

Memorandum



Date: November 1, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

Agenda Item No. 5(K)

From: Lourdes M. Gomez, Director 
Department of Regulatory and Economic Resources

Subject: Class I Permit Application by the City of Miami

Resolution No. R-1052-22

Recommendation

I have reviewed the attached application for a Class I permit by the City of Miami and 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 of County Commissioners (Board) approve the issuance of a Class I permit for the reasons set forth below.

Pursuant to Ordinance No. 16-73, this quasi-judicial matter may be submitted directly for placement on the Board’s meeting agenda by the Director of the Department of Regulatory and Economic Resources.

Scope

The project site is located at 351 Southwest 4th Avenue, in Commission District 5, which is represented by Commissioner Eileen Higgins.

Delegation of Authority

This item has no delegation of authority. Upon approval of this item, Section 24-48.2(C)(2) of the Code authorizes the Department to issue the permit, provided that other Code requirements are satisfied, such as submittal of final plans and bonds, and to require additional conditions, limitations, and restrictions if consistent with this Board’s approval.

Fiscal Impact/Funding Source

This resolution is a regulatory approval and does not have a fiscal impact.

Track Record/Monitor

The Coastal Resources Section Manager, McKee Gray, in the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM), would be responsible for monitoring the proposed permit.

Background

The subject Class I permit application requests authorization for the redevelopment of the City of Miami’s Jose Marti Park to include 4,327 square feet of filling of tidal waters in association with the installation of a new seawall and a planter with halophytic (coastal) vegetation including mangroves within the Miami River. The proposed work also includes the installation of a kayak launch, fixed and floating viewing platforms, reef panels, maintenance dredging, and a water taxi dock. The proposed project is required to be reviewed and approved by the Board at a public hearing because the filling of tidal waters is specifically referenced in Section 24-48.2 of the Code as work that shall be processed with a standard form application, including a public hearing.

The shoreline of the subject property is partially stabilized by a sheetpile seawall, seawall cap and riprap while the remainder of the shoreline consists of concrete blocks. The City has indicated that, due to

vessel wakes and extreme tidal and weather events, tidal waters frequently overtop the existing shoreline flooding the park. In order to reduce flooding, the City is proposing to reconfigure and improve the shoreline of the public park through the installation of a new sheetpile seawall and planter. Due to the existing site conditions including the curvature of the existing shoreline, and the existing and proposed upland infrastructure the proposed seawall would be located an average of 9 feet waterward of the existing seawall, which would result in the filling of tidal waters. While the average distance waterward of the proposed seawall is 9 feet, approximately half of the length of the proposed seawall would be installed within 18 inches of the existing seawall. In addition, the majority of the proposed fill is located landward of the historic 1922 shoreline. The installation of a new or replacement seawall can be processed administratively as a short form Class I permit application if the installation of the seawall and the minimum filling necessary for installation are within 12 inches of the existing seawall. Pursuant to the Code of Miami-Dade County (Code), seawalls installed greater than 12 inches waterward of their existing location are required to be reviewed and approved by the Board. In addition to the aforementioned seawall work, the City is proposing to stabilize the existing concrete block portion of the shoreline through the excavation of the uplands to allow for the installation of a planter with an associated riprap revetment and footer. While the majority of the proposed planter would be installed on the uplands, in order to provide the appropriate elevations, a portion of the planter would be installed waterward of the Mean High Water Line resulting in the filling of tidal waters.

According to Section 24-48.3(2) of the Code, dredging and filling work proposed in a Class I permit application shall comply with at least one of the criteria listed in that section of the Code. As discussed above, in order to stabilize the shoreline and protect the public park from tidal flooding, the installation of the new seawall and planter would result in the filling of tidal waters. The proposed work has been designed in a manner to minimize adverse impacts, including shifting the project footprint landward through the excavation of the uplands. In order to alleviate the existing flooding issues, the proposed seawall and planter would be constructed at a higher elevation than the shoreline’s existing elevation to prevent tidal waters from entering the park area. Additionally, the City is proposing to maintenance dredge a portion of the substrate waterward of the proposed planter in order to obtain the appropriate slope and elevation while minimizing the waterward footprint of the planter. Based on the existing site conditions and the need to stop the public park from flooding, the proposed filling and maintenance dredging associated with the installation of the seawall and planter is necessary to stabilize the shoreline and therefore complies with the criteria listed in Section 24-48.3(2)(f) of the Code, which states: a physical modification necessary to protect public or private property. In addition to the above mentioned work, the City is requesting authorization for the maintenance dredging of accumulated sediment within the proposed water taxi slip area. The dredging proposed is the minimum necessary to obtain adequate water depth within the slip area and therefore complies with the criteria listed in Section 24-48.3(2)(c) of the Code, which states: minimum dredging and filling for the creation and maintenance of marinas, piers, docks and attendant navigational channels.

In addition to the proposed filling, the City is also requesting authorization to maintenance dredge and install a kayak launch, fixed and floating viewing platforms, reef panels, and a dock to be utilized solely by the proposed water taxi. The aforementioned work is identified by the Code as work that can be processed administratively and is only coming before the Board because the proposed filling work is included in the subject application. For all the reasons stated herein, it is recommended that the Class I permit application be approved by this Board.

The proposed project is located within an area designated as essential habitat for the West Indian Manatee by the Miami-Dade County Manatee Protection Plan (MPP) and recommended for Limited

Special Use Docks 1:500, which allows for water dependent public transportation dockage. Therefore, DERM has no objection to the creation of one slip to be used solely by a public water taxi. The City has proffered a Restrictive Covenant Running with the Land in Favor of Miami-Dade County (Attachment E) and, upon approval by the Board, said Covenant would be recorded with the Miami-Dade County Clerk of Courts to memorialize a maximum 1 powerboat slip authorized at the subject project site. The Class I permit would require that all standard construction permit conditions regarding manatees be followed during all in-water operations to prevent impacts to manatees during construction.

Pursuant to Section 24-48.4 of the Code, potential adverse environmental impacts and cumulative adverse environmental impacts for a proposed project must be avoided and minimized. The submerged bottom at the site consists of limerock overlaid by accumulated sediment and is not providing significant benthic habitat. The proposed work is not reasonably expected to result in cumulative environmental impacts to water quality. Any temporary water quality impacts would be minimized through the implementation of proper turbidity controls throughout construction operations to ensure that State and County water quality standards are met. Section 24-48.4 of the Code also requires mitigation for permissible projects that otherwise result in unavoidable environmental impacts. Mitigation for unavoidable temporary impacts to water quality associated with the installation of the seawall and associated backfilling would be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund. The filling associated with the installation of the planter and associated riprap revetment would result in the filling of 2,617 square feet of tidal waters; however, this impact would be fully offset by the increased water quality and habitat function resulting from the installation of the planter. Therefore, no additional mitigation would be required for the filling associated with the planter. Mitigation for water quality impacts associated with the creation of the water taxi slip would be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund to be used for the creation of marine habitat.

The project has been designed in accordance with all relevant Miami-Dade County coastal construction criteria and is consistent with all other Miami-Dade County coastal protection provisions. Please find attached a DERM Project Report which also sets forth the reasons the proposed project is recommended for approval by DERM pursuant to the applicable evaluation factors and criteria as set forth in Section 24-48.3 of the Code. The conditions, limitations, and restrictions set forth in the Project Report attached hereto are incorporated herein by references hereto.

Attachments

Attachment A: Class I Permit Application

Attachment B: Owner/Agent Letter, Engineer 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: DERM Project Report

Attachment E: Restrictive Covenant Running with the Land in Favor of Miami-Dade County

Attachment F: United States Army Corps of Engineers Permit

Attachment G: South Florida Water Management District Permit Excerpt and Board of Trustees of the Internal Improvement Trust Fund of the State of Florida Submerged Lands Lease

Attachment A

Class I Permit Application



Class I Permit Application

FOR DEPARTMENTAL USE ONLY	
Date Received:	Application Number:
	Application Fee:

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

1. Applicant Information: Name: <u>City of Miami c/o Arthur Noriega, City Manager</u> Address: <u>444 2nd Avenue, Suite #10</u> <u>Miami, FL</u> Zip Code: <u>33130</u> Phone #: <u>305-416-1025</u> Fax #: _____ Email: <u>anoriega@miamigov.com</u> <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>Danielle Irwin</u> Address: <u>310 W College Avenue, Suite 211</u> <u>Tallahassee, FL</u> Zip Code: <u>32301</u> Phone #: <u>850-852-0095</u> Fax #: _____ Email: <u>dirwin@cuminscederberg.com</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 #(s): <u>Multiple - See Attachment C</u>	Latitude: <u>N 25 46' 16.20</u>	Longitude: <u>W 80 12' 2.07"</u>
Street Address: <u>351 SW 4th Avenue</u>	Section: _____	Township: _____ Range: _____
In City or Town: <u>Miami</u>	Near City or Town: <u>Little Havana</u>	
Name of waterway at location of the activity: <u>Miami River</u>		

4. Describe the proposed activity (check all that apply):		
<input checked="" type="checkbox"/> Seawall <input checked="" type="checkbox"/> New/Replacement Seawall <input checked="" type="checkbox"/> Seawall Cap <input checked="" type="checkbox"/> Batter Piles <input checked="" type="checkbox"/> King Piles <input type="checkbox"/> Footer/Toe Wall <input checked="" type="checkbox"/> Riprap	<input checked="" type="checkbox"/> Dock(s) <input type="checkbox"/> Pier(s) <input checked="" type="checkbox"/> Viewing Platform	<input type="checkbox"/> Boatlift <input type="checkbox"/> Mooring Piles <input checked="" type="checkbox"/> Fender Piles <input type="checkbox"/> Davits
<input type="checkbox"/> Dredging <input type="checkbox"/> Maintenance <input type="checkbox"/> New <input type="checkbox"/> Filling	<input type="checkbox"/> Mangrove Trimming <input type="checkbox"/> Mangrove Removal	
<input checked="" type="checkbox"/> Other: <u>Living Shoreline</u>		
Estimated project cost = \$ <u>\$7.5 M</u>		
Are you seeking an after-the-fact approval (ATF)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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>Catamaran Water Taxi Ferry</u> Vessel Make/Model (if known): <u>TBD</u> Draft (s)(range in inches.): <u>3 ft.</u> Length (s)(range in feet.): <u>65 ft.</u> Total Number of Slips: <u>1</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

8. Contractor Information (If known):

Name: TBD License # (County/State): _____
Address: _____ Zip Code: _____
Phone #: _____ Fax #: _____ E-mail: _____

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 Miami Govt. 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.*****

 Arthur Noriega City Manager 7/2/2020
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 351 SW 4th Avenue Miami-Dade
County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. Multiple - See Attachment C.
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

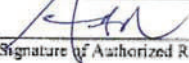
Signature of Owner	Print Owner's Name	Date
Signature of Owner	Print Owner's Name	Date

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

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

<u>City of Miami</u>	<u>Govt.</u>	<u>Florida</u>
Print Name of Owner (Enter the complete name as registered)	Type (Corp, LLC, LLP, etc.)	State of Registration/Incorporation
<u>444 2nd Avenue, Suite #10, Miami, FL 33130</u>		
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.*****

	<u>Arthur Noriega</u>	<u>City Manager</u>	<u>7/2/2020</u>
Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date
Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date

Please Review Above

Appropriate signature(s) must be included in:

Box 9: either A, B or C

AND

Box 10: either A or B

Attachment B

Owner/Agent Letter, Engineer Letter and Project Sketches

ENGINEER LETTER OF CERTIFICATION

Date: Jan. 17, 2022

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 CLI-2020-0243

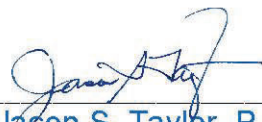
Ladies and Gentlemen:

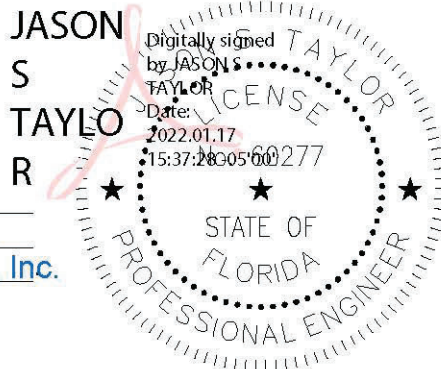
This letter will certify that I am an engineer licensed in the State of Florida, qualified by education and experience in the area of engineering design and inspection, and that to the best of my knowledge and belief, the proposed work does not violate any laws, rules, or regulations of the State of 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,


Jason S. Taylor, P.E.
Cummins Cederberg, Inc.
P.E. # 60277



This document has been signed and sealed by Jason S. Taylor, P.E. on the date adjacent to the signature. Printed copies of this document are not considered signed nor sealed. The signature must be verified on any electronic copies.

PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

Date: March 30, 2022

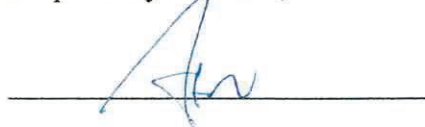
Miami Dade County Department of Regulatory and Economic Resources
Class I Permitting Program
701 NW 1st Court
Miami, FL 33136

Re: Class I Standard Form Permit Application Number CLI-2020-0243

By the attached Class I Standard Form permit application with supporting documents, I, **City of Miami**, am the permit applicant/applicant's authorized agent (circle one) and hereby request permission to perform the work associated with Class I Permit Application CLI-2020-0243. 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.

Respectfully submitted,



(Arthur Noriega, V, City Manager, City of Miami), Permit Applicant



(Danielle Irwin, Cummins Cederberg, Inc.), Authorized Agent

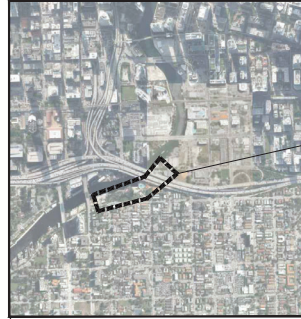
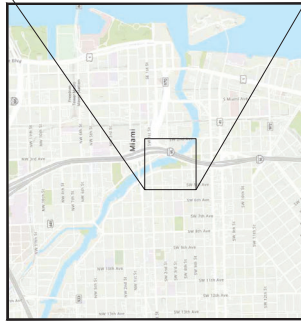
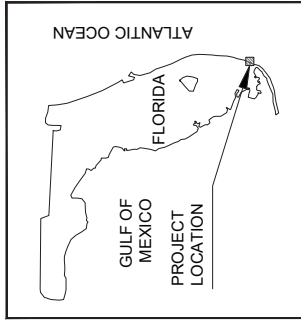


OFFICE OF CAPITAL IMPROVEMENTS | PLANNING DEPARTMENT

ADAPTIVE REDESIGN FOR JOSE MARTI PARK

362 SW 4th STREET, MIAMI, FL

COASTAL AND MARINE ENGINEERING PLANS



PROJECT LOCATION

100% DRAWINGS | OCTOBER, 2021

SHEET	INDEX OF SHEETS: COASTAL AND MARINE PLANS
C-01	OVERALL
C-02	COASTAL NOTES
C-03	ORANGE POINT BEACH CONDITIONS PLAN
C-04	ORANGE POINT DEMOLITION PLAN
C-05	NORTH SHORELINE DEMOLITION PLAN
C-06	NORTH SHORELINE STABILIZATION PLAN
C-07	SECTIONAL ELEVATION SECTIONS
C-08	SECTIONAL ELEVATION SECTIONS
C-09	SECTIONAL ELEVATION SECTIONS
C-10	SECTIONAL ELEVATION SECTIONS
C-11	SECTIONAL ELEVATION SECTIONS
C-12	SECTIONAL ELEVATION SECTIONS
C-13	SECTIONAL ELEVATION SECTIONS
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C-22	SECTIONAL ELEVATION SECTIONS
C-23	SECTIONAL ELEVATION SECTIONS
C-24	SECTIONAL ELEVATION SECTIONS



SPACE RESERVED FOR CITY OF MIAMI APPROVAL STAMP



**CURTIS + ROGERS
DESIGN STUDIO INC**
Landscape Architecture
7520 S RED ROAD, SUITE M
SOUTH MIAMI, FLORIDA 33143
305.442.1774 | 305.445.9498 FAX
www.curtisrogers.com I.C. C000241

COASTAL AND MARINE ENGINEER

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Coastal & Marine Engineering

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MIAMI ■ FORT LAUDERDALE
JUPITER ■ TALLAHASSEE
TEL: +1 305-741-6155 FAX: 305-974-1155
WWW.CUMMINSCEBERG.COM

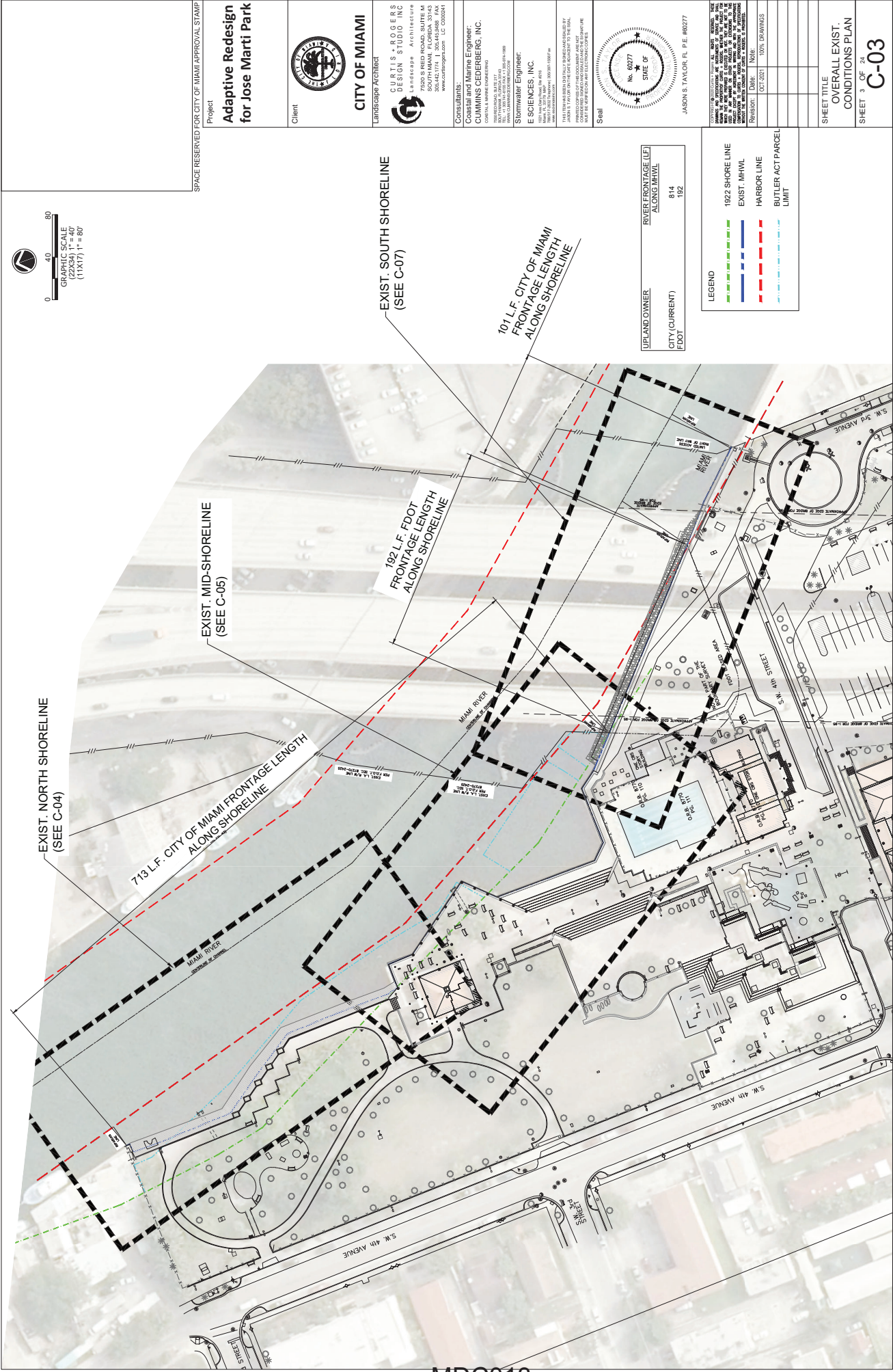


CIVIL ENGINEER:

1021 Ives Dairy Road, Site #216
Miami, FL 33179
786-517-2632 Telephone | 305-397-1556 Fax
www.eeslensesinc.com

COVER

SHEET 1 OF 23
C-01



SPACE RESERVED FOR CITY OF MIAMI APPROVAL STAMP

Project
**Adaptive Redesign
for Jose Marti Park**



Client
CITY OF MIAMI
Landscape Architect
**CURTIS + BOGERS
DESIGN STUDIO INC**
Landscape Architecture
7020 S RED ROAD, SUITE M
SOUTH MIAMI, FLORIDA 33143
(305) 671-1100
www.curtisbogers.com | U.C. 0200241

Consultants
**Coastal and Marine Engineer:
CUMMINS CEDERBERG, INC.**
COASTAL & MARINE ENGINEERING
10000 SW 12TH AVE, SUITE 100
MIAMI, FL 33156
(305) 555-1100
www.cumminscederberg.com

**Stormwater Engineer:
E SCIENCES, INC.**
10000 SW 12TH AVE, SUITE 100
MIAMI, FL 33156
(305) 555-1100
www.esciences.com

Seal
No. 60277
STATE OF
FLORIDA
JASON STAMOR, P.E. 000277

UPLAND OWNER	RIVER FRONTAGE (LF) ALONG MHWL
CITY (CURRENT)	814
	192

LEGEND
1922 SHORE LINE
EXIST. MHWL
HARBOUR LINE
BUTLER ACT PARCEL LIMIT

DATE	NOV. 2021
NO. DRAWINGS	

SHEET TITLE
**OVERALL EXIST.
CONDITIONS PLAN**

SHEET 3 OF 24
C-03

MDC013

SPACE RESERVED FOR CITY OF MIAMI APPROVAL STAMP

Project
**Adaptive Redesign
for Jose Marti Park**

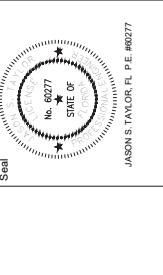


CITY OF MIAMI
Landscape Architect
**CURTIS + ROGERS
DESIGN STUDIO INC**
Landscape Architecture
7520 S RED ROAD, SUITE M
SOUTH MIAMI, FLORIDA 33143
(305) 673-1100
www.curtisrogers.com | L.C. 0000541

Consultants:
Civil and Marine Engineer:
CUMMINS CEDERBERG, INC.
CUMMINS CEDERBERG, INC.
10000 N.W. 11TH AVENUE, SUITE 100
MIAMI, FLORIDA 33157
(305) 555-1100
www.cumcib.com

Stormwater Engineer:
E SCIENCES, INC.
10000 N.W. 11TH AVENUE, SUITE 100
MIAMI, FLORIDA 33157
(305) 555-1100
www.esicorp.com

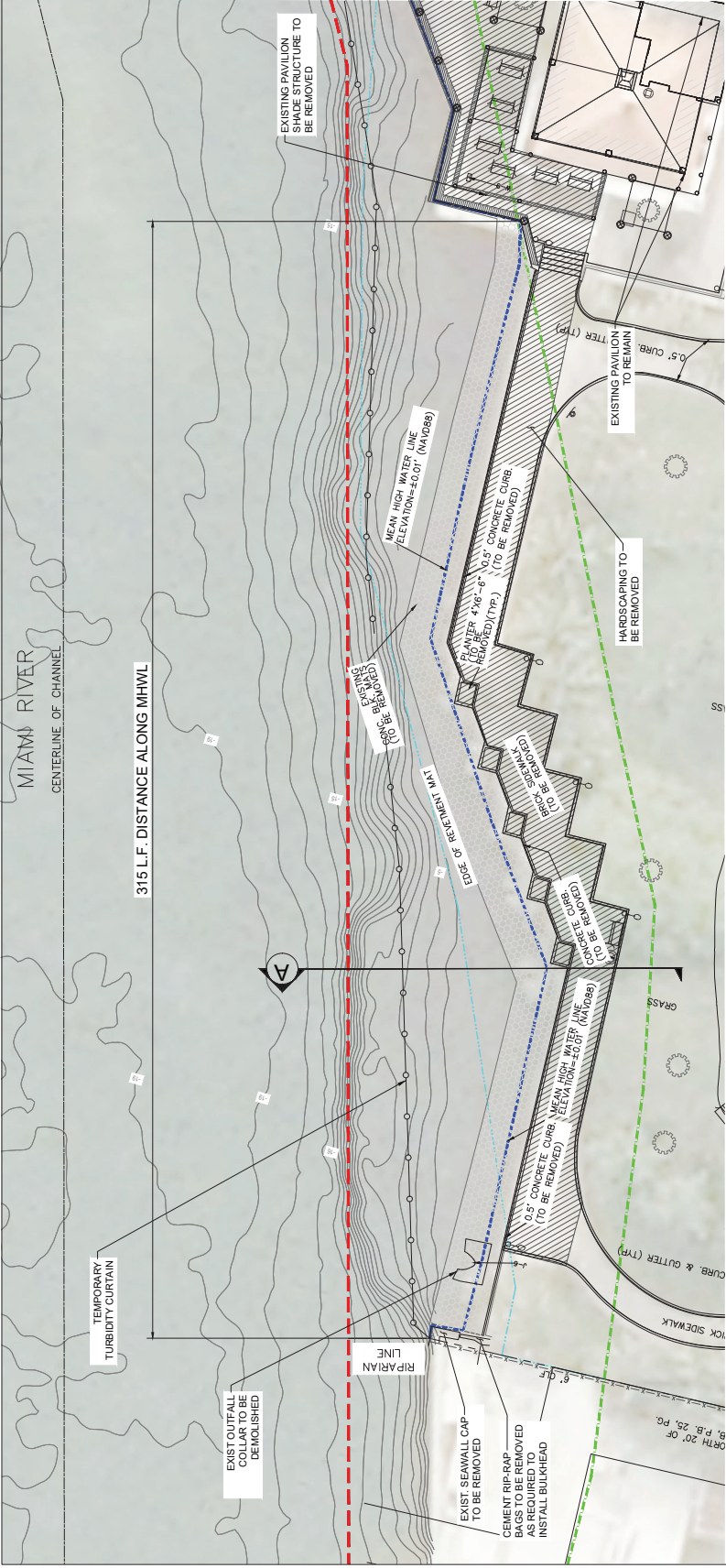
THIS DRAWING IS A PART OF A PROJECT AND IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF THE ENGINEER. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE SHORELINE DEMOLITION PLAN. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF THE DATA PROVIDED BY THE CLIENT. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED.



