

Business Operations
Joe Arriola, Chief Business Officer

SUBJECT: AUTHORIZATION TO MODIFY A DECLARATION OF RESTRICTIONS TO ALLOW CELOMADING, S.A. TO EXTEND CONVEYANCE DATE OF A 5.1 ACRE SCHOOL SITE DONATION WITH SITE IMPROVEMENTS AND EXPLORE FEASIBILITY OF AN APPROXIMATE 11.3 ACRE SCHOOL SITE AS A CONTRIBUTION IN-LIEU-OF IMPACT FEES

Background

As part of an application to request a zoning change, Application No. 99-22, Celomading, S.A., (applicant) proffered a Declaration of Restrictions (Declaration) in February 2001, in favor of the School Board (Board). This Declaration (Attachment A) required the donation of a 5.1 net acre site, over and above impact fees, with the Board having an option until December 31, 2004, to purchase an additional 11.3 net acres at fair market value, pursuant to a District commissioned appraisal. The subject parcels are located at the northwest corner of S.W. 149 Avenue and S.W. 24 Street, a/k/a Coral Way (see attached located map).

The applicant also proffered to provide storm water retention for the entire 16.4 net acre site as well as any required wetland mitigation fees and paved road access. Additionally, the applicant will also provide all utilities including water and sewer lines, electric and phone service, with no additional connection charges to the District.

Additional Information

The above-referenced site improvements should have been completed by March 1, 2002, according to the Declaration. However, since the applicant has had difficulty meeting the time frames as set forth in the Declaration for completing the site improvements and conveying the 5.1-acre parcel to the Board, an extension from March 1, 2002 to January 31, 2003 would be appropriate. The warranty deed submitted to the District by the applicant would be returned upon execution of the amended Declaration extending the conveyance date. The applicant has also indicated a willingness to consider modifying the Declaration as it relates to the Board's option to purchase the 11.3 net acre site from a land purchase to a contribution in-lieu-of impact fees. The applicant has indicated that site development data and estimated impact fees are being reviewed vis-à-vis the estimated market value of the 11.3 net acre site to determine if a land contribution in-lieu-of impact fees is feasible. In the event a land contribution in-lieu-of impact fees is feasible, an agenda item establishing the fair market value of the site as determined by a District commissioned appraisal as well as other pertinent information will be presented to the Board for its consideration and final determination.

Below is a summary of due diligence results received to date on the subject 16.4 acre property in its current raw state:

- The South Florida Water Management District has indicated that wetlands as defined by Chapter 62-340 Florida Administrative Code are present on the site, and that wetland mitigation will be required as part of a previous application (applicant has proffered to fulfill this requirement).
- The Miami-Dade County Planning and Zoning Department has indicated that the site is consistent with the Comprehensive Development Master Plan and is acceptable for use as a middle school.
- The Miami-Dade Aviation Department has indicated the site is compatible with airport operations and is located outside the no-school zone.
- The Miami-Dade County Office of Historic Preservation has indicated that there are no historic sites recorded for the tract. However, a Phase I Environmental Assessment indicated a medium to high probability for the presence of archaeological resources on the site and applicant has proffered to conduct a Phase II environmental assessment. Additionally, the Miccosukee Tribe of Indians of Florida has also recommended that such a cultural resources survey be conducted.
- A Phase I Environmental Assessment indicated evidence of dumping on the site (applicant has proffered to obtain the required permits as well as de-mucking and filling the site).
- Miami-Dade DERM, Water Control Division, indicated that the site is located in the Bird Drive Basin where cut and fill criteria apply and where water retention is required. Additionally, a Class II Permit and an Environmental Resource Permit will be required (applicant has proffered to complete this requirement).
- Miami-Dade DERM has indicated a Class IV Wetlands Permit will be required, along with mitigation in the form of a monetary contribution to a regional mitigation fund or bank. DERM has advised that the mitigation ratio in this general area has been approximately 1:15. The mitigation contribution per acre of development impact is \$29,704 and applicant has proffered to handle storm water retention and to pay any applicable wetland mitigation fees.

The modified Declaration will be reviewed by the Attorney's Office. The Registered Agent of Celomading, S. A. is RJVF Corporate Services, Inc., Registered Agent is Raul J. Valdes-Fauli, Esq. and Officers are Raul J. Valdes-Fauli, Esq. And Mr. Juan E. Seraalles.

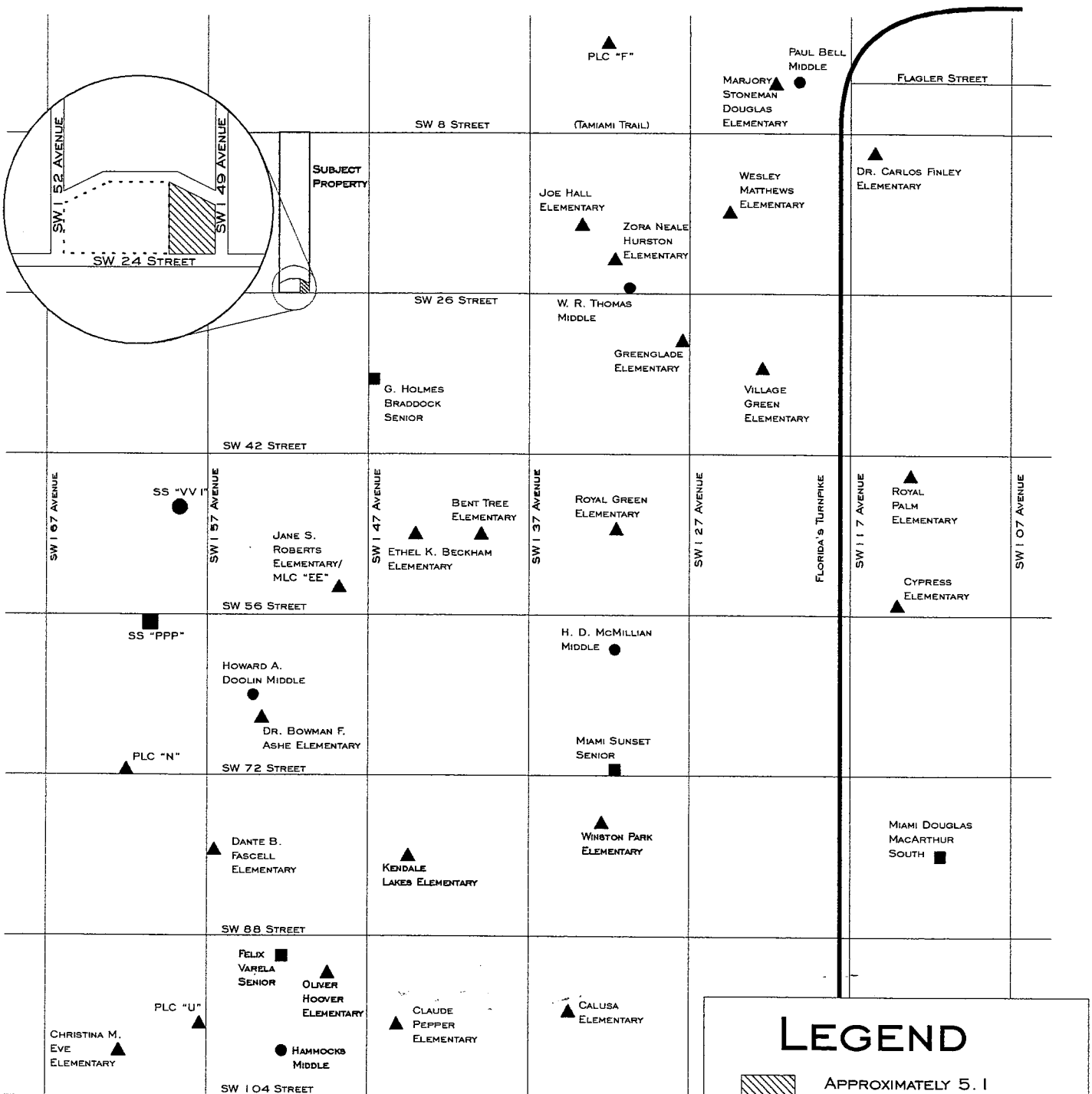
RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to:



- 1) modify the existing Declaration of Restrictions to extend conveyance date of a donated 5.1 net acre site located at the northwest corner of SW 149 Avenue and SW 24 Street and completion of related site improvements to January 31, 2003; and
- 2) explore the feasibility of an 11.3 net acre site as a contribution in-lieu of impact fees subject to due diligence and further review and action by the Board.

PG:am

LOCATION MAP



LEGEND

-  APPROXIMATELY 5.1 ACRES TO BE DONATED OVER AND ABOVE IMPACT FEES
-  APPROXIMATELY 11.5 ACRES AS A CONTRIBUTION IN-LIEU-OF IMPACT FEES

OFF REC 19579 PG. 1934

01R156364 2001 APR 02 15:40

This instrument prepared by :
Brian S. Adler, Esq.
Bilzin Sunberg Dunn Bacna Price & Axelrod LLP
2500 First Union Financial Center
200 South Biscayne Boulevard
Miami, Florida 33131-2336

(Space Above For Recorder's Use Only)

DECLARATION OF RESTRICTIONS

The undersigned is the Owner of the following described real property (the "Property"), lying, being and situated in Miami-Dade County, Florida, and legally described as:

SEE EXHIBIT "A"

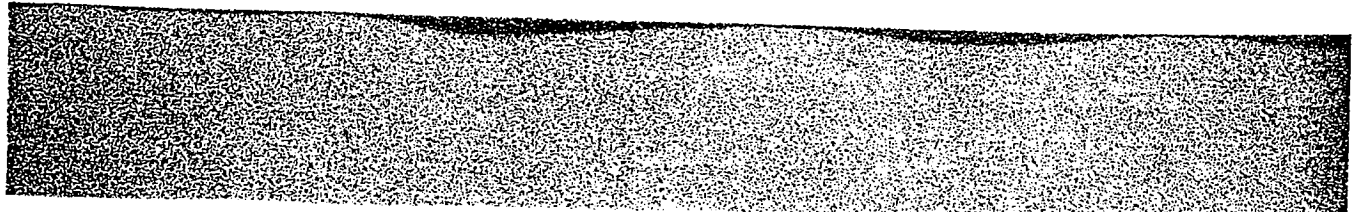
WHEREAS, the Owner has filed a zoning application with the Miami-Dade County Department of Planning and Zoning referred to as Public Hearing Application No. 99-221 (the "Application");

IN ORDER TO ASSURE the **Miami-Dade County School Board** (the "School Board"), that the representations made by the Owner during consideration of Public Hearing No. 99-221 will be abided by the Owner, its successors or assigns, the Owner freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

- (1) This Declaration is based on the development of the Property with seven hundred eighty-four (784) units, of which four hundred ten (410) are single-family units and three hundred seventy-four (374) are townhouses.
- (2) This Declaration shall become final and shall be recorded in the Public Records of Miami-Dade County and is conditioned upon the approval of Public Hearing Application No. 99-221 by the Board of County Commissioners and/or Community Zoning Appeals Board of Miami-Dade County, Florida and expiration of all applicable appeal periods.

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2/8/01

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16-



(3) **Dedication and Conveyance of Property**

- a. In order to address the impact of the development of the Property on the Miami-Dade County Public Schools, and to help meet the future public schools needs generated by this Application, the Owner shall voluntarily dedicate and convey to the School Board that certain buildable 5.10 net acre parcel of land located within the property which is more particularly described in Exhibit "B" ("Site") to this Declaration. Owner agrees to fill and compact the Site to comply with all applicable building and zoning codes and flood insurance laws and regulations at no cost to the School Board. The fill and compaction of the portion of the Site to be used for school buildings shall be of sufficient quality (i.e. granular fill without organics) to support all building improvements associated with the development of a school. The Owner stipulates that no restrictions will be placed on the Site.
- b. The Owner shall provide all utilities including water lines, sewer lines, electric service, and telephone service at the perimeter of the School Property in a sufficient operational state to meet all applicable building and zoning codes and support full development of a school and shall allow the School Board to connect to such utilities with no additional connection fees, in the event the School Board develops the Site and constructs a school. Owner will be responsible for the stormwater management and any wetlands mitigation, including any monetary contribution, required by the Bird Drive Everglades Wetlands Basin Plan as adopted by Miami-Dade County, and any other mitigation required by any entity having jurisdiction over stormwater management, within the Site. The stormwater management and wetlands mitigation shall be performed within the balance of the Property, excluding the Site, at sole cost to the Owner. The Owner shall provide paved road access along two sides of the school Site, as approved by the Miami-Dade County Public Works Department, at no cost to the School Board.
- c. Within 60 days of final zoning approval, Owner must convey title of the school property to the School Board, free and clear of all encumbrances, if any, except those that are acceptable to the School Board and common to the subdivision. The Owner must provide a survey and environmental assessments of the Site and an Opinion of Title to the School Board prior to conveyance. The conveyance of title is predicated upon approval of Public Hearing Application 99-221 by the Board of County Commissioners and/or Community Zoning Appeals Board of Miami-Dade County, Florida, at public

hearing. If the approval is appealed, this period of time shall be tolled until the expiration of all judicial proceedings.

- d. As a condition precedent to the transfer of title to the School Board, Owner must conduct, at Owner's expense, a Phase One Environmental Audit of the Site to ensure that the Site is free from environmental contamination. If the engineer conducting the Phase One Environmental Audit determines that the report contains an indication that a Phase Two Environmental Audit is recommended, the Owner will also conduct a Phase Two Environmental Audit at Owner's expense. Owner must complete all of the required improvements at the Owner's expense to the School Property as described in Paragraph 3 of this Declaration within one year of final zoning approval or March 1, 2002, whichever occurs first. The transfer of title to the School Board is at the sole cost to the Owner.
- e. The Owner acknowledges and agrees that the dedication and conveyance of the Site to the School Board shall not entitle the Owner or its successors and assigns to a credit against the amount of educational facilities impact fee that will be assessed against the future development of the Property under Chapter 33K of the Miami-Dade County Code.
- f. In the event the Owner enters the Property after title passes to the School Board, the Owner further agrees to indemnify and hold the School Board, its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorney's fees and costs of defense, which the School Board or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this covenant by the Owner or its employees, agents, servants, partners, principals, contractors and/or subcontractors. The Owner shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind in regards to actions of its employees, agents and successors in interest.

(4) **Sale of Additional Property**

- a. In order to further address the impact of the development of the Property on the Miami-Dade County Public Schools, and in order to help meet the future public schools needs generated by this Application, the Owner hereby agrees

Declaration of Restrictions
Page 4

to set aside that certain buildable 11.343 net acre parcel of land located within the property which is more particularly described in Exhibit "C" ("Additional Site") to this Declaration. The School Board shall have until December 31, 2004 an irrevocable option to purchase the additional site.

