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

Memorandum

MIAMI-DADE COUNTY

Date: February 2, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Trail Glades Range –Conservation Easement

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

Resolution No. R-114-10

Recommendation
It is recommended that the Board approve the attached resolution authorizing the granting of a conservation easement to the South Florida Water Management District for a portion of Trail Glades Range, located at 17601 SW 8th Street.

Scope
The park is located in Commission District 12. The easement will preserve natural resources within the park.

Fiscal Impact/Funding Source
The easement will not create any financial impact to Miami-Dade County.

Track Record/Monitor
The County has given conservation easements to the South Florida Water Management District in the past. The Planning and Research Division of the Park and Recreation Department (MDPR) will process the easement document for execution.

Background
MDPR is constructing facilities to provide recreational opportunities that will benefit the community such as reconstruction of portions of the pistol and rifle range, sewer force main installation, recreational vehicle parking area with restroom building, and improvements to park buildings and lighting that impact wetland resources. The South Florida Water Management District has agreed to permit these facilities with a condition that a conservation easement be established to ensure the preservation in perpetuity of a portion of the natural areas within the park.

Attachments

Alex Muñoz
Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: February 2, 2010

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

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

Please note any items checked.

_____ "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

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

_____ No committee review

_____ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve

_____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(M)(1)(A)
2-2-10

RESOLUTION NO. R-114-10

RESOLUTION AUTHORIZING THE GRANTING OF A CONSERVATION EASEMENT TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR THE PRESERVATION AND CONSERVATION OF LANDS IN TRAIL GLADES RANGE

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 County, through its Park and Recreation Department, is constructing improvements to provide recreational opportunities that will benefit the community in Trail Glades Range that impact wetland resources; and

WHEREAS, the South Florida Water Management District is willing to permit these improvements, with a condition that a conservation easement be established for a portion of the park, and said easement will not adversely impact natural resources or the park facilities and uses,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the granting of a conservation easement for a portion of Trail Glades Range to the South Florida Water Management District in substantially the form attached hereto and made a part hereof, and authorizes the County Mayor to take appropriate actions to accomplish same, and authorizes the County Mayor to execute the easement, same for and on behalf of Miami-Dade County, upon approval by the County Attorney's Office.

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

Dennis C. Moss, Chairman aye
Jose "Pepe" Diaz, Vice-Chairman aye

Bruno A. Barreiro	aye	Audrey M. Edmonson	absent
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	absent
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of February, 2010. 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. M. S.

Martin W. Sybblis

CONSERVATION EASEMENT

Document prepared by:
South Florida Water Management District
3301 Gun Club Road, MSC 4210
West Palm Beach, FL 33406

THIS DEED OF CONSERVATION EASEMENT is given this _____day of _____, 2010, by Miami-Dade County, a political subdivision of the State of Florida, 111 NW First Street, Miami, Florida 33128 ("Grantor"), to the South Florida Water Management District ("Grantee"). As used herein, the term "Grantor" shall include any and all , successors or assigns of the Grantor, and all subsequent owners of the "Property" (as hereinafter defined) and the term "Grantee" shall include any successor or assignee of Grantee.

WITNESSETH

WHEREAS, the Grantor is the owner of certain lands situated in Miami-Dade County, Florida, and more specifically described in Exhibit "A" attached hereto and incorporated herein ("Property"); and

WHEREAS, the Grantor desires to construct Trail Glades Range Park Mitigation Area ("Project") at a site in Miami-Dade County, which is subject to the regulatory jurisdiction of South Florida Water Management District ("District"); and

WHEREAS, District Permit No. 13-02453-P ("Permit") authorizes certain activities which affect surface waters in or of the State of Florida; and

WHEREAS, this Permit requires that the Grantor preserve, enhance, restore and/or mitigate wetlands and/or uplands under the District's jurisdiction; and

WHEREAS, the Grantor has developed and proposed as part of the Permit conditions a conservation tract and maintenance buffer involving preservation of certain wetland and/or upland systems on the Property; and

WHEREAS, the Grantor, in consideration of the consent granted by the Permit, is agreeable to granting and securing to the Grantee a perpetual Conservation Easement defined in Section 704.06, Florida Statutes, over the area described on Exhibit "A" ("Conservation Easement").

