin pilings which extend 39 feet into the Middle River adjacent to property located at 738 Northeast 20th Avenue, Fort Lauderdale, Florida, qualifies for a waiver of the applicable limitations of Section 47-37(b), subject to certain terms and conditions expressed below;

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

SECTION 1. That pursuant to the provisions of Section 47-37(c) of the Code of Ordinances of the City of Fort Lauderdale, the City Commission hereby waives the limitations of Section 47-37(b), to allow Cesaroni Enterprises, Inc., as property owner, to construct and maintain three dolphin pilings to extend 55 feet into the Middle River, to construct and maintain three dolphin pilings to extend 71 feet into the Middle River and to construct and maintain an existing finger pier and three dolphin pilings which extend 39 feet into the Middle River adjacent to property located at 738 Northeast 20th Avenue, Fort Lauderdale, Florida.

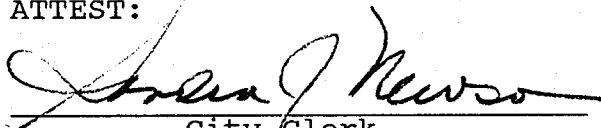
SECTION 2. That the above waiver is subject to the following conditions to be performed by the property owner: construct pier and piles and all associated improvements in substantial conformance with the plan submitted to the Marine Advisory Board and in accordance with permits from all applicable regulatory agencies and governmental entities; apply reflector tape in conformance with Code of Ordinances Section 47-37(c).

ADOPTED this the 1st day of September, 1992.



Mayor
JIM NAUGLE

ATTEST:



City Clerk
SANDRA J. NEWSOM