

Meeting Date: September 21, 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 SHARED COMMON DOCKING AREA AGREEMENT AMONG RONALD THOMPSON AND CAROLYN THOMPSON AND ALEXANDER PIGNATARO AND LUCILLE PIGNATARO AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE. (NO COST)

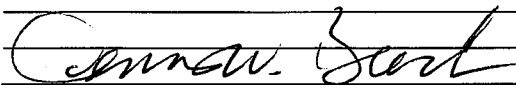
Summary of Purpose and Why: The Thompsons, owners of 2301 North Ocean Blvd would like to build a dock within the common docking area as defined by City Code. This requires an agreement between the neighbors per City Code.

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>9/10/15</u>	Approve	
Public Works	<u>9/10/15</u>	Approve	
City Attorney	<u>9/15/15</u>		
Finance	<u>9/15/15</u>	<u>Approval</u>	

Advisory Board
 Development Services Director
 City Manager 



ACTION TAKEN BY COMMISSION:

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



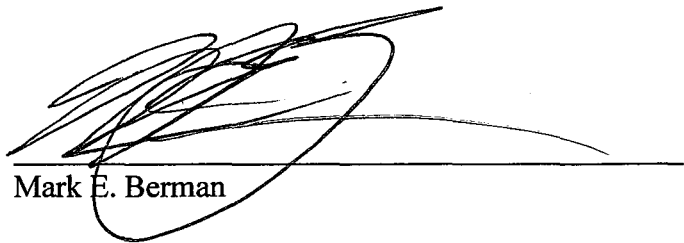
City Attorney's Communication #2015-1424
August 25, 2015

TO: Alessandra Delfico, P.E., City Engineer
FROM: Mark E. Berman, City Attorney
RE: Resolution – Shared Common Docking Area Agreement

Pursuant to your memorandum dated August 13, 2015, Engineering Department Memorandum No. 15-163, following form of Resolution, relative to the above-referenced matter, has been prepared and is attached:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SHARED COMMON DOCKING AREA AGREEMENT AMONG RONALD THOMPSON AND CAROLYN THOMPSON AND ALEXANDER PIGNATARO AND LUCILLE PIGNATARO, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

Prior to presenting the Resolution to the City Commission, please attach the appropriate city signature page to the agreement.

