

# Memorandum



**Date:** October 20, 2020

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

Agenda Item No. 5(Q)

**From:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources

Resolution No. R-1077-20

**Subject:** Class I Permit Application by Prive Developers, LLC

## **Recommendation**

I have reviewed the attached application for a Class I permit by Prive Developers, LLC and based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County (Code), I recommend that the Board of County Commissioners (Board) approve the issuance of a Class I permit for the reasons set forth below.

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

## **Scope**

The project site is on Prive Island identified by folio number 28-2202-053-0010 in Aventura, Miami-Dade County, in Commission District 4, which is represented by Commissioner Sally A. Heyman.

## **Fiscal Impact/Funding Source**

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

## **Track Record/Monitor**

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

## **Background**

The subject Class I permit application requests authorization to fill wetlands that support halophytic (salt tolerant) vegetation for the creation of a beach area, the enhancement of an existing wetland area, and the creation of an additional wetland area adjacent to Dumfoundling Bay located on the southwest corner of Prive Island (herein referred to as the "project area") identified by folio number 28-2202-053-0010 in the City of Aventura, Miami-Dade County. The proposed project is required to be reviewed by the Board at a public hearing because filling wetlands that support halophytic vegetation is specifically referenced in Section 24-48.2 of the Code as work that shall be processed as a standard form application, including a public hearing.

The project site is part of the Island Estates Development, consisting of two spoil islands within Dumfoundling Bay connected to the mainland by bridges. The southern island consists of single family residences with an associated private marina and the northern island (Prive Island) consists of high-rise condominiums. The shoreline of Prive Island is stabilized by limerock riprap boulder revetments, red mangroves, white mangroves, black mangroves, and herbaceous halophytic wetland vegetation.

Coastal construction in, over, and upon tidal waters and wetlands associated with the development of the islands was previously permitted by DERM under numerous Class I permits issued since the early 1980s. Plans previously submitted in 1985 for the initial developments and improvements identified two sections of Prive Island for use as bathing beaches. At that time, these areas were largely dominated by invasive exotic vegetation consisting mainly of Australian pine trees. Although Prive Island remained largely undeveloped until 2014, removal of invasive exotic vegetation occurred periodically throughout the island over the years. As a result of the vegetation control and frequent tidal inundation, the majority of the shoreline of Prive Island now contains areas of high quality mangrove wetlands.

The project site is approximately 13,218 square feet and is made up of both wetlands supporting halophytic vegetation as defined by Section 24-5 of the Code and upland habitat. Of the 13,218 square feet, 9,692 square feet are wetlands supporting halophytic vegetation and the remaining 3,526 square feet are upland habitat. The shoreline of the project area is stabilized by limerock riprap boulders and receives periodic tidal inundation as evidenced by the presence of a narrow fringe of mangroves and green buttonwoods along the shoreline transitioning to a sparse coverage of predominantly herbaceous wetland and some exotic vegetation. The Applicant is proposing to fill 5,979 square feet of wetlands and 1,035 square feet of uplands to create a sand beach area. Additionally, in order to provide access to the beach area from the upland condominiums, the Applicant is proposing to install a wooden beach access ramp leading from the uplands to the beach area and to remove two seven-foot-wide sections of the existing limerock riprap revetment for the installation of matting to facilitate access to the water. A 1,198 square foot portion of the 3,526 square foot upland project area will be scraped down to wetland elevation and planted with red mangroves to create a preservation area. In order to avoid any direct or indirect impacts to the adjacent wetlands, the Applicant will install a bulkhead or similar barrier along the boundaries of the beach area and will maintain a minimum grade differential of six inches between the top of the bulkhead and the elevation of the upland fill. To prevent erosion of fill material into tidal waters within the access corridors, the Applicant will place filter fabric between the fill and the existing riprap revetment and will install matting at the two locations where the riprap boulders are being removed for access to the water.

According to Section 24-48.3(2) of the Code, dredging and filling work proposed in a Class I permit application shall comply with at least one of the criteria listed in that section of the Code. On February 27, 2019, the Environmental Quality Control Board (EQCB) granted a variance from Section 24-48.3(2) of the Code through Board Order No. 19-17 for the proposed filling of halophytic wetlands which does not meet the dredge and fill criteria. This EQCB order is included as Attachment D to this memorandum. The Class I application is for the same work and footprint as that presented to EQCB.

Pursuant to Section 24-48.4 of the Code, potential adverse environmental impacts and cumulative adverse environmental impacts for a proposed project must be avoided and minimized, and mitigation must be provided for all unavoidable but permissible adverse environmental impacts. To meet this requirement of the Code, the Applicant reduced the amount of wetland filling within the proposed project area and has proposed to preserve 3,713 square feet of wetlands within the project area. The Applicant will further enhance the remaining halophytic wetlands by grading 1,198 square feet of uplands to wetland elevation and incorporate supplemental planting of halophytic wetland vegetation. A 1,293 square foot portion of uplands within the project site, immediately adjacent to the existing upland development, will be planted with native vegetation. The Applicant has agreed to preserve the

mangrove wetlands along the shoreline on the remainder of the island and proffer a Restrictive Covenant Running with the Land in Favor of Miami-Dade County, which requires such preservation of mangrove wetlands. Additionally, the property will be maintained free of exotic pest plants and nuisance species in accordance with the Covenant and Class I permit conditions. The subject Class I permit will include specific conditions to provide assurance that any on-site mitigation will be successfully completed in accordance with DERM requirements and that a mitigation bond will be posted prior to permit issuance. In addition, the applicant has purchased 0.5 saltwater mitigation bank credits from the Florida Power and Light Company's Everglades Mitigation Bank to offset the balance of the mitigation.

Please note that there are no riparian owners within 300 feet of the proposed project other than Prive Developers, LLC. Therefore, no courtesy notices were sent out for this application.

The project is consistent with all applicable Miami-Dade County coastal and wetland construction criteria and protection provisions, and the Applicant was granted a variance from Section 24-48.3(2) of the Code. Please find attached a DERM Project Report, which sets forth the reasons the proposed project is recommended for approval by DERM, pursuant to the applicable evaluation factors set forth in Section 24-48.3 of the Code. The conditions, limitations, and restrictions set forth in the Project Report attached hereto are incorporated herein by references hereto.

**Attachments**

Attachment A: Class I Permit Application

Attachment B: Owner/Agent Letter, Engineer Letter and Project Sketches

Attachment C: Zoning Memorandum

Attachment D: Environmental Quality Control Board Order No.19-17

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

Attachment F: DERM Project Report

**Attachment A**

**Class I Permit Application**



MIAMI-DADE  
COUNTY

RECEIVED

# Class I Permit Application

| FOR DEPARTMENTAL USE ONLY                                                        |                     |
|----------------------------------------------------------------------------------|---------------------|
| Date Received: <u>JAN 10 2020;</u>                                               | Application Number: |
| NATURAL RESOURCES DIVISION<br>DEPARTMENT OF REGULATION<br>AND ECONOMIC RESOURCES | Application Fee:    |

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

|                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Applicant Information:</b><br>Name: <u>Prive Developers, LLC</u><br>Address: <u>2750 NE 185th Street, Suite 301</u><br><u>Aventura, FL</u> Zip Code: <u>33160</u><br>Phone #: <u>305-807-2293</u> Fax#: <u>561-236-8692</u><br>Email: <u>gary@islandstatesmiami.com</u><br><small>* This should be the applicant's information for contact purposes.</small> | <b>2. Applicant's Authorized Permit Agent:</b><br><small>Agent is allowed to process the application, furnish supplemental information relating to the application and bind the applicant to all requirements of the application.</small><br>Name: <u>Georgia Vince, Tetra Tech, Inc.</u><br>Address: <u>759 S. Federal Highway, Suite 314</u><br><u>Stuart, FL</u> Zip Code: <u>34994</u><br>Phone #: <u>561-236-8692</u> Fax #: <u></u><br>Email: <u>georgia.vince@tetrattech.com</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                        |                             |                              |                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------------------------|-------------------|
| <b>3. Location where proposed activity exists or will occur (latitude and longitude are only necessary for properties without address or folio #):</b> |                             |                              |                   |
| Folio #(s):                                                                                                                                            | Latitude: <u>25 56 44 N</u> | Longitude: <u>80 07 54 W</u> |                   |
| Street Address: <u>5500 Island Estates Drive</u>                                                                                                       | Section: <u>10</u>          | Township: <u>52S</u>         | Range: <u>42E</u> |
| In City or Town: <u>Aventura, FL 33160</u>                                                                                                             | Near City or Town: <u></u>  |                              |                   |
| Name of waterway at location of the activity: <u>Dumfoundling Bay</u>                                                                                  |                             |                              |                   |

|                                                                                                                                                                                                                                                                                             |                                                                                                                   |                                                                                                                                                         |                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>4. Describe the proposed activity (check all that apply):</b>                                                                                                                                                                                                                            |                                                                                                                   |                                                                                                                                                         |                                                                                                                                                                                                                                                                |
| <input type="checkbox"/> Seawall<br><input type="checkbox"/> New/Replacement Seawall<br><input type="checkbox"/> Seawall Cap<br><input type="checkbox"/> Batter Piles<br><input type="checkbox"/> King Piles<br><input type="checkbox"/> Footer/Tec Wall<br><input type="checkbox"/> Riprap | <input type="checkbox"/> Dock(s)<br><input type="checkbox"/> Pier(s)<br><input type="checkbox"/> Viewing Platform | <input type="checkbox"/> Boatlift<br><input type="checkbox"/> Mooring Piles<br><input type="checkbox"/> Fender Piles<br><input type="checkbox"/> Davits | <input type="checkbox"/> Dredging<br><input type="checkbox"/> Maintenance<br><input type="checkbox"/> New<br><input checked="" type="checkbox"/> Filling<br><input type="checkbox"/> Mangrove Trimming<br><input checked="" type="checkbox"/> Mangrove Removal |
| <input type="checkbox"/> Other: <u></u>                                                                                                                                                                                                                                                     |                                                                                                                   |                                                                                                                                                         |                                                                                                                                                                                                                                                                |
| Estimated project cost = \$ <u>31,250</u>                                                                                                                                                                                                                                                   |                                                                                                                   |                                                                                                                                                         |                                                                                                                                                                                                                                                                |
| Are you seeking an after-the-fact approval (ATF)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes", describe the ATF work: <u></u>                                                                                                                              |                                                                                                                   |                                                                                                                                                         |                                                                                                                                                                                                                                                                |

|                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>5. Proposed Use (check all that apply):</b><br><input type="checkbox"/> Single Family<br><input checked="" type="checkbox"/> Multi-Family<br><input type="checkbox"/> Private<br><input type="checkbox"/> Public<br><input type="checkbox"/> Commercial<br><input type="checkbox"/> Industrial<br><input type="checkbox"/> Utility | <b>6. If the proposed work relates to the mooring of vessels provide the following information (please also indicate if the applicant does not have a vessel):</b><br>Proposed Vessel Type (s): <u>N/A</u><br>Vessel Make/Model (if known): <u></u><br>Draft (s) (range in inches.): <u></u> Length (s) (range in feet.): <u></u><br>Total Number of Slips: <u></u> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                    |                  |                       |                  |               |
|--------------------------------------------------------------------------------------------------------------------|------------------|-----------------------|------------------|---------------|
| <b>7. List all permits or certifications that have been applied for or obtained for the above referenced work:</b> |                  |                       |                  |               |
| Issuing Agency                                                                                                     | Type of Approval | Identification Number | Application Date | Approval Date |
| DEP                                                                                                                | ERP              | 13-0143290-010        |                  | 5/7/2017      |

**8. Contractor Information (If known):**

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

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

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

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

OCT 18 2019

NATURAL RESOURCES DIVISION  
 DEPARTMENT OF REGULATORY SERVICES

**A. IF APPLICANT IS AN INDIVIDUAL**

Signature of Applicant \_\_\_\_\_ Print Applicant's Name \_\_\_\_\_ Date \_\_\_\_\_

**B. IF APPLICANT IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON**

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

Prive Developers

LLC

FL

Print Name of Applicant (Enter the complete name as registered)  
 Registration/Incorporation

Type (Corp, LLC, LLP, etc.)

State of

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

Signature of Authorized Representative \_\_\_\_\_ Gary Cohen \_\_\_\_\_ Principal \_\_\_\_\_ 10/10/19  
 Print Authorized Representative's Name Title Date

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

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

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

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

Signature of Authorized Representative \_\_\_\_\_ Print Authorized Representative's Name \_\_\_\_\_ Title \_\_\_\_\_ 10/10/19  
 Date

Signature of Authorized Representative \_\_\_\_\_ Print Authorized Representative's Name \_\_\_\_\_ Title \_\_\_\_\_  
 Date



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

I/We are the fee simple owner(s) of the real property located at Prive at Island Estates Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 28-2210-078-0020

I am aware and familiar with the contents of this application for a Miami-Dade County Class I Permit to perform the work on or adjacent to the subject property, as described in Section 4 of this application. I possess the riparian rights to the area of the proposed work (if applicable) and hereby consent to the work identified in this Class I Permit application.

**A. IF THE OWNER(S) IS AN INDIVIDUAL**

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

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

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

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

Prive Developers

LLC

FL

Print Name of Owner (Enter the complete name as registered)

Type (Corp, LLC, LLP, etc.)

State of Registration/Incorporation

2750 NE 185th Street, Suite 301, Aventura, FL 33160

Address of Owner

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

[Signature] Gary Cohen Principal 10/10/19  
Signature of Authorized Representative Print Authorized Representative's Name Title Date

\_\_\_\_\_  
Signature of Authorized Representative Print Authorized Representative's Name Title Date

**Please Review Above**

Appropriate signature(s) must be included in:

Box 9: either A, B or C

**AND**

Box 10: either A or B

**RECEIVED**

OCT 18 2019

NATURAL RESOURCES DIVISION  
DEPARTMENT OF REGULATION  
AND ECONOMIC RESOURCES

**Attachment E**

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

This instrument was prepared by:  
Name: Tom Robertson  
Address: 200 S. Biscayne Blvd, Miami

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

Whereas, the undersigned, Prive Developers, LLC ("Owner") holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit A, attached hereto and incorporated herein by reference and hereinafter called the "Property," and

This Restrictive Covenant is proffered for acceptance by Miami-Dade County as part of, or as a condition of, Class I Permit CLI 2019-0409 pursuant to Section 24-48.2(II)(B)(10)(c) of the Code of Miami-Dade County, and

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

1. For the purposes of this Restrictive Covenant, "Mitigation Area" is herein defined as the portion of the Property depicted on Exhibit B as "Total Proposed Enhanced Wetland Boundary Area" and consisting of: (a) the "wetland creation area," which is the portion of the Property that currently exists as upland area and will be converted into a halophytic wetland; and (b) the "enhanced wetland area," which is the portion of the Property that currently exists as a halophytic wetland and will be enhanced through the planting of mangroves or other suitable halophytic vegetation. The Owner shall be responsible for preserving and managing the Mitigation Area and shall ensure that the Mitigation Area is not disturbed or removed for the life of this Restrictive Covenant. Exhibit B is attached for illustrative purposes, and the full scale maps are on file with Miami-Dade County.
2. For the purposes of this Restrictive Covenant, "Preservation Area" is herein defined as the portions of the Property located between the "wetland line" and the limits of Tract "A," as depicted in Exhibit C. The Owner shall be responsible for preserving and managing the mangroves and halophytic wetlands within the Preservation Area, including all mangroves and halophytic wetland vegetation that recruit into the Preservation Area or any adjacent submerged lands within the boundaries of the Property, and shall ensure that the Preservation Area is not disturbed or removed for the life of this Restrictive Covenant. Exhibit C is attached for illustrative purposes, and the full scale survey is on file with Miami-Dade County.
3. For the purposes of this Restrictive Covenant, "monitoring event" is herein defined as an inspection conducted by a qualified biologist experienced in mangrove restoration projects to (a) gather the necessary information to determine the success of restoration efforts and (b) complete a monitoring report and conduct any necessary

improvements as described in this Restrictive Covenant. Monitoring events will be conducted in both the Mitigation and Preservation Areas.

4. For the purposes of this Restrictive Covenant, "monitoring report" is herein defined as a document, prepared by a qualified biologist experienced in mangrove restoration projects, that includes the information observed during the monitoring event. Monitoring reports will include the information specified in this Restrictive Covenant.
5. The Owner agrees and covenants to Miami-Dade County that there shall be no trimming, cutting, removal, or alteration of mangroves at the Property without the Owner first obtaining a Class I permit, unless such activity is exempt from permitting pursuant to sections 403.9321-403.9334, Florida Statutes.
6. The Owner agrees and covenants to Miami-Dade County that the mangroves planted within the Mitigation Area shall be subject to the following provisions:
  - a) The Owner shall conduct monitoring events of the mangrove plantings to ensure success of the plantings over a 5-year period. The Owner shall submit monitoring reports quarterly for the first three years and semi-annually for the last two years of the 5-year monitoring period. A time zero monitoring report shall be submitted by the Owner within thirty (30) days of completion of the initial planting of mangroves. The 5-year monitoring period shall commence from the date that DERM receives the time zero monitoring report. The first quarterly monitoring report shall be submitted to DERM by the Owner within three (3) months from the date of the time zero monitoring report. The Owner shall submit monitoring reports to the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM), Coastal Resources Section, 701 NW 1 Court, Ste. 600, Miami, Florida, 33136-3912 and shall include the following information:
    - I. Project Name (Prive Developers, LLC), DERM File Number (CLI-2019-0409), and property address
    - II. Date(s) of monitoring event
    - III. Percent survivorship of the planted mangroves; percent cover by native wetland plant species
    - IV. Maintenance activities conducted (i.e. removal of exotics, replanting if necessary in the case of mangrove seedling mortality, removal of marine debris, etc.)
    - V. Photographic documentation from at least three fixed reference points
  - b) The planted mangroves within the Mitigation Area must meet 80% survivorship at all times following completion of the planting. If the monitoring report shows that the minimum 80% survivorship of the planted mangroves has not been met, additional mangroves shall be planted and maintained by the Owner until 80% survival is achieved at 1 year after the last mangrove planting.

- c) Success of the Mitigation Area shall be achieved when there is 80% cover by mangrove canopy within the designated Mitigation Area.
7. The Owner shall be responsible for maintaining the Mitigation and Preservation Areas free of solid waste, exotic pest plant species, and nuisance species for the life of this Restrictive Covenant.
  8. The Owner agrees and covenants that exotic pest plant species and nuisance species shall be eradicated during each monitoring event to facilitate recruitment of mangroves and success of both the Mitigation and Preservation Areas. If the removal of any exotic pest plant species and nuisance species will result in disruption to wetland vegetation or wetland soils, then removal shall be done by cutting and leaving the stump in place. Cut exotic vegetation shall be treated with an appropriate herbicide within one hour of cutting. The treated stumps will be left in place to prevent disruption to wetland soils and to allow for re-treatment with an herbicide if necessary. All cut material will be removed and properly stored or disposed of in accordance with all Federal, State, and local regulations.
  9. The Owner agrees and covenants to implement and maintain appropriate erosion control measures and methods to prevent impacts to tidal waters and wetlands, and to construct and maintain a bulkhead or a similar physical barrier along the portion of the Mitigation Area adjacent to the uplands, as shown on page 1 of Exhibit B as "bulkhead" or similar physical barrier, to prevent erosion of fill material into the Mitigation Area and adjacent mangroves and wetlands.
  10. The Owner shall notify Miami-Dade County in writing not later than thirty (30) days after any conveyance, sale, grant or transfer of the Property or any portion thereof, to any heirs, successors, assigns or grantees.
  11. The Owner agrees and covenants that approval of this Restrictive Covenant neither authorizes nor constitutes a permit of any kind for work in, on, over, or upon wetlands or tidal waters at or adjacent to the Property.
  12. The term Owner shall include the owner and their heirs, successors and assigns.
  13. This Restrictive Covenant shall run with the land and shall be recorded in the Public Records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the Owner and their heirs, successors, grantees and assigns until such time as same is modified or released in writing by Miami-Dade County pursuant to the provisions of Section 24-48.2 of the Code of Miami-Dade County.
  14. This Restrictive Covenant and the provisions contained herein may be enforced against any person permitting, allowing, letting, causing or suffering any violation of the terms of this Restrictive Covenant by DERM, or its successor, by temporary, permanent, prohibitory, and mandatory injunctive relief as well as otherwise provided by law or ordinance and also may include an action for and to recover civil penalties, damages, costs and expenses, and attorney's fees in favor of Miami-Dade County against said person(s) as authorized by law or ordinance. All of the remedies provided herein shall be deemed to be independent and cumulative and shall be deemed to be supplemental to any remedies provided by law or ordinance.



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

16. This Restrictive Covenant is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years after the date this Restrictive Covenant is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless the Restrictive Covenant is modified or released by Miami-Dade County.

**IN WITNESS WHEREOF**, the undersigned have caused this Restrictive Covenant to be executed this \_\_\_\_ day of \_\_\_\_\_, 2020.

