

## **RESOLUTION 19-26**

**A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A VARIANCE TO ALLOW FOR A TWENTY-SEVEN FOOT (27') BY TWELVE FOOT (12') (FROM BACK OF WALL) SEAWALL CUT-IN; MAKING FINDINGS; APPROVING A VARIANCE FOR THE SUBJECT PROPERTY, LOCATED AT 672 CRESCENT STREET, MARCO ISLAND, FLORIDA; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING THAT THE APPROVAL OF THE VARIANCE DOES NOT CREATE A VESTED RIGHT TO ANOTHER DEVELOPMENT PERMIT; PROVIDING FOR FAILURE TO COMPLY WITH THIS DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 30-65, of the Land Development Code, provides standards and considerations for the grant of a variance; and

**WHEREAS**, the Owner/Developer submitted a Variance Petition (VP 19-000921) for the Subject Property located at 672 Crescent Street., Marco Island, Florida 34145; and

**WHEREAS**, the City of Marco Island staff has reviewed VP 19-000921; and

**WHEREAS**, the Planning Board considered this request at their June 7, 2019 meeting; and

**WHEREAS**, a motion was made and seconded to approve the variance that resulted in a tie vote; and

**WHEREAS**, a second motion was made and seconded to approve a smaller cut-in resulting in a tie vote; and

**WHEREAS**, the Planning Board has been unable by majority vote to make findings or recommendations; and

**WHEREAS**, the City Council finds that the Variance Petition meets the requirements of the City of Marco Island Code of Ordinances and should be approved, subject to the conditions of approval set forth in this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:**

### **SECTION 1. Recitals; Definitions.**

- (a) That the foregoing “**WHEREAS**” clauses are ratified and confirmed

as being true and correct and are made a specific part of this Resolution.

(b) That as used herein, unless the context or City Code of Ordinances requires to the contrary, the following terms will be defined as set forth below:

(1) "City" means the City of Marco Island, a Florida Municipal Corporation.

(2) "Development" is defined as set forth in Section 163.3164, Florida Statutes.

(3) "Development Permit" is defined as set forth in Section 163.3164, Florida Statutes.

(4) "LDC" means the City's Land Development Code as set forth in Chapter 30, Code of Ordinances of the City of Marco Island, Florida.

(5) "Owner/Developer" means Martin Judd and Carol Cienkus, 3919 School Street, Downers Grove, Illinois.

(6) "Permit Plan" means the drawings attached as pages two and three attached to the New Single-Family Boat Basin Florida Department of Environmental Protection Permit No. 0350072-001 E1 (permit letter February 27, 2017), issued by FDEP Fort Myers Office. The FDEP Permit and drawings are attached hereto as Exhibit "A" and by this reference incorporated herein.

(7) "Subject Property" means the following described parcel of land, lying, situate and being in the State of Florida, County of Collier, City of Marco Island, to-wit: Lot 1, Block 361, Marco Beach Unit Eleven, according to the plat thereof, as recorded in Plat Book 6, Pages 80 through 86, Public Records of Collier County, Florida.

**SECTION 2. Adoption and Approval.** The Variance Petition (VP 19-000921) requesting a variance for a 27' by 12' (from back of wall) seawall cut-in for the location on the Subject Property as described and depicted on the Permit Plan is hereby approved, subject to the conditions in Section 3. of this Resolution. This approval is specific as to the Subject Property

**SECTION 3. Conditions of Approval.** Approval of the Variance Petition (VP 19-000921) is granted subject to the following conditions of approval:

(a) The Owner/Developer is required to resubmit construction documents to the City of Marco Island Building Department for review and approval prior to issuance of a building permit issued after the date of this resolution..

(b) Other Permits. Prior to the commencement of any actual construction, demolition or repair work as may be authorized or permitted by the City, the Owner/Developer must obtain any and all approvals from federal and state governmental agencies, including but not limited to the Department of Environmental Protection, Army Corp of Engineers and Florida Fish and Wildlife Conservation Commission, if applicable. The approval from the Florida Department of Environmental Protection will require the petitioner monitor the levels of turbidity in the proposed project area and monitoring reports submitted to the Florida Department of Environmental Protection. Those same reports must be submitted to the Environmental Planner of the City of Marco Island. The City reserves the right to review and re-evaluate its approval or set additional conditions after review of both DEP, Army Corp of Engineers and FWC project reports.

(c) This variance will expire on July 15, 2020 if a new building permit has not been issued and is in force and the seawall in the location shown on the Permit Plan is not under active physical construction and diligently pursued to completion.