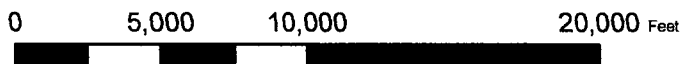
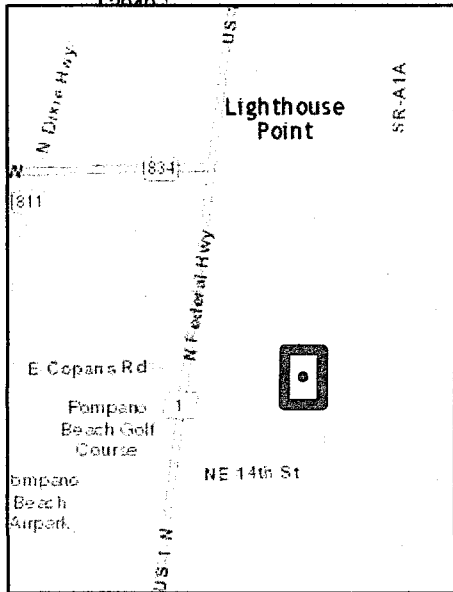
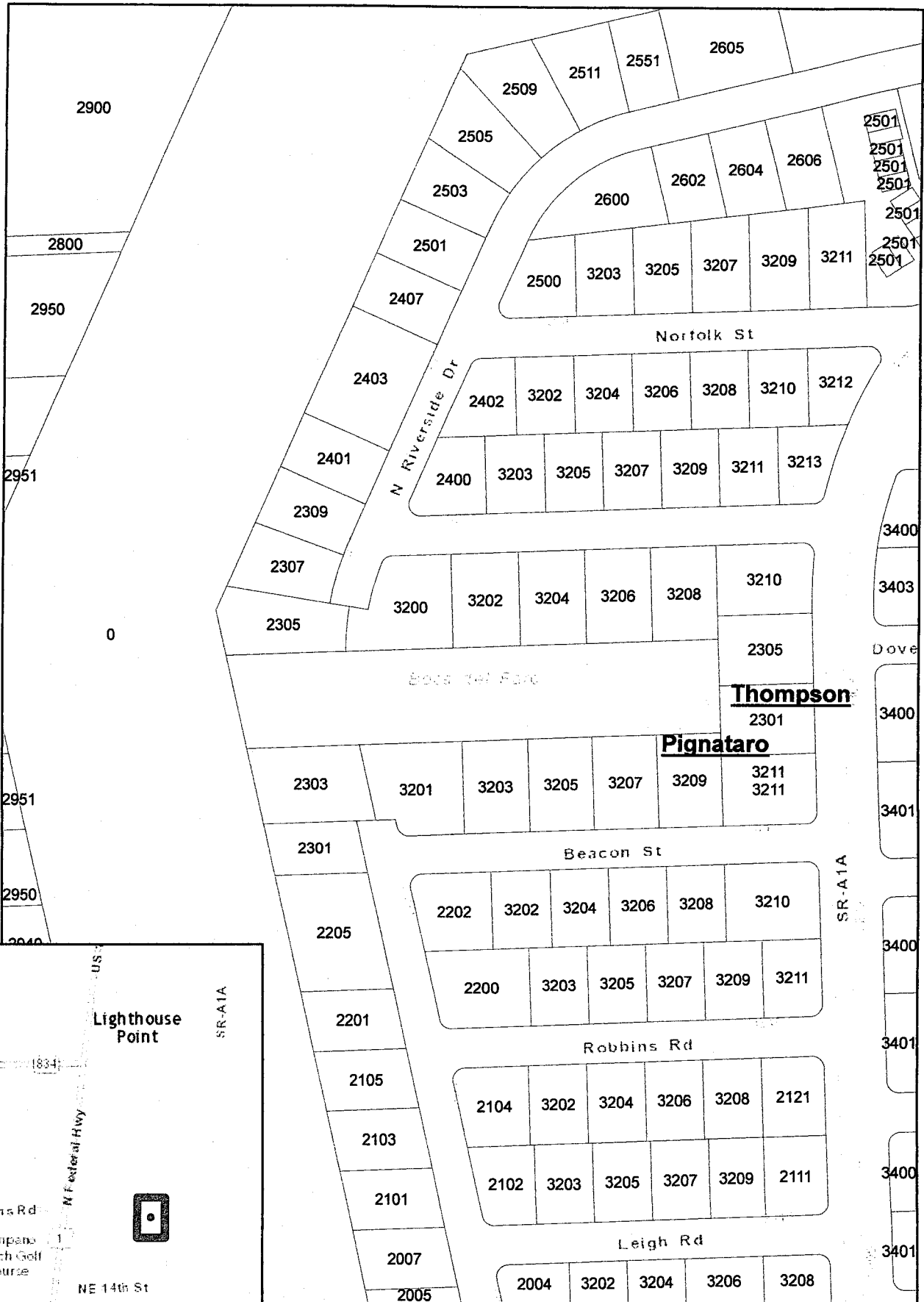


Mark E. Berman

/jrm
l:cor/engr/2015-1424

Attachment

Docking Agreement Location



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 SHARED COMMON DOCKING AREA AGREEMENT AMONG RONALD THOMPSON AND CAROLYN THOMPSON AND ALEXANDER PIGNATARO AND LUCILLE PIGNATARO, 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 Shared Common Docking Area Agreement among Ronald Thompson and Carolyn Thompson and Alexander Pignataro and Lucille Pignataro, 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 and Ronald Thompson and Carolyn Thompson and Alexander Pignataro and Lucille Pignataro 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

COMMON DOCKING AGREEMENT

THIS IS AN AGREEMENT by and between Ronald Thompson and Carolyn Thompson whose address is 2301 N Ocean Blvd, Pompano Beach, Florida (hereinafter 'OWNER A'), Alexander P Pignataro and Lucille J Pignataro whose address is 3209 Beacon Street, Pompano Beach, Florida (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 the common docking area adjacent to their property legally described as follows:

See Exhibit "A" attached hereto

WHEREAS, Section 151.03, 'Structures in Waterways', of the Pompano Beach Code of Ordinances requires that if two or more lots share a common docking area, the owners shall enter into an agreement with the City which shall state the property owners have reviewed and approved the proposed plans as it relates to the placement of any structure in the common docking area as well as the proposed docking of any boat or watercraft; and

WHEREAS OWNER A, OWNER B, and CITY have reached an agreement regarding OWNER A replacing OWNER A's dock within the common docking area 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 purpose of ensuring compliance with Section 151.03(F), "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 of any kind that occurs in connection with this Agreement. Further, OWNER A and Owner B shall indemnify CITY, its agents and employees against any and all claims, including but not limited to damages, court costs and attorney's fees

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 is 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 the common docking area, a copy of which are attached hereto and made a part hereof as "Exhibit B," and OWNER B grants unto OWNER A the full right to erect, maintain and keep such structure.

5. If the affected abutting property owners do not timely apply to CITY for a new Dock Location 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 docking facility, the portion of the dock structure that is within the common docking area 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 Dock Location Agreement.

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

8. 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.

