

# "The Taking" Without Compensation

*Farmland Misclassification, Regulatory Burden, and Uncompensated Taking  
Las Palmas Community / 8.5 Square Mile Area · Miami-Dade County, Florida*

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**CORE FINDINGS, RECORDS, AND LEGAL ISSUES**

- **Farmland Misclassification and Regulatory Taking**
- **Four-Agency Conduct and Jurisdictional Conflict**
- **CFN 2014R0306458 — 863 Parcels / 2,283.32 Acres / Transfer Structure**
- **Governmental Immunity, Limitations, and Current Paths to Relief**

**SUPPORTED BY EXHIBIT VOLUME A-1 THROUGH A-7**

Including pricing records, flooding documentation, deed records, enforcement materials, jurisdictional challenge materials, and federal-case history

**About This Publication**

The Taking Without Compensation and Exhibits A-1 through A-7 are presented here as a unified white paper and evidentiary record package addressing farmland misclassification, regulatory burden, agency conduct, and uncompensated taking in the Las Palmas Community / 8.5 Square Mile Area. This publication is provided for informational, investigative, public-record, and educational purposes and should be reviewed together with the exhibits and referenced public records identified herein.

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## I. Executive Summary

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This white paper is the legal and factual record of what happened to the Las Palmas community in the 8.5 Square Mile Area of western Miami-Dade County, Florida. It documents how multiple government agencies — acting individually and in coordination — used the 'wetland' label not to protect the environment, but to devalue private land, displace working farms, and generate regulatory value that was then transferred to commercial developers without compensating the landowners whose property made that value possible.

The story begins in 1989 when Congress burdened this community through federal water management legislation — without compensation. It runs through three decades of flooding caused by the government's own infrastructure, enforcement actions issued without the biological verification Florida law requires, below-market land acquisitions where the nominal consideration recorded in the government's own deed instrument bears no relationship to verified fair market value for the land actually taken, and a 2013 deed transfer that moved 863 parcels from the federal government to a state water management district using a legal instrument specifically chosen because it carries no title warranties and transfers every outstanding constitutional defect to the new owner.

In July 2025 — more than a year after the government completed the seepage wall that fixed the flooding it caused — the South Florida Water Management District issued new enforcement notices against the same parcels. The pattern has not ended. This paper documents it, identifies what each agency did wrong and what legal protection each agency has, explains which claims are still alive under applicable statutes of limitations, and provides a plain-language guide for how affected landowners can proceed.

### Central Thesis

The wetland designation, as applied in the cases documented here, is not a biological finding. It is a financial instrument — used to shift economic burdens from commercial developers onto private landowners without constitutional justification or compensation. The Fifth Amendment prohibits exactly this. The government has never paid for it.

## II. The Fifth Amendment Promise — What the Takings Clause Requires

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The Fifth Amendment to the United States Constitution states plainly: '...nor shall private property be taken for public use, without just compensation.' This applies to the states through the Fourteenth Amendment. It applies not only when the government physically seizes land, but also when government regulation goes so far in destroying the value of private property that it becomes the functional equivalent of a seizure.

The Supreme Court first recognized this principle in *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393 (1922), where Justice Holmes wrote that 'if regulation goes too far it will be recognized as a taking.' The Court added in *Armstrong v. United States*, 364 U.S. 40, 49 (1960), that the Takings Clause 'was designed to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.' That sentence describes exactly what happened in the 8.5 SMA.

Courts evaluate regulatory taking claims under two standards. Where a regulation eliminates all economically beneficial use, compensation is required without further analysis — a 'per se' taking under *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992). Where a regulation reduces but does not eliminate value, courts weigh three factors under *Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978): the economic impact on the landowner; whether the regulation interfered with reasonable

investment-backed expectations; and the character of the government action. Both standards are implicated here.

Two more recent Supreme Court decisions sharpen the analysis. In *Koontz v. St. Johns River Water Management District*, 570 U.S. 595 (2013), the Court held that demanding a landowner sign permit conditions under threat of enforcement — when those conditions lack a connection to the actual impact of the landowner's activity — constitutes an unconstitutional exaction. That is precisely what Miami-Dade DERM did when it demanded Class IV Wetland Permit signatures from 8.5 SMA landowners under threat of cease and desist enforcement, without first conducting the biological field assessment Florida law requires. And in *Knick v. Township of Scott*, 588 U.S. 180 (2019), the Court held that property owners may bring federal takings claims directly without first exhausting state court remedies.

In *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023), the Supreme Court narrowed the definition of 'waters of the United States' to require a continuous surface connection to traditionally navigable waters — eliminating the previously operative 'significant nexus' standard. Many 8.5 SMA parcels classified under the pre-Sackett standard may no longer be federally jurisdictional, rendering those prior enforcement actions legally defective from inception. And in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 144 S. Ct. 2244 (2024), the Court overruled Chevron deference entirely, requiring courts to exercise de novo independent review of agency wetland classifications without deferring to agency interpretations.

#### **What Just Compensation Means**

Just compensation means the fair market value of the property as of the date of the taking — what a willing buyer would pay a willing seller in an arms-length transaction. *United States v. 564.54 Acres of Land*, 441 U.S. 506 (1979).

It does not mean the government's appraisal. It does not mean the amount the government offered. It does not mean \$10 for 2.5 acres.

Where the government's own regulatory system simultaneously classified the same land as a mitigation asset worth \$100,000–\$200,000 per credit unit and applied acquisition offers justified by a 'landlocked' designation that bore no verified relationship to the land's actual fair market value, the government's valuation was not good faith. It was a fraud on the constitutional requirement of just compensation — and the true market value of each parcel must be independently established through certified appraisal, not from the nominal figures in the Schedule of Parcels.

### **III. The 8.5 Square Mile Area — What Happened and Who Did It**

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#### **A. The Community and Its Geography**

The 8.5 Square Mile Area occupies a precisely defined footprint in western Miami-Dade County: bounded approximately by SW 120th Street to the north, SW 168th Street to the south, and extending west of SW 187th Avenue. SW 136th Street is the community's main corridor and geographic heart. This is not a remote or undeveloped area. It is an established community of homes, farms, and businesses whose residents have lived under federal water management decisions, regulatory enforcement, and development pressure for more than three decades.

#### **B. Phase 1 — The Congressional Trigger: Public Law 101-229 (December 13, 1989)**

On December 13, 1989, Congress enacted Public Law 101-229, the Everglades National Park Protection and Expansion Act. This law authorized modified water delivery schedules into Everglades National Park and expanded the park's eastern boundary to the L-31N Levee — placing the 8.5 SMA directly in the path of increased water flows. No compensation was paid to community landowners for the economic burden

this act imposed. From that moment, the federal government's water management decisions began suppressing property values and eliminating development potential across the entire community.

### C. Phase 2 — The Community Wins in Federal Court: *Garcia v. United States* (2001–2002)

After more than a decade of perennial flooding, denied development permits, and eroding property values, residents filed *Garcia v. United States*, No. 01-801-CIV-Moore, in the U.S. District Court for the Southern District of Florida on February 23, 2001. On July 5, 2002, District Judge Moore ruled in the community's favor: the Corps of Engineers had a mandatory legal obligation to protect the entire 8.5 SMA from flooding, and could not condemn community land without specific authorization. Congress responded directly with P.L. 108-7 § 157 (FY2003 Consolidated Appropriations), mandating the Alternative 6D flood protection system and requiring displaced residential owners receive comparable replacement property.

Every regulatory and acquisition action taken against 8.5 SMA landowners after July 5, 2002 occurred after a federal court had already established the limits of the government's legal authority — and many exceeded those limits. This ruling is documented in the Congressional Research Service Report for Congress, Order Code RS21331 (Updated August 23, 2005) (Exhibit A-7).

#### **Garcia v. United States — The Community Won**

The *Garcia* ruling of July 5, 2002 is a judicial victory: a federal court ruled that the Corps had to protect the entire 8.5 SMA and could not take community land without authorization. Congress then enacted P.L. 108-7 §157 specifically in response — mandating Alternative 6D flood protection and requiring comparable replacement property for displaced residents. Every subsequent regulatory action against 8.5 SMA landowners, including the July 2025 SFWMD Investigative Notices, occurred after a federal court had already ruled that the government's treatment of this community exceeded its legal authority.

### D. Phase 2(b) — The Quitclaim Deed: CFN 2014R0306458

On July 26, 2013, the South Florida Water Management District accepted a quitclaim deed from the United States of America, acting through USACE, conveying 863 parcels in Miami-Dade County pursuant to the Modified Water Deliveries program authorized by Public Law 101-229. This instrument was recorded in the Miami-Dade County Official Records as CFN 2014R0306458 (Exhibit A-4). The Schedule of Parcels documents 863 individual transactions covering 2,283.32 acres with \$44,559,010 in total recorded deed consideration.

#### **Critical Valuation Warning — The Schedule of Parcels Is Not a Record of Fair Market Value**

The nominal consideration figures appearing in the Schedule of Parcels — including entries as low as \$10 for multi-acre parcels — are not verified fair market values and must not be cited as such in any legal, appraisal, or advocacy context.

These figures represent the nominal deed consideration recorded for the purpose of the conveyance instrument. Their significance is narrow and specific: (1) IRS reporting purposes where USACE made payments to landowners not properly recorded elsewhere; and (2) Florida documentary stamp tax and property tax analysis on the government-to-government transfer — a transfer that may qualify for full or partial exemption from those taxes.

Under no circumstances should the nominal Schedule figures be used to characterize what any landowner actually received, what fair market value was, or what just compensation would require. The actual economic value transferred in each acquisition must be established through independent appraisal of each parcel at the time of taking, USACE internal appraisal files

(obtainable via FOIA), litigation settlement records, and the full documented history of replacement property, cash payments, relocation assistance, and other benefits each family actually received.

Community investigation confirms that in many transactions the true economic transfer was a multiple of the recorded consideration. Three documented examples: a \$195,000 home exchanged for a \$375,000 replacement home — the Schedule records only a nominal consideration figure, and the \$180,000 additional housing value does not appear; a plant nursery on under five acres exchanged for a ten-acre estate plus approximately \$1,000,000 in cash — a total economic transfer of approximately \$3,000,000 recorded in the Schedule at approximately \$130,000; and a parcel acquired by quick-take with a \$10 deposit that the landowner litigated for three years, ultimately settling for \$180,000 — the Schedule records the \$10 deposit, not the \$180,000 settlement. The Schedule is not the record of what families received. It is the record of what the deed said. Those are not the same thing.

### **E. Phase 3 — The Court-Mandated Response: The Seepage Wall (2022–2024)**

The seepage wall completed in 2024 is the physical realization of the Alternative 6D mandate Congress enacted in 2003 because the community won in federal court in 2002. It took twenty years to build. Its completion stabilized the flooding — but stabilization is not compensation. The government caused the flooding, profited through regulatory classifications and mitigation credit generation, fixed the flooding it caused, and billed the landowners and taxpayers for the remedy.

### **F. The 8.5 SMA as an Involuntary Stormwater Filtration System**

Prior to the seepage wall's completion in 2024, the 8.5 SMA functioned as an involuntary holding and pre-filtration system for stormwater and pollutants from Miami-Dade's urbanized eastern areas before that water continued toward Biscayne Bay and the Biscayne Aquifer. Urban runoff carrying bacteria, nitrogen, phosphorus, oil, pesticides, and fertilizers was directed westward through the county's drainage and canal systems onto rural community farmland, where it was held and partially filtered. The landowners received no compensation. Miami-Dade County, meanwhile, derived documented benefits: NPDES permit compliance partially satisfied by the involuntary use of private land; avoided capital costs of engineered stormwater treatment infrastructure; and stormwater utility fee revenue collected from ratepayers whose compliance burden was being met by unpaid private land use.

#### **The Filtration Taking**

For decades prior to the seepage wall's completion in 2024, the 8.5 SMA functioned as an involuntary stormwater holding and filtration system — absorbing urban pollutants for the benefit of Biscayne Bay water quality and eastern Miami-Dade development. The government used this community's land as a public stormwater filter for decades, degraded its soil, threatened its groundwater, suppressed its agricultural and economic value — and paid nothing. Photographic documentation of this flooding during 2022–2024 is set forth in Exhibit A-3. The correction of the harm by the seepage wall does not undo the taking. It confirms it.

### **G. CERP: Environmental Restoration or Urban Flood Control?**

The Comprehensive Everglades Restoration Plan was presented to Congress as the largest ecosystem restoration project in American history. Behind the facade, federal and state agencies — partnering with Miami-Dade County under CERP — constructed a massive hydrologic retention system that functioned as a flood control tool for Miami-Dade's eastward urban development areas, and a stormwater disposal system burdening the outer westward rural lands — the 8.5 SMA among them. The beneficiaries are identifiable: the Parkland/Krome Groves DRI ('City Park') — 954 acres entirely outside the Urban

Development Boundary — filed its Application for Development Approval on October 6, 2025, currently under active review. The SR 836 Dolphin Expressway extension seeks to extend 13 miles westward to Krome Avenue. Both projects require wetland mitigation credits. Both are advancing now.

## IV. Agency-by-Agency: How Each Agency Overreached Its Powers

Four government agencies played distinct roles in the 8.5 SMA taking. Each exceeded its lawful authority in specific, documentable ways. Understanding where each agency's authority ended — and what it did beyond that boundary — is essential to the legal claims described in this paper.

### A. U.S. Army Corps of Engineers (USACE)

#### What USACE Was Authorized to Do

Congress authorized the Corps under P.L. 101-229 to manage modified water deliveries to Everglades National Park — not to flood a private residential and agricultural community, not to condemn community land through coercive means, and not to treat community parcels as instruments for generating mitigation credits to offset commercial development elsewhere.

#### How USACE Overreached

- **Flooding without compensation.** The Corps' water management operations inundated 8.5 SMA parcels for decades. *Garcia v. United States* (2002) established the Corps had a mandatory obligation to protect the entire community — an obligation it was not meeting. Directing water onto community land while failing to protect it is a taking.
- **Below-market acquisitions after Garcia.** The Corps continued acquiring parcels through 2009 — years after the July 5, 2002 court ruling — at recorded deed consideration figures that community investigation and independent appraisal analysis show were far below the actual fair market value of the agricultural land acquired. The nominal figures in the Schedule of Parcels are not verified appraisals and cannot be treated as evidence of what fair market value was.
- **The 'landlocked' designation as fraud on just compensation.** Agricultural parcels were condemned at nominal deed consideration figures the government justified with a 'landlocked' designation, while those same parcels were simultaneously classified as mitigation assets generating credits worth \$100,000–\$200,000 per unit on the regulatory market. The 'landlocked' designation was applied to justify below-market acquisition offers — not to reflect any independent, credentialed appraisal of fair market value for land that the government's own regulatory system was simultaneously classifying as a high-value environmental asset.
- **No-warranty transfer of constitutional liability.** In July 2013, the Corps transferred all 863 parcels to SFWMD by quitclaim deed — the only deed form carrying zero title warranties — deliberately chosen to move constitutional liability off the federal government's books. See Section V.

#### When USACE Immunity Is Waived

The Tucker Act (28 U.S.C. § 1491) waives federal sovereign immunity for Fifth Amendment takings claims. Money claims against the United States must be filed in the U.S. Court of Federal Claims within SIX YEARS of accrual (28 U.S.C. § 2501 — jurisdictional, cannot be extended or tolled).

The Garcia ruling negates the discretionary function defense for the Corps' mandatory flood protection duty violations. Mandatory duties cannot be 'discretionary.'

The Flood Control Act (33 U.S.C. § 702c) provides broad immunity for flood damage — but only where water was released for flood control purposes. Where SFWMD directed contaminated urban stormwater onto private land for municipal wastewater management, FCA immunity may not apply. *Central Green Co. v. United States*, 531 U.S. 425 (2001).

**CRITICAL:** Claims from 1989–2018 events are time-barred in the Court of Federal Claims. Claims arising from the seepage wall completion (2024) and the 2025 SFWMD enforcement actions remain within the six-year window.

## B. South Florida Water Management District (SFWMD)

### What SFWMD Was Authorized to Do

SFWMD is a state water management district created under Chapter 373, Florida Statutes. Its authority over private land is conditional. Before asserting Environmental Resource Permit jurisdiction over any private parcel, Florida law requires a field-verified biological assessment under F.A.C. 62-340 (the Florida Unified Wetland Delineation Methodology) confirming all three wetland indicators: hydrophytic vegetation, hydric soils, and wetland hydrology. No enforcement action, permit requirement, or wetland classification is legally valid without that prior field verification. To regulate agricultural parcels specifically, SFWMD must possess a valid delegation agreement with FDEP under § 373.441, F.S.

### How SFWMD Overreached

- **Jurisdictional assertion without biological foundation.** SFWMD extended ERP authority over 8.5 SMA parcels by relying on DERM's unverified enforcement actions as sufficient predicate — without independently conducting or requiring an F.A.C. 62-340 field verification. This created a closed administrative loop: DERM's unverified cease and desist became SFWMD's jurisdictional basis, giving the DERM action the appearance of dual-agency validation — all without a single compliant wetland determination being made on the actual parcel.
- **Failure to produce delegation agreement.** When directly challenged, SFWMD could not produce the § 373.441, F.S. delegation agreement with FDEP that Florida law requires before SFWMD may exercise ERP jurisdiction over agricultural operations. Without that agreement, SFWMD had no legal basis to regulate agricultural parcels in the 8.5 SMA.
- **Continuation of enforcement after stabilization.** SFWMD issued Enforcement Case No. 23523 against Folio No. 3058150000795 on July 9, 2025 (Exhibit A-5) — more than a year after the seepage wall corrected SFWMD's own flooding. SFWMD closed the case without finding of violation days after receiving a written jurisdictional challenge (Exhibit A-6) — confirming the underlying classification cannot withstand scrutiny.
- **Phantom credit generation.** SFWMD accepted and processed mitigation credits generated by administrative restriction alone — cease and desist orders and Class IV permits without biological verification — without the ecological foundation its own standards demand. Chapter 373, F.S. requires mitigation wetlands to replicate the functions of natural wetlands. Phantom credits fail this standard.

### When SFWMD Immunity Is Waived

SFWMD is a state agency subject to § 768.28, F.S. Sovereign immunity is waived for tort claims — capped at \$200,000 per person and \$300,000 per occurrence. No punitive damages.

BEFORE filing any lawsuit against SFWMD: written pre-suit notice must be presented to the SFWMD Executive Director AND to the Florida Department of Financial Services, Division of Risk Management, 200 E. Gaines Street, Tallahassee, FL 32399. Both notices required — sending only to SFWMD is fatal to the claim.

SFWMD then has 6 months to investigate. Do not file suit during this period. Failure to respond within 6 months = deemed denial.

Immunity is NOT waived for SFWMD's discretionary regulatory policy decisions. Immunity IS waived for operational acts: directing floodwaters onto private land; conducting delineations without F.A.C. 62-340 compliance; holding and operating land as mitigation assets.

Florida's Bert J. Harris, Jr. Private Property Rights Protection Act (§ 70.001, F.S.) provides a

separate cause of action for inordinate burden without complete taking. Agricultural properties (§ 193.461, F.S.): 90-day pre-suit notice (not 150 days). Valid appraisal must accompany the notice. For SFWMD Enforcement Case No. 23523 (July 9, 2025): one-year claim presentation deadline is JULY 9, 2026.

## C. Florida Department of Environmental Protection (FDEP)

### What FDEP Was Authorized to Do

FDEP is Florida's lead environmental agency, responsible for statewide environmental standards and overseeing water management district operations. FDEP is responsible for issuing the delegation agreements under § 373.441, F.S. that authorize SFWMD to regulate agricultural lands. FDEP was also granted federal Section 404 dredge and fill permitting authority in December 2020.

### How FDEP Overreached

- **Failure to produce and maintain the delegation agreement.** The § 373.441, F.S. delegation framework requires FDEP to affirmatively authorize SFWMD's jurisdiction over agricultural parcels. When this delegation was challenged, the agreement could not be produced. FDEP's failure to maintain proper delegation boundaries allowed SFWMD to assert jurisdiction without the statutory foundation Florida law requires.
- **Failure to oversee SFWMD mitigation credit quality.** FDEP has statutory oversight responsibility over water management district ERP programs. SFWMD's acceptance of phantom credits occurred under FDEP's oversight. FDEP's failure to enforce Chapter 373 standards — requiring mitigation wetlands to replicate natural wetland functions — allowed a structurally defective credit system to persist.
- **Concurrent processing failures.** §§ 253.77 and 373.422, F.S. require concurrent processing of ERP permits and sovereign submerged lands authorizations. FDEP's failure to ensure this concurrent processing for CERP hydrological structures rendered those permits procedurally defective from issuance.

### When FDEP Immunity Is Waived

FDEP is a state agency subject to § 768.28, F.S. Same caps and pre-suit notice requirements as SFWMD — written notice to agency head AND the Department of Financial Services within 3 years of accrual.

