Memorandum

MIAMI-DADE COUNTY

Date: October 7, 2008

Agenda Item No. 8(D)(1)(E)

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

From: George M. Burgess
County Manager

Subject: Resolution Authorizing the Acceptance of a Restrictive Covenant Running with the Land in Favor of Miami-Dade County for the Protection and Management of 23.67 Acres of Wetlands Located Between NW 207 and 210 Streets and Between NW 4 and 7 Avenues, Miami-Dade County

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Recommendation
It is recommended that the Board approve the attached resolution authorizing the acceptance of a restrictive covenant running with the land in favor of Miami-Dade County (Attachment A).

Scope
The subject property is located between NW 207 and 210 Streets and between NW 4 and 7 Avenues, in County Commission District 1 (Commissioner Jordan).

Fiscal Impact/Funding Source
Not applicable.

Track Record/Monitor
Not applicable.

Background
The Department of Environmental Resources Management (DERM) has received a Class IV Wetlands Permit application from Miami Tower LLC for the construction of a communication tower affecting 2.6 acres of wetlands in northern Miami-Dade County (see diagram, Attachment B). As mitigation for impacting the 2.6 acre area, the subject restrictive covenant specifies the protection and management of 23.67 acres of wetlands within the property bounded by NW 207 and 210 Streets and by NW 4 and 7 Avenues in Section 36, Township 51 South, Range 41 East, Miami-Dade County, Florida. In the attached restrictive covenant (Attachment A), the legal description for the four parcels that make up the 23.67 acres is included as Exhibit A and a diagram of the locations is Exhibit C. After the Board approves the attached resolution authorizing acceptance of the restrictive covenant, DERM can administratively issue the Class IV permit to Miami Tower LLC.

The 23.67-acre wetlands area is adjacent to residential and mixed-use developments and is located within the Urban Development Boundary. These wetlands are characterized as herbaceous with generally high densities of *Melaleuca*, an invasive exotic plant species. The restoration and enhancement of this area will be accomplished by removing invasive exotic vegetation, restoring filled areas to natural grade and replanting with appropriate native wetland plant species.

Based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County, it is recommended that the Board approve the attached resolution.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: October 7, 2008

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 8(D)(1)(E)

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. 8(D)(1)(E)
10-7-08

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A RESTRICTIVE COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY TO PROTECT AND MANAGE 23.67 ACRES OF WETLANDS LOCATED BETWEEN NW 207 AND 210 STREETS AND BETWEEN NW 4 AND 7 AVENUES IN SECTION 36, TOWNSHIP 51 SOUTH, RANGE 41 EAST, 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; and

WHEREAS, the attached Restrictive Covenant Running With the Land in Favor of Miami-Dade County for the property described in Exhibit A of the attached restrictive covenant and located between NW 207 and 210 Streets and between NW 4 and 7 Avenues, Miami-Dade County, Florida, has been submitted pursuant to Section 24-48.2(I)(B)(2)(b) of the Code of Miami-Dade County; and

WHEREAS, the attached restrictive covenant has been executed and is being proffered to this Board for approval, as indicated in the Manager's memorandum, a copy of which is attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby authorizes the acceptance of the attached Restrictive Covenant Running With the Land in Favor of Miami-Dade County by Miami Tower, LLC, for the Protection and Management of 23.67 Acres of Wetlands, and their recording into the Public Records of Miami-Dade County, at the expense of the applicant.

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
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 2008. 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

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Robert A. Duvall

ATTACHMENT A

COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY, FLORIDA BY MIAMI TOWER, LLC. PROVIDING FOR THE PROTECTION AND MANAGEMENT OF 23.67 ACRES OF WETLANDS BETWEEN N.W. 4TH AND 7TH AVENUES AND BETWEEN N.W. 207TH AND 210TH STREETS LOCATED IN MIAMI-DADE COUNTY, FLORIDA.

The undersigned, Miami Tower, L.L.C., being the fee simple owner of real property legally described as set forth in Exhibit A, attached hereto and incorporated herein by reference, and located in Miami-Dade County, Florida (hereinafter referred to as the "Property") hereby creates a covenant, on behalf of the owner, its heirs, successors, assigns and grantees, running with the land to and in favor of Miami-Dade County, Florida (hereinafter referred to as the "County"), its grantees, successors and assigns, with respect to the Property, as follows:

1. The owner, its heirs, successors, assigns and grantees, covenants to Miami-Dade County to comply with all conditions set forth in the Miami-Dade County Class IV Wetland Permit No. FW07-094 attached hereto as Exhibit B and incorporated herein by reference.

