

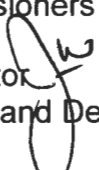



Interoffice Memorandum

AGENDA ITEM

August 14, 2020

TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Planning, Environmental, and Development
Services Department

CONTACT PERSON: **David Jones, P.E., CEP, Manager** 
Environmental Protection Division
(407) 836-1406

SUBJECT: September 22, 2020 — Consent Item
Environmental Protection Commission Recommendation to
uphold the Environmental Protection Officer decision to
revoke Dock Construction Permit No. BD-19-09-103 for Nora
De Arrigoitia Logan Dock Construction Permit BD-19-09-103

On January 7, 2020, the Environmental Protection Division (EPD) issued Dock Construction Permit No. BD-19-09-103 to the Permittee, Ms. Nora De Arrigoitia Logan, and the boat dock was subsequently constructed according to the approved plans. However, on April 6, 2020, the Environmental Protection Officer (EPO) revoked the Permit upon notification from the adjacent property owner that the Permittee had constructed a portion of the dock on privately-owned submerged lands not owned by the Permittee. The project site is located at 4809 Beach Boulevard, Orlando, FL 32803 and the Parcel ID number is 21-22-30-3932-01-020. The subject property is located on Lake Susannah in District 5.

On February 17, 2020, EPD was contacted by Mr. Alan Horne who has Power-of Attorney for his parents, John and Margaret Horne, to advise EPD that the Logan dock was partially constructed on submerged lands owned by his parents. The Hornes own the adjacent properties at 4815 Beach Boulevard (Parcel ID No. 21-22-30-3932-01-010) and Susannah Boulevard (Parcel ID No. 21-22-30-0000-00-007). The Logan dock is partially constructed over the latter property. Mr. Horne initially requested that Ms. Logan obtain legal access to the property via an access easement, but on March 5, 2020, Mr. Horne contacted EPD again to advise staff that negotiations had failed and he wanted the portion of the dock that was located on his parents' property removed. On February 25, 2020, EPD obtained a title determination from the Florida Department of Environmental Protection, which indicated that there was insufficient information to determine if the submerged lands were state-owned and, therefore, recommended that state proprietary requirements not apply to this site.

On March 31, 2020, EPD received an email from Ms. Logan's Authorized Agent, Mr. Jason Louche, with an attached legal opinion from Korshak & Associates, P.A. The

legal opinion stated that the owner (Ms. Logan) had the right to access the lake and construct a dock out to the point of navigability. The legal opinion was reviewed by the Orange County Attorney's Office (OCAO). After consultation with OCAO, EPD determined that Ms. Logan was in violation of Chapter 15, Article IX, section 15-341(b)(3) and multiple permit conditions because she had failed to provide satisfactory evidence of title or legal access to privately owned submerged lands owned by the Hornes. Permit condition #22 states that "the dock permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee."

On April 6, 2020, EPD sent Ms. Logan a letter revoking Permit #BD-19-09-103, which stated she had 45 days to remove that portion of the dock located on the Hornes' property. On April 17, 2020, EPD received an unsigned "Letter of Appeal" from the Permittee and her tenant, Mr. Richard Fitzgerald. Mr. Fitzgerald has limited power of attorney to represent Ms. Logan in this matter. The appeal fee was not submitted at that time. On April 23, 2020, EPD sent the original Revocation of Permit letter via certified mail to Ms. Logan. On May 29, 2020, EPD sent a follow-up letter to Ms. Logan via certified mail, which provided her and her representative a new deadline of June 5, 2020 to submit a proper appeal. On June 5, 2020, EPD received a timely signed appeal letter and appropriate appeal fee. On July 9, 2020, Mr. Alan Horne was notified verbally by EPD staff of the appeal by the Permittee and Mr. Fitzgerald, and Mr. Horne provided a letter of objection via electronic mail on the same day.

In accordance with Article IX, Section 15-349(a), appeals to decisions of the EPO must be heard by the Environmental Protection Commission (EPC), which then renders a recommendation to the Board. Based upon evidence and testimony presented at the July 29, 2020 EPC public hearing, the EPC voted to unanimously recommend upholding the decision of the EPO to revoke Dock Construction Permit No. BD-19-09-103, and require that the Permittee remove the portion of the dock extending onto the Hornes' property, and provide an as-built survey showing the dock is in compliance with Orange County Code, Chapter 15, Article IX within 60 days of the decision by the Board, or provide acceptable documentation that demonstrates the Permittee has legal access to the Horne property in accordance with Article IX, Section 15-341(b)(3).

ACTION REQUESTED:


Accept the findings and recommendation of the Environmental Protection Commission and uphold the revocation of Dock Construction Permit No. BD-19-09-103, and require that the Permittee remove the portion of the dock extending onto the Hornes' property and provide an as-built survey showing the dock is in compliance with Orange County Code, Chapter 15, Article IX within 60 days of the decision of the Board of County Commissioners, or provide acceptable documentation that demonstrates the Permittee has legal access to the Hornes' property in accordance with Section 15-341(b)(3), for the Nora De Arrigoitia Logan Dock Construction Permit BD-19-09-103. District 5



Interoffice Memorandum

July 17, 2020

To: Environmental Protection Commission

From: David D. Jones, P.E., CEP, Manager 
Environmental Protection Division

Subject: Nora De Arrigoitia Logan, Owner and Richard S. Fitzgerald, Tenant, Request for Appeal to EPO Decision to Revoke Dock Permit BD-19-09-103

Reason for Public Hearing

On April 6, 2020, the Orange County Environmental Protection Division's (EPD) Environmental Protection Officer (EPO) revoked Dock Construction Permit No. BD-19-09-103 for failure to demonstrate satisfactory evidence of title or legal access to privately-owned submerged lands in accordance with Article IX, Section 15-341(b)(3). The Appellants, Nora De Arrigoitia Logan (property owner and Permittee) and Richard S. Fitzgerald (tenant), have filed an appeal to the EPO decision in accordance with Article IX, Section 15-349.

Location of Property/Legal Description

The project site is located at 4809 Beach Boulevard, Orlando, Florida 32803. The Parcel ID number is 21-22-30-3932-01-020. The subject property is located on Lake Susannah in District 5 (**Attachment A**).

Background

- January 7, 2020 – EPD issued Dock Construction Permit No. BD-19-09-103 to Ms. Nora De Arrigoitia Logan c/o her contractor and Authorized Agent (AA), Mr. Jason Louche with Creative Construction Solutions. The dock permit includes the approved plans (**Attachment B**). The permit included 16 Specific Conditions and 18 General Conditions. General Condition 22 and 23 are highlighted below as they are integral to the matter at hand:

General Condition 22: Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.

General Condition 23: This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This 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 upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article IX of the Orange County Code. If these permit conditions conflict with those of any other regulatory

Page Two

July 29, 2020 Environmental Protection Commission

Appeal of the EPO's Decision to Revoke Dock Construction Permit BD-19-09-103

agency the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.