FDEP's oversight policy decisions are largely protected by discretionary function immunity. However, FDEP's failure to produce required delegation agreements when legally demanded, and failure to maintain mandatory concurrent processing, are ministerial failures — not policy discretion — falling outside the discretionary function protection.

APA challenge: 30 days to appeal final FDEP orders to the appropriate District Court of Appeal under § 120.68, F.S.

## D. Miami-Dade County / DERM (Department of Regulatory and Economic Resources)

### What Miami-Dade County Was Authorized to Do

Miami-Dade County DERM administers the county's environmental permitting program under Chapter 24 of the Miami-Dade County Code, including the Class IV Wetland Permit program for work in freshwater wetlands. Before any Class IV Wetland Permit enforcement or cease and desist action, Florida law requires field-verified compliance with F.A.C. 62-340.

### How Miami-Dade County Overreached

- **Enforcement without biological verification.** DERM issued Cease and Desist Orders against 8.5 SMA agricultural landowners without first conducting an F.A.C. 62-340 compliant wetland

delineation. A cease and desist order issued without mandatory biological foundation is a threat made without legal authority — not a legitimate regulatory choice.

- **Coerced Class IV permit signatures.** DERM presented landowners with a binary choice: sign a Class IV Wetland Permit, or face county code enforcement including escalating daily fines. This is duress. A signature obtained under threat of enforcement, where the enforcement threat itself lacks legal foundation (no F.A.C. 62-340 compliance), does not constitute voluntary consent. Each coerced permit signature is a document obtained under unlawful duress, independently challengeable and constituting a basis for damages.
- **The EEL program as regulatory coercion.** Through the Environmentally Endangered Lands (EEL) program (§ 24-50, Miami-Dade County Code), the county used regulatory pressure — cease and desist orders, development denials, and escalating penalty threats — to make continued ownership of agricultural parcels economically untenable, driving landowners to sell at below-market prices. Congress authorized willing-seller acquisitions. Miami-Dade County converted a voluntary framework into its opposite.
- **Role-stacking without independent oversight.** Miami-Dade County simultaneously acted as the regulatory body issuing permits and enforcement orders, the enforcement body compelling compliance, and the entity making baseline land-use determinations that established whether parcels qualified for wetland regulation. No independent party stood between the county's regulatory decisions and the regulatory outcomes those decisions served. This is the structural elimination of the accountability mechanisms that would otherwise detect and prevent a constitutional taking.

**Note on Miami-Dade County and Mitigation Banking:** The documented record does not support a claim that Miami-Dade County directly operated a mitigation bank with respect to the 8.5 SMA parcels at issue. The county's documented roles are regulator, enforcer, and land classifier. SFWMD, as the entity that received the 863-parcel portfolio by quitclaim deed and holds authority to operate mitigation banks under Florida law, is the appropriate target of mitigation credit disgorgement claims. Discovery from SFWMD's mitigation bank ledgers, SFWMD registration records, and Army Corps permit files will establish which specific folios generated credits and what those credits sold for.

### When Miami-Dade County Immunity Is Waived

Miami-Dade County is a political subdivision subject to § 768.28, F.S. Same \$200,000/\$300,000 damage caps.

IMPORTANT DIFFERENCE: Claims against counties do NOT require presentation to the Florida Department of Financial Services. Written claim must go to the county agency head (DERM/RER Director) ONLY. § 768.28(6)(a), F.S. expressly excepts counties from the DFS filing requirement.

DERM's operational enforcement without F.A.C. 62-340 verification is a ministerial failure falling outside discretionary immunity.

The coerced Class IV permit signature theory: a threat made without legal authority (no F.A.C. 62-340 verification) is extortion of a regulatory signature — separately cognizable.

DERM Cease and Desist appeals: 15 days to the Environmental Quality Control Board (EQCB). Code enforcement citation appeals: 20 days. Missing these deadlines permanently waives the right to challenge that specific enforcement action.

## V. The Quitclaim Deed — How the Federal Government Transferred Liability to SFWMD

On July 26, 2013, SFWMD accepted a quitclaim deed from the United States of America, through USACE, conveying 863 parcels pursuant to P.L. 101-229. This instrument was recorded as CFN 2014R0306458 in the Miami-Dade County Official Records in 2014. It is Exhibit A-4 to this white paper.

## A. Why the Federal Government Used a Quitclaim Deed

There are three main types of deeds. A general warranty deed guarantees the grantor will defend the grantee against all prior claims, including claims arising before the grantor owned the property. A special warranty deed guarantees against defects arising during the grantor's ownership period. A quitclaim deed guarantees nothing. It conveys only whatever interest the grantor has — 'as is, where is' — with no promise about title quality, no defense against prior claims, and no recourse if problems emerge.

The DOJ Title Regulations governing USACE land disposals require attorney review of all deed instruments. The decision to use a quitclaim deed on a portfolio of 863 parcels — transferred in connection with a \$44.5 million acquisition program — was a deliberate, legally reviewed institutional choice. The result: every constitutional defect, taking claim, valuation dispute, coerced permit signature claim, and F.A.C. 62-340 compliance failure passed to SFWMD with no recourse to the federal government. SFWMD took title with full constructive notice of the Garcia litigation, the community's federal court victory, and every acquisition dispute documented in the public record.

## B. SFWMD Perpetuates the Pattern

SFWMD's official surplus property bid documents — obtained from SFWMD.gov — confirm that SFWMD uses the identical no-warranty framework when it subsequently conveys these properties. SFWMD's standard bid language states: 'The property shall be conveyed by quitclaim deed. The SFWMD makes no express or implied warranty or representation with respect to the title to the property or the condition or suitability of the property... all of which are expressly disclaimed by the SFWMD. The buyer shall accept the property in its As Is, Where Is and With All Faults condition.' Every constitutional defect travels downstream with no warranty protection at any link in the chain.

## C. The Recording Gap

The deed was accepted July 26, 2013 but not recorded until 2014. Under § 695.01, F.S., an unrecorded deed is not valid against subsequent creditors or purchasers without notice. Discovery must determine whether mitigation credits were generated from these parcels before the deed was publicly recorded — before SFWMD had legally perfected its title.

### CFN 2014R0306458 — The Smoking Gun

This quitclaim deed documents the moment the United States government transferred the financial infrastructure of the 8.5 SMA taking to SFWMD. The grantor is the United States of America. The grantee is SFWMD. The authority is Public Law 101-229. The deed carries no warranties. Every constitutional defect attaches to SFWMD. This document — recorded in the public record — is not rhetoric. It is evidence.

## VI. The Environmental Resource Permit Framework: The Regulatory Weapon

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### A. SFWMD's Own Language Describes the Pipeline

SFWMD's ERP program, governed by Chapter 373, Florida Statutes and Chapter 62-330, Florida Administrative Code, is the state-level regulatory machinery through which the wetland classification and mitigation credit system operates in the 8.5 SMA. SFWMD's own guidance states: 'if your proposed activities would impact wetlands, you will be asked to compensate for those impacts by preserving, restoring, enhancing or creating wetlands either on your property or at an appropriate off-site mitigation

location, or by purchasing credits from a mitigation bank.' This is the financial pipeline — from developer to mitigation bank — documented in SFWMD's own regulatory language.

## B. The Three-Tier Permit Structure

The ERP program operates through three tiers. General Permits are issued by District staff — including the Class IV Wetland Permit used to administratively convert 8.5 SMA agricultural parcels, a staff-level decision with permanent, six-figure financial consequences for landowners. Individual Permits for projects involving more than 100 acres of total project area, more than 10 acres of wetland impacts, or more than 30 boat slips require approval by the District's Executive Director personally. The Parkland/Krome Groves DRI (954 acres) and the 836 Expressway extension (13 miles) both exceed this threshold — the Executive Director personally approved the credit transactions flowing from 8.5 SMA administrative conversions.

## C. SFWMD's Own Review Criteria as Self-Indictment

SFWMD's ERP application review requires the District to weigh whether a proposed activity will cause adverse flooding to on-site or off-site property. SFWMD's own water management operations caused exactly the adverse flooding to on-site and off-site property that its permit review criteria are designed to prevent. The ERP framework's protective language was applied to outside-UDB developers seeking permits — not to the 8.5 SMA community whose land was bearing the burden of the entire system.

## VII. The Wetland Label as a Financial Instrument

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The argument that the wetland label functions as a financial tool rather than a biological reality is supported by converging lines of evidence. Geographic correlation: delineations cluster along planned infrastructure routes and near large commercial development sites. Temporal correlation: delineations disproportionately occur in the years immediately preceding major development approvals. Credit market pricing: mitigation credit values track closely with cost savings to developers from avoiding alternative mitigation methods — not with any independent ecological valuation of the designated parcels.

A genuine wetland designation rests on documented, reproducible scientific findings. When the 'wetland' label is applied to land that fails the three-factor hydrology-soil-vegetation test, or when the delineation is based on outdated data, aerial photographs from wet years, or extrapolation from adjacent parcels, it ceases to be a biological classification and becomes an economic instrument. Landowners challenging their designations have retained independent certified wetland scientists who found no qualifying indicators present — yet the regulatory designation persisted through appeals processes designed to favor agency findings.

Wetland mitigation banking, authorized under 33 C.F.R. Part 332, creates powerful economic incentives to maximize the supply of credits by maximizing the number of acres classified as wetland. The landowner whose property is delineated receives no share of that asset — they receive only the burden. The Mitigation Banking Group's 2026 Pricing Sheet (Exhibit A-1) documents Florida mitigation credit prices ranging from \$25,000 to \$525,000 per credit, with South Florida consistently exceeding \$100,000 per qualifying credit.

### The Core Inequity

A farm worth \$X on the open market is administratively converted into a mitigation asset worth \$X plus hundreds of thousands of dollars in credit value. The credit value flows to the regulatory system. The landowner receives a cease and desist order.

## VIII. Governmental Immunity: What Each Agency Can Claim and When It Is Waived

Every government defendant in this litigation will raise immunity defenses at the first opportunity. These defenses are real and must be understood before any claim is filed. The following table summarizes the immunity framework, the conditions for waiver, and the procedural requirements for each defendant.

Agency	Immunity Basis	What Is Immune	When Immunity Is Waived / How to Overcome
USACE / United States	Sovereign immunity; Tucker Act (28 U.S.C. § 1491); FTCA (28 U.S.C. §§ 1346(b), 2671–2680); Flood Control Act (33 U.S.C. § 702c)	Discretionary policy decisions re CERP, water delivery, P.L. 101-229. Flood damage from flood-control releases.	Tucker Act waives immunity for Fifth Amendment takings — Court of Federal Claims within 6 years (28 U.S.C. § 2501, jurisdictional). Garcia ruling negates discretionary function defense for mandatory duty violations. FCA immunity does not apply to non-flood-control stormwater releases. Central Green Co. v. United States, 531 U.S. 425 (2001).
SFWMD	§ 768.28, F.S. — \$200K/\$300K tort caps. Trianon discretionary function immunity for regulatory policy decisions.	Regulatory policy decisions (adopting ERP program, setting classification standards — Category 1 and 2 functions).	§ 768.28 waives immunity for operational/proprietary acts (Categories 3 & 4 — operating infrastructure, conducting delineations). Pre-suit notice to SFWMD Executive Director AND DFS within 3 years. 6-month investigation period. Harris Act § 70.001: 90-day ag notice; appraisal required; July 2025 enforcement: deadline July 9, 2026.
FDEP	§ 768.28, F.S. Discretionary function immunity for oversight policy decisions.	Policy decisions regarding SFWMD oversight, permit program design.	Ministerial failures — failure to produce required delegation agreements; failure to ensure mandatory concurrent processing — fall outside discretionary immunity. Pre-suit notice to FDEP head AND DFS. 30-day APA appeal of final FDEP orders under § 120.68, F.S.
Miami-Dade County / DERM	§ 768.28, F.S. political subdivision. \$200K/\$300K caps. Discretionary immunity for enforcement policy decisions.	Decision to adopt enforcement policies; regulatory planning functions.	NO DFS notice required — notice to county agency head only. Operational enforcement without F.A.C. 62-340 verification = ministerial failure. Coerced permit signatures under unlawful threat = separate cognizable claim. DERM C&D appeal: 15 days to EQCB. Code citation appeal: 20 days.

## IX. State and Federal Statutes of Limitations — Complete Analysis

**Critical Notice:** Statutes of limitations are absolute bars. A meritorious claim filed one day late is permanently lost. The analysis below identifies what is alive as of April 2026 and what is time-barred. Individual claims require case-specific legal analysis.

### A. Federal Limitations — Tucker Act (28 U.S.C. § 2501)

The U.S. Court of Federal Claims must dismiss any takings claim filed more than six years after accrual. This deadline is jurisdictional — courts have no power to extend it for any reason. John R. Sand & Gravel Co. v. United States, 552 U.S. 130 (2008).

Event / Claim	6-Year Bar Date	Status — April 2026
P.L. 101-229 enactment — burden on community (Dec. 13, 1989)	Dec. 13, 1995	<b>TIME-BARRED in Court of Federal Claims.</b>
USACE acquisitions at recorded deed consideration (1994–2009)	2000–2015	<b>TIME-BARRED for all acquisition-era takings claims.</b>

Event / Claim	6-Year Bar Date	Status — April 2026
Garcia ruling — government's mandatory duty notice (July 5, 2002)	July 5, 2008	<b>TIME-BARRED as standalone claim. Critical to defeating discretionary function defense.</b>
CFN 2014R0306458 — quitclaim deed accepted (July 26, 2013)	July 26, 2019	<b>TIME-BARRED.</b>
Seepage wall completion — flooding stabilized (2024)	2030	<b>WITHIN WINDOW. Physical taking claims based on 30 years of government-caused flooding may have accrued at stabilization. File by 2030.</b>
SFWMD Enforcement Case No. 23523 (July 9, 2025)	July 9, 2031	<b>FULLY WITHIN WINDOW. File promptly.</b>
January 1, 2026 Constructive Notice — government non-response	Jan. 1, 2032	<b>WITHIN WINDOW.</b>

## B. Florida State Limitations

Claim Type	Florida SOL	Status — April 2026
Florida Inverse Condemnation — Physical Taking (flooding, stormwater filtration)	4 years § 95.11(3), F.S.	Accrual deferred until flooding 'stabilized.' Suarez v. City of Tampa. Seepage wall completion (2024) is likely stabilization event. Window approximately 2024–2028. FILE BY 2028.
Florida Inverse Condemnation — Regulatory Taking (C&D orders, permit denials)	4 years § 95.11(3), F.S.	Pre-2022 regulatory actions: likely time-barred. SFWMD Enforcement Case No. 23523 (July 9, 2025): WITHIN WINDOW through July 2029.
Bert J. Harris Act — Agricultural Property (§ 70.001, F.S.)	1 year to present claim; 4 years to file suit	<b>MOST URGENT.</b> For July 2025 SFWMD enforcement: written pre-suit notice WITH valid appraisal must reach SFWMD by JULY 9, 2026. Agricultural parcels: 90-day notice period. FILE IMMEDIATELY.
Coerced Class IV Permit Signatures / Fraud	4 years from discovery § 95.11(3)(j), F.S.	Delayed discovery rule: accrual from when fraud discovered. Case-by-case analysis required.
Disgorgement of Mitigation Credit Revenues	4 years § 95.11(3), F.S.	Each credit sale = separate accrual. Credits sold 2022–present: WITHIN WINDOW. Rolling window for ongoing sales.
Tort Claims Against SFWMD or Miami-Dade County	4 years § 95.11(3), F.S. SUBJECT TO § 768.28 PROCEDURE	Must comply with § 768.28 pre-suit notice BEFORE filing suit. SFWMD: notice to agency head AND DFS. Miami-Dade County: notice to county agency head only. Both: 6-month investigation period before suit.

### Most Urgent Deadline in This Paper

§ 70.001, F.S. — Bert J. Harris Act — SFWMD Enforcement Case No. 23523 (July 9, 2025):

- Deadline to present written claim to SFWMD: JULY 9, 2026.
- Agricultural land (§ 193.461, F.S.): pre-suit notice period is 90 days (not 150 days).
- Notice must be accompanied by a bona fide, valid appraisal demonstrating fair market value loss.
- SFWMD has 90 days to respond with settlement offer and statement of allowable uses.
- Failure to respond = deemed denial — suit may be filed in Circuit Court.

**ACTION:** Retain an appraiser and qualified legal counsel immediately.

## X. How to Proceed — A Plain-Language Guide

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*Disclaimer:* This section is general guidance only — not legal advice. Deadlines vary by claim type and some are measured in weeks from April 2026. Consult qualified legal counsel immediately.

### Step 1 — Most Urgent: File the Bert J. Harris Act Pre-Suit Notice

If your property received an SFWMD enforcement action in July 2025 (Case No. 23523 or related actions), you have until July 9, 2026 to present a written claim to SFWMD. Miss this date and this claim is permanently lost.

1. **Confirm agricultural classification** under § 193.461, F.S. with the Miami-Dade Property Appraiser. This triggers the 90-day (not 150-day) pre-suit notice period.
2. **Retain a certified real estate appraiser immediately.** The notice must be accompanied by a valid appraisal demonstrating loss in fair market value. This cannot be assembled at the last minute.
3. **Send written notice** to: SFWMD Executive Director, 3301 Gun Club Road, West Palm Beach, FL 33406. Identify the enforcement action, describe the existing use burdened, and attach the appraisal. Send by certified mail with return receipt.
4. **SFWMD then has 90 days to respond** with a settlement offer and statement of allowable uses. Failure = deemed denial. You may then file suit in Circuit Court.

### Step 2 — File § 768.28 Pre-Suit Notice for All Tort Claims

Before filing any tort lawsuit against SFWMD or any other Florida state agency, you must present a written claim in advance. Courts strictly enforce this requirement.

- **For SFWMD claims:** Send written notice to (1) SFWMD Executive Director, 3301 Gun Club Road, West Palm Beach, FL 33406 AND (2) Florida Department of Financial Services, Division of Risk Management, 200 E. Gaines Street, Tallahassee, FL 32399-0338. Both notices required.
- **For Miami-Dade County / DERM claims:** Send written notice to the DERM/RER Director only. No DFS notice required for county claims.
- **The notice must include:** your name and address; the date and nature of the government action; the damages you suffered; the compensation you are requesting.
- After proper notice, the agency has 6 months to investigate. Failure to respond = deemed denial.

### Step 3 — Gather Evidence Before It Disappears

1. **FOIA Request to USACE Jacksonville District:** Request the complete appraisal file for your parcel; documentation of the 'landlocked' designation; all correspondence regarding 8.5 SMA acquisitions; documentation of the decision to convey by quitclaim deed; all relocation assistance records. Address: USACE FOIA Officer, 701 San Marco Blvd., Jacksonville, FL 32207.
2. **Florida Public Records to DERM/RER:** Request your parcel's complete enforcement file specifically including any F.A.C. 62-340 biological field determination form completed before the Cease and Desist Order. Absence of this form is the foundation of every subsequent legal challenge.
3. **Florida Public Records to SFWMD:** Request: (a) § 373.441, F.S. delegation agreement with FDEP; (b) your parcel's ERP file; (c) mitigation bank ledger entries identifying which folios from CFN 2014R0306458 generated credits and what those credits sold for; (d) the complete file for Enforcement Case No. 23523.
4. **Miami-Dade Property Appraiser:** Request your property record card showing land use classification, assessed value history, and agricultural classification under § 193.461, F.S. for each year 1989 to present.

## Step 4 — Know Which Court Handles Which Claim

Claim	Forum	Key Timing
Fifth Amendment Takings — against United States (USACE)	U.S. Court of Federal Claims	Within 6 years of accrual (28 U.S.C. § 2501). Federal Circuit-experienced counsel required.
Florida Inverse Condemnation — against SFWMD or Miami-Dade	Miami-Dade Circuit Court	File § 768.28 pre-suit notice first. File suit within 4 years of accrual. Attorney fees available on success.
Bert J. Harris Act — against SFWMD	Miami-Dade Circuit Court	URGENT: Written notice with appraisal to SFWMD by July 9, 2026 for July 2025 enforcement actions.
Disgorgement of Mitigation Credits — against SFWMD	Miami-Dade Circuit Court	File § 768.28 notice. Equitable claim — rolling 4-year window for ongoing credit sales.
DERM C&D Order Appeals	Miami-Dade EQCB	15 days from DERM Director action.
SFWMD ERP Decision Appeals	SFWMD / DOAH	21 days from receipt of SFWMD decision. (14 days if concurrent ERP and sovereign submerged lands review.)

