



DRAFT
MEETING MINUTES
CITY OF FORT LAUDERDALE
MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
CITY COMMISSION CHAMBERS
8TH FLOOR CONFERENCE ROOM
THURSDAY, APRIL 6, 2023 – 6:00 P.M.

Cumulative Attendance
January-December 2023

Ted Morley, Chair	P	4	0
Steve Witten, Vice Chair	P	4	0
Michael Boyer	P	3	1
Tyler Brunelle	P	2	0
Robyn Chiarelli	A	2	2
Barry Flanigan	P	4	0
Robert Franks	P	4	0
Elisabeth George	P	4	0
James Harrison	P	3	1
Brewster Knott	P	3	1
Norbert McLaughlin	P	4	0
Noelle Norvell	A	2	2
Ed Rebholz	P	1	0
Robert Washington	P	1	0

As of this date, there are 14 appointed members to the Board, which means 8 would constitute a quorum.

Staff

Andrew Cuba, Marine Facilities Manager
Jonathan Luscomb, Marine Facilities Supervisor
Sergeant Travis O'Neil, Fort Lauderdale Police Department
Mayor Dean Trantalis, City of Fort Lauderdale
Carla Blair, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Mr. Flanigan, seconded by Mr. Franks, to make the following communication to the Commission [with attachments]:

In light of several past, current, and potential waiver requests for mooring piles extending beyond Code distance to allow for perpendicular docking of vessels into the New River, which have the potential to impede navigational safety of larger vessels transiting the New River, the Marine Advisory Board requests that

the Commission issue a suspension of issuing waivers for extensions of moorings beyond Code on the New River Corridor until the Commission can add the issue to their Conference Agenda and/or hold a public workshop.

The goal is to discuss the issue and find a balance that thoughtfully allows property owners to maximize the use of their property while taking into consideration the specific and varied conditions on the New River and facilitating the safe navigation to the commercial vessels further west on the river.

In a voice vote, the **motion** passed unanimously.

I. Call to Order / Roll Call

Chair Morley called the meeting to order at 6:04 p.m. and roll was taken.

II. Approval of Minutes – March 2, 2023

Motion made by Ms. George, seconded by Vice Chair Witten, to approve. In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

It was noted that a quorum was present at the meeting.

IV. Introduction of New Members

- **Ed Rebholz**
- **Robert Washington**

New Board members Robert Washington and Ed Rebholz introduced themselves at this time.

Chair Morley welcomed Fort Lauderdale Mayor Dean Trantalis to the meeting.

V. Waterway Crime & Boating Safety Report

Sergeant Travis O'Neil of the Fort Lauderdale Police Department's Marine Unit reported the following activity from March 2023:

- 64 citations
- 44 calls for service

Sgt. O'Neil noted that the calls for service included two reports of stolen jet skis and two vessel break-ins. No Garmin devices were stolen in March.

Mayor Trantalis requested clarification of the general nature of citations. Sgt. O'Neil explained that these are often wave violations. A citation may be a written ticket or a warning. The Marine Unit seeks to educate boaters before they issue citations.

Mayor Trantalis advised that he receives a number of complaints from residents on the west side of the Intracoastal Waterway with regard to the effect of waves and speed on their vessels and floating docks. Sgt. O'Neil confirmed that the Idle Speed Zone from the Middle River north to the Coral Ridge Yacht Club is one of the City's more regularly patrolled areas.

- **United States Coast Guard Staff Introduction**

Due to a scheduling conflict, this Item was delayed to a future meeting.

VI. Dock Waiver – 1180 North Federal Highway (Unit 1502 / Slip 7) / Renee Biron

Akbar Mondel, representing the Applicant, stated that the waiver request is for the installation of a low-profile boat lift which would be perpendicular to the dock. The boat lift is 34 ft. long by 30 ft. wide and includes wood pilings. The boat lift platform would not extend beyond the length of the boat and provides additional stability and safety for the vessel. He showed renderings of the proposed configuration, noting that his company has installed other boat lifts on other slips within the same condominium which also extend beyond the 25 ft. setback limit.

Mr. McLaughlin asked if a boat is currently docked in the subject slip. Mr. Mondel confirmed that the boat the Applicant plans to place on the lift is already docked there.

Mr. Harrison observed that the waiver request is for 41.6 ft. while the boat lift would only extend 34 ft. into the waterway. Mr. Cuba pointed out that there is a marginal dock extending from the property line, which is included in the 41.6 ft. measurement. It was clarified that the requested new mooring pilings would be installed at 41.6 ft. into the waterway, which would be a variance of 16.6 ft. past the setback limit.

Mr. Franks asked what type of lighting or reflection device would be used to ensure the boat is visible from the waterway at night. Mr. Mondel replied that the boat would be within the mooring pilings. Reflectors could also be placed on these pilings.

Chair Morley added that in this case, the permitted structure would include the entire length of the vessel and the access to it, which requires a greater distance into the waterway. The request does not appear to encroach past the property's submerged land.

Mayor Trantalis requested clarification of the property located across the canal from the subject site. It was noted that this is George English Park, which is one of the City's

designated waterskiing areas. The waterway in this area is 381 ft. across at its widest point.

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

It was noted that the subject vessel was no larger than other boats docked at the same site.

Motion made by Vice Chair Witten, seconded by Mr. McLaughlin, to approve. In a voice vote, the **motion** passed unanimously.

Vice Chair Witten requested clarification of the point at which the Board would have been unlikely to approve the request. Chair Morley stated that when reviewing waivers, the Board typically considers the intent of the property owner and the problem they are trying to solve, as well as how this problem has been solved by other nearby property owners in the past. If the request is consistent with the size of the boat that will be docked in a particular space, this is usually approved.

Chair Morley added that the Board cannot implement a blanket standard for an area. He pointed out that the request remains within the submerged land owned by the condominium; had the request been for a 65 ft. boat lift or a double boat lift, it would have extended beyond the property's submerged land rights and could interfere with navigation on the waterway.

VII. Dock Waiver – 831 Solar Isle Drive / Philip G. Mayon Jr. & Oma Jean Mayon

This Item was deferred to a later date.

VIII. Dock Waiver – 777 SW 6th Street / Andrew J. Schein, esq. as agent for Edward Kirwin

Chair Morley noted that this is the third time a request for the subject property has come before the Marine Advisory Board (MAB). He provided some background information for the new Board members, explaining that the waivers for 777 and 801 SW 6th Street are adjacent properties owned by members of the same family. Both previous requests for waivers for these properties were denied by the Board.

Chair Morley continued that the Applicant and his representative have worked with the Board, the City, and neighbors of the subject properties to determine what can be done to address their issues without interfering with their neighbors' properties or the safety of

navigation. Both properties are located on a portion of the New River that is often used by vessels to pass one another and to “lay up” while waiting for the bridge to open. The Board has discussed this particular area in detail at previous meetings.

Andrew Schein, representing the Applicant, showed a PowerPoint presentation to the Board, stating that the subject area of the New River is not a No Wake Zone and that speeding regularly occurs there, resulting in excessive wakes that can be damaging to boats docked nearby.

Mr. Schein recalled that the Board has discussed a potential moratorium on dock waivers on the New River, with the possibility of exceptions in extraordinary circumstances. He asserted that the conditions at the Applicants’ locations constitute extraordinary circumstances. The waterway width at the location would be 250 ft. to 290 ft. The Applicant’s proposed pilings would permit a navigable waterway of 165 ft., which Mr. Schein described as striking a balance between the accommodations of property owners and navigation.

Mr. Schein showed renderings of the property and the proposed plans, noting that the pilings would be located further south than the tip of the boat.

Mayor Trantalis asked what had changed since the previous iterations of the waiver requests. Mr. Schein replied that the request has been reduced by 10 ft. The first two requests were for 65 ft. and 60 ft. respectively. The current request would place the pilings at 50 ft., which he felt was more favorable to navigation than to accommodation of the property owner.

Chair Morley recalled that during the first presentation of the Application, there had been some discussion of reducing the request to 50 ft. The vessel proposed to be docked at the site is the same 45 ft. vessel that is currently docked there.

Mr. Schein continued that the Applicant would not be able to stipulate to a request that the boat not extend beyond the pilings, as the boat currently docked on the property extends beyond the pilings. He stated that the Applicant may be able to stipulate to “some other reasonable restriction.”

Mr. McLaughlin recalled that one of the Board’s objections to the previous Applications was that the pilings would not prevent wakes from moving the boat docked at the subject site. Another concern was for commercial vessels in the “Little Florida” area of the New River, which have to lay over on the side of the waterway to allow other vessels to pass them. He felt a larger vessel was docked at the Applicant’s property, it could block commercial traffic. He concluded that the only way to prevent wakes in the area would be to implement a No Wake Zone.

Mr. Schein reiterated that the new proposal would keep the pilings further south than the Applicant's boat. He added that commercial vessels already could not lay over in the subject area because boats are docked there.

Mr. Harrison asked if the Applicant would have been willing to stipulate that his boat would not exceed the pilings if they were installed at 60 ft. into the waterway. Mr. Schein recalled that the Applicant had previously agreed to this suggestion. Mr. Harrison pointed out that the key issue is one of enforcement of both wake restrictions and the size of the vessel that could be docked at the subject property in the future.

Mr. Harrison also observed that placing a larger boat at the subject location would serve the same purpose as the narrowing of a roadway for traffic calming purposes, as traffic on the waterway would need to slow down to navigate through a smaller area. He noted that if the Board entertained a waiver request for the opposite side of the waterway as well, this would leave a significantly narrower navigable channel.

Mr. Harrison continued that marine businesses are in favor of greater enforcement in certain areas along the New River, as the waterway's width varies significantly. He again cited the Little Florida area as a particular concern.

Mr. Schein agreed that, if the City limited the size of boats that could be docked in certain parts of the New River, this could be a potential solution. He emphasized, however, that while that may be part of the discussion of overall navigational issues on the New River, it was not consistent with the waiver request before the Board. He added that there was little difference in navigability with regard to the requested waiver, but a significant difference with respect to the owner's ability to tie up the bow of his boat to an additional mooring pile and prevent damage.

Mr. Knott asked why the Applicant would not turn his boat parallel rather than perpendicular. Mr. Schein replied that the owner is a member of a boating family which owns multiple vessels and may wish to dock them on the property.

Mr. Washington requested clarification of how the proposed pilings would be installed. Mr. Schein replied that they would be installed from a barge.

Chair Morley asked Sgt. O'Neil what the Board and the City Commission could do to help the Marine Unit enforce speed regulations on the New River. Sgt. O'Neil replied that the primary issue is the train bridge. If there are not multiple Officers west of this bridge, enforcement can be difficult. He advised that he is working on a traffic calming action plan for the New River.

Sgt. O'Neil continued that another concern is the difficulty of making a stop on the New River. This typically involves tying off to the stopped boat, which is very difficult given the current on the waterway. He is planning to speak to the owners of empty docks on either side of the bridge so stopped boats can be instructed to dock there.

Mr. McLaughlin stated that a major issue on the New River is when a property owner receives a variance and indicates they will not dock a boat larger than a certain size on their property, but does so anyway, allowing larger vessels to create an obstruction. Because the size restriction to which the property owner agreed is not included in Code, this is not regulated. He advised that variances should limit the maximum length to which either a structure or a boat may protrude into the navigable waterway.

Mr. Schein noted that the Applicant does not need a waiver for a larger vessel, but to secure the 45 ft. vessel that is already docked on the property.

Mr. Harrison requested that the Board view a video produced by Steel Towing before they vote on the Application. Chair Morley replied that he did not object to this.

Ms. George asked what could be done to change a waterway speed limit to a No Wake Zone. It was clarified that this would have to be done at the state level and can be a difficult process.

Mr. Brunelle commented that the Applicant had mentioned the Board suggested he reduce the distance of the pilings to a particular length. Chair Morley recalled that when the Application came before the Board for the first time, the Board had asked if the Applicant was open to reducing the proposed length of the westernmost piling to 50 ft. The Applicant's representative had indicated they would not be amenable to this suggestion.

Patience Cohn, representing the Marine Industries Association of South Florida (MIASF), showed a video taken by a towing vessel and a drone on the New River, including the area near the Applicant's property.

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

Justin Heuer, private citizen, requested clarification of the reason the Applicant was seeking an extension of the pilings. Mr. Schein explained once more that the intent is to secure the bow of the vessel. Mr. Heuer commented that the Applicant's video had showed damage caused by a wake, which would not be alleviated by the structures. Mr. Schein reiterated that the proposal would allow additional points of contact at the bow.

Mr. Heuer asserted that the Applicant's boat appeared to be too large for its pier, and that the proposed pilings would hinder traffic on the river. Mr. Schein pointed out that the structures would not hinder traffic when a boat is already docked at the subject location.

Mr. Heuer continued that the Applicant may want to dock a larger vessel on his property in the future. Mr. Schein stated again that the Applicant did not object to the City

Commission restricting the size of a vessel docked at the site. Mr. Heuer stated he did not believe that type of restriction was enforceable.

Chair Morley clarified that he has addressed this issue with an Assistant City Attorney and was informed that if the size limitation is tied to a deed restriction on the property, it can be enforced by Code Enforcement.

Mr. Schein stated again that the Applicant's boat itself is an obstruction on the waterway, and the proposal would only make it safer at its location.

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

Mr. McLaughlin asked if the City Attorney's Office was responsible for enforcing the deed restriction. Chair Morley explained that if a complaint is made about a deed-restricted property, Code Enforcement can measure the vessel and the property to determine if there is a violation of that deed restriction.

Vice Chair Witten observed that securing a deed restriction can be a lengthy process which cannot be undertaken at the MAB level. He did not feel any waivers could be deemed acceptable at the Board level even if a deed restriction is attached. Chair Morley stated that the language of a deed restriction would be up to the City Attorney's Office, outside the Board's purview of advising the City Commission on maritime issues.

Mr. Flanigan observed that wake damage to the Applicant's vessel would be to its stern. He also addressed the concerns of marine businesses in general, stating that obstructing the waterway would make it more difficult for boats to access these businesses on the New River and could divert marine business to other cities. He felt action should be taken to protect the marine industry.

Chair Morley commented that the Board has an equal responsibility to residents, recreational boaters, and the marine industry on the New River.

Motion made by Ms. George, seconded by Mr. Brunelle, to approve.

It was suggested that the **motion** be amended to approve subject to a deed restriction. Mr. Cuba advised that the Board may offer a condition Resolution incorporating any legal tools that may be required for the deed restriction.

Ms. George **restated** the **amended motion** as follows: **motion** to approve with a deed restriction based on the legal requirements as defined by the Commission.

It was asked how a stipulation of this nature would be received by the Commission. Chair Morley stated that the City Attorney's Office would be instrumental in preparing the necessary language.

In a roll call vote, the **motion** failed 5-6 (Mr. Flanigan, Mr. Franks, Mr. Harrison, Mr. Knott, Mr. McLaughlin, and Mr. Washington dissenting).

IX. Dock Waiver – 801 SW 6th Street / Andrew J. Schein, esq. as agent for Christina Kirwin

Mr. Schein, again representing the Applicant, advised that the same presentation would apply to this waiver request as applied to Item VIII.

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

Sgt. O'Neil requested clarification of whether or not the property owner in this case owned two sailboats docked on a canal near the subject property. Mr. Schein replied that he did not believe these vessels were owned by his client. Sgt. O'Neil explained that his concern was that the sailboats were at risk or derelict.

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

Motion made by Vice Chair Witten, seconded by Mr. Boyer, to approve. In a roll call vote, the **motion** failed 5-6 (Mr. Flanigan, Mr. Franks, Mr. Harrison, Mr. Knott, Mr. McLaughlin, and Mr. Washington dissenting).

X. Discussion – Code Enforcement Marine Issues

Chair Morley stated that in the absence of Code Enforcement, the Item would not be discussed.

XI. Old / New Business

Mr. Franks distributed pages addressing Code and regulated navigation on the Miami River, pointing out that Code on that waterway requires the 65 ft. middle of the channel to be maintained at all times. He felt a channel should be similarly designated on the New River, although he acknowledged that this could be difficult due to the widening and narrowing of the waterway.

Mr. Franks continued that he would recommend the City Commission appoint a committee to review issues related to safe navigation on the New River, and that the Commission suspend dock waivers on the New River for one year in order to review current dockage ordinances. He also proposed that the City pursue having the New River designated as a regulated navigation area by the United States Coast Guard, which would include the establishment of a minimum channel width and vessel passing zones.

Mr. Franks continued that the City Commission should encourage input on this issue from “people involved in the river,” including commercial operators, homeowners, and recreational users of the waterway.

Chair Morley pointed out that the MAB’s Charter discusses the issues raised above as a function of the Board. He felt the Board should continue to be the entity to carry this issue forward.

Mr. Cuba recalled that there have been discussions regarding the potential appointment of a committee for the purposes stated above. Mr. Harrison advised that he has prepared a prospective communication to the City Commission addressing the Board’s concerns related to waiver requests. He read the proposed communication to the members at this time.

The Board discussed the proposed communication, with Mr. Harrison noting that MAB members may attend the City Commission’s Conference Agenda meeting or a public workshop to further the conversation on this issue. He explained that his intent was to propose a suspension of waivers until there is more discussion of the issue and the Commission can come to a decision.

Chair Morley advised that the Commission has indicated to the Board that they would like to hold a joint meeting to discuss this issue. He felt a public workshop could be more easily arranged than the appointment of a committee.

Mr. Brunelle requested clarification of the Board’s goal or policy with regard to the approval of docks. He felt there should be a broader discussion of this goal by the Board, as he was not certain the best course of action was placing the New River under the jurisdiction of the Coast Guard.

Chair Morley recalled that the Florida Inland Navigational District (FIND) has previously recommended the designation of a 100 ft. channel. He reiterated that additional public input would provide value to this ongoing discussion.

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

Patience Cohn, representing MIASF, read an email she had received from a contractor working on a seawall on the New River, which indicated the property owner proposes to install an observation platform. The structure has already gone through the permitting process.

Chair Morley commented that this structure poses a hazard to navigation, and suggested that the Board consider an additional communication to the Commission related to this issue. It was clarified that boats could not tie up to the structure.

Mr. Brunelle asked how many vessels of a certain size travel the New River. Chair Morley replied that the Coast Guard estimates there are 8500 vessels per month on the waterway. Ms. Cohn further clarified that the daily average is five vessels of 50 m. or more that are under tow.

Mr. Franks asked if the Board could send a communication to the City Commission requesting that the observation platform be reviewed further. Vice Chair Witten pointed out that the Board's discussion of this issue could be characterized as hearsay.

Chair Morley reiterated that the structure has been permitted and is within Code. Mr. Harrison noted that while the proposed communication to the Commission does not address the possibility of changes to Code, this could be discussed further at public meetings.

Mr. McLaughlin asserted that if the Board designates a structure as a hazard to navigation, they have jurisdiction to review it even though it may have been permitted. Ms. George pointed out that the Board has not been officially notified of the proposed structure. Mr. McLaughlin asked if the Board could receive "general notice" of permit requests on waterways, or if they would have any recourse if they became aware of potential hazards. Mr. Cuba replied that while the Board would not have recourse, Ms. Cohn has plans to meet with an Assistant City Manager with regard to the structure.

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

The Board further discussed what they would like to address through a communication to the Commission, including:

- Diversity of traffic on the New River
- Support of the Marine Unit
- Difficulty in developing a uniform Code for the New River
- Review of existing Ordinances
- Call to action for the Commission

Ms. George recommended that once the communication has been sent to the Commission, the individual Board members reach out to their Commissioners to emphasize the importance of the communication. Chair Morley agreed, pointing out that Commissioners whose districts do not include waterways may be less aware of marine issues.

Ms. George also noted that it could be helpful to provide the Commissioners with numbers and/or images which can strengthen their assertion. Mr. Cuba advised that the video shown earlier in the meeting can be attached to the communication as an exhibit, as can the plans for the proposed observation deck which were shared with the Board.

Chair Morley also emphasized that the next Chair of the MAB, or another representative of the Board, should be present at the Conference Agenda meeting at which the Board's communication is presented.

Mr. Harrison read his proposed communication into the record:

In light of several past, current, and potential waiver requests for mooring piles extending beyond Code distance to allow for perpendicular docking of vessels into the New River, which have the potential to impede navigational safety of larger vessels transiting the New River, the Marine Advisory Board requests that the Commission issue a suspension of issuing waivers for extensions of moorings beyond Code on the New River Corridor until the Commission can add the issue to their Conference Agenda and/or hold a public workshop.

The goal is to discuss the issue and find a balance that thoughtfully allows property owners to maximize the use of their property while taking into consideration the specific and varied conditions on the New River and facilitating the safe navigation to the commercial businesses further west on the river.

Motion made by Mr. Flanigan, seconded by Mr. Franks, to make that a communication to the Commission.

It was noted that the communication would include the attachments as discussed.

In a voice vote, the **motion** passed unanimously.

The Board members also discussed speeds on the New River, recalling that there were previously different speeds for different portions of the waterway, while the current regulations require slow speeds and minimum wakes throughout.

Ms. George advised that she had contacted Mr. Cuba regarding a Commission discussion of boat ramp access for tourists, and asked if any information was available on this topic. Mr. Cuba explained that the City hopes to designate a dock where tourist vessels can pay the City a fee for staging pick-ups and drop-offs there. Because some vessels use the 15th Street boat ramp for this purpose, discussion has focused on this potential location. Letters have been sent to operators telling them to use this location rather than the City's floating docks.

Ms. George explained that this issue also arose at a meeting of the Central Beach Alliance (CBA) with regard to boats using a Water Taxi stop to pick up and drop off large groups of people. The lack of public restrooms at this site has contributed to nuisance behavior. Mr. Cuba requested that photos of the vessel(s) in violation be sent to his office so the City may contact the operator.

Amanda Hammer, private citizen, also expressed concern with charter boats picking up and dropping off passengers, asking where they are permitted to do this. She requested

clarification of why charter vessels are being targeted for enforcement of this prohibition while the same standard is not applied to yachts. She noted that the docking of charter vessels or yachts behind homes is a similar double standard.

Chair Morley noted that the number of passengers boarding and departing commercial vessels at facilities not equipped with public restrooms can contribute to health and hygiene issues.

Ms. Hammer pointed out that the prohibition against using City docks has resulted in charter vessels moving from one location to another to take on or drop off passengers. She added that the proposed solution of a designated City boat ramp could be a successful compromise.

Mr. Luscomb stated that charter vessels are allowed to pick up passengers in one place, such as the City dock at Smoker Park. Operators must call the Dockmaster and make a reservation. While pickup is permitted, staging is not, as the dock follows a tight schedule.

Mr. Luscomb noted that there are significant impacts related to this process, including improper disposal of garbage. Charter vessels can only land at City parks if they have entered into a consent agreement with the City, which requires a competitive bid process. The floating docks on the river cannot be used for this purpose, as they were given to the City using recreational dollars.

Sgt. O'Neil added that there has been a significant influx of charter vessels for parties, and emphasized the importance of these operators entering into agreements for the use of designated areas. This could be a City facility or private property. He pointed out that City facilities are not set up for this type of business access, particularly with staging. It is not the City's responsibility to provide a business with a location.

Chair Morley recommended that in the future, the Board address charter operations within Fort Lauderdale and seek more public comment on both sides of the issue.

Ms. Cohn of the MIAASF reported that the state is considering legislation which would require boaters who are charged with moving violations to take a safe boating course. Chair Morley stated that he was in favor of this, as the recent surge in boat ownership has been accompanied by a similar increase in boating accidents.

Ms. George requested clarification of the age limit at which boaters are not required to wear life jackets. Sgt. O'Neil stated that for boats under 26 ft., passengers 6 years old and under must wear life jackets; for larger boats, no passengers are required to wear them.

Sgt. O'Neil reported that most of the Marine Unit's boats have accumulated roughly 4000 hours. He has been approached by a distributor that is interested in outfitting one

of the Marine Unit's boats with motors on consignment for a one-year period. This will help the distributor collect data about the motors, and maintenance will be free of charge. At the end of the year, the Marine Unit will have the option of purchasing the motors at a discounted rate. Both he and the Fort Lauderdale Police Department are agreeable to this, and he requested that the Board members consider reaching out to their City Commissioners or other contacts in support of the proposal.

Chair Morley stated that his term on the Board will expire after tonight's meeting, and thanked the Board and Staff for the opportunity to serve the community.

Mr. McLaughlin suggested that the Board members be provided with identification in the event they may wish to visit properties that are included on the Agenda.

XII. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 8:34 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. 23-10

DATE: March 14, 2023

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Marine Facilities & Parks Manager

RE: June 1, 2023 MAB Meeting - Dock Waiver of Distance Limitations – Philip G. Jr. and Oma Jean Mavon / 831 Solar Isle Drive

Attached for your review is an application from Philip G. Jr. & Oma Jean Mavon / 831 Solar Isle Drive.

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for installation of a no profile boat lift and two finger piers, extending a maximum distance of 23'7"+/- into the adjacent Rio Coral waterway.

The City's Unified Land and Development Regulations (ULDR) Sec. 47-19.3 (c.) specifies that mooring structures may not be constructed by any owner of any lot unless a principal building exists on such a lot and such lot abuts a waterway. Section 47-19.3. (e.) authorizes the City Commission to waive that limitation based on a finding of extraordinary circumstances. The applicant's Summary Description indicates that the proposed boat lift/finger piers are desired for the safe mooring of the owner's vessels, as well as safe ingress and egress to and from the vessel.

PROPERTY LOCATION AND ZONING

The property is located within the RS-8 Residential Low Density Zoning District. It is situated along the north side of the New River, where the approximate width of the Rio Coral waterway from wet face to wet face is 100'+/-.

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. As a general condition of approval and in order to review for final consistency with construction of facilities in accord with this application and City building permits the applicant is required to provide the City's Supervisor of Marine Facilities with copies of "As Built" drawings from a certified and licensed contractor.
3. The applicant is required to install and affix reflector tape to any proposed guide poles in accord with Section 47.19.3.E of the Unified Land and Development Regulations (ULDR).

Marine Advisory Board

June 1, 2023

Page 2

AC

Attachment

cc:

Enrique Sanchez, Deputy Director of Parks and Recreation

Jon Luscomb, Marine Facilities Supervisor

**831 SOLAR ISLE DRIVE
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: Phillip G. Mavon, Jr. on behalf of Phillip G. Mavon Jr. and Orma Jean Mavon

TELEPHONE NO: 630-242-3121 630-242-3138 EMAIL: jerry.mavon@gamco-mgt.com
(home/cellular) (business)

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

3. **TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:** Request for waiver to construct a boat lift, and extend dock within existing vessel basin.

4. **SITE ADDRESS:** 831 SOLAR ISLE DRIVE **ZONING:** RS-8

LEGAL DESCRIPTION AND FOLIO NUMBER: RIVERIA 6-17 B LOT 1 THE EAST ½ (E ½) OF Lot 2, , LOT 4 S 25 OF W 25, BLK 4, RIVIERA, PLAT BOOK 6, PAGE 17 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. FOLIO: 5042 12 08 0650

5. **EXHIBITS** (In addition to proof of ownership, list all exhibits provided in support of the applications).
I Application; II Summary Description; III Original Survey-Zoning Affidavit; IV Zoning and Wake Area Aerials; V Existing Waivers.


Applicant's Signature

march 21, 2023
Date

=====

The sum of \$ 1,500.00 was paid by the above-named applicant on the 21st of March, 2023. 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 _____

I

pg- 3

**PHILIP G. MAVON, JR.: WAIVER FOR BOAT LIFT OF VESSEL
831 SOLAR ISLE DRIVE**

TABLE OF CONTENTS-INDEX

	Page(s) #
I APPLICATION	3
II SUMMARY DESCRIPTION	4 - 57
Exhibit "1": Property Deeds	
Exhibit "2": Affidavit-City Attorney	
Exhibit "3": BOA Final Order	
Exhibit "4": Boat Lift Refiled Permit App.-Denied	
Exhibit "5": Boat Lift Permit App.-to be refiled	
Exhibit "6": Photos from existing boat dock-adjacent properties	
Exhibit "7": Sec. 47-35.1-Definitions, page 1/17, and page 5/17	
III Original Survey-Zoning Affidavit	58-59
IV Zoning and Wake Area Aerials	60-62
V Existing Waivers	63

Morgan, Olsen & Olsen, LLP
ATTORNEYS AT LAW

Walter L. Morgan
Gregory G. Olsen
Mark C. Olsen

633 S. Federal Highway, Suite 400A
Fort Lauderdale, FL 33301
Phone (954) 524-3111
Fax (954) 463-3570

March 21, 2023

Please respond to: Walter L. Morgan
E-Mail: wmorgan@morganolsen.com

Andrew Cuba
Supervisor of Marine Facilities
Marine Advisory Board ("MAB")
100 N. Andrews Avenue
Fort Lauderdale, Florida 33301

Re: 831 Solar Isle Drive-Philip G. Mavon, Jr. & Oma Jean Mavon (the "Applicant")

SUMMARY DESCRIPTION

1. This application is made by Philip G. Mavon, Jr., on behalf of Philip G. Mavon, Jr. and Oma Jean Mavon at the suggestion of Robert Dunckel, Assistant City Attorney, in connection with the Application to the City Commission under Section 47-19.3(c), & (e) of the Uniform Land Development Regulations. Section 47-19.3 (e) provides that the City Commission may grant a waiver under extraordinary circumstances from the limitations imposed by Sections 47-19-(c) (the "Imposed Limitation").
2. The project site consists of an existing mooring dock basin, located at 831 Solar Isle Drive, Fort Lauderdale, Florida (legally described as Lot 1, the east ½ of Lot 2, and the S25 feet of the W25 feet of Lot 4, all in Block 4, Riviera, according to the Plat thereof recorded in Plat Book 6, Page 17 of the Public Records of Broward County, Florida (the "Property"). The proposed Boat Lift is to be re-installed within the Property land portion, measuring 25' x 25', and legally described as the S25 feet of the W25 feet, Lot 4, Riviera (the "Basin Parcel"); all within the Property. The Waiver required to overcome the Imposed Limitation include: a) the requirement for a principal structure at the Basin Parcel, located within the Property, permitting the re-installation of the low profile Boat Lift (as previously installed under the approved Building Permit(s) numbered 18053110, and 18053111 (the "Prior Permits"), and dismantled after the BOA/Final Order causing the cancellation of the Prior Permits (said Final Order, dated March 20, 2019, as hereafter described below in Section II, 7., Exhibit "3") ; and b) the re-permitted installation of two (2) wood dock finger piers, which shall remain "as built" by the 2018 Permit to measure 23' 7" X 4' 6" ("North Pier"), and South Pier at 10' 8" X 4' 6", as previously installed under the Prior Permit, but not demolished following the Final Order.
3. The following four (4) matters provide justification for this waiver request:
 - A. All structures and piles will not exceed 30% of the width of the waterway.
 - B. The proposed structures are necessary to protect the owner's vessels from excessive wake due to high vessel traffic volume.
 - C. The proposed waiver and structures are desired for the safe mooring of the owner's vessel, including the boarding to, and debarking from the vessel, especially for elderly persons such as the owners, and their friends.

II

Pg. 4

- D. The Property was joined as a unified property by the recorded Declaration of Unity of Title, dated May 13, 2013 (see below, Composite Exhibit "2"), and either: (i) qualified as having a principal structure thereon, as set forth by the opinion of the City Attorney on May 7, 2013 (see below Composite Exhibit "2", the Affidavit of Harry A. Stewart, as part of Section II, 5, Composite Exhibit "2"); or (ii) the definition of a "development site" under ULDR Sec. 47-35.1- Definitions, which provides in part: "If a development site has more than one (1) parcel or lot, with different owners, all property owners will be required to sign the application for development permit, and shall be required to execute and record in the public records a declaration on a form provided by the department, stating that the parcels have been developed as a single unit for purposes of meeting the ULDR" (see attached as Exhibit "7", pages 1/17, and 5/17 defining "development site", which definition supports the Applicant's position that the recorded Declaration of Unity of Title, as required and approved by the City commission, which unified two parcels as a single unit, and states that no parcel may be developed, without the other, unless each parcel alone, satisfies the ULDR, as a single property for development.

4. By way of background, in 1969 the subject Property located at 831 Solar Isle Drive and legally described above, as the Property; said Property originally acquired by the Applicant's parents, Philip G. Mavon and Marjorie C. Mavon his wife, now owned by the Applicant (see composite Exhibit "1", including 2 Deeds, and a Property Survey).

5. In 2010 to 2012 the Applicant: (i) filed an Application with the MAB for the Waiver of Limitations under ULDR 47.19.3 at the Property, and seeking a waiver of the proposed basin, and the sub-section (c) requirement of a "principal structure" (formerly referenced as (B) , and received a unanimous vote of Approval on November 4, 2010 (see below a copy of the approved minutes, the "MAB Minutes", which did not grant the right to construct a boat lift, as attached as part of Composite Exhibit "2"); and (ii) received a City Building Permit to construct a "notch basin", and dock , all within the 25 feet X 25 feet Basin Parcel; and, after the improvements were completed, and the City refused to conduct a final Permit Inspection to close said Permit, the Applicant received a Summary Judgment (the "Order on Cross Motions for Summary Judgment", dated April 24, 2013, against the City (copy attached below as a part of composite Exhibit "2"); which led to the City Commission Meeting on May 7, 2013, wherein the City required the Applicant to execute and file for recordation in the Public Records of Broward County a "Declaration of Unity of Title". The then City Attorney represented to the Commission the Basin Parcel would be unified with the rest of the Property located at 831 Solar Isle Drive, at which a house was and is located. City Attorney Stewart also declared his opinion, stating the unified Property would qualify under the ULDR as having a principal structure thereon (see the attached composite Exhibit "2", including the MAB Minutes, and Affidavit of Harry A. Stewart, including the attached Declaration of Unity of Title, as recorded, and Summary Judgment).

6. On August 10, 2018 the Applicant filed and was issued the Prior Permits to construct a boat lift, and an extended dock, consisting of the North Pier and South Pier, which led to a lawsuit, and hearing before the City Board of Adjustment ("BOA"), and the "Final Order", dated March 20, 2019, by the BOA (copy attached below, as Exhibit "3"; said Final Order determining the issuance of the Prior Permit(s) (numbered 18053110 and 18053111) was clearly erroneous (due to its determination that no principal structure existed on the Basin Parcel, with no copy of the recorded Unity of Title having been submitted to the BOA for consideration, (see Exhibit "3", a copy the of Final Order of the BOA regarding case B19003).

7. On January 12, 2022 the Applicant refiled for a Building Permit (Application Number: BLD-BDSP-22010010, the "Boat Lift Permit"), and for the construction of a boat lift, with two finger pier docks extending out no further than the North Pier, at 23' 6", and less than the mooring piling (since removed), as previously approved by the Marine Advisory Board waiver, granted November 4, 2010. The Boat Lift Permit was denied due to the BOA ruling of no principal structure at the Basin Parcel, notwithstanding the Unity of Title (see Composite Exhibit "4"). This Application to the MAB has been required by the City's Office of Sustainable Development, since the City Commission has not previously granted a "Waiver", as allowed under the ULDR Section 47-19.3 (e). See attached the Boat Lift Permit to be refiled concurrent with the Waiver being approved by the MAB and/or City Commission; and, as further required under the ULDR, the Applicant has obtained the Broward County Environmental Resource General License, Number GLFTL2-111-027; and Broward County Transportation Concurrency Satisfaction Certificate; and Broward County Environmental Review Approval Certificate (see Composite Exhibit "5").

8. Also attached to this Application: (i) four (4) photos of the view(s) from the existing Boat/Dock toward each of the two adjacent neighbor's properties, located to the north and south of the Basin Parcel (see Composite Exhibit "6"; and

Exhibit "7" (a 2 page excerpt from ULDR Sec. 47-35.1 – Definitions – defining "Development site").

9. The Applicant maintains a review of the foregoing circumstances, history and facts, together with remaining documents attached with this Application, constitute and qualify as the extraordinary circumstances required for this Board, and the City Commission to approve this Waiver Application: (i) either recognizing the Property having a principal structure within it as the result of the recorded Declaration of Unity of Title, or waiving said requirement due to the extraordinary circumstances of the Property, and the Applicant's experiences with its Basin Parcel and Prior Permits, as required for the issuance of a permit for the construction of docks and the Boat Lift/mooring structures (all as provided within the ULDR, and the Declaration of Unity of Title approved by the City Commission on May 7, 2013, as recorded, May 15, 2013.

Respectively submitted,

A handwritten signature in blue ink, appearing to read "Walter L. Morgan", is written over a horizontal line.

Walter L. Morgan
Morgan, Olsen & Olsen, LLP

COMPOSITE EXHIBIT “1”

Printed for buyers: This Contract Form, Orlando, Florida

69-141354

Warranty Deed

(STATUTORY FORM—REVISED 6-1-62 (1.3))

This instrument was prepared by:

JOSEPH A. HUBERT

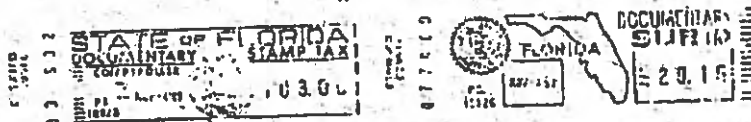
WATSON, HUBERT & DAVIS
2549 North Federal Highway
FORT LAUDERDALE, FLORIDA 33305

This Indenture, Made this 27th day of October 1969, Between
W. H. ARNOLD and ETHEL K. ARNOLD, his wife
of the County of Broward, State of Florida, grantor, and
PHILIP G. HAYON and MARJORIE C. HAYON, his wife
whose post office address is 831 Solar Drive, Ft. Lauderdale,
of the County of Broward, State of Florida, grantee.

Witnesseth, That said grantor, for and in consideration of the sum of
TEN 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, conveyed 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:

Lot 1 & 1/2 Lot 2, Block 4 and S25' of
W25' of Lot 4, Block 4, Riviera according
to the Plat thereof as recorded in Plat
Book 6, Page 17, of the Public Records of
Broward County, Florida.

Subject to restrictions, reservations and limitations of record.



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

* "Grantor" and "grantee" are used for singular or plural, as context requires.

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:

W. H. ARNOLD (Seal)
ETHEL K. ARNOLD (Seal)
JACK WIERLER (Seal)
Notary Public, State of Florida

STATE OF FLORIDA
COUNTY OF BROWARD

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared W. H. ARNOLD and ETHEL K. ARNOLD, his wife

to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 27th day of October 1969.

My commission expires:

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES SEPT. 2, 1972
POWER THROUGH FROM N. NOTARY

Notary Public

RE 4003 MR 907

Return Pric. Will B. (12-1-69)

PS 7

Prepared by and return to:

Law Firm of Zimmerman & Associates
2400 E. Commercial Blvd. Suite 820
Fort Lauderdale, FL 33308
954-202-7440
File Number: ss15-031
Will Call No.: #39

Parcel Identification No. 5042 12 08 0650

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 14th day of December, 2015 between Philip G. Mavon, Jr., a married man, joined by his wife, Oma Jean Mavon whose post office address is 831 Solar Isle Dr., Fort Lauderdale, FL 33301 of the County of Broward, State of Florida, grantor*, and Philip G. Mavon, Jr. and Oma Jean Mavon, husband and wife whose post office address is 831 Solar Isle Dr., Fort Lauderdale, FL 33301 of the County of Broward County, State of Florida, grantee*,

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:

Lot 1, the East one half (E 1/2) of Lot 2, and the South 25 feet of West 25 feet of Lot 4, all in Block 4, RIVIERA, according to the Plat thereof recorded in Plat Book 6, Page 17, of the Public Records of Broward County, Florida .

The purpose of this deed is to add Grantor's spouse to the title and establish an entireties estate.

The preparer of this instrument was neither furnished with, nor requested to review, a chain of title for the described property and therefore expresses no opinion as to condition of title.

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

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

pg. 8

DoubleTimes

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:

Dana Cardia
Witness Name: Dana Cardia

Philip G. Mavon, Jr. (Seal)
Philip G. Mavon, Jr.

Sarah Spangler
Witness Name: Sarah Spangler

Oma Jean Mavon (Seal)
Oma Jean Mavon

State of Florida
County of Broward

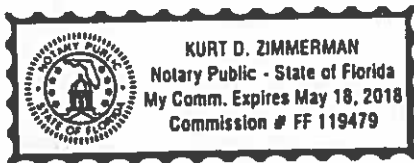
The foregoing instrument was acknowledged before me this 14th day of December, 2015 by Philip G. Mavon, Jr. and Oma Jean Mavon, who ☐ are personally known or ☒ have produced a driver's license as identification.

[Notary Seal]

Kurt D. Zimmerman
Notary Public

Printed Name: KURT D. ZIMMERMAN

My Commission Expires: 5/18/18



pg. 9

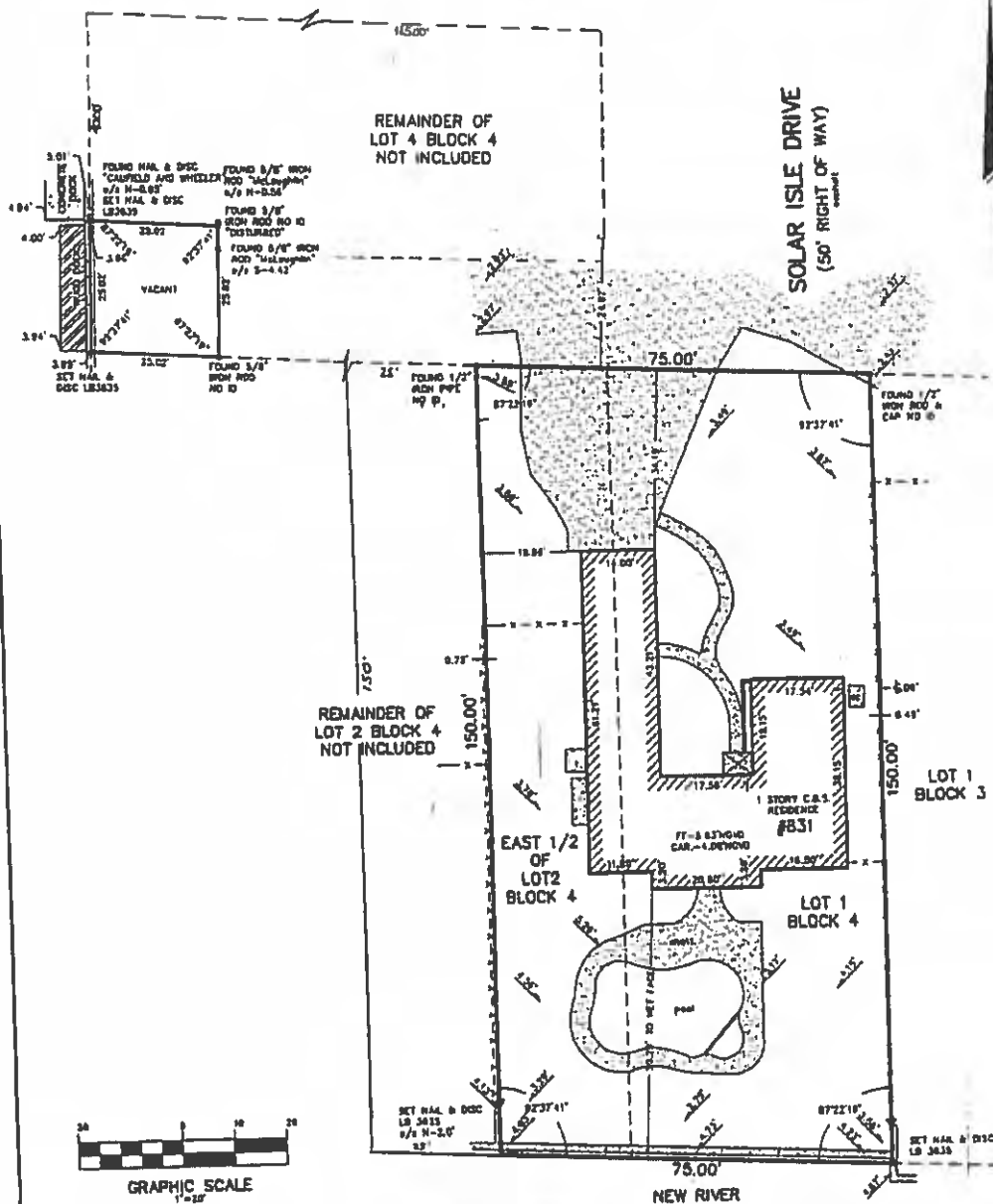
1150 E. ATLANTIC BLVD.
POUPANO BEACH
FLORIDA 33060

ACCURATE LAND SURVEYORS, INC.

L.B. #3635

SHEET 2 OF 2

TEL. (954) 782-1441
FAX. (954) 782-1442



GRAPHIC SCALE
1"=20'

SECTIONS ELEVATIONS BASED ON N.G.V.D.

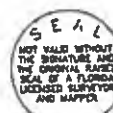
NOTES:

1. UNLESS OTHERWISE NOTED FIELD MEASUREMENTS ARE IN AGREEMENT WITH RECORD MEASUREMENTS.
2. BEARINGS SHOWN HEREON ARE BASED ON A BEARING OF N/A.
3. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS, OR OTHER MATTERS OF RECORD BY ACCURATE LAND SURVEYORS, INC.
4. OWNERSHIP OF FENCES AND WALLS IF ANY NOT DETERMINED.
5. THIS DRAWING IS THE PROPERTY OF ACCURATE LAND SURVEYORS, INC. AND SHALL NOT BE USED FOR REPRODUCTION IN WHOLE OR IN PART WITHOUT WRITTEN AUTHORIZATION.
6. THIS SURVEY CONSISTS OF A MAP AND TEXT REPORT. ONE IS NOT VALID WITHOUT THE OTHER.
7. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE CERTIFIED HEREON, TO BE VALID ONE YEAR FROM THE DATE OF SURVEY AS SHOWN.

CERTIFICATION:

THIS IS TO CERTIFY THAT I HAVE RECENTLY SURVEYED THE PROPERTY DESCRIBED IN THE FOREGOING TITLE CAPTION AND HAVE SET OR FOUND MONUMENTS AS INDICATED ON THIS SECTION AND THAT SAID ABOVE SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS MINIMUM TECHNICAL STANDARDS UNDER RULE 61017-4 FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS, MAY 1979.

Robert L. Thompson 2-16-10
ROBERT L. THOMPSON (PRESIDENT)
PROFESSIONAL SURVEYOR AND MAPPER No. 3889 - STATE OF FLORIDA



REVISIONS		DATE	BY
UPDATE WEST LOT 10-0008		02-10-10	MLB
DATE OF SURVEY	DRAWN BY	CHECKED BY	FIELD BOOK
03-20-04	MLB	MLB	1150-22

SCALE 1"=20'

SPRINT NUMBER SU-04-1955

COMPOSITE EXHIBIT “2”

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
THURSDAY, NOVEMBER 4, 2010 – 7:00 P.M.**

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance 5/2010 through 4/20/11</u>	
		<u>Present</u>	<u>Absent</u>
John Terrill, Chair	P	6	0
Barry Flanigan, Vice Chair	P	3	3
F. St. George Guardabassi	A	5	1
Bruce Johnson	A	3	3
Randolph Adams	P	6	0
Norbert McLaughlin	P	6	0
Jim Welch	P	4	2
Robert Dean	P	4	2
Mel DiPietro	P	3	3
Bob Ross	A	4	2
Lisa Scott-Founds	A	2	4
Stephen Tilbrook (8:00)	P	3	3
Tom Tapp	A	3	3
Herb Rensing	A	5	1
James Harrison	A	5	1

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

Staff

Jamie Hart, Supervisor of Marine Facilities
Andrew Cuba, Manager of Marine Facilities
Levend Ekendiz, Intracoastal Facilities Dockmaster
Matt Domke, Downtown Facilities Dockmaster
Officer Brian Meo, Marine Police Staff
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order

Chair Terrill called the meeting to order at 7:06 p.m. It was noted a quorum was not yet present.

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

Motion made by Vice Chair Hanigan, seconded by Mr. McLaughlin, to approve the variance as submitted.

Mr. Tilbrook asked if notice was given to the residents on the opposite side of the canal. Mr. Hanigan said all neighbors within 300 ft. were notified.

A roll call vote, the motion passed 8-0.

VI. Application – Waiver of Limitations / ULDR 47.19.3 – 831 Solar Isle Drive – Philip G. and Marjorie C. Mavon

Jim Brady, representing the Applicants, said he would first review the contents of the Board's information packets. These materials include a location photo of "the end of the isle" at Solar Drive. Mr. Brady noted that the onetime owner of Lot 4, located across the street from the Applicants' property, sold a "nub" of property on the end of his lot. This resulted in a 25x25 parcel that "has had a boat dock at it since sometime in 1959" when the property was sold. The Applicants acquired the title to this parcel in 1969.

Also included in the information packet was a permit for the construction of a basin, for which the dock was removed. Mr. Brady asserted that the boat has not yet been moored in the basin, which is complete and "ready to go." He also called the Board's attention to the permit drawings that led to the issuance of a permit.

He added that there are letters of support from members of the community, and that some individuals may appear before the Board in opposition to the Application.

Mr. Tilbrook asked what remains on Lot 4. Mr. Brady explained it is a 45 ft. wide lot, "the remaining part" of which is owned by another individual.

He referred the Board to his letter to Mr. Hart, which describes the extraordinary circumstances that apply to the Application.

Jerry Mavon, Applicant, said he is a longtime boater, and the property was purchased by his father in 1969 because he liked the way the dock was set up on a side canal, with the house on the Intracoastal. When a neighboring house was sold and a dock was built, he found it difficult to maneuver his boat in and out of

its slip, and replaced the dock with a boat slip on the property in question. He concluded that the Application is for a waiver that will allow him to put his boat into the boat slip.

Mr. Brady stated that when notice of the hearing was sent out, the waiver provision had "raised an issue" regarding a mooring piling in the canal. He said the piling itself was not the issue; the issue is whether or not there is a principal structure on the property on which the boat slip is built, as there is "no house on that 25 ft. parcel." The waiver would grant relief from the requirement that there be a principal structure on the parcel on which the basin is built, as well as a waiver for the mooring piling.

Mr. Brady said if the City Commission grants the waiver, there will be a resolution attached that states the Applicants may not sell Lot 2 or the parcel independently of each other.

Chair Terrill advised that the Board consider both waivers individually.

Mr. Ross asked the size of the boat that would be in the basin. Mr. Mavon said it is approximately 33 ft. with the swim platform attached, with a beam of 11.4 ft.

Vice Chair Flanigan asked if the seawall is considered a structure on the property. Mr. Brady replied that the term "principal structure" has been interpreted to mean a house or other building.

Mr. Tilbrook asked what Code says regarding the issue. Mr. Brady referred the Board to 47.19.3-B: "No boat slips, docks, boat davits, hoists, and similar mooring structures, not including mooring dolphin piles, may be constructed by any owner on any lot unless a principal structure exists on such lot, and such lot abuts a waterway." Section D states that the City Commission may waive this requirement if there are extraordinary circumstances.

Mr. Mavon clarified that the vessel to be moored in the basin would have extended farther than the original 25 ft. dock, which would not have been permitted by Code "after 1959." The waiver would bring this into compliance.

Michelle Charlebois, environmental permit specialist for the Applicant, stated "no one had a problem" with the Application during pre-application meetings. The construction of the seawall and clearing of the basin were approved and built according to permit. A neighbor to the property had contacted the City's Engineering Department, which reached out to the Applicant regarding the need for a principal structure on the parcel. Ms. Charlebois emphasized that the City did not revoke the permits.

Mr. Brady said the Engineering Department had advised the Applicant that he could "build the basin, but you do so at your own risk." This resulted in the eventual completion of construction; however, the boat has not been moved into the basin, and final inspection of the basin has not yet occurred.

Mr. Tilbrook asked if the Applicant was advised to appear before the Board or seek a variance. Mr. Brady explained that a variance would not apply, but a waiver was the appropriate option. He added that although an appearance before the Board was "technically not required," the Assistant City Attorney had felt it would be appropriate. He clarified that there are no issues with the structure of the basin itself, but with the use of docking a boat in the basin.

Tucker Gibbs stated he represented Scott Liberman, neighbor to the Applicant. He said he had met with the Assistant City Attorney who had consulted with the Applicant, and felt the Attorney had recommended the Applicant seek a waiver as a matter of process without endorsing a position for either side in the case.

Mr. Gibbs said the key issue is the basin rather than the previously existing dock, which had been grandfathered into the Code. The permit for construction of the basin was issued "in error" in 2010. Another issue is the boat: Mr. Gibbs said the parcel in question is 25 ft. in width, while the boat is 29-33 ft. and would have been too large for the dock. He stated that the dock constructed by Mr. Liberman on his own property had "cramped the style" of the Applicant, and had resulted in the construction of the basin.

Mr. Gibbs asserted that Mr. Liberman is an attorney and had read the applicable Code. The lot in question is not contiguous with the lot on which the Applicant makes his home, which is why a waiver is being requested. Mr. Gibbs noted that the section of Code referred to earlier by Mr. Brady allows for a waiver when there are extraordinary circumstances, "provided... that permits from all governmental agencies as required are obtained after approval by the City Commission, after a public hearing and notification of property owners within 300 ft." He explained this meant the waiver can be applied for only after an applicant has "gone to the City Commission regarding the permits."

Mr. Gibbs also stated that his client did not receive notification of the Applicant's plans for the lot until today's hearing before the Board, which he said must come after the City Commission has "blessed" the permits. He felt this meant the Applicant was "coming into [the waiver process] backward." He read from the Staff Report regarding the Application, which referred to "a permit issued in error... prior to the Applicant's obtaining any waiver." Another portion of the Staff Report stated "Although the Applicant was advised that a waiver would be required, continuation of construction activity was at the Applicant's risk."

Mr. Gibbs stated that in cases involving the erroneous issuance of building permits, case law has required buildings to be torn down by their developers. He said an error made by the City does not grant the Applicant the right to complete the project.

He referred the Board to Exhibit 2, pointing out that there is a dock on the piece of property on which the Applicant's house is located. Mr. Gibbs said when the Applicant's boat is moved to the parcel in question, it affects his client's view. He concluded that the extraordinary circumstances cited by the Applicant are the "creation of this Applicant."

Scott Liberman said the issue is that "this boat slip is in my back yard." He explained that when he purchased the property in 2008, his home was designed with the existing dock in mind rather than the basin, "with the intent that we were going to capture the view." He felt he had accommodated the Applicant "at every step;" however, he said the Applicant's boat was larger than his dock, and it was difficult to navigate the boat in and out of the dock. This led to the construction of the basin.

Mr. Liberman said when he consulted the ULDR, it became clear that "what was attempting to be done was prohibited" due to the lack of a principal structure on the parcel. He characterized the slip as "intrusive," said he would not have purchased the house if the slip had been adjacent to his property at the time. In addition, he cited subsection D, which entitled him to notice "before permitting." He stated he is entitled to due process when "anything... outside of what is permitted" is going to be constructed, as it affects his property rights.

Mr. Liberman said he had suggested that the Applicant build the structure or install a lift in his own back yard, which has an existing dock. He reiterated that he did not wish to deprive the Applicant of his boating lifestyle; the issue was that the basin was "in violation of the Code and it's in my back yard." He provided photographs of the preexisting and present structures to the Board members.

Mr. Tilbrook asked if setbacks are required for the basin. Mr. Brady said there were no setback requirements, but the boat would be set back 5 ft. on each side. Mr. Tilbrook asked what the Applicant could have done on the property in question other than building the basin: for example, whether or not he would be allowed to put up a fence or plant a tree, both of which could also affect the view. Mr. Brady said these would be allowed, and added that under Florida law, "there's no right to view, air or light."

Mr. Tilbrook asked if the Application had been presented to the homeowners' association. Mr. Brady said it had not, as the basin was "already built" when the issue arose.

Vice Chair Flanigan asked why the City would not require the Board of Adjustment to hear the Application, as there was a question of permit issuance. Mr. Brady said the Assistant City Attorney had concluded that the case did not involve a variance, but a waiver, as these two procedures require different standards.

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

Ted Lange said he lives across the canal from the Applicant and "look[s] directly into the slip." He characterized it as "a huge improvement over what was there before" and did not feel that the view was a valid objection. He added that the Applicant wished to dock the boat in the basin rather than on the Intracoastal Waterway in order to prevent damage to the boat.

Mr. DiPietro asked Mr. Liberman what he had expected to see on the 25 ft. lot. Mr. Liberman said he had believed the previously existing dock would remain there.

George Lang said he lives across the canal to the north from the property, and has no objections to the Application. He agreed it would not be feasible to put a boat lift on the Intracoastal due to wakes.

Ken Kessler said he was a friend of the Applicant, and said the basin was originally planned to be installed with "full compliance." He said the Applicant's intentions were honorable in this case and felt the Application had come before the Board due to "a technicality."

Dennis Klima said he lives to the north of Mr. Liberman's property, and he is currently allowing the Applicant to keep his boat behind his house. He said he was originally asked if he would mind a boat being kept at the dock, and had replied it was "a great idea" if the City would allow it. He had requested some assurance from the Applicant that his view would not be compromised. While he said he did not support the project, he felt if the City allows the basin to be constructed, it would not be inappropriate.

Ms. Charlebois said she had attended several Board meetings, and noted that most cases come to the Board before receiving their permits because the applicants are "proposing something not in Code." In this case, she said, there were no unusual proposals, and permits were given before the Application came before the Board. Chair Terrill noted that what was permitted, in this case, was the basin, but not the proposed use on a lot with no principal structure.

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

Mr. Dean commented that the City appears to consider a 25x25 lot to be "part of the primary property." He said in his experience, one property is considered a homestead, and an adjacent piece of property is "joined together into the same homestead." Mr. Tilbrook said this was not the case, which is why the Application came before the Board. Chair Terrill noted that while Mr. Tilbrook was correct, the County does not tax the properties separately.

Mr. Tilbrook observed that in a case in which a home is demolished, "you can't dock a boat [on the property]." He said he sympathized with the Applicant in this case, as he had obtained all the necessary permits; he also had sympathy for Mr. Liberman, as he had purchased the property without a basin next door. He concluded that an argument could be made in favor of the waiver, although he felt it was "a difficult decision."

He asked Mr. Cuba if the waiver could be granted conditionally on the size of the boat. Mr. Cuba said this recommendation could be made. Mr. Tilbrook said he felt this would help address the neighbors' concerns.

Vice Chair Flanigan asked if Mr. Gibbs and Mr. Brady could work out a compromise to the issue, and said the Board could postpone the Application if they felt an agreement could be reached. Mr. Gibbs said he felt his client would agree to replacing the previously existing dock and "dock[ing] a boat there that fits."

Chair Terrill observed that if he owned the parcel in question and paid taxes on it, he would consider what he could do with "this small piece of property," such as building a basin or planting a tree. He agreed that the Intracoastal Waterway was an "unsuitable" location for the Applicant to dock his boat due to wakes, and noted that when a boat is docked parallel or perpendicular to a canal, it is possible the boat might interfere with or "be within the view of" a neighboring property owner.

He concluded that he strongly respects property owners' rights, and while he also respected the neighbor's view, he felt the Applicant should be allowed to put a basin on his property.

Mr. Dean said the size of a vessel in the basin was a concern, but noted that the slip appears to be "self-limiting" in terms of the size vessel it can hold. He added that if the bow of the boat extends into the canal, it is less likely to obstruct a view than another part of the boat might be. He did not feel the boat would be as obtrusive to the view as expected.

Mr. Tilbrook asked what length a boat might be if it is on a 15 ft. beam. Mr. Dean estimated 35 to 38 ft. Mr. Mavon said the boat in question is a 29 ft. vessel "with a low profile." Mr. Tilbrook said he would be inclined to limit the length of a boat that could be placed at the slip, such as 33 ft. or less. Chair Terrill cautioned that it could be "dangerous" to begin considering height and dimensions, as what is appropriate to a view is subjective.

Mr. Tilbrook asked if another waiver would be necessary if the Applicant decided to install a boat lift rather than a slip, as a lift would further obstruct the view. Mr. Cuba said he did not believe a waiver would be necessary in that case. Mr. Tilbrook said this was a potential problem. Mr. Gibbs pointed out that Code states no lifts or similar structures can be installed without a principal structure on the site, which would require a lift to come back before the Board. Mr. Tilbrook said he would be comfortable limiting the use to a boat slip.

Chair Terrill noted that due to the width of the canal, a boat would legally be allowed to extend 30 ft. into the waterway, which would mean a 50 ft. boat could be allowed without the basin. He concluded that he was comfortable with limiting the use to a slip rather than a boat lift, but less comfortable placing a limitation on the length. Mr. Brady affirmed that the Applicant was agreeable to not installing a boat lift.

Motion made by Mr. Tilbrook, seconded by Mr. Adams, to recommend approval of the waivers outlined in the Staff memo, with the condition that the waiver does not grant the right to construct a boat lift within this basin.

In a roll call vote, the motion passed unanimously.

XI. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 9:53 p.m.

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

AFFIDAVIT

STATE OF FLORIDA COUNTY OF VOLUSIA

Before me, a Notary Public, personally appeared Harry A. Stewart ("Affiant") who, upon being sworn, deposes and says:

1. That this Affidavit is made for the purpose of restating my legal opinions, regarding whether the property located at 831 Solar Drive, Fort Lauderdale (the "Mavon Property"), as joined by Unity of Title, as filed and recorded by the Property Owner met the requirements of ULDR Section 47-19.3, Code of Ordinances, City of Fort Lauderdale. The opinions expressed were based on the arguments made, the evidence presented and the applicable law at that time.
2. Affiant was the Fort Lauderdale City Attorney on May 7, 2013, and was in attendance as City Attorney at the City Commission meeting involving the Mavon Property as owned by Philip G. Mavon Jr. (the "Property Owner") and the discussion and approval of the Motion to "Authorize Appeal of Court Order issued against the City" ("the Motion").
3. Affiant is familiar with: (i) the "Minutes note" as published by the City Clerk under File #13-061, as a record of the discussion and the Motion, as approved by the Commission (the "Motion"), and (ii) the Declaration of Unity of Title (the "Unity of Title"), dated May 14, 2013. As approved by the City Attorney prior thereto, and filed by the Property Owner, as recorded in the public records of Broward County on 5/15/2013 (copy attached hereto and marked "Exhibit 1").
4. Affiant states, that consistent with the opinions expressed by his responses to the questions from the City Commissioners, that: (i) the Court Order, as entered by the Broward County Circuit Court (Case no, 12-003298.03), (copy attached hereto and marked "Exhibit 2) found that the Mavon Property was entitled to a final inspection to confirm that construction met the requirements of the permit issued by the City; and that (ii) by clear implication the Unity of Title, as filed by the Property Owner and the Court Order satisfied the City requirement for a principle structure, contemplated by ULDR Section 47-19.3, which required a "principle building" to exist on property as a prerequisite for the issuance of dock permit at that time.

FURTHER AFFIANT SAYETH NOT

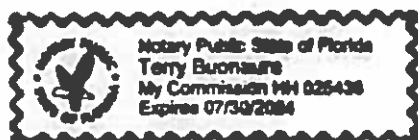
By: [Signature]
Name: Harry A. Stewart

Sworn to and Subscribed before me the 29th day of June, 2022

[Signature]

NOTARY PUBLIC

My Commission Expires 7/30/2024



Prepared By and Return to:
James C. Brady, Esq.
Amstein & Lehr LLP
200 E. Las Olas Blvd., Suite 1700
Fort Lauderdale, FL 33301

DECLARATION OF UNITY OF TITLE

THIS DECLARATION OF UNITY OF TITLE, made this 14 day of May, 2013, by Philip G. Mavon, Jr., hereinafter referred to as "OWNER" of the property herein described, whose mailing address is 831 Solar Isle Drive, Fort Lauderdale, Florida, is required by the City of Fort Lauderdale, a municipal corporation hereinafter referred to as "CITY," pursuant to a motion made and adopted at the regular meeting of the City Commission of May 7, 2013 in order to effectuate a settlement of certain disputes:

WHEREAS the OWNER is the owner of the following described real property located within the City of Fort Lauderdale:

Lot 1 and the east half of Lot 2 of Block 4, RIVIERA, according to the Plat thereof as recorded in Plat Book 6, Page 17, of the Public Records of Broward County, Florida, ("Parcel One"), and

The south 25' of the west 25' of Lot 4, Block 4, RIVIERA, according to the Plat thereof, as recorded in Plat Book 6, Page 17, of the Public Records of Broward County, Florida, ("Parcel Two")

and

WHEREAS the CITY, as a condition resolving certain issues raised in Philip G. Mavon, Jr. v. City of Fort Lauderdale filed in the Circuit Court of the 17th Judicial Circuit, In and For Broward County, Case No. CACE 12-03298 (03), requires that title and use of Parcel One and Parcel Two be unified for use as a single-family residence with non-commercial boat moorage facility as an accessory use thereto to be considered and treated as one plot and parcel of land to remain under one ownership, and



"Exhibit 1"

WHEREAS, this Declaration is made as a product of a compromise and settlement, and the same is supported by adequate consideration received and enjoyed by OWNER, and

WHEREAS, the OWNER agrees that said requirement of the CITY is in the best interests of all the parties and serves to promote the general welfare, safety and convenience of the public, and the OWNER hereby releases, waives and forever discharges any claim, demand, cause of action and right it may have against the CITY relative to the litigation identified in the preamble hereto.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the OWNER declares as follows:

- 1 The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Declaration.
- 2 The title to Parcel One and the title to Parcel Two shall be considered unified as one plot and parcel of land, and no portion of either Parcel One or Parcel Two shall be sold, transferred, deposited or assigned separately, except with the other as an entirety as one plot or parcel of land, or as undivided interest in said Parcels, it being the intention hereof that the use of Parcel Two shall be accessory to Parcel One
- 3 The use of Parcel Two shall be limited to the berthing of a vessel(s) as an accessory use to the principal structure and principal use on Parcel One in the same manner as an accessory dock or slip located in an RS-8 zoning district and as if Parcels One and Two were contiguous each to the other
- 4 It is expressly understood and agreed that the terms, covenants, and conditions of this Declaration shall be and constitute covenants running with the land and said Parcels, binding upon subsequent purchasers, heirs, successors and assigns of Parcel One and Parcel Two, and the same shall constitute an obligation upon said property regardless of transfer of title or ownership.
- 5 It is the intention of the OWNER that this Declaration shall be recorded in the Public Records of Broward County, Florida.



6. This instrument shall not be modified, amended or released without first obtaining the written consent of the City Commission of the City of Fort Lauderdale as to any portion of the property, and, then, only by a written instrument executed by the owner of the fee simple title to such Parcels.
7. This instrument shall become effective upon its recordation in the Public Records of Broward County, Florida.

IN WITNESS WHEREOF, the OWNER has hereunto set his hand and seal the day and year first above written.

WITNESSES

OWNER: PHILIP G MAVON JR.

Catrina Lette Lynch
Signature
Catrina Lette Lynch
Print/Type Name
[Signature]
Signature
Robert C Smith
Print/Type Name

By [Signature]
Signature

STATE OF ILLINOIS

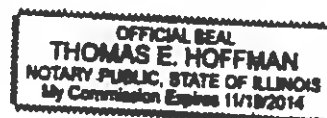
COUNTY OF COOK

The foregoing instrument was acknowledged before this 14th day of May, 2013, by Philip G. Mavon, Jr., who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

Thomas E. Hoffman
Notary Public - STATE OF ILLINOIS
My Commission Expires 11/19/14

10947777.2

3



PG 22

**** FILED: BROWARD COUNTY,

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

PHILIP G. MAVON, JR.,

Plaintiff,

v.

CITY OF FORT LAUDERDALE, a municipal
corporation of the State of Florida,

Defendant.

