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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 5(C)

Resolution No. R-606-08

Date: June 3, 2008

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

From: George M. Burgess
County Manager

Subject: Class IV Permit Application by 114 Acres Hialeah, LLC, to Impact 93.35 Acres of Wetlands to Construct a Residential Development and Accept a Restrictive Covenant to Preserve and Enhance 8.25 Acres On-site

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Attached, please find for your consideration an application by 114 Acres Hialeah, LLC, for a Class IV Permit and Restrictive Covenant. 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 and Restrictive Covenant.

Assistant County Manager

Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2008

To: George M. Burgess
County Manager

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

Subject: Class IV Permit Application by 114 Acres Hialeah, LLC, to Impact 93.35 Acres of Wetlands to Construct a Residential Development and Accept a Restrictive Covenant to Preserve and Enhance 8.25 Acres On-site

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Recommendation
I have reviewed the application for a Class IV Permit and Restrictive Covenant by 114 Acres Hialeah, LLC. Based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County, I recommend that the Board of County Commissioners approve the issuance of a Class IV Permit and the acceptance of the restrictive covenant for the reasons set forth below.

Scope
The subject property is located between theoretical NW 146 and NW 154 Streets and between NW 97 Avenue and Interstate 75, 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 involves the proposed dredging and filling of 93.35 acres of wetlands not supporting halophytic vegetation to construct a residential development and accept a restrictive covenant to preserve and enhance 8.25 acres on-site. The subject property is located between theoretical NW 146 and NW 154 Streets and between NW 97 Avenue and Interstate 75 in Section 21, Township 52 South, Range 40 East in Miami-Dade County. The proposed project site is adjacent to residential and mixed-use developments and quarried lakes. The proposed project site is located within the Urban Development Boundary.

The wetlands that will be impacted within the project site are characterized as herbaceous with generally high densities of *Melaleuca,* an invasive exotic plant species. Compensatory mitigation for the ecological impacts related to the removal of wetland plant communities will be accomplished by purchasing 33.75 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, restoration of filled areas to natural wetland grade, and the implementation of a fire management program. In addition to the purchase of off-site mitigation credits, the applicant has proffered a restrictive covenant for the preservation and enhancement of an 8.25-acre on-site preservation area.

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
	Restrictive Covenant
	Site Plans
Attachment B:	Affidavits of Limited Liability Corporation
Attachment C:	Applicants/Agents Letter
	Engineer's Certification Letter
Attachment D:	Zoning Approval Letter
	DERM Water Control's Cut & Fill Approval
	Mitigation Acceptance Letter
Attachment E:	Adjacent Property Owner's List
Attachment F:	Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY 114 ACRES HIALEAH, LLC, FOR A CLASS IV PERMIT TO IMPACT 93.35 ACRES OF WETLANDS TO CONSTRUCT A RESIDENTIAL DEVELOPMENT AND ACCEPT A RESTRICTIVE COVENANT TO PRESERVE AND ENHANCE 8.25 ACRES ON-SITE BETWEEN THEORETICAL NW 146 AND 154 STREETS AND BETWEEN NW 97 AVENUE AND INTERSTATE 75 IN SECTION 21, TOWNSHIP 52 SOUTH, RANGE 40 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 114 Acres Hialeah, LLC, for a Class IV Permit to impact 93.35 acres of wetlands to construct a residential development and accept a restrictive covenant to preserve and enhance 8.25 acres on-site. Such Public Hearing will be held on the 3rd day of June 2008, at 9:30 am, at the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center, 111 NW 1st Street, 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 NW 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.

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: June 3, 2008

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

SUBJECT: Agenda Item No. 5(C)

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. 5(C)
6-3-08

RESOLUTION NO. R-606-08

RESOLUTION RELATING TO AN APPLICATION BY 114 ACRES HIALEAH, LLC, FOR A CLASS IV PERMIT TO IMPACT 93.35 ACRES OF WETLANDS TO CONSTRUCT A RESIDENTIAL DEVELOPMENT AND ACCEPT A RESTRICTIVE COVENANT TO PRESERVE AND ENHANCE 8.25 ACRES ON-SITE BETWEEN THEORETICAL NW 146 AND 154 STREETS AND BETWEEN NW 97 AVENUE AND INTERSTATE 75 IN SECTION 21, TOWNSHIP 52 SOUTH, RANGE 40 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 114 Acres Hialeah, LLC for a Class IV Permit to impact 93.35 acres of wetlands to construct a residential development and accept a restrictive covenant to preserve and enhance 8.25 acres on-site, 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.

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

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 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.

PST

Peter S. Tell

ATTACHMENT A

Class IV Permit Application Form

Restrictive Covenant

Site Plans

MIAMI-DADE COUNTY

Class IV Wetland Permit Application

RECEIVED
MAY 02 2008
DERM
Environmental Resources Regulation Division

For Official Use Only	Date Received	Application Number
CORPS Application Number:	MAY 02 2008	07-090
DEP/SFWMD Application Number:		

1. Applicant Information:

Name: 114 Acres Hialeah, LLC
Address: 14160 Palmetto Frontage Road, #10
Miami Lakes, FL
Zip Code: 33016 Phone # 305-827-5665
Email pcusmano@bfgrouplic.com Fax # 305-827-6263

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:

East of NW 97th Avenue & South of NW 154th Street
Street, road, or other descriptive location

Section: 21
Township: 52S
Range: 40E

City of Hialeah
Incorporated city or town

04-2021-001-(0180, 0190, 0200, 0210, 0220, 0230, 0240, 0260, 0261, 0270, 0271, 0272, 0280, 0290, 0300, 0310, 0320, 0330)
Folio Number

4. Proposed use:

Private Single Dwelling		Commercial	
Multi-Family Dwelling		Agricultural	
Multi-Single Family	X	Public	
Please explain:		Other	

Class IV Standard Form Permit Application Number FW 07-090, 114 Acres Hialeah, LLC for the Filling of 92.65 Acres of Wetlands for the Construction of a Residential Development and the Enhancement of 8.25 Acres of Wetlands in Section 21, Township 52S, Range 40E.

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

Total Acreage of Wetlands to be Impacted: 101.60 ac. total (8.25 Ac of the 101.60 ac. total 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: _____
2. Cubic yards: Total for Project: _____
   a. Depth of excavated/dredged area
   b. Type of material to be excavated/dredged: _____

B. Placement of Fill

1. Total wetland acreage to be filled: 93.35
   a. Cubic yards: 753,023
2. Type of material to be used: Clean limerock fill
3. Source of fill material to be used: 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 residential development and its associated surface water management system including french drains, green areas and wetland enhancement 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:

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

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.)

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

Signature

Jose R. Boschetti
Print Name

Managing Member, 114 Acres Hialeah, LLC
Official Title

Sworn and subscribed before me at MIAMI DADE county, this 21 day of MAY, 2008

Notary Public

AILEEN VALDES
Notary Public - State of Florida
My Commission Expires Mar 24, 2012
Commission # DD 739298
Bonded Through National Notary Assn.

My commission expires:

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.

