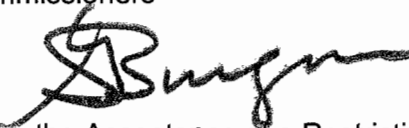


Date: May 20, 2008

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

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

From: George M. Burgess
County Manager



Resolution No. R-580-08

Subject: Resolution Authorizing the Acceptance of a Restrictive Covenant Running With the Land in Favor of Miami-Dade County for the Property Located at 600 NW 7 Avenue, Miami, Florida

Recommendation

It is recommended that the Board approve the attached resolution authorizing the acceptance of a Restrictive Covenant Running With the Land in Favor of Miami-Dade County.

Scope

The subject property is located at 600 NW 7 Avenue, Miami, in Commission District 3.

Fiscal Impact/Funding Source

Not Applicable

Track Record/Monitor

Not Applicable

Background

The proposed Restrictive Covenant Running With the Land in Favor of Miami-Dade County (Attachment A) will replace the two existing restrictive covenants that are currently in effect for the property operating as a boat repair facility located at 600 NW 7 Avenue, Miami. The proposed restrictive covenant will allow for the transfer of boats between the water and the uplands area of the subject property.

On December 13, 1994, the Miami-Dade County Board of County Commissioners approved Resolution No. R-1890-94 (Attachment B) for the issuance of Class I Permit CC94-196. The approval included acceptance of a Restrictive Covenant Running With the Land in Favor of Miami-Dade County which restricted the number of vessels arriving by water that may be stored at the subject property to a maximum of ten (10) vessels at any one time, and only allows vessels that arrive by water to be in the portion of the property identified as the "wet work area". This condition was required for consistency with manatee protection guidelines and to allow the facility to have an unrestricted number of boats arrive and leave by land. These conditions were included in the Class I Permit and the Marine Facilities Annual Operating Permit for this site. Subsequent to these approvals, the former facility operator failed to comply with conditions of their Class I Permit, their Marine Facilities Operating Permit, and conditions of the restrictive covenant. Specifically, violations included Class I work conducted without the required permits, regular exceedances of the maximum allowed number of powerboats at the property, failure to maintain the required physical barrier between the "wet work area" and "dry work areas", and the transfer of boats from the "dry work area" to the "wet work area" of the property. Due to these ongoing violations at the site, DERM undertook enforcement action which resulted in a Court-approved Stipulation and Settlement Agreement. The Settlement Agreement required the execution of an additional restrictive covenant recorded on October 17, 2001, (Attachment C) further restricting the subject property such that no transfer of boats between the water and the uplands would be allowed.

The subject property is now under new ownership and the facility is being operated as a boat repair facility with all necessary Class I Permits and a valid Marine Facilities Annual Operating Permit. The new owner has demonstrated a willingness to operate the facility in compliance with all conditions of the

permits, but has requested that they be allowed to transfer boats between the water and the upland property to facilitate vessel repairs.

The new owner has agreed to install and maintain a sufficient barrier to isolate the "wet work area" from the remainder of the property ("dry work area"), to comply with limitations on the maximum number of boats allowed in the wet work area, and to restrict the "wet work area" to only those boats that arrive by water. If approved, the proposed restrictive covenant would supersede the two previous restrictive covenants, but would maintain important elements of the original authorization. The proposed restrictive covenant maintains the existing limit on the total number of boats that may be moored or secured along the shoreline and within the "wet work area" of the property to ten (10) powerboats, and continues to restrict vessels authorized in the "wet work" area to only those vessels that arrive by water. No boats that arrive by land shall be transferred to the water from this property. However, the proposed restrictive covenant will allow for the transfer of boats between the waterway and that portion of the upland property identified as the "wet work area". This change will allow the site to more effectively operate as a vessel repair facility.

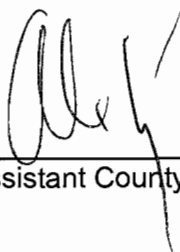
The required permanent barrier has already been constructed, and Alimar at the River, Inc. has executed the attached restrictive covenant. DERM recommends the approval of the attached Restrictive Covenant Running With the Land in Favor of Miami-Dade County.

Attachments

Attachment A: 2008 Proposed Restrictive Covenant

Attachment B: Resolution Number R-1890-94

Attachment C: 2001 Restrictive Covenant



Assistant County Manager




MEMORANDUM

(Revised)

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

DATE: May 20, 2008

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

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

Please note any items checked.

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(D)(1)(A)
5-20-08

RESOLUTION NO. R-580-08

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A RESTRICTIVE COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY FOR THE PROPERTY LOCATED AT 600 NW 7 AVENUE, 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; and

WHEREAS, the attached Restrictive Covenant Running With the Land in Favor of Miami-Dade County for the parcel described as Folio #01-3135-027-1400, located at 600 NW 7 Avenue, Miami, Miami-Dade County, Florida, has been submitted pursuant to Section 24-48.2(I)(B)(2)(b) of the Code of Miami-Dade County; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the attached Restrictive Covenant Running With the Land in Favor of Miami-Dade County by Alimar at the River, Inc., and their recording into the Public Records of Miami-Dade County, at the expense of the applicant.

The foregoing resolution was offered by Commissioner Jose "Pepe" Diaz, who moved its adoption. The motion was seconded by Commissioner Carlos A. Gimenez 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	aye	Dennis C. Moss	aye
Dorrian D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of May, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK



By: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Peter S. Tell

5

Attachment A
2008 Proposed Restrictive Covenant

RESTRICTIVE COVENANT RUNNING WITH THE LAND IN FAVOR OF
MIAMI-DADE COUNTY

The undersigned, Alimar at the River, Inc., being the present owner(s) of the following real property (hereinafter called "the Property"), lying, being and situated in Miami-Dade County, Florida, to wit:

Lots 1 through 8 (inclusive) less the east 10 feet of each lot,
block 14, map of SPRING GARDENS SUBDIVISION
No.1 and No.2, according to the plat thereof as recorded in
plat book 5, page(s) 38, public records of Miami-dade
county, Florida.

pursuant to Section 24-48.2(I) (B) (2) (b) of the Code of Miami-Dade County, Florida hereby proffers this executed Restrictive Covenant Running With The Land in Favor of Miami-Dade County, Florida:

1. For the purposes of this Restrictive Covenant, "vessel" is herein defined as any water craft designed to float or navigate on water, including, but not limited to: sailboats, powerboats, rowboats, ships, boats, skiffs, houseboats, and inflatable boats.
2. For the purposes of this Restrictive Covenant, a "sailboat" is herein defined as any vessel with a displacement type hull designed to be propelled primarily by wind and if equipped with an auxiliary motor the vessel shall have only a single propeller. For the purposes of this Restrictive Covenant, a "powerboat" is herein defined as any vessel that is not a sailboat, provided it is equipped to be propelled with an engine.
3. For the purposes of this Restrictive Covenant, "docking facilities" is herein defined as a place where vessels may be moored or secured to a fixed or floating structure or to the shoreline and includes a place where vessels may be stored on the uplands at the Property if a means of placing or launching vessels into the water exists at the Property.
4. For the purposes of this Restrictive Covenant, "wet work area" is herein defined as the boat notch and the uplands area immediately adjacent to the boat notch that has been separated from the remainder of the Property by a physical barrier as shown on the plans titled New Concrete Barrier, Alimar at the River, 600 NW 7th Ave., signed and sealed on April 21, 2008, by Jose Martinez, P.E.
5. The undersigned agree(s) and covenant(s) that the maximum combined number of powerboats which shall be moored, secured, or stored within the "wet work area" and in tidal waters along the shoreline located at the Property at any one time is ten (10) powerboats.

6. The undersigned agree(s) and covenant(s) that the maximum combined number of powerboats which shall be moored, secured, or stored within the "wet work area" and in tidal waters along the shoreline located at the Property at any one time is ten (10) powerboats. This provision shall not apply to the remainder of the Property. This provision also shall not apply to any rowboat, skiff or inflatable boat with an engine having a capacity of five (5) horsepower or less. This provision also shall not apply to any auxiliary vessel. "Auxiliary vessel" is herein defined as any watercraft which is associated, by ownership, design and common usage, with a primary vessel moored at the Property and which is affixed to, carried by, and stored on the primary vessel including, but not limited to, runabouts, tenders, and personal watercraft.
7. The undersigned agree(s) and covenant(s) that there shall be no transfer of vessels from the "wet work area" to the remainder of the property and no transfer of vessels from the remainder of the property to the "wet work area".
8. The undersigned agree(s) and covenant(s) that the only vessels authorized to enter the "wet work area" are those that arrive by water and that the only vessels authorized to leave by water are those that arrive by water.
9. The undersigned agree(s) and covenant(s) that approval of this Restrictive Covenant neither authorizes nor constitutes a permit of any kind for the mooring or storage of any vessels at the Property or for the construction of any docking facilities at the Property.
10. This Restrictive Covenant shall run with the land and shall be recorded in the Public Records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned, and their heirs, successors, grantees and assigns until such time as the same is modified or released in writing by Miami-Dade County, Florida.
11. The undersigned agree(s) and covenant(s) that this Restrictive Covenant and the provisions contained herein may be enforced against any person permitting, allowing, letting, causing or suffering any violation of the terms of this Restrictive Covenant by the Department of Environmental Resources Management, or its successor, by temporary, permanent, prohibitory, and mandatory injunctive relief as well as otherwise provided by law or ordinance and also may include an action for and to recover civil penalties, damages, costs and expenses, and attorney's fees in favor of Miami-Dade County against said person(s) as authorized by law or ordinance. All of the remedies provided herein shall be deemed to be independent and cumulative and shall be deemed to be supplemental to any remedies provided by law or ordinance.

12. This Restrictive Covenant supersedes the Restrictive Covenant previously recorded in Official Record Book 16617, Page 5005-5007, in the Public Records of Miami-Dade County, Florida and the Restrictive Covenant previously recorded in Official Record Book 19960, Page 4537-4538, in the Public Records of Miami-Dade County, Florida.

