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

Memorandum

MIAMI-DADE COUNTY

Date: October 7, 2008

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

R-1008-08

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

From: George M. Burgess
County Manager

Subject: Resolution Authorizing the Acceptance of a Restrictive Covenant Running with the Land in Favor of Miami-Dade County to Preserve and Enhance a 1.19 Acre Tree Preserve Area and Buffer Area for Tree Island Located in the Bird Drive Wetland Basin Between SW 52 Street and 54 Terrace and Between SW 157 Avenue and 158 Court

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Recommendation
It is recommended that the Board approve the attached resolution authorizing the acceptance of a restrictive covenant running with the land in favor of Miami-Dade County (Attachment A).

Scope
The subject property is located between SW 52 Street and 54 Terrace and between SW 157 Avenue and 158 Court, in County Commission District 11 (Commissioner Martinez).

Fiscal Impact/Funding Source
Not applicable.

Track Record/Monitor
Not applicable.

Background
The Department of Environmental Resources Management (DERM) has received a Class IV Wetlands Permit application by More Panas, LLC, for a commercial development affecting 8.55 acres of wetlands in the Bird Drive Wetland Basin between SW 52 Street and 54 Terrace and between SW 157 Avenue and 158 Court.

Chapter 24-48.3(5)(b) of the Code of Miami-Dade County requires the preservation of all tree islands within the Bird Drive Wetland Basin. The subject restrictive covenant specifies that a contiguous 1.19 acre tree island and buffer area will be enhanced and preserved. Diagrams and legal descriptions of the "Tree Preserve Area" and the "Buffer Area for Tree Island" that make up the 1.19 acres are included as Exhibit A of the attached restrictive covenant (Attachment A). The preservation area is located within the Urban Development Boundary adjacent to residential developments and the proposed commercial development. The "Tree Preserve Area" is characterized as a native tree island impacted by Brazilian Pepper, an invasive exotic plant species. The restoration and enhancement of the 0.79 acre tree island and the surrounding 0.40 acre buffer area will be accomplished by removing invasive exotic vegetation and solid waste, restoring filled areas and replanting with appropriate native tree island plant species.

Based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County, it is recommended that the Board approve the attached resolution.

Assistant County Manager

MEMORANDUM

R-1008-08

(Revised)

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

DATE: October 7, 2008

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

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

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(D)(1)(D)
10-7-08

RESOLUTION NO. R-1008-08

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A RESTRICTIVE COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY TO PRESERVE AND ENHANCE A 1.19 ACRE TREE PRESERVE AREA AND BUFFER AREA FOR TREE ISLAND LOCATED IN THE BIRD DRIVE WETLAND BASIN BETWEEN SW 52 STREET AND 54 TERRACE AND BETWEEN SW 157 AVENUE AND 158 COURT IN SECTION 20, TOWNSHIP 54 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA

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

WHEREAS, the attached Restrictive Covenant Running With the Land in Favor of Miami-Dade County for the property described in Exhibit A of the attached restrictive covenant and located between SW 52 Street and 54 Terrace and between SW 157 Avenue and 158 Court, Miami-Dade County, Florida, has been submitted pursuant to Section 24-48.2(I)(B)(2)(b) of the Code of Miami-Dade County; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within Section 24-48.3 of the Code of Miami-Dade County, hereby authorizes the acceptance of the attached Restrictive Covenant Running With the Land in Favor of Miami-Dade County by More Panas, LLC, to preserve and enhance a 1.19 acre Tree Preserve Area and Buffer Area for Tree Island, and the recording into the Public Records of Miami-Dade County, at the expense of the applicant.

The foregoing resolution was offered by Commissioner Rebeca Sosa, who moved its adoption. The motion was seconded by Commissioner Jose "Pepe" Diaz 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	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 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.

Robert A. Duvall

ATTACHMENT A

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

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

See Exhibit A

pursuant to Section 24-48.2(I)(B)(2)(b) of the Code of Miami-Dade County, Florida hereby proffers this executed Restrictive Covenant Running With The Land in Favor of Miami-Dade County, Florida as part of Miami-Dade County Department of Environmental Resources Management Class IV Permit FW 07-106:

1. The owner, its heirs, successors, assigns and grantees, covenants to Miami-Dade County to comply with all conditions set forth in the Miami-Dade County Class IV Wetland Permit FW07-106 attached hereto as Exhibit B and incorporated herein by reference.

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

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

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

5. This Restrictive Covenant shall run with the land and shall be recorded in the Public Records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned, and their heirs, successors, grantees and assigns until such time as the same is modified or released in writing by Miami-Dade County, Florida.

