

MEMORANDUM

Agenda Item No. 8(O)(1)

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

DATE: April 2, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving a Declaration of Restrictive Covenant between the County and the Florida Department of Environmental Protection placing certain restrictions on the County-owned property located at 12700 NW 30 Avenue, Opa Locka, Florida, occupied by Miami-Dade Water and Sewer Department's Pump Station No. 300; authorizing the County Mayor to execute the covenant, take all actions to effectuate same, and to exercise the provisions contained therein; and pursuant to Resolution No. R-974-09, directing the County Mayor to record the Restrictive Covenant in the public records of Miami-Dade County

Resolution No. R-264-24

The accompanying resolution was prepared by the Water and Sewer Department and placed on the agenda at the request of Prime Sponsor Commissioner Marleine Bastien.


Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: April 2, 2024

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

From: Daniella Levine Cava
Mayor 

Subject: Declaration of Restrictive Covenant for Miami-Dade Water and Sewer
Department Pump Station No. 300

Executive Summary

This item seeks authorization from the Board of County Commissioners (the “Board”) to execute and record a Declaration of Restrictive Covenant for the Miami-Dade Water and Sewer Department’s Pump Station No. 300 (the “Pump Station”) located in the City of Opa Locka (the “Restrictive Covenant”) that is being required by the Florida Department of Environmental Protection (“FDEP”).

In 1996, the Pump Station site was exposed to contamination due to a mechanical incident that resulted in a diesel fuel overflow. Recently, FDEP requested a supplemental soil and groundwater assessment for the petroleum discharge, which was completed in October 2020. The assessment confirmed the County’s compliance with the applicable criteria. The execution and recording of the Restrictive Covenant will mitigate risk to property users and occupants while safeguarding against contamination migration. The Covenant is necessary to ensure compliance with the No Further Action with Conditions (“NFAC”) criteria in the Florida Administrative Code (F.A.C.). The fiscal impact to the County is limited to the \$150 fee necessary to record the Restrictive Covenant.

Recommendation

It is recommended that the Board authorize the County Mayor or County Mayor’s designee to execute and record the Restrictive Covenant for the Pump Station, which is attached hereto as Exhibit “1”.

Scope

The Pump Station is located at 12700 N.W. 30 Avenue, Opa Locka, FL 33054 in Commission District 2, which is represented by Commissioner Marleine Bastien.

Delegation of Authority

This item authorizes the County Mayor or County Mayor’s designee to execute and record the Restrictive Covenant, which requires WASD to abide by certain restrictions as to the operation of the Pump Station.

Fiscal Impact/Funding Source

The fiscal impact to the County is limited to the \$150 fee necessary to record the Restrictive Covenant. The recording fees will be paid from WASD Proprietary Funds.

Track Record / Monitor

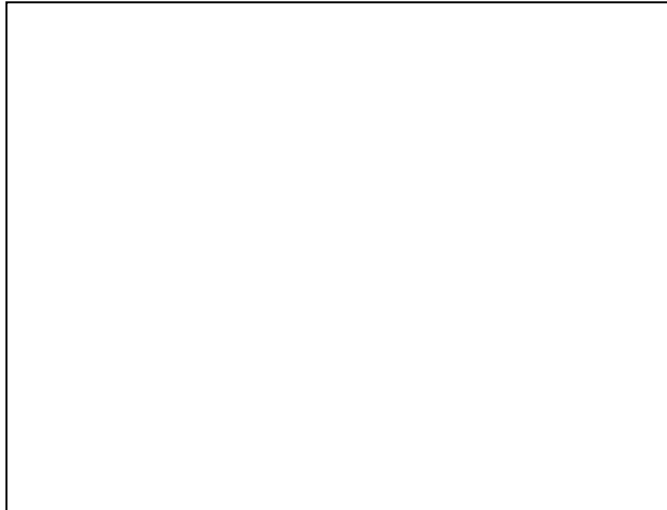
WASD Assistant Director of Planning and Regulatory Compliance, James Ferguson, P.E., will oversee the implementation of the Restrictive Covenant.

Background

On December 2, 1996, a mechanical problem led to a diesel fuel overflow from an above-ground storage tank ("AST") to an emergency generator located inside a nearby trailer at the site of the Pump Station. Approximately 450 gallons of diesel fuel were discharged onto the open ground. Following the overflow, several assessments, reports, monitoring and source removal activities were conducted to recover the free-floating product (FFP) and mitigate the on-site contamination. Recently, FDEP requested a supplemental soil and groundwater assessment for the petroleum discharge, which was completed in October 2020. The assessment confirmed the County's compliance with the applicable criteria of Rule 62-780.680, F.A.C., and requires the implementation of the attached Restrictive Covenant. The Restrictive Covenant aims to restrict groundwater use and access to the site in order to minimize exposure risk to property users and to prevent contaminant migration.

A handwritten signature in blue ink, appearing to read 'Jimmy Morales', is positioned above a horizontal line.