IN WITNESS WHEREOF, the undersigned have caused this Covenant to be executed this 23 day of April, 2008

Witnesses:

sign
print
sign
print

[Signature]
Zady Huson
Mercedes Benjamins
Mercedes Benjamins

Property Owner

sign
print
Title
Address

[Signature]
WALDO A HERNADEZ
owner
1950 SW 60 pl
MIAMI FL 33155

STATE OF FLORIDA, COUNTY OF DADE

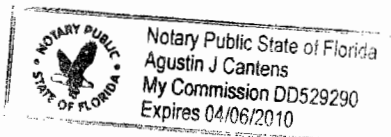
The foregoing instrument was acknowledged before me this 23 day of April, 2008, by Agustin Cantens as _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

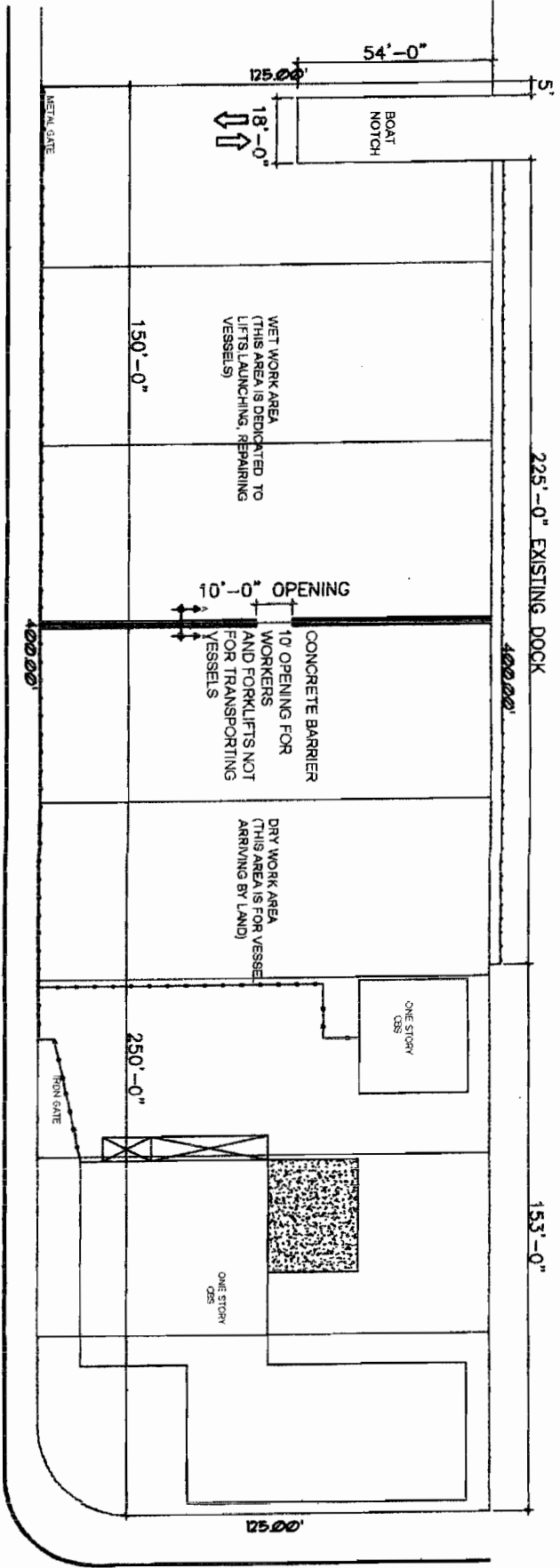
sign
print

[Signature]

State of Florida a Large (Seal)
My Commission Expires:



SEIBOLD CANAL

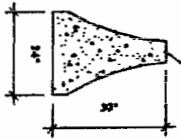


SITE PLAN

SCALE: 1" = 20'

NW 7TH AVE.

SECTION A-A CONCRETE BARRIER



PRE-CAST CONCRETE BARRIER
34" x 26" x 20" AVERAGE HEIGHT
BASED BY

PROJECT NAME	NEW CONCRETE BARRIER	DATE	04-15-2008
OWNER	ALIMAR AT THE RIVER	NOTED BY	AM
ADDRESS	600 NW 7TH AVE.	DATE	
PHONE			

10

8/10/08

OFFICE: GARDNER 4417
114 X GARDNER ST
DALLAS, TX 75243-1207
DRAFTER: JESSIE BATTISTON
CHECKER: M. J. GONZALES
SCALE: AS SHOWN
DATE: 08/10/08
PROJECT NO: 080108000

Attachment B

Resolution Number R-1890-94

MEMORANDUM

Agenda Item No. 7(AAA)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: December 13, 1994

FROM: *Joaquin G. Avino*
Joaquin G. Avino, P.E., P.L.S.
County Manager

SUBJECT: After-the-fact Class I Permit
Application by Pablo Alvarez

Attached please find for your consideration an after-the-fact application by Pablo Alvarez for a Class I Permit; the recommendation of the Director of the Dade County Department of Environmental Resources Management; and a proposed resolution approving the aforesaid after-the-fact application.

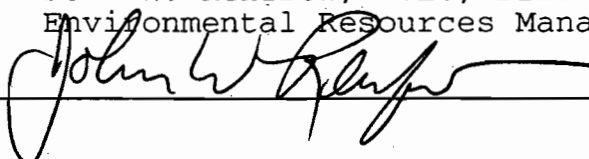
Attachment

M E M O R A N D U M

TO: Joaquin G. Avino, P.E., P.L.S. **DATE:** November 18, 1994
County Manager

FROM: John W. Renfrow, P.E., Director
Environmental Resources Management

SUBJECT: After-the-fact Class I Permit
Application by Pablo Alvarez



RECOMMENDATION

I have reviewed the application by Pablo Alvarez for an after-the-fact Class I Permit. Based upon the applicable evaluation factors set forth in Section 24-58.3 of the Metropolitan Dade County Code, I recommend that the Board of County Commissioners approve the aforesaid application for the reasons set forth below.

EVALUATION SUMMARY

The subject after-the-fact Class I Permit application involves the excavation of approximately 180 cubic yards of material from 600 square feet of uplands to restore and enlarge a boat notch connected to the Seybold Canal of the Miami River and the installation of a boat lift over this notch at 600 N.W. 7 Street, Miami, Dade County, Florida. A portion of this work was completed before Department officials issued a cease and desist order and informed the property owner that a Class I Permit was required for the work.

Historically, a 30 foot by 13 foot boat notch existed at this location, although it was filled prior to the date DERM received authorization to regulate such work. The proposed project will result in a 30 foot by 20 foot notch and will involve the removal of 30 linear feet of concrete seawall and the subsequent installation of 37 linear feet of concrete seawall inside the notch to allow for the proposed expansion (the remaining 43 linear feet of seawall will be left intact). There is no dredging proposed outside of the notch. No significant marine resources exist at the project site.

The property owner intends to use the proposed boat notch and lift to transfer vessels to an isolated work area immediately adjacent to the boat notch on the uplands for repair. This work area will be cut off from the remainder of the upland property by a physical barrier consisting of a curb and fence which will prevent the transfer of vessels from the boat notch/work area to the remainder of the property as well as the launching of vessels into the canal that arrive to the property by land. There will be no more than

two vessels at any one time within the boat notch and the work area immediately adjacent to the notch.

A restrictive covenant running with the land in favor of Dade County has been executed that requires the installation and maintenance of the aforementioned physical barrier, limits the total number of slips at the site that can utilize the boat lift, prohibits the transfer of vessels from the boat notch/work area to the remainder of the uplands, and prohibits the launching of vessels into the canal that did not arrive by water. If the proposed project is approved, the restrictions of this covenant will be a requirement of the Class I Permit and will be incorporated into the property's Marine Operating Facility Permit. DERM believes that these restrictions will prevent a net increase in the number of vessels traveling to and from this property by water.

The Miami River and its tributaries are important habitat areas for the West Indian Manatee, (Trichechus manatus), which is an endangered species. Pursuant to state mandate, Dade County is currently developing a manatee protection plan which may not be finalized until mid 1995. Until said plan is accepted by the Florida Governor and Cabinet, Dade County has adopted an interim policy which does not allow a net increase in powerboat slips at commercial docking facilities within Dade County unless the applicant can clearly demonstrate that an increased use of powerboats at the site would not adversely impact the manatee or its habitat on an individual or cumulative basis. Due to the proposed use and the aforementioned restrictions that will be placed on the boat launching capability at the property, it is DERM's belief that the project is consistent with the interim manatee protection guidelines.

Please find attached a project report from the DERM Coastal Resources Section which outlines in more detail the reasons why the project is recommended for approval by DERM pursuant to the applicable evaluation factors set forth in Section 24-58.3 of the Code for Metropolitan Dade County, Florida and the Interim Manatee Protection Conditions. The conditions and restrictions set forth in the project report are adopted herein by reference.

RESOLUTION NO. R-1890-94

RESOLUTION RELATING TO AN AFTER-THE-FACT APPLICATION BY PABLO ALVAREZ FOR A CLASS I PERMIT TO RESTORE AND ENLARGE A BOAT NOTCH AND TO INSTALL A BOAT LIFT AT 600 N.W. 7 STREET, 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 DADE COUNTY, FLORIDA, that this Board having considered all of the applicable factors contained within Section 24-58.3 of the Metropolitan Dade County Code, hereby approves the after-the-fact application by Pablo Alvarez for a Class I Permit to restore and enlarge a boat notch and to install a boat lift at 600 N.W. 7 Street, Miami, Dade County, Florida, subject to the conditions set forth in the memorandum from the Director of the Dade County Department of Environmental Resources Management, a copy of which is attached hereto and made a part hereof. The issuance of this approval, however, does not relieve the applicant from obtaining all applicable Federal, State and local permits.