6. The undersigned agree(s) and covenant(s) that this Restrictive Covenant and the provisions contained herein may be enforced against any person permitting, allowing, letting, causing or suffering any violation of the terms of this Restrictive Covenant by the Department of Environmental Resources Management, or its successor, by temporary, permanent, prohibitory, and mandatory injunctive relief as well as otherwise provided by law or ordinance and also may include an action for and to recover civil penalties, damages, costs and expenses, and attorney's fees in favor of Miami-Dade County against said person(s) as authorized by law or ordinance. All of the remedies provided herein shall be deemed to be independent and cumulative and shall be deemed to be supplemental to any remedies provided by law or ordinance.

IN WITNESS WHEREOF, the undersigned have caused this Covenant to be executed this 11th day of Sept., 2008.

Witnesses:		Property Owner	
sign		sign	
print	Mary Gonzalez	print	Jose M. Fernandez
sign		Title	Manager, More Panas, LLC
print	Laura Betancourt	Address	3850 S.W. 87th Avenue #306-A Miami, Florida 33165

STATE OF FLORIDA, COUNTY OF DADE

The foregoing instrument was acknowledged before me this 11th day of Sept., 2008 by Jose M. Fernandez as _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

sign

print Jeannette Tey Diez

State of Florida at Large (Seal)

My Commission Expires:

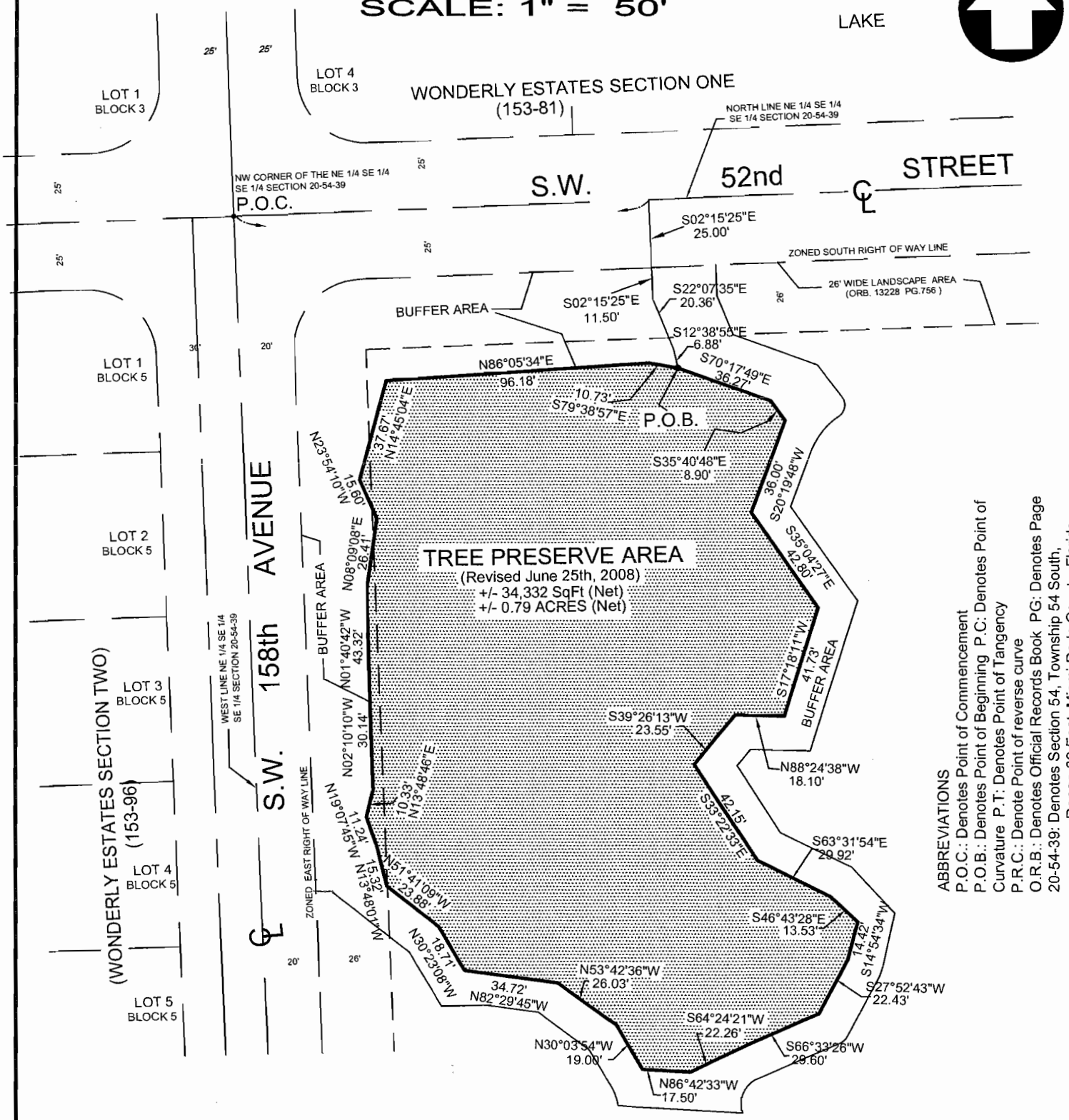
JEANNETTE TEY DIEZ
MY COMMISSION # DD 445175
EXPIRES: August 16, 2009
Bonded Thru Notary Public Underwriters

