

Meeting Date: February 24, 2015

Agenda Item 12

REQUESTED COMMISSION ACTION:

Consent       Ordinance       Resolution       Consideration       Workshop

SHORT TITLE OR MOTION      A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DOCKING AREA AGREEMENT ( SINGLE EXTENSION) AMONG SANTA BARBARA ARMS LLC, SANTA BARBARA ARMS LLC, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE. (NO COST)

Summary of Purpose and Why: Santa Barbara Arms has acquired 811 and 831 SE 22<sup>nd</sup> Avenue. The previous owners of these properties had entered into docking area agreements and the new owners would like to continue these agreements.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Property owner
- (2) Primary staff contact: Robert McCaughan, Alessandra Delfico PE Ext. 4097, 4144
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Engineering	<u>2-5-15</u>	Approve	<u>Alessandra Delfico</u>
Public Works	<u>2-6/15</u>	Approve	<u>Robert McCaughan</u>
City Attorney	<u>2/10/15</u>	<u>—</u>	<u>Robert McCaughan</u>

Advisory Board  
 Development Services Director  
 City Manager [Signature]

[Signature]

**ACTION TAKEN BY COMMISSION:**

Ordinance	Resolution	Consideration	Workshop
1st Reading	1st Reading	Results:	Results:
2nd Reading			



**City Attorney's Communication #2015-592**

February 4, 2015

**TO:** Alessandra Delfico, P.E., City Engineer  
**FROM:** Gordon B. Linn, City Attorney  
**RE:** Docking Agreement (Single Extension) – Santa Barbara Arms LLC

Pursuant to your memorandum dated February 3, 2015, Engineering Department Memorandum No. 15-597, I have prepared and attached the following captioned Resolution:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DOCKING AGREEMENT (SINGLE EXTENSION) AMONG SANTA BARBARA ARMS LLC, SANTA BARBARA ARMS LLC, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.**

Please feel free to contact me if I may be of further assistance.

---

GORDON B. LINN

/jrm  
l:cor/engr/2015-592

Attachment

RESOLUTION NO. 2015- \_\_\_\_\_

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DOCKING AGREEMENT (SINGLE EXTENSION) AMONG SANTA BARBARA ARMS LLC, SANTA BARBARA ARMS LLC, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That a Docking Agreement (Single Extension) among Santa Barbara Arms LLC, Santa Barbara Arms LLC, and the City of Pompano Beach, a copy of which Agreement is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

**SECTION 2.** That the proper City officials are hereby authorized to execute said Agreement among Santa Barbara Arms LLC, Santa Barbara Arms LLC, and the City of Pompano Beach.