## XI. Framework for a Writ of Certiorari

A petition for Writ of Certiorari to the United States Supreme Court should present the following questions:

- Whether a regulatory agency's systematic misclassification of private land as 'wetland' — when that classification lacks biological foundation and is economically motivated by the mitigation credit market — constitutes a regulatory taking under the Fifth Amendment requiring just compensation.
- Whether the Penn Central balancing test provides adequate protection against regulatory schemes that use biological designations as pretextual financial instruments, generating economic value for government and industry while imposing uncompensated burdens on private landowners.
- Whether *Sackett v. EPA*, 598 U.S. 651 (2023) — limiting federal CWA wetland jurisdiction to parcels with a continuous surface connection to navigable waters — creates a basis for facial challenges to wetland delineations conducted under the now-repudiated 'significant nexus' standard.
- Whether *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024) — overruling *Chevron* deference — requires de novo judicial review of Army Corps wetland delineations previously upheld through *Chevron* deference to agency interpretations.

To reach the Supreme Court: exhaust administrative remedies; bring district court actions asserting Fifth Amendment takings claims and APA arbitrary-and-capricious review; obtain a final Eleventh Circuit judgment; and demonstrate the circuit's holding conflicts with at least one other circuit or with a Supreme Court decision. Without *Chevron* deference, the window for de novo review of agency wetland delineations is now open.

## XII. Framework for a Community-Wide Class Action

### A. Class Definition

The proposed class includes all owners of real property within the 8.5 Square Mile Area — bounded approximately by SW 120th Street to the north, SW 168th Street to the south, and extending west of SW 187th Avenue — who, from February 23, 2001 (the date *Garcia v. United States* was filed) through the date of class certification, received a wetland delineation that: (a) lacked adequate biological support under the

three-factor test; (b) resulted in denial or delay of development permits; and (c) occurred during a period when mitigation credits from the same watershed were actively marketed to commercial developers.

## B. Rule 23 Requirements

The class is tenable under Federal Rule of Civil Procedure 23(b)(3). Numerosity: hundreds of affected parcels. Commonality: the legal standard for regulatory takings in the wetland context, the mitigation credit incentive theory, and the constitutional requirement of just compensation. Typicality: named plaintiffs' claims arise from the same systematic practice. Predominance and Superiority: individual litigation of hundreds of takings claims is inefficient and practically impossible for landowners of modest means.

## C. Five Categories of Recoverable Harm

The class is entitled to pursue all five simultaneously. Note: the § 768.28 damage caps (\$200,000 per person / \$300,000 per occurrence) apply to tort claims against state agency and county defendants. They do not apply to Fifth Amendment takings claims under the Tucker Act in the Court of Federal Claims, or to equitable disgorgement claims.

1. **Diminution in Value.** Fair market value unencumbered minus actual market value under the designation — the core Fifth Amendment takings measure.
2. **Accumulated Economic Losses.** Thirty years of lost agricultural income, denied development opportunity, financing deprivation, and compounding opportunity cost.
3. **Coerced Class IV Permit Signatures.** Each permit obtained by threat of enforcement without F.A.C. 62-340 legal foundation is a document of unlawful duress — including the value of credits generated from the administrative classification.
4. **Disgorgement of Mitigation Credit Revenues.** All credit revenues attributable to parcels classified without F.A.C. 62-340 compliance represent unjust enrichment. Disgorgement operates outside the § 768.28 damage caps.
5. **Consequential and Emotional Distress Damages.** Individual plaintiffs forcibly removed, subjected to quick-take condemnation, or whose farms were destroyed by government-caused flooding may assert consequential damages individually — subject to § 768.28 caps for state defendants.

## XIII. Key Precedents and Statutory Authorities

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### A. United States Supreme Court — All Citations Verified

- **Pennsylvania Coal Co. v. Mahon**, 260 U.S. 393 (1922) — Regulation that goes 'too far' is a taking.
- **Armstrong v. United States**, 364 U.S. 40 (1960) — Takings Clause bars forcing some to bear public burdens for all.
- **Penn Central Transportation Co. v. New York City**, 438 U.S. 104 (1978) — Three-factor regulatory takings balancing test.
- **Lucas v. South Carolina Coastal Council**, 505 U.S. 1003 (1992) — Per se taking where regulation eliminates all economically beneficial use.
- **Palazzolo v. Rhode Island**, 533 U.S. 606 (2001) — Post-regulation acquisition does not bar a takings claim.
- **Koontz v. St. Johns River Water Management District**, 570 U.S. 595 (2013) — Unconstitutional exactions; coerced permit conditions subject to Takings Clause.
- **Knick v. Township of Scott**, 588 U.S. 180 (2019) — Federal takings claim ripe immediately upon taking; no state exhaustion required.

- **Sackett v. EPA**, 598 U.S. 651, 143 S. Ct. 1322 (2023) — WOTUS requires continuous surface connection to navigable waters.
- **Loper Bright Enterprises v. Raimondo**, 603 U.S. 369, 144 S. Ct. 2244 (2024) — Chevron overruled; de novo judicial review of agency classifications required.
- **United States v. James**, 478 U.S. 597 (1986) — Flood Control Act § 702c immunity — broad but not unlimited.
- **Central Green Co. v. United States**, 531 U.S. 425 (2001) — FCA immunity: character of the waters and purpose of release are determinative.
- **John R. Sand & Gravel Co. v. United States**, 552 U.S. 130 (2008) — Tucker Act SOL is jurisdictional — no equitable tolling.
- **United States v. 564.54 Acres of Land**, 441 U.S. 506 (1979) — Just compensation = fair market value.
- **Kirby Forest Industries v. United States**, 467 U.S. 1 (1984) — Landowners retain right to contest sufficiency of compensation.
- **Garcia v. United States**, No. 01-801-CIV-Moore (S.D. Fla., July 5, 2002) — Corps exceeded legal authority; mandatory flood protection obligation established.

## B. Federal Statutes and Regulations

- U.S. Const. amend. V (Takings Clause); amend. XIV (incorporation to states)
- Clean Water Act § 404 — 33 U.S.C. § 1344 (Section 404 permits)
- Flood Control Act immunity — 33 U.S.C. § 702c
- WOTUS Definition Regulation — 33 C.F.R. § 328.3 (post-Sackett amended)
- Compensatory Mitigation — 33 C.F.R. Part 332
- APA Arbitrary and Capricious Review — 5 U.S.C. § 706
- Tucker Act — 28 U.S.C. § 1491 (Court of Federal Claims jurisdiction)
- Tucker Act Statute of Limitations — 28 U.S.C. § 2501 (6 years, jurisdictional, non-tolled)
- Federal Tort Claims Act — 28 U.S.C. §§ 1346(b), 2671–2680 (§ 2680(a) discretionary function exception; § 2401(b) 2-year administrative claim deadline)
- Public Law 101-229, December 13, 1989 — Everglades National Park Protection and Expansion Act
- P.L. 108-7 § 157 — FY2003 Consolidated Appropriations — Alternative 6D flood protection mandate

## C. Florida Statutes

- § 95.11(3), F.S. — 4-year general statute of limitations (inverse condemnation, fraud, unjust enrichment)
- § 768.28, F.S. — Florida Tort Claims Act: waiver of sovereign immunity; \$200K/\$300K caps; pre-suit notice to agency and DFS (except for counties); 6-month investigation period
- § 70.001, F.S. — Bert J. Harris, Jr. Private Property Rights Protection Act: 1-year claim; 4-year suit; 90-day agricultural pre-suit notice; valid appraisal required
- § 70.45, F.S. — Harris Act Exactions: conditions on permits lacking nexus to legitimate public purpose
- § 193.461, F.S. — Agricultural land classification (triggers 90-day Harris Act notice period)
- § 695.01, F.S. — Recording requirement: unrecorded deed ineffective against subsequent purchasers

- § 689.025, F.S. — Florida quitclaim deed form (no title warranties conveyed)
- Chapter 373, F.S. — SFWMD organic statute (§§ 373.119, 373.413, 373.416, 373.427, 373.430, 373.441)
- Chapter 403, F.S. — Water resource prohibitions (§§ 403.121, 403.141, 403.161, 403.813, 403.814(12))
- Chapter 120, F.S. — Administrative Procedure Act (§§ 120.569, 120.57, 120.68)
- Chapter 253, F.S. — Sovereign Submerged Lands (§§ 253.77, 373.422 concurrent processing)
- §§ 73.091, 73.092, F.S. — Attorney fees in inverse condemnation

#### D. Florida Administrative Code

- F.A.C. 62-340 — Florida Unified Wetland Delineation Methodology: mandatory three-factor field assessment before any agency may assert wetland jurisdiction
- Chapter 62-330, F.A.C. — Statewide ERP rule: three-tier permit structure; mitigation requirements
- Rule 62-344, F.A.C. — Mandatory delineation of landward extent of wetlands

#### E. Miami-Dade County Code of Ordinances

- Chapter 24 — Environmental Protection: DERM Class IV Wetland Permits; Cease and Desist authority; § 24-50 Environmentally Endangered Lands (EEL) Program
- Chapter 8CC (§§ 8CC-3, 8CC-4, 8CC-5) — Code Enforcement: 20-day civil citation appeal deadline

## XIV. Recommended Course of Action

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### A. Immediate Steps for Affected Landowners

1. **File Bert J. Harris Act pre-suit notice with appraisal to SFWMD before July 9, 2026** for any enforcement action issued after October 1, 1995 — particularly the July 2025 enforcement. Retain an appraiser and legal counsel immediately.
2. **File § 768.28 pre-suit notice** to SFWMD (with DFS) and/or Miami-Dade County (county head only) for any tort claims. The 3-year window for presenting notice runs from accrual.
3. **Send public records request to DERM/RER** for your parcel's complete enforcement file — specifically the F.A.C. 62-340 biological field determination form (or its absence) that preceded any Cease and Desist Order.
4. **Send FOIA request to USACE** for your parcel's appraisal file, the 'landlocked' justification, and the quitclaim deed decision documentation.
5. **Commission an independent wetland delineation** by a Certified Professional Wetland Scientist. If the three-factor test is not satisfied on your parcel, every downstream enforcement action is void.
6. **Demand the § 373.441, F.S. delegation agreement from SFWMD** in writing. If SFWMD cannot produce it, SFWMD had no jurisdiction over your agricultural parcel.
7. **Document all economic harm** — crop losses, soil degradation, denied permits, financing difficulties, and any reduction in sale or assessed value.
8. **Obtain and preserve all documentation of the wetland delineation**, including the delineation report, data forms, maps, and any correspondence with the Army Corps or EPA.
9. **Commission water quality testing** of private wells and soil samples on affected parcels to document residual contamination from decades of stormwater retention.

10. **Submit public records requests to SFWMD, DERM, USACE, and Miami-Dade County** for all documents related to hydrological retention, stormwater detention, and water flow management decisions affecting the 8.5 SMA from 1989 to present.
11. **Identify and preserve all EEL program acquisition records**, condemnation filings, escrow deposit records, and appraisal documents for agricultural parcels acquired within the 8.5 SMA.
12. **Identify and interview former 8.5 SMA landowners** who received off-the-books benefit packages — relocation assistance, housing benefits, and non-cash compensation — that exceeded the recorded consideration in CFN 2014R0306458.
13. **Consult qualified legal counsel immediately.** Multiple overlapping deadlines — some measured in weeks — apply to the claims described in this paper. Consult counsel experienced in constitutional takings, Florida inverse condemnation, and Florida administrative law without delay.

## B. Community Coordination

Affected communities should organize a coordinated documentation effort to establish the pattern-and-practice allegations necessary for class certification. This includes: centralizing delineation records across affected parcels to demonstrate geographic and temporal clustering along planned infrastructure corridors; identifying commercial developments whose mitigation credit purchases correspond to classified parcels; retaining a common expert economist to model class-wide diminution in value and mitigation credit revenues; and engaging legislative advocates to support oversight hearings in parallel with litigation.

## XV. Conclusion

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The regulatory apparatus governing wetland classification was designed to protect ecologically significant land from destruction. It was not designed — and cannot constitutionally be used — as a mechanism to devalue private property so that developers of highways and commercial projects can acquire low-cost mitigation credits at the expense of individual landowners. The residents of the 8.5 Square Mile Area have lived this reality for more than three decades.

Four government agencies overreached their authority in this community. The Army Corps of Engineers flooded the community, acquired its land at prices that bear no relationship to the mitigation credit values the regulatory system simultaneously assigned to that same land, and transferred 863 parcels to a state water management district through a no-warranty quitclaim deed specifically designed to move constitutional liability off the federal government's books. The South Florida Water Management District asserted wetland jurisdiction without the biological verification Florida law requires, accepted phantom mitigation credits without the ecological foundation its own standards demand, and issued new enforcement notices in 2025 — more than a year after fixing the flooding it caused. The Florida Department of Environmental Protection failed to enforce the delegation requirements and concurrent processing mandates its own statutes impose. Miami-Dade County DERM used regulatory pressure and unverified enforcement threats to drive agricultural landowners off their land at below-market prices, without the biological foundation that makes such enforcement lawful.

The governmental immunity defenses each agency will raise are real and substantial. But none is absolute. The Tucker Act waives federal sovereign immunity for takings claims — and the Garcia ruling negates the discretionary function defense for the Corps' mandatory flood protection failures. The Florida Tort Claims Act caps are real — but the Fifth Amendment takings framework through inverse condemnation operates outside those caps. Immunity is not waived for policy decisions, but it is waived for operational failures — and the failure to conduct F.A.C. 62-340 biological verification before issuing enforcement orders is the paradigm of an operational failure.

The claims that remain alive are real. The seepage wall completion in 2024 and the SFWMD enforcement action in July 2025 create fresh accrual events within the applicable limitations windows. The Bert J. Harris Act claim for the July 2025 enforcement must be noticed by July 9, 2026. The clock is running.

***It shows that the taking occurred,  
that the government knew,  
and that public institutions benefited while the 8.5 SMA bore the loss.***

*The law requires accountability, compensation, and a full reckoning with what was done to this community.*

## Appendix — Exhibit Volume

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**Exhibit A-1** — Mitigation Banking Group, Inc. 2026 Pricing Sheet. Florida mitigation credit prices \$25,000–\$525,000 per credit; average quality at approximately \$132,000; South Florida consistently above \$100,000 per qualifying credit.

**Exhibit A-2** — Congressional & Agency Oversight Package / Constructive Notice Record, January 1, 2026 (Exhibit A-2). Public record at [www.MiamiDade.watch](http://www.MiamiDade.watch). Documents the regulatory, financial, and mitigation credit mechanisms operating in the Las Palmas Community.

**Exhibit A-3** — Photographic Evidence — Agricultural Land Flooding During Seepage Wall Construction (2022–2024). Active farmland in standing water — directly contradicting any classification of this land as a pre-existing natural wetland.

**Exhibit A-4** — Quitclaim Deed — CFN 2014R0306458. United States of America (through USACE) to South Florida Water Management District. Accepted July 26, 2013. Official totals: 863 transactions; 2,283.32 acres; \$44,559,010 total consideration.

**Exhibit A-5** — SFWMD Investigative Notice, Enforcement Case No. 23523, dated July 9, 2025. Closed without finding of violation after jurisdictional challenge — confirming the underlying wetland classification cannot withstand scrutiny.

**Exhibit A-6** — Jurisdictional Challenge and Public Records Request Letter. Denied SFWMD site access pending production of F.A.C. 62-340 and § 373.441, F.S. documentation. SFWMD closed case without producing any requested jurisdictional documentation.

**Exhibit A-7** — Congressional Research Service Report RS21331 (August 23, 2005). Cites *Garcia v. United States*, No. 01-801-CIV-Moore, by name, case number, and ruling date; documents the community's federal court victory and Congressional Alternative 6D response.

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### CFN 2014R0306458 · *Garcia v. United States* No. 01-801-CIV-Moore

*This white paper is prepared for informational, public-record, and advocacy purposes only. It does not constitute legal advice and does not create an attorney-client relationship. Affected landowners should consult qualified legal counsel regarding their individual circumstances. Multiple statutes of limitations identified herein have deadlines measured in months from the date of this publication.*

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# "The Taking" Without Compensation

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## EXHIBIT VOLUME

Exhibits A-1 through A-7

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**Las Palmas Community · 8.5 Square Mile Area · Miami-Dade County, Florida**  
Congressional & Agency Oversight Package / Constructive Notice Record  
**April 2026 · [www.MiamiDade.watch](http://www.MiamiDade.watch)**

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### Contents of This Volume

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- Exhibit A-1** Mitigation Banking Group, Inc. · 2026 Pricing Sheet
- Exhibit A-2** Congressional & Agency Oversight Package / Constructive Notice Record
- Exhibit A-3** Photographic Evidence · Agricultural Land Flooding (2022-2024)
- Exhibit A-4** Quitclaim Deed · CFN 2014R0306458
- Exhibit A-5** SFWMD Investigative Notice · Enforcement Case No. 23523 (July 9, 2025)
- Exhibit A-6** Jurisdictional Challenge and Public Records Request Letter
- Exhibit A-7** Congressional Research Service Report RS21331 (August 23, 2005)

**EXHIBIT A-1**

2026

*Mitigation credit pricing / financial valuation of wetland designations*

## Mitigation Banking Group, Inc. — 2026 Pricing Sheet

Commercial pricing schedule for wetland and conservation mitigation credits permitted by SFWMD, USACE, FDEP, and related agencies across Florida. Credit prices range from \$50,000 to \$550,000 per credit. This document establishes the market value assigned to wetland designations of the type imposed on the subject property — value that accrues to government agencies, mitigation banks, and credit purchasers, not to the landowner.

### RELEVANCE TO THE TAKING — LAS PALMAS COMMUNITY / 8.5 SMA

Wetland regulatory designations are not merely land-use restrictions — they are a mechanism by which government agencies and private mitigation banks generate financial value. When a parcel is classified as 'wetland' under SFWMD or USACE jurisdiction, that classification creates or enhances mitigation credit inventory that can be sold to developers and agencies at prices documented on this pricing sheet. The landowner receives no compensation. The financial benefit flows entirely to the permitting agency, the mitigation bank operator, and the credit purchaser.

The 8.5 Square Mile Area — including the subject property — falls within the jurisdiction of SFWMD, the same agency that permits and profits from mitigation credit transactions documented in this pricing sheet. The cease-and-desist order issued by MDC DERM on August 1, 2024, which effectively froze agricultural use of the subject property, directly serves the regulatory framework that sustains mitigation credit value. A landowner whose agricultural activities are prohibited by government order — on land whose 'wetland' classification is demonstrably government-caused and government-maintained (see Exhibit A-3) — has suffered a regulatory taking for which the Fifth Amendment requires just compensation.

### KEY FINDING — FINANCIAL BENEFIT WITHOUT COMPENSATION:

SFWMD-permitted mitigation credits applicable to the Las Palmas / 8.5 SMA jurisdiction are priced on this sheet at \$120,000–\$550,000 per credit. These credits derive value directly from wetland classifications applied to private agricultural land. The subject property owner received zero compensation while the regulatory apparatus generating this value was imposed upon the property through a cease-and-desist order whose factual basis is contradicted by photographic evidence, physical measurements, and the government's own provisional data (see Exhibits A-3 and A-5).

