

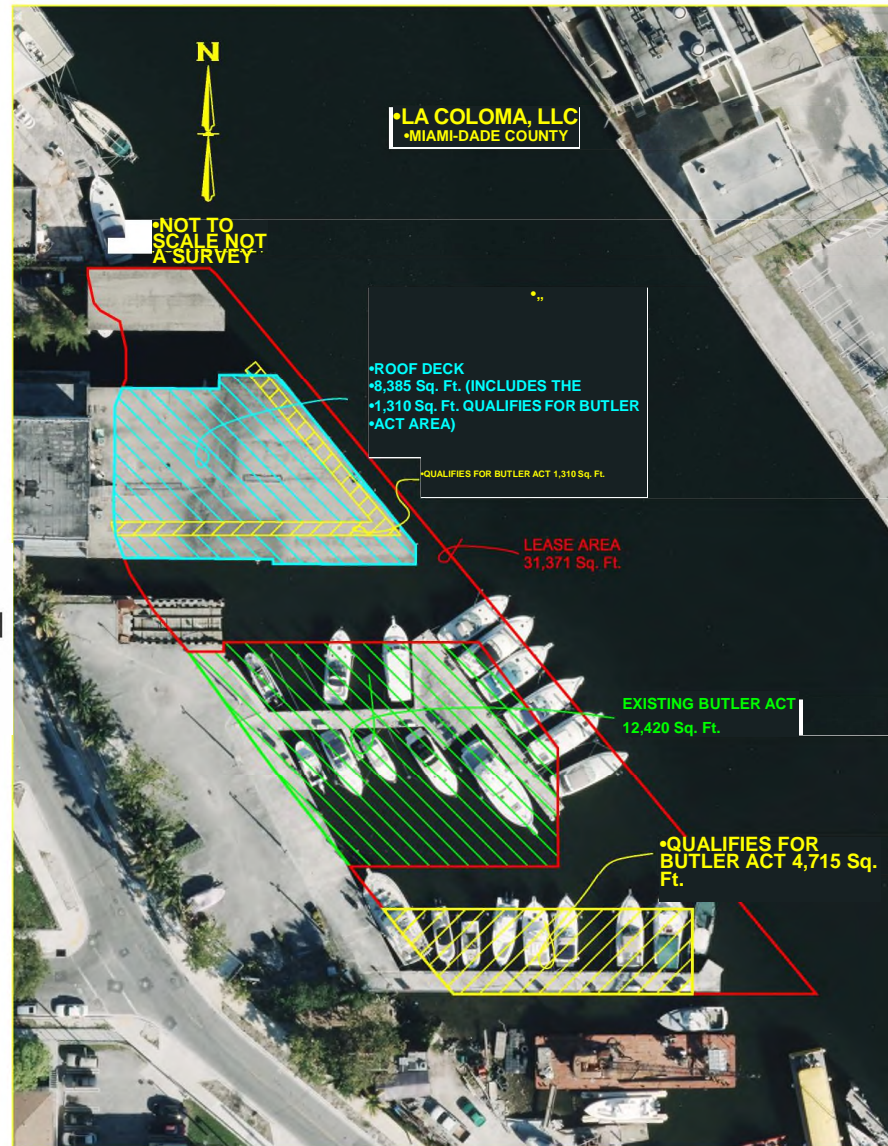
An aerial photograph of a coastal city. In the foreground, there is a dense green mangrove forest. A narrow strip of land with a sandy beach and some buildings separates the mangroves from a large body of water. In the background, a city skyline with various high-rise buildings is visible across the water. The sky is blue with some white clouds.

# Permitting and Development in the Coastal Marine Environment

Part II



Moderator:  
Andrew J. Baumann  
Lewis, Longman & Walker, P.A.



Your Panel:

Spencer Crowley  
Akerman, LLP

**akerman**

Timothy Rach  
Florida Department of Environmental  
Protection



Danielle H. Irwin  
Cummins Cederberg

**CUMMINS | CEDERBERG**  
Coastal & Marine Engineering

Jen Mathia  
Environmental Consulting &  
Technology, Inc.

**ECT** Environmental  
Consulting &  
Technology, Inc.

## YOUR MODERATOR

Andrew J. Baumann, Esq.



- Shareholder in LLW's West Palm Beach office since 2005.
- Former Senior Assistant General Counsel for the Florida Department of Environmental Protection focused on submerged lands and state land title issues.
- Former Assistant County Attorney for Palm Beach County focused on eminent domain and environmental and land use/zoning issues
- more than 25 years of experience representing private and governmental clients in permitting, enforcement and civil and administrative litigation concerning:
  - Docks, marinas and boat basins and dredging projects
  - Riparian rights
  - Title and ownership disputes concerning submerged land
  - Coastal and marine construction, armoring and beach renourishment issues



# Course Overview

- DEP/Trustees Updates 2021
- Update on Boating, Waterway Legislation and Biscayne Bay Commission
- Case Study: Jose Marti Park Waterfront Redevelopment
- Special Permitting Considerations for Protection of Manatees



# Timothy Rach



- Program Administrator in the Submerged Lands & Environmental Resources Coordination Program
- Over 26 years at the Florida Department of Environmental Protection in various management and supervisory positions.
- Majority of Career in Environmental Resources Permitting program regulating development in wetlands and surface waters.
- Responsible for overseeing the statewide implementation of the ERP and State 404 rules and regulations within the Department, Water Management Districts and local delegated programs.
- BS degree in Marine Biology from Troy University and a MS degree in Ecology from Old Dominion University.

# DEP Rulemaking Updates

## Completed Rulemaking:

- Chapter 18-20 – Aquatic Preserves (2019)

- Chapter 18-21 – Sovereign Submerged Lands (2019)

- State 404 (2020)

## On-going:

- Re-authorization of the State Programmatic General Permit

- Stormwater management regulation revisions



# Proprietary changes

Took us 10 years – are there still additional revisions needed?

- Clarify marginal dock definition
- Update Florida Keys criteria
- Make definitions consistent between Ch. 18-20 and 18-21
- Address/provide specific regulations for piers in aquatic preserves
- Develop criteria for the new Nature Coast Aquatic Preserve?
- Develop criteria for living shorelines and near shore reefs?
- Consider expanding oceanic fiber optic rule criteria to pipelines and cables in the Atlantic and Gulf





# What if my project needs BOT approval?

- Work closely with your agency permit processor
- Review the upcoming Agenda schedule
- Be prepared for possible delays and follow up questions
- Provide requested information as soon as possible
- Research all past approvals if you're requesting a modification
- Resolve any non-compliance
- Resolve any public objections

<https://floridadep.gov/cab>



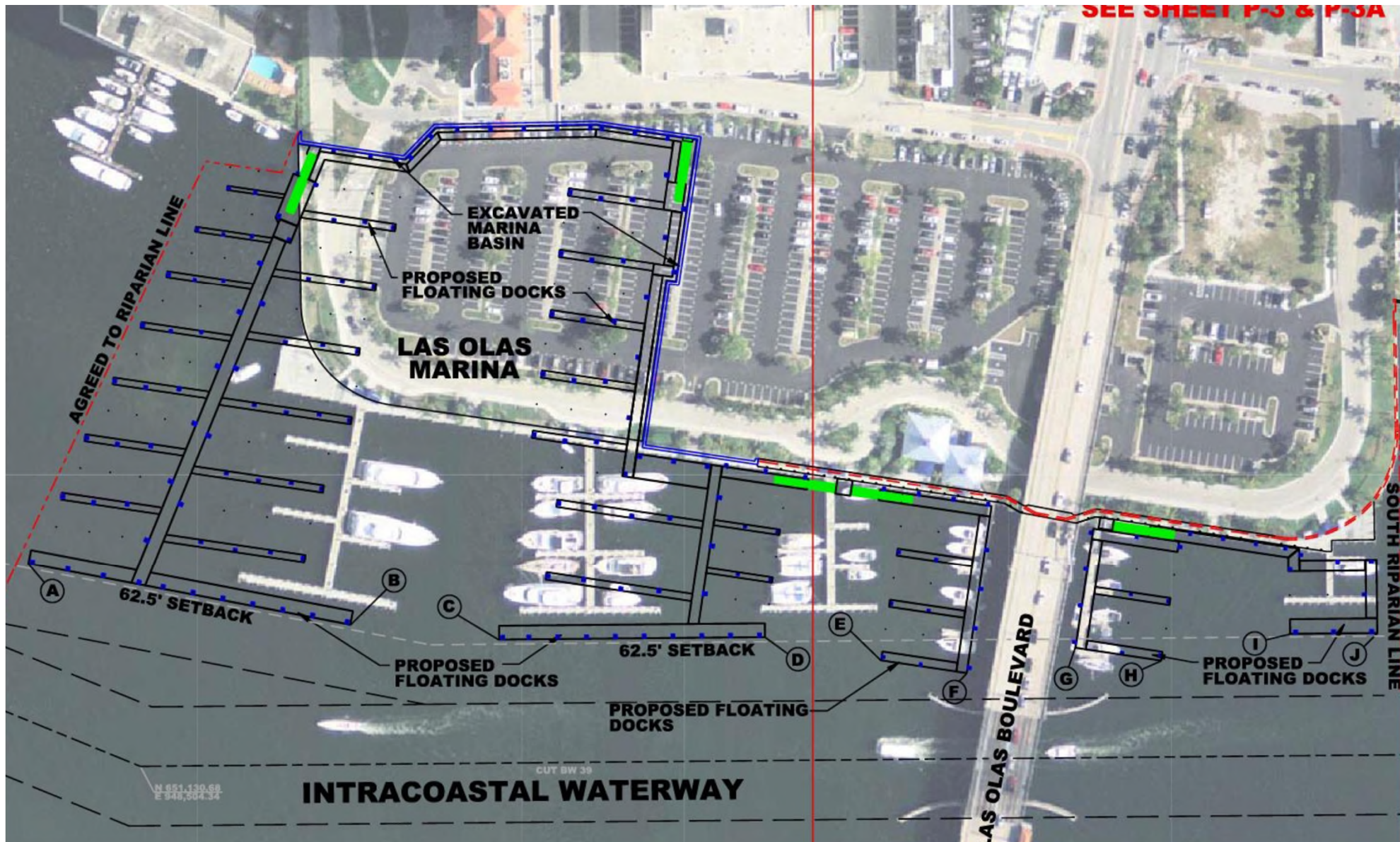
# Recent BOT Agenda Items

- Private condo marina facilities exceeding 40:1
  - Provide a net positive public benefit
- “Hybrid” marina facility
  - Portions that are both commercial and multi-residential (mixed use)
- Expansions to existing Open to the Public Marinas
- Port Expansions





SEE SHEET P-3 & P-3A





**REQUEST:** Consideration of an application for (1) authorization to exceed the preempted area to shoreline ratio, pursuant to Rule 18-21.004(4)(b)2., F.A.C.; (2) modification of an existing five-year sovereignty submerged land lease to a ten-year sovereignty submerged land lease; and (3) an increase in the preempted area from 15,682 to 17,011 square feet, more or less, for a multi-family docking facility.

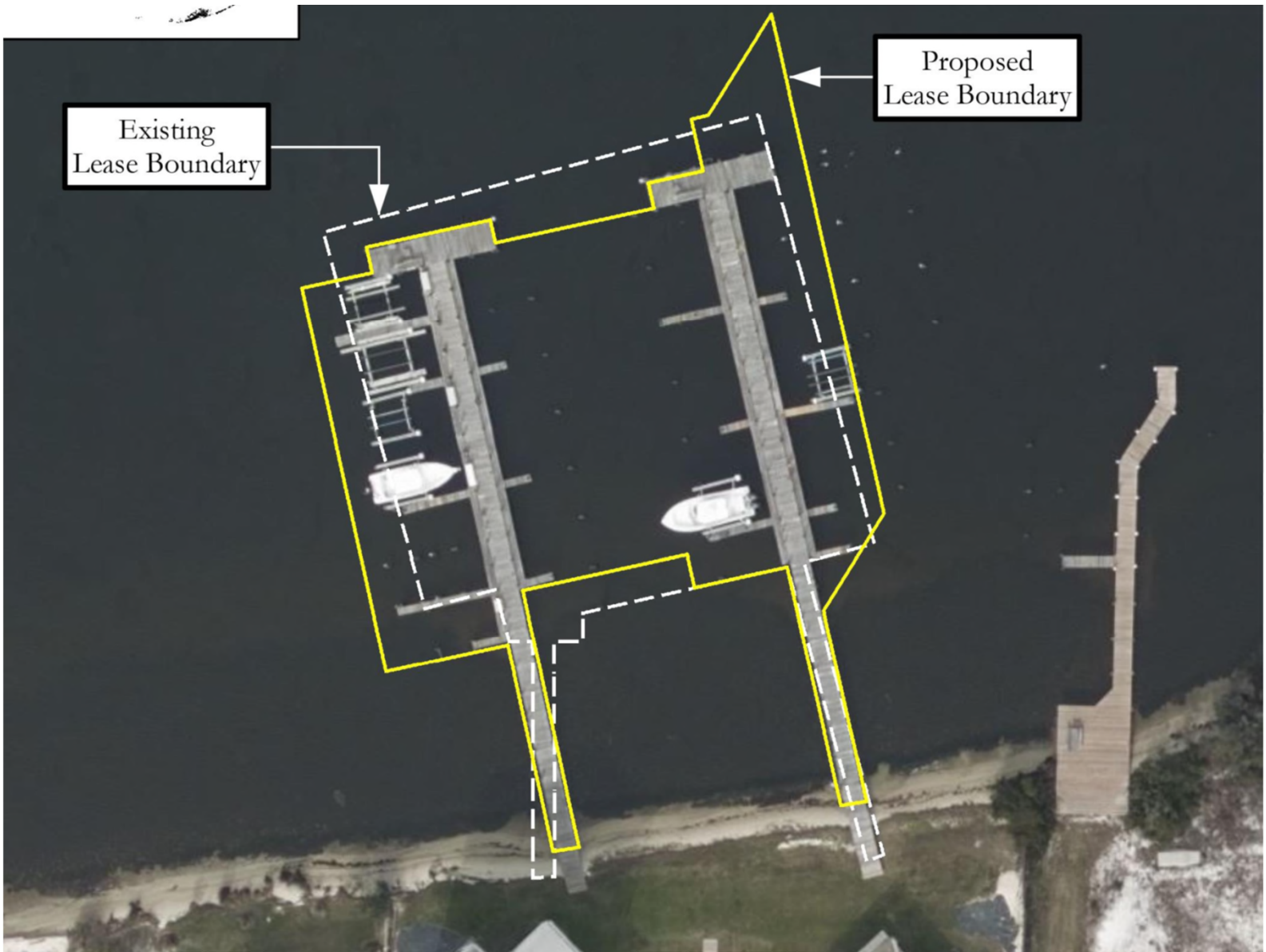
### **Project Detail**

The applicant is requesting to reconfigure the existing western dock for expansion of a 27-slip private residential multi-family docking facility; presently used in conjunction with the upland condominium. The requested expansion area of 1,329 square feet, in addition to the authorized preemption of 15,682 square feet, results in a total preemption of 17,011 square feet of sovereignty submerged lands. The facility has a total of 27 slips on sovereignty submerged lands.

### **Net Positive Public Benefit**

The applicant's riparian shoreline is approximately 178 linear feet and is used in the 40 square foot to 1 linear foot (40:1) ratio calculation, pursuant to Rule 18-21.004(4)(b)2., F.A.C. The applicant is allowed to preempt up to 7,120 square feet without requiring net positive public benefit (NPPB). The proposed 17,011 square foot lease area exceeds the 40 to 1 ratio by approximately 9,891 square feet and is required to provide NPPB, pursuant to Rule 18-21.004(4)(b)2e, F.A.C.

As NPPB, the applicant has proposed to contribute \$14,560.00 to the Escambia County Board of County Commissioners, which will be used toward improvements at the Perdido Key Kayak Launch located at 14200 Perdido Key Drive in Pensacola, Florida. The kayak launch provides public access to the water by way of an existing launch dock, a public parking area, and a gravel access trail; specifically, the County will use these funds to contract the installation of a 300-foot concrete sidewalk from the parking lot to the launch point, providing an ADA-accessible surface.





T. Spencer Crowley, III, Esq.

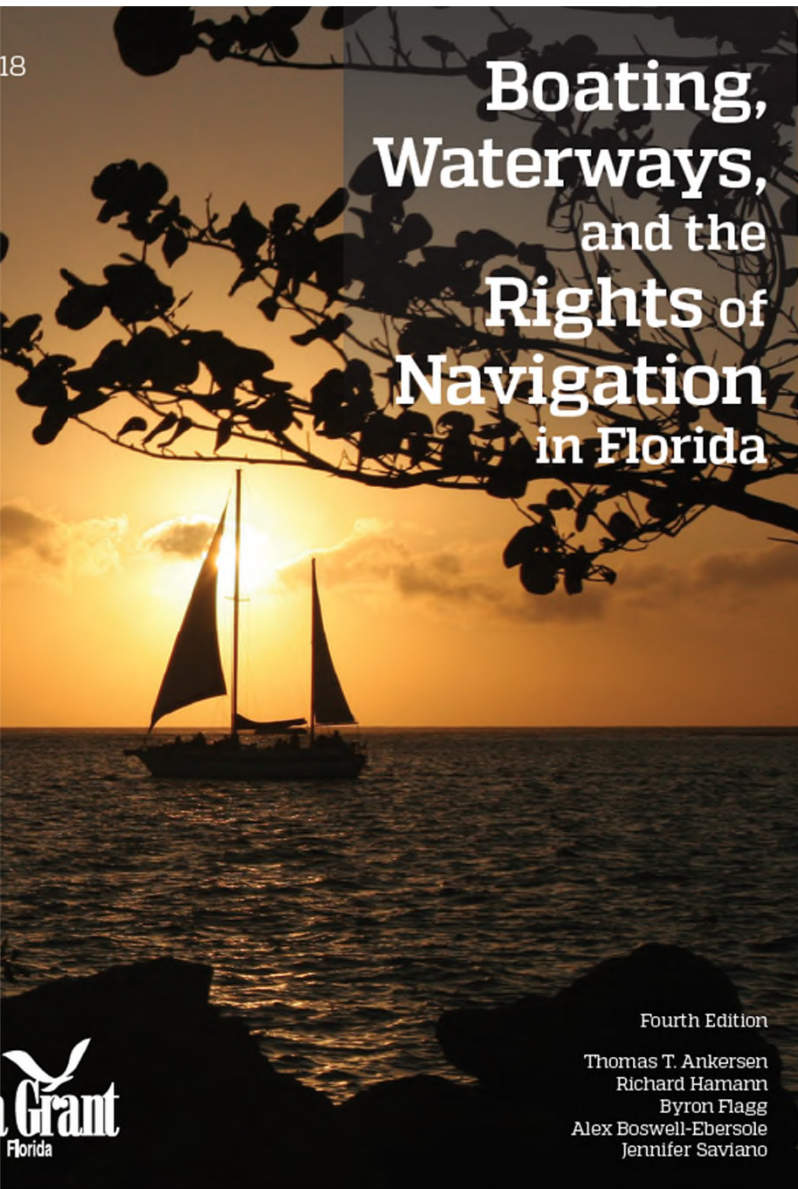
akerman

- Land use and environmental lawyer in Miami.
- FIND Commissioner for Miami Dade County.
- Advisory Board of Florida SeaGrant.
- Prior experience with Governor's Commission for a Sustainable South Florida, the South Florida Water Management District, Duke University's Wetlands Center.
- Spencer holds an undergraduate degree in Environmental Science and Policy from Duke University, a Master's degree in Marine Affairs and Policy from the University of Miami's Rosenstiel School of Marine and Atmospheric Sciences, and JD and MBA from the University of Florida where he earned a certificate in Environmental and Land-use Law and served on the Florida Law Review and the Environmental Moot Court team.
- Spencer lives in the City of Miami with his wife and four children.

A person is swimming in clear turquoise water under a blue sky with white clouds. The water is very clear, showing the sandy bottom and some green algae or seaweed. The person is wearing a yellow life preserver and a red cap. The text is overlaid on the image in a large, bold, white font.

# **2021 Boating and Waterway Legislation and Biscayne Bay Commission**

**T. Spencer Crowley III**



# Primer on Anchorage and Navigation

- **State preempts local regulation of anchoring**
- **Local governments are increasingly aggressive in terms of proposing regulations**



## **CS/CS/SB 1086: Operation and Safety of Motor Vehicles and Vessels**

- **SpaceX legislation - temporary protection zones during space launches, recovery operations and transport of recovered spaceflight assets.**
- **Human powered vessels restricted in the ICW**



## Operation and Safety of Motor Vehicles and Vessels

- **Boater safety ID required on-board, but no conviction if you prove you have a license**
- **At-risk vessels, authorize FWC to create a derelict vessel prevention program**



# **Operation and Safety of Motor Vehicles and Vessels**

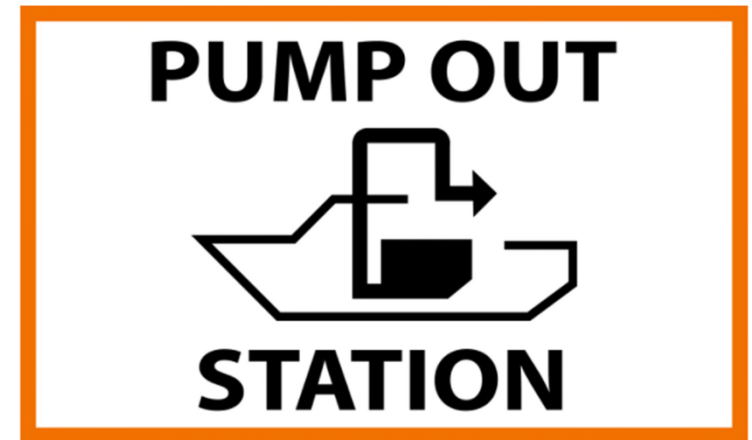
- **Anchoring prohibited areas expanded in 372.4109**
- **Anchoring, mooring, beaching and grounding can be restricted at certain springs**





## **Operation and Safety of Motor Vehicles and Vessels**

- **Municipalities and Counties can regulate the intracoastal waterway and areas around mooring fields, in limited situations**
- **Slow speed minimum wake required when passing active law enforcement and construction vessels**
- **Aquatic preserves designated as no-discharge zones**
- **Derelict Vessels**
  - **may be stored or destroyed;**
  - **changes to notification**
  - **changes to definition**



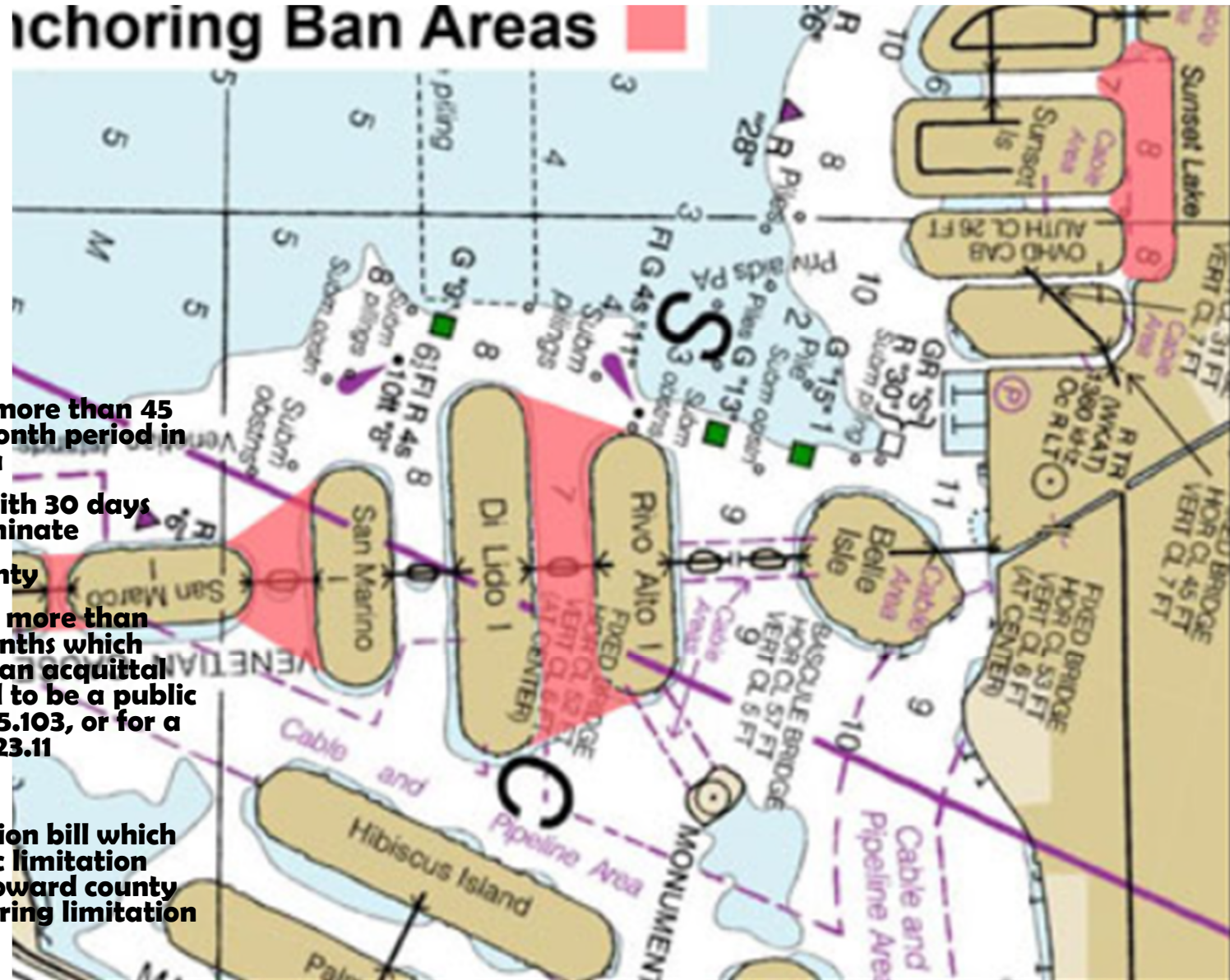


# **SB 1946/HB 1515 – Anchoring Limitation Areas, effective June 29, 2021**

- **Applies to counties and not cities**
- **Amends 327.4108**
- **Anchoring limitation area - adjacent to urban areas that have residential docking facilities and significant recreational boating traffic.**
- **Must:**
  - **1. Be less than 100 acres in size.**
  - **2. Not include any mooring field or marina; and**
  - **3. Be clearly marked with signs and buoys permitted and installed per statutory requirements**
    - a. Signs must notify of anchoring limited times and identifying the county ordinance by which the anchoring limitation area was created.**
    - b. Buoys. marking the boundary of the anchoring limitation area.**
- **Anchoring limitation areas may not exceed 10 percent of the county's delineated navigable-in-fact waterways.**

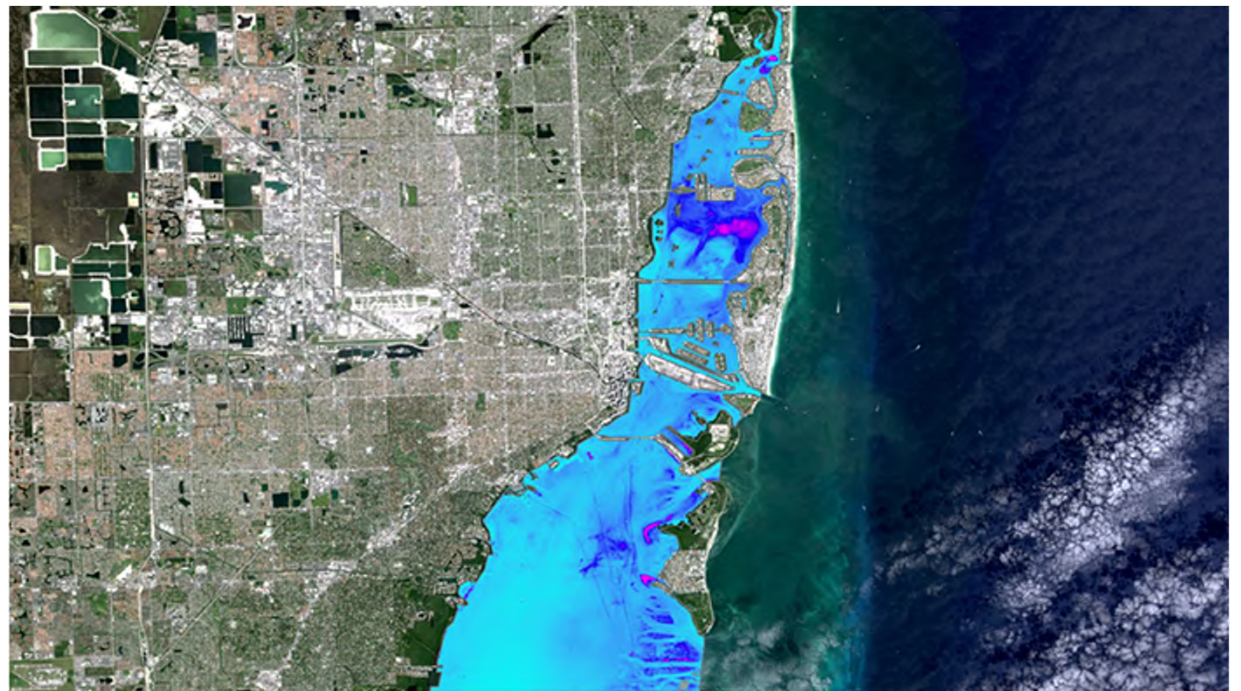
## Anchoring Limitation Areas

- **may not anchor a vessel for more than 45 consecutive days in any 6-month period in an anchoring limitation area**
- **County must provide FWC with 30 days notice, and FWC must disseminate**
- **Special rules for Monroe County**
- **A vessel that is the subject of more than three violations within 12 months which result in dispositions other than acquittal or dismissal shall be declared to be a public nuisance and subject to s. 705.103, or for a derelict vessel, subject to s. 823.11**
- **\*\* another anchoring limitation bill which would have provided specific limitation areas in miami dade and broward county died (Hb1337/sb1652 – anchoring limitation areas)**





# Biscayne Bay





# Healthy Biscayne Bay



# Biscayne Bay Regulation

- **1974 – BBAP Established**
- **1975 – BBAP Expanded South**
- **1980 – BNP Established**
- **1981 – DERM Biscayne Bay Management Plan**
- **1985 – DERM Biscayne Bay Restoration and Enhancement Program**
- **1999 – BBPI Established and Convenes**
- **2001 – BBRRCT Established**
- **2013 – FDEP BBAP Management Plan**

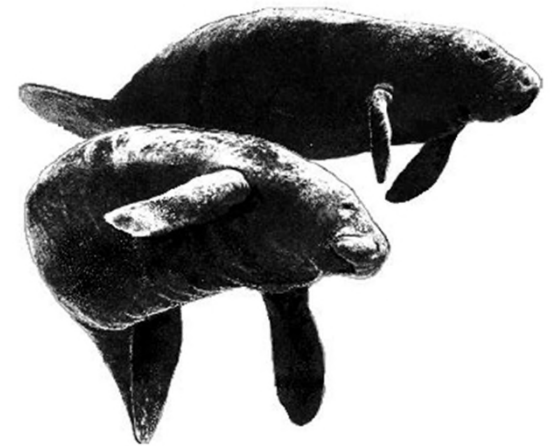
<https://repository.library.noaa.gov/view/noaa/13120>

NOAA Technical Memorandum NOS NCCOS CCMA 145

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National Status and Trends Program  
for Marine Environmental Quality

Biscayne Bay:  
Environmental History and Annotated Bibliography



Silver Spring, Maryland  
July 2000

US Department of Commerce

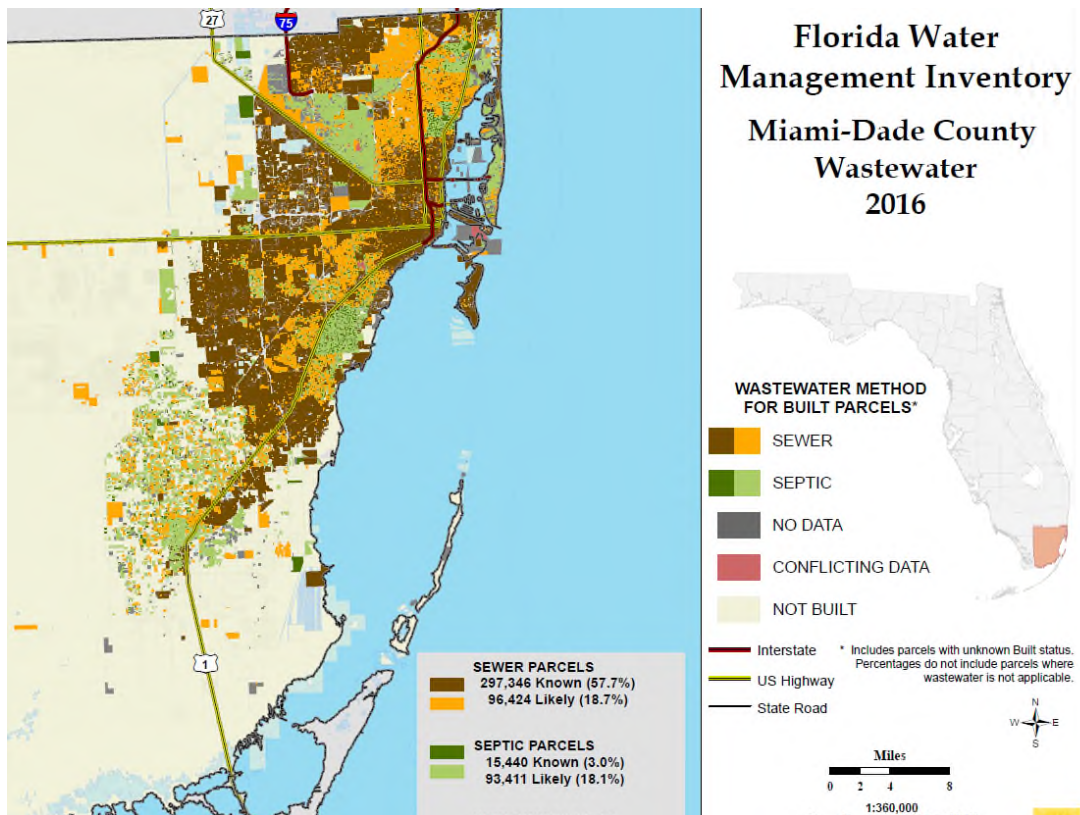
**noaa** NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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Center for Coastal Monitoring and Assessment  
National Centers for Coastal Ocean Science  
National Ocean Service



# Regulation ≠ Health or Restoration





# Biscayne Bay – Impaired Waterbody

- **2017 – FDEP determines that Biscayne Bay is an “impaired waterbody” because of Chlorophyll-a, Nitrogen**

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re: REVISED VERIFIED LIST OF IMPAIRED  
WATERS FOR GROUP 4 BASINS; FINAL  
ASSESSMENT OF GROUP 4 BASIN  
WATERS COVERED BY THE STATEWIDE  
MERCURY TMDL; AMENDMENTS TO  
THE VERIFIED LIST OF IMPAIRED WATERS  
FOR GROUP 2 AND 3 BASINS; AND FINAL  
ASSESSMENT DETERMINATION FOR ONE  
GROUP 3 WATER

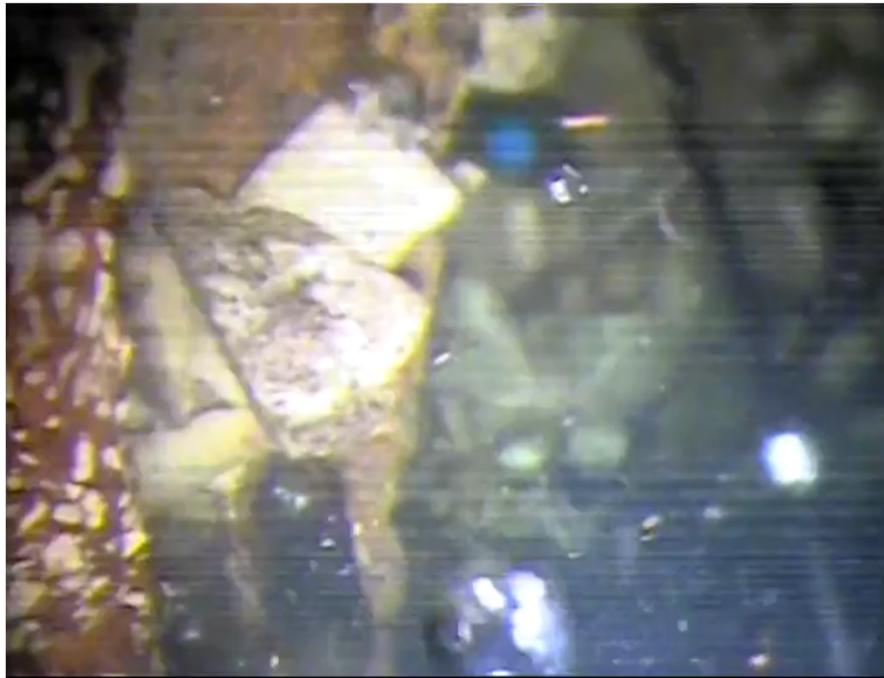
OGC Nos.: 17-0291 – 17-0780

ORDER

Pursuant to Section 403.067(4), Florida Statutes (“Fla. Stat.”), and Chapter 62-303, Florida Administrative Code (“F.A.C.”), the Florida Department of Environmental Protection (“department”) is 1) adopting revisions to the Verified List of Impaired Waters for the Group 4 basins which include: Fisheating Creek, Kissimmee, Nassau – St. Marys, Pensacola Bay, Southeast Coast – Biscayne Bay, and Withlacoochee; 2) finalizing the assessment for new Group 4 Basin Waters Covered by the Statewide Mercury Total Maximum Daily Load; 3) adopting amendments to the Verified List of Impaired Waters for one waterbody in the Group 2 Tampa Bay Tributaries basin and one waterbody in the Group 3 Lake Worth Lagoon – Palm Beach Coast basin; and 4) adopting the final assessment determination for one waterbody in the Group 3 Choctawhatchee – St. Andrews basin.

The identification of impaired waters is a critical component of the department's comprehensive process to scientifically assess Florida's surface waters and restore those waterbodies not meeting their designated uses (e.g., recreation, a healthy, well-

# Storm Drains – Solid Waste



# Seagrass Problems

Miami Herald

ENVIRONMENT

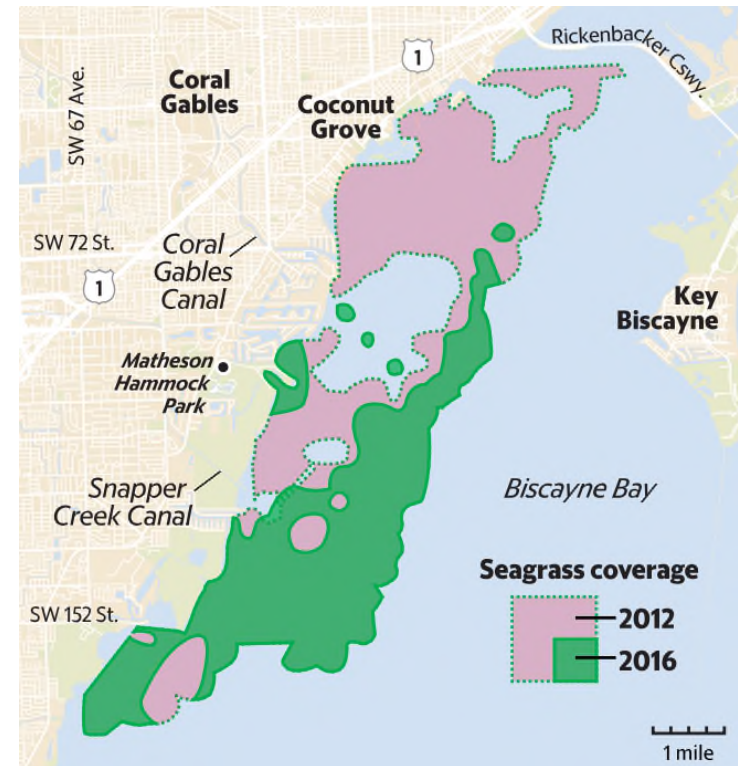
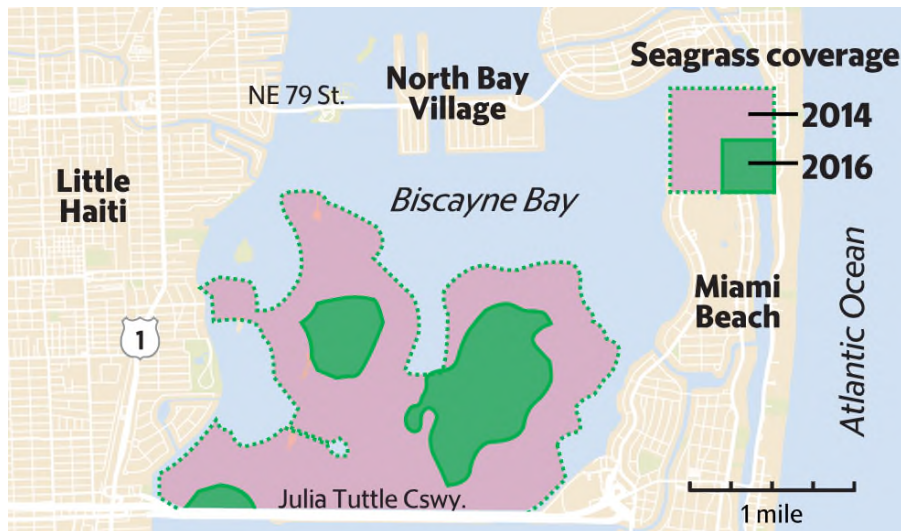
## Seagrass keeps dying in Biscayne Bay. Is it getting too sick to recover?



BY JENNY STALETOVICH  
[jstaletovich@miamiherald.com](mailto:jstaletovich@miamiherald.com)



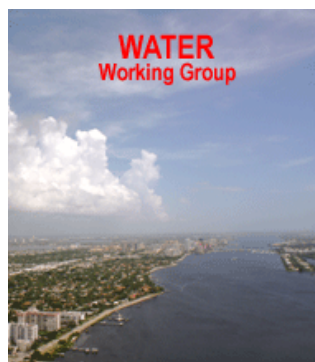
April 21, 2017 06:01 AM  
Updated April 22, 2017 08:49 PM





# **What do we do?**

- **Central Florida Water Initiative**
- **Indian River Lagoon Council - National Estuary Program**
- **Charlotte Harbor National Estuary Program**
- **Loxahatchee River**
- **Chesapeake Bay**
- **Lake Worth Lagoon in Palm Beach County**



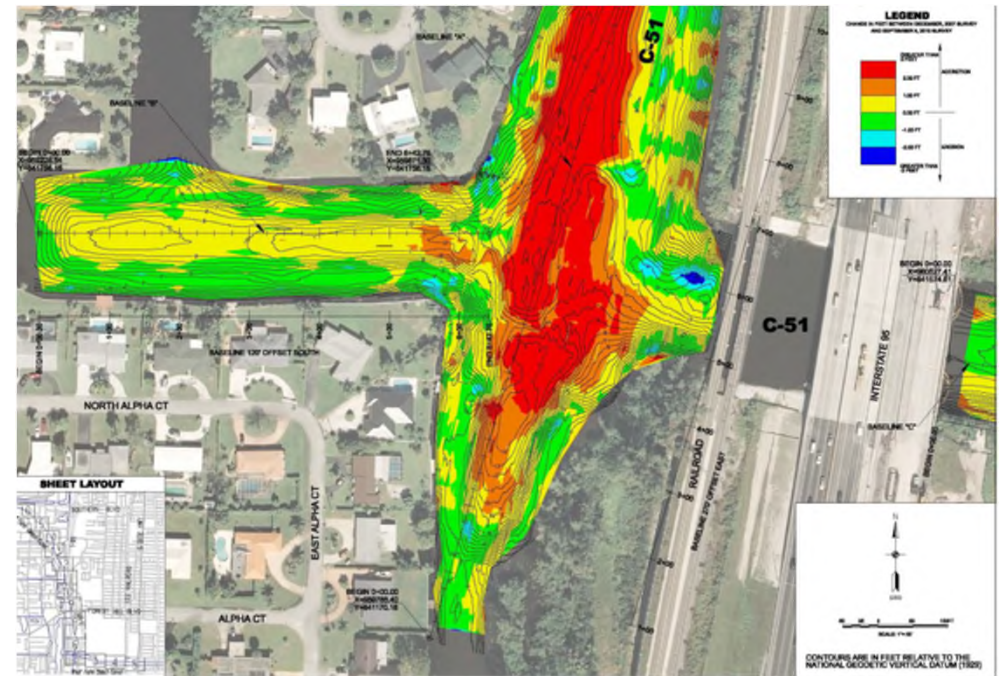
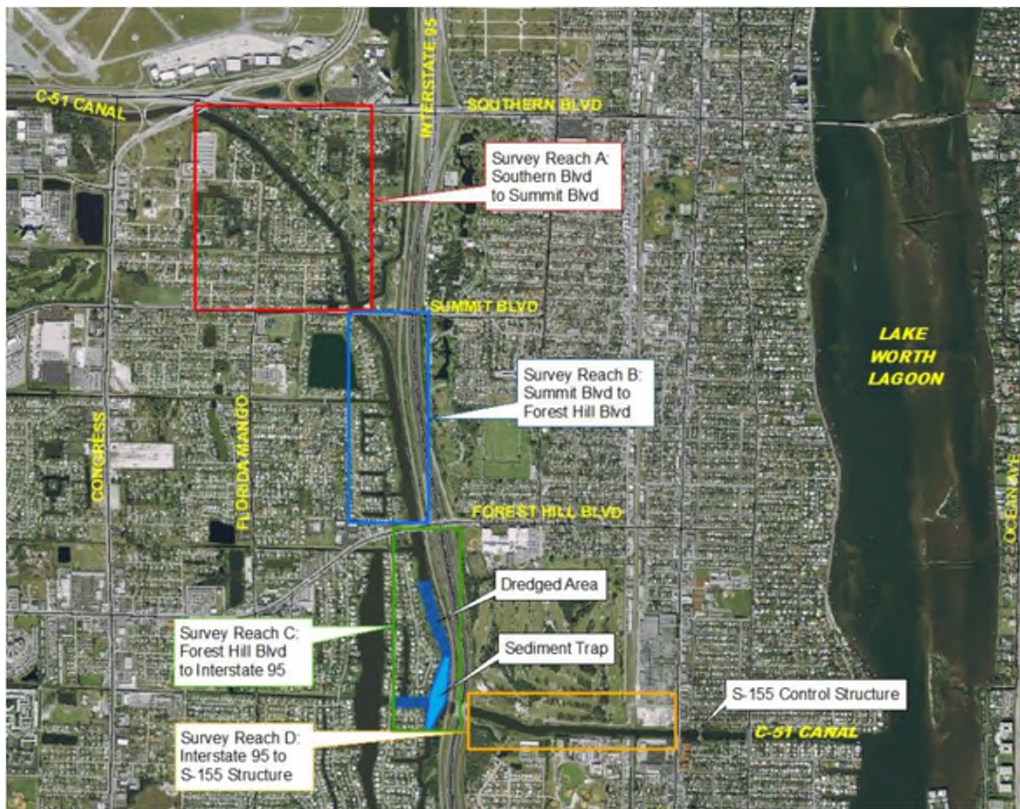
# **Working Groups**

- **Water**
  - **Develop a “Reasonable Assurance Plan” in order to remove Biscayne Bay from State list of impaired waterbodies**
  - **Address stormwater, septic tanks and sanitary sewage**
- **Habitat**
  - **Evaluate opportunities to reestablish natural and native habitats in and around Biscayne Bay**
- **Public Outreach**
  - **Develop a constituency among residents and tourists for responsible use and appreciation of Biscayne Bay**



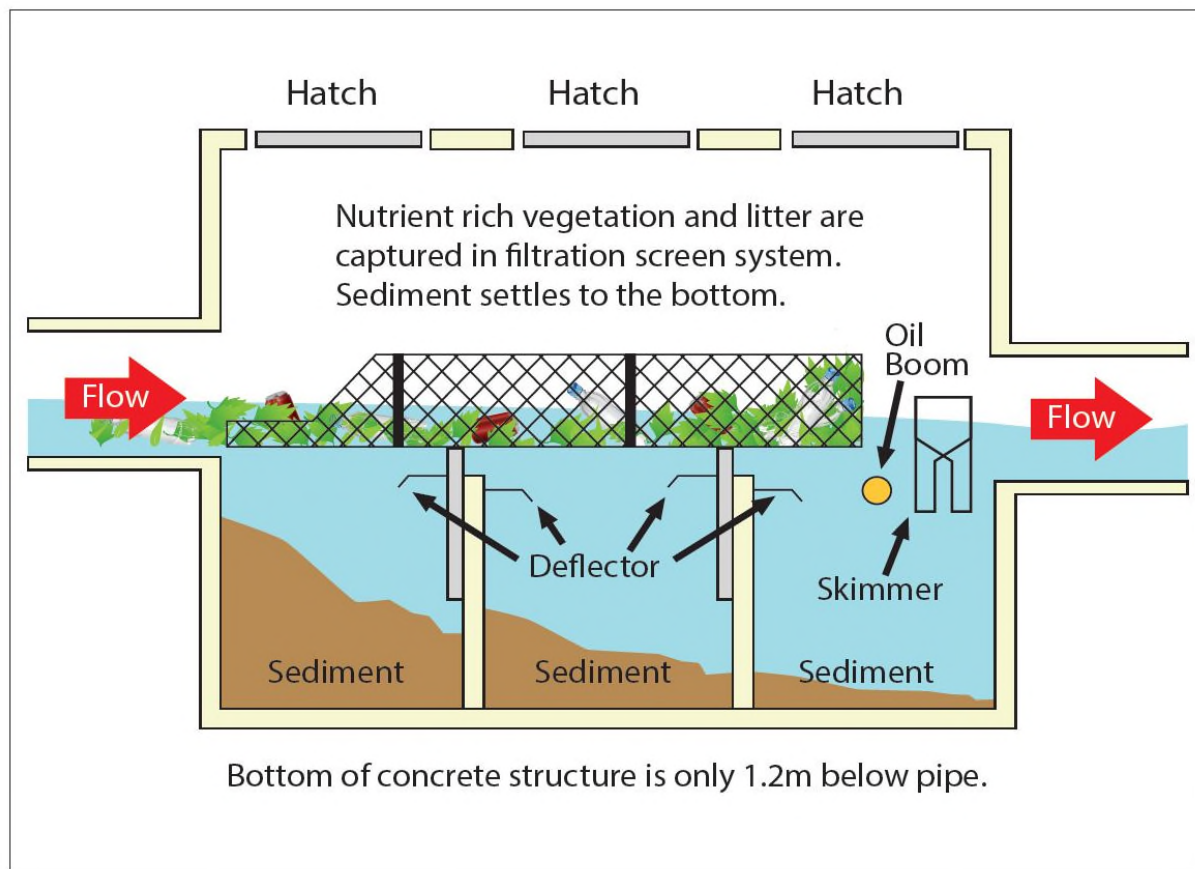
# Water Working Group

## C51 – Sediment Trap



# Water Working Group

## Baffle Boxes at Stormwater Outfalls





# City of Miami Outfall





# Septic to Sewer Conversions



# Habitat Working Group





# Dredge Holes



## Snook Islands pier and boardwalk

Work began last week on a \$2 million public-access project just north of the Lake Avenue bridge that will include a fishing pier, floating docks for boats, a water taxi landing, a boardwalk leading to the Snook Islands Natural Area, a kayak launch and information kiosks.





# Living Shorelines





# Living Shoreline Opportunities





# Snorkel Trail





# **Biscayne Bay Restoration – Progress?**

- **January 2017 – FIND Letter to Dade legislative delegation**
- **April 2017 Herald article regarding seagrass die off**
- **May 2017 – \$FWMD Chair Fernandez presents to BBYC**
- **May 2017 – Meetings with County Administration/DERM**
- **Summer 2017 – Meetings with stakeholders – Waterkeepers, MRC, Captain Dan, DERM, Levine-Cava**
- **July 2017 – Biscayne Bay Marine Health Summit**
- **September 2017 – legislation creating BBRI drafted**
- **November 2017 – “BB Task Force” legislation at Committee but stalls**
- **Late 2017/Early 2018 – Discussions with Harvey Ruvlin and Stakeholders**
- **Summer 2018 – Reconciliation of BBRI Legislation with DERM**
- **Fall 2018 – County support diminishes and BBRI legislation stalls**
- **Early 2019 – County creates “BB Task Force”**
- **August 8, 2019 – Grand Jury Report on Biscayne Bay is released**
- **June 2020 – Draft Task Force Report released**
- **August 2020 – North Biscayne Bay fish kills**
- **August 31, 2020 – County Commission directs Mayor to hire Chief Bay Officer, and provide recommendations on implementation of the Task Force Report**

# MEMORANDUM

Agenda Item No. 11(A)(9)

---

rey M. Edmonson  
nty Commissioners

**DATE:** February 5, 2019

**SUBJECT:** Resolution creating a Biscayne Bay Task Force; setting forth powers and responsibilities of such task force; providing for a report; and providing for sunset

---



## A Unified Approach to Recovery for a Healthy & Resilient Biscayne Bay

*Biscayne Bay Task Force Report and Recommendations*

*June 2020*

# **HB 1177/SB 1482 - Biscayne Bay Commission**

- **Creates the Biscayne Bay Commission as an advisory council to the DEP**
- **DEP will staff the Commission**
- **The Commission shall serve as the official coordinating clearinghouse for all public policy and projects related to Biscayne Bay to unite all governmental agencies, businesses, and residents in the area to speak with one voice on bay issues; to develop coordinated plans, priorities, programs, and projects that might substantially improve the bay area; and to act as the principal advocate and watchdog to ensure that bay projects are funded and implemented in a proper and timely manner.**



# **Biscayne Bay Commission**

- 1. One member appointed by the Governor.**
- 2. Three members of the Miami-Dade Board of County Commissioners, appointed by the board.**
- 3. One member of the Miami-Dade County League of Cities**
- 4. One member of the South Florida Water Management District Governing Board who resides in Miami-Dade County, appointed by the board.**
- 5. One representative of the Department of Environmental Protection, appointed by the Secretary of Environmental Protection.**
- 6. One representative of the Fish and Wildlife Conservation Commission, appointed by the commission.**
- 7. One representative of the Florida Inland Navigation District, appointed by the district.**

**4-year terms, all members shall be voting members, members serve without compensation and are not entitled to reimbursement for per diem and travel expenses, may meet monthly, but shall meet at least quarterly.**

# **Biscayne Bay Commission**

- **Consolidate existing plans, programs, and proposals, including the recommendations outlined in the June 2020 Biscayne Bay Task Force report, into a coordinated strategic plan for improvement of Biscayne Bay and the surrounding areas, addressing environmental, economic, social, recreational, and aesthetic issues. The commission shall monitor the progress on each element of such plan and shall revise the plan regularly.**
- **Prepare a consolidated financial plan using the projected financial resources available from the different jurisdictional agencies. The commission shall monitor the progress on each element of such plan and revise the plan regularly.**
- **Provide technical assistance and support as needed to help implement each element of the strategic and financial plans.**
- **Work in consultation with the United States Department of the Interior.**
- **Provide a forum for exchange of information.**
- **Act as a clearinghouse for public information.**

# County Response

## MEMORANDUM

Substitute  
Agenda Item No. 5(H)

---

e "Pepe" Diaz  
County Commissioners

**DATE:** July 20, 2021

**SUBJECT:** Ordinance creating the Miami-Dade County Biscayne Bay Watershed Management Advisory Board; creating article CLXIV of chapter 2 of the Code; providing for the composition and duties of the board and other related matters



**Danielle H. Irwin,  
Director  
Cummins Cederberg**

**CUMMINS | CEDERBERG**  
**Coastal & Marine Engineering**

- Former Deputy Director of FDEP's Division of Water Resource Management.
- Over 20 years of experience in the private & public sectors specializing in waterfront development, marinas/ports, submerged lands/riparian rights, coastal construction, beach and wetland management, mitigation, sea level rise adaptation and coastal resiliency, water resource policy, permitting and regulatory oversight.



# City of Miami's Jose Marti Park

CUMMINS | CEDERBERG  
Coastal & Marine Engineering

- Park use began in early 1980s
- Between Miami River & East Little Havana
- Provides open space, recreational amenities, and social services
- Urban green space asset for the City





# Site Vulnerabilities & Adaptation Strategy

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Coastal & Marine Engineering



- High risk of sea level rise & king tide
- Outdated shoreline infrastructure
- Resilient seawalls / living shorelines
- Drainage Improvements





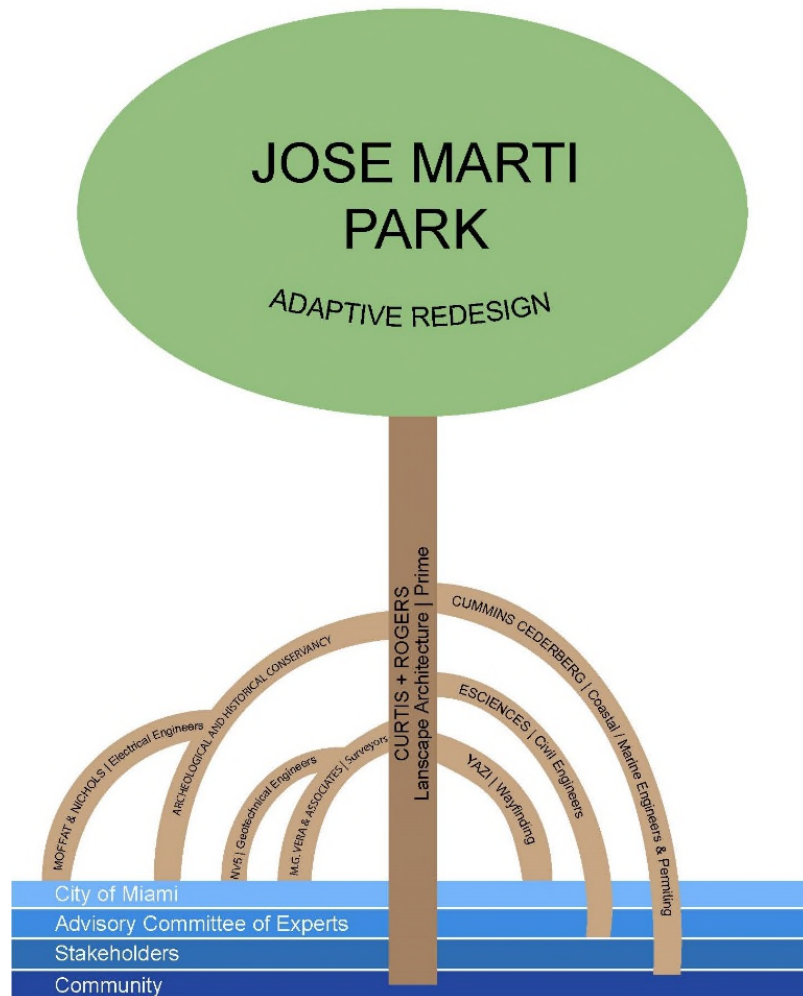
# Proposed Conditions

CUMMINS | CEDERBERG  
Coastal & Marine Engineering





# Multidisciplinary Project Team



[www.CumminsCederberg.com](http://www.CumminsCederberg.com)





# Multiple Submerged Lands Issues

CUMMINS | CEDERBERG  
Coastal & Marine Engineering

- 1922 Shoreline
- Riparian Lines
- Butler Act Disclaimer
  - Land Swap
  - Appraisal
  - SSL Lease







Legend  
 1922\_Shoreline

F:\Ent\Jose\_Marti\_Park

# 1922 U.S. HARBORLINE MAP - SHORELINE JOSE MARTI PARK DADE COUNTY

FOR ILLUSTRATIVE AND INFORMATIONAL PURPOSES ONLY



## FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building  
 3900 Commonwealth Boulevard  
 Tallahassee, FL 32399

October 23, 2019

Danielle H. Irwin  
 Director  
 CUMMINGS / CEDERBERG  
 310 W. College Ave., Suite 211  
 Tallahassee, Florida 32301

Re: Jose Marti Park, Dade County, Florida.

Dear Ms. Irwin,

This letter is in response to your recent inquiry requesting an evaluation of the 1922 shoreline along the Miami River adjacent to Jose Marti Park in Dade County, Florida.

The attached map shows the approximate location if the 1922 shoreline as depicted on the 1922 U. S. Harbor Lines map. The submerged lands landward of this 1922 shoreline are not state-owned sovereign submerged lands. However, submerged lands lying waterward of the 1922 shoreline are state-owned sovereign submerged lands. Any existing fill lying waterward of said line may qualify for a Butler Act Disclaimer per Chapter 253.129, Florida Statutes, if all additional criteria are also met. Please contact Jody Miller at 850-245-2802 or [Jody.Miller@dep.state.fl.us](mailto:Jody.Miller@dep.state.fl.us) to apply for this certificate.

The conclusions stated herein are based on a review of records currently available within the Department of Environmental Protection as supplemented, in some cases, by information furnished by the requesting party and do not constitute a legal opinion of title. A permit from the Department of Environmental Protection and other federal, state and local agencies may be required prior to conducting activities.

If this office can be of any further assistance regarding this determination, please address your questions to Eric Sellers, PSM, Professional Land Surveyor II, mail station No. 108 at the above letterhead address, by telephone at (850) 245-2607, or by e-mail at [Eric.Sellers@FloridaDEP.gov](mailto:Eric.Sellers@FloridaDEP.gov).

Sincerely,

Marcus Ashman, PSM, Program Manager  
 Division of State Lands  
 Bureau of Survey and Mapping  
 Attachment: Jose\_Marti\_Park\_1922\_Shoreline.pdf  
 MJA/els  
 F:\Ent\Jose\_Marti\_Park

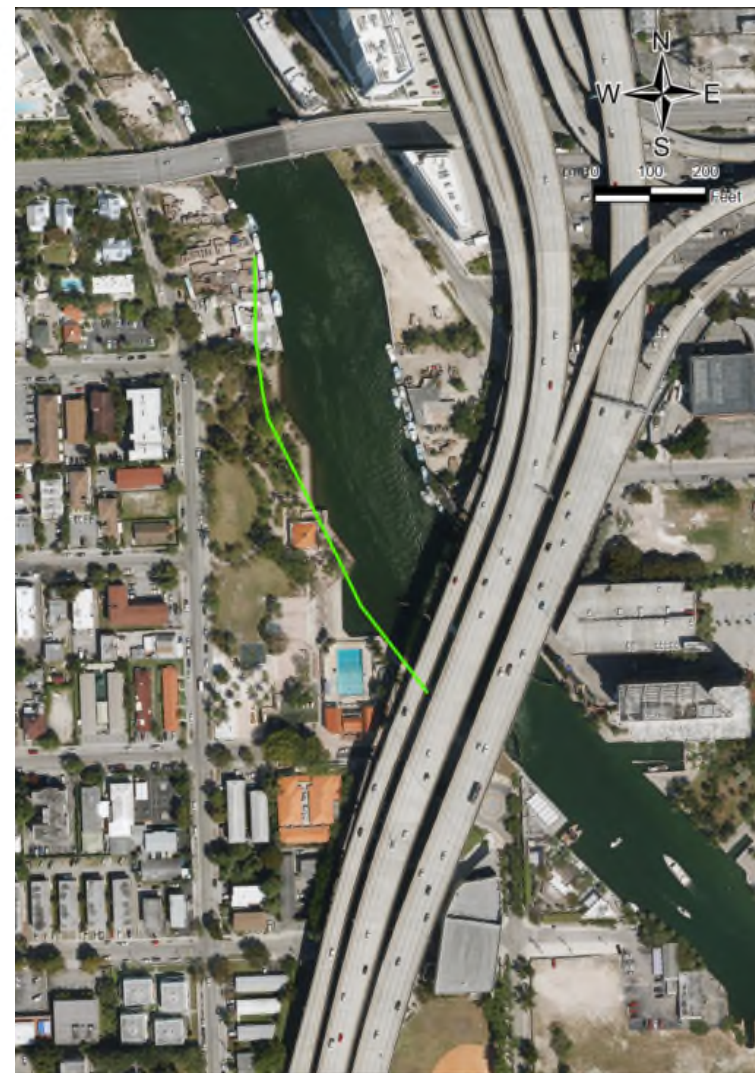


Legend  
 1922\_Shoreline

F:\Ent\Jose\_Marti\_Park

# 1922 U.S. HARBORLINE MAP - SHORELINE JOSE MARTI PARK DADE COUNTY

FOR ILLUSTRATIVE AND INFORMATIONAL PURPOSES ONLY

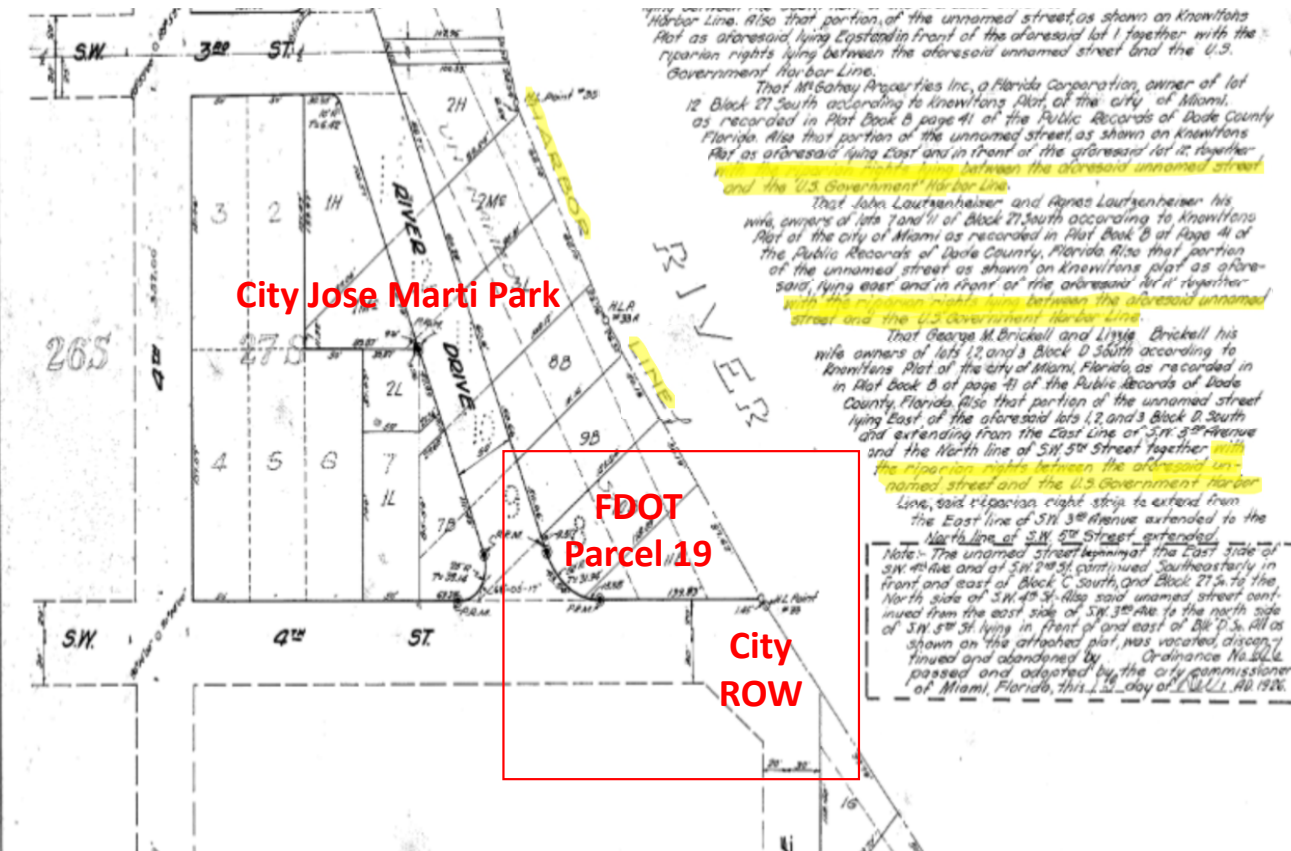




# 1926 Riverside Waterfronts (1922 Harbor Line)

CUMMINS | CEDERBERG  
Coastal & Marine Engineering

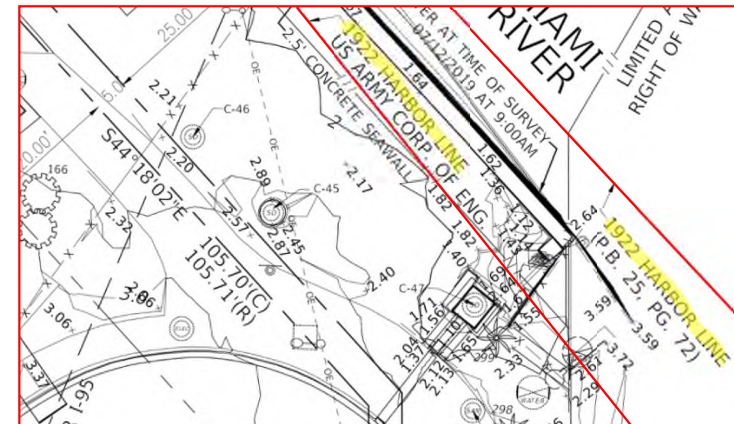
Plat Book 25, Page 72



## RIVERSIDE WATERFRONTS

A RESUBDIVISION OF BLOCK C 5<sup>th</sup> PORTION 27<sup>th</sup>  
BLOCK D 5<sup>th</sup> AND OTHER LANDS AS SHOWN.  
MIAMI, DADE CO. FLORIDA.

McGee & Davis Civil Engineers Inc.  
Miami, Dade Co. Florida  
Scale 1" = 50'  
November 1926






# Ownership Info

- Riparian Upland
  - City of Miami – parcels & ROW
  - FDOT (Parcel 19) – MOA with City for park use
- Waterway / Submerged Land
  - Sovereign Submerged Lands (AP/OFW)
    - SSL lease needed for fixed / floating platforms
  - 1922 Shoreline (from FDEP)
    - Landward of it – City-owned
    - Waterward of it – State-owned (or Butler Act Disclaimer)
  - FDOT / I-95 bridge
    - 1965 BTIITF Dedication to State Road Dept.
      - Submerged lands dedicated for public highway purposes



 = waterfront parcels

Jose Marti Park Parcels	
No.	Folio Number
1	01-4138-049-0010
2	01-0200-010-6140
3	01-0202-070-1010
4	01-4138-049-0040
5	01-4138-049-0050
6	01-0202-070-1020
7	01-4138-049-0080
8	01-4138-049-0090
9	01-4138-049-0070
10	01-4138-049-0020
11	01-4138-049-0070
12	01-4138-049-0060
13	01-0202-080-1070
14	01-0202-080-1060
15	01-0202-080-1050
16	01-0202-080-1180
17	01-0202-080-1190
18	01-0203-070-1030
19	Leased from FDOT





# Parcel 19 MOA – City needs FDOT ‘approval’

CUMMINS | CEDERBERG  
Coastal & Marine Engineering

SECTION  
STATE ROAD 9, I-95  
DADE COUNTY  
PARCEL NUMBER

## MEMORANDUM OF AGREEMENT

### Section I-95

THIS AGREEMENT, made and entered into this 16th day of November, 1980, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, a component agency of the State of Florida, hereinafter called the "Department", and the CITY OF MIAMI, FLORIDA, hereinafter Called the "City";

#### WITNESSETH:

WHEREAS, the Department has acquired sufficient legal right, title and interest in the right of way of I-95 shown in Exhibit "A", attached hereto and by this reference made part hereof, on which the City proposes to construct facilities for park purposes; and

WHEREAS, there are certain areas in the vicinity of S.W. 4th Street under an elevated section of Interstate Highway I-95 which are adequate for the construction of park facilities; and highway requires additional highway facilities for the maintenance of the highway, they shall be provided without cost to either the Department or the FHWA.

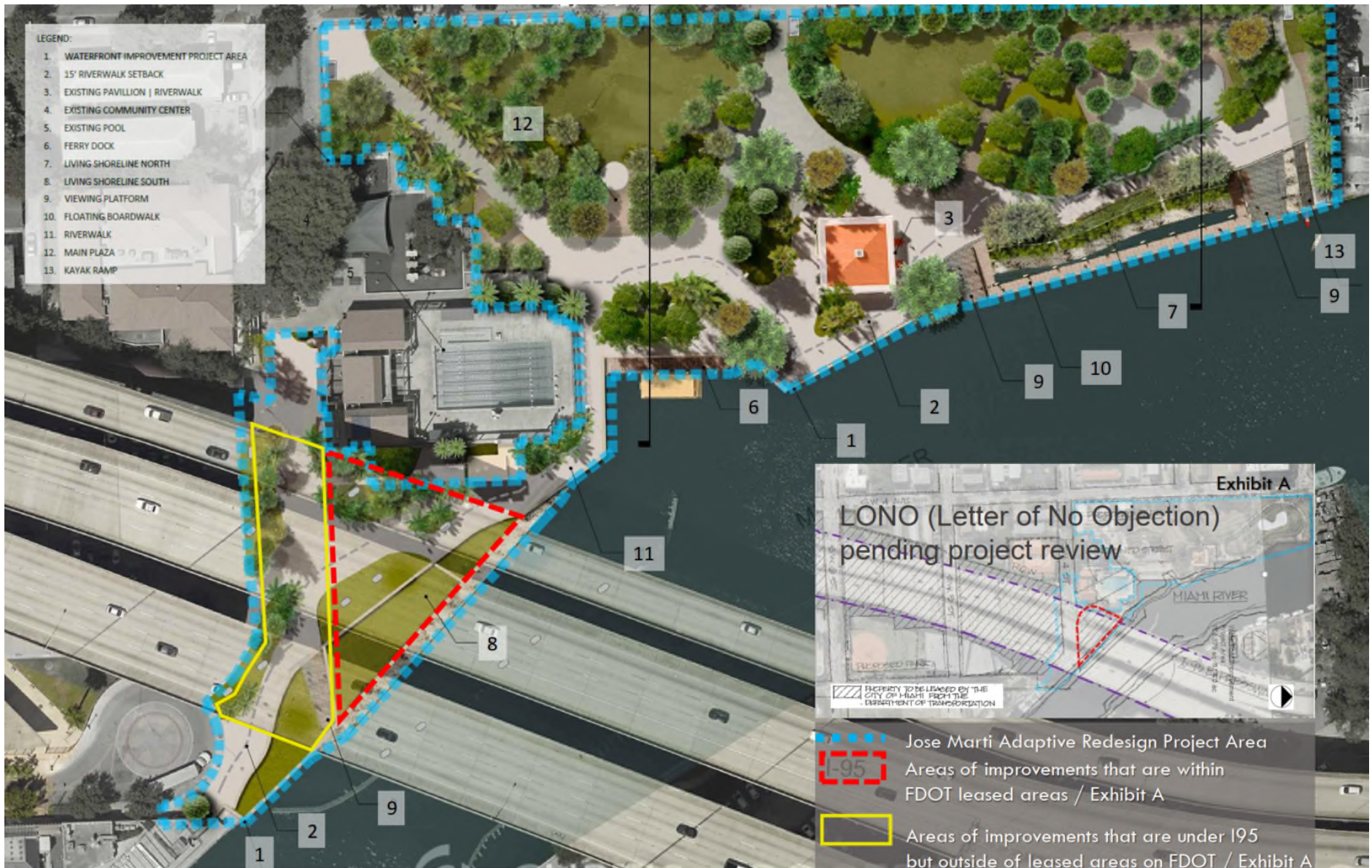
6. The City shall obtain prior approval from the Department and the FHWA prior to making any significant revision in the design or construction of the City park facility shown in Exhibit "A", attached hereto.

7. The City shall obtain prior approval from the Department and the FHWA prior to making any change in the authorized use of space as provided by this agreement.

8. The City understands and hereby agrees not to sublease or assign the space herein, or any portion thereof, except upon prior approval in writing by both the









# BTIITF Dedication to FDOT

CUMMINS | CEDERBERG  
Coastal & Marine Engineering

NO. 24054

SRD NUMBER 230.1  
SECTION 87270-2425  
STATE ROAD 9-A  
COUNTY Dade

DEDICATION  
TRUSTEES OF THE INTERNAL IMPROVEMENT FUND  
OF THE STATE OF FLORIDA

KNOW ALL MEN BY THESE PRESENTS, that whereas, the State Road Department of Florida having, on June 11, 1965, made application to the Trustees of the Internal Improvement Fund of the State of Florida to construct and/or improve and maintain a portion of State Road Number 9-A upon lands held by said Trustees, as hereinafter described, and said Trustees having considered and approved said application in meeting held on August 17, 1965, NOW THEREFORE,

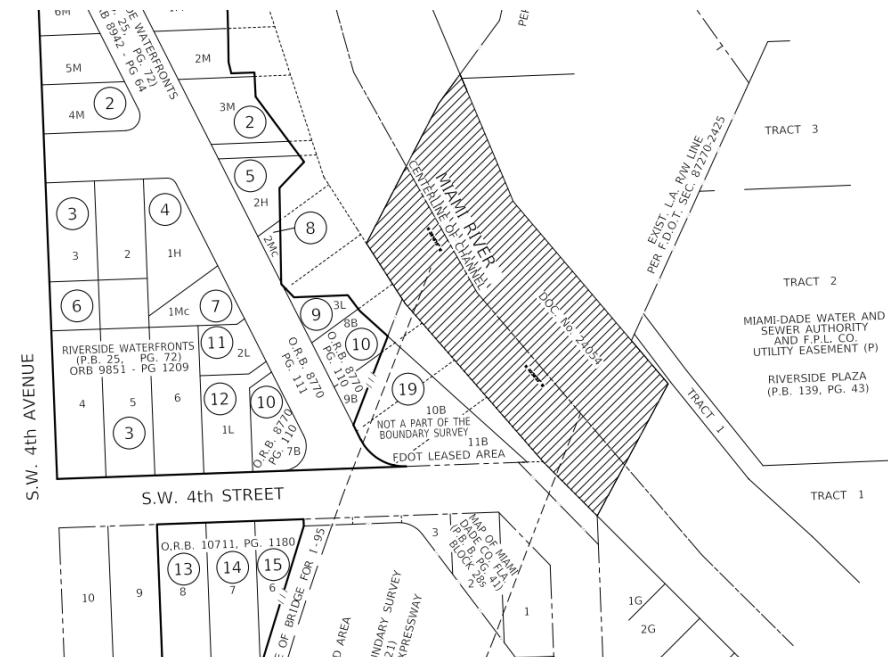
BE IT RESOLVED by the Trustees of the Internal Improvement Fund that the following described lands, in Dade County, Florida, to-wit:

STATE ROAD DEPARTMENT OF FLO  
DIVISION OF RIGHTS OF WAY  
DESCRIPTION APPROVED  
JUN 9 1965 BY A

That part of:  
The submerged lands, sand bars, fills, islands, and/or other lands in the Miami River, in the "Mrs. Hagan Donation and James Hagan Donation", in Township 54 South, Range 41 East,

lying within the following described boundaries to wit: Begin on the Southwesterly line of Lot 2, East Riverside according to plat recorded in plat book 28, page 43 of the Public Records of Dade County, Florida, at a point 17.88 feet North 22°45'36" West from the most Southwesterly corner of said Lot 2, thence South 36°15'46" West 37.02 feet, thence South 27°22'15" West 160.54 feet thence South 32°49'05" East 72.54 feet, thence South 41°07'04" East 215.86 feet, thence South 45°08'17" East 77.0 feet, thence North 28°19'39" East 152.88 feet, thence North 40°24'32" West 243.97 feet thence North 22°45'36" West 140.95 feet to point of beginning.

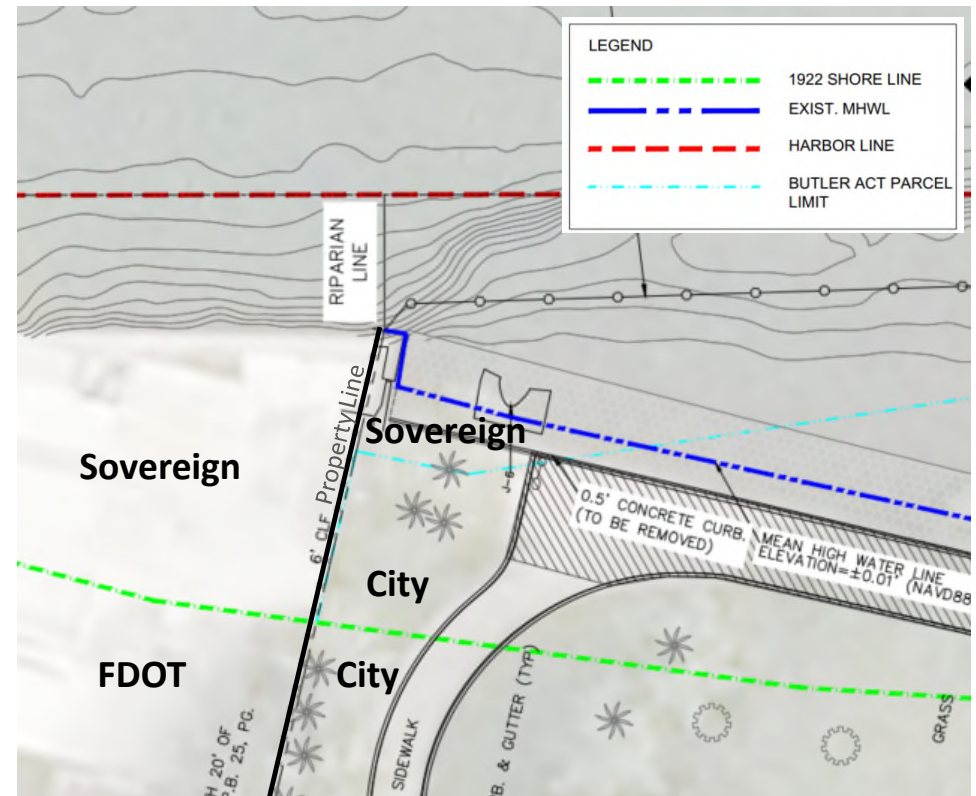
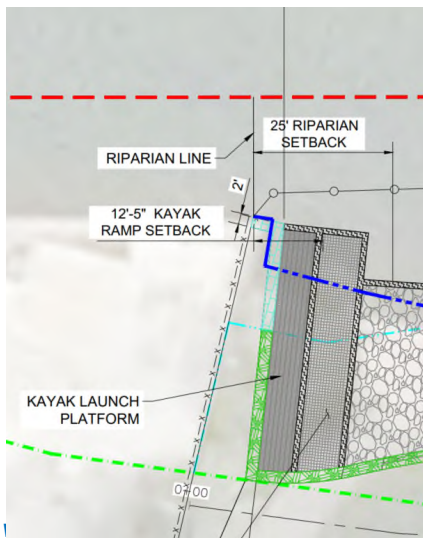
Containing 56,949 square feet, more or less.





# Riparian Lines

- From what upland boundary should they be drawn?
- North Property Line
  - Adjacent to FDOT (sort of)
  - Letter of Concurrence / Setback Waiver for kayak ramp



253.141(1), FS Riparian rights defined... The land to which the owner holds title must extend to the ordinary high watermark of the navigable water in order that riparian rights may attach...

18-21.003(63), FAC "Riparian rights" means those rights incident to lands bordering upon navigable waters, as recognized by the courts and common law.