

**MIAMI-DADE COUNTY  
FINAL OFFICIAL MINUTES  
Board of County Commissioners Zoning Board**

**Board of County Commissioners**  
Stephen P. Clark Government Center  
111 NW 1<sup>st</sup> Street  
Miami, Florida 33128

October 20, 2011  
As Advertised

Harvey Ruvin, Clerk  
Board of County Commissioners

Christopher Agrippa, Division Chief  
Clerk of the Board Division

Alan Eisenberg, Commission Reporter  
(305) 375-2510



**CLERK'S SUMMARY AND OFFICIAL MINUTES  
BOARD OF COUNTY COMMISSIONERS ZONING HEARING  
October 20, 2011**

The Board of County Commissioners met in regular session on October 20, 2011, at 9:58 a.m., in the County Commission Chambers on the Second Floor of the Stephen P. Clark Government Center, 111 N.W. First Street, Miami, Florida. Present upon roll call were Chairman Joe A. Martinez, Vice Chairwoman Audrey M. Edmonson, and Commissioners Bruno A. Barreiro, Lynda Bell, Esteban Bovo, Jr., Jose "Pepe" Diaz, Sally A. Heyman, Barbara J. Jordan, Jean Monestime, Dennis C. Moss, Rebeca Sosa, Javier D. Souto, and Xavier L. Suarez. Also present were Assistant County Attorney Craig Collier; Office of Zoning Evaluation Special Projects Administrator Jorge Vital and Office of Community Planning Interim Assistant Director Eric Silva; Clerk of the Board Division Chief Christopher Agrippa and Deputy Clerk Alan Eisenberg.

Chairman Martinez called the meeting to order at 10:00 a.m. and called for a moment of silence. This was followed by the Pledge of Allegiance.

ALL WITNESSES AND INTERPRETER(S) WERE SWORN IN BY THE DEPUTY CLERK PRIOR TO PRESENTING TESTIMONY BEFORE THE BOARD.

Department of Permitting, Environment and Regulatory Affairs (PERA), Office of Community Planning Interim Assistant Director Eric Silva announced that today's (10/20) agenda included three items.

Mr. Silva announced, in accordance with the Code of Miami-Dade County, all items on today's zoning meeting agenda were legally advertised in the newspaper, notices were mailed, and the properties were posted within prescribed timeframes. He noted additional copies of today's (10/20) agenda were available in the Chambers and presented the procedure to be followed during today's proceedings.

Mr. Silva presented the following applications:

**C. THE DEPARTMENT OF PLANNING & ZONING**

Assistant County Attorney Craig Collier informed members of the County Commission that he was advised by the Department of Permitting, Environment and Regulatory Affairs that individuals who previously appeared before the County Commission with concerns related to being included were now in agreement with the proposed zoning change.

Mr. Silva mentioned that the foregoing application by the Department of Planning and Zoning related to a District Boundary Change from multiple zoning districts to the Model City Urban Center District. He noted no protests and no waivers were filed regarding the foregoing application.

Chairman Martinez opened the public hearing and called for persons wishing to appear before the Board in connection with this application.

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Chairman Martinez closed the public hearing after no one appeared wishing to speak.

It was moved by Vice Chairwoman Edmonson to approve the Developmental Impact Committee's recommendation. This motion was seconded by Commissioner Monestime and upon being put to a vote, passed by a vote of 13-0.

The foregoing resolution was adopted by the Board and set forth in the Record of Resolutions and assigned #Z-12-11.

**A. SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS  
FLORIDA, LLC**

Mr. Silva mentioned that 191 protests and 518 waivers were filed regarding the foregoing application, which was to permit a lake excavation. Mr. Silva said the Department of Permitting, Environment and Regulatory Affairs (PERA) recommended the denial of this application.

Chairman Martinez noted the foregoing application was previously opened twice and heard by the County Commission. He inquired about the nature of the documentation entered into the record at the previous hearing.

Assistant County Attorney Collier informed Chairman Martinez that three items were submitted into the record subsequent to the public hearing being closed. He noted these items included: 1) the applicant's revised Declaration of Restrictions; 2) the United States Department of the Interior, National Park Service letter; and 3) the Everglades Foundation letter. Assistant County Attorney Collier said the public hearing needed to be opened today; however, it would be left to the County Commission's discretion whether the public hearing would be limited to addressing only these three items.

Chairman Martinez noted the public hearing would be opened only to address the three items as read into the record by the Assistant County Attorney.

Chairman Martinez proceeded to open the public hearing and called for persons wishing to appear before the Board in connection with this application.

Mr. Charles Boyd, 18400 SW 100 Street, Miami, asked, and Assistant County Attorney Collier clarified the three items that could be considered at today's public hearing.

Chairman Martinez asked Assistant County Attorney Collier and his colleagues on the County Commission to interrupt the testimony if any statements deviated from the three items under consideration.

The following persons appeared before the Board in opposition to this application:

Mr. Andres Fernandez, 18575 SW 100 Street, Miami;

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Mr. Charles Boyd, 18400 SW 100 Street, Miami;

Ms. Cara Capp, 7300 N. Federal Highway, #200, Boca Raton, representing Clean Water Action;

Mr. Jorge Abreu, 10100 SW 177 Avenue, Miami;

Ms. Stephanie Cornejo, 5530 Sunset Drive, Miami, representing Tropical Audubon Society;

Mr. Robert Hartsell, 2407 SE 14 Street, Pompano Beach, representing Andres Fernandez;

Angel Santos, Charles News, 1000 Friends of Florida, National Parks Conservation Association, Tropical Audubon Society, and Clean Water Action.

Mr. Hartsell submitted additional affidavits into the record from local residents who were considering challenges to the development and the revised Declaration of Restrictions. He noted these affidavits related to the creation of a Homeowners' Task Force as set forth in Item No. 21 of the Declaration of Restrictions and to current injuries suffered by local residents.

Assistant County Attorney Collier advised that the public hearing was limited to the three new documents previously identified and that it would be appropriate to submit these affidavits into the record providing that they addressed Item No. 21 of the revised Declaration of Restrictions.

Ms. Kerri Barsh, Greenberg Traurig, LLC, 333 Avenue of the Americas, Suite 4400, Miami, Attorney representing the co-applicant, Cemex Construction Materials Florida, LLC, (CEMEX), objected to the introduction of these affidavits because her client had the right to cross examine and could not cross examine an affidavit.

Assistant County Attorney Collier noted letters received from individuals who were not present were considered hearsay evidence and such evidence was permitted in a quasi judicial proceeding if supported by substantial competent evidence in the record. He said that affidavits could be admitted to the extent that those affidavits supported live testimony about Task Force concerns; however, the Board should not consider any content beyond actual testimony. Assistant County Attorney Collier clarified that Mr. Hartsell's request should be limited to the three documents and the letters should only be admitted if they supported live testimony.

Chairman Martinez instructed the Clerk of the Board to forward any documentation received from Mr. Hartsell to the County Attorney to determine its appropriateness prior to distribution to the Board.

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Mr. Jose Villalobos, Akerman Senterfitt, LLP, One Southeast Third Avenue, Miami, Attorney representing the co-applicant, CEMEX, requested a copy of the affidavit.

Assistant County Attorney Collier noted for the record the applicant was provided with a copy of the foregoing affidavits.

Mr. Hartsell noted Mr. Angel Santos, Mr. Charles Boyd, and Mr. Andres Fernandez were present at today's meeting and were prepared to be cross examined if desired. He said the affidavits addressed home and health impacts and seepage issues that were not resolved by the Task Force. Mr. Hartsell noted the County would be responsible for attorney's fees and costs associated with the enforcement of the covenant. He said enforcement agencies would not pursue enforcement efforts if they believed the County was subject to paying attorney's fees in the event that enforcement issues were questionable. Mr. Hartsell also indicated that the declaration did not include a provision requiring the applicant to obtain the Board's approval prior to commencing work on Phase 2. He concluded that residents wanted to stop existing mining and not add additional mining.

The following persons appeared before the Board in support of this application:

Mr. Tom MacVicar, 4524 Gun Club Road, West Palm Beach, Licensed Professional Engineer, representing CEMEX, noted his support of the National Parks Service letter and his opposition to the Everglades Foundation letter. He noted this proposal was introduced near the end of a three-year, multimillion dollar federal comprehensive environmental impact statement analysis which reviewed issues associated with the proposed mining. Mr. MacVicar said that a Florida Department of Environmental Protection approved permit and a Department of Environmental Resources Management Letter of Concurrence were obtained; and both the U.S. Army Corps of Engineers and South Florida Water Management District had no objections to the project. He expressed the belief that the Everglades Foundation staff had performed no actual analysis of their own; but rather had simply read the documents which they misquoted and in some instances they fabricated information. Mr. MacVicar assured Board members that the project was thoroughly analyzed by all agencies and no evidence existed of any threats to the County's water supply or quality.

Mr. Cliff Kirkmyer, 131 Old Meadow Way, Palm Beach Gardens, CEMEX employee, noted the Everglades National Park staff supported the project after they conducted an independent seepage impact test. He said the proposed Declaration of Restrictions would make this site the most restricted and watched mine site throughout the County, and asked the Board to support the application.

Mr. Alan MacVicar, 1501 Belvedere Road, West Palm Beach, CEMEX Director of Environmental Permitting and Community Relations, noted CEMEX held two community meetings; however, only two people participated in the first meeting and

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none in the second meeting. He said CEMEX was willing to discuss issues with the neighboring communities and asked the Board to support this application.

Mr. Peter Lyons, 106 Nativa Circle, North Palm Beach, CEMEX Vice President and General Manager, explained that CEMEX wanted to be a good responsible neighbor; one that would listen to and address the concerns of surrounding residents. He pointed out that CEMEX received the Wildlife Habitat Council's highest award for its community relations efforts. Mr. Lyons indicated that CEMEX operated at this location for the past 50 years and asked the Board to support this application.

Ms. Kerri Barsh noted the original proposal consisted of over 300 acres; however, the covenant being presented today was reduced to 172 acres. She showed a map which depicted Phase 1, representing an 8-percent expansion of the previously permitted mining to the north; more than one-half mile setback from the park; and 12-15 homes located to the south. Ms. Barsh said that the covenant also restricted the timeframe to ten-years from commencement. She noted Item No. 20 of the covenant addressed approval requirements for Phase 2 as follows: "further excavation, blasting or mining on the Property outside the Phase 1 area shall require public hearing approval by the County Commission." Ms. Barsh noted Item No. 21 did not limit the Homeowner's Task Force scope, and CEMEX wanted to discuss residents' concerns and identify potential solutions. She pointed out that Paragraph 2 of the Parks Service's letter indicated that they supported Phase 1 lake excavation that was no closer than 2,700 feet from the park boundary. Ms. Barsh commented that the proposed excavation was farther away than 2,700 feet.

Ms Barsh explained that the proposal was already reviewed by federal, State and County departments and recommended for approval with no objections, with the exception of the former Department of Planning and Zoning (DPZ). She said, however, that the DPZ determined the proposal was consistent with the Comprehensive Development Master Plan (CDMP). In conclusion, Ms. Barsh indicated that compatibility issues were addressed through the reduction in the number of acres; the restrictions in distance and time; the creation of a Homeowners' Task Force; and the establishment of an escrow account for inspection and enforcement of the covenant. She asked the Board for a favorable vote.

Assistant County Attorney Collier noted several individuals present at today's meeting were the subjects of the affidavits presented into the record by Mr. Hartsell. He advised the Chairman to grant the applicant the right to cross examine these individuals before closing the public hearing.

Mr. Howard Nelson, Bilzin Sumberg Baena Price & Axelrod LLP, 13450 Brickell Avenue, 23<sup>rd</sup> Floor, Miami, declined the right to cross examine these individuals.

Chairman Martinez closed the public hearing after no other persons appeared wishing to speak.

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Commissioner Sosa noted it was inconsistent for PERA not to recommend approval of this application. She pointed out that the proposed application was determined to be consistent with the CDMP and rock mining existed before the County authorized construction of homes in the surrounding area. Commissioner Sosa questioned whether potential homebuyers were informed of rock mining operations, and if not, noted their

rights were violated. She said that the Board did not have the right to deny this application if it was consistent with the CDMP.

Mr. Silva responded that PERA's recommendation was based upon a two-phased test. The first test was based on the CDMP land use plan map and interpretive text which described what was allowed in that map. He noted PERA determined that the use was allowed in that category and was allowed in the map. Mr. Silva said the second test was based on the CDMP goals, objectives and policies. He noted policies existed within the CDMP to protect residential areas from noise and vibration.

Commissioner Sosa indicated that the proposed lake excavation was an expansion of an existing use; it was consistent with the CDMP; and its approval would be incompatible with the majority of properties in the surrounding area, according to PERA. She questioned who authorized construction permits for surrounding homes when the rock mining previously existed.

Mr. Silva explained that the properties located approximately 4,000 feet from existing rock mining were approved as a matter of right based on 1 unit per five acres, mostly in the late 1980's and a few in the early 2000's. Responding to Commissioner Sosa's question whether the County was required to advise potential homeowners of the close proximity of a mining operation, Mr. Silva noted he was unaware of such a requirement.

Chairman Martinez commented that he believed a notification requirement existed and asked Mr. Silva to look further into this requirement.

Commissioner Sosa said that people had a right to know if anything surrounding their homes would affect their quality of life. She asked Assistant County Attorney Collier to verify whether any such requirements existed and if not, she would propose future legislation. Commissioner Sosa indicated that the neighbors living immediately adjacent to the proposed rock mining should be actively involved in the proposed Neighborhood Task Force with representatives from the County and the Developer, rather than those living outside of the immediate area.

Ms. Barsh responded to Commissioner Sosa that CEMEX would agree to her request that residents living in close proximity to the rock mining participated in the proposed Neighborhood Task Force. She said that CEMEX would propose and submit a modification to the covenant that would address Commissioner Sosa's request.

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Assistant County Attorney Collier advised that the approval of this application could be conditioned to the modification of the covenant to include in the Neighborhood Task Force property owners directly adjacent to the proposed excavation.

Chairman Martinez pointed out that homeowners should be invited but they could not be forced to participate in the Neighborhood Task Force.

Commissioner Sosa noted the National Park Service letter recommended that several conditions related to seepage control and monitoring of adjacent land be added to the seepage management plan to protect the environment. She asked whether an amendment pertaining to these concerns could be proposed.