2. The owner, its heirs, successors, assigns and grantees, covenants to Miami-Dade County that neither native trees nor native understory shall be removed from the Property without the prior written consent of the County.

3. This Covenant may not be released or modified without prior approval by resolution of the Board of County Commissioners of Miami-Dade County.

4. The owner, its heirs, successors, assigns and grantees, shall notify the County in writing not later than thirty (30) days after any conveyance, sale, grant or transfer of the Property or any portion thereof, to any heirs, successors, assigns or grantees.

5. The owners, its heirs, successors, assigns and grantees, covenants to Miami-Dade County to prohibit and prevent public access to the Property. In the event that the Property is being degraded (i.e., the area is being destroyed or damaged, plants removed or trampled upon or trash and debris are accumulating in the area), then Miami-Dade County may require the owner to install protective barriers around any area within the Property which has been degraded.

6. This Covenant Running with the Land shall have an initial duration of thirty (30) years from the date of its execution. This Covenant Running with the Land shall be automatically renewed for each ten-year period thereafter.

7. This Covenant shall run with the Land in favor of Miami-Dade County, its grantees, successors and assigns. In the event that any of the provisions of this Covenant Running with the Land are not complied with, then an action at law or equity may be commenced by Miami-Dade County to enforce the provisions of this Covenant. The Court shall award attorney's fees to Miami-Dade County in any such action. All the remedies set forth in Chapter 24 of the Code of Miami-Dade County shall be available to Miami-Dade County to enforce the provisions of this Covenant.

8. This Covenant Running with the Land shall be recorded in the public records of Miami-Dade County by Miami-Dade County at the expense of the owners, its heirs, successors, assigns and grantees.

IN WITNESS WHEREOF, the undersigned have caused this Covenant to be executed this 29 day of April, 2008.

Witnesses:		Property Owner	
sign		sign	
print	Jasmine León	print	Dave Boylan
sign		Title	President
print	Duncan Allint	Address	3900 Biscayne Blvd Miami, FL, 33137

STATE OF FLORIDA, COUNTY OF DADE

The foregoing instrument was acknowledged before me this 29th day of April, 2008 by Dave Boylan as VP/General Manager who is personally known to me or who has produced Fla. Drivers. Lic. as identification and who did take an oath.

NOTARY PUBLIC:

sign

print LAURA LOPEZ

State of Florida at Large (Seal)

My Commission Expires:

Notary Public State of Florida
Laura Lopez
My Commission DD586323
Expires 08/17/2010

Exhibit A

DESCRIPTION :

A PORTION OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 36, TOWNSHIP 51 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 36; THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 36, SOUTH 01°31'36" EAST 1355.59 FEET; THENCE ALONG A LINE PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 36, NORTH 87°26'28" EAST 64.01 FEET TO POINT OF BEGINNING #1; THENCE CONTINUE NORTH 87°26'28" EAST, ALONG SAID PARALLEL LINE, 730.05 FEET TO A POINT HEREINAFTER REFERRED TO AS REFERENCE POINT 'A'; THENCE SOUTH 08°31'01" WEST 280.66 FEET TO A POINT OF CURVATURE OF A 510.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 44°41'44" AN ARC DISTANCE OF 397.84 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 65°34'16" WEST 228.17 FEET; THENCE SOUTH 73°41'42" WEST 272.05 FEET TO A POINT HEREINAFTER REFERRED TO AS REFERENCE POINT 'B'; THENCE ALONG A LINE PARALLEL WITH AND 64.00 FEET EAST OF SAID WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 36, NORTH 01°31'36" WEST 748.88 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 430,954 SQUARE FEET (9.893 ACRES) MORE OR LESS.

