



# Florida Department of Transportation

JEB BUSH  
GOVERNOR

1000 Northwest 111th Avenue  
Miami, Florida 33172-5800

DENVER J. STUTLER, JR.  
SECRETARY

District Six Planning and Environmental Management Office  
1000 N.W. 111th Avenue, Room 6109  
Miami, FL 33172

June 19, 2006

Mr. David C. Gibbs, Division Administrator  
Federal Highway Administration  
545 John Knox Road, Suite 200  
Tallahassee, Florida 32303

Attention: Mr. Greg Williams, District Transportation Engineer

Subject: **Request for Determination of Section 4(f) Applicability**  
SR 997/SW 177<sup>th</sup> Avenue/Krome Avenue 'South'  
From: SW 296<sup>th</sup> Street/Avocado Drive  
To: SW 136<sup>th</sup> Street/Howard Drive  
Financial Management Number: 249614-4-22-01  
Federal Aid Project Number: Not Assigned  
County: Miami-Dade

Dear Mr. Gibbs:

The FDOT is proposing to reconstruct a 10-mile section of SR 997/SW 177<sup>th</sup> Avenue/Krome Avenue 'South'. This letter is to request that the FHWA make a formal Determination of Section 4(f) Applicability (DOA) on a property designated as a preserve adjacent to the above-referenced project limits. Please find the pertinent information enclosed as per the Project Development & Environment (PD&E) Manual, Part 2, Chapter 13-2.2.

Based on the information contained within this DOA, it is our opinion that Section 4(f) does not apply to the above-referenced property. Should you require any further information, please contact me or Susanne Travis at (305) 470-5220.

Sincerely,

Alice N. Bravo, P.E.

District Planning and Environmental Management Engineer

Attachments

cc: Monica Cejas, Marjorie Bixby, Susanne Travis

The FHWA  does /  does not] concur with the above determination.

\_\_\_\_\_  
Division Administrator  
Federal Highway Administration

\_\_\_\_\_  
Date



# Florida Department of Transportation

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GOVERNOR

1000 Northwest 111th Avenue  
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DENVER J. STUTLER, JR.  
SECRETARY

District Six Planning and Environmental Management Office  
1000 N.W. 111th Avenue, Room 6109  
Miami, FL 33172

May 24, 2006

Mr. David C. Gibbs, Division Administrator  
Federal Highway Administration  
545 John Knox Road, Suite 200  
Tallahassee, Florida 32303

Attention: Mr. Greg Williams, District Transportation Engineer

Subject: Request for Determination of Section 4(f) Applicability  
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Sincerely,

Alice N. Bravo, P.E.  
District Planning and Environmental Management Engineer

ANB/cfp  
Attachments

cc: Monica Cejas, Marjorie Bixby, Susanne Travis

**SECTION 4(F) DETERMINATION OF  
APPLICABILITY (DOA)**

**SR 997/KROME AVENUE PROJECT  
DEVELOPMENT & ENVIRONMENT STUDY  
FROM SW 296<sup>th</sup> STREET/AVOCADO DRIVE  
TO SW 136<sup>th</sup> STREET/HOWARD DRIVE**

**Prepared By  
Florida Department of Transportation**

**MAY 2006**

## SECTION 4(F) DETERMINATION OF APPLICABILITY (DOA)

### INTRODUCTION

The Florida Department of Transportation (FDOT) is currently conducting a Project Development and Environment (PD&E) Study to widen and reconstruct the existing SR 997/Krome Avenue/SW 177<sup>th</sup> Avenue corridor. As part of this study, the FDOT has conducted a Section 4(f) Determination of Applicability for a potential Section 4(f) Property, named Owaissa Bauer Addition No. 1. This property is located within the project corridor and will be discussed in more detail within this report. The limits of the project include from Avocado Drive/SW 296<sup>th</sup> Street to Howard Drive/SW 136<sup>th</sup> Street, a distance of approximately ten (10) miles. The project is located in Sections 12, 7, 1 and 6; Township 57S; Sections 36, 31, 25, 30, 24, 19, 13, 18, 12, 7, 1 and 6; Township 56S; Sections 36, 31, 25, 30, 24, 19, 13 and 18; Township 55S; Ranges 38E and 39E (*See Figure No. 1, Project Location Map*). The section of Krome Avenue from the intersection of SW 136<sup>th</sup> Street northward to the intersection of SR-25/US 27/Okeechobee Road in Miami-Dade County is the subject of another PD&E Study that extends approximately twenty-three (23) miles.

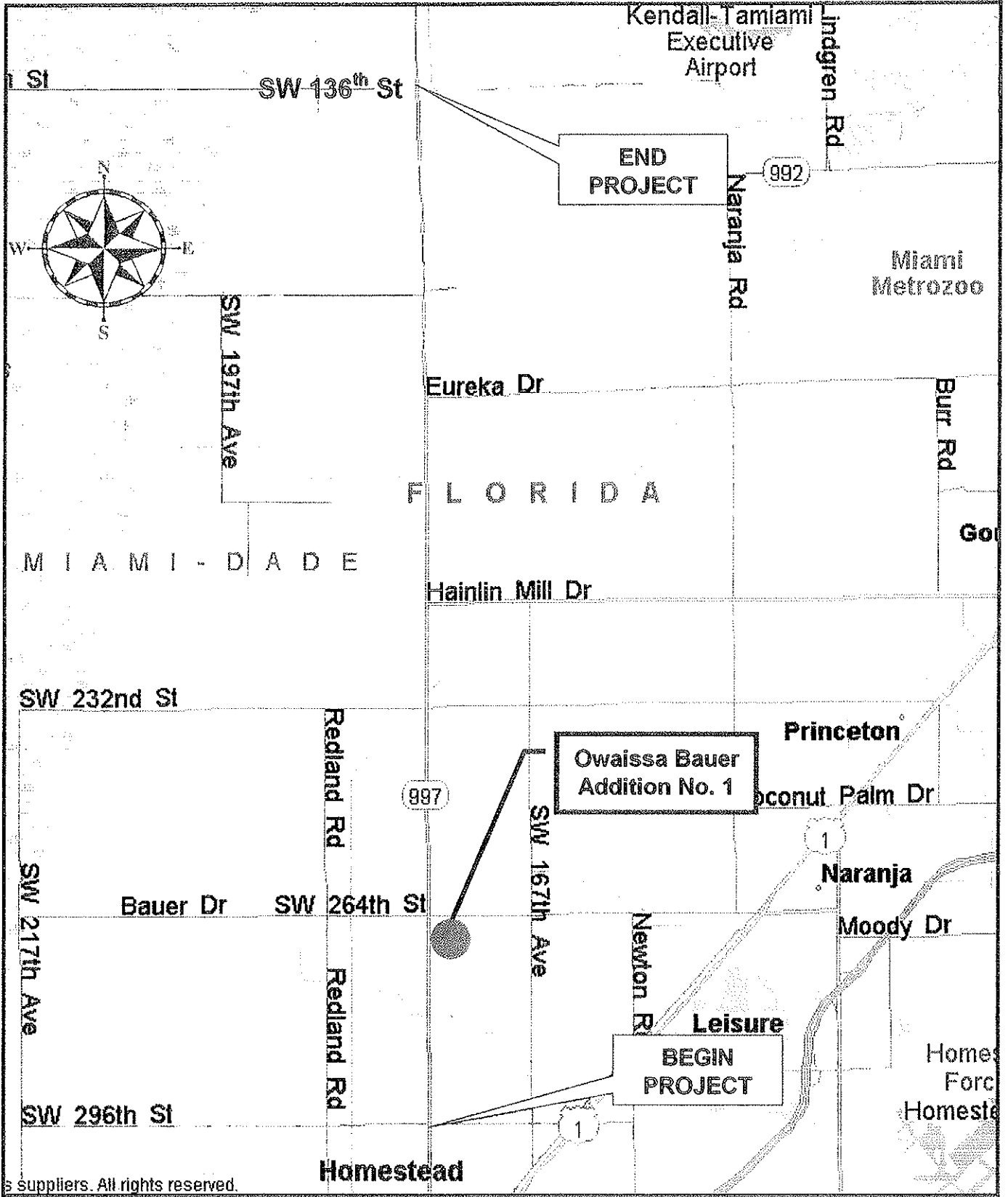
Krome Avenue is a major north-south rural/urban principal arterial that extends from SR-5/US 1 to SR-25/US 27/Okeechobee Road in Miami-Dade County. The project proposes to develop and analyze alternatives including a no build alternative, a Transportation System Management (TSM) alternative, and several build alternatives consisting of two, three, and four-lane typical sections. All alternatives will look at preserving the rural character of the corridor while providing safety and operational enhancements.

The Krome Avenue corridor has been the subject of extensive study and discussion for the past two decades. It provides regional connectivity from as far south as the Florida Keys to Broward County and points north. Further, it is one of only three evacuation routes serving the Florida Keys and southern Miami-Dade County. Other concerns include safety issues, roadway crashes, sight distance problems at intersections, inconsistent roadway shoulders, and inadequate signage.

Project objectives include the following: Improve roadway conditions; increase capacity to mitigate existing traffic congestion and to accommodate future traffic demand; improve drainage by providing the necessary stormwater treatment; improve access management; provide bicycle/pedestrian access and continuity; incorporate landscaping and aesthetic treatments, and maintain an adequate level of service for traffic during construction.

Project alternatives consider corridor options, typical section concepts, horizontal alignment concepts, intersection options, shared use path options, drainage treatment options, etc. Alternatives emphasize engineering, environmental, and socio-economic aspects. Other issues include a preliminary design analysis of bridge widening alternatives, maintenance of traffic, constructability issues, drainage, utilities, soils and geotechnical issues, socio-economic and environmental impacts, construction, and right-of-way costs.

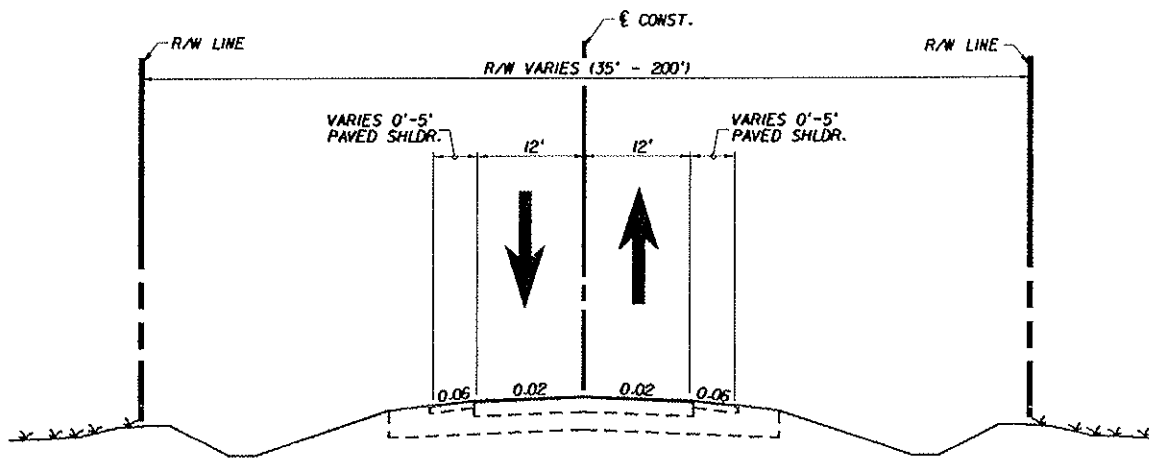
Figure No. 1 – PROJECT LOCATION MAP  
 SR 997 / Krome Avenue  
 From SW 296<sup>th</sup> Street to SW 136<sup>th</sup> Street  
 Miami-Dade County, Florida



Suppliers. All rights reserved.

136th Street/Howard Drive varies slightly, consisting primarily of two twelve-foot (12') travel lanes (less than 12' at some locations), with variable paved shoulders (0-5') and soil/grass swales. The existing right of way varies from 35 feet to 200 feet (*See Figure No. 2 - Existing Typical Section*). There are no existing pedestrian or bicycle facilities along Krome Avenue or any of the adjacent side streets. There are no crosswalks and/or pedestrian pushbuttons provided at the signalized intersections.

*Figure No. 2 - Existing Typical Section*



## SUPPORTING INFORMATION

- 1) *A detailed map identifying the relationship of the proposed project alternatives to the Section 4(f) properties:*

*See Appendix, Figure Nos. 3, 4, and 5, Aerials* showing the proposed project alternatives adjacent to the potential Section 4(f) property, Owaissa Bauer Addition No. 1.

Based on the four different alternatives considered, direct impacts to this property include the following: 0.82 acres of impact for Alternatives 1 & 2, 1.25 acres of impact for Alternative 3, and 1.0 acres of impact for Alternative 4.

- 2) *Size and location of the affected Section 4(f) properties:*

Section 4(f) properties can be divided into three categories: (A) publicly owned parks, recreation areas, and wildlife and waterfowl refuges, (B) historic and archaeological sites, and (C) properties which represent public multiple-use land holdings. They must also qualify as significant.

The potential Section 4(f) property, Owaissa Bauer Addition No. 1, is located on the southeast corner of Krome Avenue and SW 264<sup>th</sup> Street, including Section 13, Township 56 S, and Range 39 E. The entire property encompasses 9.35 acres (*See Appendix, Figure No. 6 – Existing Conditions Aerial*).

3) *Ownership and type of Section 4(f) property (park, recreation, historic etc.):*

In January of 1996, the Miami-Dade County Department of Environmental Resources Management (DERM) - Office of Environmentally Endangered Lands (EEL) purchased the property, and the title was transferred to the State of Florida Trustees of the Internal Improvement Trust Fund (TIITF) on August 27, 2002. Both State Conservation and Recreation Lands (CARL) and DERM - EEL Program funds were utilized to purchase the property. The DERM - EEL Office currently manages the property. The Statement of Significance from the DERM - EEL Office (*See Appendix, Figure No. 7 - Statement of Significance Letter dated April 11, 2006*) indicates that the property is described as a critically imperiled pine rockland preserve that was originally purchased for the purpose of conservation in perpetuity, and is designated as a significant preserve that provides a significant habitat for plants and animals. However, based on coordination between the FDOT consultants and DERM - EEL staff in March 2006, the EEL staff has stated that this site is not designated as a park, recreation, or wildlife refuge. Therefore, under the definition of Section 4(f) properties, this site does not fall under any of the three subject categories.

4) *Function or available activities on the properties:*

Based on a review of a DERM – EEL Office draft Biological Evaluation Report (BER) prepared for Owaissa Bauer Addition No. 1 (undated) and a field review conducted in March 2006 by FDOT Consultants, this site appears to function primarily as a natural pine preserve and also serves as a significant habitat for plants. From additional information contained in the BER and the Statement of Significance Letter, the DERM - EEL Office indicates that several migratory bird species and raptors have been observed on site. The site also contains one Federally-listed Candidate Plant, *Linum carteri var carteri*, which is found in clusters within the proposed right-of-way footprint for all alternatives on the east side of Krome Avenue. One Federally-listed Plant, the endangered *chamaesyce deltoidea ssp. adhaerens*, has also been identified within the preserve. However, this plant will not be impacted by any proposed alternatives. *See Appendix, Figure No. 8 - Locations of State & Federally Listed Plants at Owaissa Bauer Addition No. 1 (includes listing of plants observed), and Appendix, Figure No. 9 - Listed Animal Species Observed at Owaissa Bauer Addition No. 1).*

Even though several migratory bird species and raptors have been observed at Owaissa Bauer Addition No. 1, this kind of usage appears to be incidental or secondary to the primary function of the site, which is to provide a habitat for rare plant species.

5) *Description/location of all existing and planned facilities:*

Currently there are no existing or planned facilities on this site. Access control, interpretive

signs, and walking paths may be installed in the future. However, based on coordination with Emilie Young, Director of the DERM EEL Office, this site will continue to function as a preserve in the future. As a requirement of this site under the EEL Program, a management plan for the property will be developed within the next year.

**6) *Access (pedestrian, vehicular) and usage (approximate number of users/visitors):***

Access to the property is provided to pedestrians. Two asphalt roads enter into Owaissa Bauer Addition No. 1 from SW 264th Street, but both roads are closed off with metal locking gates.

Therefore, the site is closed to vehicular traffic. One of the roads extends south (approximately 300 feet) and ends near the center of the property. The second road extends south (approximately 550 feet) along the entire length of the western property boundary. A chain link fence extends along the eastern property boundary. Thick vegetation surrounds most edges of the site making access from pedestrians difficult. Legal access by pedestrians is currently available from Krome Avenue and SW 264th Street.

Because the preserve is an undeveloped, naturally vegetated site and does not have any existing facilities, usage from the general public appears to be low especially since the site is open by appointment only, according to additional information provided in the Statement of Significance letter package from the DERM – EEL Office to the FDOT.

**7) *Relationship to other similarly used lands in the vicinity:***

Immediately adjacent to the Owaissa Bauer Addition No. 1 site is another pineland property, named Owaissa Bauer Addition No. 2, which comprises a total of 20 acres. This site is located further east along SW 264<sup>th</sup> Street, and is designated as a Natural Forest Community by Miami-Dade County, and on the acquisition list for the EEL Program. In addition, Camp Owaissa Bauer is a 79-acre Miami-Dade County Park, which is located on the north side of SW 264 Street, further north and east of Krome Avenue. Owaissa Bauer Addition No. 1 site is also a pine rockland forest fragment which was historically connected to a larger natural area, part of which remains in Camp Owaissa Bauer Park, another pineland property that is under Miami-Dade County Parks and Recreation jurisdiction. However, both sites serve different purposes. The Owaissa Bauer Park is primarily a recreational park facility, and Owaissa Bauer Addition No. 1 is primarily a plant preserve.