Jimmy Morales
Chief Operations Officer



This instrument prepared by:
Wood Environment & Infrastructure Solutions, Inc.
16250 NW 59th Ave, Suite 206
Miami Lakes, FL 33014

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (hereinafter "Declaration") is made by Miami Dade County, Florida (hereinafter "GRANTOR"), a body politic and corporate existing under the Laws of Florida whose principal address is 111 NW 1st Street, Miami, FL 33128 and the Florida Department of Environmental Protection (hereinafter "DEP"). This Declaration, made pursuant to either chapter 376 or 403, Florida Statutes (F.S.), is neither extinguished nor affected by the Marketable Record Title Act pursuant to section 712.03, F.S.

RECITALS

- A. GRANTOR Miami Dade County, Florida is the fee simple owner of that certain real property situated in the County of Miami Dade, State of Florida, more particularly described in Exhibit "A" attached hereto and made a part hereof (hereinafter the "Property");
- B. The DEP Facility Identification Number for the Property is 139102969. The facility name at the time of this Declaration is Miami Dade Water & Sewer Pump Station #300. This Declaration addresses the discharge that was reported to the DEP on December 2, 1996.

C. The discharge of *petroleum products*, *Volatile Organic Aromatics (VOAs)*, *Polynuclear Aromatic Hydrocarbons (PAHs)*, and *Total Recoverable Petroleum Hydrocarbons (TRPH)* on the Property is documented in the following reports that are incorporated by reference

1. Interim Source Removal Report/Revised Engineering Control Plan dated April 27, 2015, submitted by Amec Foster Wheeler Environment & Infrastructure, Inc.; and
2. Additional Soil and Groundwater Assessment Report dated December 14, 2020, submitted by Wood Environment & Infrastructure Solutions, Inc.
3. Revised Engineering Control Map dated September 30, 2021, submitted by Wood Environment & Infrastructure Solutions, Inc.

D. The reports noted in Recital C set forth the nature and extent of the contamination that is located on the Property. These reports confirm that contaminated soil as defined by Chapter 62-780, Florida Administrative Code (F.A.C.), exists on the Property. Also, these reports document that the groundwater contamination does not extend beyond the Property boundary, that the extent of the groundwater contamination does not exceed 1/4 acre, and the groundwater contamination is not migrating. This declaration imposes restrictions on the contaminated soil and long-term restrictions on the use of groundwater.

E. It is GRANTOR's and DEP's intent that the restrictions in this Declaration reduce or eliminate the risk of exposure of users or occupants of the Property and the environment to the contaminants and to reduce or eliminate the threat of migration of the contaminants.

F. DEP has agreed to issue a Conditional Site Rehabilitation Completion Order (hereinafter "Order") upon recordation of this Declaration. DEP can unilaterally revoke the Order if the conditions of this Declaration or of the Order are not met. Additionally, if concentrations of VOAs, PAHs, and TRPH increase above the levels approved in the Order, or if a subsequent discharge occurs at the Property, DEP may require site rehabilitation to reduce concentrations of contamination to the levels allowed by the applicable DEP rules. The Order relating to DEP Facility No. 139102969, can be obtained by contacting the appropriate DEP district office or Tallahassee program area.

G. GRANTOR deems it desirable and in the best interest of all present and future owners of the Property that an Order be obtained and that the Property be held subject to certain restrictions and engineering controls, all of which are more particularly hereinafter set forth.

NOW, THEREFORE, to induce DEP to issue the Order and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the undersigned parties, GRANTOR agrees as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. GRANTOR hereby imposes the following restrictions and requirements:

- a. Groundwater Use. There are restrictions on use of the groundwater under the Property. Any monitoring wells installed on the Property shall be pre-approved in writing by DEP's Division of Waste Management (DWM) in addition to any authorizations required by the Division of Water Resource Management (DWRM) and the Water Management District (WMD).

For any other groundwater wells to be installed on the Property, a plan signed and sealed by a Florida-registered professional engineer or Florida-registered professional geologist to address and ensure there will be no exposure to contaminated groundwater must be submitted to the DEP's DWM. The plan must include the well location, drilling method, casing depth, total depth, proposed maximum daily flow rate and volume, and a technical evaluation (including calculations, fate and transport modeling, as applicable) to demonstrate that the proposed groundwater extraction will not cause the spread or migration of contaminated groundwater and that receptors will not be exposed as a result of contaminant migration. The plan shall also outline the procedures for proper characterization, handling and disposal of any contaminated media encountered during installation. DEP's DWM will keep the plan in the site file as documentation of site conditions and will rely on this professional certification for demonstrating compliance with this restriction. A revised exhibit must be amended to the Declaration and recorded when any groundwater well is altered, modified, expanded, or constructed. The GRANTOR is advised that other federal, state, or local laws and regulations may apply to this activity. A copy of all permits obtained for the installation of groundwater wells at the Property must be provided along with the plan submitted to DEP's DWM. DEP will rely on this Declaration and certified plan to construct new or modify existing groundwater wells to ensure that there is no exposure to contaminated groundwater entering into new or expanded groundwater wells resulting in risk to human health, public safety or the environment due to the contaminated site. Construction of groundwater wells on the Property could destabilize the groundwater plume or increase potential for exposure to contaminants resulting in risk to human health, public safety, or the environment. For this reason, if GRANTOR seeks to construct groundwater wells on the Property, GRANTOR shall submit the certified plan to DEP DWM in addition to obtaining any authorizations that may be required by DEP DWRM, the WMD, or other federal, state, or local laws and regulations that may apply to this activity. Unless it is demonstrated that the cleanup criteria under subsection 62-780.680(1), F.A.C., have been achieved, DEP, in addition to other remedies available under law, may institute proceedings to revoke this Declaration and the Order and require the proper abandonment of the wells and the resumption of site rehabilitation activities if any such groundwater wells are constructed or commenced without submittal of a certified plan.