**SECTION 4. Development Permit Does Not Create a Vested right For Other Development Permits.** That issuance of this approval by the City does not in any way create any right on the part of the Owner/Developer to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the approval if the Owner/Developer fails to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in the violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the Development. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

**SECTION 5. Failure to Comply With Resolution.** That failure to adhere to the Variance approval and the approval terms and conditions contained in this Resolution shall be considered a violation of this Resolution and the City Code, and persons found violating this Resolution shall be subject to the penalties prescribed by the City Code. The Owner/Developer understands and acknowledges that it must comply with all other applicable requirements of the City Code before they may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the City at any time upon a determination that the Owner/Developer is in non-compliance with the City Code.

**SECTION 6. Effective Date.** This Resolution shall be effective immediately upon adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, THIS 15<sup>TH</sup> DAY OF JULY 2019.

**ATTEST:**

**CITY OF MARCO ISLAND, FLORIDA**

\_\_\_\_\_  
Laura M. Litzan, City Clerk

By: \_\_\_\_\_  
Erik Brechnitz, Chairman

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Alan L. Gabriel, City Attorney



**Florida Department of  
Environmental Protection**

South District  
Post Office Box 2549  
Fort Myers, Florida 33902-2549  
[SouthDistrict@dep.state.fl.us](mailto:SouthDistrict@dep.state.fl.us)

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Ryan E. Matthews  
Interim Secretary

**Permittee/Authorized Entity:**

Martin H. Judd  
3919 School St  
Downers Grove, IL 60515  
[mhjudd@comcast.net](mailto:mhjudd@comcast.net)

**New Single Family Boat Basin**

**Authorized Agent:**

Bernice Clark  
Imperial Marine Construction, Inc.  
601 E Elkcam Cir, Ste B2  
Naples, FL 34145  
[Bernice1imperialmarine@yahoo.com](mailto:Bernice1imperialmarine@yahoo.com)

**Environmental Resource Permit**

**State-owned Submerged Lands Authorization –Not Applicable**

**U.S. Army Corps of Engineers Authorization – Granted per State  
Programmatic General Permit**

Permit No.: 0350072-001 EI

**Permit Issuance Date: February 27, 2017**

**Permit Construction Phase Expiration Date: February 27, 2022**

[www.dep.state.fl.us](http://www.dep.state.fl.us)

## Environmental Resource Permit

Permittee: Martin H. Judd  
Permit No: 0350072-001 EI

### PROJECT LOCATION

The activities authorized by this permit are located at 672 Crescent St, Parcel ID: 57930800006, Marco Island, adjacent to the Thrush waterway, a residential canal, Class III Waters, Section 5, Township 52 South, Range 26 East, Collier County.

### PROJECT DESCRIPTION

The permittee is authorized to construct a 431 square foot boat basin (approximately 12' deep x 37' wide) dredged from uplands to a depth of no deeper than -3.0 feet Mean Low Water. The 188 cubic yards of spoil shall be removed and deposited in uplands to be utilized onsite for a single family residence. Authorized activities are depicted on the attached exhibits.

### AUTHORIZATIONS

#### New Single Family Boat Basin

#### Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

#### Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has determined the activity is not on submerged lands owned by the State of Florida. Therefore, your project is not subject to the requirements of Chapter 253, F.S., or Rule 18-21, F.A.C.

#### Federal Authorization

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit V, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 26, 2021. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition B. 27 of the SPGP V permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project." Special conditions required for your project are attached. A copy of the SPGP V with all terms and conditions and the General Conditions may be found at <http://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>."

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

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Permit”, Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

#### Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

#### Water Quality Certification

This permit also constitutes a: water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341

#### Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

#### **PERMIT**

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit, as described.

#### **SPECIFIC CONDITIONS – ADMINISTRATIVE**

1. All required submittals, such as certifications, monitoring reports, notifications, etc., shall be submitted to the Florida Department of Environmental Protection, South District Office, Submerged Lands and Environmental Resource Permitting, P.O. Box 2549, Fort Myers, FL 33902-2549 or via e-mail to [FTMERP\\_Compliance@dep.state.fl.us](mailto:FTMERP_Compliance@dep.state.fl.us). All submittals shall include the project name and indicated permit number when referring to this project.

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*Note: In the event of an emergency, the Permittee should contact the Department by calling (800)320-0519. During normal business hours, the permittee should call (239)344-5600.*

#### **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

2. A floating turbidity curtain shall be installed around the construction area and will remain in place until all the seawalls have been installed around the excavated basin and turbidity levels within the work area have returned to background level prior to construction of the basin.

#### **SPECIFIC MANATEE PROTECTION CONDITIONS**

3. 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.

