

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

**SUBJECT: AUTHORIZATION FOR THE CHAIR AND SECRETARY TO EXECUTE A COVENANT RUNNING WITH THE LAND TO SATISFY THE MIAMI-DADE COUNTY ENVIRONMENTAL QUALITY CONTROL BOARD'S ("EQCB") VARIANCE REQUIREMENT FOR A PREVIOUSLY CONSTRUCTED A SCIENCE LAB AT JANE S. ROBERTS K-8 CENTER, 14850 COTTONWOOD CIR, MIAMI, FL 33185**

**COMMITTEE: FACILITIES AND CONSTRUCTION**

**LINK TO STRATEGIC PLAN: EFFECTIVE & SUSTAINABLE OPERATIONAL PRACTICES**

In connection with the construction of a Science Lab at Jane S. Roberts K-8 ("School"), located at 14850 Cottonwood Circle, 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) a Covenant Running with the Land in favor of Miami-Dade County (“Covenant”) to satisfy the Miami-Dade County Environmental Quality Control Board’s variance requirement for a previously constructed Science Lab at Jane S. Roberts K-8 Center, located at 14850 Cottonwood Circle, Miami, Florida 33185; and
- 2) any other documents that may be required to effectuate implementation of the Covenant.

IB

Prepared by:

Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

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

The undersigned, \_\_\_\_\_; being the present owner(s) of the following described real property (hereinafter called "the Property"):

Located at \_\_\_\_\_ pursuant to a variance from Section 24-43(5)(d) of the Code of Miami-Dade County, 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; and

The hazardous materials that shall be allowed on the subject property shall be those pursuant to Board Order No. 00-35 (Exhibit "B") attached hereto

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; and
  - (v) Prepackaged products necessary to and used solely for the upkeep and maintenance of the property, including any building or landscape features, personal hygiene products, and office supplies containing hazardous materials shall not be prohibited provided that the storage of factory prepackaged products shall only occur within a building and the nonresidential land use is served or is to be served by utility water and utility sanitary sewers.
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.



\_\_\_\_\_  
(Signature of Notary Public)

\_\_\_\_\_  
(typed, printed, or stamped name of Notary Public)

*(Affix Florida Notary Seal above)*

**Covenant Running With the Land  
Jane S. Roberts K-8 Center  
Signature Page**

**IN WITNESS WHEREOF**, the undersigned have caused this Covenant Running With the Land in Favor of Miami-Dade County, FL, to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2022

**THE SCHOOL BOARD OF MIAMI-  
DADE COUNTY, FLORIDA**

**Witnesses:**

\_\_\_\_\_  
\_\_\_\_\_

**BY:** \_\_\_\_\_  
**Name:** Perla Tabares Hantman  
**Title:** Chair  
**Date:** \_\_\_\_\_

**Witnesses:**

\_\_\_\_\_  
\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**Jose L. Dotres, Secretary**  
**Date:** \_\_\_\_\_

**TO THE BOARD: APPROVED  
AS TO RISK MANAGEMENT  
ISSUES:  
Office of Risk and Benefits  
Management**

\_\_\_\_\_  
**Risk and Benefits Officer**  
**Date:** \_\_\_\_\_

**RECOMMENDED:**

**By:** \_\_\_\_\_  
**Raul Perez**  
**Chief Facilities Design &  
Construction Officer**  
**Date:** \_\_\_\_\_

**TO THE BOARD: APPROVED  
AS TO TREASURY  
MANAGEMENT ISSUES:  
Office of Treasury Management**

\_\_\_\_\_  
**Treasurer**  
**Date:** \_\_\_\_\_

**TO THE SCHOOL BOARD:  
APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

**BY:** \_\_\_\_\_  
**BOARD ATTORNEY**  
**Date:** \_\_\_\_\_



# **SKETCH AND LEGAL DESCRIPTION**

(NOT A BOUNDARY SURVEY)

JANE S. ROBERTS K-8 CENTER

## **LEGAL DESCRIPTION:**

TRACT "A" OF "LAKES OF THE MEADOW SECTION ONE" AS RECORDED IN PLAT BOOK 118 AT PAGE 7, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

CONTAINING 609,868 SQUARE FEET OR 14.0 ACRES MORE OR LESS BY CALCULATIONS.

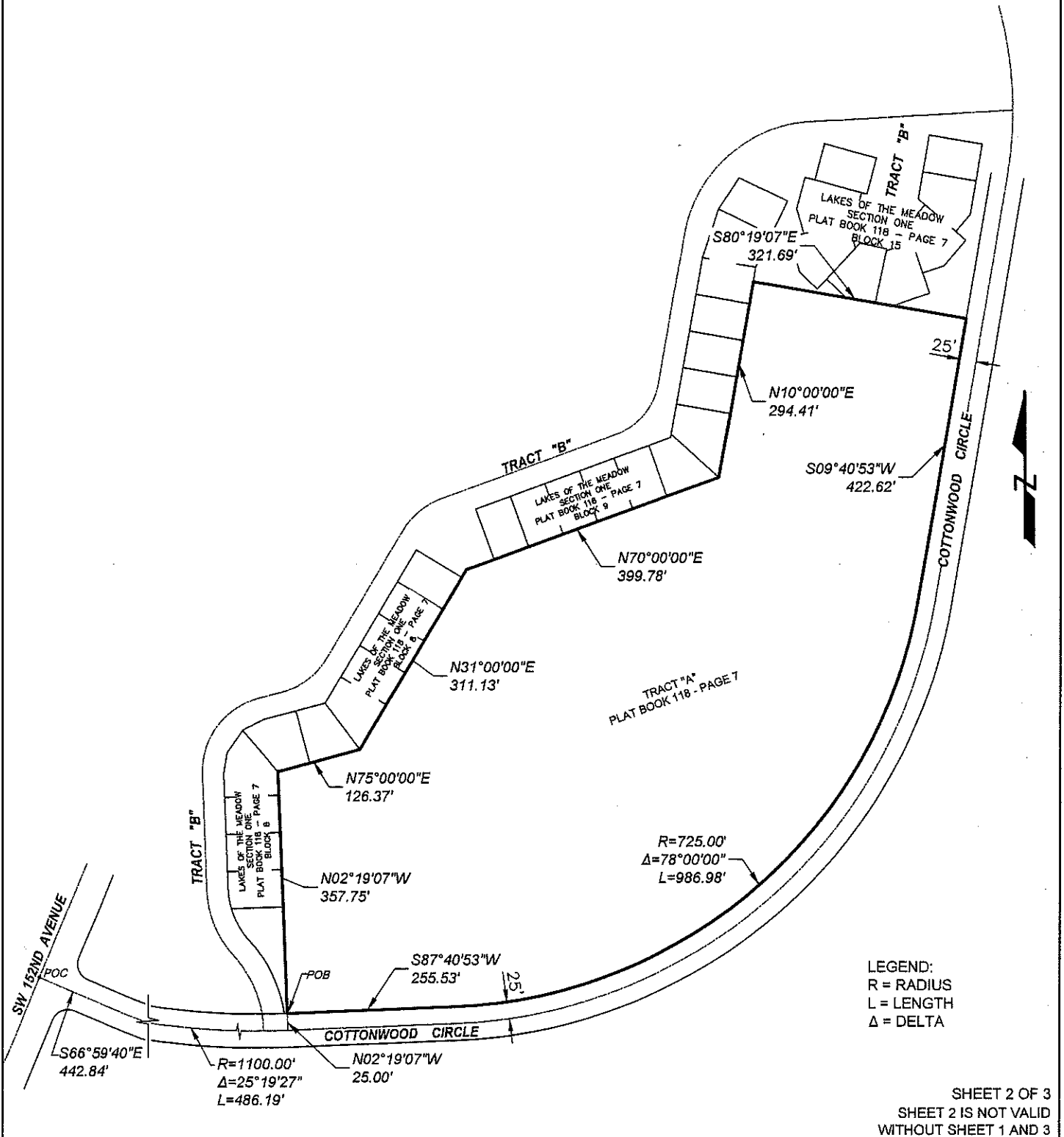
SHEET 1 OF 3  
SHEET 1 IS NOT VALID  
WITHOUT SHEET 2 AND 3

**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. 200091  
DATE: 11-25-20  
SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
JANE S. ROBERTS K-8 CENTER  
14850 COTTONWOOD CIR, MIAMI, FL 33185  
FOLIO No. 30-4921-002-1610  
SECTION 21, TOWNSHIP 54 S, RANGE 39 E

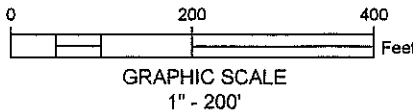
# SKETCH AND LEGAL DESCRIPTION

(NOT A BOUNDARY SURVEY)  
 JANE S. ROBERTS K-8 CENTER



SHEET 2 OF 3  
 SHEET 2 IS NOT VALID  
 WITHOUT SHEET 1 AND 3

**ROBAYNA**  
**AND ASSOCIATES INC.**  
 ENGINEERS - PLANNERS - SURVEYORS  
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# SKETCH AND LEGAL DESCRIPTION

(NOT A BOUNDARY SURVEY)

JANE S. ROBERTS K-8 CENTER

## SOURCES OF DATA:

The following sources of data were used to the extent required to complete this document in a defensible manner. That is to say:  
-Bearings refer to an assumed value of S66°59'40"E, ALONG THE CENTERLINE OF COTTONWOOD CIRCLE, as per Plat Book 118, Page 7, of the Public Records of Miami-Dade County, Florida. Said line is considered well-established and monumented.

## CERTIFY TO:

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

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 portion or parcel thereof.  
This sketch is on 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 SJ-17 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

BY:  FOR THE FIRM  
SCOTT J. PERKINS  
PROFESSIONAL SURVEYOR AND MAPPER No. 5686  
STATE OF FLORIDA

Note:

Not valid without the original signature and seal of  
a Florida Professional Surveyor and Mapper.

SHEET 3 OF 3  
SHEET 3 IS NOT VALID  
WITHOUT SHEET 1 AND 2

**ROBAYNA**  
**AND ASSOCIATES INC.**  
ENGINEERS - PLANNERS - SURVEYORS  
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FOLIO No. 30-4921-002-1610  
SECTION 21, TOWNSHIP 54 S, RANGE 39 E

**BEFORE THE MIAMI-DADE COUNTY ENVIRONMENTAL QUALITY CONTROL BOARD**

**IN RE:** : **Board Order No.** 00-35  
:   
:   
:   
**The School Board of Miami-Dade** :   
**County, Florida** :

THIS MATTER came before the Board as a request by Petitioner, The School Board of Miami-Dade County, Florida, for a variance from the requirements of Section 24-12.1 of the Code of Miami-Dade County, Florida. The request is to allow the construction of a proposed middle school which would use, generate, store, discharge, dispose of or handle hazardous materials or hazardous waste on a property located within the interim wellfield protection area of the West Wellfield and within the average day pumpage of the Alexander Orr, Snapper Creek and Southwest wellfield complex. The subject school would be served by public water and by public sanitary sewers. The subject property is located at 14850 S. W. Cottonwood Circle, Miami-Dade County, Florida and is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

Section 24-12.1(5) of the Code prohibits the approval of any building permits, certificates of use and occupancy, municipal occupational licenses, platting actions or zoning actions for any nonresidential land use which generates, uses, handles, disposes of, discharges or stores hazardous materials on property located within the basic wellfield protection area of any public utility potable water supply well or within the Northwest Wellfield protection area, or the West Wellfield interim protection area.

The same Code Section also prohibits the approval of any building permits, certificates of use and occupancy, municipal occupational licenses, platting actions or zoning actions for any nonresidential land use which generates, uses, handles, disposes of, discharges or stores hazardous wastes on property located within the average day pumpage wellfield protection area of the Alexander Orr, Snapper Creek and Southwest wellfield complex.

The Code further requires that approvals may only be issued if the property owner has submitted to the Miami-Dade County Department of Environmental Resources Management (DERM), a properly executed covenant running with the land in favor of Miami-Dade County as required therein. Said covenant also provides that hazardous materials or wastes shall not be used, disposed of, handled, discharged, generated or stored on any portion of the property located within any of the aforesaid wellfield protection areas.

The Board finds that the Petitioner wishes to construct a 40,596 square foot addition to the existing elementary school, consisting of classrooms and student gathering spaces. The Board

also finds that the aforesaid addition will contain 2,730 square feet for science laboratories, a science demonstration laboratory and a technology laboratory, which utilize hazardous materials.

The Board finds that the chemical reagents and other hazardous materials, which will be used in the aforementioned facilities, in their kind and amounts, represent no threat to the wellfield.

Finally, based on the foregoing, the Board finds that granting the requested variance will not be detrimental to the public health, welfare and safety, will not create a nuisance and will not materially increase the level of pollution in this County.

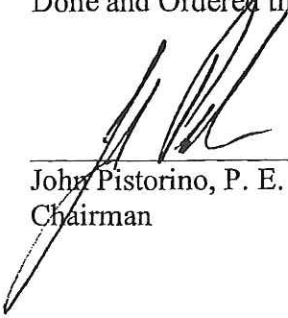
**ACCORDINGLY, IT IS**

ORDERED AND ADJUDGED that based upon the evidence and testimony presented and the foregoing findings, Petitioner's requested variance be and same is hereby granted subject to the following conditions:

1. The property owner shall submit to DERM a properly executed covenant running with the land in favor of Miami-Dade County. The covenant shall provide that with the exception of the materials permitted under this variance, hazardous materials shall not be used, generated, stored, disposed of, handled or discharged on the subject property. The covenant shall be submitted to DERM within 120 days of the date of this hearing, April 13, 2000.
2. Petitioner shall provide adequate secondary containment for the hazardous materials that will be used in the subject facilities. Within sixty (60) days from the date of this hearing, April 13, 2000, engineering plans for said facilities shall be submitted to DERM for review and approval. The plans shall include a floor plan of the subject facilities and chemical storage area.
3. Petitioner shall keep records and maintain inventory control of all the hazardous materials or hazardous wastes on site. The records shall be kept on site and be available for DERM's review and inspection.
4. Within sixty (60) days from the date of this hearing, April 13, 2000, Petitioner shall submit to DERM for review and approval, a plumbing plan for each of the subject facilities that will use hazardous materials. The aforesaid plumbing plan shall provide a sampling point at the effluent side of the waste stream.
5. Petitioner shall provide protection and security of the facilities used for the storage, use, generation, disposal of, discharging or handling of hazardous materials or wastes.

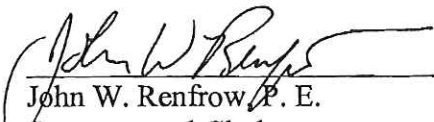
- 6. Prior to the commencement of operations, the Petitioner shall obtain from DERM all the required operating permits. The aforesaid permits shall be renewed yearly as required by DERM.

Done and Ordered this 3rd day of August, 2000 in Miami-Dade County, Florida.

  
\_\_\_\_\_  
John Pistorino, P. E.  
Chairman

**FILING AND ACKNOWLEDGEMENT**

Filed on this 10th day of August, 2000 with the Secretary of the Board as Clerk of the Environmental Quality Control Board, receipt of which is hereby acknowledged and the seal of the Board affixed below.

  
\_\_\_\_\_  
John W. Renfrow, P. E.  
Secretary and Clerk

SEAL



Approved as to form and legal sufficiency:

Robert A. Ginsburg  
County Attorney  
Attorney for the Board

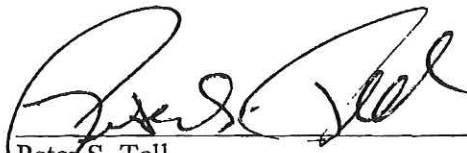
  
\_\_\_\_\_  
Peter S. Tell  
Assistant County Attorney

EXHIBIT "A"

TRACT A OF LAKES OF THE MEADOW ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 118, PAGE 7 OF THE PUBLIC RECORDS, DADE COUNTY, FLORIDA.

RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA  
RECORD VERIFIED  
HARVEY RUVIN  
CLERK CIRCUIT COURT