**SECTION 3.** This Resolution shall become effective upon passage.

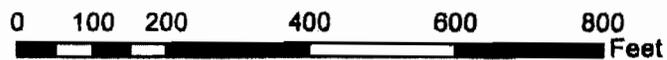
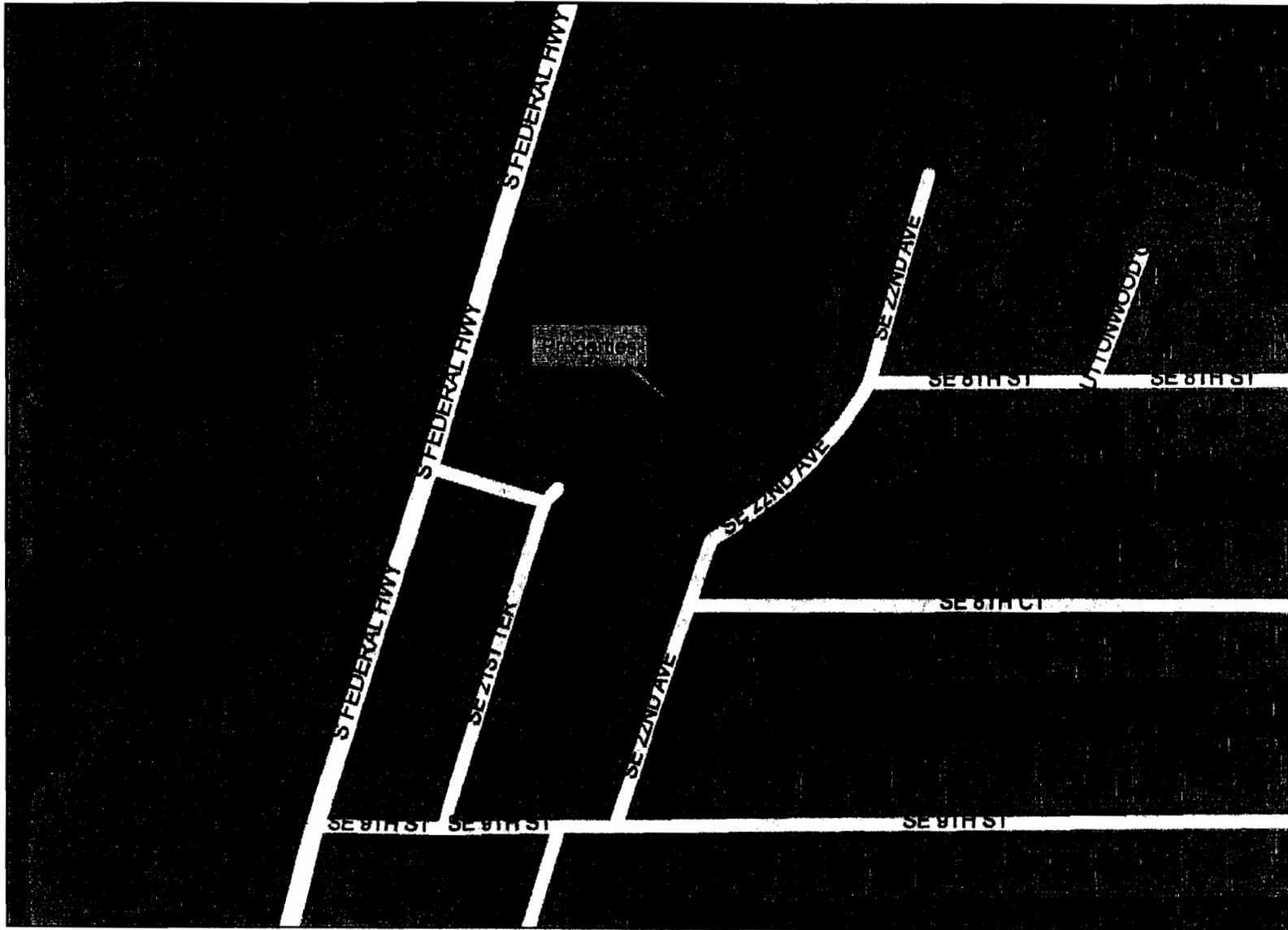
**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**LAMAR FISHER, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ASCELETA HAMMOND, CITY CLERK**

# Docking Agreement



Printed: 3/27/2014  
Document Path: V:\directories\arogisEngineering\Infrastructure.mxd

This product has been compiled from various source data from the City of Pompano Beach. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument. Any reliance on the information contained herein is at the user's own risk. The City of Pompano Beach assumes no responsibility for any use of the information contained herein or any loss resulting there from.

**DOCKING AGREEMENT  
(Single Extension)**

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THIS IS AN AGREEMENT by and between Santa Barbara Arms LLC and whose address is 20 Avon Meadow Lane, Suite 120, Avon, CT ( hereinafter 'OWNER A'), Santa Barbara Arms LLC whose address is 20 Avon Meadow Lane, Suite 120, Avon, CT (hereinafter 'OWNER B') , and the CITY OF POMPANO BEACH, (hereinafter 'CITY') a municipal corporation of the State of Florida located at 100 West Atlantic Boulevard, Pompano Beach, Florida 33060.

WHEREAS, OWNER A desires to construct or has constructed a dock within five feet of the extended property line adjacent to their property legally described as follows:

**See Exhibit "A" attached hereto**

WHEREAS, the construction of docks within five feet of the extended property line allows adjacent property owner to physically connect their docks to form a contiguous horizontal surface; and

WHEREAS OWNER A, OWNER B, and CITY have reached an agreement regarding OWNER A extending OWNER A's dock within five feet of the extended property line and desire to memorialize the agreement; and

IN CONSIDERATION of the mutual promises, terms and conditions contained herein, OWNER A, OWNER B, and CITY agree as follows.

1. CITY is a party to this Agreement for the sole purpose of ensuring compliance with Section 151.03, "Structures in Waterway" of the Pompano Beach Code of Ordinances. As such, this Agreement is made on the

express condition that OWNER A and OWNER B agrees that CITY shall be held harmless and free from all claims for damages for injury or death to any person or property damage of any kind that occurs in connection with this Agreement. Further, OWNER A shall indemnify CITY, its agents and employees against all liability, including legal and attorney's fees, resulting from any injury, death or damage described in this paragraph.