- b. Owner must sell and convey title, free and clear of all encumbrances, if any, except those that are acceptable to the School Board and common to the subdivision. The Owner must provide a survey of the Additional Site at the time of submittal of an Opinion of Title to the School Board. As a condition precedent to the sale of the Additional Site, Owner must conduct at Owner's expense a Phase One Environmental Audit of the Additional Site to ensure that the Additional Site is free from environmental contamination. If the engineer conducting the Phase One Environmental Audit determines that the report contains an indication that a Phase Two Environmental Audit is recommended, the Owner will also conduct at Owner's expense a Phase Two Environmental Audit. Owner must complete all of the required improvements to the Additional Site as described in Paragraphs (4)(a) and (b) of this Declaration prior to the sale.
- c. Appraisal:

The value of the land shall be based upon a district commissioned appraisal for the fair market value of the improved Additional Site, immediately prior to the conveyance of the Additional Site, including the value of off-site drainage and all subdivision improvements required by law.
- d. Owner agrees, at Owner's expense, to fill and compact the Additional Site to comply with all applicable building and zoning codes and flood insurance laws and regulations. The fill and compaction of the portion of the Additional Site to be used for school buildings shall be of sufficient quality (i.e. granular fill without organics) to support all building improvements associated with the development of a school.
- e. Owner shall provide all utilities including water lines, sewer lines, electric service, and telephone service at the perimeter of the Additional Site in a sufficient operational state to meet all applicable building and zoning codes and support full development of the school proposed for the School Property, and shall allow the School Board to connect to such utilities with no connection fees, in the event the School Board develops the Additional Site

and constructs a school. Owner will be responsible for providing the necessary stormwater management and any wetlands mitigation, including any monetary contribution, required by the Bird Drive Everglades Wetlands Basin Plan as adopted by Miami-Dade County, and any other mitigation required by any entity having jurisdiction over stormwater management within the Additional Site. The stormwater management and wetlands mitigation shall be performed within the balance of the Property, excluding the Additional Site, however, the cost of the value of the offsite drainage will be included in the assumption utilized in conducting the appraisal referenced in paragraph 4(c). The Owner shall provide, at its expense, paved road access along two sides of the Additional Site, as approved by the Miami-Dade County Public Works Department.

- f. The Owner acknowledges and agrees that the sale of the Additional Site to the School Board shall not entitle the Owner or its successors and assigns to a credit against the amount of educational facilities impact fee that will be assessed against the future development of the Property under Chapter 33K of the Miami-Dade County Code.

- (5) **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the Owner, and its heirs, successors and assigns until such time as the same is modified or released by the School Board. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the Property described herein and for the public welfare.
- (6) **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each.
- (7) **Modification, Amendment, Release.** No modification, amendment or release that affects the School Board in any manner or fashion shall be permitted without prior approval by the School Board following a public hearing by the School Board.
- (8) **Enforcement.** Enforcement by the Owner or the School Board shall be by action authorized by law, and initiated by the Owner or School Board against any parties or person violating, or attempting to violate, any covenants. If the School Board, is the

Declaration of Restrictions
Page 6

prevailing party in any action or suit, pertaining to or arising out of this Declaration, the School Board shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for attorneys' fees. In all other actions, each party shall bear its own attorney's fees and costs. This enforcement provision shall be in addition to any other remedies available at law or in equity or both. Nothing contained herein shall prevent the School Board from objecting to the issuance of any plats sought in violation of this Declaration by the Owners, its successors and assigns.

- (9) **School Board Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County School Board, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.
- (10) **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the Owner agrees that the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.
- (11) **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
- (12) **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.
- (13) **Severability.** Invalidation of any one of these covenants, by judgment of Court, in no way shall affect any of the other provisions which shall remain in full force and effect.
- (14) **Recording.** This Declaration shall become final and shall be recorded in the public records of Miami-Dade County, Florida at the cost of the Owner within thirty (30)

OFF REC 19579 PG. 1940

Declaration of Restrictions
Page 7

days following the approval and acceptance of the Declaration by the School Board and the approval of the application and expiration of all applicable appeal periods. The Owner is responsible for providing the School Board with a recorded copy of the Declaration upon the Declaration being recorded.

[SIGNATURE PAGE FOLLOWS]

Declaration of Restrictions
Page 5

Signed, witnessed, executed and acknowledged this 31st day of January, 2001.

Witnesses:

CELOMADING, S.A.,
a Panamanian corporation

[Signature]

By: [Signature]
Name: Jose Lamas B., President
Address: 10300 N.W. 121 Way
Medley, FL 33138

Print Name: Maria A. Rodriguez

[Signature]

Print Name: JOSE A. GARUA

STATE OF FLORIDA }

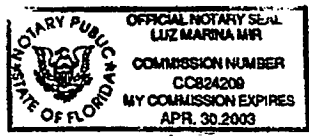
COUNTY OF MIAMI-DADE } ss:

The foregoing instrument was acknowledged before me this 31st day of January, 2001 by Jose Lamas B., as President of Celomading, A.S., a Panamanian corporation, who is personally known to me or produced a valid driver's license as identification.

[Signature]
Notary Public
Sign Name: LUZ MARINA MIR
Print Name: _____

My Commission Expires: 7.30.03

Serial No. (None, if blank): CC824209
[NOTARIAL SEAL]



OFF
REC 19579 PG. 1942

EXHIBIT "A"

The West ½ of the East ½ of Section 9, and that portion of the West ½ of the East ½ of Section 4 lying South of Tamiami Trail, all in Township 54 South, Range 39 East, Dade County, Florida.

JOINDER BY MORTGAGE CORPORATION

The undersigned OCEAN BANK, N.A., Mortgagee under that certain mortgage from Celomading, S.A., a Panamanian Corporation, dated the 10th day of February, 1996, and recorded in Official Records Book 17057, Page 3977, of the Public Records of Miami-Dade County, Florida, in the original amount of \$ 7,000,000.00 covering all or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 7th day of February, 2001.

Witnesses:

Signature: [Handwritten Signature]
Print Name: CLARA RIVERA
Signature: [Handwritten Signature]
Print Name: THERESA DIAZ

[Handwritten Signature]
Name: ORLANDO BARO
Title: SENIOR VICE PRESIDENT
780 N.W. 42nd Avenue
Miami, FL 33126

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Orlando Baro.
He/She is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 7th day of February, 2001, in the County and State aforesaid.



Ernesto Tapanes
Commission # CC 784038
Expires DEC. 1, 2002
BONDED THRU
ATI ANTIC BONDING CO., INC.

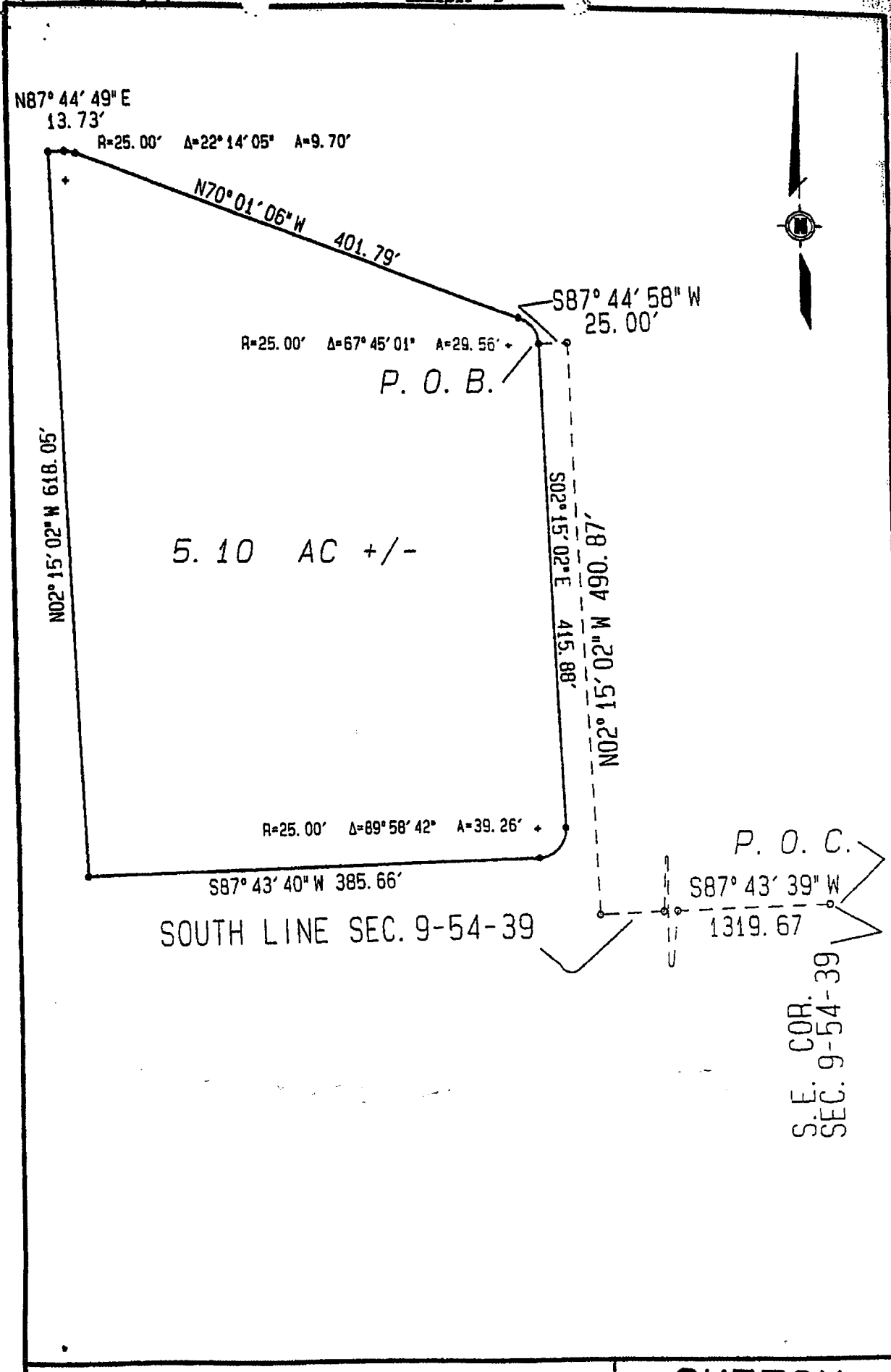
[Handwritten Signature]
Notary Public - State of Florida
My Commission Expires:

OFF
REC 19579 PG. 1944

EXHIBIT "A"

The West $\frac{1}{2}$ of the East $\frac{1}{2}$ of Section 9, and that portion of the West $\frac{1}{2}$ of the East $\frac{1}{2}$ of Section 4 lying South of Tamiami Trail, all in Township 54 South, Range 39 East, Dade County, Florida.

Less and except the South 50 feet of the West $\frac{1}{2}$ of the East $\frac{1}{2}$ of Section 9, Township 54 South, Range 39 East, Miami-Dade County, Florida.



LEGAL DESCRIPTION

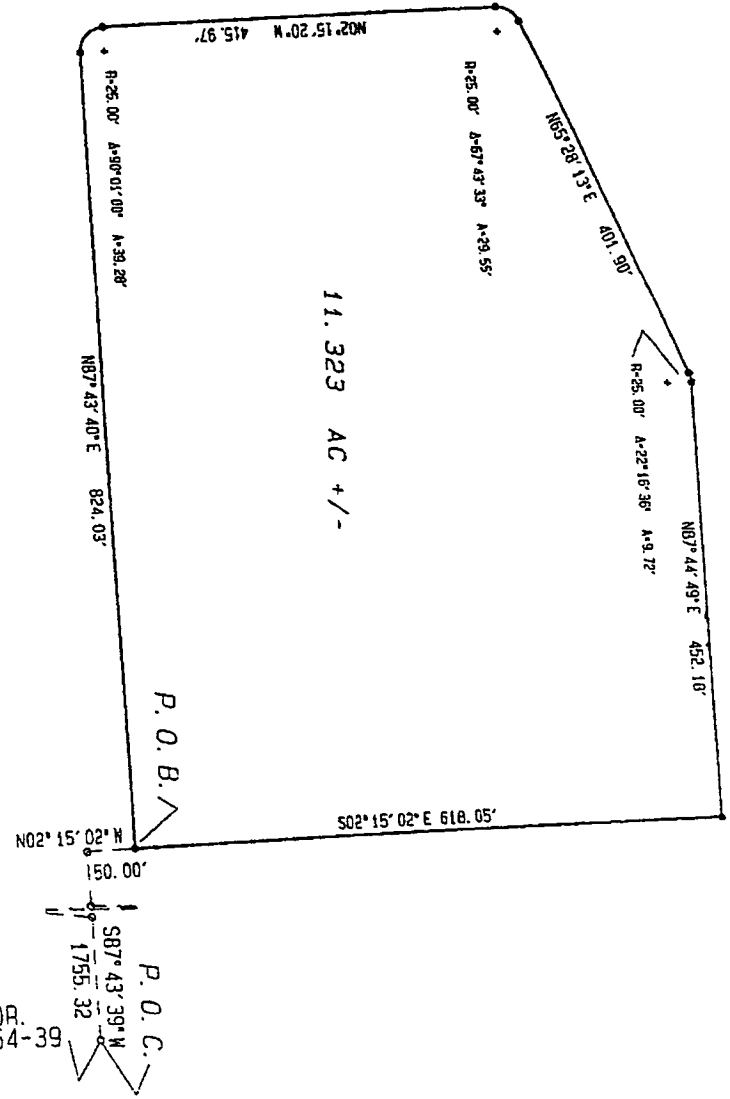
A portion of the SE 1/4 of Section 9, Township 54 South, Range 39 East, and being more particularly described as follows:

COMMENCING at S.E. corner of SEC. 9-54-39; Thence S87°43'39"W for a distance of 1319.67 feet along the South line of said SEC. 9-54-39; thence N02°15'02"W for 490.87 feet; thence S87°44'58"W for a distance of 25.00 feet to the POINT OF BEGINNING.

Thence S02°15'02"E a distance of 415.88 feet;
To a curve having a radial bearing of S87°44'58"W,
a radius of 25.00 feet, and a central angle of
89°58'42". Thence proceed Southwesterly along the arc of said curve,
a distance of 39.26 feet to the end of said curve;
Thence S87°43'40"W a distance of 385.66 feet;
Thence N02°15'02"W a distance of 618.05 feet;
Thence N87°44'49"E a distance of 13.73 feet;
To a curve having a radial bearing of S02°15'11"E,
a radius of 25.00 feet, and a central angle of
22°14'05". Thence proceed Southeasterly along the arc of said curve,
a distance of 9.70 feet to the end of said curve;
Thence S70°01'06"E a distance of 401.79 feet;
To a curve having a radial bearing of S19°58'54"W,
a radius of 25.00 feet, and a central angle of
67°44'28". Thence proceed Southeasterly along the arc of said curve,
a distance of 29.56 feet to the end of said curve;
to the POINT OF BEGINNING of the herein described parcel.

