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

Memorandum

MIAMI-DADE COUNTY

Date: July 17, 2008

Agenda Item No. 5(F)

Resolution No. R-815-08

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

From: George M. Burgess
County Manager

Subject: Class 1 Permit Application by the Miami-Dade Park and Recreation Department for the Excavation of 231 Cubic Yards of Upland and 3 Cubic Yards Below the Mean High Water Line (MHWL) to Create a Canoe Launching Ramp on the C-100 Canal

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Attached, please find for your consideration an application by the Miami-Dade Park and Recreation Department for a Class 1 Permit. Also, attached is the recommendation of the Director of the Department of Environmental Resources Management and a Resolution seeking the Board's approval of the aforesaid Class 1 Permit.

Assistant County Manager

Memorandum

MIAMI-DADE COUNTY

Date: July 17, 2008

To: George M. Burgess
County Manager

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

Subject: Class 1 Permit Application by the Miami-Dade Park and Recreation Department for the Excavation of 231 Cubic Yards of Upland and 3 Cubic Yards Below the Mean High Water Line (MHWL) to Create a Canoe Launching Ramp on the C-100 Canal

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Recommendation

I have reviewed the Class 1 Permit application by the Miami-Dade Park and Recreation Department. Based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County, Florida, I recommend that the Board of County Commissioners approve the issuance of a Class 1 Permit for the reasons set forth below.

Scope

The project site is located at 17350 Old Cutler Road in Palmetto Bay, Miami-Dade County, located in Commission District 8 (Comm. Sorenson).

Fiscal Impact/Funding Source

Not applicable.

Track Record/Monitor

Not applicable.

Background

The subject Class 1 Permit application involves the creation of a canoe launching ramp for public use along the C-100 Canal within a Miami-Dade County Park located at 17350 Old Cutler Road. The subject property is a parcel of land used as a public park, located within the Village of Palmetto Bay. The applicant proposes to excavate 231 cubic yards of the upland property and 3 cubic yards of substrate (72 square feet) below the mean high water line (MHWL) along the C-100 Canal in order to accommodate a 12 foot wide by 76 foot long (912 square foot) canoe launching ramp bordered lengthwise on both sides with sand-cement riprap bags. Section 24-48.3(B) of the Code of Miami-Dade County requires that dredging or filling work proposed in Class 1 Permit applications shall comply with at least one of six listed criteria. The proposed project complies with the above-referenced criteria as it relates to the minimum dredging and filling necessary for the creation and maintenance of marinas, piers, docks and attendant navigational channels. In addition, pursuant to Section 24-48.3(3) of the Code of Miami-Dade County, no permit shall be issued for a proposed slip, or for any other proposed work requiring a permit, which is to be used for the mooring or securing of a vessel unless adequate water depth exists. As water depth in the area of the canoe launch may not be adequate for certain types of vessels, the applicant has proposed to designate said launching ramp for the use of non-motorized vessels only. Furthermore, the proposed project is not located within an area identified by the Miami-Dade County Manatee Protection Plan as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*) and is recommended for "Motorboat Density and Various Water-Dependent Uses as Determined by Existing Zoning or Environmental Regulations". Therefore, adverse impacts to manatees are not anticipated.

Vegetation located in the vicinity of the project includes Red Mangroves (*Rhizophora mangle),* Black Mangroves *(Avicennia germinans*), White Mangroves (*Laguncularia racemosa)* and Green Buttonwoods (*Conocarpus erectus).* However, the proposed project has been designed to be located within a natural gap in the vegetation present along the shoreline at the subject site. Furthermore, no submerged aquatic vegetation was found in the area of the proposed excavation below the MHWL. As such, adverse environmental impacts to the existing vegetation are not anticipated.

The upland property is under the ownership of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and has been leased to the Miami-Dade Park and Recreation Department for environmental protection, and compatible public outdoor recreation and related purposes (see Attachment H). Pursuant to Section 24-48.2(I)(B)(1) of the Code of Miami-Dade County, a Class 1 Permit application shall be verified by the upland property owner who possesses riparian rights to the area of the proposed work or the lessee of said upland property. Both the Miami-Dade Park and Recreation Department and the Board of Trustees have submitted Class 1 Permit applications for the proposed work and those applications are included in Attachment A.

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

Attachments

Attachment A: Class 1 Permit Application, Affidavit of Ownership and Hold Harmless Agreement
Attachment B: Permit Applicant/Authorized Agent Statement
Attachment C: Engineer Letter of Certification
Attachment D: Project Plans
Attachment E: Adjacent Riparian Land Owner Labels
Attachment F: Zoning Memo
Attachment G: Sublease Agreement with the State of Florida for the Lands Known as the Charles Deering Estate
Attachment H: Project Report

MEMORANDUM

(Revised)

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

DATE: July 17, 2008

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

SUBJECT: Agenda Item No. 5(F)

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(F)
7-17-08

RESOLUTION NO. **R-815-08**

RESOLUTION RELATING TO AN APPLICATION BY THE MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR A CLASS 1 PERMIT FOR THE EXCAVATION OF 231 CUBIC YARDS OF UPLAND AND 3 CUBIC YARDS BELOW THE MEAN HIGH WATER LINE (MHWL) TO CREATE A CANOE LAUNCHING RAMP ON THE C-100 CANAL, PALMETTO BAY, MIAMI-DADE COUNTY, FLORIDA

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within Section 24-48.3 of the Code of Miami-Dade County, hereby approves the application by the Miami-Dade County Park and Recreation Department for a Class 1 Permit to excavate 231 cubic yards of uplands and 3 cubic yards below the mean high water line (MHWL) to create a canoe launching ramp at 17350 Old Cutler Road, Palmetto Bay, Miami-Dade County, Florida, subject to the conditions set forth in the memorandum from the Director of the Miami-Dade County Department of Environmental Resources Management, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

5

The foregoing resolution was offered by Commissioner Sen. Javier D. Souto, who moved its adoption. The motion was seconded by Commissioner Joe A. Martinez 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
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of July, 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

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY THE MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR A CLASS 1 PERMIT FOR THE EXCAVATION OF 231 CUBIC YARDS OF UPLAND AND 3 CUBIC YARDS BELOW THE MEAN HIGH WATER LINE (MHWL) TO CREATE A CANOE LAUNCHING RAMP ON THE C-100 CANAL, PALMETTO BAY, MIAMI-DADE COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

NOTICE IS HEREBY GIVEN pursuant to Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County that the Board of County Commissioners of Miami-Dade County will hold and conduct a Public Hearing on a request by the Miami-Dade Park and Recreation Department for a Class 1 Permit to excavate 231 cubic yards of uplands and 3 cubic yards below the mean high water line (MHWL) to create a canoe launching ramp at 17350 Old Cutler Road, Miami-Dade County, Florida. Such Public Hearing will be held on the 17th day of July 2008, at 9:30 AM at the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center at 111 NW 1 Street in Miami, Florida.

Plans and details concerning the work requested in the application may be reviewed by interested persons at the office of the Miami-Dade County Department of Environmental Resources Management, 6th Floor, 701 NW 1 Court, Miami, Florida 33136.

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 1 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 1 Court, 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

Attachment A

Class 1 Permit Application
Affidavit of Ownership
Hold Harmless Agreement

MIAMI-DADE COUNTY

Class I Permit Application

1. Application number	2. Date Day/Month/Year	3. For Official use only
CC06-216		

4. Applicant Information

Name: Miami-Dade Park and Recreation Department

Address : 275 NW 2nd St., 4th Floor

Miami, Florida Zip Code: 33128

Phone #: (305) 755-7903 Fax #:

5. Applicant's authorized permit agent

Name: EAS Engineering, Inc.

Address : 55 Almeria Avenue

Coral Gables, Florida Zip Code: 33134

Phone #: (305)445-5553 Fax #: (305)444-2112

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 discharge or dumped and means of conveyance.

Excavation of 231 cubic yards of upland and 3 cubic yards below the mean high water line (MHWL) in order to create a canoe launching ramp on the C-100 canal.

	Dredge/Excavated		Filled/Deposited	
Volume of Material :	3 CY	231 CY	0 CY	0 CY
	Waterward of O.H.W. or M.H.W.	Landward of O.H.W. or M.H.W.	Waterward of O.H.W. or M.H.W.	Landward of O.H.W or M.H.W.

7. Proposed Use: (Check One)

- ☐ Private
- ☒ Public
- ☐ Commercial
- ☐ Other

8.Names and addresses of adjoining property owners whose property also adjoins the waterway.

Name : South Florida Water Management District

Address : 3301 Gun Club Road

West Palm Beach, Florida Zip Code: 33416

Name : Roger West, c/o Neal S. Litman, PA

Address: 2900 SW 28 Terr, 2nd Floor

Miami, Florida Zip Code: 33133-3766

9. Location where proposed activity exists or will occur.

Street Address: 17350 Old Cutler Road

Latitude 25° 36' 24" N Longitude 80° 18' 32" W

Section 35 Township 55 S Range 40 E

State Florida County Miami-Dade In City or Town Palmetto Bay Near City or Town

10. Name of waterway at location of the activity.

C-100 Canal at Biscayne Bay

11. Date activity is proposed to:

Commence: ASAP To be completed: Within 3 years

12. Is any portion of this activity for which authorization is sought now complete?

☐ Yes
☒ No

If answer is "yes", give reasons in the remarks section. Indicate the existing work on the drawings.

Month and Year the activity was completed _____

13. List all approvals or certifications required by other Federal, state or local agencies for any structures, constructions, discharges, deposits or other activities described in this application, including whether the project is a Development of Regional Impacts.

Issuing Agency	Type of Approval	Identification Number	Date of Application	Date of Approval
FDEP	Permit		Pending	
Corps of Engineers	Permit		Pending	

14. Has any other agency denied approval for any activity directly related to the activity described herein?

☐ Yes
☒ No

15. Remarks

16. Estimated Project Cost = $9,360

17. Contractor's name and address

Name: T.B.D. License # : _____

Address : _____

_____ Zip Code : _____

Phone #: _____ Fax #: _____

19. To obtain proprietary authorization for work on state-owned submerged lands, please include an additional copy of the following:

☐ 81/2 x 11 Location Map
☐ 81/2 x 11 Project Drawing
☐ Copy of Application

18. Application is hereby made for a permit or permit(s) to authoriz the activities described herein. I agree to provide any addition information/data that may be necessary to provide reasonabl assurance or evidence to show that the proposed project will compl with the applicable State Water Quality Standards or oth environmental protection standards both during construction and aft the project is completed. I also agree to provide entry to the proje site for inspectors from the environmental protection agencies for th purpose of making the preliminary analyses of the site and monitorin permitted works, if permit is granted. I certify that I am familiar wit the information contained in this application and that to the best of m knowledge and belief, such information is true, complete and accurat I further certify that I possess the authority to undertake the propose activities.

Signature of owner _____
Jack Kardys

Director, Miami-Dade Park & Recreation Dept

Date: May 21, 2008

SUBSCRIBED AND SWORN TO ME THIS 21ST DAY OF May, 20 08, BY Jack Kardys

☑ PERSONALLY KNOWN ☐ PRODUCED IDENTIFICATION (PLEASE CHECK ONE)

TYPE OF ID PRODUCED _____

Irene Valladares NOTARY PUBLIC

Notary Public State of Florida
Irene Valladares
My Commission DD740405
Expires 01/19/2012

Affidavit of Ownership
and Hold Harmless Agreement

Personally Appeared Before Me, Jack Kardys, that
(Property owner, lessee or Corporate Officer if owner is a corporation)
undersigned authority, and hereby swears and affirms under oath as follows:

1. That your affiant is the record owner or lessee of that certain property* more fully described as:

   See Attached Legal Description

   * may attach legal description from public records or plat book or a copy of the warranty deed

2. That your affiant is also the riparian and/or littoral owner or lessee of that certain property that is the subject matter of Application No. CC06-216 for a Class I permit under and pursuant to Section 24-48 of the Code of Miami-Dade County to construct or engage in the following activity:

   Excavation of 231 cubic yards of upland and 3 cubic yards below the mean high water line (MHWL) in order to create a canoe launching ramp on the C-100 canal.

