

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(S)
07-24-07

RESOLUTION NO. R-872-07

RESOLUTION RELATING TO AN APPLICATION BY PPF LINCOLN MEDLEY, LLC FOR A CLASS IV PERMIT TO IMPACT 38.88 ACRES OF WETLANDS FOR A COMMERCIAL PROJECT BETWEEN THE FLORIDA TURNPIKE AND NW 115 AVENUE AND SOUTH OF NW 138 STREET IN SECTION 30, TOWNSHIP 52 SOUTH, RANGE 40 EAST AND SECTION 25, TOWNSHIP 52 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA

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

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 PPF Lincoln Medley, LLC for a Class IV Permit to impact 38.88 acres of wetlands for a commercial project, 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.

2007-07-27 10:00 AM
2007-07-27 10:00 AM
2007-07-27 10:00 AM
ADMINISTRATIVE SERVICES

Agenda Item No. 5(S)
Page No. 2

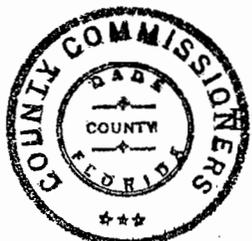
The foregoing resolution was offered by Commissioner Jose "Pepe" Diaz , who moved its adoption. The motion was seconded by Commissioner Dorrin D. Rolle and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of July, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK



By: **KAY SULLIVAN**
Deputy Clerk

Approved by the County Attorney as
to form and legal sufficiency. *PST/um*

Peter S. Tell

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Memorandum

MIAMI-DADE
COUNTY

Date: July 24, 2007

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

Agenda Item No. 5(S)

From: George M. Bugen
County Manager

Subject: Class IV Permit Application by PPF Lincoln Medley, LLC to Impact 38.88 Acres of
Wetlands for a Commercial Distribution Center

Attached, please find for your consideration an application by PPF Lincoln Medley, LLC for a Class IV 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 IV Permit.


Assistant County Manager

Memorandum

MIAMI-DADE
COUNTY

Date: July 24, 2007

To: George M. Burgess
County Manager

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

Subject: Class IV Permit Application by PPF Lincoln Medley, LLC to Impact 38.88 Acres of Wetlands for a Commercial Distribution Center

Recommendation

I have reviewed the application for a Class IV Permit by PPF Lincoln Medley, LLC. Based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County, I recommend the Board of County Commissioners approve the issuance of a Class IV Permit for the reasons set forth below.

Scope

The subject property is located between the Florida Turnpike and NW 115 Avenue and South of NW 138 Street, which is within County Commission District 12.

Fiscal Impact/Funding Source

Not applicable.

Track Record/Monitor

Not applicable.

Background

The subject Class IV Permit application for the proposed commercial project will involve the dredging and filling of 36.34 acres of wetlands and the enhancement of 2.54 acres of disturbed wetlands not supporting halophytic vegetation. The proposed project will impact a total of 38.88 acres. The subject property is located between the Florida Turnpike and NW 115 Avenue and South of NW 138 Street in Section 30, Township 52 South, Range 40 East and Section 25, Township 52 South, Range 39 East, Miami-Dade County, Florida. The proposed project site is surrounded by active commercial operations.

The project site consists of herbaceous wetlands disturbed as a result of legal long-term cattle grazing activities. Compensatory mitigation for the ecological impacts related to the removal of wetland plant communities will be accomplished by purchasing 16.31 herbaceous wetland mitigation credits in the Everglades Mitigation Bank, owned and managed by Florida Power & Light Company. The Everglades Mitigation Bank Wetland Restoration and Enhancement Project has enhanced property in the South Dade Wetland Basin by removing exotic vegetation, replanting with native species, restoring of filled areas to natural wetland grade, and the implementation of a fire management program.

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Approximately, 2.54 acres of on-site wetlands will be enhanced as part of the proposed project. The enhancement will consist of regrading the soils, removal of invasive exotic vegetation and replanting of native species for the enhancement of a natural wetland habitat.

The proposed project has been designed in accordance with all relevant Miami-Dade County Class IV Permit criteria and is consistent with all other Miami-Dade County wetland protection provisions. Please find attached a Project Report from the Department of Environmental Resources Management (DERM) Wetland Resources Section, which sets forth in more detail the reasons this 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.

Attachments

- Attachment A: Class IV Permit Application
Affidavit of Ownership
Site Plans
Affidavits of Limited Liability Corporation
- Attachment B: Applicants/Agents Letter
Engineer's Certification Letter
- Attachment C: Zoning Approval Letter
DERM Water Control's Cut & Fill Approval
Mitigation Acceptance Letter
- Attachment D: Adjacent Property Owner's List
- Attachment E: Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY PPF LINCOLN MEDLEY, LLC FOR A CLASS IV PERMIT TO IMPACT 38.88 ACRES OF WETLANDS FOR A COMMERCIAL PROJECT BETWEEN THE FLORIDA TURNPIKE AND NW 115 AVENUE AND SOUTH OF NW 138 STREET IN SECTION 30, TOWNSHIP 52 SOUTH, RANGE 40 EAST AND SECTION 25, TOWNSHIP 52 SOUTH, RANGE 39 EAST, 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 PPF Lincoln Medley, LLC for a Class IV Permit to impact 38.88 acres of wetlands for a commercial project. Such Public Hearing will be held on the 24th day of July 2007, at 9:30 am, at the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center in Miami, Florida.

Plans and details concerning the work requested in the application may be reviewed by interested persons at the office of the Miami-Dade County Department of Environmental Resources Management, 701 NW 1st Court, Suite 400, Miami, Florida, 33136-3912.

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, 701 NW 1st Court, Suite 400, Miami, Florida, 33136-3912.

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

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

HARVEY RUVIN, CLERK .

BY: _____
Kay Sullivan, Deputy Clerk

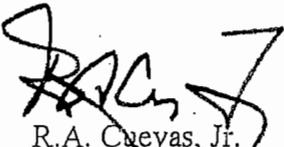


MEMORANDUM

(Revised)

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

DATE: July 24, 2007

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

SUBJECT: Agenda Item No. 5(S)

Please note any items checked.

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

ATTACHMENT A

Class IV Permit Application Form

Affidavit Of Ownership

Site Plans

Affidavits of Limited Liability Corporation



Class IV Wetland Permit Application

For Official Use Only: CORPS Application Number: DEP/SFWMD Application Number:	Date Received 6/20/2007	Application Number FW97-006
--	-----------------------------------	---------------------------------------

1. Applicant Information:

Name: PPF Lincoln Medley, LLC
 Address: 300 S. Orange Avenue, Suite 975
Orlando, FL
 Zip Code: 32801 Phone # 407-872-3500
 Email: sstahley@lpc.com Fax # 407-425-2309

2. Applicant's authorized permit agent:

Name: Rainer W. Schael, RS Environmental Consulting, Inc.
 Address: PO Box 161158
Miami, FL
 Zip Code: 33116-1158 Phone 305-383-3404
 Email: rainer@rs-env.com Fax # 305-383-3270

3. Location where proposed activity exists or will occur:

South of NW 138th Street, East of Florida Turnpike
 Street, road, or other descriptive location

Section: 30 and 25 Town of Medley
 Township: 52S and 52S Incorporated city or town
 Range: 40E and 39E
22-2030-001-0140
 Folio Number

4. Proposed use:

Private Single Dwelling	<input type="checkbox"/>	Commercial	<input checked="" type="checkbox"/>
Multi-Family Dwelling	<input type="checkbox"/>	Agricultural	<input type="checkbox"/>
Multi-Single Family	<input type="checkbox"/>	Public	<input type="checkbox"/>
Please explain:		Other	<input type="checkbox"/>

Class IV Standard Form Permit Application Number FW 97-006, Medley Distribution Center (38.88 Acres total), for the Dredging and Filling of 36.34 Acres of Wetlands for the Construction of a Distribution Center and the Enhancement of 2.54 Acres of Wetlands in Section 30, Township 52S, Range 40E and Section 25, Township 52S and Range 39E.

5. Description of Project (Use additional sheets, if necessary)

Total Acreage of Wetlands to be Impacted 38.88 total (2.54 Ac. of the 38.88 Ac. to be regraded as part of the on-site wetland enhancement)

A. Lake Excavation or Dredging:

1. Total wetland acreage to be excavated or dredged 6.30

2. Cubic yards: Total for Project 508,200

a. Depth of excavated/dredged area 50'

b. Type of material to be excavated/dredged Limerock

B. Placement of Fill

1. Total wetland acreage to be filled 30.04

a. Cubic yards 242,323

2. Type of material to be used Clean limerock fill

3. Source of fill material to be used On-site lake & nearby borrow pit

CONTINUED ON NEXT PAGE

5. Description of Project (continued)

C. Agriculture

1. Total wetland area to be cleared and/or plowed _____

2. Total area to be bedded for planting _____

3. Type of agriculture to be conducted (check any that apply):

a. Row Crops

b. Grove

c. Field Nursery

d. Container Nursery

e. Shade House Nursery

f. Other

(please explain) _____

4. If proposed project involves the construction of any drainage, water containment or conveyance facilities (i.e. ditches, diked areas, ponds, swales), please describe the proposed facilities:

The Applicant proposes the construction of a distribution center and its associated surface water management system including french drains and green areas.

NOTE: If the project involves construction of any residential, office, storage facilities or other structures, or if the project involves the placement of a trailer on the property, separate approval from Miami-Dade County Building and Zoning Department (305-375-2500) is required.

6. Date activity is proposed to commence ASAP

Date activity is proposed to be completed 3 years

7. Previous permits for this project (or any part thereof) have been:

A. Denied (date) _____ State* _____ Corps* _____

B. Issued (date) _____ State* _____ Corps* _____

C. Other (please explain) _____

*Differentiate between existing work and proposed work on the drawings.

