

Memorandum



Date: December 3, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

Subject: Class I Permit Application by the City of Sunny Isles Beach to Install a Fixed Bridge to Connect Northeast 172nd and 174th Streets in the City of Sunny Isles Beach, to Authorize the Partial Release of an Existing Restrictive Covenant and to Accept a New Restrictive Covenant

Agenda Item No. 5(I)

Resolution No. R-964-13

Attached, please find for your consideration an application by the City of Sunny Isles Beach for a Class I permit to construct a bridge and to authorize the partial release of an existing restrictive covenant and to accept a new restrictive covenant. Also attached is the recommendation of the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM), and a proposed resolution approving the issuance of the Class I permit, partially releasing the existing restrictive covenant and accepting the new restrictive covenant.

A handwritten signature in black ink, appearing to read "Jack Osterholt".

Jack Osterholt, Deputy Mayor

Memorandum



Date: December 3, 2013
To: Carlos A. Gimenez
Mayor
From: Jack Osteltholt, Deputy Mayor / Director
Department of Regulatory and Economic Resources
Subject: Class I Permit Application by the City of Sunny Isles Beach to Install a Fixed Bridge to Connect NE 172nd and 174th Streets in the City of Sunny Isles Beach, to Authorize the Partial Release of an Existing Restrictive Covenant and to Accept a New Restrictive Covenant

Recommendation

I have reviewed the attached application for a Class I permit and the restrictive covenant proffered by the City of Sunny Isles Beach. Based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County (Code), I recommend that the Board approve the issuance of a Class I permit, and authorize the partial release of the existing restrictive covenant and the acceptance of a new restrictive covenant for the reasons set forth below.

Scope

The proposed bridge is located at North Bay Road between NE 172nd and 174th Streets, Sunny Isles Beach, in Commission District 4 (Commissioner Heyman).

Fiscal Impact/Funding Source

Not applicable

Track Record/Monitor

The Coastal and Wetlands Resources Section Manager, Lisa Spadafina, in the Department of Regulatory and Economic Resources, Division of Environmental Resources Management, will be responsible for monitoring the proposed permit.

Background

The subject Class I permit application requests authorization to construct a fixed bridge over the Town Center Canal at North Bay Road between NE 172nd and 174th Streets in the City of Sunny Isles Beach (City). The proposed project is required to be reviewed and approved by the Board at a public hearing because the scope of work is specifically referenced in Section 24-48.2 of the Code as work that shall be processed as a standard form application. Therefore, a standard form application including a public hearing is required. The Class I permit will also include authorization for the work associated with the projects being conducted as mitigation for the bridge.

The City has indicated that the proposed bridge is necessary as an alternate route for emergency vehicles because north-south access is limited to Collins Avenue in this area. Although mainly for emergency vehicles, the bridge will be open to pedestrians and will provide an alternate evacuation route during hurricane and tropical storm events. To prevent non-emergency vehicular use, gates will be installed along the north and south entrances and be operated by City personnel.

The bridge will measure 263 feet long by 39 feet wide with a minimum of eight (8) feet over-water clearance for navigational access. The south side and the east end of the canal are bordered by halophytic wetlands, which exist within the proposed footprint of the bridge. The bridge will be

constructed over submerged and wetland areas owned by the City and by Porto Bellagio Condominium Association, Inc., who has granted a permanent easement to the City for the improvements and maintenance associated with the bridge.

Section 24-48.3 of the Code requires mitigation for permissible projects that otherwise result in adverse environmental impacts. The project will impact 0.11 acres of halophytic wetlands within an area that is currently required to be preserved pursuant to an existing restrictive covenant. In order to obtain authorization for the proposed bridge and associated wetland impacts, the City has requested to modify the existing restrictive covenant to release only that portion of the preservation area where the bridge will be constructed. Mitigation for wetland impacts will be satisfied through the creation of 0.17 acres of halophytic wetlands in an upland area within the boundaries of a City-owned park, located at the east end of the canal. An additional 0.15 acres of existing halophytic wetlands will also be designated as a preservation area. The City has proffered a new restrictive covenant that will provide for the protection of the newly designated mitigation and preservation areas, and the release of the preservation area will not be authorized until the new restrictive covenant has been executed and recorded with the Miami-Dade County Clerk of Courts. The mitigation and preservation areas shall be monitored for success, managed appropriately, and maintained free of exotics for the duration of the restrictive covenant.

The project will also result in impacts to 0.10 acres of submerged lands supporting benthic resources within the footprint of the bridge. Mitigation for impacts to benthic resources will be satisfied through the filling of 0.37 acres of an excavated borrow canal adjacent to the Oleta River State Recreation Area. Restoration of this portion of the borrow canal will improve water quality and provide a bottom elevation and substrate that are suitable for the recruitment and colonization of seagrass and macroalgae.

The project was evaluated for consistency with the Miami-Dade County Manatee Protection Plan. The project area is designated by the Manatee Protection Plan as essential habitat for the West Indian Manatee. The applicant has developed a comprehensive plan to minimize any potential adverse impacts to manatees during construction. Furthermore, the Class I permit will require that all standard manatee conditions be followed for all in-water construction activities.

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. The attached Project Report sets forth the reasons the project is recommended for approval pursuant to the applicable evaluation factors set forth in Section 24-48.3 of the Code.

Attachments

- Attachment A: Class I Permit Application
- Attachment B: Owner/Agent Letter, Engineer Certification Letter, and Project Sketches
- Attachment C: Names and Addresses of Owners of All Riparian or Wetland Property within Three Hundred (300) Feet of the Proposed Work
- Attachment D: 2002 Restrictive Covenant Running with the Land in Favor of Miami-Dade County
- Attachment E: 2013 Restrictive Covenant Running with the Land in Favor of Miami-Dade County
- Attachment F: Sketch of Original and Modified Mitigation Areas
- Attachment G: DERM Project Report



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 3, 2013

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

SUBJECT: Agenda Item No. 5(I)

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 Mayor'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. 5(I)
12-3-13

RESOLUTION NO. R-964-13

RESOLUTION RELATING TO A CLASS I PERMIT APPLICATION BY THE CITY OF SUNNY ISLES BEACH TO INSTALL A FIXED BRIDGE SPANNING THE TOWN CENTER CANAL AT NORTH BAY ROAD CONNECTING NORTHEAST 172 STREET AND NORTHEAST 174 STREET IN THE CITY OF SUNNY ISLES BEACH, FLORIDA, AND TO AUTHORIZE THE PARTIAL RELEASE OF AN EXISTING RESTRICTIVE COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY AND TO ACCEPT A NEW RESTRICTIVE COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY

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 City of Sunny Isles Beach for a Class I permit application to install a fixed bridge spanning the Town Center Canal at North Bay Road connecting Northeast 172 Street and Northeast 174 Street and authorizes the partial release of an existing Restrictive Covenant Running with the Land in Favor of Miami-Dade County and accepts a new Restrictive Covenant Running with the Land in Favor of Miami-Dade County in the City of Sunny Isles Beach, Florida, subject to the conditions set forth in the memorandum from the Miami-Dade County Department of Regulatory and Economic Resources, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

The foregoing resolution was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss** and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Chairwoman	aye
	Lynda Bell, Vice Chair	aye
Bruno A. Barreiro	aye	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	absent	Audrey M. Edmonson
Sally A. Heyman	aye	Barbara J. Jordan
Jean Monestime	aye	Dennis C. Moss
Sen. Javier D. Souto	aye	Xavier L. Suarez
Juan C. Zapata	aye	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of December, 2013. 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: **Christopher Agrippa**
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

Abbie Schwaderer-Raurell

Attachment A
Class I Permit Application



Class I Permit Application

FOR DEPARTMENTAL USE ONLY	
Date Received: NOV 01 2013	Application Number: 2009-CEE-PER-00095
DERM Coastal Resources Section Natural Resources Regulation & Rehabilitation DIVISION (NRR&RD)	
Application Fee: \$23,000.00	

Application must be filled out in its entirety. Please indicate N/A for non-applicable fields.

1. Applicant Information: Name: <u>City of Sunny Isles Beach</u> Address: <u>18070 Collins Avenue</u> <u>Sunny Isles Beach, Florida</u> Zip Code: <u>33160</u> Phone #: _____ Fax #: _____ Email: _____ <small>* This should be the applicant's information for contact purposes.</small>	2. Applicant's Authorized Permit Agent: <small>Agent is allowed to process the application, furnish supplemental information relating to the application and bind the applicant to all requirements of the application.</small> Name: <u>Christopher J. Russo, City Manager</u> Address: <u>18070 Collins Ave</u> <u>Sunny Isles Beach, FL</u> Zip Code: <u>33160</u> Phone #: <u>305-792-1701</u> Fax #: <u>305-792-1561</u> Email: <u>C.Russo@SIBFL.net</u>
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3. Location where proposed activity exists or will occur (latitude and longitude are only necessary for properties without address or folio #):

Folio #: 31-2211-004-0211, 31-2211-070-0001, and 31-2211-066-0045 Latitude: _____ Longitude: _____

Street Address: North Bay Road between 172nd Street and 174th Street

Section: 11 Township: 32 Range: 42

In City or Town: Sunny Isles Beach Near City or Town: _____

Name of waterway at location of the activity: Town Center Park Canal

4. Describe the proposed activity (check all that apply):

<input type="checkbox"/> Seawall	<input type="checkbox"/> Dock(s)	<input type="checkbox"/> Boatlift	<input type="checkbox"/> Dredging	<input type="checkbox"/> Mangrove Trimming
<input type="checkbox"/> New/Replacement Seawall	<input type="checkbox"/> Pier(s)	<input type="checkbox"/> Mooring Piles	<input type="checkbox"/> Maintenance	<input type="checkbox"/> Mangrove Removal
<input type="checkbox"/> Seawall Cap	<input type="checkbox"/> Viewing Platform	<input type="checkbox"/> Fender Piles	<input type="checkbox"/> New	
<input type="checkbox"/> Batter Piles		<input type="checkbox"/> Davits	<input type="checkbox"/> Filling	
<input type="checkbox"/> King Piles				
<input type="checkbox"/> Footer/Toe Wall				
<input type="checkbox"/> Riprap				

Other: New Fixed Bridge

Estimated project cost = \$ 3,5000,0000.00

Are you seeking an after-the-fact approval (ATF)? Yes No If "Yes", describe the ATF work: _____

5. Proposed Use (check all that apply): <input type="checkbox"/> Single Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Private <input checked="" type="checkbox"/> Public <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Utility	6. If the proposed work relates to the mooring of vessels provide the following information (please also indicate if the applicant does not have a vessel): Proposed Vessel Type (s): <u>Not Applicable</u> Vessel Make/Model (if known): <u>Not Applicable</u> Draft (s)(range in inches.): <u>Not Applicable</u> Length (s)(range in feet.): <u>Not Applicable</u> Total Number of Slips: <u>Not Applicable</u>
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7. List all permits or certifications that have been applied for or obtained for the above referenced work:

Issuing Agency	Type of Approval	Identification Number	Application Date	Approval Date

NOV 01 2013

8. Contractor Information (If known):

Name: To Be Determined License # (County/State): _____

Address: _____ Zip Code: _____

Phone #: _____ Fax #: _____ E-mail: _____

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

9. IMPORTANT NOTICE TO APPLICANTS: The written consent of the property owner is required for all applications to be considered complete. Your application WILL NOT BE PROCESSED unless the Applicant and Owner Consent portion of the application is completed below. You have the obligation to apprise the Department of any changes to information provided in this application.

Application is hereby made for a Miami-Dade County Class I permit to authorize the activities described herein. I agree to or affirm the following:

- I possess the authority to authorize the proposed activities at the subject property, and
- I am familiar with the information, data and plans contained in this application, and
- To the best of my knowledge and belief, the information, data and plans submitted are true, complete and accurate, and
- I will provide any additional information, evidence or data necessary to provide reasonable assurance that the proposed project will comply with the applicable State and County water quality standards both during construction and after the project is completed, and
- I am authorizing the permit agent listed in Section 2 of this application to process the application, furnish supplemental information relating to this application and bind the applicant to all requirements of this application, and
- I agree to provide access and allow entry to the project site to inspectors and authorized representatives of Miami-Dade County for the purpose of making the preliminary analyses of the site and to monitor permitted activities and adherence to all permit conditions.

A. IF APPLICANT IS AN INDIVIDUAL

Signature of Applicant _____ Print Applicant's Name _____ Date _____

B. IF APPLICANT IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON
(Examples: Corporation, Partnership, Trust, LLC, LLP, etc.)

City of Sunny Isles Beach _____ Government _____ Florida _____
Print Name of Applicant (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of Registration/Incorporation

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Applicant, to bind the Applicant, and if so required to authorize the issuance of a bond on behalf of the Applicant. (If asked, you must provide proof of such authority to the Department). *****Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages.*****

[Signature] Christopher Russo _____ City Manager _____ 10/29/13 _____
Signature of Authorized Representative Print Authorized Representative's Name Title Date

C. IF APPLICANT IS A JOINT VENTURE Each party must sign below (If more than two members, list on attached page)

Print Name of Applicant (Enter the complete name as registered) _____ Type (Corp, LLC, LLP, etc.) _____ State of _____
Registration/Incorporation

Print Name of Applicant (Enter the complete name as registered) _____ Type (Corp, LLC, LLP, etc.) _____ State of _____
Registration/Incorporation

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Applicant, to bind the Applicant, and if so required to authorize the issuance of a bond on behalf of the Applicant. (If asked, you must provide proof of such authority to the Department). *****Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages.*****

Signature of Authorized Representative _____ Print Authorized Representative's Name _____ Title _____ Date _____

Signature of Authorized Representative _____ Print Authorized Representative's Name _____ Title _____ Date _____

10. WRITTEN CONSENT OF THE PROPERTY OWNER OF THE AREA OF THE PROPOSED WORK

I/We are the fee simple owner(s) of the real property located at North Bay Road between 172nd Street and 174th Street, Sunny Isles Beach, Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 31-2211-004-0211 and 31-2211-066-0045. I am aware and familiar with the contents of this application for a Miami-Dade County Class I Permit to perform the work on or adjacent to the subject property, as described in Section 4 of this application. I possess the riparian rights to the area of the proposed work (if applicable) and hereby consent to the work identified in this Class I Permit application.

A. IF THE OWNER(S) IS AN INDIVIDUAL

_____ Signature of Owner	_____ Print Owner's Name	_____ Date
_____ Signature of Owner	_____ Print Owner's Name	_____ Date

B. IF THE OWNER IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON

(Examples: Corporation, Partnership, Joint Venture, Trust, LLC, LLP, etc.)

_____ City of Sunny Isles Beach Print Name of Owner (Enter the complete name as registered)	_____ Government Type (Corp, LLC, LLP, etc.)	_____ Florida State of Registration/Incorporation
_____ 18070 Collins Avenue, Sunny Isles Beach Address of Owner		

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Owner, to bind the Owner, and if so required to authorize the issuance of a bond on behalf of the Owner. (If asked, you must provide proof of such authority to the Department). *****Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages.*****

_____ Signature of Authorized Representative	_____ Print Authorized Representative's Name	_____ City Manager Title	_____ 10/29/13 Date
_____ Signature of Authorized Representative	_____ Print Authorized Representative's Name	_____ Title	_____ Date

RECEIVED

NOV 01 2013

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

Attachment B

**Owner/Agent Letter, Engineer Certification Letter, and Project
Sketches**



City Commission

Norman S. Edelcup
Mayor

Isaac Aelion
Vice Mayor

Jeanette Gatto
Commissioner

Jennifer Levin
Commissioner

George "Bud" Scholl
Commissioner

Christopher J. Russo
City Manager

Hans Offinot
City Attorney

Jane A. Hines
City Clerk, MMC

October 29, 2013

Miami Dade County Department of Regulatory and Economic Resources
Class I Permitting Program
701 NW 1st Court
Miami, FL 33136

RE: PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

To Whom It May Concern:

By the attached Class I Standard Form permit application with supporting documents, I, Christopher J. Russo, City Manager, City of Sunny Isles Beach, am the permit applicant and hereby request permission to perform the work associated with Class I Permit Application 2009-CLI-PER-00095. 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 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. The permit applicant will secure the services of an engineer 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.

