

**Bay Harbor Club of Bonita Beach  
Condominium Association, Inc.**

c/o Cambridge Property Management  
2335 Tamiami Trail N. Suite # 402  
Naples, Florida 34103  
Office: (239) 249-7000

**Application for Approval to Proceed with Installation, Alteration, or Removal of Boat Lift (ARB)**

Installation ☐ Alteration ☐ Removal ☐

Lift Model: \_\_\_\_\_

Owner(s) Name: \_\_\_\_\_

Building: \_\_\_\_\_ Unit: \_\_\_\_\_ Dock Space: \_\_\_\_\_

Owner(s) Signature \_\_\_\_\_

Request Date: \_\_\_\_\_

General Style and Quality: Only a (a) 4-post mechanical electric vertical boat lift or (b) drive-on floating lift (i.e. Jet ski Dock or kayak float) which is a float rather than a mechanical lift, of a style and quality approved by the Board of Directors (Board) of Bay Harbor Club of Bonita Beach Condominium Association, Inc. (BHC) from time to time shall be installed. A contract describing the brand and style / model of boat lift from an authorized boat lift or drive-on lift contractor must be submitted to the Board for review and approval. New models meeting the approved general style and quality may be approved by the Board and may require additional documentation and time for review.

Posts: The BHC Marina posts are property of BHC and may not be modified or removed without prior approval of the Board. All owners are encouraged to use existing posts to install mechanical boat lifts. Generally, the addition of new posts is not allowed; however, if new posts are required they must be described in the lift application and approved by the Board. The Board of Directors retains final authority over all such limited common use areas.

Neighboring Lifts: The BHC Marina posts located between neighboring lifts should be employed to support lift assemblies. The installation of a 4-post mechanical lift must not impede neighboring owners from installation of approved lifts on the same posts. As an example, if a four-post beam lift is being installed, T-brackets must be used to ensure the neighboring lift owner can fully utilize their shared portion of the post without restriction. The posts located between neighboring lifts shall not be moved, replaced, or support a lift assembly that impedes the neighbor's space without the written consent of the Board and the neighboring lift owner, such consent shall not be unreasonably withheld.

Electrical Service: BHC has provided electrical service to each dock located on the seawall and should be shared by adjacent owners when installing mechanical lifts. Electrical power requirements above the existing installed circuits located on the seawall are the responsibility of the owner and subject to prior approval by the Board. As an example, lift circuits and electrical outlets located on dock posts should be installed and dedicated to the owners lift, and installation is the responsibility of the owner. Loose power cords across the docks are not permitted due to trip hazards and risks of electrocution.

The Board of Directors retains final authority over all such limited common use areas.

**County and State** permits are required for installation. The Owner (or his / her designee) shall be required to obtain all required permits for the installation of the boat lift and shall deliver a copy of the permits to the Association as disclosed on the Boat Lift Agreement.

**Indemnity Insurance** is required as disclosed on the Boat Lift Agreement.

**REFER TO RULES AND REGULATIONS Item #20 REGARDING ADDITIONAL INFORMATION FOR BOAT SLIPS, DOCKS, BOATS AND BOAT LIFTS.**

Approved: \_\_\_\_\_ Date\_\_\_\_\_

Approved: \_\_\_\_\_ Date\_\_\_\_\_

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**BOAT LIFT AGREEMENT**

THIS AGREEMENT is made by BAY HARBOR CLUB OF BONITA BEACH CONDOMINIUM ASSOCIATION, INC., a Florida not-for-profit corporation ("Association") and the undersigned owner(s) of a Bay Harbor Club condominium unit and assignee of a dock (collectively, "Owner").

**RECITALS**

A. Association is the condominium association of Bay Harbor Club, a Condominium, and Owner is a unit owner and assignee of a boat dock at the condominium;

B. Association has agreed to permit Owner to install a boat lift at its dock in accordance with the Rules and Regulations of the Condominium and this Agreement.

