

Memorandum

MIAMI-DADE
COUNTY

Date: March 2, 2010

To: Honorable Chairman Dennis C. Moss and Members,
Board of County Commissioners

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

From: George M. Burgess
County Manager

Subject: Resolution Accepting a Contribution of \$600,000 in Management Funds to the Environmentally Endangered Lands (EEL) Program; Granting an Access Agreement to CEMEX Construction Materials Florida, LLC.; and Authorizing the County Mayor or County Mayor's Designee to Execute the Access Agreement

Recommendation

It is recommended that the Board adopt the attached resolution accepting a contribution of \$600,000 in management funds to the Environmentally Endangered Lands (EEL) Program; granting an access agreement to CEMEX Construction Materials Florida, LLC; and authorizing the County Mayor or County Mayor's designee to execute the access agreement.

Scope

The EEL Program is countywide in nature.

Fiscal Impact/Funding Source

As of December 31, 2009, the balance of the EEL Trust Fund GF080 (Subfund 081, Project Numbers 081005, 081006 081007 and 081008) is \$59,966,198 of which \$27,327,393 is reserved for acquisition and \$32,638,805 is reserved for management. As a condition of Miami-Dade County Class IV Permit FW 86-085, RMC Florida Group Limited is required to transfer \$600,000 for maintenance of approximately 1,110 acres of mitigation lands donated to the EEL Program in December of 2009. The required contribution will be added to the EEL Management Trust Fund and disbursements of these funds will be limited to the long-term maintenance of the donated land.

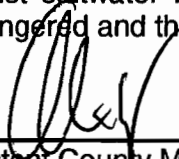
Track Record/Monitor

Not Applicable

Background

As a condition of Miami-Dade County Class IV Permit FW 86-085, RMC Florida Group Limited (the parent company of CEMEX Construction Materials Florida, LLC) was required to donate mitigation land comprised of several parcels on approximately 1,110 acres in the South Dade Wetlands EEL Project area (see Attachment A). This land was donated to the EEL Program on December 28, 2009. RMC Florida Group Limited is required by the permit to transfer \$600,000 to Miami-Dade County for the management of the donated land. Permit conditions also require CEMEX Construction Materials Florida, LLC. to continue with mitigation activities on the land. An access agreement (see Attachment B) was developed to allow CEMEX continued right of access for the purpose of discharging their responsibilities in the permit. The attached resolution will allow the EEL Program to accept the contribution of management funds and grant the access agreement.

The County Commission placed the South Dade Wetlands on the EEL Priority A Acquisition List in 1993. Land in this area is targeted for acquisition because of its strategic location between two national parks (Everglades National Park and Biscayne National Park) within the watersheds of Florida Bay, Biscayne Bay, Card Sound and Barnes Sound. Preserving and maintaining these wetlands is important for protecting against saltwater intrusion of the Biscayne Aquifer and because of the importance of the region to endangered and threatened species.


Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 2, 2010

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

A handwritten signature in black ink, appearing to read "RAC", is written over the printed name of the County Attorney.

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

Please note any items checked.

_____ "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

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ No committee review

_____ Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve

_____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Veto _____

Override _____

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

3-2-10

RESOLUTION NO. _____

RESOLUTION ACCEPTING A CONTRIBUTION OF \$600,000 IN MANAGEMENT FUNDS TO THE ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM; GRANTING AN ACCESS AGREEMENT TO CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE ACCESS AGREEMENT

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

WHEREAS, this Board desires to accomplish the purposes of Section 24-50 of the Code of Miami-Dade County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves a contribution of \$600,000 in management funds to the Environmentally Endangered Lands (EEL) Program; grants an access agreement to CEMEX Construction Materials Florida, LLC., in substantially the form attached hereto and made a part hereof; and authorizes the County Mayor or County Mayor's designee to execute same for and on behalf of Miami-Dade County, Florida, and to exercise the provisions contained therein.

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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this
2nd day of March, 2010. 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



SOUTH DADE WETLANDS PROJECT

CEMEX Property



Environmentally Endangered
Lands Program



Legend

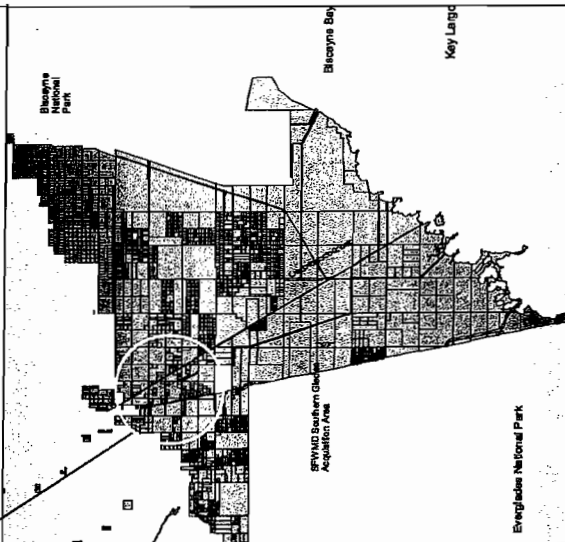
- Mitigation Land Donated to EEL
- County Owned
- SFWMD Owned
- Mitigation Land
- South Dade Wetlands Boundary
- Section Boundary

