

Date: December 6, 2022

To: Honorable Interim Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

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

Agenda Item No. 5(F)

Resolution No. R-1152-22

Subject: Designation of Land Located at 190 NW 162nd Street, Miami, FL 33169 as a Brownfield Area

Executive Summary

The purpose of this item is to designate the land located at 190 NW 162nd Street, Miami, FL 33169 as a brownfield area pursuant to Section 376.80, Florida Statutes. A brownfield area is defined as a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government resolution. The property owner, Water Park Villas, LLC (“WPV”) is applying for the brownfield area designation due to the presence of actual contamination on the Subject Property resulting from its historical uses. A brownfield area designation will allow WPV to access certain regulatory and economic incentives to mitigate and manage the risk and expense associated with the contamination or the possibility of discovery of additional contamination and the necessary response. When a brownfield area is being proposed by a person other than the local government, the local government with jurisdiction over the proposed brownfield area shall provide notice and may adopt a resolution to designate the brownfield area. In considering a request for designation, a local government must evaluate and apply the criteria set forth in Chapter 376.80 (2)(c), Florida Statutes. Therefore, the attached application and supporting material is being submitted by WPV for consideration of approval.

Recommendation

It is recommended that the Board of County Commissioners (“Board”) designate the land located at 190 NW 162nd Street, Miami, FL 33169, identified by folio number 30-2113-000-0280 and further specified in Exhibit 2 to the resolution, as a brownfield area to be known as The Water Park Villas Green Reuse Area.

According to the proposal submitted by the property owner, Water Park Villas, LLC (“WPV”) proposes to redevelop and rehabilitate one parcel of land located at 190 NW 162nd Street, Miami, FL 33169, identified by Folio Number 30-2113-000-0280 (the “Subject Property”), as a 100-unit multifamily residential development inclusive of one, five-story building; three, two-story townhome buildings; and residential amenities (the “Project”). As demonstrated herein, the Project meets all five of the applicable brownfield area designation criteria set forth at Section 376.80(2)(c), Florida Statutes. In addition, the Subject Property meets the definition of a “brownfield site” pursuant to Section 376.79(4), Florida Statutes. However, the capital investment and the construction outcomes are not guaranteed.

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. Pursuant to section 376.80(1)(c)4., Florida Statutes, this matter requires two quasi-judicial public hearings before the Board, and the public hearings must be announced at a meeting of the Board before the actual public hearings.

Scope

The Subject Property is located in Commission District 2, represented by Commissioner Jean Monestime. The proposed area is identified by folio number 30-2113-000-0280.

Delegation of Authority

This item has no delegation of authority.

Fiscal Impact/Funding Source

Approval of this location as a brownfield area would not create a negative fiscal impact to the County.

Track Record/Monitor

Not applicable.

Background

A brownfield site, as defined in Section 376.79(4) of the Florida Statutes, is real property, where the expansion, redevelopment or reuse of the property may be complicated by actual or perceived environmental contamination. A brownfield area is defined as a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government resolution. Brownfields may include all or portions of community development areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated brownfield pilot projects. The goal of the brownfield program is to significantly improve the utilization, general condition, and appearance of these sites. Once a property has been designated as a brownfield by a local government, the property may be eligible for certain state-funded incentives.

WPV submitted a proposal, attached to the resolution as Exhibit 1, to designate the Subject Property as a brownfield area pursuant to Section 376.80, Florida Statutes. Under Section 376.80, the County shall designate a proposed site as a brownfield area if, after giving the notice and holding the public hearings required under that statute, the person who submitted the proposal establishes at the public hearing to adopt the resolution, that all five of the factors set forth in Section 376.80(2)(c) are satisfied.

The Department of Regulatory and Economic Resources (RER), Planning Division, has reviewed the proposal and is recommending that the Board designate the Subject Property (See Attachment A) as a brownfield area for the following reasons: The Subject Property qualifies as a “brownfield site” under the definition set forth in Section 376.79(4), Florida Statutes because the redevelopment or reuse of the Subject Property may be complicated by the presence of buried solid waste as well as soil and groundwater contamination which is consistent with the Subject Property’s historical use.

WPV’s proposed development will consist of a 100-unit multifamily residential development inclusive of one, five-story building; three, two-story townhome buildings; and residential amenities.

Section 376.80(2)(c), Florida Statutes, sets forth the following criteria WPV must establish for the County to designate the Subject Property as a brownfield. RER believes that WPV proposal satisfies these criteria:

- (1) “A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site.

WPV satisfies this criterion in that it owns the Subject Property and has agreed to redevelop and rehabilitate it. Accordingly, WPV meets this first criterion.

- (2) “The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of 10 new permanent jobs at the brownfield site that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site or area. However, the job creation requirement does not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s. 420.0004 or the creation of recreational areas, conservation areas, or parks.”

WPV satisfies this criterion in that the Project will result in significant economic productivity of the area. The budget for rehabilitation and redevelopment is approximately \$49 million, which will be spent in part on local labor, contractors, consultants, construction materials, furnishings, infrastructure improvements, and impact fees. This work will support approximately 325 temporary construction jobs over the period of development. The construction workers will spend a percentage of their salaries with local merchants who, in turn, will reinvest locally in their respective businesses, as well as the businesses of other local merchants.

In addition to the significant economic productivity to be generated by the Project’s residential component alone, the Project is anticipated to create up to 10 permanent, full-time equivalent positions not associated with the implementation of the rehabilitation agreement and not associated with redevelopment project demolition or construction activities, which will exceed the statutory job creation requirement. This includes permanent jobs that will facilitate operation of the development itself. Such job creation will result in the payment of significant payroll taxes and salaries, thereby benefitting the local economy and increasing the economic productivity of the area. Accordingly, WPV meets this second criterion.

- (3) “The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permissible use under the applicable local land development regulations.”

WPV satisfies this criterion in that the Subject Property is being developed in accordance with the Planned Area Development District requirements approved by Miami-Dade County through Resolution No. CZAB8-11-20 which establishes a maximum density of 100 residential units. The Project will also be developed substantially in compliance with the Planned Area Development Agreement recorded on November 10, 2020. The Project’s planned 100 residential units and its compliance with the recorded restrictions included in the Planned Area Development Agreement shows the redevelopment is consistent with the local comprehensive plan and local land development restrictions. Accordingly, WPV meets this third criterion.

- (4) “Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated pursuant to paragraph (1)(c), and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subparagraph must be posted in the affected area.”

WPV posted notice of the proposed designation with two signs at the Subject Property and published notice of the proposed designation in the Miami Herald newspaper and the local community bulletin.

Additionally, a virtual community meeting was held on October 18, 2022, to give neighbors and nearby residents the opportunity to provide comments and suggestions about rehabilitation efforts. No one participated in the meeting.

- (5) “The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site.”

The total capital budget of approximately \$49 million for the Project is to be fully funded through a combination of debt financing and equity. Specifically, WPV is working with Pacific Western Bank to acquire a \$32 million construction loan with the balance of the rehabilitation and redevelopment to be funded by owner and investor equity. WPV’s principal is also a credentialed and experienced developer of multifamily residential projects with a proven history of successfully delivering largescale projects like what is planned for the Subject Property. The success of previous projects, the magnitude of the capital previously raised, the quality of the development previously achieved, and the resources of its principal provide reasonable assurances that WPV has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan. It therefore satisfies the fifth criterion.

Based on all the foregoing, the Subject Property clearly falls within the definition of “brownfield site” as set forth in § 376.79(4), Florida Statutes.

For the reasons above, RER is recommending that the Board designate the Subject Property as a brownfield area.

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners**



September 28, 2022

RECOMMENDATION SUMMARY		
Commission District	2	
Applicant	Water Park Villas, LLC	
Request	Brownfield Area Designation of parcel with Folio 30-2113-000-0280 pursuant to Chapter 376.80(2)(c), Florida Statutes	
Location	190 NW 162 Street, Miami-Dade County, Florida 33169	
Property Size	±4.01 acres	
Existing Zoning	Planned Area Development District (PAD)	
Existing Land Use	Vacant, Non-Protected, Privately Owned	
2030-2040 CDMP Land Use Designation	Office/Residential, Low-Medium Density with One Density Increase (DI-1)	
Applicable CDMP provision(s)	The Low-Medium Density Residential designation allows 6 to 13 units per gross acre and the with DI-1 overlay allows for approval of one density category higher if sound urban design principles, such as adopted by County ordinance or those in the Miami Dade County Urban Design Manual, are incorporated into the development’s design.	
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives, and policies of the Comprehensive Development Master Plan	
NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Future Land Use Designation
North	RU-1 (Single Family); Single-Family	Office/Residential, Low Density (2.5-6 du/ac)
South	RU-5A (Semi-Professional Office District), RU-1(Single Family); Vacant, Nonprotected, Privately Owned, Single Family	Office/Residential, Low-Medium with One Density Increase, Low Density (2.5-6 du/ac)
East	RU-1(Single Family); Single Family	Low Density (2.5-6 du/ac)
West	RU-1(Single Family); Institutional	Office/Residential

Background:

Water Park Villa, LLC ("WPV") filed an application for Brownfield Designation of a single parcel with Folio 30-2113-000-0280, located at 190 NW 162nd Street. WPV proposes to develop the subject parcel with a 100-unit residential development, including a five-story 62-unit multifamily building, three two-story townhome buildings totaling 38 units, and residential amenities. Pursuant to Chapter 376.80 (2)(c)(3) of the Florida Statutes, when designation of a brownfield area is proposed by persons other than a governmental entity, redevelopment of the proposed

brownfield site must be consistent with the local comprehensive plan and a permissible land use under the applicable local land development regulations.

Staff Analysis:

The subject parcel is designated “Office/Residential” & “Low-Medium Density Residential” with the DI-1 overlay on the Adopted 2030-2040 Land Use Plan map. Uses permitted in the Office/Residential land use category include professional and clerical office, hotels, motels and residential uses. The “Low-Medium Density Residential” allows 6 to 13 units per gross acre and the DI-1 overlay allows for approval of one density category higher (13 to 25 units per gross acre) than the density of the underlying land use designation. This eligible increase requires the development to utilize sound urban design principles adopted by County ordinance or those incorporated in the Miami Dade County Urban Design Manual. Uses typical of the 13 to 25 units per gross acre density range include townhouses, low-rise and medium-rise apartments.

The subject parcel is zoned Planned Area Development District (PAD) as per Resolution CZABB-11-20. The intent of this district is to provide flexibility in planning, design and development, to fulfill the housing needs to residents in various income levels and lifestyles, among other things. The development will include a mix of 62 apartment and 38 townhomes.

Based on the foregoing, this Department finds that the Water Park Villas Project is generally consistent with the goals, objectives, and policies of the CDMP and is permissible under the referenced land development regulations.



Jerry Bell, Assistant Director for Planning
Planning Division
Miami-Dade County
Department of Regulatory and Economic Resources

JB:GR:GA



MEMORANDUM

(Revised)

TO: Honorable Interim Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 6, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(F)

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(F)
12-6-22

RESOLUTION NO. _____ R-1152-22

RESOLUTION TAKING ACTION, AFTER PUBLIC HEARING,
ON PROPOSAL OF WATER PARK VILLAS, LLC TO
DESIGNATE REAL PROPERTY LOCATED AT 190 NW 162ND
STREET, MIAMI-DADE COUNTY, FLORIDA 33169, ALSO
IDENTIFIED BY FOLIO NUMBER 30-2113-000-0280, AS A
BROWNFIELD AREA PURSUANT TO SECTION 376.80,
FLORIDA STATUTES, WHICH SHALL BE KNOWN AS THE
WATER PARK VILLAS GREEN REUSE AREA

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

WHEREAS, brownfield sites are defined under section 376.79(4), Florida Statutes, as “real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination”; and

WHEREAS, sections 376.77–376.85, Florida Statutes, hereinafter referred to as the “Brownfields Redevelopment Act,” provide that local governments may designate brownfield areas, which are defined in part as “a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution,” for the purpose of encouraging economic development and environmental remediation; and

WHEREAS, this Board has reviewed the proposal submitted by Water Park Villas, LLC, attached hereto as exhibit 1, to designate real property located at 190 NW 162nd Street, Miami-Dade County, Florida 33169, also identified by Folio Number 30-2113-000-0280 and further identified in exhibit 2 (the “subject property”), as a brownfield area to be known as the “Water Park Villas Green Reuse Area”; and

WHEREAS, this Board finds that the subject property qualifies as a brownfield site within the meaning of section 376.79(4), Florida Statutes; and

WHEREAS, this Board has considered the factors set forth in section 376.80(2)(c), Florida Statutes, which Water Park Villas, LLC must establish for this Board to designate the subject property as a brownfield area, and finds that Water Park Villas, LLC has established all of those factors; and

WHEREAS, this Board has complied with the notice, public hearing, and other requirements set forth in section 376.80, Florida Statutes,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The recitals and findings set forth above are true and are hereby incorporated by reference.

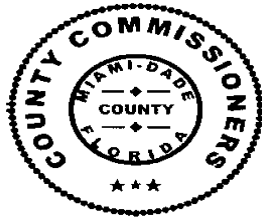
Section 2. This Board accepts the proposal submitted by Water Park Villas, LLC and designates the real property identified in exhibit 2, attached hereto and incorporated herein by reference, as a brownfield area under the Brownfields Redevelopment Act. This brownfield area shall be known as the “Water Park Villas Green Reuse Area.” This designation shall not render Miami-Dade County liable for the costs of site rehabilitation or source removal, as those terms are defined in section 376.79, Florida Statutes, or for any other costs.

Section 3. This Board directs the County Mayor or County Mayor’s designee, within 30 days of the adoption of this resolution, to transmit a certified copy of this resolution to the Florida Department of Environmental Protection and to maintain a certified copy of this resolution on file with the Department of Regulatory and Economic Resources, Division of Environmental Resources Management, as the local pollution control program.

The foregoing resolution was offered by Commissioner **Eileen Higgins**,
 who moved its adoption. The motion was seconded by Commissioner **Marleine Bastien**
 and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Interim Chairman	aye		
Raquel A. Regalado, Interim Vice Chairwoman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Anthony Rodríguez	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of December, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



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

HARVEY RUVIN, CLERK

Basia Pruna

By: _____
 Deputy Clerk

Approved by County Attorney as
 to form and legal sufficiency.

CJW

Christopher J. Wahl

THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A.
Brownfields, Transactions, Due Diligence, Development, Permitting, Cleanups & Compliance

2100 Ponce de Leon Boulevard, Suite 710
Coral Gables, Florida 33134
Telephone: (305) 777-1680
www.goldsteinenvlaw.com

Brett C. Brumund, Esq.
Direct Dial: (305) 640-5300
Email: bbrumund@goldsteinenvlaw.com

September 12, 2022

Via Email

Ms. Freenette Williams, Business Development Specialist
Department of Regulatory & Economic Resources
Planning Research & Economic Analysis Section
111 NW 1st Street – 12th Floor
Miami, FL, 33130

Re: Request for Designation of the Property Located at 190 NW 162nd Street, Miami-Dade County, FL 33169 as a Brownfield Area Pursuant to §376.80(2)(c), Florida Statutes

Dear Ms. Williams:

On behalf of Water Park Villas, LLC (“WPV”), we are pleased to submit the enclosed Application for Brownfield Area Designation and supporting materials concerning the parcel located at 190 NW 162nd Street, Miami-Dade County, FL 33169, occupying Folio Number 30-2113-000-0280 (the “Subject Property”), as a Brownfield Area pursuant to Chapter 376.80(2)(c), Florida Statutes.¹ WPV is redeveloping the Subject Property with a 100-unit multifamily residential development inclusive of one, five-story building; three, two-story townhome buildings; and residential amenities. The completed development will have an estimated cost of approximately \$49 million. A legal description and property card depicting the Subject Property’s location are enclosed at Exhibit B.

WPV is applying for this Brownfield Area Designation due to the redevelopment complications generated by the presence of actual contamination and buried solid waste on the Subject Property resulting from its historical uses. This has required that WPV incur significant time and expense to further evaluate the environmental risk associated with redevelopment. The designation has thus

¹ A copy of the Miami-Dade County (the “County”) Application for Brownfield Designation is enclosed at Exhibit A.

Ms. Freenette William, Business Development Specialist
September 12, 2022
Page 2

become a key part of this ambitious project's ultimate viability by enabling WPV to access certain regulatory and economic incentives to mitigate and manage the risk and expense associated with the contamination or the possibility of discovery of additional contamination and the necessary response.

In considering a request for designation, a local government must evaluate and apply the criteria set forth in Chapter 376.80(2)(c), Florida Statutes. As reflected in the Statement of Eligibility incorporated herein at Exhibit C, WPV meets such statutory criteria. Accordingly, based on the foregoing, we respectfully request that staff recommend approval. Of course, as you evaluate the application and supporting materials, please feel free to contact us with any questions or should further information be required. Thank you.

Very truly yours,

THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A.



Brett C. Brumund
/bcb

Enclosures

cc: Water Park Villas, LLC

Exhibit A



**MIAMI DADE COUNTY BROWNFIELD REDEVELOPMENT PROGRAM
APPLICATION FOR BROWNFIELD DESIGNATION**

Please complete this form to initiate the Brownfield designation process. It is important to complete all applicable sections and attach all necessary information. If you have any questions concerning completion of this Application or wish to schedule a Pre-Application Meeting, please call (305) 375-1254 and ask for a Brownfield Representative.

I. PROPERTY INFORMATION

Property Address 190 NW 162 St.

Property Name Water Park Villas Green Reuse Area

City Unincorporated State FL Zip Code 33169

Property Size (acres/square feet) 4.01 Acres/74,977 Sq.Ft.

Parcel Number(s) N/A

Folio Number 30-2113-000-0280

Zoning PAD

DERM File Number HWR-01240

FDEP File Number N/A

Name of Applicant's Interest in Property

 X Owner
 Tenant
 Under Contract
 Option to Purchase/Lease
 Letter of Intent
 Other (If so, please describe briefly: _____)

Is property subject to an enforcement action under the Comprehensive Environmental Compensation or Liability Act, the Resource Conservation and Recovery Act, or Chapter 376 or 403, Florida Statutes?

 No.

If so, please provide a brief description of the material facts and circumstances associated with such action(s).

N/A

If the project consists of an assemblage, please include all property information for each additional parcel as an attachment, including legal descriptions.

Describe all outstanding property taxes due on the property.

None.

Describe all liens on the property.

Mortgage.

II. PROJECT DESCRIPTION

Briefly describe the project and the anticipated redevelopment plan.

Redevelopment with 100 units of multifamily residential. Please see Exhibit C for additional information.