# Source Document — Mitigation Banking Group, Inc. 2026 Pricing Sheet

Reproduced in full below. Contact: Victoria K. Colangelo · Office: 407-960-5787 · Cell: 407-808-2222 · www.mitigationbankinginc.com

 <b>THE MITIGATION BANKING GROUP, INC.</b> REPRESENTING THE FOLLOWING MITIGATION & CONSERVATION BANKS:		<b>2026 PRICING SHEET</b>
<b>MITIGATION BANKS</b>		
<b>ALAFIA RIVER WETLAND MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Alafia River Basin</li> <li>Herbaceous &amp; Forested Freshwater State Credits</li> <li>Permitted By SWP/ND UMAM</li> <li>\$20,000.00/State Forested &amp; Herbaceous Credit</li> <li>Minimum Credit Purchase: \$250,000.00</li> </ul>	<b>FLORIDA GULF COAST MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Freshwater Forested, Depression Marsh &amp; Saltwater Tidal Marsh/Palustrine Emergent, Forested &amp; Estuarine Interfluvial, Emergent</li> <li>Freshwater/Waccasassa River, Suwannee River Basin, Central River &amp; Withlacoochee River Basins (SRWMD)</li> <li>Saltwater SWP/ND Upper Coastal And Withlacoochee River Basin, SRWMD Waccasassa, Lower Suwannee, Coastal Basin And Florida Basin, NWFWMD, St. Marks River And Ochlockonee Basin</li> <li>Permitted FCEP/UMAM &amp; USACE UMAM</li> <li>\$20,000.00/State Freshwater Credit</li> <li>\$25,000.00/Federal Freshwater Credit</li> <li>\$20,000.00/State And Federal Freshwater Credit</li> <li>\$20,000.00/State Saltwater Credit</li> <li>\$20,000.00/Federal Saltwater Credit</li> </ul>	<b>TAMPA BAY MITIGATION BANK</b> <ul style="list-style-type: none"> <li>TAMPA BAY MITIGATION BANK</li> <li>Tampa Bay And Coastal Areas Basin</li> <li>Tidal Marsh, Freshwater Marsh, Oligohaline Pond</li> <li>Freshwater Pond &amp; Estuarine Forested</li> <li>Mangrove/Estuarine Herbiflor Forested &amp; Emergent</li> <li>Palustrine Emergent &amp; Palustrine Open Water</li> <li>Permitted SWP/ND UMAM &amp; USACE (WRAP) EPC, Limited Mitigation-Only Available</li> <li>FEDERAL WRAP Available</li> <li>FCEP/SWP/ND Sold Out</li> <li>Tampa Bay Mitigation Bank only has Hillsborough County EPC &amp; Federal credits available, all credits have been reserved and/or from SWP/ND</li> </ul>
<b>BARREVILLE MITIGATION BANK</b> <ul style="list-style-type: none"> <li>St. Johns River/Wakulla To Wakulla Basin (Basin Ld, USCEment Lake and off of US, Johns River, Capehart Marshes to Wakulla)</li> <li>Freshwater General Wetlands/Palustrine Forested &amp; Emergent Credits</li> <li>Permitted By SURWMD (D/T) &amp; USACE (M/WRAP)</li> <li>\$20,000.00/State Credit</li> <li>\$20,000.00/Federal Credit</li> <li>\$20,000.00/State And Federal Credit</li> </ul>	<b>GREEN WING MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Indian River Lagoon Basin 20 and Halifax River Basin 17</li> <li>State &amp; Federal Herbaceous &amp; Forested Freshwater &amp; Marine Subtidal</li> <li>Permitted By SURWMD &amp; USACE</li> <li>Call for Pricing</li> <li>Minimum Credit Purchase: \$200,000.00</li> </ul>	<b>TERRALGO MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Hillsborough River Drainage Basin</li> <li>Forested &amp; Herbaceous Freshwater State</li> <li>Permitted By SWP/ND UMAM &amp; Pending USACE UMAM</li> <li>Call for Pricing</li> </ul>
<b>BEAR POINT MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Freshwater Forested &amp; Herbaceous Credits</li> <li>Central Indian River Lagoon Basin (Basin 12)</li> <li>Permitted By SURWMD UMAM &amp; USACE UMAM</li> <li>\$20,000.00/UMAM State and/or Federal Forested/Herbaceous</li> <li>Minimum Credit Purchase: 0.5 Credit</li> </ul>	<b>HAMMOCK LAKE MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Palustrine River Wetland Basin (Basin 13), Southern Ocklawaha River Basin 10/ And Ocklawaha River Basin (SWP/ND)</li> <li>Palustrine Forested Available (State Credits Sold Out)</li> <li>Permitted SWP/ND UMAM &amp; USACE UMAM</li> <li>Call for Pricing for Federal Only Credits</li> </ul>	<b>TIGER BAY MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Freshwater Forested</li> <li>Halifax River Basin (Basin 17)</li> <li>Permitted SWP/ND UMAM &amp; USACE UMAM</li> <li>\$20,000.00/State Credit</li> <li>\$20,000.00/State &amp; Federal Credit</li> </ul>
<b>BEAR POINT MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Mangrove/Palustrine Credits</li> <li>Central Indian River Lagoon Basin (Basin 12)</li> <li>Permitted FCEP/UMAM &amp; USACE (M/WRAP)</li> <li>\$20,000.00/State Credit</li> <li>\$20,000.00/Federal Credit</li> <li>\$20,000.00/State And Federal Credit</li> <li>Minimum Credit Purchase: \$5,000.00</li> </ul>	<b>KISSIMEE RIDGE MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Freshwater Palustrine Forested And Emergent</li> <li>Kissimmee River SWP/ND &amp; Kissimmee Ridge (SWP/ND)</li> <li>Permitted SWP/ND UMAM &amp; USACE UMAM</li> <li>Call for Pricing</li> </ul>	<b>TIPPEN BAY WETLAND MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Freshwater Forested &amp; Herbaceous</li> <li>Peace River Basin</li> <li>Permitted By SWP/ND UMAM &amp; USACE UMAM</li> <li>Pending UMAM</li> <li>State/00000/State Credit</li> </ul>
<b>CGW MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Mangrove/Palustrine Credits</li> <li>Central Indian River Lagoon Basin (Basin 20)</li> <li>Permitted SURWMD (D/T) &amp; USACE (M/WRAP)</li> <li>\$25,000.00/State Credit</li> <li>\$25,000.00/Federal Credit</li> <li>\$20,000.00/State And Federal Credit</li> <li>Minimum Credit Purchase: \$50,000.00</li> </ul>	<b>LAKE SWAMP MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Freshwater Forested/Palustrine Forested &amp; Emergent</li> <li>Halifax River Basin (Basin 17)</li> <li>Permitted SURWMD UMAM &amp; USACE UMAM</li> <li>\$20,000.00/State Credit</li> <li>\$20,000.00/State And Federal Credit</li> </ul>	<b>TURPENTINE WETLAND MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Upper Coastal Basin (SWP/ND)</li> <li>Freshwater Forested And Emergent</li> <li>Permitted SWP/ND UMAM</li> <li>\$20,000.00/State Credit</li> </ul>
<b>COLBERT CAMERON MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Freshwater General Wetlands/Palustrine Credits</li> <li>St. Johns River Basin (Basin 18) Ecotonal/Alphabetic Inland Basin (Basin 16) Lake, Inland Basin 12, And Part Of The Southern St. Johns River Basin 20</li> <li>Permitted SURWMD (D/T) &amp; USACE (M/WRAP)</li> <li>\$20,000.00/State Credit</li> <li>\$20,000.00/Federal Credit</li> <li>\$20,000.00/State &amp; Federal Credit</li> <li>Minimum Credit Purchase: 0.5 Credit</li> </ul>	<b>NEOVEE BASIN 21 MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Northern Indian River Lagoon Basin (Basin 21)</li> <li>Freshwater Forested State</li> <li>Permitted By SURWMD UMAM</li> <li>Call for Pricing</li> </ul>	<b>TWIN OAKS MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Freshwater Herbaceous &amp; Forested</li> <li>Withlacoochee River Basin</li> <li>Permitted By SWP/ND UMAM</li> <li>Call for Pricing</li> </ul>
<b>CROSBY ISLAND MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Freshwater Palustrine Emergent</li> <li>USACE IAC, Orogenia And Orogenia</li> <li>Blindy Creek, Single Creek, Boggy Creek, Ecotonal/Inland River, Lake Hart &amp; Lake Turley And Lake Myrtle</li> <li>Permitted USACE (WRAP)</li> <li>Call for Pricing</li> </ul>	<b>OOKLAWAHA MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Freshwater Forested Credits</li> <li>Northern Ocklawaha River (Basin 13)</li> <li>Permitted SURWMD</li> <li>\$20,000.00/State Credit</li> </ul>	<b>WEBSTER CREEK MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Herbaceous And Forested Marsh (Subtidal)</li> <li>Northern Indian River Lagoon Basin 20 &amp; Halifax River Basin 17</li> <li>Permitted SURWMD UMAM</li> <li>\$20,000.00/State Credit</li> </ul>
<b>FARMTON MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Halifax River Basin 17 &amp; St. Johns River Basin 18B, Lake Jessel 23, Ecom Basin 19p, St. Johns River (Wakulla to Wakulla) (Ld, Crescent Lake 10) and Southern St. Johns River Basin 20</li> <li>Freshwater Forested And Herbaceous/Palustrine Credits</li> <li>Permitted SURWMD UMAM &amp; USACE (WRAP)</li> <li>\$20,000.00/State Credit</li> <li>\$20,000.00/Federal Credit</li> <li>\$20,000.00/State And Federal Credit</li> </ul>	<b>RAZORBACK MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Herbaceous &amp; Forested Freshwater</li> <li>Little Manatee River Basin</li> <li>Permitted By SWP/ND UMAM &amp; USACE</li> <li>UMAM Pending</li> <li>Call for Pricing</li> </ul>	<b>SHINGLE CREEK MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Shingle Creek, Blundy Creek, Boggy Creek, Lake Tofo, Lake Hart &amp; Lake Hochstetters Basins</li> <li>Freshwater Forested</li> <li>Permitted SURWMD UMAM</li> <li>\$20,000.00/State Forested Credit</li> </ul>
<b>FARMTON MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Halifax River Basin 17 &amp; St. Johns River Basin 18B, Lake Jessel 23, Ecom Basin 19p, St. Johns River (Wakulla to Wakulla) (Ld, Crescent Lake 10) and Southern St. Johns River Basin 20</li> <li>Freshwater Forested And Herbaceous/Palustrine Credits</li> <li>Permitted SURWMD UMAM &amp; USACE (WRAP)</li> <li>\$20,000.00/State Credit</li> <li>\$20,000.00/Federal Credit</li> <li>\$20,000.00/State And Federal Credit</li> </ul>	<b>SAN PEDRO BAY MITIGATION BANK</b> <ul style="list-style-type: none"> <li>State Freshwater/Strub Big Federal Palustrine/Strub/Strub</li> <li>Coastal River Basin And Aclita River</li> <li>Permitted FCEP/UMAM &amp; USACE UMAM</li> <li>\$20,000.00/State Dry Credit</li> </ul>	<b>FARMTON MITIGATION BANK</b> <ul style="list-style-type: none"> <li>Freshwater Forested And Herbaceous/Palustrine Credits</li> <li>Halifax River Basin (Basin 17) &amp; St. Johns River Basin 18</li> <li>Permitted SURWMD UMAM &amp; USACE (WRAP)</li> <li>\$20,000.00/State Credit</li> <li>\$20,000.00/Federal Credit</li> <li>\$20,000.00/State And Federal Credit</li> </ul>
<b>CONSERVATION BANKS</b>		
<b>LAKE WALES RIDGE CONSERVATION BANK</b> <ul style="list-style-type: none"> <li>Call for Pricing</li> </ul>	<b>TIPPEN BAY CONSERVATION BANK</b> <ul style="list-style-type: none"> <li>Florida Strub, Jay Credits</li> <li>\$20,000.00/Credit</li> <li>3 Credits Required for 1 Acre of Impact</li> </ul>	
Victoria K. Colangelo The Mitigation Banking Group, Inc. Office: 407-960-5787   Cell: 407-808-2222   Email: www.mitigationbankinginc.com		

**EXHIBIT A-2**

January 2026

*Congressional & agency oversight / constructive notice record*

## Congressional & Agency Oversight Package — Constructive Notice Record

Formal constructive notice record transmitted via U.S. Certified Mail to four House of Representatives oversight committees on January 13–22, 2026. Documents the regulatory, financial, and mitigation credit mechanisms affecting the Las Palmas Community / 8.5 Square Mile Area, Miami-Dade County, Florida. Signed by Adri Marc S.A., Trustee, La Cabaña Living Land Trust. All four deliveries confirmed by USPS Proof of Delivery.

### RELEVANCE TO THE TAKING — LAS PALMAS COMMUNITY / 8.5 SMA

Constructive notice to congressional oversight is a foundational element of a regulatory taking claim. This package was transmitted by Certified Mail to the House Committee on Natural Resources, the House Committee on Transportation and Infrastructure, the House Committee on the Judiciary, and the House Committee on Oversight and Accountability — all four committees with direct oversight jurisdiction over the agencies and legal frameworks at issue in this taking. Delivery was confirmed by USPS on January 13 and 22, 2026.

This package also serves as the formal record that the property owner placed all responsible congressional authorities on notice prior to pursuing judicial relief. The notice establishes that: (1) the agencies involved had congressional oversight that was informed of the taking; (2) Congress has not acted to remedy the constitutional violation; and (3) the property owner exhausted available legislative channels. Failure to act following constructive notice to all four committees strengthens the Fifth Amendment taking claim.

#### **KEY FINDING — FOUR COMMITTEES NOTIFIED / FOUR DELIVERIES CONFIRMED:**

House Committee on Natural Resources · House Committee on Transportation and Infrastructure · House Committee on the Judiciary · House Committee on Oversight and Accountability — all four received the Constructive Notice Record by U.S. Certified Mail, Washington DC 20515, confirmed delivered January 13–22, 2026. No responsive action to remedy the taking has been received. Silence in the face of this record constitutes informed acquiescence per the Final Closing Statement of the notice itself.

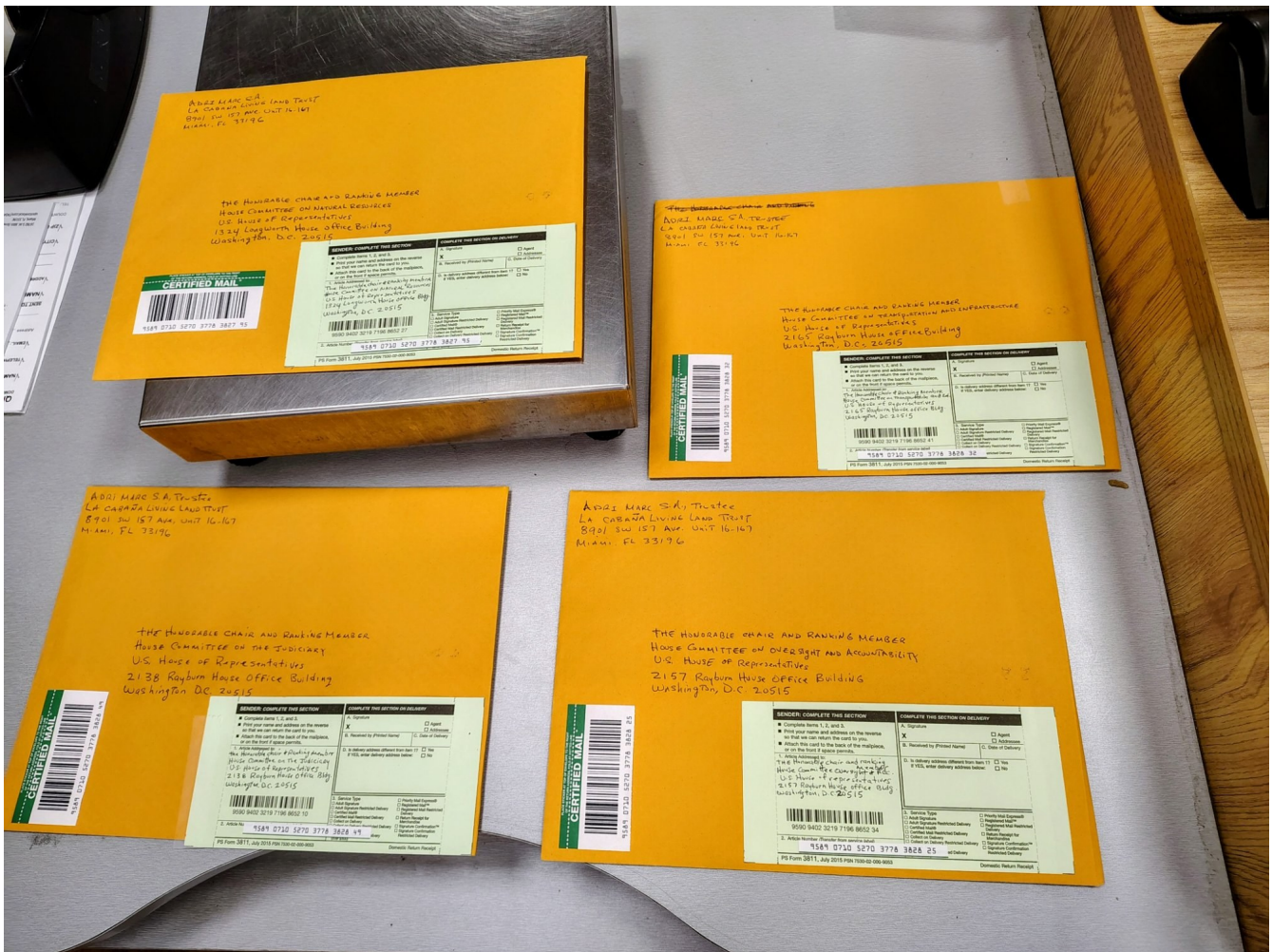
### Delivery Record — U.S. Certified Mail Proof of Delivery

USPS confirmations · January 13–22, 2026 · Washington, DC 20515 · Addressee: House Committees, U.S. House of Representatives · Sender: Adri Marc S.A., Trustee, La Cabaña Living Land Trust

Committee	Address	Tracking No.	Status	Delivered
House Committee on Natural Resources	1324 Longworth HOB, Washington DC 20515	9589 0710 5270 3778 3827 95	Delivered, Left with Individual	January 13, 2026 · 8:15 am
House Committee on Transportation and Infrastructure	Rayburn HOB, Washington DC 20515	9589 0710 5270 3778 3828 32	Delivered, Left with Individual	January 13, 2026 · 8:15 am
House Committee on the Judiciary	2138 Rayburn HOB, Washington DC 20515	9589 0710 5270 3778 3828 49	Delivered, Left with Individual	January 22, 2026 · 8:12 am
House Committee on Oversight and Accountability	2157 Rayburn HOB, Washington DC 20515	9589 0710 5270 3778 3828 25	Delivered, Left with Individual	January 13, 2026 · 8:15 am

### Exhibit — Certified Mail Envelopes (Photograph)

Four envelopes addressed to House committees · Sender: Adri Marc S.A., Trustee, La Cabaña Living Land Trust · 8901 SW 157 Ave, Unit 16-167, Miami FL 33196



# USPS Proof of Delivery — 9589 0710 5270 3778 3827 95

Certified Mail · House Committee on Natural Resources · January 13, 2026, 8:15 am · Status: Delivered, Left with Individual



March 9, 2026

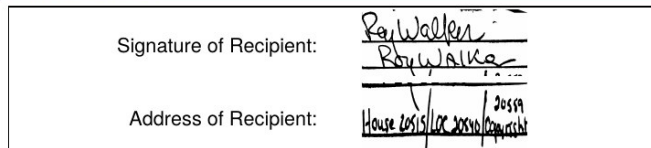
Dear Victor Reyes:

The following is in response to your request for proof of delivery on your item with the tracking number: **9589 0710 5270 3778 3827 95**.

### Item Details

<b>Status:</b>	Delivered, Left with Individual
<b>Status Date / Time:</b>	January 13, 2026, 8:15 am
<b>Location:</b>	WASHINGTON, DC 20515
<b>Extra Services:</b>	Certified Mail™

### Recipient Signature



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service®  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004

# USPS Proof of Delivery — 9589 0710 5270 3778 3828 25

Certified Mail · House Committee on Oversight and Accountability · January 13, 2026, 8:15 am · Status: Delivered, Left with Individual



March 9, 2026

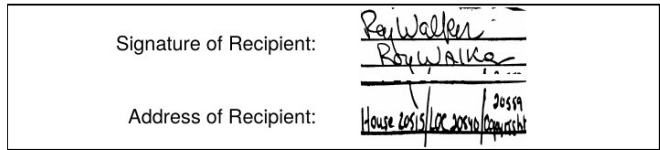
Dear Victor Reyes:

The following is in response to your request for proof of delivery on your item with the tracking number: **9589 0710 5270 3778 3828 25**.

### Item Details

<b>Status:</b>	Delivered, Left with Individual
<b>Status Date / Time:</b>	January 13, 2026, 8:15 am
<b>Location:</b>	WASHINGTON, DC 20515
<b>Extra Services:</b>	Certified Mail™

### Recipient Signature



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service®  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004

# USPS Proof of Delivery — 9589 0710 5270 3778 3828 32

Certified Mail · House Committee on Transportation and Infrastructure · January 13, 2026, 8:15 am · Status: Delivered, Left with Individual



March 9, 2026

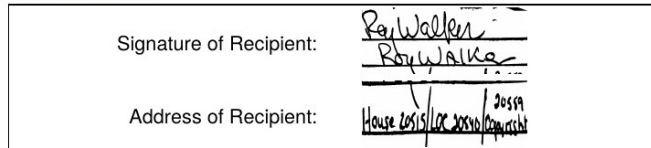
Dear Victor Reyes:

The following is in response to your request for proof of delivery on your item with the tracking number: **9589 0710 5270 3778 3828 32**.

### Item Details

<b>Status:</b>	Delivered, Left with Individual
<b>Status Date / Time:</b>	January 13, 2026, 8:15 am
<b>Location:</b>	WASHINGTON, DC 20515
<b>Extra Services:</b>	Certified Mail™

### Recipient Signature



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service®  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004

# USPS Proof of Delivery — 9589 0710 5270 3778 3828 49

Certified Mail · House Committee on the Judiciary · January 22, 2026, 8:12 am · Status: Delivered, Left with Individual



March 9, 2026

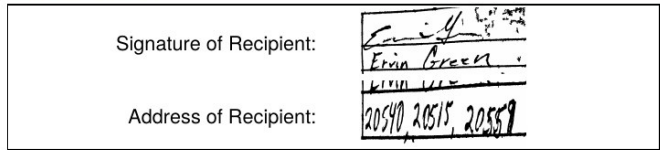
Dear Victor Reyes:

The following is in response to your request for proof of delivery on your item with the tracking number: **9589 0710 5270 3778 3828 49**.