Assistant County Attorney Collier responded that Phase 2 required a public hearing; therefore, there was no guarantee that Phase 2 would be approved. He advised that the public hearing would be the appropriate time to condition the approval of Phase 2 to a seepage management plan; however, he noted, the same result could be reached by including the wording "in the event that Phase 2 should be approved."

Commissioner Heyman indicated that she previously opposed this application based upon environmental concerns. She asked Assistant County Attorney Collier to clarify the relationship between the Declaration of Restrictions and the Covenant.

Assistant County Attorney Collier explained that the terms Declaration of Restrictions and Covenant were used interchangeably. He noted a covenant's formal title was a declaration of restrictions and both had the same authority and could be enforced.

Commissioner Heyman pointed out that rock mining operations needed to coexist with a rural residential community. She noted concern that although Item No. 8 of the Declaration of Restrictions specified the lake excavation operation hours, it also permitted work outside of those hours when the Department Director determined it was not a nuisance to the surrounding area.

Ms. Barsh explained that this was a standard condition included in lake excavation approvals; however, in accordance with CEMEX's Good Neighbor policy, CEMEX would not oppose removing this clause permitting work outside the designated work hours.

Assistant County Attorney Collier clarified that the applicant agreed with Commissioner Heyman's condition of approval and was prepared to propose a covenant modification to eliminate the Department Director's discretion for an expansion of hours.

Commissioner Heyman inquired about the Neighborhood Task Force's structure and who would have authority over that body.

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Ms. Barsh responded that it was envisioned that the County would assume responsibility for Neighborhood Task Force coordination and CEMEX would provide a suitable location to conduct its meetings.

Commissioner Heyman asked the Assistant County Attorney whether Item No. 21 creating the Homeowners Task Force could include provisions that the County chair the Task Force; that additional County staff serve on the Task Force; and that the Task Force hold quarterly meetings to discuss items of concern.

Assistant County Attorney Collier advised that although Commissioner Heyman's request was legally permissible, it was up to the Board to determine PERA's level of involvement. He said language specifying that the Neighborhood Task Force's Chairperson shall be a County representative could be included in the Declaration of Restrictions if that was acceptable to CEMEX.

Commissioner Heyman expressed concern about seepage, drinking water, well fields and water supply issues, and asked PERA to comment on the impact of this application on the environment.

Mr. Lee Heffty, PERA Assistant Director, responded that this project received State approval; however, he noted, a small amount of wetlands existed which would be impacted.

Commissioner Heyman questioned whether the 13 foot berm was designed with the optimal benefit for the surrounding area.

Chairman Martinez explained that the berm was established at that level for aesthetic reasons and he was not aware of the rationale for its 13 foot height.

Mr. Alan MacVicar clarified that a 15 foot berm was proposed and that additional vegetation planted on top of the berm would create a 30 foot barrier.

In response to Commissioner Heyman's question whether the vegetation was included in the Declaration of Restrictions; Ms. Barsh noted that Item No. 15 entitled Landscaped Berm addressed this concern.

Commissioner Heyman noted her support for this application based upon the substantial reduction in project size and efforts made by the applicant in the proposed covenants. She asked that the two changes agreed to by the applicant be included in the Declaration of Restrictions.

Assistant County Attorney Collier clarified that the changes to the Declaration of Restrictions were 1) to remove the Department Directors' discretion over the hours of operation, and 2) to appoint a County representative as Neighborhood Task Force Chairperson.

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Commissioner Heyman commented that the covenant specified that the Neighborhood Task Force should include a County representative. She said having County staff serve as its Chairperson would provide the necessary independence and the person could report to either the District Commissioner or the entire Board.

In response to Chairman Martinez' inquiry, Ms. Barsh clarified that the Neighborhood Task Force would meet on a quarterly basis.

Assistant County Attorney Collier noted the covenant already provided that County staff would be invited; however, the request under discussion was for County staff to chair the meetings of the Neighborhood Task Force.

Commissioner Moss asked Assistant County Attorney Collier to clarify Mr. Hartsell's earlier comment that the County would be held responsible for the payment of attorney's fees.

Assistant County Attorney Collier responded that he heard Mr. Hartsell's comment; however, he was not aware of the specific instance where the County would need to pay attorneys' fees.

Chairman Martinez clarified that Mr. Hartsell was referring to an instance where the County initiated an investigation or lawsuit and did not prevail.

Assistant County Attorney Collier pointed out that Item No. 27 of the Declaration of Restrictions related to enforcement provisions. He proceeded to read this provision into the record: "Enforcement shall be by action against any parties or persons violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney." Assistant County Attorney Collier informed the members of the Board that he was unsure whether the provision as read was consistent with the County's standard enforcement language.

Commissioner Moss asked Assistant County Attorney Collier to look into whether the enforcement language was appropriate and whether the County would be obligated to pay attorney's fees.

Commissioner Moss noted rock mining existed around Krome Avenue; however, the majority of activity was north of the proposed project, and not south of the project with the exception of Homestead and Florida City. He added that rock mining was an allowable use in an AU area, although it was an unusual use as it was not directly related to agriculture. Commissioner Moss said that a public process and a 2/3 vote of the Board was needed to approve an unusual use application due to the County's focus on agriculture. He asked Assistant County Attorney Collier to confirm his understanding that

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due to compatibility issues, the right for that use was not automatically granted, even though the use was allowed within a District.

Assistant County Attorney Collier advised that rock mining was considered an unusual use in areas outside the Rock Mining Overlay Zoning District. He explained that two tests were used to determine unusual use: 1) whether the use was consistent with the comprehensive plan, and 2) whether it was compatible with the surrounding areas. He noted a 2/3 vote of the Board was needed because the subject property was located within one mile of Krome Avenue and outside the Uniform Development Boundary (UDB).

Commissioner Moss questioned whether an applicant applying for a rock mining use was entitled by law to that use or whether the use was subject to the approval of the Board after it applied the two tests used to determine unusual use.

Assistant County Attorney confirmed that approval was based upon obtaining a 2/3 vote of the Board after applying the two tests.

Commissioner Moss stated that if the Board took the position that by right someone could practice rock mining because it was an allowable use in an AU area, then another lake belt would be created and rock mining could be practiced outside the UDB, throughout southwest Miami-Dade County. He said an allowable use did not mean it was a use by right or entitlement, even though an allowable use could be approved by the Board after meeting the two tests.

Commissioner Jordan asked whether the County had an enforcement responsibility for violations of covenant provisions.

Assistant County Attorney Collier responded that the County was responsible for the enforcement of covenants and in this capacity would respond to any violations of those covenants.

Commissioner Jordan noted a potential conflict with County staff chairing the Neighborhood Task Force. She said that staff would be expected to address potential violations and maintain meeting minutes. Commissioner Jordan indicated that she preferred inviting County staff and other individuals more closely connected to the impacts to serve on the Task Force as recommended by Commissioner Sosa. She said that even in the absence of a conflict, the appearance of a conflict would exist if County staff were to chair a body which had the responsibility to enforce potential violations.

Assistant County Attorney Collier responded that he did not believe a conflict would exist if County staff were to chair the Neighborhood Task Force; however, the Board needed to make a policy decision as to whether the Department should be involved on the Task Force or whether the Department should serve as the enforcement agency.

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Commissioner Jordan noted although a technical conflict would not exist, the appearance of a conflict would remain.

Commissioner Heyman clarified that she proposed County staff chair the Neighborhood Task Force to promote an independent forum for the discussion of concerns and issues. She noted she concurred with Commissioner Jordan's concerns and withdrew her request that a County representative be appointed as the Task Force Chairperson.

Ms. Barsh noted for the record that CEMEX would defer to the Board's decision over whether or not the Neighborhood Task Force would be chaired by County staff.

Commissioner Jordan expressed her support for this proposal based upon numerous concessions made in the covenant and the reduction in project size.

It was moved by Chairman Martinez to approve the application as amended with the following conditions: that the applicant submit a revised covenant within 30 days; that the Department Directors' discretion over the hours of operation be removed from paragraph 8; that neighbors immediately adjacent to the subject property be invited to Neighborhood Task Force meetings; and that the standard enforcement conditions be incorporated as proposed by PERA. This motion was seconded by Commissioner Diaz and upon being put to a vote, passed by a vote of 10-3; (Commissioners Moss, Souto and Suarez voted "No").

The foregoing resolution was adopted by the Board and set forth in the Record of Resolutions and assigned #Z-13-11.

**ITEM B 11:30:34**

Mr. Silva noted one protest and no waivers were filed regarding the foregoing application. He said the Department of Permitting, Environment and Regulatory Affairs (PERA) recommended the approval of this application subject to the condition that the site plan submitted on October 19, 2011 be referenced.

Assistant County Attorney Collier informed the Board that the public hearing was previously closed on this application; however, he noted the public hearing could be opened for comments related only to the new site plan.

Chairman Martinez opened the public hearing and called for persons wishing to appear before the Board in connection with this application.

Mr. Jason Molder, Molder Legal Group, P.A., 8201 Peters Road, #1000, Plantation, representing Downtown Dadeland Condominium Associations (DDCA), No(s). 1, 2, 3 & 4, Inc., noted he had voiced objections at the previous zoning hearing. He said that subsequently, the issues regarding the wording of limiting conditions were resolved pursuant to an October 10, 2011 meeting with Mr. Fernandez, who represented

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Downtown Dadeland Retail (DDR), LLC. Mr. Molder said that DDCA would withdraw its objections to this proposal if Mr. Fernandez accepted the site plan submitted today.

Chairman Martinez closed the public hearing after no other persons appeared wishing to speak.

Assistant County Attorney Collier pointed out that Mr. Molder asked that applicant place a statement into the record indicating that the site plan was consistent with an agreement made at their previous meeting.

Mr. Fernandez noted for the record, that DDR's site plan was consistent with previous meetings with Mr. Molder, and with the plans submitted to the Association and to staff.

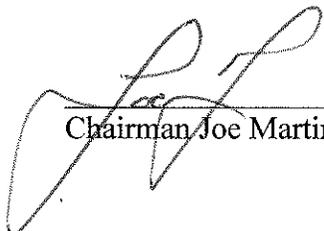
Mr. Molder indicated that his clients agreed to withdraw their objections.

It was moved by Commissioner Suarez to approve the appeal in accordance with the request as modified and in accordance with the new site plan dated October 19, 2011. This motion was seconded by Commissioner Heyman and upon being put to a vote, passed by a vote of 13-0.

The foregoing resolution was adopted by the Board and set forth in the Record of Resolutions and assigned #Z-14-11.

All exhibits submitted for the record at today's meeting were transferred to the care, custody and control of the Department of Permitting, Environment and Regulatory Affairs.

There being no further business to come before the Board, the Zoning meeting was adjourned at 11:38 a.m.

  
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Chairman Joe Martinez

ATTEST: HARVEY RUVIN, Clerk

By:   
\_\_\_\_\_  
Christopher Agrippa, Deputy Clerk



**BOARD OF COUNTY COMMISSIONERS**  
**ZONING HEARING**  
**October 20, 2011**

Prepared by: Alan Eisenberg

**EXHIBITS LIST**

<b>NO.</b>	<b>DATE</b>	<b>ITEM #</b>	<b>DESCRIPTION</b>
1	10/20/2011		Exhibits List
2	10/20/2011		Zoning Hearings
2	10/20/2011		Official Zoning Agenda
3	10/20/2011		Zoning Action Sheets
4	10/20/2011	A	Declaration of Restrictions
5	10/20/2011	A	Everglades Foundation Letter
6	10/20/2011	A	United States Department of the Interior, National Park Service Letter
7	10/20/2011	A	Affidavits in opposition to the Cemex Construction La Hacienda mine
8	10/20/2011	A	Speaker's Cards: Against
9	10/20/2011	A	Speaker's Cards: For
10	10/20/2011	A	Standard Enforcement Conditions
12	10/20/2011	B	Speaker's Card
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**BOARD OF COUNTY COMMISSIONERS  
ZONING HEARINGS  
THURSDAY, OCTOBER 20, 2011**

**PLACE OF MEETING:** COUNTY COMMISSIONERS CHAMBERS  
OF THE STEPHEN P. CLARK CENTER – 2<sup>ND</sup> FLOOR  
111 NW 1 STREET, MIAMI

**TIME OF MEETING** 9:30 A.M.

<u>PREVIOUSLY DEFERRED</u>		<u>HEARING #</u>	<u>DISTRICT</u>
<b>A.</b>	<b><u>SANTA FE HACIENDAS, LLC &amp; CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC.</u></b>	<b>09-176</b>	<b>11</b>
Request(s):	- This application seeks to allow a lake excavation.		
Location:	Lying west of SW 177 Avenue (Krome Avenue) and south of theoretical SW 90 Street, Miami-Dade County, Florida. Outside the Urban Development Boundary (UDB).		
<b>B.</b>	<b><u>DOWNTOWN DADELAND RETAIL, LLC</u></b>	<b>10-44</b>	<b>7</b>
Request(s):	- Appeal of CZAB 12 denial of signage variances in the Downtown Kendall Urban Center District		
Location:	Lying South of SW 88 Street, between SW 72 Court and SW 72 Place, Miami-Dade County, Florida, Within the Urban Development Boundary (UDB)		
<b>C.</b>	<b><u>THE DEPARTMENT OF PLANNING &amp; ZONING</u></b>	<b>10-26</b>	<b>2 &amp; 3</b>
Request(s):	- District Boundary Change from multiple zoning districts to Model City Urban Center District (MCUCD)		<b>DIC</b>
Location:	Lying generally between NW 38 Street and NW 64 Street, from NW 19 Avenue to NW 31 Avenue, Miami-Dade County, Florida. Within the Urban Development Boundary (UDB)		



# Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

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COUNTY COMMISSION MEETING OF THURSDAY, OCTOBER 20, 2011

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COMMISSION CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE CHAMBERS TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

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**A. SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION  
MATERIALS FLORIDA, LLC (11-3-CC-2/09-176)**

**01-55-38  
BCC/District 11**

(1) UNUSUAL USE to permit a Lake Excavation.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Prop. Lake Excavation" as prepared by Fortin, Leavy, Skiles, Inc., Sheet '2-A' dated stamped received 9/27/10 and the remaining 4 sheets dated stamped received 8/17/10 for a total of 5 sheets. Plans may be modified at public hearing.

LOCATION: Lying West of S.W. 177 Avenue (Krome Avenue) and South of theoretical S.W. 90 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 412 Acres

Department of Planning and Zoning  
Recommendation:

Denial without prejudice.