**WITNESSES:**

Sign \_\_\_\_\_  
Print \_\_\_\_\_  
Address \_\_\_\_\_  
Title \_\_\_\_\_

**PROPERTY OWNER: Prive Developers, LLC**

Sign \_\_\_\_\_  
Print \_\_\_\_\_  
Address \_\_\_\_\_  
Title \_\_\_\_\_

**STATE OF FLORIDA, COUNTY OF MIAMI-DADE**

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Insert name)

State of Florida

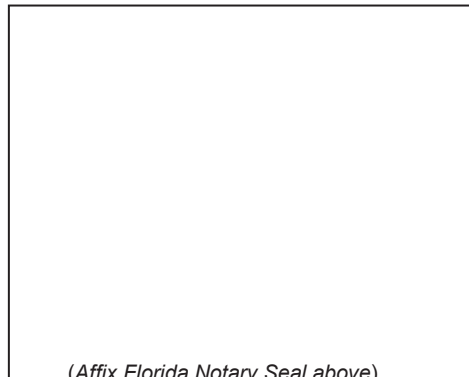
County of Miami-Dade

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

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

by \_\_\_\_\_

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



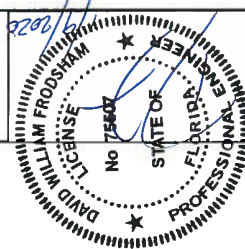
\_\_\_\_\_  
(Signature of Notary Public)

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

## **EXHIBIT A**

**Tract A, Prive at Island Estates, according to the Plat thereof, recorded in Plat Book 172, Page 47, Public Records Miami-Dade County, Florida, Including the Common Elements only of the Condominium known and designated as Prive' Condominium, a condominium, according to the Declaration thereof, recorded in O.R. Book 30790, Page 92, of the Public Records of Miami-Dade County, Florida.**

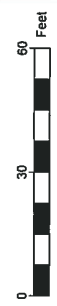
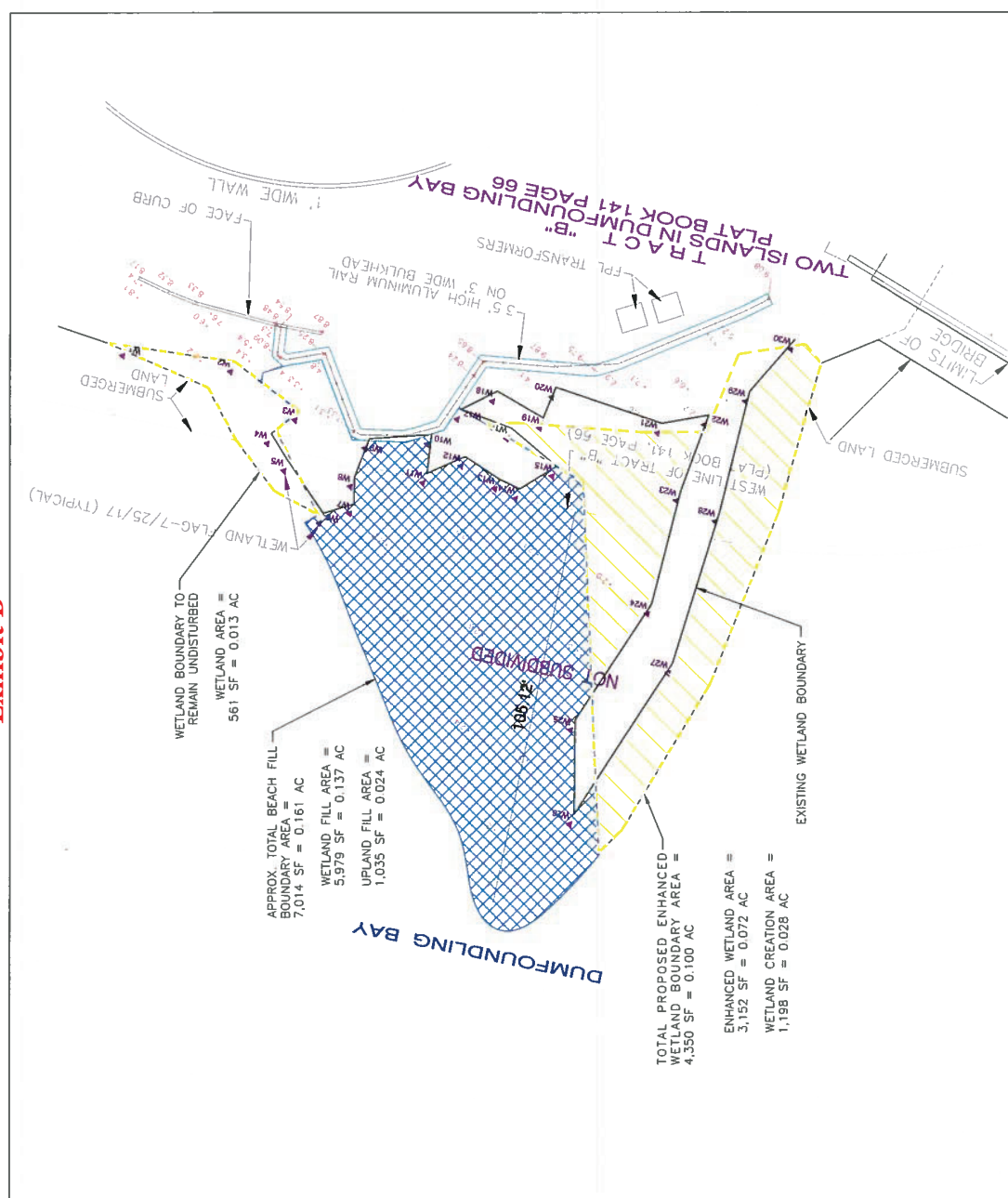


[illegible]

**TETRA TECH INC.**  
759 SOUTH FEDERAL HWY  
SUITE 314  
STUART, FL 34994-2936  
TEL: (772) 781-3400  
FAX: (772) 781-3411  
NO. 2429  
CERTIFICATE OF AUTHORIZATION

PRIVE: ISLAND ESTATES  
BEACH FILLING PROJECT  
EXISTING CONDITIONS  
MIAMI-DADE COUNTY, FLORIDA

Sheet Reference:  
**C-003**  
Sheet 3 of 10

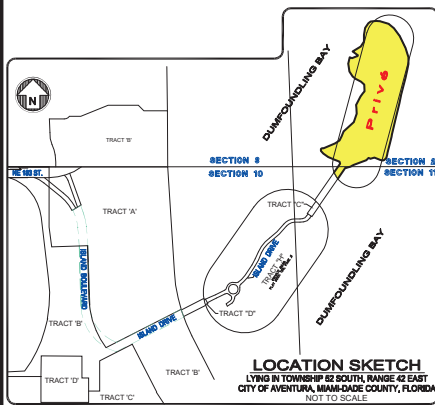


## "Exhibit B"

**Sunshine 811**  
Always call 811 before you dig.

SOURCE: FORTIN, LEAVY, SKILES, INC. DATED 7/25/17





SEE DETAIL "A"  
ON SHEET 3

PORTION OF TRACT "B"  
P.B. 141 PG. 66

PORTION OF TRACT "B"  
P.B. 141 PG. 66

## LEGAL DESCRIPTION:

Tract "A" of PRIVE' AT ISLAND ESTATES, according to the Plat thereof, as recorded in Plat Book 172, Page 47, of the Public Records of Miami-Dade County, Florida

## SURVEYOR'S NOTES:

- This site lies in Sections 2 & 11, Township 52 South, Range 42 East, City of Aventura, Miami-Dade County, Florida.
- This is **NOT** a "Boundary Survey" but only a graphic depiction of the Wetland line and Construction line, as shown hereon. Said Wetland line and Construction line were located and depicted by flags/stakes on 9/15/14. These locations were determined by D.E.R.M.; Thomas Checca, P.E.; and Donna Small, DLS Environmental Services, Inc.
- Information beyond the scope of this "Specific Purpose Survey" may not be current or located.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, Inc. Sketch No. 2007-030.
- All documents are recorded in the Public Records of Miami-Dade County, Florida, unless otherwise noted.
- Lands shown hereon were **NOT** abstracted for restrictions, easements and/or rights-of-way of records.
- Bearings hereon are referred to an assumed value of N 15°00'00" E for the Westerly line of Tract "B", said bearing is identical with the plat of record.
- Elevations shown hereon are relative to the National Geodetic Vertical Datum of 1929, based on Miami-Dade County Bench Mark E-218, Elevation +6.99, located July 2013 at N.E. 183rd Street & N.E. 32nd Avenue.
- Elevations shown hereon have not been updated to reflect possible settlement and/or environmental changes after the date of the original survey.
- Lands shown hereon are located within an area having a Zone Designation AE (EL 9) by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 12086C0134L, for Community No. 120676, dated September 11, 2009, and index map revised September 11, 2009, and is relative to the National Geodetic Vertical Datum of 1929.
- Dimensions indicated hereon are field measured by electronic measurement, unless otherwise noted.
- All horizontal control measurements are within a precision of 1:10,000.
- This map is intended to be displayed at the graphic scale shown hereon or smaller.
- Underground improvements and/or underground encroachments not shown unless otherwise indicated.
- The approximate location of all utilities shown hereon were determined from As-Built plans and/or on-site locations and should be verified before construction.

## SURVEYOR'S CERTIFICATION:

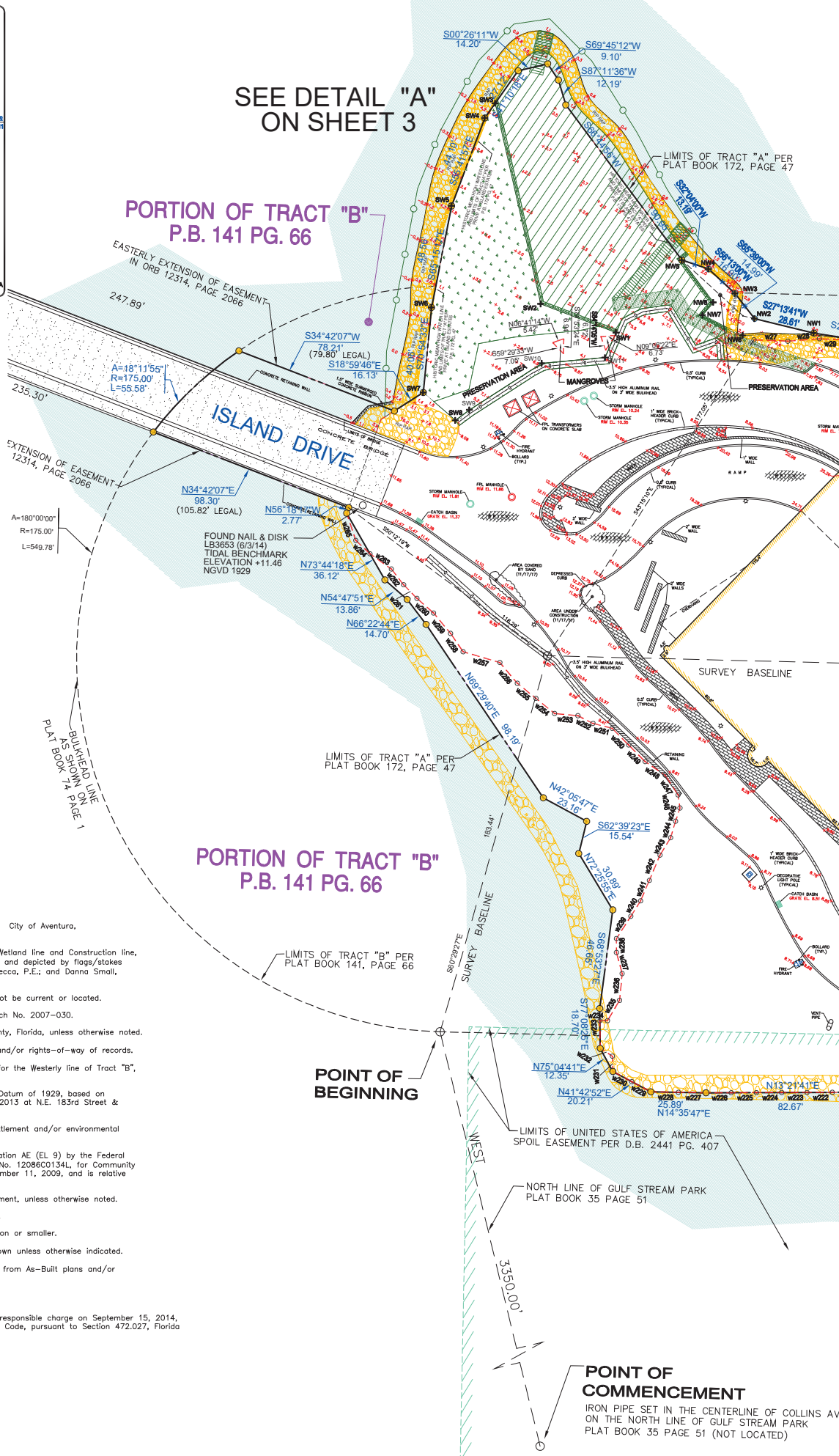
I hereby certify that this "Specific Purpose Survey" was made under my responsible charge on September 15, 2014, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

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

FORTIN, LEAVY, SKILES, INC., LB3653

By:

Daniel C. Fortin, For The Firm  
Surveyor and Mapper, LS2853  
State of Florida.





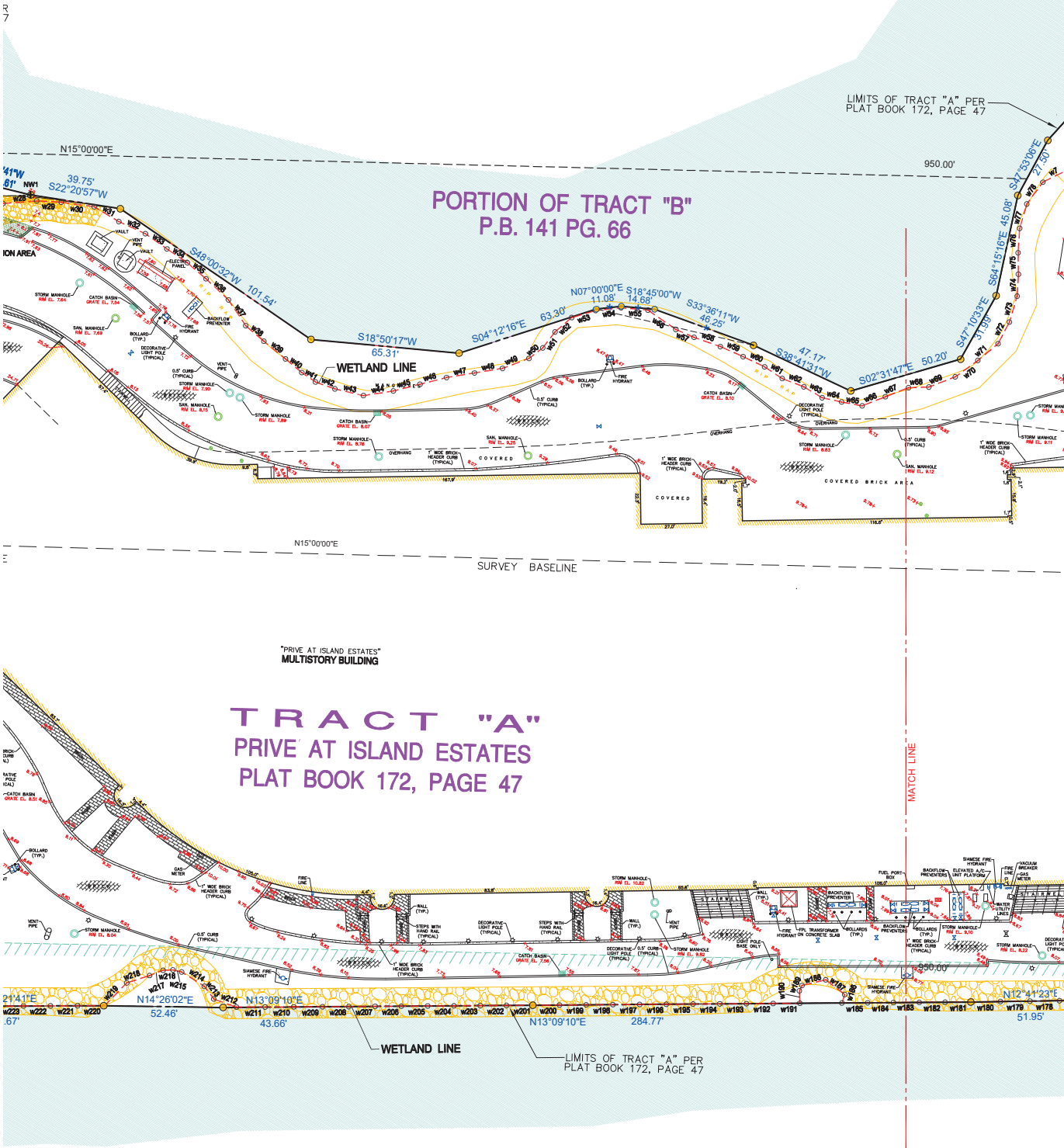
This Drawing is the Property of Fortin, Leavy, Skiles, Inc. and is an Instrument of Service not to be Reproduced in whole or in part without the Express WRITTEN Permission of Same.

| No. | Revision | Description                        |
|-----|----------|------------------------------------|
| 6   | 190390   | AMEND PER CLIENT COMMENT 9/10/2019 |
| 5   | 190390   | AMEND PER CLIENT COMMENT 7/26/2019 |
| 4   | 181531   | ADDITIONAL CLIENT COMMENT 5/13/19  |
| 3   | 181531   | OVERLAY/DESIGN PLAN 2/22/19        |
| 2   | 150999   | LOCATE ADITT. MHWL POINTS 7/10/15  |
|     | O.N.     |                                    |

**FORTIN, LEAVY, SKILES, INC.**  
CONSULTING ENGINEERS, SURVEYORS & MAPPERS  
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653  
180 Northeast 168th Street / North Miami Beach, Florida 33162  
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flsurvey.com

**SPECIFIC PURPOSE SURVEY**  
**PRIVE AT ISLAND ESTATES**  
SECTIONS 2 & 11, TOWNSHIP 52 SOUTH, RANGE 42 EAST  
CITY OF AVENTURA, MIAMI-DADE COUNTY, FLORIDA

|            |                    |
|------------|--------------------|
| Date       | 9/15/14            |
| Scale      | 1" = 30'           |
| Drawn By   | JJB/GEM            |
| Cnd. No.   | 131225-Wet         |
| Plotted    | 5/24/19 1:27p      |
| Ref. Dwg.  | 2007-030           |
| Field Book | 498/63 & FLD. SHT. |
| Job. No.   | 140999             |
| Dwg. No.   | 2014-153           |
| Sheet      | 1 of 3             |



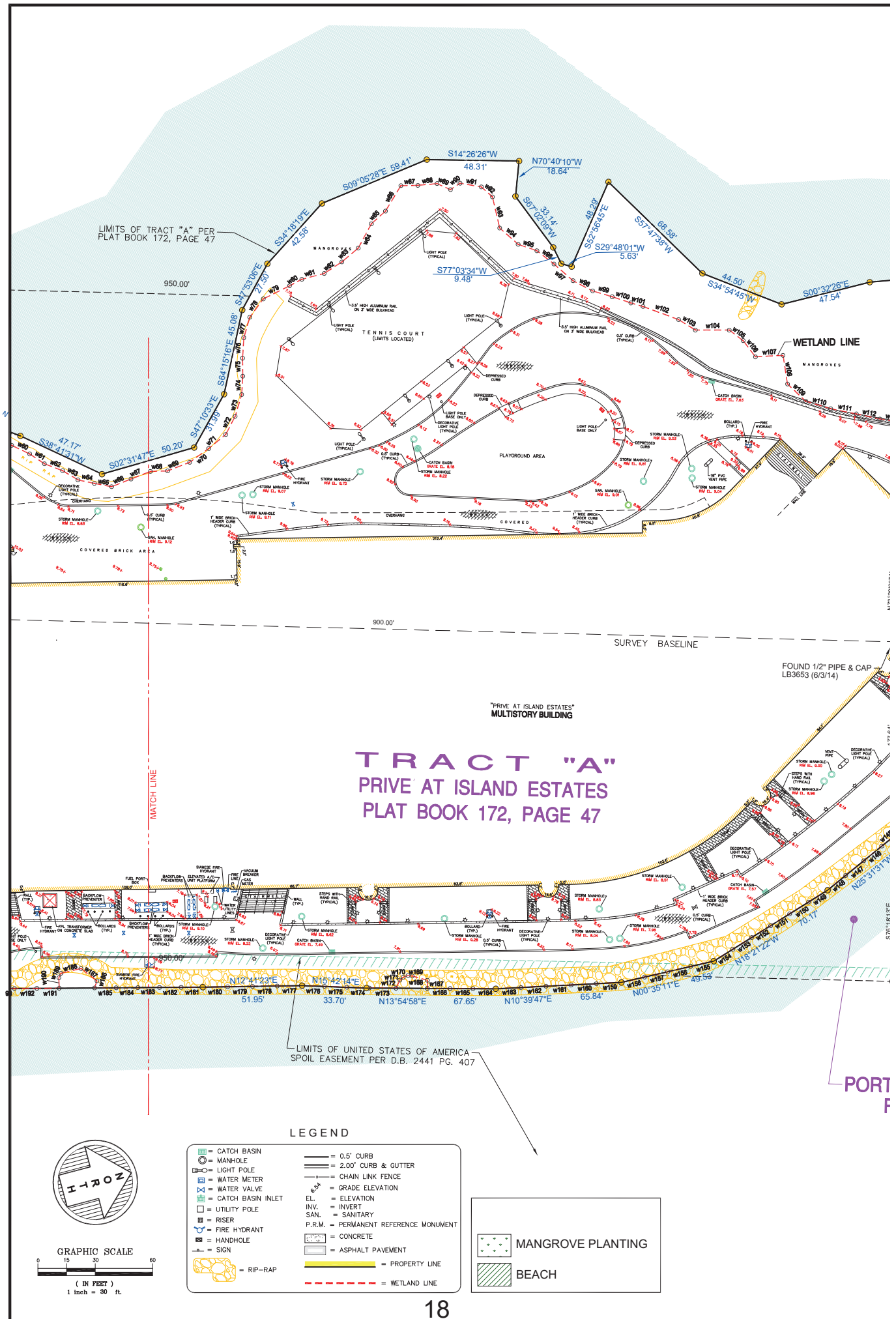
**LEGEND**

|  |                   |
|--|-------------------|
|  | MANGROVE PLANTING |
|  | BEACH             |

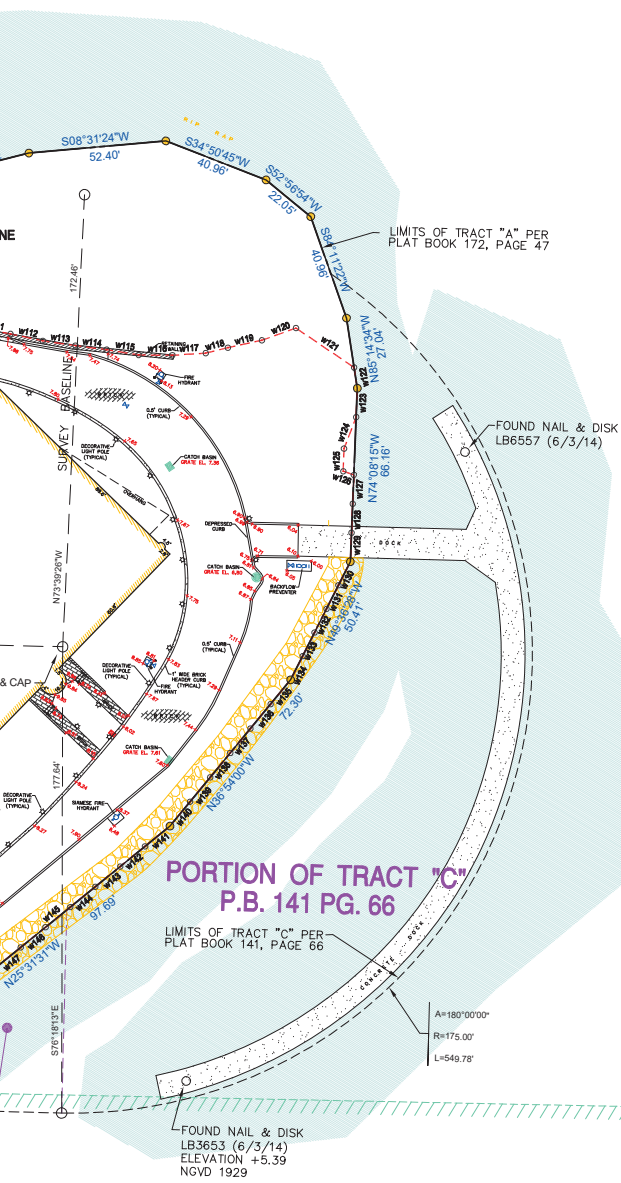
**LEGEND**

|  |                              |
|--|------------------------------|
|  | CATCH BASIN                  |
|  | MANHOLE                      |
|  | LIGHT POLE                   |
|  | WATER METER                  |
|  | WATER VALVE                  |
|  | CATCH BASIN INLET            |
|  | UTILITY POLE                 |
|  | RISER                        |
|  | FIRE HYDRANT                 |
|  | HANDHOLE                     |
|  | SIGN                         |
|  | RIP-RAP                      |
|  | 0.5' CURB                    |
|  | 2.00' CURB & GUTTER          |
|  | CHAIN LINK FENCE             |
|  | ELEVATION                    |
|  | INVERT                       |
|  | SANITARY                     |
|  | PERMANENT REFERENCE MONUMENT |
|  | CONCRETE                     |
|  | ASPHALT PAVEMENT             |
|  | PROPERTY LINE                |
|  | WETLAND LINE                 |