8. ADDITIONAL ITEMS REQUIRED FOR APPLICATION SUBMITTAL. (Please note that, in addition to the information requested on this application form, there are several other items which must be submitted with your application. See Instruction pamphlet for the additional information required for this application.)

10. APPLICATION IS MADE FOR A PERMIT(S) TO AUTHORIZE THE ACTIVITIES DESCRIBED HEREIN.

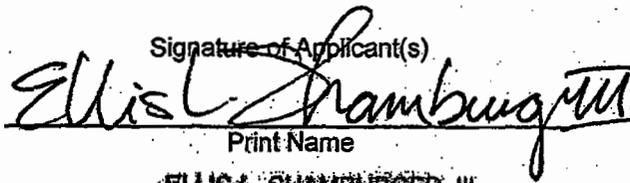
- A. I authorize the agent listed in Item #2 to negotiate modifications or revisions, when necessary, and accept or assent to any requirements on my behalf.
- B. I agree to provide entry to the project site for inspectors with proper identification or documents from Miami-Dade County Department of Environmental Resources Management for the purpose of making preliminary analyses of the site. Further, I agree to provide entry to the project site for such inspectors to monitor permitted work if a permit is granted.
- C. Further, I hereby acknowledge the obligation and responsibility for obtaining all of the required state, federal or local permits before commencement of construction activities. I also understand that before commencement of this proposed project I must be granted separate permits or authorizations from the U.S. Army Corps of Engineers, the Department of Environmental Protection and the South Florida Water Management District, as necessary.

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.

PPF LINCOLN MEDLEY, LLC, a Delaware limited liability company

By: Lincoln-Medley LLC, a Delaware limited liability company, its Managing Member

By: Lincoln Non-Member Manager, Inc., a Texas corporation, its Manager

Signature of Applicant(s)


6-12-07
 Date

ELLIS L. SHAMBURGER, III
 VICE PRESIDENT
 Official Title

 Signature of Applicant(s)

 Print Name

 Official Title

 Date

NOTE: THIS APPLICATION MUST BE SIGNED by the person(s) who desires to undertake the proposed activity or by an authorized agent. If an agent is applying on behalf of the applicant, attach proof of authority for the agent to sign and bind the applicant.

NOTICE TO PERMIT APPLICANTS

This is a Class IV Permit Application; It is NOT A Class IV Permit! You Must Obtain ALL Required Local, State, and Federal Authorizations or Permits BEFORE Commencing work!!

Revised 6-7-07

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9. AFFIDAVIT OF OWNERSHIP OR CONTROL of the property on which the proposed project is to be undertaken.

I CERTIFY THAT I AM THE RECORD OWNER, LESSEE, OR RECORD EASEMENT HOLDER OF THE PROPERTY DESCRIBED BELOW.

NOTE: Lessees must provide a signed, notarized statement from the property owner indicating that the owner has reviewed the proposed project, including all proposed plans, and has agreed to allow the proposed project to occur on his or her lands.

LEGAL DESCRIPTION OF PROPERTY SITUATED IN MIAMI-DADE COUNTY, FLORIDA
(use additional sheets if necessary)

Please see attached legal description

PPF LINCOLN-MEDLEY, LLC, a Delaware limited liability company

By: Lincoln-Medley LLC, a Delaware limited liability company, its Managing Member

By: Lincoln Non-Member Manager, Inc., a Texas corporation, its Manager

Ellis L Shamburger III
Signature

ELLIS L. SHAMBURGER, III
VICE PRESIDENT

Official Title

Sworn and subscribed before me at Fulton county, this 12th day of June 2007

Notary Public, Fulton County, Georgia
My Commission Expires August 29, 2008

Rita Gonzalez
Notary Public

My commission expires: _____

20683 PG 3626

**Legal description
Exhibit "A"****PARCEL 1:**

All of those portions of Tracts 19, 20 and 21, of **CHAMBERS LAND COMPANY SUBDIVISION**, in the NW $\frac{1}{4}$ of Section 30, Township 52 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2 Page 68, of the Public Records of Miami-Dade County, Florida, lying Easterly of Easterly Right of Way Line of Homestead Extension of Florida's Turnpike, State Road 821, Section 87005, Contract 2312 and Southerly of Southerly Right of Way Line of Railroad Spur.

Together with:

PARCEL 2:

All of that portion of Tract 12, of **CHAMBERS LAND COMPANY SUBDIVISION**, in the SW $\frac{1}{4}$ of Section 30, Township 52 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2 Page 68, of the Public Records of Miami-Dade County, Florida, lying Northwesterly of the Northwesterly Right of Way Line of "Pennsuco Canal", as recorded in Official Records Book 8076 Page 408, of the Public Records of Miami-Dade County, Florida, and all of that portion of Tract 13, of said "**CHAMBERS LAND COMPANY SUBDIVISION**", lying Easterly of the Easterly Right of Way Line of said Homestead Extension of Florida's Turnpike and all Tracts 14, 15 and 16, said "**Chambers Land Company Subdivision**".

Together with:

PARCEL 3:

All of that portion of the NE $\frac{1}{4}$, of the SE $\frac{1}{4}$, of Section 25, Township 52 South, Range 39 East, lying Easterly of the Easterly Right of Way Line of Homestead Extension of Florida's Turnpike, State Road 821, Section 87005, Contract 2312.

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ENVIRONMENTAL RESOURCES
REGULATION DIVISION

Continued:

Together with:

PARCEL 4:

All of that portion of N.W. 130th Street, as shown on "Chambers Land Company Subdivision", according to the Plat thereof, as recorded in Plat Book 2 Page 68, of the Public Records of Miami-Dade County, Florida, lying between the Easterly Right of Way Line of Homestead Extension of Florida's Turnpike, State Road 821, Section 87005, Contract 2312, and the Northerly prolongation of the East line of Tract 12, of said Plat Book 2 Page 68, on SW ¼ of Section 30, Township 52 South, Range 40 East and the Southerly prolongation of the East line of Tract 21, of said Plat Book 2 Page 68 on NW ¼ of said Section 30.

Together with:

PARCEL 5:

All of that portion of NW 117th Avenue, as shown on "Chambers Land Company Subdivision", according to the Plat thereof, as recorded in Plat Book 2 Page 68, of the Public Records of Miami-Dade County, Florida, lying between the Easterly Right of Way Line of Homestead Extension of Florida's Turnpike, State Road 821, Section 87005, Contract 2312, and the Westerly prolongation of the South line of Tract 16, of "Chambers Land Company Subdivision", in the SW ¼ of said Section 30, according to the Plat thereof, as recorded in Plat Book 2 Page 68, of the Public Records of Miami-Dade County, Florida

PARCEL 6:

Together with easement for ingress and egress over the West 35 feet of the portion of Tract 22, lying South of Graham Dairy Road (a/k/a N.W. 138th St.) in the Northwest ¼ of Section 30, Township 52 South, Range 40 East, Chamber Land Company Subdivision, as recorded in Plat Book 2 Page 68, of the Public Records of Miami-Dade County, Florida

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AND

PARCEL 7:

Together with easement for ingress and egress over the West 35 feet of Tract 11, lying in the Southwest ¼, of Section 30, Township 52 South, Range 40 East, of CHAMBERS LAND COMPANY SUBDIVISION, as recorded in Plat Book 2 Page 68, of the Public Records of Miami-Dade County, Florida

Said Property also being known as:

A Parcel of land in the Northwest ¼, of Section 30, Township 52 South, Range 40 East, Miami Dade County, Florida:

Portions of Tracts 19, 20 and 21 and bounded:

Northerly: By the Southerly right-of-way line of a 100 feet wide railroad right-of-way.

Easterly: By the East line of said Tract 21.

Southerly: By the North right-of-way line of N.W. 130th Street, a 20 feet wide right-of-way.

Westerly: By the Easterly right-of-way line of the Homestead Extension of Florida's Turnpike.

TOGETHER WITH:

A Parcel of land in the Southwest ¼, of Section 30, Township 52 South, Range 40 East, Miami-Dade County, Florida:

Portion of Tracts 12, 13 and 14, and all of Tracts 15 & 16.

And Bounded:

Northerly: By the South right-of-way line of N.W. 130th Street.

Easterly: By the East line of said Tract 12.

Southeasterly: By the Northwesterly right-of-way line of "Pensuco Canal," 120 feet wide right-of-way.

Southerly: By the South line of said Tracts 12 and 16.

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REGULATION DIVISION

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Westerly: By the Easterly right-of-way line of Homestead Extension of Florida's Turnpike and West lines of Tracts 14, 15 and 16, a line parallel with and 10 feet East of the West line of said Section 30-52-40.

Note: Both of the above parcels are located in "Chambers Land Company Subdivision", according to the Plat thereof, as recorded in Plat Book 2 Page 68, of the Public Records of Miami-Dade County, Florida.

TOGETHER WITH:

A Parcel of land in the Southeast ¼, of Section 25, Township 52 South, Range 39 East, Miami-Dade County, Florida:

And Bounded:

Easterly: By the West line of Section 30.

Southerly: By the Westerly Extension of the South line of Tract 16, Sec.30-52-40.

Westerly: By the East right-of-way line of the Homestead Extension of Florida's Turnpike.