Briefly describe the environmental conditions and issues associated with the project.

Site assessment activities identified the presence of buried solid waste as well as soil and groundwater contamination. Please see Exhibit C for additional information.

Briefly describe any anticipated plans for assessment and remediation of the environmental conditions associated with the property.

Soil and groundwater assessment will continue to fully delineate contaminants and the extent of buried solid waste. Remediation may include removal of buried solid waste, management or encapsulation of contaminated soil, and groundwater use restrictions.

Will your project require a change in zoning and /or the County's Comprehensive Plan? If so, please provide a brief description of the material facts and circumstances associated with such change(s).

No.

Please attach a statement demonstrating that the project currently qualifies for designation as a Brownfield Area under the Florida Brownfield Redevelopment Act (or will qualify prior to the date the item is brought before the County Commission). Note that reasonable assurances must be provided by the Applicant that sufficient financial resources are available to implement and complete a rehabilitation agreement and redevelopment plan. Accordingly, your statement must outline the financial resources that are available in this regard.

If you intend to apply for the Brownfield Job Refund Bonus or the Brownfield Economic Development Initiative (Revolving Loan Fund), please indicate so by attaching a statement that discusses why you believe your project qualifies. Note: A separate application process exists for these programs.

Please attach any non confidential environmental assessment documentation associated with the project, including Phase I and Phase II Reports, Site Assessment Reports, and Remedial Action Plans.

III. APPLICANT INFORMATION

Name Water Park Villas, LLC

Address 840 S. Rancho Drive, No 4-572

City Las Vegas State NV Zip Code 89106

Phone (305) 640-5300 Fax N/A E-Mail bbrumund@goldsteinenvlaw.com

Ownership Interest
in Property Owner

Legal Status of the Applicant:

_____ Individual /Sole Proprietorship _____ General Partnership _____ NV _____ State
_____ X _____ Limited Liability Company _____ Limited Partnership
_____ Florida Corporation
_____ Out-of-State Corporation _____ State of Incorporation _____

Name of current Property owner if different from Applicant _____ N/A _____

Address _____

City _____ State _____ Zip Code _____

Phone _____ Fax _____ E-Mail _____

Legal Status of the Current Property Owner (s): Same as Applicant.

_____ Individual /Sole Proprietorship _____ General Partnership _____ State
_____ Limited Liability Company _____ Limited Partnership
_____ Florida Corporation
_____ Out-of-State Corporation _____ State of Incorporation _____

If the current property owner is not the applicant, please attach an affidavit from the current owner that it does not object to designation of the Property as a Brownfield Area under the Florida Brownfield Redevelopment Act.

IV. SERVICES TO BE PROVIDED

Have you requested a Brownfield Meeting prior to completing this application? X Yes
_____ No

In order to better assist you, please check the type of designation you are requesting and the type of assistance/incentives (check all that apply) you are seeking through this designation:

Type of Designation: _____ Several parcels _____ X _____ Single parcel

Type of Assistance/Incentives requested:

- ☒ Regulatory Assistance (aid for meeting government agency permitting requirements)
- ☐ Technical Assistance (aid in obtaining grants, loans, etc.)
- ☐ Grants (gap financing for Brownfield remediation)
- ☐ Loan (remediation loan funds)
- ☒ Tax Credits/Exemptions due to Brownfield Area Designation
- ☐ Job Creation Tax Refund due to Brownfield Area Designation

Other (please describe):

Return completed form and attachments to:

**Office of Economic Development and International Trade
111 NW 1st Street – 19th Floor
Miami, FL 33128
305 375-1254**

<http://www.miamidade.gov/oedit/>

V. CERTIFICATION

The contents of this application shall be considered public records held by Miami Dade County and upon submittal becomes the property of Miami Dade County. The undersigned affirms that the information contained in this application is true and accurate.

Applicant's Signature:  Date: 09/09/22

Print / Type Name: Robert Schulman, Chairman

FOR OFFICIAL USE ONLY

Applicant Received by: _____ Date: _____

Application Completeness Reviewed by: _____

_____ Application Complete _____ Application Incomplete

Specify reason(s) below:

Applicant Contacted on: _____

Applicant Phone Number: _____

Applicant E-mail: _____

Date corrected information received to complete application (if applicable):

Signature of Reviewer: _____ Date: _____

As of 12/11/09

Exhibit B

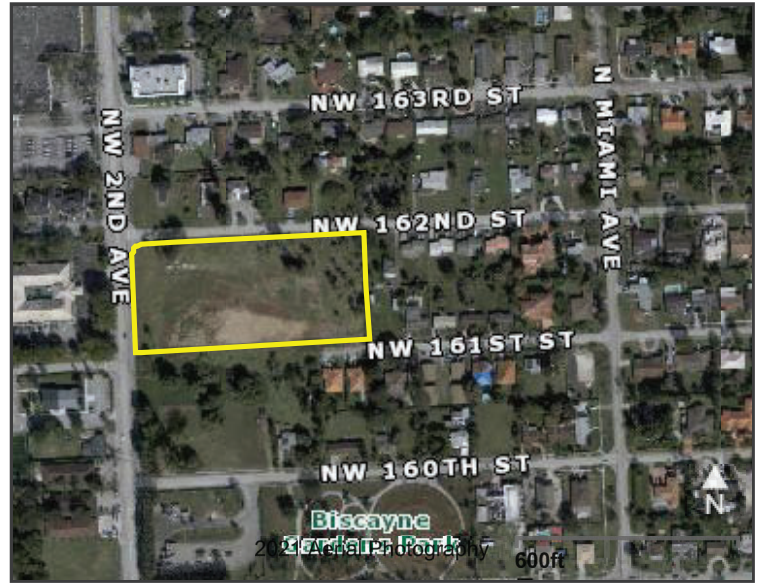


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 9/8/2022

Property Information	
Folio:	30-2113-000-0280
Property Address:	190 NW 162 ST Miami, FL 33169-6520
Owner	WATER PARK VILLAS LLC
Mailing Address	840 S RANCHO DR 4 572 LAS VEGAS, NV 89806 USA
PA Primary Zone	6900 SEMI PROFESSIONAL OFFICE
Primary Land Use	1081 VACANT LAND - COMMERCIAL : VACANT LAND
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	174,977 Sq.Ft
Year Built	0



Assessment Information			
Year	2022	2021	2020
Land Value	\$4,024,471	\$2,099,724	\$1,574,793
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$4,024,471	\$2,099,724	\$1,574,793
Assessed Value	\$4,024,471	\$1,167,347	\$1,061,225

Benefits Information				
Benefit	Type	2022	2021	2020
Non-Homestead Cap	Assessment Reduction		\$932,377	\$513,568
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
13 52 41 4.02 AC S1/2 OF NW1/4 OF SW1/4 OF NE1/4 LESS RDS & LESS EXT AREA OF CURVE IN NW COR OR 18874-3660 1199 1	

Taxable Value Information			
	2022	2021	2020
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$4,024,471	\$1,167,347	\$1,061,225
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$4,024,471	\$2,099,724	\$1,574,793
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$0	\$0	\$0
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$4,024,471	\$1,167,347	\$1,061,225

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
09/29/2021	\$5,300,000	32781-3929	Qual by exam of deed
09/24/2018	\$1,135,000	31155-2429	Religious, charitable or benevolent organization
11/01/1999	\$350,000	18874-3660	Sales which are qualified
07/01/1999	\$0	18745-1947	Sales which are disqualified as a result of examination of the deed

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

MDC022

190 NW 162 STREET
MIAMI-DADE, FLORIDA 33169

FOLIO NUMBER:
30-2113-000-0280

LEGAL DESCRIPTION: THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 52 SOUTH, RANGE 41 EAST; LESS THE WEST 35 FEET; LESS THE NORTH 25 FEET AND LESS THE SOUTH 25 FEET THEREOF, AND ALSO LESS AND EXCEPT THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 52 SOUTH, RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL THAT PART OF THE NORTHEAST 1/4 OF SAID SECTION 13 WHICH LIES WITHIN THE EXTERNAL AREA FORMED BY A 25.00 FOOT RADIUS ARC CONCAVE TO THE SOUTHEAST, TANGENT TO THE SOUTH LINE OF THE NORTH 25.00 FEET OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 13 AND TANGENT TO THE EAST LINE OF THE WEST 35 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 13. SAID LANDS, LOCATED, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA

Exhibit C

Brownfield Area Designation Eligibility Statement

Water Park Villas Green Reuse Area 190 NW 162nd Street, Miami-Dade County, FL 33169 Folio Number 30-2113-000-0280

Water Park Villas, LLC (“WPV”) proposes to redevelop and rehabilitate one parcel of land located at 190 NW 162nd Street, Miami-Dade County, FL, 33169 occupying Folio Number 30-2113-000-0280 (the “Subject Property”), as a multifamily residential development. WPV’s proposed development will consist of 100 residential units in one, five-story building and three, two-story townhome buildings with residential amenities including a pool house, pool, splash pad, playground, onsite leasing office, club room, and fitness center (the “Project”).¹ As demonstrated herein, the Project meets all five of the applicable brownfield area designation criteria set forth at Section 376.80(2)(c), Florida Statutes.² In addition, the Subject Property meets the definition of a “brownfield site” pursuant to Section 376.79(4), Florida Statutes.

I. Subject Property Satisfies the Statutory Criteria for Designation

1. Agreement to Redevelop the Brownfield Site. As the first requirement for designation, Florida Statutes § 376.80(2)(c)(1) provides that “[a] person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site.”

WPV satisfies this criterion in that it owns the Subject Property and has agreed to redevelop and rehabilitate it.³ Accordingly, WPV meets this first criterion.

2. Economic Productivity. As the second requirement for designation, Florida Statutes § 376.80(2)(c)(2) provides that “[t]he rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 5 new permanent jobs at the brownfield site that are full-time equivalent positions not associated with the implementation of the rehabilitation agreement or an agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site or area. However, the job creation requirement shall not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s. 420.0004 or the creation of recreational areas, conservation areas, or parks.”

WPV satisfies this criterion in that the Project will result in significant economic productivity of the area. The budget for rehabilitation and redevelopment is approximately \$49 million, which will be spent in part on local labor, contractors, consultants, construction materials, furnishings, infrastructure improvements, and impact fees. This work will support approximately 325 temporary construction jobs over the period of development. The construction workers will spend a percentage of their salaries with local merchants who, in turn, will reinvest locally in their respective businesses, as well as the businesses of other local merchants.

Additionally, the recognized literature regarding the local benefits produced by the development of multifamily developments shows that this type of development substantially contributes to the economic productivity of an area in the form of increased property taxes, stimulation of the local economy by residents, and transformation of vacant land into economically productive communities. For example, in The National Association of Home Builders’ (“NAHB”) landmark study, The Economic Impact of Home Building

¹ The proposed site plan can be found at Attachment A to this Eligibility Statement.

² See Attachment B for a copy of § 376.80, Florida Statutes.

³ See Attachment C for the Subject Property deed.

in a Typical State,⁴ NAHB published models that estimate the local economic benefits of single-family developments and multifamily developments. These models capture the effect of the construction activity itself, the positive economic ripple effect that occurs when income earned from construction activity is spent and recycled in the local economy, and the ongoing beneficial impacts that result from the new apartments becoming occupied by residents. On a quantitative basis, the results are even more impressive. According to the NAHB report, the estimated one-year impacts of building 100 multifamily residential rental apartments include the following:

- *\$11.7 million in local income*
- *161 local jobs*

According to the report, these one-year impacts include both the direct and indirect impact of the construction activity itself, and the impact of local residents who earn money from the construction activity spending part of it within the local area's economy. Moreover, on a recurring basis, the economic impacts of building 100 residential rental apartments include the following:

- *\$2.6 million in local income*
- *44 local jobs*

Applying the NAHB model data to the redevelopment planned for the Subject Property, the year of construction and annual recurring impacts based on 100 residential units would be as follows:

Economic Productivity for the WPV Development – Year of Construction

\$11.7 million in local income
161 local jobs

Economic Productivity for the WPV Development – Annually Recurring

\$2.6 million in local income
44 local jobs

In addition to the significant economic productivity to be generated by the Project's residential component alone, the Project is anticipated to create up to 10 permanent, full-time equivalent positions not associated with the implementation of the rehabilitation agreement and not associated with redevelopment project demolition or construction activities, which will exceed the statutory job creation requirement. This includes permanent jobs that will facilitate operation of the development itself. Such job creation will result in the payment of significant payroll taxes and salaries, thereby benefitting the local economy and increasing the economic productivity of the area. Accordingly, WPV meets this second criterion.

3. Consistency with Local Comprehensive Plan and Permittable Use under Local Land Development Regulations. As the third requirement for designation, Florida Statutes § 376.80(2)(c)(3) provides that "[t]he redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permittable use under the applicable local land development regulations."

WPV satisfies this criterion in that the Subject Property is being developed in accordance with the Planned Area Development District requirements approved by Miami-Dade County through Resolution No. CZAB8-11-20 which establishes a maximum density of 100 residential units.⁵ The Project will also be developed substantially in compliance with the Planned Area Development Agreement recorded on November 10, 2020.⁶ The Project's planned 100 residential units and its compliance with the recorded

⁴ A complete copy of the NAHB report may be accessed here: <https://www.nahb.org/-/media/NAHB/news-and-economics/docs/housing-economics/economic-impact/economic-impact-local-area-2015.pdf>.

⁵ See Attachment D for a copy of Resolution No. CZAB8-11-20.

⁶ See Attachment E for a copy of the recorded Planned Area Development Agreement.

restrictions included in the Planned Development Agreement shows the redevelopment is consistent with the local comprehensive plan and local land development restrictions. Accordingly, WPV meets this third criterion.

4. Public Notice and Comment. Florida Statutes § 376.80(2)(c)(4) stipulates that "[n]otice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated, and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subsection must be posted in the affected area." Additional notice requirements pertaining to applicants other than a governmental entity can be found at Florida Statutes § 376.80(1)(c)(4)(b) and consist of publication in a newspaper of general circulation in the area, publication in ethnic newspapers or local community bulletins, and announcement at a scheduled meeting of the local governing body before the actual public hearing.

WPV satisfies all applicable notice and opportunity to comment requirements established by Florida Statutes §376.80(2)(c)(4) and § 376.80(1)(c)(4)(b) as follows:

- (i) a virtual community meeting for purposes of affording interested parties the opportunity to provide comments and suggestions about the potential designation will be held on October 4, 2022;*
- (ii) notice of the request to designate the Subject Property a Brownfield Area and of the virtual community meeting will be posted at the Subject Property;*
- (iii) notice of the request to designate the Subject Property a Brownfield Area and of the virtual community meeting will be published in the Miami Herald; and*
- (iv) notice of the request to designate the Subject Property a Brownfield Area and of the virtual community meeting will be published in a local community bulletin.*

All notices will contain substantially the following narrative:

Representatives for Water Park Villas, LLC, will hold a virtual community meeting on October 4, 2022, from 5:30 p.m. until not later than 7:00 p.m. for the purpose of affording interested parties the opportunity to provide comments and suggestions on the potential designation of land located at 190 NW 162nd Street, Miami-Dade County, FL, occupying Folio Number 30-2113-000-0280, as a Green Reuse Area. The designation is being made pursuant to Section 376.80(2)(c), Florida Statutes, of Florida's Brownfields Redevelopment Act and will involve two public hearings before the Miami Dade County Board of County Commissioners on November 15, 2022, and December 6, 2022, at 9:30 am.

The virtual community meeting, which will also address future improvements and rehabilitation activities planned for the park, is free and open to all members of the public. Please register at <https://bit.ly/waterparkvillas>, call (305) 640-5300, or email bbrumund@goldsteinenvlaw.com before the meeting to receive meeting access instructions. For additional instructions on how to join, or to provide comments and suggestions regarding designation or rehabilitation at any time before or after the meeting date, please contact the Applicant's representative, Brett C. Brumund, who can be reached by phone at (305) 640-5300, by email at bbrumund@goldsteinenvlaw.com, and/or U.S. Mail at The Goldstein Environmental Law Firm, P.A., 2100 Ponce de Leon Blvd., Suite 710, Coral Gables, FL 33134.

Proof of publication or posting, as appropriate, will be provided to the County.

5. Reasonable Financial Assurance. As the fifth requirement for designation, Florida Statutes § 376.80(2)(c)(5) provides that "[t]he person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan."

The total capital budget of approximately \$49 million for the Project is to be fully funded through a combination of debt financing and equity.⁷ Specifically, WPV is working with Pacific Western Bank to acquire a \$32 million construction loan with the balance of the rehabilitation and redevelopment to be funded by owner and investor equity. WPV's principal is also a credentialed and experienced developer of multifamily residential projects with a proven history of successfully delivering largescale projects like what is planned for the Subject Property. The success of previous projects, the magnitude of the capital previously raised, the quality of the development previously achieved, and the resources of its principal provide reasonable assurances that WPV has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan. It therefore satisfies the fifth criterion.

II. Subject Property Meets the Definition of Brownfield Site

Section 376.79(4), Florida Statutes, defines "brownfield site" to mean ". . . real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination." The facts here clearly reflect that the Subject Property falls within the definition of the term "brownfield site" in that actual contamination is present in soils and groundwater on the Subject Property that will significantly complicate redevelopment. Specifically, site assessment activities identified historical uses and activities at the Subject Property including agricultural fields visible in photos from at least 1951 until 1983 as well as a borrow pit or lake filled with unknown material in approximately 1966.⁸ WPV's environmental professionals conducted soil and groundwater assessment activities which documented areas of buried solid waste in the area of the former borrow pit as well as agricultural contaminants in soil and groundwater above the applicable Cleanup Target Levels ("CTLs"). Contaminants identified above the applicable CTLs include arsenic in soil and arsenic, iron, and manganese in groundwater. These contaminants are often the result of regular application of agricultural chemicals and tend to persist in the environment until removed or treated. The presence of buried solid waste may also contribute the documented contamination at the Subject Property.

As a result, WPV must now carefully address the presence of the buried solid waste and environmental contamination through continued site assessment activities and by eventually undertaking measures that may include removing or encapsulating the contaminated material. As such, WPV will be required to carefully manage the contamination at all stages of the redevelopment, imposing great legal and financial risk, by incorporating design and construction changes on the Project that would not be required but for the presence of actual contamination.⁹ In sum, the presence of actual contamination imposes a material level of regulatory, construction, and legal liability risk, complicates redevelopment efforts, and requires significant time and money for environmental, engineering, and legal consultants to properly investigate and address. Accordingly, this

⁷ See Financial Assurances Letter from Brian Burdzinski, president for WVP's manager, Shulman Development, LLC, at [Attachment F](#).

