A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S),
DESIGNATING AS A BROWNFIELD AREA, THE PROPERTY LOCATED AT 144 AND
152 SOUTHWEST 8TH STREET, MIAMI, FLORIDA ("PROPERTY"), FOR THE
DEVELOPMENT OF WEST BRICKELL VIEW, A MULTI-LEVEL APARTMENT
BUILDING WITH SIXTY FOUR (64), ONE AND TWO BEDROOM AFFORDABLE
HOUSING UNITS, IN ACCORDANCE WITH FLORIDA STATUTE 376.80 SECTION
2(B)(1-5); DIRECTING THE CITY MANAGER TO NOTIFY THE FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE MIAMI-DADE
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES OF THE
EXPANSION TO THE EXISTING BROWNFIELD AREA BOUNDARY, AND TO
UNDERTAKE ANY OTHER NECESSARY RELATED PROCEDURES, NOTICES, AND
REQUIREMENTS FOR SAID DESIGNATION.

WHEREAS, pursuant to Florida Statute 376.79, of the Florida Brownfields
Redevelopment Act, the State of Florida defines Brownfield Sites as real property on
which the expansion, redevelopment, or reuse of the property may be complicated by
actual or perceived environmental contamination; and

WHEREAS, pursuant to said statute, Florida defines a Brownfield Area as a
contiguous area of one or more sites, some of which may not be contaminated, and
which have been designated by a local government by resolution, and such areas may
include all or portions of community redevelopment areas, enterprise zones,
empowerment zones, other recognized economically deprived communities and areas,
and Environmental Protection Agency-designated brownfield pilot projects; and

WHEREAS, pursuant to Resolution No. 98-242, adopted March 10, 1998,
Resolution No. 99-197, adopted March 23, 1999, Resolution No. 05-0117, adopted
February 24, 2005, and Resolution No. R-06-0561 adopted September 28, 2006, the
City Commission designated certain areas within the City of Miami ("City") to be
Brownfield Areas, which were determined to have redevelopment potential that might be
limited by actual or perceived environmental issues; and

WHEREAS, 144 and 152 Southwest 8th Street, Miami, Florida ("Property") is
located outside of the current City Brownfield Area previously designated, and the
Property owner is requesting that the Property be designated as a Brownfield area; and

WHEREAS, pursuant to Florida Statute 376.80(2)(a), of the Florida Brownfields
Redevelopment Act, the local governing body shall evaluate the statute criteria as the
basis for approving a designation, and notify the Florida Department of Environmental
Protection, and the Miami-Dade Department of Regulatory and Economic Resources for
amendments to the existing City Designated Brownfield Area; and

WHEREAS, the City Commission has considered the applicability of the
definition of Brownfield sites contained in 376.80, Florida Statutes, which means real
property, the expansion, redevelopment, or reuse of which may be complicated by actual
or perceived environmental contamination; and
WHEREAS, the City Commission has considered the definition of "Brownfield Area" means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated, by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated Brownfield pilot projects; and

WHEREAS, according to Florida Statute 376.80 Section 2(b)1-5, a local government shall designate a brownfield area under the provisions of the statute provided that:
(1) a person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the site;
(2) the rehabilitation and redevelopment of the proposed brownfield site will create at least five (5) new permanent jobs, however the job creation requirement does not apply to a redevelopment that will provide affordable housing, creation of recreation areas, conservation areas, or parks;
(3) the redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permittable use under the applicable local land development regulations;
(4) notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated, and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation, and the notice is in a newspaper of general circulation in the area, at least 16 square inches in size, and the notice must be posted in the affected area (occurred on January 8, 2013); and
(5) the person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site; and

WHEREAS, the City Commission has determined that the Property to be also known as the "West Brickell View" development has met the criteria to be designated as a Brownfield Area;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this section.

Section 2. The Miami City Commission approves the designation of the Property to be also known as the "West Brickell View" development as a Brownfield Area.

Section 3. In accordance with the Brownfields Redevelopment Act, Section 376.80(2)(a), Florida Statutes, for Brownfield program administration processes, the City Manager is directed to notify the Florida Department of Environmental Protection and the Miami-Dade Department of Regulatory and Economic Resources of the expansion to the existing brownfield area, and to undertake any other necessary related procedures, notices, and requirements for said designation.
Section 4. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.\footnote{1}

APPROVED AS TO FORM AND CORRECTNESS:

______________________________
JULIE BRU
CITY ATTORNEY

\footnote{1} If the Mayor does not sign this Resolution, it shall become effective at the end of ten (10) calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.
Review of Brownfield Designation Request
Review of Brownfield Designation Request

This review serves the purpose to report the evaluation and responses to Brownfield Designation Request Applications submitted to the City of Miami in December 2012 by the Goldstein Environmental Law Firm for the following development projects:

- West Brickell Tower - 1026 SW 2nd Avenue, Miami, FL 33130
- West Brickell View - 144-152 SW 8th Street, Miami, FL 33130
- Vista Grande Apartments - 850 SW 2nd Avenue, Miami, FL 33130

The Goldstein Environmental Law Firm has submitted the applications to the City of Miami for review and official authorization to designate the three (3) subject properties as Brownfield areas for the purpose of obtaining incentives associated with the redevelopment of Brownfield Sites. According to Florida Statute 376.90: "If a local government proposes to designate a brownfield area that is outside community redevelopment areas, enterprise zones, closed military bases, or designated brownfield pilot project areas, the local government shall adopt the resolution and conduct the public hearing in accordance with the requirements of subsection (1), except at least one of the public hearings shall be conducted as close as reasonably practicable to the area to be designated to provide an opportunity for public input on the size of the area, the objectives for the rehabilitation, job opportunities and economic developments anticipated, neighborhood residents' consideration, and other relevant local concerns. Notice of the public hearing must be made in a newspaper of general circulation in the area and the notice must be posted in the affected area, and must be announced at a scheduled meeting of the local governing body before the actual hearing."

The City of Miami has a current Designated Brownfield Area which excludes the locations currently requested for designation. Furthermore, the request for designation was made from a non-government source. Therefore, as part of the Brownfield Designation process and in accordance to Florida Statute 376.90, the City must evaluate the following factors for each site to determine if they meet the guidelines for being designated a Brownfield Area:

1) Does a person who owns or controls a potential brownfield site, and is requesting the designation, agree to rehabilitate and redevelop the site?
2) Does the rehabilitation and redevelopment of the proposed brownfield site result in economic productivity of the area, along with the creation of at least 5 new permanent jobs at the brownfield site that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and are not associated with
the redevelopment project, demolition, or construction activities pursuant to the redevelopment of the proposed brownfield site and area. However, the job creation requirement shall not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s.420.0004 or the creation of recreational areas, conservation areas, or parks.

3) Does the redevelopment of the proposed brownfield site remain consistent with the local comprehensive plan and is a permissible use under the applicable local land and development regulations.

4) Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation.

5) Does the person proposing the area for designation provide reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site.

Since the properties are outside the current Designated Brownfield Area, each site must also fit the definition of a "Brownfield" site. The EPA defines a Brownfield property "as real property, in which the expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant."

The findings within the application review are a combination of evaluating whether each property meets the criteria set forth in Florida Statute 376.80, whether each site meets the definition of a Brownfield Site, and if the designation is imperative for redevelopment to occur.

The primary goals of the Brownfield Redevelopment Act are to reduce public health and environmental hazards on existing commercial and industrial sites that are abandoned or underused due to these hazards; create financial and regulatory incentives to encourage voluntary cleanup and redevelopment of sites; derive cleanup target levels and a process for obtaining a "No Further Action" letter using Risk-Based Corrective Action principles; and provide the opportunity for Environmental Equity and Justice. The Brownfield Process evaluations for each site have been made keeping these goals in mind and are attached for your review.
Brownfield Designation Request
Determination
(Office of City Manager Findings)
For
West Brickell View
Brownfield Designation Request Determination
West Brickell View
144-152 SW 8th Street
Miami, Fl 33130
Folios: 01-0205-070-1060/01-0205-070-1070

Property Summary:
Current Site Condition:
- Under Construction for 16-Story; 64 One and Two Bedroom Units; Affordable Housing Development

Current Conditions of Surrounding Properties:
- Existing Office/Retail/Commercial/Residential Businesses

Former Site Usage (Type of Facility and or Business Name):
- 144 SW 8th Street (Restaurant/Pastatime); 152 SW 8th Street (Commercial Retail/Infinite Audio Systems)

Former or Current Documented Evidence of Contamination:
- None documented at City of Miami or Miami-Dade Department of Regulatory and Economic Resources (RER)

Proximity to Nearest Contaminated Property and Description:
- Adjacent to Citgo Gas Station at 190 SW 8th Street. According to RER website, the Citgo Gas Station is contaminated due to Former Leaking Underground Storage Tanks. A Site Rehabilitation Completion Order has not been issued for this property which would indicate removal of the contamination, and file records do not reveal migration of contamination onto 144-152 SW 8th Street.
- Chevron Gas Station at 720 SW 2 Ave; According to RER website, the Chevron Gas Station is contaminated due to Former Leaking Underground Storage Tanks. A Site Rehabilitation Completion Order has not been issued for this property which would indicate removal of the contamination, and file records do not reveal migration of contamination onto 144-152 SW 8th Street.