The foregoing Resolution was offered by Commissioner Alexander Penelas, who moved its adoption. The motion was seconded by Commissioner Arthur E. Teele, Jr. and upon being put to a vote, the vote was as follows:

James Burke	absent	Miguel Diaz de la Portilla	aye
Betty T. Ferguson	aye	Maurice A. Ferre	aye
Bruce Kaplan	absent	Gwen Margolis	absent
Natacha S. Millan	aye	Dennis C. Moss	aye
Alexander Penelas	aye	Pedro Reboredo	aye
Katy Sorenson	aye	Javier D. Souto	aye
	Arthur E. Teele, Jr.	aye	

The Chairperson thereupon declared the Resolution duly passed and adopted this 13th day of December, 1994.

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



Approved by County Attorney as to form and legal sufficiency

By: KAY SULLIVAN
Deputy Clerk

PROJECT REPORT
AFTER-THE-FACT
CLASS I PERMIT APPLICATION NO. CC94-196

(PABLO ALVAREZ BOAT NOTCH AT RIVER MARINA)

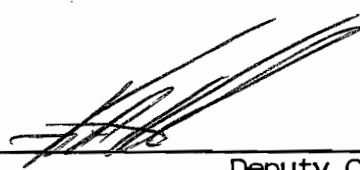
Date: August 8, 1994

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

I, HARVEY RUVIN, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. R-1890-94, adopted by the said board of County Commissioners at its meeting held on December 13 19 94.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 16th day of December, A.D. 19 94.

HARVEY RUVIN, Clerk
Board of County Commissioners
Dade County, Florida

By 
Deputy Clerk



Board of County Commissioners
Dade County, Florida

Staff's recommendation of approval for the above-referenced after-the-fact permit application is based on the applicable evaluation factors under Section 24-58.3, Dade County Code. The following is a summary evaluation of the proposed project with respect to each applicable evaluation factor:

1. Hydrology - The proposed project is designed in accordance with DERM and South Florida Water Management District Criteria and design standards.
2. Water Quality - The proposed project will not adversely affect surface and/or groundwater quality. Turbidity curtains shall completely enclose the proposed project area during excavation.
3. Wellfields/Water Supply/Aquifer Recharge - N/A
4. Aesthetics - The proposed project is designed to be aesthetically compatible with the surrounding area. Specifically, there exist numerous boat notches in the surrounding area.
5. Public Health - N/A
6. Historic/Archaeological Values - N/A
7. Air Quality - N/A
8. Marine and Wildlife Habitats - The proposed project is not expected to cause significant adverse impacts to marine and wildlife habitats.

The Miami River and its tributaries are important habitat areas for the West Indian Manatee, (Trichechus manatus), which is an endangered species. Pursuant to state mandate, Dade County is currently developing a manatee protection plan which may not be finalized until mid 1995. Until said plan is accepted by the Florida Governor and Cabinet, Dade County has adopted an interim policy which recommends denial of a net increase in powerboat slips at multi-slip docking facilities within Dade County unless the applicant can clearly demonstrate that an increase in powerboats at the site would not adversely impact the manatee or its habitat on an individual or cumulative basis. It is DERM's belief that the restrictions included in the covenant that has been executed (see attached copy), will prevent a net increase in the number of vessels traveling to and from this property by water. The proposed project is therefore consistent with the interim manatee protection guidelines.

9. Soils - The proposed project will cause minimal impact to submerged soils during excavation.
10. Flora - The proposed project will not disturb native plant communities.
11. Fauna - The proposed project is expected to cause adverse impacts to the West Indian Manatee.

The Miami River and its tributaries are extremely important habitat areas for the West Indian Manatee (Trichechus manatus) which is an endangered species. Please refer to item number 8 above for specific information about the issues this proposed project is expected to pose regarding manatees.

12. Rare, Threatened and/or Endangered Species - The proposed project is expected to cause adverse impacts to the West Indian Manatee.

The Miami River and its tributaries are extremely important habitat areas for the West Indian Manatee (Trichechus manatus) which is an endangered species. Please refer to item number 8 above for specific information about the issues this proposed project is expected to pose regarding manatees.

13. Natural Flood Damage Protection - The proposed project will not adversely impact the ability of the site to provide stormwater storage.

14. Wetland Values - N/A

15. Land Use Classification - The permit applicant has decided not to obtain a City of Miami zoning letter of approval at this time, pursuant to Section 24-58.2(II)(A)(7), Dade County Code. This letter must be received by DERM prior to permit issuance.

16. Recreation - N/A

17. Other Environmental Values Affecting the Public Interest - N/A

18. Standard Construction Procedures, Practices and Performance Standards - The proposed project complies with all construction practices and standards of the Dade County Public Works Manual.

19. Comprehensive Environmental Impact Statement (CEIS) - A CEIS was not required for the proposed project because the information provided by the applicant was adequate to properly assess the proposed project.

20. Conformance with All Applicable Federal, State and Local Laws and Regulations - The proposed project, to the best of our knowledge, is consistent with the following applicable State, Federal and local laws and regulations:

- a) Biscayne Bay Aquatic Preserve Act
- b) United States Clean Water Act (Army Corps of Engineers Permit)

21. Conformance with the Dade County Comprehensive Development Master Plan (CDMP) - In the opinion of DERM, the proposed project is not consistent with the CDMP. Specifically, the proposed project fails to comply with the following CDMP Elements and Policies:

LAND USE ELEMENT I:

Objective 1/Policy 1A - Level of Service. N/A

Objective 2/Policies 2A, 2B, 2C - Protection of natural resources and systems.

Aviation Subelement/Objective 10 - N/A

Port of Miami River Subelement/Objective 3 - Minimization of impacts to estuarine water quality and marine resources.

CONSERVATION ELEMENT VI:

Objective 9/Policies 9A, 9B, 9C - Protection of habitat critical to Federal or State-designated threatened or endangered species. The proposed project is within the habitat of the West Indian Manatee. The proposed project is not expected to cause adverse impacts to marine and wildlife habitats.

The Miami River and its tributaries are important habitat areas for the West Indian Manatee, (Trichechus manatus), which is an endangered species. Pursuant to state mandate, Dade County is currently developing a manatee protection plan which may not be finalized until mid 1995. Until said plan is accepted by the Florida Governor and Cabinet, Dade County has adopted an interim policy which recommends denial of a net increase in powerboat slips at multi-slip docking facilities within Dade County unless the applicant can clearly demonstrate that an increase in powerboats at the site would not adversely impact the manatee or its habitat on an individual or cumulative basis. It is DERM's belief that the restrictions included in the covenant that has been executed (see attached copy), will prevent a net

increase in the number of vessels traveling to and from this property by water. The proposed project is therefore consistent with the interim manatee protection guidelines.

COASTAL MANAGEMENT ELEMENT IX: N/A

22. Conformance with Chapter 33B, Dade County Code (East Everglades Zoning Overlay Ordinance) - N/A
23. Conformance with Dade County Ordinance 81-19 (Biscayne Bay Management Plan) - The proposed project is consistent with the Biscayne Bay Management Plan.
24. Consistency with Dade County Criteria for Lake Excavation - N/A
25. Municipality Recommendation - The permit applicant has decided not to obtain a City of Miami zoning letter of approval at this time, pursuant to Section 24-58.2(II)(A)(7), Dade County Code. This letter must be received by DERM prior to permit issuance.
26. Coastal Wetland Management Line - N/A
27. Wetland Fill Limits - N/A
28. Other Comments - N/A

The proposed project was also evaluated for compliance with the minimum required standards contained in Section 24-58.3 (B), (C), and (D) of the Code of Metropolitan Dade County. The following is a summary of the proposed projects compliance with said standards:

24-58.3 (B) Dredging and/or Filling for Class I Permit - The proposed project complies with item 3 of the following criteria. Please note that no dredging is proposed outside of

the boat notch (within the Seybold Canal). The proposed project involves the excavation and expansion of an existing boat notch located on the uplands of the subject property.

- 1) Minimum dredging and spoiling for public navigation or public necessity.
- 2) An alteration of physical conditions as may be necessary to enhance the quality or utility of adjacent waters.
- 3) Minimum dredging and filling for the creation and maintenance of marinas, piers, docks and attendant navigational channels.
- 4) Minimum dredging and filling as necessary for the elimination of conditions hazardous to the public health or for the elimination of stagnant waters.
- 5) Minimum dredging and filling as is necessary to enhance the biological, chemical or physical characteristics of adjacent waters.
- 6) A physical modification necessary to protect public or private property.

24-58.3 (C) Docks and Piers for Mooring Purposes - The proposed project does not include the construction of docks or piers for mooring purposes.

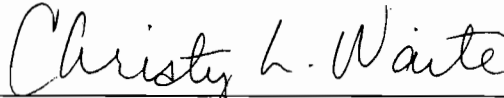
24-58.3 (D) Clean Fill in Freshwater Wetlands - N/A

SUMMARY

BASED ON THE FOREGOING, IT IS RECOMMENDED THAT THE
AFTER-THE-FACT CLASS I PERMIT BE APPROVED.



Craig K. Grossenbacher, Chief
Coastal Resources Section



Christy L. Waite, Biologist I
Coastal Resources Section

2091 NW 14th. Street
Miami, Florida 33125
Tel. No. (305)324-9496

August 9, 1994

Environmental Resources Management
33 SW 2nd. Avenue
Miami, Fl 33130-1540


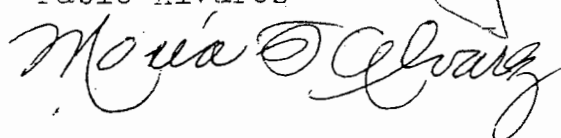
Re: River Marina, Inc.
600 NW 7th. Avenue
Miami, Fl 33125
Folio No. 01-3135-02701400

Gentlemen:

By the attached permit application and supporting documents, the undersigned Pablo Alvarez, owner, is requesting permission to re-excavate, widen, and clean up, of the previously existing boat notch on the southwest corner of the property, fronting the Seybold Canal. I understand that a County Coastal Construction Permit is necessary for this work.