**8) *Applicable clause affecting ownership, such as lease, easement, covenants, restrictions, or conditions, including forfeiture:***

Within the Owaissa Bauer Addition No. 1 site, 7.42 acres are subject to Natural Forest Community restrictions as designated within Chapter 24 - Section 49 (Tree Preservation and Protection) and Section 50 (Environmentally Endangered Lands Program) of the Miami-Dade County Code (*See Appendix, Figure No. 10 - Code of Miami-Dade County, Chapter 24, Sections 49 & 50*). The northern 55 feet and western 35 feet of the property are dedicated rights-of-way of Miami-Dade County. The property also is subject to terms of the Board of



Trustees of the Internal Improvement Trust Fund of the State of Florida - Lease Agreement No. 3941 (*See Appendix, Figure No. 11 – Multiple Agency Lease Agreement*), which leases the property to Miami-Dade County for the purpose of conservation and protection of public lands.

**9) *Unusual characteristics of the Section 4(f) properties (flooding, terrain, other features) that either reduce or enhance the value of all or part of the property:***

As discussed previously, a number of rare State and Federal (Candidate and Listed) protected plant species enhance the value of this property. As noted in the Statement of Significance letter (*See Appendix, Figure No. 7 – Statement of Significance Letter*), the Florida Natural Areas Inventory designates pine rockland habitat as “G1 which means Critically imperiled globally.” This is a designation which indicates extreme rarity (5 or fewer occurrences or less than 1000 individual plants) or because of extreme vulnerability to extinction due to some natural or man-made factor. Pine rockland habitat is extremely rare and exists in limited areas of the Florida Keys and the Bahamas.

**10) *Statement on significance from the official who has jurisdiction over the Section 4(f) property (regarding the entire property, not of the proposed use):***

The FDOT solicited Statements of Significance from the corresponding officials regarding the potential Section 4(f) properties described in this DOA (*Appendix, See Figure No. 11 - FDOT Request for Statement of Significance Letter*). As discussed before, the DERM - EEL Office responded by providing a Statement of Significance letter (*See Appendix, Figure No. 7 - Statement of Significance Letter*) which states “the subject property, Owaissa Bauer Addition No. 1, is a critically imperiled pine rockland, acquired for the purpose of conservation, that will function as a natural pine rockland preserve in perpetuity.” Also within the letter, the following statement is made, “the Owaissa Bauer Addition #1 is a natural preserve of statewide Significance.”

**11) *Project activities which may result in proximity impacts to the resources, and attributes or features of the Section 4(f) properties which may be sensitive to proximity impacts from potential constructive use:***

There will be no proximity impacts from the proposed project because the site will not be substantially impaired from functioning as a preserve. In addition, the proposed project will not substantially impair the activities, features, or attributes that qualify these resources as a preserve. Before construction of this project, the DERM – EEL Office indicated that they would be erecting a fence around the entire site so that no construction staging of equipment or other construction activities will take place within the site.

**12) *Grants Applicable to Section 4(f) Properties:***

This site has been designated by the Board of County Commissioners as an Environmentally Endangered Lands (EEL) site and has been ranked No. 1 on the State CARL Bargain Share List as part of the “Dade Archipelago” project. The Dade Archipelago project was an

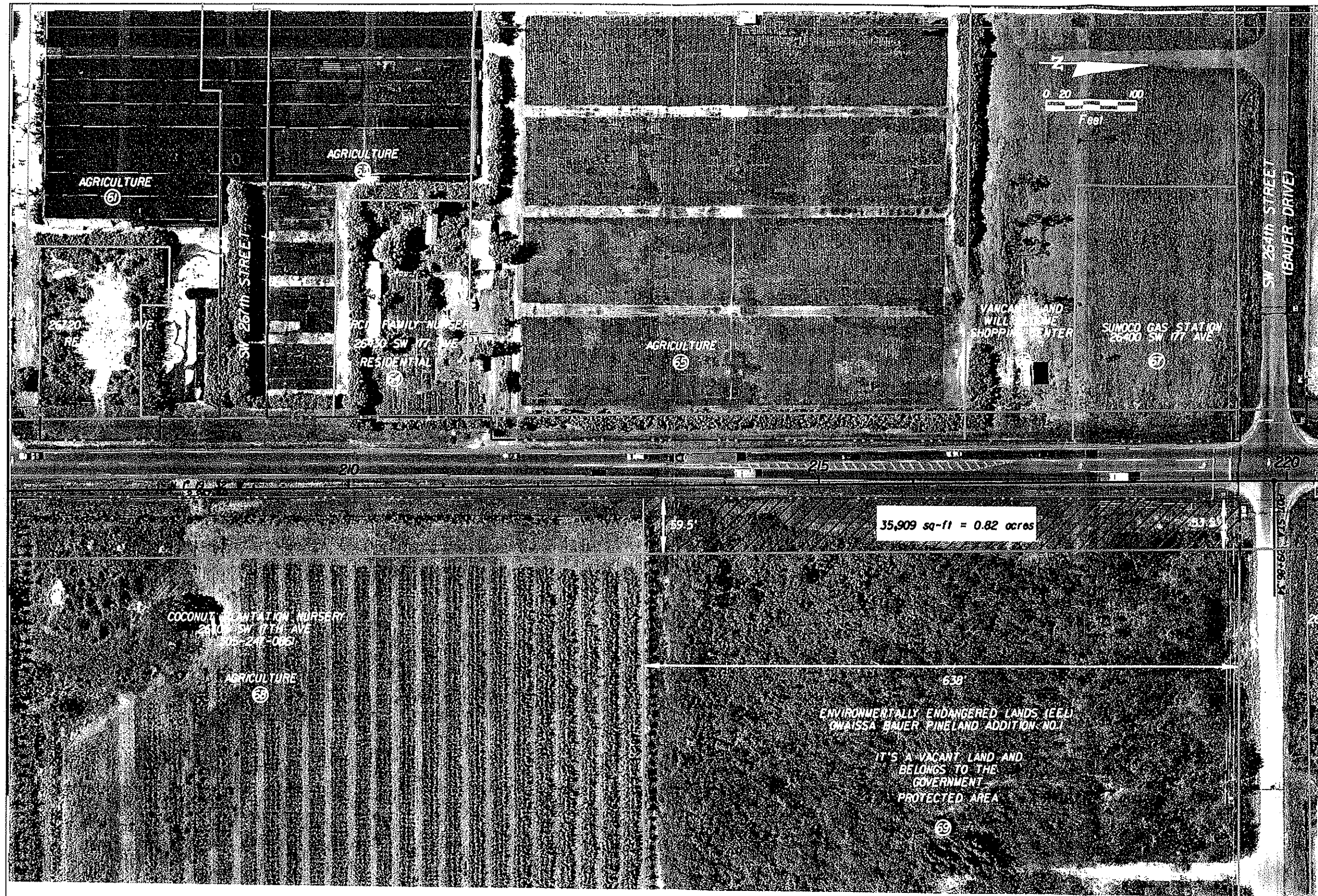
acquisition program started in the 1990's to purchase natural pine rockland sites within the Miami-Dade County area. Through this program, Miami-Dade County and the State acquired the site with 50-50 matching funds in order to protect its natural resources.

**KROME AVENUE SOUTH  
DETERMINATION OF APPLICABILITY  
APPENDIX**

## **FIGURE NO. 3**

**Krome Avenue PD&E Study  
Illustrating Proposed Footprints of Alternatives 1 & 2  
And EEL Right of Way Impacts  
(From Approximate Station 213 + 20 to Approximate Station 219 + 50)**

MATCH LINE STA. 206+43



MATCH LINE STA. 220+45

REVISIONS						URS	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			KROME AVENUE ALTERNATIVES 1 & 2 EEL RIGHT OF WAY IMPACTS	FIGURE NO. 3
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION		ROAD NO.	COUNTY	FINANCIAL PROJECT ID		
		PD&E STUDY DRAFT SUBJECT TO CHANGE	4-12-06		LEGEND: - - - - - EXISTING RW - - - - - ALTERNATIVE 1 - - - - - PARCEL LINES - - - - - CENTER LINE OF CONSTRUCTION	7650 Corporate Center Drive, Suite 400 Miami, Florida, 33131-1220 Ph: (305) 262-7466 - Fax: (305) 261-4017	SR-997	MIAMI-DADE	249614-4-22-01		

## **FIGURE NO. 4**

**Krome Avenue PD&E Study  
Illustrating Proposed Footprints of Alternative 3  
And EEL Right of Way Impacts  
(From Approximate Station 213 + 20 to Approximate Station 219 + 50)**



MATCH LINE STA. 206+43



MATCH LINE STA. 220+45

REVISIONS						URS	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			KROME AVENUE ALTERNATIVE 3 EEL RIGHT OF WAY IMPACTS	FIGURE NO. 4
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION		ROAD NO.	COUNTY	FINANCIAL PROJECT ID		
		PD&E STUDY DRAFT SUBJECT TO CHANGE	4-12-06		LEGEND: - - - - - EXISTING RAW - - - - - ALTERNATIVE 3 - - - - - PARCEL LINES - - - - - CENTER LINE OF CONSTRUCTION		7650 Corporate Center Drive, Suite 400 Miami, Florida, 26331-1220 Ph : (305) 262-7466 - Fax : (305) 261-4017	SR-997	MIAMI-DADE		

## **FIGURE NO. 5**

**Krome Avenue PD&E Study  
Illustrating Proposed Footprints of Alternative 4  
And EEL Right of Way Impacts  
(From Approximate Station 213 + 20 to Approximate Station 219 + 50)**



MATCH LINE STA. 206+43



MATCH LINE STA. 220+45

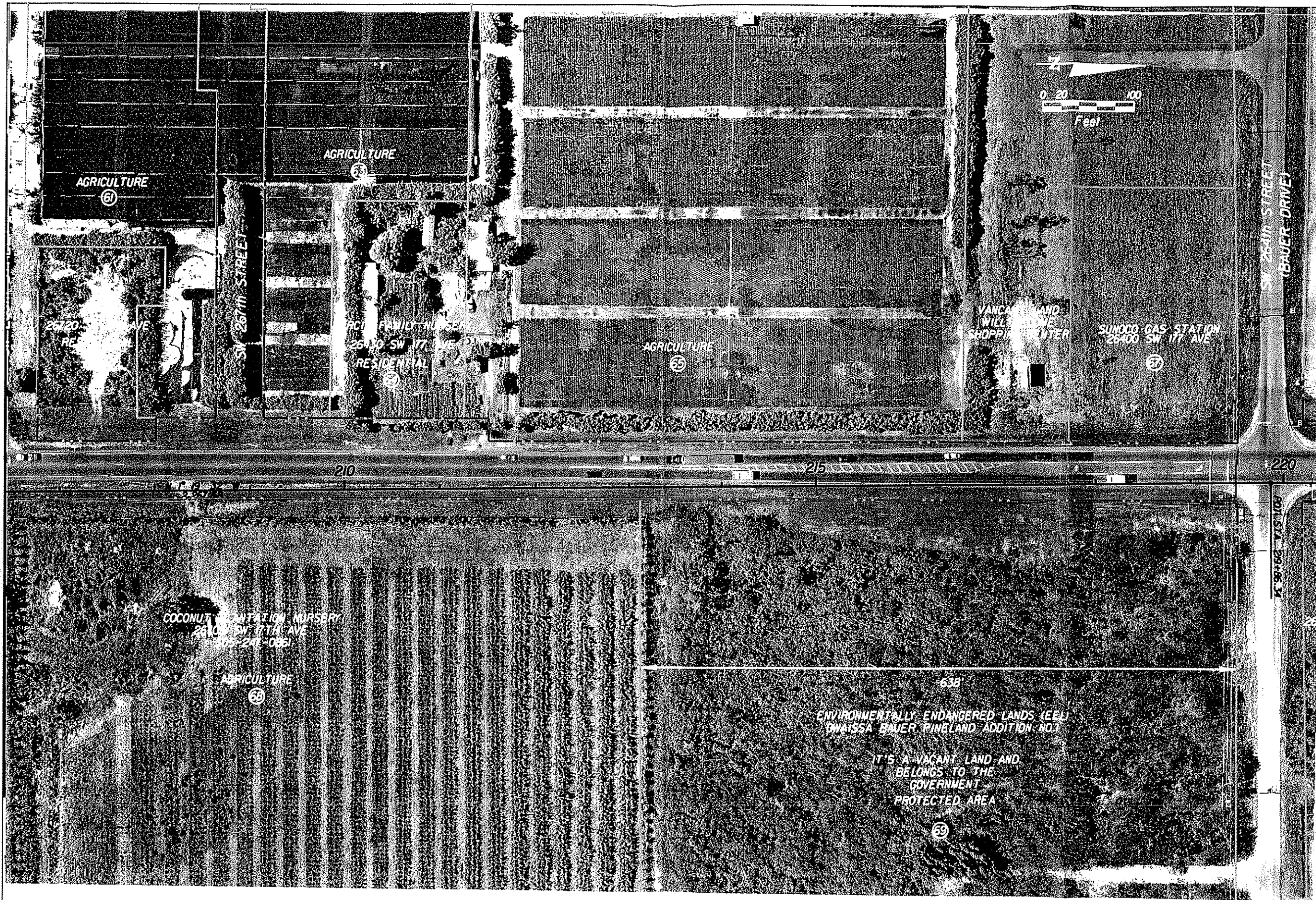
REVISIONS				URS	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			KROME AVENUE ALTERNATIVE 4 EEL RIGHT OF WAY IMPACTS	FIGURE NO. 5
DATE	BY	DESCRIPTION	DATE		BY	DESCRIPTION	ROAD NO.		
		PD&E STUDY DRAFT SUBJECT TO CHANGE	4-12-06				SR-997	MIAMI-DADE	249614-4-22-01
LEGEND:				7850 Corporate Center Drive, Suite 400 Miami, Florida, 26331-1220 Ph: (305) 262-7466 - Fax: (305) 261-4017					
EXISTING RAW ALTERNATIVE 4 PARCEL LINES CENTER LINE OF CONSTRUCTION									

## **FIGURE NO. 6**

**Krome Avenue PD&E Study  
Illustrating Krome Avenue Project Corridor  
Existing Conditions and the EEL Property  
(From Approximate Station 213 + 20 to Approximate Station 219 + 50)**



MATCH LINE STA. 206+43



MATCH LINE STA. 220+45

REVISIONS				UR S	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			KROME AVENUE EXISTING CONDITIONS EEL PROPERTY	FIGURE NO. 6
DATE	BY	DESCRIPTION	DATE		BY	DESCRIPTION	ROAD NO.		
		PD&E STUDY DRAFT SUBJECT TO CHANGE	4-12-06		LEGEND: - - - - - EXISTING RAW - - - - - PARCEL LINES - - - - - CENTER LINE OF CONSTRUCTION	SR-997	MIAMI-DADE	249614-4-22-01	
					7650 Corporate Center Drive, Suite 400 Miami, Florida, 26331-1220 Ph : (305) 262-7466 - Fax : (305) 261-4017				

## **FIGURE NO. 7**

### **RESPONSE LETTER FROM OFFICIALS HAVING JURISDICTION OVER POTENTIAL SECTION 4(f) PROPERTY**

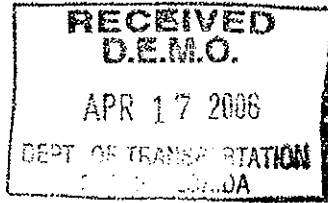
**For Owaissa Bauer Addition No. 1 Property**

**April 11, 2006**

**Ms. Emilie M. Young, Program Director**

**Environmentally Endangered Lands Program**

**Miami-Dade County Department of Environmental Resources Management**



miamidade.gov

- ADA Coordination
- Agenda Coordination
- Art in Public Places
- Audit and Management Services
- Aviation
- Building Code Compliance
- Building
- Business Development
- Capital Improvements
- Citizen's Independent Transportation Trust
- Communications
- Community Action Agency
- Community & Economic Development
- Community Relations
- Consumer Services
- Corrections & Rehabilitation
- Countywide Healthcare Planning
- Cultural Affairs
- Elections
- Emergency Management
- Employee Relations
- Enterprise Technology Services
- Environmental Resources Management**
- Fair Employment Practices
- Finance
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- General Services Administration
- Historic Preservation
- Homeless Trust
- Housing Agency
- Housing Finance Authority
- Human Services
- Independent Review Panel
- International Trade Consortium
- Juvenile Assessment Center
- Medical Examiner
- Metropolitan Planning Organization
- Park and Recreation
- Planning and Zoning
- Police
- Procurement Management
- Property Appraiser
- Public Library System
- Public Works
- Safe Neighborhood Parks
- Seaport
- Solid Waste Management
- Strategic Business Management
- Team Metro
- Transit
- Urban Revitalization Task Force
- Vizcaya Museum and Gardens
- Water and Sewer

April 11, 2006

Ms. Alice N. Bravo, P.E.  
 Florida Department of Transportation  
 District Planning and Environmental Management Office  
 1000 NW 111<sup>th</sup> Avenue, Rm. 6109  
 Miami, FL 33172

Re: Statement of Significance—Owaissa Bauer Addition No. 1, Krome Avenue South Project Development & Environmental Study, FDOT Financial Mgmt No: 249614-4-21-1, Miami-Dade.

Dear Ms. Bravo:

We have reviewed your information request for the Krome Avenue South Project that is proposed to occur adjacent to EEL property, Owaissa Bauer Addition #1.

Our Statement of Significance is as follows:

The subject property, Owaissa Bauer Addition #1, is critically imperiled pine rockland, acquired for the purpose of conservation, that will function as a natural pine rockland preserve in perpetuity. This remnant pine rockland forest fragment was historically connected to a larger natural area, part of which remains in Camp Owaissa Bauer Park. The property is designated by the Board of County Commissioners as an Environmentally Endangered Lands (EEL) site and has been ranked #1 on the States Conservation and Recreation Lands (CARL) Bargain Share List as part of the "Dade Archipelago" project. The site was acquired with 50-50 matching funds by the County and the State in order to protect its natural resources.