Sincerely,

Christopher J. Russo
City Manager

cc: Bill Evans, Assistant City Manager

RECEIVED

NOV 01 2013

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

ENGINEER LETTER OF CERTIFICATION

Miami-Dade County Department of Regulatory and Economic Resources
Class I Permitting Program
701 NW 1st Court
Miami, Florida 33136

RE: Class I Permit Application Number 2009-CLI-PER-00095

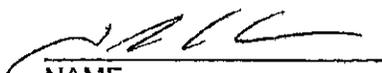
Ladies and Gentlemen:

This letter will certify that I am an engineer licensed in the State of Florida, qualified by education and experience in the area of engineering design and inspection, and that to the best of my knowledge and belief, the proposed work does not violate any laws, rules, or regulations of the State of Florida or any provisions 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 of 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 applicable 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, certified surveys, drawings, and other data furnished by the contractor to me.

Sincerely,



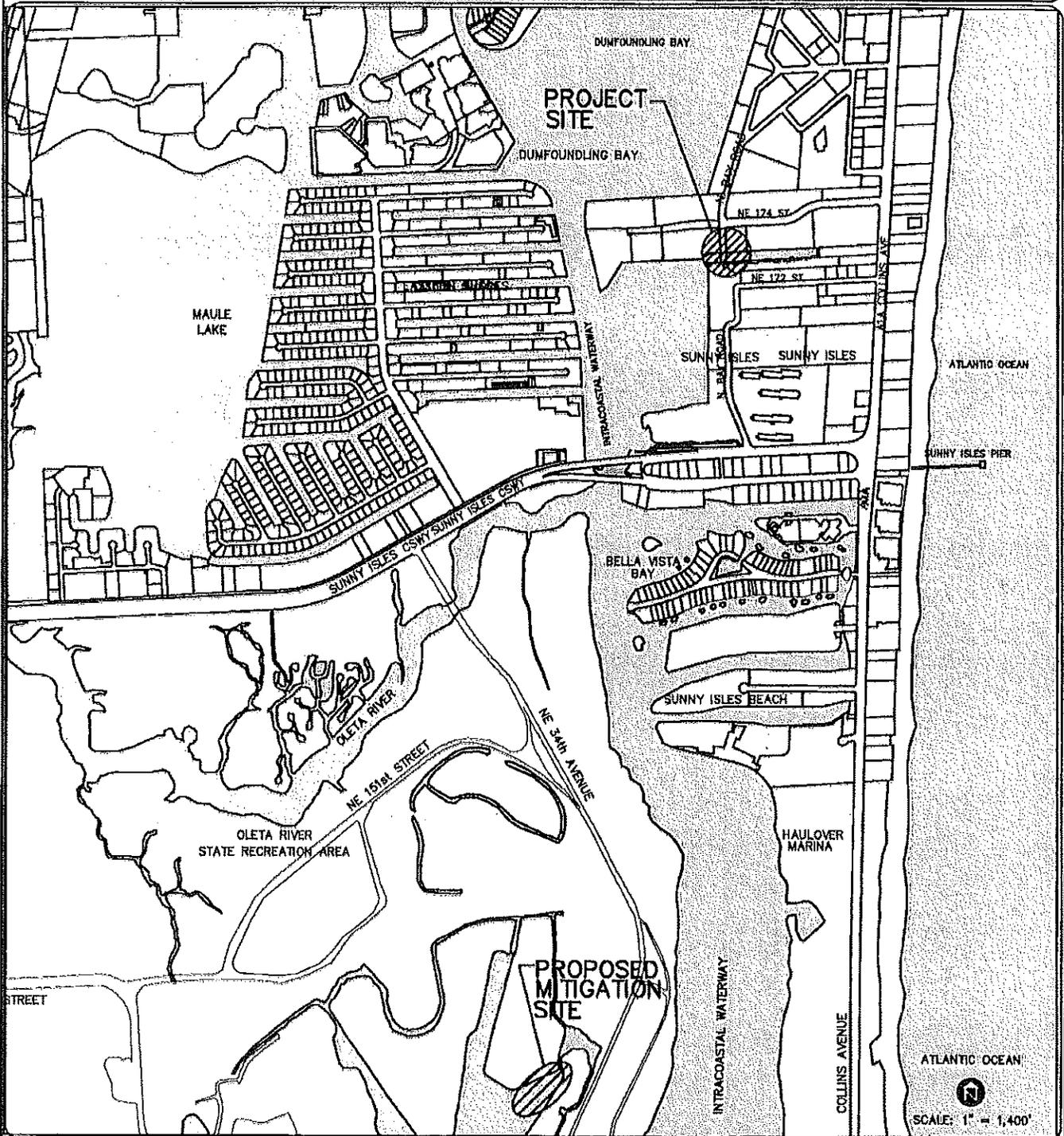
NAME
P.E. # 58119 11/5/2013

RECEIVED

NOV 06 2013

DERM Coastal Resources Section
Natural Resources Regulation & Restoration

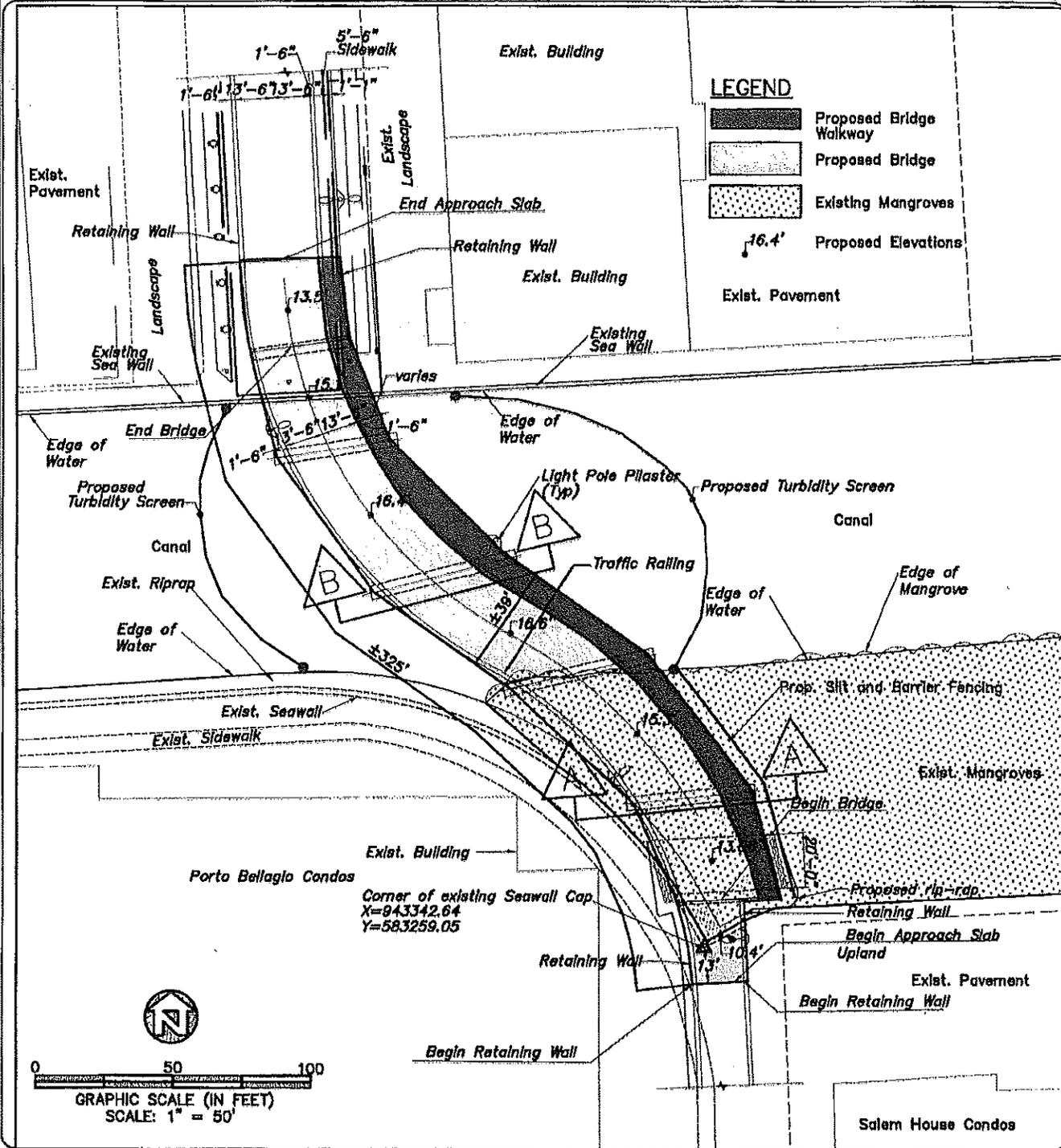
REV. DATE	DESCRIPTION



PURPOSE: LOCATION MAP
 DATUM: N/A
 JOB #: 2010-01
EAS ENGINEERING, INC.
 55 ALMERIA AVENUE CORAL GABLES 33134 (305)416-5553

COUNTY OF MIAMI-DADE STATE OF FLORIDA
 APPLICATION BY:
NORTH BAY ROAD BRIDGE
 NE 173rd ST. & N. BAY ROAD
 NORTH BAY ROAD BRIDGE
SHEET 2 DATE: 04-16-13
 SECTION: 11
 TOWNSHIP: 52S
 RANGE: 42E

REV. DATE	DESCRIPTION
08-08-12	TURBIDITY SCREEN
03-05-13	REV 5' OFFSET
05-08-13	GENERAL REVISION
07-08-13	ADDED COORDINATES
08-20-13	ADDED NGVD

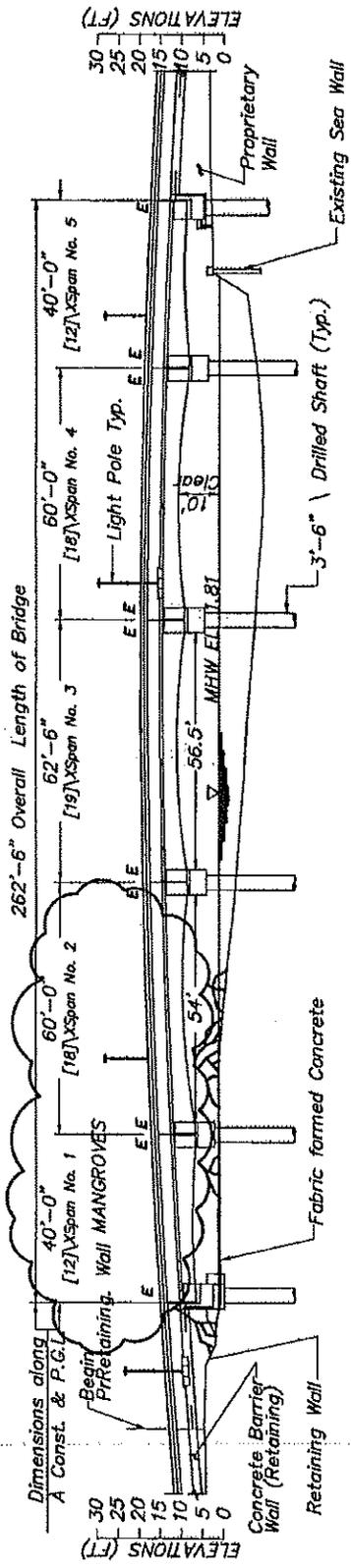


PURPOSE: **SITE PLAN**
 DATUM: NGVD
 JOB #: 2010-01
EAS ENGINEERING, INC.
 55 ALMERIA AVENUE CORAL GABLES 33134 (305)446-5663

COUNTY OF MIAMI-DADE STATE OF FLORIDA
 APPLICATION BY:
NORTH BAY ROAD BRIDGE
 NE 173rd ST. & N. BAY ROAD
 SUNNY ISLES BEACH, FLORIDA
 SHEET 4 DATE: 01-11-11

SECTION: 11
 TOWNSHIP: 52S
 RANGE: 42E

REV. #	DATE & DESCRIPTION
08-10-12	GENERAL REVISION
05-09-13	GENERAL REVISION
08-20-13	ADDED NGVD - REV. ELEV

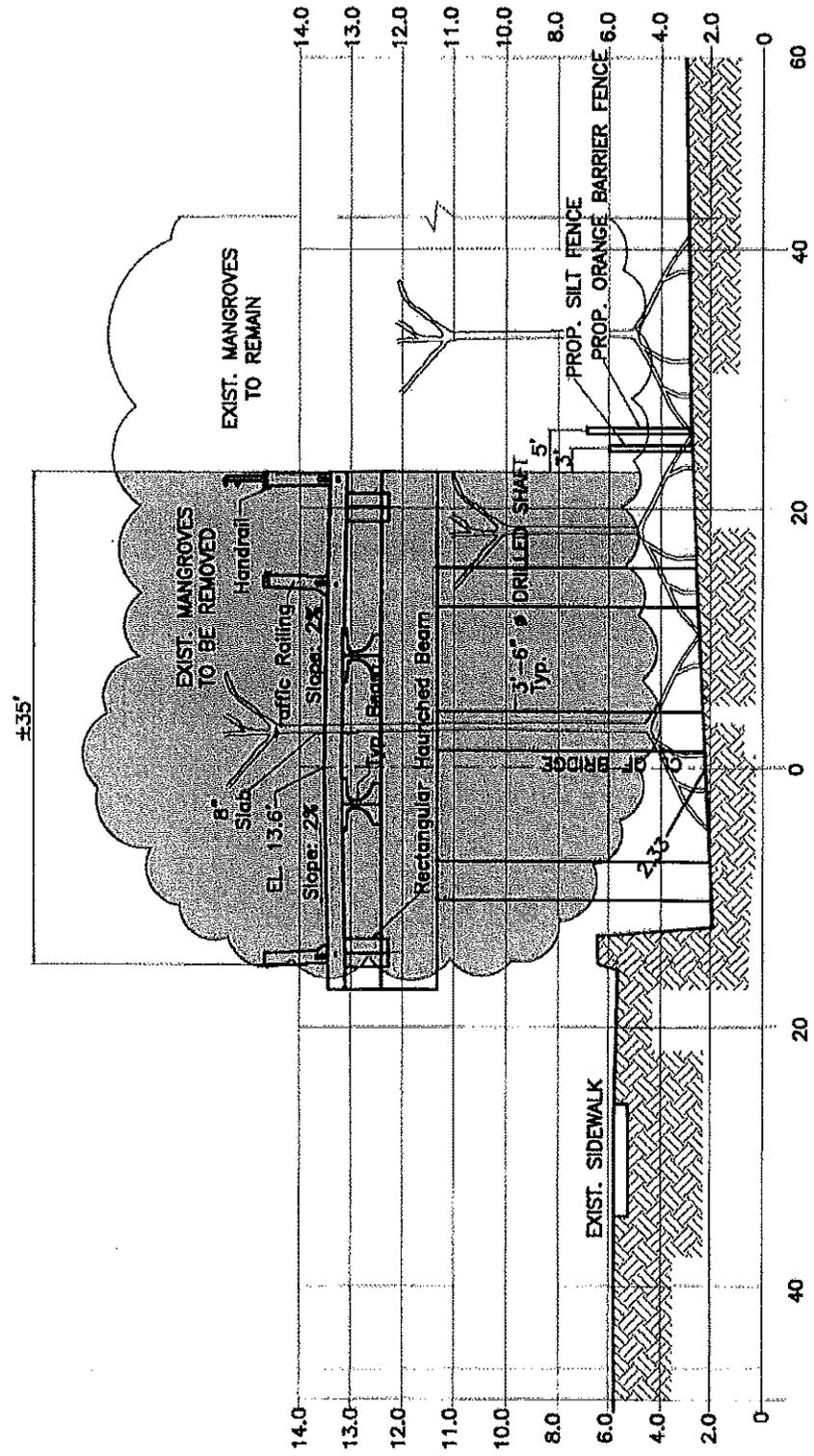


ELEVATION
Horizontal scale 1" = 30'

