

DRAFT
MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
COMMISSION CHAMBERS – FIRST FLOOR
FORT LAUDERDALE, FLORIDA
THURSDAY, APRIL 2, 2015 – 6:00 P.M.

<u>Board Members</u>	Attendance	Cumulative Attendance	
		<u>Present</u>	<u>Absent</u>
Barry Flanigan, Chair	P	9	0
James Harrison, Vice Chair	P	8	1
F. St. George Guardabassi	P	9	0
Norbert McLaughlin	P	9	0
Jim Welch	P	9	0
Robert Dean	P	7	2
John Holmes	P	8	1
Joseph Maus	A	1	1
Joe Cain	P	6	3
Herb Rassing	P	8	1
Frank Herhold (arr. 6:09)	P	9	0
Zane Brisson	P	8	1
Erik Johnson	P	7	2
Jack Newton	P	7	2
Jimi Batchelor	P	6	3

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

Staff

Andrew Cuba, Manager of Marine Facilities
Jonathan Luscomb, Supervisor of Marine Facilities
Sergeant Todd Mills, Marine Police Staff
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

Chair Flanigan called the meeting to order at 6:02 p.m. and roll was called.

II. Approval of Minutes – March 5, 2015

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

III. Statement of Quorum

It was noted a quorum was present at the meeting.

IV. Waterway Crime & Boating Safety Report

Sgt. Todd Mills of Marine Police Staff recalled that at the March meeting, it was noted that not all burglaries of boats are included in the Waterway Crime Report. He explained that in March, the family that owned a burglarized vessel had not made a formal report of the crime, which led to the recent discrepancy.

There had also been discussion in March of which entity is responsible for inspecting railroad bridges. Sgt. Mills advised that FEC inspects its own bridges.

He continued that during the month of March, there were nine headers, 17 miscellaneous incidents, one accident, 10 citations, 125 safety inspections, and 120 warnings issued. Two larcenies occurred, including the theft of fishing equipment.

Mr. Herhold arrived at 6:09 p.m.

The following Item was taken out of order on the Agenda.

VI. Discussion – Cooley’s Landing Boat Ramp

Mr. Cuba noted that this Item was moved up on the Agenda, as concerned citizens wished to speak on the Item.

At this time Chair Flanigan opened the public hearing.

Laura Wilansky, private citizen, noted that it is very easy to drive directly from a major street onto the boat ramp at Cooley’s Landing, which had recently led to a fatal accident at this facility. Ms. Wilansky concluded that additional safety measures should be taken to prevent future accidents.

Shani Roshar, private citizen, pointed out that Cooley’s Landing has no signage, speed bumps, reflectors, or barriers, although it is open to the public 24 hours a day. She agreed that steps should be taken to improve the facility’s safety.

Anna Campos, private citizen, explained that she is a private investigator who is looking into the recent accident on behalf of the victim’s family. She stated that 400 people die each year in traffic accidents that result in drowning. She is currently investigating accidents at Cooley’s Landing from the past 20 years to determine the needs of the

facility. She emphasized that the initiative to improve safety would like to add features such as reflectors and swinging gates, which would not interfere with boaters' rights.

Irene Smith, private citizen, observed that safety Cooley's Landing could easily be improved through use of reflectors, lighting, and other safety measures that would not interfere with the park's function and would make the facility a greater asset to the City.

Patricia Smith-Piersall, private citizen, stated that the facility is currently unsafe and action should be taken to improve it. She noted that three vehicles have gone into the river at this location in the past 10 years, two of which resulted in fatal accidents.

Jeffrey Dimitreados, private citizen, noted that the South Florida Building Code does not address boat ramps, and suggested that Fort Lauderdale should maintain a higher standard for these facilities. He proposed that a steel gate be placed at the location.

Carolyn Colachico, private citizen, commented that the road from Downtown Fort Lauderdale leads directly to the boat ramp at Cooley's Landing. She felt simple safety measures would be inexpensive to install at the facility.

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

Mr. Cuba advised that at present, he has been directed by the City Manager to have signage, reflectors, and "rumble strips" installed at the Cooley's Landing boat ramp. He concluded that he would be able to provide more information at the next Board meeting.

Sgt. Mills noted that he could not comment on the incident, as the investigation is ongoing.

Mr. Cuba clarified that additional safety measures will be taken at the eight City boat ramps that are open 24 hours, which are Cooley's Landing, George English Park, and 15th Street. Installations are not planned for the facilities that are closed at night.

The Board discussed the safety measures being installed, noting that visual barriers such as these would be more effective than gates, which could be left open by users. Mr. Cuba reiterated that he is awaiting further direction once the investigation is complete. He added that traffic flow is also likely to be studied as part of the investigation, and concluded that he would notify interested members of the public once the investigation is complete and the Item comes back before the Board.

V. Presentation – Harbour Twenty-Six

Chair Flanigan noted that this is the first major project on the waterway following the recent recession.

Kit Denison, representing Denison Yacht Sales, showed a PowerPoint presentation on Harbour Twenty-Six. He characterized the project as a “dockominium” including 26 slips, each of which has the ability to store two boats. The fee simple ownership of the property will allow for up to 155 ft. of waterfront construction and includes a 30 ft. submerged land lease.

Mr. Denison advised that at present, eight slips are reserved, pending closing, and construction on the project will begin in June 2015. At the north end of each slip will be a two-car garage with space for storage, although he clarified that the property will not include residential use. Completion of the project is expected to occur in spring or early summer 2016. Permits have been acquired, and dredging and construction will be done by local businesses.

There being no questions from the Board at this time, Chair Flanigan opened the public hearing. As there were no members of the public wishing to speak on this Item, Chair Flanigan closed the public hearing and returned the discussion to the Board.

The members discussed the project, with Mr. Denison clarifying that the developer has met with the local neighborhood association on multiple occasions to address their concerns. Traffic to and from the site is expected to be much more limited than if the property was a full-service boatyard. The project will also construct roughly 300 ft. of new seawall where the existing seawall has deteriorated.

Mr. Denison added that the project will be constructed to withstand winds of 150 to 160 miles per hour, or the strength of a Category 5 hurricane. A management firm will oversee the property during its first year. Space is expected to net \$4/ft. He noted that demand in Fort Lauderdale has increased by up to 70% during the past four years. Securing a boat at the facility is anticipated to have a 25%-30% effect on insurance rates for boat owners.

VI. Water Taxi License Application / Sec. 8-146.1 / Riverfront Cruise and Anticipation Yacht Charters LLC

James Campbell, representing Riverfront Cruise and Anticipation Yacht Charters, stated that he is re-applying for a water taxi license. He had first applied for this license in 2010, but was rejected at the time on the grounds that the vessels he had planned to use were too large at 70 ft. and 55 ft. Since that time, Mr. Campbell has acquired two more vessels, which were custom-built for use as water taxis in Broward County. He noted that the current Application is the same as the 2010 application, except for the types of boats. He did not anticipate any confusion between the service he hoped to provide and the existing water taxi service in Fort Lauderdale.

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

Mark Booth, representing Water Taxi, asserted that an earlier application by Riverfront Cruise and Anticipation Yacht Charters was rejected for using his client's likeness, which he felt was the case again today. He pointed out that the company's brochure uses the terms Water Bus and Water Taxi, which are registered by his client, as well as some of the same colors.

Mr. Booth continued that the Application contains misrepresentations, including the name of a captain who does not work for the Applicant and the class of vessel they will operate. He advised that an individual listed as the owner of Riverfront Cruise and Anticipation Yacht Charters has not been associated with that company since 2013. He added that the Applicant's name has been associated with other entities, such as Riverfront Cruises LLC and Presidential Yachts. He concluded that these are violations of Code Section 8-146.1.B.3, with the result that the Application is rendered incomplete.

Maggie Naylor, private citizen, stated that it was in the City's best interests to have more than one water taxi service.

Chris Wren, representing the Downtown Development Authority (DDA), observed that additional water taxi services are needed to promote a growing Downtown, and that the Applicant should be given the opportunity to offer this service.

Jim O'Connell, private citizen, advised that even though he has a seasonal pass for Water Taxi use, he would purchase a similar pass from Riverfront Cruise and Anticipation Yacht Charters. He pointed out that the existing Water Taxi is often full and he would like to see another option for this service.

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

Mr. Campbell addressed the allegations raised by Mr. Booth, clarifying the use of his name by other entities, as well as the use of the owner's name on his brochures. He pointed out that he has registered the use of the name "water taxi," which has not been trademarked, with the Coast Guard. The captain cited in the brochure is one of a pool of captains from which services will be drawn. He concluded that while his company has operated a trial run, it used public rather than City stops, which did not constitute a violation.

The Board discussed the Application, with the clarification that the addition of any new vessels to a service requires information and a fee; however, the addition of a captain does not require City approval, as captains may come and go. It was noted that both the existing and proposed water taxi services would provide on-demand service to residential clients, as well as scheduled service.

It was noted that with two similar services using the same public stops, there is the possibility that two competing vessels may arrive at a stop at the same time. Mr. Cuba

advised that Code Section 8-146.1.F.2 addresses time limitations and distance between water taxi operations. It was further clarified that Riverfront Cruise and Anticipation Yacht Charters will operate on a different schedule from the Water Taxi. Mr. Campbell noted that there is typically a good deal of cooperation between captains of these vessels. He expressed confidence that competition would be good for prospective customers.

Mr. Cuba confirmed that the Application has been vetted by City Staff, and noted that issues such as the ownership of names and use of colors do not fall within the purview of the Board.

Chair Flanigan suggested that the Applicant work further with City Staff to address any inconsistencies within the Application. Mr. Cuba pointed out, however, that this would require a different application; the Board is only concerned with the Application before them at this time, which is a complete Application. If the Board wished the Applicant to make specific modifications to the Application, they may ask him to make these changes and bring the Application back at a later date.

The Board also addressed the issue of narrated tours, clarifying that while Code prohibits loudspeakers broadcasting from vessels, it does not state that tours may not be narrated on boats using an internal intercom system. It was also clarified that the Applicant will not receive City, County, State, or Federal transportation funds.

Mr. Johnson stated that he was concerned with the issue of naming rights, as the Water Taxi owns the rights to the name Water Bus. He emphasized the need to ensure a clear difference between the two services, and expressed concern that the Applicant's operation had functioned without a license. Mr. Campbell explained that his business had used only private docks during its recent trial period; although he had felt this was an extension of Riverfront's sightseeing and cruise business, he had ceased this operation at Mr. Cuba's direction. Mr. Cuba confirmed this.

Motion made by Mr. Guardabassi, seconded by Mr. Dean, to approve the Application as presented. In a roll call vote, the **motion** passed 13-1 (Mr. Johnson dissenting).

VIII. Reports

None.

IX. Old / New Business

Mr. Rassing introduced James Blackburn, publisher of *Lauderdale Ahead*, a new magazine devoted to the marine industry in south Florida. Its current circulation is 7500 and is distributed to boatyards and over 1000 boat owners in the area. Mr. Blackburn characterized Fort Lauderdale as "the Wall Street of the yachting community."

Mr. Herhold advised that in recent years, occupancy at the Palm Beach Marina has grown by 15% on an annual basis so the facility is now operating at full capacity. This marina is looking into the possibility of adding another 1000 ft. of dock space, primarily for mega-yachts, as well as a hotel facility.

Mr. Dean reported that Bonnet House has filed an application with the Army Corps of Engineers to install boat docks and build a restaurant on the property; however, there may be resistance to this proposal from a nearby condominium.

Vice Chair Harrison announced that the Marine Industries Association of South Florida's (MIASF's) Plywood Regatta will be held on April 11-12 at Whiskey Creek.

Chair Flanigan stated that he had recently attended the annual survey meeting of the Central Beach Alliance (CBA), at which a presentation was made on the possible redevelopment of the Las Olas Marina. At the meeting, 12 representatives of condominiums and 55 individual CBA members expressed support for the Bellingham marina concept. There was no support for the version of the project that included a hotel.

Chair Flanigan advised that several individuals had addressed him with regard to the marina redevelopment, and he had passed these comments along to City Commissioner Dean Trantalis. He emphasized the need to make the City Commission aware of what can be accomplished through the redevelopment of the Las Olas Marina. He encouraged the Board members to attend the April 7 Commission meeting, at which the marina will be discussed.

Chair Flanigan also noted that the City is near the bottom of a list of Florida Inland Navigational District (FIND) grants received in the last four to five years: of approximately \$4 million in grant funds, Fort Lauderdale has received \$30,000. He stated that he was troubled by this statistic, and had communicated this information to Commissioner Trantalis as well.

The Board discussed how they could encourage the City Commission to help Fort Lauderdale apply more effectively for grant funds. Mr. Cuba explained that when projects are identified, Staff requests permission from the City to apply for grant funds. Sgt. Mills described the grant application process further, stating that when the Police Department identifies a grant they wish to apply for, its grant coordinator writes the application and proposes it to the City, which must approve it in advance due to the requirement for matching funds. If the grant is awarded to the Department, the City must also accept the award.

Mr. Newton asked if the Board could be provided with a list of marine grants for which the City has applied. Mr. Cuba confirmed that this could be provided at the next meeting. Mr. Luscomb advised that the City has applied for five grants in the current

funding cycle: two related to dredging, two for docks at Sweeting Park and Coontie Hatchee Park, and one for a trash skimmer.

Mr. Cuba stated that he would email the City Commission Conference Agenda to the Board members.

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 8:43 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. 15-02

DATE: March 10, 2015

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Manager of Marine Facilities

RE: May 7, 2015 MAB – Application - Dock Waiver of Distance Limitations – Brian S. & Kathleen A. Tedeschi / 3081 NE 40th Street.

Attached for your review is an application from Brian S. & Kathleen A. Tedeschi / 3081 NE 40th Street (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

At the January 17, 2012 City Commission meeting, the applicant was granted a waiver to install a boat lift extending a maximum of 22.1' from the property line into the adjacent canal. The applicant is seeking to replace the existing boatlift with a new boat lift extending approximately 24.4' into the canal.

TABLE 1

PROPOSED STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	STRUCTURE DISTANCE FROM NEAREST RIPARIAN RIGHTS LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Boat Lift	24.4'	36.8'	20.6'	3.8'

The City's Unified Land and Development Regulations (UDLR), Sections 47-19.3.C limits the maximum distance of the boat lift at this location to 25'. 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 excessive wave action due to a lack of wake zone in the Intracoastal Waterway adjacent to this location necessitate mooring structures extending beyond Code.

PROPERTY LOCATION AND ZONING

The property is located within the Coral Ridge Country Club RS-8 Residential Low Density Zoning District. It is situated on the western shore of the Intracoastal Waterway and the overall width of the subject canal is identified as approximately 82.5'.

DOCK PLAN AND BOATING SAFETY

Marine Facilities' records reflect that there have been 5 waivers of docking distance limitations approved by the City Commission since 2010 with the most recent at 3081 NE 40th Street approved by the City Commission at their meeting of January 17, 2012. A comparison of these follows:

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
2/2010	2873 NE 24th Street	19'
7/2010	3111 NE 43rd Street	20'
9/2010	3124 NE 42nd Court	21'9"
12/2010	3010 NE 40th Street	17'7"
1/2012	3081 NE 40th Street	22.1'

RECOMMENDATIONS

Should the Marine Advisory Board 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 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, and verification of receipt of all applicable Federal and State permits.
3. The applicant is required to install and affix reflector tape to the boatlift pilings in accord with Section 47.19.3.E of the Unified Land and Development Regulations (ULDR).

AC
Attachment

cc: Carl Williams, Deputy Director of Parks and Recreation
Jonathan Luscomb, Supervisor of Marine Facilities

EXHIBIT I
APPLICATION FOR WATERWAY WAIVER

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

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

APPLICATION FORM
(Must be in Typewritten Form Only)

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

NAME: Brian S. & Kathleen A. Tedeschi

TELEPHONE NO: 781-248-795 (home) (business) FAX NO. same

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

- 3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: **The applicant requests a waiver for a boat lift extending more than 25% the width of the waterway.**

- 4. SITE ADDRESS: **3081 NE 40TH STREET, FT. LAUDERDALE, FL 33308** ZONING: **RS-8**

LEGAL DESCRIPTION: **CORAL RIDGE COUNTRY CLUB ADD NO 3 52-14 B LOT 10 BLK O**

- 5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications). **Warranty Deed, Plan Set, Zoning Aerial, Summary Description, Site Photos, Survey, Approval Letters**

Brian S Tedeschi 2-24-15
Applicant's Signature Date

The sum of \$ _____ was paid by the above-named applicant on the _____ of _____, 2015 Received by: _____
City of Fort Lauderdale

-----For Official City Use Only-----

Marine Advisory Board Action
Formal Action taken on _____

Commission Action
Formal Action taken on _____

Recommendation _____
Action _____

EXHIBIT II
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**EXHIBIT III
WARRANTY DEED**

Return to: Lumbermen's/ dba Absolute Title Services
121 N. Bay Street
Eustis, Florida 32726

This Instrument Prepared:
Lumbermen's/ dba Absolute Title Services
121 N. Bay Street
Eustis, Florida 32726
as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
49 42 24101570
Grantee(s) S.S.#(s):
File No:500142

WARRANTY DEED

This Warranty Deed Made the 9th day of August, 2005, by Mary N. Purcell, a single woman, , hereinafter called the grantor, whose post office address is: 3081 NE 40 St. Fort Lauderdale, Florida 33308

To Brian S. Tedeschi and Kathleen A. Tedeschi, whose post office address is 31 Island View Circle Norwell, Massachusetts 02061, hereinafter called the grantee,

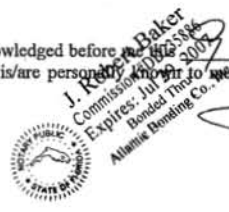
WITNESSETH: That said grantor, for and in consideration of the sum of \$10,00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Broward County, Florida, viz:

Lot 10, Block "O", CORAL RIDGE COUNTRY CLUB ADDITION NO. 3, according to the Plat thereof recorded in Plat Book 52, Page 14, of the Public Records of Broward County, Florida.

