

Memorandum

MIAMI DADE
COUNTY

Date: September 18, 2007

To: Honorable Chairman Bruno A. Barreiro and Members,
Board of County Commissioners

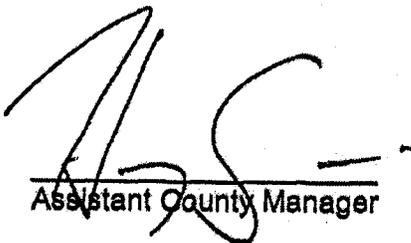
From: George M. Burgess
County Manager



Agenda Item No. 5(M)

Subject: Class I Permit Application by Marilyn Properties, Inc. to Excavate Uplands to Relocate Two Hundred Five (205) Linear Feet of Existing Bulkhead Landward of its Present Location

Attached, please find for your consideration an application by Marilyn Properties, Inc. for a Class I Permit. Also, attached is the recommendation of the Director of the Department of Environmental Resources Management and a Resolution seeking the Board's approval of the aforesaid Class I Permit.



Assistant County Manager

Memorandum



Date: September 18, 2007

To: George M. Burgess
County Manager

From: Carlos Espinosa, P.E., Director
Environmental Resources Management

Subject: Class I Permit Application by Marilyn Properties, Inc. to Excavate Uplands to Relocate Two Hundred Five (205) Linear Feet of Existing Bulkhead Landward of its Present Location

Recommendation

I have reviewed the Class I Permit application by Marilyn Properties, Inc. Based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County, Florida, I recommend that the Board of County Commissioners approve the issuance of a Class I Permit for the reasons set forth below.

Scope

The project site is located along the Miami River at 745 NW 4 Street, and 341 and 377 NW South River Drive, Miami, Miami-Dade County, Florida which is in Commission District 5.

Fiscal Impact/Funding Source

Not applicable.

Track Record/Monitor

Not applicable.

Background

The subject Class I Permit application involves the excavation of uplands for the purpose of relocating two hundred five (205) linear feet of existing bulkhead landward of its present location. A portion of the uplands to be excavated are owned by the City of Miami; however, the applicant has provided an Indemnification Agreement between the City of Miami and Marilyn Properties, Inc. for the proposed work (see Attachment F). The adjacent property to the west is owned by the Florida Department of Transportation, and they have provided a letter of no objection to the proposed work (see Attachment G). The project site consists of three parcels located along the Miami River at 745 NW 4 Street, and 341 and 377 NW South River Drive, Miami, Miami-Dade County, Florida.

The subject property is a freight terminal and the proposed project will allow for the re-alignment of the existing bulkhead to provide greater berthing space at the facility. The proposed project will relocate two hundred five (205) linear feet of bulkhead one (1) to twenty-five (25) feet landward of its present location as shown in the attached sketches (see Attachment C). The bulkhead relocation will be achieved by excavating the uplands behind the existing bulkhead and installing the new bulkhead at the proposed location. After the installation of the new bulkhead is completed, the existing bulkhead will be removed. Mitigation for unavoidable impacts associated with the replacement of the existing bulkhead will be provided through the placement of two hundred five (205) cubic yards of limestone riprap boulders at a DERM-approved artificial reef site.

George M. Burgess
County Manager
Page 2

The proposed project has been designed in accordance with all relevant Miami-Dade County coastal construction criteria and is consistent with all other Miami-Dade County coastal protection provisions. Please find attached a DERM Project Report which sets forth the reasons the project is recommended for approval by DERM pursuant to the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County, Florida. The conditions, limitations, and restrictions set forth in the Project Report attached hereto are incorporated herein by references hereto.

Attachments

- Attachment A: Class I Permit Application
- Attachment B: Affidavit of Ownership
- Attachment C: Owner/Agent Letter, Engineer Certification Letter and Project Sketches
- Attachment D: Zoning Memorandum
- Attachment E: Names and Addresses of Owners of All Riparian or Wetland Property Within
Three Hundred (300) Feet of the Proposed Work
- Attachment F: Indemnification Agreement
- Attachment G: Letter of no objection from FDOT
- Attachment H: Turbidity Control and Water Quality Monitoring Plan
- Attachment I: Construction Methodology
- Attachment J: DERM Project Report

**NOTICE OF PUBLIC HEARING ON AN APPLICATION BY
MARILYN PROPERTIES, INC. FOR A CLASS I PERMIT TO
EXCAVATE UPLANDS TO RELOCATE TWO HUNDRED
FIVE (205) LINEAR FEET OF BULKHEAD LANDWARD OF
ITS PRESENT LOCATION AT 745 NW 4 STREET, AND 341
AND 377 NW SOUTH RIVER DRIVE, MIAMI, MIAMI-DADE
COUNTY, FLORIDA**

**BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

NOTICE IS HEREBY GIVEN pursuant to Article IV, Division 1 of Section 24-48 of the Code of Miami-Dade County that the Board of County Commissioners of Miami-Dade County will hold and conduct a Public Hearing on a request by Marilyn Properties, Inc. for a Class I Permit to excavate uplands to relocate two hundred five (205) linear feet of bulkhead landward of its present location at 745 NW 4 Street, and 341 and 377 NW South River Drive, Miami, Miami-Dade County, Florida. Such Public Hearing will be held on the 18th day of September 2007 at 9:30 AM at the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center in Miami, Florida.

Plans and details concerning the work requested in the application may be reviewed by interested persons at the office of the Miami-Dade County Department of Environmental Resources Management, 6th Floor, 701 NW 1st Court, Miami, Florida 33136.

Oral statements will be heard and appropriate records made. For accuracy of records, all important facts and arguments should be prepared in writing in triplicate, with two copies being submitted to the Deputy Clerk of the County Commission at the hearing or mailed to her beforehand (Kay Sullivan, Deputy Clerk), 111 NW 1st Street, Stephen P. Clark Center, Suite 17-202, Miami, Florida 33128; and with one copy being submitted beforehand to the Miami-Dade County Department of Environmental Resources Management, 701 NW 1st Court, Miami, Florida 33136.

A person who decides to appeal any decision made by any Board, Agency, or Commission with respect to any matter considered at its meeting or hearing, will need a record of proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

HARVEY RUVIN, CLERK

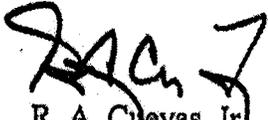
BY: _____
Kay Sullivan, Deputy Clerk

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MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro **DATE:** September 18, 2007
and Members, Board of County Commissioners

FROM:  R. A. Cuevas, Jr.
County Attorney **SUBJECT:** Agenda Item No. 5 (M)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5 (M)
09-18-07

RESOLUTION NO. _____

RESOLUTION RELATING TO AN APPLICATION BY MARILYN PROPERTIES, INC. FOR A CLASS I PERMIT TO EXCAVATE UPLANDS TO RELOCATE TWO HUNDRED FIVE (205) LINEAR FEET OF BULKHEAD LANDWARD OF ITS PRESENT LOCATION AT 745 NW 4 STREET, AND 341 AND 377 NW SOUTH RIVER DRIVE, MIAMI, MIAMI-DADE COUNTY, FLORIDA

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference ,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within Section 24-48.3 of the Code of Miami-Dade County, hereby approves the application by Marilyn Properties, Inc. for a Class I Permit to excavate uplands to relocate two hundred five (205) linear feet of bulkhead landward of its present location, subject to the conditions set forth in the memorandum from the Director of the Miami-Dade County Department of Environmental Resources Management, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

The foregoing resolution was offered by Commissioner who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrian D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of September, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

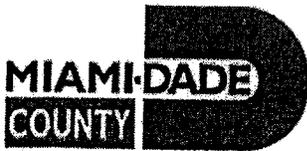
Approved by County Attorney as
to form and legal sufficiency. *[Signature]*

Robert A. Duvall

By: _____
Deputy Clerk

Attachment A

Class I Permit Application



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Class I Permit Application

DERM
Environmental Resources Regulation Division

1. Application number
2007-CLI-PER-00100

2. Date Day/Month/Year

3. For official Use only

4. Applicant information:
Name Marilyn Properties, Inc.
Address 1250 NE 133rd Street
North Miami, FL Zip Code 33161
Phone Number (305) 869-3715

5. Applicant's authorized permit agent
Name Mr. R. Harvey Sasso, President,
Coastal Systems International, Inc.
Address 464 South Dixie Highway
Coral Gables, Florida Zip Code 33146
Phone Number (305) 661-3655

6. Describe the proposed activity, its purpose and intended use, including a description of the type of structures, (if any, to be erected on fills, or pipe or float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance.

Excavation of approximately 1,950 cubic yards of uplands between 205 linear feet of existing and new bulkhead, and removal of 205 linear feet of existing bulkhead following excavation.

Dredged/Excavated		Filled/Deposited	
Volume of Material	<u>0</u> CY	<u>1,950</u> CY	<u>0</u> CY
	<small>Waterward of O.N.W. or M.N.W.</small>	<small>Landward of O.N.W. or M.N.W.</small>	<small>Waterward of O.N.W. or M.N.W.</small>

7. Proposed Use: (Check One)

Private
 Public
 Commercial
 Other (explain in remarks)

8. Names and addresses of adjoining property owners whose property also adjoins the waterway

Name <u>Eller Media Company</u> Address <u>737 NW 4th Street</u> <u>Miami, Florida</u> Zip Code <u>33128</u>	Name <u>Enrique Bassas</u> Address <u>325 NW South River Drive</u> <u>Miami, Florida</u> Zip Code <u>33128</u>
---	--

9. Location where proposed activity exists or will occur

Street Address 745 NW 4th Street; 377 NW South River Drive;
341 NW South River Drive
Miami

Latitude 25° 46' 40.66" N
Longitude 80° 12' 24.32" W
Section 38
Twp. 54S
Range 41E

State Florida County Miami-Dade In City or Town Miami Near City or Town _____

10. Name of waterway at location of the activity Miami River 10

11. Date Activity is proposed to commence 2007
 Date Activity is expected to be completed 2007

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12. Is any portion of this activity for which authorization is sought now complete?
 Yes
 No
 If answer is "yes" give answer in the remarks section

Month and year the activity was completed N/A
 Indicate the existing work on the drawings _____

DERM
 Environmental Resources Regulation Division

13. List approvals or certifications required by other Federal, Interstate, state or local agencies for any structures, construction, discharges, deposits or other activities described in this application, including whether this project is a Development of Regional Impact.

Issuing agency	Type of Approval	Identification Number	Date of Application	Date of Approval
DEP	Joint BRP	13-0247971-001	4/13/2005	6/20/2006
US Army Corps of Engineers	LOP	SAJ-2005-5014	4/13/2005	6/30/2006

14. Has any agency denied approval for any activity directly related to the activity described herein?
 Yes
 No

15. Remarks

16. Estimated project cost =
\$100,000

17. Contractor's name and address

Name: TBD

Address: _____

_____ Zip Code _____

Phone Number _____

18. Application is hereby made for a permit or permits to authorize the activities described herein. I agree to provide any additional information that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable State Water Quality Standards or other environmental protection standards both during construction and after the project is completed. I also agree to provide entry to the project site for inspectors from the environmental protection agencies for the purpose of making preliminary analyses of the site and monitoring permitted works, if permit is granted. I certify that I am familiar with the information contained in this application and that to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of owner [Signature] Mr. Orin Black,
 Vice President,
 Marilyn Properties, Inc.

Date 4/27/07

SUBSCRIBED AND SWORN TO BEFORE ME THIS 27th DAY OF April, 2007, BY Orin Black

PERSONALLY KNOWN PRODUCED IDENTIFICATION (PLEASE CHECK ONE)

TYPE OF IDENTIFICATION PRODUCED: _____



[Signature]

NOTARY PUBLIC

Attachment B

Affidavit of Ownership

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Affidavit of Ownership and Hold Harmless Agreement

Personally Appeared Before Me, Mr. Orin Black, Vice President, Marilyn Properties, Inc., that undersigned authority, and hereby swears and affirms under oath as follows:

1. That your affiant is the record owner or lessee of that certain property* more fully described as:

Mr. Orin Black

Vice President, Marilyn Properties, Inc.

745 NW 4th Street, 377 NW South River Drive, 341 NW South River Drive

City of Miami, Miami-Dade County, Florida

*may attach legal description from public records or plat book or a copy of the warranty deed

2. That your affiant is also the riparian and/or littoral owner of that certain property that is the subject matter of Application No. 2007-CLI-PER-0100 for a Class I permit under and pursuant to Section 24-48 of the Code of Miami-Dade County to construct or engage in the following activity:

Excavation of approximately 1,950 cubic yards of uplands between 205 linear feet of existing and new bulkhead, and removal of 205 linear feet of existing bulkhead following excavation.

3. That your affiant hereby swears and affirms its ownership or leasehold in the above noted property necessary for the work note in Paragraph 2 above, and hereby agrees to: defend same and hold the County harmless from any and all liability, claims and damages of any nature whatsoever occurring, including or arising as a result of your affiant not having the proper title to all lands or proper leasehold to all lands that are the subject matter of this application.

STATE OF FLORIDA
COUNTY OF DADE

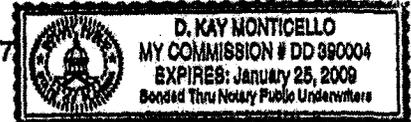
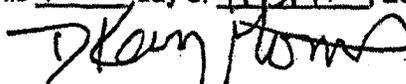


Orin Black, Vice President
Marilyn Properties, Inc.

Owner/Applicant

BEFORE ME, the undersigned authority, personally appeared Orin Black who, after being duly sworn, deposes and says that he/she has read the foregoing, and that the statements contained therein are true and correct to the best of his/her knowledge and belief.

Sworn to and subscribed before me this 27th day of April, 2007



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DERM
Environmental Resources Regulation Division

Attachment C

**Owner/Agent Letter, Engineer Certification Letter and
Project Sketches**

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JUN 21 2007

PERMIT APPLICANT AUTHORIZED AGENT STATEMENT

DERM
Environmental Resources Regulation Division

Date: June 20, 2007

To:
Miami Dade County DERM
Class I Permitting Program
701 NW 1st Court
Miami, Florida 33136

RE: CLASS I STANDARD FORM PERMIT APPLICATION NUMBER 2007-CLI-PER-0100, FOR THE EXCAVATION OF APPROXIMATELY 1,950 CUBIC YARDS OF UPLANDS BETWEEN 205 LINEAR FEET OF EXISTING BULKHEAD, AND REMOVAL OF 205 LINEAR FEET OF EXISTING BULKHEAD FOLLOWING EXCAVATION; LOCATED AT 745 NW 4TH STREET AND 341 & 377 NW SOUTH RIVER DRIVE IN THE CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA

By the attached Class I Standard Form permit application with supporting documents, I, Mr. Orin T. Black, Vice President of Marilyn Properties Inc., am the permit applicant applicant's authorized agent (circle one) and hereby request permission to perform the following:

Excavation of approximately 1,950 cubic yards of uplands between 205 linear feet of existing and new bulkhead, and removal of 205 linear feet of existing bulkhead following excavation.

I understand that a Miami-Dade County Class I Standard Form Permit is required to perform this work.

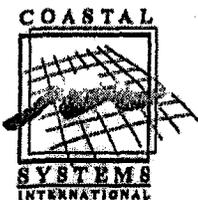
If approval is granted for the proposed work by the Board of County Commissioners, complete and detailed plans and calculations of the proposed work shall be prepared by an engineer registered/licensed in the State of Florida in accordance with the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. Said plans and calculations shall be subject to the review and approval of the Department of Environmental Resources Management. The permit applicant will secure the services of an engineer registered/licensed in the State of Florida to conduct inspections throughout the construction period, and said engineer shall prepare all required drawings of record. In the event that the proposed work which is the subject of this Class I Permit application involves the cutting or trimming of a mangrove tree(s), a detailed plan for the proposed cutting or trimming shall be prepared by a licensed landscape architect and submitted to the Department for review and approval, and the permit applicant will secure the services of a licensed landscape architect to supervise the trimming or cutting.

Respectfully submitted,



Orin T. Black, Vice President
Marilyn Properties, Inc.
Permit Applicant

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COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway • Coral Gables, Florida 33146
Tel: 305-661-3655 • Fax: 305-661-1914
www.coastalsystemsint.com

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JUN 21 2007

June 15, 2007

Miami-Dade County DERM
Class I Permitting Program
701 NW 1 Court
Miami, Florida 33136

DERM
Environmental Resources Regulation Division

RE: CLASS I STANDARD FORM PERMIT APPLICATION NUMBER 2007-CLI-PER-00100, FOR THE EXCAVATION OF APPROXIMATELY 1,950 CUBIC YARDS OF UPLANDS BETWEEN 205 LINEAR FEET OF EXISTING BULKHEAD, AND REMOVAL OF 205 LINEAR FEET OF EXISTING BULKHEAD FOLLOWING EXCAVATION; LOCATED AT 745 NW 4TH STREET AND 341 & 377 NW SOUTH RIVER DRIVE IN THE CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA

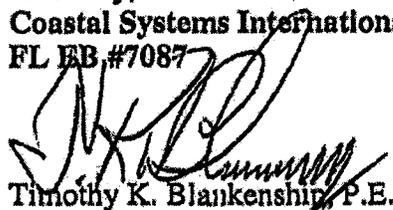
Ladies and Gentlemen:

This letter will certify that I am an engineer registered/licensed in the State of Florida, qualified by education and experience in the area of construction, and that to the best of my knowledge and belief, the proposed work does not violate any laws of the State of Florida or any provision of the Code of Miami Dade County which may be applicable, that diligence and recognized standard practices of the engineering profession have been exercised in the engineer's design process for the proposed work, and in my opinion based upon my knowledge and belief, the following will not occur:

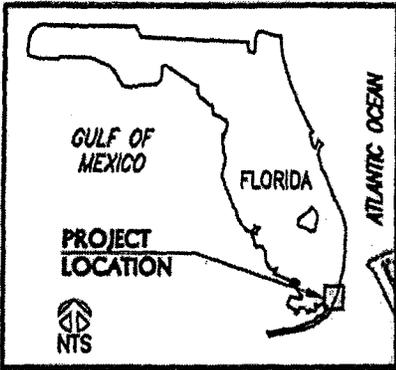
- a. Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work.
- b. Harmful or increased erosion, shoaling of channels or stagnant areas of water. (Not applicable to class IV permits).
- c. Material injury to adjacent property.
- d. Adverse environmental impacts from changes in water quality or quantity. (Applicable to class IV permits only).

Further, I have been retained by the applicant to provide inspections throughout the construction period and to prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, drawings, and other data furnished by the contractor to me.