9. 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:

MARK E. BERMAN, 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 A":

Witnesses:

[Signature]

Ronald Thompson
Ronald Thompson

Print Name: Rosa Pierre Charles

Carolyn Thompson
Carolyn Thompson

[Signature]

DATED: AUGUST 28, 2015

Print Name: Nosheen Aminwala


STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 28 day of AUGUST 2015 by Rosa Pierre Charles He/She is personally known to me or has produced [Signature] (type of identification) as identification.

NOTARY'S SEAL:

[Signature]
NOTARY PUBLIC, STATE OF FLORIDA

 **LUCILLE J. BIGNATARO**
(Name of Notary Acknowledger Typed, Printed or Stamped)
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF111627
Expires 4/9/2018
Commission Number

"OWNER B":

Witnesses:

Noshee Amiwala

Alexander P Pignataro

Alexander P Pignataro

Print Name:

Noshee Amiwala

Lucille J Pignataro

Lucille J Pignataro

Rose Pierre Charles

DATED: AUGUST 28, 2015

Print Name:

Rose Pierre Charles

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 28th day of August 2015 by Alexander & Lucille Pignataro He/ She is personally known to me or has produced _____ (type of identification) as identification.

NOTARY'S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

Rose Camille L. Pierre Charles

(Name of Acknowledger Typed, Printed or Stamped)

FF 195020

Commission Number



Rose Camille L. Pierre Charles
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF195020
Expires 2/2/2019



OWNER "A"

Site Address	2301 N OCEAN BOULEVARD, POMPANO BEACH	ID #	4843 29 05 0880
Property Owner	THOMPSON, RONALD G & CAROLYN S	Millage	1511
Mailing Address	2301 N OCEAN BLVD POMPANO BEACH FL 33062	Use	01

Abbreviated Legal Description	HILLSBORO SHORES SEC B 22-39 B LOT 8 BLK 16
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The just values displayed below were set in compliance with Sec. 193.011, Fla. Stat., and include a reduction for costs of sale and other adjustments required by Sec. 193.011(8).

Property Assessment Values					
Click here to see 2014 Exemptions and Taxable Values as reflected on the Nov. 1, 2014 tax bill.					
Year	Land	Building	Just / Market Value	Assessed / SOH Value	Tax
2015	\$378,000	\$125,360	\$503,360	\$404,840	
2014	\$378,000	\$101,200	\$479,200	\$401,630	\$7,702.35
2013	\$351,000	\$97,110	\$448,110	\$395,700	\$7,701.44

2015 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$503,360	\$503,360	\$503,360	\$503,360
Portability	0	0	0	0
Assessed/SOH 04	\$404,840	\$404,840	\$404,840	\$404,840
Homestead 100%	\$25,000	\$25,000	\$25,000	\$25,000
Add. Homestead	\$25,000	0	\$25,000	\$25,000
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$354,840	\$379,840	\$354,840	\$354,840

Sales History			
Date	Type	Price	Book/Page or CIN
4/1/1981	WD	\$175,000	9558 / 559
12/1/1961	WD	\$32,500	

Land Calculations		
Price	Factor	Type
\$35.00	10,800	SF
Adj. Bldg. S.F. (Card, Sketch)		1952
Units		1

Test: Click for new maps.

