

## **DOCKING EXTENSION AGREEMENT**

**THIS IS AN AGREEMENT** by and between Guten Tag Sunshine LLC (hereinafter "OWNER A"), whose address is 461 SE 19<sup>th</sup> Ave 1-4, Pompano Beach, Florida and Donald R Cosgrove (hereinafter "OWNER B"), whose address is 491 SE 19<sup>th</sup> Ave, Pompano Beach, Florida, and the CITY OF POMPANO BEACH (hereinafter "CITY"), a municipal corporation of the State of Florida located at 100 West Atlantic Boulevard, Pompano Beach, Florida 33060.

**WHEREAS**, OWNER A and OWNER B desire to construct docks within five feet of the extended property line adjacent to their properties legally described as follows:

**See Exhibits "A" and "B" attached hereto.**

**WHEREAS**, Section 151.03 (H), "Structures in Waterways," of the Pompano Beach Code of Ordinances requires that in order for adjacent property owners to construct docks within five feet of an extended property line, the affected abutting property owners shall first enter into an agreement with the CITY which states they have reviewed and approved the proposed engineering plans for constructing a structure within five feet of their extended property lines and that they indemnify the CITY for any claim brought against the CITY in connection with said structure; and

**WHEREAS**, OWNER A, OWNER B, and CITY have reached an agreement regarding OWNER A and OWNER B constructing docks within five feet of an extended property line and desire to memorialize the agreement; and

**IN CONSIDERATION** of the mutual promises, terms and conditions contained herein, OWNER A, OWNER B and CITY agree as follows.

1. CITY is a party to this Agreement for the sole purpose of ensuring compliance with Section 151.03, "Structures in Waterway," of the Pompano Beach Code of Ordinances. As such, this Agreement is made on the express condition that OWNER A and OWNER B agree that CITY shall be held harmless and free from all claims for damages for injury or death to any person or property damage of any kind that occurs in connection with this Agreement. Further, OWNER A and OWNER B shall indemnify CITY, its officials, its agents and employees against all liability, including legal and attorney's fees, resulting from any injury, death or damage described in this paragraph.

2. This Agreement shall be approved by the Office of the City Attorney for legal content and shall be of no effect until it is properly executed by all parties and recorded along with a copy of the approved plans in the Public Records of Broward County, Florida. CITY assumes no responsibility for recording and must be provided a copy of the Agreement showing the recording information prior to permit issuance.

3. OWNER A and OWNER B are individually and jointly responsible for compliance with all applicable Federal, state and local regulations pertaining to the construction, maintenance and use of any shared docking facilities to the extent that constructing docks within five feet of an extended property line may result in other existing improvements being rendered non-compliant such as may be the case with enforcement of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes, and Florida Building Code Section 424.2.

4. The parties have reviewed and approved the proposed engineering plans for construction of docks within five feet of the extended property line, a copy of which are attached hereto and made a part hereof as "Exhibit C," and OWNER A and OWNER B grant unto the other the full right to erect, maintain and keep such structure.

5. The parties will not be joining their docks together to form one contiguous surface.
6. This agreement may not be terminated without the agreement of all parties.
7. The provisions contained herein shall be restrictions and covenants running with the land and shall be binding upon the heirs, successors and assigns of the parties.
8. This agreement shall be of no effect until it is properly executed by the OWNERS and CITY and recorded in the Public Records of Broward County, Florida.
9. No boatlifts shall be erected within five feet of the extended property line.
10. No vessels may be docked within the five feet of the extended property line.
11. Fire suppression systems shall be installed as required by applicable City, County, State of Florida and Federal law requirements. Fire suppression systems shall be shown on plans and maintained in full working order at all times.

**REMAINDER OF PAGE IS INTENTIONALLY  
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**IN WITNESS WHEREOF**, the parties have executed this agreement on the respective date under each signature.

**"CITY":**

**Witnesses:**

**CITY OF POMPANO BEACH**

\_\_\_\_\_  
Signature

By: \_\_\_\_\_  
REX HARDIN, MAYOR

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Witness Address

\_\_\_\_\_  
Witness City, State, Zip

By: \_\_\_\_\_  
GREGORY P. HARRISON, CITY MANAGER

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Witness Address

\_\_\_\_\_  
Witness City, State, Zip

Attest:

\_\_\_\_\_  
ASCELETA HAMMOND, CITY CLERK

(SEAL)

Approved by:

\_\_\_\_\_  
MARK E. BERMAN, CITY ATTORNEY

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this day of \_\_\_\_\_, 20\_\_, by **REX HARDIN** as Mayor, **GREGORY P. HARRISON** as City Manager and **ASCELETA HAMMOND** as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who are personally known to me.

NOTARY'S SEAL:

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or Stamped)

\_\_\_\_\_  
Commission Number

**"OWNER A":**

Witnesses:

Ryan Wise  
Witness One - Sign Name

Melanie Hofer  
Owner A - Signature

Ryan Wise  
Address: 527 SW 21 Terr #2, Ft. Lauderdale FL 33312  
Witness One - Print Name

Guten Tag Sunshine LLC; Melanie Hofer  
Owner A - Print or Type Name

Austin Spiller  
Witness Two - Sign Name

Dated: 12/18/23

AUSTIN SPILLER  
Witness Two - Print Name  
Address: 527 SW 21 Terr #2, Ft. Lauderdale FL 33312

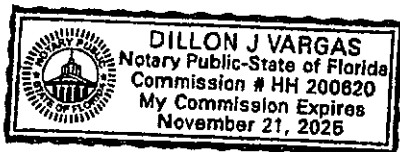
STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me, by means of ☒ physical presence  
or ☐ online notarization, this 18<sup>th</sup> day of December, 2023, by Melanie Hofer  
He/she is personally known to me or has produced  
Drivers License (type of identification) as identification.

NOTARY'S SEAL:

Dillon J Vargas  
NOTARY PUBLIC, STATE OF FLORIDA



Dillon J Vargas  
(Name of Acknowledger Typed, Printed or Stamped)  
HH 200620  
Commission Number

**"OWNER B":**

Witnesses:

✓ Nora Carmona  
Witness One - Sign Name

Nora Carmona

Witness One - Print Name

Address: 4901 N Federal Hwy, Ft Lauderdale FL 33308

X Donald R Cosgrove  
Owner B - Signature

Donald R Cosgrove

Owner B - Print or Type Name

Dated: 12-15-2023

X Angela K Cosgrove  
Witness Two - Sign Name

Angela K Cosgrove

Witness Two - Print Name

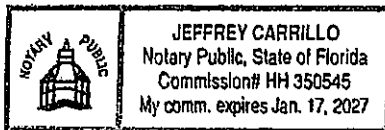
Address: 491 SE 19 Ave Pompano Beach FL 33060

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me, by means of ☒ physical presence  
or ☐ online notarization, this 15<sup>th</sup> day of Dec, 2023, by Donald Cosgrove.  
He/she is personally known to me or has produced  
FLDL (type of identification) as identification.

NOTARY'S SEAL:



NOTARY PUBLIC, STATE OF FLORIDA

X Jeffrey Carrillo  
(Name of Acknowledger Typed, Printed or Stamped)

HH 350545  
Commission Number