The Florida Natural Areas Inventory designates pine rockland habitat as "G1 = Critically imperiled globally" a designation which indicates extreme rarity (5 or fewer occurrences or less than 1000 individuals) or because of extreme vulnerability to extinction due to some natural or man-made factor. Pine rockland habitat is extremely rare and exists in limited areas of the Florida Keys and the Bahamas. The Owaissa Bauer preserve area serves as significant habitat for plants and animals. Several migratory bird species and raptors have been observed on site. The Owaissa Bauer Addition #1 is a natural preserve of Statewide significance.

This Department has the responsibility to protect and manage the subject property in accordance with Ch. 24-50 of the Miami-Dade County Code and

*Delivering Excellence Every Day*

**Figure No. 7 - Statement of Significance Letter**

Alice N. Bravo  
Florida Department of Transportation  
District Planning and Environmental Management Office  
Page 2

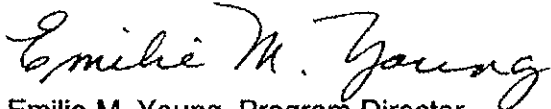
to regulate impacts to this natural forest community in accordance with Ch. 24-49 of the County Code.

Our response to your request for information regarding this site is attached, along with the following documents:

1. EEL Ordinance (Ch. 24-50)
2. Natural Forest Community regulations (Ch24-49)
3. Owaissa Bauer Addition #1 Biological Evaluation
4. Owaissa Bauer Addition #1 FY 2004-2005 Workplan & Budget
5. Owaissa Bauer Addition #1 Plant List compiled by Institute for Regional Conservation

Please contact me at (305) 372-6687 should you have any further questions or concerns.

Sincerely,



Emilie M. Young, Program Director  
Environmentally Endangered Lands Program

## **FIGURE NO. 8**

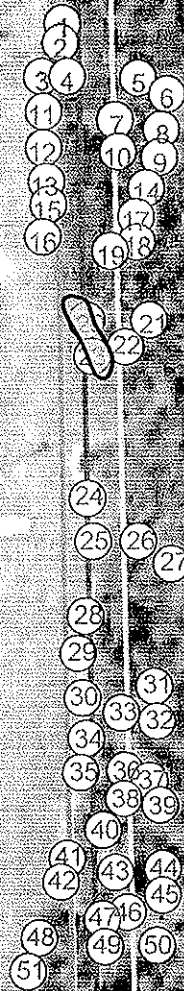
**Locations of State Listed Plants at Owaissa Bauer Addition No. 1 (includes listing of plants observed - March 14, 2006 and May 2006)**



SW 264th Street (Bauer Drive)

SW 177th Avenue (SR 997 Krome Avenue)

Owaissa Bauer Addition



**Legend**

- Alternative 1
- Alternative 2
- Alternative 3
- Alternative 4
- Location of *Linum carteri* var. *carteri*
- Locations Of State Listed Plants (observed March 14, 2006)
- Location of *Chamaesyce deltoidea* sub sp. *adhaerens* (observed May 2006)

Source: Miami-Dade County IT Dept.  
 Project: Krome Ave South PD&E Study  
 Location: Miami-Dade County, Florida  
 Proj. No.: 249614-4-22-01  
 Scale: 1 inch = 100 feet

Locations Of State & Federally Listed Plants At Owaissa Bauer



FLORIDA DEPARTMENT OF TRANSPORTATION  
ENVIRONMENTAL MGMT. OFFICE

Exhibit No. 8



Key to State Listed Plants Observed At Owaissa Bauer Addition

Location #	Listed Species Observed
1	<i>Senna mexicana</i> var. <i>chapmanii</i> (Chapman's wild sensitive plant, FL-T), <i>Argythamnia blodgettii</i> (Blodgett's wild mercury, FL-E), <i>Smilax havanensis</i> (Everglades greenbrier, FL-T)
2	<i>Smilax havanensis</i> , <i>Argythamnia blodgettii</i> , <i>Koanophyllon villosum</i> (Florida shrub thoroughwort, FL-E)
3	<i>Coccothrinax argentata</i> (Florida silver palm, FL-T), <i>Smilax havanensis</i> , <i>Senna mexicana</i> var. <i>chapmanii</i>
4	<i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Tetrazygia bicolor</i> (tetrazygia, FL-T), <i>Smilax havanensis</i> , <i>Byrsonima lucida</i> (locustberry, FL-T), <i>Coccothrinax argentata</i>
5	<i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Smilax havanensis</i> , <i>Coccothrinax argentata</i> , <i>Crossopetalum ilicifolium</i> (Christmasberry, FL-T), <i>Zamia pumila</i> (coontie, FL-C), <i>Pteris bahamensis</i> (Bahama ladder brake, FL-T)
6	<i>Tetrazygia bicolor</i> , <i>Smilax havanensis</i> , <i>Argythamnia blodgettii</i>
7	<i>Crossopetalum ilicifolium</i> , <i>Koanophyllon villosum</i> , <i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Coccothrinax argentata</i>
8	<i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Zamia pumila</i> , <i>Smilax havanensis</i> , <i>Crossopetalum ilicifolium</i>
9	<i>Zamia pumila</i> , <i>tetrazygia bicolor</i> , <i>Crossopetalum ilicifolium</i> , <i>Tragia saxicola</i> (Florida Keys nosebum, FL-T), <i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Coccothrinax argentata</i>
10	<i>Coccothrinax argentata</i> , <i>Zamia pumila</i> , <i>Smilax havanensis</i> , <i>Argythamnia blodgettii</i> , <i>Koanophyllon villosum</i>
11	<i>Koanophyllon villosum</i> , <i>Coccothrinax argentata</i>
12	<i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Smilax havanensis</i>
13	<i>Smilax havanensis</i> , <i>Coccothrinax argentata</i> , <i>Tetrazygia bicolor</i> , <i>Koanophyllon villosum</i>
14	<i>Smilax havanensis</i> , <i>Coccothrinax argentata</i> , <i>Tetrazygia bicolor</i> , <i>Senna mexicana</i> var. <i>chapmanii</i>
15	<i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Smilax havanensis</i> , <i>Zamia pumila</i>
16	<i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Koanophyllon villosum</i> , <i>Zamia pumila</i> , <i>Pteris bahamensis</i> , <i>Smilax havanensis</i>
17	<i>Zamia pumila</i> , <i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Smilax havanensis</i>
18	<i>Koanophyllon villosum</i> , <i>Smilax havanensis</i> , <i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Zamia pumila</i> , <i>Coccothrinax argentata</i>
19	<i>Tetrazygia bicolor</i> , <i>Coccothrinax argentata</i> , <i>Smilax havanensis</i>
20	<i>Zamia pumila</i> , <i>Coccothrinax argentata</i> , <i>Tetrazygia bicolor</i> , <i>Myrcianthes fragrans</i> (Simpson's stopper, FL-T)
21	<i>Tetrazygia bicolor</i> , <i>Smilax havanensis</i>
22	<i>Tetrazygia bicolor</i> , <i>Byrsonima lucida</i> , <i>Koanophyllon villosum</i>
23	<i>Koanophyllon villosum</i> , <i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Argythamnia blodgettii</i> , <i>Crossopetalum ilicifolium</i>
24	<i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Argythamnia blodgettii</i> , <i>Koanophyllon villosum</i> , <i>Zamia pumila</i> , <i>Coccothrinax argentata</i>
25	<i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Tetrazygia bicolor</i>
26	<i>Coccothrinax argentata</i> , <i>Smilax havanensis</i> , <i>Tetrazygia bicolor</i>
27	<i>Tetrazygia bicolor</i> , <i>Pteris bahamensis</i> , <i>Coccothrinax argentata</i>

Location #	Listed Species Observed
28	<i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Argythamnia blodgettii</i>
29	<i>Argythamnia blodgettii</i>
30	<i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Koanophyllon villosum</i> , <i>Coccolobos argentea</i> , <i>Zamia pumila</i> , <i>Lantana depressa</i> (pineland lantana)
31	<i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Tetrazygia bicolor</i>
32	<i>Tetrazygia bicolor</i>
33	<i>Tetrazygia bicolor</i> , <i>Byrsonima lucida</i>
34	<i>Byrsonima lucida</i> , <i>Coccolobos argentea</i> , <i>Senna mexicana</i> var. <i>chapmanii</i>
35	<i>Byrsonima lucida</i> , <i>Coccolobos argentea</i> , <i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Tetrazygia bicolor</i>
36	<i>Coccolobos argentea</i> , <i>Tillandsia fasciculata</i> var. <i>densispica</i> (cardinal airplant. FL-E)
37	<i>Coccolobos argentea</i>
38	<i>Tetrazygia bicolor</i>
39	<i>Coccolobos argentea</i>
40	<i>Coccolobos argentea</i> , <i>Byrsonima lucida</i> , <i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Tetrazygia bicolor</i> , <i>Angadenia berteroi</i> (pineland golden trumpet, FL-T)
41	<i>Zamia pumila</i> , <i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Argythamnia blodgettii</i>
42	<i>Koanophyllon villosum</i> , <i>Tetrazygia bicolor</i> , <i>Zamia pumila</i> , <i>Senna mexicana</i> var. <i>chapmanii</i>
43	<i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Angadenia berteroi</i> , <i>Zamia pumila</i> , <i>Koanophyllon villosum</i>
44	<i>Koanophyllon villosum</i> , <i>Coccolobos argentea</i> , <i>Senna mexicana</i> var. <i>chapmanii</i>
45	<i>Koanophyllon villosum</i> , <i>Tetrazygia bicolor</i> , <i>Zamia pumila</i>
46	<i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Koanophyllon villosum</i>
47	<i>Zamia pumila</i> , <i>Senna mexicana</i> var. <i>chapmanii</i>
48	<i>Argythamnia blodgettii</i> , <i>Rhynchosia parvifolia</i> (small-leaf snoutbean, FL-T), <i>Koanophyllon villosum</i>
49	<i>Senna mexicana</i> var. <i>chapmanii</i> , <i>Koanophyllon villosum</i>
50	<i>Zamia pumila</i> , <i>Tetrazygia bicolor</i> , <i>Coccolobos argentea</i> , <i>Senna mexicana</i> var. <i>chapmanii</i>
51	<i>Lantana depressa</i>

FL= Florida Department of Agriculture and Consumer Affairs - The state lists of plants are categorized into endangered, threatened and commercially exploited, and are administered and maintained by the Florida Department of Agriculture and Consumer Services via Chapter 5B-40, F.A.C.

E = Endangered

T = Threatened

C = Commercially Exploited

**FIGURE NO. 9**

**Listed Animal Species Observed at Owaissa Bauer Addition No. 1**

Figure No. 9 – List of Animals Species Observed - Owaissa Bauer  
Addition No. 1

<b>Common Name</b>	<b>Scientific Name</b>
Downy woodpecker	* <i>Picoides pubescens</i>
Common yellowthroat	* <i>Geothlypis trichas</i>
Blue-Gray gnatcatcher	* <i>Poliopitila caerulea</i>
Cardinal	* <i>Cardinalis sp.</i>
Rufous-sided towhee	* <i>Pipilo erythrophthalmus</i>
Red-bellied woodpecker	* <i>Melanerpes carolinus</i>
Blue Jay	* <i>Cyanocitta cristata</i>
Mockingbird	* <i>Mimus polyglottos</i>
Young marsh hawk	* <i>Circus cyaneus</i>

\* Not on State of Florida Fish & Wildlife Conservation Commission Threatened or Endangered Species Listing, but protected under the US Migratory Bird Treaty Act.

**FIGURE NO. 10**

**CODE OF MIAMI-DADE COUNTY, CHAPTER 24, SECTION 49 – TREE  
PRESERVATION & PROTECTION, AND SECTION 50 -  
ENVIRONMENTALLY ENDANGERED LANDS PROGRAM**

**Code of Miami-Dade County**

**Chapter 24**

**Section 49 – Tree Preservation & Protection**

**Section 50 – Environmentally Endangered Lands Program**

**DIVISION 2. TREE PRESERVATION AND PROTECTION****Sec. 24-49. Permits for tree removal and relocation, improperly issued permits, violation of permit conditions, exemptions from tree removal permits; mortgagee exemption from liability.**

- (1) It shall be unlawful for any person, unless otherwise permitted by the terms of this article, to do tree removal work or to effectively destroy any tree, or to effectively destroy any understory in a natural forest community, without first obtaining a permit from the Department.
- (2) No municipal or County official shall issue a tree removal permit that does not comply with the provisions of this article. Any such permit shall be void.
- (3) It shall be unlawful for any person to violate or not comply with any of the conditions of a Miami-Dade County tree removal permit.
- (4) The following activities are exempt from tree removal permits:
  - (a) Removal of trees within the yard area of an existing single-family residence, provided the trees are not within a natural forest community, and are not specimen trees. This exemption does not apply to trees which are growing on County rights-of-way adjoining existing single-family residences;
  - (b) Removal of trees for the construction of a new single-family residence, provided that:
    - (i) The lot is one (1) acre or less in size (43,560 square feet), if an AU zoned lot, or one-half ( 1/2) acre or less in size (21,780) square feet, for any other zoned lot; and
    - (ii) The lot is being developed as the principal residence of the owner-builder; and
    - (iii) The lot is not within an area designated as a natural forest community; and
    - (iv) The trees are not specimen trees.
  - (c) Removal of any dead tree.
  - (d) Removal of trees within State-approved plant nurseries and botanical gardens, provided said trees were planted and are growing for the display, breeding, propagation, sale or intended sale to the general public in the ordinary course of business.
  - (e) Removal of trees for the establishment, maintenance and operation of a bona fide grove or bona fide tree nursery, except when the proposed tree removal is to occur in a natural forest community designated under Resolution No. 1764-84 or under subsequent revisions of the natural forest community maps or when the proposed tree removal will affect specimen trees as defined herein. Any person desiring to remove trees pursuant to this provision shall obtain written approval from the Department prior to the commencement of any such activities under this exemption.
  - (f) Removal of any of the following tree species (provided the activity is not within a natural forest community, in which case a permit shall be required, but all application and permit fees shall be waived by the department):
    - (i) *Melaleuca quinquenervia* (cajeput or paperbark tree).
    - (ii) *Casuarina* spp. (Australian pine, beefwood).

- (iii) *Schinus terebinthifolius* (Brazilian pepper).
- (iv) *Bischofia javanica* (bishopwood).
- (v) *Ricinus communis* (castorbean).
- (vi) *Psidium guajava* (guava).
- (vii) *Albizia lebbek* (woman's tongue).
- (viii) *Acacia auriculaeformis* (earleaf acacia).
- (ix) *Schefflera actinophylla* (Queensland Umbrella Tree).
- (x) *Araucaria heterophylla* (Norfolk Island Pine).
- (xi) *Metopium toxiferum* (poison wood).
- (xii) *Adenanthera pavonina* (red sandalwood).
- (xiii) *Cupaniopsis anacardioides* (carrotwood).
- (xiv) *Dalbergia sissoo* (Indian dalbergia, sissoo).
- (xv) *Ficus microcarpa* (=R. nitida; =F. retusa varnitida) (laurel fig).
- (xvi) *Flacourtia indica* (governor's plum).
- (xvii) *Hibiscus tiliaceus* (mahoe).
- (xviii) *Leucaena leucocephala* (lead tree).
- (xix) *Mimosa pigra* (catclaw mimosa).
- (xx) *Thespesia populnea* (seaside mahoe).

(g) Removal of any tree which has been destroyed or effectively destroyed by an Act of God, or by acts outside of the control of any person, individually or otherwise, who has or had a legal, beneficial or equitable interest in the real property upon which such tree is located, which acts could not have been prevented by the exercise of reasonable care by any such person, individually or otherwise, who has or had a legal, beneficial or equitable interest in the real property upon which such tree is located. Where a tree has been destroyed or effectively destroyed by acts outside of the control of a person who has or had a legal, beneficial or equitable interest in the real property upon which such tree is located, which acts could not have been prevented by the exercise of reasonable care by such person, this provision shall be construed to impose joint and several liability upon the person(s) destroying or effectively destroying such tree, and to exempt from liability for such destruction or effective destruction the person who has or had a legal, beneficial or equitable interest in the real property upon which such tree is located.

(h) Removing, trimming, cutting or altering of any mangrove tree or removal of any tree located upon land which is wetlands as defined in Section 24-5. Trees located upon land which is wetlands as defined in Section 24-5 and mangrove trees located anywhere in Miami-Dade County shall be subject to the permitting requirements of Article IV of this chapter.

(i) Removal of tree within a bona fide fruit grove for the express purpose of converting said bona fide fruit grove to another bona fide agricultural purpose, provided however, that the owner of the real property upon which the bona fide fruit grove is planted has entered into a covenant agreement with Miami-Dade County in the form approved by the Board of County Commissioners, which covenant stipulates that said property shall only be used for bona fide agricultural purposes for a period of five (5) years from the date of execution. The form for said covenant agreement shall be approved by the Board of County Commissioners by resolution concurrently with the approval of this ordinance so



that all covenant agreements submitted pursuant to this provision can be executed and accepted by the director of DERM and then recorded in the Official Records of Miami-Dade County without the necessity of additional public hearings. In the event that the provisions of said covenant are not complied with, the Director of DERM may commence an action in law or equity to ensure adherence with the replanting requirements contained in Section 24-49.4 of the Miami-Dade County Code.

(5) Any mortgagee with respect to property upon which any violation of this tree ordinance has occurred shall not be liable for such violation unless, prior to said violation, said mortgagee has foreclosed upon said property or participated in the management or control of said property, or unless said mortgagee has effected or caused the tree ordinance violations occurring on said property.