EXHIBIT A

TREE PRESERVE AREA

(SKETCH OF SURVEY)

SCALE: 1" = 50'



ABBREVIATIONS
P.O.C.: Denotes Point of Commencement
P.O.B.: Denotes Point of Beginning P.C: Denotes Point of Curvature P.T: Denotes Point of Tangency
P.R.C.: Denote Point of reverse curve
O.R.B.: Denotes Official Records Book PG: Denotes Page
20-54-39: Denotes Section 54, Township 54 South, Range 39 East, Miami-Dade County, Florida.

I hereby certify that this Sketch and Description is true and correct to the best of my knowledge and belief.

Odalys C. Bello, P.S.M. # 6169
State of Florida
Date of Field Work: 06/25/2008
Date of Completion: 08/05/2008

BELLO & BELLO
LAND SURVEYING CORPORATION
LB No. 7262
12230 S.W. 131 Avenue, Suite 201
Miami, Florida 33186
PH: (305) 251-9606 Fax: (305) 251-6057

Project No. 10998-T

TREE PRESERVE AREA

(SKETCH OF SURVEY)

SCALE: 1" = 50'

Tree Preserve Area
Legal Description:

A portion of Tract 49, of MIAMI EVERGLADES LAND CO. SUBDIVISION, in Section 20, Township 54 South, Range 39 East, Miami-Dade County, Florida, according to the Plat thereof, as recorded in Plat Book 2 at Page 3 of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

Commence at the Northwest corner of the NE 1/4 of the SE 1/4 of the SE 1/4 of said Section 20, thence run N 87°44'35" E along the center line of S.W. 52nd Street, for a distance of 151.32 feet; thence run S 02°15'25" E for a distance of 25.00 feet to a point on the South right of way line of said SW 52nd Street; thence continue S 02°15'25" E for a distance of 11.50 feet; thence run S 22°07'35" E for a distance of 20.36 feet; thence run S 12°38'55" E for a distance of 6.88 feet to the **Point of Beginning;**
thence run S 70°17'49" E for a distance of 36.27 feet;
thence run S 35°40'48" E for a distance 8.90 feet;
thence run S 20°19'48" W for a distance of 36.00 feet;
thence run S 35°04'27" E for a distance of 42.80 feet;
thence run S 17°18'11" W for a distance of 41.73 feet;
thence run N 88°24'38" W for a distance of 18.10 feet;
thence run S 39°26'13" W for a distance of 23.55 feet;
thence run S 33°22'33" E for a distance of 42.15 feet;
thence run S 63°31'54" E for a distance of 29.92 feet;
thence run S 46°43'28" E for a distance of 13.53 feet;
thence run S 14°54'34" W for a distance of 14.42 feet;
thence run S 27°52'43" W for a distance of 22.43 feet;
thence run S 66°33'26" W for a distance of 29.60 feet;
thence run S 64°24'21 W for a distance of 22.26 feet;
thence run N 86°42'33" W for a distance of 17.50 feet;
thence run N 30°03'54" W for a distance of 19.00 feet;
thence run N 53°42'36" W for a distance of 26.03 feet;
thence run N 82°29'45" W for distance of 34.72 feet;
thence run N 30°23'08" W for a distance of 18.71 feet;
thence run N 51°41'09" W for a distance of 23.88 feet;
thence run N 13°48'01" W for a distance of 15.32 feet;
thence run N 19°07'45" W for a distance of 11.24 feet;
thence run N 13°48'46" E for a distance of 10.33 feet;
thence run N 02°10'10" W for a distance of 30.14 feet;
thence run N 01°40'42" W for a distance of 43.32 feet;
thence run N 08°09'08" E for a distance of 26.41 feet;
thence run N 23°54'10" W for a distance of 15.60 feet;
thence run N 14°45'04" E for a distance of 37.67 feet;
thence run N 86°05'34" E for a distance of 96.18 feet;
thence run S 79°38'57" E for a distance of 10.73 feet to the **Point of Beginning.**
Said lands containing 34, 332 square feet (+/- 0.79 acres), more or less.