Potential for development to be complicated by presence or potential presence of a hazardous substance, pollutant, or contaminant;
- Site is already under construction. There are no environmental mitigation requirements documented at 144-152 SW 8th Street. Evidence of Contamination would have been notated by searching under the address or the folio of the following link; http://derm.miamidade.gov/NetFYI/cgi/NetFYIsapi.DLL?METHOD=ViewSearch&Class=PermittedFacilities&Life=L/; or submitting a request to RER for File review via VandYT@miamidade.gov or visiting Department of Regulatory and Economic Resources (RER)/Overtown Transit Village at 701 NW 1st Court, 3rd Floor, Miami, Florida 33136
- According to the application review under RER Files DW-20120039 and CLV20120095 the sites were checked as “not contaminated” as part of the permit review process (see attachment).
- Buildings prior to current development were not dilapidated and vacant for a lengthy amount of time.
Evaluation of site to determine if it meets criteria for Brownfield Designation.

I- Site must meet all 5 factors for the Brownfield Designation process:

*Evaluation of Five Main Statutory Criteria for Designation:

1.) "Does a person who owns or controls a potential brownfield site, and is requesting the designation, agree to rehabilitate and redevelop the site."
   - The owner has agreed to redevelop 144-152 SW 8th Street, and has provided evidence of the willingness to do so because construction has begun and is ongoing.

2.) "The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 5 new permanent jobs at the brownfield site that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and that are not associated with the implementation of the brownfield site rehabilitation agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site and area. However, the job creation requirement shall not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s.420.0004 or the creation of recreational areas, conservation areas, or parks."
   - The applicant has submitted documentation in regards to the development of 144-152 SW 8th Street as meeting the requirements of an affordable housing development.
   - Beyond the temporary jobs that the project will create during construction; the neighborhood retailers would benefit from increased pedestrian traffic.

3.) "The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permittable use under the applicable local land and development regulations."
   - Applicant has provided evidence that the development has satisfied permit requirements, and other land use regulations per Miami 21. The development also does not contrast with the Miami Comprehensive Neighborhood Plan.

4.) "Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated, and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subparagraph must be made in a newspaper of general circulation in the area, at least 16 square inches in size, and the notice must be posted in the affected area."
   - The applicant has provided the reviewer with documentation of a public notice announcement meeting regulatory requirement, and the reviewer verified in person that an opportunity for public comment was provided on January 8, 2013. The reviewer attended the meeting for 30 minutes and up until that time, no-one showed up to the meeting.
5.) “The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site”.

- The applicant has provided documentation of the ability to meet this criteria and construction has begun.

II- Site must meet definition of a “Brownfield”:

- Definition of a Brownfield is “real property to where the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination”;
  - Per RER, there are no environmental mitigation requirements documented at 144-152 SW 8th Street. According to RER Files DW-20120039 and CLV20120095, the permitting processed indicated beforehand that the sites are not contaminated eliminating speculation.
  - The Applicant references the Citgo Gas Station at 190 SW 8th Street and the Chervron Gas Station at 720 SW 2nd Ave as being obstacles for development. A file review of RER records does not reveal evidence of contamination associated with either gas station to be currently affecting the development of 144-152 SW 8th Street.

- The site is adjacent to a contaminated property which may give the perception that 144-152 SW 8th Street could be contaminated; however
  - The site is already under construction and this perception has not complicated redevelopment. Furthermore, in order to obtain the proper permits prior to redevelopment, due diligence must be done to confirm whether or not 144-152 SW 8th is contaminated.
  - If a property is contaminated; the developer would need to establish certain risk-based corrective measures to address the contamination prior to construction. There is no evidence of the requirement for risk-based corrective action measures while West Brickell View is currently under construction.

- Brickell was not included in the original Designated Brownfield Area because economic and market study data did not support the need for incentives to attract development projects within that area.
- Although a development in a thriving location outside of the current Designated Brownfield Area would not automatically exclude consideration for a Brownfield Designation; the applicant must demonstrate that a property or properties have experienced long term vacancy due to actual or perceived contamination, the property is a product of community blight, and that availability of incentives is imperative for any development to occur at the location proposed for development. Aside from the
Conclusion:

contamination status, especially since Florida Statutes state that a property doesn’t necessarily need to be contaminated for designation, the factors of blight and length of vacancy without being sold to a new owner, and with no plans of redevelopment; should be heavily considered in determining whether a property indeed meets the definition of a Brownfield.

- The property is not a Brownfield Site because contamination is not a factor, and was not an obstacle toward redevelopment

The proposed development and construction by West Brickell View, Ltd. (the "Applicant"), of the West Brickell View Apartments (the "Project"), located at 144 and 152 SW 8th Street, Miami, Miami-Dade County, Florida 33130, Folio Nos. 01-0205-070-1060 and 01-0205-070-1070 (the "Subject Property"), as more particularly described in Exhibit A, satisfies all five of the applicable Brownfield designation criteria set forth at Section 376.80(2)(b), Florida Statutes, as demonstrated herein.

The development of West Brickell View would be a beneficial redevelopment to the neighborhood; however the need to designate as a Brownfield Area would be inconsistent with the definition of a “brownfield site” and the Florida Redevelopment Act.
### Property Information:
- **Folio:** 01-0205-070-1060
- **Property Address:** 144 SW 8 ST
- **Owner Name(s):** WEST BRICKELL VIEW LTD C/O THE RICHMAN GROUP OF FLA INC
- **Mailing Address:** 477 S ROSEMARY AVE STE 301
  WEST PALM BEACH FL 33401
- **Primary Zone:** 6402 MIX USE-BORDERS CBD
- **Use Code:** 0011 RETAIL OUTLET
- **Beds/Baths/Half:** 0/0/0
- **Floors:** 2
- **Living Units:** 0
- **Adj. Sq. Footage:** 3,481
- **Lot Size:** 7,000 SQ FT
- **Year Built:** 1973
- **Legal Description:**
  - CITY OF MIAMI SOUTH PB B-41 LOT 8 LESS ST BLK 57
  - LOT SIZE 50.000 X 140
  - OR 18826-3336-3337 1099 1
  - COG 25591-4392 05 2007 5
  - OR 28253-4303 0912 01

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Property Information Inquiries, comments, and suggestions email: pawsbmail@miamidade.gov
GIS Inquiries, comments, and suggestions email: gis@miamidade.gov

Generated on: Tuesday, February 05, 2013
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Property information inquiries, comments, and suggestions email: pawebmail@miamidade.gov

http://gisweb.miamidade.gov/PropertySearch/printMap.htm 7/3/2013
DERM, ERR Division, Water Control Section

Date received: 02/18/12
Tracking #: 769

30-Day Deadline

Reviewer: Haigh D. Tanno Engineer: Albert V. Heac Tel: (3) 621-7016

Site Info:

Project: West Brickell View
Folio: 01-0205-00-1000/1070

Drainage Well #: DW-20120229

Latitude (N): 26°51'56.5"
Longitude (E): 81°24'47.1"
Sec: 12
Twn: 59 S Rge: 41 E
Location: 152/44 s11 r 8 sH
Basin: N/A
Coastal Wetland: (Y) (N)
Existing Contamination: (Y) (N)

County Flood Criteria: 5.0 ft NGVD Oct. Water Level: __________ ft Mean High Tide: 2.0 ft

Land Use:

Total Site: 0.52 Phase __________
Municipality: Kaimi

Building: 0.32 ____________________
Coastal Construction Line: (Y) (N)

Pavement: ____________________
Outfall to Biscayne Bay (OFW) (Y) (N)

Pervious: ____________________
Adjacent to EEL/NFC Property: (Y) (N)

Retention area: ____________
Wellfield Protection Area: (Y) (N)

Water Quality:

Stormwater discharge to Outstanding Florida Water is 150% of required water quality treatment

WQ Required: _______ Ac-ft
WQ Provided: _______ Ac-ft
Percolation Rate: _______ cfs/s/ft

Dry retention provided: _______ Ac
Recovery Time: _______ hr
Infiltration Rate: _______ in/hr

Exfiltration trench required: _______ ft
Exfiltration trench provided: _______ ft

Volume 90 seconds detention: _______ cf
Size of well box: L 9 W 9 H 4

Other water quality treatment device(s):

Water quantity:

5 year design storm: _______ in
Runoff, Q: _______ cfs

Required number of drainage wells: 1
Drainage wells provided: 1

Size of well: _______ in
Well capacity: _______ gpm/ft

Salt Water density: _______ Available Head: _______ ft

Other concerns:
1. Parking garage: (Y) (N)
2. Planters: (Y) (N)
3. Special French drain required: _______ ft
4. Plumbing plans provided: (Y) (N)
5. Manatee grates required? (Y) (N) (N/A)