- January 27, 2020 – Building permit B20001463 was issued by the County's Building Safety Division (**Attachment C**).
- Between January 27, 2020 and February 17, 2020 – The grandfathered dock was removed and replaced with the dock authorized under BD-19-09-103. The new dock extends approximately 25 feet into the privately-owned submerged lands owned by John and Margaret Horne.
- February 17, 2020 – EPD was contacted by Mr. Alan Horne, on behalf of his parents, John and Margaret Horne, and advised staff that the dock was being constructed on submerged lands owned by his family (Parcel No. 21-22-30-0000-00-007). Information available from the Orange County Property Appraiser's website supports Mr. Horne's contention that his parents own the submerged lands for the referenced parcel. Mr. Horne further indicated that he wanted the Permittee (Ms. Logan) to re-apply for a permit and request an easement for access on his family members' property. (**Attachment D**).
- February 17-18, 2020 – Staff again reviewed the approved plans and identified that a line on the survey at the waterward end of the dock that was labeled as a section line was in fact a property line. Staff had not requested any title information at the time of application review because there was no perceived conflict with any adjacent owner's property and the placement of the dock (**Attachment E**).
- February 18, 2020 – EPD requested a title determination from the Florida Department of Environmental Protection (FDEP) Division of State Lands.
- February 19, 2020 – EPD staff contacted the Permittee's contractor and AA, and Mr. Alan Horne to discuss the matter. At this time, EPD was advised by the AA that the parties were working on a solution.
- February 25, 2020 – FDEP responded to the title determination request and indicated that the state has insufficient information to determine if the submerged lands are state-owned; therefore, they recommended that proprietary requirements not apply to the site (**Attachment F**).
- March 5, 2020 – Mr. Alan Horne contacted EPD and indicated that his family wanted the dock removed from their property.
- March 31, 2020 – EPD received an e-mail from the AA that included a legal opinion from Korshak & Associates, P.A. stating that, "it is our legal opinion that the owner has the right to access the lake and construct a dock out to the point of navigability." The letter goes on to state, "our legal conclusion, which is based on facts provided by Mr. Fitzgerald and Ms. Logan, and the law as cited in this letter, is that the owner of 4809 Beach Blvd. has the right to build a dock on Lake Susannah out to the point of navigability, regardless of who owns the lake." (**Attachment G**).
- April 6, 2020 – After conferring with the Orange County Attorney's Office, a determination was made that the permit was in violation of the bolded language below in General Conditions 22 and 23.

General Condition 22: Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.

General Condition 23: This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This 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 upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article IX of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.

There has not been an adjudication on the dispute between the Permittee and the Hornes as to who owns the submerged land under the Logan dock. However, based on the information EPD was provided, the County revoked the dock permit because satisfactory evidence of title suggests that a portion of the dock is on submerged land owned by the Hornes.

EPD mailed a letter (via United States Postal Service) to Ms. Logan revoking the permit and established a 45-day deadline to remove the portion of the dock constructed on the Hornes' property. Mr. Fitzgerald has indicated he is not represented by legal counsel in this matter. (**Attachment H**).

- April 17, 2020 – EPD received a “Letter of Appeal” of the EPO decision to revoke the permit from the Appellants. However, the appeal was unsigned and the appeal fee was not submitted (**Attachment I**).
- April 23, 2020 – The revocation of permit letter was resent to Ms. Logan via certified receipt mail (**Attachment J**).
- May 29, 2020 – EPD sent a follow-up letter to the Appellants providing them with a new deadline of June 5, 2020 to submit a proper appeal (**Attachment K**).
- June 5, 2020 – EPD received a timely signed appeal letter and fee (**Attachment L**).
- July 9, 2020 – EPD received a letter of objection from Mr. Alan Horne (**Attachment M**).

Dock History

Prior to the construction of the new dock, there was an existing dock that extended from the shoreline of Ms. Logan's property approximately eight feet onto the submerged property owned by John and Margaret Horne.

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Appeal of the EPO's Decision to Revoke Dock Construction Permit BD-19-09-103

According to historic aerial photos, the dock was constructed sometime prior to 1984; therefore, it was considered a "grandfathered" structure in accordance with Article IX, Section 15-346(d).

Public Notifications

On July 15, 2020, the Appellant, Mr. Fitzgerald, the AA, and Mr. Alan Horne, who has a Power of Attorney for John and Margaret Horne, were sent notices via email to inform them of the Environmental Protection Commission meeting on July 29, 2020 (**Attachment N**). On July 16, 2020, the Appellant, Ms. Nora De Arrigoitia Logan and John and Margaret Horne (adjacent affected property owners) were sent notices via regular mail to inform them of the Environmental Protection Commission meeting on July 29, 2020.

Appeal Process for Decisions of the EPO

Appeals of decisions of the EPO are governed by Article X, Section 15-349(a), which states, "The applicant, or parties who have previously filed written objections, may, within fifteen (15) calendar days of the decision of the environmental protection officer, file a written notice of appeal with the environmental protection officer. If no notice of appeal is received within the fifteen (15) calendar day period, then the prior ruling of the environmental protection officer shall be final. If an appeal is taken, such appeal shall be heard by the environmental protection commission. The environmental protection commission shall render a recommendation to the board approving, approving with modifications, or denying the recommendation of the environmental protection officer. The recommendation of the environmental protection commission shall be provided to the board within twenty-one (21) days, provided that if no meeting is scheduled within the 21-day period, then the recommendation shall be presented at the first meeting of the board following the expiration of the 21-day period. The board may accept the recommendation or call for a public hearing."

Staff Recommendation

Staff has evaluated the appeal letter and other documentation submitted by the Appellants, and the objection by Mr. Alan Horne, and determined that the Permittee has failed to demonstrate satisfactory evidence of title or legal access to privately owned submerged land in accordance with Chapter 15, Article IX, Section 15-341(b)(3).

The EPO recommends that the decision to revoke Dock Construction Permit No. BD-19-09-103 be upheld and the portion of the dock that extends onto submerged lands owned by John and Margaret Horne be removed, and upon completion of the removal, provide an as-built survey that demonstrates the dock complies with Article IX, Orange County Code. Alternatively, the Permittee shall provide acceptable documentation (e.g., easement agreement) within 60 days of the Board of County Commissioners decision that demonstrates the Permittee has legal access and the right to keep the dock as constructed on the Horne property.

ACTION REQUESTED: **Recommend approval of the recommendation of the Environmental Protection Officer to uphold the revocation of Dock Construction Permit No. BD-19-09-103, and require that the Permittee remove the portion of the dock extending onto the Hornes' property and provide an as-built survey showing the dock is in compliance with Orange County Code, Chapter 15, Article IX within 60 days of the decision by the Board of County Commissioners, or provide acceptable documentation that demonstrates the Permittee has legal access to the Horne property in accordance with Article IX, Section 15-341(b)(3). District 5**

EL/NT/TMH/ERJ/DJ: mg

Attachments



Interoffice Memorandum

Nora De Arrigoitia Logan, Owner and Richard S. Fitzgerald, Tenant, Request for Appeal to EPO Decision to Revoke Dock Permit BD-19-09-103

✖ Attachment A: Location of Property/Legal Description

Attachment B: Dock Construction Permit No. BD-19-09-103 with approved plans to Ms. Nora De Arrigoitia Logan c/o her contractor and Authorized Agent (AA), Mr. Jason Louche with Creative Construction Solutions.