I hereby certify that this Sketch and Description is true and correct to the best of my knowledge and belief.

Odalys C. Bello, P.S.M. # 6169
State of Florida
Date of Field Work: 06/25/2008
Date of Completion: 08/05/2008

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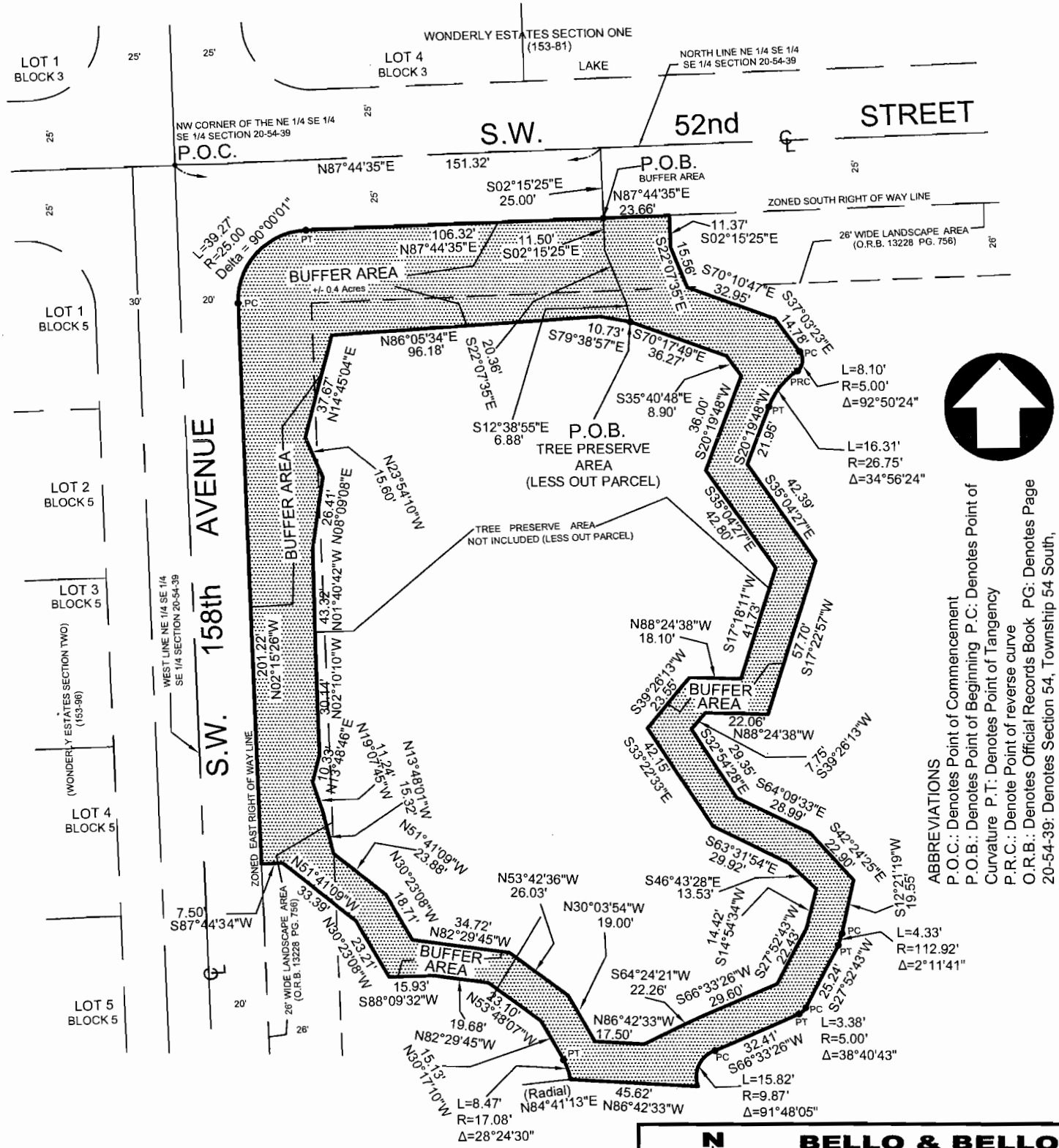
Project No. 10998-T

BUFFER AREA FOR TREE ISLAND

(SKETCH OF DESCRIPTION)

SCALE: 1" = 50'



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P.R.C.: Denote Point of reverse curve
O.R.B.: Denotes Official Records Book PG: Denotes Page
20-54-39: Denotes Section 54, Township 54 South, Range 39 East, Miami-Dade County, Florida.

I hereby certify that this Sketch and Description is true and correct to the best of my knowledge and belief.