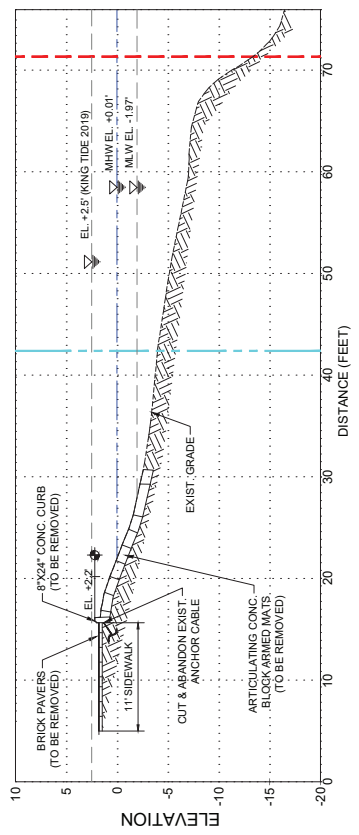
JASON STAYLOR, P.E. #60277
Professional Engineer
Civil and Marine
CUMMINS CEDERBERG, INC.
10000 N.W. 11TH AVENUE, SUITE 100
MIAMI, FLORIDA 33157
(305) 555-1100
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Revision	Date	Notes
001	07/20/21	100% DRAWINGS
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1922 SHORE LINE
EXIST. MHWL
HARBOR LINE
BUTLER ACT PARCEL
LIMIT



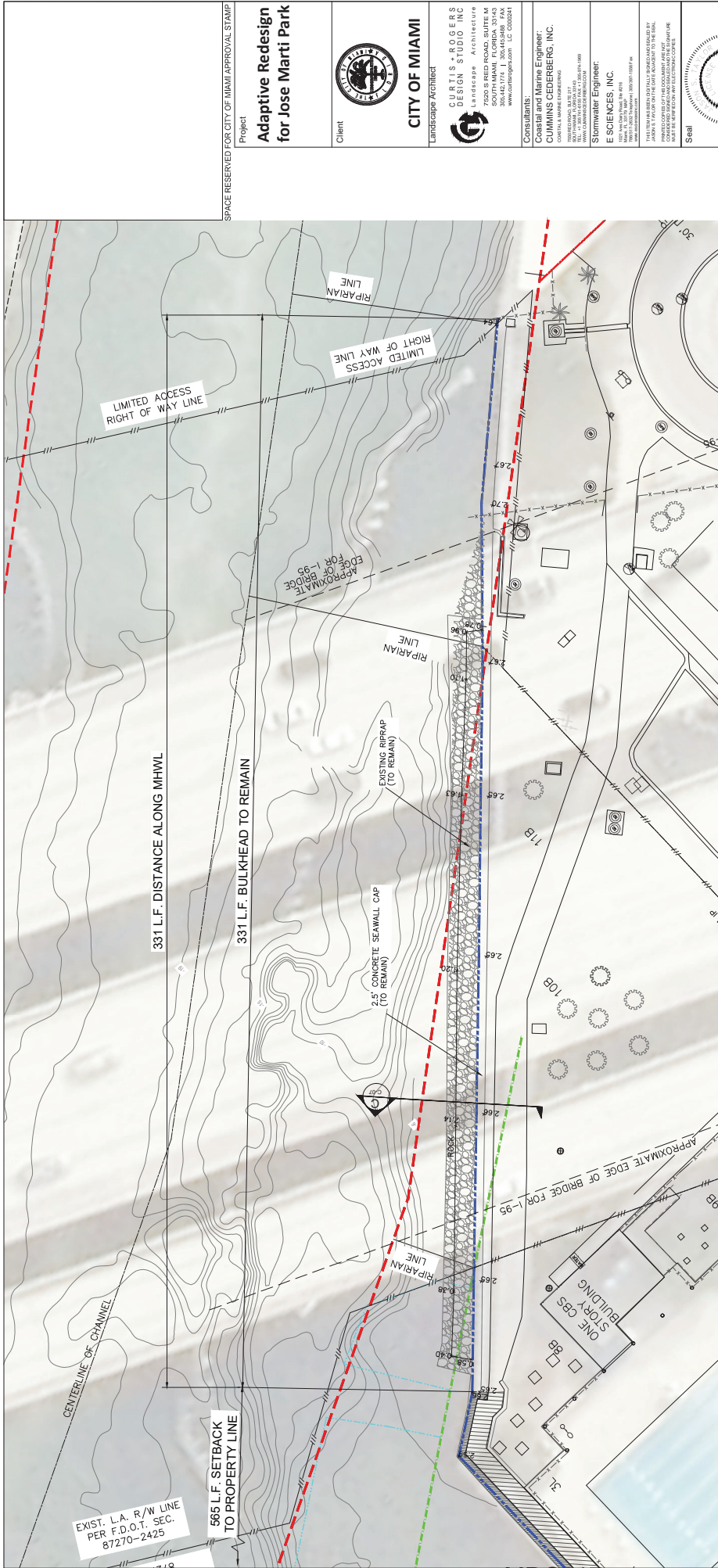
NORTH SHORELINE EXIST. CONDITIONS PLAN



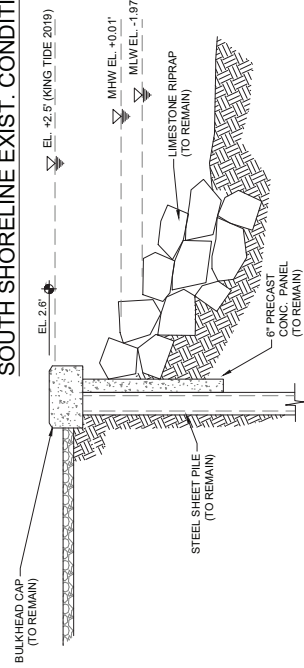
A TYPICAL NORTH SHORELINE DEMOLITION SECTION



KEY MAP



SOUTH SHORELINE EXIST. CONDITIONS PLAN

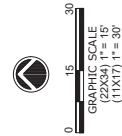


SOUTH SHORELINE TYP. SECTION

N.T.S.



KEY MAP



LEGEND	
1922 SHORE LINE	—
EXIST. MHWL	—
HARBOR LINE	—
BUTLER ACT PARCEL LIMIT	—

PROJECT	Adaptive Redesign for Jose Marti Park
DATE	07/20/21
SCALE	1" = 30'
NO.	60277
SHEET	7 OF 24
TITLE	SOUTH SHORELINE DEMOLITION PLAN
CLIENT	CITY OF MIAMI
DESIGNER	LANDSCAPE ARCHITECTURE
ENGINEER	CUMMINS CEDERBERG, INC.
STATION	1000+00 TO 1000+100
SECTION	1000+00 TO 1000+100
DATE	07/20/21
BY	JASON STANOR, P.E. #80277
CHECKED BY	
DATE	
APPROVED BY	
DATE	

SPACE RESERVED FOR CITY OF MIAMI APPROVAL STAMP

Project

Adaptive Redesign for Jose Marti Park

Client

CITY OF MIAMI

LANDSCAPE ARCHITECT

CURTIS + ROGERS

DESIGN STUDIO INC

LANDSCAPE ARCHITECTURE

7520 S RED ROAD, SUITE M

SOUTH MIAMI, FLORIDA 33143

TEL: 305.444.1111

WWW.CURTIS+ROGERS.COM

Consultants

Cummins Cederberg, Inc.

Structural Marine Engineer

CUMMINS CEDERBERG, INC.

1000 N. MIAMI BEACH BLVD.

MIAMI, FLORIDA 33139

TEL: 305.444.1111

WWW.CUMMINS-CEDERBERG.COM

Stormwater Engineer

E SCIENCES, INC.

1000 N. MIAMI BEACH BLVD.

MIAMI, FLORIDA 33139

TEL: 305.444.1111

WWW.E-SCIENCES.COM

Seal

No. 60277

STATE OF FLORIDA

JASON STANOR, P.E. #80277

DESIGNED BY: JASON STANOR, P.E. #80277

CHECKED BY: [Signature]

DATE: 07/20/21

APPROVED BY: [Signature]

DATE: 07/20/21

SPACE RESERVED FOR CITY OF MIAMI APPROVAL STAMP

Project

Adaptive Redesign
for Jose Marti Park



Client

Landscape Architect
Curtis + Rogers
DESIGN STUDIO INC
Landscape Architecture
7520 S RED ROAD, SUITE M
SOUTH MIAMI, FLORIDA 33143
TEL: 305.671.8800
WWW.CURTISROGERS.COM | L.C. 0000441

Consultants
Civil Engineer
CUMMINS CEDERBERG, INC.
CUMMINS CEDERBERG, INC.
10000 N. MIAMI AVENUE, SUITE 100
MIAMI, FLORIDA 33151
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WWW.CUMMINSCEDERBERG.COM

Stormwater Engineer
E SCIENCES, INC.
1000 N. MIAMI AVENUE, SUITE 100
MIAMI, FLORIDA 33151
TEL: 305.555.1111
WWW.ESCIENCESINC.COM

Seal

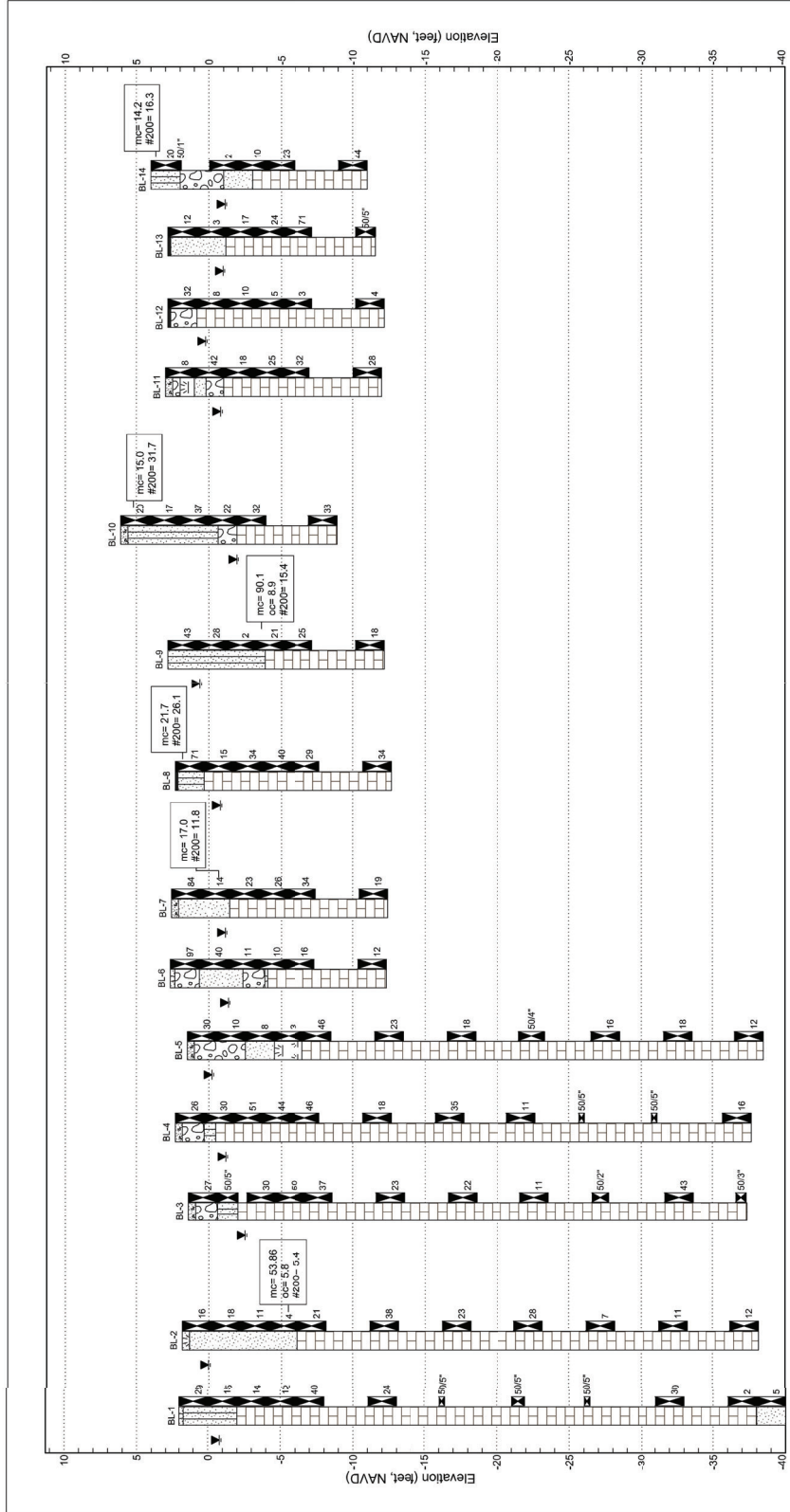


JASON STAYLOR, P.E. #60277

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SHEET TITLE
GEOTECHNICAL
BORING SUMMARY

SHEET 9 OF 24
C-09



BORING SUMMARY SHEET

PROJECT NAME: Proposed Jose Marti Park Adaptive Redesign	
PROJECT LOCATION: 351 SW 4th Avenue, Miami, Florida	
PROJECT NUMBER: 16870	DATE: 05/27/2020
DRAWN BY: NVF	CHECKED BY: CLG
DRAWING NO: 2	

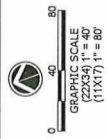
LEGEND

- Silty Sand
- Sand
- Limestone Fragments
- Concrete
- Standard Penetration Test
- Water Level

Note: Boring top elevations have been estimated

REFERENCE: GEOTECHNICAL REPORT PREPARED BY NV5, INC. DATED MAY 26, 2020 (NV5 PROJECT NO.: 16870)





UPWARD CORREL.	SWIFT FRONTAGE (L.F.)
CITY (CURRENT)	194
FOOT	192

SEAWALL 18' WATERWARD OF
EXISTING MWL + 25.1 L.F.

SPACE RESERVED FOR CITY OF MIAMI APPROVAL STAMP

Project
**Adaptive Redesign
for Jose Marti Park**

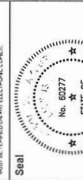


CITY OF MIAMI

Client
**CURTIS + ROGERS
DESIGN STUDIO INC**
Landscape Architecture
700 S. MIAMI AVENUE, SUITE 100
MIAMI, FL 33134
305.443.1174 | 305.443.8888 FAX
www.curtisrogers.com LC 0000011

Consultants:
Coastal and Marine Engineer:
JAMES C. CEBERBERG, INC.
1000 S. MIAMI AVENUE, SUITE 100
MIAMI, FL 33134
305.443.1174 | 305.443.8888 FAX
www.jcc-inc.com LC 0000011

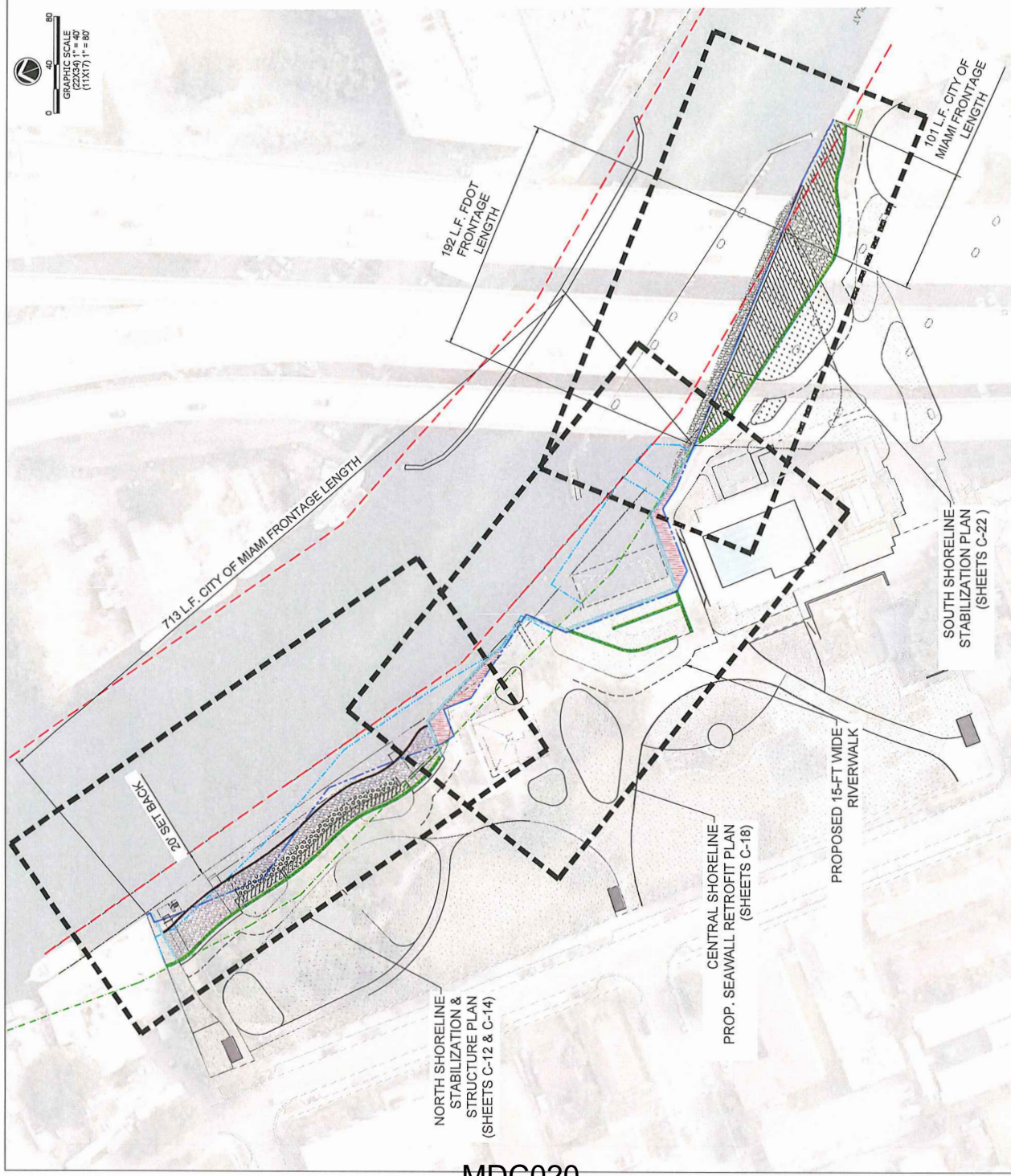
Stormwater Engineer:
E SCIENCES, INC.
1000 S. MIAMI AVENUE, SUITE 100
MIAMI, FL 33134
305.443.1174 | 305.443.8888 FAX
www.es-inc.com LC 0000011



JASON S. TAYLOR, P.E. 00077

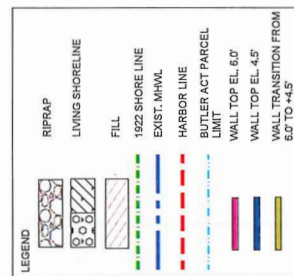
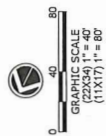
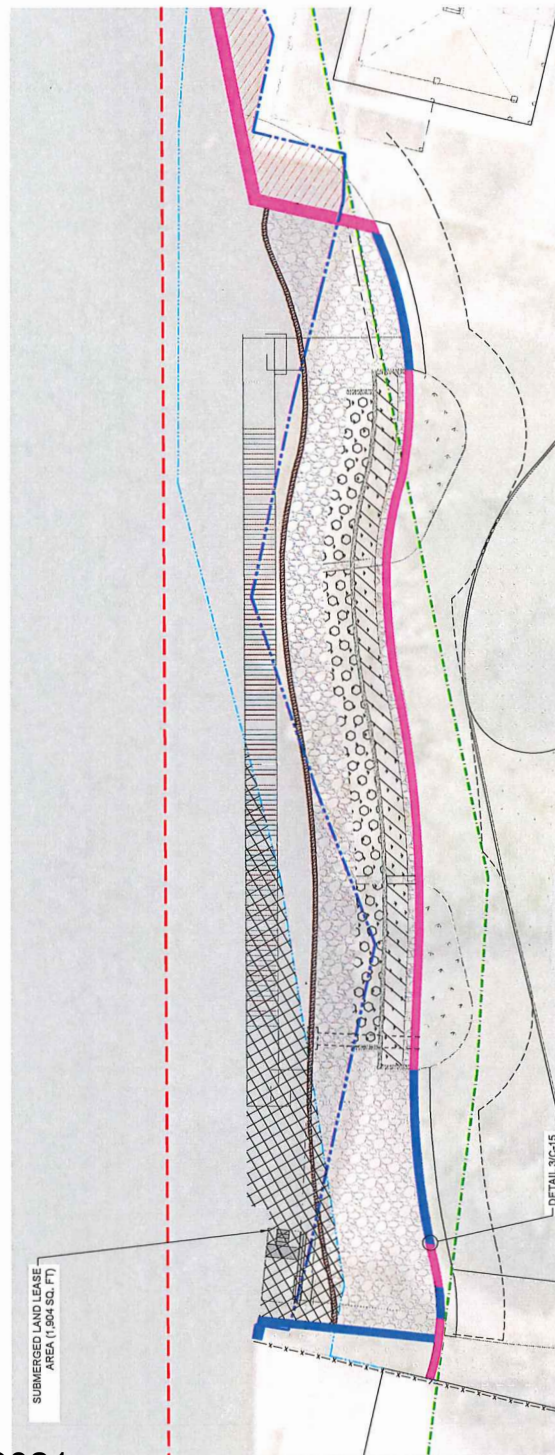
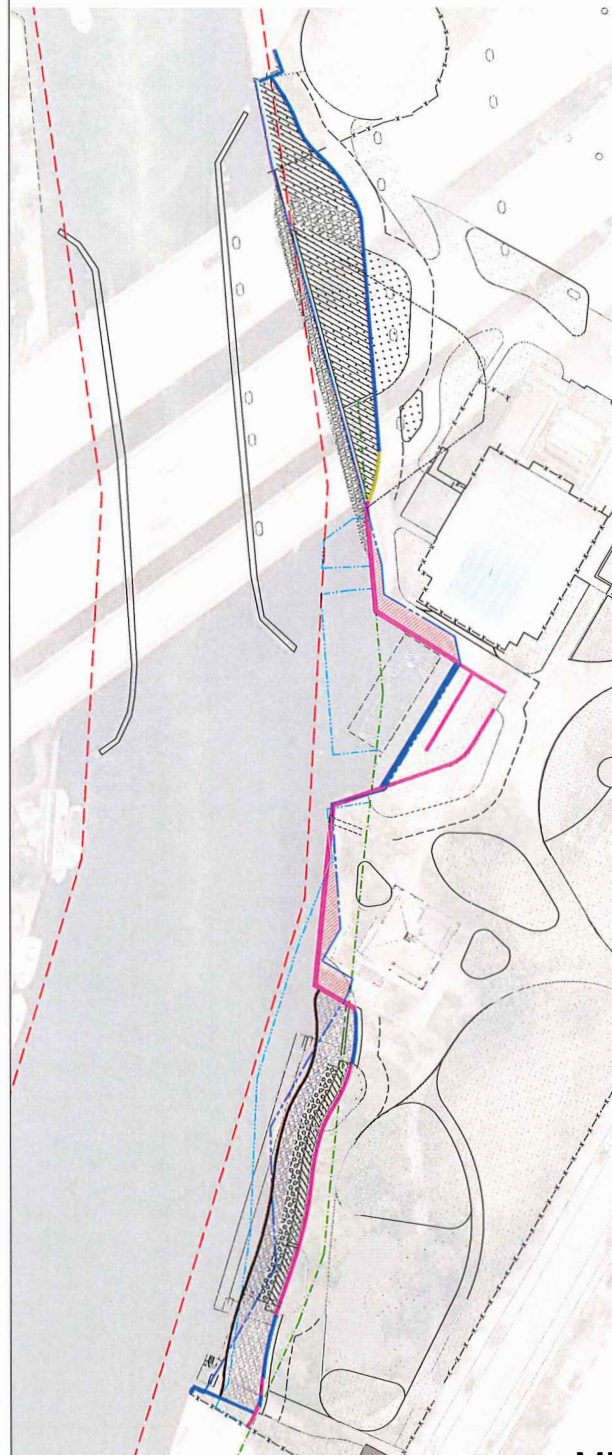
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SHEET TITLE
**PROPOSED
CONDITIONS PLAN**
SHEET 19 OF 24
C-10



LEGEND	LIVING SHORELINE	RIPRAP	ALUMINUM RET. WALL	ALUMINUM SHEET PILE WALL	1922 SHORE LINE	EXIST. MWL	HARBOR LINE	BUTLER ACT PARCEL LIMIT
	FILL	STEEL SHEET PILE WALL						