Signature of Applicant(s) — Date: 05-02-08

Jose R. Boschetti
Print Name

Managing Member, 114 Acres Hialeah, LLC
Official Title

Signature of Applicant(s) — Date

Print Name

Official Title

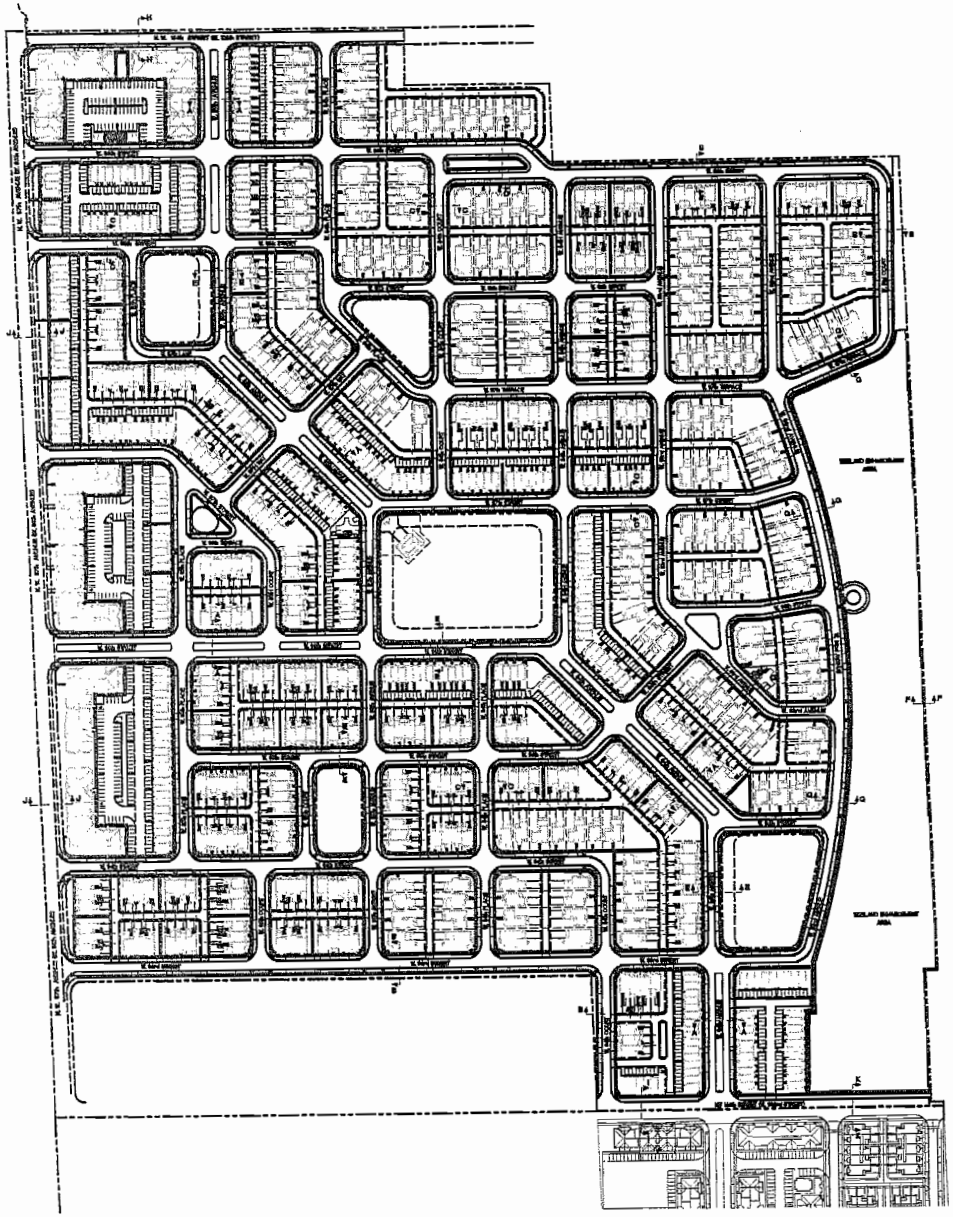
NOTE: THIS APPLICATION MUST BE SIGNED by the person(s) who desires to undertake the proposed activity or by an authorized agent. If an agent is applying on behalf of the applicant, attach proof of authority for the agent to sign and bind the applicant.

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

14



SITE PLAN
SCALE: 1" = 150'

SRS ENGINEERING, INC.
CONSULTING ENGINEERS
5901 S.W. 74th COURT, SUITE 2
MIAMI, FLORIDA 33155
TEL 305-442-8887 FAX 305-443-
WWW.SRS-CORP.COM

PROJECT NAME
HIALEAH PALMS

CLIENT

SHEET TITLE
SITE PLAN

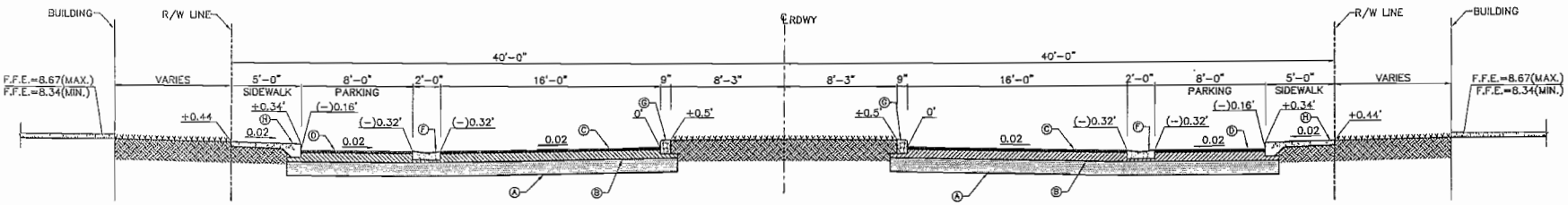
SEAL
12/6/07
OLIVERIO SANCHEZ
REGISTERED ENGINEER No. 44771
STATE OF FLORIDA

S.R.S. PROJ. No.: 0630
DATE: 11-2007
DRAWN BY: A.M.
DESIGNED BY: O.S.
CHECKED BY: O.S.

REVISIONS

date	description	no.

SHEET
SP-1



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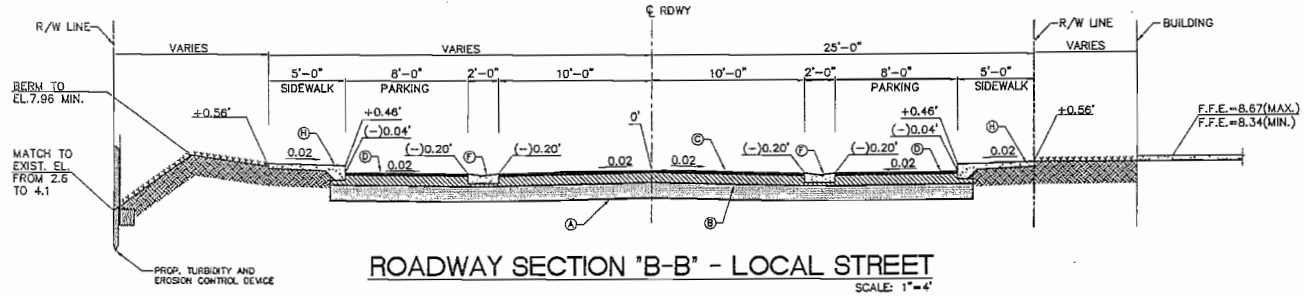
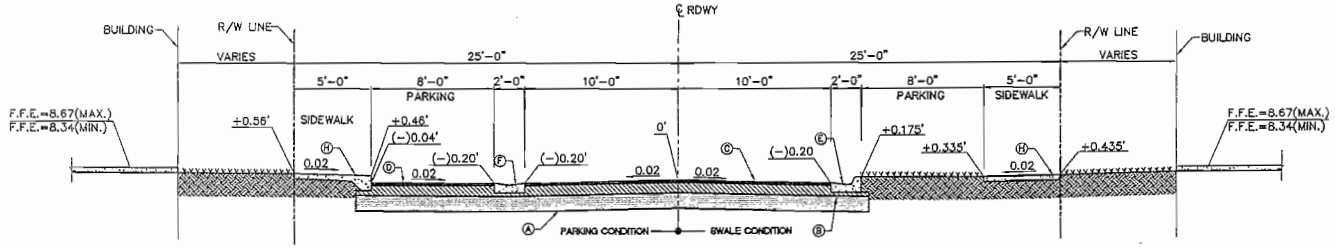


ROADWAY SECTION "B-B" - LOCAL STREET

SCALE: 1"=4'

LEGEND

- (A) 12" STABILIZED SUBGRADE
- (B) 8" BASE COURSE, PRIMED ENTIRE WIDTH
- (C) ASPHALTIC CONCRETE SURFACE COURSE 2" THICK
- (D) ASPHALTIC CONCRETE SURFACE COURSE 1-½" THICK
- (E) 2' CONCRETE CURB AND GUTTER TYPE "F"
- (F) 8" CONCRETE CURB
- (G) 2' CONCRETE VALLEY GUTTER
- (H) CONCRETE SIDEWALK 4" THICK