Odalys C. Bello, P.S.M. # 6169
State of Florida
Date of Field Work: 06/25/2008
Date of Completion: 08/05/2008

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Project No. 10998-B

BUFFER AREA FOR TREE ISLAND

(SKETCH OF DESCRIPTION)

Buffer Area for Tree Island
Legal Description:

A parcel of land located adjacent and contiguous to an existing Tree Island designated as a Tree Preserve Area lying in and being a portion of Tract 49, of MIAMI EVERGLADES LAND CO. SUBDIVISION, in Section 20, Township 54 South, Range 39 East, Miami-Dade County, Florida, according to the Plat thereof, as recorded in Plat Book 2 at Page 3 of the Public Records of Miami-Dade County, Florida, more particularly described as follows:
Commence at the Northwest corner of the NE 1/4 of the SE 1/4 of the SE 1/4 of said Section 20, thence run N 87°44'35" E along the center line of S.W. 52nd Street, for a distance of 151.32 feet; thence run S 02°15'25" E for a distance of 25.00 feet to a point on the zoned South right of way line of said SW 52nd Street and the **Point of Beginning**;
thence run N 87°44'35" E along said zoned South right of way line, for a distance of 23.66 feet; thence run S 02°15'25" E for a distance of 11.37 feet; thence run S 22°07'35" E for a distance of 15.56 feet; thence run S 70°10'47" E for a distance 32.95 feet; thence run S 37°03'23" E for a distance of 14.78 feet to a point of curvature of a circular curve concave to the West; thence Southerly and Southwesterly along said 5 feet radius curve to the right, thru a central angle of 92°50'24" for an arc distance of 8.10 feet to a point of reverse curvature with a circular curve concave to the Southeast; thence Westerly and Southwesterly along a 26.75 feet radius curve to the left, thru a central angle of 35°56'24" for an arc distance of 16.31 feet to a point of tangency; thence run S 20°19'48" W for a distance of 21.95 feet; thence run S 35°04'27" E for a distance of 42.39 feet; thence run S 17°22'57" W for a distance of 57.70 feet; thence run N 88°24'38" W for a distance of 22.06 feet; thence run S 39°26'13" W for a distance of 7.75 feet; thence run S 32°54'28" E for a distance of 29.35 feet; thence run S 64°09'33" E for a distance of 28.99 feet; thence run S 42°24'25" E for a distance of 22.90 feet; thence run S 12°21'19" W for a distance of 19.55 feet to a point of curvature of a circular curve concave to the West; thence Southerly and Southwesterly along said 112.92 feet radius curve to the right, thru a central angle of 02°11'41" for an arc distance of 4.33 feet to a point of tangency; thence run S 27°52'43" W for a distance of 25.24 feet to a point of curvature of a circular curve concave to the Northwest; thence Southwesterly along said 5 feet radius curve to the right, thru a central angle of 38°40'43" for an arc distance of 3.38 feet to a point of tangency; thence run S 66°33'26" W for a distance of 32.41 feet to a point of curvature of a circular curve concave to the East; thence Southwesterly and Southerly along said 9.87 feet radius curve to the left, thru a central angle of 91°48'05" for an arc distance of 15.82 feet to a point; thence run N 86°42'33" W for a distance of 45.62 feet to a point on a non tangent curve concave to the West, a radial line thru said line bears N 84°41'13" E from its radius point; thence Northerly and Northwesterly along said 17.08 feet radius curve to the left, thru a central angle of 28°24'30" for an arc distance of 8.47 feet to a point of tangency; thence run N 30°17'10" W for a distance of 15.13 feet; thence run N 53°48'07" W for a distance of 23.10 feet; thence run N 82°29'45" W for distance of 19.68 feet; thence run S 88°09'32" W for a distance of 15.93 feet; thence run N 30°23'08" W for a distance of 23.21 feet; thence run N 51°41'09" W for a distance of 33.39 feet; thence run S 87°44'34" W for 7.50 feet to a point on the zoned East right of way line of SW 158 Avenue; thence run N 02°15'26" W along said line for a distance of 201.22 feet to a point of curvature of a circular curve concave to the Southeast; thence run Northerly, Northeasterly and Easterly along said 25.00 feet radius curve to the right for an arc distance of 39.27 feet to the point of tangency and a point on the said zoned South right of way line of SW 52nd Street; thence N 87°44'35" E along said line for 106.32 feet to the **Point of Beginning.**
LESS that area comprising a Tree Island and designated as a Tree Preserve Area, being also a portion of said Tract 49, of MIAMI EVERGLADES LAND CO.SUBDIVISION and more particularly described as follows: Commence at the said Northwest corner of the NE 1/4 of the SE 1/4 of the SE 1/4 of said Section 20, thence run N 87°44'35" E along the center line of S.W. 52nd Street, for a distance of 151.32 feet; thence run S 02°15'25" E for a distance of 25.00 feet to a point on the South right of way line of said SW 52nd Street; thence continue S 02°15'25" E for a distance of 11.50 feet; thence run S 22°07'35" E for a distance of 20.36 feet; thence run S 12°38'55" E for a distance of 6.88 feet to the **Point of Beginning of the Tree Preserve Area and the herein lessed out portion;** thence run S 70°17'49" E for a distance of 36.27 feet; thence run S 35°40'48" E for a distance 8.90 feet; thence run S 20°19'48" W for a distance of 36.00 feet; thence run S 35°04'27" E for a distance of 42.80 feet; thence run S 17°18'11" W for a distance of 41.73 feet; thence run N 88°24'38" W for a distance of 18.10 feet; thence run S 39°26'13" W for a distance of 23.55 feet; thence run S 33°22'33" E for a distance of 42.15 feet; thence run S 63°31'54" E for a distance of 29.92 feet; thence run S 46°43'28" E for a distance of 13.53 feet; thence run S 14°54'34" W for a distance of 14.42 feet; thence run S 27°52'43" W for a distance of 22.43 feet; thence run S 66°33'26" W for a distance of 29.60 feet; thence run S 64°24'21 W for a distance of 22.26 feet; thence run N 86°42'33" W for a distance of 17.50 feet; thence run N 30°03'54" W for a distance of 19.00 feet; thence run N 53°42'36" W for a distance of 26.03 feet; thence run N 82°29'45" W for distance of 34.72 feet; thence run N 30°23'08" W for a distance of 18.71 feet; thence run N 51°41'09" W for a distance of 23.88 feet; thence run N 13°48'01" W for a distance of 15.32 feet; thence run N 19°07'45" W for a distance of 11.24 feet; thence run N 13°48'46" E for a distance of 10.33 feet; thence run N 02°10'10" W for a distance of 30.14 feet; thence run N 01°40'42" W for a distance of 43.32 feet; thence run N 08°09'08" E for a distance of 26.41 feet; thence run N 23°54'10" W for a distance of 15.60 feet; thence run N 14°45'04" E for a distance of 37.67 feet; thence run N 86°05'34" E for a distance of 96.18 feet; thence run S 79°38'57" E for a distance of 10.73 feet to the **Point of Beginning of the Tree Preserve Area and the herein lessed out portion.**