Together with easement for ingress and egress over the West 35 feet of that portion of Tract 22, lying south of Graham Dairy Road (a/k/a N.W. 138th St.) in the Northwest ¼, of Section 30, Township 52 South, Range 40 East, Chambers Land Company Subdivision, as recorded in Plat Book 2 Page 68, of the Public Records of Miami-Dade County, Florida

AND

The West 35 feet of Tract 11, lying in the Southwest ¼, of Section 30, Township 52 South, Range 40 East, of Chamber Land Company Subdivision, as recorded in Plat Book 2 Page 68, of the Public Records of Miami-Dade County, Florida

RECORDED IN PUBLIC RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT

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REGULATION DIVISION



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SEC. 25-52-39

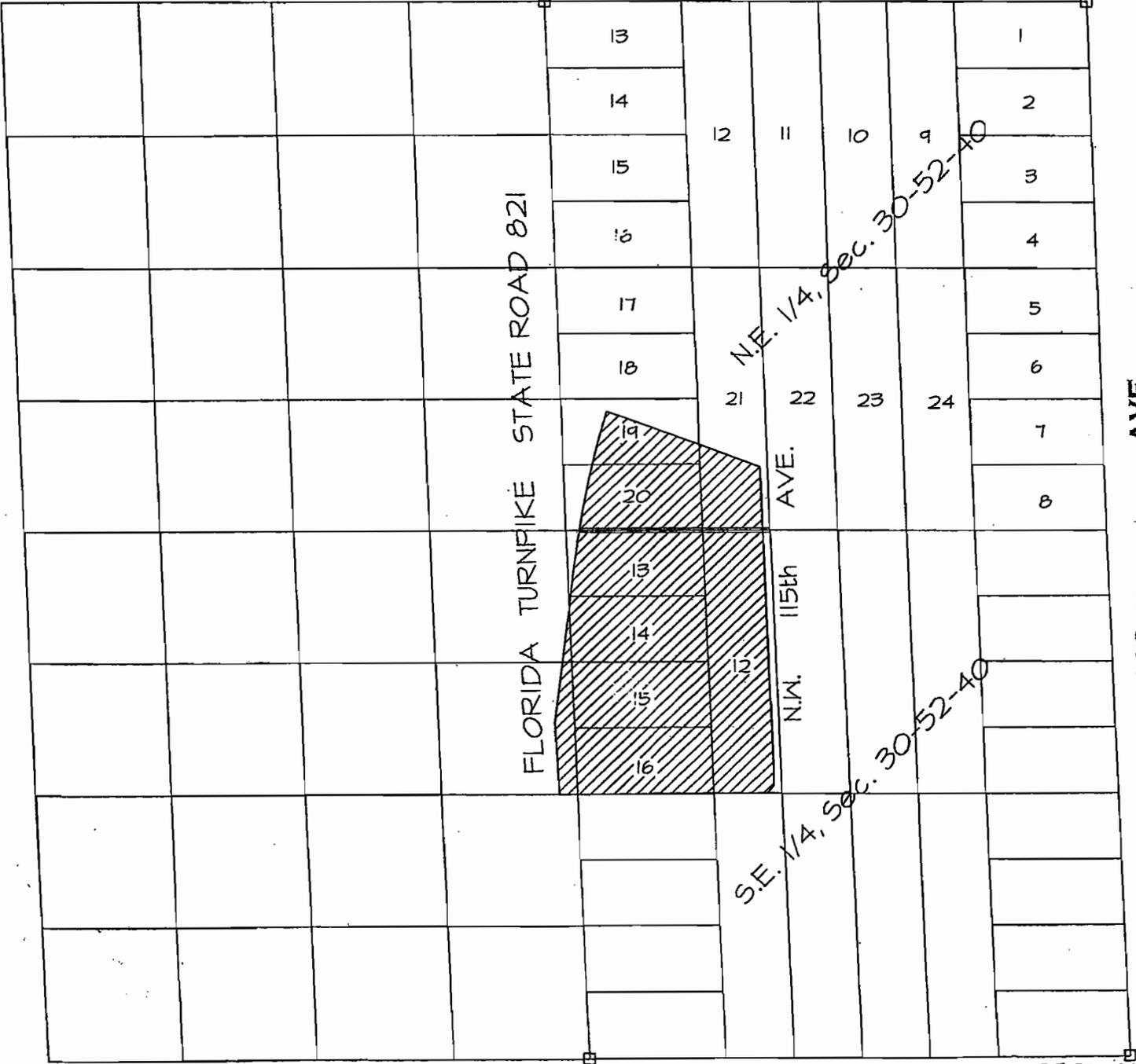
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SEC. 30-52-40

138TH

ST.

N.E. COR. N.W. 1/4,
SEC. 30-52-40



FLORIDA TURNPIKE STATE ROAD 821

N.E. 1/4, Sec. 30-52-40

N.W. 115th AVE.
S.E. 1/4, Sec. 30-52-40

112TH AVE.
N.W.

S.W. COR. S.E. 1/4,
SEC. 25-52-39

N.W.

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SEC. 30-52-40

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CONSULTING ENGINEERS, INC.

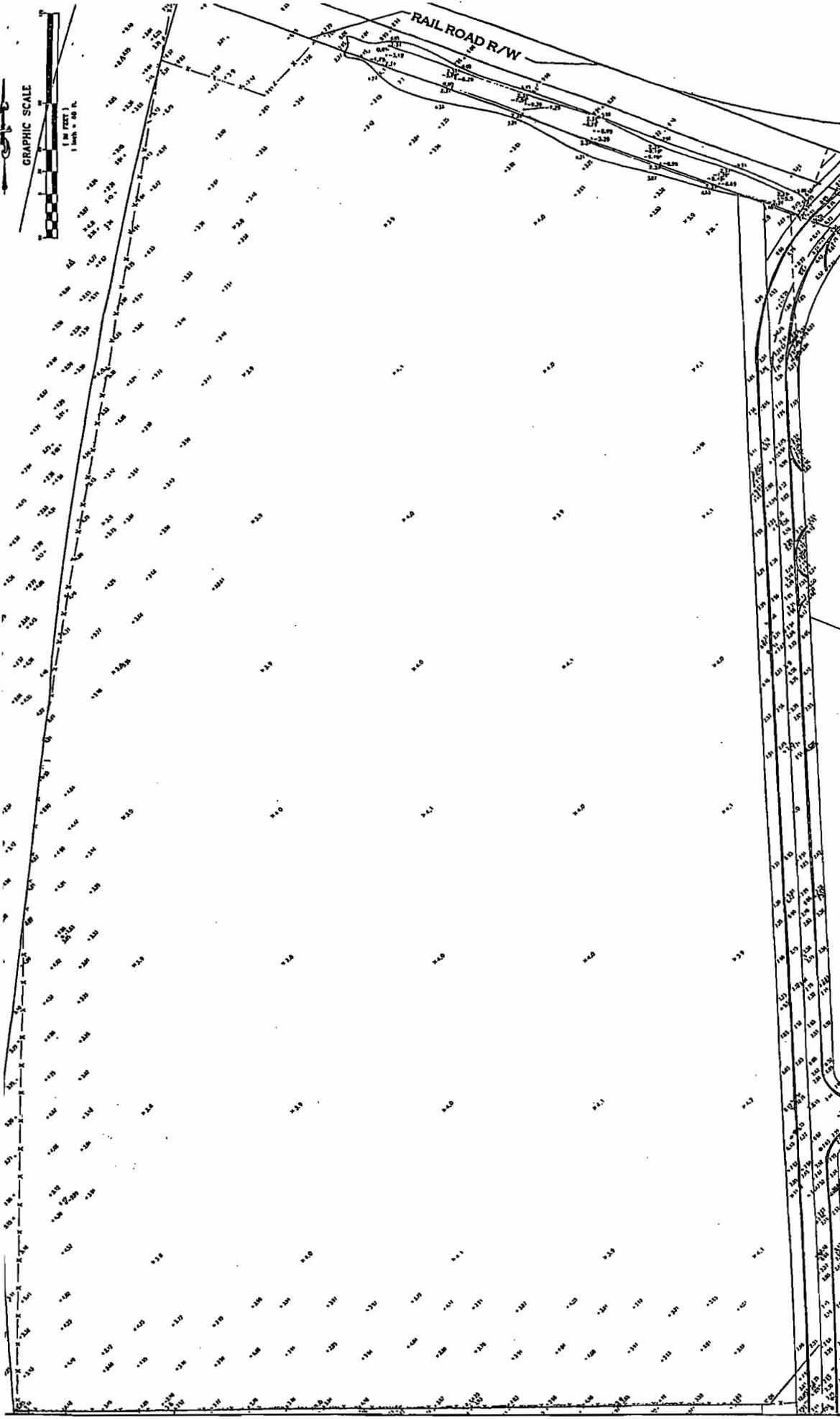
LOCATION MAP

JW
4/11/07

DERM

Environmental Resources Regulation Division

18



DATE	BY	CHKD BY	DATE
04/11/07	JW		

MEDLEY SITE
LINCOLN PROPERTIES COMPANY

EXISTING TOPOGRAPHY
PLAN

LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.
238 PALMWAY AVENUE, CORAL GABLES, FLORIDA 33134 • 305.448-1000 • LP 1012

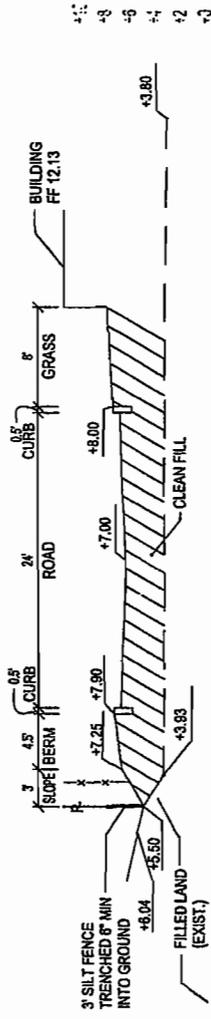


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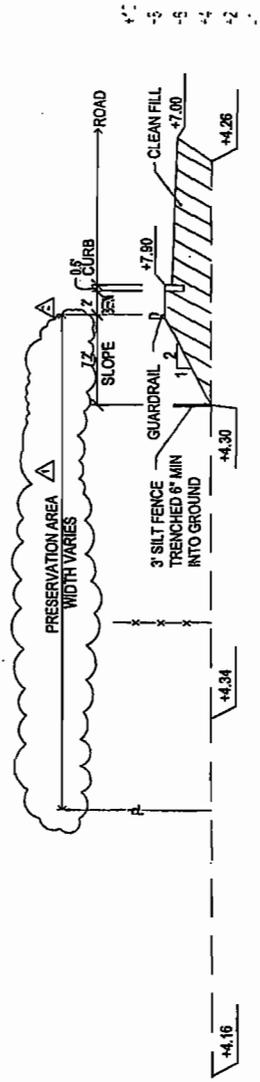
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Environmental Resources Regulation Division

