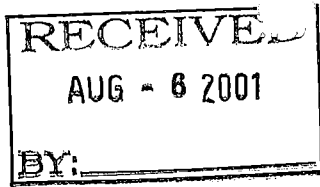


150 South Sewall's Point Road

ADMIN VARIANCE

559



RESOLUTION 559

FILE
DOCK APPL.
IN PROCESS

A RESOLUTION OF THE TOWN OF SEWALL'S POINT, FLORIDA, DENYING THE APPEAL OF MICHAEL WEINBERG AND SHIRIN WEINBERG, HIS WIFE, FROM THE DENIAL OF A DOCK PERMIT FOR CONSTRUCTION OF A DOCK ADJACENT TO ANY PORTION OF LOTS 5 AND 6, OF THE HANSON GRANT, EAST OF SEWALL'S POINT ROAD, BEING 0.53 A/C UPLAND AND 1.69 A/C SUBMERGED TRACT AND MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORDS BOOK 1341, PAGE 1937, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

WHEREAS, Michael Weinberg and Shirin Weinberg, his wife (the "Applicants"), applied to the Town of Sewall's Point Building Department for a Dock Permit to construct a dock adjacent to the Lots 5 and 6, of the Hanson Grant, east of Sewall's Point Road, being 0.53 A/C upland and 1.69 A/C submerged tract and more particularly described in official records book 1341, page 1973, of the public records of Martin County, Florida; and

WHEREAS, the Applicants' application was denied because the proposed dock did not meet the specifications of Section 62-171 *et seq.* of the Town of Sewall's Point Code of Ordinances; and

WHEREAS, the Applicants filed a Notice of Appeal pursuant to Section 62-154 of the Town Code; and

WHEREAS, the Town Commission held a public hearing on the appeal on June 19, 2001; and

WHEREAS, notice of the public hearing was posted at the Town Hall bulletin board and notice of the public hearing was sent by certified mail, return receipt requested, by the

Applicant, to all record owners of upland riparian property located adjacent to the property involved in the appeal and the date of the mailing was at least fifteen (15) days before the date of the hearing (or notice was waived by the adjacent owners); and

WHEREAS, the Applicants at the public hearing presented proof of the identity and address of the persons entitled to receive notice by mail and of the mailing of the notice to those persons (or their waiver); and

WHEREAS, the Town Commission at the public hearing made the finding that: The Applicants did not demonstrate conditions which justified a variance from Sections 62-171, *et seq.* of the Town Code and construction of the proposed dock would frustrate the purpose of Section 62-171, *et seq.*

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, AS FOLLOWS:

1. The Applicants' appeal is hereby denied.
2. This Resolution shall be recorded in the Martin County Public Records.
3. Applicants are directed to pay any fees due under Section 46-31 of the Town Code.

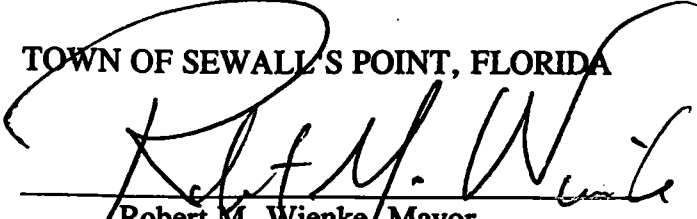
The vote was as follows:

| | AYE | NAY |
|-------------------------------------|---------------|-----------------|
| ROBERT M. WIENKE, Mayor | <u>✓</u> | <u> </u> |
| THOMAS P. BAUSCH, Vice Mayor | <u>✓</u> | <u> </u> |
| DAWSON C. GLOVER, III, Commissioner | <u>absent</u> | <u> </u> |
| E. DANIEL MORRIS, Commissioner | <u>✓</u> | <u> </u> |
| MARC S. TEPLITZ, Commissioner | <u>✓</u> | <u> </u> |

The Mayor thereupon declared this Resolution 559 approved and adopted by the Town Commission of the Town of Sewall's Point on this 19th day of JUNE.


2001.

TOWN OF SEWALL'S POINT, FLORIDA



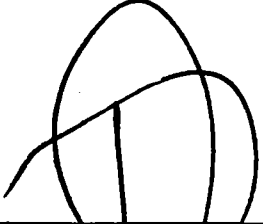
Robert M. Wienke Mayor

ATTEST:



Joan H. Barrow, Town Clerk

(TOWN SEAL)

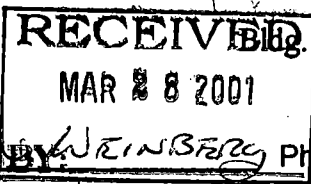


Tim B. Wright, Town Attorney
Approved as to form and
legal sufficiency

H:\TOSP\RESOL\2001\weinberg.06.01



**Town of Sewall's Point
BUILDING PERMIT APPLICATION**



Permit Number: _____

Owner or Titleholder's Name Michael & Shirin Weinberg Phone No. (845) 753-2008

Street: 5 Alcott Court City: New City State: NY Zip: 10956

Legal Description of Property: Sewall's Point, a portion of Lots 5 & 6 of the Hanson Grant, E/O Sewall's Point Rd, being 0.53 AC upland & 1.69 AC submerged tract and more particularly desc in or 1341/1937 Parcel Number: 13-38-41-000-000-0013.1-00000

Location of Job Site: Parcel B, Sewall's Point Road

TYPE OF WORK TO BE DONE: Construction of dock with future boat lift area.

CONTRACTOR/Company Name: Tropic Marine Construction, Inc. Phone No. (561) 692-4154

Street: 130 NE Dixie Highway City: Stuart State: FL Zip: 34994

State Registration: Martin County - SP01730 State License: _____

ARCHITECT: _____ Phone No. () _____

Street: _____ City: _____ State: _____ Zip: _____

ENGINEER: Sal Amico, C.E., P.E. Phone No. (561) 283-1822

Street: 1163 East 14th Street City: Stuart State: FL Zip: 34994

AREA SQUARE FOOTAGE - SEWER - ELECTRIC:

Living Area: _____ Garage Area: _____ Carport: _____ Accessory Bldg: _____

Covered Patio: _____ Scr. Porch: _____ Wood Deck: _____

Type Sewage: _____ Septic Tank Permit # from Health Dept. _____

New Electrical Service Size: _____ AMPS

FLOOD HAZARD INFORMATION

Flood zone: _____ Minimum Base Flood Elevation (BFE): _____ NGVD

Proposed first habitable floor finished elevation: _____ NGVD (minimum 1 foot above BFE)

COSTS AND VALUES

Estimated cost of construction or improvement: \$ 32,000.00

Estimated Fair Market Value (FMV) prior to improvement: \$ _____

If improvement, is cost greater than 50% of Fair Market Value? YES _____ NO _____

Method of determining Fair Market Value: _____

SUBCONTRACTOR INFORMATION: (Notification to this office of subcontractor change is mandatory.)

Electrical: _____ State: _____ License # _____

Mechanical: _____ State: _____ License # _____

Plumbing: _____ State: _____ License # _____

Roofing: _____ State: _____ License # _____

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standard of all laws regulating construction in this jurisdiction. I understand that a separate permit from the Town may be required for ELECTRICAL, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, AIR CONDITIONERS, DOCKS, SEA WALLS, ACCESSORY BUILDINGS, SAND OR FILL ADDITION OR REMOVAL, AND TREE REMOVAL.

I HEREBY CERTIFY: THAT THE INFORMATION I HAVE FURNISHED ON THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND I AGREE TO COMPLY WITH ALL APPLICABLE CODES, LAWS AND ORDINANCES DURING THE BUILDING PROCESS, INCLUDING FLORIDA MODEL ENERGY CODES.

OWNER or AGENT SIGNATURE (Required)

Michael & Shirin Weinberg

State of Florida, County of: Martin On

this the 24 day of January, 2001,

by Michael & Shirin Weinberg who is personally

known to me or produced _____

as identification.

Trina S. Cooper

Notary Public

My Commission Expires: 1/24/02

CONTRACTOR SIGNATURE (Required)

Matthew E. Harris

State of Florida, County of: Martin On

this the 24 day of January, 2001,

by Matthew E. Harris who is personally

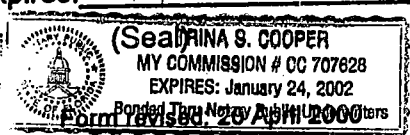
known to me or produced _____

as identification.

Trina S. Cooper

Notary Public

My Commission Expires: 1/24/02



TREE REMOVAL (Attach sealed survey)

Number of trees to be removed: _____ Number of trees to be retained: _____ Number of trees to be planted: _____ Number of Specimen trees removed: _____
Fee: \$ _____ Authorized/Date: _____

DEVELOPMENT ORDER # _____

1. ALL APPLICATIONS REQUIRE

- a. Property Appraisers Parcel Number.
- b. Legal Description of your property. (Can be found on your deed survey or Tax Bill.)
- c. Contractors name, address, phone number & license numbers.
- d. Name all sub-contractors (properly licensed).
- e. Current Survey

2. Take completed application to the Permits and Inspections Office for approval. Provide construction details and a plot plan(s) showing setbacks, yard coverage, parking and position of all buildings on the property, stormwater retention plan, etc. Compliance with subdivision regulations can also be determined at this time.

3. Take the application showing Zoning approval (complete with plans & plot plan) to the Health Department for septic tank. Attach the pink copy to the building application.

4. Return all forms to the Permits and Inspection Office. All planned construction requires: two (2) sets of plans, drawn to scale with engineer's or architects seal and the following items:

- a. Floor Plan
- b. Foundation Details
- c. Elevation Views - Elevation Certificate due after slab inspection,
- d. Plot Plan (show desired floor elevation relative to Sea Level in front of building, plus location of driveway).
- e. Truss layout
- f. Vertical Wall Sections (one detail for each wall that is different)
- g. Fireplace drawing: If prefabricated submit manufacturers data

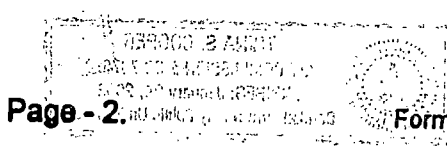
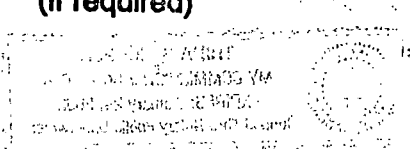
ADDITIONAL Required Documents are:

- 1. Use permit (for driveway connection to public Right of Way). Return form with plot plan showing driveway location (State Road A-1-A East Ocean Boulevard only).
- 2. Well Permit or information on existing well & pump.
- 3. Flood Hazard Elevation (if applicable).
- 4. Energy Code Compliance Certification plus any Approved Forms and/or Energy Code Compliance Sheets.
- 5. Statement of Fact (for Homeowner Builder), and proof of ownership (Deed or Tax receipt).
- 6. Irrigation Sprinkler System layout showing location of heads, valves, etc.
- 7. A certified copy of the Notice of Commencement must be filed in this office and posted at the job site prior to the first inspection.
- 8. Replat required upon completion of slab or footing inspection And Prior to any further inspections.

NOTICE: In, addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of COUNTY OF MARTIN, and there may be additional permits required' from other governmental entities such as water management districts, state and federal agencies.

Approved by Building Official: _____ Date: _____

Approved by Town Engineer _____ Date: _____
(If required)



0 15906.04



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
STUART REGULATORY OFFICE
P.O. BOX 2391
STUART, FLORIDA 34995

Regulatory Division
South Permits Branch
199804036 (LP-TA)
Modification #1

MAY 10 2000

Mr. Craig Browning
Kimley-Horn and Associates, Inc.
2400 SE. Federal Highway
Stuart, Florida 34994

Dear Mr. Browning:

Reference is made to your correspondence received April 19, 2000, in which you asked to revise the plans to a single-family dock authorized by Department of the Army Permit Number 199804036 issued on November 16, 1998.

~~The original permit authorized the construction of a single-family dock 44 x 452'. The modification includes reducing the length of the dock from 452' to 402'. The terminal platform will continue to be located in an area devoid of seagrass.~~

The impacts of the proposed work on navigation and the environment have been evaluated and found to be insignificant. The permit is hereby modified in accordance with your request. You should attach this letter and the enclosed revised project plans to the permit.

Thank you for your cooperation with our permit program. If you have any questions regarding this letter please contact Tom Agramonte at the letterhead address or by telephone at 561-781-8085, fax 561-781-8106.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Joe H. Miller

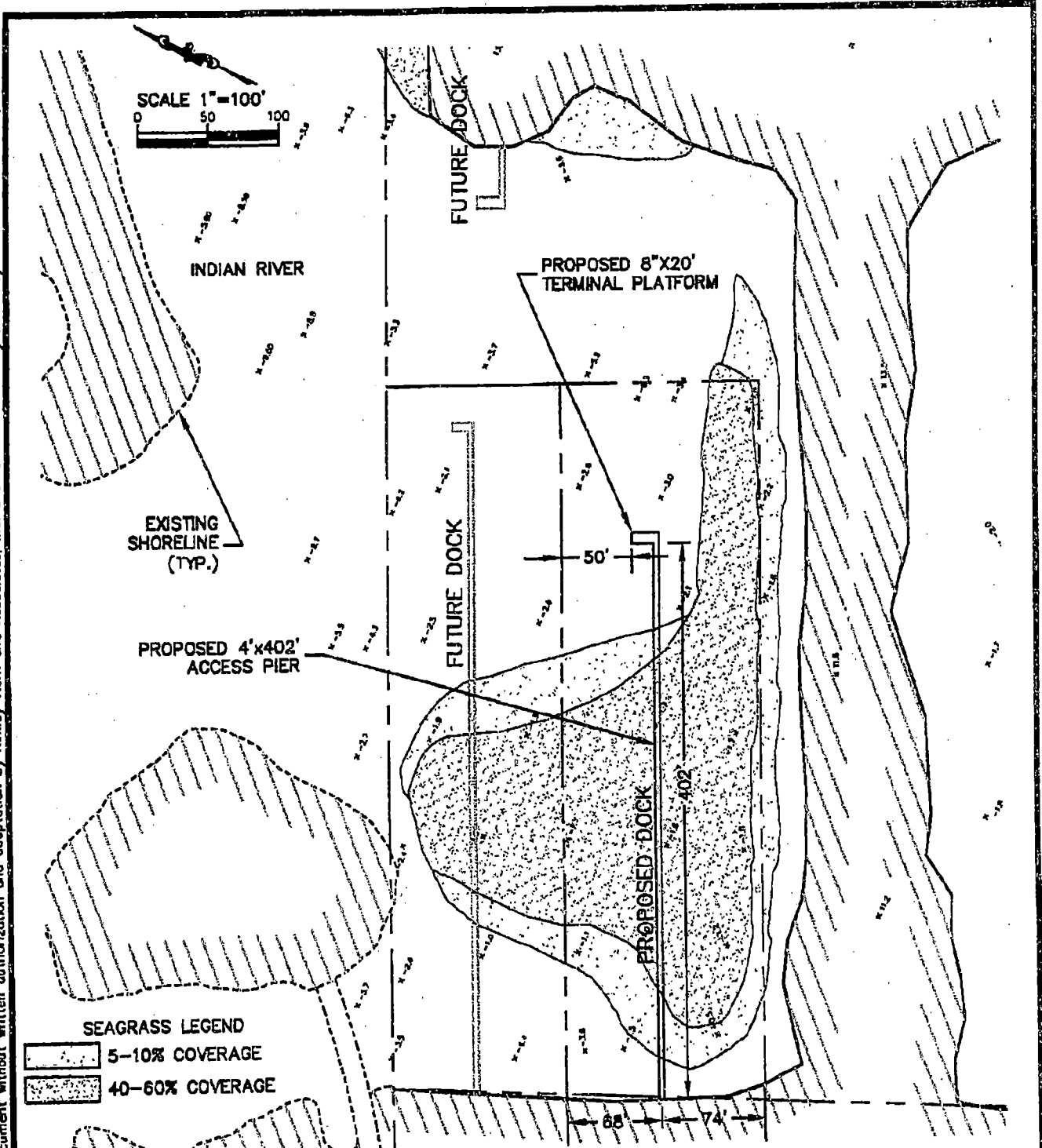
Joe H. Miller
Colonel, U.S. Army
District Engineer

Enclosure

received
5-15-00

BY: PLOTTED:

This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of or improper reliance on this document without written authorization and adoption by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



PARCEL 'B' SINGLE FAMILY DOCK SITE PLAN

| |
|-----------------|
| SCALE 1" = 100' |
| DESIGNED BY MEK |
| DRAWN BY WES |
| CHECKED BY MEK |
| COMP. IR-PRMT2 |



**Kimley-Horn
and Associates, Inc.**

© 1998 KIMLEY-HORN AND ASSOC. INC.
32 EAST OSCEOLA STREET, SUITE C
STUART, FLORIDA 34994
(561)286-2190 FAX (561)286-0138

| |
|------------------------------|
| DATE JUN 98 |
| FILE & DRAWING NO. 046906.04 |
| SHEET 2 OF 4 |

Boundary Survey

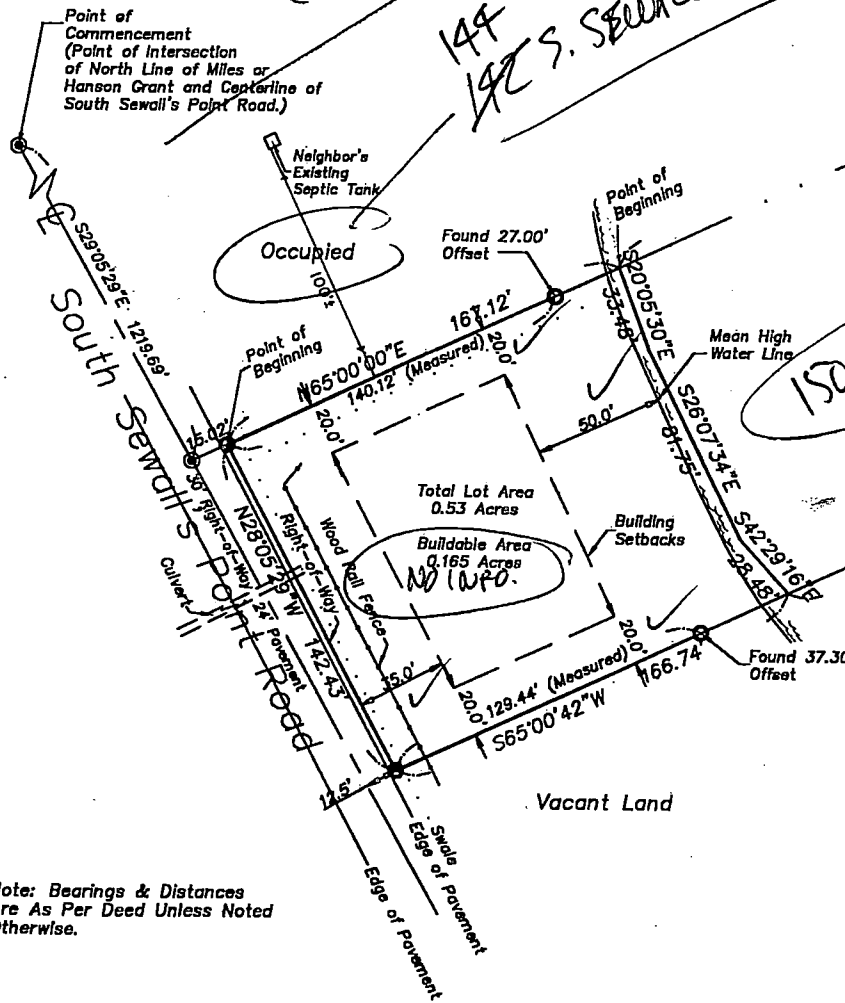
NOTE: Water service available.

ADDRESS: xxx S. Sewall's Point Road,
Stuart, Florida

Flood Zone "A8"

CERTIFIED TO:

MICHAEL WEINBERG AND SHARIN WEINBERG;
MENDINHALL MORTGAGE, ITS SUCCESSORS AND/OR ASSIGNS;
KRAMER, SEWELL, SOPKO & LEVENSTEIN, P.A.;
COMMONWEALTH LAND TITLE INSURANCE COMPANY



Submerged Land
1.69 Acres

Total Lot Area
0.53 Acres
Buildable Area
0.165 Acres
NO WFO.

4/18/00
copy of Ord &
ally 82-274

LEGAL DESCRIPTION:

BEING A PARCEL OF LAND LYING IN THE MILES OR HANSON GRANT IN TOWNSHIP 38 SOUTH, RANGE 42 EAST, MARTIN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF THE MILES OR HANSON GRANT AND THE CENTERLINE OF SOUTH SEWALL'S POINT ROAD, THENCE SOUTH 29°05'29" EAST ALONG SAID CENTERLINE A DISTANCE OF 1219.69 FEET; THENCE NORTH 65°00'00" EAST, A DISTANCE OF 15.02 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL, THENCE CONTINUE NORTH 65°00'00" EAST, A DISTANCE OF 167.12 FEET MORE OR LESS TO THE WESTERLY MEAN HIGH WATER LINE OF THE INDIAN RIVER, THENCE ALONG SAID MEAN HIGH WATER LINE BY THE FOLLOWING COURSES AND DISTANCES: THENCE SOUTH 20°05'30" EAST, A DISTANCE OF 33.48 FEET; THENCE SOUTH 26°07'34" EAST, A DISTANCE OF 81.75 FEET; THENCE SOUTH 42°29'16" EAST, A DISTANCE OF 28.48 FEET; THENCE DEPARTING SAID MEAN HIGH WATER LINE OF THE INDIAN RIVER, SOUTH 65°00'42" WEST, A DISTANCE OF 166.74 FEET MORE OR LESS TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID SOUTH SEWALL'S POINT ROAD, THENCE NORTH 28°05'29" WEST, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 142.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.53 ACRES, MORE OR LESS

TOGETHER WITH:

BEING A PARCEL OF SUBMERGED LAND LYING IN TOWNSHIP 38 SOUTH, RANGE 42 EAST, MARTIN COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTH LINE OF AFORESAID PARCELS AND THE WESTERLY MEAN HIGH WATER LINE OF THE INDIAN RIVER; THENCE NORTH 65°00'00" EAST, A DISTANCE OF 515.34 FEET; THENCE SOUTH 25°00'00" EAST, A DISTANCE OF 142.27 FEET TO A POINT, SAID POINT BEING ON THE EASTERLY PROLONGATION OF THE SOUTH LINE OF THE AFORESAID PARCELS; THENCE SOUTH 65°00'00" WEST, A DISTANCE OF 508.04 FEET TO THE WESTERLY MEAN HIGH WATER LINE OF THE INDIAN RIVER; THENCE ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING COURSES AND DISTANCES: THENCE NORTH 42°29'16" WEST, A DISTANCE OF 28.48 FEET; THENCE NORTH 26°07'34" WEST, A DISTANCE OF 81.75 FEET; THENCE NORTH 20°05'30" WEST, A DISTANCE OF 33.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.69 ACRES, MORE OR LESS



Scale 1" = 60'

HANSON GRANT - M&B - Sewall's Point Rd. - WEINBERG.

| REVISION | DATE | BY |
|----------|------|----|
| | | |
| | | |
| | | |
| | | |
| | | |

LANGHEEEN SURVEYING
& MAPPING, INC.
P.O. BOX 698 HENNER BEACH, FLORIDA 34968
(981) 388 - 8188
FAX (981) 337 - 7404

STATE OF FLORIDA SURVEYING BOARD REGISTRATION NO. 21488

| | |
|----------------------|-----------|
| DRAWN | PCF |
| DATE OF FIELD SURVEY | 4/13/2000 |
| SCALE | 1" = 60' |
| JOB NO. | 12202 |
| FIELD BOOK AND PAGE | File |

Note: Bearings & Distances
Are As Per Deed Unless Noted
Otherwise.

⊙ = Found Nail (No Disc)
⊖ = Found 1/2" Iron Pipe & Cap #410B

4/18/00 confirmed per back, rechecked per Ordinal

A BOUNDARY SURVEY FOR MICHAEL & SHARIN WEINBERG

TOWN OF SEWALL'S POINT, FLORIDA

NOTICE OF APPEAL FROM DENIAL OF DOCK PERMIT

NOTICE IS HEREBY GIVEN, pursuant to Section 62-154 Code of Ordinances of the Town of Sewall's Point, Florida, that the applicant identified below will appeal to the Town Commission of the Town of Sewall's Point, Florida, from the denial of a permit for the construction of a dock on the property located at the street address given below for the reasons indicated below at a meeting of the Sewall's Point Town Commission at the Sewall's Point Town Hall, One South Sewall's Point Road, Sewall's Point, Florida on 4-17-01 at 7:00 PM or as soon thereafter as is possible.

NAME OF APPLICANT: Michael & Shirin Weinberg

STREET ADDRESS OF PROPERTY: South Sewall's Point Road (vacant land)

REASON FOR DENIAL OF DOCK PERMIT:

- Failure to obtain letters of no objection from adjacent upland repairing and owners.
- Failure to comply with the standards and criteria for docks in the following respects:

Length: proposed dock exceeds allowable length

Design: _____

Construction: _____

Siting: _____

Other: _____

DATE AND TIME OF MEETING: Tuesday, 4-17-01, 7:PM

The completed application for the permit to construct the dock may be inspected at the Town Hall during regular business hours. All interested parties may appear at the meeting and may be heard with respect to the appeal. If any person decides to appeal any decision made by the Town Commission with respect to any matter considered at the meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

This notice shall be posted on the Town Hall bulletin board and shall be sent by certified mail, return receipt requested, by the applicant and at the applicant's expense, to all record owners of upland riparian property located adjacent to the property involved in the appeal, with the date of mailing being at least fifteen (15) days before the date of the hearing. At or before the public hearing, the applicant shall present proof of the identity and address of the persons entitled to receive notice by mail and of the mailing of the notice to those persons.

Dated: 4-4-01

Joan H. Barrow
JOAN H. BARROW, Town Clerk

10-07-1998 03:08PM FROM MCCARTHY SLIPPERS et. al TO 12028876655 P.05

Property hereby conveyed (the "Real Property") is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO.

together with all tenements (property capable of being held with unconditional power of disposition), hereditaments (inheritable interest in property), easements (right to use land of another) and appurtenances (right used with land for its benefit) belonging to or benefiting such property.

The Property Appraisers Parcel Identification Number is

5. CONSIDERATION

Good and valuable consideration plus the sum of Ten Dollars (\$10.00) received by me from you.

6. CONVEYANCE OF REAL PROPERTY

For the consideration described in Paragraph 5, I have granted, bargained and sold to you the Real Property to have and to hold in fee simple (estate in property unlimited as to duration, disposition and descendability) forever.

7. WARRANTY

I fully warrant the title to the Real Property and will defend the same against the lawful claims of all persons whomsoever except for covenants, reservations, restrictions and easements of record, if any, and taxes subsequent to December 31, 1997.

8. EXECUTION

I have executed this instrument on October 7th 1998.

THE KIPLINGER WASHINGTON EDITORS, INC., a Delaware corporation

Amy L. Vay
Witness printed name: Amy L. Vay

By: Stephen J. Broderick
Stephen J. Broderick, VICE PRESIDENT

Annie Vance
Witness printed name: Annie Vance

Corbin M. Wilkes
Corbin M. Wilkes, Secretary

12-07-1998 03:08PM FROM MCCARTHY SUMMERS et. al TO 12028876655 P.07

State of District of Columbia
County of

The foregoing instrument was acknowledged before me this 7th day of October, 1998 by Stephen J. Broderick as Vice President and Corbin M. Wilkes as Secretary of The Kiplinger Washington Editors, Inc., a Delaware corporation, on behalf of the corporation. They [x] are personally known to me [] have produced _____ as identification.



Sharon A. Tucker
Notary Public
My Commission Expires: 8/31/01

LEGAL DESCRIPTION

BEING A PARCEL OF LAND LYING IN THE MILES OR HANSON GRANT IN TOWNSHIP 38 SOUTH, RANGE 42 EAST, MARTIN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF THE MILES OR HANSON GRANT AND THE CENTERLINE OF SOUTH SEWALL'S POINT ROAD, THENCE SOUTH 28°05'29" EAST ALONG SAID CENTERLINE A DISTANCE OF 1219.69 FEET; THENCE NORTH 65°00'00" EAST, A DISTANCE OF 15.02 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL. THENCE CONTINUE NORTH 65°00'00" EAST, A DISTANCE OF 167.12 FEET MORE OR LESS TO THE WESTERLY MEAN HIGH WATER LINE OF THE INDIAN RIVER. THENCE ALONG SAID MEAN HIGH WATER LINE BY THE FOLLOWING COURSES AND DISTANCES: THENCE SOUTH 20°05'30" EAST, A DISTANCE OF 33.48 FEET; THENCE SOUTH 28°07'34" EAST, A DISTANCE OF 81.75 FEET; THENCE SOUTH 42°28'18" EAST, A DISTANCE OF 28.48 FEET; THENCE DEPARTING SAID MEAN HIGH WATER LINE OF THE INDIAN RIVER, SOUTH 65°00'42" WEST, A DISTANCE OF 166.74 FEET MORE OR LESS TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID SOUTH SEWALL'S POINT ROAD. THENCE NORTH 28°05'29" WEST, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 142.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.53 ACRES, MORE OR LESS

TOGETHER WITH:

BEING A PARCEL OF SUBMERGED LAND LYING IN TOWNSHIP 38 SOUTH, RANGE 42 EAST, MARTIN COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTH LINE OF AFOREDESCRIBED LANDS AND THE WESTERLY MEAN HIGH WATER LINE OF THE INDIAN RIVER; THENCE NORTH 65°00'00" EAST, A DISTANCE OF 515.34 FEET; THENCE SOUTH 25°00'00" EAST, A DISTANCE OF 142.27 FEET TO A POINT, SAID POINT BEING ON THE EASTERLY PROLONGATION OF THE SOUTH LINE OF THE AFOREDESCRIBED LANDS; THENCE SOUTH 65°00'00" WEST, A DISTANCE OF 508.04 FEET TO THE WESTERLY MEAN HIGH WATER LINE OF THE INDIAN RIVER; THENCE ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING COURSES AND DISTANCES: THENCE NORTH 42°28'18" WEST, A DISTANCE OF 28.48 FEET; THENCE NORTH 28°07'34" WEST, A DISTANCE OF 81.75 FEET; THENCE NORTH 20°05'30" WEST, A DISTANCE OF 33.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.69 ACRES, MORE OR LESS

ORDER 341 P81 940

| NO. | REVISIONS | DATE | BY |
|-----|-----------|------|----|
| | | | |

PROFESSIONAL SURVEYORS AND MAPPERS, INC.
 10001 N.W. 11th Street, Suite 100
 Ft. Lauderdale, Florida 33309
 PHONE: (954) 561-2888 FAX: (954) 561-2889
 WWW: WWW.PSMAPPING.COM

| | | |
|--|-------------------|-------------------------------------|
| Legal Description for Fairview South, Inc. Martin County, Florida | | |
| Date N/A | Drawn 7-1-00 | Plot & Drawing No. SS-1000-01-01 |
| Drawn by R.L.L. | Checked D.W.S. | Sheet 1 of 3 |

SURVEYOR'S NOTES:

- 1) THE INFORMATION SHOWN HEREON IS BASED ON A BOUNDARY SURVEY PREPARED BY GOY, INC. HOWEVER, THIS LEGAL DESCRIPTION AND SKETCH DO NOT REPRESENT A BOUNDARY SURVEY.
- 2) THIS LEGAL DESCRIPTION SHALL NOT BE VALID UNLESS:
 - A) PROVIDED IN ITS ENTIRETY CONSISTING OF 3 SHEETS, WITH SHEET 3 BEING THE SKETCH OF DESCRIPTION.
 - B) REPRODUCTIONS OF THE DESCRIPTION AND SKETCH ARE SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
- 3) BEARINGS SHOWN HEREON ARE REFERENCED TO THE NORTH LINE OF THE HANSON GRANT, SAID LINE BEARS N 86°00'00" E.

CERTIFICATION

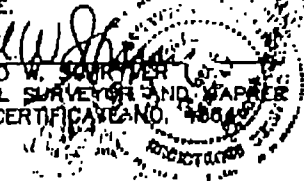
(NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER)

I HEREBY CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION OF THE PROPERTY SHOWN AND DESCRIBED HEREON WAS COMPLETED UNDER MY DIRECTION AND SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.


I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 81G17-9, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATE STATUTES. THE SKETCH AND DESCRIPTION IS BASED ON INFORMATION FURNISHED BY CLIENT OR CLIENT'S REPRESENTATIVE.

