

INSTR # 2283597 DR BK 02526 PG 2917 RECD 07/13/2011 12:47:55 PM  
Pgs 2917 - 2922 (6pgs)  
MARSHA EWING MARTIN COUNTY DEPUTY CLERK L Bettineschi

ORDINANCE #28

AN ORDINANCE OF THE TOWN OF SEWALL'S POINT, FLORIDA, TO AMEND ORDINANCE #8 ADOPTED BY THE TOWN OF SEWALL'S POINT ON THE 8th DAY OF JANUARY, 1958, ESTABLISHING A 150 FOOT BULKHEAD LINE, SAID ORDINANCE #8 IS TO BE AMENDED BY VACATING THE 150 FOOT BULKHEAD LINE AS IT EXTENDS SOUTHWARD FROM THE NORTHEAST CORNER OF LOT 25, PLAT OF ARBELLA, PLAT BOOK 3, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, PROHIBITING ANY FILL OR EXTENSION OF LAND BEYOND SAID BULKHEAD LINE; REQUIRING APPLICATIONS FOR PERMISSION AND APPROVAL FROM PROPER AUTHORITIES BEFORE ANY FILLING OR DREDGING MAY BE MADE WITHIN THE LANDWARD SIDE OF SAID BULKHEAD LINE; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND FOR OTHER PURPOSES.

WHEREAS, the Town did establish a 150 foot bulkhead line along portions of the East shoreline of said Town, which was established by Ordinance #8 adopted by the Town of Sewall's Point on the 8th day of January, 1958, and

WHEREAS, the Amendment desired in connection with this 150 foot bulkhead line pertains to that portion that extends southward from the northeast corner of Lot 25, Plat of Arbella, Plat Book 3, Page 29, Public Records of Palm Beach County, Florida, to the end of Sewall's Point, and

WHEREAS, a Notice has been published as required by law of this intended Amendment of Ordinance #8, and

WHEREAS, a Notice was mailed by certified mail to all property owners within 1000 ft. of the proposed change of bulkhead line, and

WHEREAS, a public hearing was had pursuant to the aforesaid Notice and no objections were filed or offered to the amendment of the aforesaid Ordinance #8, and

WHEREAS, the Town of Sewall's Point desires to further protect the Town in that they desire to prohibit any fill or extension of land beyond such bulkhead line without permission and the Town desires to retain control of improvements from the shoreline to the easterly boundary line of the new bulkhead line, and any property owner must have application for permission and approval from proper authorities before any filling or dredging may be made within the landward side of said bulkhead line, and

WHEREAS, any one desiring to make any improvements between the shoreline and the eastern bulkhead line as being established by this Ordinance, must have permits.

WHEREAS, the Town desires to provide penalties for the violation of any terms and conditions of this Ordinance.

THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE TOWN  
OF SEWALL'S POINT:

Section 1. That Ordinance #8 of the Town of Sewall's Point adopted on the 8th day of January, 1958, establishing a 150 foot bulkhead line, be amended by vacating the 150 foot bulkhead line as it extends southward from the northeast corner of Lot 25, Plat of Arbella, Plat Book 3, Page 29, Public Records of Palm Beach County, Florida, to the end of Sewall's Point.

Section 2. That Ordinance #8 be, and the same is hereby amended by substituting a new bulkhead line extending southward from the northeast corner of Lot 25, Plat of Arbella, Plat Book 3, Page 29, Public Records of Martin County, Florida, which amended line is hereby described as follows:

Begin at the point where the easterly extended north line of Lot 25, Plat or Arbela, Plat Book 3, Page 29, Public Records of Palm Beach County, Florida, ( now Martin County), intersects the existing bulkhead line of the Town of Sewall's Point, as shown in Plat Book 3, Page 134, Public Records of Martin County, Florida; thence N.  $84^{\circ}59'33''$  E. a distance of 1250.31'; thence S.  $9^{\circ}56'$  East a distance of 2506.4 ft.; thence run S.  $3^{\circ}35'37''$  W. a distance of 2,400.96'; thence run S.  $45^{\circ}01'46''$  W. a distance of 374.76' to a point on the west line of MSA, M-4, that is 220' Southeasterly of the point of intersection of said MSA line opposite P.I. Base line station 149 + 09.42 as shown on the Florida Inland Navigation District Maintenance Spoil Area Maps of Martin County, Florida, Sheets 6 and 7, dated August 1954; thence run S.  $24^{\circ}01'31''$  E. along said west line of MSA M-4, a distance of 480'; thence run N.  $65^{\circ}58'29''$  E. a distance of 200'; thence run S.  $24^{\circ}01'31''$  E. a distance of 500'; thence run S.  $65^{\circ}58'29''$  W. a distance of 200' to the aforesaid west line of MSA M-4; thence run S.  $30^{\circ}00'$  W. a distance of 200'; thence run N.  $80^{\circ}00'$  W. a distance of 300'; thence run N.  $41^{\circ}05'$  W. a distance of 650' to a point where a line that is 601.16' southwesterly of and parallel to the west line of MSA M-4 where said MSA line bears S.  $24^{\circ}01'31''$  E. intersects the existing bulkhead line of the Town of Sewall's Point.

Section 3. The aforesaid new bulkhead line will replace the old 150 foot bulkhead line along the area encompassed in said new line and does establish the bulkhead line for the six islands east of the shoreline of the Town of Sewall's Point, Florida.

Section 4. From and after the effective date of this Ordinance, no fill or filling or other creation or extension of land shall be made or maintained on the channel side of the above described land, and no filling or dredging or similar activity shall be made on the landward side of said line without formal written approval from the Town of Sewall's Point and other necessary authorities.

