

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(I)
02-20-07

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-172-07

RESOLUTION RELATING TO AN APPLICATION
BY THE FINLAY BROOKS MATHESON TRUST
"A" DATED DECEMBER 28, 1967, FOR A CLASS
I PERMIT TO EXPAND AND MAINTENANCE
DREDGE AN EXISTING BOAT BASIN AND TO
REPLACE AN EXISTING BULKHEAD AT 630 NW
N RIVER DR., 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 The Finlay Brooks Matheson Trust "A" Dated December 28, 1967, to expand and maintenance dredge an existing boat basin, and to replace an existing bulkhead at 630 NW N River Drive, Miami, Miami-Dade County, Florida, 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.

7

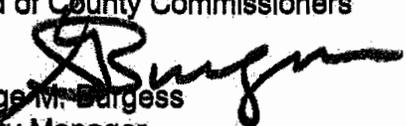
Memorandum



Date: February 20, 2007

Agenda Item No. 5(I)

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

From: 
George W. Burgess
County Manager

Subject: Class I Permit Application by The Finlay Brooks Matheson Trust "A" Dated December 28, 1967, to Expand and Maintenance Dredge an Existing Boat Basin, and to Replace an Existing Bulkhead

Attached, please find for your consideration an application by The Finlay Brooks Matheson Trust "A" Dated December 28, 1967, 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

MIAMI-DADE
COUNTY

Date: January 18, 2007

To: George M. Burgess
County Manager

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

Subject: Class I Permit Application by The Finlay Brooks Matheson Trust "A" Dated December 28, 1967, to Expand and Maintenance Dredge an Existing Boat Basin, and to Replace an Existing Bulkhead

RECOMMENDATION

I have reviewed the Class I Permit application by The Finlay Brooks Matheson Trust "A" Dated December 28, 1967. 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 aforesaid application for the reasons set forth below.

BACKGROUND

The subject Class I Permit application involves the expansion and maintenance dredging of an existing boat basin in order to accommodate larger vessels and the replacement of an existing bulkhead. The property is located on the Miami River at 630 NW N. River Dr., Miami, Miami-Dade County, Florida.

The site consists of a single-family lot with an existing boat basin cut out into the privately owned upland property. The dimensions of the existing boat basin are 53.25 feet long along the west side by 49.83 feet wide by 55.25 long along the east side. There are three (3) mooring piles dividing the boat basin into two (2) separate slip areas. The site also contains two (2) marginal docks found on the east and west ends of the boat basin. The replacement of the marginal docks is being permitted administratively under a separate Department of Environmental Resources Management (DERM) Class I Permit (CC05-357). A United States Army Corps of Engineers (USACE) permit was issued for the installation of the docks and the creation of the boat basin on September 12, 1950.

The proposed project includes the excavation of uplands to expand the tidal area of an existing boat basin by 686.63 square feet. The proposed expansion will be achieved by increasing the width of the basin by 3.25 feet and by increasing the length by 9.6 feet. The proposed excavation will be done to a maximum depth of minus eight (-8.0) feet National Geodetic Vertical Datum (NGVD) with a maximum allowable over-dredge of one foot. The proposed project also includes the maintenance dredging of the existing basin area to remove accumulated marine sediments to achieve a maximum depth of minus eight (-8.0) feet NGVD with a maximum allowable over-dredge of one foot. The applicant owns all the upland and submerged lands proposed for maintenance dredging and excavation. In addition, the project also includes the installation of 121 linear feet of new bulkhead directly landward of the existing deteriorated bulkhead and the installation of 72 linear feet of new bulkhead along the newly excavated portion of uplands.

George M. Burgess
County Manager
Page 2

As mitigation for installation of the new bulkhead and the maintenance dredging of the boat basin, 214.33 cubic yards of limerock riprap are required. Due to limited space within the boat basin, only fifteen (15) cubic yards of limerock riprap can be placed on-site. Mitigation for the remaining 199.33 cubic yards will be achieved through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund (BBEETF) at a cost of \$50.00 per cubic yard of limerock riprap. Said contribution will be used for the creation of artificial reefs in Biscayne Bay and its foreshores.

The proposed project has been designed in accordance with all relevant Miami-Dade County coastal construction criteria and is also consistent with all other Miami-Dade County coastal protection provisions. Please find attached a Project Report from the DERM Coastal Resources Section, which sets forth the reasons why 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 reference hereto.

List of 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: Trust Documents**
- Attachment G: DERM Project Report**

**NOTICE OF PUBLIC HEARING ON AN APPLICATION BY
THE FINLAY BROOKS MATHESON TRUST "A" DATED
DECEMBER 28, 1967, FOR A CLASS I PERMIT TO EXPAND
AND MAINTENANCE DREDGE AN EXISTING BOAT BASIN,
AND TO REPLACE AN EXISTING BULKHEAD AT 630 NW N
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 Chapter 24 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 The Finlay Brooks Matheson Trust "A" Dated December 28, 1967, to expand and maintenance dredge an existing boat basin, and to replace an existing bulkhead at 630 NW N River Drive, Miami, Miami-Dade County, Florida. Such Public Hearing will be held on the 20th day of February 2007, at 9:30 am o'clock, 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, 4th Floor, 33 S.W. 2nd Avenue, Miami, Florida, 33130.

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 N.W. 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, 33 S.W. 2nd Avenue, Miami, Florida,
33130.

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 appeals to be based.

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

HARVEY RUVIN, CLERK

BY: _____
Kay Sullivan, Deputy Clerk

5



MEMORANDUM

(Revised)

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

DATE: February 20, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 5 (I)

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**

_____ **Bld 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.

Attachment A:
Class I Permit Application



DERM

DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

Class I Permit Application

1. Application number

CC06-809

2. Date Day/Month/Year

15/12/06

3. For official Use only

4. Applicant information:

Name Finlay Brooks Matheson, Trust "A," dated
December 28, 1967

Address 3898 Shipping Ave.

Miami, Florida Zip Code 33146

Phone Number 305-443-4256

5. Applicant's authorized permit agent

Name 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.

The overall purpose of the proposed Project is to expand and maintenance dredge an existing boat basin and to replace an existing bulkhead.

Dredged/Excavated

Filled/Deposited

Volume of Material 452 CY CY CY CY

Waterward of O.N.W. or M.N.W.

Landward of O.N.W. or M.N.W.

Waterward of O.N.W. or M.N.W.

Landward of O.N.W. or M.N.W.

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 Enis Realty Ltd

Address 10100 Coral Creek Rd.

Coral Gables, Florida Zip Code 33156

Name Mr. Michael Lingswiler

Address 614 NW North River Drive

Miami, Florida Zip Code 33136

9. Location where proposed activity exists or will occur

Street Address 630 NW North River Drive

Latitude 25° 46' 47" N

Longitude 80° 12' 30" W

Section 35

Twp. 53

Range 41

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

11. Date Activity is proposed to commence 2006
 Date Activity is expected to be completed 2007

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

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
USCOE/DBP	ERP	13-0257138-001	November 4, 2005	March 21, 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 =
\$200,000.00

17. Contractor's name and address
 Name: TBD
 Address: _____
 _____ Zip Code _____
 Phone Number _____

18. To obtain proprietary authorization for work on state-owned submerged lands, please include an additional copy of the following:
 8 1/2 x 11 Location Map
 8 1/2 x 11 Project Drawing
 Copy of Application

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
Finley B. Matheson
 Finley Brooks Matheson, as Trustee of
 Finley Brooks Matheson, Trust "A," dated
 December 28, 1967
Michael Merritt Matheson
 Michael Merritt Matheson, as Trustee of
 Finley Brooks Matheson, Trust "A," dated
 December 28, 1967
Joan W. Matheson
 Joan W. Matheson, as Trustee of
 Finley Brooks Matheson, Trust "A," dated
 December 28, 1967

Date December 18, 2006

SUBSCRIBED AND SWORN TO BEFORE ME THIS 18 DAY OF December, 2006

PERSONALLY KNOWN PRODUCED IDENTIFICATION (PLEASE CHECK ONE)
 TYPE OF IDENTIFICATION PRODUCED: _____



Attachment B:
Affidavit of Ownership

**Affidavit of Ownership
and Hold Harmless Agreement**

Personally Appeared Before Me, Finlay B. Matheson, Joan W. Matheson, and Michael M. Matheson, Trustees of the Finlay Brooks Matheson, Trust "A," dated December 28, 1967, that undersigned authority, and hereby swears and affirms under oath as follows:

1. That your affiant is the record owner of that certain property* more fully described as:
See Warranty Deed, Appendix F.