Attachment C: Building Permit No. B20001463

✖ Attachment D: Figure and documentation identifying ownership of land

Attachment E: Approved site plan

Attachment F: FDEP determination

✖ Attachment G: legal opinion from Korshak & Associates

✖ Attachment H: EPD mailed a letter (via United States Postal Service) to Ms. Logan revoking the permit and established a 45-day deadline to remove the portion of the dock constructed on the Horne property. Mr. Fitzgerald has indicated he is not represented by legal counsel in this matter.

Attachment I: April 17, 2020, EPD received a "Letter of Appeal" of the EPO decision to revoke the permit from the Appellants. However, the appeal was unsigned and the appeal fee was not submitted.

Attachment J: April 23, 2020 revocation of permit letter was resent to Ms. Logan via certified receipt mail. Verification of receipt of letter attached.

Attachment K: May 29, 2020, EPD follow-up letter to the Appellants providing them with a new deadline to submit a proper appeal. Verification of receipt of letter attached

✖ Attachment L: June 5, 2020; timely signed appeal letter and fee from Ms. Logan and Mr. Fitzgerald.

✖ Attachment M: July 9, 2020 Letter of Objection from Mr. Alan Horne.

Attachment N: On July 15, 2020, the Appellants, the AA, Mr. Alan Horne, who has the adjacent affected property owner's Power of Attorney for the John and Margaret Horne, and John and Margaret Horne, property owners were sent notices to inform them of the Environmental Protection Commission meeting on July 29, 2020.

* Items included with Bcc Staff report.

Appeal of the EPO Decision to Revoke Boat Dock Permit



Appeal of the EPO Decision to Revoke Boat Dock Permit Permit No. BD-19-09-103 District # 5

Appellants: Nora De Arrigoitia Logan, Owner
Richard S. Fitzgerald, Tenant

Address: 4809 Beach Blvd, Orlando
Parcel ID: 21-22-30-3932-01-020

Project Site 
Property Location 



Appeal of the EPO Decision to Revoke Boat Dock Permit



Appeal of the EPO Decision to Revoke Boat Dock Permit Permit No. BD-19-09-103 District # 5

Appellants: Nora De Arrigoitia Logan, Owner
Richard S. Fitzgerald, Tenant



Nora Logan Property

4809 Beach Blvd
Parcel ID No. 21-22-30-3932-01-020



John Horne Property

4815 Beach Blvd (Single-family lot)
Parcel ID No. 21-22-30-3932-01-010
Susannah Blvd (Submerged Land)
Parcel ID No. 21-22-30-0000-00-007



Property Record - 21-22-30-0000-00-007

Orange County Property Appraiser • <http://www.ocpafl.org>

Property Summary

Property Name
Susannah Blvd

Names
Horne John J Jr
Horne Margaret J

Municipality
ORG - Un-Incorporated

Property Use
9600 - Waste Land

Mailing Address
4815 Beach Blvd
Orlando, FL 32803-3150

Physical Address
Susannah Blvd
Orlando, FL 32803



QR Code For Mobile Phone



Value and Taxes

Historical Value and Tax Benefits

Tax Year Values	Land	Building(s)	Feature(s)	Market Value	Assessed Value
2019 <input type="checkbox"/> W <input type="checkbox"/> MKT	\$180	+ \$0	+ \$0 = \$180 (0%)	\$180 (0%)	\$180 (0%)
2018 <input checked="" type="checkbox"/> MKT	\$180	+ \$0	+ \$0 = \$180 (0%)	\$180 (0%)	\$180 (0%)
2017 <input checked="" type="checkbox"/> MKT	\$180	+ \$0	+ \$0 = \$180 (0%)	\$180 (0%)	\$180 (0%)
2016 <input checked="" type="checkbox"/> MKT	\$180	+ \$0	+ \$0 = \$180	\$180	\$180

2019 Taxable Value and Estimate of Proposed Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes %
Public Schools: By State Law (Rle)	\$180	\$0	\$180	3.8610 (-4.69%)	\$0.69 24 %
Public Schools: By Local Board	\$180	\$0	\$180	3.2480 (0.00%)	\$0.58 20 %
Orange County (General)	\$180	\$0	\$180	4.4347 (0.00%)	\$0.80 28 %
Unincorporated County Fire	\$180	\$0	\$180	2.2437 (0.00%)	\$0.40 14 %
Unincorporated Taxing District	\$180	\$0	\$180	1.8043 (0.00%)	\$0.32 11 %
Library - Operating Budget	\$180	\$0	\$180	0.3748 (0.00%)	\$0.07 2 %
St Johns Water Management District	\$180	\$0	\$180	0.2414 (-5.78%)	\$0.04 1 %
				16.2079	\$2.90

2019 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
There are no Non-Ad Valorem Assessments				

Property Features

Property Description

W1/2 OF E1/2 OF SE1/4 OF NW1/4 OF SEC 21-22-30 (REF 3991/1290)

Total Land Area

429,013 sqft (+/-) | 9.85 acres (+/-) GIS Calculated

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class	Unit Price	Class Value
9600 - Waste Land	R-1A	0.9 ACRE(S)	\$100.00	\$90		\$0.00	\$90
9520 - Lake	R-1A	8.95 ACRE(S)	\$10.00	\$90		\$0.00	\$90

Buildings

Extra Features

Description	Date Built	Units	Unit Price	XFOB Value
There are no extra features associated with this parcel				

Sales

Sales History

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
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03/05/2003 \$100	20030130722 06814 / 4147 Quitclaim Multiple	Horne John J Life Estate Horne Margaret J Life Estate Rem: John & Margaret Horne Trust	Horne John J Jr Horne Margaret J	Vacant
08/06/1996 \$100	20020217889 06516 / 7386 Warranty Multiple	Horne John J Jr Horne Margaret J	Horne John J Life Estate Horne Margaret J Life Estate Rem: John & Margaret Horne Trust	Vacant
06/01/1988 \$2,000	19883029531 03991 / 1290 Quitclaim Deed			Vacant

This instrument prepared by:
Name: JOHN J. HORNE AND MARGARET HORNE

Address: 4815 BEACH BLVD.
ORLANDO, FL 32803

Return to: COAST TO COAST TITLE SERVICES, INC.
120 UNIVERSITY PARK DRIVE SUITE 280
WINTER PARK, FL 32792

Address:

Property Appraisers Parcel Identification Number(s):
21-22-30-3932-01010
Grantee(s) S.S #'s:



INSTR 20030130722
OR BK 06814 PG 4147
MARTHA O. HAYNIE, COMPTROLLER
ORANGE COUNTY, FL
03/06/2003 11:29:39 AM
DEED DOC TAX 0.70
REC FEE 6.00
LAST PAGE

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Quit-Claim Deed, Executed this 3-5-2003, by JOHN J. HORNE, JR. AND MARGARET J. HORNE, AS CO-TRUSTEES LTD, DATED AUGUST 6, 1996 whose post office address is 4815 BEACH BLVD. ORLANDO, FL 32803, first part, to JOHN J. HORNE, JR AND MARGARET J. HORNE,, whose post office address is 4815 BEACH BLVD. ORLANDO FL 32803 second party:

(Wherever used herein the terms "first part" and "second part" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, That the said first part, for and in consideration of the sum \$10.00, in hand paid by the said second part, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of ORANGE, State of FLORIDA, to-wit:

PARCEL 1: LOT 1, BLOCK A, OF JAMAJO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK J, PAGE 88, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PARCEL 2: LOT 7 AND THE UNNUMBERED LOT SOUTHWEST OF LOT 7, BLOCK G, OF PONCE DE LEON, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK N, PAGE 28, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALSO: ALL LAND LYING NORTHWESTERLY OF THE ABOVE DESCRIBED PROPERTIES AND BETWEEN THE EXTENSION OF THE SOUTHWESTERLY LINE OF SAID LOT 1, BLOCK A, JAMAJO, AND THE EXTENSION OF THE NORTHEASTERLY LINE OF SAID LOT 7, BLOCK G, OF PONCE DE LEON, TO THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 22 SOUTH, RANGE 30 EAST.