ATTACHMENT A



0 0.2 0.4 0.6 0.8 1 1.2 1.4 1.6 Miles

P:\EEL\EEL GIS Projects\BCC maps\sdw\CEMEX.apr



South Dade Wetlands Acquisition Project Area
approved by Miami-Dade Board of County
Commissioners 4/27/1993.

**RIGHT OF ENTRY TO CONDUCT ACTIVITIES REQUIRED UNDER MIAMI-DADE
COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT
CLASS IV PERMIT FW86-085**

MIAMI-DADE COUNTY, a political subdivision of the State of Florida, ("County"), hereby grants to CEMEX Construction Materials Florida, LLC ("CEMEX"), for and on behalf of the permittee the right to enter upon the County's property, as legally described in Exhibit A attached hereto and incorporated herein by reference, as is fully set forth herein, (the "Property"), to conduct activities required under DERM Class IV Permit FW 86-085 ("Right of Entry").

CEMEX, its affiliates and their respective officers, agents, employees, subcontractors and representatives shall have unlimited access to the Property. CEMEX shall indemnify the County, its officers, agents, employees and representatives (collectively, "Indemnified Parties") from claims demands or suits of any kind against the Indemnified Parties arising out of or resulting from any actions taken by CEMEX, its affiliates or their respective officers, agents, employees, subcontractors and representatives under this Right of Entry. The County shall be named as additional insured on any liability insurance policies which cover activities required under DERM Class IV Permit FW 86-085 on the Property.

CEMEX does hereby acknowledge and agree that this Right of Entry gives it no legal right, title or tenancy or interest whatsoever in the Property and legal title in the Property remains in County.

The County hereby reserves in its sole discretion the right to revoke this Right of Entry at any time on ten (10) days notice and shall notify CEMEX of any such revocation by posting the Property and/or by certified mail to CEMEX's designated representative. This Right of Entry shall expire when activities required under DERM Class IV Permit FW 86-085 have been satisfied by CEMEX and confirmed in writing by the DERM Wetlands Resources Section. At such time, this Right of Entry will be of no further legal force or effect.

IN WITNESS WHEREOF, the County and CEMEX Construction Materials Florida, LLC, have executed this Right of Entry acknowledging their mutual agreement thereto and the obligations and requirements contained herein.

ATTEST:
Harvey Ruvin, Clerk

Miami-Dade County, a
political subdivision of the
State of Florida

BY: _____
Deputy Clerk

BY: _____
Carlos Alvarez, Mayor

Approved as to form and
Legal sufficiency

County Attorney

ACKNOWLEDGED AND AGREED TO BY:

CEMEX Construction Materials Florida, LLC

By: md - ig

Address: 1501 Belvedere Road
West Palm Beach, FL 33406

M/A 140.353.352x5 10-7-09BARSHK066470.011700

7

EXHIBIT "A"

Parcel 1: (Folio No. 30-7931-001-0031)

That portion of Lot 9, Block 1, lying West of the Card Sound Road right-of-way, together with those portions of vacated rights-of-way adjoining Lot 9, Block 1, in Miami Land & Development Company Subdivision, according to the Plat thereof recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida; said parcel lying in Section 31, Township 57 South, Range 39 East in Miami-Dade County, Florida.

Parcel 2: (Folio No. 30-7931-001-0051)

Lot 13, Block 2, and those portions of Lots 2, 14, 15, and 16 Block 2, lying West of Card Sound Road right-of way, together with those portions of vacated right-of-way adjoining Lots 13, 14 and 15, Block 2, of MIAMI LAND & DEVELOPMENT COMPANY SUBDIVISION, according to the Plat thereof recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida; said land lying in Section 31, Township 57 South, Range 39 East in Miami-Dade County, Florida.