Protests: 191

Waivers: 518

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

Deferred from 10-06-11

---

**B. DOWNTOWN DADELAND RETAIL, LLC (10-11-C12-3/10-044)**

**02-55-40  
BCC/District 07**

Applicant is appealing the decision of CZAB12 which denied without prejudice the following:

- (1) Applicant is requesting to waive the zoning regulations permitting only one of each sign type, up to a total of three signs per street frontage, per tenant; to permit additional cantilever projecting signs (1 permitted) per street frontage, per tenant and to permit the cantilever projecting signs with an area of 55.67 square feet (8 square feet maximum permitted).
- (2) Applicant is requesting to permit cantilever projecting signs to encroach into the right-of-way (not permitted).
- (3) Applicant is requesting to permit directional signs with a height varying from 10'2" to 13' (4' maximum permitted).
- (4) Applicant is requesting to permit directional signs with logos (not permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Downtown Dadeland" as prepared by Architecture Design, consisting of 10 sheets dated stamped received 7/9/10. Plans may be modified at public hearing.

LOCATION: Lying South of S.W. 88 Street, between S.W. 72 Court & S.W. 72 Place,  
Miami-Dade County, Florida.

SIZE OF PROPERTY: 7.42 Acres

Department of Planning and Zoning  
Recommendation:

Approval with conditions.

Protests: \_\_\_\_\_ 1 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

DENIAL OF APPEAL (SUSTAIN C.Z.A.B.): \_\_\_\_\_

APPROVAL OF APPEAL (OVERRIDE C.Z.A.B.): \_\_\_\_\_

DEFERRED: \_\_\_\_\_

Deferred from 10-06-11

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**C. THE DEPARTMENT OF PLANNING & ZONING (11-10-CC-1/10-026) 16/15/21/22-53-41  
BCC/District 02 & 03**

GU, RU-1, RU-1Z, RU-2, RU-3, RU-3B, RU-3M, RU-4, RU-4A, RU-4L, BU-1, BU-1A, BU-2, BU-3, IU-1, IU-2 to Model City Urban Center District (MCUCD).

LOCATION: Lying generally between N.W. 38 Street and N.W. 64 Street, from N.W. 19 Avenue to N.W. 31 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 386.3 Acres

Developmental Impact Committee  
Recommendation:

Approval.

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

Deferred from 10-06-11

THE END

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Permitting Environment & Regulatory Affairs within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Zoning Hearings Section for the Department of Permitting Environment & Regulatory Affairs at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

**ZONING ACTION**

**MEMORANDUM**

**Harvey Ruvin**  
 Clerk of the Circuit and County Courts  
 Clerk of the Board of County Commissioners  
 (305) 375-5126  
 (305) 375-2484 FAX  
 www.miami-dadeclerk.com



**DATE:** 10/20/2011

**#Z-13-11**

**ITEM:** A

**APPLICANT: SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC (11-3-CC-2/09-176)**

**MOTION:** Approved the Application with the following conditions: 1) that the applicant submit a revised covenant within 30 days; that the discretion over time of operation be deleted in paragraph 8; that neighbors immediately adjacent to the subject property be invited to Task Force meetings; and that the standard enforcement conditions be incorporated as proposed by the Department of Permitting, Environment and Regulatory Affairs.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Bell		X		
Bovo		X		
Diaz	S	X		
Heyman		X		
Jordan		X		
Monestime		X		
Moss			X	
Sosa		X		
Souto			X	
Suarez			X	
<b>Vice Chairwoman Edmonson</b>		X		
<b>Chairman Martinez</b>	M	X		
<b>TOTAL</b>		10	3	0

**DATE:** 10/20/2011

**#Z-14-11**

**ITEM:** B

**APPLICANT: DOWNTOWN DADELAND RETAIL, LLC (10-11-C12-3/10-044)**

**MOTION:** Approved Appeal in accordance with the request as modified and in accordance with new site plan dated October 19, 2011.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Bell		X		
Bovo		X		
Diaz		X		
Heyman	S	X		
Jordan		X		
Monestime		X		
Moss		X		
Sosa		X		
Souto		X		
Suarez	M	X		
<b>Vice Chairwoman Edmonson</b>		X		
<b>Chairman Martinez</b>		X		
<b>TOTAL</b>		13	0	0

ZONING ACTION

MEMORANDUM

Harvey Ruvin

Clerk of the Circuit and County Courts  
Clerk of the Board of County Commissioners

(305) 375-5126

(305) 375-2484 FAX

www.miami-dadeclerk.com



DATE: 10/20/2011

#Z-12-11

ITEM: C

APPLICANT: THE DEPARTMENT OF PLANNING &  
ZONING (11-10-CC-1/10-026)

MOTION: Approved the DIC's Recommendation

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Bell		X		
Bovo		X		
Diaz		X		
Heyman		X		
Jordan		X		
Monestime	S	X		
Moss		X		
Sosa		X		
Souto		X		
Suarez		X		
Vice Chairwoman Edmonson	M	X		
Chairman Martinez		X		
<b>TOTAL</b>		13	0	0



CFN 2011R0852811  
DR Bk 27935 Pgs 1170 - 11831 (14pgs)  
RECORDED 12/20/2011 14:39:15  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:  
Name: Kerri L. Barsh, Esq.  
Address: Greenberg Traurig  
333 Ave. of the Americas  
40<sup>th</sup> Floor  
Miami, FL 33131

RECEIVED  
By the Clerk for the filing

A/4

Item A  
Exhibit 1  
Meeting 10/20/2011

(Space reserved for Clerk)

**DECLARATION OF RESTRICTIONS**

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A" attached hereto (the "Property"), which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the County that the representations made by the Owner and its co-applicant, CEMEX Construction Materials Florida, LLC (the "Operator"), during consideration of Public Hearing No. 09-176 will be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

1. **Compliance with Approved Plan.** The approved lake excavation use and ancillary uses shall be established and maintained in accordance with the approved plan.
2. **Applicable Lake Excavation Plans.** The complete lake excavation plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer shall be submitted to and meet with the approval of the Director of Planning and Zoning (the "Director") upon the submittal of an application for an excavation use permit; said plans shall be substantially in accordance with that submitted for the hearing entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10, for a total of 5 sheets.
3. **Progressive Sloping of Perimeter Banks.** The grading, leveling, sloping of the banks and perimeter restoration shall be on a progressive basis as the project develops and the excavation progresses. In accordance with this requirement, the Operator shall submit "as built" surveys prepared and sealed by a Florida-licensed surveyor and/or professional engineer upon request of the Director or the Director of the Department of Environmental Resources Management (DERM).
4. **Restoration.** Upon completion of the project, the Property shall be restored and left in an acceptable condition meeting with the approval of the Director and the Director of the DERM.

[L:\Forms\181837302\_8



5. **Continuous Operations**. If the lake excavation operation is discontinued, abandoned, or inactive for a period of 12 months (starting from the commencement date of lake excavation) without any mining activity, the existing excavation shall be sloped to conform with the approved plans.
6. **Ten-Year Duration**. The time for the completion of Phase I of the project, including the lake excavation and grading, shall be 10 years from commencement, and the work shall be carried on expeditiously so that the work will be completed within the allocated time.
7. **Fencing**. If, in the opinion of the Miami-Dade County Board of County Commissioners, the excavation is hazardous to the surrounding area, the Property will be fenced in by the Owner.
8. **Hours of Operation**. The hours of the lake excavation operation shall be between 7:00 A.M. and 5:00 P.M. on weekdays.
9. **Financial Assurance**. To ensure compliance with all terms and conditions imposed, a cash bond or substantially equivalent instrument meeting with the approval of the Director shall be posted with the Department of Planning and Zoning, payable to Miami-Dade County, in an amount as may be determined and established by the Director; said instrument shall be in such form that the same may be recorded in the public records of Miami-Dade County and said instrument shall be executed by the property owner and any and all parties who may have an interest in the land, such as mortgagees. The bond amount shall be based on the volume of cut required to create the approved slope configuration.
10. **Signage**. All excavations shall be posted every 50 feet with warning signs a minimum of 18" x 18" in size.
11. **Department of Environmental Resources Management Requirements**. The Owner and/or Operator, as applicable, shall comply with all applicable conditions and requirements of the Department of Environmental Resources Management.
12. **Public Works Requirements**. The Owner and/or Operator, as applicable, shall comply with all applicable conditions and requirements of the Public Works Department.
13. **Fire-Rescue Requirements**. The Owner and/or Operator, as applicable, shall comply with all applicable conditions and requirements of the Fire-Rescue Department.
14. **Compliance with All Applicable Permits**. All applicable federal, state and local permits must be obtained prior to commencement of the lake excavation. In the event that any federal, state or local permit related to excavation is revoked or otherwise held to be invalid, the excavation operation shall immediately cease.
15. **Landscaped Berm**. The Operator shall, prior to the commencement of the lake excavation, construct and maintain a continuous landscaped berm at a 100-foot setback from the southern property line. The berm shall be an average of 15 feet in height and shall be planted with native trees and shrubs to provide a visual buffer to the neighboring residents.

(Public Hearing)  
09-176

16. **Operational Setbacks.** The Operator shall not excavate or blast within 200 feet of the southern property line, in accordance with that submitted for the hearing entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10 (the "Skiles Plan"), for a total of 5 sheets.
17. **Blasting Setbacks.** The Operator agrees not to conduct blasting operations within 500 feet of any occupied residence existing at the time of the approval of Public Hearing Item No. 09-176.
18. **Assurance of Expansion of Contiguous Mining.** Operator shall obtain and renew on an annual basis, an Excavation Use Permit from the Department of Planning and Zoning, upon compliance with all terms and conditions, subject to cancellation upon violation of any of the conditions. Once issued, the Excavation Use Permit for the subject Property and the Excavation Use Permit(s) for the existing contiguous quarrying operations for the property to the north of the subject property shall remain active and be maintained by the same operator until the Operator's excavation of the respective quarry property has been completed and/or unless the respective bond has been released. Other operational permits and approvals required by Miami-Dade County for the quarrying operations on the Property and for the existing contiguous quarrying operations shall also be maintained by the same Operator until the Operator's excavations on the respective quarry property are completed or unless the respective bond has been released.
19. **Dust and Noise Abatement and Vibration Minimization Protocols.** The Operator shall comply with the dust and noise abatement practices and vibration minimization protocols set forth in the Good Neighbor Program dated June 13, 2011, and attached to this Declaration as Exhibit "B."
20. **Significant Reduction of Area to be Excavated.** The Operator shall not excavate, blast, or conduct mining outside the area designated on the Skiles Plan as Phase I, which is an approximate 172- acre area located more than a half-mile east of the Everglades National Park. Further excavation, blasting or mining on the Property outside the Phase I area shall require public hearing approval by the County Commission.
21. **Creation of Homeowners' Task Force.** Within thirty days of final approval of the unusual use, the Owner and Operator shall establish a Homeowners' Task Force whose responsibility is to invite the neighboring residents (including the residents immediately abutting the Property on its southern boundary) and meet with those residents who accept their invitation, on no less than a quarterly basis until mining is concluded, to discuss issues of concern and potential solutions, as well as educate and update the neighboring residents on mining activities. County staff will be invited to serve on the Task Force and venue for the meetings will be at a location and time convenient for the neighboring residents.
22. **Funding of County's Inspection and Enforcement Expenses.** Commencing within thirty days of final approval of the unusual use and annually thereafter until mining activities are concluded, the Owner and Operator shall deposit in an escrow with the

(Public Hearing)  
09-176

Declaration of Restrictions

Page 4

Miami-Dade Department of Planning and Zoning, the sum of \$ 12, 000 to fund the County's inspection and enforcement costs so as to ensure compliance with the conditions of approval, including this Declaration.

23. **County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.
24. **Covenant Running with the Land.** This Declaration shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owner, and its heirs, successors, and assigns until such time as the covenant is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and its heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.
25. **Term.** This Declaration 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 from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.
26. **Modification, Amendment, Release.** This Declaration may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees; if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.
27. **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.
28. **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.

**Declaration of Restrictions**

Page 5

29. **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
30. **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.
31. **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion
32. **Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida, at the cost of the Owner following the approval of the application for Public Hearing No. 09-176. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the application for Public Hearing No. 09-176, in its entirety, and upon written request, the Director or the executive officer of the successor of the Department of Planning and Zoning, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.
33. **Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.
34. **Owner.** The term, "Owner," shall include the Owner, and its heirs, successors and assigns.

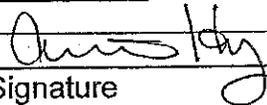
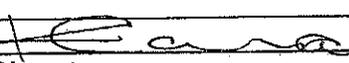
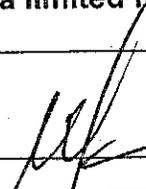
[Execution Pages Follow]

(Space reserved for Clerk)

Signed, witnessed, executed and acknowledged on this 26<sup>th</sup> day of October, 2011.

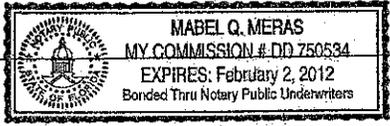
IN WITNESS WHEREOF, Santa Fe Hacienda, LLC, (the "Owner"), has caused this Declaration of Restrictions to be signed in its name by its proper officials.

**Witnesses:**

	Santa Fe Haciendas, LLC, a Florida limited liability company
Signature	
Annette Hernandez	
Print Name	
	By 
Signature	Masoud Shojaee, Managing Member
Kira Cabrera	
Print Name	
STATE OF FLORIDA	COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Masoud Shojaee, the Managing Member of Santa Fe Haciendas, LLC, on behalf of the LLC. He is personally known to me or has produced \_\_\_\_\_, as identification.

Witness my signature and official seal this 26<sup>th</sup> day of October, 2011, in the County and State aforesaid.