To Have and to Hold, The same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

In Witness Whereof, The said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Ophelia C. Daniel
Signature
Ophelia C. Daniel
Printed Signature

Ophelia C. Daniel
Signature
Ophelia C. Daniel
Printed Signature

Robert Shedd
Robin Shedd

John J. Horne, Jr.
JOHN J. HORNE, JR., AS TRUSTEE LTD, DATED AUGUST 6, 1996

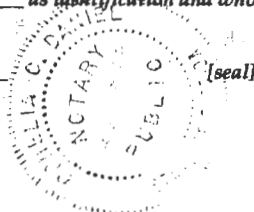
John J. Horne, Jr.
JOHN J. HORNE, JR, INDIVIDUALLY
Margaret J. Horne
MARGARET J. HORNE, AS TRUSTEE LTD, DATED AUGUST 6, 1996

Margaret J. Horne
MARGARET J. HORNE, INDIVIDUALLY

STATE OF FLORIDA
COUNTY OF

The foregoing instrument was acknowledged before me this 3-5-03 by JOHN J. HORNE, JR. AND MARGARET J. HORNE, AS TRUSTEES LTD DATED AUGUST 6, 1996 AND INDIVIDUALLY who is personally known to me or who produced _____ as identification and who did/did not take an oath.

Ophelia C. Daniel
Notary Public
My Commission Expires: 4-28-05



Ophelia C. Daniel
MY COMMISSION # DD016643 EXPIRES
April 28, 2005
BONDED THROUGH TROY FAIR INSURANCE, INC.

KORSHAK & ASSOCIATES, P.A.
ATTORNEYS AT LAW

STEPHEN D. KORSHAK †
skorshak@korshaklaw.com

LEE KARINA DANI
lkd@korshaklaw.com

BRADFORD PETRINO
bpetrino@korshaklaw.com

† ALSO ADMITTED IN ILLINOIS

March 23, 2020

Richard Fitzgerald and Nora Logan
4809 Beach Blvd.
Orlando, FL 32803-3103
rickfitz2011@yahoo.com

VIA ELECTRONIC
AND U.S. MAIL

RE: Letter of Opinion
Water rights appurtenant to 4809 Beach Blvd.

Dear Mr. Fitzgerald and Ms. Logan:

This firm was retained to give a legal opinion concerning the rights of the owner of 4809 Beach Blvd. to construct a boat dock for the purpose of accessing Lake Susannah.

The Florida Constitution guarantees that all navigable waters in the state are owned by the state in trust for the people.¹ The body of law that has developed around this constitutional provision establishes that because the state owns bodies of water for the benefit of the people, any person who owns land bordering on navigable waters have a set of rights that are guaranteed to them—when the body of water is a river the rights are called *riparian*, and when it is a lake, the rights are called *littoral*.²

An owner's riparian and littoral rights include the right to access the main body of water, and the right to wharf out or build a dock out to the point of navigability but not beyond the low water line.³ Moreover, even if the state has (in very rare circumstances) granted a

¹ FLA. CONST. art. X, § 11; *Stop the Beach Renourishment, Inc. v. Fla. Dep't of Env'tl. Prot.*, 560 U.S. 702, 707 (2010); *Ferry Pass Inspectors' & Shippers' Ass'n v. White's River Inspectors' & Shippers' Ass'n*, 48 So. 643, 644-45 (Fla. 1909).

² *5F, LLC v. Dressing*, 142 So. 3d 936, 939 n.3 (Fla. 2d DCA 2014).

³ *Belvedere Dev. Corp. v. Dep't of Transp.*, 476 So. 2d 649, 651 (Fla. 1985); *Ferry Pass*, 48 So. at 644-45 (Fla. 1909); 56 FLA. JUR. 2d *Water* §§ 184, 186 (2020).

www.korshaklaw.com

950 S. WINTER PARK DR., SUITE 290, CASSELBERRY, FL 32707

Office (407) 855-3333 Facsimile (407) 855-0455

South Office (By Appointment Only) 14115 Town Loop Blvd, #300, Orlando, FL 32837

Attachment G

person private ownership of a body of water, the adjacent landowners still possess all of their littoral and riparian rights to access the water and build a dock.⁴

So in the case of the property located at 4809 Beach Blvd, whose Northernmost boundary extends to the mean high water line of Lake Susannah, it is our legal opinion that the owner has the right to access the lake and construct a dock out to the point of navigability.

With respect to the contention of the adjacent property owners to the East of 4809 Beach Blvd. (John J. Horne, Jr. and Margaret J. Horne as Trustees) that they own a portion of the lake and can restrict the construction of a dock encroaching into the portion that they own, there are two factors that negate their position:

First, the only way the Hornes could be private owners of the lake would be if the state of Florida had made a determination that it was in the public interest for the lake to be privately owned, and then had deeded the lake to the Hornes or their predecessor-in-interest. We could locate no evidence that this has occurred, but our research was limited to resources available online. From those resources we could only see that the oldest deed purporting to convey the portion of the lake was from Alan and Eva Pearson to the Hornes in 1988. To track ownership of the lots further back to the 1924 plat would require ordering a title search from a title insurance underwriter, at a likely cost of several hundred dollars. But at this point it is at least safe to conclude that it is extremely unlikely that Florida granted private ownership of a seemingly random slice of Lake Susannah, and would suggest any argument with the Hornes over the matter begin with the Hornes demonstrating their ownership of the lake affirmatively.

Second and more decisively, the law provides that even if the Hornes owned the lake—even if the Hornes owned the entire lake all the way to where the ordinary high water line touches the boundary of 4809 Beach Blvd.—that would have no effect on the right of every adjacent landowner to construct a dock out to the point of navigability.⁵

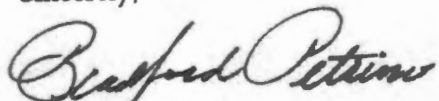
In summary, our legal conclusion, which is based on the facts provided by Mr. Fitzgerald and Ms. Logan, and the law as cited in this letter, is that the owner of 4809 Beach Blvd. has the right to build a dock on Lake Susannah out to the point of navigability, regardless of who owns the lake. Note that this opinion does not touch upon the necessity of applicable government permits, which are almost certainly required.