PURPOSE: **ELEVATION**
 DATUM: NGVD
 JOB NO: 2010-01
EAS ENGINEERING, INC.
 66 ALABAMA AVENUE CORAL GABLES FL 33134 (305)445-6668

COUNTY OF **MIAMI-DADE** STATE OF FLORIDA
 APPLICATION BY: **NORTH BAY ROAD BRIDGE**
 NE 173rd ST. & N. BAY ROAD SECTION: 11
 SUNNY ISLES BEACH, FLORIDA TOWNSHIP: 52
 SHEET 5 DATE: 01-11-11 RANGE: 42

REV.	DATE & DESCRIPTION
06-15-12	GENERAL REVISION
08-20-13	ADDED HOVD



SECTION C-C

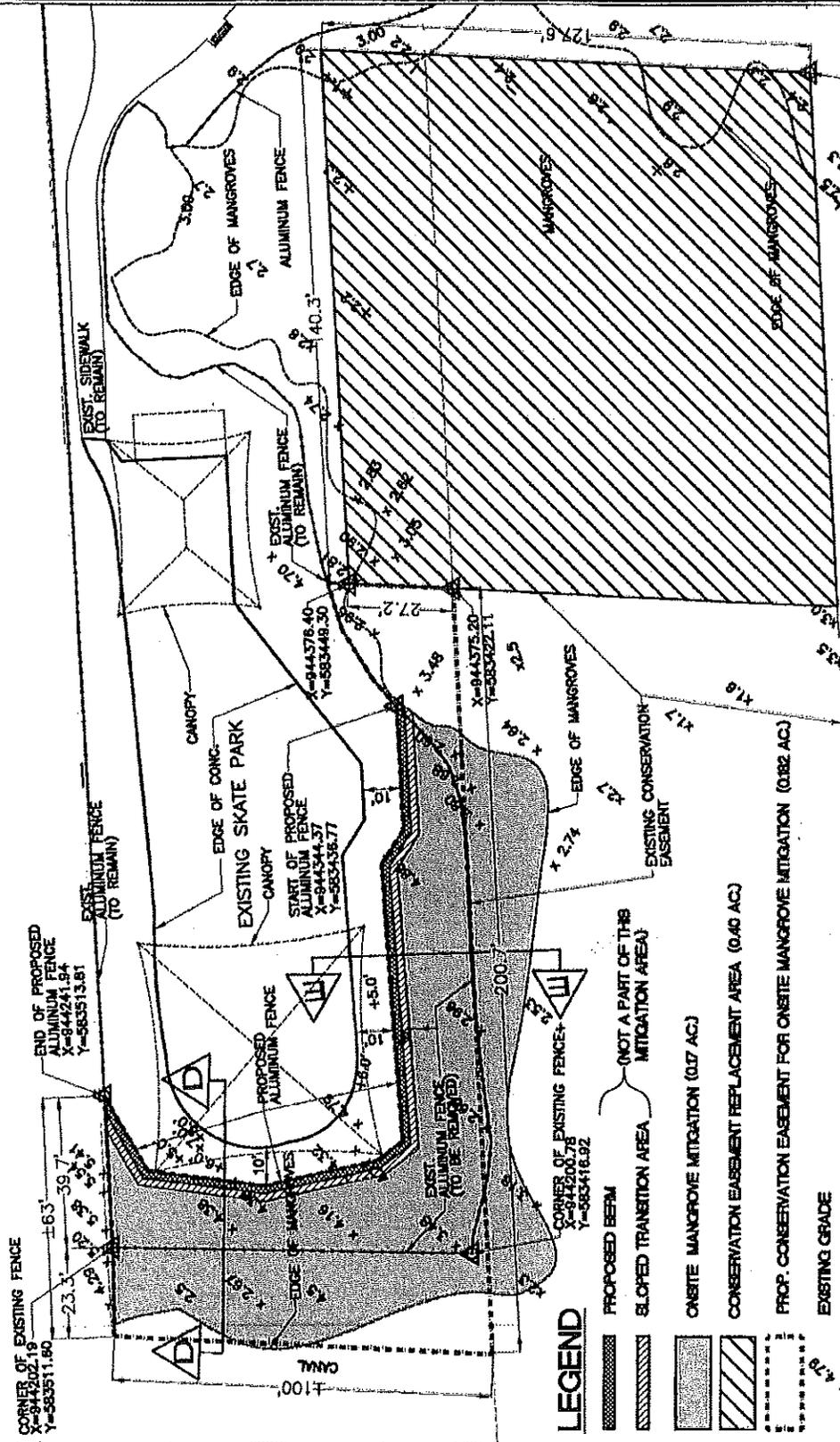
SCALE: AS NOTED

LEGEND
 MANGROVES TO BE REMOVED

COUNTY OF MIAMI-DADE STATE OF FLORIDA
 APPLICATION BY:
NORTH BAY ROAD BRIDGE
 NE 173rd ST. & N. BAY ROAD SECTION: 11
 SUNNY ISLES BEACH, FLORIDA TOWNSHIP: 52
 SHEET 9 DATE: 01-11-11 RANGE: 42

PURPOSE: SECTIONS C-C
 DATUM: NGVD
 JOB NO: 2010-01
EAS ENGINEERING, INC.
 55 ALBERLA AVENUE CORAL GABLES 33134 (305)446-5658

REV. #	DATE & DESCRIPTION
02-09-10	ADDED SLOPE TRANS AREA
03-05-10	GENERAL REVISION
04-12-10	ADDED PROP. CONSERV. EASEMENT
07-09-10	ADDED DIMENSIONS + COORDINATES
08-05-10	CONSERV. EASEMENT EXPANSION



LEGEND

- PROPOSED BERM
- SLOPED TRANSITION AREA (NOT A PART OF THE MITIGATION AREA)
- ONSITE MANGROVE MITIGATION (0.17 AC)
- CONSERVATION EASEMENT REPLACEMENT AREA (0.40 AC)
- PROP. CONSERVATION EASEMENT FOR ONSITE MANGROVE MITIGATION (0.82 AC)
- EXISTING GRADE

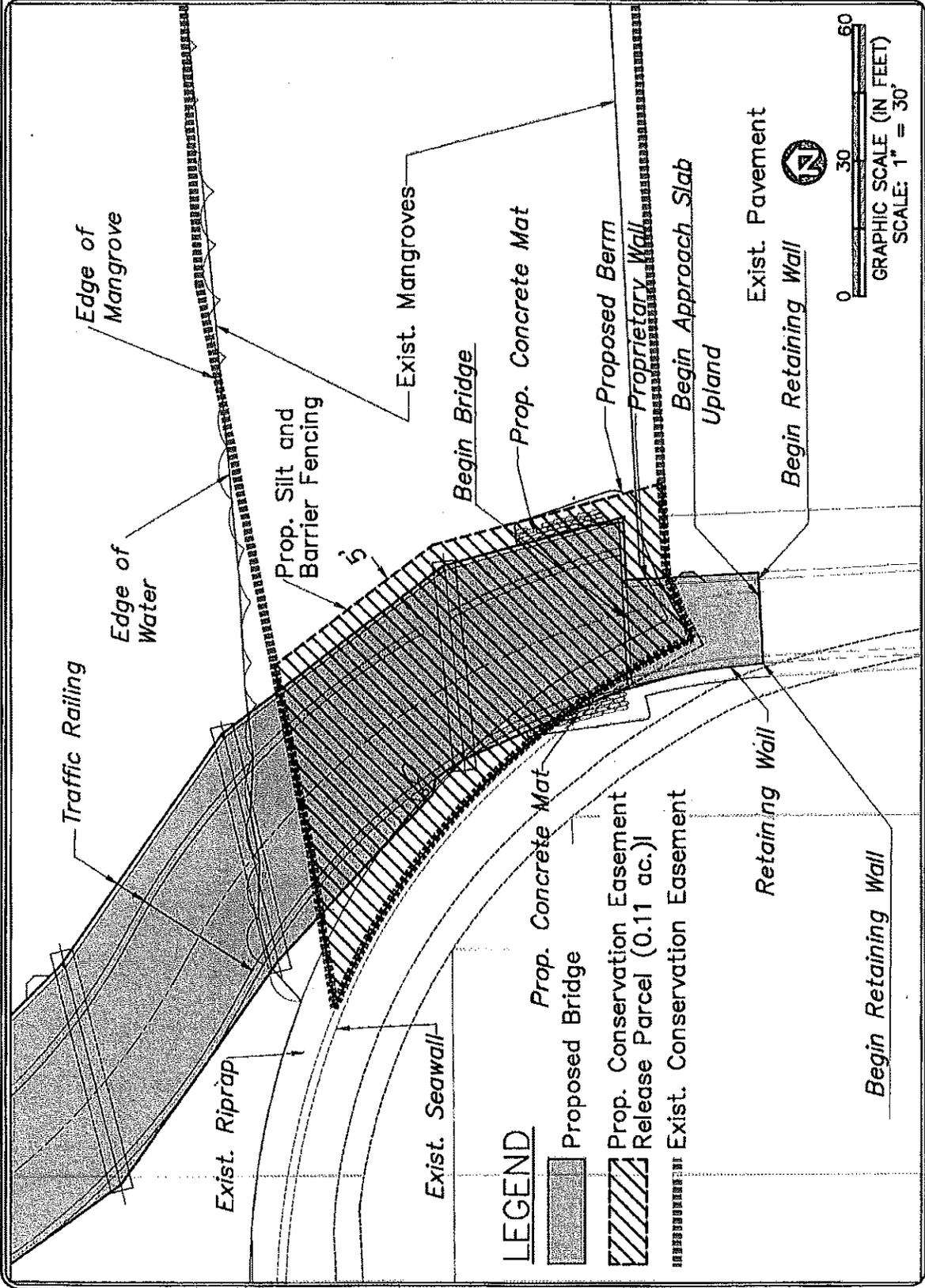


COUNTY OF MIAMI-DADE
 APPLICATION BY:
NORTH BAY ROAD BRIDGE
 NE 173rd ST. & N. BAY ROAD
 SUNNY ISLES BEACH, FLORIDA
 SHEET 11 DATE: 01-11-11

STATE OF FLORIDA
 SECTION: 11
 TOWNSHIP: 52
 RANGE: 42

PURPOSE: **MANGROVE MITIGATION PLAN**
 DATUM: NGVD
 JOB NO: 2010-01
EAS ENGINEERING, INC.
 55 ALBERIA AVENUE CORAL GABLES 33134 (305)446-6668

REV. #	DATE & DESCRIPTION
03-06-13	GENERAL REVISIONS
06-06-13	GENERAL REVISIONS



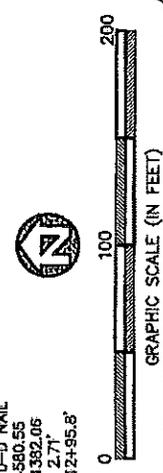
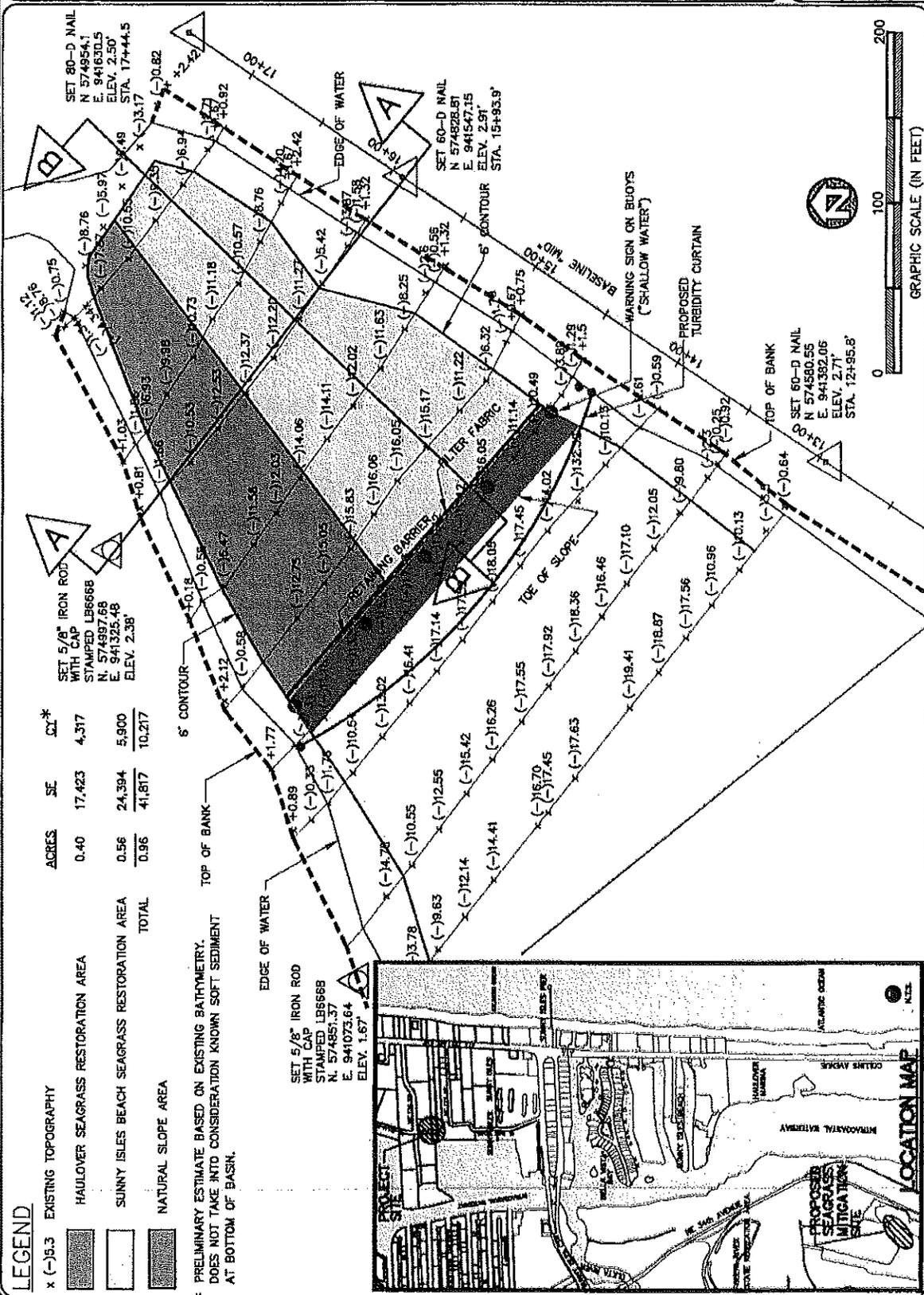
LEGEND

-  Prop. Concrete Mat
-  Proposed Bridge
-  Prop. Conservation Easement Release Parcel (0.11 ac.)
-  Exist. Conservation Easement

COUNTY OF MIAMI-DADE STATE OF FLORIDA
 APPLICATION BY:
NORTH BAY ROAD BRIDGE
 NE 173RD ST. & N. BAY ROAD SECTION: 14
 SUNNY ISLES BEACH, FLORIDA TOWNSHIP: 52
 SHEET 13 DATE: 01-11-11 RANGE: 42

PURPOSE: PROPOSED CONSERVATION EASEMENT RELEASE AREA
 DATUM: N/A
 JOB NO: 2010-01
EAS ENGINEERING, INC.
 66 ALMERIA AVENUE CORAL GABLES 33134 (305)446-5663

REV. #	DATE & DESCRIPTION
04-10-13	GENERAL REVISIONS
05-29-13	GENERAL REVISIONS
07-03-13	GENERAL REVISIONS

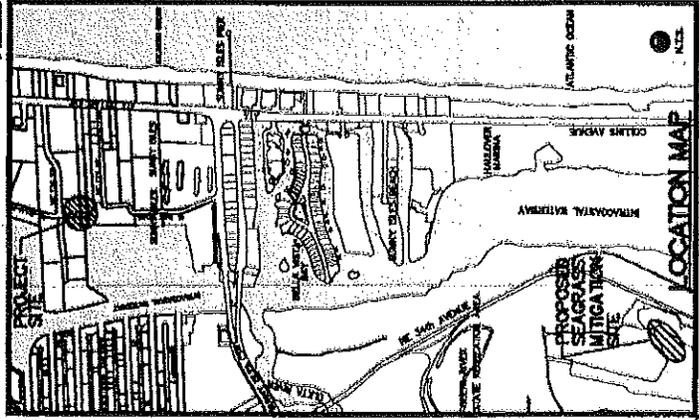


ACRES	SE	CY*
0.40	17,423	4,317
0.56	24,394	5,900
TOTAL	0.96	10,217

LEGEND

- x (-)5.3 EXISTING TOPOGRAPHY
- [Hatched Box] HAULOVER SEAGRASS RESTORATION AREA
- [White Box] SUNNY ISLES BEACH SEAGRASS RESTORATION AREA
- [Dotted Box] NATURAL SLOPE AREA

* PRELIMINARY ESTIMATE BASED ON EXISTING BATHYMETRY. DOES NOT TAKE INTO CONSIDERATION KNOWN SOFT SEDIMENT AT BOTTOM OF BASIN.