Containing 5.10 Acres +/-

SKETCH



S.E. COR.
SEC. 9-54-39



**SERGIO
REDONDO &
ASSOCIATES**

Professional
Land Surveyors

13712 S.W. 145 Court Miami, Fl. 33186
Tel.: (305) 378-4443 Fax: (305) 378-4582

**SKETCH
AND
LEGAL**

Sheet 1 of 2 Sheets

CAD FILE. ESCUSITE 01-15-31

LEGAL DESCRIPTION

A portion of the SE 1/4 of Section 9, Township 54 South, Range 39 East, and being more particularly described as follows:

COMMENCING at S.E. corner of SEC. 9-54-39; Thence S87°43'39"W for a distance of 1755.32 feet along the South line of said SEC. 9-54-39; thence N02°15'02"W for a distance of 50.00 feet to the POINT OF BEGINNING.
Thence S87°43'40"W a distance of 824.03 feet;
To a curve having a radial bearing of N02°16'20"W, a radius of 25.00 feet, and a central angle of 90°01'00". Thence proceed Northwesterly along the arc of said curve, a distance of 39.28 feet to the end of said curve;
Thence N02°15'20"N a distance of 415.97 feet;
To a curve having a radial bearing of N87°44'40"E, a radius of 25.00 feet, and a central angle of 67°43'33". Thence proceed Northeasterly along the arc of said curve, a distance of 29.55 feet to the end of said curve;
Thence N65°28'13"E a distance of 401.90 feet;
To a curve having a radial bearing of S24°31'47"E, a radius of 25.00 feet, and a central angle of 22°16'36". Thence proceed Northeasterly along the arc of said curve, a distance of 9.72 feet to the end of said curve;
Thence N87°44'49"E a distance of 452.18 feet;
Thence S02°15'02"E a distance of 618.05 feet;
to the POINT OF BEGINNING of the herein described parcel.

Containing 11.323 Acres +/-

RECORDED BY OFFICIAL RECORDER ESCUITE
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT

7/26 01
Agiron



**SERGIO
REDONDO &
ASSOCIATES**

Professional
Land Surveyors

13712 S.W. 145 Court Miami, FL 33186
Tel.: (305) 378-4443 Fax: (305) 378-4582

**SKETCH
AND
LEGAL**

Sheet 2 of 2 Sheets

CAD FILE: ESCUITE 4-21-00

ATTACHMENT B

Miami-Dade County Public Schools

GOVERNMENTAL AFFAIRS AND LAND USE POLICY AND ACQUISITION
• 1450 N.E. 2nd Avenue • Miami, Florida 33132
(305) 995-7280

Mr. Roger C. Cuevas
Superintendent of Schools

October 2, 2001

Miami-Dade County School Board
Ms. Perla Tabares Hantman, Chair
Dr. Michael M. Krop, Vice Chair
Mr. Frank J. Bolaños
Mr. Frank J. Cobo
Dr. Robert B. Ingram
Ms. Betsy H. Kaplan
Mrs. Manty Sabates Morse
Dr. Marta Perez
Dr. Solomon C. Stinson

Ms. Terrie Bates, Director
South Florida Water Management District
3301 Gunclub Road, #4060
West Palm Beach, Florida 33406

Re: Wetland Resources Review for a 16.423 Acre Site Located at the Northwest corner of SW 149 Avenue and SW 26 Street, Miami, Florida

Dear Ms. Bates:

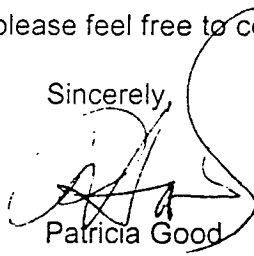
Please be advised that the Miami-Dade County Public Schools is considering the viability of the site referenced below for placement of a middle school. To aid in our planning and design efforts, we are requesting your assistance in reviewing the site for any environmental requirements that may be imposed by the South Florida Water Management District prior to development. The review should include, but not be limited to, jurisdictional wetland determination, permitting issues and applicable mitigation requirements, such as the set aside of land and/or monetary mitigation.

This site is located in S9-T54-R39 (see attached location maps).

In order to maintain our site acquisition schedule, I would greatly appreciate a response by October 16, 2001.

Should you have any questions, please feel free to contact me at (305) 995-7279.

Sincerely,



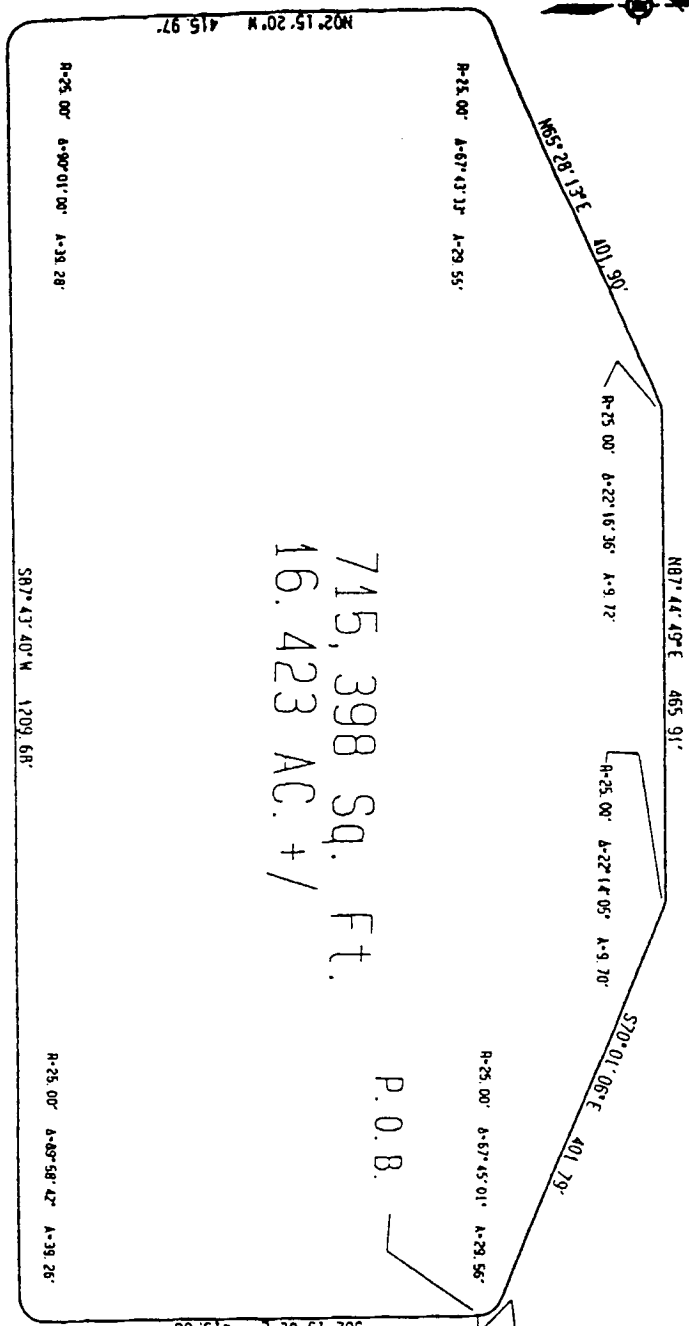
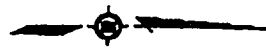
Patricia Good
Coordinator III

PG:am
G-3378
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Mr. Robert Hopper



giving our students the world
www.dadeschools.net



715,398 Sq. Ft.
16.423 AC. +/-

P.O.B.

SOUTH LINE SEC. 9-54-39

P.O.C.

S.E. COR.
SEC. 9-54-39

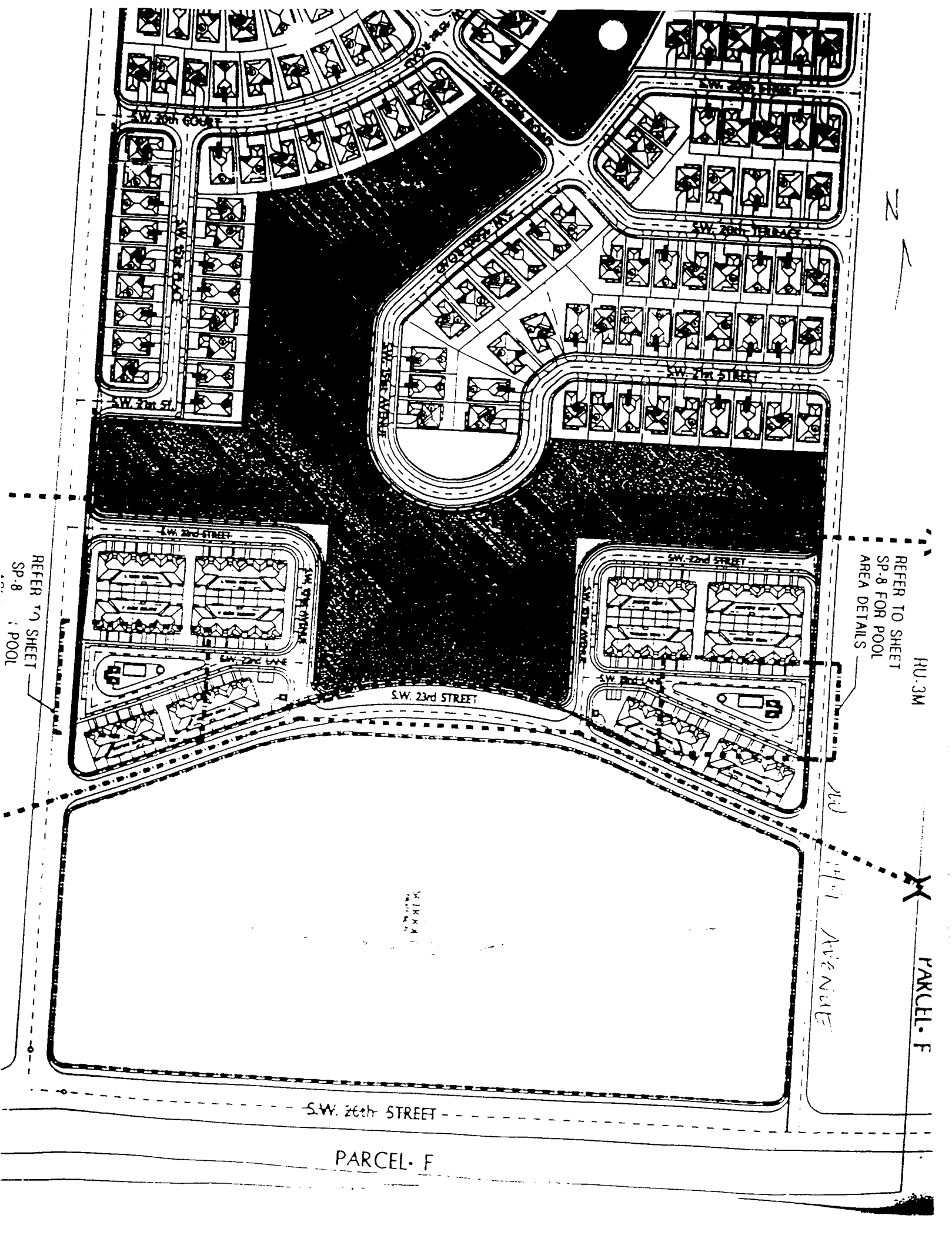


SERGIO ADONDO & ASSOCIATES
Professional Land Surveyors
13712 S.W. 145 Court Miami, FL 33186
Tel.: (305) 378-4443 Fax: (305) 378-4582

SKETCH AND LEGAL

Sheet 1 of 2 Sheets

CAD FILE: +SCUSITE 4 21-00



REFER TO SHEET
SP-8 FOR POOL
AREA DETAILS

RU-3M

PARCEL F

S.W. 14th Avenue

S.W. 26th STREET

PARCEL F

REFER TO SHEET
SP-8 FOR POOL
AREA DETAILS

S.W. 24th STREET

S.W. 24th DRIVE

S.W. 23rd LANE

S.W. 23rd STREET

S.W. 22nd STREET

S.W. 22nd LANE

S.W. 21st ST.

S.W. 21st STREET

S.W. 20th TERRACE

S.W. 20th COURT

XXXXX

LEGAL DESCRIPTION

A portion of the SE 1/4 of Section 9, Township 54 South, Range 39 East, and being more particularly described as follows:

COMMENCING at S.E. corner of SEC. 9-54-39; Thence S87°43'39"W for a distance of 1319.67 feet along the South line of said SEC. 9-54-39; thence N02°15'02"W for 490.87 feet; thence S87°44'58"W for a distance of 25.00 feet to the POINT OF BEGINNING. Thence S02°15'02"E for a distance of 415.88 feet to a curve having a radial bearing of S87°44'58"W, a radius of 25.00 feet, and a central angle of 89°58'42". Thence proceed Southwesterly along the arc of said curve, a distance of 39.26 feet to the end of said curve; thence S87°43'40"W a distance of 1209.68 feet; to a curve having a radial bearing of N02°16'20"W a radius of 25.00 feet and a central angle of 90°01'00". Thence proceed Northwesterly along the arc of said curve, a distance of 39.28 feet to the end of said curve; thence N02°15'20"W a distance of 415.97 feet; to a curve having a radial bearing of N87°44'40"E a radius of 25.00 feet, and a central angle of 67°43'33". Thence proceed Northeasterly along the arc of said curve, a distance of 29.55 feet to the end of said curve; thence N65°28'13"E a distance of 401.90 feet; to a curve having a radial bearing of S24°31'47"E, a radius of 25.00 feet, and a central angle of 22°16'36". Thence proceed Northeasterly along the arc of said curve, a distance of 9.72 feet to the end of said curve; thence N87°44'49"E a distance of 465.91 feet. To a curve having a radial bearing of S02°15'11"E, a radius of 25.00 feet, and a central angle of 22°14'05". Thence proceed Southeasterly along the arc of said curve, a distance of 9.70 feet to the end of said curve; Thence S70°01'06"E a distance of 401.79 feet; to a curve having a radial bearing of S19°58'54"N, a radius of 25.00 feet, and a central angle of 67°45'01". Thence proceed Southeasterly along the arc of said curve, a distance of 29.56 feet to the end of said curve and also being the POINT OF BEGINNING of the herein described parcel.

Containing 16.423 Acres +/-



**SERGIO
REDONDO &
ASSOCIATES**

Professional
Land Surveyors

13712 S.W. 145 Court Miami, Fl. 33186
Tel.: (305) 378-4443 Fax: (305) 378-4582

**SKETCH
AND
LEGAL**

Sheet 2 of 2 Sheets

CAD FILE: ESCUS111 4-21-00



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

CON 24-06

Environmental Resource Regulation
Pre-Application Number 011010-21

October 31, 2001

Ms. Patricia Good
Miami-Dade County Public Schools
Governmental Affairs and Land Use Policy and Acquisition
1450 N.E. 2nd Avenue, Room 525
Miami, FL 33132

**Subject: 16.423 Acre SW 149 Ave. and SW 26 St. Site
Sec 9/Twn 54S/Rng 39E
Miami-Dade County**

The District offers the following in response to a request for determination of wetland boundaries and other surface waters located within the subject property.

Robert Hopper, Environmental Analyst in the Natural Resource Management Division, analyzed aerial photographs and other site information regarding this parcel. The aerial photograph and boundaries (indicated by the dark black line on the attached aerial) define the areas of the project. Based on the information provided, this site does contain wetlands as defined by Chapter 62-340 Florida Administrative Code (FAC).

