

Hi Sandy-

Hope you are doing well. I'm writing this as my official public comments to the notice we received about the 524 Harbour Island Boat Dock. I'm writing this both on my personal behalf and as President of the HOA for Harbour Oaks Pointe. I assume sending you an e-mail would be ok, but please let me know if I need to submit these comments via different medium.

We object to the proposed location of the boat dock. The proposed location extends into the navigable waterway and will likely block at least some boat traffic. The proposed location is almost directly across from the already existing boat dock at 449 Harbour Oaks Pointe Drive. This pre-existing permitted boat dock, along with the permitted davits for hanging a boat on the dock, has been present in the canal for decades with the City's approval. If the proposed boat dock for 524 Harbour Island is constructed where it is currently contemplated, when there is a boat hanging from the existing 449 HOP Dock, there will not be enough space in the navigable waterway for some boats to pass through (particularly any pontoon or deck boats). Even for boats that are narrow enough to pass through, it would create an unnecessarily dangerously narrow passage where boats would have to pass through diagonally.

449 Harbour Oakor Point does not currently have a boat hanging in their (again, preexisting permitted and authorized) davits, so maybe this situation is not apparent to the dock contractor or anyone else looking at the layout. For any interested party, including anyone at the City, we would be happy to arrange for a boat to be placed alongside this dock and for us to do a test run through the dangerously narrow channel that would be created by this new proposed boat dock. The impediment to navigation is pretty obvious when you see it from the perspective of the water.

We would propose that the boat dock merely be moved 25-30 feet along the shoreline to the east. While I am not an engineer, it appears that this would easily solve the problem and allow the homeowner of 524 Harbour Island Road to still have their dock. We aren't objecting to the proposed dock itself, just the *location* of the dock. The 524 Harbour Island Road homesite has what looks like over 100 feet of shoreline, and their contractor is literally picking one of the worst spots on their shoreline to put a dock. There are plenty of better spots to put a dock.

While Florida law recognizes a right to build a dock to access navigable water, it also sets forth that docks may not impeding navigable waters. Obstructing a navigable waterway is a clear violation of well-established Florida and Federal law (see *Reed v. Miami Beach Peer Corp.*, 112 So. 841 (Fla. 1927); *5F, LLC v. Dresing*, 142 So. 3d 936, 943 (Fla. 2d DCA 2014) *citing Hayes v. Bowman*, 91 So. 2d 795 (Fla. 1957).).

We sincerely hope that our comments are taken in the spirit in which they are offered. That is, offering an easy and reasonable solution to the problems caused by the proposed location. We would be happy to discuss further, and happy to arrange a site visit with a boat in the dock at 449 Harbour Oaks Pointe Dr. so that the issue can be more readily observed.

Thank you very much for all that you do.

-Reed

Reed R. Clary

Partner



Corridor Legal Partners, LLP

5127 S. Orange Ave.

Suite 210

Orlando, FL 32809

Managing Director; Corridor Legal Holdings, Chartered

Office: (321) 837-9395

Mobile: (407) 666-1448

rclary@corridorlegal.net