CASE NO.: CACE-12-003298(03)
JUDGE: MILY RODRIGUEZ POWELL

ORDER ON CROSS-MOTIONS FOR SUMMARY JUDGMENT

THIS CAUSE came before the court on "Plaintiff, Philip G. Mavon, Jr.'s Motion for Summary Judgment," filed on December 7, 2012, and "Defendant's Response in Opposition to Plaintiff's Motion for Summary Judgment, and Defendant's Cross-Motion for Final Summary Judgment, Concise Statement of Undisputed Material Facts, and Incorporated Memorandum of Law," filed on February 4, 2013, pursuant to Fla R Civ P. 1.510(b). A hearing on the motions was held on February 11, 2013, and this Court, after having considered the motions, arguments of counsel, the court file, applicable law, and being otherwise fully advised in the premises, finds that:

The function of a motion for summary judgment is to determine whether the parties have offered sufficient proof to support their claims and/or defenses. Bifulco v. State Farm Mut. Auto. Ins. Co., 693 So. 2d 707 (Fla 4th DCA 1997). To obtain a final summary judgment, the moving party must conclusively demonstrate that no genuine issue of material fact exists, and that the moving party is entitled to judgment as a matter of law Fla R Civ P 1.510(c); Holl v. Talcott, 191 So. 2d 40 (Fla 1966). Both parties claim that there are no genuine issues of matter fact. Mavon claims that he is entitled to a judgment of equitable estoppel as a matter of law against the City for its refusal to grant a final inspection and approval of a boat basin built by Mavon pursuant to a permit issued by the City. In opposition, the City claims that equitable estoppel does not apply.

Exhibit ^2 ^

pg 23

Mavon's property is in two sections, one is a single family residence and one a 25 x 25 foot section used to dock a boat. In 1969, when Mavon's father owned the property, he built a wooden dock on the smaller section, pursuant to a permit issued to him by the City. In 2010, Mavon applied for a permit from the City to remove the existing seawall, excavate and construct a boat basin on the property. Mavon's application was approved by the City and a permit was issued to him on August 3, 2010. Mavon's project to build a basin was also approved by Broward County and the Army Corps of Engineers.

Construction began on the boat basin and on September 3, 2010, Mavon received a letter from the City claiming that, "per City Code 47-19 3B, a boat slip may not be constructed unless a principal structure exists on the lot on which the boat slip is constructed.. " Mavon immediately ceased construction; however, in order to prevent the "severely flooding of our already severely flooded street," Mayor Seiler lifted the hold on the construction project in order for Mavon to secure the seawall. In October, 2010, Mavon applied to the City's Marine Advisory Board for a waiver of the City's principal structure requirement and the board voted unanimously to recommend approval of the application.

A public hearing on the question of the waiver was scheduled for December 7, 2010, but was removed from the December 7th agenda and has not been reset. Mavon has made repeated requests to the City to make a final inspection and final approval of the boat basin, but the City has failed to do so. Mavon has incurred substantial costs and made substantial expenditures in excess of \$71,000.00, and has not enjoyed the use of the boat basin since its completion.

The City refuses to make the final inspection that Mavon seeks because it made a "mistake" in issuing the permit because there is no "principal structure" on the property and therefore, it is violation of § 47-19 3 of the City of Fort Lauderdale's Uniform Land Development Code, which provides, in pertinent part:

- (c) No boat slips, docks, boat davits, hoists, and similar mooring structures not including mooring or dolphin piles or a seawall, may be constructed by any owner of any lot unless a principal building exists on such lot and such lot abuts a waterway. Mooring structures, not including

CACE-12-003298(03)

mooring or dolphin piles, shall not extend into the waterway more than twenty-five (25) percent of the width of the waterway or twenty-five (25) feet whichever is less as measured from the property line.

(d) Mooring or dolphin piles, shall not be permitted to extend more than thirty (30) percent of the width of the waterway, or twenty-five (25) feet beyond the property line, whichever is less

- (e) The City Commission may waive the limitations of (c) and (d) under extraordinary circumstances, provided permits from all governmental agencies, as required, are obtained after approval of the City Commission, after a public hearing .

ULDR Code § 47-19.3(emphasis added)

It is apparent that the principal building violation of § 47-19.3 could be waived by the City. Mavon has shown at least 13 examples where this section of the ULDR has been waived by the City to accommodate Fort Lauderdale residents.

Mavon asks this Court to apply the doctrine of equitable estoppel against the City. The doctrine of equitable estoppel may be invoked against a governmental entity just as if it were an individual. Castro v. Miami-Dade Cnty. Code Enforcement, 967 So. 2d 230 (Fla. 3d DCA 2007). Equitable estoppel is appropriate where the plaintiff clearly and convincingly proves the following elements:

- (1) a property owner's good faith reliance
- (2) on some act or omission of the government and
- (3) a substantial change in position, or the incurring of excessive obligations and expenses, so that it would be highly inequitable and unjust to destroy the right the property owner has acquired

City of Jacksonville v. Coffield, 18 So. 3d 589 (Fla. 1st DCA 2009)

The doctrine of equitable estoppel can only be invoked against a governmental entity under exceptional circumstances. Castro. The court in Castro found that it was grossly unfair to allow the county to enforce an ordinance against a homeowner when the violation was caused by an addition that was made to the home over 25 years prior and by the previous owner who had been issued a permit to construct the addition. Id. It is apparent, that like Castro, Mavon's circumstances are exceptional and that it would be grossly unfair to allow the very City that issued a permit to construct a dock on his property to prevent him from obtaining any benefit from it and applying estoppel will not

unduly harm the public interest Associated Ins Co, Inc. v. Dep't of Labor & Employment Sec., 923 So 2d 1252 (Fla 1st DCA 2006).

Accordingly, for the above-stated reasons and after due consideration, it is hereby:

ORDERED AND ADJUDGED that Mavon's motion for summary judgment is **GRANTED** and conversely, the City's motion for summary judgment is **DENIED**

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 24th day of April, 2013.


MILY RODRIGUEZ POWELL
CIRCUIT COURT JUDGE

cc James C Brady, Esq, Attorney for Mavon, ARNSTEIN & LEHR LLP, 200 East Las Olas Blvd, Fort Lauderdale, FL 33301

Alain E Boileau, Esq, Attorney for the City of Fort Lauderdale, 101 Northeast Third Avenue, Ste 1500, Fort Lauderdale, FL 33301

COMPOSITE EXHIBIT “3”



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

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

GL-FTL1805-062

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

Applicant: Philip Mavon, Jr.

831 SOLAR ISLE DR, Fort Lauderdale

Description: Install 20,000# boatlift, 4 wood piles & 2 finger pier wood dock platforms.

Issue Date: 05/23/2018

Expiration Date: 05/22/2020

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

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

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

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

Aquatic and Wetland Resources Reviewer: Kristen Scheffer

Telephone: (954) 519-1266

email: kscheffer@broward.org

Composit Exhibit "3"

pg 27

Broward County General Conditions
(Required for all licenses)

GL-FTL1805-062

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

pg 28

Standard Specific Conditions
(Required for all licenses)

GL-FTL1805-062

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

Project Specific Conditions

GL-FTL1805-062

1. All watercraft associated with the construction and use of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring or prop dredging. Specifically, there shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of any submerged resources or canal bottom at mean low water.
2. Construction shall be in accordance with the attached plans and drawings. Any deviation may require a new license and may cause enforcement actions to be initiated.
3. Turbidity levels shall be monitored and recorded if a visible turbidity plume is observed leaving the site during construction activities. If monitoring reveals that turbidity levels exceed 29 NTU's above natural background 50 feet downstream of the point of discharge, project activities shall immediately cease, and work shall not resume until turbidity levels drop to within these limits (62-302.530(69) Florida Administrative Code [FAC]).
4. Turbidity screens, silt fences, or equivalent shall be properly employed and maintained as necessary to effectively contain suspended sediments and/or runoff during construction activities. Dredging, filling, excavation, seawall removal, seawall construction, and other projects which result in similar degrees of disturbance to wet sediments shall in all cases employ turbidity control measures designed to effectively enclose the entire work area. Connected turbidity curtain segments shall be overlapped and tied at the top and bottom so as to prevent turbidity from escaping through gaps between segments.

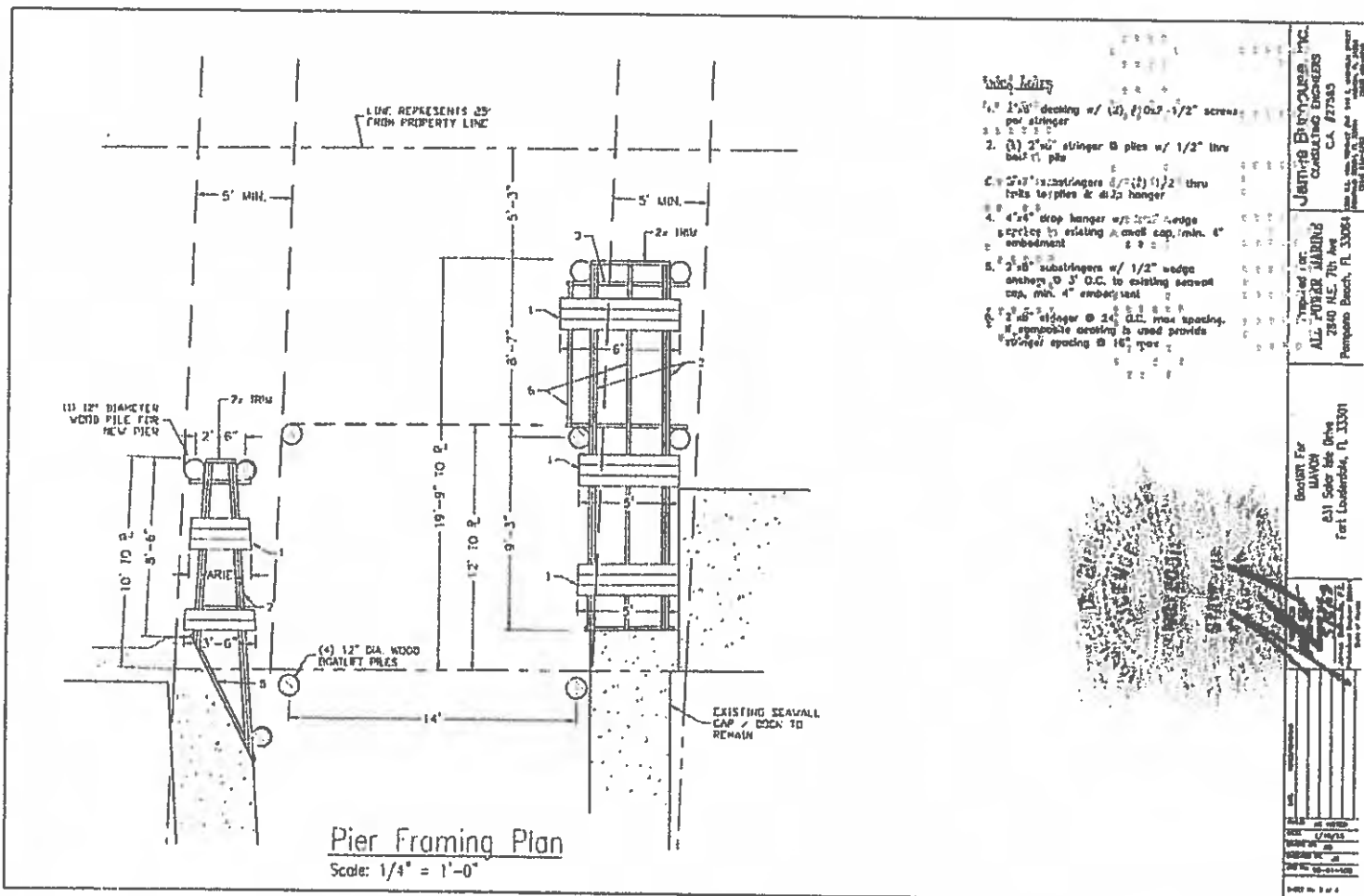
wood over water
(142)

KENNETH J. OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #3418

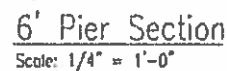
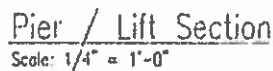

COMPASS
 SURVEYING
 6250 N. MILITARY TRAIL
 SUITE 102
 WEST PALM BEACH, FL 33407
 WWW.COMPASSSURVEYING.NET
 TEL: 763.561.4080 FAX: 561.40.0576

TOTAL DOCK = $\pm 402 \text{ sq. ft}$ TOTAL OVER WATER = $\pm 172 \text{ sq. ft}$

Pg 30



1. 2"x6" decking w/ (2) #10x2-1/2" screws per stringer
2. (2) 2"x6" stringer @ piers w/ 1/2" the bolt to pte
3. 2"x6" substringers w/ (2) 1/2" thru bolts to piers & drop hanger
4. 4"x4" drop hanger w/ 1/2" wedge anchor to existing concrete cap, min. 4" embedment
5. 2"x6" substringers w/ 1/2" wedge anchors @ 3' O.C. to existing concrete cap, min. 4" embedment
6. 2"x6" stringer @ 24" O.C. max spacing. If composite decking is used provide stringer spacing @ 16" max



James B. House, Inc.
Commercial Builders
C.A. #27583

AIR POWER MAKING
 2040 N.E. 7th Ave
 Fort Lauderdale, FL 33304

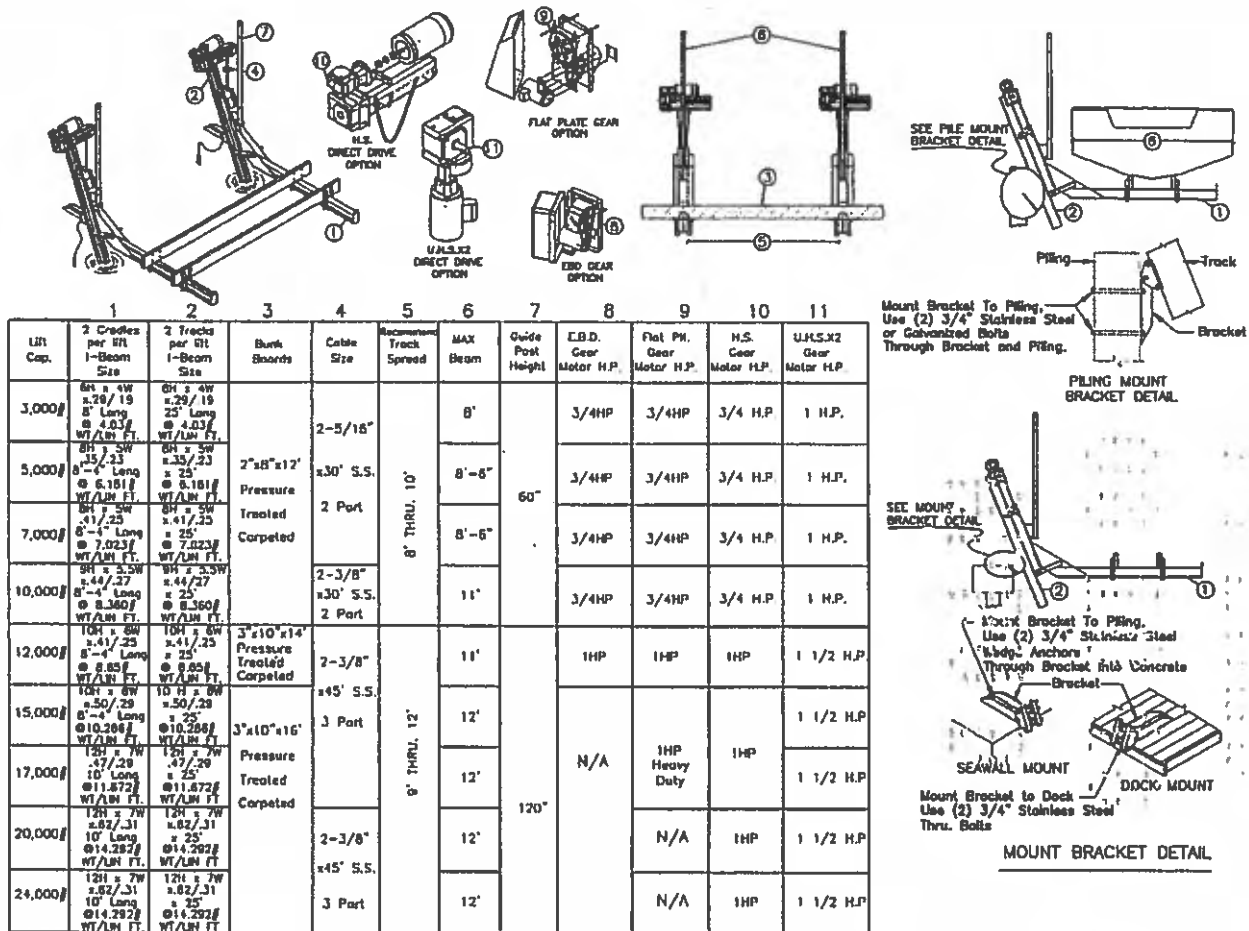
Booth for
MAYOR
531 Solor Isle Drive
Fort Lauderdale, FL 33301

THE UNIVERSITY OF CHICAGO

DATE: 1/25/78
PAGE: 2
SUBJECT: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

HURRICANE BOAT LIFTS

CATEGORY 3 ELEVATOR LIFTS ENGINEERING SPECIFICATIONS



THE WORK SPECIFIED HEREIN HAS BEEN DESIGNED & ALL WORK SHALL BE IN ACCORDANCE WITH STRUCTURAL PROVISIONS OF THE 5th EDITION 2014 FLORIDA BUILDING CODE

NOTE:

THIS LIFTING STRUCTURE HAS BEEN DESIGNED TO WITHSTAND WIND LOADS ASSOCIATED WITH WIND SPEEDS OF $V = 180$ MPH, $V = 139$ MPH (3 SEC. GUST) EXPOSURE 'D' WITHOUT A BOAT ON THE LIFT PER ASCE 7-10 USING ABOVE GROUND SIGN/WALL METHOD. THE LIFTING STRUCTURE INCLUDING BOAT HAS BEEN DESIGNED TO WITHSTAND WIND SPEEDS OF $V = 90$ MPH IN EXPOSURE 'C' OR 80 MPH IN EXPOSURE 'D'.

OWNER RESPONSIBLE TO REMOVE BOAT FROM LIFT DURING WINDSTORM EVENT IN EXCESS V_{wd} AS CALATED BELOW, PER FBC 3105.5.3 STRUCTURES DESIGNED TO BE READILY REMOVED OR REPOSITIONED DURING PERIODS OF HIGH WIND VELOCITY SHALL BE POSTED WITH A LEGIBLE AND READILY VISIBLE DECAL OR PAINTED INSTRUCTIONS TO BE THE OWNER OR TENANT TO REMOVE OR REPOSITION THE STRUCTURE OR PART THEREOF DURING SUCH PERIODS OF TIME AS ARE DESIGNATED BY THE U.S. WEATHER BUREAU AS BEING A HURRICANE WARNING OR ALERT. THE LIFT OWNER SHALL BE NOTIFIED OF THESE CONDITIONS BY THE PERMIT HOLDER. NO WARRANTY, EXPRESSED OR IMPLIED, IS CONTAINED HEREIN. V_{wd} MAY BE CALCULATED BY THE FOLLOWING FORMULA: $V_{wd} = v \cdot 0.6 \cdot \sqrt{W/L}$. DESIGN OF BOAT WIND LOADING HAS BEEN PERFORMED WITH THE FOLLOWING RATIOS AS CONFIRMED BY OTHERS: $B/s=3$, $s/h = 0.75$, FOR A Cf OF 1.6 MAXIMUM WHERE H IS THE HEIGHT TO TOP OF BOAT, B IS HORIZONTAL DIMENSION, AND S IS VERTICAL DIMENSION.

CERTIFICATION OF BOAT LIFT TO EXISTING STRUCTURE AND ALL ELECTRICAL OR MECHANICAL CERTIFICATIONS ARE BY OTHERS; ENGINEER SEAL CERTIFIES ASSEMBLY OF LIFT ONLY.

THIS DETAIL IS PREPARED AS A GENERAL NON-SITE SPECIFIC MASTER PLAN SHEET DETAIL. TYPICAL FIELD CONDITIONS ARE ASSUMED IN THE DESIGN. WOOD PILES SHALL BE SEASONED WOOD WITH $G=0.55$ OR BETTER. SHOULD ANY SPECIFIC LOCATION DIFFER FROM THAT SPECIFIED HEREIN, OR STANDARD FIELD CONDITIONS, ADDITIONAL SPECIFIC ENGINEERING MAY BE REQUIRED AS DETERMINED BY THE BUILDING INSPECTOR AND PERMITTING CONTRACTOR. CARE SHALL BE TAKEN BY CONTRACTOR IN ALL APPLICATIONS OF THIS DETAIL. AS THIS IS NOT A SITE SPECIFIC DRAWING, IT IS THE RESPONSIBILITY OF OTHERS TO ENSURE THE INTEGRITY OF INSTALLATION TO THE HOST STRUCTURE.

ALUMINUM

MATERIAL: 6061 T6 ALUMINUM

ALL WELDS ARE MIN. 1/4" FULL FILLET WELD USING 5556 FILLER ALLOY. ALL WELDING MUST CONFORM TO AISC STEEL CONSTRUCTION MANUAL 13TH ED AS INSPECTED AND VERIFIED BY OTHERS; THE CONTRACTOR IS RESPONSIBLE TO INSULATE ALUMINUM MEMBERS FROM DISSIMILAR METALS TO PREVENT ELECTROLYSIS.

FASTENERS

ALL ANCHORS TO BE HILTI BRAND OR MFR EQUIVALENT. ALL BOLTS SHALL BE HOT DIPPED GALVANIZED, OR STAINLESS STEEL & MEET THE REQUIREMENTS OF ASTM A304 WITH HARDENED WASHERS AND HEX NUTS. WASHERS SHALL BE USED BETWEEN WOOD & BOLT HEAD & BETWEEN WOOD & NUT. WHERE GENERIC FASTENERS ARE LABELED IN DETAILS, CAPACITIES SHALL BE EQUAL TO OR GREATER THAN HILTI KWIK BOLT II OR RED HEAD THRU BOLTS. EMBEDMENT DEPTHS SPECIFIED HEREIN ARE DEPTHS INTO SOLID SUBSTRATE AND DO NOT INCLUDE THICKNESS OF STUCCO OR OTHER FINISHES.

ALUMINUM MEMBERS IN CONTACT WITH CONCRETE AND WOOD SHALL BE PROTECTED BY "KOPPEKS BITUMINOUS PAINT" OR POLYETHYLENE TAPE UHMW (ULTRA HIGH MOLECULAR WEIGHT) 11.7 mils (0.30 mm) MIN. TOTAL THICKNESS IN ACCORDANCE WITH CURRENT FLORIDA BUILDING CODE. ALL WELDS PER FLORIDA BUILDING CODE.

B&B CONSULTING ENGINEERS, INC. HAS NOT VISITED THIS JOBSITE. INFORMATION CONTAINED HEREIN IS BASED ON CONTRACTOR SUPPLIED DATA AND MEASUREMENTS. B&B CONSULTING ENGINEERS, INC. SHALL NOT BE HELD RESPONSIBLE OR LIABLE IN ANY WAY FOR ERRONEOUS OR INACCURATE DATA OR MEASUREMENTS. WORK SHALL BE VERIFIED PRIOR TO CONSTRUCTION.

B&B CONSULTING ENGINEERS, INC. SHALL BE NOTIFIED AND GIVEN AN OPPORTUNITY TO REEVALUATE OUR WORK UPON DISCOVERY OF ANY INACCURATE INFORMATION PRIOR TO MODIFICATION OF EXISTING FIELD CONDITIONS AND FABRICATION AND INSTALLATION OF MATERIALS.

ENGINEERING SEAL AFFIXED HERETO VALIDATES STRUCTURAL DESIGN AS SHOWN ONLY. USE OF THIS SPECIFICATION BY CONTRACTOR, et al. INDEMNIFIES & SAVES HARMLESS THIS ENGINEER FOR ALL COSTS & DAMAGES INCLUDING LEGAL FEES & APPELLATE FEES RESULTING FROM MATERIAL, FABRICATION, SYSTEM ERECTION & CONSTRUCTION PRACTICES BEYOND THAT WHICH IS CALLED FOR BY LOCAL, STATE, & FEDERAL CODES & FORM DEVIATIONS OF THIS PLAN, EXCEPT AS EXPRESSLY PROVIDED IN HEREIN. NO CERTIFICATION OR AFFIRMATIONS ARE INTENDED.

THIS SPECIFICATION SHEET GOOD ONLY AT THIS NAME AND ADDRESS
VOID WITHOUT HURRICANE SEAL OVER NAME

NAME: _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____

HURRICANE BOAT LIFTS
3301 S.E. Slater Street
Stuart, Florida 34997
(772)-781-2556
Fax (772)-781-4854

B&B Engineers,
N.2237 Woods Edge Circle
Orlando FL. 32817

Oscar M. Bermudez, PE.
Reg. Florida No. 55141

DATE:

[Signature] 3-18-17



FINAL ORDER OF THE BOARD OF ADJUSTMENT REGARDING CASE B19003

This matter was presented to this Board on March 13, 2019, concerning the application of the applicant Scott S. Liberman by and through its agent Andrew J. Schein, Esq./Lochrie and Chakas, P.A., regarding real property legally described as: RIVIERA 6-17 B LOT 1, LOT 2 E1/2, LOT 4 S 25 OF W 25, BLK 4.

Whereas the Applicant appealed decision of the department in the interpretation and application of following provisions of the Unified Land Development Regulations ("ULDR"):

Section 47-19.3. - Boat slips, docks, boat davits, hoists and similar mooring structures.

Appealing the application of Sec. 47-19.3. - Boat slips docks, boat davits, hoists and similar mooring structures of the Unified Land Development Regulations to property located at 831 Solar Isle Drive, Fort Lauderdale, FL 33301 pursuant to Sec 47-24.12(B).

And the Board having heard and reviewed the evidence in this matter has determined that the department's application of the ULDR is clearly erroneous, it is ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF FORT LAUDERDALE THAT THE SAID APPLICATION BE

APPROVED by a vote of five (5) in favor and two (2) opposed

The appeal, reversing staff's determination with respect to whether a principle structure exists on the lot, consistent with the requirements of the ULDR Passed 5-2 with Mr. Nelson and Mr Maxey opposed.

Dated this 20th day of March, 2019.

Douglas Reynolds
Chair of the Board of Adjustment

Pursuant to ULDR Sec. 47-24.12.A.8, This order shall be recorded in the public record of Broward County, Florida at the cost and expense of the applicant.

Unless a shorter time period is specified above, a building permit to implement the improvements authorized by this Order must be secured within 180 days of the date of entry of this Order.

Temporary nonconforming use permits shall expire within the time specified in the final order, which such time may not exceed one (1) year from the date of entry of the final order.

Pursuant to ULDR Sec. 47-24.12.A.11, where an application for a variance or special exception or both has been denied by the Board of Adjustment, no new application for the same or a substantially similar variance or special exception or both may be made within a period of two (2) years from the date of such denial.

In order to appeal the Board's decision, a Petition for a Writ of Certiorari must be filed (with the Circuit Court) within 30 days of rendition of this Final Order of the Board of Adjustment. Fla. Rules App. Procedure, Rule 9.100 (c).

Exhibit "3"

COMPOSITE EXHIBIT “4”

BROWARD COUNTY UNIFORM BUILDING PERMIT APPLICATION

Select One Trade: ☐ Building ☐ Electrical ☐ Plumbing ☐ Mechanical ☐ Other _____
 Application Number: BLD-BDSP-22010010 Application Date: 1/12/2022

Job Address: 831 Solar Isle	Unit:	City: Fort Lauderdale
Tax Folio No.: 504212080850	Flood Zn:	BFE: Floor Area: Job Value: \$34,505
Building Use: SF Residential	Construction Type:	Occupancy Group:
1 Present Use: SF Residential	Proposed Used: no change	
Description of Work: demo & rebuild dock; remove and re-install boatlift on 4 new piles		
☐ New ☐ Addition ☐ Repair ☐ Alteration ☐ Demolition ☐ Revision ☒ Other: MARINE		
Legal Description: RIVIERA 6-17B LOT 1, LOT 2 E 1/2, LOT 4 S 25 OF W 25, BLK 4		☐ Attachment
2 Property Owner: Philip Mavon	Phone: 630-915-1907	Email: phil.mavon@mavon.com
Owner's Address: 831 Solar Isle Dr	City: Fort Lauderdale	State: FL Zip: 33301
Contracting Co.: Dorado Drywall & Stucco LLC	Phone: 954-875-4887	Email: jamespegg1@gmail.com
3 Company Address: 1728 SW 4th St	City: Fort Lauderdale	State: FL Zip: 33312
Qualifier's Name: James Pegg	Owner-Builder: ☐	License Number: CGC1529849
Architect/Engineer's Name: James Bushouse Inc	Phone: 561-908-2473	Email: steven@jamesbushouseinc.com
Architect/Engineer's Address: 3140 Wedgewood Blvd	City: Delray Beach	State: FL Zip: 33445
Bonding Company: n/a		
4 Bonding Company Address: n/a	City:	State: Zip:
Fee Simple Titleholder's name (if other than owner): n/a		
Fee Simple Titleholder's Address (if other than owner): n/a	City:	State: Zip:
Mortgage Lender's Name: n/a		
Mortgage Lender's Address: n/a	City:	State: Zip:

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

x Victoria Lane, owner's agent x James Pegg
 Signature of Property Owner's Agent Signature of Qualifier

STATE OF FLORIDA
 COUNTY OF BROWARD

STATE OF FLORIDA
 COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me this 13 day of December, 2021 by

Sworn to (or affirmed) and subscribed before me this 13 day of December, 2021 by

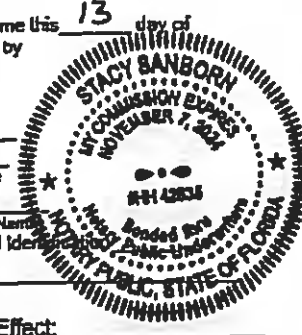
Victoria Lane, Agent
 (Type / Print Property Owner or Agent's Name)

James Pegg
 (Type / Print Qualifier's Name)



Stacy Sanborn
 NOTARY'S SIGNATURE as to Owner or Agent's Signature
 Notary Name Stacy Sanborn
 (Print, Type or Stamp Notary's Name)
 Personally Known ☒ or Produced Identification n/a
 Type of Identification Produced n/a

Stacy Sanborn
 NOTARY'S SIGNATURE as to Qualifier's Signature
 Notary Name Stacy Sanborn
 (Print, Type or Stamp Notary's Name)
 Personally Known ☒ or Produced Identification n/a
 Type of Identification Produced n/a



APPROVED BY: _____ Permit Officer Issue Date: _____ Code In Effect: _____

A jurisdiction may use a supplemental page requesting additional information and citing other conditions, please inquire.
 Note: If any development work as described in FS 380.04 Sec. 2 a-g is to be performed, a development permit must be obtained prior to the issuance of a building permit.

composite Exhibit "4"

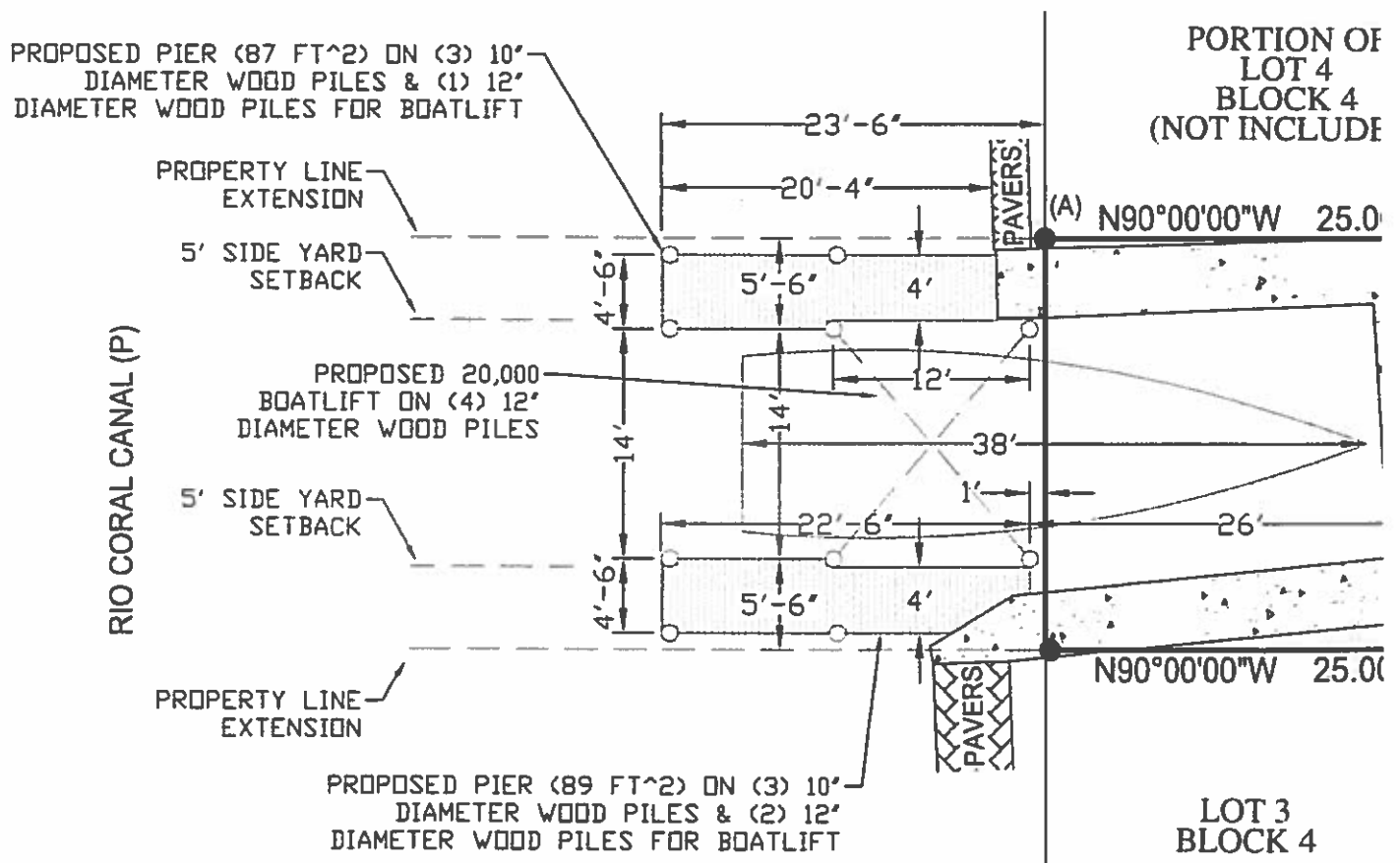
pg 36

Walter Morgan

From: Burt Ford <BFord@fortlauderdale.gov>
Sent: Wednesday, February 15, 2023 12:39 PM
To: Robert Dunckel; Mohammed Malik; Michael Rinkus
Cc: Christopher Cooper; Anthony Fajardo; Walter Morgan; D'Wayne Spence; David Dunshee; James Hollingsworth
Subject: RE: MAVON

Yes, BLD-BDSP-22010010, an application to install dock finger piers and a boatlift partially inside and partially outside the slip, see below:

- RS-8 ZONING DISTRICT
- ANY DOCKED VESSEL SHALL NOT ENCROACH INTO THE REQUIRED 5 FOOT SIDE YARD SETBACK



We've failed it again for the same reason as before, no principal structure on the small lot above, ignoring the unity of title.

Guidance is requested.

Regards,

Burt Ford -- Zoning Chief Plans Examiner, PX3497, BN6266, CGC, CFM

COMPOSITE EXHIBIT “5”

BROWARD COUNTY UNIFORM BUILDING PERMIT APPLICATION

Select One Trade: ☐ Building ☐ Electrical ☐ Plumbing ☐ Mechanical ☐ Other _____

Application Number: BLD-BDSP-22010010

Application Date: 1/12/2022

Job Address: 831 Solar Isle	Unit:	City: Fort Lauderdale
Tax Folio No. 504212060650	Flood Zn:	BFE:
Floor Area:	Job Value: \$34,505	
Building Use: SF Residential	Construction Type:	Occupancy Group:
Present Use: SF Residential	Proposed Used: no change	
Description of Work: Remove & rebuild dock; remove and re-install boatlift on 4 new piles		
☐ New ☐ Addition ☐ Repair ☐ Alteration ☐ Demolition ☐ Revision ☒ Other: MARINE		
Legal Description: RIVIERA 6 th 17B LOT 1, LOT 2 E 1/2, LOT 4 S 25 th OF W 25 th BLK 4 ☐ Attachment		
Property Owner: Philip Mavon	Phone: 630-915-1907	Email: phil.mavon@mavon.com
Owner's Address: 831 Solar Isle Dr	City: Fort Lauderdale	State: FL Zip: 33301
Contracting Co: Dorado Drywall & Stucco LLC	Phone: 954-875-4867	Email: jamespegg1@gmail.com
Company Address: 1728 SW 4th St	City: Fort Lauderdale	State: FL Zip: 33312
Qualifier's Name: James Pegg	Owner-Builder: ☐	License Number: CGC1529849
Architect/Engineer's Name: James Bushouse, Inc	Phone: 561-908-2473	Email: steven@jamesbushouseinc.com
Architect/Engineer's Address: 3140 Wedgewood Blvd	City: Delray Beach	State: FL Zip: 33445
Bonding Company: n/a		
Bonding Company Address: n/a	City:	State: Zip:
Fee Simple Titleholder's name (if other than owner): n/a		
Fee Simple Titleholder's Address (if other than owner): n/a	City:	State: Zip:
Mortgage Lender's Name: n/a		
Mortgage Lender's Address: n/a	City:	State: Zip:

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

x Victoria Lane, owner's agent x James Pegg
 Signature of Property Owner's Agent Signature of Qualifier

STATE OF FLORIDA
COUNTY OF BROWARD

STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me this 13 day of December, 2021 by

Sworn to (or affirmed) and subscribed before me this 13 day of December, 2021 by

Victoria Lane, Agent
 (Type / Print Property Owner or Agent Name)
Stacy Sanborn
 (Type / Print Notary's Name)
 Notary's Signature as to Owner or Agent's Signature
 Notary Name: Stacy Sanborn
 (Print, Type or Stamp Notary's Name)
 Personally Known ☒ For Produced Identification n/a

James Pegg
 (Type / Print Qualifier's Name)
Stacy Sanborn
 (Type / Print Notary's Name)
 Notary's Signature as to Qualifier's Signature
 Notary Name: Stacy Sanborn
 (Print, Type or Stamp Notary's Name)
 Personally Known ☒ For Produced Identification n/a



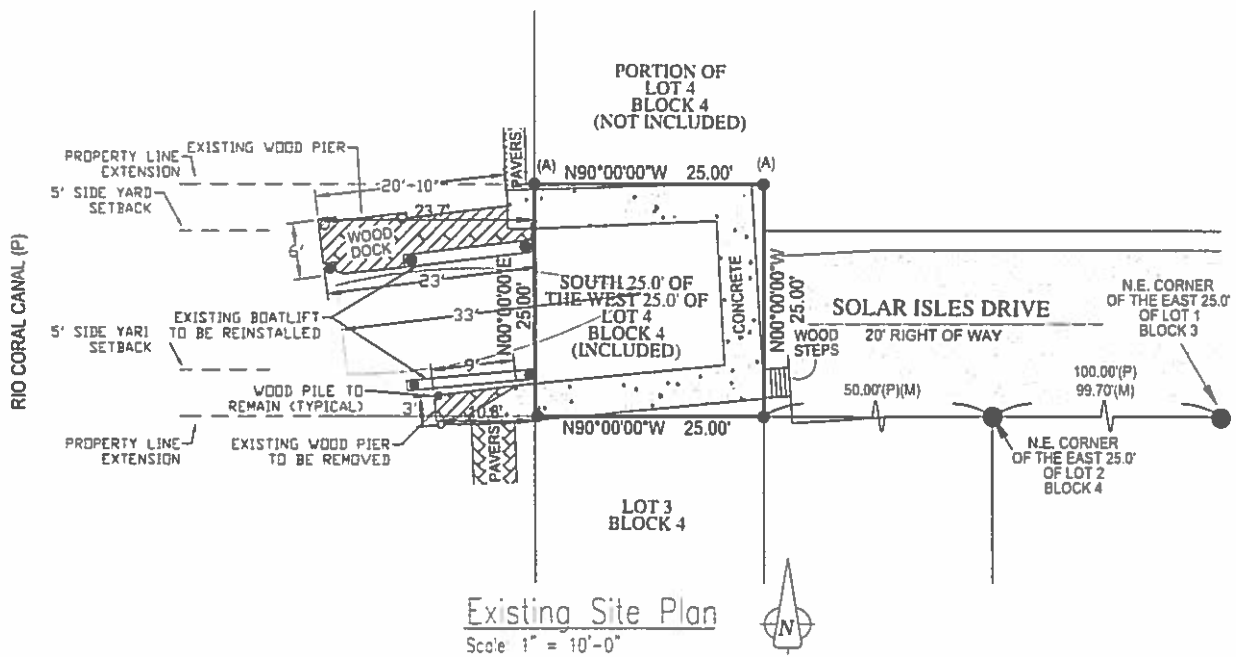
Permit Officer: _____ Issue Date: _____ Code in Effect: _____

A jurisdiction may use a supplemental page requesting additional information and citing other conditions, please inquire.
 Note: If any development work as described in FS 380.04 Sec. 2 a-g is to be performed, a development permit must be obtained prior to the issuance of a building permit.

1.58

composite Exhibit "5"

pg 38



James Bushouse, Inc.
CONSULTING ENGINEERS
C.A. #22565
2140 WILSON BLVD.
Ft. Lauderdale, FL 33301
(954) 441-2012

Wood Pier & Boatlift For
MAYON
831 Solar Isle Drive
Fort Lauderdale, FL 33301

DATE: 10/7/21
DRAWN BY: J. Bushouse
CHECKED BY: J. Bushouse
DATE: 10/7/21

TOTAL AS NOTED
SHEET 1 OF 1
DATE: 10/7/21
DRAWN BY: J. Bushouse
CHECKED BY: J. Bushouse
DATE: 10/7/21

PS 39



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

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

GL-FTL2111-027

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

Applicant: Philip Mavon

831 SOLAR ISLE DR, Fort Lauderdale

Description: Removing existing wood dock and boatlift. Construct new dock (192' 9" square feet over water) and install 20,000 lb boatlift.

Issue Date: 11/10/2021

Expiration Date: 11/10/2023

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

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

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

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

Aquatic and Wetland Resources Reviewer: Sabrina Ladd

Telephone:

email: sladd@broward.org

composite Exhibit "5"

pg 40

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

Standard Specific Conditions
(Required for all licenses)

GL-FTL2111-027

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

Project Specific Conditions

GL-FTL2111-027

1. All watercraft associated with the construction and use of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring or prop dredging. Specifically, there shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of any submerged resources or canal bottom at mean low water.
2. Construction shall be in accordance with the attached plans and drawings. Any deviation may require a new license and may cause enforcement actions to be initiated.
3. Turbidity levels shall be monitored and recorded if a visible turbidity plume is observed leaving the site during construction activities. If monitoring reveals that turbidity levels exceed 29 NTU's above natural background 50 feet downstream of the point of discharge, project activities shall immediately cease, and work shall not resume until turbidity levels drop to within these limits (62-302.530(69) Florida Administrative Code [FAC]).
4. Turbidity screens, silt fences, or equivalent shall be properly employed and maintained as necessary to effectively contain suspended sediments and/or runoff during construction activities. Dredging, filling, excavation, seawall removal, seawall construction, and other projects which result in similar degrees of disturbance to wet sediments shall in all cases employ turbidity control measures designed to effectively enclose the entire work area. Connected turbidity curtain segments shall be overlapped and tied at the top and bottom so as to prevent turbidity from escaping through gaps between segments.

Conditions:

-  Concrete Dock over land:  (approx. 230 sq.ft.)
-  Concrete Over water (± 30 sq.ft.)
- Wood over water (± 142)

THE SOUTH 25 FEET OF WEST 25 FEET OF LOT 4, ALL IN BLOCK 4, RIVIERA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FL

THE PURPOSE OF THIS SURVEY IS TO SHOW THE LOCATION OF THE BOAT SLIP AREA LOCATED AT THE WEST END OF SOLAR ISLES DRIVE.

STACY SANBORN

6250 N. MILITARY TRAIL
SUITE 102
WEST PALM BEACH, FL 33407
www.commerciallyyng.net
YING
00 FAX: 561.640.0576

TEL: 7463 PHON: 561.640.4800 FAX: 561.640.0576

COMPASS SURVEYING

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A
TRUE AND CORRECT REPRESENTATION OF A SURVEY
PREPARED UNDER MY DIRECTION, NOT VALID
WITHOUT A RAISED EMBOSSED SEAL AND SIGNATURE.

102000

KENNETH J. OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6418

(A) SET 1/2" IRON ROD LBN 7483

LEGAL DESCRIPTION PROVIDED BY CLIENT

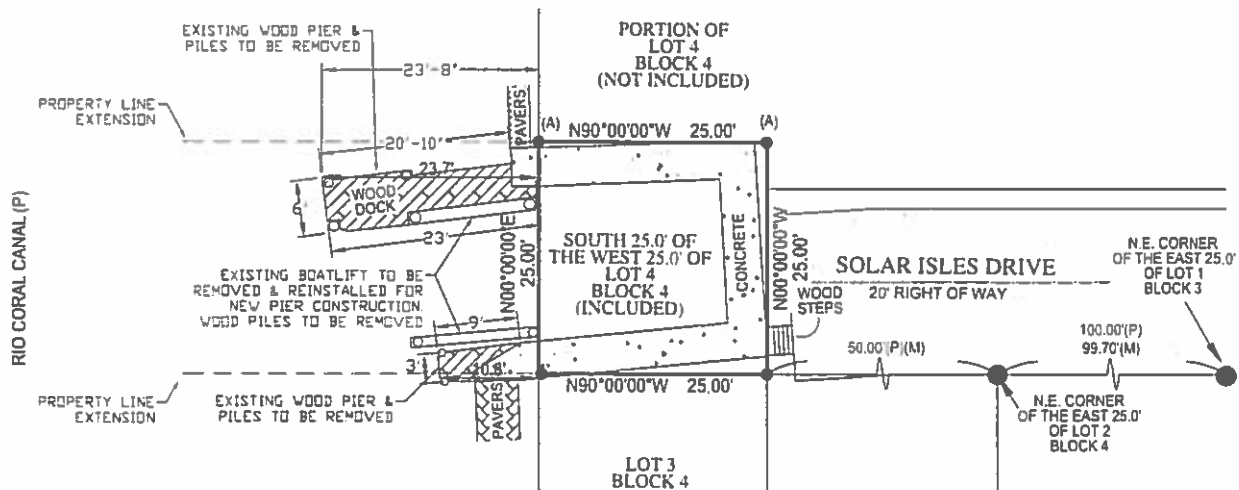
1. NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE

2. NO SURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY

3. ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORDED AND MEASURED UNLESS OTHERWISE NOTED

4.

pg 43



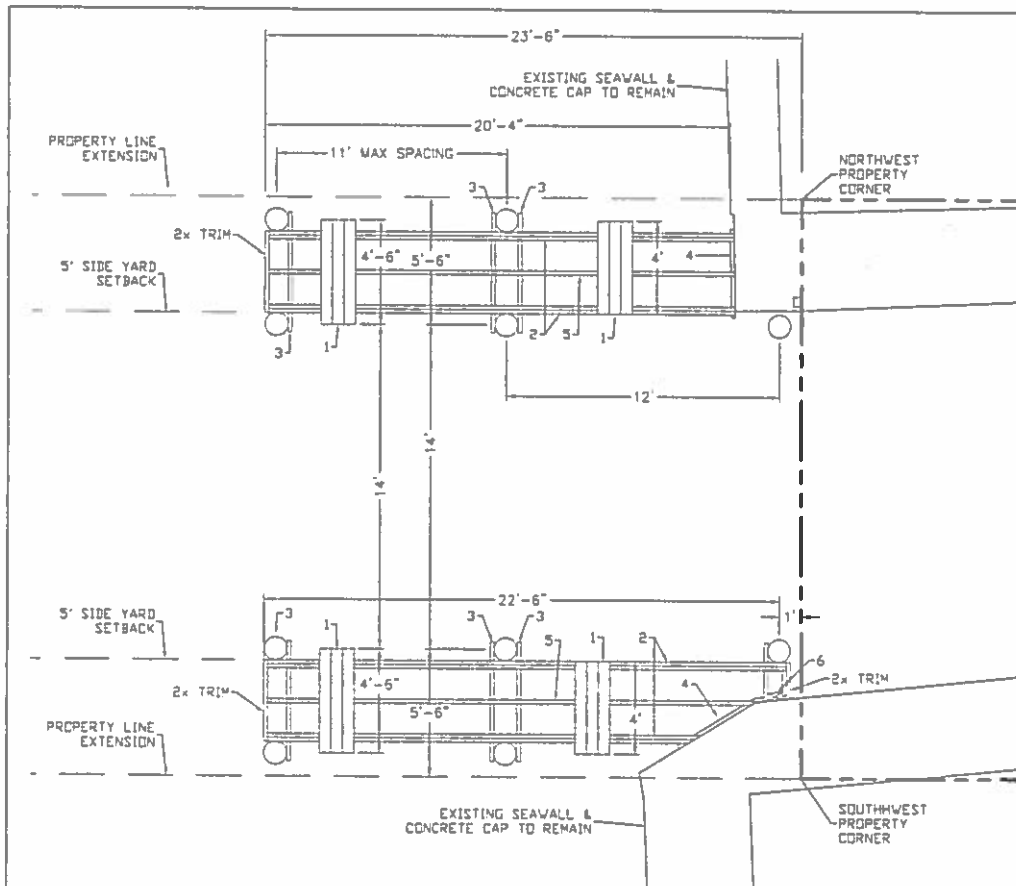
Existing Site Plan
Scale: 1" = 10'-0"

James J. Bushouse, State of Florida, Professional Engineer,
License No. 28311
This plan has been electronically signed & sealed by James J. Bushouse, P.E., on October 25, 2021 using a Digital Signature.
Printed copies of this document are not considered signed & sealed & the signature must be verified on any electronic system.

James Bushouse, Inc.
CONSULTING ENGINEERS
C.A. #27545
1145 W. US HWY 1
SUITE 100
FORT LAUDERDALE, FL 33301
(954) 475-1145
P.O. Box 1333
Fort Lauderdale, FL 33301
(954) 475-1145

Wood Pier & Boatlift for
MANON
631 Solar Isles Drive
Fort Lauderdale, FL 33301

DATE: 10/25/21
DRAWN BY: JJB
CHECKED BY: JJB
DESIGNED BY: JJB
PROJECT NO.: 21-10-108
SHEET NO.: 1 OF 4



Pier Framing Plan
Scale: 1/4" = 1'-0"

DOCK NOTES

1. 2"x8" decking w/ (2) #10x2-1/2" screws per stringer
2. (2) 2"x8" stringer @ piles w/ 5/8" thru bolt to pile. Bolt not required at beam for boatlift
3. 2"x8" substringers w/ (2) 5/8" thru bolts to piles. Use (1) 3/8"x6" lag bolt to drop hanger
4. 2"x8" substringers w/ 1/2" wedge anchors @ 2' O.C. to existing seawall cap, min. 4" embedment
5. 2"x8" stringer @ 24" O.C. max spacing. If composite decking is used provide stringer spacing @ 16" max
6. 4"x10" drop hanger, rip to fit, w/ (2) 1/2" wedge anchors to existing seawall cap, min. 4" embedment

James J. Buchanan, State of Florida, Professional Engineer,
License No. 20371

This form has been electronically signed & sealed by James J. Buchanan, P.E. on October 23, 2023 using a Digital Signature.

Printed copies of this document are not considered signed & sealed & the signatures must be written on any electronic copies.

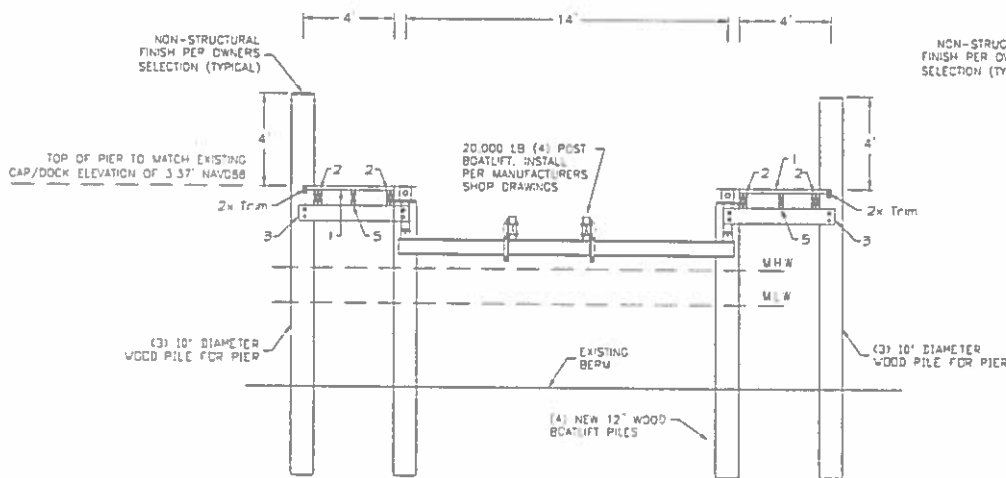
James Buchanan, Inc.
CONSULTING ENGINEERS
C.A. #27565
P.O. Box 1322
Fort Lauderdale, FL 33301
(954) 571-1000

Wood Pier & Boatlift For
MAYON
831 Solar Isle Drive
Fort Lauderdale, FL 33301

DATE: 10/23/23
DRAWN BY: JJB
CHECKED BY: JJB
DESIGNED BY: JJB
SCALE: AS NOTED

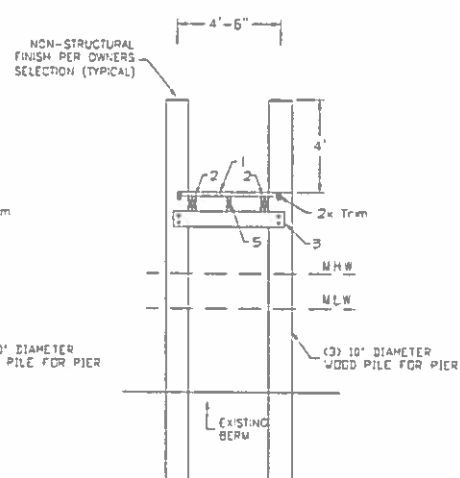
PROJECT NO.: 23-10-100
SHEET NO.: 2 OF 2

PG 45



Pier / Lift Section

Scale: 1/4" = 1'-0"



4'-6" Pier Section

Scale 1/4" = 1'-0"

DOCK NOTES

1. 2"x8" decking w/ (2) #10x2-1/2" screws per stringer
2. (2) 2"x8" stringer @ piles w/ 5/8" thru bolt to pile. Bolt not required at beam for boatlift
3. 2"x8" substringers w/ (2) 5/8" thru bolts to piles. Use (1) 5/8"x8" lag bolt to drop hanger
4. 2"x8" substringers w/ 1/2" wedge anchors @ 2' O.C. to existing seawall cap, min. 4" embedment
5. 2"x8" stringer @ 24" O.C. max spacing. If composite decking is used provide stringer spacing @ 16" max
6. 4"x10" drop hanger, rip to fit, w/ (2) 1/3" wedge anchors to existing seawall cap, min. 4" embedment

James B. Sisk, State of Florida, Professional Engineer, License No. 36391

This plan has been electronically signed & sealed by James B. Sisk, State of Florida, Professional Engineer, License No. 36391

Printed copies of this document are not considered signed & sealed & the signature must be verified on any electronic copies.

James B. Sisk, Inc.
CONSULTING ENGINEERS
P.O. Box 1222
Fort Lauderdale, FL 33301
(954) 586-2117
(954) 586-2118

Wood Pier & Boatlift for
AVON
BLI Solar Ice Drive
Fort Lauderdale, FL 33301

NOTED
10/1/2010
JAMES B. SISK
Professional Engineer
State of Florida

DATE: 10/1/2010
TIME: 10:00 AM
PROJECT: 21-10-1028
SHEET No. 1 of 1

pg 46

T2 TOPLESS X2®: SPECIFICATIONS

Specifications for the T2 Topless X2

All specifications subject to change without notice.

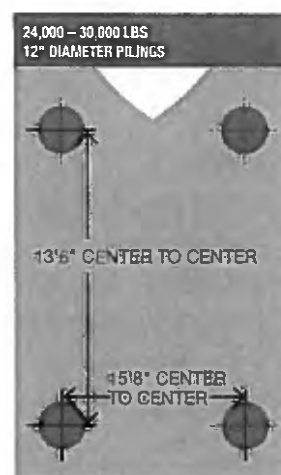
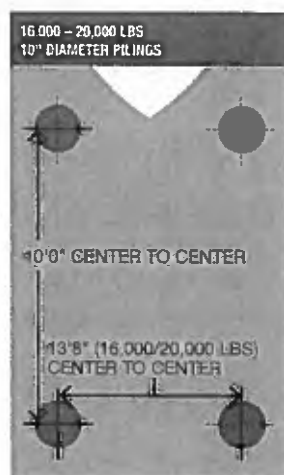
Structural Specifications for T2 Topless® X2

LIFT MODEL	LIFTER BEAM DIMENSIONS	MAXIMUM BEAM	SPEED	CABLE SIZE (STAINLESS STEEL)	GEAR BOX	STANDARD BUNKS	MOTOR (STAINLESS STEEL)	REQUIRED VOLTS/AMPS	GUIDE POLE WEIGHT PIPE SIZE	PILING QUANTITY/SIZE
9,000 LB (DOUBLE CABLE)	6" x 4" x 12'6"	9'6"	54"/min	1/4" x 30'	Standard duty Gear Drive®	8" x 14' Aluminum	(4) 3/4 hp	220V/30A	2" x 6'8" 1.5" x 50"	4 pilings/ 10" diameter
12,000 LB (DOUBLE CABLE)	8" x 5" x 12'6"	9'6"	54"/min	5/16" x 30'	Standard duty Gear Drive®	10" x 14' Aluminum	(4) 1 hp	220V/30A	2" x 10' 1.5" x 100"	4 pilings/ 10" diameter
16,000 LB (DOUBLE CABLE)	10" x 6" x 14'	11'0"	54"/min	5/16" x 30'	Heavy duty Gear Drive®	10" x 14' Aluminum	(4) 1 1/2 hp	220V/50A	2" x 10' 1.5" x 100"	4 pilings/ 10" diameter
20,000 LB (DOUBLE CABLE)	10" x 6" x 14'	11'0"	54"/min	3/8" x 30'	Heavy duty Gear Drive®	10" x 14' Aluminum	(4) 2 hp	220V/60A	2" x 10' 1.5" x 100"	4 pilings/ 10" diameter
24,000 LB (TRIPLE CABLE)	12" x 7" x 16' Light duty	12'6"	36"/min	5/16" x 45'	Heavy duty Gear Drive®	3" x 12" x 18' Wood	(4) 1 1/2 hp	220V/50A	2" x 10' 1.5" x 100"	4 pilings/ 12" diameter
30,000 LB (TRIPLE CABLE)	12" x 7" x 16' Heavy duty	12'6"	36"/min	3/8" x 50'	Heavy duty Gear Drive®	3" x 12" x 18' Wood	(4) 2 hp	220V/60A	2" x 10' 1.5" x 100"	4 pilings/ 12" diameter

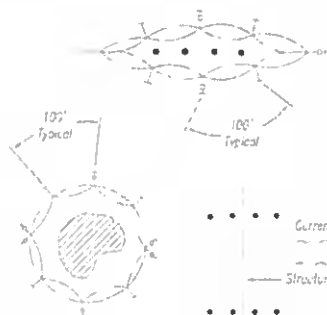
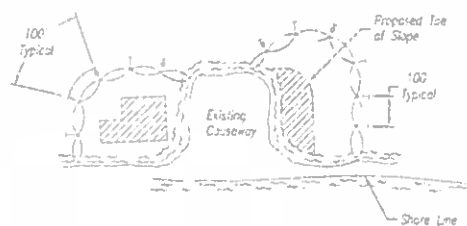
Wire Specifications for the T2 Topless® X2

MOTOR HP (STAINLESS STEEL)	100'/240V	200'/240V	300'/240V	400'/240V
(4) 3/4 hp or 1 hp	#10	#8	#6	#4
(4) 1 1/2 hp	#8	#6	#4	#2
(4) 2 hp	#8	#4	#4	#2

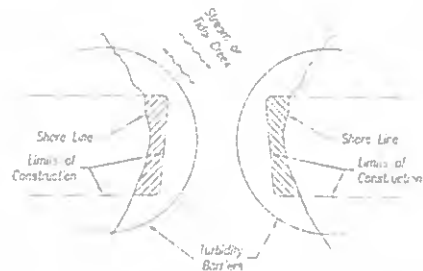
Piling Setting Dimensions for the T2 Topless® X2



pg 47



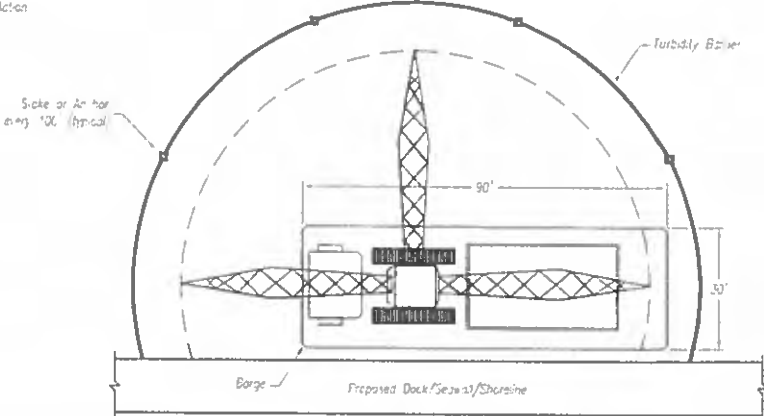
- LEGEND**
- ③ Pile Locations
 - ▨ Dredge or Fill Area
 - Moving Buoys with Anchor
 - Anchor
 - Barrier Movement Due To Current Action



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 Contractor's 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. Piles in staked turbidity barriers to be installed in wetland position unless otherwise directed by the Engineer of Record.

- NOTES**
1. Turbidity barriers are to be used in all permanent limits 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.

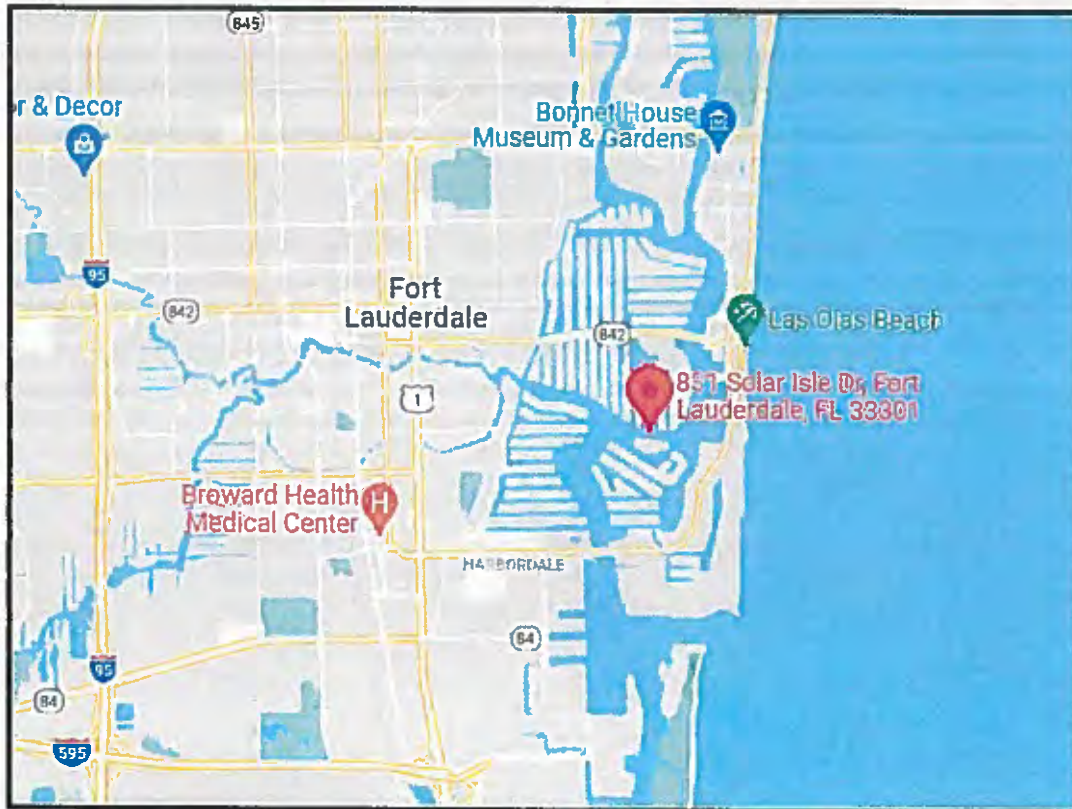


TURBIDITY BARRIER APPLICATIONS

SITE LOCATION

Mavon Project

831 Solar Isle Dr., Ft. Lauderdale, FL 33301





Environmental Protection and Growth Management Department
PLANNING AND DEVELOPMENT MANAGEMENT DIVISION

1 North University Drive, Building A, Suite 102 Plantation, Florida 33324 954-357-6666 FAX 954-357-6521

Broward County Transportation Concurrency Satisfaction Certificate

*** Please note that this approval does not constitute Environmental Review Approval. You will still need the Environmental Approval Certificate to submit to the Building Department.**

Issue Date: 11/15/2021

DR Review #: 0081824

Application Number: 000438126

Title of Drawings: GL-FTL2111-027

Project#: 001

Plan Last Revision Date: 12-NOV-21

Bldg Dept Jurisdiction: Fort Lauderdale

Legal Description: Plat Name: RIVIERA

Plat Number: Book: 6 Page: 17

Lot: 1-4 Block: 4

Address: 831 Solar Isle DR, Fort Lauderdale, Fl. 33301

Construction Type: Other

This approval is issued in accordance with Sec. 27.66 of the Broward County Natural Resource Protection Code. This approval is specific for the plans and description described on this approval. Any changes in footprint, Lot #, or bedrooms or use will require a new approval.

Development Review

☒ **BUILDING OFFICIAL:** No Impact/Concurrency Fees Due to Broward County Planning & Development Management Division
The installation of a dock and boatlift for a single family residence.
-831 Solar Isle Dr.

Receipt# 0081824

☒ **TRANSPORTATION CONCURRENCY SATISFACTION:** Certificate is hereby issued

*Any revision to these plans requires a new development review by the division.

If a building permit is not applied for within 30 days of the Environmental Review Approval, plans must be re-submitted to the Planning and Development Management Division for re-evaluation.

Development Reviewer Name: Monica Randino

pg 50



Environmental Protection and Growth Management Department
PLANNING AND DEVELOPMENT MANAGEMENT DIVISION
1 North University Drive, Building A, Suite 102 Plantation, Florida 33324 954-357-6666 FAX 954-357-6521

Broward County Environmental Review Approval Certificate

Issue Date: 11/15/2021

ER Review #: 000438126

Title of Drawings: GL-FTL2111-027

Project#: 001

Plan Last Revision Date: 12-NOV-21

Bldg Dept Jurisdiction: Fort Lauderdale

Legal Description: Plat Name: RIVIERA Lot: 1-4 Block: 4

Address: 831 Solar Isle DR, Fort Lauderdale, Fl. 33301

Construction Type: Other

This approval is issued in accordance with Sec. 27.66 of the Broward County Natural Resource Protection Code. This approval is specific for the plans and description described on this approval, any changes in footprint, Lot #, or bedrooms or use will require a new approval.

APPROVED

☒ **ATTENTION** THE BUILDING DEPARTMENT IS NOT REQUIRED TO ELECTRONICALLY UPDATE BUILDING PERMIT AND CO FOR THIS PROJECT

☒ **COMMENTS** Removing existing wood dock and boatlift. Construct new dock (192' 9" square feet over water) and install 20,000 lb boatlift.