ROADWAY SECTION "C-C" - LOCAL STREET

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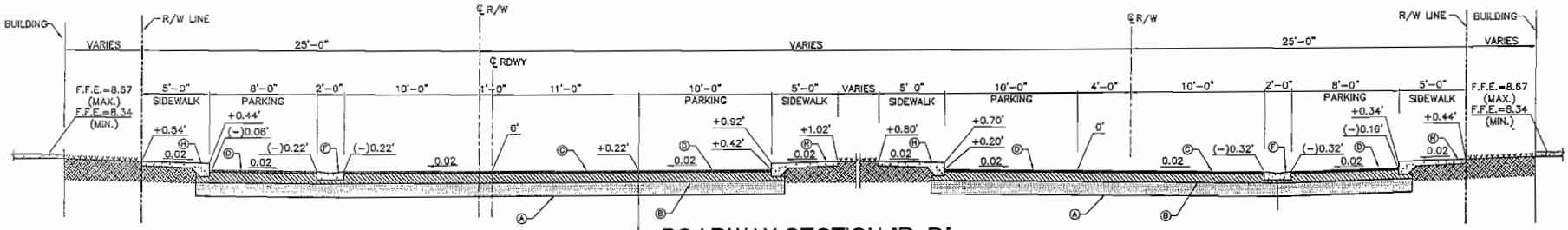

ROADWAY SECTION "D-D"

SCALE: 1"=4'

SRS ENGINEERING, INC.
CONSULTING ENGINEERS
5001 S.W. 74th COURT, SUITE 201
MIAMI, FLORIDA 33155
TEL. 305-663-9867 FAX 305-663-9831
WWW.SRS-CORP.COM

PROJECT NAME: HIALEAH PALMS

CLIENT:

SHEET TITLE: CROSS SECTIONS

SEAL: 11/14/07

OLIVERIO SANCHEZ
REGISTERED ENGINEER No. 44771
STATE OF FLORIDA

S.R.S. PROJ. No.: 0635
DATE: 11-2007
DRAWN BY: A.M.
DESIGNED BY: O.S.
CHECKED BY: O.S.

REVISIONS

date	description	no.

SHEET: CS-1

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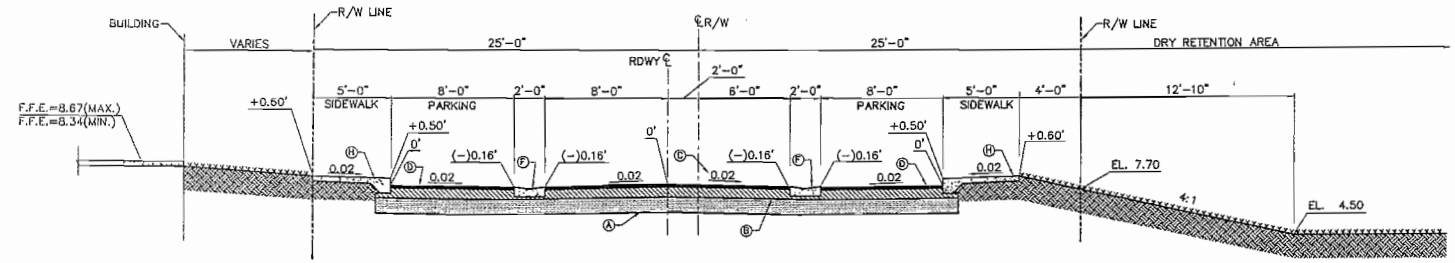
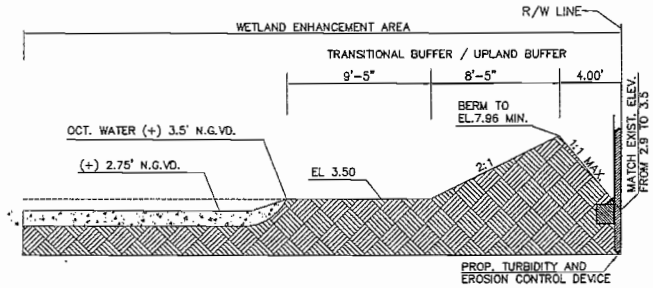


ROADWAY SECTION "E-E" - LOCAL STREET

SCALE: 1"=4'

LEGEND

- Ⓐ 12" STABILIZED SUBGRADE
- Ⓑ 8" BASE COURSE, PRIMED ENTIRE WIDTH
- Ⓒ ASPHALTIC CONCRETE SURFACE COURSE 2" THICK
- Ⓓ ASPHALTIC CONCRETE SURFACE COURSE 1-½" THICK
- Ⓔ 2' CONCRETE CURB AND GUTTER TYPE "F"
- Ⓕ 9" CONCRETE CURB
- Ⓖ 2' CONCRETE VALLEY GUTTER
- Ⓗ CONCRETE SIDEWALK 4" THICK



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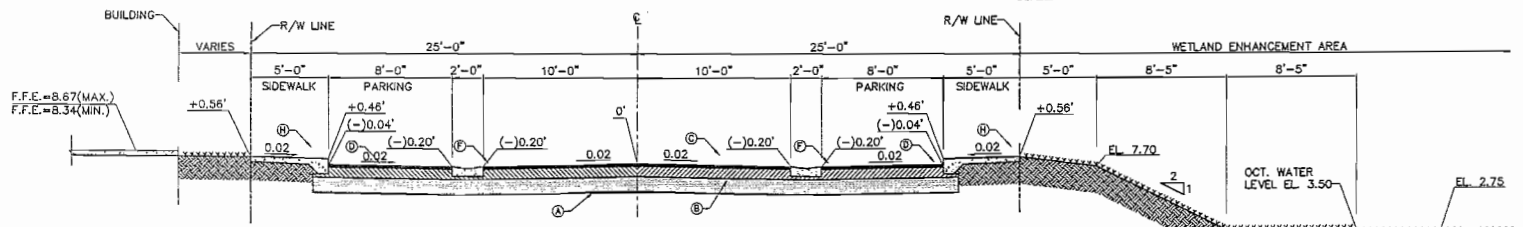

SECTION "G-G"- CANAL STREET

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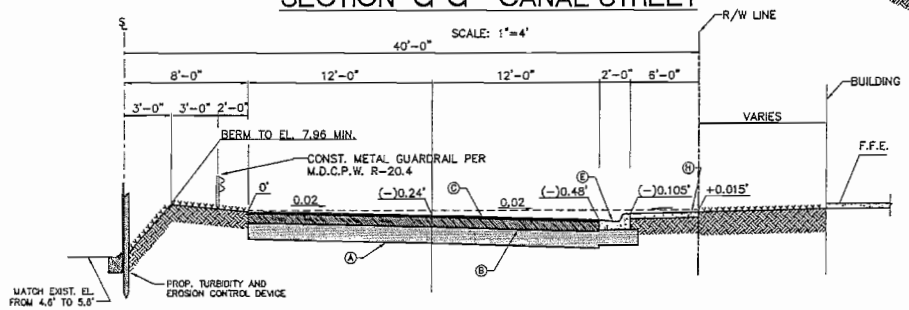

ROADWAY SECTION "H-H" - N.W. 154th STREET
TYPICAL CROSS SECTION 40' 1/2 R/W

SCALE: 1"=4'

SRS ENGINEERING, INC.
CONSULTING ENGINEERS
5001 S.W. 74th COURT, SUITE 201
MIAMI, FLORIDA 33155
TEL. 305-663-8867 FAX 305-662-8861
WWW.SRS-CORP.COM

PROJECT NAME: HIALEAH PALMS

CLIENT:

SHEET TITLE: CROSS SECTIONS

SEAL 11/14/07
OLIVERIO SANCHEZ
REGISTERED ENGINEER No. 44771
STATE OF FLORIDA

S.R.S. PROJ. No.: 0635
DATE: 11-2007
DRAWN BY: A.M.
DESIGNED BY: O.S.
CHECKED BY: O.S.