NOW, THEREFORE, in consideration of the issuance of the Permit to construct and operate the permitted activity, and as an inducement to Grantee in issuing the Permit, together with other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, Grantor hereby grants, creates, and establishes a

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perpetual Conservation Easement for and in favor of the Grantee upon the described on Exhibit "A" which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.

The scope, nature, and character of this Conservation Easement shall be as follows:

1. Recitals. The recitals hereinabove set forth are true and correct and are hereby incorporated into and made a part of this Conservation Easement.

2. Purpose. It is the purpose of this Conservation Easement to retain land or water areas in their natural, vegetative, hydrologic, scenic, open, agricultural or wooded condition and to retain such areas as suitable habitat for fish, plants or wildlife. Those wetland and/or upland areas included in the Conservation Easement which are to be preserved, enhanced or created pursuant to the Permit shall be retained and maintained in the enhanced or created conditions required by the Permit.

To carry out this purpose, the following rights are conveyed to Grantee by this easement:

a. To enter upon the Property at reasonable times with any necessary equipment or vehicles to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Property by Grantor at the time of such entry; and

b. To enjoin any activity on or use of the Property that is inconsistent with this Conservation Easement and to enforce the restoration of such areas or features of the Conservation Easement that may be damaged by any inconsistent activity or use.

3. Prohibited Uses. Except for restoration, creation, enhancement, maintenance and monitoring activities, or surface water management improvements, or other activities described herein that are permitted or required by the Permit, the following activities are prohibited in or on the Conservation Easement:

a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;

b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;

c. Removal or destruction of trees, shrubs, or other vegetation, except for the removal of exotic or nuisance vegetation in accordance with a District approved maintenance plan;

d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or

other material substance in such manner as to affect the surface;

e. Surface use except for purposes that permit the land or water area to remain in its natural or enhanced condition;

f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking and fencing;

g. Acts or uses detrimental to such aforementioned retention of land or water areas;

h. Acts or uses which are detrimental to the preservation of the structural integrity or physical appearance of sites or properties having historical, archaeological, or cultural significance.

4. Passive Recreational Facilities. Grantor reserves all rights as owner of the Property, including the right to engage in uses of the Property that are not prohibited herein and that are not inconsistent with any District rule, criteria, the Permit and the intent and purposes of this Conservation Easement. Passive recreational uses that are not contrary to the purpose of this Conservation Easement may be permitted upon written approval by the District. Without limiting the generality of the foregoing, the following rights are expressly reserved:

a. The Grantor may conduct limited land clearing for the purpose of constructing such pervious facilities as docks, boardwalks or mulched walking trails: and

b. The Grantor may construct and maintain passive public use facilities for the purpose of educating the public or allowing public access and recreation which have minimal or no impact on natural resources; and

c. Grantor may place signs and markers as necessary to identify trails, restoration areas, or other site features related to public use and land management activities; and

d. Grantor may construct and maintain to the extent allowed by current and future permits, at-grade, management roads, fire breaks, trails, walkways, piers, observation platforms or boardwalks necessary to provide public access and management activities as provided for in the site's management plan; and

e. Grantor may remove or kill by any lawful means, exotic or nuisance vegetation or animal species, conduct prescribed burns and conduct other management activities necessary to carry out management for conservation purposes; and

f. Grantor may conduct restoration and enhancement projects which do not conflict with the purpose of this easement: and

g. The construction and use of the approved passive recreational facilities shall be subject to the following conditions:

i. Grantor shall minimize and avoid, to the fullest extent possible, impact to any wetland or upland buffer areas within the Conservation Easement Area and shall avoid materially diverting the direction of the natural surface water flow in such area;

ii. Such facilities and improvements shall be constructed and maintained in such a manner as to reduce adverse impacts on surface water quality;

iii. Adequate containers for litter disposal shall be situated adjacent to such facilities and improvements and periodic inspections shall be instituted by the maintenance entity, to clean any litter from the area surrounding the facilities and improvements;

iv. This Conservation Easement shall not constitute permit authorization for the construction and operation of the passive recreational facilities. Any such work shall be subject to all applicable federal, state, District or local permitting requirements.