Sincerely,
Coastal Systems International, Inc.
FL EB #7087


Timothy K. Blankenship, P.E.
FL Reg. 55910

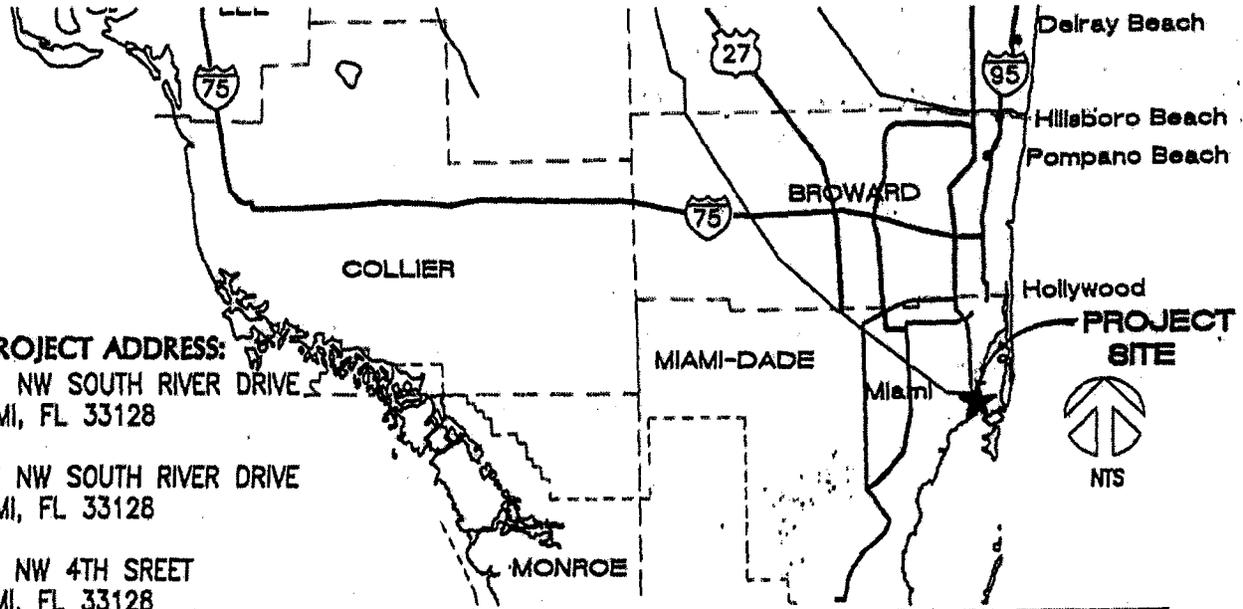
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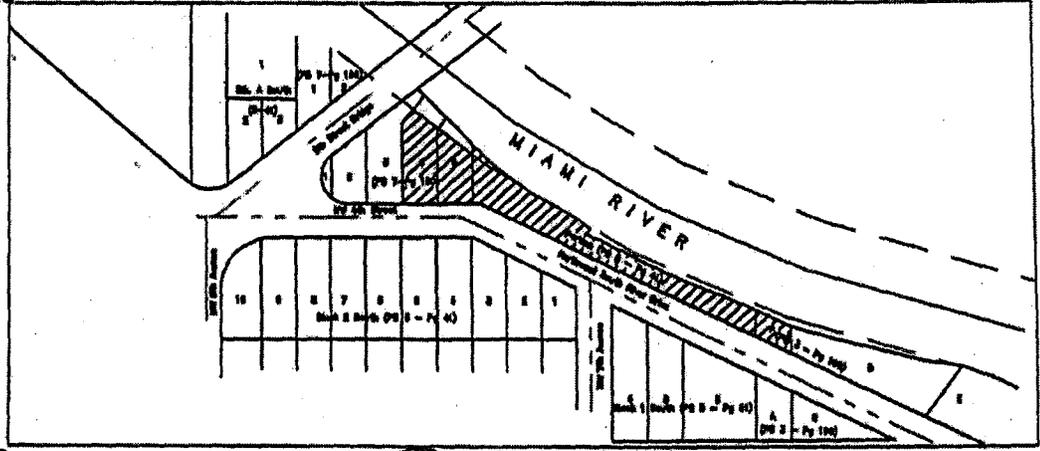
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 Environmental Resources Regulation Division

- SHEET INDEX:**
1. LOCATION MAP
 2. EXISTING CONDITIONS
 3. DEMOLITION AND TURBIDITY CONTROL PLAN
 4. TURBIDITY CURTAIN CONNECTION DETAIL
 5. PROPOSED PLAN
 6. SECTION A
 7. WEST PROPERTY END CONNECTION
 8. MATERIAL HANDLING DETAIL
 9. GENERAL NOTES



PROJECT ADDRESS:
 341 NW SOUTH RIVER DRIVE
 MIAMI, FL 33128
 377 NW SOUTH RIVER DRIVE
 MIAMI, FL 33128
 745 NW 4TH SREET
 MIAMI, FL 33128



SITE PLAN
 NTS

232800\PERMIT SKETCHES\WORKING\232800

[Handwritten Signature]
 T.X. BLANKENSHIP
 L. REG. 55910
 APR 28 2007



MARILYN PROPERTIES, INC
 1250 NE 133rd ST
 NORTH MIAMI, FL 33161
 17
COASTAL SYSTEMS INTERNATIONAL, INC.
 464 South Dixie Highway, Coral Gables, Florida 33146
 Tel: 305/881-3855 Fax: 305/881-1814 www.CoastalSystemsInt.com
 STATE OF FLORIDA EB #7007
 Coastal, Environmental, Civil Engineering and Management

MIAMI RIVER MARINE TERMINAL FACILITY IMPROVEMENTS "EXCAVATION COMPONENT"	
LOCATION MAP	
JOB: 232800	DATE: 4-25-07
BY: GS	SHEET 1 OF 9

X = 917130.67
Y = 525846.28

X = 917271.48
Y = 525718.09

26' ±

EXISTING BUILDING

EXISTING BULKHEAD AND TERMINAL

EBB

FLOOD

MIAMI RIVER

EDGE OF CHANNEL

APPROX. SHORELINE UNDER BUILDING

EXISTING WAREHOUSE

EXISTING REVETMENT

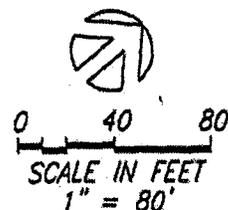
EXISTING BUILDING

NW SOUTH RIVER DRIVE

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APR 27 2007

DERM
Environmental Resources Regulation Division

NOTES:
MHW INTERSECTS
EXISTING BULKHEAD



232800\PERMIT SKETCHES\WORKING\232800

T.K. BLANKENSHIP
FL REG. 35920
[Signature]
APR 25 2007



MARILYN PROPERTIES, INC
1250 NE 133rd ST
NORTH MIAMI, FL 33161

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COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway, Coral Gables, Florida 33146
Tel: 305/681-3855 Fax: 305/681-1914 www.CoastalSystemsInt.com
STATE OF FLORIDA EB #7087
Coastal, Environmental, Civil Engineering and Management

MIAMI RIVER MARINE TERMINAL FACILITY IMPROVEMENTS "EXCAVATION COMPONENT"	
EXISTING CONDITIONS	
JOB: 232800	DATE: 4-25-07
BY: GS	SHEET 2 OF 9

NEW BULKHEAD LOCATION

26'±

PROPOSED TURBIDITY SCREEN
(SEE CONNECTION DETAIL SHEET 4)



EXCAVATE AREA TO
-15' AND REMOVE
EXISTING BULKHEAD

MATERIAL
HANDLING AREA
SEE, SHEET 8



NW SOUTH RIVER DRIVE

100'±

CHANNEL CENTER LINE

MIAMI RIVER

EDGE OF CHANNEL

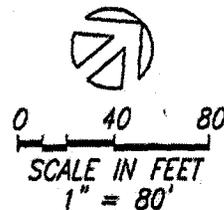
EXISTING WAREHOUSE
TO REMAIN

EXISTING REVETMENT

EXISTING BUILDING

RECEIVED
APR 27 2007

DERM
Environmental Resources Regulation Division



232800 PERMIT SKETCHES WORKING 232800

T.K. BLANKENSHIP
FL REG 58410
[Handwritten signature]

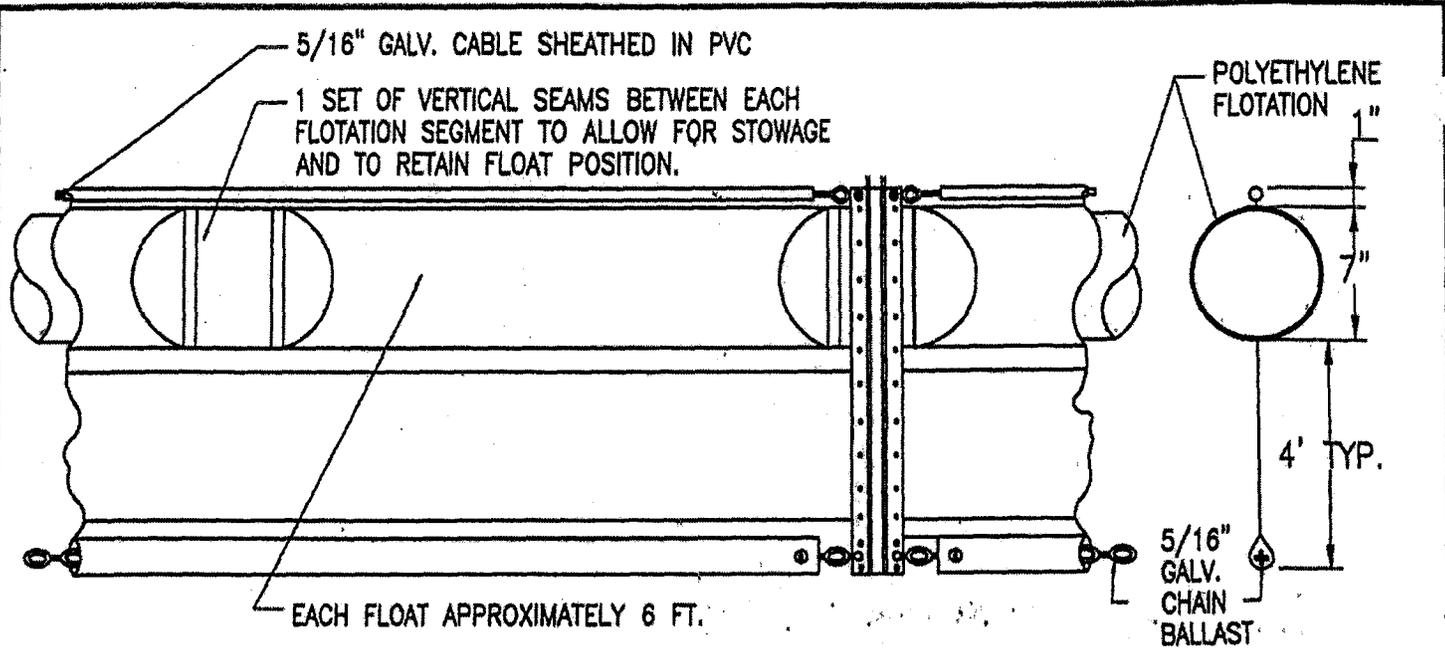


MARILYN PROPERTIES, INC
1250 NE 133rd ST
NORTH MIAMI, FL 33161

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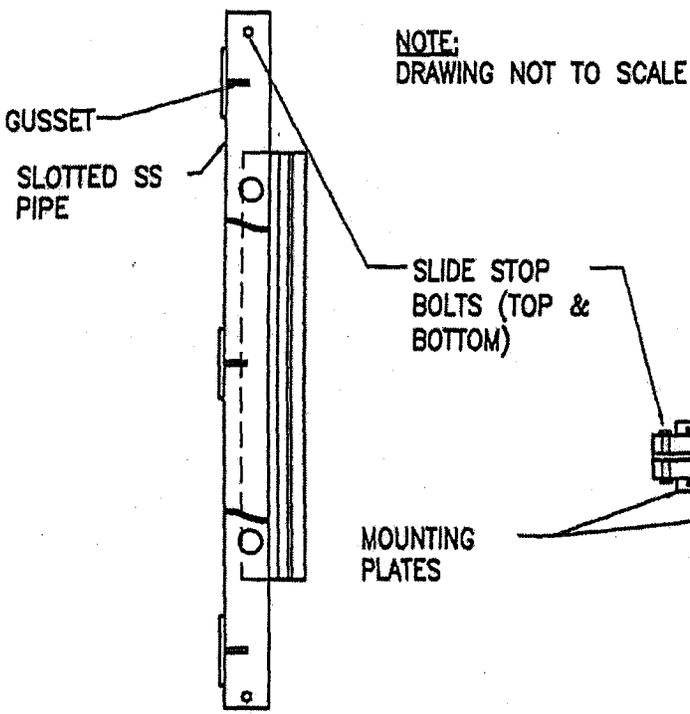
COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway, Coral Gables, Florida 33146
Tel: 305/681-3855 Fax: 305/681-1914 www.CoastalSystemsInt.com
STATE OF FLORIDA ED #7087
Coastal, Environmental, CMI Engineering and Management

MIAMI RIVER MARINE TERMINAL FACILITY IMPROVEMENTS "EXCAVATION COMPONENT"	
DEMOLITION & TURB. CONTROL PLAN	
JOB: 232800	DATE: 4-25-07
BY: GS	SHEET 3 OF 9

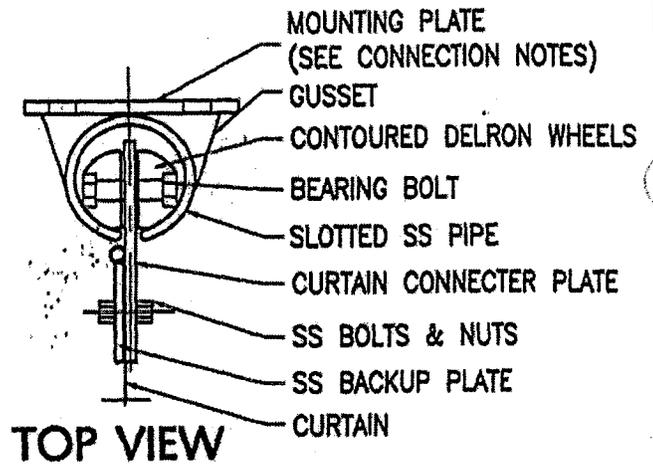


BOOM ELEVATION

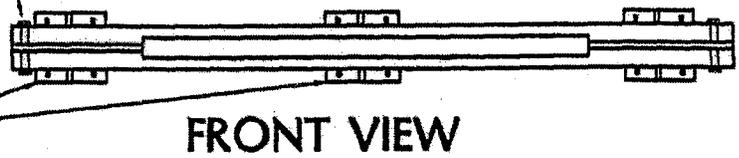
BOOM SECTION



SIDE VIEW



TOP VIEW



FRONT VIEW

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DERM
Environmental Resources Regulation Division

MARILYN PROPERTIES, INC
1250 NE 133rd ST
NORTH MIAMI, FL 33161



COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway, Coral Gables, Florida 33146
Tel: 305/481-3655 Fax: 305/661-1914 www.CoastalSystemInt.com
STATE OF FLORIDA EB #7067
Coastal, Environmental, CMI Engineering and Management

MIAMI RIVER MARINE TERMINAL
FACILITY IMPROVEMENTS
"EXCAVATION COMPONENT"

TURBIDITY CURTAIN CONNECTION DETAIL

JOB: 232800	DATE: 4-25-07
BY: GS	SHEET 4 OF 9

232800\PERMIT SKETCHES\WORKING\232800

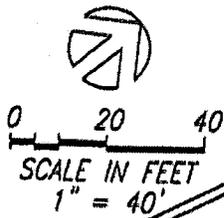
T.K. BLANKENHOF
FL. REG. 55870

[Signature]

APR 28 2007

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CHANNEL CENTER LINE

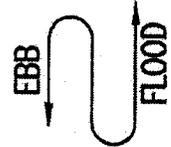
MIAMI RIVER

EDGE OF CHANNEL

EXISTING SHEET PILE WALL TO BE REMOVED

NEW UPLAND SHEET PILE WALL

NOTES:
1. VESSELS SHOWN ARE FOR PRESENTATION, NOT DEDICATED SLIP MIX.



232800 PERMIT SKETCHES WORKING 232800

T.K. BIRKSHAW
FL. REG. 5210
[Signature]
APR 23 2007

MARILYN PROPERTIES, INC
1250 NE 133rd ST
NORTH MIAMI, FL 33161

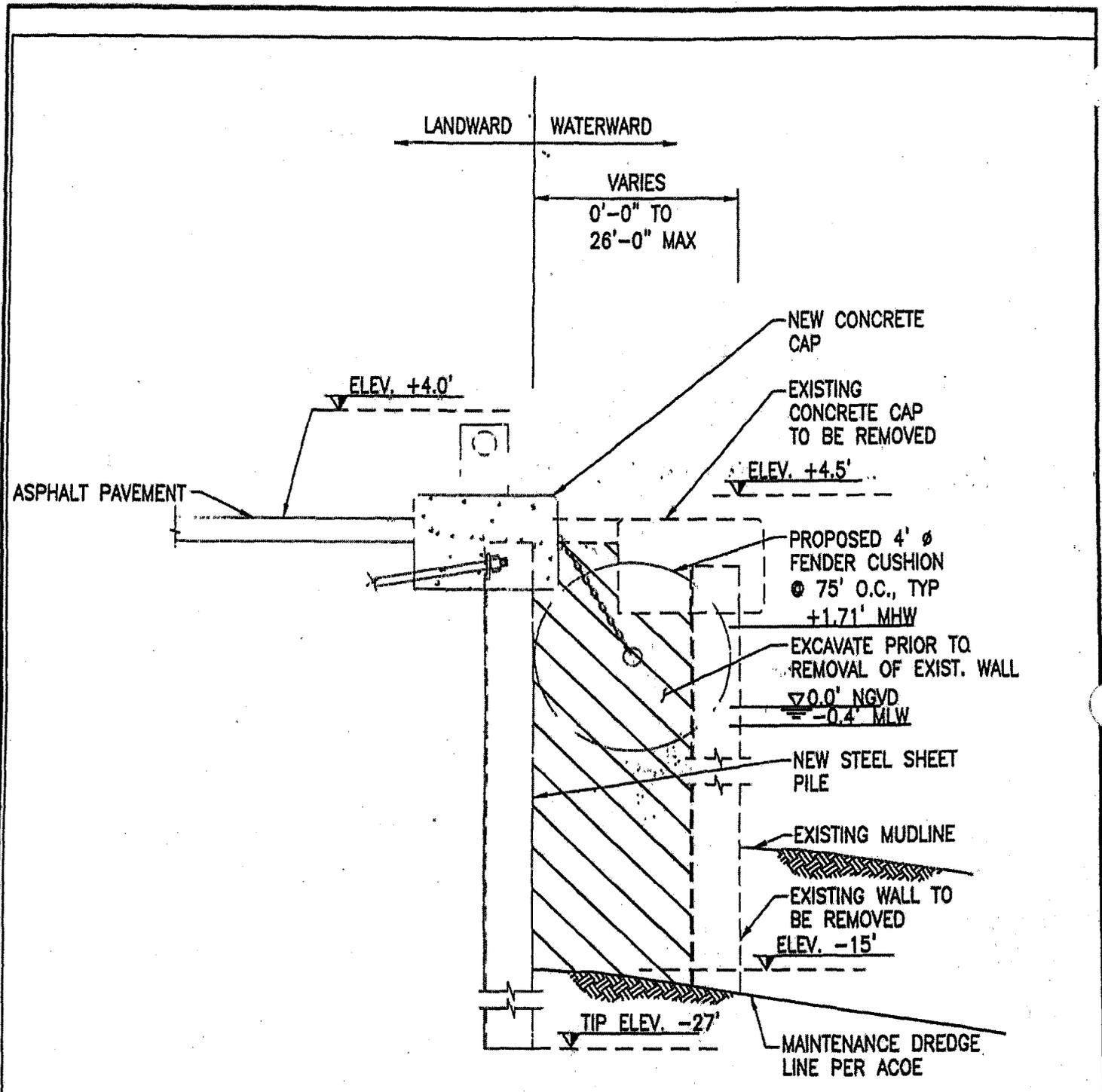
21



COASTAL SYSTEMS INTERNATIONAL, INC
464 South Dixie Highway, Coral Gables, Florida 33146
Tel: 305/661-3655 Fax: 305/661-1914 www.CoastalSystemsIntl.com
STATE OF FLORIDA EB #7087
Coastal, Environmental, Civil Engineering and Management

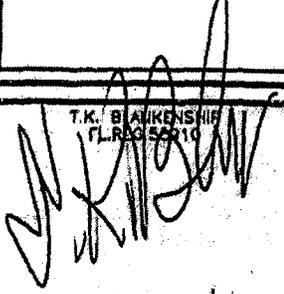
MIAMI RIVER MARINE TERMINAL FACILITY IMPROVEMENTS "EXCAVATION COMPONENT"	
PROPOSED PLAN	
JOB: 232800	DATE: 4-25-07
BY: GS	SHEET 5 OF 9

232800\PERMIT SKETCHES\WORKING\232800-PS-6-10



A EXCAVATION OF UPLAND & REMOVAL OF EXISTING WALL
 1" = 3'

T.K. BLANKENSHIP
 FL REG 52710




MARILYN PROPERTIES, INC
 1250 NE 133rd ST
 NORTH MIAMI, FL 33161

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 464 South Dade Highway, Coral Gables, Florida 33146
 Tel: 305/461-3455 Fax: 305/661-1914 www.CoastalSystemsInt.com
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MIAMI RIVER MARINE TERMINAL FACILITY IMPROVEMENTS "EXCAVATION COMPONENT"	
SECTION A	
JOB: 232800	DATE: 4-25-07
BY: GS	SHEET 6 OF 9

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APPROX. PROPOSED LOCATION OF ADJACENT PROPERTY SHORELINE (WORK BY OTHERS - REFER TO SHEET B1-3 OF FDOT 5TH STREET BRIDGE DEMO PLANS DATED APRIL 28, 2006)

10'-5"

PROPERTY LINE

26'±

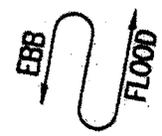
EXISTING BRIDGE ABUTMENT

EXISTING BULKHEAD TO BE REMOVED

NEW CONCRETE CAP

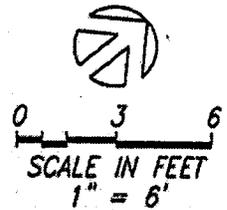
NEW STEEL SHEET PILE

MIAMI RIVER



EXCAVATION AREA

NOTES:
1. NO MARINE RESOURCE IMPACTS ARE PROPOSED.