*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. CC05-509 for a Class I permit under and pursuant to Section 24-58 of the Code of Miami-Dade County to construct or engage in the following activity:

The overall purpose of the proposed Project is to expand and maintenance dredge an existing boat basin and to replace an existing bulkhead.

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

Finlay B. Matheson, Finlay Brooks Matheson
as Trustee of Finlay Brooks Matheson, Trust "A," dated December
28, 1967
Owner/Applicant

Michael Merritt Matheson, Michael Merritt Matheson
as Trustee of Finlay Brooks Matheson, Trust "A," dated December
28, 1967
Owner/Applicant

Joan W. Matheson, Joan W. Matheson
as Trustee of Finlay Brooks Matheson, Trust "A," dated December
28, 1967
Owner/Applicant

Finlay B. Matheson,
Michael M. Matheson,

BEFORE ME, the undersigned authority, personally appeared Joan W. Matheson 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 18 day of December, 2006.



Diana N. Husson

REC 19061 PG 4329

This instrument prepared by:
Thomas J. Matkov, Esq.
DUNWODY WHITE & LANDON, P.A.
550 Biltmore Way, Suite 810
Coral Gables, FL 33134
Property Folio Number 01-3135-027-1300

00R 168270 2000 APR 10 12:40

TRUSTEE'S DEED

THIS INDENTURE, made and entered into this 3rd day of April, 2000, by SUE VAN, as Successor Trustee under the Trust Agreement dated August 2, 1993, as amended and restated June 7, 1996 ("Grantor"), whose post office address is 790 N. W. 107 Avenue, Miami, Florida 33172, to FINLAY BROOKS MATHESON, JOHN HENRY MATHESON and MICHAEL MERRITT MATHESON, Co-Trustees of Finlay Brooks Matheson Trust "A" dated December 28, 1967 ("Grantees"), whose post office address is 3898 Shipping Avenue, Miami, Florida 33146.

WITNESSETH:

DUCASTPDEE 1,206.00 SURTX 904.50
HARVEY RUVIN, CLERK DADE COUNTY, FL

THAT Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantees, their heirs, personal representatives, successors and assigns, all that certain land situate in Miami-Dade County, Florida, and described as follows:

Lot 15, Block 12, SPRING GARDEN SUBDIVISION, according to the Plat thereof, recorded in Plat Book 5, Page 38, of the Public Records of Miami-Dade County, Florida, less the dedication deeded to City of Miami in Deed Book 1485, Page 185.

SUBJECT TO covenants, conditions, easements, reservations, restrictions, limitations and other matters of record, if any, and without hereby intending to reimpose any of the same, all zoning and land use regulations, and also subject to taxes for the year 2000 and subsequent years.

Full power and authority are hereby conferred upon Grantees, either to protect, conserve and to sell, or to lease, or to encumber, or otherwise to manage and dispose of the real property conveyed hereby, it being the intent to vest in Grantees, as Co-Trustees aforesaid, full rights of ownership over such real property as authorized and contemplated by Section 689.071, Florida Statutes.

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby specially warrants title to the real property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor.

RECEIVED

NOV 07 2005

DERM
ENVIRONMENTAL RESOURCES
REC'D

1

14

10-58

Attachment C:

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



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

December 15, 2006

To:
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 CC05-509, FOR THE PROPOSED MATHESON PROPERTY BASIN EXPANSION, MAINTENANCE DREDGING, AND BULKHEAD REPLACEMENT PROJECT, LOCATED AT 630 NW NORTH RIVER DRIVE, CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA**

By the attached Class I Standard Form permit application with supporting documents, I, Mr. R. Harvey Sasso, President, Coastal Systems International, Inc., am the permit applicant/applicant's authorized agent and hereby request permission to expand and maintenance dredge an existing boat basin and to replace an existing bulkhead. 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 licensed/registered 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 licensed/registered in the State of Florida to conduct inspections throughout the construction period, and said engineer shall prepare all required drawings of record.

Respectfully submitted,
Coastal Systems International, Inc.


R. Harvey Sasso, President, Authorized Agent

17



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

December 21, 2006

ENGINEER LETTER OF CERTIFICATION

Miami-Dade County DERM
Wetland Resources Section
33 S.W. 2nd Avenue, Suite 400
Miami, Florida 33130-1540

RE: Class I Short/Standard Form Permit Application Number CC05-509, for the proposed Matheson Property Basin Expansion, Maintenance Dredging, and Bulkhead Replacement Project, Located at 630 NW North River Drive, 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.

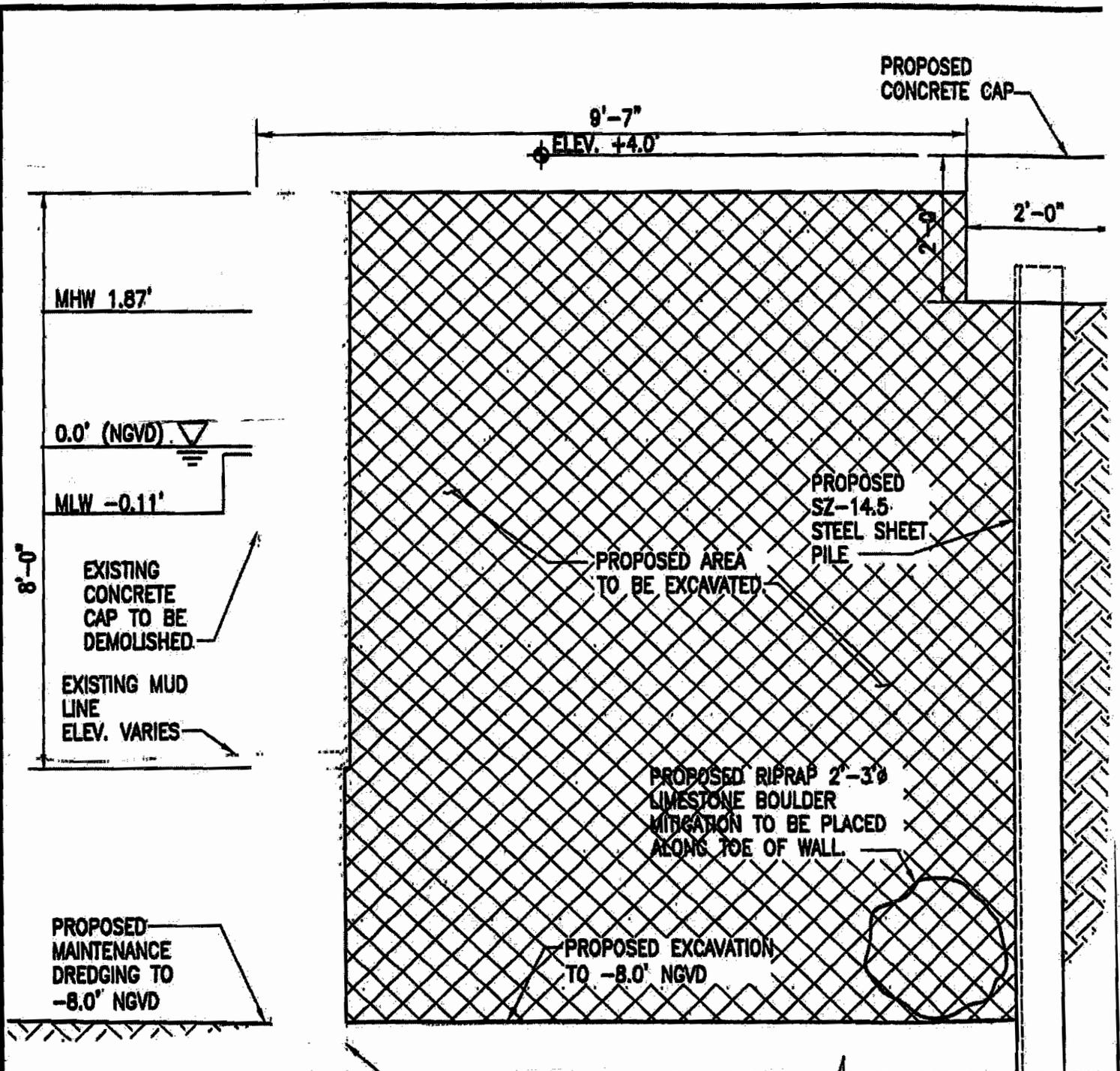
Sincerely,



Timothy K. Blankenship, P.E.
Engineering Department Head
FL Reg. 55910

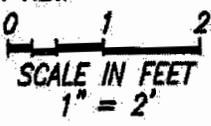
18

F:\Project\241100\Permit Sketches\Working\241100-PS-03.dwg



EXISTING TIMBER PILE TO BE REMOVED OR CUT OFF AT MUD LINE

NOTE: 15 CY. OF RIPRAP TO BE PLACED ON SITE AS MITIGATION FOR NEW BULKHEAD INSTALLATION.