NPDES Storm Water Pollution Prevention Plan:

1. Narrative: (Y) (N)
2. Site Plan: (Y) (N)
3. Construction Details: (Y) (N)
4. Calculations: (Y) (N)

Completeness Review: Date 1st Response: _______ 2nd Response: _______ Completeness date: _______

Pollution Remediation Approval: _______
Wetlands Approval: _______
Coastal Approval: _______

ERP Required (Y)/(N): _______
Class III/VI Required (Y)/(N): _______

Legal:
Warranty Deed/Opinion of Title: (Y)/(N)
Maintenance Responsibility: (Y) (N) Owner Required: (Y) (N)
City of Miami Designated Brownfield Area and Enterprise Zone Maps
Florida Statute 376.80

Brownfield Program Administration Process
Brownfield program administration process.—

(1) A local government with jurisdiction over the brownfield area must notify the department of its decision to designate a brownfield area for rehabilitation for the purposes of ss. 376.77-376.86. The notification must include a resolution, by the local government body, to which is attached a map adequate to clearly delineate exactly which parcels are to be included in the brownfield area or alternatively a less-detailed map accompanied by a detailed legal description of the brownfield area. If a property owner within the area proposed for designation by the local government requests in writing to have his or her property removed from the proposed designation, the local government shall grant the request. For municipalities, the governing body shall adopt the resolution in accordance with the procedures outlined in s. 166.041, except that the notice for the public hearings on the proposed resolution must be in the form established in s. 166.041(3)(c)2. For counties, the governing body shall adopt the resolution in accordance with the procedures outlined in s. 125.66, except that the notice for the public hearings on the proposed resolution shall be in the form established in s. 125.66(4)(b)2.

(2)(a) If a local government proposes to designate a brownfield area that is outside community redevelopment areas, enterprise zones, empowerment zones, closed military bases, or designated brownfield pilot project areas, the local government shall adopt the resolution and conduct the public hearings in accordance with the requirements of subsection (1), except at least one of the required public hearings shall be conducted as close as reasonably practicable to the area to be designated to provide an opportunity for public input on the size of the area, the objectives for rehabilitation, job opportunities and economic developments anticipated, neighborhood residents’ considerations, and other relevant local concerns. Notice of the public hearing must be made in a newspaper of general circulation in the area and the notice must be at least 16 square inches in size, must be in ethnic newspapers or local community bulletins, must be posted in the affected area, and must be announced at a scheduled meeting of the local governing body before the actual public hearing. In determining the areas to be designated, the local government must consider:

1. Whether the brownfield area warrants economic development and has a reasonable potential for such activities;
2. Whether the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage;
3. Whether the area has potential to interest the private sector in participating in rehabilitation; and
4. Whether the area contains sites or parts of sites suitable for limited recreational open space, cultural, or historical preservation purposes.

(b) A local government shall designate a brownfield area under the provisions of this act provided that:

1. A person who owns or controls a potential brownfield site is requesting the designation and has agreed
to rehabilitate and redevelop the brownfield site;

2. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 5 new permanent jobs at the brownfield site that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site or area. However, the job creation requirement shall not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s. 420.0004 or the creation of recreational areas, conservation areas, or parks;

3. The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permittable use under the applicable local land development regulations;

4. Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated, and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subparagraph must be made in a newspaper of general circulation in the area, at least 16 square inches in size, and the notice must be posted in the affected area; and

5. The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site.

(c) The designation of a brownfield area and the identification of a person responsible for brownfield site rehabilitation simply entitles the identified person to negotiate a brownfield site rehabilitation agreement with the department or approved local pollution control program.

(3) When there is a person responsible for brownfield site rehabilitation, the local government must notify the department of the identity of that person. If the agency or person who will be responsible for the coordination changes during the approval process specified in subsections (4), (5), and (6), the department or the affected approved local pollution control program must notify the affected local government when the change occurs.

(4) Local governments or persons responsible for rehabilitation and redevelopment of brownfield areas must establish an advisory committee or use an existing advisory committee that has formally expressed its intent to address redevelopment of the specific brownfield area for the purpose of improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area, future land use, local employment opportunities, community safety, and environmental justice. Such advisory committee should include residents within or adjacent to the brownfield area, businesses operating within the brownfield area, and others deemed appropriate. The person responsible for brownfield site rehabilitation must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement, and provide the committee with a copy of the draft plan for site rehabilitation which addresses elements required by subsection (5). This includes disclosing potential reuse of the property as well as site rehabilitation activities, if any, to be performed. The advisory committee shall review any proposed redevelopment agreements prepared pursuant to paragraph (5)(f) and provide comments, if appropriate, to the board of the local government with jurisdiction over the brownfield area.

The advisory committee must receive a copy of the executed brownfield site rehabilitation agreement. When the person responsible for brownfield site rehabilitation submits a site assessment report or the technical document containing the proposed course of action following site assessment to the department or the local pollution control program for review, the person responsible for brownfield site rehabilitation must hold a meeting or attend a regularly scheduled meeting to inform the advisory committee of the findings and
recommendations in the site assessment report or the technical document containing the proposed course of action following site assessment.

(5) The person responsible for brownfield site rehabilitation must enter into a brownfield site rehabilitation agreement with the department or an approved local pollution control program if actual contamination exists at the brownfield site. The brownfield site rehabilitation agreement must include:

(a) A brownfield site rehabilitation schedule, including milestones for completion of site rehabilitation tasks and submittals of technical reports and rehabilitation plans as agreed upon by the parties to the agreement.

(b) A commitment to conduct site rehabilitation activities under the observation of professional engineers or geologists who are registered in accordance with the requirements of chapter 471 or chapter 492, respectively. Submittals provided by the person responsible for brownfield site rehabilitation must be signed and sealed by a professional engineer registered under chapter 471, or a professional geologist registered under chapter 492, certifying that the submittal and associated work comply with the law and rules of the department and those governing the profession. In addition, upon completion of the approved remedial action, the department shall require a professional engineer registered under chapter 471 or a professional geologist registered under chapter 492 to certify that the corrective action was, to the best of his or her knowledge, completed in substantial conformance with the plans and specifications approved by the department.

(c) A commitment to conduct site rehabilitation in accordance with department quality assurance rules.

(d) A commitment to conduct site rehabilitation consistent with state, federal, and local laws and consistent with the brownfield site contamination cleanup criteria in s. 376.81, including any applicable requirements for risk-based corrective action.

(e) Timeframes for the department’s review of technical reports and plans submitted in accordance with the agreement. The department shall make every effort to adhere to established agency goals for reasonable timeframes for review of such documents.

(f) A commitment to secure site access for the department or approved local pollution control program to all brownfield sites within the eligible brownfield area for activities associated with site rehabilitation.

(g) Other provisions that the person responsible for brownfield site rehabilitation and the department agree upon, that are consistent with ss. 376.77, 376.86, and that will improve or enhance the brownfield site rehabilitation process.

(h) A commitment to consider appropriate pollution prevention measures and to implement those that the person responsible for brownfield site rehabilitation determines are reasonable and cost-effective, taking into account the ultimate use or uses of the brownfield site. Such measures may include improved inventory or production controls and procedures for preventing loss, spills, and leaks of hazardous waste and materials, and include goals for the reduction of releases of toxic materials.

(i) Certification that the person responsible for brownfield site rehabilitation has consulted with the local government with jurisdiction over the brownfield area about the proposed redevelopment of the brownfield site, that the local government is in agreement with or approves the proposed redevelopment, and that the proposed redevelopment complies with applicable laws and requirements for such redevelopment.

Certification shall be accomplished by referencing or providing a legally recorded or officially approved land use or site plan, a development order or approval, a building permit, or a similar official document issued by the local government that reflects the local government’s approval of proposed redevelopment of the brownfield site; providing a copy of the local government resolution designating the brownfield area that contains the proposed redevelopment of the brownfield site; or providing a letter from the local government that describes the proposed redevelopment of the brownfield site and expresses the local government’s
agreement with or approval of the proposed redevelopment.

(6) Any contractor performing site rehabilitation program tasks must demonstrate to the department that the contractor:

(a) Meets all certification and license requirements imposed by law; and

(b) Will conduct sample collection and analyses pursuant to department rules.

(7) During the cleanup process, if the department or local program fails to complete review of a technical document within the timeframe specified in the brownfield site rehabilitation agreement, the person responsible for brownfield site rehabilitation may proceed to the next site rehabilitation task. However, the person responsible for brownfield site rehabilitation may not do so at its own risk and it may be required by the department or local program to complete additional work on a previous task. Exceptions to this subsection include requests for "no further action," "monitoring only proposals," and feasibility studies, which must be approved prior to implementation.