(6) Notwithstanding the provisions of Section 24-31(7) herein, if actions or omissions constituting a violation of this article occurred at a time when the completed actions or omissions were not prohibited by law, such completed actions or omissions shall not constitute a violation of this article.

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

### **Sec. 24-49.1. Permits Generally.**

Tree removal permits are required for the removal or relocation of any tree not specifically exempted under Section 24-49(4). The Department shall provide permit application forms which shall be used by permit applicants. An owner, agent of the owner, or lessee of a property may apply for a tree removal permit. If the permit application is a lessee or agent of the owner, a statement from the owner of the property indicating that the owner has no objection to the proposed tree removal shall be submitted with the application. The permit applicant shall submit to the Department a completed application form. Permit application forms shall be accompanied by two (2) sets of site plans which are subject to review and approval by the Department. The site plan shall include the locations of all existing tree resources and all proposed structures or utilities which may require removal or relocation of trees. The Department may require that said plans be prepared by either a landscape architect, architect or an engineer registered in the State of Florida. If the submitted site plan does not provide sufficient information to determine which trees will be affected by the proposed development, the Department may require that a tree survey of the site be prepared and submitted to the Department for review.

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

### **Sec. 24-49.2. Review and evaluation of permit applications, natural forest communities standards, specimen tree standards.**

A review of each completed tree removal permit application shall be conducted by the Department. This review and all actions taken by the Department under the provisions of this article shall be conducted using best available practices from biology, botany, forestry, landscape architecture and other relevant fields, and shall be conducted in a manner that is consistent with all applicable goals, objectives and policies in the Comprehensive Development Master Plan for Miami-Dade County, Florida. Upon receipt of a completed permit application, the Department shall determine whether the site contains any portion of a natural forest community, specimen trees or any other trees subject to the provisions of this article as follows:

(1) If a site contains any portion of a natural forest community, then the provisions of Section 24-49.2(1) shall apply. If any person is in doubt as to whether a particular property has been designated as a natural forest community, said person may request a written determination from the Department. Said written determination shall state

whether or not a particular property has been so designated by the Miami-Dade County Commission in the forest community maps under Resolution 1764-84 and shall be prepared by the Department within twenty (20) days of receipt of said request.

Any property owner of a designated natural forest community site may request that the Department verify the designated boundaries of a specific natural forest community site or may request that a specific site be deleted from the approved natural forest community maps. Requests for verification of the designated boundaries of a specific natural forest community site or the deletion of a specific site from the approved maps shall be made in writing to the Department. Upon receipt of such requests, Departmental staff shall inspect the site and make a determination whether the approved boundaries accurately reflect the current boundaries of a natural forest community as defined herein, or whether a site should be deleted from the approved maps. If it is determined that the approved boundaries of a specific natural forest community site are not longer accurate, the Director or his designee shall modify the approved boundary of the natural forest community. One (1) copy of the modified boundary shall be furnished to the person who originated the request within thirty (30) days of receipt of the original request and another copy shall be made permanently available at the Department for reference by the public. If it is determined that a specific natural forest community site in its entirety no longer meets the definition of a natural forest community as defined herein, the Director shall recommend to the Board of County Commissioners that the site be deleted from the approved natural forest community maps.

(2) If a site contains any specimen trees, then the provisions of Section 24-49.2(II) shall apply.

(3) If there are trees present on a site other than any portion of a natural forest community or specimen trees, then the replacement provisions of Section 24-49.4 shall apply.

(4) In the event that a site contains any combination of natural forest community, specimen trees or other trees, then shall be applied in proportion to the presence of each type of tree or Sections 24-49.2(I), 24-49.2(II), and 24-49.4 community.

The standards to be applied in reviewing tree removal permit applications involving natural forest communities or specimen trees are as follows:

(I) *Natural Forest Communities Standards.*

(1) Upon receipt of an application for tree or understory removal work in a natural forest community, Departmental staff shall verify that the site currently meets the definition of a natural forest community as defined herein. If Departmental staff determine that a site no longer meets the definition of a natural forest community, then the Director shall recommend to the Board of County Commissioners that the site be deleted from the natural forest community maps. Upon approval by resolution of the Board of County Commissioners, the site will no longer be subject to the provisions of Section 24-49.2(I), but may nevertheless be subject to the provisions of Sections 24-49.2(II) and 24-49.4. In the event that Departmental staff determine that the site currently meets the definition of a natural forest community as defined herein, but the boundary line shown on the approved maps no longer accurately reflects the boundary of a natural forest community as defined herein, the boundary of the natural forest community as shown on the approved maps shall be modified by the Director or his designee. One (1) copy of the modified boundary shall be furnished to the property owner and another copy shall be made permanently available at the Department for reference by the public. If the boundaries of a natural forest community

are modified, only that area encompassed within the modified boundary of the natural forest community shall be subject to the provisions of this section.

(a) Except as provided in Section 24-49.2(l)(1)(c) below, a permit shall not be issued to clear more than ten (10) percent of the canopy and understory of any hardwood hammock natural forest community or more than twenty (20) percent of the canopy and understory of any pineland natural forest community, provided said sites are five (5) acres or greater. If a site has a total area of less than five (5) acres and the natural forest community covers all or a portion of the site, a permit may be issued to clear up to one-half ( 1/2) acre within a hammock natural forest community and up to one (1) acre within a pineland natural forest community, only if the clearing of ten (10) percent or twenty (20) percent, respectively, does not allow some use of the property.

(b) The remaining portions of all natural forest community sites, outside of the areas where tree and understory removal have been permitted by the Department, shall be deemed preserve areas and shall be left in a natural state. Additional clearing of trees or understory shall be prohibited in these preserve areas, except as authorized by other provisions of this article. Firebreaks for pineland natural forest community preserves shall be permitted, and the total area encompassed by the firebreaks (up to a maximum of ten (10) percent of the natural forest community site) shall not be included in the total area which is permitted to be cleared, pursuant to Section 24-49.2(l)(1)(a) and (c). Required dedicated public rights-of-way and required public utility easements in pineland and hammock natural forest communities shall be excluded (up to a maximum of ten (10) percent of the natural forest community site) from the total areas permitted to be cleared, pursuant to Section 24-49.2(l)(1)(a) and (c). The criteria for determining which portion of a natural forest community shall be preserved are as follows:

(i) Whether the preservation area affords maximum protection to rare, threatened and endangered species.

(ii) Whether the preservation area affords maximum protection to areas of high wildlife utilization such as, but not limited to, nesting or breeding areas.

(iii) Whether the preservation area is located to minimize the number of trees and understory vegetation that is to be removed and disturbed for development.

(iv) Whether the preservation area is located to protect the geological and archaeological value of the site.

(v) Whether the preservation area is located contiguous with another natural forest community.

(c) Permits for tree and understory removals within natural forest communities that are issued in accordance with Section 24-49.2(l)(1)(a) and (b) above shall not require any tree or understory replacement. As an alternative to Section 24-49.2(l)(1)(a). above, a permit may be issued to clear up to an additional ten (10) percent of a pineland natural forest community, provided that tree

and understory replacement are a requirement of the permit. Said tree and understory replacement shall provide for the replacement of one hundred (100) percent canopy coverage equal to the square footage of the additional area to be cleared regardless of the actual tree canopy contained therein to account for the replacement of the trees and understory, pursuant to the provisions of Section 24-49.4(1)(b)(i).

(d) Any permit issued for the removal of trees and understory within a natural forest community shall include a specific requirement which allows a minimum of fifteen (15) days for the salvaging of native plant materials within the area which is permitted to be cleared. However, any person desirous of salvaging plant materials must first have authorization from the permittee or owner of the property, which authorization shall not be unreasonably withheld. The Department shall maintain a list of persons interested in salvaging native plant materials and shall notify them immediately upon issuance of such a permit.

(2) Alternatives to the provisions of Section 24-49.2(l)(1). In order to provide for unique design considerations for the replacement requirements in Section 24-49.2(l)(1)(c) above, and to address natural forest community sites which are within the 1990 Urban Development Boundary, the following shall apply:

(a) Alternative tree and understory replacement plans may be submitted for projects which require mitigation, pursuant to Section 24-49.2(l)(1)(c) above, that are outside of the 1990 Urban Development Boundary. Said alternative plan shall be prepared by a landscape architect or other individual knowledgeable in the field of natural area restoration, and shall indicate the deviations from the standard requirement and justification for approval.

(b) Alternative tree and understory replacement and preservation plans may be submitted for projects which affect natural forest communities which are located within the 1990 Urban Development Boundary and which cannot meet the express terms of Section 24-49.2(l)(1). In such cases, the applicant shall have the burden of demonstrating that a proposed project meets the intent of this article and that the provisions of Section 24-49.2(l)(1) cannot be met.

(i) At a minimum, an alternative tree and understory replacement and preservation plan shall include:

1. A statement sealed by a landscape architect registered in the State of Florida that indicates that he has prepared the submitted plan and that the intent of this article can effectively be met through the submission of an alternative plan; provided, however, if the project only encompasses a single family residence with ancillary facilities, then said statement and plan may be made by an individual knowledgeable in the field of natural area restoration;

2. The proposed location of all vegetation preservation and replantings (consisting exclusively

of native species), all property lines, and all proposed or existing structures, driveways and utility easements; and

3. A tabulation that identifies any deviations from the requirements of Section 24-49.2(l)(1) and explicitly provides for equivalent compensation by alternative replanting (consisting exclusively of native species) or trust fund contributions.

(ii) Approval of the plan shall be determined by the Department. The Department shall consider the following factors in evaluating the alternative preservation plan:

1. Whether the proposed plan preserves a portion of the natural forest community.

2. Whether the proposed plan provides for on-site or off-site replanting, including understory replanting.

3. Whether the proposed plan provides for an equitable contribution to the Miami-Dade County Tree Preservation Trust Fund when the minimum preservation standards of Section 24-49.2(l)(1) are not met.

(3) Modified preservation and replacement plan based upon justifiable, detrimental reliance allowed. In order to address these cases in which a person has purchased natural forest community property in justifiable, detrimental reliance upon written representations of Department staff made prior to the enactment of Chapter 24-49 of the Code of Miami-Dade County regarding replacement and preservation requirements for said property, the following shall apply:

Any owner of a natural forest community property who has purchased natural forest community property in justifiable, detrimental reliance upon written representations of Department staff made prior to the enacting of Chapter 24-49 [Article IV] of the Code of Miami-Dade County may submit to the Department an application for approval of a modified replacement and preservation plan which shall incorporate the replacement and preservation requirements reflected in the agreement relied upon. In such cases, the applicant shall have the threshold burden of demonstrating to the Department and the Board of County Commissioners the detrimental, justifiable reliance which provides the basis for his application.

(a) The Department shall make its recommendation to the Board of County Commissioners, and the Board of County Commissioners shall make its decision, for denial or approval with conditions of the modified replacement and preservation plan. In evaluating the proposed modified preservation and replacement plan, and in making the threshold determination of whether the applicant has purchased natural forest community property in justifiable, detrimental reliance upon written representations of Department staff made prior to the enactment of Chapter 24-49 [Article IV] of the Code of Miami-Dade County, the Department shall make its recommendation, and the Board of County

Commissioners shall make its decision, based upon the following factors:

(i) At a minimum, the application for modified replacement and preservation plan shall reflect that the elements provided for in Section 24-49.2(1)(2)(b)(i)1, 2, and 3 above are included in the proposed plan, provided, however, that, if the Board of County Commissioners determines that the applicant purchased natural forest community property in justifiable, detrimental reliance upon written representations of Department staff made prior to enactment of Chapter 24-49 of the Code of Miami-Dade County, and if the written representations relied upon did not address tree replacement or tree compensation requirements, then the tree replacement or tree compensation requirements applicable at the time of such justifiable, detrimental reliance may be made a part of the modified replacement and preservation plan.

(ii) In addition to the elements provided for in Section 24-49.2(1)(2)(b)(i)1, 2, and 3, the application for modified replacement and preservation plan shall include information regarding the following factors:

1. The nature of the written representations relied upon: Whether the representations by the Department could be construed to be a final determination regarding preservation and replacement requirements for the subject property; and

2. The existence of a permit or written consent agreement with the Department: Whether a tree removal permit or consent agreement with the Department was entered into by the owner of the subject property or his immediate predecessor in title prior to purchase of the subject property; and

3. The circumstances of the property purchase: Whether (a) the purchase of the subject property occurred before or after enactment of Chapter 24-49 of the Code of Miami-Dade County, and (b) the purchase of the subject property occurred close in time to the date of the written representations relied upon, and (c) the owner has legal representation or other professional assistance in negotiating and concluding said purchase; and

4. Subsequent dealings with the Department: Whether the applicant had dealings with the Department occurring subsequent to the date of the written representations relied upon and prior to the date of purchase of the subject property.

The Board of County Commissioners shall hold a public hearing concerning the application. A notice of the time and place of said public hearing shall be published in a newspaper of general circulation in Miami-Dade County a

minimum of seven (7) days prior to the public hearing. Said notice shall include a brief description of the proposed replacement and preservation plan and the location of the subject natural forest community property.

(iii) Appeal from denial of modified preservation and replacement plan. Any person aggrieved by any decision of the Board of County Commissioners pursuant to this Section 24-49.2(l)(3) may seek judicial review in accordance with the Florida Rules of Appellate Procedure.

(II) *Specimen Trees Standards.*

(1) *Specimen trees application.* Specimen trees shall be preserved whenever reasonably possible. Upon receipt of an application to remove a specimen tree, the Department shall consider the following factors in evaluating said application:

- (a) Size and configuration of the property.
- (b) Size and configuration of any proposed development.
- (c) Location of the tree relative to any proposed development.
- (d) Whether or not the tree can be preserved under the proposed plan or any alternative plan.
- (e) Health, condition and aesthetic qualities of the tree.
- (f) Whether the tree poses a threat to persons or property.

(2) *Alternate plans.* If, upon review of the factors enumerated in Section 24-49.2(II)(1), the Department determines that a specimen tree cannot reasonably be preserved under the proposed plan, then the applicant shall provide an alternate plan when feasible, which shall include preservation of the specimen tree and design alterations consistent with the scope and intent of the initially-proposed plan. Alterations consistent with the scope and intent of the initially-proposed plan may include, but shall not be limited to:

- (a) An adjustment of building orientation on a site.
- (b) An adjustment of lot lines within a site proposal for more than one (1) lot when said adjustment will not cause an unreasonable loss of usable space. An applicant shall have the burden of proof in the determination of what constitutes an unreasonable loss of usable space.

(3) *Specimen tree relocation.* If preservation of the specimen tree and any alternate design consistent with the scope and intent of the initial plan are mutually exclusive, then the Department may issue a permit to relocate the specimen tree. If the tree removal permit requires relocation, then the applicant shall be required to relocate the tree in accordance with the standards set forth in Section 24-49.6.

(4) *Removal of specimen trees.* If relocation of the specimen tree is not feasible, due to the size, health, location, species or any other factor, then a permit may be issued for removal, and tree replacement shall be required.

(5) *Replacement requirements for specimen trees.* As a condition of the issuance of a tree removal permit for the removal of a specimen tree, tree

replacement requirements shall be twice those specified in Section 24-49.4(2)(c). In the event that replacement is not feasible on-site, then alternative off-site replacement shall be required, or, as a last alternative, there shall be a contribution to the Miami-Dade County Tree Trust Fund for the full value of the replacement trees. Notwithstanding the above, there shall also be an equitable contribution to the Miami-Dade County Tree Trust Fund for the irreplaceable loss of the aesthetic and environmental contributions of the specimen tree(s), according to the contribution schedule established by the Board of County Commissioners, pursuant to Section 24-49.9.

(6) *Exemptions from specimen tree replacement requirements.* An applicant may be exempt from the replacement requirements of Section 24-49.2(1)(5), but subject to the tree replacement requirements in Section 24-49.4(2)(c), under the following circumstances:

(a) Upon submittal of a statement from a landscape architect registered in the State of Florida which indicates that a specimen tree, due to disease, condition, growth habit or any other reasonable botanical factor, does not provide the aesthetic or environmental contribution associated with a specimen tree. Said statement shall include the specific reason(s) for the claimed exemption from the provisions of Section 24.49.4(2).

(b) When preservation of the specimen tree would cause a foreseeable risk to property.

(c) When a site contains more than one (1) specimen tree, and fifty (50) percent or more of the existing specimen trees and at least fifty (50) percent of the existing specimen tree canopy area is preserved.

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

### **Sec. 24-49.3. Preliminary review of projects involving tree removal or relocation.**

The Department shall review and comment on the following actions: Any application for zoning relief which requires a public hearing before the Miami-Dade County Community Zoning Appeals Board or the Board of County Commissioners; applications for plat approval; administrative site plan review; applications for approval of development plans by the developmental impact committee and the South Florida Regional Planning Council; proposed plans for new roadways or improvements to highway design projects; proposed plans for new public park and recreational areas and other public facilities. This review procedure shall determine if a tree removal permit is required under Section 24-49, and whether the following standards, when applicable, are adhered to:

(1) Any proposed action that does not involve specimen trees or development in a natural forest community shall be subject to the replacement standards in Section 24-49.4.

(2) Development within natural forest communities or involving specimen trees:

(a) If it is determined that the proposed development site is within a natural forest community or involves removal of a specimen tree, the standards set forth in Section 24-49.2 shall apply. Proposed site actions that are not in accordance with said standards shall receive a recommendation of denial from the Department.

(b) Notwithstanding any provision of this Code, no County or municipal officer,



agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action requiring a public hearing before the Miami-Dade County Community Zoning Appeals Board or the Board of County Commissioners for any land use involving division of property into parcels less than five (5) acres within natural forest communities without obtaining the prior written recommendation of the DERM or his designee. The DERM or his designee shall issue his written recommendation of approval only if the DERM or his designee determines that a preservation area equivalent in size to the minimum preservation area required for the site under Section 24-49.2(l) has been designated prior to the proposed action.