The property is not the homestead of the Grantor(s).
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 and assessments for the year 2003 and subsequent years; covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.
(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)
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:
Witness Signature: [Signature] Mary N. Purcell
Printed Name: TINA M BOYCE
Witness Signature: [Signature]
Printed Name: KATE ASBURY
Witness Signature: _____
Printed Name: _____
Witness Signature: _____
Printed Name: _____

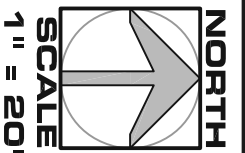
STATE OF FLORIDA
COUNTY OF
The foregoing instrument was acknowledged before me, J. Robert Baker day of Aug 2005 by Mary N. Purcell, a single woman, who is/are personally known to me or who has/have produced driver license(s) as identification.
My Commission Expires: _____



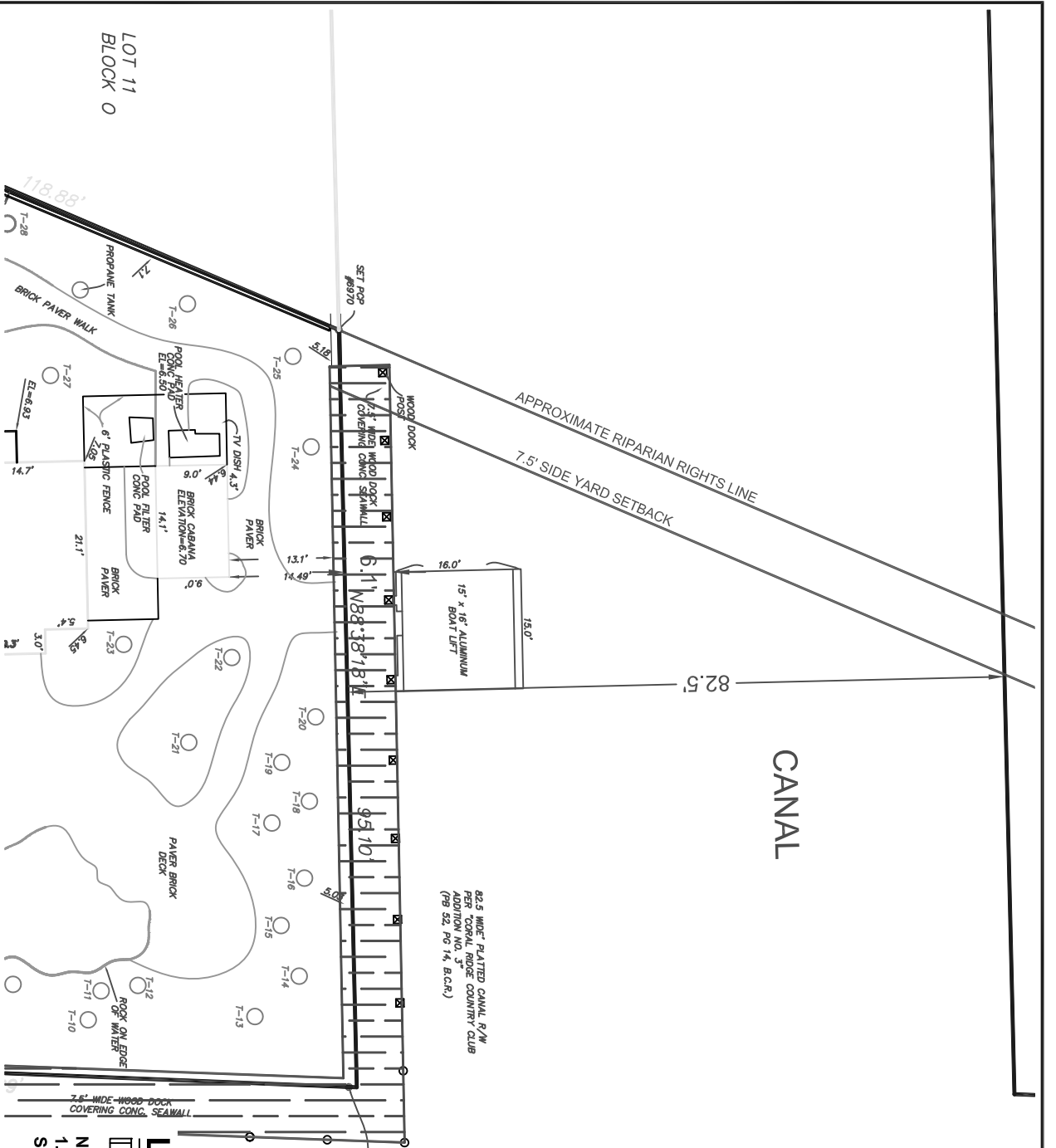
[Signature]
Printed Name:
Notary Public
Serial Number

00

**EXHIBIT IV
PROJECT PLANS**



INTRACOASTAL WATERWAY



LEGEND

EXISTING WOOD DOCK

NOTE:
1. SURVEY INFORMATION PROVIDED BY BNB SERVICES, INC.

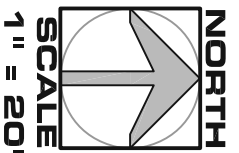
THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, EITHER WHOLLY OR IN PART, OR USED FOR ANY PURPOSE, WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
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THE Chappell GROUP
714 East McKish Road
Fort Lauderdale, Florida 33309
Phone: 561.382.1108
Fax: 561.782.1108
www.thechappellgroup.com

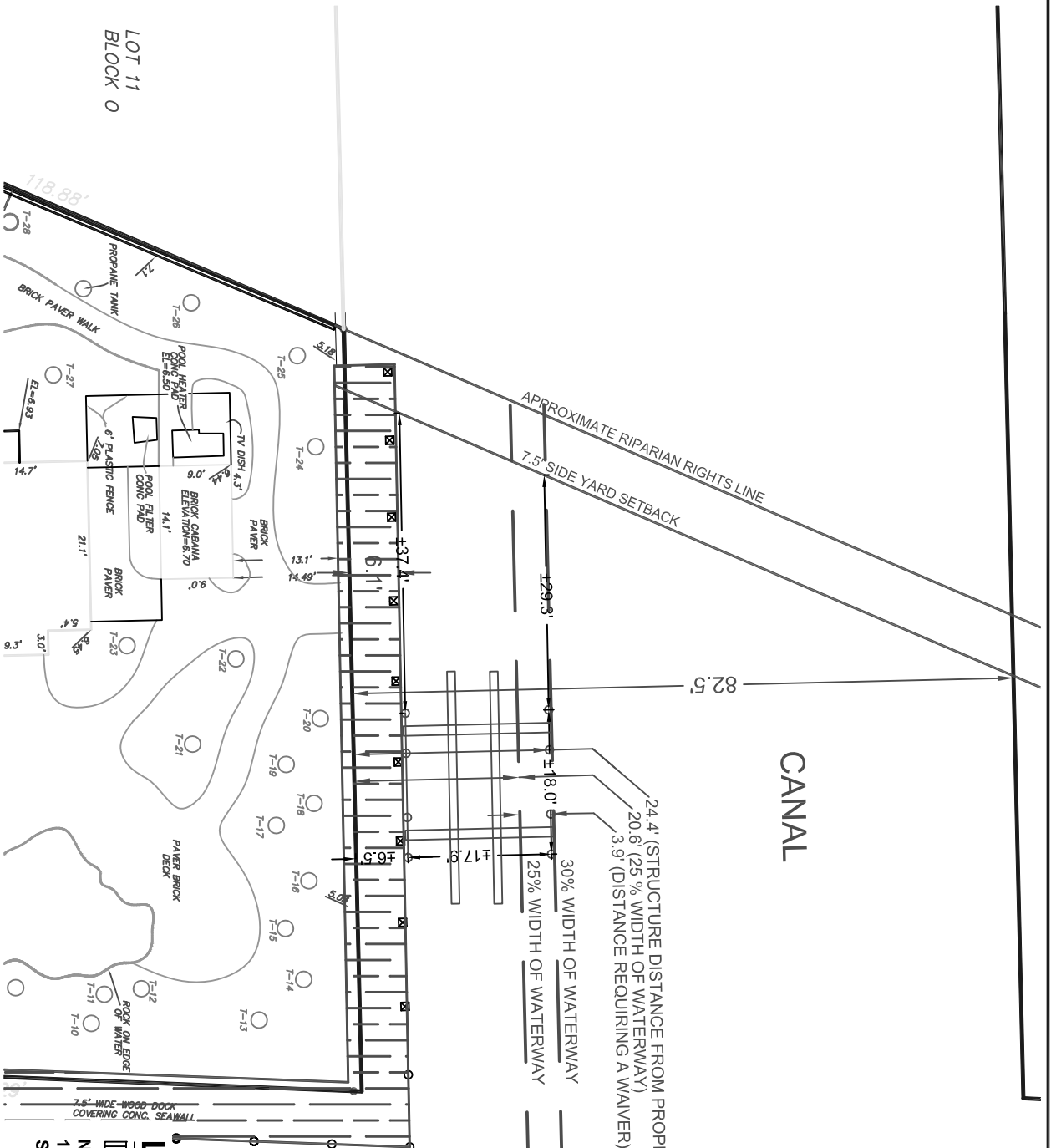
- Environmental Consultants
- Marine & Wetland Permitting
- Mitigation Design & Monitoring
- TSE Species Surveys
- Phase I ESAs

3081 NE 40th STREET
PREPARED FOR:
MR. BRIAN TEDESCHI

EXISTING CONDITIONS		
Date:	Sheet:	of:
2-20-15	1	2
Proj No.:	11-0040.001	



INTRACOASTAL WATERWAY



LEGEND

- EXISTING WOOD DOCK
- NOTE:
1. SURVEY INFORMATION PROVIDED BY BNB SERVICES, INC.

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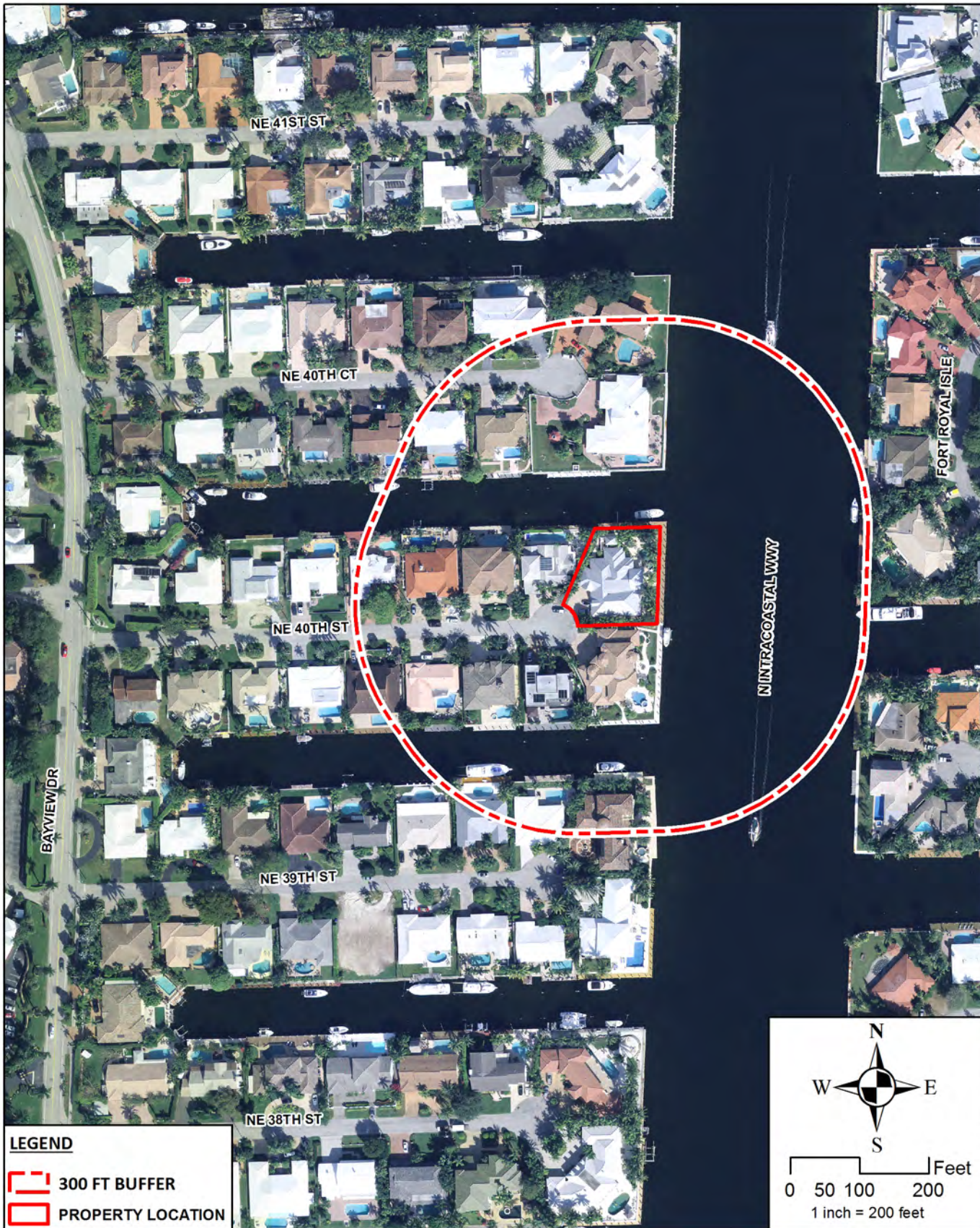
THE Chappell GROUP
714 East Michalek Road
Portland, Oregon 97208
Tel: 503.281.1108
www.thechappellgroup.com

- Environmental Consultants
- Marine & Wetland Permitting
- Mitigation Design & Monitoring
- TSE Species Surveys
- Phase I ESAs



3081 NE 40th STREET
PREPARED FOR:
MR. BRIAN TEDESCHI

PROPOSED CONDITIONS		
Date: 2-20-15	Sheet: 2	of: 2
Proj No.: 11-0040.001		

**EXHIBIT V
ZONING AERIAL**



LEGEND

-  300 FT BUFFER
-  PROPERTY LOCATION



0 50 100 200 Feet
1 inch = 200 feet



CITY OF FORT LAUDERDALE

3081 NE 40TH STREET

GIS
Fort Lauderdale

Date: 2/24/2015

EXHIBIT VI
SUMMARY DESCRIPTION

Summary Description
3081 NE 40th Street
TCG Project No. 11-0043.001

The project site is located along the Intracoastal Waterway (ICWW) and a man-made canal at 3081 NE 40th Street, in Section 24, Township 49, Range 42, in the City of Ft. Lauderdale, Broward County, Florida

The property is located along the ICWW and a man-made canal, which are tidal waters. The nearest direct connection to the Atlantic Ocean is 5.8 miles to the south at Port Everglades. As the project site is located along the Intracoastal Waterway and a man-made canal, the incoming tidal waters (flood) at the site move to the north & west and the outgoing waters (ebb) move to the east & south.

The proposed project consists of the replacement of an existing boat lift along the canal portion of the property. As measured from the property line, the proposed boat lift encroaches into the canal approximately 24.4'. As this distance is over the 25% width of the waterway (20.6') City encroachment requirement, the structure will require a variance waiver.

The existing boat lift was previously granted a waiver for a distance of 22.1'. In addition, once the waiver is approved all necessary regulatory permits will applied for.

The following two (2) matters provide justification for this waiver request:

1. Due to the width of the waterway at this location (82'.5) and the insignificant encroachment over the allowable limit (3.8'), the proposed project has not impeded navigation within the adjacent canal.
2. Due to the lack of a wake zone within the adjacent ICWW in this location the existing boat lift is necessary to stabilize and protect the applicant's vessel from wave action. In addition, as there is no wake zone within the ICWW in this location, the relocation of the existing boatlift into the ICWW is not conducive for accessing the boat lift from the ICWW by the vessel.

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

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	STRUCTURE DISTANCE FROM NEAREST RIPARIAN RIGHTS LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Boat Lift to be Installed	24.4'	36.8'	20.6'	3.8'

Previous Resolution Table

PREVIOUS STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	STRUCTURE DISTANCE FROM NEAREST RIPARIAN RIGHTS LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Previous Boat Lift	22.1'	20.2	20.6	1.5'

**EXHIBIT VII
SITE PHOTOGRAPHS**



1. Western property boundary, facing southwest along the canal.



2. Western property boundary, facing west along the canal.



3. Western property boundary, facing north along the canal.



4. Eastern property boundary, facing east along into the Intracoastal Waterway (ICWW).



5. Eastern property boundary, facing north along the ICWW.



6. Eastern property boundary, facing west along the canal.

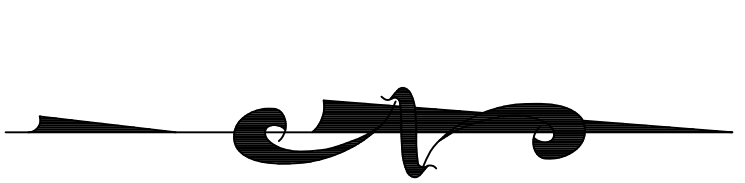
**EXHIBIT VII
ORIGINAL SURVEY**

BOUNDARY AND TOPOGRAPHIC SURVEY

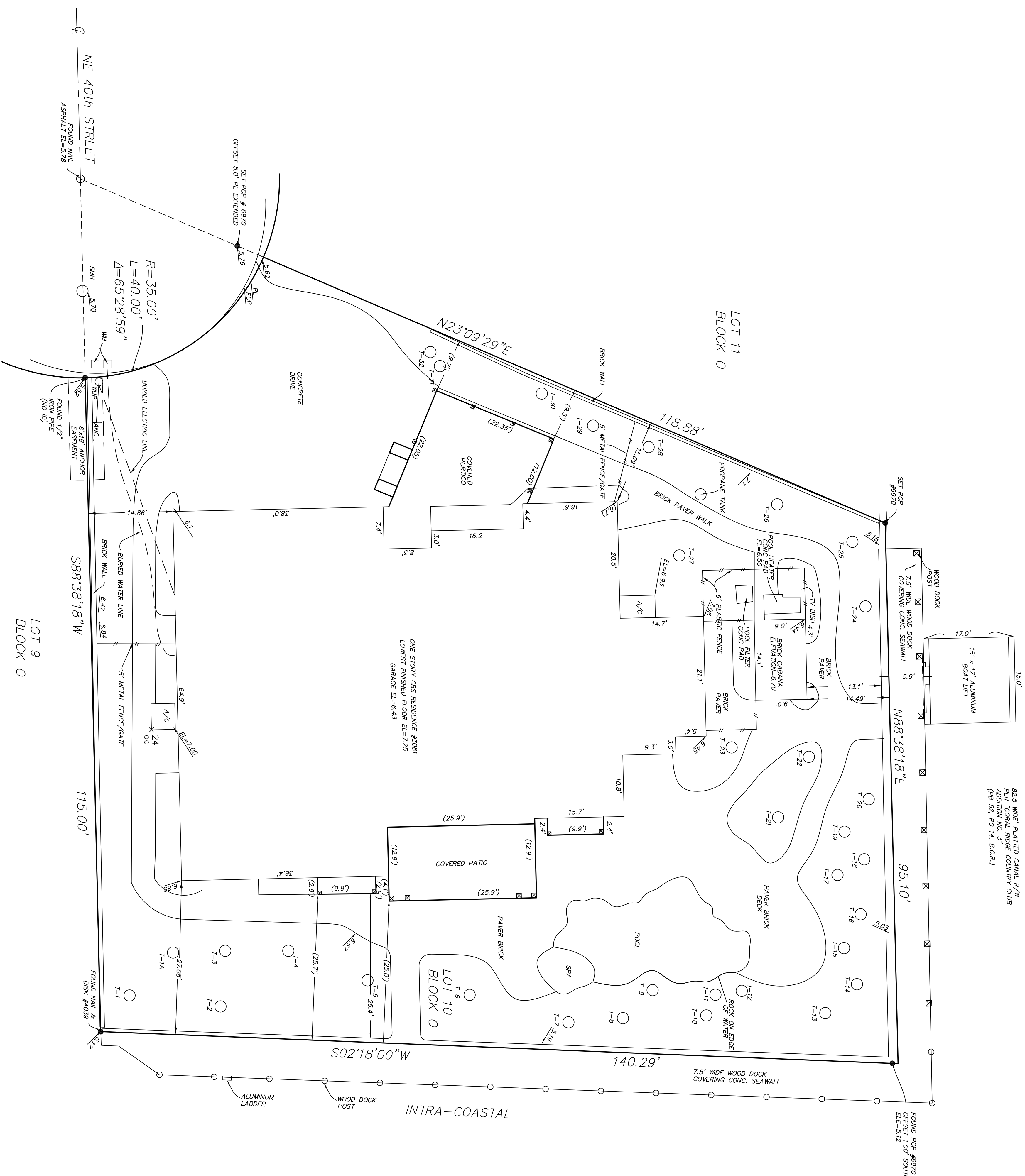
PREPARED BY
BMB SERVICES, INC.
LAND SURVEYORS
 11000 BROWARD BLVD., SUITE 100
 PLANTATION, FLORIDA 33325
 PHONE & FAX: (954) 472-1031
 CELL: (954) 650-1833
 E-MAIL: bmb@bmb.com/land

LEGAL DESCRIPTION:

LOT 10, BLOCK 0, OF "COASTAL RIDGE COUNTRY CLUB ADDITION, NO. 3", ACCORDING TO THE PLAT HEREOF AS RECORDED IN PLAT BOOK 32, PAGE 14, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.