OLLINS AVENUE  
'ARK

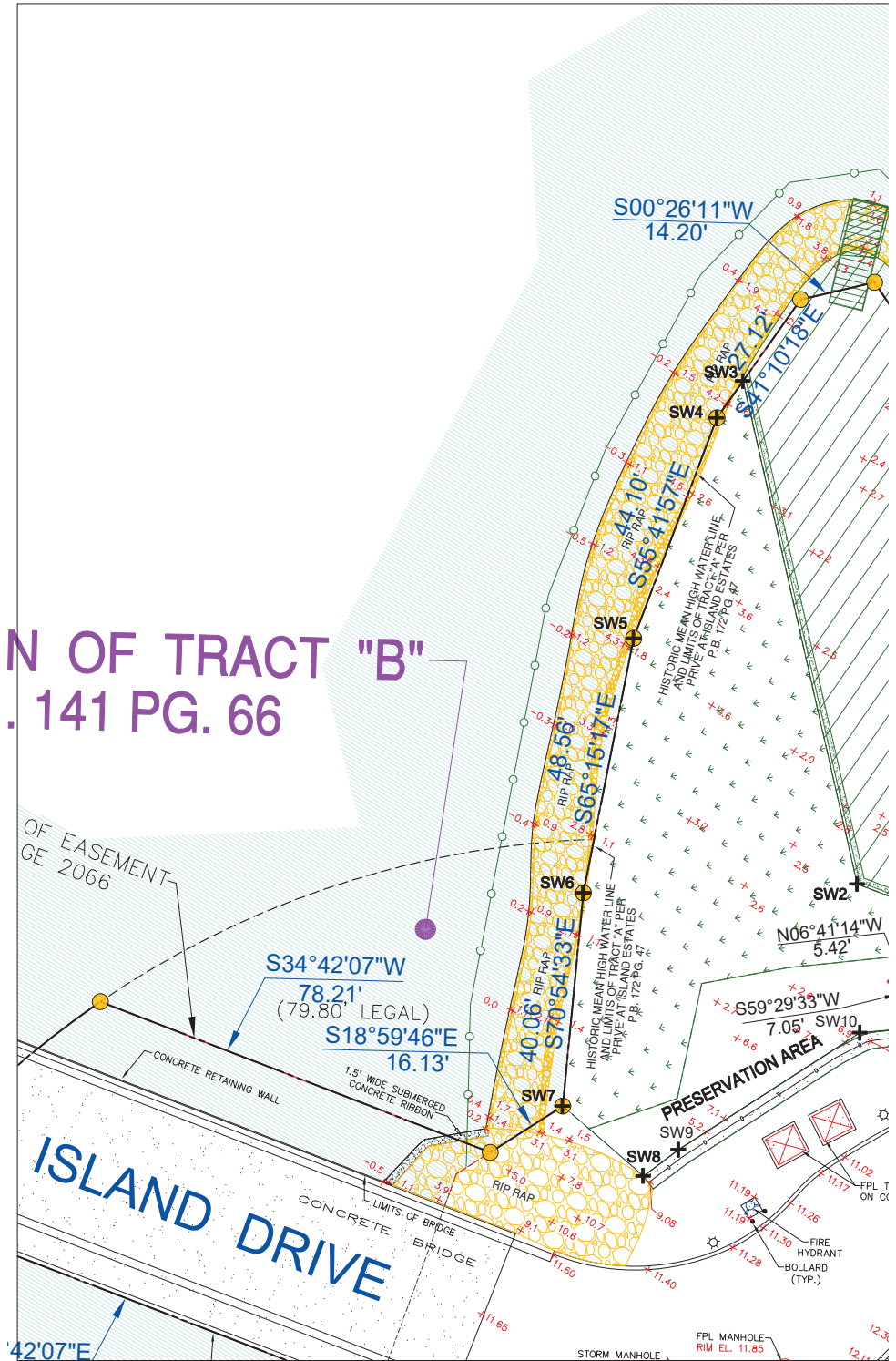






| LINE TABLE |        |             | LINE TABLE |        |             | LINE TABLE |        |             | LINE TABLE |        |             |
|------------|--------|-------------|------------|--------|-------------|------------|--------|-------------|------------|--------|-------------|
| LINE       | LENGTH | BEARING     | LINE       | LENGTH | BEARING     | LINE       | LENGTH | BEARING     | LINE       | LENGTH | BEARING     |
| w133       | 10.08  | S49°36'28"E | w133       | 10.08  | S49°36'28"E | c1         | 18.94  | N65°04'17"E | c120a      | 10.00  | S45°06'16"E |
| w134       | 10.08  | S49°36'28"E | w134       | 10.08  | S49°36'28"E | c2         | 13.19  | N19°20'57"W | c123       | 13.19  | S47°02'29"E |
| w135       | 12.05  | S36°54'00"E | w135       | 12.05  | S36°54'00"E | c3         | 13.09  | N19°28'15"W | c124       | 13.19  | S47°02'29"E |
| w136       | 12.05  | S36°54'00"E | w136       | 12.05  | S36°54'00"E | c4         | 13.09  | N19°28'15"W | c125       | 13.19  | S47°02'29"E |
| w137       | 12.05  | S36°54'00"E | w137       | 12.05  | S36°54'00"E | c5         | 40.04  | N16°56'23"W | c126       | 8.83   | S36°32'37"E |
| w138       | 12.05  | S36°54'00"E | w138       | 12.05  | S36°54'00"E | c6         | 19.92  | N08°59'55"E | c127       | 8.83   | S36°32'37"E |
| w139       | 12.05  | S36°54'00"E | w139       | 12.05  | S36°54'00"E | c7         | 8.20   | N43°15'54"W | c128       | 8.83   | S36°32'37"E |
| w140       | 12.05  | S36°54'00"E | w140       | 12.05  | S36°54'00"E | c8         | 8.08   | N54°58'50"W | c129       | 8.83   | S36°32'37"E |
| w141       | 12.21  | S25°31'31"E | w141       | 12.21  | S25°31'31"E | c9         | 23.73  | N04°28'40"W | c130       | 11.37  | S26°11'58"E |
| w142       | 12.21  | S25°31'31"E | w142       | 12.21  | S25°31'31"E | c10        | 13.17  | N71°25'22"E | c131       | 12.03  | S32°08'07"E |
| w143       | 12.21  | S25°31'31"E | w143       | 12.21  | S25°31'31"E | c11        | 9.47   | N61°02'43"E | c132       | 12.78  | S27°18'26"E |
| w144       | 12.21  | S25°31'31"E | w144       | 12.21  | S25°31'31"E | c12        | 12.63  | N03°03'58"E | c133       | 13.42  | S24°49'11"E |
| w145       | 12.21  | S25°31'31"E | w145       | 12.21  | S25°31'31"E | c13        | 8.89   | S78°23'04"E | c134       | 13.59  | S25°24'11"E |
| w146       | 12.21  | S25°31'31"E | w146       | 12.21  | S25°31'31"E | c14        | 11.34  | N18°02'07"E | c135       | 12.50  | S25°07'19"E |
| w147       | 12.21  | S25°31'31"E | w147       | 12.21  | S25°31'31"E | c15        | 11.18  | N21°36'30"E | c136       | 13.22  | S17°40'58"E |
| w148       | 12.21  | S25°31'31"E | w148       | 12.21  | S25°31'31"E | c16        | 12.93  | N09°38'05"E | c137       | 12.92  | S23°43'09"E |
| w149       | 11.69  | S18°21'22"E | w149       | 11.69  | S18°21'22"E | c17        | 4.80   | N01°40'00"E | c138       | 13.31  | S23°38'40"E |
| w150       | 11.69  | S18°21'22"E | w150       | 11.69  | S18°21'22"E | c18        | 10.36  | N18°26'15"E | c139       | 13.15  | S22°23'43"E |
| w151       | 11.69  | S18°21'22"E | w151       | 11.69  | S18°21'22"E | c19        | 6.80   | N24°11'36"E | c140       | 12.52  | S19°46'28"E |
| w152       | 11.69  | S18°21'22"E | w152       | 11.69  | S18°21'22"E | c20        | 7.81   | N14°10'42"E | c141       | 11.34  | S15°08'50"E |
| w153       | 11.69  | S18°21'22"E | w153       | 11.69  | S18°21'22"E | c21        | 8.16   | N27°42'46"E | c142       | 7.77   | S18°23'36"E |
| w154       | 11.69  | S18°21'22"E | w154       | 11.69  | S18°21'22"E | c22        | 7.19   | N35°53'33"E | c143       | 12.24  | S08°16'20"E |
| w155       | 12.38  | S00°35'11"W | w155       | 12.38  | S00°35'11"W | c23        | 8.69   | N41°44'20"E | c144       | 12.41  | S01°59'07"E |
| w156       | 12.38  | S00°35'11"W | w156       | 12.38  | S00°35'11"W | c24        | 8.49   | N49°08'25"E | c145       | 12.92  | S06°53'07"E |
| w157       | 12.38  | S00°35'11"W | w157       | 12.38  | S00°35'11"W | c25        | 7.73   | N52°35'29"E | c146       | 12.45  | S00°57'32"E |
| w158       | 12.38  | S00°35'11"W | w158       | 12.38  | S00°35'11"W | c26        | 11.77  | N58°06'52"E | c147       | 8.99   | S11°38'47"E |
| w159       | 13.17  | S10°39'47"W | w159       | 13.17  | S10°39'47"W | c27        | 12.12  | N47°28'15"E | c148       | 11.34  | S12°25'25"W |
| w160       | 13.17  | S10°39'47"W | w160       | 13.17  | S10°39'47"W | c28        | 10.48  | N68°54'39"E | c149       | 11.19  | S10°07'04"W |
| w161       | 13.17  | S10°39'47"W | w161       | 13.17  | S10°39'47"W | c29        | 10.48  | N68°54'39"E | c150       | 11.19  | S10°07'04"W |
| w162       | 13.17  | S10°39'47"W | w162       | 13.17  | S10°39'47"W | c30        | 14.28  | N51°25'34"E | c151       | 13.07  | S13°39'28"E |
| w163       | 13.17  | S10°39'47"W | w163       | 13.17  | S10°39'47"W | c31        | 12.66  | N50°43'52"E | c152       | 14.18  | S11°21'07"W |
| w164       | 11.94  | S18°45'58"E | w164       | 11.94  | S18°45'58"E | c32        | 13.09  | N39°29'05"E | c153       | 14.18  | S11°21'07"W |
| w165       | 11.94  | S18°45'58"E | w165       | 11.94  | S18°45'58"E | c33        | 9.17   | N47°38'49"E | c154       | 12.41  | S13°45'36"E |
| w166       | 11.94  | S18°45'58"E | w166       | 11.94  | S18°45'58"E | c34        | 9.88   | N20°49'31"E | c155       | 12.41  | S13°45'36"E |
| w167       | 4.25   | N76°05'02"E | w167       | 4.25   | N76°05'02"E | c35        | 23.41  | N13°08'07"E | c156       | 6.58   | S36°08'37"E |
| w168       | 8.25   | S29°21'14"W | w168       | 8.25   | S29°21'14"W | c36        | 13.03  | N10°08'34"E | c157       | 7.75   | S01°53'59"E |
| w169       | 2.19   | S18°45'58"E | w169       | 2.19   | S18°45'58"E | c37        | 10.13  | N01°13'14"E | c158       | 13.24  | S09°47'44"W |
| w170       | 2.67   | S04°35'56"E | w170       | 2.67   | S04°35'56"E | c38        | 9.59   | N01°13'14"E | c159       | 13.67  | S10°17'17"W |
| w171       | 2.25   | S28°17'22"E | w171       | 2.25   | S28°17'22"E | c39        | 12.44  | N02°56'19"E | c160       | 11.79  | S10°17'17"W |
| w172       | 4.74   | S50°20'48"E | w172       | 4.74   | S50°20'48"E | c40        | 12.34  | N07°47'35"W | c161       | 13.25  | S12°20'31"W |
| w173       | 14.00  | S13°54'58"W | w173       | 14.00  | S13°54'58"W | c41        | 11.19  | N41°27'57"E | c162       | 12.29  | S17°16'33"W |
| w174       | 11.72  | S15°37'50"W | w174       | 11.72  | S15°37'50"W | c42        | 12.17  | N29°02'07"W | c163       | 11.75  | S14°06'07"E |
| w175       | 11.72  | S15°37'50"W | w175       | 11.72  | S15°37'50"W | c43        | 9.97   | N46°38'49"E | c164       | 14.31  | S14°06'07"E |
| w176       | 11.72  | S15°37'50"W | w176       | 11.72  | S15°37'50"W | c44        | 8.61   | N09°09'56"E | c165       | 12.18  | S10°08'55"E |
| w177       | 12.99  | S12°41'23"W | w177       | 12.99  | S12°41'23"W | c45        | 8.61   | N09°09'56"E | c166       | 12.45  | S07°30'28"W |
| w178       | 12.99  | S12°41'23"W | w178       | 12.99  | S12°41'23"W | c46        | 8.21   | N13°27'00"E | c167       | 12.35  | S16°30'19"W |
| w179       | 12.99  | S12°41'23"W | w179       | 12.99  | S12°41'23"W | c47        | 10.39  | N34°10'42"E | c168       | 14.94  | S15°36'50"W |
| w180       | 12.99  | S12°41'23"W | w180       | 12.99  | S12°41'23"W | c48        | 16.53  | N47°28'01"E | c169       | 15.84  | S43°54'07"E |
| w181       | 11.33  | S13°09'10"W | w181       | 11.33  | S13°09'10"W | c49        | 10.07  | N30°40'71"E | c170       | 11.34  | S09°19'22"W |
| w182       | 11.33  | S13°09'10"W | w182       | 11.33  | S13°09'10"W | c50        | 21.69  | N30°47'11"E | c171       | 15.51  | S14°15'26"E |
| w183       | 11.33  | S13°09'10"W | w183       | 11.33  | S13°09'10"W | c51        | 11.04  | N43°13'20"E | c172       | 9.20   | S13°52'16"E |
| w184       | 11.33  | S13°09'10"W | w184       | 11.33  | S13°09'10"W | c52        | 14.93  | N43°35'24"E | c173       | 10.45  | S11°58'16"E |
| w185       | 11.33  | S13°09'10"W | w185       | 11.33  | S13°09'10"W | c53        | 10.78  | N32°22'12"E | c174       | 11.13  | S07°50'16"E |
| w186       | 3.91   | N57°39'05"E | w186       | 3.91   | N57°39'05"E | c54        | 11.34  | N32°52'24"E | c175       | 11.58  | S12°32'18"E |
| w187       | 10.96  | S51°20'35"W | w187       | 10.96  | S51°20'35"W | c55        | 2.01   | N08°04'06"E | c176       | 10.38  | S14°38'22"E |
| w188       | 10.96  | S51°20'35"W | w188       | 10.96  | S51°20'35"W | c56        | 3.23   | N77°14'33"W | c177       | 10.38  | S14°38'22"E |
| w189       | 2.60   | S50°39'33"E | w189       | 2.60   | S50°39'33"E | c57        | 13.50  | N12°45'27"E | c178       | 10.54  | S09°17'56"W |
| w190       | 5.48   | S78°31'09"E | w190       | 5.48   | S78°31'09"E | c58        | 2.00   | S77°14'33"E | c179       | 10.54  | S09°17'56"W |
| w191       | 11.73  | S13°09'10"W | w191       | 11.73  | S13°09'10"W | c59        | 4.43   | N07°36'52"E | c180       | 9.30   | S11°11'27"W |
| w192       | 11.73  | S13°09'10"W | w192       | 11.73  | S13°09'10"W | c60        | 10.31  | N04°24'34"W | c181       | 12.20  | S13°34'04"W |
| w193       | 11.73  | S13°09'10"W | w193       | 11.73  | S13°09'10"W | c61        | 13.33  | N06°36'21"W | c182       | 11.36  | S09°49'48"E |
| w194       | 11.73  | S13°09'10"W | w194       | 11.73  | S13°09'10"W | c62        | 13.33  | N06°36'21"W | c183       | 13.11  | S13°08'40"W |
| w195       | 11.73  | S13°09'10"W | w195       | 11.73  | S13°09'10"W | c63        | 11.42  | N12°11'34"W | c184       | 12.30  | S11°11'25"W |
| w196       | 11.73  | S13°09'10"W | w196       | 11.73  | S13°09'10"W | c64        | 11.42  | N12°11'34"W | c185       | 12.43  | S15°57'33"W |
| w197       | 11.73  | S13°09'10"W | w197       | 11.73  | S13°09'10"W | c65        | 11.91  | N42°51'36"W | c186       | 10.97  | S12°27'27"E |
| w198       | 11.73  | S13°09'10"W | w198       | 11.73  | S13°09'10"W | c66        | 10.56  | N62°49'11"W | c187       | 13.11  | S11°30'38"E |
| w199       | 11.73  | S13°09'10"W | w199       | 11.73  | S13°09'10"W | c67        | 11.70  | N78°28'31"W | c188       | 10.96  | S13°20'17"E |
| w200       | 11.73  | S13°09'10"W | w200       | 11.73  | S13°09'10"W | c68        | 11.70  | N78°28'31"W | c189       | 13.99  | S11°08'40"W |
| w201       | 11.55  | S13°09'10"W | w201       | 11.55  | S13°09'10"W | c69        | 18.36  | N67°23'46"E | c190       | 11.12  | S13°08'40"W |
| w202       | 11.55  | S13°09'10"W | w202       | 11.55  | S13°09'10"W | c70        | 18.73  | N59°55'37"W | c191       | 11.12  | S13°08'40"W |
| w203       | 11.55  | S13°09'10"W | w203       | 11.55  | S13°09'10"W | c71        | 11.22  | N06°04'57"E | c192       | 11.12  | S13°08'40"W |
| w204       | 11.55  | S13°09'10"W | w204       | 11.55  | S13°09'10"W | c72        | 12.08  | N21°36'39"W | c193       | 11.12  | S13°08'40"W |
| w205       | 11.55  | S13°09'10"W | w205       | 11.55  | S13°09'10"W | c73        | 10.80  | N03°11'05"W | c194       | 4.78   | S81°51'52"W |
| w206       | 11.55  | S13°09'10"W | w206       | 11.55  | S13°09'10"W | c74        | 13.44  | N42°51'36"W | c195       | 5.05   | S07°56'06"E |
| w207       | 11.55  | S13°09'10"W | w207       | 11.55  | S13°09'10"W | c75        | 12.89  | N33°11'50"W | c196       | 13.13  | S34°44'12"W |
| w208       | 11.55  | S13°09'10"W | w208       | 11.55  | S13°09'10"W | c76        | 16.66  | N34°51'28"W | c197       | 12.88  | S27°52'18"E |
| w209       | 12.60  | S13°19'27"W | w209       | 12.60  | S13°19'27"W | c77        | 9.99   | N21°28'54"W | c198       | 10.90  | S01°13'44"E |
| w210       | 12.60  | S13°19'27"W | w210       | 12.60  | S13°19'27"W | c78        | 10.81  | N18°38'24"W | c199       | 6.98   | S02°12'49"E |
| w211       | 12.60  | S13°19'27"W | w211       | 12.60  | S13°19'27"W | c79        | 8.31   | N07°36'52"E | c200       | 7.93   | S22°53'28"E |
| w212       | 10.59  | S33°17'41"W | w212       | 10.59  | S33°17'41"W | c80        | 17.59  | N85°08'21"E | c201       | 10.38  | S24°57'08"E |
| w213       | 6.94   | S66°59'23"W | w213       | 6.94   | S66°59'23"W | c81        | 4.88   | N35°46'54"E | c202       | 15.90  | S19°47'53"E |
| w214       | 11.76  | S45°51'18"W | w214       | 11.76  | S45°51'18"W | c82        | 11.29  | N38°10'22"E | c203       | 13.13  | S13°46'07"W |
| w215       | 3.93   | S26°45'11"W | w215       | 3.93   | S26°45'11"W | c83        | 10.32  | N17°38'41"E | c204       | 12.59  | S04°09'15"E |
| w216       | 4.37   | S01°40'34"W | w216       | 4.37   | S01°40'34"W | c84        | 10.32  | N17°38'41"E | c205       | 12.59  | S04°09'15"E |
| w217       | 6.34   | S07°49'53"E | w217       | 6.34   | S07°49'53"E | c85        | 13.36  | N30°45'06"E | c206       | 12.59  | S04°09'15"E |
| w218       | 10.53  | S04°12'13"E | w218       | 10.53  | S04°12'13"E | c86        | 13.36  | N30°45'06"E | c207       | 12.59  | S04°09'15"E |
| w219       | 13.99  | S32°10'44"E | w219       | 13.99  | S32°10'44"E | c87        | 13.37  | N30°45'06"E | c208       | 13.93  | S13°07'39"W |
| w220       | 11.86  | S13°24'43"W | w220       | 11.86  | S13°24'43"W | c88        | 17.79  | N39°15'47"E | c209       | 11.89  | S15°26'37"W |
| w221       | 11.86  | S13°24'43"W | w221       | 11.86  | S13°24'43"W | c89        | 26.95  | N39°15'47"E | c210       | 11.78  | S24°06'18"W |
| w222       | 11.86  | S13°24'43"W | w222       | 11.86  | S13°24'43"W | c90        | 11.97  | N44°33'13"E | c211       | 11.65  | S13°26'05"W |
| w223       |        |             | w223       |        |             | c91        |        |             | c212       |        |             |
| w224       |        |             | w224       |        |             | </         |        |             |            |        |             |