ITEM	QUANTITY	UNIT	PRICE	TOTAL
1. 192 L.F. CITY OF MIAMI FRONTAGE LENGTH	192	L.F.	1.00	192.00
2. 101 L.F. CITY OF MIAMI FRONTAGE LENGTH	101	L.F.	1.00	101.00
3. 713 L.F. CITY OF MIAMI FRONTAGE LENGTH	713	L.F.	1.00	713.00
4. 20 SET BACK	20	SET	1.00	20.00
5. 15-FT WIDE RIVERWALK	15	FT	1.00	15.00
6. 192 L.F. FOOT FRONTAGE LENGTH	192	L.F.	1.00	192.00
7. 101 L.F. CITY OF MIAMI FRONTAGE LENGTH	101	L.F.	1.00	101.00
8. 713 L.F. CITY OF MIAMI FRONTAGE LENGTH	713	L.F.	1.00	713.00
9. 20 SET BACK	20	SET	1.00	20.00
10. 15-FT WIDE RIVERWALK	15	FT	1.00	15.00
11. 192 L.F. FOOT FRONTAGE LENGTH	192	L.F.	1.00	192.00
12. 101 L.F. CITY OF MIAMI FRONTAGE LENGTH	101	L.F.	1.00	101.00
13. 713 L.F. CITY OF MIAMI FRONTAGE LENGTH	713	L.F.	1.00	713.00
14. 20 SET BACK	20	SET	1.00	20.00
15. 15-FT WIDE RIVERWALK	15	FT	1.00	15.00
16. 192 L.F. FOOT FRONTAGE LENGTH	192	L.F.	1.00	192.00
17. 101 L.F. CITY OF MIAMI FRONTAGE LENGTH	101	L.F.	1.00	101.00
18. 713 L.F. CITY OF MIAMI FRONTAGE LENGTH	713	L.F.	1.00	713.00
19. 20 SET BACK	20	SET	1.00	20.00
20. 15-FT WIDE RIVERWALK	15	FT	1.00	15.00
21. 192 L.F. FOOT FRONTAGE LENGTH	192	L.F.	1.00	192.00
22. 101 L.F. CITY OF MIAMI FRONTAGE LENGTH	101	L.F.	1.00	101.00
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24. 20 SET BACK	20	SET	1.00	20.00
25. 15-FT WIDE RIVERWALK	15	FT	1.00	15.00
26. 192 L.F. FOOT FRONTAGE LENGTH	192	L.F.	1.00	192.00
27. 101 L.F. CITY OF MIAMI FRONTAGE LENGTH	101	L.F.	1.00	101.00
28. 713 L.F. CITY OF MIAMI FRONTAGE LENGTH	713	L.F.	1.00	713.00
29. 20 SET BACK	20	SET	1.00	20.00
30. 15-FT WIDE RIVERWALK	15	FT	1.00	15.00
31. 192 L.F. FOOT FRONTAGE LENGTH	192	L.F.	1.00	192.00
32. 101 L.F. CITY OF MIAMI FRONTAGE LENGTH	101	L.F.	1.00	101.00
33. 713 L.F. CITY OF MIAMI FRONTAGE LENGTH	713	L.F.	1.00	713.00
34. 20 SET BACK	20	SET	1.00	20.00
35. 15-FT WIDE RIVERWALK	15	FT	1.00	15.00
36. 192 L.F. FOOT FRONTAGE LENGTH	192	L.F.	1.00	192.00
37. 101 L.F. CITY OF MIAMI FRONTAGE LENGTH	101	L.F.	1.00	101.00
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55. 15-FT WIDE RIVERWALK	15	FT	1.00	15.00
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75. 15-FT WIDE RIVERWALK	15	FT	1.00	15.00
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94. 20 SET BACK	20	SET	1.00	20.00
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96. 192 L.F. FOOT FRONTAGE LENGTH	192	L.F.	1.00	192.00
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98. 713 L.F. CITY OF MIAMI FRONTAGE LENGTH	713	L.F.	1.00	713.00
99. 20 SET BACK	20	SET	1.00	20.00
100. 15-FT WIDE RIVERWALK	15	FT	1.00	15.00



SPACE RESERVED FOR CITY OF MIAMI APPROVAL STAMP

Project

Adaptive Redesign for Jose Marti Park



CITY OF MIAMI



**CURTIS + ROGERS
DESIGN STUDIO INC**
Landscape Architecture
7520 S RED ROAD, SUITE M
SOUTH MIAMI, FLORIDA 33143
305.412.1774 | 305.445.9488 FAX
www.curtisrogers.com LC C000241

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Coastal and Marine Engineer.
CUMMINS CEDERBERG, INC.

COSTA & MANNI ORGANICO

200 WOOD ROAD SUITE 207
DADE COUNTY FLORIDA 33143
TEL: +1 305 749-0101 FAX: +1 305 749-0102

WWW.CAMPUSCOUNSELING.COM

Stormwater Engineer:

SCIENCES, INC.

5021 Lees Ferry Road, Leesville,
South Carolina 29556
Phone: 803/232-1234; Telefax: 803/232-1111

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JASON S. TAYLOR FL. P.E. 850277

Revision:	Date:	Note:
	OCT-2021	100% DRAWINGS

SHEET TITLE

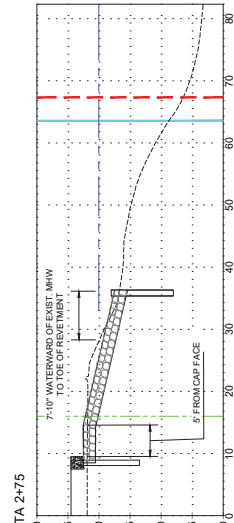
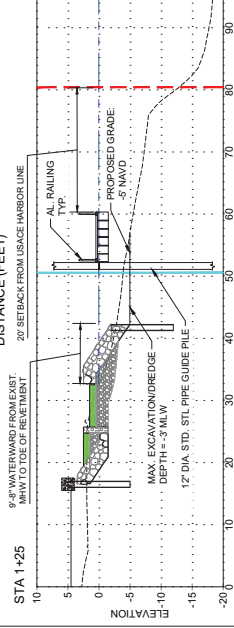
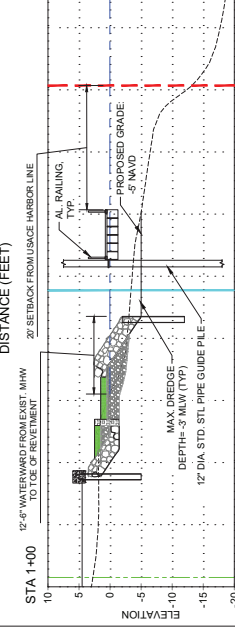
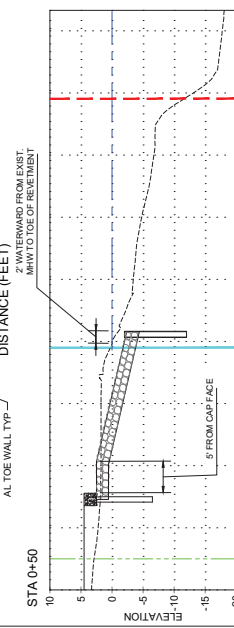
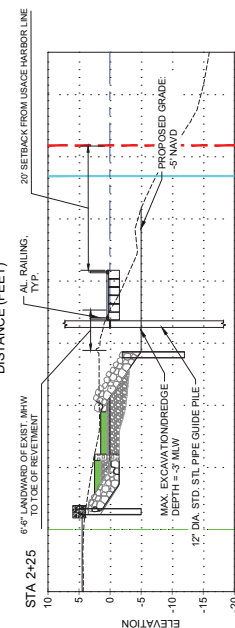
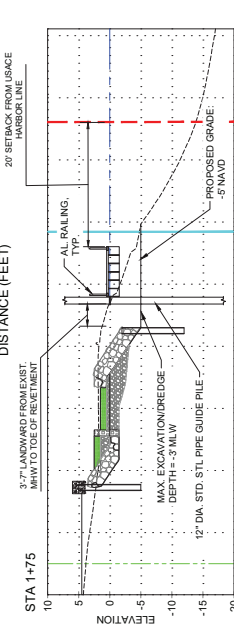
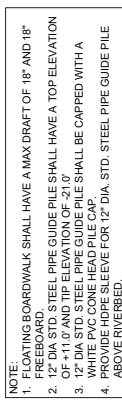
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PROPOSED WALL TOP

ELEVATIONS & SSL LIMITS

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OF 24
C-11





FOR CITY OF MIAMI APPROVAL STAMP

Project

**Adaptive Redesign
for Jose Marti Park**

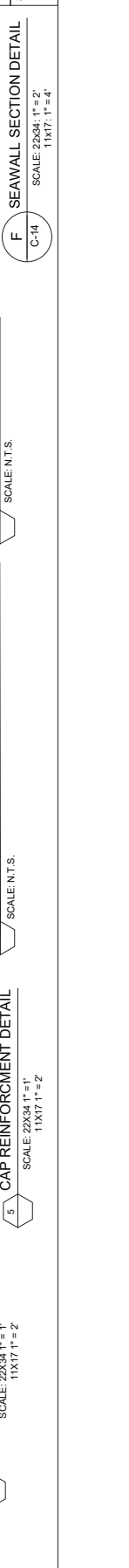
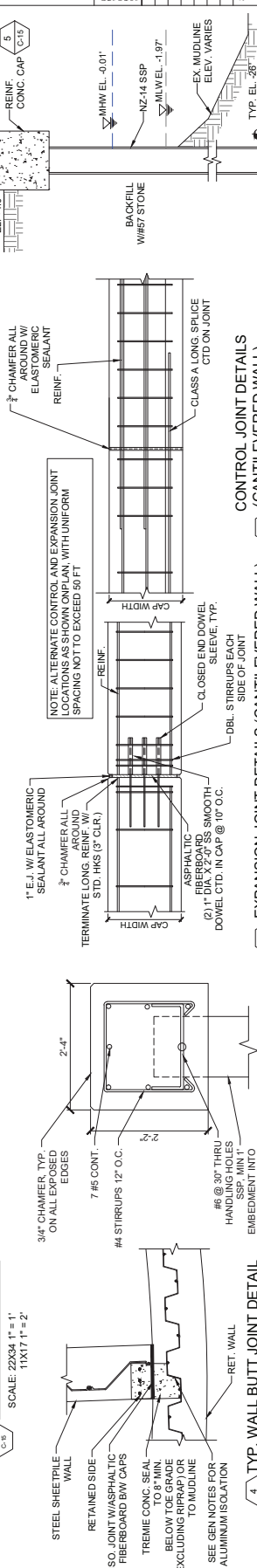
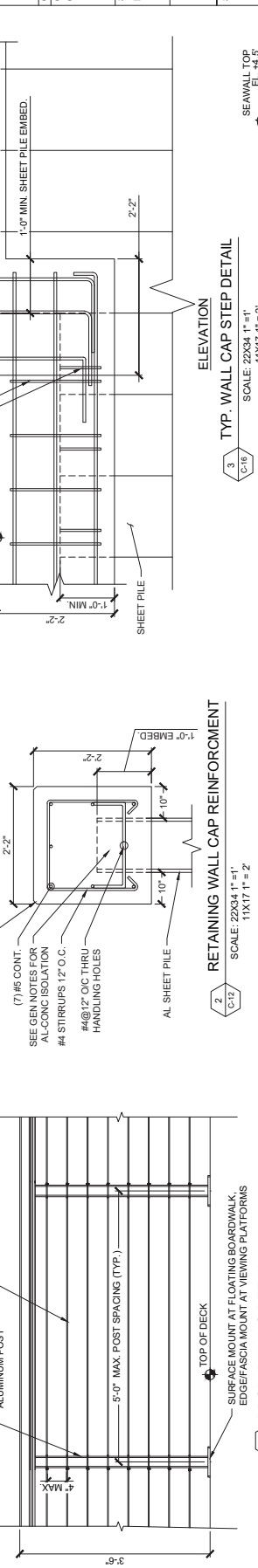
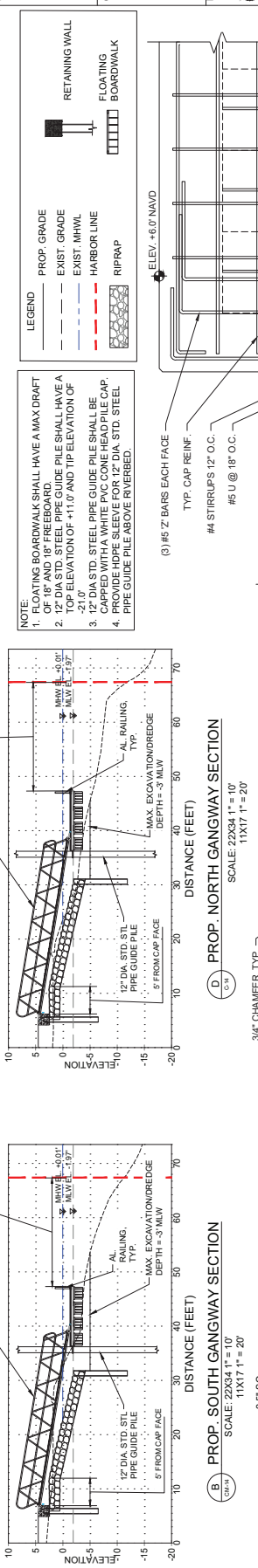
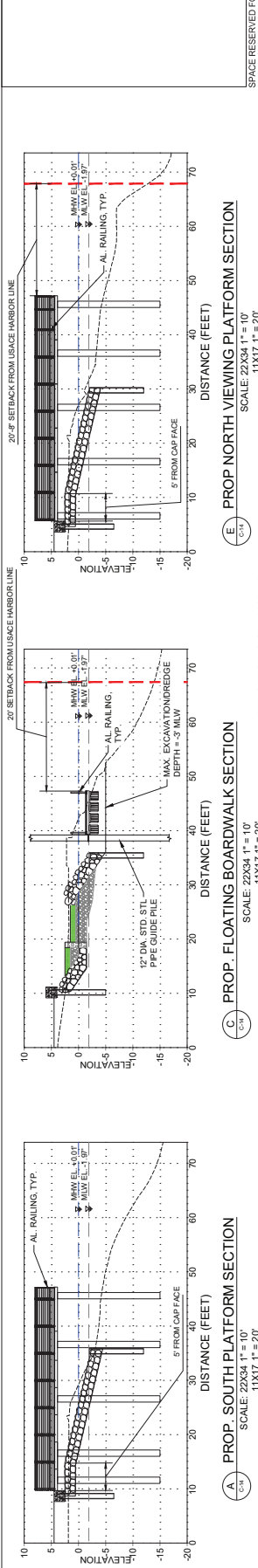
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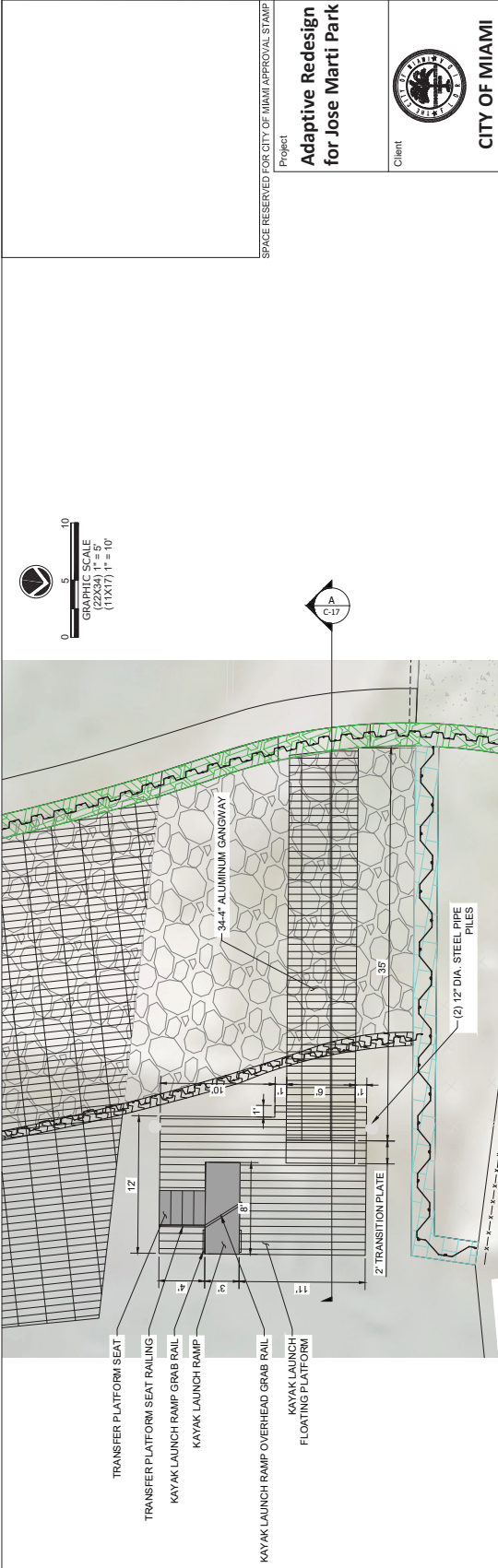
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STATE OF
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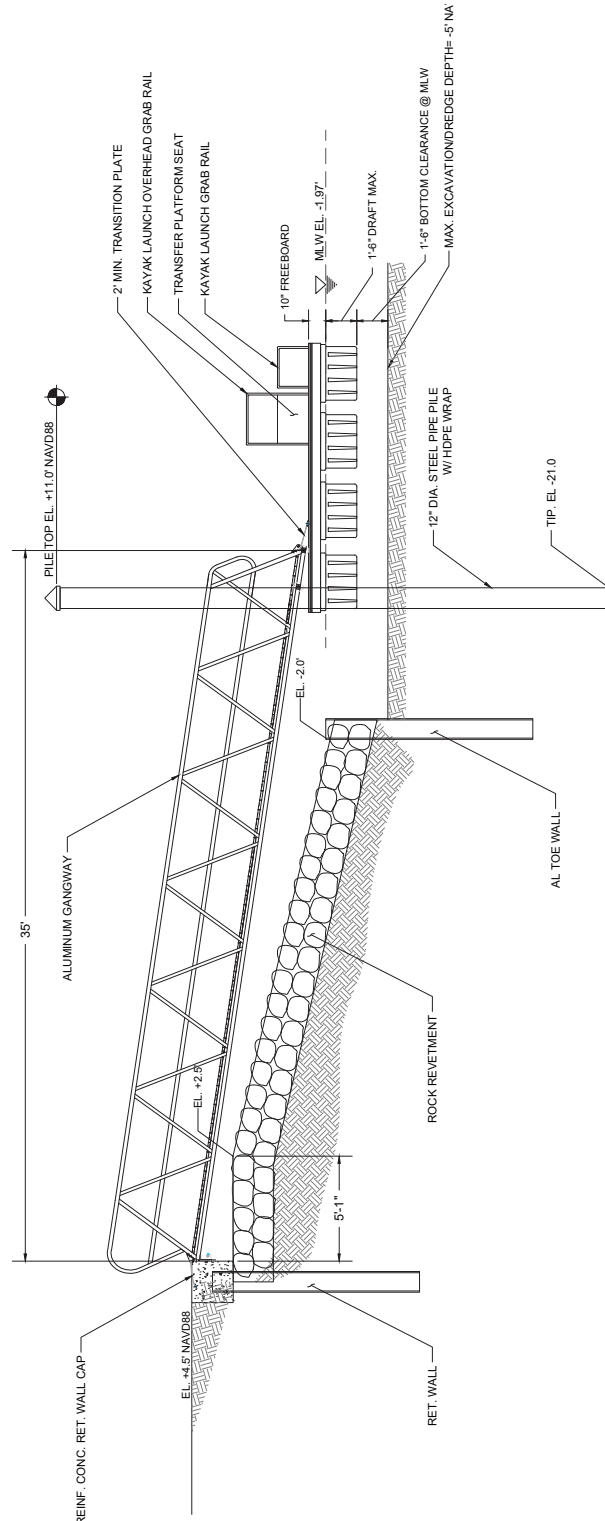
JASON S. TAYLOR FL. # 00277

<p>CONSTRUCTION RECORDS & EVIDENCE ALL RECORDS, EVIDENCE, AND DRAWINGS AND PHOTOGRAPHS ARE INSTRUMENTS OF SERVICE AND SHALL BE KEPT IN THE OFFICE OF THE DISTRICT ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA. ANY RECORDS NOT SO KEPT SHALL BE DEEMED TO HAVE BEEN DESTROYED AND THE DISTRICT ATTORNEY GENERAL SHALL BE RESPONSIBLE FOR THE RECONSTRUCTION OF SUCH RECORDS. EVIDENCE OF PHOTOGRAPHIC RECORDS & EVIDENCE SHALL BE KEPT IN THE OFFICE OF THE DISTRICT ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA.</p>	<p>REVISION:</p>	<p>DATE:</p>	<p>NOTE:</p>	<p>100% DRAWINGS</p>
<p>SHEET TITLE</p>				
<p>NORTH SHORELINE</p>				
<p>SECTIONS</p>				
<p>SHEET 13 OF 24</p>				





PROP. KAYAK LAUNCH FLOATING DOCK PLAN



PROP. KAYAK LAUNCH FLOATING DOCK SECTION

SCALE: 22X34 1" = 3'
 11X17 1" = 6'

SPACE RESERVED FOR CITY OF MIAMI APPROVAL STAMP

Project
Adaptive Redesign
for Jose Marti Park



CITY OF MIAMI
 Landscape Architect

CURTIS + BOGERS
 DESIGN STUDIO INC
 Landscape Architecture
 7520 S RED ROAD, SUITE M
 SOUTH MIAMI, FLORIDA 33143
 (305) 671-8800
 www.curtisbogers.com | L.C. 0000241

Consultants:
Civil and Marine Engineer:
CUMMINS CEDERBERG, INC.
 CONSULTING ENGINEERS
 1101 NW 10TH STREET, SUITE 100
 MIAMI, FLORIDA 33136
 (305) 371-1100
 www.cuminscederberg.com

Stormwater Engineer:
E SCIENCES, INC.
 1101 NW 10TH STREET, SUITE 100
 MIAMI, FLORIDA 33136
 (305) 371-1100
 www.esiinc.com

Seal
 No. 60277
 STATE OF FLORIDA

JASON STANOR, P.E. #60277

REVISIONS:

NO.	DATE	DESCRIPTION
1	07/15/2021	ISSUE FOR PERMIT

SHEET TITLE
 KAYAK LAUNCH RAMP
 DETAILS

SHEET 17 OF 24
C-17

SPACE RESERVED FOR CITY OF MIAMI APPROVAL STAMP

Project
**Adaptive Redesign
for Jose Marti Park**



Client
CITY OF MIAMI
Landscape Architect

DESIGN STUDIO INC
Landscape Architecture
7520 S RED ROAD, SUITE M
SOUTH MIAMI, FLORIDA 33143
TEL: 305.674.1111
WWW.DESIGNSTUDIO.COM

Consultants:
Civil and Marine Engineer:
CUMMINS CEDERBERG, INC.
CUMMINS CEDERBERG, INC.
10000 N. MIAMI AVENUE, SUITE 100
MIAMI, FLORIDA 33158
TEL: 305.555.1111
WWW.CUMMINS-CEDERBERG.COM

Stormwater Engineer:
E SCIENCES, INC.
10000 N. MIAMI AVENUE, SUITE 100
MIAMI, FLORIDA 33158
TEL: 305.555.1111
WWW.E-SCIENCES.COM

1115 TEAM HAS BEEN FULLY BONDED AND SIGNED BY
A LICENSED PROFESSIONAL ENGINEER AND SEAL
AND IS VALID FOR THE STATE OF FLORIDA
FOR THE PROJECT AND FOR THE PROJECT AREA
FOR THE PROJECT AND FOR THE PROJECT AREA



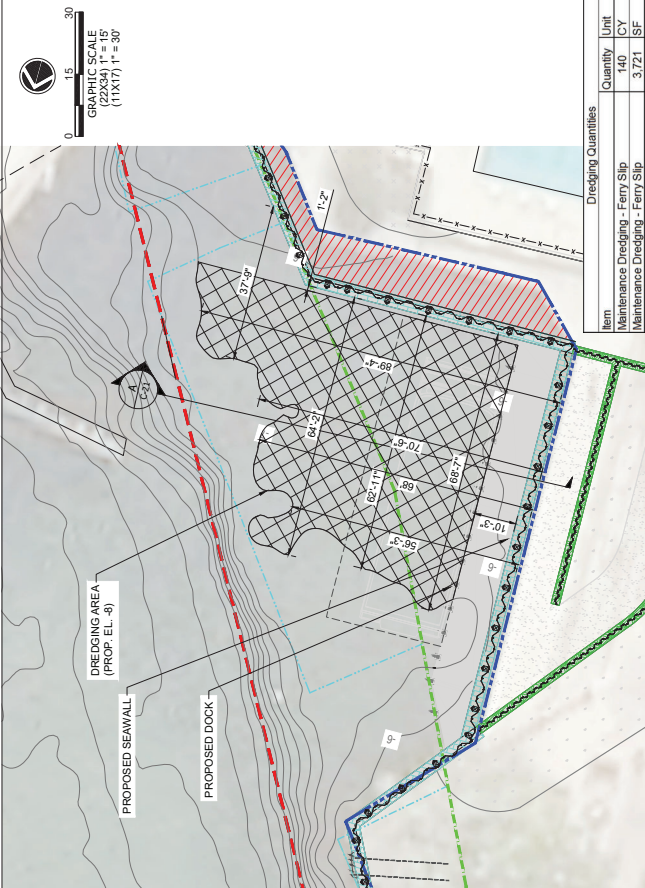
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JASON STAYLOR, P.E. #60277

REVISIONS
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SHEET TITLE
**FERRY SEDIMENT PROBE &
DREDGING PLAN**

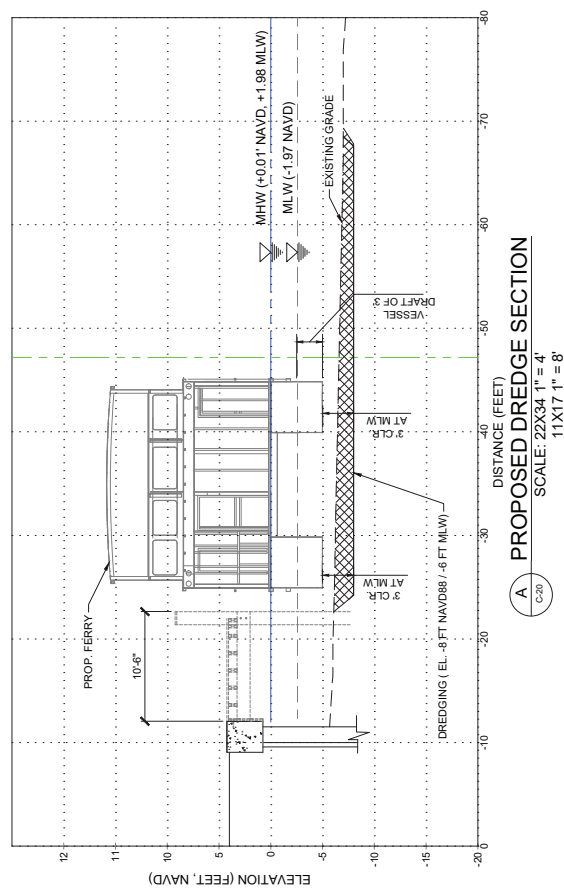
SHEET 20 OF 24
C-20



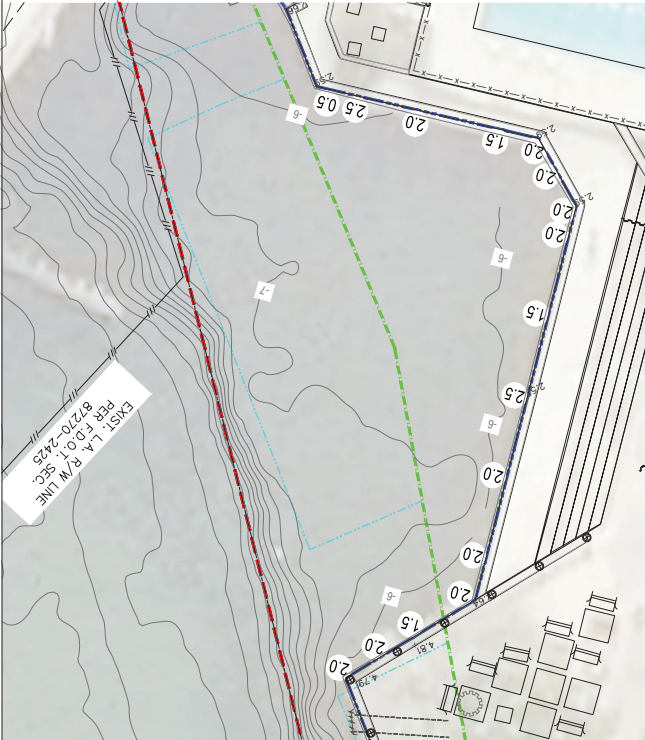
Item	Dredging Quantities	Quantity	Unit
Maintenance Dredging - Ferry Slip		1,100	CY
Maintenance Dredging - Ferry Slip		3,721	SF

NOTE:
1. MAXIMUM VESSEL DRAFT TO OPERATE IN THE SLIP IS 3 FT.
2. PROPOSED DREDGE AREA IS MAINTENANCE DREDGING ONLY.
3. DREDGING SHALL OCCUR PRIOR TO FERRY DOCK CONSTRUCTION.