2. This Agreement shall be approved by the Office of the City Attorney for legal content and shall be of no effect until it is properly executed by all parties and recorded along with a copy of the approved plans in the Public Records of Broward County, Florida. CITY assumes no responsibility for recording and must be provided a copy of the Agreement showing the recording information prior to permit issuance.

3. OWNER A and OWNER B are individually and jointly responsible for compliance with all applicable federal, state and local regulations pertaining to the construction, maintenance and use of the docking facilities to the extent that the dock may result in other existing improvements being rendered non-compliant such as may be the case with enforcement of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes, and Florida Building Code Section 424.2.

4. The parties have reviewed and approved the proposed construction plans for placement of a dock within five feet of the extended property line, a copy of which are attached hereto and made a part hereof as "Exhibit B," and OWNER B and OWNER A each grant unto the other the full right to erect, maintain and keep such structure.

5. Upon conveyance of the property of either or both OWNER A and OWNER B, this Docking Agreement shall become null and void and a new agreement between the parties shall be required. Application for the new agreement with the CITY must be made by the affected abutting property owners within 30 days of the conveyance of either abutting property.

If the affected abutting property owners do not timely apply to CITY for a new Docking Agreement within

30 days of the conveyance of either abutting property or one or both of the abutting property owners does not want to continue the extended docking facility, the portion of the dock structure that extends within five feet of the extended property line shall be removed within 30 days of the aforesaid conveyance in accordance with all applicable regulations and all cost, liability and responsibility associated with said removal shall be borne solely by the property owner that was a party to the former Docking Agreement.

6. No boat lifts shall be erected within five feet of the extended property line.

7. No vessels may be docked within the five feet of the extended property line.

8. The width of the canal, river, basin or waterway along which the structure is erected must have a minimum width of 50 feet.

9. Fire suppression systems shall be installed as required by applicable CITY, County, State of Florida and Federal law requirements. Fire suppression systems shall be shown on plans and maintained in full working order at all times.

10. This Agreement may be terminated by CITY for good cause, including, but not limited to, a change in the CITY's Code of Ordinances; upon conveyance of either of the subject abutting properties; the failure of OWNER A to continuously maintain their dock, seawall and other related improvements in good repair; and/or the failure of either or both OWNER A and OWNER B to comply with this Agreement

"CITY":

Witnesses:

**CITY OF POMPANO BEACH**

\_\_\_\_\_

By: \_\_\_\_\_  
LAMAR FISHER, MAYOR

\_\_\_\_\_

By: \_\_\_\_\_  
DENNIS W. BEACH, CITY MANAGER

Attest:

\_\_\_\_\_  
ASCELETA HAMMOND, CITY CLERK

(SEAL)

Approved As To Form:

\_\_\_\_\_  
GORDON B. LINN, CITY ATTORNEY

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by **LAMAR FISHER**, as Mayor, **DENNIS W. BEACH** as City Manager and **ASCELETA HAMMOND**, as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who are personally known to me.

NOTARY'S SEAL:

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or Stamped)

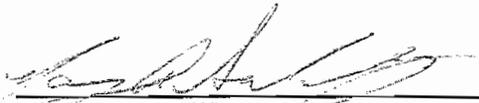
\_\_\_\_\_  
Commission Number



'OWNER B':

Witnesses:

SANTA BARBARA ARMS LLC  
By: Santa Barbara Arms Manager LLC

  
\_\_\_\_\_  
Witness 1 Signature

By:   
\_\_\_\_\_  
Hagan Brown, Manager

Print Name: Nancy A. Salisbury

  
\_\_\_\_\_  
Witness 2 Signature

Print Name: Elizabeth Telles

DATED: January 29, 2015

STATE OF CONNECTICUT     )

)     ss. Avon

COUNTY OF HARTFORD     )

On this the 29 day of January, 2015, before me, the undersigned officer, personally appeared Hagan Brown, who acknowledged himself to be the Manager of Santa Barbara Arms Manager LLC, a Delaware limited liability company, the Manager of Santa Barbara Arms LLC, a Delaware limited liability company, and that he, as such Manager, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as Manager.

  
\_\_\_\_\_

Notary Public  
My Commission Expires: 1/31/18



- Streets
- Parcels
- Aerials (2014)
- County Boundary

Property "A":  
811 SE 22nd AVE.