[Handwritten signature]
T.K. BLANKENSHIP
P. REGISTERED
4/11/07 2007

MARILYN PROPERTIES, INC
1250 NE 133rd ST
NORTH MIAMI, FL 33161

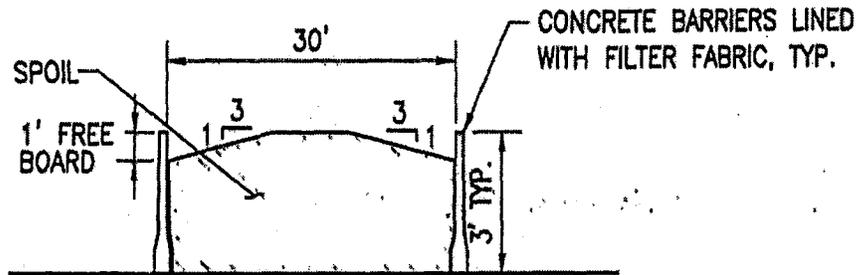
23



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464 South Dade Highway, Coral Gables, Florida 33146
Tel: 305/661-3655 Fax: 305/661-1914 www.CoastalSystemsInt.com
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MIAMI RIVER MARINE TERMINAL FACILITY IMPROVEMENTS "EXCAVATION COMPONENT"	
WEST PROPERTY END CONNECTION	
JOB: 232800	DATE: 4-25-07
BY: GS	SHEET 7 OF 9

232800\PERMIT SKETCHES\WORKING\232800



B SECTION - MATERIAL HANDLING
 HORIZONTAL SCALE 1" = 20'
 VERTICAL SCALE 1" = 5'

EXCAVATED MATERIAL HANDLING NOTES:

1. EXCAVATED MATERIAL WILL BE PLACED INTO THE MATERIAL HANDLING AREA FOR DRYING AND LOADING ONTO DUMP TRUCKS FOR HAULING OFF SITE.
2. THE HANDLING AREA WILL BE CONFIGURED WITH STACKED CONCRETE BARRIERS AND FILTER CLOTH AND CONFIGURED/RELOCATED AS NECESSARY FOR CONSTRUCTION STAGING.
3. THE BARRIERS AND FILTER CLOTH WILL PREVENT DISCHARGE FROM EXCAVATED MATERIAL PLACED IN THE MATERIAL HANDLING AREA.
4. TRUCKING WILL BE SCHEDULED TO OPTIMIZE DRYING TIME AND TO MAINTAIN PRODUCTION WITH EXCAVATION OPERATIONS.

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T.K. BANNERSHIP
 FL REG 55813

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MIAMI RIVER MARINE TERMINAL FACILITY IMPROVEMENTS "EXCAVATION COMPONENT"	
MATERIAL HANDLING DETAIL	
JOB: 232800	DATE: 4-25-07
BY: GS	SHEET 8 OF 9

GENERAL NOTES

1. ALL ELEVATIONS ARE REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929. TIDAL DATUM RELATIONSHIP TO NGVD ARE REFERENCED TO US ARMY CORPS OF ENGINEERS MIAMI RIVER MAINTENANCE DREDGING CONSTRUCTION PLANS DATED DECEMBER, 2000.
2. HYDROGRAPHIC SURVEY INFORMATION OBTAINED FROM CORPS OF ENGINEERS (SEE NOTE 1).
3. UPLAND SURVEY AND SUBMERGED LAND INFORMATION OBTAINED FROM SCHWEBKE - SHISKIN & ASSOCIATES INC., DATED JULY 1, 2004.
4. CONSTRUCTION WILL REQUIRE FLOATING EQUIPMENT.
5. THESE DRAWINGS ARE "PERMIT SKETCHES" INTENDED TO PROVIDE SUFFICIENT DATA FOR REVIEW AND EVALUATION BY REGULATORY AGENCIES. THESE DRAWINGS ARE NOT INTENDED FOR CONSTRUCTION.
6. AS-BUILT INFORMATION PROVIDED BY COASTAL SYSTEMS; SURVEYS CONDUCTED ON 15 MARCH, 2005.

ABBREVIATIONS

- C.Y. _____ CUBIC YARDS
 TYP. _____ TYPICAL
 NOS. _____ NATIONAL OCEAN SERVICE
 NAD _____ NORTH AMERICAN DATUM
 NGVD _____ NATIONAL GEODETIC VERTICAL DATUM
 _____ WATER LEVEL

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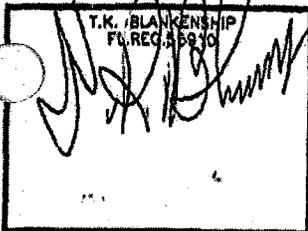
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MARINE WORKS CONSTRUCTION QUANTITY ESTIMATE

DESCRIPTION	QUANTITY	UNIT
EXCAVATING VOLUME TO -15'	1,900	C.Y.

232800 PERMIT SKETCHES WORKING 232800

T.K. BLANKENSHIP
 FL REG. 35830




MARILYN PROPERTIES, INC
 1250 NE 133rd ST
 NORTH MIAMI, FL 33161

COASTAL SYSTEMS INTERNATIONAL, INC.
 464 South Dixie Highway, Coral Gables, Florida 33146
 Tel: 305/661-3655 Fax: 305/661-1814 www.CoastalSystemInt.com
 STATE OF FLORIDA EB #7067
 Coastal, Environmental, Civil Engineering and Management

MIAMI RIVER MARINE TERMINAL FACILITY IMPROVEMENTS "EXCAVATION COMPONENT"	
GENERAL NOTES	
JOB: 232800	DATE: 4-25-07
BY: GS	SHEET 9 OF 9

Attachment D
Zoning Memorandum

Memorandum



Date: August 9, 2007

To: Luis C. Otero, Manager
Coastal Resources
Environmental Resources Management

From: Muriel M. Blaisdell, ERPS *MJB*
Coastal Resources
Environmental Resources Management

Subject: Class I Permit Application by Marilyn Properties, Inc. to Excavate Uplands to Relocate Two Hundred Five (205) Linear Feet of Existing Bulkhead Landwards of its Present Location

Pursuant to Section 24-48.2(II)(A)(7), Code of Miami-Dade County, Florida, a substantiating letter shall be submitted by the applicant stating that the proposed project does not violate any zoning laws. Said letter will be submitted after approval by the Miami-Dade County Board of County Commissioners and prior to issuance of the Class I Permit.

Attachment E

**Names and Addresses of Owners of All Riparian or Wetland
Property Within Three Hundred (300) Feet of the Proposed
Work**

Eller Media Company
737 NW 4th Street
Miami, FL 33128

Enrique Bassas
325 NW South River Drive
Miami, FL 33128

29 ✓

Attachment F

Indemnification Agreement

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INDEMNIFICATION AGREEMENT

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This Indemnification Agreement ("Agreement") is made this 23 day of MAY, 2007, by and between the City of Miami, a municipal corporation of the State of Florida, located at 444 S.W. 2nd Avenue, 10th Floor, Miami, Florida 33130 ("CITY") and Marilyn Properties, Inc., a Florida Corporation, whose principal address is 3021 Oak Ave Unit 7, Miami, FL ("MARILYN PROPERTIES").

RECITALS

WHEREAS, the CITY of Miami ("CITY") is the owner of real property adjacent to the N.W. 5th Street Bridge located approximately at 745 NW 4th Street, Miami, Florida, commonly known as the remaining upland portion ("Property"); and

WHEREAS, the adjacent property owner known as Marilyn Properties, Inc., a Florida Corporation ("Marilyn Properties") received a notification from the Department of the Army Corps of Engineers requesting Marilyn Properties clear all obstruction within the Federal Navigation Channel and adjacent to the N.W. 5th Street Bridge; and

WHEREAS, the Department of the Army Corps of Engineers was not aware that a small portion of the Property obstructing the Federal Navigation Channel was owned by the CITY; and

WHEREAS, the CITY may be required to excavate the Property at its cost as it is within the Federal Channel; and

WHEREAS, Marilyn Properties agrees to clear all obstruction including that which is on CITY Property from the Federal Navigation Channel and excavate the incidental soil and sediments within the Federal Channel at no cost to the CITY (the "Project"); and

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WHEREAS, Marilyn Properties agrees to remove the obstruction in accordance with the specifications and permits as required by the Department of the Army Corps of Engineers and all other requirements and obligations imposed by all permitting agencies in connection with the Project; and

WHEREAS, Marilyn Properties further agrees to excavate all material in compliance with all local, State, and Federal laws.

NOW THEREFORE, for good and valuable consideration, the CITY and Marilyn Properties agree as follows:

TERMS

1. RECITALS AND INCORPORATIONS: The recitals are true and correct and are incorporated into and made a part of this Agreement. The description of the Property is incorporated into, made a part of this Agreement, and attached hereto as Exhibit "A".

2. DONATION OF IN-KIND SERVICES AND IMPROVEMENTS.

A. Marilyn Properties agrees to directly contract for all professional, construction, and other services required to perform the excavation, at no cost to the CITY, and to oversee the Project as further described in the Class I Permit Application attached and made part of this Agreement as Exhibit "D".

B. Marilyn Properties agrees to obtain all permitting for the Project. Marilyn Properties shall be solely responsible for any and all costs and/or in-kind services associated with the permitting and excavation of the Property that are required because of the obstruction to the Federal Navigation Channel within the Miami River and shall be responsible for overseeing the

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Project.

C. Marilyn Properties represents to the CITY that: (i) it possesses or it will require all individuals, contractors, subcontractors, and/or businesses dredging the Property to possess all qualifications, licenses and any particular expertise required for the performance of such a tasks, including but not limited to full qualification to do business in Florida and all required licenses for working in the State of Florida, Miami-Dade County, and the City of Miami; (ii) it is not delinquent in the payment of any sums due the CITY, including payment of permits, fees, occupational licenses, etc., nor in the performance of any obligations to the CITY, (iii) all individuals, subcontractors, and/or businesses assigned to perform the tasks are and shall be, at all times during the term of this Agreement and during the time work is performed, fully qualified and trained to perform the tasks assigned to each; (iv) the Project will be performed in the manner, at such times, and for that which is described in Exhibit "D", (v) each person executing this Agreement on behalf of Marilyn Properties has been duly authorized to so execute the same and fully bind Marilyn Properties as a party to this Agreement, and (vi) it shall observe and fulfill all of the requirements and obligations imposed by permitting agencies in connection with the excavation of the Property adjacent to the Miami River within the Federal Navigation Channel.

3. RIGHT OF ENTRY, USE OF PROPERTY, AND AUTHORIZATION TO PROCEED. The CITY grants to Marilyn Properties the right to access and to enter upon the Property during the Term, as hereinafter defined, for the purposes of removing of incidental soil and sediment adjacent to its property but for no other use. The CITY agrees to provide Marilyn Properties with a non-exclusive use of the Property to be excavated during the Term, so that

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Marilyn Properties can make, cause to be made, and oversee the removal of incidental sediment and sediment adjacent to its property that is obstructing the Federal Navigation Channel within the Miami River. The CITY reserves the rights to inspect the Property as necessary and to revoke Marilyn Properties' right to access, to enter, or to remain on the Property for reasonable cause as and if necessary, in the sole discretion of the CITY.

4. TERM. The term of this Agreement shall commence when (i) Marilyn Properties has received a Class I permit in whole from the Department of Environmental Resource Management for application 2007-CLI-PER-00100 and when (ii) Marilyn Properties has received the corresponding City of Miami Building permit and when (iii) this agreement is fully executed by all parties. The Effective Date is the date when all three items are obtained, as acknowledged, in writing by the CITY of Miami. This agreement shall end the earliest when the property has either been completely removed or on the date which is one (1) year from the Effective Date, unless extended for a specific renewal term of up to one (1) additional one-year period written agreement of the City Manager.

5. INDEMNITY, INSURANCE AND RELEASES:

A. Marilyn Properties shall indemnify, defend and hold harmless the CITY and its officials, employees and agents (collectively referred to as "Indemnitees") and each of them from and against all loss, costs, penalties, fines, damages, claims, expenses (including attorneys' fees) or liabilities (collectively referred to as "Liabilities") by reason of any injury to or death of any person or damage to or destruction or loss of any property arising out of, resulting from, or in connection with (i) the performance or non-performance of the services required to excavate the Property, which is or is alleged to be directly or indirectly caused, in whole or in part, by any act,

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omission, default or negligence (whether active or passive) of Marilyn Properties, regardless of whether it is, or is alleged to be, caused in whole or part (whether joint, concurrent or contributing) by any act, omission, default or negligence (whether active or passive) of the Indemnitees, or any of them or (ii) the failure of Marilyn Properties to provide the dredging or the failure of Marilyn Properties to conform to statutes, ordinances, or other regulations or requirements of any governmental authority, federal or state, in connection with the performance of the Agreement. Marilyn Properties expressly agrees to indemnify and hold harmless the Indemnitees, or any of them, from and against all liabilities which may be asserted by an employee or former employee of Marilyn Properties, or any of its subcontractors, as provided above, for which Marilyn Properties' liability to such employee or former employee would otherwise be limited to payments under state Workers' Compensation or similar laws.

The indemnity provision set forth in this Paragraph 5(A) shall commence on the Effective Date, shall survive termination of this Agreement and shall continue in full force and effect until the earlier of (a) one year from the Effective Date; or (b) such time as both the City Manager and Marilyn Properties shall in writing agree to terminate this indemnity provision.

B. Prior to Marilyn Properties, its agents, employees, and contractors, or anyone directly or indirectly employed by any of them entering upon the Property for purposes of dredging the Property, Marilyn Properties shall obtain and maintain or cause to be obtained and maintained throughout the Term of the Agreement, the types and amounts of insurance coverages set forth in Exhibit "C", attached hereto and incorporated therein by this reference in such reasonable amounts as approved by the City of Miami's Risk Management Administrator protecting the CITY, against all claims for personal injury, property damage, and regulatory

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actions by governmental agencies arising out of or related to the activities undertaken by Marilyn

Properties upon the Property and naming the CITY as an additional insured. The insurance required hereunder shall be effective for the Term and any extensions or renewals thereof. The City's Risk Management Administrator shall review the insurance requirements upon any extension or renewal of the Term and reserves the right to make reasonable changes in the types and amounts of insurance coverages as necessary and shall revise Exhibit "C" accordingly as necessary. Marilyn Properties shall be responsible for assuring that the insurance certificates required under this Agreement remain in full force and effect for the duration of this Agreement, including any extensions hereof. If insurance certificates are scheduled to expire during the term of this Agreement and any extension hereof, and shall be responsible for submitting new or renewed insurance certificates to the City's Risk Management Administrator at a minimum of thirty (30) calendar days in advance of such expiration. In the event that expired certificates are not replaced, with new or renewed certificates which cover the term of this Agreement and any extension thereof:

- (i) the CITY shall suspend this Agreement until such time as the new or renewed certificate(s) are received in acceptable form by the City's Risk Management Administrator; or
- (ii) the CITY may terminate the Agreement for cause, at its sole discretion and seek appropriate remedies in conjunction with the violation of the terms and conditions of this Agreement.

Compliance with the foregoing insurance requirements shall not relieve Marilyn Properties of its liabilities and obligations under this Agreement.

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C. Marilyn Properties hereby waives any and all claims against the CITY for personal injury or property damage, sustained by the Marilyn Properties, its agents, employees, consultants and contractors upon the Property, or in connection with the performance of the dredging and releases the CITY from any claims in connection therewith, other than those claims arising from or relating to the willful misconduct or negligence of the CITY, its employees, agents or contractors. Similarly, Marilyn Properties hereby waives any and all indemnity claims against the CITY for third party regulatory actions by governmental agencies against Marilyn Properties in connection with the performance of the dredging other than those claims arising from or relating to the willful misconduct or negligence of the CITY, its employees, agents or contractors. The provisions of this Paragraph 5(C) shall be effective until the expiration of the Term.

6. MECHANIC'S LIENS.

Marilyn Properties shall promptly pay its contractors and materials suppliers for all work and labor done at Marilyn Properties's request. Should any lien be asserted or filed, regardless of the validity of said liens or claims, Marilyn Properties shall bond against or discharge the same within fifteen (15) calendar days of Marilyn Properties' receipt of notice of the filing of said lien or other encumbrance. In the event Marilyn Properties fails to remove or bond against said lien by paying the full amount claimed, Marilyn Properties shall pay the CITY upon demand any amount paid out by CITY, including CITY's costs, expenses and reasonable attorneys' fees. Marilyn Properties further agrees to hold CITY harmless from, and to indemnify the CITY against, any and all claims, demands and expenses, including reasonable attorney's fees, by reason of any claims of any contractor, subcontractor, supplier, laborer or any other third person

with whom Marilyn Properties has contracted or otherwise is found liable for, in respect to the Area. Nothing contained in this Agreement shall be deemed, construed or interpreted to imply any consent or agreement on the part of CITY to subject the CITY's interest or estate to any liability under any mechanic's or other lien asserted by any contractor, subcontractor, or supplier thereof against any part of the Property or any of the improvements thereon and each such contract shall provide that the contractor must insert a statement in any subcontract or purchase order that the contractor's contract so provides for waiver of lien and that the subcontractor, and supplier agree to be bound by such provision.

7. **REMEDIES FOR NON-COMPLIANCE.** If the Marilyn Properties materially fails to perform any of its obligations or covenants hereunder, or materially breaches any of the terms contained herein, then the CITY shall have the right to take one or more of the following actions:

- (a) Deny Marilyn Properties use of the Property,
- (b) Terminate this Agreement,

8. **TERMINATION FOR CONVENIENCE.** CITY retains the right to terminate this Agreement at any time without penalty to the CITY. CITY may terminate this Agreement by notice to the Marilyn Properties at any time in CITY's sole discretion without penalty to the CITY.

9. **NO CONFLICT OF INTEREST.** MARILYN PROPERTIES has received copies of, and is familiar with, the following provisions regarding conflict of interest in the performance of this Agreement by the MARILYN PROPERTIES. MARILYN PROPERTIES covenants, represents and warrants that it will comply with all such conflict of interest provisions, pursuant to City of

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Miami Code Section 2-611, as amended ("City Code"), regarding conflicts of interest, MARILYN PROPERTIES certifies to CITY that no individual member of MARILYN PROPERTIES, no employee, and no subcontractor under this Agreement nor any immediate family member of any of the same is also a member of any board, commission, or agency of the CITY. MARILYN PROPERTIES represents and warrants to the CITY that throughout the term of this Agreement, MARILYN PROPERTIES, its employees, its board members, and its subcontractor will abide by this prohibition of the City Code.

10. AMENDMENTS. No amendments to this Agreement shall be binding on either party, unless in writing and signed by both parties.

11. OWNERSHIP OF DOCUMENTS. All documents developed by the MARILYN PROPERTIES or at its request pursuant to this Agreement shall be delivered to the CITY upon completion of the Project, and as otherwise contemplated by this Agreement, and shall become the property of the CITY, without restriction or limitation on its use. MARILYN PROPERTIES agrees that all documents maintained and generated pursuant to this Agreement shall be subject to all provisions of the Public Records Law, Chapter 119, Florida Statutes.

It is further understood by and between the parties that any documents that are given by the CITY to the MARILYN PROPERTIES pursuant to this Agreement shall at all times remain the property of the CITY, and shall not be used by the MARILYN PROPERTIES for any other purposes whatsoever, without the written consent of the CITY.

12. NON-DELEGATABILITY. The obligations of the MARILYN PROPERTIES under this Agreement shall not be delegated or assigned to any other party by MARILYN PROPERTIES

without the CITY's prior written consent which may be withheld by the CITY, in its sole discretion.

13. MISCELLANEOUS. A. This Agreement shall be construed and enforced according with all applicable laws, ordinances and codes of U.S. Federal, State of Florida, and local governments. Venue in any proceedings between the parties shall be in Miami-Dade County, Florida. Each party shall bear its own attorney's fees. Each party waives any defense, whether asserted by motion or pleading, that the aforementioned courts are an improper or inconvenient venue. Moreover, the parties consent to the personal jurisdiction of the aforementioned courts and irrevocably waive any objections to said jurisdiction. The parties irrevocably waive any rights to a jury trial.