JW
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V:1.5



SECTION B-B
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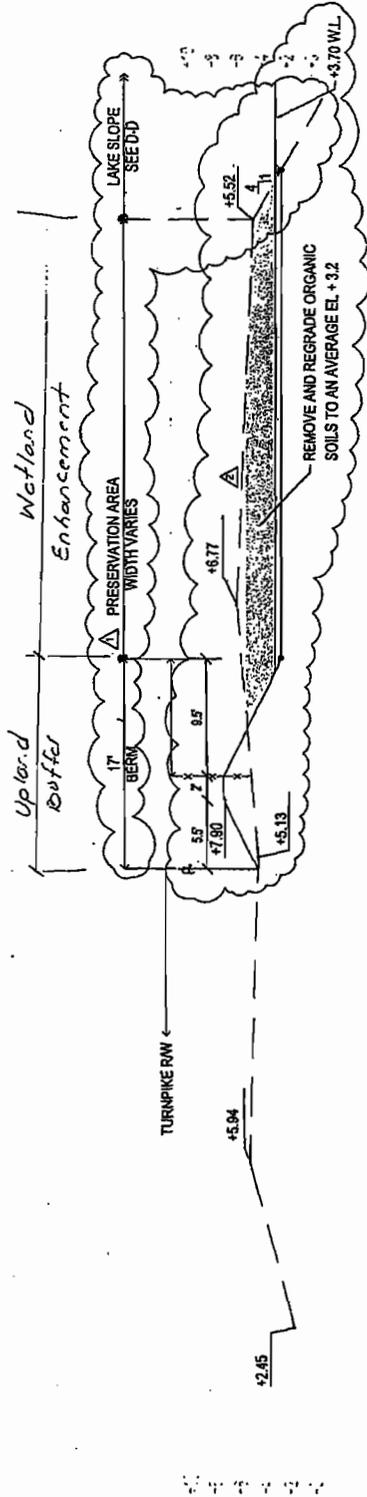
LUDOVICI & ORANGE CONSULTING ENGINEERS, INC. 303 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/445-1800 • LB 1012		PROPERTY LINES CROSS - SECTIONS	MEDLEY SITE LINCOLN PROPERTIES COMPANY	DATE: 02/04/05 DRAWN: S.A. 117 CHECKED: J.F.A. REVISION: 3 SCALE: AS NOTED SHEET: 3 TOTAL SHEETS: 7
RECORD OF REVISION NO. DATE DESCRIPTION				
1	02-04-05	ISSUED PER SPREAD		
2	02-04-05	REVISED PER SPREAD		

Signature
4/11/07

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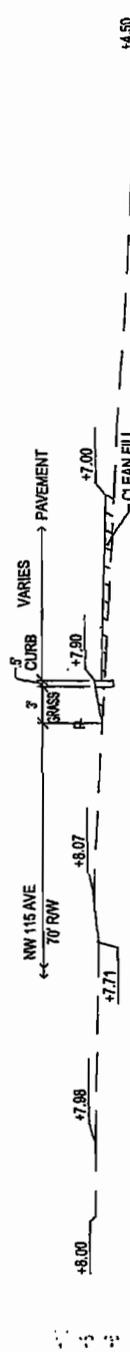
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SECTION C-C

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V.P.S.



SECTION E-E

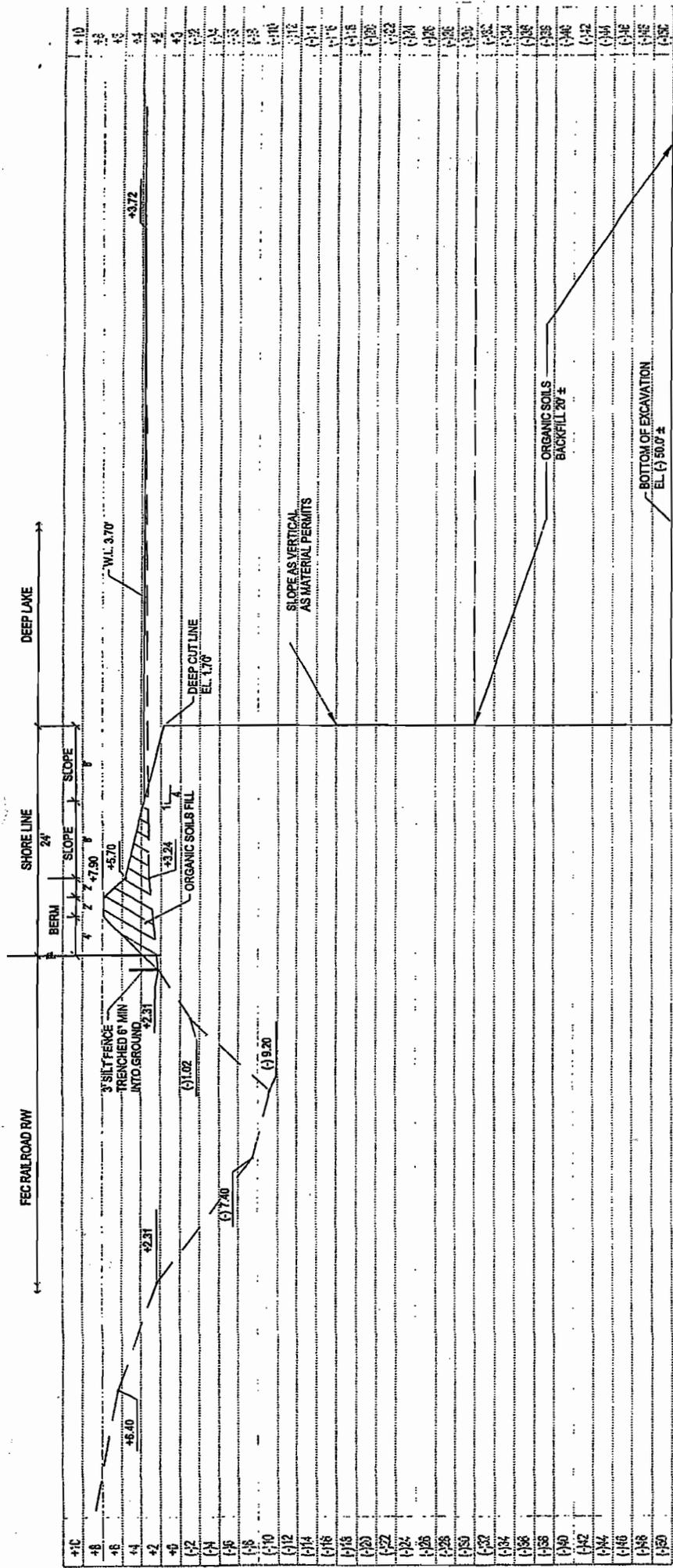
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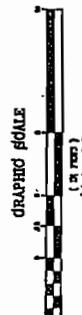
PROJ. NO. 2006-07A	SHEET 4																
DATE 08/04/06	BY JW																
DESIGNED BY JW	CHECKED BY JW																
DRAWN BY JW	SCALE AS NOTED																
LUDOVICI & O'NEAL CONSULTING ENGINEERS, INC. 320 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • (305) 448-1800 • LA 1012																	
PROPERTY LINES	MEDLEY SITE																
CROSS - SECTIONS	LINCOLN PROPERTIES COMPANY																
RECEIVED APR 12 2007 DERM Environmental Resources Regulation Division																	
RECORD OF REVISION <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		NO.	DATE	BY	DESCRIPTION												
NO.	DATE	BY	DESCRIPTION														

22



SECTION D-D

1" = 8'H
1" = 8'V



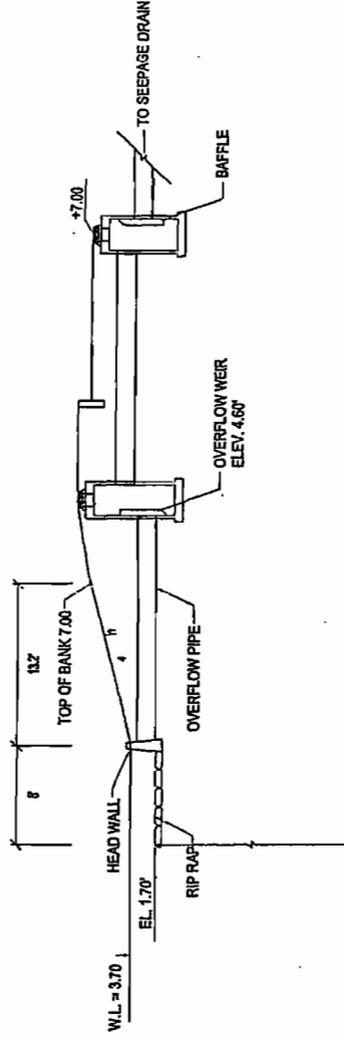
<p>LUDOVICI & ORANGE CONSULTING ENGINEERS, INC. 223 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1000 • LR 1012</p>		<p>PROPERTY LINES CROSS - SECTION</p>	<p>MEDLEY SITE LINCOLN PROPERTIES COMPANY</p>	<p>DATE: <i>JW</i> SCALE: AS SHOWN DRAWN BY: <i>PJG/c</i> CHECKED BY: <i>JW</i> DATE: 4/11/07</p>	<p>FIG. NO. 5 SHEET 5 DATE: 4/11/07</p>								
<p>RECORD OF REVISION</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>4/11/07</td> <td>JW</td> <td>ISSUED FOR PERMITS</td> </tr> </table>		NO.	DATE	BY	DESCRIPTION	1	4/11/07	JW	ISSUED FOR PERMITS				
NO.	DATE	BY	DESCRIPTION										
1	4/11/07	JW	ISSUED FOR PERMITS										