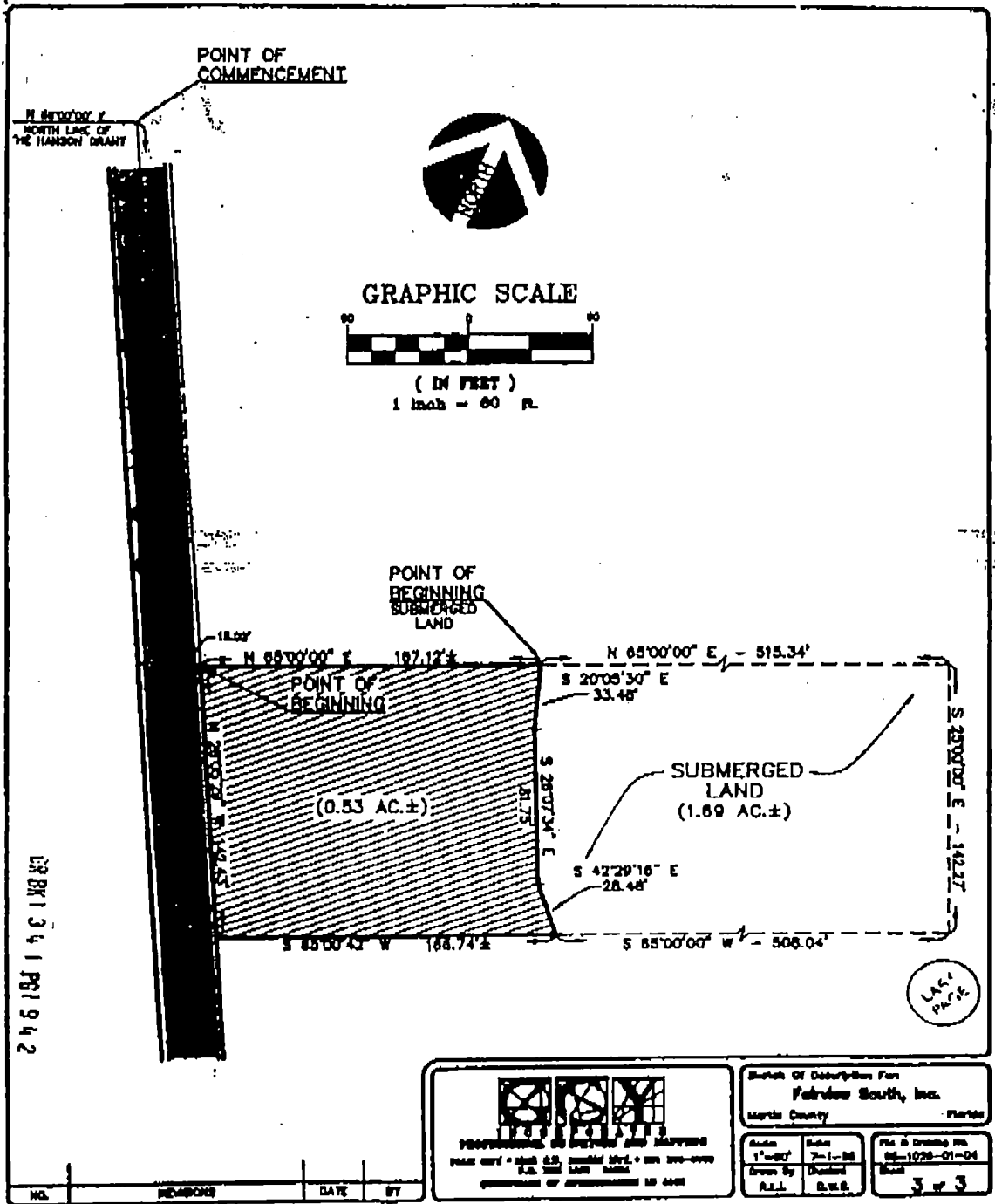
10/9/98
DATE OF SIGNATURE

David W. Kramer
 DAVID W. KRAMER
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 48649



DR BK 1 34 1 PG 1 9 4 1

| | | | |
|---|--------|--|--------|
|  PROFESSIONAL SURVEYORS AND MAPPERS 1000 WEST 11TH AVENUE, SUITE 1000, GAITHERSBURG, MD 20878 301-948-4400 | | Legal Description Form | |
| | | Fairview South, Inc. North County Florida | |
| Issue | N/A | Date | 7-1-98 |
| Drawn by | R.L.L. | Checked | D.W.S. |
| File # Drawing No. 88-1028-01-04 | | Sheet 2 of 3 | |



01437472

00 JUN 2 11 3:59

Prepared by and return to:
Laurie Risk Sewell, Esq.

Kramer, Sewell, Sopko & Levenstein, P.A.
853 SE Monterey Coastway Blvd.
Stuart, Florida 34996
561-283-9043
File Number: 5411.01
Will Call No.:

2187.50
DOC. NO. _____ MARSHA STILLER
DOC. DATE _____ MARTIN COUNTY
DOC. AMOUNT _____ CLERK OF CIRCUIT COURT
MY TAX # _____ OF _____

[Space Above This Line For Recording Date]

Warranty Deed

This Warranty Deed made this 31st day of May, 2000 between SHADOW LAKE GROVES, INC., a Florida corporation whose post office address is 2400 S. Federal Highway, Suite 300, Stuart, Florida 34994, grantor, and MICHAEL WEINBERG and SHIRIN WEINBERG, husband and wife whose post office address is 3 Alcott Court, New City, New York 10956, grantees:

(Whoever shall herein be herein "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantees, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantees, and grantor's heirs and assigns forever, the following described land, situate, lying and being in Martin County, Florida to-wit:

SEE SCHEDULE "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

Parcel Identification Number: 13-38-41-000-000131-00060

Subject to taxes for 2000 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

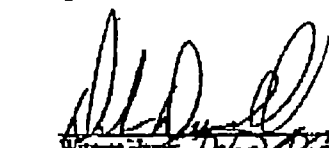
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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 in said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1999.

In Witness Whereof, grantor has hereto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Name: LAURIE RISK SEWELL

SHADOW LAKE GROVES, INC.

a Florida corporation

By: 


W. Martin Bonan
Vice President

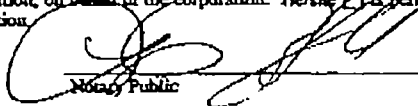
(Corporate Seal)

State of Florida
County of Martin

The foregoing instrument was acknowledged before me this 31st day of May, 2000 by W. Martin Bonan, Vice President of SHADOW LAKE GROVES, INC., a Florida corporation, on behalf of the corporation. He/she is personally known to me or [X] has produced a driver's license as identification.

[Notary Seal]

 LAURIE RISK SEWELL
COMMISSION # CC 727360
EXPIRES MAY 4, 2002
POWERED THRU
ATLANTIC BONDING CO., INC.


Notary Public
Printed Name: _____
My Commission Expires: _____

DR-BK-1-4-8-5-P60-016

SCHEDULE "A"

LEGAL DESCRIPTION

Being a parcel of land lying in the Miles or Hanson Grant in Township 38 South, Range 42 East, Martin County, Florida, being more particularly described as follows:

Commence at the intersection of the North line of the Miles or Hanson Grant and the centerline of South Sewall's Point Road; thence South $29^{\circ}05'29''$ East along said centerline a distance of 1219.69 feet; thence North $65^{\circ}00'00''$ East, a distance of 15.02 feet to the Point of Beginning of the following described parcel; thence continue North $65^{\circ}00'00''$ East, a distance of 167.12 feet more or less to the Westerly mean high water line of the Indian River; thence along said mean high water line by the following courses and distances: thence South $20^{\circ}05'30''$ East, a distance of 33.48 feet; thence South $26^{\circ}07'34''$ East, a distance of 81.75 feet; thence South $42^{\circ}29'16''$ East, a distance of 28.48 feet; thence departing said mean high water line of the Indian River, South $65^{\circ}00'42''$ West, a distance of 166.74 feet more or less to the Westerly right of way line of said South Sewall's Point Road; thence North $28^{\circ}05'29''$ West, along said right of way line a distance of 142.43 feet to the Point of Beginning.

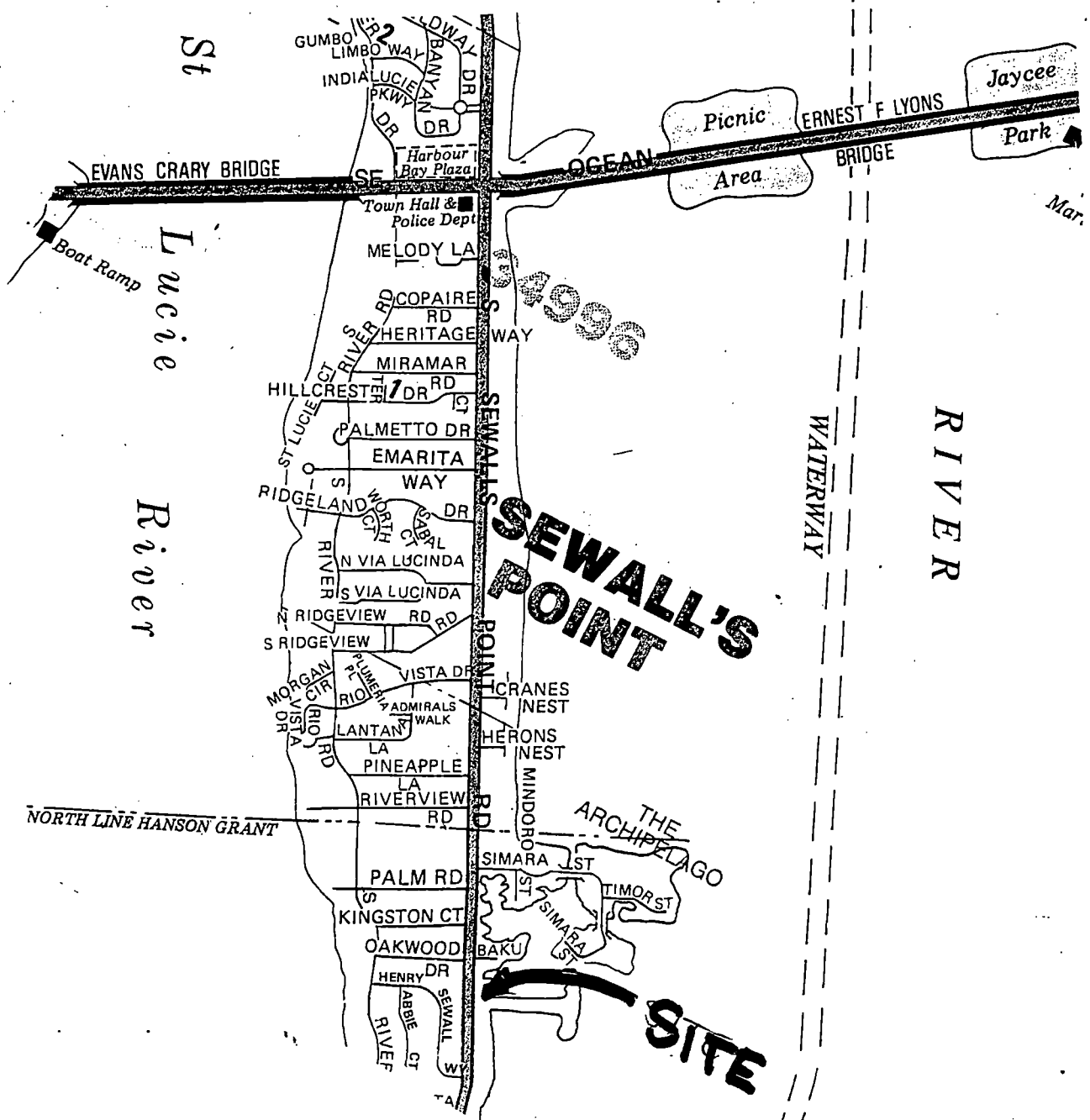
TOGETHER WITH:

Being a parcel of submerged land lying in Township 38 South, Range 42 East, Martin County, Florida, and being more particularly described as follows:

Begin at the intersection of the North line of aforescribed lands and the Westerly mean high water line of the Indian River; thence North $65^{\circ}00'00''$ East, a distance of 515.34 feet; thence South $25^{\circ}00'00''$ East, a distance of 142.27 feet to a point, said point being on the Easterly prolongation of the South line of the aforescribed lands; thence South $65^{\circ}00'00''$ West, a distance of 508.04 feet to the Westerly mean high water line of the Indian River; thence along said mean high water line the following courses and distances: thence North $42^{\circ}29'16''$ West, a distance of 28.48 feet; thence North $26^{\circ}07'34''$ West, a distance of 81.75 feet; thence North $20^{\circ}05'30''$ West, a distance of 33.48 feet to the Point of Beginning.

6276B

DRBK1 4 8 5 PGO 0 1 7



LOCATION MAP

S. J. Amico P.E.

| | | | |
|-------------|-----------------------|--------------------------|----------------------------|
| SCALE _____ | DATE <u>2-14-2000</u> | REVISIONS <u>2-21-01</u> | SHEET <u>1</u> OF <u>4</u> |
|-------------|-----------------------|--------------------------|----------------------------|

Design & Engineering Consultants
SAL J. AMICO, C.E., P.E.
Licensed Professional Engineer

1163 East 14th Street
 Stuart, Florida 34994

TROPIC MARINE CONSTRUCTION
 130 S.E. DIXIE HIGHWAY
 STUART, Fla.

MR. MICHAEL WEINBERG
 VACANT LOT
 SEWALLS POINT ROAD

INDIAN RIVER

PROPOSED 8'X20'
TERMINAL PLATFORM

FUTURE DOCK

12'x12'
BOAT LIFT

PROPOSED
4'x402'
ACCESS PIER

RIPARIAN LINE

RIPARIAN LINE

PROPOSED DOCK

30'x4' UPLAND

68' C 74'

PLAN VIEW

Scale 1" = 100'

S. J. Amico P.E.

SCALE 1" = 100'

DATE 2-14 2000

REVISIONS _____

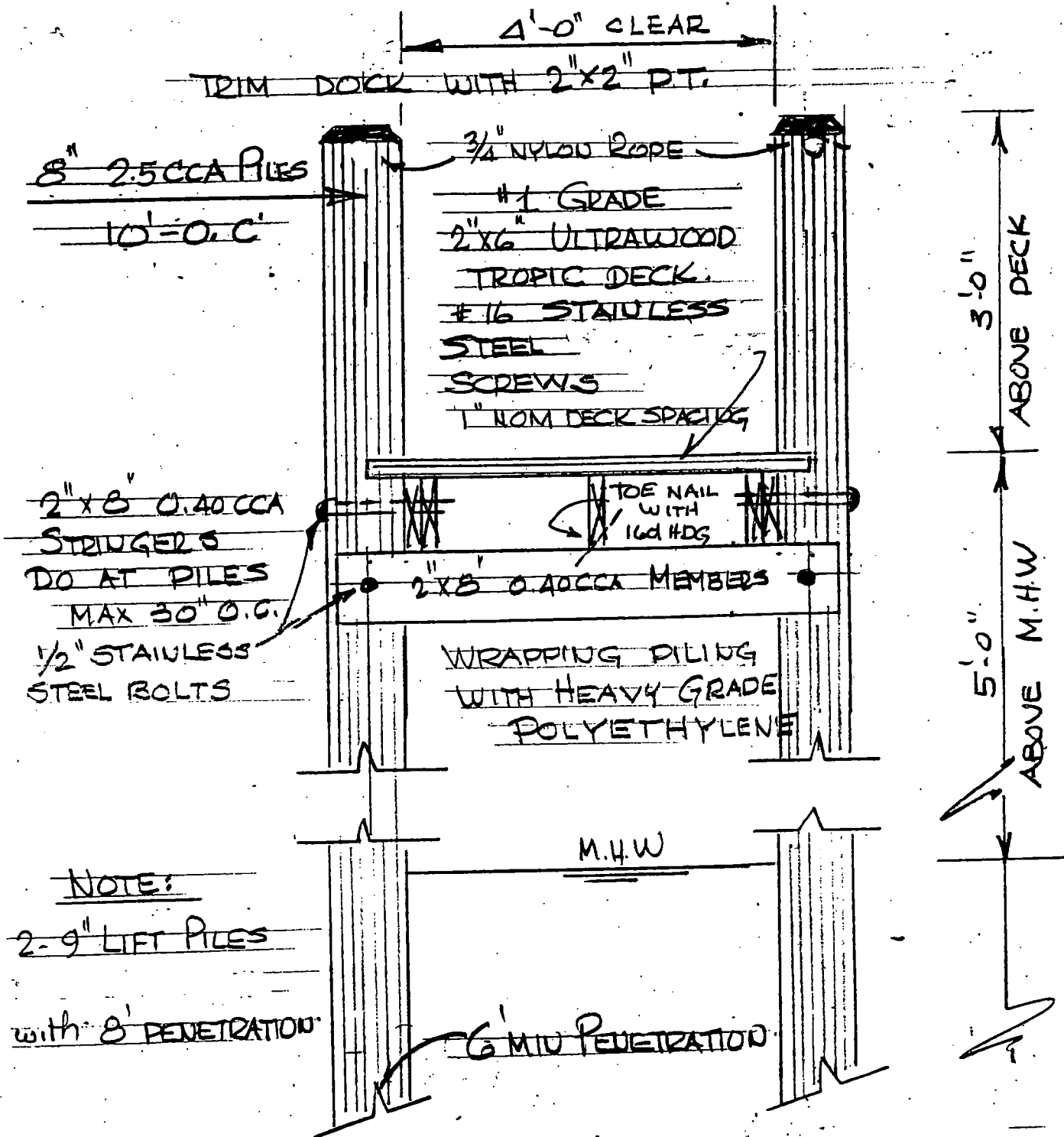
SHEET 2 OF 4

Design & Engineering Consultants
SAL J. AMICO, C.E., P.E.
Licensed Professional Engineer

1163 East 14th Street
Stuart, Florida 34994

TROPIC MARINE CONSTRUCTION
130 S.E. DIXIE HIGHWAY
STUART, Fla.

MR. MICHAEL WEINBERG
VACANT LOT
SEWALLS POINT ROAD



DOCK DETAILS
3/4"

NOTE:
2-9" LIFT PILES
with 8' PENETRATION

2" x 8" 0.40CCA STRUNGERS DO AT PILES MAX 30" O.C.
1/2" STAINLESS STEEL BOLTS

TOE NAIL WITH 16d HDG
2" x 8" 0.40CCA MEMBERS
WRAPPING PILING WITH HEAVY GRADE POLYETHYLENE

3'-0" ABOVE DECK
5'-0" ABOVE M.H.W.

S. J. Amico P.E.

| | | | |
|-------------|-----------------------|-----------------|----------------------------|
| SCALE _____ | DATE <u>2-14-2000</u> | REVISIONS _____ | SHEET <u>3</u> OF <u>4</u> |
|-------------|-----------------------|-----------------|----------------------------|

Design & Engineering Consultants
SAL J. AMICO, C.E., P.E.
Licensed Professional Engineer
1163 East 14th Street
Stuart, Florida 34994

TROPIC MARINE CONSTRUCTION
130 S.E. DIXIE HIGHWAY
STUART, Fla.
MR. MICHAEL WEINBERG
VACANT LOT
SEWALLS POINT ROAD

MR. MICHAEL WEINBERG
VACANT LOT
SEWALLS POINT ROAD

1163 East 14th Street
Stuart, Florida 34994

SAL J. AMICO, C.E., P.E.
Design & Engineering Consultant
Licensed Professional Engineer

TROPIC MARINE CONSTRUCTION
130 S.E. DIXIE HIGHWAY
STUART, FLA.

SHEET 4 OF 4

REVISIONS

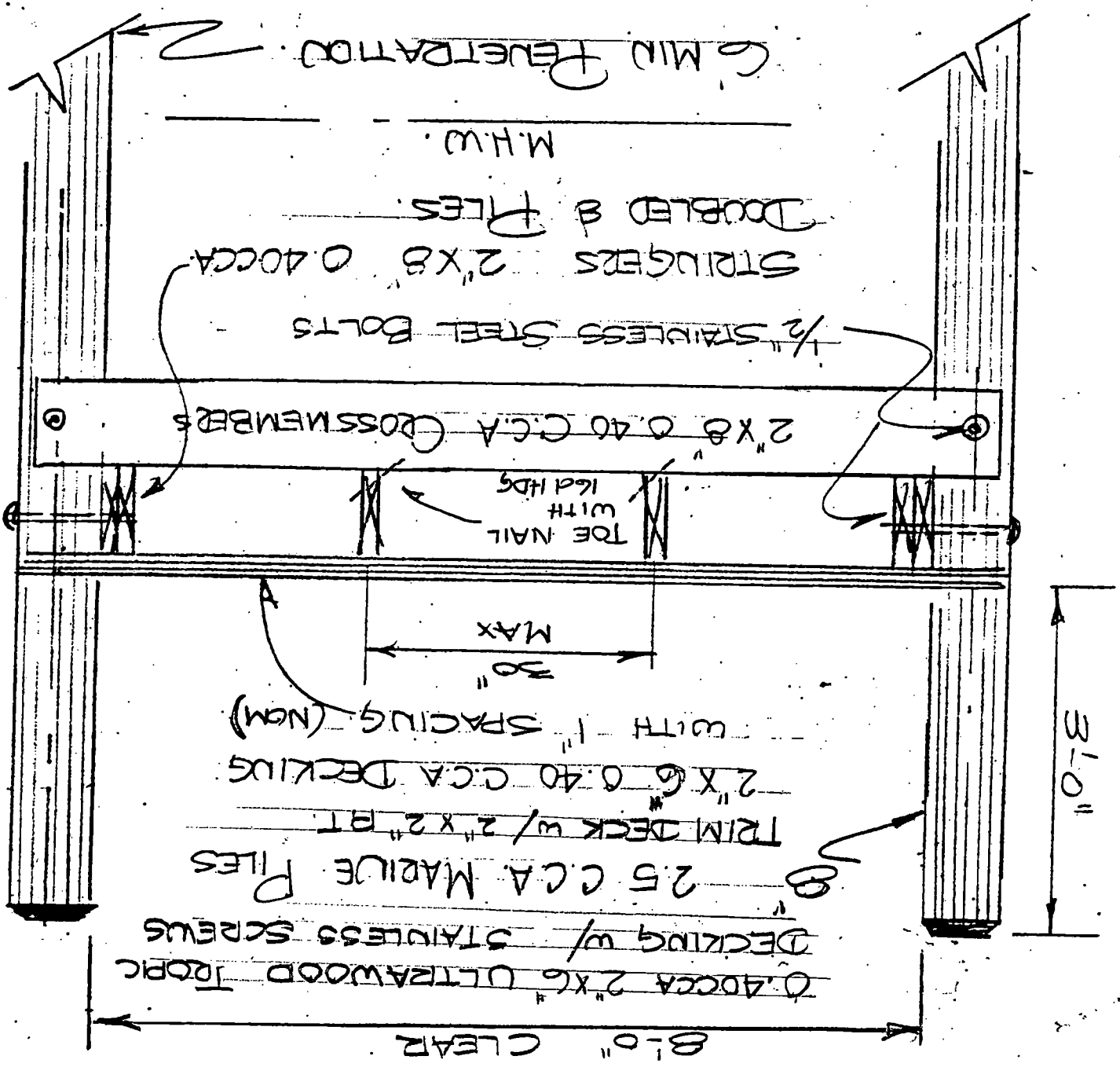
DATE 2-14-2004

SCALE

S. J. Amico P.E.

TERMINAL DETAILS

3/4"



MIN PENETRATION

M.H.W.

DOUBLED B FILES

STRUNGERS 2" X 8" 0.40CCA

1/2" STAINLESS STEEL BOLTS

2" X 8" 0.40 C.C.A. CROSS MEMBERS

TOE NAIL WITH 16D HDS

30" MAX

WITH 1" SPACING (NOM)

2" X 6" 0.40 C.C.A. DECKING

TRIM DECK w/ 2" X 2" BT

2.5" C.C.A. MARINE FILES

DECKING w/ STAINLESS SCREWS

0.40CCA 2" X 6" ULTRAWOOD TROPIC

8'-0" CLEAR

3'-0"

TO BE COMPLETED WHEN CONSTRUCTION VALUE EXCEEDS \$2500.00

PERMIT # _____

TAX FOLIO # 13.38.41.000.000.0013.1

NOTICE OF COMMENCEMENT

STATE OF Florida

COUNTY OF Martin

THE UNDERSIGNED HEREBY GIVES NOTICE THAT IMPROVEMENT WILL BE MADE TO CERTAIN REAL PROPERTY, AND IN ACCORDANCE WITH CHAPTER 713, FLORIDA STATUTES, THE FOLLOWING INFORMATION IS PROVIDED IN THIS NOTICE OF COMMENCEMENT.

LEGAL DESCRIPTION OF PROPERTY (INCLUDE STREET ADDRESS IF AVAILABLE):

150 S. WINDY HILL RD SUITE #1 3494

GENERAL DESCRIPTION OF IMPROVEMENT: _____

OWNER: Michael Winding

ADDRESS: 5 Alcott Court New City N.P. 10930

PHONE: (914) 672-0469 FAX #: (772) 232-1278

CONTRACTOR: Indic Marine Construction Inc

ADDRESS: 130 N. W. Windy Hill Rd Suite #1 3494

PHONE #: 772-692-4131 FAX #: 772-692-1014

SURETY COMPANY (IF ANY) _____

ADDRESS: _____

PHONE # _____ STATE OF FLORIDA
MARTIN COUNTY

BOND AMOUNT: _____ THIS IS TO CERTIFY THAT THE
FOREGOING 1 PAGES IS A TRUE

LENDER: _____ AND CORRECT COPY OF THE ORIGINAL
MARSHA EWING, CLERK

ADDRESS: _____
BY Janice D.C. 1

PHONE #: _____ DATE 2/12/04

PERSONS WITHIN THE STATE OF FLORIDA DESIGNATED BY OWNER UPON WHOM NOTICES OR OTHER DOCUMENTS
MAY BE SERVED AS PROVIDED BY SECTION 713.13(1)(A)7., FLORIDA STATUTES:

NAME: _____
ADDRESS: _____

PHONE #: _____ FAX #: _____

IN ADDITION TO HIMSELF, OWNER DESIGNATES _____
OF _____ TO RECEIVE A COPY OF THE LIENOR'S NOTICE AS PROVIDED IN SECTION
713.13(1)(B), FLORIDA STATUTES.

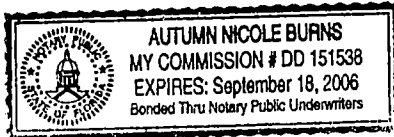
PHONE #: _____ FAX #: _____

EXPIRATION DATE OF NOTICE OF COMMENCEMENT: _____
THE EXPIRATION DATE IS ONE (1) YEAR FROM THE DATE OF RECORDING UNLESS A DIFFERENT DATE IS SPECIFIED
ABOVE.

[Signature]
SIGNATURE OF OWNER

SWORN TO AND SUBSCRIBED BEFORE ME THIS 24 DAY OF January
2004 BY [Signature] PERSONALLY KNOWN X
OR PRODUCED ID _____
TYPE OF ID _____

[Signature]
NOTARY SIGNATURE



REPLY TO
ATTENTION OFDEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0018

COPY



FILE COPY

NOV 16 1998

Regulatory Division
South Permits Branch
Stuart Regulatory Office
P.O. Box 2391
Stuart, Florida 34995
199804036 (LP-TM)

Fairview South, Inc.
2400 Federal Highway
Suite 300
Stuart, Florida 34994

Dear Sir:

This is in reference to your request for a permit for work performed in or affecting navigable waters of the United States. Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 U.S.C. Section 403), authorization is given

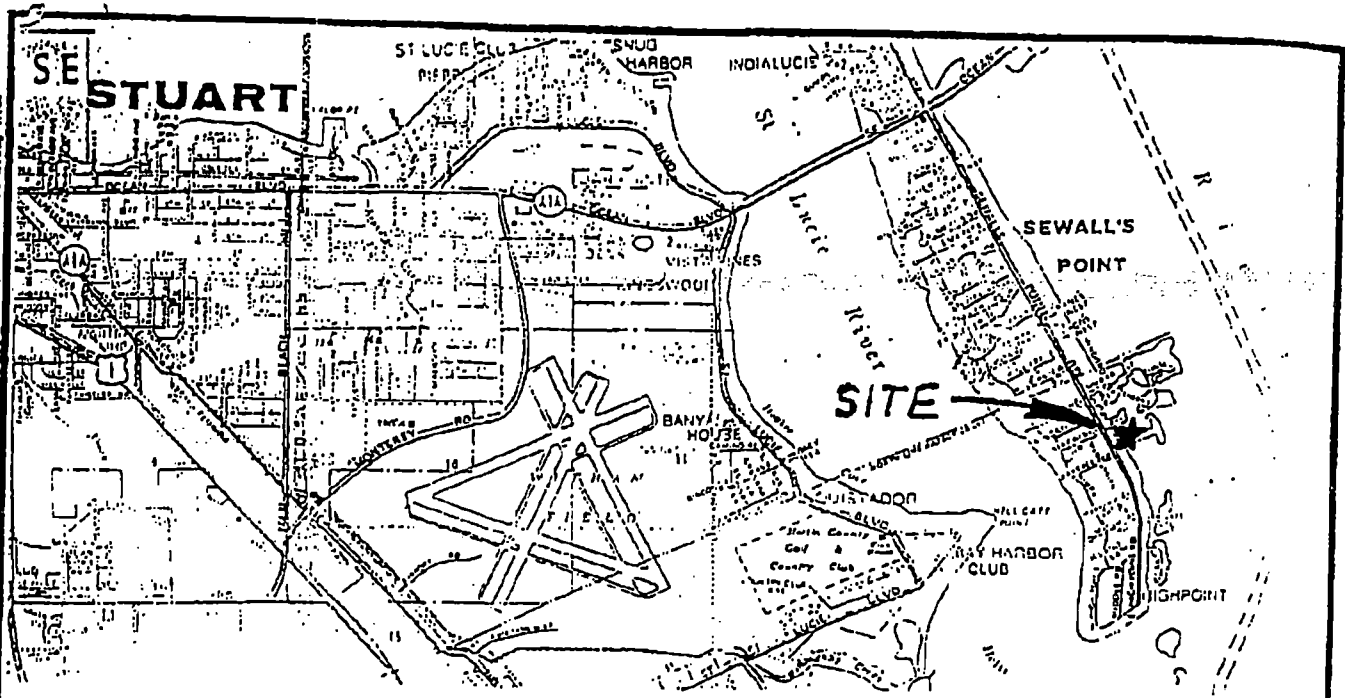
to construct a 4-foot by 477-foot dock with a 6-foot by 15-foot terminal platform at Parcel A, to construct a 4-foot by 452-foot dock with an 8-foot by 20-foot terminal platform at Parcel B, and to construct a 4-foot by 45-foot dock with an 8-foot by 20-foot terminal platform at Parcel C;
within the Indian River;

at Parcels A, B and C on Sewall's Point Road in Section 12, Township 38 South, Range 41 East, Sewall's Point, Martin County, Florida;

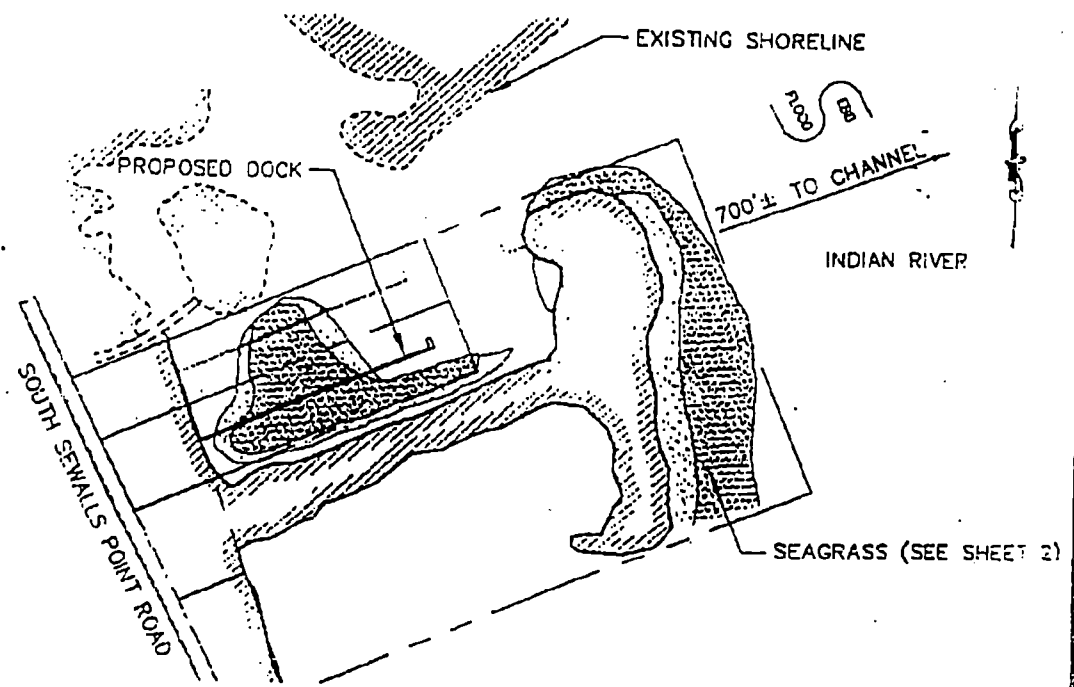
completed in accordance with the plans and conditions including the Standard Manatee Construction Conditions which are incorporated in, and made a part of, the permit. Although the docks at Parcel A and B will be constructed over seagrass beds, no vessels may be moored in any areas of seagrass beds.