⁸ See excerpt from Interim Site Assessment Report dated March 11, 2022, and prepared by Robayna and Associates Inc. at [Attachment G](#).

⁹ Onsite soil contamination will also require special handling and very specific regulatory approvals. Soil management during construction activities will be subject to a level of environmental review and scrutiny that would not otherwise apply to an uncontaminated site, in addition to considerable extra costs and scheduling delays. These risks and expenses greatly complicate redevelopment of the Subject Property. Due to contaminated groundwater, a significant redevelopment complication involves the way in which construction dewatering is conducted when near or on a contaminant plume, in which case, extraordinary measures (at great cost) must be implemented to ensure that the contaminant plume isn't drawn towards a clean area, which would spread or "exacerbate" contamination.

designation, if granted, will allow WPV to access limited but important state-based economic incentives to help underwrite the unanticipated and unbudgeted costs associated with managing the environmental risk as well as, generally, to put the Project to a more certain financial ground. In this sense, the designation will not only play a critical role in the successful redevelopment of the Subject Property, but also in the larger revitalization efforts for this area of the County.

Based on all the foregoing, the Subject Property clearly falls within the definition of “brownfield site” as set forth in § 376.79(4), Florida Statutes.

III. Conclusion

WPV has demonstrated that the Subject Property meets the definition of a “brownfield site” and that it satisfies the five statutory criteria for designation. Accordingly, designation of the Subject Property as a brownfield area pursuant to § 376.80(2)(c), Florida Statutes, of Florida’s Brownfield Redevelopment Act is appropriate.

Attachment A

PROPOSED 100 UNITS MULTIFAMILY DEVELOPMENT

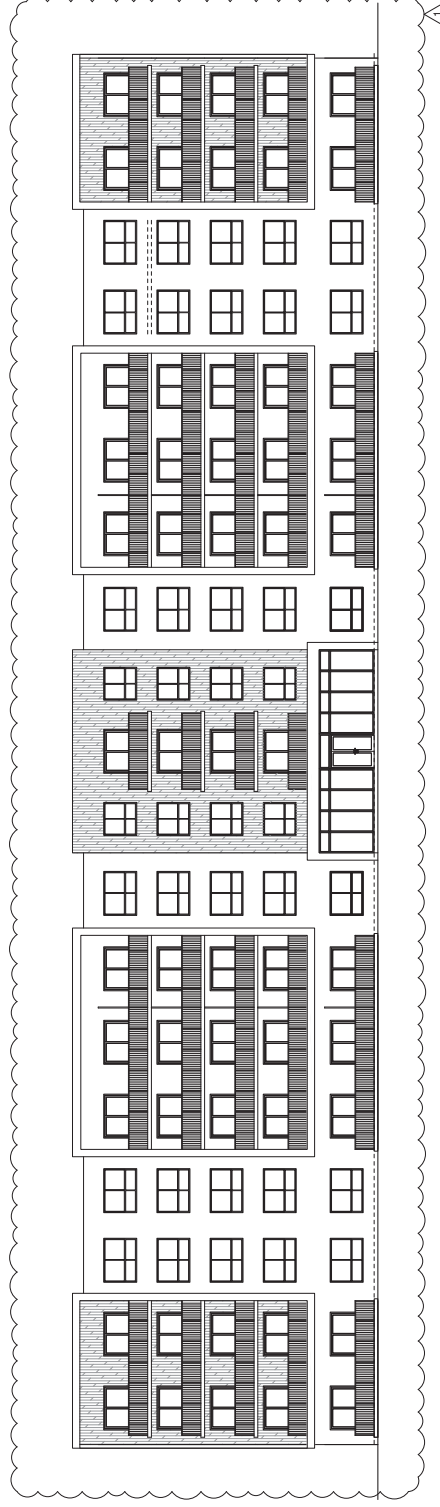
62 APARTMENT UNITS AND 38 TOWNHOMES

BISCAYNE GARDENS

190 NW 162nd STREET

MIAMI DADE COUNTY, FLORIDA

MDC031



[illegible]

Attachment B

The 2022 Florida Statutes

[Title XXVIII](#)
NATURAL RESOURCES; CONSERVATION,
RECLAMATION, AND USE

[Chapter 376](#)
POLLUTANT DISCHARGE PREVENTION
AND REMOVAL

[View Entire
Chapter](#)

376.80 Brownfield program administration process.—

(1) The following general procedures apply to brownfield designations:

(a) The local government with jurisdiction over a proposed brownfield area shall designate such area pursuant to this section.

(b) For a brownfield area designation proposed by:

1. The jurisdictional local government, the designation criteria under paragraph (2)(a) apply, except if the local government proposes to designate as a brownfield area a specified redevelopment area as provided in paragraph (2)(b).

2. Any person, other than a governmental entity, including, but not limited to, individuals, corporations, partnerships, limited liability companies, community-based organizations, or not-for-profit corporations, the designation criteria under paragraph (2)(c) apply.

(c) Except as otherwise provided, the following provisions apply to all proposed brownfield area designations:

1. Notification to department following adoption.—A local government with jurisdiction over the brownfield area must notify the department, and, if applicable, the local pollution control program under s. [403.182](#), of its decision to designate a brownfield area for rehabilitation for the purposes of ss. [376.77-376.86](#). The notification must include a resolution adopted by the local government body. The local government shall notify the department, and, if applicable, the local pollution control program under s. [403.182](#), of the designation within 30 days after adoption of the resolution.

2. Resolution adoption.—The brownfield area designation must be carried out by a resolution adopted by the jurisdictional local government, which includes a map adequate to clearly delineate exactly which parcels are to be included in the brownfield area or alternatively a less-detailed map accompanied by a detailed legal description of the brownfield area. For municipalities, the governing body shall adopt the resolution in accordance with the procedures outlined in s. [166.041](#), except that the procedures for the public hearings on the proposed resolution must be in the form established in s. [166.041\(3\)\(c\)2](#). For counties, the governing body shall adopt the resolution in accordance with the procedures outlined in s. [125.66](#), except that the procedures for the public hearings on the proposed resolution shall be in the form established in s. [125.66\(4\)\(b\)](#).

3. Right to be removed from proposed brownfield area.—If a property owner within the area proposed for designation by the local government requests in writing to have his or her property removed from the proposed designation, the local government shall grant the request.

4. Notice and public hearing requirements for designation of a proposed brownfield area outside a redevelopment area or by a nongovernmental entity. Compliance with the following provisions is required before designation of a proposed brownfield area under paragraph (2)(a) or paragraph (2)(c):

a. At least one of the required public hearings shall be conducted as closely as is reasonably practicable to the area to be designated to provide an opportunity for public input on the size of the area, the objectives for rehabilitation, job opportunities and economic developments anticipated, neighborhood residents' considerations, and other relevant local concerns.

b. Notice of a public hearing must be made in a newspaper of general circulation in the area, must be made in ethnic newspapers or local community bulletins, must be posted in the affected area, and must be announced at a scheduled meeting of the local governing body before the actual public hearing.

(2)(a) *Local government-proposed brownfield area designation outside specified redevelopment areas.*—If a local government proposes to designate a brownfield area that is outside a community redevelopment area, enterprise zone, empowerment zone, closed military base, or designated brownfield pilot project area, the local government shall provide notice, adopt the resolution, and conduct public hearings pursuant to paragraph (1)(c). At a public hearing to designate the proposed brownfield area, the local government must consider:

1. Whether the brownfield area warrants economic development and has a reasonable potential for such activities;
2. Whether the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage;
3. Whether the area has potential to interest the private sector in participating in rehabilitation; and
4. Whether the area contains sites or parts of sites suitable for limited recreational open space, cultural, or historical preservation purposes.

(b) *Local government-proposed brownfield area designation within specified redevelopment areas.*—Paragraph (a) does not apply to a proposed brownfield area if the local government proposes to designate the brownfield area inside a community redevelopment area, enterprise zone, empowerment zone, closed military base, or designated brownfield pilot project area and the local government complies with paragraph (1)(c).

(c) *Brownfield area designation proposed by persons other than a governmental entity.*—For designation of a brownfield area that is proposed by a person other than the local government, the local government with jurisdiction over the proposed brownfield area shall provide notice and adopt a resolution to designate the brownfield area pursuant to paragraph (1)(c) if, at the public hearing to adopt the resolution, the person establishes all of the following:

1. A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site.
2. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 5 new permanent jobs at the brownfield site that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site or area. However, the job creation requirement does not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s. 420.0004 or the creation of recreational areas, conservation areas, or parks.
3. The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permissible use under the applicable local land development regulations.
4. Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated pursuant to paragraph (1)(c), and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subparagraph must be posted in the affected area.
5. The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site.

(d) *Negotiation of brownfield site rehabilitation agreement.*—The designation of a brownfield area and the identification of a person responsible for brownfield site rehabilitation simply entitles the identified person to negotiate a brownfield site rehabilitation agreement with the department or approved local pollution control program.

(3) When there is a person responsible for brownfield site rehabilitation, the local government must notify the department of the identity of that person. If the agency or person who will be responsible for the coordination

changes during the approval process specified in subsections (4), (5), and (6), the department or the affected approved local pollution control program must notify the affected local government when the change occurs.

(4) Local governments or persons responsible for rehabilitation and redevelopment of brownfield areas must establish an advisory committee or use an existing advisory committee that has formally expressed its intent to address redevelopment of the specific brownfield area for the purpose of improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area, future land use, local employment opportunities, community safety, and environmental justice. Such advisory committee should include residents within or adjacent to the brownfield area, businesses operating within the brownfield area, and others deemed appropriate. The person responsible for brownfield site rehabilitation must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement, and provide the committee with a copy of the draft plan for site rehabilitation which addresses elements required by subsection (5). This includes disclosing potential reuse of the property as well as site rehabilitation activities, if any, to be performed. The advisory committee shall review any proposed redevelopment agreements prepared pursuant to paragraph (5)(i) and provide comments, if appropriate, to the board of the local government with jurisdiction over the brownfield area. The advisory committee must receive a copy of the executed brownfield site rehabilitation agreement. When the person responsible for brownfield site rehabilitation submits a site assessment report or the technical document containing the proposed course of action following site assessment to the department or the local pollution control program for review, the person responsible for brownfield site rehabilitation must hold a meeting or attend a regularly scheduled meeting to inform the advisory committee of the findings and recommendations in the site assessment report or the technical document containing the proposed course of action following site assessment.

(5) The person responsible for brownfield site rehabilitation must enter into a brownfield site rehabilitation agreement with the department or an approved local pollution control program if actual contamination exists at the brownfield site. The brownfield site rehabilitation agreement must include:

(a) A brownfield site rehabilitation schedule, including milestones for completion of site rehabilitation tasks and submittal of technical reports and rehabilitation plans as agreed upon by the parties to the agreement.

(b) A commitment to conduct site rehabilitation activities under the observation of professional engineers or geologists who are registered in accordance with the requirements of chapter 471 or chapter 492, respectively. Submittals provided by the person responsible for brownfield site rehabilitation must be signed and sealed by a professional engineer registered under chapter 471, or a professional geologist registered under chapter 492, certifying that the submittal and associated work comply with the law and rules of the department and those governing the profession. In addition, upon completion of the approved remedial action, the department shall require a professional engineer registered under chapter 471 or a professional geologist registered under chapter 492 to certify that the corrective action was, to the best of his or her knowledge, completed in substantial conformance with the plans and specifications approved by the department.

(c) A commitment to conduct site rehabilitation in accordance with department quality assurance rules.

(d) A commitment to conduct site rehabilitation consistent with state, federal, and local laws and consistent with the brownfield site contamination cleanup criteria in s. 376.81, including any applicable requirements for risk-based corrective action.

(e) Timeframes for the department's review of technical reports and plans submitted in accordance with the agreement. The department shall make every effort to adhere to established agency goals for reasonable timeframes for review of such documents.

(f) A commitment to secure site access for the department or approved local pollution control program to all brownfield sites within the eligible brownfield area for activities associated with site rehabilitation.

(g) Other provisions that the person responsible for brownfield site rehabilitation and the department agree upon, that are consistent with ss. 376.77-376.86, and that will improve or enhance the brownfield site rehabilitation process.

(h) A commitment to consider appropriate pollution prevention measures and to implement those that the person responsible for brownfield site rehabilitation determines are reasonable and cost-effective, taking into

account the ultimate use or uses of the brownfield site. Such measures may include improved inventory or production controls and procedures for preventing loss, spills, and leaks of hazardous waste and materials, and include goals for the reduction of releases of toxic materials.

(i) Certification that the person responsible for brownfield site rehabilitation has consulted with the local government with jurisdiction over the brownfield area about the proposed redevelopment of the brownfield site, that the local government is in agreement with or approves the proposed redevelopment, and that the proposed redevelopment complies with applicable laws and requirements for such redevelopment. Certification shall be accomplished by referencing or providing a legally recorded or officially approved land use or site plan, a development order or approval, a building permit, or a similar official document issued by the local government that reflects the local government's approval of proposed redevelopment of the brownfield site; providing a copy of the local government resolution designating the brownfield area that contains the proposed redevelopment of the brownfield site; or providing a letter from the local government that describes the proposed redevelopment of the brownfield site and expresses the local government's agreement with or approval of the proposed redevelopment.

(6) Any contractor performing site rehabilitation program tasks must demonstrate to the department that the contractor:

- (a) Meets all certification and license requirements imposed by law; and
- (b) Will conduct sample collection and analyses pursuant to department rules.

(7) During the cleanup process, if the department or local program fails to complete review of a technical document within the timeframe specified in the brownfield site rehabilitation agreement, the person responsible for brownfield site rehabilitation may proceed to the next site rehabilitation task. However, the person responsible for brownfield site rehabilitation does so at its own risk and may be required by the department or local program to complete additional work on a previous task. Exceptions to this subsection include requests for "no further action," "monitoring only proposals," and feasibility studies, which must be approved prior to implementation.

(8) If the person responsible for brownfield site rehabilitation fails to comply with the brownfield site rehabilitation agreement, the department shall allow 90 days for the person responsible for brownfield site rehabilitation to return to compliance with the provision at issue or to negotiate a modification to the brownfield site rehabilitation agreement with the department for good cause shown. If an imminent hazard exists, the 90-day grace period shall not apply. If the project is not returned to compliance with the brownfield site rehabilitation agreement and a modification cannot be negotiated, the immunity provisions of s. 376.82 are revoked.

(9) The department is specifically authorized and encouraged to enter into delegation agreements with local pollution control programs approved under s. 403.182 to administer the brownfield program within their jurisdictions, thereby maximizing the integration of this process with the other local development processes needed to facilitate redevelopment of a brownfield area. When determining whether a delegation pursuant to this subsection of all or part of the brownfield program to a local pollution control program is appropriate, the department shall consider the following. The local pollution control program must:

- (a) Have and maintain the administrative organization, staff, and financial and other resources to effectively and efficiently implement and enforce the statutory requirements of the delegated brownfield program; and
- (b) Provide for the enforcement of the requirements of the delegated brownfield program, and for notice and a right to challenge governmental action, by appropriate administrative and judicial process, which shall be specified in the delegation.

The local pollution control program shall not be delegated authority to take action on or to make decisions regarding any brownfield site on land owned by the local government. Any delegation agreement entered into pursuant to this subsection shall contain such terms and conditions necessary to ensure the effective and efficient administration and enforcement of the statutory requirements of the brownfield program as established by the act and the relevant rules and other criteria of the department.

(10) Local governments are encouraged to use the full range of economic and tax incentives available to facilitate and promote the rehabilitation of brownfield areas, to help eliminate the public health and

environmental hazards, and to promote the creation of jobs and economic development in these previously run-down, blighted, and underutilized areas.

(11)(a) The Legislature finds and declares that:

1. Brownfield site rehabilitation and redevelopment can improve the overall health of a community and the quality of life for communities, including for individuals living in such communities.
2. The community health benefits of brownfield site rehabilitation and redevelopment should be better measured in order to achieve the legislative intent as expressed in s. 376.78.
3. There is a need in this state to define and better measure the community health benefits of brownfield site rehabilitation and redevelopment.
4. Funding sources should be established to support efforts by the state and local governments, in collaboration with local health departments, community health providers, and nonprofit organizations, to evaluate the community health benefits of brownfield site rehabilitation and redevelopment.

(b) Local governments may and are encouraged to evaluate the community health benefits and effects of brownfield site rehabilitation and redevelopment in connection with brownfield areas located within their jurisdictions. Factors that may be evaluated and monitored before and after brownfield site rehabilitation and redevelopment include, but are not limited to:

1. Health status, disease distribution, and quality of life measures regarding populations living in or around brownfield sites that have been rehabilitated and redeveloped.
2. Access to primary and other health care or health services for persons living in or around brownfield sites that have been rehabilitated and redeveloped.
3. Any new or increased access to open, green, park, or other recreational spaces that provide recreational opportunities for individuals living in or around brownfield sites that have been rehabilitated and redeveloped.
4. Other factors described in rules adopted by the Department of Environmental Protection or the Department of Health, as applicable.

(c) The Department of Health may and is encouraged to assist local governments, in collaboration with local health departments, community health providers, and nonprofit organizations, in evaluating the community health benefits of brownfield site rehabilitation and redevelopment.

(12) A local government that designates a brownfield area pursuant to this section is not required to use the term “brownfield area” within the name of the brownfield area designated by the local government.

History.—s. 4, ch. 97-277; s. 3, ch. 98-75; s. 11, ch. 2000-317; s. 2, ch. 2004-40; s. 44, ch. 2005-2; s. 7, ch. 2006-291; s. 5, ch. 2008-239; s. 2, ch. 2014-114.

Attachment C

This Instrument Was Prepared By:
AMADEO LOPEZ-CASTRO III, ESQ.
AMADEO LOPEZ-CASTRO III P.A.
7400 S.W. 57th COURT, SUITE 202
SOUTH MIAMI, FLORIDA 33143

The Parcel Identification Number: 30-2113-000-0280.

WARRANTY DEED (STATUTORY FORM-SECTION 689.02 F.S.)