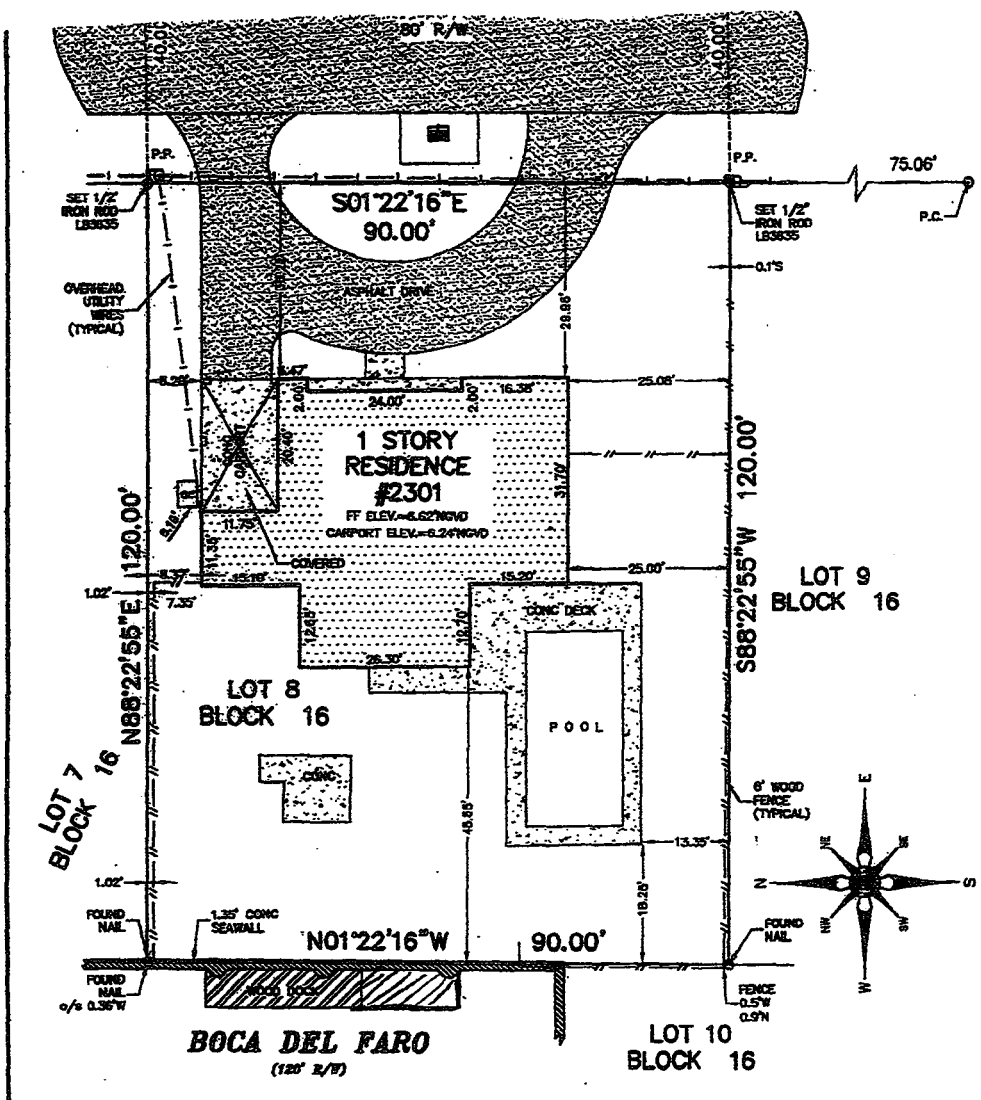
Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
15								
R								
1								

Exhibit L

POST CONSTRUCTION PLAN VIEW

1. Remove the existing 5' x 20' dock and piles
2. Install 7 batter piles and 60 lf. of seawall cap.
3. Install a +/-5' x 30' new wood dock and piles.

(edge of dock to be +/-7' from the seawall wet-face)



NOTES:

1. UNLESS OTHERWISE NOTED, FIELD MEASUREMENTS ARE IN AGREEMENT WITH RECORD MEASUREMENTS.
2. BEARINGS SHOWN HEREIN ARE BASED ON A BEARING OF $S01^{\circ}22'16''E$ ALONG THE EAST LINE LOT 8 BLOCK 16 PLAT BOOK 22, PAGE 39.
3. UNLESS OTHERWISE NOTED, COUNTY RECORDS.
4. THE LANDS SHOWN HEREIN WERE NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF RECORD BY ACCURATE LAND SURVEYORS, INC. THIS SURVEY IS FOR TITLE AND MORTGAGE PURPOSES ONLY, NOT FOR DESIGN OR CONSTRUCTION.
5. THIS DRAWING IS THE PROPERTY OF ACCURATE LAND SURVEYORS, INC. AND SHALL NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN AUTHORIZATION.
6. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE CERTIFIED HEREON, TO BE VALID ONE YEAR FROM THE DATE OF THE SURVEY AS SHOWN.
7. OWNERSHIP OF FENCES AND WALLS IF ANY, NOT DETERMINED.
8. THIS SURVEY CONSISTS OF A MAP AND TEXT REPORT, ONE IS NOT VALID WITHOUT THE OTHER.

CERTIFICATION:

THIS IS TO CERTIFY THAT I HAVE RECENTLY SURVEYED THE PROPERTY DESCRIBED IN THE FOREGOING TITLE CAPTION AND HAVE SET OR FOUND MONUMENTS AS INDICATED ON THIS SKETCH AND THAT SAID ABOVE GROUND SURVEY AND CHECKS ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; I FURTHER CERTIFY THAT THIS SURVEY MEETS MINIMUM TECHNICAL STANDARDS UNDER RULE 61C17-4 FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS, MAY 1985.

REVISIONS	DATE	BY

DATE OF SURVEY 04/01/08	DRAWN BY GOT	CHECKED BY JDS	FIELD BOOK SEE FILE
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04-03-08

ROBERT L. THOMPSON (PRESIDENT)
PROFESSIONAL SURVEYOR AND MAPPER No. 3889 - STATE OF FLORIDA

SEAL
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SCALE 1" = 20'

SHEET NUMBER SU-08-0896