If a building permit is not applied for within 30 days of the Environmental Review Approval, plans must be re-submitted to the Planning and Development Management Division for re-evaluation.

Environmental Reviewer Name: Scott Strauss

Pg 51

COMPOSITE EXHIBIT “6”



Composite Exhibit "6"

pg 52



pg 53



pg 54



pg 55

EXHIBIT “7”

Sec. 47-35.1. - Definitions.

For the purpose of the ULDR certain terms and words are herein defined. Words used in the present tense include the future; the words "used for" include the meaning "designed for"; the word "structure" includes the word "building"; the word "lot" includes the words "plot" and "tract." The words "area" and "district" may indicate and include the meaning "zone"; the word "unit" shall mean "dwelling unit." Words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership or other legal entity, as well as an individual. The word "street" includes avenue, boulevard, parkway, court, highway, lane, road, terrace, causeway, way and expressway. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring, stream and canal, but does not include a lake, pond or pool without outlet. The word "may" is permissive; the words "shall" and "will" are mandatory and not merely directory. Other definitions appear in specific sections of the ULDR and are applicable only to those sections.

AASHTO: American Association of State Highway and Transportation Officials, an organization which prepares recommendations for highway and street engineering policies and standards.

Abut: A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

Accessory building: An "accessory building" is a subordinate building which is located on the same development site as the principal building, the use of which building is clearly incidental to the use of the principal building.

Accessory uses: Uses customarily incidental and subordinate to the principal uses as permitted and located on the same development site as the principal use.

Alley: Any roadway, place or public way dedicated for use by the public and twenty (20) feet or less in width.

Apartment: Apartment is a building occupied or intended to be occupied by more than two (2) families, living separately and with separate kitchens or facilities for doing their own cooking on the premises, or by more than two (2) families, individuals or groups of individuals. Apartments shall not include townhouses, cluster dwellings, coach homes or duplex units.

Automotive repair: An establishment which provides automobile repair service. See Section 47-18.4.

Automotive sales: An establishment which provides for the sale of cars, vans, jeeps, pick-up trucks, not including those vehicles listed in truck sales.

Automotive service station: An establishment where fuels, oils or greases are supplied and dispensed to motor vehicles.

Automotive wrecking or salvage yard: An area used for the dismantling or wrecking of used vehicles and the storage and sale of used automotive parts.

building activity that is carried out exclusively within a previously constructed structure which does not affect the intensity of use or affects only the exterior color of the structure shall not be considered development.

Development permit: Any use approval, plat approval, site plan approval, development review committee order, zoning permit or rezoning, special exception, variance, certificate of appropriateness, historic designation or other official action having the effect of permitting the development as defined in the ULDR.

Development site: A lot or parcel of land or combination of lots or parcels of land proposed for development. If a development site has more than one (1) parcel or lot with different owners, all property owners will be required to sign the application for development permit, and shall be required to execute and record in the public records a declaration on a form provided by the department, stating that the parcels have been developed as a single unit for purposes of meeting the ULDR. The declaration shall include a legal description of each parcel and shall state that no parcel may be developed separate from the other parcel unless each parcel standing alone meets the requirements of the ULDR.

Director: The director of the department or his or her designee.

Disability. A physical or mental impairment that substantially limits one (1) or more of an individual's major life activities, impairs an individual's ability to live independently, having a record of such an impairment, or being regarded as having such an impairment. People with disabilities do not include individuals who are currently using alcohol, illegal drugs, or using legal drugs to which they are addicted, or individuals who constitute a direct threat to the health and safety of others.

Docking facility: A group of commercial boat docks with no support structures (excluding a ticket booth), wherein fishing boats, excursion boats, charter boats, boat rentals, boat dealers, yacht brokers, and other similar commercial boating operations, utilize water frontage and are supplied with common parking.

Drive-thru facility: An establishment which allows customers to receive products or services while remaining in their motor vehicle.

Driveway: An area on a site for ingress and egress of vehicles to and from a site.

Dry cleaning: A process of removing dirt, grease, paint and other stains from wearing apparel, textiles, fabrics, rugs, and similar materials by one (1) or more of the following methods:

1. Immersion and agitation in a liquid solvent in open vessels.
2. Immersion and agitation in a liquid solvent in closed machines.
3. Spotting of local applications of liquid solvents and other cleansing preparations to spots of dirt, grease, paints and stains not removed by immersion and agitation processes.

pg 57

EXHIBIT “III”
SURVEY-ZONING AFFIDAVIT



DEPARTMENT OF SUSTAINABLE DEVELOPMENT
ZONING AFFIDAVIT

Rev: 1 | Revision Date: 2/22/2018 | Print Date: 2/22/2018 I.D. Number: ZA

ZONING AFFIDAVIT

STATE OF FLORIDA)

BROWARD COUNTY)

BEFORE ME, personally appeared Philip Mavon
(Affiants Name)

present owner of Riviera 6-17B Lot 1, Lot 2 E 1/2, Lot 4 S 25 of W 25, Blk 4
(Legal Description)

located at 831 Solar Isle Dr, Fort Lauderdale FL 33301
(Street Address)

who, first being duly sworn, deposes and states that no additions or changes to the property have been made since the date shown on the attached survey.

Affiant also acknowledges that this survey is not valid without a raised seal and assumes all responsibility and liability for any alterations that may have been made to this survey.

(Affiants Signature)

Sworn to and subscribed before me this 13 day
of December, 20 21

Notary Public



My Commission Expires: 11/7/24

13

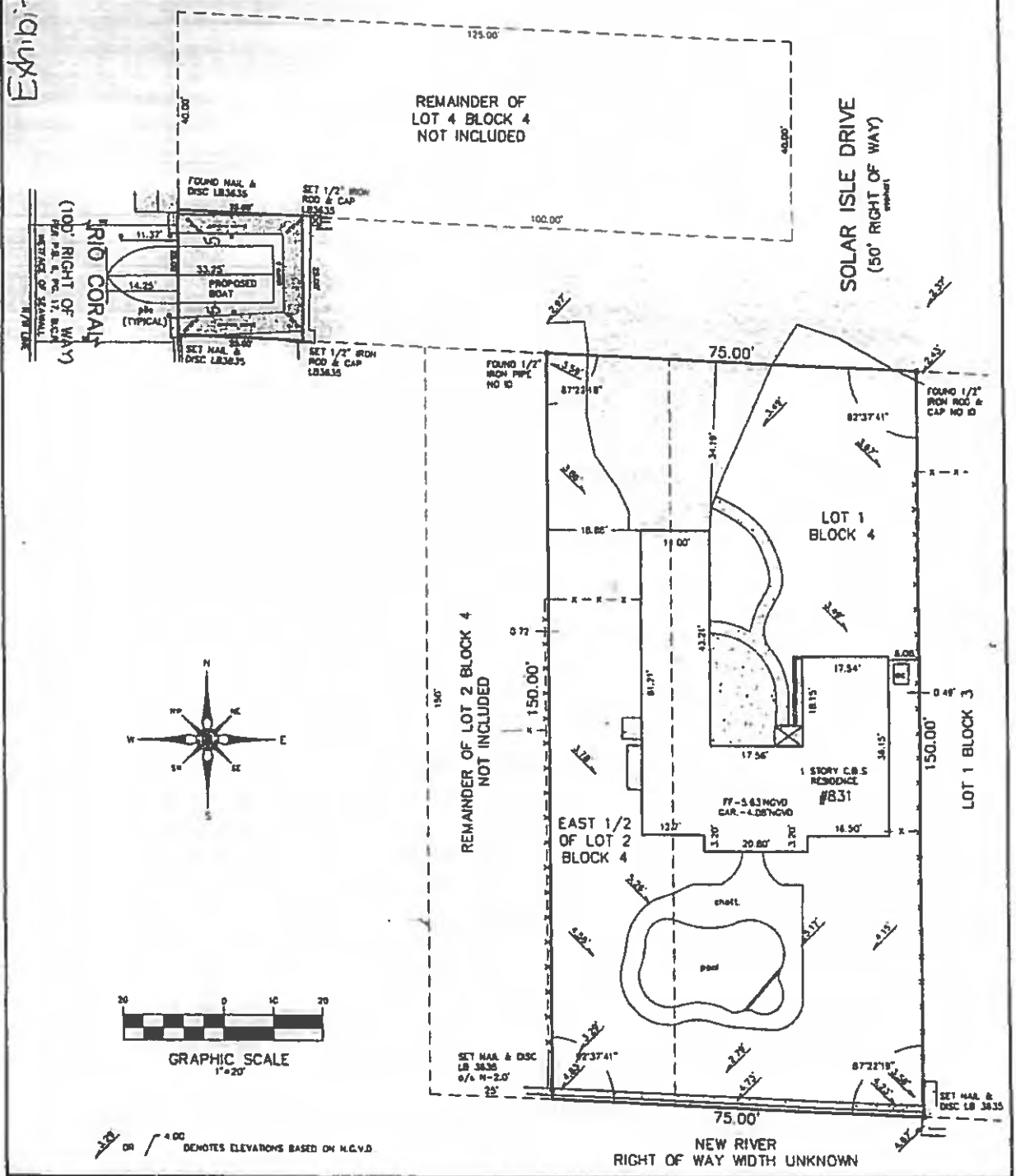
1150 E. ATLANTIC BLVD
POMPANO BEACH
FLORIDA 33060

ACCURATE LAND SURVEYORS, INC.
L.B. #3635

TEL (954) 782-1441
FAX (954) 782-1442

SHEET 2 OF 2

Exhibit



NOTES:

1. Unless otherwise noted field measurements are in agreement with record measurements.
2. Bearings shown hereon are based on a bearing of N/A.
3. The lands shown hereon were not abstracted for ownership, rights of way, easements, or other matters of records by Accurate Land Surveyors, Inc.
4. Ownership of fences and walls if any are not determined.
5. This survey is the property of Accurate Land Surveyors, Inc. and shall not be used or reproduced in whole or in part without written authorization.
6. This survey is made for the exclusive use of the certified hereon, to be valid one year from the date of survey as shown hereon.
7. This survey consists on a map and text report one is not valid without the other.

REVISIONS	DATE	BY
UPDATE WEST LOT AND SHOW PROPOSED BOAT	10-20-10	MLW
UPDATE WEST LOT	02-10-10	MLW
DATE OF SURVEY	03-26-04	
DRAWN BY	MLW	
CHECKED BY	MLW	
FIELD BOOK	1180-52	

CERTIFICATION:
This is to certify that I have recently surveyed the property described in the foregoing title caption and have set or found monuments as indicated on this sketch and that said above ground survey and sketch are accurate and correct to the best of my knowledge and belief. I further certify that this survey meets Minimum Technical Standards under Rule 31-17 adopted by the Florida Board of Land Surveyors, October 1st, 2009.

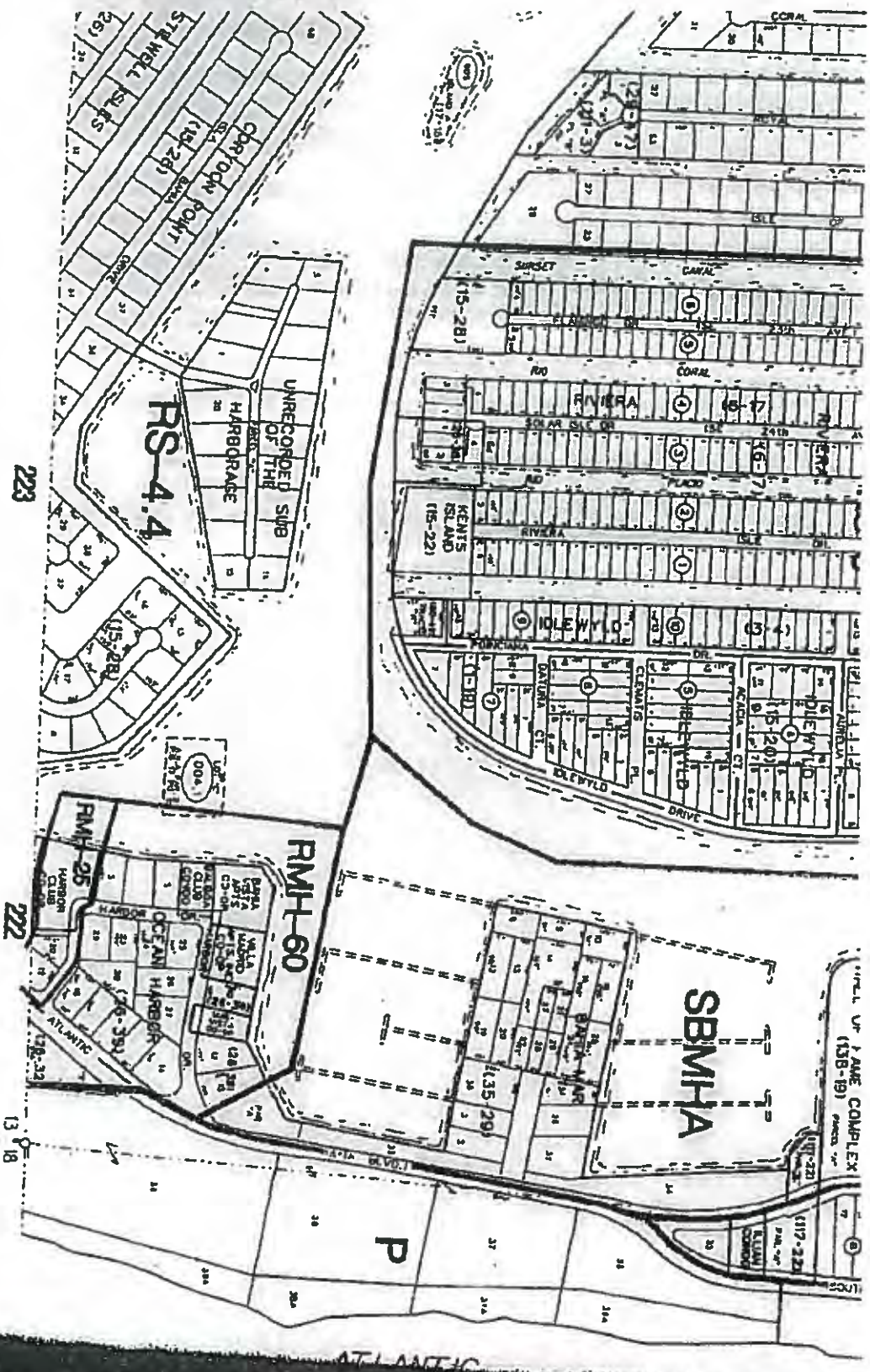
Robert L. Thompson 10-27-10
ROBERT L. THOMPSON (PRESIDENT)
PROFESSIONAL SURVEYOR AND MAPPER No. 3899 - STATE OF FLORIDA



SCALE 1" = 20'
SHEET NUMBER SU-04-1955

pg. 59

EXHIBIT “IV”
ZONING AND WAKE AREA AERIALS



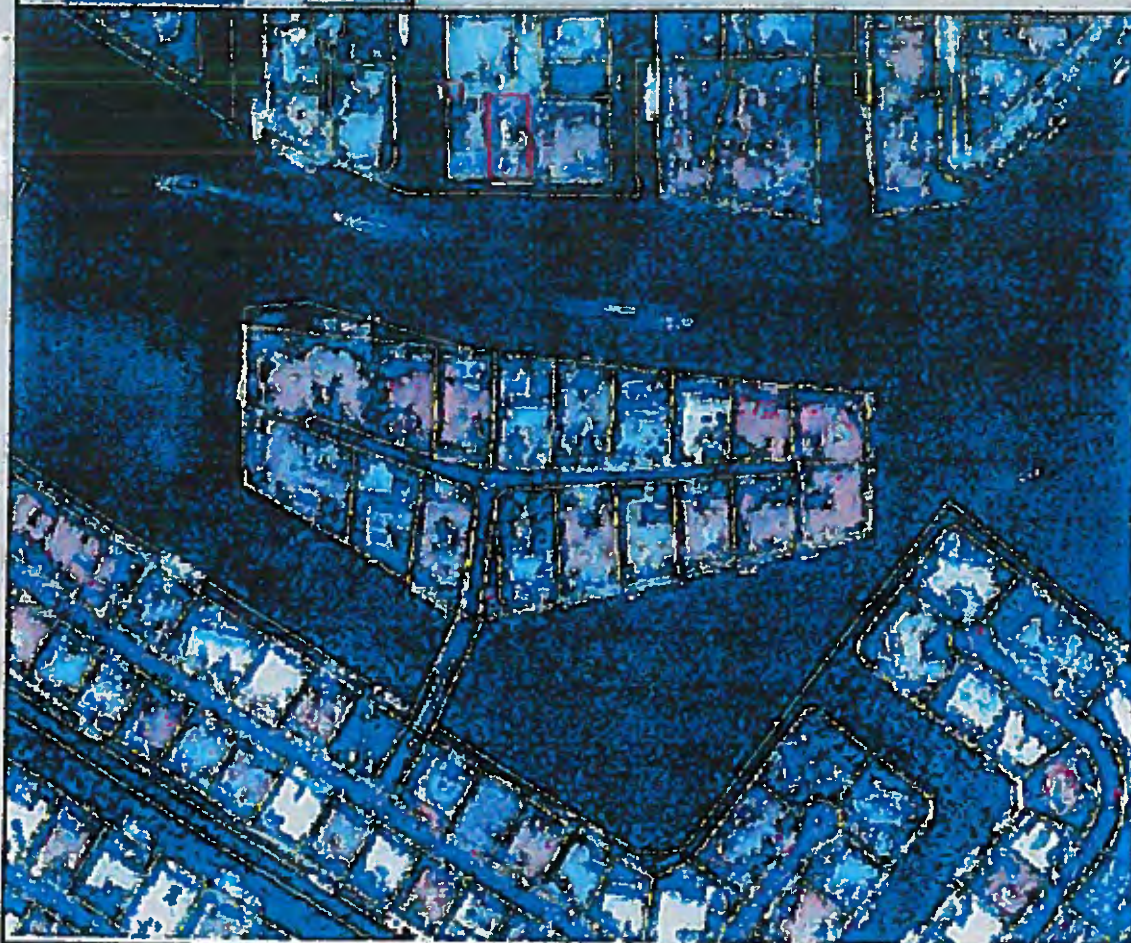
RS-8

COMPOSITE ATTACHMENT

IV

pg 60

LORI PARRISH
BROWARD
COUNTY
PROPERTY
APPRAISER



Parcel
Aerial: 2009
County Boundary

831 Solar Isle Drive High
Wake Area

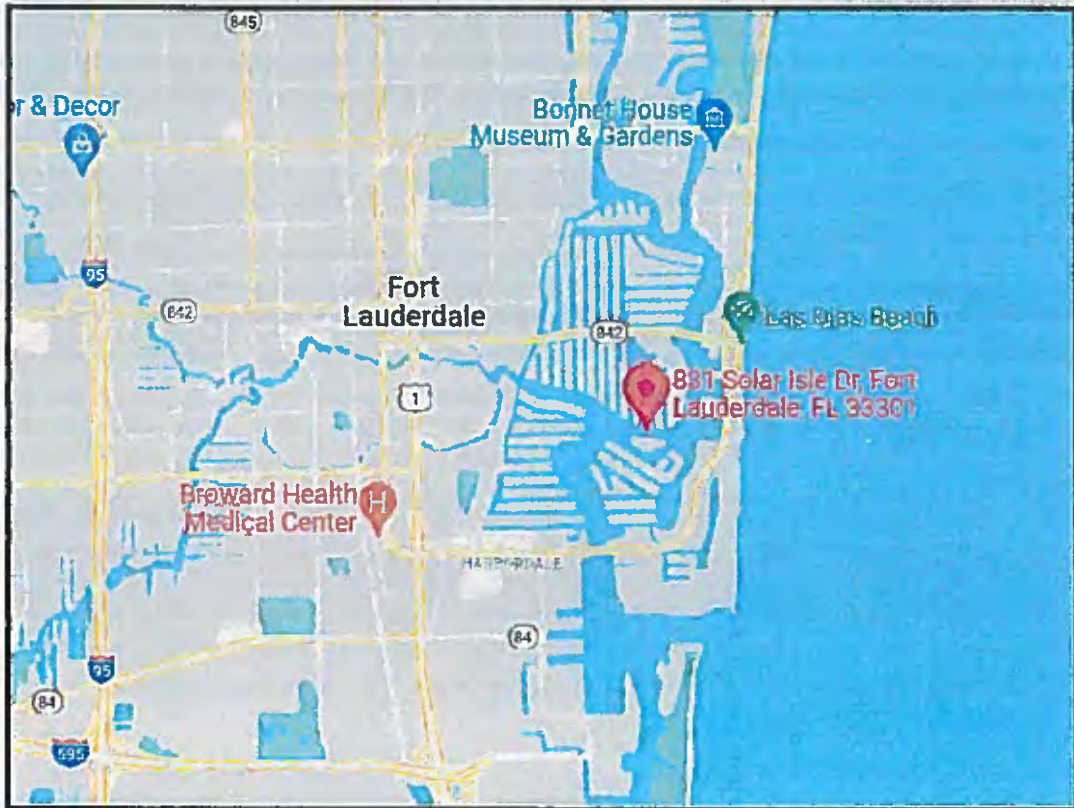
0 129 ft

pg 61

SITE LOCATION

Mavon Project

831 Solar Isle Dr., Ft. Lauderdale, FL 33301



Proposed lift location - not to scale

EXHIBIT “V”
EXISTING WAIVERS

PRE-EXISTING WAIVERS IN THE VICINITY

Marine Facilities' records reflect more than the following waivers, as approved by the City Commission within close proximity to 831 Solar Isle Drive.

Date	Address	Maximum Distance
July 2002	2418 Laguna Drive	Pier and boatlift- 43'
July 2009	2400 Del Lago Drive	Boatlift- 36.3'
April 2013	91 Isle of Venice	Pilings – 35'
April 2019	1 Hendricks Isle	Boatlift – 43.
July 2019	95 Hendricks Isle	Pilings/Finger Pier – 35'
July 2021	9 Hendricks Isle	Boatlift – 43.4'
October 2022	141 Isle of Venice	Pilings – 35'

V

pg 63

ITEM VII

MEMORANDUM MF NO. 22-17

DATE: August 16, 2023

TO: Marine Advisory Board

FROM: Andrew Cuba, Marine Facilities Manager

RE: June 1, 2023 MAB - Dock Waiver of Distance Limitations application for four (4) Boat Slip Assignees: Lee J. Engler as Trustee of the Lee J. Engler Qualified Personal Residence Trust & Patti A. Engler, as Trustee of the Patti A. Engler Qualified Personal Residence Trust (PH 03/Slip 4), Brenda Lapointe (# 901/Slip 3), Robert J. & Mary K. Berard (PH 01/Slip 2), & Robert A. & Lisa D. Verdun (#803/Slip 1) / 321 N. Birch Road.

Attached for your review is an application from Lee J. & Patti A. Engler (Slip 4), Brenda LaPointe (Slip 3), Robert J. & Mary K. Berard (Slip 2), & Robert A. & Lisa D. Verdun (Slip 1), / 321 N. Birch Road (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicants are requesting approval for the installation of two (2) 50.3'± x 8.7'± wave attenuating/breakwater floating docks extending a maximum of 57'± from the property line into the Intracoastal Waterway (ICWW). The distances this proposed structure would extend from the property line into the ICWW is shown in the survey in **Exhibit 1** and summarized in Table 1 below:

TABLE 1

PROPOSED STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Floating Dock(A)	57'±	25'	32'±
Floating Dock(B)	57'±	25'	32'±

Section 47-19.3 C limits the maximum distance of mooring structures to 25% of the width of the waterway, or 25%, 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 indicated that the floating docks are necessary to safely moor the resident's vessels, especially during high wind events and severe weather. Safer loading and unloading from the floating docks due to tide fluctuations are also mentioned.

PROPERTY LOCATION AND ZONING

The property is located within the IOA Zoning District. It is situated on the ICWW where the width of the waterway to the closest structure is +/-562', according to the Summary Description provided in **Exhibit 1**

DOCK PLAN AND BOATING SAFETY

Records reflect eight (8) waivers of docking distance limitations approved by the City Commission within close proximity since 2009. A comparison of these as shown in Table 2 including the maximum distances of all mooring structures extending into the ICWW follows:

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
2009	540 Lido Drive	45'6" +/-
2009	209 Grand Birch, Slip 4	45'6" +/-
2011	215 N. Birch Road	47.5' +/-
2013	209 Grand Birch, Slip 3	39.3' +/-
2014	321 N. Birch Road	75' +/-
2015	209 Grand Birch, Slip 1	45' +/-
2021	321 N. Birch Road, PH1, Slip 1	55' +/-
2021	321 N. Birch Road, PH 3, Slip 4	46' +/-

RECOMMENDATIONS

Should the Marine Advisory consider approval of the application, the Resolution under consideration for approval 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 the City's Supervisor of Marine Facilities with copies of "As Built" drawings from a certified and licensed contractor.

Marine Advisory Board
June 1, 2023
Page 3

AC
Attachment

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



Akerman LLP
201 East Las Olas Boulevard
Suite 1800
Fort Lauderdale, FL 33301

T: 954 463 2700
F: 954 463 2224

**321 N BIRCH RD
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: **Lee J. Engler, as Trustee of the Lee J. Engler Qualified Personal Residence Trust, and Patti A. Engler, as Trustee of the Patti A. Engler Qualified Personal Residence Trust**

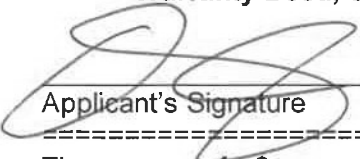
TELEPHONE NO: 763-370-0800 EMAIL: lengler@borderfoods.com
(home) (business)

2. APPLICANT'S ADDRESS (if different than the site address): **321 N Birch Road #PH03**
3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:
The applicant requests a waiver for the proposed construction of two (2) floating docks with ramps

4. SITE ADDRESS: **321 N Birch Road #PH03 Fort Lauderdale, FL 33304** ZONING: **IOA**

LEGAL DESCRIPTION AND FOLIO NUMBER:
**321 AT WATER'S EDGE CONDO UNIT PH 03 PER CDO CIN# 116467062
5042 12 DD 0230**

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

6/6/22
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 _____

**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: **Brenda Lapointe, a married woman**

TELEPHONE NO: 613 401-9658
(home) (business)

EMAIL: brendalapointe@icloud.com

2. APPLICANT'S ADDRESS (if different than the site address): **321 N Birch Road #901**

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:

The applicant requests a waiver for the proposed construction of two (2) floating docks with ramps

4. SITE ADDRESS:

ZONING:

321 N Birch Road #901 Fort Lauderdale, FL 33304

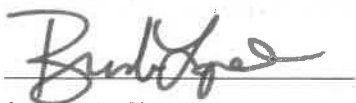
IOA

LEGAL DESCRIPTION AND FOLIO NUMBER:

**321 AT WATER'S EDGE CONDO UNIT 901 PER CDO CIN# 116467062
5042 12 DD 0150**

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

Sept 1, 2022
Date

=====

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

City of Fort Lauderdale

**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: **Robert J. Berard and Mary K. Berard, husband and wife**

TELEPHONE NO: 715-204-5710
(home) (cell) (business)

EMAIL: berard@charter.net

2. APPLICANT'S ADDRESS (if different than the site address): **321 N Birch Road #PH01**
3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:
The applicant requests a waiver for the proposed construction of two (2) floating docks with ramps

4. SITE ADDRESS: **321 N Birch Road #PH 01 Fort Lauderdale, FL 33304** ZONING: **IOA**

LEGAL DESCRIPTION AND FOLIO NUMBER:
**321 AT WATER'S EDGE CONDO UNIT PH 01 PER CDO CIN# 116467062
5042 12 DD 0210**

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

9-14-22
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 _____

**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: **Robert A. Verdun and Lisa D. Verdun**

TELEPHONE NO: 248 705-7607
(home) (business)

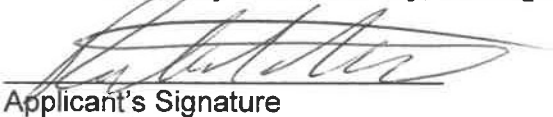
EMAIL: Robert.Verdun @ outlook.com

2. **APPLICANT'S ADDRESS** (if different than the site address): **321 N Birch Road #803**
3. **TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:**
The applicant requests a waiver for the proposed construction of two (2) floating docks with ramps

4. **SITE ADDRESS:** **321 N Birch Road #803 Fort Lauderdale, FL 33304** **ZONING:** **IOA**

LEGAL DESCRIPTION AND FOLIO NUMBER:
321 AT WATER'S EDGE CONDO UNIT 803 PER CDO CIN# 116467062
5042 12 DD 0140

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

9-1-22
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 _____

TABLE OF CONTENTS

	PAGE
EXHIBIT 2 - SUMMARY DESCRIPTION	3
EXHIBIT 3 - WARRANTY DEED	7
EXHIBIT 4 - BOAT SLIP ASSIGNMENTS	16
EXHIBIT 5 - ORIGINAL SURVEY	27
EXHIBIT 6 - ZONING AERIAL	29
EXHIBIT 7 - SITE PHOTOGRAPHS	31
EXHIBIT 8 - PROJECT PLANS	35
EXHIBIT 9 - DISTANCE EXHIBIT	41
EXHIBIT 10 – EXISTING WAIVERS IN THE VICINITY	45
EXHIBIT 11 - LETTERS OF SUPPORT	47



Stephen Tilbrook

Akerman LLP
201 East Las Olas Boulevard
Suite 1800
Fort Lauderdale, FL 33301

D: 954 331 4132
stephen.tilbrook@akerman.com

EXHIBIT II SUMMARY DESCRIPTION

Summary Description
321 N Birch Rd-Engler Floating Docks
TCG Project No. 21-0038.001

The project site is located along the New River at 321 N Birch Rd, in Section 12, Township 50, Range 42, in the City of Fort Lauderdale, Broward County, Florida

The property is located along the Intracoastal Waterway (ICWW), which is a tidal water. The nearest direct connection to the Atlantic Ocean is approximately 2.5 miles to the south at the Port Everglades Inlet. As the project site is located along the ICWW, 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 200 ln. ft. concrete seawall, ± 520 ft² concrete marginal dock, two (2) 20'x3' wood finger piers (± 120 ft²), ten (10) mooring piles, three (3) triple pile clusters, and a 50,000 lb no profile boat lift. The three triple pile dolphin piles and ten single mooring piles that extend a maximum of 75' from the property line were previously authorized under Resolution No. 14-183. The no profile boat lift that extends 55.0' from the property line was previously authorized under Resolution No. 21-37. An additional no profile boat lift that extends 51.0' from the property line was previously authorized under Resolution No. 21-121. The existing structures accommodate four (4) slips, in which Slip #1 is owned by Robert A. Verdun and Lisa D. Verdun; Slip #2 is owned by Robert J. Berard and Mary K. Berard, husband and wife; Slip #3 is owned by Brenda Lapointe, a married woman; and Slip #4 is owned by Lee J. Engler, as Trustee of the Lee J. Engler Qualified Personal Residence Trust, and Patti A. Engler, as Trustee of the Patti A. Engler Qualified Personal Residence Trust.

The proposed project includes the removal of two (2) of the existing mooring piles, the removal of the existing wood finger piers (120 sq. ft.), the removal of the existing boat lift (1,000 sq. ft.), the installation of a 23.2'x4' concrete finger pier (93 sq. ft.) that will not extend more than 25' from the property line, and the installation of two (2) 50.3'x8.7' concrete wave attenuating/breakwater floating docks (875 sq. ft.) with two (2) 20'x4' ramps that will extend no more than 57.0' from the property line. As measured from the property line, the proposed structures encroach more than 25' from the property line into the ICWW. As these distances are over the allowable 25' distance into the waterway

from the property line, the proposed floating docks will require a dock waiver. Note that this requested waiver is within the distance measurement of previously approved waivers for existing and proposed boat lifts.

The existing finger piers that are 20' long and 3' wide are in poor condition and pose a safety hazard. Due to their poor condition and narrow width, three incidents have occurred that resulted in hospitalization. Wider finger piers are needed to address this safety concern and allow for the safe mooring of vessels at the property. A wider finger pier and the floating nature of the proposed docks that will rise and fall with the tides will allow for the safe loading and unloading of passengers and equipment.

The proposed floating docks are also floating concrete wave attenuating/breakwater docks designed for rough water (3' waves) and will be built with heavy galvanized rebar and hi-strength concrete that will result in safer mooring of vessels and provide stabilization for the safe unloading and loading of passengers. These low-profile floating docks will have less of a visual impact for upland owners and also from the waterway. In addition, the previously authorized boat lifts are approximately 1,828 sq. ft. overwater. These will be removed, and the existing two finger piers (120 sq. ft. overwater) will be replaced with two floating docks that are approximately 875 sq. ft. overwater and a concrete finger pier that is approximately 93 sq. ft. overwater. Therefore, the overwater structures at the site will be reduced from a total of 1,948 sq. ft. overwater to 968 sq. ft. This will result in a 50% reduction in overwater square footage of structures and reduce shading of the benthic substrate, with the resulting environmental benefits.

The following five (5) matters provide justification for this waiver request:

1. All structures and piles will not exceed 25% of the width of the waterway.
2. Due to the extraordinary width of the waterway at this location to the closest structure ($\pm 562'$), the proposed project will not impede navigation within the ICWW.
3. The proposed structure is necessary for safely mooring resident's vessels, especially during high wind events and severe weather. The proposed floating docks are floating concrete wave attenuating/breakwater docks designed for rough water (3' waves) and will be built with heavy galvanized rebar and hi-strength concrete.
4. The proposed floating docks will allow for safer loading and unloading of passengers as the dock will adjust with the tides.
5. The proposed floating docks are low profile and will have fewer visual impacts to upland property owners and also from the waterway.

6. The proposed structures are consistent with the previously authorized structures located at the property and does not exceed the three (3) triple mooring piles and two (2) single mooring piles at 75.0' (Resolution #14-0971).

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

Table 1. Existing Structures

EXISTING STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER	RESOLUTION NUMBER
3 Triple Pile Clusters & 10 Single Mooring Piles	±75.0'	25'	50.0'	14-183
No Profile Boat Lift	±55.0'	25'	30.0'	21-37
No Profile Boat Lift	±51.0'	25'	26.0'	21-121

Table 2. Proposed Structures Requesting Waiver

STRUCTURE	PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
A	Floating Dock	±57.0'	25'	32.0'
B	Floating Dock	±57.0'	25'	32.0'

EXHIBIT III WARRANTY DEED

pared by and return to:

Deborah L. Pope
General Manager
Title Matters, LLC
4650 Donald Ross Rd. Ste. 220
Palm Beach Gardens, FL 33418
561-835-0535
File Number: 19-0031-WE

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this 1st day of May, 2020 between 321 Birch, LLC, a Florida limited liability company whose post office address is 2385 NW Executive Center Drive, Ste. 370, Boca Raton, FL 33431, grantor, and Lee J. Engler, as Trustee of the Lee J. Engler Qualified Personal Residence Trust and Patti A. Engler, as Trustee of the Patti A. Engler Qualified Personal Residence Trust whose post office address is 2517 Mayflower Avenue, Hopkins, MN 55305, grantee:

The Grantee, as trustee, has the full power and authority to protect, conserve, sell, convey, lease, encumber, and to otherwise manage and dispose of said real property pursuant to F.S. 689.073.

(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 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 No. PH-03, of 321 AT WATER'S EDGE, a Condominium, according to The Declaration of Condominium recorded in Instrument Number 116467062, and all exhibits and amendments thereof, Public Records of Broward County, Florida

Parcel Identification Number:

SUBJECT TO Taxes and assessments for 2020 and subsequent years that are not yet due and payable.
SUBJECT TO Restrictions, conditions, reservations, easements, reservations, agreements, matters,
declarations, and covenants of record affecting the property.

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 fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

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:

DEBORAH COVE
Witness Name: DEBORAH COVE

Dianne Ramsarran
Witness Name: Dianne Ramsarran

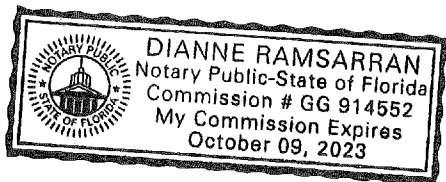
321 Birch, LLC, a Florida limited liability company

By: Carol G. DeMare
Carol G. DeMare, Authorized Agent

State of Florida
County of Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 30 day of April, 2020 by Carol G. DeMare, Authorized Agent of 321 Birch LLC, a Florida limited liability company, on behalf of the company, who ☒ is personally known to me or ☐ has produced a driver's license as identification.

[Notary Seal]



Dianne Ramsarran
Notary Public

Printed Name: Dianne Ramsarran

My Commission Expires: 10/09/23

pared by and return to:

Deborah L. Pope
General Manager
Title Matters, LLC
4650 Donald Ross Rd. Ste. 220
Palm Beach Gardens, FL 33418
561-835-0535
File Number: 19-0027-WE

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this 5th day of May, 2020 between 321 Birch, LLC, a Florida limited liability company whose post office address is 2385 NW Executive Center Drive, Ste. 370, Boca Raton, FL 33431, grantor, and Brenda Lapointe, a married woman whose post office address is 321 N. Birch Rd., Unit 901, 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 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 No. 901 of 321 AT WATER'S EDGE, a Condominium, according to The Declaration of Condominium recorded in Instrument Number 116467062, and all exhibits and amendments thereof, Public Records of Broward County, Florida

Parcel Identification Number:

SUBJECT TO Taxes and assessments for 2020 and subsequent years that are not yet due and payable.
SUBJECT TO Restrictions, conditions, reservations, easements, reservations, agreements, matters,
declarations, and covenants of record affecting the property.

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 fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

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:

321 Birch, LLC, a Florida limited liability company

DEBORAH COVE
Witness Name: DEBORAH COVE

By: Carol G. DeMare
Carol G. DeMare, Authorized Agent

Dianne Ramsarran
Witness Name: Dianne Ramsarran

State of Florida
County of Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 30 day of April, 2020 by Carol G. DeMare, Authorized Agent of 321 Birch LLC, a Florida limited liability company, on behalf of the company, who ☒ is personally known to me or ☐ has produced a driver's license as identification.

[Notary Seal]



Dianne Ramsarran
Notary Public

Printed Name: Dianne Ramsarran

My Commission Expires: 10/09/23

pared by and return to:

Deborah L. Pope
General Manager
Title Matters, LLC
4650 Donald Ross Rd. Ste. 220
Palm Beach Gardens, FL 33418
561-835-0535
File Number: 19-0030-WE

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this 4th day of May, 2020 between 321 Birch, LLC, a Florida limited liability company whose post office address is 2385 NW Executive Center Drive, Ste. 370, Boca Raton, FL 33431, grantor, and Robert J. Berard and Mary K. Berard, husband and wife whose post office address is 1445 Plover Heights Rd., Stevens Point, WI 54482, 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 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 No. PH-01 of 321 WATER'S EDGE, a Condominium, according to The Declaration of Condominium recorded in Instrument Number 116467062, and all exhibits and amendments thereof, Public Records of Broward County, Florida

Parcel Identification Number:

SUBJECT TO Taxes and assessments for 2020 and subsequent years that are not yet due and payable.
SUBJECT TO Restrictions, conditions, reservations, easements, reservations, agreements, matters, declarations, and covenants of record affecting the property.

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 fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

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:

321 Birch, LLC, a Florida limited liability company

Deborah Cove
Witness Name: DEBORAH COVE

By: Carol G. DeMare
Carol G. DeMare, Authorized Agent

Dianne Ramsarran
Witness Name: DIANNE RAMSARRAN

State of Florida
County of Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 30th day of April, 2020 by Carol G. DeMare, Authorized Agent of 321 Birch LLC, a Florida limited liability company, on behalf of the company, who ☒ is personally known to me or ☐ has produced a driver's license as identification.

[Notary Seal]



Dianne Ramsarran
Notary Public

Printed Name: Dianne Ramsarran

My Commission Expires: 10/09/23

pared by and return to:

Deborah L. Pope
General Manager
Title Matters, LLC
4650 Donald Ross Rd. Ste. 220
Palm Beach Gardens, FL 33418
561-835-0535
File Number: **20-0013-WE**

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this **4th** day of **February, 2021** between **321 Birch, LLC, a Florida limited liability company** whose post office address is **2385 NW Executive Center Drive, Ste. 370, Boca Raton, FL 33431**, grantor, and **Robert Verdun and Lisa D. Verdun, husband and wife** whose post office address is **321 N. Birch Rd., Unit 803, 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 **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 No. 803 of 321 at **WATER'S EDGE**, a Condominium, according to The Declaration of Condominium recorded in Instrument Number 116467062, and all exhibits and amendments thereof, Public Records of Broward County, Florida

Parcel Identification Number: 504212-DD-0140

SUBJECT TO Taxes and assessments for 2021 and subsequent years that are not yet due and payable.
SUBJECT TO Restrictions, conditions, reservations, easements, reservations, agreements, matters, declarations, and covenants of record affecting the property.

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 fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

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:

Cheryl Mason
Witness Name: Cheryl Mason

EVAN YNFANTE
Witness Name: EVAN YNFANTE

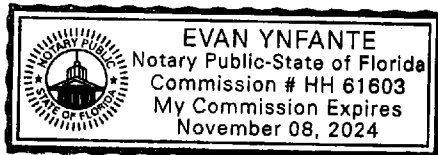
321 Birch, LLC, a Florida limited liability company

By: Carol G. DeMare
Carol G. DeMare, Authorized Agent

State of Florida
County of Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3rd day of FEBRUARY, 2021 by Carol G. DeMare, Authorized Agent of 321 Birch LLC, a Florida limited liability company, on behalf of the company, who ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]



EVAN YNFANTE
Notary Public

Printed Name: EVAN YNFANTE

My Commission Expires: 11/08/2024

EXHIBIT IV BOAT SLIP ASSIGNMENTS

EXHIBIT "B"

**ASSIGNMENT OF RIGHT TO USE
BOAT SLIP**

FOR AND IN CONSIDERATION OF the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, **321 Birch, LLC, a Florida limited liability company** ("Assignor") hereby assigns to Robert A. Verdun, Lisa Verdun ("Assignee") a right to use Boat Slip No# 0001 (the "Boat Slip"), which is located within the Marina (the "Marina"), as described in that certain Declaration of Condominium of 321 at Water's Edge, a Condominium, recorded on _____, in Official Records Book _____, Page _____, of the public records of Broward County, Florida (the "Declaration"). The Marina is adjacent to a community known as "321 at Water's Edge" (the "Properties"), which is subject to the terms of the Declaration and is operated by the 321 at Water's Edge Condominium Association, Inc., a Florida not-for-profit corporation (the "Association"). Capitalized terms not defined herein shall have the meanings ascribed to such terms in the Declaration.

ASSIGNEE ACKNOWLEDGES and agrees that this instrument is only an assignment of a right to use the Boat Slip, and does not convey title to the Boat Slip or any other interest in the property upon which the Boat Slip is located and which will automatically pass with title to any Unit that Assignee owns unless previously and properly assigned by Assignee pursuant to the Declaration.

ASSIGNEE ACKNOWLEDGES and agrees that this Assignment is subject to, and the use of the Boat Slip is governed by the terms, covenants, limitations, restrictions and easements of the Declaration, the Marina Licenses, applicable law and all Marina Rules and Regulations of the Association, as from time to time supplemented and amended.

ASSIGNEE ACKNOWLEDGES and agrees that the Association shall be responsible for maintaining the Marina in accordance with the Declaration and the Marina Costs shall be assessed to the Boat Slip Assignees with each Boat Slip Assignee responsible for payment of its percentage share of the Marina Costs.

ASSIGNEE FURTHER ACKNOWLEDGES and agrees that this assignment is subject to a right of first refusal in favor of the Association, as provided in the Declaration.

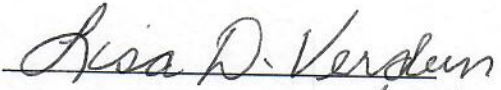
THIS ASSIGNMENT shall be recorded in a log maintained by the Association, but shall not be recorded in any public records.

IN WITNESS WHEREOF, Assignor and Assignee have executed this Assignment as of the 26th day of December, 2020.

ASSIGNEE:



Name: Robert Verdun



Name: Lisa D. Verdun

ASSIGNOR:

321 BIRCH, LLC, a Florida limited liability company

By: 

Name: Tersi San Jose

Title: VP 321 BIRCH, LLC

Date: December 26th, 2020

EXHIBIT "B"

**ASSIGNMENT OF RIGHT TO USE
BOAT SLIP**

FOR AND IN CONSIDERATION OF the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, **321 Birch, LLC, a Florida limited liability company** ("Assignor") hereby assigns to Robert & Mary Berard ("Assignee") a right to use Boat Slip No# 0002 (the "Boat Slip"), which is located within the Marina (the "Marina"), as described in that certain Declaration of Condominium of 321 at Water's Edge, a Condominium, recorded on _____, in Official Records Book _____, Page _____, of the public records of Broward County, Florida (the "Declaration"). The Marina is adjacent to a community known as "321 at Water's Edge" (the "Properties"), which is subject to the terms of the Declaration and is operated by the 321 at Water's Edge Condominium Association, Inc., a Florida not-for-profit corporation (the "Association"). Capitalized terms not defined herein shall have the meanings ascribed to such terms in the Declaration.

ASSIGNEE ACKNOWLEDGES and agrees that this instrument is only an assignment of a right to use the Boat Slip, and does not convey title to the Boat Slip or any other interest in the property upon which the Boat Slip is located and which will automatically pass with title to any Unit that Assignee owns unless previously and properly assigned by Assignee pursuant to the Declaration.

ASSIGNEE ACKNOWLEDGES and agrees that this Assignment is subject to, and the use of the Boat Slip is governed by the terms, covenants, limitations, restrictions and easements of the Declaration, the Marina Licenses, applicable law and all Marina Rules and Regulations of the Association, as from time to time supplemented and amended.

ASSIGNEE ACKNOWLEDGES and agrees that the Association shall be responsible for maintaining the Marina in accordance with the Declaration and the Marina Costs shall be assessed to the Boat Slip Assignees with each Boat Slip Assignee responsible for payment of its percentage share of the Marina Costs.

ASSIGNEE FURTHER ACKNOWLEDGES and agrees that this assignment is subject to a right of first refusal in favor of the Association, as provided in the Declaration.

THIS ASSIGNMENT shall be recorded in a log maintained by the Association, but shall not be recorded in any public records.

IN WITNESS WHEREOF, Assignor and Assignee have executed this Assignment as of the 31st day of January, 2017.

ASSIGNEE:

Robert Beaud

Name: ROBERT BEAUD

Mary Beaud

Name: MARY BEAUD

1-31-17

ASSIGNOR:

321 BIRCH, LLC, a Florida limited liability company

By: T. J. S.

Name: T. J. S. S. S.

Title: VP Production

Date: January 31st, 2017

EXHIBIT "B"

ASSIGNMENT OF RIGHT TO USE BOAT SLIP

FOR AND IN CONSIDERATION OF the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, **321 Birch, LLC, a Florida limited liability company** ("Assignor") hereby assigns to James Lapointe, Brenda Lapointe ("Assignee") a right to use Boat Slip No# 0003 (the "Boat Slip"), which is located within the Marina (the "Marina"), as described in that certain Declaration of Condominium of 321 at Water's Edge, a Condominium, recorded on _____, in Official Records Book _____, Page _____, of the public records of Broward County, Florida (the "Declaration"). The Marina is adjacent to a community known as "321 at Water's Edge" (the "Properties"), which is subject to the terms of the Declaration and is operated by the 321 at Water's Edge Condominium Association, Inc., a Florida not-for-profit corporation (the "Association"). Capitalized terms not defined herein shall have the meanings ascribed to such terms in the Declaration.

ASSIGNEE ACKNOWLEDGES and agrees that this instrument is only an assignment of a right to use the Boat Slip, and does not convey title to the Boat Slip or any other interest in the property upon which the Boat Slip is located and which will automatically pass with title to any Unit that Assignee owns unless previously and properly assigned by Assignee pursuant to the Declaration.

ASSIGNEE ACKNOWLEDGES and agrees that this Assignment is subject to, and the use of the Boat Slip is governed by the terms, covenants, limitations, restrictions and easements of the Declaration, the Marina Licenses, applicable law and all Marina Rules and Regulations of the Association, as from time to time supplemented and amended.

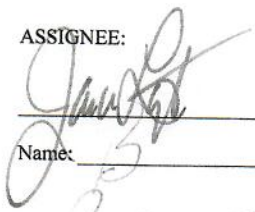
ASSIGNEE ACKNOWLEDGES and agrees that the Association shall be responsible for maintaining the Marina in accordance with the Declaration and the Marina Costs shall be assessed to the Boat Slip Assignees with each Boat Slip Assignee responsible for payment of its percentage share of the Marina Costs.

ASSIGNEE FURTHER ACKNOWLEDGES and agrees that this assignment is subject to a right of first refusal in favor of the Association, as provided in the Declaration.

THIS ASSIGNMENT shall be recorded in a log maintained by the Association, but shall not be recorded in any public records.

IN WITNESS WHEREOF, Assignor and Assignee have executed this Assignment as of the 28
day of 3, 2018.

ASSIGNEE:


Name: _____


Name: _____

3/28, 2018

ASSIGNOR:

321 BIRCH, LLC, a Florida limited liability company

By: 

Name: Tisha Sue Jove

Title: VP

Date: 3/28, 2018

321 at Water's Edge Condominium
ASSIGNMENT OF RIGHT TO USE BOAT SLIP

THIS ASSIGNMENT OF RIGHT TO USE BOAT SLIP (the "Assignment"), dated as of September 22, 2020, is made by and between Michael P. Jones and Kimberly R. Judge, husband and wife (collectively the "Assignor"); and Lee J. Engler, as Trustee of the Lee J. Engler Qualified Personal Residence Trust and Patti A. Engler, as Trustee of the Patti A. Engler, as Trustee of the Patti A. Engler Qualified Personal Residence Trust (collectively, the "Assignee").

RECITALS

- A. Assignor and Assignee are the owners of Unit 1003 (the "Assignor's Unit") and Unit PH-03 (the "Assignee's Unit"), respectively, of 321 Water's Edge, a Condominium (the "Condominium"). The Condominium is operated and managed by 321 at Water's Edge Condominium Association, a Florida corporation (the "Association").
- B. The exclusive right to Boat Slip No. 0004 (the "Boat Slip"), located within the Common Elements of the Condominium, was assigned to the Assignor Unit as limited common elements appurtenant thereto by 321 Birch LLC, a Florida limited liability company and the developer of the Condominium, pursuant to that certain "321 at Water's Edge Condominium Assignment of Right to Use Boat Slip dated May 15, 2020.
- C. The use of the Boat Slip is governed by and subject to the terms, conditions, restrictions, and provisions of the Declaration of Condominium of 321 at Water's Edge, a Condominium (the "Declaration of Condominium"), as recorded in Instrument # 116467062 of the Public Records of Broward County, Florida, and as from time to time supplemented and amended, the Marina licenses DF14-1052 and FTL 1312-022 and any and all rules and regulations of 321 at Water's Edge Condominium Association, Inc., a Florida Not-for Profit Corporation (the "Condominium Association"), as from time to time supplemented and amended.
- D. Assignor wishes to assign the exclusive right to use the Boat Slip to the Assignee's Unit, and Assignee, as owner of the Assignee's Unit, wishes to accept the assignment of exclusive rights to use the Boat Slip, in accordance with the terms of this Assignment:

AGREEMENT

- 1. Assignor hereby assigns to the Assignee's Unit, the exclusive right to use the Boat Slip; and Assignee, as owner of the Assignee's Unit, hereby accepts such assignment and agrees to assume all obligations of Assignor with respect to the Boat Slip, as well as to comply with all requirements, rules and regulations as may be imposed with respect to the use of such Boat Slip by either the Declaration of Condominium or the Condominium Association.

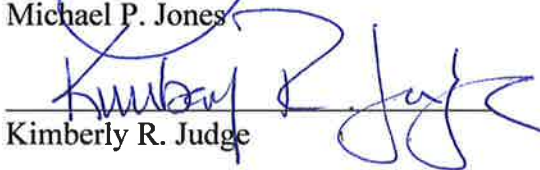
2. Assignee acknowledged and agrees that this Assignment is only an assignment of a use right in and to the Boat Slip, and does not convey title to the Boat Slip or any interest in the real property upon which the Boat Slip is located.
3. Assignor and Assignee hereby agree that they shall execute any additional documentation which may be required by the Condominium Association to evidence this Assignment.
4. Assignee acknowledges and agree as follows: (a) the assignment made herein is an assignment which attaches to the Assignee's Unit and, unless previously and properly assigned to another unit in the Condominium, will automatically pass with title thereto; (b) the Association shall have reasonable rights as are necessary, including rights of relocation, in order to comply with all applicable accessibility codes, laws, ordinances or regulations; and (c) this Assignment shall be recorded in a log maintained by the Condominium Association, but shall not be recorded in any public records.

THE BALANCE OF THIS PAGE IS INTENTIONALLY BLANK

IN WITNESS WHEREOF, Assignor and Assignee has executed this Assignment as of the date first written above.

ASSIGNOR:

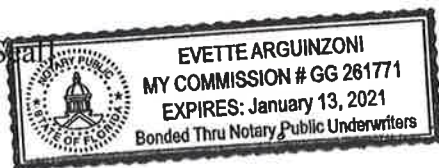

Michael P. Jones


Kimberly R. Judge

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 22nd day of September, 2020, by Michael P. Jones and Kimberly R. Judge, who are personally known to me or have produced Florida's license as identification.

[Notary Seal]




Notary Public

Evette Arguinzoni

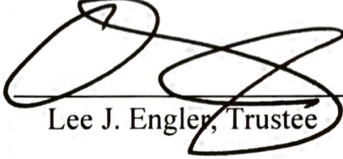
Name typed, printed or stamped

My Commission Expires: Jan 13, 2021

ASSIGNEE:

LEE J. ENGLER QUALIFIED PERSONAL
RESIDENCE TRUST

By:


Lee J. Engler, Trustee

PATTI A. ENGLER QUALIFIED PERSONAL
RESIDENCE TRUST

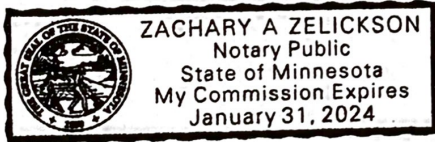
By:

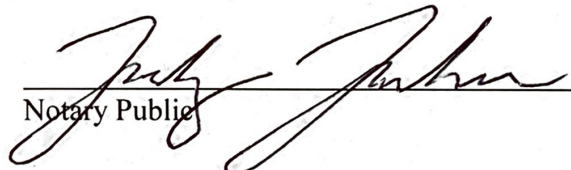

Patti A. Engler, Trustee

STATE OF MINNESOTA)

)
COUNTY OF Hennepin)

The foregoing instrument was acknowledged before me this 22 day of September,
2020, by Lee J. Engler, as Trustee of the Lee J. Engler Qualified Personal Residence Trust, for and
on behalf of said trust.

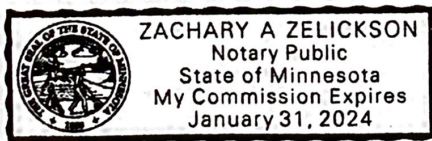



Notary Public

STATE OF MINNESOTA)

)
COUNTY OF Hennepin)

The foregoing instrument was acknowledged before me this 22 day of September,
2020, by Patti A. Engler, as Trustee of the Patti A. Engler Qualified Personal Residence Trust, for
and on behalf of said trust.



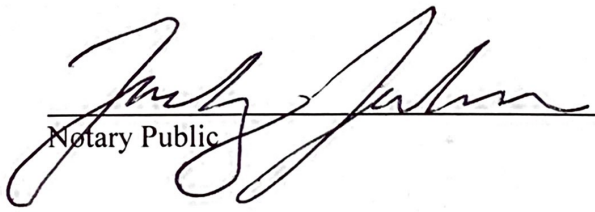
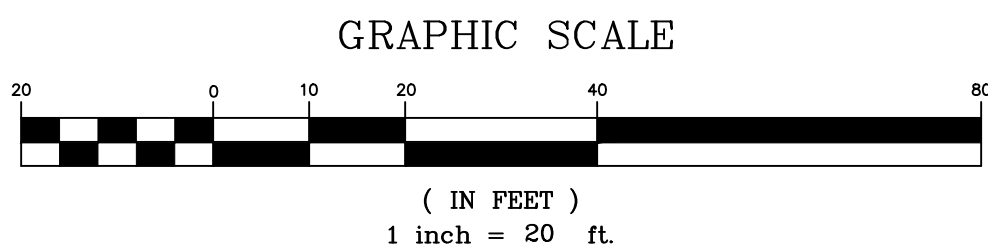

Notary Public

EXHIBIT V ORIGINAL SURVEY



prepared by:
McLAUGHLIN ENGINEERING COMPANY (LB#285)
400 N.E. 3rd AVENUE FORT LAUDERDALE, FLORIDA
PHONE: (954) 763-7611
FAX: (954) 763-7615



www.MECO400.com

TREE SYMBOLS

- INDICATES DIAMETER± (D.B.H.)
- PINE TREE
 - PALM TREE
 - BOTTLE BRUSH TREE
 - FICUS TREE
 - BUSH OR SHRUB
 - UNKNOWN TREE
 - GUMBO LIMBO

ALTA/ACSM CERTIFICATION

TO: Ticor Title Insurance Company; Fieldstone, Lester, Shear & Denberg, L.L.P. AND Premier Developers Managements, L.L.C., a Florida limited liability company and/or assigns.

This is to certify that this map or plat and the survey on which it is based as surveyed on August 1st, 2007, was made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" jointly established and adopted by the American Land Title Association (ALTA), & the National Society of Professional Surveyors (NSPS) in 2005. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and ACSM and in effect on the date of this certification.

The undersigned further certifies that in my professional opinion, as a Registered Land Surveyor in the State of Florida, the Relative Positional accuracy of the this survey does not exceed that which is specified therein.

The undersigned further certifies that this survey was prepared in accordance with the minimum technical standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

This survey reflects any easements road reservations or rights-of-way of record affecting this property per Ticor Title Insurance Company Agent File No: w0700156, dated July 17th, 2007, at 11:59 P.M.

Notes corresponding to exceptions contained in Schedule B- Section 2, of the above referenced title commitment:

7) Easement per O.R. 15189, Page 658 affects this property. (Blanket Easement)

NOTES:

- This survey 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.
- Underground improvements if any not located.
- This drawing is not valid unless sealed with an embossed surveyors seal.
- Boundary survey information does not infer Title or Ownership.
- All iron rods 5/8", unless otherwise noted.
- Reference Bench Mark: Storm Manhole at Intersection of Birch Road & Granada Street. ELEVATION = 5.57
- Elevations shown refer to National Geodetic Vertical Datum (1929), and are indicated thus: ∇ Elev. = 5.57
- This property lies in Flood Zone "AE", Elev.=6.0 Per Flood Insurance Rate Map No. 1201100210F, Dated: August 18, 1992, Community Panel No. 125105 Index Map Dated: October 2, 1997.

OFFICE NOTES

FIELD BOOK NO. TDS w/Worksheets, Print, LB# 266/15-16

JOB ORDER NO. U-1785, U-3717

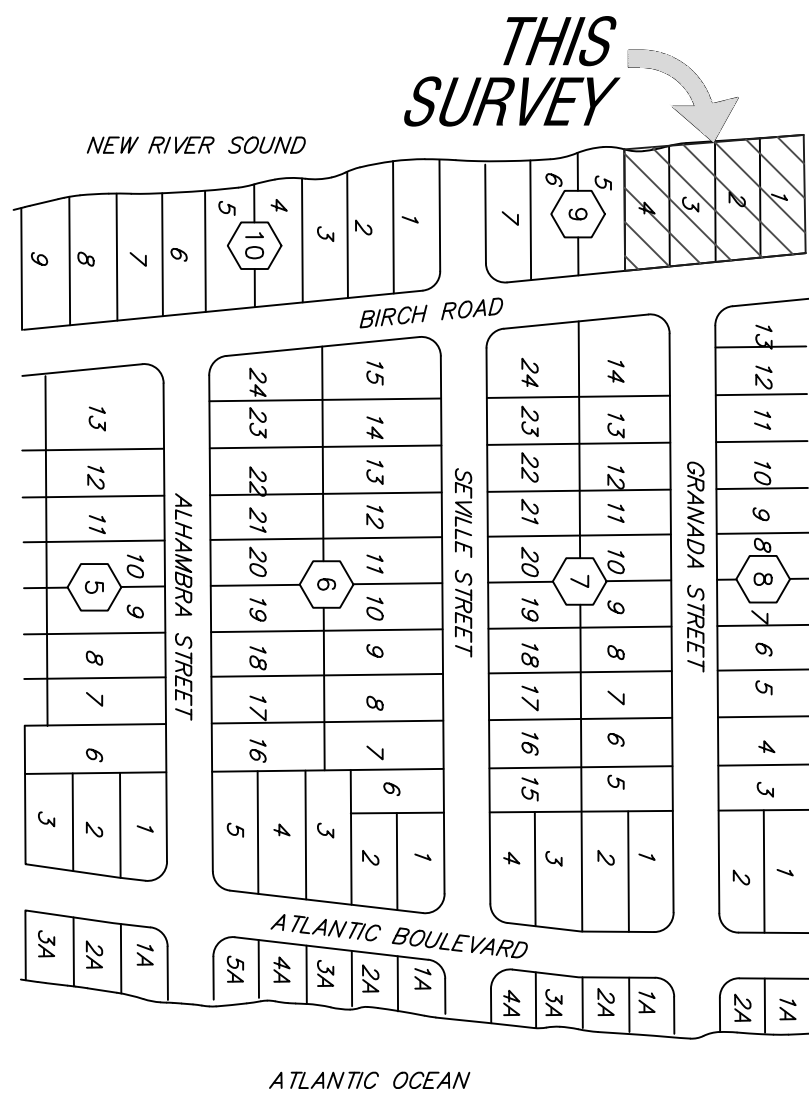
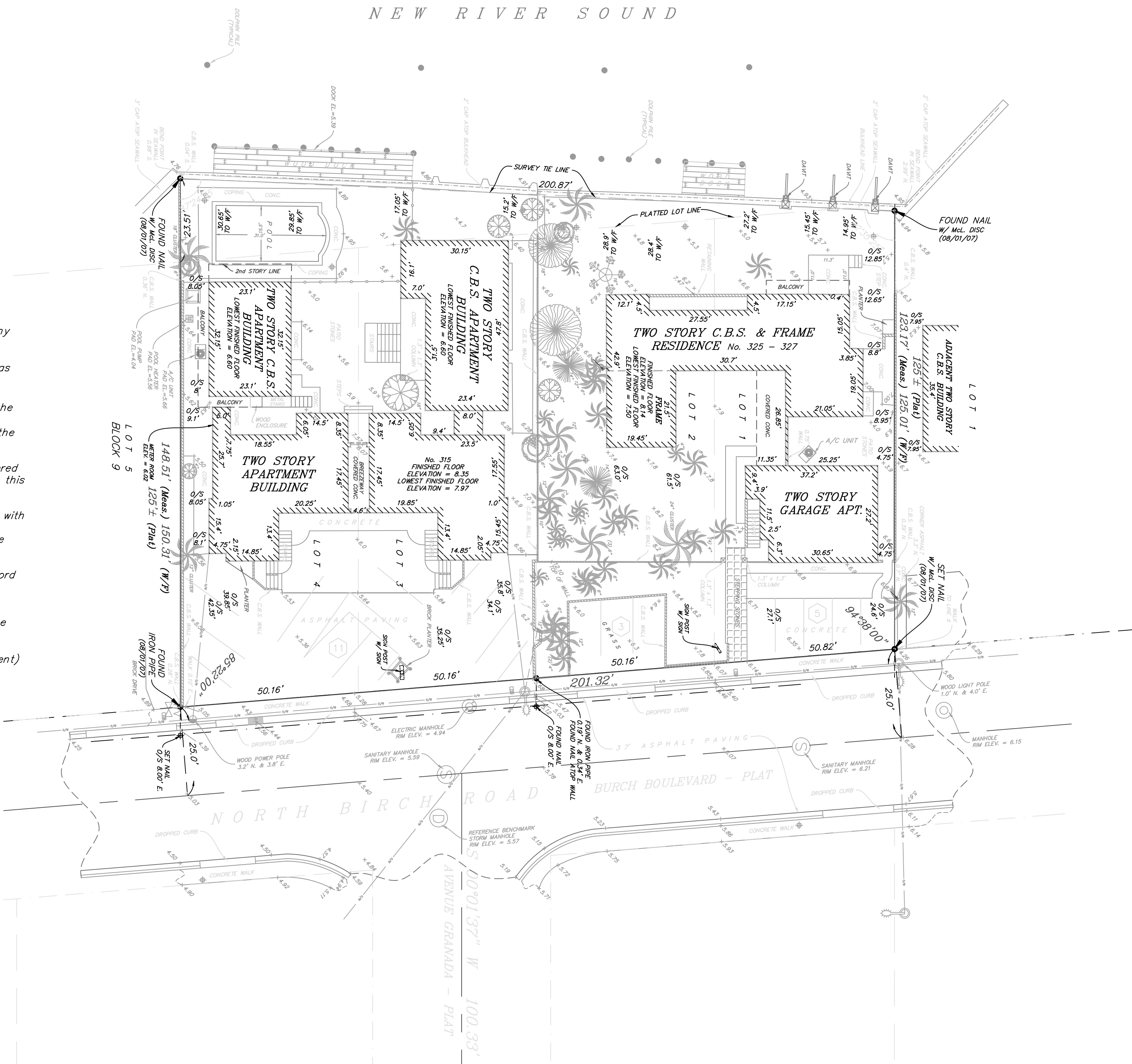
CHECKED BY:

DRAWN BY: EJJ3

C:\EJJ3 2002\U3717\dwg\U3717.dwg 12/04/2007 11:11:15 AM EST

ALTA/ACSM LAND TITLE SURVEY

LOTS 1-4, BLOCK 9, LAUDER-DEL-MAR PLAT BOOK 7 PAGE 30, B.C.R.



THIS SURVEY

Location Sketch
Not To Scale

Legal Description

Lots 1, 2, 3 and 4, Block 9, LAUDER DEL MAR, according to the plat thereof, as recorded in Plat Book 7, Page 30, of the public records of Broward County, Florida.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida.

LEGEND

- | | |
|---|--------------------------------------|
| Δ = CENTRAL ANGLE (DELTA) | ELEV. = ELEVATION |
| R = RADIUS | O/S = OFFSET |
| A OR L = ARC LENGTH | A/C = AIR CONDITIONING |
| CH.BRG. = CHORD BEARING | C = CENTERLINE OF RIGHT-OF-WAY |
| TAN.BRG. = TANGENT BEARING | F.P.L. = FLORIDA POWER AND LIGHT CO. |
| P.O.C. = POINT OF COMMENCEMENT | S.B.T. = SOUTHERN BELL TELEPHONE |
| P.O.B. = POINT OF BEGINNING | B.C.R. = BROWARD COUNTY RECORDS |
| W/MCL CAP = WITH McLAUGHLIN ENGINEERING CO. CAP | D.C.R. = DADE COUNTY RECORDS |
| P.R.M. = PERMANENT REFERENCE MONUMENT | P.B.R. = PALM BEACH COUNTY RECORDS |
| CONC. = CONCRETE | O.R. = OFFICIAL RECORDS BOOK |
| C.B.S. = CONCRETE, BLOCK AND STUCCO | PG. = PAGE |
| I.C.V. = IRRIGATION CONTROL VALVE | R/W = RIGHT-OF-WAY |
| W.M. = WATER METER | C.O. = CLEAN OUT |
| B.F.P. = BACK FLOW PREVENTOR | C.L.F. = CHAIN LINK FENCE |
| | P.C.D. = POLLUTION CONTROL DEVICE |

CERTIFICATION

We hereby certify that this survey meets the minimum technical standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Dated at Fort Lauderdale, Florida, this 12th day of January, 2006.
Rotated Drawing orientation this 1st day of May, 2006.
Resurveyed this 1st day of August, 2007.