NOW, THEREFORE, in consideration of these premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties mutually agree as follows:

1. Grant of Approval. Association grants to Owner revocable approval to install a boat lift to Owner's dock at the Condominium in accordance with the plans and specifications approved by the Association. The boat lift shall be installed in a good and workmanlike manner and shall be kept in good repair and working order at all times. The Owner shall be responsible for all costs of installation, maintenance, repair and removal of the boat lift. The installation, maintenance, repair, and removal of the boat lift shall be without any cost or expense whatsoever to the Association. The Owner shall also be responsible for obtaining all permits for the installation of the boat lift and shall deliver a copy of the permit to the Association before work on the boat lift is commenced.

2. Use. Owner shall use the boat lift only for the purposes intended in accordance with the manufacturer's specifications, warnings, and designs.

3. Indemnity; Insurance. Owner shall defend, indemnify and hold the Association, its members, directors, officers, employees, and agents, harmless against any and all obligations, claims, liabilities, expenses or fees (including reasonable attorneys' fees and costs) which may arise in connection with the installation, operation, condition, maintenance, repair or removal of the boat lift. Owner agrees to maintain general liability insurance in an amount not less than \$500,000 per occurrence (or such other amount as the Board of Directors shall determine from time to time) covering the boat lift. Owner shall provide the Association with a certificate of insurance upon the execution of this Agreement and each renewal of the policy.

4. Termination of Approval. Owner agrees that the right to use the boat lift shall in no way be considered an easement or a lease of such area, and that the rights obtained by Owner hereunder may be terminated by the Association, in its sole and reasonable discretion, at any time, upon the breach of this Agreement, any provision of the declaration of covenants, bylaws, rules and other governing documents of the Association, or for any other reason deemed appropriate by the Association for the health, benefit and welfare of the Condominium and its members.

5. No Dedication for Public Use; Assignment by Owner. The provisions of this Agreement are not intended to be and do not constitute a dedication for public use. The rights created are private and for the benefit only of the parties hereto and may not be sold, transferred or otherwise assigned by Owner without the prior written consent of the Association.

6. Entire Agreement; No Representations; Successors and Assigns. This Agreement supersedes all prior agreements between the parties hereto, whether oral or written, and no modification, waiver, release or amendment of

any provision of this Agreement shall be made except by written agreement signed by all parties. Owner acknowledges that the Association may not own the submerged lands upon which the boat lift will be installed and may not have the authority to grant the installation and operation of the boat lift as the land owner. No representations, warranties or promises pertaining to the land upon which the boat lift shall be installed have been made by, or shall be binding upon, the Association. This Agreement shall inure to the benefit and be binding upon the parties hereto, their heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the dates set forth below.

BAY HARBOR CLUB OF BONITA BEACH CONDOMINIUM  
ASSOCIATION, INC., a Florida not-for-profit condominium

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

OWNER:  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Building and Unit Number  
\_\_\_\_\_  
Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ by \_\_\_\_\_ as the \_\_\_\_\_ of BAY HARBOR CLUB Of BONITA BEACH CONDOMINIUM ASSOCIATION, INC. who [ ] is personally known to me or [ ] has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
Print Name of Notary Public  
My Commission Expires: \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ by \_\_\_\_\_ and \_\_\_\_\_ who [ ] is/are personally known to me or [ ] has/have produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
Print Name of Notary Public  
My Commission Expires: \_\_\_\_\_

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## BOAT LIFT PROCEDURE AND STANDARDS

Bay Harbor Club has a blanket permit from the Florida Department of Environmental Protection to install boat lifts in all 50 boat slips.

The following lifts have been approved for installation at Bay Harbor Club Marina and represent the style and preferred manufacturer of the board. New models meeting the approved general style and quality may be approved by the Board from time to time and may require additional documentation and time for review.

Only a (a) 4-post mechanical electric vertical boat lift or (b) drive-on floating lift (i.e. Jet ski Dock or kayak float) which is a float rather than a mechanical lift

The overall height of 4-Post 2-motor style lift assembly (excluding guide posts) shall not exceed (5) five feet above the height of the sea wall.