RECEIVED

KIMLEY HORN & ASSOC., INC.
STUART



AREA MAP



PARCEL 'B' SINGLE FAMILY DOCK LOCATION MAP

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of or improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

| | |
|-------------|----------|
| SCALE | NTS |
| DESIGNED BY | MEK |
| DRAWN BY | WES |
| CHECKED BY | MEK |
| COMP. | IR-PRMT2 |



Kimley-Horn and Associates, Inc.

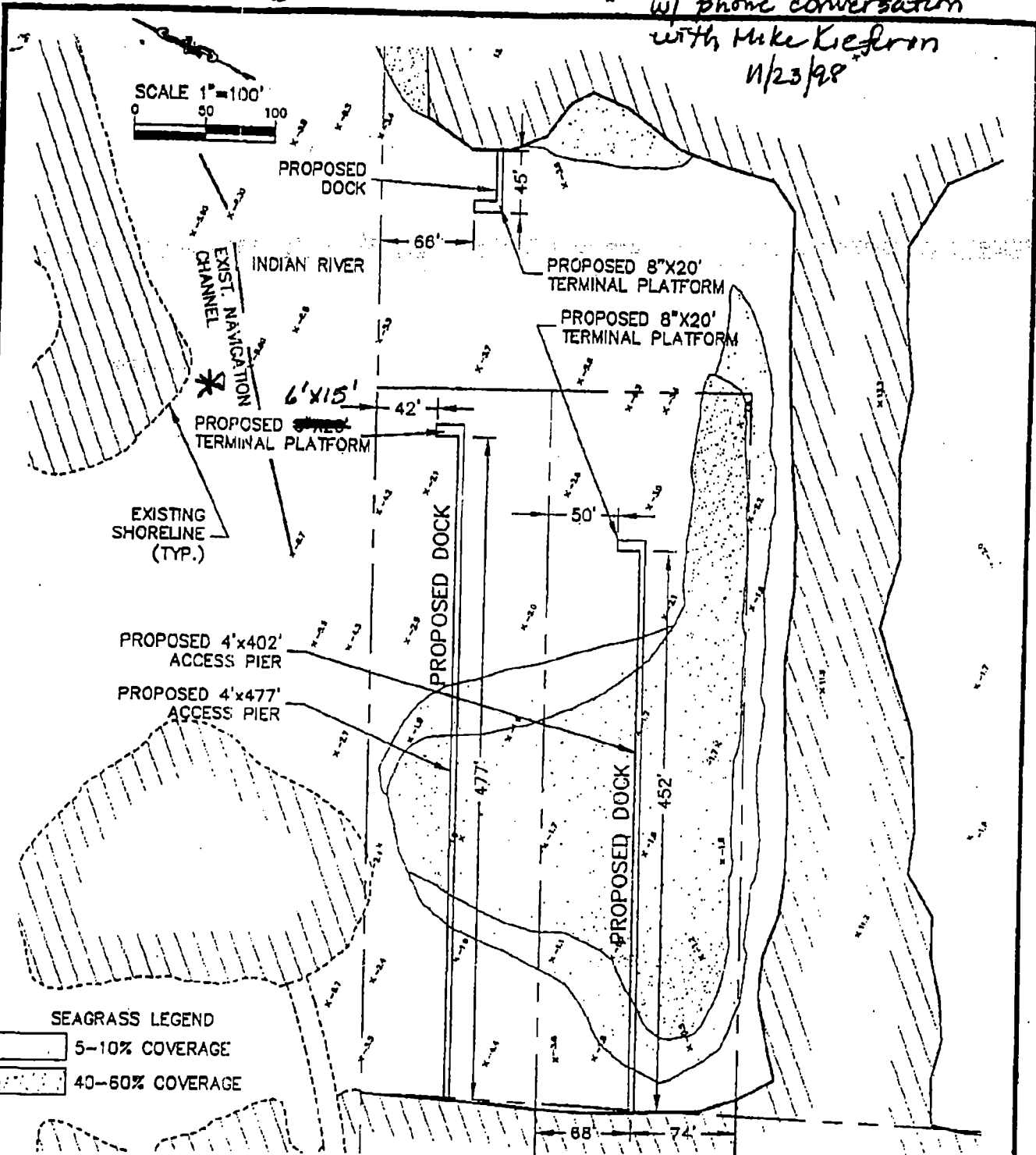
© 1998 KIMLEY-HORN AND ASSOC. INC.
 32 EAST OSCEOLA STREET, SUITE C
 STUART, FLORIDA 34954
 (561)285-2190 FAX (561)256-0132

| | |
|--------------------|-----------|
| DATE | JUN 98 |
| FILE & DRAWING NO. | 046906.04 |
| SHEET | 1 of 4 |

* Changed in accordance w/ phone conversation with Mike Kiedron 1/23/98

PLOTTED: 10-1-98 BY: [unclear]

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INDIAN RIVER DOCKS SITE PLAN

| | |
|-------------|-----------|
| SCALE | 1" = 100' |
| DESIGNED BY | MEK |
| DRAWN BY | WES |
| CHECKED BY | MEK |
| COMP. | IR-ACOE |

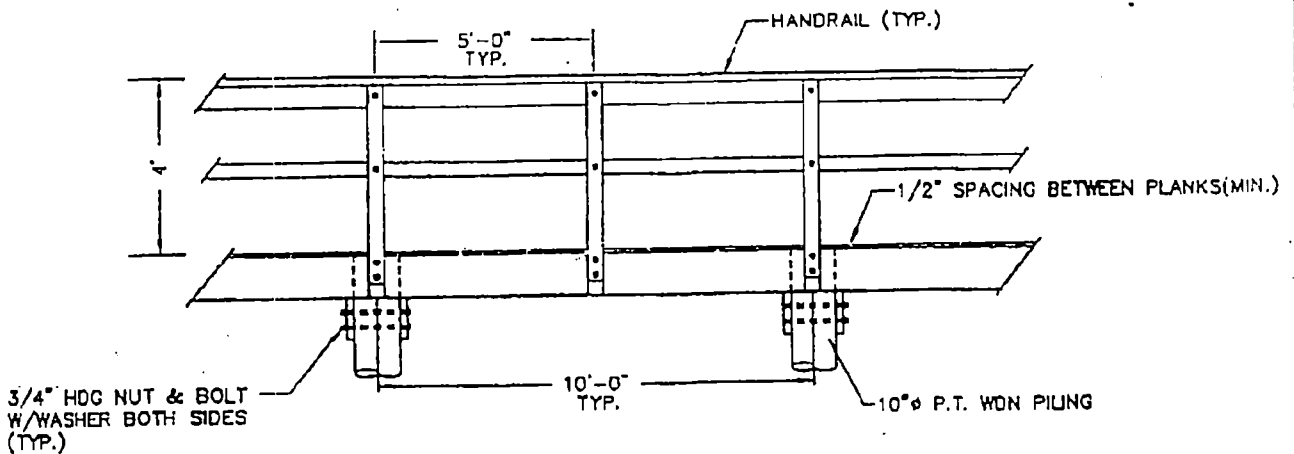
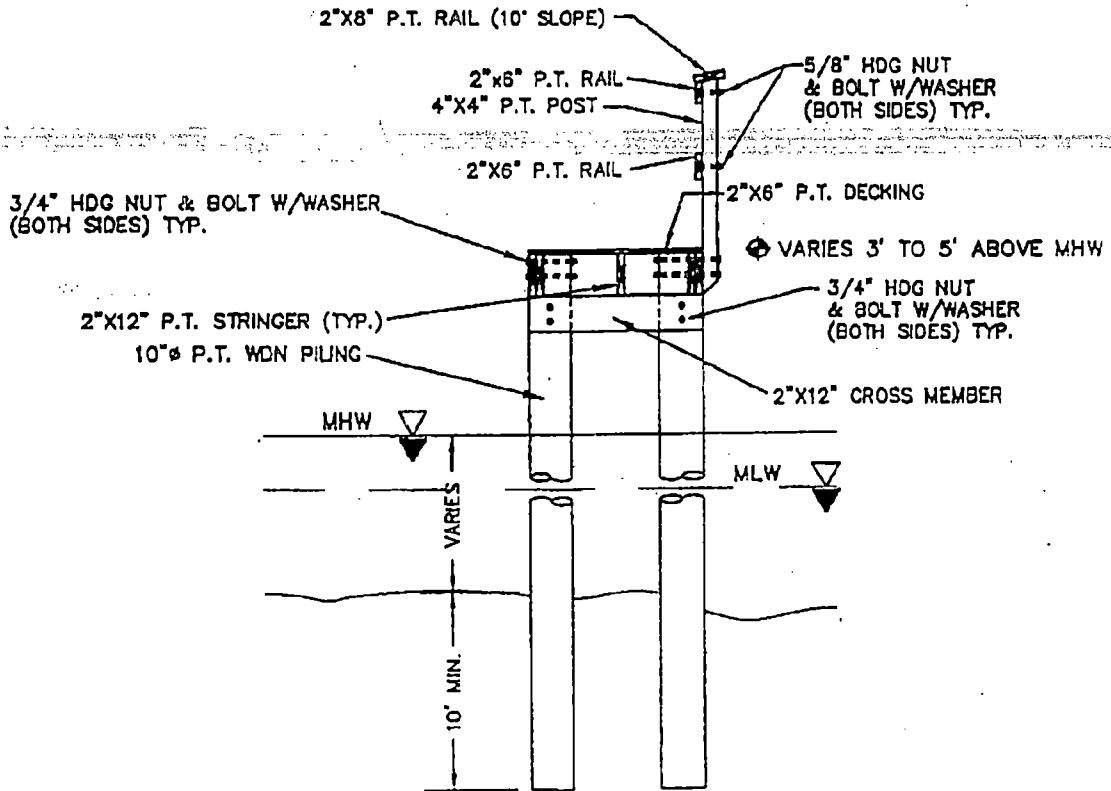


**Kimley-Horn
and Associates, Inc.**

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32 EAST OSCEOLA STREET, SUITE C
STUART, FLORIDA 34994
(561)286-2190 FAX (561)286-0138

| | |
|--------------------|----------------------|
| DATE | JUN 98 |
| FILE & DRAWING NO. | 046906.04 |
| SHEET | 2 OF 4 |

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DOCK DETAILS

| | |
|-------------|-------|
| SCALE | NTS |
| DESIGNED BY | MEK |
| DRAWN BY | WES |
| CHECKED BY | MEK |
| COMP. ID | BBMT2 |

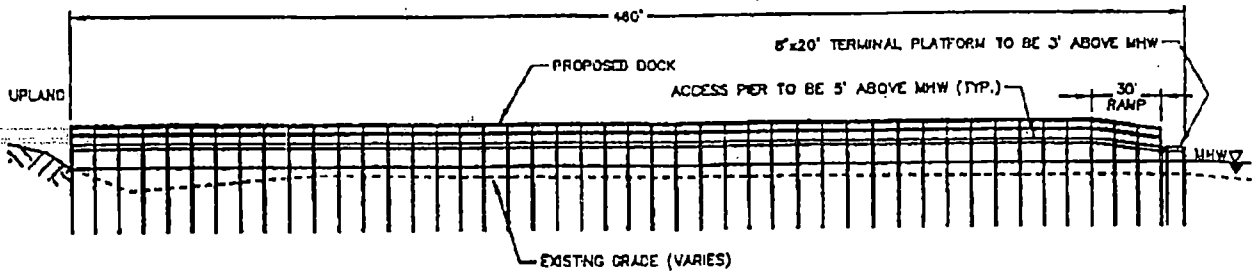


**Kimley-Horn
and Associates, Inc.**

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32 EAST OSCEOLA STREET, SUITE C
STUART, FLORIDA 34994

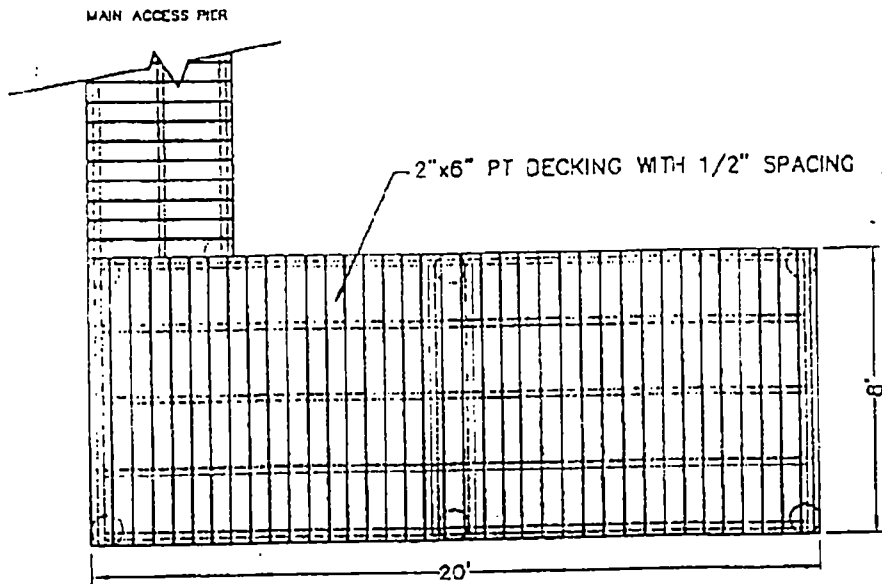
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| DATE | JUN 98 |
| FILE & DRAWING NO. | 048906.04 |
| SHEET | 3 of 4 |

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DOCK PROFILE

NTS



TERMINAL PLATFORM PLAN VIEW

NTS

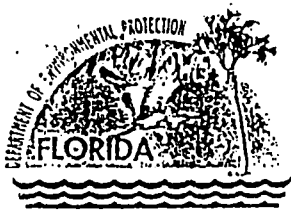
| | |
|-------------|-----|
| SCALE | NTS |
| DESIGNED BY | MEK |
| DRAWN BY | WES |
| CHECKED BY | MEK |



**Kimley-Horn
and Associates, Inc.**

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32 EAST OSCEOLA STREET, SUITE C
STUART, FLORIDA 34994

| | |
|--------------------|-----------|
| DATE | JUN 98 |
| FILE & DRAWING NO. | 046906.04 |
| SHEET | A |



Department of Environmental Protection

Beid-10/20/11

Lawton Chiles
Governor

Port St. Lucie Branch Office
1801 SE Hillmoor Drive
Suite C-204
Port St. Lucie, FL 34952
(561)871-7662 (561)335-4310

Virginia B. Wetherell
Secretary

OCT 21 1998

Fairview South, Inc.
2400 South Federal Highway, Suite 300
Stuart, FL 34994-4531

Re: File No.: 43-0144156-001
Martin County

Gentlemen:

On June 31, 1998, we received your notice of intent to use a Noticed General Permit (NGP) pursuant to Rule 62-341.427, Florida Administrative Code (F.A.C.) to perform the following activities: construct a 1,768 square foot single family docking structure with a 402' X 4' access pier with handrailing on both sides, a 20' X 8' terminal platform and an associated mooring area in the Indian River Lagoon, (Class III waters of the state). Your project is located at Parcel B, Sewall's Point Road, (Section 12, Township 38 South, Range 41 East) Stuart, Martin County.

Your intent to use a NGP has been reviewed to determine whether it qualifies for any of three kinds of authorization that may be necessary for works in wetlands or waters of the United States. The kinds of authorization are (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 may not have qualified for all three forms of authorization. If your project did not qualify for one or more of the authorizations, refer to the specific section dealing with that authorization for advice on how to obtain it.

Regulatory Review

The Department has the authority to review your project under Part IV of Chapter 373, Florida Statutes (F.S.), Title 62, F.A.C., and in accordance to operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. Based on the information you submitted, we have determined that the project meets the requirements for and is hereby granted the noticed general permit listed above (Rule 62-341.427, F.A.C.).

Activities performed under the NGP are subject to the general conditions required in Rule 62-341.215, F.A.C. (attached), and to the specific conditions of the permit for which notice was given (62-341.427, F.A.C.) (attached). Deviations from the general and specific conditions may subject the permittee to enforcement action and penalties. A stamped plan view and vicinity map for the project are attached.

Please be advised that the construction phase of the NGP must be completed within 5 years from the date the notice to use the NGP was received by the Department. If you wish to continue this noticed general permit beyond the expiration date, you must notify the Department at least 30 days before its expiration.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Proprietary Review (related to state-owned lands)

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 your project under Chapters 253 and 258, F.S., Chapters 18-20 and 18-21, F.A.C., and Section 62-343.075, F.A.C.

Your project will not occur on sovereign submerged land. Pursuant to Chapter 253.77, Florida Statutes, you will not require authorization from the Board of Trustees to use public property to perform the proposed project.

Federal Review (State Programmatic General Permit)

Federal authorization for the proposed project is reviewed by DEP pursuant to an agreement between the Department and the U.S. Army Corps of Engineers (the Corps). The agreement is outlined in a document titled *Coordination Agreement Between the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act.*

Your project has been reviewed for compliance with a State Programmatic General Permit (SPGP). As shown on the attached drawings, the proposed project is not consistent with the SPGP program. A copy of your application has been sent to the U.S. Army Corps of Engineers (the Corps) who may require a separate permit. Failure to obtain their authorization prior to construction could subject you to enforcement action. For further information, contact the Corps directly.

NOTICE OF RIGHTS OF SUBSTANTIALLY AFFECTED PERSONS

Be advised that your neighbors and other parties who may be substantially affected by the proposed activity allowed under this determination of exemption have a right to request an administrative hearing on the Department's decision that the proposed activity qualifies for this exemption. If an administrative hearing is timely requested by a substantially affected person, the finding that the proposed activity qualifies for this exemption must be reconsidered, and it is possible that the hearing could result in a determination that the proposed activity does *not* qualify for the exemption. Under Rule 28-106.111, F.A.C., a request for such an administrative hearing must be filed with the Department's Clerk in the Office of General Counsel within 21 days of either: (a) publication of notice in a newspaper of general circulation in the county where the activity is to take place; or (b) the substantially affected person's receipt of written notice which includes the information contained in Attachment (A).

Fairview South, Parcel B
File No.: 43-0144156-001
Page 3

The Department will not publish notice of this determination. *Publication of this notice by you is optional and not required for you to proceed.* However, in the event that an administrative hearing is held and the Department's determination is reversed, proceeding with the proposed activity before the time period for requesting an administrative hearing has expired would mean that the activity was conducted without the required permits.

If you wish to limit the time within which *all* substantially affected persons may request an administrative hearing you may elect to publish, at your own expense, the enclosed notice (Attachment A) one time only in the legal advertisement section of a newspaper of general circulation in the county where the activity is to take place.

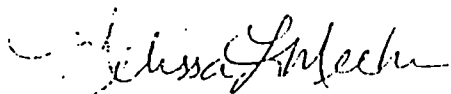
If you wish to limit the time within which any *specific* person(s) may request an administrative hearing, you may provide such person(s), by certified mail, a copy of this determination, including Attachment A.

For the purposes of publication, a newspaper of general circulation means a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S. In the event you do publish this notice, within seven days of publication, you must provide to the following address a certification or affidavit of publication issued by the newspaper. If you provide direct written notice to any person as noted above, you must provide to the following address a copy of the direct written notice.

Florida Department of Environmental Protection
Southeast District - Port St. Lucie Branch Office
Submerged Lands & Environmental Resources Program
1801 SE Hillmoor Drive, Suite C-204, Port St. Lucie, FL 34953

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 **Bruce Jerner** of this office, at telephone (561) 871-7662. When referring to this project, please use the FDEP file name number listed above.

Sincerely,



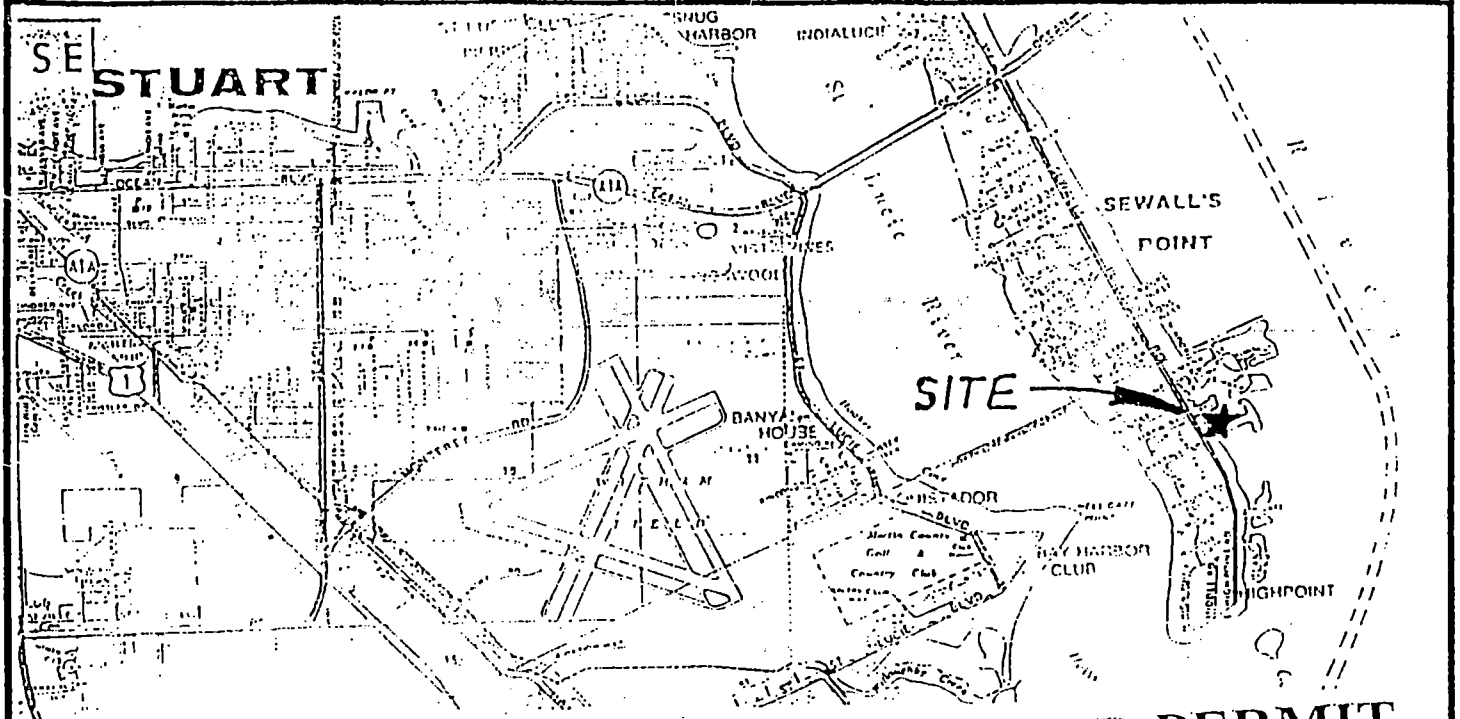
Melissa L. Meeker
Environmental Administrator

MLMBJ: *hjt*

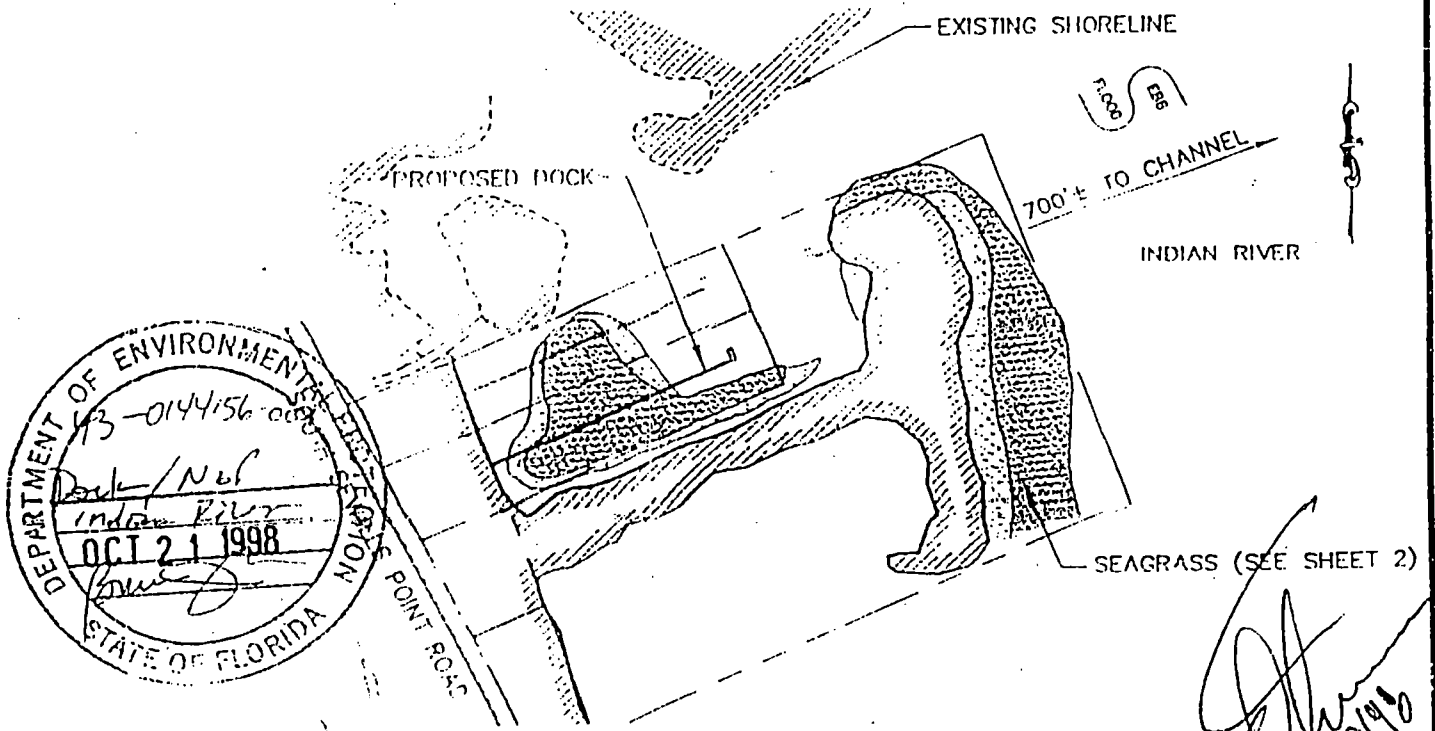
Enclosures: NGP General Conditions, 62-341.215, F.A.C.
NGP Specific Conditions, 62-341.427, F.A.C.
Attachment A - Newspaper Publication Notice
Project Drawings

cc: U.S. Army Corps of Engineers, Vero Beach
Michael E. Kiefer, Jr., Kinley-Horn & Associates, Inc.

This document together with the concepts and designs presented herein, is an instrument of service, intended only for the specific purpose and client for which it was prepared. Reuse of any part of this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



AREA MAP FOR PERMIT USE ONLY



PARCEL 'B' SINGLE FAMILY DOCK LOCATION MAP

| | |
|-------------|--------|
| SCALE | MTS |
| DESIGNED BY | MEK |
| DRAWN BY | WES |
| CHECKED BY | MEK |
| DATE | JUN 98 |



Kimley-Horn and Associates, Inc.

© 1998 KIMLEY-HORN AND ASSOC. INC.
 37 EAST OSCEOLA STREET, SUITE C
 STUART, FLORIDA 34994
 (888) 444-4444

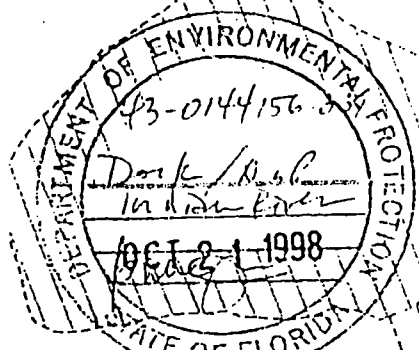
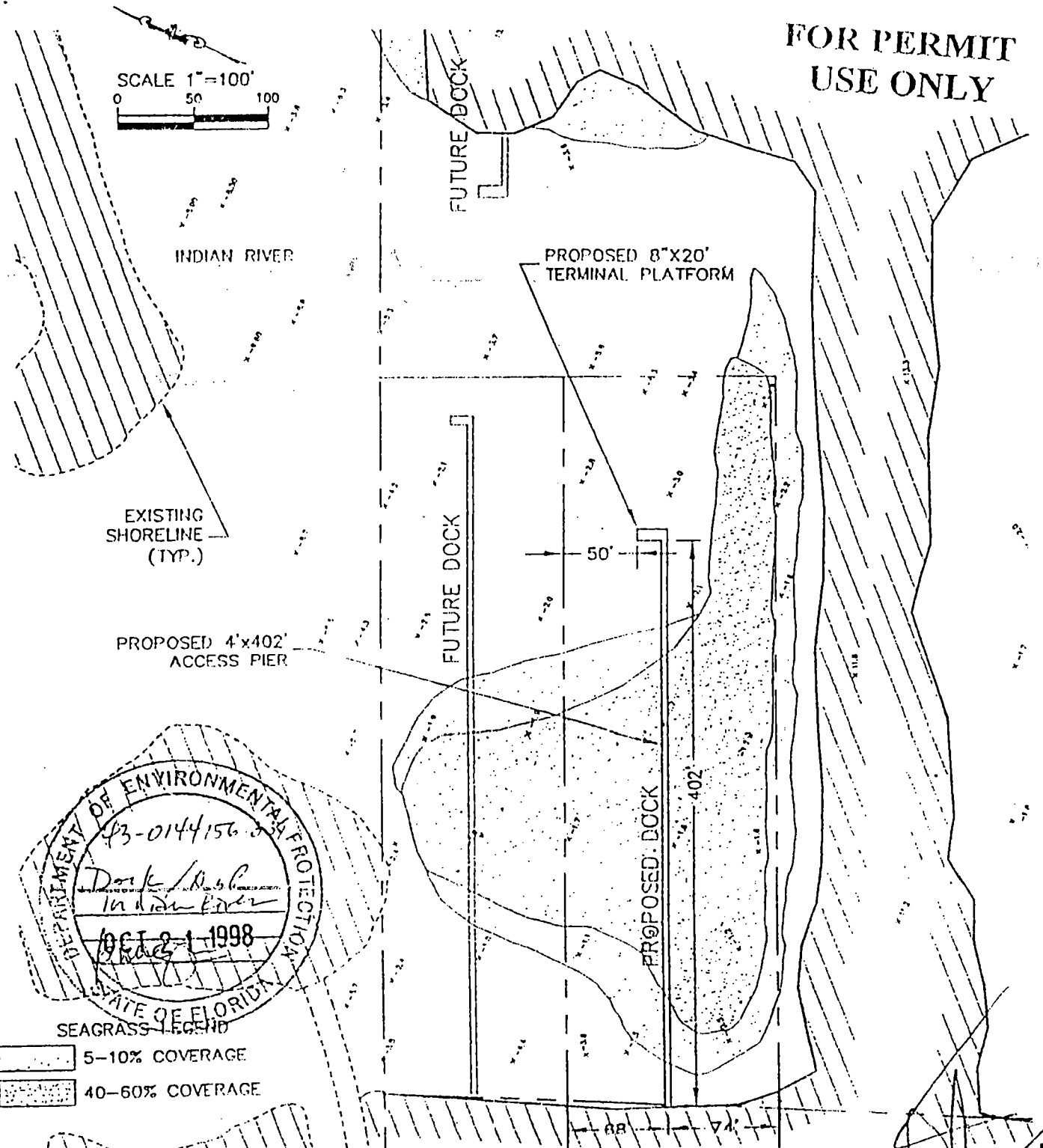
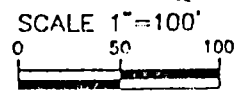
DATE JUN 98
 FILE # DRAWING NO. 046906.04
 SHEET

1 of 4

REVISED

NOTED: BY: This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of any information contained herein without written authorization and approval by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