Mr. Gilberto E. Mojica, P.E., is my authorized representative and engineering consultant for the proposed work and has performed preliminary engineering for the preparation of the permit sketches appended to this document. If approval is granted by the Board of County Commissioners, complete and detailed plans of the proposed work will be prepared by an engineer registered in the State of Florida and in accordance with the minimum requirements of Dade County, all for review and approval by your Department prior to construction. Mr. Gilberto E. Mojica, P.E., will conduct inspections throughout the construction period and prepare all required drawings of record.

Sincerely,


Pablo Alvarez


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3/09/94

ENVIRONMENTAL RESOURCE MANAGEMENT
33 S.W. 2 AVE. SUITE 400
MIAMI, FL. 33130-1540

RE: RIVER MARINA, INC.

TO WHOM IT MAY CONCERN:

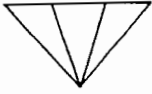
BY THE ATTACHED PERMIT APPLICATION AND SUPPORTING DOCUMENTS
I, PABLO ALVAREZ AM REQUESTING PERMISSION TO PERFORM
EXCAVATING TO COMPLETE BOAT NOTCH ON THE SEYBOLD CANAL.
I UNDERSTAND THAT A COUNTY COASTAL PERMIT IS NECESSARY FOR
THIS WORK.

THE PURPOSE OF THIS BOAT NOTCH IS FOR REMOVING AND
RETURNING BOATS TO THE WATER THAT ARE BROUGHT IN FOR
REPAIRS.

SINCERELY.


PABLO ALVAREZ

GEM



GILBERTO E. MOJICA, P.E.

CONSULTING ENGINEER
3250 N.W. 77TH COURT, SUITE 206
MIAMI, FLORIDA 33122
(305) 477-6223

ENVIRONMENTAL RESEARCH MANAGEMENT
33 S.W. 2 AVE., SUITE 400
MIAMI, FL. 33130

RE: PROPOSED BOAT NOTCH EXCAVATION FOR
RIVER MARINA, INC.
600 N.W. 7 AVE.
MIAMI, FL. 33125

TO WHOM IT MAY CONCERN.

THIS LETTER WILL CERTIFY THAT 1) I AM A REGISTERED ENGINEER
IN THE STATE OF FLORIDA, EXPERIENCED IN COASTAL
CONSTRUCTION; 2) THAT DILIGENCE AND RECEGNIZED STANADARD
PRACTICES OF THE ENGINEERING PROFESSION HEVE BEEN EXERCISED
IN THE ENGINEERING DESIGN PROCESS FOR THE PROPOSED WORK;
AND 3) THAT IN MY OPINION AND TO THE BEST OF MY KNOWLEDGE
THE PROPOSED WORK DOES NOT:

- a. VIOLATE ANY STATUES, ZONING LAW, ORDINANCE, OR
PROMULGATED ADMINISTRATIVE RULE WHICH MAY BE APPLICABLE TO
SUCH AREA OR CONSTRUCTION WORK.
- b. CREATE HARMFUL OBSTRUCTIONS OR UNDESIRABLE ALTERATION OF
NATURAL FLOW OF THE WATER WITHIN THE AREA OF THE WORK.
- c. CREATE HARMFUL OR INCREASED EROSION, SHOALING OF
CHANNELS OR
STAGNANT AREAS OF WATER.
- d. CREATE MATERIAL INJURY TO ADJOINING LAND.

FURTHER I HAVE BEEN RETAINED BY THE APPLICANT TO PROVIDE
INSPECTIONS DURING CONSTRUCTION AND WILL PREPARE A SET OF
REPRODUCIBLE PRINTS OF DRAWINGS INDICATING ANY CHANGES MADE
DURING CONSTRUCTION WHICH I CONSIDER SIGNIFICANT.

RESPECTIVELY SUBMITTED,

Gilberto Mojica



DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT
CLASS I COASTAL CONSTRUCTION PERMIT APPLICATION

1. Application number (To be assigned) <u>CC94-196</u>	2. Date <u>9th AUG 94.</u> Day Mo. Yr.	3. For official use only
---	---	--------------------------

4. Name, address and zip code of applicant
PABLO ALVAREZ
2091 NW 14 ST MIAMI FLA 33125

Telephone Number 6340385

5. Name, address, zip code and title of applicant's authorized agent for permit application coordination
PRECISION ENGINEERING, INC.
OLGA SANCHEZ
1880 N.W. 21 ST.
MIAMI FL. 33142

Telephone Number 545-9331

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.

BOAT NOTCH EXCAVATION / EXPANSION

Dredged/Excavated		Filled/Deposited	
Volume of Material:	CY	CY	CY
	Waterward of O.H.W. or M.H.W.	Landward of O.H.W. or M.H.W.	Landward of O.H.W. or M.H.W.

7. Proposed use
Private Public Commercial Other (Explain in remarks)

8. Name and address including zip code of adjoining property owners whose property also adjoins the waterway.

9. Location where proposed activity exists or will occur

Street address 600 N.W. 7 AVE.

Longitude _____ Latitude _____ (If known)

Sec. PL. Twp. DADE Rge. MIAMI

State County In City or Town Near City or Town

10. Name of waterway at location of the activity SEYBOLD CANAL

11. Date activity is proposed to commence
Date activity is expected to be completed

IMMEDIATELY, PENDING APPROVAL

12. Is any portion of the activity for which authorization is sought now complete? Yes [] No [X]
If answer is "Yes" give reasons in the remarks section. Month and year the activity was completed _____
_____ . Indicate the existing work on the drawings.

13. List all 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 the project is a Development of Regional impact.

Issuing Agency Type of Approval Identification No. Date of Application Date of Approval

14. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein?
Yes [] No [X] (If "Yes" explain in remarks)

15. Remarks

15a. Estimated project cost = \$ 8,000.00

15b. Contractor's name and address
PRECISION ENGINEERING, INC.
1880 N.W. 21 ST. MIA. 33142

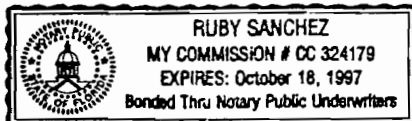
16. Application is hereby made for a permit or permits to authorize the activities described herein. I agree to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable State Water Quality 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.

Pablo Alvarez
Signature of Owner

8/9/94
Date

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

Sworn to and subscribed before me this 9th day of AUGUST, 1994



Ruby Sanchez
Notary Public

29
17

Affidavit of Ownership and Hold Harmless Agreement

Personally Appeared Before Me, PABLO ALVAREZ/MARIAT ALVAREZ, the 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:

600 NW 7 Ave

2. That your affiant is also the riparian and/or littoral owner of that certain property that is the subject matter of Application No. CC94-196 for a Class I permit under and pursuant to Section 24-58 of the Code of Metropolitan Dade County to construct or engage in the following activity:

restore and enlarge existing boat notch

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

STATE OF FLORIDA
COUNTY OF DADE

Mariat Alvarez
Pablo Alvarez
Owner / Applicant

BEFORE ME, the undersigned authority, personally appeared PABLO ALVAREZ + MARIAT ALVAREZ, who, after being duly sworn, deposes and says that he has read the foregoing, and that the statements contained therein are true and correct to the best of his knowledge and belief.

Sworn to and subscribed before me this 29th day of NOVEMBER 1994.

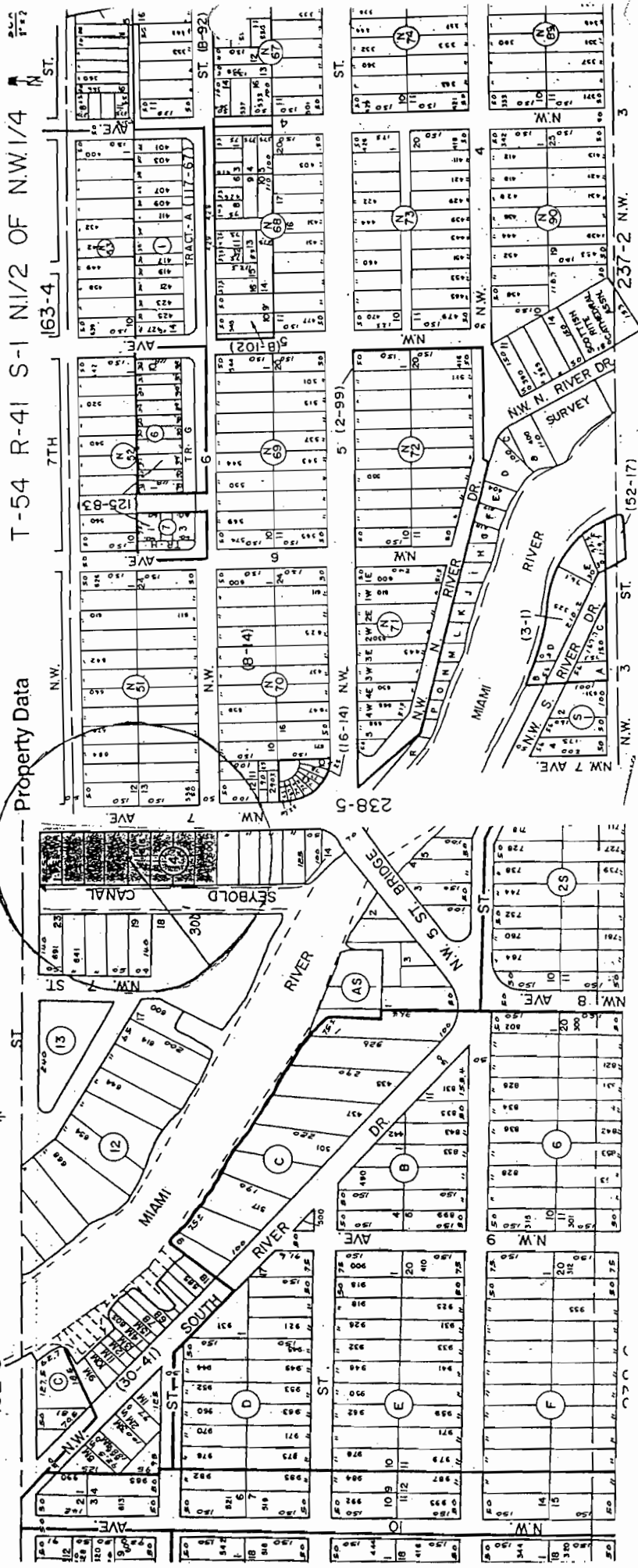
Rosa M. Alvarez
ROSA M. ALVAREZ
Notary Public State of Florida
My Commission Expires June 23, 1996
COMMISSION No. CC209944

