

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE ADMINISTRATION TO ENTER INTO A CONSENT ORDER WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR THE INDIAN CREEK DRIVE SEAWALL PROJECT; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONSENT ORDER.**

**WHEREAS**, over the past year the Public Works Department has endeavored to solidify the City's relationship with regulatory entities; and

**WHEREAS**, working closely with regulators such as Miami-Dade County Department of Environmental Resources Management (DERM) and South Florida Water Management District (SFWMD), many permits have been obtained and closed out; and

**WHEREAS**, some of the most notable accomplishments include obtaining permits for Palm and Hibiscus and Indian Creek; and

**WHEREAS**, during our extensive coordination with SFWMD regarding the Indian Creek Seawall, it was discovered that the wall encroached beyond the allowable 12 inches into the canal;

**WHEREAS**, on December 22, 2017, SFWMD issued a Notice of Violation for the Indian Creek Seawall ("Violation"), and in September 16, 2019, the City paid \$7,700 to SFWMD to settle the violation; and

**WHEREAS**, in order to correct this issue and satisfy regulatory requirements, the City applied for a new permit to allow the wall to be built a maximum of 18 inches into the canal; and

**WHEREAS**, in order to obtain the permit, the City had to perform the appropriate environmental mitigation, which included the removal of four derelict vessels from Biscayne Bay; and

**WHEREAS**, upon the removal of four derelict vessels from Biscayne Bay, SFWMD approved this permit on April 21, 2020; and

**WHEREAS**, in order to close the Violation and complete this process, SFWMD has requested that the City enter into a Consent Order, a copy of the Consent Order is attached to the Commission Memorandum accompanying this Resolution; and

**WHEREAS**, the Consent Order broadly covers the history of the project, states that the fine paid is satisfactory for the violation, and illustrates that by entering into this Consent Order, the City provides SFWMD with reasonable assurances of good faith that the City will proceed with the Indian Creek Seawall project as set forth in the Consent Order; and

**WHEREAS**, as part of the Consent Order, SFWMD agrees not to initiate an enforcement for the violations; and

**WHEREAS**, the Administration recommends that Mayor and City Commission enter into the Consent Order with SFWMD.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, hereby that the Mayor and City Commission accept the recommendation of the Administration to enter into a Consent Order with the South Florida Water Management District for the Indian Creek Drive Seawall Project; and further authorizing the City Manager to execute the Consent Order

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
**DAN GELBER, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**RAFAEL E. GRANADO, CITY CLERK**

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

*Rellot*  
\_\_\_\_\_  
City Attorney

*ff* *7/27/20*  
\_\_\_\_\_  
Date