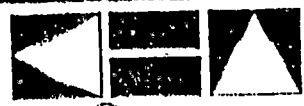
FOR PERMIT
USE ONLY



**PARCEL 'B' SINGLE FAMILY DOCK
SITE PLAN**

[Handwritten signature]
10/20/98

| |
|-----------------|
| SCALE 1" = 100' |
| DESIGNED BY MEK |
| DRAWN BY WES |
| CHECKED BY MEK |
| COMP. IR-PRMT2 |



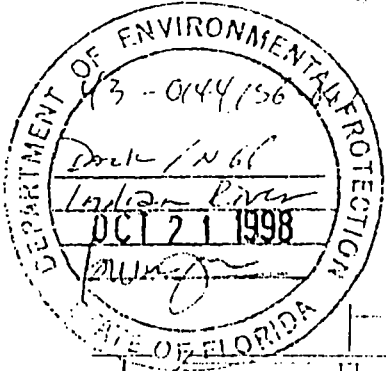
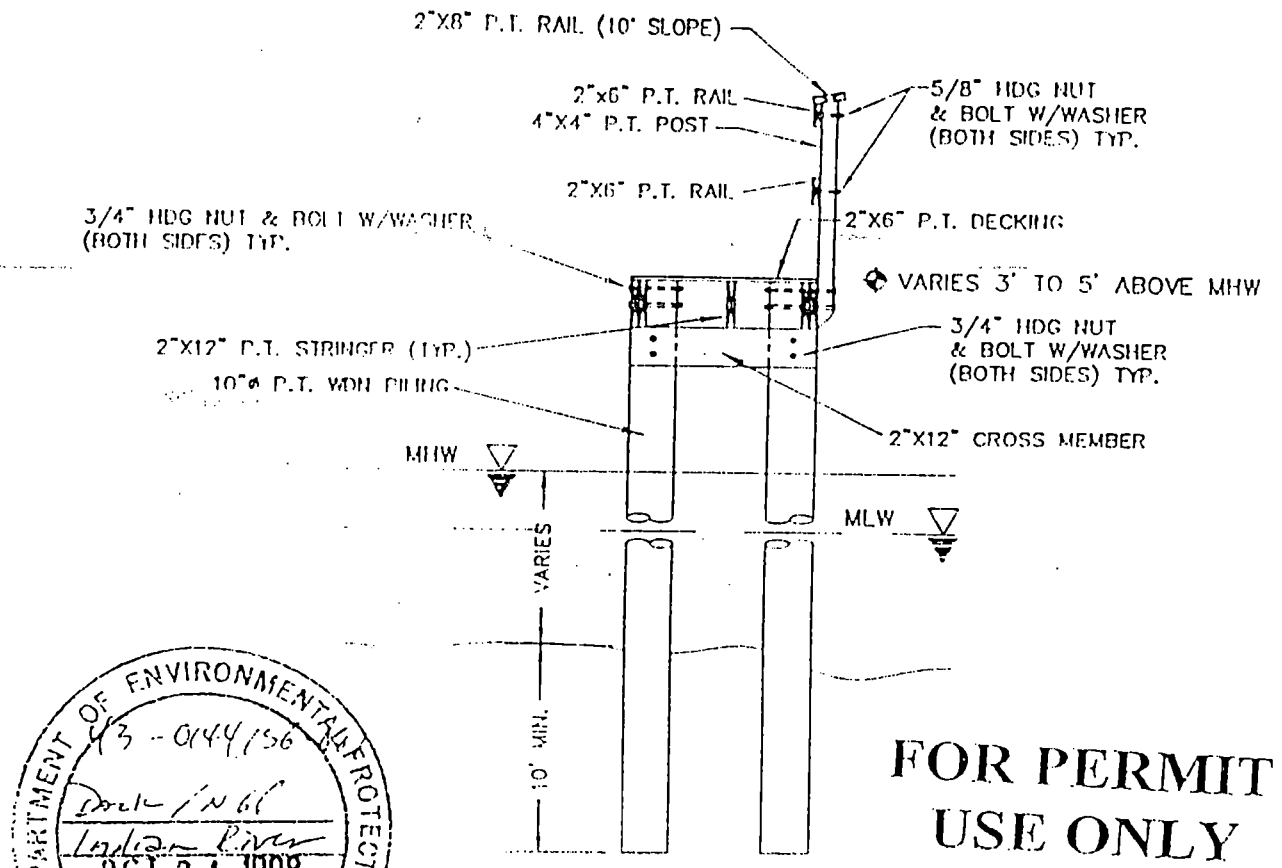
© 1998 KIMLEY-HORN AND ASSOC. INC.
30 EAST OCEAN A STREET, SUITE C
STUART, FLORIDA 34994
(561)286-2190 FAX (561)286-0138

**Kimley-Horn
and Associates, Inc.**

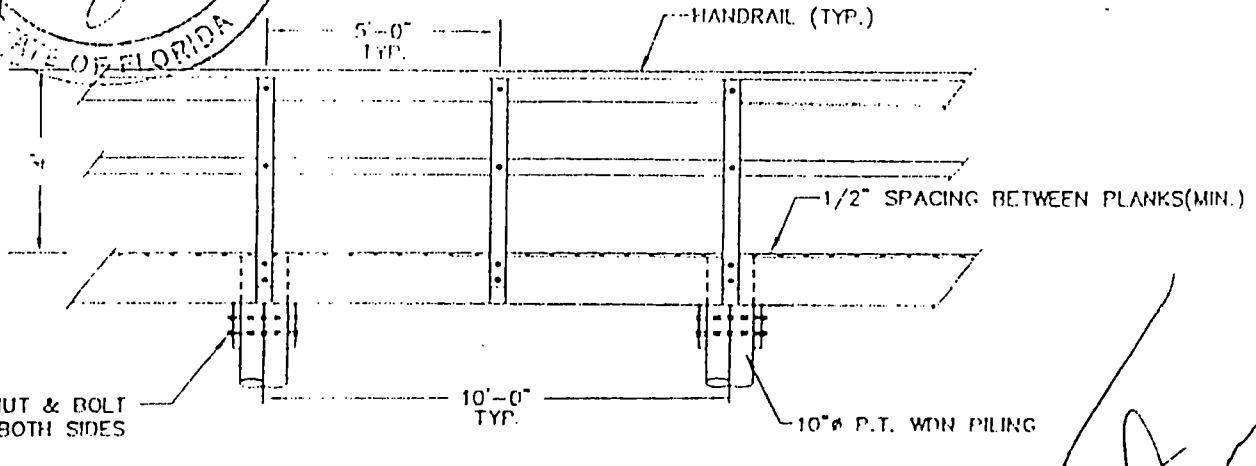
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| DATE JUL 98 |
| FILE & DRAWING NO. 046906.04 |
| SHEET 2 of 4 |

REVISED

BY: [Signature] DATE: 10/20/18
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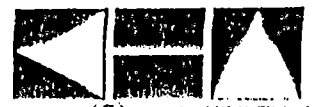
**FOR PERMIT
USE ONLY**



DOCK DETAILS

[Signature]
10/20/18

| | |
|----------------|-----|
| SCALE | NTS |
| DESIGNED BY | MEK |
| DRAWN BY | WER |
| CHECKED BY | MEK |
| DATE (R-18M12) | |



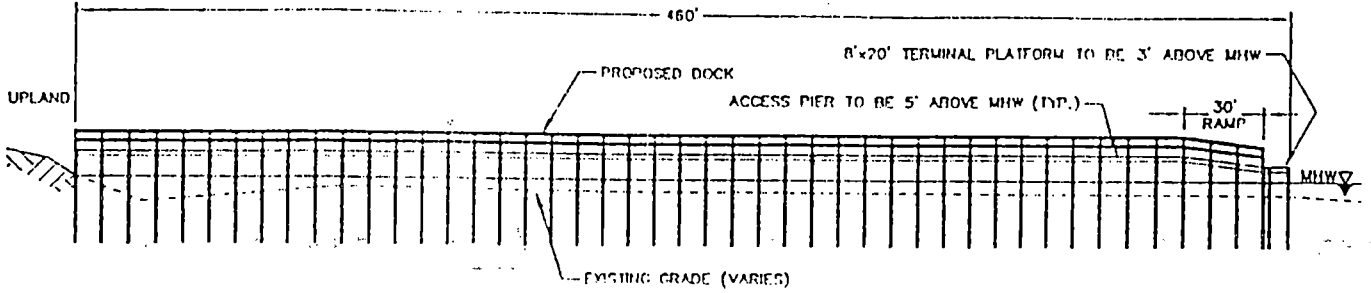
**Kimley-Horn
and Associates, Inc.**

(C) 1998 KIMLEY-HORN AND ASSOC. INC.
 10 EAST OSCEOLA STREET, SUITE C
 GAITHERSBURG, MARYLAND 20878
 (301)206-2100 FAX (301)206-0130

| | |
|--------------------|-----------|
| DATE | JUN 08 |
| FILE & DRAWING NO. | 046906.04 |
| SHEET | 3 OF 4 |

REVISED

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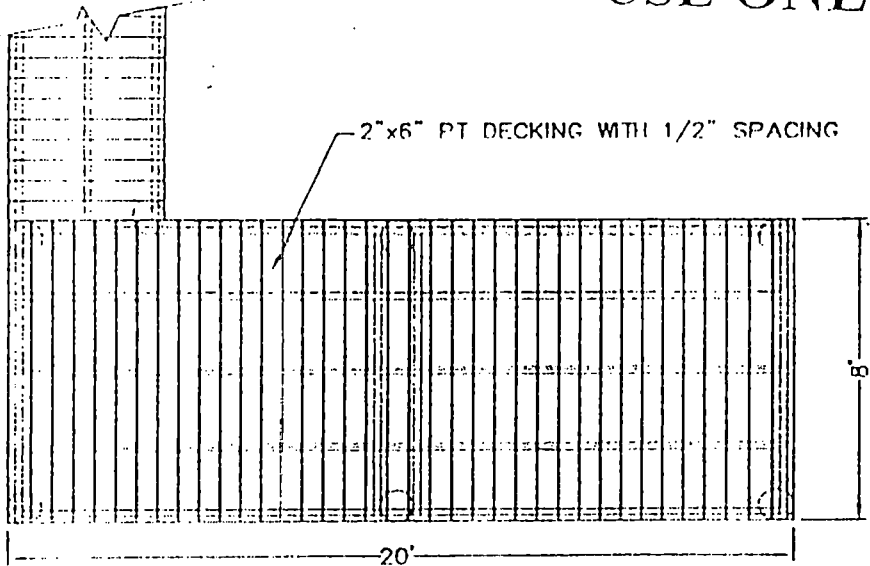


DOCK PROFILE

N.T.S.

**FOR PERMIT
USE ONLY**

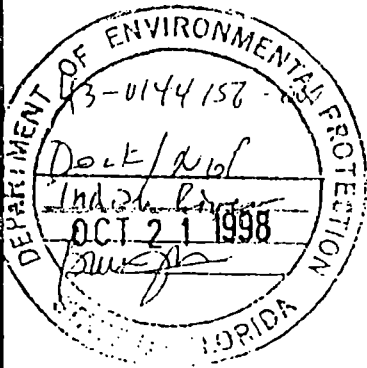
MAIN ACCESS PIER



TERMINAL PLATFORM PLAN VIEW

N.T.S.

[Handwritten signature]
 10/20/98



| | |
|-------------|------------|
| SCALE | N.T.S. |
| DESIGNED BY | MEK |
| DRAWN BY | WES |
| CHECKED BY | MEK |
| COMP. NO. | 13-0144156 |



Kimley-Horn
and Associates, Inc.

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 10 EAST GIBBERLA STREET, SUITE C
 STUART, FLORIDA 34994
 (407) 296-2100 FAX (888) 296-0130

| | |
|--------------------|--|
| DATE | JUN 08 |
| FILE & DRAWING NO. | HARDON 03 |
| SHEET | 4 of 4 |

REVISED

62-341.215 General Conditions for All Noticed General Permits.

- (1) The terms, conditions, requirements, limitations, and restrictions set forth in this section are general permit conditions and are binding upon the permittee for all noticed general permits in this chapter. These conditions are enforceable under Part IV of Chapter 373, F.S.
- (2) 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. A violation of the permit is a violation of Part IV of Chapter 373, F.S., and may result in suspension or revocation of the permittee's right to conduct such activity under the general permit. The Department also may begin legal proceedings seeking penalties or other remedies as provided by law for any violation of these conditions.
- (3) 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.
- (4) 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 as provided by Chapter 62-330, F.A.C.
- (5) 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 in contravention of Florida Statutes and Department rules.
- (6) The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign 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 lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is

responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

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

(8) This permit shall not be transferred to a third party except pursuant to Section 62-343.130, 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 system or the real property at which the permitted system is located.

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

(10) The permittee shall maintain any permitted system in accordance with the plans submitted to the Department and authorized in this general permit.

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

(12) Construction, alteration, operation, maintenance, removal and abandonment approved by this general permit shall be conducted in a manner which does not cause violations of state water quality standards, including any antidegradation provisions of Sections 62-4.242(1)(a) and (b), 62-4.242(2) and (3), and 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters. The permittee shall implement best management practices for erosion, turbidity, and other pollution control to prevent violation of state water quality standards.

Temporary erosion control measures such as sodding, mulching, and seeding shall be implemented and shall be maintained on all erodible ground areas prior to and during construction. Permanent erosion control measures such as sodding and planting of wetland species shall be completed within seven days of any construction activity.

Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and other surface waters exists due to the permitted activity. Turbidity barriers shall remain in place and shall be maintained in a functional condition at all locations until construction is completed and soils are

stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

(13) The permittee shall hold and save the Department 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 system authorized by the general permit.

(14) The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

Specific Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1) FS.

62-341.427 General Permit for Certain Piers and Associated Structures.

(1) A general permit is hereby granted to any person to construct, extend, or remove piers and associated structures as described below:

(a) single-family piers, along with boat lifts, boat houses, terminal platforms, and gazebos attached to the pier, where these structures:

1. do not accommodate the mooring of more than two water craft;
2. do not, together with existing structures, exceed a total area of 2,000 square feet; and
3. have a minimum depth of two feet below the mean low water level for tidal waters and two feet below the mean annual low water level for non-tidal waters for all areas designed for boat mooring and navigational access; and

(b) public fishing piers that do not exceed a total area of 2,000 square feet provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of five feet above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state "No Boat Mooring Allowed".

(2) This general permit shall be subject to the following specific conditions:

(a) construction or extension of the boat house, boat shelter, boat lift, gazebo, or terminal platforms, shall not occur over submerged grassbeds, coral communities or wetlands. In addition, the boat mooring location shall not be over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;

(b) there shall be no wet bars, or living quarters over wetlands or other surface waters or on the pier, and no structure authorized by this general permit shall be enclosed by walls or doors;

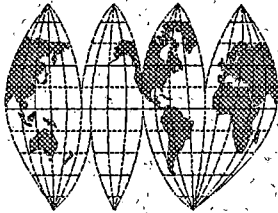
(c) the structure and its use shall not significantly impede navigability in the water body;

(d) there shall be no dredging or filling associated with construction of the structures authorized herein, other than that required for installation of the actual pilings for the pier, boat lift, boat shelter, gazebo, or terminal platform;

(e) there shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit; and

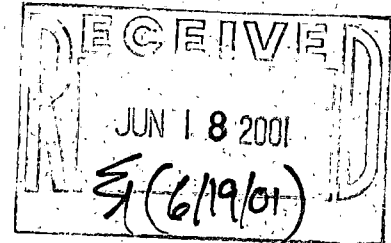
(f) this general permit shall not authorize the construction of more than one pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property.

Mail To: Post Office Box 1500, Stuart, FL 34995-1500
2440 S.E. Federal Highway - Ste. 700, Stuart, FL 34994
Telephone [561] 288-4880 TeleFax [561] 288-0128



June 18, 2001

Edwin B. Arnold, AIA, CBO
Town of Sewall's Point
1 South Sewall's Point Road
Sewall's Point, FL 34996



RE: **Weinberg Dock Permit**

FILE
(PENDING APPLICATION)

Dear Ed:

Reference is made to our discussion of issues surrounding the building permit application for a dock at the Weinberg parcel on South Sewall's Point Road. My understanding of the issues is as follows:

A verbal denial was issued to Tropic Marine based on dock length and referred to the Town Commission for variance. A cursory review of buildable area was also made by you at this time. At the subsequent Town Commission meeting on May 22, 2001 Tim Wright raised two issues in your absence: Was the lot buildable? Was the lot a legal lot of record in terms of the subdivision regulations and lot area?

My review of the file indicates the following:

As to the issue of a buildable lot, I have attached a sketch of the Weinberg lot showing the most restrictive setbacks and the resultant buildable area. It would appear that the lot has a more than sufficient buildable footprint.

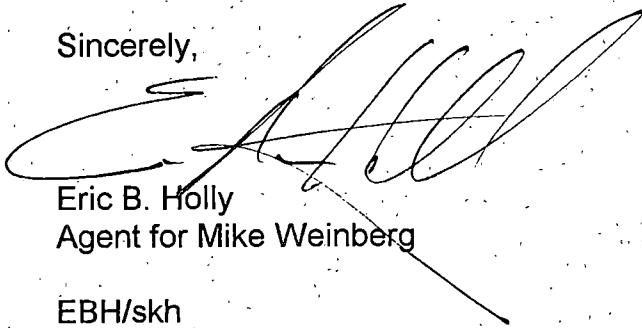
Secondly, the parcel was deeded from The Kiplinger Washington Editors to Shadow Lake Groves, Inc. on October 9, 1998 and was recorded in OR Book 341, Page 1937. The lot was created by partition of the parent parcel which included the Bay Tree Island parcels as well. This partition was performed under the subdivision exemptions found in Section 78-3,2(a) of the Town of Sewall's Point Code of Ordinances. This exemption provides for creation of lots lying between South Sewall's Point Road and the Indian River. The width and area met with the applicable codes at that time. This partition predates the increase in lot area required by Ordinance 275, effective December 21, 1999.

Weinberg Dock Permit
June 18, 2001
Page 2 of 2

Your review and affirmative comments to both the file and Tim Wright are appreciated. I will be in attendance at the June 19, 2001 Commission meeting representing Mr Weinberg to present these facts in support of an affirmative approval. Should your review require additional information or should other third party issues arise, please so advise.

Thank you in advance for your review,

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric B. Holly', written over a thin diagonal line that extends from the top right towards the bottom left.

Eric B. Holly
Agent for Mike Weinberg

EBH/skh

Attachments:

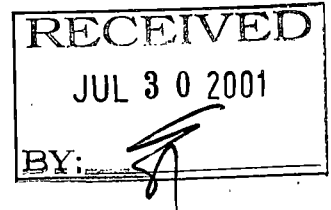
Deeds

Sketch

WRIT
OF
CERTIORARI

TO: Richard H. enstein
KRAMER, SEWELL, SOPKO & LEVENSTEIN, P.A.
853 S.E. Monterey Commons Boulevard
Stuart, Florida 34996

FROM: APPELLATE DIVISION
Martin County Clerk of the Circuit Court
P.O. Box 9016
Stuart, Florida 34995-9016
(561) 288-5736



SUBJECT: MICHAEL WEINBERG and
SHERIN WEINBERG
V.
TOWN OF SEWALL'S POINT

FILE

Circuit Appellate Case No. 2001-012 MARTIN/01-600 CA
Lower Trial Case No PETITION FOR WRIT OF CERTIORARI

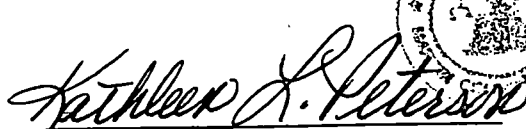
MESSAGE:

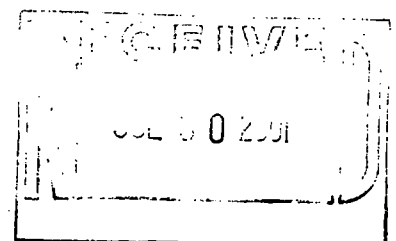
Attached is a copy of:

19TH JUDICIAL CIRCUIT COURT OF APPEAL
IMPORTANT NOTICE TO ATTORNEY & PARTIES

Please Read the Rules and if you have any questions
please do not hesitate to call.

July 26, 2001


Kathleen L. Peterson, Deputy Clerk



c. Town of Sewall's Point
Nancy Crake, Staff Attorney - 19th Judicial Appellate Division

RECEIVED

AUG 14 2001

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT IN AND FOR
MARTIN COUNTY, FLORIDA.
APPELLATE DIVISION

CIRCUIT CASE NO. 2001-012 Martin 01-6000 CA

Petition for Writ of Certiorari

MICHAEL WEINBERG and
SHIRIN WEINBER,

Petitioner,

v.

TOWN OF SEWALL'S POINT,

Respondent.

MASTER CALENDAR

Petitioner must file
8-31-01
8-14-01
msj

ORDER TO FILE AMENDED PETITION FOR WRIT OF CERTIORARI

THIS COURT, having reviewed the "Petition for Certiorari Review" finds that the Petition fails to comply with the Florida Rules of Appellate Procedure 9.100. Further, the Petition does not include Certificate of Service as required by Florida Rules of Appellate Procedure 9.420, or include a certified copy of the order on appeal or envelopes as required by the Nineteenth Judicial Circuit Court of Appeals Important Notice to Attorney and Parties. It is

ORDERED that the Petitioner is hereby commanded to file with this Court an Amended Petition for Writ of Certiorari to comply with the Florida Rules of Appellate Procedure and the local rules (copy attached), by the deadline of August 31, 2001. Furthermore, service shall be completed on all parties. It is further

ORDERED that the Petitioner is commanded to file the transcript of the proceedings and the record below before the deadline of August 31, 2001. Extensions of the deadline will only be granted upon a showing of good cause.

DONE AND ORDERED this 8 day of August, 2001, in Stuart, Martin County, Florida.

Burd Bryan
BEN L. BRYAN, JR.
Appellate Administrative Judge

Copies to:
Richard H. Levenstein, Esquire
Town of Sewall's Point

RECEIVED
AUG 13 2001

WRIGHT, PONSOLDT & LOZEAU
TRIAL ATTORNEYS, L.L.P.

1000 S.E. Monterey Commons Boulevard
Suite 208
Stuart, Florida 34996
(561)286-5566 Telephone
(561)286-9102 Facsimile

Tim B. Wright
William R. Ponsoldt, Jr.
Louis E. Lozeau, Jr.

FILE

CLIENT'S COPY

August 17, 2001

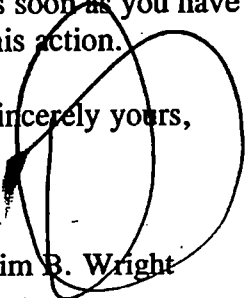
Mr. Harold G. Melville
2940 South 25th Street
Fort Pierce, Florida 34981

Re: ~~Town of Sewall's Point adv. Weinberg~~

Dear Hal:

This letter is a follow-up to our telephone conversation of August 16, 2001. I enclose copies of all of the documents I have received to date on the referenced matter. Please let me know as soon as you have had an opportunity to consult with Mr. and Mrs. Otto about intervening in this action.

Sincerely yours,


Tim B. Wright

TBW/mcf


Enclosure

cc: Mr. Joseph C. Dorsky
Mrs. Joan H. Barrow

RECEIVED
AUG 23 2001

MELVILLE & SOWERBY, P.L.

ATTORNEYS AT LAW
LAUREL PROFESSIONAL PARK
2940 SOUTH 25TH STREET
FORT PIERCE, FLORIDA 34981-5605

RECEIVED
AUG 29 2001
BY: 

CLIENT'S COP

TELEPHONE (561) 464-7900

FAX (561) 464-8220

HAROLD G. MELVILLE, P.A.*
DAVID N. SOWERBY, P.L.**

*BOARD CERTIFIED CIVIL TRIAL LAWYER AND
BOARD CERTIFIED BUSINESS LITIGATION LAWYER
**BOARD CERTIFIED REAL ESTATE LAWYER

August 22, 2001

FILE

MASTER CALENDAR
Activity _____
Calendar for _____
Routing WAL
Date Calendar 8-27-01
By Whom MEJ
Checked/Checked _____

Tim B. Wright, Esq.
WRIGHT, PONSOLDT & LOZEAU, LLP
1000 S.E. Monterey Commons Blvd., Ste. 208
Stuart, FL 34996

Re: Weinberg, et al. v. Town of Sewalls Point, Case No. 2001-012 Martin 01-6000 CA, in the Circuit Court of the Nineteenth Judicial Circuit in and for Martin County, Florida, Appellate Division

Dear Tim:

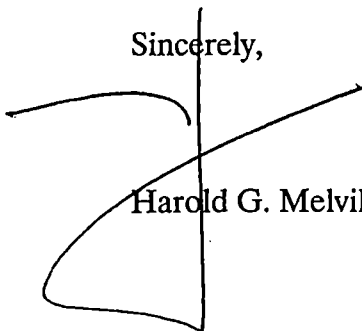
Enclosed is a copy of the original Petition for Certiorari Review which I obtained from the Courthouse together with a portion of the Exhibits. I did not have all of the Exhibits copied since they were rather lengthy.

I have spoken with Mr. and Mrs. Otto concerning this matter. They have authorized us to act on their behalf to intervene in the action and present their position.

Please let me know when you get the amended papers from the counsel for the Weinbergs.

Best regards.

Sincerely,



Harold G. Melville

HGM/djh

Enclosure

RECEIVED
AUG 23 2001

CLIENT'S COPY
IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL
CIRCUIT IN AND FOR MARTIN COUNTY, FLORIDA

RECEIVED
AUG 29 2001

MICHAEL WEINBERG
And SHIRIN WEINBERG

2001-012 MARTIN COUNTY
CASE NO. 01-6009 CA
FILED FOR RECORD
MARTIN COUNTY, FL
AUG 29 9 13:20 PM '01

MASTER CALENDAR

Plaintiffs,

FILE

Activity _____
Calendar for _____
Routing WPC
Date (as ordered) 8-27-01
By Whom me
Client(s) copied _____

v.

~~TOWN OF SEWALL'S POINT~~

Defendant.

PETITION FOR CERTIORARI REVIEW

COMES NOW, the Plaintiffs, MICHAEL WEINBERG and SHIRIN WEINBERG, his wife, by and through their undersigned attorney, and file this Petition for Certiorari Review against the Defendant, the TOWN OF SEWALL'S POINT, a municipality within the State of Florida, and alleges as follows:

1. The Plaintiffs, Michael Weinberg and Shirin Weinberg, are owners of property located in the Town of Sewall's Point, Florida and are otherwise sui juris in all respects.

2. The Defendant, Town of Sewall's Point, is a Florida municipality existing and organized under the laws of the State of Florida.

3. The Plaintiffs own property located at 150 South Sewall's Point Road, in the Town of Sewall's Point, Florida which abuts the waters of the Indian River.

4. In connection with their ownership of the real property hereinabove referenced, the Plaintiffs submitted an application to obtain a dock permit pursuant to Sub Chapter 4.5 of the Sewall's Point Town Code.

5. The dock which the Plaintiffs applied for a permit to build required a variance because the dock was approximately four hundred feet in length and the Town of Sewall's Point code only permits docks of up to two hundred fifty feet in length on the Indian River waters.

6. The initial application for the dock permitted submitted to the Town of Sewall's Point was denied and the Plaintiffs sought a variance from the Town Commission seeking permission from the Town Commission to construct a dock of four hundred feet in length as had been permitted by the appropriate state and federal agencies, and as was required by the those agencies in order to obtain the permits the Plaintiffs did obtain from those appropriate state and federal agencies.

7. On June 19, 2001, a hearing was held before the Town of Sewall's Point Town Commission, at which the request for a variance was presented to the Town Commission, and denied. A copy of the minutes of that meeting of the town commission and the transcript of that hearing with respect to the variance request are attached hereto as Exhibit A and Exhibit B.

8. Pursuant to the town code of the Town of Sewall's Point, and in particular, Section 4.5-4 thereof, denials of dock permits are appealed to the Town Commission and the Town Commission is authorized to overturn the decision of the building department and grant a dock permit in instances when:

1. The applicant demonstrates that the proposed dock or roof meets the standards and criteria enumerated in this Chapter and that the building department was in error; or
2. The applicant demonstrates an extreme hardship which justifies a variance from this chapter; or
3. The town commission determines that the applicant's failure to obtain letters of no objection from adjacent upland riparian property owners is excusable or that any objection from an adjacent upland riparian property owner is without merit.

9. At the hearing with respect to the request for the variance, the Plaintiffs made a showing of extreme hardship, because of the existence of sea grass and other underwater plant life which requires the dock to be four hundred feet long, in order for the permits from the State and Federal agencies which have been obtained by the Plaintiffs to be issued.

10. The statements and positions taken by individuals who spoke in opposition to the variance at the town commission meeting, revealed that no extreme hardship was being created with respect to those individuals, by the issuance of the permit or construction of the dock, and therefore the Town Commission's decision to deny the request for a variance is arbitrary and capricious, in total disregard of the extreme hardship being suffered by the Plaintiffs as a result of that denial.

11. The Plaintiffs therefore seek Certiorari review or original jurisdiction review by this court of the decision of the Town of Sewall's Point denying the variance requested by the Plaintiffs on June 19, 2001.

12. The Plaintiffs respectfully request that this court take jurisdiction of this matter, review the decision of the Town of Sewall's Point Town Commission, and overrule the decision of the Town Commission, and grant to the Plaintiffs the variance which they seek with respect to the dock permit which has been denied, which would enable then them to construct the four hundred foot dock which they have requested permission to build.

WHEREFORE, the Plaintiffs respectfully request that this court exercise jurisdiction over this Petition, review the decision of the Town of Sewall's Point denying the Plaintiffs request for a dock variance, and require the Town of Sewall's Point to issue the dock permit for which the Plaintiffs have applied and to date which has been denied, together with all further relief deemed just and proper by this court.

DATED: this 19th day of July, 2001.

KRAMER, SEWELL, SOPKO & LEVENSTEIN, P.A.
By: RICHARD H. LEVENSTEIN, ESQ.
Attorney for Plaintiffs
853 S.E. Monterey Commons Boulevard
Stuart, Florida 34996
Telephone: 561-288-0048
Facsimile: 561-288-0049

By: 

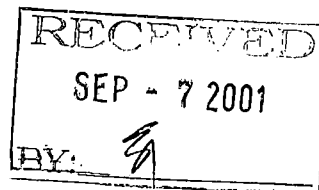
Richard H. Levenstein
Florida Bar No. 0235296
Kathleen S. Mac Mahon
Florida Bar No. 0936741

WRIGHT, PONSOLDT & LOZEAU
TRIAL ATTORNEYS, L.L.P.

1000 S.E. Monterey Commons Boulevard
Suite 208
Stuart, Florida 34996
(561)286-5566 Telephone
(561)286-9102 Facsimile

FILE

Tim B. Wright
William R. Ponsoldt, Jr.
Louis E. Lozeau, Jr.



September 5, 2001

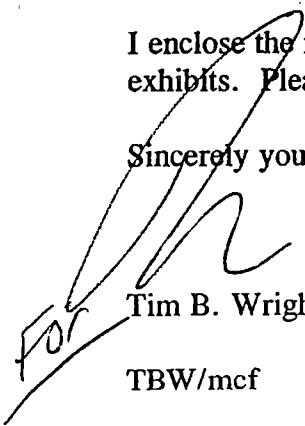
Mr. Harold G. Melville
2940 South 25th Street
Fort Pierce, Florida 34981

Re: Town of Sewall's Point adv. Weinberg

Dear Hal:

I enclose the most recent filings by Mr. Levenstein in the referenced matter, including the exhibits. Please call me to discuss this matter at your earliest convenience.

Sincerely yours,


For Tim B. Wright

TBW/mcf

Enclosures

cc: Mayor Robert M. Wienke
Mr. Joseph C. Dorsky
Mrs. Joan H. Barrow ✓

19TH JUDICIAL CIRCUIT COURT OF APPEAL
IMPORTANT NOTICE TO ATTORNEY & PARTIES
REGARDING COUNTY COURT APPEALS/PETITIONS FOR CERTIORARI
AND APPEALS FROM FINAL ADMINISTRATIVE ACTION

Clerk of the Circuit Court
Martin County, Florida - Appellate Division
Post Office Box 9016, Stuart, FL 34995-9016

Contact:
Kathy Peterson, Appellate Clerk
(561-288-5736, Fax 288-5548)

Please read these rules to ensure your appeal will proceed in a timely fashion and to avoid Orders to Show Cause why your appeal should not be dismissed.

The following guidelines for the Circuit Court of Appeals of the 19th Judicial Circuit should be followed by parties filing appeals to the circuit court from county court for both civil and criminal appeals, appeals from final administrative action - when permitted by law, and petition for certiorari. These guidelines have been implemented to facilitate the prompt and orderly disposition of matters under review by the Appellate Court. Compliance with the following is requested:

1. *Notice of Appeal*

An original and one copy of the Notice of Appeal shall be filed, with payment of the filing fee. The original Petition shall be filed in the appellate file, and the copy forwarded to the administrative appellate judge. The full name of the lower court Judge who entered the order or judgment being appealed must be indicated on the Notice of Appeal as well as the name(s) of all parties below, and whether it is a final or non-final appeal. Please comply with Fla.R.App.P. 9.100, 9.900 & 9.420(c).

Please provide to the Clerk - three sets of stamped & addressed envelopes for all parties upon filing the Notice of Appeal.

2. *Writs of Certiorari, not combined with Mandamus, Prohibition, Quo Warranto, Habeas Corpus, and all Writs necessary for the complete exercise of the Courts' jurisdiction.*

An original and three copies of the Petition for a Writ shall be filed together with payment of the filing fee. The original Petition shall be filed in the court appellate file, and the appellate clerk will forward the copies to the administrative appellate judge for the appellate panel for review. Please also comply with Fla.R.App.P. 9.100. If the Petition is accompanied by an Appendix, Petitioner should attach a copy of the Appendix to each copy of the Petition for forwarding to the administrative appellate judge for review. *Please follow the rule on envelopes as stated above.* For Petitions

for Writs of Certiorari combined with other forms of relief, and for all other Writs, these actions shall be assigned to a Circuit Judge in the same manner as any other civil case. It will be up to the assigned judge to determine if the Petition should be transferred to the Appellate Division for review.