	
	Signature
	Notary Public-State of Florida
	MABEL Q. MERAS
	Print Name
My Commission Expires:	

[space reserved for Clerk]

**JOINDER BY MORTGAGEE  
LIMITED LIABILITY COMPANY**

The undersigned **CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC (f/k/a Rinker Materials of Florida, Inc.)**, a Delaware limited liability company and Mortgagee under that certain Amended and Restated Mortgage by and between Santa Fe Haciendas, LLC a Florida limited liability company and Rinker Materials of Florida, Inc., a Florida corporation dated March 27, 2006, recorded March 29, 2006 in Official Records Book 24375, Page 1843 amending and restating in its entirety that certain Florida Real Estate Mortgage, Assignment of Leases and Rents and Security Agreement recorded September 28, 2004 in Official Records Book 22687, at Page 1316, as modified by an Assumption, Future Advance, Release and Modification Agreement recorded September 30, 2005 in Official Records Book 23828 at Page 1291 of the Public Records of Miami-Dade County as assigned to Rinker Material of Florida, Inc., by Assignment of Mortgage dated March 27, 2006, recorded March 29, 2006 in Official Records Book 24375, Page 1836, Public Records of Miami-Dade County, Florida. covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, the presents have been executed this 25<sup>th</sup> day of April, 2010

Signed sealed and delivered  
in the presence of:

**CEMEX CONSTRUCTION MATERIALS  
FLORIDA, LLC (f/k/a Rinker Materials of  
Florida, Inc.)**, a Delaware limited liability  
company

*Terri Hernandez*  
Witness

Print Name: Terri Hernandez

*Sharon Stephany*  
Witness

Print Name: Sharon Stephany

By: *Jorge Lozano*

Print Name: Jorge Lozano

Title: Vice President

Date: April 25, 2011

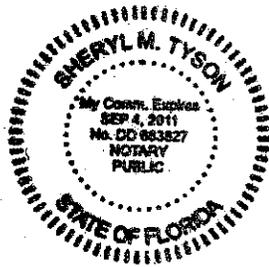
[acknowledgment on following page]

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of April, 2011 by Jorge Lozano, the V.P. of CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC (f/k/a Rinker Materials of Florida, Inc.), a Delaware limited liability company, on behalf of the company. He/She is  personally known to me, or who has  produced \_\_\_\_\_ as identification.

(seal)



Sheryl M. Tyson  
Notary Public for and for the State and County aforesaid.  
Commission Number: DD683827  
My Commission expires: 9/4/11  
Print Notary Name: Sheryl Tyson

Declaration of Restrictions

Page 7

Exhibit "A"

Legal Description:

A PORTION OF SECTION 1, TOWNSHIP 55 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 1; THENCE NO2'06'03"W, ALONG THE WEST LINE OF SAID SECTION 1, FOR A DISTANCE OF 1980.77 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE CONTINUE NO2'06'03"W, ALONG THE LAST DESCRIBED LINE FOR A DISTANCE OF 3299.09 FEET TO THE NORTHWEST CORNER OF SAID SECTION 1; THENCE N89'30'05"E, ALONG THE NORTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 5279.86 FEET TO THE NORTHEAST CORNER OF SAID SECTION 1; THENCE S02'06'00"E, ALONG THE EAST LINE OF SAID SECTION 1, FOR A DISTANCE OF 1493.52 FEET TO ITS INTERSECTION WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, A RADIAL LINE TO SAID POINT BEARS N76'17'57"W; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, SAID ARC BEING COINCIDENT WITH THE WESTERLY RIGHT-OF-WAY LINE OF S.W. 177<sup>TH</sup> AVENUE (KROME AVENUE), AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 87150, SHEET 25 OF 29, SAID ARC HAVING A RADIUS OF 5954.58 FEET, THROUGH A CENTRAL ANGLE OF 15'48'03" FOR AN ARC DISTANCE OF 1642.14 FEET TO A POINT OF TANGENCY; THENCE S02'06'00"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SAID LINE BEING 225.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 1, FOR A DISTANCE OF 177.88 FEET; THENCE S89'30'05"W, ALONG A LINE 1980.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 1181.98 FEET; THENCE S02'06'00"E, ALONG A LINE 1406.52 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 1, FOR A DISTANCE OF 660.26 FEET; THENCE S89'30'05"W, ALONG A LINE 1320.00 FEET NORTH AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 1232.57 FEET; THENCE NO2'06'03"W, ALONG A LINE 2639.13 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 1, FOR A DISTANCE OF 660.26 FEET; THENCE S89'30'05"W, ALONG A LINE 1980.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 2640.16 FEET TO THE POINT OF BEGINNING.

ALL OF THE ABOVE DESCRIBED LAND SITUATED, BEING AND LYING IN MIAMI-DADE COUNTY, FLORIDA.



Building the future™

## Good Neighbor Program

Krome Quarry  
& Santa Fe Haciendas Expansion

## CEMEX – Krome Quarry & Santa Fe Haciendas Expansion

### Aesthetic Berm and Noise Attenuation

In an effort to provide an aesthetic view from the neighbors to the South, a landscaped berm will be installed along the South edge of the Santa Fe Haciendas property consistent with permitted setbacks. The specifications of the berm are included in Appendix A.

In addition to providing an aesthetic presence, the berm will also serve to attenuate noise from the mining operation. The berm will be constructed prior to the commencement of the excavation on the Santa Fe Haciendas property and maintained throughout the course of the operation.

### Dust Control

The control of dust is an important piece of being a good neighbor. Although mining is a wet process, the dry weather and heat can sometimes require dust control on the mine haul roads.

To control dust, the following measures will be implemented.

1. Haul roads will be watered once every two hours by a 769 Caterpillar Water Truck (10,000 gallons) equipped with water spray bar.
2. In the event that this truck is inoperable, a replacement will be rented to meet the watering requirements of the haul roads in operation.
3. The frequency of watering under # 1 may be reduced during the rainy season as rain serves as a natural dust suppressant.
4. The entrance road (driveway to the Krome Quarry), the pavement in and around the scales, and other paved areas will be watered periodically to wash -off accumulated dirt and dust.
5. If the foregoing measures are not sufficient to manage the airborne dust, then the frequency of items 2 and 4 will be increased.

## Minimizing Vibrations

Blasting is a necessary part of the mining operation due to the nature of the South Florida limestone deposit. To minimize any impacts from the blasting operations, the following best practices are part of the routine operations at the Krome Quarry and will be implemented at the Santa Fe Haciendas property as well.

Each blast will be monitored on an individual basis to ensure compliance and document blast parameters. This data will be used to evaluate blast performance and identify potential modifications that may further minimize impacts.

1. Current blasting is in excess of 4000 feet from the Santa Fe Haciendas property located to the south. As blasting continues to advance to the south, it is important to collect as much data as practical to evaluate improvement opportunities. To build upon the data collected from the July, 2010 study, an array of three seismographs will be initially installed at 500', 750', and between 1,000' - 1,500' in a line south of the current blast area. This array will provide continuous collection of blast data as operations continue.
  - a. The seismographs will be reviewed to determine peak particle velocity levels at known distances.
  - b. Each seismograph location on the array (Item No. 1) will be surveyed to establish the exact location. In addition, the four corners of each shot will be surveyed to determine the exact position of the blast allowing for precise accounting in distance calculations for continued analysis.
  - c. Seismograph units on-site and within the community will be evaluated regularly to maintain the correct orientation and distance separation for monitoring and optimum data recovery.
  - d. The data being collected will include blast loading configuration details, ground vibration data, and air-blast levels and will be evaluated by a team of qualified experts. Based upon the data, blast parameters may be adjusted to improve performance.
2. One additional seismograph will be installed at a structure, or along the north property lines of structures, located on the north side of S. W. 100<sup>th</sup> Avenue. For best results, this instrument should be installed at a location east or west of the array line. The information from this seismograph will assist in the evaluation of blast performance.

### **Additional Safeguards**

1. Prior to the start of blasting operations within new sections of the Santa Fe Haciendas quarry, an inspection would be offered to property owners within 3000 feet of the proposed blasting area. The offer will be made via Certified Mail.

The inspection would consist of an existing crack survey by a professional engineer contracted by CEMEX with documentation of the existing cracks, separations, water marks and other existing cosmetic defects noted in a written summary report including photographs. The documentation establishes a baseline for CEMEX and the property owner.

Following the inspection, the report will be forwarded to the property owner and CEMEX along with digital copies of any photographs taken.

2. Prior to any blasting event on site, notification will be made via telephone for interested residents within a 3000 foot radius of the blast. The call will be completed on the day of the blast indicating the approximate time that the blast will occur. If blasting plans are modified more than 4 hours from the original planned time, a second call would be made as feasible. Plans may be modified for a number of reasons including, but not limited to, mechanical breakdown of drilling and blasting equipment, heavy rain or other weather related concerns, or other circumstances beyond the control of CEMEX. CEMEX will maintain a list of contacts, the date and time the call was placed, and whether the property owner was reached or a message left. In addition, the planned time for each blast will be posted on-line (MDLPA.org website) on a weekly basis, subject to change for meteorological and other reasons.

### **Blasting Inquiries:**

1. A log will be maintained for each blasting related call received by CEMEX, including the date, time, caller's name, address, and contact information. The nature of the call will be documented along with a general summary of the overall discussion.
2. Callers will be referred to the State of Florida, Division of State Fire Marshal as required by Chapter 69-A2 of the Florida Administrative Code .
3. CEMEX representatives will contact the property owner within 24 hours in response to his or her inquiry and concerns will be investigated in cooperation with the property owner.
4. If requested by the property owner, CEMEX, at no cost to the property owner, will contract with blasting experts to evaluate any relationship between the damage and the blasting. In addition, a General Contractor may be enlisted to inspect the structure to

evaluate potential construction defects not related to blasting. Upon completion of the field inspections, a formal report will be produced and provided to CEMEX.

5. Following completion of the investigation, CEMEX representatives will review the information with the homeowner at a mutually convenient time.

CEMEX remains committed to responsible management of the blasting process throughout its operations on the Krome Quarry and the Santa Fe Haciendas property. Through the implementation of these good neighbor protocols, the impacts of CEMEX's operations, if any, will be closely monitored.

STATE OF FLORIDA, COUNTY OF DADE  
I HEREBY CERTIFY that this is a true copy of the  
original filed in this office on DEC 20 2011 day of \_\_\_\_\_  
A.D. 20\_\_\_\_\_  
WITNESS my hand and Official Seal.  
HARVEY BLVIN, CLERK of Circuit and County Courts  
By: Tanashia Arnold D.C.



TANASHIA ARNOLD 1144

**OPINION OF TITLE**

**To: Miami-Dade County**

With the understanding that this Opinion of Title is furnished to Miami-Dade County as inducement for acceptance of the Declaration of Restrictions proffered in connection with the Application for Public Hearing No. 09-176 covering the real property hereinafter described, it is hereby certified that I have examined a complete Abstract of Title covering the period from the beginning to the 1<sup>st</sup> day of July, 2011, at the hour of 8:00 a.m., inclusive, of the following described property:

See attached Exhibit A which is incorporated herein by reference

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

Santa Fe Haciendas, LLC a Florida limited liability company, whose authorized signatory according to the records of the Secretary of State of Florida is Masoud Shojaee, its managing member

Subject to the following encumbrances, liens and other exceptions (if "none" please indicate):

1. **RECORDED MORTGAGES:**

Amended and Restated Mortgage by and between Santa Fe Haciendas, LLC a Florida limited liability company and Rinker Materials of Florida, Inc., a Florida corporation dated March 27, 2006, recorded March 29, 2006 in Official Records Book 24375, Page 1843 amending and restating in its entirety that certain Florida Real Estate Mortgage, Assignment of Leases and Rents and Security Agreement recorded September 28, 2004 in Official Records Book 22687, at Page 1316, as modified by an Assumption, Future Advance, Release and Modification Agreement recorded September 30, 2005 in Official Records Book 23828 at Page 1291 of the Public Records of Miami-Dade County as assigned to Rinker Material of Florida, Inc., by Assignment of Mortgage dated March 27, 2006, recorded March 29, 2006 in Official Records Book 24375, Page 1836, Public Records of Miami-Dade County, Florida.

2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

NONE

3. **GENERAL EXCEPTIONS:**

Matters of survey

Parties in possession under unrecorded leases

4. **SPECIAL EXCEPTIONS:**

- Ordinance No. 83-24 recorded in Book 11781, Page 1422, as refiled in Book 12046, Page 481.
- Rights of Super-Six Farms, Inc., now in possession under an unrecorded lease dated 05-19-05, amended 09-28-05

Opinion of Title

Page 2

- Loss or damage, if any, resulting from a failure to comply with the obligations, understanding and conditions required of the parties thereto by the terms and provisions of the Lease identified in Memorandum of Product Purchase and Sale Agreement and Lease by and between Santa Fe Haciendas, LLC, a Florida limited liability company and Rinker Materials of Florida, Inc., a Florida corporation, dated March 27, 2006, recorded March 29, 2006 in the Official Records Book 24375, Page 1838, Public Records of Miami-Dade County, Florida
- Covenant Running with the Land in favor of Miami-Dade County recorded in Official Records Book 27433, Page 4589.
- Covenant Running with the Land in favor of Miami-Dade County recorded in Official Record Book 27575, Page 4454

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions and that none of them hinder or affect the recording or enforcement of the Declaration of Restrictions.

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the Declaration of Restrictions a valid and binding covenant on the lands described herein.

<u>Name</u>	<u>Interest</u>	<u>Special Exception Number</u>
Cemex Construction Materials Florida, LLC	Mortgagee	1. Recorded Mortgage

The following is a description of the aforementioned abstract and its continuations:

<u>Number</u>	<u>Company Certifying</u>	<u>No. of Entries</u>	<u>Period Covered</u>
FA-35-1290795	First American Title Insurance Co.	-7-	Beginning to 03/29/06
9018-1134775	First American Title Insurance Co.	-0-	03/08/06 to 03/30/06
9018-1134775	First American Title Insurance Co.	-0-	03/30/06 to 08/06/08
9018-1134775	First American Title Insurance Co.	-2-	08/16/08 to 04/07/11
9018-1134775	First American Title Insurance Co.	-0-	04/07/11 to 05/25/11
9018-1134775	First American Title Insurance Co.	-0-	05/25/11 to 07/01/11

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 14 day of July, 2011.