5. No Dedication. No right of access by the general public to any portion of the Property is conveyed by this Conservation Easement.

6. Grantee's Liability. Grantee shall not be responsible for any costs or liabilities related to the operation, upkeep or maintenance of the Property.

7. Property Assessments. Grantor shall keep the assessments on the Easement Parcel current.

8. Enforcement. Enforcement of the terms, provisions and restrictions of this Conservation Easement shall be at the reasonable discretion of Grantee, and any forbearance on behalf of Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantee's rights hereunder.

9. Assignment. Grantee will hold this Conservation Easement exclusively for conservation purposes. Grantee will not assign its rights and obligations under this Conservation Easement except to another organization or entity qualified to hold such interests under the applicable state laws.

10. Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Conservation Easement shall not be affected thereby, as long as the purpose of the Conservation Easement is preserved.

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11. Terms, Conditions, Restrictions, Purpose. The terms, conditions, restrictions and purpose of this Conservation Easement shall be inserted by Grantor in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Conservation Easement. Any future holder of the Grantor's interest in the Property shall be notified in writing by Grantor of this Conservation Easement.

12. Written Notice. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

13. Modifications. This Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Miami-Dade County.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purposes imposed with this Conservation Easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Property.

The Grantor agrees to defend the title to the Conservation Easement property hereby conveyed against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF,

_____

_____

(Grantor) has hereunto set its authorized hand this _____ day of _____, 20_____.

_____

MIAMI-DADE COUNTY
a political subdivision of the State of Florida

By:_____
Carlos A. Alvarez, Mayor

ATTEST:

Clerk of the Board

By:_____
Deputy Clerk

APPROVED AS TO FORM AND LEGAL AND SUFFICIENCY

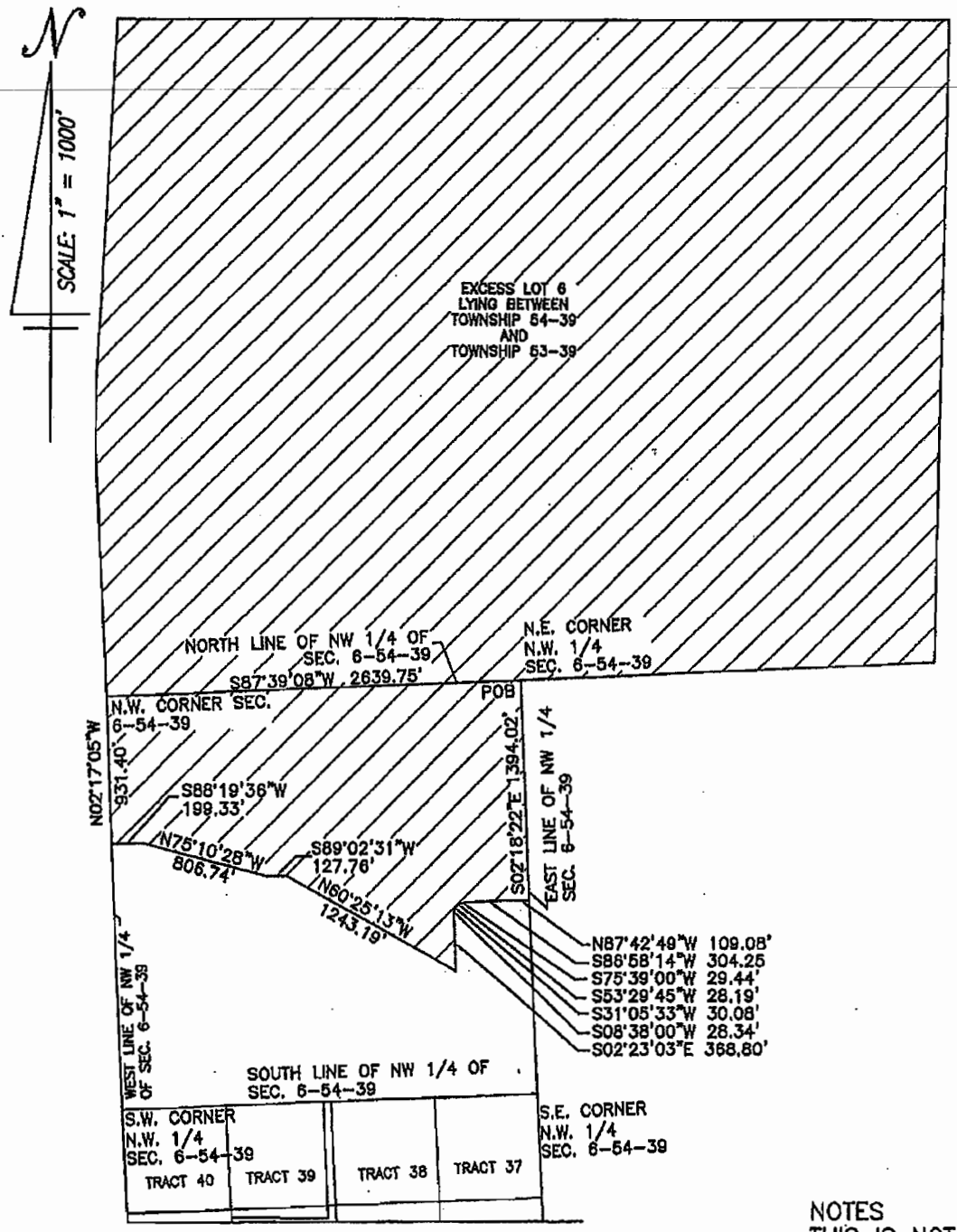
By:_____
Assistant County Attorney

APPROVED AS TO TERMS CONDITIONS

By: _____
Richard E. Walesky, Director
Department of Environmental Resources Management

Return recorded document to:
South Florida Water Management District
3301 Gun Club Road, MSC 4210
West Palm Beach, FL 33406

SKETCH OF CONSERVATION EASEMENT



NOTES
THIS IS NOT A SURVEY

PREPARED BY:

AYLWARD ENGINEERING & SURVEYING, INC.

3222 Ridge Trace
Davie, Florida 33328
954-424-5852 or 305-827-2216
LB No. 5183
DATE: 3/23/2009
PROJECT NO. 08-117

SHEET 1 OF 2

SHARON AYLWARD COX, P.S.M. 5450

THIS SURVEY NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

Exhibit A-1

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LEGAL DESCRIPTION

A portion of the Northwest 1/4 of Section 6, in Township 54 South, Range 39 East, Miami-Dade County, Florida, more particularly described as follows:

BEGIN at the Northeast Corner of the Northwest 1/4 of said Section 6; thence run S02°18'22"E along the East line of the Northwest 1/4 of said Section 6 for 1394.02 feet; thence run N87°42'49"W for 109.08 feet; thence run S86°58'14"W for 304.25 feet; thence run S75°39'00"W for 29.44 feet; thence run S53°29'45"W for 28.19 feet; thence run S31°05'33"W for 30.08 feet; thence run S08°38'00"W for 28.34 feet; thence run S02°23'03"E for 368.80 feet; thence run N60°25'13"W for 1243.19 feet; thence run S89°02'31"W for 127.76 feet; thence run N75°10'28"W for 806.74 feet; thence run S88°19'36"W for 199.33 feet to the West line of the Northwest 1/4 of said Section 6; thence run N02°17'05"W along the West line of the Northwest 1/4 of said Section 6 for 931.40 feet to the NW Corner of said Section 6; thence run S87°39'08"W along the North line of the NW 1/4 of said Section 6 for 2639.75 feet to the Northeast Corner of the NW 1/4 of said Section 6 and the POINT OF BEGINNING.

AND ALSO

Government Excess Lot 6 lying between Township 54 South, Range 39 East and Township 53 South, Range 39 East, Miami-Dade County, Florida, less the North 250 feet thereof.