APPROXIMATE
SCALE
1" = 200'

R-41 S-2 N.1/2 OF N.E.1/4

238-5

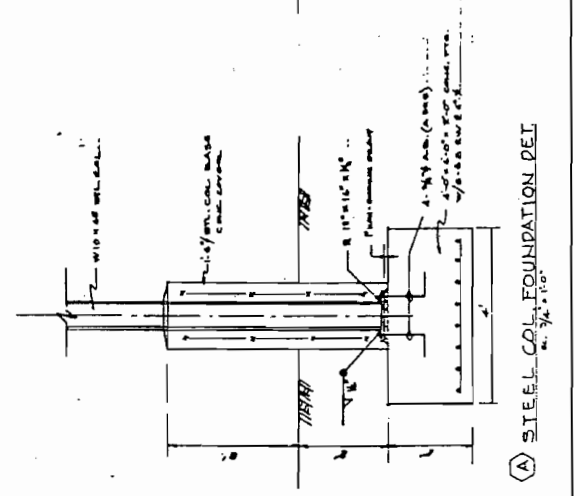
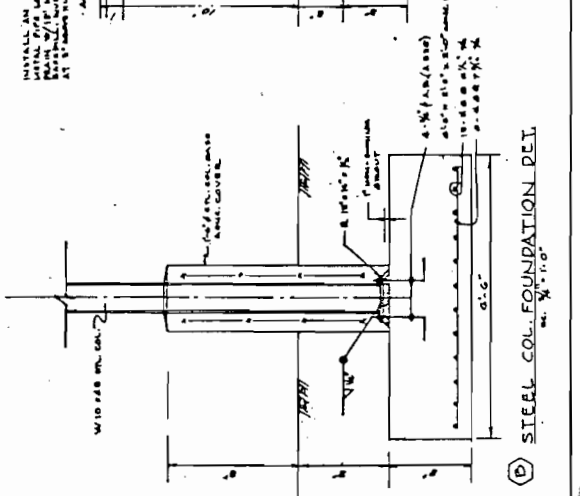
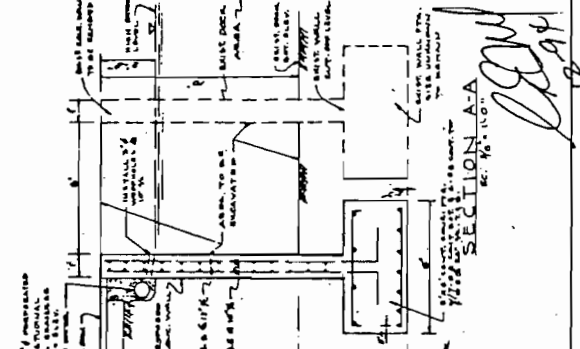
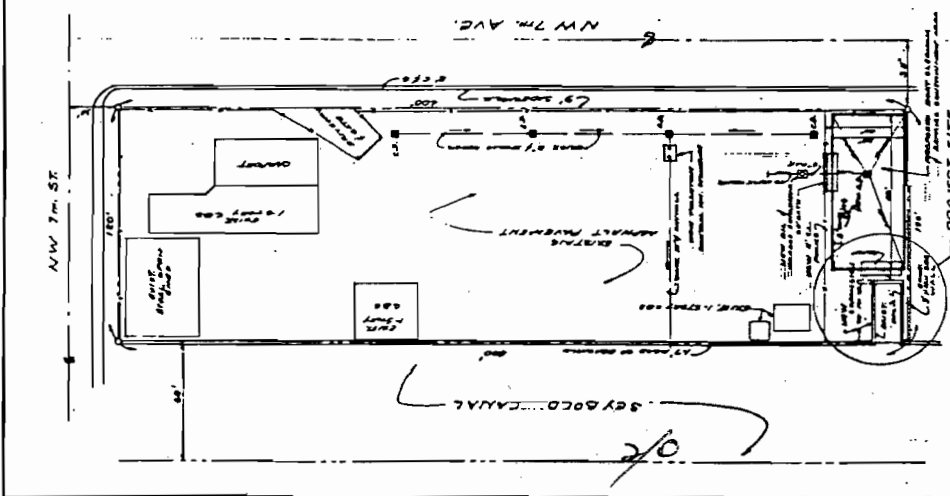
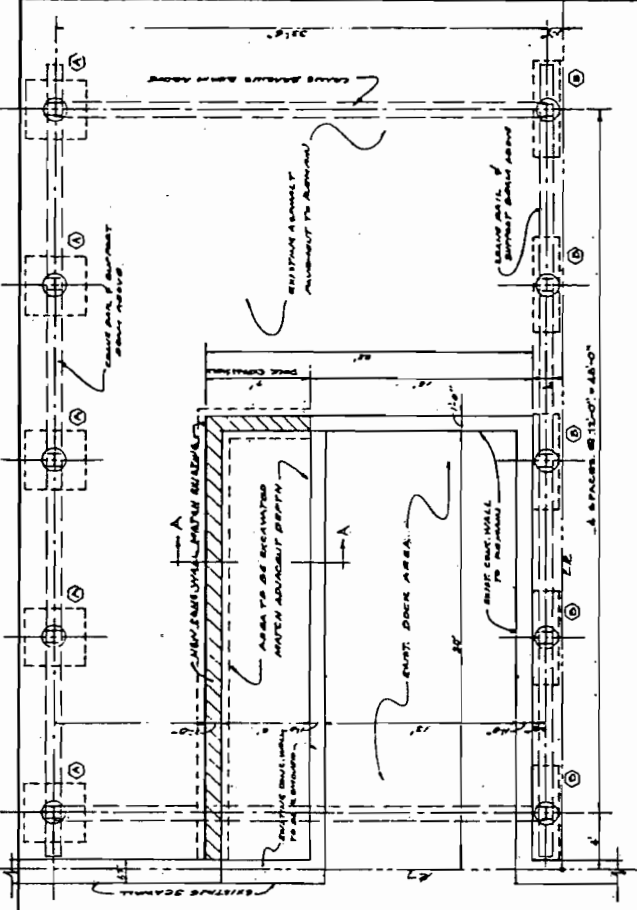
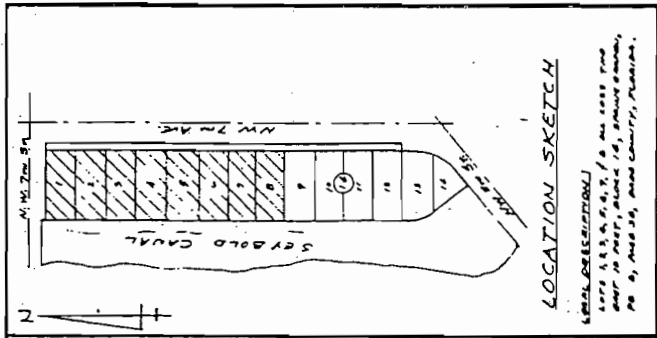
Property Data