McLAUGHLIN ENGINEERING COMPANY

SCOTT A. McLAUGHLIN
Professional Surveyor & Mapper No. 5842
State of Florida.

FILE NO:

06 - 3 - 004(07)

EXHIBIT V ZONING AERIAL



City of Fort Lauderdale GIS



CITY OF FORT LAUDERDALE

321 N Birch Road



0 90 180
Feet

GIS
Fort Lauderdale

EXHIBIT VI SITE PHOTOGRAPHS



1. Central portion of the subject site, facing southeast along the ICWW.



2. Central portion of the subject site, facing northeast along the ICWW.



3. Southern portion of the subject site, facing northwest.



4. Northern portion of the subject site, facing southwest.



5. Central portion of the subject site, facing southwest.

EXHIBIT VII PROJECT PLANS

321 N BIRCH RD - ENGLER FLOATING DOCKS

CITY OF FORT LAUDERDALE

PLAN SET



LOCATION MAP (N.T.S.)

DRAWING INDEX

SHEET 1: COVER

SHEET 2: EXISTING
CONDITIONS

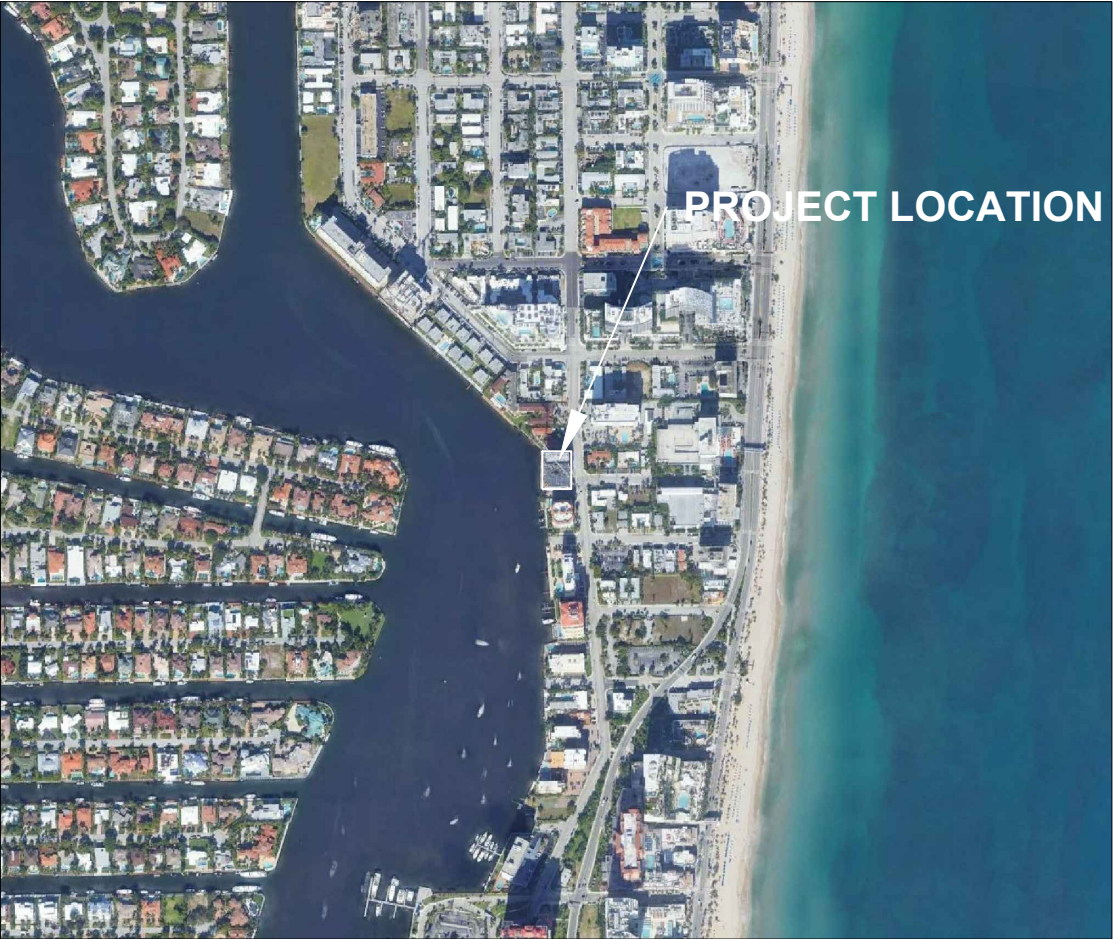
SHEET 3: PROPOSED
CONDITIONS

SHEET 4: SECTION A

SHEET 5: SECTION B

SHEET 6: FLOATING
DOCK DETAILS

SHEET 7: DETAILS



VICINITY AERIAL (N.T.S.)

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

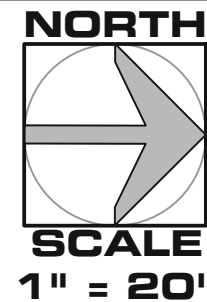
THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

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

321 N BIRCH RD- ENGLER FLOATING DOCKS

PREPARED FOR:
MR. LEE ENGLER

COVER		
Date: 2/13/2023	Sheet :	of :
Proj No.: 21-0038.001	1	7



LEGEND

- SUBJECT SITE (0.58 AC)
- EXISTING CONCRETE SEAWALL W/ 3.0' CAP TO REMAIN (±200 LN. FT.; ±300 SQ. FT. OVERWATER)
- EXISTING CONCRETE MARGINAL DOCK TO REMAIN (±520 SQ. FT.)
- EXISTING WOOD FINGER PIERS TO BE REMOVED (±120 SQ. FT.)
- EXISTING 50,000 LB NO PROFILE BOAT LIFT TO BE REMOVED (±1,000 SQ. FT.)
- PREVIOUSLY AUTHORIZED NO PROFILE BOAT LIFT (±828 SQ. FT.)

● EXISTING MOORING PILES (10)

●●● EXISTING TRIPLE MOORING PILES (3)

① EXISTING BOAT SLIPS AUTHORIZED UNDER MFOL17-0002 (4)

M.H.W. = 0.25' NAVD M.L.W. = (-)2.13' NAVD

NOTE:

- EXISTING LOCATIONS ARE APPROXIMATE AND BASED ON SURVEY BY MCLAUGHLIN ENGINEERING COMPANY FILE NO. 06-3-004(07).
- EXISTING STRUCTURES PREVIOUSLY AUTHORIZED UNDER BCEPGMD ERL NO. DF14-1052 & DF21-1182, FDEP NO. 06-0323079-001 & 06-0323079-005-EI, AND USACOE No. SAJ-2021-02202.
- EXISTING PILES WERE PREVIOUSLY AUTHORIZED UNDER RESOLUTION 14-183.
- EXISTING BOAT LIFT PREVIOUSLY AUTHORIZED UNDER RESOLUTION 21-37.
- BOAT LIFT PREVIOUSLY AUTHORIZED UNDER RESOLUTION 21-121.

PREVIOUSLY AUTHORIZED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER	RESOLUTION NO.
3 TRIPLE PILE DOLPHIN PILES & 10 MOORING PILES	±75.0'	25'	50.0'	14-183
BOAT LIFT	±55.0'	25'	30.0'	21-37
BOAT LIFT	±51.0'	25'	26.0'	21-121

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

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

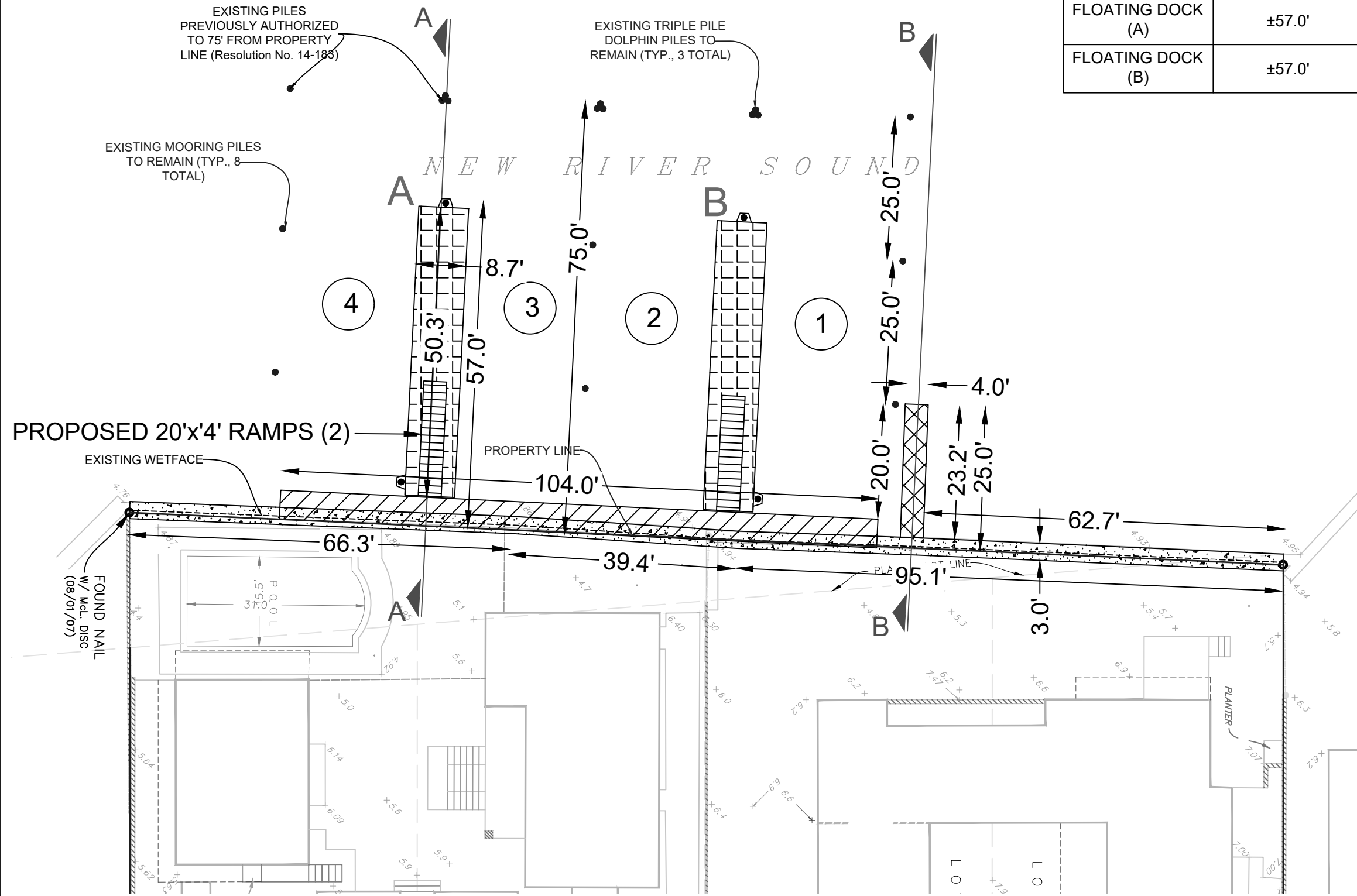
321 N BIRCH RD- ENGLER FLOATING DOCKS

PREPARED FOR:
MR. LEE ENGLER

EXISTING CONDITIONS

Date: 2/13/2023	Sheet : 2	of : 7
Proj No.: 21-0038.001		

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
FLOATING DOCK (A)	±57.0'	25'	32.0'
FLOATING DOCK (B)	±57.0'	25'	32.0'



LEGEND

- SUBJECT SITE (0.58 AC)
- EXISTING CONCRETE SEAWALL W/ 3.0' CAP TO REMAIN (±200 LN. FT.; ±300 SQ. FT. OVERWATER)
- EXISTING CONCRETE MARGINAL DOCK TO REMAIN (±520 SQ. FT.)
- EXISTING MOORING PILES TO REMAIN (8)
- EXISTING TRIPLE MOORING PILES TO REMAIN (3)
- EXISTING BOAT SLIPS AUTHORIZED UNDER MFOL17-0002 (4)
- PROPOSED FLOATING DOCKS (±875 SQ. FT.)
- PROPOSED CONCRETE FINGER PIER (±93 SQ. FT.)

M.H.W. = 0.25' NAVD M.L.W. = (-)2.13' NAVD

NOTE:

- EXISTING LOCATIONS ARE APPROXIMATE AND BASED ON SURVEY BY MCLAUGHLIN ENGINEERING COMPANY FILE NO. 06-3-004(07).
- EXISTING STRUCTURES PREVIOUSLY AUTHORIZED UNDER BCEPGMD ERL NO. DF14-1052 AND FDEP NO. 06-0323079-001.
- EXISTING PILES WERE PREVIOUSLY AUTHORIZED UNDER RESOLUTION 14-183.

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

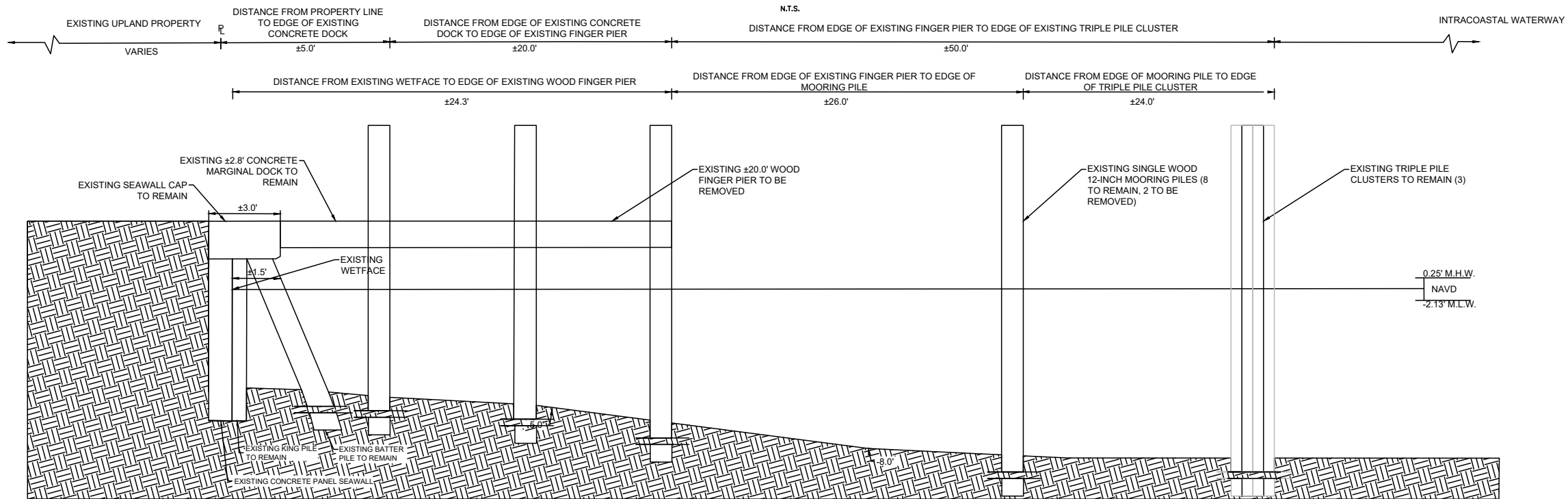
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/Appraisals

321 N BIRCH RD- ENGLER FLOATING DOCKS

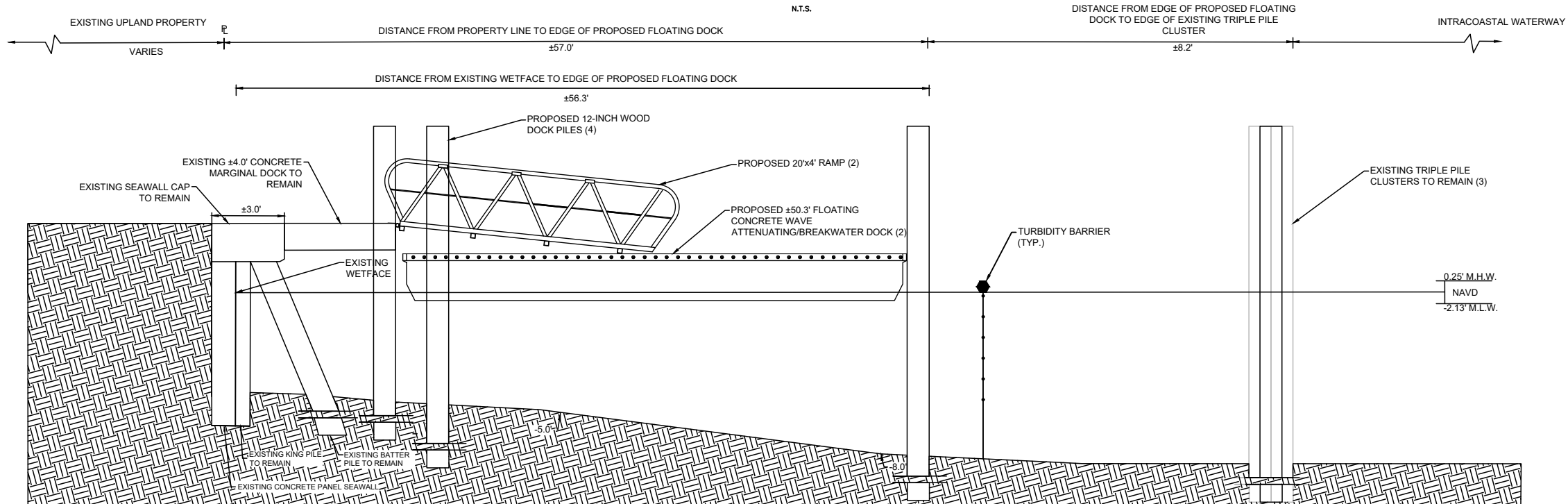
PREPARED FOR:
MR. LEE ENGLER

PROPOSED CONDITIONS		
Date: 2/13/2023	Sheet : 3	of : 7
Proj No.: 21-0038.001		

EXISTING CONDITIONS A-A (TYP.)



PROPOSED CONDITIONS A-A (TYP.)



THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

THE Chappell GROUP
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

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

321 N BIRCH RD- ENGLER FLOATING DOCKS

PREPARED FOR:
MR. LEE ENGLER

SECTION A

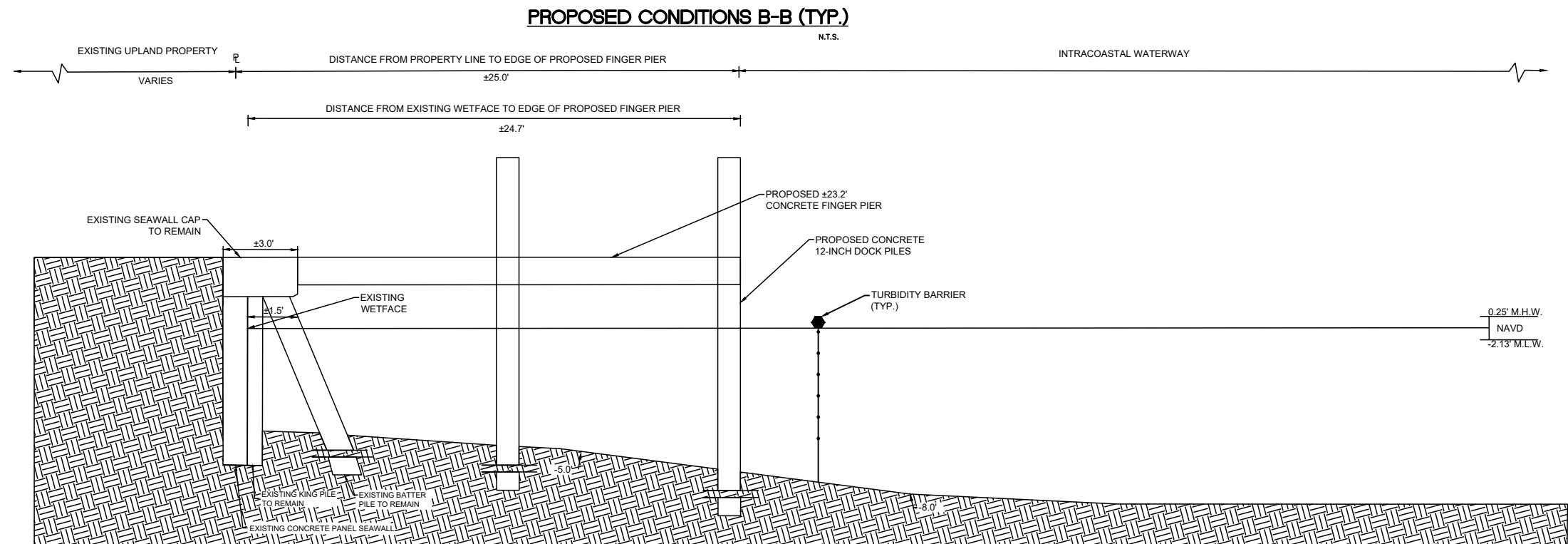
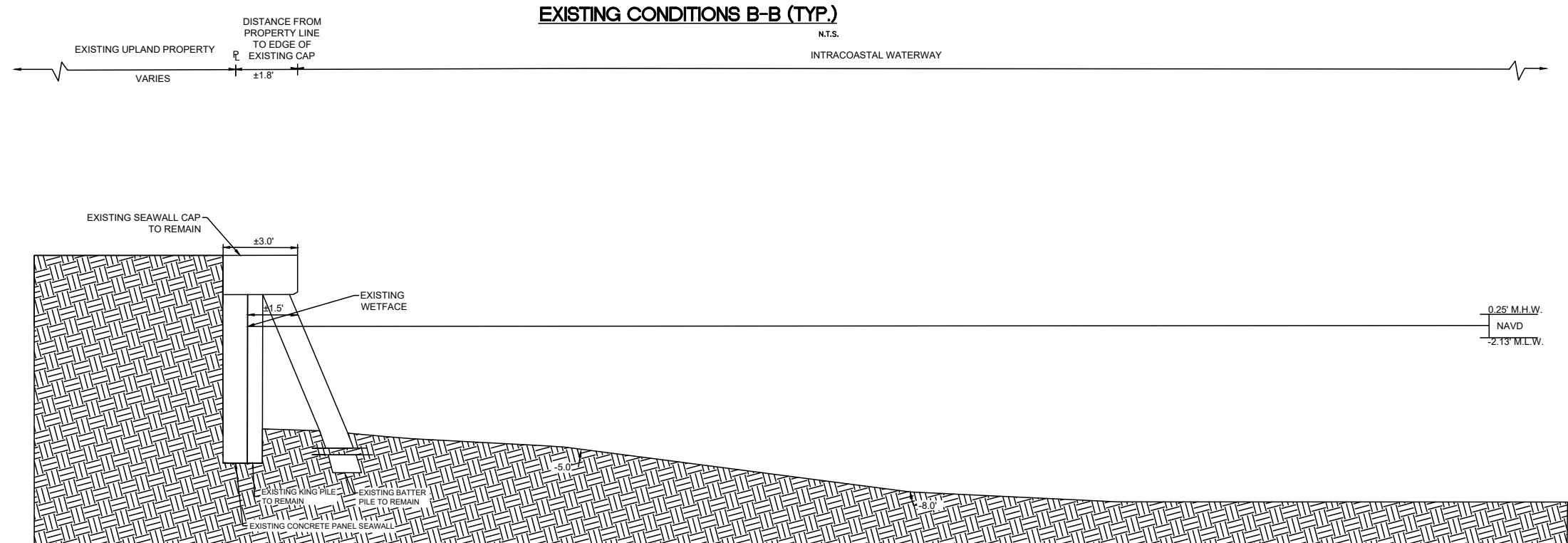
Date:
2/13/2023
Proj No.:
21-0038.001

Sheet :

4

of :

7



THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

THE Chappell GROUP
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

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

321 N BIRCH RD- ENGLER FLOATING DOCKS

PREPARED FOR:
MR. LEE ENGLER

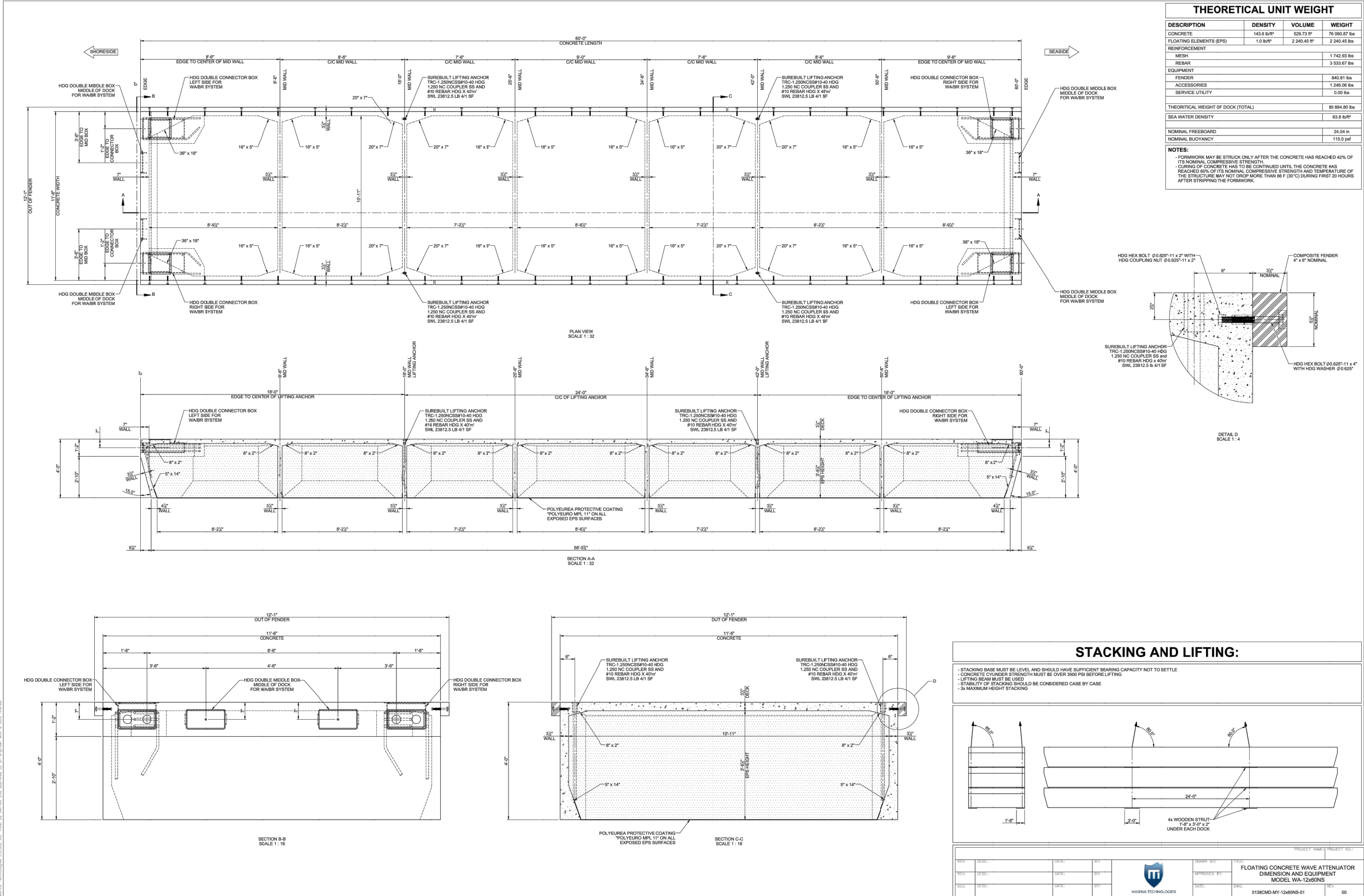
SECTION B

Date:
2/13/2023
Proj No.:
21-0038.001

Sheet :
5

of :
7

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC. © THE CHAPPELL GROUP, INC. 2023



THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC. © THE CHAPPELL GROUP, INC. 2023

THE Chappell GROUP INC.

714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108

www.thechappellgroup.com

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

321 N BIRCH RD- ENGLER FLOATING DOCKS

PREPARED FOR:
MR. LEE ENGLER

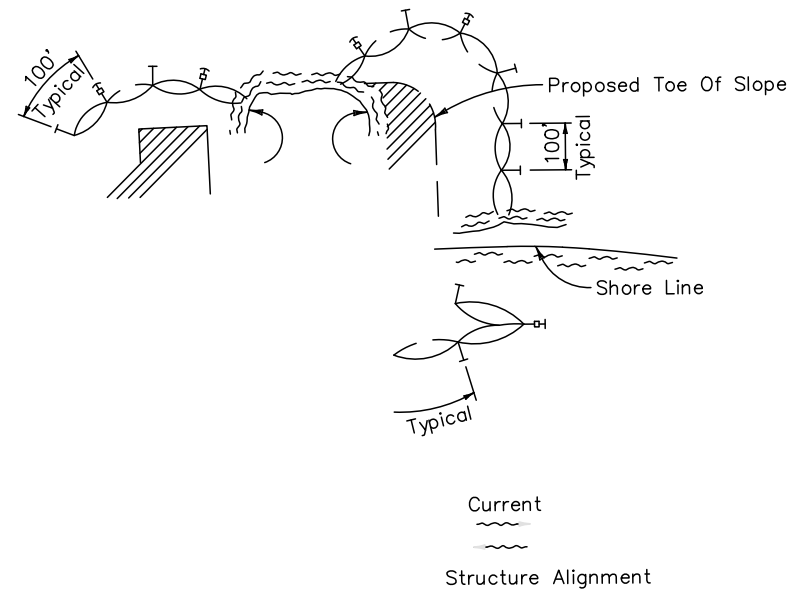
FLOATING DOCK DETAILS

Date:
2/13/2023

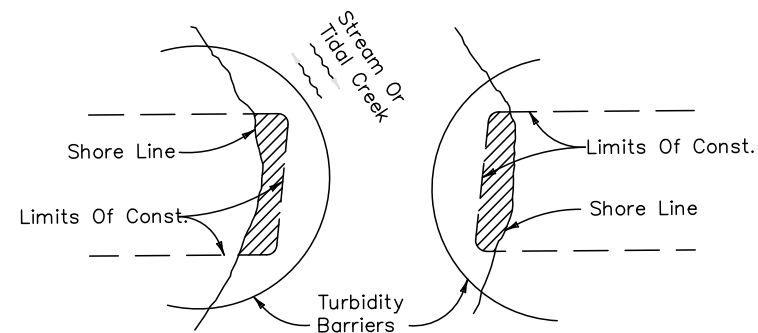
Proj No.:
21-0038.001

Sheet :
6

of :
7



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

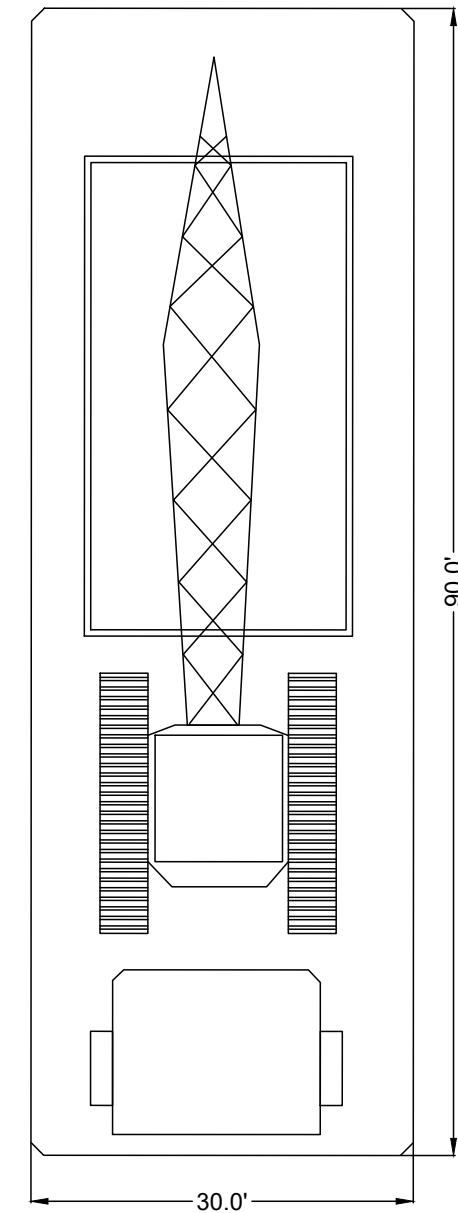


Note:
Turbidity barriers for flowing streams and tidal creeks may be either floating, or staked types or any combinations of types that will suit site conditions and meet erosion control and water quality requirements. The barrier type(s) will be at the Contractors option unless otherwise specified in 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.

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

CONSTRUCTION BARGE (TYP.)



THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

THE Chappell GROUP
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

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

321 N BIRCH RD- ENGLER FLOATING DOCKS

PREPARED FOR:
MR. LEE ENGLER

DETAILS

Date: 2/13/2023	Sheet :	of :
Proj No.: 20-0038.001	7	7

EXHIBIT VIII DISTANCE EXHIBIT



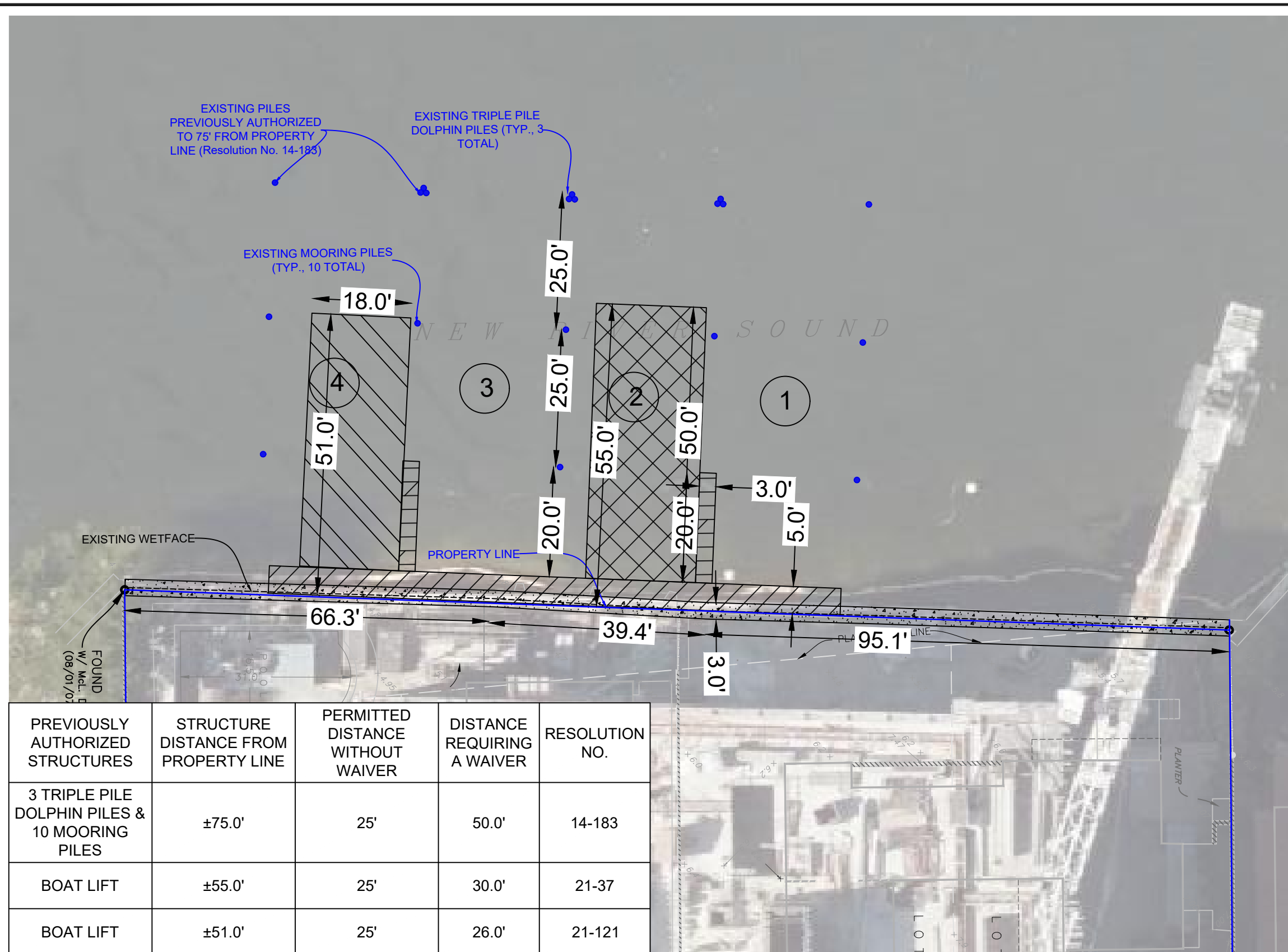
LEGEND

- SUBJECT SITE (0.58 AC)
- EXISTING CONCRETE SEAWALL W/ 3.0' CAP TO REMAIN (±200 LN. FT.; ±300 SQ. FT. OVERWATER)
- EXISTING CONCRETE MARGINAL DOCK TO REMAIN (±520 SQ. FT.)
- EXISTING WOOD FINGER PIERS TO BE REMOVED (±120 SQ. FT.)
- EXISTING 50,000 LB NO PROFILE BOAT LIFT TO BE REMOVED (±1,000 SQ. FT.)
- PREVIOUSLY AUTHORIZED NO PROFILE BOAT LIFT (±828 SQ. FT.)
- EXISTING MOORING PILES (10)
- EXISTING TRIPLE PILE DOLPHIN PILES TO REMAIN (3)
- EXISTING BOAT SLIPS AUTHORIZED UNDER MFOL17-0002 (4)

M.H.W. = 0.25' NAVD M.L.W. = (-)2.13' NAVD

NOTE:

- EXISTING LOCATIONS ARE APPROXIMATE AND BASED ON SURVEY BY MCLAUGHLIN ENGINEERING COMPANY FILE NO. 06-3-004(07).
- EXISTING STRUCTURES PREVIOUSLY AUTHORIZED UNDER BCEPGMD ERL NO. DF14-1052 AND FDEP NO. 06-0323079-001.
- EXISTING PILES WERE PREVIOUSLY AUTHORIZED UNDER RESOLUTION 14-183.
- EXISTING BOAT LIFT PREVIOUSLY AUTHORIZED UNDER RESOLUTION 21-37.
- BOAT LIFT PREVIOUSLY AUTHORIZED UNDER RESOLUTION 21-121.



PREVIOUSLY AUTHORIZED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER	RESOLUTION NO.
3 TRIPLE PILE DOLPHIN PILES & 10 MOORING PILES	±75.0'	25'	50.0'	14-183
BOAT LIFT	±55.0'	25'	30.0'	21-37
BOAT LIFT	±51.0'	25'	26.0'	21-121

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

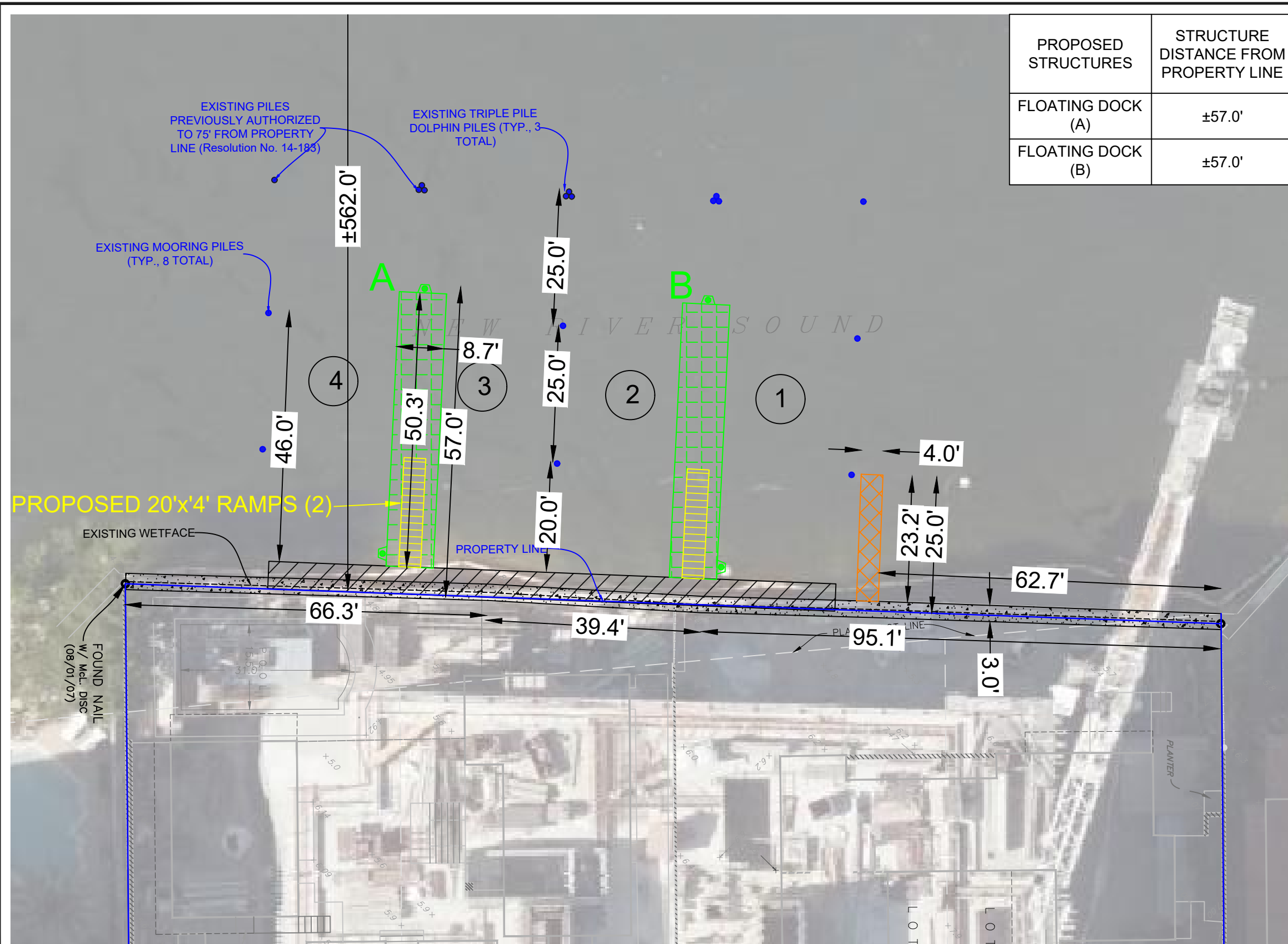
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/Appraisals

321 N BIRCH RD- ENGLER FLOATING DOCKS

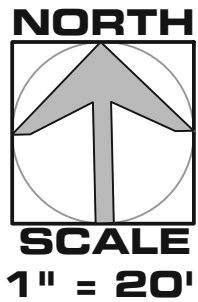
PREPARED FOR:
MR. LEE ENGLER

DISTANCE AERIAL - EXISTING

Date: 3/21/2023	Sheet : 1	of : 3
Proj No.: 21-0038.001		



PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
FLOATING DOCK (A)	±57.0'	25'	32.0'
FLOATING DOCK (B)	±57.0'	25'	32.0'



LEGEND

- SUBJECT SITE (0.58 AC)
- EXISTING CONCRETE SEAWALL W/ 3.0' CAP TO REMAIN (±200 LN. FT.; ±300 SQ. FT. OVERWATER)
- EXISTING CONCRETE MARGINAL DOCK TO REMAIN (±520 SQ. FT.)
- EXISTING MOORING PILES TO REMAIN (8)
- EXISTING TRIPLE MOORING PILES TO REMAIN (3)
- EXISTING BOAT SLIPS AUTHORIZED UNDER MFOL17-0002 (4)
- PROPOSED FLOATING DOCKS (±875 SQ. FT.)
- PROPOSED CONCRETE FINGER PIER (±93 SQ. FT.)

M.H.W. = 0.25' NAVD M.L.W. = (-)2.13' NAVD

NOTE:

- EXISTING LOCATIONS ARE APPROXIMATE AND BASED ON SURVEY BY MCLAUGHLIN ENGINEERING COMPANY FILE NO. 06-3-004(07).
- EXISTING STRUCTURES PREVIOUSLY AUTHORIZED UNDER BCEPGMD ERL NO. DF14-1052 AND FDEP NO. 06-0323079-001.
- EXISTING PILES WERE PREVIOUSLY AUTHORIZED UNDER RESOLUTION 14-183.
- EXISTING BOAT LIFT PREVIOUSLY AUTHORIZED UNDER RESOLUTION 21-37.

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

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

321 N BIRCH RD- ENGLER FLOATING DOCKS

PREPARED FOR:
MR. LEE ENGLER

DISTANCE AERIAL - PROPOSED

Date: 3/21/2023	Sheet : 2	of : 3
Proj No.: 21-0038.001		



PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
FLOATING DOCK (A)	±57.0'	25'	32.0'
FLOATING DOCK (B)	±57.0'	25'	32.0'



SCALE
1" = 100'

LEGEND

- SUBJECT SITE (0.58 AC)
- EXISTING CONCRETE SEAWALL W/ 3.0' CAP TO REMAIN (±200 LN. FT.; ±300 SQ. FT. OVERWATER)
- EXISTING CONCRETE MARGINAL DOCK TO REMAIN (±520 SQ. FT.)
- EXISTING MOORING PILES TO REMAIN (8)
- EXISTING TRIPLE MOORING PILES TO REMAIN (3)
- EXISTING BOAT SLIPS AUTHORIZED UNDER MFOL17-0002 (4)
- PROPOSED FLOATING DOCKS (±875 SQ. FT.)
- PROPOSED CONCRETE FINGER PIER (±93 SQ. FT.)

M.H.W. = 0.25' NAVD M.L.W. = (-)2.13' NAVD

NOTE:

- EXISTING LOCATIONS ARE APPROXIMATE AND BASED ON SURVEY BY MCLAUGHLIN ENGINEERING COMPANY FILE NO. 06-3-004(07).
- EXISTING STRUCTURES PREVIOUSLY AUTHORIZED UNDER BCEPGMD ERL NO. DF14-1052 AND FDEP NO. 06-0323079-001.
- EXISTING PILES WERE PREVIOUSLY AUTHORIZED UNDER RESOLUTION 14-183.

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108

www.thechappellgroup.com

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

321 N BIRCH RD- ENGLER FLOATING DOCKS

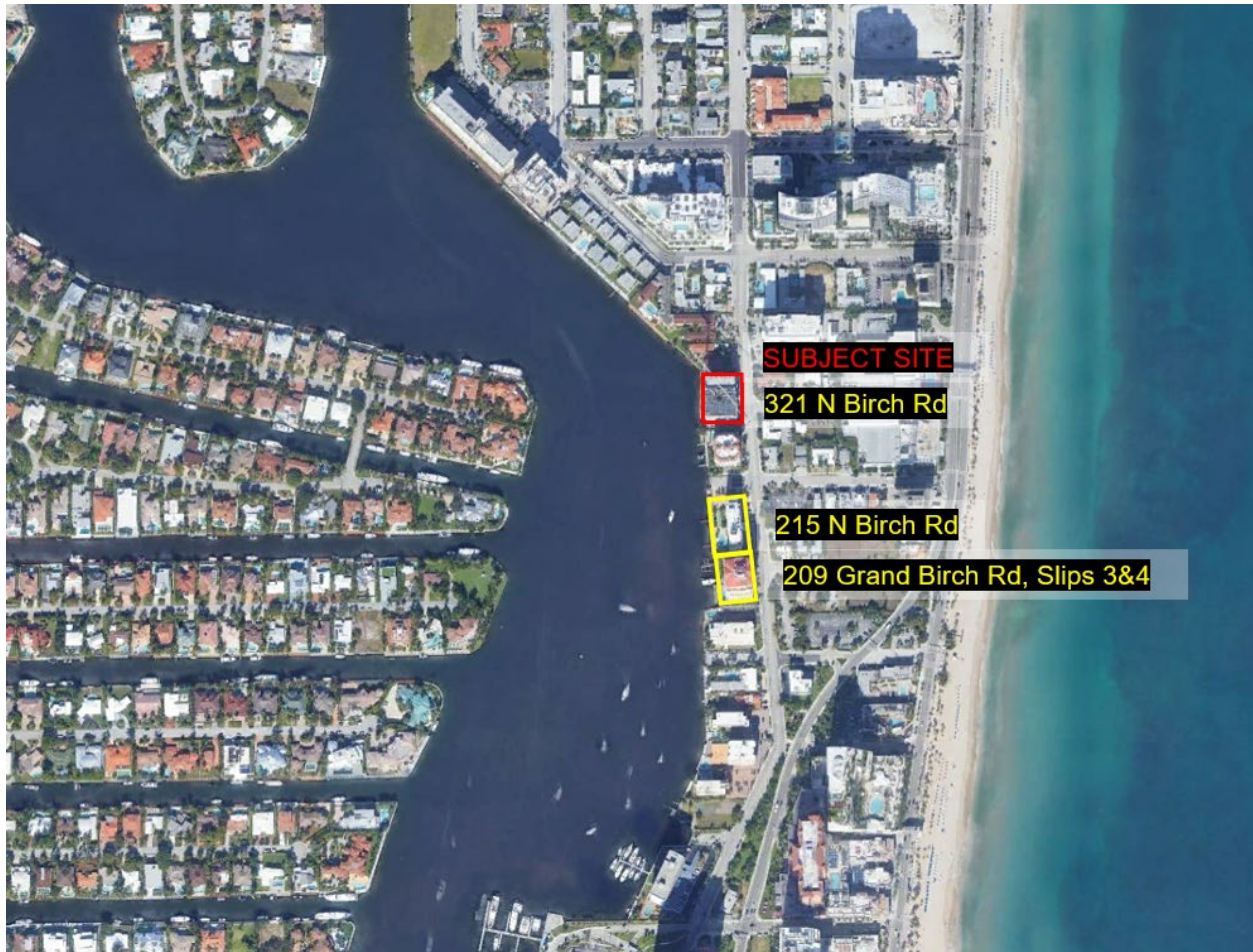
PREPARED FOR:
MR. LEE ENGLER

DISTANCE AERIAL - PROPOSED

Date: 3/21/2023	Sheet : 3	of : 3
Proj No.: 21-0038.001		

EXHIBIT IX EXISTING WAIVERS IN THE VICINTY

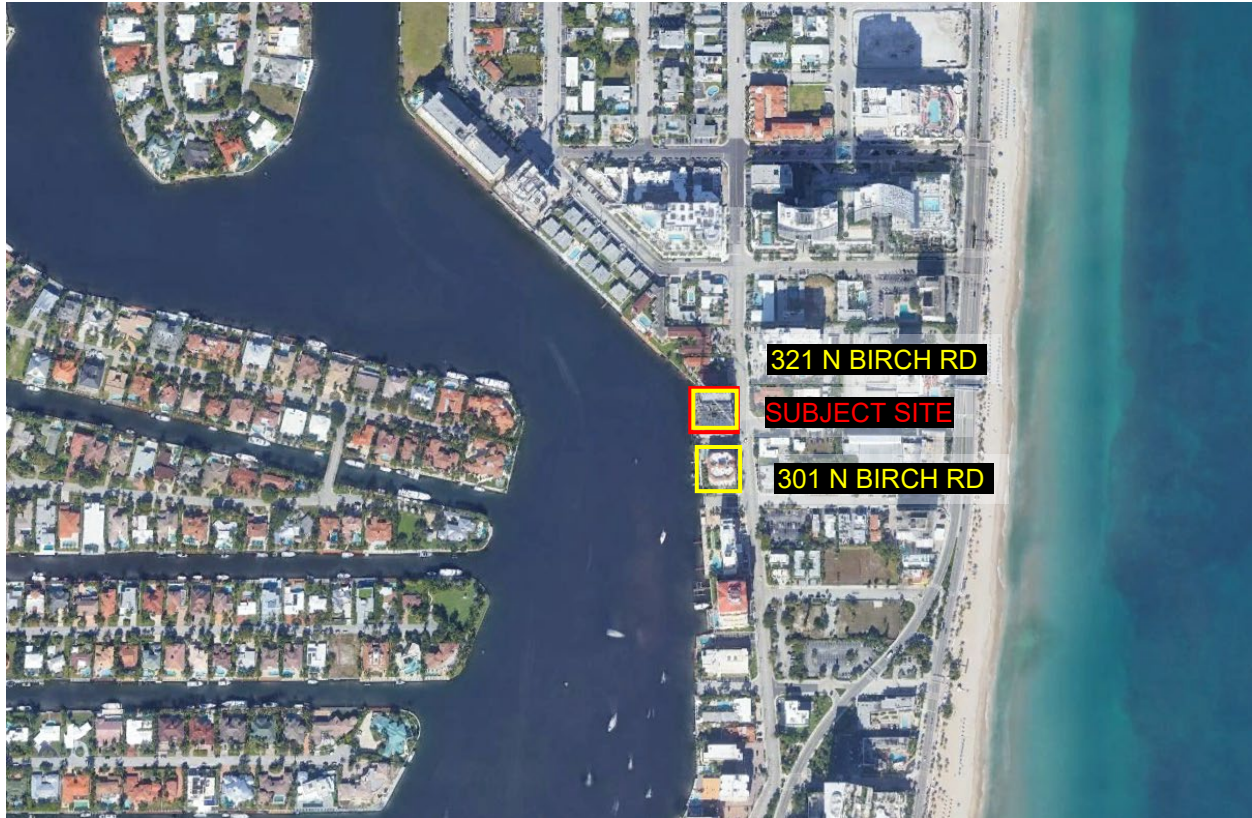
EXISTING WAIVERS IN THE VICINITY



ADDRESS	MAXIMUM DISTANCE
321 N Birch Rd	75'
321 N Birch Rd	55'
215 N Birch Rd	47.5'
209 Grand Birch, Slip 3	39.3'
209 Grand Birch, Slip 4	45.5'
Subject Site	66.8'

EXHIBIT X LETTERS OF SUPPORT

LETTERS OF SUPPORT



ADDRESS	OWNER
301 N Birch Rd	Michael Kelly, Treasurer, Birch Pointe Condo Association
321 N Birch Road #401	Richard Caparso
321 N Birch Rd #403	Edward & Jeannie Cave
321 N Birch Rd #503	Daniel Adams
321 N Birch Road #602	Jeffrey & Dawn Grubs
321 N Birch Rd #603	Peter Rosenfeld
321 N Birch Rd #701	Patrick Sullivan
321 N Birch Rd #702	Harri Weckstrom
321 N Birch Rd #703	Robert Hughes
321 N Birch Rd #501	Michael DiTullio

ADDRESS	OWNER
321 N Birch Rd #1002	Steven Huntley
321 N Birch Rd #1003	Richard & Deborah Maser
321 N Birch Rd #801	Margo Cook & Renee Cohen
321 N Birch Rd #802	Malkon Baboyian
321 N Birch Rd #803	Robert Verdun
321 N Birch Rd #901	Brenda Lapointe
321 N Birch Rd #902	Pierre Grenier
321 N Birch Rd #903	David Sidwell
321 N Birch Rd #PH01	Robert & Mary Berard
321 N Birch Rd #PH02	Herbert Parker

June 1, 2022

Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

RE: 321 N Birch Rd
City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd, and support the project as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Caparso". The signature is written in a cursive, flowing style. Below it, the name "Joan Caparso" is also handwritten in a similar style.

Richard & Joan Caparso
321 N Birch Road Apt 401
Fort Lauderdale, FL 33304

June 1, 2022

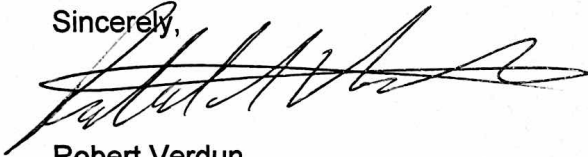
Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

RE: 321 N Birch Rd
City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd, and support the project as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Verdun', written over a horizontal line.

Robert Verdun
321 N Birch Road Apt 803
Fort Lauderdale, FL 33304

June 6, 2022

Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

RE: 321 N Birch Rd
City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd #503, and support the project as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Adams', written over a light blue horizontal line.

Mr. Daniel Adams
321 N Birch Road Apt 503
Fort Lauderdale, FL 33304

June 6, 2022

Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

RE: 321 N Birch Rd
City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd #501, and support the project as proposed.

Sincerely,

A handwritten signature in black ink that reads "Michael DiTullio". The signature is written in a cursive, flowing style.

Michael DiTullio
321 N Birch Road Apt 501
Fort Lauderdale, FL 33304

June 6, 2022

Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

RE: 321 N Birch Rd
City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd #1003, and support the project as proposed.

Sincerely,



Richard & Deborah Maser
321 N Birch Road Apt 1003
Fort Lauderdale, FL 33304

June 6, 2022

Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

RE: 321 N Birch Rd
City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd #PH02, and support the project as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "Herbert Parker", with a long horizontal flourish extending to the right.

Herbert Parker
321 N Birch Road Apt PH02
Fort Lauderdale, FL 33304

June 1, 2022

Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

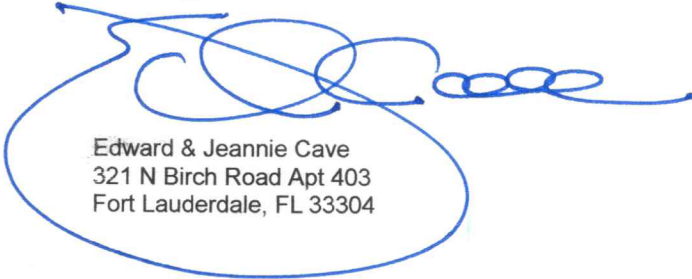
RE: 321 N Birch Rd

City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd, and support the project as proposed.

Sincerely,



Edward & Jeannie Cave
321 N Birch Road Apt 403
Fort Lauderdale, FL 33304

June 1, 2022

Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

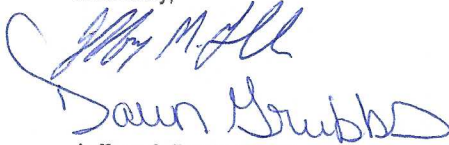
RE: 321 N Birch Rd

City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd, and support the project as proposed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey & Dawn Grubbs", written over a printed name.

Jeffrey & Dawn Grubbs
321 N Birch Road Apt 602
Fort Lauderdale, FL 33304

June 1, 2022

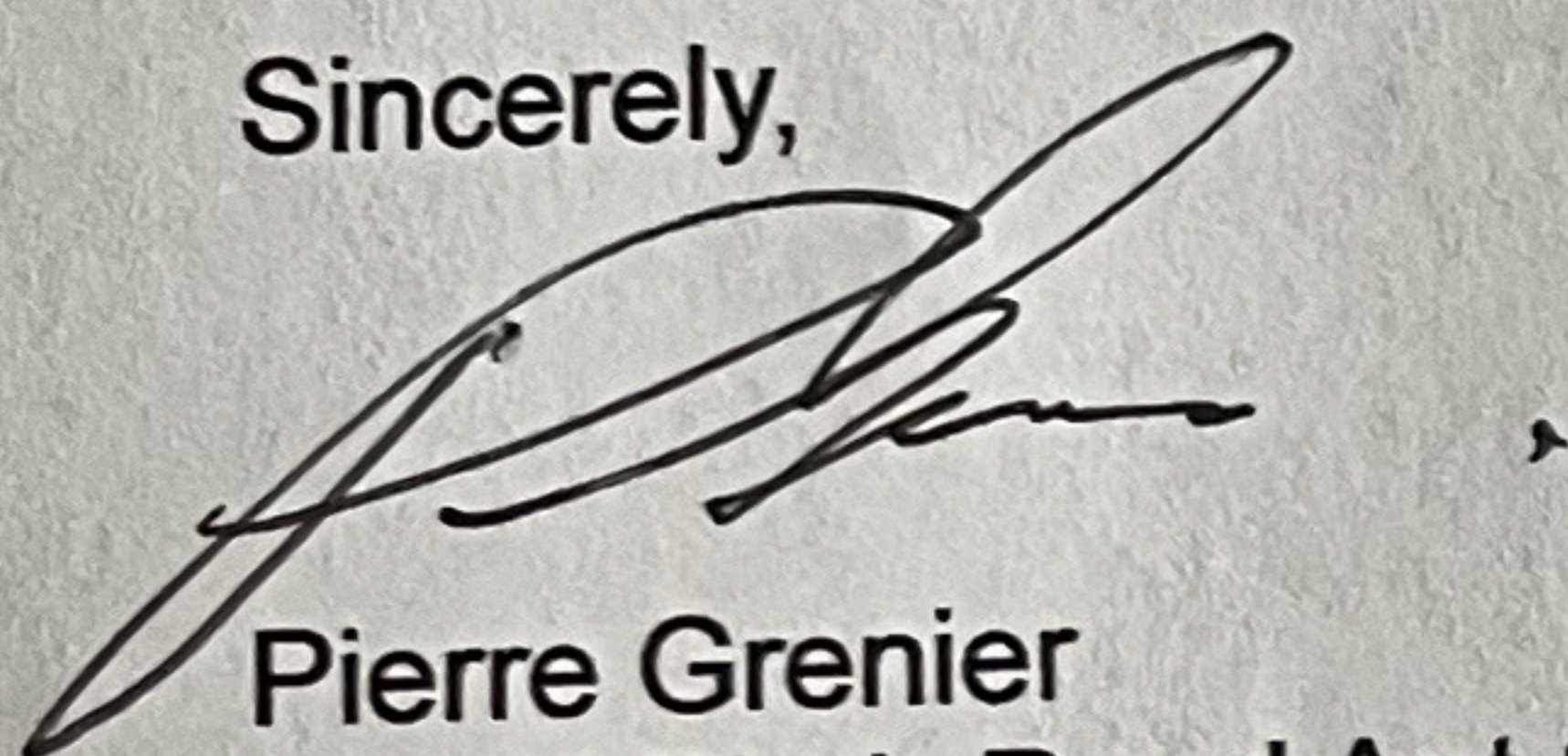
Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

RE: 321 N Birch Rd
City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd, and support the project as proposed.

Sincerely,



Pierre Grenier
321 N Birch Road Apt 902
Fort Lauderdale, FL 33304

June 1, 2022

Mr. Lee Engler
321 N Birch Road #PH03
Fort Lauderdale, FL 33304

RE: 321 N Birch Rd
City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 301 N Birch Rd, and support the project as proposed.

Sincerely,



Mr. Michael Kelly
Birch Pointe Condo Association, *TREASURER*
301 N Birch Rd
Fort Lauderdale, FL 33304

June 1, 2022

Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

RE: 321 N Birch Rd

City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd, and support the project as proposed.

Sincerely,

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

Harri Weckstrom
President, Midaja Inc.
321 N Birch Road Apt 702
Fort Lauderdale, FL 33304

June 6, 2022

Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

RE: 321 N Birch Rd
City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd #603, and support the project as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Rosenfeld". The signature is fluid and cursive, with the first name "Peter" and last name "Rosenfeld" clearly distinguishable.

Mr. Peter M. Rosenfeld
321 N Birch Road Apt 603
Fort Lauderdale, FL 33304

June 6, 2022

Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

RE: 321 N Birch Rd
City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd #1002, and support the project as proposed.

Sincerely,



Steven Huntley
321 N Birch Road Apt 1002
Fort Lauderdale, FL 33304

June 1, 2022

Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

RE: 321 N Birch Rd
City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd, and support the project as proposed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Berard".

Robert & Mary Berard
321 N Birch Road Apt PH01
Fort Lauderdale, FL 33304

June 6, 2022

Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

RE: 321 N Birch Rd
City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd #703, and support the project as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read 'R Hughes', with a stylized, flowing script.

Robert Hughes
321 N Birch Road Apt 703
Fort Lauderdale, FL 33304

June 6, 2022

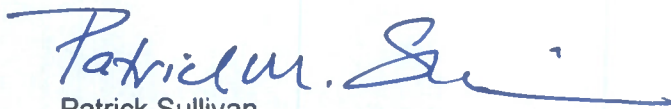
Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

RE: 321 N Birch Rd
City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd #701, and support the project as proposed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick M. Sullivan", with a long horizontal flourish extending to the right.

Patrick Sullivan
321 N Birch Road Apt 701
Fort Lauderdale, FL 33304

June 6, 2022

Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

RE: 321 N Birch Rd
City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd #802, and support the project as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Baboyian", written in a cursive style.

Mr. Malkon Baboyian
321 N Birch Road Apt 802
Fort Lauderdale, FL 33304

June 6, 2022

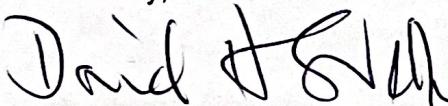
Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

RE: 321 N Birch Rd
City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd #903, and support the project as proposed.

Sincerely,

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

David Sidwell
321 N Birch Road Apt 903
Fort Lauderdale, FL 33304

June 1, 2022

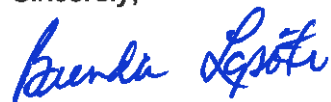
Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

RE: 321 N Birch Rd
City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd, and support the project as proposed.

Sincerely,



Brenda Lapointe
321 N Birch Road Apt 901
Fort Lauderdale, FL 33304

June 6, 2022

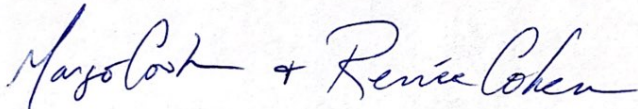
Mr. Lee & Patti Engler
321 N Birch Road Apt 1103
Fort Lauderdale, FL 33304

RE: 321 N Birch Rd
City of Fort Lauderdale Waiver Request

Dear Mr. Engler,

I have reviewed the attached plans (Attachment A), for the proposed project to install two (2) floating docks with ramps and the reinstallation of the existing no profile boat lift beyond 25 feet from the property line into the New River Sound. 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 321 N Birch Rd #801, and support the project as proposed.

Sincerely,

A handwritten signature in blue ink, reading "Margo Cook + Renee Cohen". The signature is written in a cursive, flowing style.

Margo Cook & Renee Cohen
321 N Birch Road Apt 801
Fort Lauderdale, FL 33304

ITEM VIII

MEMORANDUM MF NO. 23-13

DATE: April 27, 2023

TO: Marine Advisory Board

FROM: Andrew Cuba, Marine Facilities Manager

RE: June 1, 2023 MAB - Dock Waiver of Distance Limitations
-William Prescott, P&P Coastal Properties, LLC / 435 Bayshore Drive #302
Slip 3

Attached for your review is an application from William Prescott, P&P Coastal Properties, LLC / 435 Bayshore Drive #302 Slip 3 (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for the installation of one (1) 40,000 pound 8-post boatlift extending a maximum distance of 54'+/- from the property line into the Intracoastal Waterway (ICWW). The distances these proposed structure would extend from the property line into the ICWW is shown in the survey in **Exhibit 1** and summarized in Table 1 below:

TABLE 1

PROPOSED STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
8-Post Boat Lift	54'+/-	25'	29'+/-

Section 47-19.3 C limits the maximum distance of mooring structures to 25 feet or 25% 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 indicated that the boat lift is necessary to eliminate potential damage and provide safe mooring, due to heavy wave action, boat traffic and high winds.

PROPERTY LOCATION AND ZONING

The property is located within the IOA/Intracoastal Overlook Area Zoning District. It is situated on the ICW where the width of the waterway to the closest structure is approximately over 600 feet, according to the Project Summary provided in **Exhibit 1**. Required Site Plan Level II review is currently in process, per 47-19.3(b.)(1.), as proposed structure represents the fourth boat lift within the 200'+/- property width.