RECEIVED
APR 12 2007

DERM
Environmental Resources Regulation Division

23

JW
4/11/07



TYPICAL OVERFLOW STRUCTURE

SCALE 1" = 2' H
1" = 2' V

GRAPHIC SCALE



LUDOVICI & ORANGE CONSULTING ENGINEERS, INC. 229 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305-448-1900 • LA 1018		OVERFLOW STRUCTURE TYPICAL SECTION	MEDLEY SITE LINCOLN PROPERTIES COMPANY
RECORD OF REVISION NO. DATE BY DESCRIPTION 1 12/15/06 JFW 2 03/29/07 JFW		PLAN NO. 20060-7A SHEET 6 DATE: 03/29/07	

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APR 12 2007

DERM
Environmental Resources Regulation Division

42

JFW
4/11/07

**PPF LINCOLN MEDLEY, LLC
 AFFIDAVIT OF MEMBERS, MANAGING MEMBERS, AND MANAGERS
 OF NON- FLORIDA (FOREIGN) LIMITED LIABILITY COMPANY**

WE, (print full name(s) and all title(s) of person(s) or entity(s) in the following spaces; if more space needed print additional names and title(s) on separate paper marked as Exhibit A and attach Exhibit A to this Affidavit)

<u>Full name</u>	<u>Title(s)</u>
Lincoln – Medley LLC, a Delaware limited liability company	Managing Member
PPF Industrial NW 138 th Street, LLC, a Delaware limited liability company	Member

hereby swear or affirm that :

- The foregoing persons or entities set forth above and on Exhibit A, if applicable, which Exhibit A is attached hereto and incorporated herein by reference hereto, constitute and are all of the Members, Managing Members, and Managers, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, or the equivalent* thereof, of the Non-Florida (Foreign) Limited Liability Company known as PPF LINCOLN MEDLEY, LLC (Print name of the Non-Florida (Foreign) Limited Liability Company as the name appears in the Articles of Organization, as that term is defined by Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, or the equivalent* thereof, currently filed with the Secretary of State of the State of Delaware) (Print name of State where Articles of Organization, or the equivalent* thereof, creating the Non-Florida (Foreign) Limited Liability Company are filed) or other jurisdiction, to wit, N/A (Print the name of the country or other jurisdiction where the Articles of Organization, or the equivalent* thereof, creating the Non-Florida (Foreign) Limited Liability Company are filed);**

*** The term “equivalent” shall mean for the purposes of this Affidavit, with respect to “persons” or “entities”, any person or entity which has or may have any one or more of the duties or powers or obligations or responsibilities or authorities, real or apparent, of a Member, Managing Member, or Manager, as those terms are defined in Section 608.402, Fla. Stat. (2004), as same may be amended from time to time. The term “equivalent” shall mean for the purposes of this Affidavit, with respect to instruments or documents or articles of organization or operating agreements or written agreements or oral agreements, any written agreement or oral agreement or instrument or document which has or may have any one or more of the functions or purposes of any instrument, document, operating agreement, written agreement or oral agreement described or mentioned in this Affidavit.**

25

2. There are no Members, Managing Members or Managers, or the equivalent* thereof, of the aforesaid Non-Florida (Foreign) Limited Liability Company other than the persons or entities set forth above and on Exhibit A, if applicable.
3. There are no provisions in any Articles of Organization, or the equivalent* thereof, of the aforesaid Non-Florida (Foreign) Limited Liability Company or in any operating agreement, written or oral, or the equivalent* thereof, of the aforesaid Non-Florida (Foreign) Limited Liability Company, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, which prohibit, restrict or limit in any way or in any manner the execution of the instrument or document attached hereto and incorporated herein by reference hereto, to wit, Class IV Permit FW 97-006 by any of the foregoing persons or entities set forth above and on Exhibit A, if applicable, for and on behalf of the aforesaid Non-Florida (Foreign) Limited Liability Company and to bind and obligate the aforesaid Non-Florida (Foreign) Limited Liability Company as set forth in the foregoing instrument or document.
4. All of the foregoing persons or entities set forth above and on Exhibit A, if applicable, are authorized by the aforesaid Non-Florida(Foreign) Limited Liability Company, to execute the instrument or document attached hereto and incorporated herein by reference hereto, to wit, Class IV Permit FW 97-006 for and on behalf of the aforesaid Non-Florida (Foreign) Limited Liability Company and to bind and obligate the aforesaid Non-Florida (Foreign) Limited Liability Company as set forth in the foregoing instrument or document.
5. All of the provisions of this Affidavit shall be construed in accordance with the laws of the State of Florida.

Ellis L. Shambarger III

Vice President of Lincoln Non-Member
 Manager, Inc., the Manager of Lincoln -
 Medley LLC, the Managing Member of PPF
 Lincoln Medley, LLC
 Title(s)

Signature

Sworn to and subscribed before me this 2nd day of JULY, 2007 by
Ellis L. Shambarger III (print name legibly), who is personally
 known to me or who has produced _____ (type of identification).

RITA GROSS (Signature of Notary Public)

RITA GROSS (Print, type or stamp name of notary public)

Notary Public, Fulton County, Georgia
 My Commission Expires August 29, 2008

(Add additional Signature, Title(s), and Notary Public areas for all other Members,
 Managing Members, and Managers of LLC, as needed)

ALSTON & BIRD LLP

One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424

404-881-7000
Fax: 404-881-7777
www.alston.com

James G. Farris, Jr.

June 29, 2007

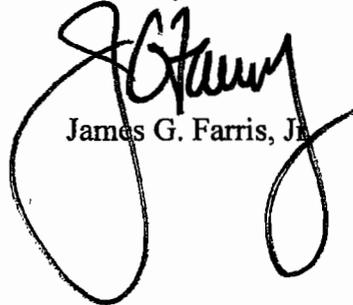
Miami-Dade County Department of Environmental Resources Management
701 NW 1st Court - Suite 400
Miami, Florida 33136
Attn: Peter Tell

Re: PPF Lincoln Medley, LLC – Class IV Wetland Permit Application

Dear Mr. Tell:

I represent PPF Lincoln Medley, LLC. This letter will confirm that PPF OPGP, LLC, a Delaware limited liability company, is the sole general partner of PPF OP, LP, a Delaware limited partnership, all as shown on the attached organization chart.

Sincerely,



James G. Farris, Jr.

JGF:jgf
Enclosure

LEGAL02/30433210v1

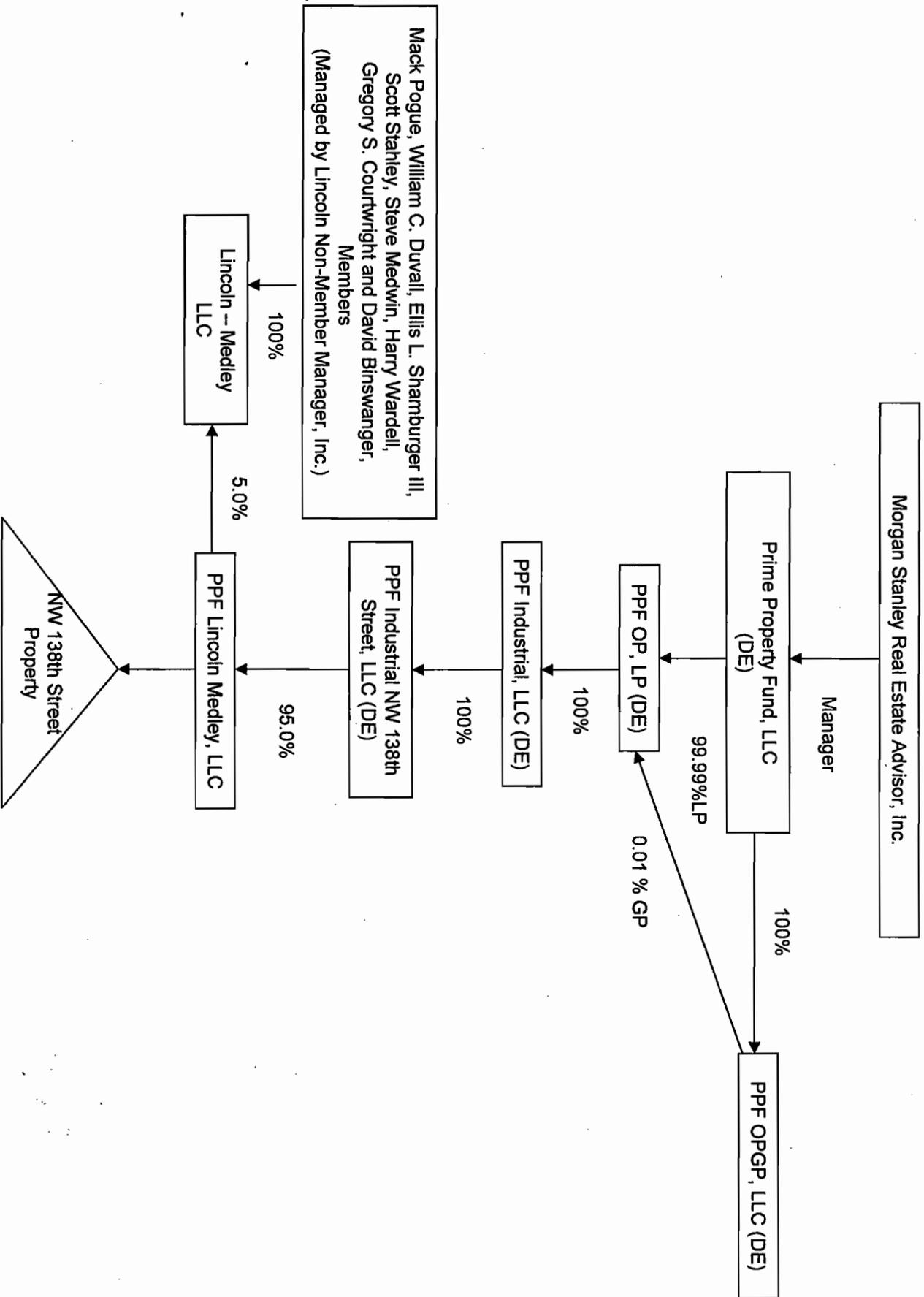
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
704-444-1000
Fax: 704-444-1111