SCALE: 1" = 10'



- LEGEND:**
- A/C = AIR CONDITIONER
 - EL = ELEVATION
 - EOP = EDGE OF PAVEMENT
 - POP = PERMANENT CONTROL POINT
 - PL = PROPERTY LINE
 - T = TREE
 - WM = WATER METER
 - (S.6) = DENOTES AS-BUILT DATA

- SURVEY NOTES:**
- 1) BOUNDARIES SHOWN HEREON HAVE NOT BEEN ABSTRACTED FOR EASEMENTS OR RIGHTS-OF-WAY OF RECORD BY THE SURVEYOR.
 - 2) ELEVATIONS SHOWN HEREON ARE BASED ON THE BROWARD COUNTY BENCH MARK AT THE CORNER OF THE INTERSECTION OF NE 40TH STREET AND FT. LAUDERDALE AVENUE.
 - 3) BENCHMARKS SHOWN HEREON ARE ASSUMED AND CALCULATED FROM PLAT DATA.
 - 4) LOT DIMENSIONS ARE SHOWN TO THE CENTER OF EACH CORNER UNLESS OTHERWISE NOTED.
 - 5) COMMUNITY PANEL NO. 1201102009, SUFFIX F, DATED 8/19/92

TREE TABLE

NUMBER	DIA.	TYPE
T-1	6"	ACACIADA
T-1A	3"	INK LILY
T-2	9"	ORANGE COCONUT
T-3	2X4"	ROSEBERRY
T-4	3X4"	W2 REDWOODS
T-5	6"	SHRUB MALE PALM COCONUT
T-6	6"	MALE PALM
T-7	6"	VEGETA PALM
T-8	3X4"	ROSEBERRY
T-9	6"	MALE PALM COCONUT
T-10	4"	VEGETA PALM
T-11	5"	ROYAL PALM
T-12	5"	ROYAL PALM
T-13	4X4"	ROYAL PALM
T-14	5"	ROYAL PALM
T-15	5"	ROYAL PALM
T-16	4X4"	ROYAL PALM
T-17	2"	RED WAX
T-18	4X4"	ROYAL PALM
T-19	6X3"	ORANGE PALM
T-20	3"	ROYAL PALM
T-21	3"	ROYAL PALM
T-22	5X4"	ROYAL PALM
T-23	4"	ROYAL PALM
T-24	5X4"	VEGETA PALM
T-25	5X4"	VEGETA PALM
T-26	4X6"	ROYAL PALM
T-27	4X4"	ANGEL ROSEBERRY
T-28	4X4"	ANGEL ROSEBERRY
T-29	9"	QUEEN PALM
T-30	9"	QUEEN PALM
T-31	8"	QUEEN PALM
T-32	8"	QUEEN PALM

REVISIONS:

- 4/27/07 UPDATE SURVEY
- 6/26/07 SPOT SURVEY
- 2/19/08 UPDATE SURVEY
- 04/01/08 FINAL SURVEY
- 01/19/10 UPDATE SURVEY
- 02/02/10 ADD DIMENSIONS

FILE: 06-004
SCALE: 1" = 10'
JOB NO.: 06-004
DATE: JANUARY 25, 2006
ADD: 3081 NE 40th STREET
 FT. LAUDERDALE, FLORIDA
 FOR: B. REDSCH

CERTIFICATION:
 I Herewith Certify that this sketch of survey meets the minimum technical standards set forth by the Florida Board of Professional Land Surveyors 472.0027, Florida Statutes. Administrative costs, pursuant to Section 472.0027, are not included in this fee. The original record copy of a Florida sketch survey and map(s).

David G. Kousar, Professional Surveyor & Mapper
 Florida Registration No. 4886

**EXHIBIT IX
PREVIOUS RESOLUTION**

RESOLUTION NO. 12-09

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING, SUBJECT TO TERMS AND CONDITIONS, A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3.C. D. OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO BRIAN S. TEDESCHI AND KATHLEEN TEDESCHI ("APPLICANTS"), FOR APPROVAL TO RELOCATE AND CONSTRUCT A BOATLIFT EXTENDING INTO THE ADJACENT CANAL PROJECTING FROM APPLICANTS' PROPERTY INTO THE INTRACOASTAL WATERWAY (NEW RIVER SOUND), SUCH DISTANCE(S) AND PROPERTY AS BEING MORE PARTICULARLY DESCRIBED BELOW; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, Brian S. Tedeschi and Kathleen Tedeschi (hereinafter "Applicants") own the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

Lot 10, Block "O", CORAL RIDGE COUNTRY CLUB ADDITION NO. 5, according to the Plat thereof recorded in Plat Book 52, Page 14, of the Public Records of Broward County, Florida.

Street Address: 3081 NE 40th Street
Fort Lauderdale, FL 33308
(hereinafter "Property")

WHEREAS, on December 1, 2011 Applicant filed with the City of Fort Lauderdale Marine Facilities an application requesting approval to relocate an existing boatlift to extend a maximum of 22.1 feet into the adjacent canal at said Property to extend into the Intracoastal Waterway (New River Sound) ("Application"); and

WHEREAS, the City's Marine Advisory Board on December 1, 2011 reviewed the Application for the waiver of limitations filed by Applicant and unanimously (13:0) recommended approval thereof;

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

SECTION 1. That pursuant to the provisions of ULDR Section 47-19.3.C of the Code of Ordinances of the City of Fort Lauderdale, the City Commission hereby grants, subject to the terms and conditions hereinafter set forth, a waiver of the limitations of ULDR Section 47-19.3.C. & D. for an existing boat lift ("Application") extending a maximum distance of 22.1' from Applicants' property line into the canal adjacent to the Intracoastal Waterway / New River Sound as set forth in the Table of Distances set forth below:

TABLE OF DISTANCES

LOCATIONS OF STRUCTURES	SURVEYED DISTANCE OF STRUCTURE	PERMITTED DISTANCE WITHOUT WAIVER	AMOUNT OF DISTANCE REQUIRING WAIVER
Existing Boatlift	22'1"	20'7"	1'6"

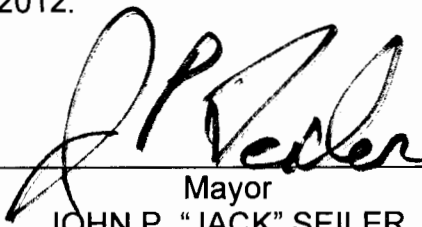
SECTION 2. That the above waiver is subject to the following additional conditions to be performed by the Applicant:

1. The applicant is required to comply with all applicable building and zoning regulations as well as any other governmental laws and specifically in accord with the EPGMD.
2. As a special condition, the applicant is required to provide guidepoles on the horizontal lifts of the boatlift in accordance with the specifications provided in Code Section 8-91(C).
3. As a general condition of approval, prior to or concurrent with applying for City building permits the applicant is required to provide the Manager of Marine Facilities for the City with copies of final permits from all governmental agencies having jurisdiction.

4. As a general condition of approval, the applicant is required to provide the City's Manager of Marine Facilities with copies of "As Built" drawings from a certified and licensed contractor

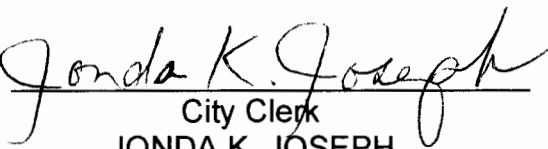
SECTION 3. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the 17th day of January, 2012.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JONDA K. JOSEPH

L:\COMM2012\Resos\Jan17\12-09.doc

**EXHIBIT X
APPROVAL LETTERS**

February 23, 2015

Members of the City Commission
City of Fort Lauderdale
100 N. Andrews Avenue
Fort Lauderdale, FL 33301

**Re: Letter of Support
Brian & Kathy Tedeschi – 3081 NE 40th Street, Ft. Lauderdale
Waiver of Dock Limitations for proposed dock/boat lift**

Dear Mayor and Members of the City Commission:

I am the owner of the property located near Brian & Kathy Tedeschi's property. I was advised that the Tedeschi's have filed an application for a dock waiver in order to allow the installation of a new boat lift extending beyond the 25% extension into the canal. I have reviewed the attached plan for the proposed project and am writing to inform you that I have no objection to the requested dock/boat lift waiver and urge you to approve the application.

Sincerely,



Printed Name: GERARDO PEREZ

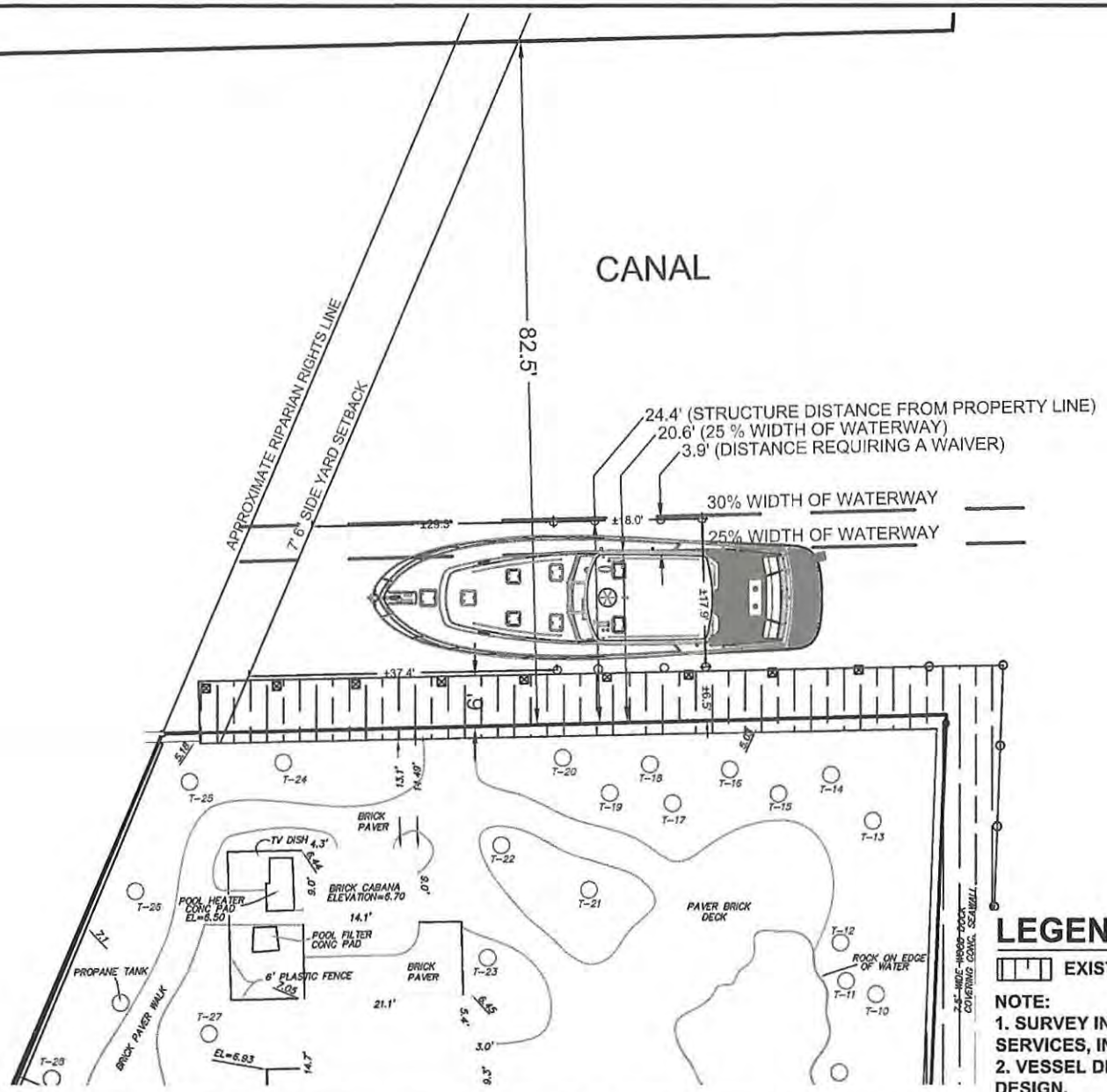
Address: 3071 NE 40th St

Telephone: (310) 713-3505



INTRACOASTAL WATERWAY

CANAL



LOT 11
BLOCK 0

LEGEND

EXISTING WOOD DOCK

NOTE:
 1. SURVEY INFORMATION PROVIDED BY BNB SERVICES, INC.
 2. VESSEL DETAILS PROVIDED BY ZURN YACHT DESIGN.

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.
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THE Chappell GROUP
 714 East McNab Road
 Pompano Beach, Florida 33060
 tel. 954.782.1508 fax. 954.782.1108 www.thechappellgroup.com

- Environmental Consultants
- Marine & Wetland Permitting
- Mitigation Design & Monitoring
- TSE Species Surveys
- Phase I ESAs

3081 NE 40th STREET

PREPARED FOR:
MR. BRIAN TEDESCHI

PROPOSED CONDITIONS

Dated: 2-20-15	Sheet: 2	of: 2
Proj No.: 11-0040.00		

Sec. 8-34. - Duties.

The marine advisory board may consider any subject matter it considers appropriate and in addition is specifically directed to consider and make recommendations on the following subjects:

- (1) Conditions of waterways and needed corrections, including a study of the most feasible and economical method of maintaining the depths of waterways within the city.
- (2) Waterway safety and traffic control on waterways.
- (3) Activities of harbor patrol.
- (4) Operation of privately owned marinas.
- (5) Operation of small boat docking areas.
- (6) Hurricane procedures.
- (7) Instructional schools.
- (8) Relations with the Coast Guard.
- (9) Regulation of waterskiing and surfboarding.
- (10) Operations of the excursion boats.
- (11) Operations of the charter fishing fleet.
- (12) Regulation of boat docking in New River and other public navigable waters.
- (13) Regulation of water and boat shows and boat races.
- (14) Service operation of city marinas, boat launching, docks, etc.
- (15) Traffic conditions under bridges.
- (16) Sanitation problems and proposed laws governing effluents from boats.
- (17) Advertising and publicity.
- (18) Consideration of means and methods whereby the city might become symbolic as the "Yachting Capital of the World."

(Code 1953, § 2-107; Ord. No. C-2074, § 2, 12-8-64)

MEMORANDUM MF NO. 15-04

DATE: April 2, 2015
 TO: Marine Advisory Board Members
 FROM: Andrew Cuba, Manager of Marine Facilities
 RE: Dock Waiver of Distance Limitations – Fourth Key Land Trust c/o Mr. Paul Queyrel / 641 4th Key Drive

Attached for your review is an application from Fourth Key Land Trust c/o Mr. Paul Queyrel, 641 4th Key Drive.

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for installation of two triple pile clusters. The distances this structure extends from the property line into the Middle River are shown in the survey and summarized in Table 1 below:

TABLE 1

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	AMOUNT OF DISTANCE REQUIRING WAIVER
Triple Pile Cluster #1	+/-46.3'	25'	21.3'
Triple Pile Cluster #2	+/-51.7'	25'	26.7'

The City’s Unified Land and Development Regulations (UDLR) Sec. 47-19.3.C limits the maximum distance of all mooring structures at this location to 25’. Section 47-19.3.E authorizes the City Commission to waive that limitation based on a finding of extraordinary circumstances. The applicant indicates that the proposed lift will allow for safe storage of their vessel, especially during high winds and severe weather events. .

PROPERTY LOCATION AND ZONING

The property is located within the Sunrise Plat RS-4.4 Residential Single Family/Low Density District. It is situated on the eastern shore of the Middle River where the overall width between property lines from the adjacent shoreline averages +/-350 feet, according to the Distance Exhibit provided in **Exhibit 1**.

DOCK PLAN AND BOATING SAFETY

Marine Facilities' records reflect there has been 6 Waivers of Limitation approved by the City Commission within close proximity to 641 4th Key Drive (**Table 2**).

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
12/6/88	640 3 rd Key Drive	40'
March 1980	815 Middle River Drive	40'
November 2004	773 Middle River Drive	27.6'
April 2004	761 Middle River Drive	40'
April 2013	785 Middle River Drive	40'
January 2015	773 Middle River Drive	60'

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 appropriate City staff with copies of "As Built" drawings from a certified and licensed contractor.

AC
Attachment

cc:
Carl Williams, Deputy Director of Parks and Recreation
Jon Luscomb, Supervisor of Marine Facilities

EXHIBIT I
APPLICATION FOR WATERWAY WAIVER

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

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

APPLICATION FORM
(Must be in Typewritten Form Only)

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

NAME: Fourth Key Land Trust c/o Mr. Paul Queyrel

TELEPHONE NO: 954-861-9441 (home) FAX NO. (business)

2. APPLICANT'S ADDRESS (if different than the site address): 641 4th Key Drive, Fort Lauderdale Florida 33304

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: The applicant requests a waiver for the proposed installation of two (2) triple pile clusters beyond 25 feet from the property line.

SITE ADDRESS: 641 4th Key Drive, Fort Lauderdale Florida 33304

4. ZONING: RS44

LEGAL DESCRIPTION: SUNRISE KEY 45-6 B LOT 40

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications). Warranty Deed, Project Plans, Site Photographs, Survey, Aerial Exhibit, Regulatory Permits

Applicant's Signature

4/8/15 Date

The sum of \$ was paid by the above-named applicant on the of 2014 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
PROJECT PLANS	2
ZONING AERIAL	3
SUMMARY DESCRIPTION	4
SITE PHOTOGRAPHS	5
ORIGINAL SURVEY	6
DISTANCE EXHIBIT	7
REGULATORY PERMITS	8

**EXHIBIT III
WARRANTY DEED**

3

Prepared by:

**The Law Office of Aleida Ors Waldman, P.A.
440 South Andrews Avenue
Fort Lauderdale, FL 33301**

Return to:

**Aleida Ors Waldman, P.A.
440 South Andrews Avenue
Fort Lauderdale, FL 33301**

File No.: **1635.02**

WARRANTY DEED

This indenture made on A.D. **6/12/2014**, by

Jorma Lillbacka and Annikki Lillbacka, husband and wife

whose address is: **641 4th Key Drive , Fort Lauderdale, FL 33304**
hereinafter called the "grantor", to

Deborah A. Ryan, as Trustee of the Fourth Key Land Trust dated June 6, 2014

whose address is: **641 4th Key Drive , Fort Lauderdale, FL 33304**
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Broward County, FL**, to-wit:

Lot 40, of SUNRISE KEY, according to the plat thereof, as recorded in Plat Book 45, Page 6, of the Public Records of Broward County, Florida.

Parcel Identification Number: **50-42-01-35-0420**

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way 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 for the current year.

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

Jorma Lillbacka By Mikko Lindstrom his attorney-in-fact
Jorma Lillbacka
By Mikko Lindstrom his attorney-in-fact
641 4th Key Drive
Fort Lauderdale, FL 33304

Annikki Lillbacka By Mikko Lindstrom her attorney-in-fact
Annikki Lillbacka
By Mikko Lindstrom her attorney-in-fact
641 4th Key Drive
Fort Lauderdale, FL 33304

Signed, sealed and delivered in our presence:

James J. Murchalla
 Witness Signature
 Print Name: *James J. Murchalla*

Robert P. Pugh
 Witness Signature
 Print Name: *Robert P. Pugh*

State of **Florida**

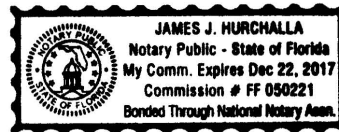
County of **Broward**

Sworn To, Subscribed and Acknowledged before me on **6/12/2014**, by **Jorma Lillbacka and Annikki Lillbacka** by Mikko Lindstrom, Attorney-In-Fact, who is personally known to me or who has/have produced a valid driver's license as identification.

James J. Murchalla
 Notary Public

James J. Murchalla
 Notary Print Name

My Commission Expires: _____



September 7, 2014

I am as of this date, September 7, 2014 resigning as trustee of the Fourth Key Land Trust dtd June 6, 2014. You are now the successor trustee of this trust.