COUNTY OF MIAMI-DADE
 APPLICATION BY:
NORTH BAY ROAD BRIDGE
 NE 173rd ST. & N. BAY ROAD
 SUNNY ISLES BEACH, FLORIDA
 SHEET 16 DATE: 04/16/14 RANGE: 42

PURPOSE: SEAGRASS MITIGATION SITE PLAN
 DATUM: NAVD 88
 JOB NO: 2010-01
EAS ENGINEERING, INC.
 56 ALBERLA AVENUE CORAL GABLES 33134 (305)445-6565

Attachment C

**Names and Addresses of Owners of All Riparian or
Property Within
Three Hundred (300) Feet of the Proposed Work**

Patricia Borges
Cavalry Corp.
1946 SW 136th Place
Miami, Florida 33175

Monica R. Corbett
Winston Yacht Club Inc.
1145 San Pedro Avenue
Coral Gables, Florida 33156

Jeffrey Feinberg, Esq.
Prince of Sunny Isles, LLC
4000 Hollywood Blvd., # 350
Hollywood, Florida 33121

Anna Greenbaum
Winston Towers 100 Association Inc.
250 174th Street
Sunny Isles Beach, Florida 33160

Michael Schnitler
Winston Towers 300 Association Inc.
230 174th Street
Sunny Isles Beach, Florida 33160

John Szerlag
City of Sunny Isles Beach
18070 Collins Avenue
Sunny Isles Beach, Florida 33160

Hristo Doltchinkove
Salem House Condominium Asso. Inc
251 172nd Street
Sunny Isles Beach, Florida 33160

Barbara W. Bianco
Porto Bellagio Condominium Asso. Inc
17100 N Bay Road, Apartment 1908
Sunny Isles Beach, Florida 33160

Attachment D

**2002 Restrictive Covenant Running with the Land in Favor of
Miami-Dade County**

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

The undersigned, AVENTURA PRESERVE INVESTORS, 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:

(Legal description attached on Exhibit A)

Pursuant to Section 24-58.2(1) (B) (2) (b) of the Code of Miami-Dade County, hereby submit this executed Covenant running with the land in favor of Miami-Dade County, Florida:

1. For the purposes of this Covenant, "docking facility" is herein defined as any structure, landward or waterward of the mean high water line, designed for or capable of storing or mooring a vessel, and requiring a Miami-Dade County Class I Permit, pursuant to Section 24-58, of the Code of Miami-Dade County, including but not limited to: fixed or floating docks, piers, piles, boat elevators or davits.
2. For the purposes of this Covenant, "vessel" is herein defined as any craft designed to float or navigate on water, including but not limited to: sailboats, powerboats, ships, houseboats and yachts.
3. For the purposes of this Covenant, "sailboat" is herein defined as any vessel with a displacement type hull designed to be propelled primarily by wind and if equipped with an auxiliary motor the vessel shall have only a single propeller.
4. The undersigned agree(s) and covenant(s) that only those vessels owned by persons or entities that rent or own units at the Property shall be moored at the future docking facility to be approved pursuant to a Miami-Dade County Class I Permit. This condition shall not apply to visitors as described in Number 5 below.
5. The undersigned agree(s) and covenant(s) that vessels owned by visitors using the above-referenced docking facility shall not be moored at said docking facility for more than twenty-four (24) hours during any seven (7) day period.
6. The undersigned agree(s) and covenant(s) that only the portion of the docking facility specifically designated for the mooring of vessels, pursuant to the future Class I Permit, shall be used, at any time, for the mooring of any vessels.
7. The undersigned agree(s) and covenant(s) that the maximum number of vessels that will be moored at the docking facility at any one time will be specified in the future Class I Permit.
8. The undersigned agree(s) and covenant(s) that the maximum number of powerboats that shall be moored and/or stored at the future docking facility at any one time is ten (10) powerboats. This provision shall not apply to sailboats with auxiliary motors or any rowboat, skiff or inflatable boat with a motor having a capacity of five (5) horsepower or less.
9. The undersigned owner covenants with the County that the mangrove wetlands and adjacent uplands on the Property shown as Conservation Easement Area on the drawing entitled "Conservation Easement for 17070 Collins Avenue Shopping Center, Ltd." prepared by Fortin, Leavy, Skiles, Inc. and attached hereto as Exhibit B and incorporated herein by reference, shall be preserved in a natural condition and shall be managed so that existing mangroves,

This Instrument Prepared By
David Eitman, President
Biscayne Environmental, Inc.
9820 NE 2nd Avenue, Suite 209
Miami Shores, Florida 33138

42-
10-

COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY – Page 2

and other native vegetation located in the enhanced and preserved wetlands and uplands are not disturbed, altered, or removed and shall remain free from all exotic herbaceous and woody vegetation in perpetuity.

10. The undersigned owner covenants with the County that an exotic vegetation eradication program shall be implemented in the Conservation Easement Area on Exhibit B and that active management within the Conservation Easement Area shall include periodic monitoring, pursuant to the provisions of Class I Permit No. CC98-032, and maintenance such that exotic vegetation is maintained at less than 1% of the total vegetative cover.
11. The undersigned owner covenants and agrees that any vessel mooring at the future docking facility shall have a minimum of one foot of clearance between the bottom of the vessel and the bay bottom at mean low water.
12. The undersigned owner covenants and agrees that no dredging of submerged bay bottom lands or trimming, cutting, removal or alteration of mangrove trees, buttonwood trees or other wetland vegetation shall occur on the Property without first having obtained a Miami-Dade County Class I Permit from DERM. Mangroves along the shoreline of the Property and part of the Conservation Easement Area have been set aside as mitigation. Therefore, permitting exemptions contained in the Mangrove Trimming and Preservation Act, s. 403.9321-403.9333, Florida Statutes shall not apply to trimming activities on the Property.
13. The undersigned owner covenants and agrees that only native vegetation shall be planted within the Conservation Easement Area shown in Exhibit B.
14. The undersigned owner covenants and represents that any and all persons holding a security interest of any kind whatsoever in the property has been advised of, and has agreed to, the execution of this Covenant running with the land in favor of Miami-Dade County.
15. The undersigned owner covenants and agrees that the Miami-Dade County Environmental Resources Management Department (hereafter referred to as "DERM") shall have the right to inspect the Property at reasonable times to determine whether the Property is being used and maintained in the manner promised by the undersigned owner in this Covenant. If the Director of DERM or his designee determines after such an inspection that some curative action(s) on the Property is necessary in order to preserve the terms of this Covenant, DERM shall notify the owner in writing by certified mail, return receipt requested, at the address provided to DERM, of the particular curative action(s) to be taken by the owner of the Property and the reasons therefore. The owner shall take such curative action(s) within the time frames stipulated in DERM's notification of required curative action(s).
16. The undersigned owner covenants and agrees that all successors, heirs, assigns and grantees with respect to the Property shall be notified in writing of the Conservation Easement vegetation protection and preservation requirements contained herein and DERM shall receive copies of all such written notifications no later than thirty (30) days from any conveyance, sale, grant or transfer of this Property. The failure of the undersigned owner to provide such written notice to all successors, heirs, assigns, and grantees shall not, however, affect the validity of enforceability of this Covenant as to any such successors, heirs, assigns, and grantees.

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COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY - Page 3

- 17. The undersigned owner shall notify DERM in writing no 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.
- 18. This Covenant shall run with the land and shall be recorded in the Public Records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned, and their heirs, successors, grantees and assigns until such time as the same is modified or released in writing by Miami-Dade County.
- 19. This Covenant, together with a certified copy of the Board of County Commissioners' resolution accepting the Covenant, shall be filed within thirty (30) days with the Clerk of the Court for recording in the official records of Miami-Dade County, Florida.
- 20. No cancellation, revision, alteration or amendment of this Covenant shall be effective without prior approval of Miami-Dade County by resolution of the Board of County Commissioners.
- 21. This Covenant shall be enforced by the Director of DERM on behalf of Miami-Dade County, Florida, against any person permitting, allowing, letting, causing or suffering any violation of this Covenant in accordance with any and all remedies including civil penalties, civil damages, punitive damages, injunctive relief and attorney fees as set forth in Chapter 24, Miami-Dade County Code, Florida.

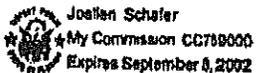
IN WITNESS WHEREOF, the undersigned have caused this Covenant to be executed this 17th day of January, 2002.

Witnesses:
 sign [Signature] sign [Signature]
 print Jill Vignick print Jill Vignick
 sign [Signature] Title President
 print Juan C Simon Address 2201 CORDILLERA BLVD
MIAMI BEACH FL 33131

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 17th day of January, 2002, by Jill Vignick as President, who is personally known to me or who has produced an as identification and who did take an oath.

NOTARY PUBLIC:
 sign [Signature]
 print Jo Ellen Schaefer
 State of Florida at Large (Seal)
 My Commission Expires: 9/8/02



OFF. REC'D.

20149PG4431

EXHIBIT "A"

LEGAL DESCRIPTION: 17070 COLLINS AVENUE SHOPPING CENTER, LTD.

PARCEL 1

THAT PART OF THE NORTH 100 FEET OF LOT 2 OF TATUM'S SUBDIVISION, ALSO KNOWN AS TATUM'S OCEAN PARK, AND ALSO KNOWN AS SUBDIVISION OF GOV'T. LOT 6 SEC. 2-52-42 & GOV'T. LOTS 1, 2, 4 & PORTIONS OF 5 & 6 SEC. 11-52-42, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 64, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LYING WEST OF STATE ROAD A-1-A (FRONTING COLLINS AVENUE AND RUNNING IN A WESTERLY DIRECTION TO NORTH BISCAYNE BAY), LESS THE EAST 400 FEET THEREOF, AND EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY, AS SHOWN IN PLAT BOOK 37, PAGE 4, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA:

TOGETHER WITH:

PARCEL 2

ALL OF LOTS 14, 15, 16, 17 AND 18, INCLUSIVE, OF SOUTH SHORE ESTATES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 52, AT PAGE 69, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA:

AND

A PORTION OF EACH OF NORTH BAY ROAD AND 172ND STREET, DEDICATED PUBLIC RIGHT OF WAYS BEING VACATED AND ABANDONED BY THIS REPLAT, SAID PORTIONS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF LOT 18, OF SOUTH SHORE ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 52, PAGE 69, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF NORTH BAY ROAD PER SAID PLAT; THENCE S90°00'00"W ALONG THE NORTHERLY TERMINUS OF SAID NORTH BAY ROAD FOR 50.06 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID NORTH BAY ROAD; THENCE S02°47'14"W ALONG SAID WESTERLY RIGHT OF WAY LINE OF SAID NORTH BAY ROAD FOR 300.36 FEET; THENCE N90°00'00"E FOR 50.06 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID NORTH BAY ROAD; N02°47'14"E ALONG SAID EASTERLY RIGHT OF WAY LINE OF SAID NORTH BAY ROAD FOR 53.71 FEET TO A POINT OF CURVATURE WITH A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET THROUGH A CENTRAL ANGLE OF 77°42'36" FOR AN ARC DISTANCE OF

20149PG4432

101.72 FEET TO A NON-TANGENT POINT ON A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST WHOSE RADIUS POINT BEARS S85°51'35"E FROM SAID POINT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 55.00 FEET, THROUGH A CENTRAL ANGLE OF 85°51'35" FOR AN ARC DISTANCE OF 82.42 FEET TO A POINT OF CUSP WITH THE NORTHERLY RIGHT OF WAY LINE OF 172ND STREET; THENCE S90°00'00"W ALONG SAID NORTHERLY RIGHT OF WAY LINE OF 172ND STREET FOR 32.74 FEET TO A POINT OF CURVATURE WITH A CIRCULAR CURVE CONCAVE TO THE NORTHEAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS 75.00 FEET THROUGH A CENTRAL ANGLE OF 92°47'14" FOR AN ARC DISTANCE OF 121.46 FEET TO A POINT OF TANGENCY WITH SAID EASTERLY RIGHT OF WAY LINE OF SAID NORTH BAY ROAD; THENCE N02°47'14"E FOR 46.41 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PARCEL 3

ALL OF THE SOUTH 300 FEET OF THE NORTH 400 FEET OF LOT 2 OF TATUM'S SUBDIVISION, ALSO KNOWN AS TATUM'S OCEAN PARK, AND ALSO KNOWN AS SUBDIVISION OF GOV'T. LOT 6 SEC. 2-52-42 & GOV'T. LOTS 1, 2, 4 & PORTIONS OF 5 & 6 SEC. 11-52-42, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 64, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LYING CONTIGUOUS WITH AND WESTERLY OF, THE WEST LINES OF LOTS 15, 16, AND 17, OF SOUTH SHORE ESTATES, AS SHOWN IN PLAT RECORDED IN PLAT BOOK 52, PAGE 69, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND LYING EASTERLY OF THE EAST RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY, AS SHOWN IN PLAT BOOK 37, PAGE 4, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA;

TOGETHER WITH

PARCEL 4

ALL OF THE NORTH 100 FEET OF THE SOUTH 300 FEET OF LOT 2 OF TATUM'S SUBDIVISION, ALSO KNOWN AS TATUM'S OCEAN PARK, AND ALSO KNOWN AS SUBDIVISION OF GOV'T. LOT 6 SEC. 2-52-42 & GOV'T. LOTS 1, 2, 4 & PORTIONS OF 5 & 6 SEC. 11-52-42, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 64, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LYING WESTERLY OF A LINE CONSTITUTING AS EXTENSION SOUTHERLY FOR A DISTANCE OF 100 FEET TO THE LINE DIVIDING LOTS 13 AND 14 OF SOUTH SHORE ESTATES, AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 52, PAGE 69, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND LYING EASTERLY OF THE RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY AS SHOWN ON PLAT BOOK 37, PAGE 4, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THIS DESCRIPTION INCLUDES A PORTION OF NORTH BAY ROAD, A DEDICATED

20149PG4433

PUBLIC RIGHT OF WAY, WITHIN THE LIMITS OF THIS DESCRIPTION, TO BE VACATED, ABANDONED AND DISCONTINUED FROM PUBLIC USE.