TOGETHER WITH A PORTION OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 36, TOWNSHIP 51 SOUTH, RANGE 41 EAST, BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE AFOREMENTIONED REFERENCE POINT 'A'; THENCE NORTH 85°54'15" EAST 168.82 FEET TO POINT OF BEGINNING #2; THENCE ALONG A LINE PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 36, NORTH 87°26'28" EAST 322.22 FEET; THENCE ALONG A LINE PARALLEL WITH AND 50.00 FEET WEST OF THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 36, SOUTH 01°39'34" EAST 514.81 FEET TO A POINT HEREINAFTER REFERRED TO AS REFERENCE POINT 'C'; THENCE SOUTH 73°27'15" WEST 315.67 FEET TO A POINT ON A 250.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST WHOSE RADIUS POINT BEARS SOUTH 68°53'27" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50°49'22" AN ARC DISTANCE OF 221.76 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 13°28'46" EAST 128.80 FEET; THENCE SOUTH 76°01'47" EAST 14.51 FEET; THENCE NORTH 13°28'46" EAST 104.00 FEET; THENCE NORTH 76°01'47" WEST 14.51 FEET; THENCE NORTH 13°28'46" EAST 86.00 FEET; THENCE SOUTH 76°01'47" EAST 14.51 FEET; THENCE NORTH 13°40'46" EAST 139.92 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 213,531 SQUARE FEET (4.902 ACRES) MORE OR LESS.

SEE SHEET 3 OF 3 FOR SKETCH

SKETCH AND DESCRIPTION

DATE	REVISIONS	DWN.	CHK.
6-09-08	REVISED PORTION 4	RZ	MR

DRAWN BY: RZ CHECKED BY: KL

CERTIFIED TO:

MIAMI TOWER, LLC

SECTION 36, TOWNSHIP 51 SOUTH, RANGE 41 EAST
MIAMI-DADE COUNTY, FLORIDA

MILLER LEGG
South Florida Office: 1800 North Douglas Road · Suite 200
Pembroke Pines, Florida · 33024-3200
954-436-7000 · Fax: 954-436-8664
www.millerlegg.com

I HEREBY CERTIFY THAT THIS SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
DATED THIS 16th DAY OF APRIL , 2008 A.D.

8 Martin P. Rossi

MARTIN P. ROSSI
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA REGISTRATION No. 5857
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CERTIFICATE OF AUTHORIZATION: LB6680

PROJECT NO. 07-00194 FILE NO.

TOGETHER WITH A PORTION OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 36, TOWNSHIP 51 SOUTH, RANGE 41 EAST, BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE AFOREMENTIONED REFERENCE POINT 'C'; THENCE ALONG SAID LINE PARALLEL WITH AND 50.00 FEET WEST OF THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 36, SOUTH 01°39'34" EAST 41.52 FEET TO POINT OF BEGINNING #3; THENCE CONTINUE SOUTH 01°39'34" EAST, ALONG SAID PARALLEL LINE, 617.15 FEET; THENCE NORTH 46°28'34" WEST 412.24 FEET; THENCE NORTH 01°43'38" WEST 202.19 FEET TO A POINT OF CURVATURE OF A 250.00 FOOT RADIUS CURVE CONCAVE TO THE WEST; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°14'00" AN ARC DISTANCE OF 44.65 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 73°30'07" EAST 305.01 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 125,750 SQUARE FEET (2.887 ACRES) MORE OR LESS.

TOGETHER WITH A PORTION OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 36, TOWNSHIP 51 SOUTH, RANGE 41 EAST, BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE AFOREMENTIONED REFERENCE POINT 'B'; THENCE SOUTH 01°59'26" EAST 123.50 FEET TO POINT OF BEGINNING #4; THENCE NORTH 73°28'46" EAST 145.78 FEET; THENCE NORTH 16°31'14" WEST 15.00 FEET; THENCE NORTH 73°28'46" EAST 86.10 FEET; THENCE SOUTH 16°31'14" EAST 15.00 FEET; THENCE NORTH 73°28'46" EAST 82.01 FEET; THENCE SOUTH 86°49'20" EAST 43.05 FEET TO A POINT OF CURVATURE OF A 375.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTH; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°50'40" AN ARC DISTANCE OF 142.97 FEET TO A POINT OF REVERSE CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°30'44" AN ARC DISTANCE OF 10.26 FEET TO A POINT OF REVERSE CURVATURE OF A 150.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 59°57'27" AN ARC DISTANCE OF 156.97 FEET TO A POINT OF REVERSE CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 36°32'03" AN ARC DISTANCE OF 15.94 FEET TO A POINT OF REVERSE CURVATURE OF A 35.00 FOOT RADIUS CURVE CONCAVE TO THE WEST; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 85°57'43" AN ARC DISTANCE OF 52.51 FEET TO A POINT OF REVERSE CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE EAST; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50°07'17" AN ARC DISTANCE OF 21.87 FEET TO A POINT OF REVERSE CURVATURE OF A 375.00 FOOT RADIUS CURVE CONCAVE TO THE WEST; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 26°32'27" AN ARC DISTANCE OF 173.71 FEET TO A POINT OF TANGENCY; THENCE SOUTH 02°41'05" EAST 56.18 FEET; THENCE ALONG A LINE PARALLEL WITH AND 60.00 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 36, SOUTH 87°18'55" WEST 691.55 FEET; THENCE ALONG A LINE PARALLEL WITH AND 65.00 FEET EAST OF THE WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 36, NORTH 01°31'36" WEST 358.62 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 260,960 SQUARE FEET (5.991 ACRES) MORE OR LESS.