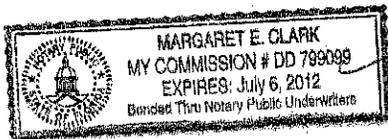


Michael E. Botos  
**Florida Bar No. 160662**  
 Address:  
 525 Okeechobee Boulevard, Suite 1600  
 West Palm Beach, Florida 33401

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of July, 2011, by Michael E. Botos, who is personally known to me



*Margaret E. Clark*

Notary Public  
Print Name:  
Commission No.  
My Commission Expires:

SEAL

Exhibit A

A PORTION OF SECTION 1, TOWNSHIP 55 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 1; THENCE N02°06'03" W, ALONG THE WEST LINE OF SAID SECTION 1, FOR A DISTANCE OF 1980.77 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE CONTINUE N02°06'03" W, ALONG THE LAST DESCRIBED LINE FOR A DISTANCE OF 3299.09 FEET TO THE NORTHWEST CORNER OF SAID SECTION 1; THENCE N89°30'05" E, ALONG THE NORTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 5279.86 FEET TO THE NORTHEAST CORNER OF SAID SECTION 1; THENCE S02°06'00" E, ALONG THE EAST LINE OF SAID SECTION 1, FOR A DISTANCE OF 1493.52 FEET TO ITS INTERSECTION WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, A RADIAL LINE TO SAID POINT BEARS N76°17'57" W; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, SAID ARC BEING COINCIDENT WITH THE WESTERLY RIGHT-OF-WAY LINE OF S.W. 177 AVENUE (KROME AVENUE), AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 87150, SHEET 25 OF 29, SAID ARC HAVING A RADIUS OF 5954.58 FEET, THROUGH A CENTRAL ANGLE OF 15°48'03" FOR AN ARC DISTANCE OF 1642.14 FEET TO A POINT OF TANGENCY; THENCE S02°06'00" E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A SAID LINE BEING 225.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 1, FOR A DISTANCE OF 177.88 FEET; THENCE S89°30'05" W, ALONG A LINE 1980.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 1181.98 FEET; THENCE S02°06'00" E, ALONG A LINE 1406.52 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 1, FOR A DISTANCE OF 660.26 FEET; THENCE S89°30'05" W, ALONG A LINE 1320.00 FEET NORTH AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 1232.57 FEET; THENCE N02°06'03" W, ALONG A LINE 2639.13 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 1, FOR A DISTANCE OF 660.26 FEET; THENCE S89°30'05" W, ALONG A LINE 1980.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 2640.16 TO THE POINT OF BEGINNING.

ALL OF THE ABOVE DESCRIBED LAND SITUATED, BEING AND LYING IN MIAMI-DADE COUNTY, FLORIDA.

**RECEIVED**  
By the Clerk for the record.

OCT 06 2011  
Item A  
Exhibit \_\_\_\_\_  
Meeting Ext. Zoning



July 14, 2011

**RECEIVED**  
By the Clerk for the record.

Attn: Harvey Ruvin  
Clerk of Courts  
Miami-Dade County Court House  
73 West Flagler Street, Suite #242  
Miami, FL 33130

Item A  
Exhibit 2  
Meeting 10/23/2011

Re: BCC #Z200900176-5  
Santa Fe Haciendas, LLC and Cemex Construction Materials Florida, LLC

The purpose of this letter is to offer comments for the public record related to the Board of County Commissioners item BCC #Z200900176-5, a rezoning request by Santa Fe Haciendas, LLC and Cemex Construction Materials Florida, LLC.

The Everglades Foundation provides scientific and technical analyses on issues related to the water quantity, water quality and ecological issues related to the Everglades. I am currently the Senior Scientist at the Everglades Foundation. I possess a doctoral degree in Civil Engineering, and have spent more than 20 years doing research on the hydrology of the Everglades and on computer simulations of the water resources systems in South Florida. In particular, I have examined the effects of canal operations, mining, and wellfields and their effects on the water resources of South Florida. The Everglades Foundation was asked by Tropical Audubon to provide an expert opinion on the potential effects of a rock mine by Santa Fe Haciendas proposed for a location near Krome Avenue and SW 90th Street. With this letter, the Everglades Foundation would like to offer a scientific and technical expert opinion on the proposed rock mine.

The potential effects of rock mining in this area has been extensively studied and reported in the Final Environmental Impact<sup>1</sup>, the Draft Supplemental Impact<sup>2</sup>, and the Final Environmental Impact Statements<sup>3</sup> for the Lake Belt. From these investigations, it is possible to make some specific inferences and conclusions about the effect of the proposed mine near the intersection of Krome Avenue and SW 90th Street.

Studies demonstrate that the effects of the mine increase dramatically with proximity to existing canals. This is because removing the limestone also removes the aquifer and makes the aquifer that remains more transmissive by introducing what is effectively a 'short circuit', allowing water to move much faster. The closer the mine is to a major water source (such as a canal) or a well-field, the stronger the relative impacts. When the canal is used to convey water, a 'leak' is introduced that increases the seepage losses from the canal. In the case of this proposed mine, the effects will be dramatic as the mine is almost immediately adjacent to one of the major flood control and water supply canals in Miami-Dade County: the L-31N canal.

In analyses of the effects of expanding the exiting mine approximately 2 miles north, the Corps of Engineers found that seepage increased from 30 million gallons per day (MGD) to around 45 MGD<sup>4</sup>, a 50% increase. This is roughly the equivalent of adding a new West Wellfield (located just across Krome Avenue approximately 2 miles north), which pumps approximately 14 MGD. While the estimate of increased seepage is strongly dependent on the exact characteristics of the mine itself, one can expect seepage increases in the range of 7 to 12 MGD for the proposed mine. Moreover, that seepage increase cannot be turned off or on, unlike a wellfield. The seepage increase will exacerbate flooding during wet periods, and accelerate water level declines during droughts.

The investigations of the rock mining in this area also show that there was a strong possibility that the excavations will interfere with wellfield protection<sup>5</sup>. Each excavation

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<sup>1</sup> US Army Corps of Engineers, *Final Programmatic Environmental Impact Statement, Rock Mining -- Freshwater Lakebelt Plan, Miami-Dade County, Florida*, US Army Corps of Engineers, Jacksonville District, May, 2000.

<sup>2</sup> US Army Corps of Engineers, *Draft Supplemental Environmental Impact Statement on Rock Mining in the Lake Belt Region of Miami-Dade County, Florida*, US Army Corps of Engineers, Jacksonville District, August, 2007.

<sup>3</sup> US Army Corps of Engineers, *Final Supplemental Environmental Impact Statement on Rock Mining in the Lake Belt Region of Miami-Dade County, Florida*, US Army Corps of Engineers, Jacksonville District, May, 2009.

<sup>4</sup> US Army Corps of Engineers, *Draft Supplemental Environmental Impact Statement on Rock Mining in the Lake Belt Region of Miami-Dade County, Florida*, US Army Corps of Engineers, Jacksonville District, August, 2007, p. 2-25

<sup>5</sup> US Army Corps of Engineers, *Final Supplemental Environmental Impact Statement on Rock Mining in the Lake Belt Region of Miami-Dade County, Florida*, US Army Corps of Engineers, Jacksonville District, May, 2009, p. S-5

interacts with the other excavations and canal, with the result that travel times from the surface water bodies to the wellfields can be cut to less than 60 days. These wellfield protection rules are in place to guard against water-borne pathogens, like *Cryptosporidium*, and the residual mining chemicals, such as benzene.

The potential for adverse effects from additional mining in this area is well-known, and the Final Supplemental Impact Statement<sup>6</sup> including this finding:

**Seepage Modeling Needs to Include Proposed Mines Below the Krome Avenue Mine:**

The updated seepage modeling should also be expanded to include the current and proposed quarries that are located along Krome Avenue south of the Tamiami Trail, as well as reflect any seepage effects from the nearby West Wellfield. In addition to the mine operated by Kendall Properties and Investments, there is a mine operated by Krome Mining Partners. An application for a new mine to be located adjacent to Krome Mining Partners is currently under review. The seepage effects from all the mines should be looked at holistically, even if two locations are situated south of the statutorily-defined limits of the Miami-Dade Lake Belt region.

If the mine is constructed, the mitigation options are to (a) reduce the amount of water going south to agricultural areas and to Everglades National Park, (b) bring water in from the Everglades further north to compensate for the seepage losses, (c) allow the seepage increase to come from Everglades National Park, or (d) build an underground barrier to reduce seepage from the Everglades wetlands. In each of these options, the consequences for the water supply of Miami-Dade county could be significant and negative.

If Miami-Dade County approves the mines, then option from the above list that is most protective of overall water resources in south Florida is the latter option: build an physical underground barrier between the mines and the wetlands as part of the mitigation. Currently, the rock miners are currently testing such a seepage barrier just west of the L-31N canal and about 3 miles north of the proposed mine. Miami-Dade County has long opposed seepage barriers that reduce the recharge for water supply. Yet these barriers seem to be the only viable mitigation for the already-approved mines. Constructing physical seepage barriers would help assure that the additional seepage induced by the rock mining would not adversely affect the sensitive wetlands, it would also mean that consequences of the mine would be borne by other water users in Miami-Dade County. Thus, Miami-Dade County will be put in the difficult position of having to reduce its water use as a direct result of approving this mining operation.

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<sup>6</sup> US Army Corps of Engineers, *Final Supplemental Environmental Impact Statement on Rock Mining in the Lake Belt Region of Miami-Dade County, Florida*, US Army Corps of Engineers, Jacksonville District, May, 2009, p. S-7

The proposed zoning change to allow mining will almost certainly significant and adverse consequences to either sensitive wetlands, public water supply, or other water users.

Sincerely,

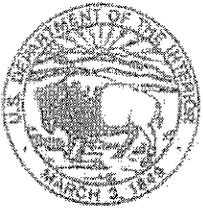
Thomas Van Lent, Ph.D  
Senior Scientist  
Everglades Foundation

## Bibliography

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## Bibliography

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United States Department of the Interior  
NATIONAL PARK SERVICE

Everglades and Dry Tortugas National Parks  
40001 State Road 9336  
Homestead, Florida 33034

BCC  
09/17/11  
7/21/11  
NATIONAL PARK SERVICE

In Reply Refer to:

L30

July 18, 2011

Clerk of the Board, Suite 17-202  
Stephen P. Clark Center  
111 NW First Street  
Miami, Florida 33128

Re: Process Number Z2009000176  
Santa Fe Haciendas, LLC & CEMEX Construction Materials Florida, LLC

Dear Board of County Commissioners:

Santa Fe Haciendas, LLC has submitted an application to Miami-Dade County requesting an unusual use to permit a lake excavation on a site that is currently zoned for agriculture. The boundary of Everglades National Park is located approximately 2700 feet from the western edge of the excavation proposed in Phase 1 of the operation and approximately 700 feet from the western edge of the excavation proposed in Phase 2 of the operation. Given the proximity of this proposed excavation to Everglades National Park, we are concerned that the proposed excavation may have adverse impacts on the natural resources of the Park. It is our understanding that the current hearing process will only address Phase 1 of the operation; however, we have analyzed both phases of the proposal and have focused our assessment on potential impacts to Everglades National Park.

With respect to lake excavations east of Everglades National Park, technical analyses produced by the South Florida Water Management District (1998) and mining industry consultants (MacVicar, Frederico, & Lamb, 1997) indicate that the amount of seepage increases as lakes are located closer to the boundary of the Park. This seepage increase impacts hydrologic conditions in the adjacent wetlands/marshes of the Park and also impacts the ability to provide water downstream to protect eastern watersheds of the Park (e.g., supplying water to the downstream C-111 Detention Areas and the C-111 Spreader Canal Phase 1 Project). Based on these technical analyses and our assessment of potential impacts to the Park associated with the subject application, we support Phase 1 lake excavation that is no closer than 2,700 feet from the boundary of the Park.

The Park is also supportive of a condition, recommended by Miami-Dade County Department of Environmental Resources Management (DERM) (March 10, 2011), that a seepage management plan must be submitted to, and approved by, DERM prior to any excavation closer than 2,700 feet from the Park boundary. However, we recommend that the following three conditions should also be included in the permit:

1. The submitted seepage management plan must demonstrate that Phase 2 excavation will have no detrimental impacts on wetlands/marshes in Everglades National Park;
2. Prior to any excavation closer than 2,700 feet from the Park boundary, the seepage management plan must be implemented and fully operational; and

RECEIVED  
By the Clerk for the record.

Item: A  
Date: 3  
Date: 10/20/2011

3. While Phase 1 excavation is underway, groundwater monitoring on adjacent lands shall be carried out to identify and characterize off-site impacts, if any, and to evaluate the results of groundwater modeling that has been conducted in advance of Phase 1 excavation.

We recommend that the above conditions be included in the Phase 1 permit to make it very clear to the applicant that Phase 2 excavation, closer to the Park, will not occur until a seepage management plan is submitted and approved by DERM; that there will be no detrimental impacts to wetlands/marshes in the Park associated with Phase 2 excavation; and that the seepage management plan is implemented and fully operational prior to Phase 2 excavation. The groundwater monitoring condition should provide valuable information in terms of subsequent consideration of Phase 2 excavation.

Please contact Roy Sonenshein (305-224-4250) or me (305-242-7712) if you have any questions in regard to the Park's position on this matter.

Sincerely,



Dan B. Kimball  
Superintendent

BEFORE THE MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS

IN THE MATTER OF:

SANTA FE HACIENDA AND CEMEX CONSTRUCTION

---

AFFIDAVIT OF CHARLES V. BOYD IN OPPOSITION TO THE CEMEX  
CONSTRUCTION LA HACIENDA MINE

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

BEFORE ME, the undersigned authority, duly authorized to administer oaths and take acknowledgements, personally appeared Charles V. Boyd, who after being first duly sworn by me, deposes and says:

- My name is Charles V. Boyd. I am over 18 years of age. The statements made in this affidavit are true and are based on my personal knowledge and experience.
- I have been a resident of Miami-Dade County, Florida for over 46 years.
- I currently reside at 18400 SW 100 Street, Miami, Florida.
- I have owned the property at 18400 SW 100 Street, Miami, Florida for about 17 years.
- *I purchased the property specifically to construct my home somewhere where I would not be negatively impacted by development and its attendant noise, congestion and light pollution.*

RECEIVED  
By the Clerk for the record.

Item A  
Exhibit 4  
Meeting 10/22/2011

- *After an extensive and exhaustive search, I chose to purchase property in southwest Miami-Dade County outside the Urban Development expressly because the Urban Development Boundary would limit the amount, type and intensity of development that would occur.*

- I relied and rely on the Miami-Dade County Comprehensive Development Master Plan ("CDMP") and its associated Land Development Regulations to preserve the quiet, private, low impact and agricultural lifestyle I enjoy.

- I enjoy recreational and commercial agricultural activities including raising and tending to large domesticated animals including but not limited to horses, cows, steers, emu and assorted fowl.

- My property and residency is approximately .70 miles from the existing Cemex mine and approximately 600 feet from the proposed boundary of the proposed Cemex La Hacienda mine.

- Currently, I continue to suffer from the adverse impacts of the Cemex's existing mining operations which have intensified over the past 3 years.

- Certain members of my family have experienced adverse health conditions as a result of the regular blasting performed by the current mining operations.

- My irrigation system is regularly clogged from free floating particles caused by the groundwater draw down activity and vibrations caused by the existing mining operations which requires excessive maintenance to repair its functionality.

- During certain periods of Cemex's mining operations, my water well levels have periodically dropped in excess of 3-feet.