4. 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 shall follow routes of deep water whenever possible.

5. 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 shall not impede manatee movement.

6. All on-site project personnel are responsible for observing water-related activities for the presence of manatees. All in-water operations, including vessels, shall be shutdown if a manatee comes within 50 feet of the operation. Activities shall not resume until every manatee has moved beyond the 50-foot radius of the project operation, or until 30 minutes has elapsed wherein a manatee has not reappeared within 50 feet of the operation. Animals shall not be herded away or harassed into leaving.

7. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. 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.

8. 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. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" 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. Please see the Florida Fish and Wildlife Conservation Commission website for

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information on how to obtain appropriate signs:

[http://www.myfwc.com/docs/WildlifeHabitats/Manatee\\_EducationalSign.pdf](http://www.myfwc.com/docs/WildlifeHabitats/Manatee_EducationalSign.pdf)

#### **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. 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 installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be 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)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

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- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
  - b. For all other activities "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
  - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
  - b. Convey to the permittee or create in the permittee any interest in real property;
  - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:

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- a. Immediately if any previously submitted information is discovered to be inaccurate; and
- b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. 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.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

#### **NOTICE OF RIGHTS**

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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

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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.

Executed in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart  
District Director  
South District Office

JMI/tjs

**Attachments:**

3 project drawings

'Post Issuance' forms: <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm>

Collier County Property Appraiser, [jredding@collierappraiser.com](mailto:jredding@collierappraiser.com)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit, including all copies, were mailed before the close of business on February 27, 2017, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.



Clerk

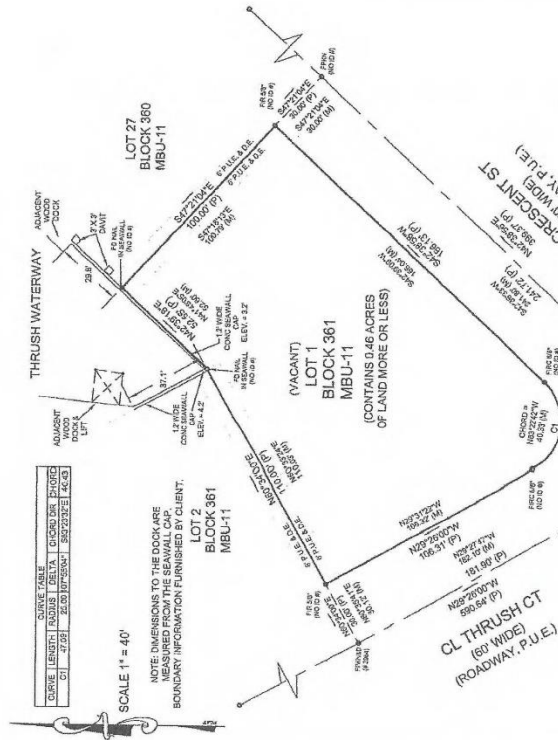
February 27, 2017

Date

Permittee: Judd, Martin H.  
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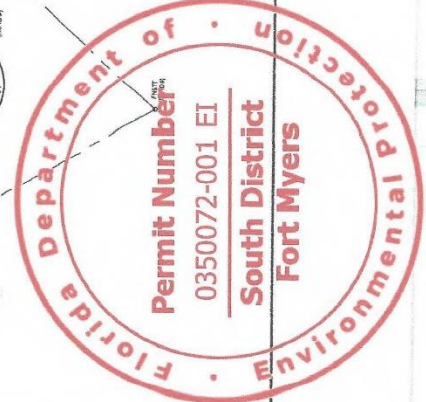
**NOTES:**