(8) If the person responsible for brownfield site rehabilitation fails to comply with the brownfield site rehabilitation agreement, the department shall allow 90 days for the person responsible for brownfield site rehabilitation to return to compliance with the provision at issue or to negotiate a modification to the brownfield site rehabilitation agreement with the department. If an imminent hazard exists, the 90-day grace period shall not apply. If the project is not returned to compliance with the brownfield site rehabilitation agreement and a modification cannot be negotiated, the immunity provisions of § 275.82 are revoked.

(9) The department is specifically authorized and encouraged to enter into delegation agreements with local pollution control programs approved under s. 403.182 to administer the brownfield program within their jurisdictions, thereby maximizing the integration of this process with the other local development processes needed to facilitate redevelopment of a brownfield area. When determining whether a delegation pursuant to this subsection of all or part of the brownfield program to a local pollution control program is appropriate, the department shall consider the following. The local pollution control program must:

(a) Have and maintain the administrative organization, staff, and financial and other resources to effectively and efficiently implement and enforce the statutory requirements of the delegated brownfield program; and

(b) Provide for the enforcement of the requirements of the delegated brownfield program, and for notice and a right to challenge governmental action, by appropriate administrative and judicial process, which shall be specified in the delegation.

The local pollution control program shall not be delegated authority to take action on or to make decisions regarding any brownfield site on land owned by the local government. Any delegation agreement entered into pursuant to this subsection shall contain such terms and conditions necessary to ensure the effective and efficient administration and enforcement of the statutory requirements of the brownfield program as established by the act and the relevant rules and other criteria of the department.

(10) Local governments are encouraged to use the full range of economic and tax incentives available to facilitate and promote the rehabilitation of brownfield areas, to help eliminate the public health and environmental hazards, and to promote the creation of jobs and economic development in these previously run-down, blighted, and underutilized areas.

(11)(a) The Legislature finds and declares that:

1. Brownfield site rehabilitation and redevelopment can improve the overall health of a community and the quality of life for communities, including for individuals living in such communities.

2. The community health benefits of brownfield site rehabilitation and redevelopment should be better
measured in order to achieve the legislative intent as expressed in s. 376.78.

3. There is a need in this state to define and better measure the community health benefits of brownfield site rehabilitation and redevelopment.

4. Funding sources should be established to support efforts by the state and local governments, in collaboration with local health departments, community health providers, and nonprofit organizations, to evaluate the community health benefits of brownfield site rehabilitation and redevelopment.

(b) Local governments may and are encouraged to evaluate the community health benefits and effects of brownfield site rehabilitation and redevelopment in connection with brownfield areas located within their jurisdictions. Factors that may be evaluated and monitored before and after brownfield site rehabilitation and redevelopment include, but are not limited to:

1. Health status, disease distribution, and quality of life measures regarding populations living in or around brownfield sites that have been rehabilitated and redeveloped.

2. Access to primary and other health care or health services for persons living in or around brownfield sites that have been rehabilitated and redeveloped.

3. Any new or increased access to open, green, park, or other recreational spaces that provide recreational opportunities for individuals living in or around brownfield sites that have been rehabilitated and redeveloped.

4. Other factors described in rules adopted by the Department of Environmental Protection or the Department of Health, as applicable.

(c) The Department of Health may and is encouraged to assist local governments, in collaboration with local health departments, community health providers, and nonprofit organizations, in evaluating the community health benefits of brownfield site rehabilitation and redevelopment.

History.—s. 4, ch. 97-277; s. 3, ch. 98-75; s. 11, ch. 2000-317, s. 2, ch. 2004-40; s. 44, ch. 2005-2; s. 7, ch. 2006-29; s. 5, ch. 2008-139.
Florida Statute 376.79
Definitions Relating to Brownfield Redevelopment Act
376.79 Definitions relating to Brownfields Redevelopment Act.—As used in ss. 376.77-376.85, the term:

(1) "Additive effects" means a scientific principle that the toxicity that occurs as a result of exposure is the sum of the toxicities of the individual chemicals to which the individual is exposed.

(2) "Antagonistic effects" means a scientific principle that the toxicity that occurs as a result of exposure is less than the sum of the toxicities of the individual chemicals to which the individual is exposed.

(3) "Brownfield sites" means real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination.

(4) "Brownfield area" means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated brownfield pilot projects.

(5) "Contaminant" means any physical, chemical, biological, or radiological substance present in any medium which may result in adverse effects to human health or the environment or which creates an adverse nuisance, organoleptic, or aesthetic condition in groundwater.

(6) "Contaminated site" means any contiguous land, sediment, surface water, or groundwater areas that contain contaminants that may be harmful to human health or the environment.

(7) "Department" means the Department of Environmental Protection.

(8) "Engineering controls" means modifications to a site to reduce or eliminate the potential for exposure to chemicals of concern from petroleum products, drycleaning solvents, or other contaminants. Such modifications may include, but are not limited to, physical or hydraulic control measures, capping, point of use treatments, or slurry walls.

(9) "Environmental justice" means the fair treatment of all people of all races, cultures, and incomes with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

(10) "Institutional controls" means the restriction on use of or access to a site to eliminate or minimize exposure to chemicals of concern from petroleum products, drycleaning solvents, or other contaminants. Such restrictions may include, but are not limited to, deed restrictions, restrictive covenants, or conservation easements.

(11) "Local pollution control program" means a local pollution control program that has received delegated authority from the Department of Environmental Protection under ss. 376.80 (9) and 403.182.

(12) "Natural attenuation" means a verifiable approach to site rehabilitation that allows natural processes to contain the spread of contamination and reduce the concentrations of contaminants in contaminated groundwater and soil. Natural attenuation processes may include sorption, biodegradation, chemical reactions with subsurface materials, diffusion, dispersion, and volatilization.

(13) "Person responsible for brownfield site rehabilitation" means the individual or entity that is designated by the local government to enter into the brownfield site rehabilitation agreement with the department or an approved local pollution control program and enters into an agreement with the local government for redevelopment of the site.

(14) "Person" means any individual, partner, joint venture, or corporation; any group of the foregoing, organized or united for a business purpose; or any governmental entity.
(15) "Risk reduction" means the lowering or elimination of the level of risk posed to human health or the environment through interim remedial actions, remedial action, or institutional, and if appropriate, engineering controls.

(16) "Secretary" means the secretary of the Department of Environmental Protection.

(17) "Site rehabilitation" means the assessment of site contamination and the remediation activities that reduce the levels of contaminants at a site through accepted treatment methods to meet the cleanup target levels established for that site. For purposes of sites subject to the Resource Conservation and Recovery Act, as amended, the term includes removal, decontamination, and corrective action of releases of hazardous substances.

(18) "Source removal" means the removal of free product, or the removal of contaminants from soil or sediment that has been contaminated to the extent that leaching to groundwater or surface water has occurred or is occurring.

(19) "Synergistic effects" means a scientific principle that the toxicity that occurs as a result of exposure is more than the sum of the toxicities of the individual chemicals to which the individual is exposed.

History.—s. 3, ch. 97-277; s. 2, ch. 98-75; s. 10, ch. 2000-317; s. 1, ch. 2004-40; s. 4, ch. 2008-239.
Brownfield Area Designation Request

West Brickell View

144 and 152 SW 8th Street
December 28, 2012

Via Email & U.S. Mail

Mr. Johnny Martinez, City Manager
City of Miami
3500 Pan American Drive
Miami, FL 33131

Re: Request for Designation of West Brickell View, 144 and 152 SW 8th Street, Miami, Miami-Dade County, Florida 33130, Folio Nos. 01-0205-070-1060 and 01-0205-070-1070 (the "Subject Property"), as a Brownfield Area Pursuant to Chapter 376.80(2)(b), Florida Statutes

Dear Mr. Martinez:

On behalf of West Brickell View, Ltd. ("WBVL"), we are pleased to submit this request for designation of the Subject Property as a brownfield area pursuant to Chapter 376.80, Florida Statutes. When developed, the Subject Property will consist of 64 one- and two-bedroom units ranging in size from 639 – 939 square feet.

This important project, which will offer critical housing on an affordable basis, is situated in a neighborhood desperately in need of redevelopment as evidenced by the fact that it is located in both an IRS Section 43(d)(3)(C) Qualified Census Tract and a Neighborhood Stabilization Program Target Area designated as having among the highest levels of poverty and unemployment. To that end, the units at West Brickell View will be provided to households earning up to 60% of the County’s median income, with an additional 10% of the units being restricted to households earning no more than 28% of the County’s median income.

The National Association of Home Builders ("NAHB") issued a study in 2008 that analyzed the impact of affordable housing communities on the local economy. The NAHB study demonstrated that the first year economic impact of a 100 unit affordable housing community is $7.9 million in local income (wages for local workers and profits for proprietors and other small businesses in the area), $827,000 in taxes and other revenues for the local government, and 122 jobs.
As noted above, West Brickell View is a 64-unit development. Accordingly, it is estimated that this project - with a $22 million capital cost - will therefore provide $529,280 in taxes and other revenues for the local government annually and over 78 jobs during construction of the project. Additionally, local small businesses will also benefit annually, with carpet companies, landscapers, washer/dryer companies, painters and other vendors hired to maintain the Subject Property.