Parcel 3: (Folio No. 30-7931-001-0090)

Lots 1, 2, 13, 14, 15, and 16, Block 3, together with those portions of vacated right-of-way adjoining Lots 1 and 2, and Lots 1, 14, 15, and 16, Block 3, of MIAMI LAND & DEVELOPMENT COMPANY SUBDIVISION, according to the Plat thereof recorded in Plat Book 5, Page 10 of the Public Record of Miami-Dade County, Florida; said land lying in Section 31, Township 57, South, Range 39 East in Miami-Dade County.

Parcel 4: (Folio No. 30-7931-001-0111)

Lot 8, Block 4, and all of Lots 7 and 10, Block 4, LESS the Card Sound Road right-of-way; and those portions of Lots 6, 11 and 12, Block 4, lying West of the Card Sound Road right-of-way; together with those portions of vacated right-of-way adjoining Lots 6, 7 and 8, Block 4, of MIAMI LAND & DEVELOPMENT SUBDIVISION, according to the Plat thereof recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida, and lying in Section 31, Township 57 South, Range 39 East of Miami-Dade County.

Parcel 5: (Folio No. 30-7931-001-0150)

Lot 9 Block 4, together with those portions of vacated right-of-way adjoining Lot 9, Block 4, in MIAMI LAND & DEVELOPMENT SUBDIVISION, according to the Plat thereof recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida; and lying in Section 31, Township 57 South, Range 39 East, in Miami-Dade County.

Parcel 6: (Folio No. 30-8905-001-0023)

That portion of Lot 9, Block 2, lying West of Card Sound Road right-of-way, of MIAMI LAND & DEVELOPMENT COMPANY SUBDIVISION, according to the Plat thereof recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida, and lying in Section 5, Township 58 South, Range 39 East in Miami-Dade County.

Parcel 7: (Folio No. 30-8905-001-0038)

Lots 7 and 8 and the North 1/2 of Lot 10, Block 3; and all of that portion of Lots 4, 5 and 6, Block 3, lying West of Card Sound Road right-of-way, in MIAMI LAND & DEVELOPMENT SUBDIVISION, according to the Plat thereof recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida, and lying in Section 5, Township 58 South, Range 39 East, in Miami-Dade County.

Parcel 8: (Folio No. 30-8906-001-0010 and 30-8906-001-0013)

Lots 6, 8, 10, 11, 12, and 13, Block 1; the North 1/2 of Lot 3, Block 1; the West 1/2 of Lot 7, Block 1; the East 1/2 of Lot 9, Block 1; the West 1/2 of Lot 14, Block 1; and those portions of Lots 2, 15, and 16, Block 1, lying West of the Card Sound Road right-of-way, together with those portions of vacated right-of-way adjoining Lots 7 and 8, Block 1, all in MIAMI LAND & DEVELOPMENT COMPANY SUBDIVISION, according to the Plat thereof recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida, and lying in Section 6, Township 58 South, Range 39 East, in Miami-Dade County.

Parcel 9: (Folio No. 30-8906-001-0021)

Lots 15 and 16, Block 2; and all of those portions of the South 1/2 of Lot 2 and the North 1/2 of Lot 13, Block 2, lying East of the U.S. Highway No. 1 right-of-way, together with those portions of vacated right-of-way adjoining Lots 15 and 16, Block 2, in MIAMI LAND & DEVELOPMENT COMPANY SUBDIVISION, according to the Plat thereof recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida, and lying in Section 6, Township 58 South, Range 39 East, in Miami-Dade County.

Parcel 10: (Folio No. 30-8906-001-0030)

All of Lots 7, 8, 9, 10, 11, 12, and 13, Block 2; the South 3/4 of Lots 3, 4, and 5, and the South 1/2 of Lot 6, Block 2, lying West of U.S. Highway No. 1 right-of-way in MIAMI LAND & DEVELOPMENT COMPANY SUBDIVISION, according to the Plat thereof recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida, and lying in Section 6, Township 58 South, Range 39 East, in Miami-Dade County.

Parcel 11: (Folio No. 30-8906-001-0050)

That portion of the South 1/2 of Lot 1, the North 1/2 of Lot 14, and all of Lots 15 and 16, Block 3, lying East of the U.S. Highway No. 1 right-of-way, together with those portions of vacated rights-of-way adjoining the South 1/2 of Lot 1, the North 1/2 of Lot 14, and all of Lots 15 and 16, in Block 3, of MIAMI LAND & DEVELOPMENT COMPANY SUBDIVISION, according to the Plat thereof recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida, and lying in Section 6, Township 58 South, Range 39 East in Miami-Dade County.