DOCK PLAN AND BOATING SAFETY

Records reflect that there have been six (6) waivers of dockage distance limitations approved by the City Commission within close proximity since 2009. A comparison of these as shown in Table 2 including the maximum distances of mooring structures extending into the ICWW:

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
2009	209 Grand Birch, Slip 4	45'6"
2011	215 N. Birch Road	47.5'
2013	209 Grand Birch, Slip 3	39.3'
2014	321 N. Birch Road	75'
2017	435 Bayshore Drive	61'
2019	435 Bayshore Drive	48.5'

RECOMMENDATIONS

Should the Marine Advisory consider approval of the application, the Resolution under consideration for approval 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 the appropriate City staff 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, Marine Facilities Supervisor

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: William Prescott, P&P Coastal Properties, LLC

TELEPHONE NO: 843-457-3383
(Home)

2. APPLICANT'S ADDRESS (if different than the site address): N/A
3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: The applicant requests a wavier for the proposed construction of a four (4) post boat lift that extends beyond 25ft from the property line in slip #3.
4. SITE ADDRESS: 435 Bayshore Dr. #302 Fort Lauderdale, FL, 33304
ZONING: IOA
LEGAL DESCRIPTION: ADAGIO FORT LAUDERDALE BEACH CONDO UNIT 302
PER COO CIN# 116023734
5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).
Warranty Deed, Project Plans, Site Aerial, Summary Description, HOA Letter of Recommendation, Assignment of Use Rights to Boat Slip Site Photographs

Applicant's Signature



Applicant's Signature

Date

8-23-22

Date

The sum of \$ 1500.00 was paid by the above-named applicant on the _____ of _____, 2022 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

Table of Contents

TABLE OF CONTENTS

	Page
Warranty Deed	1
Proposed Project Plans	2
Zoning Aerial	3
Summary of Project Description	4
Adagio HOA Letter of Recommendation	5
Assignment of use Rights to Boat Slip	6
HOA – Public Notice Letters	7
Site Photographs	8
Waterway Distance Exhibit	9
Sovereignty Submerged Land Lease	10

Warranty Deed

This Instrument Prepared By and Return to:
EQUITY LAND TITLE, LLC
CityPlace Tower
525 Okeechobee Blvd., Suite 900
West Palm Beach, Florida 33401

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 15th day of October, 2019, between **Costa Bahia LLC, a Florida limited liability company**, 1650 SE 17th Street, Ft. Lauderdale, FL, 33316, in the State of Florida, PARTY OF THE FIRST PART, and **P & P Coastal Properties, LLC, a South Carolina Limited Liability Company** whose post office address is: 6600 N. Ocean Blvd., Myrtle Beach, SC 29572, PARTY OF THE SECOND PART.

WITNESSETH

That the said party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars, to it in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, has granted, bargained and sold to the said party of the second part, his heirs and assigns forever, the following described land, situate and being in the County of Broward, State of FL, to wit:

Unit 302, of ADAGIO FORT LAUDERDALE BEACH, a Condominium, according to the Declaration of Condominium thereof recorded in Instrument # 116023734, of the Public Records of Broward County, Florida.

Property Address: 435 Bayshore Drive, Unit 302, Fort Lauderdale, FL, 33304

TOGETHER WITH all of the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

THIS CONVEYANCE IS SUBJECT TO: Zoning and/or restrictions imposed by governmental authority; Restrictions, easements and other matters according to the plat and/or common to the subdivision; Declaration of Condominium for Adagio Fort Lauderdale Beach a Condominium filed on August 29, 2019 in Instrument #116023734, in Official Records of Broward County, Florida, as referenced above, together with all amendments thereto; and taxes and assessments for the year 2019 and all subsequent years.

AND THE SAID PARTY OF THE FIRST PART does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons claiming by, through or under party of the first part. Party of the second part, by acceptance and recordation of this Deed, thereby accepts, approves, covenants and agrees to be bound by and to assume performance of all applicable provisions set forth in the above described Declaration of Condominium, and all exhibits, amendments and supplements thereto.

Lynette C Miller
NOTARY PUBLIC
STATE OF FLORIDA

South Carolina Secretary of State

Business Entities Online

File, Search, and Retrieve Documents Electronically

P & P COASTAL PROPERTIES, LLC

Corporate Information

Entity Type: Limited Liability Company**Status:** Good Standing**Domestic/Foreign:** Domestic**Incorporated State:** South Carolina

Important Dates

Effective Date: 11/20/2006**Expiration Date:** N/A**Term End Date:** 01/01/2075**Dissolved Date:** N/A

Registered Agent

Agent: WILLIAM HENRY PRESCOTT, IV**Address:** 310 69TH AVENUE NORTH
MYRTLE BEACH, South Carolina 29572

Official Documents On File

Filing Type	Filing Date
Organization	11/20/2006

For filing questions please contact us at **803-734-2158**

Copyright © 2022 State of South Carolina



MARTY KIAR
BROWARD
COUNTY
PROPERTY APPRAISER

Site Address	435 BAYSHORE DRIVE #302, FORT LAUDERDALE FL 33304	ID #	5042 01 CF 0020
Property Owner	P & P COASTAL PROPERTIES LLC	Millage	0312
Mailing Address	6600 N OCEAN BLVD MYRTLE BEACH SC 29572	Use	04
Abbr Legal Description	ADAGIO FORT LAUDERDALE BEACH CONDO UNIT 302 PER CDO CIN# 116023734		

Property Assessment Values.

* 2022 values are considered "working values" and are subject to change.					
Property Assessment Values					
Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2022*	\$191,000	\$1,718,990	\$1,909,990	\$1,768,930	
2021	\$160,810	\$1,447,310	\$1,608,120	\$1,608,120	\$30,211.79
2020	\$155,250	\$1,397,250	\$1,552,500	\$1,552,500	\$29,028.17
2022* Exemptions and Taxable Values by Taxing Authority					
	County	School Board	Municipal	Independent	
Just Value	\$1,909,990	\$1,909,990	\$1,909,990	\$1,909,990	
Portability	0	0	0	0	
Assessed/SOH	\$1,768,930	\$1,909,990	\$1,768,930	\$1,768,930	
Homestead	0	0	0	0	
Add. Homestead	0	0	0	0	
Wid/Vet/Dis	0	0	0	0	
Senior	0	0	0	0	
Exempt Type	0	0	0	0	
Taxable	\$1,768,930	\$1,909,990	\$1,768,930	\$1,768,930	
Sales History				Land Calculations	
Date	Type	Price	Book/Page or CIN	Price	Factor
10/15/2019	SWD-Q	\$1,725,000	116127649		
				Adj. Bldg. S.F.	2759

						Units/Beds/Baths	1/3/3.5	
						Eff./Act. Year Built: 2020/2019		
Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F2		
R								
1						1055		



CITY OF FORT LAUDERDALE

DEPARTMENT OF SUSTAINABLE DEVELOPMENT • BUILDING SERVICES DIVISION

ADDRESS VERIFICATION

CONTACT: Devon Anderson
Phone: 954-828-5233
Email: DAnderson@fortlauderdale.gov

PROJECT ADDRESS: 435 BAYSHORE DRIVE #302

PREVIOUS ADDRESS: 435 BAYSHORE DRIVE #302

NOTES: SITE PLAN LEVEL II

ZONING: IOA

FOLIO #: 504201CF0020

LEGAL DESCRIPTION: ADAGIO FORT LAUDERDALE BEACH CONDO UNIT 302 PER
CDO CIN# 116023734

DRC #: _____

AUTHORIZED SIGNATURE: _____

DATE: 08/30/2022

PROJECT PLANS

PROJECT NAME: PRESCOTT SLIP #3

GENERAL SITE INFORMATION:

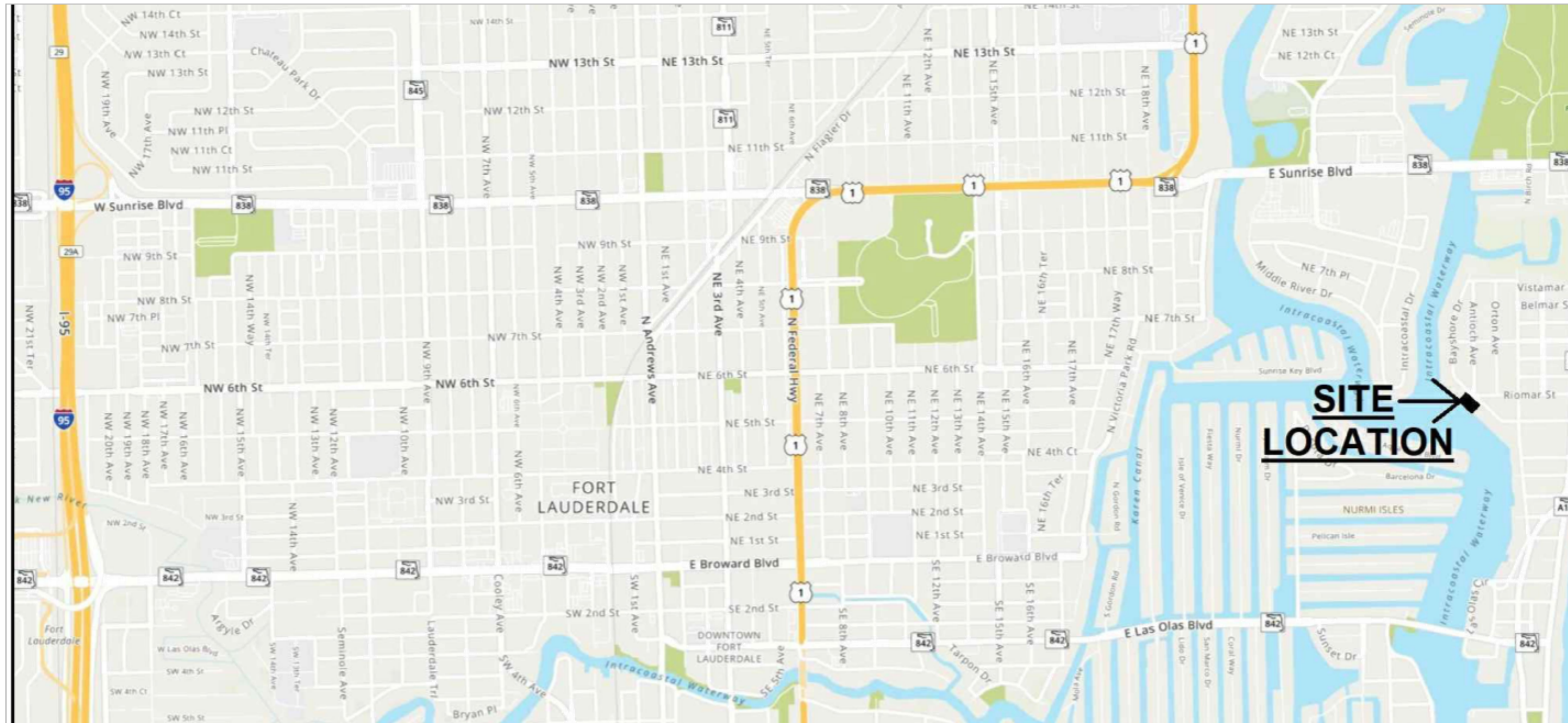
ADDRESS: 435 BAYSHORE DR #302
FT. LAUDERDALE FL, 33304

SECTION: 01
TOWNSHIP: 50S
RANGE: 42E

SLIP #: 3

STATE TAX PARCEL ID: 504201CF0020

LATITUDE: N° 26.12836
LONGITUDE: W° -80.10803



FLORIDA INTRACOASTAL WATERWAY (ICW) (NEW RIVER SOUND)



LEGEND

-  EXISTING MARGINAL DOCK (18.1' X 7')
-  EXISTING FINGER PIER (4' X 20')
-  EXISTING SEAWALL CAP $\pm 2.5'$
-  FOOT PRINT OF SLIP #3 (21.2' X 53')
-  EXISTING MOORING PILE
-  EXISTING SUBMERGED LAND LEASE (SSLL)

GENERAL NOTES

M.H.W. = 0.3' NAVD
M.L.W. (-) 2.1' NAVD

1. EXISTING STRUCTURES PREVIOUSLY AUTHORIZED BY CITY OF FORT LAUDERDALE (RESOLUTION NO. 17-175 & 19-237)
2. EXISTING STRUCTURES PREVIOUSLY AUTHORIZED BY BROWARD COUNTY (DF 16-1044)
3. EXISTING STRUCTURES PREVIOUSLY AUTHORIZED BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (OG-0342158-002-EM & OG-0342158-003-EE)
4. EXISTING STRUCTURES PREVIOUSLY AUTHORIZED BY ARMY CORPS. OF ENGINEERS (SAJ-2004-02383-KAE)
5. BOUNDARY SURVEY PROVIDED BY POLICE LAND SURVEYORS INC.
6. THE BOUNDARY OF THE PROPOSED WORK IS WITHIN SLIP #3 (53' X 21.2')

FOR: M. BERNIERE, P.E.
2237 Woods Edge Circle
Orlando, Florida 32817
(772) 708-7785

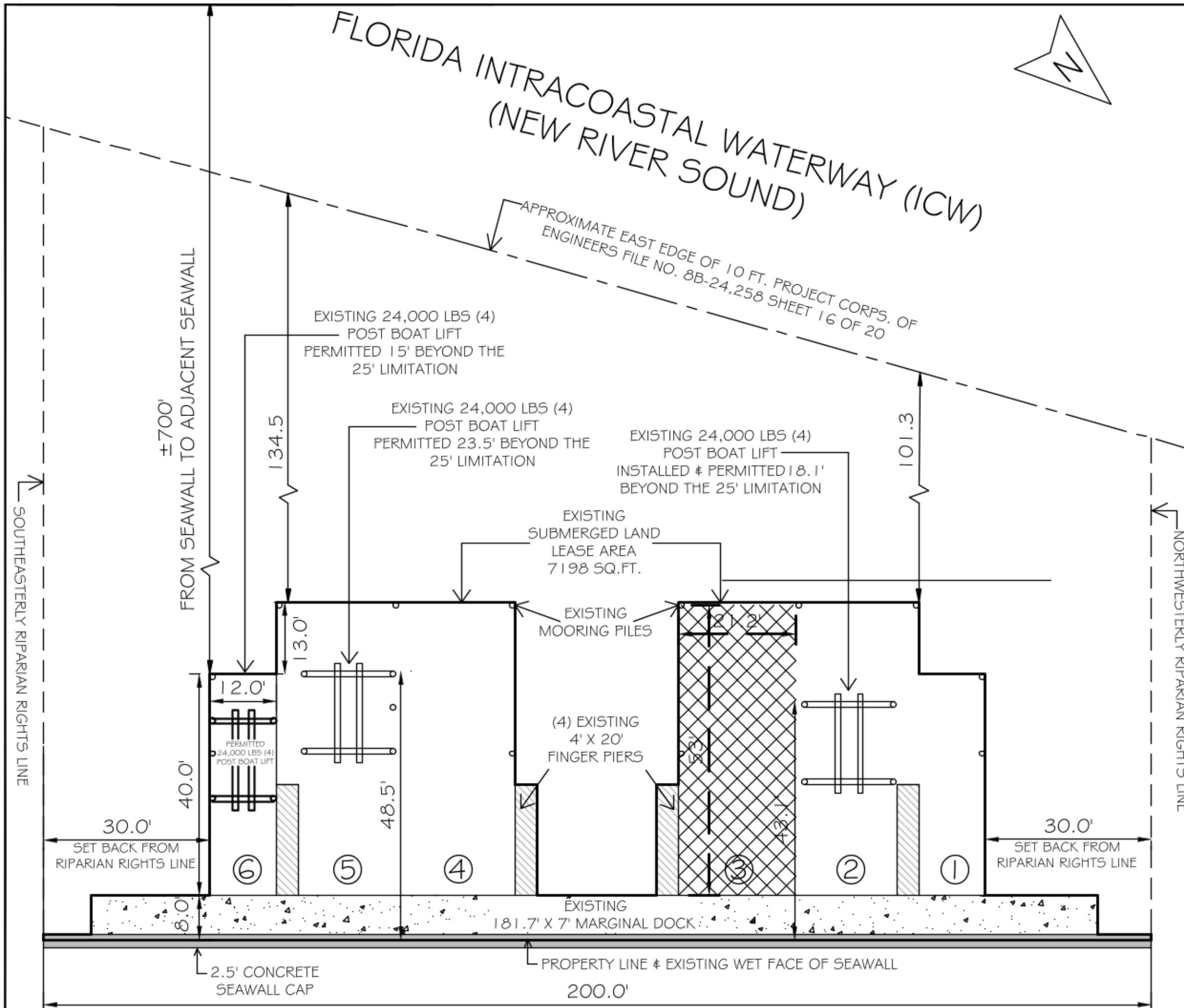
PREPARED FOR:
William Prescott
435 BAYSHORE DRIVE #302
SLIP #3
FT. LAUDERDALE, FL 33304

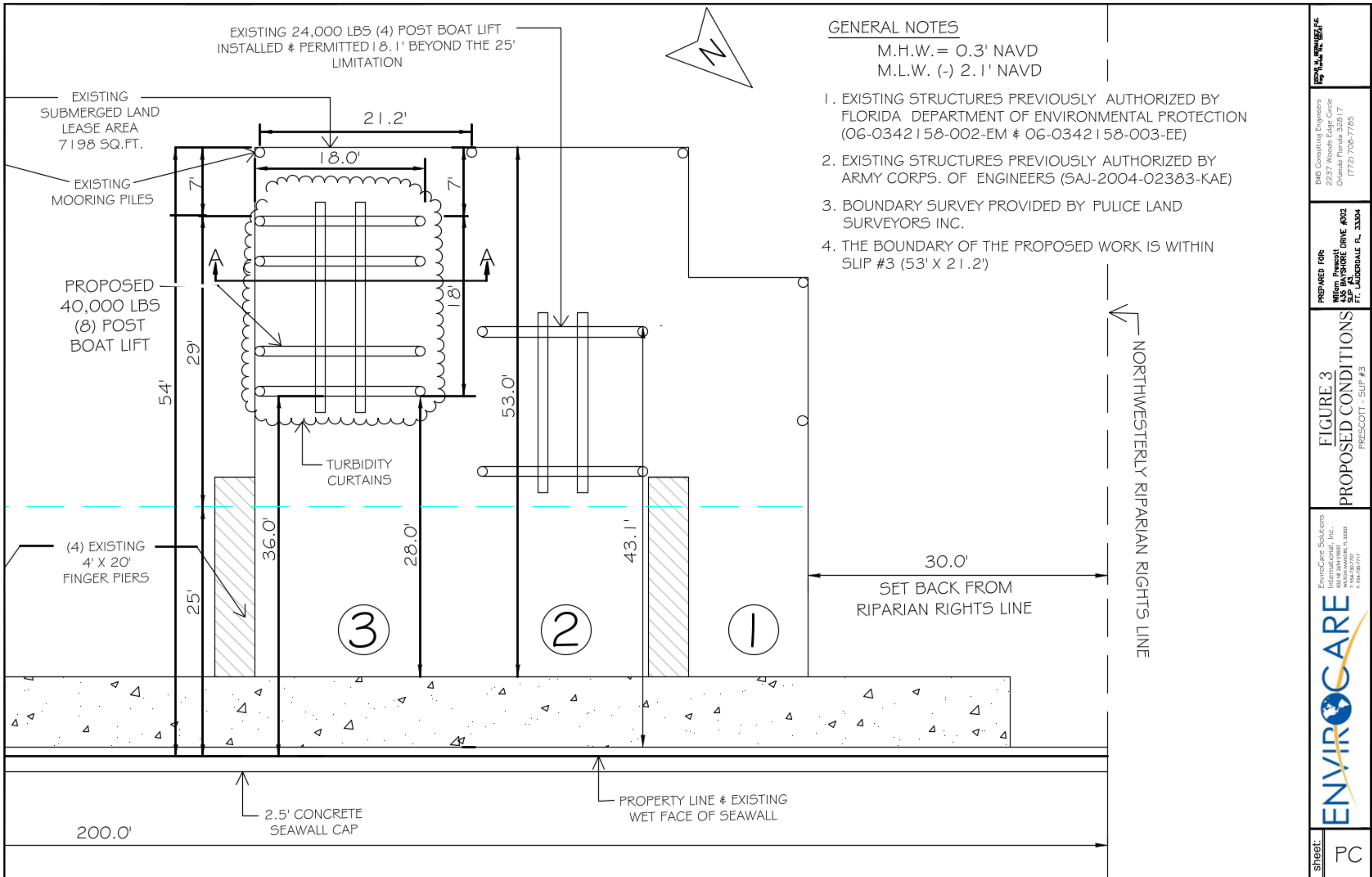
FIGURE 2
EXISTING CONDITIONS
PRESCOTT - SLIP #3

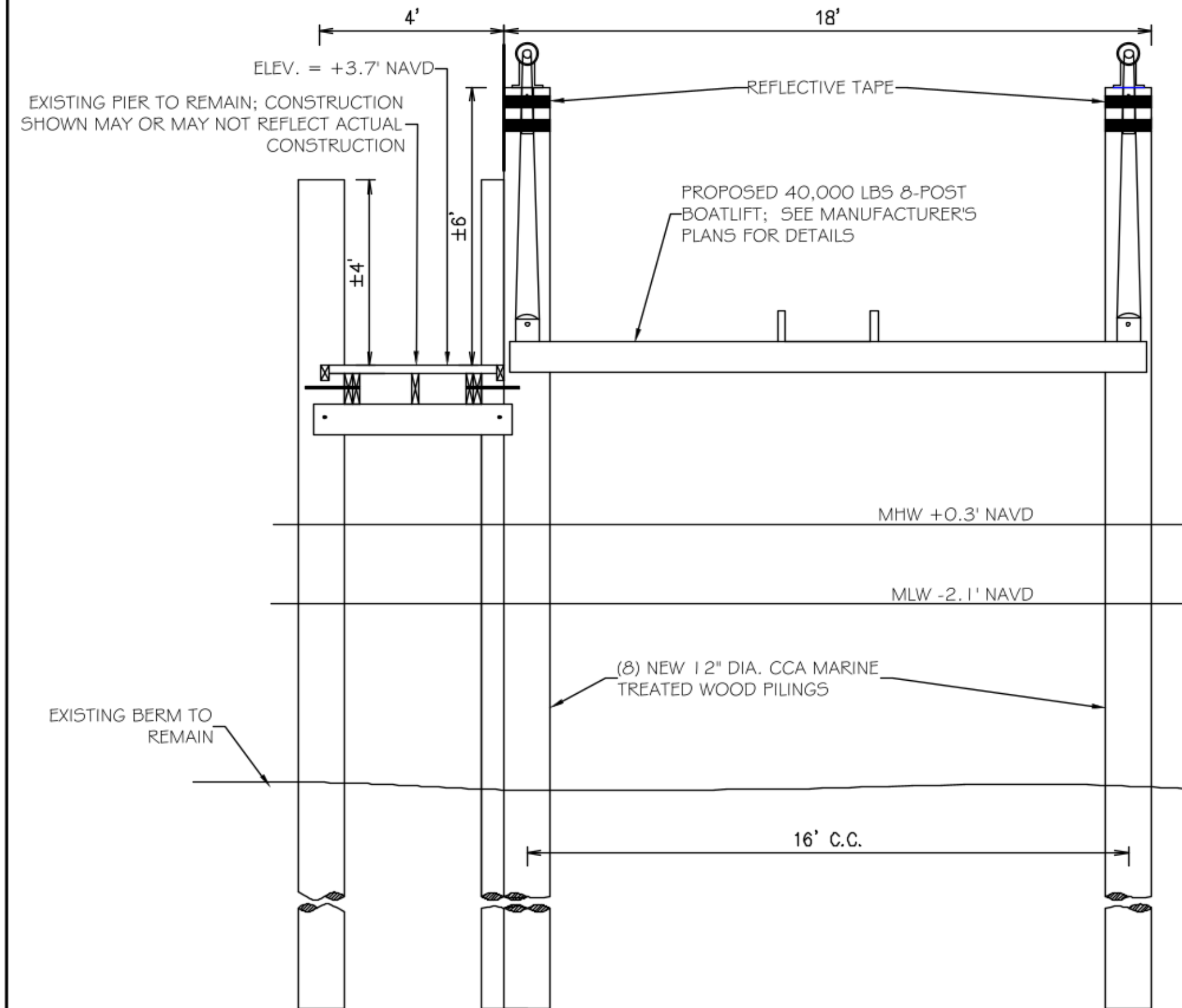
EnviroCare Solutions
International, Inc.
430 NE 20th STREET
WILTON MANOR, FL 33305
T: 954-720-7707
F: 954-720-7717

ENVIRO CARE

sheet: EC







ZONING AERIAL



CITY OF FORT LAUDERDALE

435 Bayshore Drive

0



Feet

GIS
Fort Lauderdale

SUMMARY PROJECT DESCRIPTION

Waiver of Limitations for Boat Lift

Project Summary

Applicant: William Prescott, Mgr.
P&P Coastal Properties LLC
435 Bayshore Drive, #302 - Slip #3
Fort Lauderdale, FL 33304

The project site is located along the Intracoastal Waterway (ICW) at the Adagio Condominium, 435 Bayshore Drive, in Section 01, Township 50, Range 42E, in the City of Fort Lauderdale, Broward County, Florida

This property is located about 2.4 miles from the Port Everglades Inlet and Atlantic Ocean. The property consists of an existing 2.5 feet seawall cap, $\pm$ 1,272 sq. ft. concrete marginal dock, four (4) $\pm$ 80 sq. ft. finger piers, and fourteen (14) mooring piles.

The Unified Land Development Code (ULDR) Sec. 47-19.3 (c) – Boat slips, boat davits, hoists and similar mooring structures require a waiver for mooring structures, not including mooring or dolphin piles, extending into the waterway more than twenty-five (25) percent of the width of the waterway or twenty-five (25) feet whichever is less as measured from the property line. The ULDR allows the City Commission to waive the limitations of Sections 47-19.3 (c), under extraordinary circumstances.

In addition, ULDR Sec. 47-19.3(b)(1) limits the number of mooring devices to one (1) mooring device per one hundred (100) feet of lot width or portion thereof, and one mooring device for each additional one hundred (100) feet of lot width. The project site has $\pm$ 200 linear feet of shoreline. The Adagio has six boat slips. Three slips have mooring devices approved: #2, #5 and #6. Two mooring devices were approved under ULDR Sec. 47-19.3(b)(1) and one was granted approval through the DRC Site Plan Level II process.

The applicant is requesting approval to add a four-mooring device. A DRC Site Plan Level II application has been submitted to the city to request approval for an additional boat lift in slip #3.

The proposed project includes the installation of a 40,000 lbs eight (8) post boat lift. As measured from the property line the eight (8) posts and boat lift structure will encroach more than 25' from the property line. The maximum distance the structure will be installed from the property line is 54 feet or 29 feet beyond the 25-foot limitation. The boat and boat lift will be moored within the Applicants assigned slip and within the Sovereignty Submerged Land Lease boundary which extends 61 feet from the property line.

The boat lift structure is beyond the allowable 25-foot distance from the property line and therefore requires a variance waiver. The applicant will comply with all necessary construction requirements stated in Section 47-19.3 (C)(D). Including adding reflective tape to the top of the boat lift's (8) piles to ensure navigation safety and compliance

The following extraordinary circumstances and conditions provide support for this waiver request:

1. All structures and piles will not exceed 30% of the width of the waterway.
2. The proposed boat lift will not impact navigation as the boat slip already existing. In addition, the waterway is extraordinarily wide at this location and the nearest structure is over 600 feet.
3. The boat slip location receives heavy wave action, boat traffic and high winds that have the potential to cause severe boat damage, especially during storm events and hurricanes. Lifting the boat out of the water will eliminate potential boat damage and provide safe mooring.

4. The proposed structure is consistent with the previously approved boat lifts at this location.
5. The proposed structure is within the sovereignty submerged land lease area issued by the State of Florida Department of Environmental Protection and is consistent with other city variance approvals in the area.

The Applicant has received all necessary permits from Broward County Environmental Protection & Growth Management Department, South Florida Water Management District, and the U.S. Army Corps of Engineers to install a boat lift.

PROPOSED STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Boat Lift	±54.0'	25.0'	±29.0'

**ADAGIO HOA
LETTER OF
RECOMMENDATION**

April 25, 2022

Marine Advisory Board Members
C/O Mr. Andrew Cuba
City of Fort Lauderdale
2 S New River Dr E,
Fort Lauderdale, FL 33301

**RE: Letter of Approval for a Waiver of Limitation Approval by Adagio Board of Direction
to install a Boat Lift at 435 Bayshore Drive, Unit 302, Slip #3**

Dear Marine Advisory Board Member,

The Adagio Board of Directors have reviewed a request by condominium owner Bill Prescott to install a boat lift in his boat slip #3. The board of directors has approved Mr. Prescott request to install a boat lift in his boat slip.

We are also in agreement with his plans to seek a waiver of limitation from the City of Fort Lauderdale Marine Advisory Board to install the boat lift beyond the 25-foot limitation. We understand the permitting process will require multiple public notices and therefore are providing a letter of approval for his request.

Thank you for your time and consideration. The board of directors have no objection to the installation of a boat lift as long as it meets all applicable government agencies.

Respectfully,

A handwritten signature in black ink, appearing to read 'Stephen Farrell', with a long horizontal flourish extending to the right.

Stephen Farrell
President,
Adagio Board of Directors

ASSIGNMENT OF USE RIGHTS TO BOAT SLIP

FORM OF ASSIGNMENT OF USE RIGHTS TO BOAT SLIP

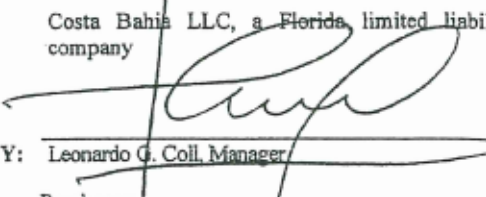
The undersigned ("Owner") has acquired Unit 302 in Adagio Fort Lauderdale Beach, a Condominium (the "Unit") and has been assigned the use of the boat slip (the "Boat Slip") described below in accordance with the Declaration of Condominium of Adagio Fort Lauderdale Beach, a Condominium, recorded in Instrument # 116023734, of the Public Records of Broward County, Florida, as amended (the "Declaration").

NOW, THEREFORE, it is agreed as follows:

1. There is hereby assigned to the Owner the use of Boat Slip number 4 effective herewith.
2. This Assignment of Use Rights to Boat Slip is for the exclusive use of the Unit. The Boat Slip shall be maintained, occupied and assigned solely in accordance with the provisions of the Declaration.
3. This Assignment of Use Rights to Boat Slip shall be noted in a "Boat Slip Assignment Book" to be maintained by Adagio Fort Lauderdale Beach Condominium Association, Inc., for such purpose.
4. The use of the Boat Slip is subject to rules and regulations promulgated by Adagio Fort Lauderdale Beach Condominium Association, Inc. (the "Association"), all terms and provisions set forth in the Declaration and all other applicable laws, rules and regulations.
5. Owner is prohibited from assigning its interest in the Boat Slip. Assignments of use rights to the Boat Slip are subject to and governed by the Declaration and such assignments shall be by Developer (as defined in the Declaration) or the Association only. Any assignment of a Boat Slip by any other person or entity other than Developer or the Association shall be considered null and void and the Association will not honor such assignment.
6. Developer and the Association do not maintain insurance covering any vessel, its contents and personal property of Owner. It is the responsibility of Owner to adequately insure his or her property. Owner covenants and agrees to name the Association as an additional insured on all policies of liability insurance insuring the vessel of Owner and to provide the Association a copy the current policy and all renewals thereof.

Seller:

Costa Bahia LLC, a Florida limited liability company

BY: 
Leonardo G. Coll, Manager

Purchaser:

P & P Coastal Properties, LLC, a South Carolina Limited Liability Company


By: William Henry Prescott IV, Manager

THIS INSTRUMENT MAY NOT BE RECORDED IN THE PUBLIC RECORDS

HOA – Public Notice Letters



john@dangelorealty.com

October 27, 2022

John D'Angelo, President
Bayshore Towers of Ft Lauderdale, Inc.
511 Bayshore Drive
Fort Lauderdale, FL 33304

RE: Mr. Bill Prescott
435 Bayshore Drive, Unit 302, Slip #3
Fort Lauderdale, FL 33304

Dear John,

We are reaching out to you and your association on behalf of Mr. Prescott. We have received permits to install a boat lift in Mr. Prescott's boat slip #3. His boat slip is located between two existing boat lifts and directly behind the Adagio building. We have attached the drawing showing the location of his boat slip. Mr. Prescott has obtained a Letter of Approval from the Adagio Board of Directors to install a boat lift in his boat slip.

The Adagio has 6 boat slips permitted with the State of Florida and other government agencies. There will be no changes to the approved boat slips, except for the installation of a boat lift within existing boat slip #3. Three (3) boat lifts have already been approved at the Adagio in boat slips #2, #5 and #6.

We are applying to the City Marine Advisory Board and DRC for approval to install a boat lift in slip #3. Both city entities will be sending your association several public notices regarding this proposed project. As a courtesy, we are providing you with the proposed plans showing the location of the boat slip for the proposed boat lift.

We are asking for your no objection to the installation of a boat lift in boat slip #3 if it is installed in accordance with the documentation provided and it is approved by all applicable government agencies.

Mr. Prescott is happy to meet with you or any of your homeowners to further discuss his proposed lift. He can be reached at 843-457-3383 or billprescott33@gmail.com. I am also available for any questions you might have.

Respectfully,

Susan Engle
EnviroCare, President



collinvail@gmail.com
surfclub@gmail.com

October 27, 2022

Collin Sullivan, Secretary
Board of Directors
The Fort Lauderdale Surf Club
425 Bayshore Drive
Fort Lauderdale, FL 33304

RE: Mr. Bill Prescott
435 Bayshore Drive, Unit 302, Slip #3
Fort Lauderdale, FL 33304

Dear Collin,

We are reaching out to you and your association on behalf of Mr. Prescott. We have received permits to install a boat lift in Mr. Prescott's boat slip #3. His boat slip is located between two existing boat lifts and directly behind the Adagio building. We have attached the drawing showing the location of his boat slip. Mr. Prescott has obtained a Letter of Approval from the Adagio Board of Directors to install a boat lift in his boat slip.

The Adagio has 6 boat slips permitted with the State of Florida and other government agencies. There will be no changes to the approved boat slips, except for the installation of a boat lift within existing boat slip #3. Three (3) boat lifts have already been approved at the Adagio in boat slips #2, #5 and #6.

We are applying to the City Marine Advisory Board and DRC for approval to install a boat lift in slip #3. Both city entities will be sending your association several public notices regarding this proposed project. As a courtesy, we are providing you with the proposed plans showing the location of the boat slip for the proposed boat lift.

We are asking for your no objection to the installation of a boat lift in boat slip #3 if it is installed in accordance with the documentation provided and it is approved by all applicable government agencies.

Mr. Prescott is happy to meet with you or any of your homeowners to further discuss his proposed lift. He can be reached at 843-457-3383 or billprescott33@gmail.com. I am also available for any questions you might have.

Respectfully,

Susan Engle
EnviroCare, President

SITE PHOTOGRAPHS

William Prescott – Boat Slip #3

Looking North



Looking South



Looking Southwest, West



SOVEREIGNTY SUBMERGED LAND LEASE

Including Permits from -
Broward County Environmental Protection & Growth Management
Department,
South Florida Water Management District, and
U.S. Army Corps of Engineers

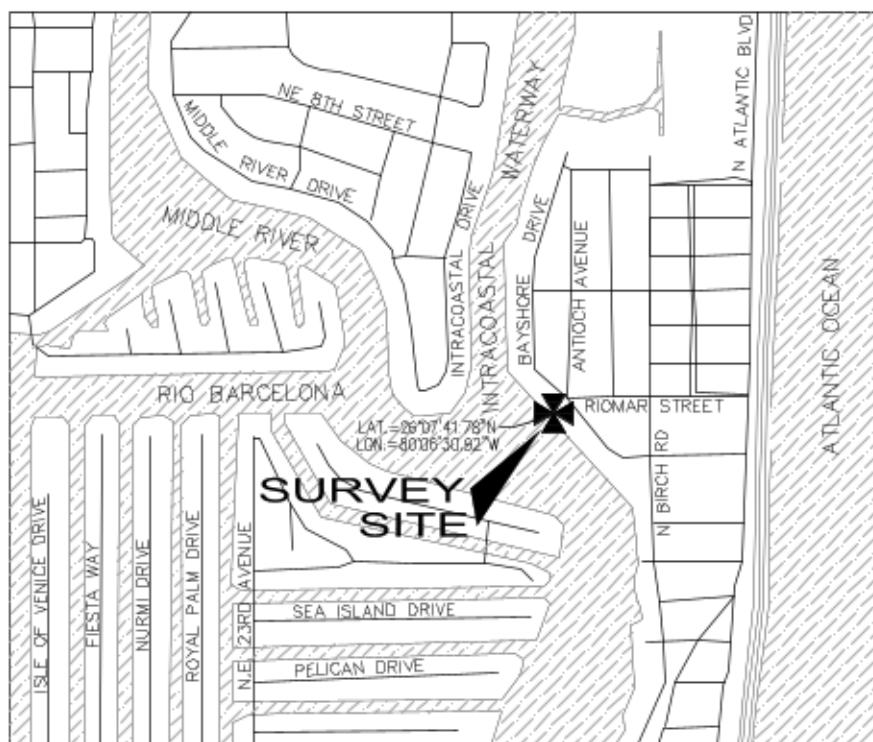


SPECIFIC PURPOSE SURVEY
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

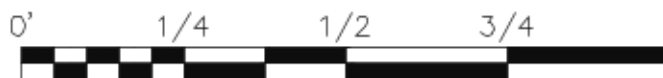
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



SPECIFIC PURPOSE SURVEY
SUBMERGED LAND LEASE FIELD SURVEY
PARCEL "A"
"ROYAL ATLANTIC"
PLAT BOOK 174, PAGE 33
IN SECTION 1, TOWNSHIP 50 SOUTH, RANGE 42 EAST
BROWARD COUNTY, FLORIDA



PORTION OF POMPANO BEACH QUADRANGLE



SCALE IN MILES

NOTES:

- 1) LATITUDE AND LONGITUDE SHOWN ARE BASED
ON NORTH AMERICAN DATUM OF 1983 (NAD 83).

LEGEND:

LAT. NORTH LATITUDE
LON. WEST LONGITUDE

SHEET 1 OF 6

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE
WITHOUT SHEETS 1 THROUGH 6 INCLUSIVE

FILE: COSTA BAHIA LLC

SCALE: N/A

DRAWN BY: B.E.

ORDER NO.: 63716

DATE: REV. 9/07/17; 12/14/17; 01/31/18

SUBMERGED LAND LEASE SURVEY

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: AZURE BAY

CERTIFICATION:

I HEREBY CERTIFY: THAT THIS SKETCH OF SURVEY MEETS THE STANDARDS OF
PRACTICE SET FORTH BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER
SERVICES ("DOACS") CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO
SECTION 472.027, FLORIDA STATUTES.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER.

- ☐ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☐ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
☐ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
STATE OF FLORIDA



SPECIFIC PURPOSE SURVEY
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



SPECIFIC PURPOSE SURVEY
SUBMERGED LAND LEASE FIELD SURVEY
PARCEL "A"
"ROYAL ATLANTIC"
PLAT BOOK 174, PAGE 33
IN SECTION 1, TOWNSHIP 50 SOUTH, RANGE 42 EAST
BROWARD COUNTY, FLORIDA

LAND DESCRIPTION:

A PORTION OF SOVEREIGNTY SUBMERGED LANDS BEING CONTIGUOUS TO AND SOUTHWEST OF PARCEL "A", "ROYAL ATLANTIC", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 174, PAGE 33 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND BEING A PORTION OF THE FLORIDA INTRACOASTAL WATERWAY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 17, PAGE 1 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING IN SECTION 1, TOWNSHIP 50 SOUTH, RANGE 42 EAST, DESCRIBED AS FOLLOWS:

BEGIN AT THE WESTERLY CORNER OF SAID PARCEL "A" BEING ON THE MEAN HIGH WATER LINE OF THE SAID INTRACOASTAL WATERWAY, WITH A NORTHING OF 653,462.7487 AND AN EASTING OF 948,711.3935 OF THE NORTH AMERICAN DATUM OF 1983 (NAD 83), FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE; THENCE ON THE SOUTHWESTERLY LINE OF SAID PARCEL "A" AND ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING THREE NUMBERED COURSES AND DISTANCES: 1) SOUTH 47°21'00" EAST 153.31 FEET; 2) SOUTH 42°39'00" WEST 0.18 FEET; 3) SOUTH 47°21'55" EAST 46.69 FEET TO THE SOUTHERLY CORNER OF SAID PARCEL "A"; THENCE LEAVING SAID MEAN HIGH WATER LINE SOUTH 42°39'00" WEST ON THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF SAID PARCEL "A" 0.98 FEET; THENCE NORTH 47°21'00" WEST 8.50 FEET; THENCE SOUTH 42°39'00" WEST 7.00 FEET; THENCE NORTH 47°21'00" WEST 21.50 FEET; THENCE SOUTH 42°39'00" WEST 40.00 FEET; THENCE NORTH 47°21'00" WEST 12.00 FEET; THENCE SOUTH 42°39'00" WEST 13.00 FEET; THENCE NORTH 47°21'00" WEST 43.10 FEET; THENCE NORTH 42°39'00" EAST 33.00 FEET; THENCE NORTH 47°21'00" WEST 4.00 FEET; THENCE NORTH 42°39'00" EAST 20.00 FEET; THENCE NORTH 47°21'00" WEST 21.50 FEET; THENCE SOUTH 42°39'00" WEST 20.00 FEET; THENCE NORTH 47°21'00" WEST 4.00 FEET; THENCE SOUTH 42°39'00" WEST 33.00 FEET; THENCE NORTH 47°21'00" WEST 43.40 FEET; THENCE NORTH 42°39'00" EAST 13.00 FEET; THENCE NORTH 47°21'00" WEST 12.00 FEET; THENCE NORTH 42°39'00" EAST 40.00 FEET; THENCE NORTH 47°21'00" WEST 20.20 FEET; THENCE NORTH 42°39'00" EAST 7.00 FEET; THENCE NORTH 47°21'00" WEST 9.80 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY EXTENSION OF THE NORTHWESTERLY LINE OF SAID PARCEL "A"; THENCE NORTH 42°39'00" EAST ON SAID SOUTHWESTERLY EXTENSION 1.15 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED MEAN HIGH WATER LINE AND THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND CONTAINING 7,198 SQUARE FEET, 0.1652 ACRES.

SHEET 2 OF 6

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE
WITHOUT SHEETS 1 THROUGH 6 INCLUSIVE

FILE: COSTA BAHIA LLC

SCALE: N/A

DRAWN BY: B.E.

ORDER NO.: 63716

DATE: REV. 9/07/17; 12/14/17; 01/31/18

SUBMERGED LAND LEASE SURVEY

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: AZURE BAY



SPECIFIC PURPOSE SURVEY
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



SPECIFIC PURPOSE SURVEY
SUBMERGED LAND LEASE FIELD SURVEY
PARCEL "A"
"ROYAL ATLANTIC"
PLAT BOOK 174, PAGE 33
IN SECTION 1, TOWNSHIP 50 SOUTH, RANGE 42 EAST
BROWARD COUNTY, FLORIDA

NOTES:

- 1) NO TITLE OPINION OR ABSTRACT TO THE SUBJECT PROPERTY HAS BEEN PROVIDED. IT IS POSSIBLE THAT THERE ARE DEEDS, EASEMENTS, OR OTHER INSTRUMENTS (RECORDED OR UNRECORDED) WHICH MAY AFFECT THE SUBJECT PROPERTY. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SURVEYOR.
- 2) THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
- 3) NEITHER UNDERGROUND IMPROVEMENTS OR UNDERGROUND UTILITIES WERE LOCATED.
- 4) COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON GRID NORTH OF THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD 83), WITH THE NORTHWESTERLY LINE OF PARCEL "A", "ROYAL ATLANTIC" HAVING A BEARING OF N42°39'00"E.
- 5) ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988.
- 6) THIS SITE LIES WITHIN ONE HALF MILE OF TIDE INTERPOLATION POINT NUMBER 106 IN THE PORT EVERGLADES QUAD MAP. MEAN HIGH WATER ELEVATION AT THE SUBJECT SITE AS EXTENDED FROM POINT 106 IS ELEVATION +0.25 FEET (NAVD). INFORMATION WAS COMPILED FROM PUBLISHED DATUM PROVIDED BY THE LAND BOUNDARY INFORMATION SYSTEM INTERNET WEBSITE (WWW.LABINS.ORG).
- 7) THE SPECIFIC PURPOSE OF THIS SURVEY IS TO SHOW THE LAND LEASE LIMITS DEPICTED AND DESCRIBED HEREON.
- 8) THE LOCATION OF THE CENTERLINE OF THE "10 FT. PROJECT" DEPICTED HEREON WAS TAKEN FROM CORP. OF ENGINEERS FILE NO. 8B-24,258 DATED DEC. 1956, REV. 17 JULY 1962.
- 9) THIS IS A FIELD SURVEY.

SHEET 3 OF 6

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE
WITHOUT SHEETS 1 THROUGH 6 INCLUSIVE

FILE: COSTA BAHIA LLC

SCALE: N/A | **DRAWN BY: B.E.**

ORDER NO.: 63716

DATE: REV. 9/07/17; 12/14/17; 01/31/18

SUBMERGED LAND LEASE SURVEY

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: AZURE BAY

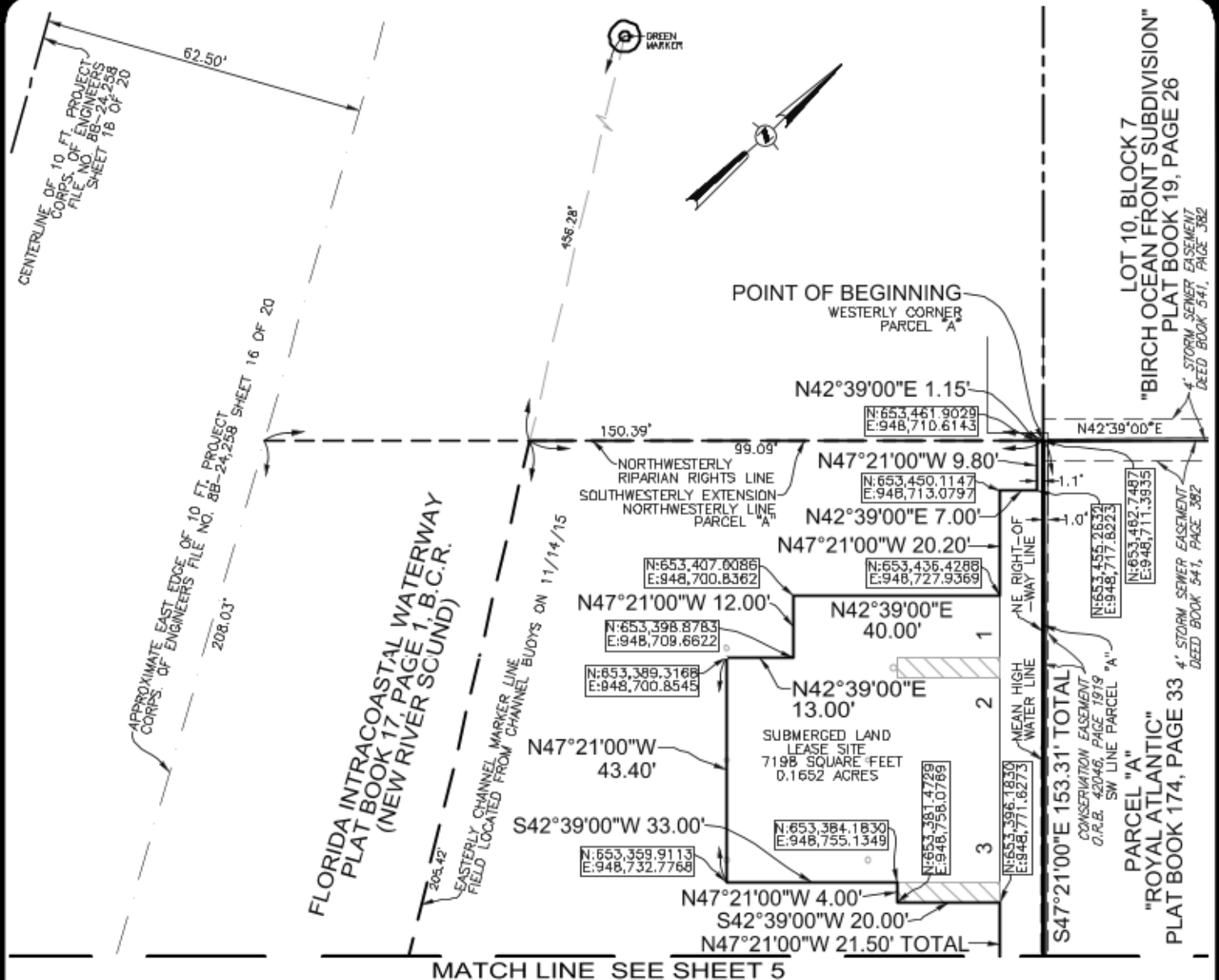
LEGEND:

N.G.V.D. NATIONAL GEODETIC VERTICAL DATUM
U.S.G.S. UNITED STATES GEOLOGICAL SURVEY



SPECIFIC PURPOSE SURVEY
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



SHEET 4 OF 6

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE
WITHOUT SHEETS 1 THROUGH 6 INCLUSIVE

FILE: COSTA BAHIA LLC

SCALE: 1"=30'

DRAWN BY: B.E.

ORDER NO.: 63716

DATE: REV. 9/07/17; 12/14/17; 01/31/18

SUBMERGED LAND LEASE SURVEY

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: AZURE BAY

LEGEND:

N: XXX,XXX.XXXX STATE PLANE NORTH COORDINATE (NAD 83)
E: XXX,XXX.XXXX STATE PLANE EAST COORDINATE (NAD 83)
B.C.R. BROWARD COUNTY RECORDS
O.R.B. OFFICIAL RECORDS BOOK

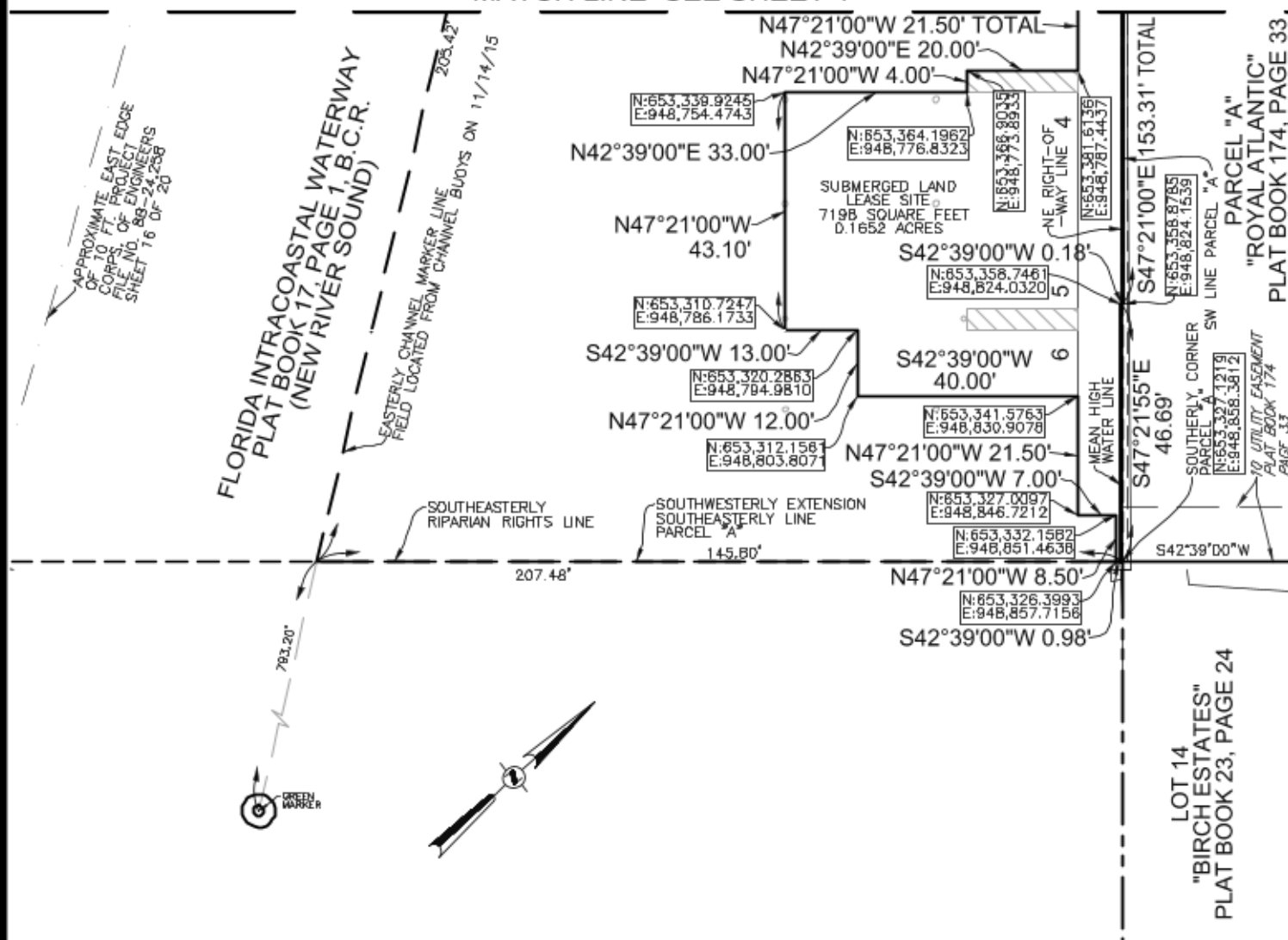


SPECIFIC PURPOSE SURVEY
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



MATCH LINE SEE SHEET 4



SHEET 5 OF 6

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE
WITHOUT SHEETS 1 THROUGH 6 INCLUSIVE

FILE: COSTA BAHIA LLC

SCALE: 1"=30'

DRAWN BY: B.E.

ORDER NO.: 63716

DATE: REV. 9/07/17; 12/14/17; 01/31/18

SUBMERGED LAND LEASE SURVEY

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: AZURE BAY

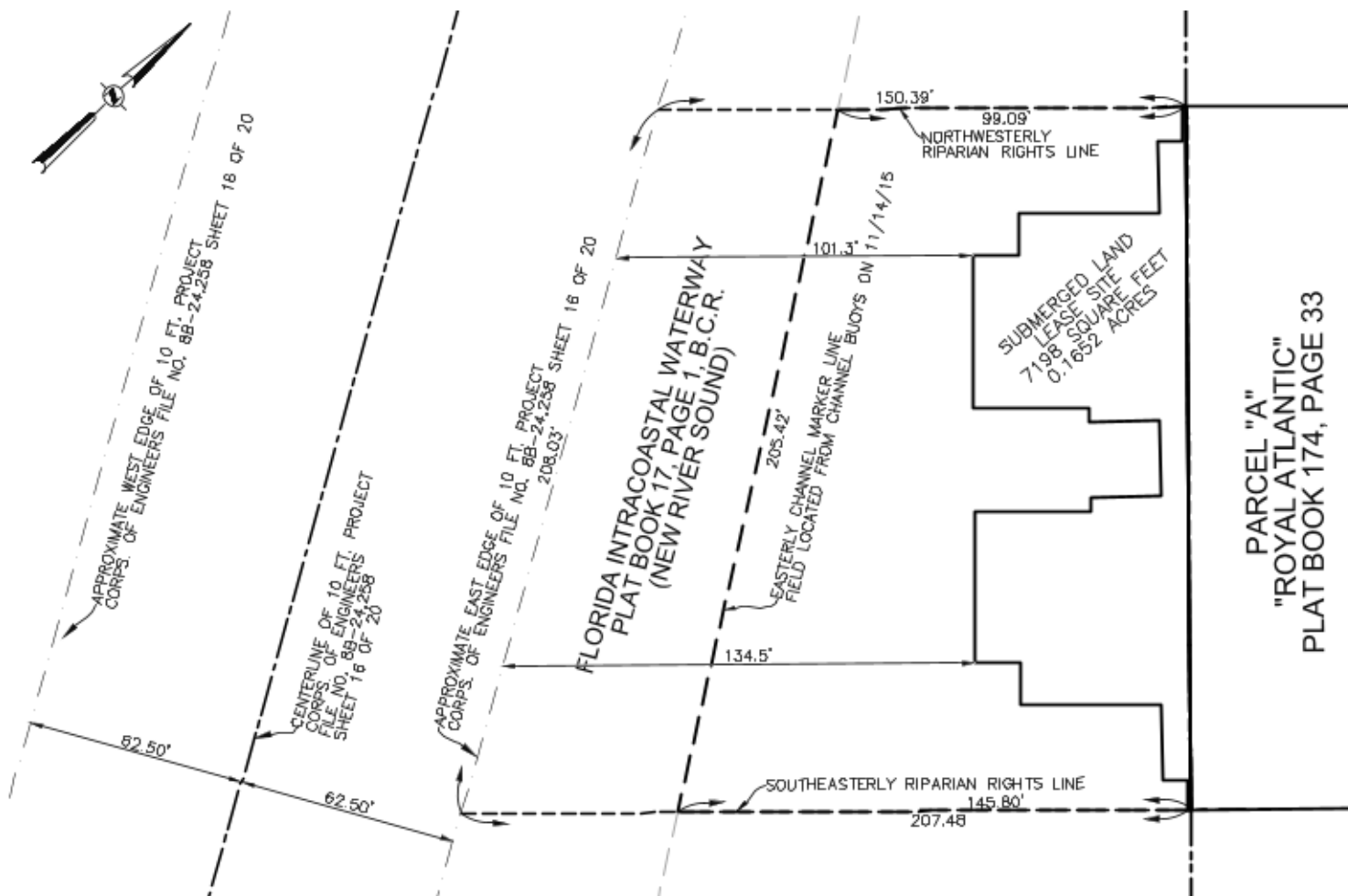
LEGEND:

N: XXX,XXX.XXXX STATE PLANE NORTH COORDINATE (NAD 83)
E: XXX,XXX.XXXX STATE PLANE EAST COORDINATE (NAD 83)
B.C.R. BROWARD COUNTY RECORDS
O.R.B. OFFICIAL RECORDS BOOK



SPECIFIC PURPOSE SURVEY
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



SHEET 6 OF 6

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE
WITHOUT SHEETS 1 THROUGH 6 INCLUSIVE

FILE: COSTA BAHIA LLC

SCALE: 1"=50'

DRAWN BY: B.E.

ORDER NO.: 63716

DATE: REV. 9/07/17; 12/14/17; 01/31/18

SUBMERGED LAND LEASE SURVEY

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: AZURE BAY



Resilient Environment Department
Environmental Permitting Division
1 North University Drive, Mailbox 201, Plantation, FL 33324
Phone: 954-519-1483 Fax: 954-519-1412

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

GL-FTL2209-007

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

Applicant: William Prescott

435 BAYSHORE DR, #302, Fort Lauderdale

Description: Install a 40,000 lbs (8) post boat lift in owners slip #3.

Issue Date: 09/02/2022

Expiration Date: 09/01/2024

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

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

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

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

Aquatic and Wetland Resources Reviewer: Fraser Mickle

Telephone: (954) 519-1288

email: fmickle@broward.org

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

Standard Specific Conditions
(Required for all licenses)

GL-FTL2209-007

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

Project Specific Conditions

GL-FTL2209-007

1. Construction shall be in accordance with the attached plans and drawings. Any deviation may require a new license and may cause enforcement actions to be initiated.



Site Address	435 BAYSHORE DRIVE #302, FORT LAUDERDALE FL 33304	ID #	5042 01 CF 0020
Property Owner	P & P COASTAL PROPERTIES LLC	Millage	0312
Mailing Address	6600 N OCEAN BLVD MYRTLE BEACH SC 29572	Use	04
Abbr Legal Description	ADAGIO FORT LAUDERDALE BEACH CONDO UNIT 302 PER CDO CIN# 116023734		

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

* 2022 values are considered "working values" and are subject to change.

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2022*	\$184,340	\$1,659,040	\$1,843,380	\$1,768,930	
2021	\$160,810	\$1,447,310	\$1,608,120	\$1,608,120	\$30,211.79
2020	\$155,250	\$1,397,250	\$1,552,500	\$1,552,500	\$29,028.17

2022* Exemptions and Taxable Values by Taxing Authority

	County	School Board	Municipal	Independent
Just Value	\$1,843,380	\$1,843,380	\$1,843,380	\$1,843,380
Portability	0	0	0	0
Assessed/SOH	\$1,768,930	\$1,843,380	\$1,768,930	\$1,768,930
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$1,768,930	\$1,843,380	\$1,768,930	\$1,768,930

Sales History			
Date	Type	Price	Book/Page or CIN
10/15/2019	SWD-Q	\$1,725,000	116127649

Land Calculations		
Price	Factor	Type
Adj. Bldg. S.F.		2759
Units/Beds/Baths		1/3/3.5
Eff./Act. Year Built: 2020/2019		

Special Assessments

Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F2		
R								
1						1055		

April 25, 2022

Marine Advisory Board Members
C/O Mr. Andrew Cuba
City of Fort Lauderdale
2 S New River Dr E,
Fort Lauderdale, FL 33301

**RE: Letter of Approval for a Waiver of Limitation Approval by Adagio Board of Direction
to install a Boat Lift at 435 Bayshore Drive, Unit 302, Slip #3**

Dear Marine Advisory Board Member,

The Adagio Board of Directors have reviewed a request by condominium owner Bill Prescott to install a boat lift in his boat slip #3. The board of directors has approved Mr. Prescott request to install a boat lift in his boat slip.

We are also in agreement with his plans to seek a waiver of limitation from the City of Fort Lauderdale Marine Advisory Board to install the boat lift beyond the 25-foot limitation. We understand the permitting process will require multiple public notices and therefore are providing a letter of approval for his request.

Thank you for your time and consideration. The board of directors have no objection to the installation of a boat lift as long as it meets all applicable government agencies.

Respectfully,

A handwritten signature in black ink, appearing to read 'Stephen Farrell', with a long horizontal flourish extending to the right.

Stephen Farrell
President,
Adagio Board of Directors

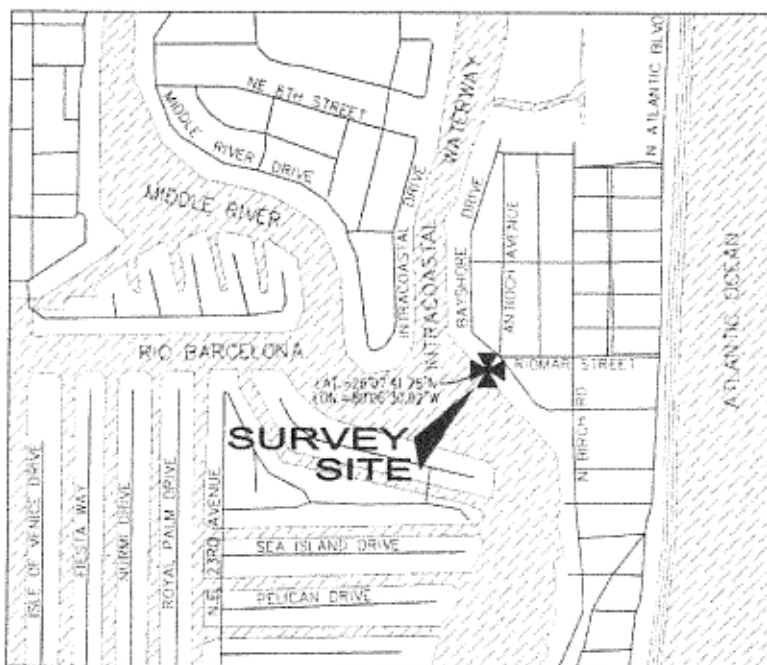


SPECIFIC PURPOSE SURVEY
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

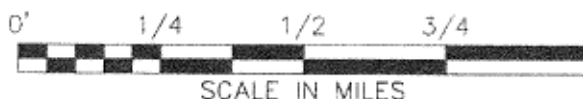
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



SPECIFIC PURPOSE SURVEY
SUBMERGED LAND LEASE FIELD SURVEY
PARCEL "A"
"ROYAL ATLANTIC"
PLAT BOOK 174, PAGE 33
IN SECTION 1, TOWNSHIP 50 SOUTH, RANGE 42 EAST
BROWARD COUNTY, FLORIDA



PORTION OF POMPANO BEACH QUADRANGLE



RECEIVED

FEB 21 2018

FL DEP
WEST PALM BEACH

NOTES:

- 1) LATITUDE AND LONGITUDE SHOWN ARE BASED
ON NORTH AMERICAN DATUM OF 1983 (NAD 83).

LEGEND:

LAT. NORTH LATITUDE
LON. WEST LONGITUDE

SHEET 1 OF 6

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE
WITHOUT SHEETS 1 THROUGH 6 INCLUSIVE

FILE: COSTA BAHIA LLC

SCALE: N/A

DRAWN BY: B.E.

ORDER NO.: 63716

DATE: REV. 9/07/17; 12/14/17; 01/31/18

SUBMERGED LAND LEASE SURVEY

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: AZURE BAY

CERTIFICATION:

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY MEETS THE STANDARDS OF
PRACTICE SET FORTH BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER
SERVICES ("DACS") CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO
SECTION 472.037, FLORIDA STATUTES.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER.

[Signature]
JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
STATE OF FLORIDA



SPECIFIC PURPOSE SURVEY
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



SPECIFIC PURPOSE SURVEY
SUBMERGED LAND LEASE FIELD SURVEY
PARCEL "A"
"ROYAL ATLANTIC"
PLAT BOOK 174, PAGE 33
IN SECTION 1, TOWNSHIP 50 SOUTH, RANGE 42 EAST
BROWARD COUNTY, FLORIDA

LAND DESCRIPTION:

A PORTION OF SOVEREIGNTY SUBMERGED LANDS BEING CONTIGUOUS TO AND SOUTHWEST OF PARCEL "A", "ROYAL ATLANTIC", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 174, PAGE 33 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND BEING A PORTION OF THE FLORIDA INTRACOASTAL WATERWAY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 17, PAGE 1 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING IN SECTION 1, TOWNSHIP 50 SOUTH, RANGE 42 EAST, DESCRIBED AS FOLLOWS:

BEGIN AT THE WESTERLY CORNER OF SAID PARCEL "A" BEING ON THE MEAN HIGH WATER LINE OF THE SAID INTRACOASTAL WATERWAY, WITH A NORTHING OF 653,462.7487 AND AN EASTING OF 948,711.3935 OF THE NORTH AMERICAN DATUM OF 1983 (NAD 83), FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE; THENCE ON THE SOUTHWESTERLY LINE OF SAID PARCEL "A" AND ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING THREE NUMBERED COURSES AND DISTANCES: 1) SOUTH 47°21'00" EAST 153.31 FEET; 2) SOUTH 42°39'00" WEST 0.18 FEET; 3) SOUTH 47°21'55" EAST 46.69 FEET TO THE SOUTHERLY CORNER OF SAID PARCEL "A"; THENCE LEAVING SAID MEAN HIGH WATER LINE SOUTH 42°39'00" WEST ON THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF SAID PARCEL "A" 0.98 FEET; THENCE NORTH 47°21'00" WEST 8.50 FEET; THENCE SOUTH 42°39'00" WEST 7.00 FEET; THENCE NORTH 47°21'00" WEST 21.50 FEET; THENCE SOUTH 42°39'00" WEST 40.00 FEET; THENCE NORTH 47°21'00" WEST 12.00 FEET; THENCE SOUTH 42°39'00" WEST 13.00 FEET; THENCE NORTH 47°21'00" WEST 43.10 FEET; THENCE NORTH 42°39'00" EAST 33.00 FEET; THENCE NORTH 47°21'00" WEST 4.00 FEET; THENCE NORTH 42°39'00" EAST 20.00 FEET; THENCE NORTH 47°21'00" WEST 21.50 FEET; THENCE SOUTH 42°39'00" WEST 20.00 FEET; THENCE NORTH 47°21'00" WEST 4.00 FEET; THENCE SOUTH 42°39'00" WEST 33.00 FEET; THENCE NORTH 47°21'00" WEST 43.40 FEET; THENCE NORTH 42°39'00" EAST 13.00 FEET; THENCE NORTH 47°21'00" WEST 12.00 FEET; THENCE NORTH 42°39'00" EAST 40.00 FEET; THENCE NORTH 47°21'00" WEST 20.20 FEET; THENCE NORTH 42°39'00" EAST 7.00 FEET; THENCE NORTH 47°21'00" WEST 9.80 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY EXTENSION OF THE NORTHWESTERLY LINE OF SAID PARCEL "A"; THENCE NORTH 42°39'00" EAST ON SAID SOUTHWESTERLY EXTENSION 1.15 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED MEAN HIGH WATER LINE AND THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND CONTAINING 7,198 SQUARE FEET, 0.1652 ACRES.