Section 5. Any person desiring to construct islands or to add to or extend existing lands within the landward side of the above described bulkhead line by pumping, dredging, dumping sand, rock or earth or by any other means,

shall first make application to the governing body of this municipality for permission to do so. Such written application shall be accompanied by a plan or drawing showing the proposed construction and shall also show the area from which any fill material is to be dredged if the proposed construction is intended to be created from dredged material. In the event such application be found by the governing body of this municipality not to be violative of any statute, zoning law, ordinance or other restriction which may be applicable thereto, or that no harmful obstruction to or alteration of the natural flow of the adjacent navigable waters will arise from the proposed construction, or that no harmful or increased erosion, shoaling of channels or stagnant areas of water will be created thereby, and that no material injury or monetary damage to adjoining land or property will accrue therefrom, the same shall be granted to the applicant, subject, however, to the approval of the Trustees of the Internal Improvement Fund of the State of Florida, and the United States Army Corps of Engineers.

Section 6. All permits issued under Sections 4 and 5 hereof shall be valid for a period of two (2) years from the date thereof, but shall be automatically revoked if the proposed work is not completed within such period, except for good cause shown. Such permits shall also be subject to revocation for non-compliance therewith or a violation thereof.

Section 7. Nothing contained in Sections 4 and 5 hereof shall be construed as authorizing the extension of land or placing of any fill on the channel or seaward side of the bulkhead line described in Section 2 of this Ordinance, nor beyond any bulkhead line now or hereafter established by this municipality, the county, the State of Florida, the United States of America, or any of their authorized agencies.

Section 8. All parts of Ordinance #8 adopted the 8th day of January, 1958, by the Town of Sewall's Point not inconsistent with the Amendment are otherwise approved, ratified and confirmed.



Section 9. This amended bulkhead line is hereby defined as set forth in Chapter 253 of Florida Statutes as amended, and this Ordinance is enacted in conformance therewith and under the authority thereof.

Section 10. Any person, firm or corporation violating the terms of this Ordinance shall be punished by a fine not exceeding \$200.00 and imprisonment not exceeding 30 days.

Section 11. Each day of a violation of this Ordinance shall constitute a separate offense.

Section 12. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 13. If any part of this Ordinance is declared invalid or unenforceable, the remaining portions of the ordinance shall continue to be in full force and effect.

Section 14. This Ordinance shall take effect immediately upon the date of its passage according to law.

PASSED at first reading at meeting of the Town Commission held on the 10th day of October, 1962.

PASSED second reading and finally passed at meeting of the Town Commission held on the 14 day of November, 1962.

TOWN COMMISSIONERS OF THE TOWN OF SEWALL'S POINT.

ATTEST:

Jeanie Nickling  
As Clerk

By [Signature]  
As Mayor-Commissioner

[Signature]  
Commissioner

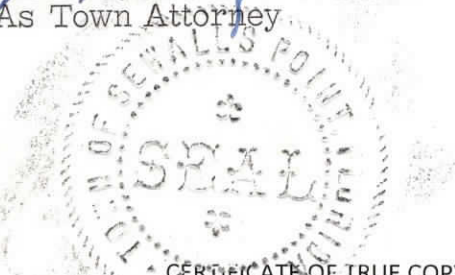
Approved as to form and correctness this 10th day of October, 1962.

[Signature]  
As Town Attorney

John T. Dickinson  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner



CERTIFICATE OF TRUE COPY

This is to certify this document is a true and correct copy of the foregoing document as on file with the Town of Sewall's

Ann-Marie L. Baxter Town Clerk

STATE OF FLORIDA )  
                              ) ss:  
COUNTY OF MARTIN )

Personally appeared before me, a Notary Public in and for the State of Florida at Large, JEAN NIEBLING, who first being duly sworn upon oath, deposes and says that she is the duly qualified and acting Town Clerk of the Town of Sewall's Point, Martin County, Florida; that pursuant to the Laws of Florida governing said Town of Sewall's Point, she did post at the Town Hall, a true copy of the foregoing Ordinance No. 28 passed by the Town Commission of the Town of Sewall's Point on the 14 day of Nov, 1962, the title to said Ordinance being as follows:

AN ORDINANCE OF THE TOWN OF SEWALL'S POINT, FLORIDA, TO AMEND ORDINANCE #8 ADOPTED BY THE TOWN OF SEWALL'S POINT ON THE 8th DAY OF JANUARY, 1958, ESTABLISHING A 150 FOOT BULKHEAD LINE, SAID ORDINANCE #8 IS TO BE AMENDED BY VACATING THE 150 FOOT BULKHEAD LINE AS IT EXTENDS SOUTHWARD FROM THE NORTHEAST CORNER OF LOT 25, PLAT OF ARBELLA, PLAT BOOK 3, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, PROHIBITING ANY FILL OR EXTENSION OF LAND BEYOND SAID BULKHEAD LINE; REQUIRING APPLICATIONS FOR PERMISSION AND APPROVAL FROM PROPER AUTHORITIES BEFORE ANY FILLING OR DREDGING MAY BE MADE WITHIN THE LANDWARD SIDE OF SAID BULKHEAD LINE; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND FOR OTHER PURPOSES.

A copy of said Ordinance was posted as aforesaid by the undersigned on the

14 day of Nov, 1962.

Jean Niebling  
Town Clerk

Sworn to and subscribed before me  
this 14 day of \_\_\_\_\_, 1962.

\_\_\_\_\_  
Notary Public