- b. Dewatering. For any dewatering activities on the Property, a plan signed and sealed by a Florida-registered professional engineer or Florida-

registered professional geologist to address and ensure the appropriate handling, treatment and disposal of any extracted groundwater that may be contaminated must be submitted to DEP's DWM. The plan must include the location(s) of the dewatering activity and the effluent disposal area(s) relative to known areas of groundwater contamination, proposed flow rates, duration, volume, estimated drawdown, (based upon design calculations), a technical evaluation demonstrating that the dewatering will not cause the migration of contamination and procedures for proper characterization, treatment and handling of any contaminated groundwater that may be encountered during dewatering. DEP's DWM will keep the plan in the site file as documentation of site conditions and will rely on this professional certification for demonstrating compliance with this restriction. The GRANTOR is advised that other federal, state, or local laws and regulations may apply to this activity. A copy of all permits obtained for the implementation of dewatering must be provided along with the plan submitted to DEP's DWM. DEP will rely on this Declaration, Rule 62-621.300, F.A.C., and the guidance incorporated therein, and the signed and sealed dewatering plan as the institutional controls to ensure that no exposure to contaminated groundwater resulting in risk to human health, public safety or the environment will occur due to dewatering activities on the contaminated site. Rule 62-621.300, F.A.C., requires a permit when conducting dewatering in the area of a contaminated site. For this reason, if GRANTOR seeks to conduct dewatering on the Property, GRANTOR shall submit the signed and sealed plan to DEP DWM in addition to obtaining any authorizations that may be required by DEP DWRM, the WMD, or other federal, state, or local laws and regulations that may apply to this activity. The dewatering plan must ensure the appropriate handling, treatment, and disposal of any extracted groundwater that may be contaminated to avoid adversely impacting or increasing the potential for exposure to contaminants resulting in risk to human health, public safety or the environment. Unless it is demonstrated that the cleanup criteria under subsection 62-780.680(1), F.A.C., have been achieved, DEP, in addition to other remedies available under law, may institute proceedings to revoke this Declaration and the Order and require the resumption of site rehabilitation activities if any dewatering activities are commenced without submittal of a signed and sealed plan.

- c. Stormwater Features. Currently, there are existing stormwater features, the existence of which has been determined to not adversely affect the remaining contamination

Attached as Exhibit B, and incorporated by reference herein, is a Survey. If stormwater features must be constructed, modified, altered or expanded, a plan signed and sealed by a Florida-registered professional engineer, or a Florida-registered professional geologist must be submitted to DEP's DWM in addition to any authorizations required by the DWRM and the WMD. The plan must include the feature location, construction and design specifications relative to known areas of soil and groundwater contamination, and a technical

evaluation (including calculations, fate and transport modeling, as applicable) to demonstrate that the new stormwater facilities will not cause the migration of contamination. The plan shall also outline the procedures for proper characterization, handling and disposal of any contaminated media that may be encountered during construction. DEP's DWM will keep the plan in the site file as documentation of site conditions and will rely on this professional certification for demonstrating compliance with this restriction. The GRANTOR is advised that other federal, state, or local laws and regulations may apply to this activity. A copy of all permits obtained for the implementation of dewatering must be provided along with the plan submitted to DEP's DWM. A revised exhibit must be amended to the Declaration and recorded when any stormwater feature is altered, modified, expanded, or constructed. {{The remainder of this paragraph is intended to conform with language in other documents and should not be changed when drafting the DRC for a particular property.}} DEP will rely on this Declaration and certified plan to construct new or modify existing stormwater features to ensure that there is no exposure to contaminated groundwater entering into new or expanded stormwater features resulting in risk to human health, public safety or the environment due to the contaminated site. Construction of stormwater swales, stormwater detention or retention features, or ditches on the Property could destabilize the groundwater plume or increase potential for exposure to contaminants resulting in risk to human health, public safety, or the environment. For this reason, if GRANTOR seeks to construct stormwater features on the Property, GRANTOR shall submit the certified plan to DEP DWM in addition to obtaining any authorizations that may be required by DEP DWRM, the WMD, or other federal, state, or local laws and regulations that may apply to this activity. Unless it is demonstrated that the cleanup criteria under subsection 62-780.680(1), F.A.C., have been achieved, DEP, in addition to other remedies available under law, may institute proceedings to revoke this Declaration and the Conditional Site Rehabilitation Completion Order {{delete "and the Order" if no Order is to be issued}} and require the resumption of site rehabilitation activities if any such stormwater features are constructed or commenced without submittal of a certified plan.