B. Title and paragraph headings are for convenient reference and are not a part of this Agreement.

C. No waiver or breach of any provision of this Agreement shall constitute a waiver of any subsequent breach of the same or any other provision hereof, and no waiver shall be effective unless made in writing.

D. Should any provision, paragraph, sentence, word or phrase contained in this Agreement be determined by a court of competent jurisdiction to be invalid, illegal or otherwise unenforceable under the laws of the State of Florida or the City of Miami, such provision, paragraph, sentence, word or phrase shall be deemed modified to the extent necessary in order to conform with such laws, or if not modifiable, then the same shall be deemed severable, and in either event, the remaining terms and provisions of this Agreement shall remain unmodified and in full force and effect or limitation of its use.

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E. In the event of conflict between the terms of this Agreement and any terms or conditions contained in any attached documents, the terms of this Agreement shall rule.

F. MARILYN PROPERTIES shall comply with all applicable laws, rules and regulations in the performance of this Agreement, including but not limited to licensure, and certifications required by law, if any, for MARILYN PROPERTIES' dredging and tasks contemplated by this Agreement.

14. **NOTICES:** All notices or other communications which shall or may be given pursuant to this Agreement shall be in writing and shall be delivered by personal service, or by certified mail, addressed to the party at the address indicated herein or as the same may be changed from time to time. Such notice shall be deemed given on the day on which personally served; or, if by mail, on the fifth day after being posted, or the date of actual receipt, whichever is earlier.

CITY OF MIAMI
Director of the Department of
Public Facilities
444 S.W. 2nd Avenue, 3rd Floor
Miami, FL 33130

MARILYN PROPERTIES, INC.,
a Florida Corporation
Attn: Mr. Orin Black, V.P.
1250 N.E. 133 Street
Miami, FL 33133

With copies to:

City Manager, City of Miami
444 S.W. 2nd Avenue, 10th Floor
Miami, Florida 33130

City Attorney, City of Miami
444 S.W. 2nd Avenue, 9th Floor
Miami, Florida 33130

15. **INDEPENDENT CONTRACTOR.** MARILYN PROPERTIES, its contractors, subcontractors, and its employees and agents shall be deemed to be independent contractors, and not agents or employees of the CITY, and shall not attain any rights or benefits under the Civil

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Service or Pension Ordinances of the CITY, or any rights generally afforded classified or unclassified employees; further, they shall not be deemed entitled to the Florida Workers' Compensation benefits as employees of the CITY.

16. SUCCESSORS AND ASSIGNS. This Agreement shall be binding upon the parties hereto, and their respective heirs, executors, legal representatives, successors, and assigns.

17. FORCE MAJEURE. A "Force Majeure Event" shall mean an act of God, act of governmental body or military authority, fire, explosion, power failure, flood, storm, hurricane, sink hole, other natural disasters, epidemic, riot or civil disturbance, war or terrorism, sabotage, insurrection, blockade, or embargo. If either party is delayed in the performance of any act or obligation pursuant to or required by the Agreement by reason of a Force Majeure Event, the time for required completion of such act or obligation shall be extended by the number of days equal to the total number of days, if any, that such party is actually delayed by such Force Majeure Event. The party seeking delay in performance shall give notice to the other party specifying the anticipated duration of the delay, and if such delay shall extend beyond the duration specified in such notice, additional notice shall be repeated no less than monthly so long as such delay due to a Force Majeure Event continues. Any party seeking delay in performance due to a Force Majeure Event shall use its best efforts to rectify any condition causing such delay and shall cooperate with the other party to overcome any delay that has resulted.

18. ENTIRE AGREEMENT. This instrument and its attachments constitute the sole and only agreement of the parties hereto relating to said Project on the Property, and correctly sets forth

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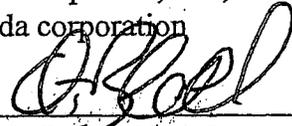
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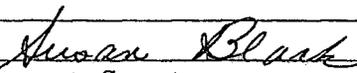
the rights, duties, and obligations promises, negotiations, or representations not expressly set forth in the Agreement are of no force or effect.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by the respective officials thereunto duly authorized on the first date above written.

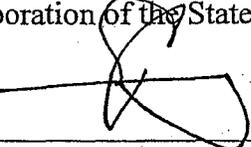
ATTEST: (AFFIX SEAL)

Marilyn Properties, Inc.,
a Florida corporation

BY: 
Orin Black, Vice President

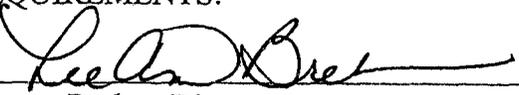
Name: 
Corporate Secretary

CITY OF MIAMI, a municipal
Corporation of the State of Florida

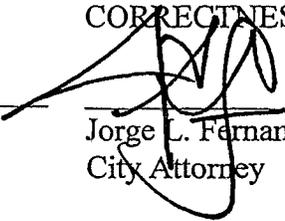
BY: 
Pedro G. Hernandez
City Manager

ATTEST:
 5-23-07
Priscilla A. Thompson, City Clerk

APPROVED AS TO INSURANCE
REQUIREMENTS:


Leeann Brehm, Director
Department of Risk Management

APPROVED AS TO FORM AND
CORRECTNESS:


Jorge L. Fernandez
City Attorney

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Environmental Resources Regulation Division

Exhibit "A"

Sketch of the City's Property

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Environmental Resources Regulation Division

Exhibit "B"

CORPORATE RESOLUTION

WHEREAS, Marilyn Properties, Inc., a Florida corporation, desires to enter into an agreement with the City of Miami, a copy of which is attached here to clear all obstruction from the Federal Navigation Channel by excavating the incidental soil and sediments that is within the Federal Channel at no cost to the City; and

WHEREAS, the Board of Directors at a duly held corporate meeting has considered the matter in accordance with the Articles and By-Laws of the corporation;

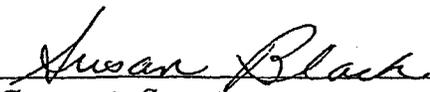
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS that the Vice President and Corporate Secretary are hereby authorized and instructed to enter into an agreement and undertake the responsibilities and obligations as stated in such proposed agreement in the name and on behalf of this for-profit corporation with the City of Miami upon terms and conditions contained in the proposed improvements and indemnification agreement to which this resolution is attached.

DATED this 27 day of MARCH, 2007.



Orin Black, Vice President

ATTEST:



Corporate Secretary
Print Name: SUSAN BLACK

(CORPORATE SEAL)

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Exhibit "C"

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Environmental Resources Regulation Division

**INSURANCE REQUIREMENTS FOR A CERTIFICATE OF INSURANCE
TO BE PROVIDED
ON THE EFFECTIVE DATE**

I. Commercial General Liability

- A. Limits of Liability
- | | |
|---|-------------|
| Bodily Injury and Property Damage Liability | |
| Each Occurrence | \$1,000,000 |
| General Aggregate Limit | \$2,000,000 |
| Products/Completed Operations | \$1,000,000 |
| Personal and Advertising Injury | \$1,000,000 |

B. Endorsements Required

City of Miami included as an Additional Insured
Employees included as insured
Independent Contractors Coverage
Contractual Liability
Premises/Operations
Explosion, Collapse and Underground Hazard
Incidental Medical Malpractice
Loading and Unloading
Mobile Equipment (Contractors Equipment) whether owned, leased,
Borrowed, or rented by the contractor or employees of the contractor

II. Business Automobile Liability

- A. Limits of Liability
- | | |
|--|-------------|
| Bodily Injury and Property Damage Liability | |
| Combined Single Limit | |
| Any Auto | |
| Including Hired, Borrowed or Non-Owned Autos | |
| Any One Accident | \$1,000,000 |

B. Endorsements Required

City of Miami included as an Additional Insured
Employees included as insured

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III. Worker's Compensation

Limits of Liability
Statutory-State of Florida
Waiver of subrogation

IV. Employer's Liability

Limits of Liability
\$1,000,000 for bodily injury caused by an accident, each accident.
\$1,000,000 for bodily injury caused by disease, each employee
\$1,000,000 for bodily injury caused by disease, policy limit

V. Umbrella Policy

Limits of Liability
Bodily Injury and Property Damage Liability

Each Occurrence	\$2,000,000
Aggregate	\$2,000,000

VI. Contractor's Professional Pollution Coverage

Combined Single Limit	
Each Occurrence	\$1,000,000
General Aggregate Limit	\$1,000,000
Deductible-Not to Exceed 10%	

All insurance policies required above shall be issued by companies authorized to do business under the laws of the State of Florida, with the following qualifications:

The company must be rated no less than "A" as to Management, and no less than "Class V" as to Financial Strength, by the latest edition of Best's Insurance Guide, published by A.M. Best Company, Oldwick, New Jersey, or its equivalent, subject to the approval of the City's Risk Management Division.

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Exhibit "D"

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Class I Permit Application to be attached.



Class I
Permit Application
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JUN 21 2007

1. Application number
2007-CLI-PER-00100

2. Date Day/Month/Year

3. For official Use only
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Environmental Resources Regulation Division

4. Applicant information:
Name Marilyn Properties, Inc.
Address 1250 NE 133rd Street
North Miami, FL Zip Code 33161
Phone Number (305) 869-3715

5. Applicant's authorized permit agent
Name Mr. R. Harvey Sasso, President,
Coastal Systems International, Inc.
Address 464 South Dixie Highway
Coral Gables, Florida Zip Code 33146
Phone Number (305) 661-3655

6. Describe the proposed activity, its purpose and intended use, including a description of the type of structures, if any, to be erected on fills, or pipe or float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance.

Excavation of approximately 1,950 cubic yards of uplands between 205 linear feet of existing and new bulkhead, and removal of 205 linear feet of existing bulkhead following excavation.

	Dredged/Excavated		Filled/Deposited	
Volume of Material	<u>0</u>	CY	<u>1,950</u>	CY
	<small>Waterward of O.N.W. or M.N.W.</small>		<small>Landward of O.N.W. or M.N.W.</small>	
			<u>0</u>	CY
			<small>Waterward of O.N.W. or M.N.W.</small>	<u>0</u>
				<small>Landward of O.N.W. or M.N.W.</small>

7. Proposed Use: (Check One)
 Private
 Public
 Commercial
 Other (explain in remarks)

8. Names and addresses of adjoining property owners whose property also adjoins the waterway

Name Eller Media Company
Address 737 NW 4th Street
Miami, Florida Zip Code 33128

Name Enrique Bassas
Address 325 NW South River Drive
Miami, Florida Zip Code 33128

9. Location where proposed activity exists or will occur
Street Address 745 NW 4th Street; 377 NW South River Drive;
341 NW South River Drive
Miami
State Florida County Miami-Dade In City or Town Miami

Latitude 25° 46' 40.66" N
Longitude 80° 12' 24.32" W
Section 38
Twp. 54S
Range 41E
Near City or Town _____

10. Name of waterway at location of the activity Miami River **50**

11. Date Activity is proposed to commence 2007
Date Activity is expected to be completed 2007

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12. Is any portion of this activity for which authorization is sought now complete?
 Yes
 No
If answer is "yes" give answer in the remarks section

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Month and year the activity was completed N/A
Indicate the existing work on the drawings _____

13. List approvals or certifications required by other Federal, interstate, state or local agencies for any structures, construction, discharges, deposits or other activities described in this application, including whether this project is a Development of Regional Impact.

Issuing agency	Type of Approval	Identification Number	Date of Application	Date of Approval
DEP	Joint ERP	13-0247971-001	4/13/2005	6/20/2006
US Army Corps of Engineers	LOP	SAJ-2005-5014	4/13/2005	6/30/2006

14. Has any agency denied approval for any activity directly related to the activity described herein?
 Yes
 No

15. Remarks

16. Estimated project cost =
\$100,000

17. Contractor's name and address

Name: TBD
Address: _____
_____ Zip Code _____
Phone Number _____

18. Application is hereby made for a permit or permits to authorize the activities described herein. I agree to provide any additional information that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable State Water Quality Standards or other environmental protection standards both during construction and after the project is completed. I also agree to provide entry to the project site for inspectors from the environmental protection agencies for the purpose of making preliminary analyses of the site and monitoring permitted works, if permit is granted. I certify that I am familiar with the information contained in this application and that to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of owner

Mr. Orin Black,
Vice President,
Marilyn Properties, Inc.

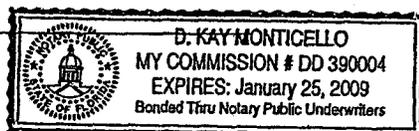
Date

4/27/07

SUBSCRIBED AND SWORN TO BEFORE ME THIS 27th DAY OF April, 20 07, BY Orin T Black

PERSONALLY KNOWN PRODUCED IDENTIFICATION (PLEASE CHECK ONE)

TYPE OF IDENTIFICATION PRODUCED:



D. Kay Monticello

NOTARY PUBLIC

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**Affidavit of Ownership
and Hold Harmless Agreement**

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Environmental Resources Regulation Division

Personally Appeared Before Me, Mr. Orin Black, Vice President, Marilyn Properties, Inc., that undersigned authority, and hereby swears and affirms under oath as follows:

1. That your affiant is the record owner or lessee of that certain property* more fully described as:
Mr. Orin Black
Vice President, Marilyn Properties, Inc.
745 NW 4th Street, 377 NW South River Drive, 341 NW South River Drive
City of Miami, Miami-Dade County, Florida
*may attach legal description from public records or plat book or a copy of the warranty deed
2. That your affiant is also the riparian and/or littoral owner of that certain property that is the subject matter of Application No. 2007-CLI-PER-0100 for a Class I permit under and pursuant to Section 24-48 of the Code of Miami-Dade County to construct or engage in the following activity:

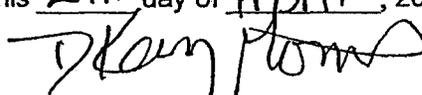
Excavation of approximately 1,950 cubic yards of uplands between 205 linear feet of existing and new bulkhead, and removal of 205 linear feet of existing bulkhead following excavation.
3. That your affiant hereby swears and affirms its ownership or leasehold in the above noted property necessary for the work note in Paragraph 2 above, and hereby agrees to: defend same and hold the County harmless from any and all liability, claims and damages of any nature whatsoever occurring, including or arising as a result of your affiant not having the proper title to all lands of proper leasehold to all lands that are the subject matter of this application.

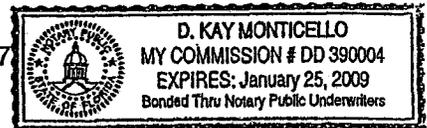
STATE OF FLORIDA
COUNTY OF DADE


Orin Black, Vice President
Marilyn Properties, Inc.
Owner/Applicant

BEFORE ME, the undersigned authority, personally appeared Orin Black who, after being duly sworn, deposes and says that he/she has read the foregoing, and that the statements contained therein are true and correct to the best of his/her knowledge and belief.

Sworn to and subscribed before me this 27th day of April, 2007





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DERM
Environmental Resources Regulation Division
PERMIT APPLICANT/ AUTHORIZED AGENT STATEMENT

Date: April 25, 2007

To:

Miami Dade County DERM
Class I Permitting Program
33 S.W. 2 Avenue, Suite 400
Miami, Florida 33130-1540

RE: CLASS I STANDARD FORM PERMIT APPLICATION NUMBER 2007-CLI-PER-00100, FOR THE EXCAVATION OF APPROXIMATELY 1,950 CUBIC YARDS OF UPLANDS BETWEEN 205 LINEAR FEET OF EXISTING BULKHEAD, AND REMOVAL OF 205 LINEAR FEET OF EXISTING BULKHEAD FOLLOWING EXCAVATION; LOCATED AT 745 NW 4TH STREET AND 341 & 377 NW SOUTH RIVER DRIVE IN THE CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA

By the attached ~~Class I Standard Form~~ permit application with supporting documents, I, Mr. Orin T. Black, am the permit applicant / applicant's authorized agent (circle one) and hereby request permission to perform the following:

Excavation of approximately 1,950 cubic yards of uplands between 205 linear feet of existing and new bulkhead, and removal of 205 linear feet of existing bulkhead following excavation.

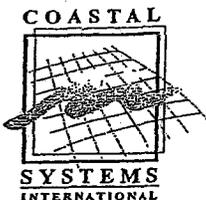
I understand that a Miami-Dade County Class I Standard Form Permit is required to perform this work.

If approval is granted for the proposed work by the Board of County Commissioners, complete and detailed plans and calculations of the proposed work shall be prepared by an engineer registered/licensed in the State of Florida in accordance with the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. Said plans and calculations shall be subject to the review and approval of the Department of Environmental Resources Management. The permit applicant will secure the services of an engineer registered/licensed in the State of Florida to conduct inspections throughout the construction period, and said engineer shall prepare all required drawings of record. For work which involves the cutting or trimming of a mangrove tree(s), a detailed plan of the proposed cutting or trimming shall be prepared by a licensed landscape architect and submitted to the Department for review and approval. The permit applicant will secure the services of a licensed landscape architect to supervise the trimming or cutting

Respectfully submitted,



Orin T. Black, Vice President
Marilyn Properties, Inc.
Permit Applicant



COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway • Coral Gables, Florida 33146
Tel: 305-661-3655 • Fax: 305-661-1914
www.coastalsystemsint.com

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DERM
Environmental Resources Regulation Division

April 25, 2007

Miami-Dade County DERM
Class I Permitting Program
33 S.W. 2nd Avenue, Suite 400
Miami, Florida 33130-1540

RE: CLASS I STANDARD FORM PERMIT APPLICATION NUMBER 2007-CLI-PER-00100, FOR THE EXCAVATION OF APPROXIMATELY 1,950 CUBIC YARDS OF UPLANDS BETWEEN 205 LINEAR FEET OF EXISTING BULKHEAD, AND REMOVAL OF 205 LINEAR FEET OF EXISTING BULKHEAD FOLLOWING EXCAVATION; LOCATED AT 745 NW 4TH STREET AND 341 & 377 NW SOUTH RIVER DRIVE IN THE CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA

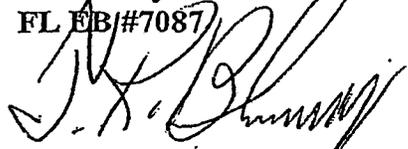
Ladies and Gentlemen:

This letter will certify that I am an engineer registered/certified in the State of Florida, qualified by education and experience in the area of construction, and that to the best of my knowledge and belief, the proposed work does not violate any laws of the State of Florida or any provision of the Code of Miami Dade County which may be applicable, that diligence and recognized standard practices of the engineering profession have been exercised in the engineer's design process for the proposed work, and in my opinion based upon my knowledge and belief, the following will not occur:

- a. Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work.
- b. Harmful or increased erosion, shoaling of channels or stagnant areas of water. (Not applicable to class IV permits).
- c. Material injury to adjacent property.
- d. Adverse environmental impacts from changes in water quality or quantity. (Applicable to class IV permits only).

Further, I have been retained by the applicant to provide inspections throughout the construction period and shall prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, drawings, and other data furnished by the contractor to me.