Said lands situated, lying and being in the SE 1/4 of said Section 20, Township 54 South, Range 39 East, Miami-Dade County, Florida and containing 0.4 Acres, more or less.

I hereby certify that this Sketch and Description is true and correct to the best of my knowledge and belief.

Odalys C. Bello, P.S.M. # 6169
State of Florida
Date of Field Work: 06/25/2008
Date of Completion: 08/05/2008

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Project No. 10998-B

EXHIBIT B

More Panas, LLC Draft Permit Conditions

August 21, 2008

SPECIAL CONDITIONS

1. The maximum area of jurisdictional wetlands on the property that that may be impacted under this Permit is 7.94 acres of filling for a commercial development and 0.61 acres of excavation for a stormwater retention lake. **NO ADDITIONAL FILL OR EXCAVATION BEYOND THE LIMITS OF THIS AREA IS AUTHORIZED UNDER THIS PERMIT.**

2. The Permittee is mitigating for adverse impacts to wetlands on the subject property in the Bird Drive Wetlands Basin by participating in an off-site wetland mitigation project in the "Hole in the Donut" in Everglades National Park (ENP). This wetland restoration project, carried out by ENP, will allow for the improvement of wetland biological functions currently associated with Everglades National Park. The mitigation contribution per acre of developmental impact for this project is $33,741.00. The Permittee is mitigating for 8.55 acres for this wetland impact. The mitigation contribution for 8.55 acres using this rate will be $288,485.55.

3. In accordance with Chapter 24-48.3(5)(b) of the Code of Miami-Dade County, is preserving an existing, on-site 0.79-acre Tree Island and a 0.40-acre buffer surrounding the Tree Island. In addition, the Permittee shall complete the restoration and monitoring requirements of this Tree Island and buffer area as outlined in the document entitled "Tree Island Enhancement and Preservation Plan for More Panas, LLC".

   Upon approval of the Miami-Dade Board of County Commissioners, the Permittee shall record with the Clerk of the Court a covenant running with the land in favor of Miami-Dade County for the protection and management of the Tree Island and surrounding buffer area in their natural or enhanced state and free from any inconsistent use.