REVISIONS

date	description	no.

SHEET CS-2

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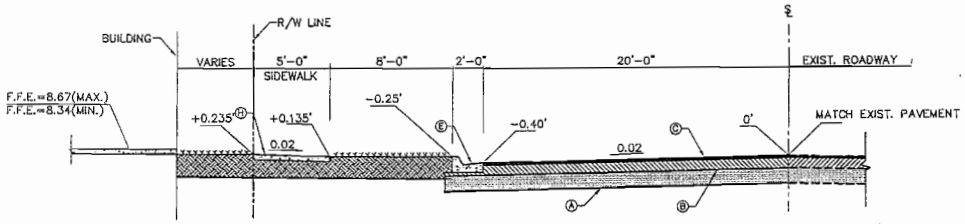

ROADWAY SECTION "I-I" - N.W. 146th STREET
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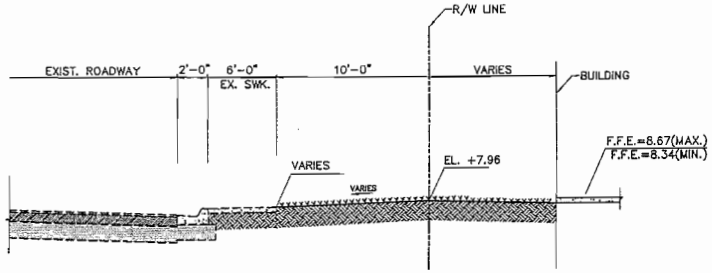

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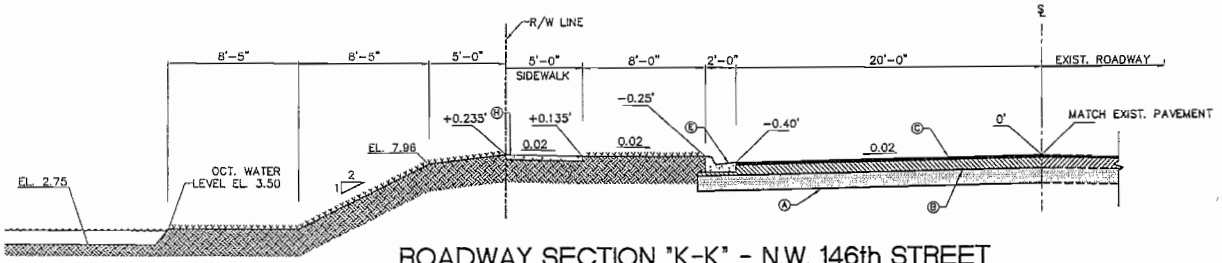

ROADWAY SECTION "K-K" - N.W. 146th STREET
SCALE: 1"=4'

LEGEND

- (A) 12" STABILIZED SUBGRADE
- (B) 8" BASE COURSE, PRIMED ENTIRE WIDTH
- (C) ASPHALTIC CONCRETE SURFACE COURSE 2" THICK
- (D) ASPHALTIC CONCRETE SURFACE COURSE 1-½" THICK
- (E) 2' CONCRETE CURB AND GUTTER TYPE "F"
- (F) 9" CONCRETE CURB
- (G) 2' CONCRETE VALLEY GUTTER
- (H) CONCRETE SIDEWALK 4" THICK

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CONSULTING ENGINEERS EB-50007
5006 S.W. 74th COURT, SUITE 201
MIAMI, FLORIDA 33155
TEL. 305-662-6607 FAX 305-662-9851
WWW.SRS-CORP.COM

PROJECT NAME: HIALEAH PALMS
CLIENT:

SHEET TITLE: CROSS SECTIONS

SEAL: 11/14/07
OLIVERIO SANCHEZ
REGISTERED ENGINEER No. 44771
STATE OF FLORIDA

S.R.S. PROJ. No.: D635
DATE: 11-2007
DRAWN BY: A.M.
DESIGNED BY: O.S.
CHECKED BY: O.S.

REVISIONS

date	description	no.

SHEET: CS-3

F:\Engineering\SRS Projects\2006\0635 - Hialeah Palms\DERM Submittal (11-13-07)\0635-CS-1-to-CS-4.dwg, 11/14/2007 10:56:52 AM, srs07

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

The undersigned, 114 Acres Hialeah, LLC, 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:

See Exhibit A

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 as part of Miami-Dade County Department of Environmental Resources Management Class IV Permit Application Number FW 07-090:

1. The owner, its heirs, successors, assigns and grantees, covenants to Miami-Dade County to comply with all conditions set forth in the Miami-Dade County Class IV Wetland Permit No. FW 07-090 attached hereto as Exhibit B and incorporated herein by reference.

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

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

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

5. 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.

6. 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.

IN WITNESS WHEREOF, the undersigned have caused this Covenant to be executed this 5 day of May, 2008.

Witnesses:		Property Owner	
sign		sign	
print	Jennifer Duran	print	Jose R. Boschetti
sign		Title	Managing Member
print	Adrian Castro	Address	1200 Ponce de Leon Blvd. Coral Gables, FL 33134

STATE OF FLORIDA, COUNTY OF DADE

The foregoing instrument was acknowledged before me this 5 day of May, 2008. by JOSE R. BOSCHETTI as MANAGING MEMBER, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

sign

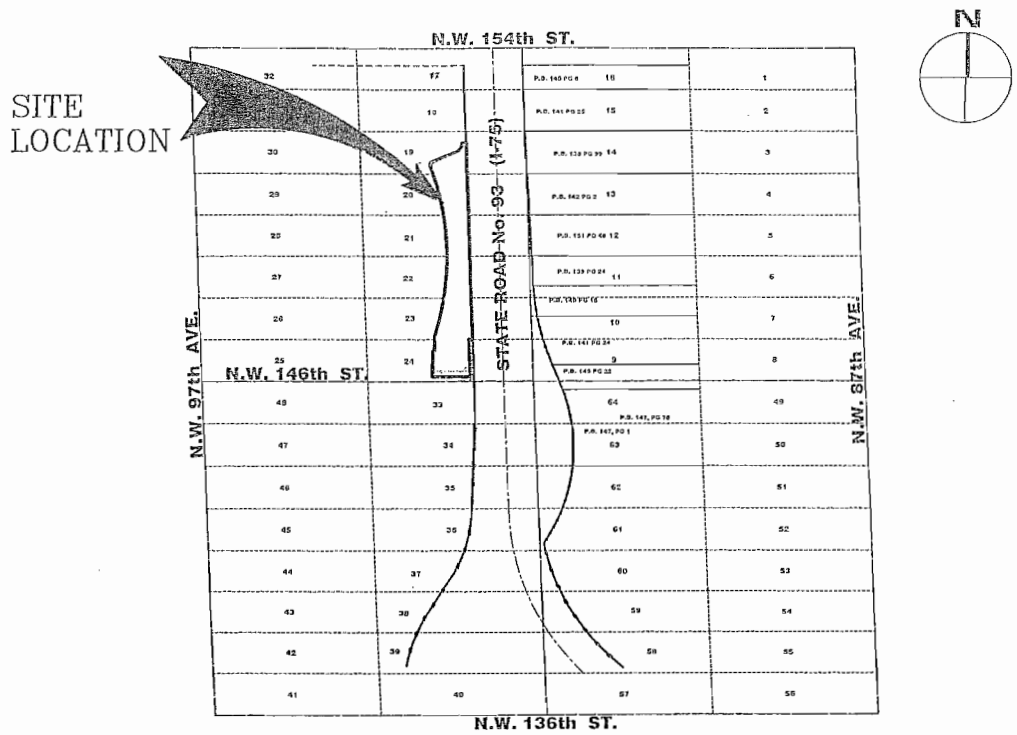
print AILEEN VALDES

State of Florida at Large (Seal)

My Commission Expires:

AILEEN VALDES
Notary Public - State of Florida
My Commission Expires Mar 24, 2012
Commission # DD 730200
Bonded Through National Notary Assn.