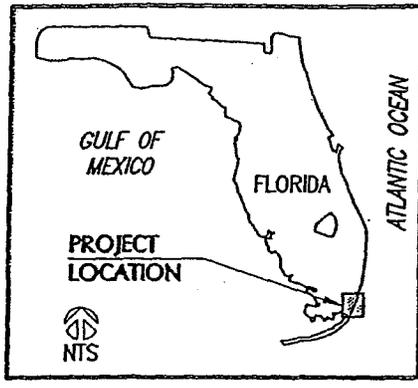
Sincerely,
Coastal Systems International, Inc.
FL EB/#7087



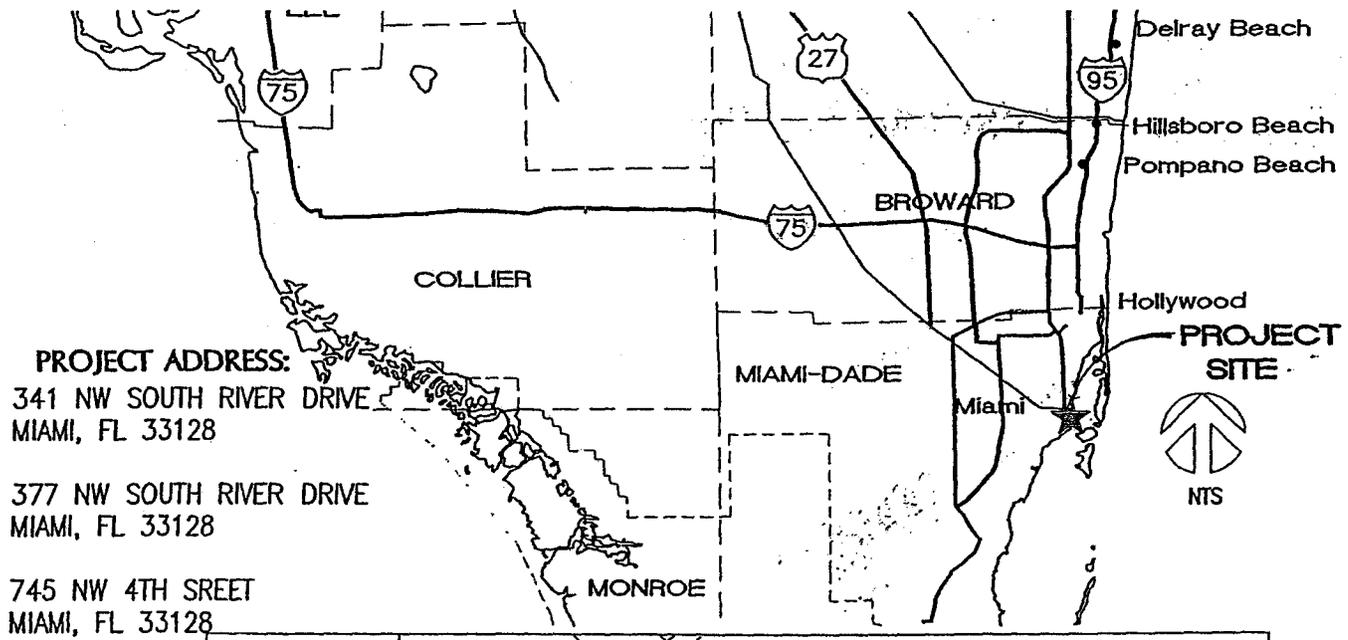
Timothy K. Blankenship, P.E.
FL Reg. 55910

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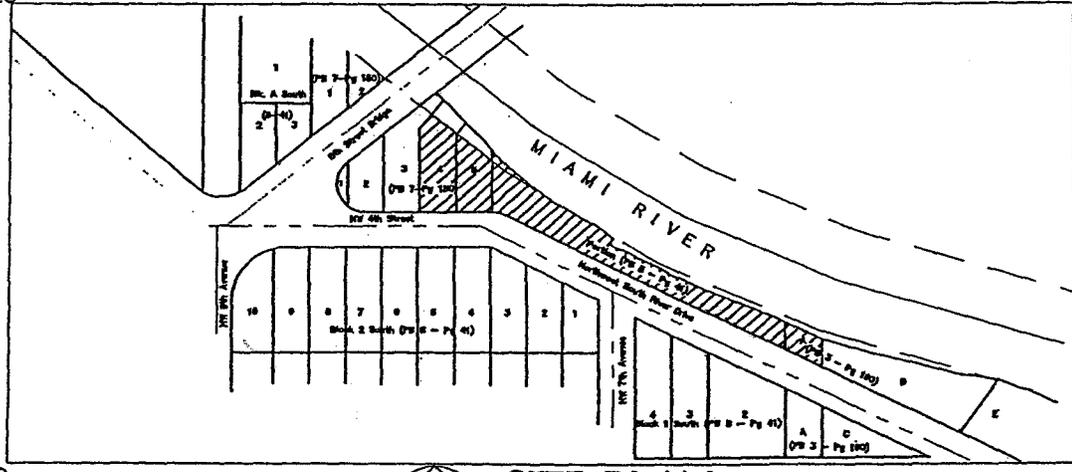
JUN 21 2007



- SHEET INDEX:DERM**
Environmental Resources Regulation Div
1. LOCATION MAP
 2. EXISTING CONDITIONS
 3. DEMOLITION AND TURBIDITY CONTROL PLAN
 4. TURBIDITY CURTAIN CONNECTION DETAIL
 5. PROPOSED PLAN
 6. SECTION A
 7. WEST PROPERTY END CONNECTION
 8. MATERIAL HANDLING DETAIL
 9. GENERAL NOTES



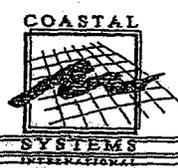
PROJECT ADDRESS:
 341 NW SOUTH RIVER DRIVE
 MIAMI, FL 33128
 377 NW SOUTH RIVER DRIVE
 MIAMI, FL 33128
 745 NW 4TH SREET
 MIAMI, FL 33128



SITE PLAN
NTS

232800\PERMIT SKETCHES\WORKING\232800

[Signature]
 T.Y. BUNKENSHIP
 LICENSED PROFESSIONAL ENGINEER
 NO. 55510
 WWW
 ADD 2 3 2007



MARILYN PROPERTIES, INC
 1250 NE 133rd ST
 NORTH MIAMI, FL 33161
COASTAL SYSTEMS INTERNATIONAL, INC.
 464 South Dixie Highway, Coral Gables, Florida, 33146
 Tel: 305/661-3655 Fax: 305/661-1914 www.CoastalSystemsIntL.com
 STATE OF FLORIDA EB #7087
 Coastal, Environmental, Civil Engineering and Management

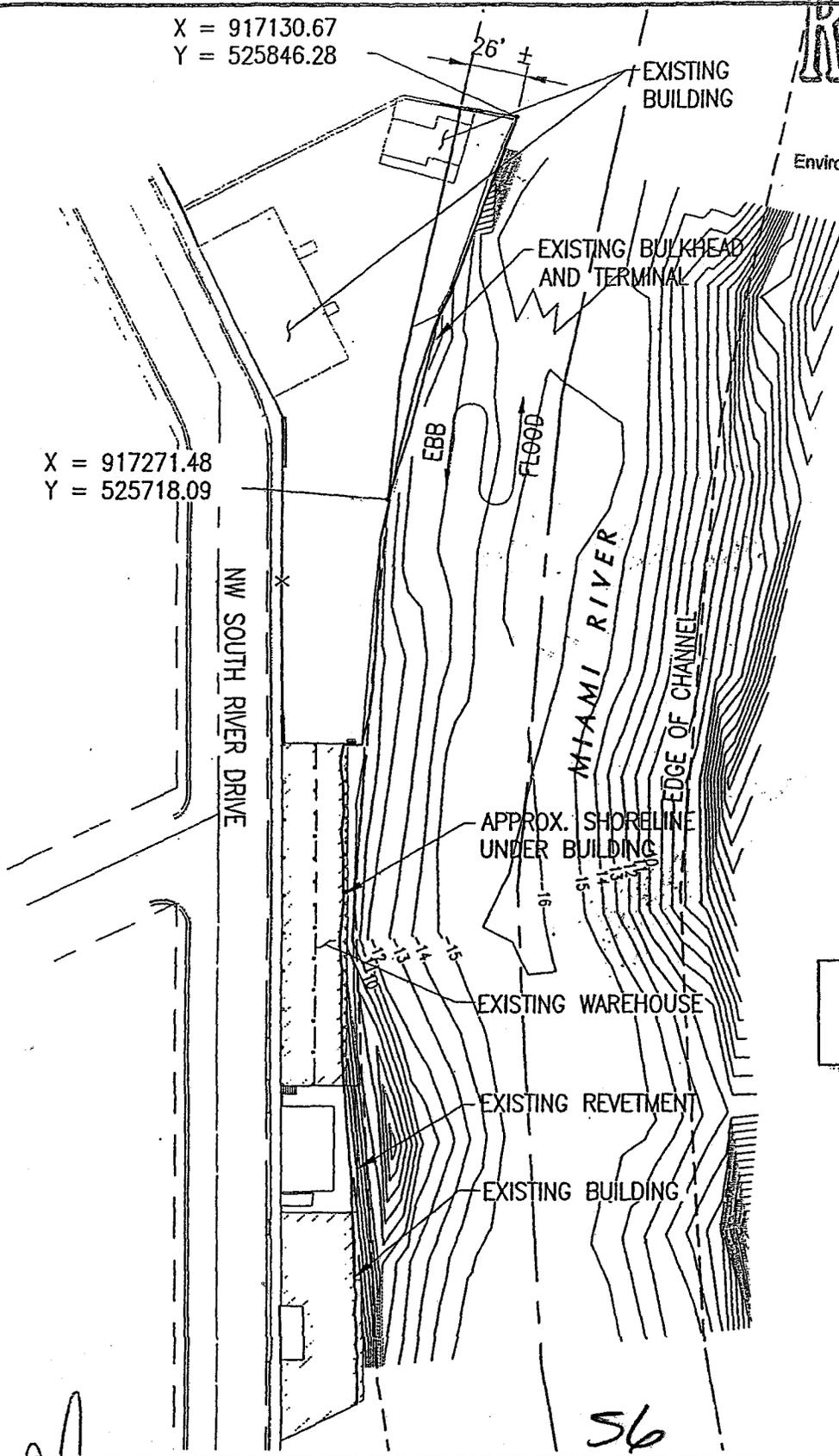
MIAMI RIVER MARINE TERMINAL FACILITY IMPROVEMENTS "EXCAVATION COMPONENT"	
LOCATION MAP	
JOB: 232800	DATE: 4-25-07
BY: GS	SHEET 1 OF 9

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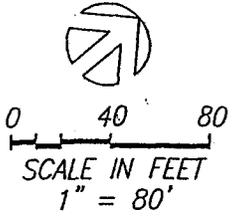
DERM
Environmental Resources Regulation Division

X = 917130.67
Y = 525846.28

X = 917271.48
Y = 525718.09



NOTES:
MHW INTERSECTS
EXISTING BULKHEAD

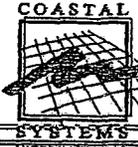


232800\PERMIT SKETCHES\WORKING\232800

56

T.K. BLANKENSHIP
FL REG. 55970

APR 23 2007



MARILYN PROPERTIES, INC
1250 NE 133rd ST
NORTH MIAMI, FL 33161

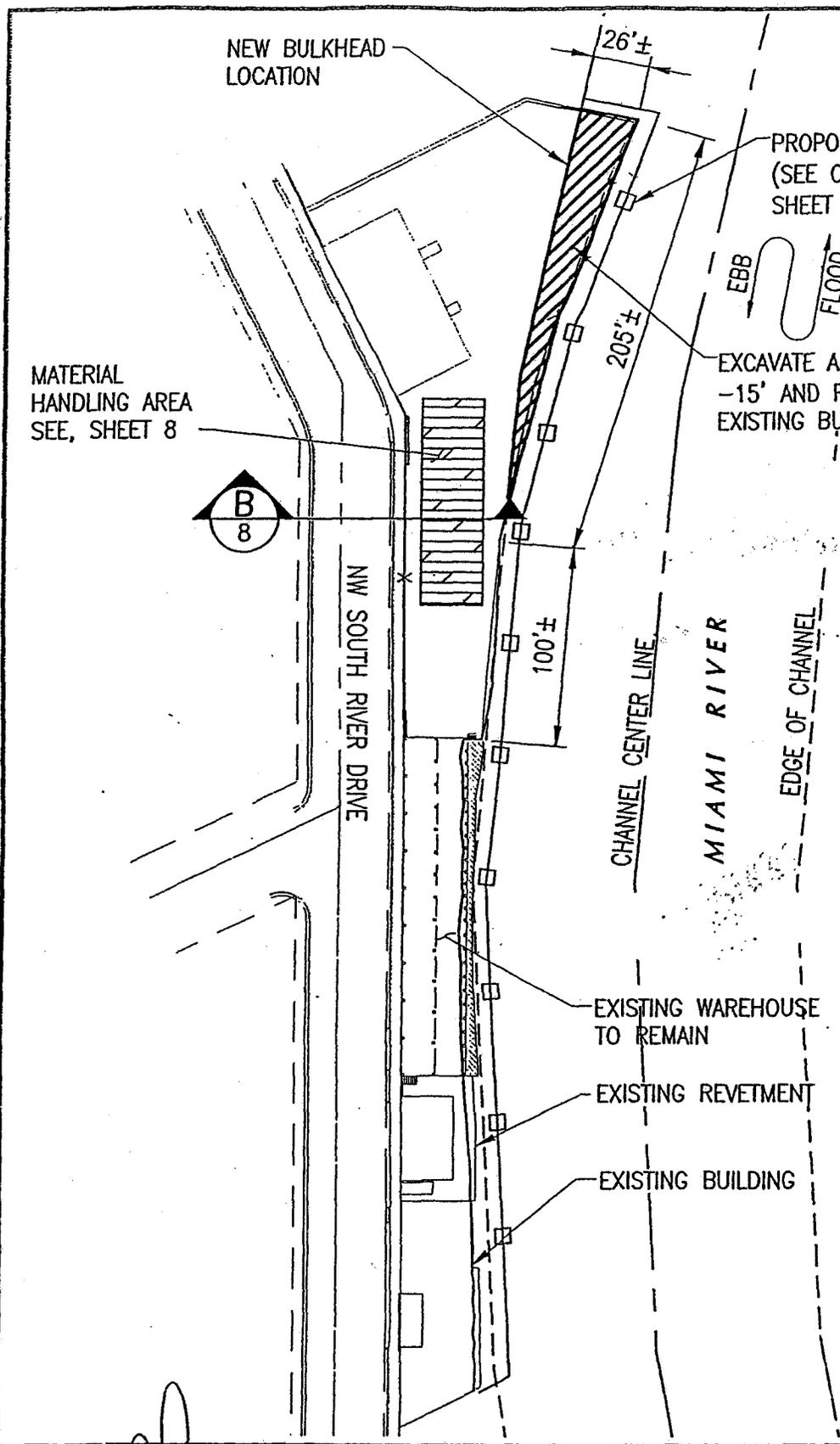
COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway, Coral Gables, Florida 33146
Tel: 305/661-3655 Fax: 305/661-1914 www.CoastalSystemsInt.com
STATE OF FLORIDA EB #7087

Coastal, Environmental, Civil Engineering and Management

MIAMI RIVER MARINE TERMINAL FACILITY IMPROVEMENTS "EXCAVATION COMPONENT"	
EXISTING CONDITIONS	
JOB: 232800	DATE: 4-25-07
BY: GS	SHEET 2 OF 9

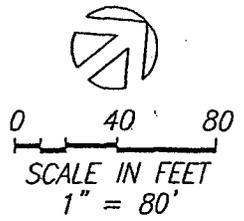
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EXCAVATE AREA TO -15' AND REMOVE EXISTING BULKHEAD

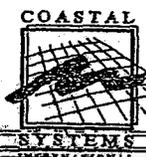
232800\PERMIT SKETCHES\WORKING\232800



T.K. BLANKENSHIP
FL REG 59010

[Handwritten signature]

232800



MARILYN PROPERTIES, INC
1250 NE 133rd ST
NORTH MIAMI, FL 33161

COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway, Coral Gables, Florida 33146
Tel: 305/661-3655 Fax: 305/661-1914 www.CoastalSystemsInt.com
STATE OF FLORIDA EB 17087

Coastal, Environmental, Civil Engineering and Management

MIAMI RIVER MARINE TERMINAL FACILITY IMPROVEMENTS "EXCAVATION COMPONENT"	
DEMOLITION & TURB. CONTROL PLAN	
JOB: 232800	DATE: 4-25-07
BY: CS	SHEET 3 OF 9

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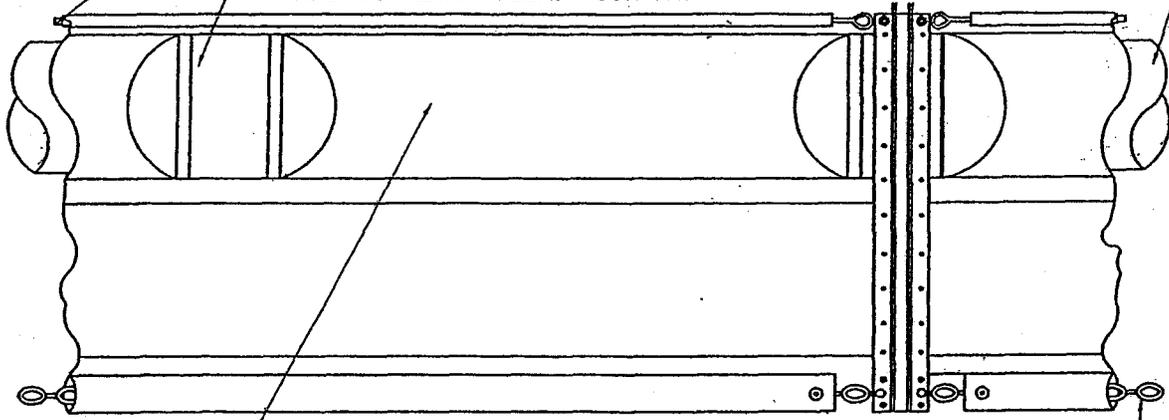
JUN 21 2007

POLYETHYLENE
FLOTATION
DERM

Environmental Resources Regulation Division

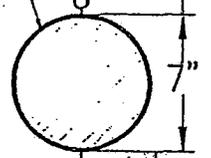
5/16" GALV. CABLE SHEATHED IN PVC

1 SET OF VERTICAL SEAMS BETWEEN EACH
FLOTATION SEGMENT TO ALLOW FOR STOWAGE
AND TO RETAIN FLOAT POSITION.



EACH FLOAT APPROXIMATELY 6 FT.

BOOM ELEVATION



5/16"
GALV.
CHAIN
BALLAST

4' TYP.