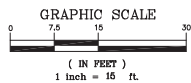
N OF TRACT "B"  
 . 141 PG. 66



#### LEGEND

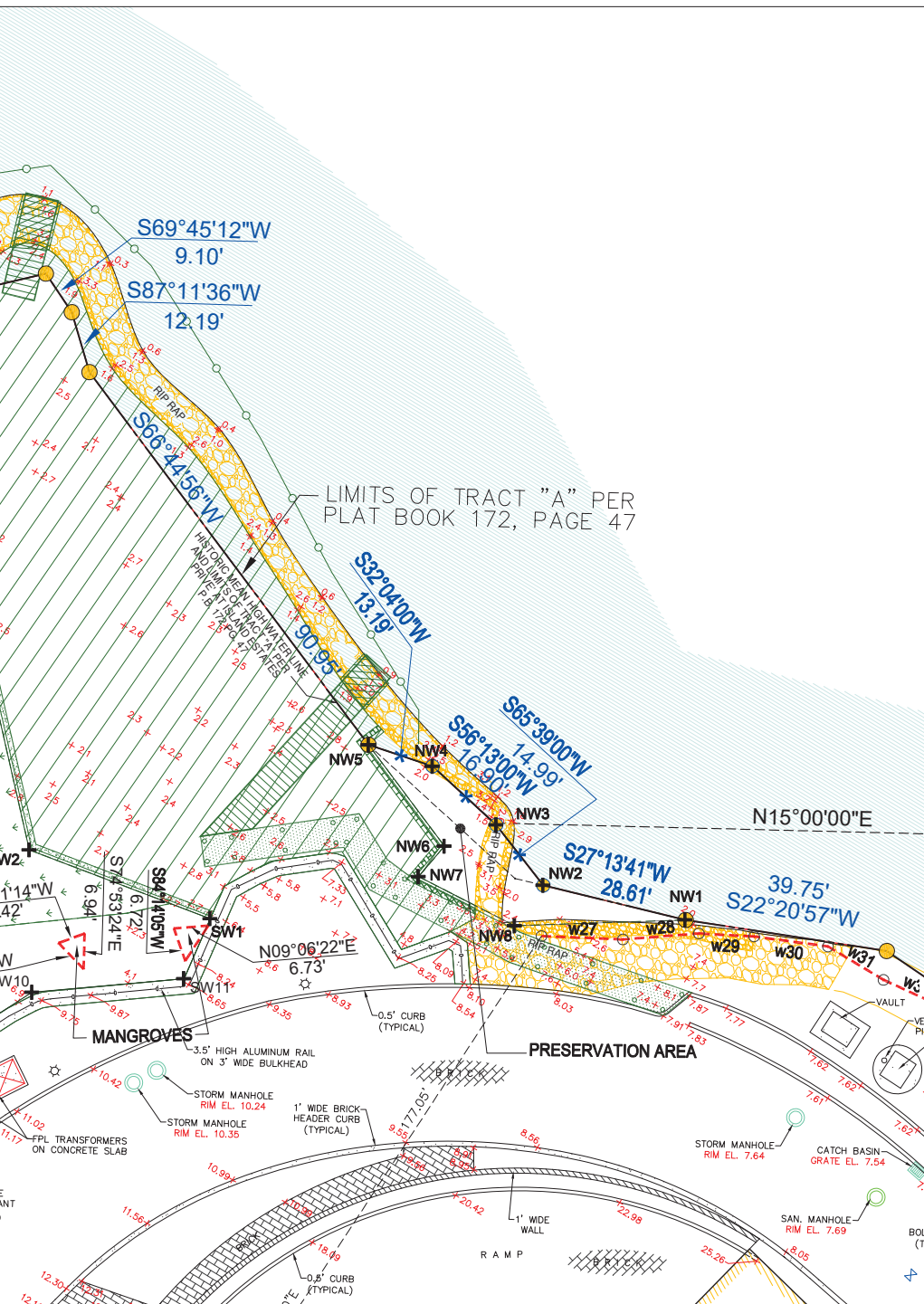
|  |                     |  |                                |
|--|---------------------|--|--------------------------------|
|  | = CATCH BASIN       |  | = 0.5' CURB                    |
|  | = MANHOLE           |  | = 2.00' CURB & GUTTER          |
|  | = LIGHT POLE        |  | = CHAIN LINK FENCE             |
|  | = WATER METER       |  | = GRADE ELEVATION              |
|  | = WATER VALVE       |  | = ELEVATION                    |
|  | = CATCH BASIN INLET |  | = INVERT                       |
|  | = UTILITY POLE      |  | = SANITARY                     |
|  | = RISER             |  | = PERMANENT REFERENCE MONUMENT |
|  | = FIRE HYDRANT      |  | = CONCRETE                     |
|  | = HANDHOLE          |  | = ASPHALT PAVEMENT             |
|  | = SIGN              |  | = PROPERTY LINE                |
|  | = RIP-RAP           |  | = WETLAND LINE                 |

|  |                     |
|--|---------------------|
|  | = MANGROVE PLANTING |
|  | = BEACH             |



DETAIL "





| North Wetland Area (Undisturbed)     |          |          |
|--------------------------------------|----------|----------|
| State Plane Zone Florida East - 0901 |          |          |
| Point                                | Northing | Easting  |
| NW-1                                 | 587031.7 | 941564.9 |
| NW-2                                 | 587005.6 | 941553.3 |
| NW-3                                 | 586998.6 | 941540.0 |
| NW-4                                 | 586988.5 | 941526.5 |
| NW-5                                 | 586976.9 | 941520.2 |
| NW-6                                 | 586988.0 | 941542.3 |
| NW-7                                 | 586981.9 | 941547.3 |
| NW-8                                 | 586998.7 | 941560.1 |
| South Wetland Area (Enhanced)        |          |          |
| State Plane Zone Florida East - 0901 |          |          |
| Point                                | Northing | Easting  |
| SW-1                                 | 586940.4 | 941548.1 |
| SW-2                                 | 586908.1 | 941528.5 |
| SW-3                                 | 586903.9 | 941432.1 |
| SW-4                                 | 586897.9 | 941438.0 |
| SW-5                                 | 586875.1 | 941475.8 |
| SW-6                                 | 586857.3 | 941521.0 |
| SW-7                                 | 586846.4 | 941559.5 |
| SW-8                                 | 586858.9 | 941575.1 |
| SW-9                                 | 586866.3 | 941571.4 |
| SW-10                                | 586903.6 | 941556.0 |
| SW-11                                | 586933.3 | 941558.7 |

This Drawing is the Property of Fortin, Leavy, Skiles, Inc. and is on Instrument of Service not to be Reproduced in Whole or in Part without the Express Written Permission of Same.

| No. | O.N.   | Revision                  | Description |
|-----|--------|---------------------------|-------------|
| 6   | 190390 | AMEND PER CLIENT COMMENT  | 9/10/2019   |
| 5   | 190390 | AMEND PER CLIENT COMMENT  | 7/26/2019   |
| 4   | 181531 | ADDITIONAL CLIENT COMMENT | 5/13/19     |
| 3   | 181531 | OVERLAY DESIGN PLAN       | 2/22/19     |
| 2   | 150999 | LOCATE ADDT. MHVL POINTS  | 7/10/15     |

**FORTIN, LEAVY, SKILES, INC.**  
CONSULTING ENGINEERS, SURVEYORS & MAPPERS  
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653  
180 Northeast 168th Street / North Miami Beach, Florida 33162  
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flsurvey.com

**SPECIFIC PURPOSE SURVEY**  
**SECTIONS 2 & 11, TOWNSHIP 52 SOUTH, RANGE 42 EAST**  
CITY OF AVENTURA, MIAMI-DADE COUNTY, FLORIDA

|            |                    |
|------------|--------------------|
| Date       | 9/15/14            |
| Scale      | 1" = 15'           |
| Drawn By   | JJB/GEM            |
| Cad. No.   | 131225-Wet         |
| Plotted:   | 5/24/19 1:27p      |
| Ref. Dwg.  | 2007-030           |
| Field Book | 498/63 & FLD. SHT. |
| Job. No.   | 140999             |
| Dwg. No.   | 2014-153           |
| Sheet      | 3 of 3             |

**Attachment C**  
**Zoning Memorandum**

# Memorandum



**Date:** September 11, 2020

**To:** McKee Gray, Manager *McKee Gray*  
Coastal Resources Section  
Department of Regulatory and Economic Resources

**From:** Rockell Alhale, ERPS *R. Alhale*  
Coastal Resources Section  
Department of Regulatory and Economic Resources

**Subject:** Class I Permit Application by Prive Developers, LLC for the Filling of Wetlands that Support Halophytic Vegetation in Association with the Creation of a Beach Access Area and the Creation of a Wetland Preservation Area and to Authorize a Restrictive Covenant Running with the Land in Favor of Miami-Dade County Adjacent to Dumfoundling Bay Located on Prive Island Identified by Folio Number 28-2202-053-0010 in Aventura, Miami-Dade County, Florida

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Pursuant to Section 24-48.2(II)(B)(7), of the Code of Miami-Dade County, Florida, a substantiating letter or plan approval shall be submitted by the applicant stating that the proposed project does not violate any zoning laws. Said letter or plan approval will be submitted after approval by the Miami-Dade County Board of County Commissioners and prior to issuance of the Class I permit.



**Attachment D**

**Environmental Quality Control Board Order No.19-17**

**BEFORE THE MIAMI-DADE COUNTY  
ENVIRONMENTAL QUALITY CONTROL BOARD**

**IN RE:** : **Board Order No. 19-17**  
:  
**Prive Developer's LLC** :

THIS MATTER came before the Board on November 8, 2018 as a request by Petitioner, Prive Developer's LLC, for a variance from the requirements of Section 24-48.3(2) of the Code of Miami-Dade County, Florida. The request is to obtain authorization for the filling of coastal wetlands supporting halophytic vegetation for the creation of a beach access area to Dumbfoundling Bay for the use of the residents and visitors of the upland high-rise development on Prive Island, in Aventura, Miami-Dade County, Florida. As proposed, the work does not comply with the dredge and fill criteria listed in the above-referenced Section of the Code. This request comes as a disapproval of Class I Coastal Permit application (CLI-2016-0327). The subject project is located on the southwest corner of Prive Island, identified by Folio Number 28-2202-053-0010, which is part of the overall Island Estates Development adjacent to Dumbfoundling Bay in the City of Aventura, Florida and is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

The Island Estates Development consists of two spoil islands connected to the mainland by bridges; the southern island consists of single family residences with an associated private marina and the northern island (Prive Island) had remained undeveloped, until construction of the upland high-rise condominiums began within the past 10 years. The existing shoreline of Prive Island is stabilized by limerock riprap boulder revetments, mangroves, and other herbaceous halophytic wetland vegetation. The Petitioner is proposing to fill wetlands supporting halophytic vegetation, as defined in Section 24-5 of the Code, to create a sand beach area that will include access to Dumbfoundling Bay as an amenity to the residents and visitors of the upland condominiums.

**The Code**

Section 24-48.3 of the Code requires that the Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM) evaluate environmental and related impacts, including but not limited to, aesthetics, navigation, marine resources and any other environmental values affecting the public interest when recommending the approval or denial of a proposed project. Additionally, Section 24-48.3(2) of the Code requires that dredging and filling work proposed in a Class I permit application comply with at least one of the following six criteria:

- a) Minimum dredging and spoiling for public navigation or public necessity.
- b) An alteration of physical conditions as may be necessary to enhance the quality or utility of adjacent waters.
- c) Minimum dredging and filling for the creation and maintenance of marinas, piers, docks and attendant navigational channels.
- d) Minimum dredging and filling as is necessary for the elimination of conditions hazardous to the public health or for the elimination of stagnant waters.
- e) Minimum dredging and filling as is necessary to enhance the biological, chemical or physical characteristics of adjacent waters.
- f) A physical modification necessary to protect public or private property.

#### **Proposed Use**

The Petitioner is requesting authorization to fill halophytic wetlands for the purpose of creating a sand beach area to provide an amenity to the residents and visitors of the upland condominiums. Filling for this purpose is not consistent with the dredge and fill criteria specified above.

#### **Historical Conditions**

Coastal construction in, over, and upon tidal waters and wetlands associated with the upland improvements and development of the islands was previously permitted by DERM under numerous Class I permits since the early 1980's. Early plans for the development of Prive identified two portions of the island for the use as beaches. These areas were largely dominated by invasive exotic vegetation consisting mostly of Australian pine, but over time have transitioned to high quality mangrove wetlands. This transition is likely due to the periodic removal of exotic pest plant and nuisance species, the upland construction operations, and tidal inundation which allowed for the recruitment of halophytic wetland vegetation.

#### **Site Conditions**

The Board finds that the project site consists of an area of approximately 13,218 square feet. As part of the development of the uplands on Prive Island, DERM conducted a jurisdictional wetland delineation on August 12, 2014 and August 28, 2014; the extent of the wetlands were identified on a corresponding signed and sealed survey by a Florida Licensed Professional Surveyor dated September 15, 2014 described in Exhibit "B" attached hereto and incorporated herein by reference. The Petitioner submitted a Class I permit application for the filling of the jurisdictional wetlands on October 13, 2016 and DERM conducted a jurisdictional wetland delineation in order to verify the current site conditions on July 18, 2017 described in Exhibit "C" attached hereto and incorporated herein by reference. Although portions of the project area have remained uplands, the inspection revealed an increase of the extent of the wetland habitat from that documented during the jurisdictional wetland delineation in 2014. The project site demonstrates evidence of periodic tidal inundation and consists of a narrow fringe of mangroves and green buttonwoods along the shoreline transitioning to a sparse coverage of mostly herbaceous wetland vegetation within a majority of the proposed fill footprint.

### **Conclusions**

The Board finds that the Petitioner is proposing to fill 5,979 square feet of wetlands and 1,035 square feet of uplands with beach quality sand, install a wooden beach access ramp leading from the uplands, and to remove two seven foot wide sections of the existing limerock riprap revetment for the installation of matting to facilitate resident access to the water. To avoid and minimize impacts and mitigate for allowable impacts, the Petitioner has reduced the proposed fill footprint and will preserve 3,713 square feet of the more established wetlands within the project area, will further enhance the remaining wetlands by grading an additional 1,198 square feet of uplands to wetland elevation, and incorporate supplemental planting of wetland vegetation. The remaining 1,293 square feet of uplands within the project site, immediately adjacent to the existing upland development, will be planted with native vegetation. In addition, the Petitioner will preserve the mangrove wetlands on the remainder of the island and memorialize all of the preservation areas by proffering a Restrictive Covenant Running with the Land in Favor of Miami-Dade County. The property shall also be maintained free of exotic pest plants and nuisance species in accordance with the Covenant and Class I permit conditions.

The Board further finds that the Petitioner will install retaining walls along the limits of the fill footprint and will maintain a minimum grade differential of six inches between the top of the retaining wall and the elevation of the upland fill to avoid any direct or indirect impacts to the adjacent wetlands. Finally, the Board finds that to prevent erosion of fill material into tidal waters, the Petitioner will place filter fabric between the fill and the existing riprap revetment, and will install matting at the two locations where the riprap boulders are being removed for resident access to the water.

The Board finds that based on the testimony and evidence presented specifically the actions that will be taken by the Petitioner mentioned above that demonstrate avoidance and minimization of impacts to wetlands, granting a variance from the requirements of Section 24-48.3(2) of the Code will not be detrimental to the public health, welfare and safety, will not create a nuisance, and will not materially increase the level of pollution in this County provided the Petitioner remains in compliance with the conditions enumerated below.

### **ACCORDINGLY, IT IS**

**ORDERED AND ADJUDGED** that, based upon the evidence and testimony presented, an extension of time for compliance with the requirements of Section 24-48.3(2) of the Code, be and the same is hereby granted, subject of the following conditions:

1. The subject variance to the Code shall be limited to the filling of wetlands as depicted on the project site plan; any changes to the fill footprint shall require review and approval by DERM.
2. The Petitioner shall obtain a Miami-Dade County Class I permit prior to any work in wetlands or tidal waters.
3. The Petitioner shall implement and maintain appropriate erosion control means and methods to prevent any impacts to tidal waters and adjacent wetlands beyond the authorized footprint of the work.



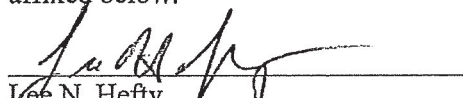
4. The Petitioner shall enhance and preserve the wetland habitat adjacent to the project area and around the remainder of Prive Island.
5. The Petitioner shall maintain Prive Island free from exotic pest plants and nuisance species.
6. The Petitioner shall provide a signed and sealed survey completed by a Professional Land Surveyor that identifies all of the wetland areas on Prive Island and shall submit a Restrictive Covenant Running with the Land in Favor of Miami-Dade County as prescribed by DERM to memorialize all of the wetland areas to be preserved. The covenant shall be reviewed and approved by DERM. The covenant shall be executed in the Public Records of Miami-Dade County at the owner's expense.
7. Any modifications to the structures or their use without prior DERM approval will render this Board Order null and void.

Done and Ordered this 27 day of Feb., 2019 in Miami-Dade County, Florida.

  
\_\_\_\_\_  
Claire Bradshaw-Sidran, Ph.D.  
Chairperson

#### FILING AND ACKNOWLEDGEMENT

Filed on this 27th day of February, 2019 with the Secretary of the Board as Clerk of the Environmental Quality Control Board, receipt of which is hereby acknowledged and the seal of the Board affixed below.

  
\_\_\_\_\_  
Lee N. Hefty  
Secretary and Clerk

SEAL

Approved as to form and legal sufficiency:

ABIGAIL PRICE-WILLIAMS  
Miami-Dade County Attorney

Attorney for the Board  
  
\_\_\_\_\_  
By: David Sherman  
Assistant County Attorney



**Exhibit A****Legal Description****PARCEL 1**

Tracts B and C of Two Islands In Dumbfounding Bay, according to the Plat thereof, as recorded in Plat Book 141, Page 66, of the Public Records of Miami-Dade County, Florida;

TOGETHER WITH THE FOLLOWING DESCRIBED LANDS conveyed to Gary Cohen, as Trustee under the provisions of a certain Trust Agreement dated December 22, 1995 and known as Trust No. 75-LT-31 by Quit Claim Deed from the Board Of Trustees Of The Internal Improvement Trust Fund Of The State Of Florida recorded in Official Records Book 24846, Page 2157, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

All lands lying above the mean high water line abutting the following described parcel in Sections 2 and 11, Township 51 South, Range 42 East, Miami-Dade County, Florida:

Beginning at an iron pipe set in the center line of Collins Avenue on the North line of Gulf Stream Park, a subdivision recorded in Plat Book 35, Page 51, of the Public Records of Miami-Dade County, Florida; thence due West along the North line of said Gulf Stream Park Subdivision and the prolongation West thereof for a distance of 3,350.00 feet to the Point of Beginning of the tract of land herein described and also the beginning of a tangential circular curve; thence Southerly, Westerly and Northerly along said curve, having a radius of 175 feet, through a central angle of 180°00'00" for an arc distance of 549.78 feet to the end of said curve; thence North 15°00'00" East for a distance of 950 feet to the beginning of a tangential circular curve; thence Northerly, Easterly and Southerly along said curve having a radius of 175 feet, through a central angle of 180°00'00" for an arc distance of 549.78 feet to the end of said curve; thence South 15°00'00" West for a distance of 950 feet to the Point of Beginning.

LESS AND EXCEPT THE FOLLOWING DESCRIBED LANDS conveyed to the Board Of Trustees Of The Internal Improvement Trust Fund Of The State Of Florida by Quit Claim Deed from Gary Cohen, as Trustee of Trust No. 75-LT-31 w/d December 22, 1995 recorded in Official Records Book 24846, Page 2154, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

All lands lying below the mean high water line located within the following described parcel in Sections 2 and 11, Township 51 South, Range 42 East, Miami-Dade County, Florida:

Commence at an iron pipe set in the centerline of Collins Avenue on the North line of Gulf Stream Park, a subdivision recorded in Plat Book 35, Page 51, of the Public Records of Miami-Dade County, Florida; thence due West along the North line of said Gulf Stream Park Subdivision and the prolongation West thereof for a distance of 3,359.00 feet to the Point of Beginning of the tract of land herein described and also the beginning of a tangential circular curve; thence Southerly, Westerly and Northerly along said curve, having a radius of 175 feet, through a central angle of 180°00'00" for an arc distance of 549.78 feet to the end of said curve; thence North 15°00'00" East for a distance of 950.00 feet to the beginning of a tangential circular curve; thence Northerly, Easterly, and Southerly along said curve having a radius of 175 feet and a central angle of 180°00'00" for an arc distance of 549.78 feet to the end of said curve; thence South 15°00'00" West for a distance of 950.00 feet to the Point of Beginning.