- d. Soil Engineering Controls. "The "Boundary of Soil Contamination" as located on the Property as described in Exhibit A, and depicted on Exhibit B shall be permanently covered and maintained with a minimum of two (2) feet of clean and uncontaminated soil that prevents human exposure (hereinafter referred to as the "Engineering Control"). An Engineering Control Maintenance Plan (ECMP) has been approved by DEP. The ECMP specifies the frequency of inspections and monitoring for the Engineering Control and the criteria for determining when the Engineering Control has failed. The Engineering Control shall be maintained in accordance with the ECMP as it may be amended upon the prior written consent of DEP. The ECMP. The ECMP, as amended, relating to DEP Facility No. 139102969, can be obtained by contacting the appropriate DEP district office or Tallahassee program area;
- e. Excavation and Construction. Excavation and construction below the

Engineering Control is not prohibited on the "Boundary of Soil Contamination" provided any contaminated soils that are excavated are either: 1) placed back into the excavation and the Engineering Controls are reconstructed or 2) are removed and properly disposed of pursuant to Chapter 62-780, F.A.C., and any other applicable local, state, and federal requirements. Nothing herein shall limit any other legal requirements regarding construction methods and precautions that must be taken to minimize risk of exposure while conducting work in contaminated areas.

3. All references to "GRANTOR" and "DEP" shall also mean and refer to their respective legal representatives, successors and assigns.

4. For the purpose of monitoring the restrictions contained herein, DEP is hereby granted a right of entry upon, over and through and access to the Property at reasonable times and with reasonable notice to GRANTOR. Access to the Property is available via an immediately adjacent public right-of-way from NW 30th Avenue.

5. It is the intention of GRANTOR that this Declaration shall touch and concern the Property, run with the land and with the title to the Property, and shall apply to and be binding upon and inure to the benefit of GRANTOR and DEP, and to any and all parties hereafter having any right, title or interest in the Property or any part thereof. DEP may enforce the terms and conditions of this Declaration by injunctive relief and other appropriate available legal remedies. Any forbearance on behalf of DEP to exercise its right in the event of the failure of GRANTOR to comply with the provisions of this Declaration shall not be deemed or construed to be a waiver of DEP's rights hereunder. This Declaration shall continue in perpetuity, unless otherwise modified in writing by GRANTOR and DEP as provided in paragraph 7 hereof. These restrictions may also be enforced in a court of competent jurisdiction by any other person, firm, corporation, or governmental agency that is substantially benefited by this Declaration. If GRANTOR does not or will not be able to comply with any or all of the provisions of this Declaration, GRANTOR shall notify DEP in writing within three (3) calendar days.

6. In order to ensure the perpetual nature of this Declaration, GRANTOR shall record this Declaration, and reference these restrictions in any subsequent lease or deed of conveyance, including the recording book and page of record of this Declaration. Furthermore, prior to the entry into a landlord-tenant relationship with respect to the Property, GRANTOR agrees to notify in writing all proposed tenants of the Property of the existence and contents of this Declaration of Restrictive Covenant.

7. This Declaration is binding until a release of covenant is executed by the DEP Secretary (or designee) and is recorded in the public records of the county in which the land is located. To receive prior approval from DEP to remove any requirement herein, cleanup target levels established pursuant to Florida Statutes and DEP rules must be achieved. This Declaration may be modified in writing only. Any subsequent amendment must be executed by both GRANTOR and DEP and be recorded by GRANTOR as an amendment hereto.

8. If any provision of this Declaration is held to be invalid by any court of competent

jurisdiction, the invalidity of that provision shall not affect the validity of any other provisions of the Declaration. All such other provisions shall continue unimpaired in full force and effect.

9. GRANTOR covenants and represents that on the date of execution of this Declaration that GRANTOR is seized of the Property in fee simple and has good right to create, establish, and impose this restrictive covenant on the use of the Property.

10. GRANTOR also covenants and warrants that the Property is free and clear of any and all liens, mortgages, or encumbrances that could impair GRANTOR'S rights to impose the restrictive covenant described in this Declaration.

---The remainder of this page is intentionally left blank.---

IN WITNESS WHEREOF, GRANTOR and GRANTEE have caused this DECLARATION to be signed and executed effective as of the Effective Date.

Grantor:

ATTEST:

COMMISSIONERS

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY

By: _____
Juan Fernandez-Barquin
Clerk of the Courts

By: _____
County Mayor

Approved as to Form and Legal Sufficiency:

Assistant County Attorney

Approved as to form by the Florida Department of Environmental Protection,
Office of General Counsel _____.

IN WITNESS WHEREOF, the Florida Department of Environmental
Protection has executed this instrument, this _____
day of _____, 20_____.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

NATASHA LAMPKIN
Program Administrator
Division of Waste Management:
Petroleum Restoration Program
2600 Blair Stone
Road Tallahassee,
Florida 32399

Signed, sealed and delivered in the presence of:

Witness: _____ Date: _____
Print Name: _____

Witness: _____ Date: _____
Print Name: _____

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical
presence or ☐ online notarization, this _____ day of _____, 20_____
_____, by
_____ as representative for the Florida
Department of Environmental Protection.

Personally Known _____ OR Produced Identification _____.
Type of Identification Produced _____.

Signature of Notary Public

Print Name of Notary Public

Commission No. _____

Commission Expires: _____

Exhibit A – Legal Description of Property and Boundary of Soil Contamination

LEGAL DESCRIPTION OF PROPERTY

Miami-Dade County Water and Sewer is the property owner.