4. The Permittee, in order to comply with the Fill Encroachment and Water Management Criteria for the Bird Drive Wetland Basin, is required to construct a 1.0 acre stormwater retention lake. Prior to final plat approval, the Permittee shall submit to the Water Control Section of DERM a separate restrictive covenant running with the land for the protection and management of the stormwater retention lake.

5. A 0.66-acre Archaeological Preservation Area will be preserved in accordance with the following requirements as set forth by the Office of Historical Preservation of Miami Dade County:

   1. The remaining 0.36 acreage must be preserved as a green space;
   2. Any ground disturbing activities occurring within and 200 feet outside of the preservation area must be monitored by a professional archaeologist;
   3. Removal of exotic vegetation must be done by hand. If trees are to be removed, they must be cut at the base and treated. The removal of vegetation and use of herbicides are subject to approval by DERM;
   4. The existing preservation area ground surface must be covered with 2 feet of DERM approved soil and sod;
   5. Heavy equipment will not be allowed within the preservation area until condition # 4 is met; and
   6. If human remains are found, all work shall cease. The State and County Archaeologists will then be notified.

   A restrictive covenant has already been approved for the Archaeological Preservation Area. Upon completion of SW 157th Avenue, the acreage will be amended to reflect the final preservation acreage of 0.36-acres.

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6. Silt fences shall be installed around the Tree Island, that portion of the buffer area not approved to be impacted and the Archaeological Preservation Area prior to commencement of work to prevent encroachment during construction of the project.

GENERAL CONDITIONS

1. This Permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete Permit shall be available for review at the work site upon request by DERM staff. The Permittee shall require the contractor to review the complete Permit prior to commencement of the activity authorized by this Permit.

2. The fill material shall consist of clean fill (soil, rock, sand, marl, clay, stone and concrete rubble). No trash, garbage, wood, asphalt, roofing materials, tires, metals, cleared vegetation, building debris, or similar materials are allowed to be used as fill. Evidence that improper backfill material has been used shall result in the initiation of enforcement action by DERM against the Permittee. Failure of the Permittee to cease and desist the improper fill violation after receiving written Notice by DERM or to fully correct the violation within the time frames specified by DERM's written Notice may result in the revocation of this Permit.

3. The Permittee must comply with the terms and conditions of this Permit. The Permittee is not relieved of this requirement if the permitted activity is abandoned. However, the Permittee may make a good-faith transfer in compliance with General Condition 6 below.

4. The Permittee shall comply with the provisions of Chapter 16A of the Code to preserve known and potential archeological resources in the area that are subject to this Permit.

5. It is a violation of the Code to perform any work authorized pursuant to this Permit if the Permittee(s) sell or otherwise transfer ownership of the property unless DERM has approved an Application for Transfer. An Application for Transfer may be filed with DERM at any time prior to the transfer of property ownership and, for a limited time, after the transfer of property ownership and must be signed by both the proposed transferee and transferor. Applications for Transfer shall be filed in the form prescribed by DERM and shall not be processed if the filed Application for Transfer is not fully complete in all respects pursuant to Section 24-48.18 of the Code within 120 days of the date of transfer of property ownership. In addition to the aforementioned requirements, an Application for Transfer of this Permit shall be filed with DERM not later than 90 days prior to the expiration date of this Permit, and the project shall be in compliance with all the restrictions, limitations, and conditions of this Permit and any related covenants at the time of submittal of the Application for Transfer and continuously throughout the time period during which the application is being processed.

6. The Permittee must allow DERM representatives to inspect the authorized activity during normal business hours to ensure that the work authorized through this Permit is being, or has been, accomplished in accordance with the terms and conditions of this Permit.

7. All of the plans and documents referenced on page 1 of this Permit are a part of the conditions of this Permit. In case of conflict between any of these approved plans or between these plans and any condition of this Permit, a determination as to which plan or condition will be followed will be made by DERM.

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8. This Permit only authorizes the work described in page 1 under PROPOSED WORK. Any additional work in, on, over or upon wetlands at, near or in the vicinity of the subject property shall require additional Class IV Wetland Permit approval.

9. Any deviation from the approved plans for this project shall be submitted in writing to, and approved by DERM prior to the commencement of this project. The Permittee shall take whatever remedial action is necessary to bring the project into compliance with the Permit and approved plans upon determination by DERM that the project is not in compliance with such.

10. DERM shall be notified no later than forty-eight (48) hours and no earlier than five (5) days prior to the commencement of the work authorized by this Permit, unless otherwise noted herein. The Permittee and/or contractor may notify DERM by calling (305) 372-6585 or by submitting the attached Notice of Commencement of Construction via hand delivery, U.S. Mail, or facsimile at (305) 372-6479.