THIS INDENTURE, Made this 29 day of September, 2021, between **AR 190 NMB, LLLP, a Florida limited liability limited partnership**, whose post office address is: 1930 Harrison Street, Suite #304, Hollywood, Florida 33020 of the County of Broward, State of Florida, Grantor*, and **WATER PARK VILLAS LLC, a Nevada limited liability company**, whose post office address is: 840 S. Rancho Drive, #4-572, Las Vegas, Nevada 89806 of the County of MIAMI-DADE, State of Florida, Grantee* and

WITNESSETH That said grantor, for and in consideration of the sum of TEN AND 00/100 (\$10.00) DOLLARS and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said grantee, and grantee's successors and assigns forever, the following described land, situated, lying and being in MIAMI-DADE County, Florida to-wit:

The South 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 13, Township 52 South, Range 41 East; LESS the West 35 feet; LESS the North 25 feet and LESS the South 25 feet thereof, and also LESS and EXCEPT that portion of the Northeast 1/4 of Section 13, Township 52 South, Range 41 East, being more particularly described as follows:

All that part of the Northeast 1/4 of said Section 13 which lies within the External area formed by a 25.00 foot radius arc concave to the Southeast, tangent to the South line of the North 25.00 feet of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 13 and tangent to the East line of the West 35 feet of the Northeast 1/4 of said Section 13.

Said Lands, located, lying and being in Miami-Dade County, Florida.

THIS CONVEYANCE IS SUBJECT TO:

1. Real Estate Taxes for 2021 and subsequent years;
2. Applicable zoning ordinances;
3. Conditions, restrictions, limitations and easements of record, if any; but this provision shall not operate to reimpose same.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and

convey said land; that the grantor hereby fully warrants the title to said land and will defend same against the lawful claims of all persons whomsoever.

"Grantor" and "grantee" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, the Grantor has hereunto set grantor's hand and seal the day and year first above written.

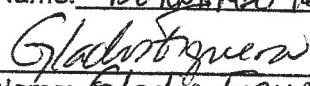
Signed, sealed and delivered in
our presence:

AR 190 NMB, LLLP,
a Florida limited liability partnership

By: AR FUTURE HOLDINGS LLC,
a Florida limited liability company,
its General Partner

By: 
Ronny Ackermann, Manager

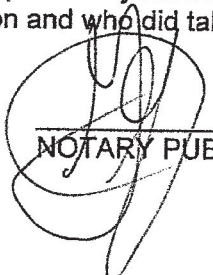

Print Name: Bruno Lopez


Print Name: Gladys Figueroa

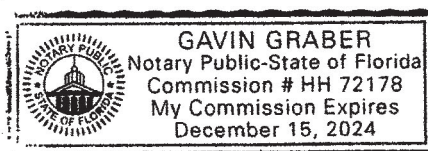
1930 Harrison Street, Suite #304
Hollywood, Florida 33020
(Address of Grantor)

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 29 day of September, 2021 by Ronny Ackermann, as Manager of AR FUTURE HOLDINGS LLC, a Florida limited liability company, General Partner of AR 190 NMB, LLLP, a Florida limited liability limited partnership, who is personally known to me or who has produced as identification and who did take an oath.


NOTARY PUBLIC

My Commission Expires:



Attachment D



Department of Regulatory and Economic Resources

Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1902
T 305-375-2640
www.miamidade.gov/economy

October 16, 2020

AR 190 NMB, LLLP
c/o Felix Lasarte
3250 NE 1st Avenue
Suite 334
Miami, Florida 33128

Re: Hearing No. 19-086
Location: Lying on the southeast corner of NW 2 Avenue and NW 162 Street, aka 190 NW 162 Street,
Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is **Resolution No. CZAB8-11-20**, adopted by the by the Community Zoning Appeals Board 8, **which approved your request for a district boundary change to PAD (Request #1), approved the balance of your application (Request #2) and accepted the proffered covenant on the above described property..** Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If stipulated in the resolution that building permits and/or use, occupancy or completion certificates will be required, please note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificates(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department as appropriate. At time of permit application you must provide a copy of this resolution.

Please note that any aggrieved party may appeal the Board's decision to the Board of County Commissioners, within 14 days from the date of posting on the 11th floor of the Stephen P. Clark Building, 111 N.W. 1st Street, Miami, FL 33128. The date of posting is September 21, 2020. In the event an appeal is filed, any action undertaken during the appeal period is at the applicant's risk.

Sincerely,

A handwritten signature in blue ink that reads "Earl Jones".

Earl Jones
Deputy Clerk

Enclosure

MDC043

RESOLUTION NO. CZAB8-11-20

WHEREAS, AR 190 NMB, LLLP. applied for the following:

- (1) DISTRICT BOUNDARY CHANGE from RU-5A, Semi-Professional Office District, and RU-1, Single-Family Residential District, to PAD, Planned Area Development District.
- (2) NON-USE VARIANCE to permit a parcel of land with a lot area of 4.01 acres (minimum 5 acres required).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled "Biscayne Gardens", as prepared by Villa & Associates Inc. and Layer Zero Design Inc., dated stamped received 10/30/19 and consisting of 12 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY:

THE SOUTH $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 52 SOUTH, RANGE 41 EAST; LESS THE WEST 35 FEET; LESS THE NORTH 25 FEET AND LESS THE SOUTH 25 FEET THEREOF, AND ALSO LESS AND EXCEPT THAT PORTION OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 52 SOUTH, RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 13 WHICH LIES WITHIN THE EXTERNAL AREA FORMED BY A 25.00 FOOT RADIUS ARC CONCAVE TO THE SOUTHEAST, TANGENT TO THE SOUTH LINE OF THE NORTH 25.00 FEET OF THE SOUTH $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 13 AND TANGENT TO THE EAST LINE OF THE WEST 35 FEET OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 13.

SAID LANDS, LOCATED, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

LOCATION: Lying on the southeast corner of NW 2 Avenue and NW 162 Street, aka 190 NW 162 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 8 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a **Declaration of Restrictions** which among other things provided:

- (1) **Development Plan**. The Property shall be developed substantially in accordance with the plans previously submitted entitled "Biscayne Gardens," as prepared by Billa consisting of 12 sheets, including the cover sheet (the "Development Plan"), as

may be modified at the public hearing on the Application. Said plans being on file with the Department and by reference made a part of this Agreement.

- (2) **Residential Density Restriction.** Residential development of the Property shall not exceed 100 dwelling units.
- (3) **Development Schedule.** Development of the Property is projected to commence no later than 12 months from the final approval of the Application, including the expiration of all applicable appeals periods and the resolution of all resulting appeals. Development of the Property is projected to be completed within 4 years from the date of commencement.
- (4) **Additional Quantitative Data.**
 - A. **Total Number of Bedrooms.** The total number of bedrooms on the Property shall not exceed 248.
 - B. **Total Building Coverage.** The total ground level building coverage for the Property shall be approximately 28.21% of the net lot area.
 - C. **Open Space.** The area of common open space for the Property shall be in accordance with Section 33-284.27(1) of the Code, as may amended from time to time.
 - D. **Residential Density.** The maximum density on the Property shall be 25 units per gross acre.
 - E. **Population Projection.** The estimated population projection resulting from the development of the Property is 296 residents.
- (5) **Types of Dwelling Units.** Owner agrees to develop the Property with townhouse units comprised of approximately 1,900 square feet of air-conditioned space, one-bedroom multifamily units with approximately 1,067 square feet of air-conditioned space.
- (6) **Accessory Uses.** Owner agrees that the accessory uses on the Property shall be limited to one or more club house(s); swimming pool(s); water feature(s), associated recreational uses, and other buildings or structures on a lot or parcel subordinate to and not forming an integral part of the main or principal building(s) but pertaining to the use of the main or principal building(s).
- (7) **Ownership and Maintenance of Driveways, Landscaping and Common Areas.** The operation and maintenance cost of the internal driveways, landscaping and exterior common areas on the Property shall be funded by either (i) the owner of the Property, (ii) a special taxing district, subject approval by the County, composed of the owners of residential units located on the Property, (ii) a property owner's association (POA) composed of the then owners of resident a1 units located on the Property, (iii) a community development district (CDD) or (v) such other funding mechanism as may be approved by the Board of County Commissioners, or its

successor entity. Such special taxing district, POA, CDD, or funding mechanism shall be created prior to the issuance of building permits for the Property.

- (8) **Pedestrian and Vehicular Access.** Owner agrees to provide permanent and safe access for pedestrian and vehicular traffic on the Property at times. Access shall also be provided at all time to fire, police, health, sanitation, and other public service personnel and vehicles. Furthermore, all driveways or accessways within the Property shall be installed by the Owner, including, but not limited to, sidewalks, drainage facilities, water, sewers, and fire hydrants, subject to the approval of the appropriate County departments.
- (9) **County Inspection.** As further part of this Agreement, it is hereby understood and agreed that any official inspector of the County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the Owner is complying with the requirements of the building and zoning regulations and the conditions in this Agreement.
- (10) **Covenant Running with the Land.** This Agreement on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of the County and shall remain in full force and effect and be binding upon the undersigned Owner, until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the benefit of the County and the public welfare. Owner acknowledges that acceptance of this Agreement does not in any way obligate or provide a limitation on the County.
- (11) **Urban Design Principles.** All building designs shall be developed in substantial conformance with restrictions and language set forth by the urban design principles proffered and accepted under the recorded Declaration of Restrictions ORB 31446 Pages 3284-3289.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested DISTRICT BOUNDARY CHANGE from RU-5A, Semi-Professional Office District, and RU-1, Single-Family Residential District, to PAD, Planned Area Development District (Request #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and

intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and

WHEREAS, the requested NON-USE VARIANCE to permit a parcel of land with a lot area of 4.01 acres (minimum 5 acres required) (Request #2) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to approve the application (Requests #1 and #2) was offered by Caroline F. Williams, seconded by Nashira A. Williams, and upon a poll of the members present, the vote was as follows:

Joy J. Davis	nay	Felix A. Montes	nay
Arthemion Johnson	aye	Caroline F. Williams	aye
		Nashira A. Williams	aye

Fredericke Alan Morley	absent
------------------------	--------

WHEREAS, the requested NON-USE VARIANCE to permit a parcel of land with a lot area of 4.01 acres (minimum 5 acres required) (Request #2) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and that the proffered Declaration of Restrictions should be accepted, and

BE IT FURTHER RESOLVED that requested NON-USE VARIANCE to permit a parcel of land with a lot area of 4.01 acres (minimum 5 acres required) (Request #2) be and the same is hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources or its successor Department upon the submittal of an application for a building permit and/or Certificate of Use;

said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Biscayne Gardens", as prepared by Villa & Associates Inc. and Layer Zero Design Inc., dated stamped received 10/30/19 and consisting of 12 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submits to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
5. That the applicant comply with all the applicable conditions, requirements, recommendations, requests and other provisions of the Division of Environmental Resources of the Department of Regulatory and Economic Resources as contained in its memorandum dated July 15, 2019.
6. That the applicants comply with all applicable conditions and requirements from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources as indicated in the memorandum dated November 12, 2019.
7. That the applicants comply with all applicable conditions and requirements from the Department of Transportation and Public Works as indicated in the memorandum dated November 25, 2019.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the **proffered covenant** and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Regulatory and Economic Resources in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 15th day of September, 2020.

ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 8, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB8-11-20 adopted by said Community Zoning Appeals Board at its meeting held on the 15th day of September, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 16th day of October, 2020.



Earl Jones, Deputy Clerk (78637)
Miami-Dade Department of Regulatory and Economic
Resources



SEAL

MDC050

Attachment E

This instrument was prepared by:
Name: Felix M. Lasarte, Esq.
Address: 3250 N.E. 1st Ave, Suite #334
Miami, FL 33137

(Space reserved for Clerk)

PLANNED AREA DEVELOPMENT AGREEMENT

WHEREAS, the undersigned owner, **AR 190 NMB, LLLP, a Florida limited liability limited partnership** (the "Owner") holds the fee simple title to that certain land consisting of approximately 4.05± net acres lying, being and situated in Miami-Dade County, Florida, legally described in Exhibit "A" attached hereto and by this reference made a part hereof (the "Property"), which is supported by the attorney's Opinion of Title;

WHEREAS, Owner filed Application No. Z2019000086 (the "Application") with Miami-Dade County (the "County") for the approval of a Planned Area Development ("PAD") district, pursuant to Article XXXIIID of the Code of Miami-Dade County (the "Code") on the Property;

WHEREAS, Section 33-284.26 of the Code requires the Owner to submit to the Department of Regulatory and Economic Resources (the "Department") a recordable agreement guaranteeing the development of the Property in accordance with promises made in the written and graphic documents, as Approved by the Board of County Commissioners, which is satisfied by this agreement ("Agreement").

IN ORDER TO ASSURE the County that the representations made by the Owner during consideration of the Application will be abided by the Owner, its successors and assigns, Owner freely, voluntarily and without duress makes the following Planned Area Development Agreement covering and running with the Property:

- (1) **Development Plan.** The Property shall be developed substantially in accordance with the plans previously submitted, entitled "Biscayne Gardens," as prepared by Villa & Associates, Inc. and Layer Zero Design Inc. , dated stamped received 10/30/2019, and consisting of 12 sheets, including the cover sheet (the "Site Plan" as may be modified at the public hearing on the Application. Said plans being on file with the Department and by reference made a part of this Agreement.
- (2) **Residential Density Restriction.** Residential development of the Property shall not exceed 100 dwelling units.
- (3) **Development Schedule.** Development of the Property is projected to commence no later than 12 months from the final approval of the Application, including the expiration of all applicable appeals periods and the resolution of all resulting appeals. Development of the Property is projected to be completed within 4 years from the date of commencement.

✓

(4) **Additional Quantitative Data.**

- A. **Total Number of Bedrooms.** The total number of bedrooms on the Property shall not exceed 248.
- B. **Total Building Coverage.** The total ground level building coverage for the Property shall be approximately 28.21% of the net lot area.
- C. **Open Space.** The area of common open space for the Property shall be in accordance with Section 33-284.27(1) of the Code, as may be amended from time to time.
- D. **Residential Density.** The maximum density on the Property shall be 25 units per gross acre.
- E. **Population Projection.** The estimated population projection resulting from the development of the Property is 296 residents.

(5) **Types of Dwelling Units.** Owner agrees to develop the Property with townhouse units comprised of approximately 1,900 square feet of air-conditioned space, one-bedroom multi-family units with approximately 742 square feet of air-conditioned space and two-bedroom multifamily units with approximately 1,067 square feet of air-conditioned space.

(6) **Accessory Uses.** Owner agrees that the accessory uses on the Property shall be limited to one or more club house(s); swimming pool(s); water feature(s), associated recreational uses, and other buildings or structures on a lot or parcel subordinate to and not forming an integral part of the main or principal building(s) but pertaining to the main or principal building(s).

(7) **Ownership and Maintenance of Driveways, Landscaping and Common Areas.** The operation and maintenance cost of the internal driveways, landscaping and exterior common areas on the Property shall be funded by either (i) the owner of the Property, (ii) a special taxing district, subject approval by the County, composed of the owners of residential units located on the Property, (iii) a property owner's association (POA) composed of the then owners of residential units located on the Property, (iv) a community development district (CDD), subject to approval by the County, composed of the owners of residential units located on the Property, (v) a community development district (CDD) or (vi) such other funding mechanism as may be approved by the Board of County Commissioners, or its successor entity. Such special taxing district, POA, CDD, or funding mechanism shall be created prior to the issuance of building permits for the Property.

Planned Area Development Agreement
Page 3

- (8) **Pedestrian and Vehicular Access.** Owner agrees to provide permanent and safe access for pedestrian and vehicular traffic on the Property at all times. Access shall also be provided at all times to fire, police, health, sanitation, and other public service personnel and vehicles. Furthermore, all driveways or accessways within the Property shall be installed by the Owner, including, but not limited to, sidewalks, drainage facilities, water, sewers, and fire hydrants, subject to the approval of the appropriate County departments.
- (9) **County Inspection.** As further part of this Agreement, it is hereby understood and agreed at any official inspector of the County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the Owner is complying with the requirements of the building and zoning regulations and the conditions in this Agreement.
- (10) **Covenant Running with the Land.** This Agreement on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of the County and shall remain in full force and effect and be binding upon the undersigned Owner, until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the benefit of the County and the public welfare. Owner acknowledges that acceptance of this Agreement does not in any way obligate or provide a limitation on the County.
- (11) **Urban Design Principles.** All building designs shall be developed in substantial conformance with restrictions and language set forth by the urban design principles proffered and accepted under the recorded Declaration of Restrictions ORB 31446 Pages 3284-3289.
- (12) **Term.** This Agreement is to run with the land and shall be binding on all parties and all person claiming under it for a period of thirty (30) years from the date this Agreement is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property, in accordance with paragraph 13 below, has been recorded agreeing to change the covenant in whole, or in part, provided that the Agreement has first been modified or released by the County.
- (13) **Modification Amendment Release.** This Agreement may be modified, amended, or released as to the Property, or any portion thereof, by a written instrument executed by the then owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the County Commission or such other successor governmental body having jurisdiction over the Property.

In the event that there is a recorded homeowners or condominium association covering any portion of the Property, said association may (in lieu of the signature or consent of



the individual members or owners), on behalf of its members and in accordance with its articles of incorporation and bylaws, consent to any proposed modification, amendment, or release by a written instrument executed by the homeowners or condominium association. Any consent made pursuant to a vote of the homeowners or condominium association shall be evidenced by a written resolution of the homeowners or condominium association and a certification executed by the secretary of the homeowners or condominium association's board of directors affirming that the vote complied with the articles of incorporation and the bylaws of the association.

Any modification, amendment, or release of this Agreement will require the consent of all the then Owner(s) of the Property which will be evidenced by either a written resolution of a homeowners and/or condominium association and/or a written instrument(s) executed by individual property owner(s). In the event that one or several of the owners of the Property are not members of a recorded association, their consent to any modification, amendment, or release, is required, along with the consent of the recorded association(s) and must be evidenced by an executed written instrument.

- (14) **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this Agreement shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.
- (15) **Authorization for the County to Withhold Permits and Inspections.** In the event the terms of this Agreement are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits and refuse to make any inspections or grant any approvals, until such time as Owner complies with this Agreement.
- (16) **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
- (17) **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made, and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Agreement.
- (18) **Severability.** Invalidity of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

X

- (19) **Recording.** This Agreement shall be filed of record in the public records of the County, at Owners expense following the final approval of the Application. This Agreement shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any timely appeal is filed, and the disposition of such appeal results in the denial of the Application, then this Agreement shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, and upon written request, the Director of the Department of Planning and Zoning or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Agreement is null and void and of no further effect.
- (20) **Acceptance of Agreement.** Acceptance of this Agreement does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or conveyance.
- (21) **Owner.** The term Owner shall include the Owner, and its successors and assigns in interest or title or other designee.

✓

[Execution Pages Follow]

Planned Area Development Agreement
Page 6

Signed, witnessed, executed and acknowledged this 30th day of SEPTEMBER, 2020.

Witnesses:

Signature: [Signature]

Print Name: B. Kopel

Signature: [Signature]

Print Name: DANIEL BENARROCH

By: AR 190 NMB, LLLP
a limited liability limited partnership

By: [Signature]

Name: Fanny Ackerman

Title: C.T.