EXHIBIT A



NOT TO SCALE
SECTION 21-52-40
MIAMI-DADE, FLORIDA.

SURVEYOR'S NOTES:

1) -This is not a Boundary Survey, but only a GRAPHIC DEPICTION of the description shown hereon.
2) -Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is .prohibited without written consent of the signing party or parties.
3) -There may be additional Restrictions not shown on this Sketch & Legal that may be found in the Public Records of this County, Examination of ABSTRACT OF TITLE will be made to determine recorded instruments, if any affecting this property.
4) -North arrow direction and Bearings shown hereon are based on assumed value of N02°37'38"W, along the East Line of N.W. 1/4 of Section 21, Township 52 South, Range 40 East, as shown on the Section Sheet thereof of the Public Records of Miami-Dade County, Florida.
5) -The Sketch and Legal Description shown herein is based on the information provided by the Client.
6) -No title research has been performed to determine if there are any conflict existing or arising out of the creation of the easements, Right of Ways, Parcel Descriptions, or any other type of encumbrances that the herein described legal may be utilizes for.

SURVEYOR'S CERTIFICATE:

I Hereby Certify to the best of my knowledge and belief that this drawing is a true and correct representation of the SKETCH AND LEGAL DESCRIPTION of the real property described hereon. I further certify that this sketch was prepared in accordance with the applicable provisions of Chapter 61G17-6, Florida Administrative Code.

Ford, Armenteros & Manucy, Inc. L.B. 6557

Date: AUGUST 30, 2007.
Revision:

Edwin Fernandez, P.S.M., For the Firm
Professional Surveyor and Mapper
State of Florida, Registration No.5676

MITIGATION AREA

Q:\FORD COMPANIES\Engineering & Surveying\Survey\Sketch & Legal\07-082-1101 HIALEAH PALMS-MITIGATION AREA.dwg 8/30/2007 10:22:51 AM-EDT

21

HIALEAH PALMS

FORD, ARMENTEROS & MANUCY, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
MIAMI, FLORIDA 33172
PH. (305) 477-6472
FAX (305) 470-2805

TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION		
SHEET NAME:	LOCATION MAP AND SURVEYOR'S NOTES		
PREPARED FOR:	114 ACRES HIALEAH, LLC.		
DRAWN BY: L.D.	DATE: 08-30-2007.	SHEET: 1	
DBG. CHECKED BY:	SCALE: N/A		
CHECKED BY:	PROJECT No: 07-082-1101	OF 3 SHEETS	

LEGAL DESCRIPTION:

A parcel of land being a portion of Tracts 19, 20, 21, 22, 23 and 24 of FLORIDA FRUIT LAND'S COMPANY SUBDIVISION, according to the plat thereof, recorded in Plat Book 2, at page 17 of the Public Records of Miami-Dade County, Florida, lying in Section 21, Township 52 South, Rande 40 East, being more particularly described as follows:

COMMENCE at the Center of said Section 21; thence S89deg36min40secW, along the South Line of S.W. 1/4 of said Section 21, for a distance of 471.93 feet to a point on the West Limited Access Right-of-Way Line of State Road No.93 (I-75) as shown on the Florida Department of Transportation Right-of-Way Map Section 87075-2401, dated October 25, 1978; thence N02deg35min43secW, along the said West Limited Access Right-of-Way Line for a distance of 35.03 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; thence S89deg36min40secW, along the a line parallel with and 35.00 feet North of South Line of N.W. 1/4 of said Section 21, for a distance of 328.53 feet; thence N00deg22min59secW, for a distance of 198.99 feet; thence N89deg37min01secE, for a distance of 15.76 feet; thence N00deg22min59secW, for a distance of 120.11 feet to a point on a circular curve to the left, concave to the West, having for its elements a radius of 2042.52 feet, where the radial line bears N72deg51min21secW; thence Northeasterly, Northerly and Northwesterly, along the arc of said curve, through a central angle of 38deg42min01sec for an arc distance of 1379.62 feet to a point of reverse curvature with a circular curve to the right, having for its elements a radius of 25.00 feet and a central angle of 88deg36min51sec, for an arc distance of 38.67 feet to a point of tangency; thence N67deg03min29secE, for a distance of 209.45 feet to a point of curvature of a circular curve to the left, concave to the Northwest, thence Northeasterly and Northerly along the arc of said curve, having for its elements a radius of 75.00 feet, through a central angle of 67deg26min28sec for an arc distance of 88.28 feet to a point on a non-tangent line; thence N87deg24min17secE, for a distance of 30.83 feet to a point on said West Limited Access Right-of-Way Line of State Road No.93 (I-75); thence S02deg35min43secE, along the said Limited Access Right-of-Way Line, for a distance of 1856.22 feet to the POINT OF BEGINNING.

LESS:

A parcel of land being a portion of Tract 24 of FLORIDA FRUIT LAND'S COMPANY SUBDIVISION, according to the plat thereof, recorded in Plat Book 2, at page 17 of the Public Records of Miami-Dade County, Florida, lying in Section 21, Township 52 South, Rande 40 East, being more particularly described as follows:

COMMENCE at the Center of said Section 21; thence S89deg36min40secW, along the South Line of S.W. 1/4 of said Section 21; for a distance of 471.93 feet to a point on the West Limited Access Right-of-Way Line of State Road No.93 (I-75) as shown on the Florida Department of Transportation Right-of-Way Map Section 87075-2401, dated October 25, 1978; thence N02deg35min43secW, along the said West Limited Access Right-of-Way Line for a distance of 35.03 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; thence S89deg36min40secW, along a line parallel with and 35.00 feet North of South Line of N.W. 1/4 of said Section 21, for a distance of 30.02 feet to intersection with the West Right-of-Way Line; thence N02deg35min43secW, along the said West Right-of-Way Line for a distance of 295.24 feet to a point on the North Line of said Tract 24; thence N89deg36min25secE, for a distance of 30.02 to a point of intersection with the said Limited Access Right-of-Way Line; thence S02deg35min43secE, along said West Limited Access Right-of-Way Line for a distance of 295.24 feet to the POINT OF BEGINNING.

Containing 414,354.82 Square Feet or 9.51 Acres more or less.

LEGEND
P.O.C. - POINT OF COMMENCE
P.O.B. - POINT OF BEGINNING
P.O.T. - POINT OF TERMINATION
P.B. - PLAT BOOK
PG. - PAGE
O.R.B. - OFFICIAL RECORDS BOOK