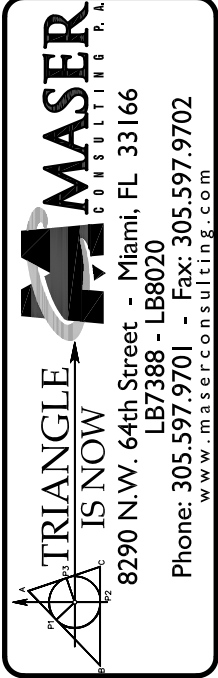
A portion Lot 24, of NILE GARDENS, according to the plot thereof, as recorded in Plot Book 31, Page 42, of the Public Records of Miami-Dade County, Florida

LEGAL DESCRIPTION OF BOUNDARY OF SOIL CONTAMINATION

A portion Lot 24, of NILE GARDENS, according to the Plat thereof, as recorded in Plat Book 31, Page 42, of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

Commence at NE Corner of Lot 24 of said Plot Book 31 Page 42; thence run S87°42'24"W along the North line of said Lot 24, a distance of 183.81 feet; thence run S01°45'20"E for a distance of 74.44 feet to the Point of Beginning; thence continue S01°45'20"E for a distance of 100.73 feet; thence run S88°34'26"W for a distance of 76.35 feet; thence run N02°12'43"W for a distance of 99.25 feet; thence run N87°28'15"E for a distance of 77.14 feet to the Point of Beginning.

Containing 7,674 Square Feet or 0.18 Acres, more or less.



SPECIFIC PURPOSE SURVEY

LEGAL DESCRIPTION:
Lot 24, of NILE GARDENS, according to the Plat thereof, as recorded in Plat Book 31, Page 42, of the Public Records of Miami-Dade County, Florida,
Containing 217,305 Square Feet or 4.99 Acres, more or less.

LEGAL DESCRIPTION (ENGINEERING CONTROL AREA):
A portion Lot 24, of NILE GARDENS, according to the Plat thereof, as recorded in Plat Book 31, Page 42, of the Public Records of Miami-Dade County, Florida, more particularly described as follows:
Commence at NE Corner of Lot 24, of said Plat Book 31 Page 42; thence run S87°42'24"W for a distance of 163.81 feet; thence run S87°42'24"W for a distance of 74.44 feet to the Point of Beginning; thence continue S01°45'20"E for a distance of 100.73 feet; thence run S88°34'26"W for a distance of 76.35 feet; thence run N02°12'43"W for a distance of 93.25 feet; thence run N87°28'15"E for a distance of 77.14 feet to the Point of Beginning.
Containing 7,674 Square Feet or 0.18 Acres, more or less.

LEGAL DESCRIPTION (ACCESS EASEMENT):
A portion Lot 24, of NILE GARDENS, according to the Plat thereof, as recorded in Plat Book 31, Page 42, of the Public Records of Miami-Dade County, Florida, more particularly described as follows:
Commence at NE Corner of Lot 24, of said Plat Book 31 Page 42; thence run S02°18'36"E for a distance of 173.00 feet to the Point of Beginning of said easement; thence run S87°41'24"W for a distance of 37.03 feet to the Point of Beginning of said easement; thence run S87°41'24"W for a distance of 39.60 feet to the Point of Beginning of said easement; thence run S87°41'24"W for a distance of 37.03 feet; thence run S87°41'24"W for a distance of 111.76 feet; thence run N41°30'12"W for a distance of 37.03 feet; thence run S87°41'24"W for a distance of 50.63 feet; thence run S55°23'31"W for a distance of 47.49 feet; thence run S02°18'36"E for a distance of 36.47 feet; thence run S87°41'24"W for a distance of 30.98 feet to the Point of Termination.
Containing 7,077 Square Feet or 0.16 Acres, more or less.

SURVEYOR'S NOTES:
The Property Legal Description is based on the Title Search Report No. 27399, prepared by American Government Services Corporation, certified through July 28, 2016 at 8:00AM.
The easements evidenced by Recorded Documents provided to the surveyor as noted in said Title Search Report No. 27399, as indicated by the shaded areas, are shown as noted herein and noted as to their effect on the Engineering Control Area.
Underground footings were not located.

No encroachments were noted by this survey, except as shown herein.
Any notorious evidence of occupation and/or use of the described parcel for Right-of-Way, Ingress or Egress are shown herein.
The ownership of the fences and/or walls as shown herein was not determined.
This survey map is intended for the use of the parties to whom this survey is certified to and for. Any reproduction is not an original. This surveyor retains an original to verify these dated contents for validity.
Differences are noted as compared to calculations from the record plat and are shown as plot (P), measured (M), record and/or deed.