90 Park Avenue
New York, NY 10016
212-210-9400
Fax: 212-210-9444

3201 Beechleaf Court, Suite 600
Raleigh, NC 27604-1062
919-862-2200
Fax: 919-862-2260

The Atlantic Building
950 F Street, NW
Washington, DC 20004-1404
202-756-3300
Fax: 202-756-3333

PPF INDUSTRIAL NW 138th Street, LLC



LINCOLN-MEDLEY, LLC

**AFFIDAVIT OF MEMBERS, MANAGING MEMBERS, AND MANAGERS
OF NON- FLORIDA (FOREIGN) LIMITED LIABILITY COMPANY**

WE, (print full name(s) and all title(s) of person(s) or entity(s) in the following spaces; if more space needed print additional names and title(s) on separate paper marked as Exhibit A and attach Exhibit A to this Affidavit)

<u>Full name</u>	<u>Title(s)</u>
Mack Pogue	Member
William C. Duvall	Member
Ellis L. Shamburger III	Member
Scott Stahley	Member
Steve Medwin	Member
Harry Wardell	Member
Gregory S. Courtwright	Member
David Binswanger	Member
Lincoln Non-Member Manager, Inc., a Texas corporation	Manager

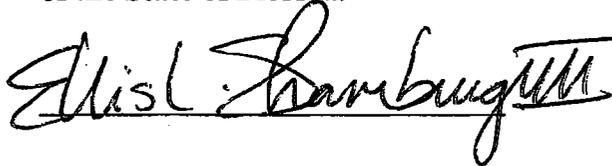
hereby swear or affirm that :

- 1. The foregoing persons or entities set forth above and on Exhibit A, if applicable, which Exhibit A is attached hereto and incorporated herein by reference hereto, constitute and are all of the Members, Managing Members, and Managers, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, or the equivalent* thereof, of the Non-Florida (Foreign) Limited Liability Company known as LINCOLN-MEDLEY, LLC (Print name of the Non-Florida (Foreign) Limited Liability Company as the name appears in the Articles of Organization, as that term is defined by Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, or the equivalent* thereof, currently filed with the Secretary of State of the State of Delaware) (Print name of State where Articles of Organization, or the equivalent* thereof, creating the Non-Florida (Foreign) Limited Liability Company are filed) or other jurisdiction, to wit,**

*** The term "equivalent" shall mean for the purposes of this Affidavit, with respect to "persons" or "entities", any person or entity which has or may have any one or more of the duties or powers or obligations or responsibilities or authorities, real or apparent, of a Member, Managing Member, or Manager, as those terms are defined in Section 608.402, Fla. Stat. (2004), as same may be amended from time to time. The term "equivalent" shall mean for the purposes of this Affidavit, with respect to instruments or documents or articles of organization or operating agreements or written agreements or oral agreements, any written agreement or oral agreement or instrument or document which has or may have any one or more of the functions or purposes of any instrument, document, operating agreement, written agreement or oral agreement described or mentioned in this Affidavit.**

N/A (Print the name of the country or other jurisdiction where the Articles of Organization, or the equivalent* thereof, creating the Non-Florida (Foreign) Limited Liability Company are filed;

2. There are no Members, Managing Members or Managers, or the equivalent* thereof, of the aforesaid Non-Florida (Foreign) Limited Liability Company other than the persons or entities set forth above and on Exhibit A, if applicable.
3. There are no provisions in any Articles of Organization, or the equivalent* thereof, of the aforesaid Non-Florida (Foreign) Limited Liability Company or in any operating agreement, written or oral, or the equivalent* thereof, of the aforesaid Non-Florida (Foreign) Limited Liability Company, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, which prohibit, restrict or limit in any way or in any manner the execution of the instrument or document attached hereto and incorporated herein by reference hereto, to wit, Class IV Permit FW 97-006 by any of the foregoing persons or entities set forth above and on Exhibit A, if applicable, for and on behalf of the aforesaid Non-Florida (Foreign) Limited Liability Company and to bind and obligate the aforesaid Non-Florida (Foreign) Limited Liability Company as set forth in the foregoing instrument or document.
4. All of the foregoing persons or entities set forth above and on Exhibit A, if applicable, are authorized by the aforesaid Non-Florida(Foreign) Limited Liability Company, to execute the instrument or document attached hereto and incorporated herein by reference hereto, to wit, Class IV Permit FW 97-006 for and on behalf of the aforesaid Non-Florida (Foreign) Limited Liability Company and to bind and obligate the aforesaid Non-Florida (Foreign) Limited Liability Company as set forth in the foregoing instrument or document.
5. All of the provisions of this Affidavit shall be construed in accordance with the laws of the State of Florida.



Vice President of Lincoln Non-Member
Manager, Inc., the Manager of Lincoln -
Medley LLC
Title(s)

Signature

Sworn to and subscribed before me this 2nd day of JULY, 2007 by
Ellis L. Shamburger III (print name legibly), who is personally
known to me or who has produced _____ (type of identification).



(Signature of Notary Public)

RITA GOSS

(Print, type or stamp name of notary public)

Notary Public, Fulton County, Georgia

My Commission Expires August 29, 2008

(Add additional Signature, Title(s), and Notary Public areas for all other Members,
Managing Members, and Managers of LLC, as needed)

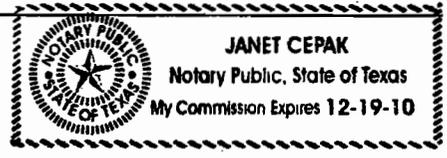
Wm D Dwyer
Signature

Member
Title(s)

Sworn to and subscribed before me this 7th day of June, 2007 by
William C Duvall (print name legibly), who is personally known to me or who has
produced _____ (type of identification).

Janet Cepak (Signature of Notary Public)

(Print, type or stamp name of notary public)



[Handwritten Signature]
Signature

Member
Title(s)

Sworn to and subscribed before me this 11 day of June, 2007 by Gregory S. Courtwright (print name legibly), who is personally known to me or who has produced _____ (type of identification).

[Handwritten Signature: Janet Cepak] (Signature of Notary Public)

(Print, type or stamp name of notary public)



Ellis L. Shamburger III Member
Signature Title(s)

Sworn to and subscribed before me this 2nd day of July, 2007 by Ellis L. Shamburger III (print name legibly), who is personally known to me or who has produced _____ (type of identification).

RITA GOSS (Signature of Notary Public)

RITA GOSS (Print, type or stamp name of notary public)

Notary Public, Fulton County, Georgia
My Commission Expires August 29, 2008

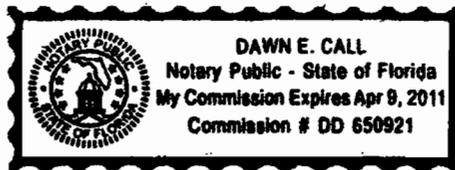
[Handwritten Signature]
Signature

Member
Title(s)

Sworn to and subscribed before me this 28th day of June, 2007 by Scott Stahley (print name legibly), who is personally known to me or who has produced _____ (type of identification).

Dawn E. Call (Signature of Notary Public)

Dawn E. Call (Print, type or stamp name of notary public)



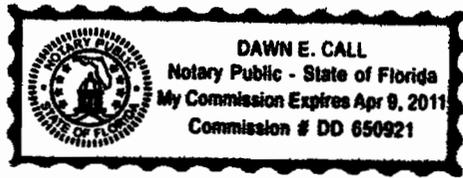
Harry Wardell
Signature

Member
Title(s)

Sworn to and subscribed before me this 27th day of June, 2007 by Harry Wardell (print name legibly), who is personally known to me or who has produced _____ (type of identification).

Dawn E. Call (Signature of Notary Public)

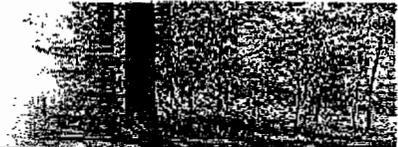
Dawn E. Call (Print, type or stamp name of notary public)





State of Delaware

The Official Website for the First State



[Visit the Governor](#) | [General Assembly](#) | [Courts](#) | [Other Elected Officials](#) | [Federal, State & L](#)

[State Directory](#) | [Help](#) | [Search Delaware](#) | [Citizen Services](#) | [Business Services](#) | [\](#)

Department of State: Division of Corporations

- HOME
- About Agency
- Secretary's Letter
- Newsroom
- Frequent Questions
- Related Links
- Contact Us
- Office Location

[Frequently Asked Questions](#) | [View Search Results](#)

Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

- SERVICES
- Pay Taxes
- File UCC's
- Delaware Laws Online
- Name Reservation
- General Information
- Status
- Validate Certificate

File Number: 3666373 **Incorporation Date / Formation Date:** 06/04/2003 (mm/dd/yyyy)

Entity Name: MORGAN STANLEY REAL ESTATE ADVISOR, INC.