TOGETHER WITH:

PARCEL 5

THAT PART OF THE SOUTH 200 FEET OF LOT 2 OF TATUM'S SUBDIVISION, ALSO KNOWN AS TATUM'S OCEAN PARK, AND ALSO KNOWN AS SUBDIVISION OF GOV'T, LOT 6 SEC. 2-52-42 & GOV'T, LOTS 1, 2, 4 & PORTIONS OF 5 & 6 SEC. 11-52-42, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 64, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LYING WEST OF STATE ROAD A-1-A (FRONTING AVENUE AND RUNNING IN A WESTERLY DIRECTION TO NORTH BISCAYNE BAY), LESS THE EAST 769.76 FEET THEREOF, AND EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY, AS SHOWN IN PLAT BOOK 37, PAGE 4, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA: THIS DESCRIPTION INCLUDES A PORTION OF NORTH BAY ROAD, A DEDICATED PUBLIC RIGHT OF WAY, WITHIN THE LIMITS OF THIS DESCRIPTION, TO BE VACATED, ABANDONED AND DISCONTINUED FROM PUBLIC USE.

AN EXPRESS PURPOSE OF THIS REPLAT IS TO VACATE, ABANDON AND DISCONTINUE FROM PUBLIC USE, A PORTION OF NORTH BAY ROAD AND A PORTION OF 172ND STREET, BY PLAT.

**CONSERVATION EASEMENT FOR
17070 COLLINS AVENUE SHOPPING CENTER, LTD.**

LEGAL DESCRIPTION

A portion of Lot 18, of SOUTH SHORES ESTATES, according to the plat thereof, recorded in Plat Book 52, Page 69, and a portion of the North 100 feet of Lot 2 of TATUM'S SUBDIVISION, also known as TATUM'S OCEAN PARK, and also known as SUBDIVISION of SOFT LOT 6 SEC. 7-52-42 & COVY, LOTS 1, 2, 4 & PORTIONS OF 5 & 6 SEC. 11-52-42, according to the Plat thereof, recorded in Plat Book 10, Page 64, both of the Public Records of Dade County, Florida, lying West of State Road A-1-A (fronting Collins Avenue and running in a Westerly direction to North Biscayne Bay), LESS the East 400 feet thereof, being more particularly described as follows.

Begin at the Northwest corner of Lot 18 of SOUTH SHORES ESTATES as recorded in Plat Book 52 at Page 69 of the Public Records of Miami-Dade County, Florida, thence N 90°00'00" E along the Northerly boundary line of said Plat of South Shores Estates for 1010.29 feet, thence N 05°38'10" E along a line parallel with and 400 feet, as measured at right angle to said West Right of Way line of State Road A-1-A (COLLINS AVE) for 100.49 feet, thence N 90°00'00" W along the North line of said Lot 2 for 930.16 feet, thence S 81°59'43" W for 129.26 feet; thence S 84°09'50" W for 34.30 feet to a point on a non-tangent curve concave to the southwest having a radius of 160.00 feet and a chord bearing of S42°53'24"E; thence continue along the arc of said curve through a central angle of 41°40'54" for a distance of 116.40 feet; thence N 71°35'52" E for 15.37 feet to the Point of Beginning

SURVEYOR'S NOTES.

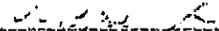
- This site lies in Section 11, Township 52 South, Range 47 East, City of Sunny Isles, Miami-Dade County, Florida
- Miami-Dade County, Florida was formerly known as Dade County, Florida
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records
- This is not a "Land Survey" but only a graphic depiction of the description shown hereon
- Bearings hereon are referred to an assumed value of N 90°00'00" E for the south line of the north 100 feet of Lot 2, TATUM'S SUBDIVISION.
- Total land area shown hereon containing 105,290 square feet, or 2.417 acres, more or less
- Underground improvements and/or underground encroachments not shown unless otherwise indicated.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #20990-121

SURVEYOR'S CERTIFICATION:

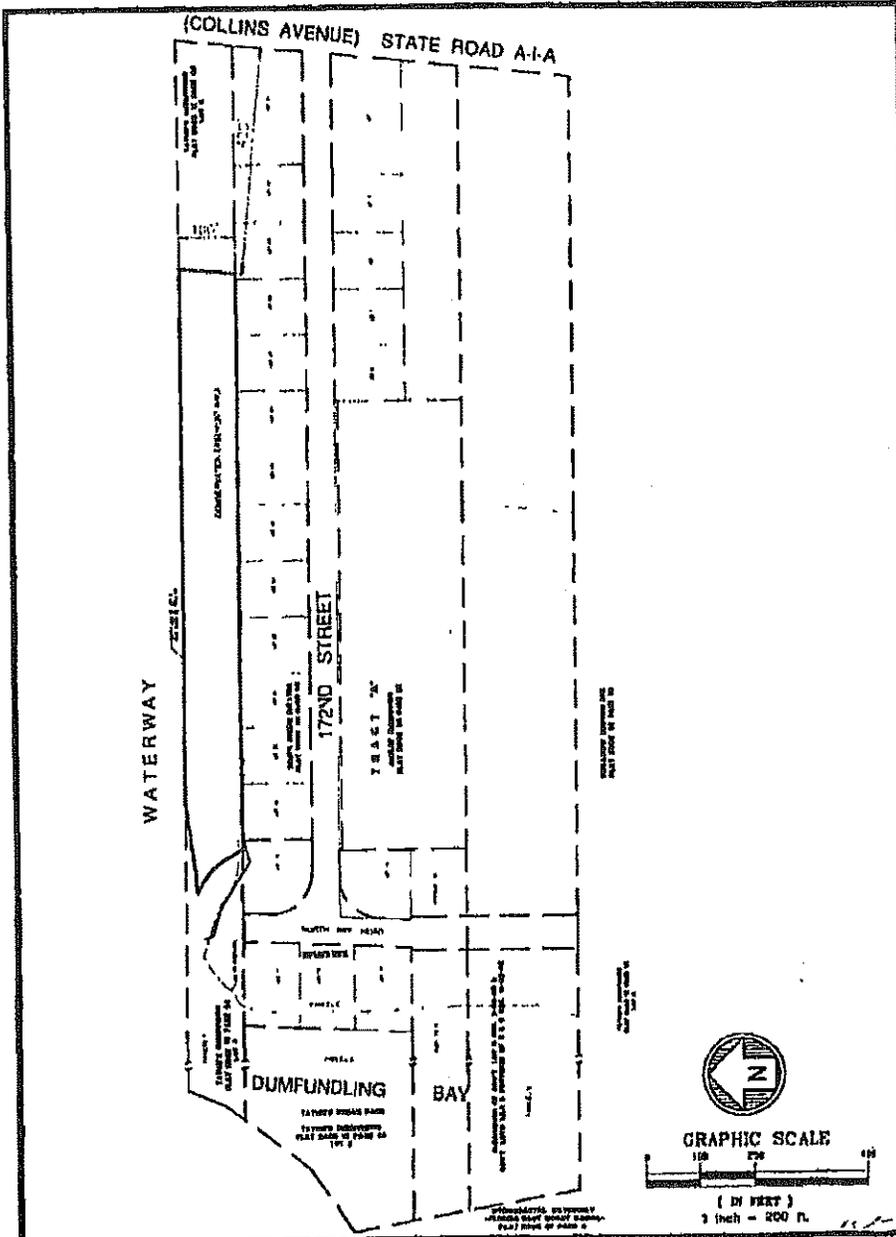
I hereby certify that this "Sketch of Description" was made under my responsible charge on March 10, 2001, and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original (inked seal of a Florida Licensed Surveyor and Mapper"

FORTIN, LEAVY, SKILES, INC., LB3653

By: 
Daniel C. Fortin, For the Firm
Surveyor and Mapper, (S7653)
State of Florida

Drawn by JJB	NOTES - DESCRIPTION - CERTIFICATION FORTIN, LEAVY, SKILES, INC. CONSULTING ENGINEERS, SURVEYORS AND MAPPERS 180 Northwest 186th Street / North Miami Beach, Florida 33162 Ph 305-853-6483 / Fax 305-651-7182	Date 9/23/99
Cad No 991133		Scale 1"=80'
Ref. Dwg 2099-121		Job No 991133
REV.2 4/2/01		Dwg No 1099A-094-A
Plotted 10/15/99 1:08p		Sheet 1 of 3

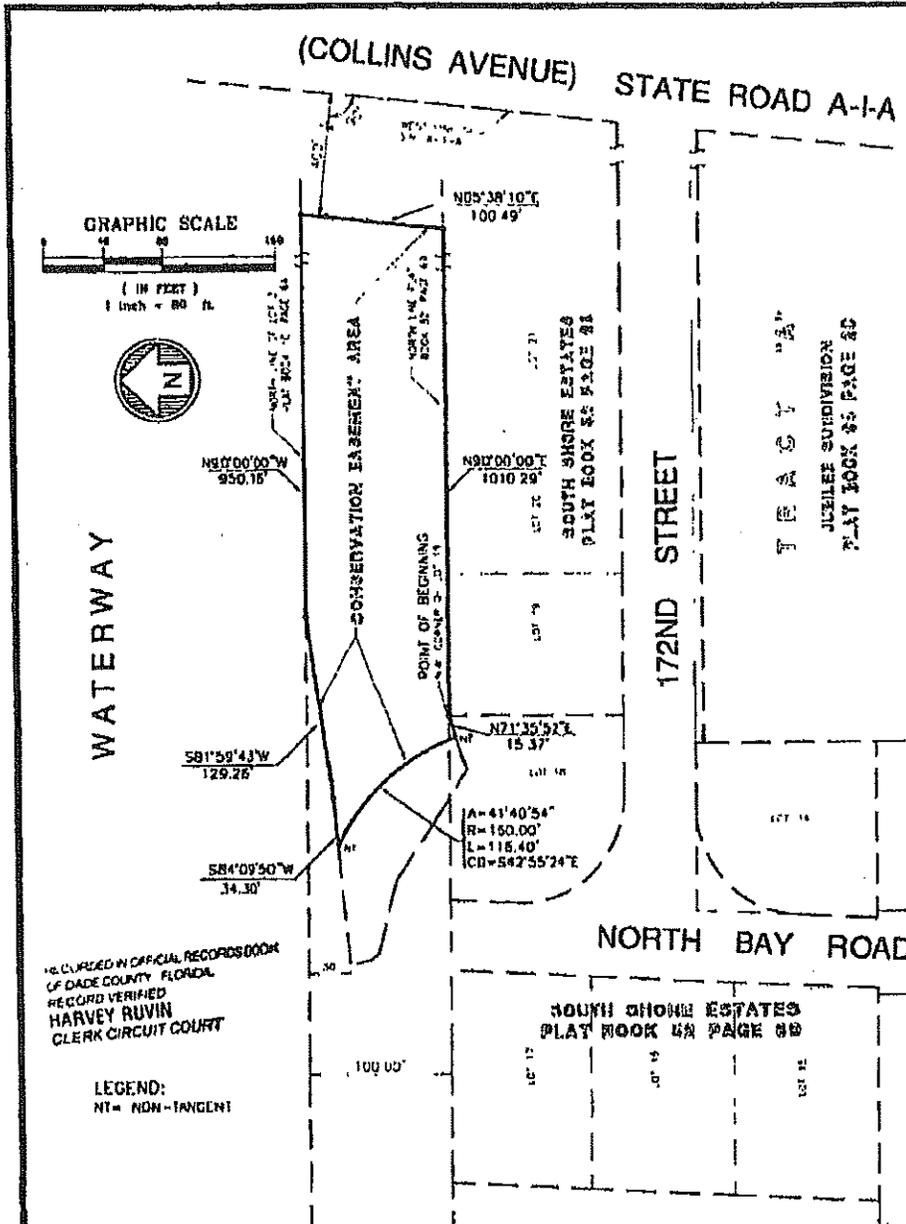


Drawn By JJB
 Cad. No. 991133
 Rec. Dwg. 2099-121
 REV.2 4/2/01
 Plotted 10/19/99 1:08p

LOCATION MAP

FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS AND MAPPERS
 100 Northwest 18th St. / North Miami Beach, Florida 33162
 Ph 305-853 4493 / Fax 305-851 7152

Date 9/23/99
 Scale 1"=200'
 Job No 991133
 Dwg No 1099A-094-A
 Sheet 2 of 3



Drawn By	DJ	DETAIL MAP	Date	4/2/01
Cad. No.	991133		Scale	1"=200'
Ref. Dwg.	2099-121	FORTIN, LEAVY, SKILES, INC. CONSULTING ENGINEERS, SURVEYORS AND MAPPERS 180 Northwest 18th Street / North Miami Beach, Florida 33162 Ph 305-852-1463 / Fax 305-851-7152	Job No	010214
Plotted	10/15/89 1:00p		Dwg No	1099A-094-A
			Sheet	3 of 3

Attachment E

**2013 Restrictive Covenant Running with the Land in Favor of
Miami-Dade County**

This instrument prepared by:
Name: Office of the City Attorney
Address: City of Sunny Isles Beach
18070 Collins Avenue
Sunny Isles Beach, FL 33160

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

The undersigned, City of Sunny Isles Beach, being the present owner of the following real properties (hereinafter called "the Properties"), identified by Folio numbers 31-2211-001-0290 and 31-2211-066-0045, lying, being and situated in Miami-Dade County, Florida, to wit:

[Exhibit A]

pursuant to Chapter 24 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 Regulatory and Economic Resources Class I Permit Application Number 2009-CLI-PER-00095:

1. The owner covenants to Miami-Dade County that the portions of the Properties identified as Exhibits B, C, and D shall be considered "Mitigation Areas", and be preserved and managed such that they are not disturbed or removed, and shall remain free from invasive and exotic vegetation for the life of this Covenant:
2. There shall be no work within the "Mitigation Areas", including, but not limited to, trimming or cutting of any mangroves or buttonwoods, without first obtaining a Class I permit.
3. Mooring of vessels along the south side or east end of the canal is prohibited.
4. For the purposes of this Restrictive Covenant, "vessel" is herein defined as any water craft designed to float or navigate on water, including, but not limited to: sailboats, powerboats, rowboats, ships, boats, skiffs, houseboats, and inflatable boats.
5. The owner covenants and represents that any and all persons holding a security interest of any kind whatsoever in the Properties has been advised of, and has agreed to, the execution of this Covenant Running with the Land.

6. The owner shall notify Miami-Dade County in writing not later than thirty (30) days after any conveyance, sale, grant or transfer of the Properties or any portion thereof, to any heirs, successors, assigns or grantees.
7. The undersigned agree(s) and covenant(s) that approval of this Restrictive Covenant neither authorizes nor constitutes a permit of any kind for work in wetlands or tidal waters at the Properties.
8. 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 same is modified or released in writing by Miami-Dade County pursuant to the provisions of Section 24-48.2 of the Code of Miami-Dade County.
9. The 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 Regulatory and Economic Resources Department, 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.
10. No cancellation, revision, alteration or amendment of the Covenant shall be effective without prior written approval from Miami-Dade County pursuant to the provisions of Section 24-48.2 of the Code of Miami-Dade County.
11. This Covenant is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years after the date this Covenant is recorded, after which time shall be extended automatically for successive periods of ten (10) years each, unless the Covenant is modified or released by Miami-Dade County.

IN WITNESS WHEREOF, the undersigned have caused this Covenant to be executed this 5 day of November, 2013

Witnesses:

sign [Signature]
print Bill Evans
sign [Signature]
print James O. Hill

Property Owner

sign [Signature]
print Christopher J. Russo
Title City Manager
Address 18070 Collins Ave
Sunny Isles Beach, Fl. 33160

STATE OF FLORIDA, COUNTY OF DADE

The foregoing instrument was acknowledged before me this 5 day of November, 2013 by Christopher Russo as City Manager, who is personally known to me ~~or who has produced~~ as identification and who did take an oath.

NOTARY PUBLIC:

sign [Signature]
print Debra Lee Lima
State of Florida at Large (Seal)
My Commission Expires:



DEBRA LEE LIMA
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF040316
Expires 7/28/2017

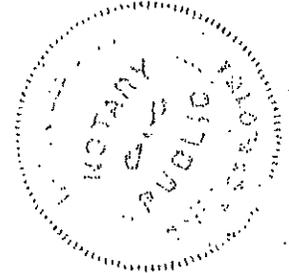


Exhibit A

Exhibit A

The East 400 feet of that part of the North 100 feet of Lot 2, TATUMS SUBDIVISION, lying West of the Westerly Right-of-way line of State Road A.1.A., according to the Plat thereof, recorded in Plat Book 10, Page 64, of the Public Records of Miami-Dade County, Florida.