3. *Certified Copies*

Appellant shall file with the Notice of Appeal *a certified copy* of the of the (1) Final Order, Judgment, or Final Administrative Action being appealed **AND** (2) any subsequent order on a Motion for Retrial or Rehearing, or in the case of final administrative action an Administrative Order reviewing the action being appealed. An original and one certified copy of the order/judgment shall be filed. The original is filed in the court appellate file, and the copy will be forwarded to the Administrative Appellate Judge.

4. *Exhibits*

Physical evidence will NOT be included in the record-on- appeal without prior permission of the court.

5. *Preparation of Record on Appeal*

Please comply with Fla.R. App.P. 9.200 and 9.100 as applicable. Your appeal may be subject to dismissal for failure to pay the Clerk for the cost of preparing and transmitting the record to the Appellate Court.

6. *Related Cases*

Please advise the Court in writing (as soon as possible) of any other cases pending before this Court involving related issues of which you have personal knowledge. Please provide an original and one copy of this writing, the original to be filed in the court appellate file and the copy to be forwarded to the Administrative Appellate Judge.

7. *Binding of Briefs*

The original and three copies of all briefs shall be securely stapled with one staple in the upper left-hand corner and *without* brief covers. No onion skin or similar quality copies will be accepted.

8. *Certificates of Service*

All motions, notices, briefs and appendices *are required* to have a Certificate of Service. See Fla.R.App.P. 9.420(c)(2). To ensure you receive copies of all motions/orders, **FILE A NOTICE OF CHANGE OF ADDRESS IF YOU MOVE.**

9. *Motions (Compliance with Fla.R.App.P. 9.300(a) is mandatory.)*

Please file an original and one copy of all Motions showing Certificate of Service with the appellate clerk. All original of the Motion will be filed in the Clerk's Appellate Division. The appellate clerk will forward the copy to the Administrative Appellate Judge. Copies of any record material necessary for resolution of the motion should be

attached to the motion and the copy of the Motion as an Appendix. *You are required to enclose addressed, stamped envelopes with all motions, including your Request for Oral Argument (one for the party filing the motion and one for each party listed in the Certificate of Service).* The Clerk will forward the stamped, addressed envelopes to the Administrative Appellate Judge with a copy of the Motion. He/she will distribute copies of any orders entered on the Motion(s) to the respective parties. Motion(s) must also contain express representations (except on motion(s) where clearly inappropriate) that opposing counsel has been contacted and will or will not stipulate to the relief request.

PLEASE NOTE: Excessive and unnecessary motion practice is discouraged and may result in the imposition of sanctions under Fla.R.App.P. 9.410. See *Dubowitz v. Century Village East, Inc.*, 381 So.2d 252 (Fl 4DCA 1979).

10. Responses to Motion(s)

Responses to Motion(s) shall be promptly filed. Compliance with Fla.R.App.P. 9.300 regarding responses to motion(s) shall be required - especially the deadlines for filing a response. Failure to file a response within the deadlines set out in the Rule will result in the motion being decided without consideration of any response. However, responses to Motion to Dismiss, to Strike and for Rehearing are *compulsory*.

11. Oral Argument

Requests for Oral Argument should be filed as a *separate* document (original and one copy w/envelopes) in compliance with Fla.R.App.P. 9.320. Oral argument, if granted, will be limited to twenty (20) minutes per side. If there are multiple parties to a side, then the parties must determine among themselves how to split the twenty minutes per side among themselves.

12. Extensions of Time

In expedited cases, no extensions of time will be granted. In all other cases, attorneys and parties must establish a realistic target date for filing of a particular brief. A *first* request for an extension of time to file a brief will ordinarily be given favorable consideration if reasonable and not objected to by the opposing side. Note: The Appellate Court interprets Fla.R.App.P. 9.300(b) to include an automatic extension of time for filing a brief when an extension of time is given to a court reporter or the clerk of the lower tribunal for preparation and filing of a transcript or record on appeal, as well as in the tolling time under those Motions listed in the Rule. A *second* request will almost certainly be disallowed (except in the gravest of circumstances).

13. Briefs - Cites to the Record

Compliance with Fla.R.App.P. 9.210 (b) and (c) is required, including citations to the record. Failure to cite to the record (for facts stated) may result in an Order to Show Cause why the brief should not be stricken for failure to cite to the record.

14. Supplemental Authority

A brief should contain all relevant authority published prior to submission of the brief. A Notice of Supplemental Authority should cite only to newly discovered cases (copy

of the Opinion should be attached to the Notice) with a clear designation of the point on appeal to which the authority is pertinent. Please submit an original and three (3) copies of the Notice of Supplemental Authority and opinions(s). Argument is *not* permitted in the Notice of Supplemental Authority.

15. Status Inquiries

Requests for the status of a matter pending before the Court should be directed to Kathy Peterson - Appellate Clerk, Martin County (561-288-5736). The Appellate Clerk can tell you what has or has not been filed into the appeal case file. Please do not ask legal questions as deputy clerks are not licensed to give legal advise.

16. Indigent Please comply with Fla.R.App.P. 9.430 regarding proceedings by indigents.

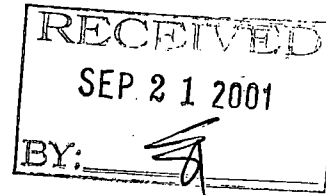
Important Note: The Appellate Staff Attorney for the 19th Judicial Circuit is not permitted to advise parties, lawyers or the general public on legal matters regarding their appeals. For that reason the Appellate Administrative Judge (10/17/97) is requiring that "..... Inquiries on the current status of pending appeals can be handled by the Clerks, who have the files containing the motions and orders. If a motion remains pending and no order has yet been issued and filed in the court file, then the Clerks are to simply advise the public of that fact....."

WRIGHT, PONSOLDT & LOZEAU
TRIAL ATTORNEYS, L.L.P.

1000 S.E. Monterey Commons Boulevard
Suite 208
Stuart, Florida 34996
(561)286-5566 Telephone
(561)286-9102 Facsimile

Tim B. Wright
William R. Ponsoldt, Jr.
Louis E. Lozeau, Jr.

FILE



September 19, 2001

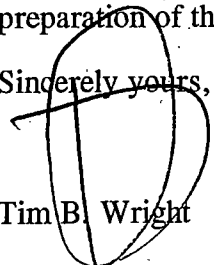
Mr. Harold G. Melville
Melville & Sowerby, P.I.
Laurel Professional Park
2940 South 25th Street
Fort Pierce, Florida 34981-5605

Re: ~~Town of Sewall's Point; Weinberg Matter~~

Dear Hal:

Enclosed is an order to show cause which I received on September 18, 2001. The order requires our responses to be filed on or before October 12, 2001, with the reply brief due November 1, 2001. Please call me when you receive this letter to discuss coordinating preparation of the response.

Sincerely yours,


Tim B. Wright

TBW/mcf

Enclosure

cc: Mayor Robert M. Wienke
Vice Mayor Thomas P. Bausch
Mr. Joseph C. Dorsky
Mr. Edwin B. Arnold

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT IN AND FOR
MARTIN COUNTY, FLORIDA.
APPELLATE DIVISION

CIRCUIT CASE NO. 2001-012 Martin 01-600 CA

Petition for Writ of Certiorari

MICHAEL WEINBERG and
SHIRIN WEINBERG,

Petitioner,

.v.

TOWN OF SEWALL'S POINT,

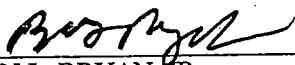
Respondent.

ORDER TO SHOW CAUSE

IT IS HEREBY ORDERED that the Respondents are hereby commanded to file with this Court and show cause in writing, if any there be, on or before **October 12, 2001** why the above styled Petition should not be granted as prayed, Respondents may attach an Appendix to its response. It is further

ORDERED that Petitioner may reply to Respondents' response by filing with this Court a written Reply no later than **November 1, 2001** after the service of the Respondents' response to this order to show cause.

DONE AND ORDERED this 13 day of September, 2001, in Stuart, Martin County, Florida.



BEN L. BRYAN, JR.
Appellate Administrative Judge

Copies to:

Richard H. Levenstein, Esquire
Town of Sewall's Point
Tim B. Wright, Esquire

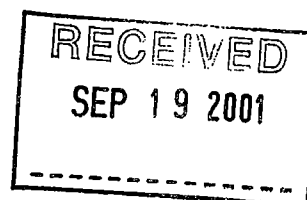


EXHIBIT A

TRANSMITTED 9 PAGES
 BY: Elaine
 TO: Sewall's Point

Town of Sewall's Point, Florida
 Minutes of Commission Meeting
 June 19, 2001

Present: Mayor Robert M. Wienke, Vice Mayor Thomas P. Bausch, Commissioner E. Daniel Morris, Commissioner Marc S. Teplitz, Town Attorney Tim B. Wright, Town Manager Joseph C. Dorsky, Town Clerk Joan Barrow, Town Engineer Joseph Capra (arrived at 8: PM), Building Official Edwin B. Arnold, Police Sergeant Tina Ciechanowski and about forty residents and others.

Absent: Commissioner Dawson C. Glover, III, Chief Larry McCarty

1. Call to Order & Welcome: Mayor Wienke called the meeting to order at 7:PM and led the Pledge of Allegiance. The town clerk called the roll.

Town Manager Dorsky said Commissioner Glover had asked that discussion of the trash collection franchise be deferred.

MOTION: made by Commissioner Teplitz, seconded by Commissioner Morris, **APPROVING THE AGENDA AND TABLING ITEM 7A (TRASH COLLECTION) UNTIL THE AUGUST MEETING.**

In favor: Teplitz, Bausch, Morris, Wienke

Opposed: None

2. Announcements:

- a. Mayor Wienke announced that Martin County will welcome Governor Bush and his cabinet next Wednesday as Stuart serves as the capitol for a day.
- b. The mayor reported that Amtrak made a trial run through Stuart last week.
- c. Mayor Wienke reported there will be no workshop or regular Commission meetings in July. The schedule for budget meetings will be posted on the bulletin board.

3. Public Hearings and Presentations:

a. James and Lita Ribellino, 18 Island Road, request permission to construct a swimming pool 16' from the existing seawall adjacent to the Indian River:

Attorney Walter Woods was present on behalf of the Ribellinos. He told the Commission that notice had been given, per the requirements of the code, to all neighbors within 300' and no objections were received. The neighborhood is unique, he pointed out, and there is a limited amount of area in which to place improvements. Mr. Woods said he considered this request reasonable and noted that all neighboring lots have similar pools. He added that the Ribellinos and their architect, Gary Kelly, were present to answer any questions.

Lesley Larkin asked that the Commission grant the request in the interest of fairness.

Mark Cocorullo identified himself as the Ribellinos' neighbor to the south. Mr. Cocorullo recalled that he received a variance of this type about ten years ago. He added that he had reviewed the plans and had "absolutely no problem with it."

Vice Mayor Bausch asked about the dimensions of the planter area.

[TSP, 6/19/01 Minutes]

Commissioner Teplitz noted there are no dimensions on the plans. He asked about moving the pool closer to the house.

Attorney Wright advised that the rule, i.e., requiring the residence to be set back an equivalent distance when a pool variance is approved, does not apply due to the dimensions of the lot.

Vice Mayor Bausch wondered what the hardship is.

Mr. Woods replied that the Ribellinos should be able to enjoy what the other neighbors have enjoyed.

Vice Mayor Bausch suggested the pool be moved closer to the house.

Mayor Wienke observed that some key measurements seem to be missing from the drawings.

Attorney Woods said the Ribellinos would re-design the pool to suit the Commission.

Commissioner Teplitz reported that he had visited the site and talked to Mr. Ribellino briefly. He wondered why this request wasn't made sooner so the location of the house could be adjusted.

Mr. Ribellino replied that he did not think it would be a major problem.

Commissioner Morris said he had no objection to the request because virtually all the houses on that side of Island Road have pool variances. He suggested, however, that the matter be tabled until the Commission gets specific dimensions.

Mayor Wienke stated that he had no problem granting the variance in principle but needed more information.

Vice Mayor Bausch observed that the amount of the variance requested is quite large and suggested the pool be moved closer to the house, perhaps five feet closer.

Mr. Ribellino agreed to the increased setback.

MOTION: made by Vice Mayor Bausch, seconded by Commissioner Morris, APPROVING A POOL VARIANCE FOR JAMES AND LITA RIBELLINO AS FOLLOWS: POINT A TO BE 21' PERPENDICULAR FROM THE SEAWALL AND POINT B TO BE 24' FROM THE SEAWALL, AS SHOWN ON THE DRAWINGS SUBMITTED THIS DATE, SUBJECT TO ATTORNEY WRIGHT'S REVIEW.

In favor: Teplitz, Bausch, Morris, Wienke

Opposed: None

b. Michael and Shirin Weinberg, 150 South Sewall's Point Road, request permission to construct a 410' dock into the waters of the Indian River:

Eric Holly was present on behalf of the Weinbergs. He recalled that this item was on the agenda last month when questions about the creation of the lot and its buildability were raised. He noted that both these issues have been resolved. Mr. Holly explained that the variance is needed due to the shallowness of the water plus environmental regulations regarding sea grasses.

Glenn Mulcahy told the Commission he lives south of property in question. He questioned the need for such a long dock and asked the Commission to deny the request.

Blaine Rhodes said the ordinance allows a 250' dock and this is "liberal." He also stated that the ordinance precludes the construction of a dock on a vacant lot.

Commissioner Teplitz noted there is no such prohibition in the code.

[TSP, 6/19/01 Minutes]

Mr. Rhodes told the Commission there is no hardship involved and cautioned against establishing a precedent.

Attorney Harold Melville said he was present on behalf of W. B. and Joan Otto who own property near the proposed dock. He noted that the Ottos would be most affected by the dock. Mr. Melville read from the code regarding "extreme hardship" and concluded the variance must be denied as the situation is not unique and the hardship arises from governmental regulations. Mr. Melville showed photographs and maps that he said illustrated that the proposed dock would create a "hardship for the Ottos."

Michael Houston introduced himself as a "landscape architect and community planner" and told the Commission the dock would have a "negative aesthetic impact" on the Ottos. Daniel Fuller stated that as a real estate appraiser it was his opinion the dock would cause a "significant loss in value to the Ottos' property."

Chester Smith said he lived across the canal from the proposed dock. He asked the Commission to deny the variance because there is no hardship and it would "degrade the beauty of the Archipelago."

Eric Holly pointed out that this property will be built on and there will be a house on the so-called hammerhead property some day so the Ottos' property value will naturally be affected. He added that past Commissions have traditionally allowed longer docks.

Mayor Wienke asked Attorney Wright about submerged land and wondered if people have the right to put boats over submerged land.

Attorney Wright said he was not sure but there is probably public access over the water.

Commissioner Teplitz wondered if the Department of Environmental Protection would permit any dock within 250'.

Mr. Holly said the DEP would allow such a dock but it would be with no access and no boat lift, a fishing pier only, which would devalue the Weinberg property.

Mayor Wienke expressed concern about public water/public access and said he was concerned about other property owners as well.

Attorney Wright noted that the town code requires a minimum of 3' at the end of a dock.

MOTION: made by Vice Mayor Bausch, seconded by Mayor Wienke, **TO DENY THE WEINBERG DOCK VARIANCE REQUEST.**

In favor: Bausch, Morris, Teplitz, Wienke

Opposed: None

3. Consent Agenda:

- a. **Approval of Minutes, 4/17/01 meeting, 5/01/01 workshop, 5/15/01 meeting**
- b. **Approval of Financial Reports**
- c. **Approval of Disbursements**
- d. **Approval of Budget Adjustments**
- e. **Approval of Town Manager's Vacation**
- f. **Approval of Acting Town Manager**

The mayor noted that the town clerk had asked that approval of the 5/01/01 and 5/15/01 minutes be deferred.

Tropic Marine Construction Inc.

Docks • Pilings • Seawalls • Boatlifts • Davits • Maintenance • Repairs

April 26, 2001

Town of Sewall's Point
Attn Joan Barrows

VIA FACSIMILE: 220-4765

RE: Michael & Shirin Weinberg
Parcel B, S. Sewall's Point Road
Stuart, FL 34996
Proposed Dock Construction

Dear Ms. Barrows:

We are requesting to be put on the agenda for the Town meeting dated May 15, 2001. I mailed out the notices regarding the meeting to the property owners within a 500-foot radius today.

If you should have any questions regarding this matter, please feel free to contact our office.

Sincerely,



Trina Cooper
Office Manager
Tropic Marine Construction, Inc.

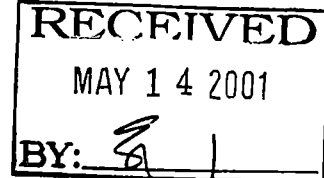
/tc

CHESTER P. SMITH, JR.
30 SIMARA STREET
SEWALL'S POINT, FL., 34996

561-286-4082

May 15, 2001

COPY



↓ TO TOWN CLERK

Commissioners
Town of Sewall's Point
Town Hall

FILE

Dear Commissioners,

It has come to our attention the Weinbergers are applying to put a dock on their property located between the Ottos and the Kiplinger piece.

If this dock needs a variance to construct it, we are opposed to granting such variance.

Very truly yours,

Chester P. Smith, Jr.

Carol A. Smith

Lot 37 Archipelago S/D

LETTER OF NO OBJECTION

BIBIANA MENDOZA, being the owner of a certain property adjacent to and abutting the property of MICHAEL AND SHIRIN WEINBERG, who applied for a building permit to allow for a dock/boatlift to be constructed, have read and reviewed the drawings of the proposed project. I have no objection to the proposed project pursuant to the attached herein.

*Bibiana A. Mendoza for
Bibiana A. Mendoza*

BIBIANA A. MENDOZA

STATE OF FL.

COUNTY OF St. Lucie

Sworn to and subscribed before me this 23rd. day of
March, 2001

Bruce A. Roesser
NOTARY PUBLIC

My Commission expires



Bruce A. Roesser
Commission # CC 802770
Expires Apr. 3, 2003
Bonded Thru
Atlantic Bonding Co., Inc.



Bruce A. Roesser
Commission # CC 802770
Expires Apr. 3, 2003
Bonded Thru
Atlantic Bonding Co., Inc.

ROBERT M. WIENKE
Mayor

THOMAS P. BAUSCH
Vice Mayor

DAWSON C. GLOVER, III
Commissioner

MARC S. TEPLITZ
Commissioner

E. DANIEL MORRIS
Commissioner

TOWN OF SEWALL'S POINT



JOSEPH C. DORSKY
Town Manager

JOAN H. BARROW
Town Clerk

LARRY E. McCARTY
Chief of Police

EDWIN B. ARNOLD
Building Official

JOSE TORRES, JR.
Maintenance

TO: All Commissioners, Town Attorney, the Public

FROM: Robert M. Wienke, Mayor

SUBJECT: There will be a meeting of the Town Commission on Tuesday, May 15, 2001 at 7:00 PM at the Town Hall.

PUBLIC COMMENT IS ENCOURAGED: Please fill in a comment form and return it to the town clerk before discussion on the agenda item has begun. Please limit comments to three (3) minutes.

As a courtesy to those in attendance it would be appreciated if questions for an individual commissioner were addressed by phone, in writing, or in person outside of the meeting. Your help in avoiding lengthy meetings is appreciated.

AGENDA

1. Call to Order & Welcome - Mayor Wienke

- a. Pledge of Allegiance
- b. Roll call
- c. Approval of Agenda

2. Announcements - Mayor Wienke

3. Public Hearings and Presentations:

- a. Michael & Shirl Weinberg, 150 South Sewall's Point Road, request permission to construct a 410' dock into the waters of the Indian River
- b. Ordinance # 287, an ordinance amending chapters 50 and 62 to clarify regulations on repairs and reconstruction of docks and dock application requirements - second reading - Town Attorney Wright
- c. Ingress/Egress Easement over the East 2' of Lot 7 Twin Rivers - Town Attorney Wright

Town of Sewall's Point
Minutes of Meeting
May 15, 2001

Present: Mayor Robert M. Wienke, Vice Mayor Thomas P. Bausch, Commissioner Dawson C. Glover, III, Commissioner Marc S. Teplitz, Town Attorney Tim B. Wright, Town Engineer Joseph W. Capra (arrived at 7:15 PM), Town Manager Joseph C. Dorsky, Town Clerk Joan Barrow, Police Chief Larry E. McCarty and about sixteen residents and others.

Absent: Commissioner E. Daniel Morris, Building Official Edwin B. Arnold

1. **Call to Order** - Mayor Wienke called the meeting to order at 7: PM and led the Pledge of Allegiance. The town clerk called the roll.

MOTION: made by Commissioner Teplitz, seconded by Commissioner Glover, APPROVING THE AGENDA.

In favor: Teplitz, Bausch, Glover, Wienke

Opposed: None

2. **Announcements:**

- a. Mayor Wienke reported that notice has been received of an Adelphia rate increase.
- b. The Mayor praised Commissioner Teplitz for the "outstanding job" he did organizing the recent ribbon cutting/grand opening ceremony for the Evans Cray Bridge.

3. **Public Hearings:**

- a. **Michael & Shirin Weinberg, 150 South Sewall's Point Road, request permission to construct a 410' dock into the waters of the Indian River**

Matthew Harris of Tropic Marine was present on behalf of the applicants. He explained that the dock will be built from a vacant lot and there should be no issue of navigation. Mr. Harris told the Commission that he had found Building Official Edwin Arnold very helpful during the permit review process.

Mayor Wienke asked Attorney Wright if the request meets the criteria for a variance.

Attorney Wright replied that the lot must be a buildable lot in order to qualify.

Mr. Harris said that had been addressed with the building official and it does meet the criteria.

Attorney Wright noted the lot must have 30,000 square feet. He said his rough calculations indicate this requirement has not been met. The application is complete otherwise.

Commissioner Bausch asked why some of the permits are in the name of Fairview South. Craig Browning of Kimley Horn was present on behalf of the applicants. He explained that Fairview South was the original agent for the dock permit.

Attorney Wright noted that in certain instances there are exceptions to the zoning requirements. He stated that he would have to see the title work in order to give an opinion regarding this particular lot.

[TSP, 5/15/01 Minutes]

Commissioner Teplitz suggested the Commission could proceed contingent on the determination of whether the lot is buildable.

Mr. Harris said this was thoroughly discussed with Ed Arnold.

Commissioner Teplitz explained that a determination needs to be made as to whether the creation of the lot was legal.

Commissioner Glover suggested that consideration of the dock request be tabled until the legality of the lot is determined.

The mayor agreed.

Attorney Wright said he would review the title and then call Mr. Harris.

MOTION: made by Commissioner Glover, seconded by Commissioner Bausch, TO TABLE THE WEINBERG DOCK REQUEST UNTIL THE 6/19/01 MEETING.

In favor: Bausch, Glover, Wienke

Opposed: Teplitz

Commissioner Teplitz said he was confused by some of the documents submitted with the request.

Chester Smith asked if the Commission's action in tabling the Weinberg request was "some kind of legal loophole."

Mayor Wienke replied that the matter will not be discussed again until 6/19/01.

Attorney Wright agreed.

b. Ordinance # 287, an ordinance amending chapters 50 and 62 to clarify regulations on repairs and reconstruction of docks and dock application requirements - second reading – Attorney Wright read the ordinance, by title, for a second reading.

Joan Otto said she was concerned that the requirement for letters of no objection from adjacent neighbors had been removed from the ordinance.

Mayor Wienke explained that the way the code is currently written prevents the building official from even reviewing an application if a letter of objection is received. The mayor said he had concerns about the legality of someone being able to veto a dock and thus deprive a property owner of the use of his property.

Attorney Wright explained that the latest proposal will still require proof that neighbors were given notice and allow them time to comment.

Mrs. Otto wondered how that would apply to the dock request that was just tabled.

Attorney Wright explained that the Weinberg request falls under the old rule.

Commissioner Teplitz told the Commission he had prepared an amendment that he described as "a middle ground."

William Otto said he wanted to be notified and eligible to comment on the Weinberg dock.

Blaine Rhodes objected to changing the ordinance tonight. He said it was "not right."

MOTION: made by Commissioner Teplitz, seconded by Commissioner Bausch, APPROVING ORDINANCE # 287 ON SECOND READING WITH THE SUBSTITUTION OF THE TWO PARAGRAPHS PROVIDED TO THE COMMISSION TODAY.

Commissioner Teplitz explained that the revised ordinance clarifies the dock issues that the Commission has been discussing for the past several meetings.

MELVILLE & SOWERBY, P.L.

ATTORNEYS AT LAW
LAUREL PROFESSIONAL PARK
2940 SOUTH 25TH STREET
FORT PIERCE, FLORIDA 34981-5605

HAROLD G. MELVILLE, P.A.*
DAVID N. SOWERBY, P.L.**

TELEPHONE (888) 464-7900
FAX (888) 464-8220

*BOARD CERTIFIED CIVIL TRIAL LAWYER AND
BOARD CERTIFIED BUSINESS LITIGATION LAWYER
**BOARD CERTIFIED REAL ESTATE LAWYER

June 18, 2001

VIA FACSIMILE TRANSMISSION

Mr. Edwin B. Arnold, Building Official
Town of Sewalls Point
One South Sewalls Point Road
Sewalls Point, FL 34996

Re: Appeal to Town Council by Michael & Shirl Weinberg for Dock Permit

Dear Mr. Arnold:

As I have explained previously, our office represents Joan and Barry Otto who are objecting to the dock permit being applied for by Michael and Shirl Weinberg. It is my understanding that the hearing on the appeal by Mr. and Mrs. Weinberg is set to be heard by the Town Council on Tuesday evening, June 19, 2001, at 7:00 p.m.

It is my understanding that the hearing before the Town Council will be in the nature of a public hearing. Accordingly, we are hereby requesting the opportunity to appear before the Town Council on Tuesday evening to express our objections.

Thank you very much.

Sincerely,



Harold G. Melville

HGM/djh

cc: Ms. Joan H. Barrow, Town Clerk (via facsimile transmission)

Weinberg
dock

William Barry Otto
142 South Sewall's Point Road
Stuart, Florida 34996

Town Commissioners
Sewall's Point Town Hall
South Sewall's Point Road
Stuart, FL 34996

Honorable Commissioners;

We attended last month's Town Commission meeting, prepared to speak, but the Weinberg appeal was tabled, and rightly so. Unfortunately, due to fairly tight medical appointments and family commitments, we could not be at this June 19th meeting. We have asked Mr. Harold Melville, an attorney, to represent our interests at this time.

The town's regulations are quite clear -- maximum length of docks on the Indian River cannot be over 250 feet. The purchaser's research should have provided this information and been a factor in choosing to build a dock at this location. To be caught short by D.E.P. regulation is not an excuse as this was in place in 1998. To be turned down by the town's Board of Zoning and Adjustment was a logical conclusion of this situation.

A very important factor for this area is surrounding property values. While this area may technically be the Indian River, in reality, it is a lagoon off the Indian River leading to the canals of the Archipelago. Long straight docks, hundreds of feet long, as seen in the wide river, are not appropriate here. We hope all the commissioners have viewed this area in person. Our property, as well as several others will be affected by the sight of this requested dock and others that could follow (parcel A). This is unfair and unfortunate.

The dock, if permitted, will be placed in an area of public access and recreation. Unlike the oversize docks permitted on the wide Indian River shoreline of Sewall's Point, these waters are used by small boats and kayaks, thus making a long dock a navigational hazard, as interpreted by the Corps of Engineers in a previous application for an extended dock by parcel A. The application was turned down at the time on those grounds. We are being shown plans which also permit a dock to be placed on parcel A by the D.E.P. that is longer than the one on parcel B.

The lagoon into which this dock and any possible

.. 2 ..

others extend is a pristine, natural area which adds greatly to the setting of the Archipelago homes. Our house, in particular, as well as the tea house and exercise house look out directly on the area of the docks. The property value and our riparian rights are adversely affected by these docks.

We appeal to the commission to consider more than just the facts, not only the regulations, but the equally important intangible aspects as well. This is a rare and pristine area and adds much to the ambiance and value of surrounding homes.

This family on parcel B had all the opportunity to fully investigate the merits of building a home at this location and building said dock. They were remiss in certain areas and now must appeal for town regulations to be altered to their wishes -- at our expense.

We are one family, but there are several other families affected by this alteration of the rules. We feel obligated to defend our own property value. This is of paramount importance to us. We also feel an obligation to the community that surrounds us to maintain status quo. Mr. Weinberg can have a boat, keeping it elsewhere. If his dock is approved, the precedent will be set for parcel A to build an even longer dock as permitted by the D.E.P. even closer to us.

We therefore claim hardship with this dock and the second permitted dock in our direct view with attending boats, noise and activity, and most importantly devaluating our island. No one should be allowed to destroy our natural set- and property values. In one fell swoop the beauty of our lagoon will be gone and the value of our island will be decreased.

Thank you for your attention.

Very Truly Yours,

Barry Otto
Joan Otto

ROBERT M. WIENKE.
Mayor

THOMAS P. BAUSCH
Vice Mayor

DAWSON C. GLOVER, III
Commissioner

E. DANIEL MORRIS
Commissioner

MARC S. TEPLITZ
Commissioner

TOWN OF SEWALL'S POINT



JOSEPH C. DORSKY
Town Manager

JOAN H. BARROW
Town Clerk

LARRY E. McCARTY
Chief of Police

EDWIN ARNOLD
Building Official

JOSE TORRES, JR.
Maintenance

TO: All Commissioners, Town Attorney, the Public

FROM: Robert M. Wienke, Mayor

SUBJECT: There will be a meeting of the Town Commission on Tuesday, June 19, 2001 at 7:00 PM at the Town Hall.

PUBLIC COMMENT IS ENCOURAGED: Please fill in a comment form and return it to the town clerk before discussion on the agenda item has begun. Please limit comments to three (3) minutes.

As a courtesy to those in attendance it would be appreciated if questions for an individual commissioner were addressed by phone, in writing, or in person outside of the meeting. Your help in avoiding lengthy meetings is appreciated.

AGENDA

1. Call to Order & Welcome - Mayor Wienke

- a. Pledge of Allegiance
- b. Roll call
- c. Approval of Agenda

2. Announcements - Mayor Wienke

3. Public Hearings & Presentations:

- a. James and Lita Ribellino, 18 Island Road, request permission to construct a swimming pool 16' from the existing seawall adjacent to the Indian River - Commissioner Bausch
- b. Michael and Shirin Weinberg, 150 South Sewall's Point Road, request permission to construct a 410' dock into the waters of the Indian River - Commissioner Bausch

4. Consent Agenda:

- a. Approval of Minutes, 4/17/01 meeting, 5/01/01 workshop, 5/15/01 meeting

[TSP, 6/19/01 Minutes]

Commissioner Teplitz noted there are no dimensions on the plans. He asked about moving the pool closer to the house.

Attorney Wright advised that the rule, i.e., requiring the residence to be set back an equivalent distance when a pool variance is approved, does not apply due to the dimensions of the lot.

Vice Mayor Bausch wondered what the hardship is.

Mr. Woods replied that the Ribellinos should be able to enjoy what the other neighbors have enjoyed.

Vice Mayor Bausch suggested the pool be moved closer to the house.

Mayor Wienke observed that some key measurements seem to be missing from the drawings.

Attorney Woods said the Ribellinos would re-design the pool to suit the Commission.

Commissioner Teplitz reported that he had visited the site and talked to Mr. Ribellino briefly. He wondered why this request wasn't made sooner so the location of the house could be adjusted.

Mr. Ribellino replied that he did not think it would be a major problem.

Commissioner Morris said he had no objection to the request because virtually all the houses on that side of Island Road have pool variances. He suggested, however, that the matter be tabled until the Commission gets specific dimensions.

Mayor Wienke stated that he had no problem granting the variance in principle but needed more information.

Vice Mayor Bausch observed that the amount of the variance requested is quite large and suggested the pool be moved closer to the house, perhaps five feet closer.

Mr. Ribellino agreed to the increased setback.

MOTION: made by Vice Mayor Bausch, seconded by Commissioner Morris, APPROVING A POOL VARIANCE FOR JAMES AND LITA RIBELLINO AS FOLLOWS: POINT A TO BE 21' PERPENDICULAR FROM THE SEAWALL AND POINT B TO BE 24' FROM THE SEAWALL, AS SHOWN ON THE DRAWINGS SUBMITTED THIS DATE, SUBJECT TO ATTORNEY WRIGHT'S REVIEW.

In favor: Teplitz, Bausch, Morris, Wienke

Opposed: None

b. Michael and Shirin Weinberg, 150 South Sewall's Point Road, request permission to construct a 410' dock into the waters of the Indian River:

Eric Holly was present on behalf of the Weinbergs. He recalled that this item was on the agenda last month when questions about the creation of the lot and its buildability were raised. He noted that both these issues have been resolved. Mr. Holly explained that the variance is needed due to the shallowness of the water plus environmental regulations regarding sea grasses.

Glenn Mulcahy told the Commission he lives south of property in question. He questioned the need for such a long dock and asked the Commission to deny the request.