STATE OF FLORIDA)
) ss
COUNTY OF Broward)

The foregoing instrument was acknowledged before me this 30 day of September, 2020, by Fanny Ackerman, who is personally known to me or produced _____ as identification.

 Dominique Walden
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG234268
Expires 7/2/2022

[Signature]
Notary Public – State of Florida

Dominique Walden
Print Name

My Commission Expires: 07/02/2022

EXHIBIT "A"

LEGAL DESCRIPTION

THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 52 SOUTH, RANGE 41 EAST; LESS THE WEST 35 FEET; LESS THE NORTH 25 FEET AND LESS THE SOUTH 25 FEET THEREOF, AND ALSO LESS AND EXCEPT THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 52 SOUTH, RANGE 41, EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF THE NORTHEAST 1/4 OF SAID SECTION 13 WHICH LIES WITHIN THE EXTERNAL AREA FORMED BY A 25.00 FOOT RADIUS ARC CONCAVE TO THE SOUTHEAST, TANGENT TO THE SOUTH LINE OF THE NORTH 25.00 FEET OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 13 AND TANGENT TO THE EAST LINE OF THE WEST 35 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 13. 

SAID LANDS, LOCATED, LYING AND BEING IN MIAMI-

DADE COUNTY, FLORIDA. FOLIO NO.: 30-2113-000-0280

ALSO KNOWN AS 190 NW 162 STREET, MIAMI, FL 33169

TOTAL GROSS ACRES IN THE
APPLICATION AREA: 4.05± ACRES

TOTAL GROSS ACRES OWNED BY
APPLICANT: 4.05± ACRES

Attachment F

Water Park Villas, LLC
2915 W. Charleston Blvd, Suite 155
Las Vegas, NV 89102

September 12, 2022

Ms. Freenette William, Business Development Specialist
Department of Regulatory & Economic Resources
Planning Research & Economic Analysis Section
111 NW 1st Street – 12th Floor
Miami, FL, 33130

Re: Further Demonstration of Reasonable Financial Assurances in Connection with Pending Application for Brownfield Area Designation for Water Park Villas, LLC

Dear Ms. Williams:

This letter is being submitted in connection with the pending brownfield area designation request for Water Park Villas, LLC (the "Company") that is being filed with Miami-Dade County (the "County") by The Goldstein Environmental Law Firm, P.A. The purpose of this letter is to provide reasonable assurance that the Company has sufficient financial resources to implement the rehabilitation and redevelopment plan for the property identified by County folio number 30-2113-000-0280 (the "Subject Property"). Accordingly, please note the following:

- The Company acquired the Subject Property on September 29, 2021, and owns the Subject Property subject to a mortgage.
- The Company is adequately capitalized.
- The Company and its Manager, Schulman Development, LLC, have sufficient liquidity on hand, along with other capital sources, to fund the expected \$49 million budget for the Subject Property's rehabilitation and redevelopment. Additional financing from preferred financial institutions with specific experience with the type of contamination present at the Subject Property may be secured.

In addition, in my capacity as president for the Manager and based upon my personal knowledge, I certify that the Company has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan referenced above.

Thank you in advance for your continuing assistance with this matter and for the County's support of this important project.

Very truly yours,



Brian Burdzinski

Attachment G



INTERIM SITE ASSESSMENT REPORT

Project Name and Location:

Terraces at Biscayne Gardens
190 NW 162nd Street
Unincorporated Miami-Dade County, Florida
R&A Project No. 210137

Prepared for:

Water Park Villas, LLC.
840 S. Rancho Drive, Suite 4-573
Las Vegas, Nevada 89106

Submitted to:

Miami-Dade County Regulatory and Economic Resources
Pollution Remediation Section
701 NW 1st Court, Suite 400
Miami, Miami-Dade County, Florida 33136

Prepared by:

Robayna and Associates, Inc.
5723 NW 158th Street
Miami Lakes, Miami-Dade County, Florida 33014

ROBAYNA AND ASSOCIATES INC.

March 11, 2022

Miami-Dade County Regulatory and Economic Resources
Pollution Remediation Section
701 NW 1st Court, Suite 400
Miami, Miami-Dade County, Florida 33136

Attention: Mr. Wilbur Mayorga

Reference: Interim Site Assessment Report
Terraces at Biscayne Gardens
190 NW 162nd Street
Unincorporated Miami-Dade County, Florida
Project No. 210137

Dear Mr. Mayorga:

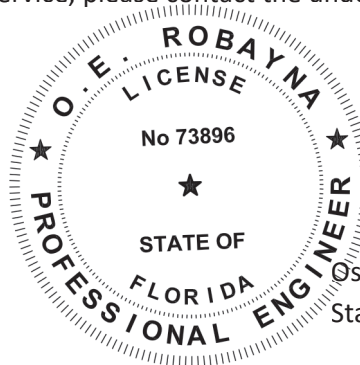
On behalf of Water Park Villas, LLC. Robayna and Associates, Inc. (R&A) has completed this Interim Site Assessment Report for the former agricultural field property located at 190 NW 162nd Street in unincorporated Miami-Dade County, Florida (the "subject property"). The purpose of this assessment was to assess the soil and groundwater quality for redevelopment of the property with single and multi-family residences.

R&A appreciates this opportunity to provide environmental services to Water Park Villas, LLC. and we look forward to future endeavors. If you have any comments or questions regarding the information contained within this report or if we can be of further service, please contact the undersigned.

Respectfully submitted,
Robayna and Associates, Inc.



Leigh P. Marshallsay, M.A.
Environmental Department Manager



03/11/2022

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY
OSCAR E. ROBAYNA, PE ON THE DATE ADJACENT TO THE
SEAL.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED
SIGNED AND SEALED AND THE SIGNATURE MUST BE
VERIFIED ON ANY ELECTRONIC COPIES

Oscar E. Robayna, P.E.
State of Florida No. 73896

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APPENDIX A

Figure 1: Site Vicinity Map/USGS Topographic Map “North Miami, FL 2021”

Figure 2: Soil Boring Location Map

Figure 3: Soil Quality Map (0 to 6”)

Figure 4: Soil Quality Map (6 to 24”)

Figure 5: Soil Quality Map (2 to 4’)

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Figure 9: Soil Quality Map- Arsenic Boundary Results (0 to 6’ bgs).

Figure 10: Soil Quality Map- Arsenic Boundary Results (6 to 24” bgs).

Figure 11: Soil Quality Map: Arsenic Boundary Results (2 to 4’ bgs).

Figure 12: Monitoring Well Location Map

Figure 13: Groundwater Quality Map-As, Fe and Mn

Figure 14: Groundwater Elevation and Direction

APPENDIX B

Soil Boring Log

Well Construction and Development Logs

Groundwater Sampling Logs

Equipment Calibration Logs

APPENDIX C

Table 1: Summary of Composite Soil Analytical Results October 21 and November 9, 2021.

Table 2: Summary of Discrete Soil Analytical Results for Boundary Assessment- December 21, 2021.

Table 3: Summary of Groundwater Analytical Results- November 7-8, 2021

Table 4: Summary of Groundwater Analytical Results – December 16 -17, 2021

Table 5: Top-of-Casing, Depth-to-Water and Groundwater Elevation Data – MW-1 thru MW-14.

APPENDIX D

Soil Laboratory Analytical Reports and Chain-of-Custodies

APPENDIX E

Groundwater Analytical Reports and Chain-of-Custodies

APPENDIX F

Aerial Photographs

APPENDIX G

R&A’s Proposed Drainage Concept dated March 1, 2022.

1.0 INTRODUCTION

Robayna and Associates, Inc. (R&A) was retained by Water Park Villas, LLC. to conduct an Interim Site Assessment Report for the proposed single and multi-family development at 190 NW 162nd Street in unincorporated Miami-Dade County, Florida (the “subject property”). Please refer to the Site Vicinity Map/USGS Quadrangle Map for North Miami, FL (2021) included as Figure 1 in **Appendix A**. The soil and groundwater assessment were performed to assess the site in accordance with Miami-Dade County Division of Environmental Resources Management’s (DERM’s) Interim Site Assessment Guidance for Former Agricultural Sites in Miami-Dade County dated August 2021, as well as for Paving, Grading and Drainage approval.

1.1 Site History

The subject property is located at 190 NW 162nd Street in unincorporated Miami-Dade County, Florida. The subject property consists of approximately 4.02 acres of vacant land. Based on the review of the Phase I ESA performed by Dynatech Engineering Corporation (DEC) dated August 30, 2017, the subject property was developed with a residential building and utilized as agricultural fields from at least 1951 until 1983. In addition, DEC identified a former lake/borrow pit in the southwest portion of the site, which was backfilled in approximately 1966. DEC concluded that a Phase II Environmental Site Assessment (ESA) should be performed to assess the potential impacts of the former agricultural fields and lake filling.

2.0 GEOLOGY AND HYDROGEOLOGY

2.1 Geology

The shallowest lithological unit below the subject property is the Pleistocene-age Miami Limestone. The Miami Limestone is a marine limestone which formed during the Sangamon interglacial and Wisconsin glacial stages and is approximately 20 feet thick. The formation formed as a narrow north-south trending band of oolitic limestone along the eastern edge of Broward and Miami-Dade Counties and forms the Atlantic Coastal Ridge. The formation has a second facies, the Bryozoan facies, which is located farther west towards the Everglades. The Bryozoan facies is composed of one species of Bryozoan, the *schizoporella floridana*. The formation below the site is soft, white to off-white, oolitic limestone which is interbedded with layers of sandy and hard limestone. The formation is highly porous and permeable and is the shallowest water producing zone of the Biscayne Aquifer.

Underlying the Miami Limestone is the Pleistocene-age Fort Thompson Formation, a highly permeable and porous shelly marine limestone. The Fort Thompson Formation is approximately 50 feet thick and represents the intermediate water producing zone of the Biscayne Aquifer.

2.2 Hydrogeology

The general hydrogeology of Miami-Dade County includes an unconfined surficial aquifer (Biscayne aquifer) separated from the deeper brackish Floridian aquifer by the Hawthorn Group. The Biscayne aquifer is recharged by rainfall and is the primary source for drinking water for South Florida. Groundwater flow usually follows the topography of the land and towards surface water bodies. Regional groundwater flow tends to be to the southeast, towards the Atlantic Ocean; however, site-specific groundwater can only be determined by the installation of piezometers. Please refer to section 6.0 of this report for groundwater flow and elevations for the subject property.

3.0 SOIL QUALITY ASSESSMENT

3.1 Initial Composite Soil Sampling Methodology

On October 21 and November 9, 2021, R&A supervised the advancement of 32 soil borings designated as SS-1A to SS-1H through SS-4A to SS-4H, utilizing direct push technology (DPT) via a track-mounted Geoprobe® rig equipped with a Macro-Core continuous-core sampler. The Geoprobe® uses both static and dynamic percussion forces to advance sampling apparatus to retrieve core samples. The Macro-Core sampler is a solid barrel, open steel tube that is five feet long, has a diameter of 2¼-inches, and is equipped with a four-foot plastic liner for soil sample collection.

The subject property was divided into four approximate 1-acre grids for the purpose of advancing soil borings at locations that would be representative of soil conditions. Eight soil borings were advanced within each grid. Three composite soil samples consisting of soil from the eight soil borings were collected from each grid from the 0 to 6", 6 to 24" and 2 to 4' below ground surface (bgs) intervals, for a total of 12 composite soil samples. The soil borings were advanced as follows:

- Grid 1: Soil borings SS-1A through SS-1H.
 - SS-1A: 25°55'23.50"N, 80°12'14.44"W

- SS-1B: 25°55'23.51"N, 80°12'13.60"W
- SS-1C: 25°55'23.67"N, 80°12'12.53"W
- SS-1D: 25°55'23.76"N, 80°12'11.38"W
- SS-1E: 25°55'23.01"N, 80°12'14.44"W
- SS-1F: 25°55'22.98"N, 80°12'13.50"W
- SS-1G: 25°55'23.00"N, 80°12'12.44"W
- SS-1H: 25°55'22.98"N, 80°12'11.46"W
- Grid 2: Soil borings SS-2A through SS-2H.
 - SS-2A: 25°55'23.66"N, 80°12'10.79"W
 - SS-2B: 25°55'23.69"N, 80°12'09.77"W
 - SS-2C: 25°55'23.82"N, 80°12'08.74" W
 - SS-2D: 25°55'23.93"N, 80°12'07.75"W
 - SS-2E: 25°55'22.94"N, 80°12'10.73"W
 - SS-2F: 25°55'23.04"N, 80°12'09.65"W
 - SS-2G: 25°55'23.10"N, 80°12'08.73"W
 - SS-2H: 25°55'23.08"N, 80°12'07.76"W
- Grid 3: Soil borings SS-3A through SS-3H.
 - SS-3A: 25°55'22.37"N, 80°12'14.38"W
 - SS-3B: 25°55'22.22"N, 80°12'13.46"W
 - SS-3C: 25°55'22.30"N, 80°12'12.48"W
 - SS-3D: 25°55'22.24"N, 80°12'11.37"W
 - SS-3E: 25°55'21.62"N, 80°12'14.37"W
 - SS-3F: 25°55'21.67"N, 80°12'13.50"W
 - SS-3G*: 25°55'22.26"N, 80°12'12.96"W
 - SS-3H*: 25°55'22.14"N, 80°12'11.93"W
- Grid 4: Soil borings SS-4A through SS-4H.
 - SS-4A: 25°55'22.16"N, 80°12'10.63"W
 - SS-4B: 25°55'22.27"N, 80°12'09.57"W
 - SS-4C: 25°55'22.33"N, 80°12'08.51"W
 - SS-4D: 25°55'22.36"N, 80°12'07.72"W
 - SS-4E: 25°55'21.73"N, 80°12'10.60"W
 - SS-4F: 25°55'21.65"N, 80°12'09.53"W

- SS-4G: 25°55'21.77"N, 80°12'08.46"W
- SS-4H: 25°55'21.73"N, 80°12'07.73"W

*Soil borings SS-3G and SS-3H were relocated in between SS-3B and SS-3D, due to the saturated and boggy nature of the southern portion of Grid 3.

Please refer to the Soil Boring Location Map provided as Figure 2 in **Appendix A**. The soils collected were classified in the field and observed for visual/olfactory impacts. The depth of the on-site water table was observed in the borings at approximately 2 to 4 feet bgs. The onsite geology was observed to be relatively homogenous with the onsite soils consisting of fine and fine to medium sands, clay and clayey sands, and silty sands. Due to the recent rain events prior to each sampling event (October 21 and November 9, 2021) and the fine grained and poorly draining onsite soils, it was difficult to ascertain the true depth to water in the soil borings. The soil sampling equipment was properly decontaminated prior to the initiation of each soil boring. Copies of the FDEP Soil Boring Logs are included in **Appendix B**.

The soil samples were placed into pre-cleaned laboratory supplied sample containers, a cooler with wet ice and transported to Pace Analytical Services, LLC. (Pace) a National Environmental Laboratory Accreditation Program (NELAP) accredited laboratory, for the analysis of several parameters set forth in DERM's Interim Site Assessment Guidance for Former Agricultural Sites in Miami-Dade County dated August 2021. Specifically, the soil samples were analyzed for the following:

- CS-1 (0-6"), CS-1 (6-24"), CS-1 (2-4'), CS-2 (0-6"), CS-2 (6-24"), CS-2 (2-4'), CS-4 (0-6"), CS-4 (6-24") and CS-4 (2-4'): total arsenic, copper, chromium, organochlorine pesticide and Synthetic Precipitation Leaching Procedure (SPLP) for arsenic, if necessary.
- CS-3 (0-6"), CS-3 (6-24") and CS-3 (2-4'): total arsenic, copper, chromium, zinc, manganese, organochlorine pesticide and SPLP arsenic if necessary.

The soil cuttings generated from soil boring advancement were placed back in their respective boreholes.

3.2 Soil Laboratory Analytical Results

The soil laboratory analytical report did not identify the tested parameters above the soil cleanup target levels (SCTLs) as established in Table 2 of Chapter 62-777 Florida Administrative Code (F.A.C) except for the following:

- CS-1 (0 to 6"): Arsenic was reported at a concentration of 2.9 milligrams per kilogram (mg/kg) which is slightly above the residential direct exposure SCTL of 2.1 mg/kg, but below the Miami-Dade County Anthropogenic Background Concentration (MDCABC) for North of Kendall Drive for the 0-6" bgs interval of 3.5 mg/kg. Therefore, the concentration of arsenic does not represent an exceedance. R&A instructed the laboratory to analyze the sample for SPLP arsenic; however, arsenic was reported below detectable limits.
- CS-2 (0-6"): Arsenic was reported at a concentration of 14.8 mg/kg, which is above the MDCABC and commercial/industrial direct exposure SCTL (12 mg/kg). SPLP arsenic was reported at a concentration of 29.6 micrograms per liter (µg/L) which is above the Groundwater Cleanup Target Level (GCTL) of 10 µg/L.
- CS-2 (6 to 24"): Arsenic was reported at a concentration of 5.6 mg/kg which is above the residential direct exposure SCTL but below the commercial/industrial SCTL. SPLP arsenic was reported at a concentration of 12.9 µg/L which is slightly above the GCTL of 10 µg/L.
- CS-2 (2-4'): Arsenic was reported at a concentration of 3.7 mg/kg, which is above the residential SCTL but below the commercial/industrial SCTL of 12 mg/kg. SPLP arsenic was reported at a concentration of 8.9 µg/L which is below the GCTL.
- CS-3 (0-6"): Arsenic was reported at a concentration of 7.7 mg/kg, which is above the MDCABC but below the commercial/industrial SCTL. Alpha-BHC was reported at a concentration of 0.00036 mg/kg which is slightly above the leachability based on groundwater criteria of 0.0003 mg/kg, but below the residential SCTL of 0.1 mg/kg. SPLP arsenic was reported at a concentration of 16.2 µg/L which is above the GCTL, but SPLP alpha-BHC was reported below detectable limits.

- CS-3 (6-24"): Arsenic was reported at a concentration of 6.6 mg/kg, which is above the residential SCTL but below the commercial/industrial SCTL. SPLP arsenic was reported at 6.6 µg/L which is below the GCTL.
- CS-3 (2-4'): Arsenic was reported at a concentration of 2.6 mg/kg which is slightly above the residential SCTL but below the commercial/industrial SCTL. SPLP arsenic was reported at a concentration of 13.8 µg/L which is above the GCTL.
- CS-4 (0-6"): Arsenic was reported at a concentration of 9.4 mg/kg which is above the MDCABC but below the commercial/industrial SCTL. SPLP arsenic was reported at a concentration of 11.3 µg/L which is slightly above the GCTL.
- CS-4 (6-24"): Arsenic was reported at a concentration of 5.0 mg/kg, which is above the residential SCTL but below the commercial/industrial SCTL. SPLP arsenic was reported below detectable limits.
- CS-4 (2-4'): Arsenic was reported at a concentration of 2.5 mg/kg, which is slightly above the residential SCTL but below the commercial/industrial SCTL. SPLP arsenic was reported at 9.4 µg/L, which is below the GCTL.