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

Miami-Dade Park and Recreation Department

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Jack Kardys
Owner/Applicant
Jack Kardys, Director

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

Sworn to and subscribed before me this 21st day of May, 2008.

Notary Signature Irene Valladares

Notary Seal

Notary Public State of Florida
Irene Valladares
My Commission DD740405
Expires 01/19/2012

LEGAL DESCRIPTION.

That portion of Block 99 and 100, RICHMOND'S SURVEY OF CUTLER, according to the Plat thereof as recorded in Plat Book B, at Page 17 of the Public records of Miami Dade County, Florida, lying North of Canal C–100, and all land lying between the North and South boundaries of said Block 99 produced East of the High water line of Biscayne Bay and lying North of said Canal C–100 TOGETHER WITH those certain road right of way adjacent to said Block 99 and 100 that were abandoned by Deed Book 947, Page 255, of the Public Records of Miami Dade County, Florida, being the road lying between said Blocks 99 and 100, the South 1/2 of the road lying North of and adjacent to said Blocks 99 and 100, and the road lying on the East side of and adjacent to said Block 99, said parcel as described above being projected Easterly to the Mean High Water line of Biscayne Bay; LESS AND EXCEPTING therefrom the West 5 feet of said Block 100, and also LESS AND EXCEPTING therefrom a parcel measuring 100.00 feet by 100.00 feet conveyed to the Central and Southern Flood Control Distric by Warranty Deed recorded in Oficial Recorda Book 4259, at Page 596 of the Public Records of Miami Dade County, Florida. The entire parcel being more particularly described as follows:

Begin at the Southeast corner of the East 1'2 of the Northeast 1/4 of the Northwest 1/4 of Section 35, Township 55 South, Range 40 East; thence S 87°39'14" W, along the South line of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 of said Section 35 (said line being parallel with and 25.00 feet North of the North line of said Block 100), for 625.06 feet; thence S 02°18'11" E, along a line parallel with and 35.00 feet East of the West line of the East 1/2 of the East 1/2 of the Northwest 1/4 of said Section 35 (said line being 5.00 feet East of the West line of said Block 100), for 189.33 feet to a point of curvature of a cicular curve concave to the West; thence run Southwesterly along the arc of said circular curve having for its elements a radius of 1467.69 feet through a central angle of 01°38'36", for an arc distance of 42.10 feet to the point of intersection with the Northerly right of way line of Canal C–100; thence run N 87°39'12" E, along the last described line for 591.98 feet; thence run N 02°20'48" W, for 100.00 feet; thence run N 87°39'12" E, for 100.00 feet; thence run S 02°20'48" E, for 100.00 feet (the last three described courses being coincident in part with the Canal right of way described in Official Records Book 4259, at Page 596, of the Public Records of Miami Dade County, Florida; thence run N 87°39'12" E, along the North right of way line of said Canal C–100, for 378.00 feet, more or less, to a point of intersection with a line projected Southerly from a point on the Mean High Water line of Biscayne Bay; thence run N 2°230'00" W, along said Southerly projection, for 31.40 feet, more or less' to said point on the actual Mean High Water line of Biscayne Bay; thence meander Northerly along the Mean High Water line of Biscayne Bay, for 215.00 feet, more or less, to a point on the South lineof the Northwest 1/4, of the Northeast 1/4 of said Section 35; thence run S 87°39'14" W, along the last described line, for 434.00 feet more or less, to the Point of Begining.

MIAMI-DADE COUNTY

Class I Permit Application

1. Application number	2. Date Day/Month/Year	3. For Official use only

4. Applicant Information

Name: Board of Trustees of the Internal Improvement Trust Fund

Address : 3900 Commonwealth Blvd, MS 100

Tallahassee, Florida Zip Code: 32399

Phone #: Fax #:

5. Applicant's authorized permit agent

Name: EAS Engineering, Inc.

Address : 55 Almeria Avenue

Coral Gables, Florida Zip Code: 33134

Phone #: (305)445-5553 Fax #: (305)444-2112

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 discharge or dumped and means of conveyance.

Excavation of 231 cubic yards of upland and 3 cubic yards below the mean high water line (MHWL) in order to create a canoe launching ramp on the C-100 canal

	Dredge/Excavated				Filled/Deposited			
Volume of Material :	3	CY	231	CY	0	CY	0	CY
	Waterward of O.H.W. or M.H.W.		Landward of O.H.W. or M.H.W.		Waterward of O.H.W. or M.H.W.		Landward of O.H.W or M.H.W.	

7. Proposed Use: (Check One)

- ☐ Private
- ☒ Public
- ☐ Commercial
- ☐ Other

8.Names and addresses of adjoining property owners whose property also adjoins the waterway.

Name : South Florida Water Management District

Address : 3301 Gun Club Road

West Palm Beach, Florida Zip Code: 33416

Name : Roger West, c/o Neal S. Litman, PA

Address: 2900 SW 28 Terr, 2nd Floor

Miami, Florida Zip Code: 33133-3766

9. Location where proposed activity exists or will occur.

Street Address: 17350 Old Cutler Road

Latitude 25° 36' 24" N Longitude 80° 18' 32" W

Section 35 Township 55 S Range 40 E

State Florida County Miami-Dade In City or Town Palmetto Bay Near City or Town

10. Name of waterway at location of the activity.

C-100 Canal at Biscayne Bay

11. Date activity is proposed to:

Commence: ASAP To be completed: Within 3 years

12. Is any portion of this activity for which authorization is sought now complete?

☐ Yes

☒ No

If answer is "yes", give reasons in the remarks section. Indicate the existing work on the drawings.

Month and Year the activity was completed _____

13. List all approvals or certifications required by other Federal, state or local agencies for any structures, constructions, discharges, deposits or other activities described in this application, including whether the project is a Development of Regional Impacts.

Issuing Agency	Type of Approval	Identification Number	Date of Application	Date of Approval
FDEP	Permit		Pending	
Corps of Engineers	Permit		Pending	

14. Has any other agency denied approval for any activity directly related to the activity described herein?

☐ Yes

☒ No

15. Remarks

16. Estimated Project Cost = $9,360

17. Contractor's name and address

Name: T.B.D. License # : _____

Address : _____

_____ Zip Code : _____

Phone #: _____ Fax #: _____

19. To obtain proprietary authorization for work on state-owned submerged lands, please include an additional copy of the following:

☐ 81/2 x 11 Location Map

☐ 81/2 x 11 Project Drawing

☐ Copy of Application

18. Application is hereby made for a permit or permit(s) 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 the 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.

May 20, 2008

Signature of owner Gloria C. Barker

Operations and Management Consultant Manager, Bureau of Public Land Administration, Division of State Lands Agent on behalf of the Board of Trustees of the Internal Improvement Trust Fund

Date:

SUBSCRIBED AND SWORN TO ME THIS 20th DAY OF May, 20 08, BY Juliette Simmons

☑ PERSONALLY KNOWN ☐ PRODUCED IDENTIFICATION (PLEASE CHECK ONE)

TYPE OF ID PRODUCED _____ _____ NOTARY PUBLIC

JULIETTE SIMMONS
Commission DD 775121
Expires April 2, 2012
Bonded Thru Troy Fain Insurance 800-385-7019

Attachment B

Permit Applicant/Authorized Agent Statement

EAS ENGINEERING, INC.

55 ALMERIA AVE. • CORAL GABLES • FLORIDA 33134 • (305) 445-5553 • FAX: (305) 444-2112 • WWW.EAS-ENG.COM

May 6, 2008

To:
Miami-Dade County DERM
Class I Permitting Program
701 NW 1st Court
Miami, Florida 33136

Re: Class I Standard Form Application Number CC06-216, Miami-Dade Park & Recreation Department - Excavation of 231 cubic yards of upland and 3 cubic yards below the MHWL in order to create a canoe launching ramp on the C-100 canal at 17350 Old Cutler Road, City of Palmetto Bay, Miami-Dade County, Florida

By the attached Class I Standard Form ~~permit application with~~ supporting documents, I, Edward A Swakon, am the permit applicant / applicant's authorized agent (circle one) and hereby request permission to perform the following: ~~excavation of 231 cubic~~ yards of upland and 3 cubic yards below the MHWL in order to create a canoe launching ramp on the C-100 canal. I understand that a Miami-Dade County Class I Standard Form Permit is required to perform this work.

If approval is granted for the proposed work by the Board of County Commissioners, complete and detailed plans and calculations of the proposed work shall be prepared by an engineer 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. In the event that the proposed work which is the subject of this Class I Permit application involves the cutting or trimming of a mangrove tree(s), a detailed plan of the proposed cutting or trimming shall be prepared by a licensed landscape architect and submitted to the Department for review and approval, and the permit applicant will secure the services of a licensed landscape architect to supervise the trimming or cutting.

Respectfully submitted,
EAS Engineering, Inc.

Edward A. Swakon, P.E., President/Authorized Agent
P.E. License No. 31184

RECEIVED
MAY 13 2008
DERM
Environmental Resources Regulation Division

\\Eas-srv-01\correspondance\wp2005\2005-31\Class1ownerSTDform.wpd

Attachment C

Engineer Letter of Certification

EAS ENGINEERING, INC.

55 ALMERIA AVE. • CORAL GABLES • FLORIDA 33134 • (305) 445-5553 • FAX: (305) 444-2112 • WWW.EAS-ENG.COM

May 6, 2008

Miami-Dade County DERM
Class I Permitting Program
701 NW 1st Court
Miami, Florida 33136

Re: Class I Standard Form Application Number CC06-216, Miami-Dade Park & Recreation Department - Excavation of 231 cubic yards of upland and 3 cubic yards below the MHWL in order to create a canoe launching ramp on the C-100 canal at 17350 Old Cutler Road, City of Palmetto Bay, Miami-Dade County, Florida

Ladies and Gentlemen:

This letter will certify that I am an engineer registered/licensed in the State of Florida, qualified by education and experience in the area of construction, and that to the best of my knowledge and belief, the proposed work does not violate any laws of the State of Florida or any provision of the Code of Miami Dade County which may be applicable, that diligence and recognized standard practices of the engineering profession have been exercised in the engineer's design process for the proposed work, and in my opinion based upon my knowledge and belief, the following will not occur:

a. Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work;

b. Harmful or increased erosion, shoaling of channels or stagnant areas of water. (Not aplicable to class IV permits)

c. Material injury to adjacent property.

d. Adverse environmental impacts from changes in water quality or quantity. (Applicable to class IV permits only)

Further, I have been retained by the applicant to provide inspections throughout the construction period and to prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, drawings, and other data furnished by the contractor to me.

Sincerely,
EAS Engineering, Inc.