1. THIS SURVEY MAP IS NOT VALID WITHOUT THE SIGNATURE AND MAILED SEAL OF A F.L.C.E. LICENSED SURVEYOR ON THE CENTERLINE OF THE SEAWALL AND THE SEAWALL SHALL BE CONSIDERED A PART OF THE SEAWALL AND THE SEAWALL SHALL BE CONSIDERED A PART OF THE SEAWALL.
2. ALL DIMENSIONS AND BEARINGS ARE GIVEN IN DECIMALS OF FEET AND INCHES AND ARE SUBJECT TO ALL DIMENSIONS, REGULATIONS, ORDINANCES, RESTRICTIONS, ZONINGS, EASEMENTS, AND EASEMENTS.
3. DATE OF FIELD SURVEY: DECEMBER 21, 2016.
4. THIS SURVEY MAP IS NOT VALID WITHOUT THE SIGNATURE AND MAILED SEAL OF A F.L.C.E. LICENSED SURVEYOR ON THE CENTERLINE OF THE SEAWALL AND THE SEAWALL SHALL BE CONSIDERED A PART OF THE SEAWALL AND THE SEAWALL SHALL BE CONSIDERED A PART OF THE SEAWALL.
5. ALL DIMENSIONS AND BEARINGS ARE GIVEN IN DECIMALS OF FEET AND INCHES AND ARE SUBJECT TO ALL DIMENSIONS, REGULATIONS, ORDINANCES, RESTRICTIONS, ZONINGS, EASEMENTS, AND EASEMENTS.
6. ALL DIMENSIONS AND BEARINGS ARE GIVEN IN DECIMALS OF FEET AND INCHES AND ARE SUBJECT TO ALL DIMENSIONS, REGULATIONS, ORDINANCES, RESTRICTIONS, ZONINGS, EASEMENTS, AND EASEMENTS.
7. ALL DIMENSIONS AND BEARINGS ARE GIVEN IN DECIMALS OF FEET AND INCHES AND ARE SUBJECT TO ALL DIMENSIONS, REGULATIONS, ORDINANCES, RESTRICTIONS, ZONINGS, EASEMENTS, AND EASEMENTS.
8. ALL DIMENSIONS AND BEARINGS ARE GIVEN IN DECIMALS OF FEET AND INCHES AND ARE SUBJECT TO ALL DIMENSIONS, REGULATIONS, ORDINANCES, RESTRICTIONS, ZONINGS, EASEMENTS, AND EASEMENTS.
9. ALL DIMENSIONS AND BEARINGS ARE GIVEN IN DECIMALS OF FEET AND INCHES AND ARE SUBJECT TO ALL DIMENSIONS, REGULATIONS, ORDINANCES, RESTRICTIONS, ZONINGS, EASEMENTS, AND EASEMENTS.
10. ALL DIMENSIONS AND BEARINGS ARE GIVEN IN DECIMALS OF FEET AND INCHES AND ARE SUBJECT TO ALL DIMENSIONS, REGULATIONS, ORDINANCES, RESTRICTIONS, ZONINGS, EASEMENTS, AND EASEMENTS.

**REVISIONS**

**LEGEND**

- 1. FOUND (T) IRON ROD (SURVEYOR D #) (R)
- 2. SET (T) IRON ROD (SURVEYOR D #) (R)
- 3. FOUND (T) IRON ROD (SURVEYOR D #) (R)
- 4. FOUND (T) IRON ROD (SURVEYOR D #) (R)
- 5. FOUND (T) IRON ROD (SURVEYOR D #) (R)
- 6. FOUND (T) IRON ROD (SURVEYOR D #) (R)
- 7. FOUND (T) IRON ROD (SURVEYOR D #) (R)
- 8. FOUND (T) IRON ROD (SURVEYOR D #) (R)
- 9. FOUND (T) IRON ROD (SURVEYOR D #) (R)
- 10. FOUND (T) IRON ROD (SURVEYOR D #) (R)



**MAP OF BOUNDARY SURVEY (PROPOSED SEAWALL SITE PLAN) OF LOT 1 BLOCK 361 OF MARCO BEACH UNIT ELEVEN AS RECORDED IN PLAT BOOK PAGE(S) 80-86 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA**

672 CRESCENT STREET

THIS SURVEY IS PREPARED FOR:  
IMPERIAL MARINE CONSTRUCTION  
CERTIFICATION  
I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY PERSONAL SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF FLORIDA. I HAVE READ THE SURVEY AND THE INSTRUMENTS AND I HAVE FOUND THEM TO BE CORRECT AND I HAVE FOUND THEM TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE FLORIDA SURVEYING ACT. I HAVE FOUND THEM TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE FLORIDA SURVEYING ACT.

SIGNED:  
COURT H. GREGORY PSM #8004  
DATE: 12/22/2016  
DATE OF FIELD SURVEY: 12-21-2016

LB #7112  
PSM # 8004

**C.G.S.**

**Court Gregory Surveying, Inc.**  
761 Tabor Court  
Naples, Florida 34104

(239) 643-7846 office  
cgs6004@comcast.net  
(239) 272-3707 cell  
Date: 12/22/2016  
Job # MH14593  
Fo.Mi.28 Pg.74



PAGE 2 OF 2

X = DENOTES SPOT ELEVATION  
ADJUSTED TO MLW (-1.6')

	RD	43
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SCALE 1"= 10'

Florida Department of Environmental Protection

Permit Number 0350072-001 EI

South District Fort Myers

-3.8 -3.7 -4.4 -4.4

43

Received  
Electronically  
2/27/17  
South District