LESS AND EXCEPT THE FOLLOWING DESCRIBED LANDS:

**RECEIVED**  
SEP 10 2018  
Clerk of the Board of  
and Public Hearings  
DERM

**Exhibit A**

These lands bordered on the West by the Easterly terminus of Easement No. 26140 (3030-13) between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Murray Blattman as Trustee under the provisions of a certain Trust Agreement dated December 18, 1975 and known as Trust No. 75-Lt-21 recorded in Official Records Book 12314, Page 2066, of the Public Records of Miami-Dade County, Florida; on the North by the Easterly extension of the North line of Easement No. 26140 (3030-13) between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Murray Blattman as Trustee under the provisions of a certain Trust Agreement dated December 18, 1975 and known as Trust No. 75-Lt-21 recorded in Official Records Book 12314, Page 2066, of the Public Records of Miami-Dade County, Florida, for a distance of 79.80 feet; on the East along a line running Southeasterly until it intersects the Easterly prolongation of the South line of said Easement at a distance of 105.83 feet from the Southeasterly corner of the Easterly terminus of said Easement, thence South along the Easterly prolongation of the South line of Easement No. 26140 (3030-13) between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Murray Blattman as Trustee under the provisions of a certain Trust Agreement dated December 18, 1975 and known as Trust No. 75-Lt-21 recorded in Official Records Book 12314, Page 2066, of the Public Records of Miami-Dade County, Florida, for a distance of 105.82 feet to the Southeasterly corner of the Easterly terminus of Easement No. 26140 (3030-13), said lands being located in Sections 2 and 11, Township 52 South, Range 42 East, Miami-Dade County, Florida.

**RECEIVED**  
 SEP 10 2018  
 Code Coordination  
 and Public Hearings  
 DERM

Exhibit C: Jurisdictional Wetland Delineation Survey Dated September 15, 2014

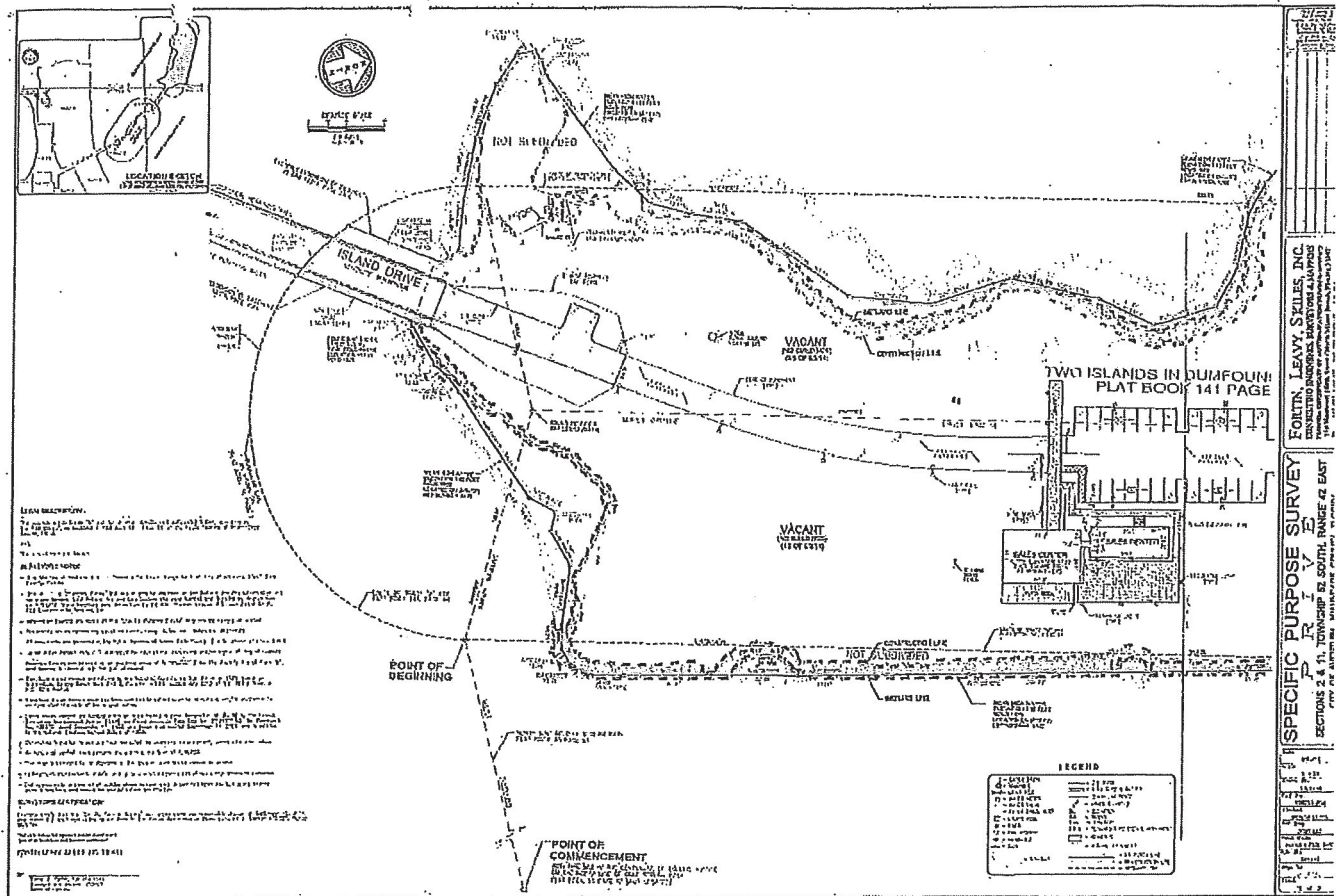
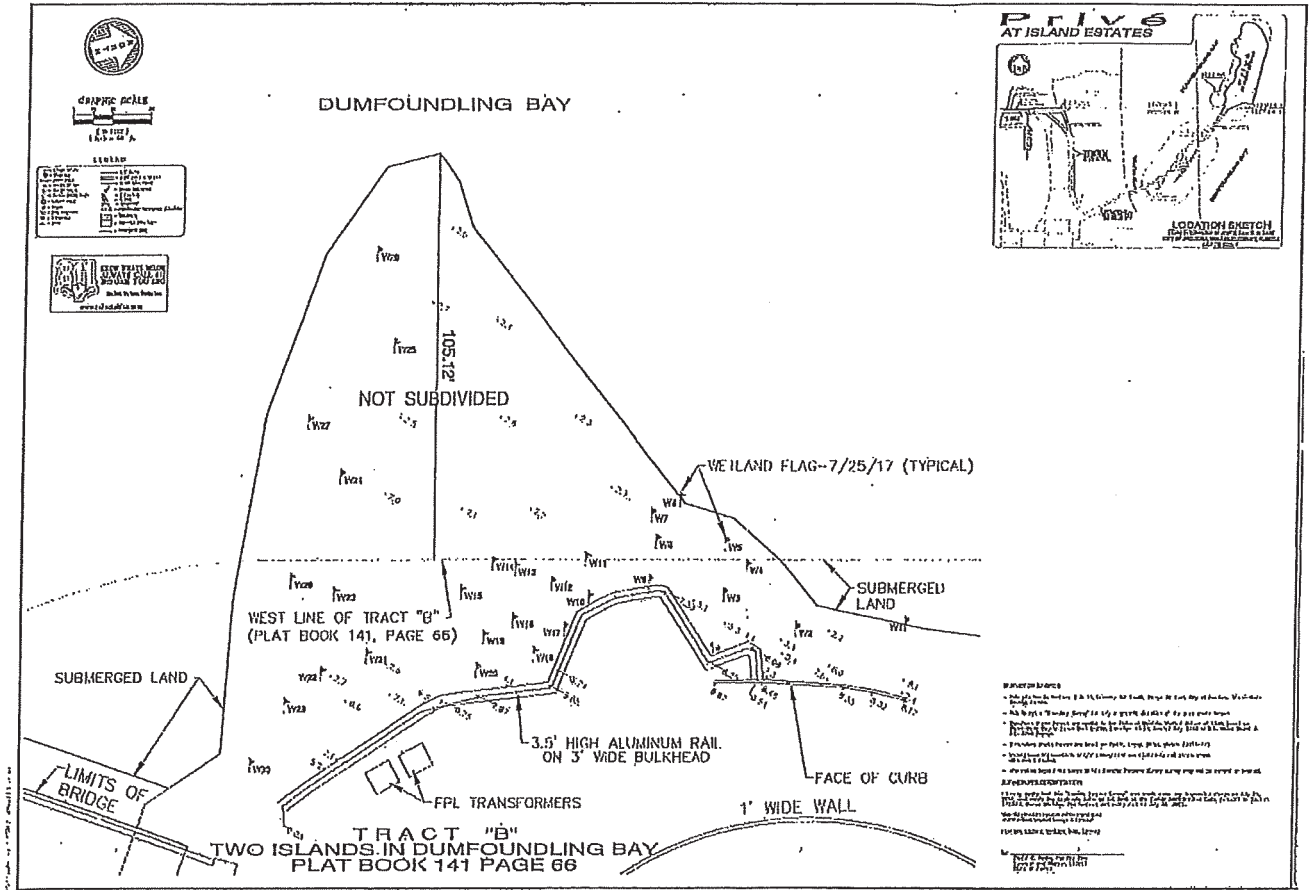




Exhibit D: Jurisdictional Wetland Delineation conducted on July 18, 2017



**Attachment E**

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

This instrument was prepared by:  
Name: Tom Robertson  
Address: 200 S. Biscayne Blvd, Miami

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

Whereas, the undersigned, Prive Developers, LLC ("Owner") holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit A, attached hereto and incorporated herein by reference and hereinafter called the "Property," and

This Restrictive Covenant is proffered for acceptance by Miami-Dade County as part of, or as a condition of, Class I Permit CLI 2019-0409 pursuant to Section 24-48.2(II)(B)(10)(c) of the Code of Miami-Dade County, and

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

1. For the purposes of this Restrictive Covenant, "Mitigation Area" is herein defined as the portion of the Property depicted on Exhibit B as "Total Proposed Enhanced Wetland Boundary Area" and consisting of: (a) the "wetland creation area," which is the portion of the Property that currently exists as upland area and will be converted into a halophytic wetland; and (b) the "enhanced wetland area," which is the portion of the Property that currently exists as a halophytic wetland and will be enhanced through the planting of mangroves or other suitable halophytic vegetation. The Owner shall be responsible for preserving and managing the Mitigation Area and shall ensure that the Mitigation Area is not disturbed or removed for the life of this Restrictive Covenant. Exhibit B is attached for illustrative purposes, and the full scale maps are on file with Miami-Dade County.
2. For the purposes of this Restrictive Covenant, "Preservation Area" is herein defined as the portions of the Property located between the "wetland line" and the limits of Tract "A," as depicted in Exhibit C. The Owner shall be responsible for preserving and managing the mangroves and halophytic wetlands within the Preservation Area, including all mangroves and halophytic wetland vegetation that recruit into the Preservation Area or any adjacent submerged lands within the boundaries of the Property, and shall ensure that the Preservation Area is not disturbed or removed for the life of this Restrictive Covenant. Exhibit C is attached for illustrative purposes, and the full scale survey is on file with Miami-Dade County.
3. For the purposes of this Restrictive Covenant, "monitoring event" is herein defined as an inspection conducted by a qualified biologist experienced in mangrove restoration projects to (a) gather the necessary information to determine the success of restoration efforts and (b) complete a monitoring report and conduct any necessary

improvements as described in this Restrictive Covenant. Monitoring events will be conducted in both the Mitigation and Preservation Areas.

4. For the purposes of this Restrictive Covenant, "monitoring report" is herein defined as a document, prepared by a qualified biologist experienced in mangrove restoration projects, that includes the information observed during the monitoring event. Monitoring reports will include the information specified in this Restrictive Covenant.
5. The Owner agrees and covenants to Miami-Dade County that there shall be no trimming, cutting, removal, or alteration of mangroves at the Property without the Owner first obtaining a Class I permit, unless such activity is exempt from permitting pursuant to sections 403.9321-403.9334, Florida Statutes.
6. The Owner agrees and covenants to Miami-Dade County that the mangroves planted within the Mitigation Area shall be subject to the following provisions:
  - a) The Owner shall conduct monitoring events of the mangrove plantings to ensure success of the plantings over a 5-year period. The Owner shall submit monitoring reports quarterly for the first three years and semi-annually for the last two years of the 5-year monitoring period. A time zero monitoring report shall be submitted by the Owner within thirty (30) days of completion of the initial planting of mangroves. The 5-year monitoring period shall commence from the date that DERM receives the time zero monitoring report. The first quarterly monitoring report shall be submitted to DERM by the Owner within three (3) months from the date of the time zero monitoring report. The Owner shall submit monitoring reports to the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM), Coastal Resources Section, 701 NW 1 Court, Ste. 600, Miami, Florida, 33136-3912 and shall include the following information:
    - I. Project Name (Prive Developers, LLC), DERM File Number (CLI-2019-0409), and property address
    - II. Date(s) of monitoring event
    - III. Percent survivorship of the planted mangroves; percent cover by native wetland plant species
    - IV. Maintenance activities conducted (i.e. removal of exotics, replanting if necessary in the case of mangrove seedling mortality, removal of marine debris, etc.)
    - V. Photographic documentation from at least three fixed reference points
  - b) The planted mangroves within the Mitigation Area must meet 80% survivorship at all times following completion of the planting. If the monitoring report shows that the minimum 80% survivorship of the planted mangroves has not been met, additional mangroves shall be planted and maintained by the Owner until 80% survival is achieved at 1 year after the last mangrove planting.



- c) Success of the Mitigation Area shall be achieved when there is 80% cover by mangrove canopy within the designated Mitigation Area.
7. The Owner shall be responsible for maintaining the Mitigation and Preservation Areas free of solid waste, exotic pest plant species, and nuisance species for the life of this Restrictive Covenant.
  8. The Owner agrees and covenants that exotic pest plant species and nuisance species shall be eradicated during each monitoring event to facilitate recruitment of mangroves and success of both the Mitigation and Preservation Areas. If the removal of any exotic pest plant species and nuisance species will result in disruption to wetland vegetation or wetland soils, then removal shall be done by cutting and leaving the stump in place. Cut exotic vegetation shall be treated with an appropriate herbicide within one hour of cutting. The treated stumps will be left in place to prevent disruption to wetland soils and to allow for re-treatment with an herbicide if necessary. All cut material will be removed and properly stored or disposed of in accordance with all Federal, State, and local regulations.
  9. The Owner agrees and covenants to implement and maintain appropriate erosion control measures and methods to prevent impacts to tidal waters and wetlands, and to construct and maintain a bulkhead or a similar physical barrier along the portion of the Mitigation Area adjacent to the uplands, as shown on page 1 of Exhibit B as "bulkhead" or similar physical barrier, to prevent erosion of fill material into the Mitigation Area and adjacent mangroves and wetlands.
  10. The Owner shall notify Miami-Dade County in writing not later than thirty (30) days after any conveyance, sale, grant or transfer of the Property or any portion thereof, to any heirs, successors, assigns or grantees.
  11. The Owner agrees and covenants that approval of this Restrictive Covenant neither authorizes nor constitutes a permit of any kind for work in, on, over, or upon wetlands or tidal waters at or adjacent to the Property.
  12. The term Owner shall include the owner and their heirs, successors and assigns.
  13. This Restrictive Covenant shall run with the land and shall be recorded in the Public Records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the Owner and their heirs, successors, grantees and assigns until such time as same is modified or released in writing by Miami-Dade County pursuant to the provisions of Section 24-48.2 of the Code of Miami-Dade County.
  14. This Restrictive Covenant and the provisions contained herein may be enforced against any person permitting, allowing, letting, causing or suffering any violation of the terms of this Restrictive Covenant by DERM, or its successor, by temporary, permanent, prohibitory, and mandatory injunctive relief as well as otherwise provided by law or ordinance and also may include an action for and to recover civil penalties, damages, costs and expenses, and attorney's fees in favor of Miami-Dade County against said person(s) as authorized by law or ordinance. All of the remedies provided herein shall be deemed to be independent and cumulative and shall be deemed to be supplemental to any remedies provided by law or ordinance.

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

16. This Restrictive Covenant is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years after the date this Restrictive Covenant is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless the Restrictive Covenant is modified or released by Miami-Dade County.

**IN WITNESS WHEREOF**, the undersigned have caused this Restrictive Covenant to be executed this \_\_\_\_ day of \_\_\_\_\_, 2020.

**WITNESSES:**

Sign \_\_\_\_\_  
Print \_\_\_\_\_  
Address \_\_\_\_\_  
Title \_\_\_\_\_

**PROPERTY OWNER: Prive Developers, LLC**

Sign \_\_\_\_\_  
Print \_\_\_\_\_  
Address \_\_\_\_\_  
Title \_\_\_\_\_

**STATE OF FLORIDA, COUNTY OF MIAMI-DADE**

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Insert name)

State of Florida

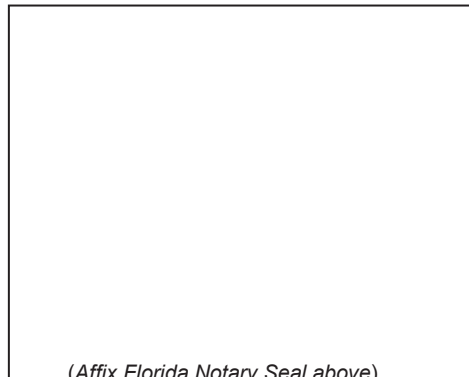
County of Miami-Dade

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

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

by \_\_\_\_\_

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



\_\_\_\_\_  
(Signature of Notary Public)

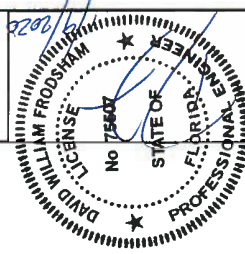
\_\_\_\_\_  
(typed, printed, or stamped name of Notary Public)

## **EXHIBIT A**

**Tract A, Prive at Island Estates, according to the Plat thereof, recorded in Plat Book 172, Page 47, Public Records Miami-Dade County, Florida, Including the Common Elements only of the Condominium known and designated as Prive' Condominium, a condominium, according to the Declaration thereof, recorded in O.R. Book 30790, Page 92, of the Public Records of Miami-Dade County, Florida.**





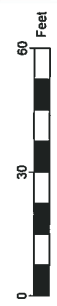
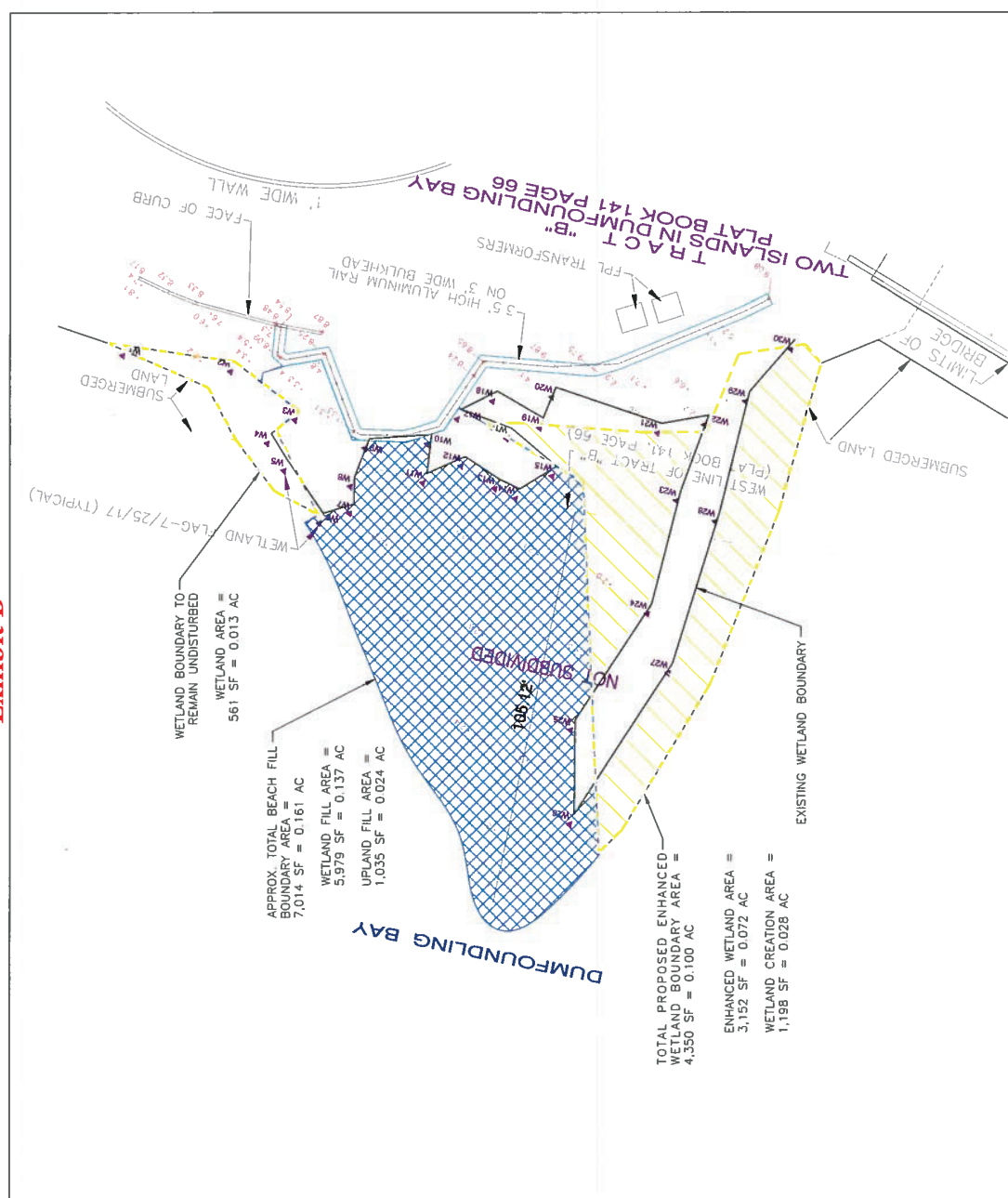


| Date | Description         | Miles |
|------|---------------------|-------|
|      | AS SHOWN            |       |
|      | 5-067               |       |
|      | Design file no      |       |
|      | Map Date 01/18/2020 |       |
|      | DONE                |       |
|      | DRAWN BY            |       |
|      | CHECKED BY          |       |
|      | F. MARTINEZ         |       |
|      | DRAWN BY            |       |
|      | F. MARTINEZ         |       |
|      | CHECKED BY          |       |
|      | F. MARTINEZ         |       |