SHEET 2 OF 6

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE
WITHOUT SHEETS 1 THROUGH 6 INCLUSIVE

FILE: COSTA BAHIA LLC

SCALE: N/A

DRAWN BY: B.E.

ORDER NO.: 63716

DATE: REV. 9/07/17; 12/14/17; 01/31/18

SUBMERGED LAND LEASE SURVEY

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: AZURE BAY



SPECIFIC PURPOSE SURVEY
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



SPECIFIC PURPOSE SURVEY
SUBMERGED LAND LEASE FIELD SURVEY
PARCEL "A"
"ROYAL ATLANTIC"
PLAT BOOK 174, PAGE 33
IN SECTION 1, TOWNSHIP 50 SOUTH, RANGE 42 EAST
BROWARD COUNTY, FLORIDA

NOTES:

- 1) NO TITLE OPINION OR ABSTRACT TO THE SUBJECT PROPERTY HAS BEEN PROVIDED. IT IS POSSIBLE THAT THERE ARE DEEDS, EASEMENTS, OR OTHER INSTRUMENTS (RECORDED OR UNRECORDED) WHICH MAY AFFECT THE SUBJECT PROPERTY. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SURVEYOR.
- 2) THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
- 3) NEITHER UNDERGROUND IMPROVEMENTS OR UNDERGROUND UTILITIES WERE LOCATED.
- 4) COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON GRID NORTH OF THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD 83), WITH THE NORTHWESTERLY LINE OF PARCEL "A", "ROYAL ATLANTIC" HAVING A BEARING OF N42°39'00"E.
- 5) ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988.
- 6) THIS SITE LIES WITHIN ONE HALF MILE OF TIDE INTERPOLATION POINT NUMBER 106 IN THE PORT EVERGLADES QUAD MAP. MEAN HIGH WATER ELEVATION AT THE SUBJECT SITE AS EXTENDED FROM POINT 106 IS ELEVATION +0.25 FEET (NAVD). INFORMATION WAS COMPILED FROM PUBLISHED DATUM PROVIDED BY THE LAND BOUNDARY INFORMATION SYSTEM INTERNET WEBSITE (WWW.LABINS.ORG).
- 7) THE SPECIFIC PURPOSE OF THIS SURVEY IS TO SHOW THE LAND LEASE LIMITS DEPICTED AND DESCRIBED HEREON.
- 8) THE LOCATION OF THE CENTERLINE OF THE "10 FT. PROJECT" DEPICTED HEREON WAS TAKEN FROM CORP. OF ENGINEERS FILE NO. 8B-24,258 DATED DEC. 1956, REV. 17 JULY 1962.
- 9) THIS IS A FIELD SURVEY.

SHEET 3 OF 6

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE
WITHOUT SHEETS 1 THROUGH 6 INCLUSIVE

FILE: COSTA BAHIA LLC

SCALE: N/A | **DRAWN BY: B.E.**

ORDER NO.: 63716

DATE: REV. 9/07/17; 12/14/17; 01/31/18

SUBMERGED LAND LEASE SURVEY

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: AZURE BAY

LEGEND:

N.G.V.D. NATIONAL GEODETIC VERTICAL DATUM
U.S.G.S. UNITED STATES GEOLOGICAL SURVEY

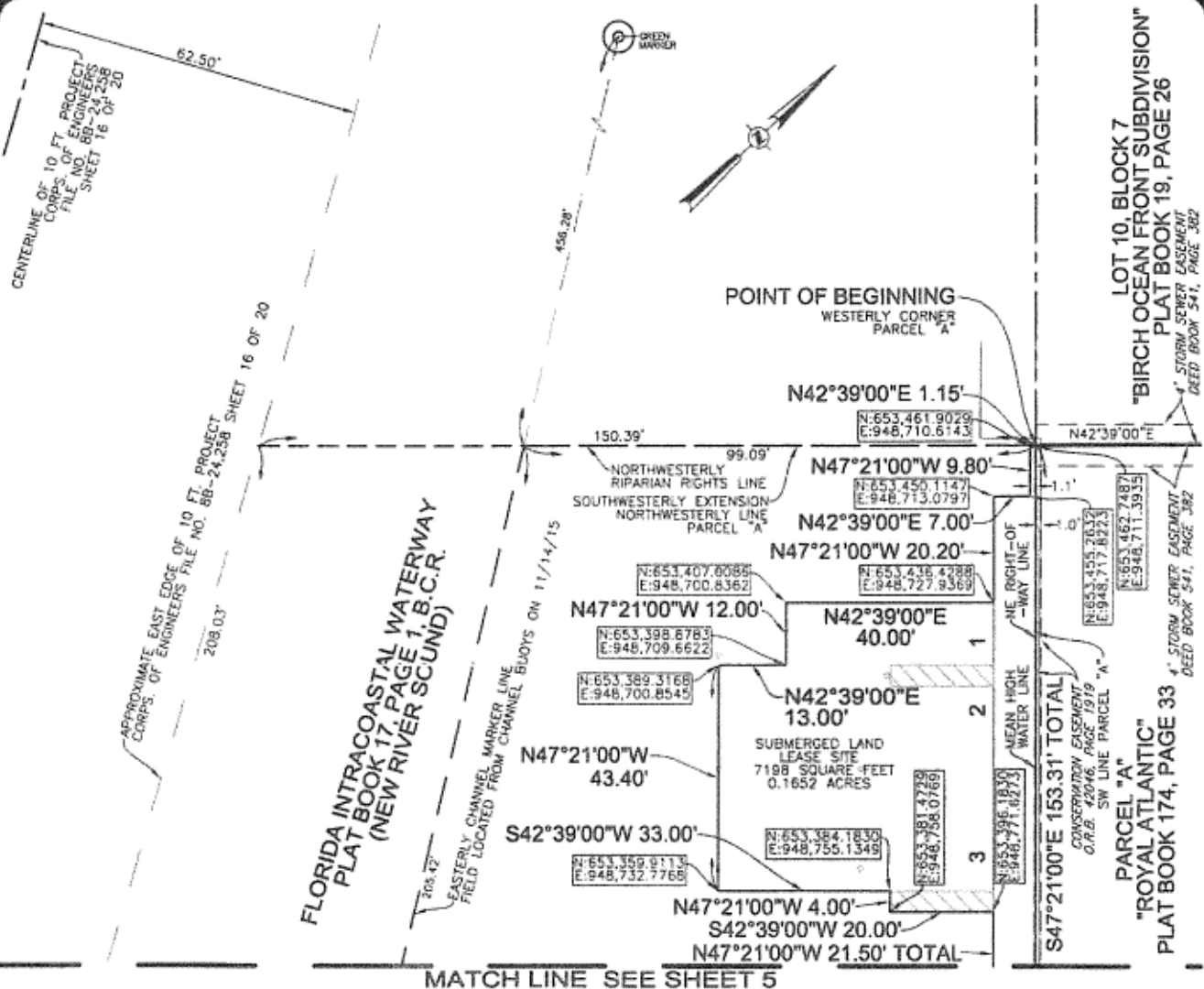


SPECIFIC PURPOSE SURVEY
BY
PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



SHEET 4 OF 6

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE
WITHOUT SHEETS 1 THROUGH 6 INCLUSIVE

FILE: COSTA BAHIA LLC

SCALE: 1"=30'

DRAWN BY: B.E.

ORDER NO.: 63716

DATE: REV. 9/07/17; 12/14/17; 01/31/18

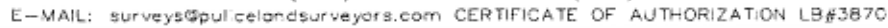
SUBMERGED LAND LEASE SURVEY

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: AZURE BAY

LEGEND:

N:XXX,XXX.XXXX STATE PLANE NORTH COORDINATE (NAD 83)
E:XXX,XXX.XXXX STATE PLANE EAST COORDINATE (NAD 83)
B.C.R. BROWARD COUNTY RECORDS
O.R.B. OFFICIAL RECORDS BOOK



PROJECT NAME: PRESCOTT SLIP #3

GENERAL SITE INFORMATION:

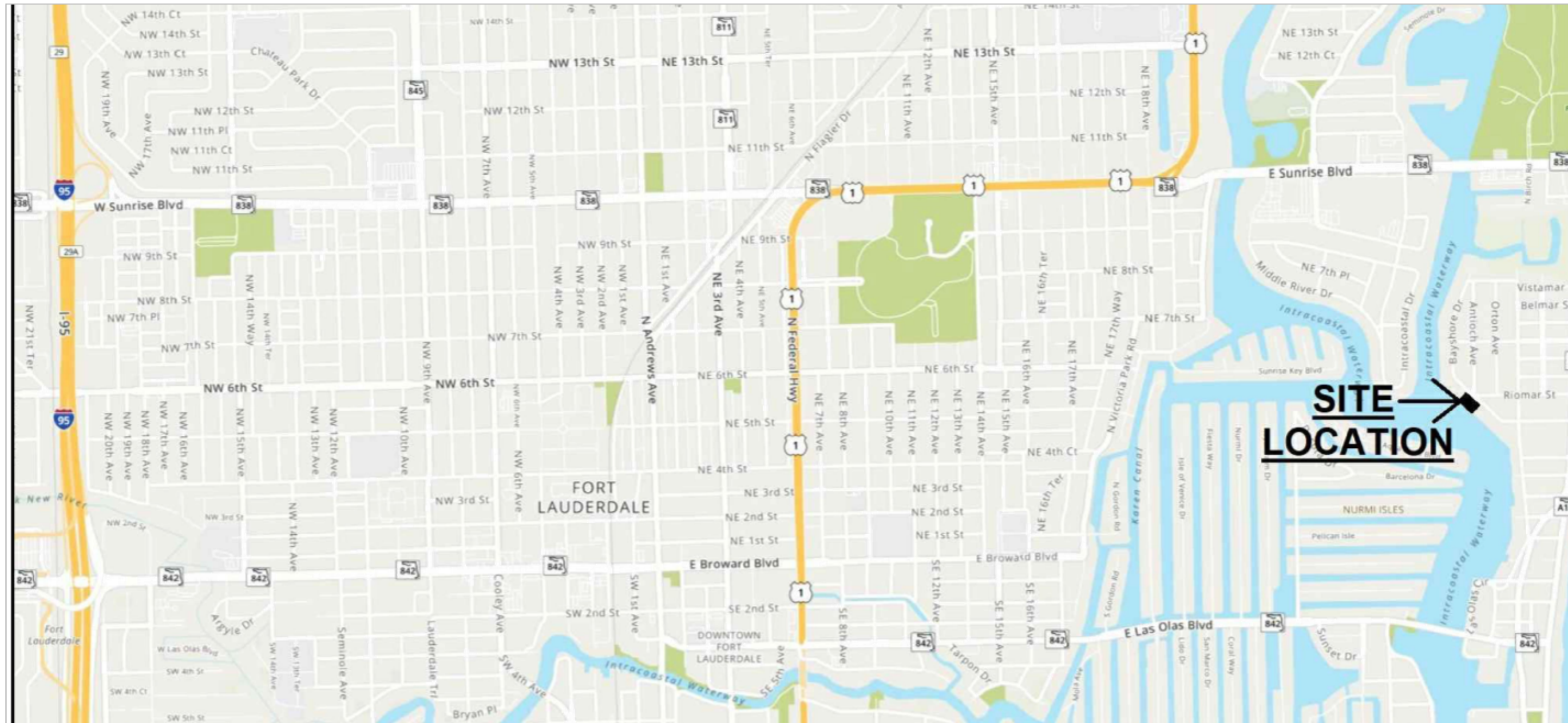
ADDRESS: 435 BAYSHORE DR #302
FT. LAUDERDALE FL, 33304

SECTION: 01
TOWNSHIP: 50S
RANGE: 42E

SLIP #: 3

STATE TAX PARCEL ID: 504201CF0020

LATITUDE: N° 26.12836
LONGITUDE: W° -80.10803



FLORIDA INTRACOASTAL WATERWAY (ICW) (NEW RIVER SOUND)



LEGEND

EXISTING MARGINAL DOCK (18.1' X 7')

EXISTING FINGER PIER (4' X 20')

EXISTING SEAWALL CAP $\pm 2.5'$

FOOT PRINT OF SLIP #3 (21.2' X 53')

EXISTING MOORING PILE

EXISTING SUBMERGED LAND LEASE (SLL)

GENERAL NOTES

M.H.W. = 0.3' NAVD
M.L.W. (-) 2.1' NAVD

1. EXISTING STRUCTURES PREVIOUSLY AUTHORIZED BY CITY OF FORT LAUDERDALE (RESOLUTION NO. 17-175 & 19-237)
2. EXISTING STRUCTURES PREVIOUSLY AUTHORIZED BY BROWARD COUNTY (DF 16-1044)
3. EXISTING STRUCTURES PREVIOUSLY AUTHORIZED BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (OG-0342158-002-EM & OG-0342158-003-EE)
4. EXISTING STRUCTURES PREVIOUSLY AUTHORIZED BY ARMY CORPS. OF ENGINEERS (SAJ-2004-02383-KAE)
5. BOUNDARY SURVEY PROVIDED BY POLICE LAND SURVEYORS INC.
6. THE BOUNDARY OF THE PROPOSED WORK IS WITHIN SLIP #3 (53' X 21.2')

FOR: M. BERNIERE, P.E.

BMB Consulting Engineers
2237 Woods Edge Circle
Orlando, Florida 32817
(772) 708-7785

PREPARED FOR:
William Prescott
435 BAYSHORE DRIVE #302
SLIP #3
FT. LAUDERDALE, FL 33304

FIGURE 2
EXISTING CONDITIONS
PRESCOTT - SLIP #3

EnviroCare Solutions
International, Inc.
430 NE 20TH STREET
WILTON MANOR, FL 33305
T: 954-720-7707
F: 954-720-7717

ENVIRO CARE

sheet: EC

SOUTHEASTERLY RIPARIAN RIGHTS LINE

NORTHWESTERLY RIPARIAN RIGHTS LINE

FROM SEAWALL TO ADJACENT SEAWALL
 $\pm 700'$

APPROXIMATE EAST EDGE OF 10 FT. PROJECT CORPS. OF ENGINEERS FILE NO. 8B-24,258 SHEET 16 OF 20

EXISTING 24,000 LBS (4) POST BOAT LIFT PERMITTED 15' BEYOND THE 25' LIMITATION

EXISTING 24,000 LBS (4) POST BOAT LIFT PERMITTED 23.5' BEYOND THE 25' LIMITATION

EXISTING 24,000 LBS (4) POST BOAT LIFT INSTALLED & PERMITTED 18.1' BEYOND THE 25' LIMITATION

EXISTING SUBMERGED LAND LEASE AREA 7198 SQ.FT.

EXISTING MOORING PILES

(4) EXISTING 4' X 20' FINGER PIERS

EXISTING 181.7' X 7' MARGINAL DOCK

2.5' CONCRETE SEAWALL CAP

PROPERTY LINE & EXISTING WET FACE OF SEAWALL

200.0'

40.0'

12.0'

30.0'

SET BACK FROM RIPARIAN RIGHTS LINE

8.0'

2.5'

134.5'

13.0'

48.5'

101.3'

30.0'

SET BACK FROM RIPARIAN RIGHTS LINE



M.H.W. = 0.3' NAVD
M.L.W. (-) 2.1' NAVD

1. EXISTING STRUCTURES PREVIOUSLY AUTHORIZED BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (06-0342158-002-EM & 06-0342158-003-EE)
2. EXISTING STRUCTURES PREVIOUSLY AUTHORIZED BY ARMY CORPS. OF ENGINEERS (SAJ-2004-02383-KAE)
3. BOUNDARY SURVEY PROVIDED BY PULICE LAND SURVEYORS INC.
4. THE BOUNDARY OF THE PROPOSED WORK IS WITHIN SLIP #3 (53' X 21.2')

RODAR W. BERNUNDEZ P.E.
King, Florida No. 55141

B4B Consulting Engineers
2237 Woods Edge Circle
Orlando Florida 32817
(772) 708-7785

PREPARED FOR
William Prescott
435 BAYSHORE DRIVE #302
SUITE #3,
FT. LAUDERDALE FL, 33304

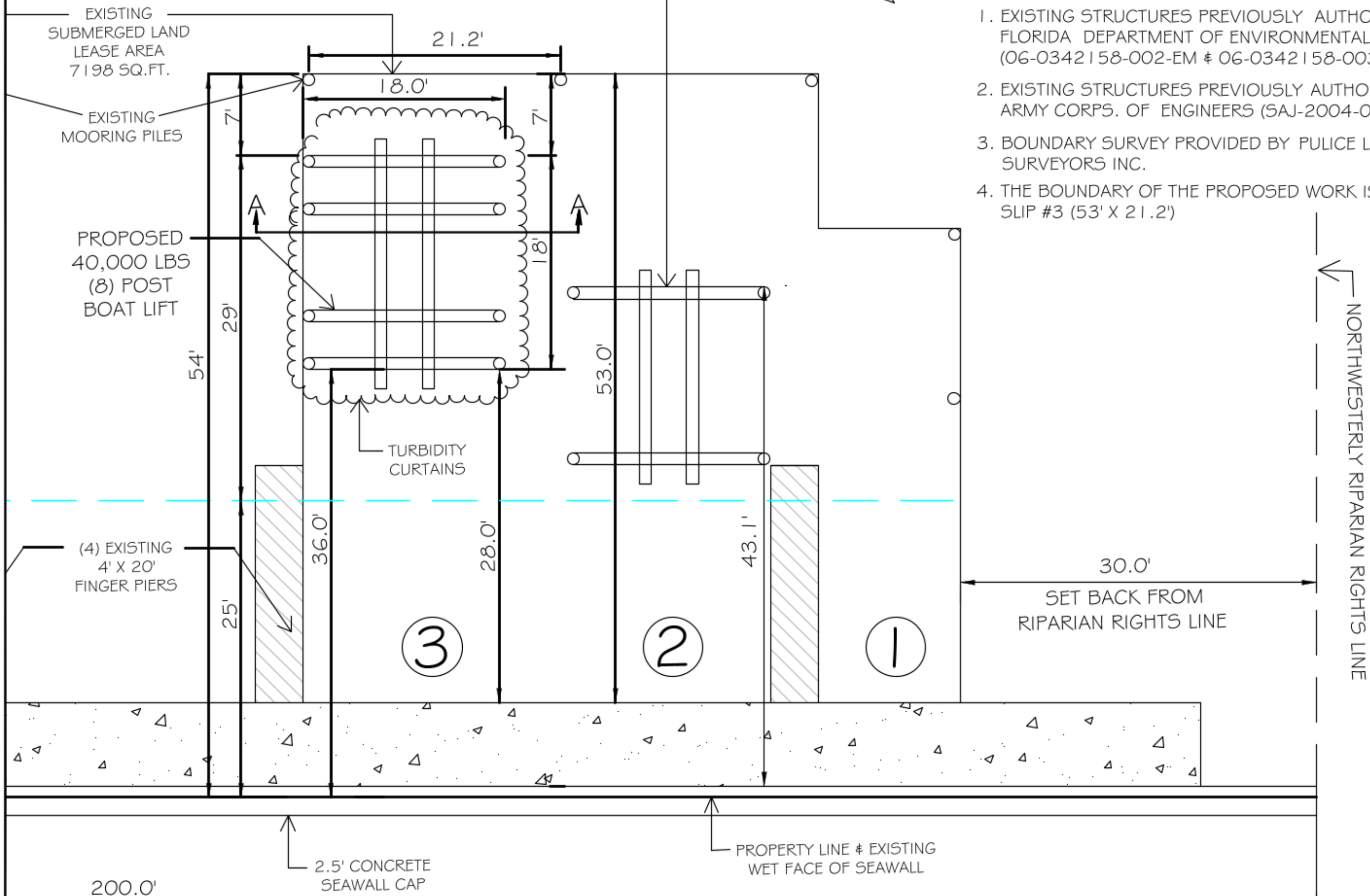
FIGURE 3
PROPOSED CONDITIONS
DBS/CCOT CUB 43

EnviroCare Solutions
International, Inc.
832 NE 26TH STREET
WILTON MANORS, FL 33005
T: 954-730-7707
F: 954-730-7717



ENVIROCARE

PC



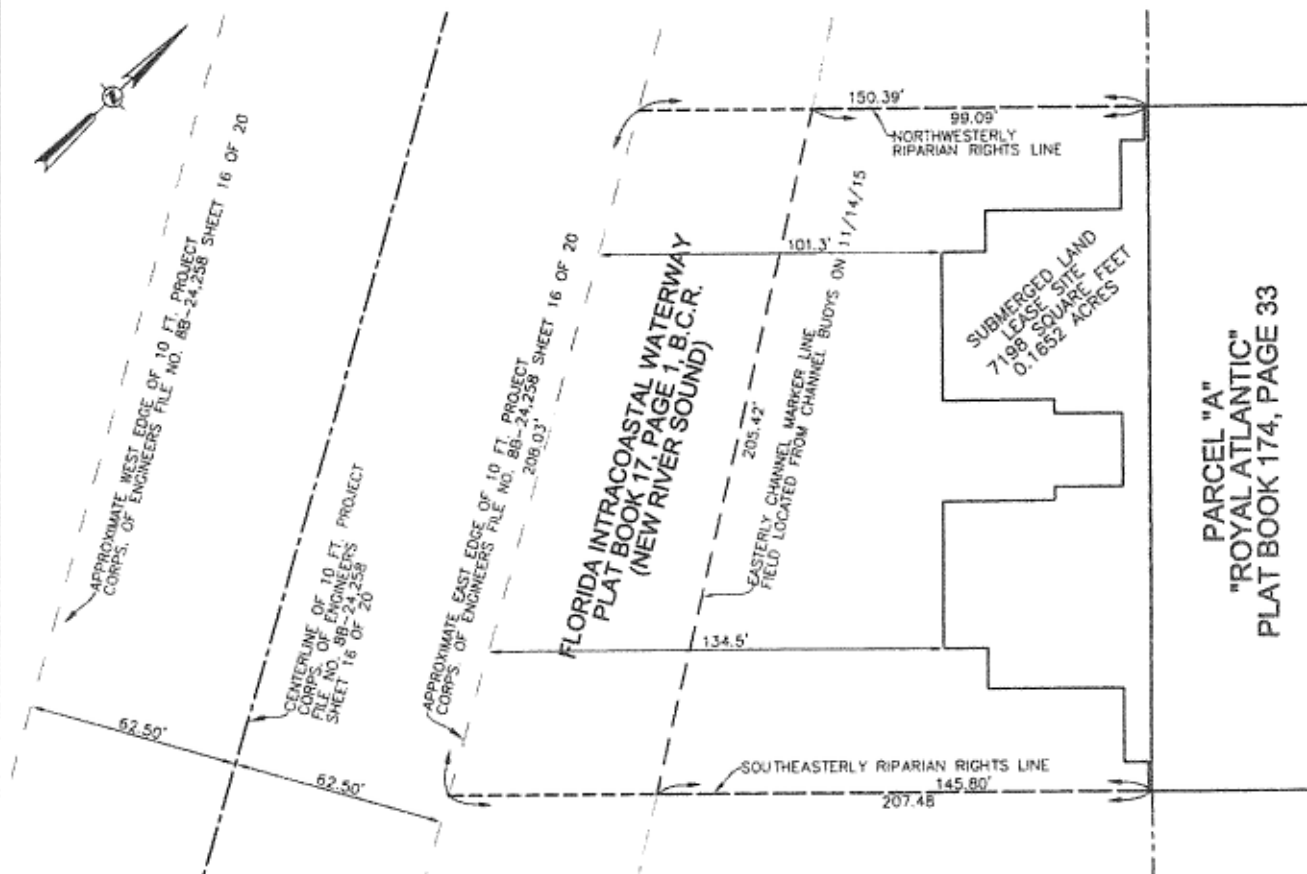


SPECIFIC PURPOSE SURVEY
BY
PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



SHEET 6 OF 6

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE
WITHOUT SHEETS 1 THROUGH 6 INCLUSIVE

FILE: COSTA BAHIA LLC

SCALE: 1"=50'

DRAWN BY: B.E.

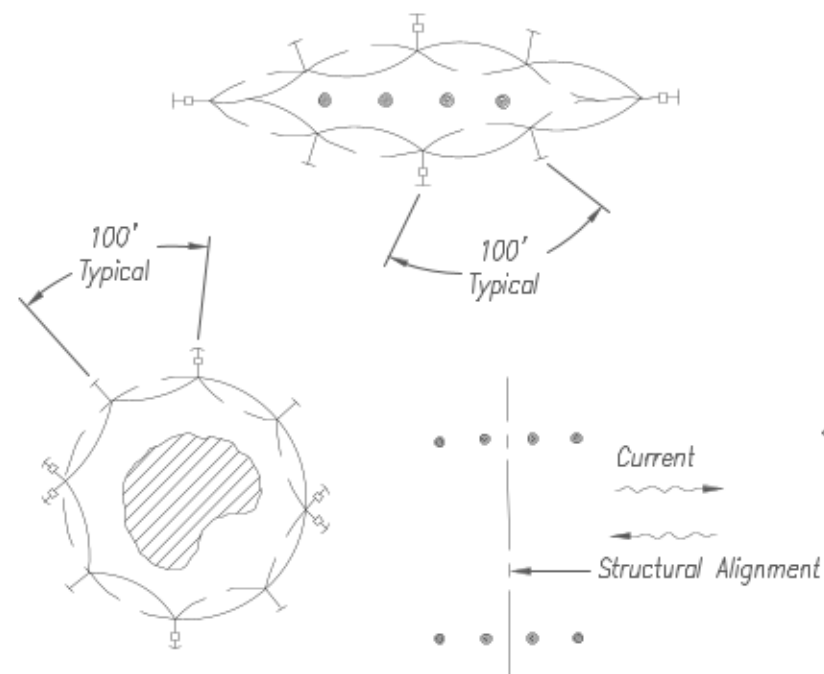
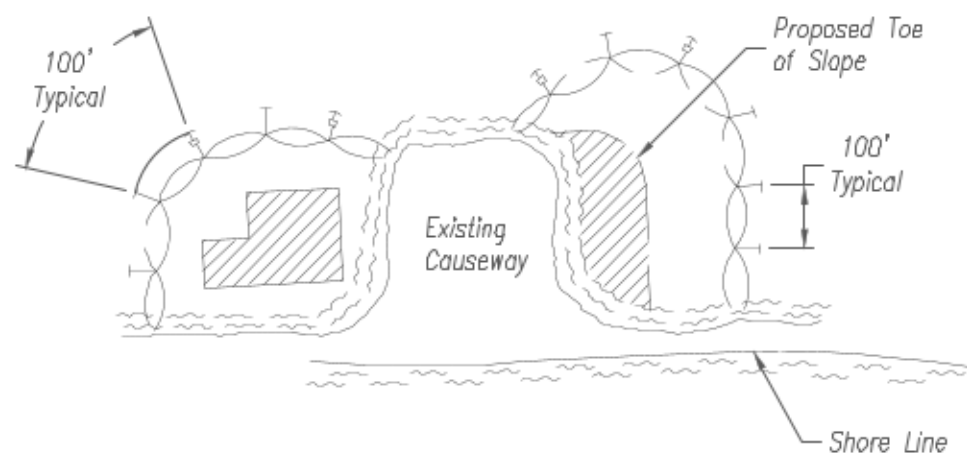
ORDER NO.: 63716

DATE: REV. 9/07/17; 12/14/17; 01/31/18

SUBMERGED LAND LEASE SURVEY

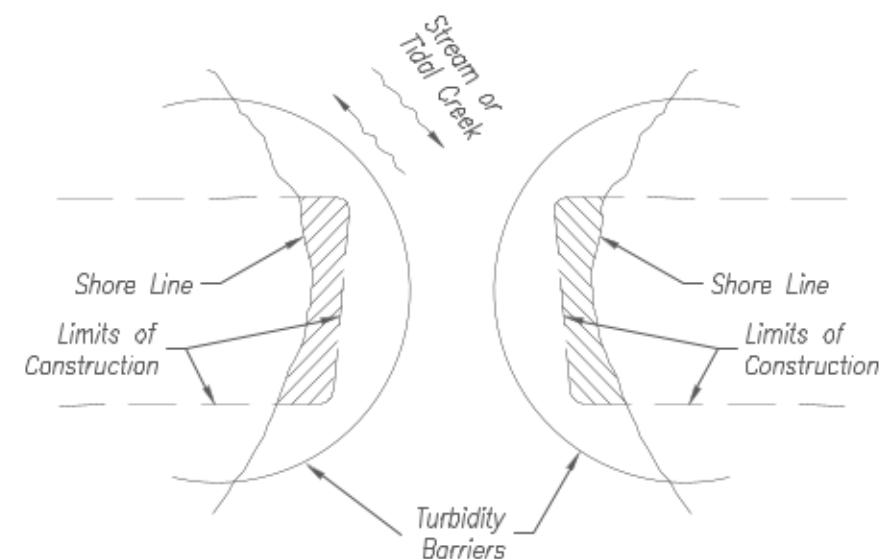
FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: AZURE BAY



LEGEND

- Pile Locations
- Dredge or Fill Area
- Mooring Buoy with Anchor
- Anchor
- Barrier Movement Due To Current Action



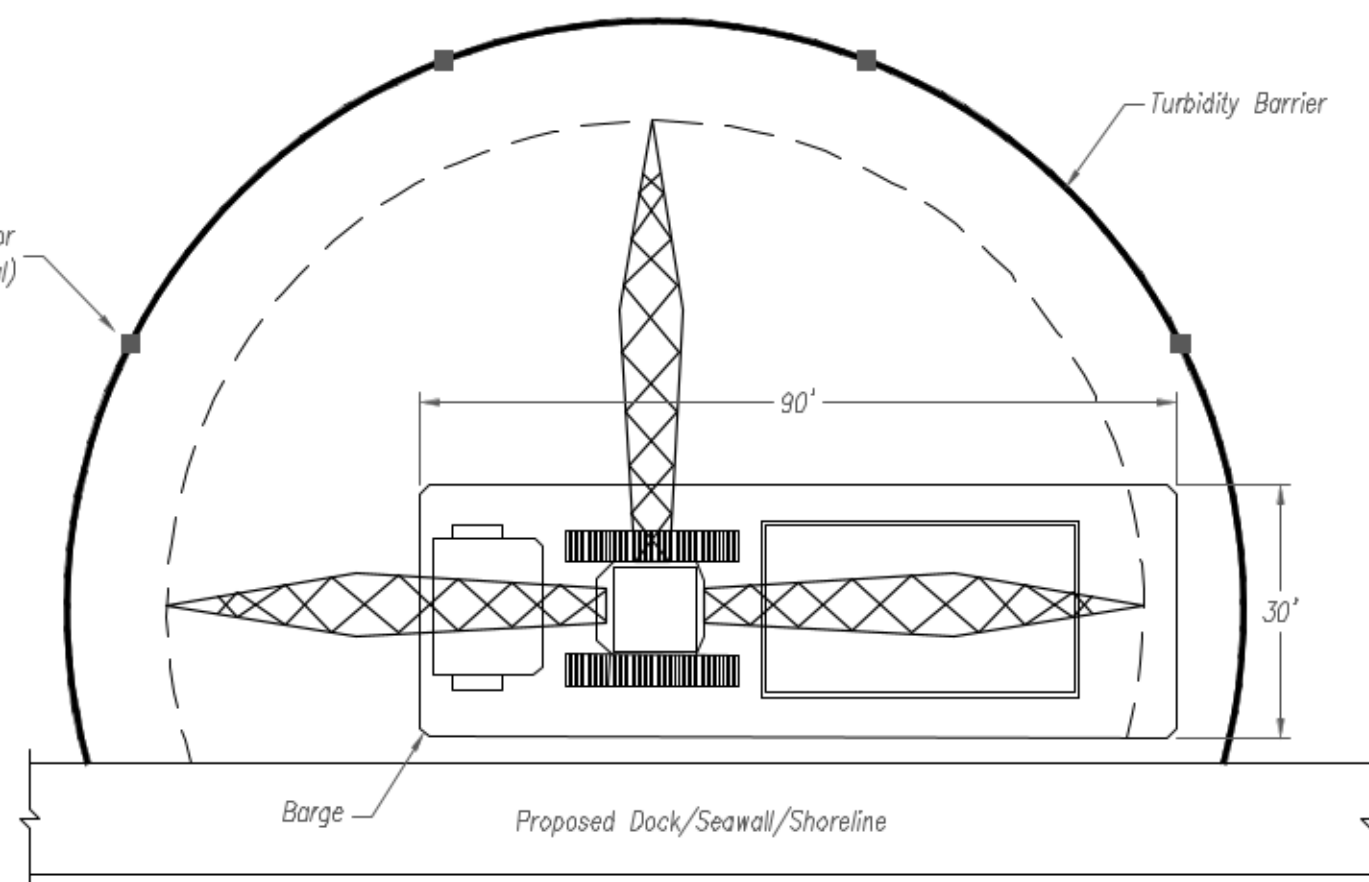
NOTE:

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 of Record.

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.

Stake or Anchor
every 100' (typical)



TURBIDITY BARRIER APPLICATIONS



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

October 21, 2022

* Delivered via email

William Prescott *
P&P Coastal Properties, LLC
310 69th Ave N.
Myrtle Beach, SC 29572

Subject: Exemption for Prescott- Slip #3- Adagio
Application No. 220831-35790
Exemption No. 06-107775-P
Broward County

Dear Mr. Prescott:

The South Florida Water Management District (District) reviewed the information submitted for the proposed boat lift and has determined that the proposed project is exempt from the requirement to obtain an Environmental Resource Permit, pursuant to Rule 62-330.051(5)(h), Florida Administrative Code.

The proposed activities to be conducted under the exemption involve the construction of a pile-supported boat lift within the existing mooring area of boat slip No. 3 at the docking facility located at 435 Bayshore Drive, in the City of Fort Lauderdale, Broward County, Florida. See Exhibit No. 1.0 for Location Map. Based on the plans received by the District on August 29, 2022, the boat lift will be supported by eight 12" marine pilings. See Exhibit No. 2.0 for Plans.

The proposed area for use is wholly contained within State-owned Sovereignty Submerged Lands Lease No. 060005466, which is in accordance with the provisions of Section 18-21.005(1)(d), F.A.C. Work shall be conducted in accordance with the terms of this letter, the attached Exhibits, and the attached General Conditions for Authorizations for Use of Sovereign Submerged Lands. Additionally, the docked vessel shall not overhang any area of the waterway not contained within the referenced Sovereignty Submerged Lands lease.

Activities that qualify for this exemption must be conducted and operated using appropriate best management practices and in a manner which does not cause or contribute to a water quality violation. Pursuant to Chapters 62-302 or 62-4, Florida Administrative Code.

This letter does not relieve you from the responsibility of obtaining other permits (federal, state or local) which may be required for the project.

The determination that this project qualifies as an exempt activity may be revoked if the installation is substantially modified, if the basis of the exemption is determined to be materially incorrect, or if the installation results in violation to state water quality standards. Any changes made in the construction plans or location of the project may necessitate a permit from the District. Therefore you are advised to contact the District before beginning any work in wetlands which is not specifically described in the submittal.

The notice of determination that the project qualifies as an exempt activity constitutes final agency action by the District unless a petition for administrative hearing is filed. Upon timely filing of a petition, this Notice will not be effective until further Order of the District. If you have any

P&P Coastal Properties, LLC
Prescott- Slip #3- Adagio, Application No. 220831-35790
October 21, 2022
Page 2

questions concerning this matter, please contact Caitlin Westerfield, Environmental Analyst 2 at 561-682-6058 or cwesterf@sfwmd.gov, and Carmen Cadenas, P.E., Engineer Lead at 407-858-6100 x3805 or ccadenas@sfwmd.gov.

Sincerely,



Lisa Prather, PWS
Section Administrator

c: Susan Engle, Envirocare Inc *

General Conditions for Authorizations for Use of Sovereign Submerged Lands, Rule
18-21.004(7), F.A.C.

All authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for aquaculture activities and geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (i) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or Chapter 258, Part II, F.S.

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.

(d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

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

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

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

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

Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website (<http://my.sfwmd.gov/ePermitting>) and searching under this application number 220831-35790 .

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 2.0 Plans](#)

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.
- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

INITIATION OF ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
4400 PGA BOULEVARD, SUITE 500
PALM BEACH GARDENS, FLORIDA 33410

November 1, 2022

Regulatory Division
South Branch
Palm Beach Gardens Permits Section
SAJ-2022-02876(GP-JKA)

William Prescott
435 Bayshore Drive, #302
Fort Lauderdale, Florida 33304
Sent via email: Billprescott33@gmail.com

Dear Mr. Prescott:

The U.S. Army Corps of Engineers (Corps) has completed the review of your application for a Department of the Army permit, which the Corps received on August 26, 2022. Your application was assigned file number SAJ-2022-02876. A review of the information and drawings provided indicates that the proposed work would result in authorization to improve water access by installing an eight (8) piling boatlift within the existing slip #3 of the Adagio multi-family residential docking facility. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The project is located within the Intracoastal Waterway, Waters of the United States, adjacent to 435 Bayshore Drive, #302, Section 1, Township 50 South, Range 42 East, Fort Lauderdale, Broward County, Florida.

This letter verifies your project, as described above and depicted on the enclosed drawings, is authorized by Regional General Permit (RGP) SAJ-20 and any subsequent modifications, if applicable. This RGP authorization is valid until March 27, 2023. Please access the Corps' Jacksonville District Regulatory Division Source Book webpage to view the special and general conditions for SAJ-20Ma, which apply specifically to this authorization. The Internet URL address is: <http://www.saj.usace.army.mil/Missions/Regulatory.aspx>. Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Once there select "Source Book"; and, then select "General Permits." Then you will need to select the specific SAJ permit noted above.

You must comply with ALL the RGP general and special, attached and/or incorporated by reference, and the Project Specific Special Conditions and General Conditions, listed below, or you may be subject to enforcement action.

General Conditions (33 CFR PART 320-330):

1. The time limit for completing the work authorized ends on March 27, 2023.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner on the transfer form attached to this letter and forward a copy to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Project Specific Special Conditions:

The following project specific special conditions are included with this verification:

1. Reporting Address: The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:
 - a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).
 - b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, Florida 32232-0019.

The Permittee shall reference this permit number, SAJ-2022-02876 (GP-JKA), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" Form (Attachment 2).
3. **Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form (Attachment 3) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
4. **Assurance of Navigation and Maintenance:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
5. **Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment 4). The most recent version of the Manatee Conditions must be utilized.
6. **Jacksonville District Programmatic Biological Opinion (JAXBO):** Jacksonville District Programmatic Biological Opinion (JAXBO): Structures and activities authorized under this permit will be constructed and operated in accordance with all applicable PDCs contained in the JAXBO, based on the permitted activity. Johnson's seagrass and its critical habitat were delisted from the Endangered Species Act on May 16, 2022. Therefore, JAXBO PDCs required to minimize adverse effects to Johnson's seagrass and its critical habitat are no longer applicable to any project. Failure to comply with applicable PDCs will constitute noncompliance with this permit. In addition, failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take. The NMFS is the appropriate authority to determine compliance with the Endangered Species Act. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory

Division website in the Endangered Species section of the Sourcebook located at: <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

JAXBO may be subject to revision at any time. The most recent version of the JAXBO must be utilized during the design and construction of the permitted work.

7. Cultural Resources/Historic Properties:

- a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.
- b. If, during permitted activities, items that may have historic or archaeological origin are observed the Permittee shall immediately cease all activities adjacent to the discovery that may result in the destruction of these resources and shall prevent his/her employees from further removing, or otherwise damaging, such resources. The applicant shall notify both the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333 and the Corps, of the observations within the same business day (8 hours). Examples of submerged historical, archaeological or cultural resources include shipwrecks, shipwreck debris fields (such as steam engine parts, or wood planks and beams), anchors, ballast rock, concreted iron objects, concentrations of coal, prehistoric watercraft (such as log "dugouts"), and other evidence of human activity. The materials may be deeply buried in sediment, resting in shallow sediments or above them, or protruding into water. The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions. Project activities shall not resume without verbal and/or written authorization from the Corps.
- c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the SHPO or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.
- d. In the unlikely event that unmarked human remains are identified on non-federal lands; they will be treated in accordance with Section 872.05

Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archaeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the SHPO and from the Corps.

8. Turbidity Barriers: Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend within 1 foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained daily until the authorized work has been completed and turbidity within the construction area has returned to ambient levels. Turbidity barriers shall be removed upon stabilization of the work area.

Jurisdictional Determination:

A jurisdiction determination was not completed with this request. Therefore, this is not an appealable action. However, you may request an approved JD, which is an appealable action, by contacting the Corps for further instruction.

This letter of authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

This letter of authorization does not preclude the necessity to obtain any other Federal, State, or local permits, which may be required.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Should you have any questions related to this GP verification or have issues accessing the documents reference in this letter, please contact Jerilyn Ashworth at the letterhead address above, via telephone at 561-545-3171, or via e-mail at Jerilyn.Ashworth@usace.army.mil.

Sincerely,



Jerilyn Ashworth
Project Manager

Enclosures

Cc:
Susan Engle
CESAJ-RD-E

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

DA PERMIT NUMBER: SAJ-2022-02876(GP-JKA)

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

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019 or submit via electronic mail to: SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

PROJECT NAME:
PRESCOTT SLIP #3

ATTACHMENT 1: SAJ-2022-02876

GENERAL SITE INFORMATION:

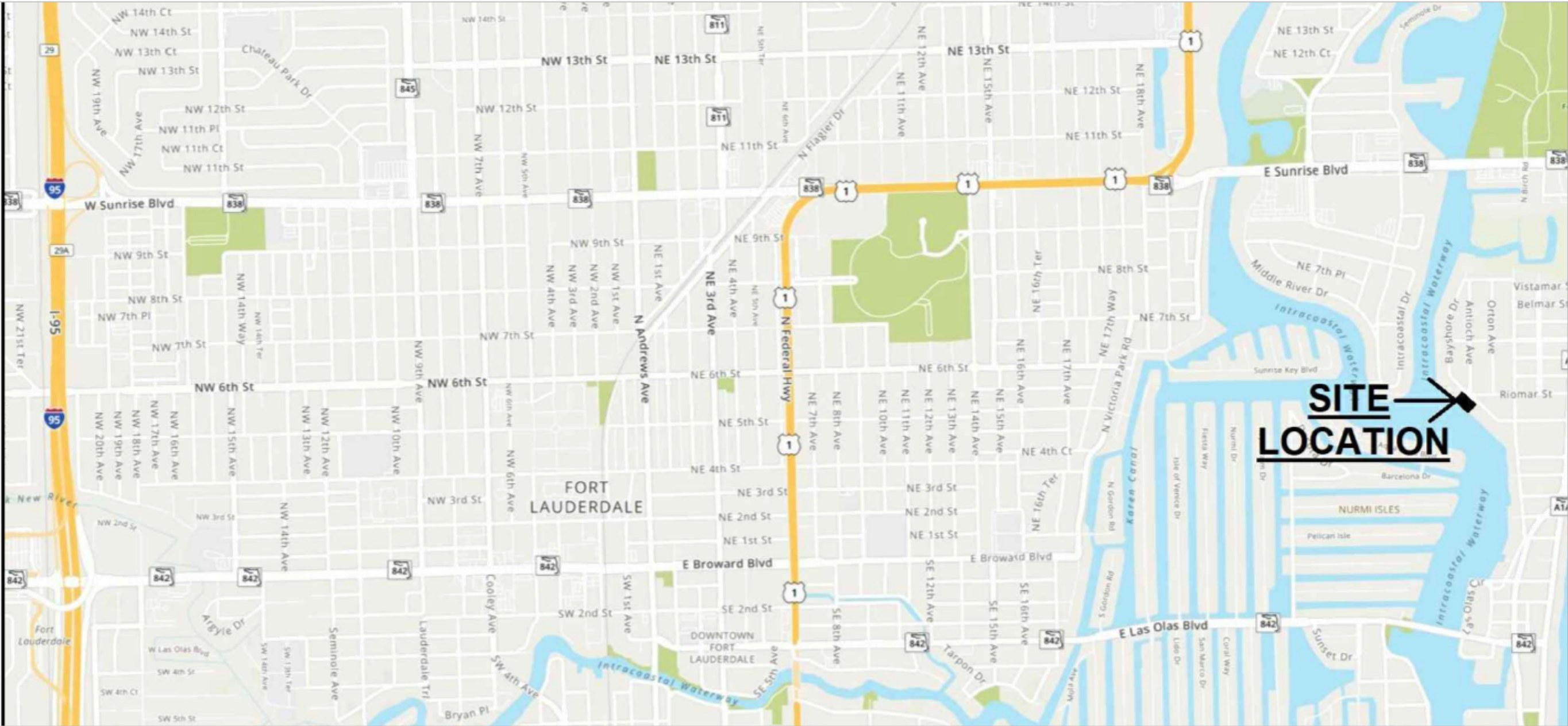
ADDRESS: 435 BAYSHORE DR #302
FT. LAUDERDALE FL, 33304

SECTION: 01
TOWNSHIP: 50S
RANGE: 42E

SLIP #: 3

STATE TAX PARCEL ID: 504201CF0020

LATITUDE: N° 26.12836
LONGITUDE: W° -80.10803





— EXISTING SUBMERGED
LAND LEASE (SSLL)

M.H.W. = 0.3' NAVD
M.L.W. (-) 2.1' NAVD

1. EXISTING STRUCTURES PREVIOUSLY AUTHORIZED BY CITY OF FORT LAUDERDALE (RESOLUTION NO. 17-175 & 19-237)
2. EXISTING STRUCTURES PREVIOUSLY AUTHORIZED BY BROWARD COUNTY (DF16-1044)
3. EXISTING STRUCTURES PREVIOUSLY AUTHORIZED BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (06-0342158-002-EM & 06-0342158-003-EE)
4. EXISTING STRUCTURES PREVIOUSLY AUTHORIZED BY ARMY CORPS. OF ENGINEERS (SAJ-2004-02383-KAE)
5. BOUNDARY SURVEY PROVIDED BY PULICE LAND SURVEYORS INC.
6. THE BOUNDARY OF THE PROPOSED WORK IS WITHIN SLIP #3 (53' X 21.2')

OSCAR W. BERNUDEZ, P.E.
Reg. Florida No. 55141

B4B Consulting Engineers
2237 Woods Edge Circle
Orlando Florida 32817
(772) 708-7785

PREPARED FOR:
William Prescott
435 BAYSHORE DRIVE #302
SLIP #3,
FT. LAUDERDALE FL, 33304

FIGURE 2
EXISTING CONDITIONS
DISCOUNT SLIP #2

EnviroCare Solutions
International, Inc.
850 NE 26TH STREET
WILTON MANORS, FL 33015
T: 954-730-7707
F: 954-730-7717



ENVIRO CARE

EC

SUBMERGED LAND
LEASE AREA
7198 SQ.FT.

EXISTING
MOORING PILES

PROPOSED
40,000 LBS
(8) POST
BOAT LIFT

(4) EXISTING
4' X 20'
FINGER PIERS

EXISTING 24,000 LBS (4) POST BOAT LIFT
INSTALLED & PERMITTED 18.1' BEYOND THE 25'
LIMITATION

TURBIDITY
CURTAINS

PROPERTY LINE & EXISTING
WET FACE OF SEAWALL

2.5' CONCRETE
SEAWALL CAP

GENERAL NOTES

M.H.W. = 0.3' NAVD
M.L.W. (-) 2.1' NAVD

1. EXISTING STRUCTURES PREVIOUSLY AUTHORIZED BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (06-0342158-002-EM & 06-0342158-003-EE)
2. EXISTING STRUCTURES PREVIOUSLY AUTHORIZED BY ARMY CORPS. OF ENGINEERS (SAJ-2004-02383-KAE)
3. BOUNDARY SURVEY PROVIDED BY PULICE LAND SURVEYORS INC.
4. THE BOUNDARY OF THE PROPOSED WORK IS WITHIN SLIP #3 (53' X 21.2')

NORTHWESTERLY RIPARIAN RIGHTS LINE

30.0'
SET BACK FROM
RIPARIAN RIGHTS LINE

PCOA No. 15514
11/01/2022

BMB Consulting Engineers
2237 Woods Edge Circle
Orlando Florida 32817
(772) 706-7765

PREPARED FOR:
William Prescott
435 BAYSHORE DRIVE #002
SLIP #3
FT. LAUDERDALE FL 33304

FIGURE 3
PROPOSED CONDITIONS
PRESCOTT - SLIP #3

EnviroCare Solutions
International, Inc.
430 NE 20TH STREET
WILTON MANOR, FL 33503
T: 954-720-7707
F: 954-720-7717

ENVIRO CARE

sheet:
PC

COMMENCEMENT NOTIFICATION

*Within ten (10) days of initiating the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. Department of the Army Permit Number: SAJ-2022-02876(GP-JKA)

2. Permittee Information:

Name: _____

Email: _____

Address: _____

Phone: _____

3. Construction Start Date: _____

4. Contact to Schedule Inspection:

Name: _____

Email: _____

Phone: _____

Signature of Permittee

Printed Name of Permittee

Date

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) or by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

1. Department of the Army Permit Number: SAJ-2022-02876(GP-JKA)

2. Permittee Information: Name: _____

Email: _____

Address: _____

Phone: _____

3. Date Authorized Work Started: _____ Completed: _____

4. Contact to Schedule Inspection: Name: _____

Email: _____

Phone: _____

5. Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.): _____

6. Acreage or Square Feet of Impacts to Waters of the United States: _____

7. Describe Mitigation completed (if applicable): _____

8. Describe any Deviations from Permit (attach drawing(s) depicting the deviations):

I certify that all work and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Printed Name of Permittee

Date

Dated 9/18/2019

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2011

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

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads Caution: Boaters must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

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

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC

ITEM IX

MEMORANDUM MF NO. 23-15

DATE: April 27, 2023

TO: Marine Advisory Board

FROM: Andrew Cuba, Manager of Marine Facilities

RE: June 1, 2023 MAB - Dock Waiver of Distance Limitations
-Michael Binder ; F&B Waterfront, LLC 900-910 NE 20th Avenue

Attached for your review is an application from Michael Binder; F&B Waterfront, LLC / 900-910 NE 20th Avenue (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for the installation of one (1) dock extension and four (4) mooring piles. The distances these structures extend from the property line into the Middle River is shown in the survey in **Exhibit 1** and summarized in **Table 1** below:

TABLE 2

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Dock Extension (A)	68.7'+/-	25'	43.7'+/-
Mooring Pile (B)	29.0'+/-	25'	4.0'+/-
Mooring Pile (C)	65.7'+/-	25'	40.7'+/-
Mooring Pile (D)	28.3'+/-	25'	3.3'+/-
Mooring Pile (E)	67.9'+/-	25'	42.9'+/-

ULDR Section 47-19.3 C. limits the maximum distance of mooring structures to 25 feet or 25% of the width of the waterway, whichever is less. Section 47.19 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 dock extension and mooring piles is necessary for safely mooring vessels, especially during high wind events and severe weather, and to protect vessels from high wave energy due to excessive wakes.

PROPERTY LOCATION AND ZONING

The property is located within the ROA Limited Residential / Office / Medium High Density Zoning District. It is situated on the Middle River where the distance from wet face to wet face on the opposite side of the Middle River is 275 feet +/-, according to the Summary Description provided in **Exhibit 1**.

DOCK PLAN AND BOATING SAFETY

Marine Facilities records reflect that there have been seventeen (17) 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 all 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'

RECOMMENDATIONS

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

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

**900-910 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: **Michael Binder; F&B Waterfront, LLC**

TELEPHONE NO: 259 822 8769 954 278 0491 EMAIL: michael@100proboats.com
(home) (business)

2. APPLICANT'S ADDRESS (if different than the site address): **904 NE 20th Avenue Apt. 3, Fort Lauderdale, FL 33304**

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:
The applicant requests a waiver for the proposed construction of a dock extension and the relocation of four (4) wooden dolphin piles beyond 25 feet from the property line.

4. SITE ADDRESS: **900-910 NE 20th Avenue, Fort Lauderdale, FL 33304** ZONING: **B-1**

LEGAL DESCRIPTION AND FOLIO NUMBER:
**GATEWAY 25-24 B LOT 6 BLK 1
Folio No. 504201170070**

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

12/19/22
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 _____

Table of Contents

SUMMARY DESCRIPTION	3
WARRANTY DEED	6
ZONING AERIAL	11
SITE PHOTOGRAPHS	13
PROJECT PLANS	15
DISTANCE EXHIBIT	21
EXISTING WAIVERS IN THE VICINITY	25
LETTERS OF SUPPORT	27

EXHIBIT II SUMMARY DESCRIPTION

Summary Description
900-910 NE 20th Avenue
TCG Project No. 15-0043.001

The project site is located along the Middle River at 900-910th NE 20th Avenue, in Section 01, 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 3 miles to the southeast 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 northwest and the outgoing waters (ebb) move to the southeast.

The project site consists of an existing ± 60.7 lin. ft. concrete seawall, ± 295 sq. ft. wooden dock, and five (5) wood mooring piles. The proposed project consists of the removal of one (1) mooring pile; the relocation of the other four (4) mooring piles; and the addition of a 179 sq. ft. wood dock to the existing 295 sq. ft. wood dock to accommodate a total of four (4) slips. The slips will be consistent with the mooring piles and docks adjacent to the property along the Middle River. As measured from the property line, the proposed addition to the dock and the relocated mooring piles will encroach more than 25' from the property line into the Middle River. As these distances are over the allowable 25' distance into the waterway from the property line, the proposed dock and mooring piles will require a variance waiver.

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

The following four (4) matters provide justification for this waiver request:

1. All structures and piles will not exceed 25% of the width of the waterway.
2. Due to the extraordinary width of the waterway at this location from wetface to wetface ($\pm 275'$), the proposed project will not impede navigation within the Middle River.
3. The proposed structures are necessary for safe mooring of vessels, especially during high wind events and severe weather.

4. The proposed structures are also necessary to protect the vessels from high wave energy from excessive boat wakes along the Middle River.

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
A	Dock extension	68.7'	25'	43.7'
B	Mooring pile	29.0'	25'	4.0'
C	Mooring pile	65.7'	25'	40.7'
D	Mooring pile	28.3'	25'	3.3'
E	Mooring pile	67.9'	25'	42.9'

EXHIBIT III WARRANTY DEED

Prepared by and Return to: ←

Walter L. Morgan, Esq.
Morgan, Olsen & Olsen, LLP
633 S. Federal Highway, #400A
Fort Lauderdale, FL 33301

Property folio number: 504201-17-0070

Special Warranty Deed

This Indenture, Made this 16th day of October, 2019, between

ACQUE CELESTI, LLC, a Florida limited liability company,

whose post office address is 840 NE 20th Avenue, Fort Lauderdale, FL 33304, grantor, and

F&B WATERFRONT, LLC, a Florida limited liability company,

whose post office address is 900 NE 20th Avenue, Fort Lauderdale, FL 33304, grantee.

"grantor" and "grantee" are used for singular or plural, as context requires

WITNESSETH: That said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other 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:

Lot 6, Block 1, of GATEWAY, according to the Plat thereof, as recorded in Plat Book 25, Page 24, of the Public Records of Broward County, Florida.

SUBJECT TO RESTRICTIONS, RESERVATIONS AND LIMITATIONS OF RECORD, IF ANY,
AND TAXES FOR THE YEAR 2019, AND SUBSEQUENT YEARS.

TO HAVE AND TO HOLD the same in fee simple forever. And the grantor does hereby covenant with Grantee that: (i) Grantor is lawfully seized of the land in fee simple; (ii) Grantor has good, right and lawful authority to sell and convey the land; (iii) at the time of the delivery of this deed, the property is free from all encumbrances except as set forth above, if applicable; and (iv) the Grantor will warrant and defend the same against the lawful claims and demands of all persons claiming by, through and under it, but against none other.

IN WITNESS WHEREOF, grantor has hereunto set grantor's hand and seal the day and year first above written.

Witnesses:

Lane Daman
Print Name Lane Daman

Paula Haiko
Print Name Paula Haiko

ACQUE CELESTI, LLC, a Florida limited liability company

By:

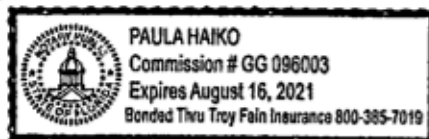
Rose Ann Lovell
Rose Ann Lovell, Manager

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 16th day of October, 2019, by Rose Ann Lovell, as Manager of ACQUE CELESTI, LLC, a Florida limited liability company, on behalf of said company, who ☒ is personally known to me or who ☐ produced a driver's license as identification.

Paula Haiko
Notary Public
My Commission Expires:





[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
F&B WATERFRONT, LLC

Filing Information

Document Number	L19000231253
FEI/EIN Number	84-3125607
Date Filed	09/20/2019
State	FL
Status	ACTIVE

Principal Address

904 NE 20TH AVE
APT 3
FORT LAUDERDALE, FL 33304

Changed: 04/30/2022

Mailing Address

904 NE 20TH AVE
APT 3
FORT LAUDERDALE, FL 33304

Changed: 04/30/2022

Registered Agent Name & Address

360 Corporate Solutions LLC
2600 S DOUGLAS RD
PH-8
CORAL GABLES, FL 33134

Name Changed: 04/13/2023

Address Changed: 04/13/2023

Authorized Person(s) Detail

Name & Address

Title MGR

FRIEDRICH, ANDREAS
HOFFELDSTRASSE 12
OBERWALTERSDORF 2522 AT

Title MGR

BINDER, MICHAEL

904 NE 20TH AVE

APT 3

FORT LAUDERDALE, FL 33304

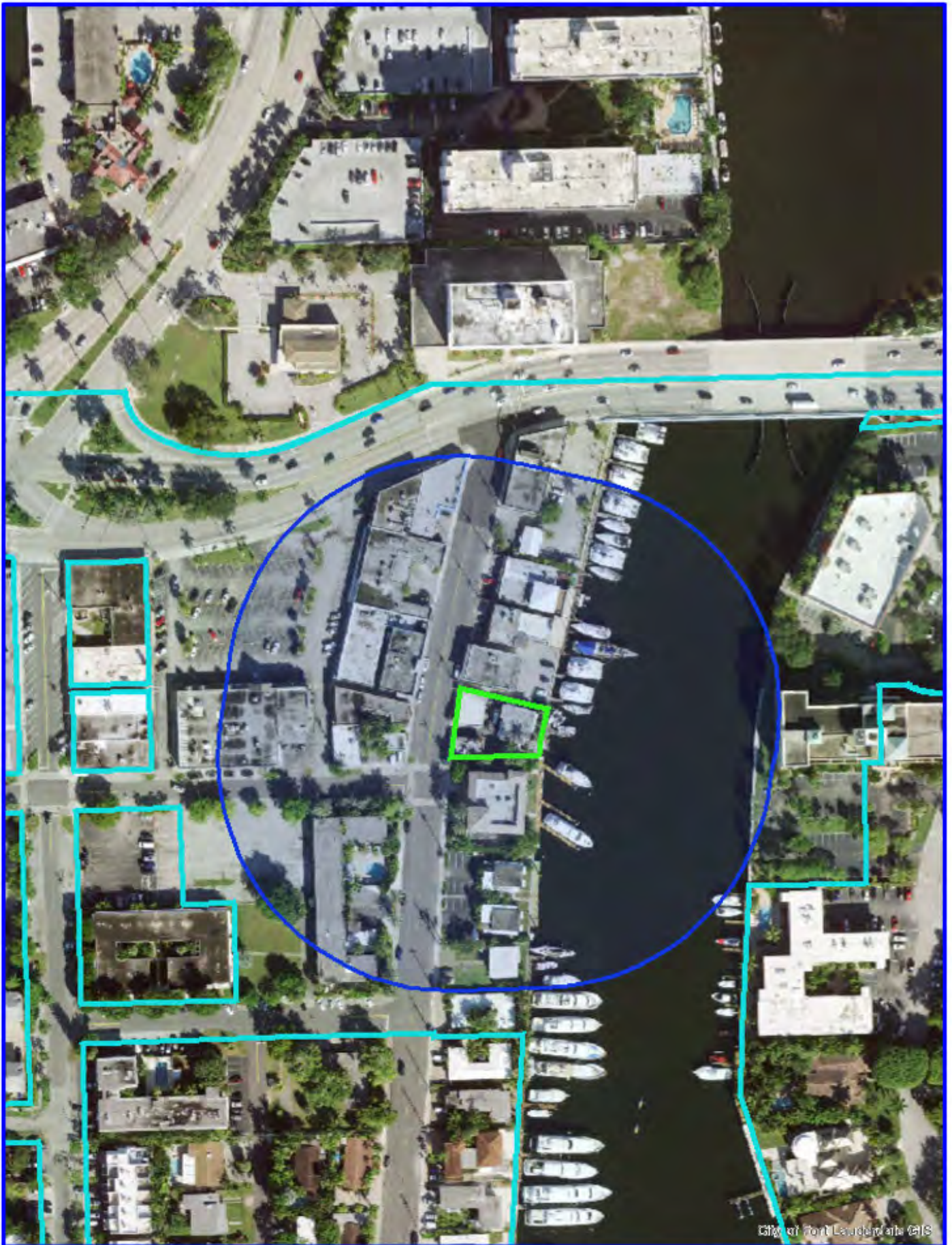
Annual Reports

Report Year	Filed Date
2022	03/18/2022
2022	04/30/2022
2023	04/13/2023

Document Images

04/13/2023 – ANNUAL REPORT	View image in PDF format
04/30/2022 – AMENDED ANNUAL REPORT	View image in PDF format
03/18/2022 – ANNUAL REPORT	View image in PDF format
02/15/2021 – ANNUAL REPORT	View image in PDF format
03/09/2020 – ANNUAL REPORT	View image in PDF format
09/20/2019 – Florida Limited Liability	View image in PDF format

EXHIBIT IV ZONING AERIAL



CITY OF FORT LAUDERDALE

900 910 NE 20 Avenue



0 90 180
Feet

GIS
Fort Lauderdale

EXHIBIT V 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 VI PROJECT PLANS

900-910 NE 20TH AVENUE

PLAN SET



LOCATION MAP (N.T.S.)

DRAWING INDEX

SHEET 1: COVER

SHEET 2: EXISTING
CONDITIONS

SHEET 3: PROPOSED
CONDITIONS

SHEET 4: SECTION A

SHEET 5: DETAILS



VICINITY AERIAL (N.T.S.)

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2021

THE Chappell GROUP INC.

714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108

www.thechappellgroup.com

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

900-910 NE 20TH AVENUE

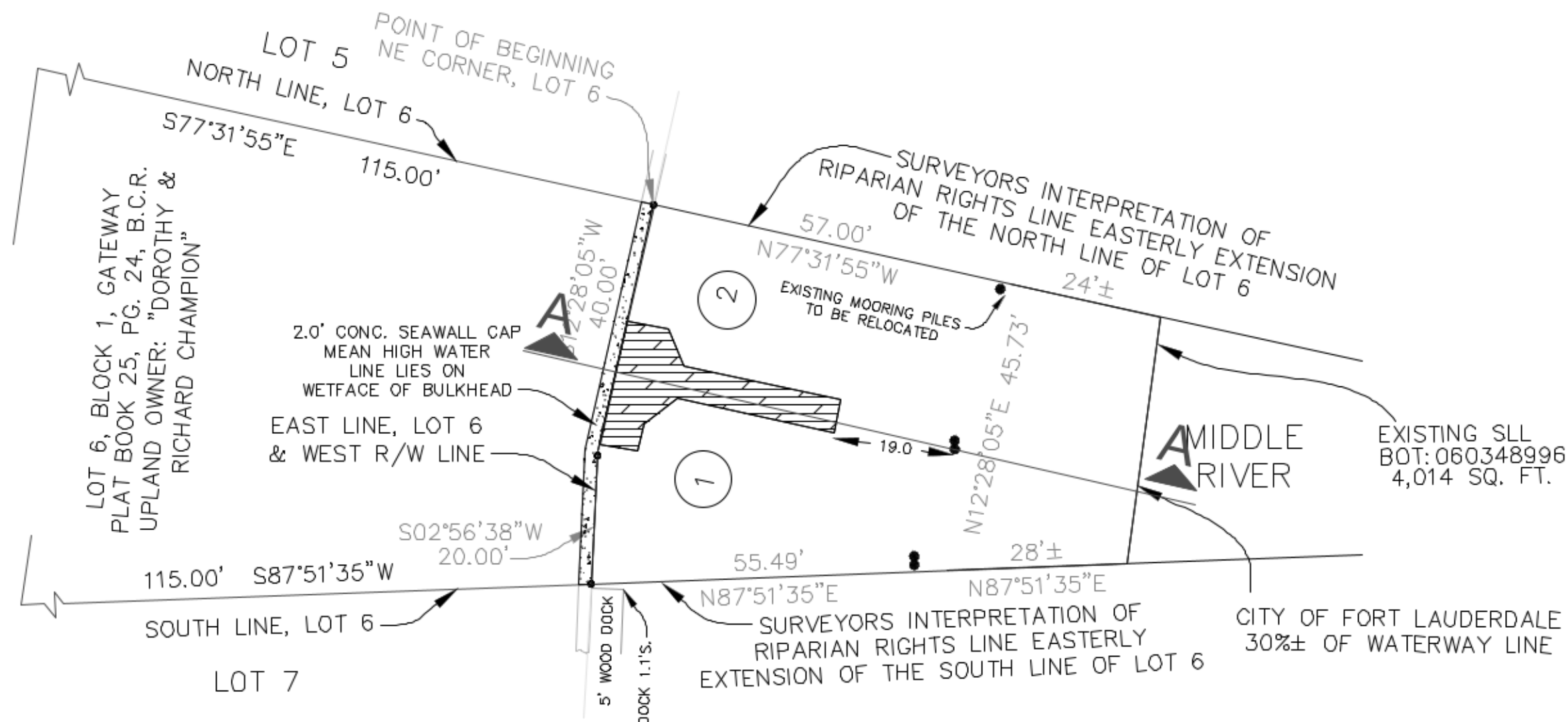
PREPARED FOR:
100 PRO BOATS LLC

COVER

Date:
4/19/2023
Proj No.:
15-0043.001

Sheet :
1

of :
5



LEGEND

EXISTING DOCK TO REMAIN (±295 SQ.FT.)

EXISTING SLIPS

EXISTING CONCRETE PANEL
SEAWALL TO REMAIN (±60.72 LN.FT.)

NOTE: MHW 0.3 NAVD MLW -2.1 NAVD
SURVEY INFORMATION PROVIDED BY McLAUGHLIN
ENGINEERING CO.