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Certificate of Authorization L.B. 6680

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

SKETCH AND DESCRIPTION

PROJECT NO. 07-00194

FILE NO.

EXHIBIT B

Miami Tower, LLC Draft Permit Conditions

August 21, 2008

Special Permit Conditions

The maximum area of jurisdictional wetlands on the property that may be permanently filled for the tower replacement project is 2.6 acres. NO ADDITIONAL FILL BEYOND THE LIMITS OF THIS AREA IS AUTHORIZED UNDER THIS PERMIT.

The Permittee has mitigated for the unavoidable adverse impacts to the jurisdictional wetlands on the subject property by preserving, restoring, enhancing and creating a total of 23.67 acres of wetlands within the subject property.

The 23.67-acre preservation area will be preserved and protected in accordance with the conditions of this Class IV Permit, the dredge/fill mitigation permit sketches dated August 27, 2007 and signed and sealed by Richard Villaseñor, P.E. on March, 14, 2008 and with the restrictive covenant. The ¿Restrictive Covenant Running with the Land in Favor of Miami-Dade County", dated April 29, 2008 and all of its conditions are hereby incorporated as part of this Class IV Permit. This restrictive covenant, this Class IV Permit and the dredge/fill mitigation permit sketches will be recorded with the Clerk of Courts within ten (10) days of the issuance of this Permit. The Permittees are responsible for all recording fees.

The Permittee hereby agrees to adhere to all of the conditions and requirements of the dredge/fill mitigation permit sketches dated August 27, 2007 and signed and sealed by Richard Villaseñor, P.E. on March, 14, 2008. The biological enhancement of the 23.67-acre on-site preservation area will commence immediately after the issuance of this permit and will strictly adhere to the time tables included as Appendix VII within the dredge/fill mitigation permit sketches.

The Permittee hereby agrees that Performance Bond No. 104991548 in the amount of $242,770.00 has been posted and is being held by the South Florida Water Management District (SFWMD) to ensure implementation of the mitigation, monitoring and maintenance plan and compliance with the conditions of this Class IV Permit. The monitoring and maintenance requirements must be completed, verified and approved by DERM prior to release of the Performance Bond. The applicants shall notify the DERM project manager when all of the monitoring and maintenance requirements are complete and schedule a final inspection (two weeks notice is required).

This permit is good for a period of 2 years. As provided by Section 24-48.9(2)(b) of the Code of Miami-Dade County, Florida (Code), the permit holder shall submit a written request for an extension of time from the Miami-Dade County Department of Environmental Resources Management (DERM) at least thirty (30) days prior to the expiration date of this permit. Applications for extensions of time must be filed in accordance with Section 24-48.9(2)(b) of the Code or they will be returned to the Permittee.

A temporary protective barrier, such as silt screens, hay bales, turbidity screens/barriers or other such sediment control measures, shall be utilized during construction phases to prevent encroachment and impact to any immediately adjacent property lines, wetlands, or surface waters. The Permittee shall be responsible for ensuring that erosion control devices and procedures are inspected periodically and maintained during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

No work, except those activities necessary for the construction of the required temporary protective barrier shall commence until said barrier is in place.

During construction of the proposed development, no soil, vehicles or heavy equipment, fill, building materials, construction debris, dead vegetation or any other materials shall be placed, stored or deposited in any wetland areas adjacent to the subject property permitted by this Class IV Wetland Permit. All construction personnel shall be shown the wetland areas adjacent to the subject property to preven

THIS PERMIT AND PLANS SHALL BE KEPT ON SITE DURING ALL PHASES OF CONSTRUCTION

General Permit Conditions

1. This Permit or a copy thereof, complete with all conditions, attachments, exhibits and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by DERM staff. The Permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this Permit.