Deborah Ryan

I accept the duties of successor Trustee

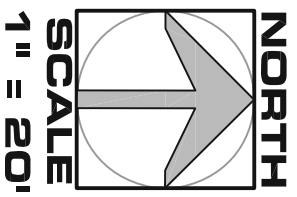


Paul Queyrel



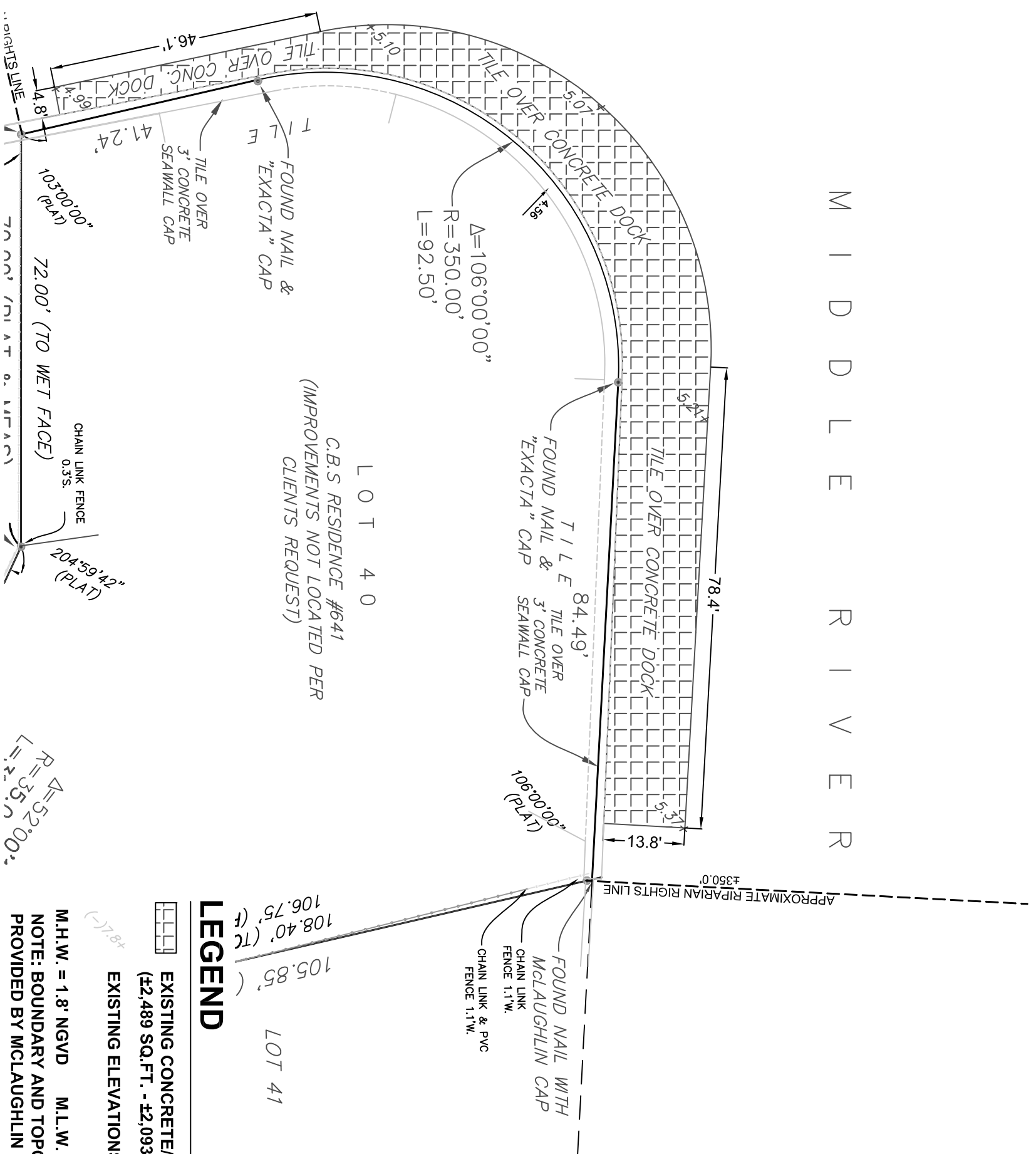
Dated

**EXHIBIT IV
PROJECT PLANS**



M I D D L E R I V E R

W A T E R W A Y
100' RIGHT-OF-WAY



LEGEND

- EXISTING CONCRETE/TILE DOCK TO REMAIN
(±2,489 SQ.FT. - ±2,093 SQ.FT. OVERWATER)
- EXISTING ELEVATIONS (N.G.V.D.)

M.H.W. = 1.8' NGVD M.L.W. = (-) 0.6' NGVD
NOTE: BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY MCLAUGHLIN ENGINEERING, CO.

THE Chappell GROUP

714 East McLab Road
Pompano Beach, Florida 33060
Tel: 954.782.1908 www.thechappellgroup.com
Fax: 954.782.1108

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

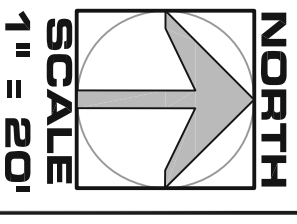
641 4TH KEY DRIVE

PREPARED FOR:
FOURTH KEY LAND TRUST

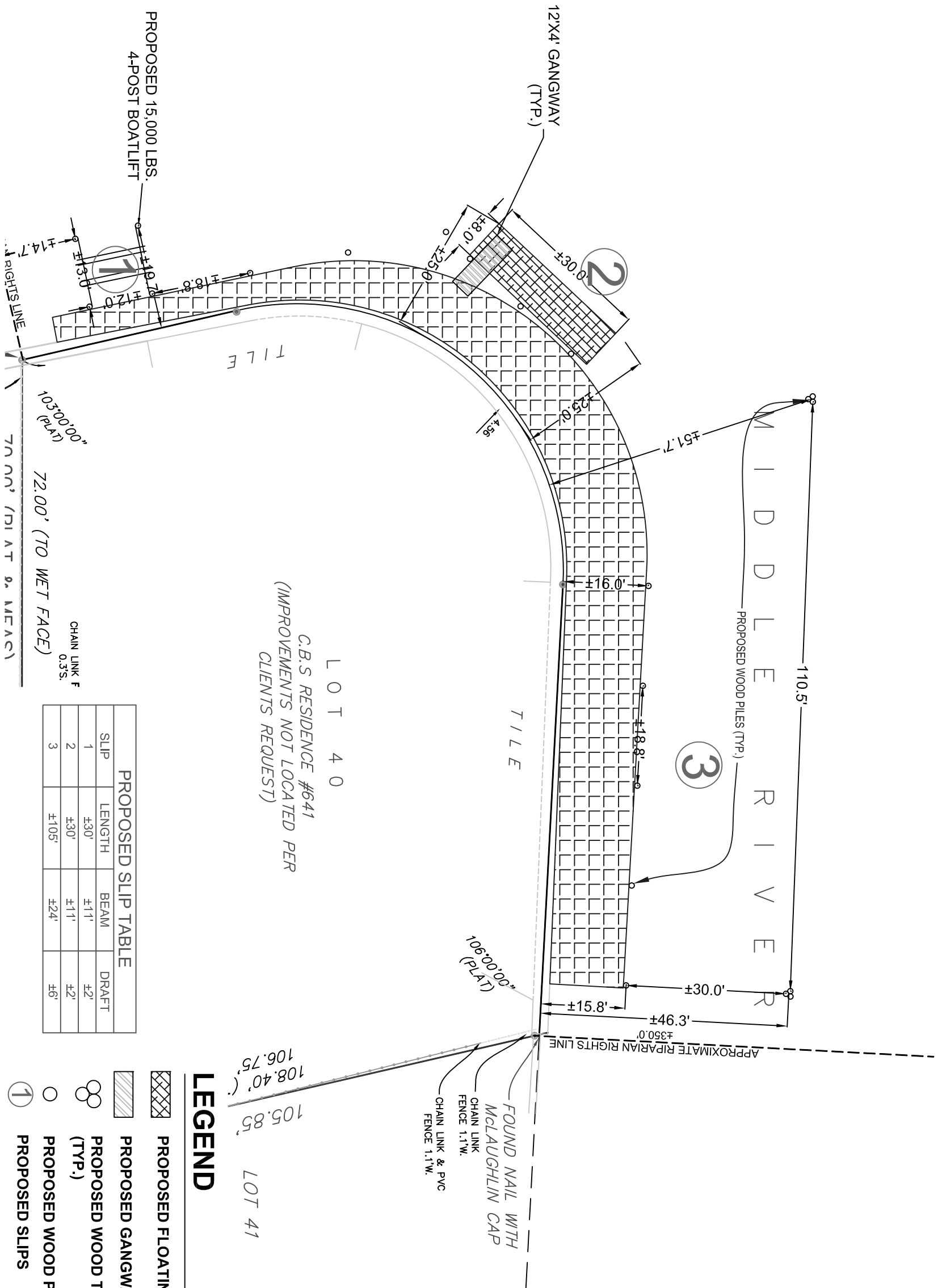
EXISTING CONDITIONS

Date:	3/11/15	Sheet:	1	of:	2
Proj No.:	14-0026.001				

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W A T E R W A Y
100' RIGHT-OF-WAY



LOT 40
C.B.S RESIDENCE #641
(IMPROVEMENTS NOT LOCATED PER CLIENTS REQUEST)

LOT 41

PROPOSED SLIP TABLE

SLIP	LENGTH	BEAM	DRAFT
1	±30'	±11'	±2'
2	±30'	±11'	±2'
3	±105'	±24'	±6'

- LEGEND**
- PROPOSED FLOATING DOCK (#240 SQ. FT.)
 - PROPOSED GANGWAY (#48 SQ. FT.)
 - PROPOSED WOOD TRIPLE PILE CLUSTERS (TYP.)
 - PROPOSED WOOD PILES (TYP.)
 - PROPOSED SLIPS

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Tel: 954.782.1908
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www.thechappellgroup.com

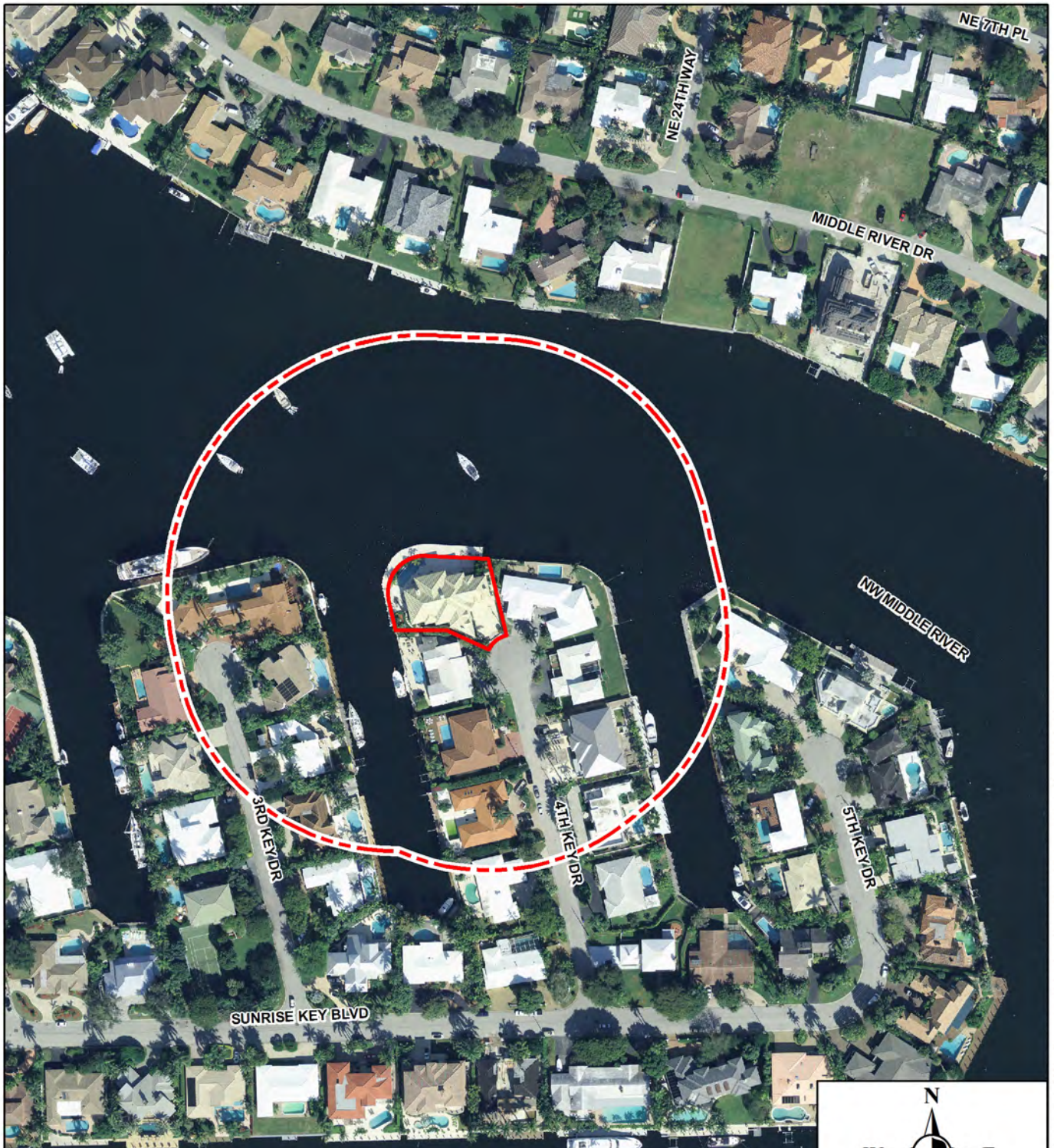
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- TSE Species Surveys
- Phase I ESAs

641 4TH KEY DRIVE
PREPARED FOR:
FOURTH KEY LAND TRUST



PROPOSED CONDITIONS

Date:	3/11/15	Sheet:	2	of:	2
Proj No.:	14-0026.001				

**EXHIBIT V
ZONING AERIAL**



LEGEND

-  300 FT BUFFER
-  PROPERTY LOCATION



0 50 100 200 Feet
1 inch = 200 feet



CITY OF FORT LAUDERDALE

641 4TH KEY DR

GIS
Fort Lauderdale

Date: 3/4/2015

**EXHIBIT VI
SUMMARY DESCRIPTION**

Summary Description
641 4th Key Drive
TCG Project No. 14-0026.001

The project site is located along the Middle River at 641 4th Key Drive, in Section 01, Township 50, Range 42, in the City of Ft. Lauderdale, Broward County, Florida

The property is located along the Middle River, which are tidal waters. The nearest direct connection to the Atlantic Ocean is 2.7 miles to the south at Port Everglades. As the project site is located along the Middle River and man-made canal, the incoming tidal waters (flood) at the site move to the north and west while the outgoing waters (ebb) move to the south east.

The proposed project consists of the installation of two (2) triple pile clusters into the Middle River. As measured from the property line, the proposed triple pile clusters and 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 triple pile clusters will require a variance waiver.

The proposed triple pile clusters have been approved by the Broward County Environmental Protection & Growth Management Department (DF15-1012) and Florida Department of Environmental Protection/US Army Corps of Engineers (06-0135632-002,003).

The following four (4) matters provide justification for this waiver request:

1. All boat slips and structures will not exceed 30% of the width of the waterway.
2. Due to the extraordinary width of the waterway at this location to the closest structure or vessel will be $\pm 300'$ from the proposed triple pile clusters. As such, the proposed project will not impede navigation within the Middle River.
3. The additional piles are necessary for safely mooring vessels, especially during high wind events and severe weather.
4. The proposed structures are consistent with the existing structures and waivers in the vicinity.

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

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Triple Pile Cluster #1	±46.3'	25'	21.3'
Triple Pile Cluster #2	±51.7'	25'	26.7'

**EXHIBIT VII
SITE PHOTOGRAPHS**



1. Northeastern corner of the subject site, facing west.



2. Central portion of the subject site, facing east.



3. Western portion of the subject site, facing south.



4. Southwestern corner of the subject site, facing north.

**EXHIBIT VIII
ORIGINAL SURVEY**

**EXHIBIT IX
DISTANCE EXHIBIT**



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.
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THE Chappell GROUP

714 East McLab Road
 Pompano Beach, Florida 33060
 Tel: 954.782.1908
 Fax: 954.782.1108
www.thechappellgroup.com

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

641 4TH KEY DRIVE
 PREPARED FOR:
FOURTH KEY LAND TRUST

DISTANCE EXHIBIT		
Date:	3/11/15	Sheet: 1 of 1
Proj No.:	14-0026.001	

**EXHIBIT X
REGULATORY PERMITS**



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

SOUTHEAST DISTRICT OFFICE
3301 GUN CLUB ROAD, MSC 7210-1
WEST PALM BEACH, FL 33406
(561) 681-6600

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

JONATHAN P. STEVERSON
SECRETARY

March 4, 2015

Fourth Key Land Trust
c/o Paul Queyrel
641 4th Key Drive
Fort Lauderdale, FL 33304

Sent via e-mail to the designated agent: tyler@thechappellgroup.com

Re: File No.: 06-0135632-002,003
File Name: Fourth Key Land Trust – Queyrel, Paul

Dear Mr. Queyrel:

This is to acknowledge receipt of your notice on January 16, 2015, to use a General Permit (GP), pursuant to Rule 62-330.475, Florida Administrative Code (F.A.C.) and verification of exemption to perform the following activities: (1) install a 320 sq. ft. floating dock and ramp adjacent to an existing 2,093 sq. ft. single family dock for a total overwater structure square footage of 2,413 sq. ft.; (2) install one boat lift adjacent to the existing dock; and (3) install two triple piling clusters 30 ft. waterward of the existing dock. The project is located in the Middle River, Class III Waters, adjacent to 641 4th Key Drive, Fort Lauderdale (Section 1, Township 50 South, Range 42 East), in Broward County (Latitude N 26° 06' 54.15", Longitude W 80° 06' 56.74").

Your intent to use a general permit and verification of exemption has been reviewed by Department staff for three types of authorizations: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

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

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

1. Regulatory Review. – APPROVED & VERIFIED

Based on the information submitted, the Department has determined that adding a boatlift and installing triple piling clusters is exempt, under section 373.406(6) of the Florida Statutes, from the need to obtain a regulatory permit under part IV of chapter 373 of the Florida Statutes. This

determination is made because the activity, in consideration of its type, size, nature, location, use, and operation, is expected to have only minimal or insignificant individual or cumulative adverse impacts on the water resources.

Based on the forms, drawings, and documents submitted with your notice, it appears that the floating dock and ramp project meets the requirements for the General Permit under Rule 62-330.475, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached), and the specific conditions of Rule 62-330.475, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

2. Proprietary Review (related to state-owned lands). –NOT REQUIRED & GRANTED

The location of the proposed boat lift and floating dock (slips one and two, respectively) is within Deed No. 18630, and does not appear to be located on sovereign submerged lands, and does not require further authorization under chapter 253 of the Florida Statutes, or chapters 18-20 or 18-21 of the Florida Administrative Code.

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapter 253 of the Florida Statutes (F.S.) and 258, F.S. if located within an aquatic preserve, and Chapters 18-20 and 18-21 of the Florida Administrative Code.

The location of the pilings (slip 3) appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a letter of consent under Section 253.77, Florida Statutes, to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Please be advised that any use of sovereign submerged lands without specific prior authorization from the Board of Trustees will be considered a violation of Chapter 253, Florida Statutes and may

subject the affected upland riparian property owners to legal action as well as potential fines for the prior unauthorized use of sovereign land.

Authority for review - Chapter 253 F.S., and Chapter 18-21, F.A.C. and Section 62-330.075, F.A.C. as required.

3. SPGP REVIEW – APPROVED

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

Your proposed activity as outlined on your notice and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit IV-R1, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 25, 2016. You, as permittee, are required to adhere to all General Conditions and Special conditions that may apply to your project. A copy of the SPGP IV-R1 with all terms and conditions and the General Conditions may be found at <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>.

Additional Information

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

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

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

- (a) The name and address of each agency affected and each agency’s file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of

the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

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

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

If you revise your project after submitting the initial joint application, please contact us as soon as possible. Also, if you have any questions, please contact Michelle Decker at (561) 681-6641 or via e-mail at Michelle.Decker@dep.state.fl.us. When referring to this project, please use the FDEP file number listed above.

Executed in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

 3/4/15

Benny Luedike
Environmental Administrator
Submerged Lands and Environmental
Resource Program

Enclosures:

General Conditions for All General Permits, Ch. 62-330.405, F.A.C.
Specific General Permit Rule, Ch. 62-330.475, F.A.C.
General Consent Conditions for the use of Sovereignty Submerged Lands
Attachment A- Newspaper Publication Notice
Special Conditions for the use of SPGP IV-RI
Project Drawings, 7 pages

Copies furnished to:

USACOE- Palm Beach Gardens, FDEP-SP@usace.army.mil
Michelle Decker, FDEP – Southeast District, Michelle.Decker@dep.state.fl.us
Linda Sunderland, Broward County EPD, LSunderland@broward.org

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this determination, including all copies, was mailed before the close of business on 3/4/15, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(9),
Florida Statutes, with the designated Department
Clerk, receipt of which is hereby acknowledged.