⁴ *5F, LLC*, 142 So. 3d at 943 (“We conclude there is a common law qualified riparian right or privilege to construct piers or wharves from the riparian owner’s land onto submerged land to the point of navigability but not beyond the low water line, subject to the superior and concurrent rights of the public and to applicable regulations. This is true regardless of whether the submerged lands are held in trust by the State or privately held.”).

⁵ *Id.*

Please don't hesitate to contact our office with any further questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Bradford Petrino". The signature is fluid and connected, with the first and last names being the most prominent.

Bradford Petrino



ENVIRONMENTAL PROTECTION DIVISION

David D. Jones, P.E., CEP, Manager

3165 McCrory Place, Suite 200
Orlando, FL 32803
407-836 1400 • Fax 407-836-1499
www.ocfl.net

April 6, 2020

Certified Mail:
Via USPS

Ms. Nora De Arrigoitia Logan
4809 Beach Blvd.
Orlando, FL 32803-3103

Subject: Revocation of Boat Dock Permit: BD-19-09-103
Address: 4809 Beach Blvd., Orlando, FL 32803
Parcel ID No.: 21-22-30-3932-01-020
Orange County Building Permit No.: B20001463
Lake Susannah Orange County Commission District: 5

Dear Ms. Logan:

On January 6, 2020, the Environmental Protection Division issued you permit BD-19-09-103. On February 17, 2020, EPD was notified that the dock authorized by the above-referenced permits was being constructed on submerged lands not owned by permittee, but owned by John Horne (Parcel ID No.: 21-22-30-0000-00-007). EPD sought a sovereignty submerged lands (SSL) determination from the Florida Department of Environmental Protection and the determination indicates that Lake Susannah is not considered SSL. Furthermore, EPD staff has confirmed that portions of the dock have been constructed on SSL not owned by the permittee; therefore, the dock is not in compliance with General Condition #22 of Dock Construction Permit #BD-19-09-103 which states:

Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.

Therefore, BD-19-09-103 is hereby revoked. A copy of the permit is attached.

Within 45 days of the date of this letter, the portions of the dock that are located on submerged lands owned by John Horne (Parcel ID No.: 21-22-30-0000-00-007) must be removed. Best management practices shall be installed and maintained during the dock removal/modification to prevent water quality impacts to Lake Susannah. Once completed, please submit an as-built survey to EPD that clearly indicates the dock is in compliance. Alternatively, within that same

Serving our community by conserving, protecting, and enhancing the environment for current and future generations.

Attachment H

timeframe, the permittee may provide EPD with a copy of a fully executed easement, or other appropriate legal document, that grants permission to the permittee to have their dock, more specifically the dock's pilings, remain located on submerged land owned by Mr. Horne.

If you have any questions concerning this matter, please contact Georgiana Holmes with the Orange County Attorney's Office. You can reach Ms. Holmes at (407) 836-7320 or at Georgiana.Holmes@ocfl.net.

Sincerely,



David D. Jones, P.E., CEP
Manager/Environmental Protection Officer
Environmental Protection Division

EL ~~SP~~ /IMH/ERJ/DJ: gfdjr

Enclosure: Dock Construction Permit #BD-19-09-103

C: Jennifer Thomson, EPD, Jennifer.Thomson@ocfl.net
Shane Gerwig, Orange County Division of Building Safety, Jeremy.Gerwig@ocfl.net
Georgiana Holmes, Orange County Attorney's Office, Georgiana.Holmes@ocfl.net
John Horne, 4815 Beach Blvd., Orlando, FL 32803, alanrhorne@gmail.com
Jason Louche, Creative Construction Solutions, jlouche@ccsboatdock.com



Environmental Protection Division

DOCK CONSTRUCTION PERMIT

Permit No.: BD-19-09-103

Date Issued: January 6, 2020

Date Expires: January 6, 2021

A Permit Authorizing:

The removal of an existing dock and construction of a new dock. The new dock may not exceed the measurements identified by the Environmental Protection Division (EPD) stamp on the survey received by EPD on November 8, 2019, and Sheet S-1 prepared by Daniel Souter, P.E. and received by EPD on December 11, 2019.

This permit is issued pursuant to Orange County Code, Chapter 15, Article IX, Construction of Dock Ordinance of Orange County and is subject to the permit conditions provided on the following pages:

Activity Location:

4809 Beach Blvd., Orlando, FL 32803
Parcel ID No.: 21-22-30-3932-01-020
Lake Name: Susannah
Orange County Commission District: 5

Permittee / Authorized Entity:

Nora De Arrigoitia Logan
c/o Jason Louche
Creative Construction Solutions
Email: jlouche@ccsboatdocks.com

Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
407-836-1400 Fax: 407-836-1499
www.OCEPD.org

As the permit holder, you are responsible to ensure that all the conditions are met. If you are using a contractor to perform the activities authorized within the permit you are both responsible for meeting the conditions of your permit. If you fail to meet any of the conditions, you and/or your contractor may be subject to formal enforcement which may include administrative penalties.

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the 15 calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. The operational phase of this permit is effective upon the completion of construction and continues in perpetuity.
3. Construction activities shall be completed in accordance with the 'Survey and Plan View' submitted by Creative Construction Solutions and received by the Environmental Protection Division (EPD) on November 8, 2019, and 'Sheet S-1' submitted by Creative Construction Solutions and received by EPD on December 11, 2019. Construction shall not exceed the measurements identified on the stamp on the plans. The permitted work must be completed within one year from the date of issuance of the permit. Requests for permit extension must be submitted to the EPD prior to the expiration date.
4. Minimum height of the deck must be one foot above the Normal High Water Elevation (NHWE) of 95.16 feet above mean sea level (NAVD 1988) for Lake Susannah. Maximum height of the roof shall be no higher than 12 feet above the floor elevation.
5. The applicant has proposed to jet out the old pilings. Turbidity booms must be installed throughout construction and must remain in place until all sediments have settled out of the water column to prevent water quality impacts.
6. The dock must be constructed within the access corridor according to Chapter 15, Article VII. No access corridor is allowed through any conservation area and/or easement.
7. The structure and its use shall not significantly impede navigability in the waterbody.
8. There shall be no dredging or filling associated with construction of the structure(s) authorized herein, other than that required for installation of structural pilings.
9. Dock structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
10. All excess lumber, scrap wood, trash, garbage, and similar materials shall be removed from the project area immediately.
11. The permittee shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittee shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations, which occur prior to the transfer of the permit by Orange County to a

subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.