2. The fill material shall consist of clean fill (soil, rock, sand, marl, clay, stone and concrete rubble). No trash, garbage, wood, asphalt, roofing materials, tires, metals, cleared vegetation, building debris, or similar materials are allowed to be used as fill. Evidence that improper fill material has been used shall result in the initiation of enforcement action by DERM against the Permittee. Failure of the Permittee to cease and desist the improper fill violation after receiving written Notice by DERM or to fully correct the violation within the time frames specified by DERM's written Notice may result in the revocation of this permit.

3. The Permittee must comply with the terms and conditions of this permit. The Permittee is not relieved of this requirement if the permitted activity is abandoned. However, the Permittee may make a good-faith transfer in compliance with General Condition 6 below.

4. The Permittee shall comply with the provisions of Chapter 16A of the Code to preserve known and potential archeological resources in the area that are subject to this permit.

5. It is a violation of the Code to perform any work authorized pursuant to this Permit if the Permittee(s) sell or otherwise transfer ownership of the property unless DERM has approved an Application for Transfer. An Application for Transfer may be filed with DERM at any time prior to the transfer of property ownership and, for a limited time, after the transfer of property ownership and must be signed by both the proposed transferee and transferor. Applications for Transfer shall be filed in the form prescribed by DERM and shall not be processed if the filed Application for Transfer is not fully complete in all respects pursuant to Section 24-48.18 of the Code within 120 days of the date of transfer of property ownership. In addition to the aforementioned requirements, an Application for Transfer of this Permit shall be filed with DERM not later than 90 days prior to the expiration date of this Permit, and the project shall be in compliance with all the restrictions, limitations, and conditions of this Permit and any related covenants at the time of submittal of the Application for Transfer and continuously throughout the time period during which the application is being processed.

6. The Permittee must allow DERM representatives to inspect the authorized activity during normal business hours to ensure that the work authorized through this permit is being, or has been, accomplished in accordance with the terms and conditions of this permit.

7. All of the plans and documents referenced on page 1 of this permit are a part of the conditions of this permit. In case of conflict between any of these approved plans or between these plans and any condition of this permit, a determination as to which plan or condition will be followed will be made by DERM.

8. This permit only authorizes the work described in page 1 under PROPOSED WORK. Any additional work in, on, over or upon wetlands at, near or in the vicinity of the subject property shall require additional Class IV Wetland Permit approval.

9. Any deviation from the approved plans for this project shall be submitted in writing to, and approved by DERM prior to the commencement of this project. The Permittee shall take whatever remedial action is necessary to bring the project into compliance with the permit and approved plans upon determination by DERM that the project is not in compliance with such.

10. DERM shall be notified no later than forty-eight (48) hours and no earlier than five (5) days prior to the commencement of the work authorized by this permit, unless otherwise noted herein. The Permittee and/or contractor may notify DERM by calling (305) 372-6585 or by submitting the attached Notice of Commencement of Construction via hand delivery, U.S. Mail, or facsimile at (305) 372-6479.

THIS PERMIT AND PLANS SHALL BE KEPT ON SITE DURING ALL PHASES OF CONSTRUCTION

11. During the work authorized by this permit, no soil, vehicles or heavy equipment, fill, building materials, construction debris, dead vegetation, waste or any other materials shall be placed, stored, or deposited in any undisturbed, un-permitted wetland areas adjacent to the subject property permitted by this Class IV Wetland Permit. All construction personnel shall be shown the location(s) of all wetland areas outside of the permitted work area to prevent encroachment from heavy equipment into these areas.

12. All contractors performing work authorized by this permit shall hold an applicable certificate of competency and shall be licensed in Miami-Dade County and/or the State of Florida.

13. The subject property is located in an area subject to frequent and regular flooding. The Permittee is advised that, at this time, Miami-Dade County has no plans to provide additional flood protection or drainage in this area. The issuance of this Class IV Wetland Permit authorizes the Permittee to undertake work in, on or upon wetlands on the project site, but it does not constitute an acknowledgment that the project will comply with the regulatory requirements for flood protection established by Miami-Dade County through the issuance of a Class II Permit or by the South Florida Water Management District through the issuance of a Management and Storage of Surface Water Construction Permit.