B BULKHEAD SECTION

SCALE: 1" = 2'

T.K. BLANKENSHIP
FL REG 68910

APR 14 2006



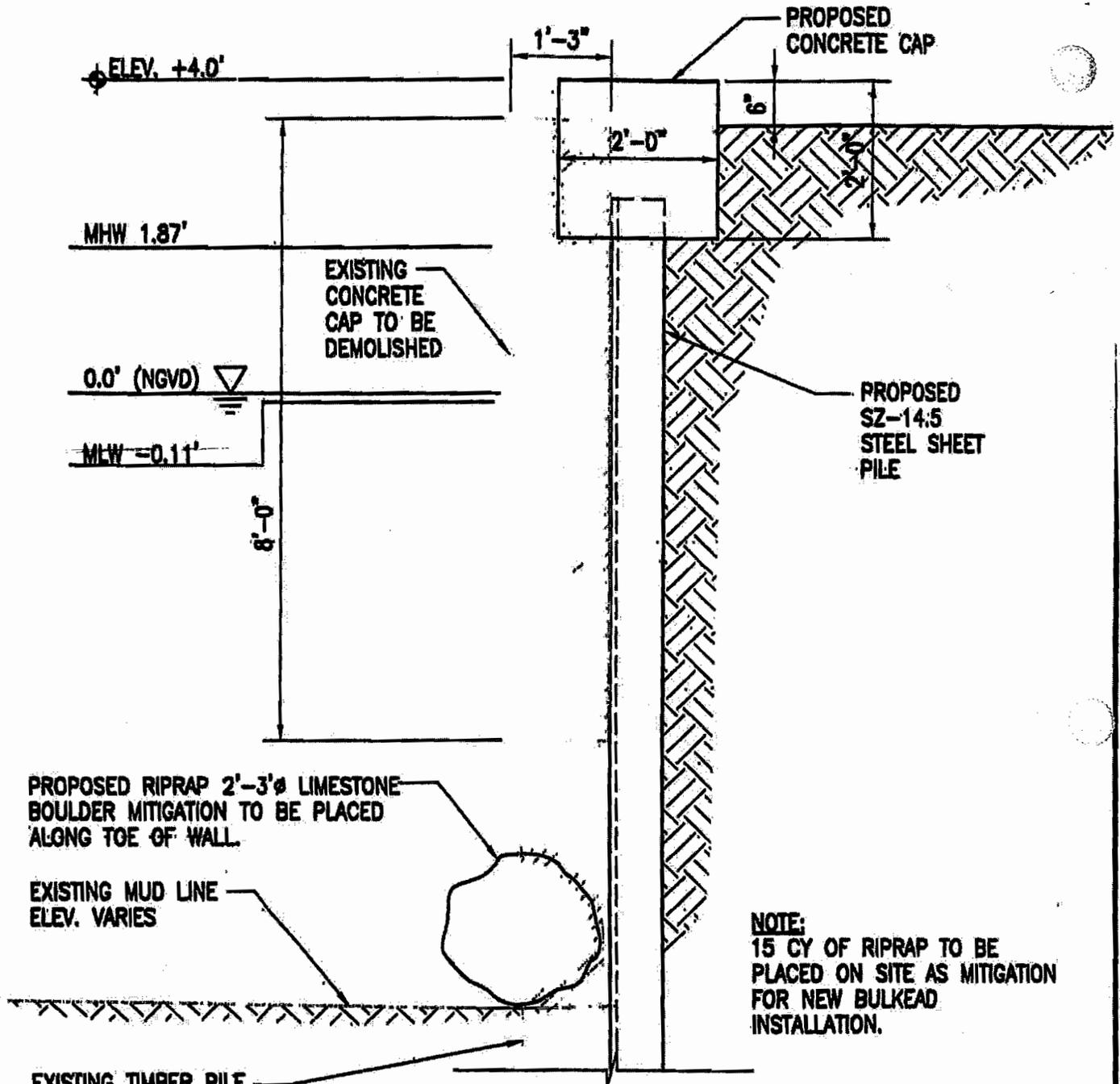
FINLAY MATHESON
3898 SHIPPING AVENUE
MIAMI, FL 33148

COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway, Coral Gables, Florida 33148
Tel: 305/851-3888 Fax: 305/851-1814 www.CoastalSystemInt.com
STATE OF FLORIDA EN #7087
Coastal, Environmental, Civil Engineering and Management

MATHESON PROPERTY BULKHEAD REHABILITATION	
BULKHEAD SECTION B	
JOB: 241100	DATE: 04/04/06
BY: VC	SHEET 6 OF 11

19

F:\Project\241100\Permit Sketches\Working\241100-PS-03.dwg



NOTE:
 15 CY OF RIPRAP TO BE
 PLACED ON SITE AS MITIGATION
 FOR NEW BULKHEAD
 INSTALLATION.

(C) BULKHEAD SECTION
 SCALE: 1" = 2'



T.K. BLANKENSHIP
 REG. 58910

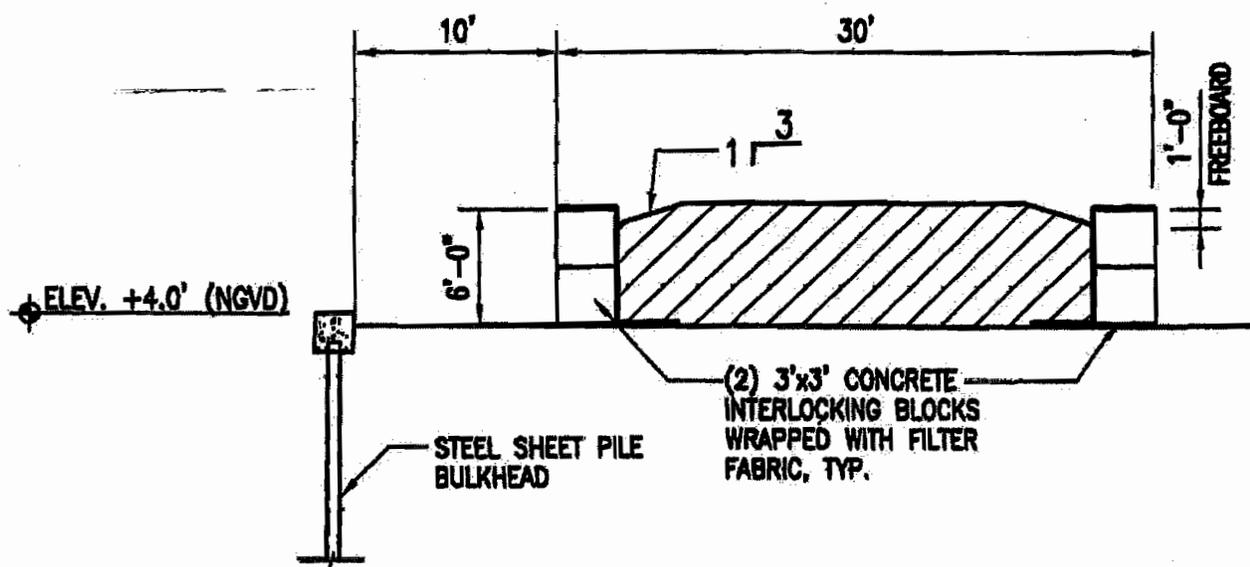
 06 1 4 2006



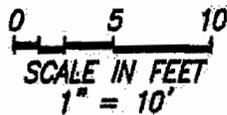
FINLAY MATHESON
 3898 SHIPPING AVENUE
 MIAMI, FL 33146
COASTAL SYSTEMS INTERNATIONAL, INC.
 484 South Dixie Highway, Coral Gables, Florida 33146
 Tel: 305/461-3888 Fax: 305/461-1914 www.CoastalSystemsInc.com
 STATE OF FLORIDA EB #7087
 Coastal, Environmental, Civil Engineering and Management

