

AGREEMENT
Between
BROWARD COUNTY
and
TAMARAC INDUSTRIAL VENTURE LLC
for
SECURING MONITORING AND MAINTENANCE
PURSUANT TO AN RESILIENT ENVIRONMENT DEPARTMENT LICENSE
by
CASH BOND(S)

This is an agreement, made and entered into by and between: BROWARD COUNTY ("COUNTY"), a political subdivision of the state of Florida,

AND

TAMARAC INDUSTRIAL VENTURE LLC, a Delaware limited liability company, and its successors and assigns ("DEVELOPER").

W I T N E S S E T H

WHEREAS, COUNTY, by and through its Resilient Environment Department ("Department"), shall or has issued License No. DF20-1214 ("License"), to DEVELOPER; and

WHEREAS, one of the conditions of approval of the License was establishing financial assurances by DEVELOPER for compliance with certain monitoring and maintenance ("Monitoring and Maintenance") of mitigation areas required to be installed or enhanced pursuant to the License; and

WHEREAS, DEVELOPER desires to provide to the COUNTY a Cash Bond, payable to the Broward County Board of County Commissioners, as a replacement financial assurance to secure the Monitoring and Maintenance; NOW, THEREFORE,

In consideration of the mutual terms, conditions, promises, covenants, and payments hereinafter set forth, COUNTY and DEVELOPER agree as follows:

1. DEVELOPER shall bond for the actual Monitoring and Maintenance requirements set forth in the License.

2. DEVELOPER is responsible for carrying out the actual Monitoring and Maintenance requirements as set forth in the license.
3. The estimated costs of the Monitoring and Maintenance are, Thirty-five thousand four hundred twenty and no/100 Dollars (\$35,420.00).
4. The Monitoring and Maintenance requirements shall be secured by cash, check (cashier's, certified, or registered), or money order issued by BB&T (financial institution), a copy of which is attached hereto as Exhibit "A", in the amount of Thirty-five thousand four hundred twenty and no/100 Dollars (\$35,420.00), payable to the Broward County Board of County Commissioners. The DEVELOPER may, at its option, later provide to the COUNTY a surety bond or letter of credit in like amount acceptable to COUNTY to be substituted for the cash, check, or money order.
5. If the DEVELOPER should fail to carry out the Monitoring or Maintenance required, the COUNTY may, in addition to all other remedies available at law and equity, draw upon the Cash Bond and use the funds for Monitoring or Maintenance required by the License.
6. Upon completion of the Monitoring and Maintenance, the DEVELOPER shall notify the Department of such completion and, upon a determination in writing to DEVELOPER by the Department that the Monitoring and Maintenance required by the License has been completed, the COUNTY shall have ninety (90) days from the date of such determination to remit Thirty-five thousand four hundred twenty and no/100 Dollars (\$35,420.00) to the DEVELOPER, provided that the COUNTY has not already effected a remittance to the DEVELOPER because of the earlier substitution of a surety bond or a letter of credit.
7. Remittance to DEVELOPER of any contingency fee required to be paid will be done in accordance with the License.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice-Mayor, authorized to execute same by Board action on the ____ day of _____, 20__, and DEVELOPER, signing by and through its _____, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, by and through
its Board of County Commissioners

Broward County Administrator, as
Ex-officio Clerk of the Broward County
Board of County Commissioners

By _____
Mayor
____ day of _____, 20__

Approved as to form by
Andrew Meyers
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

Michael C. Owens
By _____
Digitally signed by Michael C. Owens
Date: 2022.11.29 11:13:40 -05'00'

Michael C. Owens (Date)
Senior Assistant County Attorney

MAITE AZCOITIA
Digitally signed by MAITE AZCOITIA
Date: 2022.11.17 12:22:05 -05'00'

Maite Azcoitia (Date)
Deputy County Attorney

MCO/gmb
CashBond.doc
01/12/2022
#16-123

AGREEMENT BETWEEN BROWARD COUNTY AND TAMARAC INDUSTRIAL
VENTURE LLC FOR SECURING MONITORING AND MAINTENANCE PURSUANT
TO A BROWARD COUNTY LICENSE BY CASH BOND(S)

OWNER - DEVELOPER

WITNESS:

[Signature]

[Signature]

By: Tamarac Industrial Venture LLC

Malcolm Butters MANAGER
(S.S. No./ Fed. I.D. No.)

17th day of February, 2022

ACKNOWLEDGMENT - CORPORATION/PARTNERSHIP

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence
or ☐ online notarization this 17th day of February, 2022, by Malcolm Butters
as the Manager (title), of Tamarac Industrial
☒ a Florida business entity, or ☐ individually (choose one). He/She is ☒
personally known to me or ☐ has produced a _____ (state)
driver's license as identification.

NOTARY PUBLIC, STATE OF FLORIDA

[Signature]
(Signature)

Latoya Washington
(Name)

My Commission Expires: _____



EXHIBIT AExhibit 2
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Broward County
Environmental Protection and Growth Management Department
PLANNING AND DEVELOPMENT MANAGEMENT DIVISION

FEE STATEMENT**APPLICANT INFORMATION**

Tamara Industrial Venture, LLC

APPLICANT/DEVELOPER NAME

ADDRESS

CITY & ZIP CODE

TELEPHONE

PLAT/PROJECT NAME

PLAT/PROJECT NO.

PLAT BOOK & PAGE NO.

SCHOOL ZONE

Impact Fee Agreement(s) —

N.A. ☐Road ☐School ☐Park ☐

Type of Security —

N.A. ☐Letter of Credit ☐Bond ☐Lien ☐**FEES**

AMOUNT	ITEM	VALIDATION
<i>1030</i>	<i>1335</i>	
<i>35,420⁰⁰</i>	<i>DF20-1214</i> <i>Cash Bond for maintenance & monitoring</i>	Broward County Board of County Commissioners Building Code Services Div
	<i>For deposit into Acct #</i> <i>0010-2200-WET1</i>	Date: 3/21/2022 3:50 PM Cashier: amathis Batch No: 10374 Trans No: 16 Rpt No: 00565036 Inv No: Payment: \$35,420.00
		===== 1335 Wetland Bonds \$35,420.00 OK 1178 \$35,420.00 =====
<i>35,420⁰⁰</i>	TOTAL	

The fees above are due and payable to:
BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS

THIS STATEMENT BECOMES A RECEIPT WHEN STAMPED BY A REGISTERAuthorized Signature: *Linda Sundland*