MITIGATION AREA

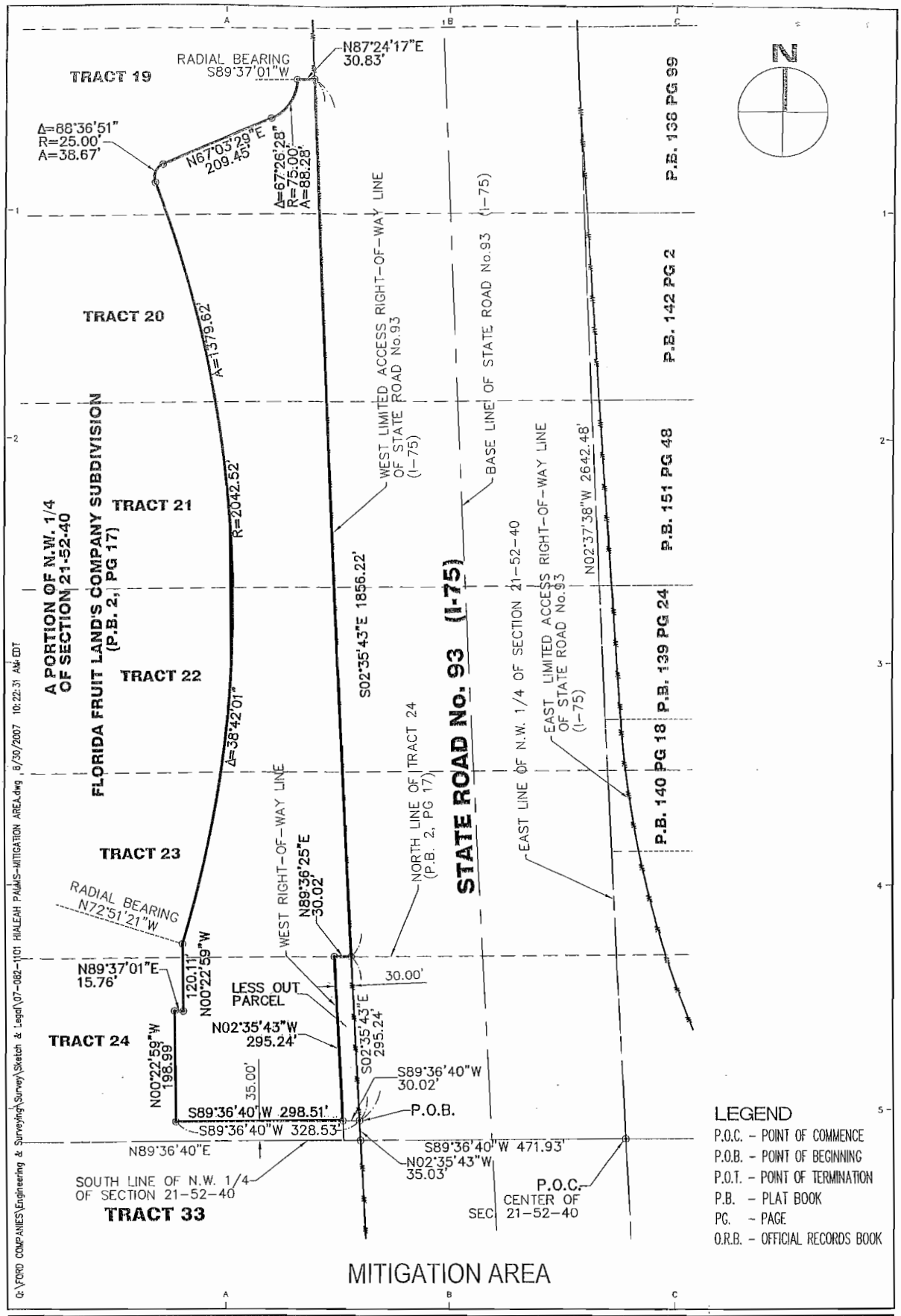
Q:\FORD COMPANIES\Engineering & Surveying\Survey\Sketch & Legal\07-082-1101 HIALEAH PALMS-MITIGATION AREA.dwg 8/30/2007 10:22:31 AM EDT

HIALEAH PALMS

22

FORD, ARMENTEROS & MANUCY, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
MIAMI, FLORIDA 33172
PH. (305) 477-6472
FAX (305) 470-2805

TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION		
SHEET NAME:	LEGAL DESCRIPTION TO ACCOMPANY SKETCH		
PREPARED FOR:	114 ACRES HIALEAH, LLC.		
DRAWN BY: L.D.	DATE: 08-30-2007.	SHEET: 2 OF 3 SHEETS	
DWG. CHECKED BY:	SCALE: N/A		
CHECKED BY:	PROJECT No: 07-082-1101		



HIALEAH PALMS

FORD, ARMENTEROS & MANUCY, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
MIAMI, FLORIDA 33172
PH. (305) 477-6472
FAX (305) 470-2805

TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION		
SHEET NAME:	SKETCH TO ACCOMPANY EASEMENT LEGAL DESCRIPTION		
PREPARED FOR:	114 ACRES HIALEAH, LLC.		
DRAWN BY: L.D.	DATE: 08-30-2007.	SHEET: 3 OF 3 SHEETS	
DWG. CHECKED BY:	SCALE: 1" = 200'		
CHECKED BY:	PROJECT No: 07-082-1101		

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ATTACHMENT B

Affidavits for Limited Liability Companies

AFFIDAVIT OF MEMBERS, MANAGING MEMBERS, AND MANAGERS OF FLORIDA 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; the list of names and titles shall include all names on the list required by Section 608.4101(1)(a),Fla. Stat. (2004), as same may be amended from time to time)

Full name	Title(s)
Jose Boschetti	Managing Member
Luis Boschetti	Member
Arthur J. Falcone	Member
Edward Falcone	Member
Sergio Pino	Member
Rodney Barreto	Member
Humberto Lorenzo	Member
Alberto Perez	Member
Martin Caparros	Member
Otto Rodriguez	Member
Alexander Vega	Member
Vince Carver	Member
Alejandro Vilarello	Member
John Evasius	Member
Neil Eisner	Member
Evan Rabinowitz	Member

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, of the Florida Limited Liability Company known as 114 Acres Hialeah, LLC (Print name of the Florida Limited Liability Company as the name appears in the Articles of Organization currently filed with the Secretary of State of the State of Florida);
2. There are no Members, Managing Members or Managers of the aforesaid Florida Limited Liability Company other than the persons or entities set forth above and on Exhibit A, if applicable.

There are no provisions in any Articles of Organization of the aforesaid Florida Limited Liability Company or in any operating agreement, written or oral, of the aforesaid Florida 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 FW07-090 (Print the title of the instrument or document) by any of the foregoing persons or entities set forth above and on Exhibit A, if applicable, for and on behalf of the aforesaid Florida Limited Liability Company and to bind and obligate the aforesaid Florida Limited Liability as set forth in the foregoing instrument or document.

3. All of the foregoing persons or entities set forth above and on Exhibit A, if applicable, are authorized by the foregoing Florida Limited Liability Company, to execute the instrument or document attached hereto and incorporated herein by reference hereto, to wit, Class IV permit FW07-090 (Print the title of the instrument or document) for and on behalf of the aforesaid Florida Limited Liability Company and to bind and obligate the aforesaid Florida Limited Liability Company as set forth in the foregoing instrument or document.
4. All of the provisions of this Affidavit shall be construed in accordance with the laws of the State of Florida.

Managing Member

Signature – Jose Boschetti | Title(s)

Sworn to and subscribed before me this 1 day of FEBRUARY 2008 (year) by JOSE BOSCHETTI (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

AILEEN VALDES (Print, type or stamp name of notary public)

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

AILEEN VALDES
Notary Public - State of Florida
My Commission Expires Mar 24, 2012
Commission # DD 719239
Bonded Through National Notary Assn.

Signature – Luis Boschetti

Member
Title(s)

Sworn to and subscribed before me this 1 day of FEBRUARY, 2008 (year) by LUIS R. BOSCHETTI (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

AILEEN VALDES (Print, type or stamp name of notary public)

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

AILEEN VALDES
Notary Public - State of Florida
My Commission Expires Mar 28, 2012
Commission # DD 739929
Bonded Through National Notary Assn.

Signature A. Vilarello

Member
Title(s)

Sworn to and subscribed before me this 8 day of Feb, 2008 (year) by Alejandro Vilarello (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

Danielle K. Muñoz (Print, type or stamp name of notary public)

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

DANIELLE KRISTINA MUNOZ
Notary Public - State of Florida
My Commission Expires Jan 12, 2010
Commission # DD 508584
Bonded By National Notary Assn.

Signature Vince Carver

Member

Title(s) Member

Sworn to and subscribed before me this 8 day of Feb, 2008 (year) by Vince Carver (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

Danielle K. Munoz (Print, type or stamp name of notary public)

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

DANIELLE KRISTINA MUNOZ
Notary Public - State of Florida
My Commission Expires Jan 12, 2010
Commission # DD 506584
Bonded By National Notary Assn.

Signature

Member

Title(s) Member

Sworn to and subscribed before me this 1 day of February, 2008 (year) by Sergio Pino (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

Sary Far (Print, type or stamp name of notary public)

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

SARY FAR
MY COMMISSION # DD 727432
EXPIRES: January 19, 2012
Bonded Thru Notary Public Underwriters

Signature Martin Caparros

Member
Title(s) Member

Sworn to and subscribed before me this 8th day of Feb, 2008 (year) by Martin Caparros (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

Danielle K. Muñoz (Print, type or stamp name of notary public)

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

DANIELLE KRISTINA MUNOZ
Notary Public - State of Florida
My Commission Expires Jan 12, 2010
Commission # DD 506584
Bonded By National Notary Assn.