BOOM SECTION

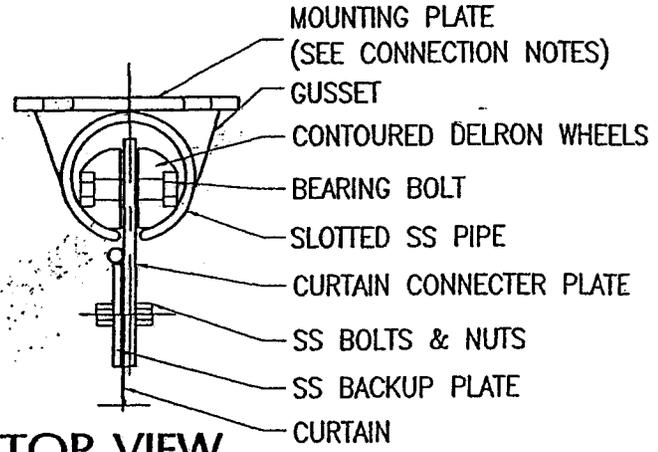
NOTE:
DRAWING NOT TO SCALE

GUSSET
SLOTTED SS
PIPE

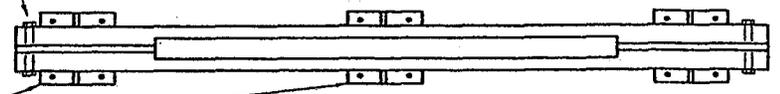
SLIDE STOP
BOLTS (TOP &
BOTTOM)

MOUNTING
PLATES

SIDE VIEW



TOP VIEW

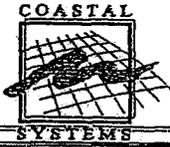


FRONT VIEW

232800\PERMIT SKETCHES\WORKING\232800

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T.R. BLANKENSHIP
FL REG. 35990
[Signature]
APR 23 2007



MARILYN PROPERTIES, INC
1250 NE 133rd ST
NORTH MIAMI, FL 33161

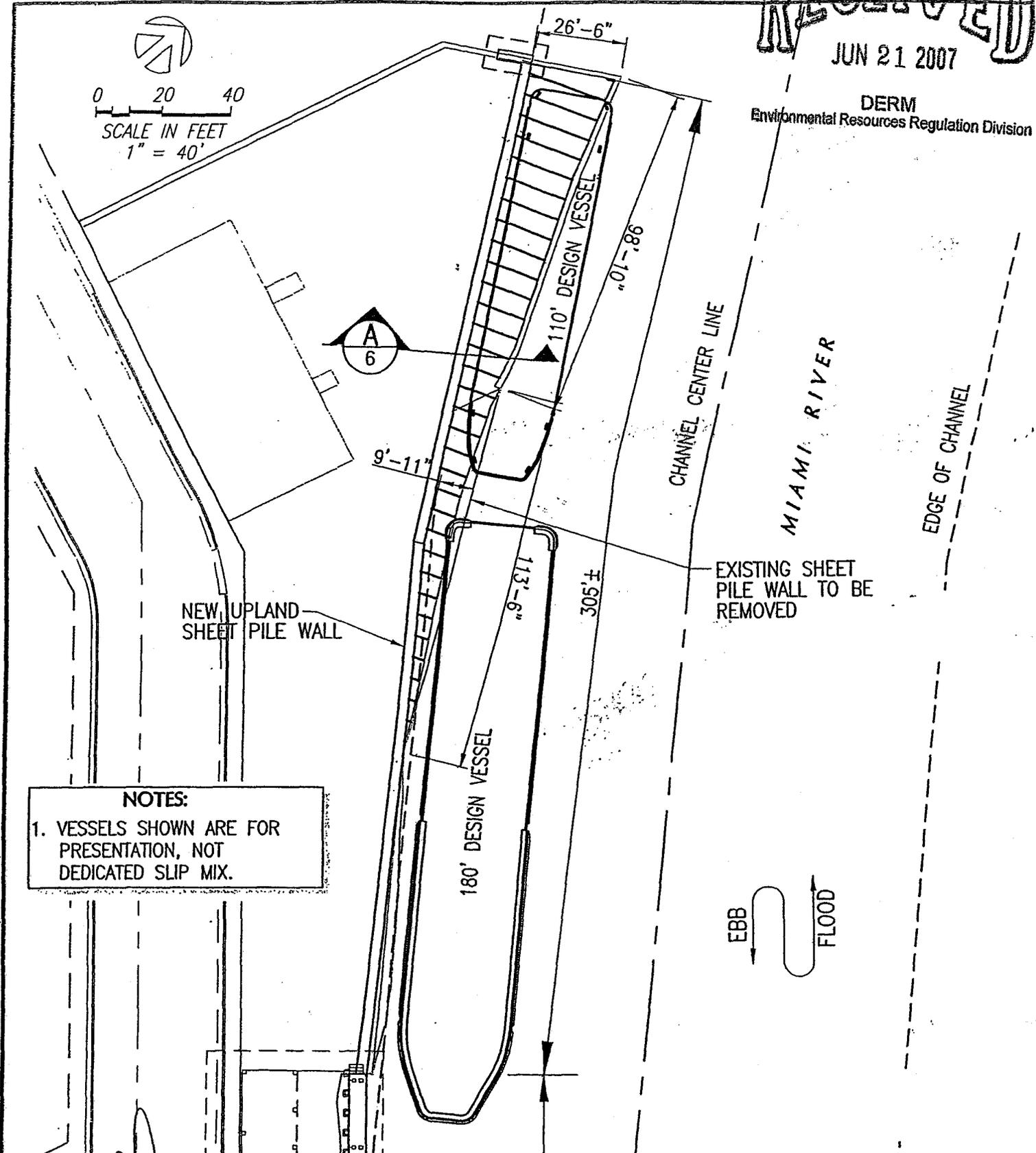
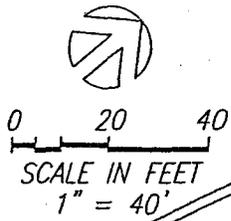
COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dade Highway, Coral Gables, Florida 33146
Tel: 305/661-3655 Fax: 305/661-1914 www.CoastalSystemsintl.com
STATE OF FLORIDA EB #7087

Coastal-Environmental-Civil-Engineering-and-Management

MIAMI RIVER MARINE TERMINAL FACILITY IMPROVEMENTS "EXCAVATION COMPONENT"	
TURBIDITY CURTAIN CONNECTION DETAIL	
JOB: 232800	DATE: 4-25-07
BY: GS	SHEET 4 OF 9

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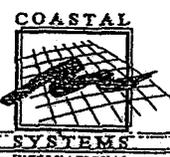


NOTES:
1. VESSELS SHOWN ARE FOR PRESENTATION, NOT DEDICATED SLIP MIX.

232800 PERMIT SKETCHES WORKING 232800

T.K. BOWKENSHP
FL REG 155210
[Signature]
APR 23 2007

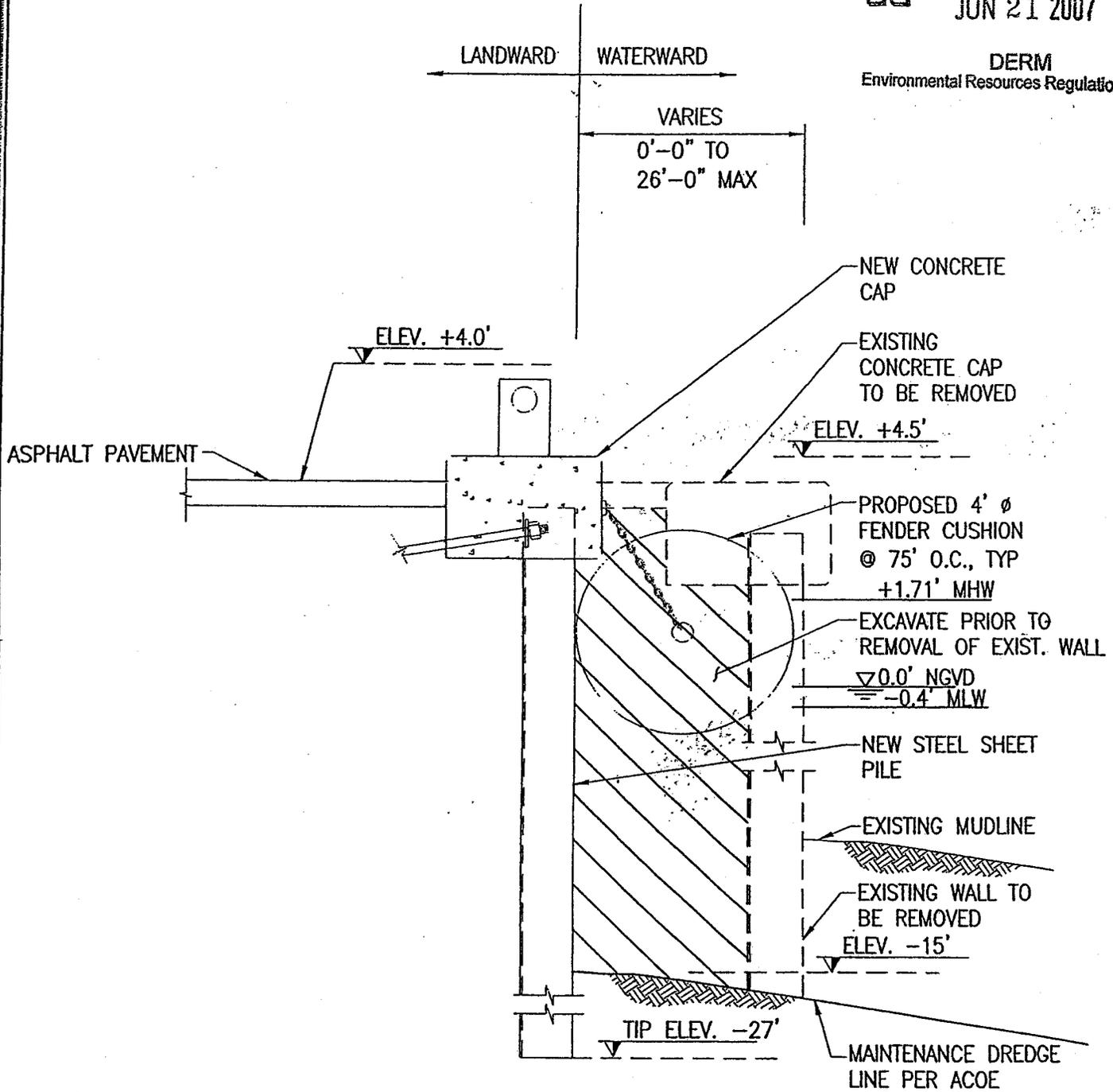
MARILYN PROPERTIES, INC
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STATE OF FLORIDA EB #7087
Coastal, Environmental, Civil Engineering and Management



MIAMI RIVER MARINE TERMINAL FACILITY IMPROVEMENTS "EXCAVATION COMPONENT"	
PROPOSED PLAN	
JOB: 232800	DATE: 4-25-07
BY: GS	SHEET 5 OF 9

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DERM
Environmental Resources Regulation Division

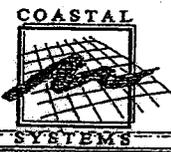


A EXCAVATION OF UPLAND & REMOVAL OF EXISTING WALL
1" = 3'

60

232800\PERMIT SKETCHES\WORKING\232800-PS-6-10

T.K. BLANKENSHIP
FL REG 56910

MARILYN PROPERTIES, INC
1250 NE 133rd ST
NORTH MIAMI, FL 33161

COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Ddde Highway, Coral Gables, Florida 33146
Tel: 305/661-3655 Fax: 305/661-1914 www.CoastalSystemsintl.com
STATE OF FLORIDA EB #7087

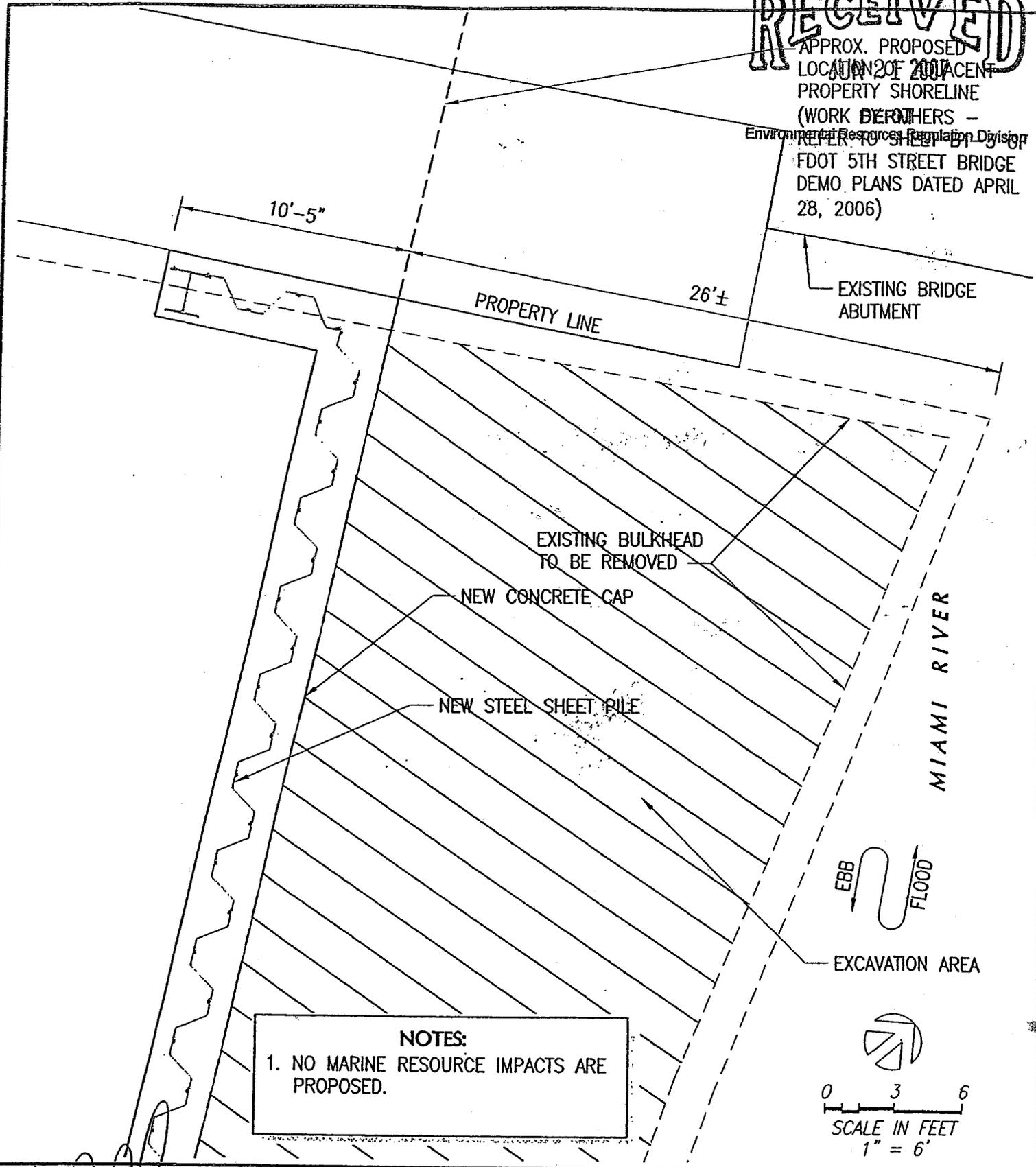
Coastal-Environmental-Civil-Engineering-and-Management

MIAMI RIVER MARINE TERMINAL FACILITY IMPROVEMENTS "EXCAVATION COMPONENT"	
SECTION A	
JOB: 232800	DATE: 4-25-07
BY: GS	SHEET 6 OF 9

RECEIVED

APPROX. PROPOSED
LOCATION OF ADJACENT
PROPERTY SHORELINE
(WORK BY OTHERS -
REFER TO SHEET 61 OF
FDOT 5TH STREET BRIDGE
DEMO PLANS DATED APRIL
28, 2006)

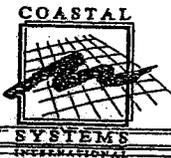
Environmental Resources Regulation Division



NOTES:
1. NO MARINE RESOURCE IMPACTS ARE PROPOSED.

232800\PERMIT SKETCHES\WORKING\232800

T.K. BLANKENSHIP
FL REG. 55910
APR 28 2007



MARILYN PROPERTIES, INC
1250 NE 133rd ST
NORTH MIAMI, FL 33161

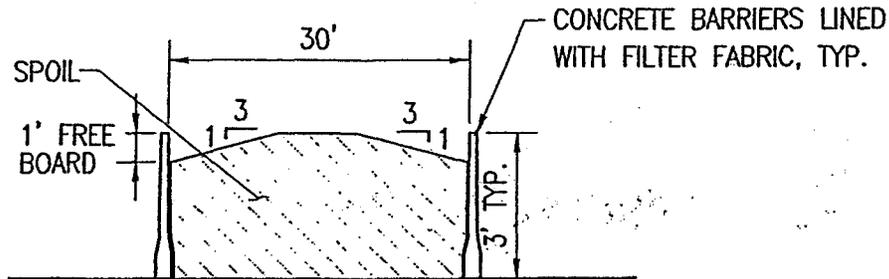
COASTAL SYSTEMS INTERNATIONAL, INC
464 South Dade Highway, Coral Gables, Florida 33146
Tel: 305/661-3655 Fax: 305/661-1914 www.CoastalSystemsInt.com
STATE OF FLORIDA EB #7087

Coastal, Environmental, Civil Engineering and Management

MIAMI RIVER MARINE TERMINAL FACILITY IMPROVEMENTS "EXCAVATION COMPONENT"	
WEST PROPERTY END CONNECTION	
JOB: 232800	DATE: 4-25-07
BY: GS	SHEET 7 OF 9

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JUN 21 2007

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Environmental Resources Regulation Division



B SECTION - MATERIAL HANDLING
HORIZONTAL SCALE 1" = 20'
VERTICAL SCALE 1" = 5'

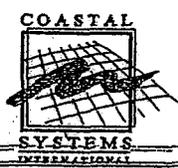
EXCAVATED MATERIAL HANDLING NOTES:

1. EXCAVATED MATERIAL WILL BE PLACED INTO THE MATERIAL HANDLING AREA FOR DRYING AND LOADING ONTO DUMP TRUCKS FOR HAULING OFF SITE.
2. THE HANDLING AREA WILL BE CONFIGURED WITH STACKED CONCRETE BARRIERS AND FILTER CLOTH AND CONFIGURED/RELOCATED AS NECESSARY FOR CONSTRUCTION STAGING.
3. THE BARRIERS AND FILTER CLOTH WILL PREVENT DISCHARGE FROM EXCAVATED MATERIAL PLACED IN THE MATERIAL HANDLING AREA.
4. TRUCKING WILL BE SCHEDULED TO OPTIMIZE DRYING TIME AND TO MAINTAIN PRODUCTION WITH EXCAVATION OPERATIONS.

232800\PERMIT SKETCHES\WORKING\232800

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T.K. BLANKENSHIP
FL. REG. 5510
[Signature]
APR 23 2007



MARILYN PROPERTIES, INC
1250 NE 133rd ST
NORTH MIAMI, FL 33161
COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway, Coral Gables, Florida 33146
Tel: 305/661-3655 Fax: 305/661-1914 www.CoastalSystemsInt.com
STATE OF FLORIDA EB #7087
Coastal, Environmental, Civil Engineering and Management

MIAMI RIVER MARINE TERMINAL FACILITY IMPROVEMENTS "EXCAVATION COMPONENT"	
MATERIAL HANDLING DETAIL	
JOB: 232800	DATE: 4-25-07
BY: GS	SHEET 8 OF 9

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JUN 21 2007

GENERAL NOTES

DERM
Environmental Resources Regulation Div

1. ALL ELEVATIONS ARE REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929. TIDAL DATUM RELATIONSHIP TO NGVD ARE REFERENCED TO US ARMY CORPS OF ENGINEERS MIAMI RIVER MAINTENANCE DREDGING CONSTRUCTION PLANS DATED DECEMBER, 2000.
2. HYDROGRAPHIC SURVEY INFORMATION OBTAINED FROM CORPS OF ENGINEERS (SEE NOTE 1).
3. UPLAND SURVEY AND SUBMERGED LAND INFORMATION OBTAINED FROM SCHWEBKE - SHISKIN & ASSOCIATES INC., DATED JULY 1, 2004.
4. CONSTRUCTION WILL REQUIRE FLOATING EQUIPMENT.
5. THESE DRAWINGS ARE "PERMIT SKETCHES" INTENDED TO PROVIDE SUFFICIENT DATA FOR REVIEW AND EVALUATION BY REGULATORY AGENCIES. THESE DRAWINGS ARE NOT INTENDED FOR CONSTRUCTION.
6. AS-BUILT INFORMATION PROVIDED BY COASTAL SYSTEMS; SURVEYS CONDUCTED ON 15 MARCH, 2005.

ABBREVIATIONS

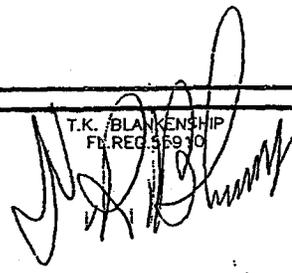
- C.Y. _____ CUBIC YARDS
- TYP. _____ TYPICAL
- NOS. _____ NATIONAL OCEAN SERVICE
- NAD _____ NORTH AMERICAN DATUM
- NGVD _____ NATIONAL GEODETIC VERTICAL DATUM
-  _____ WATER LEVEL

MARINE WORKS CONSTRUCTION QUANTITY ESTIMATE

DESCRIPTION	QUANTITY	UNIT
EXCAVATING VOLUME TO -15'	1,900	C.Y.

232800\PERMIT SKETCHES\WORKING\232800

T.K. BLANKENSHIP
FL REG. 55970




MARILYN PROPERTIES, INC
1250 NE 133rd ST
NORTH MIAMI, FL 33161

COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway, Coral Gables, Florida 33146
Tel: 305/661-3655 Fax: 305/661-1914 www.CoastalSystemsInt.com
STATE OF FLORIDA EB #7087

Coastal, Environmental, Civil Engineering and Management

MIAMI RIVER MARINE TERMINAL FACILITY IMPROVEMENTS "EXCAVATION COMPONENT"	
GENERAL NOTES	
JOB: 232800	DATE: 4-25-07
BY: GS	SHEET 9 OF 9

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DOCUMENT# 137350

Entity Name: MARILYN PROPERTIES INC

FILED
Mar 30, 2007
Secretary of State

RECEIVED
JUN 21 2007

Current Principal Place of Business:

1250 NE 133 ST.
NORTH MIAMI, FL 33161

New Principal Place of Business:

New Mailing Address:

Current Mailing Address:

MARILYN PROPERTIES, INC
P O BOX 611808
NORTH MIAMI, FL 332611808 US

DERM
Environmental Resources Regulation Division

FEI Number: 59-0543175 FEI Number Applied For () FEI Number Not Applicable () Certificate of Status Desired (X)

Name and Address of Current Registered Agent:

BLACK, RICHARD C
3640 SW WOODCREEK TRAIL
PALM CITY, FL 34990 US

Name and Address of New Registered Agent:

BLACK, RICHARD C
5105 SE MATOUSEK ST.
PORT SALERNO, FL 34997 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: RICHARD C. BLACK

03/30/2007

Electronic Signature of Registered Agent

Date

Election Campaign Financing Trust Fund Contribution ().