Please refer to the Soil Quality Maps included as Figures 3 through 8 in **Appendix A**. A summary of the soil analytical results is presented in Table 1 in **Appendix C**. The soil laboratory analytical report and chain-of-custody documentation is presented in **Appendix D**.

3.3 Soil Boundary Assessment

R&A mobilized to the site on December 21, 2021, to collect soil samples from along the property boundaries of Grids 2, 3 and 4. Grid 1 was not included as part of the boundary assessment since the laboratory analysis of the composite samples collected from Grid 1 did not report exceedances of the tested parameters above the SCTLs or MDCABC.

R&A advanced a total of 12 soil borings along the property boundaries which were advanced in the following locations:

- SB-N1: Northwest corner of Grid 2 (25°55'24.05"N, 80°12'10.81"W).
- SB-N2: Centrally located along the boundary of Grid 2 (25°55'24.10"N, 80°12'9.37"W).
- SB-N3: Northeast corner of Grid 2 (25°55'24.16"N, 80°12'7.72"W).
- SB-E1: Centrally located along the eastern boundary of Grid 2 (25°55'23.31"N, 80°12'7.66"W).
- SB-E2: Centrally located along the eastern boundary of Grid 4 (25°55'21.97"N, 80°12'7.64"W).
- SB-W1: Centrally located along the western boundary of Grid 3 (25°55'21.87"N, 80°12'14.42"W).
- SB-S1: Southwest corner of Grid 3 (25°55'21.10"N, 80°12'14.36"W).
- SB-S2: Approximately 100 feet east of SB-S1 (25°55'21.13"N, 80°12'13.26"W).
- SB-S3: Approximately 75 feet east of SB-S2 (25°55'21.17"N, 80°12'12.47"W).
- SB-S4: Centrally located along the southern boundary of Grid 4 (25°55'21.32"N, 80°12'9.23"W).
- SB-S5: Approximately 75 feet east of SB-S4 (25°55'21.30"N, 80°12'8.43"W).
- SB-S6: Southeast corner of Grid 4 (25°55'21.35"N, 80°12'7.64"W).

Due to dense vegetation coupled with low elevated areas which were flooded at the time of the boundary assessment, R&A collected samples from accessible areas along the southern boundaries of Grids 3 and 4.

Please refer to Figure 9 in **Appendix A** for the locations of the boundary soil samples. The soil borings were advanced to approximately four feet below ground surface. The soil samples were collected to the expected water table. Based on the depth to water measurements during groundwater sampling (Refer to Section 5.0 of this report), R&A collected soil samples to a depth of 24" below ground surface from the soil borings, except for SB-W1 from which a 2-4' soil sample was collected as the western side of the subject property sits at a higher elevation than the remainder of the site. Therefore, R&A collected a total of 25 soil samples from the 12 soil borings. Since the composite soil samples collected on November 9, 2021, reported none of the tested parameters above the residential SCTLs except for arsenic, R&A analyzed the discrete soil samples for arsenic only.

3.4 Laboratory Analytical Results- Soil Boundary Assessment

Based on the review of the laboratory analytical results, arsenic was reported below the residential SCTLs and the MDCABC of 3.5 mg/kg for the 0-6" bgs interval in the soil borings advanced along the property boundaries, except for the following:

- SB-N1 (6-24"): Arsenic was reported at a concentration of 11 mg/kg, which is above the residential SCTL but below the commercial/industrial SCTL.
- SB-N2 (0-6"): Arsenic was reported at a concentration of 12 mg/kg which is above the MDCABC but does not exceed the commercial/industrial SCTL.
- SB-N2 (6-24"): Arsenic was reported at a concentration of 8.2 mg/kg, which is above the residential SCTL but below the commercial/industrial SCTL.
- SB-N3 (0-6"): Arsenic was reported at a concentration of 13 mg/kg, which is above the MDCABC and slightly above the commercial/industrial SCTL.
- SB-N3 (6-24"): Arsenic was reported at a concentration of 5.6 mg/kg, which is above the residential SCTL but below the commercial/industrial SCTL.
- SB-E1 (0-6"): Arsenic was reported at a concentration of 5.3 mg/kg, which is above the MDCABC but below the commercial/industrial SCTL.
- SB-E1 (6-24"): Arsenic was reported at a concentration of 7.0 mg/kg, which is above the residential SCTL but below the commercial/industrial SCTL.
- SB-E2 (0-6"): Arsenic was reported at a concentration of 21 mg/kg, which is above the commercial/industrial SCTL.
- SB-E2 (6-24"): Arsenic was reported at a concentration of 20 mg/kg, which is above the commercial/industrial SCTL.
- SB-W1 (0-6"): Arsenic was reported at a concentration of 12 mg/kg, which is above the MDCABC but does not exceed the commercial/industrial SCTL.
- SB-S2 (6-24"): Arsenic was reported at a concentration of 24 mg/kg, which is above the commercial/industrial SCTL.
- SB-S3 (0-6"): Arsenic was reported at a concentration of 11 mg/kg, which is above the MDCABC but below the commercial/industrial SCTL.
- SB-S3 (6-24"): Arsenic was reported at a concentration of 2.6 mg/kg, which is slightly above the residential SCTL but below the commercial/industrial SCTL.

- SB-S4 (0-6"): Arsenic was reported at a concentration of 4.2 mg/kg, which is slightly above the MDCABC but below the commercial/industrial SCTL.
- SB-S4 (6-24"): Arsenic was reported at a concentration of 16 mg/kg which is above the commercial/industrial SCTL.
- SB-S5 (6-24"): Arsenic was reported at a concentration of 2.6 mg/kg, which is slightly above the residential SCTL but below the commercial/industrial SCTL.
- SB-S6 (0-6"): Arsenic was reported at a concentration of 33 mg/kg, which is above the commercial/industrial SCTL.
- SB-S6 (6-24"): Arsenic was reported at a concentration of 7.7 mg/kg which is above the residential SCTL but below the commercial/industrial SCTL.

Please refer to Figures 9, 10 and 11 in **Appendix A** for the soil quality maps for the discrete samples collected from along the site boundaries. A summary of the boundary/discrete soil analytical results is presented in Table 2 in **Appendix C**. The soil laboratory analytical report and chain-of-custody documentation is presented in **Appendix D**.

3.5 Additional Observations-Solid Waste and Soil Stockpiles

During soil sampling activities, R&A observed miscellaneous solid waste in a select number of soil borings. Specifically, the solid waste was identified in three borings (SS-3A, SS-3B and SS-3F) in the southwest corner of the subject property (Grid 3) and in the vicinity of the backfilled lake. The solid waste observed included concrete, trash, wood, glass and plastic. It is likely that the solid waste observed onsite is associated with the former residence and unregulated lake filling activities.

R&A observed seven stockpiles located in the northern portion of Grid 1. The source of the material is unknown.

4.0 SOIL STATISTICAL ANALYSIS

R&A performed statistical analysis of the discrete soil samples collected on December 21, 2021, from the subject property. Due to a number of soil samples containing elevated concentrations of arsenic above the applicable MDCABC and residential and commercial/industrial SCTLs, R&A performed the statistical analysis to determine whether site-wide concentrations of arsenic are consistent with the anthropogenic background concentrations of arsenic for North of Kendall Drive (SW 88th Street). Please refer to the table

below for the comparison of site-wide concentrations of arsenic to the concentrations of arsenic reported for North of Kendall Drive in DERM's Anthropogenic Background Study dated April 3, 2014.

Arsenic Concentrations on Terraces at Biscayne Gardens vs North of Kendall Drive (SW 88 th Street)				
	0 to 6 inches bgs		6 to 24 inches bgs*	
Data Set	North of SW 88 th	Terraces at Biscayne Gardens	North of SW 88 th	Terraces at Biscayne Gardens
No. of Samples	111	12	100	12
Minimum Concentration	0.3	1.1	0.3	1.0
Maximum Concentration	24.8	33	10	24.0
Mean Concentration	3.3	9.81	1.9	8.9
Median Concentration	2.2	8.15	1.53	7.35

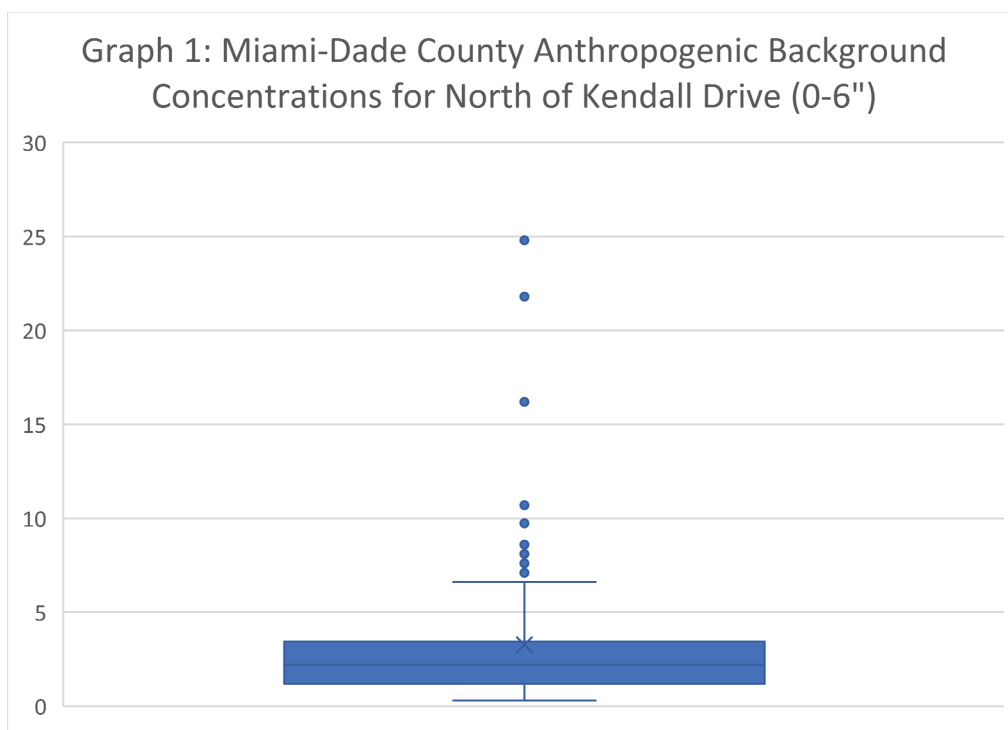
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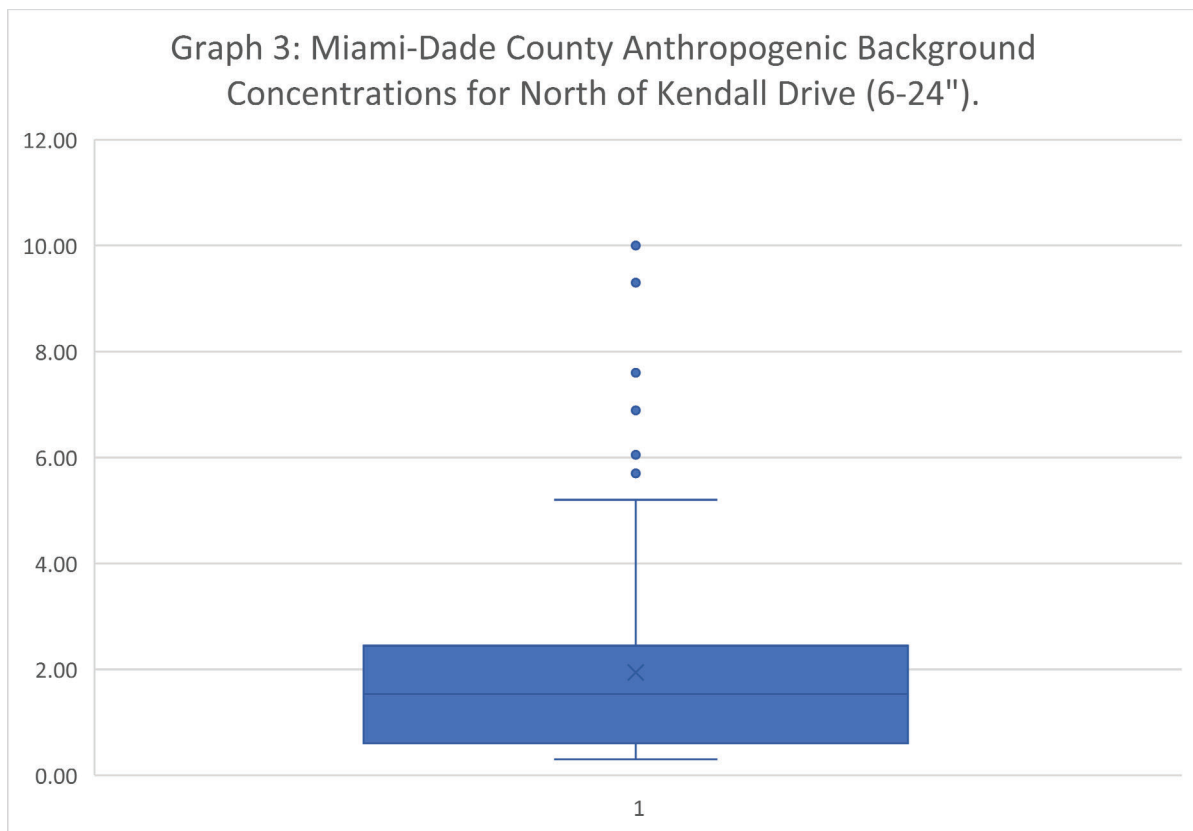
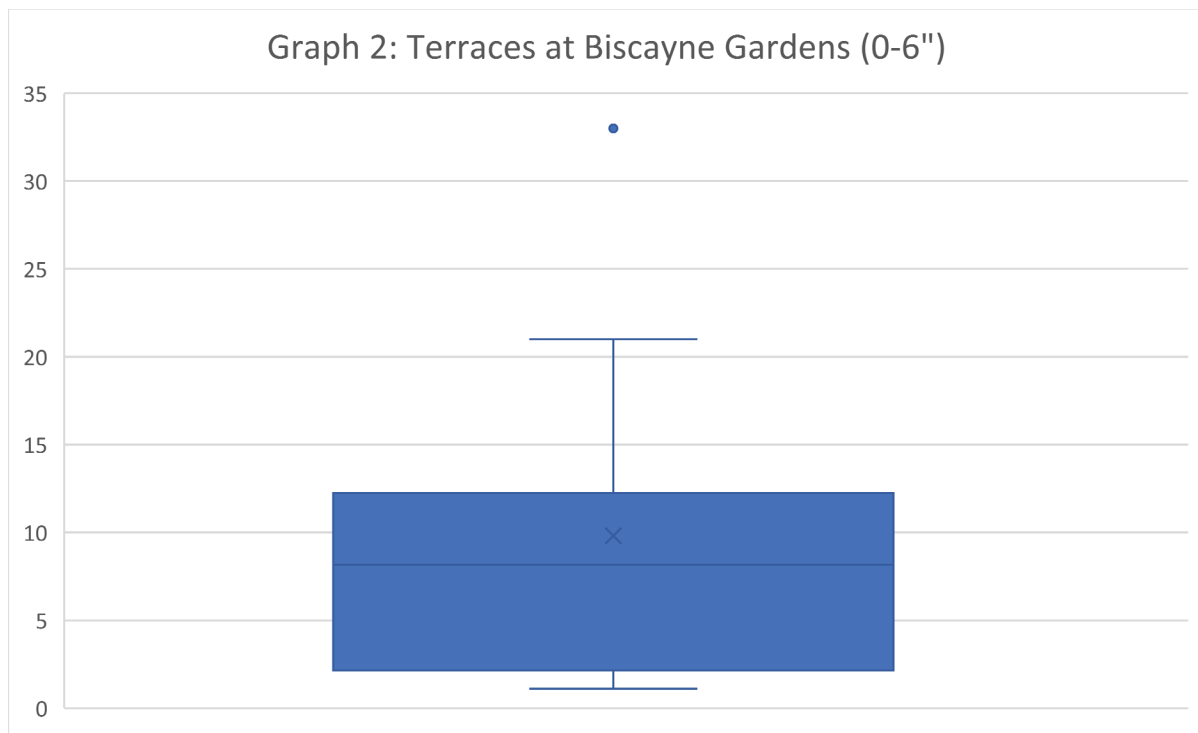
Concentrations reported in milligrams per kilogram (mg/kg).

Bgs-below ground surface.

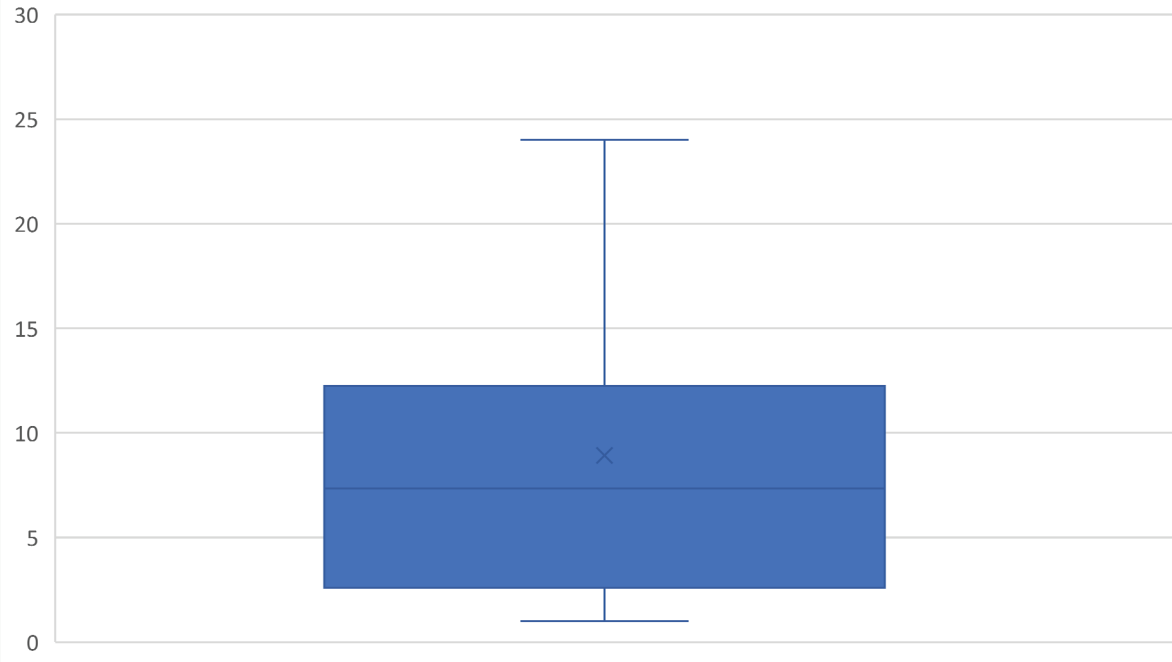
*Includes concentrations reported for 6 to 12, 6 to 18 inches and 6-24 inches bgs due to vary thickness of overburden.