Entity Kind: CORPORATION **Entity Type:** GENERAL

Residency: DOMESTIC **State:** DE

- INFORMATION
- Corporate Forms
- Corporate Fees
- UCC Forms and Fees
- UCC Searches
- Taxes
- Expedited Services
- Service of Process
- Registered Agents
- Get Corporate Status
- Submitting a Request

REGISTERED AGENT INFORMATION

Name: THE CORPORATION TRUST COMPANY

Address: CORPORATION TRUST CENTER 1209 ORANGE STREET

City: WILMINGTON **County:** NEW CASTLE

State: DE **Postal Code:** 19801

Phone: (302)658-7581

Additional information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

Would you like Status Status, Tax & History Information

[Back to Entity Search](#)

To contact a Delaware Online Agent [click here](#).

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ATTACHMENT B

Applicants/Agents Letter

Engineer's Certification Letter

PERMIT APPLICANT/ AUTHORIZED AGENT STATEMENT

Date: April 18, 2007

Kathryn M. Skindzier
Miami Dade County DERM
Wetland Resources Section
701 NW 1st Court
Miami, FL 33136

RECEIVED
APR 23 2007

DERM
Environmental Resources Regulation Division

Re: Class IV Standard Form Permit Application Number FW 97-006, Medley Distribution Center (38.88 acres total), for the Dredging and Filling of 36.34 Acres of Wetlands for the Construction of a Distribution Center and the enhancement of 2.54 acres of wetlands in Section 30, Township 52S, Range 40E and Section 25, Township 52S, Range 39E.

By the attached Class IV Standard Form permit application with supporting documents, I, Ellis L. Shamburger, III, am the permit applicant and hereby request permission to perform the following: Class IV Standard Form Permit Application Number FW 97-006, Medley Distribution Center (38.88 acres total), for the Dredging and Filling of 36.34 Acres of Wetlands for the Construction of a Distribution Center and the enhancement of 2.54 acres of wetlands in Section 30, Township 52S, Range 40E and Section 25, Township 52S, Range 39E.

If approval is granted for the proposed work by the Board of County Commissioners, complete and detailed plans and calculations of the proposed work shall be prepared by an engineer registered/licensed in the State of Florida in accordance with the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. Said plans and calculations shall be subject to the review and approval of the Department of Environmental Resources Management. The permit applicant will secure the services of an engineer registered/licensed in the State of Florida to conduct inspections throughout the construction period, and said engineer shall prepare all required drawings of record.

Respectfully submitted,

PPF Lincoln Medley LLC,
A Delaware limited Liability Company
By: Lincoln-Medley LLC,
A Delaware limited Liability Company
Its Managing Member
By: Lincoln Non-Member Manager, Inc.,
A Texas corporation,
Its Manager



Ellis L. Shamburger, III
Permit Applicant

RECEIVED
APR 28 2007

DERM
Environmental Resource Protection Bureau

April 18, 2007

P/N 2005 07 A

ENGINEER LETTER OF CERTIFICATION

Miami-Dade County DERM
Wetland Resources Section
701 NW First Court, 6th Floor
Miami, Florida, 33136

RECEIVED
APR 19 2007

DERM
Environmental Resources Regulation Division

RE: Class IV Standard Form Permit Application Number FW 97-006, Medley Distribution Center (38.88 acres total), for the Dredging and Filling of 36.34 Acres of Wetlands for the Construction of a Distribution Center and the enhancement of 2.54 acres of wetlands in Section 30, Township 52S, Range 40E and Section 25, Township 52S, Range 39E.

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 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



Juan F. Wong, PE
Professional Engineer No. 21443
State of Florida

LUDOVICI & ORANGE CONSULTING ENGINEERS, INC.

329 PALERMO AVENUE • CORAL GABLES • FLORIDA 33134 • 305/448-1600 • FAX 305/446-3876

43

ATTACHMENT C

Zoning Approval Letter

DERM Water Control's Cut & Fill Approval

Mitigation Acceptance Letter



RECEIVED
MAY 02 2007
DERM
Environmental Resources Regulation Division

"The Perfect Location for Industrial Development"

May 1, 2007

Mr. Ellis L. Shamburger
Lincoln Property Company
300 S. Orange Ave, Suite 975
Orlando, FL 32801

RE: Class IV Standard Form Permit Application Number FW 97-006, Medley Distribution Center (38.88 acres total), for the Dredging and Filling of 36.34 Acres of Wetlands for the Construction of a Distribution Center and the enhancement of 2.54 acres of wetlands in Section 30, Township 52S, Range 40E and Section 25, Township 52S, Range 39E.

Dear Mr. Shamburger:

The proposed usage of the property upon which the proposed work would occur does not violate any zoning law applicable to the area of the proposed work.

If you have any questions or require any additional information, please advise.

Sincerely,

Mr. Melvin Wolfe
Town Attorney
Town of Medley

45



Carlos Alvarez, Mayor

- ADA Coordination
- Agenda Coordination
- Art in Public Places
- Audit and Management Services
- Aviation
- Building Code Compliance
- Building
- Business Development
- Capital Improvements
- Citizen's Independent Transportation Trust
- Communications
- Community Action Agency
- Community & Economic Development
- Community Relations
- Consumer Services
- Corrections & Rehabilitation
- Countywide Healthcare Planning
- Cultural Affairs
- Elections
- Emergency Management
- Employee Relations
- Enterprise Technology Services
- Environmental Resources Management**
- Fair Employment Practices
- Finance
- Fire Rescue
- General Services Administration
- Historic Preservation
- Homeless Trust
- Housing Agency
- Housing Finance Authority
- Human Services
- Independent Review Panel
- International Trade Consortium
- Juvenile Assessment Center
- Medical Examiner
- Metropolitan Planning Organization
- Park and Recreation
- Planning and Zoning
- Police
- Procurement Management
- Property Appraiser
- Public Library System
- Public Works
- Safe Neighborhood Parks
- Seaport
- Solid Waste Management
- Strategic Business Management
- Team Metro
- Transit
- Urban Revitalization Task Force
- Vizcaya Museum and Gardens
- Water and Sewer

Department of Environmental Resources Management
 Environmental Resources Regulation Division
 701 NW 1st Court, 6th Floor
 Miami, Florida 33136-3912
 T 305-372-6567 F 305-372-6407

miamidade.gov

April 13, 2007

Juan F. Wong, P.E.
 Ludovici & Orange Consulting Engineers, Inc.
 329 Palermo Avenue
 Coral Gables, Florida 33134

RECEIVED
 APR 13 2007

DERM
 Environmental Resources Regulation Division

Re: Lincoln Property Company – Medley Distribution Center
 Section 20-52-40, Basin B
 Class IV Wetland Permit Application
 FW 97-006, Folio No.: 22-2030-001-0140
 C&F No. 516

Dear Mr. Wong:

This office has completed its review of the fill encroachment study for the referenced project pursuant to the information submitted. We have concluded that the proposed surface water management area calculated for cut and fill criteria complies with the Basin B requirements. Therefore, approval is granted, subject to the following conditions:

1. A covenant running with the land binding present and future owners must be executed and submitted to the Water Control Section to reserve 7.50 acres designated as surface water management for the subject site.
2. Lowest catch basin elevation within the paved areas shall be set at 7.4 feet N.G.V.D. or 6" below average crown of road, whichever is higher.
3. No encroachment by fill or any use other than intended is allowed in the surface water management area.
4. Provide a berm with minimum elevation of +8.29 feet NGVD (100-year/3-day storm stage) along the property lines with equivalent grading to match the required berm elevation at all roadway entrances.
5. An Individual Environmental Resource Permit issued by the South Florida Water Management District, and a Class II permit issued by the DERM must be obtained before construction of the proposed surface water management system, or final plat approval.

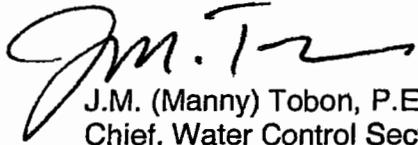
Delivering Excellence Every Day

46

6. Please provide a check for \$490.00 made payable to the Miami-Dade County, to cover the permit application.

Should you have any questions, please contact Rogelio Mata of this office at (305) 372-6681.

Sincerely,

A handwritten signature in black ink, appearing to read "J.M. Tobon". The signature is stylized with a large, sweeping initial "J" and a long horizontal stroke at the end.

J.M. (Manny) Tobon, P.E.
Chief, Water Control Section

RM:ms



EVERGLADES
MITIGATION BANK

February 16, 2007

VIA E-Mail, US Mail

Scott Stahley
Lincoln Property Company of Florida, Inc.
300 South Orange Ave, Suite 1500
Orlando, FL 32801

**Re: Everglades Mitigation Bank Credit Reservation:
So. Fl. Water Management District Permit Application No. 051014-13
Miami-Dade County DERM Permit No. FW97-006
US Army Corps of Engineers Permit No. 2005-9423
Medley Distribution Center Project, Miami-Dade County, S30/T52/R40**

Mr. Stahley,

Please be advised that the Everglades Mitigation Bank (the "EMB") is reserving 16.31 Freshwater Herbaceous mitigation credits to offset the unavoidable wetland impact for the above referenced project. Phase II of the EMB has a signed Mitigation Banking Instrument acknowledged by both FDEP and USACE and sufficient credits are currently available on the EMB ledger to offset the proposed impacts. The EMB acknowledges receiving a deposit for the above referenced credits.

Please call me at 561-691-2889 for any additional information or questions regarding this request.