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

#### **Sec. 24-49.4. Replacement requirements for tree removal.**

(1) *Tree replacement requirements.* As a condition of the issuance of a tree removal permit, the permittee shall be required to replace trees that are authorized to be removed under the provisions of this article. The number of trees and number of species of trees required for replacement shall be determined according to the procedures contained herein. When the replacement canopy area exceeds ten thousand (10,000) square feet, replacement shall be described in a landscape replacement plan which shall meet the minimum requirements of Section 24-49.4(3), and no tree removal permit shall be issued until said plan has been approved by the Department, except as provided in Section 24-49.4(4).

(a) The following are exempt from this section:

(i) All tree removal activities included in Section 24-49(4).

(ii) All tree removal permits affecting natural forest community sites which meet the specific preservation requirements of Section 24-49.2(l)(1)(a) and (b).

(iii) Trees which have been successfully relocated, pursuant to Section 24-49.6.

(b) Natural forest community replacement requirements.

(i) Pursuant to Section 24-49.2(l)(1)(c), tree and understory replacement for pineland natural forest communities shall include the following:

1. All species proposed for replanting shall be native to Miami-Dade County's pinelands.

2. For each additional one-half ( 1/2) acre which is permitted to be cleared, fifty (50) replacement pine trees (*Pinus elliotti* var. *densa*) shall be provided. Said pine trees shall meet the standards in either Section 24-49.4(4)(a)(i) or (ii); if the pine trees meet the standards of Section 24-49.4(4)(a)(i), then six hundred twenty-six (626) pineland understory and ground cover plants which meet the standards of Section 24-49.4(4)(a)(ii) shall be provided; if the pine trees meet the standards of Section 24-49.4(4)(a)(ii), then six hundred seventy-six (676) pineland understory and ground cover plants which meet the standards of Section 24-49.4(4)(a)(ii) shall be provided. The number of replacement plants for areas which are less than one-half ( 1/2) acre shall be determined on a prorated basis.

3. The diversity of understory and ground cover species provided shall be maximized to the greatest extent possible based on availability of materials.

4. An eighty (80) percent survival rate after one (1) year shall be guaranteed for all pineland natural forest community replacement plantings.

(ii) As an alternative to Section 24-49.4(1)(b)(i) above, a monetary contribution, equal to the cost of the replacement plants, labor costs for installation, and survival rate guarantee costs, may be made to the Miami-Dade County Tree Trust Fund. Said funds shall be utilized by the County to reestablish pineland on County-owned property or to purchase pinelands for preservation purposes.

(iii) All other applications for the removal of trees or understory within natural forest communities which meet the requirements of Section 24-49.2(l)(1)(a) and (b) or Section 24-49.2(l)(2) shall not require any tree or understory replacement.

(c) Specimen tree replacement requirements. As required in Section 24-49.2(II)(5), the replacement requirements for the removal of a specimen tree shall be twice those specified in this section, except as noted in Section 24-49.2(II)(6).

(2) *Procedures for determining tree replacement requirements.* The Department shall determine the total number of replacement trees required for the issuance of a tree removal permit according to the following procedural steps:

(a) *Step 1: Determining existing tree canopy coverage on-site.* The area of existing tree canopy coverage of a site shall be determined by the Department, using one (1) or any combination of the following methods: Review of aerial photography; on-site inspection; and review of a tree survey. The Department may require the applicant to submit a tree survey for the purpose of this determination.

(b) *Step 2: Determining impact area of proposed project.* The area of existing canopy coverage which will be affected (impact area) by the applicant's proposed development shall be determined by the Department. This determination shall be based on a site plan and completed tree removal permit application form submitted to the Department by the applicant.

(c) *Step 3: Determining number of replacement trees required to be planted.* The total number of trees required for replacement shall be based on the area of impact and the category of replacement tree selected by the applicant. Each replacement tree shall compensate for a portion of the tree canopy lost in the impact area. The following table shall be used as a standard for determining the required number of replacement trees:

TABLE INSET:

<i>Category Replacement Tree:</i>	<i>Portion of Impact Area that each replacement tree compensates for in square feet:</i>
Shade Tree 1	500
Shade Tree 2	300
Palm Tree 1	300
Palm Tree 2	100
Small Tree	200

Any combination of shade trees, palm trees, or small trees shall be acceptable replacement, provided the total number of trees from all replacement categories compensate for the lost canopy. In the event that a replacement tree actually has more canopy coverage at the time of planting than the amount of credit allowed under the tree replacement formula above, then the applicant shall receive full credit for the canopy coverage provided by the replacement tree at the time of planting. The applicant shall submit a list of proposed replacement trees on a form provided by the Department,

except when the total number of replacement trees exceeds twenty (20), and then the applicant shall be required to submit a landscape replacement plan consistent with the provisions of Section 24-49.4(3). Proposed replacement lists or plans are subject to Departmental approval. The Department shall approve proposed replacement trees that are consistent with the standards of Section 24-49.4(3).

(d) *Step 4: Location of replacement trees.* Specific placement of replacement trees on-site shall be determined by the applicant. If the site cannot accommodate the required replacement trees because of insufficient planting area as determined by the Department, then the applicant shall be required to plant replacement trees at an off-site location subject to Departmental approval, or, as a last alternative, shall provide an equitable contribution to the Miami-Dade County Tree Trust Fund to compensate for those replacement trees which cannot be accommodated on site. The amount of the contribution shall be determined according to the provisions of Section 24-49.9. If any applicant is in doubt as to whether a particular site can sufficiently accommodate the required number and species of replacement trees as initially determined by the Department, then the applicant shall submit a statement prepared by a landscape architect registered in the State of Florida, indicating whether, in his professional opinion, the site can accommodate the required number of trees and species. Upon receipt of said statement, the Department shall reevaluate its initial determination and provide the applicant with a revised determination of requirements. In the event that the landscape architect is in agreement with the Department's determination of available planting space, however, due to design considerations, the applicant would elect to propose an alternative landscape enhancement plan or an equitable contribution to the Miami-Dade County Tree Trust Fund, then the provisions of Section 24-49.4(4) or 24-49.2(II)(5), respectively, shall apply.

(e) *Step 5: Minimum species diversity standards.* When more than ten (10) trees are required to be planted in accordance with the provisions of this section, a diversity of species shall be required. The number of species to be planted shall be based on the overall number of trees required. The applicant shall be required to meet the following minimum diversity standards:

TABLE INSET:

<i>Required Number of Trees</i>	<i>Minimum Number Species of</i>
11--20	2
21--50	4
51 or more	6

Permittees shall not be required to plant in excess of six (6) species. The number of trees of each species planted shall be proportional to the number of species required. A minimum of fifty (50) percent of all replacement trees planted shall be native to Miami-Dade County, and no more than thirty (30) percent of the replacement trees shall be palms. However, when native trees are removed, all replacement trees shall be native species. As an alternative to the minimum species diversity required herein, an applicant may propose an alternative species diversity in an alternative landscape enhancement plan described in Section 24-49.4(4).

(f) *Step 6: Minimum standards for replacement trees.*

- (i) All replacement trees shall have a minimum quality of a Florida No. 1 grade or better.
- (ii) The Department shall maintain a list of species for each category of replacement tree. This list may be amended from time to time, as necessary. Replacement tree heights shall be determined by overall height measured from

where the tree meets the ground to the top-most branch.

1. All category 1 replacement shade trees shall be a minimum of twelve (12) feet in height at the time of planting and at maturity should have a canopy coverage of five hundred (500) square feet under normal growing conditions.
2. All category 2 replacement shade trees shall be a minimum of eight (8) feet in height at the time of planting and at maturity should have a canopy coverage of five hundred (500) square feet under normal growing conditions.
3. All category 1 replacement palm trees shall have a minimum height of ten (10) feet at the time of planting and at maturity should have a canopy coverage of three hundred (300) square feet under normal growing conditions.
4. All category 2 replacement palm trees shall have a minimum height of three (3) feet at the time of planting and at maturity should have a canopy coverage of one hundred (100) square feet under normal growing conditions.
5. All replacement small trees shall have a minimum height of six (6) feet at the time of planting and at maturity should have a canopy coverage of two hundred (200) square feet under normal growing conditions.

(3) *Requirements for a landscape replacement plan.* Except as provided in Section 24-49.4(4), a landscape replacement plan shall be submitted to the Department by the permit applicant when a minimum of ten thousand (10,000) square feet of replacement canopy is required under the provisions of Section 24-49.4(2). All landscape replacement plans shall meet the following minimum standards:

- (a) The number of trees, number of species of trees, and size of trees proposed for planting shall be consistent with Section 24-49.4(2).
- (b) The applicant shall submit a site plan that includes the proposed replacement locations of all replacement plantings and tree relocations, all property lines, and all proposed and existing structures, driveways and utility easements.
- (c) The canopy spread of any tree that is proposed for preservation shall be shown on the plan. Where a portion of the canopy of a tree or trees shall be removed without removal of the trees, a notation shall be made on the plan.

(4) *Alternatives to the provisions of Sections 24-49.4(2) and 24-49.4(3).* Instead of replacing all affected trees pursuant to the provisions of Sections 24-49.4(2) and 24-49.4(3), an applicant may propose to relocate existing trees or propose a unique project design which provides reasonable assurance that the project complies with the intent to maintain tree canopy.

(a) Generally, as an exception to the requirements of Section 24-49.4(2), and in order to provide for development of exceptional or unique landscape designs which cannot meet the express terms of Section 24-49.4(2), an applicant may submit an alternative landscape enhancement plan. As an alternative to the requirements in Section 24-49.4(2)(c), tree replacement credit may be granted for planting shrubs or ground covers, based upon the following table, provided, however, that a minimum of fifty (50) percent of the required canopy replacement is achieved by using shade trees and palm trees as required by Section 24-49.4(2)(c).

TABLE INSET:

Category of Tree Alternative	Portion of Impact Area hat Each Tree Alternative Shrub,
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<i>Shrub or Ground Cover:</i>	<i>or Ground Cover Compensates for in Square Feet:</i>
Shrub 1 (including small palms)	60
Shrub 2/Ground Cover	30

(i) All category 1 tree alternative shrubs shall be a minimum of two (2) feet in height at the time of planting and at maturity should have a canopy coverage of sixty (60) square feet under normal growing conditions.

(ii) All category 2 tree alternative shrubs or ground covers shall have a root system sufficient to sustain growth and at maturity should have a canopy coverage of ten (10) to twenty (20) square feet under normal growing conditions.

(b) The applicant shall have the burden of demonstrating that a design meets the intent of this article. At a minimum, an alternative landscaping enhancement plan shall include, without limitation:

(i) A statement, prepared by a landscape architect registered in the State of Florida, which indicates that the intent of this article can be effectively met through the submission of the alternative design; and

(ii) A site plan, prepared by a landscape architect registered in the State of Florida, that includes the proposed location, scientific name or description of all vegetation to be preserved or planted, all property lines, and all proposed or existing structures, driveways and utility easements; and

(iii) A tabulation that identifies any deviations from the requirements of Section 24-49.4(2) and explicitly provides tree replacement alternatives.

(c) The Department shall approve an alternative landscape enhancement plan when:

(i) The design preserves and incorporates existing vegetation; and

(ii) The design exceeds the minimum requirements or equivalent of Section 24-49.4(2).

(d) Preservation credit for relocated trees. Permittees who successfully relocate trees shall receive full credit for the relocated trees and the tree replacement requirements herein shall not apply to such relocated trees. All relocated trees shall meet the standards set forth in Section 24-49.6 for tree relocation.

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

**Sec. 24-49.5. Tree protection requirements during construction.**

(1) During site development, protection requirements for trees designated for preservation under an approved tree removal permit shall include, but not be limited to, the following:

(a) Protective barriers shall be placed around each tree, cluster of trees, or the edge of the preservation area no less than six (6) feet (in radius) from the trunk of any protected tree cluster or preservation area unless a lesser distance is specified by the Department. Protective barriers shall be a minimum of four (4) feet above ground level and shall be constructed of wood, plastic or metal, and shall remain in place until development is completed and the Department has authorized their removal. Protective barriers shall be in place prior to the start of any construction.

(b) Understory plants within protective barriers shall be protected.

(c) No excess oil, fill, equipment, building materials or building debris shall be placed

within the areas surrounded by protective barriers, nor shall there be disposal of any waste material such as paints, oils, solvents, asphalt, concrete, mortar or any other material harmful to trees or understory plants within the areas surrounded by protective barriers.

(d) Trees shall be braced in such a fashion as to not scar, penetrate, perforate or otherwise inflict damage to the tree.

(e) Natural grade shall be maintained within protective barriers. In the event that the natural grade of the site is changed as a result of site development such that the safety of the tree may be endangered, tree wells or retaining walls are required.

(f) Underground utility lines shall be placed outside the areas surrounded by protective barriers. If said placement is not possible, disturbance shall be minimized by using techniques such as tunnelling or overhead utility lines.

(g) Fences and walls shall be constructed to avoid disturbance to any protected tree. Post holes and trenches located close to trees shall be dug by hand and adjusted as necessary, using techniques such as discontinuous footings, to avoid damage to major roots.

(2) Exceptions to the provisions of Section 24-49.5(1). Exceptions to the requirements of Section 24-49.5(1) shall be approved only when the permittee receives specific written authorization from the DERM or his designee. The DERM or his designee shall not issue his written approval unless the DERM or his designee determines that the affected tree(s) can be adequately protected without meeting the requirements of Section 24-49.5(1), or due to exceptional circumstances it is not practical or reasonable to meet the requirements of Section 24-49.5(1).

(3) If the requirements of Section 24-49.5(1)(a) through (g) are not adhered to by the permittee and the trees are effectively destroyed, then all such trees shall be replaced according to the standards of Section 24-49.4(2), in addition to being subject to the penalty provisions of Sections 24-29, 24-30 and 24-31 of the Code of Miami-Dade County.

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

### **Sec. 24-49.6. Tree relocation standards.**

The relocation of any tree that is subject to the provisions of this article shall be consistent with the following minimum standards:

(1) Trees other than palms:

(a) Tree roots shall be severed in such a manner as to provide a root ball which is sufficient to ensure survival of the tree when relocated. A sufficiently-sized planting hole shall be provided at the relocation site to ensure successful regrowth.

(b) After root severing, adequate time shall be allowed prior to replanting to ensure survival of the tree(s). After root severing and prior to relocation, tree(s) shall be watered a minimum of twice weekly. After relocation, tree(s) shall be watered a minimum of twice weekly until the tree(s) are established.

(c) During removal and transportation of the tree, the root ball and vegetative portions of the tree shall be protected from damage from wind or injury.

(d) Any tree that dies or becomes nonviable within one (1) year of relocation shall be replaced according to the standards set forth in Section 24-49.4(2).

(2) Palms:

- (a) A ball of earth at least one (1) foot from the base of the tree shall be moved with the tree.
- (b) Fronds shall be securely tied around the bud prior to relocation and shall remain securely tied around the bud during the entire relocation process and for a minimum of one (1) week after relocation.
- (c) The bud shall be protected from damage or injury during relocation.
- (d) Any palm that dies or becomes nonviable within one (1) year of relocation shall be replaced according to the standards set forth in Section 24-49.4(2).

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

**Sec. 24-49.7. Permit issuance, confirmation of natural forest community maps, existing permits, approvals and consent agreements.**

(1) The Department shall deny an application, or approve an application and issue a permit (subject to conditions, limitations or restrictions), for the activity proposed under the permit application, provided:

- (a) The required application fee and permit fee is submitted to Miami-Dade County.
- (b) A performance bond, if required, has been posted. As a condition of issuing a tree removal permit, the Department may require the posting of a performance bond to guarantee compliance with all other conditions, limitations, and restrictions of the tree removal permit (the permitted activity), including, without limitation, planting of all required replacement trees. The bond shall be equivalent to one hundred (100) percent of the estimated cost of the permitted activity and may be in the form of a letter of credit, surety, cash, or certificate of deposit. All performance bonds shall remain in force for a minimum of either one (1) year after the actual completion date of the permitted activity (to ensure that any replanted trees which perish are replaced), or until viability of all replanted trees has been achieved, whichever occurs last. However, at the discretion of the DERM or his designee, performance bonds may be partially released in phases based upon partial completion of planting or other permit requirements.
- (c) All required plans or covenants are submitted and are in compliance with the standards herein.

(2) All permits shall clearly specify all conditions, limitations and restrictions required by the Department. The permit applicant shall acknowledge that he fully understands and agrees to comply with all said conditions, limitations or restrictions by signing the permit prior to its issuance.

(3) All tree removal permit applications which remain incomplete for a period of one hundred twenty (120) days shall be denied. A new tree removal permit application shall be required for all work previously proposed under a permit application which has been denied.

(4) The natural forest community maps approved by the Board of County Commissioners on December 12, 1984, by Resolution No. 1764-84, all tree removal permits issued pursuant to Chapter 26B, Department approvals, and all consent agreements executed in order to resolve alleged violations of Chapter 26B of the Code of Miami-Dade County, Florida, are hereby confirmed and shall remain in full force and effect, and all conditions, restrictions and limitations contained therein shall continue to apply, and compliance therewith shall be enforceable pursuant to the provisions of this chapter.

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

**Sec. 24-49.8. Permit fees; schedule.**

The Miami-Dade County Department of Environmental Resources Management shall charge and collect application and permit fees and trust fund contributions at the rates established by separate administrative order which shall not become effective until approved by the Board of County Commissioners. Applications from government agencies for tree removals in areas dedicated to public use may, in the discretion of the DERM, be exempted from application fees and permit fees.