Blaine Rhodes said the ordinance allows a 250' dock and this is "liberal." He also stated that the ordinance precludes the construction of a dock on a vacant lot.

Commissioner Teplitz noted there is no such prohibition in the code.

[TSP, 6/19/01 Minutes]

Mr. Rhodes told the Commission there is no hardship involved and cautioned against establishing a precedent.

Attorney Harold Melville said he was present on behalf of W. B. and Joan Otto who own property near the proposed dock. He noted that the Ottos would be most affected by the dock. Mr. Melville read from the code regarding "extreme hardship" and concluded the variance must be denied as the situation is not unique and the hardship arises from governmental regulations. Mr. Melville showed photographs and maps that he said illustrated that the proposed dock would create a "hardship for the Ottos."

Michael Houston introduced himself as a "landscape architect and community planner" and told the Commission the dock would have a "negative aesthetic impact" on the Ottos. Daniel Fuller stated that as a real estate appraiser it was his opinion the dock would cause a "significant loss in value to the Ottos' property."

Chester Smith said he lived across the canal from the proposed dock. He asked the Commission to deny the variance because there is no hardship and it would "degrade the beauty of the Archipelago."

Eric Holly pointed out that this property will be built on and there will be a house on the so-called hammerhead property some day so the Ottos' property value will naturally be affected. He added that past Commissions have traditionally allowed longer docks.

Mayor Wienke asked Attorney Wright about submerged land and wondered if people have the right to put boats over submerged land.

Attorney Wright said he was not sure but there is probably public access over the water.

Commissioner Teplitz wondered if the Department of Environmental Protection would permit any dock within 250'.

Mr. Holly said the DEP would allow such a dock but it would be with no access and no boat lift, a fishing pier only, which would devalue the Weinberg property.

Mayor Wienke expressed concern about public water/public access and said he was concerned about other property owners as well.

Attorney Wright noted that the town code requires a minimum of 3' at the end of a dock.

MOTION: made by Vice Mayor Bausch, seconded by Mayor Wienke, **TO DENY THE WEINBERG DOCK VARIANCE REQUEST.**

In favor: Bausch, Morris, Teplitz, Wienke

Opposed: None

3. Consent Agenda:

a. Approval of Minutes, 4/17/01 meeting, 5/01/01 workshop, 5/15/01 meeting

b. Approval of Financial Reports

c. Approval of Disbursements

d. Approval of Budget Adjustments

e. Approval of Town Manager's Vacation

f. Approval of Acting Town Manager

The mayor noted that the town clerk had asked that approval of the 5/01/01 and 5/15/01 minutes be deferred.

LETTER OF NO OBJECTION

BIBIANA MENDOZA, being the owner of a certain property adjacent to and abutting the property of MICHAEL AND SHIRIN WEINBERG, who applied for a building permit to allow for a dock/boatlift to be constructed, have read and reviewed the drawings of the proposed project. I have no objection to the proposed project pursuant to the attached herein.

*Bibiana A. Mendoza for
Bibiana A. Mendoza*


BIBIANA A. MENDOZA

STATE OF FL.
COUNTY OF St. Lucie

Sworn to and subscribed before me this 23rd. day of
March, 2001

Bruce A. Roesser
NOTARY PUBLIC

My Commission expires  **Bruce A. Roesser**
Commission # CC 80
Expires Apr. 3, 20
Bonded Thru
Atlantic Bonding Co.,

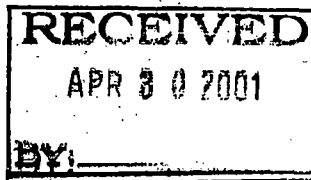
 **Bruce A. Roesser**
Commission # CC 80770
Expires Apr. 3, 2003
Bonded Thru
Atlantic Bonding Co., Inc.

Tropic Marine Construction Inc.

Docks • Pilings • Seawalls • Boatlifts • Davits • Maintenance • Repairs

Agenda

April 26, 2001



*request
410 dock
per Ed
Arnold*

Town of Sewall's Point
Attn: Mr. Ed Arnold
1 South Sewall's Point Road
Stuart, FL 34996

RE: Michael & Shirin Weinberg
Parcel B, S. Sewall's Point Road
Stuart, FL 34996
Proposed Dock Construction

Dear Mr. Arnold:

Attached please find the following, which were requested by you during your meeting with Matthew Harris on April 5, 2001.

- Two copies of the Warranty Deed for the property
- Two copies of the Letter of No Objection from adjacent property owner Bibiana Mendoza. Have not received Letter of No Objection from Baytree Island LLC, but will forward to you upon receipt.
- Two copies of the conditions required by the DEP and Army Corps of Engineers.
- Two copies of a letter from Craig Browning of Kimley-Horn and Associates regarding his conversation with Danna Civetti of the DEP regarding trimming of mangroves for dock access.
- Eleven copies of the revised survey – 3 copies that are signed and sealed. All revisions discussed have been addressed.

If you should require anything further, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Trina Cooper".

Trina Cooper
Office Manager
Tropic Marine Construction, Inc.

/tc

Enclosures

MARSHA STEYER
CLERK OF CIRCUIT COURT
MARTIN CO. FLA.

RECORDED & FILED
BY [Signature]
D.C.

01437472

00 JUN 2 PM 3:59

Prepared by and return to:
Laurie Risk Sewell, Esq.

Kramer, Sewell, Sopko & Levensfeld, P.A.
853 SE Monterey Commons Blvd.
Stuart, Florida 34996
407-288-8888
File Number: 541101
Will Call No.:

2167.50
REC'D BY [Signature]
D.C.

Place Above This Line For Recording Date

Warranty Deed

This Warranty Deed made this 31st day of May, 2000 between SHADOW LAKE GROVES, INC., a Florida corporation whose post office address is 2400 S. Federal Highway, Suite 300, Stuart, Florida 34994, grantor, and MICHAEL WEINBERG and SHIRIN WEINBERG, husband and wife whose post office address is 5 Alcott Court, New City, New York 10956, grantees:

(Whether used herein the terms "grantee" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and estates.)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land situate, lying and being in Martin County, Florida to-wit:

NO. SCHEDULE "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

Parcel Identification Number: 13-38-41-000-000-00131-00000

Subject to taxes for 2000 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

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 title and lawful authority to sell and convey said land; that the grantor never fully warrants the title to said land and will defend the same against the lawful claims of all persons whatsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1999.

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:

[Signature]
Witness Name: LAURIE RISK SEWELL

SHADOW LAKE GROVES, INC.
a Florida corporation
By: [Signature]
W. Martin Bonan
Vice President

(Corporate Seal)

State of Florida
County of Martin

The foregoing instrument was acknowledged before me this 31st day of May, 2000 by W. Martin Bonan, Vice President of SHADOW LAKE GROVES, INC., a Florida corporation, on behalf of the corporation. He/she is personally known to me or (X) has produced a driver's license as identification.

[Notary Seal]



LAURIE RISK SEWELL
Commission # CC 727240
Expires May 4, 2002
SIGNED BY
ATLANTIC SONDERS CO., INC.

[Signature]
Notary Public

Printed Name:

My Commission Expires:

SCHEDULE "A"

LEGAL DESCRIPTION

Being a parcel of land lying in the Miles or Hanson Grant in Township 38 South, Range 42 East, Martin County, Florida, being more particularly described as follows:

Commence at the intersection of the North line of the Miles or Hanson Grant and the centerline of South Sewall's Point Road; thence South $29^{\circ}05'29''$ East along said centerline a distance of 1219.69 feet; thence North $65^{\circ}00'00''$ East, a distance of 15.02 feet to the Point of Beginning of the following described parcel; thence continue North $65^{\circ}00'00''$ East, a distance of 167.12 feet more or less to the Westerly mean high water line of the Indian River; thence along said mean high water line by the following courses and distances; thence South $20^{\circ}05'30''$ East, a distance of 33.48 feet; thence South $26^{\circ}07'34''$ East, a distance of 81.75 feet; thence South $42^{\circ}29'16''$ East, a distance of 28.48 feet; thence departing said mean high water line of the Indian River, South $65^{\circ}00'42''$ West, a distance of 166.74 feet more or less to the Westerly right of way line of said South Sewall's Point Road; thence North $20^{\circ}05'29''$ West, along said right of way line a distance of 142.43 feet to the Point of Beginning.

TOGETHER WITH:

Being a parcel of submerged land lying in Township 38 South, Range 42 East, Martin County, Florida, and being more particularly described as follows:

Begin at the intersection of the North line of aforescribed lands and the Westerly mean high water line of the Indian River; thence North $65^{\circ}00'00''$ East, a distance of 325.14 feet; thence South $25^{\circ}00'00''$ East, a distance of 142.27 feet to a point, said point being on the Easterly prolongation of the South line of the aforescribed lands; thence South $65^{\circ}00'00''$ West, a distance of 598.04 feet to the Westerly mean high water line of the Indian River; thence along said mean high water line the following courses and distances; thence North $42^{\circ}29'16''$ West, a distance of 28.48 feet; thence North $26^{\circ}07'34''$ West, a distance of 81.75 feet; thence North $20^{\circ}05'30''$ West, a distance of 33.48 feet to the Point of Beginning.

C2RB

URBK1485PG017

18-07-1998 03:10PT FROM MCCARTHY SUMMERS BY MAIL TO
MARTIN STILLER
CLERK OF CIRCUIT COURT
MARTIN COUNTY, FL.

18-07-1998 VERIFIED
BY
D.C.

Prepared by and return to:
Terence P. McCarthy, Esq.
McCarthy, Summers, Bobko,
McKey, Wood & Sawyer, P.A.
2081 E. Ocean Blvd.
Sarasota, FL 34996

01325714

98 OCT -9 PM 2:50

721.00
C-COED 721.00 MARTIN COUNTY
BY *[Signature]*

WARRANTY DEED
(Modern Form Deed, F.S. 689.02)

1. IDENTIFICATION OF GRANTOR

Grantor's name and address is: **THE KIPLINGER WASHINGTON EDITORS, INC., a Delaware corporation**
3779 H Street N.W.
Washington, DC 20006

The word "I" or "me" as hereafter used means the Grantor.

2. IDENTIFICATION OF GRANTEE

Grantee's name and address is: **SHADOW LAKE GROVES, INC., a Florida corporation**
2400 S. Federal Highway, Suite 300
Sarasota, FL 34994

Grantor's tax identification number is: 65-0050724

The word "you" as hereafter used means the Grantee

3. MEANINGS OF TERMS

The terms "I," "me," or "you" shall be non gender specific ((i) masculine, (ii) feminine, or (iii) neuter, such as corporations, partnerships or trusts), singular or plural, as the context permits or requires, and include heirs, personal representatives, successors or assigns where applicable and permitted.

4. DESCRIPTION OF REAL PROPERTY CONVEYED

Property hereby conveyed (the "Real Property") is described as follows.

10-07-1998 EXCEPT FROM McCHRYTHY SUITERS et al TO 1202087665 P.06

Property hereby conveyed (the "Real Property") is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO.

together with all tenements (property capable of being held with unconditional power of disposition), hereditaments (inheritable interest in property), easements (right to use land of another) and appurtenances (right used with land for its benefit) belonging to or benefiting such property.

The Property Appraisers Parcel Identification Number is

5. CONSIDERATION

Good and valuable consideration plus the sum of Ten Dollars (\$10.00) received by me from you.

6. CONVEYANCE OF REAL PROPERTY

For the consideration described in Paragraph 5, I have granted, bargained and sold to you the Real Property to have and to hold in fee simple (estate in property unlimited as to duration, disposition and descendability) forever.

7. WARRANTY

I fully warrant the title to the Real Property and will defend the same against the lawful claims of all persons whomsoever except for covenants, reservations, restrictions and easements of record, if any, and taxes subsequent to December 31, 1997.

8. EXECUTION

I have executed this instrument on October 7th 1998.

THE KIPLINGER WASHINGTON EDITORS, INC., a Delaware corporation

Annex Vay
Witness printed name: ANNEX L. VAY

By: Stephen J. Bradenich
Stephen J. Bradenich, VICE PRESIDENT

Annex Vance
Witness printed name: ANNEX VANCE

Corbin M. Wilkes
Corbin M. Wilkes, Secretary

18-07-1020 0310EFT FROM McARTHUR SUMMERS et. al TO

1202876655 P.87

State of District of Columbia
County of

The foregoing instrument was acknowledged before me this 7th day of October, 1998 by Stephen J. Broderick, as Vice President and Corbin M. Wilkes as Secretary of The Kiplinger Washington Editors, Inc., a Delaware corporation, on behalf of the corporation. They [s] are personally known to me [] have produced _____ as identification.



Sharon A. Tucker
Notary Public
My Commission Expires: 8/31/01

LEGAL DESCRIPTION

BEING A PARCEL OF LAND LYING IN THE MILES OR HANSON GRANT IN TOWNSHIP 38 SOUTH, RANGE 42 EAST, MARTIN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF THE MILES OR HANSON GRANT AND THE CENTERLINE OF SOUTH SEWALL'S POINT ROAD. THENCE SOUTH 29°05'29" EAST ALONG SAID CENTERLINE A DISTANCE OF 1219.68 FEET; THENCE NORTH 85°00'00" EAST, A DISTANCE OF 15.02 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL. THENCE CONTINUE NORTH 85°00'00" EAST, A DISTANCE OF 167.12 FEET MORE OR LESS TO THE WESTERLY MEAN HIGH WATER LINE OF THE INDIAN RIVER. THENCE ALONG SAID MEAN HIGH WATER LINE BY THE FOLLOWING COURSES AND DISTANCES: THENCE SOUTH 20°05'30" EAST, A DISTANCE OF 33.48 FEET; THENCE SOUTH 28°07'34" EAST, A DISTANCE OF 81.75 FEET; THENCE SOUTH 42°29'18" EAST, A DISTANCE OF 28.48 FEET; THENCE DEPARTING SAID MEAN HIGH WATER LINE OF THE INDIAN RIVER, SOUTH 66°00'42" WEST, A DISTANCE OF 166.74 FEET MORE OR LESS TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID SOUTH SEWALL'S POINT ROAD. THENCE NORTH 28°05'29" WEST, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 142.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.53 ACRES, MORE OR LESS

TOGETHER WITH:

BEING A PARCEL OF SUBMERGED LAND LYING IN TOWNSHIP 38 SOUTH, RANGE 42 EAST, MARTIN COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTH LINE OF AFOREDESCRIBED LANDS AND THE WESTERLY MEAN HIGH WATER LINE OF THE INDIAN RIVER; THENCE NORTH 85°00'00" EAST, A DISTANCE OF 515.34 FEET; THENCE SOUTH 25°00'00" EAST, A DISTANCE OF 142.27 FEET TO A POINT, SAID POINT BEING ON THE EASTERLY PROLONGATION OF THE SOUTH LINE OF THE AFOREDESCRIBED LANDS; THENCE SOUTH 65°00'00" WEST, A DISTANCE OF 508.04 FEET TO THE WESTERLY MEAN HIGH WATER LINE OF THE INDIAN RIVER; THENCE ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING COURSES AND DISTANCES: THENCE NORTH 42°29'18" WEST, A DISTANCE OF 28.48 FEET; THENCE NORTH 28°07'34" WEST, A DISTANCE OF 81.75 FEET; THENCE NORTH 20°05'30" WEST, A DISTANCE OF 33.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.80 ACRES, MORE OR LESS

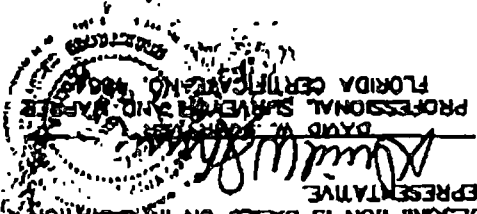
DR 81 3 4 | P 61 9 4 0



| | |
|--|---------|
| Legal Description for Fairview South, Inc. | |
| Survey County | Florida |
| Book | Page |
| B/A | 7-1-88 |
| Drawn by | Checked |
| R.L.L. | G.W.S. |
| No. of Sheets in Set: 100-31-98 | |
| 1 of 3 | |

| | | | |
|-----|-----------|------|----|
| NO. | REVISIONS | DATE | BY |
| | | | |

LEGAL DESCRIPTION FOR
 FEDERAL BUREAU OF INVESTIGATION
 2-1-98
 N/A
 2-1-98
 2-1-98



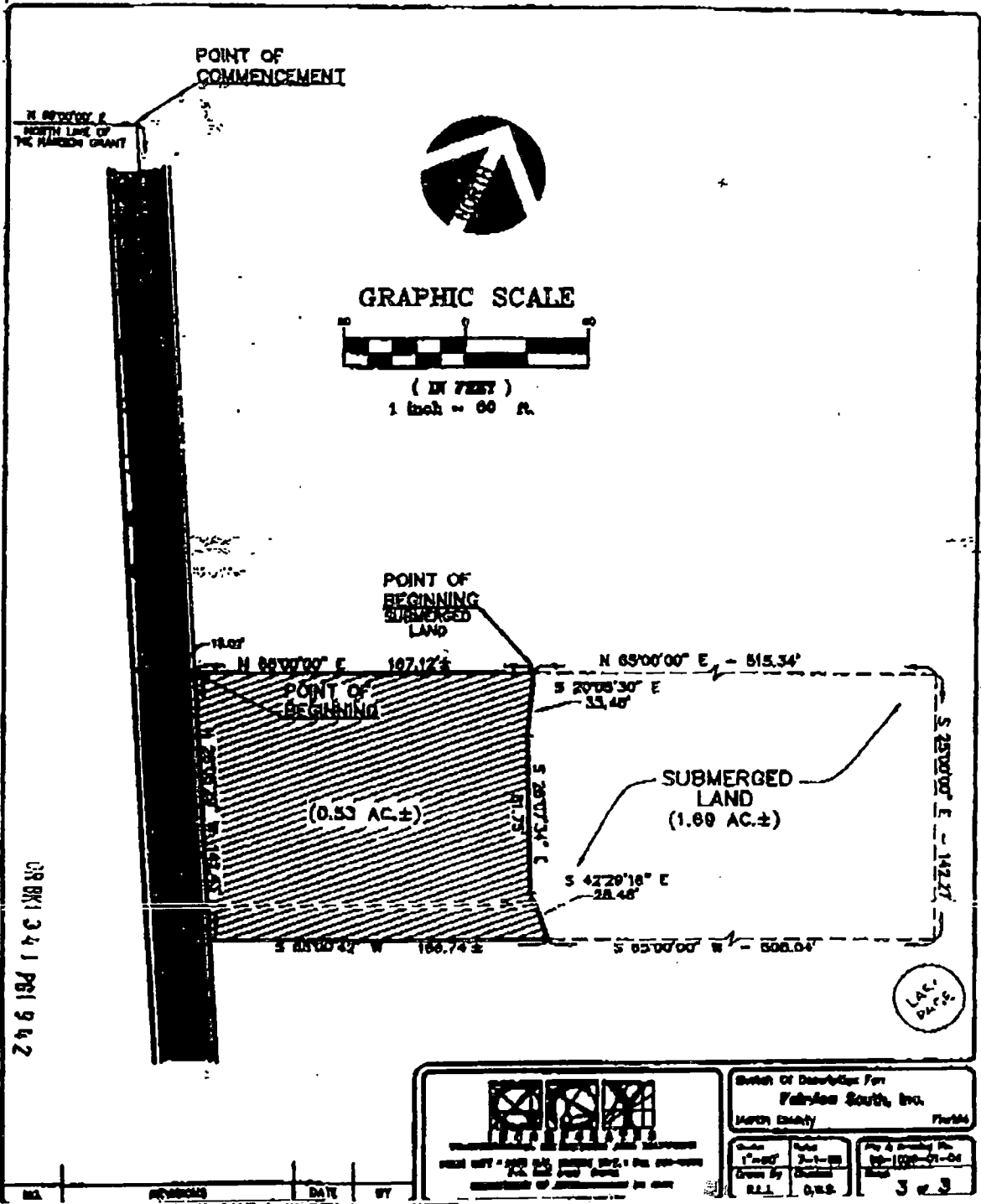
I HEREBY CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION OF THE
 PROPERTY SHOWN AND DESCRIBED HEREON WAS COMPLETED UNDER MY
 DIRECTION AND SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO
 THE BEST OF MY KNOWLEDGE AND BELIEF.
 I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE
 MINIMUM TECHNICAL STANDARDS FOR SURVEYS SET FORTH BY THE FLORIDA
 BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 1017.00,
 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA
 STATE STATUTES. THE SKETCH AND DESCRIPTION IS BASED ON INFORMATION
 FURNISHED BY CLIENT OR CLIENT'S REPRESENTATIVE.
 DATE OF SIGNATURE: 10/9/98

CERTIFICATION

- 1) THE INFORMATION SHOWN HEREON IS BASED ON A BOUNDARY SURVEY PREPARED BY GCM, INC. HOWEVER, THIS LEGAL DESCRIPTION AND SKETCH DO NOT REPRESENT A BOUNDARY SURVEY.
- 2) THIS LEGAL DESCRIPTION SHALL NOT BE VALID UNLESS:
 - A) PROVIDED IN ITS ENTIRETY CONSISTING OF 3 SHEETS, WITH SHEET 3 BEING THE SKETCH OF DESCRIPTION.
 - B) REPRODUCTIONS OF THE DESCRIPTION AND SKETCH ARE SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
 - C) BEARINGS SHOWN HEREON ARE REFERENCED TO THE NORTH LINE OF THE HANSON GRANT. SAID LINE BEARS N 86°00'00" E.

SURVEYOR'S NOTES:

146194 | 98194 |



PLANNED: 10-1-201 BY: [Signature]

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adoption by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

| |
|-----------------|
| SCALE 1" = 100' |
| DESIGNED BY MEK |
| DRAWN BY WES |
| CHECKED BY MEK |
| COMP. IR-ACOE |

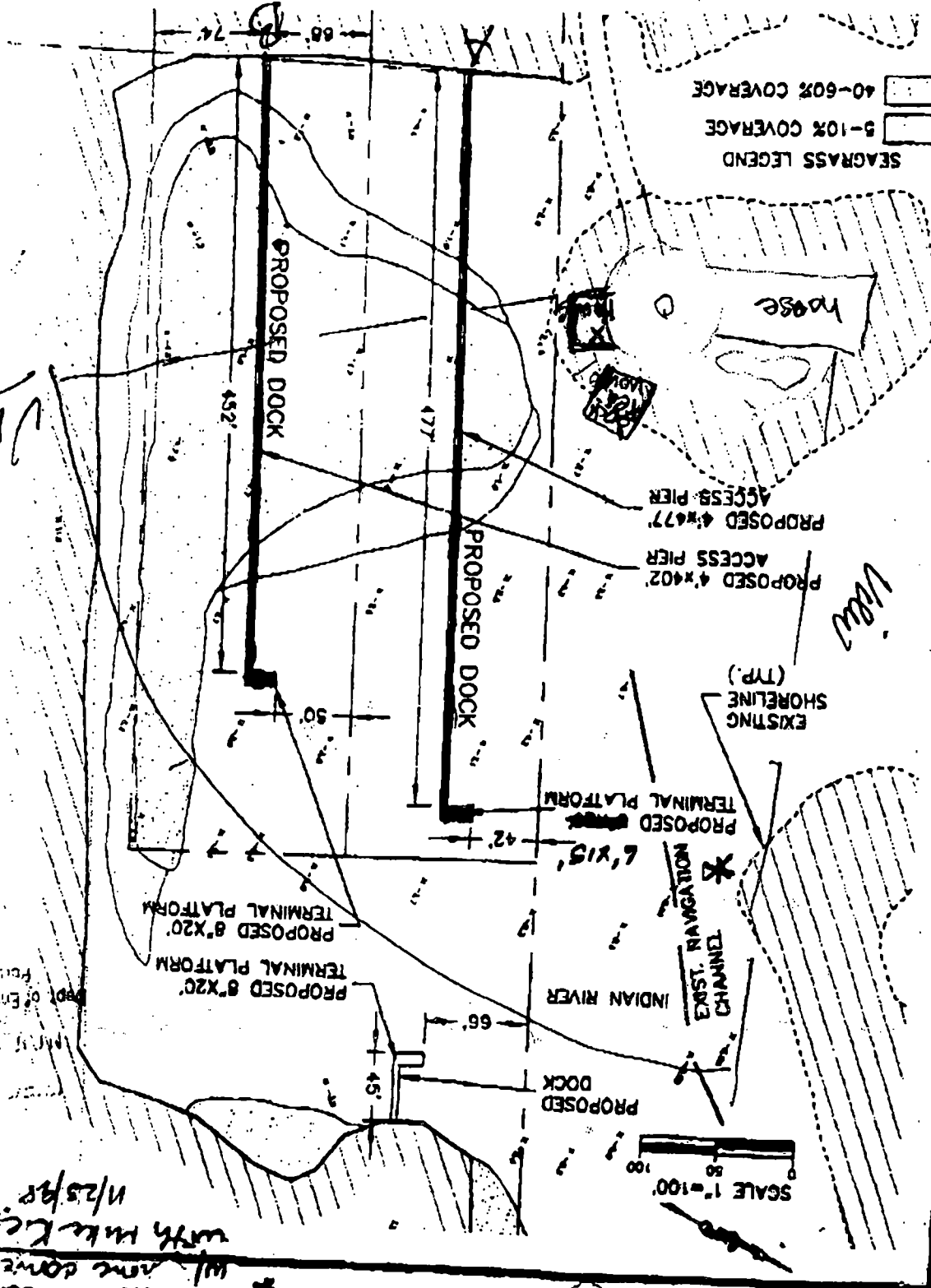
© 1998 KIMLEY-HORN AND ASSOC. INC.
 32 EAST OSCEOLA STREET, SUITE C
 STUART, FLORIDA 34994
 (561)286-2190 FAX (561)286-0138



Kimley-Horn and Associates, Inc.

| |
|--------------|
| DATE |
| FILE # DRAWN |
| 04530 |
| SHEET |

INDIAN RIVER DOCKS SITE PLAN



* Char'ed in accord with Mike K.C. w/ some changes 11/25/88

7136

DOCK

&

BOATLIFT

MASTER PERMIT NO. _____

TOWN OF SEWALL'S POINT

Date 12/15/04

BUILDING PERMIT NO. 7.136

Building to be erected for WEINBERG

Type of Permit DOCK + BOATLIFT

Applied for by TROPIC MARINE

(Contractor) Building Fee 240.00

Subdivision HANSON GRANT Lot 5+6 Block _____

Radon Fee _____

Address 146 S. SEWALL'S POINT RD

Impact Fee _____

Type of structure SFR

A/C Fee _____

Parcel Control Number:

133841000000001320000

Electrical Fee _____

Plumbing Fee _____

Amount Paid 264.00 Check # 14938 Cash _____

Other Fees (10% PLAN REVIEW) 2400

Total Construction Cost \$ 7500.00

TOTAL Fees 264.00

Signed [Signature]
Applicant

Signed [Signature]
Town Building Official

PERMIT

- BUILDING
- PLUMBING
- DOCK/~~BOATLIFT~~
- SCREEN ENCLOSURE
- FILL
- TREE REMOVAL

- ELECTRICAL
- ROOFING
- DEMOLITION
- TEMPORARY STRUCTURE
- HURRICANE SHUTTERS
- STEMWALL

- MECHANICAL
- POOL/SPA/DECK
- FENCE
- GAS
- RENOVATION
- ADDITION

INSPECTIONS

- UNDERGROUND PLUMBING _____
- UNDERGROUND MECHANICAL _____
- STEMWALL FOOTING _____
- SLAB _____
- ROOF SHEATHING _____
- TRUSS ENG/WINDOW/DOOR BUCKS _____
- ROOF TIN TAG/METAL _____
- PLUMBING ROUGH-IN _____
- MECHANICAL ROUGH-IN _____
- FRAMING _____
- FINAL PLUMBING _____
- FINAL MECHANICAL _____
- FINAL ROOF _____

- UNDERGROUND GAS _____
- UNDERGROUND ELECTRICAL _____
- FOOTING _____
- TIE BEAM/COLUMNS _____
- WALL SHEATHING _____
- LATH _____
- ROOF-IN-PROGRESS _____
- ELECTRICAL ROUGH-IN _____
- GAS ROUGH-IN _____
- EARLY POWER RELEASE _____
- FINAL ELECTRICAL _____
- FINAL GAS _____
- BUILDING FINAL _____

RECEIVED

RECEIVED

Permit Number: _____

Town of Sewall's Point

BY: Michael Weinberg BUILDING PERMIT APPLICATION

OWNER/TITLEHOLDER NAME: Michael Weinberg Phone (Day) 914.672.0409 (Fax) _____

Job Site Address: 146 1st S. Swallow Pt Rd City: Stuart State: FL Zip: 34994

Legal Description of Property: LOT 5+4 L B Harbor Court Parcel Number: B.38.41.000.000.000

Owner Address (if different): 5 Alcott Court City: New City State: NY Zip: 10974

Description of Work To Be Done: Dock Construction w/ jetties lift

WILL OWNER BE THE CONTRACTOR?: Yes No (If no, fill out the Contractor & Subcontractor sections below)

CONTRACTOR/Company: Matthew Harris Phone: 602.415.1111 Fax: 602.100.1000

Street: 120 N. Dixie Hwy City: Stuart State: FL Zip: 34994

State Registration Number: _____ State Certification Number: _____ Martin County License Number: 301720

COST AND VALUES: Estimated Cost of Construction or Improvements: \$ 4500.00 (Notice of Commencement needed over \$2500)

SUBCONTRACTOR INFORMATION:

Electrical: _____ State: _____ License Number: _____
Mechanical: _____ State: _____ License Number: _____
Plumbing: _____ State: _____ License Number: _____
Roofing: _____ State: _____ License Number: _____

ARCHITECT _____ Phone Number: _____
Street: _____ City: _____ State: _____ Zip: _____

ENGINEER Jack Wilber Phone Number: 299.2722
Street: 10044 S. Ocean Dr #1002 City: Jensen State: AL Zip: 34957

AREA SQUARE FOOTAGE - SEWER - ELECTRIC Living: _____ Garage: _____ Covered Patios: _____ ScreenedPorch: _____
Carport: _____ Total Under Roof _____ Wood Deck: _____ Accessory Building: _____

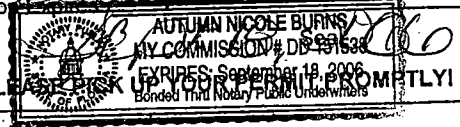
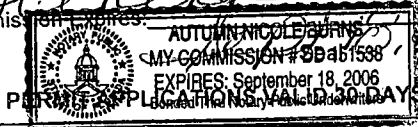
I understand that a separate permit from the Town may be required for ELECTRICAL, PLUMBING, MECHANICAL, SIGNS, POOLS, WELLS, FURNACE, BOILERS, HEATERS, TANKS DOCKS, SEA WALLS, ACCESSORY BUILDING, SAND OR FILL ADDITION OR REMOVAL, AND TREE REMOVAL AND RELOCATIONS.

CODE EDITIONS IN EFFECT AT TIME OF APPLICATION: Florida Building Code (Structural, Mechanical, Plumbing, Gas): 2001
National Electrical Code: 2002 Florida Energy Code: 2001 Florida Accessibility Code: 2001

I HEREBY CERTIFY THAT THE INFORMATION I HAVE FURNISHED ON THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND I AGREE TO COMPLY WITH ALL APPLICABLE CODES, LAWS AND ORDINANCES DURING THE BUILDING PROCESS.

OWNER-OR-AGENT-SIGNATURE (required) _____ CONTRACTOR SIGNATURE (required) MSA
State of Florida, County of: Martin On State of Florida, County of: Martin
This the 21st day of January, 2006
by Michael Weinberg who is personally known to me or produced _____ by Matthew Harris who is personally known to me or produced _____
as identification. _____ as identification. _____

My Commission Expires: _____ Notary Public Peter Beck Notary Public Peter Beck
My Commission Expires: _____



PERMIT APPLICATIONS VALID 30 DAYS FROM APPROVAL NOTIFICATION - PLEASE PICK UP PERMIT PROMPTLY!

01437472

00 JUN -2 PM 3:59

Prepared by and return to:
Laurie Rusk Sewell, Esq.

Kramer, Sewell, Sopko & Levenstein, P.A.
853 SE Monterey Commons Blvd.
Stuart, Florida 34996
561-288-0048
File Number: 5411.01
Will Call No.:

DOC-DEED # 2187.50 MARSHA STULLER
DOC-MTS # _____ MARSHA STULLER
DOC-ADM # _____ CLERK OF CIRCUIT COURT
INT. TAX # _____ BY _____

[Space Above This Line For Recording Date]

Warranty Deed

This Warranty Deed made this 31st day of May, 2000 between SHADOW LAKE GROVES, INC., a Florida corporation whose post office address is 2400 S. Federal Highway, Suite 300, Stuart, Florida 34994, grantor, and MICHAEL WEINBERG and SHIRIN WEINBERG, husband and wife whose post office address is 5 Alcott Court, New City, New York 10956, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Martin County, Florida to-wit:

SEE SCHEDULE "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

Parcel Identification Number: 13-38-41-000-000-00131-00000

Subject to taxes for 2000 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.