14. Turbidity controls (such as, but not limited to, turbidity curtains) shall be implemented whenever visible plumes are present to ensure compliance with the water quality standards stipulated in Section 24-42 (3), of the Code of Miami-Dade County. Turbidity controls shall be employed and maintained in the most effective manner possible to prevent turbidity from extending beyond the control mechanism in place.

15. Turbidity may not exceed twenty-nine (29) Nephelometric Turbidity Units (NTU's) above background beyond fifty (50) feet from the point of discharge. Turbidity levels shall be monitored continuously when turbidity plumes are visible beyond a fifty (50) foot radius of the point of discharge. If the turbidity levels exceed the above standard, all construction shall stop and additional turbidity controls shall be implemented. Work shall not resume until the contractor has implemented adequate turbidity control methods and has received authorization from DERM to recommence work. At DERM's discretion, turbidity samples may be required and shall be collected in accordance with Section 24-44.2(3), of the Code of Miami-Dade County, or as specified by DERM, and the results sent directly to the DERM Project Manager on a weekly basis.

16. A performance and/or mitigation bond may be held to ensure compliance with the aforementioned conditions and the completion of any required mitigation. Failure to comply with any of these conditions may result in the revocation by Miami-Dade County of all or a portion of the bond without further notice.

17. The Permittee shall not plant any of the following listed exotic species or any of the species found within the Florida Exotic Pest Plant Council's (FLEPPC) Category 1 and Category 2 list of invasive exotic plants in or on the permitted area. If any of the following listed exotic species currently exist on the permitted area, the Permittee shall remove them prior to development or within sixty (60) days of the issuance of this Permit, whichever is less, in accordance with methods approved by DERM. In addition, their sale, propagation, planting, importation or transportation is prohibited.

A. Melaleuca quinquenervia (Punk Tree)
B. Casuarina spp. (Australian Pines)
C. Schinus terebinthifolius (Brazilian Pepper)
D. Bischofia javanica (Bishopwood)
E. Ricinus communis (Castor Bean)
F. Ardisia elliptica (Shoebutton Ardisia)
G. Cestrum diurnum (Day Jasmine)
H. Cupaniopsis anacardioides (Carrotwood)
I. Acacia auriculiformis (earleaf acacia)
J. Adenanthera pavonina (red sandlewood)
K. Albizia lebbeck (woman's tongue)
L. Jasminum fluminense (jasmine)
M. Jasminum dichotomum (gold coast jasmine)
N. Ficus altissima (lofty fig)
O. Ficus bengalensis (banyan fig)
P. Ficus elastica (Indian rubber tree)

THIS PERMIT AND PLANS SHALL BE KEPT ON SITE DURING ALL PHASES OF CONSTRUCTION

Q. Ficus microcarpa (laurel fig)
R. Lygodium microphyllum (OldWorldclimbing fern)
S. Flacourtia indica (governor's plum)
T. Hibiscus tiliaceus (mahoe)
U. Dalbergia sisoo (Indian rosewood)
V. Colubrina asiatica (lather leaf)
W. Leucaena leucocephala (lead tree)
X. Mimosa pigra (catclaw mimosa)
Y. Merremia tuberosa (wood rose)
Z. Neyraudia reynaudiana (cane grass)
AA. Schefflera actinophylla (Queensland umbrella)
BB. Solanum viarum (tropical soda apple)
CC. Thespesia populnea (seaside mahoe)