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SHEET 2 OF 2

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Exhibit A-2

SKETCH OF CONSERVATION EASEMENT

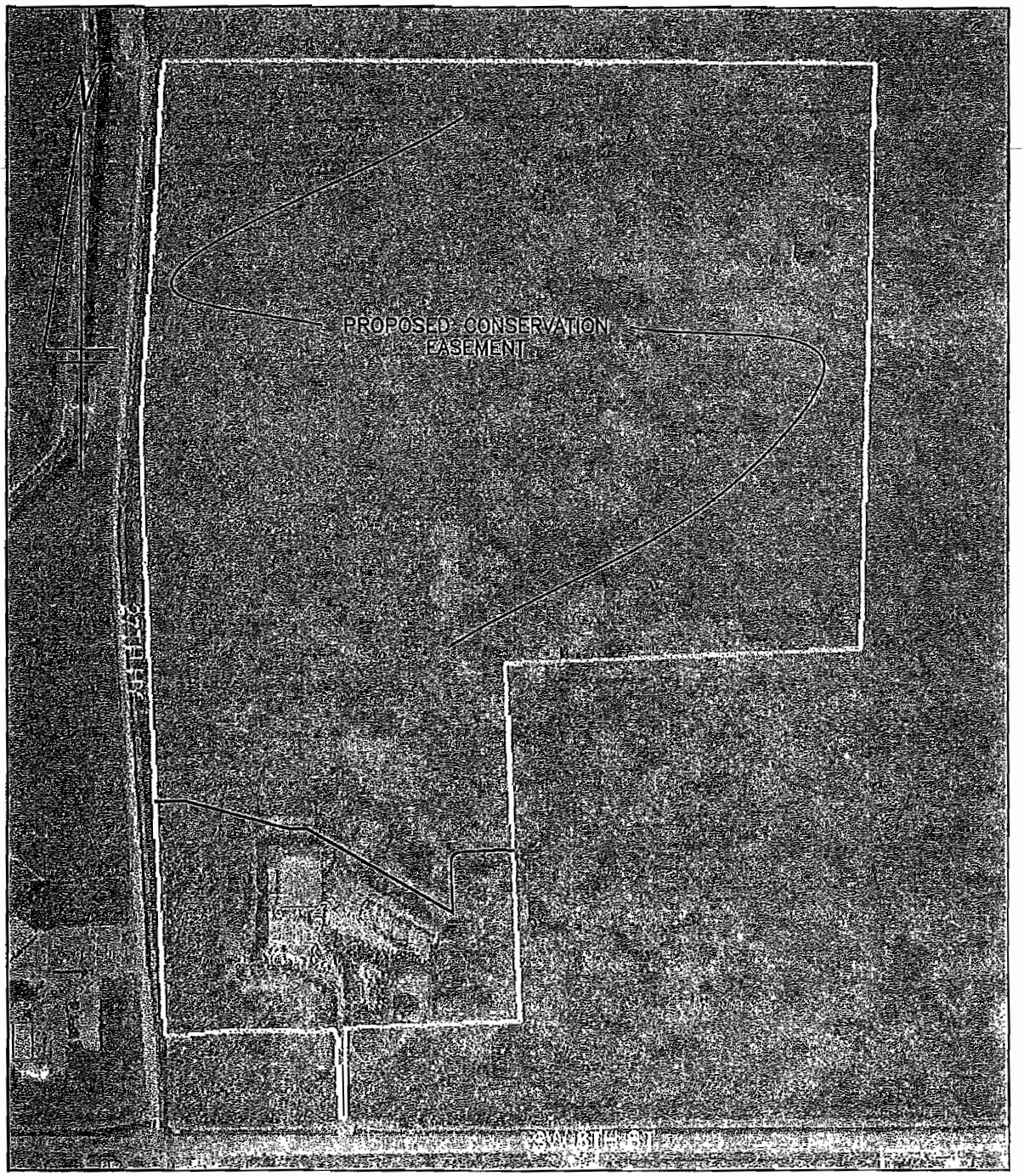

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Exhibit A-3

SHEET 1 OF 1