

SITE DEVELOPMENT AGREEMENT
(Rock Lake Site)

This Site Development Agreement (“**Agreement**”) is entered into as of the ____ day of _____, 2017, between INDUSTRIAL DEVELOPMENTS INTERNATIONAL, LLC, a Delaware limited liability company, having an address of 1100 Peachtree Street NE, Suite 1000, Atlanta, GA 30309 (“IDI”) and the City of Pompano Beach, a Florida municipal corporation, having an address of 100 West Atlantic Boulevard, Pompano Beach, Florida (“**City**”).

W I T N E S S E T H

WHEREAS, IDI is the owner of property located at the west end (cul-de-sac) of NW 33rd Street adjacent to Florida’s Turnpike, south of Sample Road in the City of Pompano Beach, Broward County, Florida, as further described in Exhibit “A” attached hereto and incorporated herein (“**Property**”); and

WHEREAS, the City’s Planning & Zoning Board approved a site plan application for the construction of an industrial building on the Property with associated site and landscaping improvements (P&Z No. 16-12000049) (“Site Plan”); and

WHEREAS, IDI has requested the City to issue a separate site development permit that will allow the removal, relocation, replacement or non-removal and protection of certain trees on the Property, exclusive of the vertical construction work associated with the Building Permit (“Site Development Permit”); and

WHEREAS, by this Agreement, IDI is providing specific obligations for site restoration and financial security in order to assure the City that the Property will be left in an acceptable condition upon completion of the Site Development Work in the event that vertical construction of the Project has not commenced.

WHEREAS, the City deems the Property, as developed in accordance with the Site Plan, an authorized development, and accordingly has agreed to extend the time for Removed Trees to be planted; and

WHEREAS, the removal, non-removal, relocation, replacement or protection of the trees on the Property as described herein, as applicable, will help facilitate the wetland mitigation requirements as set forth in Environmental Resource Permit 06-02630-P-02 and Surface Water Management License No. SWM2008-112-0, attached hereto as Exhibit “B”; and

WHEREAS, IDI has agreed to provide certain financial assurances to ensure the timely replacement of the Removed Trees and protection of the Remaining Trees, in conformance with the provisions of this Agreement and Code requirements.

NOW THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. The recitals to this Agreement are true and correct and are incorporated herein by reference and made a part hereof.
2. To comply with certain conditions of the Development Order, and pursuant to Section 155.2411 of the City's Code of Ordinances ("Code"), IDI has applied for, and City has agreed to issue, subject to the terms of this Agreement, a land clearing, grubbing and tree permit (the "**Site Development Permit**") authorizing, among other things, the removal, relocation, replacement or non-removal and protection of certain trees on the Property as follows:
 - a. Those trees to be removed from the Property and replaced are depicted in the attachment to the Site Plan attached as Exhibit "C" (the "**Removed Trees**");
 - b. Those trees to be relocated to a different part of the Property are depicted in the attachment to the Site Plan attached as Exhibit "C" (the "**Relocated Trees**");
 - c. Those trees to remain in their current location are depicted in the attachment to the Site Plan attached as Exhibit "C" (the "**Remaining Trees**"); and
3. In consideration of City's issuance of the Site Development Permit, IDI agrees to undertake the following at its sole cost:
 - a. Cause the removal of the Removed Trees, and pay City's fees for such removal (where applicable), in accordance with Code Section 155.5204(C) (the "**Removal Fees**"). It is understood and acknowledged that the Removal Fees, once paid, shall be deemed paid in full and, shall not be due or payable in connection with the issuance of any other permit, license or approval (including building permits). Removal Fees shall be paid at the time of permit issuance.
 - b. Cause the Relocated Trees to be relocated, and pay City's fees and costs for such relocation, including (a) posting security where applicable, in accordance with Code Section 155.5204(D), pursuant to Section 4 below.
 - c. During the performance of any site work on the Property (including the removal of the Removed Trees and the relocation of the Relocated Trees), undertake protective measures for the Remaining Trees in accordance with Code Section 155.5204(F).
 - d. With respect to Removed Trees and Relocated Trees, IDI shall cause temporary irrigation and sod to be installed within ninety (90) days of

completion of the Work, as determined by City in its reasonable discretion. Such temporary irrigation shall remain on-site until the issuance of a building permit for the principal structure on the Property.