MATHESON PROPERTY BULKHEAD REHABILITATION	
BULKHEAD SECTION C	
JOB: 241100	DATE: 04/04/06
BY: VC	SHEET 7 OF 11

F:\Project\241100\Permit Sketches\Working\241100-PS.dwg



D UPLAND FILL SECTION
SCALE 1" = 10'



T.K. BLANKENSHIP
FL REG 55910

[Signature]

DATE: 04/04/06

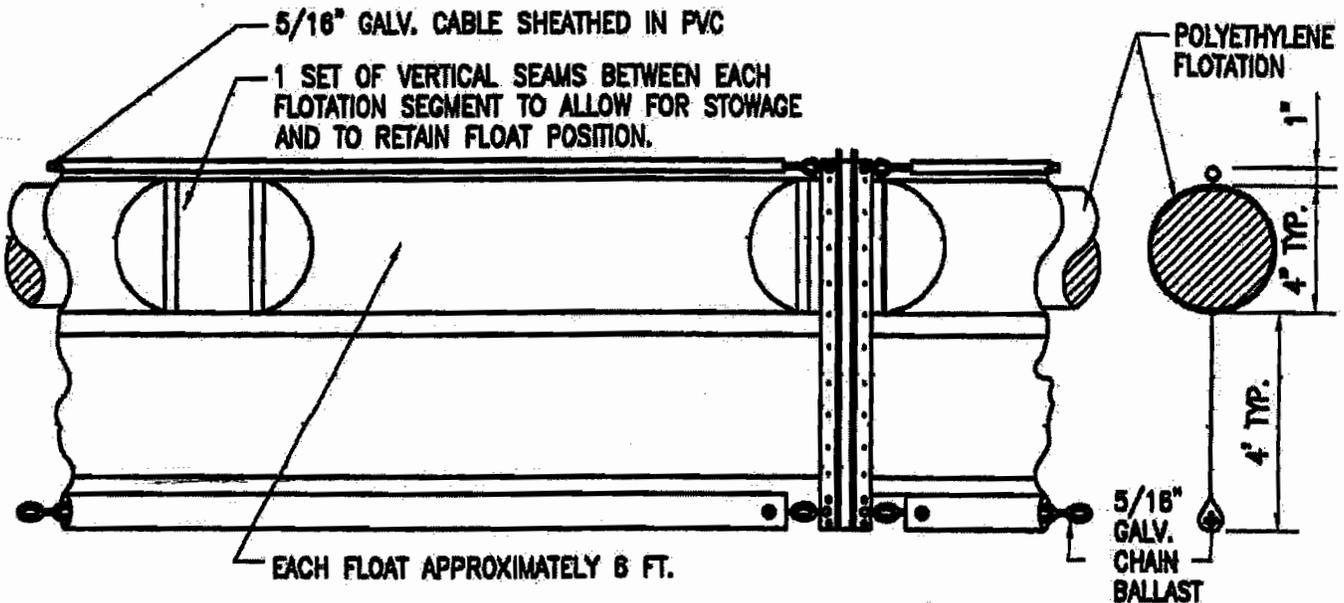


FINLAY MATHESON
3898 SHIPPING AVENUE
MIAMI, FL 33146

COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dade Highway, Coral Gables, Florida 33146
Tel 305/681-3665 Fax 305/681-1914 www.CoastalSystemsInt.com
STATE OF FLORIDA EB #7087
Coastal, Environmental, Civil Engineering and Management

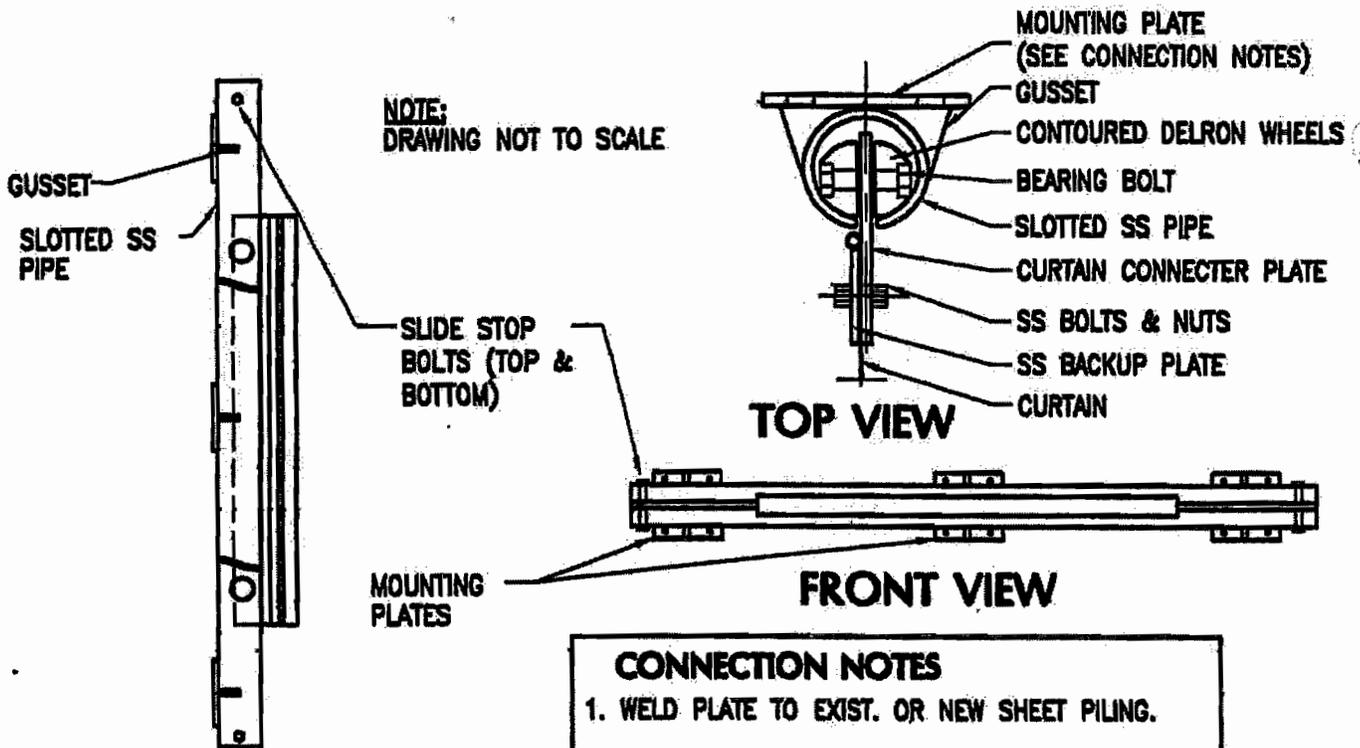
MATHESON PROPERTY BULKHEAD REHABILITATION	
HANDLING AREA SECTION	
JOB: 241100	DATE: 04/04/06
BY: VS	SHEET 8 OF 11

F:\Project\241100\Permit Sketches\Working\241100-PS-07.dwg



BOOM ELEVATION

BOOM SECTION



SIDE VIEW

TOP VIEW

FRONT VIEW

CONNECTION NOTES

1. WELD PLATE TO EXIST. OR NEW SHEET PILING.
2. ATTACH WITH EPOXY ANCHOR BOLTS TO EXISTING CONCRETE BULKHEAD AS APPLICABLE.

T.K. BLANKENSHIP
FL. REG. 56910

APR 14 2006



FINLAY MATHESON
3898 SHIPPING AVENUE
MIAMI, FL 33146

22

COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway, Coral Gables, Florida 33146
Tel: 305/661-3635 Fax: 305/661-1814 www.CoastalSystemsInt.com
STATE OF FLORIDA EX #7087
Coastal, Environmental, Civil Engineering and Management

MATHESON PROPERTY BULKHEAD REHABILITATION	
TURBIDITY CURTAIN CONNECTION	
JOB: 241100	DATE: 04/04/06
BY: VC	SHEET 9 OF 11

MARINE WORKS CONSTRUCTION QUANTITY ESTIMATE

DESCRIPTION	QUANTITY	UNIT
CONCRETE BULKHEAD & CAP DEMOLITION	172	L.F.
EXCAVATING VOLUME TO -8.0' NGVD	215	C.Y.
EXCAVATING VOLUME 1 FT OVEREXCAVATE	12	C.Y.
DREDGE VOLUME TO -8.0' NGVD	237	C.Y.
DREDGING VOLUME 1 FT OVERDREDGE	79	C.Y.
RIPPAP MITIGATION	15	C.Y.
PROPOSED STEEL SHEET PILE BULKHEAD & CONCRETE CAP (REPLACEMENT)	121	L.F.
PROPOSED STEEL SHEET PILE BULKHEAD & CONCRETE CAP (NEW)	72	L.F.