**TETRA TECH INC.**  
759 SOUTH FEDERAL HWY  
SUITE 314  
STUART, FL 34994-2936  
TEL: (772) 781-3400  
FAX: (772) 781-3411  
NO. 2429  
CERTIFICATE OF AUTHORIZATION

PRIVE: ISLAND ESTATES  
BEACH FILLING PROJECT  
EXISTING CONDITIONS  
MIAMI-DADE COUNTY, FLORIDA

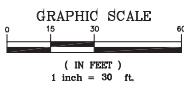
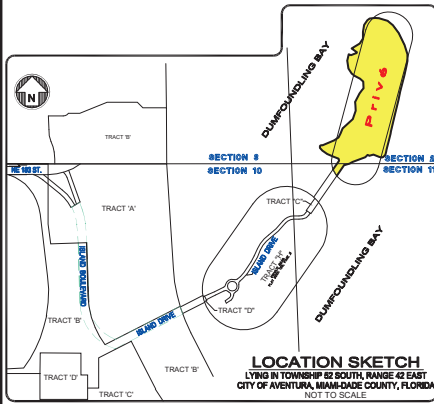
Sheet Reference:  
**C-003**  
Sheet 3 of 10



## "Exhibit B"



SOURCE: FORTIN, LEAVY, SKILES, INC. DATED 7/25/17



SEE DETAIL "A"  
ON SHEET 3

PORTION OF TRACT "B"  
P.B. 141 PG. 66

PORTION OF TRACT "B"  
P.B. 141 PG. 66

## LEGAL DESCRIPTION:

Tract "A" of PRIVE AT ISLAND ESTATES, according to the Plat thereof, as recorded in Plat Book 172, Page 47, of the Public Records of Miami-Dade County, Florida

## SURVEYOR'S NOTES:

- This site lies in Sections 2 & 11, Township 52 South, Range 42 East, City of Aventura, Miami-Dade County, Florida.
- This is NOT a "Boundary Survey" but only a graphic depiction of the Wetland line and Construction line, as shown hereon. Said Wetland line and Construction line were located and depicted by flags/stakes on 9/15/14. These locations were determined by D.E.R.M.; Thomas Checca, P.E.; and Donna Small, DLS Environmental Services, Inc.
- Information beyond the scope of this "Specific Purpose Survey" may not be current or located.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, Inc. Sketch No. 2007-030.
- All documents are recorded in the Public Records of Miami-Dade County, Florida, unless otherwise noted.
- Lands shown hereon were NOT abstracted for restrictions, easements and/or rights-of-way of records.
- Bearings hereon are referred to an assumed value of N 15°00'00" E for the Westerly line of Tract "B", said bearing is identical with the plat of record.
- Elevations shown hereon are relative to the National Geodetic Vertical Datum of 1929, based on Miami-Dade County Bench Mark E-218, Elevation +6.99, located July 2013 at N.E. 183rd Street & N.E. 32nd Avenue.
- Elevations shown hereon have not been updated to reflect possible settlement and/or environmental changes after the date of the original survey.
- Lands shown hereon are located within an area having a Zone Designation AE (EL 9) by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 12086C0134L, for Community No. 120676, dated September 11, 2009, and index map revised September 11, 2009, and is relative to the National Geodetic Vertical Datum of 1929.
- Dimensions indicated hereon are field measured by electronic measurement, unless otherwise noted.
- All horizontal control measurements are within a precision of 1:10,000.
- This map is intended to be displayed at the graphic scale shown hereon or smaller.
- Underground improvements and/or underground encroachments not shown unless otherwise indicated.
- The approximate location of all utilities shown hereon were determined from As-Built plans and/or on-site locations and should be verified before construction.

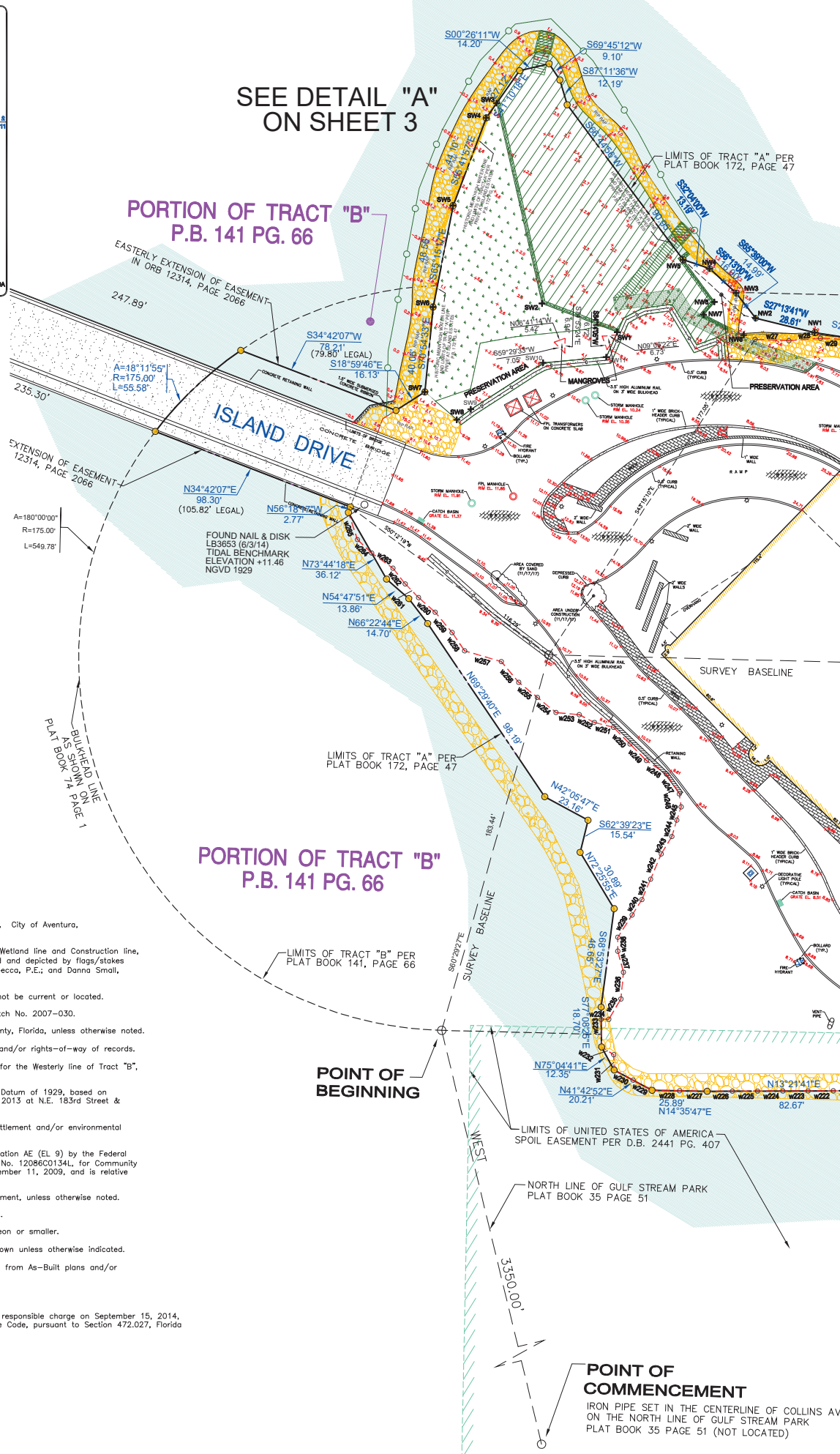
## SURVEYOR'S CERTIFICATION:

I hereby certify that this "Specific Purpose Survey" was made under my responsible charge on September 15, 2014, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

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

FORTIN, LEAVY, SKILES, INC., LB3653

By: Daniel C. Fortin, For The Firm  
Surveyor and Mapper, LS2853  
State of Florida.





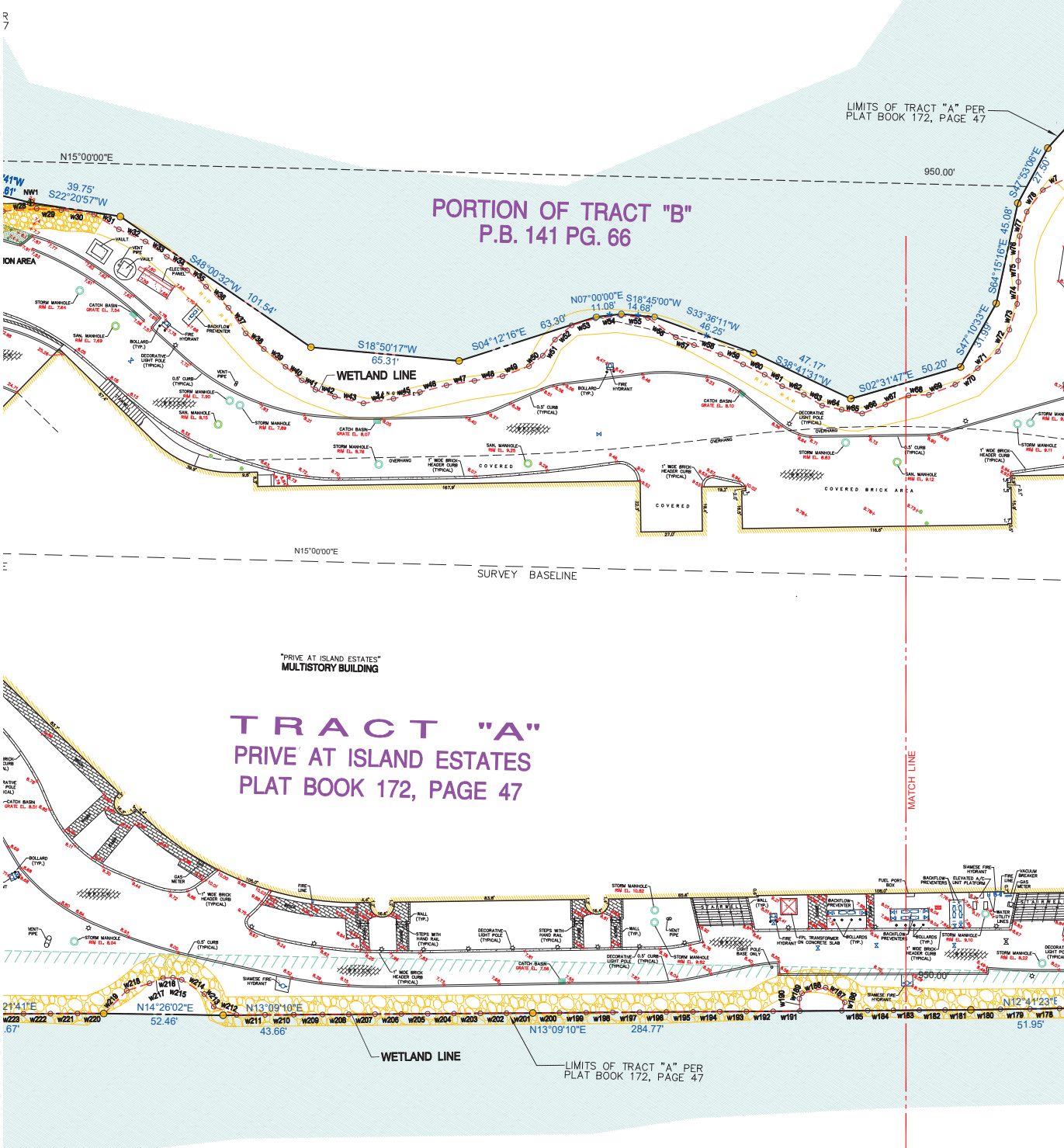
This Drawing is the Property of Fortin, Leavy, Skiles, Inc. and is an Instrument of Service not to be Reproduced in whole or in Part without the Express WRITTEN Permission of Same.

| No. | Revision | Description                        |
|-----|----------|------------------------------------|
| 6   | 190390   | AMEND PER CLIENT COMMENT 9/10/2019 |
| 5   | 190390   | AMEND PER CLIENT COMMENT 7/26/2019 |
| 4   | 181531   | ADDITIONAL CLIENT COMMENT 5/13/19  |
| 3   | 181531   | OVERLAY/DESIGN PLAN 2/22/19        |
| 2   | 150999   | LOCATE ADITT. MHWL POINTS 7/10/15  |
|     | O.N.     |                                    |

**FORTIN, LEAVY, SKILES, INC.**  
CONSULTING ENGINEERS, SURVEYORS & MAPPERS  
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653  
180 Northeast 168th Street / North Miami Beach, Florida 33162  
Phone 305-653-4493 / Fax 305-651-7152 / Email flg@flsurvey.com

**SPECIFIC PURPOSE SURVEY**  
**PRIVE AT ISLAND ESTATES**  
SECTIONS 2 & 11, TOWNSHIP 52 SOUTH, RANGE 42 EAST  
CITY OF AVENTURA, MIAMI-DADE COUNTY, FLORIDA

|            |                    |
|------------|--------------------|
| Date       | 9/15/14            |
| Scale      | 1" = 30'           |
| Drawn By   | JJB/GEM            |
| Cnd. No.   | 131225-Wet         |
| Plotted    | 5/24/19 1:27p      |
| Ref. Dwg.  | 2007-030           |
| Field Book | 498/63 & FLD. SHT. |
| Job. No.   | 140999             |
| Dwg. No.   | 2014-153           |
| Sheet      | 1 of 3             |

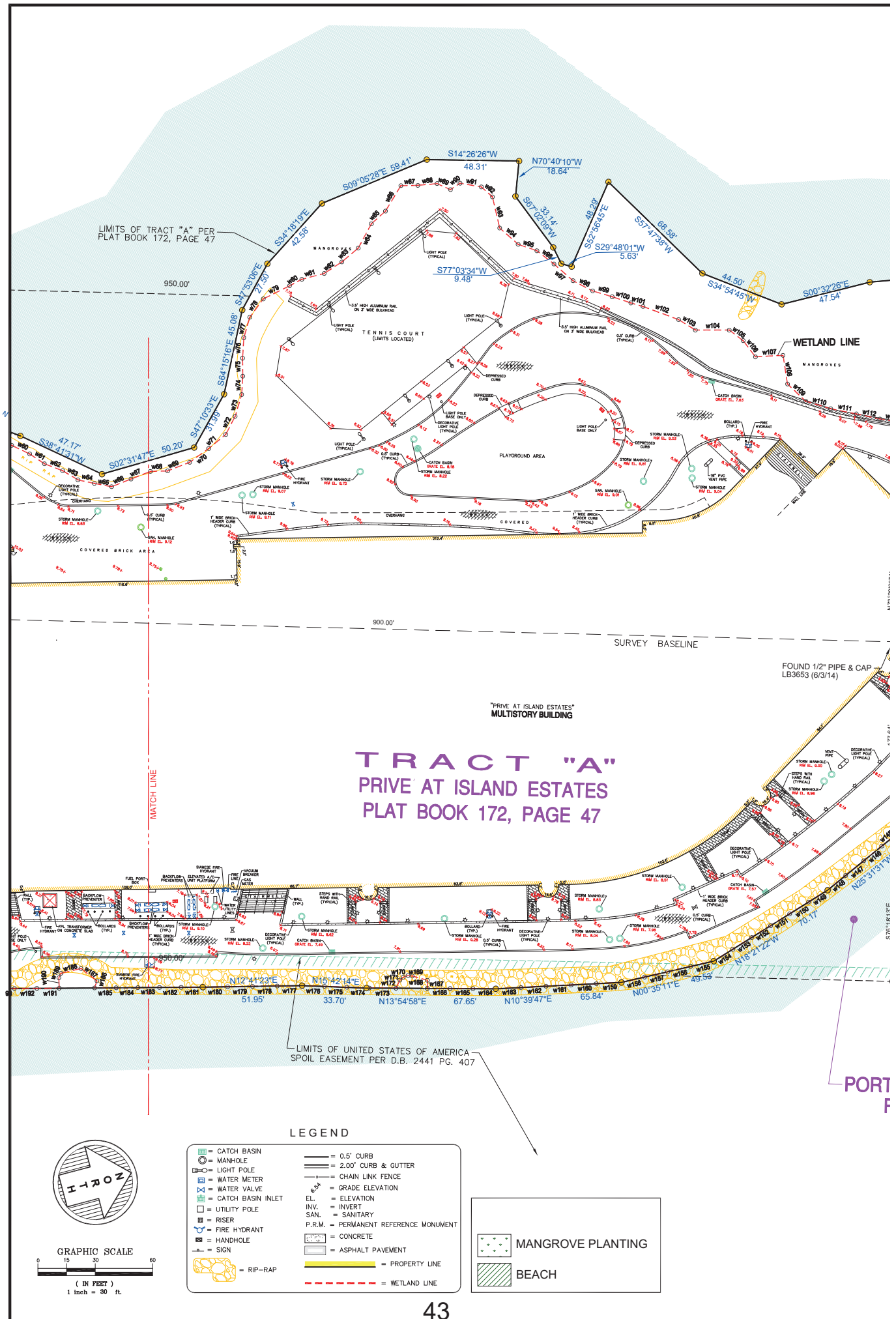


#### LEGEND

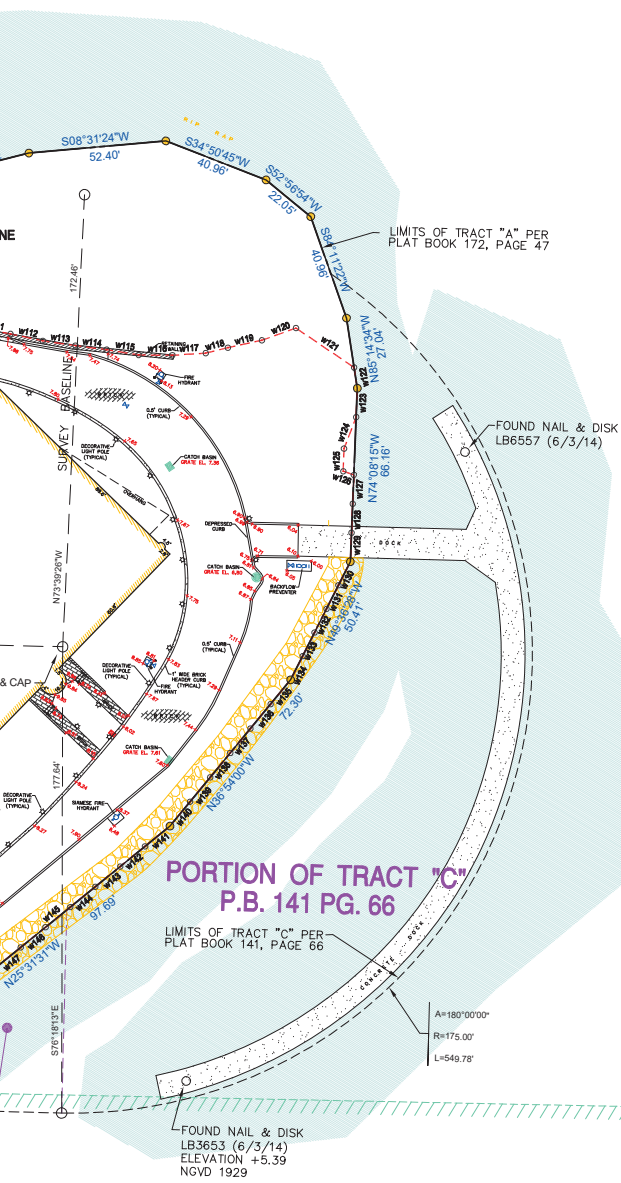
|  |                   |
|--|-------------------|
|  | MANGROVE PLANTING |
|  | BEACH             |

#### LEGEND

|  |                                |
|--|--------------------------------|
|  | = CATCH BASIN                  |
|  | = MANHOLE                      |
|  | = LIGHT POLE                   |
|  | = WATER METER                  |
|  | = WATER VALVE                  |
|  | = CATCH BASIN INLET            |
|  | = UTILITY POLE                 |
|  | = RISER                        |
|  | = FIRE HYDRANT                 |
|  | = HANDHOLE                     |
|  | = SIGN                         |
|  | = RIP-RAP                      |
|  | = 0.5' CURB                    |
|  | = 2.00' CURB & GUTTER          |
|  | = CHAIN LINK FENCE             |
|  | = GRADE ELEVATION              |
|  | = INVERT                       |
|  | = SANITARY                     |
|  | = PERMANENT REFERENCE MONUMENT |
|  | = CONCRETE                     |
|  | = ASPHALT PAVEMENT             |
|  | = PROPERTY LINE                |
|  | = WETLAND LINE                 |