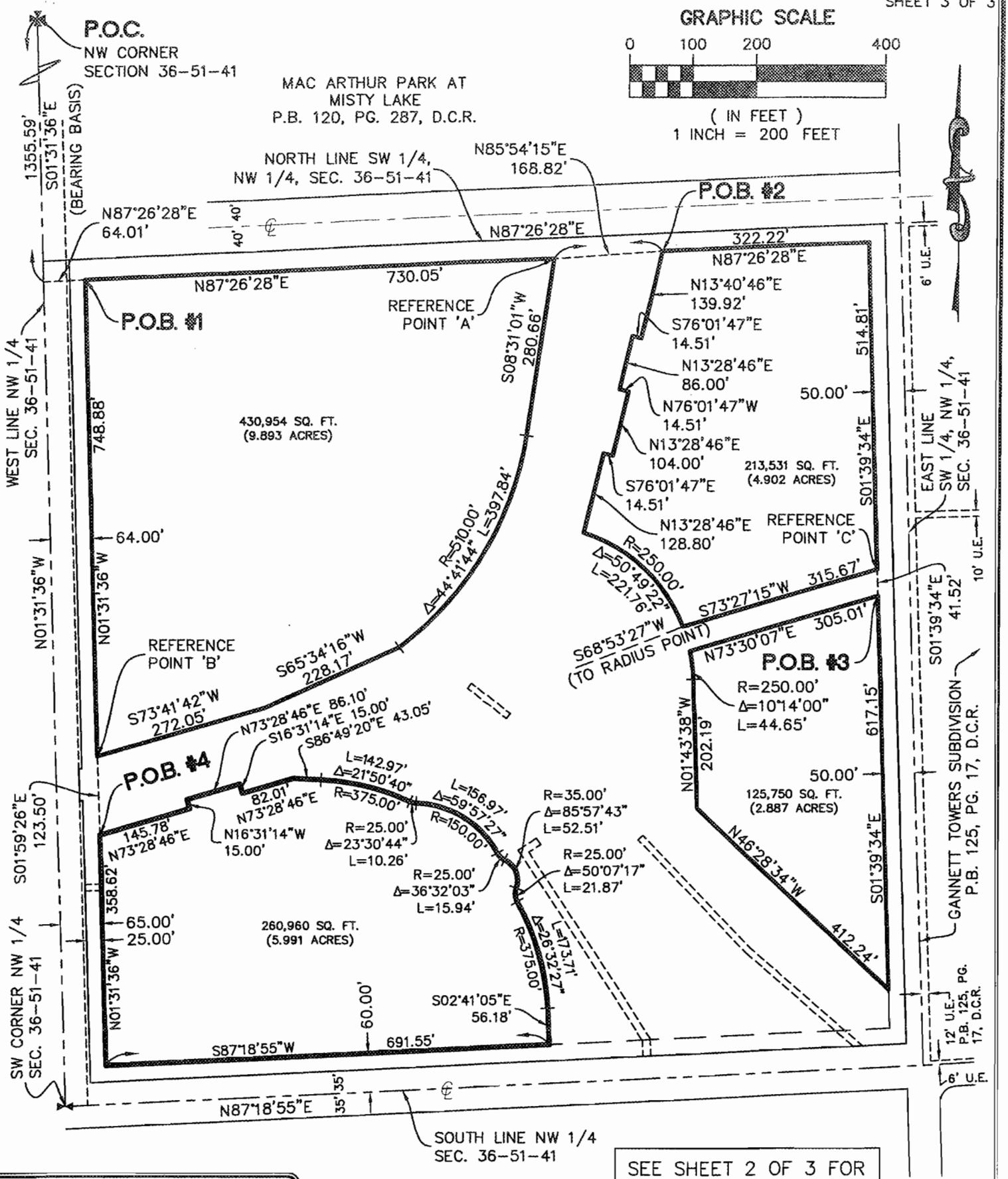
18. No structure requiring the installation of a septic tank shall be placed on the subject property unless authorized in writing by the Environmental Quality Control Board and the State of Florida Department of Health, (305) 623-3574.

19. Should any other regulatory agency require modifications to the permitted area, the Permittee shall notify DERM in writing of the changes prior to implementation so that a determination can be made as to whether a permit modification is required.

20. Failure to comply with the General or Special Conditions contained in this Permit may result in revocation of this Permit.

THIS PERMIT AND PLANS SHALL BE KEPT ON SITE DURING ALL PHASES OF CONSTRUCTION

Exhibit C



SEE SHEET 2 OF 3 FOR NOTES AND LEGEND.

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Certificate of Authorization L.B. 6680