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS
INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC.
AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND
MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED,
NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR
WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED
WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2021

THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

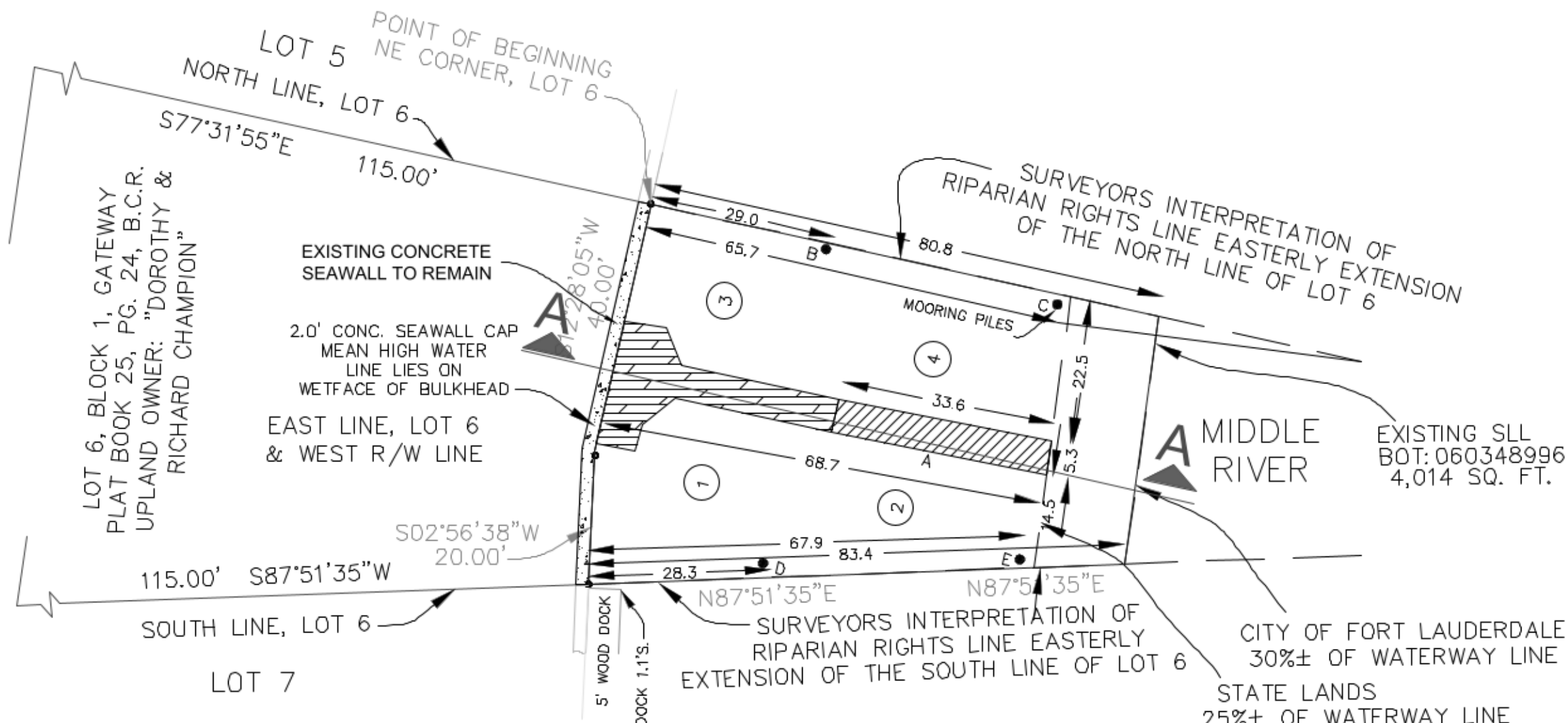
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/Appraisals

900-910 NE 20TH AVENUE

PREPARED FOR:
100 PRO BOATS LLC

EXISTING CONDITIONS

Date: 4/19/2023	Sheet : 2	of : 5
Proj No.: 15-0043.001		



PROPOSED BOAT SLIP TABLE

SLIP #	LENGTH	WIDTH
1	40	14
2	30	14
3	40	22
4	30	22

LEGEND

- PROPOSED DOCK (±179 SQ.FT.)
- EXISTING DOCK TO REMAIN (±295 SQ.FT.)
- EXISTING SLIPS
- EXISTING CONCRETE PANEL SEAWALL TO REMAIN (±60.72 LN.FT.)

NOTE: MHW 0.3 NAVD MLW -2.1 NAVD
SURVEY INFORMATION PROVIDED BY McLAUGHLIN
ENGINEERING CO.

CITY WAIVER REQUEST

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
DOCK EXTENSION (A)	68.7'	25'	43.7'
MOORING PILE (B)	29.0'	25'	4.0'
MOORING PILE (C)	65.7'	25'	40.7'
MOORING PILE (D)	28.3'	25'	3.3'
MOORING PILE (E)	67.9'	25'	42.9'

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

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

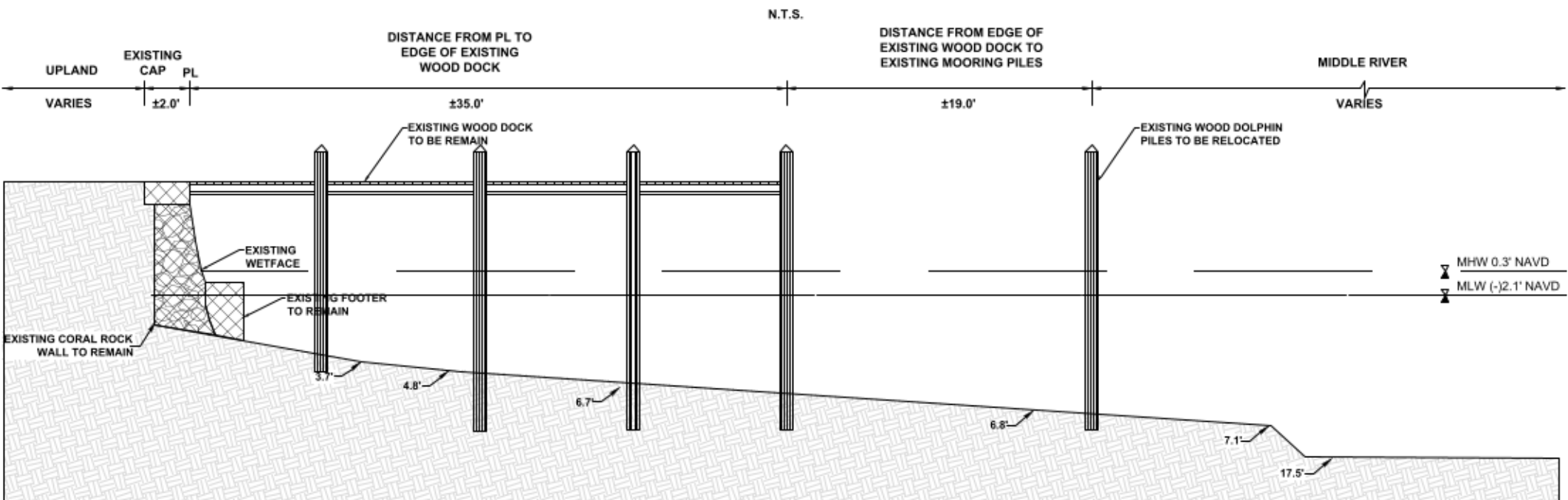
900-910 NE 20TH AVENUE

PREPARED FOR:
100 PRO BOATS LLC

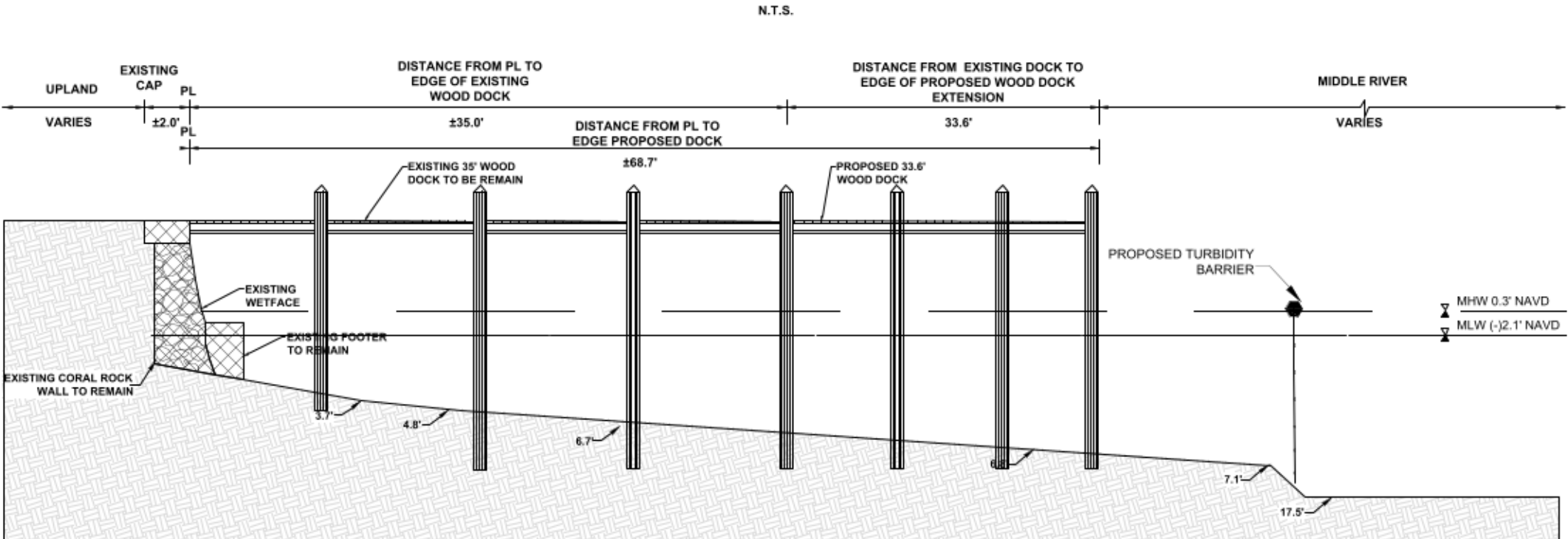
PROPOSED CONDITIONS

Date: 4/19/2023	Sheet : 3	of : 5
Proj No.: 15-0043.001		

SECTION A-A
EXISTING CONDITIONS



SECTION A-A
PROPOSED CONDITIONS



THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2021

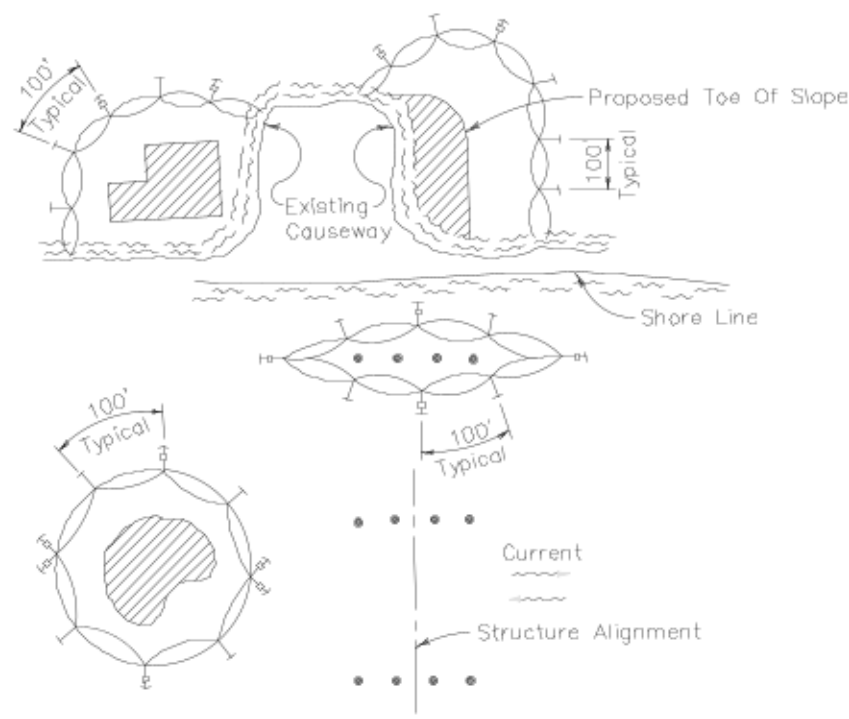
THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

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

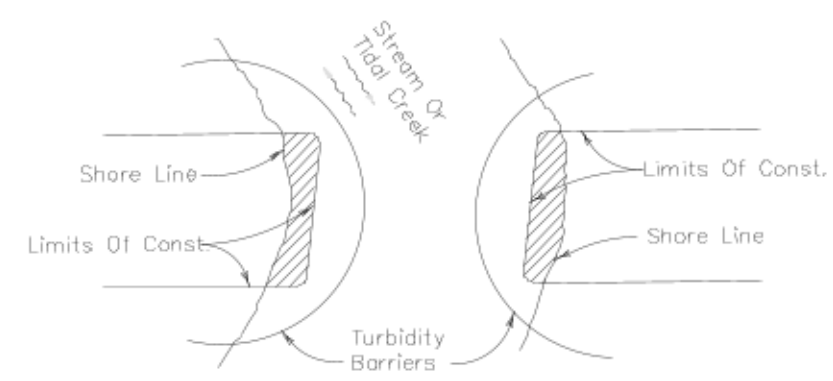
900-910 NE 20TH AVENUE
PREPARED FOR:
100 PRO BOATS LLC

SECTIONS		
Date: 4/19/2023	Sheet : 4	of : 5
Proj No.: 15-0043.001		

CONSTRUCTION BARGE
(TYP.)

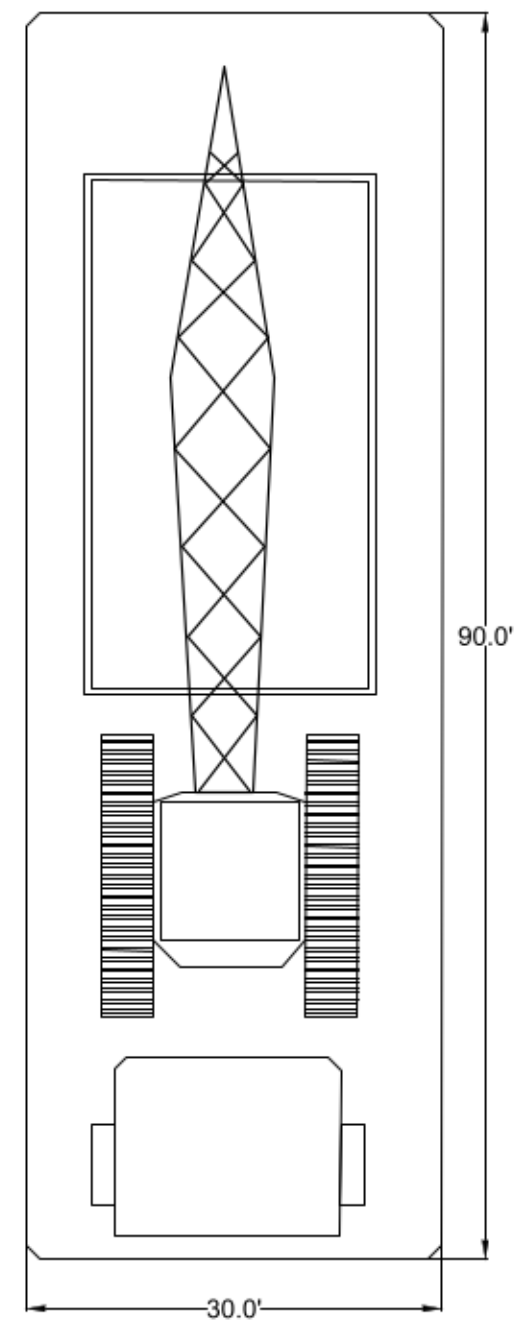


- LEGEND
- Pile Locations
 - ▨ Dredge Or Fill Area
 - Mooring Buoy w/Anchor
 - Anchor
 - Barrier Movement Due To Current Action



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

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2021

THE

Chappell

GROUP

INC.

714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108

www.thechappellgroup.com

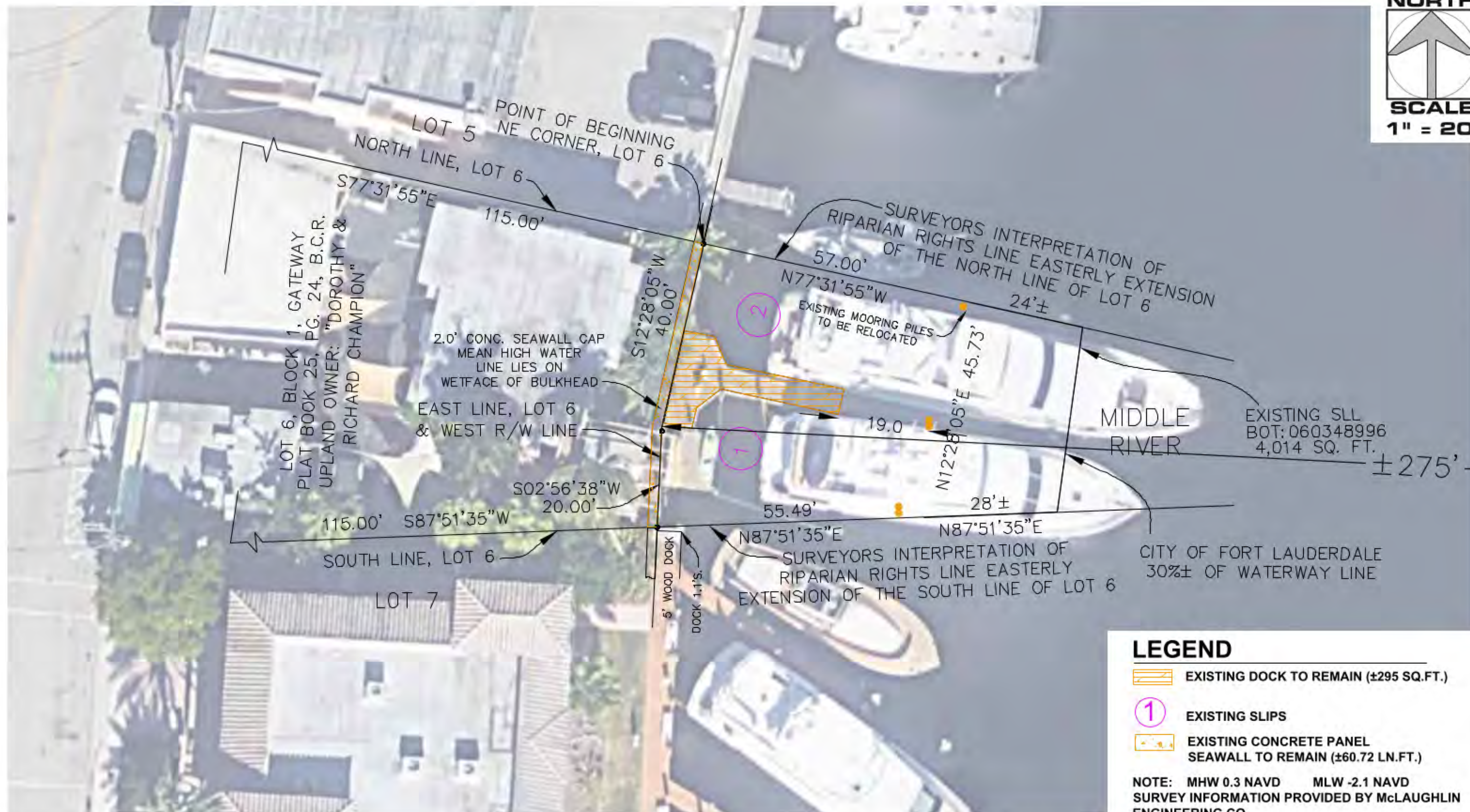
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/Appraisals

900-910 NE 20TH AVENUE

PREPARED FOR:
100 PRO BOATS LLC

DETAILS		
Date: 4/19/2023	Sheet : 5	of : 5
Proj No.: 15-0043.001		

EXHIBIT VII DISTANCE EXHIBIT



LEGEND

- EXISTING DOCK TO REMAIN (±295 SQ.FT.)
- EXISTING SLIPS
- EXISTING CONCRETE PANEL SEAWALL TO REMAIN (±60.72 LN.FT.)

NOTE: MHW 0.3 NAVD MLW -2.1 NAVD
SURVEY INFORMATION PROVIDED BY McLAUGHLIN
ENGINEERING CO.

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

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

900-910 NE 20TH AVENUE

PREPARED FOR:
100 PRO BOATS LLC

DISTANCE EXHIBIT - EXISTING

Date: 4/19/2023	Sheet : 1	of : 3
Proj No.: 15-0043.001		



PROPOSED BOAT SLIP TABLE

			CITY WAIVER REQUEST		
SLIP #	LENGTH	WIDTH	PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER
1	40	14	DOCK EXTENSION (A)	68.7'	25'
2	30	14	MOORING PILE (B)	29.0'	25'
3	40	22	MOORING PILE (C)	65.7'	25'
4	30	22	MOORING PILE (D)	28.3'	25'
			MOORING PILE (E)	67.9'	25'

LEGEND

- PROPOSED DOCK (±179 SQ.FT.)
- EXISTING DOCK TO REMAIN (±295 SQ.FT.)
- EXISTING SLIPS
- EXISTING CONCRETE PANEL SEAWALL TO REMAIN (±60.72 LN.FT.)

NOTE: MHW 0.3 NAVD MLW -2.1 NAVD
SURVEY INFORMATION PROVIDED BY
McLAUGHLIN ENGINEERING CO.

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

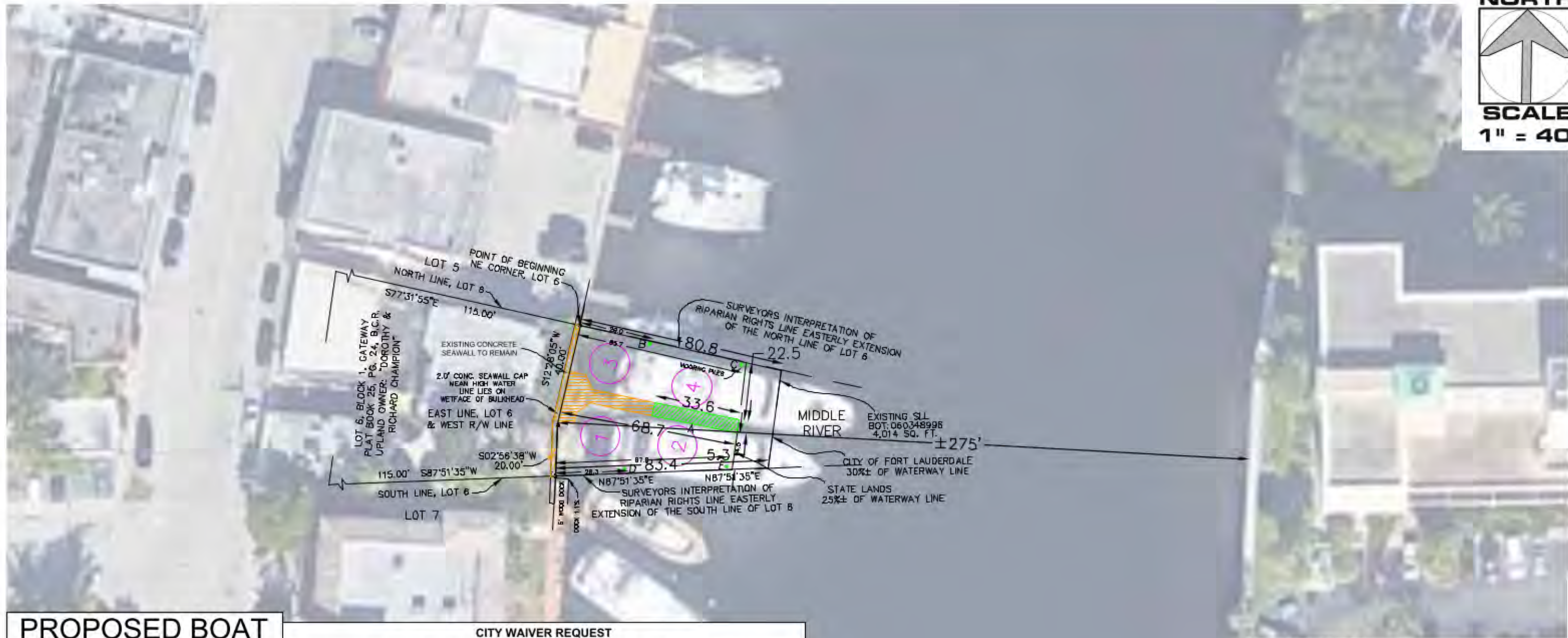
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/Appraisals

900-910 NE 20TH AVENUE

PREPARED FOR:
100 PRO BOATS LLC

DISTANCE EXHIBIT - PROPOSED

Date: 4/19/2023	Sheet : 2	of : 3
Proj No.: 15-0043.001		



PROPOSED BOAT SLIP TABLE

SLIP #	LENGTH	WIDTH
1	40	14
2	30	14
3	40	22
4	30	22

CITY WAIVER REQUEST

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
DOCK EXTENSION (A)	68.7'	25'	43.7'
MOORING PILE (B)	29.0'	25'	4.0'
MOORING PILE (C)	65.7'	25'	40.7'
MOORING PILE (D)	28.3'	25'	3.3'
MOORING PILE (E)	67.9'	25'	42.9'

LEGEND

- PROPOSED DOCK (±179 SQ.FT.)
- EXISTING DOCK TO REMAIN (±295 SQ.FT.)
- EXISTING SLIPS
- EXISTING CONCRETE PANEL SEAWALL TO REMAIN (±60.72 LN.FT.)

NOTE: MHW 0.3 NAVD MLW -2.1 NAVD
SURVEY INFORMATION PROVIDED BY
McLAUGHLIN ENGINEERING CO.

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

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

900-910 NE 20TH AVENUE

PREPARED FOR:
100 PRO BOATS LLC

DISTANCE EXHIBIT - PROPOSED

Date: 4/19/2023	Sheet : 3	of : 3
Proj No.: 15-0043.001		

EXHIBIT VIII EXISTING WAIVERS IN THE VICINITY

EXISTING WAIVERS IN THE VICINITY



ADDRESS	MAXIMUM DISTANCE
866 NE 20 th Avenue	71'
852 NE 20 th Avenue	86'
840 NE 20 th Avenue	48'
834 NE 20 th Avenue	45'
824 NE 20 th Avenue	106.3'
816 NE 20 th Avenue	124.4'
808 NE 20 th Avenue	112.4'
738 NE 20 th Avenue	75'
726 NE 20 th Avenue	125'
720 NE 20 th Avenue	80'
714 NE 20 th Avenue	108'
704 NE 20 th Avenue	125'
801 Middle River Drive	52'
797 Middle River Drive	54.5'
785 Middle River Drive	40'
733 Middle River Drive	60'
Subject Site	68.7'

EXHIBIT IX LETTERS OF SUPPORT

LETTERS OF SUPPORT



ADDRESS	OWNER
914-918 NE 20 th Avenue	Pamela Eck, 2020 Pamela L. Eck Trust
866 NE 20 th Avenue	Worth 866, LLC

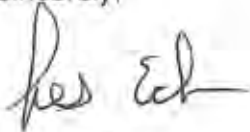
Mr. Michael Binder
900-910 NE 20th Avenue
Fort Lauderdale, FL 33304

RE: 900-910 NE 20th Avenue
City of Fort Lauderdale Waiver Request

Dear Mr. Binder,

I have reviewed the plans for the proposed project to install a finger pier extension and mooring 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 914-918 NE 20th Avenue and support the project as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "Les Eck". The signature is fluid and cursive, with the first name "Les" and the last name "Eck" clearly distinguishable.

Mr. Les Eck
914-918 NE 20th Avenue,
Fort Lauderdale, FL 33304

Mr. Michael Binder
900-910 NE 20th Avenue
Fort Lauderdale, FL 33304

RE: 900-910 NE 20th Avenue
City of Fort Lauderdale Waiver Request

Dear Mr. Binder,

I have reviewed the plans for the proposed project to install finger pier extension and mooring 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 866 NE 20th Avenue and support the project as proposed.

Sincerely,

A handwritten signature in black ink, appearing to be 'Brain Tansey', with a stylized, cursive script.

Brain Tansey,
Worth 866 LLC.,
866 NE 20th Avenue
Fort Lauderdale, FL 33304

ITEM X

MEMORANDUM MF NO. 23-14

DATE: April 27, 2023

TO: Marine Advisory Board

FROM: Andrew Cuba, Manager of Marine Facilities

RE: June 1, 2023 MAB - Dock Waiver of Distance Limitations
-Bryan Redmond, Officer of Hall of Fame SMI Westrac, LLC. / 515 Seabreeze Blvd.

Attached for your review is an application from Bryan Redmond, Officer of Hall of Fame SMI Westrac, LLC. / 515 Seabreeze Blvd. (**Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicants are requesting approval for the enhancement of an existing marina including the installation of a 651'± x 6'± concrete marginal dock, twelve (12) 50'± x 4'± finger piers, and twenty-five (25) 8-post boat lifts. The distances these structures extend from the property line into the New River Sound are shown in the survey in **Exhibit 1** and summarized in Table 1 below:

TABLE 1

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Concrete Dock (A1)	580'±	25'	555'±
Finger Pier (B1)	561'±	25'	536'±
Finger Pier (B2)	517'±	25'	492'±
Finger Pier (B3)	473'±	25'	448'±
Finger Pier (B4)	429'±	25'	404'±
Finger Pier (B5)	385'±	25'	360'±
Finger Pier (B6)	341'±	25'	316'±
Finger Pier (B7)	297'±	25'	272'±
Finger Pier (B8)	253'±	25'	228'±
Finger Pier (B9)	209'±	25'	184'±
Finger Pier (B10)	165'±	25'	140'±
Finger Pier (B11)	121'±	25'	96'±
Finger Pier (B12)	77'±	25'	52'±
Finger Pier (B13)	33'±	25'	8'±
Boat Lift (C1)	571'±	25'	546'±
Boat Lift (C2)	548'±	25'	523'±
Boat Lift (C3)	527'±	25'	502'±

PROPOSED STRUCTURES (CONTINUED)	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Boat Lift (C4)	504'+/-	25'	479'+/-
Boat Lift (C5)	483'+/-	25'	458'+/-
Boat Lift (C6)	460'+/-	25'	435'+/-
Boat Lift (C7)	439'+/-	25'	414'+/-
Boat Lift (C8)	416'+/-	25'	391'+/-
Boat Lift (C9)	395'+/-	25'	370'+/-
Boat Lift (C10)	372'+/-	25'	347'+/-
Boat Lift (C11)	351'+/-	25'	326'+/-
Boat Lift (C12)	328'+/-	25'	303'+/-
Boat Lift (C13)	307'+/-	25'	282'+/-
Boat Lift (C14)	284'+/-	25'	259'+/-
Boat Lift (C15)	263'+/-	25'	238'+/-
Boat Lift (C16)	240'+/-	25'	215'+/-
Boat Lift (C17)	219'+/-	25'	194'+/-
Boat Lift (C18)	196'+/-	25'	171'+/-
Boat Lift (C19)	175'+/-	25'	150'+/-
Boat Lift (C20)	152'+/-	25'	127'+/-
Boat Lift (C21)	131'+/-	25'	106'+/-
Boat Lift (C22)	108'+/-	25'	83'+/-
Boat Lift (C23)	87'+/-	25'	62'+/-
Boat Lift (C24)	64'+/-	25'	39'+/-
Boat Lift (C25)	43'+/-	25'	18'+/-

Section 47-19.3 C limits the maximum distance of mooring structures to 25 feet, or 25% 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 indicated that three (3) matters provide justification for this waiver request:

1. The extraordinary width of the waterway at this location (1000'+/-)
2. Proposed structures are necessary for safe mooring of vessels, especially during high wind events and severe weather.
3. Proposed structures are necessary to protect vessels from high wave energy from excessive boat wakes along the New River Sound and ICW.

PROPERTY LOCATION AND ZONING

The property is located within the SBMHA (South Beach Marina and Hotel) Zoning District. It is situated on the both the ICW and New River Sound where the overall average width

between property lines from wet face to wet face is 1000'+/-, according to the Summary Description.

RECOMMENDATIONS

Should the Marine Advisory consider approval of the application, the Resolution under consideration for approval 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 the City's Supervisor of Marine Facilities 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, Marine Facilities Supervisor

HALL OF FAME MARINA 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: **Bryan Redmond, Officer of Hall of Fame SMI Westrec, LLC.**

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

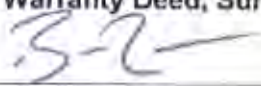
2. APPLICANT'S ADDRESS (if different than the site address): **17330 Preston Road Suite 220A Dallas, TX 75252**

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:
The applicant requests a waiver for the proposed installation of docks and boat lifts beyond 25 feet from the property line.

4. SITE ADDRESS: **515 Seabreeze Blvd
Fort Lauderdale, FL 33316** ZONING: **SBMHA**

LEGAL DESCRIPTION AND FOLIO NUMBER:
**ZURO'S PLAT 117-22 B PARCEL B LESS BEG AT NW COR OF SAID PAR B, ELY 1.03, SW 48.69,
SE 77.57, SW 1.00, NW 78.28, NE 48.69 TO POB
Folio No. 504212320020**

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 _____

Table of Contents

SUMMARY DESCRIPTION	3
WARRANTY DEED.....	7
ZONING AERIAL.....	14
SITE PHOTOGRAPHS	16
PROJECT PLANS.....	18
DISTANCE EXHIBIT	24
EXISTING WAIVERS IN THE VICINITY	29

EXHIBIT II SUMMARY DESCRIPTION

Summary Description
Hall of Fame Marina
TCG Project No. 06-0012.004

The project site is located along the New River Sound at 515 Seabreeze Blvd (Hall of Fame), in Section 12, Township 50, Range 42, in the City of Fort Lauderdale, Broward County, Florida.

The property is located along the New River Sound, which is a tidal water. The nearest direct connection to the Atlantic Ocean is approximately 1.5 miles to the south at the Port Everglades Inlet. As the project site is located along the New River Sound, the incoming tidal waters (flood) at the site move to the west and the outgoing waters (ebb) move to the east.

The project site consists of an existing $\pm 1,405.3$ lin. ft. concrete seawall with $\pm 20,296$ sq. ft. wood and floating dock structures. The proposed project includes the removal of the existing $\pm 7,342$ sq. ft. of docks and finger piers configuration, the installation of $\pm 5,230$ sq. ft. concrete marginal (580'x9'), thirteen (13) 50'x4' ($\pm 2,600$ sq. ft.) concrete finger pier docks, and the installation of twenty-five (25) 8-post boat lifts. As these distances are over the allowable 25' distance into the waterway from the property line, the proposed concrete docks and boat lifts will require a variance waiver.

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

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

1. Due to the extraordinary width of the waterway at this location from wetface to wetface ($\pm 1,000'$), the proposed project will not impede navigation within the New River Sound.
2. The proposed structures are necessary for the safe mooring of vessels, especially during high wind events and severe weather.
3. The proposed structures are also necessary to protect the vessels from high wave energy from excessive boat wakes along the New River Sound and Intracoastal Waterway (ICW) adjacent to the subject site.

STRUCTURE	PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
A1	Concrete Dock	±580'	25'	555'
B1	Finger Pier	±561'	25'	536'
B2	Finger Pier	±517'	25'	492'
B3	Finger Pier	±473'	25'	448'
B4	Finger Pier	±429'	25'	404'
B5	Finger Pier	±385'	25'	360'
B6	Finger Pier	±341'	25'	316'
B7	Finger Pier	±297'	25'	272'
B8	Finger Pier	±253'	25'	228'
B9	Finger Pier	±209'	25'	184'
B10	Finger Pier	±165'	25'	140'
B11	Finger Pier	±121'	25'	96'
B12	Finger Pier	±77'	25'	52'
B13	Finger Pier	±33'	25'	8'
C1	Boat Lift	±571'	25'	546'
C2	Boat Lift	±548'	25'	523'
C3	Boat Lift	±527'	25'	502'
C4	Boat Lift	±504'	25'	479'
C5	Boat Lift	±483'	25'	458'
C6	Boat Lift	±460'	25'	435'
C7	Boat Lift	±439'	25'	414'
C8	Boat Lift	±416'	25'	391'

C9	Boat Lift	±395'	25'	370'
C10	Boat Lift	±372'	25'	347'
C11	Boat Lift	±351'	25'	326'
C12	Boat Lift	±328'	25'	303'
C13	Boat Lift	±307'	25'	282'
C14	Boat Lift	±284'	25'	259'
C15	Boat Lift	±263'	25'	238'
C16	Boat Lift	±240'	25'	215'
C17	Boat Lift	±219'	25'	194'
C18	Boat Lift	±196'	25'	171'
C19	Boat Lift	±175'	25'	150'
C20	Boat Lift	±152'	25'	127'
C21	Boat Lift	±131'	25'	106'
C22	Boat Lift	±108'	25'	83'
C23	Boat Lift	±87'	25'	62'
C24	Boat Lift	±64'	25'	39'
C25	Boat Lift	±43'	25'	18'

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

EXHIBIT III WARRANTY DEED

This instrument was prepared by
and after recording return to:

Jon Chassen, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
1450 Brickell Avenue
Suite 2300
Miami, FL 33131

Parcel Identification Number:
Tax Folio # 5042-12-32-0020

[Space Above This Line For Recording Data]

SPECIAL WARRANTY DEED

This Special Warranty Deed is made as of the 1ST day of FEBRUARY, 2022
("Effective Date"), by Hall of Fame Associates, a California limited partnership ("Grantor"),
with an address at c/o Westrec Marina Management, Inc., 16633 Ventura Boulevard, Suite 600,
Encino, California 91436, in favor of Hall of Fame SMI Westrec, LLC, a Delaware limited liability
company ("Grantee"), with an address at c/o Suntex Marina Investors LLC, 17330 Preston Road,
Site 220A, Dallas, Texas 75252.

Grantor, for and in consideration of \$10.00 and other consideration paid by Grantee, the
receipt and sufficiency of which is acknowledged, grants, bargains, sells, and conveys to Grantee
the land located in the County of Broward, State of Florida, as more particularly described on
Exhibit A ("Property").

Together with (i) any structures and improvements on the Property; (ii) all right, title, and
interest, if any, of Grantor in any land lying in the bed of any street or highway, opened or
proposed, in front of or adjoining the Property; and (iii) all easements, rights of way, privileges,
licenses, appurtenances, and other rights and benefits belonging to, running with the owner of, or
in any way related to the Property.

To have and to hold the Property to Grantee and Grantee's successors and assigns in fee
simple forever.

Subject to: (i) general and special taxes and assessments for the year 2022 and subsequent
years; (ii) zoning and other restrictions, regulations, and prohibitions imposed by governmental
authorities; (iii) matters that would be disclosed by a survey of the Property; and (iv) conditions,
restrictions, limitations, reservations, declarations, easements, dedications, and agreements of
record (collectively, "**Permitted Exceptions**"), without intent to reimpose the same.

And Grantor warrants the title to the Property and will defend the same against the lawful claims of others claiming by, through, or under Grantor, but not otherwise, except Grantor shall not be obligated to defend claims arising from the Permitted Exceptions.

[Remainder of page intentionally blank; signature page follows]

Grantor has executed this Special Warranty Deed as of the Effective Date.

GRANTOR:

Signed, sealed and delivered
in the presence of:

Hall of Fame Associates,
a California limited partnership

By: Westrec Investors, Inc.,
a California corporation, a General Partner

Print Name: Ruth A Black

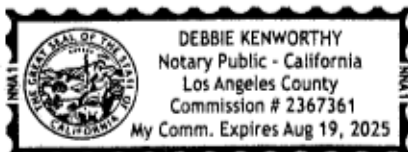
By: Jeffrey K. Ellis
Name: Jeffrey K. Ellis
Title: President

Print Name: Wendy Kelley

STATE OF California)
) SS:
COUNTY OF Los Angeles)

On January 27, 2022 before me, Debbie Kenworthy, Notary Public personally appeared Jeffrey K. Ellis who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.



Signature of Notary Public
State of California
Debbie Kenworthy
Print, Type or Stamp Commissioned Name
of Notary Public

EXHIBIT A TO SPECIAL WARRANTY DEED

LEGAL DESCRIPTION

A portion of Parcel B, ZURO'S PLAT, according to the Plat thereof recorded in Plat Book 117, at Page 22, of the Public Records of Broward County, Florida, being more particularly described as follows:

Beginning at the Northwest corner of said Parcel B; thence North 88 degrees 36 minutes 17 seconds East along the North line of said Parcel B, a distance of 1.03 feet to a point lying on a line lying 1.00 feet East of and parallel with the West line of said Parcel B; thence South 12 degrees 14 minutes 20 seconds West along said parallel line, a distance of 48.69 feet to a point on a line lying 1.00 feet North of and parallel with the South line of said Parcel B; thence South 58 degrees 21 minutes 15 seconds East along said parallel line, a distance of 77.57 feet; thence South 31 degrees 38 minutes 45 seconds West, a distance of 1.00 feet to a point on said South line of Parcel B; thence North 58 degrees 21 minutes 15 seconds West along said South line, a distance of 78.28 feet; thence North 12 degrees 14 minutes 20 seconds East along the West line of said Parcel B, a distance of 48.69 feet to the Point of Beginning. Said lands lying in the City of Fort Lauderdale, Broward County, Florida.

AND

All of Parcel B of ZURO'S PLAT, as recorded in Plat Book 117, at Page 22, Public Records of Broward County, Florida, less the following:

A portion of Parcel B, ZURO'S PLAT, according to the Plat thereof recorded in Plat Book 117, at Page 22, of the Public Records of Broward County, Florida, being more particularly described as follows:

Beginning at the Northwest corner of said Parcel B; thence North 88 degrees 36 minutes 17 seconds East along the North line of said Parcel B, a distance of 1.03 feet to a point lying on a line lying 1.00 feet East of and parallel with the West line of said Parcel B; thence South 12 degrees 14 minutes 20 seconds West along said parallel line, a distance of 48.69 feet to a point on a line lying 1.00 feet North of and parallel with the South line of said Parcel B; thence South 58 degrees 21 minutes 15 seconds East along said parallel line, a distance of 77.57 feet; thence South 31 degrees 38 minutes 45 seconds West, a distance of 1.00 feet to a point on said South line of Parcel B; thence North 58 degrees 21 minutes 15 seconds West along said South line, a distance of 78.28 feet; thence North 12 degrees 14 minutes 20 seconds East along the West line of said Parcel B, a distance of 48.69 feet to the Point of Beginning. Said lands lying in the City of Fort Lauderdale, Broward County, Florida.



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Foreign Limited Liability Company
SUNTEX MARINA INVESTORS LLC

Filing Information

Document Number	M16000000714
FEI/EIN Number	47-4500502
Date Filed	01/27/2016
State	DE
Status	ACTIVE
Last Event	LC STMT OF RA/RO CHG
Event Date Filed	09/25/2017
Event Effective Date	NONE

Principal Address

17330 PRESTON ROAD, SUITE 220A
DALLAS, TX 75252

Mailing Address

17330 PRESTON ROAD, SUITE 220A
DALLAS, TX 75252

Registered Agent Name & Address

CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301

Name Changed: 09/25/2017

Address Changed: 09/25/2017

Authorized Person(s) Detail

Name & Address

Title PRESIDENT

REDMOND, BRYAN
17330 PRESTON ROAD
SUITE 220A
DALLAS, TX 75252

Title VICE PRESIDENT

Filler , David
17330 PRESTON ROAD
SUITE 220A
DALLAS, TX 75252

Title VICE PRESIDENT

Petty , Chris
17330 PRESTON ROAD
SUITE 220A
DALLAS, TX 75252

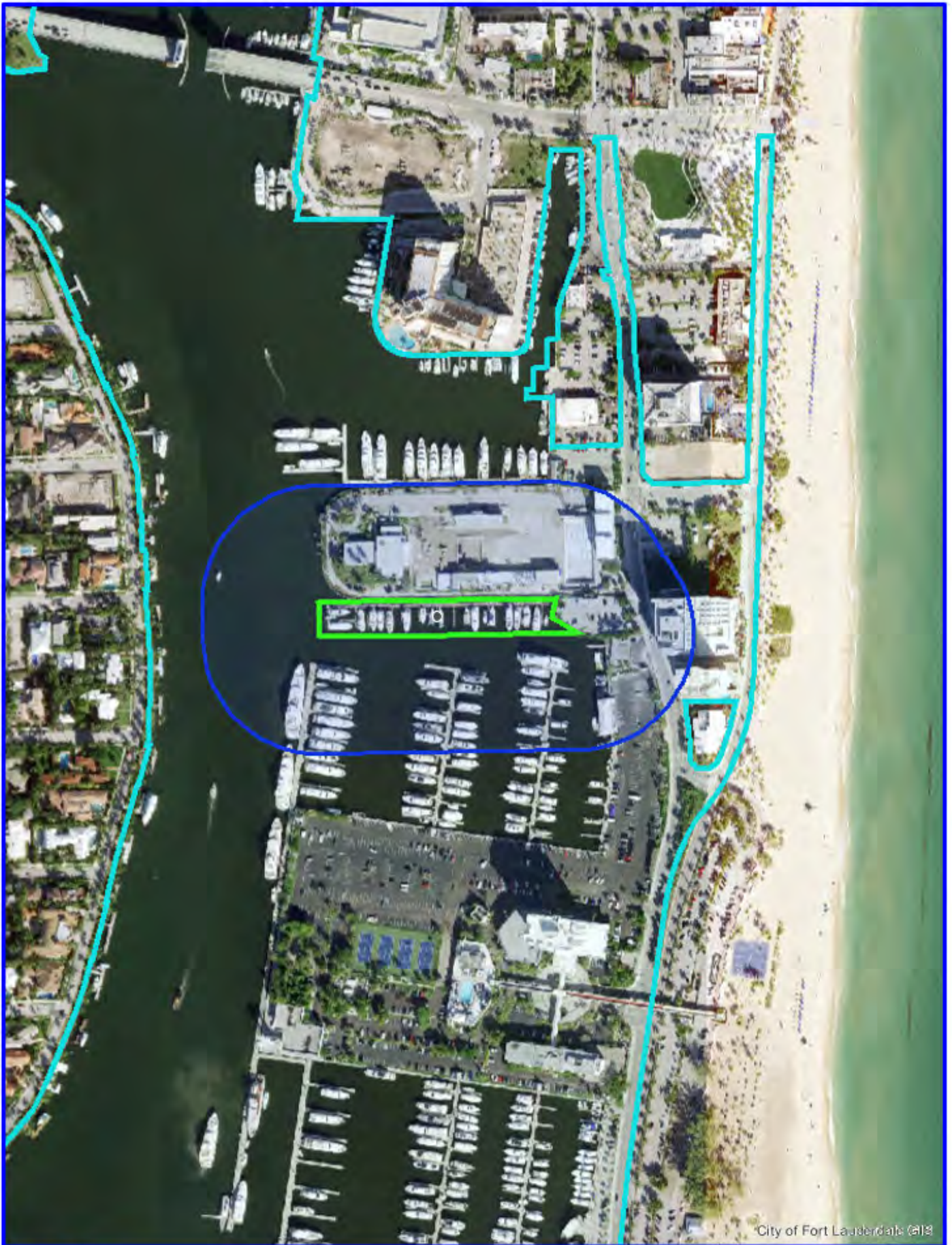
Annual Reports

Report Year	Filed Date
2020	01/29/2020
2021	04/23/2021
2022	04/25/2022

Document Images

04/25/2022 – ANNUAL REPORT	View image in PDF format
04/23/2021 – ANNUAL REPORT	View image in PDF format
01/29/2020 – ANNUAL REPORT	View image in PDF format
01/03/2019 – ANNUAL REPORT	View image in PDF format
04/19/2018 – ANNUAL REPORT	View image in PDF format
09/25/2017 – CORLCRACHG	View image in PDF format
03/07/2017 – ANNUAL REPORT	View image in PDF format
02/24/2017 – LC Amendment	View image in PDF format
01/27/2016 – Foreign Limited	View image in PDF format

EXHIBIT IV ZONING AERIAL



City of Fort Lauderdale GIS



CITY OF FORT LAUDERDALE

Hall of Fame Marina



0 190 380 Feet

GIS
Fort Lauderdale

EXHIBIT V SITE PHOTOGRAPHS



1. Eastern portion of the subject site, facing west along the New River Sound.



2. Western portion of the subject site, facing east along the New River Sound.

EXHIBIT VI PROJECT PLANS

HALL OF FAME MARINA

CITY OF FORT LAUDERDALE

PLAN SET



LOCATION MAP (N.T.S.)

DRAWING INDEX

SHEET 1: COVER

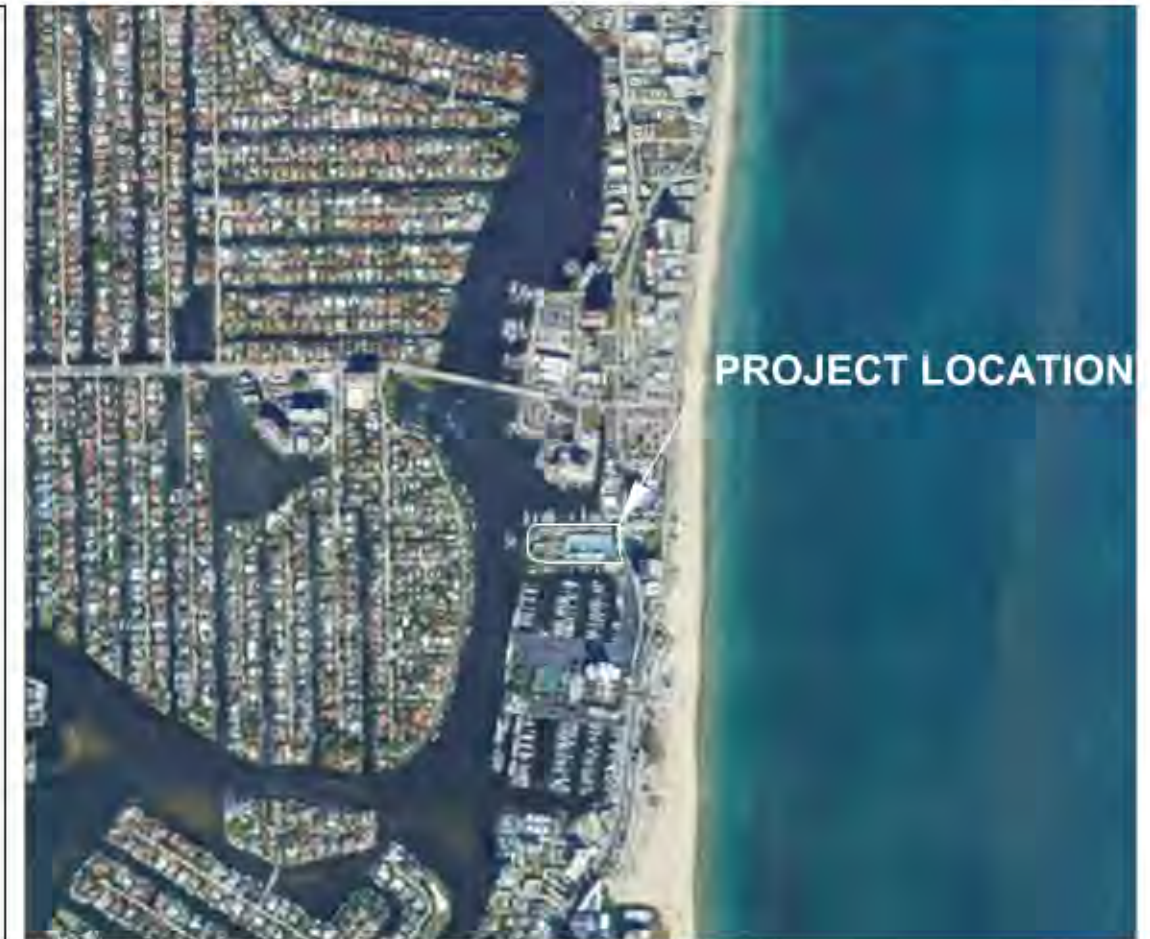
SHEET 2: EXISTING
CONDITIONS

SHEET 3: PROPOSED
CONDITIONS

SHEET 4: WAIVERS

SHEET 5: SECTION A

SHEET 5: DETAILS



VICINITY AERIAL (N.T.S.)

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

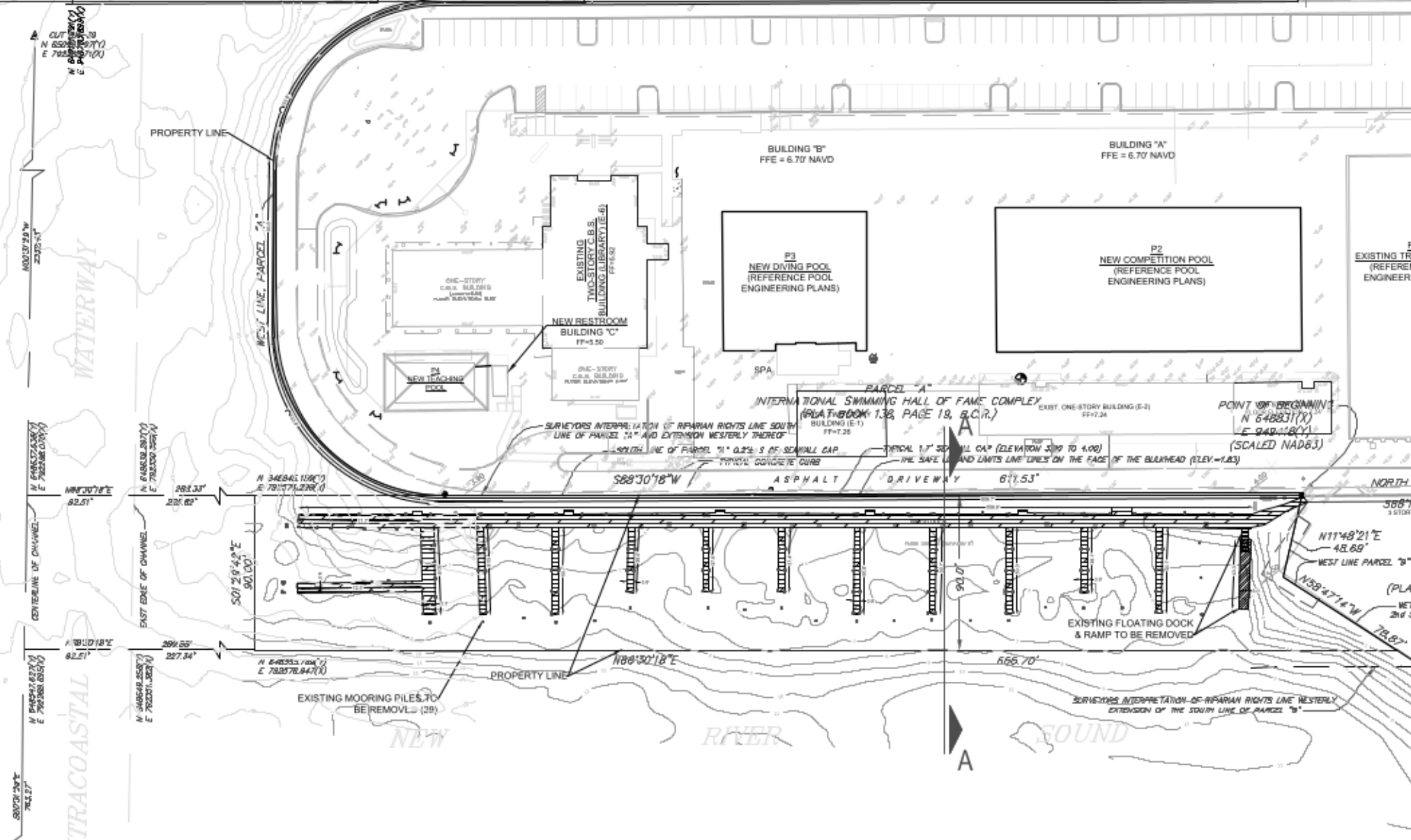
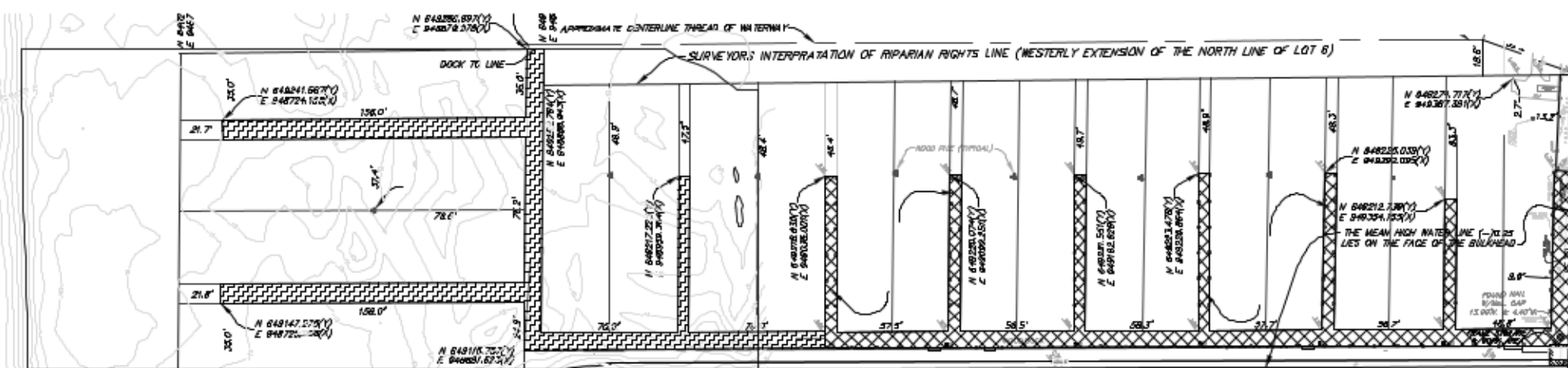
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/Appraisals

HALL OF FAME MARINA

PREPARED FOR:
HALL OF FAME MARINA

COVER

Date: 4/24/2023	Sheet ;	of ;
Proj No.: 06-0012.004	1	6



LEGEND

- SUBJECT SITE (±5.06 AC)
- EXISTING CONCRETE SEAWALL TO REMAIN (±1,405.3 LN. FT.)
- EXISTING WOOD DOCKS TO REMAIN (±6,703 ft²)
- EXISTING FLOATING DOCKS TO REMAIN (±6,251 ft²)
- EXISTING WOOD DOCKS TO BE REMOVED (±7,342 ft²)

M.H.W. = 0.25' NAVD M.L.W. = (-)2.13' NAVD

NOTE: SURVEY INFORMATION PROVIDED BY MCLAUGHLIN ENGINEERING COMPANY. ELEVATIONS SHOWN AS NAVD88. BATHYMETRY INFORMATION PROVIDED BY TERRAQUATIC. CONTOURS ALONG SOUTH SIDE RELATIVE TO MLW AND CONTOURS ALONG WEST SIDE RELATIVE TO NAVD88.

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC. © THE CHAPPELL GROUP, INC. 2023

THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

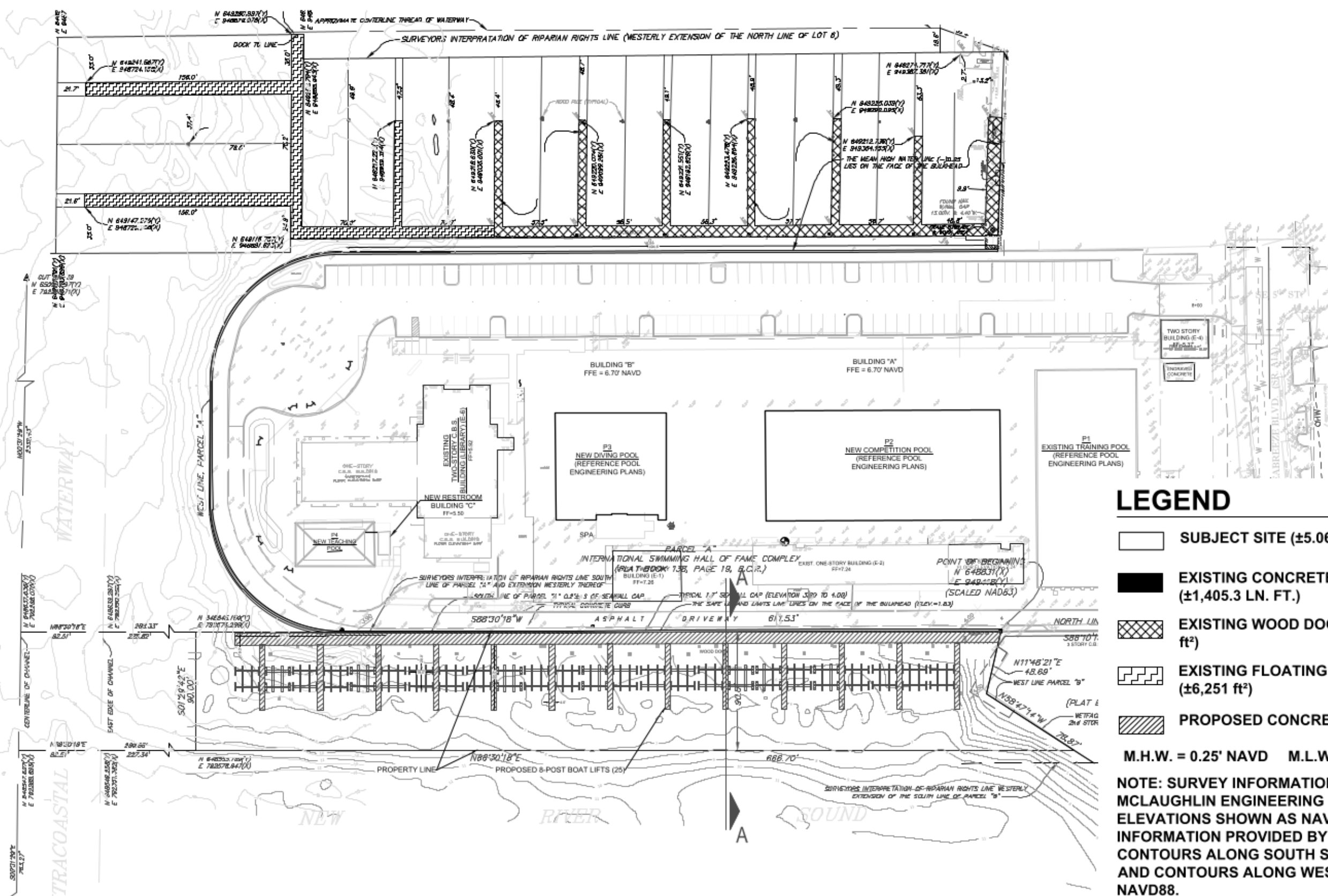
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/Appraisals

HALL OF FAME MARINA

PREPARED FOR:
HALL OF FAME MARINA

EXISTING CONDITIONS

Date: 4/24/2023	Sheet : 2	of : 6
Proj No.: 06-0012.004		



LEGEND

- SUBJECT SITE (±5.06 AC)
- EXISTING CONCRETE SEAWALL TO REMAIN (±1,405.3 LN. FT.)
- EXISTING WOOD DOCKS TO REMAIN (±6,703 ft²)
- EXISTING FLOATING DOCKS TO REMAIN (±6,251 ft²)
- PROPOSED CONCRETE DOCKS (±7,830 ft²)

M.H.W. = 0.25' NAVD M.L.W. = (-)2.13' NAVD

NOTE: SURVEY INFORMATION PROVIDED BY MCLAUGHLIN ENGINEERING COMPANY. ELEVATIONS SHOWN AS NAVD88. BATHYMETRY INFORMATION PROVIDED BY TERRAQUATIC. CONTOURS ALONG SOUTH SIDE RELATIVE TO MLW AND CONTOURS ALONG WEST SIDE RELATIVE TO NAVD88.

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC. © THE CHAPPELL GROUP, INC. 2023

THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

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

HALL OF FAME MARINA

PREPARED FOR:
HALL OF FAME MARINA

PROPOSED CONDITIONS

Date: 4/24/2023	Sheet : 3	of : 6
Proj No.: 06-0012.004		

CITY WAIVER REQUEST			
PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
CONCRETE DOCK (A1)	580'	25'	555'
FINGER PIER (B1)	561'	25'	536'
FINGER PIER (B2)	517'	25'	492'
FINGER PIER (B3)	473'	25'	448'
FINGER PIER (B4)	429'	25'	404'
FINGER PIER (B5)	385'	25'	360'
FINGER PIER (B6)	341'	25'	316'
FINGER PIER (B7)	297'	25'	272'
FINGER PIER (B8)	253'	25'	228'
FINGER PIER (B9)	209'	25'	184'
FINGER PIER (B10)	165'	25'	140'
FINGER PIER (B11)	121'	25'	96'
FINGER PIER (B12)	77'	25'	52'
FINGER PIER (B13)	33'	25'	8'

CITY WAIVER REQUEST			
PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
BOAT LIFT (C1)	571'	25'	546'
BOAT LIFT (C2)	548'	25'	523'
BOAT LIFT (C3)	527'	25'	502'
BOAT LIFT (C4)	504'	25'	479'
BOAT LIFT (C5)	483'	25'	458'
BOAT LIFT (C6)	460'	25'	435'
BOAT LIFT (C7)	439'	25'	414'
BOAT LIFT (C8)	416'	25'	391'
BOAT LIFT (C9)	395'	25'	370'
BOAT LIFT (C10)	372'	25'	347'
BOAT LIFT (C11)	351'	25'	326'
BOAT LIFT (C12)	328'	25'	303'
BOAT LIFT (C13)	307'	25'	282'
BOAT LIFT (C14)	284'	25'	259'
BOAT LIFT (C15)	263'	25'	238'
BOAT LIFT (C16)	240'	25'	215'
BOAT LIFT (C17)	219'	25'	194'
BOAT LIFT (C18)	196'	25'	171'
BOAT LIFT (C19)	175'	25'	150'
BOAT LIFT (C20)	152'	25'	127'
BOAT LIFT (C21)	131'	25'	106'
BOAT LIFT (C22)	108'	25'	83'
BOAT LIFT (C23)	87'	25'	62'
BOAT LIFT (C24)	64'	25'	39'
BOAT LIFT (C25)	43'	25'	18'

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

THE

Chappell

GROUP INC.