WBVL is applying for a brownfield area designation because environmental assessment activities to date have documented multiple discharges of petroleum contamination adjacent or in close proximity to the Subject Property that impose a material level or regulatory, construction, health, and legal liability risk, severely complicate redevelopment efforts, and require significant time and money for technical and legal consultants to properly investigate and address. Accordingly, the designation, if granted, will allow VGAL to access a relatively modest but still important state-based economic incentive to help underwrite the unanticipated and unbudgeted costs associated with managing the perceived environmental risk as well as, generally, to put the project to more certain financial ground. In this sense, the designation will not only play a critical role in the successful redevelopment of the Subject Property but also in the larger revitalization effort for the community in which the Subject Property is located.

In light of these facts and circumstances, we respectfully request that the Office of the City Manager review the enclosed Statement of Eligibility and bring this application for a brownfield area designation before the Miami City Commission with a recommendation for approval. As you and your staff evaluate the materials we submit today, please feel free to contact us with any questions or should you require additional information.

Thank you.

Very truly yours,

THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A.

Michael R. Goldstein
/mrg
Encl.

cc: Alice Bravo, Assistant City Manager
West Brickell View, Ltd.
Brownfields Designation Eligibility Statement
West Brickell View Apartments
144 and 152 SW 8th Street, Miami, FL 33130
Folio Nos. 01-0205-070-1060 and 01-0205-070-1070

The proposed development and construction by West Brickell View, Ltd. (the "Applicant"), of the West Brickell View Apartments (the "Project"), located at 144 and 152 SW 8th Street, Miami, Miami-Dade County, Florida 33130, Folio Nos. 01-0205-070-1060 and 01-0205-070-1070 (the "Subject Property"), as more particularly described in Exhibit A, satisfies all five of the applicable Brownfields designation criteria set forth at Section 376.80(2)(b), Florida Statutes, as demonstrated herein.

I. Analysis of Five Main Statutory Criteria for Designation

1. Agreement to Redevelop the Brownfield Site. As the first requirement for designation, Florida Statutes § 376.80(2)(b)(1) provides that "[a] person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site." The Applicant satisfies this first criterion in that it owns the Subject Property, is requesting that the Subject Property be designated a Brownfield, and has agreed to redevelop and, as necessary, rehabilitate the Subject Property. Copies of the Warranty Deeds for the two parcels comprising the Subject Property are enclosed as Exhibit B.

2. Economic Productivity. As the second requirement for designation, Florida Statutes § 376.80(2)(b)(2) provides that "[t]he rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 5 new permanent jobs at the brownfield site that are full-time equivalent positions not associated with the implementation of the rehabilitation agreement or an agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site or area. However, the job creation requirement shall not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s. 420.0004 or the creation of recreational areas, conservation areas, or parks."

The Applicant satisfies this second criterion in that the total capital cost of the project is estimated at approximately $22 million, with a material portion of that amount being spent on local labor, contractors, consultants, construction materials, and impact fees. Furthermore, it is estimated that the Project will generate approximately $529,280 in local real estate taxes and other fees and revenues. When fully developed, the Project will have supported over 78 temporary construction jobs. Such job creation will result in the payment of significant payroll taxes and salaries, which, in turn, will benefit the local economy and increase the productivity of the area. (Because rehabilitation and redevelopment of the Subject Property will provide affordable housing as defined in Florida Statutes § 420.0004, there is no permanent job creation requirement.)

3. Consistency with Local Comprehensive Plan and Permittable Use Under Local Land Development Regulations. As the third requirement for designation, Florida Statutes § 376.80(2)(b)(3) provides that "[t]he redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permittable use under the applicable local land development regulations."
The Applicant satisfies this third criterion in that redevelopment of the Subject Property is consistent with the local comprehensive plan and is a permittable use under the applicable local land development regulations. In fact, the Project has already received site plan approval and all related development approvals. Evidence of Site Plan approval can be found at Exhibit C.

4. Public Notice and Comment. Florida Statutes § 376.80(2)(b)(4) stipulates that "[n]otice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated, and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subsection must be made in a newspaper of general circulation in the area, at least 16 square inches in size, and the notice must be posted in the affected area."

The Applicant satisfies this fourth criterion in that it contracted to post the requisite notice at the Subject Property and publish the requisite statutory notice in the Miami Herald. Notice by posting will occur on December 28, 2012, and by publication on December 30, 2012. In addition, the Applicant will hold a community meeting on January 8, 2013, at a publicly accessible location in the vicinity of the Subject Property for the purpose of providing those receiving notice additional opportunity for comments and suggestions about rehabilitation. For a copy of the notice to be posted and published as required by statute, please see Exhibit D. Evidence of actual posting and publication will be provided to the City once both forms of notice have been completed.

5. Reasonable Financial Assurance. As the fifth requirement for designation, Florida Statutes § 376.80(2)(b)(5) provides that "[t]he person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan."

The applicant satisfies this fifth criterion in that it has secured all of the capital necessary to fund the project, including but not limited to $20,400,000 Low Income Housing Tax Credit Equity from Florida Housing Finance Corporation and $870,000 in local subsidy provided by Miami-Dade County.

II. Definition of "Brownfield Site" in Chapter 376.79(3), Florida Statutes

Although the five criteria discussed above do not expressly reference contamination as a specific element that an applicant must demonstrate in order to be eligible for a designation, such a requirement is inferred by the multiple references to the term "brownfield site" throughout Chapter 376.80(2)(b), Florida Statutes. A "brownfield site" is defined by Chapter 376.79(3), Florida Statutes, to mean "... real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination." Accordingly, the key element of this final level of analysis is whether the Subject Property can be said to fall within the definition of a "brownfield site." That is, do the facts demonstrate that either actual or perceived contamination has complicated, is complicating, or will complicate expansion, redevelopment, or reuse? In this instance, the close proximity of two retail fueling stations with documented contamination in soil and groundwater and the significant and very real complications they pose for redevelopment and reuse answer the question in the affirmative.
"Brownfield Site" Analysis

The facts here clearly evidence that the Subject Property falls with the definition of the term "brownfield site" as set forth in Chapter 376.79(3), Florida Statutes. Specifically, a review of applicable environmental regulatory agency databases reflects a history of spills and contamination discharges in close proximity to the Subject Property. We discuss two such incidents in particular that have created acute regulatory, legal, construction and budget risk for the Applicant.

First, as reflected by the records enclosed at Exhibit E, in June of 1987 and April of 1993, significant discharges of petroleum related products occurred at a Citgo fueling station directly adjacent to the Subject Property at 190 SW 8th Street. The Citgo was reported to contain three 10,000 gallon gasoline underground storage tanks ("USTs") and one 1,000 gallon waste oil UST. Due to the financial status of the responsible party and funding limitations at the state level, no adequate investigation of the extent of contamination or off-site migration has ever been performed and the commencement of cleanup is not anticipated to occur at any time in the foreseeable future. In the meantime, contamination in the subsurface continues to spread unabated. Although it is not clear whether the groundwater contamination has actually migrated onto the Subject Property, given its proximity to the source of the release, such a result appears at the very least plausible and has placed significant financial burdens on the Applicant to plan accordingly. Moreover, in the event that impacts from the petroleum discharges are, in fact, encountered by the Applicant during development, yet additional significant costs (and perhaps construction delays) will be incurred to properly manage contaminated media and construction effluent. This contingency planning adds to the expense, complication, and legal risk of the Project and goes to the heart of environmental perception risk that the Florida Brownfields Program was enacted to mitigate.

Second, as reflected by the records enclosed at Exhibit F, a release of petroleum contamination into the environment occurred in August of 2003 at an Exxon fueling station located within approximately 300 feet of the Subject Property at 720 SW 2nd Avenue. The Exxon facility reportedly contained three 10,000 gallon gasoline USTs at the time of the discharge. Specifically, on August 17, 2003, it was discovered that an estimated 2,000 gallons of gasoline was discharged from faulty product piping at the Exxon site. Site rehabilitation activities are ongoing but petroleum impacted soil and groundwater remain present. The close proximity of a second contaminated gas station creates yet additional complication and risks for development of the Subject Property, including risks associated with perceived human health exposure issues and market acceptability by the Applicant's targeted demographic. Ensuring protection of human health and contracting for assistance by qualified environmental professionals in order to provide clarification and reassurance to future residents regarding contamination and regulatory matters adds a layer of significant expense and complication that would not be incurred at a "greenfield" property.