OFFICERS AND DIRECTORS:

Title: PM () Delete
Name: BLACK, RICHARD,
Address: 3640 SW WOODCREEK TRAIL
City-St-Zip: PALM CITY, FL 34990 US

Title: S () Delete
Name: BLACK, SUSAN,
Address: 3640 SW WOODCREEK TRAIL
City-St-Zip: PALM CITY, FL 34990 US

Title: V () Delete
Name: BLACK, ORIN,
Address: 3640 SW WOODCREEK TRAIL
City-St-Zip: PALM CITY, FL 34990 US

ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS:

Title: PM (X) Change () Addition
Name: BLACK, RICHARD,
Address: 5105 SE MATOUSEK ST.
City-St-Zip: PORT SALERNO, FL 34997 US

Title: S (X) Change () Addition
Name: BLACK, SUSAN,
Address: 5105 SE MATOUSEK ST.
City-St-Zip: PORT-SALERNO, FL 34997 US

Title: V (X) Change () Addition
Name: BLACK, ORIN,
Address: 5105 SE MATOUSEK ST.
City-St-Zip: PORT SALERNO, FL 34997 US

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I hereby certify that the information supplied with this filing does not qualify for the for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with an address, with all other like empowered.

SIGNATURE: RICHARD C. BLACK

P

03/30/2007

Electronic Signature of Signing Officer or Director

Date

State of Florida



Department of State

I certify from the records of this office that MARILYN PROPERTIES INC is a corporation organized under the laws of the State of Florida, filed on April 17, 1939 .

The document number of this corporation is 137350.

I further certify that said corporation has paid all fees due this office through December 31, 2003, that its most recent annual report/uniform business report was filed on May 5, 2003, and its status is active.

I further certify that said corporation has not filed Articles of Dissolution.



CR2EO22 (2-03)

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
Eighteenth day of May, 2003

Glenda E. Hood

Glenda E. Hood
Secretary of State

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RECEIVED
JUN 21 2000

CERTIFICATE OF INCORPORATION
OF

MARILYN PROPERTIES, INC.

DERM
Environmental Resources Regu

I.

The name of this Corporation is MARILYN PROPERTIES, INC., and its principal office is to be in Dade County, Florida.

II.

The general nature of the business or businesses to be transacted is:

To purchase, or otherwise acquire, own, hold for itself or for others, mortgage, sell, convey or otherwise dispose of real or personal property, or both, of every class and description in any of the States, Districts or Colonies of the United States, and in any and all foreign countries, subject to the laws of such State, District, Territory, Colony or Country;

To manufacture, purchase, or otherwise acquire, and to own and to mortgage, pledge, sell, assign, and transfer, or otherwise dispose of, and to invest, trade, deal in and deal with goods, wares, merchandise and other personal property of every class and description whatsoever;

To acquire and pay for in cash, or otherwise, stock or bonds of this Corporation, the good will, rights, assets and property of other persons, firms or corporations, and to undertake or assume the whole or any part of the obligations or liabilities of any person, firm, association or corporation;

To acquire, hold, use, sell, assign, lease, grant licenses in respect of, mortgage, or otherwise dispose of letters patent of the United States or any foreign country, patent rights, licenses and privileges, inventions, im-

66

improvements and processes, copyrights, trade-marks and trade names, relating to or useful in connection with any business of this Corporation;

To guarantee, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of shares of the capital stock of, or any bonds, securities or evidence of indebtedness created by any corporation or corporations organized under the laws of this state or any other state, country, nation or government, and while the owner thereof to exercise all the rights, powers and privileges of ownership;

To issue bonds, debentures or obligations of this Corporation from time to time, for any of the objects or purposes of the Corporation, and to secure the same by mortgage, pledge, deed of trust, or otherwise;

To purchase, hold, sell and transfer the shares of its own capital stock; provided it shall not use its funds or assets for the purchase of its own capital contrary to law; and provided further that shares of its own capital stock belonging to it shall not be voted directly or indirectly;

To exercise and carry on the business of a builder and contractor; to purchase or otherwise acquire and hold and to dispose of all kinds and classes of building material and of commodities, materials and things incident and necessary for building; to construct houses or other buildings or improvements upon real estate either under contract or upon real estate leased, owned or held by the Corporation, and to hold the same, or lease, convey, mortgage or otherwise dispose thereof;

To manufacture lumber and all classes of building material; to operate saw mills, lumber yards, supply houses, both retail and wholesale, and to buy and sell all kinds of hardware, building material and other supplies used in the building trade, and to operate retail or wholesale hardware stores or any other kind of stores;

To act as the principal, or as the agent of any other person, firm, company, or corporation, in the transaction of any business allowed by law or by this certificate of incorporation, and to do all things incident and necessary to the full and complete accomplishment of the purposes of such agency;

To have one or more officers in this state or in any other state, territory or country; to carry on all or any of the operations and businesses of said Corporation without restriction or limit as to amount; to incur indebtedness without limit as to amount;

In general, to carry on any other businesses in connection with the foregoing, whether manufacturing or otherwise, and to have and exercise all of the powers conferred by the laws of the State of Florida upon corporations formed under the act hereinafter referred to and to do any or all of the things hereinbefore set forth to the same extent as natural persons might or could do;

To have, possess and to exercise all of the powers, rights and privileges provided in Section 7 and Section 8 of Article IV of the Act of the General Assembly of the State of Florida, approved June 1st, 1925, as well as all other rights, powers and privileges allowed by said Act.

The foregoing paragraph shall be construed as enumerating both objects and powers of the Corporation; and it is hereby expressly provided that the foregoing enumeration of specific powers shall not be held to limit or restrict in any manner the powers of this Corporation.

III.

The maximum number of shares of stock authorized is twenty-five (25), all without nominal or par value. As and when said stock is issued and paid for, it shall be considered as fully paid and non-assessable. The Board of Directors may authorize the sale and delivery of any part or all of said stock for money, or for property or services, to be taken at a fair valuation, and

said stock to be sold for whatever consideration the Board of Directors may at the time deem advisable.

IV.

The amount of capital with which this Corporation will begin business is One Thousand Dollars (\$1,000.00).

V.

The Corporation is to have perpetual existence.

VI.

The principal office of the Corporation shall be located in the City of Miami, County of Dade and State of Florida, and said Corporation shall have power and authority to transact business and to establish offices and agencies in other places, either within or without the limits of the State of Florida.

VII.

The number of Directors shall be fixed by the Stockholders at any regular or call meeting, or by the Directors when so authorized by the By-laws, but the number of Directors is not to be less than three. A majority of the Board at any meeting shall constitute a quorum.

VIII.

The names and Post Office addresses of the first Board of Directors, who, subject to the provisions of this Certificate of Incorporation, the By-laws and said Act of the Legislature, shall hold office for the first year of the Corporation's existence, or until removed by a majority vote in interest of the Stockholders at any meeting held for that purpose, or until their successors are elected and have qualified, are as follows:

Frank Morgan	Miami, Florida,
K. Nielsen	Miami, Florida,
George Gunderson	Salerno, Florida.

IX.

The name and Post Office address of each subscriber of the Certificate of Incorporation and the number of shares of stock which he agrees to take are hereinbelow set out:

Frank Morgan	Miami, Florida,	23 Shares
K. Nielson,	Miami, Florida,	1 Share
George Gunderson	Salerno, Florida,	1 Share

X.

In furtherance, and not in limitation of the powers conferred by statute, the Board of Directors is expressly authorized:

To make and alter the By-laws of this Corporation, to fix the amount to be reserved as working capital over and above its capital stock, paid in, to authorize and cause to be executed by the officers of the Company named in the By-laws for such purpose, mortgages and liens upon the real and personal property of this Corporation; from time to time to determine whether and to what extent, and at what times and places, and under what conditions and regulations the accounts and books of this Corporation, other than the stock ledger, or any of them, shall be open to inspection of Stockholders; and no Stockholder shall have any right of inspecting any account, book or document of this Corporation except as conferred by statute, unless authorized by a resolution of the Stockholders or Directors.

If the By-laws so provide, to designate two or more of its number to constitute an executive committee, which committee shall for the time being, as provided in said resolution or in the By-laws of this Corporation, have and exercise any or all of the powers of the Board of Directors in the management of the business and affairs of this Corporation, and have power to authorize the seal of this Corporation to be affixed to all papers which may be required.

The Board of Directors shall have power and authority at any meeting to authorize the sale, lease or exchange of any part

or all of the property and assets of this Corporation, less-
ing its good will and its Corporation franchise, upon such
terms and conditions as its Board of Directors deem expedient
and for the best interests of the Corporation.

No contract or other transaction between the Corporation
and any other corporation, whether or not a majority of the
capital stock of which shall be owned by the Corporation, shall be
affected or invalidated by reason of the fact that any one or
more of the Board of Directors of the Corporation is or are
interested in, or is a Director or Officer or are Directors or
Officers of such other corporation, and any Director or Directors
individually or jointly may be a party or parties to, or may be
interested in, any contract or transaction of the Corporation or
in which the Corporation is interested; and no contract, act or
transaction of the Corporation with any person or persons, firm
or corporation, shall be affected or invalidated by the fact
that any Director or Directors, of the Corporation is a party or
are parties to, or interested in such contract, act or transaction,
or in any way connected with such person or persons, firm or cor-
poration, and each and every person who may become a Director of
the Corporation is hereby relieved from any liability that might
otherwise exist from thus contracting with the Corporation for the
benefit of himself or any firm, association or corporation in which
he may be in anywise interested.

WE, THE UNDERSIGNED, being each of the original subscribers
to the capital stock hereinbefore named for the purpose of forming
a corporation to do business, both within and without the State of
Florida, and in pursuance of the General Corporation Law of the
State of Florida, as contained in the Act of General Assembly of
said State, approved June 1, 1925, and such amendatory Acts as
may hereafter be adopted, do make and file this Certificate of In-
corporation, hereby declaring and certifying that the facts herein
stated are true, and do respectively agree to take the number of

Environmental Resources
JUN 1939

Shares of Stock hereinbefore set forth according to the terms set forth herein, and we accordingly have hereunto set our hands and seals this the 10th day of April, 1939.

(1) *George Sunders* (SEAL)
(2) *K. Villan* (SEAL)
(3) *Frank Morgan* (SEAL)

STATE OF FLORIDA)
COUNTY OF DADE)

BE IT REMEMBERED that on this 12th day of April, 1939, personally came before me, a Notary Public for the State of Florida, at large, FRANK MORGAN, one of the parties to the foregoing Certificate of Incorporation known to me personally to be such, and he acknowledged that he signed said Certificate for the purposes therein expressed and that the facts therein stated are truly set forth.

GIVEN under my hand and seal of office the day and year aforesaid.

F. C. Harris
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
My commission expires

STATE OF FLORIDA)
COUNTY OF DADE)

BE IT REMEMBERED that on this 12th day of April, 1939, personally came before me, a Notary Public for the State of Florida, at large, K. VILLAN, one of the parties to the foregoing Certificate of Incorporation, known to me personally to be such, and he acknowledged that he signed said Certificate for the purposes therein expressed and that the facts therein stated are truly set forth.

GIVEN under my hand and seal of office the day and year aforesaid.

F. C. Harris
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
My commission expires

JUN 21
Environmental Resources Re
DERM

STATE OF FLORIDA
COUNTY OF *Bartow*

AS IT REMEMBERED that on this 10th day of April, 1939, personally came before me, a Notary Public for the State of Florida, at large, GEORGE JUNDERSON, one of the parties to the foregoing Certificate of Incorporation, known to me personally to be such, and he acknowledged that he signed said Certificate for the purposes therein expressed and that the facts therein stated are truly set forth.

GIVEN under my hand and seal of office the day and year aforesaid.

E. A. Fears
NOTARY PUBLIC STATE OF FLORIDA
My commission expires: _____
Notary Public, State of Florida
My Commission Expires July 1940

- 4 -

State of Florida



Department of State

I certify from the records of this office that MARILYN PROPERTIES INC is a corporation organized under the laws of the State of Florida, filed on April 17, 1939 .

The document number of this corporation is 137350.

I further certify that said corporation has paid all fees due this office through December 31, 2003, that its most recent annual report/uniform business report was filed on May 5, 2003, and its status is active.

I further certify that said corporation has not filed Articles of Dissolution.



CR2EO22 (2-03)

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
Eighteenth day of May, 2003

Glenda E. Hood

Glenda E. Hood
Secretary of State

CERTIFICATE OF INCORPORATION
OF
MARILYN PROPERTIES, INC.

RECEIVED
JUN 21
DEPT.
Environmental Resources

I.

The name of this Corporation is MARILYN PROPERTIES, INC., and its principal office is to be in Dade County, Florida.

II.

The general nature of the business or businesses to be transacted is:

To purchase, or otherwise acquire, own, hold for itself or for others, mortgage, sell, convey or otherwise dispose of real or personal property, or both, of every class and description in any of the States, Districts or Colonies of the United States, and in any and all foreign countries, subject to the laws of such State, District, Territory, Colony or Country;

To manufacture, purchase, or otherwise acquire, and to own and to mortgage, pledge, sell, assign, and transfer, or otherwise dispose of, and to invest, trade, deal in and deal with goods, wares, merchandise and other personal property of every class and description whatsoever;

To acquire and pay for in cash, or otherwise, stock or bonds of this Corporation, the good will, rights, assets and property of other persons, firms or corporations, and to undertake or assume the whole or any part of the obligations or liabilities of any person, firm, association or corporation;

To acquire, hold, use, sell, assign, lease, grant licenses in respect of, mortgage, or otherwise dispose of letters patent of the United States or any foreign country, patent rights, licenses and privileges, inventions, im-

improvements and processes, copyrights, trade-marks and trade names, relating to or useful in connection with any business of this Corporation;

To guarantee, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of shares of the capital stock of, or any bonds, securities or evidence of indebtedness created by any corporation or corporations organized under the laws of this state or any other state, country, nation or government, and while the owner thereof to exercise all the rights, powers and privileges of ownership;

To issue bonds, debentures or obligations of this Corporation from time to time, for any of the objects or purposes of the Corporation, and to secure the same by mortgage, pledge, deed of trust, or otherwise;

To purchase, hold, sell and transfer the shares of its own capital stock; provided it shall not use its funds or property for the purchase of its own capital contrary to law; and provided further that shares of its own capital stock belonging to it shall not be voted directly or indirectly;

To exercise and carry on the business of a builder and contractor; to purchase or otherwise acquire and hold and to dispose of all kinds and classes of building material and of commodities, materials and things incident and necessary for building; to construct houses or other buildings or improvements upon real estate either under contract or upon real estate leased, owned or held by the Corporation, and to hold the same, or lease, convey, mortgage or otherwise dispose thereof;

To manufacture lumber and all classes of building material; to operate saw mills, lumber yards, supply houses, both retail and wholesale, and to buy and sell all kinds of hardware, building material and other supplies used in the building trade, and to operate retail or wholesale hardware stores or any other kind of stores;

To act as the principal, or as the agent of any other person, firm, company, or corporation, in the transaction of any business allowed by law or by this certificate of incorporation, and to do all things incident and necessary to the full and complete accomplishment of the purposes of such agency;

To have one or more officers in this state or in any other state, territory or country; to carry on all or any of the operations and businesses of said Corporation without restriction or limit as to amount; to incur indebtedness without limit as to amount;

In general, to carry on any other businesses in connection with the foregoing, whether manufacturing or otherwise, and to have and exercise all of the powers conferred by the laws of the State of Florida upon corporations formed under the act hereinafter referred to and to do any or all of the things hereinbefore set forth to the same extent as natural persons might or could do;

To have, possess and to exercise all of the powers, rights and privileges provided in Section 7 and Section 8 of Article IV of the Act of the General Assembly of the State of Florida, approved June 1st, 1925, as well as all other rights, powers and privileges allowed by said Act.

The foregoing paragraph shall be construed as enumerating both objects and powers of the Corporation; and it is hereby expressly provided that the foregoing enumeration of specific powers shall not be held to limit or restrict in any manner the powers of this Corporation.

III.

The maximum number of shares of stock authorized is twenty-five (25), all without nominal or par value. As and when said stock is issued and paid for, it shall be considered as fully paid and non-assessable. The Board of Directors may authorize the sale and delivery of any part or all of said stock for money, or for property or services, to be taken at a fair valuation, and

said stock to be sold for whatever consideration the Board of Directors may at the time deem advisable.

IV.

The amount of capital with which this Corporation will begin business is One Thousand Dollars (\$1,000.00).

V.

The Corporation is to have perpetual existence.

VI.

The principal office of the Corporation shall be located in the City of Miami, County of Dade and State of Florida, and said Corporation shall have power and authority to transact business and to establish offices and agencies in other places, either within or without the limits of the State of Florida.

VII.

The number of Directors shall be fixed by the Stockholders at any regular or call meeting, or by the Directors when so authorized by the By-laws, but the number of Directors is not to be less than three. A majority of the Board at any meeting shall constitute a quorum.

VIII.

The names and Post Office addresses of the first Board of Directors, who, subject to the provisions of this Certificate of Incorporation, the By-laws and said Act of the Legislature, shall hold office for the first year of the Corporation's existence, or until removed by a majority vote in interest of the Stockholders at any meeting held for that purpose, or until their successors are elected and have qualified, are as follows:

Frank Morgan Miami, Florida.

K. Nielson Miami, Florida.

George Gunderson Salerno, Florida.

IX.

The name and Post Office address of each subscriber of the Certificate of Incorporation and the number of shares of stock which he agrees to take are hereinbelow set out:

Frank Morgan	Miami, Florida,	23 Shares
X. Nielson,	Miami, Florida,	1 Share
George Gunderson	Salerno, Florida,	1 Share

X.

In furtherance, and not in limitation of the powers conferred by statute, the Board of Directors is expressly authorized:

To make and alter the By-laws of this Corporation, to fix the amount to be reserved as working capital over and above its capital stock, paid in, to authorize and cause to be executed by the officers of the Company named in the By-laws for such purpose, mortgages and liens upon the real and personal property of this Corporation; from time to time to determine whether and to what extent, and at what times and places, and under what conditions and regulations the accounts and books of this Corporation, other than the stock ledger, or any of them, shall be open to inspection of Stockholders; and no Stockholder shall have any right of inspecting any account, book or document of this Corporation except as conferred by statute, unless authorized by a resolution of the Stockholders or Directors.

If the By-laws so provide, to designate two or more of its number to constitute an executive committee, which committee shall for the time being, as provided in said resolution or in the By-laws of this Corporation, have and exercise any or all of the powers of the Board of Directors in the management of the business and affairs of this Corporation, and have power to authorize the seal of this Corporation to be affixed to all papers which may be required.

The Board of Directors shall have power and authority at any meeting to authorize the sale, lease or exchange of any part

or all of the property and assets of this Corporation, including its good will and its Corporation franchise, upon such terms and conditions as its Board of Directors deem expedient and for the best interests of the Corporation.

No contract or other transaction between the Corporation and any other corporation, whether or not a majority of the capital stock of which shall be owned by the Corporation, shall be affected or invalidated by reason of the fact that any one or more of the Board of Directors of the Corporation is or are interested in, or is a Director or Officer or are Directors or Officers of such other corporation, and any Director or Directors individually or jointly may be a party or parties to, or may be interested in, any contract or transaction of the Corporation or in which the Corporation is interested; and no contract, act or transaction of the Corporation with any person or persons, firm or corporation, shall be affected or invalidated by the fact that any Director or Directors, of the Corporation is a party or are parties to, or interested in such contract, act or transaction, or in any way connected with such person or persons, firm or corporation, and each and every person who may become a Director of the Corporation is hereby relieved from any liability that might otherwise exist from thus contracting with the Corporation for the benefit of himself or any firm, association or corporation in which he may be in anywise interested.

WE, THE UNDERSIGNED, being each of the original subscribers to the capital stock hereinbefore named for the purpose of forming a corporation to do business, both within and without the State of Florida, and in pursuance of the General Corporation Law of the State of Florida, as contained in the Act of General Assembly of said State, approved June 1, 1925, and such amendatory Acts as may hereafter be adopted, do make and file this Certificate of Incorporation, hereby declaring and certifying that the facts herein stated are true, and do respectively agree to take the number of

Shares of stock hereinbefore set forth according to the terms set forth herein, and we accordingly have hereunto set our hands and seals this the 10th day of April, 1939.