Edward A. Swakon, P.E.
President
P.E. License No. 31184

\\Eas-srv-01\correspondance\wp2005\2005-31\Class1PE_STDform.wpd

RECEIVED
MAY 13 2008
DERM
Environmental Resources Regulation Division

Attachment D

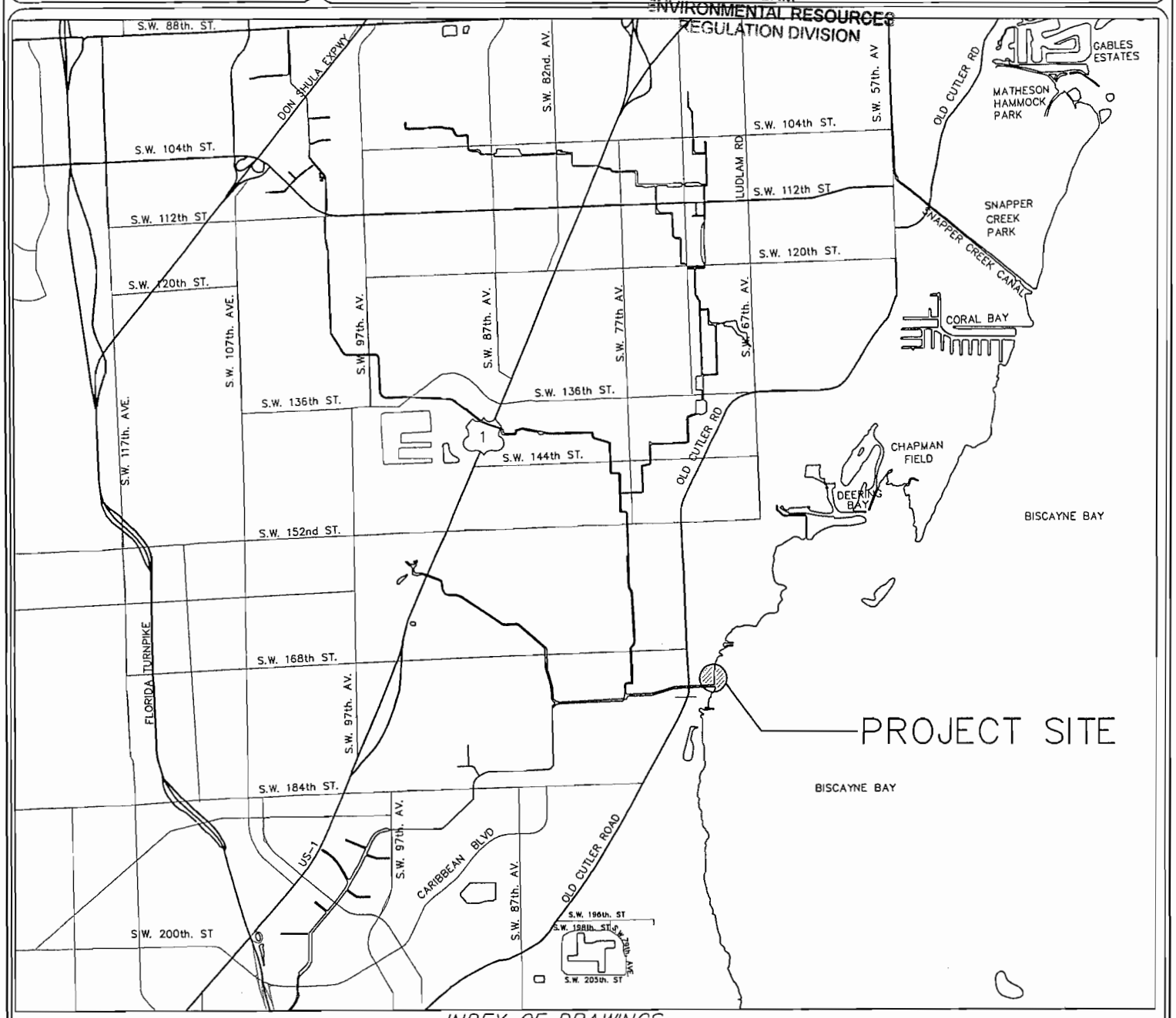
Project Plans

RECEIVED

DEC 0 4 2006

DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

REV.	DATE	DESCRIPTION



INDEX OF DRAWINGS

SHEET #	TITLE
1	VICINITY MAP & INDEX OF DRAWINGS
2	LOCATION MAP
3	RAMP SITE PLAN
4	RAMP SECTIONS & STAGE SLOPES

21

PURPOSE: VICINITY MAP & INDEX OF DRAWINGS
DATUM: N/A
JOB #: 2005-31

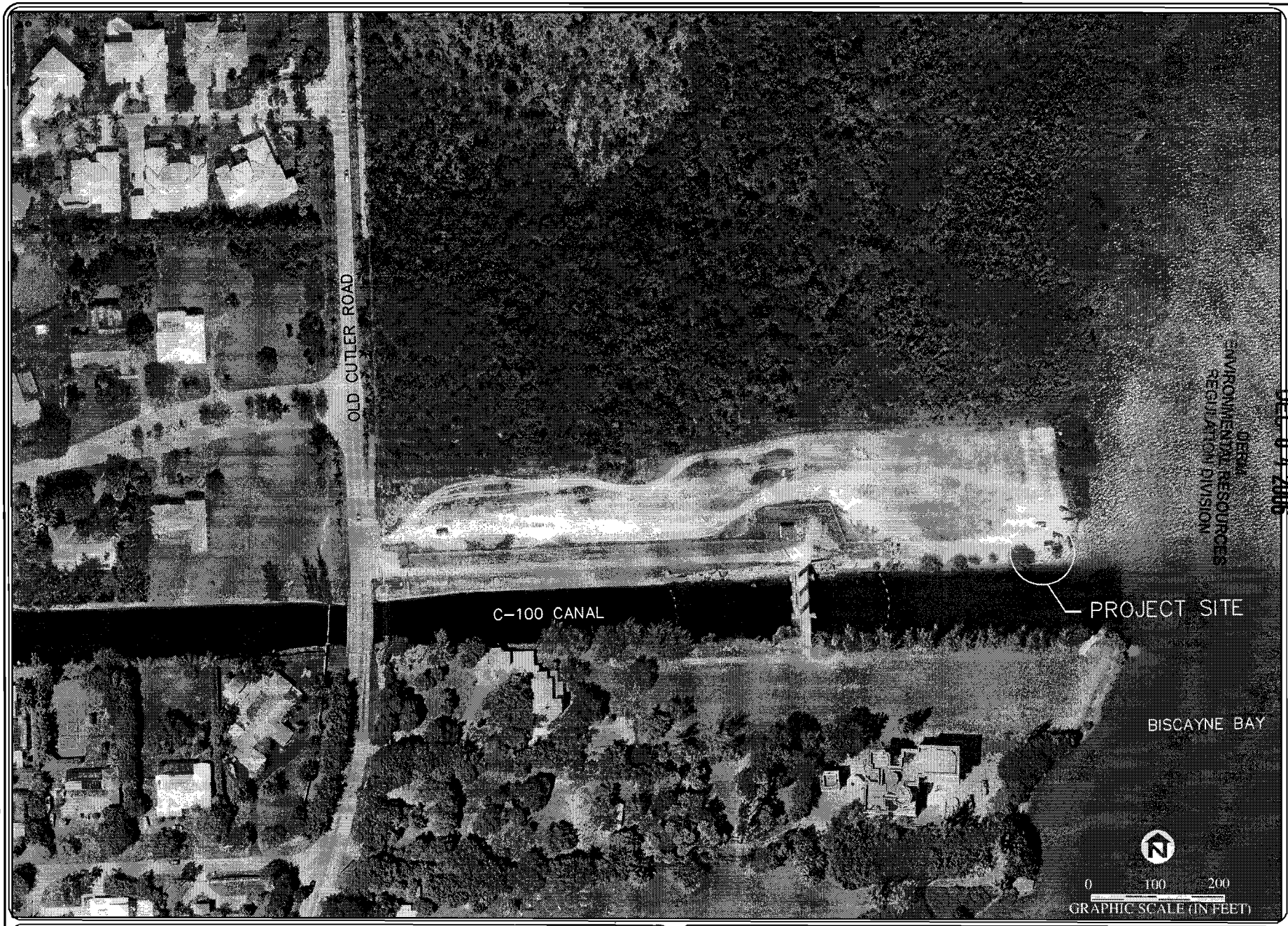
11-28-06

EAS ENGINEERING, INC.
55 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5553

COUNTY OF MIAMI-DADE STATE OF FLORIDA
APPLICATION BY:
MIAMI-DADE PARKS & REC.
C-100 CANOE LAUNCH

SECTION: 35
TOWNSHIP: 55
RANGE: 40

SHEET 1 DATE: 03-20-06



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REGULATION DIVISION

REV. #	DATE & DESCRIPTION

PURPOSE: LOCATION MAP
DATUM: N/A
JOB NO: 2005-31

EAS ENGINEERING, INC.
55 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5553