F:\Project\241100\Permit Sketches\Working\241100-PS-07.dwg

T.K. BLANKENSHIP
FL REG. 55910
[Signature]
4 2006



FINLAY MATHESON
3898 SHIPPING AVENUE
MIAMI, FL 33148

COASTAL SYSTEMS INTERNATIONAL, INC.
444 South Dixie Highway, Coral Gables, Florida 33146
Tel: 305/681-3858 Fax: 305/681-1814 www.CoastalSystemsInt.com
STATE OF FLORIDA EB #7087
Coastal, Environmental, CMI Engineering and Management

23

MATHESON PROPERTY BULKHEAD REHABILITATION	
QUANTITIES	
JOB: 241100	DATE: 04/04/08
BY: VC	SHEET 10 OF 11

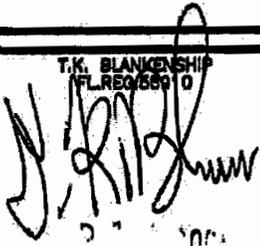
GENERAL NOTES

1. ALL ELEVATIONS ARE REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929.
2. HYDROGRAPHIC INFORMATION TAKEN FROM P&S SURVEY MIAMI RIVER 15 FOOT PROJECT. DEPARTMENT OF THE ARMY, JACKSONVILLE DISTRICT, CORPS OF ENGINEERS D.O. FILE No. 20A-38,095
3. MEAN HIGH WATER (MHW) IS +1.87 FEET NGVD, AND MEAN LOW WATER (MLW) IS -0.11 FEET NGVD. TIDAL INFORMATION BASED ON FDEP BUREAU OF SURVEY AND MAPPING, LAND BOUNDARY INFORMATION SYSTEMS MHW DATA POINT 141, REFERENCED ON 1983-2000 TIDAL EPOCH.
4. UPLAND SURVEY PERFORMED BY SUPERIOR CONSULTANTS, INC. ON FEBRUARY 4, 2000 AND REVISED ON APRIL 4, 2000 TO SHOW BULKHEAD LINE.
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. CONSTRUCTION MAY REQUIRE WATER-BASED (BARGE) EQUIPMENT.
7. DREDGED MATERIAL TO BE PLACED ON SITE TEMPORARILY FOR DRYING THEN TRUCKED TO AN APPROVED OFF-SITE DISPOSAL AREA.
8. XY COORDINATES ARE PROVIDED IN NAD27 FOR U.S. ARMY CORPS OF ENGINEER REFERENCE.

ABBREVIATIONS

MHW _____ MEAN HIGH WATER
 MLW _____ MEAN LOW WATER
 NAD. _____ NORTH AMERICAN DATUM
 NGVD _____ NATIONAL GEODETIC VERTICAL DATUM
 NOS. _____ NATIONAL OCEAN SERVICE
 TYP. _____ TYPICAL
 _____ WATER LEVEL

F:\Project\241100\Permit Sketches\Working\241100-PS-07.dwg

T.K. BLANKENSHIP
 FL REG 68910

 07/04/08



FINLAY MATHESON
 3898 SHIPPING AVENUE
 MIAMI, FL 33146

COASTAL SYSTEMS INTERNATIONAL, INC.
 444 South Dixie Highway, Coral Gables, Florida 33146
 Tel: 305/661-3666 Fax: 305/661-1814 www.CoastalSystemsInt.com
 STATE OF FLORIDA EB #7087
 Coastal, Environmental, CMI Engineering and Management

**MATHESON PROPERTY
 BULKHEAD REHABILITATION**

-GENERAL NOTES

JOB: 241100	DATE: 04/04/08
BY: VC	SHEET 11 OF 11

Attachment D:
Zoning Memorandum

Memorandum



Date:

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

From: Albert Gonzalez, Biologist II 
Coastal Resources Section
Environmental Resources Management

Subject: Class I Permit Application by The Finlay Brooks Matheson Trust "A" Dated December 28, 1967, to Expand and Maintenance Dredge an Existing Boat Basin, and to Replace an Existing Bulkhead.

Pursuant to Section 24-48.2(II)(A)(7), of the 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 County Commission 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**

Memorandum



Date:

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

From: Albert Gonzalez, Biologist II
Coastal Resources Section
Environmental Resources Management

Subject: Class I Permit Application by The Finlay Brooks Matheson Trust "A" Dated December 28, 1967, to Expand and Maintenance Dredge an Existing Boat Basin, and to Replace an Existing Bulkhead.

Attached please find the names and address from the latest County tax rolls of owners of all riparian or wetland property within three hundred (300) feet of the proposed work.

Roberto De Jong &
Carlos De Araujo
668 NW N River Dr
Miami, FL 33136-3014

Riverdreams, LLC
7010 SW 48 LN
Miami, FL 33155-5602

Enis Rlty LTD
10100 Coral Creek Road
Coral Gables, FL 33156-3423

Michael Lingwiler
614 NW North River Dr
Miami, FL 33136-3014

Rebecca G Long &
Issac M Perry III
600 NW N River Dr
Miami, FL 33136-3014

City of Miami
444 SW 2 Ave
Miami, FL 33130-1910

Attachment F:
Trust Document

**J. Henry Matheson
2834 Jackson Street
San Francisco, CA 94115**

**Finlay B. Matheson
3898 Shipping Avenue
Miami, FL 33146**

**Michael M. Matheson
165 Wildwood Drive
Murphy, NC 28906**

**Re: Resignation of Trustee
Finlay L. Matheson Trust dated 12/28/1967**

**Effective April 1, 2005 I am resigning as a trustee of both "Trust A" and "Trust C" of the
Finlay L. Matheson Trust dated 12/28/1967. I will remain as a trustee of "Trust B".**

**As required by article IV, section 2 of the Trust I am giving notice of my resignation to both
Finlay B. Matheson and Michael M. Matheson at the above addresses.**

J. Henry Matheson, trustee
J. Henry Matheson, trustee

**APPOINTMENT OF TRUSTEE
OF TRUST "A"**

Reference is made to that certain trust known as "Trust 'A'" (the "Trust") created under Trust Agreement dated December 28, 1967 and recorded in Official Records Book 8585, at Page 727, of the Public Records of Miami-Dade County, Florida, between Finlay L. Matheson, as grantor, and Finlay Brooks Matheson, John Henry Matheson and Michael Merritt Matheson, as trustees (the "Trust Agreement").

WHEREAS, JOHN HENRY MATHESON was named as an initial trustee of the Trust; and

WHEREAS, JOHN HENRY MATHESON resigned as a trustee of the Trust as of April 1, 2005; and

WHEREAS, pursuant to ARTICLE IV, Section 1 of the Trust Agreement, in the event of the resignation of any trustee, the remainder of the trustees shall fill the vacancy caused by such resignation by selecting and naming by an instrument in writing, duly executed by the whole of them for such purpose, another trustee to fill such vacancy; and

WHEREAS, FINLAY BROOKS MATHESON and MICHAEL MERRITT MATHESON, the remaining trustees of the Trust (the "Trustees"), desire to appoint **JOAN W. MATHESON** as successor trustee.

NOW, THEREFORE, it is resolved that:

1. **Appointment of Trustee.**

In accordance with the above-described power, the undersigned hereby name and appoint **JOAN W. MATHESON** as a trustee of the Trust, with all of the powers and authority of any of the trustees named in and appointed pursuant to the Trust Agreement.

2. **Effective Date.**

The effective date hereof shall be April 2nd, 2005.

[Remainder of Page Left Blank Intentionally]

IN WITNESS WHEREOF, the undersigned have signed this instrument on the 2 day
of April, 2005.

TRUSTEES:

Finlay B. Matheson
Finlay Brooks Matheson

Michael Merritt Matheson
Michael Merritt Matheson

Acceptance of Appointment

The undersigned hereby accepts the above appointment as a trustee of the Trust and agrees to be bound by the terms and conditions of the Trust Agreement as if the undersigned executed said Trust Agreement in the first instance.