Parcel 12: (Folio No. 30-8906-001-0060)

Lots 3 through 13, inclusive, in Block 3, and all of those portions of Lots 2, 14, 15, and 16, Block 3, lying West of U.S. Highway No. 1 right-of-way, together with those portions of vacated right-of-way adjoining Lot 15, Block 3, in MIAMI LAND & DEVELOPMENT COMPANY SUBDIVISION, according to the Plat thereof recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida, and lying in Section 6, Township 58, South, Range 39 East, in Miami-Dade County.

Parcel 13: (Folio No. 30-8906-001-0080)

All of Lots 2, 3, 7, 8, 10, 11, 12, and 15, Block 4; the East 1/2 of Lot 1; the South 1/2 of Lots 4 and 5; the Southwest 1/4 of Lot 6, the North 1/2 of Lots 9 and 13; and the West 1/2 of Lot 16, all in Block 4, together with those portions of vacated right-of-way adjoining the Southwest 1/4 of Lot 6, all of Lot 7, the South 1/2 of Lot 8, and the North 1/2 of Lot 9, Block 4, of the MIAMI LAND & DEVELOPMENT COMPANY SUBDIVISION, according to the Plat thereof recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida, and lying in Section 6, Township 58 South, Range 39 East in Miami-Dade County.

Parcel 14: (Folio No. 30-8907-001-0011)

The South 1/2 of Lot 6, Block 1, together with that portion of vacated right-of-way adjoining said Lot 6, of MIAMI LAND & DEVELOPMENT COMPANY SUBDIVISION, according to the Plat thereof recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida, and lying in Section 7, Township 58 South, Range 39 East, in Miami-Dade County.

Parcel 15: (Folio No. 30-8907-001-0014)

Lots 1, 3, and 16, Block 1; the North 1/2 of Lots 5 and 11; the South 1/2 of Lots 2, 12, and 13, and the West 1/2 of Lot 14, Block 1, and that portion of the South 1/2 of Lot 1, Block 2 lying East of the U.S. Highway No. 1 right-of-way, together with that portion of vacated right-of-way adjoining the South 1/2 of Lot 1, Block 2, in the MIAMI LAND & DEVELOPMENT COMPANY SUBDIVISION, according to the Plat thereof recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida, and lying in Section 7, Township 58 South, Range 39 East, in Miami-Dade County.

Parcel 16: (Folio No. 30-8907-001-0030 and 30-8907-001-0020)

All of Lots 7 through 14, inclusive, Block 2; that portion of the North 1/2 of Lot 1, Block 2 lying West of the U.S. Highway No. 1 right-of-way; Lots 2, 3, 4 and 5, Block 2, LESS the South 1/2 of the North 1/2 thereof; the North 1/2 of Lot 6, Block 2; and all of those portions of Lots 15 and 16, Block 2, lying West of the U.S. Highway No. 1 right-of-way, together with that portion of vacated right-of-way adjoining Lot 14, Block 2, of MIAMI LAND & DEVELOPMENT COMPANY SUBDIVISION, according to the Plat thereof recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida, and lying in Section 7, Township 58 South, Range 39 East in Miami-Dade County.

Parcel 17: (Folio No. 30-8907-001-0050)

All of Block 3, of MIAMI LAND & DEVELOPMENT SUBDIVISION, according to the Plat thereof recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida, and lying in Section 7, Township 58 South, Range 39 East, in Miami-Dade County.

Parcel 18: (A portion of Folio No. 30-8907-001-0061 and 30-8907-001-0050)

All those portions of Lots 6, 7, 8, and 9, Block 4, lying West of the U.S. Highway 1 right-of-way; the North 1/4 of Lots 4 and 5, Block 4; the South 1/2 of Lots 11 and 12, Block 4; and all of those portions of the North 1/2 of Lot 6, all of Lot 7, and that portion of the South 1/2 of Lots 5 and 10, Block 4 lying East of the U.S. Highway 1 right-of-way, together with that portion of vacated right-of-way lying between Block 3 and Block 4, of the MIAMI LAND & DEVELOPMENT COMPANY SUBDIVISION, according to the Plat thereof as recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida, and lying in Section 7, Township 58 South, Range 39 East in Miami-Dade County, Florida.

Parcel 19: (A portion of Folio No. 30-8908-001-0022)

That portion of Lot 1, Block 2, lying West of Card Sound Road right-of-way; the North 1/2 of Lots 2 and 3, Block 2; and all of Lots 4, 5, 6, and 7, Block 2, LESS the canal right-of-way of Canal C-108, in MIAMI LAND & DEVELOPMENT COMPANY SUBDIVISION, according to the Plat thereof recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida, and lying in Section 8, Township 58 South, Range 39 East, in Miami-Dade County.