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

**Sec. 24-49.9. Prohibited plant species.**

(1) With exception of *Ficus benjamina*, the list of exotic pest plant species that may not be sold, propagated or planted anywhere in Miami-Dade County pursuant to Policy 8I of the Conservation Element of the Comprehensive Development Master Plan for Miami-Dade County, Florida, as may be amended from time to time, is hereby incorporated by reference. If present on a development site, they shall be removed prior to development, and their sale, propagation, planting, importation or transportation shall be prohibited.

(2) Definitions for Section 24-49.9(1), Sections 24-49.9(3)(a), 3(b), and 3(c):

(a) *Importation* shall mean the conveyance by any means of plants into Miami-Dade County.

(b) *Planting* shall mean the placing on or setting into the ground of live plant material.

(c) *Propagation* shall mean the physical act of causing plants to multiply by any process of reproduction from plant stock.

(d) *Sale* shall mean the act of transferring or conveying plants to a purchaser for consideration.

(e) *Transportation* shall mean the act of carrying or conveying plants from one (1) place to another for the purpose of sale, planting, importation or propagation.

(3) Variances.

(a) A variance by the Director of DERM from the transportation, propagation and planting prohibitions of this section may be requested, subject to the conditions justifying variance approval outlined below in Section 24-49.9(3)(b)(i) and (ii). Said variance request shall be made in writing to the Director of DERM and shall include the following information:

(i) Name and address of the person or persons requesting the variance.

(ii) Location of the property for which the variance is requested.

(iii) A sketch or drawing indicating the location within the subject property where the planting or field propagation of the otherwise prohibited plant species will occur. (Container propagation shall be exempt from said sketch or drawing requirements.)

(iv) The reason or reasons for requesting the variance.

(b) The Director of DERM may, in his discretion, issue a variance from the provisions of this section based upon the following factors:

(i) Proximity of the subject planting or propagation to any environmentally sensitive areas (e.g., wetlands, hammocks, pinelands, dunes).



(ii) Lack of appropriate alternative plant species to fulfill the same purpose or purposes for planting.

(c) The Director of DERM shall issue or deny a variance request within thirty (30) days of receipt of its receipt, provided the required information described in Section 24-49.9(3)

(a)(i) through (iv) above has been submitted.

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

DIVISION 3. Environmentally Endangered Lands Program.

Sec. 24-50. Title.

This section shall be known as the Environmentally Endangered Lands Program.

Sec. 24-50.1. Legislative intent.

The historic loss, fragmentation, and degradation of native wetland and upland forest communities in Miami-Dade County are well documented, and remaining native wetland and upland forest communities are collectively endangered. On May 8, 1990, the electorate of Miami-Dade County authorized the county to exceed the constitutional millage limitation by levying an ad valorem tax of three-quarters of one mil, for a period not to exceed two (2) years, for acquisition, preservation, enhancement, restoration, conservation and maintenance of environmentally-endangered lands for the benefit of present and future generations; and limiting all uses of, and all investment earnings on, such levies to such purposes. It is the intent of the Board of County Commissioners of Metropolitan Miami-Dade County to establish the Environmentally Endangered Lands Program to implement this mandate and to support its purposes to the fullest.

Sec. 24-50.2. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

- (1) Acquisition proposal shall mean (a) parcel(s) of land which has/have been nominated or recommended for acquisition in accordance with procedures provided for hereinbelow.
- (2) Acquisition project shall mean (a) parcel(s) of land approved by the Board of County Commissioners for acquisition by the county in accordance with procedures provided for hereinbelow.
- (3) Ancillary land shall mean that land which is adjacent to environmental land and which is necessary to the management and protection of the environmental land for such purposes as fence installation, access of maintenance equipment, firebreaks, parking, or other management activities which are indicated in the management feasibility evaluation.
- (4) Bona fide organization shall mean an organization which has an elected board of directors, has adopted a charter, by-laws, or rules of procedure, conducts a meeting of its membership at least annually, and which has been in existence in Miami-Dade County for at least two (2) years prior to the adoption of the ordinance from which this chapter derives.
- (5) Buffer land shall mean that land which is adjacent to publicly-owned

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environmental land or to an environmental land acquisition proposal or project, or that land which is an inholding within publicly-owned environmental land or within an environmental land acquisition proposal or project, and which, if not acquired, would threaten the environmental integrity of the existing resource, or if acquired, would enhance the environmental integrity of the resource.

- (6) Environmental land shall mean that land which contains natural forest or wetland communities, native plant communities, rare and endangered flora and fauna, endemic species, endangered species habitat, a diversity of species, or outstanding geologic or other natural features, or that land which functions as an integral and sustaining component of an existing ecosystem.
- (7) Management shall mean the preservation, enhancement, restoration, conservation, monitoring, or maintenance of the natural resource values of environmentally-endangered lands which have been acquired or approved for management under the Environmentally Endangered Lands Program.

**Sec. 24-50.3. Environmentally Endangered Lands Program established.**

The Metropolitan Miami-Dade County Environmentally Endangered Lands Program (hereinafter referred to as the EEL Program) is hereby established to acquire, preserve, enhance, restore, conserve, and maintain threatened natural forest and wetland communities located in Miami-Dade County, for the benefit of present and future generations. The County Manager shall administer this program in accordance with the procedures and criteria provided for hereinbelow.

**Sec. 24-50.4. Purpose.**

The purpose of the EEL Program shall be:

- (1) To acquire environmentally-endangered lands which contain natural forest or wetland communities, native plant communities, rare and endangered flora and fauna, endemic species, endangered species habitat, a diversity of species, or outstanding geologic or other natural features;
- (2) To acquire environmentally-endangered lands which function as an integral and sustaining component of an existing natural system;
- (3) To protect environmentally-endangered lands which are publicly owned by acquiring inholdings or adjacent properties which, if not acquired, would threaten the environmental integrity of the existing resource, or which, if acquired, would enhance the environmental integrity of the resource;
- (4) To implement the objectives and policies of the Comprehensive Development Master Plan for Metropolitan Miami-Dade County which have been promulgated to preserve and protect environmental protection areas designated in the Plan and other natural forest resources, wetlands, and endangered species habitat;
- (5) To identify Miami-Dade County's best and most endangered environmental

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lands for acquisition and management by evaluating the biological characteristics and viability of the resource, the vulnerability of the resource to degradation or destruction, and the feasibility of managing the resource to maintain its natural attributes;

- (6) To manage environmentally-endangered lands with the primary objective of maintaining and preserving their natural resource values by employing management techniques that are most appropriate for each native community so that our natural heritage may be preserved for present and future generations;
- (7) To use the acquired sites, where feasible within financial constraints and with minimal risk to the environmental integrity of the site, to educate Miami-Dade County's school-age population and the general public about the uniqueness and importance of Miami-Dade County's subtropical ecosystems and natural communities; and
- (8) To cooperate actively with other acquisition, conservation, and resource management programs, including, but not limited to, such programs as the State of Florida Conservation and Recreation Lands program, the Land Acquisition Trust Fund, and Save Our Rivers program, where the purposes of such programs are consistent with the purposes of the EEL Program as stated hereinabove.

**Sec. 24-50.5. Environmentally Endangered Lands Trust Funds.**

- (1) *Creation of the Environmentally Endangered Lands Acquisition Trust Fund.*
  - (a) There is hereby created the Environmentally Endangered Lands Acquisition Trust Fund (hereinafter referred to as the EEL Acquisition Trust Fund) for use in acquiring environmentally-endangered lands in Miami-Dade County. The Finance Director is hereby authorized to establish the EEL Acquisition Trust Fund and to receive and disburse monies in accordance with the provisions of this section.
  - (b) The EEL Acquisition Trust Fund shall receive monies from the following sources:
    - (i) All revenues collected by the County Tax Collector pursuant to the extraordinary millage of three-quarters of one mil of ad valorem tax levied in 1990 and 1991, as approved by referendum on May 8, 1990, except for those revenues dedicated to the Environmentally Endangered Lands Management Trust Fund provided for herein by Section 24-50.5(b)(ii).
    - (ii) All monies accepted by Metropolitan Miami-Dade County in the form of federal, State, or other governmental grants, allocations, or appropriations, as well as foundation or private grants and donations for acquisition of environmentally-endangered lands as provided for by this section.

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- (iii) Such additional allocations as may be made by the Board of County Commissioners from time to time for the purposes set forth herein.
  - (iv) All interest generated from the sources identified in Section 24-50.5(1)(b)(i), (ii), and (iii) hereinabove, except where monies received have been otherwise designated or restricted.
  - (c) The EEL Acquisition Trust Fund shall be maintained in trust by the Board of County Commissioners solely for the purposes set forth herein, in a separate and segregated fund of the County which will not commingle with other County funds until disbursed for an authorized purpose pursuant to Section 24-50.5(1)(d).
  - (d) Disbursements from the EEL Acquisition Trust Fund shall be made only for the following purposes:
    - (i) Acquisition of properties which have been approved for purchase by resolution of the Board of County Commissioners in accordance with the provisions of Sections 24-50.7 through 24-50.11.
    - (ii) All costs associated with each acquisition including, but not limited to, appraisals, surveys, title search work, real property taxes, documentary stamps and surtax fees, and other transaction costs.
    - (iii) Costs of administering the EEL Program, which will be funded from the interest proceeds of the EEL Acquisition Trust Fund until such time as the fund is closed.
    - (iv) Supplementation of the Environmentally Endangered Lands Management Trust Fund, but only by resolution of the Board of County Commissioners.
  - (e) Where any property acquired with EEL Acquisition Trust Fund monies is leased or sold by the County, the proceeds from said lease or sale shall, as determined by the Board of County Commissioners, be committed either to the EEL Acquisition Trust Fund or to the EEL Management Trust Fund for the purposes provided for herein. Such proceeds shall neither be committed to any other fund, nor be used for any other purpose.
- (2) *Creation of the Environmentally Endangered Lands Management Trust Fund.*
- (a) There is hereby created the Environmentally Endangered Lands Management Trust Fund (hereinafter referred to as the EEL Management Trust Fund) for the preservation, enhancement, restoration, conservation and maintenance of environmentally-endangered lands which either have been purchased with monies from the EEL Acquisition Trust Fund (established pursuant to Section 24-50.5(1), or have otherwise been approved for management pursuant to Section 24-50.7(2). The Finance Director is hereby authorized to establish the EEL Management Trust Fund and to receive and disburse monies in accordance with the provisions of this section.
  - (b) The EEL Management Trust Fund shall receive monies from the following

sources:

- (i) A principal in the amount of ten million dollars (\$10,000,000.00) from those revenues collected by the County Tax Collector pursuant to the extraordinary millage of three-quarters of one mil of ad valorem tax levied in 1990 and 1991, as approved by referendum on May 8, 1990. The principal may be increased as a result of a specific grant, donation, allocation or appropriation therefor.
  - (ii) All monies accepted by Metropolitan Miami-Dade County in the form of federal, State, or other governmental grants, allocations, or appropriations, as well as foundation or private grants and donations, for management of lands acquired with the EEL Acquisition Trust Fund or otherwise approved for management pursuant to Section 24-50.7(2). Unless otherwise stated at the time of acceptance, all grant and donation monies received and the interest therefrom shall not be part of the principal and shall be available for disbursement in accordance with Section 24-50.5(2)(d).
  - (iii) Such additional allocations as may be made by the Board of County Commissioners from time to time, including allocations from existing trust funds or mitigation funds, or special allocations from the EEL Acquisition Trust Fund as provided for in Section 24-50.5(1)(d)(i). Unless otherwise stated at the time of the allocation, all allocations received shall be available for disbursement in accordance with Section 24-50.5(2)(d).
  - (iv) All interest generated from the sources identified in Sections 24-50.5(2)(b)(i), (ii), and (iii) hereinabove, except where monies received have been otherwise designated or restricted.
- (c) The EEL Management Trust Fund shall be kept and maintained in trust by the Board of County Commissioners solely for the purposes set forth herein, in a separate and segregated fund of the County which will not commingle with other County funds until disbursed for an authorized purpose pursuant to this section.
- (d) Disbursements from the EEL Management Trust Fund shall be made by the County Manager only in accordance with this Section 24-50.5(2)(d).
- (i) No disbursements shall be made from the principal established under Section 24-50.5(2)(b)(i) except by ordinance amending this subsection.
  - (ii) Disbursements shall be made only from those monies defined in Section 24-50.5(2)(b)(ii), (iii), and (iv) hereinabove.
  - (iii) Disbursements shall be made only for the preservation, enhancement, restoration, conservation or maintenance of those environmentally-endangered lands which have been acquired with monies from the EEL Acquisition Trust Fund or which have been approved for

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management pursuant to Section 24-50.7(2). Disbursements shall be made in accordance with (a) project management plan(s) which has/have been approved pursuant to Section 24-50.12.

**Sec. 24-50.6. Land Acquisition Selection Committee.**

- (1) *Land Acquisition Selection Committee established; qualifications of members.*
  - (a) There is hereby established an Advisory Board in accordance with Sections 2-11.36 through 2-11.40 of this Code to be known as the Metropolitan Miami-Dade County Land Acquisition Selection Committee (hereinafter referred to as the LASC).
  - (b) The LASC shall be composed of seven (7) members and one (1) alternate member.
- (2) *Method of appointment; terms of membership.*
  - (a) The County Manager shall recommend to the Board sixteen (16) candidates for the seven (7) regular members' seats on the LASC and the one (1) alternate member's seat. Preference will be given to candidates who have a record of service in environmental or civic affairs in Miami-Dade County and who have been recommended by one or more bona fide environmental, civic, or professional organizations.
  - (b) The Board of County Commissioners shall appoint, from the list of candidates recommended by the County Manager, four (4) members and the alternate to serve for two (2) years and three (3) members to serve for three (3) years. At the end of the two (2) years, the successors to the initial two-year appointments shall be appointed for three (3) years.
- (3) *Quorum; conduct of Committee and rules of procedure; meetings.*
  - (a) A quorum of the Committee shall be five (5) persons.
  - (b) At its first meeting, the Committee shall establish its rules of procedure and shall elect a Chairperson and a Vice-Chairperson. The Chairperson and Vice-Chairperson shall be elected annually thereafter.
  - (c) The alternate member shall enjoy the same privileges and responsibilities as the regular members, except that the alternate member cannot vote unless a regular member is absent.
  - (d) An extraordinary majority of five (5) votes shall be required for determining sites for acquisition as provided for in Sections 24-50.8 through 24-50.11 hereinbelow.
  - (e) The LASC shall hold at least four (4) regular meetings each year.
    - (i) Notwithstanding the provisions of Sections 2-11.38 through 2-11.39 of the Code of Miami-Dade County, any member or alternate member of the LASC who is absent from three (3) meetings in any one (1) year shall forfeit membership and shall not be eligible to be reappointed to

the LASC. In the event a member shall resign or forfeit his membership on the LASC, a quorum of the members in good standing may, by majority vote, elect the alternate to become a permanent voting member.

- (ii) Within thirty (30) days from the date a vacancy occurs, the County Manager shall recommend to the Board of County Commissioners two (2) candidates who meet the qualifications set forth in Section 24-50.6(2)(a) above to fill that vacancy. The Board shall select one of the two (2) candidates to serve the remainder of the term.
- (4) *Responsibilities of the Land Acquisition Selection Committee.*
- (a) The primary responsibility of the LASC is to recommend to the Board of County Commissioners a semi-annual acquisition list pursuant to Section 24-50.9 hereinbelow.
  - (b) In developing its recommendations, the LASC shall act in accordance with the procedures and requirements set forth in Sections 24-50.7 through 24-50.11 and in furtherance of the purposes of the EEL Program as set forth in Section 24-50.4.
  - (c) The LASC may, from time to time, recommend to the Board (or to the County Manager, as appropriate) proposed expenditures from the EEL Trust Funds; additional selection or acquisition policies, procedures, standards, criteria, strategies, schedules, and programs; and other such matters as may be necessary to fulfill the purposes of the EEL Program.
  - (d) At its first meeting, or within fourteen (14) days thereafter, the LASC shall recommend action on those Miami-Dade County projects which are ranked on the State of Florida 1991 Conservation and Recreation Land Priority List or which appear on the State of Florida Land Acquisition Trust Fund List with particular regard for the joint acquisition of these projects by the State of Florida and the EEL Program, as set forth in R-1262-90. So that the LASC may act expeditiously, this recommendation is exempted from the procedural requirements provided for in Sections 24-50.10 and 24-50.11, but shall be based upon the considerations set forth in Sections 24-50.7 and 24-50.8.
- (5) *Limitation of powers of Committee.* The LASC shall have no power or authority to commit Metropolitan Miami-Dade County to any policies, to incur any financial obligations or to create any liability on the part of the County. The actions and recommendations of the LASC are advisory only and shall not be binding upon the County unless approved or adopted by the Board of County Commissioners.
- (6) *Termination of the Committee.* At such time as there are insufficient uncommitted funds in the EEL Acquisition Trust Fund to conclude another acquisition and all acquisition projects have been closed, the LASC shall report to the County Commission that its business is concluded. All remaining EEL Acquisition Trust Fund monies shall then be transferred to the EEL Management Trust Fund and shall be added to the principal thereof as provided for in Section 24-50.5(2)(b)(i).



**Sec. 24-50.7. Property eligible for acquisition and management.**

- (1) Properties eligible to be considered for acquisition and management under the EEL Program shall be only environmental land, ancillary land, and buffer land.
- (2) Any environmental, ancillary, or buffer land not on the acquisition list which is offered for conveyance or donation to Miami-Dade County and is proposed for management by the EEL Program shall be evaluated as provided for in Section 24-50.8 hereinbelow and may only be accepted and approved for management under the EEL Program by resolution of the Board of County Commissioners.