31

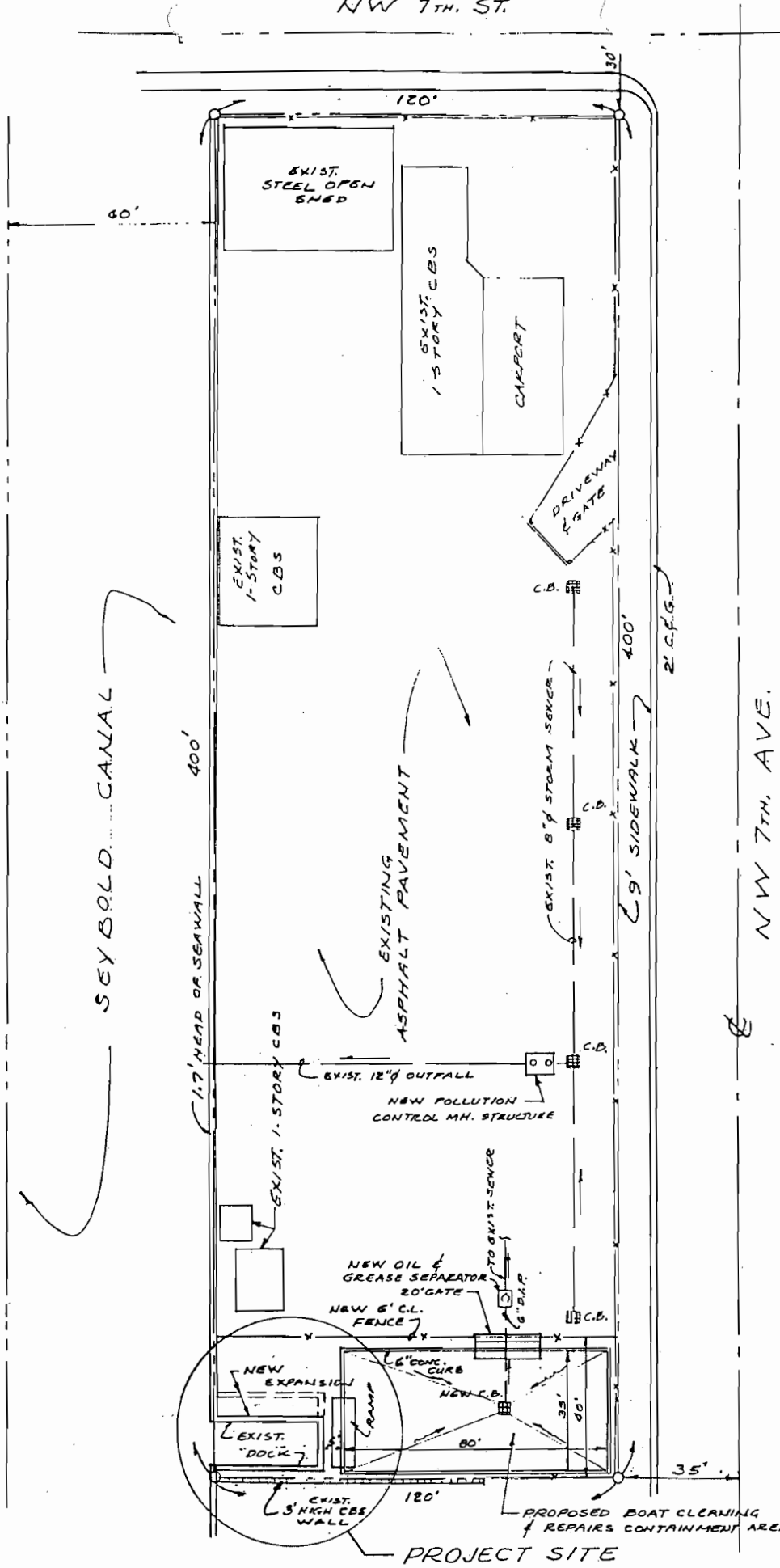


DATE	1/20/94
BY	GEM
NO.	2



32

NW 7TH. ST.

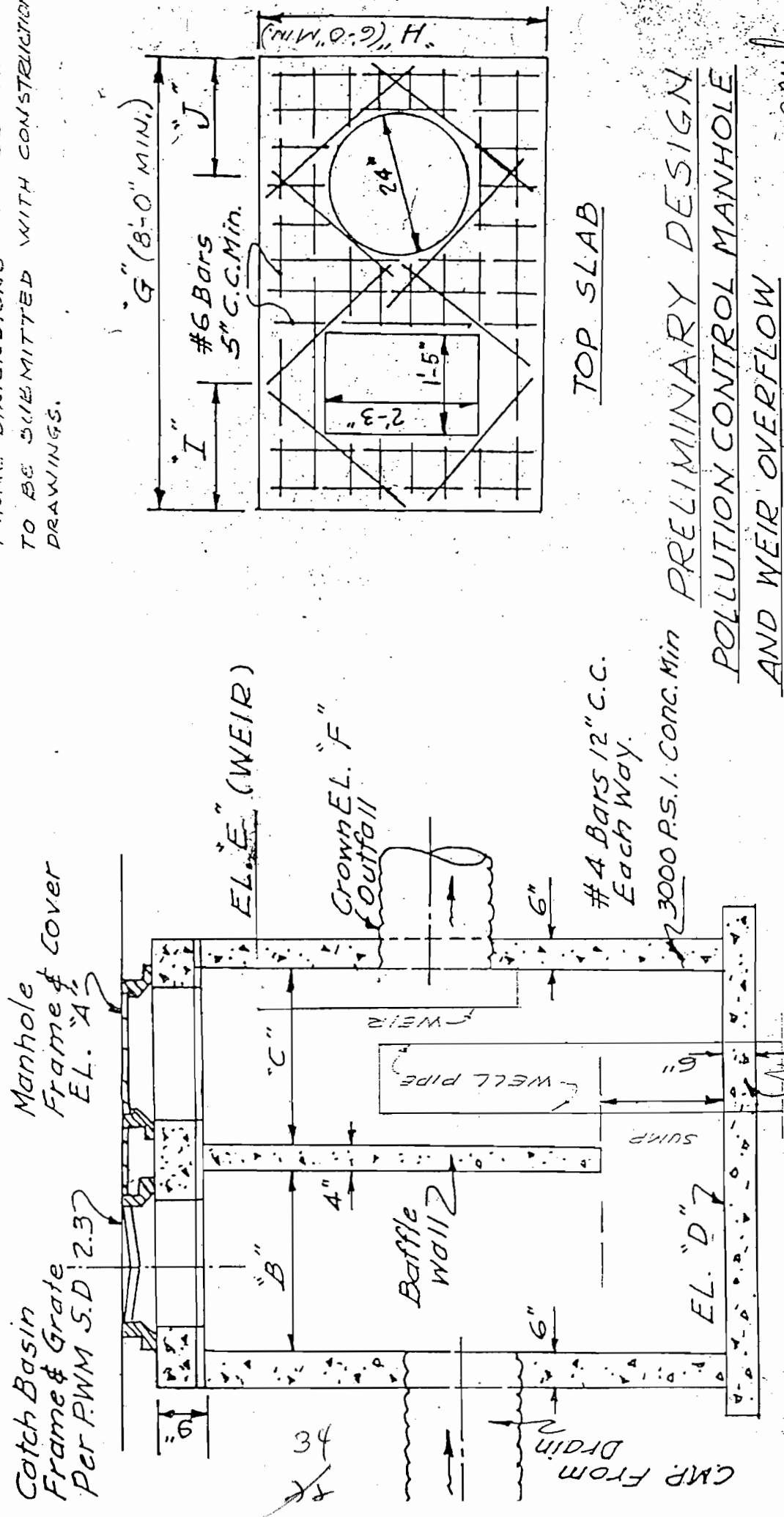


SITE PLAN

33

[Handwritten Signature]
 10-12-94

NOTE:
 FINAL DIMENSIONS AND ELEVATIONS
 TO BE SUBMITTED WITH CONSTRUCTION
 DRAWINGS.



N.T.S.

[Signature]
 10-12-94

PRELIMINARY DESIGN
POLLUTION CONTROL MANHOLE
AND WEIR OVERFLOW

Refer to S.D. 2.2 for
 structural details of slab

M E M O R A N D U M

C. Waite
: Craig K. Grossenbacher, Chief
Coastal Resources Section

DATE: August 8, 1994

FROM: Christy L. Waite, Biologist I *C. Waite*
Coastal Resources Section

SUBJECT: Class I Permit
Application
CC 94-196:
Pablo Alvarez

Pursuant to Section 24-58.2(II)(A)(7), Dade County Code, 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 County Commission and prior to issuance of the Class I Permit.

cw.COM, 34

MEMORANDUM

CG
TO: Craig K. Grossenbacher, Chief
Coastal Resources Section

DATE: August 8, 1994

FROM: Christy L. Waite, Biologist *Waite*
Coastal Resources Section

SUBJECT: Class I Permit
application CC94-196
Pablo Alvarez

The following is a list of the riparian owners within 300 feet of the property located at 600 N.W. 7 Street, Dade County, Florida, as listed on the peel-off/stick-on labels submitted by the applicant (copy attached).

Dwayne House
650 NW 8 Street
Miami, FL 33130

Robert & Gerawldyne Lindsley
641 NW 7 Street Road
Miami, FL 33130

Robert D. Hewes
601 NW 7 Street Road
Miami, FL 33130

Richard S. Sherry
617 NW 7 Street
Miami, FL 33130

Julio Hechevarria
528 NW 7 Avenue
Miami, FL 33130

George A. Fuentes
691 NW 7 Street Road
Miami, FL 33130

Metro - Dade County
678 NW Avenue
Miami, FL 33130

METROPOLITAN DADE COUNTY, FLORIDA



ENVIRONMENTAL RESOURCES MANAGEMENT
33 S.W. 2nd AVENUE
MIAMI, FLORIDA 33130-1540
(305) 372-6789

August 3, 1994

Pablo Alvarez
c/o River Marina, Inc.
600 N.W. 7 Avenue
Miami, FL 33125

CERTIFIED MAIL NO. P333150051
RETURN RECEIPT REQUESTED

Re: Property located at, near or adjacent to 600 N.W. 7
Avenue, Miami, Dade County, Florida (Folio No.
01-3135-02701400).

Dear Mr. Alvarez:

Based on an inspection conducted by Department officials on Thursday, July 21, 1994, DERM concurs that an approximately 30 foot by 13 foot boat notch did previously exist on the southern end of your property. The re-excavation of this notch, however, requires a Dade County Class I Permit, which you have not obtained although excavation work was commenced on or before April 8, 1994. Please be advised that authorization for this work will require an after-the-fact standard form application which can only be approved through a public hearing before the Dade County Board of County Commissioners. If you submit all the required items listed on the enclosed completeness summary by August 10, 1994, your after-the-fact application may be scheduled for consideration by the Board of County Commissioners during the September public hearing. Be advised that until a Class I Permit is issued you are not authorized to perform any further work on this boat notch.

In addition to the items listed on the enclosed completeness summary, you must submit a detailed explanation of the intended use of the above referenced property. Specifically, we need to know if the property is intended for boat repair only, or if you are proposing other uses, such as a boat storage facility, a yacht brokerage or sales facility, or some other commercial use. In addition, the total number of boat slips proposed, both in water and on land, must be disclosed. This information is crucial for the review of your application.

The proposed work may not be consistent with Dade County's Interim Manatee Protection Guidelines (copy enclosed). Said guidelines generally prohibit the new construction or


38
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expansion of commercial powerboat docking facilities within Dade County unless it can be proven that the docking facility and the operation of boats using the facility will not adversely impact the manatee or its habitat on an individual or cumulative basis. DERM would therefore recommend denial of the permit application unless you were able to demonstrate that the use of the facility would be consistent with the guidelines. Please be advised that an executed covenant restricting numbers and types of slips at the facility will most likely be required and will be determined after you have submitted all the requested information.