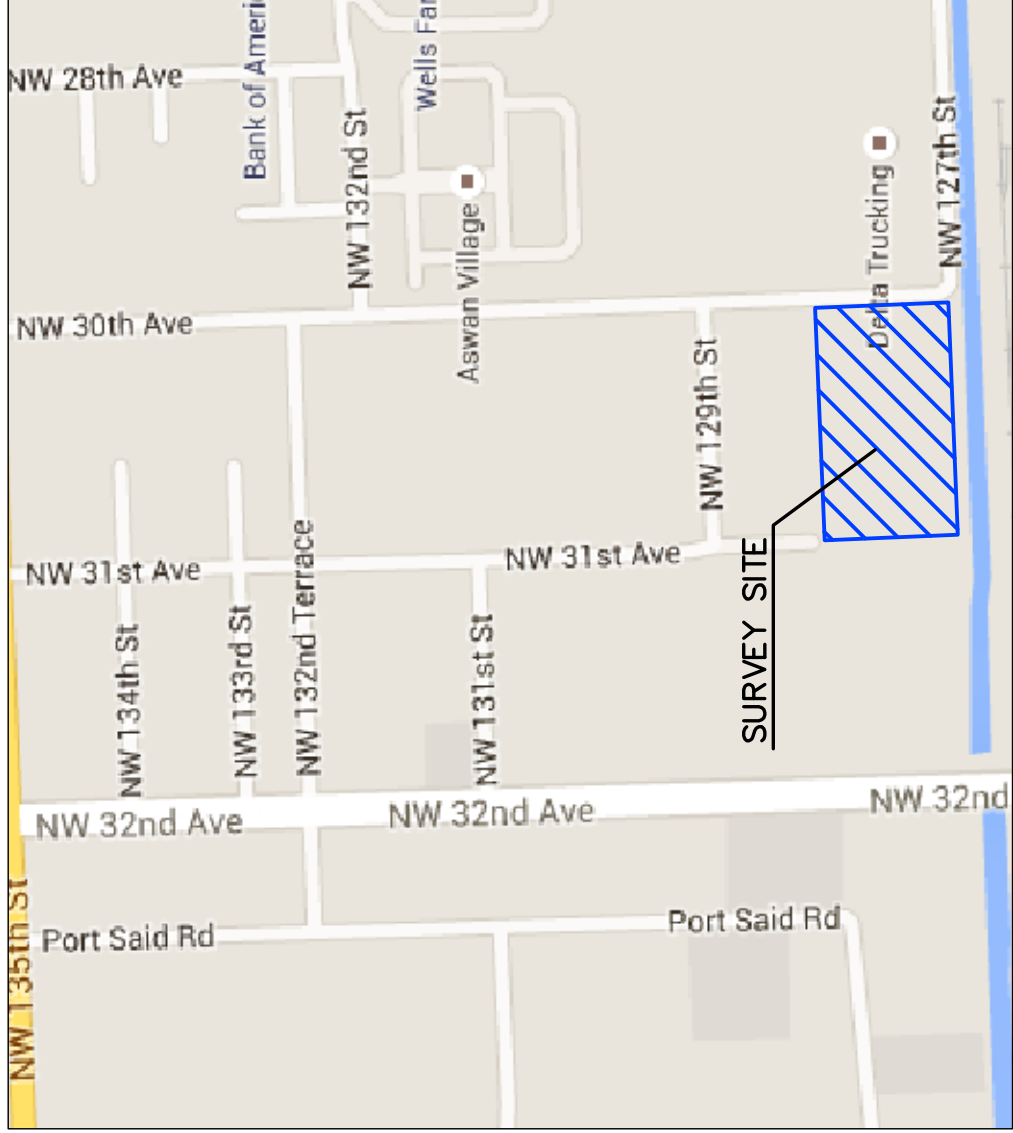
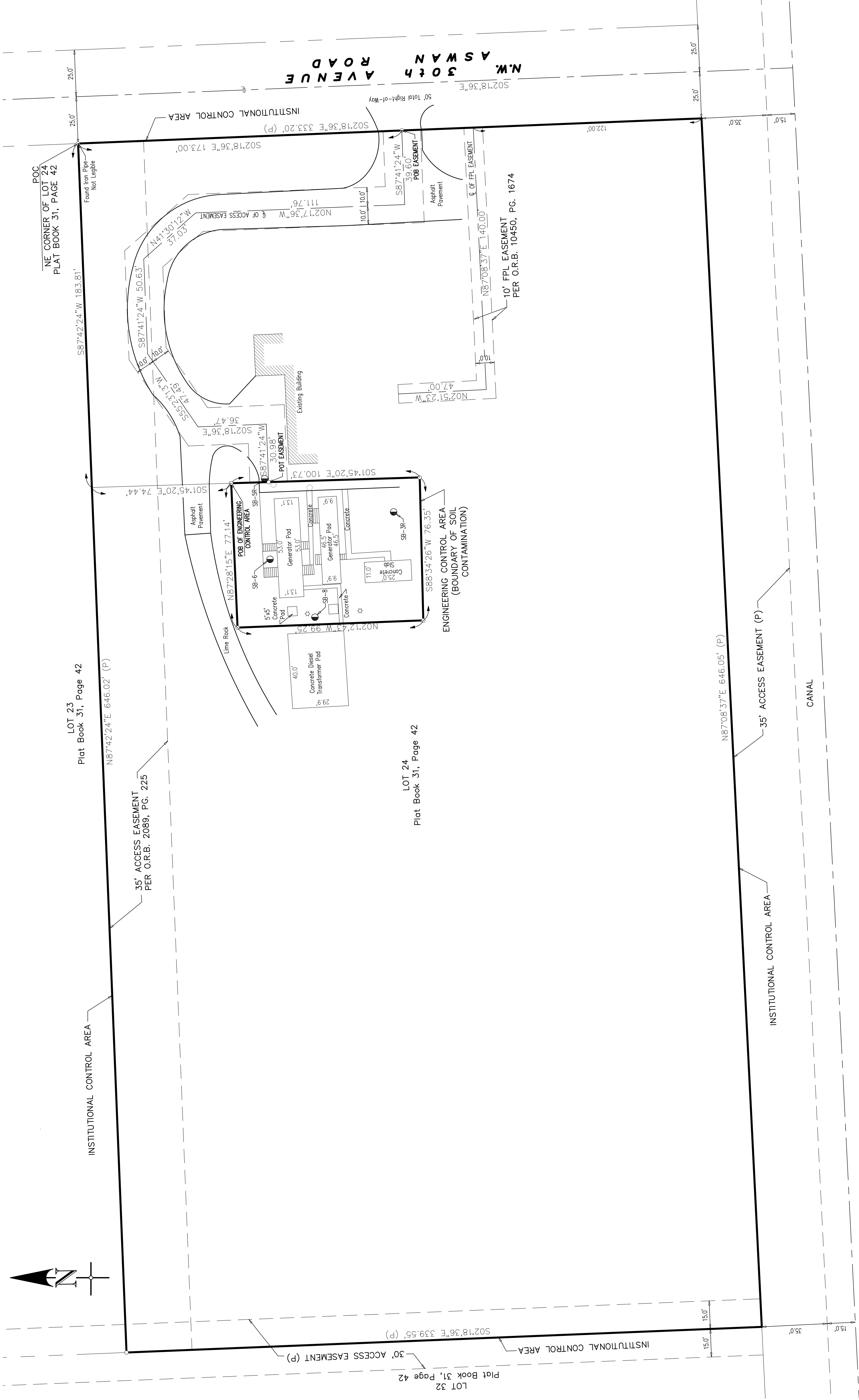
The Bearings as shown herein were derived using theIGNET GNSS Network Real Time Kinematic (RTK) service. The Network broadcasts in NAD 83 and NAD 88 datums with stated horizontal accuracies to 0.04 foot and vertical accuracies to 0.07 foot. All distance as shown are based on the US Survey foot.
This sketch shown herein in its graphic form, is the record depiction of the surveyed lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital format of this Survey. This map is intended to be displayed at a scale of 1"=30' or smaller. At the maximum intended displayed scale the survey and sketch's positional accuracy value occupies 1/30" on the display.
Additions or deletions to survey maps and reports by other than the signing party or parties are prohibited without the written consent of the signing party or parties. This document consists of 11 sheets and each sheet shall not be considered full, valid and complete unless attached to the others.
This survey map is intended to be displayed at the graphic and stated scales in English units of measurement. Attention is directed to the fact that said survey map may be altered in scale by reproduction. This must be considered when obtaining scaled data.
Accuracy Statement: Commercial/High Risk Linear 1 foot in 10,000.