# Map

0 34 ft

LORI PARRISH  
BROWARD COUNTY  
PROPERTY APPRAISER



-  Streets
-  Parcels
-  Aerials (2014)
-  County Boundary

Property "B":  
831 SE 22nd AVE.

# Map

0  66 ft

EXHIBIT "A"

Property "A":

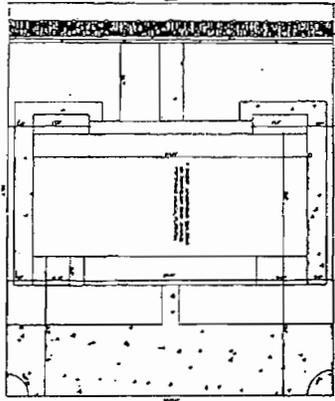
811 SE 22nd Avenue, Pompano Beach, Florida 33062, known as Santa Barbara Arms  
More particularly described as: Lot 4 of Block 1, Santa Barbara Shores, according to the initial plat thereof,  
recorded in Plat Book 33, Page 21, of the Public Records of Broward County, Florida

Property "B":

831 SE 22nd Avenue, Pompano Beach, Florida 33062, known as Santa Barbara Arms  
More particularly described as: Lots 5 and 6 of Block 1, Santa Barbara Shores, according to the initial plat thereof,  
recorded in Plat Book 33, Page 21, of the Public Records of Broward County, Florida

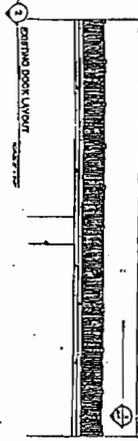
EXHIBIT "B"

REPAIRS TO EXISTING DOOR



1. STRUCTURAL LAYOUT

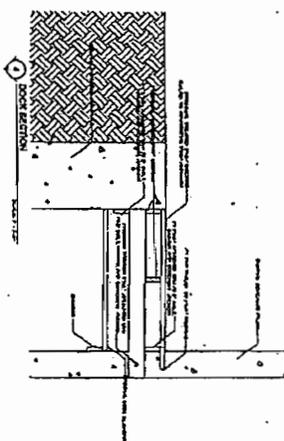
NOTES:  
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES OF FLORIDA AND THE NATIONAL BUILDING CODE.  
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES OF BOARDS AND STANDARDS.  
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES OF BOARDS AND STANDARDS.  
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES OF BOARDS AND STANDARDS.  
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES OF BOARDS AND STANDARDS.