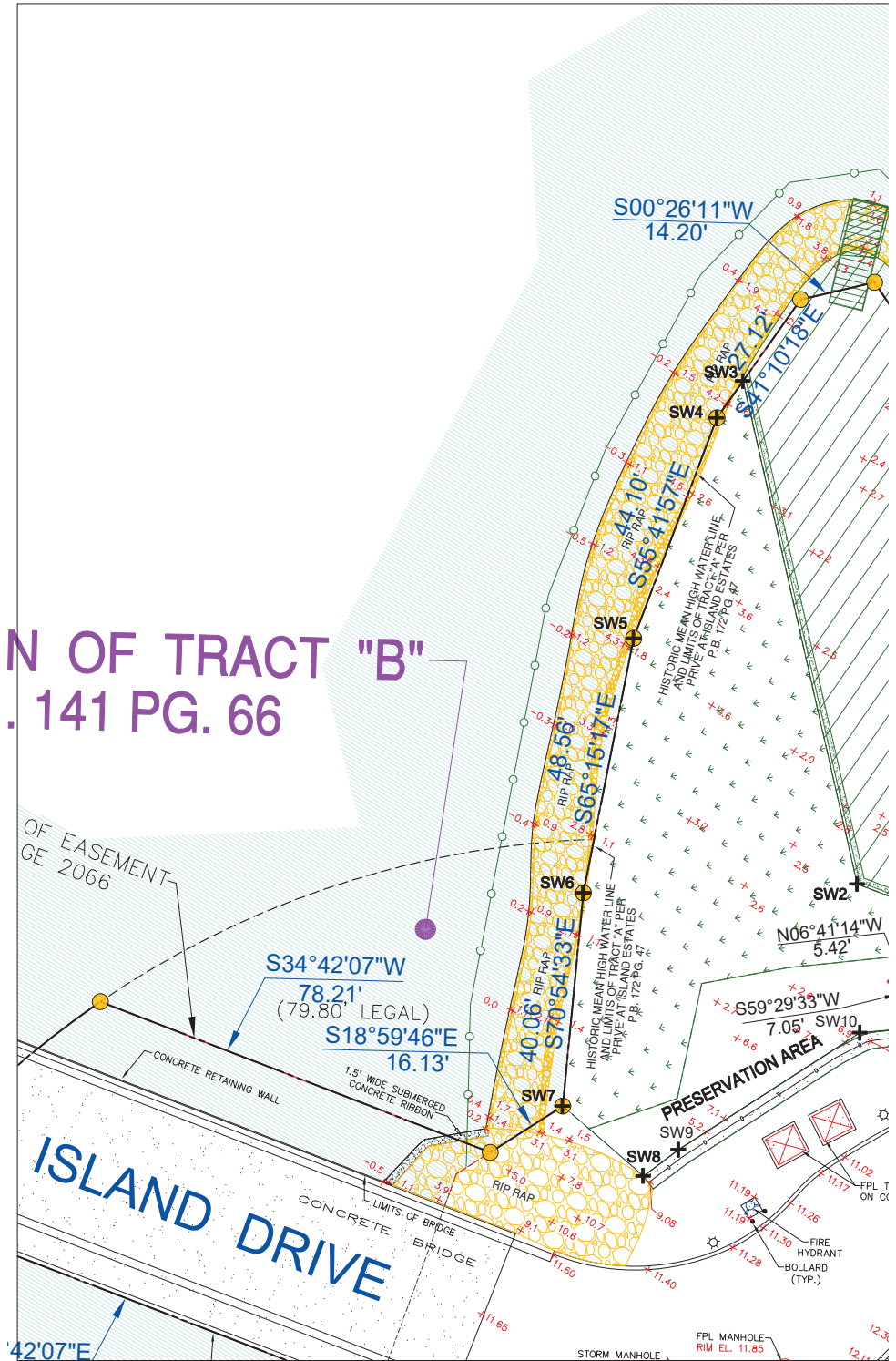






| LINE TABLE |        |             | LINE TABLE |        |             | LINE TABLE |        |             | LINE TABLE |        |             |
|------------|--------|-------------|------------|--------|-------------|------------|--------|-------------|------------|--------|-------------|
| LINE       | LENGTH | BEARING     | LINE       | LENGTH | BEARING     | LINE       | LENGTH | BEARING     | LINE       | LENGTH | BEARING     |
| w133       | 10.08  | S49°36'28"E | w134       | 10.08  | S49°36'28"E | c1         | 18.94  | N65°04'17"E | c120a      | 10.00  | S45°06'16"E |
| w134       | 10.08  | S49°36'28"E | w134       | 10.08  | S49°36'28"E | c2         | 13.19  | N19°20'57"W | c123       | 13.19  | S47°02'29"E |
| w135       | 12.05  | S36°54'00"E | w135       | 12.05  | S36°54'00"E | c3         | 13.09  | N19°28'15"W | c124       | 13.19  | S47°02'29"E |
| w136       | 12.05  | S36°54'00"E | w136       | 12.05  | S36°54'00"E | c4         | 13.09  | N19°28'15"W | c125       | 13.19  | S47°02'29"E |
| w137       | 12.05  | S36°54'00"E | w137       | 12.05  | S36°54'00"E | c5         | 40.04  | N16°56'23"W | c126       | 8.83   | S36°32'37"E |
| w138       | 12.05  | S36°54'00"E | w138       | 12.05  | S36°54'00"E | c6         | 19.92  | N08°59'55"E | c127       | 8.83   | S36°32'37"E |
| w139       | 12.05  | S36°54'00"E | w139       | 12.05  | S36°54'00"E | c7         | 8.20   | N43°15'54"W | c128       | 8.83   | S36°32'37"E |
| w140       | 12.05  | S36°54'00"E | w140       | 12.05  | S36°54'00"E | c8         | 8.08   | N54°58'50"W | c129       | 8.83   | S36°32'37"E |
| w141       | 12.21  | S25°31'31"E | w141       | 12.21  | S25°31'31"E | c9         | 23.73  | N04°28'40"W | c130       | 11.37  | S26°11'58"E |
| w142       | 12.21  | S25°31'31"E | w142       | 12.21  | S25°31'31"E | c10        | 13.17  | N71°25'22"E | c131       | 12.03  | S19°08'07"E |
| w143       | 12.21  | S25°31'31"E | w143       | 12.21  | S25°31'31"E | c11        | 9.47   | N61°02'43"E | c132       | 12.78  | S27°18'26"E |
| w144       | 12.21  | S25°31'31"E | w144       | 12.21  | S25°31'31"E | c12        | 12.63  | N03°03'58"E | c133       | 13.42  | S24°49'11"E |
| w145       | 12.21  | S25°31'31"E | w145       | 12.21  | S25°31'31"E | c13        | 8.89   | S78°23'04"E | c134       | 13.59  | S25°24'11"E |
| w146       | 12.21  | S25°31'31"E | w146       | 12.21  | S25°31'31"E | c14        | 11.34  | N18°02'07"E | c135       | 12.50  | S25°07'19"E |
| w147       | 12.21  | S25°31'31"E | w147       | 12.21  | S25°31'31"E | c15        | 11.18  | N21°36'30"E | c136       | 13.22  | S17°40'58"E |
| w148       | 12.21  | S25°31'31"E | w148       | 12.21  | S25°31'31"E | c16        | 12.93  | N09°38'05"E | c137       | 12.92  | S23°43'09"E |
| w149       | 11.69  | S18°21'22"E | w149       | 11.69  | S18°21'22"E | c17        | 4.80   | N01°40'00"E | c138       | 13.31  | S23°38'40"E |
| w150       | 11.69  | S18°21'22"E | w150       | 11.69  | S18°21'22"E | c18        | 10.36  | N17°28'15"E | c139       | 13.15  | S22°23'43"E |
| w151       | 11.69  | S18°21'22"E | w151       | 11.69  | S18°21'22"E | c19        | 6.80   | N24°11'36"E | c140       | 12.52  | S19°46'28"E |
| w152       | 11.69  | S18°21'22"E | w152       | 11.69  | S18°21'22"E | c20        | 7.81   | N14°10'42"E | c141       | 11.34  | S18°23'36"E |
| w153       | 11.69  | S18°21'22"E | w153       | 11.69  | S18°21'22"E | c21        | 8.16   | N27°42'46"E | c142       | 7.77   | S18°23'36"E |
| w154       | 11.69  | S18°21'22"E | w154       | 11.69  | S18°21'22"E | c22        | 7.19   | N35°53'33"E | c143       | 12.24  | S08°16'20"E |
| w155       | 12.38  | S00°35'11"W | w155       | 12.38  | S00°35'11"W | c23        | 8.69   | N41°44'20"E | c144       | 12.41  | S01°59'07"E |
| w156       | 12.38  | S00°35'11"W | w156       | 12.38  | S00°35'11"W | c24        | 8.49   | N49°08'25"E | c145       | 12.92  | S06°53'07"E |
| w157       | 12.38  | S00°35'11"W | w157       | 12.38  | S00°35'11"W | c25        | 7.73   | N52°35'29"E | c146       | 12.45  | S00°57'32"E |
| w158       | 12.38  | S00°35'11"W | w158       | 12.38  | S00°35'11"W | c26        | 11.77  | N58°06'52"E | c147       | 8.99   | S11°38'47"E |
| w159       | 13.17  | S10°39'47"W | w159       | 13.17  | S10°39'47"W | c27        | 12.12  | N47°28'05"E | c148       | 11.35  | S12°25'25"W |
| w160       | 13.17  | S10°39'47"W | w160       | 13.17  | S10°39'47"W | c28        | 10.48  | N68°54'39"E | c149       | 11.34  | S12°25'25"W |
| w161       | 13.17  | S10°39'47"W | w161       | 13.17  | S10°39'47"W | c29        | 10.46  | N71°42'19"E | c150       | 11.19  | S10°07'04"W |
| w162       | 13.17  | S10°39'47"W | w162       | 13.17  | S10°39'47"W | c30        | 14.28  | N51°25'34"E | c151       | 13.07  | S13°39'28"E |
| w163       | 13.17  | S10°39'47"W | w163       | 13.17  | S10°39'47"W | c31        | 12.66  | N50°43'52"E | c152       | 14.18  | S11°21'07"W |
| w164       | 11.94  | S18°45'58"E | w164       | 11.94  | S18°45'58"E | c32        | 13.09  | N39°29'05"E | c153       | 12.41  | S13°45'36"E |
| w165       | 11.94  | S18°45'58"E | w165       | 11.94  | S18°45'58"E | c33        | 9.17   | N47°38'49"E | c154       | 12.41  | S13°45'36"E |
| w166       | 11.94  | S18°45'58"E | w166       | 11.94  | S18°45'58"E | c34        | 9.88   | N49°08'25"E | c155       | 14.94  | S15°36'50"W |
| w167       | 4.25   | N76°05'02"E | w167       | 4.25   | N76°05'02"E | c35        | 23.41  | N13°08'07"E | c156       | 6.56   | S36°08'37"E |
| w168       | 8.25   | S29°21'14"W | w168       | 8.25   | S29°21'14"W | c36        | 13.03  | N10°08'34"E | c157       | 7.75   | S10°53'59"E |
| w169       | 2.19   | S18°45'58"E | w169       | 2.19   | S18°45'58"E | c37        | 10.13  | N01°13'14"E | c158       | 13.24  | S09°47'44"W |
| w170       | 2.67   | S04°35'56"E | w170       | 2.67   | S04°35'56"E | c38        | 9.59   | N01°13'14"E | c159       | 13.67  | S10°11'17"W |
| w171       | 2.25   | S28°17'22"E | w171       | 2.25   | S28°17'22"E | c39        | 12.44  | N02°56'19"E | c160       | 11.79  | S14°27'57"E |
| w172       | 4.74   | S50°20'48"E | w172       | 4.74   | S50°20'48"E | c40        | 12.34  | N07°47'35"W | c161       | 13.25  | S12°20'31"W |
| w173       | 14.00  | S13°54'58"W | w173       | 14.00  | S13°54'58"W | c41        | 11.19  | N41°27'07"E | c162       | 12.29  | S17°16'33"W |
| w174       | 11.72  | S15°37'50"W | w174       | 11.72  | S15°37'50"W | c42        | 12.17  | N29°02'07"W | c163       | 11.75  | S14°06'07"E |
| w175       | 11.72  | S15°37'50"W | w175       | 11.72  | S15°37'50"W | c43        | 9.97   | N46°36'49"E | c164       | 14.31  | S14°06'07"E |
| w176       | 11.72  | S15°37'50"W | w176       | 11.72  | S15°37'50"W | c44        | 8.61   | N09°09'56"E | c165       | 12.18  | S10°08'55"E |
| w177       | 12.99  | S12°41'23"W | w177       | 12.99  | S12°41'23"W | c45        | 8.61   | N09°09'56"E | c166       | 12.45  | S07°30'28"W |
| w178       | 12.99  | S12°41'23"W | w178       | 12.99  | S12°41'23"W | c46        | 8.21   | N13°27'00"E | c167       | 12.35  | S16°30'19"W |
| w179       | 12.99  | S12°41'23"W | w179       | 12.99  | S12°41'23"W | c47        | 10.39  | N34°10'42"E | c168       | 14.94  | S15°36'50"W |
| w180       | 12.99  | S12°41'23"W | w180       | 12.99  | S12°41'23"W | c48        | 16.53  | N47°28'01"E | c169       | 15.84  | S43°54'36"E |
| w181       | 11.33  | S13°09'10"W | w181       | 11.33  | S13°09'10"W | c49        | 10.07  | N30°40'71"E | c170       | 11.34  | S09°19'22"W |
| w182       | 11.33  | S13°09'10"W | w182       | 11.33  | S13°09'10"W | c50        | 21.69  | N30°47'11"E | c171       | 15.51  | S14°15'26"E |
| w183       | 11.33  | S13°09'10"W | w183       | 11.33  | S13°09'10"W | c51        | 11.04  | N43°13'20"E | c172       | 9.20   | S13°52'16"E |
| w184       | 11.33  | S13°09'10"W | w184       | 11.33  | S13°09'10"W | c52        | 14.93  | N43°35'24"E | c173       | 10.45  | S11°58'03"E |
| w185       | 11.33  | S13°09'10"W | w185       | 11.33  | S13°09'10"W | c53        | 10.78  | N32°22'12"E | c174       | 11.13  | S07°50'16"E |
| w186       | 3.91   | N57°39'05"E | w186       | 3.91   | N57°39'05"E | c54        | 11.34  | N32°52'24"E | c175       | 11.58  | S12°32'18"E |
| w187       | 10.96  | S51°20'35"W | w187       | 10.96  | S51°20'35"W | c55        | 2.01   | N08°04'06"E | c176       | 10.38  | S14°38'22"E |
| w188       | 10.96  | S51°20'35"W | w188       | 10.96  | S51°20'35"W | c56        | 3.23   | N77°14'33"W | c177       | 10.38  | S14°38'22"E |
| w189       | 2.60   | S50°39'33"E | w189       | 2.60   | S50°39'33"E | c57        | 13.50  | N12°45'27"E | c178       | 10.54  | S09°17'56"E |
| w190       | 5.48   | S78°31'09"E | w190       | 5.48   | S78°31'09"E | c58        | 2.00   | S77°14'33"E | c179       | 10.54  | S09°17'56"E |
| w191       | 11.73  | S13°09'10"W | w191       | 11.73  | S13°09'10"W | c59        | 4.43   | N07°36'52"E | c180       | 9.30   | S11°11'27"W |
| w192       | 11.73  | S13°09'10"W | w192       | 11.73  | S13°09'10"W | c60        | 10.31  | N04°34'34"E | c181       | 12.20  | S13°34'04"E |
| w193       | 11.73  | S13°09'10"W | w193       | 11.73  | S13°09'10"W | c61        | 13.33  | N06°36'21"W | c182       | 11.36  | S09°49'48"E |
| w194       | 11.73  | S13°09'10"W | w194       | 11.73  | S13°09'10"W | c62        | 13.33  | N06°36'21"W | c183       | 11.12  | S13°08'40"E |
| w195       | 11.73  | S13°09'10"W | w195       | 11.73  | S13°09'10"W | c63        | 11.42  | N12°11'34"E | c184       | 12.30  | S11°11'25"W |
| w196       | 11.73  | S13°09'10"W | w196       | 11.73  | S13°09'10"W | c64        | 11.42  | N12°11'34"E | c185       | 12.43  | S15°57'33"E |
| w197       | 11.73  | S13°09'10"W | w197       | 11.73  | S13°09'10"W | c65        | 11.91  | N42°51'36"E | c186       | 10.97  | S12°27'27"E |
| w198       | 11.73  | S13°09'10"W | w198       | 11.73  | S13°09'10"W | c66        | 10.56  | N62°49'11"W | c187       | 13.13  | S11°30'38"E |
| w199       | 11.73  | S13°09'10"W | w199       | 11.73  | S13°09'10"W | c67        | 11.70  | N78°28'31"W | c188       | 10.96  | S13°20'17"E |
| w200       | 11.73  | S13°09'10"W | w200       | 11.73  | S13°09'10"W | c68        | 11.70  | N78°28'31"W | c189       | 13.99  | S11°08'40"E |
| w201       | 11.55  | S13°09'10"W | w201       | 11.55  | S13°09'10"W | c69        | 18.36  | N67°73'44"E | c190       | 11.12  | S13°08'40"E |
| w202       | 11.55  | S13°09'10"W | w202       | 11.55  | S13°09'10"W | c70        | 18.73  | N59°55'37"W | c191       | 11.12  | S13°08'40"E |
| w203       | 11.55  | S13°09'10"W | w203       | 11.55  | S13°09'10"W | c71        | 11.22  | N06°04'57"E | c192       | 11.12  | S13°08'40"E |
| w204       | 11.55  | S13°09'10"W | w204       | 11.55  | S13°09'10"W | c72        | 12.08  | N21°36'39"W | c193       | 11.12  | S13°08'40"E |
| w205       | 11.55  | S13°09'10"W | w205       | 11.55  | S13°09'10"W | c73        | 10.80  | N03°11'05"W | c194       | 4.78   | S81°51'52"W |
| w206       | 11.55  | S13°09'10"W | w206       | 11.55  | S13°09'10"W | c74        | 13.44  | N42°51'36"E | c195       | 5.05   | S07°56'06"E |
| w207       | 11.55  | S13°09'10"W | w207       | 11.55  | S13°09'10"W | c75        | 12.89  | N33°11'50"W | c196       | 13.13  | S34°44'12"E |
| w208       | 11.55  | S13°09'10"W | w208       | 11.55  | S13°09'10"W | c76        | 16.66  | N34°51'28"W | c197       | 12.88  | S22°53'28"E |
| w209       | 12.60  | S13°19'27"W | w209       | 12.60  | S13°19'27"W | c77        | 9.99   | N21°28'54"W | c198       | 10.90  | S01°13'44"E |
| w210       | 12.60  | S13°19'27"W | w210       | 12.60  | S13°19'27"W | c78        | 10.81  | N18°38'24"W | c199       | 6.98   | S02°12'49"E |
| w211       | 12.60  | S13°19'27"W | w211       | 12.60  | S13°19'27"W | c79        | 8.31   | N18°38'24"W | c200       | 7.93   | S22°53'28"E |
| w212       | 10.59  | S33°17'41"W | w212       | 10.59  | S33°17'41"W | c80        | 17.59  | N85°08'21"E | c201       | 10.38  | S24°57'08"E |
| w213       | 6.94   | S66°59'23"W | w213       | 6.94   | S66°59'23"W | c81        | 4.88   | N35°46'54"E | c202       | 15.90  | S19°01'53"E |
| w214       | 11.76  | S45°51'18"W | w214       | 11.76  | S45°51'18"W | c82        | 11.29  | N38°10'22"E | c203       | 13.13  | S13°46'07"W |
| w215       | 3.53   | S26°45'11"W | w215       | 3.53   | S26°45'11"W | c83        | 10.32  | N17°38'41"E | c204       | 12.59  | S04°09'15"E |
| w216       | 4.37   | S07°40'34"E | w216       | 4.37   | S07°40'34"E | c84        | 10.32  | N17°38'41"E | c205       | 12.59  | S04°09'15"E |
| w217       | 6.34   | S07°49'53"E | w217       | 6.34   | S07°49'53"E | c85        | 13.36  | N30°45'06"E | c206       | 12.59  | S04°09'15"E |
| w218       | 10.53  | S04°12'13"E | w218       | 10.53  | S04°12'13"E | c86        | 13.36  | N30°45'06"E | c207       | 12.59  | S04°09'15"E |
| w219       | 13.99  | S32°10'44"E | w219       | 13.99  | S32°10'44"E | c87        | 13.37  | N30°45'06"E | c208       | 13.93  | S13°07'39"W |
| w220       | 11.86  | S13°24'43"E | w220       | 11.86  | S13°24'43"E | c88        | 17.79  | N37°45'47"E | c209       | 11.89  | S15°26'37"W |
| w221       | 11.86  | S13°24'43"E | w221       | 11.86  | S13°24'43"E | c89        | 26.95  | N39°16'54"E | c210       | 11.78  | S24°06'18"W |
| w222       | 11.86  | S13°24'43"E | w222       | 11.86  | S13°24'43"E | c90        | 11.97  | N44°33'13"E | c211       | 11.65  | S13°26'05"E |
| w223       | 11.86  | S13°24'43"E | w223       | 11.86  | S1          |            |        |             |            |        |             |

N OF TRACT "B"  
 . 141 PG. 66

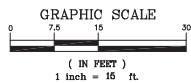


DETAIL "