Jameson Osborne 3/4/15
Clerk Date

62-330.405 General Conditions for All General Permits

The following general permit conditions are binding upon the permittee and are enforceable under Chapter 373, F.S. These conditions do not apply to the general permit in Section 403.814(12), F.S.

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

(2) This general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit.

(3) This general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with Chapter 120, F.S., and Section 373.429, F.S.

(7) This permit shall not be transferred to a third party except pursuant to Rule 62-330.340, F.A.C. The permittee transferring the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in this general permit.

(10) A permittee's right to conduct a specific activity under this general permit is authorized for a duration of five years.

(11) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, available at www.dep.state.fl.us/water/wetlands/docs/erp/FLerosionSedimentManual_6_07.pdf, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at www.dep.state.fl.us/water/nonpoint/docs/erosion/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

(a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter 4 inches or greater at breast height;

(b) The maximum width of the construction access area shall be limited to 15 feet;

(c) All mats shall be removed within 72 hours after the work commences; and

(d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in a general permit, activities must not:

(a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands;

(b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S., or a Works of the District established pursuant to Section 373.086, F.S.; or

(16) If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shutdown if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All on-site project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at imperiledspecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

(19) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13.

62-330.475 General Permit for Minor Activities and Single-family Residential Activities in Isolated Wetlands.

(1) A general permit is granted to construct, alter, maintain, operate, abandon, and remove the following:

(a) Piling supported structures of less than 1,000 square feet over wetlands or other surface waters, other than those designated Outstanding Florida Waters;

(b) Piling supported structures up to 500 square feet over wetlands or other surface waters in Outstanding Florida Waters;

(c) Up to 100 square feet of dredging or filling in wetlands or other surface waters;

(d) Maintenance dredging of up to fifty cubic yards of material from wetlands or other surface waters, provided that the dredged material is placed in uplands; or

(e) A single family residence, and associated residential improvements (such as a driveway, garage and an on-site sewage disposal system), provided:

1. The land on which the work is to occur is not part of a larger plan of common development;

2. The notice required in Rule 62-330.402, F.A.C., includes documentation that the tract of land was not divided into two or more parcels after July 1, 1994;

3. Work occurs only in uplands or in isolated wetlands that are not within an Area of Critical State Concern or within the Wekiva River Basin Riparian Habitat Protection Zone as described in subparagraph 40C-41.063(3)(e)1., F.A.C.;

4. Wetland impacts shall be eliminated except where unrestricted uplands are insufficient to support the residence and associated residential improvements. "Unrestricted uplands" are uplands that are not restricted by easement, deed restriction, local government regulation, setback, or similar restriction which would prevent construction there. Uplands are not considered restricted until all available variance or waiver procedures have been exhausted.

5. Wherever possible, structures in isolated wetlands should be built on pilings to minimize fill in wetlands.

6. No more than 4,000 square feet of isolated wetlands are dredged or filled; and no more than 6,000 square feet of isolated wetlands are cleared (this includes the area dredged or filled for the residence and associated residential improvements).

(2) Persons proposing to use this general permit must provide, as part of the notice required in Rule 62-330.402, F.A.C., reasonable assurance that the proposed activity:

(a) Does not cause a violation of state water quality standards;

(b) Does not impede the conveyance of a stream, river or other watercourse in a manner that would increase off-site flooding;

(c) Does not adversely impact aquatic or wetland dependent listed species; and

(d) Does not cause the drainage of wetlands.

(3) The Agency will provide written notification to the person proposing to use this general permit whether the proposed activity qualifies for this general permit within 30 days of submittal of the written notice. The proposed activity shall not be commenced until the Agency has provided written notice that the applicant qualifies for the general permit.

(4) A determination that an activity qualifies for a general permit for a minor activity applies only to the site specific activity, location, method of construction or operation of the authorized project, and the other design and operation features of the authorized activity.

(5) This general permit shall not be applicable on any parcel of property which has been the subject of the successive filing of notices under this general permit within a three-year period where the combination of activities to be conducted exceed the thresholds in this rule.

(6) The provisions of paragraph (1)(e) do not supersede the exemption in Section 403.813(1)(q), F.S.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426 FS. History—New 10-3-95, Formerly 62-341.475, Amended 10-1-13.

**GENERAL CONSENT CONDITIONS FOR
USE OF SOVEREIGNTY SUBMERGED LANDS**

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S.

1. Sovereignty submerged lands may be used 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 will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.

2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.

3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.

4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.

5. Construction, use, or operation of the structure or activity will 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.

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

7. Structures or activities will not create a navigational hazard.

8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.

9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.

10. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

11. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

13. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF DETERMINATION OF EXEMPTION & GENERAL PERMIT

The Department of Environmental Protection gives notice that the project (1) to install a 320 sq. ft. floating dock adjacent to an existing 2,093 sq. ft. single family dock for a total overwater area of 2,413 sq. ft.; (2) install one boat lift adjacent to the existing dock; and (3) install two triple piling clusters 30 ft. waterward of the existing dock, has been determined in part, to qualify for a General Permit and to be exempt from the requirements to obtain an Environmental Resource Permit. The project is located in the Middle River, Class III Waters, adjacent to 641 4th Key Drive, Fort Lauderdale (Section 1, Township 50 South, Range 42 East), in Broward County (Latitude N 26° 06' 54.15", Longitude W 80° 06' 56.74").

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation is not available.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rule 62-110.106(3), F.A.C., petitions for an administrative hearing must be filed within 21 days of publication of the notice or receipt of written notice, whichever occurs first. Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 prior to the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. Upon motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect, the Department may also grant the requested extension of time.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that right.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

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

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing shall be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

Complete copies of all documents relating to this determination are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at the Southeast District Branch office, Submerged Lands and Environmental Resource Permitting, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, Florida 33406.

GENERAL CONDITIONS FOR FEDERAL AUTHORIZATION FOR SPGP IV-R1

1. The time limit for completing the work authorized ends on July 25, 2016.
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 and mailing address of the new owner in the space provided below and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

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

- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or Construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2011

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

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

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

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

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



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

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

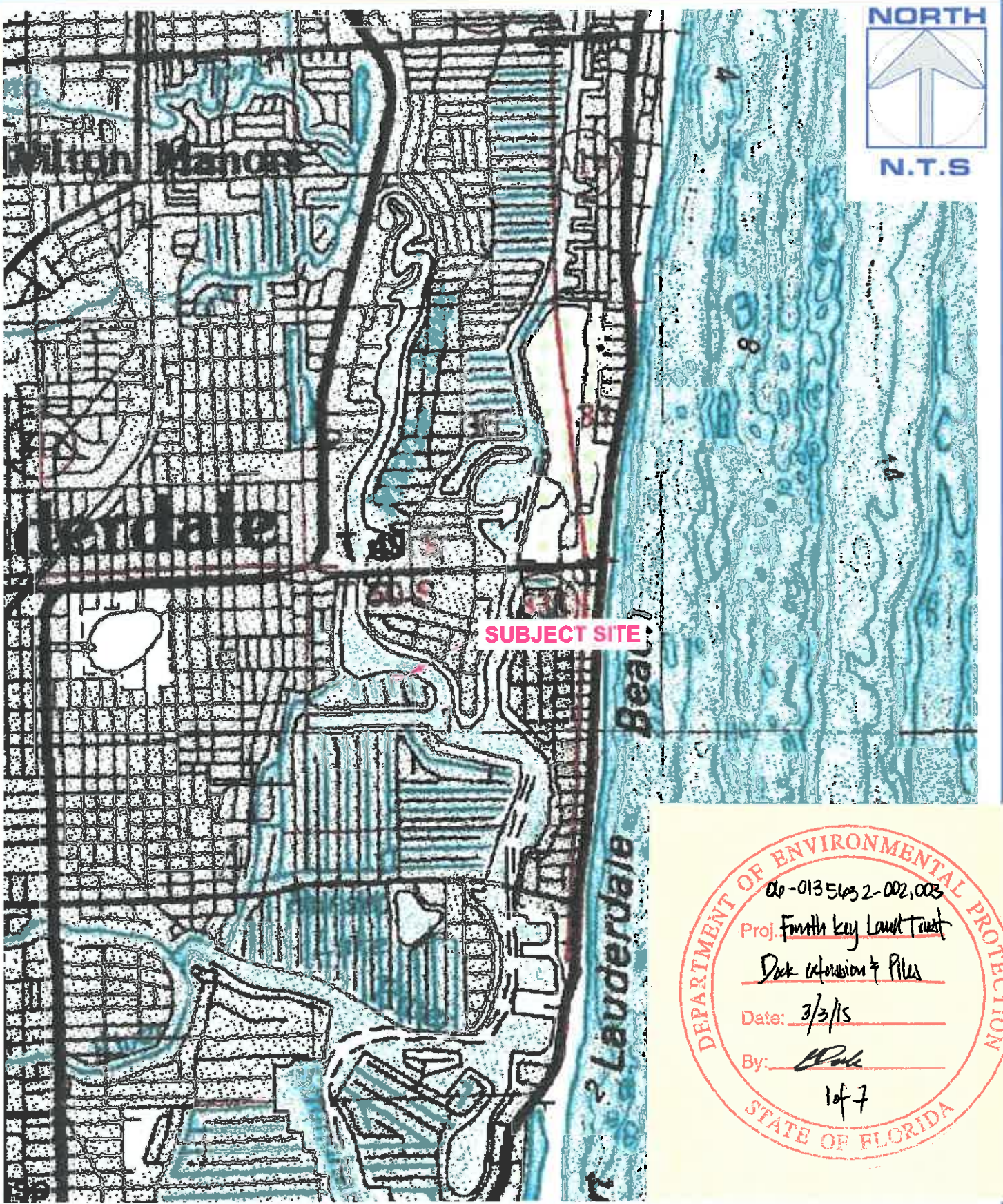
The permittee shall comply with the following protected species construction conditions:

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

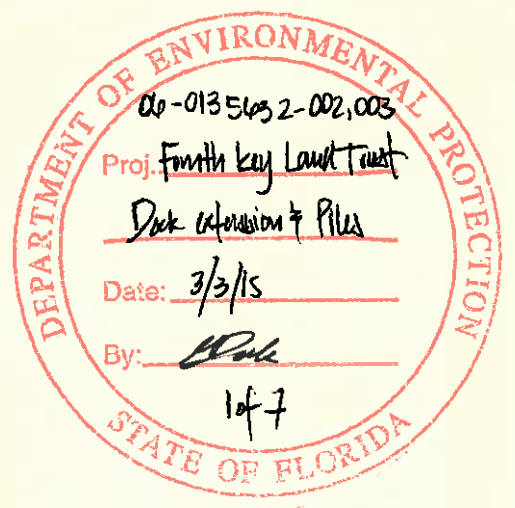
Revised: March 23, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc





SUBJECT SITE

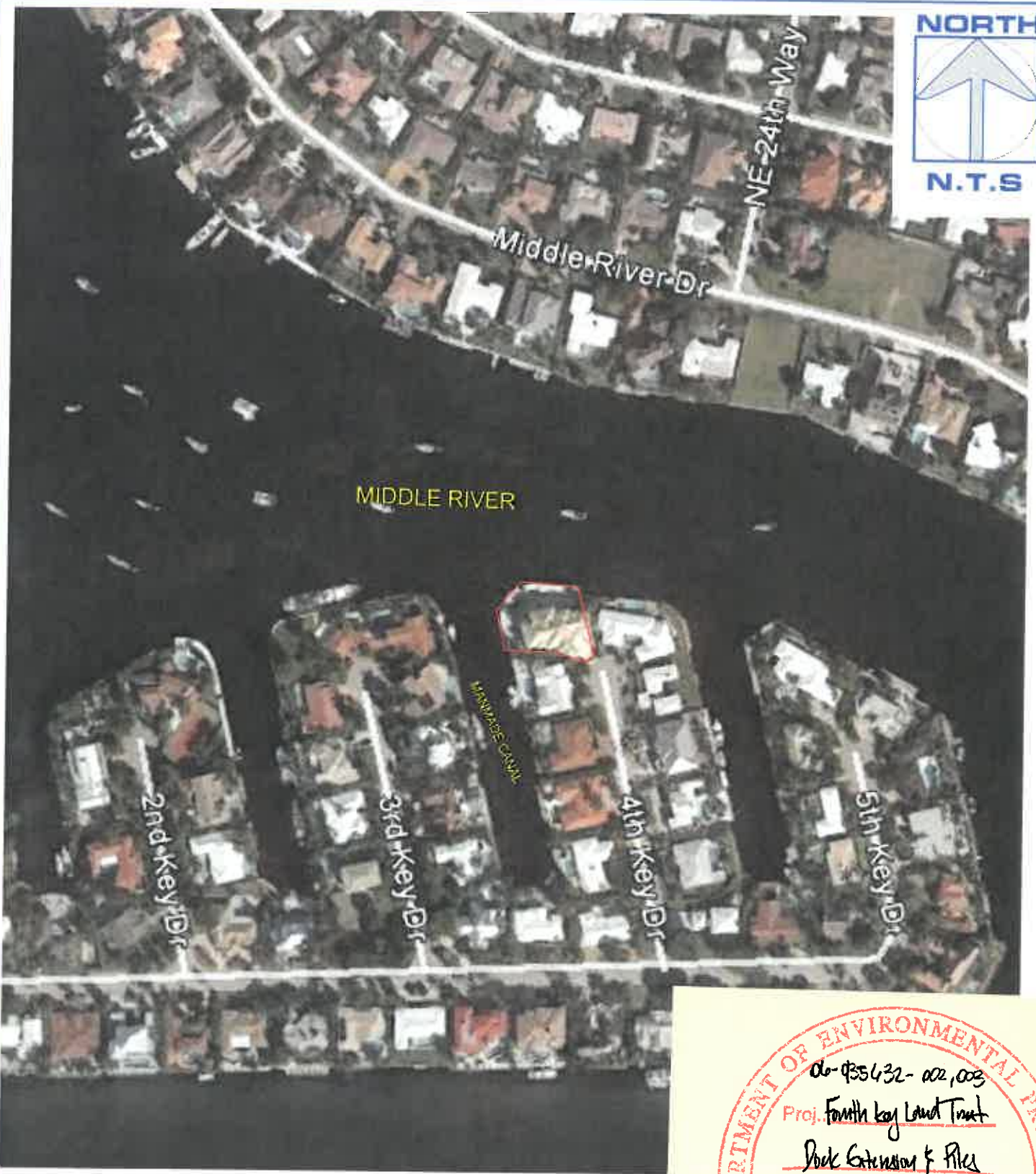


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 tel. 954.782.1908
 fax. 954.782.1108
www.thechappellgroup.com

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- Marine & Wetland Permitting
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- T&E Species Surveys
- Phase I ESAs

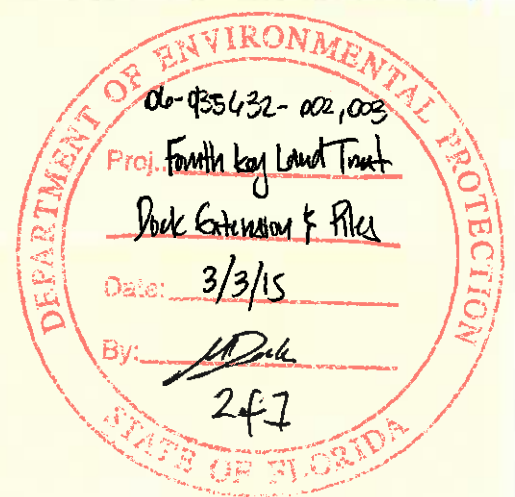
641 4TH KEY DRIVE
 PREPARED FOR:
FOURTH KEY LAND TRUST

USGS QUAD MAP		
Date: 12/18/2014	Sheet: 1	of: 1
Proj No.: 14-0026.001		



LEGEND:

 SITE

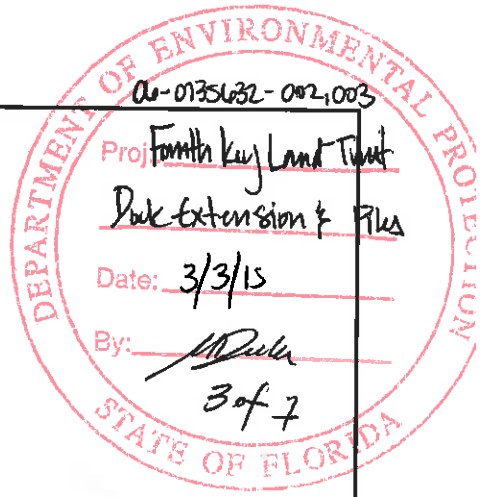


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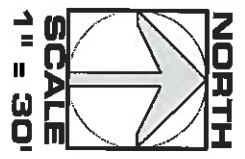
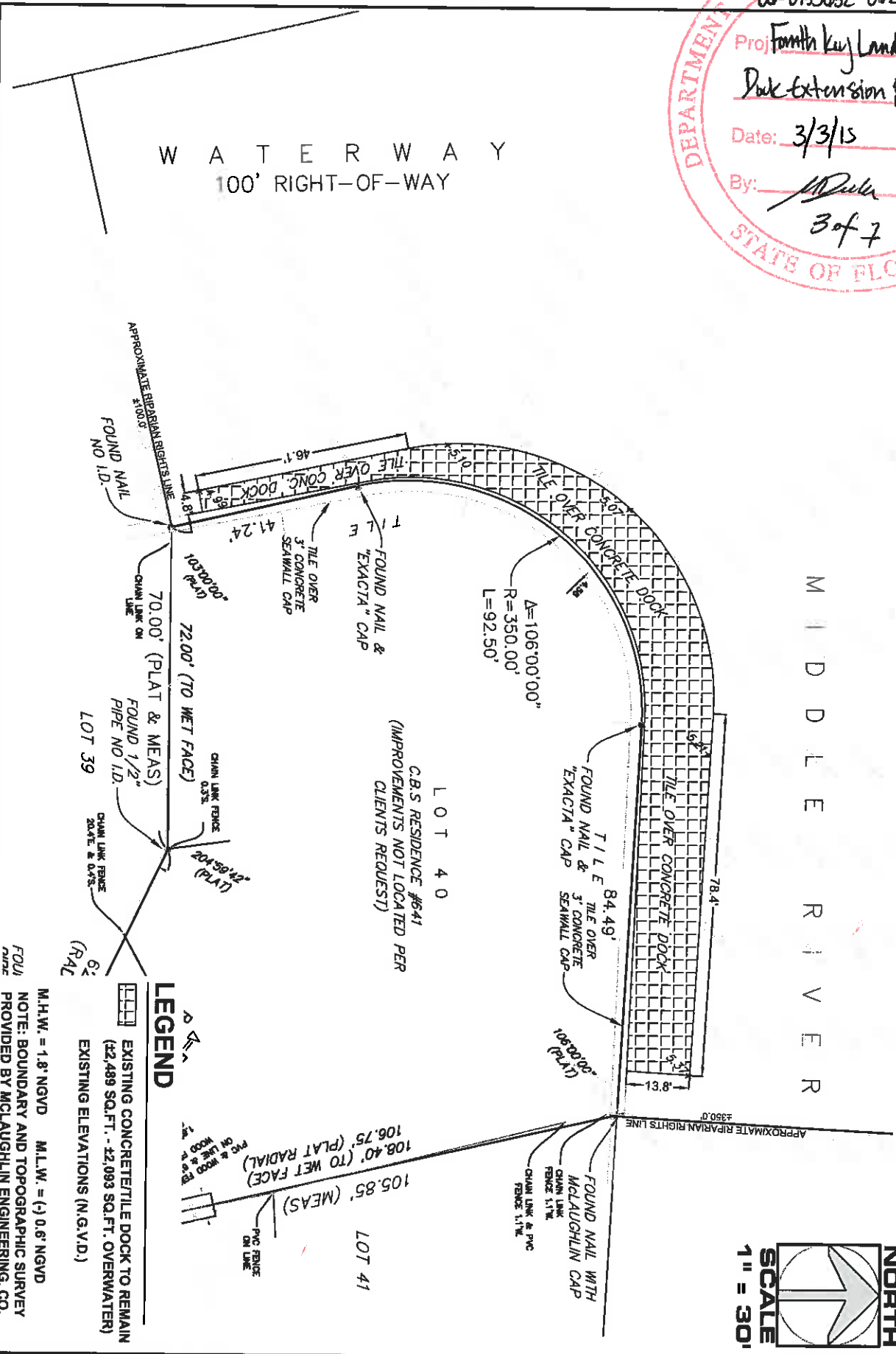
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fax. 954.782.1108 www.thechappellgroup.com

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W A T E R W A Y
100' RIGHT-OF-WAY

M I D D L E R I V E R



LEGEND

- EXISTING CONCRETE/TILE DOCK TO REMAIN (\$2,489 SQ.FT. - \$2,093 SQ.FT. OVERWATER)
- EXISTING ELEVATIONS (N.G.V.D.)