In addition, the project is located in a region known to contain tree islands. Per the Special Area Management Plan (SAMP) tree islands must be preserved, enhanced, and maintained on site. If the site is proposed to be developed, a tree island survey must be submitted for the parcel. Based on the proposed site plan, mitigation credit may be available for the preservation and enhancement of tree islands. Please contact District staff directly to discuss these issues.

This correspondence is an informal pre-application wetland determination pursuant to Chapter 373, Florida Statutes. It does not bind the District, its agents or employees, nor does it convey any legal rights, expressed or implied. Persons obtaining this informal pre-application wetland determination are not entitled to rely upon it for purposes of compliance with provision of law or District rules. A binding wetland determination may be obtained by petitioning the South Florida Water Management District for a wetland declaratory statement pursuant to FAC Rule 62-340 or by applying for an Environmental Resource Permit.

GOVERNING BOARD

Trudi K. Williams, *Chair*
Lennart E. Lindahl, *Vice-Chair*
Pamela Brooks-Thomas

Michael Collins
Hugh M. English
Gerardo B. Fernández

Patrick J. Gleason, Ph.D., P.G.
Nicolás J. Gutiérrez, Jr., Esq.
Harkley R. Thornton

EXECUTIVE OFFICE

Henry Dean, *Executive Director*

S.W. 147th AVENUE



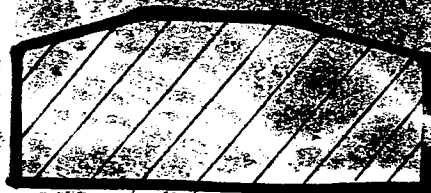
SFWMD

Reviewer: Robert Hopper

Date: 26 Oct '01 S 9 T 54 R 39

County: Miami Dade

//// = wetland or other surface waters



S.W. 147th

Celomanding

Miami-Dade County Public Schools

GOVERNMENTAL AFFAIRS AND LAND USE POLICY AND ACQUISITION
• 1450 N.E. 2nd Avenue • Miami, Florida 33132
(305) 995-7280

Mr. Roger C. Cuevas
Superintendent of Schools

October 2, 2001

Miami-Dade County School Board

Ms. Perla Tabares Hantman, Chair
Dr. Michael M. Krop, Vice Chair
Mr. Frank J. Bolaños
Mr. Frank J. Cobo
Dr. Robert B. Ingram
Ms. Betsy H. Kaplan
Mrs. Manty Sabates Morse
Dr. Marta Perez
Dr. Solomon C. Stinson

Ms. Diane O'Quinn-Williams, Director
Miami-Dade County
111 NW First Street, Suite 1110
Miami, Florida 33128-1974

Re: Review of Prospective Site Located at the Northwest corner of SW 149 Avenue and SW 26 Street, Miami, Florida (Proposed Middle School)

Dear Ms. O'Quinn-Williams:

F.S. 235.193(4) provides that "a Board shall provide written notice to the local government that has regulatory authority over the use of land at least 60 days prior to acquiring or leasing property that may be used for a new public school facility. The local government, upon receipt of this notice, shall notify the Board within 45 days if the site proposed for acquisition or lease is consistent with the land use categories and policies of the local government's comprehensive plan."

In fulfillment of statutory requirements, I would appreciate your comments on the school District's intent to purchase a 16.423 acre vacant parcel site located at the above referenced location (see attached location map), specifically as to compatibility with local land use and zoning codes.

This preliminary notification does not constitute a determination of consistency for site plan review F.S.235.193(5) purposes; the District will still be required to undergo the site plan review process required by statute.

This site is located in S9-T54-R39 (see attached location maps).

In order to maintain our site acquisition schedule, I would greatly appreciate a response by October 16, 2001.

If you have any questions or need additional information, please call me at (305) 995-7279. Your attention to this matter is greatly appreciated.

Sincerely,



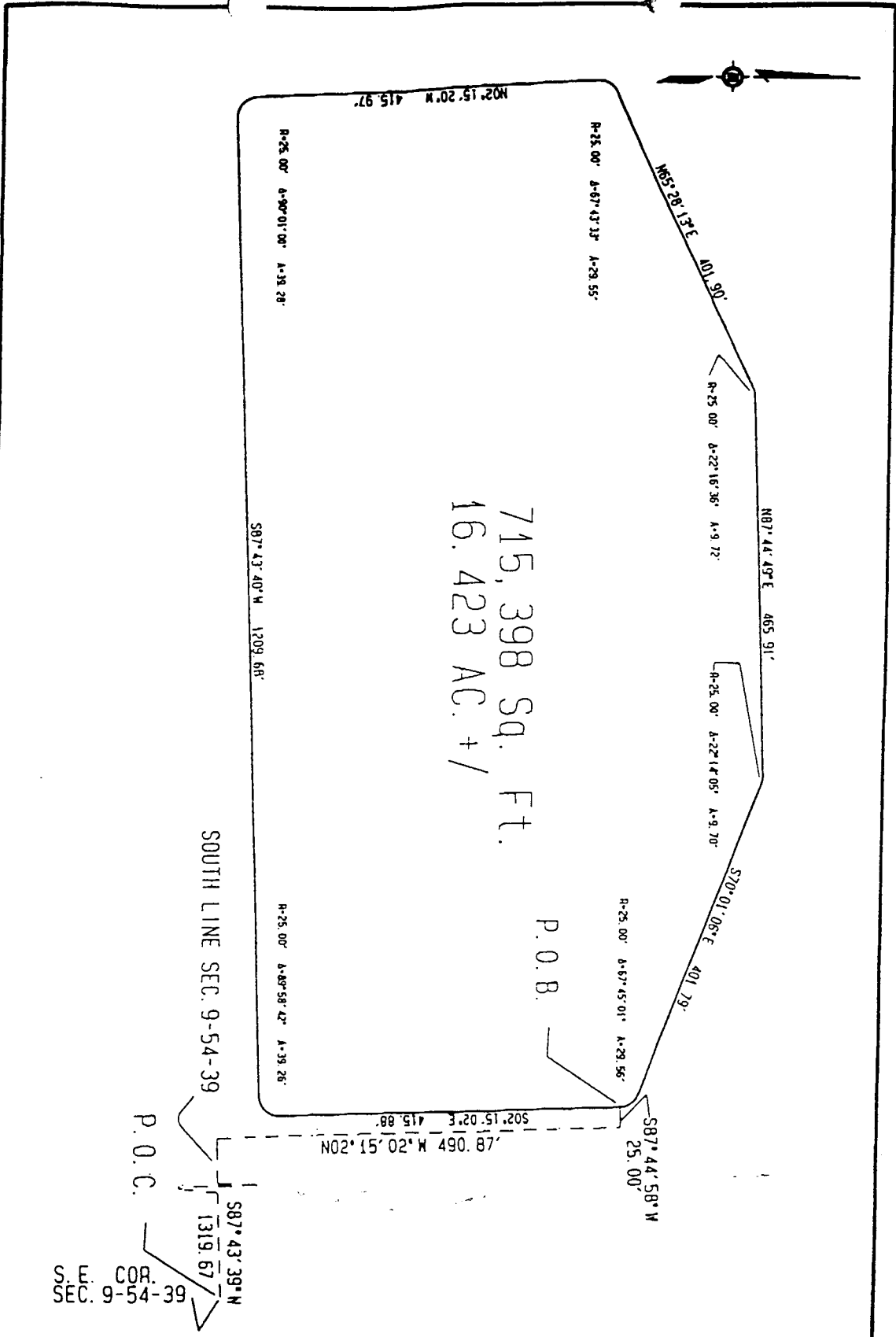
Patricia Good
Coordinator III

PG:am
G-3383
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne



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www.dadeschools.net



13712 S.W. 145 Court Miami, FL 33186
 Tel.: (305) 378-4443 Fax: (305) 378-4582

SKETCH AND LEGAL

Sheet 1 of 2 Sheets

CAD FILE: FSCUSITE 4 21-00

LEGAL DESCRIPTION

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Containing 16.423 Acres +/-



**SERGIO
REDONDO &
ASSOCIATES**

Professional
Land Surveyors

13712 S. W. 145 Court Miami, FL 33186
Tel.: (305) 378-4443 Fax: (305) 378-4582

**SKETCH
AND
LEGAL**

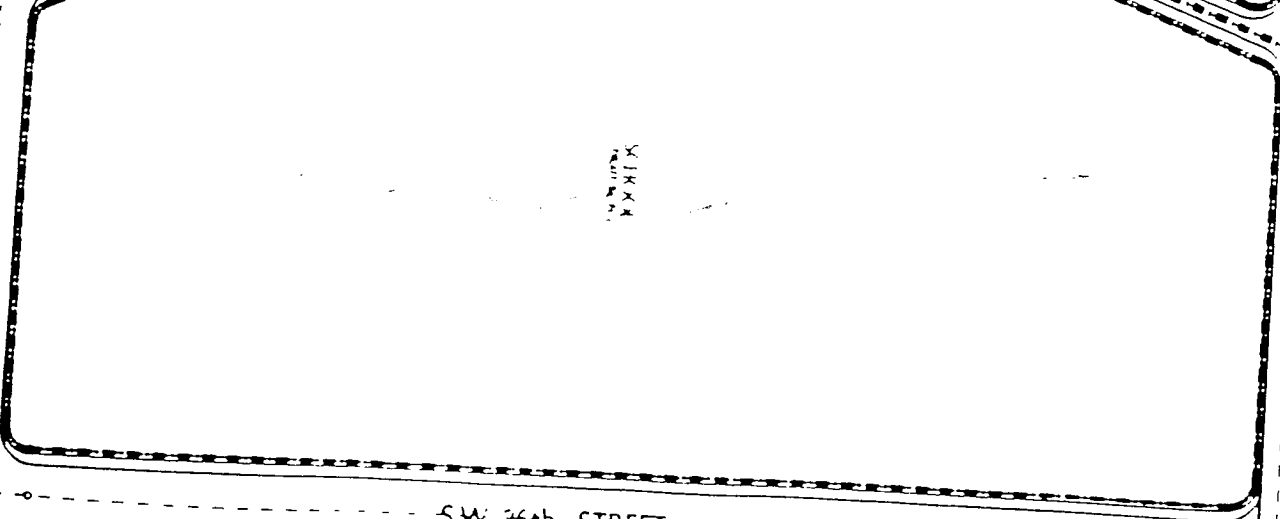
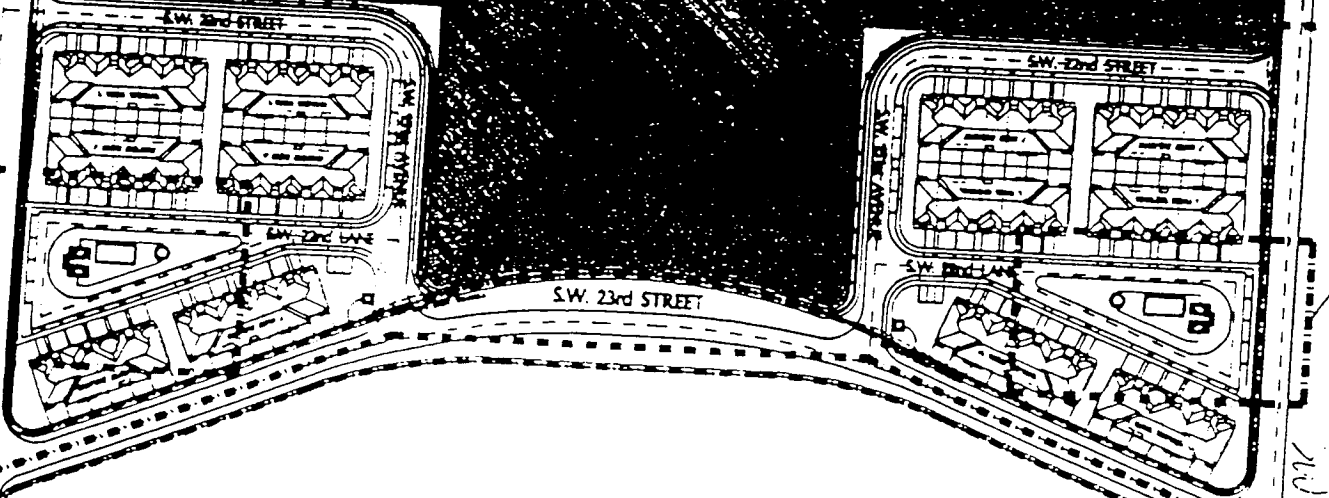
Sheet 2 of 2 Sheets

CA01 FILED ENCLOSURE 4-21 00

N

REFER TO SHEET
SP-8 FOR POOL
AREA DETAILS

REFER TO SHEET
SP-8 FOR POOL
AREA DETAILS



SW 26th STREET

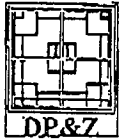
PARCEL - F

SW 27th AVENUE

MIAMI-DADE COUNTY, FLORIDA



STEPHEN P. CLARK CENTER



DEPARTMENT OF PLANNING AND ZONING
111 N.W. 1ST STREET
SUITE 1210
MIAMI, FLORIDA 33128-1972
(305) 375-2800

October 29, 2001

Ms. Patricia Good, Coordinator III
Miami-Dade County Public Schools
Governmental Affairs and Land Use Policy and Acquisition
1450 N.E. 2nd Avenue, Room 525
Miami, Florida 33132

Re: Prospective Middle School Site located at Northwest Corner of S.W. 149 Avenue and
S.W. 26 Street

Dear Ms. Good:

Pursuant to your request by letter dated October 2, 2001, the Department of Planning and Zoning has reviewed the prospective siting of a new middle school on a ± 16.423 -acre site located at the northwest corner of S.W. 149 Avenue and S.W. 26 Street for conformity with the Comprehensive Development Master Plan (CDMP). Our response and comments are as follows:

The subject property is designated "Low Density Residential Communities" on the CDMP future Land Use Plan (LUP) map. Land located in this residential classification can be used for neighborhood- and community-serving uses, such as schools. Further, CDMP Land Use Policy 1F encourages the inclusion of educational facilities in the planning of residential areas.

The CDMP Educational Element Objective 2 and policies thereunder express County policies regarding the location of new public schools, including distance from the UDB. According to the criteria set in Policy 2.1, new middle school facilities should be located at least $\frac{1}{2}$ mile inside the UDB. The subject property is located more than $\frac{1}{2}$ mile inside of the UDB and is, therefore, a suitable location for a new middle school under the UDB distance criteria outlined in Educational Policy 2.1.

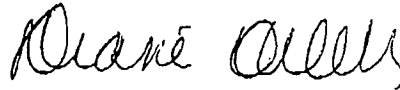
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HAB

Ms. Patricia Good, Coordinator III
October 29, 2001
Page 2

In conclusion, the acquisition of the subject property for a middle school is in conformity with the CDMP. This review does not constitute a determination of consistency for site plan review pursuant to s. 235.193 (5), F.S. Please refer to the CDMP policies and the County's land development regulations when preparing detailed site plans or proposed school sites. The subject property is zoned GU. An educational facilities review is required for a new school in this district.

Please call Helen A. Brown in our Planning Division at (305) 375-2589 if you have any questions or comments about the CDMP, and for questions about zoning issues please contact Maria Teresa Fojo at (305) 375-2566.

Sincerely,



Diane O'Quinn Williams
Director

DO'QW:hab

cc: Greg Adkins, Supervisor
Development Planning Unit

4
7/2/03

Miami-Dade County Public Schools

GOVERNMENTAL AFFAIRS AND LAND USE POLICY AND ACQUISITION

• 1450 N.E. 2nd Avenue • Miami, Florida 33132

(305) 995-7280

Mr. Roger C. Cuevas
Superintendent of Schools

October 2, 2001

Miami-Dade County School Board

Ms. Perla Tabares Hantman, Chair

Dr. Michael M. Krop, Vice Chair

Mr. Frank J. Bolaños

Mr. Frank J. Cobo

Dr. Robert B. Ingram

Ms. Betsy H. Kaplan

Mrs. Manty Sabates Morse

Dr. Marta Perez

Dr. Solomon C. Stinson

Mr. Jeff Bunting, Chief
Miami-Dade Aviation Department
Aircraft Noise and Environmental Planning
P.O. Box 592075
Miami, Florida 33159

RE: Review For a 16.423 Acre Site Located at the Northwest corner of SW 149 Avenue and SW 26 Street, Miami, Florida

Dear Mr. Bunting:

Please be advised that the Miami-Dade County Public Schools is considering the viability of the site referenced below for placement of a middle school. To aid in our planning and design efforts, we are requesting your assistance in reviewing the site for any aviation restrictions that may be imposed by the Aviation Department. The review should include, but not be limited to, airport flight paths, noise level contours and applicable mitigation measures or variances relating to the placement of a public school on this site.

This site is located in S9-T54-R39 (see attached location maps).

In order to maintain our site acquisition schedule, I would greatly appreciate a response by October 16, 2001. Please sign below if no aviation restrictions apply to this site and if this site is located within acceptable parameters. Should that not be the case please advise in writing by separate letter.

Should you have any questions, please feel free to contact me at (305) 995-7279.

Sincerely,



Patricia Good
Coordinator III

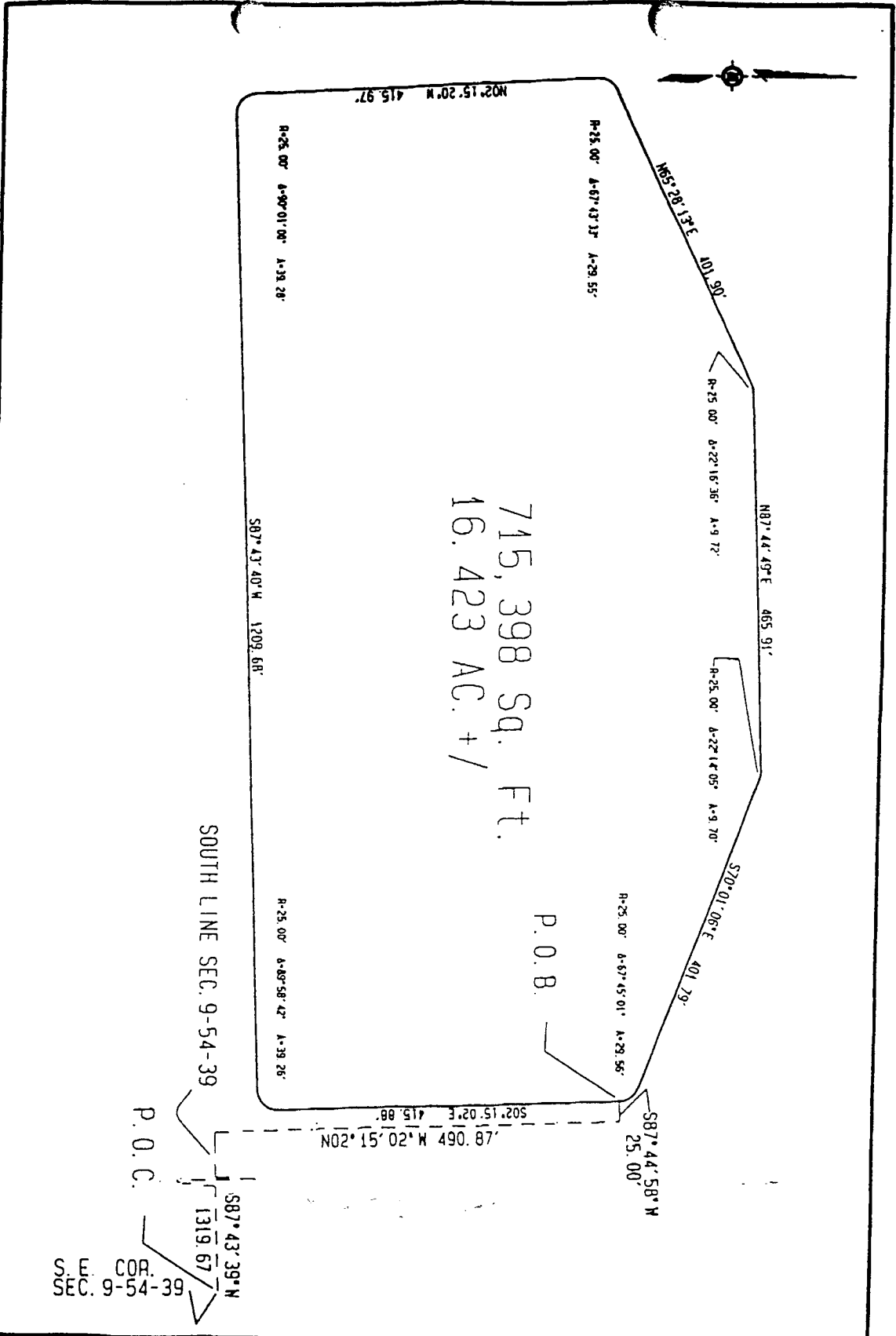
Jeff Bunting, Chief

PG:am
G-3381
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne



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SERGIO REDONDO & ASSOCIATES
 Professional Land Surveyors
 13712 S.W. 145 Court Miami, FL 33186
 Tel.: (305) 378-4443 Fax: (305) 378-4582

SKETCH AND LEGAL

Sheet 1 of 2 Sheets
 CAD FILE: FSCUSITE 4 21-00

LEGAL DESCRIPTION

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Containing 16.423 Acres +/-



**SERGIO
REDONDO &
ASSOCIATES**

Professional
Land Surveyors

13712 S.W. 145 Court Miami, FL 33186
Tel.: (305) 378-4443 Fax: (305) 378-4582

**SKETCH
AND
LEGAL**

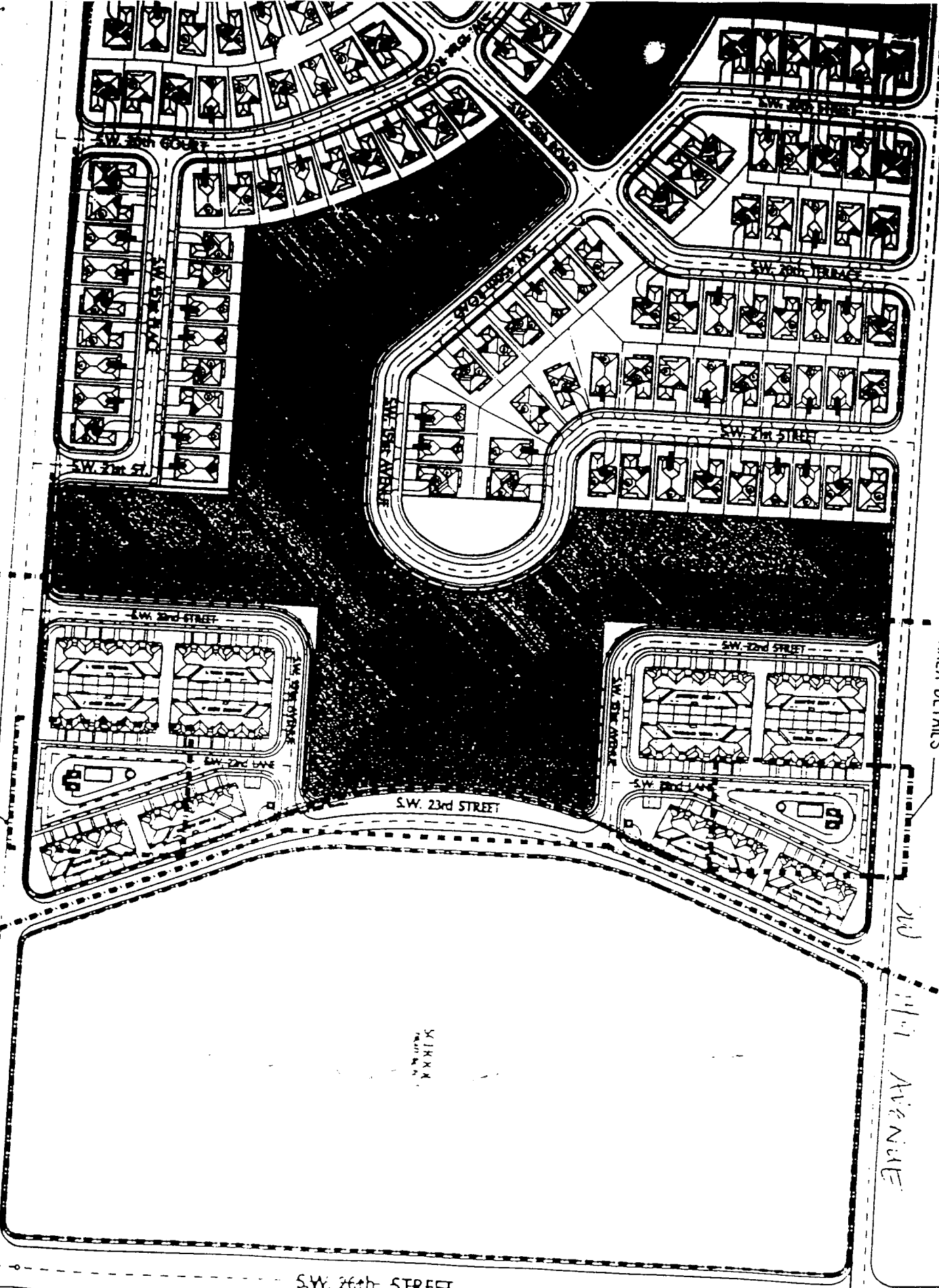
Sheet 2 of 2 Sheets

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REFER TO SHEET
SP-8 FOR POOL
AREA DETAILS

REFER TO SHEET
SP-8 FOR POOL
AREA DETAILS



SIXXX
MAY 1968

210
1111 AVENUE

S.W. 26th STREET

PARCEL F

MIAMI-DADE COUNTY, FLORIDA



AVIATION DEPARTMENT
P.O. BOX 592075
MIAMI, FLORIDA 33158-2075
(305) 876-7000

October 9, 2001

Ms. Patricia Good
Miami-Dade County Public Schools
1450 Northeast Second Avenue
Miami, FL 33132

RE: Review For a 16.423 Acre Site Located at the Northwest corner of SW 149 Avenue and SW 26 Street, Miami, Florida

Dear Ms. Good:

Upon review, it was determined that the proposed school site is located outside the No-School Zone (NSZ) as depicted in the Zoning Ordinance for Miami International Airport, and would be compatible with airport operations.

Should you have any questions, please contact me at (305) 876-0569.

Sincerely,

Jeffrey R. Bunting
Chief of Aircraft Noise & Environmental Planning

JRB/rb

Cc: Bruce Drum, Assistant Aviation Director Airside Operations & GAA

ceiomanding

Miami-Dade County Public Schools

GOVERNMENTAL AFFAIRS AND LAND USE POLICY AND ACQUISITION
• 1450 N.E. 2nd Avenue • Miami, Florida 33132
(305) 995-7280

Mr. Roger C. Cuevas
Superintendent of Schools

October 2, 2001

Miami-Dade County School Board
Ms. Perla Tabares Hantman, Chair
Dr. Michael M. Krop, Vice Chair
Mr. Frank J. Bolaños
Mr. Frank J. Cobo
Dr. Robert B. Ingram
Ms. Betsy H. Kaplan
Mrs. Manty Sabates Morse
Dr. Marta Perez
Dr. Solomon C. Stinson

Mr. Christopher R. Eck, Director
Historic Preservation Board, OCED
Office of Community and Economic Development
140 W. Flagler Street, Suite 1000
Miami, Florida 33130-1561

**Re: Request for Archaeological and Historic Preservation Review for a 16.423 Acre Site
Located at the Northwest corner of SW 149 Avenue and SW 26 Street, Miami, Florida**

Dear Mr. Eck:

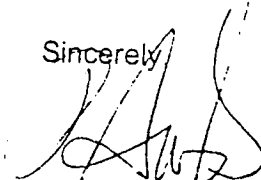
Please be advised that the Miami-Dade County Public Schools is considering the viability of the site referenced below for placement of a middle school. To aid in our planning and design efforts, we are requesting your assistance in reviewing the site for any archaeological and historic designations which could impact development of this site for a public school.

This site is located in S9-T54-R39 (see attached location maps).

In order to maintain our site acquisition schedule, I would greatly appreciate a response by October 16, 2001. Please sign below if this site has no archaeological and/or historic designations.

Should you have any questions, please feel free to contact me at (305) 995-7279.