### Item Details

<b>Status:</b>	Delivered, Left with Individual
<b>Status Date / Time:</b>	January 22, 2026, 8:12 am
<b>Location:</b>	WASHINGTON, DC 20515
<b>Extra Services:</b>	Certified Mail™

### Recipient Signature



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service®  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004

## Congressional & Agency Oversight Package — Constructive Notice Record

Date of Record: January 1, 2026 · Public Archive: [www.MiamiDade.watch](http://www.MiamiDade.watch) · Parts I–II: Jurisdiction, Land, Authority; Mitigation Banking, Value, Incentives

### CONGRESSIONAL & AGENCY OVERSIGHT PACKAGE CONSTRUCTIVE NOTICE RECORD

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#### Educational Notice of Regulatory, Financial, and Mitigation Credit Mechanisms

Affecting the Las Palmas Community / "8.5 Square Mile Area"

Miami-Dade County, Florida

Date of Record: January 1, 2026

Public Archive: [www.MiamiDade.watch](http://www.MiamiDade.watch)

#### EXECUTIVE PURPOSE & CONSTRUCTIVE NOTICE DECLARATION

This document is issued as a **constructive notice record** for purposes of transparency, oversight, and future review. It is intended to educate public officials, regulators, legislators, journalists, and the public regarding the **regulatory, environmental, financial, and systemic mechanisms** operating in the Las Palmas Community, commonly known as the **8.5 Square Mile Area (8.5 SMA)**.

This notice explains:

- how regulatory systems function in practice,
- how economic value is created and recorded,
- how reliance forms across institutions, and
- how accountability becomes diffused over time,

so that future claims of ignorance are no longer credible.

This notice does **not** allege criminal conduct and does **not** request enforcement action. It documents **process, incentives, risk, and irreversibility**.

#### PART I — JURISDICTION, LAND, AND AUTHORITY

##### I. The 8.5 Square Mile Area: Legal and Regulatory Context

The Las Palmas Community lies outside the eastern Everglades protective levee and has historically consisted of active agricultural land. The area is governed by overlapping **federal, state, and local frameworks**.

Environmental resource permitting and wetlands jurisdiction originate at the **federal and state levels**. Local authority exists only where expressly delegated. Nevertheless, local enforcement actions have occurred within the 8.5 SMA, creating **regulatory pressure with lasting land-use and financial consequences**.

## Part II — Mitigation Banking, Value, and Incentives (continued)

Section IV: Mitigation Banking and Credit Value · Section V: Preservation Credits · Section VI: Closed-Loop Mitigation Roles

### II. Where Authority Begins, Ends, and Is Exceeded

Jurisdictional stacking relevant to this area follows a defined sequence:

1. Federal environmental authority establishes baseline jurisdiction.
2. State agencies administer environmental resource permitting.
3. Local authority exists only by express delegation.
4. Enforcement without delegation can nevertheless produce administrative outcomes, even absent jurisdictional finality.

Once imposed, these outcomes often become **permanent in practice**, forming the basis for later financial and regulatory reliance.

### III. Land Classification as a Financial Gateway

Land classification is not merely environmental. It is a **financial gateway decision**.

A classification determines whether land:

- remains freely farmable,
- becomes permit-restricted,
- generates fines and penalties, or
- becomes eligible to generate mitigation credits with substantial market value.

Once land is classified in a manner supporting mitigation credit generation, it enters a regulated credit market, creating **monetizable assets relied upon by third parties**.

## PART II — MITIGATION BANKING, VALUE, AND INCENTIVES

### IV. Mitigation Banking and Credit Value

A mitigation credit represents a regulatory unit of environmental value used to offset permitted impacts elsewhere.

In South Florida, wetland mitigation credits have historically traded in the range of:

**\$100,000–\$200,000 per credit**

Accordingly:

- 5 credits ≈ \$500,000–\$1,000,000
- 10 credits ≈ \$1–2 million
- larger preservation areas may represent **tens of millions of dollars** over time

## Part III — Real-World Application

Section VIII: Illustrative Agricultural Parcel (Folio 30-5815-000-0795) · Section IX: Class IV Permit Consequence · Section X: Phantom vs. Non-Phantom Credits

### V. Preservation Credits and Baseline Control

Credits may be generated through preservation, even without physical restoration. The **baseline condition** assigned to land determines both credit quantity and monetary value. These are **administrative determinations**, not market outcomes.

### VI. Closed-Loop Mitigation Roles

Miami-Dade County is legally permitted to operate mitigation banks, allowing it to function simultaneously as regulator, land classifier, mitigation banker, credit user or seller, and public finance actor. While lawful in form, **incentives scale with credit volume while oversight becomes internalized**.

### VII. Ledgers, Reliance, and Finality Risk

Once credits are recorded and used:

- reliance attaches,
- liability transfers, and
- reversal becomes practically impossible.

This ledger finality mirrors systemic financial risk observed in prior market failures.

## PART III — REAL-WORLD APPLICATION

### VIII. Illustrative Agricultural Parcel

- **Folio No.:** 30-5815-000-0795
- **Historic Use:** Active agriculture

Routine agricultural activity was met with a **Cease and Desist / Notice of Violation**, presenting the landowner with a choice: cease farming or enter a **Class IV Wetland Permit**.

### IX. Class IV Permit Consequence

Once entered, wetland status becomes **administratively fixed** in the regulatory record. A working farm may thereby be converted into a preservation-based mitigation asset valued in the **six- or seven-figure range**.

### X. Phantom vs. Non-Phantom Credits

- **Non-phantom credits:** verified loss with verified restoration
- **Phantom (descriptive) credits:** administrative restriction without physical restoration

In both cases, **financial value remains the same**.

## Part IV — Systemic Risk & Historical Warning

Section XI: Parallel to 2008 Financial Crisis · Section XII: Downstream Reliance · Section XIII: Trigger Conditions for Oversight

### PART IV — SYSTEMIC RISK & HISTORICAL WARNING

#### XI. Parallel to the 2008 Financial Crisis

The structure mirrors pre-2008 dynamics:

- lawful actions in isolation,
- divergence between paper value and physical reality,
- diffused responsibility, and
- losses ultimately borne by the public.

**Lawful does not mean safe.**

#### XII. Downstream Reliance and Public Exposure

Once mitigation credits are used, reliance attaches to developers, planners, infrastructure projects, taxpayers, and future landowners. If assumptions fail, **losses are socialized.**

#### XIII. Trigger Conditions for Oversight

Oversight is warranted when:

- credits are generated without restoration,
- farmland is converted via enforcement,
- credits are used internally,
- credits offset outside-UDB development, and
- ledger finality precedes independent verification.

### PART V — ACTIVE DEVELOPMENT CONTEXT

#### XIV. Illustrative Public Notice of Active DRI Proceedings

Public zoning and land-use proceedings demonstrate that **outside-UDB development is actively advancing**, not theoretical. Such proceedings necessarily rely on mitigation availability, underscoring why early transparency and oversight are essential **before reliance becomes irreversible.**

### PART VI — INSTITUTIONAL FAILURE AND IRREVERSIBLE CONSEQUENCES

Administrative systems of this nature fail quietly through finality and reliance rather than collapse. Once credits are generated and consumed, original land use cannot be restored without cascading liability.

The agricultural landowner bears the burden of compliance while the system captures the value. This dynamic is **not disclosed at the moment of decision.**

## Part V–VI — Active Development Context / Institutional Failure

Section XIV: Illustrative Public Notice of Active DRI Proceedings · Part VI: Institutional Failure and Irreversible Consequences

If these systems later fail, responsibility disperses across taxpayers, agencies, downstream permit holders, and Congress itself. What cannot later be claimed is ignorance.

There remains a narrowing window for effective oversight. After finality, oversight becomes symbolic.

### **PART VII — ROLE-STACKING, SELF-DEALING, AND ABUSE OF REGULATORY POWER**

Miami-Dade County may simultaneously function as regulator, enforcer, classifier, mitigation banker, credit generator, buyer, seller, mediator, witness, and financial beneficiary. While lawful individually, **aggregation of these roles collapses procedural safeguards and creates closed-loop self-justification.**

The misclassification or administrative conversion of active farmland into mitigation assets undermines the agricultural buffer protections Congress intended under **Public Law 101-229** and transforms federal safeguards into monetized regulatory instruments.

This is not a purely local dispute. It implicates **federal supremacy, legislative authority, and respect for enacted law.**

## Appendix A — Public Preliminary Zoning Hearing Notice

Development of Regional Impact (DRI) Proceedings · Application No. Z2025000221 · Krome Groves Land Trust · 953.69 acres

### APPENDIX A — PUBLIC PRELIMINARY ZONING HEARING NOTICE

#### Development of Regional Impact (DRI) Proceedings

This appendix documents **active, contemporaneous zoning and land-use proceedings**, demonstrating that development outside the Urban Development Boundary (UDB) is not speculative.

The attached public notice reflects preliminary zoning and land-use hearings associated with **Development of Regional Impact (DRI)** proposals, including land associated with **Krome Grove Land Trust / Parkland / Krome Groves**.

Its inclusion establishes that reliance on mitigation availability is **current and ongoing**, and that regulatory classifications described in this record are being relied upon in active proceedings.

### Appendix A (continued) — Miami-Dade County Preliminary Zoning Hearing Notice

Application Z2025000221 · Bounded by SW 136 St, SW 162 Ave, SW 152 St, SW 177 Ave



# PRELIMINARY ZONING HEARING NOTICE

**APPLICATION NO. Z2025000221**

*This is a Preliminary Notice only. Prior to the hearing, more specific information will be sent to you.*

**APPLICANT NAME:** KROME GROVES LAND TRUST KROME GROVES LAND TRUST

**LOCATION:** BOUNDED BY SW 136 STREET TO THE NORTH, SW 162 AVENUE TO THE EAST, SW 152 STREET TO THE SOUTH, AND SW 177 AVENUE TO THE WEST, MIAMI-DADE COUNTY, FLORIDA

**PROPERTY SIZE:** (Acres) 953.69

Register to receive notifications at key steps in the process, including when a hearing is scheduled, go to <https://miamidade.live/MDC-ZoningHearing> or use your phone to scan the QR code image on the right to subscribe.



The applicant is seeking approval of a Development Order for the proposed City Park Development of Regional Impact ("DRI").

Plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

For more information on this application, please contact Maria Lam-Adeyefa, Principal Planner at 305-375-3363.

FOR INFORMATION, PLEASE CALL HEARING SECTION AT (305)375-2640, OR VISIT [HTTP://ENERGOV.MIAMIDADE.GOV/ENERGOV\\_PROD/SELFSERVICE#/HOME](http://ENERGOV.MIAMIDADE.GOV/ENERGOV_PROD/SELFSERVICE#/HOME)

*Please note that this notice is for a ZONING HEARING in your area and is for your information only.*

*You are not required to respond to this notice. However, objections or waivers of objection may be made in person at the hearing or filed in writing prior to the hearing date.*

*It is recommended that any correspondence be mailed at least five days (excluding Saturdays, Sundays and holidays) before the hearing date.*

*Refer to application number above and mail to:*

**Miami-Dade County Department of  
Regulatory and Economic Resources Agenda Coordinator  
111 NW 1 Street, Suite 1110, Miami, Florida 33128-1974**

*For further information, please call the Zoning Hearings Section at (305) 375-2640 or visit our web site at [https://energov.miamidade.gov/energov\\_prod/selfservice#/home](https://energov.miamidade.gov/energov_prod/selfservice#/home).*

*If you are in need of a translator for this meeting, one can be provided for you at no charge by calling (305) 375-1244 at least two weeks in advance of the meeting date.*

## Part VII — Role-Stacking, Self-Dealing & Abuse of Regulatory Power / Appendix B — Legislative Intent of Public Law 101-229 / Final Closing Statement

Submission & Attestation: Adri Marc S.A., Trustee, La Cabaña Living Land Trust · 8901 SW 157 Ave 16-167, Miami, FL 33196

### APPENDIX B — LEGISLATIVE INTENT OF PUBLIC LAW 101-229

Public Law 101-229 (Everglades National Park Protection and Expansion Act of 1989) was enacted to:

- protect Everglades National Park and hydrological systems,
- prevent indirect urbanization pressures,
- preserve adjacent agricultural lands as buffers, and
- avoid financial mechanisms that substitute paper compliance for ecological reality.

Congress recognized that **incremental lawful actions, when aggregated, can defeat legislative purpose.**

### FINAL CLOSING STATEMENT

If Congress remains silent after notice, the duty to mitigate these risks does not vanish—it relocates. This Constructive Notice is entered into the official public record so that inaction can never be used as a shield against the assumption of liability. Silence in the face of this record constitutes informed acquiescence, and the responsibility for all documented systemic failures is hereby fixed.

### SUBMISSION & ATTESTATION

Submitted as a Constructive Notice Record.

**ADRI MARC S.A., Trustee**  
**LA CABAÑA LIVING LAND TRUST**  
8901 SW 157 Ave 16-167  
Miami, FL 33196

**EXHIBIT A-3**

2022–2024

*Community documentation / field photography*

## Photographic Evidence — Agricultural Land Flooding During Seepage Wall Construction

Photographic record of active agricultural farmland in standing water during the seepage wall construction period from 2022 through 2024. Documents the condition of land that was classified as wetland for regulatory and mitigation credit purposes while simultaneously being actively farmed.

### RELEVANCE TO THE TAKING — LAS PALMAS COMMUNITY / 8.5 SMA

Directly contradicts any characterization of 8.5 SMA agricultural parcels as pre-existing natural wetlands. Photographs of working farms under standing water demonstrate that the 'wetland' condition was caused by government water management operations · not by natural hydrology. This is corroborated by a verbal admission from SFWMD personnel Armando Vilaboy, who advised the property owner during the flooding that the inundation was temporary and would cease once seepage wall construction passed the parcel — a prediction that proved correct. Furthermore, SFWMD DBHYDRO station S357 records — the first submitted data record — reveal headwater elevation of 3.08 ft NAVD88 at the canal structure, nearly 5 ft below the property surface, physically incapable of producing surface flooding. Tailwater elevation of 5.49 ft NAVD88 exceeded headwater by 2.41 ft with all pumps at 0 rpm — a reverse hydraulic gradient toward the property with zero corrective action by SFWMD. The property owner physically measured groundwater at approximately 5 ft below surface, consistent with FEMA FIRM data, yet SFWMD's own records imply a 2-ft discrepancy. SFWMD explicitly labels these records PROVISIONAL and disclaims accuracy and reliability on the face of its own data portal. An agency's own self-disclaimed, contradicted, and physically disproven data cannot form a valid basis for regulatory designation or enforcement. This evidence supports the regulatory taking claim by establishing that the land's condition resulted entirely from the government's own construction and water management activity — acknowledged by its own personnel — not from pre-existing ecological characteristics.

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## **Section A — 2023 Photographic Record**

Agricultural use · Flooding/ponding conditions · SFWMD structures

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This section documents agricultural use, flooding/ponding conditions, and identifiable South Florida Water Management District structures during 2023.

**A-1**

**SUBJECT PROPERTY — MDC DERM Cease-and-Desist Issued August 1, 2024**

January 10, 2023



Cell phone photograph taken on the subject property — the same parcel upon which Miami-Dade County DERM issued the cease-and-desist order on August 1, 2024 — depicting fenced agricultural/rural land use with livestock present, confirming active agricultural use predating the restriction.

EVIDENTIARY TIMELINE — CONDITIONS ON & AFTER AUGUST 1, 2024		
DATE	DOCUMENTED FACT / EVENT	EVIDENTIARY SOURCE
<p><b>May – July 2023</b></p>	<p>During intense artificial flooding, SFWMD personnel Armando Vilaboy verbally advised the property owner that the flooding was temporary and caused directly by seepage wall construction passing the parcel. Vilaboy stated it would subside once construction advanced past the property — a direct admission that inundation was government-caused, not natural wetland hydrology.</p>	<p><i>Personal knowledge of property owner; verbal statement of Armando Vilaboy, SFWMD. Section B screenshots corroborate Vilaboy's contemporaneous involvement and communications.</i></p>
<p><b>2023 – 2024</b>  <span style="color: red;">■ CRITICAL</span></p>	<p><b>SFWMD DBHYDRO records directly contradicted by: (1) timestamped photographic evidence of surface flooding; and (2) owner's physical measurement of groundwater at ≈5 ft below surface. Station S357 (first record, Aug. 5, 2024) shows headwater 3.08 ft NAVD88 — nearly 5 ft below property grade — physically incapable of causing surface flooding. Tailwater exceeded headwater by 2.41 ft with all pumps at 0 rpm. SFWMD labels data PROVISIONAL and explicitly disclaims accuracy. Full analysis: Section E.</b></p>	<p><i>SFWMD DBHYDRO S357 (attached, Section E); FEMA FIRM; owner field measurement; photographic evidence Sections A &amp; B.</i></p>
<p><b>Post-construction</b></p>	<p>Consistent with Vilaboy's admission, once seepage wall construction advanced past the parcel, the artificial flooding ceased entirely. The property returned to dry condition — confirming flooding was 100% attributable to government construction activity, not any pre-existing natural wetland characteristic.</p>	<p><i>Personal knowledge; field observation. Corroborated by Vilaboy's prior prediction. Sections C &amp; D (Aug. 2024) document post-restriction conditions.</i></p>

**A-1 (continued)**

**EVIDENTIARY RECORD — Conditions on and After August 1, 2024**

<b>EVIDENTIARY TIMELINE — CONDITIONS ON &amp; AFTER AUGUST 1, 2024</b>		
<b>DATE</b>	<b>DOCUMENTED FACT / EVENT</b>	<b>EVIDENTIARY SOURCE</b>
<b>Aug. 1, 2024</b>	MDC DERM cease-and-desist issued. Conditions at time of issuance: clear, sunny day — no surface flooding, no standing water on the subject property. Groundwater ≈ 5 ft below surface (SFWMD DBHYDRO). Surface elevation ≈ 8 ft AMSL (FEMA FIRM); water table ≈ 3 ft AMSL — vadose zone of approximately 5 ft. No saturation to surface.	<i>Personal knowledge; contemporaneous field observation. FEMA FIRM; SFWMD DBHYDRO groundwater elevation records. All records held by MDC DERM.</i>
<b>~Aug. 3, 2024 onward</b>	Daily water table elevation reports commenced and transmitted to MDC DERM without interruption for several months. Each report documented continued absence of surface flooding and confirmed groundwater well below surface.	<i>MDC DERM RER Portal submission records; SFWMD DBHYDRO daily readings transmitted with each report.</i>
<b>[Date TBD]</b>	<b>MDC DERM ceased posting submitted water table reports to the DERM RER Portal. Property owner’s submissions continued uninterrupted; agency posting halted unilaterally without notice or explanation.</b>	<i>MDC DERM RER Portal activity log; property owner transmission records confirming continued submissions after agency posting ceased.</i>

**A-2**

May 26, 2023



Cell phone photograph depicting South Florida Water Management District structure marker S-358A and adjacent canal/water conditions.

**A-3**

May 26, 2023



Cell phone photograph depicting standing water and flooding conditions affecting land near the fenced agricultural area and adjacent roadside/drainage area.

**A-4**

May 26, 2023



Cell phone photograph depicting South Florida Water Management District structure marker S-358B and adjacent canal/water conditions.

**A-5**

June 14, 2023



Cell phone photograph depicting South Florida Water Management District structure marker S-358C and adjacent canal/water conditions.

**A-6**

July 28, 2023



Cell phone photograph depicting standing water/flooding conditions affecting the field area.

**A-7**

July 28, 2023



Cell phone photograph depicting South Florida Water Management District structure marker S-358B and surrounding water conditions.

**A-8**

July 28, 2023



Cell phone photograph depicting South Florida Water Management District structure marker S-358C and surrounding water conditions.

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## **Section B — 2023 Communications Reflecting Notice to SFWMD / Armando Vilaboy**

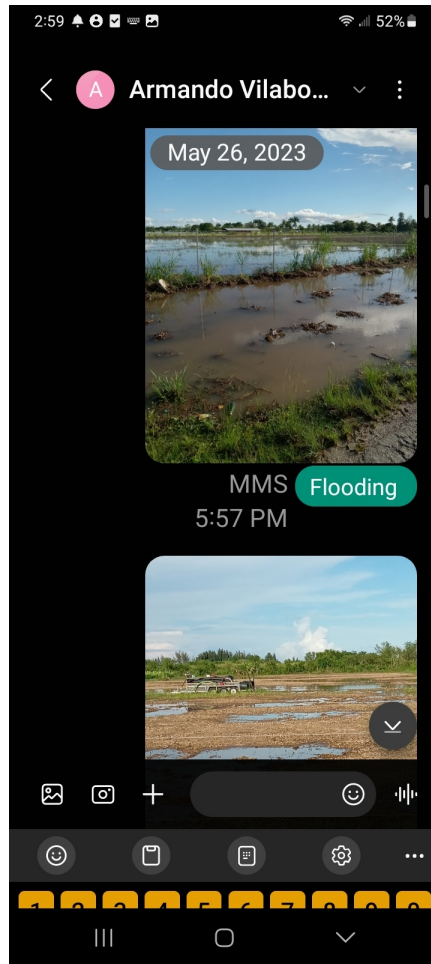
Contemporaneous notice · Water-level requests · Responses

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These screenshots are included to show contemporaneous notice, requests to lower water levels, responses from Armando Vilaboy, and location-specific context tied to the 8.5 Square Mile Area.

**B-1**

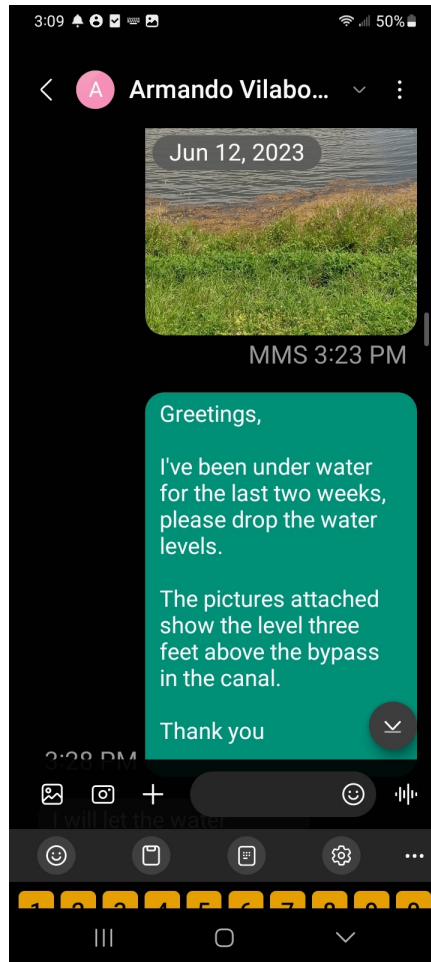
May 26, 2023



Screenshot reflecting May 26, 2023 transmission of flooding-related photographs and notice to Armando Vilaboy.

**B-2**

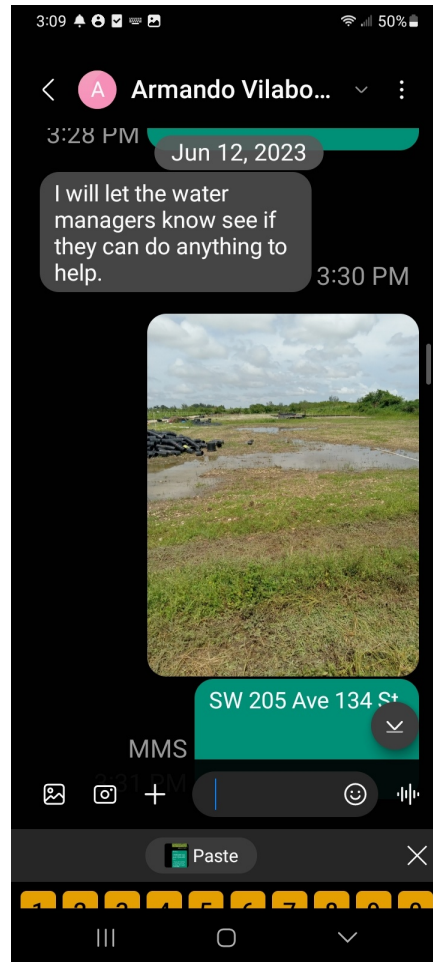
June 12, 2023



Screenshot reflecting communication stating that the property had been under water for approximately two weeks and requesting that water levels be dropped.

**B-3**

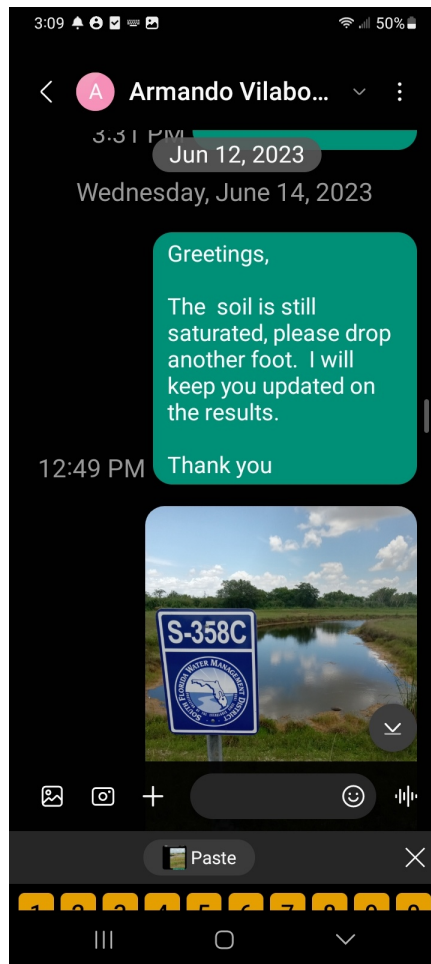
June 12, 2023



Screenshot reflecting response from Armando Vilaboy stating that he would notify water managers and see if they could help.

**B-4**

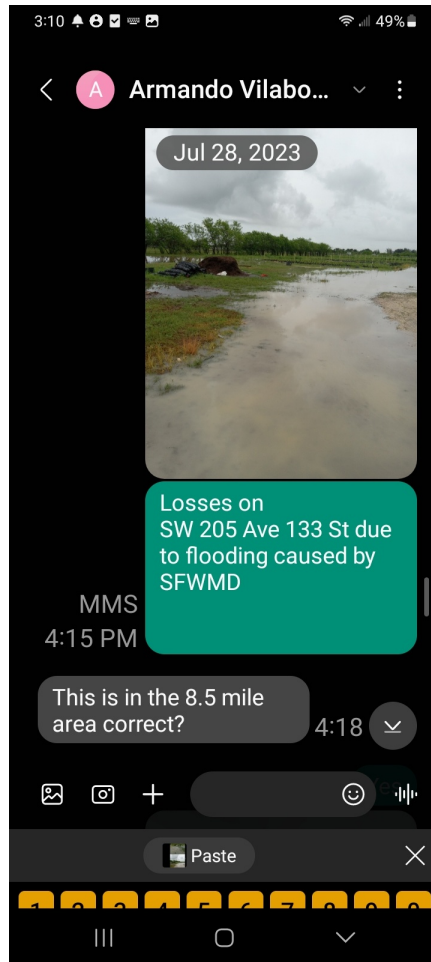
June 14, 2023



Screenshot reflecting communication stating that the soil remained saturated and requesting a further reduction in water levels.

**B-5**

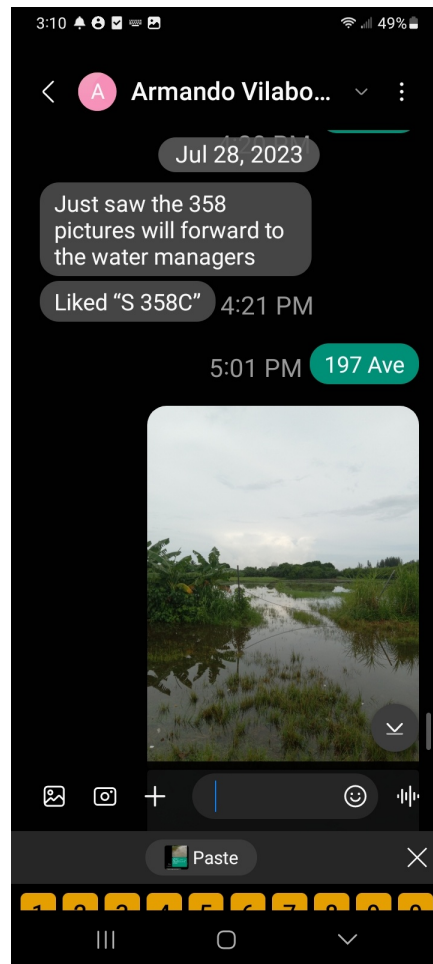
July 28, 2023



Screenshot reflecting notice regarding flooding losses at SW 205 Ave 133 St, with follow-up inquiry as to whether the depicted location was within the 8.5 Square Mile Area.

**B-6**

July 28, 2023



Screenshot reflecting response from Armando Vilaboy stating that he saw the "358 pictures," identified S-358C, and would forward the matter to water managers.

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## Section C — August 11, 2024 Original Metadata-Preserved Photographs

Original cell phone images · Embedded date/time metadata · Approx. 10 days after August 1, 2024 restriction

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The following original cell phone images were preserved in zipped phone files and contain embedded date/time metadata reflecting capture on August 11, 2024, approximately ten days after the August 1, 2024 cease-and-desist / restriction.

**C-1**

August 11, 2024



Original cell phone photograph depicting canal/water conditions in the subject area. Taken at 17:36:41, as reflected in embedded image metadata.

*Embedded image metadata: Samsung SM-S134DL · No GPS coordinates present in the uploaded original.*

**C-2**

August 11, 2024



Original cell phone photograph depicting South Florida Water Management District structure marker S-358C and adjacent canal/water conditions. Taken at 17:36:49, as reflected in embedded image metadata.

*Embedded image metadata: Samsung SM-S134DL · No GPS coordinates present in the uploaded original.*

**C-3**

August 11, 2024



Original cell phone photograph depicting South Florida Water Management District structure marker S-358C and adjacent canal/water conditions. Taken at 17:36:56, as reflected in embedded image metadata.

*Embedded image metadata: Samsung SM-S134DL · No GPS coordinates present in the uploaded original.*

**C-4**

August 11, 2024



Original cell phone photograph depicting additional canal/water conditions near the subject area. Taken at 17:37:05, as reflected in embedded image metadata.

*Embedded image metadata: Samsung SM-S134DL · No GPS coordinates present in the uploaded original.*

**C-5**

August 11, 2024



Original cell phone photograph depicting sign/structure context near the subject area. Taken at 17:43:16, as reflected in embedded image metadata.

*Embedded image metadata: Samsung SM-S134DL · No GPS coordinates present in the uploaded original.*

**C-6**

August 11, 2024



Original cell phone photograph depicting sign/structure context near the subject area. Taken at 17:43:21, as reflected in embedded image metadata.

*Embedded image metadata: Samsung SM-S134DL · No GPS coordinates present in the uploaded original.*

**C-7**

August 11, 2024



Original cell phone photograph depicting field/canal conditions near the subject area. Taken at 17:47:30, as reflected in embedded image metadata.

*Embedded image metadata: Samsung SM-S134DL · No GPS coordinates present in the uploaded original.*

**C-8**

August 11, 2024



Original cell phone photograph depicting South Florida Water Management District structure marker L-357 and adjacent canal/water conditions. Taken at 17:47:58, as reflected in embedded image metadata.

*Embedded image metadata: Samsung SM-S134DL · No GPS coordinates present in the uploaded original.*

**C-9**

August 11, 2024



Original cell phone photograph depicting South Florida Water Management District structure marker L-357 and adjacent canal/water conditions. Taken at 17:48:43, as reflected in embedded image metadata.

*Embedded image metadata: Samsung SM-S134DL · No GPS coordinates present in the uploaded original.*

**C-10**

August 11, 2024



Original cell phone photograph depicting South Florida Water Management District structure marker L-357 and adjacent canal/water conditions. Taken at 17:48:51, as reflected in embedded image metadata.

*Embedded image metadata: Samsung SM-S134DL · No GPS coordinates present in the uploaded original.*

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## Section D — August 7, 2024 Original Metadata-Preserved Photographs

Original cell phone images · Embedded date/time metadata · Approx. 6 days after August 1, 2024 restriction

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The following original cell phone images contain embedded date/time metadata reflecting capture on August 7, 2024, approximately six days after the August 1, 2024 cease-and-desist / restriction.

**D-1**

August 7, 2024



Original cell phone photograph depicting South Florida Water Management District structure marker S-358A and adjacent canal/water conditions. Taken at 16:07:03, as reflected in embedded image metadata.

*Embedded image metadata: Samsung SM-S134DL · No GPS coordinates present in the uploaded original.*

**D-2**

August 7, 2024



Original cell phone photograph depicting canal/water conditions in the subject area. Taken at 16:07:30, as reflected in embedded image metadata.

*Embedded image metadata: Samsung SM-S134DL · No GPS coordinates present in the uploaded original.*

## Section E — SFWMD DBHYDRO Station S357 — First Submitted Data Record

Real-time / provisional data · Station S357 · Retrieved Aug. 5, 2024 · Cited in A-1 evidentiary timeline

The following record is the first SFWMD DBHYDRO data submission for station S357, retrieved on August 5, 2024 — four days after the MDC DERM cease-and-desist order. It is cited in the A-1 evidentiary timeline and is reproduced here in full as part of the documentary record. Key findings are annotated below.

**Station:** S357 · **Data type:** REAL TIME DATA · **Status:** PROVISIONAL\* · **OFFSET to NGVD29 = +1.56 ft** · **Updated:** August 5, 2024, 3:31:50 PM · **Source:** SFWMD DBHYDRO data portal

<b>Headwater Elevation</b>	S357-H	<b>3.08 ft NAVD88 = 4.64 ft NGVD29</b>	■ <i>Canal water surface at structure. At property surface elevation ≈8 ft AMSL, canal is ≈4.92 ft BELOW property grade. This reading is physically incapable of saturating the property surface.</i>
<b>Headwater Elevation</b>	S357-U-L2	<b>3.24 ft NAVD88 = 4.80 ft NGVD29</b>	Alternate headwater sensor. Consistent with S357-H. Both confirm canal well below property grade.
<b>Tailwater Elevation</b>	S357-T	<b>5.49 ft NAVD88 = 7.05 ft NGVD29</b>	■ <i>CRITICAL: Tailwater EXCEEDS headwater by 2.41 ft. Reverse hydraulic gradient pushes water toward property side. All pumps at 0 rpm — zero corrective action by SFWMD.</i>
<b>Flow</b>	S357-P-QB	<b>0 cfs</b>	Zero flow through structure. No water management occurring despite reverse gradient.
<b>Pump Speed (P1–P5)</b>	S357-P1 through P5	<b>0.00 rpm (all)</b>	■ <i>All five pumps inactive. Structure not being operated to relieve hydraulic pressure on the property. Consistent with SFWMD inaction documented in Section B communications.</i>
<b>Tailwater Elevation</b>	S357-D-L2	<b>3.61 ft NAVD88</b>	Secondary tailwater sensor. Also above headwater. Confirms reverse gradient across multiple sensors.

**SFWMD’s Own Disclaimer (reproduced from station record):** “Real-time data is for the public’s general informational purposes only and is considered provisional until it undergoes the South Florida Water Management District’s Quality Assurance and Quality Control (QA/QC) process and subsequently posted on DBHYDRO as ‘Archived.’ The District, therefore, makes no representations or warranties of any kind, express or implied, about the completeness, accuracy, reliability, suitability or availability with respect to web-based real-time data for any purpose.” — Despite this explicit disclaimer, these provisional, unverified records appear to have informed or supported the regulatory designation applied to this property. An agency cannot simultaneously disclaim the accuracy of its data and rely upon that same data as a regulatory foundation.

**EXHIBIT A-4**

Accepted July 26, 2013 · Recorded 2014

Quitclaim deed · CFN 2014R0306458 · United States of America → SFWMD · 863 parcels · 2,283.32 acres

# Quitclaim Deed - CFN 2014R0306458

On **July 26, 2013** the South Florida Water Management District accepted a quitclaim deed from the United States of America (USACE) conveying **863 parcels / 2,283.32 acres** in Miami-Dade County under **Public Law 101-229** — recorded as **CFN 2014R0306458** in 2014, seven months after acceptance. Total recorded deed consideration: **\$44,559,010** across 863 transactions. Deed type: **quitclaim — zero title warranties**. [White Paper, Sections III.D and V]

## WHAT THIS DOCUMENT PROVES — LAS PALMAS COMMUNITY / 8.5 SMA

### 1. The grantor is the United States of America.

Every constitutional defect in the 863-parcel portfolio originates with the federal government. The deed does not cure those defects. It moves them. SFWMD accepted them in full. [WP Section V.A]

### 2. The deed type chosen was quitclaim — zero warranties.

A general warranty deed would have required the federal government to defend SFWMD against all prior claims — including every taking claim, every F.A.C. 62-340 compliance failure, every coerced permit signature. The DOJ Title Regulations require attorney review of all USACE deed instruments. The choice of quitclaim on 863 parcels in a \$44.5M program was deliberate and legally reviewed. No federal recourse path exists for any defect transferred. [WP Section V.A]

### 3. SFWMD accepted with full constructive notice of *Garcia v. United States*.

At the moment SFWMD accepted this deed, a federal court had already ruled — in *Garcia v. United States*, No. 01-801-CIV-Moore (S.D. Fla., July 5, 2002) — that the Corps exceeded its legal authority over this exact community. SFWMD knew. The deed is evidence it accepted every constitutional consequence of that record. [WP Section V.A]

### 4. The deed was accepted July 26, 2013 but not recorded until 2014.

Under § 695.01, F.S., an unrecorded deed is not valid against subsequent creditors or purchasers without notice. Discovery must determine whether mitigation credits were generated during the recording gap — before SFWMD had legally perfected its title. [WP Section V.C]

### 5. The Schedule of Parcels contains entries as low as \$10 for multi-acre parcels.

These figures are not verified fair market values — they are nominal deed consideration only — while the same parcels were simultaneously classified by the government's own regulatory system as mitigation assets worth \$100,000–\$200,000 per credit unit. The government used one number to acquire the land and a different system to monetize it. [WP Sections III.D and VII]

### Deed Type Comparison — What Each Would Have Meant

The federal government had three deed options. The choice it made is in the public record.

GENERAL WARRANTY DEED	SPECIAL WARRANTY DEED	QUITCLAIM DEED — CHOSEN
Grantor defends grantee against ALL prior claims, including claims arising before grantor acquired the property.	Grantor defends against defects arising only during grantor's ownership period.	<b>Grantor guarantees NOTHING. Conveys only whatever interest grantor holds — "as is, where is."</b>
Every taking claim, F.A.C. 62-340 failure, and coerced permit signature remains with the federal government.	Claims from USACE's own acquisition period remain with the federal government.	<b>Every constitutional defect, every taking claim, every F.A.C. 62-340 failure passes to SFWMD. No federal recourse.</b>
Community retains a federal defendant with full warranty obligation.	Community retains partial federal warranty coverage.	<b>Community's only recourse is SFWMD — which accepted the defects and continued enforcement.</b>

#### THE PATTERN IN ONE INSTRUMENT [White Paper, Section V]:

Congress burdened the community (1989). The community won in federal court (2002). Acquisitions continued at recorded consideration figures that do not reflect fair market value (through 2009). The federal government transferred 863 parcels to SFWMD by quitclaim deed — the only deed form designed to move liability without carrying it. SFWMD issued new enforcement notices in July 2025, more than a year after the seepage wall corrected the flooding the government caused.

### Chronological Record [White Paper, Sections III and V]

DATE / EVENT	WHAT IT MEANS
<b>Dec 13, 1989 Public Law 101-229</b>	Congress burdened the 8.5 SMA with water management obligations. No compensation paid. Property values suppressed from day one.
<b>Feb 23, 2001 Garcia filed</b>	Community filed suit after more than a decade of flooding, denied permits, and eroding property values.
<b>July 5, 2002 Garcia ruling</b>	Federal court ruled: the Corps had a mandatory obligation to protect the entire 8.5 SMA and could not condemn community land without specific authorization. Every acquisition after this date occurred after the government's legal authority was already defined by a federal court.
<b>2002–2009 USACE acquisitions continue</b>	Parcels acquired at recorded figures community investigation shows were far below actual fair market value. 'Landlocked' designation used to justify below-market offers — while the same parcels were simultaneously classified as mitigation assets worth \$100,000–\$200,000 per credit. [WP Section IV.A]
<b>July 26, 2013 Quitclaim deed accepted</b>	SFWMD accepted CFN 2014R0306458 by quitclaim — zero warranties. Every constitutional defect transferred with no federal recourse. SFWMD had full constructive notice of the Garcia ruling. [WP Section V.A]
<b>2014 Deed recorded ■ RECORDING GAP</b>	Accepted July 2013 — not recorded until 2014. Under § 695.01, F.S., unrecorded deed not valid against subsequent creditors without notice. Discovery must determine whether credits were generated before title was legally perfected. [WP Section V.C]
<b>Aug 1, 2024 MDC DERM C&amp;D;</b>	Cease and Desist issued against Folio 30-5815-000-0795. Clear sunny day. No flooding. No standing water. No F.A.C. 62-340 biological field assessment conducted. [WP Section IV.D]
<b>July 9, 2025 SFWMD Case No. 23523</b>	New enforcement notice — more than a year after the seepage wall corrected the flooding SFWMD caused. Case closed without finding of violation after jurisdictional challenge (Exhibit A-6). [WP Section IV.B]

**July 9, 2026 ■ DEADLINE** Bert J. Harris Act — § 70.001, F.S.: Written pre-suit notice WITH valid appraisal must reach SFWMD by July 9, 2026. Agricultural parcels: 90-day notice period. Miss this date and this claim is permanently lost. [WP Section IX.B]

**Instrument Summary — CFN 2014R0306458**

Recorded Quitclaim Deed · United States of America (USACE) to SFWMD · Miami-Dade County Official Records · 863 parcels · 2,283.32 acres

Field	Recorded Fact — Source: White Paper Sections III.D and V
Instrument	Quitclaim Deed — Modified Water Deliveries to Everglades National Park
CFN	CFN 2014R0306458 — Miami-Dade County Official Records
Legal Authority	Public Law 101-229 — Everglades National Park Protection and Expansion Act of 1989
Grantor	United States of America, acting through U.S. Army Corps of Engineers (USACE)
Grantee	South Florida Water Management District (SFWMD)
Date Accepted	July 26, 2013
Date Recorded	2014 — after acceptance (§ 695.01, F.S. recording gap)
Parcels	863 individual parcels — Miami-Dade County, Florida
Acres	2,283.32 acres
Total Recorded Consideration	<b>\$44,559,010 across 863 transactions — NOMINAL ONLY. Not verified fair market value.</b>
Warranty Status	QUITCLAIM — Zero warranties. As is, where is. No defense against prior claims.
DOJ Review	Attorney review required under DOJ Title Regulations. Deliberate institutional choice. [WP V.A]
Constitutional Defects	Every taking claim, F.A.C. 62-340 failure, coerced permit signature → SFWMD. No federal recourse.
Constructive Notice	SFWMD accepted with full notice of Garcia v. United States (No. 01-801-CIV-Moore). [WP V.A]
SFWMD Re-Conveyance	SFWMD conveys by quitclaim, “as is, where is, with all faults.” Defects travel downstream. [WP V.B]

**CRITICAL VALUATION WARNING — THE SCHEDULE OF PARCELS IS NOT A RECORD OF FAIR MARKET VALUE [White Paper, Section III.D]**

The nominal consideration figures in the Schedule of Parcels — including entries as low as \$10 for multi-acre parcels — are not verified fair market values and must not be cited as such in any legal, appraisal, or advocacy context. These figures represent nominal deed consideration only. The actual economic value of each acquisition must be established through independent appraisal, USACE FOIA files, litigation settlement records, and the full documented history of replacement property, cash payments, and relocation assistance each family actually received.

Three documented examples [White Paper, Section III.D]:

- \$195,000 home exchanged for \$375,000 replacement home — the Schedule records only a nominal figure; the \$180,000 additional housing value does not appear.
- Plant nursery under five acres exchanged for a ten-acre estate plus approximately \$1,000,000 cash — total economic transfer ~\$3,000,000; Schedule records ~\$130,000.
- Parcel acquired by quick-take at \$10 deposit; landowner litigated three years, settling for \$180,000 — the Schedule records the \$10, not the \$180,000.

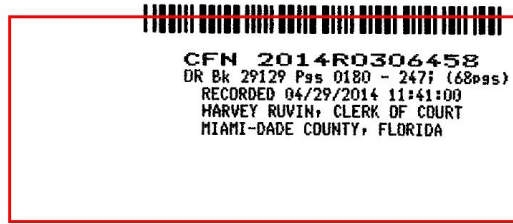
**The Schedule is not the record of what families received. It is the record of what the deed said. Those are not the same thing. [White Paper, Section III.D]**

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*Source document — all 68 pages of the recorded instrument — begins on the following page. Page 1 of 68: recording stamp annotated (accepted vs. recorded date). Page 38 of 68: Schedule of Parcels annotated showing \$10 and \$0 nominal entries.*

**CFN 2014R0306458 · Source Document Page 1 of 68 — ■ Recording stamp: CFN date vs. acceptance date annotated**

This deed was reviewed by:  
Cem S. Goral, Assistant District Counsel  
U.S. Army Corps of Engineers  
Jacksonville District  
P.O. Box 4970  
Jacksonville, Florida 32232-0019



RECORDING STAMP: CFN 2014R0306458 RECORDED 2014 ACCEPTED JULY 2013

Folio Nos. MULTIPLE PARCELS  
(See Exhibit "C" for a comprehensive list of Folio Numbers being Conveyed)

Parcel ID Nos. MULTIPLE PARCELS

**QUITCLAIM DEED**

Modified Water Deliveries to Everglades National Park  
Miami-Dade County, Florida

**THIS QUITCLAIM DEED**, by and between the **UNITED STATES OF AMERICA** (hereinafter the "GRANTOR"), acting by and through the Director of Real Estate, U.S. Army Corps of Engineers, pursuant to a delegation of authority from the DEPUTY ASSISTANT SECRETARY OF THE ARMY (INSTALLATIONS, HOUSING AND PARTNERSHIPS) whose mailing address is c/o Chief of Real Estate, United States Army Corps of Engineers, Jacksonville District, ATTN: CESAJ-RE-M, P.O. Box 4970, Jacksonville, Florida 32232, under the authority of Section 104 of the Everglades National Park Protection and Expansion Act of 1989 (Public Law 101-229), and the **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**, a public corporation of the State of Florida, (hereinafter the "GRANTEE") with its principal office at 3301 Gun Club Road, West Palm Beach, Florida 33406.

**WITNESSETH THAT:**

**WHEREAS**, the GRANTOR and GRANTEE entered into a Project Cooperation Agreement (hereinafter "the Agreement") on September 29, 1994, for the construction, operation, maintenance, repair, replacement and rehabilitation of the Modified Water Deliveries to Everglades National Park Project (hereinafter the "Project"), authorized by Section 104 of the Everglades National Park Protection and Expansion Act of 1989 (Public Law 101-229);

**WHEREAS**, the Agreement was amended on July 27, 2001, to construct, operate and maintain the Project as modified;

**WHEREAS**, the Agreement, as amended, governs the rights, responsibilities, and liabilities of the GRANTOR and GRANTEE with regard to the Project;

**This conveyance is exempt from Florida State tax on deeds (FSA 201.02) per FAC 12B-4.013(4) and FAC 12B-4.014(14)**

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**WHEREAS**, pursuant to the terms of the Agreement, as amended, the GRANTOR was responsible for acquiring certain lands required for the Project, and the GRANTEE agreed to accept title, by quitclaim deed, to the lands acquired by the GRANTOR for the Project.

**NOW, THEREFORE**, the GRANTOR, for good and valuable consideration of TEN DOLLARS AND NO/100 (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, does hereby REMISE, RELEASE AND FOREVER QUITCLAIM unto the GRANTEE, its successors and assigns, all its right, title, and interest in the property situated, lying and being in the County of Miami-Dade, in the State of Florida, containing approximately 2,283.32 acres as described in the legal descriptions on Exhibit "A" and shown on the map described as Exhibit "B", attached hereto and made a part hereof (hereinafter "the Property"). In addition, a comprehensive list of tracts is attached to this deed and cited as Exhibit "C." This list contains additional information about the individual tract data, such as folio numbers, Official Recorder's Book and Page Numbers, and acreage.

LESS AND EXCEPT the Severable Use Right (SURs) associated with the described land, which rights exist pursuant to Metropolitan Miami Dade County Code Section 33B, and which rights were expressly severed from the described land and were retained by the prior owners.

In accordance with the requirements of Metropolitan Miami-Dade County Code Section 33B-45(f), the following provision is included in this deed:

This instrument restricts the use of the above described land to non-residential uses.

**SUBJECT TO** all valid and existing restrictions, reservations, covenants, conditions, and easements, including but not limited to rights-of-way for railroads, highways, pipelines, and public utilities, if any, whether of public record or not.

**TO HAVE AND TO HOLD** the property granted herein to the GRANTEE and its successors and assigns, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, or claim whatsoever of the GRANTOR, either in law or in equity and subject to the terms, reservations, restrictions, covenants, and conditions set forth in this Deed.

**AND IT IS FURTHER AGREED AND UNDERSTOOD** by and between the parties hereto that the GRANTEE, by its acceptance of this Deed, agrees that, as part of the consideration for this Deed, the GRANTEE covenants and agrees for itself, its successors and assigns, forever, that this Deed is made and accepted upon each of the following covenants, which covenants shall be binding upon and enforceable against the GRANTEE, its successors and assigns, in perpetuity; and that the notices, covenants, and restrictions set forth here are a binding servitude on the Property herein conveyed and shall be deemed to run with the land in perpetuity:

This Property may be located within the 100-year floodplain as established by the National Flood Insurance Program. Any development of these lands should conform to all appropriate federal, state and local laws and regulations.

This Property may contain wetlands protected under state and Federal laws and regulations. Applicable laws and regulations restrict activities that involve draining wetlands or the discharge of fill materials into wetlands, including, without limitation, the placement of fill materials; the building of any structure; the placement of site-development fills for recreational, industrial, commercial, residential, and other uses; the placement of causeways or road fills; and the construction of dams and dikes.

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The GRANTOR and GRANTEE understand and agree that nothing in this Deed affects the rights, responsibilities and liabilities contained in the Agreement, as amended and as may be further amended.

IN WITNESS WHEREOF, the GRANTOR has caused this Quitclaim Deed to be executed in its name by the Director of Real Estate, this the 7 day of February 2014.

Signed and sealed in the presence of:

UNITED STATES OF AMERICA

Gregory Best  
WITNESS SIGNATURE

BY: Scott L. Whiteford  
SCOTT L. WHITEFORD  
Director of Real Estate  
U S Army Corps of Engineers

Gregory Best  
WITNESS' PRINTED NAME

Tanner Keacock-Clark  
WITNESS SIGNATURE  
Tanner Keacock-Clark  
WITNESS' PRINTED NAME

ACKNOWLEDGEMENT

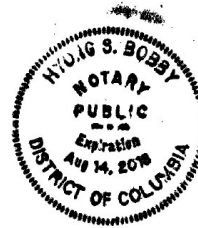
NOTARIAL CERTIFICATE

DISTRICT OF COLUMBIA: SS

I, Hypia S. Bobby, a Notary Public in and for the District of Columbia, do hereby certify that this 7 day of February, 2014, Scott L. Whiteford, Director of Real Estate, known to me or proven through satisfactory evidence of identity to be the person whose name is subscribed to the foregoing document, appeared in person and acknowledged before me that the signature on the document was voluntarily affixed by him for the purposes therein stated and that he had due authority to sign the document in the capacity therein stated.

Hypia S. Bobby  
Notary Public

My Commission expires the 14 day of August, 2018.



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**ACCEPTANCE BY GRANTEE**

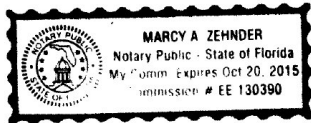
**SOUTH FLORIDA WATER MANAGEMENT DISTRICT, GRANTEE**, hereby accepts this Quitclaim Deed for itself, its successors and assigns, subject to all of the conditions, reservations, restrictions and terms contained therein, and acknowledges the character of the land pursuant to Miami-Dade County Ordinance 33b-54 and 33b-55 on this the 26<sup>th</sup> day of July, 2013.


**SOUTH FLORIDA WATER MANAGEMENT DISTRICT, a governmental entity created by Section 373, Florida Statutes**

By:   
Dan Thayer, Bureau Chief, Land Resources Bureau

STATE OF FLORIDA            )  
  ) SS:  
COUNTY OF PALM BEACH)

I, the undersigned, a Notary Public in and for the State of Florida, County of Palm Beach, do hereby certify that this day personally appeared before me Dan Thayer, Bureau Chief, Land Resources Bureau, whose name is signed to the foregoing instrument and who acknowledged the same to be his free act and deed on the date shown, and acknowledged the same for and on behalf of the SOUTH FLORIDA WATER MANAGEMENT DISTRICT.



  
Notary Public # EE 130390  
My Commission expires: 10/20/2015

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**CERTIFICATE OF GRANTEE'S ATTORNEY**

I, ABE COOPER, acting as principal attorney for the South Florida Water Management District, herein referred to as the "GRANTEE," do hereby certify: that I have examined the foregoing Quitclaim Deed and the proceedings taken by the GRANTEE relating thereto, and find that the acceptance thereof by the GRANTEE has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the State of Florida, and further that, in my opinion, the Quitclaim Deed constitutes a legal and binding compliance obligation of the GRANTEE in accordance with the terms thereof.

Dated at West Palm Beach, FL this 17th day of June, 2013.

By: Abe Cooper  
Title: SENIOR PRACTICE EXPERT

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**EXHIBIT "A"**

**Fee Title Interests:**

- Those lands lying in Section 2, Township 55 South, Range 38 East, more particularly described as follows:

The South half (1/2) of the South half (1/2) of the South half (1/2), LESS AND EXCEPT the East 600 feet

- Those lands lying in Section 3, Township 55 South, Range 38 East, more particularly described as follows:

The Southeast quarter (1/4) of the Southeast quarter (1/4) of the Southeast quarter (1/4)

- Those lands lying in Section 9, Township 55 South, Range 38 East, more particularly described as follows:

The South 752.45 feet, LESS AND EXCEPT the West three quarters (3/4) of the West half (1/2)

- Those lands lying in Section 10, Township 55 South, Range 38 East, more particularly described as follows:

The East half (1/2) of the East half (1/2) of the East half (1/2), LESS AND EXCEPT the South 752.45 feet

AND

The South 752.45 feet, LESS AND EXCEPT the West half (1/2) of the West half (1/2) of the Southeast quarter (1/4) of the Southwest quarter (1/4)

- Those lands lying in Section 11, Township 55 South, Range 38 East, LESS AND EXCEPT the East 600 feet, also LESS AND EXCEPT the following described lands:

The South half (1/2) of the North half (1/2) of the Southeast quarter (1/4) of the Northeast quarter (1/4) of the Southwest quarter (1/4)

AND

The North half (1/2) of the North half (1/2) of the Southeast quarter (1/4) of the Northeast quarter (1/4) of the Southwest quarter (1/4), LESS AND EXCEPT the East 40 feet

AND

The South half (1/2) of the Northeast quarter (1/4) of the Northeast quarter (1/4) of the Southwest quarter (1/4)

AND

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The South half (1/2) of the Southwest quarter (1/4) of the Southwest quarter (1/4) of the Northeast quarter (1/4)

AND

The South half (1/2) of the Northwest quarter (1/4) of the Northwest quarter (1/4) of the Southeast quarter (1/4)

AND

The North half (1/2) of the Northwest quarter (1/4) of the Northwest quarter (1/4) of the Southeast quarter (1/4)

AND

The South half (1/2) of the Northwest quarter (1/4) of the Northeast quarter (1/4) of the Southwest quarter (1/4)

AND

The North half (1/2) of the Southwest quarter (1/4) of the Northeast quarter (1/4) of the Southwest quarter (1/4)

AND

The South half (1/2) of the Southwest quarter (1/4) of the Northeast quarter (1/4) of the Northwest quarter (1/4)

AND

The North half (1/2) of the Northeast quarter (1/4) of the Northeast quarter (1/4) of the Southwest quarter (1/4)

AND

The North half (1/2) of the Southeast quarter (1/4) of the Northwest quarter (1/4) of the Southwest quarter (1/4)

AND

The North half (1/2) of the South half (1/2) of the South half (1/2) of the Northeast quarter (1/4) of the Southeast quarter (1/4), LESS AND EXCEPT the West 390 feet

AND

The South half (1/2) of the South half (1/2) of the South half (1/2) of the Northeast quarter (1/4) of the Southeast quarter (1/4), LESS AND EXCEPT the West 390 feet

AND

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The North half (1/2) of the North half (1/2) of the North half (1/2) of the Southeast quarter (1/4) of the Southeast quarter (1/4), LESS AND EXCEPT the West 390 feet

AND

The South half (1/2) of the North half (1/2) of the North half (1/2) of the Southeast quarter (1/4) of the Southeast quarter (1/4), LESS AND EXCEPT the West 390 feet

AND

The South half (1/2) of the South half (1/2) of the Southwest quarter (1/4) of the Northeast quarter (1/4) of the Southwest quarter (1/4), LESS AND EXCEPT the West 25 feet

AND

The North half (1/2) of the South half (1/2) of the Southwest quarter (1/4) of the Northeast quarter (1/4) of the Southwest quarter (1/4), LESS AND EXCEPT the West 25 feet

AND

The South half (1/2) of the North half (1/2) of the Northwest quarter (1/4) of the Southwest quarter (1/4) of the Southwest quarter (1/4)

AND

The East half (1/2) of the Southeast quarter (1/4) of the Southeast quarter (1/4) of the Southwest quarter (1/4), LESS AND EXCEPT the East 35 feet and the South 40 feet

AND

The North half (1/2) of the South half (1/2) of the Northwest quarter (1/4) of the Southeast quarter (1/4) of the Southwest quarter (1/4), LESS AND EXCEPT the West 25 feet

- Those lands lying in Section 14, Township 55 South, Range 38 East, more particularly described as follows:

The North half (1/2) of the North half (1/2) of the Southwest quarter (1/4) of the Southwest quarter (1/4)

AND

The North half (1/2) of the North half (1/2) of the Southeast quarter (1/4) of the Southwest quarter (1/4)

- Those lands lying in Section 15, Township 55 South, Range 38 East, more particularly described as follows:

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The North half (1/2) of the Northeast quarter (1/4) of the Southeast quarter (1/4) of the Southeast quarter (1/4)

AND

The South half (1/2) of the North half (1/2) of the South half (1/2) of the Southeast quarter (1/4)

AND

The North half (1/2) of the Southwest quarter (1/4) of the Southwest quarter (1/4) of the Southeast quarter (1/4)

AND

The South three quarters (3/4) of the Southeast quarter (1/4) of the Southwest quarter (1/4), LESS AND EXCEPT the South 40 feet of the Southeast (1/4) of the Southeast quarter (1/4) of the Southwest quarter (1/4), also LESS AND EXCEPT the South 40 feet of the East half (1/2) of the Southwest quarter (1/4) of the Southeast quarter (1/4) of the Southwest quarter (1/4)

AND

The Southeast quarter (1/4) of the Southwest quarter (1/4) of the Southwest quarter (1/4), LESS AND EXCEPT the West 25 feet of the North half (1/2) of the Southeast quarter (1/4) of the Southwest quarter (1/4) of the Southwest quarter (1/4), also LESS AND EXCEPT the West 25 feet and the South 40 feet of the South half (1/2) of the Southeast quarter (1/4) of the Southwest quarter (1/4) of the Southwest quarter (1/4)

AND

The North half (1/2) of the Northwest quarter (1/4) of the Southwest quarter (1/4) of the Southwest quarter (1/4)

AND

The West half (1/2) of the West half (1/2) of the North three quarters (3/4), LESS AND EXCEPT the South half (1/2) of the Southeast quarter (1/4) of the Northwest quarter (1/4) of the Southwest quarter (1/4), also LESS AND EXCEPT the Southeast quarter (1/4) of the Southwest quarter (1/4) of the Northwest quarter (1/4) of the Southwest quarter (1/4)

AND

The North half (1/2) of the North half (1/2) of the North half (1/2), LESS AND EXCEPT the South half (1/2) of the Northeast quarter (1/4) of the Northeast quarter (1/4) of the Northeast quarter (1/4)

LESS AND EXCEPT

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The Northwest quarter (1/4) of the Northwest quarter (1/4) of the Northeast quarter (1/4) of the Northwest quarter (1/4)

LESS AND EXCEPT

The Southwest quarter (1/4) of the Northwest quarter (1/4) of the Northeast quarter (1/4) of the Northwest quarter (1/4)

LESS AND EXCEPT

The Southwest quarter (1/4) of the Northwest quarter (1/4) of the Southeast quarter (1/4) of the Southwest quarter (1/4) and the West half (1/2) of the Southwest quarter (1/4) of the Southeast quarter (1/4) of the Southwest quarter (1/4), and the South 40 feet of the Southwest quarter (1/4) of the Southwest quarter (1/4) of the Southeast quarter (1/4) of the Southwest quarter (1/4)

LESS AND EXCEPT

The North half (1/2) of the Northeast quarter (1/4) of the Northeast quarter (1/4) of the Northwest quarter (1/4), AND the South half (1/2) of the Northeast quarter (1/4) of the Northeast quarter (1/4) of the Northwest quarter (1/4), AND the Northeast quarter (1/4) of the Northwest quarter (1/4) of the Northeast quarter (1/4) of the Northwest quarter (1/4), LESS the North 40 feet, the East 25 feet, and the area bounded by the South line of the North 40 feet, and the West line of the East 25 feet, and a 25 feet radius arc concave to the Southwest, said arc being tangent to both of the last described lines.