A review of DERM records reveals that there are some outstanding issues regarding your property and DERM's Water Control Section. Be advised that these issues must be resolved prior to the issuance of a Class I Permit. Please contact Isaac Szol of that Section at 372-6681 for further information.

Please submit all the items listed herein as soon as possible so that we may continue processing your application in a timely manner. Failure to submit the requested information within thirty (30) days of receipt of this letter will result in additional enforcement action without further warning. If you have any questions please contact Christy Waite at (305) 372-6575.

Sincerely,



Craig Grossenbacher, Chief
Coastal Resources Section

enclosures: completeness summary
interim manatee protection guidelines
Class I application package

CKG:cw.1103

METROPOLITAN DADE COUNTY, FLORIDA



ENVIRONMENTAL RESOURCES MANAGEMENT
33 S.W. 2nd AVENUE
MIAMI, FLORIDA 33130-1540
(305) 372-6789

September 26, 1994

River Marina, Inc.
Attn: Pablo Alvarez
600 N.W. 7 Avenue
Miami, FL 33125

CERTIFIED MAIL NO. P333153162
RETURN RECEIPT REQUESTED

Re: Property located at, near or adjacent to 600 N.W. 7 Avenue, Miami, Dade County, Florida (Folio No. 01-3135-02701400).

Dear Mr. Alvarez:

On August 3, 1994, you were informed, by letter, that the re-excavation of the previously existing notch on your property requires a Dade County Class I Permit, which you have not obtained although excavation work was commenced on or before April 8, 1994. My staff and I have continued to review the after-the-fact application you submitted. Please be advised that based on the information presented in your after-the-fact application and on information gathered during recent inspections, DERM intends to recommend that the Dade County Board of County Commissioners deny the project as proposed for the reasons set forth below.

The proposed work is not consistent with Dade County's Interim Manatee Protection Guidelines. Pursuant to these guidelines, the new construction or expansion of commercial powerboat docking facilities within Dade County is not recommended unless it can be demonstrated that the docking facility and the operation of boats using the facility will not adversely impact the manatee or its habitat on an individual or cumulative basis. The information provided is not sufficient to demonstrate that the aforementioned impacts would not occur as a result of the completion of this project and the subsequent boat traffic that would result from the structures use.

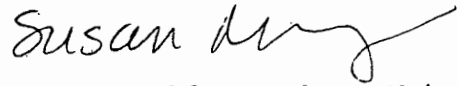
Recent inspections of the subject property revealed that a boat lift is being constructed over the boat notch area. Be advised that this boat lift will require Class I authorization if any portion of it extends over tidal waters. DERM recommends that no further work be performed on this structure until a final determination is made as to whether a Class I Permit can be issued for the boat notch re-excavation.

As you were previously informed, a review of DERM records reveals that there are some outstanding issues regarding your property and DERM's Water Control Section. Be advised that these issues must be resolved prior to the issuance of a Class I Permit. Please contact Isaac Sznol of that Section at 372-6681 for further information.

River Marina, Inc.
September 26, 1994 page 2

If you have any questions please contact Jordan Stout at (305) 372-6575.

Sincerely,

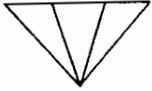


Susan Markley, PhD, Chief
Natural Resources Division

enclosure: August 3, 1994 letter from DERM to property owner

CKG:cw.147

GEM



GILBERTO E. MOJICA, P.E.

CONSULTING ENGINEER

3250 N.W. 77TH COURT, SUITE 206

MIAMI, FLORIDA 33122

(305) 477-6223

October 12, 1994

Mr. Craig K. Grossenbacher, Chief
Coastal Resources Section
Environmental Resources Management
33 SW 2nd Avenue
Suite 400
Miami, FL 33130-1540

Re: River Marina, Inc.
600 NW 7th Avenue
Miami, FL 33125
Pablo Alvarez, Owner
Folio no. 01-3135-02701400

Dear Mr. Grossenbacher:

This is in response to Ms. Susan Markley's letter of September 26, 1994 to Mr. Alvarez in connection with your review of the after-the-fact application for the Class I Permit that was submitted by Mr. Alvarez for subject property. This letter is also to advise you that the undersigned has been retained by the owner to coordinate the gathering and submission of required information, the design of the proposed facilities, and general consultant for the project.

First, we like to thank you for the time and attentions you and members of your staff gave us and allowing us to discuss the project in our informal meeting of October 4, 1994 in your office. As a result of this meeting both Mr. Alvarez and myself, have now a better understanding of your Department concerns and requirements.

The proposed work of re-excavation, widening, and cleaning of the previously existing notch on the southwest corner of the property, fronting the Seybold Canal, in our opinion will not adversely impact the manatees or its habitat. The west property line adjacent to the canal is 400 feet long with an existing seawall along this line. Presently there are about ten usable docking spaces along the seawall. We believe that upon completion of the proposed work this condition will remain the same as we proposed to use the notch as a docking space leaving only nine available spaces

3/0 42

Mr. Craig K. Grossenbacher, Chief
Page 2 of 2
October 12, 1994

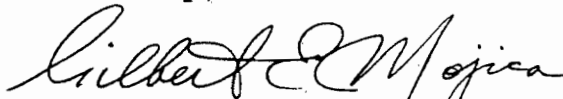
along the seawall. In addition, the notch will be used in a very limited basis to lift boats out of the water for repairs which condition will not increase the boat traffic anymore than that presently existing. Further, we propose to enclose the area just east and adjacent to the notch for the purpose of boat cleaning and repairs. This area will be fenced in and a concrete curbing installed so as to contain possible pollutants generated and dispose of same thru a floor drainage system emptying into an oil and grease separator and then into the existing sewer system. See attached sketch of proposed layout.

Regarding construction of the boat lift structure, please be advised that upon your recommendation no further work has been performed on this structure pending your final decision. As you are aware, this work was approved and permitted by the City of Miami, has gone thru several inspections, and is close to completion.

As I verbally informed you, we met with Mr. Issac Sznol, Chief of DERM's (Department of Environmental Resources Management) Water Control Section, and have discussed those items that were pending regarding stormwater drainage for the property. We have agreed with Mr. Sznol to modify the existing drainage system by installing a Pollution Control Structure on the existing outfall so as to remove any possible intrusion of pollutants into the Seybold Canal. See attached preliminary detail of proposed structure.

We hope that the above will satisfy your concerns and that the Dade County Class I Permit Application be recommended for approval. If you have any questions or need additional information, please call me at (305) 477-6223.

Sincerely,



Gilberto E. Mojica, P.E.
Project General Consultant

Attachment

31 43

COVENANT RUNNING WITH THE LAND IN FAVOR OF
METROPOLITAN DADE COUNTY

The undersigned, Pablo and Maria Alvarez, being the present owner(s) of the following real property (hereinafter called "the Property"), lying, being and situated in Dade County, Florida, to wit:

Spring Garden PB 5-38
Lots 1 through 8 Block 14
Lot Size 47,200 square feet
OR 16299-4312 0194 1

pursuant to Section 24-58.2(I)(B)(2)(b) of the Code of Metropolitan Dade County, hereby submits this executed Covenant running with the land in favor of Metropolitan Dade County, Florida:

1. For the purposes of this Covenant, "work area" is herein defined as the uplands area immediately adjacent to the boat notch that has been separated from the remainder of the property by a physical barrier as shown on the plans signed and sealed on October 12, 1994 by Gilberto E. Mojica, P.E.
2. For the purposes of this Covenant, "boat notch" is herein defined as the thirty (30) foot by twenty (20) foot area excavated from the uplands pursuant to Class I Permit CC 94-196 located in the southeastern corner of the subject property.
3. The undersigned agree(s) and covenant(s) that no more than two (2) vessels shall be located within the boat notch and work area and that no more than eight (8) vessels shall be moored along the seawall outside the boat notch and work area of the subject property at any time.
4. The undersigned agree(s) and covenant(s) that there shall be no transfer of vessels from the boat notch/work area to the remainder of the subject property or from the area beyond the boat notch/work area to the boat notch/work area.
5. The undersigned agree(s) and covenant(s) that the only vessels authorized to enter the boat notch/work area are those that arrive by water and that the only vessels authorized to leave by water are those that arrive by water.

5. For the purposes of this Covenant, "vessel" is herein defined as any craft designed to float or navigate on water, including but not limited to: sailboats, powerboats, rowboats, ships, hydrohoists, boats, ships, skiffs, houseboats, and inflatable boats .
6. This Covenant shall run with the land and shall be recorded in the Public Records of Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned, and their heirs, successors, grantees and assigns until such time as the same is modified or released in writing by Metropolitan Dade County.
7. This Covenant shall be subject to specific enforcement by Metropolitan Dade County, Florida. In the event that the provisions of this Covenant are not complied with by the undersigned or their heirs, successors, grantees and assigns, an action at law or in equity may be commenced by the Director of Dade County Department of Environmental Resources Management on behalf of Metropolitan Dade County against any person violating, causing, permitting, allowing or suffering the violations of said covenant.

IN WITNESS WHEREOF, the undersigned have caused this covenant to be executed this 17 day of November, 1994.

Witnesses:

sign [Signature]
print _____
sign _____
print _____

Party A:

sign [Signature]
print MARIA TERESA ALVAREZ

Address 2091 NW 14 ST
MIAMI - FL - 33125

Witnesses:

sign [Signature]
print _____
sign _____
print _____

Party B:

sign [Signature]
print PABLO ALVAREZ

Title President
Address 2091 NW 14 ST.