Any land on the Priority A Acquisition List which is owned by a public agency where said agency is willing and able to lease the property to Miami-Dade County for a term not less than thirty (30) years may be accepted and approved for management under the EEL Program by resolution of the Board of County Commissioners. Upon approval for management under the EEL Program, the said public entity must agree to, and execute, a covenant running with the land which provides for continued maintenance of the property as a natural preserve.

**Sec. 24-50.8. Considerations for evaluating lands for acquisition and management; EEL Program Manual.**

- (1) Evaluation of each acquisition proposal shall be based upon the following considerations:
  - (a) The primary considerations for evaluating environmental land shall be:
    - (i) The biological value and viability of the resource;
    - (ii) The vulnerability of the resource to degradation or destruction; and
    - (iii) The requirements (including costs) for managing the resource to maintain its natural attributes, and the feasibility of meeting those management requirements.

Ancillary land shall be evaluated in conjunction with the adjacent environmental land.
  - (b) The primary considerations for evaluating buffer land shall be:
    - (i) The biological value and viability of the environmental land;
    - (ii) The vulnerability of the buffer land to development; and
    - (iii) The existing and potential impact on the environmental land if the buffer land were not acquired.
- (2) The Board of County Commissioners hereby approves and makes a part hereof the Criteria for Evaluating EEL Acquisition Proposals attached hereto. The County Manager, pursuant to Section 4.02 of the Code of Miami-Dade County, shall propose to the Board of County Commissioners an Environmentally Endangered Lands Program Manual (hereinafter referred to as the EEL Program Manual) which shall be used as a guide for implementing the provisions of this chapter, and shall include the

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criteria for evaluating EEL Acquisition Proposals which are adopted hereby.

**Sec. 24-50.9. Acquisition list.**

The EEL Acquisition List shall consist of the Priority A List and the Priority B List and shall be approved semi-annually by the Board of County Commissioners in accordance with the procedures set forth in Sections 24-50.10 and 24-50.11 hereinbelow.

(1) *Priority A List.*

(a) The Priority A List shall contain no more than ten (10) projects which shall be selected by the Board of County Commissioners from those acquisition proposals which receive the highest evaluations pursuant to the criteria provided for in Section 24-50.8 and for which acquisition is feasible. No rank order shall be assigned to Priority A projects. The County shall actively pursue the acquisition of Priority A projects.

(b) A project shall be removed from the Priority A List only after purchase by the County, upon approval of the next succeeding acquisition list as provided hereinbelow or by resolution of the Board of County Commissioners. Projects removed from the Priority A List for any reason except purchase by the County shall be placed on the Priority B List.

(2) *Priority B. List.* The Priority B list shall contain all acquisition proposals which are deemed worthy of acquisition based upon the evaluation criteria provided in Section 24-50.8, and which may feasibly be acquired, but which have not been assigned to the Priority A List. The County may not actively pursue acquisition of a property on the Priority B List unless the share of the purchase price paid from the EEL Acquisition Trust Fund is no more than fifty (50) percent of the total purchase price of the property or unless the seller donates fifty (50) percent or more of the value of the property as estimated in an appraisal report prepared by an independent fee appraiser and accepted by the County.

**Sec. 24-50.10. Nomination of acquisition proposals.**

- (1) Public applications nominating properties for acquisition may be submitted on an annual basis by any person or organization, including any federal, State, municipal, or regional government agency. Miami-Dade County applications nominating properties for acquisition may be submitted on a semi-annual basis by any agency of Metropolitan Miami-Dade County.
- (2) All nominations shall be made by filing an application provided by the County Manager.
- (3) The first submittal of applications from agencies of Miami-Dade County shall occur no later than December 1, 1991. In 1993, the application deadline shall be no later than June 30. Subsequent submittals shall occur semi-annually thereafter.
- (4) The first public application period shall be opened within ten (10) months from the

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effective date of the ordinance from which this chapter derives. In 1993, the application deadline shall be no later than December 31. Subsequent submittals shall occur annually thereafter.

- (5) A thirty-day period shall be provided each year for the submittal of public applications. Public notice of the application period shall be given at least two (2) weeks before the period opens and a second notice shall be given at least two (2) weeks before the application period closes.
- (6) If the applicant has an ownership interest in any real property covered by an application for proposed acquisition, such interest shall be disclosed in the same manner as required of zoning applicants by Section 33-304(a) of the Code of Miami-Dade County. If the applicant is acting as agent or attorney for a principal, the principal's interest shall be disclosed in the same manner as required of zoning applicants in Section 33-304(a) of the Code of Metropolitan Miami-Dade County. Section 24-50.10(6) shall not apply to governmental applicants.
- (7) If the applicant does not have an ownership interest in the real property covered by an application or if the applicant is a governmental agency, the name and address of the owner as listed in the Property Appraiser's records shall be provided with the application.

**Sec. 24-50.11. Procedure for selection of acquisition proposals for placement on the acquisition list.**

- (1) Upon receipt of a completed property nomination application, the County Manager shall forward the application to designated staff for initial review.
  - (a) Upon completion of initial review, acquisition proposals accepted by the County Manager shall be evaluated by staff based upon the criteria provided in Section 24-50.8. The staff evaluation shall be completed within sixty (60) days of receipt by the County Manager of the completed application.
  - (b) If, upon initial review, staff finds that the biological value of a candidate environmental land is low, that management is not feasible, or that the proposed acquisition would not fulfill the purposes of the EEL Program set forth herein, the County Manager shall be notified immediately and may order that no further evaluation be undertaken. Notwithstanding the County Manager's order, the LASC may, by extraordinary majority of five (5) votes, require a complete evaluation of said property.
- (2) Upon completion of the staff evaluation process, the Environmentally Endangered Lands Project Review Committee, created pursuant to Section 24-50.13 hereinbelow, shall define the preliminary boundaries for each acquisition proposal and shall assist the County Manager in preparing his recommendation on each proposal for the LASC. Within sixty (60) days of the completion of this staff evaluation process, the County Manager shall transmit his recommendation to the LASC along with a map of each site, a description of the biological characteristics of the site, a description of the development potential of the site and adjacent land, an assessment of the management needs and costs, the assessed value, and other information as may be deemed relevant

for each proposal evaluated.

- (3) Within sixty (60) days of receiving the County Manager's transmittal, the LASC shall hold a duly-noticed public hearing to consider the recommendations regarding each site, the applicant's comments, and comments from the public. A courtesy notice shall be provided to the owner(s) of properties which are the subject of the hearing. Failure to notify said owner(s) shall not invalidate these proceedings.
- (4) Within thirty (30) days of its public hearing, the LASC shall meet to adopt its recommended acquisition list for consideration by the Board of County Commissioners as provided for in Section 24-50.9 hereinabove. In developing its recommendation, the LASC shall consider all information received from County staff, the County Manager's recommendation, information that has been submitted in writing through the date of the public hearing, and testimony received at the public hearing. The LASC shall forward the recommended acquisition list to the County Manager for scheduling on the County Commission agenda for consideration and action by the Board.
- (5) Deadlines established in Sections 24-50.11(1) through (4) hereinabove shall be waived in processing applications filed in 1992.

**Sec. 24-50.12. Management plan and use of environmentally endangered lands.**

- (1) No later than thirty (30) days from the date of acquisition, an interim management plan for the property shall be submitted to the Environmentally Endangered Lands Project Review Committee for approval. Upon approval, interim management plans shall be implemented by the County Manager; provided, however, that such interim management plan(s) shall not be implemented for more than two (2) years after acquisition of the property.
- (2) A ten-year management plan shall be prepared for each property acquired by the EEL Program which shall:
  - (a) Identify such management activities as are necessary to preserve, enhance, restore, conserve, maintain, or monitor the resource, as appropriate; and
  - (b) Identify such uses as are consistent with the preservation, enhancement, restoration, conservation, and maintenance of the resource; and
  - (c) Estimate the annual costs of managing the project.
- (3) Annually, the ten-year management plans prepared during the preceding year shall be submitted to the Board of County Commissioners for its approval. Each ten-year management plan shall be updated at least every five (5) years from the last date of Board approval, and may be amended as often as required. Management plan updates and amendments shall be submitted to the Board of County Commissioners for approval.
- (4) All management plans shall be consistent with the purposes set forth in Section 24-50.4 herein. All properties acquired or managed by the EEL Program shall be managed in accordance with the approved management plan for that property.

- (5) No use, infrastructure, or improvement shall be permitted on any property acquired or managed under the EEL Program that is inconsistent with the purposes of the program or that is not provided by an approved management plan for the property.

**Sec. 24-50.13. Responsibilities of the manager.**

The County Manager shall facilitate such activities, designate such staff, and assign such responsibilities as are necessary to fulfill the purposes of this chapter. The manager shall, at a minimum, do the following:

- (1) Designate staff to evaluate acquisition proposals in accordance with the approved criteria and prepare and implement project management plans.
- (2) Make recommendations to the LASC on acquisition proposals.
- (3) Designate an Environmentally Endangered Lands Project Review Committee to assist with the coordination of interdepartmental and interagency activities, to assist in the preparation of recommendations on acquisition proposals, and to approve interim management plans. The Project Review Committee shall be chaired by the County Manager or his designee and shall include at least one (1) representative each from the Department of Environmental Resources Management, the Park and Recreation Department, and the Department of Planning and Zoning.
- (4) Designate a negotiation resource committee to develop negotiation strategies for approved acquisition projects, to monitor negotiations, and to assist in coordinating all activities relating to negotiations, purchase agreements and closings, as needed. The Negotiation Resource Committee shall include at least one (1) representative from the Department of Environmental Resources Management, the Department of Development/Facilities Management, the Park and Recreation Department, and the Property Appraiser's Office. The County Attorney shall also designate (a) representative(s) to serve on the Negotiation Resource Committee.

**FIGURE NO. 11**

**MULTIPLE AGENCY LEASE AGREEMENT**

# Multiple Agency Lease Agreement

**Figure No. 11 - Multiple Agency Lease Agreement**



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

## MULTIPLE AGENCY LEASE AGREEMENT

Lease Agreement No. 3941

THIS LEASE AGREEMENT is made and entered into this 5th day of August, 1993, by and between the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, hereinafter referred to as "TRUSTEES", and the DADE COUNTY PARK AND RECREATION DEPARTMENT, hereinafter referred to as "LEAD AGENCY", and the STATE OF FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, hereinafter referred to as "COOPERATING AGENCY", hereinafter collectively referred to as "MANAGING AGENCIES", for the lands described in paragraph 2 below, together with the improvements thereon, and subject to the following terms and conditions:

1. DELEGATIONS OF AUTHORITY: The TRUSTEES' responsibilities and obligations herein shall be exercised by the Division of State Lands, Department of Natural Resources.

2. DESCRIPTION OF PREMISES: The property subject to this lease agreement is located in the County of Dade, State of Florida, and is more particularly described in Exhibit A attached hereto and hereinafter referred to as "leased premises".

3. TERM: The term of this lease agreement shall be for a period of fifty (50) years commencing on August 5, 1993 and ending on August 4, 2043, unless sooner terminated pursuant to the provisions of this lease agreement.

4. PURPOSE: The MANAGING AGENCIES shall manage these lands in conformance with the State Environmentally Endangered Lands Plan and the State Lands Management Plan for the conservation and protection of natural and historical resources and for resource based public outdoor recreation which is

**Figure No. 11 - Multiple Agency Lease Agreement**

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Lease Agreement No. 3941

compatible with the conservation and protection of these public lands as set forth in subsection 253.023(11), Florida Statutes, along with other related uses necessary for the accomplishment of this purpose as designated in the Management Plan required by paragraph 10 of this lease agreement.

5. BEST MANAGEMENT PRACTICES: The MANAGING AGENCIES shall implement applicable Best Management Practices for all activities conducted under this lease agreement in compliance with paragraph 18-2.004(1)(d), Florida Administrative Code, which have been selected, developed, or approved by the TRUSTEES or the MANAGING AGENCIES for the protection and enhancement of the leased premises.

6. EASEMENTS: All easements including, but not limited to, utility easements are expressly prohibited without the prior written approval of the TRUSTEES. Any easement not approved in writing by the TRUSTEES shall be considered void and without legal effect.

7. OTHER AGREEMENTS: This lease agreement shall not be construed as authorization for the MANAGING AGENCIES to lease, sublease, convey or encumber the leased premises or any portion thereof without the prior written approval of the TRUSTEES.

8. LEAD AGENCY RESPONSIBILITIES: The LEAD AGENCY shall coordinate and oversee all activities on the leased premises; initiate appropriate management programs to meet the intent of the goals and objectives stated herein; coordinate preparation and periodic revision of the Management Plan; coordinate and monitor all management activities undertaken by others; and, compile and submit such reports as may be required of the MANAGING AGENCIES. The LEAD AGENCY shall provide permanent staff, as funding is acquired, for management on a day-to-day basis.

9. COOPERATING AGENCY RESPONSIBILITIES: The COOPERATING AGENCY shall, in coordination with the LEAD AGENCY, provide management recommendations and protection for all wildlife, including threatened and endangered species. In addition, the COOPERATING AGENCY will assist in the management of the pineland

## Figure No. 11 - Multiple Agency Lease Agreement

preserves by conducting periodic controlled burns of the properties to encourage pineland growth and eliminate the threat of understory hardwoods and exotic species.

10. MANAGEMENT PLAN: The LEAD AGENCY with assistance from the COOPERATING AGENCY shall prepare and submit a Management Plan for the leased premises, in accordance with Section 253.034, Florida Statutes, and Chapters 18-2 and 18-4, Florida Administrative Code, within 12 months of the effective date of this lease. The Management Plan shall be submitted to LESSOR for approval through the Division of State Lands. The leased premises shall not be developed or physically altered in any way other than what is necessary for security and maintenance of the leased premises without the prior written approval of LESSOR until the Management Plan is approved. The Management Plan shall emphasize the original management concept as approved by LESSOR at the time of acquisition which established the primary purpose for which the leased premises were acquired. The approved Management Plan shall provide the basic guidance for all management activities and shall be reviewed jointly by the LEAD AGENCY, COOPERATING AGENCY, Land Management Advisory Committee, and LESSOR at least every five (5) years. The LEAD AGENCY and COOPERATING AGENCY shall not use or alter the leased premises except as provided for in the approved Management Plan without the prior written approval of LESSOR. The Management Plan prepared under this lease shall identify management strategies for exotic species, if present. The introduction of exotic species is prohibited, except when specifically authorized by the approved Management Plan.

11. QUIET ENJOYMENT AND RIGHT OF USE: The MANAGING AGENCIES shall have the right of ingress and egress, to, from and upon the leased premises for all purposes necessary to their full quiet enjoyment of the rights conveyed herein. The MANAGING AGENCIES shall have the authority and right to enter and occupy the property for all purposes necessary to meet their designated responsibilities, including protection of the leased premises. The MANAGING AGENCIES shall have the authority and shall, through

**Figure No. 11 - Multiple Agency Lease Agreement**

their agents and employees, take all reasonable measures to provide security against property damage, property degradation, and unauthorized uses or any use thereof not in conformance with this lease agreement.

12. RIGHT OF INSPECTION: The TRUSTEES or their duly authorized agents, shall have the right at any and all times to inspect the leased premises and the works and operations thereon of the MANAGING AGENCIES in any matter pertaining to this lease agreement.

13. BREACH OF COVENANTS TERMS OR CONDITIONS: Should the MANAGING AGENCIES fail to keep or perform any of their responsibilities as designated by the approved Management Plan or otherwise as provided for herein, the TRUSTEES shall notify the specific agency of such non-performance. If correction or justification is not made within (60) sixty days of receipt of written notice, the TRUSTEES may either terminate this lease agreement and recover from the MANAGING AGENCIES all damages the TRUSTEES may incur by reason of the breach including, but not limited to, the cost of recovering the leased premises, or maintain this lease agreement in full force and effect and exercise all rights and remedies herein conferred upon the TRUSTEES.

14. ASSIGNMENT: This lease agreement shall not be assigned in whole or in part without the prior written consent of the TRUSTEES. Any assignment made without the prior written consent of the TRUSTEES shall be void and without legal effect.

15. LIABILITY: The MANAGING AGENCIES shall assist in the investigation of injury or damage claims either for or against the State of Florida or the TRUSTEES pertaining to their respective areas of responsibilities, or arising out of their respective management programs and activities, and shall contact the Division of State Lands regarding whatever legal action they deem appropriate to remedy such damage or claims.

16. UTILITY FEES: The MANAGING AGENCIES shall be responsible for the payment of all charges for the furnishing of gas, electricity, water and other public utilities to the leased

**Figure No. 11 - Multiple Agency Lease Agreement**

premises and for having all utilities turned off when the leased premises are surrendered.

17. PAYMENT OF TAXES AND ASSESSMENTS: The MANAGING AGENCIES shall assume full responsibility for and shall pay all liabilities that accrue to the leased premises or to the improvements thereon, including any and all drainage and special assessments or taxes of every kind and all mechanic's or materialman's liens which may be hereafter lawfully assessed and levied against the leased premises.

18. CONDITIONS AND COVENANTS: All of the provisions of this lease agreement shall be deemed covenants running with the land included in the leased premises, and shall be construed to be "conditions" as well as "covenants" as though the words specifically expressing or imparting covenants and conditions were used in each separate provision.

19. TRIPPLICATE ORIGINALS: This lease agreement is executed in triplicate originals each of which shall be considered an original for all purposes.

20. PROHIBITIONS AGAINST LIENS OR OTHER ENCUMBRANCES: Fee title to the leased premises is held by the TRUSTEES. The MANAGING AGENCIES shall not do or permit anything to be done which purports to create a lien or encumbrance of any nature against the real property contained in the leased premises including, but not limited to, mortgages or construction liens against the real property contained in the leased premises or against any interest of the TRUSTEES therein.