- e. Drought-resistant sod or drought-resistant ground cover shall be installed on the entire disturbed areas before close-out of the Site Development Permit and thereafter maintained. All asphalt, rock, and other non-natural materials shall be removed and re-filled to the undisturbed lot level with clean soil before any planting or installation of the required drought-resistant sod or ground cover.

The work contemplated in this Section 3 is referred to hereafter collectively as the “**Site Development Work**”.

4. IDI shall provide a letter of credit or cashier’s check to the City in the amount of \$796,543.75, which represents 125% of the site restoration and tree removal costs arising from the Site Development Work (as set forth in attached Exhibit “D”), prior to issuance of the Site Development Permit.

5. All Site Development Work shall be completed no later than six (6) months from commencement of Site Development Work. In the event a building permit is issued and vertical construction has commenced in accordance with the building permit within the six (6) month period noted above, the Site Restoration Work shall not be required and the letter of credit or cashier’s check shall be returned to IDI within ten (10) business days.

6. Notwithstanding the provisions of this Agreement, the Property shall be developed in accordance with the Site Plan.

7. IDI acknowledges that issuance of the Site Development Permit does not vest the Project from any applicable expiration periods for the Site Plan as established by the Code. The Project shall be vested from such expiration periods upon issuance of the building permit.

8. This Agreement shall be construed in accordance with the laws of Florida and venue shall be in Broward County, Florida.

9. This Agreement shall not be modified, waived, amended or released as to any portion of the Property except by written instrument executed by the owner of the Property and approved in writing by the City of Pompano Beach.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

This Agreement is agreed to and acknowledged by IDI and City as of the date first stated above.

"CITY":

Witnesses:

CITY OF POMPANO BEACH

By: _____
LAMAR FISHER, MAYOR

By: _____
GREGORY P. HARRISON, CITY MANAGER

Attest:

ASCELETA HAMMOND, CITY CLERK

(SEAL)

Approved As To Form:

MARK E. BERMAN, CITY ATTORNEY
STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2017 by **LAMAR FISHER** as Mayor, **GREGORY P. HARRISON** as City Manager and **ASCELETA HAMMOND** as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who are personally known to me.

NOTARY'S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

"IDI":

INDUSTRIAL DEVELOPMENTS
INTERNATIONAL, LLC, a Delaware
limited liability company

WITNESSES:

Mark A Jacob
Print name: MARK A JACOB

Clare Armbruster
Print name: Clare Armbruster

By: [Signature]
Print Name: Robert Stephens
Title: Market Office

29th day of August, 2017

KENTUCKY
STATE OF ~~FLORIDA~~)
) SS:
COUNTY OF KENTON)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Robert Stephens, the Market Officer of INDUSTRIAL DEVELOPMENTS INTERNATIONAL, LLC, a Delaware limited liability company, freely and voluntarily under authority duly vested in him/her by said company. He/She is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 29th day of August, 2017.

Ruthann Flowers (Ladenburger)
Notary Public

Ruthann Flowers (Ladenburger)
Typed, printed or stamped name of Notary Public

My Commission Expires: 9/11/2018



EXHIBIT "A"

PROPERTY

Parcel "F", **ALPHA 250 NORTH**, according to the Plat thereof, as recorded in Plat Book 180, Page 14, of the Public Records of Broward County, Florida. LESS AND EXCEPTING therefrom, that certain Right-of-Way Parcel as described in Official Records Book 51257, Page 686, of the Public Records of Broward County, Florida, described as follows:

A Parcel of land being a portion of Parcel "F", **ALPHA 250 NORTH**, according to the Plat thereof, as recorded in Plat Book 180, page 14 of the Public Records of Broward County, Florida, being more particularly described as follows:

BEGIN at the northeast corner of said Parcel "F"; thence along the East line of said Parcel "F", South 00°49'28" East, 131.00 feet to a point on the arc of a non-tangent curve, (a radial line through said point bears South 1°44'28" East); thence northwesterly along the arc of said curve being concave to the northeast, having a radius of 62.00 feet, a central angle of 90°27'25", an arc distance of 97.88 feet; thence tangent to said curve, North 1°17'03" West, 69.00 feet to a point on the North line of said Parcel "F"; thence along said line, North 88°42'57" East, 63.55 feet to the Point of Beginning.

Said lands lying and situate in the City of Pompano Beach, Broward County, Florida and containing 35.1803 acres, (1,532,453 square feet), more or less.

EXHIBIT "B"

ENVIRONMENTAL LICENSE

[SEE ATTACHED]



Environmental Protection and Growth Management Department
DEVELOPMENT AND ENVIRONMENTAL REGULATION DIVISION
115 South Andrews Avenue, Room A - 240 • Fort Lauderdale, Florida 33301
TEL 954-357-6666 • FAX 954-357-6521

October 31, 2008

Industrial Developments International, Inc.
Attention: David Birdwell
3424 Peachtree Road, NE Suite 1500
Atlanta, GA 30326

RE: Rocklake Business Center
City of Pompano Beach, S/T/R (21-48-42)

This is to notify you of the Environmental Protection Department's (EPD) action concerning your application received 07/10/2008. The application has been reviewed for compliance with the following requirements:

ERP Review - GRANTED

EPD has the authority to review the project for compliance with Rule 40E-1.603 and Chapter 40E-40 of the Florida Administrative Code pursuant to an agreement between EPD, 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, Environmental Resource Standard General Permit No. 06-02630-P-02 was issued on 10/31/2008.

Broward County Surface Water Management Review - GRANTED

EPD 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. SWM2008-112-0 was issued on 10/31/2008. 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 no Certificate of Occupancy can be issued on this project until released, in writing, by all EPD divisions as required. Such release will be pending approval of any engineering certifications required by specific condition No. 15.

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 General Conditions;
3. the attached SFWMD Special Conditions;
4. the attached Broward County General Conditions;
5. the attached Broward County Specific Conditions;
6. the attached 11 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 EPD.

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 10/31/2008, in accordance with Section 120.60 (3), Florida Statutes.

By: Susan Juncosa
for Leonard Vialpando, 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.



ENVIRONMENTAL PROTECTION DEPARTMENT - Water Resources Division
Mailing Address: 115 South Andrews Avenue, Room A-240 • Fort Lauderdale, Florida 33301 954-519-1270 • FAX 954-519-1496

“What to Expect When We Are Inspecting Surface Water Management Systems”

A guideline for engineers, contractors, and licensees of surface water management systems pertaining to the release of certificates of occupancy.

The intent of this document is to establish some guidelines to achieve compliance with the Code while maximizing customer service needs to licensees and their agents and the local building departments by facilitating the Certificate(s) of Occupancy (CO) release procedure for building projects. It is also our intent of this document to encourage licensees and their agents and the local building departments to not put our inspection staff on the “critical path”. *We recognize that the local building departments must adhere to the requirements of the South Florida Building Code and the requirements of Article I of the Broward County Natural Resource Protection Code.*

The Water Resources Division - Surface Water Management Licensing program has the responsibility of reviewing designs, licensing, and inspecting surface water management systems within portions of Broward County under the provisions of the Broward County Natural Resource Protection Code, Chapter 27, Section 27-191 through Section 27-201. This includes enforcement for the purpose of protecting our natural resources. This document contains specific information about the Division's surface water management inspection procedures, review of record/as-built drawings, and time required to complete the procedure successfully. We hope that you find this information useful and welcome your input to improve the process. Please be advised this document may be included with the approved license and may be modified on an as needed basis. Extra copies may be made available at your request.

The following certification package must be submitted at least two (2) weeks prior to the anticipated date of occupancy - exceptions may be made on a case by case basis. Note: Items 1 & 2 are not applicable to plans stamped as General Licenses (GL##-###). Items 3 & 4 can apply to GL if plans are stamped for construction certification.

1. Final Record/As-built Drawings (hard copy & AutoCad/electronic format) of the Site and Lake/Canal Slopes (where applicable),
2. Final Record/As-built Drawings of the Control Structure(s) or Overflow Structure(s) (where applicable),
3. Signed and Sealed Letter from a Florida Registered Professional Engineer Certifying All Components of the Surface Water Management System Were Constructed in Substantial Conformance with the DPEP Approved Plans, and
4. A \$100 partial certification fee (fees are subject to change) when a partial certification is submitted. *The certifying engineer must indicate that a substantial amount of the water management system has been constructed to serve the partial phase to satisfy the water quality and water quantity requirements of the Code and exactly which lots/buildings are requested for release.*

Staff will perform an inspection on a first come first served basis of the above items. A successful submittal of the required items will prevent unwanted delays in the inspection and CO release processes.

WHAT WE LOOK FOR DURING THE RECORD/AS-BUILT DRAWING REVIEW AND DURING THE INSPECTION:

1. The engineer's letter must contain the appropriate certification language. The suggested wording is located in the Code and in the specific conditions of the license. The letter must be signed and sealed. *It is imperative that the engineer of record describe any minor modifications to the system that were made during the construction of the project.* However, substantial modifications must have received prior approval by DPEP.
2. In addition to rim, manhole, & pipe invert elevations, the plans should contain a substantial amount of survey information to show that the site grades and perimeter grades were constructed in substantial conformance with the DPEP approved plans.
3. If part of the approved system, lake & canal slope as-built plans should contain a substantial number of cross sections (a minimum of 1 section per 50 linear feet is preferred) to show compliance with the Department's slope criteria. *The staff reserves the right to require additional slope cross sections as necessary as well as slope regrading.* Surface area calculations at the control elevation should be submitted for lakes.
4. Control structure or overflow structure information must show all (as-built) dimensions and elevations.
5. All catch basin & manhole structures must have appropriate mudwork to prevent seepage that could lead to structure/asphalt failures & subsequent turbidity violations.
6. All catch basins, manholes, & pipes must be relatively free of sediment & debris and must be accessible to staff. Arrangements should be made with staff for inspecting basins that are covered with fabric materials for sediment control purposes. Fabric must be removed by the licensee or other appropriate personnel prior to the inspection.
7. Lake, canal, swale, dry detention/retention area slopes must be stabilized through appropriate measures, i.e., no evidence of erosion or sedimentation should be encountered during the inspection. Arrangements should be made with staff with regards to timeliness of sodding or seeding slopes and bottoms of dry detention/retention areas.
8. All baffle mechanisms must be water tight at all contact surfaces of basin walls by a durable gasket device.

Successful compliance with the above items will insure a timely release of the of Certificate(s) of Occupancy from division staff.

Upon completion of the field inspection, arrangements with inspection staff will be made to correct all observed field deficiencies. With your cooperation, Certificate(s) of Occupancy will be released upon correction of all field deficiencies.

40e-4.321 Duration of Permits

(1) Unless revoked or otherwise modified, the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C. is as follows:

(a) For a conceptual approval, two years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

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

1. the effective date of the local government's comprehensive plan amendment.
2. the effective date of the local government development order.
3. the date on which the District issues the conceptual approval, or
4. the latest date of the resolution of any Chapter 120.57, F.A.C., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For a noticed general permit issued pursuant to chapter 40-E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made in writing pursuant to subsection (3), the permit shall remain in full force and effect until:

1. the Governing Board takes action on an application for extension of an individual permit, or
2. staff takes action on an application for extension of a standard general permit.

(b) Installation of the project outfall structure shall not constitute a vesting of the permit.

(3) The permit extension shall be issued provided that a permittee files a written request with the District showing good cause prior to the expiration of the permit. 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.

(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 reasonable expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Substantial modifications to individual or standard general environmental resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual or standard general environmental resource 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.

(7) Failure to complete construction or alteration of the surface water management system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization in order to continue construction unless a permit extension is granted.

NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. 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.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. Filings by e-mail will not be accepted. Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office. An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District's Governing Board takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

Mediation

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Sections 120.60(3) and 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.

SFWMD General Conditions

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications, and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter, the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied Environmental Resource Permit Construction Completion/Certification Form Number 0881. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings is discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "As-built" or "Record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.
7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, has submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District (August 1995) accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.
8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.

9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District (August 1995), prior to lot or unit sales or prior to the completion of the system, whichever occurs first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, where appropriate. For those systems which are proposed to be maintained by the County or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.

11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C.

12. The permittee is hereby advised that Section 253.77, F.S. stated that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

13. 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., also known as the "No Notice" Rule.

14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.

16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.

19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

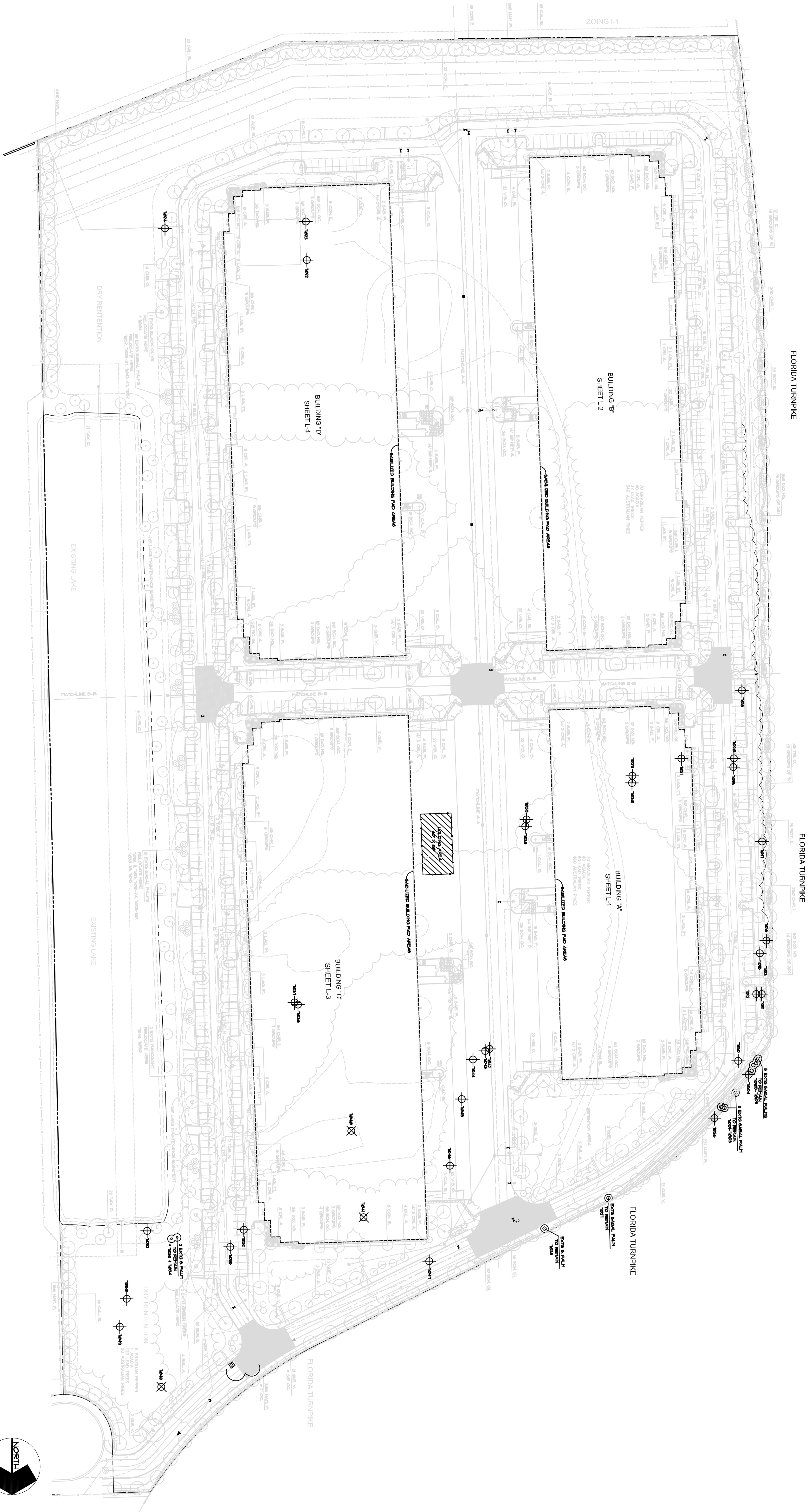
SFWMD Special Conditions

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. The conditions outlined in the Broward County Specific Conditions section, except where language specifically relates to Broward County Code, are incorporated into these SFWMD Special Conditions.
6. Operation of the surface water management system shall be the responsibility of permittee.
7. All special conditions, exhibits and other materials previously stipulated by permit number 06-02630-P remain in effect unless otherwise revised and shall apply to this modification.

EXHIBIT C

SITE RESTORATION PLAN

[SEE ATTACHED]

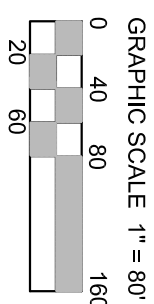


SITE RESTORATION PLAN

SCALE = 1"= 80'

LANDSCAPE LEGEND

- NEW TREES & PALMS
- EXISTING TREES & PALMS - TO REMAIN
- EXISTING TREES & PALMS - TO RELOCATE TO HOLDING AREA
- EXISTING TREES & PALMS - TO REMOVE



BRUCE E. CLIPPINGA, P.A.
LANDSCAPE ARCHITECT
954/771-9854

ROCK LAKE BUSINESS CENTER

CITY OF POMPANO BEACH

DATE:
30 MAY 2017

SCALE:
1"=80'

DESIGNED BY:
B.E.C.

DRAWN BY:
B.E.C.

JOB NUMBER

SHEET NO.

L-5

REVISIONS

NO.	DATE:	DESCRIPTION
1	13 JUN 17	CALCULATED AMOUNT SOD
2	21 JUL 17	REVISED PLAN



Sun-Tech Engineering, Inc.
Engineers • Planners • Surveyors

1600 West Oakland Park Boulevard
Ft. Lauderdale, FL 33311
www.suntecheng.com

Certificate of Auth. # 7097
Phone (954)777-3123
Fax (954)777-3114

EXHIBIT "D"

COST OF SITE RESTORATION



Sun-Tech
Engineering, Inc.

Engineers • Planners • Surveyors

Fax (954) 777-3114

Sunrise, FL 33351
www.suntecheng.com

Certificate of Auth. #7097/LB 7019
Phone (954) 777-3123

ROCKLAKE BUSINESS CENTER
COST ESTIMATE FOR SITE WORK
AND RESTORATION

Clear and Grub Site(included tree removal)	\$65,790
Erosion Control	\$15,445
Site Grading	\$120,000
Tree Relocation	\$36,000
Sod	\$300,000
Irrigation	\$100,000
 TOTAL	 \$637,235