Lot 29 of SOUTH SHORE ESTATES, according to the Plat thereof, recorded in Plat Book 52, Page 69, of the Public Records of Miami-Dade County, Florida.

Lots 30 and 31, SOUTH SHORE ESTATES, according to the Plat thereof, re-recorded in Plat Book 52, Page 69, of the Public records of Miami-Dade County, Florida.

The South 100 feet of the East 600 feet of Lot 3, of TATUM'S OCEAN PARK SUBDIVISION, according to the Plat thereof, recorded in Plat Book 10, Page 64, of the Public Records of Miami-Dade County, Florida, lying West of the Westerly Right-of-Way line of State Road A.1.A.

and

Tract "D" of R.K. Marina Apartments, Plat Book 157, Page 70, less that portion of said Tract "D" being more particularly described as follows:

Commence at the Northeast corner of Lot 19 of SOUTH SHORE ESTATES as recorded in Plat Book 52 at Page 69 of the Public Records of Miami-Dade County, Florida, the following (10) ten courses being along the exterior boundary of said Tract "D"; 1) thence N 90°0'0" W along the North line of said Lot 19 for 100.00 feet to the Northwest corner of said Lot 19; 2) thence S 71°35'52" W for 15.37 feet to the Point of Beginning; 3) thence continue S 71°35'52" W for 24.79 feet; 4) thence N 57°55'43" W for 38.59 feet; 5) thence N 57°29'11" W for 53.41 feet; 6) thence N 75°51'27" W for 54.54 feet; 7) thence N 37°17'58" W for 6.69 feet; 8) thence N 13°57'37" W for 10.64 feet; 9) thence N 00°00" E for 4.31 feet; 10) thence N 84°09'50" E for 83.72 feet to a point on a non-tangent curve concaved to the southwest having a radius of 160 feet and chord bearing of S 42°55'24" E; thence Southeasterly along the arc of said curve loading to the right through a central angle of 41°40'54" for a distance of 116.40 feet to the Point of Beginning.

**CONSERVATION EASEMENT FOR
17070 COLLINS AVENUE SHOPPING CENTER, LTD.**

LEGAL DESCRIPTION

A portion of Lot 18, of SOUTH SHORES ESTATES, according to the plat thereof, recorded in Plat Book 52, Page 69, and a portion of the North 100 feet of Lot 2 of TATUM'S SUBDIVISION, also known as TATUM'S OCLAN PARK, and also known as SUBDIVISION OF GOVT. LOT 6 SEC. 7-52-42 & GOVT. LOTS 1, 2, 4 & PORTIONS OF 5 & 6 SEC. 11-52-42, according to the Plat thereof, recorded in Plat Book 10, Page 64, both of the Public Records of Dade County, Florida, lying West of State Road A 1-A (fronting Collins Avenue and running in a Westerly direction to North Biscayne Bay), LESS the East 400 feet thereof, being more particularly described as follows.

Begin at the Northwest corner of Lot 19 of SOUTH SHORE ESTATES as recorded in Plat Book 52 at Page 69 of the Public Records of Miami-Dade County, Florida, thence N 90°00'00" E along the Northerly boundary line of said Plat of South Shore Estates for 1010.29 feet; thence N 05°38'10" E along a line parallel with and 400 feet, as measured at right angle to said West Right of Way line of State Road A-1-A (COLLINS AVE) for 100.49 feet, thence N 90°00'00" W along the North line of said Lot 2 for 950.16 feet, thence S 81°59'43" W for 129.26 feet; thence S 84°09'50" W for 34.30 feet to a point on a non-tangent curve concave to the southwest having a radius of 160.00 feet and a chord bearing of S 42°53'24" E; thence continue along the arc of said curve through a central angle of 41°40'54" for a distance of 116.40 feet; thence N 71°35'52" E for 15.37 feet to the Point of Beginning.

SURVEYOR'S NOTES.

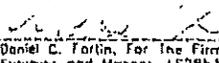
- This site lies in Section 11, Township 52 South, Range 47 East, City of Sunny Isles, Miami-Dade County, Florida
- Miami-Dade County, Florida was formerly known as Dade County, Florida
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records
- This is not a "Land Survey" but only a graphic depiction of the description shown hereon
- Bearings hereon are referred to an assumed value of N 90°00'00" E for the south line of the north 100 feet of Lot 2, TATUM'S SUBDIVISION.
- Total land area shown hereon containing 105,290 square feet, or 2.417 acres, more or less
- Underground improvements and/or underground encroachments not shown otherwise indicated.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #20990-121

SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on March 10, 2001, and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper

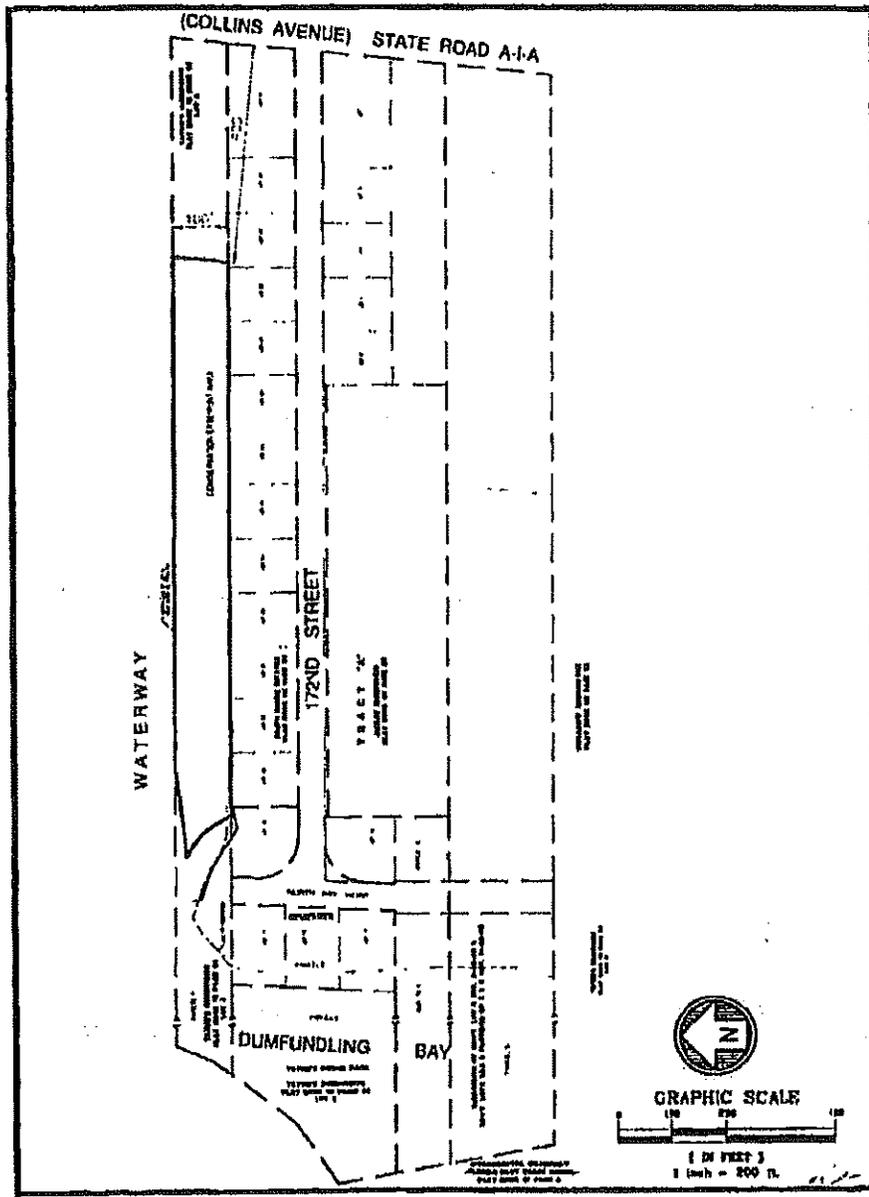
FORTIN, LEAVY, SKILES, INC., LB3653

By: 
Daniel C. Fortin, For the Firm
Surveyor and Mapper, LB3653
State of Florida

Drawn By JJR	NOTES - DESCRIPTION - CERTIFICATION	Date 9/23/99
Ord. No 991133		Scale 1"=80'
Ref. Dwg 2099-121	FORTIN, LEAVY, SKILES, INC. CONSULTING ENGINEERS, SURVEYORS AND MAPPERS 180 Northeast 168th Street / North Miami Beach, Florida 33162 Ph. 305-687-4497 / Fax 305-681-7152	Job. No 991133
REV.2 4/2/01		Dwg. No 1099A-094-A
Plotted 10/15/99 1:08p		Sheet 1 of 3

OFF. REC'D.

20149PG4435

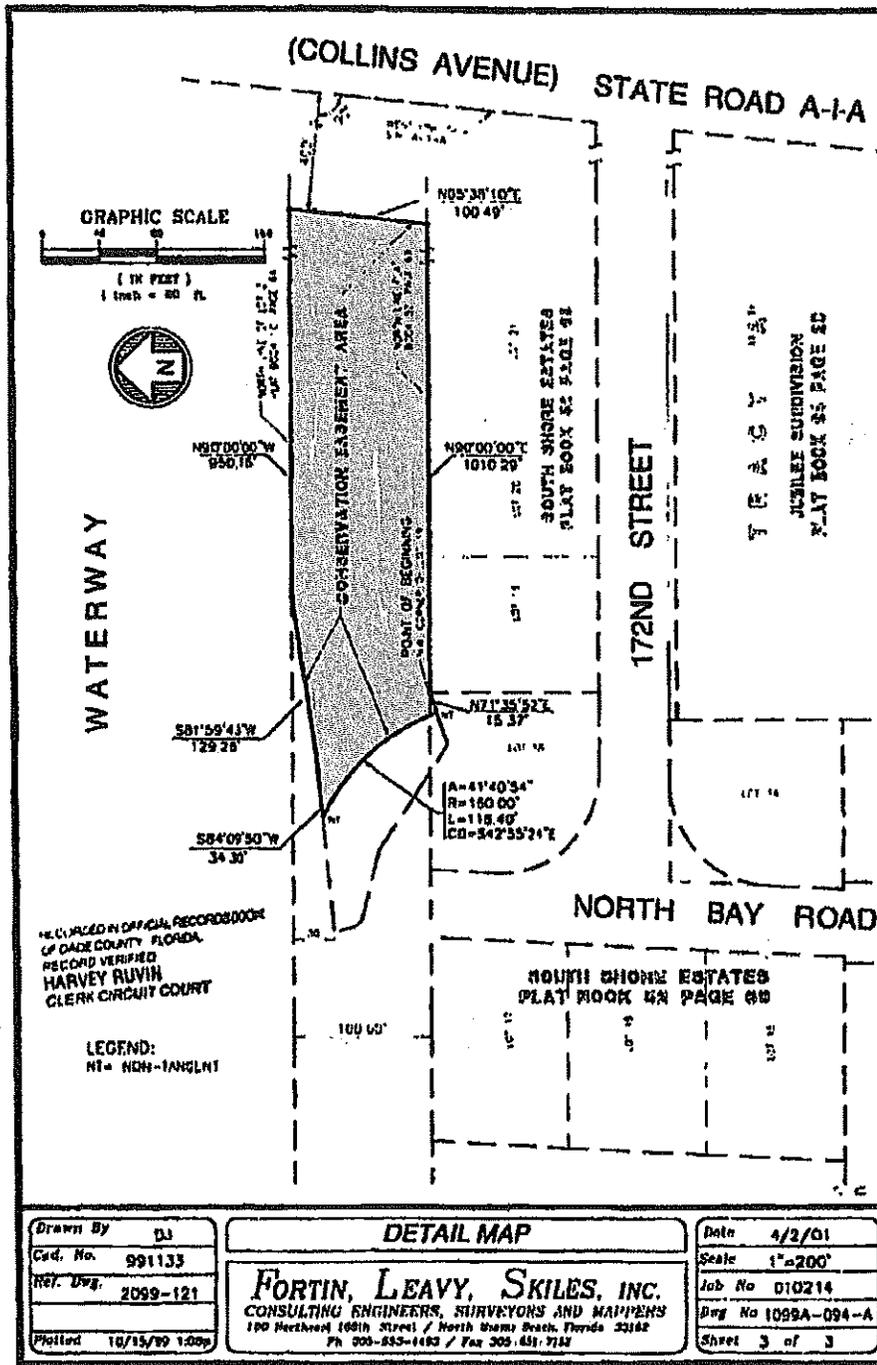


Drawn By JJB	LOCATION MAP	Date 9/23/99
Cad. No. 991133		Scale 1"=200'
REL. DWG. 2099-121		Job No 991133
REV.2 4/2/01		Dwg No 1099A-024-A
Plotted 10/13/99 1:00p		Sheet 2 of 3

FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS AND MAPPERS
 100 Northwest 60th Street / North Miami Beach, Florida 33162
 Ph 305-653-4187 / Fax 305-651-7152

OFF. REC. OK.

20149PG4436



Drawn By	DJ
Cad. No.	991133
Rev. Dwg.	2099-121
Plotted	10/15/99 1:00p

DETAIL MAP

FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS AND MAPPERS
 190 Northwest 108th Street / North Miami Beach, Florida 33162
 Ph 305-855-1483 / Fax 305-451-7111

Date	4/2/01
Scale	1"=200'
Job No	010214
Dwg No	1099A-09A-A
Sheet	3 of 3

Exhibit C

LEGAL DESCRIPTION DEDICATION OF CONSERVATION EASEMENT CITY OF SUNNY ISLES BEACH, MIAMI-DADE COUNTY, FLORIDA

A portion of the East 400 of the North 100 feet of Lot 2, TATUMS SUBDIVISION, lying West of the Westerly Right-of-Way line of State Road A-1A, according to the plat thereof as recorded in Plat Book 10, Page 64 of the Public Records of Miami-Dade County, Florida and being more particularly described as follows:

BEGINNING at the Southeast corner of 100 foot wide Conservation Easement as recorded in Official Records Book 19377, Page 1775 of the Public Records of Miami-Dade County, Florida, said point being on the at the North line of Lot 29, SOUTH SHORE ESTATES, according to the plat thereof as recorded in Plat Book 52, Page 69 of the Public Records of Miami-Dade County, Florida;

THENCE North 02°32'18" East on the East line of said Conservation Easement, also being the Westerly line of said East 400 of the North 100 feet of Lot 2, TATUMS SUBDIVISION, a distance of 100.49 feet to the intersection with the Northerly line of said Lot 2;

THENCE North 86°54'08" East on said Northerly line of Lot 2, a distance of 67.49 feet;

THENCE South 02°32'18" West, a distance of 100.49 feet to the intersection with the South line of said Lot 2 and the said North line of Lot 29, SOUTH SHORE ESTATES;

THENCE South 86°54'08" West on said South line of the North 100 feet of Lot 2 and said North line of Lot 29, a distance of 67.49 feet; to the **POINT OF BEGINNING**

Said lands lying and being in the City of Sunny Isles Beach, Miami-Dade County, Florida, and containing 6,749 square feet (0.15 acres), more or less.

RECEIVED

MAR 11 2013

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

SURVEYOR'S NOTES:

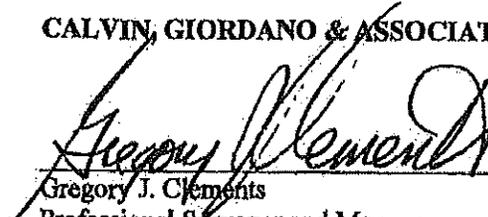
1. Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
2. Lands shown hereon were not abstracted by the Surveyor, for Rights-of-Way, Easements, Ownership, or other instruments of record.
3. The information shown hereon does not represent a Boundary Survey.