12. Unless expressly authorized by this permit and approved site plans, no floating platform structure (including, but not limited to, jetski platforms) has been approved with the issuance of this permit. If, at any time, any addition to the terminal platform (including, but not limited to, a floating platform) is proposed, the permittee or future owners of the property may be required to apply for, and obtain, a new Dock Construction Permit.
13. At least 48-hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a 'Construction Notice' indicating the actual start date and expected completion date.
14. The permit holder and/or designated agent must submit a notice of completion to EPD within 30 days of completion of the construction of the permitted structure so that a compliance check may be performed by EPD staff. The permit holder and/or designated agent must provide as-built drawings on a final survey, signed and sealed by an appropriate professional licensed by the State of Florida, with the notice of completion. The signed and sealed as-built survey shall consist of an aerial view and a side view of dock structure as well as any other information required to demonstrate compliance with the permitted structure. The following items must be included on the survey:
 - a. North arrow;
 - b. Name of water body;
 - c. Reference point;
 - d. Setback distance from all portions of the boat dock;
 - e. NHWE;
 - f. Floor elevation (measured from the NHWE);
 - g. Roof elevation (measured from the top of the floor to the top of the roof);
 - h. Length of dock below the NHWE;
 - i. Access walkway width;
 - j. Conservation easements, wetlands, buffers, berm and swale/drainage easements;
 - k. Floor elevation of the dock through easements, wetlands or buffers;
 - l. Complete dimensions of the terminal platform.
15. A copy of this permit, along with EPD stamped and approved drawings should be taken to the Orange County Zoning Division (OCZD) at 201 South Rosalind Avenue for approval. For further information, please contact the OCZD at (407) 836-5525.
16. After approval by OCZD, the certified site plans will need to be reviewed by the Orange County Building Safety Division (OCBSD) in order to obtain a building permit. For further information, please contact the OCBSD at (407) 836-5550.

General Conditions:

17. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at

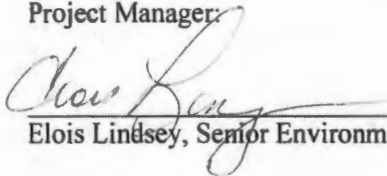
any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.

18. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
19. The projected property lines, as identified on the stamped permit drawings, should be field staked by a professional land surveyor prior to the start of construction in order to be sure that the dock is constructed in the permitted location. Utilizing an adjacent boat dock or fence line is not sufficient for accurate placement of the dock, and may result in the placement of the dock in the wrong location. It is extremely important to build the dock in the approved location. Upon completion of construction, if an unauthorized encroachment into the required minimum setback occurs, you may be required to relocate the dock.
20. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval.
21. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
22. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
23. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This 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 upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article IX of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.

24. The permittee is hereby advised that Section 253.77, Florida Statutes (FS), states that a person may not commence any excavation, construction, or other activity involving the use of sovereignty 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.
25. Should any other regulatory agency require changes to the permitted activities, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
26. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
27. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
28. EPD staff shall have permission to enter the site to ensure conformity with the plans and specifications approved by the permit.
29. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
30. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
31. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
32. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rules 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code. Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters may occur due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
33. Pursuant to Section 125.022, FS, issuance of this permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
34. Pursuant to Section 125.022, FS, the applicant shall obtain all other applicable state or federal permits before commencement of the activity authorized herein.

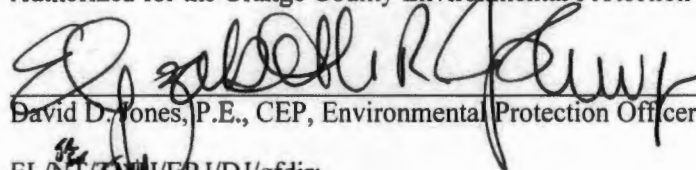
If you should have any questions concerning this review, please contact Elois Lindsey at 407-836-1448 or via email at Elois.Lindsey@ocfl.net.

Project Manager:



Elois Lindsey, Senior Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:



David D. Jones, P.E., CEP, Environmental Protection Officer

EL/NT/STMM/ERJ/DJ/gfdjr:

Enclosure(s): Construction Notice
Approved Plans

c: Nora De Arrigoitia Logan, 4809 Beach Blvd., Orlando, FL 32803, rickfitz2011@yahoo.com
Department of Environmental Protection, DEP_CD@dep.state.fl.us



Construction Notice

Approximate Starting Date: _____

Approximate Completion Date: _____

Permit Number/Name: **BD-19-09-103, 4809 Beach Boulevard**

Remarks:

Agent/Consultant/Permittee: _____

Date: _____

Complete and Return to:

By Email: Elois.Lindsey@ocfl.net

By Fax: 407-836-1499, Attn: Elois Lindsey

By Mail: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, FL 32803

Boundary Survey

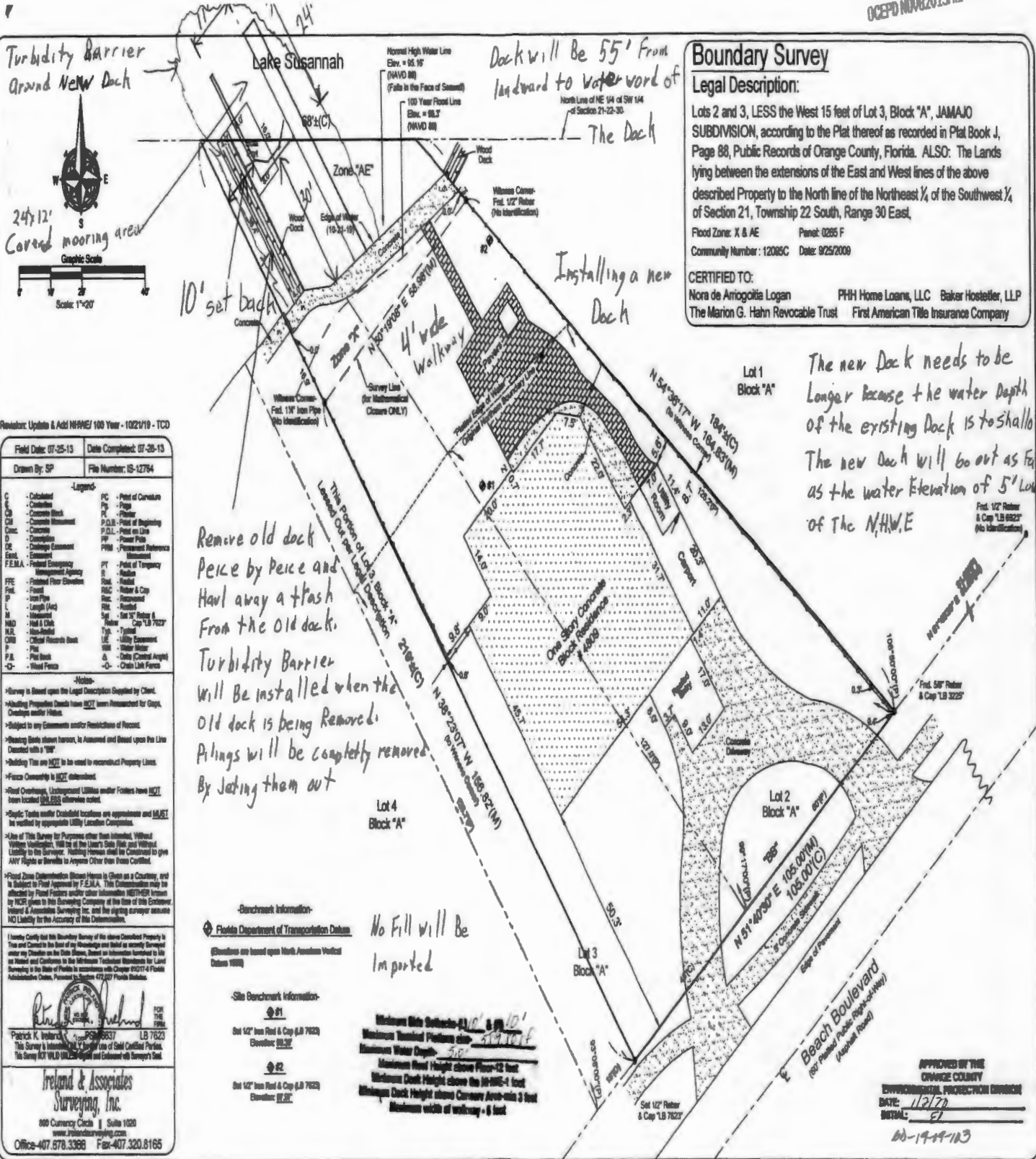
Legal Description:

Lots 2 and 3, LESS the West 15 feet of Lot 3, Block "A", JAMAJO SUBDIVISION, according to the Plat thereof as recorded in Plat Book J, Page 88, Public Records of Orange County, Florida. ALSO: The Lands lying between the extensions of the East and West lines of the above described Property to the North line of the Northeast 1/4 of the Southwest 1/4 of Section 21, Township 22 South, Range 30 East.

Flood Zone: X & AE Parcel: 0285 F
Community Number: 12085C Date: 9/25/2009

CERTIFIED TO:

Nora de Amigoletta Logan PPH Home Loans, LLC Baker Hostetter, LLP
The Marion G. Hahn Revocable Trust First American Title Insurance Company



Revision: Update & Add NRM/100 Year - 10/21/10 - TCD

Field Date: 07-25-13 Date Completed: 07-29-13
Drawn By: SP File Number: IS-12784

Legend:

C	Calculated	PC	Point of Curvature
Ch	Corner	Pp	Post
Ch	Corner Block	Pl	Plate
Ch	Corner Monument	P.O.B.	Point of Beginning
Ch	Corner	P.O.L.	Point on Line
D	Description	PP	Power Pole
DE	Drainage Easement	PRM	Permanent Reference Monument
EM	Easement	PT	Point of Tangency
F.E.M.A.	Federal Emergency Management Agency	S	Station
FPE	Flooded Floor Elevation	Stk	Stake
FSL	Flood	StC	Stake & Cap
P	Iron Pipe	Stc	Stake
L	Length (Arc)	Stk	Stake
M	Monument	Sig	Sign
MSD	Map & Data	Sig	Sign 1/2\"/>

Notes:

- Survey is based upon the Legal Description Supplied by Client.
- Abutting Properties Deeds have NOT been Reviewed for Claps, Overlaps and/or Hints.
- Subject to any Comments under Restrictions of Record.
- Missing Data shown hereon, is Assumed and based upon the Line Closed with a "0"
- Building This are NOT to be used to reconstruct Property Lines.
- Force Closing is NOT indicated.
- Wood Overhangs, Underground Utilities and/or Fences have NOT been located UNLESS otherwise noted.
- Specific Tents and/or Disturbance locations are approximate and MUST be verified by appropriate Utility Location Companies.
- Use of This Survey for Purpose other than intended, Without Written Consent, Will be at the User's Sole Risk, With No Liability to the Surveyor. Working Hours shall be Confined to give ANY Rights or Benefits to Anyone Other than those Confirmed.
- Flood Zone Determination (Shown Here) is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Factors and/or other information NOT-REF toment by NCEI given to the Surveying Company at the time of the Contract. Inland & Associates Surveying, Inc. and the signing surveyor assume NO Liability for the Accuracy of this Determination.

I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as accurately Surveyed and as shown on the Data shown, based on information furnished to me as shown and Confirmed in the Affidavit Subscribed Herein for Land Surveying in the State of Florida in accordance with Chapter 650.14 Florida Administrative Code, Passed by Statute 475.007 Florida Statute.

Inland & Associates Surveying, Inc.
880 Conroy Circle | Suite 1028
www.inlandsurveying.com
Office: 407.878.3368 Fax: 407.320.6165

Remove old dock
Piece by piece and
Haul away a trash
From the old dock.
Turbidity Barrier
will be installed when the
old dock is being removed.
Plings will be completely removed
By Jating them out

No Fill will be
Imported

The new Dack needs to be
Longer because the water depth
of the existing Dack is too shallow.
The new Dack will go out as far
as the water Elevation of 5' Lower
of the N.H.W.E

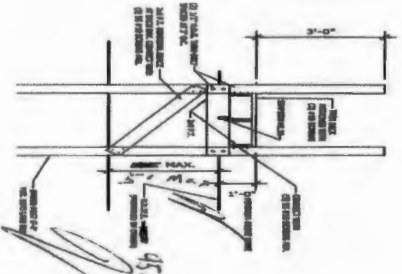
- Benchmark Information:**
- Florida Department of Transportation Datum
(Elevations are based upon North American Vertical Datum 1988)
 - Site Benchmark Information:
 - BM 01
Set 1/2" Iron Rod & Cap 6.0 7623
Elevation: 88.27
 - BM 02
Set 1/2" Iron Rod & Cap 6.0 7623
Elevation: 88.27

Minimum Gate Setback - 61' & 60'
Maximum Trenching Position - 51'
Maximum Water Depth - 5.0'
Minimum Flood Height above Floor - 12 feet
Minimum Dock Height above the 10-1985-1 foot
Maximum Dock Height above Curvature Area - 10.5 feet
Maximum width of walkway - 6 feet

APPROVED BY THE
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
DATE: 11/2/13
DRAWN: SP
00-1919-103

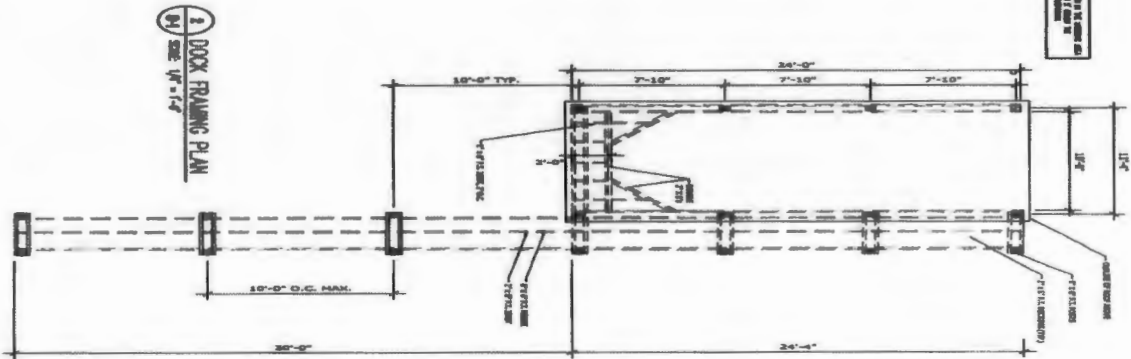
1. GENERAL NOTES
2. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
3. ALL MATERIALS SHALL BE APPROVED BY THE ENGINEER.
4. ALL CONNECTIONS SHALL BE APPROVED BY THE ENGINEER.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AISC STEEL CONSTRUCTION MANUAL AND THE ACI CONCRETE CODE.
6. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
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19. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
20. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.