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

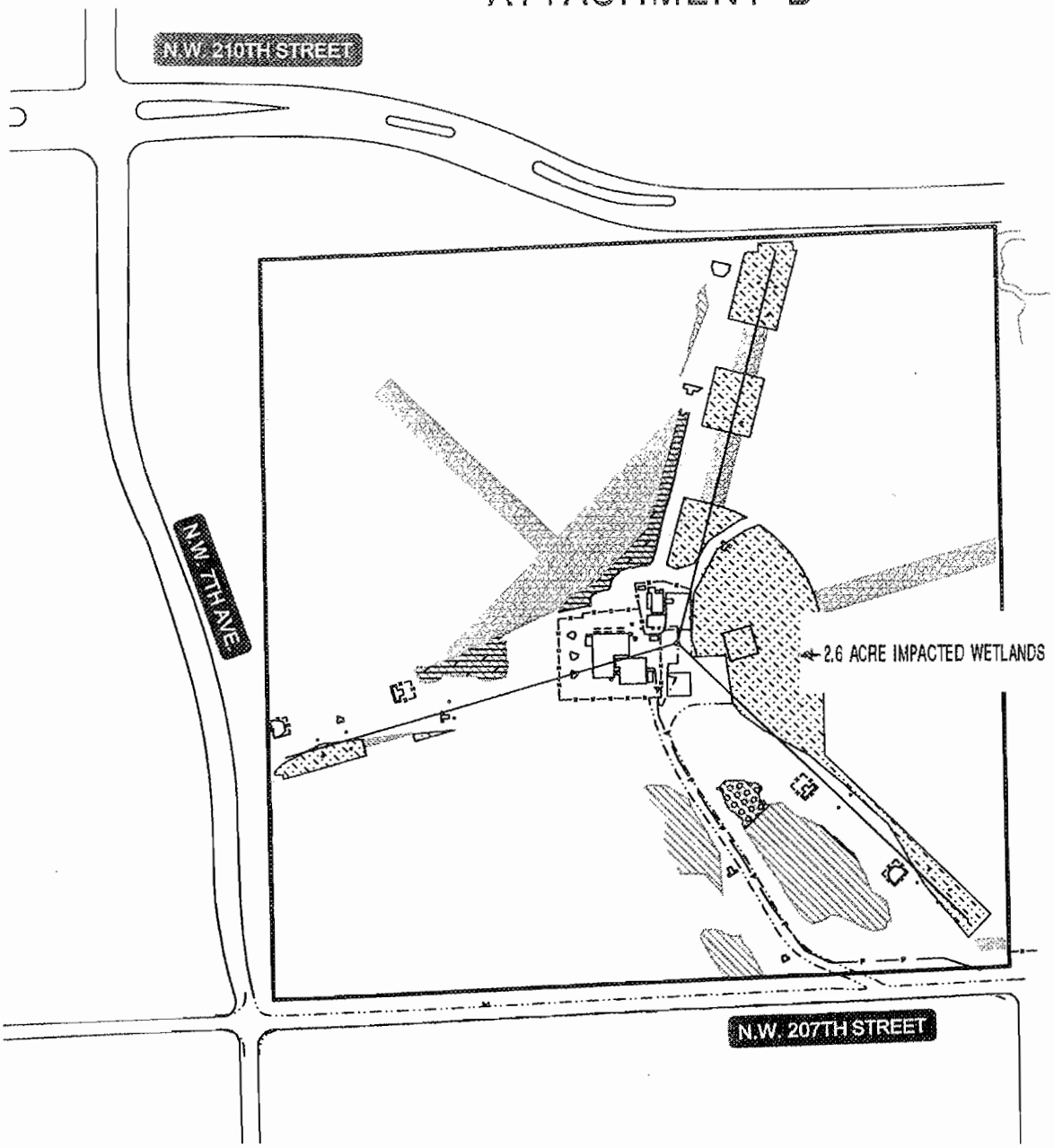
SKETCH AND DESCRIPTION

PROJECT NO. 07-00194

FILE NO.

\\SFO-MAIN\DATA\PROJECTS\2007\07-00194 - WPLG TOWER REPLACEMENT\DRAWINGS\ENVIRONMENTAL\PERMIT EXH-CAM-REV3.11.08.DWG 3/14/08 by RVILLASE

ATTACHMENT B



3/14/08
RICHARD VILLASEÑOR P.E. 65545

LEGEND:

- EXOTIC WETLAND HARDWOODS (±29.2 ac.)
- WET PRAIRIE (±2.9 ac.)

USACOE, SFWMD, & DERM JURISDICTIONAL IMPACTS

- WET PRAIRIE PERMANENT IMPACT (±0.1 ac.)
- EXOTIC PERMANENT IMPACT (±2.5 ac.)
- WET PRAIRIE TEMPORARY IMPACT (±0.39 ac.)
- EXOTIC TEMPORARY IMPACT (±1.8 ac.)

0 150 300
GRAPHIC SCALE
1 INCH = 300 FEET

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PROPOSED JURISDICTIONAL IMPACTS

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WPLG TOWER REPLACEMENT
MIAMI, FLORIDA
FOR: WPLG 10

07-00194
EXH 4
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