Signature

Member
Title(s) Member

Sworn to and subscribed before me this 4th day of February, 2008 (year) by HUMBERTO LORENZO (print name legibly), who is personally known to me or who has produced _____ (type of identification).

Maria Alejandra Gomez (Signature of Notary Public)

_____ (Print, type or stamp name of notary public)

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

Maria Alejandra Gomez
COMMISSION # DD712761
EXPIRES: NOV. 04, 2011
WWW.AARONNOTARY.com

Signature

Member
Member
Title(s)

Sworn to and subscribed before me this 6 day of Feb, 2008 (year) by Alberto Perez (print name legibly), who is personally known to me or who has produced Dr. License (type of identification).

(Signature of Notary Public)

LOURDES PELAEZ
MY COMMISSION # DD 639387
EXPIRES: March 31, 2011
Bonded Thru Budget Notary Services

(Print, type or stamp name of notary public)

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

Member

Signature

Title(s)

Sworn to and subscribed before me this _____ day of _____, _____ (year) by _____ (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

_____ (Print, type or stamp name of notary public)

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

Member

Signature Arthur J. Falcone Title(s) Member

Sworn to and subscribed before me this 6 day of Feb., 2008 (year) by Arthur J. Falcone (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

Jennifer C. Grugan (Print, type or stamp name of notary public)

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

Jennifer C. Grugan
Commission # DD348775
Expires: AUG. 22, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

Member

Signature Title(s)

Sworn to and subscribed before me this _____ day of _____, _____ (year) by _____ (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

_____ (Print, type or stamp name of notary public)

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

Signature

Member
Title(s)

Sworn to and subscribed before me this 1 day of February 2006 (year) by Rodney Parreto (print name legibly), who is personally known to me or who has produced _____ (type of identification).

(Signature of Notary Public)

MIREYA CAÑABALLOSA
MY COMMISSION # DD 639713
EXPIRES: February 22, 2011
Bonded Thru Notary Public Underwriters

(Print, type or stamp name of notary public)

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

Signature

Member
Title(s)

Sworn to and subscribed before me this _____ day of _____, _____ (year) by _____ (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

_____ (Print, type or stamp name of notary public)

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

Signature Edward Falcone

Member
Member
Title(s)

Sworn to and subscribed before me this 6 day of Feb, 08 (year) by Edward Falcone (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

Jennifer C. Grugan (Print, type or stamp name of notary public)

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

Jennifer C. Grugan
Commission # DD348775
Expires: AUG. 22, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

Member

Signature

Title(s)

Sworn to and subscribed before me this _____ day of _____, _____ (year) by _____ (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

_____ (Print, type or stamp name of notary public)

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

Member

_____ _____

Signature Title(s)

Sworn to and subscribed before me this _____ day of _____, _____ (year) by _____ (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

_____ (Print, type or stamp name of notary public)

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

Member

_____ Member

Signature Title(s)

Sworn to and subscribed before me this _____ day of _____, _____ (year) by Alexander Vega (print name legibly), who is personally known to me or who has produced _____ (type of identification).

Lourdes Pelaez (Signature of Notary Public)

Lourdes Pelaez (Print, type or stamp name of notary public)

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

LOURDES PELAEZ
MY COMMISSION # DD 836087
EXPIRES: March 31, 2011
Bonded Thru Budget Notary Services

Signature _____ Title(s) Member

Sworn to and subscribed before me this 8th day of Feb, 2008 (year) by Otto Rodriguez (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

LOURDES PELAEZ
MY COMMISSION # DD 638397
EXPIRES: March 31, 2011
Bonded Thru Budget Notary Services

_____ (Print, type or stamp name of notary public)

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

Signature _____ Title(s) Member

Sworn to and subscribed before me this _____ day of _____, _____ (year) by _____ (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

_____ (Print, type or stamp name of notary public)

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

Neil Eisner

Signature Neil Eisner

Member

Title(s)

Sworn to and subscribed before me this 7 day of Feb, 08 (year) by NEIL EISNER (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

Jennifer C Grugan (Print, type or stamp name of notary public)

Commission # DD348775
Expires AUG 22, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

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

Member

Signature

Title(s)

Sworn to and subscribed before me this _____ day of _____, _____ (year) by _____ (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

_____ (Print, type or stamp name of notary public)

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

Signature Evan Rabinowitz

Member
Title(s) Member

Sworn to and subscribed before me this 7 day of Feb, 2008 (year) by Evan Rabinowitz (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

Jennifer C. Grugan
_____ (Print, type or stamp name of notary public)

Commission # DD348775
Expires: AUG. 22, 2008
Bonded Thru
Atlantic Bonding Co. Inc.

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

Signature John Evaslus

Member
Title(s) Member

Sworn to and subscribed before me this 7 day of Feb, 2008 (year) by John Evaslus (print name legibly), who is personally known to me or who has produced _____ (type of identification).

_____ (Signature of Notary Public)

Jennifer C. Grugan
_____ (Print, type or stamp name of notary public)

Commission # DD348775
Expires: AUG. 22, 2008
Bonded Thru
Atlantic Bonding Co. Inc.

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

ATTACHMENT C

Applicants/Agents Letter

Engineer's Certification Letter

PERMIT APPLICANT/ AUTHORIZED AGENT STATEMENT

Date: May 2, 2008

To:
Miami Dade County DERM
Wetland Resources Section
701 NW 1st Court
Miami, FL 33136

Re: Class IV Standard Form Permit Application Number FW 07-090, 114 Acres Hialeah, LLC to Impact 93.35 Acres of Wetlands for the Construction of a Residential Development and for the Enhancement of 8.25 Acres of Wetlands in Section 21, Township 52S, Range 40E.

By the attached Class IV Standard Form permit application with supporting documents, I, Jose R. Boschetti, am the permit applicant and hereby request permission to perform the following: Class IV Standard Form Permit Application Number FW 07-090, 114 Acres Hialeah, LLC to Impact 93.35 Acres of Wetlands for the Construction of a Residential Development and for the Enhancement of 8.25 Acres of Wetlands in Section 21, Township 52S, Range 40E.

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,

Jose R. Boschetti, Managing Member, 114 Acres Hialeah, LLC
Permit Applicant

5001 SW 74TH COURT, SUITE 201, MIAMI, FLORIDA 33155
TEL: 305-662-8887 FAX: 305-662-8858
WWW.SRS-CORP.COM EB-00007317
SRS ENGINEERING, INC.

December 18, 2007

Miami-Dade County DERM
Wetland Resources Section
22 SW 2nd Avenue, Suite 400
Miami, Florida 33130-1540

Re: Class IV Standard Form Permit Application Number FW 07-090, 114 Acres Hialeah, LLC to Impact 93.35 Acres of Wetlands for the Construction of a Residential Development and for the Enhancement of 8.25 Acres of Wetlands in Section 21, Township 52S, Range 40E.

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 of 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 form 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,

Oliverio Sanchez, P.E.
Fla. Reg. No. 44771

ATTACHMENT D

Zoning Approval Letter

DERM Water Control's Cut & Fill Approval

Mitigation Acceptance Letter

Julio Robaina
Mayor

Esteban Bovo
Council President

Carlos Hernandez
Council Vice President

City of Hialeah

Council Members

Jose F. Caragol
Vivian Casals-Muñoz
Luis Gonzalez
Isis Garcia-Martinez
Jose Yedra

December 19, 2007

RECEIVED
DEC 21 2007
DERM
Environmental Resources Regulation Division

Miami Dade County DERM
Wetland Resources Section
701 NW 1st Court, Suite 400
Miami, FL 33136-3912

RE: Class IV Standard Form Permit Application Number FW 07-090, 114 Acres Hialeah, LLC to Impact 93.35 Acres of Wetlands for the Construction of a Residential Development and for the Enhancement of 8.25 Acres of Wetlands in Section 21, Township 52S, Range 40E, Miami-Dade County, Florida (as shown on plans entitled Site Plan – Hialeah Palms, signed and sealed on December 6, 2007.