M.H.W. = 1.8' NGVD M.L.W. = (-) 0.6' NGVD
NOTE: BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY MCLAUGHLIN ENGINEERING, CO.

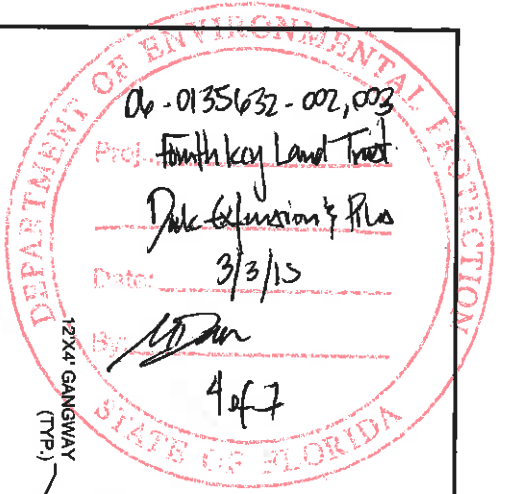
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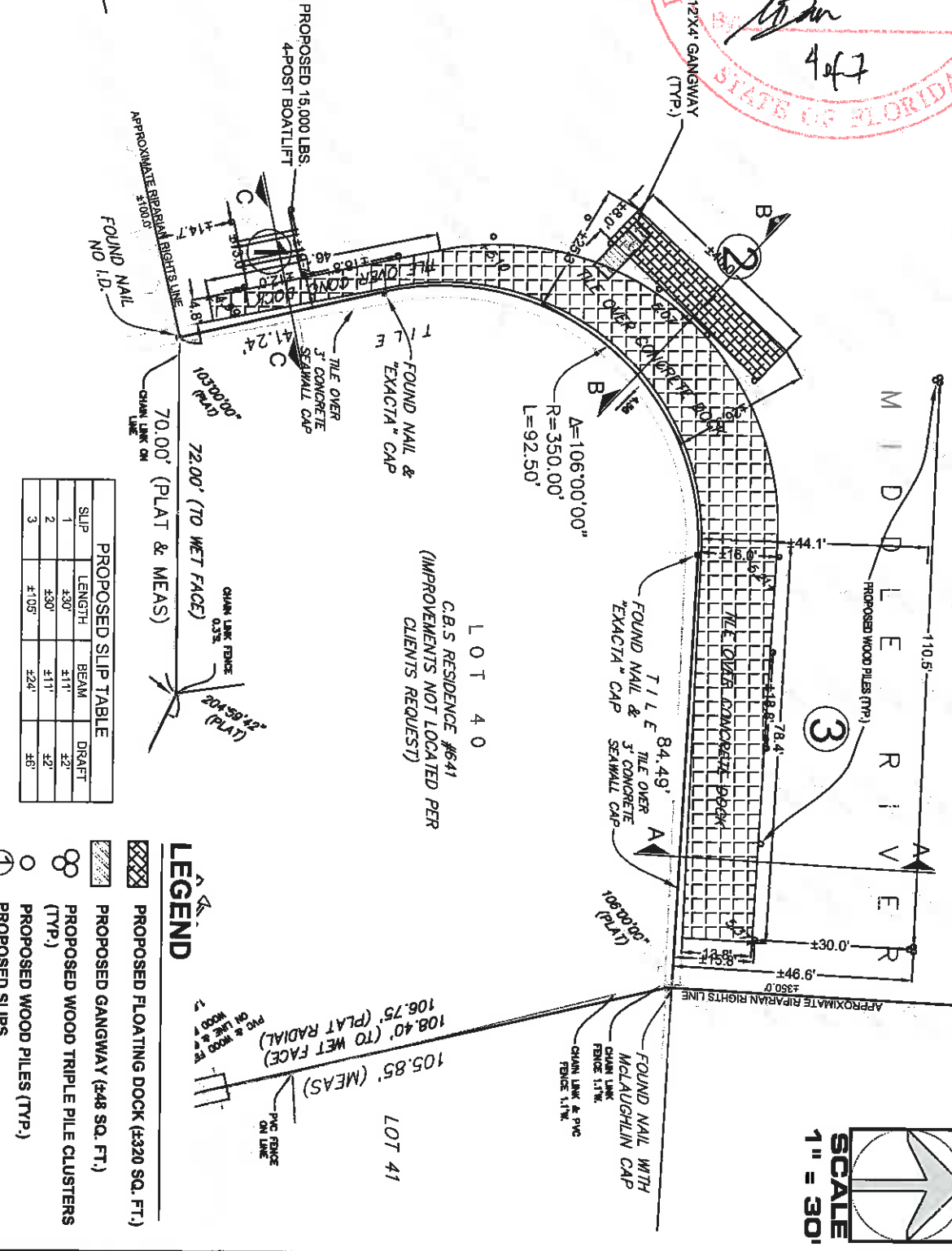
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EXISTING CONDITIONS	
Date: 12/2/14	Sheet: 1
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W A T E R W A Y
100' RIGHT-OF-WAY



LOT 40
C.B.S. RESIDENCE #641
(IMPROVEMENTS NOT LOCATED PER CLIENTS REQUEST)

LOT 41

SLIP	LENGTH	BEAM	DRAFT
1	±30'	±11"	±2'
2	±30'	±11"	±2'
3	±105'	±22"	±6"

LEGEND

- PROPOSED FLOATING DOCK (±320 SQ. FT.)
- PROPOSED GANGWAY (±48 SQ. FT.)
- PROPOSED WOOD TRIPLE PILE CLUSTERS (TYP.)
- PROPOSED WOOD PILES (TYP.)
- PROPOSED SLIPS

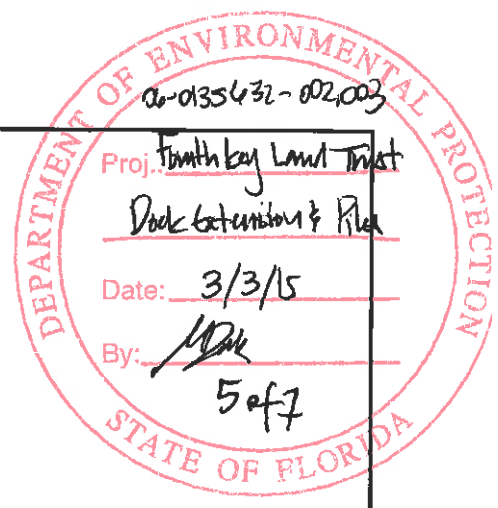
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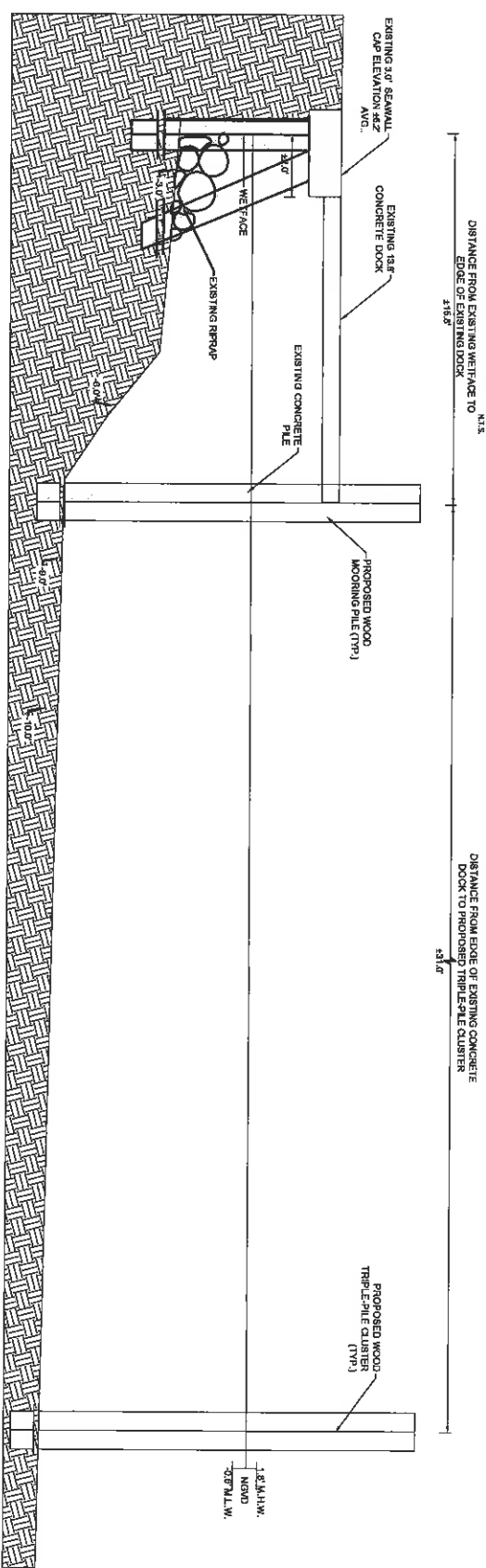
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PROPOSED CONDITIONS	
Date:	12/21/14
Sheet:	2
d:	5



PROPOSED CONDITIONS SECTION A-A (TYP)



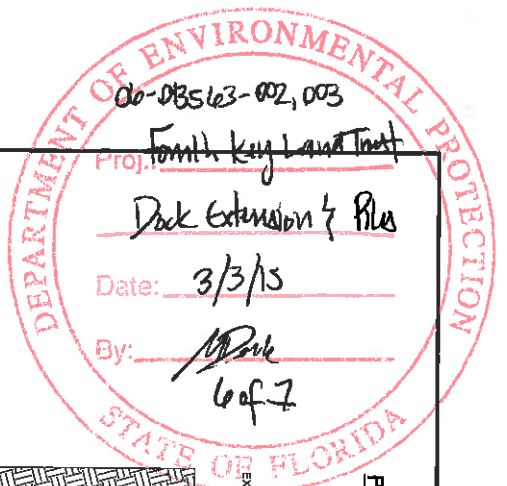
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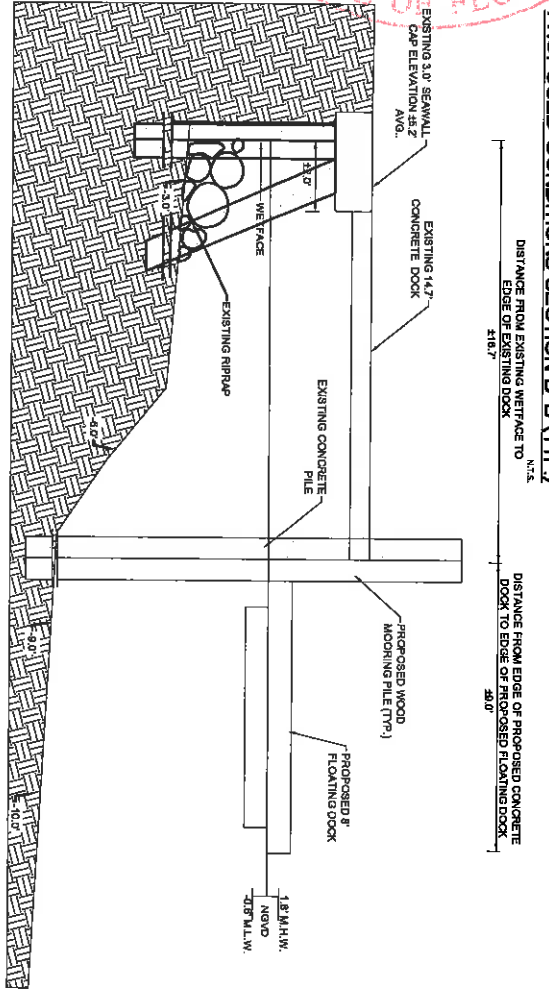
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Date: 1/22/14		Sheet: 3	
Proj No.: 14-0026.001		of: 5	
SECTIONS			



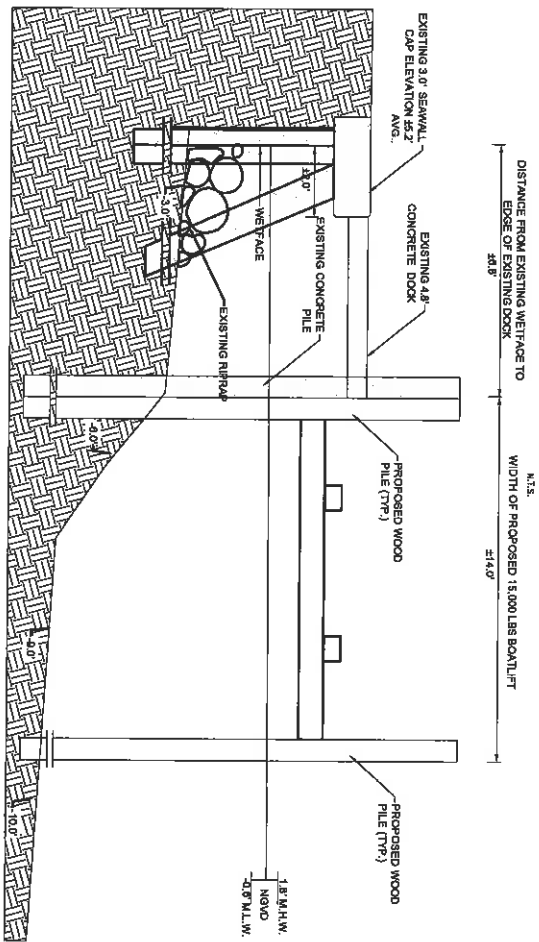
PROPOSED CONDITIONS SECTION B-B (TYP.)



DISTANCE FROM EXISTING WEIIFACE TO EDGE OF EXISTING DOCK: 11.0'

DISTANCE FROM EDGE OF PROPOSED CONCRETE DOCK TO EDGE OF PROPOSED FLOATING DOCK: 11.0'

PROPOSED CONDITIONS SECTION C-C (TYP.)



DISTANCE FROM EXISTING WEIIFACE TO EDGE OF EXISTING DOCK: 11.0'

WIDTH OF PROPOSED 15,000 LBS BOATLIFT: 11.0'

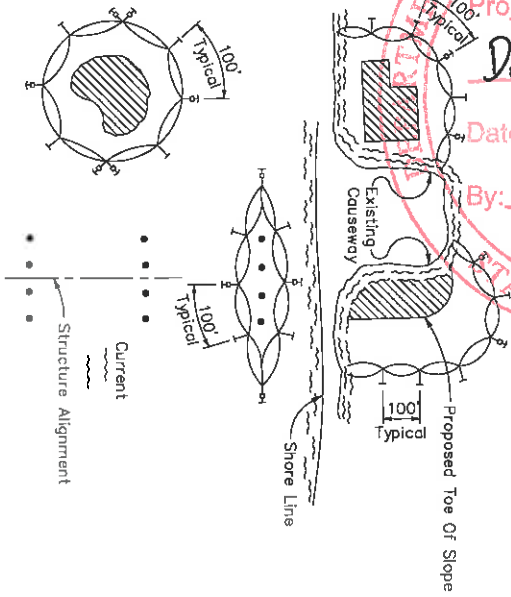
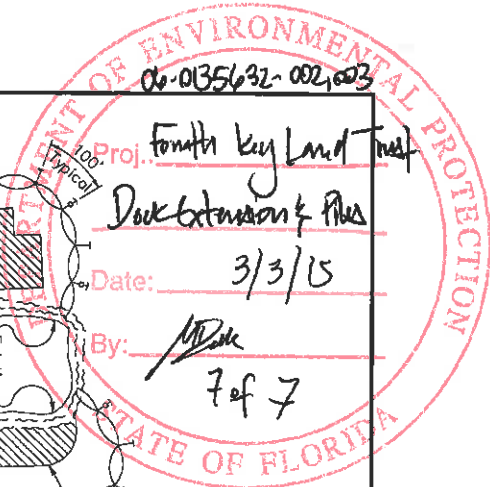
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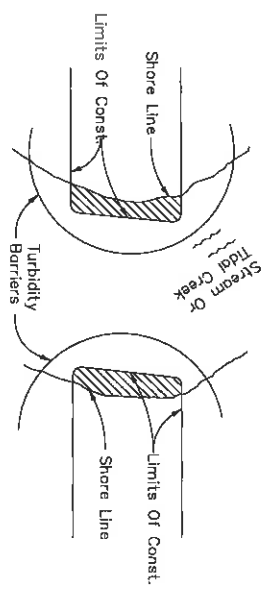
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SECTIONS	
Date: 12/2/14	Sheet: 4 of 5
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4-0026.001	



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

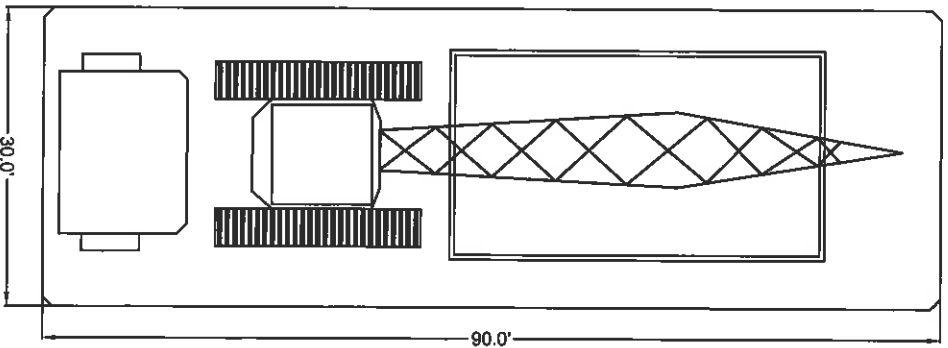


Note: Turbidity barriers for flowing streams and tidal creeks may be either floating, or stacked types or any combination of types that will suit site conditions and meet erosion control and water quality requirements. The barrier type(s) will be at the Contractor's option unless otherwise specified in the plans, however payment will be under the pay item(s) established in the plans for Floating Turbidity Barrier and/or Stacked Turbidity Barrier. Posts in stacked 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

CONSTRUCTION BARGE
(TYP.)



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DETAILS	
Date:	12/21/14
Sheet:	5
of:	5
Proj No.:	14-0026.001



Environmental Protection and Growth Management Department
ENVIRONMENTAL LICENSING and BUILDING PERMITTING DIVISION
1 North University Drive, Suite 201A, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

Fourth Key Land Trust
c/o Paul Queyrel
641 4th Key Drive
Fort Lauderdale, FL 33304

Dear Mr. Queyrel:


This is to notify you of the Environmental Protection and Growth Management Department's action concerning your application received January 15, 2015. The application has been reviewed for an Environmental Resource License.

Broward County Environmental Resource License Review – Granted

The Environmental Protection and Growth Management Department has reviewed the project for compliance with Aquatic and Wetland Resource Protection Ordinance Sec. 27-331 through 27-341 of the Broward County Code. Based on the information submitted, Environmental Resource License No. DF15-1012 is hereby issued. The above named licensee is hereby authorized to perform the work per the approved drawings(s), plans, documents and specifications as submitted by the licensee, and made a part hereof. The above referenced approvals will remain in effect subject to the attached Broward County General Conditions, Broward County Specific Conditions, and attached exhibits.

The issuance of this license is a **final agency determination**. A person with a substantial interest may file a petition to request review of, or to intervene in a review of, a final administrative determination, subject to the provisions of Section 27-14, Broward County Code of Ordinances.