Sincerely


Patricia Good
Coordinator III

Christopher R. Eck, Director

PG:am
G-3382
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne





**SERGIO
RADONDO &
ASSOCIATES**

Professional
Land Surveyors
13712 S.W. 145 Court Miami, Fl. 33186
Tel.: (305) 378-4443 Fax: (305) 378-4582

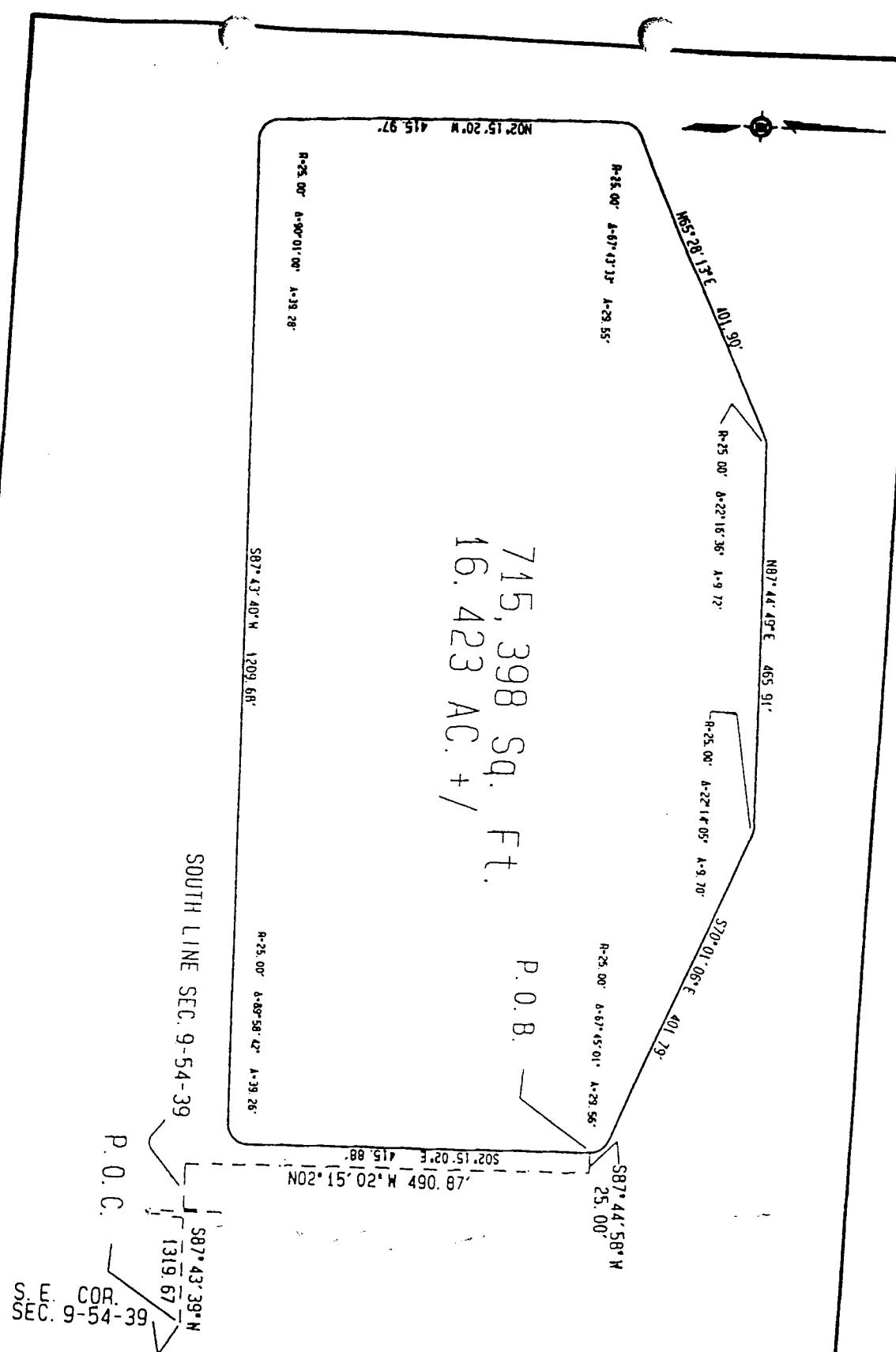
**SKETCH
AND
LEGAL**

Sheet 1 of 2 Sheets
00-12-17-00 SITE PLAN CAD

Apr. 24 2000 01:46PM P2

PHONE NO. : 305 385 9956

FROM : L



LEGAL DESCRIPTION

A portion of the SE 1/4 of Section 9, Township 54 South, Range 39 East, and being more particularly described as follows:

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Containing 16.423 Acres +/-



SERGIO REDONDO & ASSOCIATES

Professional Land Surveyors

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SKETCH AND LEGAL

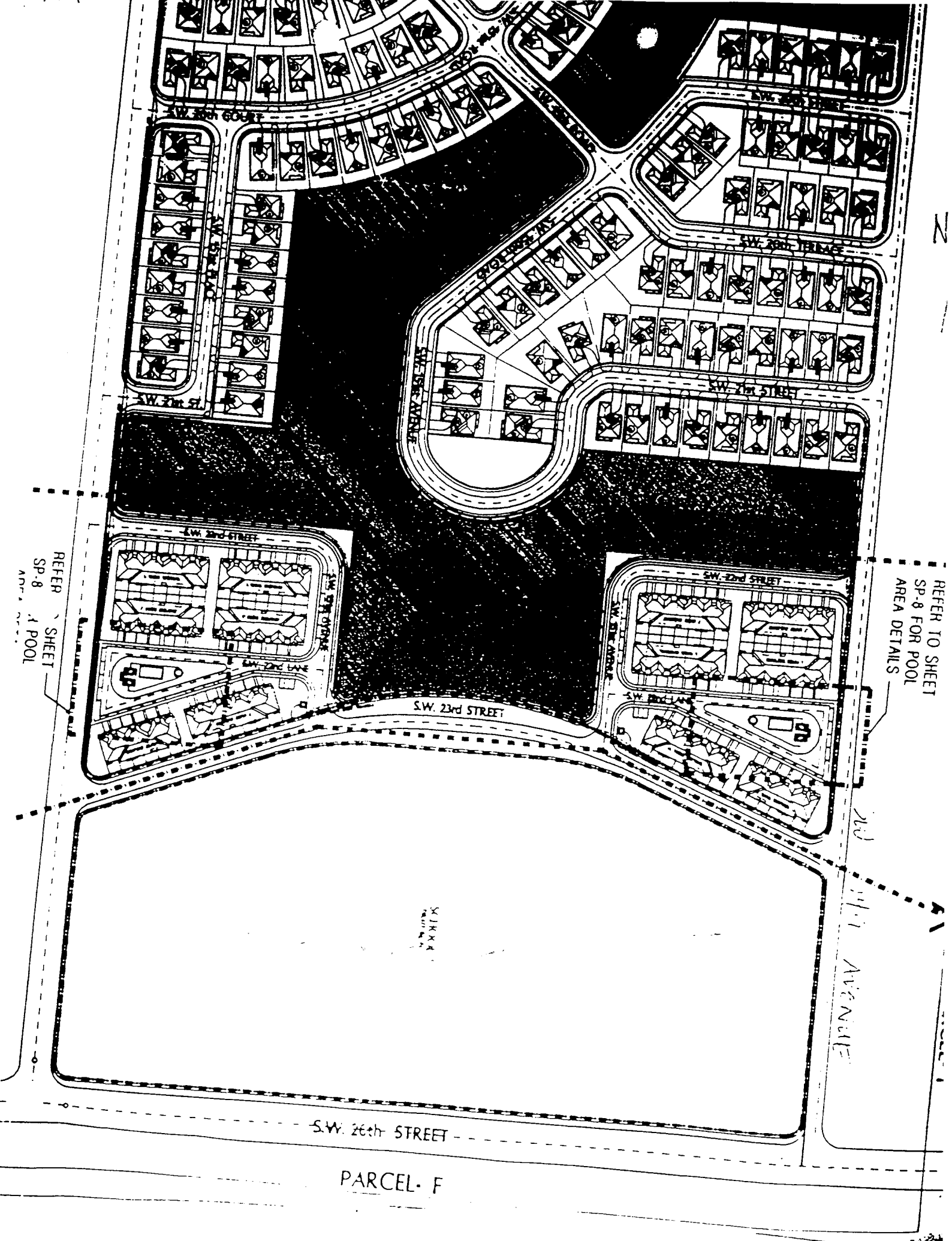
Sheet 2 of 2 Sheets

CAD FILE: ESCUS111 4-21-00

N

REFER TO SHEET
 SP-8 FOR POOL
 AREA DETAILS

REFER TO SHEET
 SP-8 FOR POOL
 AREA DETAILS



S.W. 26th STREET

PARCEL F

20th AVENUE

MIAMI-DADE COUNTY, FLORIDA



Celomading /BK/ Jen
Patti
OFFICE OF HISTORIC PRESERVATION
140 WEST FLAGLER STREET
SUITE 1102
MIAMI, FLORIDA 33130-1561
305-375-4958
Facsimile 305-372-6394

November 20, 2001

Ms. Patricia Good, Coordinator III
Miami-Dade County Public Schools
Governmental Affairs and Land Use
Policy and Acquisition
1450 N.E. 2nd Avenue
Miami, Florida 33132

**RE: CULTURAL RESOURCE ASSESSMENT (ie, HISTORIC STRUCTURES)
FOR A 16.423-ACRE TRACT LOCATED AT THE NORTHWEST CORNER OF
S.W. 26th STREET AND S.W. 149th AVENUE,
UNINCORPORATED MIAMI-DADE COUNTY**

Dear Ms. Good,

A review of our county site files, maps and field visit has indicated that no historic sites have been recorded for the tract noted above. Furthermore, it is unlikely that any unrecorded historic structures or features would be present on the tract.

This statement is limited to historic resource assessment. The county archaeologist has provided your office with a separate archaeological statement.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Ferrer".

Rick Ferrer, HPS II
Office of Historic Preservation

Attachment: locational map

2001 NOV 27 11 39 06

EXECUTIVE SUMMARY

In December 2001, ATC Associates Inc. (ATC), conducted a Phase I Environmental Site Assessment (ESA) at the Proposed School Site, located within the southeastern portion of Section 9, Township 54 South, Range 39 East in Miami, Miami-Dade County, Florida, hereafter referred to as the "site." The assessment included visual observations of the site and limited observations of surrounding properties, a preliminary NEPA checklist, review of historical land use and regulatory database listings, interviews, and related sources.

The site consists of two adjacent irregularly-shaped parcels of undeveloped land totaling approximately 15 acres. Parcel One, the eastern parcel, encompasses approximately 5.10 acres, and Parcel Two, the western parcel, encompasses approximately 11.323 acres. The site is currently undeveloped vegetated land. ATC's observations were limited by dense vegetation. Below is a summary of the findings, conclusions and recommendations of this report:

- Evidence of promiscuous dumping was observed on the site, as three abandoned cars were observed on the southern portion of the site and several piles of discarded tires were observed throughout the site. Trash and debris consisting of bottles, furniture, plastic and concrete, were observed on the southern portion of the site. One empty 55-gallon drum, labeled as Fina Marson Liplax Moly, was observed along the southern border of the site. No evidence of spillage was observed in the standing water adjacent to the drum. Additionally, dumping of unidentified materials was apparent on the site in aerial photographs dated 1982 through 1990. ATC recommends removal and proper disposal of the drum, the cars, tires and trash and debris. A subsurface investigation is recommended to document if the uses of the property have resulted in an adverse impact to the soils. The investigation should include (at a minimum) sampling and laboratory analysis of soils and groundwater.
- According to a response letter, dated December 24, 2001 from Mr. Gary Beiter, Archaeologist for the Miami-Dade County Historic Preservation Division, there is a medium

to high probability of the presence of archeological resources on the site. According to Mr. Beiter, a surface survey will need to be conducted by a professional archeologist. ATC recommends that an archaeological assessment be conducted by a professional archaeologist prior to any construction activities.

- Based upon the United States Fish and Wildlife Service's National Wetlands Inventory, as provided by EDR, a review of the Dade County, Florida, Class IV Wetlands Map (1995) and the site reconnaissance visit, the property is located within the Bird Drive Basin wetland area. Site specific identification/delineation of this wetland area is necessary prior to permitting or site development. Permitting for developing this wetland area is necessary prior to any construction activities or site development. Therefore, ATC recommends that the appropriate regulatory agencies be contacted regarding development/permitting requirements within this wetland area.
- Site conditions may provide suitable habitat for endangered and threatened species. ATC recommends a site-specific endangered and threatened species survey be conducted.

6.0 CONCLUSIONS AND RECOMMENDATIONS

This Phase I Environmental Site Assessment included a reconnaissance visit to the site, a review of the previously listed available environmental database and related agency information for the site and surrounding properties, interviews, aerial photographs, published geologic information, and other related items. This information was used to evaluate existing or potential environmental impairment of the site due to current or past land use disclosed by this study. Based on the results of this investigation, further environmental evaluation appears warranted at this time.

- Evidence of promiscuous dumping was observed on the site, as three abandoned cars were observed on the southern portion of the site and several piles of discarded tires were observed throughout the site. Trash and debris consisting of bottles, furniture, plastic and concrete, were observed on the southern portion of the site. One empty 55-gallon drum, labeled as Fina Marson Lipler Moly, was observed along the southern border of the site. No evidence of spillage was observed in the standing water adjacent to the drum. Additionally, dumping of unidentified materials was apparent on the site in aerial photographs dated 1982 through 1990. ATC recommends removal and proper disposal of the drum, the cars, tires and trash and debris. A subsurface investigation is recommended to document if the uses of the property have resulted in an adverse impact to the soils. The investigation should include (at a minimum) sampling and laboratory analysis of soils and groundwater.
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CEW/ur/lung

Miami-Dade County Public Schools

GOVERNMENTAL AFFAIRS AND LAND USE POLICY AND ACQUISITION
• 1450 N.E. 2nd Avenue • Miami, Florida 33132
(305) 995-7280

Mr. Roger C. Cuevas
Superintendent of Schools

October 2, 2001

Miami-Dade County School Board

Ms. Perla Tabares Hantman, Chair
Dr. Michael M. Krop, Vice Chair
Mr. Frank J. Bolaños
Mr. Frank J. Cobo
Dr. Robert B. Ingram
Ms. Betsy H. Kaplan
Mrs. Manty Sabates Morse
Dr. Marta Perez
Dr. Solomon C. Stinson

Mr. Walid Abusad, Engineer II
Miami-Dade County
Water Control Section
33 SW 2nd Avenue, Suite 2-220
Miami, Florida 33130-1540

Re: Water Retention Review for a 16.423 Acre Site Located at the Northwest corner of SW 149 Avenue and SW 26 Street, Miami, Florida

Dear Mr. Abusad:

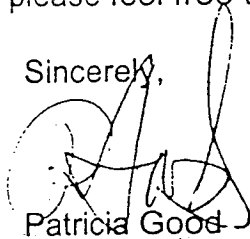
Please be advised that the Miami-Dade County Public Schools is considering the viability of the site referenced below for placement of a middle school. To aid in our planning and design efforts, we are requesting your assistance in reviewing the site for any water retention requirements that may be imposed by the Water Control Section in connection with the development of the site for a public school.

This site is located in S9-T54-R39 (see attached location maps).

In order to maintain our site acquisition schedule, I would greatly appreciate a response by October 16, 2001.

Should you have any questions, please feel free to contact me at (305) 995-7279.