The Applicant has demonstrated that it meets the five statutory criteria for designation of the Subject Property as a brownfield area as set forth at Chapter 376.80(2)(b), Florida Statutes.
Statutes, including the threshold requirement at Chapter 376.79(3), Florida Statutes, incorporated by reference at Chapter 376.80(2)(b), Florida Statutes, that the property for which the designation is sought meet the definition of a "brownfield site."
Exhibit A
Legal Description
West Brickell View Apartments

Lots 6 and 7, Block 57 South, CITY OF MIAMI, according to the Plat thereof as recorded in Plat Book "B", Page(s) 41, of the Public Records of Miami-Dade County, Florida, LESS: The North 10.00 feet thereof.
Exhibit B
Tax Folio Number: 01-0205-070-1060

WARRANTY DEED

This Warranty Deed made the 6th day of September, 2012, by 144 SW 8 Street LLC, a Florida limited liability company, hereinafter called the grantor, to WEST BRICKELL VIEW, LTD., a Florida limited partnership, whose post office address is c/o The Richman Group of Florida, Inc., 477 S. Rosemary Avenue, Suite 301, West Palm Beach, FL 33401, hereinafter called the grantee.

Witnesseth: That the grantor, for and in consideration of the sum of $10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alienates, remises, releases, conveys and confires unto the grantee all that certain land situate in Miami-Dade County, State of Florida, viz:

Lot 6, in Block 57 South, of CITY OF MIAMI, according to the Plat thereof, as recorded in Plat Book "B", Page(s) 41, of the Public Records of Miami-Dade County, Florida, LESS: The North 10.00 feet thereof.

Subject to conditions, restrictions, reservations, limitations, easements, zoning ordinances of record, provided this reference shall not serve to re impose same, and taxes for the year 2012 and subsequent years.

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2011.

IN WITNESS WHEREOF, the said grantor has signed and sealed these
presents the day and year first above written.

Signed, sealed and delivered in the presence of:

144 SW 8 Street, LLC.

BY

Lord M. Toussaint—Sole Member/Manager

1925 Brickell Ave. #2002

Miami, FL 33129

POST OFFICE ADDRESS

WITNESS

Gary R. Martin

PRINTED SIGNATURE

Signed

WITNESS

Toby Marlin

PRINTED SIGNATURE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

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, personally appeared LORD M. TOUSSAINT, as Sole Member/Manager of 144 SW 8 Street LLC, to me known to be the person described in and who executed the foregoing instrument and who acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 6 day of September, 2012.

Notary Signature

Gary R. Martin

Printed Notary Signature

This Instrument Prepared by
Gary R. Martin, Esq.
250 Catalonia Ave. #303
Coral Gables, Florida 33134
This Warranty Deed made the 6 day of September, 2012, by 152 SW 8 Street LLC, a Florida limited liability company, hereinafter called the grantor, to WEST BRICKELL VIEW, LTD., a Florida limited partnership, whose post office address is c/o The Richman Group of Florida, Inc., 477 S. Rosemary Avenue, Suite 301, West Palm Beach, FL 33401, hereinafter called the grantee.

Witnesseth: That the grantor, for and in consideration of the sum of $10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in Miami-Dade County, State of Florida, viz:

Lot 7, in Block 57 South, of CITY OF MIAMI, according to the Plat thereof, as recorded in Plat Book "B", Page(s) 41, of the Public Records of Miami-Dade County, Florida, LESS: The North 10.00 feet thereof.

Subject to conditions, restrictions, reservations, limitations, easements, zoning ordinances of record, provided this reference shall not serve to reimpose same, and taxes for the year 2012 and subsequent years.

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2011.

IN WITNESS WHEREOF, the said grantor has signed and sealed these
presents the day and year first above written.

Signed, sealed and delivered in the presence of:

152 SW 8 Street, LLC.

BY Lord M. Toussaint—Sole Member/Manager

POST OFFICE ADDRESS

WITNESS Gary R. Marlin

PRINTED SIGNATURE

Toby Marlin

PRINTED SIGNATURE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

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, personally appeared LORD M. TOUSSAINT, as Sole Member/Manager of 152 SW 8 Street LLC, to me known to be the person described in and who executed the foregoing instrument and who acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 6 day of September, 2012.

Gary R. Marlin

Notary Signature

This Instrument Prepared by
Gary R Marlin, Esq.
250 Catalonia Ave. #303
Coral Gables, Florida 33134
Exhibit C
2011 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION OF STATUS OF SITE PLAN APPROVAL FOR MULTIFAMILY DEVELOPMENTS

Name of Development: West Brickell View Apartments

Development Location:
(At a minimum, provide the address and type of the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide (i) the street name, closest designated intersection and city if located within a city or (ii) the street name, closest designated intersection and county if located in the unincorporated area of the county)

144 SW 8th Street, Miami and 152 SW 8th Street, Miami

Zoning Designation: T6-24-O

Mark the applicable statement:

1. The above-referenced Development is new construction or rehabilitation with new construction and the final site plan, in the zoning designation stated above, was approved on or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0238) by action of the Office of Zoning (Legally Authorized Body). The necessary approval/review was performed on or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0238) by Office of Zoning (Legally Authorized Body)

2. The above-referenced Development is new construction or rehabilitation with new construction and (i) this jurisdiction provides either preliminary site plan approval or conceptual site plan approval which has been issued, or (ii) site plan approval is required for the new construction work; however, this jurisdiction provides neither preliminary site plan approval nor conceptual site plan approval, nor is any other similar process provided prior to issuing final site plan approval. Although there is no preliminary or conceptual site plan approval process and the final site plan approval has not yet been issued, the site plan, in the zoning designation stated above, has been reviewed.

CERTIFICATION

I certify that the City/County has vested in me the authority to verify status of site plan approval as specified above and I further certify that the information stated above is true and correct.

\[Signature\]  Banksy Min, Zoning Administrator

Print or Type Name and Title

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (CAO) responsible for determination of issues related to site plan approval, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are agency agendas. If this certification is applicable to this Development and it is inadvertently signed, the Application will fail to meet threshold. If this certification contain corrections or "white-out," or if it is stamped, crossed, altered, or redacted, the form will not be considered and the Application will fail to meet threshold. The certification may be photocopy.
Exhibit D
NOTICE OF PROPOSED BROWNFIELD AREA DESIGNATION

REPRESENTATIVES OF WEST BRICKELL VIEW, LTD., WILL HOLD A COMMUNITY MEETING ON TUESDAY, JANUARY 8, 2013, FROM 5:00 P.M. TO 7:00 P.M. FOR THE PURPOSE OF AFFORDING INTERESTED PARTIES THE OPPORTUNITY TO PROVIDE COMMENTS AND SUGGESTIONS ABOUT THE POTENTIAL DESIGNATION OF PROPERTY LOCATED AT 144 AND 152 SW 8TH STREET, MIAMI, FLORIDA 33130, AS A BROWNFIELD AREA PURSUANT TO §376.80(2)(B), FLORIDA STATUTES, AND ABOUT DEVELOPMENT AND REHABILITATION ACTIVITIES ASSOCIATED WITH THE POTENTIAL DESIGNATION. THE COMMUNITY MEETING WILL BE HELD AT THE HAMPTON INN BRICKELL, 50 SW 12TH STREET, MIAMI, FLORIDA 33130, AND IS FREE AND OPEN TO ALL MEMBERS OF THE PUBLIC. FOR MORE INFORMATION REGARDING THE COMMUNITY MEETING, INCLUDING DIRECTIONS, OR TO PROVIDE COMMENTS AND SUGGESTIONS AT ANY TIME BEFORE OR AFTER THE MEETING DATE, PLEASE CONTACT MICHAEL R. GOLDSMITH BY TELEPHONE AT (305) 777-1682, BY U.S. MAIL AT THE GOLDSMITH ENVIRONMENTAL LAW FIRM, P.A., 1 SE 3RD AVENUE, SUITE 2120, MIAMI, FLORIDA 33131, AND/OR BY E-MAIL AT MGOLDSMITH@GOLDSMITHENVLAW.COM.
Exhibit E
Use this form to notify the Department of Environmental Regulation of petroleum contamination problems. This form is required to determine eligibility for the EDI program. FOR NOTIFICATION PURPOSES ONLY.

**PLEASE PRINT OR TYPE**

**1. Business/Site Name:** Chevron Fac. Id. 47677

**Business/Site Operator:** Jorge Braeras

**Business/Site Owner:** Chevron U.S.A. Inc. Property Owner: Same

**Business/Site Address:** 190 S.W. 8th St., Miami, Fl

**Telephone Number:** 404955-1200

**Mailing Address:** Chevron U.S.A. Inc. PO BOX 70301 Miami, Fl

**2. Date of discovery:** 10-18-87

**3. Have you previously reported this discharge to DER?** □ No □ Yes

If yes, date of report and to whom:

**4. Method of initial discovery (circle one only)**
- Inventory control
- Odor or visible sign at facility or in vicinity
- Other (explain)

**5. Estimated number of gallons lost:** 300

**6. What part of the storage system is leaking? (circle all that apply)**
- A. Dispenser
- B. Pipe
- C. Fitting
- D. Tank
- E. Overfill
- F. Other

**7. Cause of leak (circle all that apply)**
- A. Unknown
- B. Split
- C. Loose Connection
- D. Other
- E. Inventory control
- F. Odor or visible signs at facility or in vicinity
- G. Other (explain)

**8. If a tank is leaking, circle the choices which describe the type**
- A. Aboveground
- B. Factory welded
- C. Field erasable
- D. Underground
- E. Bare or asphalt-coated steel
- F. Fiberglass-clad steel
- G. Fiberglass
- H. Semifixed annular type
- I. Impressed current type
- J. Double walled
- K. Abandoned or out of service
- L. Kerosene
- M. General diesel
- N. Other or unknown (explain)

**9. Type of product discharged (circle one)**
- A. Lead gasoline
- B. Unleaded gasoline
- C. Gasohol or alcohol-enriched gasoline
- D. Vehicle diesel
- E. Aviation fuel
- F. Jet fuel
- G. Other (explain)

**10. DER Facility Number**

**11. DER Tank Number**

**12. To the best of my knowledge and belief, all information submitted in this form is true, accurate and complete.**

Signature of Person Completing Form Title

**Date:** 6-18-87
Florida Department of Environmental Regulation

Discharge Reporting Form

Use this form to notify the Department of Environmental Regulation of:

1. Results of tank tightness testing that exceed allowable tolerances within ten days of receipt of test result.
2. Petroleum discharges exceeding 25 gallons on porous surfaces as described in Section 17-761.420 FAC, within one working day of discovery.
3. Hazardous substance (CERCLA regulated), discharges exceeding applicable reportable quantities established in 17-761.450(2) FAC, within one working day of discovery.
4. Within one working day of discovery of suspected releases confirmed by [a] released regulated substances or pollutants discovered in the surrounding area, [b] unusual and unexplained storage system operating conditions, [c] monitoring results from a leak detection method or from a tank closure assessment that indicate a release may have occurred, or [d] manual tank gauging results for tanks of 550 gallons or less, exceeding ten gallons per weekly test or five gallons averaged over four consecutive weekly tests.

Mail to the DER District Office in your area listed on the reverse side of this form.

PLEASE PRINT OR TYPE
Complete all applicable blanks

1. DER Facility ID Number 138504677
2. Tank Number
3. Date 4/10/93

4. Facility Name Chevron # 4271
Facility Owner or Operator Chevron USA Products Co.
Facility Address 5110 SW 8th St. Miami FL 33130
Telephone Number (305) 765-4541 County Dade
Mailing Address P.O. Box 1710, Atlanta GA 30301

5. Date of receipt of test results or discovery 4-30-93

6. Method of initial discovery (circle one only)
   A. Leak detector (automatic or manual)
   B. Vapor detector (automatic or manual)
   C. Tightness test (underground tanks only)
   D. Emptying and inspection
   E. Inventory control
   F. Other blank
   G. Closure test
   H. Other blank

7. Estimated number of gallons discharged: 3

8. What part of storage system has leaked? (circle all that apply)
   A. Dispenser
   B. Pipe
   C. Fitting
   D. Tank
   E. Unknown

9. Type of regulated substance discharged. (circle one)
   A. Lead gasoline
   B. Unleaded gasoline
   C. Gasohol
   D. Vehicular diesel
   E. Aviation gas
   F. Gasoline
   G. Used/withdrawn oil
   H. Chlorinated hydrocarbons
   I. Hazardous substance includes pesticides, ammonia, chlorine and derivatives (write in name or Chemical Abstract Service CAS number)
   J. Other blank

10. Cause of leak. (circle all that apply)
    A. Unknown
    B. Spill
    C. Loose connection
    D. Corrosion
    E. Puncture
    F. Installation failure
    G. Other (specify)
    H. Overfill

11. Type of financial responsibility. (circle one)
    A. Third party insurance provided by the state insurance contractor
    B. Self-insurance pursuant to Chapter 17-761.500 FAC
    C. Not applicable
    D. None

12. To the best of my knowledge and belief all information submitted on this form is true, accurate, and complete.

Alison Doughs
Printed Name of Owner, Operator or Authorized Representative

Signature of Owner, Operator or Authorized Representative
Exhibit F
## Storage Tank System Leak Autopsy Report Form

Please check all blocks that apply for the entire form.

### Site Information

<table>
<thead>
<tr>
<th>Facility Name</th>
<th>Facility ID Number</th>
<th>County</th>
<th>Owner/Operator Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Five Group Corporation</td>
<td>9401093</td>
<td>B - DAVE</td>
<td>Jose Solis</td>
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### System Information (At the Time ofRelease)

<table>
<thead>
<tr>
<th>Tank Type</th>
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</thead>
<tbody>
<tr>
<td>☑ Underground Storage Tank</td>
</tr>
<tr>
<td>☐ Shop-fabricated Aboveground Storage Tank</td>
</tr>
<tr>
<td>☐ Field-erected Aboveground Storage Tank</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Tank Installation Date:</th>
<th>11/21/1994</th>
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<tbody>
<tr>
<td>Tank Manufacturer Name:</td>
<td>XERXES</td>
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<tr>
<td>Piping Installation Date:</td>
<td>04/11/1994</td>
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<tr>
<td>Piping Manufacturer Name: Product piping:</td>
<td>Equity FRP</td>
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### System Information

<table>
<thead>
<tr>
<th>Material</th>
<th>Other Attributes</th>
<th>Ancillary Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Galvanized Steel</td>
<td>Sacrificial Anodes</td>
<td>No Containment Bucket</td>
</tr>
<tr>
<td>☑ Fiberglass</td>
<td>Impressed Current System</td>
<td>No Spill Containment</td>
</tr>
<tr>
<td>☑ Composite</td>
<td>Internal Lining</td>
<td>Unknown</td>
</tr>
<tr>
<td>☑ Unprotected Steel</td>
<td>Single Wall</td>
<td>Overfill Protection</td>
</tr>
<tr>
<td>☐ Other Approved</td>
<td>Double Wall (same material)</td>
<td>Ball Check Valve</td>
</tr>
<tr>
<td>☑ Concrete</td>
<td>Double Wall (different material)</td>
<td>Flow Shut-Off</td>
</tr>
<tr>
<td>☑ Polyethylene</td>
<td>Secondary Containment with a liner</td>
<td>Tight Fill</td>
</tr>
<tr>
<td>☑ Unknown</td>
<td>Other Approved (Bladders, etc.)</td>
<td>Alarm System</td>
</tr>
<tr>
<td>☕ Compartmented</td>
<td></td>
<td>No Overfill Protection</td>
</tr>
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</table>

### USTs

### ASTs

<table>
<thead>
<tr>
<th>Material</th>
<th>Other Attributes</th>
<th>Ancillary Equipment</th>
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</thead>
<tbody>
<tr>
<td>☑ Steel</td>
<td>Shop-Fabricated</td>
<td>Overfill Protection</td>
</tr>
<tr>
<td>☑ Concrete</td>
<td>Field-Erected</td>
<td>Flow Shut-Off</td>
</tr>
<tr>
<td>☑ Polyethylene</td>
<td>Synthetic liner beneath tank (SC)</td>
<td>Alarm System</td>
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<tr>
<td>☑ Approved Synthetic</td>
<td>Concrete beneath tank (SC)</td>
<td>Gauges</td>
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<td>☐ Other Approved</td>
<td>Double Wall</td>
<td>Other Approved</td>
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<td>☑ Cut and Cover</td>
<td>Internal Secondary Containment</td>
<td>No Overfill Protection</td>
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<td>☑ Unknown</td>
<td>Other Approved Secondary Containment</td>
<td>Spill Cont. (for Shop-Fabricated Tanks)</td>
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<tr>
<td>☑ Single Wall</td>
<td></td>
<td>No Spill Containment</td>
</tr>
<tr>
<td>☑ Impressed Current System</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☑ Synthetic Dike Field Liner</td>
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<td></td>
</tr>
<tr>
<td>☑ Concrete Dike Field Liner</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Other Approved Dike Field Liner</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☑ Secondary Containment around pumps/valves</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☑ No Dike Field Secondary Containment</td>
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### Piping – AST or UST