1 GEN. STRUCTURAL NOTES
BY: SEE 1/F-14

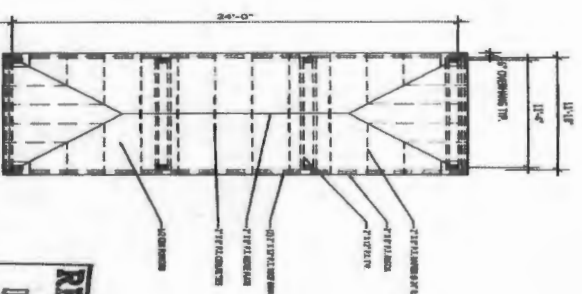


4 WALKWAY SECTION
BY: SEE 1/F-14

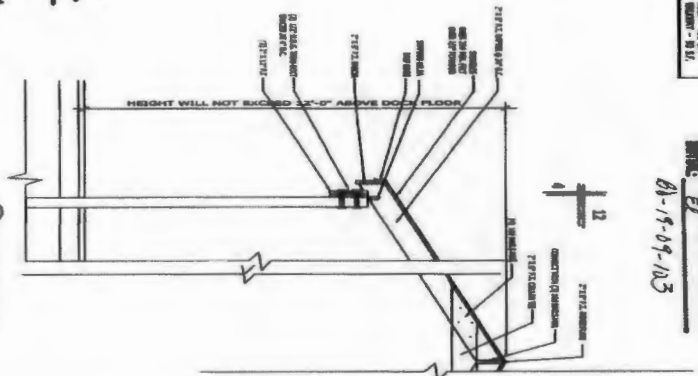
95.16 NAVD 88



2 DOCK FRAMING PLAN
BY: SEE 1/F-14



3 DOCK ROOF FRAMING PLAN
BY: SEE 1/F-14



5 ROOF SECTION
BY: SEE 1/F-14

Minimum Side Slope - 1/4" / 12" / 1.11'
Minimum Vertical Profile - 5/16" / 0.31'
Minimum Rider Depth - 3" / 0"
Minimum Roof Height above Floor - 12" / 1"
Minimum Deck Height above the FINISH Deck
Minimum Deck Height above Concrete Slab - 1" / 1"
Minimum width of walking - 3' / 0"

DATE: 11/27/04
BY: EL

APPROVED BY THE
ENGINEER
DATE: 11/27/04
BY: EL

RECEIVED
DEC 11 2004
BY: EPO/EL

S-1

OCEPD JUN52020PM1:14Z

April 17, 2020

To the concerning parties:

David D. Jones

Georgiana Holmes, Georgiana.Holmes@ocfl.net

This is my appeal to:

Revocation of Boat Dock Permit: BD-19-09-103

Address: 4809 Beach Blvd., Orlando FL 32803

Parcel ID No.: 21-22-30-3932-01-020

Orange County Building Permit No.: B20001463

Lake Susannah Orange County Commission District: 5

The following reasons of appeal are in no particular order.

Due to the ongoing Coronavirus restrictions coupled with an extremely difficult and far reaching Title Search of 4815 Beach Blvd property, more time is required. Innovative Title Services has been researching beginning April 7th, 2020. We have not been provided antique or sufficient time for the completion of findings. There seems to be plenty of property line issues.

We are also contending implied easement based on the prior dock and boathouse. The former dock and boat cover extended well past the magical SSL. New ordinances required shifting the new construction to the center of the yard. Furthermore, the minimum allowable water depth for a boat cradle was the determining site factor. At no time have we not followed the exact steps required and necessary to rebuild an old dock and deteriorating boathouse.

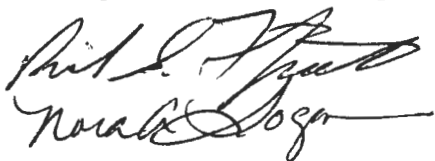
The next point of appeal brings in to question the validity of your determination of Lake Susannah to not being considered SSL. In consulting with Orlando land development and administrative law experts; the opinion was your department had over-stepped your authority.

The last appeal is for more time to build a case challenging permitting decisions. As you are aware, the construction was completed prior to the receipt of the above revocation.

In closing, we feel our efforts to compromise a voluntary easement have fallen on deaf ears. We hope our points of appeal justify an extension of time to correct matters.

Sincerely,

Nora Logan and Richard S. Fitzgerald

Handwritten signatures of Richard S. Fitzgerald and Nora Logan. The signature of Richard S. Fitzgerald is written in black ink and is positioned above the signature of Nora Logan, which is written in blue ink.

6/5/20

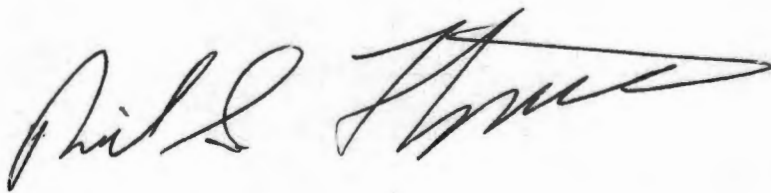
OCEPD JUN52020PM1:142

DEAR ORANGE COUNTY COMMISSION,

PLEASE SCHEDULE THE MEETING DATE
TO THE LAST WEDNESDAY OF JULY IF
POSSIBLE.

WE CONTINUE TO RESEARCH THE PROPERTY
LINE ISSUES.

THANK YOU.

A handwritten signature in black ink, appearing to read "Phil Stone". The signature is written in a cursive style with a long, sweeping horizontal stroke at the end.

RECEIPT FOR PAYMENT

Board of County Commissioners

Department EPD Date 6-5-2020
Received From Richard Fitzgerald
Address 4809 Beach Blvd, Orlando, FL 32803
For Boat Dock Vanone

Amount \$ 409.00
Org/Fund 0001-068
Account No. 2420-4340
4-12 (3/87)



Orange County
737301

- CASH
- CHECK/MO NO. 2311
- OTHER

RECEIVED BY Terri Bannan

From: alanrhome@gmail.com
To: [Johnson, Liz](#); [Holmes, Georgiana](#)
Cc: [Lindsey, Elois B](#); [Thomas, Neal](#); [Hull, Tim M](#); t2beaches@aol.com; [Thomson, Jennifer E](#)
Subject: RE: Revocation of Permit - BD-19-09-103
Date: Thursday, July 9, 2020 9:16:32 PM

Ms. Johnson, Ms. Holmes,

I note that nothing has changed with the dock illegally built by the owners of property at 4809 Beach Blvd in over four months. I remind you of the following:

The dock is built in violation of the permit, now revoked.

The dock construction was completed in violation of a stop order.

The dock encroaches on land not owned by the person who built the dock.

I object to all these actions by the dock owner who resides at 4809 Beach Blvd. The dock is built illegally on land owned by my parents, John J. Horne and Margaret J. Horne. I am acting on their behalf in stating this objection under the rights assigned to me via a financial power of attorney that includes authority for real estate.

I further object to the lack of enforcement action by your offices thus far and to the coddling of the dock owner in making an appeal. If the Orange County EPD does not take steps to enforce the revocation then I will consider legal action against the EPD of Orange County for failure to respect, preserve and enforce property rights.

Sincerely,
Alan Horne

Attachment M