STATE OF FLORIDA
COUNTY OF DADE

The foregoing instrument was acknowledged before me this 17 day of November, 1994, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

sign [Signature]
print MELBA AHRENS

STATE OF FLORIDA
COUNTY OF DADE

State of Florida at Large (Seal)
My Commission Expires:

The foregoing instrument was acknowledged before me this 17 day of November, 1994, by _____, as _____ of _____, who is personally known to me or who has produced _____ as identification and did take an oath.

NOTARY PUBLIC:

sign [Signature]
print MELBA AHRENS

State of Florida at Large (Seal)
My Commission Expires:

cw.1220



OFFICIAL NOTARY SEAL
MELBA AHRENS
COMMISSION NO. CC067295
MY COMMISSION EXP. NOV. 29, 1994

OFF: 16617-5005
DEC:



94R58 1606 1994 DEC 19 14:30

COVENANT RUNNING WITH THE LAND IN FAVOR OF METROPOLITAN DADE COUNTY

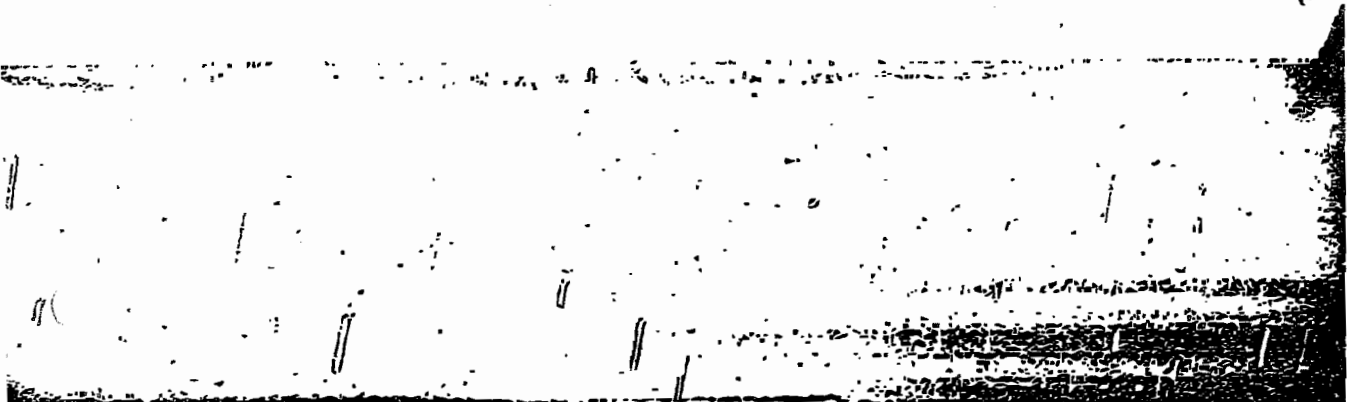
The undersigned, Pablo and Maria Alvarez, being the present owner(s) of the following real property (hereinafter called "the Property"), lying, being and situated in Dade County, Florida, to wit:

Spring Garden PB 5-38
Lots 1 through 8 Block 14
Lot Size 47,200 square feet
OR 16299-4312 0194 1

pursuant to Section 24-58.2(I)(B)(2)(b) of the Code of Metropolitan Dade County, hereby submits this executed Covenant running with the land in favor of Metropolitan Dade County, Florida:

1. For the purposes of this Covenant, "work area" is herein defined as the uplands area immediately adjacent to the boat notch that has been separated from the remainder of the property by a physical barrier as shown on the plans signed and sealed on October 12, 1994 by Gilberto E. Mojica, P.E.
2. For the purposes of this Covenant, "boat notch" is herein defined as the thirty (30) foot by twenty (20) foot area excavated from the uplands pursuant to Class I Permit CC 94-196 located in the southeastern corner of the subject property.
3. The undersigned agree(s) and covenant(s) that no more than two (2) vessels shall be located within the boat notch and work area and that no more than eight (8) vessels shall be moored along the seawall outside the boat notch and work area of the subject property at any time.
4. The undersigned agree(s) and covenant(s) that there shall be no transfer of vessels from the boat notch/work area to the remainder of the subject property or from the area beyond the boat notch/work area to the boat notch/work area.
5. The undersigned agree(s) and covenant(s) that the only vessels authorized to enter the boat notch/work area are those that arrive by water and that the only vessels authorized to leave by water are those that arrive by water.

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12:12pm From-SH&d LLL

305-577-706

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F-471

Page 2 of 3

OFF REC 16617-5006

6. For the purposes of this Covenant, "vessel" is herein defined as any craft designed to float or navigate on water, including but not limited to: sailboats, powerboats, rowboats, ships, hydroboats, boats, ships, skiffs, houseboats, and inflatable boats .
7. This Covenant shall run with the land and shall be recorded in the Public Records of Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned, and their heirs, successors, grantees and assigns until such time as the same is modified or released in writing by Metropolitan Dade County.
8. This Covenant shall be subject to specific enforcement by Metropolitan Dade County, Florida. In the event that the provisions of this Covenant are not complied with by the undersigned or their heirs, successors, grantees and assigns, an action at law or in equity may be commenced by the Director of Dade County Department of Environmental Resources Management on behalf of Metropolitan Dade County against any person violating, causing, permitting, allowing or suffering the violations of said covenant.

OFF. REC. 16617-5007

IN WITNESS WHEREOF, the undersigned have caused this covenant to be executed this 29th day of NOVEMBER, 1994.

Witnesses:

sign Rosa M. Alvarez
print ROSA M. ALVAREZ
sign _____
print _____

Party A:

sign Pablo Alvarez
print PABLO ALVAREZ
Address 2091 W. W. ...

Witnesses:

sign Rosa M. Alvarez
print ROSA M. ALVAREZ
sign _____
print _____

Party B:

sign Maria T. Alvarez
print MARIA T. ALVAREZ
Title _____
Address 2091 W. W. ...

STATE OF FLORIDA
COUNTY OF DADE

The foregoing instrument was acknowledged before me this 29th day of NOVEMBER, 1994, by MARIA T. ALVAREZ who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

sign Rosa M. Alvarez
print ROSA M. ALVAREZ
Notary Public State of Florida
State of Florida at Large
My Commission Expires: COMMISSION No. CC209944

STATE OF FLORIDA
COUNTY OF DADE

The foregoing instrument was acknowledged before me this 29th day of NOVEMBER, 1994, by MARIA T. ALVAREZ as PRESIDENT (owner) of 600 N.W. 7 Ave. MIAMI, FL. who is personally known to me or who has produced _____ as identification and did take an oath.

NOTARY PUBLIC:

sign Rosa M. Alvarez
print ROSA M. ALVAREZ
State of Florida at Large (Seal)
My Commission Expires:
ROSA M. ALVAREZ
Notary Public State of Florida
My Commission Expires June 23 1996
COMMISSION No. CC209944

RECORDED BY OFFICIAL RECORDER
OF DADE COUNTY, FLORIDA
BOOK 17170
HARVEY RUVIN,
Clerk of Circuit & County
Courts

cw.1220

Attachment C
2001 Restrictive Covenant

19960PG4537

01R569821 2001 OCT 17 10:1

Document Prepared By:
Peter S. Tell, Assistant County Attorney
Miami-Dade County Attorney's Office
111 NW 1 Street
28th Floor
Miami, Florida

**COVENANT RUNNING WITH THE LAND IN FAVOR OF
MIAMI-DADE COUNTY**

The undersigned, Pablo and Maria Alvarez, being the present owner(s) of the following real property (hereinafter called "the Property"), lying, being and situated in Miami-Dade County, Florida, to wit:

Spring Garden PB 5-38
Lots 1 through 8 Block 14
Lot size 47,200 square feet
OR 16299-4312 0194 1

hereby submits this executed Covenant Running With The Land in favor of Miami-Dade County, Florida:

1. The undersigned agree(s) and covenant(s) that no vessels shall be transferred from the adjacent water to the Property or from the Property to the adjacent water. Further, no lifting equipment, device or facility capable of lifting vessels from the water to the Property or transferring vessels from the Property to the water shall be located on the Property.
2. For the purposes of this Covenant, "vessel" is herein defined as any craft designed to float or navigate on water, including but not limited to: sailboats, powerboats, rowboats, ships, boats, skiffs, houseboats, personal watercraft and inflatable boats.
3. This Covenant shall run with the land and shall be recorded in the Public Records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned, and their heirs, successors, grantees and assigns until such time as the same is modified or released in writing by Miami-Dade County, after approval of the said modification or release by the Miami-Dade County Board of County Commissioners .
4. This Covenant shall be subject to specific enforcement by Miami-Dade County, Florida. In the event that the provisions of the Covenant are not complied with by the undersigned or their heirs, successors, grantees, and assigns, an action at law or in

19960PG4538

equity may be commenced by Miami-Dade County against any person violating, causing, permitting, allowing or suffering the violations of said Covenant.

IN WITNESS WHEREOF, the undersigned have caused this Covenant to be executed this 21 day of September, 2001

Witnesses:
sign [Signature]
print RAFAEL PEREZ
sign [Signature]
print RAFAEL ZUNTERO

Owner:
sign [Signature]
print Pablo Alvarez
Address 600 N.W. 7th Avenue
Miami, Florida 33125

Witnesses:
sign [Signature]
print RAFAEL PEREZ
sign [Signature]
print RAFAEL ZUNTERO

Owner
sign [Signature]
print Maria Alvarez
Address 600 N.W. 7th Avenue
Miami, Florida 33125

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

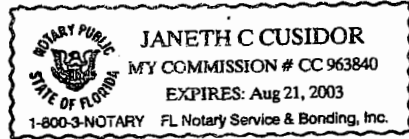
The foregoing instrument was acknowledged before me this 12 day of Sept, 2001, by Pablo Alvarez and Maria Alvarez, individually, who are personally known to me or who has produced D License as identification and who did take an oath.

NOTARY PUBLIC:

sign [Signature]
print JANETH CUSIDOR

State of Florida at Large (Seal)

My Commission Expires: 08-21-03



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

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