2. EXISTING DOOR ELEVATION



3. TYPICAL DOOR ELEVATION



4. DOOR ELEVATION

REPAIRS TO EXISTING DOOR  
831 SOUTHEAST 22ND AVENUE  
POMPAH BEACH, FLORIDA

**HILLMAN ENGINEERING INC.**  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF FLORIDA  
NO. 12456

DATE: 10/15/10  
DRAWN BY: J. HILLMAN  
CHECKED BY: J. HILLMAN  
SCALE: AS SHOWN

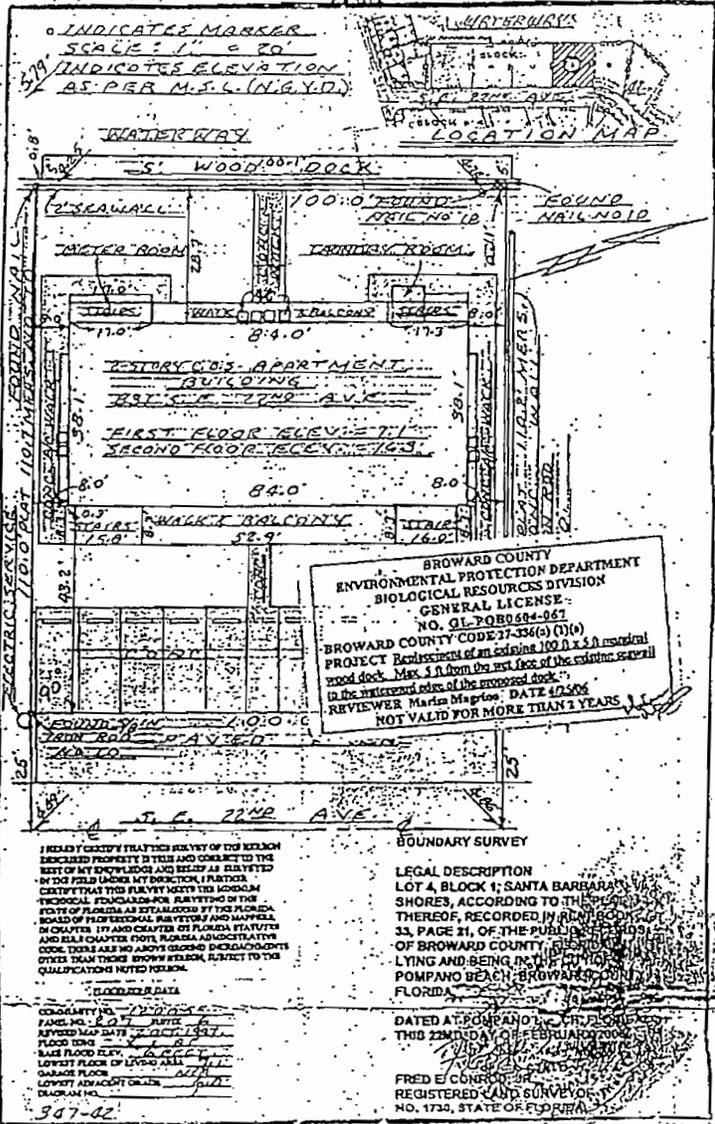
1-1

PHONE (407) 754-1660  
 FAX (407) 754-0111  
**FRED CONROD**

432 SOUTH OYSTER ROAD  
 POMPANO BEACH, FL 33060  
**LAND SURVEYORS**

LOTTA-ACRAGE-RESIDENTIAL  
 FLOOD INSURANCE SURVEYS

CORR. SURVEYS-CONDO DOCUMENTS  
 MORTGAGE & TITLE SURVEYS



BROWARD COUNTY  
 ENVIRONMENTAL PROTECTION DEPARTMENT  
 BIOLOGICAL RESOURCES DIVISION  
 GENERAL LICENSE  
 NO. GL-P080684-061  
 BROWARD COUNTY CODE 27-336(5) (1)(a)  
 PROJECT Reassessment of an existing 100 ft x 5 ft residential  
 wood dock. Max 5 ft from the rest floor of the existing second  
 to the waterward edge of the proposed dock.  
 REVIEWER: Maria Magallon DATE 4/25/06  
 NOT VALID FOR MORE THAN 1 YEAR

I HEREBY CERTIFY THAT THIS SURVEY OF THE HEREIN  
 ENCLOSED PROPERTY IS TRUE AND CORRECT TO THE  
 BEST OF MY KNOWLEDGE AND BELIEF AS EXPRessed  
 IN THE FIELD UNDER MY DIRECTION, I FURTHER  
 CERTIFY THAT THIS SURVEY MEETS THE MODERN  
 TECHNICAL STANDARDS FOR SURVEYING OF THE  
 STATE OF FLORIDA AS ESTABLISHED BY THE FLORIDA  
 BOARD OF PROFESSIONAL SURVEYORS AND MAPPLERS  
 IN CHAPTER 171 AND CHAPTER 608, FLORIDA STATUTES  
 AND EARLY CHAPTER FOUR, FLORIDA ADMINISTRATIVE  
 CODE. THERE ARE NO KNOWN OR UNKNOWN ENCUMBRANCES  
 OTHER THAN THOSE SHOWN HEREON, SUBJECT TO THE  
 QUALIFICATIONS NOTED HEREON.

**BOUNDARY SURVEY**

LEGAL DESCRIPTION  
 LOT 4, BLOCK 1, SANTA BARBARA  
 SHORES, ACCORDING TO THE  
 THEREOF, RECORDED IN PLAT BOOK  
 33, PAGE 21, OF THE PUBLIC RECORDS  
 OF BROWARD COUNTY, FLORIDA,  
 LYING AND BEING IN THE CITY OF  
 POMPANO BEACH, BROWARD COUNTY,  
 FLORIDA.

DATED AT POMPANO BEACH, FLORIDA  
 THIS 22ND DAY OF FEBRUARY 2006  
 FRED E. CONROD, SURVEYOR  
 REGISTERED LAND SURVEYOR  
 NO. 1734, STATE OF FLORIDA

**FLOODING DATA**

CONDOMINIUM NO.	123456
PANEL NO.	R-07
APPROVED MAP DATE	1/15/06
FLOOD ZONE	AE
BASE FLOOD ELEV.	70.00
LOWEST FLOOR OF SECOND FLOOR	74.30
LOWEST FLOOR OF GARAGE FLOOR	71.10
LOWEST ADJACENT GRADE	71.10
DRAWING NO.	307-02