Joan W. Matheson
Joan W. Matheson
Dated: April 2, 2005

Hancock Co.
Maine

74 FEB 4 PM 12 03

A

TRUST AGREEMENT

3080 PG 6

THIS TRUST AGREEMENT, Made this 28th day of December, 1967, between FINLAY L. MATHESON of Miami, Florida, as Grantor, and FINLAY BROOKS MATHESON, JOHN HENRY MATHESON and MICHAEL MERRITT MATHESON, all of Miami, Florida, as Trustees,

W I T N E S S E T H :

Employer I D number 59-6217397

The life beneficiary of this Trust is FINLAY BROOKS MATHESON.

The Grantor is, simultaneously with the establishment of this Trust, also establishing a Trust for each of his other children, and the three Trusts this day established shall be referred to in said Trusts as follows:

The Trust for FINLAY BROOKS MATHESON as Trust "A";

The Trust for JOHN HENRY MATHESON as Trust "B";

The Trust for MICHAEL MERRITT MATHESON as Trust "C".

The Grantor has herewith assigned, transferred and conveyed to the Trustees the property described in Schedule A hereto annexed receipt of which is hereby acknowledged by the Trustees, and hereinafter designated as the trust corpus, which shall be held by the Trustees, in trust, for the uses and purposes and upon the terms and conditions hereinafter set forth.

The Grantor reserves the right to transfer additional property to the Trustees during his lifetime and under his Will, and to name the Trustees as beneficiaries under policies insuring Grantor's life, any such additions to be held as part of the trust corpus as though originally transferred at the date hereof.

The Trustees shall hold, manage, invest and reinvest the trust estate, collect the income therefrom, and after deducting all proper charges and expenses therefrom, the Trustees shall dispose of the net income as follows:

34

This Trust shall terminate on the death of the life beneficiary, FINLAY BROOKS MATHESON, and the Trustees shall distribute the corpus and any and all undistributed income of this Trust as follows:

(a) To the issue of FINLAY BROOKS MATHESON, per stirpes.

(b) In the event that FINLAY BROOKS MATHESON shall die leaving no issue the corpus and undistributed income shall be distributed equally between the Trusts this day entered into by the Grantor and the Trustees for the benefit of JOHN HENRY MATHESON and MICHAEL MERRITT MATHESON, referred to herein as Trusts "B" and "C" respectively.

(c) In the event that either Trusts "B" or "C" have been previously terminated by reason of the death of JOHN HENRY MATHESON or MICHAEL MERRITT MATHESON, then that portion of this Trust which would have been distributed to such predetermined Trust "B" or "C" shall be distributed to the issue of the terminated Trust's life beneficiary, and if no issue survives the life beneficiary of Trust "B" or "C", then the corpus and income in this Trust shall be distributed in its entirety to the surviving Trust "B" or "C".

(d) In the event that both Trusts "B" and "C" have terminated prior to the termination of this Trust and neither of the life beneficiaries of Trust "B" or "C" left issue surviving, then the corpus and income of this Trust shall be distributed, if the Grantor be deceased, to the heirs at law of the Grantor determined at that time in accordance with the now existing laws of the State of Florida for the determination of the descent of personal property of intestate descendants; or if the Grantor be then living, to the persons who would be his heirs at law if he were then deceased, determined in accordance with the Laws of Florida above mentioned, and if there be no such beneficiaries, then the corpus and income of this Trust shall be distributed to the heirs at law of the Grantor determined at that time in accordance with the now existing laws of the State of Florida for the determination of the descent of personal property of intestate descendants.

55

[Handwritten signature]

forthwith be distributed to his or her estate.

or her, and in case of the grandchild's death prior thereto, shall of such part then held for such person shall be distributed to him

under the foregoing provisions attains age twenty-five (25), any

When a grandchild for whom a part shall have been retained

of said beneficiary's parents to provide for him or her.

hereunder the Trustees shall take into consideration the ability

income not so applied or paid. In exercising their discretion

the Trustees shall accumulate for the benefit of such person any

also, as the Trustees may, from time to time, deem advisable, and

whom such beneficiary resides, or directly to him or her, or other-

payments may be made to the legal guardian, or to the person with

person's reasonable care, maintenance, support and education. Such

as the Trustees, in their discretion, shall deem necessary for such

fit, and to apply so much of the net income and principal thereof

invest such person's part of the trust estate for his or her bene-

years of age the Trustees shall hold, administer, invest and re-

While any grandchild of the Grantor is under twenty-five (25)

REC-3060 M 689

BOOK 1386 PAGE 274

REC 8895 M 72

SEE BOOK # 730

BOOK 1386 PAGE 2

RECORDED PG 690

ARTICLE I

MANAGEMENT OF TRUST ESTATE

The Trustees shall take, possess, hold, manage, control and care for all property, real or personal, which the Grantor does hereby or may hereafter, or which any person or corporation may hereafter give, grant, transfer, assign, set over and deliver to said Trustees for the purpose of subjecting the same to this Trust.

The Trustees shall at all times have the power, subject to the limitations and conditions of this indenture contained, to sell, mortgage, lease, exchange, pledge or otherwise dispose of all or any part of the property making up the corpus of this Trust for terms within or extending beyond the term of this Trust, from time to time, in their discretion, for such prices and on such terms as to them shall seem proper, without the authority or license of any court and they shall have the power to invest and reinvest the proceeds of such sales in other property or securities as part of the principal of this Trust. In managing said Trust they shall exercise in regard to all stocks, bonds, real estate or other investments making up said Trust all such rights, powers and privileges as are or may be exercised by any person holding similar property in his own right. Any beneficiary aggrieved by any act of the Trustees shall have the right of appeal to the appropriate court.

ARTICLE II

AUTHORIZED INVESTMENTS

The trust property or any part thereof may lawfully be and remain invested in any stocks, bonds, mortgages, notes, commodities or real or personal property of any kind in which an individual might invest his own funds without regard to any statutory or other

37

whatsoever to which they might be subject by or under any law now or hereafter in effect regulating investments for trusts, and the Trustees shall have all the power with respect to the investment and reinvestment of the property making up the trust estate which the Grantor would have had, had not this indenture been executed.

ARTICLE III

ADDITIONAL POWERS OF TRUSTEES

The Trustees in addition and not in limitation of any power they possess by law or which is given them by this instrument shall have the following powers:

(1) The Trustees are expressly authorized to hold any stocks, securities or real estate or other personal property which may form part of the trust estate in the name or names of their nominee or nominees, except the Grantor, instead of having the same registered or taken in the name of the Trustees under this indenture.

The Trustees are expressly authorized and empowered to leave or deposit any or all of the assets or securities of the trust estate with a bank or trust company for safekeeping, and such securities may be registered in the name of the nominee or nominees of such bank or trust company. The Trustees may arrange with such bank or trust company to keep their books of account, collect the interest, dividends or income from the trust estate and make payment thereof in accordance with the Trustees' instructions, it being the intention of the Grantor to give the Trustees full authority to do whatever may be necessary to deposit the trust estate or any part thereof with such bank or trust company in a safekeeping or custodian account with the same force and effect as though the trust estate were the individual property of the Trustees. And the Trustees are hereby expressly authorized and empowered to pay for

as to the Trustees shall deem advisable.

(4) The Trustees are authorized and empowered to borrow from time to time such sum or sums of money as shall seem to them advisable for any purpose whatsoever which they in the exercise of their uncontrolled discretion shall deem necessary or advisable and, in order to secure the payment of any sum or sums so borrowed, the Trustees are authorized and empowered to make, execute and deliver under seal or otherwise such notes, bonds or other obligations as may be required and, for the purpose of securing the payment thereof, the Trustees are authorized to pledge any stocks, bonds or other security or any personal property which constitutes part or all of the estate or to make, execute and deliver good and sufficient indentures of mortgage mortgaging and conveying any real estate which constitutes part or all of the trust estate, it being the intention of the Grantor to give the Trustees a general power to borrow money whenever they shall deem it advisable for the best interests of the trust estate so to do.

(5) The Trustees shall have the right to repair, alter, or improve any real estate belonging to the trust estate and have the right to appoint an agent or agents to collect rentals from real estate and to look after the repair and upkeep of same.

(6) The Trustees shall have the right, in their discretion, to purchase from themselves as individuals, or from any other trust of which any of them may be trustees, any real or personal property upon such terms as may be proper provided they shall first have the property appraised by a competent, disinterested person or persons other than the Grantor.

(7) The Trustees are further authorized and empowered to exercise in person or by a proxy other than the Grantor all voting privileges upon the stocks held by them; to unite with other

ation, to pay any assessments, expenses and other commitments which they shall deem necessary or advisable for the protection of said trust estate, and generally to exercise with respect to such securities all of the rights, powers and privileges which they might exercise if they were possessed of such securities in their own right.