- As a result of the Cemex rock mine blasting, the buildings and structures on my property are suffering extensive cracks in the walls, tiles and grout.

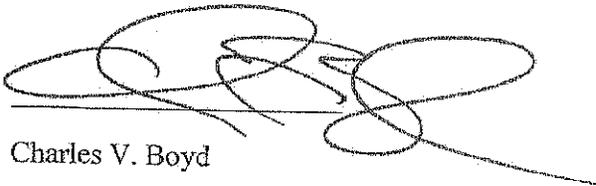
- As a result of the Cemex rock mine blasting, the pavement on my property is cracking as well as my pool deck. In addition the blasting has caused several pool leaks.

- As a result of the Cemex rock mine blasting, I cannot enjoy my animals because they are spooked by the mining activity. As a result of this spooking, it has become unsafe for me to raise large animals which have

responded to such spooking by charging and responding adversely to its caretakers. As a result, I have had to sell off or refrain from purchasing animals that I would have otherwise enjoyed if it were not for the blasting activity.

- I am unable to peacefully enjoy my property because of the mining activity.
- I reasonably fear that the proposed Cemex La Hacienda Mining operations will, in fact, worsen the adverse conditions stated above and directly adversely affect my ability to engage in the quiet, peaceful, low impact lifestyle I enjoy.
- I reasonably fear that the proposed Cemex La Hacienda Mining operations will adversely affect the resale value of my property.
- I reasonably fear that the proposed Cemex La Hacienda Mining operations would permanently and irreparably change the character of the agricultural community in which I live and enjoy.

I declare under penalty of perjury that the foregoing is true and correct. Executed this day 19<sup>th</sup> of October, 2011.



Charles V. Boyd

18400 SW 100 Street

Miami, Florida 33196

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

BEFORE ME, the undersigned authority, on this day personally appeared

Charles V. Boyd, who I know or who has shown FDL as legal identification, and who after being by me first duly sworn, deposes and states that he

executed the foregoing Affidavit and that the statements contained therein are true and correct to the best of his

knowledge and belief.

WITNESS my hand and official seal at Miami Florida, on this 19<sup>th</sup> day of October, 2011.



Notary Public

My Commission Expires

1-21-2013



**BEFORE THE MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS**

IN THE MATTER OF:

SANTA FE HACIENDA AND CEMEX CONSTRUCTION

---

**AFFIDAVIT OF ANDRES FERNANDEZ IN OPPOSITION TO THE  
CEMEX CONSTRUCTION LA HACIENDA MINE**

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

BEFORE ME, the undersigned authority, duly authorized to administer oaths and take acknowledgements, personally appeared Andres Fernandez, who after being first duly sworn by me, deposes and says:

1. My name is Andres Fernandez. I am over 18 years of age. The statements made in this affidavit are true and are based on my personal knowledge and experience.
2. I have been a resident of Miami-Dade County, Florida for over 40 years.
3. I currently reside at 18575 SW 100 Street, Miami, Florida.
4. I have owned the property at 18575 SW 100 Street, Miami, Florida for about 9 years.
5. I purchased the property specifically to construct my home somewhere where I would not be negatively impacted by development and its attendant noise, congestion and light pollution.
6. After an extensive and exhaustive search, I chose to purchase property in southwest Miami-Dade County outside the Urban Development expressly because the Urban Development Boundary would limit the amount, type and intensity of development that would occur.

7. I relied and rely on the Miami-Dade County Comprehensive Development Master Plan (“CDMP”) and its associated Land Development Regulations to preserve the quiet, private, low impact and agricultural lifestyle I enjoy.
8. I enjoy recreational and commercial agricultural activities including raising and tending to large domesticated animals including but not limited to horses, cows, zebus and buffalo.
9. My property and residency is approximately .6 miles from the existing Cemex mine and adjacent, approximately zero feet from the proposed boundary of the proposed Cemex La Hacienda mine.
10. Currently, I continue to suffer from the adverse impacts of the Cemex’s existing mining operations which have intensified over the past two years.
11. Certain members of my family have experienced adverse health conditions as a result of the regular blasting performed by the current mining operations.
12. My irrigation system is regularly clogged from free floating particles caused by the groundwater draw down activity and vibrations caused by the existing mining operations which requires excessive maintenance to repair its functionality.
13. During certain periods of Cemex’s mining operations, my water well levels have periodically dropped in excess of 3-feet.
14. As a result of the Cemex rock mine blasting, the buildings and structures on my property are suffering extensive cracks in the walls, tiles and grout.
15. As a result of the Cemex rock mine blasting, I cannot enjoy my animals because they are spooked by the mining activity. As a result of this spooking, it has become unsafe for me to raise large animals which have responded to such

spooking by charging and responding adversely to its caretakers. As a result, I have had to sell off or refrain from purchasing animals that I would have otherwise enjoyed if it were not for the blasting activity.

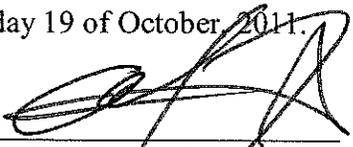
16. I am unable to peacefully enjoy my property because of the mining activity.

17. I reasonably fear that the proposed Cemex La Hacienda Mining operations will, in fact, worsen the adverse conditions stated above and directly adversely affect my ability to engage in the quiet, peaceful, low impact lifestyle I enjoy.

18. I reasonably fear that the proposed Cemex La Hacienda Mining operations will adversely affect the resale value of my property.

19. I reasonably fear that the proposed Cemex La Hacienda Mining operations would permanently and irreparably change the character of the agricultural community in which I live and enjoy.

I declare under penalty of perjury that the foregoing is true and correct. Executed this day 19 of October 2011.

  
\_\_\_\_\_  
Andres Fernandez  
18575 SW 100 Street  
Miami, Florida 33196

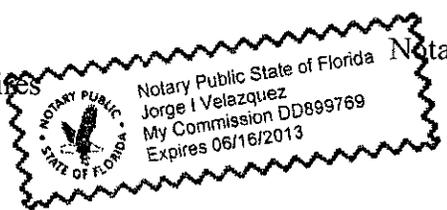
STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

BEFORE ME, the undersigned authority, on this day personally appeared Andres Fernandez, who I know or who has shown \_\_\_\_\_ as legal identification, and who after being by me first duly sworn, deposes and states that he

executed the foregoing Affidavit and that the statements contained therein are true and correct to the best of his knowledge and belief.

WITNESS my hand and official seal at MIAMI, FL, on this 19<sup>th</sup> day of October, 2011.

My Commission Expires



Notary Public

A handwritten signature in black ink, appearing to be "Jorge I Velazquez".

BEFORE THE MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS

IN THE MATTER OF:

SANTA FE HACIENDA AND CEMEX CONSTRUCTION

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**AFFIDAVIT OF ANGEL SANTOS IN OPPOSITION TO THE CEMEX  
CONSTRUCTION LA HACIENDA MINE**

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

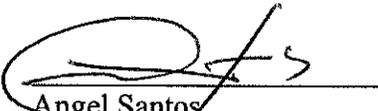
BEFORE ME, the undersigned authority, duly authorized to administer oaths and take acknowledgements, personally appeared Angel Santos, who after being first duly sworn by me, deposes and says:

1. My name is Angel Santos. I am over 18 years of age. The statements made in this affidavit are true and are based on my personal knowledge and experience.
2. I have been a resident of Miami-Dade County, Florida for over 46 years.
3. I currently reside at 17821 SW 100 Street, Miami, Florida.
4. I have owned the property at 17821 SW 100 Street, Miami, Florida for about 15 years.
5. I purchased the property specifically to construct my home somewhere where I would not be negatively impacted by development and its attendant noise, congestion and light pollution.
6. After an extensive and exhaustive search, I chose to purchase property in southwest Miami-Dade County outside the Urban Development expressly because the Urban Development Boundary would limit the amount, type and intensity of development that would occur.

7. I relied and rely on the Miami-Dade County Comprehensive Development Master Plan (“CDMP”) and its associated Land Development Regulations to preserve the quiet, private, low impact and agricultural lifestyle I enjoy.
8. I enjoy recreational and commercial agricultural activities including raising and tending/boarding horses and other domesticated farm animals.
9. My property and residency is near the existing Cemex mine and immediately adjacent to the proposed boundary of the proposed Cemex La Hacienda mine.
10. Currently, I continue to suffer from the adverse impacts of the Cemex’s existing mining operations which have intensified over the past several years.
11. Certain members of my family have experienced adverse health conditions as a result of the regular blasting performed by the current mining operations. Also, I suffer from sleep apnea and use a C-Pap machine to help me stay asleep. The Cemex mining equipment/crane at the site remains illuminated throughout the night – making It difficult for me to achieve restful sleep.
12. My irrigation system is regularly clogged from free floating particles caused by the groundwater draw down activity and vibrations caused by the existing mining operations which requires excessive maintenance to repair its functionality.
13. During certain periods of Cemex’s mining operations, my water well levels have periodically dropped in excess of 3-feet.
14. As a result of the Cemex rock mine blasting, the buildings and structures on my property have developed extensive cracks in the walls, tiles and grout.
15. As a result of the Cemex rock mine blasting my swimming pool has cracked.

16. As a result of the Cemex rock mine blasting, the pavement on my property is cracking.
17. As a result of the Cemex rock mine blasting, I cannot enjoy my animals because they are spooked by the mining activity. As a result of this spooking, it has become unsafe for me to ride my horses since they now respond adversely to its caretakers and others. As a result, I have had to sell off or refrain from purchasing animals that I would have otherwise enjoyed if it were not for the blasting activity.
18. I am unable to peacefully enjoy my property because of the mining activity.
19. I reasonably fear that the proposed Cemex La Hacienda Mining operations will, in fact, worsen the adverse conditions stated above and directly adversely affect my ability to engage in the quiet, peaceful, low impact lifestyle I enjoy.
20. I reasonably fear that the proposed Cemex La Hacienda Mining operations will adversely affect the resale value of my property.
21. I reasonably fear that the proposed Cemex La Hacienda Mining operations would permanently and irreparably change the character of the agricultural community in which I live and enjoy.

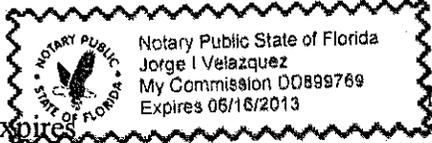
I declare under penalty of perjury that the foregoing is true and correct. Executed this day 20<sup>th</sup> of October, 2011.

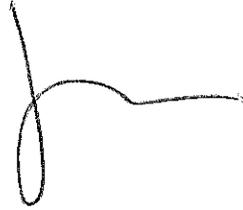
  
Angel Santos  
17821 SW 100 Street  
Miami, Florida 33196

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

BEFORE ME, the undersigned authority, on this day personally appeared  
Angel D. Santos, who I know or who has shown \_\_\_\_\_ as legal  
identification, and who after being by me first duly sworn, deposes and states that he  
executed the foregoing Affidavit and that the statements contained therein are true and  
correct to the best of his  
knowledge and belief.

WITNESS my hand and official seal at Miami, FL, on this 20<sup>th</sup>  
day of October, 2011.

My Commission Expires  Notary Public



AFFIDAVIT OF: Jaime N. Escudero . I am 65 years old.

ADDRESS: 18690 SW. 100 Street  
Miami FL 33196

I HAVE OWNED THIS PROPERTY FOR 9 YEARS, AND MY HOME IS  FROM  ADJACENT TO THE PROPOSED LA HACIENDA CEMEX MINE.

MY COMMENTS REGARDING THE PROPOSED LA HACIENDA CEMEX MINE AND THE DIRECT ADVERSE IMPACT ON ME ARE AS FOLLOW:

The operation of the existing CEMEX mine adversely affects my property and deprives me of its ordinary free use, possession, or enjoyment by rendering it physically uncomfortable to do so.

I have and continue to experience the following adverse effects from the ongoing CEMEX mining operation:

- The health condition of certain members of my family is aggravated by the ongoing mining activities.
- My irrigation system(s) is(are) regularly clogged by free-floating particles – which are a direct result of the well draw down activity and vibrations.
- My water well levels are dropping.
- Buildings and other structures on my property have developed cracks in the walls, tiles and grout.
- The pavement throughout my property is cracking.
- My swimming pool is also developing cracks.
- I cannot enjoy my animals and pets – as they are stressed by being repeatedly spooked by the mining activity.

I reasonably believe and anticipate that the adverse impacts identified above will continue to increase if the additional mining activities of the proposed CEMEX mine is approved by Miami-Dade County.

Additional comments: At my Farm and riding school, we do have access to people with special needs to ride and interact with horses as a component of their therapies; Explosions is putting this service at risk because those explosions frightening the horse, and horse's instinct goes for fight or flight, and definitely horses are taking the flight option (instinct) becoming more nervous and less suitable for the activity. Further Affiant Sayeth Not. Also, riders with special needs get very nervous.

To the best of my knowledge, I declare this a true and honest statement.

Executed on Oct 19, \_\_\_\_\_, 2011 by: [Signature]

Notary Stamp/signature/date:

Oct 18, 2011

AFFIDAVIT OF: MARIA A-ESCUDERO . I am 47 years old.

ADDRESS: 18690 SW. 100 Street  
MIAMI FL 33196

I HAVE OWNED THIS PROPERTY FOR 9 (nine) YEARS, AND MY HOME IS  FROM  ADJACENT TO THE PROPOSED LA HACIENDA CEMEX MINE.

MY COMMENTS REGARDING THE PROPOSED LA HACIENDA CEMEX MINE AND THE DIRECT ADVERSE IMPACT ON ME ARE AS FOLLOW:

The operation of the existing CEMEX mine adversely affects my property and deprives me of its ordinary free use, possession, or enjoyment by rendering it physically uncomfortable to do so.

I have and continue to experience the following adverse effects from the ongoing CEMEX mining operation:

- The health condition of certain members of my family is aggravated by the ongoing mining activities.
- My irrigation system(s) is(are) regularly clogged by free-floating particles – which are a direct result of the well draw down activity and vibrations.
- My water well levels are dropping.
- Buildings and other structures on my property have developed cracks in the walls, tiles and grout.
- The pavement throughout my property is cracking.
- My swimming pool is also developing cracks.
- I cannot enjoy my animals and pets – as they are stressed by being repeatedly spooked by the mining activity.

I reasonably believe and anticipate that the adverse impacts identified above will continue to increase if the additional mining activities of the proposed CEMEX mine is approved by Miami-Dade County.