In addition, R&A constructed Box-and-Whisker Plots and Q-Q Plots to represent site-wide and background concentrations of arsenic in the 0-6" and 6-24" bgs intervals. Please refer to Graphs 1 through 6 below.

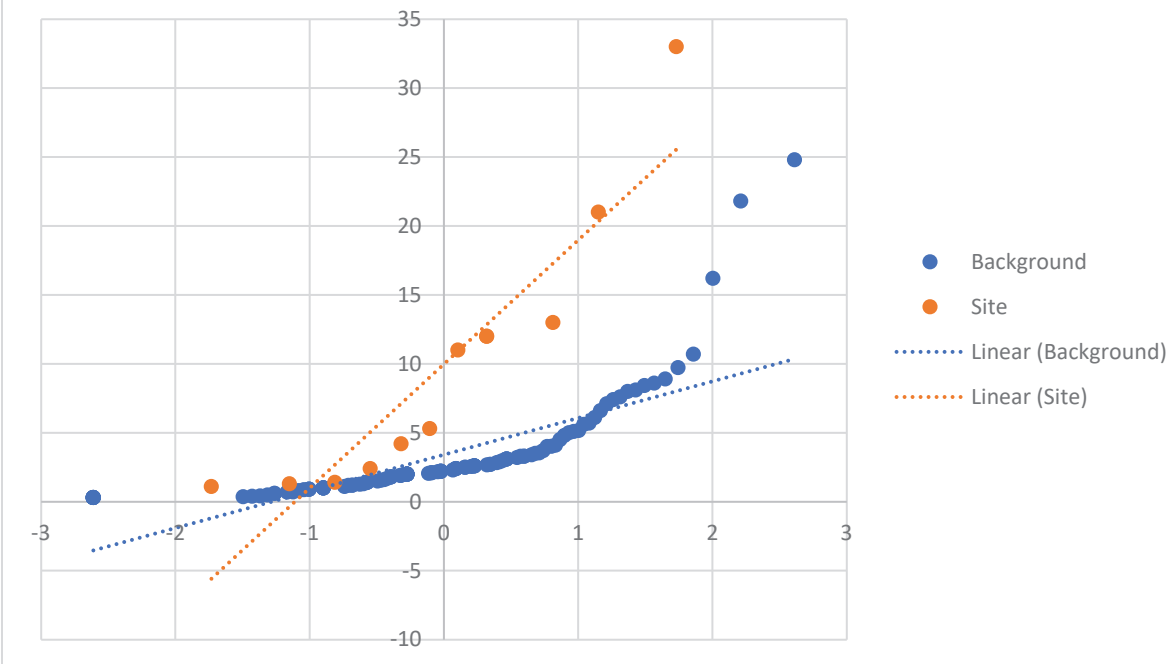


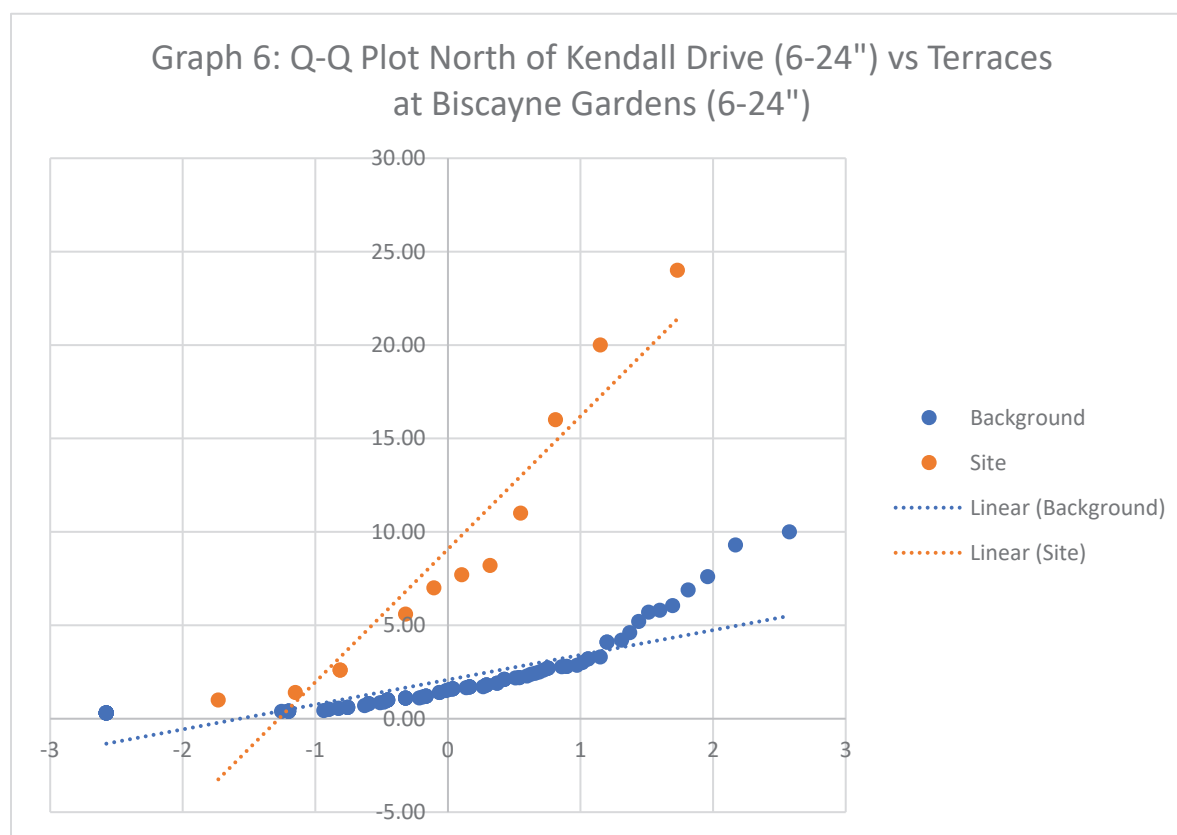


Graph 4: Terraces at Biscayne Gardens (6-24").



Graph 5: Q-Q Plot North of Kendall Drive (0-6") vs Terraces at Biscayne Gardens (0-6")





Based on the statistical analysis shown in the table and Graphs 1 through 6, the site-wide concentrations of arsenic are not consistent with and are elevated when compared to Miami-Dade County's Background Study for North of Kendall Drive.

5.0 GROUNDWATER ASSESSMENT

5.1 Groundwater Monitoring Well Installation-October 21 and 22, 2021.

On October 21 and 22, 2021, R&A supervised the installation of 14 shallow groundwater monitoring wells designated as MW-1 through MW-14. The monitoring wells were installed by Earth Nurse Environmental; a Florida Licensed Water Well Contractor using DPT. The monitoring wells were installed to assess the potential impacts to groundwater from the former agricultural fields and assess groundwater in the vicinity of the proposed exfiltration trenches. As such, R&A located the monitoring wells along the locations of the proposed exfiltration trenches (approximately one well per 100 linear foot of trench). Groundwater was encountered during the completion of the soil borings at approximately at 2 to 4 feet

bgs. The monitoring wells were installed to a depth of 11 feet bgs and consisted of 10 feet of 1.5-inch diameter Schedule 40 PVC, 0.010-inch slotted screen with 3.97' to 5.03' of riser, depending on the height of the stick-up. The annulus between the well screen and the borehole sidewalls were backfilled with 20/30 quartz sand from the bottom of the wells to six inches above the well screen. The filter pack seal material was 30/65 sand and was placed from six inches above the well screen to three inches below ground surface (bgs). The annular space above the filter pack seal was sealed with Portland cement from the top of filter pack seal to the surface.

Development to ensure adequate hydraulic connection with the aquifer was achieved by over purging the wells with a centrifugal pump until the effluent ran clear and free of suspended sediments. The Well Construction and Development Logs are included in **Appendix B**. The monitoring well locations are illustrated on the Monitoring Well Location Map provided as Figure 12 in **Appendix A**.

Monitoring Well Construction Details-October 21 and 22, 2021

Monitoring Well	GPS Coordinates	Date Installed	Diameter (inches)	Depth of Well	Well Screen Interval	Top-of-Casing Elevation	Stick up (feet above grade)
MW-1	N 25° 55' 23.05", W 80° 12' 13.39"	10/21/2021	1.5	11	1-11	8.0	2.97
MW-2	N 25° 55' 23.82" W 80° 12' 12.41	10/21/2021	1.5	11	1-11	9.14	3.36
MW-3	N 25° 55' 23.06 W 80° 12' 12.47	10/21/2021	1.5	11	1-11	7.54	3.37
MW-4	N 25° 55' 23.13" W 80° 12' 11.15"	10/21/2021	1.5	11	1-11	7.56	3.22
MW-5	N 25° 55' 23.18 W 80° 12' 09.81	10/22/2021	1.5	11	1-11	7.51	3.01
MW-6	N 25° 55' 23.16" W 80° 12' 08.61"	10/22/2021	1.5	11	1-11	8.34	3.52
MW-7	N 25° 55' 24.00" W 80° 12' 08.19"	10/22/2021	1.5	11	1-11	8.18	3.94

Monitoring Well	GPS Coordinates	Date Installed	Diameter (inches)	Depth of Well	Well Screen Interval	Top-of-Casing Elevation	Stick up (feet above grade)
MW-8	N25° 55' 21.97" W80° 12' 13.34"	10/21/2021	1.5	11	1-11	7.95	3.36
MW-9	N25° 55' 21.24" W80° 12' 12.29"	10/22/2021	1.5	11	1-11	7.01	4.03
MW-10	N25° 55' 22.02" W80° 12' 12.33"	10/21/2021	1.5	11	1-11	6.70	3.03
MW-11	N25° 55' 22.06" W80° 12' 11.11"	10/21/2021	1.5	11	1-11	6.92	3.14
MW-12	N25° 55' 22.12" W80° 12' 09.77"	10/21/2021	1.5	11	1-11	7.57	3.29
MW-13	N25° 55' 22.23" W80° 12' 08.58"	10/21/2021	1.5	11	1-11	7.85	3.05
MW-14	N25° 55' 21.42" W80° 12' 08.04"	10/22/2021	1.5	11	1-11	8.55	3.79

5.2 Groundwater Sampling and Collection Methodology-November 7-8, 2021

On November 7 and 8, 2021, a representative from R&A collected groundwater samples from the newly installed monitoring wells. Prior to groundwater purging, R&A measured the depth-to-water in the monitoring wells with a Solinst electronic water level meter to determine the suitable purge volume. The monitoring wells were purged using a Geotech Geopump peristaltic pump fitted with high-density polyethylene tubing (HDPE). The peristaltic pump rate was set at a low flow rate of approximately 0.12 gallons per minute (gpm). During well purging, R&A collected groundwater chemistry parameters including temperature, dissolved oxygen, pH and conductivity using a YSI. In addition, R&A measured turbidity using a HACH 2100Q. R&A collected groundwater samples once the measurements indicated the stabilization of water chemistry.

The groundwater samples were collected into laboratory supplied containers and placed into an ice-packed cooler and transported under proper chain-of-custody documentation to Pace. The groundwater samples were analyzed per the guidelines set forth in DERMs Site Assessment Guidance for Former

Agricultural Sites in Miami Dade County dated August 2021. Specifically, the groundwater samples were analyzed for the following COCs:

- MW-1 thru MW-5, MW-7 thru MW-9 and MW-11 thru MW-14: Arsenic, iron, manganese, nitrate and nitrate-nitrite.
- MW-6 and MW-10: Arsenic, iron, manganese, chromium, organochlorine pesticides, nitrate, nitrate-nitrite and nitrites.

Groundwater samples were collected in accordance with FDEP's SOPs for Field Activities. Groundwater Sampling Logs and equipment calibration Logs are presented in **Appendix B**.

5.3 Groundwater Analytical Results-November 7-8, 2021

Based on the review of the laboratory analytical report, the tested parameters were reported below the Groundwater Cleanup Target Levels (GCTLs) as defined in Table 1 of Chapter 62-777, Florida Administrative Code (F.A.C) except for arsenic, iron and manganese. Arsenic was reported above the GCTL of 10 µg/L in MW-14 (21.7 µg/L). Iron was reported above the Miami-Dade County Background Concentration (MDCBC) as established in Miami-Dade County Pollution Control Division's Memorandum dated December 8, 2005 of 706 µg/L in MW-1 (751 µg/L), MW-4 (1,260 µg/L), MW-5 (1,220 µg/L), MW-7 (2,390 µg/L), MW-9 (2,290 µg/L), MW-12 (1,930 µg/L) and MW-13 (1,240 µg/L). Manganese was reported above the GCTL of 50 µg/L in MW-7 (78.6 µg/L) and MW-11 (154 µg/L). None of the exceedances reported during this sampling event were above the applicable Natural Attenuation Default Concentrations (NADCs).

The groundwater laboratory analytical results are summarized in Tables 3 in **Appendix C**. The groundwater laboratory analytical reports and chain-of-custody documentation is presented in **Appendix E**.

5.4 Additional Groundwater Monitoring Well Installation

On December 14, 2021, R&A supervised the installation of an additional five monitoring wells. Based on the initial groundwater assessment yielding exceedances of arsenic, iron and manganese in the shallow aquifer across the subject property, additional monitoring wells were installed along the perimeter of the subject property to assess groundwater quality at the property boundaries. In addition, an intermediate depth monitoring well was installed in the vicinity of MW-4 to assess the groundwater quality at 25 feet

bgs for stormwater drainage considerations. The monitoring wells were installed by Earth Nurse Environmental, and the well construction details are shown in the table below:

Monitoring Well Construction Details-December 14, 2021

Monitoring Well	GPS Coordinates	Date Installed	Diameter (inches)	Depth of Well	Well Screen Interval	Top-of-Casing Elevation	Stick up (feet above grade)
MW-4I	25°55'23.03"N, 80°12'11.11"W	12/14/2021	1.5	25	20-25	NS	4.37
MW-15	25°55'23.72"N, 80°12'14.48"W	12/14/2021	1.5	12	2-12	NS	3.01
MW-16	25°55'24.15"N, 80°12'7.79"W	12/14/2021	1.5	11	1-11	NS	2.99
MW-17	25°55'21.13"N, 80°12'14.38"W	12/14/2021	1.5	12	2-12	NS	2.98
MW-18	25°55'21.36"N, 80°12'7.65"W	12/14/2021	1.5	11	1-11	NS	2.86

Notes:

NS=Not Surveyed

Please refer to **Appendix B** for the Well Construction and Development Logs.

5.5 Supplemental Groundwater Sampling- December 16-17, 2021

On December 16 and 17 2021, a representative from R&A collected groundwater samples from MW-4I, MW-15, MW-16, MW-17 and MW-18. In addition, R&A performed confirmatory groundwater sampling of MW-1, MW-4, MW-5 and MW-11. The groundwater sampling procedure followed the same methodology as described in Section 5.2 of this report. The groundwater samples were collected into laboratory supplied containers and placed into an ice-packed cooler and transported under proper chain-of-custody documentation to Eurofins TestAmerica, a NELAP accredited laboratory. The groundwater samples were analyzed for the following parameters:

- MW-1, MW-4, MW-4I and MW-5: total iron.

- MW-11: total manganese.
- MW-15 thru MW-18: total arsenic, iron and manganese.

Copies of the FDEP Groundwater Sampling Logs and equipment calibration logs are included in **Appendix B**.

5.6 Groundwater Analytical Results- December 16-17, 2021

Based on the review of the laboratory analytical results, the following exceedances were reported:

- Arsenic was reported at a concentration of 110 µg/L in MW-18, which is above the GCTL and NADC (100 µg/L).
- Iron was reported above the MDCBC but below the NADC (3,000 µg/L) in MW-1 (910 µg/L), MW-4 (1,900 µg/L), MW-5 (1,900 µg/L), MW-15 (1,900 µg/L), MW-17 (1,800 µg/L) and MW-18 (1,200 µg/L). Iron was reported above both the MDCBC and NADC in MW-4I (7,600 µg/L) and MW-16 (3,100 µg/L).
- Manganese was reported above the GCTL but below the NADC in MW-11 (160 µg/L).

The groundwater analytical results are summarized in Table 4 in **Appendix C**. The groundwater laboratory analytical reports and chain-of-custody documentation is presented in **Appendix E**.

6.0 GROUNDWATER ELEVATION AND FLOW DIRECTION

Water levels from monitoring wells MW-1 through MW-14 were used to determine the direction of groundwater movement at the top of the water table aquifer. The monitoring well top-of-casings were surveyed by R&A's in-house survey team. Please note that R&A did not survey the top-of-casings of the wells installed on December 14, 2021 (MW-4I, MW-15, MW-16, MW-17 and MW-18). The top of casings was surveyed relative to Miami-Dade County's benchmark ID's N-730 and N-405, which have assigned elevations of 6.34' and 9.27' National Geodetic Vertical Datum (NGVD) 1929, respectively. Depth to water measurements was gauged on November 7 and 8, 2021, during groundwater sample collection using a decontaminated electric water level tape with graduations in hundredths of feet. Based upon the data collected, the hydraulic gradient is relatively flat with groundwater flow radiating to the north and south from the center of the site. Please refer to Table 5 in **Appendix C** for the top-of-casing, depth-to-water

and groundwater elevation data for MW-1 through MW-14. Groundwater elevations and flow direction are illustrated on Figure 14 in **Appendix A**.

7.0 AERIAL PHOTOGRAPHS

To determine whether offsite assessment is required, R&A performed a review of historical aerial photographs for the subject property and surrounding area. Historical aerial photographs were obtained from Google Earth™, the Florida Department of Transportation (FDOT) Aplus website and DEC's Phase I ESA dated August 30, 2017 and were reviewed in at least 5-to-10-year intervals, if available. The review of these aerials may be limited due to the quality and scale of each image. The photographs reviewed are listed below and are included in **Appendix F**.