11-28-06

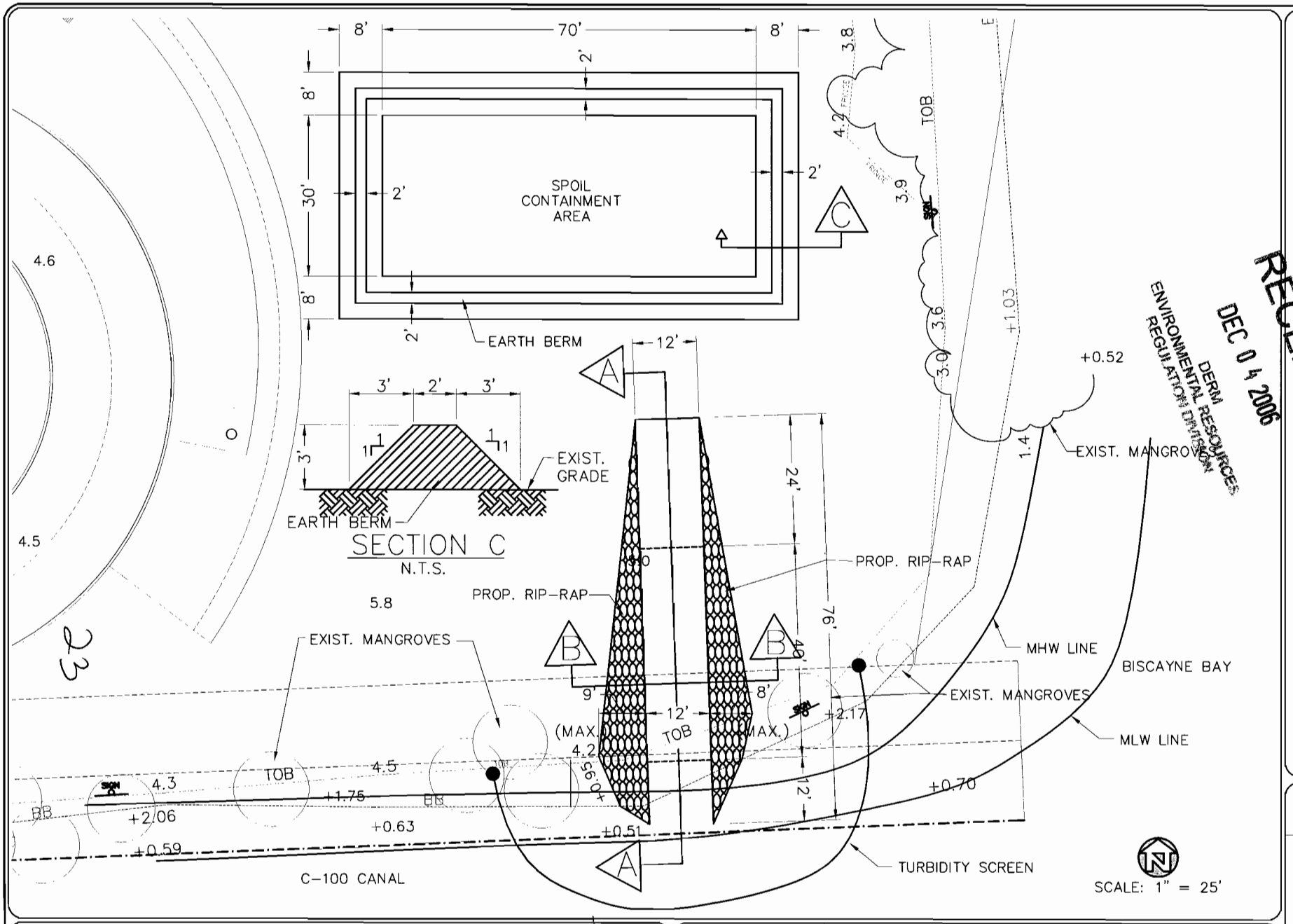
COUNTY OF MIAMI-DADE
APPLICATION BY:
MIAMI-DADE PARKS & REC.
C-100 CANOE LAUNCH

STATE OF FLORIDA

SECTION: 35
TOWNSHIP: 55
RANGE: 40

SHEET 2 DATE: 03/20/06

22



REV.	DATE	DESCRIPTION
	10/25/06	GENERAL REVISION
	11/28/06	INCREASED SPOIL CONTAINMENT AREA

PURPOSE: RAMP SITE PLAN
DATUM: NGVD
JOB NO: 2005-31

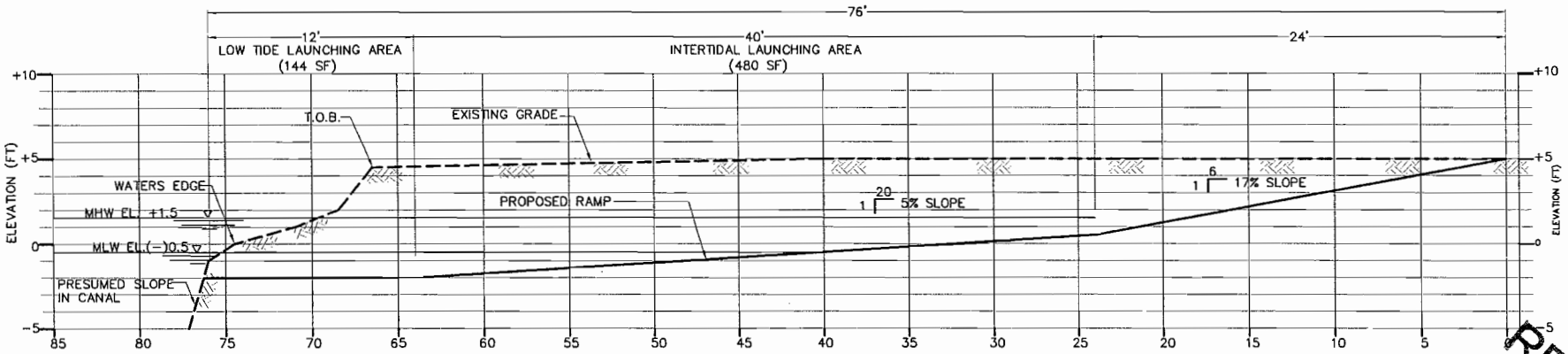
EAS ENGINEERING, INC.
55 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5553

11-28-06

COUNTY OF MIAMI-DADE STATE OF FLORIDA
APPLICATION BY:
MIAMI-DADE PARKS + REC.
C-100 CANOE LAUNCH

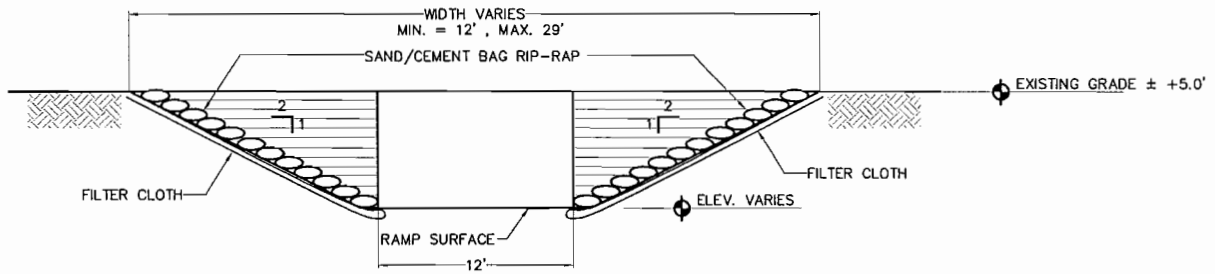
SHEET 3 DATE: 03/20/06

SECTION: 35
TOWNSHIP: 55
RANGE: 40



RAMP SECTION A-A

SCALE: 1"= 10'



RAMP SECTION B-B

SCALE: 1"= 10'

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PURPOSE: RAMP SECTIONS STAGED SLOPES
DATUM: NGVD
JOB NO: 2005-31

EAS ENGINEERING, INC.
55 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5553

11-28-06

COUNTY OF MIAMI-DADE STATE OF FLORIDA
APPLICATION BY:
MIAMI-DADE PARKS + REC.
C-100 CANOE LAUNCH
SECTION: 35
TOWNSHIP: 55
RANGE: 40
SHEET 4 DATE: 03/20/06

REV. #	DATE & DESCRIPTION

Attachment E

Adjacent Riparian Land Owner Labels

Smooth Feed Checks™ Use template for 5160®

South Florida Water Management District
3301 Gun Club Rd
PO BOX 24680
West Palm Beach, FL 33416

TRS OF II FUND % FL DEPT. OF
NATURAL RESOURCES
DNR DOUGLAS BLDG
Tallahassee, FL 32399

Trust for Public Land
306 N Monroe ST
Tallahassee, FL 32301

Roger West % Neal S Litman PA
2900 SW 28 Terr 2 Floor
Miami, FL 33133

AVERY® Address Labels Laser 5160®

Attachment F

Zoning Memo

Memorandum

MIAMI-DADE COUNTY

Date: May 28, 2008

To: Lisa Spadafina, Manager
Coastal Resources Section
Environmental Resources Management

From: Elaine Pietryak, Biologist II
Coastal Resources Section
Environmental Resources Management

Subject: Class I Permit Application by Miami-Dade Park and Recreation Department for the Excavation of 231 Cubic Yards of Upland and 3 Cubic Yards Below the Mean High Water Line (MHWL) In Order to Create a Canoe Launching Ramp on the C-100 Canal.

Pursuant to Section 24-48.2(II)(A)(7), of the Code of Miami-Dade County, Florida, a substantiating letter shall be submitted by the applicant stating that the proposed project does not violate any zoning laws. Said letter will be submitted after approval by the County Commission and prior to issuance of the Class I permit.

Attachment G:

Lease Agreement with the State of Florida for State Lands Known as the Charles Deering Estate

MEMORANDUM

Dick

.07-17 A

TO Honorable Mayor and Members
Board of County Commissioners

DATE

SUBJECT Sublease Agreement with the State of Florida for State Lands Known as the Charles Deering Estate

FROM Sergio Pereira
County Manager

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RECOMMENDATION:

It is recommended that the Board authorize execution of the attached Sublease Agreement with the State of Florida, Department of Natural Resources, which will provide for Dade County's occupation, improvement and use of the recently acquired Charles Deering Estate for a period of nearly 50 years. The Culture and Recreation Committee has reviewed and approved the concept of the attached Sublease Agreement, prepared by the State, at their meeting of January 29, 1987.

BACKGROUND:

USING AGENCY:	Metropolitan Dade County, Florida
USE:	Environmental protection and compatible public outdoor recreation and related purposes.
PROPERTY:	The Charles Deering Estate; approximately 358.92 acres located at 16701 S.W. 72 Avenue.
OWNER:	Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.
TERMS:	Reasonable conditions further described in Agreement.
EFFECTIVE DATES:	From approval by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida to November 18, 2035.
RENEWAL OPTION:	None
CANCELLATION PROVISION:	None as such, only by original actions from either party claiming nonperformance.
FORMER LEASE:	None
FUNDING SOURCE:	General Fund and Park and Recreation Department fees and charges.

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1/20/87 [illegible] — [illegible] 3/[illegible]/87

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RESOLUTION NO. R-594-87

RESOLUTION AUTHORIZING EXECUTION OF SUBLEASE AGREEMENT BETWEEN METROPOLITAN DADE COUNTY AND STATE OF FLORIDA, DEPARTMENT OF NATURAL RESOURCES - DIVISION OF RECREATION AND PARKS PROVIDING FOR COUNTY USE OF THE CHARLES DEERING ESTATE

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 approves the Sublease Agreement between Dade County and the State of Florida, Department of Natural Resources - Division of Recreation and Parks, by which Dade County will occupy, improve and use the Charles Deering Estate property, in substantially the form attached hereto; and authorizes the County Manager to execute same, for and on behalf of Dade County, Florida.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner , and upon being put to a vote, the vote was as follows:

Barbara M. Carey
Clara Oesterle
Beverly B. Phillips
James F. Redford, Jr.
Harvey Ruvin
Barry D. Schreiber
Jorge E. Valdes
Sherman S. Winn
Stephen P. Clark

The Mayor thereupon declared the resolution duly passed and adopted this 5th day of May, 1987

DADE COUNTY, FLORIDA
BY IT BOARD OF
COUNTY COMMISSIONERS

RICHARD P. BRINKER, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as to form and legal sufficiency. _____

SUBLEASE AGREEMENT
CHARLES DEERING ESTATE
(DEERING HAMMOCK)

This Sublease Agreement is made between the Department of Natural Resources of the State of Florida on behalf of the Division of Recreation and Parks, as Sublessor, and Metropolitan Dade County as Sublessee. The parties, for and in consideration of mutual covenants and agreements covenant and agree as follows:

1. The parties acknowledge that:

A. The Board of Trustees of the Internal Improvement Trust Fund (hereinafter referred to as the "Board") holds title to certain property identified as the Charles Deering Estate (Deering Hammock) for public outdoor recreation purposes: and

B. The Department of Natural Resources of the State of Florida is the Lessee of the property in order to provide for the Division of Recreation and Parks to sublease the property to local government for outdoor recreation and related purposes and to represent the State in coordination with local management.

2. Description of Premises: The property, subject to this Sublease, is situated in Dade County, and described in Exhibit "A", attached hereto and made a part hereof.

3. Term and Purpose: This Sublease shall be for a period coterminous with the time remaining on Trustees Lease Agreement No. 3418, dated November 19, 1985, attached hereto as Exhibit "B", for environmental protection and compatible public outdoor recreation and related purposes, unless otherwise terminated pursuant to the provisions of this Sublease.

4. Conformity: This Sublease shall be subject to all the terms and conditions of the Trustees Lease Agreement No. 3418. The Sublessee shall not permit any unauthorized use of the property or any use not in conformance with Trustees Lease Agreement No. 3418, which is attached hereto as Exhibit "B" and this Sublease.

5. Right of Use: The Sublessee shall have the right to enter upon the property for all purposes necessary to the full enjoyment of the rights herein granted.

6. Assignment: This Sublease and any rights and privileges conferred herein shall not be assigned or transferred by the Sublessee

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without the prior written approval of the Sublessor.

7. Management Plan: The Sublessee shall be responsible for preparation of a final management plan in compliance with the provisions of paragraph 13 of Exhibit "B", and shall implement all management projects pursuant to the management plan as necessary to carry out the purpose stated in paragraph 3 herein.

8. Development Time Frame: The Sublessee shall at its sole cost and expense make available to the public, within five years from the effective date of this Sublease, site improvements on the property for public recreational use and for protection of the natural resources. This provision shall be in accordance with the final management plan. All site improvements shall be constructed in a good workmanlike manner in accordance with sound construction practices. The Sublessee shall keep the premises and the site improvements free and clear of all liens for labor and material and shall hold the Sublessor and the Board harmless from any liability with respect to Sublessee's work. In the event a lien for labor or materials is filed, the Sublessee shall immediately either satisfy same or transfer such lien to a bond.

9. Site Plan: The Sublessee shall submit a final site plan to the Sublessor for review prior to construction of any new facilities. A site plan of existing and proposed facilities shall be included in the final management plan.

10. Incurred Costs: All costs of construction, operation, maintenance, use and restoration of the property, shall be the responsibility of the Sublessee. The Sublessee shall be responsible for any and all assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the property during the effective period of the Sublease.

11. Ownership of Improvements: All improvements provided by the Sublessee shall be and remain the property of the Sublessee during the effective period of this Sublease.

12. Security and Maintenance: The Sublessee shall provide security and protection as necessary and keep the property clean, maintained and in a good state of repair at all times.