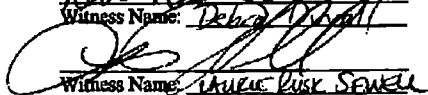
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.


And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1999.

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 Name: Debra

Witness Name: Laurie Rusk Sewell

SHADOW LAKE GROVES, INC.
a Florida corporation

By: 
W. Martin Bonan
Vice President

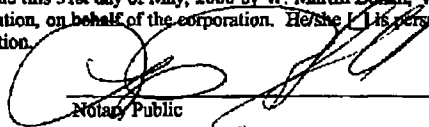
(Corporate Seal)

State of Florida
County of Martin

The foregoing instrument was acknowledged before me this 31st day of May, 2000 by W. Martin Bonan, Vice President of SHADOW LAKE GROVES, INC., a Florida corporation, on behalf of the corporation. He/she is personally known to me or has produced a driver's license as identification.

[Notary Seal]

 LAURIE RUSK SEWELL
COMMISSION # CC 727360
EXPIRES MAY 4, 2002
BONDED THRU
ATLANTIC BONDING CO., INC.


Notary Public

Printed Name: _____

My Commission Expires: _____

SCHEDULE "A"
LEGAL DESCRIPTION

Being a parcel of land lying in the Miles or Hanson Grant in Township 38 South, Range 42 East, Martin County, Florida, being more particularly described as follows:

Commence at the intersection of the North line of the Miles or Hanson Grant and the centerline of South Sewall's Point Road; thence South $29^{\circ}05'39''$ East along said centerline a distance of 1219.69 feet; thence North $65^{\circ}00'00''$ East, a distance of 15.02 feet to the Point of Beginning of the following described parcel; thence continue North $65^{\circ}00'00''$ East, a distance of 167.12 feet more or less to the Westerly mean high water line of the Indian River; thence along said mean high water line by the following courses and distances: thence South $20^{\circ}05'30''$ East, a distance of 33.48 feet; thence South $26^{\circ}07'34''$ East, a distance of 81.75 feet; thence South $42^{\circ}29'16''$ East, a distance of 28.48 feet; thence departing said mean high water line of the Indian River, South $65^{\circ}00'42''$ West, a distance of 166.74 feet more or less to the Westerly right of way line of said South Sewall's Point Road; thence North $28^{\circ}05'29''$ West, along said right of way line a distance of 142.43 feet to the Point of Beginning.

TOGETHER WITH:

Being a parcel of submerged land lying in Township 38 South, Range 42 East, Martin County, Florida, and being more particularly described as follows:

Begin at the intersection of the North line of aforescribed lands and the Westerly mean high water line of the Indian River; thence North $65^{\circ}00'00''$ East, a distance of 515.34 feet; thence South $25^{\circ}00'00''$ East, a distance of 142.27 feet to a point, said point being on the Easterly prolongation of the South line of the aforescribed lands; thence South $65^{\circ}00'00''$ West, a distance of 508.04 feet to the Westerly mean high water line of the Indian River; thence along said mean high water line the following courses and distances: thence North $42^{\circ}29'16''$ West, a distance of 28.48 feet; thence North $26^{\circ}07'34''$ West, a distance of 81.75 feet; thence North $20^{\circ}05'30''$ West, a distance of 33.48 feet to the Point of Beginning.

ca 2/16/8

DR BK 1 4 8 5 PGO 0 1 7



MARTIN COUNTY, FLORIDA
Construction Industry Licensing Board
Certificate of Competency

MARINE CONTRACTOR

License Number SP01730 Expires: 30-SEP-05

HARRIS, MATTHEW E
TROPIC MARINE CONST INC
130 NE DIXIE HWY
STUART, FL 34994

2003-2004 MARTIN COUNTY ORIGINAL
COUNTY OCCUPATIONAL LICENSE

Larry C. O'Steen, Tax Collector, P.O. Box 9013, Stuart, FL 34995
(772) 288-5604

LICENSE 992-520-010 CERT _____
PHONE (772)692-4154 SIC NO 237990

LOCATION:
130 NE DIXIE HWY MAR

CHARACTER COUNTS IN MARTIN COUNTY

| | | | |
|-------------|------------|------------|--------------|
| PREV. YR. S | <u>.00</u> | LIC. FEE S | <u>25.00</u> |
| S | <u>.00</u> | PENALTY S | <u>0.00</u> |
| S | <u>.00</u> | COL. FEE S | <u>0.00</u> |
| S | <u>.00</u> | TRANSFER S | <u>0.00</u> |
| TOTAL | | | <u>25.00</u> |

IS HEREBY LICENSED TO ENGAGE IN THE BUSINESS, PROFESSION OR OCCUPATION
OF **MARINE CONTRACTOR**

AT LOCATION LISTED FOR THE PERIOD BEGINNING ON THE

15 DAY OF SEPTEMBER 03
AND ENDING SEPTEMBER 30 2004

HARRIS, MATTHEW E
TROPIC MARINE
CONSTRUCTION CORP
130 NE DIXIE HWY
STUART FL 34994

RECEIPT OF PAYMENT

LARRY C. O'STEEN 6010 1
99 09/15/2003 OCCI NORMAL
19925200010000
0220030915000016CK \$25.00

Certificate of Insurance

This certificate is issued as a matter of information only and confers no rights upon you the certificate holder. This certificate is not an insurance policy and does not amend, extend, or alter the coverage afforded by the policies listed below.

Named Insured(s):

Gevity HR, Inc and its wholly owned subsidiaries including but not limited to Gevity HR, LP; Gevity HR II, LP; Gevity HR III, LP; Gevity HR IV, LP; Gevity HR V, LP; Gevity HR VI, LP; Gevity HR VII, LP; Gevity HR VIII, LP; Gevity HR IX, LP; Gevity HR X, LP; Gevity HR XI, LLC; Gevity HR XII Corp.
600 301 Boulevard West
Bradenton, Florida 34205

MARSH

Insurer Affording Coverage

**American Home Assurance Co.,
Member of American International Group, Inc. (AIG)**

Coverages:

The policy(ies) of insurance listed below have been issued to the insured named above for the policy period indicated. The insurance afforded by the policy(ies) described herein is subject to all the terms, exclusions and conditions of such policy(ies).

| Type of Insurance | Certificate Exp. Date <input type="checkbox"/> Continuous <input type="checkbox"/> Extended <input checked="" type="checkbox"/> Policy Term | Policy Number | Limits | |
|-----------------------|--|---|---------------------------|---------------|
| | | | Employers Liability | |
| Workers' Compensation | 1-1-2005 | RMWC2633886 RMWC2633892 RMWC2633912 RMWC2633913 RMWC2633920 | Bodily Injury By Accident | Each Accident |
| | | | \$ 2,000,000 | |
| | | | Bodily Injury By Disease | Policy Limit |
| | | | \$ 2,000,000 | |
| | | | Bodily Injury By Disease | Each Person |
| | | | \$ 2,000,000 | |

Other:

Employees Leased To:

Effective Date: 1/1/04

12012 Tropic Marine Construction Inc.

The above referenced workers' compensation policy(ies) provide(s) statutory benefits only to the employees of the Named Insured(s) on such policy(ies), not to the employees of any other employer.

*If the certificate expiration date is continuous or extended term, you will be notified if coverage is terminated or reduced before the certificate expiration date. However, you will not be notified annually of the continuation of coverage.

Notice of Cancellation: Should any of the policies described herein be cancelled before the expiration date thereof, the insurer affording coverage will endeavor to mail **30** days written notice to the certificate holder named herein, but failure to mail such notice shall impose no obligation or liability of any kind upon the insurer affording coverage, its agents or representatives.

Certificate Holder:



Michael C. Weiss

Authorized Representative of Marsh USA Inc.

The Town of Sewall's Point
1 S Sewalls Point Rd
Stuart, FL 34996-6736

(866) 443-8489
Phone

1/1/2004
Date Issued

| | | | |
|--------------------------|----------------|--------------------|--------------|
| Parcel Number | Account Number | Owner Name | Second Owner |
| 13-38-41-000-000-00132-0 | 131546 | BAYTREE ISLAND LLC | |

This is Record 1 of 2. Tax Year 2003 Certified
Basic Results Legal Desc Features Sales History

NEXT**Parcel Number:** 13-38-41-000-000-00132-0**Account Number:** 131546**Owner Name:** BAYTREE ISLAND LLC**Second Owner:****Owner Mail Address:** 88 RIVERS EDGE RD
ELK MANOR FARM**City, State & Zip:** NORTH EAST, MD 21901**Property/Site Address:** 146 S SEWALLS PT RD**Sale Date:** 03/01/1999**Sale Amount:** 350000**OR Book & Page:** 1375 / 1650**Land Value:** \$461700**Improvement Value:** \$0**Market Value:** \$461700**Assessed Value:** \$461700**Exemption Amount:** \$**Taxable Value:** \$461700 -**Ad Valorem Taxes:** \$7853.51 -**Tax Collector Site:** SEE THIS ACCOUNT ON THE TAX COLLECTOR SYSTEM**Millage Code:** 2200**State Reporting Code:** 100**Year Built:** VACANT**Short Legal:** SEWALL'S POINT, A PORTION OF
LOTS 5 & 6 HANSON GRANT, E/O
SEWALL'S PT RD, BEINGNEXTBasic Results Legal Desc Features Sales History

| | | | |
|--|--|--|--|
| | | | |
| | | | |

This is Record 2 of 2. Tax Year 2003 Certified
Basic Results Legal Desc Features Sales History

PREVIOUS

Parcel Number: 13-38-41-000-000-00130-0

Account Number: 27649

Owner Name: BAYTREE ISLAND LLC

Second Owner:

Owner Mail Address: 88 RIVERS EDGE RD
 ELK MANOR FARM

City, State & Zip: NORTH EAST, MD 21901

Property/Site Address: 0 SEWALLS' PT RD

Sale Date: 03/01/1999

Sale Amount: 2000000

OR Book & Page: 1375 / 1645

Land Value: \$1840300

Improvement Value: \$0

Market Value: \$1840300

Assessed Value: \$1840300

Exemption Amount: \$

Taxable Value: \$1840300 -

Ad Valorem Taxes: \$31303.51 -

Tax Collector Site: SEE THIS ACCOUNT ON THE TAX COLLECTOR SYSTEM

Millage Code: 2200

State Reporting Code: 107

Year Built: 2003

Short Legal: SEWALL'S POINT, A PORTION OF
 LOTS 5 & 6 OF THE HANSON
 GRANT, LYING E/O SEWALL'S

148"

PREVIOUS

Basic Results Legal Desc Features Sales History

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)

7/7/2004

PRODUCER

Paul Lynch & Associates, Inc.
3388 NE Sugarhill Ave., Suite 201
Jensen Beach, FL 34957
772-232-2552

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY
A New York Marine & General

INSURED

Tropic Marine Construction, Inc.

130 NE Dixie Hwy.
Stuart, FL 34994
772-692-4154

COMPANY
B

COMPANY
C

COMPANY
D

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| CO LTR | TYPE OF INSURANCE | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS |
|--------|---|----------------|----------------------------------|-----------------------------------|--------------------------------------|
| A | GENERAL LIABILITY | MMO-21906ML204 | 07/02/04 | 07/02/05 | GENERAL AGGREGATE \$2,000,000 |
| | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY | | | | PRODUCTS - COMP/OP AGG \$1,000,000 |
| | <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR | | | | PERSONAL & ADV INJURY \$1,000,000 |
| | OWNER'S & CONTRACTOR'S PROT | | | | EACH OCCURRENCE \$1,000,000 |
| | | | | | FIRE DAMAGE (Any one fire) \$ 50,000 |
| | | | | | MED EXP (Any one person) \$ 1,000 |
| | | | | | |
| | AUTOMOBILE LIABILITY | | | | COMBINED SINGLE LIMIT \$ |
| | <input type="checkbox"/> ANY AUTO | | | | BODILY INJURY (Per person) \$ |
| | <input type="checkbox"/> ALL OWNED AUTOS | | | | BODILY INJURY (Per accident) \$ |
| | <input type="checkbox"/> SCHEDULED AUTOS | | | | PROPERTY DAMAGE \$ |
| | <input type="checkbox"/> HIRED AUTOS | | | | |
| | <input type="checkbox"/> NON-OWNED AUTOS | | | | |
| | GARAGE LIABILITY | | | | AUTO ONLY - EA ACCIDENT \$ |
| | <input type="checkbox"/> ANY AUTO | | | | OTHER THAN AUTO ONLY: |
| | | | | | EACH ACCIDENT \$ |
| | | | | | AGGREGATE \$ |
| | EXCESS LIABILITY | | | | EACH OCCURRENCE \$ |
| | <input type="checkbox"/> UMBRELLA FORM | | | | AGGREGATE \$ |
| | <input type="checkbox"/> OTHER THAN UMBRELLA FORM | | | | \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | | | | WC STATUTORY LIMITS OTH-ER |
| | THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL | | | | EL EACH ACCIDENT \$ |
| | | | | | EL DISEASE - POLICY LIMIT \$ |
| | | | | | EL DISEASE - EA EMPLOYEE \$ |
| | OTHER | | | | |

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

Marine contractor.

CERTIFICATE HOLDER

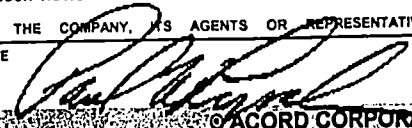
Town of Sewall's Point
1 South Sewall's Point Road
Stuart, Florida 34996

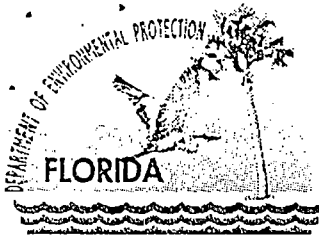
Fax: 220-4765

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE





Jeb Bush
Governor

Department of Environmental Protection

Port St. Lucie Branch Office
1801 SE Hillmoor Drive
Suite C-204
Port St. Lucie, FL 34952
(561)398-2806

David B. Struhs
Secretary

JAN 03 2002

Michael Weinberg
5 Alcott Court
New York, NY 10956

File Number: 43-0144156-002
Martin County

Dear Mr. Weinberg:

On December 31, 2001, we received your revised application for an exemption to perform the following activities: construct a 244 square foot dock with an access measuring 4' wide by 21' long ending in a platform measuring 8' by 20' with an associated boatlift in the Indian River, Class III Waters of the State, located at 146 S. Sewall's Point Road (Section 12, Township 38 South, Range 41 East), Stuart, Martin County.

Your application has been reviewed to determine whether it qualifies for any of three kinds of authorization that may be necessary for works in wetlands or waters of the United States. The kinds of authorization are (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 **may not** have qualified for all three forms of authorization. If your project did not qualify for one or more of the authorizations, refer to the specific section dealing with that authorization for advice on how to obtain it.

1. Regulatory Review - EXEMPTION VERIFIED

The Department has the authority to review your project under Part IV of Chapter 373, Florida Statutes (F.S.), Title 62, Florida Administrative Code (F.A.C.), and in accordance with operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

Based on the information you submitted, we have determined that your project is exempt from the need to obtain a DEP Environmental Resource Permit under Rule 40E-4.051(3)(b), (F.A.C.).

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

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (B.O.T.) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review your project under Chapters 253 and 258, F.S., Chapters 18-20 and 18-21, F.A.C., and Section 62-343.075, F.A.C.

Your project will not occur on sovereign submerged land. Pursuant to Chapter 253.77, Florida Statutes, you will not require authorization from the Board of Trustees to use public property to perform the proposed project.

"More Protection, Less Process"

Printed on recycled paper.

Michael Weinberg
File Number: 43-0144156-002
Page Two

3. Federal Review (State Programmatic General Permit) - NOT GRANTED

Federal authorization for the proposed project is reviewed by DEP pursuant to an agreement between the Department and the U.S. Army Corps of Engineers (the Corps). The agreement is outlined in a document titled *Coordination Agreement Between the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act*.

Your project has been reviewed for compliance with a State Programmatic General Permit (SPGP). As shown in the attached drawings, the proposed project is not consistent with the SPGP program. A copy of your application has been sent to the U.S. Army Corps of Engineers (the Corps) who may require a separate permit. Failure to obtain their authorization prior to construction could subject you to enforcement action. For further information, contact the Corps directly.

The determinations in this letter are based solely on the information provided to the Department and on the statutes and rules in effect when the application was submitted. The determinations are effective only for the specific activity proposed. These determinations shall automatically expire if site conditions materially change or if the governing statutes or rules are amended. In addition, any substantial modifications in your plans should be submitted to the Department for review, as changes may result in a permit being required. In any event, this determination shall expire after one year.

This letter does not relieve you from the responsibility of obtaining other permits (federal, state, or local) that may be required for the project.

NOTICE OF RIGHTS OF SUBSTANTIALLY AFFECTED PERSONS

This letter acknowledges that the proposed activity is exempt from ERP permitting requirements under Rule 40E-4.051(3)(b), F.A.C. This determination is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this determination automatically becomes only proposed agency action subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. The procedures for petitioning for a hearing are set forth in the attached notice.

This determination is based on the information you provided the Department and the statutes and rules in effect when the application was submitted and is effective only for the specific activity proposed. This determination shall automatically expire if site conditions materially change or the governing statutes or rules are amended. In addition, any substantial modifications in your plans should be submitted to the Department for review, as changes may result in a permit being required. In any event, this determination shall expire after one year.

Be advised that your neighbors and other parties who may be substantially affected by the proposed activity allowed under this determination of exemption have a right to request an administrative hearing on the Department's decision that the proposed activity qualifies for this exemption. Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a final determination that the proposed activity is not authorized under the exemption established under Rule 40E-4.051(3)(b), F.A.C.

Michael Weinberg
File Number: 43-0144156-002
Page Three

The Department will not publish notice of this determination. Publication of this notice by you is optional and is not required for you to proceed. However, in the event that an administrative hearing is held and the Department's determination is reversed, proceeding with the proposed activity before the time period for requesting an administrative hearing has expired would mean that the activity was conducted without the required permit.

If you wish to limit the time within which all substantially affected persons may request an administrative hearing, you may elect to publish, at your own expense, the enclosed notice (Attachment A) in the legal advertisement section of a newspaper of general circulation in the county where the activity is to take place. A single publication will suffice.

If you wish to limit the time within which any specific person(s) may request an administrative hearing, you may provide such person(s), by certified mail, a copy of this determination, including Attachment A.

For the purposes of publication, a newspaper of general circulation means a newspaper meeting the requirements of sections 50.011 and 50.031 of the Florida Statutes. In the event you do publish this notice, within seven days of publication, you must provide to the following address proof of publication issued by the newspaper as provided in section 50.051 of the Florida Statutes. If you provide direct written notice to any person as noted above, you must provide to the following address a copy of the direct written notice.

Florida Department of Environmental Protection, Southeast District - Port St. Lucie Branch Office
Submerged Lands & Environmental Resources Program, 1801 SE Hillmoor Drive Suite C-204
Port St. Lucie, FL 34952

Thank you for applying to the Submerged Lands and Environmental Resource Program. If you have questions regarding this matter, please contact **Danna Small** of this office, at telephone number (561)398-2806.

Sincerely,

Danna Small

JPM John P. Mitnik, P.E.
Environmental Administrator

JPMDS/v

Enclosures: Attachment A- Notice of Determination of Qualification for Exemption

cc: U.S. Army Corps of Engineers, Stuart [without enclosures]
Aslan, Inc. (Agent) [without enclosures]

ATTACHMENT A

File No.: 43-0144156-002
Martin County

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF DETERMINATION OF QUALIFICATION FOR EXEMPTION

The Department of Environmental Protection gives notice that to construct a 244 square foot dock with an access measuring 4' wide by 21' long ending in a platform measuring 8' by 20' with an associated boatlift at 146 S. Sewall's Point Road, Stuart, by Michael Weinberg has been determined to be exempt from requirements to obtain an environmental resource permit.

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 rules 28-106.111(2) and 62-110.106(3)(a)(4), 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.

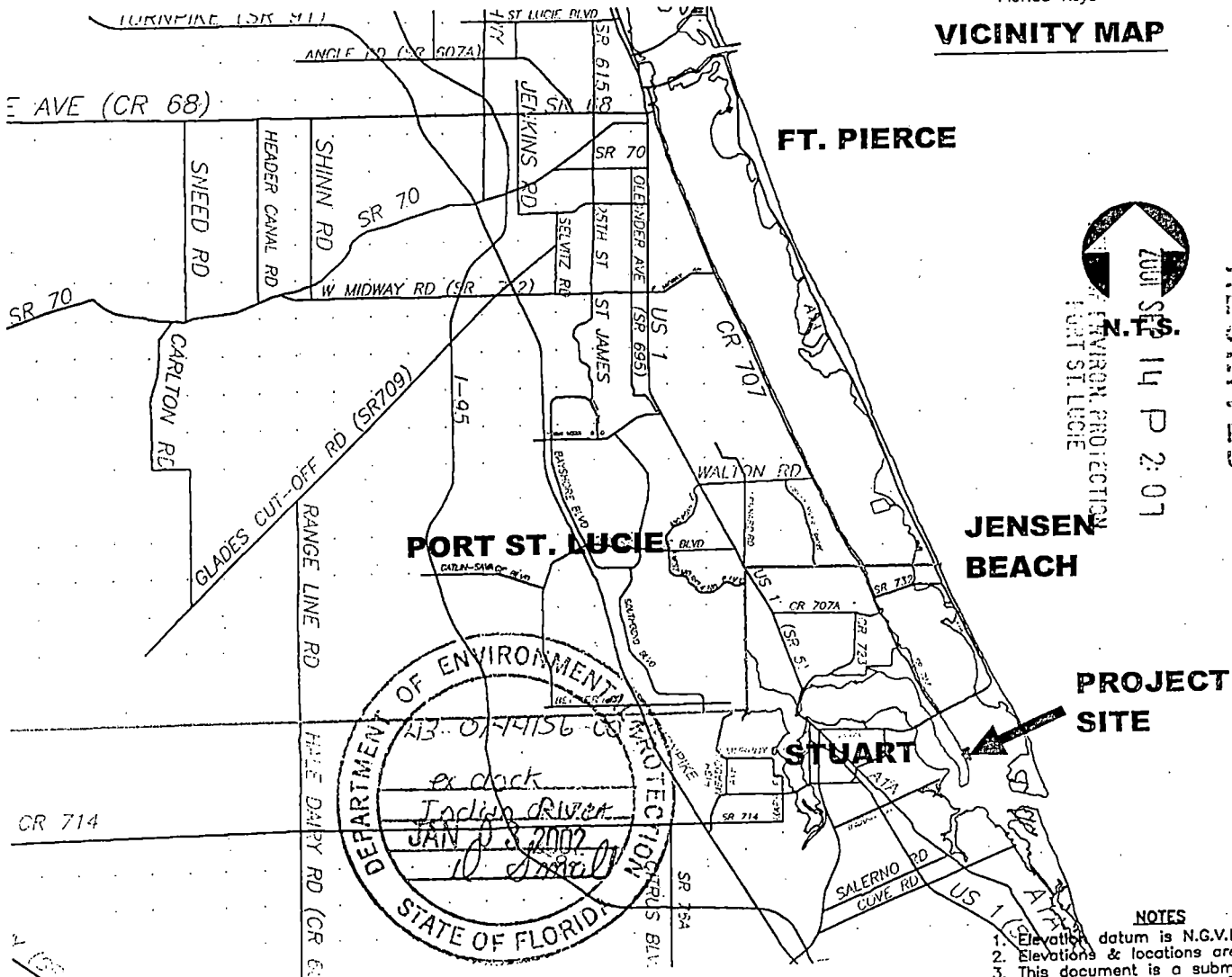
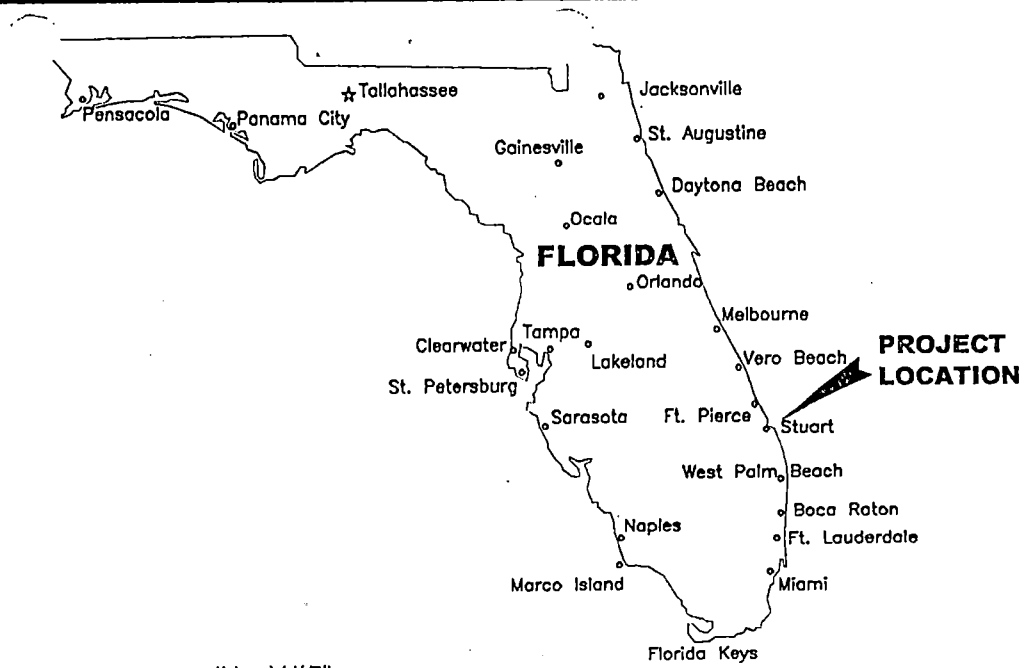
Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing shall be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

Complete copies of all documents relating to this determination of exemption 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 Port St. Lucie Branch Office, 1801 SE Hillmoor Drive - Suite C-204, Port St. Lucie, FL.

EXTRACTED DATA
FOR PERMIT USE ONLY
SEE TOPO SURVEY FOR
COMPLETE INFORMATION

Aslan, Inc.
Eric B. Holly
P.O. Box 1500
Stuart, FL 34999

SEP 12 2001



RECEIVED
N.T.S.
JUN 14 P 2:07
ENVIRONMENTAL PROTECTION
FORT ST. LUCIE

DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF FLORIDA
13-074156-00
ex dock
Tadino driver
JAN 13 2002
D. J. Smith

PROJECT SITE

- NOTES**
1. Elevation datum is N.G.V.D. 1929.
 2. Elevations & locations are approximate.
 3. This document is a submittal for agency review & is not for construction.

Dock-Permit.dwg



ASLAN, INC.
ENVIRONMENTAL PERMITTING
2440 S.E. Federal Highway
Suite 700 Stuart, FL 34994
(561) 288-4880 Fax 288-0128
Eric Holly, Agent

PROJECT: Single Family Dock
APPLICANT: Michael and Shirin Weinberg
LOCATION: Town of Sewall's Point, Florida
TITLE: Location Map

QUADRANGLE: St. Lucie Inlet
LATITUDE: 27°11'03" North
LONGITUDE: 80°11'19" West
DEP No.:
COE No.:
Rev.: 08-28-2001 SHEET 1 OF 6

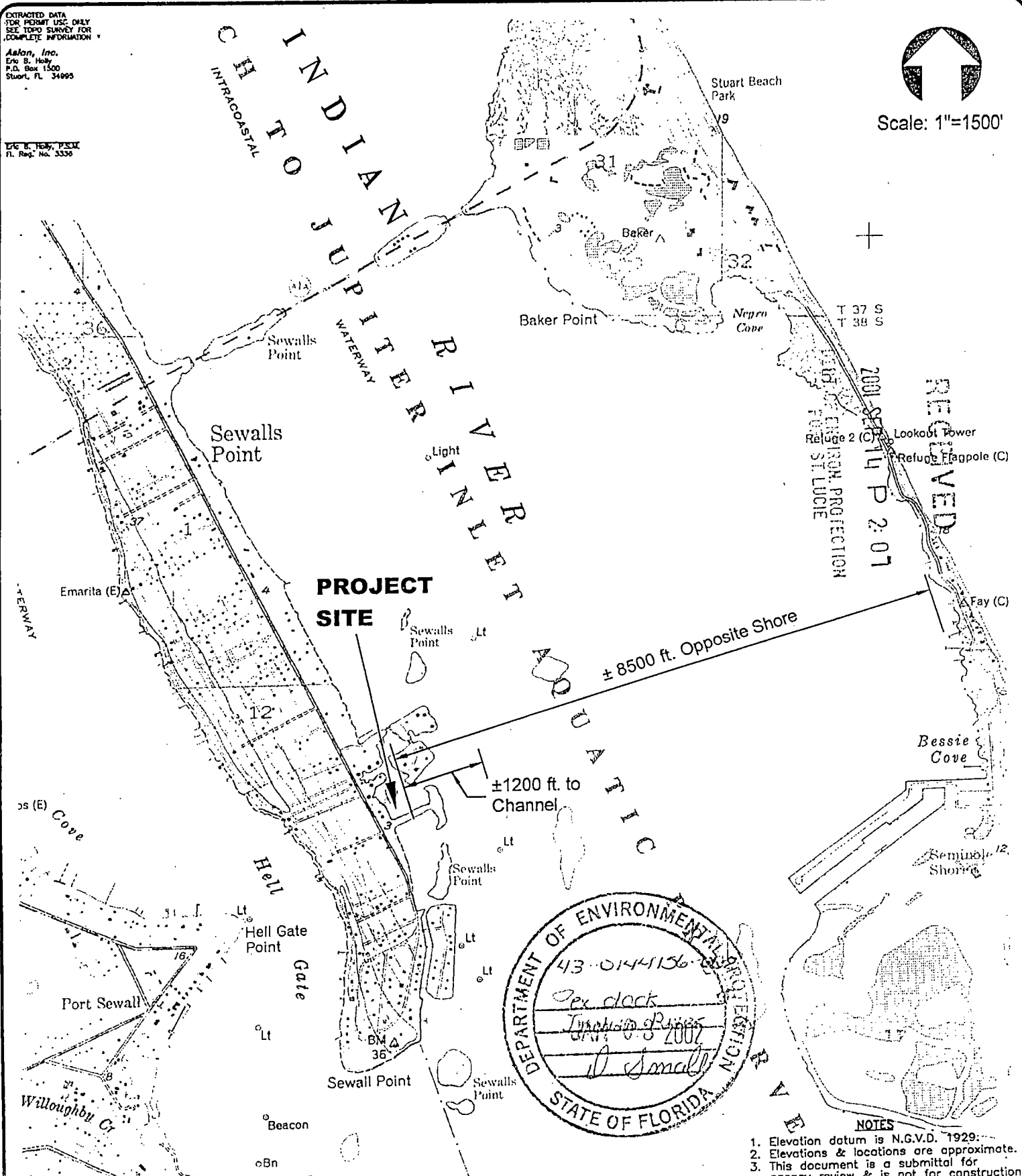
EXTRACTED DATA FOR PERMIT USE ONLY. SEE TOPIC SURVEY FOR COMPLETE INFORMATION.