(s) George Lundquist (SEAL)

(s) K. Nielsen (SEAL)

(s) Frank Morgan (SEAL)

STATE OF FLORIDA)
COUNTY OF DADE)

BE IT REMEMBERED that on this 12th day of April, 1939, personally came before me, a Notary Public for the State of Florida, at large, FRANK MORGAN, one of the parties to the foregoing Certificate of Incorporation known to me personally to be such, and he acknowledged that he signed said Certificate for the purposes therein expressed and that the facts therein stated are truly set forth.

GIVEN under my hand and seal of office the day and year aforesaid.

W. C. Hayes
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
My commission expires January 1, 1941

STATE OF FLORIDA)
COUNTY OF DADE)

BE IT REMEMBERED that on this 12th day of April, 1939, personally came before me, a Notary Public for the State of Florida, at large, K. NIELSEN, one of the parties to the foregoing Certificate of Incorporation, known to me personally to be such, and he acknowledged that he signed said Certificate for the purposes therein expressed and that the facts therein stated are truly set forth.

GIVEN under my hand and seal of office the day and year aforesaid.

W. C. Hayes
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
My commission expires January 1, 1941

Regulation Division

STATE OF FLORIDA
COUNTY OF *Bastin*

AS IT REMEMBERED that on this 19th day of April, 1939, personally came before me, a Notary Public for the State of Florida, at large, GEORGE J. JANDERSON, one of the parties to the foregoing Certificate of Incorporation, known to me personally to be such, and he acknowledged that he signed said Certificate for the purposes therein expressed and that the facts therein stated are truly set forth.

GIVEN under my hand and seal of office the day and year aforesaid.

G. J. Janderson
NOTARY PUBLIC STATE OF FLORIDA
My commission expires: _____
Notary Public, State of Florida
My Commission Expires _____

Attachment G

Letter of no objection from FDOT

RECEIVED

NOV 06 2006

DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION



Florida Department of Transportation

JEB BUSH
GOVERNOR

1000 N.W. 111th Avenue
Miami, FL 33172-5800

DENVER STUTLER
SECRETARY
October 11, 2006.

Ms. Muriel Blaisdell
Miami-Dade County Dept. of
Environmental Resources Management
33 SW 2nd Avenue
Miami, FL 33130.

**RE: No objection Letter for the Marilyn Property Site Improvements Project
Located at 745 NW 4th Street and 341 & 377 NW South River Drive
In the City of Miami, Miami-Dade County, Florida.**

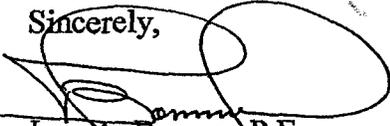
Dear Ms. Blaisdell:

The Florida Dept. of Transportation (FDOT), as owners of the property directly adjacent to the reference properties, has reviewed construction Plans for the proposed installation of the sheet piles bulkhead wall at their property lines. Demolition for the NW 5th Street Bascule bridge Project, directly adjacent to the Marilyn Properties site will commence on November 27th, 2006 and will include the removal of all existing bridge related structures as indicated on the enclosed FDOT Sheet B1-3 and dated May of 2006. The proposed excavation at the Marilyn Properties site as depicted on the enclosed Sheet 11 of 14 of the Coastal System International, Inc. will therefore not adversely affect the adjacent uplands, as the existing bridge has already been removed and the new bridge proposed bulkhead will be in line with the one proposed by Marilyn Properties, Inc.

This letter is to confirm that there is no objection to the proposed work shown on the enclosed Sheet 11 of 14 of the Coastal System International, Inc.

Should you have any question, please to contact our office at (305)470-5260.

Sincerely,


Jose A. Barrera, P.E.
Senior Project Manager
FDOT District 6. Miami.

Cc: Mike Sileno, File

APPROX. PROPOSED LOCATION OF ADJACENT PROPERTY SHORELINE (WORK BY OTHERS - REFER TO SHEET B1-3 OF FDOT 5TH STREET BRIDGE DEMO PLANS DATED APRIL 28, 2006)

10'-5"

26'±

EXISTING BRIDGE ABUTMENT

PROPERTY LINE

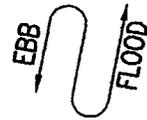
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 NOV 06 2006
 DERM
 ENVIRONMENTAL RESOURCES
 REGULATION DIVISION

EXISTING BULKHEAD TO BE REMOVED

PROPOSED CONCRETE CAP

PROPOSED STEEL SHEET PILE

MIAMI RIVER



0 3 6
 SCALE IN FEET
 1" = 6'

NOTES:
 1. NO MARINE RESOURCE IMPACTS ARE PROPOSED.

232800\PERMIT SKETCHES\WORKING\232800

T.K. BLANKENSHIP
 FL REG. 55910



MARILYN PROPERTIES, INC
 1250 NE 133rd ST
 NORTH MIAMI, FL 33161

COASTAL SYSTEMS INTERNATIONAL, INC.
 464 South Dixie Highway, Coral Gables, Florida 33146
 Tel: 305/661-3655 Fax: 305/661-1914 www.CoastalSystemsInt.com
 STATE OF FLORIDA EB #7087
 Coastal, Environmental, Civil Engineering and Management

MIAMI RIVER MARINE TERMINAL FACILITY IMPROVEMENTS	
WEST PROPERTY END CONNECTION	
JOB: 232800	DATE: 09/28/06
BY: MJP	SHEET 11 OF 14

Attachment H
Turbidity Control and Water Quality Monitoring Plan

Turbidity Control and Water Quality Monitoring Plan

Marilyn Properties, Inc.

Revised April 6, 2005

TURBIDITY CONTROL

Best management practices for turbidity and erosion control shall be implemented and maintained at all times during construction to prevent siltation, turbid discharges, and degraded water quality in excess of background levels of the Miami River. Methods include staged construction, and the installation of turbidity barriers and erosion control devices around active construction areas.

Turbidity Barriers and Erosion Control Devices/Staging

1. Turbidity control measures within the submerged lands during construction will be implemented to minimize potential transfer of suspended sediments into the water column adjacent to the construction of the concrete platform and new bulkhead, where necessary. Turbidity barriers/curtains will be anchored with concrete blocks or other anchoring devices to stabilize the curtain. The turbidity barriers will remain in place, as necessary, until construction of the concrete platform/bulkhead is complete. All barge operations will be conducted within the turbidity curtain and/or from the uplands.

Erosion Control Maintenance

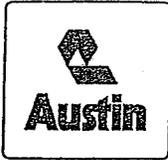
1. In-water turbidity barriers shall be inspected daily and maintained as necessary during construction.

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APR 14 2005
DERM
NATURAL RESOURCES DIV

~~38~~

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Attachment I
Construction Methodology



Austin Commercial

An Austin Industries Company

100% Employee Owned

Austin Commercial, L.P.
Construction Manager/Program Manager
2600 Douglas Road, Suite 511
Coral Gables, Florida 33134
305/446-3109
305/446-3748 (Fax)

Marilyn Properties River Terminal Construction Methodology

DERM Comment- "Please provide a written construction methodology for the excavation of approximately 1,950 cubic yards of uplands between 205 linear feet of existing and new bulkhead, and removal of 205 linear feet of existing bulkhead following excavation"

Since the new wall is 3-26 ft behind the existing wall, the following construction methodology will take place:

1. Tie-rods that are in tact will be removed from the existing wall in sections no more than 15 ft at one time.
2. The earth directly behind the existing wall will be excavated creating an embankment releasing pressure on the existing wall and mitigating wall failure.
3. At this time, if the embankment is standing satisfactorily, the existing sheet pile may be removed.
4. The remaining dredging will be performed from the uplands side behind turbidity curtains.

Attachment J
DERM Project Report

PROJECT REPORT

CLASS I PERMIT APPLICATION NO. 2007-CLI-PER-00100

**MARILYN PROPERTIES, INC. TO EXCAVATE UPLANDS TO RELOCATE TWO
HUNDRED FIVE (205) LINEAR FEET OF BULKHEAD LANDWARD OF ITS
PRESENT LOCATION**

Date: July 2, 2007

Staff's recommendation of approval for the above-referenced permit application is based on the applicable evaluation factors under Section 24-48.3 of the Code of Miami-Dade County, Florida. The following is a summary of the proposed project with respect to each applicable evaluation factor:

1. **Potential Adverse Environmental Impact** – The potential adverse environmental impacts from the excavation of Uplands to Relocate Two Hundred Five (205) Linear Feet of Existing Bulkhead Landward of its Present Location are minimal. The Class I permit shall have conditions to control turbidity and protect rare, threatened, or endangered species. See #4 and #18 below.
2. **Potential Cumulative Adverse Environmental Impact** – Not applicable.
3. **Hydrology** - The proposed project, as designed, is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
4. **Water Quality** – The proposed project is expected to temporarily adversely affect surface water quality during the construction phase of the project, however these impacts will be minimized to the maximum extent practicable by the implementation of proper turbidity control devices. The Class I Permit will require the applicant to employ appropriate turbidity control devices such as, but not limited to, turbidity curtains during all phases of construction (see Attachment H).
5. **Wellfields** – Not applicable.
6. **Water Supply** – Not applicable.
7. **Aquifer Recharge** – Not applicable.
8. **Aesthetics** – The proposed project is not reasonably expected to have negative aesthetic impacts. However, during the construction process there may be temporary aesthetic impacts related to the presence of barges with excavation equipment and other vessels association with the construction activities.
9. **Navigation** – The proposed project is not reasonably expected to adversely affect navigation.
10. **Public Health** - The proposed project is not reasonably expected to adversely affect public health.
11. **Historic Values** - The proposed project is not reasonably expected to adversely affect historic values. However, the Class I Permit shall contain conditions requiring monitoring the site for historic resources as recommended by the Miami-Dade County Department of Community and Economic Development, Historic Preservation Division. If historical artifacts are discovered during the project, the contractor and permittee shall cease and desist all activities, which may disturb the soil in the immediate area, and contact the Miami-Dade County Department of Community and Economic Development, Historic Preservation Division as well as the State of Florida Bureau of Historic Preservation, Division of Historical Resources.

12. **Archaeological Values** - The proposed project is not reasonably expected to adversely affect archaeological values. However, the Class I permit shall contain conditions requiring monitoring the site for archaeological resources as recommended by the Miami-Dade County Department of Community and Economic Development, Historic Preservation Division. If archaeological artifacts are discovered during the project, the contractor and permittee shall cease and desist all activities, which may disturb the soil in the immediate area, and contact the Miami-Dade County Department of Community and Economic Development, Historic Preservation Division as well as the State of Florida Bureau of Historic Preservation, Division of Historical Resources.
13. **Air Quality** – The proposed project is not reasonably expected to adversely affect air quality.
14. **Marine and Wildlife Habitats**– The proposed project may cause temporary disturbances of the benthic soils located adjacent to the existing bulkhead. Although the soils may support a limited numbers of marine infauna (i.e. benthic fauna living within the substrate), the soils do not support any significant marine resources. Mitigation for unavoidable impacts associated with replacement of the bulkhead will be provided through the placement of a total of two hundred five (205) cubic yards of limestone riprap boulders at a DERM-approved artificial reef site.
15. **Wetland Soils Suitable for Habitat** – There are no wetland soils suitable for habitat in the footprint of the proposed work.
16. **Floral Values** –The proposed project is not reasonably expected to adversely affect marine flora. There is no marine flora located in the proposed project locations.
17. **Fauna Values** - The proposed project may cause temporary adverse impacts to marine fauna resulting from turbidity as a result of the excavation of uplands to replace two hundred five (205) linear feet of bulkhead landward of its present location. However, these impacts will be minimized to the maximum extent practicable through the implementation of turbidity control devices such as, but not limited to, turbidity curtains and the implementation of standard manatee protection provisions required in the Class I Permit.
18. **Rare, Threatened and Endangered Species** – The proposed project is located on the Miami River which is designated as essential manatee habitat by the Miami-Dade Manatee Protection Plan. Therefore, the Class I Permit will require that all standard manatee construction permit conditions shall be followed during all in-water construction operations.
19. **Natural Flood Damage Protection** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater. The Class I Permit will require the new seawall cap to be a minimum of 6 inches above grade to prevent positive stormwater drainage into tidal waters.
20. **Wetland Values** - The proposed project does not involve dredging or filling of wetlands.

21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(A)(7), of the Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter will be submitted after the approval by the Board of County Commissioners and prior to the issuance of a Class I Permit.
22. **Recreation** - The proposed project does not conflict with the recreation element of the Miami-Dade County Comprehensive Development Master Plan and recreation element of the Biscayne Bay Management Plan recreation elements.
23. **Other Environmental Values Affecting the Public Interest** – The proposed project is not reasonably expected to adversely affect environmental values affecting the public interest. The subject work will occur on privately-owned uplands.
24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of the following:
- Miami-Dade County Public Works Manual
 - Biscayne Bay Management Plan (Section 33D-1 through 33-D-4 of the Code of Miami-Dade County)
 - Chapter 33B of the Code of Miami-Dade County
25. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the Director, the proposed project will result in neither adverse environmental impacts nor cumulative adverse environmental impacts. Therefore, a CEIS was not required by DERM to evaluate the project.
26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is in conformance with the following applicable State, Federal and local laws and regulations:
- a) Biscayne Bay Management Plan
 - b) Biscayne Bay Aquatic Preserve Act
 - c) United States Clean Water Act (Army Corps of Engineers permit)
 - d) Federal Endangered Species Act (US Fish & Wildlife Service)
 - e) Florida Department of Environmental Protection Regulations
 - f) Chapter 24 of the Code of Miami-Dade County
 - g) Rules of the South Florida Water Management District
 - h) Basis of Review for Surface Water Management Permit Applications Within the South Florida Water Management District
27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of DERM, the proposed project is in conformance with the CDMP. The following is a summary of the proposed project as it relates to the CDMP:

LAND USE ELEMENT I:

Objective 2/Policy 2A - Level of Service. The proposed project does not involve new or significant expansion of existing urban land uses.

Objective 3/Policies 3A, 3B, 3C - Protection of natural resources and systems. – The proposed project is consistent with the Conservation and Coastal Management Elements of the CDMP. The project is compatible with surrounding land uses in Biscayne Bay and does not involve development in the Big Cypress area of Critical State concern or the East Everglades.

TRANSPORTATION ELEMENT II

Aviation Subelement/Objective 9 - Aviation System Expansion - There is no aviation element to the proposed project.

Port of Miami River Subelement/Objective 3 - Minimization of impacts to estuarine water quality and marine resources. The proposed project is located within the Miami River and will result in minimal impacts to estuarine water quality and marine resources. Any temporary water quality impacts will be minimized through the use of turbidity controls.

CONSERVATION, AQUIFER RECHARGES AND DRAINAGE ELEMENT IV:

Objective 3/Policies 3A, 3B, 3D - Wellfield protection area protection. - The proposed project is not located within a wellfield protection area.

Objective 3/Policy 3E - Limestone mining within the area bounded by the Florida Turnpike, the Miami-Dade/Broward Levee, N.W. 12 Street and Okeechobee Road. - The proposed project is not located within this area.

Objective 4/Policies 4A, 4B, 4C - Water storage, aquifer recharge potential and maintenance of natural surface water drainage. - The proposed project will not adversely affect water storage, aquifer recharge potential or natural surface water drainage. The proposed project does not involve positive drainage of wetland area and will not affect water storage or aquifer recharge potential.

Objective 5/Policies 5A, 5B, 5F - Flood protection and cut and fill criteria. – The proposed project does not compromise flood protection, involve filling for development purposes, and is not related to cut and fill activities.

Objective 6/Policy 6A - Areas of highest suitability for mineral extraction. - The proposed project is not located in an area proposed or suitable for mineral extraction.

Objective 6/Policy 6B - Guidelines for rock quarries for the re-establishment of native flora and fauna. - The proposed project is not located in a rock quarry.

Objective 6/Policy 6D - Suitable fill material for the support of development. – The proposed project does not filling for the purposes of development.

Objective 7/Policy 7A - No net loss of high quality, relatively unstressed wetlands. – The proposed project will not result in a net loss of any such wetlands.

Objective 9/Policies 9A, 9B, 9C - The proposed project is located on the Miami River which is designated as essential manatee habitat by the Miami-Dade Manatee Protection Plan. Therefore, the Class I Permit will require that all standard manatee construction permit conditions shall be followed during all in-water construction operations.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A - Tidally connected mangroves in mangrove protection areas – There are no mangroves in the project area and the project is not located within a designated “Mangrove Protection Area.”

Objective 1/ Policy 1B - Natural surface flow into and through coastal wetlands. – The project will not affect natural surface flow into and through coastal wetlands.

Objective 1/ Policy 1C - Elevated boardwalk access through mangroves. – The project does not involve access through a Mangrove Protection Area.

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project does not involve work in mangrove forests, coastal hammock, or other natural vegetational communities.

Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed project does not involve the degradation and destruction of coastal wetlands and therefore does not involve monitoring of mitigation for impacts to coastal wetlands.

Objective 1/Policy 1G - Prohibition on dredging or filling of grass/algal flats, hard bottom or other viable benthic communities, except as provided for in Chapter 24 of the Code of Miami-Dade County, Florida. – The project does not involve the dredging or filling of grass/algal flats, hard bottom or other viable benthic communities.

Objective 2/Policies 2A, 2B - Beach restoration and renourishment objectives. - The proposed project does not involve beach restoration or renourishment.

Objective 3/Policy 3E, 3F - Location of new cut and spoil areas for proper stabilization and minimization of damages. - The proposed project does not involve the development or identification of new cut or spoil areas.

Objective 5/Policy 5B - Existing and new areas for water-dependent uses. - The proposed project will enhance existing water-dependent uses associated with the existing property.

Objective 5/Policy 5D - Consistency with Chapter 33D, Miami-Dade County Code (shoreline access, environmental compatibility of shoreline development) - The proposed project does not require review by the Shoreline Development Review Committee.

Objective 5/Policy 5F - The siting of water dependent facilities. - The proposed project does not involve the creation of any new water dependent facilities.

28. **Conformance with Chapter 33B, Miami-Dade County Code** (East Everglades Zoning Overlay Ordinance) – The proposed project is not located within the East Everglades Area.

29. **Conformance with Miami-Dade County Ordinance 81-19** (Biscayne Bay Management Plan Section 33D-1 through 33D-4) - The proposed project is not located within Biscayne Bay.

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30. **Conformance with the Miami-Dade County Manatee Protection Plan** – The proposed project is located on the Miami River which is designated as essential manatee habitat by the Miami-Dade Manatee Protection Plan. Therefore, the Class I Permit will require that all standard manatee construction permit conditions shall be followed during all in-water construction operations.
31. **Consistency with Miami-Dade County Criteria for Lake Excavation** – The proposed project does not involve lake excavation.
32. **Municipality Recommendation** – Pursuant to Section 24-48.2(II)(A)(7), Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter will be submitted after the approval by the Board of County Commissioners and prior to the issuance of the Class I Permit.
33. **Coastal Resources Management Line** - A coastal resources management line was not required for the proposed project, pursuant to Section 24-48.2(II)(A)(10)(b) of the Code of Miami-Dade County, Florida.
34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The proposed project is not expected to impact wetland hydrological and biological functions.
35. **Class I Permit Applications Proposing to Exceed the Boundaries Described in Section D-5.03(2)(a) of the Miami-Dade County Public Works Manual** – DERM has considered the following factors:
 - i) **Whether the proposed exceedance is the minimum necessary to avoid seagrasses or other valuable environmental resources** – Not applicable.
 - ii) **Whether the proposed exceedance is the minimum necessary to achieve adequate water depth for mooring of a vessel** – Not applicable.
 - iii) **Whether the applicant has provided notarized letters of consent to DERM from adjoining riparian property owners** – Not applicable.
 - iv) **Whether any letters of objection from adjoining riparian property owners were received by DERM** – Not applicable.

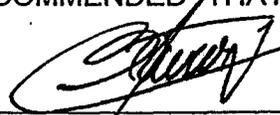
The proposed project was also evaluated for compliance with the standards contained in Section 24-48.3(2),(3), and (4) of the Code of Miami-Dade County, Florida. The following is a summary of how the standards relate to the proposed project:

24-48.3 (2) Dredging and Filling for Class I Permit - The proposed project does not involve dredging and filling activities.

24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County - The proposed project complies with the water depth requirements set forth in Section 24-48.3(3) of the Code of Miami-Dade County.

24-48.3 (4) Clean Fill in Wetlands – The proposed project does not involve placing clean fill in wetlands.

BASED ON THE FOREGOING, IT IS RECOMMENDED THAT A CLASS I PERMIT BE APPROVED.



Luis C. Otero, Manager
Coastal Resources Section



Muriel M. Blaisdell, ERPS
Coastal Resources Section