



# Broward County

## Legislation Text

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File #: 21-828, Version: 1

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### **Broward County Commission Regular Meeting**

**Director's Name:** Leonard Vialpando

**Department:** Environmental Protection

**Division:** Environmental Engineering & Permitting

### **Information**

#### **Requested Action**

A. **MOTION TO ACCEPT** Deed of Conservation Easement and Agreement from Cooper Square 26, LLC over an on-site wetland mitigation area comprising 2.06 acres of real property located on Stirling Road, west of NW 94<sup>th</sup> Ave in Cooper City, Florida. **(Commission District 5)**

***ACTION: (T-11:24 AM) Approved.***

***VOTE: 9-0.***

B. **MOTION TO APPROVE** Cash Bond Agreement between Broward County and Cooper Square 26, LLC in the amount of \$103,500, to be held as security for the performance of construction, monitoring and maintenance of a 2.06-acre wetland mitigation area in the City of Cooper City, and authorize Mayor and Clerk to execute same. **(Commission District 5)**

***ACTION: (T-11:24 AM) Approved.***

***VOTE: 9-0.***

#### **Why Action is Necessary**

Motion A: Board approval is required for real estate transactions pursuant to Broward County Administrative Code, Section 6.23. Further, Board action is necessary to fulfill the requirements of Environmental Resource License No. DF17-1230, issued pursuant to Chapter 27 of the Broward County Code of Ordinances. The referenced license requires 2.06 acres of on-site wetland mitigation area to be encumbered by a Conservation Easement granted to Broward County.

Motion B: Board approval is necessary to fulfill the requirements of Environmental Resource License No. DF17-1230. The referenced license requires financial assurance of \$103,500.

#### **What Action Accomplishes**

Motion A: The action provides for the perpetual maintenance and conservation of the mitigation site by the grantor.

Motion B: The Cash Bond ensures that the license holder performs the construction, maintenance and monitoring of the mitigation area, as required by the license.

**Is this Action Goal Related**

Yes

**Previous Action Taken**

None.

**Summary Explanation/Background**

THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT (EPGMD) AND THE ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION RECOMMEND APPROVAL OF THE ABOVE MOTIONS.

This item supports the Board's Value of "Encouraging investments in renewable energy, sustainable practices, and environmental protection" and Goal 1: "Seek funding for, implement policies and pursue projects promoting the use of alternative energies and sustainable practices."

Motion A: The EPGMD issued Environmental Resource License (ERL) DF17-1230 (Exhibit 3) to Cooper Square 26, LLC authorizing impacts to 2.17 acres of wetland and requiring the licensee to provide 2.06 acres of on-site mixed habitat wetland mitigation area with buffers related to the development of the 7.95 acre site (Exhibit 1), and convey a Conservation Easement (Exhibit 2) to Broward County over the mitigation area to ensure it would remain in perpetuity and be maintained by the grantor.

Motion B: The EPGMD also recommends approval of the Cash Bond Agreement (Exhibit 4), which was provided as fulfillment of requirements to receive the ERL. The cash bond is a financial assurance mechanism, to help ensure that the license holder performs the construction, maintenance and monitoring of the mitigation area, as required by the license. If construction, maintenance and monitoring of the mitigation are satisfactorily completed in accordance with the license, the bond will be released. If not, the County can draw on the bond, as needed, to complete the mitigation requirements. The Cash Bond in the amount of \$103,500 was deposited into Account # 001-023-WET1-2200.

The Deed of Conservation Easement and Cash Bond Agreement have been reviewed and approved as to form by the Office of the County Attorney.

**Source of Additional Information**

David Vanlandingham, Director, Environmental Engineering and Permitting Division, 954-519-1478

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

No fiscal impact. On-going maintenance requirements are the responsibility of the grantor, its agents, heirs, successors, or assigns.