714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108

www.thechappellgroup.com

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

HALL OF FAME MARINA

PREPARED FOR:

HALL OF FAME MARINA

CITY WAIVER REQUEST

Date:
4/24/2023

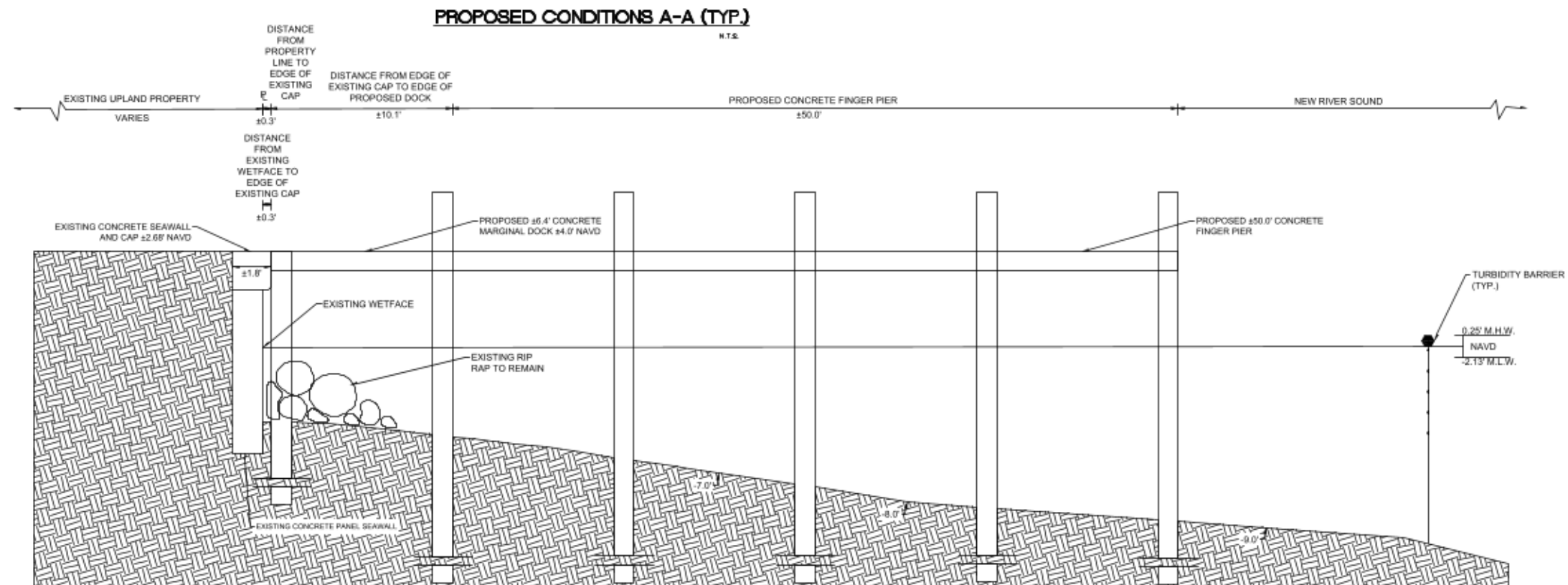
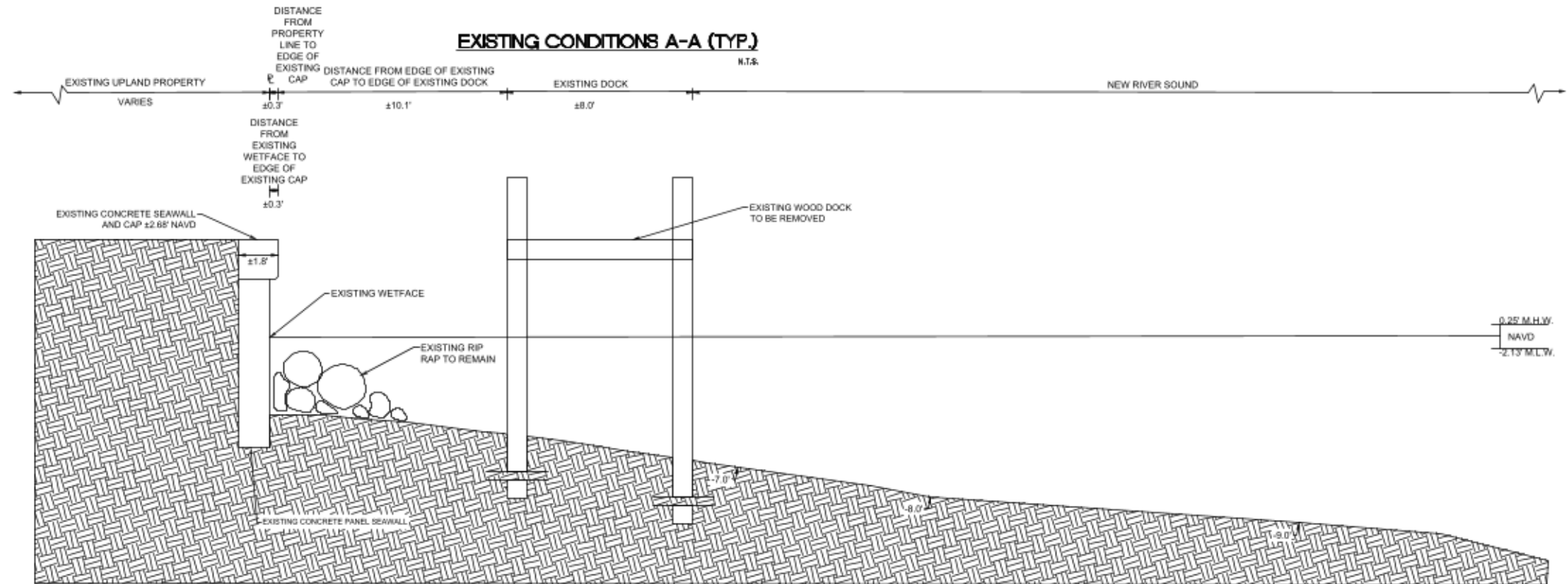
Proj No.:
06-0012.004

Sheet :

4

of :

6



THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

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

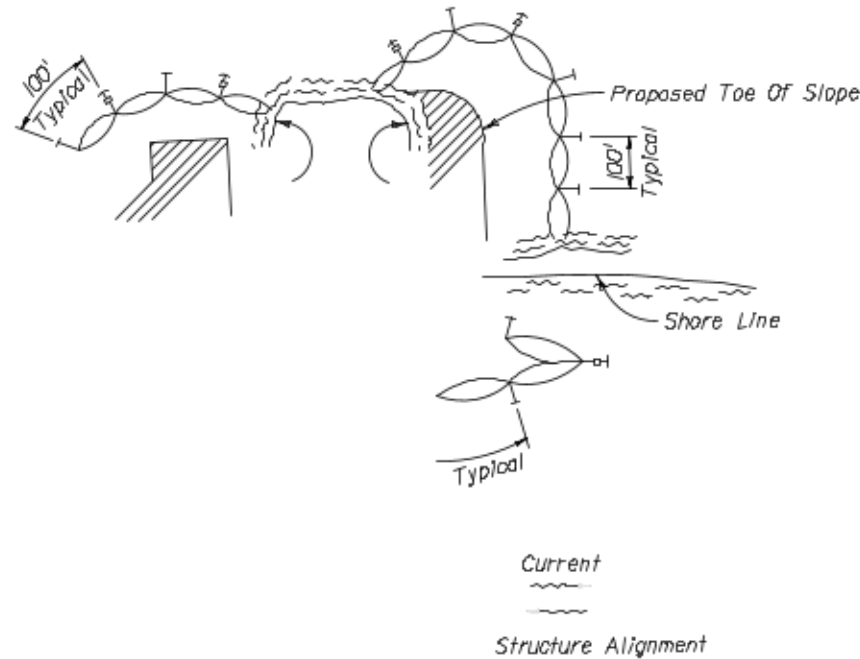
HALL OF FAME MARINA

PREPARED FOR:
HALL OF FAME MARINA

SECTION A

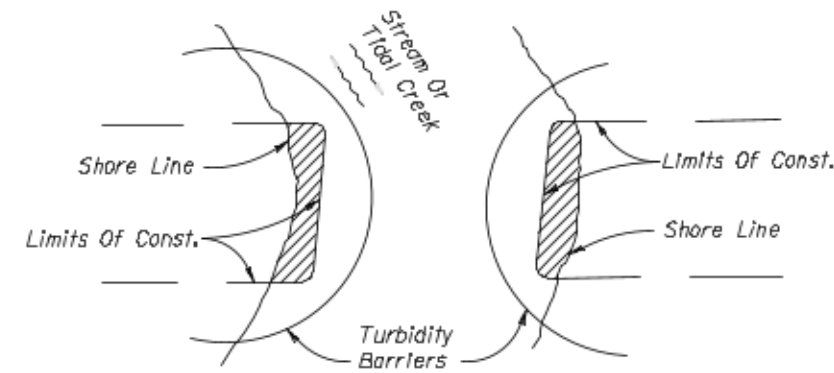
Date: 4/24/2023	Sheet : 5	of : 6
Proj No.: 06-0012.004		

CONSTRUCTION BARGE (TYP.)



LEGEND

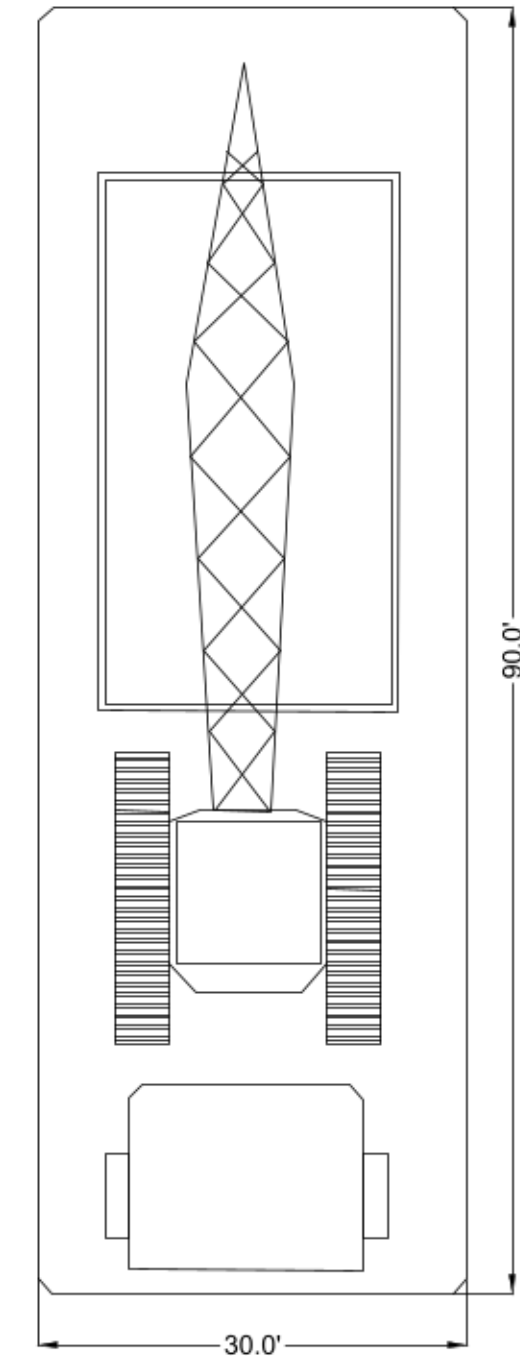
- Pile Locations
- ▨ Dredge Or Fill Area
- Mooring Buoy w/Anchor
- Anchor
- Barrier Movement Due To Current Action



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.

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



THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

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

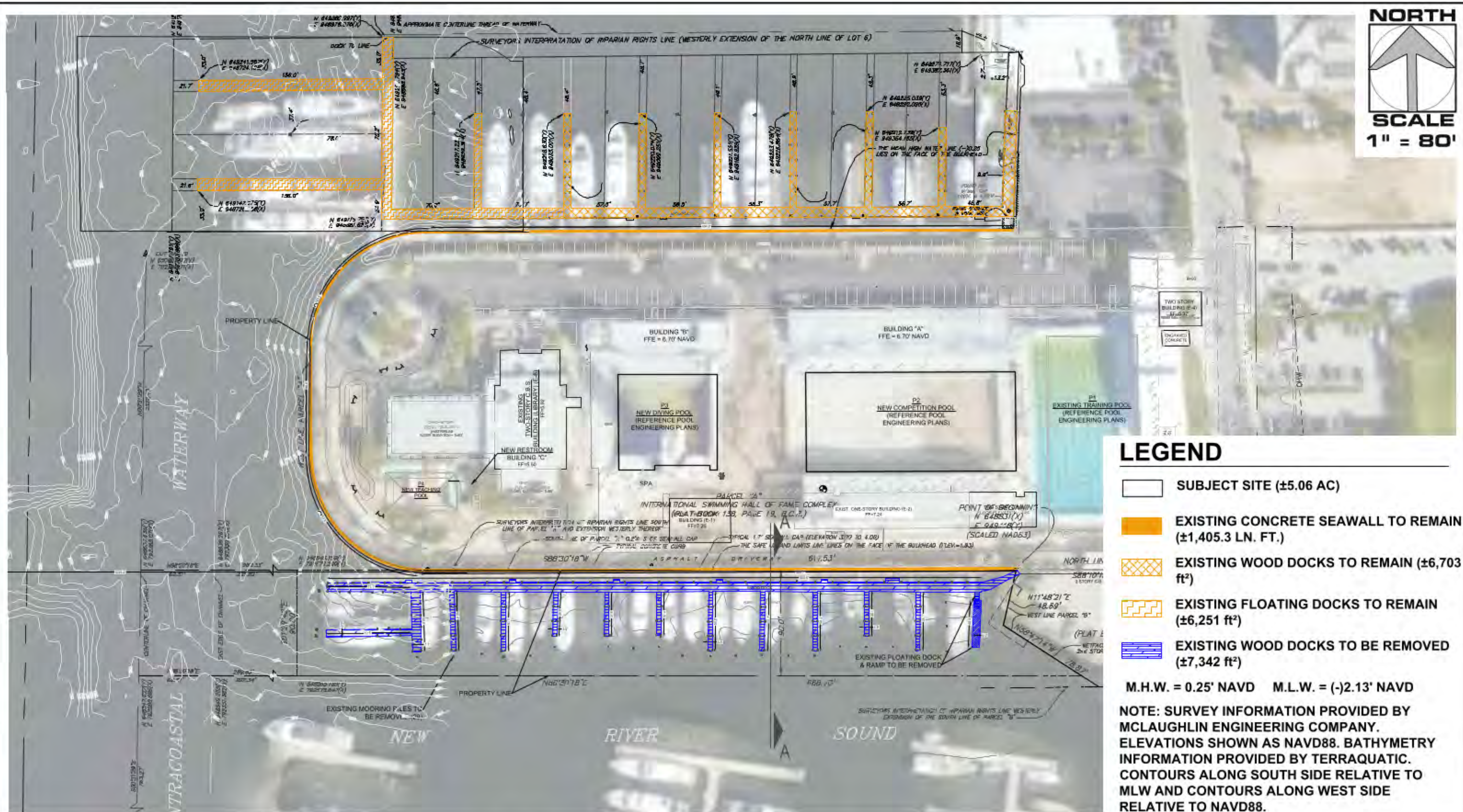
HALL OF FAME MARINA

PREPARED FOR:
HALL OF FAME MARINA

DETAILS

Date: 4/24/2023	Sheet : 6	of : 6
Proj No.: 06-0012.004		

EXHIBIT VII DISTANCE EXHIBIT



LEGEND

- SUBJECT SITE (±5.06 AC)
- EXISTING CONCRETE SEAWALL TO REMAIN (±1,405.3 LN. FT.)
- EXISTING WOOD DOCKS TO REMAIN (±6,703 ft²)
- EXISTING FLOATING DOCKS TO REMAIN (±6,251 ft²)
- EXISTING WOOD DOCKS TO BE REMOVED (±7,342 ft²)

M.H.W. = 0.25' NAVD M.L.W. = (-)2.13' NAVD
NOTE: SURVEY INFORMATION PROVIDED BY MCLAUGHLIN ENGINEERING COMPANY.
ELEVATIONS SHOWN AS NAVD88. BATHYMETRY INFORMATION PROVIDED BY TERRAQUATIC.
CONTOURS ALONG SOUTH SIDE RELATIVE TO MLW AND CONTOURS ALONG WEST SIDE RELATIVE TO NAVD88.

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

THE

Chappell

GROUP INC.

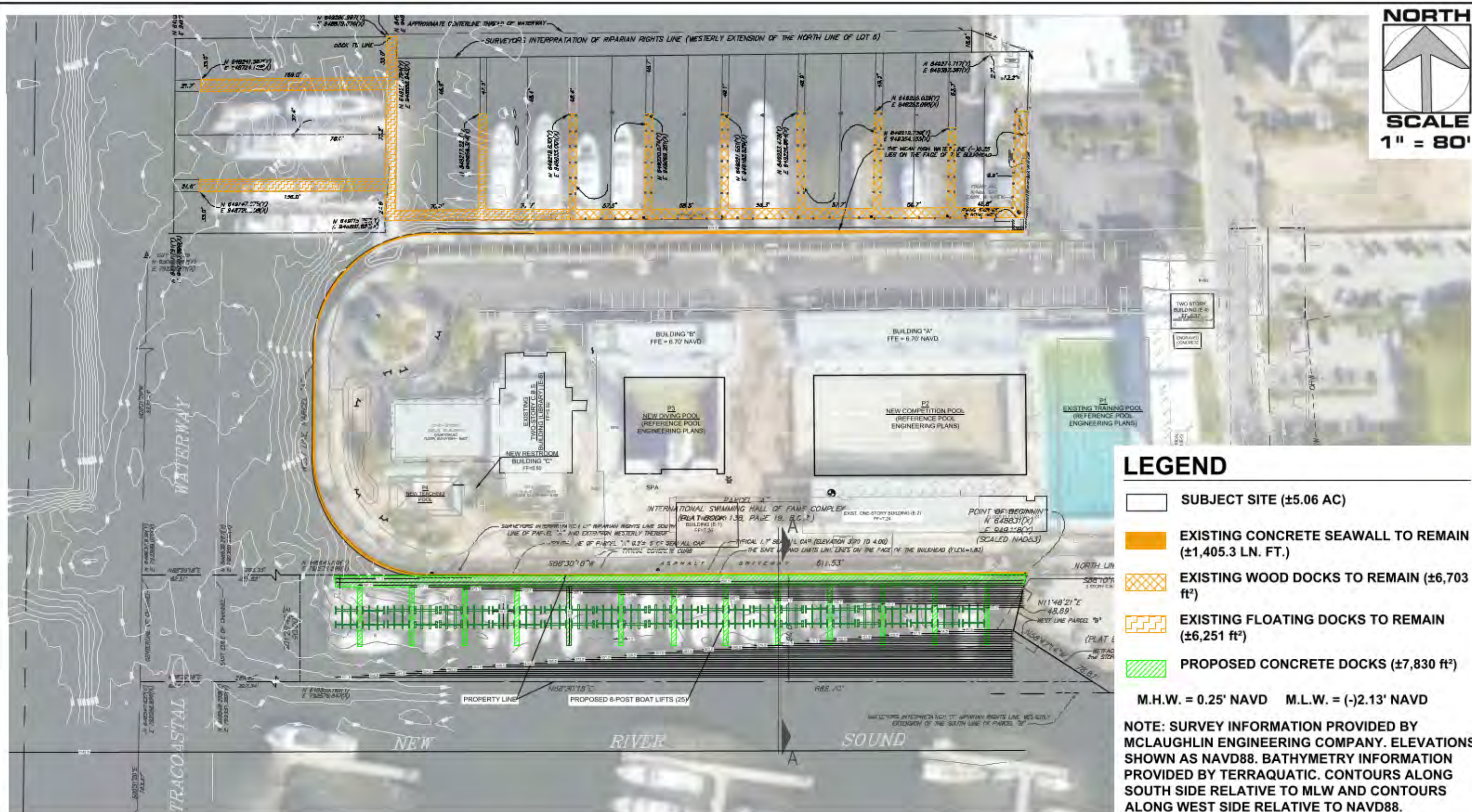
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108

www.thechappellgroup.com

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

HALL OF FAME MARINA
PREPARED FOR:
HALL OF FAME MARINA

DISTANCE EXHIBIT - EXISTING		
Date: 4/24/2023	Sheet : 1	of : 3
Proj No.: 06-0012.004		



LEGEND

- SUBJECT SITE (±5.06 AC)
- EXISTING CONCRETE SEAWALL TO REMAIN (±1,405.3 LN. FT.)
- EXISTING WOOD DOCKS TO REMAIN (±6,703 ft²)
- EXISTING FLOATING DOCKS TO REMAIN (±6,251 ft²)
- PROPOSED CONCRETE DOCKS (±7,830 ft²)

M.H.W. = 0.25' NAVD M.L.W. = (-)2.13' NAVD

NOTE: SURVEY INFORMATION PROVIDED BY MCLAUGHLIN ENGINEERING COMPANY. ELEVATIONS SHOWN AS NAVD88. BATHYMETRY INFORMATION PROVIDED BY TERRAQUATIC. CONTOURS ALONG SOUTH SIDE RELATIVE TO MLW AND CONTOURS ALONG WEST SIDE RELATIVE TO NAVD88.

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

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

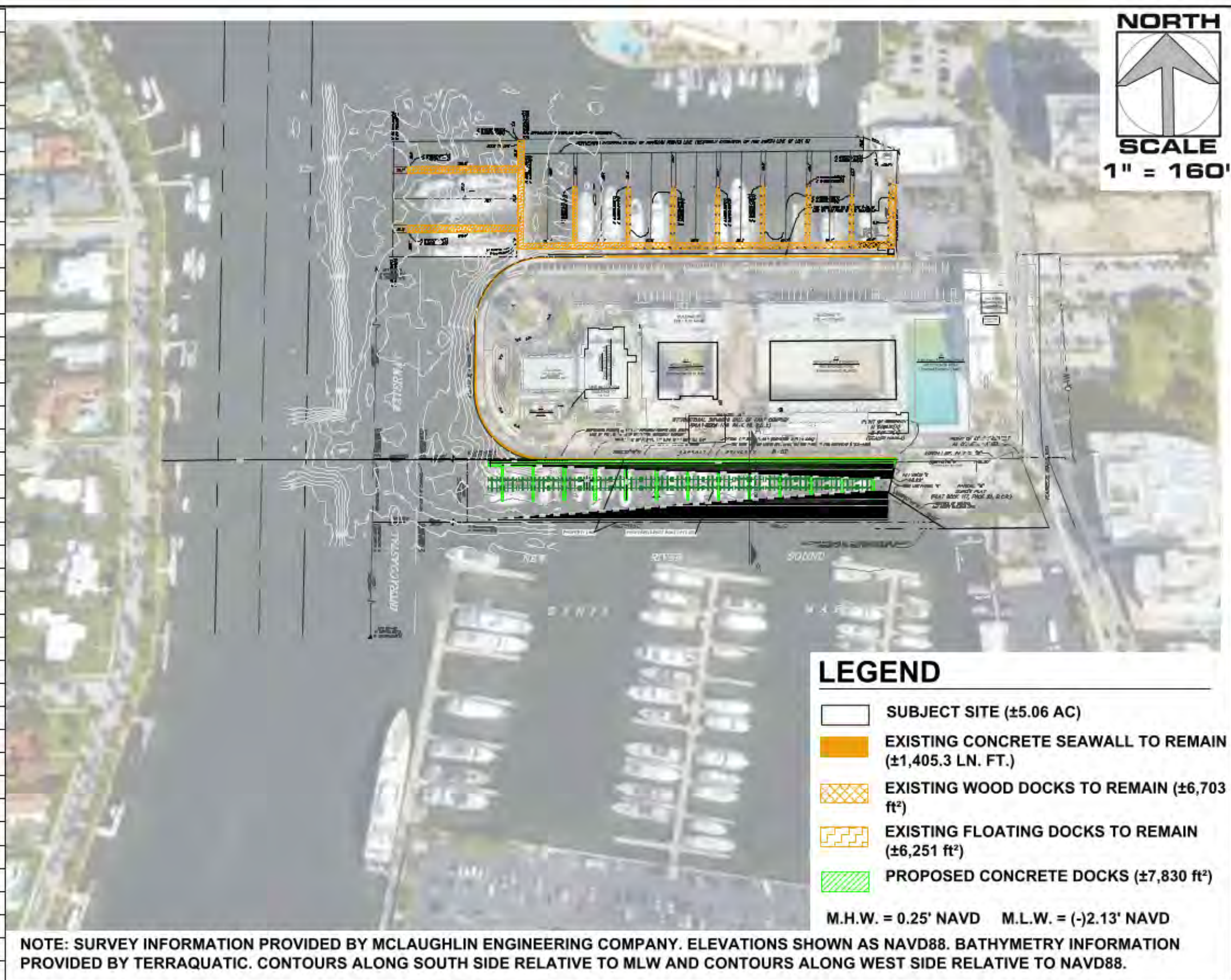
HALL OF FAME MARINA

PREPARED FOR:
HALL OF FAME MARINA

DISTANCE EXHIBIT - PROPOSED

Date: 4/24/2023	Sheet: 2	of: 3
Proj No.: 06-0012.004		

CITY WAIVER REQUEST			
PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
CONCRETE DOCK (A1)	580'	25'	555'
FINGER PIER (B1)	561'	25'	536'
FINGER PIER (B2)	517'	25'	492'
FINGER PIER (B3)	473'	25'	448'
FINGER PIER (B4)	429'	25'	404'
FINGER PIER (B5)	385'	25'	360'
FINGER PIER (B6)	341'	25'	316'
FINGER PIER (B7)	297'	25'	272'
FINGER PIER (B8)	253'	25'	228'
FINGER PIER (B9)	209'	25'	184'
FINGER PIER (B10)	165'	25'	140'
FINGER PIER (B11)	121'	25'	96'
FINGER PIER (B12)	77'	25'	52'
FINGER PIER (B13)	33'	25'	8'
BOAT LIFT (C1)	571'	25'	546'
BOAT LIFT (C2)	548'	25'	523'
BOAT LIFT (C3)	527'	25'	502'
BOAT LIFT (C4)	504'	25'	479'
BOAT LIFT (C5)	483'	25'	458'
BOAT LIFT (C6)	460'	25'	435'
BOAT LIFT (C7)	439'	25'	414'
BOAT LIFT (C8)	416'	25'	391'
BOAT LIFT (C9)	395'	25'	370'
BOAT LIFT (C10)	372'	25'	347'
BOAT LIFT (C11)	351'	25'	326'
BOAT LIFT (C12)	328'	25'	303'
BOAT LIFT (C13)	307'	25'	282'
BOAT LIFT (C14)	284'	25'	259'
BOAT LIFT (C15)	263'	25'	238'
BOAT LIFT (C16)	240'	25'	215'
BOAT LIFT (C17)	219'	25'	194'
BOAT LIFT (C18)	196'	25'	171'
BOAT LIFT (C19)	175'	25'	150'
BOAT LIFT (C20)	152'	25'	127'
BOAT LIFT (C21)	131'	25'	106'
BOAT LIFT (C22)	108'	25'	83'
BOAT LIFT (C23)	87'	25'	62'
BOAT LIFT (C24)	64'	25'	39'
BOAT LIFT (C25)	43'	25'	18'



THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

THE Chappell GROUP INC.

714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108

www.thechappellgroup.com

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

HALL OF FAME MARINA

PREPARED FOR:
HALL OF FAME MARINA

DISTANCE EXHIBIT - PROPOSED

Date: 5/3/2023	Sheet ;	of ;
Proj No.: 06-0012.004	3	3

CITY WAIVER REQUEST			
PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
CONCRETE DOCK (A1)	580'	25'	555'
FINGER PIER (B1)	561'	25'	536'
FINGER PIER (B2)	517'	25'	492'
FINGER PIER (B3)	473'	25'	448'
FINGER PIER (B4)	429'	25'	404'
FINGER PIER (B5)	385'	25'	360'
FINGER PIER (B6)	341'	25'	316'
FINGER PIER (B7)	297'	25'	272'
FINGER PIER (B8)	253'	25'	228'
FINGER PIER (B9)	209'	25'	184'
FINGER PIER (B10)	165'	25'	140'
FINGER PIER (B11)	121'	25'	96'
FINGER PIER (B12)	77'	25'	52'
FINGER PIER (B13)	33'	25'	8'

CITY WAIVER REQUEST			
PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
BOAT LIFT (C1)	571'	25'	546'
BOAT LIFT (C2)	548'	25'	523'
BOAT LIFT (C3)	527'	25'	502'
BOAT LIFT (C4)	504'	25'	479'
BOAT LIFT (C5)	483'	25'	458'
BOAT LIFT (C6)	460'	25'	435'
BOAT LIFT (C7)	439'	25'	414'
BOAT LIFT (C8)	416'	25'	391'
BOAT LIFT (C9)	395'	25'	370'
BOAT LIFT (C10)	372'	25'	347'
BOAT LIFT (C11)	351'	25'	326'
BOAT LIFT (C12)	328'	25'	303'
BOAT LIFT (C13)	307'	25'	282'
BOAT LIFT (C14)	284'	25'	259'
BOAT LIFT (C15)	263'	25'	238'
BOAT LIFT (C16)	240'	25'	215'
BOAT LIFT (C17)	219'	25'	194'
BOAT LIFT (C18)	196'	25'	171'
BOAT LIFT (C19)	175'	25'	150'
BOAT LIFT (C20)	152'	25'	127'
BOAT LIFT (C21)	131'	25'	106'
BOAT LIFT (C22)	108'	25'	83'
BOAT LIFT (C23)	87'	25'	62'
BOAT LIFT (C24)	64'	25'	39'
BOAT LIFT (C25)	43'	25'	18'

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2023

THE

Chappell

GROUP INC.

714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108

www.thechappellgroup.com

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

HALL OF FAME MARINA

PREPARED FOR:

HALL OF FAME MARINA

CITY WAIVER REQUEST

Date:
4/24/2023

Proj No.:
06-0012.004

Sheet :

1

of :

1

EXHIBIT VIII EXISTING WAIVERS IN THE VICINITY

EXISTING WAIVERS IN THE VICINITY



ADDRESS	MAXIMUM DISTANCE
357 Idlewyld Drive	71.4'
375 Idlewyld Drive	68.0'
407 Idlewyld Drive	63.8'
413 Idlewyld Drive	81.5'
505 Idlewyld Drive	68.5'
515 Idlewyld Drive	89.3'
517 Idlewyld Drive	42.0'
606 Idlewyld Drive	55.8'
629 Idlewyld Drive	50.7'
637 Idlewyld Drive	58.0'
649 Idlewyld Drive	58.0'
709 Idlewyld Drive	53.2'
435 Seabreeze Boulevard	695.0'
Subject Site	580'

ITEM XI

MEMORANDUM MF NO. 23-16

DATE: May 5, 2023

TO: Marine Advisory Board

FROM: Andrew Cuba, Marine Facilities Manager

RE: June 1, 2023 MAB - Dock Waiver of Distance Limitations application for two (2) Timothy Mullray / 1368 Bayview Drive

Attached for your review is an application from Timothy Mullray / 1368 Bayview Drive (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for the installation of two (2) mooring pilings extending a maximum of 47'+/- from the property line into Seminole Lake. The distances these proposed pilings would extend from the property line into Seminole Lake is shown in the survey in **Exhibit 1** and summarized in Table 1 below:

TABLE 1

PROPOSED STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Mooring Piling (A)	47'+/-	25'	22'+/-
Mooring Piling (B)	47'+/-	25'	22'+/-

Section 47-19.3 D limits the maximum distance of mooring structures to 30% of the width of the waterway, or 25', 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 indicated that the pilings are necessary to securely moor the resident's vessels, especially during high wind and storms.

PROPERTY LOCATION AND ZONING

The property is located within the RMM-25 Residential Mid-Rise Multi Family/Medium High Density Zoning District. It is situated on Seminole Lake where the width of the waterway is identified as 227'+/-, according to the Summary provided in **Exhibit 1**

DOCK PLAN AND BOATING SAFETY

Records reflect fourteen (14) waivers of docking distance limitations approved by the City Commission within close proximity since 2009. A comparison of these as shown in Table 2 including the maximum distances of all mooring structures extending into the waterway follows:

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
1979	1280 Seminole Drive	42'
1980	1224 Seminole Drive	40'
1984	1224 Seminole Drive	51'
1985	1240 Seminole Drive	46'
1990	2701 East Sunrise Blvd	487.4'
1990	2800 Yacht Club Blvd	120'
1994	1256 Seminole Drive	33'
1995	1272 Seminole Drive	40'
2009	1256 Seminole Drive	58'
2009	1224 Seminole Drive	50'
2011	1200 Seminole Drive	50'
2013	1100/1120 Seminole Drive	54.7'
2021	1207 Seminole Drive	48.8'
2022	1215 Seminole Drive	39'

Should the Marine Advisory consider approval of the application, the Resolution under consideration for approval 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 the City's Supervisor of Marine Facilities with copies of "As Built" drawings from a certified and licensed contractor.

AC

Attachment

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



Project:

Timothy Mullray

1368 Bayview Dr.

Fort Lauderdale, FL 33304

Application:

Waiver of Limitations for two Mooring Pilings.



Table of Contents

APPLICATION.....	1
BCPA.....	2
WARRENTY DEED.....	3-5
GIS.....	6
LETTER OF SUPPORT.....	7
PLANS.....	8-10
PROPERTY SURVEY.....	11
EXISTING SITE PICTURES	12-18

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.

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):

TELEPHONE NO: 561-590-8237 _____ EMAIL: Fullcirclecharters@gmail.com
 (home/cellular) (business)

ZONING: RMM-25 - Residential Multifamily
Mid Rise/ Medium High Density

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

5/1/2023
Date

City of Fort Lauderdale

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

Formal Action taken on

Pg. 1



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

Property Assessment Values

2023* Exemptions and Taxable Values by Taxing Authority

Sales History

Land Calculations

Special Assessments

Pg. 2

Prepared by:

WILLIAM M. KARNEY

Attorney at Law

Moraitis, Karney, Moraitis & Quailey

915 Middle River Drive, Suite 506

Fort Lauderdale, FL 33304

954-563-4163

File Number: 22R-1107K

Return to:

US Title & Escrow, Inc.

2715 E. Oakland Park Boulevard, Suite 300

Fort Lauderdale, FL 33306

File Number: 22-251

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 25th day of **January, 2023** between **ROBERT KRAMER, a married man** whose post office address is **232 Locust Street, Philadelphia, PA 19106**, grantor, and **TIMOTHY D. MULLRAY, a single man** whose post office address is **1368 Bayview Drive, 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:

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Parcel Identification Number: 494236-33-0050

Subject to taxes for 2023 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property. Grantor's residence and homestead address is: 232 Locust Street, Philadelphia, PA 19106.

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 fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2022**.

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:

William M. Karney
Witness Name: WILLIAM M. KARNEY

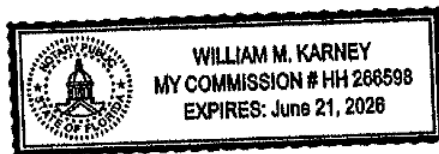
Robert M. Kramer
ROBERT KRAMER

Casey Colone
Witness Name: Casey Colone

State of Florida
County of Broward

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3rd day of January, 2023 by ROBERT KRAMER, who ☐ is personally known or ☒ has produced a driver's license as identification.

[Notary Seal]



William M. Karney
Notary Public

Printed Name: _____

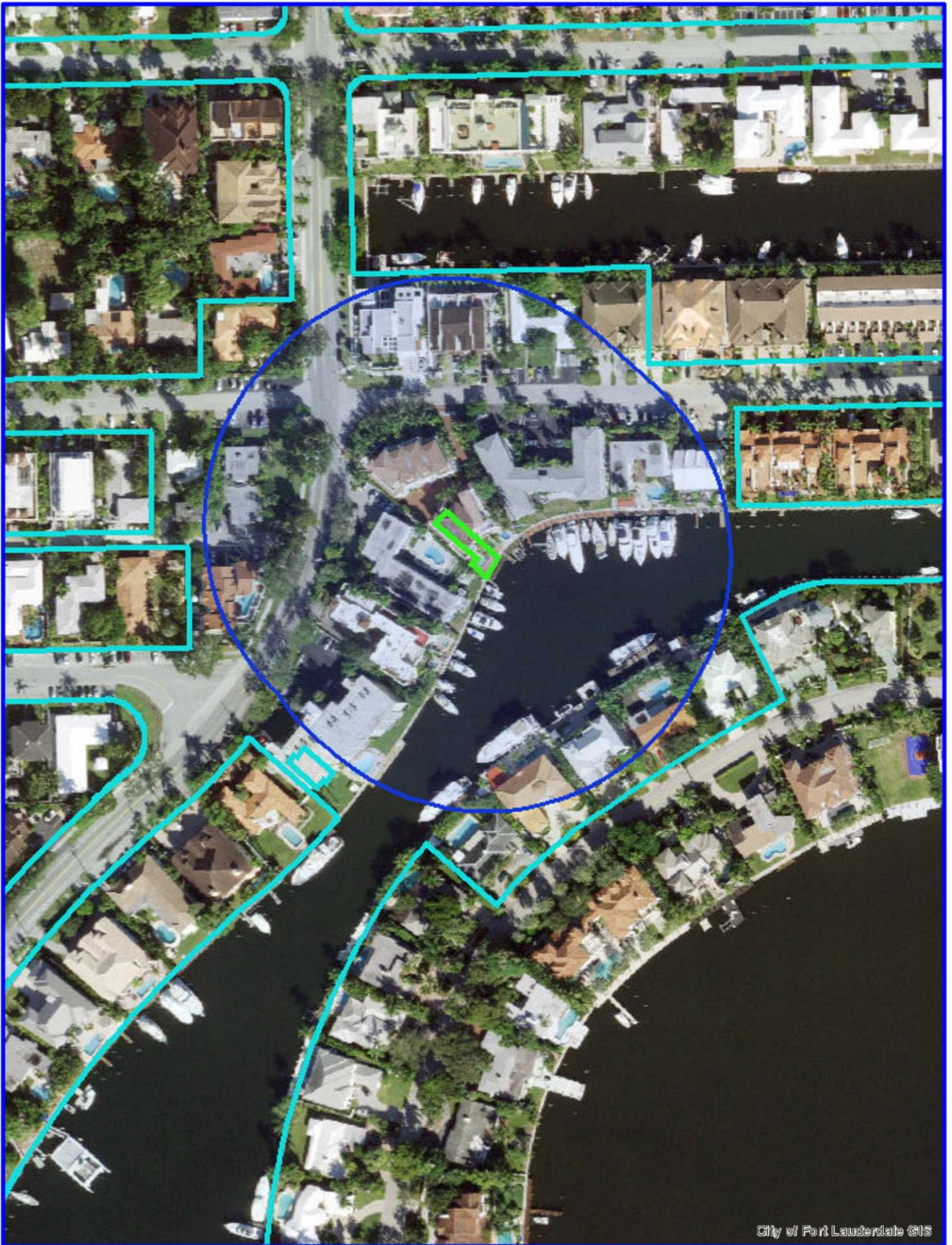
My Commission Expires: _____

Exhibit A

A PORTION OF PARCEL "A", GRANDEUR ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 173, PAGES 19 - 21, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL "A", THENCE SOUTHWESTERLY ON THE SOUTH LINE OF SAID PARCEL "A", AND ON A CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 43°10'47" WEST, WITH A RADIUS OF 148.00 FEET, A CENTRAL ANGLE OF 15°08'44", AN ARC DISTANCE OF 39.12 FEET TO THE POINT OF BEGINNING; THENCE NORTH 49°16'38" WEST, A DISTANCE OF 89.96 FEET; THENCE SOUTH 40°43'22" WEST, A DISTANCE OF 20.25 FEET; THENCE SOUTH 49°16'38" EAST, A DISTANCE OF 70.47 FEET; THENCE SOUTH 40°43'22" WEST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 49°16'32" EAST, A DISTANCE OF 25.42 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL "A", AND ON A CURVE; THENCE NORTHEASTERLY ON SAID CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 29°37'49" EAST, WITH A RADIUS OF 148.00 FEET, A CENTRAL ANGLE OF 11°57'14", AN ARC DISTANCE OF 30.88 FEET TO THE POINT OF BEGINNING.

SAID LAND SITUATE LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND CONTAINING 2,090 SQUARE FEET MORE OR LESS.



City of Fort Lauderdale GIS



CITY OF FORT LAUDERDALE

1368 Bayview Drive



0 90 180 Feet

GIS
Fort Lauderdale

May 01, 2023

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

Re: Timothy D. Mullray
1368 Bayview Dr. Fort Lauderdale, FL. 33304

Dear Board Members,

We are requesting a waiver of limitations to install two new mooring pilings at a Residential Multifamily site. The existing finger pier, concrete dock, and seawall will remain as is. Mr. Mullray recently purchased this residence which necessitates the ability to dock his boat perpendicular to the seawall which is essential due to the narrow properties. The existing dolphin pilings will need to be removed and new ones installed to accommodate his boat.

Waterward extensions of marine structures is proscribed by the city unified land and development regulations (UDLR) section 47-19.3. Paragraph D allows mooring pilings to extend from the property line a maximum of 30% of the waterway width or 25' whichever is less.

The property is located on the outside bend of a canal where the waterway is approximately 227' wide. This would limit the mooring pilings to a maximum extension of 25' from the property line. The maximum a boat can extend out into a canal is 30% the width of the water way, which at this property would be approximately 68'. In this case, mooring pilings at 25' will be insufficient due to the inability to safely secure the vessel while at the slip.

The plans show two outer mooring pilings extending to 47' from the property line. This would require a waiver of 22' for both of the mooring pilings. The vessel is to be moored between the two mooring pilings and tied to the dock and pilings. The mooring pilings must be able to extend far enough out to be able to safely secure the boat in high winds and or storms.

The request for waiver of limitations is justified as follows.

- The pilings will not extend into or impede navigation since we will be well within the 30% of the canal width.
- The requested distance will be needed so the vessel can securely moor in the slip and to prohibit the encroachment on the navigational channel or traffic.
- The requested distances are required to protect Mr. Mullray's vessel from damage due to high winds and storms.
- Without the proper spaced mooring pilings his vessel and neighboring vessels are subject to damage if the vessel were to become loose due to improper slip length.

We respectfully request this waiver of limitations to be approved as it is necessary to safely moor the vessel and is typical to the previous waivers that have been approved for this area.

Sincerely,



Michael Thaler
Thaler Contracting, Inc.



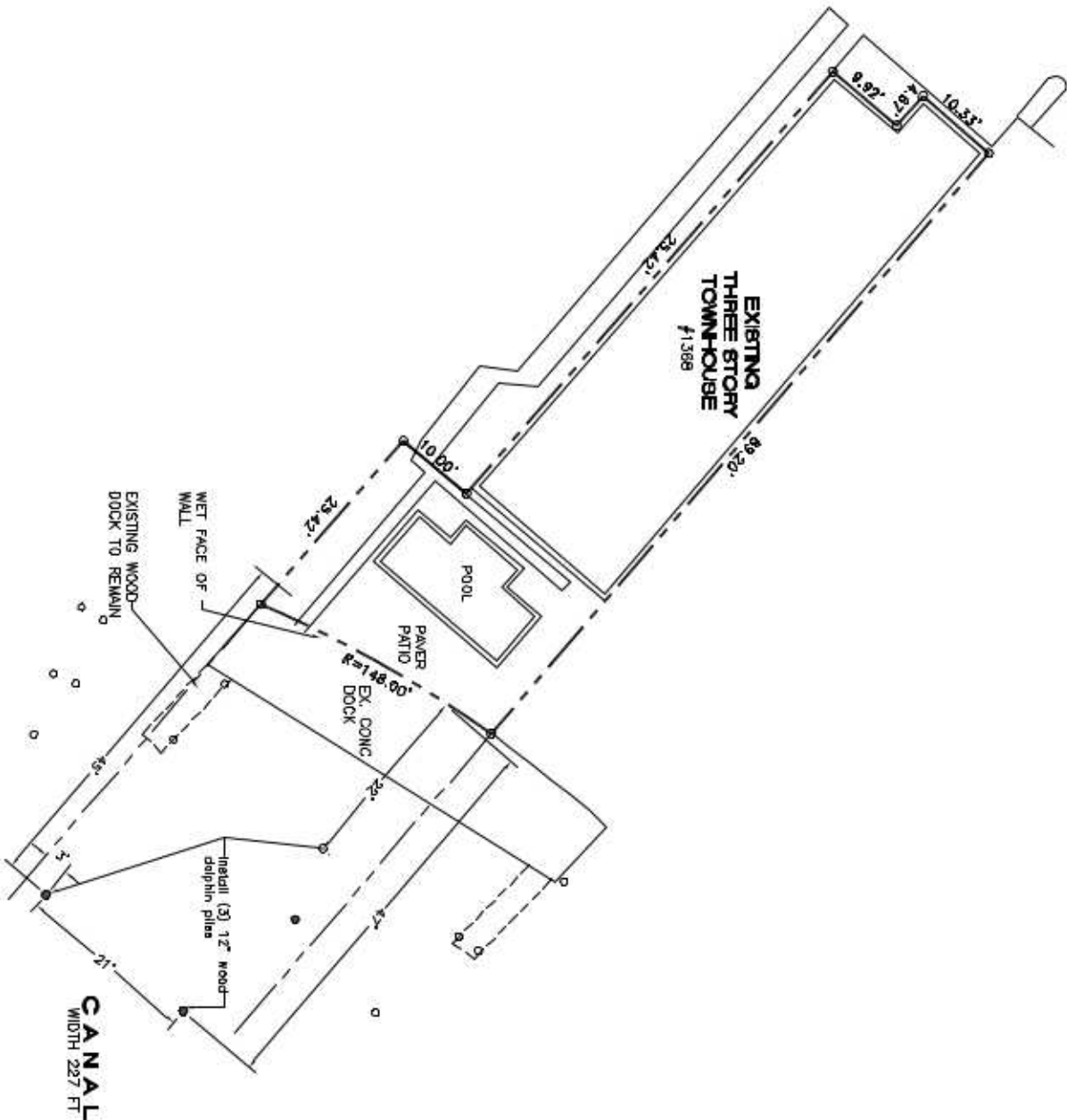
SHEET INDEX	
S1	PROPOSED SITE PLAN
S2	PILE PLAN
S3	SPECIFICATIONS

SCOPE OF WORK

1. Construction to follow 2020 Florida Building Code, 7th Edition and amendments as applicable and all local, state, and federal laws.
2. Contractor shall verify the existing conditions prior to commencement of the work. Any conflicts or omissions between existing conditions or the various elements of the working drawings shall be brought to the attention of the Engineer prior to the commencement of the work. Contractor and all subcontractors are responsible for all lines, elevations, and measurements in connection with their work.
3. Do not scale drawings for dimensions.
4. Contractor or customer to pay for all permit fees, inspections, and testing required.
5. Contractor to verify location of existing utilities prior to commencing work.
6. Contractor is responsible for all means, methods, and procedures of work.
7. Contractor to obtain all permits as necessary from all local, state, and federal agencies.
8. Contractor to properly fence and secure area with barricades.
9. Any deviation and/or substitution from the information provided herein shall be submitted to the Engineer for approval prior to commencement of work.
10. All unanticipated or unforeseen demolition and/or new construction conditions which require deviation from the plans and notes herein shall be reported to the Engineer prior to commencement of work.
11. All new materials and/or patchwork shall be provided to match existing materials and/or adjoining work where practical except as specifically noted herein.
12. Licensed contractor shall use all possible care to protect all existing materials, surfaces, and furnishings from damage during all phases of construction.
13. The licensed contractor to install and remove all shoring and bracing as required for the proper execution of the work.
14. All new work and/or materials shall conform to all requirements of each administrative body having jurisdiction in each pertaining circumstance.
15. All improvements must be placed by utilizing a survey from a licensed surveyor.
16. All elevations shown refer to national geodetic vertical datum (NGVD) of 1929 or the North American vertical datum (NAVD) of 1985, whichever is specifically specified.
17. Turbidity Barriers are to surround all in water construction areas during all construction activities.

DOCK

18. Contractor to provide and drive (3) new, 12", CCA, marine treated, wood dolphin piles.
19. Piles are to be furled with pressure treated 1x2s and topped with existing white cone caps



Site Plan View

Scale: 1"=30'-0"

This document has been electronically signed and sealed by John H. Omslaer, P.E. on date noted using a SHA-1 authentication code. Printed copies are not considered signed and sealed and the SHA-1 authentication code must be verified on any electronic copies per Rule 62.30.060, F.A.C.



DYNAMIC ENGINEERING SOLUTIONS
351 S. Cypress Road, #303
Pompano Beach, FL 33060
Phone - 954-545-1740
Fax - 954-545-1721
Email - des_inc@bellsouth.net
E.B. # 26629

Mullray Residence
1368 BAYVIEW DRIVE
FT. LAUDERDALE, FLORIDA

John H
Omslaer



JOHN H. OMSLAER
PE# 52733

PROPOSED SITE PLAN

Cadd File Number: Mullray Piles.dwg	
Scale: as noted	
Project Mgr: J.O.	Project No.
Design: J.O.	TH-1368-23
Drawn: E.L.H.	
Checked: J.O.	Sheet No:
Date: 4/12/23	81



JOHN H. OMSLAER
PE# 52733



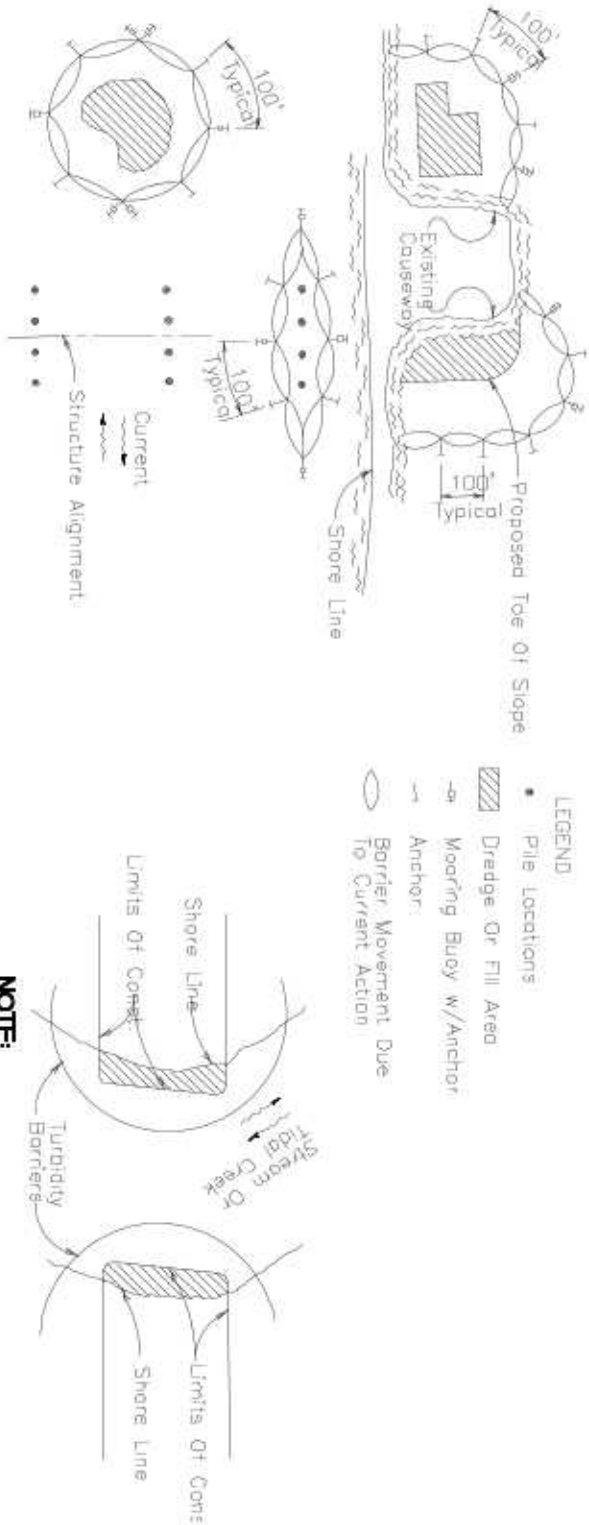
DYNAMIC ENGINEERING SOLUTIONS
351 S. Cypress Road, #303
Pompano Beach, FL 33060
Phone - 954-545-1740
Fax - 954-545-1721
Email - des_inc@bellsouth.net
E.B. # 26829

Mullray Residence
1368 BAYVIEW DRIVE
FT. LAUDERDALE, FLORIDA

Revisions:

Project Mgr.	J.O.	Project No.	TH-1368-23
Design:	J.O.	Sheet No:	52
Drawn:	EL.H.		
Checked:	J.O.		
Date:	4/12/23		

This document has been electronically signed and sealed by John H. Omswiler, P.E. on date noted using a SHA-1 authentication code. Printed copies are not considered signed and sealed and the SHA-1 authentication code must be verified on any electronic copies per Rule 62-30.060, F.A.C.



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

NOTES

1. Turbidity barriers are to be used in all permanent bodies of water, regardless of water depth.
2. Number and spacing of anchors dependant on current velocities.
3. Deployment of barrier around pile location 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.

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 and water quality requirements. The barrier type(s) will be at the Contractor's 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.

PILE DRIVING NOTES

1. Pile driving operations shall be observed by a special inspector, including test piles sufficient to determine the approximate length required to meet design capacity.
2. Piles shall be driven using an approved cushion block consisting of material so arranged so as to provide the transmission of the hammer energy.
3. Piles shall be driven to required capacity a minimum of 6 feet into rock or a minimum of 10 feet into yielding material.
4. Piles shall be driven with a drop hammer or gravity hammer provided the weight of the hammer is no less than 3000 pounds, and the fall of the hammer shall not exceed 6 feet.
5. Piles shall be driven with a variation of not more than 3" per foot from the vertical, or from the batter line indicated, with a maximum variation of the head of the pile from the position shown on the plans of not more than 3 inches
6. Where piling must penetrate strata offering high resistance to driving, the structural engineer of record or special inspector may require that the piles be set in pre-drilled or punched holes. The piles shall reach their final penetration by driving.

Turbidity Barrier

N.T.S.



DYNAMIC ENGINEERING SOLUTIONS

351 S. Cypress Road, #303
Pompano Beach, FL 33060
Phone - 954-545-1740
Fax - 954-545-1721
Email - des_inc@bellsouth.net
E.B. # 26829

Mullray Residence

1368 BAYVIEW DRIVE
FT. LAUDERDALE, FLORIDA

John H
Omslaer

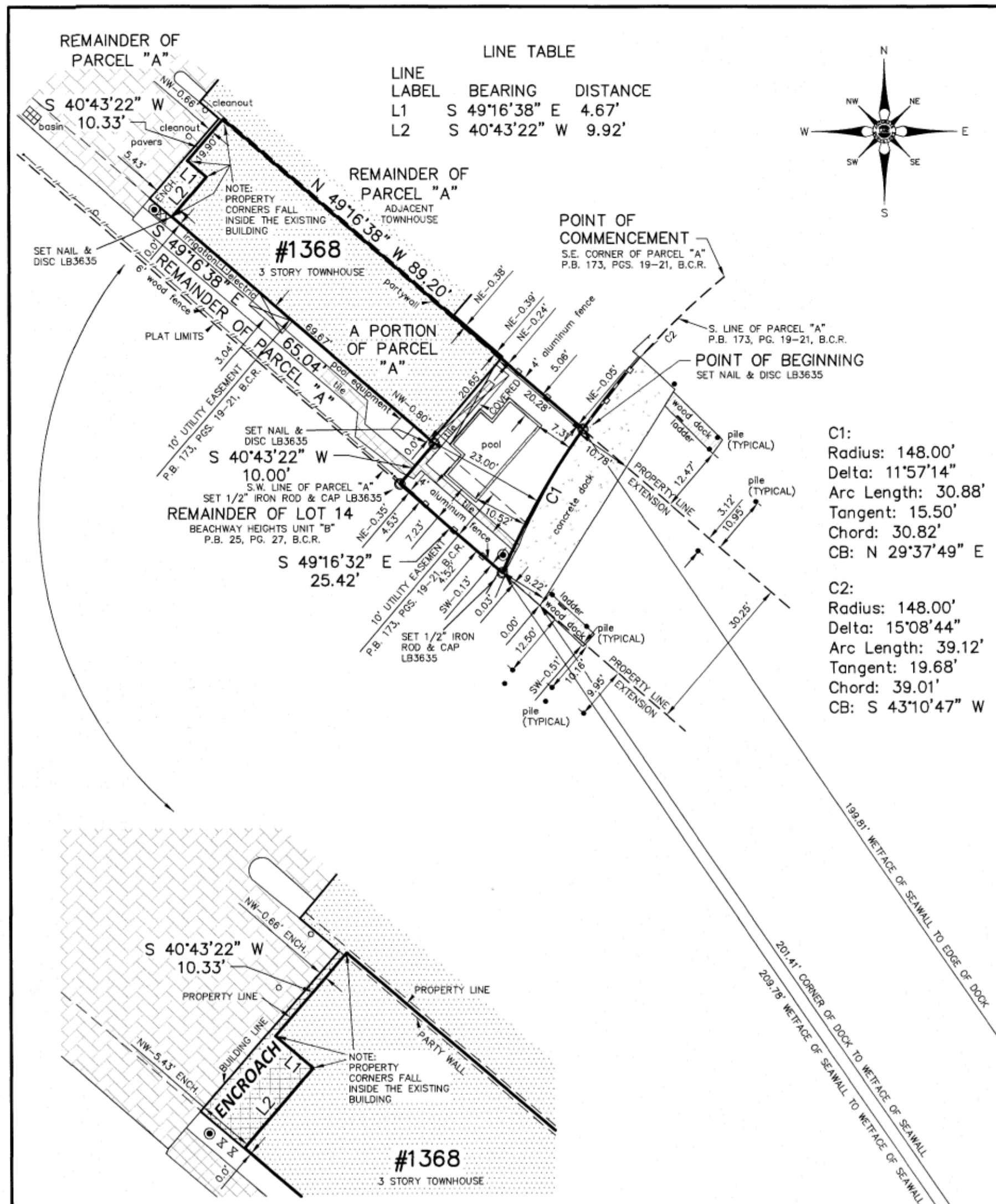
Digitally signed by John H Omslaer
DN: cn=John H Omslaer, o=Dynamic Engineering
Solutions Inc, email=John.H.Omslaer@des-inc.com,
c=US, ou=DES, serial=20130411092428.00000000

JOHN H. OMSLAER
PE# 52733

SPECIFICATIONS

Cadd File Number: Mullray Piles.dwg	
Scale: as noted	
Project Mgr: J.O.	Project No: TH-1368-23
Design: J.O.	Drawn: ELH.
Checked: J.O.	Sheet No: 63
Date: 4/12/23	

This document has been electronically signed and sealed by John H. Omslaer, P.E. on date noted using a SHA-1 authentication code. Printed copies are not considered signed and sealed and the SHA-1 authentication code must be verified on any electronic copies per Rule 62-30.060, F.A.C.

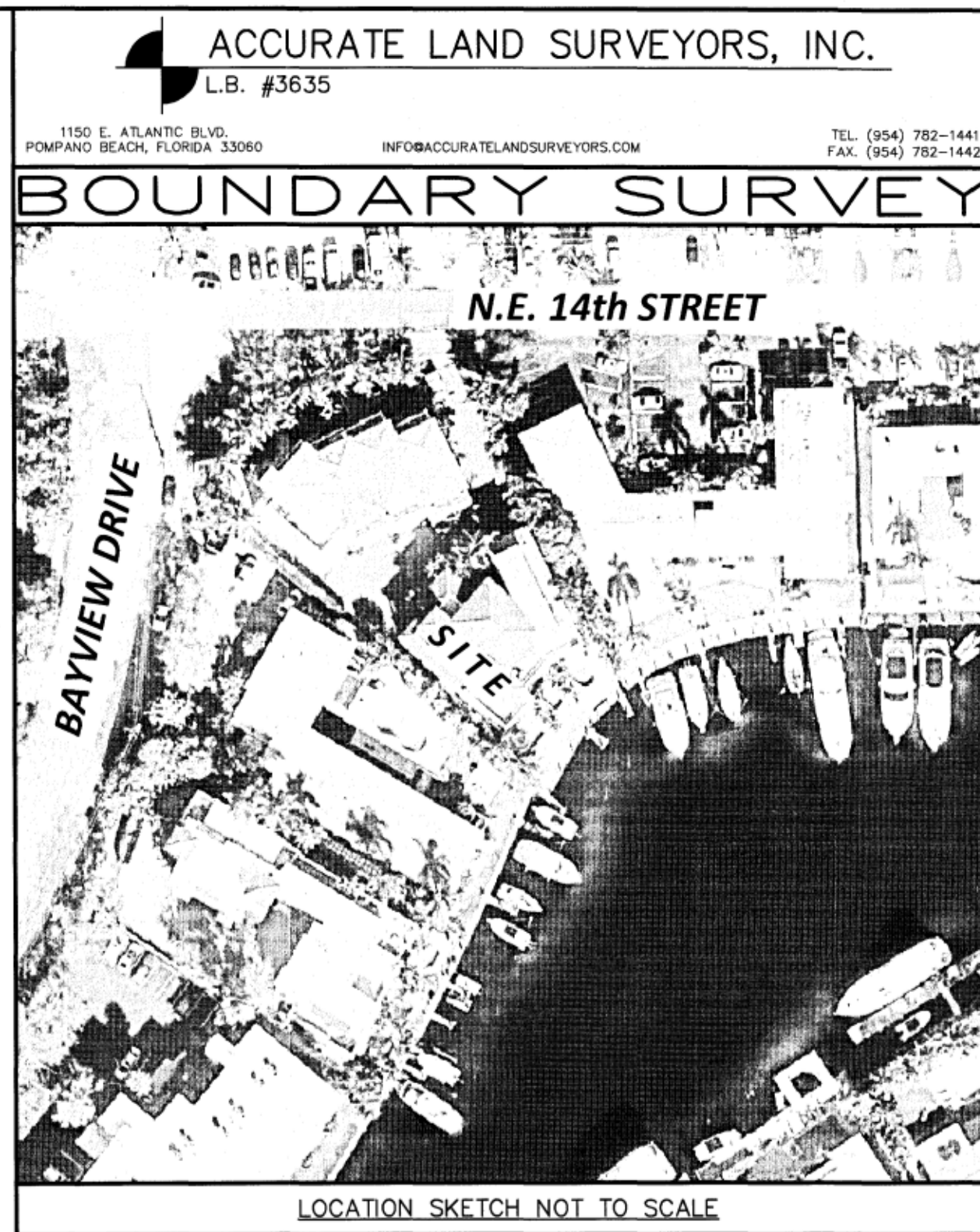


LEGAL DESCRIPTION:

A PORTION OF PARCEL "A", GRANDEUR ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 173, PAGES 19 - 21, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL "A", THENCE SOUTHWESTERLY ON THE SOUTH LINE OF SAID PARCEL "A", AND ON A CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 43°10'47" WEST, WITH A RADIUS OF 148.00 FEET, A CENTRAL ANGLE OF 15°08'44", AN ARC DISTANCE OF 39.12 FEET TO THE POINT OF BEGINNING; THENCE NORTH 49°16'38" WEST, A DISTANCE OF 89.20 FEET; THENCE SOUTH 40°43'22" WEST, A DISTANCE OF 10.33 FEET; THENCE SOUTH 49°16'38" EAST, A DISTANCE OF 4.67 FEET; THENCE SOUTH 40°43'22" WEST, A DISTANCE OF 9.92 FEET; THENCE SOUTH 49°16'38" EAST, A DISTANCE OF 65.04 FEET; THENCE SOUTH 40°43'22" WEST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 49°16'38" EAST, A DISTANCE OF 25.42 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL "A", AND ON A CURVE; THENCE NORTHEASTERLY ON SAID CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 29°37'49" EAST, WITH A RADIUS OF 148.00 FEET, A CENTRAL ANGLE OF 11°57'14", AN ARC DISTANCE OF 30.88 FEET TO THE POINT OF BEGINNING.

SAID LAND SITUATE LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND CONTAINING 2,028 SQUARE FEET OR 0.0466 ACRES MORE OR LESS.



SYMBOLS & LEGEND OF ABBREVIATIONS:			
R/W	=	RIGHT OF WAY	X 7.00' = ELEVATIONS BASED ON N.A.V.D.
N	=	NORTH	(AE) = APPARENT ENCROACHMENT
S	=	SOUTH	P.B.C.R. = PALM BEACH COUNTY RECORDS
E	=	EAST	M.D.C.R. = MIAMI-DADE COUNTY RECORDS
W	=	WEST	P.O.C. = POINT OF COMMENCEMENT
D.B.	=	DEED BOOK	P.O.B. = POINT OF BEGINNING
ENCH.	=	ENCROACH	CHATT. = CHATTAHOOCHEE
F.F.	=	FINISHED FLOOR	F.P.L. = FLORIDA POWER & LIGHT
GAR.	=	GARAGE	B.C.R. = BROWARD COUNTY RECORDS
C/L	=	CENTERLINE	O.R.B. = OFFICIAL RECORDS BOOK
MH	=	MANHOLE	F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION
(M)	=	MEASURED	D.E.P. = DEPARTMENT OF ENVIRONMENTAL PROTECTION
P.B.	=	PLAT BOOK	D.N.R. = DEPARTMENT OF NATURAL RESOURCES
A/C	=	AIR CONDITIONER	P.R.M. = PERMANENT REFERENCE MONUMENT
P	=	PLAT	N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
VALVE	□	UTILITY BOX	PARKING STRIPE
MANHOLE	⊗	HYDRANT	OVERHEAD UTILITY LINES
BASIN	⊗	UTILITY POLE	6" CONCRETE WALL
WELL	⊗	VAULT	COVERED AREA
WATER METER	⊗	LIGHT	CONCRETE
MONITORING WELL	⊗	BOLLARD	BRICK PAVERS
PROPERTY CORNER	⊗	AIR CONDITIONER	TILE
			ASPHALT

STREET ADDRESS:

1368 Bayview Drive, Fort Lauderdale, Florida 33304

NOTES:

- Unless otherwise noted field measurements are in agreement with record measurements.
- Bearings shown hereon are based on a Plat bearing of South 49°16'32" East along the Southwest line of Parcel "A", Plat Book 173, Pages 19-21, B.C.R.
- The lands shown hereon were not abstracted for ownership, rights of way, easements, or other matters of records by Accurate Land Surveyors, Inc.
- Ownership of fences and walls if any are not determined.
- This survey is the property of Accurate Land Surveyors, Inc. and shall not be used or reproduced in whole or in part without written authorization.
- Any and all underground features such as foundations, utility lines, Ext. were not located on this survey. This is an above ground survey only.
- The flood zone information shown hereon is for the dwellable structure only unless otherwise indicated.
- The location of overhead utility lines are approximate in nature due to their proximity above ground. size, type and quantity must be verified prior to design or construction.
- Accuracy statement: This survey meets or exceeds the horizontal accuracy for SUBURBAN LINEAR : 1 FOOT IN 7,500 FEET.
- Printed copies of this survey are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.
- PDF copies of this survey are not valid without the digital signature of a Florida Licensed Surveyor and Mapper and must be verified.

FLOOD INFORMATION:

Community name and number: City of Fort Lauderdale 125105
Map and panel number: 12011C0388H
Panel date: 08-18-2014
Flood zone: "AE"
Base flood elevation: 5'NAVD1988

EASEMENTS ACCORDING TO THE AFOREMENTIONED PLAT:

10' utility easement along and adjacent to the Southwest boundary.

APPARENT ENCROACHMENTS:

- Building across Northwesterly boundary.
- Pavers, tile, overhang, irrigation equipment, pool equipment and pool in 10' utility easement along the Southwesterly boundary.
- Concrete dock, wood dock and piles in Seminole Lake along the Southeast boundary.

CERTIFY TO:

Tim Mullay

CERTIFICATION:

This is to certify that this above ground sketch of boundary survey was made under my responsible charge and is accurate and correct to the best of my knowledge and belief. I further certify that this sketch meets the current Standards of Practice, established by the Board of Professional Surveyors and Mappers, Chapter 5J-17, Florida Administrative Codes, pursuant to current Section 472.027, Florida Statutes.

Robert L. Thompson 12-08-2022
ROBERT L. THOMPSON (PRESIDENT)
PROFESSIONAL SURVEYOR AND MAPPER No. 3869 - STATE OF FLORIDA

SHEET 1 OF 1

SCALE 1"=20'

SKETCH NUMBER SU-22-2064





Proposed Slip Location







***Directly Across Canal and to
the West of our location.***



***Directly across the canal and to
the East of our location.***



ITEM XII

MEMORANDUM MF NO. 23-17

DATE: May 17, 2023

TO: Marine Advisory Board

FROM: Andrew Cuba, Marine Facilities Manager

RE: June 1, 2023 MAB – Discussion – New River Navigational Concerns / Dock Waiver Impacts

At the April 6, 2023 Marine Advisory Board meeting, a Communication to Commission was issued recommending a suspension of dock waivers along the New River due to concerns regarding navigation of commercial/larger vessels. The impacts of perpendicular dockage along the New River downtown corridor resulting from previously issued and pending Dock Waiver's was specified.

At the May 2, 2023 City Commission Conference Meeting, the Commission recommended a joint Commission/MAB Workshop be held. The May 16th, 2023 Workshop resulted in the following recommendations:

1. Public forum (such as MAB) to formulate recommended language for the City's Legal Department to consider for a 'Temporary Moratorium' Ordinance.
2. Recommended language must identify physical boundaries (area) of the moratorium.
3. The language must define the duration of the moratorium, include feedback from the community, and maintain property rights of waterfront stakeholders.
4. Thereafter, Legal will review recommended language and formulate Ordinances for consideration.
5. If enacted, during the moratorium, solutions must be identified for recommendation to maintain balance between safe navigation of the New River, the Marine Industry and waterfront landowners.

This evening's Discussion will focus on the recommended Moratorium language.

AC
Attachment

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