Sincerely,


Linda Sunderland, NRS IV
Aquatic and Wetland Resources Program

2-18-15
Date

ENC:

- 1. Environmental Resource License
- 2. One set of stamped drawings (4 pages)
- 3. Variance and Administrative Review Procedures

CC:

- 1. **The Chappell Group, Inc.** (via GCW, w/ copy of license, stamped drawings and copy of Variance and Administrative Review Procedures)
- 2. **USACOE** (via email)



Environmental Protection and Growth Management Department
ENVIRONMENTAL LICENSING and BUILDING PERMITTING DIVISION
1 North University Drive, Suite 201A, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

ENVIRONMENTAL RESOURCE LICENSE

LICENSEE:

**Fourth Key Land Trust
c/o Paul Queyrel
641 4th Key Drive
Fort Lauderdale, FL 33304**

LICENSE NO.: DF15-1012

PROJECT: Floating Dock

This license is issued under the provision of Chapter 27 of the Broward County Code of Ordinances also cited as Broward County Natural Resource Protection Code hereinafter called the Code. The above-named applicant, hereinafter called licensee, is hereby authorized to perform the work or operate the facility shown on the approved drawing(s), plans, documents, and specifications as submitted by applicant, and made a part hereof and specifically described as follows:

Description of Work: This project involves the installation of an 8 foot wide by 40 foot long floating dock with associated gangway, 2 wood mooring pile clusters and a 15,000 pound capacity boatlift. The existing 2,093 square foot concrete marginal dock shall remain as is. The total over water area of existing and proposed docks from the wet face of the existing seawall panel shall be 2,461 square feet. ***This license does not authorize dredging or any impacts to natural resources.***

Location of Work: This project is located adjacent to 641 4th Key Drive, Section 01, Township 50 South, Range 42 East, in the City of Fort Lauderdale. Folio Number: 504201350420.

Construction shall be in accordance with the Environmental Resource License Application Form, received on 01/15/15, and all additional information submitted; plans stamped by the Department on 02/11/15 (attached); and with all General and Specific Conditions of this license.

GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations and restrictions set forth herein are accepted by the licensee and must be completed by the licensee and are enforceable by EPGMD pursuant to this chapter. EPGMD will review this license periodically and may revoke or suspend the license, and initiate administrative and/or judicial action for any violation of the conditions by the licensee, its agents, employees, servants or representatives.
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, suspension, and/or enforcement action by EPGMD.
3. In the event the licensee is temporarily unable to comply with any of the conditions of the license or with this chapter, the licensee shall notify EPGMD within eight (8) hours or as stated in the specific section of this chapter. Within three (3) 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 regarding the repair, replacement and reconstruction of destroyed facilities and a schedule of events leading toward operation with the license condition.
4. 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 violation of federal, state or local laws or regulations.
5. This license must be available for inspection on the licensee's premises during the entire life of the license.
6. 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 licensed facility or activity, that are submitted to the county, may be used by the county as evidence in any enforcement proceeding arising under this chapter, except where such use is prohibited by section 403.111, Florida Statutes.
7. The licensee agrees to comply and shall comply with all provisions of the most current version of this chapter.
8. Any new owner or operator 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 a transfer of license. The transferee shall be liable for any violation of this chapter that results from the transferee's activities. The transferee shall comply with the transferor's original license conditions when the transferee has failed to obtain its own license.
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 EPGMD personnel for the purposes of inspection and testing to determine compliance with this license and this chapter.
10. This license does not constitute a waiver or approval of any other license, approval, or regulatory requirement by this or any other governmental agency that may be required.
11. 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.
12. In addition to the general conditions set forth above, each license issued by EPGMD shall contain general conditions, specific condition, and operating requirements to ensure compliance with this chapter. The licensee agrees that general conditions and specific conditions are enforceable by the county for any violation thereof.
13. General and specific license conditions and operating requirements must be complied with at all times the licensed activity occurs even though the license may have expired, been suspended, or been revoked.

SPECIFIC CONDITIONS:

A. Standard

1. **Notify the Environmental Licensing and Building Permitting Division in writing (Fax: 954/519-1412, or e-mail) a minimum of 48 hours prior to project commencement and a maximum of 48 hours after project completion. Failure to comply with this condition will result in enforcement action.**
2. Any project-caused environmental problem(s) shall be reported immediately to the Environmental Protection and Growth Management 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 at an upland location.
4. Turbidity screens, silt fences, or equivalent shall be properly employed and maintained as necessary to effectively contain suspended sediments 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.
5. 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.**
6. This license does not authorize any impacts to natural resources.
7. The total over-water area of existing and proposed docks from the wet face of the existing seawall panel shall be 2,461 square feet.
8. As-built drawings by a Professional Engineer registered in the State of Florida and/or the final inspection from the City of Fort Lauderdale demonstrating that the project is in substantial compliance with the licensed plans shall be submitted to the Department within thirty (30) days from completion of the project. **Failure to install the boatlift and floating dock as authorized will result in enforcement action.**
9. If the approved license drawings and/or permit attachments/plans conflict with the specific conditions, then the specific conditions shall prevail.
10. This license does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this license.

B. Manatee Conditions

1. 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 licensee 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.
2. All vessels associated with the construction project shall operate at "No Wake/Idle Speed" at all times while in the construction 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.
3. 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.
4. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All equipment, 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.
5. 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
6. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the licensee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used (see MyFWC.com/manatee). 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 shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Questions concerning these signs can be sent to the email address listed above.

Area left blank intentionally.

C. A COPY OF THIS LICENSE SHALL BE KEPT ON SITE DURING ALL PHASES OF LICENSED CONSTRUCTION.

Recommended for approval by:


License Processor

Issued this 26th day of February, 2015

Expiration: 26th day of February, 2017

**BROWARD COUNTY ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT
DEPARTMENT**



**LINDA SUNDERLAND, NRS IV
AQUATIC & WETLAND RESOURCES PROGRAM
ENVIRONMENTAL LICENSING & BUILDING PERMITTING DIVISION**

Sec. 27-14. Administrative review of EPD determinations.

- (a) A person with a substantial interest may file a petition to request review of or to intervene in a review of a final administrative determination made pursuant to this chapter concerning:
- (1) The requirement that a facility or activity obtain a license or environmental review approval.
 - (2) Interpretations of license or environmental review approval conditions.
 - (3) Interpretations of variance conditions.
 - (4) The decision to suspend or revoke a license or environmental review approval.
 - (5) The requirement of certain license conditions.
 - (6) The issuance of a license or environmental review approval.
 - (7) The denial of a license or environmental review approval.
 - (8) The scope of a license or environmental review approval, geographic or otherwise.
 - (9) The scope of a variance, geographic or otherwise.
 - (10) The issuance of a stop work order.
 - (11) Similar final administrative determinations.

This administrative review procedure shall be the only means of review available for the above final administrative determinations by either the petitioner or the intervenor (the parties).

- (b) person may not obtain review by this procedure of:
- (1) The issuance or adjudication of or other matters involving a notice of violation or a citation.
 - (2) Internal policy decisions
- (c) A person desiring a review of a staff determination made pursuant to this Chapter shall first bring the determination to the attention of the appropriate section supervisor to attempt to resolve the matter. If a resolution cannot be reached, then the decision shall be reviewed by successive supervisory levels until the issue is resolved or reaches the level of the director or his or her designee for the final determination.
- (d) A person desiring administrative review of a final determination made by the director or the designee shall file a petition with the director for review by the hearing examiner. The petition shall be filed within ten (10) days from the rendition of the action taken or of the decision made by the director. An entity whose license or approval is being challenged shall be a party to the action.
- (e) The review shall not be heard until the provisions of subsection (f) are met. Upon motion to the hearing examiner, an insufficient petition shall be dismissed with or without leave to refile. If a petition is determined to be insufficient by the hearing examiner and the petitioner has been given leave to refile by the hearing examiner, unless otherwise ordered by the hearing examiner, the petitioner must refile within ten (10) days of the rendition of the order of dismissal or the petition will be dismissed with prejudice.

the hearing examiner that, by reason of facts stated in the certificate, a delay in the initiation or completion of these activities would not cause substantial environmental degradation or peril to life or property. The delay for conducting these activities may be subject to appropriate terms to ensure protection of the environment. The person responsible for these activities shall be responsible for any environmental damage or any violation of this chapter caused by the delay.

(j) Notice and Scheduling Requirements:

(1) The hearing on the review shall be scheduled within a reasonable time. It shall be the responsibility of the petitioner to request through EPD that the hearing date be scheduled. It shall also be the responsibility of the petitioner to give notice in accordance with this section at least ten (10) days prior to the hearing.

(2) The petitioner shall give notice of the hearing by:

- a. Giving personal notice to all proper parties; and
- b. Publishing notice on two (2) days in a newspaper of general circulation in the county; and
- c. Posting notice at a location determined by the Broward County Administrator's Office.

(3) The petitioner shall bear the cost of giving notice.

(4) The notice shall contain, at a minimum:

- a. A description and location of the facility or the activity to be conducted by the petitioner; and
- b. The time and place of the hearing.

(k) The petitioner shall bear the cost of accurately and completely preserving all testimony and providing full or partial transcripts to all parties.

(l) The hearing shall be a quasi-judicial hearing.

(1) The applicant/petitioner requesting the administrative review, any intervenor/petitioner and EPD shall have an opportunity to respond to and to present witnesses, other evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, and to be represented by counsel. Members of the general public who are not intervenors as set forth in Section 27-14 of this chapter are not parties to the proceeding.

(2) When appropriate, the general public may be given an opportunity to present oral or written communications. If the hearing examiner proposes to consider such material, then all parties shall be given an opportunity to cross-examine, challenge or rebut it.

(m) Denial, protest of, revocation, or suspension of a license, environmental review approval, or any other approval:

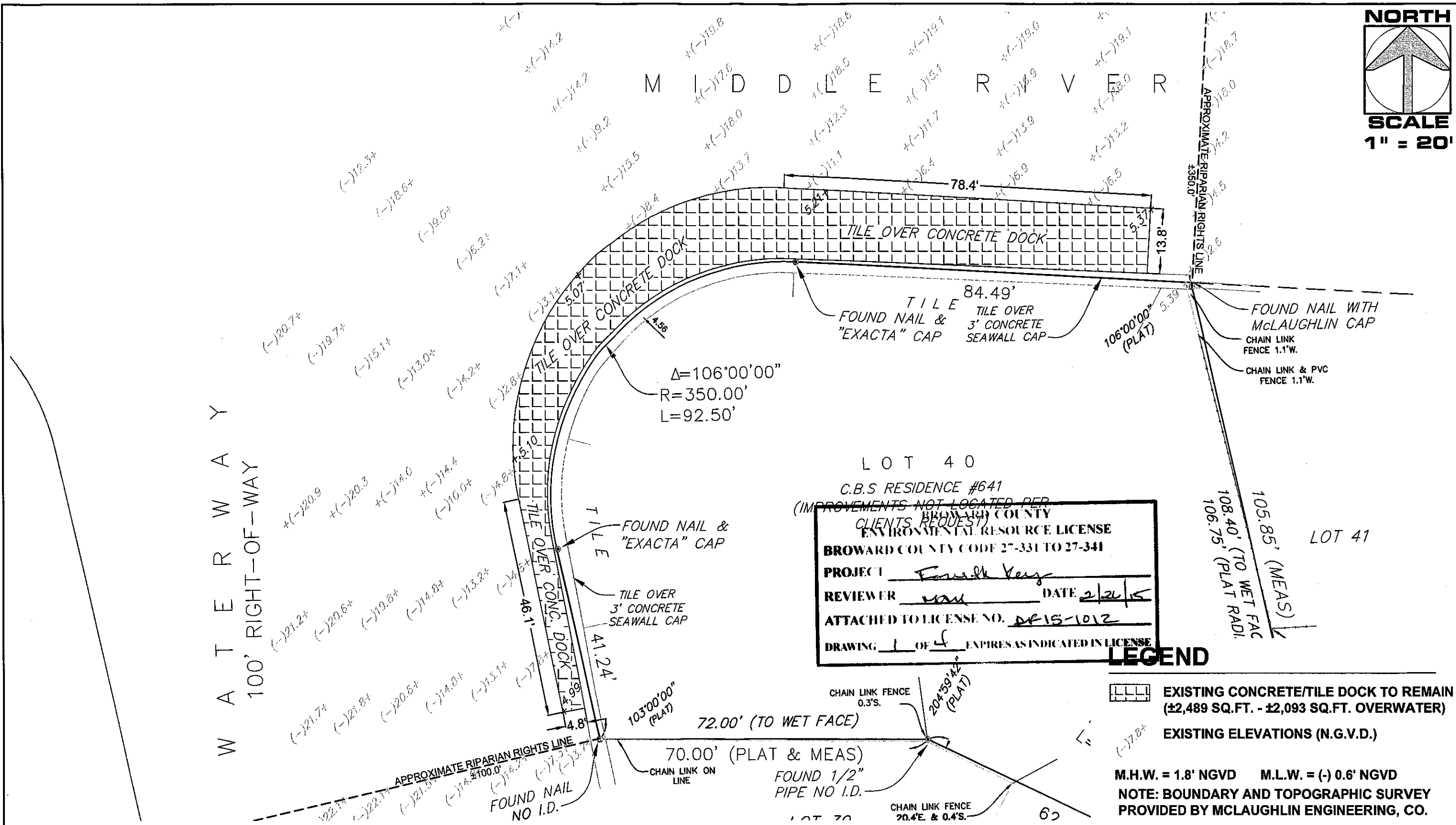
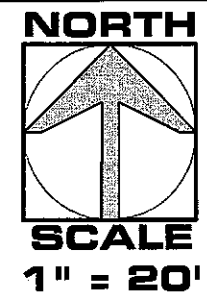
(1) In regard to denial or protest of approval of a license and any other review of an administrative decision, notwithstanding (2) below, the petitioner shall have the burden of showing, by a preponderance of the evidence, that the determination of the director was an arbitrary and/or capricious abuse of discretion, not supported by competent, substantial evidence or not in conformance with the

- (f) A sufficient petition for review or petition for intervention in the review shall, at a minimum, contain the following information:
- (1) The nature of the determination sought to be reviewed.
 - (2) A short, plain statement of the facts which form the subject matter upon which the determination was made as asserted by all parties of record at the time that the petition is filed; a statement of the material facts in dispute, if any. If any party is unable to state the matters in sufficient detail at the time initial petition is filed, the petition may be limited to a statement of the issues involved; and thereafter, upon timely written motion, a more definite and detailed statement shall be furnished not less than seven (7) days prior to the date set for the hearing.
 - (3) The specific determination for which the review is sought.
 - (4) The specific legal grounds upon which the parties seek review of the determination.
 - (5) A short statement of the petitioner's or the intervenor's substantial interest in the matter to be reviewed.
 - (6) The specific section of this chapter on which the decision is based, if known, and the specific section that the parties allege should control the decision, if known.
 - (7) A copy of the director's or the designee's written final determination.
 - (8) A statement of the relief requested stating precisely the action that the petitioner wants EPD to take with respect to the final determination.
- (g) All pleadings or other documents filed in the proceeding must be signed by a party, the party's attorney, or the party's qualified representative. The signature of a party, the party's attorney or a party's qualified representative constitutes a certificate that he or she has read the pleading or other document and that to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not brought for any improper purposes, such as to harass or to cause unnecessary delay or for frivolous purpose or needless increase in the cost of litigation. If a pleading or other document is signed in violation of these requirements, the hearing examiner, upon motion or his or her own initiative, shall dismiss the matter.
- (h) A petitioner or intervenor may request an emergency hearing to stay all activities or work conducted pursuant to the challenged license or approval. Such petitioner or intervenor has the burden of proof to show by a preponderance of the evidence that the continued activities would cause substantial pollution or degradation to the environment. An emergency hearing shall be scheduled by EPD and be held within five (5) days of said request or as soon thereafter as possible subject to the availability of the hearing examiner. The petitioner or intervenor shall comply with the notice provisions of section 27-14(j)(2)a. and c. and section 27-14(j)(3) and (4) of this chapter.
- (i) The petition for review will not stay environmental protection activities required for the remediation or mitigation of a site or facility, the protection of the environment or the health, safety and welfare of the citizens of Broward County, or the prevention of further environmental degradation. The person responsible for these activities must take all necessary steps to prevent environmental degradation and must conduct the remediation or mitigation activities required by this chapter. The director may allow these activities to be delayed until after the hearing examiner's decision by certifying to

essential requirements of this chapter. The hearing examiner shall not substitute his or her judgment for that of EPD on an issue of discretion even though the hearing examiner may have reached a different conclusion based on the same facts.

- (2) In an action to revoke or suspend a valid license or approval, the burden shall be upon EPD to prove, by a preponderance of the evidence in an administrative hearing, the grounds for revocation or suspension. The license holder or approval recipient shall be provided notice of the hearing and a copy of the petition stating the grounds for revocation or suspension as provided in section 27-63 of this chapter. The petition shall state with specificity the acts complained of in order to allow the license holder or approval recipient an opportunity to prepare a defense. The hearing shall be conducted in accordance with the provisions of Section 27-37 of this chapter.
- (n) Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.
- (o) If the hearing examiner finds that the director or his or her designee has erroneously interpreted a provision and that a correct interpretation compels a particular action, he or she shall remand the case to the director or his or her designee for further action under a correct interpretation of the provision.
- (p) The hearing examiner shall complete and submit to the director and all parties a final order consisting of his or her findings of fact and conclusions of law.
- (q) A party to the hearing may obtain appellate review of the final order as provided by section 27-42 of this chapter.
- (r) A petitioner or intervenor shall pay a filing fee at the time the application for review is filed. The amount of the filing fee shall be set by resolution of the Board.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-08, § 2.03, 4-26-05)
Secs. 27-15--27-19. Reserved.



LOT 40
 C.B.S. RESIDENCE #641
 (IMPROVEMENTS NOT LOCATED PER CLIENTS REQUEST)
 BROWARD COUNTY ENVIRONMENTAL RESOURCE LICENSE
 BROWARD COUNTY CODE 27-331 TO 27-341
 PROJECT Fourth Key
 REVIEWER nan DATE 2/26/15
 ATTACHED TO LICENSE NO. DF15-1012
 DRAWING 1 OF 4 EXPIRES AS INDICATED IN LICENSE

LEGEND
 [Pattern] EXISTING CONCRETE/TILE DOCK TO REMAIN (±2,489 SQ.FT. - ±2,093 SQ.FT. OVERWATER)
 (-) EXISTING ELEVATIONS (N.G.V.D.)
 M.H.W. = 1.8' NGVD M.L.W. = (-) 0.6' NGVD
 NOTE: BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY MCLAUGHLIN ENGINEERING, CO.