Additional comments: Explosions are creating noise and frightening environmental to horses. Explosions are causing many horses to become skittish. Horses panic and react; making difficult for riders, and handlers and trainers to maintain control. In addition, they are putting horsemen/women as well as enthusiasts' life and safety at risk.

Further Affiant Sayeth Not.

To the best of my knowledge, I declare this a true and honest statement.

Executed on Oct 19, 2011 by: [Signature]

Notary Stamp/signature/date:

Oct 18, 2011

NOTARY PUBLIC  
STATE OF FLORIDA  
Notary Public State of Florida  
Jorge I Velazquez  
My Commission DD899789  
Expires 06/18/2013

AFFIDAVIT OF: Maria Redondo. I am 45 years old.

ADDRESS: 18002 SW 106 Street  
Miami FL 33196

I HAVE OWNED THIS PROPERTY FOR 4 YEARS, AND MY HOME IS   
1/2 mile FROM  ADJACENT TO THE PROPOSED LA HACIENDA CEMEX MINE.

MY COMMENTS REGARDING THE PROPOSED LA HACIENDA CEMEX MINE AND THE DIRECT ADVERSE IMPACT ON ME ARE AS FOLLOW:

The operation of the existing CEMEX mine adversely affects my property and deprives me of its ordinary free use, possession, or enjoyment by rendering it physically uncomfortable to do so.

I have and continue to experience the following adverse effects from the ongoing CEMEX mining operation:

- The health condition of certain members of my family is aggravated by the ongoing mining activities.
- My irrigation system(s) is(are) regularly clogged by free-floating particles – which are a direct result of the well draw down activity and vibrations.
- My water well levels are dropping.
- Buildings and other structures on my property have developed cracks in the walls, tiles and grout.
- The pavement throughout my property is cracking.
- My swimming pool is also developing cracks.
- I cannot enjoy my animals and pets – as they are stressed by being repeatedly spooked by the mining activity.

I reasonably believe and anticipate that the adverse impacts identified above will continue to increase if the additional mining activities of the proposed CEMEX mine is approved by Miami-Dade County.

Additional comments:

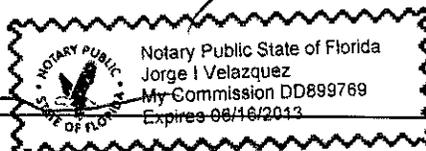
- NONE -

Further Affiant Sayeth Not.

To the best of my knowledge, I declare this a true and honest statement.

Executed on Oct 16, 2011 by: Maria Redondo

Notary Stamp/signature/date:



19 Oct 2011

AFFIDAVIT OF: Barbara P. Pena . I am 73 years old.

ADDRESS: 18200 SW 100 St.  
Miami, FL 33196

I HAVE OWNED THIS PROPERTY FOR 17 YEARS, AND MY HOME IS   
FROM  ADJACENT TO THE PROPOSED LA HACIENDA CEMEX MINE.

MY COMMENTS REGARDING THE PROPOSED LA HACIENDA CEMEX MINE AND THE DIRECT ADVERSE IMPACT ON ME ARE AS FOLLOW:

The operation of the existing CEMEX mine adversely affects my property and deprives me of its ordinary free use, possession, or enjoyment by rendering it physically uncomfortable to do so.

I have and continue to experience the following adverse effects from the ongoing CEMEX mining operation:

- The health condition of certain members of my family is aggravated by the ongoing mining activities.
- My irrigation system(s) is(are) regularly clogged by free-floating particles – which are a direct result of the well draw down activity and vibrations.
- My water well levels are dropping.
- Buildings and other structures on my property have developed cracks in the walls, tiles and grout.
- The pavement throughout my property is cracking.
- My swimming pool is also developing cracks.
- I cannot enjoy my animals and pets – as they are stressed by being repeatedly spooked by the mining activity.

I reasonably believe and anticipate that the adverse impacts identified above will continue to increase if the additional mining activities of the proposed CEMEX mine is approved by Miami-Dade County.

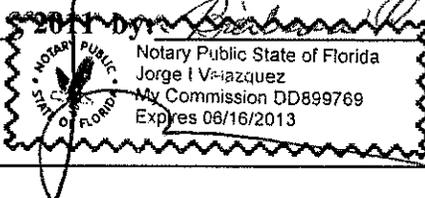
Additional comments:

NONE

Further Affiant Sayeth Not.

To the best of my knowledge, I declare this a true and honest statement.

Executed on October 19



Notary Stamp/signature/date:

19 Oct 2011

AFFIDAVIT OF: Carlos Pena. I am 75 years old.

ADDRESS: 18200 SW 100 St.  
Miami, FL 33196

I HAVE OWNED THIS PROPERTY FOR 17 YEARS, AND MY HOME IS  FROM ~~ADJACENT~~ TO THE PROPOSED LA HACIENDA CEMEX MINE.

MY COMMENTS REGARDING THE PROPOSED LA HACIENDA CEMEX MINE AND THE DIRECT ADVERSE IMPACT ON ME ARE AS FOLLOW:

The operation of the existing CEMEX mine adversely affects my property and deprives me of its ordinary free use, possession, or enjoyment by rendering it physically uncomfortable to do so.

I have and continue to experience the following adverse effects from the ongoing CEMEX mining operation:

- The health condition of certain members of my family is aggravated by the ongoing mining activities.
- My irrigation system(s) is(are) regularly clogged by free-floating particles – which are a direct result of the well draw down activity and vibrations.
- My water well levels are dropping.
- Buildings and other structures on my property have developed cracks in the walls, tiles and grout.
- The pavement throughout my property is cracking.
- My swimming pool is also developing cracks.
- I cannot enjoy my animals and pets – as they are stressed by being repeatedly spooked by the mining activity.

I reasonably believe and anticipate that the adverse impacts identified above will continue to increase if the additional mining activities of the proposed CEMEX mine is approved by Miami-Dade County.

Additional comments:

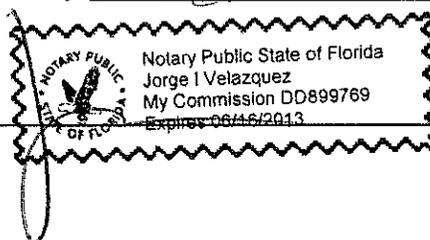
NONE

Further Affiant Sayeth Not.

To the best of my knowledge, I declare this a true and honest statement.

Executed on October 19, 2011 by: [Signature]

Notary Stamp/signature/date:



19 Oct 2011

AFFIDAVIT OF Jose Ramon Castaneda

I am 60 Years of Age

ADDRESS: 18500 SW 100 St, Miami, FL  
33190

I HAVE LIVED AT THIS ADDRESS FOR 1 YRS. AND MY HOME IS LOCATED APPROXIMATELY 2 MILES FROM THE PROPOSED LA HACIENDA CEMEX MINE.

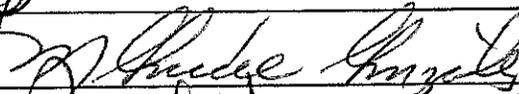
MY COMMENTS ABOUT THE PROPOSED LA HACIENDA CEMEX MINE AND THE ADVERSE IMPACTS ON MYSELF ARE AS FOLLOWS:

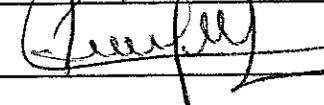
- I bought this home to bring my wife and mother to try to get away of the city to have peace and tranquility.
- We are individuals with several health problems that wish to live in a home of peace and worry free.
- We are not looking forward to this project due to the worry that our home and our lives might be at risk.
- I invested in this home to be away from any contamination, due to that we are all elderly individuals with health risks.

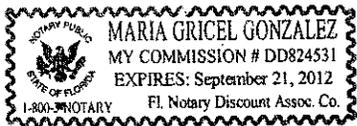
Page 2-

I declare this to be a true and honest statement and it is accurate to the best of my knowledge. Executed on 10-16-11, 2011 by

My Signature: 

Notary Signature/ Date:  10/16/2011

Witness Signature/Date:  10/16/2011



**AFFIDAVIT OF: Jose Abreu & Ana Abreu**

Our age is 68 and 59 years of age respectively.

Address: 10100 SW 177 Ave Miami, Fl 33196 (1996 to present)

18384 SW 100 St Miami, Fl 33196 (1988 to 1996)

**We have lived in this neighborhood for over 23 years and our current home is approximately 0.2 miles (1200 feet) from the proposed La Hacienda/Cemex Mine.**

**MY COMMENTS ABOUT THE PROPOSED LA HACIENDA CEMEX MINE AND THE ADVERSE IMPACTS ON MYSELF ARE AS FOLLOWS:**

We are fortunate to live on our property and run our family nursery where we share this piece of paradise with our clients. As I and my wife have become older, we tend to be easily startled. The explosions come at mid day and the ground shakes. That is at the present site. We can only imagine how it will be when they come closer.

Another great concern is the water quality. Being on well water, as there is no county water here, has had us change out the filters of our home filtration system more often due to the explosions which causes disturbance of the silt within our ground layers. Being south of the issue enhances the issue. We have also had our irrigation system sprinklers to our only income become clogged and spend time unclogging them. We have pulled the draw pipe from our well and have had to remove silt and sand that had become prominent in the last couple of years that we have never had to deal with.

Dredging a lake will cause a larger surface area exposed to more possibilities of contamination. This area is within the water wellfield where the county receives most of the water for the rest of the population. The equipment that is used to dredge is at an average height of 150 feet which is visible for over a mile radius.

Please govern yourselves accordingly and what is best for our community and the future of Miami Dade County.

**I declare this to be true and honest statement and it is accurate to the best of my knowledge. Executed on the 18<sup>th</sup> day of October 2011 by:**

  
\_\_\_\_\_

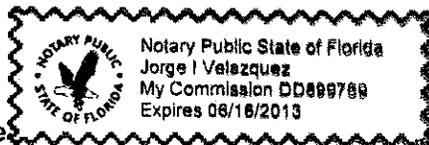
Jose Abreu

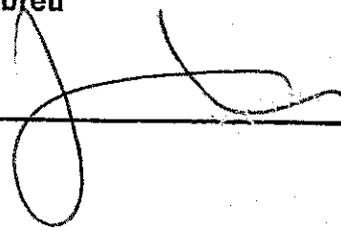
  
\_\_\_\_\_

Ana Abreu

Notary

Signature/Date



  
\_\_\_\_\_

AFFIDAVIT OF Jose R. Amat  
17900 SW 100 Street  
Miami, FL 33196

I am 63 years old and have owned the above property for over 12 years. My property is across the street from the proposed La Hacienda Cemex mine.

The operation of the existing Cemex mine adversely affects my property and deprives me and my family of its ordinary free use, possession, or enjoyment by rendering it physically uncomfortable to do so.

My widowed mother-in-law who frequently stayed with us for extended period of time was terrified on many occasions when the explosions rattle my house and the boom sounded like a bomb was dropped on our yard. My grandchildren, who stay with us to "enjoy the peaceful county side setting" have ran screaming out of the shower when an excessive loud blast from Cemex knocked objects off the shelves.

In addition to the disruption of a normal life and emotional well being, there are many more adverse effects to our daily lives and our physical location. The ongoing mining operations have affected:

- The water well levels are dropping.
- My home has developed many cracks on the walls.
- MY driveway is cracked in several places.
- I cannot enjoy my animals and pets because they are repeatedly spooked by the blasts.

If the proposed additional activities of Cemex are approved by the Miami-Dade County Commissioners it constitutes a permission to Cemex to create abusive living conditions for me and my family.

I declare this to be a true and honest statement and it is accurate to the best of my knowledge.

Signature/Date

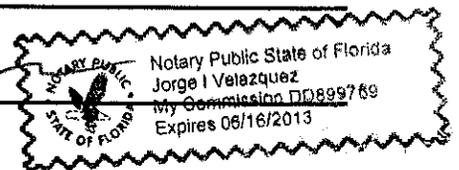
Witness/ Date

Notary/Date

*Jose Amat* / 10/18/11

*Adeline Amat* 10/18/11

*Oct 18, 2011*



**AFFIDAVIT OF Joseph Cala**

I am 2 years of age

ADDRESS 17965 SW 104 Street Miami Fl 33196

**I HAVE LIVED AT THIS ADDRESS FOR 2 YEARS AND MY HOME IS LOCATED APPROXIMATELY 2 MILES FROM THE PROPOSED LA HACIENDA CEMEX MINE.**

**MY COMMENTS ABOUT THE PROPOSED LA HAVIENDA CEMEX MINE AND THE ADVERSE IMPACTS ON MYSELF ARE AS FOLLOWS:**

In 2006 I started building my custom home and was never aware that random explosions were being done on 98<sup>th</sup> and Chrome. After my home was completed and experienced my first explosion, my home shook like as if it had been an earthquake, with many more explosions to follow shortly after. I have visible cracks in my foundation; my paved drive way has shifted collapsing my pavers and causing them to crack when we drive our cars on them. I have spoken to my neighbors about this and they share similar problems. They have complained to CEMEX. CEMEX would go out to their properties access the issues and always conclude that the damages were done due to settling and of course never paid a claim because that would prove their admittance to fault. It would mean that explosions do create great damages to the area. Never the less I would never complain, since I did not want to be given the same run around and red tape.

Now knowing that they are wanting to obtain 482 areas literally in my backyard. Making those explosions even closer, what more damages will I be expecting? There have been complains by CEMEX that the people that purchased homes in the area should have been explained by their perspective realtors of the situation. But many like me did not need a realtor to build their homes and are just finding out. Like the project in South West called Bellen when at the time it was Rinker. The owners there also experience cracks in their home and winded up selling their homes for nearly nothing. Due to the fact that no one would knowingly want to buy a house near an explosion site because of the consequences this kind of mining practices can cause.

In residential areas this would drive prices down and not help in maintaining the value of the homes. I moved to this area for the farming, peacefulness and beautiful lands that surrounded my property. Having such mining and drenching in this area would give me a sense of living in Medley. This was not what I bargained for when I set eyes in building my dream home. Just because there is a decline on the Real Estate market it does not mean that they should allow 482 acres of land be sold for commercial use. This would enrich the Seller and CEMEX but would definitely not help any of the property owners in the area.

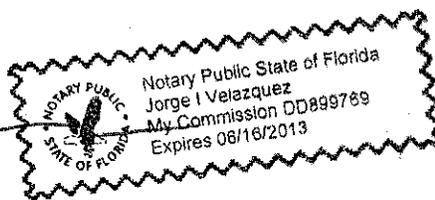
I declare this to be a true and honest statement and it is accurate to the best of my knowledge.