21. PLACEMENT AND REMOVAL OF IMPROVEMENTS: All buildings, structures, improvements, and signs shall be constructed at the expense of the MANAGING AGENCIES. Removable equipment and removable improvements placed on the leased premises by the MANAGING AGENCIES which do not become a permanent part of the leased premises will remain the property of the MANAGING AGENCIES and may be removed by such upon termination of this lease agreement.

## Figure No. 11 - Multiple Agency Lease Agreement

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Lease Agreement No. 3941

22. MAINTENANCE OF IMPROVEMENTS: The MANAGING AGENCIES shall maintain the real property contained within the leased premises and any improvements located thereon, in a state of good condition, working order and repair including, but not limited to, maintaining the planned improvements as set forth in the approved Management Plan, meeting all building and safety codes in the location situated and keeping the leased premises free of trash or litter and maintaining any and all existing roads, canals, ditches, culverts, risers and the like in as good condition as the same may be on the effective date of this lease agreement; provided, however, that any removal, closure, etc., of the above improvements shall be acceptable when the proposed activity is consistent with the goals of conservation, protection, and enhancement of the natural and historical resources within the leased premises and with the approved Management Plan.

23. NO WAIVER OF BREACH: The failure of the TRUSTEES to insist in any one or more instances upon strict performance of any one or more of the covenants, terms and conditions of this lease agreement shall not be construed as a waiver of such covenants, terms and conditions, but the same shall continue in full force and effect, and no waiver of the TRUSTEES of any one of the provisions hereof shall in any event be deemed to have been made unless the waiver is set forth in writing, signed by the TRUSTEES.

24. DAMAGE TO THE PREMISES: The MANAGING AGENCIES agree that they will not do, or suffer to be done, in, on or upon the leased premises or as affecting said leased premises, any act which may result in damage or depreciation of value to the leased premises, or any part thereof. The MANAGING AGENCIES shall not dispose of any contaminants including, but not limited to, hazardous or toxic substances, chemicals or other agents used or produced in the MANAGING AGENCIES' operations, on the leased premises or on any adjacent state land or in any manner not permitted by law.

**Figure No. 11 - Multiple Agency Lease Agreement**

25. INSURANCE REQUIREMENTS: The MANAGING AGENCIES shall procure and maintain adequate fire and extended risk insurance coverage for any improvements or structures located on the leased premises in amounts not less than the full insurable replacement value of such improvements by preparing and delivering to the Division of Risk Management, Department of Insurance, a completed Florida Fire Insurance Trust Fund Coverage Request Form immediately upon erection of any structures as allowed by paragraph 4 of this lease agreement. A copy of said form and immediate notification in writing of any erection or removal of structures or other improvements on the leased premises and any changes affecting the value of the improvements shall be submitted to the following: Bureau of Land Management Services, Division of State Lands, Department of Natural Resources, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399.

26. PUBLIC LANDS ARTHROPOD CONTROL PLAN: The MANAGING AGENCIES shall identify and subsequently designate to the respective arthropod control district or districts all of the environmentally sensitive and biologically highly productive lands contained under this lease agreement, in accordance with Section 388.4111, Florida Statutes and Chapter 10D-54, Florida Administrative Code, for the purpose of obtaining a public lands arthropod control plan for such lands within one year of the effective date of this lease agreement.

27. ARCHAEOLOGICAL AND HISTORIC SITES: Execution of this lease agreement in no way affects any of the parties' obligations pursuant to Chapter 267, Florida Statutes. The collection of artifacts or the disturbance of archaeological and historic sites on state-owned lands is prohibited unless prior authorization has been obtained from the Department of State, Division of Historical Resources. The Management Plan prepared pursuant to Section 253.034, Florida Statutes, shall be reviewed by the Division of Historical Resources to insure that adequate measures have been planned to locate, identify, protect and preserve the archaeological and historic sites and properties on the tract.

**Figure No. 11 - Multiple Agency Lease Agreement**



28. SURRENDER OF PREMISES: Upon termination or expiration of this lease agreement, the MANAGING AGENCIES shall surrender the leased premises to the TRUSTEES. In the event no further use of the leased premises or any part thereof is needed, the MANAGING AGENCIES shall give written notification to the Bureau of Land Management Services, Division of State Lands, Department of Natural Resources, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399 at least six (6) months prior to the release of all or any part of the leased premises. Notification shall include a legal description, this lease agreement number, and an explanation of the release. The release shall only be valid if approved by the TRUSTEES through execution of a release of lease agreement instrument with the same formality as this lease agreement. Upon release of any leased premises or upon termination or expiration of this lease agreement, all improvements, including both physical structures and modifications to the leased premises, shall become the property of the TRUSTEES, unless the TRUSTEES give written notice to the MANAGING AGENCIES to remove any or all such improvements at the expense of the MANAGING AGENCIES. The decision to retain any improvements upon termination of this lease agreement shall be at the TRUSTEES' sole discretion. Prior to surrender of all or any part of the leased premises, a representative of the Division of State Lands shall perform an on-site inspection and the keys to any building on the leased premises shall be turned over to the Division. If the leased premises do not meet all conditions as set forth in paragraphs 17 and 23 herein, the MANAGING AGENCIES shall pay all costs necessary to meet the prescribed conditions.

29. COMPLIANCE WITH LAWS: The MANAGING AGENCIES agree that this lease agreement is contingent upon and is subject to the MANAGING AGENCIES obtaining all applicable permits and complying with all applicable permits, regulations, ordinances, rules, and laws of the State of Florida or the United States or of any political subdivision or agency of either.

**Figure No. 11 - Multiple Agency Lease Agreement**

30. ENTIRE UNDERSTANDING: This lease agreement sets forth the entire understanding between the parties and shall only be amended with the prior written approval of the TRUSTEES.

31. RIGHT OF AUDIT: The MANAGING AGENCIES shall make available to the TRUSTEES all financial and other records relating to this lease agreement and the TRUSTEES shall have the right to audit such records at any reasonable time. This right shall be continuous until this lease agreement expires or is terminated. This lease agreement may be terminated by the TRUSTEES should the MANAGING AGENCIES fail to allow public access to all documents, papers, letters or other materials made or received in conjunction with this lease agreement, pursuant to Chapter 119, Florida Statutes.

32. NON-DISCRIMINATION: The MANAGING AGENCIES shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicaps, or marital status with respect to any activity occurring within the leased premises or upon lands adjacent to and used as an adjunct of the leased premises.

33. GOVERNING LAW: This lease agreement shall be governed by and interpreted according to the laws of the State of Florida.

34. SECTION CAPTIONS: Articles, subsections and other captions contained in this lease agreement are for reference purposes only and are in no way intended to describe, interpret, define or limit the scope, extent or intent of this lease agreement or any provisions thereof.

**Figure No. 11 - Multiple Agency Lease Agreement**

IN WITNESS WHEREOF, the parties have caused this lease agreement to be executed on the day and year first above written.

Cathy Watkins  
Witness  
Judith A. Bost  
Witness

STATE OF FLORIDA  
COUNTY OF LEON

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

By: [Signature] (SEAL)  
DIRECTOR, DIVISION OF STATE  
LANDS, DEPARTMENT OF NATURAL  
RESOURCES

"TRUSTEES"

The foregoing instrument was acknowledged before me this 5<sup>th</sup>  
day of August, 1993, by Percy W. Mallison, Jr.  
as Director, of Division of State Lands, Department  
of Natural Resources



CATHY LYNN WATKINS  
MY COMMISSION # CC 167822 EXPIRES  
MARCH 22, 1996  
BONDED THRU TRUITY FARM INSURANCE, INC.

Cathy Lynn Watkins (SEAL)  
NOTARY PUBLIC  
My Commission Expires:

Approved as to Form and Legality

By: William C. Robinson  
DNR Attorney

(OFFICIAL SEAL)

DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: [Signature]  
for Joseph G. Avino, P.E., P.L.S.

Shelley E. Moon  
Witness  
Emily M. Young  
Witness

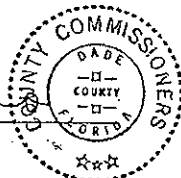
ATTEST:

STATE OF FLORIDA  
COUNTY OF DADE

"LEAD AGENCY"

MARSHALL ADER, CLERK

By: [Signature]  
Deputy Clerk



The foregoing instrument was acknowledged before me this 28<sup>th</sup>  
day of April, 1992, by Cynthia W. Curry  
as Assist. County Manager, of Metropolitan Dade County.

Ben Scott Brown  
Witness  
Harry Zaman  
Witness

STATE OF FLORIDA  
COUNTY OF LEON

Sheila Horowitz  
NOTARY PUBLIC SHEILA HOROWITZ  
My Commission Expires: March 31, 1997  
BY COMMISSION EXP. ALR. 31, 1997  
BONDED THRU GENERAL INS. USD.

STATE OF FLORIDA DEPARTMENT OF  
AGRICULTURE AND CONSUMER SERVICES,  
BOB DRAWFORD, COMMISSIONER

By: [Signature] (SEAL)  
DIRECTOR, DIVISION OF  
ADMINISTRATION

"COOPERATING AGENCY"

The foregoing instrument was acknowledged before me this 29<sup>th</sup>  
day of March, 1993, by Mike Graham  
as Director of Administration, Department of Agriculture and Consumer  
Services.

Lee H. Sadler (SEAL)  
NOTARY PUBLIC

Figure No. 11 - Multiple Agency Lease Agreement



LEE H. SADLER  
MY COMMISSION # CC 244401 EXPIRES  
December 8, 1996  
BONDED THRU TRUITY FARM INSURANCE, INC.

1991 MAY 30 PM 2:06

91R180404

OFF REC 15046 ps 2931

FOLIO #30-4035-000-0610

Approved By: M. d. Hein  
Date: 9/19/91

WARRANTY DEED

THIS WARRANTY DEED is made this 22nd day of May, 1991, by and between TRINITY EPISCOPAL PRIVATE SCHOOL, INC., a Florida private school corporation organized under Chapter 623, Florida Statutes, formerly known as Trinity Episcopal School, Inc. ("Grantor"), whose mailing address is 7410 Sunset Drive, Miami, Florida, and BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA ("Grantee"), whose mailing address is c/o Department of Natural Resources, Division of State Lands, 3900 Commonwealth Blvd., Mail Station 115, Tallahassee, Florida 32399.

W I T N E S S E T H:

THAT Grantor, for and in consideration of the sum of Ten and No/100 U.S. Dollars (\$10.00) and other good and valuable considerations to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to Grantee, its successors and assigns forever, the real property and appurtenances thereto (the "Land"), situate, lying and being in the County of Dade, State of Florida and described as follows:

The West 1/2 of the NW 1/4 of the SE 1/4 of the NW 1/4 of Section 35, Township 54 South, Range 40 East, and the East 1/2 of the NW 1/4 of the SE 1/4 of the NW 1/4 of Section 35, Township 54 South, Range 40 East, all lying and being in Dade County, Florida.

TOGETHER with the tenements, hereditaments and appurtenances thereto.

SUBJECT TO:

(1) Restrictive Covenant contained in Modification and Release of Restrictive Covenant filed for record January 10, 1991 in Official Records Book 14854, at Page 747, of the Public Records of Dade County, Florida.

PREPARED BY, RECORDING REQUESTED BY, AND WHEN RECORDED MAIL TO:  
H. William Walker, Jr., Esq.  
White & Case  
4750 Southeast Financial Center  
200 S. Biscayne Boulevard  
Miami, Florida 33131-2352

Documentary Stamps Collected \$ 6,775.00  
\$ 475.00 SURTAX Doc. Stamps Collected  
Class "C" Intangible Tax Collected \$ ---  
By: [Signature] Clerk, Dade County, Fla.  
Date: 5/30/91 DC

NO. 3941

EXHIBIT A

Figure No. 11 - Multiple Agency Lease Agreement

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

AND Grantor hereby fully warrants the title to the Land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has caused this Warranty Deed to be executed on the day and year first above written.

Signed, sealed and delivered in the presence of:

TRINITY EPISCOPAL PRIVATE SCHOOL, INC., a Florida private school corporation organized under Chapter 623, Florida Statutes, formerly known as Trinity Episcopal School, Inc.

*[Handwritten signature]*  
*[Handwritten signature]*

By: *[Handwritten signature]*  
Tina Lane  
President  
(Corporate Seal)



STATE OF FLORIDA )  
COUNTY OF DADE ) SS.

The foregoing instrument was acknowledged before me this 22 day of May, 1991, by Tina Lane, as President of Trinity Episcopal Private School, Inc., a Florida private school corporation organized under Chapter 623, Florida Statutes, formerly known as Trinity Episcopal School, Inc., who acknowledged before me that she executed the foregoing Warranty Deed on behalf of the corporation.

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP. APR. 27, 1992  
BONDED UNDER GENERAL INS. LNS.

*[Handwritten signature]*  
Notary Public  
State of Florida at Large



RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA.  
RECORDED BY  
Clerk of Circuit & County  
Courts

NO. 3941

EXHIBIT A

PAGE 12 OF 12

Figure No. 11 - Multiple Agency Lease Agreement









**FIGURE NO. 12**

**FDOT REQUEST FOR STATEMENT OF SIGNIFICANCE LETTER**



## Florida Department of Transportation

JEB BUSH  
GOVERNOR

DENVER J. STUTLER, JR.  
SECRETARY

January 27, 2006

District Planning and Environmental Management Office  
1000 NW 111<sup>th</sup> Avenue, Room 6109  
Miami, FL 33172

Ms. Emilie M. Young, Program Director  
Miami-Dade County Department of Environmental Resources Management  
Environmentally Endangered Lands Program  
33 SW 2<sup>nd</sup> Avenue, P.H. 2  
Miami, FL 33130-1540

Dear Ms. Young:

Re: Statement of Significance -- Owaissa Bauer Addition No. 1 Property  
Krome Avenue South Project Development & Environment Study  
Financial Management Number: 249614-4-21-1  
County: Miami-Dade

The Florida Department of Transportation (FDOT) is conducting a Project Development & Environment (PD&E) Study of the SR 997/SW 177<sup>th</sup> Avenue/Krome Avenue corridor. The 10.07-mile project begins at SW 296<sup>th</sup> Street/Avocado Drive and ends at SW 136<sup>th</sup> Street/Howard Drive. This project is known as the Krome Avenue South Study. Another PD&E Study known as the Krome Avenue North Study, includes the project area which extends from SW 136<sup>th</sup> Street to SR 25/US 27/Okeechobee Road.

The Krome Avenue South project proposes to develop and analyze alternatives, including the no-build, 2-lane, 3-lane, and 4-lane widening alternatives. All alternatives will consider preserving the rural character of the corridor while providing safety and operational improvements. Right-of-way impacts are anticipated for some portions of the project corridor should wider typical sections be implemented.

As part of the PD&E process, the FDOT will be seeking a Section 4(f) Determination of Applicability (DOA) from the Federal Highway Administration (FHWA). Section 4(f) of the U.S. Department of Transportation Act of 1966 pertains to the protection of public resource lands such as parks, recreation areas, or wildlife and waterfowl refuges of national, state, or local significance. It is the understanding of the FDOT that within the Krome Avenue South project corridor, there is one potential Section 4(f) property, the Owaissa Bauer Addition No. 1 property, which falls under your Department's jurisdiction. This property is located on the southeast corner of Krome Avenue and SW 264 Street/Bauer Drive. This property would potentially be directly impacted by any

widening alternatives considered by the FDOT. Based on a meeting between the FDOT and your agency on July 20, 2005, a description of the project and the potential impacts to this property were discussed.

In order for the FDOT to prepare the DOA package for FHWA consideration, the Department must first obtain a statement of significance and documentation of the intended use of the property from the appropriate official(s) with authority over the management and administration of the land. Official(s) having jurisdiction are the official(s) of the agency owning or administering the land. A **written Statement of Significance** from the official(s) having jurisdiction is required for the FHWA to determine if Section 4(f) protection applies to the property.

In order to be considered a Section 4(f) resource, a property must function as or be designated a **significant** public park, wildlife refuge, or recreational area. Significance means that in comparing the availability and function of the park, wildlife refuge, or recreational area with the park, recreational, and/or wildlife refuge objectives of the community or authority, the land in question plays an important role in achieving those objectives.

In summary, the Department would like to request a **Statement of Significance** by your office, regarding the significance and intended use of the Owaissa Bauer Addition No. 1 property, as required under Federal law as a potential Section 4(f) resource (explained above). This Statement should include up-to-date management plans or other official forms of documentation, if available, regarding the land, as well as the following information:

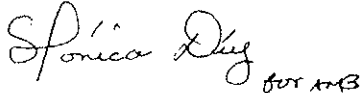
1. Approximate date the property was designated as a public property
2. Size and location of the property
3. Ownership and type of property
4. Function of or available activities on the property
5. Description and location of all existing and planned facilities
6. Access (pedestrian, vehicular, etc.) and usage (approximate number of users)
7. Relationship to other similarly used lands in the vicinity
8. Applicable clauses affecting ownership, such as leases, easements, covenants, restrictions, or conditions including foreclosure
9. Unusual characteristics of the property (flooding problems, terrain conditions, or other features) that either reduce or enhance the value of all or part of the property
10. Statement of Significance.

Please review the above information and attached project location map and provide us with the requested information. In addition, please identify any other functions, values, or other information that is pertinent to the development of the DOA.

Emilie Young  
January 27, 2006  
Page 3

If you should need further information or have any questions, please feel free to contact me or Susanne Travis at (305) 470-5220. Thank you for your coordination efforts on this project.

Sincerely,

A handwritten signature in cursive script that reads "Alice N. Bravo". To the right of the signature, there are small initials "AMB" written in a similar cursive style.

Alice N. Bravo, P.E.  
District Planning and Environmental Management Engineer

Enclosure

cc: Susanne Travis, FDOT  
Marjorie Bixby, FDOT  
Monica Diez, P.E., FDOT