13. User Fees: All user fees which the Sublessee may wish to impose shall be uniformly imposed among users regardless of the political jurisdiction in which the user may reside. A copy of user fees shall be

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submitted to the Sublessor.

14. Right of Inspection: The Sublessor and its duly authorized agents shall have the right at any reasonable time to inspect the property and the works and operations thereon of the Sublessee in any matter pertaining to this Sublease. Should the Sublessee violate any covenant(s) of this Sublease or Trustees Lease Agreement No. 3418, Sublessor must notify Sublessee in writing that it requires Sublessee's correction of that violation to its satisfaction. Sublessee must cure the violation within 90 days following the date of notice. Upon Sublessee's failure to cure the violation within the time prescribed, Sublessor may terminate this Sublease upon 30 days prior written notice.

15. Right of Audit: The Sublessee shall make available to the Sublessor all financial records relating to this Sublease, and the Sublessor shall have the right to audit such records at any reasonable time. This right shall be continuous until such audit is completed and exercised without unreasonably interfering with the operation of Sublessee's facilities. This Sublease may be terminated by the Sublessor should the Sublessee fail to allow public access to all documents, papers, letters or other materials made or received in conjunction with this Sublease, pursuant to the provisions of Chapter 119, Florida Statutes.

16. Signs: The Sublessee shall erect a permanent information sign on the site. The sign shall identify the park name and state that funds for acquisition were provided by the Conservation and Recreation Lands Program administered through the State of Florida, Department of Natural Resources.

17. Liability: The Sublessee shall investigate all claims of every nature at its expense and indemnify, protect, defend, hold and save harmless the Sublessor, the Board and the State of Florida from any and all claims, actions, lawsuits and demands of any kind or nature arising out of the Sublessee's use and management of the property to the extent of the limitations included within Section 768.28, Florida Statutes. The Sublessee will provide, during the term of this Sublease, fire and extended coverage insurance, including the improvements located on the premises for their full insurable value, or, in the alternative, will provide evidence of self-insurance sufficient to cover the loss of such improvements. Any policies of insurance shall name Sublessor, Sublessee

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and the Board as insureds. The Sublessee will also provide public liability coverages in the form of insurance policies or self-insurance for any and all claims against the Sublessee, Sublessor, the Board and the State of Florida. The Sublessee shall submit annually, written evidence of insurance to the Bureau of State Lands Management (hereinafter referred to as the "Bureau"), 3900 Commonwealth Boulevard, Tallahassee, Florida 32399. Any insurance policies purchased by Sublessee pursuant to this paragraph shall be purchased from a financially responsible insurer duly authorized to do business in the State of Florida. Sublessee shall immediately notify the Sublessor, the Board and the insurance agent (if applicable) of any erection or removal of any building or other improvement on the premises and any changes affecting the value of any improvements and shall request the insurance agent (if applicable) to make adequate changes in the coverage to reflect the changes in value. Sublessee shall be financially responsible for any loss due to failure to obtain or maintain adequate insurance coverage. If an action is commenced against the Sublessor or the Board based on any claim arising out of the use or ownership of the leased premises during the term of the Sublease (including without limitation an action seeking damages for loss of life, personal injury or damage to property occurring in or about the leased premises), Sublessee will pay the expense of Sublessor's and the Board's defense, including costs and reasonable attorneys fees for any defense in that action. If a judgment is entered in such action against both Sublessor and/or Board and Sublessee or if they agree that a settlement of the claim or lawsuit should be made, Sublessee shall be responsible for payment of such judgment or settlement. Nothing contained herein shall be deemed to constitute a waiver of sovereign immunity on the part of Sublessor or to affect, limit or reduce the protection afforded Sublessor under provisions of Section 375.251, Florida Statutes, or to protect Sublessee from liability for any deliberate willful or malicious act of Sublessee. In connection with any dispute arising out of this Sublease, including without limitation litigation and appeals, the Sublessor and the Board will be able to recover from the Sublessee attorney's fees and costs.

18. <u>Termination:</u> Upon termination or expiration of this Sublease, the Sublessee shall surrender the premises to the Sublessor. In the event no further use of this parcel or any part thereof is needed, the

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Sublessee shall give notification to the Sublessor and the Bureau of State Lands Management, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399 at least six (6) months prior to the release of any or all of the premises. Notification will include a legal description, the lease number, and an explanation of the release. Upon termination of this Sublease, all improvements shall automatically become the property of the Board, unless the Board, at its option, should require immediate removal at the Sublessee's expense of any and all such improvements upon written notice to the Sublessee. Any improvements to remain on the property upon termination of this Sublease shall be at the Board's discretion. The Sublessee shall meet the following conditions upon termination of this Sublease:

(a) The construction of any new facilities, improvements or alterations of the premises shall meet applicable county and municipal building and safety codes.

(b) The Sublessee shall properly dispose of utility fees, including having all the utilities turned off.

(c) The Sublessee shall not commit waste; reasonable wear and tear is acceptable.

(d) Prior to formal release, a representative of the Bureau of State Lands Management shall perform an on-site inspection and the keys to any buildings on the premises shall be turned over to the Bureau.

(e) If the premises do not meet all conditions agreed upon, the Sublessee shall reimburse the Board for any expenses incurred in meeting the prescribed conditions.

IN WITNESS WHEREOF, The lawfully designated agents of the Department of Natural Resources of the State of Florida has hereunto subscribed his name and caused his official seal to be hereunto affixed on the _____ day of _____, 1987, and the lawfully designated agent of Broward County, Florida has hereunto subscribed his name and caused his official seal to be hereunto affixed on the _____ day of _____, 1987.

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EXECUTIVE BOARD OF THE
DEPARTMENT OF NATURAL RESOURCES

itnesses:

ttest:

Approved

By: _____
Don Duden, Acting
Executive Director
Its Agent for this Purpose

SEAL

_____
Project Sponsor

METROPOLITAN DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

itnesses:

_____

_____

ttest:

By: _____
Its Agent for this Purpose
for SERGIO PEREIRA
COUNTY MANAGER

DEPUTY CLERK

COUNTY COMMISSIONERS DADE COUNTY FLORIDA SEAL

_____
DNR Attorney

Effective Date: _____

proved as to Form and Legality

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EXHIBIT A

LEGAL DESCRIPTION

PARCEL A- LEGAL DESCRIPTIONS

A portion of "Charles Deering Estate", according to the plat thereof, as recorded in Plat Book 34 at Page 30 of the Public Records of Dade County, Florida, being more particularly described as follows:

All that portion of Sections 25 and 26, Township 55 South, Range 40 East lying East of Ingraham Highway (presently known as S.W. 72nd Avenue) as shown on and lying within the limits of said plat of "Charles Deering Estate".

TOGETHER WITH

All that portion of the North One-Quarter (N ¼) of the Northwest One-Quarter (N.W. ¼) of the Northeast One-Quarter (N.E. ¼) of fractional Section 35, Township 55 South, Range 40 East lying Northerly and Easterly of those certain 50 foot wide Roads as shown on and lying within the limits of said plat of "Charles Deering Estate".

PARCEL B- LEGAL DESCRIPTION

A portion of "Charles Deering Estate" according to the plat thereof, as recorded in Plat Book 34 at Page 30 of the Public Records of Dade County, Florida, being a portion of the West One-Half (W ½) of Section 26, Township 55 South, Range 40 East. lying Westerly of Ingraham Highway (presently known as S.W. 72nd Avenue) and being more particularly described as follows:

The East One-Half (E½) of the Southeast One-Quarter (S.E. ¼) of the Northwest One-Quarter (N.W. ¼) of said Section 26 lying Westerly of said Ingraham Highway. Less and excepting therefrom the West 35 feet for road right of way.

TOGETHER WITH

The East One-Half (E ½) of the Northeast One-Quarter (N.E. ¼) of the Southwest One-Quarter (S.W. ¼) of said Section 26 lying westerly of said Ingraham Highway. Less and excepting therefrom the West 35 feet for road right of way.

TOGETHER WITH

All that part of the Northeast One-Quarter (N.E. ¼) of the the Southeast One-Quarter (S.E. ¼) of the Southwest One-Quarter (S.W. ¼) of said Section 26, which lies North of that certain street lying North of and adjoining Block C of "Robert's Subdivision" as recorded in Plat Book 1 at Page 129 of the Public Records of Dade County, Florida, and lying westerly of said Ingraham Highway. Less and excepting therefrom the West 35 feet for road right of way.

PARCEL C- LEGAL DESCRIPTION

FIRST:
Lot 14, in Block "A", ROBERT'S SUBDIVISION of part of SE ¼ of SE¼, SW¼ of said Section 26, as Plat Book "B", Page 23, Records of Dade County, Florida;

ALSO

SECOND:
The North 60.8 feet of the East 185 feet of Block "A", ROBERT'S SUBDIVISION, in SW ¼ of said Section 26, as Plat Book "B", Page 23, Records of Dade County, Florida.

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EXHIBIT A

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PARCEL D- LEGAL DESCRIPTION

Lots "A", "B", and Lots 1,2,3,4,5,6 and 7, RICHMOND'S SUBDIVISION, of the S ½ of SE ¼ of SE ¼ of SW ¼ of Section 26, Township 55 South, Range 40 East according to the Plat thereof, recorded in Plat Book 4, Page 116, of the Public Records of Dade County, Florida.

NOTE: Parcels C and D as described above were replatted as a portion of "CHARLES DEERING ESTATE", as recorded in Plat Book 34, at Page 30 of the Public Records of Dade County, Florida.

PARCEL E- LEGAL DESCRIPTION

That certain property situate at Chicken Key, Dade County, State of Florida, described as follows:

Govt. Lot One of Section Twenty-five in Township Fifty-Five South, of Range Forty East of the Tallahassee Meridian, Florida, known as Chicken Key and containing Ten and Sixty-Nine Hundredths acres, according to the official plat of the survey of the said land returned to the General Land Office by the Surveyor General, being the same land conveyed by the United States to Frederick S. Morse by patent dated the 16th day of June, 1920.

RECORDED IN OFFICIAL RECORDS BOOK OF DADE COUNTY, FLORIDA. RECORD VERIFIED RICHARD P. BRINKER CLERK CIRCUIT COURT

OFF REC 12600 PG 2004

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TRUSTEE'S SPECIAL WARRANTY DEED

THIS TRUSTEE'S SPECIAL WARRANTY DEED, made this 25th day of July, 1985, by and between Charles E. Schroeder, 410 North Michigan Avenue, Chicago, Illinois 60611, as Trustee under the provisions of a certain Land Trust Agreement dated the 2nd day of May, 1983 (hereinafter called the "grantor") and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, 3900 Commonwealth Boulevard, Room 412, Tallahassee, Florida 32303, (hereinafter called the "grantee"),

WITNESSETH: That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situated in Dade County, Florida, legally described upon Exhibit A attached hereto and made a part hereof.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining; all timber rights, water rights, mineral and oil or gas rights; all of grantor's interest in streams, canals, ditches, and other water bodies; and all of grantor's interest in alleys, roads, streets and easements included within the property legally described on said Exhibit A or providing access to said property.

SUBJECT TO: taxes for the year 1985 and easements of Florida Power & Light Company, dated February 28, 1974 recorded in Official Records Book 10020, Page 1806 and attached as Exhibit A to a Deed recorded May 1, 1978, under Clerk's File No. 78R-112395, and in Official Records Book 10020, Page 1800 and easements of Florida Power & Light Company and Southern Bell Telephone and Telegraph Company as decribed by Participation Agreement attached to the same Deed and recorded in Official Records Book 10020, page 1808.

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

AND the grantor hereby covenants with said grantee that he is lawfully seized of said land in fee simple; that he has good right and lawful authority to sell and convey said land; that he hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor.

This deed is executed by the grantor, as Trustee, as aforesaid, pursuant to and in the exercise of the power and authority granted to and vested in him by the terms of said Deed or Deeds in Trust and the provisions of said Trust Agreement above mentioned, and of every other power and authority thereunto enabling.

IN WITNESS WHEREOF the grantor has executed this Deed the day and year first above written.

Signed, sealed and delivered in the presence of:

[signature]

[signature]

[signature]

CHARLES E. SCHROEDER
As Trustee as aforesaid

$100,000.00 Documentary Stamps Collected
Dade County
Richard P. Brinker
Clerk Circuit & County Courts
[signature] DD
8-9-85

Approved for Legality
[signature] DNR
8/9/85

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NO. 3418
EXHIBIT A
PAGE 1 OF 9

STATE OF Illinois)
) SS:
COUNTY OF Cook)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared CHARLES E. SCHROEDER, well known to me known to be the person named as grantor in the foregoing deed, and he acknowledged executing the same as Trustee in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in him by the Deeds in Trust and the Trust Agreement.

WITNESS my hand and official seal at the County and State aforesaid this 25th day of July, A.D., 1985.

Notary Public,

My Commission Expires:

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This Instrument prepared by:

Charles J. Kaleta, Jr.
McDermott, Will & Emery
700 Brickell Avenue
Miami, Florida 33131

1104R

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EXHIBIT A

LEGAL DESCRIPTION

PARCEL A- LEGAL DESCRIPTIONS

A portion of "Charles Deering Estate", according to the plat thereof, as recorded in Plat Book 34 at Page 30 of the Public Records of Dade County, Florida, being more particularly described as follows:

All that portion of Sections 25 and 26, Township 55 South, Range 40 East lying East of Ingraham Highway (presently known as S.W. 72nd Avenue) as shown on and lying within the limits of said plat of "Charles Deering Estate".

TOGETHER WITH

All that portion of the North One-Quarter (N ¼) of the Northwest One-Quarter (N.W. ¼) of the Northeast One-Quarter (N.E. ¼) of fractional Section 35, Township 55 South, Range 40 East lying Northerly and Easterly of those certain 50 feet wide Roads as shown on and lying within the limits of said plat of "Charles Deering Estate".

PARCEL B- LEGAL DESCRIPTION

A portion of "Charles Deering Estate" according to the plat thereof, as recorded in Plat Book 34 at Page 30 of the Public Records of Dade County, Florida, being a portion of the West One-Half (W ½) of Section 26, Township 55 South, Range 40 East, lying Westerly of Ingraham Highway (presently known as S.W. 72nd Avenue) and being more particularly described as follows:

The East One-Half (E½) of the Southeast One-Quarter (S.E. ¼) of the Northwest One-Quarter (N.W. ¼) of said Section 26 lying Westerly of said Ingraham Highway. Less and excepting therefrom the West 35 feet for road right of way.

TOGETHER WITH

The East One-Half (E ½) of the Northeast One-Quarter (N.E. ¼) of the Southwest One-Quarter (S.W. ¼) of said Section 26 lying westerly of said Ingraham Highway. Less and excepting therefrom the West 35 feet for road right of way.

TOGETHER WITH

All that part of the Northeast One-Quarter (N.E. ¼) of the the Southeast One-Quarter (S.E. ¼) of the Southwest One-Quarter (S.W. ¼) of said Section 26, which lies North of that certain street lying North of and adjoining Block C of "Robert's Subdivision" as recorded in Plat Book 1 at Page 129 of the Public Records of Dade County, Florida, and lying westerly of said Ingraham Highway. Less and excepting therefrom the West 35 feet for road right of way.

PARCEL C- LEGAL DESCRIPTION

FIRST:
Lot 1, in Block "A", ROBERT'S SUBDIVISION of part of SE ¼ of SE¼, SW¼ of said Section 26, as Plat Book "B", Page 23, Records of Dade County, Florida;

ALSO

SECOND:
The North 50.8 feet of the East 185 feet of Block "A", ROBERT'S SUBDIVISION, in SW ¼ of said Section 26, as Plat Book "B", Page 23, Records of Dade County, Florida.

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PARCEL D- LEGAL DESCRIPTION

Lots "A", "B", and Lots 1,2,3,4,5,6 and 7, RICHMOND'S SUBDIVISION, of the S ½ of SE ¼ of SE ¼ of SW ¼ of Section 26, Township 55 South, Range 40 East according to the Plat thereof, recorded in Plat Book 4, Page 116, of the Public Records of Dade County, Florida.

NOTE: Parcels C and D as described above were replatted as a portion of "CHARLES DEERING ESTATE", as recorded in Plat Book 34, at Page 30 of the Public Records of Dade County, Florida.

PARCEL E- LEGAL DESCRIPTION

That certain property situate at Chicken Key, Dade County, State of Florida, described as follows:

Govt. Lot One of Section Twenty-five in Township Fifty-Five South, of Range Forty East of the Tallahassee Meridian, Florida, known as Chicken Key and containing Ten and Sixty-Nine Hundredths acres, according to the official plat of the survey of the said land returned to the General Land Office by the Surveyor General, being the same land conveyed by the United States to Frederick S. Morse by patent dated the 16th day of June, 1920.

RECORDED IN OFFICIAL RECORDS BOOK OF DADE COUNTY, FLORIDA RECORD VERIFIED, RICHARD P. BRINKER CLERK CIRCUIT COURT

EXHIBIT A

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RUSTEE'S QUIT-CLAIM DEED OFF REC 12600 PG 2008

THIS TRUSTEE'S QUIT-CLAIM DEED, made this 25th day of July, 1985, by and between Charles E. Schroeder, 410 North Michigan Avenue, Chicago, Illinois 60611, as Trustee under the provisions of a certain Land Trust Agreement dated the 2nd day of May, 1983 (hereinafter called the "grantor") and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, 3900 Commonwealth Boulevard, Room 412, Tallahassee, Florida 32303, (hereinafter called the "grantee"),

WITNESSETH: That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, by these presents does remise, release, and quit-claim unto the grantee, all the right, title, interest, claim and demand which the said grantor has in and to the lots, pieces or parcels of land, situate, lying and being in Dade County, Florida, legally described upon Exhibit A attached hereto and made a part hereof.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

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

This deed is executed by the grantor, as Trustee, as aforesaid, pursuant to and in the exercise of the power and authority granted to and vested in him by the terms of said Deed or Deeds in Trust and the provisions of said Trust Agreement above mentioned, and of every other power and authority thereunto enabling.

IN WITNESS WHEREOF the grantor has executed this Deed the day and year first above written.

Signed, sealed and delivered in the presence of:

[signature]

[signature]

[signature]

CHARLES E. SCHROEDER
As Trustee as aforesaid

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STATE OF Illinois)
) SS:
COUNTY OF Cook)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared CHARLES E. SCHROEDER, well known to me known to be the person named as grantor in the foregoing deed, and he acknowledged executing the same as Trustee in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in him by the Deeds in Trust and the Trust Agreement.

WITNESS my hand and official seal at the County and State aforesaid this 25th day of July, A.D., 1985.

[signature]
Notary Public,

My Commission Expires:
My Commission Expires Jan. 25, 198

This Instrument prepared by:

Charles J. Kaleta, Jr.
McDermott, Will & Emery
700 Brickell Avenue
Miami, Florida 33131

1106R

$0.50 Documentary Stamps Collected
Dade County
Richard P. Brinker
Clerk Circuit & County Courts
By [signature] DD

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EXHIBIT "A"

Legal Description of Property

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PARCEL 1

FIRST: All of Blocks Seventeen (17), Eighteen (18), Nineteen (19), the West Half of Blocks Twenty (20) and Twenty-seven (27), and all of Blocks Twenty-eight (28), Twenty-nine (29), Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35), Thirty-eight (38), Thirty-nine (39), Forty (40), Forty-one (41), Forty-two (42), Forty-three (43), Forty-four (44), Forty-five (45), Forty-six (46), Forty-seven (47), Forty-eight (48), Fifty (50), Fifty-one (51), Fifty-two (52), Fifty-three (53), Fifty-four (54), Fifty-five (55), Fifty-six (56), Fifty-seven (57), Fifty-eight (58), and Fifty-nine (59), Richmond's Survey of Cutler as per Book B of Plats at page 17, records of Dade County, Florida, being in the North-east Quarter of Section Twenty-six (26), Township Fifty-five South, Range Forty East of the Tallahassee Meridian;

Also

SECOND: That certain tract of land described as follows:

Beginning at the Southwest corner of the Northwest quarter of Section Twenty-five (25), Township Fifty-five (55), South, Range Forty (40) East of the Tallahassee Meridian, running thence north along the west section line of said Section Twenty-five (25) Ten Hundred and twenty-five (1025) feet, thence east at right angles with said section line a distance of Five Hundred and Twenty-eight (528) feet, more or less, to low water mark of Biscayne Bay, thence in a southerly direction meandering the low water mark of Biscayne Bay, to a point where the said low water mark intersects the South line of the Southwest quarter of the Northwest quarter of said Section Twenty-five (25), thence West along said quarter section line to the place of beginning, together with all riparian rights, water privileges and submerged lands appurtenant or pertaining thereto;

Also

THIRD: All of Blocks Sixty (60), Sixty-one (61), Sixty-two (62), Sixty-three (63), Sixty-four (64), Sixty-five (65), Sixty-six (66), Sixty-seven (67), Sixty-eight (68), Sixty-nine (69), Seventy (70), Seventy-one (71), Seventy-two (72), Seventy-three (73), Seventy-four (74), Seventy-five (75), Seventy-six (76), Seventy-seven (77), and Seventy-eight (78), in Richmond's Survey of Cutler as per Book B of Plats at page 17, records of Dade County, Florida, together with all riparian rights appurtenant or pertaining thereto, and the submerged land adjoining said Block Sixty-four (64) and extending therefrom to the adjacent channel; and that certain tract of land described as follows:

Commencing on the Easterly boundary of a certain strip of land which is so drawn on said plat of survey as to indicate a street sixty (60) feet in width along the Eastern boundary

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of said plat and forming the Easterly margin of platted area shown thereon, at a point where the North boundary line of Block Sixty-five (65) thereof, projected, would intersect the Easterly or outer boundary of said street; thence East along the North boundary line of said Block Sixty-five (65), projected, to low water mark of Biscayne Bay, thence Southwesterly meandering said low water mark to the point where the west boundary line of said Block Sixty-five (65), projected, intersects said low water mark, thence North along the West boundary of said Block Sixty-five (65), projected, to the outer boundary of said street, thence Easterly and Northerly along the outer boundary of said street to the point of beginning, with riparian rights; and that certain tract of land described as follows:

Commencing at the point of intersection of the East boundary line of said Block Seventy-two (72), projected, with the outer boundary line of said street, thence run South along the said East boundary line of said Block Seventy-two (72), projected, to the low water mark of Biscayne Bay; thence Southwesterly along said low water line to its intersection with the West boundary line of Block Seventy-two (72), projected thence North along said West boundary line projected to its intersection with the outer boundary line of said street; thence along the outer boundary line of said street in a North-easterly direction to the point of beginning, with riparian rights; and the land lying between the East boundary line of said Block Seventy-five (75) and the low water mark of Biscayne Bay, with riparian rights; and the submerged land lying east between said Block Seventy-eight (78) and the channel of Biscayne Bay;

Also

FOURTH: Blocks Seventy-nine (79), Eighty-eight (88), Eighty-nine (89), and One Hundred and Eleven (111), Richmond's Survey of Cutler as per Book B of Plats at page 17, records of Dade County, Florida, together with the riparian rights appurtenant or pertaining thereto, and the land lying between the North and South boundaries of said Blocks eighty-eight (88) and One Hundred and Eleven (111) produced East to Biscayne Bay, with riparian rights, said lands being in the North half of fractional Section Thirty-five (35), Township Fifty-five (55) South, Range Forty (40) East; except that portion of these blocks contained in that part of the following described property lying East of the center line of Section Thirty-five (35), Township Fifty-five (55) South, Range Forty (40) East:

Begin at a point on the Southwest corner of the N1/2 of the SW1/4 of the NW1/4 of the NE1/4 of Section 35 Township 55 South Range 40 East as a point of beginning for a parcel of land herein described; thence north 89 degrees 22 minutes 10 seconds West along the prolongation West of the South line of the aforesaid N1/2 of the SW1/4 of the NW1/4 of the NE1/4 Section 35 for a distance of 230 feet to a point; thence North 0 degrees 38 minutes 45 seconds East along a line parallel to and 230 feet West of the West line of the NE1/4 of said Section 35 for a distance of 662.92 feet plus or minus to a point of intersection with the prolongation West of the South line of the NW1/4 of the NW1/4 of the NW1/4 of the NE1/4 of said Section 35; thence South 89 degrees 22 minutes 25 seconds East along the prolongation West of the

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South line of the said NW1/4 of the NW1/4 of the NW1/4 of the NE1/4 for a distance of 205 feet to a point 25 feet West of the Southwest corner of the NW1/4 of the NW1/4 of the NW1/4 of the NE1/4 of said Section 35; thence South 0 degrees 38 minutes 45 seconds West for a distance of 25 feet to the south right-of-way line of a public road; thence South 89 degrees 22 minutes 25 seconds East along the South right-of-way line of the aforesaid public road for a distance of 672 feet plus or minus to the high water line of Biscayne Bay; thence Southwesterly meandering the high water line for a distance of 670 feet plus or minus to a point on the South line of the N1/2 of the SW1/4 of the NW1/4 of the NE1/4 of said Section 35; thence North 89 degrees 22 minutes 10 seconds West along the aforesaid South line of the N1/2 of the SW1/4 of the NW1/4 of the NE1/4 for a distance of 450 feet plus or minus to the point of beginning of the parcel of land herein described;

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Also

FIFTH: The East half of the Southeast quarter of the Northwest quarter and the East half of the Northeast quarter of the Southwest quarter, both in Section Twenty-six (26), Township Fifty-five (55) South, Range Forty (40) East of the Tallahassee Meridian;

Also

SIXTH: That part of the East half of the Southeast quarter of the Southwest Quarter of Section Twenty-six (26), Township Fifty-five (55) South, Range Forty (40) East of the Tallahassee Meridian, described as follows, to-wit:

Beginning at a point where the west line of the county highway intersects the North line of a certain street lying north of and adjoining Block C of Roberts' Subdivision, shown in Plat Book 1 at Page 129 in the Office of the Clerk of the Circuit Court for Dade County, Florida, which point is Twelve Hundred and Thirty-five (1235) feet, more or less, north, and Twenty-five (25) feet west of the Southeast corner of said Southwest quarter of Section Twenty-six (26), running thence North Ninety-five (95) feet to the north line of the Southeast quarter of the Southwest quarter of said Section Twenty-six (26) thence West One Hundred and twenty (120) feet, thence South Ninety-five (95) feet to the north line of the aforesaid street, thence East following the north line of said street to the point of beginning;

Also

SEVENTH: All that part of the Northeast quarter of the Southeast quarter of the Southwest quarter of said Section Twenty-six (26), which lies North of that certain street lying north of and adjoining Block C of Roberts' Subdivision shown in Plat Book 1 at Page 129 in the office of the Clerk of the Circuit Court for Dade County, Florida, and west of that certain tract of land conveyed to Charles Deering by William T. Roberts and wife by deed dated July 6th, 1923, recorded in Deed Book 356, page 331, of the records of Dade County, Florida.

PARCEL 2

FIRST: Lot Fourteen (14) of Block A, of Roberts' Subdivision

of part of the Southeast quarter of the Southeast quarter of the Southwest quarter of said Section Twenty-six (26), as per Plat Book B at page 23, records of Dade County, Florida;

Also

SECOND: The North Sixty-six and eight-tenths (66.8) feet of the East One Hundred and Eighty-five (185) feet of Block A, Roberts' Subdivision in the Southwest quarter of said Section Twenty-six (26), as per Plat Book B at page 23, records of Dade County, Florida.

PARCEL 3

Lots A, B and One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7) of Richmond's Subdivision of the South half of the Southeast quarter of the Southeast quarter of the Southwest quarter of said Section Twenty-six (26), Township 55 South, Range 40 East, according to plat recorded in Plat Book 4, page 116 of the public records of Dade County, Florida.

PARCEL 4

That certain property situate at Chicken Key, Dade County, State of Florida, described as follows:

Govt. Lot One of Section Twenty-five in Township Fifty-five South, of Range Forty East of the Tallahassee Meridian, Florida, known as Chicken Key and containing Ten and Sixty-nine hundredths acres, according to the official plat of the survey of the said land returned to the General Land Office by the Surveyor General, being the same land conveyed by the United States to Frederick S. Morse by patent dated the 16th day of June, 1920.

RECORDED IN OFFICIAL RECORDS BOOK OF DADE COUNTY, FLORIDA.
RECORD VERIFIED
RICHARD P. BRINKER,
CLERK CIRCUIT COURT

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BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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LEASE AGREEMENT

DEERING HAMMOCK

Lease No. 3418

WHEREAS, the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida holds title to certain lands and property for use by the State of Florida for public purposes, and

WHEREAS, the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida may enter into leases for the use, benefit and possession of public lands for the benefit of the State;

NOW THEREFORE, this agreement made between the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, as LESSOR, and the DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF FLORIDA, as LESSEE, to provide for the Division of Recreation and Parks to sublease the lands to local government for environmental protection and compatible outdoor recreation and related purposes and to represent the State in matters requiring coordination of local management of the lands.

W I T N E S S E T H

The parties, for and in consideration of mutual covenants and agreements hereinafter contained, hereby covenant and agree as follows:

1. The Lessor does hereby lease to the Lessee the following described lands in the County of Dade, State of Florida, together with the improvements thereon (if applicable), viz:

(Exhibit A - attached)

TO HAVE AND TO HOLD the above described lands for a period of fifty (50) years, for the purposes of subleasing to local government and representing the State in coordination of local management for environmental protection and compatible public outdoor recreation and related purposes or until termination of the sublease agreement with local government, whichever occurs first.

2. The Lessee shall have the right to enter upon said lands for all purposes necessary to the full enjoyment of the rights

EXHIBIT B

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herein conveyed to it, and shall take reasonable steps to prevent the unauthorized use of said lands.

3. The Lessee shall require the Sublessee to assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and any and all mechanic's or materialman's liens which may be hereafter lawfully assessed and levied against the subject property during the effective period of the sublease, except as otherwise specified herewith.

4. The Lessee hereby agrees to require the Sublessee to submit annual evidence of insurance to the following: Bureau of State Lands Management, 3900 Commonwealth Boulevard, Tallahassee, Florida 32303.

5. This lease agreement may be terminated by mutual agreement of the parties hereto; however, the lease agreement shall be terminated at the sole option of the Lessor when and if the said premises including land and improvements shall cease to be used for environmental protection and compatible public outdoor recreation and related purposes.

6. The Lessee hereby agrees to require that, in the event no further use of this parcel or any part thereof is needed, the Sublessee shall give notification to the Bureau of State Lands Management, 3900 Commonwealth Boulevard, Tallahassee, Florida 32303 at least six (6) months prior to the release of any or all of the premises. Notification will include a legal description, the lease number, and an explanation of the release.

7. Upon termination or expiration of the sublease agreement with local government as provided for herein, this Lease Agreement shall terminate and the Lessee shall surrender up the premises to the Lessor, Furthermore, the Lessee herein shall require the sublessee to leave all fixed improvements for the use of the Lessor and to put no claim upon said improvements; or at the option of the Lessor, the Lessee shall require the Sublessee to remove any and all improvements on the property at the Sublessee's expense.

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The Lessee shall assure that the Sublessee meets the following conditions upon termination of the Sublease.

(a) The premises shall meet applicable county and municipal building and safety codes.

(b) The Sublessee shall properly dispose of utility fees, including having the utilities turned off.

(c) The Sublessee shall not commit waste; ordinary wear and tear is acceptable.

(d) Prior to formal release a representative of the Bureau of State Lands Management shall perform an on-site inspection and the keys to any buildings on the premises shall be turned over to the Bureau.

(e) If the premises does not meet all conditions agreed upon, the Sublessee shall reimburse the Board for any resulting expenses.

8. In the sublease of the property, the Lessee herein shall require the Sublessee to agree to investigate all claims of every nature at its own expense and to indemnify, protect, defend, hold and save harmless the State of Florida from any and all claims, actions, lawsuits and demands of any kind or nature arising out of the agreement allowing for its use of the lands, to the extent allowable by law.

9. The Lessor warrants that it has the right to lease the hereinafter described lands and property; however, this Lease Agreement does not convey fee simple title.

10. The Lessor or its duly authorized agents shall have the right at any time to inspect the said land and the works and operations thereon of the Sublessee in any matter pertaining to this agreement, following coordination with the Lessee herein.

11. The Lessee herein and its Sublessee are hereby authorized to grant utility easements which will be necessary to service authorized facilities located within the leased premises. Copies of any such easements granted should be filed timely with the Lessor.

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12. This agreement is for the purposes specified herein and subleases of any nature excepting utility easements incident to authorized facilities (Provision 11) are prohibited, unless previously authorized by the Lessor. It is provided, however, that the Lessee is authorized to sublease the lands to an appropriate body or local government or public agency to develop and manage primarily for environmental protection and compatible public outdoor recreation and related purposes.

13. The Lessee shall require the Sublessee to prepare a management plan in accordance with Section 253.034, Florida Statutes, within twelve (12) months of the execution date of this agreement and it shall be submitted, through the Lessee, to the Lessor for approval by the Land Management Advisory Committee and the Board. The approved Management Plan shall provide the basic guidance for all management activities and shall be reviewed jointly by the Lessee and the Board at least every five years. The Sublessee may use the property while the management plan is being developed provided such use is consistent with the management statement at purchase and approved by the Lessee.

14. Execution of this agreement in no way affects any of the lessees or sublessee's obligations pursuant to Chapter 267, Florida Statutes. The collection of artifacts or the disturbance of archaeological and historical sites, including scientific archaeological excavations, on state-owned lands is prohibited unless prior authorization has been obtained from the Division of Archives, History and Records Management. Plans and specifications for the restoration, renovation or other alteration of any historically or architecturally significant structures shall be reviewed by the Division of Archives, History and Records Management and the Metropolitan Dade County Historic Preservation Division prior to proceeding with any such activities. The land management plan prepared pursuant to Section 253.034, Florida Statutes, shall be reviewed by the Division of Archives, History and Records Management to insure that adequate measures have been planned to

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locate, identify, protect and preserve the archaeological and historical sites and properties on the tract. And, to assist the State of Florida in providing maximum protection of historically significant properties on the tract, the Sublessee shall make application for and actively seek designation and protection of such sites and properties under the Metropolitan Dade County Historic Preservation Ordinance.

15. The introduction of feral hogs on the subject property is specifically prohibited and the Lessee shall require the sublessee to adopt measures to control said hogs, if present, with the objective of elimination, if possible.

IN TESTIMONY WHEREOF, the lawfully designated agent of the Board of Trustees of the Internal Improvement Trust Fund has hereunto subscribed his name and has caused the official seal of said Board to be hereunto affixed, in the City of Tallahassee, Florida, on the 19TH day of DECEMBER, A.D., 1985, and the Department of Natural Resources, Division of Recreation and Parks, has duly executed same this 19TH day of DECEMBER, A.D., 1985.