**Posts. See Application page for rules regard use or movement of posts, or additional posts.**

**A request for an approved boat lift installation must have the following:**

**THE APPLICATION WILL NOT BE ACCEPTED FOR PROCESSING UNLESS ALL  
REQUIRED ITEMS ARE RECEIVED:**

1. Completed Boat Lift Application (ARB)
  2. Boat Lift Agreement Form
  3. Copy of detailed estimate or final contract\*
  4. Copy of the installation plan prepared by the installation company.\*
  5. Copy of contractor license and insurance\*
  6. Work Done for Unit Owner Form\*
  7. Application will clearly so state if center posts are to be moved, replaced or utilized to support a lift.
  8. **If Applicable:** Written agreement with the neighboring lift owner
- \* Items that may be waived upon request for owner for a kayak launch approval request.

The request will be reviewed by the Board and the owner must receive written approval and provide proof of insurance before proceeding with the installation.

Upon approval, owner shall provide the Association with a certificate of insurance per the Rules and the Boat Lift Agreement.

**The owner must comply with the following conditions when the boat is on the boat lift:**

**The wet slip extends 30 feet from the face of the seawall and no part of any vessel moored in the slip may extend beyond 30 feet from the seawall. This includes any extensions of the vessel including but not limited to: bow pulpits, dive platforms, nets, trawl doors, outboard motors, outdrives, and dinghies.**

**It is the owner's responsibility to insure their contractor has proper license and insurance.**

**It is the owner's responsibility to provide the "Work Done for Unit Owners" form to the contractor. The contractor must complete the attached checklist and sign in with the Bay Harbor Club manager before starting the project.**

**Lifts powered by electricity will require an electrical permit and the installation contractor will obtain this permit. The contractor will post the permit and it must stay in place until inspected by the county and then removed by the slip assignee (alternatively, the permit will be provided to the Management Company to be held until inspection).**

**The request will be reviewed by the Bay Harbor Club Board and the owner must receive written approval before proceeding with the installation.**

\_\_\_\_\_  
**Owner(s)**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Contractor**

\_\_\_\_\_  
**Date**

## Contractor Checklist

- 1) Review the below contractor checklist and initial next to each item indicating agreement to process.
- 2) Submit the checklist and its required items to the Marina Committee Chair.
- 3) Receive Marina Committee Approval.
- 4) Following Marina Committee Approval submit to Management company.

☐ **Completed Boat Lift Application (ARB)**

- Ensure the Application is fully filled out and signed by the owner

☐ **Boat Lift Agreement Form**

- Verify that the agreement form is completed and signed by both the owner and the Association

☐ **Copy of Detailed Estimate or Final Contract**

- Provide a detailed estimate or final contract for the boat lift installation

☐ **Copy of Installation Plan**

- Submit the installation plan prepared by the installation company including any electrical alterations including circuit numbers used

☐ **Copy of Contractor License and Insurance**

- Ensure the contractor's license and insurance are up to date and provide copies

☐ **Work Done for Unit Owner Form**

- Complete the "Work Done for Unit Owner" form and submit it

☐ **Written Agreement with Neighboring Lift Owner (if applicable)**

- Obtain written consent from the neighboring lift owner if center posts are to be moved, replaced, or utilized to support a lift (Note: Board consent may be required for this as well, see Application)

☐ **Certificate of Insurance**

- Provide a certificate of insurance per the Boat Lift Agreement and the Rules

☐ **Permit**

- Obtain and provide required Permits prior to initiation of work
- Submit final Permit Closure before collecting final payment

☐ **Compliance with Boat Lift Conditions**

- Ensure that no part of any vessel moored in the slip extends beyond 30 feet from the seawall

☐ **Contact Bay Harbor Club Manager and arrange for sign in**

- Contractor to Sign in with the Bay Harbor Club manager before starting the project