Regards,

Scott A. Busa

cc: file
Rainer Schael - RSE



48

ATTACHMENT D

Adjacent Property Owner's List

RS Environmental Consulting, Inc.
P.O Box 161158
Miami, FL 33116-1158

Scott Stahley
Lincoln Property Co.
300 S. Orange Ave
Suite 975
Orlando, FL 32801

Rinker Material Corp.
1501 Belvedere Rd.
West Palm Beach, FL 33406

First Industrial Development Service Inc.
31 S. Wacker Dr.
Suite 4000
Chicago, IL 60606

Freezestore Medley LLC
C/O Accounting Mgr.
360 Avenue P
Third Flor
Newark, NJ 07105

Vega Investments II LLC
11405 NW 138th St.
Miami, FL 33178-3111

Cubramix LLC
4300 SW 74 AVE
Miami, FL 33155

Sysco Food Services
12500 Sysco Way
Medley, FL 33178

Cardinal Commercial Development LLC
22290 SW 162nd Ave
Goulds, FL 33170-3906

F & C Kohen LLC
67 NE 17 Terr.
Miami, FL 33132-1113

Piazza Development Corp.
8090 W 23rd Ave.
Bay 1
Hialeah, FL 33016

ATTACHMENT E

Project Report

PROJECT REPORT

CLASS IV PERMIT APPLICATION NO. FW97-006

PPF Lincoln Medley, LLC

May 22, 2007

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

1. Potential Adverse Environmental Impact – The proposed project will result in the dredging and filling of 36.34 acres of wetlands, specifically, 30.04 acres will be dredged and filled for commercial purposes and 6.3 acres for a lake excavation that will serve as on-site stormwater management. Approximately, 2.54 acres of disturbed wetlands will be temporarily impacted by regrading the soils for the enhancement of a natural wetland habitat that will serve as an emergency stormwater overflow area during storm events. The total area for the proposed project is 38.88 acres. However, the mitigation, as set forth in Number 14 below, will compensate for the loss of wetland values associated with the proposed project.
2. Potential Cumulative Adverse Environmental Impact – The proposed project is not reasonably expected to result in potential cumulative adverse environmental impacts. However, the mitigation, as set forth in Number 14 below, will compensate for the loss of wetland values associated with the proposed project within the subject property.
3. Hydrology - The proposed project as designed, is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
4. Water Quality – The proposed project as designed is not reasonably expected to adversely affect water quality.
5. Wellfields – The proposed project is not within a wellfield protection area.
6. Water Supply – The proposed project is not reasonably expected to adversely affect any water supply.
7. Aquifer Recharge – The proposed project is not reasonably expected to adversely affect aquifer recharge.
8. Aesthetics - The proposed project is designed to be aesthetically compatible with the surrounding area.
9. Navigation – Not applicable.
10. Public Health - The proposed project is not reasonably expected to adversely affect the public health.
11. Historic Values – The proposed project is not reasonably expected to adversely affect historic values.

12. Archaeological Values - No known archaeological site is located within the boundaries of this application.
13. Air Quality – The proposed project is not reasonably expected to adversely affect air quality.
14. Marine and Wildlife Habitats - The proposed project will result in the dredging and filling of 36.34 acres of herbaceous wetlands disturbed as a result of cattle grazing. Approximately 2.54 acres of disturbed wetlands will be temporarily impacted by regrading the soils for the enhancement of a natural wetland habitat that will serve as an emergency stormwater overflow area during storm events. The total proposed project area is 38.88 acres. Compensatory mitigation for the ecological impacts related to the loss of wetland habitat will be provided through off-site mitigation by purchasing 16.31 herbaceous wetland mitigation credits within the Everglades Mitigation Bank, owned and managed by Florida Power & Light Company. The Everglades Mitigation Bank restoration project has enhanced property in the South Dade Wetland Basin by removing exotic vegetation, replanting with native wetland plant species, restoring filled areas to natural wetland grade, and the implementation of a fire management program.
15. Wetland Soils Suitable for Habitat - The proposed project will result in the permanent removal of wetland soils. However, the mitigation, as set forth in Number 14, will result in the enhancement of existing wetland habitat and soils by restoring appropriate wetland elevations and removing exotics, thereby promoting re-vegetation with native wetland plant species and soil-vegetative interactions.
16. Floral Values - The proposed project will impact highly degraded herbaceous wetlands. However, the mitigation, as set forth in Number 14 above, will provide for the establishment of native wetland vegetation appropriate for promoting the natural ecosystem.
17. Faunal Values - The proposed project will disturb native wildlife habitat. However, the mitigation, as set forth in Number 14 above, will provide for high quality habitat for native fauna.
18. Rare, Threatened and Endangered Species – The proposed project is not reasonably expected to result in adverse impacts to rare, threatened or endangered species.
19. Natural Flood Damage Protection - The water management features of the project have been reviewed by DERM's Water Control Section and are in compliance with DERM's cut and fill criteria for this area (see attachment C). The proposed project is not reasonably expected to adversely affect natural flood damage protection.

20. Wetland Values – The proposed project will result in an adverse impact to 36.34 acres of wetlands. However, the mitigation, as set forth in Number 14 above, will compensate for the loss of wetland values associated with the proposed project.
21. Land Use Classification - The Town of Medley has determined the proposed usage does not violate any zoning law applicable to the area of the proposed work. (See Attachment C)
22. Recreation – The proposed project is not reasonably expected to adversely affect recreational values.
23. Other Environmental Values Affecting the Public Interest – There are no other known environmental values affecting the public interest.
24. Standard Construction Procedures and Practices and Design and Performance Standards - The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of the following:

Miami-Dade County Public Works Manual
Biscayne Bay Management Plan (Section 33D-1 through 33D-4)
Chapter 33B of the Code of Miami-Dade County
25. Comprehensive Environmental Impact Statement (CEIS) - In the opinion of the Director, the proposed mitigation plan will compensate for the loss of wetland values associated with the proposed project. As such, a CEIS was not required by DERM to evaluate the proposed project.
26. Conformance with All Applicable Federal, State, and Local Laws and Regulations – The proposed project is in conformance with the following applicable State, Federal and local laws and regulations:
 - a) United States Clean Water Act (US Army Corps of Engineers and US Environmental Protection Agency)
 - b) Federal Endangered Species Act (US Fish & Wildlife Service)
 - c) Florida Department of Environmental Protection Regulations
 - c) Chapter 24 of the Code of Miami-Dade County
 - d) Rules of the South Florida Water Management District

e) 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 land use conforms with the CDMP. Specifically, the proposed project complies with the following CDMP Elements and Policies:

LAND USE ELEMENT:

Objective 1 – Growth management - The proposed project is generally consistent with the goals, objectives and policies contained in the Conservation, Aquifer Recharge and Drainage Element.

Objective 3/Policies 3B, 3C - Protection of natural resources and systems - The proposed project is consistent with all applicable environmental regulations, as well as all other elements of the CDMP. The proposed project is compatible with surrounding land uses and does not involve development in the Big Cypress area of Critical State concern or the East Everglades.

CONSERVATION, AQUIFER RECHARGE AND DRAINAGE ELEMENT:

Objective 2/Policy 2A – Protection of ground and surface water resources - The proposed project adheres to all relevant stormwater management criteria.

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

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

Objective 4/Policies 4A, 4B, 4C - Water storage, aquifer recharge potential and maintenance of natural surface water drainage - The proposed project is not reasonably expected to adversely affect water storage, aquifer recharge potential, or natural surface water drainage.

Objective 5/Policies 5A, 5B, 5F - Flood protection and cut and fill criteria - The water management features of the proposed project have been reviewed by DERM's Water Control Section and are in compliance with DERM's cut and fill criteria for this area.

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

Objective 6/Policy 6B - Guidelines for rock quarries for the re-establishment of native flora and fauna – Not applicable.

Objective 6/Policy 6D - Suitable fill material for the support of development – The proposed project will not cause premature urban encroachment. The proposed project must use suitable fill material in order to meet the requirements of Chapter 24 of the Code of Miami-Dade County.

Objective 7/Policy 7A - No net loss of high quality, relatively unstressed wetlands – The wetlands associated with this project are not high quality. The loss of wetland values associated with the proposed project will be mitigated as set forth in Number 14 above.

Objective 9/Policies 9A, 9B, 9C - Protection of habitat critical to Federal or State-designated threatened or endangered species - The proposed project is not expected to affect any rare, threatened, or endangered species.

28. Conformance with Chapter 33B, Code of Miami-Dade County (East Everglades Zoning Overlay Ordinance) – The proposed project is not within the East Everglades Zoning overlay area.
29. Conformance with Miami-Dade County Ordinance 81-19 (Biscayne Bay Management Plan) – The proposed project is not within the area of the Biscayne Bay Management Plan.
30. Conformance with Manatee Protection Plan – Not applicable.
31. Consistency with Miami-Dade County Criteria for Lake Excavation – Not applicable.
32. Municipality Recommendation – Not applicable.
33. Coastal Resources Management Line – Not Applicable.
34. Maximum Protection of a Wetland's Hydrological and Biological Functions Through Adherence to the Following Fill Limitations:
 - i) Placement of the minimum fill necessary to provide for the land usage alternative which results in the least adverse environmental impact and the least cumulative adverse environmental impact – The proposed project uses the minimum amount of fill necessary to provide for the area of the proposed commercial operation, as well as the minimum amount of fill necessary to comply with required cut and fill criteria for the surface water management area.
 - ii) Placement of temporary fill pads and fill roads for the purpose of conducting rockmining. - 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. The following is a summary of the proposed project's compliance with said standards:

24-48.3 (2) Dredging or Filling for Class I Permit - Not applicable.

24-48.3 (3) - Not applicable.

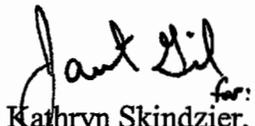
24-48.3 (4) Clean Fill in Wetlands - The proposed project involves the placement of clean fill material only.

24-48.3 (6) Basin B Fill Criteria - The proposed project complies with criteria for the total volume of fill material placed on a project. Specifically, the applicant has provided calculations showing an engineering alternative to the standard formula that provides for the full on-site retention of stormwater without exceeding established stages for the 100-year, three-day storm and the same has been approved by DERM.

SUMMARY

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

 6-15-07
Matthew Davis, Manager
Wetland Resources Section

 6-15-07
for:
Kathryn Skindzier, Biologist II
Wetland Resources Section