Prepared by:
CALVIN, GIORDANO & ASSOCIATES, INC.
1800 Eller Drive, Suite 600
Fort Lauderdale, Florida
June 26, 2012
p:\projects\2011\114582 sunny isles beach bridge permitting\survey\legal descriptions\11-4582-v-sd-dedication cons_esm1.docx

SHEET 1 OF 3

4. Bearings hereon are referenced to the North line of Lot 29, SOUTH SHORE ESTATES as recorded in Plat Book 52, Page 69 of the Public Records of Miami-Dade County, Florida, having a bearing of South 86°54'08" West.

CALVIN, GIORDANO & ASSOCIATES, INC.

 6-26-2012
Gregory J. Clements
Professional Surveyor and Mapper
Florida Registration Number 4479

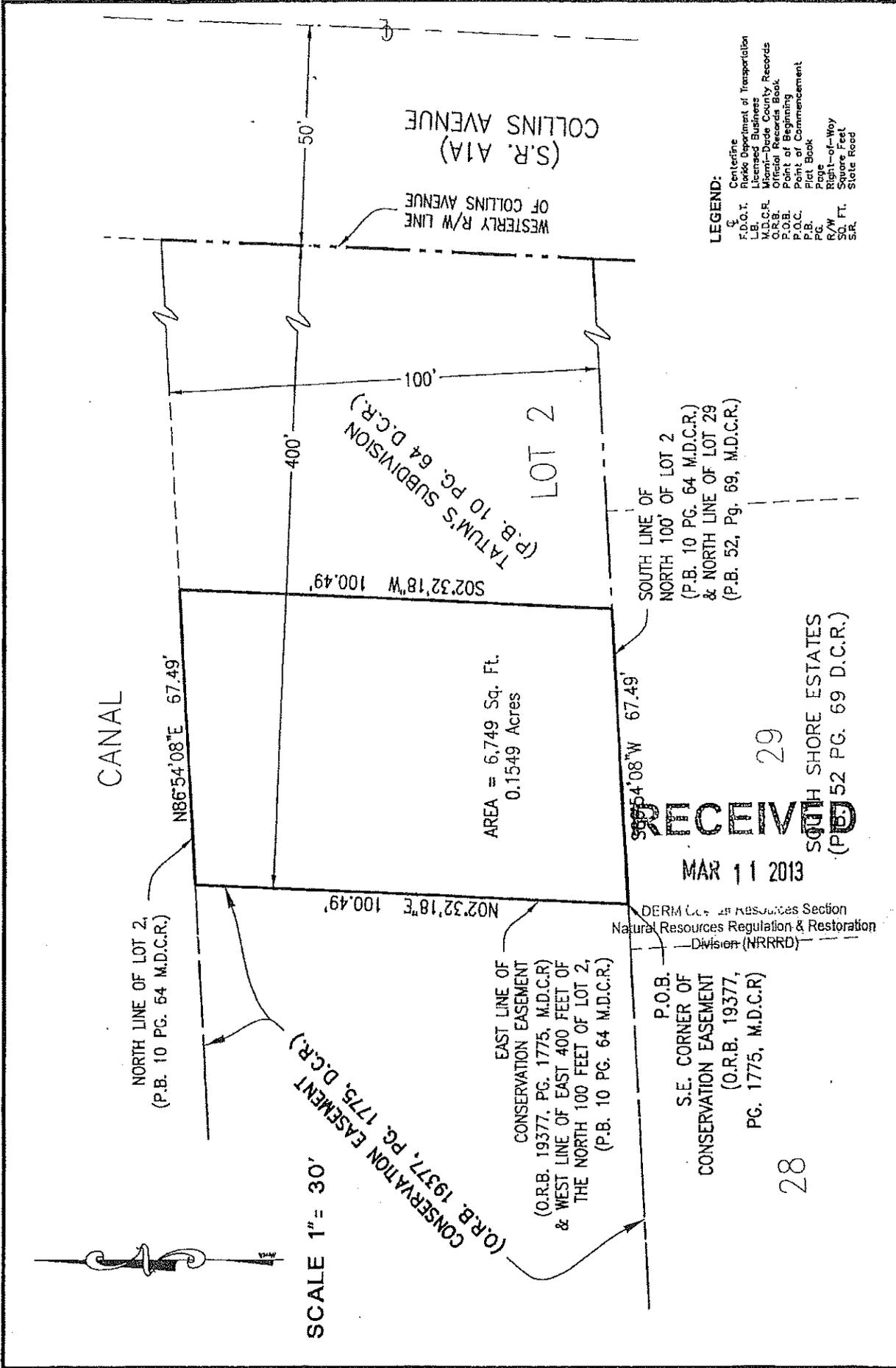
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MAR 11 2013

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

Prepared by:
CALVIN, GIORDANO & ASSOCIATES, INC.
1800 Eller Drive, Suite 500
Fort Lauderdale, Florida
June 26, 2012
p:\projects\2011\14582 sunny isles beach bridge permitting\survey\legal descriptions\11-4582-v-sd-dedication cons_esmt.docx

SHEET 2 OF 3



- LEGEND:**
- Centerline
 - F.D.O.T. Florida Department of Transportation
 - L.B. Licensed Business
 - M.D.C.R. Miami-Dade County Records
 - M.O.B. Miami Ordinance Book
 - O.R.B. Official Record Book
 - P.O.B. Point of Beginning
 - P.O.C. Point of Commencement
 - P.B. Plat Book
 - P.G. Page
 - R/W Right-of-Way
 - SQ. FT. Square Feet
 - S.R. State Road

	PROJECT No	11-4582	SHEET	3
	SCALE	1" = 30'	DATE	06/26/12
<p>DEDICATION OF 100 FOOT CONSERVATION EASEMENT CITY OF SUNNY ISLES BEACH, MIAMI DADE COUNTY, FLORIDA</p>		CDL FILE		OF
<p>Calvin, Giordano & Associates, Inc. EXCEPTIONAL SOLUTIONS 1800 Blier Drive, Suite 600, Fort Lauderdale, Florida 33316 Phone: 954.921.7781 Fax: 954.921.8807</p>				
<p>Certificate of Authorization 6781</p>				

Exhibit D

LEGAL DESCRIPTION MANGROVE MITIGATION PLAN CITY OF SUNNY ISLES BEACH, MIAMI-DADE COUNTY, FLORIDA

A parcel of land being a portion of Lot 3, TATUMS SUBDIVISION, according to the plat thereof as recorded in Plat Book 10, Page 64 of the Public Records of Miami-Dade County, Florida and being more particularly described as follows:

COMMENCE at the Southeast corner of a 100 foot wide Conservation Easement as described in Official Records Book 19377, Page 1775 of the Public Records of Miami-Dade County, Florida;

THENCE North 02°32'18" East on the East line of said Conservation Easement, also being the Westerly line of East 400 of the North 100 feet of Lot 2, TATUMS SUBDIVISION, also being the West line of a parcel of land described in Official Records Book 20345, Page 3004 of Miami-Dade County Records, a distance of 100.49 feet to the intersection with the Northerly line of said Lot 2, said point also being the **POINT OF BEGINNING**;

THENCE South 86°54'12" West on the North line of said Conservation Easement, a distance of 198.11 feet to the intersection with the West line of the South 100 feet of the East 600 feet of Lot 3 of said TATUMS SUBDIVISION and the West line of said parcel of land described in Official Records Book 20345, Page 3004, Miami-Dade County Records;

THENCE North 02°32'18" East on said West line of the South 100 feet of the East 600 feet of Lot 3, a distance of 100.49 feet to the intersection with the South line of WINSTON TOWERS 600, as recorded in Plat Book 113, Page 81, of the Public Records of Dade County, Florida;

THENCE North 86°54'22" East on said South line of WINSTON TOWERS 600, a distance of 62.60 feet;

THENCE South 59°36'02" West, a distance of 25.61 feet;

THENCE South 07°02'01" West, a distance of 31.10 feet;

THENCE South 12°26'08" West, a distance of 30.34 feet;

THENCE South 37°21'17" West, a distance of 8.47 feet;

THENCE North 86°36'22" East, a distance of 72.80 feet;

THENCE South 57°57'49" East, a distance of 10.72 feet;

THENCE North 86°42'05" East, a distance of 32.62 feet;

Prepared by:
CALVIN, GIORDANO & ASSOCIATES, INC.
1800 Eller Drive, Suite 600
Fort Lauderdale, Florida
June 26, 2012
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MAR 11 2013
DERM City of Sunny Isles Beach
Natural Resources Regulation & Restoration
Division (NRRRD)

THENCE North 48°58'19" East, a distance of 9.27 feet;

THENCE North 57°53'17" East, a distance of 15.39 feet;

THENCE North 72°32'22" East, a distance of 12.87 feet;

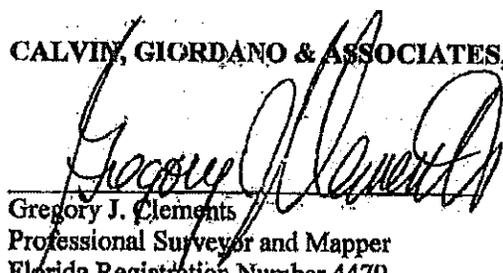
THENCE South 02°32'18" West, a distance of 32.80 feet to the **POINT OF BEGINNING**.

Said lands lying and being in the City of Sunny Isles Beach, Miami-Dade County, Florida, and containing 7,622 square feet (0.175 acres), more or less.

SURVEYOR'S NOTES:

1. Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
2. Lands shown hereon were not abstracted by the Surveyor, for Rights-of-Way, Easements, Ownership, or other instruments of record.
3. The information shown hereon does not represent a Boundary Survey.
4. Bearings hereon are referenced to the North line of Lot 29, SOUTH SHORE ESTATES as recorded in Plat Book 52, Page 69 of the Public Records of Miami-Dade County, Florida, having a bearing of South 86°54'08" West.

CALVIN, GIORDANO & ASSOCIATES, INC.


Gregory J. Clements
Professional Surveyor and Mapper
Florida Registration Number 4479

3-7-2013

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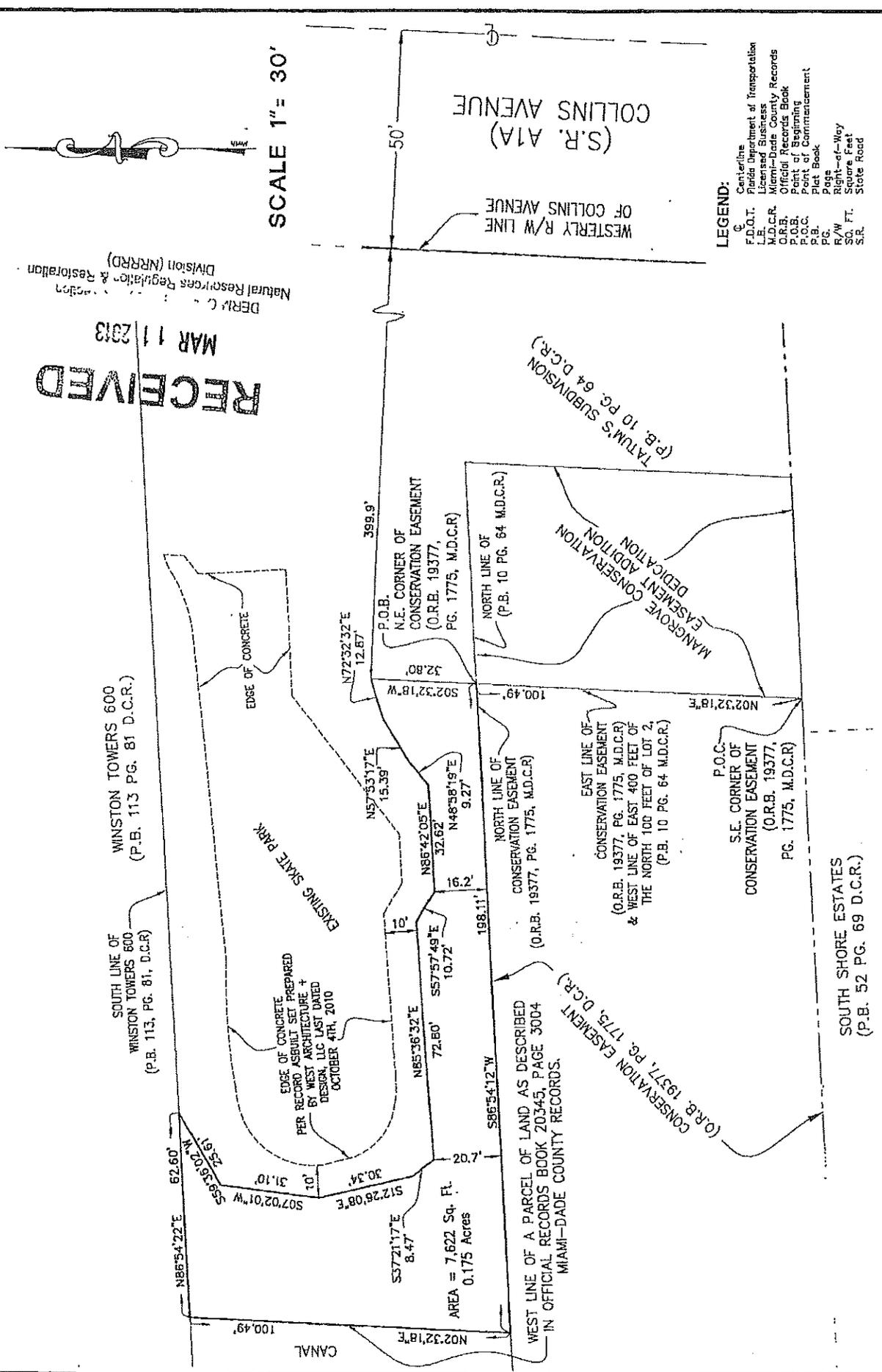
MAR 11 2013

DERM Co.,
Natural Resources Regulation & Restoration
Division (NRRRD)

Prepared by:
CALVIN, GIORDANO & ASSOCIATES, INC.
1800 Elter Drive, Suite 600
Fort Lauderdale, Florida
June 26, 2012
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SHEET 2 OF 3

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 MAR 11 2013
 DERM/C... Division (NRRRD)
 Natural Resources Regulation & Restoration



SCALE 1" = 30'

- LEGEND:**
- Centerline
 - F.D.O.T. Florida Department of Transportation
 - L.B. Licensed Business
 - M.D.C.R. Miami-Dade County Records
 - O.R.B. Official Records Book
 - P.O.B. Point of Beginning
 - P.O.C. Point of Commencement
 - P.L.B. Plat Book
 - R/W Right-of-Way
 - Sq. Ft. Square Feet
 - S.R. State Road

Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS
 1800 Brick Dale - Suite 600, Fort Lauderdale, Florida 33315
 Phone: 954.921.7781 Fax: 954.921.8807
 Certificate of Authorization #266K