(8) The Trustees shall have the right to collect, receive and receipt for any payments of principal and income and to employ such agents, attorneys and accountants as to them shall seem necessary to properly carry out the terms of the Trust.

(9) The Trustees shall keep minutes of all meetings and actions taken by them and shall make annual accountings of their acts as such Trustees, a copy of which shall be delivered to the beneficiary.

ARTICLE IV

TRUSTEES

Sec. 1. In case of the death, resignation, or failure to qualify and act hereunder of any of the Trustees then it is the will of the Grantor and he hereby directs that the remainder of the Trustees fill the vacancy in their number caused by such death, resignation, or failure to qualify and act, by selecting and naming by an instrument in writing, duly executed by the whole of them for the purpose, another Trustee to fill such vacancy, or in case of failure of such Trustees to fill such vacancy by such method, then it is the will of the Grantor and he hereby directs that application be made to the proper court to appoint a Trustee to fill such vacancy, and such Trustee so appointed by the act of the remaining Trustees or by the court to fill such vacancy shall have all the powers and authority of any of the Trustees named herein and appointed hereunder, including the power to appoint another

deed or conveyance, he shall become vested with all the estates, properties, rights, powers, trusts, duties and obligations of his, her or its predecessor in trust hereunder, with like effect as if originally named as Trustee herein; but the Trustee ceasing to act, or if he die, his heirs, executors, administrators or assigns shall nevertheless, upon the written request of the Trustees hereunder, execute and deliver an instrument transferring to such new Trustee, upon the trusts herein expressed, all the estates, properties, rights, powers and trusts of the Trustee so ceasing to act, and shall duly assign, transfer and deliver all property and moneys held by such Trustee to such new Trustee and his associate Trustees hereunder.

Sec. 3. Save as otherwise expressly provided by this indenture, the major part of the Trustees hereunder, at any time living, shall have all the power vested in the Trustees under this indenture.

Sec. 4. Any Trustees hereunder shall be liable each for himself or herself or itself, as the case may be, and not the one for the other, and for willful default only and not for accident, mistake or error of judgment.

Sec. 5. The receipt of the Trustees, or their agent or agents thereunto duly authorized, for any money paid to them, or for any stocks, bonds, securities or valuable chattels transferred or delivered to them hereunder shall effectually discharge the person or persons paying, transferring or delivering the same, and from being bound to see to the application thereof or being answerable for the loss or misapplication thereof.

Sec. 6. The Trustees shall and may, from time to time, reimburse, satisfy and pay themselves out of the Trust estate, all such necessary and reasonable charges as they shall sustain or be out 41

Sec. 7. No Trustee hereunder who is a beneficiary shall receive any salary or other compensation for his services as Trustee.

The salary or compensation of any Trustee who is not a beneficiary hereunder shall be determined by the other Trustees and at least two-thirds of such other Trustees shall affirmatively approve the same in writing.

Sec. 8. None of the Trustees hereinbefore named, nor any successor Trustee hereafter named, unless the letter of appointment shall expressly declare to the contrary, shall give any bond for the execution of this Trust.

Sec. 9. The Trustees are empowered to pay and satisfy or compromise and compound any debts at any time owing or claiming to be owing by or to them, as Trustees hereunder, and to accept any composition or any security, real or personal, for any debts at any time owing to them as such Trustees and to allow such time for the payment of any such debt or composition (either with or without security) as to them shall seem reasonable; and to refer to arbitration, and to settle all debts, accounts, questions and things which may be owing or claimed to be owing by or to them as such Trustees, or which may depend or arise between them and any other person or persons, corporation or corporations; and generally to act in a relation to the premises as they shall think expedient, without being liable for any loss occasioned thereby.

Sec. 10. It shall be lawful for any issue of the Grantor, notwithstanding he or they may be a Trustee or Trustees hereunder, to purchase any of the property subject to this Trust, at any public sale or sales thereof, or by private contract, provided that in the latter case the price thereof shall be fixed by said Trustees other than the purchaser or purchasers, after such property

livered to the Trustees hereunder, for the purpose of subjecting it to this indenture, shall be as fully controlled by it as if it were described in detail herein.

Sec. 13. All the trusts, powers and authorities herein given to or vested in said Trustees, whether by name or otherwise, shall devolve upon and be exercisable by the survivors and survivor of them, and the Trustee or Trustees for the time being.

ARTICLE V

DETERMINATION OF PRINCIPAL AND INCOME

In the event said Trustees shall sell any of the property included in the trust estate, the proceeds thereof shall be deemed principal and shall be invested by the Trustees pursuant to the terms of this indenture and said Trustees are hereby authorized, in their discretion, to determine finally all questions regarding allocations between principal and income with respect both to receipts and to expenditures, except that all dividends paid in stock of the paying corporations and all subscription rights shall be considered income, to the extent that the same are considered income under the rules and regulations of the Treasury Department of the United States then in effect.

ARTICLE VI

TRUST IRREVOCABLE

This declaration of Trust as to the Grantor shall be irrevocable and the Grantor hereby relinquishes all right, title and interest in and to the securities and properties deposited hereunder and any securities and properties which may be hereafter deposited hereunder and the income accrued therefrom, and vests in the Trustees all right, title and interest in and to the said

IN WITNESS WHEREOF, the parties hereto have executed this indenture, in duplicate, and said FINLAY L. MATHESON has written his name at the bottom of each of the pages for the purpose of authenticating the same, all as of the day and year first hereinabove written.

In Presence Of:

[Signature]
[Signature] FINLAY L. MATHESON, Grantor
 As to FINLAY L. MATHESON
[Signature]
[Signature] FINLAY BROOKS MATHESON
[Signature]
[Signature] JOHN HENRY MATHESON
[Signature]
[Signature] MICHAEL MERRITT MATHESON
 Trustees

As to Trustees

STATE OF FLORIDA)
COUNTY OF DADE) SS

Before me personally appeared FINLAY L. MATHESON, to me well known and known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that he executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 28 day of December, 1967.

[Signature]
Notary Public, State of Florida at Large

My Commission Expires:



STATE OF FLORIDA)
COUNTY OF DADE) SS

44

Before me personally appeared FINLAY BROOKS MATHESON, JOHN HENRY MATHESON and MICHAEL MERRITT MATHESON, to me well known and known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that they executed said instrument for the purposes therein expressed.

EXHIBIT "A"

FINLAY BROOKS MATHESON
TRUST "A"

KEY BISCAYNE CO. - Certificate No. 2, dated
December 28, 1967, representing thirty (30) shares of
Common Stock.

RECORDED IN THE
OFFICE OF THE
CLERK OF THE
COURT
RICHARD P. BRINKER,
CLERK CIRCUIT COURT

FINLAY L. MATHESON

Grantor

Finlay Brooks Matheson
FINLAY BROOKS MATHESON

John Henry Matheson
JOHN HENRY MATHESON

Michael Merritt Matheson
MICHAEL MERRITT MATHESON

Trustees

65

A 72549

Attachment G:

Project Report

4 p

PROJECT REPORT

**CLASS I PERMIT APPLICATION No. CC05-509
The Finlay Brooks Matheson Trust "A" dated December 28, 1967,
to Expand and Maintenance Dredge an Existing Boat Basin, and
to Replace an Existing The Bulkhead**

Date: November 1, 2006

Staff's recommendation of approval for the above-referenced permit application is based on the applicable evaluation factors set forth in 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 for any adverse environmental impact from the expansion and maintenance dredging of the existing boat basin and the replacement of the existing bulkhead is minimal.
2. **Potential Cumulative Adverse Environmental Impact**- Not applicable
3. **Hydrology** - The proposed project is designed in accordance with the Department of Environmental Resources Management and South Florida Water Management District criteria and design standards. 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 may affect surface water quality on a temporary basis during the dredging and excavation activities. In order to minimize these impacts to the maximum extent possible, the Class I Permit will require that turbidity control devices such as, but not limited to, turbidity curtains, be utilized during all phases of construction to ensure compliance with the County's water quality standard for turbidity.
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 any negative aesthetic impacts. However, during the construction process there may be temporary aesthetic impacts related to the presence of barges with dredge equipment and other vessels associated with the maintenance dredging, upland excavation, bulkhead installation and back filling 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. The final dredge material disposal and sampling method will be determined by the contractor, subject to the approval of DERM, in a manner that will be consistent with State and County regulations for the protection of surface and groundwater at the disposal/containment site. Said spoil material will be sampled and disposed of at the appropriate location once testing has been completed.