SURVEYOR'S CERTIFICATE:
This is to certify to the herein named firm and/or persons that the "SPECIFIC PURPOSE SURVEY" of the herein described property is true and correct to the best of our knowledge and belief as surveyed and plotted under our direction on April 12, 2016. I further certify that this survey meets the Standards of Practice Requirements as set forth in Rule 5J-17.051 AND 5J-17.052 as adopted by the Florida Board of Professional Surveyors and Mappers pursuant to Chapter 472.027 Florida Statutes.
Maser Consulting P.A.

John Lipiak
Professional Surveyor and Mapper #5664
State of Florida
Not valid without the signature and original raised seal of a licensed Florida Surveyor and Mapper.

Date:	05/02/2016	Project:	16000987A
Scale:	1"=30'	Checked by:	DD
F.B.:	360-65	Drawn by:	JP
Sheet:	1 of 1	Sketch:	
Ref:			

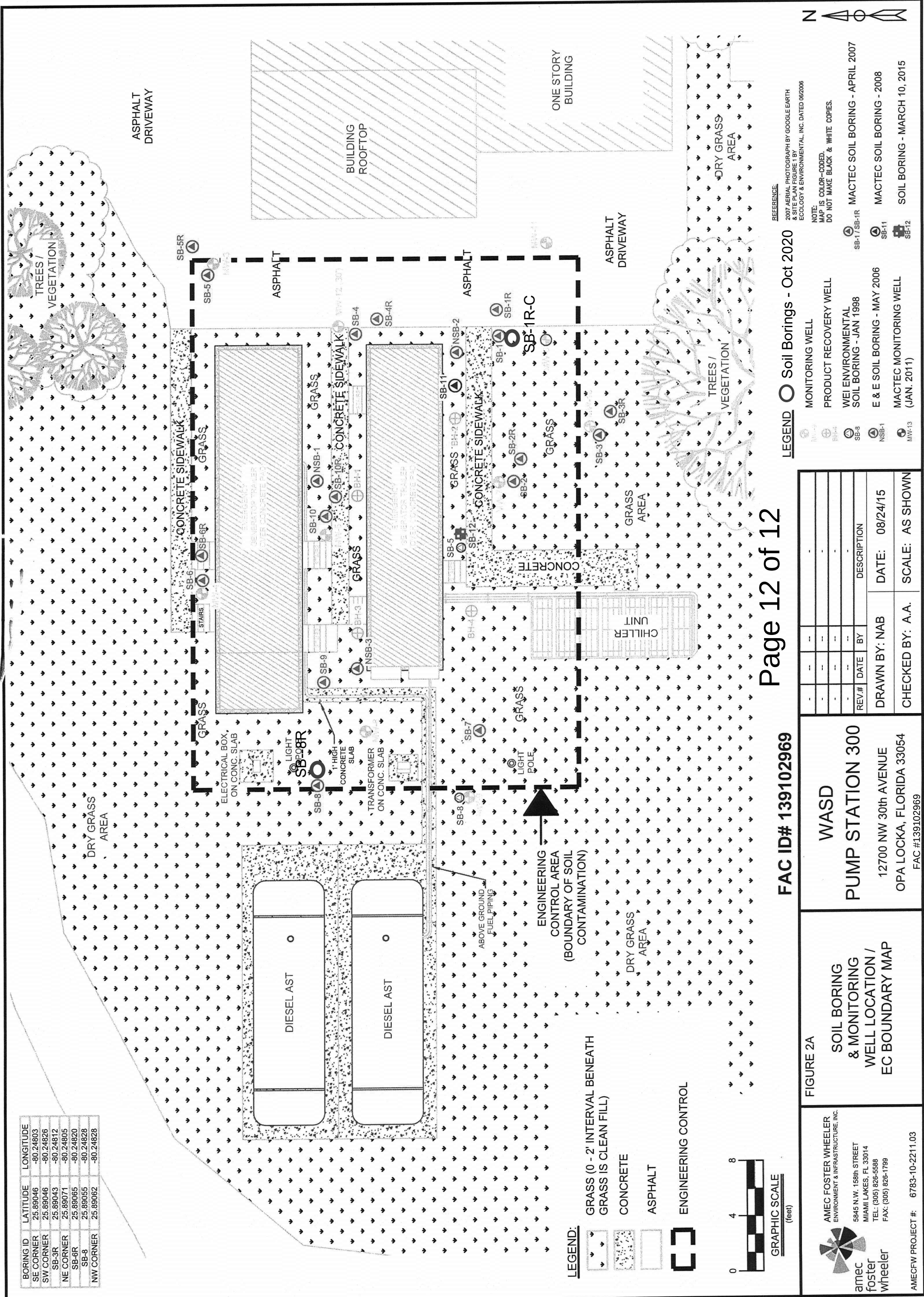
FAC ID#139102969



EASEMENTS AFFECTING ENGINEERING CONTROL AREA				
Easement	Book	Page	Affects/Does Not Affect	
Access Easement	2089	225	Does Not Affect	
Utility Easement	10450	1674	Does Not Affect	
Access Easement	31	42	Does Not Affect	

FAC ID#139102969

3/01/02/18	Added Easements of Record	KAB
2/10/17/16	Added Labels for Institutional Control Area	JP
10/17/16	Added Soil Borings	DD





MEMORANDUM

(Revised)

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

DATE: April 2, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(O)(1)

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. 8(O)(1)
4-2-24

RESOLUTION NO. _____ R-264-24

RESOLUTION APPROVING A DECLARATION OF RESTRICTIVE COVENANT BETWEEN THE COUNTY AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION PLACING CERTAIN RESTRICTIONS ON THE COUNTY-OWNED PROPERTY LOCATED AT 12700 NW 30 AVENUE, OPA LOCKA, FLORIDA, OCCUPIED BY MIAMI-DADE WATER AND SEWER DEPARTMENT'S PUMP STATION NO. 300; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE COVENANT, TAKE ALL ACTIONS TO EFFECTUATE SAME, AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND PURSUANT TO RESOLUTION NO. R-974-09, DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD THE RESTRICTIVE COVENANT IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY

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

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

Section 1. This Board approves and incorporates the foregoing recital as if fully set forth herein.

Section 2. This Board hereby approves the Declaration of Restrictive Covenant (the "Restrictive Covenant") between the County and the Florida Department of Environmental Protection, in substantially the form attached to the accompanying County Mayor's memorandum as Exhibit "1," placing certain restrictions on the County-owned property located at 12700 N.W. 30 Avenue, Opa Locka, Florida, which is occupied by the Miami-Dade Water and Sewer Department's Pump Station No. 300.

Section 3. This Board authorizes the County Mayor or the County Mayor’s designee to execute the Restrictive Covenant for and on behalf of the County, to take all actions necessary to effectuate same, and to exercise the provisions contained therein.

Section 4. Pursuant to Resolution No. R-974-09, this Board directs the County Mayor or County Mayor’s designee to record the Restrictive Covenant in the public records of Miami-Dade County and to provide a recorded copy to the Clerk of the Board within 30 days of execution of said instrument, and further directs the Clerk of the Board to permanently store the recorded copy along with this resolution.

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

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

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of April, 2024. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis