

APPENDIX B

NFC Permit No. NFC2012-012



Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources

Environmental Resources Management

701 NW 1st Court, 6th Floor

Miami, Florida 33136-3912

T 305-372-6567 F 305-372-6407

miamidade.gov

July 23, 2013

Mr. Gerry Altshul
University of Miami Real Estate Department
1320 South Dixie Highway, #705
Coral Gables, Florida 33146

CERTIFIED MAIL NO.: 70040750000191598570
RETURN RECEIPT REQUESTED

Mr. Bob Skinner
RAM Realty Services
4801 PGA Boulevard
Palm Beach Gardens, Florida 33418

CERTIFIED MAIL NO.: 70040750000191598587
RETURN RECEIPT REQUESTED

Re: Fully executed After-the-Fact Natural Forest Community (NFC) permit (NFC2012-012) and NFC Covenant, for the properties located in the vicinity of SW 152 Street and SW 124 Avenue, Miami, Florida. (Folios: 30-5926-000-0060, 30-5925-000-0015 and 30-5925-000-0025).

Dear Messer's Altshul and Skinner:

Please find attached fully executed copies of after-the-fact NFC Removal permit NFC2012-012 and executed NFC Covenant, with the approved NFC Management Plan, for the above-referenced properties. Per condition #1 of the NFC permit, the NFC Covenant will be recorded with the Clerk's Office within 10 (ten) days of the date of approval of the Miami-Dade County zoning application referenced by RER hearing number Z2006-129.

Thank you for your attention to this matter. If you have any questions concerning the above, please contact me at (305) 372-6548 or via e-mail at joynei@miamidade.gov.

Sincerely,

Handwritten signature of John T. Joyner

John T. Joyner
Natural Resources Planning Section

Attachments: Executed NFC permit (NFC2012-012), executed NFC Covenant and Management Plan

cc: Joseph G. Goldstein, Holland and Knight, LLP



COVENANT RUNNING WITH THE
LAND OF UNIVERSITY OF MIAMI
REAL ESTATE DEPARTMENT IN
FAVOR OF THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE
COUNTY, FLORIDA, CONCERNING
NATURAL FOREST COMMUNITY
LAND LOCATED AT SW 124 AVENUE
AND SW 152 STREET, MIAMI-DADE
COUNTY FOLIO NOS. 30-5926-000-0060,
30-5925-000-0015 AND 30-5925-000-0025.

The undersigned, University of Miami Real Estate Department, being the present owner(s) of the following real property, legally described as set forth in Exhibit A (hereinafter called "the Property"):

Located at SW 124 Avenue SW 152 Street, Miami-Dade County (folios 30-5926-000-0060, 30-5925-000-0015 and 30-5925-000-0025) pursuant to Section 24-49.7(I) (C) of the Code of Miami-Dade County, hereby submits this executed covenant running with the land in favor of Miami-Dade County:

The undersigned agrees and covenants to the following

1. All conditions and stipulations contained within Miami-Dade County Tree Removal Permit No. NFC2012-012, attached hereto as Exhibit B and incorporated herein by reference, shall be adhered to.

The Tree Preservation Area of the property, as shown on the Plan entitled "Proposed NFC Area Impacts", prepared by Schwebke-Shiskin & Associates, Inc., dated June 22, 2012 and attached hereto as Exhibit C and incorporated herein by reference, shall be preserved in a natural condition so that existing pineland/hammock canopy and pineland/hammock understory vegetation are not disturbed or removed and remain free from exotic herbaceous and exotic woody vegetation.

3. Any and all persons holding a security interest of any kind whatsoever in the property has/have been advised of, and has/have agreed to, the execution of this Covenant Running With the Land.
4. The Miami-Dade County Environmental Resources Management Department (hereafter referred to as "DERM") shall have the right to inspect the Property at reasonable times to determine whether the Property is being used and maintained in the manner promised by the undersigned owner in this covenant and in compliance with Chapter 24-49.
5. After this Covenant is accepted by the County, the Covenant shall be promptly filed with the Clerk of Court for recording in the official records of Miami-Dade County.

6. The undersigned owner(s) covenant(s) and agree(s) that no trees or understory shall be removed from the area(s) designated as the Natural Forest Community Preservation Area, attached hereto as Exhibit "C", without the prior written consent of DERM.
7. The undersigned owner agree(s) and covenant(s) that no trimming of vegetation other than minor trimming that does not substantially alter the size or canopy spread of a tree(s) shall be conducted on the area(s) designated as the Natural Forest Community Preservation Area of the Property, without the prior written consent of DERM.
8. 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.
9. The undersigned agree(s) and covenant(s) that this Covenant and the provisions contained herein may be enforced by the Director of DERM by preliminary, permanent, prohibitory, and mandatory injunctions, as well as otherwise provided for by law or ordinance.
10. This agreement and Covenant shall be recorded 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.

IN WITNESS WHEREOF, the undersigned, being the Owner(s) of the Property, agree(s) to the terms of this Covenant, hereby create same as a covenant Running with the Land, and set their hands and seal unto this Covenant this 8 day of JULY, 2013.

INDIVIDUAL

WITNESSES:

sign Margaret Perri
print MARGARET PERRI
sign Virginia Avozani
print Virginia Avozani

WITNESSES:

sign _____
print _____
sign _____
print _____

OWNER(S):

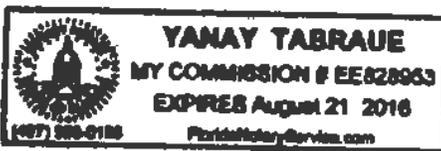
sign [Signature]
print JOE NATOLI
Address 1252 MEMORIAL DR
SUITE 230 ASHE
CORAL GABLES, FL

OWNER(S):

sign _____
print _____
Address _____

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 8 day of July, 2013, by Joe Natoli, who is personally known to me or who has produced _____ as identification and who did take an oath.



NOTARY PUBLIC
Sign [Signature]
Print _____
State of Florida at Large (Seal)
My Commission Expires _____

THIS INSTRUMENT PREPARED BY:

John T. Joyner
DERM-ENVIRONMENTAL RESOURCES MANAGEMENT
701 NW 1st Court, SUITE 500
MIAMI, FLORIDA 33136

Natural Forest Community (NFC) Management Plan

Property Folio(s): 30-5926-000-0060, 30-5925-000-0015 and 30-5925-000-0025

Property Addresses: 12500 SW 152 Street and 15657 SW 127 Avenue

NFC Permit No.: NFC2012-012

Date: July 2013

Executive Summary:

The subject property (folios 30-5926-000-0060, 30-5925-000-0015 and 30-5925-000-0025) is part of the former four square mile Richmond Naval Air Station property. Specifically, the property owner controls forested and non-forested areas including areas to be managed and preserved, which total 39.64 acres of Natural Forest Community (NFC) Pine Rockland and 3.72 acres of Natural Forest Community (NFC) Hammock as confirmed in the field by RER staff in late 2011 and the subject of a binding letter dated 10/17/2011.

With the assistance and support of the Miami-Dade County RER Forested Resources program, a management plan has been developed for the perpetual management of 39.64 acres of NFC Pine Rockland and 3.72 acres of NFC Hardwood Hammock. This plan includes controlled burns, physical exotic plant removal and chemical follow up treatments to ensure the health of these unique habitats in perpetuity, while at the same time taking into account safety and health concerns of nearby property and residents. Additionally, monitoring will occur to track the biological health of the on-site NFC preserves and make further recommendations to the management regimen as part of a dynamic adaptive management strategy.

Introduction:

The property owner has requested approval (Z2006-0129) for a Commercial and Residential project, on 137.89 acres of the former UM South Campus Property. Included in the development proposal are roadways, the surface water management system, 39.64 acres of NFC Pine Rockland Habitat preserves and 3.72 acres of native NFC Hardwood Hammock preserve. This plan also takes into account the past unauthorized clearing of 6.6 acres of Natural Forest Community. The following details the Management and Monitoring Activities to preserve and protect the natural areas in accordance with Chapter 24 of the Code of Miami-Dade County.

Area History:

The Coral Reef Commons site (f/k/a University of Miami South Campus) is a small part of the former Richmond Naval Air Station (RNAS), which used to, and to an extent still does, contain some of the most significant upland natural areas remaining in Miami-Dade County. The four square mile area included 853 acres of unique Pine Rockland Forest. Additionally, the 34 acres of finger glade habitats in Richmond represent nearly all of the remaining habitat type in Dade County. Two federally-endangered plant species occur in the fire-maintained pine Rocklands of Richmond. The Deltoid Spurge (*Chamaesyce deltoidea*) is most commonly associated with limestone outcroppings throughout Richmond. The Tiny Polygala (*Polygala smallii*) is extremely rare, and is found at sandy

pockets in limited areas of Richmond. Exotic Pest plants, particularly Burma Reed (*Neyraudia reynaudiana*) and Brazilian Pepper (*Schinus terebinthifolius*) are increasingly common on previously impacted parcels, parcels adjacent to development and along the edges of the pinelands.

In 1964, the University of Miami leased a portion of the RNAS. UM designated 350 acres for a horticultural farm and established the Tropical Foods Research Center in what is now the southeastern portion of MetroZoo. In addition to these activities, a portion of the subject property was utilized for biomedical research; this area was included in the NFC application to be authorized as after-the-fact impacts.

Today, Miami MetroZoo and the Gold Coast Railroad Museum both occupy portions of the former RNAS, and border the southern and eastern boundary of the Coral Reef Commons project.

Habitat Descriptions:

A. Physiography

Miami-Dade County's pine rockland forests and hardwood hammocks are associated with a geologic formation called the Miami Rock Ridge. This Pleistocene topographic feature, composed of exposed or partially exposed oolitic limestone bedrock extends for approximately 70 miles between northeastern Miami-Dade County and the Mahogany Hammock region of Everglades National Park. The Miami Rock Ridge averages nine feet and is no more than 25 feet in elevation and varies between 4 and 10 miles in width (Davis 1943; USDA 1947). The surface of the rock ridge is irregular with frequent pinnacle rock and solution hole formations. Numerous transverse drainages exist where ancient tidal waters eroded portions of the oolite shoal. These transverse drainages, underlaid by marl soils, contained freshwater graminoid wetland vegetation before drainage and divided the rock ridge into a series of islands which were historically covered by pine rockland forest. Miami-Dade County's pine rocklands occupied approximately 180,000 acres in presettlement times (U.S.D. A. 1947).

B. Flora

Miami Rock Ridge was historically dominated by southern slash pine (*Pinus elliottii* var. *densa*) forests. Miami-Dade County's pine rockland forests are further characterized by a diverse understory of herbs, graminoids, palms and other woody plant species. Its floral composition can be attributed to its proximity to the tropics, peninsular connection to the temperate zone and the unique isolated nature of the underlying limestone substrate. Endemic plant species, that is species that occur only in a limited geographic region, are an important part of the pine rockland flora. In total over 55 endemic taxa occur in southern Florida pinelands. Hardwood hammocks are also present on the Miami-Rock Ridge in areas where lack of fire has allowed the succession to this plant community.

Management Plan Goals:

The overall goal of this management plan is to ensure the preservation of the property's pine rockland and hardwood communities and the rare plants that they contain. This requires the ongoing removal and control of exotic plant species and monitoring to track vegetation changes and effectiveness of treatment. Periodic controlled burns within pine rocklands are necessary in order to achieve optimal preservation and maintenance of this community.

The main objective of the NFC Pine Rockland and NFC Hardwood Hammock management plan is to maintain the NFC preserve areas with less than 3% exotic vegetation cover, in perpetuity, as required by the NFC Covenant referenced below.

Pine Rockland Goals:

Over the last 20-30 years, as residential and commercial developments have expanded to surround the subject property, the fire regimen has been reduced or eliminated, and the vegetation structure has become altered. Once the Coral Reef Commons project is constructed, we anticipate that further restrictions will be placed upon the fire programs. Before additional restrictions to controlled burns are in place, a controlled burn shall be performed in with FFS coordination and in accordance with the initial controlled burning timelines stated below. All controlled burns shall be followed up with management appropriate exotic plant control follow up, including but not limited to, the herbicide treatment of re-sprouting Burma Reed (*Neyraudia reynaudiana*).

The diligent application of this management plan will ensure the long term health of the ecosystem as well as provide appropriate native habitat for wildlife.

- Reduce fuel load
- Maintain fire breaks (outside of preserves)
- Reduce the amount of incendiary fires
- Ensure a mosaic of vegetation cover
- Eliminate exotic and prohibited vegetation (less than 3% after management events).
- Control native hardwood plants
- Preserve maintain State and Federally listed plants and their habitats
- Monitor the results of the management activities yearly
- Provide wildlife habitat

Hardwood Hammock Goals:

The on-site hardwood hammock habitat, located at the northern boundary of the site along SW 152nd Street, has become increasingly impacted by exotic vegetation, including exotic grasses such as Cane Grass (*Neyraudia sp.*) and Brazilian Pepper

(*Schinus terebinthifolius*). However, the area still contains remnant hardwood hammock trees, shrubs and grasses. As part of the habitat management plan for the property, the following is proposed to meet the requirement of less than 3% exotic vegetation and the preservation of State and Federally listed plants:

- Eliminate exotic and prohibited vegetation (less than 3% after management events).
- Preserve maintain State and Federally listed plants and their habitats
- Monitor the results of the management activities yearly
- Provide wildlife habitat

Required Initial Management Plan Activities

The property owner shall complete the following activities subsequent to the execution of the NFC covenant referenced below and prior to any development of the property:

Pine rockland: Initial Controlled Burn

Within 60 (sixty) days following the final and non-appealable approval of the Miami-Dade County zoning application referenced by RER hearing number Z2006-129, but, in no event, later than two hundred seventy (270) days following the execution of the NFC covenant associated with this management plan and prior to site development, the property owner shall coordinate with FFS to perform a controlled burn of the pine rockland preserves. The property owner, in conjunction with FFS, shall use its reasonable efforts to perform a licensed and permitted Controlled Burn within one and a half (1.5) years of the execution of the NFC covenant. The property owner shall notify RER of any planned Controlled Burns prior to any Controlled Burning event. Commencing two hundred seventy (270) days following the execution of the NFC covenant associated with NFC permit NFC2012-012, the property owner shall submit monthly reports on the status of the coordination with FFS and the Controlled Burn (“Reporting Obligation”). Said Reporting Obligation shall cease either (i) upon completion of a Controlled Burn throughout all portions of the pine rockland, or (ii) a determination by RER, after consultation with the property owner and FFS, that a Controlled Burn is not reasonably feasible, and the completion of an exotic plant eradication event throughout the entire pine rockland.

Hardwood Hammock: Initial Exotic Control

Within sixty (60) days following the final and non-appealable approval of the Miami-Dade County zoning application referenced by RER hearing number Z2006-129, but, in no event, later than two hundred seventy (270) days following the execution of the NFC

covenant associated with NFC permit NFC2012-012, the property owner shall initiate an intensive exotic plant eradication event (utilizing chemical and manual removal) over the hardwood hammock areas to be preserved, in order to achieve a less than 3% exotic plant cover ("Hardwood Hammock Eradication Event"). The property owner shall notify RER in writing of its commencement and shall complete the Hardwood Hammock Eradication Event within six (months) of commencing said work. This time-frame may be extended by the Director of RER upon the showing of a good faith effort by the property owner to timely complete the Hardwood Hammock Eradication Event.

Pine Rockland: Initial Exotic Control

Within the sooner of ninety (90) days of (i) completion of a Controlled Burn of the pine rockland or (ii) a determination by RER, after consultation with the property owner and FFS, that a Controlled Burn is not reasonably feasible (which determination shall not occur sooner than 240 days following the execution of the NFC covenant associated with NFC permit NFC2012-012), the property owner shall initiate an intensive exotic plant eradication event (utilizing chemical and manual removal) over the pine rockland to be preserved, in order to achieve a less than 3% exotic plant cover ("Pine Rockland Eradication Event"). The property owner shall notify RER in writing of its commencement and shall complete the Pine Rockland Eradication Event within six (months) of commencing said work. This time-frame may be extended by the Director of RER upon the showing of a good faith effort by the property owner to timely complete the Pine Rockland Eradication Event.

Required Management Plan Activities:

Pine Rockland:

- Perform a controlled burns throughout all pine rockland preserve areas every three (3) to seven (7) years.
- Annually remove and chemically treat all exotic plants. This shall be performed by a certified applicator, with the first treatment occurring in accordance with the Initial Exotic Management timelines stated above, then yearly (at a minimum) thereafter.
- Hand remove and herbicide treat of native hardwoods (except State-listed species) on a yearly basis, at a minimum.
- Monitoring reports tracking elimination of exotic and prohibited vegetation and re-growth of native vegetation shall be submitted to Miami-Dade County on a yearly basis (see monitoring program below).

Hammock:

- **Manual removal and chemical treatment of all exotic plants by a certified applicator, with the first treatment occurring in accordance with the Initial Exotic Management timelines stated above, then yearly (at a minimum) thereafter.**
- **Native vegetation plantings if necessary in areas where remaining native plants cover 10% or less of the treatment area. All proposed plant material shall be approved by RER prior to installation.**
- **Monitor reports tracking elimination of exotic and prohibited vegetation and re-growth of native vegetation shall be submitted to Miami-Dade County on a yearly basis (see monitoring program below).**

Controlled Burns:

Controlled burns should occur approximately every three (3) to seven (7) years. To lessen fuel loading, chemical or manual removal of excess fuels may be required prior to performing a controlled burn. Additionally, within 60 (sixty) days following the final and non-appealable approval of the Miami-Dade County zoning application referenced by RER hearing number Z2006-129, but, in no event, later than two hundred seventy (270) days following the execution of the NFC covenant associated with this management plan and prior to site development, the property owner shall coordinate with FFS to perform a controlled burn of the pine rockland preserves. The property owner, in conjunction with FFS, shall use its reasonable efforts to perform a licensed and permitted Controlled Burn within one and a half (1.5) years of the execution of the NFC covenant. The property owner shall notify RER of any planned Controlled Burns prior to any Controlled Burning event. Commencing two hundred seventy (270) days following the execution of the NFC covenant associated with NFC permit NFC2012-012, the property owner shall submit monthly reports on the status of the coordination with FFS and the Controlled Burn ("Reporting Obligation"). Said Reporting Obligation shall cease either (i) upon completion of a Controlled Burn throughout all portions of the pine rockland, or (ii) a determination by RER, after consultation with the property owner and FFS, that a Controlled Burn is not reasonably feasible, and the completion of an exotic plant eradication event throughout the entire pine rockland.

Chemical Treatment/ Manual Removal:

Due to the close proximity of residential housing, it is recommended that chemical treatment (with approved herbicide) be utilized to control exotic vegetation on the site. All treatments should be performed by a licensed contractor utilizing proven methods,

including hand removal where necessary. The use of heavy machinery within the NFC preserve areas is prohibited.

Hand removal shall be necessary in areas containing heavy *Neyraudia sp.*, as application of chemicals may result in non-target destruction native species. Excessive and obvious non-target destruction of native plant species shall constitute of violation of Section 24-49 of the Code of Miami-Dade County.

Monitoring Program:

In order to ensure the success of the management plan, the following monitoring program shall be implemented, dependent on the type of management to occur.

Monitoring Stations: As shown on the _____, the NFC preserves are broken up into four distinct areas (East 1 & 2 and West 1 & 2). Each approximately ten acre parcel should have two monitoring areas, each with a set photo station with a 100' transect. An initial monitoring report, to be submitted to RER within 1 (one) year of the execution of the covenant, will set these stations. Monitoring stations should be marked with a fire-proof indicator, and GPS coordinates should be included in the initial report. Additionally, any communities of Deltoid Spurge (*Chamaesyce deltoidea*) or Tiny Polygala (*Polygala smallii*) noted during field inspections should be marked with GPS Coordinates and re-inspected during subsequent monitoring events.

Monitoring Report Submittals: Subsequent to the submittal of the initial report the property owner shall submit reports on a yearly basis.

NFC Covenant:

As required by Chapter 24 of the Code of Miami-Dade County, an NFC covenant shall be executed and be recorded prior to the approval of any NFC removal on the subject property. This management plan details the how the NFC shall be managed and shall also be recorded along with the NFC covenant. The property owner agrees to abide by all conditions of the covenant, the NFC Removal Permit (NFC2012-012) and this management plan.

Conclusion:

Implementation of the items in this report will serve to ensure compliance with the NFC Removal Permit issued by Miami-Dade RER and ensure the perpetual vitality and protection of this unique habitat. _____

EXHIBIT A

Folio: 30-5926-000-0060

Address: 12500 SW 152 ST

Legal Description: 25-26 55 39
BEG 35FTS OF NW COR SEC 25 TH
E1461.35FT S1400FT W144.39FT
N 84 DEG W 971.04FT W234.77FT
N 59 DEG W 49.73FT W20.78FT S 58
DEG W 36.57FT N 81 DEG W
446.62FT S1020.51FT N 58 DEG W
1095.51FT W8.35FT S2.13FT W40FT
NELY NLY NWLY A/D 149.45FT N 51
DEG W 372.16FT E15.55FT N92.18FT
S 51 DEG E 79.18FT N1164.24FT
E1654.93FT TO POB
& LESS PORT OF NE1/2 OF SEC 26
DESC AS FOLLOWS COMM NE1/2 COR OF
NW1/4 OF SEC 25 TH S 02 DEG E
1435FT S 87 DEG W 1334.39FT S 16
DEG W 1097.40FT S 19 DEG W
326.90FT N 58 DEG W 554.90FT
N 31 DEG E 12.58FT N 58 DEG W
284.32FT NWLY AD 397.80FT S 80
DEG W 295.73FT FOR POB CONT
S 80 DEG W 41.49FT N 58 DEG W
973.96FT NWLY AD 173.16FT S 38
DEG N 40FT N 01 DEG E 2.13FT
N 88 DEG E 8.35FT S 58 DEG E
1095.51 FT N 01 DEG W 150.41FT
TO POB& LESS PORT OF NE1/2 OF SEC
26 DESC AS FOLLOWS COMM AT NE1/2
COR OF NW1/4 OF SEC 25 TH S 02
DEG E 1435FT S 87 DEG W 1334.39FT
S 16 DEG W 1097.40FT S 19 DEG W
326.90FT N 58 DEG W 554.90FT
N 31 DEG E 12.58FT N 58 DEG W
284.33FT NWLY AD 397.80FT S 80
DEG W 337.22FT N 58 DEG W
284.33FT NWLY AD 397.80FT S 80
DEG W 337.22FT N 58 DEG W
973.96FT NWLY AD 173.61FT N 38
DEG E 30FT N 51 DEG W 309.24FT

N 01 DEG W 475.84FT FOR POB CONT
N 01 DEG W 436.30FT N 88 DEG E 130FT
N 01 DEG W 200FT S 88 DEG E 200FT
S 01 DEG E 688.03FT N 51 DEG E
87.05FT TO POB
OR 11339-435 1281 4

Folio: 30-5925-000-0015

Address: 15657 SW 127th Avenue

Legal Description: 25 26 55 39 23.87 AC MA
PORT OF E1/2 OF SEC 26 & W1/2 OF
SEC 25 DESC BEG 1435.03FTS &
1334.40FTWLY OF NE COR OF NW1/4
OF SEC 25 CONT S 87 DEG W
219.92FT S 16 DEG W 986.03FT S 6
DEG W 493.28FT N 84 DEG W
851.37FT N 31 DEG E 454.45FT NWLY
A/D 408.39FT NELY-NLY-NWLY A/D
745.39FT NELY-NWLY A/D 138.22FT
N 2 DEG W 36.64FT S 88 DEG E
10.06FT S 59 DEG 49.73FT S 88 E
284.77FT S 84 DEG E 971.04FT TO
POB & LESS PORT DESC AS COMM NE
COR OF NW1/4 OF SEC 25 TH S 0
DEG E 1435FT S 87 DEG W 1334.39FT
S 16 DEG W 1097.40FT S 18 DEG W
326.90FT N 58 DEG W 136.28FT FOR
POB TH N 58 DEG W 418.62FT N 31
DEG E 12.58FT N 58 DEG W 284.32FT
NWLY AD 382.77FT SWLY AD 67.61FT
NELY AD 408.39FT TH S 31 DEG W
454.45FT S 84 DEG E 851.31FT N 06
DEG E 156.48FT M/L TO POB
F/A/U 30-5925-000-0010
OR 17841-2169 1097 3

Folio: 30-5925-000-0025

Address: Vicinity of SW 127th Avenue and SW 156th Street

Legal Description

25 55 36 6.23 AC M/L
BEG 1435FTS & 1334.39FTW OF NE
COR OF NW 1/4 TH S 16 DEG W
1097.40FT S 19 DEG W 326.90FT
N 58 DEG W 136.28FT N 06 DEG E
336.80FT N 16 DEG E 986.03FT
N 87 DEG E 219.92FT TO POB
F/A/U 30-5925-000-0010
OR 24121 - 4014 1205 6
OR 24121 - 4014 1205 00

EXHIBIT B

MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES
NATURAL RESOURCES DIVISION
NATURAL RESOURCES PLANNING SECTION

701 NW 1st Court
5th Floor
Miami, Florida 33136-3912
372-6864

After-the-Fact
NATURAL FOREST COMMUNITY
REMOVAL PERMIT NUMBER 2012-012

DATE ISSUED: *July 15, 2013*

PERMITTEE'S NAME: University of Miami Real Estate Development

PERMITTEE'S ADDRESS: 1535 Levante Avenue, Coral Gables, Florida 33146

PHONE NUMBER: (305) 284-3051

CONTRACTOR: RAM Realty Services, Bob Skinner

CONTRACTOR'S ADDRESS: 4801 PGA Boulevard, Palm Beach Gardens, Florida 33418

PHONE NUMBER: (561) 282-4605

LOCATION OF THE
APPROVED WORK: Vicinity SW 152nd Street and SW 124th Avenue, Miami, Florida.

FOLIO(s): 30-5926-000-0060, 30-5925-000-0015 and 0025

NFC SITE CODE: P-391

RER PROJECT MANAGER: Tim Joyner

**THIS PERMIT MUST BE POSTED ON-SITE AT ALL TIMES DURING SITE
CLEARING/EARTH WORK AS WELL AS VEGETATION REMOVAL AND DURING
CONSTRUCTION**

PERMIT FOR NATURAL FOREST COMMUNITY REMOVAL
MIAMI-DADE COUNTY
REGULATORY AND ECONOMIC RESOURCES
NATURAL RESOURCES DIVISION
NATURAL RESOURCES PLANNING SECTION
APPROVED WORK

After-the-Fact approval is hereby granted for the removal of 287,496 square feet (6.6 acres) of Natural Forest Community (NFC) pine rockland. Approval is also granted for the removal of 139,392 square feet (3.2 acres) of Natural Forest Community (NFC) pine rockland in accordance with the site sketch entitled "Proposed NFC Area Impacts", prepared by Schwebke-Shiskin and associates, Inc., and dated June 22, 2012. Any additional clearing, including the establishment of firebreaks or fence lines shall require a separate permit from RER. This permit grants the authorization to remove 19.8% of the 49.44-acre pine rockland/hardwood hammock Natural Forest Community. The permittee acknowledges that further subdivision of this property must be approved by RER and that future applications to remove Natural Forest Community may be denied. Permittee agrees to adhere to all conditions of the restrictive covenant entitled "Covenant Running With The Land of University Of Miami Real Estate Department", dated July 8, 2013.

This permit also authorizes the removal of exotic plant species from within ~~the pine~~ rockland and hardwood hammock. Any additional clearing shall require a separate permit from RER. All work must be done by hand (i.e. chainsaw); machinery is not permitted within the natural forest community.

ALL WORK SHALL ALSO BE IN ACCORDANCE WITH THE CONDITIONS CONTAINED HEREIN. THE PERMITTEE IS RESPONSIBLE FOR COMPLIANCE OF ALL CONTRACTORS AND SUBCONTRACTORS WITH THE CONDITIONS AND LIMITATIONS OF THIS PERMIT. EXCEPT AS AUTHORIZED BY THIS PERMIT, ANY PROTECTED TREE AND/OR PROTECTED NATURAL FOREST COMMUNITY UNDERSTORY VEGETATION THAT IS REMOVED OR EFFECTIVELY DESTROYED SHALL CONSTITUTE A VIOLATION OF SECTION 24-49 OF THE CODE OF MIAMI-DADE COUNTY AND WILL BE PURSUED AS SUCH. IN ADDITION, ANY NONCOMPLIANCE WITH THE CONDITIONS OF THIS PERMIT WILL SUBJECT THE PERMITTEE AND RESPONSIBLE CONTRACTORS OR INDIVIDUALS TO THE PENALTY PROVISIONS OF SECTIONS 24-55, 24-56, 24-57, AND 8CC OF THE CODE OF MIAMI-DADE COUNTY.

CONDITIONS

1. No site clearing work shall occur prior to the execution of a covenant running with the land in favor of Miami-Dade County that preserves 43.36 acres of NFC and prior to the issuance of the Building Permit. The covenant running with the land in favor of Miami-Dade County and approved by RER (copy attached) shall be executed prior to the issuance of this permit and recorded with the Clerk's Office within ten days of the date of approval of the Miami-Dade County zoning application referenced by RER hearing number Z2006-129 and prior to any work being performed.
2. Within sixty (60) days following the final and non-appealable approval of the Miami-Dade County zoning application referenced by RER hearing number Z2006-129, but, in no event, later than two hundred seventy (270) days following the execution of the NFC covenant associated with NFC permit NFC2012-012, the property owner shall coordinate with the Florida Forest Service (FFS) to perform a controlled burn of the pine rockland preserves ("Controlled Burn"). The property owner, in conjunction with FFS, shall use its reasonable efforts to perform a licensed and permitted Controlled

Burn within one and a half (1.5) years of the execution of the NFC covenant. The property owner shall notify RER of any planned Controlled Burns prior to any Controlled Burning event. Commencing two hundred seventy (270) days following the execution of the NFC covenant associated with NFC permit NFC2012-012, the property owner shall submit monthly reports on the status of the coordination with FFS and the Controlled Burn ("Reporting Obligation"). Said Reporting Obligation shall cease either (i) upon completion of a Controlled Burn throughout all portions of the pine rockland, or (ii) a determination by RER, after consultation with the property owner and FFS, that a Controlled Burn is not reasonably feasible, and the completion of an exotic plant eradication event throughout the entire pine rockland.

3. Within sixty (60) days following the final and non-appealable approval of the Miami-Dade County zoning application referenced by RER hearing number Z2006-129, but, in no event, later than two hundred seventy (270) days following the execution of the NFC covenant associated with NFC permit NFC2012-012, the property owner shall initiate an intensive exotic plant eradication event (utilizing chemical and manual removal) over the hardwood hammock areas to be preserved, in order to achieve a less than 3% exotic plant cover ("Hardwood Hammock Eradication Event"). The property owner shall notify RER in writing of its commencement and shall complete the Hardwood Hammock Eradication Event within six (months) of commencing said work. This time-frame may be extended by the Director of RER upon the showing of a good faith effort by the property owner to timely complete the Hardwood Hammock Eradication Event.
4. Within the sooner of ninety (90) days of (i) completion of a Controlled Burn of the pine rockland or (ii) a determination by RER, after consultation with the property owner and FFS, that a Controlled Burn is not reasonably feasible (which determination shall not occur sooner than 240 days following the execution of the NFC covenant associated with NFC permit NFC2012-012), the property owner shall initiate an intensive exotic plant eradication event (utilizing chemical and manual removal) over the pine rockland to be preserved, in order to achieve a less than 3% exotic plant cover ("Pine Rockland Eradication Event"). The property owner shall notify RER in writing of its commencement and shall complete the Pine Rockland Eradication Event within six (months) of commencing said work. This timeframe may be extended by the Director of RER upon the showing of a good faith effort by the property owner to timely complete the Pine Rockland Eradication Event.
5. Prior to performing any work that would have the potential to impact underground utilities, the permittee and contractor shall verify the location of all underground and overhead utility lines and verify that no utilities will be damaged by the work. Contact Sunshine 811 One-Call at 811 or on the web: <http://www.sunshine811.com> to locate underground utility lines. No clearing, excavation, earthwork, tree removal or planting shall commence until the permittee and contractor have verified that utilities will not be damaged by any work.
6. All trees and Natural Forest Community understory vegetation outside of those areas being developed are to remain and be protected by barriers throughout development. No work (including but not limited to land clearing or grading) may begin until RER has verified that all barriers are in place and RER authorization has been given for the commencement of construction (unless prior written approval is granted by RER). The permittee shall notify the RER project manager when the barriers are in place and schedule an inspection (two week's notice is required).
7. Protective barriers shall be constructed of wood, plastic, or metal and shall be a minimum of four (4) feet above ground level. Protective barriers shall be placed around areas designated as natural forest community preservation areas as shown on attached site plan. A copy of the site plans showing the location of barriers must remain on site attached to this permit.

8. Protective barriers must remain in place until development is completed and the Department has authorized their removal.
9. During all site work and construction, no soil, vehicles, heavy equipment (such as bulldozers or backhoes), fill, building materials, construction debris, or dead vegetation shall be placed, stored, or deposited within the areas of protective barriers.
10. There shall be no disruption of soil or rock formations and natural grade shall be maintained within protective barriers.
11. Only native or non-invasive exotic plant species approved by RER, may be planted on-site.
12. A minimum of fifteen days notice must be given prior to any clearing for the salvaging of native plant materials within the permitted area.
13. RER shall be notified 3 days prior to commencement of any clearing of the site.
14. Above ground as well as underground utility lines are prohibited in the preservation areas.
15. Fences and walls shall be constructed to avoid disturbance to any protected Natural Forest Community trees and understory.
16. There shall be no installation of any sprinklers or other irrigation systems within the forest preservation areas without the prior written consent of RER.
17. The remaining 43.36 acres of Natural Forest Community shall be protected and managed in accordance with the conditions of the restrictive covenant dated July 8, 2013.
18. The permittee agrees to create a Special Taxing District or similar mechanism to fund management of the 43.36-acre covenanted NFC. Until such time as a Special Taxing District or similar mechanism has been established, the permittee/property owner shall fund all work required to maintain the NFCs in accordance with the NFC Covenant and Management Plan referenced in this permit.
19. Per Section 24-49.9 of the Code of Miami-Dade County, all prohibited plant species shall be removed from the subject properties prior to development, and their sale, propagation, planting, importation or transportation is prohibited.
20. The subject properties shall be maintained in perpetuity on a quarterly basis to prevent the growth or accumulation of prohibited species including grass, weeds and non-native undergrowth.
21. Issuance of this permit does not relieve the permittee from the requirement to obtain and comply with all necessary approvals or permits from the local municipality, or any other government entity otherwise having independent jurisdiction relating to the authorizations contained herein.

EXOTIC REMOVAL CONDITIONS FOR THE PRESERVATION AREA

1. All dead tree or exotic vegetation removal within the interior of the NFC must be done by hand only (i.e., chainsaws, handsaws). Any felled trees in the interior of the forest should be cut into pieces that can be carried outside of the interior of the natural forest community or left in place. Exotic plant material that is cut shall be removed from the NFC and disposed of properly.
2. There shall be no disruption of soil, rock formations, or any Natural Forest Community native vegetation including shrubs and groundcovers.
3. During all site work no soil, vehicles, or heavy equipment (such as bulldozers or backhoes), fill, building materials, construction debris, or dead vegetation (except dead trees) shall be placed, stored, or deposited within the NFC boundary.
4. Dead trees or snags, which do not pose a threat to persons or property, shall be left in place to provide wildlife habitat.
5. The use of herbicides to prevent regeneration of exotics species is encouraged. Herbicide application shall be in accordance with the product label directions. A copy of the Miami-Dade Park and Recreation's "Management Techniques for the Control of Exotic Plant Species in South Florida" is available upon request.

FEES

Need for Compliance	\$320	Application Fee:	4260 (ATF)
Barrier	\$35	Total Inspection fees	\$555
Utility Sighting	\$	No. of acres cleared	
Preservation Area		6.6@ \$ 3200/acre	\$21,120 ATF
Location	\$	3.2@ \$ 1600/acre	\$5,120
Landscape Plan Review	\$		
Landscape Field			
Inspection (Final)	\$200		
Miscellaneous	\$		
		TOTAL FEES	\$27,055.00
		Paid:	\$230.00
		Due:	\$26,825.00

I HAVE READ THE SPECIAL CONDITIONS CONTAINED IN THIS PERMIT AND FULLY UNDERSTAND THEM. IN SIGNING THIS PERMIT, I ACKNOWLEDGE THAT FAILURE TO COMPLY WITH ALL CONDITIONS OF THIS PERMIT MAY RESULT IN PERMIT REVOCATION, BOND FORFEITURE, WITHHOLDING OF MY CERTIFICATE OF OCCUPANCY, AND ENFORCEMENT ACTION AGAINST ME BY PERA. I ASSUME FULL RESPONSIBILITY FOR THE ACTIONS OF ALL MY EMPLOYEES, AGENTS, AND PERSONS UNDER DIRECT OR INDIRECT CONTRACTUAL OBLIGATION TO ME WITH RESPECT TO COMPLIANCE WITH THE CONDITIONS AND LIMITATIONS CONTAINED WITHIN THIS PERMIT.



Signature of Owner/ Authorized
Representative/ Owner's Agent

JULY 8, 2013
Date Signed

JOE NATOLI
Print Name

SR VP FOR BUSINESS &
Title FINANCE

THIS PERMIT IS NOT VALID UNLESS SIGNED BY THE DIRECTOR OF PERA OR THE DIRECTOR'S DESIGNATED REPRESENTATIVE.



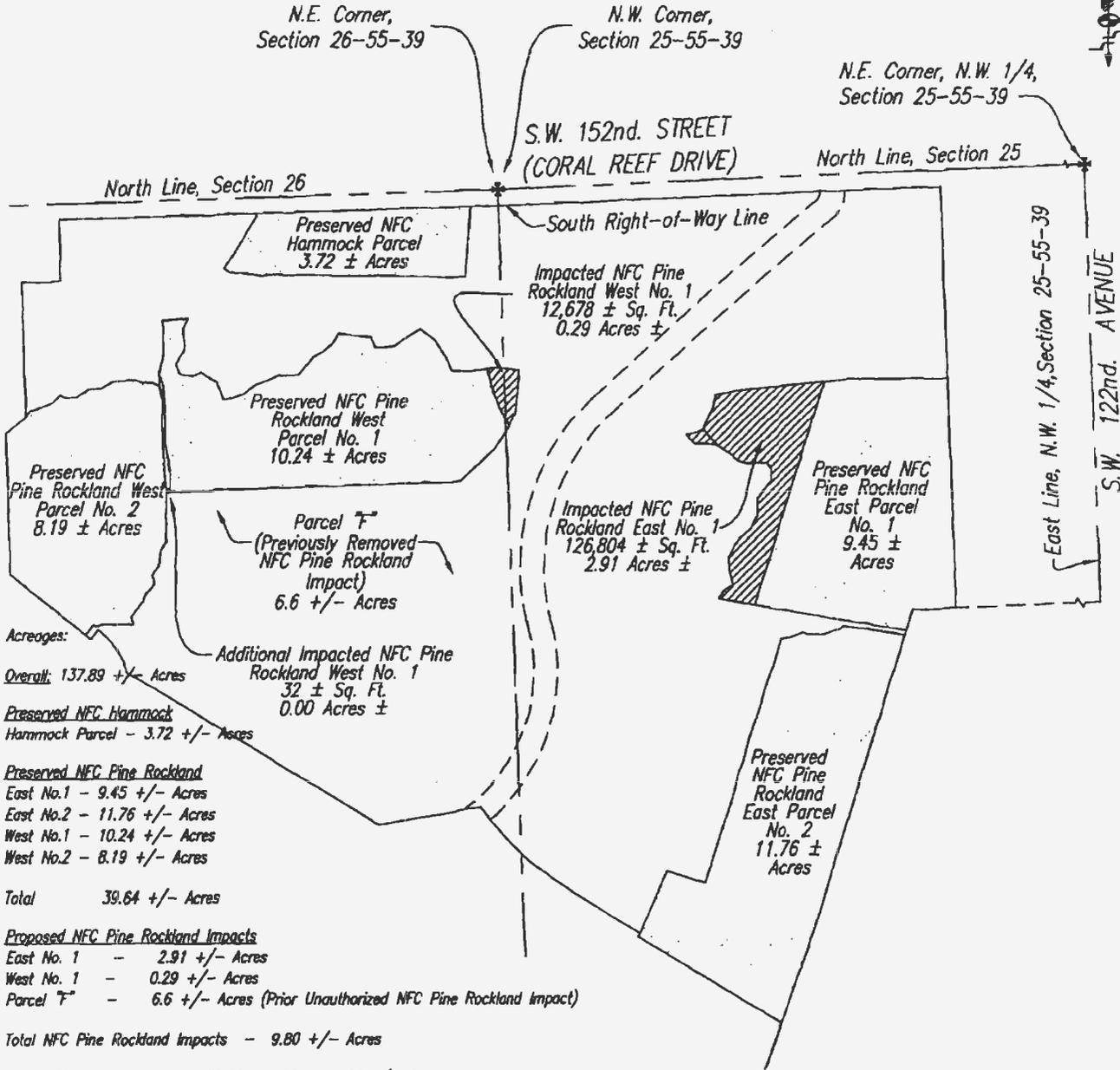
RER Director of Designee

July 15, 2013
Date Signed

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

PROPOSED NFC AREA IMPACTS

Scale: 1"=500'



Acreages:

Overall: 137.89 +/- Acres

Preserved NFC Hammock Parcel - 3.72 +/- Acres

Preserved NFC Pine Rockland
 East No.1 - 9.45 +/- Acres
 East No.2 - 11.76 +/- Acres
 West No.1 - 10.24 +/- Acres
 West No.2 - 8.19 +/- Acres

Total 39.64 +/- Acres

Proposed NFC Pine Rockland Impacts

East No. 1 - 2.91 +/- Acres
 West No. 1 - 0.29 +/- Acres
 Parcel T - 6.6 +/- Acres (Prior Unauthorized NFC Pine Rockland Impact)

Total NFC Pine Rockland Impacts - 9.80 +/- Acres

Total NFC Pine Rockland - 39.64 + 9.80 = 49.44 +/- Acres

Total Preserved NFC Area - 43.36 +/- Acres

NFC - denotes NATURAL FOREST COMMUNITY

NOTE: Prepared For: RAM REALTY SERVICES

09/14/12 - Revised To Add Preserved Hammock
 09/12/12 - Revised To Add Additional Impacted NFC West No.1

Schwelke-Shiskin & Associates, Inc.

(LB-87)

LAND SURVEYORS • ENGINEERS • LAND PLANNERS
 3240 CORPORATE WAY, MIRAMAR, FLORIDA 33025 TEL: BROWARD: (954) 435-7010 FAX: (954) 435-0285

THIS IS NOT A "LAND SURVEY."
 ORDER NO.: 199230
 DATE: June 22, 2012
 SHEET 1 OF 1 SHEET(S) F.B.: N.A.

PREPARED UNDER MY SUPERVISION
 STATE OF
 MARK STEVEN JOHNSON SECY-TREAS.
 FLORIDA PROF. LAND SURVEYOR NO. 4775