### Material | Other Attributes | Ancillary Equipment |
Leak Detection

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<tr>
<th>UST</th>
<th>AST</th>
<th>Piping</th>
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<tr>
<td>Internal Intermittent Monitoring</td>
<td>Intermittent Monitoring</td>
<td>Intermittent Monitoring</td>
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<td>Intermittent Monitoring within a linear system</td>
<td>Groundwater Monitoring Wells</td>
<td>Groundwater Monitoring Wells</td>
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<td>Groundwater Monitoring Wells</td>
<td>Vapor Monitoring Wells</td>
<td>Vapor Monitoring Wells</td>
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<td>Vapor Monitoring Wells</td>
<td>Tracer Technology</td>
<td>Tracer Technology</td>
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<td>SIR</td>
<td>Visual Inspections</td>
<td>Visual Inspections</td>
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<td>ATG</td>
<td>Tank Shell Monitoring System</td>
<td>Mechanical Line Leak Detector</td>
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<td>Tank Tightness Testing</td>
<td>Cable Systems</td>
<td>Cable Systems</td>
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<tr>
<td>Inventory Reconciliation</td>
<td>Pressure Tests (Bulk)</td>
<td>Pressure Tests (Small)</td>
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<tr>
<td>Manual Tank Gauging</td>
<td>SPC Plans</td>
<td>SPC Plans</td>
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<td>Visual Inspections</td>
<td>Other Approved Methods</td>
<td>Other Approved Methods</td>
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<tr>
<td>Other Approved Methods</td>
<td>Other Approved Methods</td>
<td>Other Approved Methods</td>
</tr>
<tr>
<td>Other Approved Methods</td>
<td>Other Approved Methods</td>
<td>Other Approved Methods</td>
</tr>
</tbody>
</table>

Release Information

Data of receipt of test results or discovery of confirmed discharge: 09/11/2002 month/day/year
Estimated number of gallons discharged: 7,000 gal.
Latitude and Longitude: 75° 44' 01"

Discharge affected:
- Air
- Drinking water well(s)
- Soil
- Surface water
- Ground water
- Other

Type of regulated substance discharged: (check one)
- Gasoline
- Used waste oil
- Diesel
- New tube oil
- Kerosene
- Mineral acid
- Jet fuel
- Petroleum Contact Water
- Aviation gas
- Pesticides
- Gasohol
- Chlorine Compounds
- Emergency Generator Diesel Fuel
- Ammonia Compounds
- Heating oil
- Petroleum Derivative Products
- Hazardous substance
- Other
- Grades S & S Residual Oils
- Unknown

Method of Discovery of the Discharge:
- Leak Detection Methods
  - Mechanical Line Leak Detector (LLD)
  - Electrical Line Leak Detection
  - Manual Leak Detection
  - Automatic Line Leak Detectors
  - Other Approved Methods
  - Other Approved Methods
  - Other Approved Methods

- Used waste oil
  - Unknown

- Grades S & S Residual Oils
  - Unknown
<table>
<thead>
<tr>
<th>Event</th>
<th>Action</th>
<th>Method</th>
<th>Medium</th>
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<tbody>
<tr>
<td>Closure-In-Place</td>
<td>Inventory Reconciliation</td>
<td>Mechanical LLDF</td>
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<td>Removal</td>
<td>Manual Tank Gauging</td>
<td>Electronic LLDF</td>
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<tr>
<td>Installation or Upgrade</td>
<td>Groundwater Monitoring</td>
<td>Visual Inspection of ASTs</td>
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<td>Property Transfer</td>
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<td>Tracer Technologies</td>
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<tr>
<td>Visual</td>
<td>Vapor Monitoring</td>
<td>Visual Inspection of USTs</td>
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<td>Offsite</td>
<td>Secondary/finalillet Monitoring</td>
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<td>Water in Tank</td>
<td>Annual or Regularly</td>
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<td>Scheduled Tank</td>
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<td>Tightness Testing</td>
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<td>Testing Performed for other</td>
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<td>Internal Inspection</td>
<td>SIR</td>
<td>Other Approved Methods</td>
<td></td>
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<tr>
<td>Unknown</td>
<td>ATG</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>Analytical tests or samples</td>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

Did the method of Leak Detection relied on for compliance purposes fail to detect the release? **Y** **N**
If so, what was the method relied on for compliance purposes? **Ground Water**

**Source of Discharge:**

- **Y** UST
- **N** Small Diameter Piping
- **N** Field Erection AST
- **N** Pipe/Connector
- **N** UST Tank Line
- **N** UST Fill Pipe
- **N** UST Turbine Pump
- **N** Dispenser
- **N** Delivery Vehicle
- **N** UST Electronic/Mechanical Line Leak Detector
- **N** Hydrant Pit (AST systems)
- **N** Other

**Cause of the Discharge:**

- **Y** Loose Component (litter, piping connection, etc.)
- **N** Corrosion
- **N** Puncture
- **Y** Material Failure (crack, split, etc.)
- **Y** Material Incompatibility
- **N** Other

**Release Identified by:**

- **Y** Owner/Operator
- **N** Service Contractor
- **N** Local Government Inspector
- **N** Third Party
- **N** State Inspector
- **N** Other

**Additional Information:** (Attach Photos if available)

**Signature:**

**Affiliation:** Miami Dade PDM
September 11, 2003

Marshall Mott-Smith
Storage Tank Regulation Section
Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Flexible Piping Failures

Dear Marshall:

Attached please find documentation for one flexible piping discharge and one flexible piping incident in Miami-Dade County.

If you have any questions or need any further information you may contact me at (305) 372-6715.

Sincerely,

Christopher Caporale, P.G.,
Chief, Storage Tank Section

Enclosures (2)
Discharge Report Form
PLEASE PRINT OR TYPE

Instructions are on the reverse side. Please complete all applicable blanks.

1. Facility ID Number (if registered): 9401093
2. Date of form completion: 08/22/03

3. General Information
Facility name or responsible party (if applicable): Five Group Corporation
Facility Owner or Operator or Discharger: Tony Moreno
Contact Person: Tony Moreno Telephone Number: (305) 856-1788 County: Dade
Facility or Discharge Mailing Address: 720 SE 2nd Avenue, Miami, FL 33130
Location of Discharge (street address): 720 SE 2nd Avenue, Miami, FL 33130
Latitude and Longitude of Discharge (if known):

4. Date of receipt of test results or discovery of confirmed discharge: 08/21/03 month/day/year
5. Estimated number of gallons discharged: 2,000

6. Discharge affected: [ ] Air [ ] Soil [X] Groundwater [ ] Drinking water well(s) [ ] Shoreline [ ] Surface water (water body name)

7. Method of discovery (check all that apply)
[ ] Liquid detector (automatic or manual) [ ] Vapor detector (automatic or manual) [ ] Internal inspection [ ] Inventory control
[ ] Tightness test [ ] Monitoring wells [ ] Automatic tank gauging [ ] Visual observation
[ ] Pressure test [ ] Manual tank gauging [ ] Other

8. Type of regulated substance discharged: (check one)
[ ] Unknown [ ] Used/waste oil [ ] Jet fuel [ ] Heating oil [ ] New/lube oil
[ ] Gasoline [ ] Aviation gas [ ] Diesel [ ] Kerosene [ ] Mineral acid
[ ] Hazardous substance - includes CERCLA substances from USTs above reportable quantities, pesticides, ammonia, chlorine, and derivatives
(write in name or Chemical Abstract Service (CAS) number)
[ ] Other

9. Source of Discharge: (check all that apply)
[ ] Dispensing system [X] Pipe [ ] Barge [ ] Pipeline [ ] Vehicle
[ ] Tank [ ] Fitting [ ] Tanker ship [ ] Railroad tanker car [ ] Airplane
[ ] Unknown [ ] Valve failure [ ] Other Vessel [ ] Tank truck [ ] Drum
[ ] Other

10. Cause of the discharge: (check all that apply)
[ ] Loose connection [ ] Puncture [ ] Spill [ ] Collision [ ] Corrosion
[ ] Fire/explosion [ ] Overfill [ ] Human error [ ] Vehicle Accident [ ] Installation failure
[ ] Other (please describe):
The regular unleaded was shut down.

11. Actions taken in response to the discharge: The regular unleaded was shut down.

12. Comments:

13. Agencies notified (as applicable):
[ ] State Warning Point [ ] National Response Center [ ] Florida Marine Patrol [ ] Fire Department [ ] DEP (district/person)
1-800-342-6832 [ ] Florida State Fire Marshal [ ] County Tanks Program
[ ] National Tanks Program

14. To the best of my knowledge and belief, all information submitted on this form is true, accurate, and complete.

Antonio Moreno
Printed Name of Owner, Operator or Authorized Representative, or Discharger

Antonio Moreno
Signature of Owner, Operator or Authorized Representative, or Discharger
Groundwater sample was taken from Monitoring Well #4. Note 2 ¼ inches of free floating product (FFP). Monitoring wells #1, 2, 3, and 4 contained visible layers of FFP. I observed no visible signs of contamination in MWs 5, 6, 7, and 8.

INSPECTOR: Joelle O'Daniel  SECTION: STS  DATE: 08/25/03-08/26/03

SITE NAME: Five Group Corporation  ADDRESS: 720 SW 2 AVE
Photo taken 08/26/03, this is the removed section of regular grade product piping; section was from tank to dispenser 7/8. Note exterior coating of piping is no longer visible.
Product piping that failed has been removed and feeder rope remains in secondary.
Site Diagram:

UT/File #: 4050/9813

FIVE GROUP CORP
720 SW 2 Ave
ut/file: 4050/9813

dispenser
compassion monitoring well
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EPA
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