- Google Earth™: 1994, 1999, 2004, 2009, 2014 and 2020.
- FDOT Aplus: 1951, 1968, 1971, 1978 and 1985.
- DEC Phase I ESA: 1964 and 1965.

Based on the review of the historical aerial photographs, the subject property, the north, southeast, south, southwest and western adjoining properties were depicted as agricultural fields as early as 1951. Sometime prior to 1964, most of the agricultural fields adjoining the site were no longer depicted except for the southwest and west adjoining property and an apparent agricultural field east of the east adjoining property. Residential properties were developed on the apparent agricultural fields to the east sometime prior to 1968. The western and southwestern adjoining properties remained agricultural fields or vacant lots until sometime prior to 1994 and 2004, when the properties were redeveloped with residential and commercial buildings. The subject property remained as agricultural fields until sometime prior to 1985 and has remained vacant/undeveloped land since this time.

8.0 CONCLUSIONS

The purpose of this assessment was to assess the soil and groundwater quality at the subject property located at 190 NW 162nd Street in unincorporated Miami-Dade County, Florida. Based on the review of the laboratory analytical results for the composite samples collected on the subject property, the tested parameters were reported below SCTLs except for arsenic and alpha-BHC. Specifically, arsenic was reported to exceed the residential SCTL or MDCABC in the soil samples collected from Grids 2 thru 4. In

addition, 5 of the 9 composite soil samples collected from Grids 2 thru 4 exceeded the GCTL for arsenic by SPLP analysis. Alpha-BHC was reported above the leachability based on groundwater criteria in CS-3 (0-6") but was reported below detectable limits by SPLP analysis. The composite samples collected from Grid 1 were reported below the MDCABC or residential SCTLs.

18 of the 25 discrete soil samples collected from along the property boundaries of Grids 2 thru 4 were reported to exceed the applicable CTLs. Specifically, 12 of these 18 reported exceedances were above the MDCABC or residential SCTL but below the commercial/industrial SCTL. The remaining 6 exceedances were reported above the commercial/industrial SCTL.

R&A performed statistical analysis on the results for the discrete soil samples collected along the property boundary and compared it to DERM's Anthropogenic Background Study for North of Kendall Drive. Based on the Box-and-Whisker Plots and Q-Q Plots, the site-wide concentrations of arsenic are not consistent with and are elevated when compared to Miami-Dade County's Background Study for North of Kendall Drive. However, based on the review of historical aerial photographs, the area surrounding the subject property has been utilized as agricultural fields prior to being developed to their current configuration.

R&A observed buried solid waste in a select number of soil borings in Grid 3 (SS-3A, SS-3B and SS-3F). The solid waste observed included concrete, trash, wood, glass, and plastic. It is likely that the solid waste observed onsite is associated with the former residence and unregulated lake filling activities.

Based on the review of the groundwater laboratory analytical results for the sampling of the initial 14 groundwater monitoring wells, the tested parameters were reported below applicable GCTLs except for arsenic, iron and manganese. Arsenic was reported above the GCTL of 10 µg/L in MW-14 (21.7 µg/L). Iron was reported above the Miami-Dade County Background Concentration in MW-1 (751 µg/L), MW-4 (1,260 µg/L), MW-5 (1,220 µg/L), MW-7 (2,390 µg/L), MW-9 (2,290 µg/L), MW-12 (1,930 µg/L) and MW-13 (1,240 µg/L). Manganese was reported above the GCTL of 50 µg/L in MW-7 (78.6 µg/L) and MW-11 (154 µg/L). None of the exceedances reported during the initial groundwater sampling event were above the applicable Natural Attenuation Default Concentrations (NADCs).

Based on the supplemental groundwater assessment in the boundary wells (MW-15 thru MW-18) and for select interior shallow and intermediate wells (MW-1, MW-4, MW-4I and MW-5), iron exceeded the

MDCBC in the samples collected. Furthermore, in the samples collected from the intermediate depth well MW-4I and the southeast corner boundary well MW-18, iron was reported at concentrations in exceedance of the NADC. Therefore, iron appears to be persistent in the groundwater at shallow and intermediate depths across the subject property.

Arsenic was reported below the GCTL in the four boundary wells, except for the southeastern boundary well MW-18. Arsenic was reported at 110 µg/L in MW-18, which exceeds the GCTL and NADC.

Finally, manganese was reported below GCTLs in the samples collected from the four boundary wells but was confirmed to be above the GCTL in MW-11 (160 µg/L).

9.0 RECOMMENDATIONS

Although concentrations of arsenic were reported to exceed the MDCABC, residential SCTL or commercial/industrial SCTL along the property boundaries, it is R&A's opinion that no offsite soil assessment is required due to the historical use of surrounding properties as agricultural fields.

Similarly, although iron and arsenic were reported above GCTLs in the boundary wells, R&A does not recommend offsite assessment due to the historical use of the surrounding properties as agricultural fields.

R&A recommends that the buried solid waste documented within Grid 3 be delineated and removed.

R&A prepared a preliminary drainage design based on percolation results provided by Dynatech Engineering Corporation dated September 19, 2019. Based on the percolation results, it was determined that approximately 1,600 linear feet (lf) of exfiltration trench would be required for the proposed development. However, based on groundwater quality issues documented in this report and that stormwater may not be discharged to contaminated groundwater, exfiltration trenches would be limited to approximately 250 lf. R&A investigated the possibility of discharging stormwater to 20 feet bgs with the installation MW-4I; however, this option was determined to be unfeasible due to the greatest concentration of iron being reported in this monitoring well (7,600 µg/L).

R&A is proposing the installation of 250 lf of exfiltration trench within areas that do not contain impacted groundwater, including between MW-2 and MW-10, and MW-8 and MW-10. In addition, pervious surfaces are proposed within Grid 1 and Grid 4. Based on the soil analytical results, no remediation efforts

of soil within Grid 1 are required. However, since the upper 6" of soil within Grid 4 reported exceedances of arsenic above GCTLs by SPLP analysis, while the deeper intervals were reported below GCTLs, R&A proposes a source removal of the top 6" of soil within Grid 4 followed by capping of the material with pervious concrete or asphalt as an Engineering Control (EC). Areas that contain a pervious surface will have an underlain system to collect and convey excess runoff to the exfiltration system on the west side of the property. It is R&A's opinion that pervious surfaces will prevent the lateral spread of groundwater contamination.

Soils within Grids 2 and 3 will be capped with an impervious EC. Note that any material that falls within proposed landscaping areas shall be removed if it was determined that arsenic exceeded its GCTL by SPLP analysis and replaced with clean fill. Please refer to **Appendix G** for more details on R&A's Proposed Drainage Concept.

Finally, R&A observed seven stockpiles located within the northern portion of Grid 1. Due to the unknown nature/source of the stockpiled material, R&A recommends that the stockpiles be sampled in accordance with Miami-Dade County Soil Reuse Guidance dated March 22, 2004. Soil reuse or disposal options will be determined based on the results of the stockpile sampling.

Disclosure of Interest

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

1. APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: **Water Park Villas, LLC**

APPLICANT B:

APPLICANT C:

APPLICANT D:

APPLICANT E:

APPLICANT F:

APPLICANT G:

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

2. PROPERTY DESCRIPTION: Provide the following information for all properties in the application area and indicate those properties in which the applicant has an interest. Complete information must be provided for each parcel.

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
A	Water Park Villas, LLC	30-2113-000-0280	4.02

3. For each applicant, check the appropriate column to indicate the NATURE OF THE APPLICANT'S INTEREST in the property identified in Section 2 above.

APPLICANT	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER(Attach Explanation)
A	X			

4. **DISCLOSURE OF APPLICANT'S INTEREST:** Complete all appropriate sections and indicate N/A for each section that is not applicable.

- a. If the applicant is an **INDIVIDUAL** (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

<u>INDIVIDUAL'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
N/A	

- b. If the applicant is a **CORPORATION**, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME: Water Park Villas, LLC

NAME, ADDRESS, AND OFFICE (if applicable)	PERCENTAGE OF STOCK
Schulman Development, LLC	33%

See enclosed organizational chart exhibit for further information.

JSW Member	67%
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See enclosed organizational chart exhibit for further information.

Mailing Address: 840 S. Rancho Dr. #4-572, Las Vegas, NV 89106

- c. If the applicant is a **TRUSTEE**, list the trustee's name, the name and address of the beneficiaries of the trust, and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), partnership(s), or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUSTEES NAME: _____

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF
INTEREST

N/A

- d. If the applicant is a **PARTNERSHIP or LIMITED PARTNERSHIP**, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners and the percentage of interest held by each partner. [Note: where the partner (s) consist of another partnership(s), corporation (s) trust (s) or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP NAME: _____

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF
INTEREST

N/A

- e. If the applicant is party to a **CONTRACT FOR PURCHASE**, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust,

partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME AND ADDRESS

PERCENTAGE OF
INTEREST

N/A

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers if a corporation, partnership, or trust.

N/A

5. DISCLOSURE OF OWNER'S INTEREST: Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.

- a. If the owner is an **INDIVIDUAL** (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF
INTEREST

N/A

- b. If the owner is a **CORPORATION**, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s) partnership(s) or other similar entities, further disclosure

shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME: _____

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
N/A	

- c. If the owner is a **TRUSTEE**, and list the trustee's name, the name and address of the beneficiaries of the trust and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUSTEE'S NAME: _____

<u>BENEFICIARY'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
N/A	

- d. If the owner is a **PARTNERSHIP or LIMITED PARTNERSHIP**, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners, and the percentage of interest held by each. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS OF PARTNERS</u>	<u>PERCENTAGE OF OWNERSHIP</u>
-------------------------------------	--------------------------------

N/A

- e. If the owner is party to a **CONTRACT FOR PURCHASE**, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF
INTEREST

N/A

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

N/A

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.

ENTITIES REGULARLY TRADED ON AN ESTABLISHED SECURITIES, PENSION FUNDS OR PENSION TRUSTS OF MORE THAN FIVE THOUSAND (5,000) OWNERSHIP INTERESTS

Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests including all interests at each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Applicant's Signature and Printed Name
(Complete one signature page per applicant)

Signature Brian Burdzinski

Printed Name Water Park Villas, LLC

State of Florida
County of Miami-Dade

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

☒ physical presence ☐ online notarization this 26 day of September, 2022.
(date) (month)(year)

by Brian Burdzinski
(name of individual swearing or affirming)

as President for Water Park Villas, LLC
(type of authority, e.g., Officer, Attorney-in Fact)(Name of party on behalf of whom executed)

Individual identified by: ☒ personal knowledge ☒ satisfactory evidence Driver's License.
(type)



Laura Shannon
(Signature of Notary Public)

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

My Commission Expires: June 1, 2023

WATER PARK VILLAS, LLC ORGANIZATION CHART

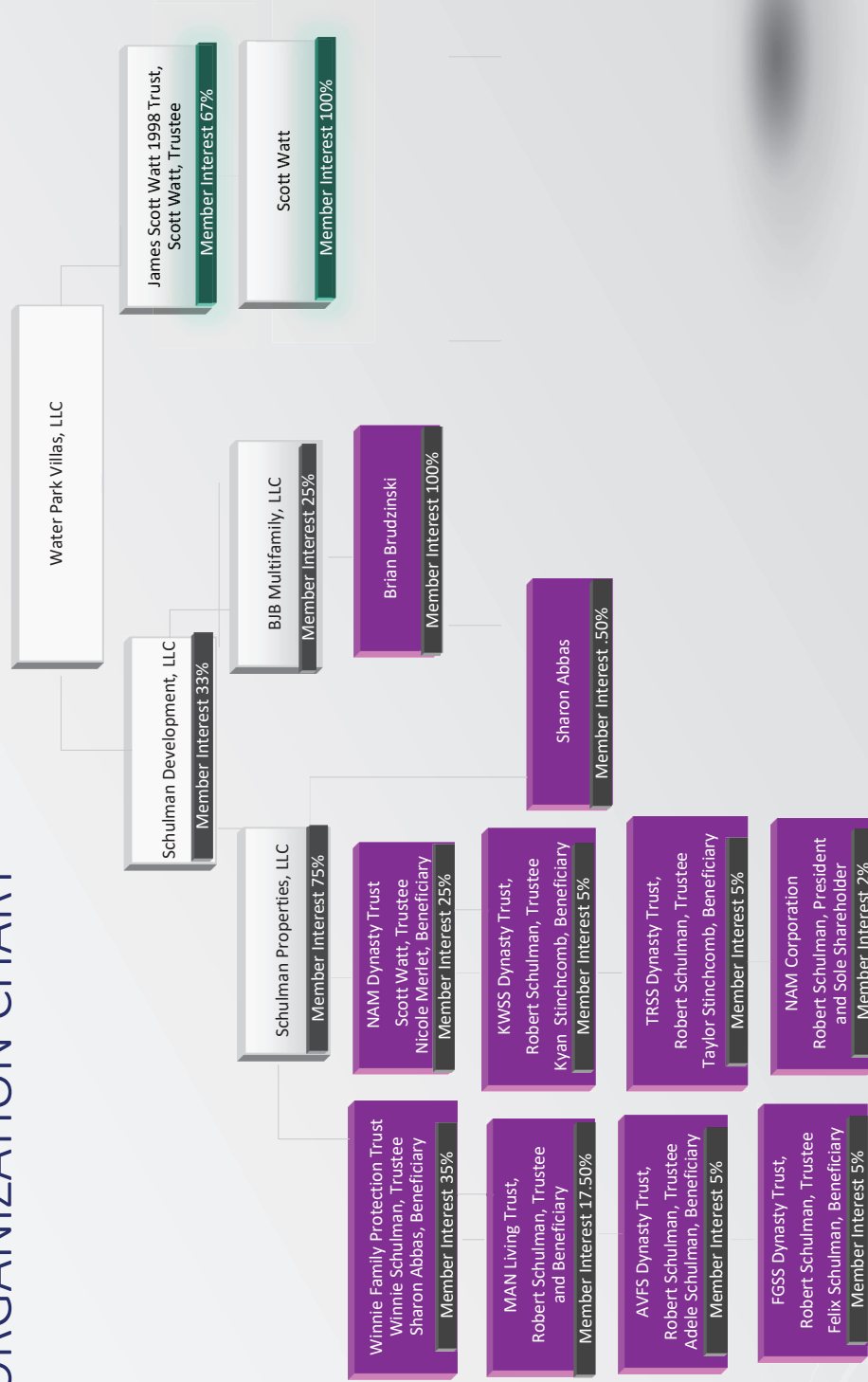
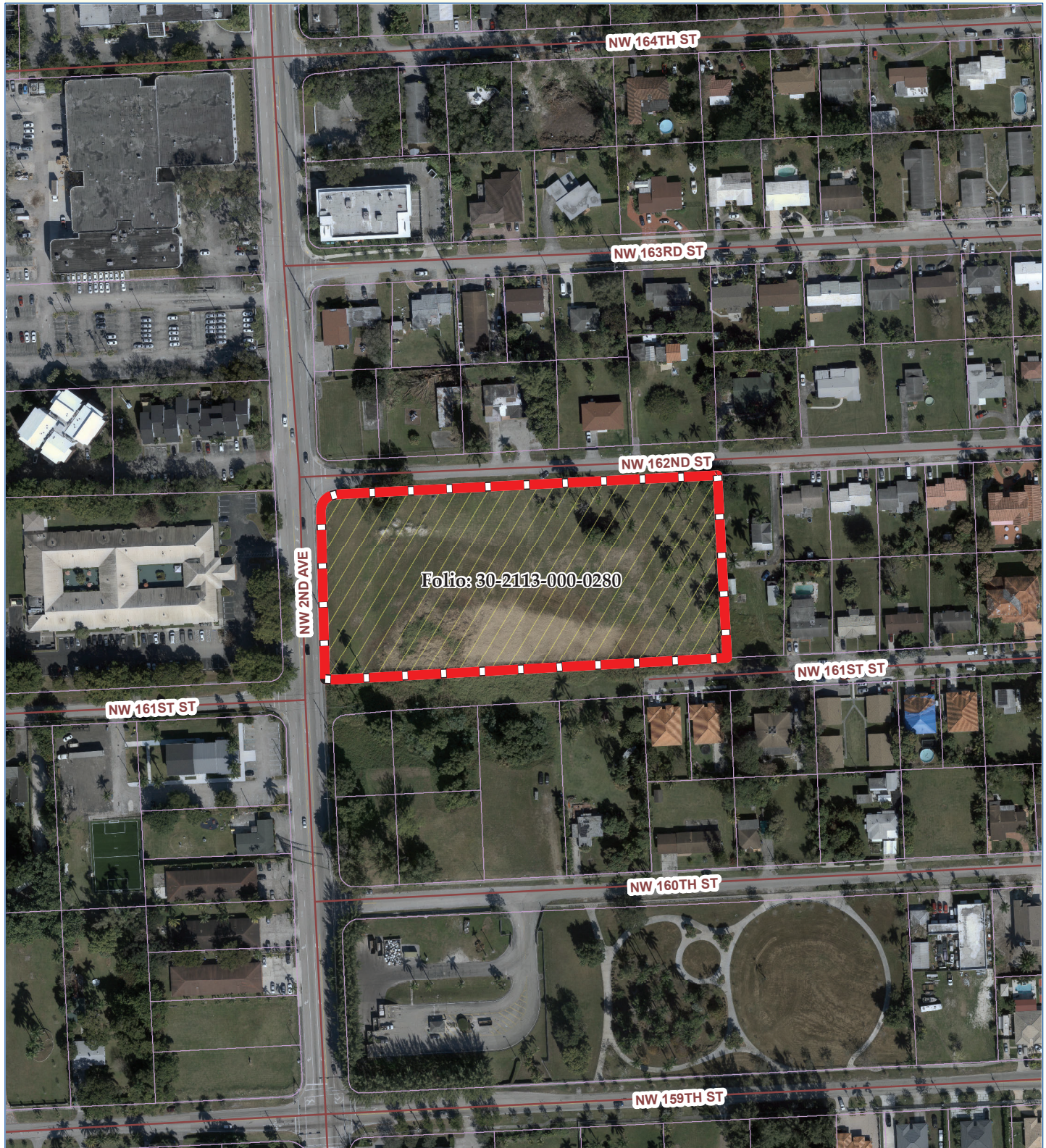


EXHIBIT 2

Water Park Villas, LLC.
Brownfield Application Site
Miami-Dade County, Florida



Legend

-  Brownfield Application Site
-  Streets



0 165 330

MDC097



Department of Regulatory and Economic Resources (RER)
Planning Research and Economic Analysis Section
September 2022