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. The permittee shall obtain a Certificate of Appropriateness if required by the City of Miami's Historic Preservation Board, if deemed necessary for the dredging project.
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. The permittee shall obtain a Certificate of Appropriateness if required by the City of Miami's Historic Preservation Board, if deemed necessary for the dredging project.
13. **Air Quality** – The proposed project is not reasonably expected to adversely affect air quality.
14. **Marine and Wildlife Habitats**– The proposed project will cause temporary disturbances to benthic soils within the boat basin during the excavation, maintenance dredging, and bulkhead replacement. The proposed maintenance dredging of the boat basin will result in the removal of 316 cubic yards of accumulated marine soils. Although the soils may support limited numbers of marine infauna (i.e. benthic fauna living within the substrate), the soils do not support any significant marine resources due to low dissolved oxygen and variable salinity. Mitigation for these impacts will be provided by the placement of 214.33 cubic yards of limestone riprap boulders. The applicant has proposed to place 15 cubic yards along the inside perimeter of the boat basin and make a contribution to the Biscayne Bay Environmental Enhancement Trust Fund (BBEETF) equivalent to \$50.00 per cubic yard for the balance of 199.33 cubic yards of riprap that cannot be placed on site.
15. **Wetland Soils Suitable for Habitat** – Not applicable.
16. **Floral Values** –The proposed project is not reasonably expected to impact any significant marine flora. The Miami River does not support any significant submerged vegetation such as seagrass or algae due to poor water clarity and quality.
17. **Fauna Values** - The proposed project may cause temporary impacts to marine fauna resulting from turbidity as a result of the maintenance dredging, upland excavation, and bulkhead

Installation. 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 standard manatee protection provisions required in the Class I Permit.

18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to result in adverse effects to rare, threatened or endangered species provided standard manatee protection measures are implemented. The Miami River is designated as critical habitat for the West Indian Manatee (*Trichechus manatus*). However, the project will be conducted to minimize short-term impacts during construction to the maximum extent practicable. Standard manatee construction permit conditions shall be included in the Class I Permit that must be followed during all in-water construction operations. The Miami River is not designated as critical habitat for the American Crocodile (*Crocodylus acutus*). However, there have been sightings in the surrounding areas. If any sightings of the American Crocodile should occur, DERM shall be notified immediately.
19. **Natural Flood Damage Protection** – The proposed project is not reasonably expected to 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** – Not applicable
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 pending approval by the Board of County Commissioners and prior to the issuance of the 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 the recreation element of the Biscayne Bay Management Plan.
23. **Other Environmental Values Affecting the Public Interest** –The proposed project is not reasonably expected to adversely affect environmental values affecting the public interest.
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:
 - a) Miami-Dade County Public Works Manual
 - b) Biscayne Bay Management Plan (Sections 33D-1 through 33D-4 of the Code of Miami-Dade County)
 - c) 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 not result in significant adverse environmental impacts. Therefore, a CEIS was not required by DERM in order to evaluate the project.
26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is consistent with the following applicable State, Federal and local laws and regulations:
- a) Biscayne Bay Management Plan (Section 33D-1 through 33D-4 of the Code of Miami-Dade County)
 - b) Chapter 24 of the Code of Miami-Dade County
 - c) Biscayne Bay Aquatic Preserve Act
 - d) Federal Endangered Species Act (US Fish & Wildlife Services)
 - e) United States Clean Water Act (Army Corps of Engineers Permit)
 - f) Florida Department of Environmental Protection Regulations
 - g) Rules of 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 proposed project is compatible with surrounding land uses in Biscayne Bay and does not involve development in 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 will result in the removal of sediments and involves the replacement of existing bulkheads as required by this objective.

CONSERVATION, AQUIFER RECHARGES AND DRAINAGE ELEMENT IV:

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

Objective 3/Pollicy 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/Pollicles 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 and natural surface water drainage. The proposed project does not involve positive drainage of wetland areas and will not affect water storage or aquifer recharge potential.

Objective 5/Pollicles 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/Pollicy 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/Pollicy 6B - Guidelines for rock quarries for the re-establishment of native flora and fauna. - The proposed project does not involve the dredging of a rock quarry.

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

Objective 7/Pollicy 7A - No net loss of high quality, relatively unstressed wetlands. - The proposed project will not involve the loss of any such wetlands.

Objective 9/Pollicles 9A, 9B, 9C - Protection of habitat critical to Federal or State-designated threatened or endangered species. - The proposed project is not reasonably expected to result in adverse effects to rare, threatened and/or endangered species provided standard manatee protection measures are implemented. The Miami River is designated as critical habitat for the West Indian Manatee (*Trichechus manatus*). However, the project will be designed to minimize short-term impacts during construction to the maximum extent practicable. Standard manatee construction conditions shall be included in the Class I Permit and followed during all in-water construction operations. The Miami River is not designated as critical habitat for the American Crocodile (*Crocodylus acutus*). However, there have been sightings in the surrounding areas. If any sightings of the American Crocodile should occur, DERM shall be notified immediately.

COASTAL MANAGEMENT ELEMENT IX:

Objective 1/Policy 1A - Tidally connected mangroves in mangrove protection areas – There are no mangroves in the proposed project area and the proposed project area 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 or maintenance of mitigation areas 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 24-48, of the Code of Miami-Dade County, Florida. The project does not involve the dredging or filling of grass/algal flats, hard bottom. However, the project will involve some impacts to viable benthic communities. Mitigation for these impacts will be provided by the placement of 214.33 cubic yards of Ilmerock riprap boulders. The applicant has proposed to place 15 cubic yards along the inside perimeter of the boat basin and make a contribution to the Biscayne Bay Environmental Enhancement Trust Fund (BBEETF) equivalent to \$50.00 per cubic yard for the balance of 199.33 cubic yards of riprap that cannot be placed on site.

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 activities.

Objective 5/Policy 5B- Existing and new areas for water-dependent uses. - The proposed project is consistent with this policy because it enhances existing water-dependent uses.

Objective 5/Policy 5D - Consistency with Chapter 33D of the Code of Miami-Dade County (shoreline access, environmental compatibility of shoreline development) - Pursuant to Section 33D-34(c)(1) of the Code of Miami-Dade County, 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 is consistent with the policy because it maintains existing water-dependent uses.

28. Conformance with Chapter 33B, of the Code of Miami-Dade County (East Everglades Zoning Overlay Ordinance) – Not applicable

29. Conformance with Miami-Dade County Ordinance 81-19 (Biscayne Bay Management Plan Section 33D-1 through 33D-4 of the Code of Miami-Dade County) - The proposed project is consistent with the Biscayne Bay Management Plan.

30. Conformance with the Miami-Dade County Manatee Protection Plan **The project area** - The proposed project is not reasonably expected to result in adverse effects to rare, threatened or endangered species provided standard manatee protection measures are implemented. The Miami River is designated as critical habitat for the West Indian Manatee (*Trichechus manatus*). However, the project will be conducted to minimize short-term impacts during construction to the maximum extent practicable. Standard manatee construction conditions shall be included in the Class I Permit that must 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 by the applicant stating that the proposed project does not violate any zoning laws. Said letter will be submitted after approval by the Board of County Commissioners and prior to 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 – Not applicable

35. Class I Permit Applications for Projects Exceeding the Boundaries Described in Section D-5.03 (2)(a) of the Miami-Dade County Public Works Manual – Not applicable

The proposed project was also evaluated for compliance with the minimum required 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:

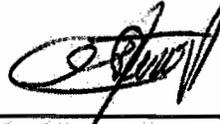
24-48.3 (2) Dredging and/or Filling for Class I Permit - The proposed project complies with the following criteria set forth in Section 24-48.3(2) of the Code of Miami-Dade County:

- (c) Minimum dredging and filling for the creation and maintenance of marinas, piers, docks and attendant navigational channels.

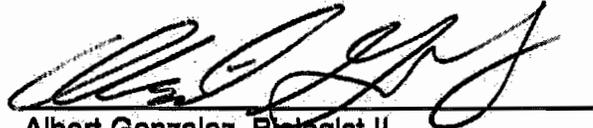
24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 Chapter 24 of the Code of Miami-Dade County – The proposed project complies with the water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

24-48 (4) Clean Fill In Wetlands – Not applicable

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



Luis C. Otero, Manager
Coastal Resources Section



Albert Gonzalez, Biologist II
Coastal Resources Section