To Whom It May Concern:

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 do not hesitate to contact me at 305-492-2012 or by e-mail at dstorch@hialeahfl.gov.

Sincerely,

Debora Storch
Planning and Zoning Official
City of Hialeah
Department of Planning and Zoning

Memorandum

MIAMI-DADE COUNTY

Date: March 25, 2008

To: Lazaro Quintino, ERPS
Wetlands Resources Section

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

J.M. T 3/25/08

Subject: 114-Acres Hialeah, LLC (a.k.a. Hialeah Palms)
Located in Section 21-52-40, Miami-Dade County
Cut & Fill No. 504

The Water Control Section (WCS) has reviewed the Drainage Report and Site Plan dated November 2007, as prepared by SRS Engineering, Inc., in connection to the above referenced development. Based on the information provided, we have concluded that the proposed surface water management areas comply with the Basin "B" Cut and Fill requirements. Therefore, the WCS offers no objection to the issuance of the Class IV Permit.

If you should have any questions, please advise.

EVERGLADES
MITIGATION BANK

RECEIVED
MAY 09 2007
BY

May 7, 2007

Via Certified Mail

114 Acres Hialeah, LLC
Mr. Jose R. Boschetti
1200 Ponce De Leon Blvd.-1st Floor
Coral Gables, Florida 33016

RE: Everglades Mitigation Bank Purchase and Sale Agreement by and between Florida Power & Light Company and 114 Acres Hialeah LLC dated May 7, 2007.

Dear Mr. Boschetti:

Enclosed herein is one (1) fully executed Purchase and Sale Agreement reflecting the purchase of 33.75 Freshwater Herbaceous mitigation credits at a cost of $1,687,500.00 from the Everglades Mitigation Bank based upon anticipated permit requirements from the South Florida Water Management District (SFWMD) and Miami-Dade Department of Environmental Protection (DERM).

Please provide me with a copy of both the SFWMD and the DERM permits once they have been issued. Following receipt of the permits a set of closing documents will be provided evidencing that special conditions of the permits have been met to offset the proposed unavoidable wetland impact.

The Everglades Mitigation Bank appreciates your business. Should you have any questions regarding the enclosed Agreement or need additional information regarding the purchase of mitigation credits, please contact me at (561) 694-6388.

Regards,

Joseph R. Sicbaldi

Enclosure (2):
Everglades Mitigation Bank Purchase and Sale Agreement
Everglades Mitigation Bank Credit Reservation

FPL

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P.O. BOX 14000 JUNO BEACH FLORIDA 33408 WWW.FPL.COM/EMB

EVERGLADES
MITIGATION BANK

May 7, 2007

114 Acres Hialeah, LLC
Mr. Jose R. Boschetti
1200 Ponce De Leon Blvd.-1st Floor
Coral Gables, Florida 33016

Re: Everglades Mitigation Bank Credit Reservation:
South Florida Water Mangement District Permit No. 050425-5
Miami-Dade Department of Environmental Protection Permit No. FW05-051
Hialeah Heights 114 Project

Dear Mr. Boschetti:

Please be advised that the Everglades Mitigation Bank (the "EMB") has reserved the 33.75 Freshwater Herbaceous mitigation credits necessary 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 contact me at 561-694-6388 for any additional information or questions regarding this matter.

Regards,

Joseph R. Sicbaldi
Asset Management

FPL 45

ATTACHMENT E

Adjacent Property Owner's List

MARTINEZ FAMILY INVESTMENTS
2700 SW 130 AVE
MIAMI, FL 33175-2020

SHOMA HOMES AT BELLAGIO LLC
8550 NW 33 ST STE 100
MIAMI, FL 33122-1941

NEIL ROLLNICK TR
2601 S BAYSHORE DR #1600
MIAMI, FL 33133-5420

BEACON COUNTYLINE LLC
355 ALHAMBRA CIR #900
CORAL GABLES, FL 33134-5058

LOWELLS DUNN &W BETTY L A/D
PO BOX 2577
HIALEAH, FL 33012-0577

ARTHUR I GILBERT
13637 DEERING BAY DR PH#282
CORAL GABLES, FL 33158-2816

ORIGINAL

ATTACHMENT F

Project Report

PROJECT REPORT

CLASS IV PERMIT APPLICATION NO. FW 07-090

114 Acres Hialeah, LLC

April 09, 2008

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 an adverse environmental impact to 93.35 acres of wetlands. However, the mitigation, as set forth in Number 14 below, will compensate for the loss of wetland values associated with the proposed project. No mitigation for adjacent secondary impacts was required because adequately sized planted buffer areas will be built around the majority of the on-site wetland preserve areas.

2. Potential Cumulative Adverse Environmental Impact – The proposed project will result in minimal 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 storm water.

4. Water Quality – The proposed project, as designed, is not reasonably expected to adversely affect applicable Miami-Dade County water quality standards.

5. Wellfields – The proposed project is not located within a wellfield protection area as designed and is not reasonably expected to adversely affect the Northwest Wellfield.

6. Water Supply – The proposed project is not reasonably expected to adversely affect the 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 – There is no known archaeological site located within the boundaries of this application.

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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 93.35 acres of wetlands. The wetlands that will be impacted within the project site are characterized as herbaceous with generally high densities of *Melaleuca,* an invasive exotic plant species. Compensatory mitigation for the ecological impacts related to the removal of wetland plant communities will be accomplished by purchasing 33.75 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 filled areas to natural wetland grade, and the implementation of a fire management program. In addition, a covenant has been proffered for the preservation and enhancement of an 8.25-acre on-site preservation area.

15. Wetland Soils Suitable for Habitat - The proposed project will result in the permanent removal of wetland soils except for area being preserved and enhanced. 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 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/or 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 development in this area. (see attachment C).

20. Wetland Values – The proposed project will result in the dredging and filling of 93.35 acres of jurisdictional wetlands. However, the mitigation, as set forth in Number 14 above, will compensate for the loss of wetland values associated with the proposed project.

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21. Land Use Classification - The City of Hialeah Planning and Zoning Department has determined the proposed work does not violate any zoning law applicable to the area of the proposed work. (See Attachment C)

22. Recreation – The proposed project does not conflict with the recreation element of the Miami-Dade County Comprehensive Development Master Plan and the recreation element of the Biscayne Bay Management Plan recreation elements.

23. Other Environmental Values Affecting the Public Interest – There are no other known environmental factors that will affect 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:

    a. Miami-Dade County Public Works Manual
    b. 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. Additionally the majority of on-site high quality wetlands are being preserved and enhanced. As such, a CEIS was not required by DERM to evaluate the proposed project.

26. Conformance with All Applicable Federal and State 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

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27. Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP) – In the opinion of DERM, the proposed land use is consistent 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 storm water management criteria.

Objective 3/Policies 3A, 3B, 3D - Wellfield protection area protection. - The proposed project is located over 2 miles outside of the maximum cone of influence for the Northwest Wellfield protection area. The project, as designed, is not reasonably expected to adversely affect the water quality reaching the Northwest Wellfield.

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 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 development in 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.

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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 - The City of Hialeah Planning and Zoning Department has determined the proposed work does not violate any zoning law applicable to the area of the proposed work. (See Attachment C)

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 proposed land usage alternative.
    ii) Placement of temporary fill pads and fill roads for the purpose of conducting rock mining. - Not applicable.

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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 and/or Filling for Class I Permit – Not applicable.

24-48.3 (3) Docks and Piers for Mooring Purposes - 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 applicants have provided calculations showing engineering alternatives to the standard formula that provide for the full on-site retention of storm water without exceeding established stages for the 100-year, three-day storm. Additionally the side slopes of the storm water management areas comply with the 4:1 slope criteria.

SUMMARY

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

Matthew Davis, Manager
Wetland Resources Section

4/22/2008

Lazaro J. Quintino, Environmental Resources Project Supervisor
Wetland Resources Section

4/22/2008

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