

Office of School Facilities  
Raul F. Perez, Chief Facilities Design & Construction Officer

**SUBJECT: EXECUTE A COVENANT RUNNING WITH THE LAND  
FOR A SCIENCE LAB AT MIAMI ARTS STUDIO 6-12 AT  
ZELDA GLAZER**

**COMMITTEE: FACILITIES AND CONSTRUCTION**

**LINK TO STRATEGIC  
BLUEPRINT: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES**

In connection with the construction of a Science Lab at Miami Arts Studio 6-12 at Zelda Glazer ("School"), located at 15015 SW 24 Street, Miami, Florida 33185, the Environmental Quality Control Board (EQCB) granted a variance to the District, which requires a Covenant Running with the Land ("Covenant") in favor of Miami-Dade County ("County"). The Covenant ensures that development at the site complies with applicable County regulations which seek to protect water resources by prohibiting the use, generation, handling, disposal, discharge or storage of any hazardous materials on the property.

The Covenant at this location has been reviewed by the School Board Attorney's Office and the Office of Risk and Benefits Management for legal sufficiency and risk management issues, respectively, and found to be in compliance. A copy of the Covenant for the School is attached hereto.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Chair and Secretary to execute:

- 1) Covenant Running with the Land in favor of Miami-Dade County in connection with the construction of a Science Lab at Miami Arts Studio 6-12 at Zelda Glazer, located at 15015 SW 24 Street, Miami, Florida 33185; and
- 2) any other documents that may be required to effectuate implementation of the Covenant.

IB:ib

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

The undersigned, The School Board of Miami-Dade County Florida,  
a body corporate and politic, existing under the laws of the State of Florida;  
being the present owner of the following described real property (hereinafter called “the Property”):

Folio Number: 30-4909-007-2930

Legal Description:

See Exhibit “A”

Located at 15015 SW 24<sup>th</sup> Street, Miami-Dade County, Florida pursuant to a variance from Section 24-43(5)(d) of the Code of Miami Dade County, Florida by the Miami-Dade County Environmental Quality Control Board, hereby submit(s) this executed covenant running with the land in favor of Miami-Dade County.

The undersigned agree(s) and covenant(s) to the following:

1. Hazardous materials, shall not be used, generated, handled, disposed of, discharged or stored on that portion of the Property within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the basic wellfield protection area of any other utility potable water supply well, except that de minimis quantities of hazardous materials (not including hazardous waste) and lubricating oils and hydraulic fluids necessary to the operation of stationary equipment integral to the operation of a building, shall be allowed outside the thirty (30) day travel time of any utility potable water supply well, provided that the use, handling, or storage of said de minimis quantities occur inside a building and provided that said lubricating oils and hydraulic fluids are contained within the closed sealed reservoirs of the stationary equipment; except that

The hazardous materials and waste that shall be allowed on the subject property shall be those pursuant to Board Order No. 06-55.

2. Hazardous wastes, shall not be used, generated, handled, disposed of, discharged or stored on that portion of the Property within the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, or within the South Miami Heights Wellfield Complex, or within the average day pumpage wellfield protection area, or within the basic wellfield protection area of any other utility potable water supply well, except that small quantity generators, as defined in Section 24-5 of the Code, of hazardous waste are allowed outside the basic wellfield protection area of a utility potable water supply well (except for utility potable water supply well within the Northwest Wellfield protection area, and the West Wellfield Interim protection area) when the water pollution prevention and abatement measures and practices set forth below have been provided;
  - (i) A monitoring program for the detection of pollution caused or which may be caused by hazardous materials, and
  - (ii) Secondary containment for the storage of fifty-five (55) U.S. gallons or more of hazardous materials, and
  - (iii) Inventory control and record-keeping of hazardous materials, and
  - (iv) Storm water management controls to prevent the introduction of hazardous materials into the storm water collection and discharge system, and
  - (v) Protection and security of facilities utilized for the generation, storage, usage, handling, disposal or discharge of hazardous materials.

3. Fuels, lubricants and other materials required for rockmining operations (lake excavations, concrete batch plants, rock crushing and aggregate plants) within the Northwest Wellfield protection area or within the West Wellfield Interim protection area; electrical transformers and existing land uses required by the Director or the Director's designee to correct violations of this chapter; shall not be prohibited when the following water pollution prevention and abatement measures and practices will be provided:
  - (i) A monitoring program for the detection of pollution caused or which may be caused by hazardous materials, and
  - (ii) Secondary containment for the storage of fifty-five (55) U.S. gallons or more of hazardous materials, and
  - (iii) Inventory control and record-keeping of hazardous materials, and
  - (iv) Storm water management controls to prevent the introduction of hazardous materials into the storm water collection and discharge system, and
  - (v) Protection and security of facilities utilized for the generation, storage, usage, handling, disposal or discharge of hazardous materials.

Said water pollution prevention and abatement measures and practices shall be subject to the approval of the Director of the Department of Environmental Resources Management or the Director's designees. However, the water pollution prevention and abatement measures shall not be required for electrical transformers serving residential land uses.

4. The use, handling or storage of factory pre-packaged products intended primarily for domestic use or consumption which contain hazardous materials shall not be prohibited, provided however, that:
  - (i) The storage of factory prepackaged products shall only occur within a building, and
  - (ii) The nonresidential land use is an office building use (or equivalent municipal land use) or a business district use (or equivalent municipal land use) engaged exclusively in retail sales of factory prepackaged products intended primarily for domestic use or consumption, and
  - (iii) The nonresidential land use is served or is to be served by utility water and utility sanitary sewers, and
  - (iv) Said building is located more than thirty (30) days travel time from any utility potable water supply well.
5. Prior to the entry into a landlord-tenant relationship with respect to the Property, the undersigned agree(s) to notify in writing all proposed tenants of the Property of the existence and contents of this Covenant.
6. The undersigned agree(s) and covenant(s) that this Covenant and the provisions contained herein may be enforced by the Director of Environmental Resources Management by temporary, permanent, prohibitory, and mandatory injunctions as well as otherwise provided for by law or ordinance.
7. This agreement and Covenant shall be recorded, at the undersigned's expense, in the Public Records of Miami-Dade County, Florida and the provisions hereof shall constitute a Covenant Running with the Land and shall remain in full force and effect and be binding upon the undersigned, their heirs, legal representatives, estates, successors, grantees and assigns.
8. This agreement and Covenant shall upon request by the undersigned be released by the Director of the Department of Environmental Resources Management or the Director's designee when the Director or the Director's designee determines that the Property is neither within the Northwest Wellfield protection area nor

within the West Wellfield Interim protection area nor within the average day pumpage wellfield protection area, or the outer wellfield protection zone of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, South Miami Heights Wellfield Complex, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield nor within the basic wellfield protection area of any public utility potable water supply well.

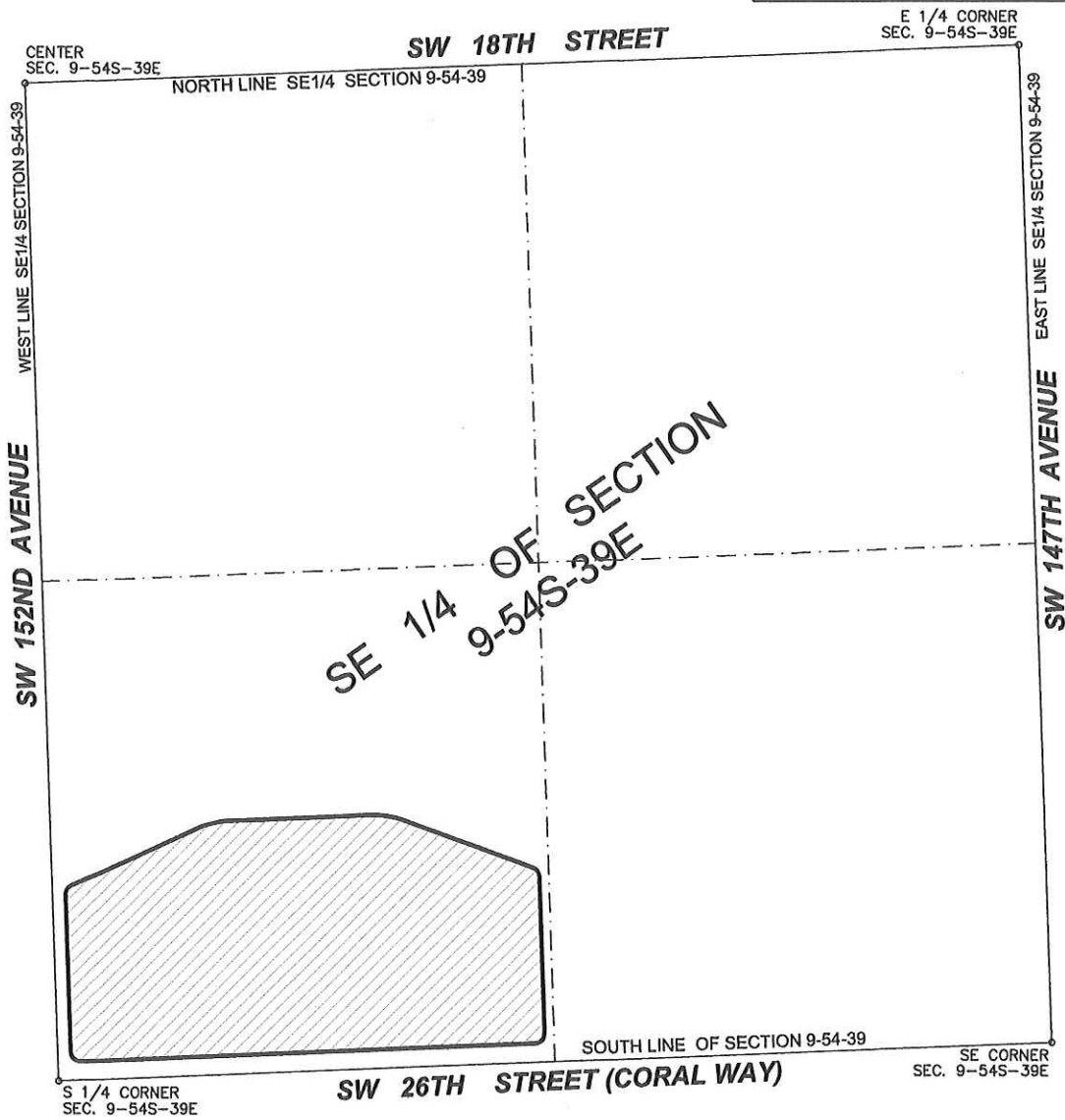
9. This Covenant is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Covenant is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the Covenant in whole, or in part, provided that the Covenant has first been modified or released by Miami-Dade County as specified herein.

**[SEE ATTACHED INDIVIDUAL SIGNATURE AND ACKNOWLEDGEMENT PAGE]**

**THIS INSTRUMENT PREPARED BY:**

Ingrid Guerrero  
DERM – Code Coordination and Public Hearings  
701 N.W. 1<sup>st</sup> Court, 4<sup>th</sup> Floor  
Miami, FL 33136

**EXHIBIT "A"**  
**SKETCH AND LEGAL DESCRIPTION**  
 (NOT A BOUNDARY SURVEY)



**LOCATION MAP**  
 N.T.S.

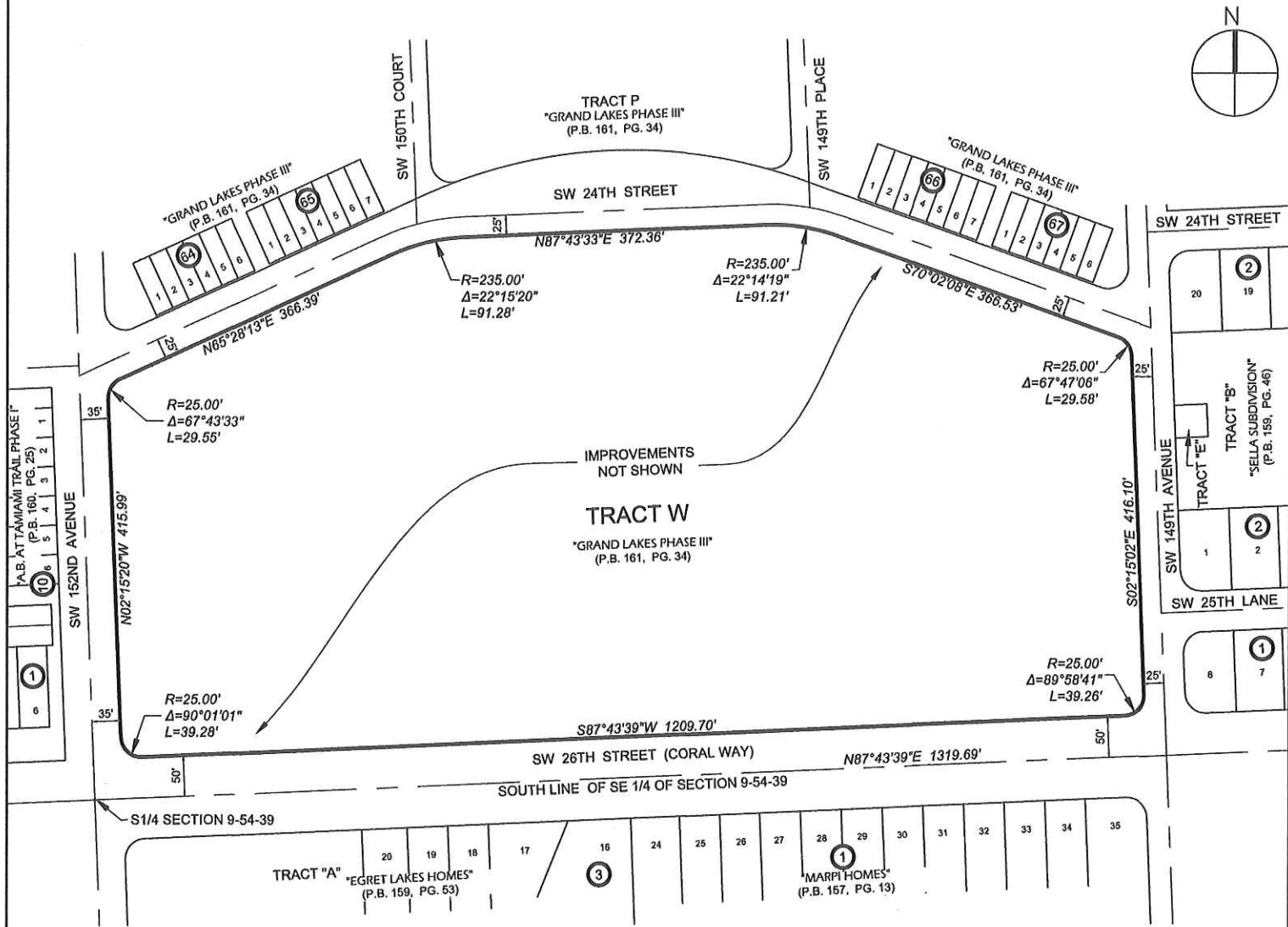
SHEET 1 IS NOT VALID  
 WITHOUT SHEET 2, 3 & 4

SHEET 1 OF 4

**ROBAYNA**  
**AND ASSOCIATES INC.**  
 ENGINEERS - PLANNERS - SURVEYORS  
 5723 NW 158th STREET  
 MIAMI LAKES, FL 33014  
 PH. (305) 823-9316  
 LICENSED BUSINESS No. LB 5004

JOB No. 180115  
 DATE: 01-14-19  
 SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI  
 ARTS STUDIO 6-12 AT ZELDA GLAZER MIDDLE SCHOOL  
 15015 SW 24TH STREET MIAMI, FL 33185  
 FOLIO No.30-4909-007-2930  
 SECTION 9, TOWNSHIP 54 S, RANGE 39 E

**EXHIBIT A**  
**SKETCH AND LEGAL DESCRIPTION**  
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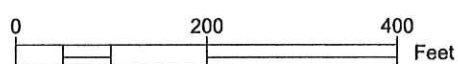
**ABBREVIATIONS:**

POB= POINT OF BEGINNING  
 POC= POINT OF COMMENCEMENT

SHEET 2 IS NOT VALID  
 WITHOUT SHEET 1, 3 & 4

SHEET 2 OF 4

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**DESCRIPTION:**

Tract W of GRAND LAKES PHASE III, according to the plat thereof, as recorded in Plat Book 161 at Page 34 of the Public Records of Miami-Dade County, Florida.

All lands described based on an assumed bearing of N87°43'39"E along the South line of Southeast 1/4 of Section 9, Township 54S, Range 39E, and containing 716,291 square feet (16.44 acres), more or less.

SHEET 3 IS NOT VALID  
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SHEET 3 OF 4

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**SOURCES OF DATA:**

The Legal Description of the Subject Parcel of Land was generated from information provided by the client. In addition, the following sources of data were used to the extent required to complete this document in a defensible manner. That is to say: Neighboring plats reviewed are Plat Book 160, Page 25; Plat Book 159, Page 46; Plat Book 159, Page 53; Plat Book 157, Page 13; Plat Book 161, Page 34 of the Public Records of Miami-Dade County, Florida. North Arrow and bearings refer to that calculated from the basis of bearing N87°43'39"E from the Plat Book 161, Page 34 along the South line of Southeast 1/4 of Section 9, Township 54S, Range 39E.

**CERTIFY TO:**

This Sketch and Legal Description was prepared at the insistence of and hereby certified to:

The School Board of Miami-Dade County, Florida, its successors and/or assigns;  
Walter J. Harvey, Esq., School Board Attorney and his successors in office.

**LIMITATIONS:**

Since no other information other than what is cited in the Sources of Data was furnished, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch that may be found in the Public Records of Miami-Dade County, or any other public and private entities as their jurisdictions may appear. The Surveyor makes no representation as to ownership or possession of the Subject Property by any entity or individual who may appear in public records.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof. This sketch is an accurate graphic depiction of the legal description to which it is attached as per client's request.

**SURVEYOR'S CERTIFICATE:**

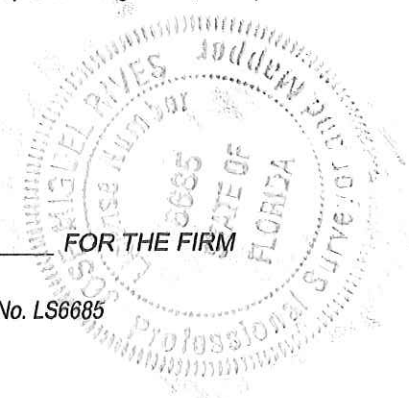
I hereby certify: That this "Sketch and Legal Description" was prepared under my direction and is true and correct to the best of my knowledge and belief. Further, that said Sketch meets the intent of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

BY: \_\_\_\_\_



JOSE M. RIVES Jr.  
PROFESSIONAL SURVEYOR AND MAPPER No. LS6685  
STATE OF FLORIDA

FOR THE FIRM



**NOTICE:** Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps and Reports by other than the signing party are prohibited without the written consent of the signing party. This document consists of multiple Exhibits and Sheets. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17 of the Florida Administrative Code.

SHEET 4 IS NOT VALID  
WITHOUT SHEET 1, 2 & 3

SHEET 4 OF 4

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