11. During the work authorized by this Permit, no soil, vehicles or heavy equipment, fill, building materials, construction debris, dead vegetation, waste or any other materials shall be placed, stored, or deposited in any undisturbed, un-permitted wetland areas adjacent to the subject property permitted by this Class IV Wetland Permit. All construction personnel shall be shown the location(s) of all wetland areas outside of the permitted work area to prevent encroachment from heavy equipment into these areas.

12. All contractors performing work authorized by this Permit shall hold an applicable certificate of competency and shall be licensed in Miami-Dade County and/or the State of Florida.

13. The subject property is located in an area subject to frequent and regular flooding. The Permittee is advised that, at this time, Miami-Dade County has no plans to provide additional flood protection or drainage in this area. The issuance of this Class IV Wetland Permit authorizes the Permittee to undertake work in, on or upon wetlands on the project site, but it does not constitute an acknowledgment that the project will comply with the regulatory requirements for flood protection established by Miami-Dade County through the issuance of a Class II Permit or by the South Florida Water Management District through the issuance of a Management and Storage of Surface Water Construction Permit.

14. Turbidity controls (such as, but not limited to, turbidity curtains) shall be implemented whenever visible plumes are present to ensure compliance with the water quality standards stipulated in Section 24-42 (3), of the Code of Miami-Dade County. Turbidity controls shall be employed and maintained in the most effective manner possible to prevent turbidity from extending beyond the control mechanism in place.

15. Turbidity may not exceed twenty-nine (29) Nephelometric Turbidity Units (NTU's) above background beyond fifty (50) feet from the point of discharge. Turbidity levels shall be monitored continuously when turbidity plumes are visible beyond a fifty (50) foot radius of the point of discharge. If the turbidity levels exceed the above standard, all construction shall stop and additional turbidity controls shall be implemented. Work shall not resume until the contractor has implemented adequate turbidity control methods and has received authorization from DERM to recommence work. At DERM's discretion, turbidity samples may be required and shall be collected in accordance with Section 24-44.2(3), of the Code of Miami-Dade County, or as specified by DERM, and the results sent directly to the DERM Project Manager on a weekly basis.

16. A performance and/or mitigation bond may be held to ensure compliance with the aforementioned conditions and the completion of any required mitigation. Failure to comply with any of these conditions may result in the revocation by Miami-Dade County of all or a portion of the bond without further notice.

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17. The Permittee shall not plant any of the following listed exotic species or any of the species found within the Florida Exotic Pest Plant Council's (FLEPPC) Category 1 and Category 2 list of invasive exotic plants in or on the permitted area. If any of the following listed exotic species currently exist on the permitted area, the Permittee shall remove them prior to development or within sixty (60) days of the issuance of this Permit, whichever is less, in accordance with methods approved by DERM. In addition, their sale, propagation, planting, importation or transportation is prohibited.

A. Melaleuca quinquenervia (Punk Tree)
B. Casuarina spp. (Australian Pines)
C. Schinus terebinthifolius (Brazilian Pepper)
D. Bischofia javanica (Bishopwood)
E. Ricinus communis (Castor Bean)
F. Ardisia elliptica (Shoebutton Ardisia)
G. Cestrum diurnum (Day Jasmine)
H. Cupaniopsis anacardioides (Carrotwood)
I. Acacia auriculiformis (earleaf acacia)
J. Adenanthera pavonina (red sandlewood)
K. Albizia lebbeck (woman's tongue)
L. Jasminum fluminense (jasmine)
M. Jasminum dichotomum (gold coast jasmine)
N. Ficus altissima (lofty fig)
O. Ficus bengalensis (banyan fig)
P. Ficus elastica (Indian rubber tree)
Q. Ficus microcarpa (laurel fig)
R. Lygodium microphyllum (OldWorldclimbing fern)
S. Flacourtia indica (governor's plum)
T. Hibiscus tiliaceus (mahoe)
U. Dalbergia sisoo (Indian rosewood)
V. Colubrina asiatica (lather leaf)
W. Leucaena leucocephala (lead tree)
X. Mimosa pigra (catclaw mimosa)
Y. Merremia tuberosa (wood rose)
Z. Neyraudia reynaudiana (cane grass)
AA. Schefflera actinophylla (Queensland umbrella)
BB. Solanum viarum (tropical soda apple)
CC. Thespesia populnea (seaside mahoe)

18. No structure requiring the installation of a septic tank shall be placed on the subject property unless authorized in writing by the Environmental Quality Control Board and the State of Florida Department of Health, (305) 623-3574.

19. Should any other regulatory agency require modifications to the permitted area, the Permittee shall notify DERM in writing of the changes prior to implementation so that a determination can be made as to whether a Permit modification is required.

20. Failure to comply with the General or Special Conditions contained in this Permit may result in revocation of this Permit.