Sincerely,



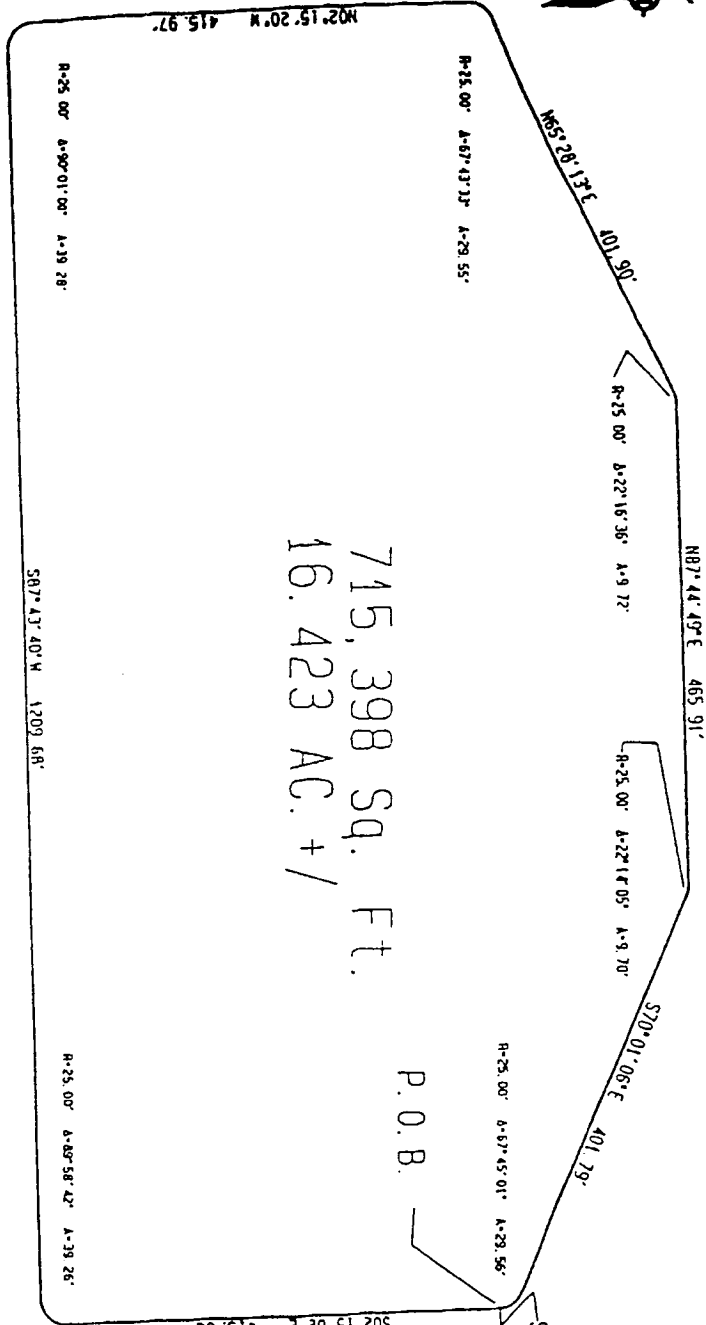
Patricia Good
Coordinator III

PG:am
G-3384
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne



giving our students the world
www.dadeschools.net



715,398 Sq. Ft.
16.423 AC. + /

P.O.B.

SOUTH LINE SEC. 9-54-39

P.O.C.

S.E. COR.
SEC. 9-54-39



**SERGIO
ADONDO &
ASSOCIATES**

Professional
Land Surveyors

13712 S.W. 145 Court Miami, FL 33186
Tel.: (305) 378-4443 Fax: (305) 378-4582

**SKETCH
AND
LEGAL**

Sheet 1 of 2 Sheets

CAD FILE: FSCUSITE 4 21-00

LEGAL DESCRIPTION

A portion of the SE 1/4 of Section 9, Township 54 South, Range 39 East, and being more particularly described as follows:

COMMENCING at S. E. corner of SEC. 9-54-39; Thence S87°43'39"W for a distance of 1319.67 feet along the South line of said SEC. 9-54-39; thence N02°15'02"W for 490.87 feet; thence S87°44'58"W for a distance of 25.00 feet to the POINT OF BEGINNING. Thence S02°15'02"E for a distance of 415.88 feet to a curve having a radial bearing of S87°44'58"W, a radius of 25.00 feet, and a central angle of 89°58'42". Thence proceed Southwesterly along the arc of said curve, a distance of 39.26 feet to the end of said curve; thence S87°43'40"W a distance of 1209.68 feet; to a curve having a radial bearing of N02°16'20"W a radius of 25.00 feet and a central angle of 90°01'00". thence proceed Northwesterly along the arc of said curve, a distance of 39.28 feet to the end of said curve; thence N02°15'20"W a distance of 415.97 feet; to a curve having a radial bearing of N87°44'40"E a radius of 25.00 feet, and a central angle of 67°43'33". thence proceed Northeasterly along the arc of said curve, a distance of 29.55 feet to the end of said curve; thence N65°28'13"E a distance of 401.90 feet; to a curve having a radial bearing of S24°31'47"E, a radius of 25.00 feet, and a central angle of 22°16'36". Thence proceed Northeasterly along the arc of said curve, a distance of 9.72 feet to the end of said curve; thence N87°44'49"E a distance of 465.91 feet; to a curve having a radial bearing of S02°15'11"E, a radius of 25.00 feet, and a central angle of 22°14'05". thence proceed Southeasterly along the arc of said curve, a distance of 9.70 feet to the end of said curve; Thence S70°01'06"E a distance of 401.79 feet; to a curve having a radial bearing of S19°58'54"W, a radius of 25.00 feet, and a central angle of 67°45'01". Thence proceed Southeasterly along the arc of said curve, a distance of 29.56 feet to the end of said curve and also being the POINT OF BEGINNING of the herein described parcel.

Containing 16.423 Acres +/-



BERGIO
REDONDO &
ASSOCIATES

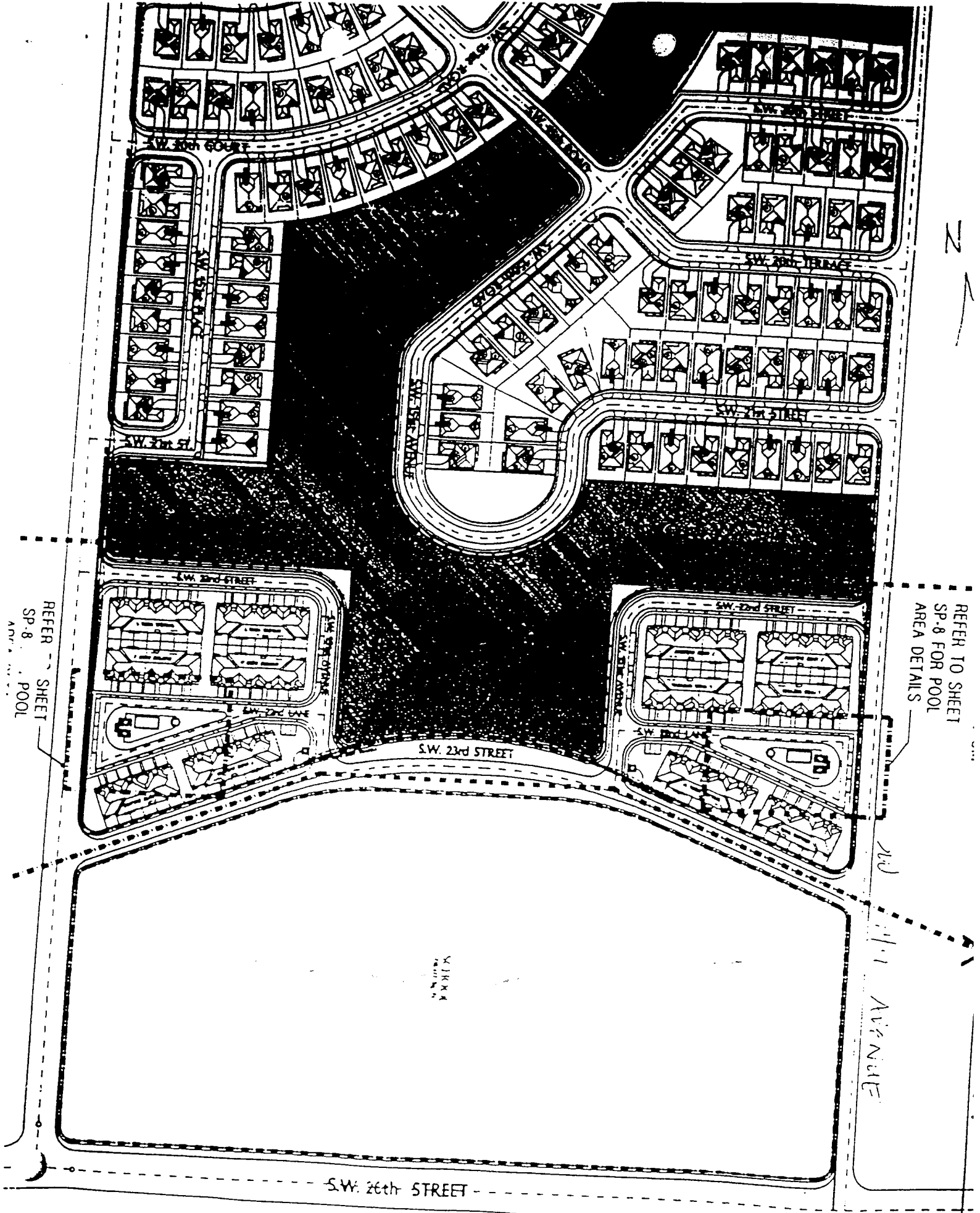
Professional
Land Surveyors

13712 S.W. 145 Court Miami, FL 33186
Tel.: (305) 378-4443 Fax: (305) 378-4582

SKETCH
AND
LEGAL

Sheet 2 of 2 Sheets

CA01 FILE ENCLOSURE 4-21-00



2

REFER TO SHEET
SP-8 FOR POOL
AREA DETAILS

REFER TO SHEET
SP-8 FOR POOL
AREA DETAILS

S.W. 26th STREET

PARCEL - F

SW 21st Avenue

XXXX
XXXX

Patty / Jen / BK

EM: _____ DERM WATER CONTROL COMMENTS

Application: Celomadins Date: 11/6/01

LOCATION: NW CORNER of 15W 149 AVE. & 26 St.

Present Zoning: _____ Present Acreage: 16.423 Acres

Proposed Zoning: _____ Proposed Acreage: _____ Acres

Sec: 9 / Twp: 59 S / Rge: 39 E

APPROVED AS NOTED: DISAPPROVED AS NOTED:

SPECIAL NOTES: _____

WETLAND/BASIN: BIRD DRIVE BASIN NOT IN WETLAND

SITE IS LOCATED IN A BASIN WHERE CUT AND FILL CRITERIA ARE IN EFFECT. PROPOSED PROJECT MUST SET ASIDE AREAS FOR SURFACE WATER MANAGEMENT IN COMPLIANCE WITH THE BASIN REQUIREMENTS. (30%)

LAKE AREAS FOR THIS PROJECT ARE BELOW THE BASIN'S AVERAGE REQUIREMENTS (BIRD DRIVE - 30% , NORTH TRAIL & BASIN B - 28.6%). SUBMIT CALCULATIONS TO DEMONSTRATE THAT PROPOSED SET ASIDE AREAS FOR SURFACE WATER MANAGEMENT COMPLY WITH CUT AND FILL REQUIREMENTS.

PROJECT HAS _____ % LAKE AREA & COMPLIES WITH THE CUT & FILL CRITERIA FOR THIS BASIN OR PROJECT HAS OBTAINED A CUT & FILL APPROVAL.

LAKE EXCAVATION MUST COMPLY WITH THE 1989 DERM PUBLICATION ENTITLED, "CRITERIA FOR LAKE EXCAVATION AND LAKE FILLING IN DADE COUNTY".

PROVIDE CONVEYANCE OF DRAINAGE TO THE PROPOSED SET ASIDE SURFACE WATER MANAGEMENT AREAS.

- TYPE OF ENVIRONMENTAL RESOURCE PERMIT(ERP) REQUIRED FOR THE PROPOSED PROJECT:
 - INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT ISSUED BY THE SFWMD.
 - STANDARD GENERAL ENVIRONMENTAL RESOURCE PERMIT ISSUED BY DERM.
 - NO-NOTICE GENERAL ENVIRONMENTAL RESOURCE PERMIT (ERP PERMIT NOT REQUIRED)
 - ENVIRONMENTAL RESOURCE PERMIT ISSUED BY THE FDEP

DRAINAGE MUST BE PROVIDED FOR FULL ONSITE RETENTION OF THE 5-YEAR STORM

SITE GRADING AND DEVELOPMENT MUST COMPLY WITH THE REQUIREMENTS OF CHAPTER 11C OF THE METROPOLITAN DADE COUNTY CODE.

CLASS II PERMIT FROM WATER CONTROL IS REQUIRED FOR THE CONSTRUCTION OF DRAINAGE SYSTEM WITH AN OVERFLOW OUTFALL TO THE REQUIRED LAKE OR ADJACENT CANAL.

CLASS III PERMIT FROM WATER CONTROL IS REQUIRED FOR CONSTRUCTION IN CANAL R-O-W

CLASS VI FROM WATER CONTROL IS REQUIRED FOR CONSTRUCTION OF THIS DRAINAGE SYSTEM.

CANAL IS OWNED BY THE SFWMD AND REQUIRES SFWMD'S APPROVAL

SITE IS ENCUMBERED BY _____ FT. CANAL R-O-W/ EASEMENT/ RESERVATION ALONG THE _____ SIDE OF THE PROPERTY.

PROVIDE A BERM ONE (1) FOOT ABOVE THE COUNTY FLOOD CRITERIA ALONG THE BANK OF CANAL OR LAKE

WELLFIELD: _____ PROTECTION AREA: _____

CONTACT THE WATER CONTROL SECTION FOR FURTHER INFORMATION.

NOV 14 2001
10:17 AM
SFWMD



9955 N.W. 116th Way Suite 1
Miami, Florida 33178
www.atc-enviro.com
305.882.8200
Fax 305.882.1200

February 13, 2002

Mr. Mike Webb
Miami-Dade County Public Schools
Department of Safety,
Environment & Hazards Management
4300 Biscayne Boulevard, Room 110-117
Miami, Florida 33136

Phase I Environmental Site Assessment *Addendum Letter*
Proposed School Site
Northwest Corner of Southwest 26th Street and Southwest 149th Avenue
Miami, Miami-Dade County, Florida 33185
ATC Project Number 31.19411.0065

Dear Mr. Webb:

ATC Associates Inc. (ATC) has received a response from Mr. Steve Terry, Representative for the Miccosukee Tribe of Indians of Florida (The Tribe), regarding the potential presence of Native American or any other cultural resources at the site. The Tribe recommends that a cultural resources survey be conducted on the site. Please see the attached copy of the response letter. Based on the results of this response, which was requested as part of the "Preliminary NEPA Checklist" portion of the referenced assessment, further evaluation appears warranted. If you have questions about the referenced assessment, or if we can be of further assistance, please contact the undersigned at (305) 882-8200.

Sincerely,

ATC Associates Inc.

A handwritten signature in cursive script, appearing to read 'Ailcen Molloy'.

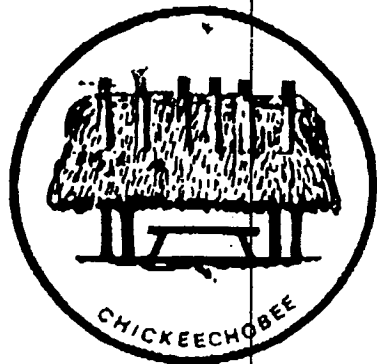
Ailcen Molloy
Environmental Scientist

A handwritten signature in cursive script, appearing to read 'Thomas E. Mesk'.

Thomas E. Mesk
Project Manager

Attachment

Miccosukee Tribe of Indians of Florida



Business Council Members
Billy Cypress, Chairman

Jasper Nelson, Ass't. Chairman
Max Billie, Treasurer

Andrew Bert Sr., Secretary
Jerry Cypress, Lawmaker

February 8, 2002

Ms. Aileen Molloy
ATC Associates, Inc.
9955 NW 116th Way, Suite 1
Miami, FL 33178

RE: Middle School at SW 26th Street and SW 149th Avenue

Dear Ms. Molloy:

The Miccosukee Tribe of Indians of Florida received your letter concerning construction of a middle school. The Tribe is recognized as a sovereign nation by the United States. Thus, the Tribe enters into consultations with the United States on a Government-to-Government basis. This request for consultation does not obligate the Tribe to respond within a predetermined time frame nor does it replace Government-to-Government. Presumptions that the Tribe has concluded that sacred Tribal Resources will be unaffected due to an untimely response is also incorrect. Nevertheless, the Tribe decided to respond to this request.

After consultation with Mr. Dayhoff and careful review of the documentation provided, the Tribe determined that a cultural resources survey should be conducted on the site. This survey will ascertain if there are any Native American or other cultural resources which this project may affect.

This determination was based on the documentation provided by ATC Associates.

Thank you for consulting with us. Please call me at (305) 223-8380, Ext. 2244, if you require further information.

Sincerely,

A handwritten signature in black ink that reads "Steve Terry". The signature is written in a cursive, flowing style.

Steve Terry
NAGPRA Representative

Miami-Dade County Public Schools

GOVERNMENTAL AFFAIRS AND LAND USE POLICY AND ACQUISITION
• 1450 N.E. 2nd Avenue • Miami, Florida 33132
(305) 995-7280

Mr. Roger C. Cuevas
Superintendent of Schools

October 2, 2001

Miami-Dade County School Board
Ms. Perla Tabares Hantman, Chair
Dr. Michael M. Krop, Vice Chair
Mr. Frank J. Bolaños
Mr. Frank J. Cobo
Dr. Robert B. Ingram
Ms. Betsy H. Kaplan
Mrs. Mantly Sabates Morse
Dr. Marta Perez
Dr. Solomon C. Stinson

Ms. Katherine Fanning, Project Supervisor
Miami-Dade County
Department of Environmental Resources Management
33 SW 2nd Avenue, Suite 400
Miami, Florida 33130-1540

Re: **Wetland Resources Review for a 16.423 Acre Site Located at the Northwest corner of SW 149 Avenue and SW 26 Street, Miami, Florida**

Dear Ms. Fanning:

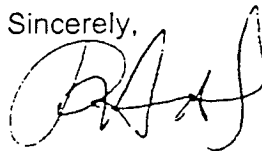
Please be advised that the Miami-Dade County Public Schools is considering the viability of the site referenced below for placement of a middle school. To aid in our planning and design efforts, we are requesting your assistance in reviewing the site for any environmental requirements that may be imposed by the Department of Environmental Resources Management prior to development. The review should include, but not be limited to, jurisdictional wetland determination, permitting issues and applicable mitigation requirements, such as the set aside of land and/or monetary mitigation.

This site is located in S9-T54-R39 (see attached location maps).

In order to maintain our site acquisition schedule, I would greatly appreciate a response by October 16, 2001.

Should you have any questions, please feel free to contact me at (305) 995-7279.

Sincerely,



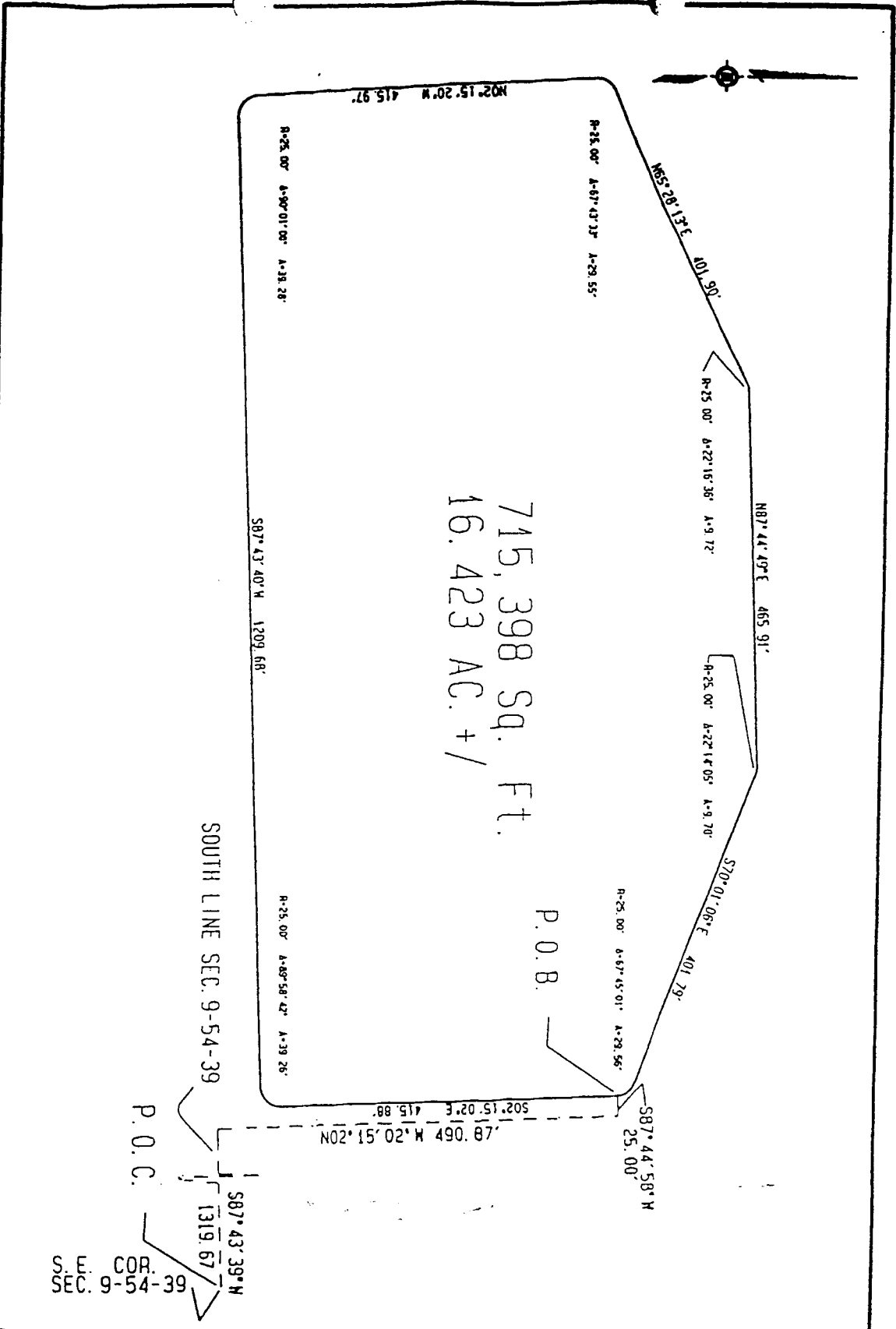
Patricia Good
Coordinator III

PG:am
G-3379
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Ms. Connie Wolf



giving our students the world
www.dadeschools.net



715,398 Sq. Ft.
16.423 AC. + /

P.O.B.

SOUTH LINE SEC. 9-54-39

P.O.C.

S.E. COR.
SEC. 9-54-39



SERGIO PADONONDO & ASSOCIATES
Professional Land Surveyors
13712 S.W. 145 Court Miami, Fl. 33186
Tel.: (305) 378-4443 Fax: (305) 378-4582

SKETCH AND LEGAL

Sheet 1 of 2 Sheets

CAD FILE: PSCUSITE 4 21-00

LEGAL DESCRIPTION

A portion of the SE 1/4 of Section 9, Township 54 South, Range 39 East, and being more particularly described as follows:

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Containing 16.423 Acres +/-



**SERGIO
REDONDO &
ASSOCIATES**

Professional
Land Surveyors

13712 S.W. 145 Court Miami, FL 33186
Tel.: (305) 378-4443 Fax: (305) 378-4582

**SKETCH
AND
LEGAL**

Sheet 2 of 2 Sheets

CAD FILE: [SC0511] 4-21-00

N

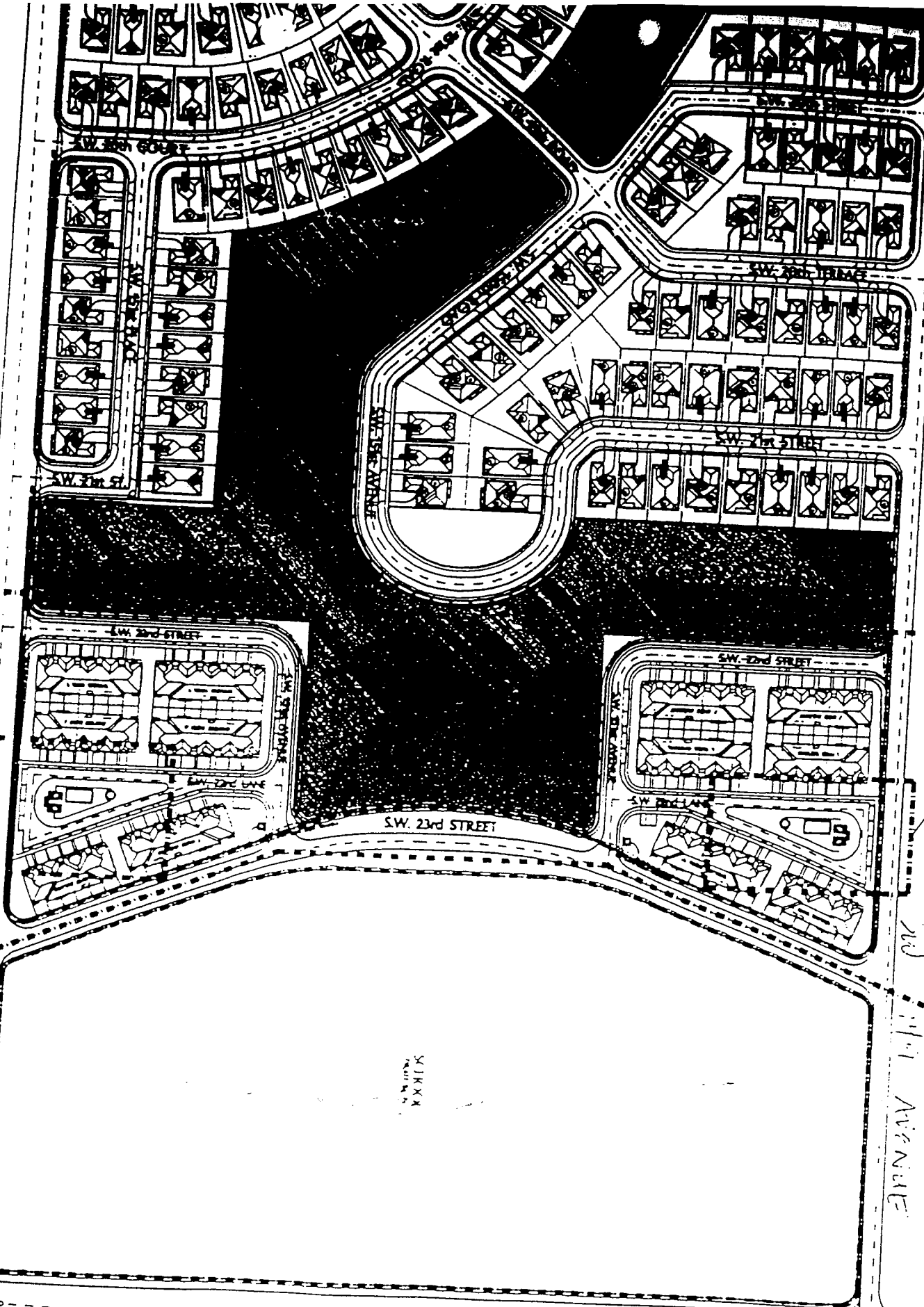
- REFER TO SHEET
- SP-8 FOR POOL
- AREA DETAILS

21st AVENUE

SW 26th STREET

PARCEL F

XXXX



REFER TO SHEET
 SP-8 FOR POOL
 AREA DETAILS

MIAMI-DADE COUNTY, FLORIDA



ENVIRONMENTAL RESOURCES MANAGEMENT
 NATURAL RESOURCES DIVISION
 33 S.W. 2nd AVENUE
 MIAMI, FLORIDA 33130-1540
 (305) 372-6864

November 19, 2001

Patricia Good, Coordinator III
 Miami-Dade Public Schools
 Governmental Affairs and
 Land Use Policy and Acquisition
 1450 NE 2 Avenue, Room 525
 Miami, FL 33132

Post-it® Fax Note	7671	Date	3.19.02	# of pages	▶ 2
To	Patricia Good	From	Gomier Wolfe		
Co./Dept.		Co.			
Phone #		Phone #	305.372.6570		
Fax #	305-995.7295	Fax #			

Re: Binding Letter of Interpretation for the 16.423-acre parcel located north of SW 26 Street and west of SW 149 Avenue in Section 9, Township 54 South, Range 39 East, Miami-Dade County, Florida (Portion of #30-4909-000-0050).

Dear Ms. Good:

In response to your letter dated October 2, 2001, this office has reviewed departmental files and aerial photographs to determine the permitting requirements and to review the status of open enforcement cases for the properties listed above. The above-referenced property is located in the Bird Drive Everglades Basin, which is a jurisdictional wetland area according to the Environmental Protection Ordinance of Miami-Dade County. A Class IV Wetland Permit and compliance with the North Trail/Bird Drive Everglades Basin Ordinance and Plans for mitigation, tree island preservation and fill encroachment/stormwater management criteria will be required before any work can take place on the subject sites. In addition, the lake slopes in the Bird Drive Everglades Basin are required to be no steeper than 4:1.

The Permittee will be required to mitigate for unavoidable impacts to biological wetlands that may result from development of these sites. DERM believes that off-site mitigation for this project is desirable since it is difficult to maintain mitigation projects that are surrounded by development and disconnected from other functional wetlands. The Permittee may participate in an off-site wetland mitigation project in the "Hole in the Donut" in Everglades National Park (ENP). This wetland restoration project, carried out by ENP, will allow for the improvement of wetland biological functions currently associated with Everglades National Park. The Permittee will participate at a ratio of 1:1.5, based on federal, state and local mitigation rules and policies, by providing a contribution for this wetland mitigation project as well as funding for the acquisition, restoration, enhancement, management and monitoring of privately owned wetlands in Miami-Dade County. The mitigation contribution per acre of developmental impact is \$29,704.00.

Numerous site inspections by DERM biologists have indicated that there are no tree island resources within this outparcel of the larger project area proposed for development

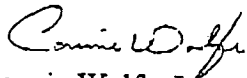
by Shoma Development Corporation. The larger project, currently known as Shoma Grand Lakes, contains three large tree islands and several smaller tree islands.

The above site is also jurisdictional wetlands according the rules of the U. S. Army Corps of Engineers. DERM currently is authorized to issue the Army Corps of Engineers Permit SAJ-74.

Permits from the State of Florida Department of Environmental Protection (1-561-681-6600) or the South Florida Water Management District (1-800-532-2035) may also be required for any proposed project. It is the responsibility of the applicant to contact the DEP and the SFWMD.

Because applicable regulations and site conditions are likely to change over time, this letter will only be valid only for a period of two (2) years. If you have any questions, please contact me at (305) 372-6570.

Sincerely,



Connie Wolfe, Inspector II
Wetland and Forest Resources Section