Aolan, Inc.
Eric B. Holly
P.O. Box 1500
Stuart, FL 34995

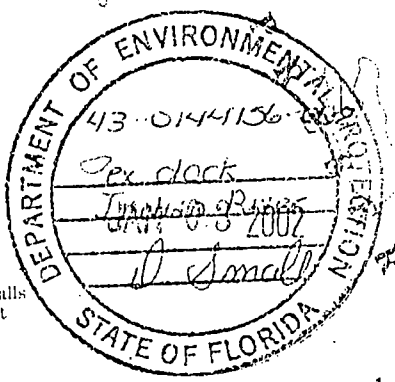
Eric B. Holly, P.E.
Fl. Reg. No. 5335



Scale: 1"=1500'



PROJECT SITE



NOTES

1. Elevation datum is N.G.V.D. 1929.
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Dock-Permit.dwg



AOLAN, INC.
ENVIRONMENTAL PERMITTING
2440 S.E. Federal Highway
Suite 700 Stuart, FL 34994
(561) 288-4880 Fax 288-0128
Eric Holly, Agent

PROJECT: Single Family Dock
APPLICANT: Michael and Shirin Weinberg
LOCATION: Town of Sewall's Point, Florida
TITLE: USGS Quad Map

QUADRANGLE: St. Lucie Inlet
LATITUDE: 27°11'03" North
LONGITUDE: 80°11'19" West
DEP No.:
COE No.:
Rev.: 08-28-2001 SHEET 2 OF 6

EXTRACTED DATA
FOR FORM USE ONLY
SEE TPOD SURVEY FOR
COMPLETE INFORMATION

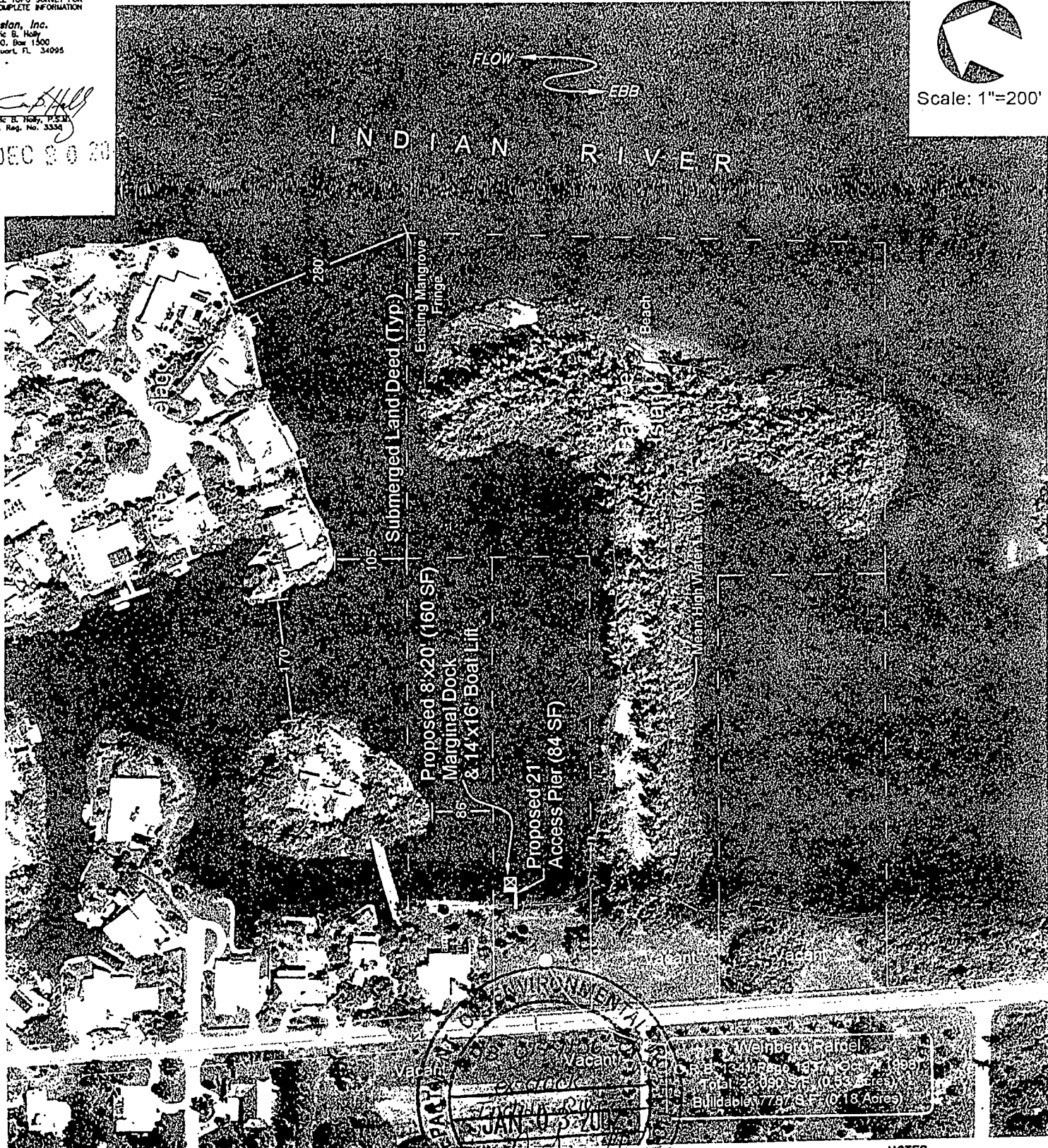
Aslan, Inc.
Eric B. Hobb
P.O. Box 1400
Stuart, FL 34995

Eric B. Hobb, P.E.
Eric B. Hobb, P.E.
Fl. Reg. No. 3334

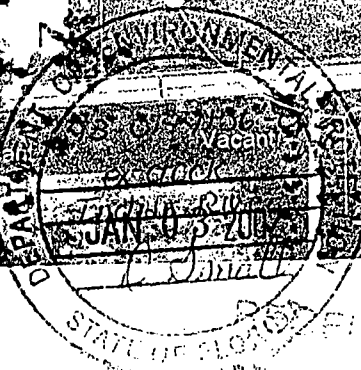
DEC 9 0 20



Scale: 1"=200'



REVISED



Weinberg Permil
12-18-2001
Total 20,080 Sq. Ft. (0.46 Acres)
Buildable 7787 Sq. Ft. (0.18 Acres)

NOTES

1. Elevation datum is N.G.V.D. 1929.
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Dock-Permit2.dwg



ASLAN, INC.
ENVIRONMENTAL PERMITTING
2440 S.E. Federal Highway
Suite 700 Stuart, FL 34994
(561) 288-4880 Fax 288-0128

PROJECT: Single Family Dock
APPLICANT: Michael and Shirin Weinberg
LOCATION: Town of Sewall's Point, Florida
TITLE: Plan View with Aerial Photo

QUADRANGLE: St. Lucie Inlet
LATITUDE: 27°11'03" North
LONGITUDE: 80°11'19" West
DEP No.:
COE No.:
Rev.: 12-18-2001 SHEET 3 OF 6

EXTRACTED DATA
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SEE TOPO SURVEY FOR
COMPLETE INFORMATION

Aslan, Inc.
Eric B. Hoby
P.O. Box 1500
Stuart, FL 34985

Eric B. Hoby
ERIC B. HOBY, P.E.
Fl. Reg. No. 3336

DEC 26 2001



Scale: 1"=50'

Submerged Land Deed (Typ.)

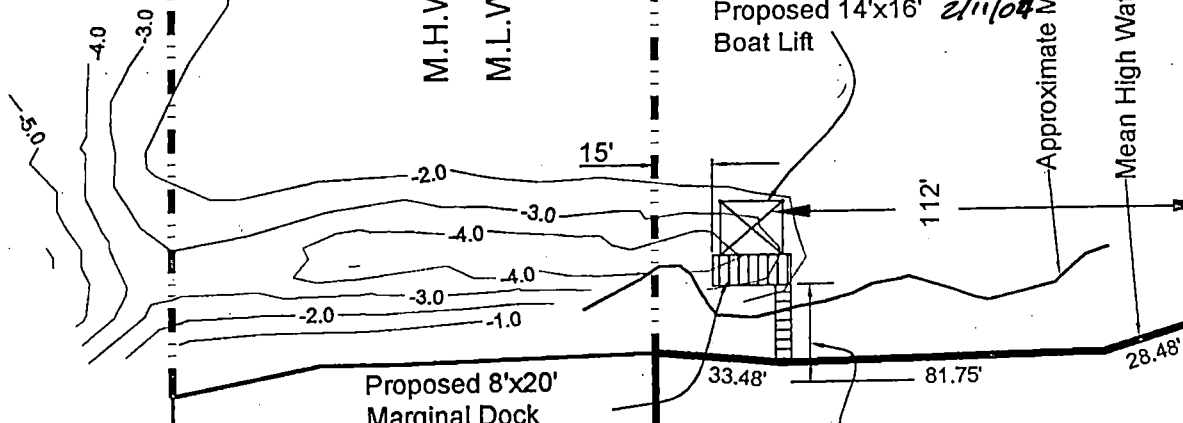
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M.L.W. = -0.20'

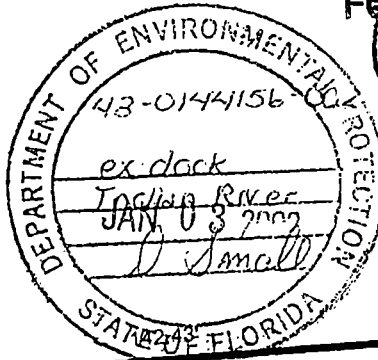
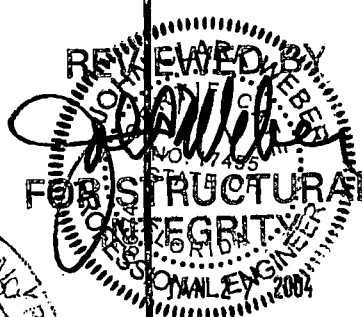
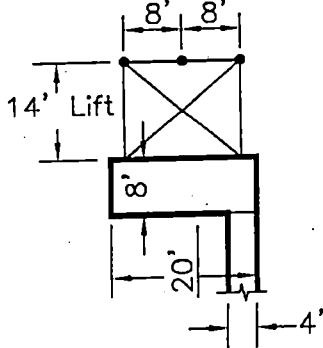
FUTURE
Proposed 14'x16'
Boat Lift

Approximate Mangrove Fringe

Mean High Water (M.H.W.)



BOAT LIFT & MARGINAL DOCK DETAIL



REVISED

SOUTH SEWALL'S POINT ROAD

DEC 31 2001

- NOTES
1. Elevation datum is N.G.V.D. 1929.
 2. Elevations & locations are approximate.
 3. This document is a submittal for agency review & is not for construction.

Dock-Permit2.dwg



ASLAN, INC.
ENVIRONMENTAL PERMITTING
2440 S.E. Federal Highway
Suite 700 Stuart, FL 34994
(561) 288-4880 Fax 288-0128

PROJECT: Single Family Dock
APPLICANT: Michael and Shirin Weinberg
LOCATION: Town of Sewall's Point, Florida
TITLE: Plan View

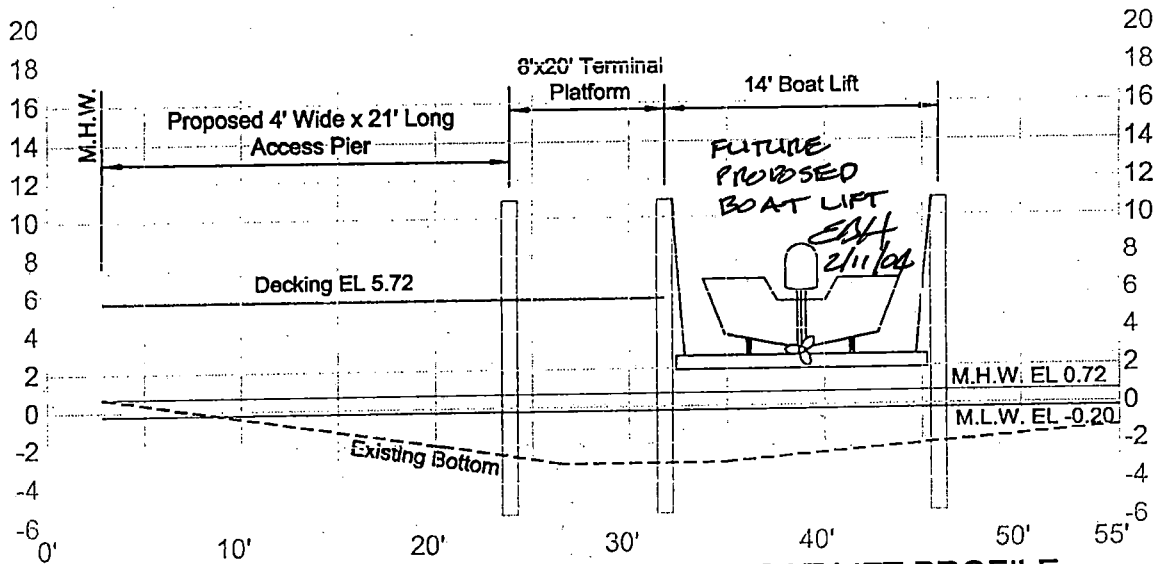
QUADRANGLE: St. Lucie Inlet
LATITUDE: 27°11'03" North
LONGITUDE: 80°11'19" West
DEP No.:
COE No.:
Rev: 12-18-2001 SHEET 4 OF 6

EXTRACTED DATA
FOR PERMIT USE ONLY
SEE TOPIC SURVEY FOR
COMPLETE INFORMATION

Aslan, Inc.
Eric B. Hall
P.O. Box 1500
Stuart, FL 34995

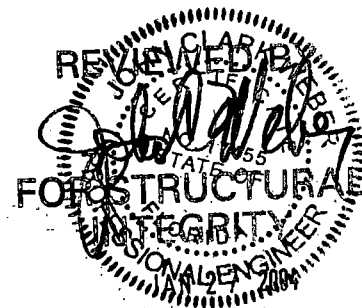
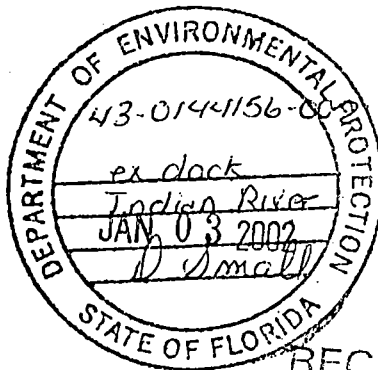
Eric B. Hall
ERIC B. HALL, P.E.
Fl. Reg. No. 3336

DEC 2 6 2001



ACCESS PIER, TERMINAL PLATFORM & BOAT LIFT PROFILE

Horizontal : 1" = 10'
Vertical : 1" = 10'



REVISED

RECEIVED

DEC 3 1 2001

NOTES

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3. This document is a submittal for agency review & is not for construction.

Dock-Permit2.dwg



ASLAN, INC.
ENVIRONMENTAL PERMITTING
2440 S.E. Federal Highway
Suite 700 Stuart, FL 34994
(561) 288-4880 Fax 288-0128

PROJECT: Single Family Dock
APPLICANT: Michael and Shirin Weinberg
LOCATION: Town of Sewall's Point, Florida

QUADRANGLE: St. Lucie Inlet
LATITUDE: 27°11'03" North
LONGITUDE: 80°11'19" West
DEP No.:
COE No.:

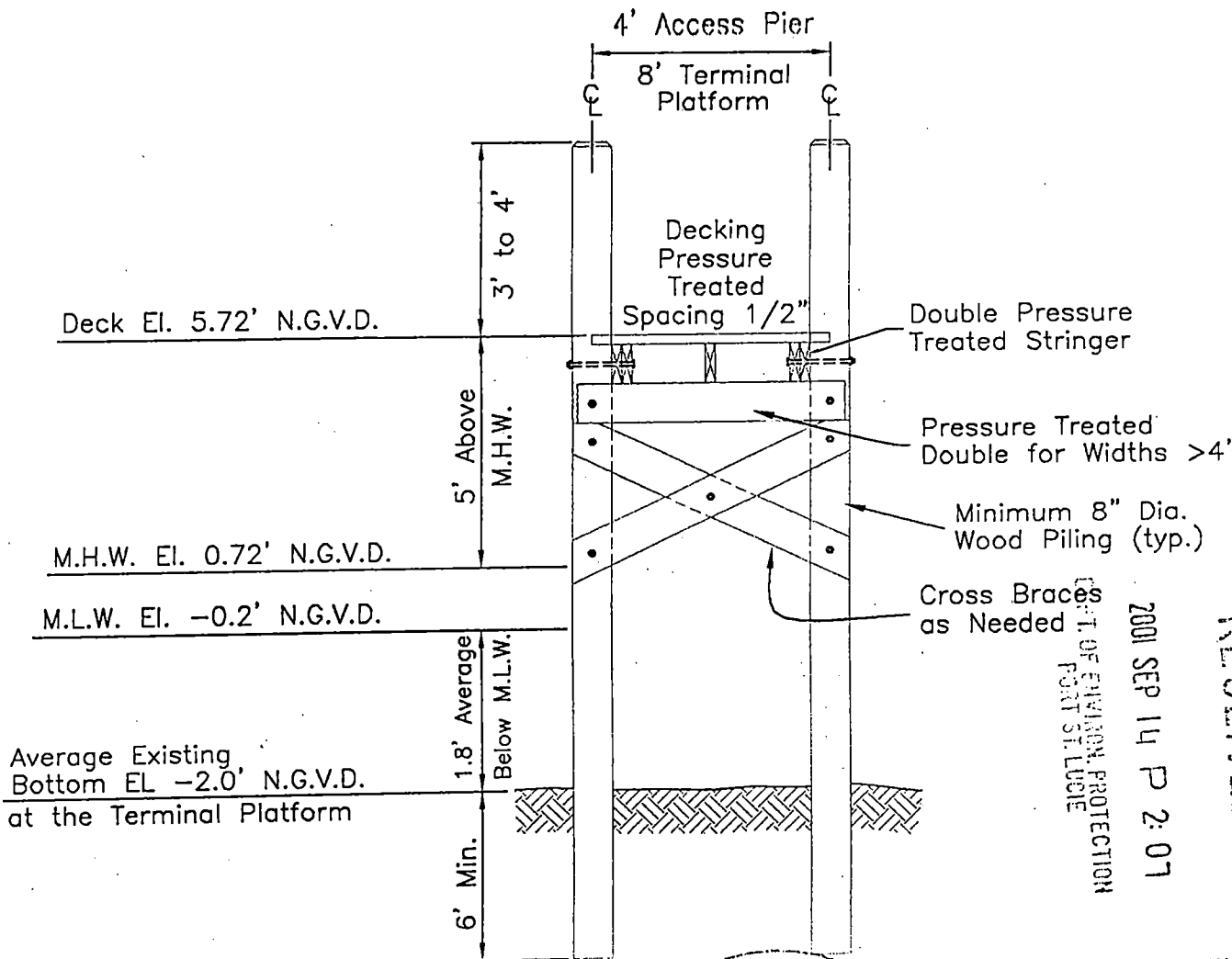
Rev: 12-18-2001 SHEET 5 OF 6

EXTRACTED DATA
FOR READY USE ONLY
SEE TOPO SURVEY FOR
COMPLETE INFORMATION

Aslan, Inc.
Eric S. Holly
P.O. Box 1500
Stuart, FL 34986

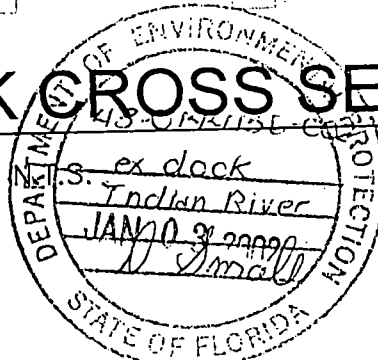
ERIC S. HOLLY
FL. REG. NO. 5336

SEP 13 2001



RECEIVED
2001 SEP 14 P 2:07
DEPT. OF ENVIRONMENTAL PROTECTION
PORT ST. LUCIE

TYPICAL DOCK CROSS SECTION



REVIEWED BY: *[Signature]*
FOR STRUCTURAL INTEGRITY

- NOTES:
1. Elevation datum is N.G.V.D. 2006.
 2. Elevations & locations are approximate.
 3. This document is a submittal for agency review & is not for construction.

Dock-Permit.dwg



ASLAN, INC.
ENVIRONMENTAL PERMITTING
2440 S.E. Federal Highway
Suite 700 Stuart, FL 34994
(561) 288-4880 Fax 288-0128
Eric Holly, Agent

PROJECT: Single Family Dock
APPLICANT: Michael and Shirin Weinberg
LOCATION: Town of Sewall's Point, Florida
TITLE: Dock Cross Section

QUADRANGLE: St. Lucie Inlet
LATITUDE: 27°11'03" North
LONGITUDE: 80°11'19" West
DEP No.:
COE No.:
Rev.: 08-28-2001 SHEET 6 OF 6



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
STUART REGULATORY OFFICE
218 ATLANTA AVENUE
STUART, FLORIDA 34994
March 10, 2003

Regulatory Division
South Permits Branch
199804036 (LP-TKW)

Mr. Eric Holly
Aslan, Incorporated
Po Box 1500
Stuart, Florida 34995

Dear Mr. Holly:

Reference your request dated November 27, 2002; in which you asked to modify Department of the Army permit number 199804036 issued on August 15, 2002, to Mr. Michael Weinberg. The project is located in the Indian River Lagoon, Section 12, Township 38 south, Range 41 east, Martin County, Florida.

The original permit authorized construction of a 4-foot by 21-foot single-family dock with an 8-foot by 21-foot terminal platform. The modification includes a 25-foot dock setback from the northern riparian line.

The impacts of the modification on the environment have been evaluated and found to be insignificant. The permit is hereby modified in accordance with your request and the attached drawing.

All other conditions of the permit remain in effect. You should attach this letter and the attached drawings to the permit. If you have any questions regarding this letter, please contact Tori Agramonte at the letterhead address or by telephone at 772-781-8085.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Hall", is written over the typed name.

for John R. Hall
Chief, Regulatory Division



ASLAN, inc.

Post Office Box 1500, Stuart, FL 34995-1500
2440 S.E. Federal Highway - Ste. 700, Stuart, FL 34994
Telephone 772.288.4880 Toll Free 800.470.1850
Facsimile 772.288.0128 E-Mail aslaninc@adelphia.net

PROJECT MANAGEMENT: CIVIL · SURVEY · PLANNING · CONSTRUCTION
GOVERNMENTAL LIAISON: PERMITTING · PLATTING · REZONINGS · CODE ENFORCEMENT · VARIANCES
LAND PLANNING: COMMERCIAL · RESIDENTIAL · P.U.D.'S · SUBDIVISIONS · MARINAS · SITE PLANS
MARINE ENVIRONMENTAL PERMITTING: MARINAS · DOCKS · DREDGE & FILL · DEP-CORPS-WMD - ERP · WETLAND MITIGATION
SURVEY AND MAPPING: MEAN HIGH WATER · WETLAND · SUBMERGED LAND LEASES · BOUNDARY · TOPOGRAPHIC · AS-SUILT

April 11, 2003

Via Fax: 288-0049

Richard H. Levenstein, Esq.
Kramer, Sewell, Sopko & Levenstein, P.A.
P.O. Box 2421
Stuart, FL 34995

RE: Michael Weinberg and Shirin Weinberg vs. Town of Sewall's Point

Dear Richard:

It took the Army Corps of Engineers four months to substitute the correct dock exhibit! (see attached) This concludes all State and Federal permitting. The Town building permit would have to be applied for by a marine contractor. This would not require any Town Commission action.

Please advise if there is anything else required by your office.

Sincerely,

ASLAN, inc.

Eric B. Holly
Agent for Michael Weinberg

EBH/lis

cc: Michael and Shirin Weinberg

Enclosures

EXTRACTED DATA
FOR PERMIT USE ONLY
SEE TYPED DRAWING FOR
COMPLETE INFORMATION

Aslan, Inc.
Eric R. Holly
P.O. Box 1600
Stuart, FL 34989

ERIC R. HOLLY, P.E.
FL Reg. No. 33338

NOV 27 2002



Scale: 1"=50'

Submerged Land Deed (Typ.)

M.H.W. = 0.72'
M.L.W. = -0.20'

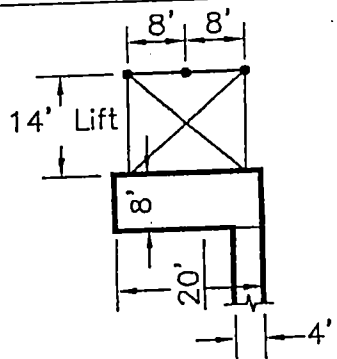
Approximate Mangrove Fringe
Mean High Water (M.H.W.)

Proposed 14'x16'
Boat Lift

Proposed 8'x20'
Marginal Dock

Proposed
4'x21' Access
Pier

BOAT LIFT & MARGINAL DOCK DETAIL



Dock-Permi2.dwg



ASLAN, INC.
ENVIRONMENTAL PERMITTING
2440 S.E. Federal Highway
Suite 700 Stuart, FL 34994
(561) 288-4880 Fax 288-0128
Eric Holly, Agent

PROJECT: Single Family Dock
APPLICANT: Michael and Shirin Weinberg
LOCATION: Town of Sewall's Point, Florida
TITLE: Plan View

QUADRANGLE: St. Lucie Inlet
LATITUDE: 27° 11' 03" North
LONGITUDE: 80° 11' 19" West
DEP No.:
COE No.:
Rev.: 12-18-2001 SHEET 4 OF 6

- NOTES:**
1. Elevation datum is N.G.V.D. 1929.
 2. Elevations & locations are approximate.
 3. This document is a submittal for agency review & is not for construction.

SOUTH SEWALL'S POINT ROAD

Robert M. Ghen
950 Egret Circle, Suite 5104
Delray Beach, FL 33444
561-573-6669
FAX 561-278-3967

March 18, 2003

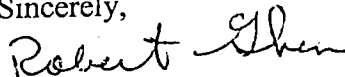
Michael and Shrin Weinberg
5 Alcott Court
New City, NY 10956

Dear Mr. and Mrs. Weinberg

I am the Construction Manager for Baytree Island LLC. Our company is the owner of the two lots to the south of yours in Sewell's Point, Florida. I am contacting you because we are now applying for a permit to build a small dock on the northwest sector of the island portion of our lot. If you sign and return the enclosed form, it will expedite the issue of our permit for the construction of the dock for us.

Please call me at 561-573-6669, if you have any questions, this is my cell phone and you can reach me best on this number.

Sincerely,



Robert Ghen
Construction Manager
Baytree Island LLC

Copy
James Moran
Principal Baytree Island LLC

OWNER'S AFFIDAVIT OF BUILDING COSTS

(To be submitted at time of final inspection for Certificate of Occupancy)

STATE OF FLORIDA
MARTIN COUNTY

BEFORE ME, the undersigned authority, personally appeared the undersigned Affidavit, who, being first duly sworn, under penalty of perjury, deposes and says:

1. That Affidavit is the owner or the authorized agent of the owner of certain real estate (the Property) located within the municipal limits of the Town of Sewall's Point, Florida (the Town), having the street address set forth below Affidavit's signature.
2. That all of the improvements on the Property under current building permit(s) issued by the Town have been completed in substantial conformity with the plans and specifications on file with the Town and in accordance with all applicable state and local building codes.
3. That the total cost paid or to be paid by the owner for the complete construction of the improvements under the building permit(s), including the cost of all improvements shown on the plans and specifications filed with the Town and all machinery and equipment not shown thereon required to be installed as a condition for a certificate of occupancy under state and local law, is \$ 7000.00.
4. That this Affidavit is made for the purpose of inducing the Building Official of the Town to issue a Certificate of Occupancy for the improvements, with the intention that it be relied upon for that purpose.

Affidavit's Signature:

[Handwritten Signature]

Property Address:

SWORN TO and subscribed before me this 2 day
of Nov. 2004 by Michael Weinberg
_____, who is personally known to me or
produced _____ as identification.

[Handwritten Signature]

Notary Public

My commission expires: Sept 18, 06

(Notary Seal)



TOWN OF SEWALL'S POINT

Building Department - Inspection Log

Date of Inspection: Mon Wed Fri 4/18, 2005 Page 1 of

| PERMIT | OWNER/ADDRESS/CONTR. | INSPECTION TYPE | RESULTS | NOTES/COMMENTS: |
|----------------|--------------------------------------|--------------------------------------|---------|-------------------------------|
| 738 | BONIFACE | CONC. WALL | PASS | |
| 7 | 63 S. RIVER RD WILSON BUDS | | | INSPECTOR: <i>[Signature]</i> |
| 743 | SCHRAEDER | POOL ELECTRIC | FAIL | |
| 9 | 4 EMARITA WAY SIBOIS ELECTRIC | SIBOIS 486-1568 | | INSPECTOR: <i>[Signature]</i> |
| 7454 | FOWLER | ROOF FINAL | PASS | CLOSE |
| 10 | 18 FIELDWAY DR ALL AREA ROOFING | | | INSPECTOR: <i>[Signature]</i> |
| 6812 | MADER | STEM WALL | PASS | |
| 1 | 106 ABBIE COURT PURUCKER HOMES | (FIRST PLEASE) | 0 | INSPECTOR: <i>[Signature]</i> |
| 7285 | ZYGMAN | DRY-IN | FAIL | MUST RESCHEDULE |
| 6 | 18 SIMAR EAST ALL AMERICAN | | | INSPECTOR: <i>[Signature]</i> |
| 7262 | TAYLOR | DRY-IN | PASS | |
| 8 | 11 PALM ROAD COMPANY ROOFING | 315 534 0536 (late 10-11. Please) | | INSPECTOR: <i>[Signature]</i> |
| 7136 | Weinbergh | Final - Dock | PASS | CLOSE |
| 5 | 146 S. SPR Tropic Marine Construc | | | INSPECTOR: <i>[Signature]</i> |
| OTHER: 6908 | 715. ROAD PHOENIX | PERMIT FOR ROOFER? | PASS | <i>[Signature]</i> |

157- S. RIVER. NEEDS PERMIT.
to ATTACHED CHIMNEY & WINDOWS-

DOCK PERMIT

LETTER OF NO OBJECTION

We, Sylvia Mendez and _____
being the owner (s) of certain property adjacent to and abutting the
property of Michael Weinberg who have applied for a
dock permit for construction, have read and reviewed the drawing of
the dock and We (I) have no objection to the proposed dock pursuant
to the plan attached herein.

Sylvia Mendez
Signature

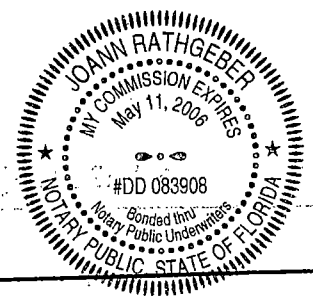
Signature

STATE OF Florida
COUNTY OF St. Lucie

SWORN TO AND SUBSCRIBED before me this 26th day
of January, 2004

JoAnn Rathgeber
NOTARY PUBLIC

MY COMMISSION EXPIRES: 5-11-2006



DOCK PERMIT

LETTER OF NO OBJECTION

We, James M. Moran Jr. as Mng. Member of Owner and Baytree Island LLC

being the owner (s) of certain property adjacent to and abutting the property of Michael + Shira Weinberg who have applied for a dock permit for construction, have read and reviewed the drawing of the dock and We (I) have no objection to the proposed dock pursuant to the plan attached herein.

James M. Moran Jr.
Signature
James M. Moran Jr.
Mng. Member - Baytree Island LLC.

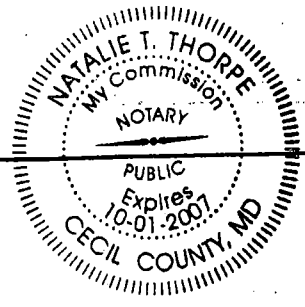
Signature

STATE OF Maryland
COUNTY OF Cecil

SWORN TO AND SUBSCRIBED before me this 2nd day of February, 20 04

Natalie T. Thorpe
NOTARY PUBLIC

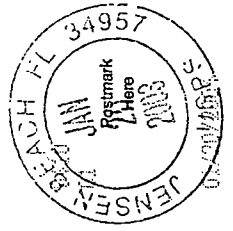
MY COMMISSION EXPIRES: _____



U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only. No Insurance Coverage Provided)

OFFICIAL USE

| | |
|---|----------|
| Postage | \$ 22.30 |
| Certified Fee | \$2.30 |
| Return Receipt Fee (Endorsement Required) | \$1.75 |
| Restricted Delivery Fee (Endorsement Required) | \$0.00 |
| Total Postage & Fees | \$ 26.35 |



Sent To: SYLVIA MENDEZ
 Street, Apt. No., or PO Box No.: PRIMA VISTA BLD
 City, State, ZIP+4: P. ST. LUCIE, FL 34952
 PS Form 3811, August 2001 See Reverse for Instructions

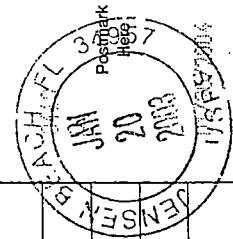
2086 8287 E000 0940 2002

| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
|--|--|--|--|
| <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. | | A. Signature X <i>Tina Theraset</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee | |
| 1. Article Addressed to: | | B. Received by (Printed Name) | |
| SYLVIA MENDEZ PRIMA VISTA BLD P. ST. LUCIE, FL 34952 | | C. Date of Delivery 1-22 | |
| 2. Article Number (Transfer from service label) | | D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: | |
| 7002 0460 0003 1828 9802 | | 3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. | |
| PS Form 3811, August 2001 | | 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes | |
| Domestic Return Receipt | | 102595-01-M-0381 | |

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only. No Insurance Coverage Provided)

OFFICIAL USE

| | |
|---|----------|
| Postage | \$ 22.30 |
| Certified Fee | \$2.30 |
| Return Receipt Fee (Endorsement Required) | \$1.75 |
| Restricted Delivery Fee (Endorsement Required) | \$0.00 |
| Total Postage & Fees | \$ 26.35 |



Sent To: Baytree Island
 Street, Apt. No., or PO Box No.: 88 Rivers Edge Rd
 City, State, ZIP+4: Elk Manor Farm 2101
 PS Form 3811, August 2001 See Reverse for Instructions

6186 8287 E000 0940 2002

| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
|--|--|--|--|
| <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. | | A. Signature X <i>OK</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee | |
| 1. Article Addressed to: | | B. Received by (Printed Name) | |
| Baytree Isl, LLC 88 Rivers Edge Rd Elk Manor Farm North East, MD 2101 | | C. Date of Delivery 1/23/04 | |
| 2. Article Number (Transfer from service label) | | D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: | |
| 7002 0460 0003 1828 9819 | | 3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. | |
| PS Form 3811, August 2001 | | 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes | |
| Domestic Return Receipt | | 102595-01-M-0381 | |