LEGEND

|  |                   |  |                     |
|--|-------------------|--|---------------------|
|  | CATCH BASIN       |  | 0.5' CURB           |
|  | MANHOLE           |  | 2.00' CURB & GUTTER |
|  | LIGHT POLE        |  | CHAIN LINK FENCE    |
|  | WATER METER       |  | GRADE ELEVATION     |
|  | WATER VALVE       |  | ELEVATION           |
|  | CATCH BASIN INLET |  | INV.                |
|  | UTILITY POLE      |  | SAN.                |
|  | RISER             |  | P.R.M.              |
|  | FIRE HYDRANT      |  | CONCRETE            |
|  | HANDHOLE          |  | ASPHALT PAVEMENT    |
|  | SIGN              |  | PROPERTY LINE       |
|  | RIP-RAP           |  | WETLAND LINE        |

|  |                   |
|--|-------------------|
|  | MANGROVE PLANTING |
|  | BEACH             |





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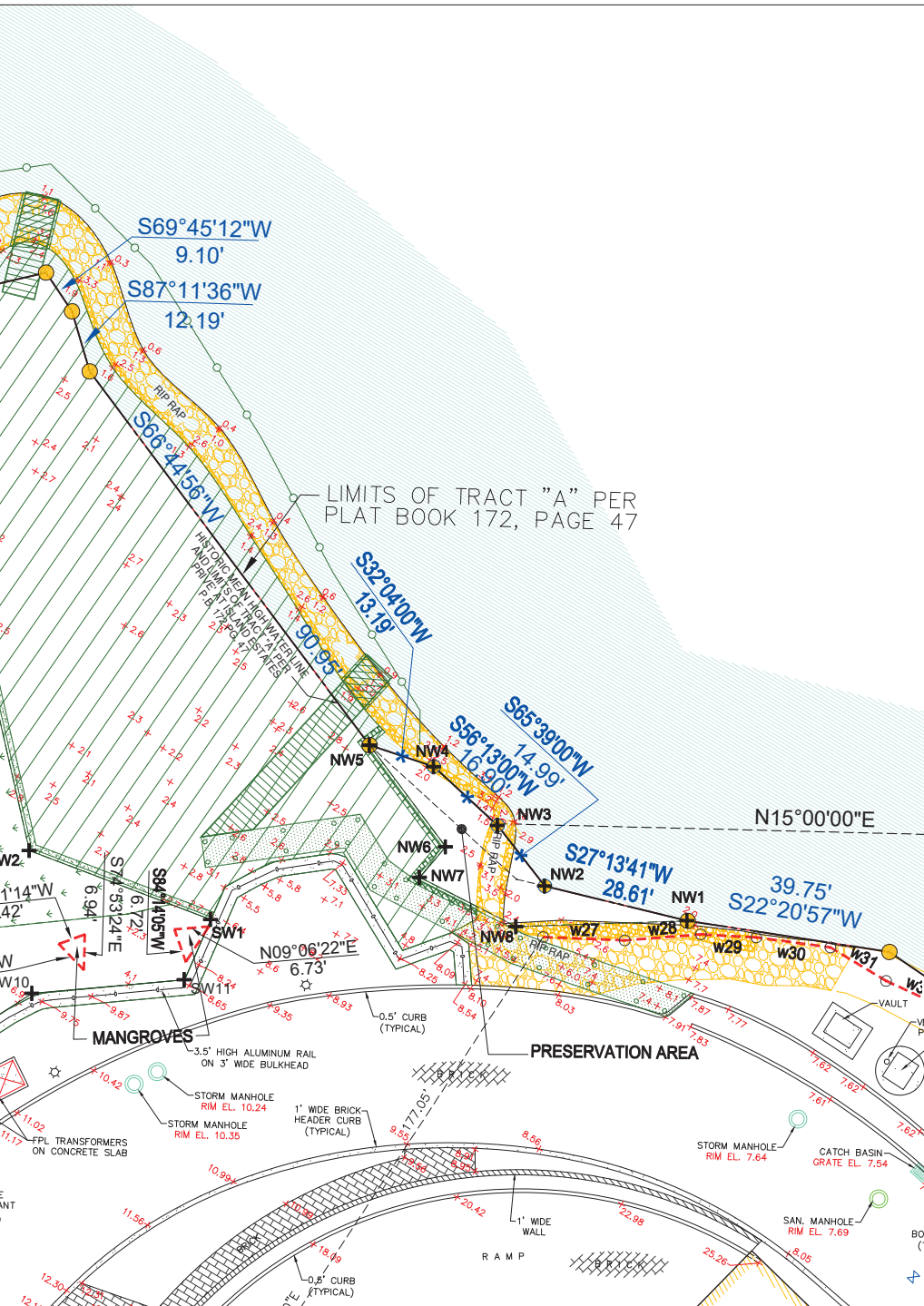
| No. | O.N.   | Revision                           | Description |
|-----|--------|------------------------------------|-------------|
| 6   | 190390 | AMEND PER CLIENT COMMENT 9/10/2019 |             |
| 5   | 190390 | AMEND PER CLIENT COMMENT 7/26/2019 |             |
| 4   | 181531 | ADDITIONAL CLIENT COMMENT 5/13/19  |             |
| 3   | 181531 | OVERLAY DESIGN PLAN 2/22/19        |             |
| 2   | 150999 | LOCATE ADDT. MHWL POINTS 7/10/15   |             |

**FORTIN, LEAVY, SKILES, INC.**  
CONSULTING ENGINEERS, SURVEYORS & MAPPERS  
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653  
180 Northeast 168th Street / North Miami Beach, Florida 33162  
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flsurvey.com

**SPECIFIC PURPOSE SURVEY**  
**PRIV**  
**SECTIONS 2 & 11, TOWNSHIP 52 SOUTH, RANGE 42 EAST**  
CITY OF AVENTURA, MIAMI-DADE COUNTY, FLORIDA

|            |                    |
|------------|--------------------|
| Date       | 9/15/14            |
| Scale      | 1" = 15'           |
| Drawn By   | JJB/GEM            |
| Cad. No.   | 131225-Wet         |
| Plotted:   | 5/24/19 1:27p      |
| Ref. Dwg.  | 2007-030           |
| Field Book | 498/63 & FLD. SHT. |
| Job. No.   | 140999             |
| Dwg. No.   | 2014-153           |
| Sheet      | 3 of 3             |

| North Wetland Area (Undisturbed)     |          |          |
|--------------------------------------|----------|----------|
| State Plane Zone Florida East - 0901 |          |          |
| Point                                | Northing | Easting  |
| NW-1                                 | 587031.7 | 941564.9 |
| NW-2                                 | 587005.6 | 941553.3 |
| NW-3                                 | 586998.6 | 941540.0 |
| NW-4                                 | 586988.5 | 941526.5 |
| NW-5                                 | 586976.9 | 941520.2 |
| NW-6                                 | 586988.0 | 941542.3 |
| NW-7                                 | 586981.9 | 941547.3 |
| NW-8                                 | 586998.7 | 941560.1 |
| South Wetland Area (Enhanced)        |          |          |
| State Plane Zone Florida East - 0901 |          |          |
| Point                                | Northing | Easting  |
| SW-1                                 | 586940.4 | 941548.1 |
| SW-2                                 | 586908.1 | 941528.5 |
| SW-3                                 | 586903.9 | 941432.1 |
| SW-4                                 | 586897.9 | 941438.0 |
| SW-5                                 | 586875.1 | 941475.8 |
| SW-6                                 | 586857.3 | 941521.0 |
| SW-7                                 | 586846.4 | 941559.5 |
| SW-8                                 | 586858.9 | 941575.1 |
| SW-9                                 | 586866.3 | 941571.4 |
| SW-10                                | 586903.6 | 941556.0 |
| SW-11                                | 586933.3 | 941558.7 |



"A"

**Attachment F**  
**DERM Project Report**



**CLASS I PERMIT APPLICATION NO. CLI-2019-0409**

Class I Permit Application by Prive Developers, LLC for the Filling of Wetlands that Support Halophytic Vegetation in Association with the Creation of a Beach Access Area and the Creation of a Wetland Preservation Area and to Authorize the Acceptance of a Restrictive Covenant Running with the Land in Favor of Miami-Dade County adjacent to Dumfoundling Bay located on Prive Island Identified by Folio Number 28-2202-053-0010 in Aventura, Miami, Miami-Dade County, Florida

**DATE:** April 10, 2020

Staff's recommendation of approval for the above-referenced permit application is based on the applicable evaluation factors under Section 24-48.3 of the Code of Miami-Dade County, Florida (Code). The following is a summary of the proposed project with respect to each applicable evaluation factor:

1. **Potential Adverse Environmental Impact** – The proposed project will result in environmental impacts to 5,979 square feet of wetlands that support halophytic (salt tolerant) vegetation as the result of the creation of a beach access area to Dumfoundling Bay. In order to avoid and minimize impacts and mitigate for permissible impacts, the Applicant has reduced the proposed fill footprint and has agreed to preserve 3,713 square feet of the more established wetlands within the project area. The Applicant will further enhance the remaining halophytic wetlands by grading 1,198 square feet of uplands to wetland elevation and incorporating supplemental planting of halophytic wetland vegetation. A 1,293 square foot portion of uplands within the project site, immediately adjacent to the existing upland development, will be planted with native vegetation.

In order to avoid any direct or indirect impacts to the adjacent wetlands, the Applicant is installing a bulkhead or similar barrier along the limits of the fill footprint and will maintain a minimum grade differential of six inches between the top of the bulkhead and the elevation of the upland fill. To prevent erosion of fill material into tidal waters, the Applicant will place filter fabric between the fill and the existing riprap revetment and will install matting at the two locations where the riprap boulders are being removed for resident access to the water. The Applicant has also agreed to preserve the mangrove wetlands on the remainder of the island and memorialize all of the preservation areas by proffering a Restrictive Covenant Running with the Land in Favor of Miami-Dade County. Additionally, the property shall also be maintained free of exotic pest plants and nuisance species in accordance with the Covenant and Class I permit conditions. The subject Class I permit will include specific conditions to provide assurance that any on-site mitigation will be successfully completed in accordance with DERM requirements, and that a mitigation bond will be posted prior to permit issuance. In addition, the applicant has purchased 0.5 saltwater mitigation bank credits from the Florida Power and Light Company's Everglades Mitigation Bank to offset the balance of the mitigation.

The project location is within an area identified by the Miami-Dade County Manatee Protection Plan (MPP) as essential habitat for *Trichechus manatus* (West Indian Manatee); however, the proposed project involves only minimal work associated with the removal of portions of the riprap revetment and installation of matting up to the Mean High Water Line. All work will be conducted from the uplands; therefore, the proposed project is not reasonably expected to impact manatees. The Class I permit will require that all standard manatee construction conditions be followed during all in water work. Furthermore, to avoid impacts to benthic resources and wetlands outside of the project footprint during construction operations, the Class I permit will include specific conditions that appropriate turbidity and erosion controls be installed and maintained.

2. **Potential Cumulative Adverse Environmental Impact** – The proposed project is not reasonably expected to result in cumulative adverse environmental impacts as set forth in Number 1 above.
3. **Hydrology** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
4. **Water Quality** – The proposed project is not reasonably expected to result in adverse impacts to water quality. The proposed in-water work is minimal and the Class I permit will include specific conditions requiring that appropriate turbidity and erosion controls be installed and maintained during construction operations as set forth in Number 1 above.



5. **Wellfields** – The proposed project is not reasonably expected to adversely affect wellfields.
6. **Water Supply** – The proposed project is not reasonably expected to adversely affect water supply.
7. **Aquifer Recharge** – The proposed project is not reasonably expected to adversely affect aquifer recharge.
8. **Aesthetics** – The proposed project is not reasonably expected to adversely affect aesthetics.
9. **Navigation** – The proposed project is not reasonably expected to adversely affect navigation.
10. **Public Health** - The proposed project is not reasonably expected to adversely affect public health.
11. **Historic Values** - The proposed project is not reasonably expected to adversely affect historic values.
12. **Archaeological Values** - The proposed project is not reasonably expected to adversely affect archaeological values.
13. **Air Quality** – The proposed project is not reasonably expected to adversely affect air quality.
14. **Marine and Wildlife Habitats** – The proposed project is not reasonably expected to adversely affect high quality marine and wildlife habitats as set forth in Number 1 above.
15. **Wetland Soils Suitable for Habitat** – The proposed project will result in impacts to wetland soils; however, the fill footprint provides minimal habitat value and has been minimized as set forth in Number 1 above. The Applicant will enhance and preserve the remaining wetlands and associated halophytic vegetation throughout Prive Island.
16. **Floral Values** – The proposed project will result in impacts to mangroves and herbaceous wetlands; however, the proposed fill footprint provides minimal habitat value and the Applicant will enhance and preserve the remaining wetlands and associated halophytic vegetation throughout Prive Island as set forth in Number 1 above.
17. **Fauna Values** - The proposed project is not reasonably expected to adversely affect fauna values as set forth in Number 1 above.
18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to adversely affect rare, threatened and endangered species as set forth in Number 1 above.
19. **Natural Flood Damage Protection** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
20. **Wetland Values** – The proposed project will result in impacts to wetlands; however, the Applicant has reduced the proposed fill footprint and has agreed to enhance and preserve the remaining wetlands and associated halophytic vegetation throughout Prive Island as set forth in Number 1 above.
21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(B)(7) of the Code of Miami-Dade County, Florida, a substantiating letter stating that the proposed project does not violate any zoning laws, or a plan approval, will be submitted prior to permit issuance. Said letter or plan approval will be submitted after the approval by the Board of County Commissioners and prior to the issuance of a Class I permit.

22. **Recreation** - The proposed project does not conflict with the recreation element of the Miami-Dade County Comprehensive Development Master Plan.
23. **Other Environmental Values Affecting the Public Interest** – The proposed project is not reasonably expected to adversely affect other environmental values affecting the public interest. The proposed project will occur on lands owned by the Applicant.
24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of Chapter 33B of the Code of Miami-Dade County and the Miami-Dade County Public Works Manual.
25. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the Director, the proposed project is not reasonably expected to result in significant adverse environmental impacts or cumulative adverse environmental impacts. Therefore, a CEIS was not required by DERM to evaluate the project.
26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is in conformance with applicable State, Federal and local laws and regulations:
- a) Chapter 24 of the Code of Miami-Dade County
  - b) United States Clean Water Act (US Army Corps of Engineers permit is required)
  - c) Florida Department of Environmental Protection Regulations (permit is required)
27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of the Director, the proposed project is consistent as required by CDMP policy LU-3A, with the goals, objectives and policies contained in the Conservation, Aquifer Recharge and Drainage and Coastal Management Elements of this Plan, and with all applicable environmental regulations, as well as other elements of the CDMP. The following is a summary of the proposed project as it relates to the CDMP:

#### **LAND USE ELEMENT I:**

**Objective 3/Policies 3A, 3B, 3C** - Protection of natural resources and systems. – The proposed project is consistent with all applicable environmental regulations, is compatible with surrounding land uses in Biscayne Bay and does not involve development in the Big Cypress area of Critical State Concern or the East Everglades.

#### **TRANSPORTATION ELEMENT II**

**Aviation Subelement/Objective AV-5A** - Aviation System Expansion - There is no aviation element to the proposed project.

**Port of Miami River Subelement/Objective 3** – Minimization of impacts to estuarine water quality and marine resources. The proposed project is not located within the Miami River.

#### **CONSERVATION, AQUIFER RECHARGES AND DRAINAGE ELEMENT IV:**

**Objective 3/Policies 3A, 3B, 3D** - Wellfield protection area protection. - The proposed project is not located within a wellfield protection area.



**Objective 3/Policy 3E** - Limestone mining within the area bounded by the Florida Turnpike, the Miami-Dade/ Broward Levee, N.W. 12 Street and Okeechobee Road. - The proposed project is not located within this area.

**Objective 4/Policies 4A, 4B, 4C** - Water storage, aquifer recharge potential and maintenance of natural surface water drainage. - The proposed project is not reasonably expected to adversely affect water storage, aquifer recharge potential or natural surface water drainage.

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

**Objective 6/Policy 6A** - Areas of highest suitability for mineral extraction. - The proposed project is not located in an area proposed or suitable for mineral extraction.

**Objective 6/Policy 6B** - Guidelines for rock quarries for the re-establishment of native flora and fauna. - The proposed project is not located in a rock quarry.

**Objective 7/Policy 7A, 7C, 7D, 7J** - Wetland protection and restoration. – Impacts to wetlands have been minimized and will be mitigated as set forth in Number 1 above.

**Objective 9/Policies 9A, 9B, 9C** - Protection of habitat critical to Federal or State-designated threatened or endangered species. – The proposed project is not reasonably expected to adversely affect habitat critical to Federal or State-designated threatened or endangered species.

#### **COASTAL MANAGEMENT ELEMENT VII:**

**Objective 1/Policy 1A** – Mangrove wetlands within Mangrove Protection Areas – The proposed project is not located within a designated “Mangrove Protection Area.”

**Objective 1/ Policy 1B** - Natural surface flow into and through coastal wetlands. – Impacts to wetlands have been minimized and the Applicant will preserve and enhance the remaining wetlands at the property to maintain natural surface flow, as set forth in Number 1 above.

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

**Objective 1/Policy 1D** - Protection and maintenance of mangrove forests and related natural vegetational communities. - Impacts to wetlands have been minimized and will be mitigated as set forth in Number 1 above.

**Objective 1/Policy 1E** - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – Impacts to wetlands have been minimized and will be mitigated as set forth in Number 1 above.

**Objective 1/Policy 1G** - Prohibition on dredging or filling of grass/algal flats, hard bottom or other viable benthic communities, except as provided for in Chapter 24 of the Code of Miami-Dade County, Florida. – The proposed project does involve dredging or filling of grass/algal flats, hard bottom, or other viable benthic communities.

**Objective 2/Policies 2A, 2B** - Beach restoration and renourishment objectives. - The proposed project involves the creation of a beach access area and has been designed to avoid and minimize potential and cumulative adverse impacts to seagrass and adjacent wetlands as set forth in Number 1 above.

**Objective 3/Policies 3E, 3F** - Location of new cut and spoil areas for proper stabilization and minimization of damages. - The proposed project does not involve the development or identification of new cut or spoil areas.

**Objective 4/Policy 4A, 4C, 4E, 4F** - Protection of endangered or threatened animal species. - The proposed project is not reasonably expected to result in impacts to endangered or threatened species as set forth in Number 1 above.

**Objective 5/Policy 5B** - Existing and new areas for water-dependent uses. - The proposed project will provide access for water-dependent use.

**Objective 5/Policy 5D** - Consistency with Chapter 33D, Miami-Dade County Code. (shoreline access, environmental compatibility of shoreline development) - The proposed project site is located within the Shoreline Development Review boundaries. The project was reviewed by the Shoreline Development Review Committee under the Shoreline Ordinance and determined to be exempt from the provisions of the Shoreline Development Review Ordinance.

**Objective 5/Policy 5F** - The siting of water-dependent facilities. - The proposed project will provide access for passive recreational water-dependent use that is consistent with the criteria used to determine appropriateness of the project site.

28. **Conformance with Chapter 33B, Code of Miami-Dade County** (East Everglades Zoning Overlay Ordinance) - The proposed project is not located within the East Everglades Area.

29. **Conformance with Miami-Dade County Ordinance 81-19** (Biscayne Bay Management Plan Sections 33D-1 through 33D-4 of the Code of Miami-Dade County) - The proposed project is in conformance with the Biscayne Bay Management Plan.

30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The proposed project is located within an area identified by the Miami-Dade County Manatee Protection Plan (MPP) as essential habitat for the West Indian Manatee and involves minimal work in tidal waters; therefore, the proposed project is not reasonably expected to impact manatees. The Class I permit will require that all standard manatee construction conditions be followed during all in water work.

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

32. **Zoning Recommendation** - Pursuant to Section 24-48.2(II)(B)(7) of the Code of Miami-Dade County, Florida, a substantiating letter or plan approval from the applicable zoning authority shall be submitted stating that the proposed project does not violate any zoning laws. Said letter or plan approval will be submitted after the approval by the Board of County Commissioners and prior to the issuance of the Class I permit.

33. **Coastal Resources Management Line** - A coastal resources management line was not required for the proposed project, pursuant to Section 24-48.2(II)(B)(10)(b) of the Code of Miami-Dade County.

34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** - Impacts to wetlands have been minimized and will be mitigated as set forth in Number 1 above.



35. **Class I Permit Applications Proposing to Exceed the Boundaries Described in Section D-5.03(2)(a) of the Miami-Dade County Public Works Manual** – Not applicable.

The proposed project was also evaluated for compliance with the standards contained in Sections 24-48.3(2),(3), and (4) of the Code of Miami-Dade County, Florida. The following is a summary of how the standards relate to the proposed project:

**24-48.3 (2) Dredging and Filling for Class I Permit** – On February 27, 2019, the Environmental Quality Control Board (EQCB) granted a variance from Section 24-48.3(2) of the Code through Board Order No. 19-17 for the proposed filling of halophytic wetlands as it relates to consistency with the dredge and fill criteria.

**24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County** – The proposed project does not involve the creation of a boat slip.

**24-48.3 (4) Clean Fill in Wetlands** – The project involves filling of wetlands; all fill will meet the definition of clean fill as defined in Section 24-5 of the Code of Miami-Dade County.

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

  
\_\_\_\_\_  
McKee Gray, Manager  
Coastal Resources Section

  
\_\_\_\_\_  
Rockell Alhale, ERPS  
Coastal Resources Section



## MEMORANDUM (Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** October 20, 2020

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 5(Q)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required



Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5(Q)  
10-20-20

RESOLUTION NO. R-1077-20

RESOLUTION TAKING ACTION ON A CLASS I PERMIT APPLICATION BY PRIVE DEVELOPERS, LLC TO FILL WETLANDS THAT SUPPORT HALOPHYTIC VEGETATION IN ASSOCIATION WITH THE CREATION OF A BEACH ACCESS AREA AND THE CREATION OF A WETLAND PRESERVATION AREA ADJACENT TO DUMFOUNDLING BAY AND LOCATED ON PRIVE ISLAND IDENTIFIED BY FOLIO NUMBER 28-2202-053-0010, AVENTURA, MIAMI-DADE COUNTY, FLORIDA; AND TO AUTHORIZE THE ACCEPTANCE OF A RESTRICTIVE COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY

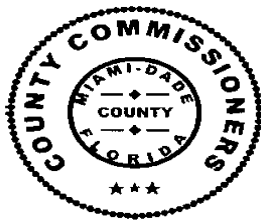
**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board having considered all the applicable factors contained within Section 24-48.3 of the Code of Miami-Dade County, hereby approves the application by Prive Developers, LLC to fill wetlands that support halophytic vegetation in association with the creation of a beach access area adjacent to Dumfoundling Bay located on Prive Island identified by folio number 28-2202-053-0010, Aventura, Miami-Dade County, Florida, subject to the conditions set forth in the memorandum from the Miami-Dade County Department of Regulatory and Economic Resources, a copy of which is attached hereto and made a part hereof, and authorizes the acceptance of the proffered restrictive covenant. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

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

|                                |               |                      |               |
|--------------------------------|---------------|----------------------|---------------|
| Audrey M. Edmonson, Chairwoman | <b>aye</b>    |                      |               |
| Rebeca Sosa, Vice Chairwoman   | <b>aye</b>    |                      |               |
| Esteban L. Bovo, Jr.           | <b>aye</b>    | Daniella Levine Cava | <b>aye</b>    |
| Jose "Pepe" Diaz               | <b>absent</b> | Sally A. Heyman      | <b>aye</b>    |
| Eileen Higgins                 | <b>aye</b>    | Barbara J. Jordan    | <b>aye</b>    |
| Joe A. Martinez                | <b>aye</b>    | Jean Monestime       | <b>absent</b> |
| Dennis C. Moss                 | <b>aye</b>    | Sen. Javier D. Souto | <b>aye</b>    |
| Xavier L. Suarez               | <b>aye</b>    |                      |               |

The Chairperson thereupon declared this resolution duly passed and adopted this 20<sup>th</sup> day of October, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



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

HARVEY RUVIN, CLERK

By: **Melissa Adames**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Abbie Schwaderer-Raurell