Executed on 10 Oct 2011 by

My Signature: [Handwritten Signature]

Notary Signature/Date: Oct 10, 2011

Witness Signature/Date: \_\_\_\_\_



**AGAINST Speaker's Card** (For Appearance Before the Board of County Commission) JM

Today's Date: 10/20/11 BCC Mtg. Date: \_\_\_\_\_ Agenda Item#: 09-176 SANTA FE HACIENDA

Subject: santa fe

Name: ANDRES FERNANDEZ

Address: 18575 SW 100 ST. MIAMI FL. 33196

**Lobbyist information:** (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization?  Yes  No

If yes, please list name: \_\_\_\_\_  
Organization Firm Client

Have you registered with the Clerk of the Board?  Yes  No

Do you require an interpreter?  
 Necesita un intérprete?  Spanish/Español  Eske w bezwen yon Entèprèt?  Creole/Kreyol

**AGAINST Speaker's Card** (For Appearance Before the Board of County Commission) JM

Today's Date: 20 Oct 11 BCC Mtg. Date: 20 Oct 11 Agenda Item#: 01-55-38

Subject: SANTA FE HACIENDAS

Name: CHARLES V. BOYD

Address: 18400 SW 100 ST MIAMI, FL 33196

**Lobbyist information:** (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization?  Yes  No

If yes, please list name: \_\_\_\_\_  
Organization Firm Client

Have you registered with the Clerk of the Board?  Yes  No

Do you require an interpreter?  
 Necesita un intérprete?  Spanish/Español  Eske w bezwen yon Entèprèt?  Creole/Kreyol

# AGAINST Speaker's Card (For Appearance Before the Board of County Commission)

(JW)

Today's Date: 10/20 BCC Mtg. Date: ~~10/22~~ Agenda Item#: 09176

Subject: Santa Fe Haciendas Mine

Name: Cara Capp

Address: 7300 N. Fed. Hwy # 200, Boca Raton 33487

**Lobbyist information:** (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization?  Yes  No

If yes, please list name: Clean Water Action  
Organization Firm Client

Have you registered with the Clerk of the Board?  Yes  No

Phase II  
cleaning - Before BCC  
Admin

Do you require an interpreter?

Necesita un intérprete?  Spanish/Español  Eske w bezwen yon Entèpre?  Creole/Kreyol

# AGAINST Speaker's Card (For Appearance Before the Board of County Commission)

(JW)

Today's Date: 20 OCT 11 BCC Mtg. Date: ~~01-05-38~~ Agenda Item#: 01-55-38

Subject: Santa Fe Haciendas

Name: Jorge Absen

Address: 10100 SW 177 Ave

**Lobbyist information:** (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization?  Yes  No

If yes, please list name: \_\_\_\_\_  
Organization Firm Client

Have you registered with the Clerk of the Board?  Yes  No

Do you require an interpreter?

Necesita un intérprete?  Spanish/Español  Eske w bezwen yon Entèpre?  Creole/Kreyol

**AGAINST Speaker's Card** (For Appearance Before the Board of County Commission) (JW)

Today's Date: 10.20.11 BCC Mtg. Date: ~~10.20.11~~ Agenda Item#: Santa Fe/Hacienda

Subject: \_\_\_\_\_

Name: Stephanie Cornejo

Address: 5530 Sunset Drive

**Lobbyist information:** (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization?  Yes  No

If yes, please list name: Tropical Audubon Society  
Organization Firm Client

Have you registered with the Clerk of the Board?  Yes  No

Do you require an interpreter?  
 Necesita un intérprete?  Spanish/Español  Eske w bezwen yon Entèprèt?  Creole/Kreyol

**FOR Speaker's Card** (For Appearance Before the Board of County Commission) (JW)

Today's Date: 10/20/2011 BCC Mtg. Date: \_\_\_\_\_ Agenda Item#: 0917

Subject: Santa Fe Hacienda Mine

Name: Robert Hartsell

Address: 2407 SE 14 ST Pompano BEACH, FL

**Lobbyist information:** (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization?  Yes  No

If yes, please list name: ANDRES FERNANDEZ / 1000 FRIENDS OF FL.  
Organization Firm Client

Have you registered with the Clerk of the Board?  Yes  No Quasi Judicial

Do you require an interpreter?  
 Necesita un intérprete?  Spanish/Español  Eske w bezwen yon Entèprèt?  Creole/Kreyol

**AGAINST Speaker's Card** (For Appearance Before the Board of County Commission) <sup>No Show</sup>

Today's Date: Oct 20/11 BCC Mtg. Date: Oct 20/11 Agenda Item#: 01-55-38

Subject: Sta Fe Hacienda

Name: Barbara P Pena

Address: 18200 SW 100 ST

**Lobbyist information:** (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization?  Yes  No

If yes, please list name: \_\_\_\_\_  
Organization Firm Client

Have you registered with the Clerk of the Board?  Yes  No

Do you require an interpreter?  
 Necesita un intérprete?  Spanish/Español  Eske w bezwen yon Entèpre?  Creole/Kreyol

**AGAINST Speaker's Card** (For Appearance Before the Board of County Commission) <sup>No Show</sup>

Today's Date: Oct 20 BCC Mtg. Date: Oct 20 Agenda Item#: 01-55-38

Subject: Sta Fe Hacienda

Name: Carlos Pena

Address: 18200 SW 100 ST

**Lobbyist information:** (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization?  Yes  No

If yes, please list name: \_\_\_\_\_  
Organization Firm Client

Have you registered with the Clerk of the Board?  Yes  No

Do you require an interpreter?  
 Necesita un intérprete?  Spanish/Español  Eske w bezwen yon Entèpre?  Creole/Kreyol

**AGAINST Speaker's Card** <sup>No Show</sup> (For Appearance Before the Board of County Comm

Today's Date: Oct 20 BCC Mtg. Date: Oct 20 Agenda Item#: 01-55-38/09

Subject: Santa Fe Haciendas & Cemex

Name: Maria Redondo

Address: 18002 SW 106 Street Miami FL 33196

**Lobbyist information:** (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization?  Yes  No

If yes, please list name: \_\_\_\_\_  
Organization Firm Client

Have you registered with the Clerk of the Board?  Yes  No

Do you require an interpreter?  
 Necesita un interprete?  Spanish/Español  Éske w bezwen yon Entèpre?  Creole/Kreyol

**FOR Speaker's Card** (For Appearance Before the Board of County Commission)

Today's Date: 10/20/2011 BCC Mtg. Date:        Agenda Item#: A

Subject: SANTA FE HACIENDAS

Name: TOM MACVICAR

Address: 4524 Gun Club Rd, WPB 33415

**Lobbyist information:** (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization?  Yes  No

If yes, please list name: CEMEX Const. Materials  
Organization Firm Client

Have you registered with the Clerk of the Board?  Yes  No

Do you require an interpreter? NO  
 Necesita un intérprete?  Spanish/Español  Eske w bezwen yon Entèpre?  Creole/Kreyol

**FOR Speaker's Card** (For Appearance Before the Board of County Commission)

Today's Date: 10/20/11 BCC Mtg. Date: 10/20/11 Agenda Item#: JM

Subject: Santa Fe

Name: Cliff Kirkmyer

Address: 131 Old Meadow Way PBG, FL 33418

**Lobbyist information:** (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization?  Yes  No

If yes, please list name: CEMEX  
Organization Firm Client

Have you registered with the Clerk of the Board?  Yes  No

Do you require an interpreter?  
 Necesita un intérprete?  Spanish/Español  Eske w bezwen yon Entèpre?  Creole/Kreyol

# FOR Speaker's Card (For Appearance Before the Board of County Commission)

Today's Date: 10/20/11 BCC Mtg. Date: 10/20/11 Agenda Item#: 14

Subject: SANTA FE

Name: ALAN MACVICAR

Address: 1501 BELVEDERE ROAD, WPB, FL

**Lobbyist information:** (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization?  Yes  No

If yes, please list name: \_\_\_\_\_  
Organization Firm Client

Have you registered with the Clerk of the Board?  Yes  No

Do you require an interpreter?  
 Necesita un intérprete?  Spanish/Español  Eske w bezwen yon Entèprèt?  Creole/Kreyol

# FOR Speaker's Card (For Appearance Before the Board of County Commission)

Today's Date: 10/20/11 BCC Mtg. Date: \_\_\_\_\_ Agenda Item#: A

Subject: SANTA FE HACIENDAS

Name: PETER LYONS

Address: 106 NATIVA CIR. NPB, FL 33410

**Lobbyist information:** (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization?  Yes  No

If yes, please list name: \_\_\_\_\_  
Organization Firm Client

Have you registered with the Clerk of the Board?  Yes  No

Do you require an interpreter?  
 Necesita un intérprete?  Spanish/Español  Eske w bezwen yon Entèprèt?  Creole/Kreyol

I. CONDITIONS:

1. That the use be established and maintained in accordance with the approved plan.
2. That complete lake excavation plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer be submitted to and meet with the approval of the Director upon the submittal of an application for a lake excavation permit; said plans shall be substantially in accordance with that submitted for the hearing entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10, for a total of 5 sheets.
3. That the grading, leveling, sloping of the banks and perimeter restoration shall be on a progressive basis as the project develops and the excavation progresses. In accordance with this requirement, the applicant will submit "as built" surveys prepared and sealed by a Florida-licensed surveyor and/or professional engineer at one-fourth, one-half, three-fourths and final completion of the excavation or at six month intervals, whichever is of a lesser duration, or upon request of the Director of the Department of Permitting, Environment and Regulatory Affairs.
4. That the property shall be staked to meet with the approval of the Director of the Department of Permitting, Environment and Regulatory Affairs; said stakes shall be maintained in proper position so that the limits of the excavation, slopes and grade levels may be easily determined.
5. That the property shall be suitably posted to meet with the approval of the Director of the Department of Permitting, Environment and Regulatory Affairs; said posting shall denote the lake excavation operation and warn the public concerning possible hazards, prior to commencement of the excavation.
6. That upon completion of the project, the property shall be restored and left in an acceptable condition meeting with the approval of the Director of the Department of Permitting, Environment and Regulatory Affairs.
7. That the applicants shall, prior to the commencement of lake excavation activities, construct and maintain a continuous landscaped berm at a 100-foot setback from the southern property line. The berm shall be an average of 15 feet in height and shall be planted with native trees and shrubs to provide a visual buffer to the neighboring residents.
8. That the applicants shall not excavate or blast within 200 feet of the southern property line, in accordance with that submitted for the hearing entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10, for a total of 5 sheets the use of explosives shall be strictly prohibited in connection with the lake excavation operation.
9. That the applicants agree not to conduct blasting operations within 500 feet of any occupied residence existing at the time of this approval.

RECEIVED  
By the Clerk for the record.

From A  
Date 7  
10/20/2011

10. If the lake excavation operation is discontinued, abandoned, falls behind schedule or time expires, the existing excavation shall immediately be sloped to conform with the approved plans and the entire operation shall be removed from the premises
11. That the time for the completion of the project including the lake excavation, grading, etc., shall be determined by the Director and the work shall be carried on continuously and expeditiously so that the same will be completed within the allocated time.
12. That if in the opinion of the Miami-Dade County, Board of County Commissioners the excavation is hazardous to the surrounding area; the property will be fenced in by the applicant.
13. That the hours of the lake excavation operation shall be controlled by the Director, except that the applicant shall be permitted to operate between the hours of 7:00 A.M. and 5:00 P.M. on weekdays, Sunday operation and/or other hours of operation than 7:00 A.M. to 5:00 P.M., may be permitted by the Director only if the same does not become a nuisance to the surrounding area.
14. That in order to insure compliance with all terms and conditions imposed, a cash bond or substantially equivalent instrument meeting with the approval of the Director shall be posted with the Department of Permitting, Environment and Regulatory Affairs, payable to Miami-Dade County, in an amount as may be determined and established by the Director of the Department of Permitting, Environment and Regulatory Affairs; said instrument shall be in such form that the same may be recorded in the public records of Miami-Dade County and said instrument shall be executed by the property owner and any and all parties who may have an interest in the land, such as mortgagees, etc. The bond amount shall be based on the volume of cut required to create the approved slope configuration.
15. Upon the issuance of a lake excavation permit, the title of the property in question shall not be transferred without the approval of the Director of the Department of Permitting, Environment and Regulatory Affairs unless the excavation of the subject property has been completed and/or unless the bond has been released.
16. That the applicants shall obtain and renew on an annual basis, a Lake Excavation Permit from the Department of Permitting, Environment and Regulatory Affairs, upon compliance with all terms and conditions, subject to cancellation upon violation of any of the conditions. Once issued, the Lake Excavation Permit for the subject property (and any subsequently issued renewals) and the Lake Excavation Permit(s) for the existing contiguous quarrying operations (and any subsequently issued renewals) shall remain active until the excavation of the respective quarry property has been completed and/or unless the respective bond has been released.
17. All excavations shall be completely enclosed by a safety barrier, with a minimum height of 6 feet, consisting of either orange plastic safety fence or wood slat storm fencing installed on 4" x 4" posts spaced every 10 feet. Said barrier shall be installed prior to issuance of the excavation permit and commencement of

excavating and shall remain in place until work is complete and the performance bond is released.

18. All excavations shall be posted every 50 feet with warning signs a minimum of 18" x 18" in size.
19. That the applicants comply with all applicable conditions and requirements of the Department of Permitting, Environment and Regulatory Affairs.
20. That the applicants comply with all applicable conditions and requirements of the Public Works and waste Management Department.
21. That the applicants comply with all applicable conditions and requirements of the Miami-Dade Fire Rescue Department.
22. That any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the conditions herein agreed to are being complied with.
23. That all Federal, State and local permits be obtained prior to commencement of the excavation. In the event that any Federal, State or local permit is revoked or otherwise held to be invalid, the excavation operation shall immediately cease.

**INFORMATION**

(VW)

**Speaker's Card**

(For Appearance Before the Board of County Commission)

Today's Date 10/20/2011 BCC Mtg. Date 10/20/2011 Agenda Item # B (DADE)

Subject: Downtown Dadeland proposed signage

Name: Jason L. Marder

Address: 8201 Peters Rd. #1000, Plantation, FL 33324

**Lobbyist Information:** (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? Yes:  No:  Downtown Dadeland Condo Association, Inc.

If yes, please list name: Meredith Group, P.A. " " " " TWO THREE FOUR

Organization Firm Client

Have you registered with the Clerk of the Board? Yes:  No: