

0.96 ACRE REPLACEMENT MITIGATION AREA FOR
EXHIBIT "A-2" OF THE METROPICA CONSERVATION EASEMENT

ORB 45343 PG 1137

Document prepared by:
Kimberly A. Register, City Attorney
City of Sunrise
10770 W. Oakland Park Blvd.
Sunrise, Florida 33351

CITY CLERK
CITY OF SUNRISE
08 FEB 13 PM 1:49

Return recorded document to:
Broward County Environmental Protection Department
115 S Andrews Ave., Room A-240
Fort Lauderdale, FL 33301

DEED OF CONSERVATION
EASEMENT AND AGREEMENT
(ERP/ERL)

THIS DEED OF CONSERVATION EASEMENT ("Conservation Easement") is given this 13th day of February, 2008, by the City of Sunrise, a Florida municipal corporation, 10770 West Oakland Park Boulevard, Sunrise, Florida 33351 ("Grantor") to Broward County, a political subdivision of the State of Florida, its successors and assigns ("Grantee"), whose post office is 115 South Andrews Avenue, Suite 423, Fort Lauderdale, Florida 33301.

WITNESSETH

WHEREAS, the Grantor is the owner of certain lands situated in Broward County, Florida, and more specifically described in Exhibit A, attached hereto and incorporated herein by reference and referred to herein as the "Property"; and

WHEREAS, the Grantor desires to construct Metropica Wetland Relocation ("Project") on the Property, which Project is subject to the regulatory jurisdiction of the Broward County Environmental Protection Department ("EPD"); and

WHEREAS, EPD issued License No. DF03-1146 ("EPD License") and Environmental Resource Permit No. 06-00345-S-130 ("ERP Permit") (collectively, the "License") as may be modified or reissued, which authorizes certain activities that may impact wetlands or may require the preservation of wetlands on the Project site; and

WHEREAS, the Grantor has developed and proposed as part of the License conditions, a conservation tract, and buffers, as described in Exhibit B attached hereto and incorporated by reference, involving creation, restoration, enhancement and/or preservation of the wetland and/or upland systems ("Conservation Area"); and

WHEREAS, the Grantor, in consideration of the consent granted by the License is agreeable to granting and securing to the Grantee a perpetual Conservation Easement as defined in Section 704.06, Florida Statutes (2003), as amended, over the Conservation Area.

CONSERVATION EASEMENT.DOC (Rev. 12/04)

This form prepared by

Broward County Attorney's Office

Page 1 of 7

Approved BCC

4/29/08 #52

Submitted By

Biological Resources

RETURN TO DOCUMENT CONTROL

(2)

NOW, THEREFORE, in consideration of the issuance of the License to construct and operate the permitted activity, Grantor hereby grants, creates, and establishes a perpetual Conservation Easement for the Grantee upon the Conservation Area which shall run with the property as described in Exhibits A and B, and be binding upon the Grantor, its heirs, successors or assigns (hereinafter "Grantor"), and shall remain in full force and effect forever.

The scope, nature, and character of this Conservation Easement shall be as follows:

1. It is the purpose of the Conservation Easement to retain land and/or water of the Conservation Area in their natural, vegetative, hydrologic, scenic, open, agricultural or wooded condition and to retain such areas as suitable habitat for fish, plants or wildlife. It is the purpose and intent of this Conservation Easement to assure that the Conservation Area will be retained and maintained forever predominantly in the vegetative and hydrologic condition as specified in the License. The Conservation Area shall be maintained forever by the Grantor, its heirs, successors, or assigns, in the enhanced, restored, preserved and/or created conditions required by the License.

To carry out this purpose, the following rights are conveyed to Grantee by this easement:

- (a) To enter upon the Conservation Area (Exhibit B) in a reasonable manner and at reasonable times with any necessary equipment or vehicles to ensure compliance and to enforce the rights herein granted, and to cross such portions of the Property (Exhibit A) as reasonably necessary to exercise such right.
 - (b) To enjoin any activity on or use of the Conservation Area that is inconsistent with this Conservation Easement and to enforce the restoration of such areas or features of the Conservation Area that may be damaged by any inconsistent activity and/or use. Grantee shall be entitled to recover the cost of restoring the land to the natural vegetative, hydrologic, scenic, open, agricultural or wooded condition existing at the time of execution of this Conservation Easement or to the vegetative and hydrologic condition required by the aforementioned License, whichever enhancement is the most environmentally desirable to Grantee. These remedies are in addition to any other remedy, fine or penalty which may be applicable under the most recent versions of Chapter 27, Broward County Code of Ordinances, or otherwise which may be available by law.
2. Except for the restoration, creation, enhancement, maintenance, and monitoring activities and other activities and improvements related to the Conservation Area that are permitted or required by the License, the following activities are prohibited in or on the Conservation Area, to wit:

- (a) Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
 - (b) Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
 - (c) Removal or destruction of trees, shrubs, or other vegetation, except for the removal of nuisance and exotic vegetation as approved by EPD;
 - (d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;
 - (e) Surface use except for purposes that permit the land or water area to remain in its vegetative and hydrologic condition as specified in the License;
 - (f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation; including but not limited to ditching, diking and fencing;
 - (g) Acts or uses detrimental to said aforementioned retention and maintenance of land or water areas; and
 - (h) Acts or uses detrimental to the preservation of any features or aspects of the Conservation Area having historical, archeological or cultural significance.
3. Grantor reserves all rights as owner of the Conservation Area, including the right to engage in uses of the Conservation Area that are not prohibited herein and which are not inconsistent with the intent and purpose of this Conservation Easement.
4. No right of access by the general public to any portion of the Conservation Area is conveyed by this Conservation Easement.
5. Grantee shall not be responsible for any costs or liabilities related to the operation, upkeep and maintenance of the Conservation Area and Grantor does hereby indemnify and hold harmless the Grantee from the same.
6. Grantor shall pay any and all real property taxes and assessments levied by competent authority on the Conservation Area.
7. The terms and conditions of this Conservation Easement may be enforced by the Grantee by injunctive relief and other available remedies. In any action in which the Grantee prevails, the Grantee shall be entitled to recover the cost of restoring the Conservation Area to the natural vegetative, hydrologic, scenic, open, agricultural or wooded condition existing at the time of execution of this Conservation Easement or to the vegetative and hydrologic condition required by the aforementioned License. Venue for said actions shall be exclusively in the Seventeenth Judicial Circuit, in

and for Broward County, Florida. These remedies are in addition to any other remedy, fine or penalty which may be applicable under the most recent versions of Chapter 27 of the Broward County Code of Ordinances, or as otherwise provided by law.

8. Enforcement of the terms and provisions of the Conservation Easement shall be at the reasonable discretion of Grantee, and any forbearance on behalf of Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantee's rights hereunder.
9. Grantee will hold this Conservation Easement exclusively for conservation purposes. Grantee will not assign its rights and obligations under this Conservation Easement except to another organization qualified to hold such interests under the applicable state laws.
10. Grantor agrees to restore the Conservation Area to the vegetative and hydrologic condition required by the aforementioned License, if any third party exercises any easement right or property interest or conducts any other activity on the property that causes damage, degradation or negative impacts to the Conservation Area.
11. Grantor's obligation to retain and maintain the Conservation Area forever predominantly in the vegetative and hydrologic condition as herein specified shall run with the property described in Exhibits A and B, and shall be binding upon the Grantor, its heirs, successors or assigns and shall inure to the benefit of the Grantee, and its successors and assigns as more particularly set forth herein. The intent of this Conservation Easement is that the responsibilities and liabilities associated with the Conservation Easement shall run with the property described in Exhibits A and B, and be binding upon the fee simple title holder of the property as required hereunder.
12. If any provision of this Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Conservation Easement shall not be affected thereby, as long as the purpose of the Conservation Easement is preserved.
13. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.
14. The terms, conditions, restrictions and purpose of this Conservation Easement shall be inserted by Grantor in any subsequent deed or other legal instrument by which Grantor conveys and/or divests itself of any interest in the property described in Exhibits A or B. Any future holder of the Grantor's interest in the property described in Exhibits A or B shall be notified in writing by Grantor of this Conservation Easement.

15. This Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns and successors-in-interest, which shall be filed in the Public Records of Broward County.

TO HAVE AND TO HOLD unto Grantee, its successors and assigns forever. This Conservation Easement shall be recorded in the Public Records of Broward County and the covenants, terms, conditions, restrictions and purpose imposed with this Conservation Easement shall not only be binding upon Grantor, but also its agents, heirs, successors and assigns, and shall continue as a servitude running in perpetuity with the property described in Exhibits A and B. This Conservation Easement shall not be recorded in the Public Records until after its formal acceptance by the Broward County Board of County Commissioners.

Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said Conservation Area in fee simple; that the Conservation Area is free and clear of all encumbrances that are inconsistent with the terms of this Conservation Easement and all mortgages have been joined or subordinated; that Grantor has good right and lawful authority to convey this Conservation Easement; and that it hereby fully warrants and defends the title to this Conservation Easement hereby conveyed against the lawful claims of all persons whomsoever.

(INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the City of Sunrise, a municipal corporation, by and through its Mayor, Steven B. Feren, has hereunto set its authorized hand this 13th day of February, 2007.

Witnesses:

CITY OF SUNRISE

Sandra Weinstock

(Signature)

Print Name Sandra Weinstock

By

Steven B. Feren

Steven B. Feren, Mayor
10770 W. Oakland Park Blvd.
Sunrise, Florida 33351

Genevieve Medvid

(Signature)

Print Name Genevieve Medvid

13th day of February, 2008
Sunrise Resolution No. 04-52-07-A

ATTEST.

Felicia Bravo

Felicia Bravo, CMC, City Clerk

Approved as to form:


Kimberly A. Register
Kimberly A. Register, City Attorney

STATE OF FLORIDA)
) ss
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 13th day of February, 2008, by Steven B. Feren, as Mayor of the City of Sunrise, a Florida municipal corporation, on behalf of the City of Sunrise. He is either:

☒ personally known to me, or

☐ produced identification. Type of identification produced _____.

NOTARY PUBLIC-STATE OF FLORIDA
 Sandra Weinstock
Commission # DD-95404
Expires: JAN. 14, 2010
Bonded Thru Atlantic Bonding Co., Inc.

NOTARY PUBLIC-STATE OF FLORIDA:

Sandra Weinstock

Signature of Notary Public-State of Florida

Print, type, or stamp Commissioned Name

My commission expires:

Affix Seal Below

ACCEPTANCE BY BROWARD COUNTY

The Broward County Board of County Commissioners hereby accepts this Conservation Easement for EPD License No. DF03-1146.

ATTEST:

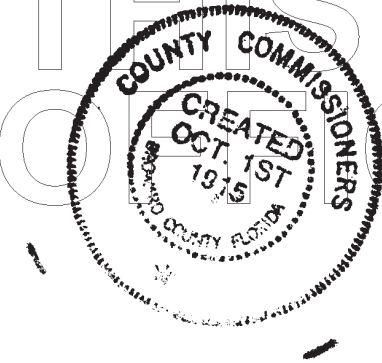
BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

John
County Administrator and
Ex-Officio Clerk of the
Board of County Commissioners
of Broward County, Florida


By *Rois Wexler*
Mayor

29th day of *April*, 2008.

Approved as to form by
Office of County Attorney
Broward County, Florida
JEFFREY J. NEWTON, County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968



Stephen J. Jones
Assistant County Attorney



C.C.L. CONSULTANTS, INC.
ENGINEERS • SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS • ENVIRONMENTAL CONSULTANTS

2200 PARK CENTRAL BLVD. N.
SUITE 100
POMPANO BEACH, FLORIDA, 33064
(954) 874-2200

2803 WATLAND CENTER PARKWAY
SUITE C
WATLAND, FLORIDA, 32751
(407) 880-2120

880 JUPITER PARK DRIVE
SUITE 15
JUPITER, FLORIDA, 33451
(561) 747-9688

LOCATION MAP
NOT TO SCALE

LEGAL DESCRIPTION: SWAP PARCEL No. 3

A portion of Parcel "A", WEST SUNRISE CORPORATE PARK, according to the plat thereof as recorded in Plat Book 139, Page 46 of the Public Records of Broward County, Florida, described as follows:

COMMENCE at the Southwest corner of said WEST SUNRISE CORPORATE PARK, the following six (6) courses being along the boundary of said Parcel "A"; Thence North 00°10'00" West, 330.00 feet; Thence North 43°48'15" East, for 125.31 feet; Thence North 00°10'00" West, for 257.44 feet to the POINT OF BEGINNING; Thence continue North 00°10'00" West, for 199.56 feet; Thence North 89°42'47" East, for 210.00 feet; Thence South 00°10'00" East, for 200.00 feet; Thence South 89°50'00" West, for 210.00 feet to the POINT OF BEGINNING.

Subject to existing easements, rights of way, covenants, restrictions and reservations of record, if any.

Said lands situate, lying and being in the City of Sunrise, Broward County, Florida.

Said lands contain 41,954 square feet/0.963 acres, more or less.

NOTES:

1. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

2. NO TITLE POLICY WAS PROVIDED FOR THE LANDS SHOWN HEREON NOR DID CCL CONSULTANTS, INC. ABSTRACT SAME FOR EASEMENTS OR RIGHTS OF WAY OF RECORD.

3. DATA SHOWN HEREON WAS COMPILED FROM OTHER INSTRUMENTS AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.

4. BEARINGS ARE BASED ON THE SOUTH LINE OF WEST SUNRISE CORPORATE PARK, PLAT BOOK 139, PAGE 46, B.C.R. (South 89°42'48" West).

5. CCL CONSULTANTS, INC.'S CERTIFICATE OF AUTHORIZATION No. 5610, IS ISSUED BY THE FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Legal Description is true and correct to the best of my knowledge and belief and that it meets the Minimum Technical Standards set forth by the Florida State Board of Land Surveyors in Chapter 61G17-6, Florida Administrative Code, pursuant to Chapter 472.027 F.S.

FOR THE FIRM:
CCL CONSULTANTS, INC.


James A. Hamilton, III, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER #3406, STATE OF FLORIDA

REVISIONS

DATE

BY

EXHIBIT

"A"

DATE: 9/24/02

DRAWN BY: JAH

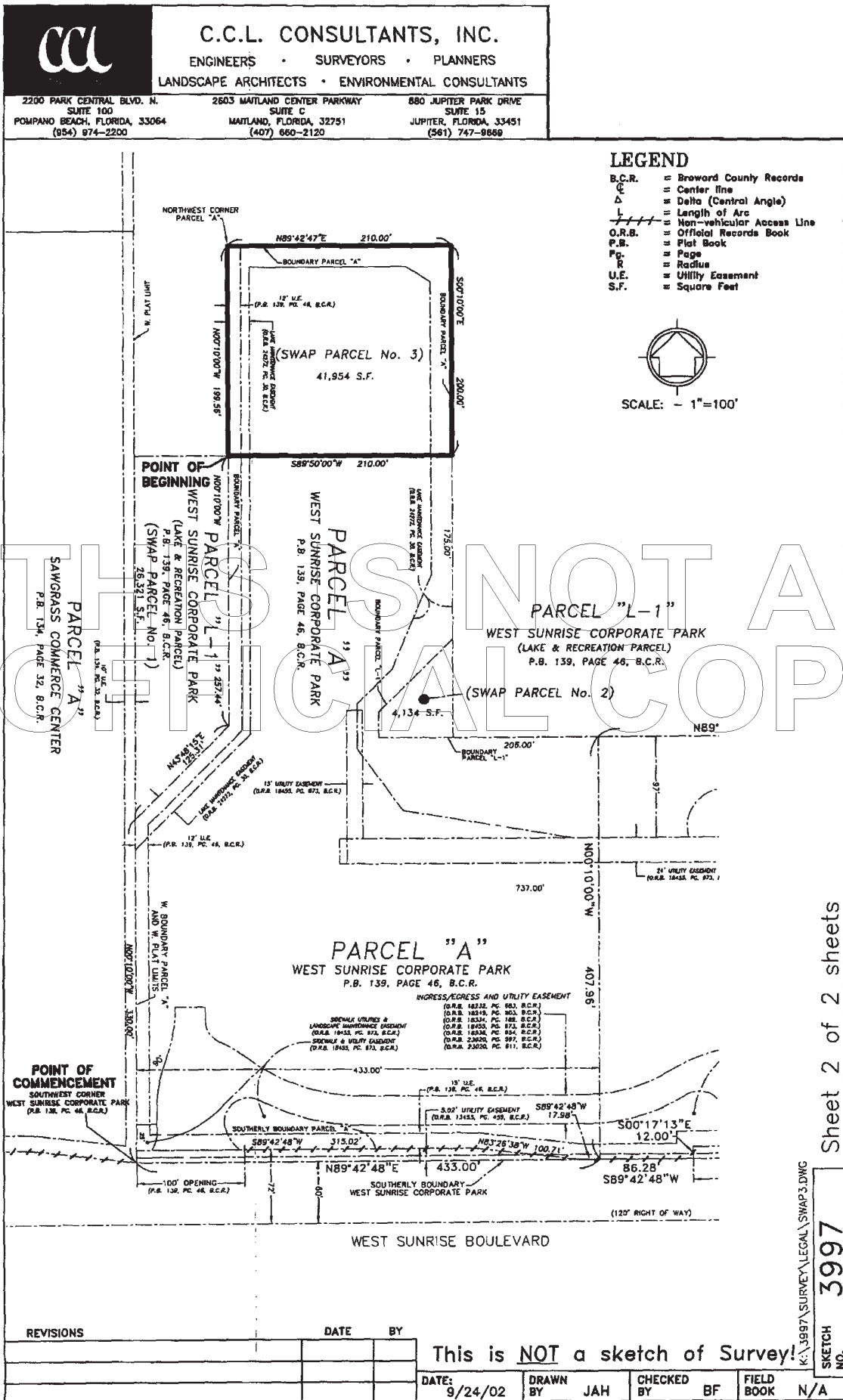
CHECKED BY: BF

FIELD BOOK: N/A


Sketch No. 3997

Sheet 1 of 2 sheets

K:\3997\SURVEY\LEGAL\SWAP3.DWG



This is NOT a sketch of Survey!

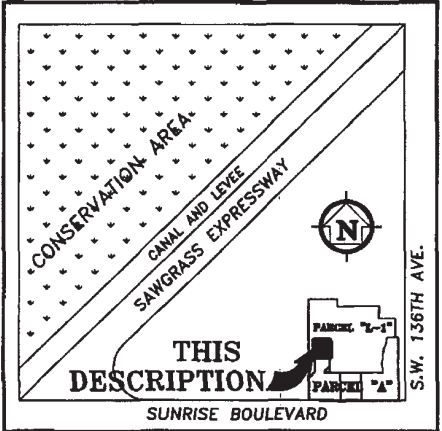


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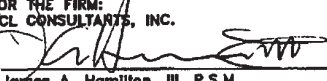
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CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Legal Description is true and correct to the best of my knowledge and belief and that it meets the Minimum Technical Standards set forth by the Florida State Board of Land Surveyors in Chapter 61G17-6, Florida Administrative Code, pursuant to Chapter 472.027 F.S.

FOR THE FIRM:
CCL CONSULTANTS, INC.


James A. Hamilton, III, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER #3406, STATE OF FLORIDA

REVISIONS	DATE	BY

EXHIBIT

"B"

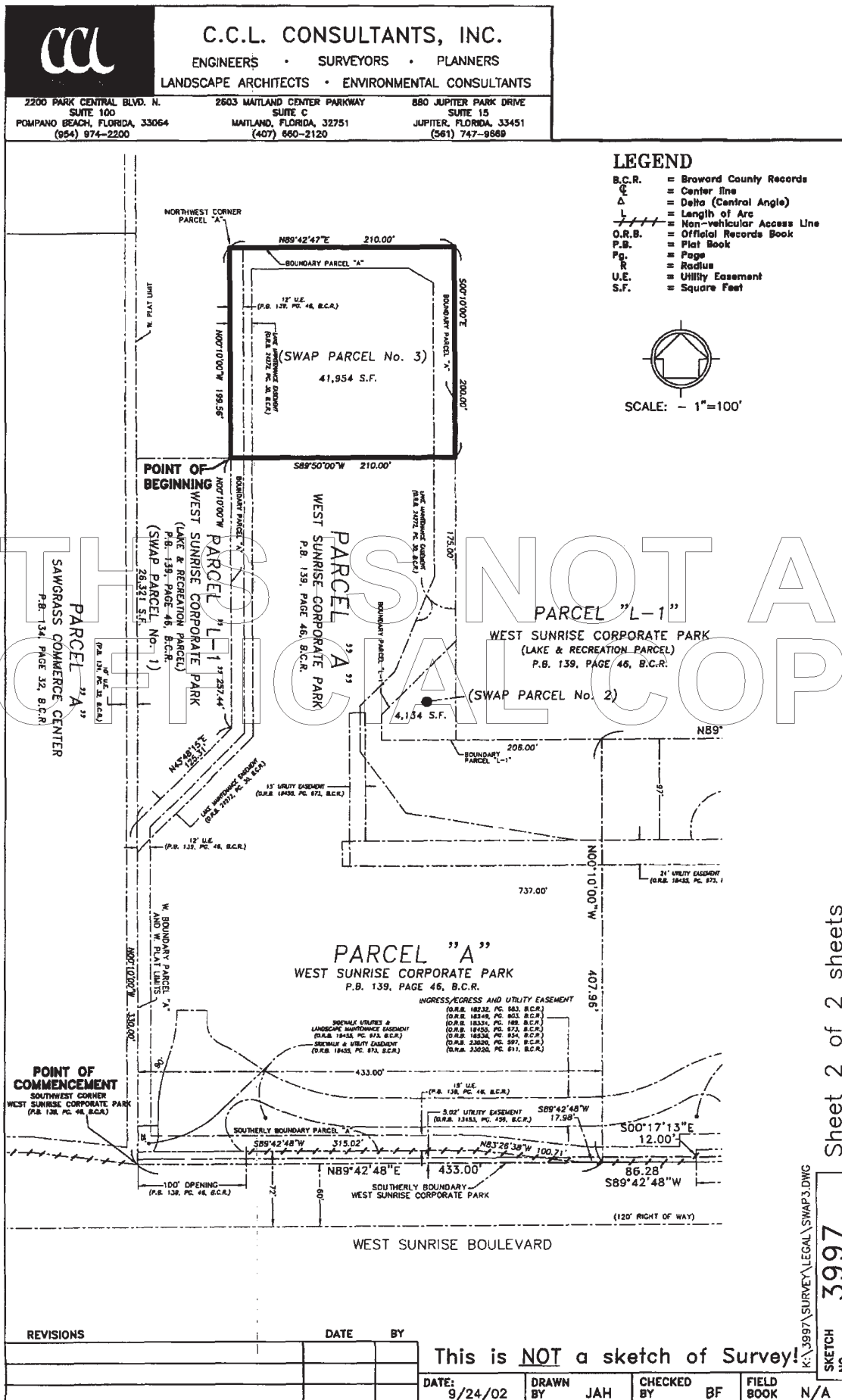
tabbies

DATE:	DRAWN BY	CHECKED BY	FIELD BOOK
9/24/02	JAH	BF	N/A

Sheet 1 of 2 sheets

3997

SKETCH NO.



DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION – Water Resources Division
218 S.W. 1st Avenue • Fort Lauderdale, Florida 33301 • Phone: 954-519-1270 • Fax: 954-519-1496

September 17, 2004

Sawgrass Property Investments
4770 Biscayne Blvd., Suite 680
Miami, FL 33137Codina Dev. Corp, Agent for Flagler Dev. Co.
Attention: Steve Sockrider, Director of
Development
355 Alhambra Circle, Suite 900
Coral Gables, FL 33134RE: Metropica Phase 1
City of Sunrise, S/T/R (26-49-40)

DF03-1146

This is to notify you of the Department of Planning and Environmental Protection's (DPEP) action concerning your application received 03/17/2004. The application has been reviewed for compliance with the following requirements:

Broward County Surface Water Management Review - GRANTED

DPEP has reviewed the project for compliance with the Surface Water Management requirements of Chapter 27, Article V Sec. 27-191 through 27-202 of the Broward County Code.

Based on the information submitted, Surface Water Management License No. SWM2004-097-0 was issued on 09/17/2004. The above named licensee is hereby authorized to perform the work or operate the facility shown on the approved drawing(s), plans, documents and specifications as submitted by licensee, and made a part hereof.

Please be advised that pursuant to Specific Condition No. 15, no Certificate of Occupancy can be released on this project until released in writing by all applicable DPEP divisions.

Broward County Environmental Resource License Review - GRANTED

DPEP has reviewed the project, and the construction shall be in accordance with Application DEP form 62-343.900 (1), the DPEP Addendum, and all associated information received on 11/21/2002. Based on the information submitted, the plans have been approved and stamped with Broward County Environmental Resource License (ERL) No. DF03-1146.

MSSW Review - GRANTED

DPEP has the authority to review the project for compliance with Rule 40E-1.606 and Chapter 40E-40 of the Florida Administrative Code pursuant to an agreement between DPEP, DEP and the SFWMD. The agreement is outlined in a document entitled "DELEGATION AGREEMENT AMONG THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, AND BROWARD COUNTY."

Based on the information submitted, Surface Water General Permit No. 06-00345-S-130 was issued on 09/17/2004.

The above referenced approvals will remain in effect subject to the following:

1. Not receiving a filed request for a Chapter 120, Florida Statutes administrative hearing;
2. the attached SFWMD Standard Limiting Conditions;
3. the attached SFWMD Special Conditions;
4. the attached Broward County General Conditions;
5. the attached Broward County Specific Conditions;
6. the attached 24 exhibits.

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the attached "Notice of Rights", we will assume you concur with the action taken by DPEP.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on 09/17/2004, in accordance with Section 120.60 (3), Florida Statutes.

By: _____

John M. Crouse, P.E.

Surface Water Management Licensing Section

Enclosed are the following:

- ___ executed staff report;
- ___ set(s) of stamped and approved plans;
- ___ application fee receipts;
- ___ "Notice of Rights"; and
- ___ Inspection Guidelines Brochure.

SURFACE WATER MANAGEMENT**CHAPTER 40E-4 (4/94)****40E-4.321 Duration of Permits**

(1) Unless revoked or otherwise modified pursuant to Rules 40E-4.331 and 40E-4.441, F.A.C., the duration of a surface water management permit issued under this chapter is as follows:

(a) Two years from the date of issuance for Conceptual Approval, unless within that period an application for a construction and operation permit is filed for any portion of the project. If an application for a construction and operation permit is filed for any portion of the project. If an application for a construction and operation permit is filed, then the Conceptual Approval remains valid until final action is taken on the application. If the application is granted, then the Conceptual Approval is valid for an additional two years from the date of issuance of the construction and operation permit. Conceptual Approvals which have no applications for construction and operation filed for a period of two years will expire automatically.

(b) Five years from the date of issuance for a construction permit.

(c) Perpetual for an operation permit.

(2) The Governing Board shall issue permit extensions provided that a permittee files a written request with the District showing good cause. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.

(3) For a Conceptual Approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive amendment, the duration of the Conceptual Approval shall be two years from whichever one of the following occurs at the latest date:

- (a) the effective date of the local government's comprehensive plan amendment,
- (b) the effective date of the local government development order, or
- (c) the date on which the district issues the Conceptual Approval, or
- (d) the latest date of the resolution of any Chapter 120 or other legal appeals.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Modifications to construction permits issued pursuant to a formal permit application extend the duration of the permit for three years from the date of issuance of the modification. Construction permit modifications do not extend the duration of a Conceptual Approval.

(6) Permit modifications issued pursuant to subsection 40E-4.331 (2)(b), F.A.C. (Letter modifications) do not extend the duration of a permit.

Specific authority 373.044, 373.113 F.S. Law Implemented 373.413, 373.416(1) F.S. History-New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4/20/94.

NOTICE OF RIGHTS

Section 120.569(1), Fla. Stat. (2000), requires that "each notice shall inform the recipient of any administrative hearing or judicial review that is available under this section, s. 120.57, or s. 120.68; shall indicate the procedure which must be followed to obtain the hearing or judicial review, and shall state the time limits which apply." Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

Petition for Administrative Proceedings

1. A person whose substantial interests are affected by the South Florida Water Management District's (SFWMD) action has the right to request an administrative hearing on that action. The affected person may request either a formal or an informal hearing, as set forth below. A point of entry into administrative proceedings is governed by Rules 28-106.111 and 40E-1.511, Fla. Admin. Code, (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109), as set forth below. Petitions are deemed filed upon receipt of the original documents by the SFWMD Clerk.

(a) **Formal Administrative Hearing:** If a genuine issue(s) of material fact is in dispute, the affected person seeking a formal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(1), Fla. Stat. Or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.201(2), Fla. Admin. Code, a copy of which is attached to this Notice of Rights.

(b) **Informal Administrative Hearing:** If there are no issues of material fact in dispute, the affected person seeking an informal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(2), Fla. Stat. Or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.301(2), Fla. Admin. Code, a copy of which is attached to this Notice of Rights.

(c) **Administrative Complaint and Order:** If a Respondent objects to a SFWMD Administrative Complaint and Order, pursuant to Section 373.119, Fla. Stat. (1997), the person named in the Administrative Complaint and Order may file a petition for a hearing no later than 14 days after the date such order is served. Petitions must substantially comply with the requirements of either subsection a. or b. above.

(d) **State Lands Environmental Resource Permit:** Pursuant to Section 373.427, Fla. Stat., and Rule 40E-1.511(3), Fla. Admin. Code (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109(2)(c)), a petition objecting to the SFWMD's agency action regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands (SLERPs), must be filed within 14 days of the notice of consolidated intent to grant or deny the SLERP. Petitions must substantially comply with the requirements of either subsection a. or b. above.

(e) **Emergency Authorization and Order:** A person whose substantial interests are affected by a SFWMD Emergency Authorization and Order, has a right to file a petition under Sections 120.569, 120.57(1), and 120.57(2), Fla. Stat., as provided in subsections a. and b. above. However, the person, or the agent of the person responsible for using or contributing to the emergency conditions shall take whatever action necessary to cause immediate compliance with the terms of the Emergency Authorization and Order.

(f) **Order for Emergency Action:** A person whose substantial interests are affected by a SFWMD Order for Emergency Action has a right to file a petition pursuant to Rules 28-107.005 and 40E-1.611, Fla. Admin. Code, copies of which are attached to this Notice of Rights, and Section 373.119(3), Fla. Stat., for a hearing on the Order. Any subsequent agency action or proposed agency action to initiate a formal revocation proceeding shall be separately noticed pursuant to section (g) below.

(g) **Permit Suspension, Revocation, Annulment, and Withdrawal:** If the SFWMD issues an administrative complain to suspend, revoke, annul, or withdraw a permit, the permittee may request a hearing to be conducted in accordance with Sections 120.569 and 120.57, Fla. Stat., within 21 days of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-107.004(3), Fla. Admin. Code, a copy of which is attached to this Notice of Rights.

2. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the SFWMD's final action may be different from the position taken by it previously. Persons whose substantial interests may be affected by any such final decision of the SFWMD shall have, pursuant to Rule 40E-1.511(2), Fla. Admin. Code (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109(2)(c)), an additional 21 days from the date of receipt of notice of said decision to request an administrative hearing. However, the scope of the administrative hearing shall be limited to the substantial deviation.

3. Pursuant to Rule 40E-1.511(4), Fla. Admin. Code, substantially affected persons entitled to a hearing pursuant to Section 120.57(1), Fla. Stat., may waive their right to such a hearing and request an informal hearing before the Governing Board pursuant to Section 120.57(2), Fla. Stat., which may be granted at the option of the Governing Board.

4. Pursuant to Rule 28-106.111(3), Fla. Admin. Code, persons may file with the SFWMD a request for extension of time for filing a petition. The SFWMD, for good cause shown, may grant the extension. The request for extension must contain a certificate that the petitioner has consulted with all other parties, if any, concerning the extension and that the SFWMD and all other parties agree to the extension.

CIRCUIT COURT

5. Pursuant to Section 373.617, Fla. Stat., any substantially affected person who claims that final agency action of the SFWMD relating to permit decisions constitutes an unconstitutional taking of property without just compensation may seek judicial review of the action in circuit court by filing a civil action in the circuit court in the judicial circuit in which the affected property is located within 90 days of the rendering of the SFWMD's final agency action.

6. Pursuant to Section 403.412, Fla. Stat., any citizen of Florida may bring an action for injunctive relief against the SFWMD to compel the SFWMD to enforce the laws of Chapter 373, Fla. Stat., and Title 40E, Fla. Admin. Code. The complaining party must file with the SFWMD Clerk a verified complaint setting forth the facts upon which the complaint is based and the manner in which the complaining party is affected. If the SFWMD does not take appropriate action on the complaint within 30 days of receipt, the complaining party may then file a civil suit for injunctive relief in the 15th Judicial Circuit in and for Palm Beach County or circuit court in the county where the cause of action allegedly occurred.

7. Pursuant to Section 373.433, Fla. Stat., a private citizen of Florida may file suit in circuit court to require the abatement of any stormwater management system, dam, impoundment, reservoir, appurtenant work or works that violate the provisions of Chapter 373, Fla. Stat.

DISTRICT COURT OF APPEAL

8. Pursuant to Section 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

LAND AND WATER ADJUDICATORY COMMISSION

9. A party to a "proceeding below" may seek review by the Land and Water Adjudicatory Commission (FLAWAC) of SFWMD's final agency action to determine if such action is consistent with the provisions and purposes of Chapter 373, Fla. Stat. Pursuant to Section 373.114, Fla. Stat., and Rules 42-2.013 and 42-2.0132, Fla. Admin. Code, a request for review of (a) an order or rule of the SFWMD must be filed with FLAWAC within 20 days after rendition of the order or adoption of the rule sought to be reviewed; (b) an order of the Department of Environmental Protection (DEP) requiring amendment or repeal of a SFWMD rule must be filed with FLAWAC within 30 days of rendition of the DEP's order, and (c) a SFWMD order entered pursuant to a formal administrative hearing under Section 120.57(1), Fla. Stat., must be filed no later than 20 days after rendition of the SFWMD's final order. Simultaneous with filing, a copy of the request for review must be served on the DEP Secretary, any person named in the SFWMD or DEP final order, and all parties to the proceeding below. A copy of Rule 42-2.013, Fla. Admin. Code is attached to this Notice of Rights.

PRIVATE PROPERTY RIGHTS PROTECTION ACT

10. A property owner who alleges a specific action of the SFWMD has inordinately burdened an existing use of the real property, or a vested right to a specific use of the real property, may file a claim in the circuit court where the real property is located within 1 year of the SFWMD action pursuant to the procedures set forth in Subsection 70.001(4)(a), Fla. Stat.

LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION

11. A property owner who alleges that a SFWMD development order (as that term is defined in Section 70.51(2)(a), Fla. Stat. to include permits) or SFWMD enforcement action is unreasonable, or unfairly burdens the use of the real property, may file a request for relief with the SFWMD within 30 days of receipt of the SFWMD's order or notice of agency action pursuant to the procedures set forth in Subsections 70.51(4) and (6), Fla. Stat.

MEDIATION

12. A person whose substantial interests are, or may be, affected by the SFWMD's action may choose mediation as an alternative remedy under Section 120.573, Fla. Stat. Pursuant to Rule 28-106.111(2), Fla. Admin. Code, the petition for mediation shall be filed within 21 days of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Choosing mediation will not affect the right to an administrative hearing if mediation does not result in settlement.

Pursuant to Rule 28-106.402, Fla. Admin. Code, the contents of the petition for mediation shall contain the following information:

- (1) the name, address, and telephone number of the person requesting mediation and that person's representative, if any;
- (2) a statement of the preliminary agency action;
- (3) an explanation of how the person's substantial interests will be affected by the agency determination; and
- (4) a statement of relief sought.

As provided in Section 120.573, Fla. Stat. (1997), the timely agreement of all the parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, Fla. Stat., for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within 60 days of the execution of the agreement. If mediation results in settlement of the dispute, the SFWMD must enter a final order incorporating the agreement of the parties. Persons whose substantial interest will be affected by such a modified agency decision have a right to petition for hearing within 21 days of receipt of the final order in accordance with the requirements of Sections 120.569 and 120.57, Fla. Stat., and SFWMD Rule 28-106.201(2), Fla. Admin. Code. If mediation terminates without settlement of the dispute, the SFWMD shall notify all parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Fla. Stat., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action.

VARIANCES AND WAIVERS

13. A person who is subject to regulation pursuant to a SFWMD rule and believes the application of that rule will create a substantial hardship or will violate principles of fairness (as those terms are defined in Subsection 120.542(2), Fla. Stat.) And can demonstrate that the purpose of the underlying statute will be or has been achieved by other means, may file a petition with the SFWMD Clerk requesting a variance from or waiver of the SFWMD rule. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have concerning the SFWMD's action. Pursuant to Rule 28-104.002(2), Fla. Admin. Code, the petition must include the following information:

- (a) the caption shall read: Petition for (Variance from) or (Waiver of) Rule (Citation)
- (b) the name, address, telephone number and any facsimile number of the petitioner;
- (c) the name, address, telephone number and any facsimile number of the attorney or qualified representative of the petitioner, (if any);
- (d) the applicable rule or portion of the rule;
- (e) the citation to the statute the rule is implementing;
- (f) the type of action requested;
- (g) the specific facts that demonstrate a substantial hardship or violation of principles of fairness that would justify a waiver or variance for the petitioner;
- (h) the reason why the variance or the waiver requested would serve the purposes of the underlying statute; a
- (i) a statement of whether the variance or waiver is permanent or temporary. If the variance or waiver is temporary, the petition shall include the dates indicating the duration of the requested variance or waiver.

A person requesting an emergency variance from or waiver of a SFWMD rule must clearly so state in the caption of the petition. In addition to the requirements of Section 120.542(5), Fla. Stat. pursuant to Rule 28-104.004(2), Fla. Admin. Code, the petition must also include:

- (a) the specific facts that make the situation an emergency; and
- (b) the specific facts to show that the petitioner will suffer immediate adverse effect unless the variance or waiver is issued by the SFWMD more expeditiously than the applicable timeframes set forth in Section 120.542, Fla. Stat.

WAIVER OF RIGHTS

- 14. Failure to observe the relevant time frames prescribed above will constitute a waiver of such right.

28-106.201 INITIATION OF PROCEEDINGS (INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

- (2) All petitions filed under these rules shall contain:
 - (a) The name and address of each agency affected and each agency's file or identification number, if known;
 - (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding, and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
 - (c) A statement of when and how the petitioner received notice of the agency decision;
 - (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
 - (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
 - (f) A demand for relief.

28-106.301 INITIATION OF PROCEEDINGS (NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

- (2) All petitions filed under these rules shall contain:
 - (a) The name and address of each agency affected and each agency's file or identification number, if known;
 - (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding, and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
 - (c) A statement of when and how the petitioner received notice of the agency decision;
 - (d) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
 - (e) A demand for relief.

28-107.004 SUSPENSION, REVOCATION, ANNULMENT, OR WITHDRAWAL

- (3) Requests for hearing filed in accordance with this rule shall include:
 - (a) The name and address of the party making the request, for purposes of service;
 - (b) A statement that the party is requesting a hearing involving disputed issues of material fact, or a hearing not involving disputed issues of material fact; and
 - (c) A reference to the notice, order to show cause, administrative complaint, or other communication that the

42-2.013 REQUEST FOR REVIEW PURSUANT TO SECTION 373.114 OR 373.217

(1) In any proceeding arising under Chapter 373, F.S., review by the Florida Land and Water Adjudicatory Commission may be initiated by the Department or a party by filing a request for such review with the Secretary of the Commission and serving a copy on any person named in the rule or order, and on all parties to the proceeding which resulted in the order sought to be reviewed. A certificate of service showing completion of service as required by this subsection shall be a requirement for a determination of sufficiency under Rule 42-2.0132. Failure to file the request with the Commission within the time period provided in Rule 42-2.0132 shall result in dismissal of the request for review.

(2) The request for review shall identify the rule or order requested to be reviewed, the proceeding in which the rule or order was entered and the nature of the rule or order. A copy of the rule or order sought to be reviewed shall be attached. The request for review shall state with particularity:

(a) How the order or rule conflicts with the requirements, provisions and purposes of Chapter 373, F.S., or rules duly adopted thereunder;

(b) How the rule or order sought to be reviewed affects the interests of the party seeking review;

(c) The oral or written statement, sworn or unsworn, which was submitted to the agency concerning the matter to be reviewed and the date and location of the statement, if the individual or entity requesting the review has not participated in a proceeding previously instituted pursuant to Chapter 120, F.S., on the order for which review is sought;

(d) If review of an order is being sought, whether and how the activity authorized by the order would substantially affect natural resources of statewide or regional significance, or whether the order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from a standpoint of agency precedent, and all factual bases in the record which the petitioner claims support such determination(s); and

(e) The action requested to be taken by the Commission is as a result of the review, whether to rescind or modify the order, or remand the proceeding to the water management district for further action, or to require the water management district to initiate rulemaking to adopt, amend or repeal a rule.

28-107.005 EMERGENCY ACTION

(1) If the agency finds that immediate serious danger to the public health, safety, or welfare required emergency action, the agency shall summarily suspend, limit, or restrict a license.

(2) The 14-day notice requirement of Section 120.569(2)(b), F.S., does not apply and shall not be construed to prevent a hearing at the earliest time practicable upon request of an aggrieved party.

(3) Unless otherwise provided by law, within 20 days after emergency action taken pursuant to paragraph (1) of this rule, the agency shall initiate a formal suspension or revocation proceeding in compliance with Sections 120.569, 120.57, and 120.60, F.S.

40E-1.611 EMERGENCY ACTION

(1) An emergency exists when immediate action is necessary to protect public health, safety or welfare; the health of animals, fish or aquatic life; the works of the District; a public water supply, or recreational, commercial, industrial, agricultural or other reasonable uses of land and water resources.

(2) The Executive Director may employ the resources of the District to take whatever remedial action necessary to alleviate the emergency condition without issuance of an emergency order, or in the event an emergency order has been issued, after the expiration of the requisite time for compliance with that order.

Standard Limiting Conditions

1. The permittee shall implement the work authorized in a manner so as to minimize any adverse impact of the works on fish, wildlife, natural environmental values, and water quality. The permittee shall institute necessary measures during the construction period, including full compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.
2. Water quality data for the water discharged from the permittee's property or into surface waters of the State will be submitted to the District as required by Section 5.9, 'Basis of Review For Surface Water Management Permit Applications Within South Florida Water Management District - March, 1994.' Parameters to be monitored may include those listed in Chapter 62-302, F.A.C.. If water quality data is required, the permittee shall provide data on volumes of water discharged, including total volume discharged during the days of sampling and total monthly discharges from the property or into surface waters of the State.
3. This permit shall not relieve the permittee of any obligation to obtain necessary federal, state, local or special district approvals.
4. The operation phase of this permit will not become effective until the District's acceptance of certification of the completed surface water management system. The permittee shall request transfer of the permit to the responsible operational entity accepted by the District, if different from the construction certification.
5. All road elevations shall be set in accordance with the criteria set forth in Section 6.5, "Basis of Review For Surface Water Management Permit Applications Within South Florida Water Management District - March, 1994."
6. All building floor elevations shall be set in accordance with the criteria set forth in Section 6.4, "Basis of Review For Surface Water Management Permit Applications Within South Florida Water Management District - March, 1994."
7. Off-site discharges during construction and development will be made only through the facilities authorized by this permit.
8. A permit transfer to the operation phase shall not occur until a responsible entity meeting the requirement in Section 9.0, "Basis of Review For Surface Water Management Permit Applications Within South Florida Water Management District - March, 1994," has been established with sufficient ownership or legal interest so that it has control over all water management facilities authorized herein.
9. The permit does not convey to the permittee any property right nor any rights or privileges other than those specified in the permit and Chapter 40E-4, F.A.C..
10. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may rise by reason of the construction, operation, maintenance or use of any facility authorized by the permit.
11. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
12. Within 30 days of issuance of this permit, the permittee or authorized agent shall submit construction status reports on an annual basis (via the supplied Annual Status Report or equivalent) of the actual or anticipated construction start date and the expected completion date.
13. When the duration of construction exceeds one year, the permittee or authorized agent shall submit construction status reports on an annual basis (via the supplied Annual Status Report or equivalent) beginning one year after the initial commencement of construction.

14. Within 30 days after completion of construction of the surface water management system, the permittee or authorized agent shall file a written statement of completion and certification by a Florida Registered Professional Engineer. These statements must specify the actual date of construction completion and must certify that all facilities have been constructed in substantial conformance with the plans and specifications approved by the District (via the supplied Construction Completion/Construction Certification or equivalent). The Construction Completion Certification must include, at a minimum, existing elevations, locations and dimensions of the components of the water management facilities. Additionally, if deviations from the approved drawing are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted.

15. Within 30 days of any sale, conveyance or other transfer of any of the land which is proposed for development under the authorization of this permit, the permittee shall notify the District of such transfer in writing via either Form 0483, Request For Permit Transfer, or Form 0920, Request For Transfer Of Surface Water Management Construction Phase To Operation Phase (to be completed and submitted by the operating entity), in accordance with Sections 40E-1.6105 and 40E-4.351, F.A.C..

16. A prorated share of surface water management retention/detention areas, sufficient to provide the required flood protection and water quality treatment, must be provided prior to occupancy of any building or residence.

17. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or within the certification report.

18. It is the responsibility of the permittee to insure that adverse off-site water resource related impacts do not occur during construction.

19. The permittee must obtain a water use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(4), F.A.C..

SFWMD Special Conditions

1. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
2. Measures shall be taken during construction to insure that sedimentation and/or turbidity problems are not created in the receiving water.
3. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
4. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
5. Operation of the surface water management system shall be the responsibility of permittee.
6. All special conditions, exhibits and other materials previously stipulated by permit number 06-00345-S remain in effect unless otherwise revised and shall apply to this modification.

THIS IS NOT AN
OFFICIAL COPY

Broward County General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth herein are accepted by the licensee and must be completed by the licensee and are enforceable by the Department of Planning and Environmental Protection (DPEP) pursuant to Chapter 27 of the Broward County Code of Ordinances. The DPEP will review this license periodically and may revoke or suspend the license, and initiate administrative and/or judicial action for any violation of the conditions by the licensee, its agents, employees, servants or representatives.
2. This license is valid only for the specific uses set forth in the license application and any deviation from the approved uses may constitute grounds for revocation, suspension, and/or enforcement action by the DPEP.
3. In the event the licensee is temporarily unable to comply with any of the conditions of the license or with this chapter, the licensee shall notify the DPEP within eight (8) hours or as stated in the specific section of this chapter. Within three (3) working days of the event, the licensee shall submit a written report to DPEP that describes the incident, its cause, the measures being taken to correct the problem and prevent its reoccurrence, the owner's intention regarding the repair, replacement and reconstruction of destroyed facilities and a schedule of events leading toward operation with the license condition.
4. The issuance of this license does not convey any vested rights or exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, or any violations of federal, state or local laws or regulations.
5. This license must be available for inspection on licensee's premises during the entire life of the license.
6. By accepting this license, the licensee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this licensed facility or activity, that are submitted to the DPEP, may be used by the DPEP as evidence in any enforcement proceeding arising under Chapter 27 of the Broward County Code of Ordinances, except where such use is prohibited by Section 403.111, Florida Statutes.
7. The licensee agrees to comply with Chapter 27 of the Broward County Code of Ordinances, and shall comply with all provisions of the most current version of this chapter, as amended.
8. Any new owner or operator of a licensed facility shall apply by letter for a transfer of license within thirty (30) days after sale or legal transfer. The transferor shall remain liable for performance in accordance with the license until the transferee applies for and is granted a transfer of license. The transferee shall be liable for any violation of Chapter 27 that results from the transferee's activities. The transferee shall comply with the transferor's original license conditions when the transferee has failed to obtain its own license.
9. The licensee, by acceptance of this license, specifically agrees to allow access and shall allow access to the licensed source, activity or facility at times by DPEP personnel for the purposes of inspection and testing to determine compliance with this license and Chapter 27 of the Broward County Code of Ordinances.
10. This license does not constitute a waiver or approval of any other license, approval, or regulatory requirement by this or any other governmental agency that may be required.
11. Enforcement of the terms and provisions of this license shall be at the reasonable discretion of DPEP, and any forbearance on behalf of DPEP to exercise its rights hereunder in the event of any breach by the licensee, shall not be deemed or construed to be a waiver of DPEP's rights hereunder.

Broward County Specific Conditions

1. The licensee shall allow authorized personnel of the DPEP, municipality or local water control district to conduct such inspections at reasonable hours, as are necessary to determine compliance with the requirements of the license and the approved plans and specifications.
2. The responsible entity shall agree to maintain the operating efficiency of the water management works. Except in cases where the responsible entity is a governmental agency, the agreement shall further require that if the water management works is not adequately maintained, the County may undertake the required work and bill all associated costs to the responsible entity. If the payment for such obligations is not satisfied within 30 days, said obligation shall become a lien against the property associated with the water management works. Where ownership of the water management works is separate from property ownership, the DPEP shall require these agreements to be recorded.
3. The licensee shall prosecute the work authorized in a manner so as to minimize any adverse impact of the works on fish, wildlife, natural environmental values, and water quality. The licensee shall institute necessary measures during the construction period, including fill compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters. Any erosion, shoaling or deleterious discharges due to permitted actions will be corrected promptly at no expense to the County.
4. The licensee shall comply with all applicable local land use and subdivision regulations and other local requirements. In addition, the licensee shall obtain all necessary Federal, State, local and special district authorizations prior to the start of any construction alteration of works authorized by this license.
5. Offsite discharges during construction and development shall be made only through the facilities authorized by this license. Water discharged from the project shall be through structures having a mechanism for regulating upstream water stages. Stages may be subject to operating schedules satisfactory to the appropriate regulatory agency.
6. The licensee shall hold and save the County harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance or use of any facility authorized by the license.
7. The license does not convey property rights nor any rights or privileges other than those specified therein.
8. No construction authorized by the license shall commence until a responsible entity acceptable to the DPEP has been established and has agreed to operate and maintain the efficiency of the system. The entity must be provided with sufficient ownership so that it has control over all water management facilities authorized therein. Upon receipt of written evidence of the satisfaction of this condition, the DPEP will issue authorization to commence the construction.
9. No beautification, or erection of any structure that will prohibit or limit access of maintenance equipment or vehicles in the right-of-way or easements will be allowed.
10. Any license which grants any entity the permission to place a structure on property which is owned by Broward County or upon which Broward County has an easement shall be construed to create a revocable license for that structure to remain on the property. Broward County may require removal of such a structure at no cost to the County.
11. The area under license will be maintained in a safe and operating condition at all times. Equipment will be promptly removed from the right-of-way or easement and the right-of-way or easement will be restored to its original or better condition within a reasonable time on termination of the authorized use.
12. The DPEP will be notified, as required in the license or as indicated on the approved plans, to coordinate and schedule inspections.
13. The operation or construction will be in accordance with the approved details and plans submitted with the application. Any modification must be submitted to the DPEP in writing and receive prior approval.
14. Monitoring may be required for sites with high pollutant generating potential, such as industrial sites, Class I and II solid waste disposal sites, and projects discharging to areas identified in Section 27-200 (b) (1) (o). Such monitoring will be under the cognizance of the DPEP.

15. Upon completion of the construction of a surface water management system or phase thereof licensed by the Water Resources Division, it is a requirement of the issuance of the license, and hence transfer of operation and maintenance responsibility, that a Florida Registered Professional Engineer certify that the surface water management system was indeed constructed as licensed. Certified record drawings shall accompany the certification. Suggested wording for this is as follows:

I HEREBY CERTIFY TO THE CONSTRUCTION COMPLETION OF ALL THE COMPONENTS OF THE SURFACE WATER MANAGEMENT FACILITIES FOR THE ABOVE REFERENCES PROJECT AND THAT THEY HAVE BEEN CONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE BROWARD COUNTY WATER RESOURCES DIVISION, AND HEREBY AFFIX MY SEAL THIS _____ DAY OF _____, 20_____.

(SEAL)

16. Water management area's shall be legally reserved to the operation entity and for that purpose by dedication on the plat, deed restrictions, easements, etc., so that subsequent owners or others may not remove such areas from their intended use. Management areas, including maintenance easements, shall be connected to a public road or other location from which operation and maintenance access is legally and physically available.

17. The licensee shall notify the Water Resources Division in writing within twenty-four (24) hours of the start, finish, suspension, and/or abandonment of any construction or alteration of works authorized by this license.

18. A prorated share of surface water management retention/detention areas, sufficient to provide the required flood protection and water quality treatment, must be provided prior to occupancy of any building or residence.

19. The operation license shall be valid for a specific period of time not to exceed five (5) years from the date the license is transferred to the operation phase. The operation license shall be renewed in accordance with Section 27 - 198 (d) (2) of the Article.

20. The Water Resources Division reserves the right to require additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.

21. This permit does not constitute the approval required by Section 27-353(i), Broward County Code, to conduct dewatering operations at or within one-quarter mile radius of a contaminated site. Please contact the Pollution Prevention and Remediation Division at (954) 519-1260 for further information.

22. The licensee shall keep a log of the operation and maintenance schedule for all components of the surface water management system.

23. The surface water management system must be inspected by the Water Resources Division to verify compliance with Specific Condition No. 15 of the license. In accordance with the Broward County Natural Resource Protection Code, Article I, Sec. 27-66 (f), the County agency or municipal agency charged with issuing a certificate of occupancy (CO) shall not issue a CO until notified of the DPEP approval. Partial certifications will be handled in accordance with Specific Condition No. 18.

24. The licensee is advised that he/she is required to submit a Storm Water Notice of Intent (NOI) application at least 48 hours prior to the commencement of construction to the Florida Department of Environmental Protection, NPDES Stormwater Notices Center, MS #2510 at 2600 Blair Stone Road - Tallahassee, Florida 32399-2400.

25. Notify the Department in writing a minimum of 48 hours prior to project commencement and a maximum of 48 hours after project completion. Failure to comply with this condition will result in enforcement action.

26. Any project caused environmental problem(s) shall be reported immediately to the DPEP Environmental Response Line at 954-519-1499.

27. All project generated solid waste and/or spoil material must be disposed of in a suitable approved manner at an upland location.

28. Turbidity screens or equivalent shall be properly employed and maintained as necessary during construction activities so that turbidity levels do not exceed 29 NTU's above natural background 50 feet downstream of point of discharge. If turbidity levels exceed these limits, project activities shall immediately cease, and work shall not resume until turbidity levels drop to within these limits [62-302.530(70) FAC].

29. Any water bodies or wetlands to be filled pursuant to this license must be filled only with rock, soil or muck, as appropriate and depicted on the attached drawings dated 08-23-04 by the Department. Fill material which includes clean debris as defined in Section 27-214 is not authorized by this license. Use as fill of any materials other than rock, soil or muck shall constitute a violation of this license.

30. Notify the Department in writing within 48 hours from completion of final grading of the lake excavations.

31. Within thirty (30) days after the final grading of the lake slopes and before receiving a Certificate of Occupancy for any structure adjacent to the licensed lake, the licensee shall submit to the Department a letter, sealed by a Florida-licensed professional engineer, certifying that the slopes have been surveyed and noting whether they are in compliance with the licensed plans.

32. This permit does not constitute the approval required by Section 27-353(l), Broward County Code, to conduct dewatering operations at or within one-quarter mile radius of a contaminated site. Please contact the Pollution Prevention and Remediation Division at (954) 519-1260 for further information.

33. Construction and installation of the Compensatory mitigation area shall be in accordance with plans dated 08-23-04 by the Department (attached) and associated information. The Compensatory mitigation area shall be installed concurrently with licensed construction.

34. Upon completion of the Compensatory mitigation area, the following documentation shall be submitted to the Department: (a) certification of elevations in relation to design, (b) verification of actual acreage, and (c) the time-zero monitoring report. This documentation is required within 30 days of completion of the Compensatory mitigation area and prior to any Certificate of Occupancy being received for any structure on the site.

35. A viable wetland system shall be established that replicates a natural reference wetland in basic structure and function. In order to assure that the Compensatory mitigation area becomes self-sustaining, the following criteria shall be met:

- a. A minimum of 80% coverage by desirable wetland species after a two (2) year period and demonstration of persistence for three (3) additional years.
- b. Less than 2% coverage by invasive exotic and undesirable species is allowable if plants are dispersed and not concentrated in any particular compensatory mitigation area. Exotic and undesirable species include, but are not limited to, melaleuca, Australian pine, Brazilian pepper, bischofia, torpedo grass, primrose-willow, and cattail. Treatment efforts must be tailored to prevent these species from becoming reproductively mature.
- c. A minimum of 80% survival of each planted species. This rate shall be maintained each quarter except where species composition, density of planted and recruitment species and overall wetland condition, growth rates and viability of the Compensatory mitigation area are of higher quality, as determined by the Department.
- d. Hydrologic conditions and soil characteristics are in general conformity to those specified in plans. Data from the permanent surveyed staff gauges must be collected every two weeks and submitted with the quarterly monitoring reports.
- e. Any preserved or planted species shall be maintained as to exhibit new growth and/or

propagation, viability, and overall health.

36. The Compensatory mitigation area shall be monitored and reports submitted quarterly for five (5) years describing in detail the condition of the Compensatory mitigation area relative to the reference wetland and the criteria listed above (B. 3.a-e).

37. Should the Department determine that the Compensatory mitigation area is not achieving the listed criteria during some portion of the monitoring period, the licensee shall prepare plans that demonstrate clearly how the problem(s) will be corrected and submit such plans immediately to the Department for approval. Those plans shall then be implemented within thirty (30) days of the Department's written approval.

38. Introduction (direct or indirect) of Grass Carp (*Ctenopharyngodon idella*) is strictly prohibited. The Licensee shall properly employ and maintain Grass Carp exclusion devices as necessary to prevent entry into the compensatory mitigation area.

39. A Conservation Easement executed by the City of Sunrise over the compensatory mitigation area has been submitted by the Applicants. It is noted that a resolution executed by the City of Sunrise to grant the Conservation Easement over the relocation area has been submitted by the applicants.

40. An amendment to the Conservation Easement over the mitigation area to be impacted has been executed by Sawgrass Property Investments and submitted by the applicants. Should either of these documents be unacceptable to the County Attorney's Office or the County Commission, a replacement document shall be submitted in a form acceptable to the Department, the County Attorney's Office and the Commission within thirty (30) days of the Department's written notification that the document was unacceptable.

41. A Letter of Credit (LOC) for the sum of \$56,000 (construction: \$7,000, monitoring and maintenance: \$49,000) has been submitted by the applicants. Should this document be unacceptable to the County Attorney's Office or the County Commission, a replacement document shall be submitted in a form acceptable to the Department, the County Attorney's Office and the Commission within thirty (30) days of the Department's written notification that the document was unacceptable.

42. The LOC includes construction, planting, monitoring and maintenance costs as noted above. Upon DPEP review and approval of all information required in Specific Condition B. 2, the licensee may request the release of a portion of the construction and planting portion of the LOC, which totals \$7,000 (Time zero: 35% of original total, Year II: 25% of original total, Year V: 50% of original total). After the five year maintenance and monitoring period has elapsed and upon demonstration that the licensee has met the intent and all information requested in Specific Conditions B.3 and 4 and if necessary B.5, the licensee may request the release of the monitoring and maintenance portion of the LOC, which totals \$49,000. All requests shall be made in writing to the Wetlands Resources Section of DPEP.

43. A COPY OF THIS LICENSE SHALL BE KEPT ON SITE DURING ALL PHASES OF LICENSED CONSTRUCTION.

352-1570-507



METROPICA

SUNRISE, FLORIDA

PLANS FOR:

OUTFALL & PASS THROUGH DRAINAGE CONSTRUCTION

INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
1	COVER SHEET / LOCATION MAP
2	KEYMAP, NOTES AND DETAILS
3 - 4	DRAINAGE PLAN
5 - 6	DRAINAGE PROFILES
7	SUMMARY OF DRAINAGE STRUCTURES
8 - 9	DRAINAGE DETAILS
10 - 11	POLLUTION PREVENTION PLAN



LOCATION MAP



SECTION 26, TOWNSHIP 49 S, RANGE 40 E

DEVELOPMENT MANAGEMENT
CODINA DEVELOPMENT CORPORATION
6343 N.W. 8TH WAY, SUITE 425
FORT LAUDERDALE, FLORIDA 33309
PHONE: (954) 302-5715

PROPERTY OWNER:
SAWGRASS PROPERTY INVESTMENTS
4770 BISCAYNE BOULEVARD, SUITE 880
MIAMI, FLORIDA 33137

JOSEPH RULES AND ASSOC., INC.
CONSULTING ENGINEERS
7501 N.W. 41st STREET, SUITE 101
PLANTATION, FLORIDA 33377
CERTIFICATE OF AUTHORIZATION NO. 3948

REVISION OR SHEET COMMENTS

102-423-02

Exhibit

1

STAFF REPORT

Project Name: Metropica Phase 1
Permit Number: 06-00345-S-130 **License Number:** SWM2004-097-0, DF03-1146
Application Number: 040317-32 **Concurrent Application:** L2004-064, ER0306-009
Application Type: Surface Water Management Modification
Location: Broward County **Section-Township-Range:** 26-49-40
Permittee's Name: Sawgrass Property Investments

Project Area: 28.12 acres **Drainage Area:** 28.12 acres

Project Land Use: Commercial
Drainage Basin: North New River Canal
Receiving Body: North New River Canal

Purpose:

The modification of SFWMD Permit # 06-00345-S for the reconfiguration of the existing drainage pipes on a 28.77 acre undeveloped parcel within the Sawgrass Mills Mall.

Project Evaluation:**Project Site Description:**

The site is located in the North - East quadrant of the intersection of Sunrise Blvd. and NW 136 Avenue, in the City of Sunrise.

Project Background:

This approval is for the reconfiguration of the existing drainage pipes only. A modification must be applied for and obtained prior to the construction of any of the other proposed improvements for Metropica. The modification application must demonstrate compliance with the master permit for Sawgrass Mills, including provisions for 1/2" dry pre-treatment prior to discharge to the master system.

Exhibit 2A

Environmental Summary:

This license authorizes the relocation of an isolated 0.77 acre wetland mitigation area owned by Sawgrass Property Investments to an adjacent property that is owned by the City of Sunrise. Compensation will be the creation of a diverse 1.06 acre wetland adjacent to an existing lake. The 0.77 acre mitigation was previously licensed as DPEP License No. DF95-1047 and SFWMD Permit No. 06-00345-S. The existing Conservation Easement over the 0.77 acre mitigation will be amended as part of this license.

The 0.77 acre mitigation area comprises Parcel "E" of the Savannah PUD Plat located in the NE corner of Sunrise Blvd. and NW 136th Avenue, in Section 26, Township 40 South, Range 40 East in the City of Sunrise. The mitigation relocation site comprises a portion of Parcel "A" of the West Sunrise Corporate Park Plat in the NW corner of Sunrise Blvd. and NW 136th Avenue in Section 27, Township 40 South, Range 40 East, in the City of Sunrise.

Construction shall be in accordance with Application DEP Form 62-343.900(1) and DPEP Addendum dated 11/21/02 & 03/10/04, and associated information, all of which is designated as DPEP File No. DF03-1146; plans stamped by the Department on 08-23-04 (attached); and with all General and Specific Conditions of this license.

The proposed activities have been evaluated for potential secondary and cumulative impacts and to determine if the project is contrary to the public interest. Based upon the proposed project design, DPEP has determined that the project will not cause adverse secondary or cumulative impacts to the water resources and is not contrary to the public interest.

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Exhibit 2B

Special Concerns:

Operating Entity: Sawgrass Property Investments
4770 Biscayne Blvd., Suite 680
Miami, FL 33137

Waste Water System/Supplier: Sunrise

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OFFICIAL COPY

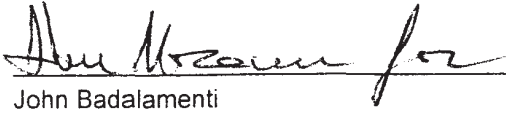
Exhibit *2c*

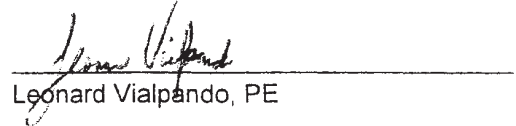
STAFF RECOMMENDATION:

South Florida Water Management District and Broward County rules have been adhered to and a General Permit should be granted.

SWM2004-097-0, STAFF REVIEW:

Water Resources Division:


John Badalamenti


Leonard Vialpando, PE

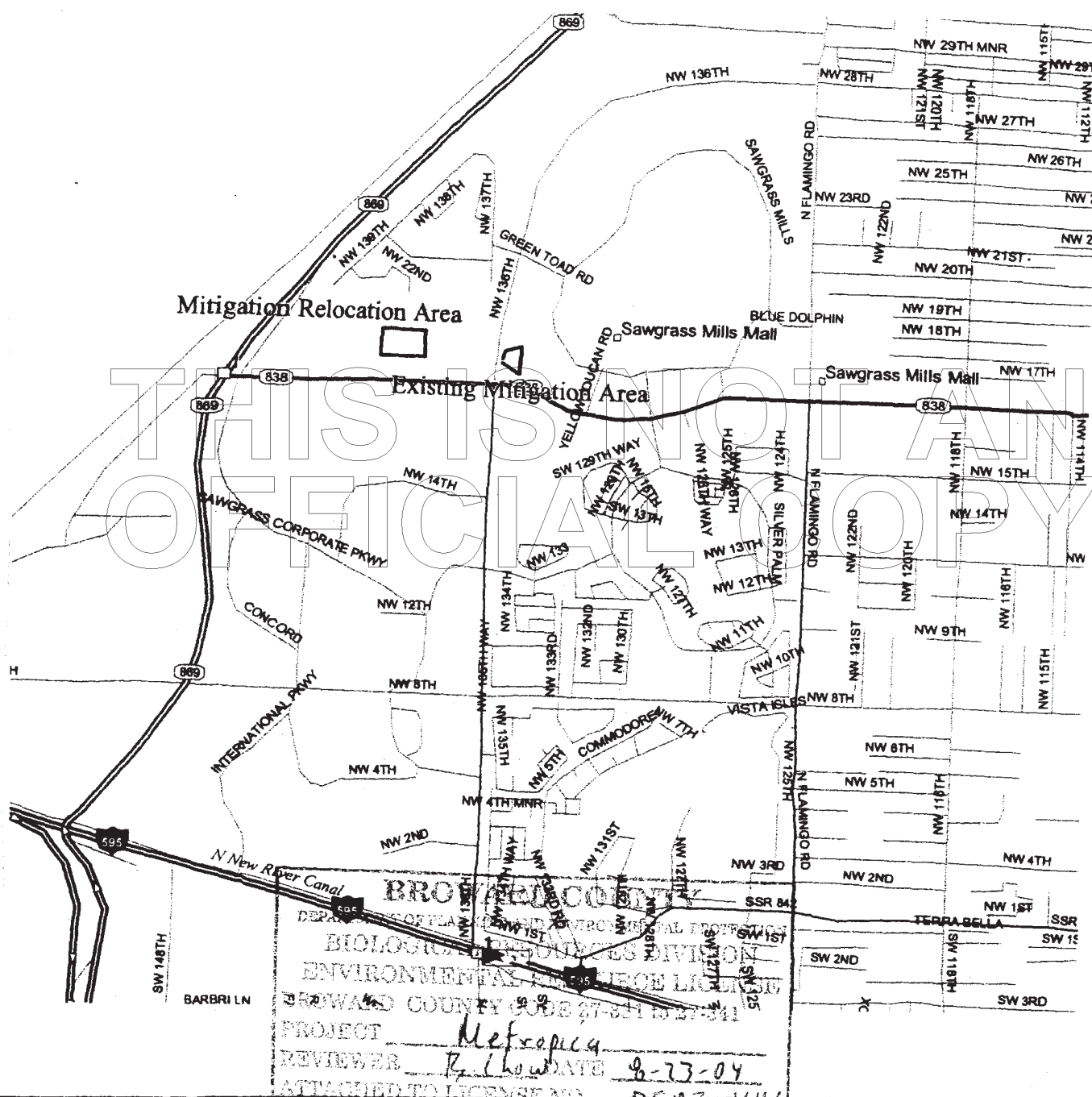
Biological Resources Division:


Julie Krawczyk


Kent Edwards, Manager

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Exhibit 2D



J. J. GOLDASICH & ASSOCIATES, INC.
(561)883-9555 Fax (561)883-0054

Professional Wetland Scientists
Environmental Permitting and Consulting

DRAWING of METROPOLIS INDICATED IN LICENSE

Codina Development Corporation

Location Map
Section 26, Township 49, Range 40
Sunrise, Broward County, Florida

REVISION

DATE _____

6/03

SHEET


1 of 1


SCALE:

Exhibit 2



Legend

 Mitigation Area 1.06 Ac.

 Impact Area 0.77 Ac.

0 112.525 450 675 900

 Feet

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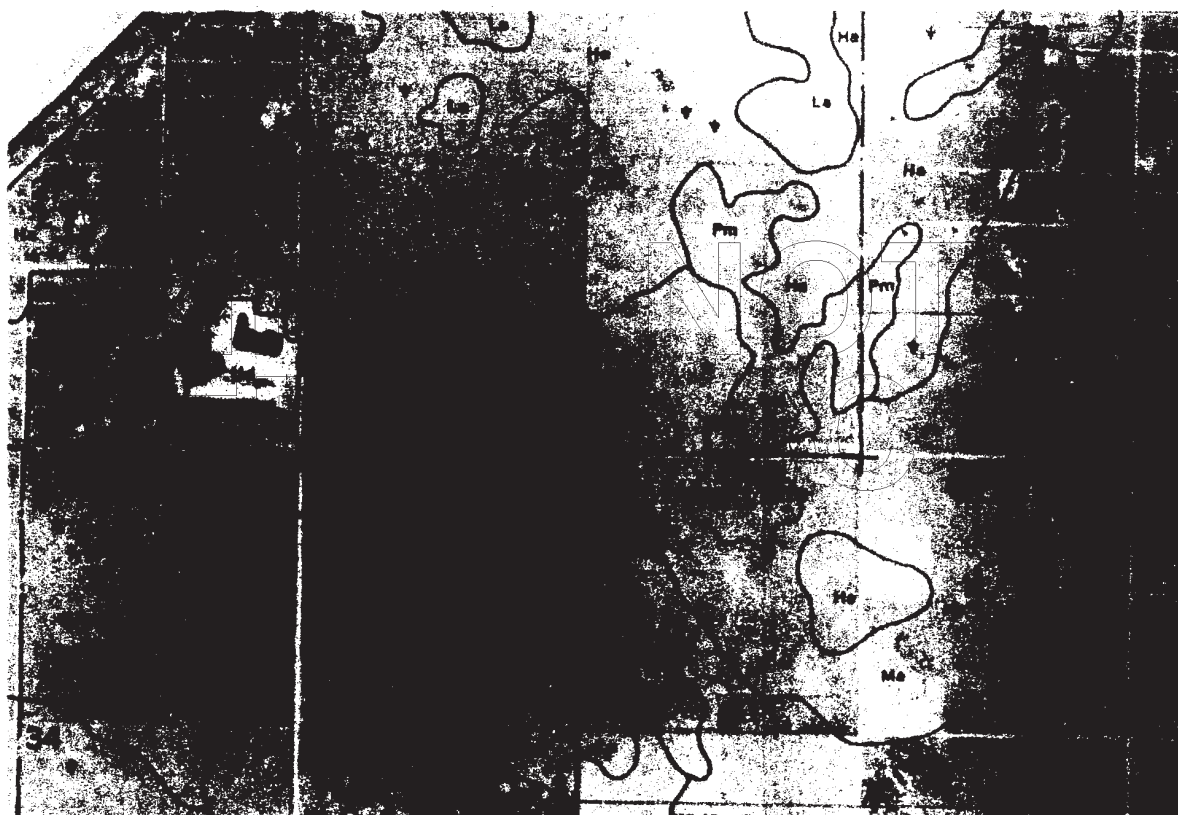
	Revision	Date	METROPICA Codina Development Aerial Map Section 26, Township 49S, Range 40E Broward County, Florida	 Professional Wetland Scientists Environmental Permitting and Consulting	Date	8/24/04
					Sheet	1 of 1
					SCALE:	1"=450'
					Project #	02-734

Exhibit 4



Ma = Margate Fine Sand
Pm = Plantation Muck

BROWARD COUNTY
DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION
BIOLOGICAL RESOURCES DIVISION
ENVIRONMENTAL RESOURCE LICENSE
BROWARD COUNTY CODE 27-351 to 27-341
REVIEWED BY Metropica DATE 8-23-04
ATTACHED TO LICENSE NO. DF03-146
DRAWING 3 of 11 SHEETS AS INDICATED IN LICENSE

J. J. GOLDASICH & ASSOCIATES, INC.
(561)883-9555 Fax (561)883-0054



Professional Wetland Scientists
Environmental Permitting and Consulting

METROPICA
Codina Development Corporation

Soils Map
Section 26, Township 49, Range 40
Sunrise, Broward County, Florida

REVISION

DATE

6/03

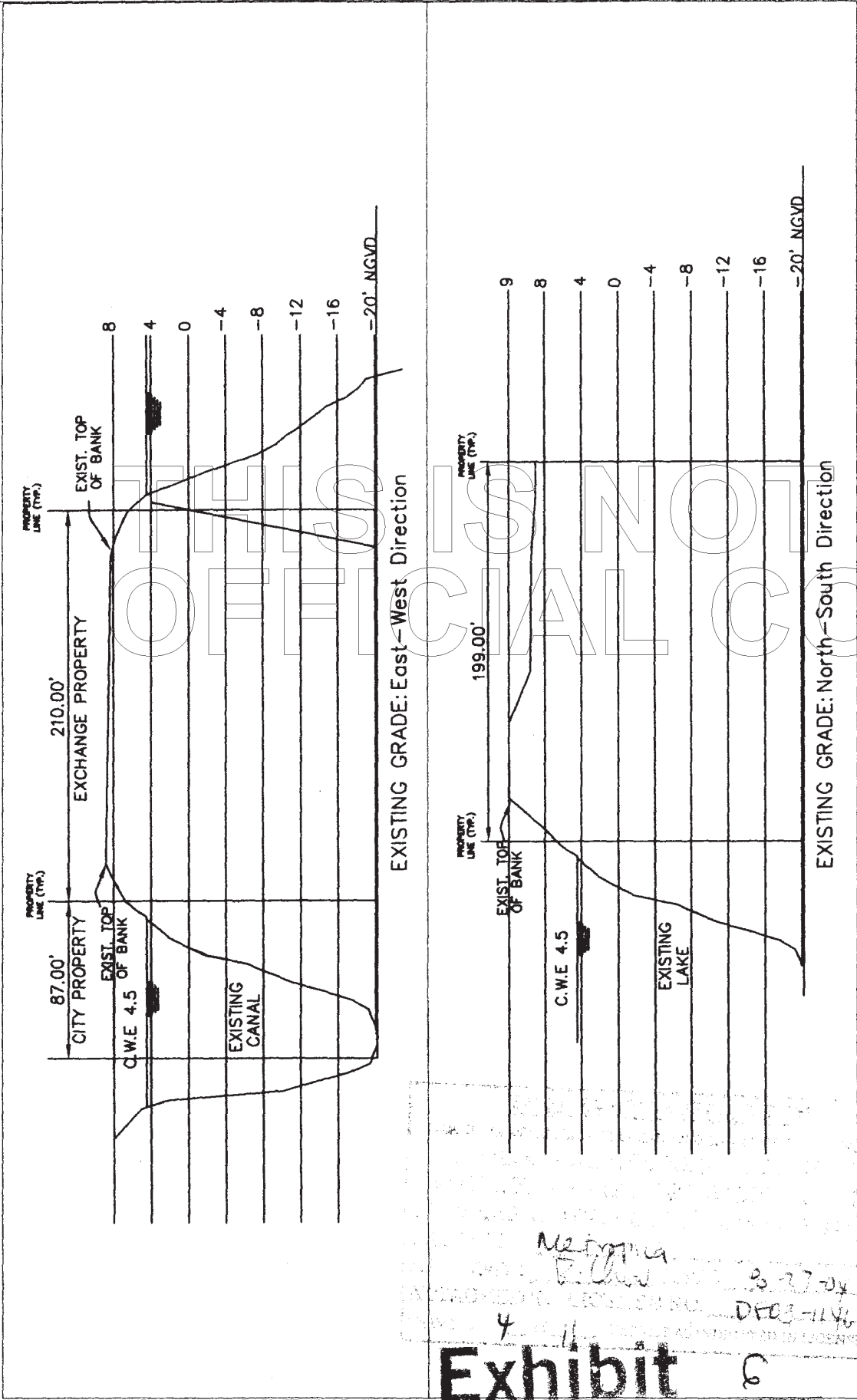
SHEET

1 of 1

SCALE

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Exhibit 5

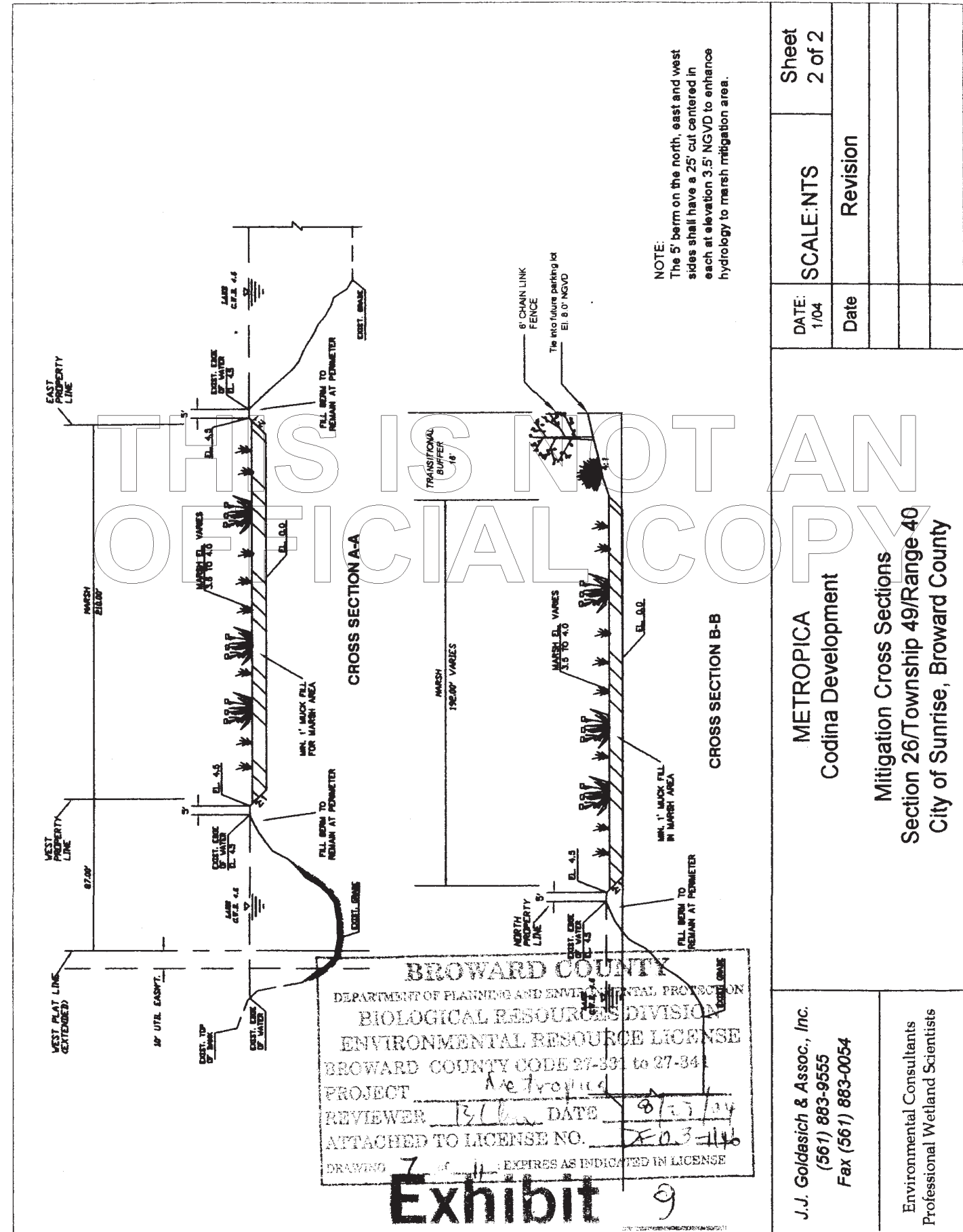


J.J. Goldasich & Assoc., Inc. (561) 883-9555 Fax (561) 883-0054	METROPICA Codlna Development Corporation		DATE: 9/03	SCALE: NTS	Sheet 1 of 1
	Exlting Cross Sections Parcel "A"		.Date	Revision	
	S26/T49S/R40E				
	City of Sunrise, Broward County				

Exhibit 6







METROPICA Codina Development Mitigation Cross Sections Section 26/Township 49/Range 40 City of Sunrise, Broward County	DATE: 1/04	SCALE: NTS	Sheet 2 of 2
	Date	Revision	
J.J. Goldasich & Assoc., Inc. (561) 883-9555 Fax (561) 883-0054	Environmental Consultants Professional Wetland Scientists		

METROPICA***Wetland Mitigation Plan***

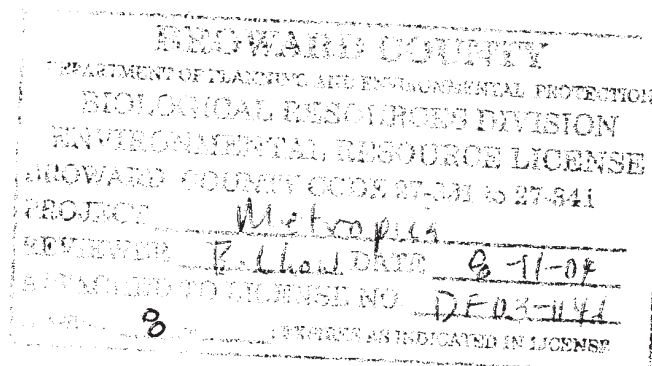
The wetland mitigation plan for Metropica includes the relocation of an existing 0.77-acre mitigation area. The mitigation area currently on the project site was created as per Broward Co. License No. DF95-1047 and SFWMD Permit No. 06-00345-S. This wetland will be filled and replaced by the same marsh habitat. The new location of the mitigation area will be on the adjacent property west of the project site. A 0.99-acre marsh will be created by excavating an upland area directly adjacent to an existing lake. A 14 foot transitional buffer will be created on the south side of the mitigation area totaling 0.07 acres in size. Total mitigation to be created will be 1.06 acres (marsh and buffer). Aquatic herbaceous species will be planted at an elevation of 3.5'-4.0' NGVD with a design water elevation at 4.5' NGVD. The transitional buffer on the south side will rise from the marsh elevation of 3.5'-4.0' NGVD and level off at elevation 8.0' NGVD. It will be tied into an adjacent proposed parking lot with a fence dividing the mitigation area and the parking lot. The buffer will be planted with native transitional trees and shrubs.

The wetland mitigation will commence concurrent with project impacts. The mitigation sequence will begin by excavating the upland area, using this fill, clean of all debris, for filling the impact site. The top foot of the mitigation area, at a minimum, will be filled with muck. Based upon the water content of the muck at the time of construction, the marsh area may have to be surcharged for proper consolidation and filled within excess of 1 foot of muck to attain the target wetland elevation. The proposed wetland elevations will be 3.5'-4.0' NGVD in the marsh area and 8.0' maximum in the transitional buffer. Water control elevation is 4.5' NGVD.

The Baseline Mitigation Area Monitoring Report will be conducted prior to the start of mitigation area earthwork and will be provided to Broward Co. DPEP. The wetland mitigation creation efforts will begin during March 2004 with the filling of the finger canal and excavation of the adjoining upland. Wetland mitigation area earthwork will continue for approximately two (2) months wherein the ground elevations will be raised and lowered as necessary to the proposed wetland mitigation elevations of 3.5'-4.0' NGVD and 8.0' in the transitional buffer.

Following completion of the wetland mitigation area earthwork, an as-built survey of the area will be generated and reviewed for consistency with the mitigation plan. Field evaluations will be requested from Broward Co. DPEP compliance staff. Following the field evaluations and confirmation that the wetland mitigation area is at the permitted elevations, the mitigation area will be planted according to the Wetland Mitigation Area Planting Plan, see attached plan.

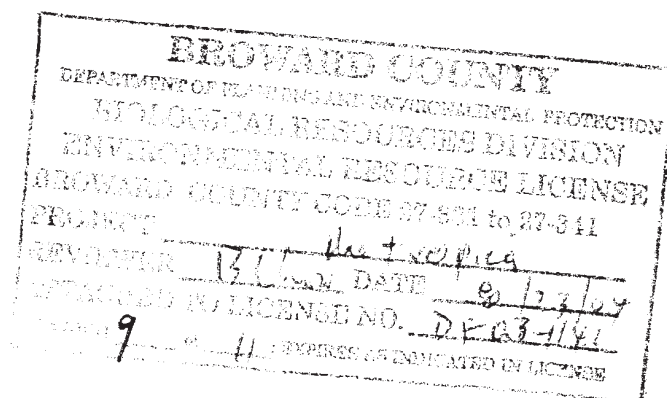
Maintenance and monitoring of the wetland mitigation area will begin at the Time Zero Mitigation Monitoring Report and continue for a period of five years. Following the acceptance of the mitigation area and the Time Zero Monitoring Report, the five-year monitoring and maintenance phase shall begin. Following this five-year period, and acceptance of the mitigation area success by the permitting agencies, the permittee will maintain the mitigation area in perpetuity.



J.J. GOLDASICH AND ASSOCIATES, INC.

Exhibit**10**

<p style="text-align: center;">METROPICA</p> <p style="text-align: center;"><i>Wetland Mitigation Plan Proposed Time Schedule</i></p>	
Completion Date	Activity
July 31, 2004	Create relocated mitigation area through excavation of upland.
September 30, 2004	Submit as-built survey of mitigation area to Broward Co. DPEP and conduct a site visit to assess construction and elevations.
October 31, 2004	Suitable wetland plant installation in relocated mitigation area.
December 31, 2004	Time Zero Mitigation Monitoring Report filed with Army Corps and Broward Co. DPEP.
December 31, 2005	First Annual Monitoring Report filed with Army Corps. The report will include data from Quarterly Mitigation Monitoring Reports filed with Broward Co. DPEP. The reports will include wetland parameters and bi-weekly staff gauge readings.
December 31, 2006	Second Annual Monitoring Report filed with Army Corps. The report will include data from Quarterly Mitigation Monitoring Reports filed with Broward Co. DPEP. The reports will include wetland parameters and bi-weekly staff gauge readings.
December 31, 2007	Third Annual Monitoring Report filed with Army Corps. The report will include data from Quarterly Mitigation Monitoring Reports filed with Broward Co. DPEP. The reports will include wetland parameters and bi-weekly staff gauge readings.
December 31, 2008	Fourth Annual Monitoring Report filed with Army Corps. The report will include data from Quarterly Mitigation Monitoring Reports filed with Broward Co. DPEP. The reports will include wetland parameters and bi-weekly staff gauge readings.
January 31, 2008	Site visit with a representative of Broward Co. DPEP to review mitigation success criteria.
December 31, 2009	Fifth Annual Monitoring Report filed with Army Corps. The report will include data from Quarterly Mitigation Monitoring Reports filed with Broward Co. DPEP. The reports will include wetland parameters and bi-weekly staff gauge readings.



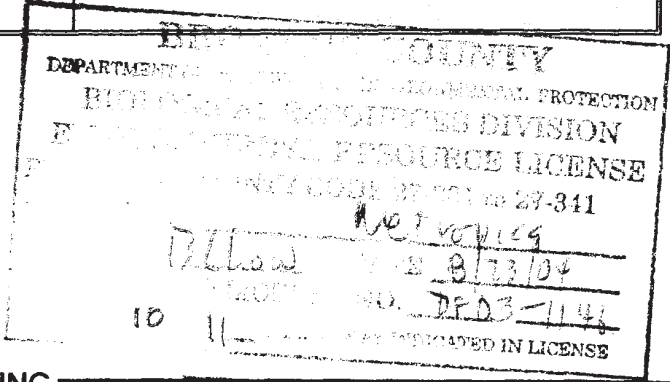
J.J. GOLDASICH AND ASSOCIATES, INC.

Exhibit

11



METROPICA				
Wetland Mitigation Area Planting Plan				
Common Name	Botanical Name	~ Spacing / Number of Plants	~ Elevation Range NGVD	Plant Type
Marsh Area				
pickerelweed	<i>Pontederia cordata</i>	3 ft. On Center 775	3.5-4.0	bare root
arrowhead	<i>Sagittaria spp.</i>	3 ft. On Center 675	3.5-4.0	bare root
muhly grass	<i>Muhlenbergia capillaris</i>	3 ft. On Center 875	3.5-4.0	bare root
spike rush	<i>Eleocharis spp.</i>	3 ft. On Center 775	3.5-4.0	bare root
fire flag	<i>Thalia geniculata</i>	3ft. On Center 630	3.5-4.0	bare root
swamp-lily	<i>Crinum americanum</i>	3ft. On Center 1,258	3.5-4.0	bare root
Buffer Area				
live oak	<i>Quercus virginiana</i>	10 ft. On Center 45	8.0	7gallon
cocoplum	<i>Chrysobalanus icaco</i>	5 ft. On Center in Clumps 500	7.0-8.0	3 gallon
fakahatchee grass	<i>Tripsacum dactyloides</i>	5 ft. On Center in Clumps 500	5.0-7.0	1 gallon
Total Trees and Shrubs 545		Total Herbaceous Plants 5,488		



J.J. GOLDASICH AND ASSOCIATES, INC.

Exhibit

12



METROPICA
Wetland Mitigation Area Cost Estimate

Suitable Wetland Plant Purchase and Installation	\$7,000.00
Baseline Report	\$3,000.00
Time Zero Report	\$3,000.00
Annual Reports, Twenty quarterly reports submitted to Broward Co. DPEP at a cost of \$1,500.00 each	\$30,000.00
Five Year Maintenance	\$13,000.00
Total	\$56,000.00

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BIOLOGICAL
ENVIRONMENTAL
BROWARD COUNTY
PROJECT Metropica
REVIEWED 12/16/03 DATE 9/23/04
ATTACHED TO LICENSE NO. D-03-114
DRAWING 11-11 EXPRESS AS OF DATE 9/23/04 LICENSE



J.J. GOLDASICH AND ASSOCIATES, INC.

Exhibit

13