(SEAL)
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

By: _____
DIRECTOR, DIVISION OF STATE LANDS, AGENT FOR THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

(SEAL)
STATE OF FLORIDA DEPARTMENT OF NATURAL RESOURCES

FLORIDA DEPARTMENT OF NATURAL RESOURCES

By: _____
ELTON J. GISSENDANNER
EXECUTIVE DIRECTOR

Approved for compliance with Section 253.03, Florida Statutes

By: _____

Approved as to form and legality:

By: _____ 12/18/85

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Attachment H:

Project Report

PROJECT REPORT

CLASS 1 PERMIT APPLICATION NO. CC06-216

MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR THE EXCAVATION OF 231 CUBIC YARDS OF UPLAND AND 3 CUBIC YARDS BELOW THE MEAN HIGH WATER LINE (MHWL) TO CREATE A CANOE LAUNCHING RAMP ON THE C-100 CANAL

JUNE 13, 2008

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

1. **Potential Adverse Environmental Impact** – The potential for any adverse environmental impacts from the excavation of 231 cubic yards of upland and 3 cubic yards below the mean high water line (MHWL) in order to create a canoe launching ramp on the C-100 canal is minimal. Mangroves and other halophytic wetland vegetation are present within vicinity of the proposed work. However, the proposed project is to be constructed within a natural gap in vegetation present along the shoreline at the site. In addition, the Class I Permit shall include conditions stating the trimming, or alteration of mangroves, buttonwoods or wetland vegetation is not authorized and shall also include conditions to minimize turbidity and protect rare, threaten and endangered species, please see below.

2. **Potential Cumulative Adverse Environmental Impact** – Not applicable.

3. **Hydrology** – The proposed project, as designed, is not reasonably expected to adversely affect surface water drainage or retention of stormwater.

4. **Water Quality** – The proposed project may affect surface water quality on a temporary basis during the excavation activities. In order to minimize these impacts to the maximum extent possible, the Class I Permit will require that turbidity control devices such as, but not limited to, turbidity curtains, be utilized during all phases of construction to ensure compliance with the County's water quality standard for turbidity.

5. **Wellfields** – Not applicable.

6. **Water Supply** – Not applicable.

7. **Aquifer Recharge** – Not applicable.

8. **Aesthetics** – The proposed project is not reasonably expected to have negative aesthetic impacts. However, during the construction process there may be temporary aesthetic impacts related to the presence of machinery with equipment in association with the construction activities.

9. **Navigation** – Not applicable.

10. **Public Health** – The proposed project is not reasonably expected to adversely affect public health.

11. **Historic Values** – The proposed project is not reasonably expected to adversely affect historic values.

12. **Archaeological Values** – The proposed project is not reasonably expected to adversely affect archaeological values.

13. **Air Quality** – The proposed project is not reasonably expected to adversely affect air quality.

14. **Marine and Wildlife Habitats** – The proposed project involves the excavation of 231 cubic yards of an upland lot and of 3 cubic yards (72 square feet) of marine soils below the mean high water line. Although the soils may support limited numbers of marine infauna (i.e. benthic fauna living within the substrate), the soils do not support any significant marine resources. In addition, the area to be excavated below the mean high water line is unvegetated; therefore, impacts to marine and wildlife habitat are not anticipated.

15. **Wetland Soils Suitable for Habitat** – Impacts to wetland soils suitable for habitat shall be minimal.

16. **Floral Values** – The proposed project is not reasonably expected to adversely affect floral values. No submerged aquatic vegetation or halophytic vegetation has been documented in the footprint of the proposed work. In addition, the Class I Permit shall include conditions stating the trimming, or alteration of mangroves, buttonwoods or wetland vegetation is not authorized

17. **Fauna Values** – The proposed project may cause temporary adverse impacts to marine fauna resulting from turbidity as a result of the construction operations. However these impacts will be minimized to the maximum extent practicable by the implementation of proper turbidity control devices. The Class I Permit will require the applicant to employ appropriate turbidity control devices such as, but not limited to, turbidity curtains during all phases of construction.

18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to adversely affect rare, threatened and endangered species. The project location is not located within an area identified as essential manatee habitat for the West Indian Manatee (*Trichechus manatus)* as per the Miami-Dade County Manatee Protection Plan. In addition, the proposed launching ramp shall be dedicated for the use of non-motorized vessels only.

19. **Natural Flood Damage Protection** – The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.

20. **Wetland Values** – The proposed project will not result in the net gain or loss of wetland values.

21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(A)(7), of the Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter shall be submitted after the approval by the Board of County Commissioners and prior to the issuance of a Class I Permit.

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

23. **Other Environmental Values Affecting the Public Interest** – The proposed project is not reasonably expected to adversely affect environmental values affecting the public interest.

24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of the following:

    - Miami-Dade County Public Works Manual
    - Biscayne Bay Management Plan (Section 33D-1 through 33-D-4 of the Code of Miami-Dade County)
    - Chapter 33B of the Code of Miami-Dade County

25. **Comprehensive Environmental Impact Statement (CEIS)** – In the opinion of the Director, the proposed project will result in neither adverse environmental impacts nor cumulative adverse environmental impacts. Therefore, a CEIS was not required by DERM to evaluate the project.

26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** – The proposed project is in conformance with the following applicable State, Federal and local laws and regulations:

    a) Biscayne Bay Management Plan
    b) United States Clean Water Act (Army Corps of Engineers permit is required)
    c) Chapter 24 of the Code of Miami-Dade County
    d) Rules of the South Florida Water Management District

27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** – In the opinion of DERM, the proposed project is in conformance with the CDMP. The following is a summary of the proposed project as it relates to the CDMP:

LAND USE ELEMENT I:

Objective 2/Policy 2A – Level of Service. The proposed project does not involve new or significant expansion of existing urban land uses.

Objective 3/Policies 3A, 3B, 3C – Protection of natural resources and systems. – The proposed project is consistent with the Conservation and Coastal Management Elements of the CDMP. The proposed project is compatible with surrounding land uses in Biscayne Bay and does not involve development in the Big Cypress area of Critical State concern or the East Everglades.

TRANSPORTATION ELEMENT II

Aviation Subelement/Objective 9 – Aviation System Expansion - There is no aviation element to the proposed project.

Port of Miami River Subelement/Objective 3 – Minimization of impacts to estuarine water quality and marine resources. The proposed project is not located within the Miami River.

CONSERVATION, AQUIFER RECHARGES AND DRAINAGE ELEMENT IV:

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

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

Objective 4/Policies 4A, 4B, 4C – Water storage, aquifer recharge potential and maintenance of natural surface water drainage. – The proposed project will not adversely affect water storage, aquifer recharge potential or natural surface water drainage. The proposed project does not involve positive drainage of wetland area and will not affect water storage or aquifer recharge potential.

Objective 5/Policies 5A, 5B, 5F – Flood protection and cut and fill criteria. – The proposed project does not compromise flood protection, involve filling for development purposes, and is not related to cut and fill activities.

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

Objective 6/Policy 6B – Guidelines for rock quarries for the re-establishment of native flora and fauna. – The proposed project is not located in a rock quarry.

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

Objective 7/Policy 7A – No net loss of high quality, relatively unstressed wetlands. – The proposed project will not result in a net loss of any such wetlands.

Objective 9/Policies 9A, 9B, 9C – Protection of habitat critical to Federal or State-designated threatened or endangered species. – The proposed project is not located within an area identified by the Miami-Dade County Manatee Protection Plan as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*) and is recommended for "Motorboat Density and Various Water-Dependent Uses as Determined by Existing Zoning or Environmental Regulations". Therefore, the proposed project is not reasonably expected to adversely affect rare, threatened or endangered species.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A – Tidally connected mangroves in mangrove protection areas – The proposed project is located within a designated "Mangrove Protection Area." However, the proposed project does not involve the trimming of mangroves.

Objective 1/ Policy 1B – Natural surface flow into and through coastal wetlands. – The proposed project will not affect natural surface flow into and through coastal wetlands.

Objective 1/ Policy 1C – Elevated boardwalk access through mangroves. – The proposed project does not involve the installation of an elevated boardwalk.

Objective 1/Policy 1D – Protection and maintenance of mangrove forests and related natural vegetational communities. – Mangroves and other halophytic wetland vegetation are present adjacent to the proposed work. However, the proposed canoe launching ramp shall be located within a natural gap in the shoreline free of said vegetation. In addition, the Class I permit shall

include conditions stating the trimming, or alteration of mangroves, buttonwoods or wetland vegetation is not authorized.

Objective 1/Policy 1E – Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed project does not involve the degradation and destruction of coastal wetlands and therefore does not involve monitoring of mitigation for impacts to coastal wetlands.

Objective 1/Policy 1G – Prohibition on dredging or filling of grass/algal flats, hard bottom or other viable benthic communities, except as provided for in Chapter 24 of the Code of Miami-Dade County, Florida. – The proposed project does not involve the dredging or filling of grass/algal flats, hard bottom or other viable benthic communities.

Objective 2/Policies 2A, 2B – Beach restoration and renourishment objectives. - The proposed project does not involve beach restoration or renourishment.

Objective 3/Policy 3E, 3F – Location of new cut and spoil areas for proper stabilization and minimization of damages. – The proposed project does not involve the development or identification of new cut or spoil areas.

Objective 5/Policy 5B – Existing and new areas for water-dependent uses. – The proposed project involves the construction of a public canoe launching ramp for non-motorized vessels such as canoe and/or kayaks and will enhance existing water-dependent uses associated with the existing property.

Objective 5/Policy 5D – Consistency with Chapter 33D, Miami-Dade County Code (shoreline access, environmental compatibility of shoreline development) – The proposed project does not require review by the Shoreline Development Review Committee.

Objective 5/Policy 5F – The siting of water dependent facilities. – The proposed project does not involve the creation of any new water dependent facilities.

28. **Conformance with Chapter 33B, Miami-Dade County Code** (East Everglades Zoning Overlay Ordinance) – The proposed project is not located within the East Everglades Area.

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

30. **Conformance with the Miami-Dade County Manatee Protection Plan** – The proposed project is not located within an area identified by the Miami-Dade County Manatee Protection Plan as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*) and is recommended for "Motorboat Density and Various Water-Dependent Uses as Determined by Existing Zoning or Environmental Regulations".

31. **Consistency with Miami-Dade County Criteria for Lake Excavation** – The proposed project does not involve lake excavation.

32. **Municipality Recommendation** – Pursuant to Section 24-48.2(II)(A)(7), Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed

project does not violate any zoning laws. Said letter shall be submitted after the approval by the Board of County Commissioners and prior to the issuance of the Class I Permit.

33. **Coastal Resources Management Line** – A coastal resources management line was not required for the proposed project, pursuant to Section 24-48.2(II)(A)(10)(b) of the Code of Miami-Dade County, Florida.

34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The proposed project is not expected to impact wetland hydrological and biological functions.

35. **Class I Permit Applications Proposing to Exceed the Boundaries Described in Section D-5.03(2)(a) of the Miami-Dade County Public Works Manual** – DERM has considered the following factors:

    i) **Whether the proposed exceedance is the minimum necessary to avoid seagrasses or other valuable environmental resources** – Not applicable.
    ii) **Whether the proposed exceedance is the minimum necessary to achieve adequate water depth for mooring of a vessel** – Not applicable.
    iii) **Whether the applicant has provided notarized letters of consent to DERM from adjoining riparian property owners** – Not applicable.
    iv) **Whether any letters of objection from adjoining riparian property owners were received by DERM** – Not applicable.

The proposed project was also evaluated for compliance with the standards contained in Section 24-48.3(2),(3), and (4) of the Code of Miami-Dade County, Florida. The following is a summary of how the standards relate to the proposed project:

24-48.3 (2) Dredging and Filling for Class I Permit – The proposed project complies with the following criteria:

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

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

24-48.3 (4) Clean Fill in Wetlands – Not applicable.

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

Lisa Spadafina

Lisa Spadafina, Manager
Coastal Resources Section

Elaine Pietryak

Elaine Pietryak, Biologist II
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