MANGROVE MITIGATION PLAN
SKETCH OF DESCRIPTION
CITY OF SUNNY ISLES BEACH, MIAMI DADE COUNTY, FLORIDA

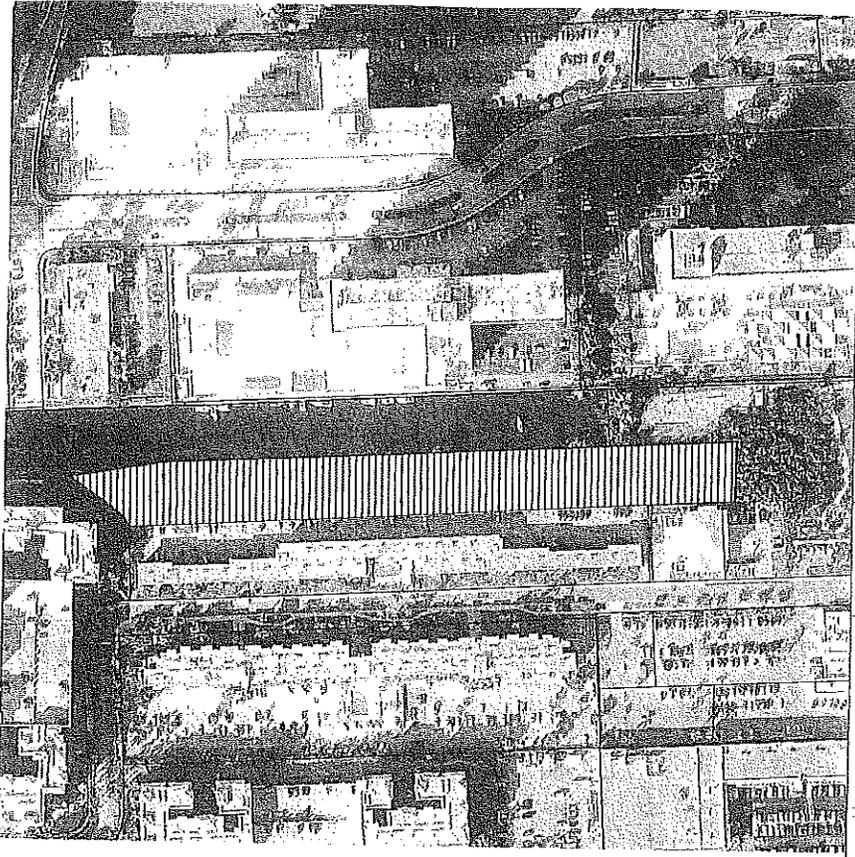
PROJECT NO. 11-4582
 SCALE 1" = 30'
 DATE 03/07/13

SHEET 3 OF 3
 CAD FILE

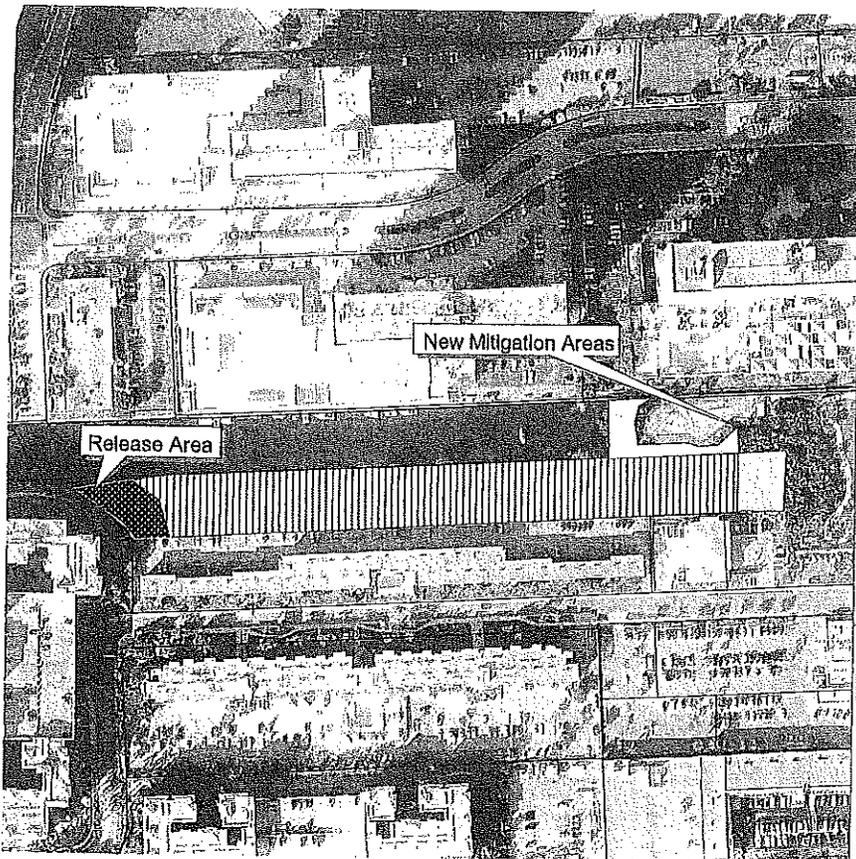
Attachment F

Sketch of Original and Modified Mitigation Areas

2002 Mitigation Area



2013 Mitigation Area



Attachment G
DERM Project Report

PROJECT REPORT
CLASS I PERMIT APPLICATION NO. 2009-CLI-PER-00095

Class I Permit Application by the City of Sunny Isles Beach to Install a Fixed Bridge Spanning the Town Center Canal at North Bay Road Connecting NE 172 Street and NE 174 Street and to Authorize the Partial Release of an Existing Restrictive Covenant Running with the Land in Favor of Miami-Dade County and to Accept a New Restrictive Covenant Running with the Land in Favor of Miami-Dade County in the City of Sunny Isles Beach, Florida

DATE: October 9, 2013

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 proposed project will result in environmental impacts to 0.11 acres of halophytic (salt-tolerant) wetlands and 0.11 acres of submerged lands supporting benthic resources. The wetland area is primarily vegetated with *Rhizophora mangle* (red mangrove), although *Laguncularia racemosa* (white mangrove), and *Avicennia germinans* (black mangrove) are also present. A sparse coverage of seagrass, including *Halophila johnsonii* (Johnson's Seagrass), a Federally Listed Threatened species, was documented in the footprint of the proposed bridge. In order to avoid and minimize environmental impacts, the applicant will utilize environmental controls and best management practices to reduce the risk of impacts outside of the permitted area.

Mitigation for unavoidable wetland impacts will be satisfied by creating approximately 0.17 acres of halophytic wetlands by scraping down an upland area within the City owned park located at the east end of the canal. An additional 0.15 acres of existing wetlands located within the park will be set aside for preservation. Mitigation for the unavoidable environmental impacts to benthic resources will be satisfied by filling 0.37 acres of an excavated borrow canal adjacent to the Oleta River State Recreational Area. The borrow canal is not currently providing any significant benthic habitat value, and the proposed filling is intended to improve water quality and provide an elevation and substrate that are suitable for the recruitment and colonization of seagrass and algae. The amount of mitigation required to offset the impacts of the proposed work was calculated using the Uniform Mitigation Assessment Method rule under Chapter 62-345, FAC.

The impacts to halophytic wetlands will occur within an area designated as a "Conservation Easement Area" by an existing Restrictive Covenant. The applicant has requested the release of the 0.15 acre area where the bridge will be located from the existing Restrictive Covenant and has proffered a new Restrictive Covenant to provide for the future preservation of the wetlands within the proposed 0.32 acre mitigation and preservation areas. The new Restrictive Covenant will require that these areas be monitored for success, managed appropriately, and maintained free of exotics for the duration of the Covenant.

The project site is located in an area that is designated by the Miami-Dade County Manatee Protection Plan (MPP) as essential habitat for the *Trichechus manatus* (West Indian Manatee). The applicant has developed a comprehensive manatee protection plan to minimize any potential adverse impacts to manatees during construction. Furthermore, the Class I permit will require that all Standard Manatee Construction Conditions for In-water Work be followed for all in-water activities.

2. **Potential Cumulative Adverse Environmental Impact** – The proposed project is not reasonably expected to result in cumulative adverse environmental impacts.
3. **Hydrology** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
4. **Water Quality** – The construction phase of the proposed project may temporarily impact water quality. In order to minimize impacts to surface waters, the Class I permit shall require that a water quality monitoring plan and proper turbidity controls be implemented during the proposed work to ensure turbidity levels within the surrounding waters do not exceed State and County water quality standards.

5. **Wellfields** – Not applicable.
6. **Water Supply** – Not applicable.
7. **Aquifer Recharge** – Not applicable.
8. **Aesthetics** – The proposed project was reviewed and received a “No Need to Comply” determination by the Miami-Dade County Shoreline Development Review Committee. During the construction process, there may be temporary aesthetic impacts related to the presence of equipment and other machinery associated with the construction activities.
9. **Navigation** – The proposed bridge is not reasonably expected to adversely affect navigation. Although the bridge will be a permanent fixed structure, and access to the canal east of the bridge will be limited by the 8 foot clearance, there are no permitted docking facilities within the canal. In addition, the United States Coast Guard has reviewed the proposed bridge and determined that it is eligible to receive advance approval, and that an individual bridge permit is not required.
10. **Public Health** - The proposed project is not reasonably expected to adversely affect public health. The proposed bridge will provide a pedestrian path, an alternate route for emergency vehicles and an alternate evacuation route for residents during hurricane and tropical storm events.
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 removal of 0.11 acres of halophytic wetlands; however, the project site is directly adjacent to a wetland system that can be used as alternate habitat. In addition, new wetland areas will be created and preserved as mitigation for environmental impacts associated with the proposed project, which will increase the overall quality of the wetland system in the area. The proposed project will result in shading of 0.10 acres of submerged lands supporting benthic resources; however, there is only a sparse coverage of seagrass within the area, and the area is not currently providing significant habitat.

Unavoidable impacts to marine and wildlife habitats have been minimized and will be mitigated as set forth in Number 1 above.

15. **Wetland Soils Suitable for Habitat** – The proposed project will result in the removal of wetland soils suitable for habitat. However, the project site is directly adjacent to a wetland system that can be used as alternate habitat and unavoidable impacts to wetland soils suitable for habitat have been minimized and will be mitigated as set forth in Number 1 above.
16. **Floral Values** – The proposed project will result in impacts to floral values as a result of the removal of halophytic vegetation and shading of seagrasses within the footprint of the proposed bridge. However, impacts to floral values have been minimized and shall be mitigated as set forth in Number 1 above.

17. **Fauna Values** - The project will result in the removal of 0.11 acres of halophytic wetlands, and may temporarily impact fauna values; however, the project site is directly adjacent to a high quality wetland system that can be used as alternate habitat, and new wetland areas will be created and preserved as mitigation for environmental impacts associated with the proposed project which will increase the overall quality of the wetland system in the area. In addition, unavoidable impacts to fauna values have been minimized and shall be mitigated as set forth in Number 1 above.
18. **Rare, Threatened and Endangered Species** – The area has the potential to be utilized by the West Indian Manatee and the American Crocodile. The applicant has developed a comprehensive manatee protection plan to minimize any potential adverse impacts to manatees during construction, and the project site is directly adjacent to a high quality wetland system that can be used as alternate habitat for the American Crocodile.

A biological assessment conducted by DERM biologists revealed the presence of a sparse coverage of Johnson's Seagrass in the footprint of the proposed bridge. However, the project site is not in an area designated as critical habitat for Johnson's Seagrass and currently provides minimal habitat.

Unavoidable impacts to rare, threatened, and endangered species have been minimized and shall be mitigated as set forth in Number 1 above.

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 result in impacts to wetland values; however, unavoidable impacts to wetlands have been minimized, and new wetland areas will be created and preserved as mitigation for environmental impacts associated with the proposed project which will increase the overall quality of the wetland system in the area.
21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(B)(7), Code of Miami-Dade County, Florida, applications for Class I permits by a municipality within its own jurisdiction shall not be required to submit a substantiating letter from the local zoning authority.
22. **Recreation** - The proposed project does not conflict with the recreation element of the Miami-Dade County Comprehensive Development Master Plan.
23. **Other Environmental Values Affecting the Public Interest** – The proposed project is not reasonably expected to adversely affect other environmental values affecting the public interest. The proposed project will occur on lands owned by the City of Sunny Isles Beach, and within an area where the City has been granted a perpetual easement.
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:
a) Chapter 33B of the Code of Miami-Dade County
b) Miami-Dade County Public Works Manual
25. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the Director, the proposed project is not reasonably expected to result in significant adverse environmental impacts or 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 applicable State, Federal and local laws and regulations:
- a) Chapter 24 of the Code of Miami-Dade County
 - b) United States Clean Water Act (US Army Corps of Engineers, permit is required)
 - c) South Florida Water Management District (permit is required)
27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of the Director, 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 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 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 is not reasonably expected to adversely affect water storage, aquifer recharge potential or natural surface water drainage.

Objective 5/Policies 5A, 5B, 5F - Flood protection and cut and fill criteria – The proposed project will not compromise flood protection.

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 - Fill material on-site is suitable for the support of development. – The wetland sediments are not intended to be used for the support of development.

Objective 7/Policy 7A - No net loss of high quality, relatively unstressed wetlands. – Although the proposed project will result in impacts to halophytic wetlands and tidal waters, the impacts have been minimized and will be mitigated as set forth in Number 1 above.

Objective 9/Policies 9A, 9B, 9C - Protection of habitat critical to Federal or State-designated threatened or endangered species. – The proposed project is not reasonably expected to adversely affect habitat critical to Federal or State-designated threatened or endangered species, as the impacts have been minimized and will be mitigated as set forth in Number 1 above.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A - Tidally connected mangroves in mangrove protection areas – The project is not located within a designated “Mangrove Protection Area.”

Objective 1/Policy 1B - Natural surface flow into and through coastal wetlands. – The proposed project is not reasonably expected to affect natural surface flow into and through halophytic wetlands.

Objective 1/Policy 1C - Elevated boardwalk access through mangroves. – The proposed project is not primarily intended to provide shoreline access.

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project will result in permanent impacts to 0.11 acres of halophytic wetlands within the project footprint; however, the impacts have been minimized and will be mitigated as set forth in Number 1 above.

Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The project will result in permanent impacts to 0.11 acres of halophytic wetlands within the project footprint; however, unavoidable impacts have been minimized and will be mitigated as set forth in Number 1 above.

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 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/Policies 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 4/Policy 4A, 4C, 4E, 4F – Protection of endangered or threatened animal species – The applicant has minimize potential impacts to endangered or threatened species as set forth in Number 18 above.

Objective 5/Policy 5B - Existing and new areas for water-dependent uses. - The proposed project does not include a new development.

Objective 5/Policy 5D - Consistency with Chapter 33D, Miami-Dade County Code (shoreline access, environmental compatibility of shoreline development) – The proposed project was reviewed and received a “No Need to Comply” determination by the Miami-Dade County 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, Code of Miami-Dade County** (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 Sections 33D-1 through 33D-4 of the Code of Miami-Dade County) - The proposed project is not located within Biscayne Bay.
30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The project was evaluated for consistency with the MPP. The project site is located in an area designated by the MPP as essential habitat for the West Indian Manatee. The applicant has developed a comprehensive manatee protection plan to minimize any potential adverse impacts to manatees during construction. Furthermore, the Class I permit will require that all Standard Manatee Construction Conditions for In-water Work be followed for all in-water activities.
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)(B)(7), Code of Miami-Dade County, Florida, applications for Class I permits by a municipality within its own jurisdiction shall not be required to submit a substantiating letter from the local zoning authority.
33. **Coastal Resources Management Line** - A coastal resources management line was not required for the proposed project, pursuant to Section 24-48.2(II)(B)(10)(b) of the Code of Miami-Dade County.
34. **Maximum Protection of a Wetland’s Hydrological and Biological Functions** – The proposed project will result in permanent impacts to 0.11 acres of halophytic wetlands; however, the impacts to wetlands have been minimized and shall be mitigated as set forth in Number 1 above.
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** – Not applicable.

The proposed project was also evaluated for compliance with the standards contained in Sections 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:

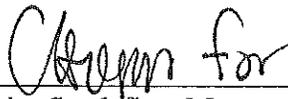
24-48.3 (2) Dredging and Filling for Class I Permit – The proposed project complies with the following criteria:

- a) Minimum dredging and spoiling for public navigation or public necessity.

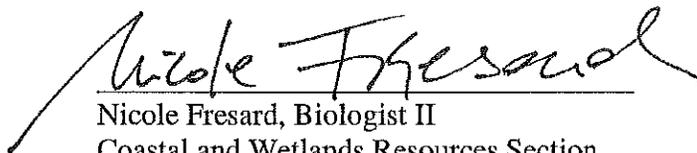
24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County - Not applicable.

24-48.3 (4) Clean Fill in Wetlands – The proposed project will include minimal filling of wetland areas and tidal waters for the construction of the approach apron on the south side of the proposed bridge.

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



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