PROPOSED DREDGING PLAN
(22X34) 1" = 15'
(11X17) 1" = 30'



PROPOSED DREDGE SECTION
SCALE: 22X34 1" = 4'
11X17 1" = 8'



SEDIMENT PROBE PLAN
(22X34) 1" = 15'
(11X17) 1" = 30'

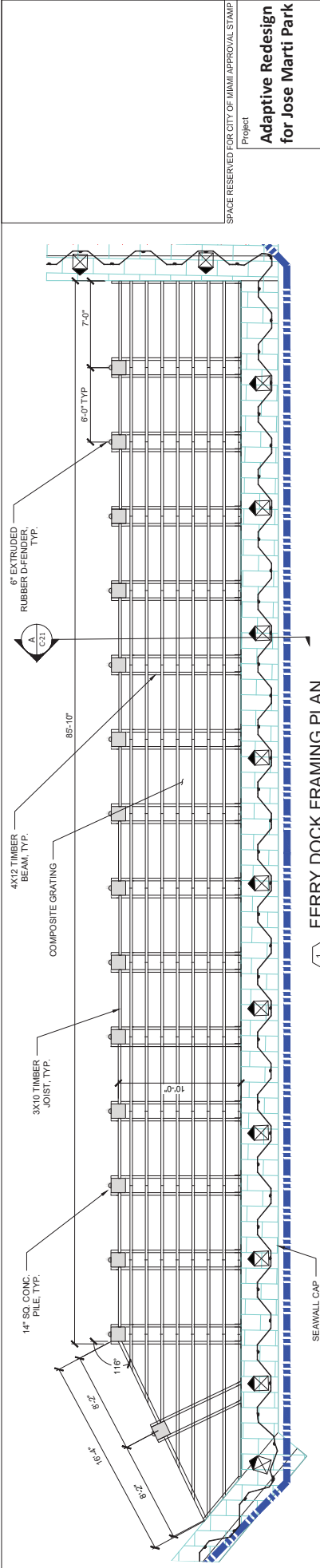
LEGEND

- 1922 SHORE LINE
- EXIST. MHWL
- HARBOR LINE
- BUTLER ACT PARCEL LIMIT
- FILL
- CUT
- SEDIMENT PROBE DEPTH (FEET)
- ELEVATION (FEET, NAVD88)
- WATER DEPTH (FEET, NAVD88)

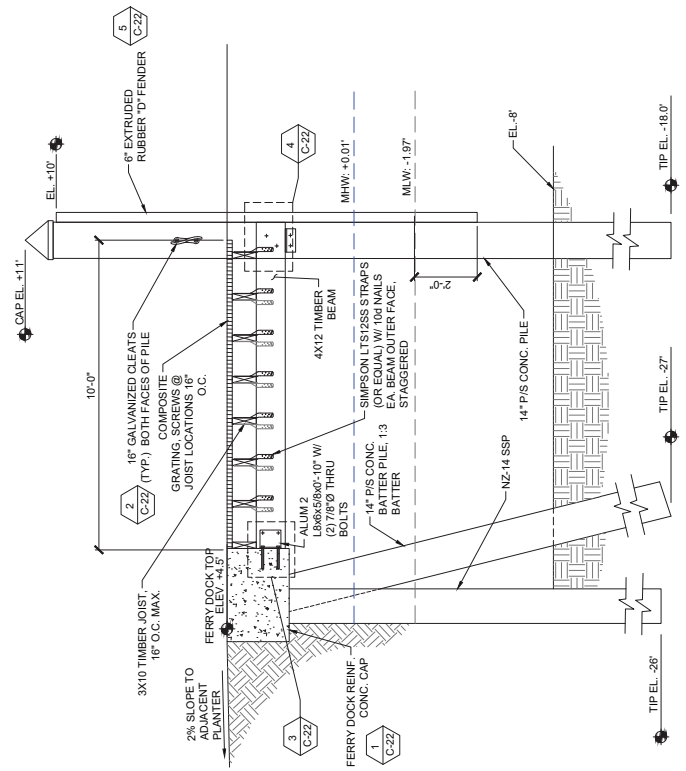
NOTES:
1. SEDIMENT PROBES CONDUCTED ON 6/12/20.
2. PROBE DEPTHS REPRESENT THE THICKNESS OF SEDIMENT ABOVE HARD BOTTOM (REFUSAL OF PROBE).



KEY MAP



FERRY DOCK FRAMING PLAN
SCALE: 22X34 1" = 4'
11X17 1" = 8'



FERRY DOCK SECTION A
SCALE: 22X34 1" = 4'
11X17 1" = 8'

SPACE RESERVED FOR CITY OF MIAMI APPROVAL STAMP

Project
Adaptive Redesign
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Client
CITY OF MIAMI
Landscape Architect

Design Studio, Inc.
Landscape Architecture
7520 S RED ROAD, SUITE M
SOUTH MIAMI, FLORIDA 33143
MIAMI, FL 33143
www.designstudio.com | U.S. 00000001

Consultants
Stormwater Engineer:
E SCIENCES, INC.
13001 NW 24th Road, Suite 4018
Miami, FL 33187
www.esi-science.com | U.S. 00000001

Structural Engineer:
CUMMINS CEDERBERG, INC.
10000 NW 24th Road, Suite 4018
Miami, FL 33187
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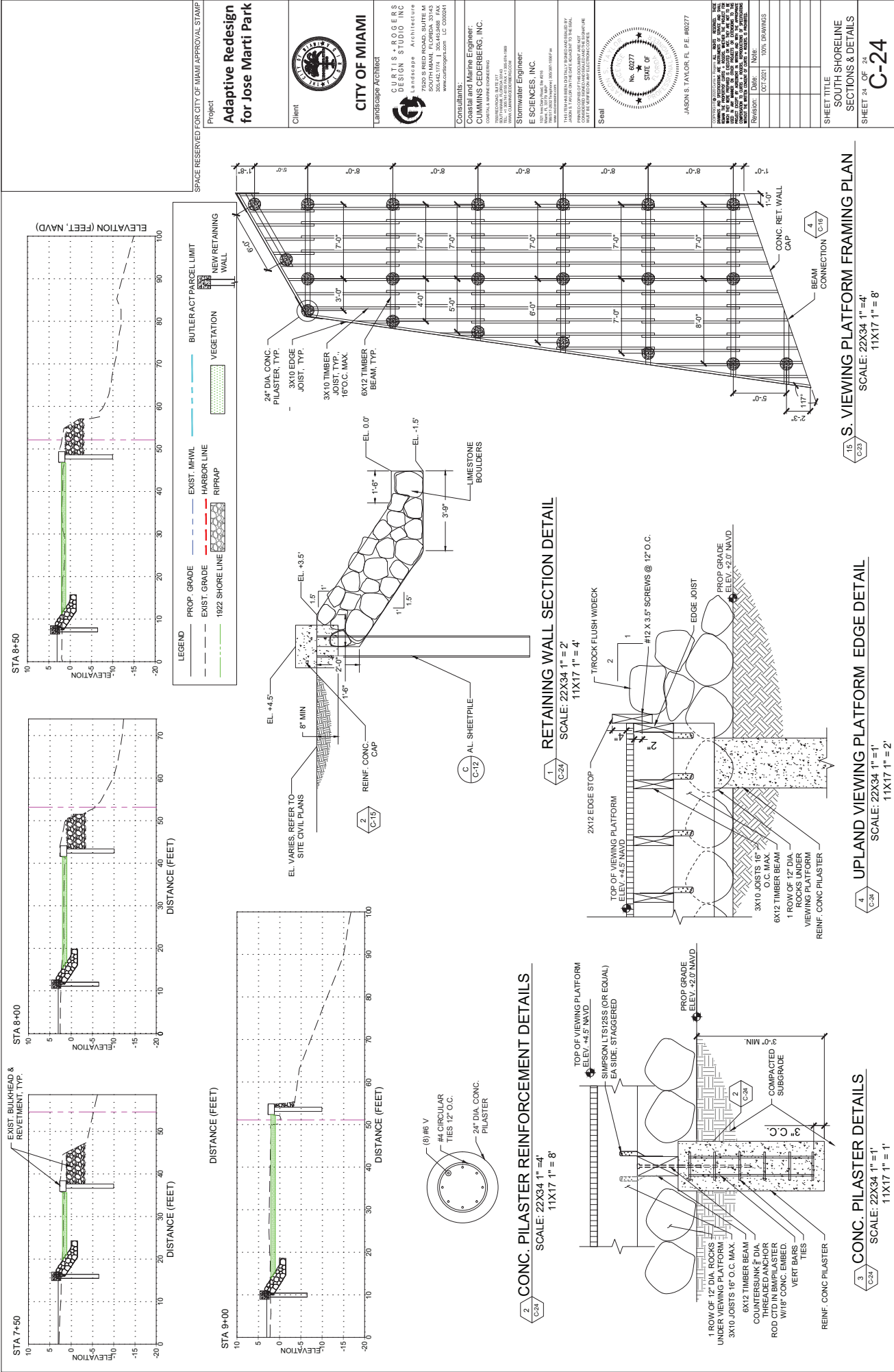
Seal
No. 60277
STATE OF FLORIDA

JASON STAYLOR, P.E. #00277

Revision	Date	By	Notes
001	07/2021	JS	NOV. DRAWINGS

SHEET TITLE
FERRY DOCK FRAMING
PLAN & SECTION

SHEET 21 OF 24
C-21



Attachment C

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

MV Real Estate Holdings LLC TRS
123 SW North River Drive
Miami, FL 33130

City of Miami -Department of P&D
Asset Management Division
444 SW 2 Avenue, Suite #325
Miami, FL 33130-1910

Manny Seafood Corps
1365 SW 19 Street
Miami, FL 33145-2916

State of Florida DOT
1000 NW 111 Avenue
Miami, FL 33172

City of Miami -Department of P&D
Asset Management Division
444 SW 2 Avenue, Suite #325
Miami, FL 33130-1910

MV Real Estate Holdings LLC TRS
123 SW North River Drive
Miami, FL 33130

State of Florida DOT
1000 NW 111 Avenue
Miami, FL 33172

CG Miami River LLC
2915 Biscayne Blvd. #300
Miami, FL 33137

State of Florida DOT
1000 NW 111 Avenue
Miami, FL 33172

State of Florida DOT
1000 NW 111 Avenue
Miami, FL 33172

City of Miami -Department of P&D
Asset Management Division
444 SW 2 Avenue, Suite #325
Miami, FL 33130-1910

Miami River Advertising LLC
4000 Malaga Ave
Miami, FL 33133-6323

MV Real Estate Holdings LLC
TRS 96 Land Trust
123 SW North River Drive
Miami, FL 33130

City of Miami -Department of P&D
Asset Management Division
444 SW 2 Avenue, Suite #325
Miami, FL 33130-1910

Attachment D

DERM Project Report

CLASS I PERMIT APPLICATION NO. CLI-2020-0243

Class I Permit Application by the City of Miami for the Filling of Tidal Waters in Association with the Installation of a New Seawall, Halophytic Vegetation Planter and for the Installation of Fixed and Floating Viewing Platforms, Kayak Launch, Water Taxi Dock, Maintenance Dredging, Reef Panels, and Riprap located at 351 Southwest 4th Avenue, in the City of Miami, Miami-Dade County, Florida

DATE: September 6, 2022

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 (Code). The following is a summary and staff's opinion to its conformance with respect to each applicable evaluation factor:

1. **Potential Adverse Environmental Impact** – Pursuant to Section 24-48.4 of the Code, potential adverse environmental impacts and cumulative adverse environmental impacts for a proposed project must be avoided and minimized. The submerged bottom at the site consists of limerock overlaid by accumulated sediment and is not providing significant benthic habitat. The proposed work is not reasonably expected to result in cumulative environmental impacts to water quality. Any temporary water quality impacts would be minimized through the implementation of proper turbidity controls throughout construction operations to ensure that State and County water quality standards are met. Section 24-48.4 of the Code also requires mitigation for permissible projects that otherwise result in unavoidable environmental impacts. Mitigation for unavoidable temporary impacts to water quality associated with the installation of the seawall and associated backfilling would be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund. The filling associated with the installation of the mangrove planter and associated riprap revetment would result in the filling of 2,617 square feet of tidal waters; however, this impact would be fully offset by the increased water quality and habitat function resulting from the installation of the planter. Therefore, no additional mitigation would be required for the filling associated with the mangrove planter. Mitigation for water quality impacts associated with the creation of the water taxi slip would be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund to be used for the creation of marine habitat.
2. **Potential Cumulative Adverse Environmental Impact** – The proposed project is not reasonably expected to result in cumulative adverse environmental impacts as set forth in Number 1 above.
3. **Hydrology** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
4. **Water Quality** – The proposed project may affect surface water quality on a temporary basis during construction operations; however, potential temporary water quality impacts have been minimized and will be mitigated as set for in Number 1 above.
5. **Wellfields** – The proposed project is not reasonably expected to adversely affect wellfields.
6. **Water Supply** – The proposed project is not reasonably expected to adversely affect water supply.
7. **Aquifer Recharge** – The proposed project is not reasonably expected to adversely affect aquifer recharge.
8. **Aesthetics** – The proposed project is not reasonably expected to adversely affect aesthetics.
9. **Navigation** – The proposed project is not reasonably expected to adversely affect navigation. The applicant has obtained a Letter of No Objection from the Army Corps of Engineers (ACOE) for the proximity of the work to the Federal Channel (ACOE Permit - Attachment F).
10. **Public Health** - The proposed project is not reasonably expected to adversely affect public health.
11. **Historic Values** - The proposed project is not reasonably expected to adversely affect historic values.

12. **Archaeological Values** - The proposed project is not reasonably expected to adversely affect archaeological values.
13. **Air Quality** – The proposed project is not reasonably expected to adversely affect air quality.
14. **Marine and Wildlife Habitats** – The proposed project is not reasonably expected to adversely affect marine and wildlife habitats as set forth in Number 1 above.
15. **Wetland Soils Suitable for Habitat** – No wetland soils were documented on-site; therefore, the proposed project is not reasonably expected to adversely affect wetland soils suitable for habitat.
16. **Floral Values** – The proposed project is not reasonably expected to adversely affect floral values as set forth in Number 1 above.
17. **Fauna Values** - The proposed project is not reasonably expected to adversely affect fauna values as set forth in Number 1 above.
18. **Rare, Threatened and Endangered Species** – The proposed project is located within an area designated as essential habitat for the West Indian Manatee by the Miami-Dade County Manatee Protection Plan (MPP) and recommended for Limited Special Use Docks 1:500, which allows for water dependent public transportation dockage. Therefore, DERM has no objection to the creation of one slip to be used solely by a public water taxi. The City has proffered a Restrictive Covenant Running with the Land in Favor of Miami-Dade County (Attachment E) and, upon approval by the Board, said Covenant would be recorded with the Miami-Dade County Clerk of Courts to memorialize a maximum 1 powerboat slip authorized at the subject project site. The Class I permit would require that all standard construction permit conditions regarding manatees be followed during all in-water operations to prevent impacts to manatees during construction.
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 is not reasonably expected to adversely affect wetland values.
21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(B)(7) of the Code, applications by the City of Miami within its own jurisdiction shall not be required to submit a substantiating letter or plan approval 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 would occur on lands owned by the applicant and the State of Florida, for which approval for use of the subject submerged lands has been obtained (Attachment G).
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 Code and the 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 has been obtained Attachment F)
 - c) South Florida Water Management District and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida Submerged Lands Lease (authorizations have been obtained Attachment G)
27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of the Director, the proposed project is consistent, as required by CDMP policy LU-3A, with the goals, objectives and policies contained in the Conservation, Aquifer Recharge and Drainage and Coastal Management Elements of this Plan, and with all applicable environmental regulations, as well as other elements of 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 all applicable environmental regulations, 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 AV-5A - 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 reasonably expected to result in impacts to marine resources, and potential water quality impacts have been minimized and will be mitigated as set forth in Number 1 above.

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 would 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 7/Policy 7A, 7C, 7D, 7J - Wetland protection and restoration. – The proposed project is not located within a wetland.

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 set forth in Number 18 above.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A – Mangrove wetlands within Mangrove Protection Areas – The proposed 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 located within coastal wetlands.

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

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project is not located within a mangrove forest or related natural vegetational community.

Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed project is not located within coastal wetlands.

Objective 1/Policy 1G - Prohibition on dredging or filling of grass/algal flats, hard bottom or other viable benthic communities, except as provided for in Chapter 24 of the Code, Florida. – The proposed project complies with the following criteria:

- (c) The minimum dredging and filling for the creation and maintenance of marinas, piers, docks and attendant navigational channels.
- (f) A physical modification necessary to protect public or private property.

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 proposed project is not reasonably expected to result in 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 would provide access for a water dependent use.

Objective 5/Policy 5D - Consistency with Chapter 33D, Miami-Dade County Code. (shoreline access, environmental compatibility of shoreline development) – The proposed project site is not located within the Shoreline Development Review boundaries; therefore, the thresholds for review by the Shoreline Development Review Committee under the Shoreline Ordinance do not apply and the proposed project is not subject to shoreline development review.

Objective 5/Policy 5F - The siting of water dependent facilities. – The proposed project is consistent with the criteria used to determine appropriateness of the project site.

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) - The proposed project is in conformance with the Biscayne Bay Management Plan.

30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The proposed project is located within an area designated as essential habitat for the West Indian Manatee by the Miami-Dade County Manatee Protection Plan (MPP) and recommended for Limited Special Use Docks 1:500, which allows for water dependent public transportation dockage. Therefore, DERM has no objection to the creation of one slip to be used solely by a public water taxi. The City has proffered a Restrictive Covenant Running with the Land in Favor of Miami-Dade County (Attachment E) and, upon approval by the Board, said Covenant will be recorded with the Miami-Dade County Clerk of Courts to memorialize a maximum 1 powerboat slip is authorized at the subject project site. The Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water operations to prevent impacts to manatees during construction.

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

32. **Zoning Recommendation** – Pursuant to Section 24-48.2(II)(B)(7) of the Code, applications by the City within its own jurisdiction shall not be required to submit a substantiating letter or plan approval 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.

34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The proposed project is not located within a wetland.

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 2448.3(2), (3), and (4) of the Code. 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:

- (c) The minimum dredging and filling for the creation and maintenance of marinas, piers, docks and attendant navigational channels.
- (f) A physical modification necessary to protect public or private property.

24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County – The proposed project complies with the Code-required water depth criteria.

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

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



McKee Gray, Manager
Coastal Resources Section



Tammy Burton, Biologist II
Coastal Resources Section

This instrument was prepared by:

Name:

Address:

(Space reserved for Clerk)

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

Whereas, the Undersigned, City of Miami, (“Owner”) holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit A, attached hereto and incorporated herein by reference and hereinafter called the “Property,” and

This Restrictive Covenant is proffered for acceptance by Miami-Dade County as part of, or as a condition of, Class I Permit CLI-2020-0243 pursuant to Section 24-48.2(I)B)(2)(b) of the Code of Miami-Dade County, and

In order to assure the County that representations made by the Owner during consideration of this permit application will be abided by the Owner freely, voluntarily and without duress, makes the following Restrictive Covenant covering and running with the Property:

1. 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.
2. For the purposes of this Restrictive Covenant, a “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. For the purposes of this Restrictive Covenant, a “powerboat” is herein defined as any vessel that is not a sailboat, provided it is equipped to be propelled with an engine.
3. For the purposes of this Restrictive Covenant, “docking facility” is herein defined as a place where vessels may be moored or secured to a fixed or floating structure or to the shoreline and includes a place where vessels may be stored on the uplands at the Property if a means of placing or launching vessels into the water exists at the Property.
4. For the purposes of this Restrictive Covenant, “auxiliary vessel” is herein defined as any watercraft which is associated, by ownership, design and common usage, with a primary vessel at all times and which is affixed to, carried by, and stored on the primary vessel including, but not limited to, runabouts, tenders, and personal watercraft. Auxiliary vessels may not be launched to, retrieved from, stored in, or utilized within tidal waters at the Property, even on a temporary basis.

5. For the purposes of this Restrictive Covenant, “commercial vessel” is herein defined as any vessel engaged in any activity wherein a consideration is paid by the user either directly or indirectly to the owner, operator, or custodian of the vessel; or any vessel engaged in the taking of saltwater fish or saltwater products for sale either to the consumer, retail dealer or wholesale dealer, pursuant to Section 24-5 of the Code of Miami-Dade County.
6. The Owner agrees and covenants that the maximum number of powerboats which shall be moored, secured, or stored at the docking facility, expanded docking facility or future docking facility located at or adjacent to the Property at any one time is one (1) powerboat. This provision shall not apply to any rowboat, skiff or inflatable boat with an engine having a capacity of five (5) horsepower or less. This provision also shall not apply to any auxiliary vessel.
7. The Owner agrees and covenants that only the portion of the property within the boundaries designated as “proposed ferry slip” as depicted in Exhibit B shall be used, at any time, for the mooring of any vessels.
8. The Owner agrees and covenants that approval of this Restrictive Covenant neither authorizes nor constitutes a permit of any kind for the mooring or storage of any vessels at or adjacent to the Property or for the construction of any docking facility at or adjacent to the Property.
9. The 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 Restrictive Covenant.
10. The Owner shall notify Miami-Dade County in writing not later than thirty (30) days after any conveyance, sale, grant or transfer of the Property or any portion thereof, to any heirs, successors, assigns or grantees.
11. The term Owner shall include the Owner, and its heirs, successors and assigns.
12. 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.
13. 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, or its successor or assigns, 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.
14. This Restrictive 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 Restrictive

Covenant is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless the Covenant is modified or released by Miami-Dade County.

15. No cancellation, revision, alteration or amendment of the Restrictive Covenant shall be effective without prior approval from Miami-Dade County pursuant to the provisions of Section 24-48.2 of the Code of Miami-Dade County. Said cancellation, revision, alteration or amendment of the Restrictive Covenant shall require review and approval by DERM.

IN WITNESS WHEREOF, the undersigned have caused this Restrictive Covenant to be executed this ____ day of _____, 20__.

Witnesses:

City of Miami

Sign _____
Print _____
Address _____

Sign _____
Print _____
Address _____

Sign _____
Print _____
Address _____

Sign _____
Print _____
Address _____

(Date)

[insert name]

State of Florida

County of Miami-Dade

Sworn to (or affirmed) and subscribed before me by means of *(how the individual appeared check one)*:

☐ physical presence ☐ online notarization this _____ day of _____, 20_____.
(date) (month) (year)

by _____
(name of individual swearing or affirming)

Individual identified by: ☐ personal knowledge ☐ satisfactory evidence _____.
(type)



(Signature of Notary Public)

(typed, printed, or stamped name of Notary Public)

EXHIBIT A

LEGAL DESCRIPTION:

PORTION OF RIVERSIDE WATERFRONTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25 AT PAGE 72 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND PORTIONS OF BLOCKS 27 SOUTH, 28 SOUTH, AND 37 SOUTH, A.L. KNOWLTON PLAT OF MIAMI (B-41), ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "B" AT PAGE 41 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH ½ OF LOTS 2B, LESS THE NORTH 20 FEET THEREOF, ALL OF LOTS 3B, 4B, 5B, 6B, AND ALL OF LOTS 1M, 2M, 3M, 4M, 5M, AND 6M OF RIVERSIDE WATERFRONTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25 AT PAGE 72 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, TOGETHER WITH ALL RIGHT, TITLE AND INTEREST IN AND TO ALL DEDICATED AND/OR PLATTER BUT UNOPENED STREETS, ALLEYS OR EASEMENTS ADJACENT THERETO.

TOGETHER WITH:

LOTS 2 THROUGH 6 LESS THE SOUTH 50 FEET OF LOTS 2 AND 3 THEREOF, BLOCK 27S, A.L. KNOWLTON PLAT OF MIAMI (B-41); AND LOTS 1H AND 2H, LOTS 1MC AND 2MC, LOTS 1L, 2L, AND 3L INCLUSIVE, ALL OF RIVERSIDE WATERFRONTS (25-72), TOGETHER WITH ALL RIGHT, TITLE AND INTEREST IN AND TO ALL DEDICATED AND/OR PLATTER BUT UNOPENED STREETS, ALLEYS OR EASEMENTS ADJACENT THERETO, AND ALL RIPARIAN RIGHTS PERTAINING THERETO.

TOGETHER WITH:

THE SOUTH 50 FEET OF LOTS 2 AND 3 THEREOF, BLOCK 27S, A.L. KNOWLTON PLAT OF MIAMI (B-41)

TOGETHER WITH:

LOTS 7B, 8B, 9B, 10B, AND 11B OF RIVERSIDE WATERFRONTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25 AT PAGE 72 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LESS: BEGIN AT THE MOST NORTH-EASTERLY CORNER OF SAID LOT 11B, BEING AT A POINT ON U.S. HARBOR LINE AS SHOWN ON ABOVE DESCRIBED PLAT, THENCE SOUTH 87°56'55" WEST, 139.83 FEET ALONG THE LOT LINE OF SAID LOT 11B TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 50 FEET, THENCE SOUTHWESTERLY, WESTERLY AND NORTHWESTERLY 56.85 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 65°08'42" TO THE END OF CURVE, THENCE NORTH 26°54'23" WEST 16.63 FEET, THENCE NORTH 21°13'45" EAST 137.92 FEET TO A POINT ON SAID U.S. HARBOR LINE, BEING THE MOST NORTHWESTERLY CORNER OF PARCEL DESCRIBED HEREIN, THENCE SOUTH 32°49'05" EAST 5 FEET ALONG SAID U.S. HARBOR LINE, THENCE SOUTH 41°07'04" EAST 214.41 FEET ALONG SAID U.S HARBOR LINE TO THE POINT OF BEGINNING.

SUBJECT TO OWNERS AGREEMENT DATED APRIL 8, 1970, RECORDED IN OFFICIAL RECORDS BOOK 6891, AT PAGE 147 OF THE OFFICIAL RECORDS OF DADE COUNTY, FLORIDA.

TOGETHER WITH:

ALL THAT PART OF S.W. SOUTH RIVER DRIVE NORTH OF S.W. 4TH STREET AND SOUTHEASTERLY OF A LINE PROJECTED BETWEEN A POINT AT THE MOST NORTHERLY CORNER OF LOT 7-B AND THE NORTHWEST CORNER OF LOT 8-B ALL IN DADE COUNTY, FLORIDA AS SHOWN IN THE ATTACHED SKETCH OF PLAT BOOK 25, PAGE 72.

TOGETHER WITH:

LOTS 6, 7, 8, 19, AND 20, BLOCK 28 SOUTH, CITY OF MIAMI, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "B" AT PAGE 41 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; AND

LOTS 1, 2, 3, 17, 18, 19 AND 20, BLOCK 37 SOUTH, CITY OF MIAMI, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "B" AT PAGE 41 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

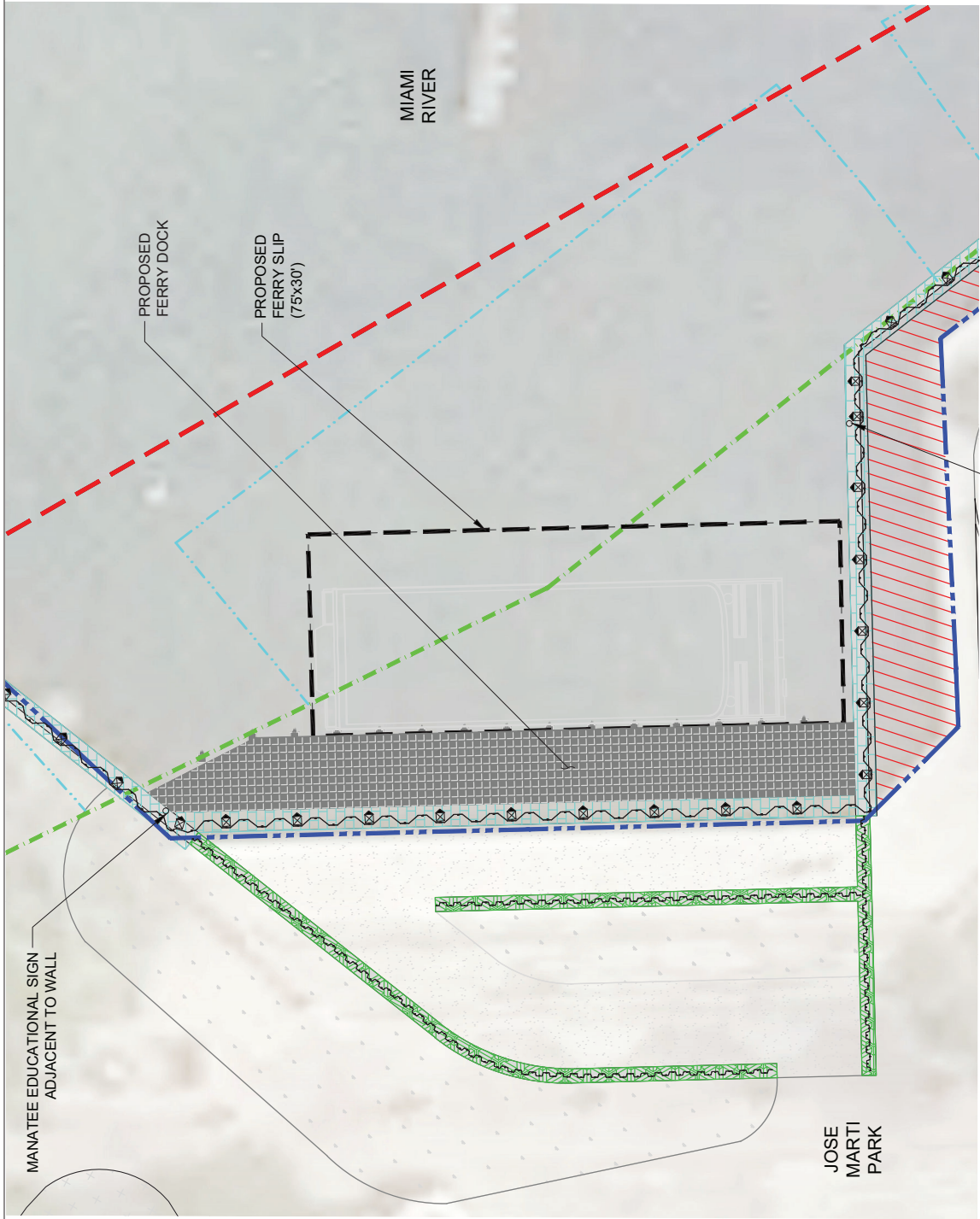
LESS AND EXCEPT THOSE LANDS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SR-9 (I-95) NORTH-SOUTH EXPRESSWAY, SECTION 87270-2425, DATED 12-30-64, AS RECORDED IN PLAT BOOK 83, PAGE 21 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

CONTAINING A TOTAL AREA OF 243,278 SQUARE FEET OR 5.58 ACRES, MORE OR LESS.



0 7.5 15
GRAPHIC SCALE
(1"=15')

MDC051



LOCATION MAP

Project
**Adaptive Redesign
for Jose Marti Park**

CUMMINS | CEDERBERG
Coastal & Marine Engineering

CUMMINS CEDERBERG
10000 BAYVIEW BLVD, SUITE 111
DADE COUNTY, FL 33154
TEL: 305.444.1111
WWW.CUMMINS-CEDERBERG.COM

EXHIBIT B

Attachment F
United States Army Corps of Engineers Permit

DEPARTMENT OF THE ARMY PERMIT

Permittee: CITY OF MIAMI
c/o Arturo Noriega
444 SW 2nd Avenue
Miami, FL 33130

Permit No: SAJ-2020-01480

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The general project description includes the improvements and modification of the Jose Marti Park.

Specifically, the project includes the following activities:

1) **North living shoreline:**

- a. The construction of a 171.31 linear foot (1,965 square foot) living shoreline planter by excavating 586 cubic yards from within 7,176 square feet(sf) of uplands and dredging 1,643 sf (232 cy) of submerged lands.
- b. The northern shoreline will also incorporate the placement of 5,566 sf (516 cy) of associated riprap revetment.
- c. Construction of a 285 linear foot (lf) toe wall along the proposed riprap's waterward edge.
- d. Planting 115 of 3-gallon mangroves (mix of black, red, and white), 114 1-gallon sand cordgrass specimens, and 114 1-gallon marsh hay cordgrass specimens.

- 2) **Kayak launch:** Excavate 141 sf (33 cy) of uplands and 300 sf (29 cy) of submerged lands to accommodate a kayak launch that is proposed on the northern most extent of the shoreline at the Project site. The launch site will consist of an 18 foot x 12 foot floating platform with a 34.3 foot x 6 foot gangway access and two (2) 12-inch steel piles.

- 3) **Floating boardwalk:** An 8 foot x 192 foot floating boardwalk fixed with ten (10) 12-inch steel piles and 523 sf of combined gangway access area. Railing will be installed on both sides of the floating boardwalk.
 - 4) **Fixed viewing platforms:** A fixed terminal viewing platform will bookend each end of the floating boardwalk, for a total of 2,168 sf. The platforms extend from the north shoreline retaining wall to the waterward edge of the proposed floating boardwalk and will have a deck elevation of +4.5' NAVD. Railing will be installed around the perimeter of the platforms.
 - 5) **Seawall replacement:** 525 lf of new sheet pile seawall will replace the existing seawall along the central shoreline at the Project site. The new seawall will advance waterward from the existing seawall in varying distances in order to accommodate a new Riverwalk along the shoreline and will result in 1,710 sf (633 cy) of backfill. The seawall cap will be installed at an elevation of +6.0' NAVD and will have an associated forty-two (42) 14-inch concrete batter piles. Approximately 243 lf of the new seawall will be retrofitted with ecological mangrove reef wall paneling.
-
- 6) **Water taxi slip and landing:**
 - a. A 975 sf fixed marginal wood dock will be installed along the central shoreline to accommodate a water taxi operation. The platform will be installed at +4.5' NAVD and will use grated decking and be supported by sixteen (16) 14-inch concrete piles.
 - b. A total of 3,721 sf (140 cy) of submerged lands will be dredged to -6.0' MLW to accommodate clearance requirements within the slip area. A fendering system will also be installed as a part of the dock system to reduce potential impacts to the West Indian manatee.
-
- 7) **Stormwater and upland landscape improvements:**
 - a. On the northern shoreline, an existing 24" outfall pipe will be rerouted from the proposed kayak launch area and extended through the proposed planter and revetment. The outfall will be outfitted with a nutrient reducing baffle box (upland), a backflow preventer, and a manatee grate.
 - b. Along the central shoreline, an existing 48" outfall pipe will be retrofitted with a nutrient reducing baffle box (upland) and extended thru the new seawall; it will be outfitted with a backflow preventer and a manatee grate.

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- c. On the southern shoreline, an existing 36" outfall pipe will be retrofitted with a nutrient reducing baffle box (upland), a backflow preventer, and a manatee grate.

The work described above is to be completed in accordance with the plans date stamped by the U.S. Army Corps of Engineers on 16 February 2022 (24 pgs.) and attachments affixed at the end of this permit instrument.

Project Location: The project is located at Jose Marti Park on the Miami River at 351 SW 4th Avenue in Section 38, Township 54 South, and Range 41 East, City of Miami, Miami-Dade County, Florida (Folio #'s 01-200-010-6140, 01-4138-049-0010, -0020, -0050, -0070, -0090)

Directions to site: Head south on I-95, take the SW 7th Street exit, turn right onto 7th Street, then make a right onto 5th Avenue, right onto SE 5th street and finally a left onto SW 4th Avenue.

Approximate Central Coordinates: Latitude: 25.770983 North
Longitude: -80.200124 West

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on 3/23/27. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination

required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. Reporting Address: The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2020-01480 (SP-AG), on all submittals.

2. Permit Conditions Prevail: If information in the permit attachments conflict with the special conditions of this permit, the requirements of the permit special conditions shall prevail.

3. Commencement Notification: Choose one, the Permittee shall submit a completed "Commencement Notification" form (attached).

4 Posting of Permit: The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

5. Local Notice to Mariners: The contractor is required to contact the United States Coast Guard office a minimum of 2 weeks prior to commencement and provide locations affected, equipment, hours of operation, and duration of the project so that the information can be published in the Local Notice to Mariners.

6. As-Built Certification: Within 60 days of completion of the work authorized by this permit, the Permittee shall submit as-built drawings of the authorized work and a completed "As-Built Certification by Professional Engineer or Surveyor" form (Attached) to the Corps. The as-built drawings shall be signed and sealed by a registered professional engineer or surveyor and include the following:

- a. A plan view drawing of the location of the authorized work footprint, as shown on the permit drawings, with an overlay of the work as constructed. The plan view drawing should show all existing water management structures and the completed structures, dredge/fill activities, and wetland impacts.
- b. A list of any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the attached "As-Built Certification by Professional Engineer" form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or "As-Built Certification by Professional Engineer" form does not constitute approval of any deviations by the Corps.
- c. The Department of the Army permit number on all sheets submitted.
- d. Within 60 days of completion of the work authorized by this permit, the Permittee shall provide a courtesy copy of the signed and sealed As-Built drawings to the Corps, Engineering Division. Submittals shall be sent either electronically by email at ENPermits.CESAJ@usace.army.mil or by standard mail at Post Office Box 4970, Jacksonville Florida 32232-0019.

7. Assurance of Navigation and Maintenance: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused

thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

8. Federal Channel Setback: The most waterward edge of the authorized project shall be constructed no closer than 20 feet from the near design edge of the federal channel as shown in shown in the approved plans date stamped by the U.S. Army Corp of Engineers on 16 February 2022 (24 pgs.)

9. Individual Section 408 Approval: It has been determined that the activities authorized do not impair the usefulness of the Miami River and are not injurious to the public interest. The Permittee shall adhere to the conditions and limitations referenced in the Section 408 approval memo attached to this permit as well as the Engineering Circular 1165-2-220, dated 10 September 2018, Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408, Appendix K, paragraphs 1 to 16 (enclosed). All documentation required in the Section 408 approval memo, including certification that the work was completed in accordance with the approved plans and specifications, GPS readings for the limits of the work performed, as-built drawings, and the date the work started and was completed shall be submitted either electronically by email at ENPermits.CESAJ@usace.army.mil or by standard mail at Post Office Box 4970, Jacksonville Florida 32232-0019. For all questions related to the Section 408 approval, contact the Corps, Jacksonville Engineering Division by telephone at 904-232-1604. Engineering Division is the appropriate authority to determine compliance with the terms and conditions of Section 408 approval.

10. MANATEE CONDITION: The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011," attached to this permit.

11. Manatee Condition for Impact Hammer and Metal Pilings/Sheet Piles: Installation of metal pilings or metal sheet piles by impact hammer may occur under the following conditions:

- a. Use of at least one dedicated manatee observer, with all work being stopped if a manatee is observed within 1,000 feet.
- b. No work shall occur outside of daylight hours (defined as one-half hour after sunrise to one-half hour before sunset).
- c. No more than 5 piles/day may be installed.

12. Manatee Observer: A dedicated manatee observer, whose sole responsibility is to watch for manatees, must be present during in-water work. The observer must be experienced in manatee observation techniques and have prior on-the-job experience as an observer during previous in-water work where the activities were similar in nature to the proposed project. The dedicated observer shall be present and perform no other duties that may interfere with their ability to observe for protected marine species. This person shall be someone other than the dredge and equipment operators/mechanics.

13. Manatee Conditions U.S. FWS:

1. The permittee is required to ensure a water depth, measured at mean low tide, of 3 feet greater than the draft of all vessels occupying the slip on a permanent basis, and/or 3 feet greater than the draft of all vessels using the facility on a transient basis, and the posting of signage at the Jose Marti Park water taxi landing dock specifying that all vessels shall have a water depth of 3 feet greater than the draft of all vessels occupying that slip.
2. Adherence to Standard Manatee Conditions for In-water Work (2011).
3. The permittee is required to adhere to the Limited Special Use Docking Zone as per the Miami-Dade County Manatee Protection Plan (MPP), only one slip at the property to be used solely by public water taxi.
4. FWC approved manatee exclusion devices (manatee grates) shall be installed for all existing or proposed pipes or culverts with openings to the Miami River.
5. The permittee is required to install FWC approved permanent manatee education signs (attached), which shall be maintained for the life of the facility.
6. The permittee is required to install a fendering system to ensure adequate vessel standoff from the Jose Marti Park water taxi landing dock, to eliminate any potential for manatees to be crushed.

14. Manatee Condition for Clamshell Dredge: During clamshell dredging operations, the dredge operator shall gravity-release the clamshell bucket only at the water's surface, and only after confirmation that there are no manatees within the safety distance identified in the standard construction conditions (or a 75-foot buffer if dredging is authorized at night).

15. IMA Night-time Dredging Restrictions: As the project is located within a designated Important Manatee Area (IMA), no night-time clamshell dredging is allowed.

16. Turbidity Barriers: Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend within 1 foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained daily until the authorized work has been completed and turbidity within the construction area has returned to ambient levels. Turbidity barriers shall be removed upon stabilization of the work area.

17. Erosion Control: Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area into waters of the United States. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized.

18. Fill Material: The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance in toxic amounts, in accordance with Section 307 of the Clean Water Act.

19. Dredged Material Disposal: The Permittee shall place all dredged material in a self-contained, upland disposal site. The Permittee shall maintain the upland disposal site to prevent the discharge of dredged material and associated effluent into waters of the United States.

Required to ensure compliance with 404(b)(1) Guidelines (40 C.F.R. 230 et seq.).

20. Agency Changes: Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the **Miami** Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

21. Water quality certification: The Permittee shall comply with the specific conditions specified in the South Florida Water Management District (SFWMD) issued environmental resource permit # 13-1044-30-P on September 21, 2021.

22. Construction Methods and Turbidity Controls: The permittee shall adhere to the construction methods and the turbidity controls attached to this permit.

23. Historic Properties:

a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.

b. If, during permitted activities, items that may have historic or archaeological origin are observed the Permittee shall immediately cease all activities adjacent to the discovery that may result in the destruction of these resources and shall prevent his/her employees from further removing, or otherwise damaging, such resources. The applicant shall notify both the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333 and the Corps, of the observations within the same business day (8 hours). Examples of submerged historical, archaeological or cultural resources include shipwrecks, shipwreck debris fields (such as steam engine parts, or wood planks and beams), anchors, ballast rock, concreted iron objects, concentrations of coal, prehistoric watercraft (such as log "dugouts"), and other evidence of human activity. The materials may be deeply buried in sediment, resting in shallow sediments or above them, or protruding into water. The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions. Project activities shall not resume without verbal and/or written authorization from the Corps.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the SHPO or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

- d. In the unlikely event that unmarked human remains are identified on non-federal lands; they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archaeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the SHPO and from the Corps.
- e. A professional archaeologist who meets the "Archaeology and Historic Preservation: Secretary of Interior's Standards and Guidelines" shall be onsite during the initial ground-disturbing activities. The professional archaeologist shall be responsible for monitoring the spoil and ground disturbance for significant archaeological deposits. Should potential significant archaeological deposits (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement) recovery be encountered, all work and ground disturbing activities must cease within a 100-meter diameter of the discovery to allow for proper assessment, recording, and recovery of the cultural deposits in a professional manner. The archaeologist on site shall notify the Permittee, SHPO, and the Corps the same business day (8-hours) to assess the significance of the discovery and devise appropriate actions, including salvage operations. Upon completion of the monitoring activities, an archaeological letter must be submitted to Florida's Division of Historical Resources, along with an updated Florida Master Site File form. The archaeologist shall submit notification of such action, in the form of the Cultural Resource Certification, to the Corps and RD-Archaeologist for inclusion in the administrative record.
- f. If prehistoric or historic artifacts such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during

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permitted activities, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344)

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

(X) Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408)

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

- d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
-

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

PERMIT NUMBER: SAJ-2020-01480
PERMITTEE: CITY OF MIAMI
PAGE 13 of 15


(PERMITTEE)

3-16-22
(DATE)

SIGN HERE

Arthur Noriega, V, Manager, City of Miami
(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

For: Samantha L. Burns
JAMES L. BOOTH
Colonel, EN
Commanding

Date: 23 March 2022

PERMIT NUMBER: SAJ-2020-01480
PERMITTEE: CITY OF MIAMI
PAGE 14 of 15

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

Attachment G
South Florida Water Management District Permit and Board of
Trustees of the Internal
Improvement Trust Fund of the State of Florida
Submerged Lands Lease



South Florida Water Management District
Individual Environmental Resource Permit No. 13-104430-P
Date Issued: September 21, 2021

Permittee: City Of Miami
444 SW 2nd Avenue
Miami, FL 33130

Project: Jose Marti Park Waterfront Adaptation Project

Application No. 200714-3879

Location: Miami-Dade County, See Exhibit 1

Your application for an Individual Environmental Resource Permit is approved. This action is taken based on Chapter 373, Part IV, of Florida Statutes (F.S.) and the rules in Chapter 62-330, Florida Administrative Code (F.A.C.). Unless otherwise stated, this permit constitutes certification of compliance with state water quality standards under section 401 of the Clean Water Act, 33 U.S.C. 1341, and a finding of consistency with the Florida Coastal Management Program. Please read this entire agency action thoroughly and understand its contents.

This permit is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- The attached General Conditions for Environmental Resource Permits.
- The attached General Conditions for Authorizations.
- The attached Special Conditions.
- All referenced Exhibits.

All documents are available online through the District's ePermitting site at www.sfwmd.gov/ePermitting.

If you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights", we will assume that you concur with the District's action.

The District does not publish notices of action. If you wish to limit the time within which a person may request an administrative hearing regarding this action, you are encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Legal requirements and instructions for publishing a notice of agency action, as well as a noticing format that can be used, are available upon request. If you publish a notice of agency action, please send a copy of the affidavit of publication provided by the newspaper to the District's West Palm Beach office for retention in this file.

If you have any questions regarding your permit or need any other information, please call us at 1-800-432-2045 or email epermits@sfwmd.gov.

A handwritten signature in blue ink, appearing to read "Gary R. Priest".

Gary R. Priest, P.E.
Engineering Section Administrator, Environmental Resource Bureau

**South Florida Water Management District
Individual Environmental Resource Permit No. 13-104430-P**

Date Issued: September 21, 2021 **Expiration Date:** September 21, 2026

Project Name: Jose Marti Park Waterfront Adaptation Project

Permittee: City Of Miami
444 SW 2nd Avenue
Miami, FL 33130

Operating Entity: City Of Miami
444 SW 2nd Avenue
Miami, FL 33130

Location: Miami Dade County

Permit Acres: 4.08 acres

Project Land Use: Recreational Including Golf

Special Drainage District: N/A

Water Body Classification: OFW

FDEP Water Body ID: 3288B

Wetland and Surface Water Impacts: 0.33 acres

Conservation Easement to District: No

Sovereign Submerged Lands: Yes **Type:** Lease

Project Summary

This Environmental Resource Permit authorizes Construction and Operation of a stormwater management (SWM) system serving 4.08 acres of redevelopment of existing recreational facilities known as Jose Marti Park Waterfront Adaptation Project. Additionally, this permit includes authorization in the form of a lease for use of Sovereignty Submerged Lands.

The project proposes retrofitting and redevelopment within Jose Marti Park and adjacent portions of the Miami River. Activities include removal of existing seawalls and armoring, reconstruction of the shoreline with 1,590 linear feet of seawalls, toe walls and retaining walls, filling of 0.06 acres within surface waters behind new seawalls, filling 0.06 acres of surface waters to construct living shoreline features including riprap, construction in 0.08 acres of surface waters for floating and pile-supported structures including a boardwalk, observation platforms, kayak launch, gangways and water taxi dock, dredging in 0.13 acres of surface waters to remove existing armoring and increase depth in the water taxi slip, and improvements to the existing SWM systems to improve water quality and provide resilience to address impacts from “king” tides and rising sea levels. Please refer to the Coastal and Marine Engineering plans Exhibit 2.0A and the Drainage Plans Exhibit 2.0B for details of the structures and SWM design. Additional construction details of the living shorelines are provided in Exhibit 3.0 Landscape Plans.

This permit is issued pursuant to the water quality net improvement provisions of Chapter 62-330.062, F.A.C.; therefore, state water quality certification is waived.

Site Description

The site is located in Miami-Dade County. Please refer to Exhibit No. 1.0 for a location map.

The site is a previously developed community park containing buildings, supporting infrastructure, SWM facilities, and a portion of the Miami River along the park shoreline.

For information on wetland and surface water impacts, please see the Wetlands and Other Surface Water section of this permit.

Ownership, Operation and Maintenance

Perpetual operation and maintenance of the SWM system will be the responsibility of the City Of Miami. Upon conveyance or division of ownership or control of the property or the system, the permittee must notify the Agency in writing within 30 days, and the new owner must request transfer of the permit.

Engineering Evaluation:**Land Use**

The land use data in the engineering data tables refers to the 3.75 acres of uplands within the project area. Please see the Wetlands and Other Surface Water section of this permit for the description of the in-water facilities. The project will result in a net reduction in imperviousness within the upland areas of the park. The "other" land use in the engineering data table refers to proposed pervious paver systems. Please refer to the data tables for land use details.

Water Quality

The project is located within a watershed identified by the Florida Department of Environmental Protection as impaired for fecal coliform. The project will incorporate pet waste stations within the park to reduce fecal coliform from entering the stormwater management system.

The project will provide water quality retrofit improvements to the offsite flows from the three existing outfall systems that enter the park at Southwest 2nd, 3rd, and 4th Street en-route to the Miami River. Each of the three existing outfall systems that convey offsite runoff through the park will be retrofitted with a type two nutrient separating baffle box with biosorption activated media (BAM) in an upflow filter.

The project will retrofit existing areas throughout the park with pervious pavement systems with below-ground retention in aggregate reservoirs that will incorporate BAM. The project will also include an offline subsurface storage chamber system that will also incorporate the use of BAM.

The project is reducing the imperviousness of the existing park. The treatment in the water quality data tables is based on providing a net improvement of 1.5 inches over the existing upland area of the park or 0.47 ac-ft. The project will provide 0.72 ac-ft of water quality treatment.

In addition, the SWM design includes a site-specific nutrient loading analysis of the proposed Best Management Practices (BMP), as additional reasonable assurances that the projects discharge will not cause or contribute to violations of water quality standards downstream in Biscayne Bay. The project will reduce Nitrogen and Phosphorus loading to the Miami River by 250.8 lbs. per year and 39.9 lbs. per year, respectively.

Additionally, the project will construct a living shoreline along the Miami River to improve water quality, provide resilience, and address adverse impacts from king tides and rising sea levels.

As an additional reasonable assurance of compliance with water quality criteria during construction and operation, the applicant shall install and maintain turbidity curtains around the waterward work areas, and implement temporary erosion and sediment controls for landward work, all in accordance with Exhibit Nos. 2.0A, 2.0B, and permit special conditions. The temporary erosion and turbidity control barriers will be installed prior to and will be removed upon completion of construction activities. Water quality monitoring will be conducted during construction activities

in accordance with Exhibit 3.1 and a permit special condition.

Water Quantity

Stormwater retrofits at the project site include the addition of back flow prevention devices to all three existing outfall systems that convey runoff from the Little Havana neighborhood through the park to the Miami River. The applicant has provided a design storm analysis demonstrating no adverse impacts to the flood protection of the upstream systems. Please refer to the Basin Map Exhibit No. 2.1 for details.

The project will include two gravity drainage wells to provide additional resilience and increased flood protection for the existing buildings. Well-1 is proposed to be installed on the northeast side of the SW 3rd Avenue cul-de-sac and Well-2 will be installed on the east side of the existing pool pump house. Well -1 will capture runoff from SW 3rd Avenue that will be blocked by the proposed new seawall. Well-2 will capture runoff from a low-lying area adjacent to the pool pump house that has historically flooded in significant storm events.

Discharge

The applicant has provided a pre vs post analysis of the system including the offsite area discharging through the park demonstrating the peak discharge rate for the 25-year, 3-day storm of 12.1 inches will be consistent with the existing conditions with a minor decrease in discharge rate of 5.54 cfs associated with the SW 2nd Street outfall system.

Certification, Operation, and Maintenance

Pursuant to Chapter 62-330.310, F.A.C., Individual Permits will not be converted from the construction phase to the operation phase until construction completion certification of the project is submitted to and accepted by the District. This includes compliance with all permit conditions, except for any long term maintenance and monitoring requirements. It is suggested that the permittee retain the services of an appropriate professional registered in the State of Florida for periodic observation of construction of the project.

For projects permitted with an operating entity that is different from the permittee, it should be noted that until the construction completion certification is accepted by the District and the permit is transferred to an acceptable operating entity pursuant to Sections 12.1-12.3 of the Applicant's Handbook Volume I and Section 62-330.310, F.A.C., the permittee is liable for operation and maintenance in compliance with the terms and conditions of this permit.

In accordance with Section 373.416(2), F.S., unless revoked or abandoned, all SWM systems and works permitted under Part IV of Chapter 373, F.S., must be operated and maintained in perpetuity.

The efficiency of SWM systems, dams, impoundments, and most other project components will decrease over time without periodic maintenance. The operation and maintenance entity must perform periodic inspections to identify if there are any deficiencies in structural integrity, degradation due to insufficient maintenance, or improper operation of projects that may endanger public health, safety, or welfare, or the water resources. If deficiencies are found, the operation and maintenance entity is responsible for correcting the deficiencies in a timely manner to prevent compromises to flood protection and water quality. See Section 12.4 of the Applicant's Handbook Volume I for Minimum Operation and Maintenance Standards.

Engineering Evaluation Tables:
Land Use

Basin	Land Type	Area (ac)	% of Total Basin
Site	Impervious	0.53	14.13
	Pervious	2.12	56.53
	Other	1.10	29.33
	Total:	3.75	100%

Water Quality

Basin	Treatment Type	Treatment System	Volume Required (ac-ft)	Volume Provided (ac-ft)
Site	Treatment	UNDERGROUND CHAMBERS	0.47	0.72

Inlets

Basin	Structure #	Structure Type	Count	Type	Dia.(in)	Length (in)	Receiving Body	Crest Elev.
Site	DW-1	Emergency	1	DRAINAGE WELL	24.00	1320.0	Ground Water	3.00
	DW-2	Emergency	1	DRAINAGE WELL	24.00	1320.0	Ground Water	3.50

Environmental Evaluation:

Wetlands and Other Surface Waters

There are no seagrasses, corals, or wetlands within the project area. The submerged bottom consists of rock, sand, silt, attached algae and miscellaneous debris. The shoreline consists of vertical seawalls, riprap and armored revetment mat, including submerged portions. Additional descriptions of the site are maintained in the permit file. Work below the mean high water line includes construction of living shoreline features including riprap, pile-supported fixed and floating structures, dredging, removal and replacement of seawalls and filling associated with the new seawall alignment. The total area of work in other surface waters (OSW) is 0.33 acres. The Wetland Summary table identifies the acreage of work in OSW associated with the various activities.

Reduction and Elimination of Impacts

The plans incorporate several modifications to reduce the waterward footprint of activities and meet federal navigation channel setback requirements. Dimensions and area of in-water and over-water structures including the boardwalk, observation platforms and living shorelines were reduced. Waterward advancement of the new seawalls was reduced from 13 feet waterward of existing seawalls in the original proposed design to approximately 5 feet waterward of existing seawalls in some areas which further reduced the in-water footprint. The overall footprint of filling reflects the minimal amount of upland space required to achieve seawall elevations for flood protection and compliance with the City's requirements for minimum 15ft wide pedestrian walkway, while allowing for the existing pool and gazebo to remain in place. Additional details regarding the project modifications and construction methodology to address reduction and elimination of impacts are described in Exhibit 3.2.

Maintenance

Mangroves will be planted and are expected to recruit into the north shoreline planter. Mangroves in the north shoreline planters may be trimmed as depicted in Exhibit 3.0 Landscape Plan. All trimming shall be conducted in accordance with the definitions, terms and criteria in Sections 403.9321 – 403.9333, F.S. (1996 Mangrove Trimming and Preservation Act).

A component of the public interest consideration is natural shoreline stabilization, improvement in native habitat and enhanced marine productivity resulting from establishment of living shorelines. A significant portion of the living shorelines will be constructed above the level of mean high water and backfilled with soil amendment conducive to plant growth. In the absence of natural suppression by regular tidal inundation, these areas may be subject to encroachment by exotic and nuisance vegetation which could undermine the goal of shoreline stabilization by promoting erosive root structures. To maintain the public interest benefit of the living shorelines, the living shorelines shall be regularly maintained to prevent the establishment of more than 1% cover of exotic and nuisance species.

Fish, Wildlife, and Listed Species

According to the Miami-Dade County Manatee Protection Plan (MPP), the project site is located within an area designated as essential manatee habitat which allows for water-dependent public transportation dockage, such as the creation of one slip at the property to be used solely by a public water taxi. The County has determined that the proposed slip is located in one of the wider parts of the Miami River and it is reasonably expected that there is sufficient passing clearance between manatees and the water taxi at this location. The Florida Fish and Wildlife Conservation Commission has determined that the project is consistent with the MPP.

No other mooring for motorized vessels is proposed or authorized at the Park. Provisions related

to the water taxi slip and operation have been incorporated to minimize the potential for injuries to manatees and restriction of manatee movements. The bottom will be dredged to increase the water depth and a specialized fendering system will be installed. A permit special condition requires that vessels using the taxi slip shall be limited to those that allow at least a 3-foot clearance between the deepest portion of the water taxi draft and the submerged bottom. Permit special conditions include compliance with Standard Manatee Conditions for In-Water Work (2011), installation of manatee exclusion devices on all outfalls, and installation and maintenance of permanent manatee education signs at the facilities.

This permit does not relieve the applicant from complying with all applicable rules and any other agencies' requirements if, in the future, endangered or threatened species or species of special concern are discovered on the site.

Navigation

The overwater structures have been moved landward to achieve a setback of 20 feet from the near edge of the Miami River federal navigation channel, as requested, reviewed and approved by the USACE Navigation Section (Exhibit 3.2)

Sovereignty Submerged Lands

In order to achieve a site design that meets the Park's redevelopment goals which include adaptive resilience within the geometric and physical restraints of the location, requests approval for filling and construction of structures within State-owned sovereignty submerged lands (SSL) and formerly State-owned SSL.

The City obtained from the Florida Department of Environmental Protection (FDEP), Division of State Lands (DSL), approval of a Disclaimer of formerly sovereignty submerged lands (SSL) pursuant to the Butler Act (Chapter 8537, Acts of 1921) and Section 253.129, F.S. [Disclaimer No. 42113 (6815- 13)] over 21,903 sq ft comprising three small parcels along the Park's shoreline, as depicted in Exhibit 3.3. The Butler Act parcels are currently excluded from the boundaries of the Biscayne Bay Aquatic Preserve.

An additional 342 square feet of land located waterward of the Butler Act boundaries is needed to accommodate both the existing condition of fill onsite and the redevelopment. The City has submitted a proposal to FDEP to transfer to the State one of the Butler Act parcels (869 sq ft in open water) in exchange for 342 sq ft area on SSL, within the BBAP and located waterward of the Butler Act boundaries (the "land swap" as described in Exhibit 3.4). This represents a 2.5 to 1 ratio of lands offered to lands gained by the City, and the parcel would not be excluded from the BBAP.

The Disclaimer and land swap must be approved by the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund (BOT). The permit includes a special condition requiring the City to provide a copy of the recorded Disclaimer and land swap, both approved by the BOT, to the District prior to construction.

The land swap areas shall be for park use only and are for shoreline fill and armoring. Work in additional areas of SSL for construction of the kayak launch, the north observation platform, and a portion of the floating boardwalk on the northern shoreline (1,904 sq ft, including dredging of approximately 998 sq ft of SSL) requires authorization from the BOT, pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S. The District is delegated the authority to take final agency action for this application on behalf of the BOT, pursuant to Rule 18-21.0051(2), F.A.C. (Exhibit 3.5 DOA). The District has determined that these activities qualify for and require a lease over the area of SSL where they will be located, as long as the work performed is located within the boundaries as described and is consistent with Exhibit 3.6 (Lease and its attachments), and conditions herein. Notices of the lease to adjacent property owners within 500 feet of the activity were mailed by the District on May 7, 2021. The District did not receive any formal objections during the 21-day notice period.

The final documents required to execute the lease will be sent to the permittee/lessee by FDEP DSL for execution. FDEP intends to issue the lease upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in the attached permit. The permittee shall not begin construction on SSL until obtaining a copy of the fully executed lease from FDEP.

Biscayne Bay Aquatic Preserve (BBAP)

The project is located within BBAP, Outstanding Florida Waters. The project was evaluated to determine if the activities are clearly in the public interest in accordance with rule 62-33.302(1), F.A.C., and to determine compliance with the rules and criteria for BBAP (Chapter 18-18, F.A.C.), including the public interest criteria in rule 18-18.006, F.A.C., for activities on SSL. Accordingly, staff has determined that the project is clearly in the public interest based on an evaluation of the criteria described in section 10.2.3, Vol. I, and that the activities are consistent with provisions of Chapter 18-18, F.A.C., including activities within the BBAP located on sovereign submerged lands. Specifically, the project will not result in adverse impacts to fish and wildlife including listed species or their habitats, to historical and archaeological resources, to navigation or flow of water and will not cause harmful shoaling. The increased seawall elevations, living shoreline features, and stormwater management facilities are expected to improve public health, safety and welfare by reducing tidal flooding, and increasing marine productivity and recreational value by providing additional habitat including primary production and water quality improvement, and providing recreational access to the Aquatic Preserve. The land swap will add additional submerged land that can be included in the Aquatic Preserve boundaries. Please refer to Exhibit 3.2 for details regarding the project in relation to the public interest criteria.

Pursuant to Rule 18-18.014, F.A.C., the District published notice of the pending application on August 23, 2021 in a newspaper of general circulation in Miami-Dade County (the Miami Herald) and in the Florida Administrative Register.

Environmental Evaluation Tables: Summary

Wetlands and Other Surface Waters: 0.33 acres
 Direct Impacts: 0.33 acres
 Secondary impacts: 0 acres
 Net UMAM Functional Loss/ Gain: 0 units
 Total Onsite Mitigation Area: 0 acres
 Total Offsite Mitigation Area: 0 acres
 Mitigation Provided in Permit No.:

Wetlands and Other Surface Waters

Activities in Wetlands or Other Surface Waters, Not Including Mitigation at a Bank

ID	Acres	Action	Community Description	Current Score	With Project Score	UMAM Loss
Riprap NLS	0.026	Works in Surface Waters	Rivers, Streams and Waterways			0.000
Fill NLS	0.034	Works in Surface Waters	Rivers, Streams and Waterways			0.000
DredgeNLS	0.045	Works in Surface Waters	Rivers, Streams and Waterways			0.000
SeawallFil	0.06	Works in Surface Waters	Rivers, Streams and Waterways			0.000
FloatBwalk	0.033	Works in Surface Waters	Rivers, Streams and Waterways			0.000
KayakDock	0.001	Works in Surface Waters	Rivers, Streams and Waterways			0.000
Platforms	0.02	Works in Surface Waters	Rivers, Streams and Waterways			0.000
Gangways	0.004	Works in Surface Waters	Rivers, Streams and Waterways			0.000
TaxiDock	0.022	Works in Surface Waters	Rivers, Streams and Waterways			0.000
DredgFerry	0.085	Works in Surface Waters	Rivers, Streams and Waterways			0.000
Total:	0.33					0.000

Related Concerns:

Water Use Permit Status

The applicant has indicated that the City of Miami water supply will be used as a source for irrigation water for the project.

The applicant has indicated that dewatering is not required for construction of this project.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation.

Historical/ Archeological Resources

No information has been received from the Florida Department of State, Division of Historical Resources (DHR), that indicates the presence of archaeological or historical resources on the project site or indicating that the project will have any effect upon significant historic properties listed, or eligible for listing in the National Register of Historic Places. However, the site was subjected to a Phase I Cultural Resource Assessment Survey (CRAS) conducted by a professional archaeologist (see project file for details). According to the CRAS, some artifacts were found within the park, but the report concluded that the integrity of the site has been severely compromised by ground disturbances during decades of development such that the site is not eligible for listing in the National Register of Historic Places. The report further concluded that Historic District 8DA4755, adjacent to the northwest corner of the park, will not be adversely affected by the proposed enhancements to the park. The CRAS recommends archaeological monitoring of any ground disturbing activities within José Martí Park and reporting of any significant findings to the City of Miami Historic Preservation Office and to DHR. If human remains are found, then the provisions of Chapter 872.05, Florida Statutes, will apply. A permit special condition is included to address unexpected discoveries during project construction. This permit does not release the permittee from complying with any other agency's requirements in the event that historical and/or archaeological resources are found on the site.

General Conditions for Individual Environmental Resource Permits, 62-330.350, F.A.C.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
5. Unless the permit is transferred under rule 62-330.340, F.A.C., or transferred to an operating entity under rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms, and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex- "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit"[Form 62-330.310(3)]; or
 - b. For all other activities- "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as

applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.4 of Volume I) as filed with the Florida Department of State, Division of Corporations, and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.

b. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from

the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

General Conditions for Authorizations for Use of Sovereign Submerged Lands, Rule 18-21.004(7), F.A.C.

All authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for aquaculture activities and geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (i) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or Chapter 258, Part II, F.S.

- (a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
- (b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
- (c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
- (d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
- (e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
- (f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
- (g) Structures or activities shall not create a navigational hazard.
- (h) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
- (i) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

Special Conditions for Individual Environmental Resource Permits, 62-330.350, F.A.C.

1. The construction authorization for this permit shall expire on the date shown on page 2.
2. Operation and maintenance of the stormwater management system shall be the responsibility of the City Of Miami. The permittee shall notify the Agency in writing within 30 days of any conveyance or division of ownership or control of the property of the system, and the new owner must request transfer of the permit in accordance with Rule 62-330.340, F.A.C.
3. The authorization for construction of the stormwater management system is issued pursuant to the water quality net improvement provisions referenced in Chapter 62-330.062 Florida Administrative Code (F.A.C.); therefore, the state water quality certification is waived.
4. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
5. Prior to any future construction, the permittee shall apply for and receive an Individual ERP. As part of the permit application, the applicant for that phase shall provide documentation verifying that the proposed construction is consistent with the design of the master stormwater management system, including the land use and site grading assumptions.
6. Prior to initiating construction activities associated with this Environmental Resource Permit (ERP), the permittee is required to hold a pre-construction meeting with field representatives, consultants, contractors, District Environmental Resource Bureau (ERB) staff, and any other local government entities as necessary. The purpose of the pre-construction meeting is to discuss construction methods, sequencing, best management practices, identify work areas, staking and roping of preserves where applicable, and to facilitate coordination and assistance amongst relevant parties. To schedule a pre-construction meeting, please contact ERB staff from the West Palm Beach Office at (561) 686-8800 or via e-mail at: pre-con@sfwmd.gov. When sending a request for a pre-construction meeting, please include the application number, permit number, and contact name and phone number.
7. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to: FWCConservationPlanningServices@MyFWC.com.
8. The applicant shall obtain approval by the Board of Trustees of the Internal Improvement Trust Fund (BOT) of the Butler Act Disclaimer and the land swap described in the staff report and Exhibits 3.3 and 3.4. The permittee shall submit to the District a copy of the recorded Disclaimer and land swap approved by the BOT prior to commencement of activities on land subject to these instruments.

A sovereignty submerged lands (SSL) lease is required for portions of the project. The District will forward documentation for the lease to the Florida Department of Environmental Protection (FDEP), Division of State Lands (DSL) for processing. The terms, conditions, and provisions of the required lease shall be met. Construction of activities shall not commence on sovereignty submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required lease agreement documents have been executed to the satisfaction of the FDEP. The permittee shall provide a copy of the fully executed lease to the District.

9. The observation platforms shall be for visual access only and shall not be utilized or accessible for boating use or mooring.

10. Kayak Launch and Water Taxi Facilities:

Use of the kayak facilities is for non-motorized vessels such as kayaks and canoes only.

Mooring at the water taxi docking facilities is only for a water taxi for public transportation and not for recreational use. Use of the slip shall be limited to vessels with a draft that will maintain at least 3 feet of vertical clearance from the deepest part of the draft to the submerged bottom.

11. The permittee shall prohibit mooring, on either a temporary or permanent basis, along the observation platforms and boardwalk as depicted on Exhibit 2.0A. To ensure compliance, the permittee shall place and maintain: (1) Handrails along the northern/eastern face of the structure, and (2) signs advising boaters that mooring at the above described locations, on either a temporary or permanent basis, is prohibited. Railings and signage shall be installed within 10 days of completion of the boardwalk. Handrails and signs shall be maintained during the term of the lease and all subsequent renewal terms.

12. Turbidity barriers shall be monitored at least twice a day, once in the a.m. and again in the p.m. for manatee entanglement or entrapment. If a manatee becomes entrapped within the construction area, the barrier shall be opened so the manatee is able to leave the construction area on its own volition. If a manatee becomes entangled, the Florida Fish and Wildlife Conservation Commission should be notified immediately at 1-888-404-3922 (FWCC).

13. To reduce the risk of entrapment and drowning of manatees, manatee exclusion devices (such as grating or flap gates) shall be installed and maintained over any existing or proposed pipes or culverts greater than 8 inches, but smaller than 8 feet in diameter that are submerged or partially submerged and reasonably accessible to manatees. Horizontal or vertical bars shall be installed over any manatee-accessible opening greater than 8-inches.

14. STANDARD MANATEE CONDITIONS FOR IN-WATER WORK (2011) The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel

provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads Caution: Boaters must be posted. A second sign measuring at least 8.5" by 11" explaining the requirements for "Idle Speed/No Wake" and shut-down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

15. The Permittee shall install permanent manatee educational signs, which shall be maintained for the life of the facility, no later than 60 days after construction commencement. The number and types of signs, as well as the on-site locations shall be approved by the FWC and the Miami-Dade County Department of Regulatory and Economic Resources (RER) prior to installation. The FWC can be contacted at ImperiledSpecies@MyFWC.com and RER can be contacted at: Miami-Dade County Department of Regulatory and Economic Resources, 701 N.W. 1st Court, 6th floor, Miami, FL 33136. A proposal for sign approval shall be submitted in accordance with information provided at <http://www.myfwc.com/wildlifehabitats/managed/manatee/education-for-marinas/>. Signs shall be replaced in accordance with FWC guidance by the Permittee if outdated, damaged or faded.

16. Spoil material dredged from the Miami River shall be handled and deposited in such a manner as to prevent violations of the water quality standards for turbidity and shall be contained in an upland disposal site. The material must meet requirements for disposal in accordance with local, state, and federal requirements.

17. A turbidity control plan shall be implemented in accordance with Exhibit Nos. 2.0A, 3.1 and 3.2. Prior to the commencement of construction in the Miami River, floating turbidity curtains with weighted skirts that extend to the bottom of the waterway shall be properly installed to isolate adjacent waters from the work area. The floating turbidity curtains shall be maintained and shall remain in place until all construction is complete and turbidity levels in the project area meet Outstanding Florida Waters (OFW) standards - 0 Nephelometric Turbidity Units (NTU's) above background. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.

18. The permittee shall utilize the criteria contained in the Construction Pollution Prevention Plan (Exhibit Nos. 2.0B and 3.1) and on the applicable approved construction drawings for the duration of the project's construction activities.

19. A water quality monitoring program shall be implemented as outlined below:

Turbidity expressed in nephelometric turbidity units (note). Background samples shall be taken mid-depth approximately 200 feet upstream of any construction activity within adjacent surface waters. Compliance samples shall be taken at mid-depth just outside the work area contained by the turbidity curtains and within the densest area of any plume. Samples shall be taken twice daily, with at least a four-hour interval, during all work authorized by this permit. Monitoring shall begin on the first day of construction for all activities within or adjacent to surface waters. The monitoring data must demonstrate that turbidity beyond the work area meets OFW standards. If monitoring shows such levels to be exceeded, construction shall cease and District compliance staff shall be notified immediately. Work shall not resume until District staff is satisfied that adequate corrective measures have been taken and turbidity has returned to acceptable levels.

All monitoring data shall be maintained on site and be available to District staff during regular business hours. The content of the data shall include:

- 1) permit and application number;
- (2) dates of sampling and analysis;
- (3) statement describing the methods used in collection, handling, storage and analysis of the samples;
- (4) a map indicating the sampling locations; and
- (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Monitoring reports shall also include the following information for each sample that is taken:

- (a) time of day samples taken;
- (b) depth of water body;
- (c) depth of samples;
- (d) antecedent weather conditions;
- (e) wind direction and velocity; and
- (f) direction of tide.

20. The permittee shall retain the services of a professional archaeologist to monitor the project while site alteration activities (grading, excavation, etc.) are being conducted. If historical/ archaeological artifacts are discovered, site alteration activities shall be discontinued until such time as the Florida Department of State, Division of Historical Resources grants authorization to resume work.

21. A maintenance program shall be implemented for the living shoreline planters on a regular basis to ensure that these areas are maintained free from Category 1 and 2 exotic vegetation

(as defined by the Florida Exotic Pest Plant Council at the time of maintenance) immediately following a maintenance activity. Coverage of exotic and nuisance plant species shall not exceed 1% of total cover between maintenance activities. In addition, the permittee shall manage the planted areas such that exotic/nuisance plant species do not dominate any one section of those areas.

22. The permittee and all designated contractors shall adhere to all project construction details and methodology indicated on the enclosed permit Exhibits and described herein.
23. Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.
24. All barge activity shall occur only in areas where at least one-foot bottom clearance is maintained at all times.

Project Work Schedule for Permit No. 13-104430-P

The following activities are requirements of this Permit and shall be completed in accordance with the Project Work Schedule below. Please refer to General Conditions, Special Conditions and/or Specific Conditions for more information. Any deviation from these time frames will require prior approval from the District's Environmental Resources Bureau and may require a minor modification to this permit. Such requests must be made in writing and shall include: (1) reason for the change, (2) proposed start/finish and/or completion dates, and (3) progress report on the status of the project.

Condition No.	Date Added	Description (Application Number)	Due Date	Date Satisfied
GC 4	09/21/2021	Construction Commencement Notice	Prior to Construction	
GC 6	09/21/2021	Submit Certification	30 Days After Construction Completion	
GC 7	09/21/2021	Submit Operation Transfer Request	Within 30 days of Certification	
SC 6	09/21/2021	Pre-Construction Meeting	Prior to Construction	
SC 8	09/21/2021	Obtain Lease, Disclaimer, Land Swap	Prior to construction on SSL	

GC = General Condition

SC = Special Condition

Distribution List

Danielle Irwin, Cummins Cederberg, Inc
Jannek Cederberg, Cummins Cederberg Inc
Jason Cummins, Cummins Cederberg, Inc
Patrick Shearer, E Sciences Inc
Department of Regulatory and Economic Resources
Department of Regulatory and Economic Resources
Div of Recreation and Park - District 5
US Army Corps of Engineers - Permit Section
Miami-Dade County - RER
Miami-Dade County - RER

Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website at <http://my.sfwmd.gov/ePermitting> and searching under this application number 200714-3879 .

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 2.0A Marine Plans](#)

[Exhibit No. 2.0B Drainage Plans](#)

[Exhibit No. 2.1 Basin Map](#)

[Exhibit No. 3.0 Landscape Plans](#)

[Exhibit No. 3.1 Water Quality Monitoring Plan](#)

[Exhibit No. 3.2 Reduction and Elimination, Construction Methods](#)

[Exhibit No. 3.3 Butler Act Disclaimer](#)

[Exhibit No. 3.4 Proposed Land Swap](#)

[Exhibit No. 3.5 Delegation of Authority](#)

[Exhibit No. 3.6 SSL Survey Sketch](#)

This Instrument Prepared By:
Kathy Griffin
Action No. 45150
Bureau of Public Land Administration
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

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

SOVEREIGNTY SUBMERGED LANDS FEE WAIVED LEASE

BOT FILE NO. 130360725
PA NO. 13-104430-P

THIS LEASE is hereby issued by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Lessor.

WITNESSETH: That for and in consideration of payment of the annual lease fees hereinafter provided and the faithful and timely performance of and compliance with all terms and conditions stated herein, the Lessor does hereby lease to City of Miami, Florida, hereinafter referred to as the Lessee, the sovereignty lands described as defined in 18-21.003, Florida Administrative Code, contained within the following legal description:

A parcel of sovereignty submerged land in Section 1,
Township 54 South, Range 41 East, in Miami River,
Miami-Dade County, Florida, containing 1,904 square feet,
more or less, as is more particularly described and shown on
Attachment A, dated April 26, 2021.

TO HAVE THE USE OF the hereinabove described premises for a period of 10 years from August 9, 2021, the effective date of this lease. The terms and conditions on and for which this lease is granted are as follows:

1. USE OF PROPERTY: The Lessee is hereby authorized to construct and operate a kayak launch, observation platform, floating boardwalk and dredging of approximately 713 square feet to remove existing armoring in conjunction with an upland City Park (Jose Marti Park), without fueling facilities, with a sewage pumpout facility if it meets the regulatory requirements of the State of Florida Department of Environmental Protection or State of Florida Department of Health, whichever agency has jurisdiction, and without liveaboards as defined in paragraph 25, as shown and conditioned in Attachment A, and the South Florida Water Management District Environmental Resource Permit No. 13-104430-P, dated September 9, 2021, incorporated herein and made a part of this lease by reference. The construction of the structures described in Attachment A shall be completed within the initial term hereof or within the first 5 years of the initial term if the initial term is for a period greater than 5 years. The failure to complete the construction of all authorized structures within this time period shall constitute a material breach of the lease causing the lease to automatically terminate upon the expiration of the initial term or 5 years, whichever is sooner, without any right of renewal. All of the foregoing subject to the remaining conditions of this lease.

2. AGREEMENT TO EXTENT OF USE: This lease is given to the Lessee to use or occupy the leased premises only for those activities specified herein and as conditioned by the permit(s) referenced in paragraph 1 of this lease. The Lessee shall not (i) change or add to the approved use of the leased premises as defined herein (e.g., from commercial to multi-family residential, from temporary mooring to rental of wet slips, from rental of wet slips to contractual agreement with third party for docking of cruise ships, from rental of recreational pleasure craft to rental or temporary mooring of charter/tour boats, from loading/offloading commercial to rental of wet slips, etc.); (ii) change activities in any manner that may have an environmental impact that was not considered in the original authorization or regulatory permit; or (iii) change the type of use of the riparian uplands or as permitted by the Lessee's interest in the riparian upland property that is more particularly described in Attachment B without first obtaining a regulatory permit/modified permit, if applicable, the Lessor's written authorization in the form of a modified lease, the payment of additional fees, if applicable, and, if applicable, the removal of any structures which may no longer qualify for authorization under the modified lease. If at any time during the lease term this lease no longer satisfies the requirements of subparagraph 18-21.011(1)(b)7., Florida Administrative Code, for a fee waived lease, the Lessee shall be required to pay an annual lease fee in accordance with Rule 18-21.011, Florida Administrative Code, and if applicable, remove any structures which may no longer qualify for authorization under this lease.

3. SUBMITTING ANNUAL CERTIFIED FINANCIAL RECORDS: Within 30 days after each anniversary of the effective date of this lease, the Lessee shall submit annual certified financial records of income and expenses to the State of Florida Department of Environmental Protection, Division of State Lands, Bureau of Public Land Administration, 3900 Commonwealth Blvd, MS 130, Tallahassee, FL 32399. "Income" is defined in subsection 18-21.003(32), Florida Administrative Code. The submitted financial records shall be certified by a certified public accountant.

4. EXAMINATION OF LESSEE'S RECORDS: For purposes of this lease, the Lessor is hereby specifically authorized and empowered to examine, for the term of this lease including any extensions thereto plus three (3) additional years, at all reasonable hours, the books, records, contracts, and other documents confirming and pertaining to the computation of annual lease payments as specified in paragraph two (2) above.

5. MAINTENANCE OF LESSEE'S RECORDS: The Lessee shall maintain separate accounting records for: (i) the gross revenue derived directly from the use of the leased premises, (ii) the gross revenue derived indirectly from the use of the leased premises, and (iii) all other gross revenue derived from the Lessee's operations on the riparian upland property. The Lessee shall secure, maintain and keep all records for the entire term of this lease plus three (3) additional years. This period shall be extended for an additional two (2) years upon request for examination of all records and accounts for lease verification purposes by the Lessor.

6. PROPERTY RIGHTS: The Lessee shall make no claim of title or interest to said lands hereinbefore described by reason of the occupancy or use thereof, and all title and interest to said land hereinbefore described is vested in the Lessor. The Lessee is prohibited from including, or making any claim that purports to include, said lands described or the Lessee's leasehold interest in said lands into any form of private ownership, including but not limited to any form of condominium or cooperative ownership. The Lessee is further prohibited from making any claim, including any advertisement, that said land, or the use thereof, may be purchased, sold, or re-sold.

7. INTEREST IN RIPARIAN UPLAND PROPERTY: During the term of this lease, the Lessee shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code, in the riparian upland property that is more particularly described in Attachment B and by reference made a part hereof together with the riparian rights appurtenant thereto. If such interest is terminated or the Lessor determines that such interest did not exist on the effective date of this lease, this lease may be terminated at the option of the Lessor. If the Lessor terminates this lease, the Lessee agrees not to assert a claim or defense against the Lessor arising out of this lease. Prior to sale and/or termination of the Lessee's interest in the riparian upland property, the Lessee shall inform any potential buyer or transferee of the Lessee's interest in the riparian upland property and the existence of this lease and all its terms and conditions and shall complete and execute any documents required by the Lessor to effect an assignment of this lease, if consented to by the Lessor. Failure to do so will not relieve the Lessee from responsibility for full compliance with the terms and conditions of this lease which include, but are not limited to, payment of all fees and/or penalty assessments incurred prior to such act.

8. ASSIGNMENT OF LEASE: This lease shall not be assigned or otherwise transferred without prior written consent of the Lessor or its duly authorized agent. Such assignment or other transfer shall be subject to the terms, conditions and provisions of this lease, current management standards and applicable laws, rules and regulations in effect at that time. Any assignment or other transfer without prior written consent of the Lessor shall be null and void and without legal effect.

9. LIABILITY/INVESTIGATION OF ALL CLAIMS: The Lessee shall investigate all claims of every nature at its expense. Each party is responsible for all personal injury and property damage attributable to the negligent acts or omissions of that party and the officers, employees and agents thereof. Nothing herein shall be construed as an indemnity or a waiver of sovereign immunity enjoyed by any party hereto, as provided in Section 768.28, Florida Statutes, as amended from time to time, or any other law providing limitations on claims.

10. NOTICES/COMPLIANCE/TERMINATION: The Lessee binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Lessee, its successors and assigns. In the event the Lessee fails or refuses to comply with the provisions and conditions herein set forth, or in the event the Lessee violates any of the provisions and conditions herein set forth, and the Lessee fails or refuses to comply with any of said provisions or conditions within twenty (20) days of receipt of the Lessor's notice to correct, this lease may be terminated by the Lessor upon thirty (30) days written notice to the Lessee. If canceled, all of the above-described parcel of land shall revert to the Lessor. All notices required to be given to the Lessee by this lease or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

City of Miami, FL
Attn: Mr. Arthur Noriega
444 SW 2nd Avenue, 10th Floor
Miami, FL 33130

The Lessee shall notify the Lessor by certified mail of any change to this address at least ten (10) days before the change is effective.

11. TAXES AND ASSESSMENTS: The Lessee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this lease.

12. NUISANCES OR ILLEGAL OPERATIONS: The Lessee shall not permit the leased premises or any part thereof to be used or occupied for any purpose or business other than herein specified unless such proposed use and occupancy are consented to by the Lessor and the lease is modified accordingly, nor shall Lessee knowingly permit or suffer any nuisances or illegal operations of any kind on the leased premises.

13. MAINTENANCE OF FACILITY/RIGHT TO INSPECT: The Lessee shall maintain the leased premises in good condition, keeping the structures and equipment located thereon in a good state of repair in the interests of public health, safety and welfare. No dock or pier shall be constructed in any manner that would cause harm to wildlife. The leased premises shall be subject to inspection by the Lessor or its designated agent at any reasonable time.

14. NON-DISCRIMINATION: The Lessee shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicap, or marital status with respect to any activity occurring within the area subject to this lease or upon lands adjacent to and used as an adjunct of the leased area.

15. ENFORCEMENT OF PROVISIONS: No failure, or successive failures, on the part of the Lessor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Lessor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

16. PERMISSION GRANTED: Upon expiration or cancellation of this lease all permission granted hereunder shall cease and terminate.

17. RENEWAL PROVISIONS: Renewal of this lease shall be at the sole option of the Lessor. Such renewal shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. In the event that the Lessee is in full compliance with the terms of this lease, the Lessor will begin the renewal process. The term of any renewal granted by the Lessor shall commence on the last day of the previous lease term. In the event the Lessor does not grant a renewal, the Lessee shall vacate the leased premises and remove all structures and equipment occupying and erected thereon at its expense. The obligation to remove all structures authorized herein upon termination of this lease shall constitute an affirmative covenant upon the Lessee's interest in the riparian upland property more particularly described in Attachment B which shall run with the title to the Lessee's interest in said riparian upland property and shall be binding upon the Lessee and the Lessee's successors in title or successors in interest.

18. REMOVAL OF STRUCTURES/ADMINISTRATIVE FINES: If the Lessee does not remove said structures and equipment occupying and erected upon the leased premises after expiration or cancellation of this lease, such structures and equipment will be deemed forfeited to the Lessor, and the Lessor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Lessee at the address specified in Paragraph 10 or at such address on record as provided to the Lessor by the Lessee. However, such remedy shall be in addition to all other remedies available to the Lessor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

19. REMOVAL COSTS/LIEN ON RIPARIAN UPLAND PROPERTY: Subject to the noticing provisions of Paragraph 18 of this lease, any costs incurred by the Lessor in removal of any structures and equipment constructed or maintained on state lands shall be paid by Lessee and any unpaid costs and expenses shall constitute a lien upon the Lessee's interest in the riparian upland property that is more particularly described in Attachment B. This lien on the Lessee's interest in the riparian upland property shall be enforceable in summary proceedings as provided by law.

20. RIPARIAN RIGHTS/FINAL ADJUDICATION: In the event that any part of any structure authorized hereunder is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Lessee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply with this paragraph shall constitute a material breach of this lease agreement and shall be grounds for immediate termination of this lease agreement at the option of the Lessor.

21. AMENDMENTS/MODIFICATIONS: This lease is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this lease must be in writing, must be accepted, acknowledged and executed by the Lessee and Lessor, and must comply with the rules and statutes in existence at the time of the execution of the modification or amendment. Notwithstanding the provisions of this paragraph, if mooring is authorized by this lease, the Lessee may install boatlifts within the leased premises without formal modification of the lease provided that (a) the Lessee obtains any state or local regulatory permit that may be required; and (b) the location or size of the lift does not increase the mooring capacity of the docking facility.

22. ADVERTISEMENT/SIGNS/NON-WATER DEPENDENT ACTIVITIES/ADDITIONAL ACTIVITIES/MINOR STRUCTURAL REPAIRS: No permanent or temporary signs directed to the boating public advertising the sale of alcoholic beverages shall be erected or placed within the leased premises. No restaurant or dining activities are to occur within the leased premises. The Lessee shall ensure that no permanent, temporary or floating structures, fences, docks, pilings or any structures whose use is not water-dependent shall be erected or conducted over sovereignty submerged lands without prior written consent from the Lessor. No additional structures and/or activities including dredging, relocation/realignment or major repairs or renovations to authorized structures, shall be erected or conducted on or over sovereignty, submerged lands without prior written consent from the Lessor. Unless specifically authorized in writing by the Lessor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Lessee to administrative fines under Chapter 18-14, Florida Administrative Code. This condition does not apply to minor structural repairs required to maintain the authorized structures in a good state of repair in the interests of public health, safety or welfare; provided, however, that such activities shall not exceed the activities authorized by this lease.

23. USACE AUTHORIZATION: Prior to commencement of construction and/or activities authorized herein, the Lessee shall obtain the U.S. Army Corps of Engineers (USACE) permit if it is required by the USACE. Any modifications to the construction and/or activities authorized herein that may be required by the USACE shall require consideration by and the prior written approval of the Lessor prior to the commencement of construction and/or any activities on sovereign, submerged lands.

24. COMPLIANCE WITH FLORIDA LAWS: On or in conjunction with the use of the leased premises, the Lessee shall at all times comply with all Florida Statutes and all administrative rules promulgated thereunder. Any unlawful activity which occurs on the leased premises or in conjunction with the use of the leased premises shall be grounds for the termination of this lease by the Lessor.

25. LIVEABOARDS: The term "liveaboard" is defined as a vessel docked at the facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within a thirty (30) day period. If liveaboards are authorized by paragraph one (1) of this lease, in no event shall such "liveaboard" status exceed six (6) months within any twelve (12) month period, nor shall any such vessel constitute a legal or primary residence.

26. GAMBLING VESSELS: During the term of this lease and any renewals, extensions, modifications or assignments thereof, Lessee shall prohibit the operation of or entry onto the leased premises of gambling cruise ships, or vessels that are used principally for the purpose of gambling, when these vessels are engaged in "cruises to nowhere," where the ships leave and return to the state of Florida without an intervening stop within another state or foreign country or waters within the jurisdiction of another state or foreign country, and any watercraft used to carry passengers to and from such gambling cruise ships.

27. SPECIAL LEASE CONDITION(S):

A. Use of kayak facilities is for non-motorized vessels such as kayaks and canoes only.

B. The observation platforms shall be for visual access only and shall not be utilized or accessible for boating use or mooring.

C. The permittee shall prohibit mooring, on either a temporary or permanent basis, along the observation platforms and boardwalk as depicted in Exhibit 2.0A. To ensure compliance, the permittee shall place and maintain: (1) handrails along the northern/eastern face of the structure, and (2) signs advising boaters that mooring at the above described locations, on either a temporary or permanent basis, is prohibited. Railings and signage shall be installed within 10 days of completion of the boardwalk. Handrails and signs shall be maintained during the term of this lease and all subsequent renewal terms.

[Remainder of page intentionally left blank; Signature page follows]

IN WITNESS WHEREOF, the Lessor and the Lessee have executed this instrument on the day and year first above written.

WITNESSES:

Siana D. Brown
Original Signature

Siana D. Brown
Print/Type Name of Witness

Kathy C Griffin
Original Signature

Kathy C Griffin
Print/Type Name of Witness

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

BY:

Brad Richardson
Brad Richardson, Chief, Bureau of Public Land Administration,
Division of State Lands, State of Florida Department of
Environmental Protection, as agent for and on behalf of the Board
of Trustees of the Internal Improvement Trust Fund of the
State of Florida.

"LESSOR"

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me by means of physical presence this 14th day of July, 2022, by Brad Richardson, Chief, Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. He is personally known to me.

APPROVED SUBJECT TO PROPER EXECUTION:

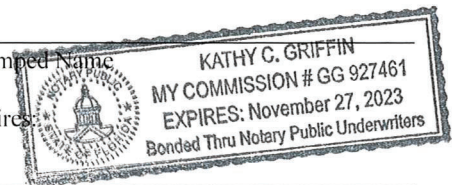
[Signature]
DEP Attorney
4/29/2022
Date

Kathy C Griffin
Notary Public, State of Florida

Printed, Typed or Stamped Name

My Commission Expires

Commission/Serial No.



"LESSEE"

Executed by CITY OF MIAMI, a municipal corporation of the State of Florida

By: _____

Arthur Noriega V, City Manager

ATTEST:

Todd B. Hannon, City Clerk

APPROVED AS TO FORM AND
CORRECTNESS:

**Victoria Méndez
City Attorney**

APPROVED AS TO INSURANCE
REQUIREMENTS:

**Ann-Marie Sharpe, Director
Risk Management Administrator**

STATE OF FLORIDA)

)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of ✓ physical presence or
online notarization this 6 day of July, 2022, by Arthur Noriega V, as City
Manager for the City of Miami, a municipal corporation of the State of Florida.

(NOTARY PUBLIC)

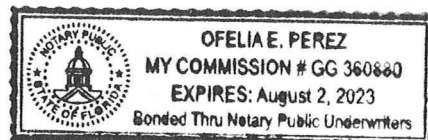
SEAL

Notary Public

(Printed, Typed or Stamped Name of
Notary Public)

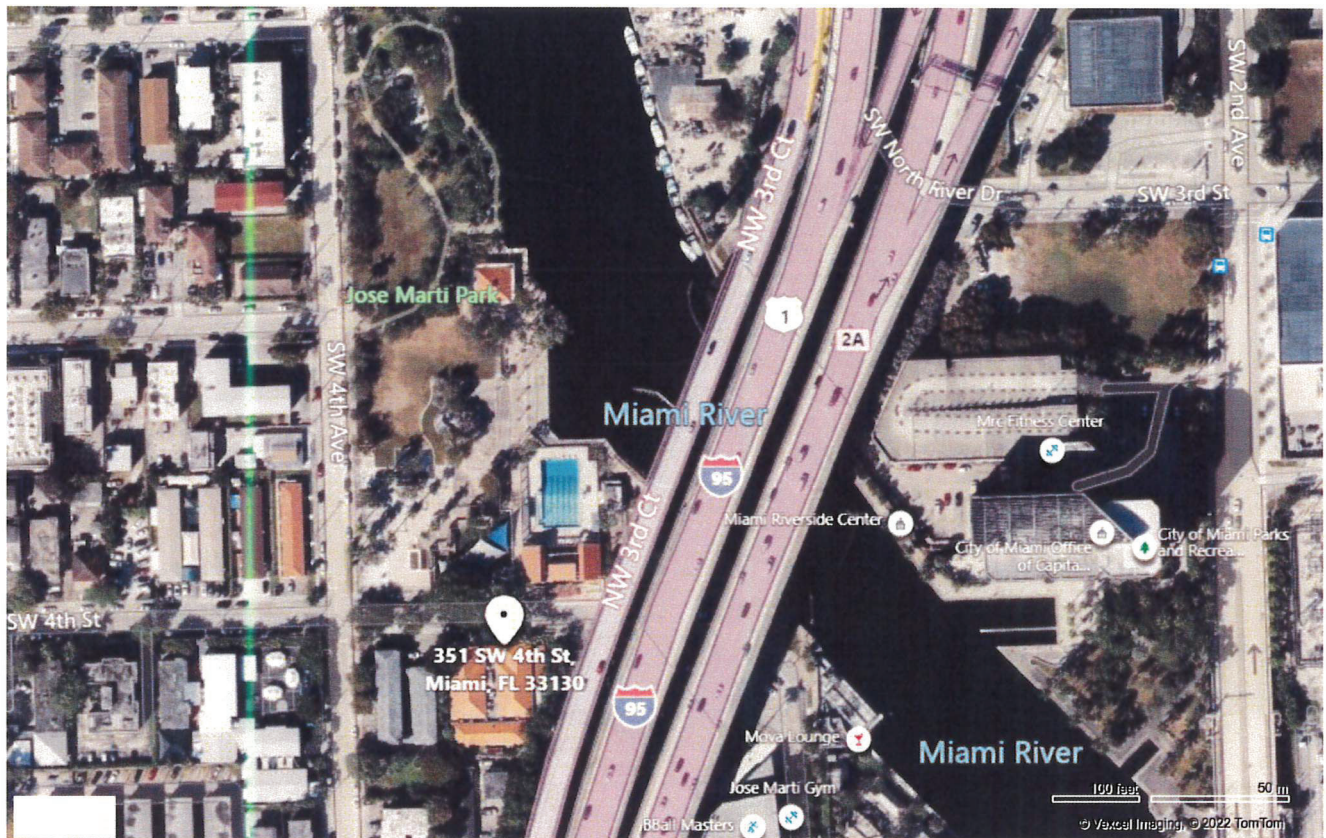
Commission No.: _____

My Commission Expires: _____

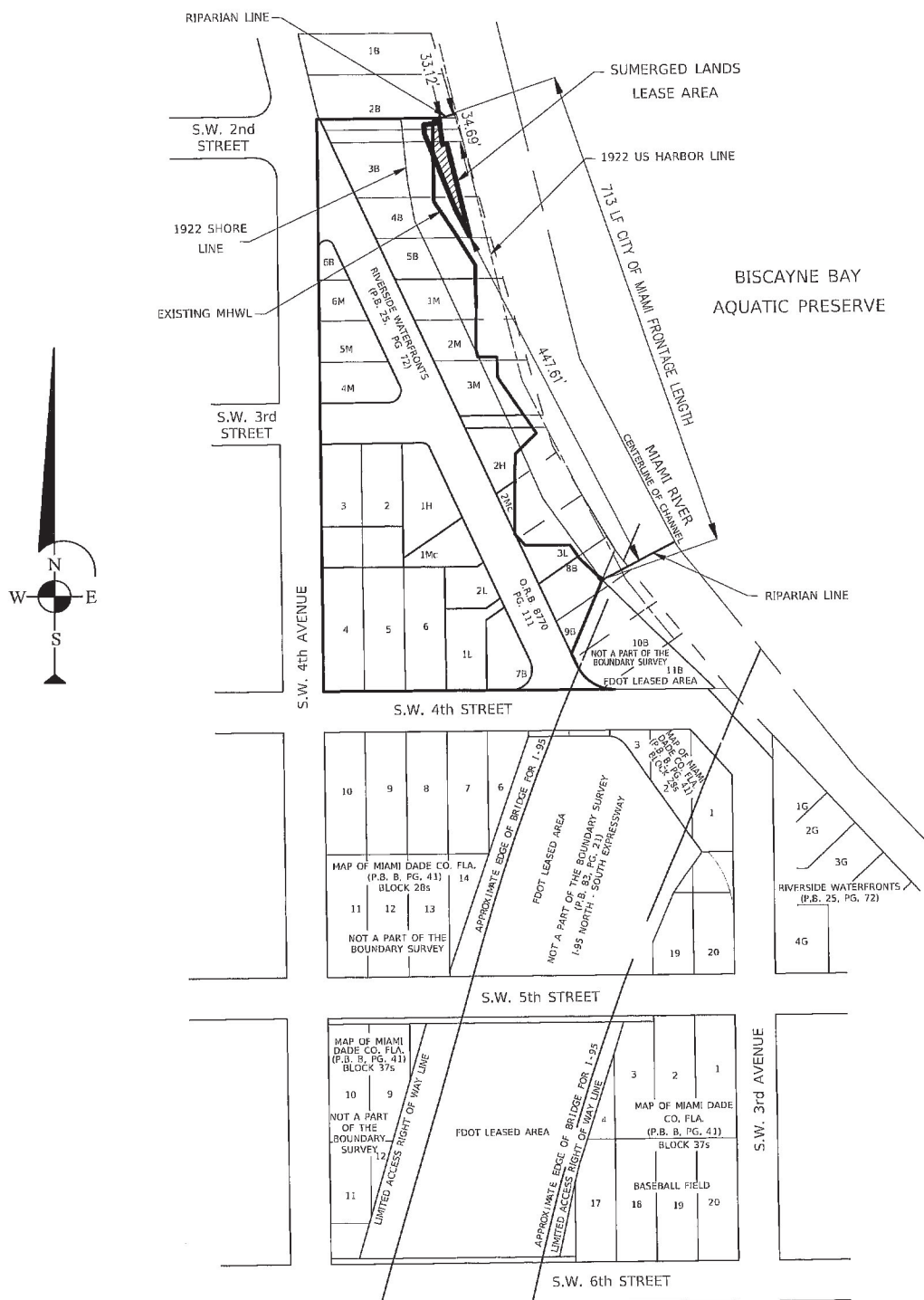




351 SW 4th St, Miami, FL 33130



KEY MAP:





















2 OF 5

SPECIFIC PURPOSE SURVEY

ABBREVIATIONS:



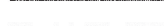
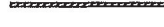






(M.)	=DENOTES MEASURED
(R.)	=DENOTES RECORD
(L.D.)	=DENOTES LEGAL DESCRIPTION
M.H.W.L.	=DENOTES MEAN HIGH WATER LINE
UTIL. ESMT.	=DENOTES UTILITY EASEMENT
UTIL.	=DENOTES UTILITY
F.H.	=DENOTES FIRE HYDRANT
ENCRO.	=DENOTES ENCROACHMENT
R/W	=DENOTES RIGHT OF WAY
SWK	=DENOTES SIDEWALK
M.H.	=DENOTES MAN HOLE
SQ. FT.	=DENOTES SQUARE FEET.
PKY	=DENOTES PARKWAY
L.P.	=DENOTES LIGHT POLE
PVMT	=DENOTES PAVEMENT
C.B.	=DENOTES CATCH BASIN
W.M.	=DENOTES WATER METER
W.V.	=DENOTES WATER VALVE
S.S.M.H.	=DENOTES SANITARY SEWER MANHOLE
T.B.M.	=DENOTES TEMPORARY BENCH MARK
FPL	=DENOTES FLORIDA POWER AND LIGHT
BELL. SO.	=DENOTES BELLSOUTH BOX
C.B.S. C & G	=DENOTES CONCRETE BLOCK & STUCCO
CONC.	=DENOTES CONCRETE
FD.P.K.	=DENOTES FOUND P.K. NAIL
FD.I.P.	=DENOTES FOUND 1/2" IRON PIPE (NO I.D.)
SET I.P.	=DENOTES SET 1/2"(18" LONG) IRON PIPE WITH CAP NO. 2262
FD. N&D	=DENOTES FOUND NAIL AND DISC
SET N&D	=DENOTES SET NAIL AND DISC 2262
Fd DH	=DENOTES FOUND DRILL HOLE
P.O.B.	=DENOTES POINT OF BEGINNING
P.O.C.	=DENOTES POINT OF COMMENCEMENT
FD.	=DENOTES FOUND
BLDG	=DENOTES BUILDING
F.F.ELEV.:	=DENOTES FINISH FLOOR ELEVATION
PG	=DENOTES PAGE
P.B.	=DENOTES PLAT BOOK
TYP	=DENOTES TYPICAL
SLLA	=DENOTES SUBMERGED LANDS LEASE AREA

LEGEND:

	MONUMENT LINE
	CENTERLINE
	PROPERTY LINE
	CATCH BASIN
	CURB INLET
	DRAINAGE
	MANHOLE SANITARY SEWER
	MANHOLE TELEPHONE
	MANHOLE FIRE HYDRANT
	GUARD POLE
	GUY ANCHOR
	SIGN
	CONCRETE
	LIGHT POLE
	WATER VALVE
	ELECTRIC VALVE
	TREE
	PALM

T-XXX NUMBER OF TREE or PALM

LINE TYPES:

	CHAIN LINK FENCE
	WOOD FENCE
	CONCRETE WALL
	IRON FENCE
	GUARD RAIL
	OVER HEAD WIRE
	RIGHT OF WAY LIMITS SURVEY
	TIE LINE
	CONCRETE
	PROPOSED LIVING SHORELINE PLANTER

LICENSED BUSINESS No.2439

MANUEL G.VERA AND ASSOCIATES, INC.

ENGINEERS-SURVEYORS & MAPPERS
13960 S.W. 47th ST. MIAMI, FLORIDA 33175

PHONE: (305) 221-6210 e-mail: snuin@mgvera.com

PROJECT NUMBER: 16-659

TYPE OF PROJECT: SPECIFIC PURPOSE SURVEY

PROJECT NAME: JOSE MARTI PARK

DATE: 04-26-2021

SCALE

SHEET

DRAWN BY: DH

N.A.

3 OF 5

SPECIFIC PURPOSE SURVEY

LEGAL DESCRIPTION SUBMERGED LAND LEASE AREA:

A PORTION OF RIVERSIDE WATERFRONTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25 AT PAGE 72 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN SECTION 1, TOWNSHIP 54 SOUTH, RANGE 41 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTERLINE INTERSECTION OF SW 4th AVENUE AND SW 2nd STREET; THENCE N 87°45'07" E ALONG THE CENTERLINE OF SAID SW 2nd STREET AND ITS EASTERLY EXTENSION, FOR A DISTANCE OF 25.00 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF SAID SW 4th AVENUE; THENCE N 02°14'53" W, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID SW 4th AVENUE FOR A DISTANCE OF 21.24 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF THE NORTH 20.00 FEET OF THE SOUTH 1/2 OF LOT 2B AS RECORDED IN SAID PLAT BOOK 25 AT PAGE 72 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; THENCE N 87°43'50" E ALONG SAID SOUTH LINE OF THE NORTH 20.00 FEET OF THE SOUTH 1/2 OF LOT 2B AS RECORDED IN SAID PLAT BOOK 25 AT PAGE 72 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FOR A DISTANCE OF 150.31 FEET; THENCE S 00°47'48" E FOR A DISTANCE OF 5.65 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE S 09°19'06" E FOR A DISTANCE OF 26.58 FEET; THENCE N 86°45'58" E FOR A DISTANCE OF 5.74 FEET; THENCE S 15°28'20" E FOR A DISTANCE OF 115.29 FEET TO THE POINT OF INTERSECTION WITH THE 1951 SHORELINE OF THE MIAMI RIVER AS TAKEN FROM AN AERIAL IMAGE; THENCE ALONG THE PREVIOUSLY DESCRIBED 1951 SHORELINE OF THE MIAMI RIVER FOR THE FOLLOWING TWO (2) COURSES; (1) THENCE N 29°58'24" W FOR A DISTANCE OF 35.63 FEET; (2) THENCE N 24°02'21" W FOR A DISTANCE OF 101.78 FEET; THENCE N 03°57'40" W FOR A DISTANCE OF 10.08 FEET; THENCE N 80°40'54" E FOR A DISTANCE OF 19.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,904 SQUARE FEET MORE OR LESS.

SURVEYOR'S REPORT:

THIS IS NOT A BOUNDARY SURVEY, THIS IS A SPECIFIC PURPOSE SURVEY TO DELIMIT THE SUBMERGED LAND LEASE AREA. THIS IS A FIELD SURVEY.

THIS SPECIFIC PURPOSE SURVEY WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 FLORIDA STATUTES AND TO CHAPTER 5J-17 OF THE F.A.C.

BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT OF 2011 (NAD83/11). A BEARING OF N 02°14' 53" W WAS ESTABLISHED ALONG THE CENTERLINE OF SW 4TH AVENUE.

NO EXCAVATION WAS MADE AS TO SHOW THE SUBJECT PROPERTY IS SERVED BY UTILITIES. SUBSURFACE UTILITIES, INCLUDING, BUT WITHOUT LIMITATION TO PIPES, WIRES, VAULTS, BOXES, DRAIN TILES, VOIDS, CABLES AND OTHER MATERIALS ANCILLARY TO THE DELIVERY AND/OR DISPOSAL OF WATER, WASTEWATER, SEWAGE, ELECTRICITY, GAS, TELEPHONE SERVICE, CABLE TELEVISION OR AS THEY MAY EXIST WITHIN, UPON, ACROSS OR ABUTTING THE SUBJECT PROPERTY WERE NOT PHYSICALLY LOCATED. OTHER SUBSURFACE STRUCTURES AS THEY MAY EXIST WITHIN, UPON, ACROSS OR ABUTTING THE SUBJECT PROPERTY WERE NOT LOCATED UNLESS OTHERWISE SHOWN ON THE SURVEY MAP OR ACCOUNTED FOR IN THE PRECEDING STATEMENT OF THIS SECTION. THIS NOTICE IS REQUIRED BY THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF FLORIDA, " PURSUANT TO RULE 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE.

THE SURVEY MAP IS INTENDED TO BE DISPLAYED AT THE STATED GRAPHIC SCALES IN ENGLISH UNITS OF MEASUREMENT AS DEPICTED ON THE SURVEY MAP. ATTENTION IS DIRECTED TO THE FACT THAT SAID SURVEY MAP MAY BE ALTERED IN SCALE BY REPRODUCTION AND MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.

THERE MAY BE UNDERGROUND UTILITIES CROSSING THIS PROPERTY.
UTILITY COMPANIES MUST BE NOTIFIED BEFORE ANY DIGGING OR CONSTRUCTION BEGINS ON THIS PROPERTY.

MEAN HIGH WATER ELEVATION (+)0.01' (NAVD88) WAS PROVIDED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP).

1922 HARBOR LINE TAKEN FROM RECORDED PLAT WATERSIDE RIVERFRONT AS RECORDED IN PLAT BOOK 25 AT PAGE 72 IS FOR INFORMATION PURPOSE ONLY. THE DEPARTMENT OF ENVIRONMENTAL PROTECTION RECOMMENDED TO USE THE 1922 HARBOR LINE PROVIDED BY THE US ARMY CORPS OF ENGINEERS. SEE SKETCH OF SURVEY.

DATE OF FIELD SURVEY: 03/03/20

CERTIFIED TO:

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

-CITY OF MIAMI

LICENSED BUSINESS No.2439

MANUEL G. VERA AND ASSOCIATES, INC.

ENGINEERS-SURVEYORS & MAPPERS
13960 S.W. 47th ST. MIAMI, FLORIDA 33175

PHONE: (305) 221-6210 e-mail: snuin@mgvera.com

PROJECT NUMBER: 16-659

TYPE OF PROJECT: SPECIFIC PURPOSE SURVEY

PROJECT NAME: JOSE MARTI PARK

DATE: 04-26-2021

SCALE

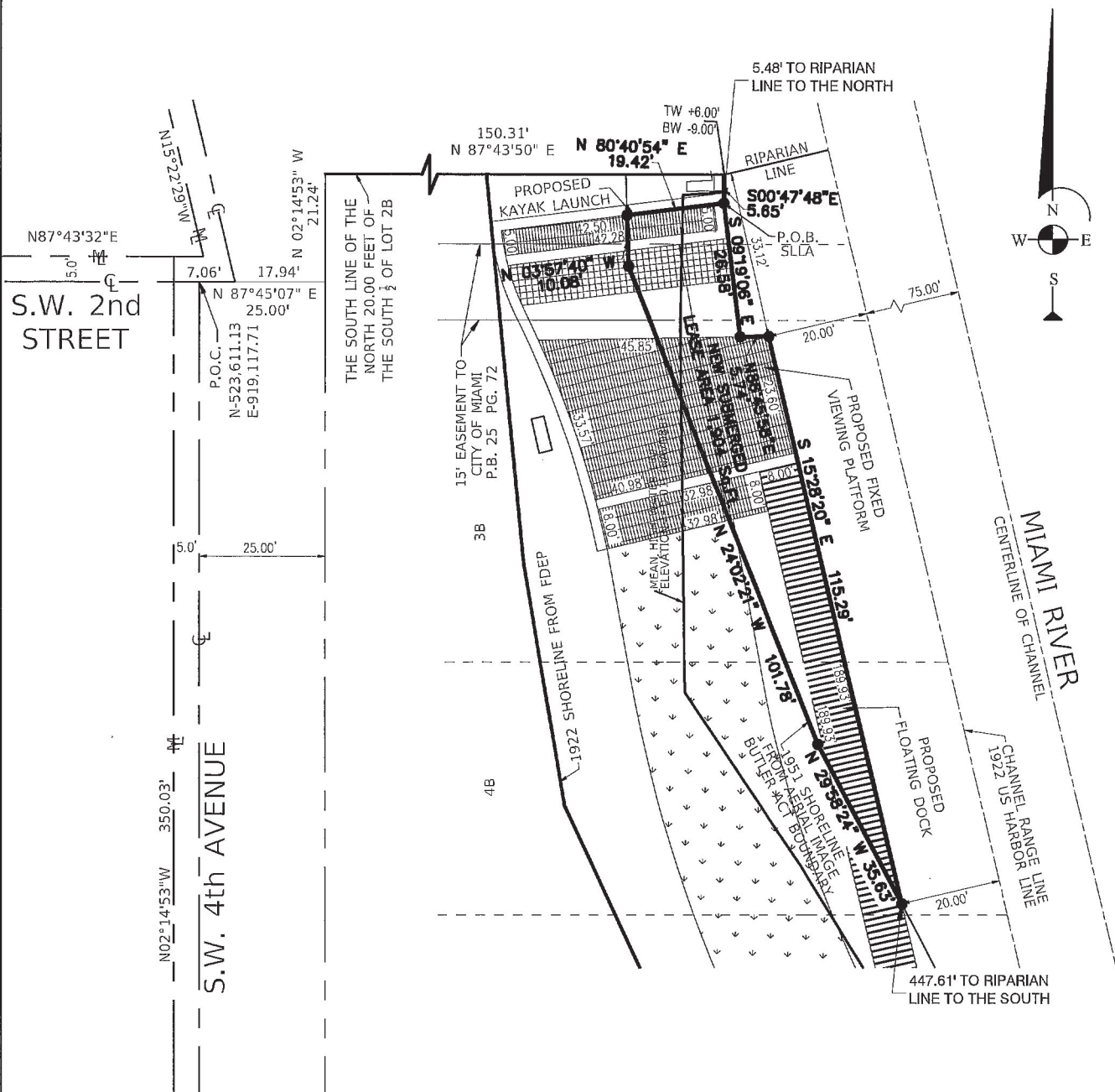
SHEET

DRAWN BY: DH

N.A.

4 OF 5

SPECIFIC PURPOSE SURVEY



LICENSED BUSINESS No.2439

MANUEL G.VERA AND ASSOCIATES, INC.

ENGINEERS-SURVEYORS & MAPPERS
13960 S.W. 47th ST. MIAMI, FLORIDA 33175

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PROJECT NUMBER: 16-659

TYPE OF PROJECT: SPECIFIC PURPOSE SURVEY

PROJECT NAME: JOSE MARTI PARK

DATE: 04-26-2021

SCALE

SHEET

DRAWN BY: DH

1"=30'

5 OF 5

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

DISCLAIMER

No. 42113(6815-13)

THIS DISCLAIMER made by and between the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, as Grantor, and CITY OF MIAMI, FLORIDA, a Florida municipal corporation, as Grantee;

WITNESSETH, that the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida pursuant to the provisions of Section 253.129, Florida Statutes, subject to any inalienable trust under which the State holds such lands, has released, relinquished, surrendered and disclaimed, and by these presents does hereby release, relinquish, surrender, and disclaim to said Grantee, whose address is 444 SW 2nd Avenue, Suite #10, Miami, Florida 33130, its successors and assigns, any and all right, title or interest, in and to the following described parcel of land located in Miami-Dade County, Florida, to-wit:

THE FOLLOWING THREE (3) PARCELS BEING A PORTION OF RIVERSIDE WATERFRONTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25 AT PAGE 72 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PART 1

COMMENCE AT THE CENTERLINE INTERSECTION OF SW 4TH AVENUE AND SW 2ND STREET; THENCE N 87°45'07" E ALONG THE CENTERLINE OF SAID SW 2ND STREET AND ITS EASTERLY EXTENSION, FOR A DISTANCE OF 25.00 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF SAID SW 4TH AVENUE; THENCE N 02°14'53" W, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID SW 4TH AVENUE FOR A DISTANCE OF 21.24 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF THE NORTH 20.00 FEET OF THE SOUTH 1/2 OF LOT 2B AS RECORDED IN SAID PLAT BOOK 25 AT PAGE 72 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; THENCE N 87°43'50" E ALONG SAID SOUTH LINE OF THE NORTH 20.00 FEET OF THE SOUTH 1/2 OF LOT 2B AS RECORDED IN SAID PLAT BOOK 25 AT PAGE 72 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FOR A DISTANCE OF 103.10 FEET TO THE POINT OF INTERSECTION WITH THE 1922 SHORELINE OF THE MIAMI RIVER AS PROVIDED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE CONTINUE N 87°43'50" E ALONG SAID SOUTH LINE OF THE NORTH 20.00 FEET OF THE SOUTH 1/2 OF LOT 2B FOR A DISTANCE OF 27.63 FEET TO THE POINT OF INTERSECTION WITH THE 1951 SHORELINE OF THE MIAMI RIVER AS TAKEN FROM AN AERIAL IMAGE; THENCE ALONG SAID 1951 SHORELINE OF THE MIAMI RIVER AS TAKEN FROM AN AERIAL IMAGE, FOR THE FOLLOWING DESCRIBED SEVEN (7) COURSES; 1) THENCE

S 03°57'40" E FOR A DISTANCE OF 18.11 FEET; 2) THENCE S 24°02'21" E FOR A DISTANCE OF 101.78 FEET; 3) THENCE S 29°58'24" E FOR A DISTANCE OF 101.95 FEET; 4) THENCE S 15°03'49" E FOR A DISTANCE OF 90.01 FEET; 5) THENCE S 11°12'48" E FOR A DISTANCE OF 64.76 FEET; 6) THENCE S 38°28'57" E FOR A DISTANCE OF 32.32 FEET; 7) THENCE S 48°34'41" W FOR A DISTANCE OF 29.45 FEET TO THE POINT OF INTERSECTION WITH THE 1922 SHORELINE OF THE MIAMI RIVER AS PROVIDED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, SAID POINT BEING POINT "A"; THENCE ALONG SAID 1922 SHORELINE OF THE MIAMI RIVER, FOR THE FOLLOWING DESCRIBED FIVE (5) COURSES; 1) THENCE N 25°39'01" W FOR A DISTANCE OF 24.82 FEET; 2) THENCE N 26°33'54" W FOR A DISTANCE OF 230.01 FEET; 3) THENCE N 27°17'03" W FOR A DISTANCE OF 46.39 FEET; 4) THENCE N 11°48'36" W FOR A DISTANCE OF 48.78 FEET; 5) THENCE N 07°45'15" W FOR A DISTANCE OF 77.09 FEET TO THE POINT OF BEGINNING.

AND

PART II

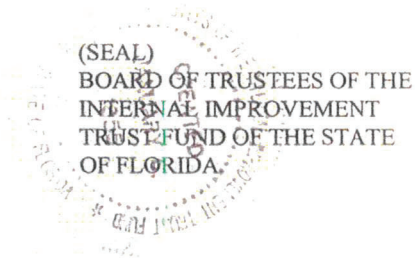
COMMENCE AT THE ABOVE ESTABLISHED POINT "A"; SAID POINT BEING ON THE 1922 SHORELINE OF THE MIAMI RIVER AS PROVIDED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; THENCE S 25°39'01" E, ALONG SAID 1922 SHORELINE OF THE MIAMI RIVER FOR A DISTANCE OF 34.82 FEET TO THE POINT OF INTERSECTION WITH THE 1951 SHORELINE OF THE MIAMI RIVER AS TAKEN FROM AN AERIAL IMAGE, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE ALONG SAID 1951 SHORELINE OF THE MIAMI RIVER AS TAKEN FROM AN AERIAL IMAGE, FOR THE FOLLOWING DESCRIBED FOUR (4) COURSES; 1) THENCE N 51°04'54" E FOR A DISTANCE OF 29.47 FEET; 2) THENCE S 36°54'58" E FOR A DISTANCE OF 106.74 FEET; 3) THENCE S 49°40'41" W FOR A DISTANCE OF 19.12 FEET; 4) THENCE S 52°41'49" W FOR A DISTANCE OF 16.74 FEET TO THE POINT OF INTERSECTION WITH THE 1922 SHORELINE OF THE MIAMI RIVER AS PROVIDED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, SAID POINT BEING POINT "B"; THENCE ALONG SAID 1922 SHORELINE OF THE MIAMI RIVER, FOR THE FOLLOWING DESCRIBED TWO (2) COURSES; 1) THENCE N 37°42'34" W FOR A DISTANCE OF 70.08 FEET; 2) THENCE N 25°39'01" W FOR A DISTANCE OF 37.62 FEET TO THE POINT OF BEGINNING.


AND

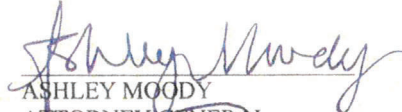
PART III

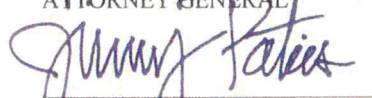
COMMENCE AT THE ABOVE ESTABLISHED POINT "B"; SAID POINT BEING ON THE 1922 SHORELINE OF THE MIAMI RIVER AS PROVIDED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; THENCE S 37°42'34" E, ALONG SAID 1922 SHORELINE OF THE MIAMI RIVER FOR A DISTANCE OF 14.87 FEET TO THE POINT OF INTERSECTION WITH THE 1951 SHORELINE OF THE MIAMI RIVER AS TAKEN FROM AN AERIAL IMAGE, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE ALONG SAID 1951 SHORELINE OF THE MIAMI RIVER AS TAKEN FROM AN AERIAL IMAGE, FOR THE FOLLOWING DESCRIBED FOUR (4) COURSES; 1) THENCE N 54°57'38" E FOR A DISTANCE OF 33.67 FEET; 2) THENCE S 27°53'14" E FOR A DISTANCE OF 18.89 FEET TO THE POINT OF INTERSECTION WITH THE LIMITED ACCESS RIGHT-OF-WAY LINE OF INTERSTATE I-95 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 87270-2425; 3) THENCE S 21°13'45" W, ALONG SAID LIMITED ACCESS RIGHT-OF-WAY LINE, FOR A DISTANCE OF 23.58 FEET; 4) THENCE S 53°17'42" W FOR A DISTANCE OF 10.22 FEET TO THE POINT OF INTERSECTION WITH SAID 1922 SHORELINE OF THE MIAMI RIVER AS PROVIDED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; THENCE N 37°42'34" W, ALONG SAID 1922 SHORELINE OF THE MIAMI RIVER, FOR A DISTANCE OF 32.16 FEET TO THE POINT OF BEGINNING.

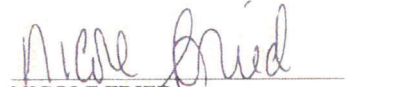
IN TESTIMONY WHEREOF, the members of the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA have hereunto subscribed their names and have caused the official seal of said BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA to be hereunto affixed in the City of Tallahassee, Florida, on this the 1st day of February A.D., 2020.



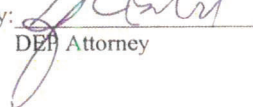

RON DESANTIS
GOVERNOR


ASHLEY MOODY
ATTORNEY GENERAL


JIMMY PATRONIS
CHIEF FINANCIAL OFFICER


NICOLE FRIED
COMMISSIONER OF AGRICULTURE

APPROVED AS TO FORM & LEGALITY

By: 
Jody Miller
DEP Attorney

As and Constituting the
BOARD OF TRUSTEES OF THE
INTERNAL IMPROVEMENT TRUST
FUND OF THE STATE OF FLORIDA

This Instrument Prepared by
Jody Miller
Department of Environmental
Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: November 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(K)

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
- ☐ Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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(K)
11-1-22

RESOLUTION NO. _____ R-1052-22

RESOLUTION TAKING ACTION ON A CLASS I PERMIT APPLICATION BY THE CITY OF MIAMI FOR THE FILLING OF TIDAL WATERS IN ASSOCIATION WITH THE INSTALLATION OF A SEAWALL AND HALOPHYTIC VEGETATION PLANTER AND FOR THE INSTALLATION OF FIXED AND FLOATING VIEWING PLATFORMS, KAYAK LAUNCH, WATER TAXI DOCK, MAINTENANCE DREDGING, REEF PANELS, AND RIPRAP LOCATED AT 351 SOUTHWEST 4TH AVENUE, IN THE CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA

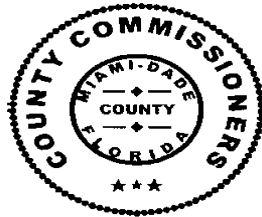
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within Section 24-48.3 of the Code of Miami-Dade County, hereby approves the application by the City of Miami for authorization for the filling of tidal waters in association with the installation of a new seawall and halophytic vegetation planter and for the installation of fixed and floating viewing platforms, kayak launch, water taxi dock, maintenance dredging, reef panels, and riprap located at 351 Southwest 4th Avenue, in the Miami River, within the City of Miami, Miami-Dade County, 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 **Eileen Higgins** and upon being put to a vote, the vote was as follows:

	Jose "Pepe" Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	absent	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	absent
Eileen Higgins	aye	Kionne L. McGhee	absent
Jean Monestime	aye	Raquel A. Regalado	aye
Rebeca Sosa	absent	Sen. Javier D. Souto	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of November, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

CJW

Christopher J. Wahl
Abbie Schwaderer-Raurell