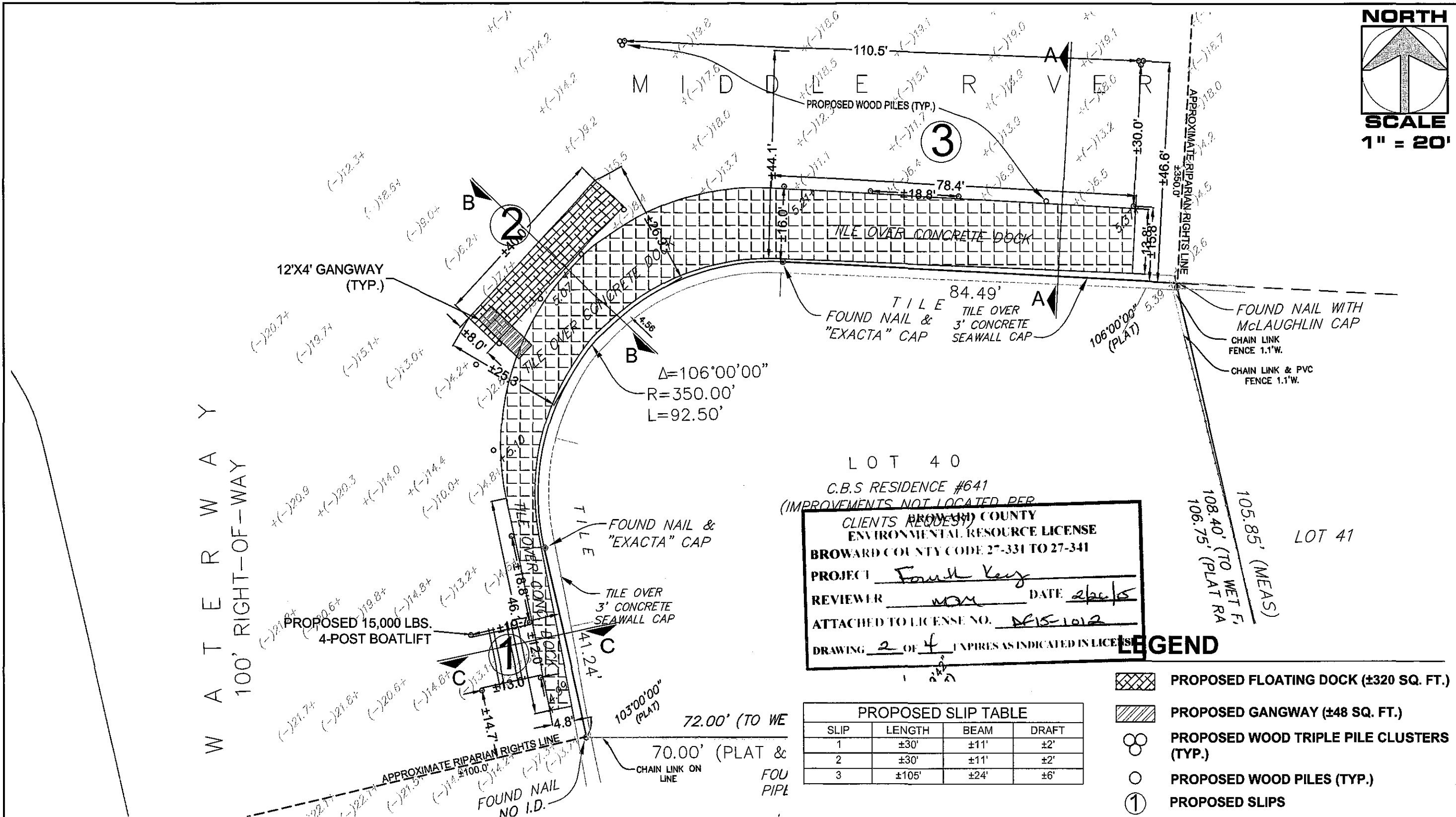
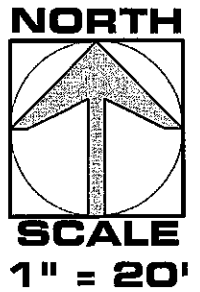
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 714 East McNab Road
 Pompano Beach, Florida 33060
 tel. 954.782.1908
 fax. 954.782.1108
 www.thechappellgroup.com

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- Phase I ESAs

641 4TH KEY DRIVE
 PREPARED FOR:
 FOURTH KEY LAND TRUST

EXISTING CONDITIONS		
Date: 12/2/14	Sheet: 1	of: 4
Proj No.: 14-0026.001		



LOT 40
 C.B.S RESIDENCE #641
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 BROWARD COUNTY CODE 27-331 TO 27-341
 PROJECT Fourth Key
 REVIEWER WOM DATE 2/26/15
 ATTACHED TO LICENSE NO. DE15-1012
 DRAWING 2 OF 4 (EXPRES AS INDICATED IN LICENSE)

LEGEND

- PROPOSED FLOATING DOCK (±320 SQ. FT.)
- PROPOSED GANGWAY (±48 SQ. FT.)
- PROPOSED WOOD TRIPLE PILE CLUSTERS (TYP.)
- PROPOSED WOOD PILES (TYP.)
- PROPOSED SLIPS

PROPOSED SLIP TABLE

SLIP	LENGTH	BEAM	DRAFT
1	±30'	±11'	±2'
2	±30'	±11'	±2'
3	±105'	±24'	±6'

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714 East McNab Road
 Pompano Beach, Florida 33060
 tel. 954.782.1908
 fax. 954.782.1108
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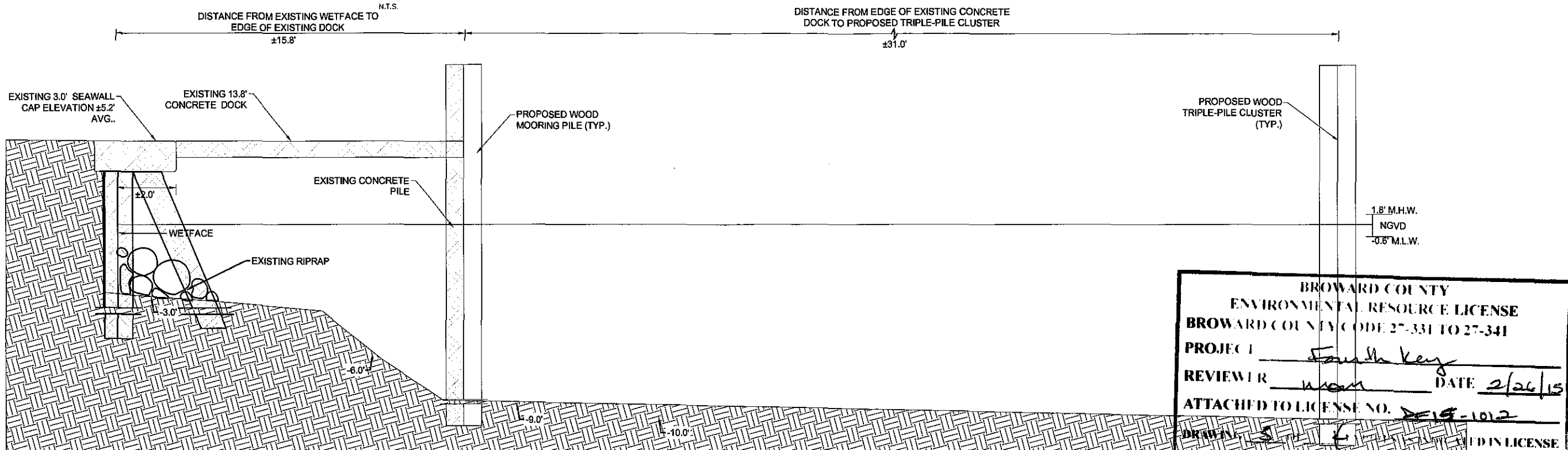
641 4TH KEY DRIVE

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FOURTH KEY LAND TRUST

PROPOSED CONDITIONS

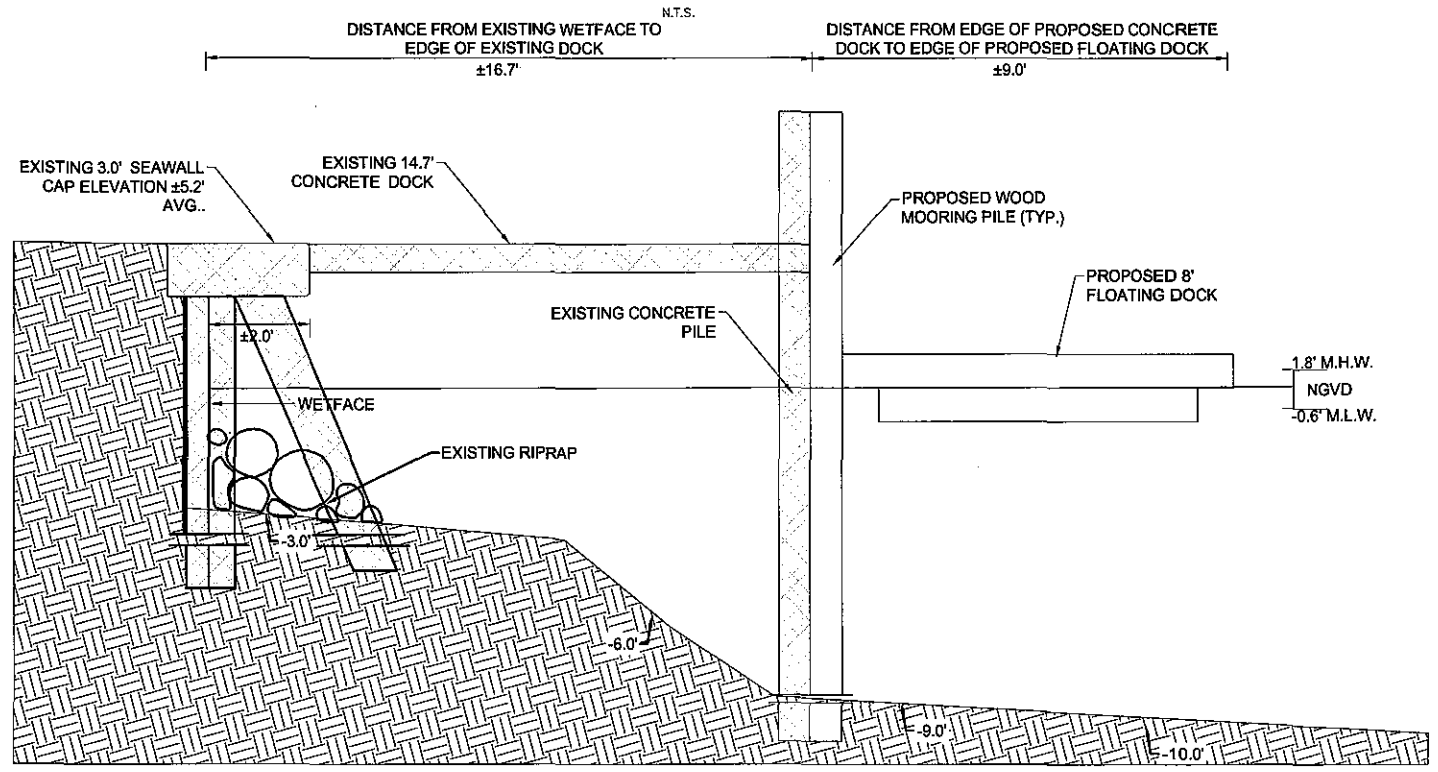
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Proj No.: 14-0026.001		

PROPOSED CONDITIONS SECTION A-A (TYP.)

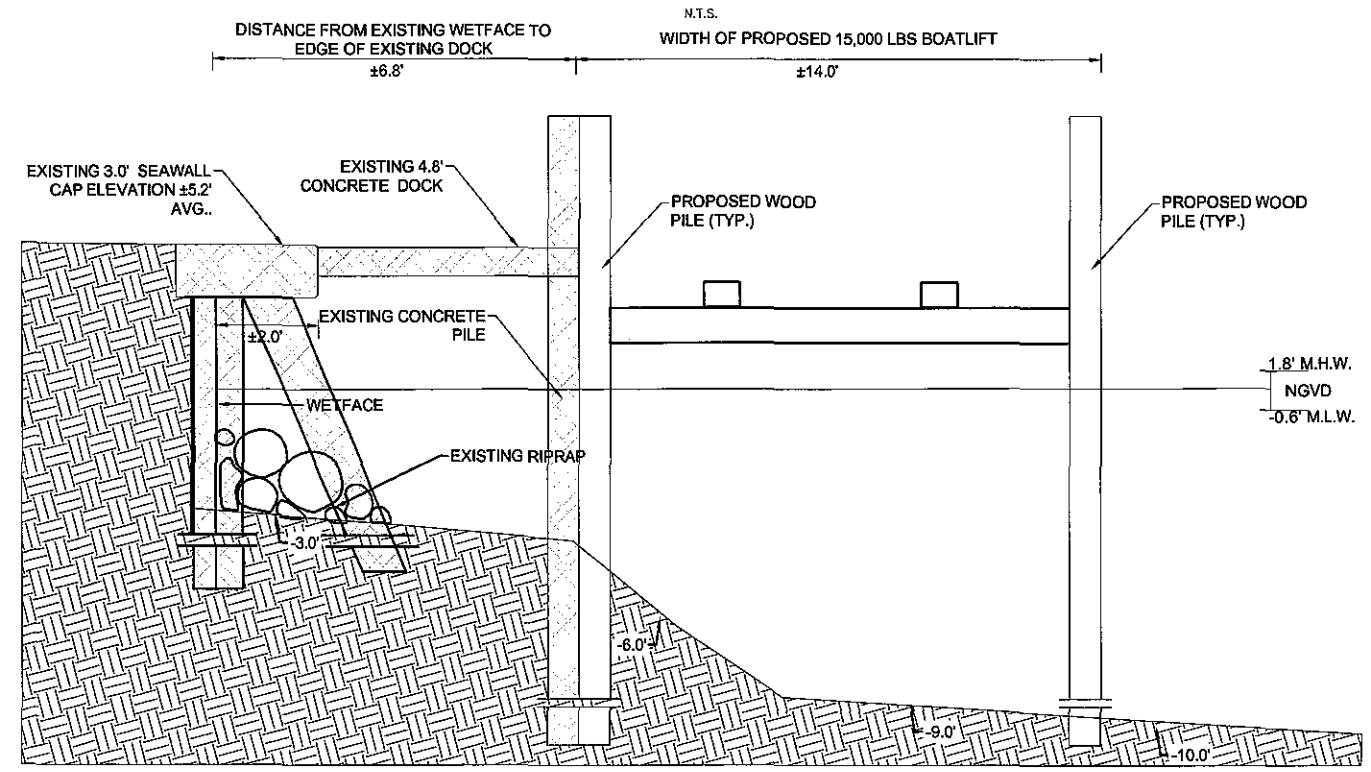


BROWARD COUNTY
 ENVIRONMENTAL RESOURCE LICENSE
 BROWARD COUNTY CODE 27-331 TO 27-341
 PROJECT Fourth Key
 REVIEWER WGM DATE 2/26/15
 ATTACHED TO LICENSE NO. 14-1012
 DRAWN S.L. CHECKED W.M. IN LICENSE

PROPOSED CONDITIONS SECTION B-B (TYP.)



PROPOSED CONDITIONS SECTION C-C (TYP.)



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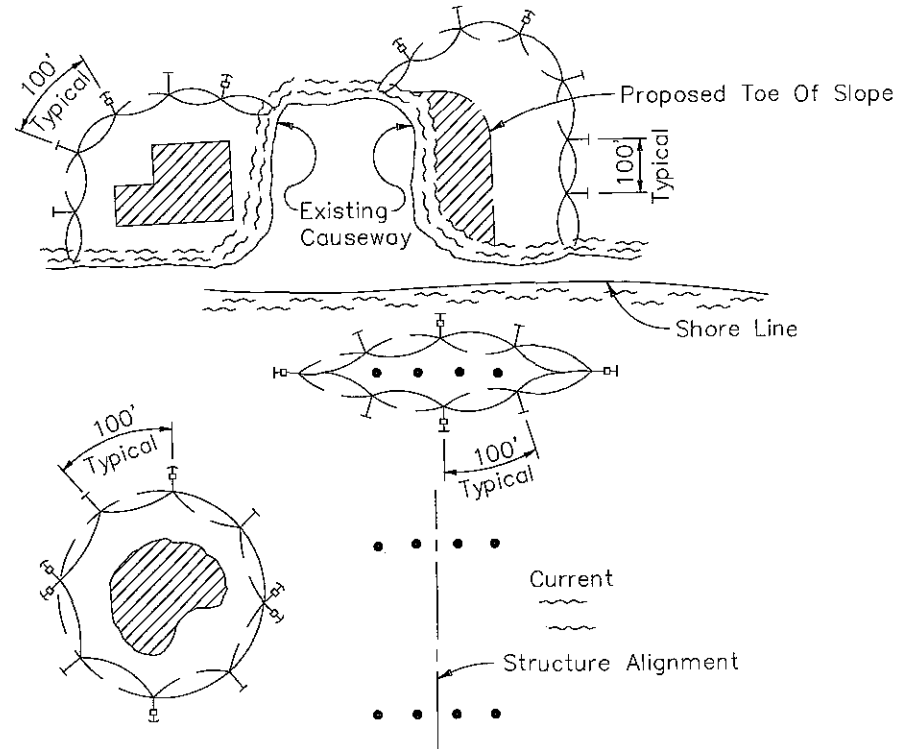
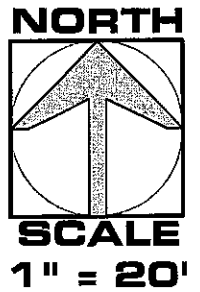
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 714 East McNab Road
 Pompano Beach, Florida 33060
 tel. 954.782.1908
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641 4TH KEY DRIVE
 PREPARED FOR:
 FOURTH KEY LAND TRUST

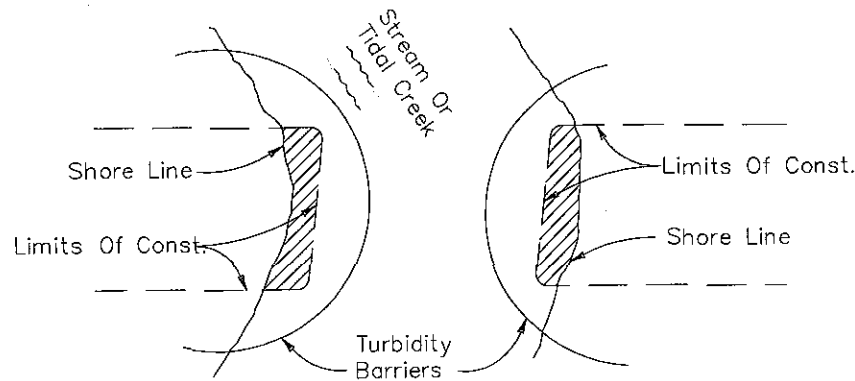
SECTIONS		
Date: 12/2/14	Sheet: 3	of: 4
Proj No.: 14-0026.001		

CONSTRUCTION BARGE (TYP.)

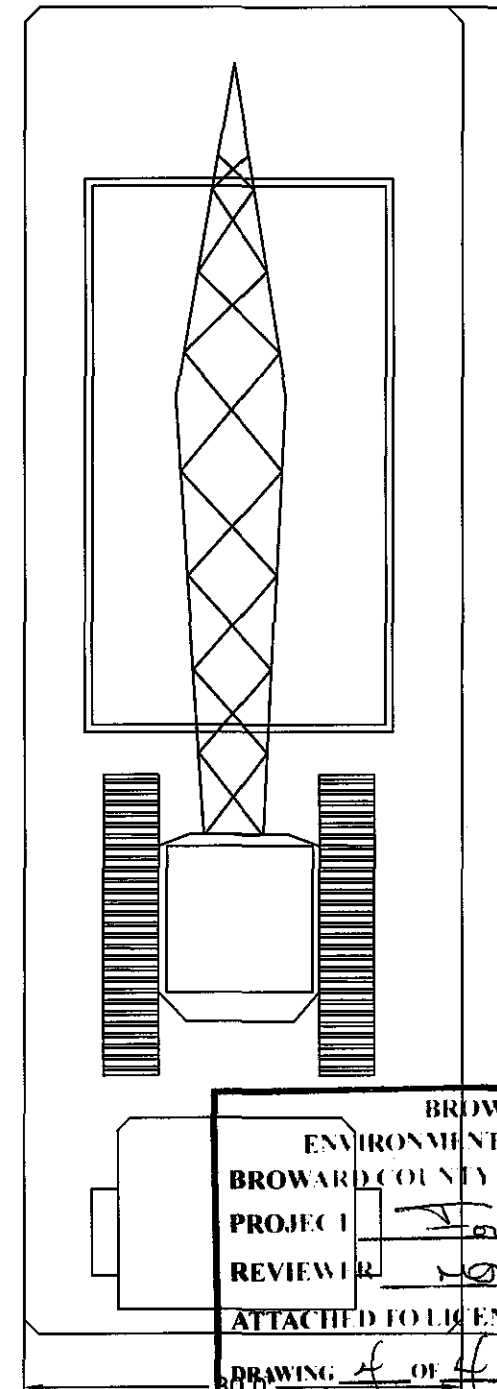


LEGEND

- 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

BROWARD COUNTY ENVIRONMENTAL RESOURCE LICENSE	
BROWARD COUNTY CODE 27-331 TO 27-341	
PROJECT	Fourth Key
REVIEWER	MM DATE 2/26/15
ATTACHED TO LICENSE NO. 14-1012	
DRAWING 4 OF 4 EXPIRES AS INDICATED IN LICENSE	

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641 4TH KEY DRIVE

PREPARED FOR:
FOURTH KEY LAND TRUST

DETAILS		
Date: 12/2/14	Sheet: 4	of: 4
Proj No.:	14-0026.001	