- Those lands lying in Section 16, Township 55 South, Range 38 East, more particularly described as follows:

The East half (1/2), LESS AND EXCEPT the Southeast quarter (1/4) of the Southeast quarter (1/4) of the Southeast quarter (1/4), LESS AND EXCEPT the South half (1/2) of the Northeast quarter (1/4) of the Southeast quarter (1/4) of the Southeast quarter (1/4)

AND

The East half (1/2) of the East half (1/2) of the West half (1/2)

AND

The South half (1/2) of the West half (1/2) of the East half (1/2) of the Southwest quarter (1/4)

AND

The Southwest quarter (1/4) of the Southwest quarter (1/4)

LESS AND EXCEPT

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The West 25 feet and the South 25 feet of the South 204.27 feet of the West half (1/2) of the East half (1/2) of the Northeast quarter (1/4) of the Northwest quarter (1/4)

LESS AND EXCEPT

The West 25 feet of the North 537.81 feet of the South 936.35 feet of the West half (1/2) of the East half (1/2) of the Southwest quarter (1/4) of the Southwest quarter (1/4)

- Those lands lying in Section 17, Township 55 South, Range 38 East, more particularly described as follows:

The East three quarters (3/4) of the Southeast quarter (1/4) of the Southeast quarter (1/4)

- Those lands lying in Section 20, Township 55 South, Range 38 East, more particularly described as follows:

The East three quarters (3/4) of the East half (1/2) of the East half (1/2), LESS AND EXCEPT the East 40 feet and the South 25 feet of the South half (1/2) of the North half (1/2) of the Southeast quarter (1/4) of the Southeast quarter (1/4)

AND

The South three quarters (3/4) of the West half (1/2) of the West half (1/2) of the Southeast quarter (1/4) of the Southeast quarter (1/4), LESS AND EXCEPT the South 25 feet and the West 25 feet of the South half (1/2) of the North half (1/2) of the Southeast quarter (1/4) of the Southeast quarter (1/4)

AND

The South three quarters (3/4) of the East half (1/2) of the Southwest quarter (1/4) of the Southeast quarter (1/4)

- Those lands lying in Section 21, Township 55 South, Range 38 East, more particularly described as follows:

The West half (1/2), LESS AND EXCEPT the South half (1/2) of the South half (1/2) of the Southeast quarter (1/4) of the Northeast quarter (1/4) of the Southwest quarter (1/4), and LESS AND EXCEPT the East half (1/2) of the Southeast quarter (1/4) of the Southwest quarter (1/4), and LESS AND EXCEPT the East half (1/2) of the East half (1/2) of the Southwest quarter (1/4) of the Southeast quarter (1/4) of the Southwest quarter (1/4)

AND

The North three quarters (3/4) the West half (1/2) of the East half (1/2), LESS AND EXCEPT the South half (1/2) of the South half (1/2) of the

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Southwest quarter (1/4) of the Northwest quarter (1/4) of the Southeast quarter (1/4)

AND

The Northwest quarter (1/4) of the Northeast quarter (1/4) of the Northeast quarter (1/4)

AND

The South half (1/2) of the Northeast quarter (1/4) of the Northeast quarter (1/4)

AND

The North half (1/2) of the North half (1/2) of the Southeast quarter (1/4) of the Northeast quarter (1/4)

- Those lands lying in Section 22, Township 55 South, Range 38 East, more particularly described as follows:

The East half (1/2) of the West half (1/2) of the West half (1/2) of the North half (1/2), LESS AND EXCEPT the West 25 feet and East 25 feet of the South half (1/2) of the Southeast quarter (1/4) of the Northwest quarter (1/4) of the Northwest quarter (1/4), also LESS AND EXCEPT the West 25 feet of the North half (1/2) of the Southeast quarter (1/4) of the Southwest quarter (1/4) of the Northwest quarter (1/4)

AND

The West half (1/2) of the East half (1/2) of the West half (1/2) of the West half (1/2) of the South half (1/2), LESS AND EXCEPT the West 25 feet of the Southwest quarter (1/4) of the Southeast quarter (1/4) of the Northwest quarter (1/4) of the Southwest quarter (1/4)

AND

The Southeast quarter (1/4) of the Southeast quarter (1/4) of the Northwest quarter (1/4) of the Southwest quarter (1/4)

AND

The Southeast quarter (1/4) of the Northeast quarter (1/4) of the Northwest quarter (1/4) of the Southwest quarter (1/4), LESS AND EXCEPT the East 25 feet

- Those lands lying in Section 27, Township 55 South, Range 38 East, more particularly described as follows:

The West half (1/2) of the East half (1/2) of the West half (1/2) of the West half (1/2), LESS AND EXCEPT the South 40 feet

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AND

The Northeast quarter (1/4) of the Northwest quarter (1/4) of the Southwest quarter (1/4) of the Southwest quarter (1/4)

AND

The East half (1/2) of the Southwest quarter (1/4) of the Northwest quarter (1/4) of the Southwest quarter (1/4)

- Those lands lying in Section 28, Township 55 South, Range 38 East, more particularly described as follows:

The West three quarters (3/4) of the West half (1/2), LESS AND EXCEPT the South 40 feet, and LESS AND EXCEPT the South 360 feet of the North 1948.98 feet of the East half (1/2) of the West half (1/2) of the East half (1/2) of the Southwest quarter (1/4)

AND

The North 540 feet of the South 1588.98 feet of the West half (1/2) of the East half (1/2) of the East half (1/2) of the Northwest quarter (1/4)

- Those lands lying in Section 29, Township 55 South, Range 38 East, more particularly described as follows:

The East three quarters (3/4) of the East half (1/2), LESS AND EXCEPT the South 35 feet

- Those lands lying in Section 34, Township 55 South, Range 38 East, more particularly described as follows:

The South half (1/2) of the Southwest quarter (1/4) of the Northwest quarter (1/4) of the Northwest quarter (1/4)

AND

The South half (1/2) of the Southeast quarter (1/4) of the Northwest quarter (1/4) of the Northwest quarter (1/4), LESS AND EXCEPT the following described lands: Beginning at the Northeast corner of said property, Thence run South 2° 03' 10" East along the East line for a distance of 330.08 feet to the Southeast corner of said property; Thence run South 89° 31' 04" West along the South line for a distance of 49.63 feet; Thence run North 0° 06' 05" East for a distance of 329.97 feet to the North line; Thence run North 89° 31' 04" East along the North line for a distance of 37.22 feet to the POINT OF BEGINNING

AND

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---

The West half (1/2) of the Northeast quarter (1/4) of the Northwest quarter (1/4) of the Northwest quarter (1/4), LESS AND EXCEPT the North 35 feet

AND

The North half (1/2) of the Southeast quarter (1/4) of the Northwest quarter (1/4) of the Northwest quarter (1/4)

All of the herein described lands being situate, lying and being in Miami-Dade County, Florida

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**EXHIBIT "A"**

**Easements acquired from Florida Power & Light Company:**

- Those lands lying in Section 10 Township 55 South, Range 38 East, more particularly described as follows:

The South 752.45 feet of the West half (1/2) of the West half (1/2) of the Southeast quarter (1/4) of the Southwest quarter (1/4); easement acquired in Official Records Book 18927, page 2944, as amended in Official Records Book 27089, page 542

- Those lands lying in Section 15 Township 55 South, Range 38 East, more particularly described as follows:

The Northwest quarter (1/4) of the Northwest quarter (1/4) of the Northeast quarter (1/4) of the Northwest quarter (1/4); easement acquired in Official Records Book 23820, page 644

AND

The Southwest quarter (1/4) of the Northwest quarter (1/4) of the Northeast quarter (1/4) of the Northwest quarter (1/4); easement acquired in Official Records Book 23820, page 644

AND

The Northwest quarter (1/4) of the Southwest quarter (1/4) of the Northeast quarter (1/4) of the Northwest quarter (1/4); easement acquired in Official Records Book 23820, page 644

AND

The Southwest quarter (1/4) of the Northwest quarter (1/4) of the Southeast quarter (1/4) of the Southwest quarter (1/4) and the West half (1/2) of the Southwest quarter (1/4) of the Southeast quarter (1/4) of the Southwest quarter (1/4), LESS AND EXCEPT the South 40 feet; easement acquired in Official Records Book 23608, page 2

The above described lands being situate, lying and being in Miami-Dade County, Florida

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**EXHIBIT "A"**

**Flowage Easement Interests:**

- Those lands lying in Section 11 Township 55 South, Range 38 East, LESS AND EXCEPT the East 600 feet, more particularly described as follows:

The South half (1/2) of the North half (1/2) of the Southeast quarter (1/4) of the Northeast quarter (1/4) of the Southwest quarter (1/4); easement acquired in Official Records Book 23321, page 4629

AND

The North half (1/2) of the North half (1/2) of the Southeast quarter (1/4) of the Northeast quarter (1/4) of the Southwest quarter (1/4), LESS AND EXCEPT the East 40 feet; easement acquired in Official Records Book 23321, page 4629

AND

The South half (1/2) of the Northeast quarter (1/4) of the Northeast quarter (1/4) of the Southwest quarter (1/4); easement acquired in Official Records Book 23321, page 4629

AND

The South half (1/2) of the Southwest quarter (1/4) of the Southwest quarter (1/4) of the Northeast quarter (1/4); easement acquired in Official Records Book 23321, page 4629

AND

The South half (1/2) of the Northwest quarter (1/4) of the Northwest quarter (1/4) of the Southeast quarter (1/4); easement acquired in Official Records Book 23321, page 4629

AND

The North half (1/2) of the Northwest quarter (1/4) of the Northwest quarter (1/4) of the Southeast quarter (1/4); easement acquired in Official Records Book 23321, page 4629

AND

The South half (1/2) of the Northwest quarter (1/4) of the Northeast quarter (1/4) of the Southwest quarter (1/4); easement acquired in Official Records Book 23321, page 4629

AND

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The North half (1/2) of the Southwest quarter (1/4) of the Northeast quarter (1/4) of the Southwest quarter (1/4); easement acquired in Official Records Book 23321, page 4629

AND

The South half (1/2) of the Southwest quarter (1/4) of the Northeast quarter (1/4) of the Northwest quarter (1/4); easement acquired in Official Records Book 23573, page 2627

AND

The North half (1/2) of the Northeast quarter (1/4) of the Northeast quarter (1/4) of the Southwest quarter (1/4); easement acquired in Official Records Book 23256, page 1879

AND

The North half (1/2) of the Southeast quarter (1/4) of the Northwest quarter (1/4) of the Southwest quarter (1/4); easement acquired in Official Records Book 23498, page 4753

AND

The North half (1/2) of the South half (1/2) of the South half (1/2) of the Northeast quarter (1/4) of the Southeast quarter (1/4), LESS AND EXCEPT the West 390 feet; easement acquired in Official Records Book 22045, page 1345

AND

The South half (1/2) of the South half (1/2) of the South half (1/2) of the Northeast quarter (1/4) of the Southeast quarter (1/4), LESS AND EXCEPT the West 390 feet; easement acquired in Official Records Book 22045, page 1345

AND

The North half (1/2) of the North half (1/2) of the North half (1/2) of the Southeast quarter (1/4) of the Southeast quarter (1/4), LESS AND EXCEPT the West 390 feet; easement acquired in Official Records Book 22045, page 1345

AND

The South half (1/2) of the North half (1/2) of the North half (1/2) of the Southeast quarter (1/4) of the Southeast quarter (1/4), LESS AND EXCEPT the West 390 feet; easement acquired in Official Records Book 22045, page 1345

AND

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The South half (1/2) of the South half (1/2) of the Southwest quarter (1/4) of the Northeast quarter (1/4) of the Southwest quarter (1/4), LESS AND EXCEPT the West 25 feet; easement acquired in Official Records Book 23321, page 4619

AND

The North half (1/2) of the South half (1/2) of the Southwest quarter (1/4) of the Northeast quarter (1/4) of the Southwest quarter (1/4), LESS AND EXCEPT the West 25 feet; easement acquired in Official Records Book 23256, page 2087

AND

The South half (1/2) of the North half (1/2) of the Northwest quarter (1/4) of the Southwest quarter (1/4) of the Southwest quarter (1/4); easement acquired in Official Records Book 24234, page 3936

AND

The East half (1/2) of the Southeast quarter (1/4) of the Southeast quarter (1/4) of the Southwest quarter (1/4), LESS AND EXCEPT the East 35 feet and the South 40 feet; easement acquired in Official Records Book 23909, page 3918

AND

The North half (1/2) of the South half (1/2) of the Northwest quarter (1/4) of the Southeast quarter (1/4) of the Southwest quarter (1/4), LESS AND EXCEPT the West 25 feet; easement acquired in Official Records Book 23815, page 2162

- Those lands lying in Section 15 Township 55 South, Range 38 East, more particularly described as follows:

The North half (1/2) of the Northeast quarter (1/4) of the Northeast quarter (1/4) of the Northwest quarter (1/4), AND the South half (1/2) of the Northeast quarter (1/4) of the Northeast quarter (1/4) of the Northwest quarter (1/4), AND the Northeast quarter (1/4) of the Northwest quarter (1/4) of the Northeast quarter (1/4) of the Northwest quarter (1/4), LESS AND EXCEPT the North 40 feet, the East 25 feet, and the area bounded by the South line of the North 40 feet, and the West line of the East 25 feet, and a 25 foot radius arc concave to the Southwest, said arc being tangent to both of the last described lines; easement acquired in Official Records Book 22444, page 3952

All of the herein described lands being situate, lying and being in Miami-Dade County, Florida

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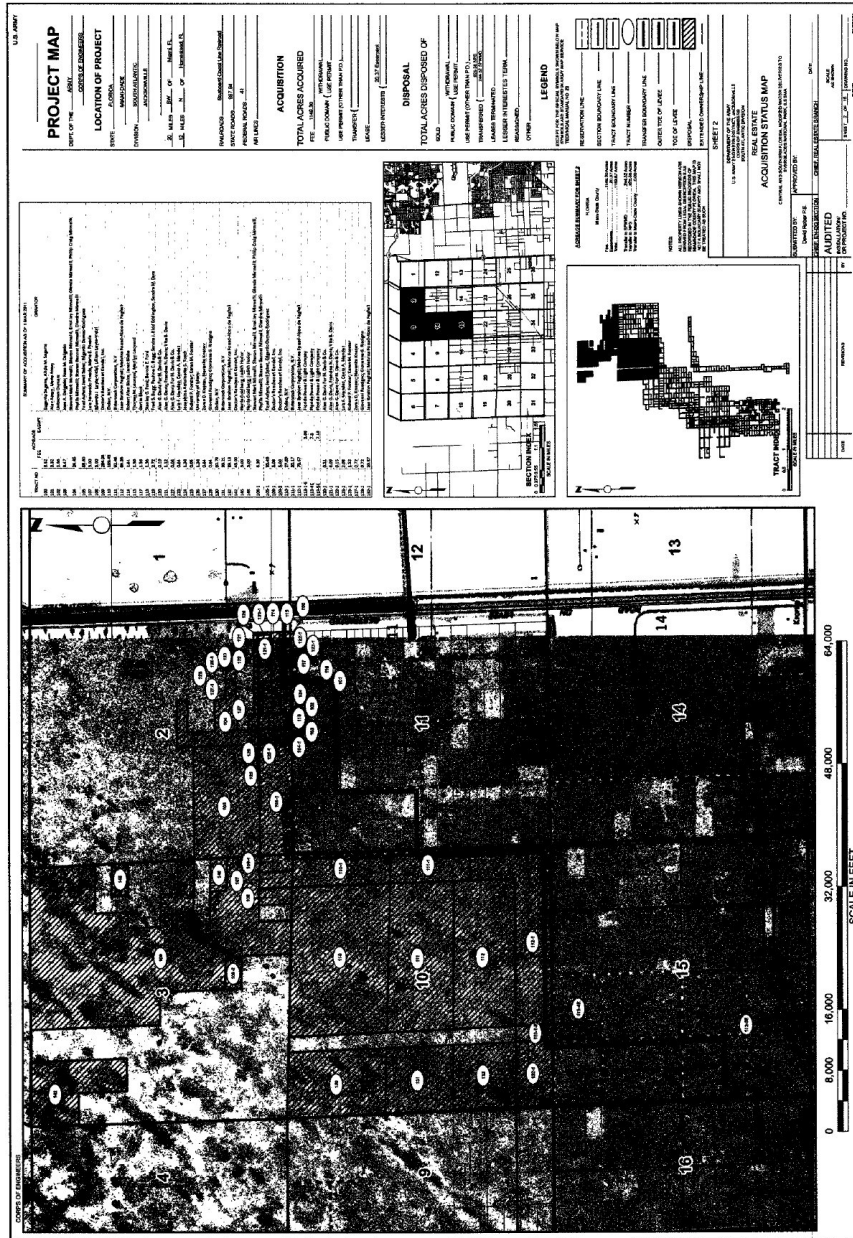


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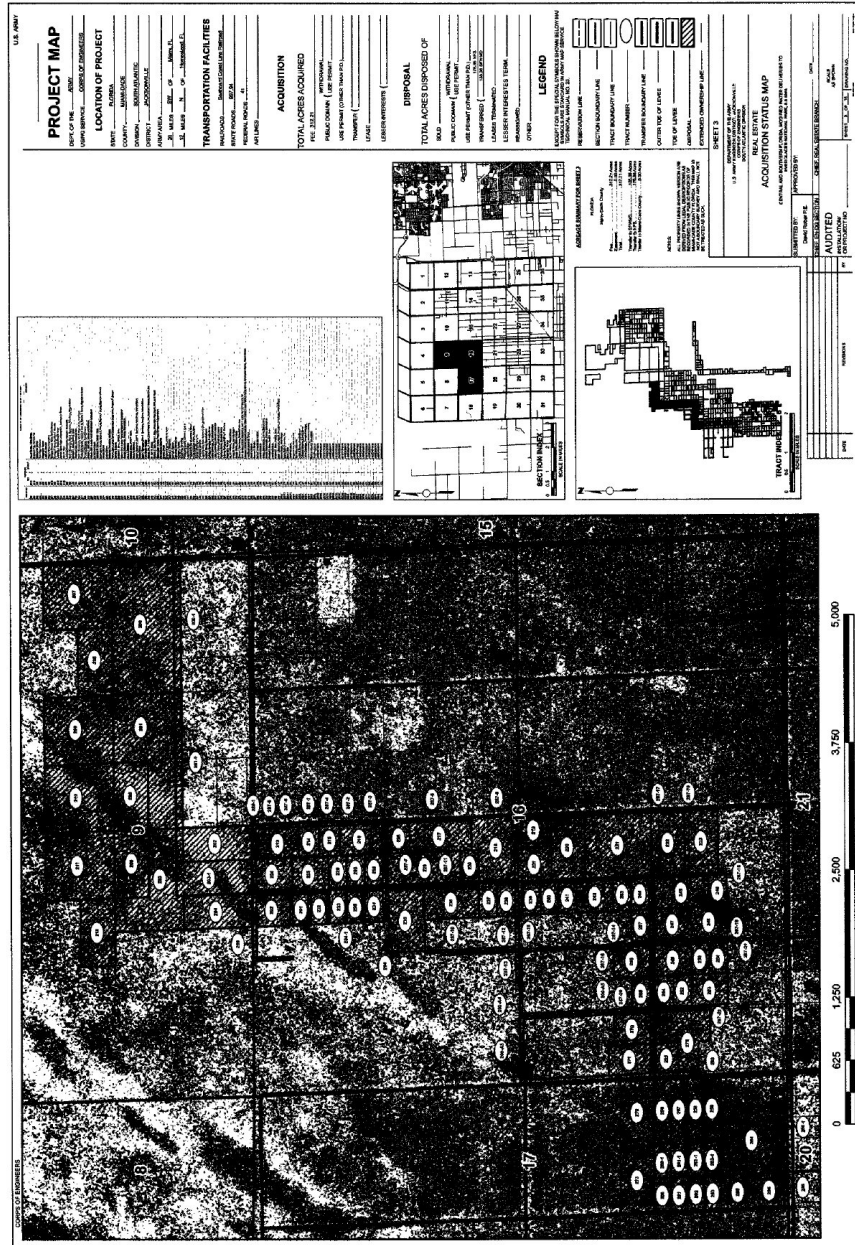


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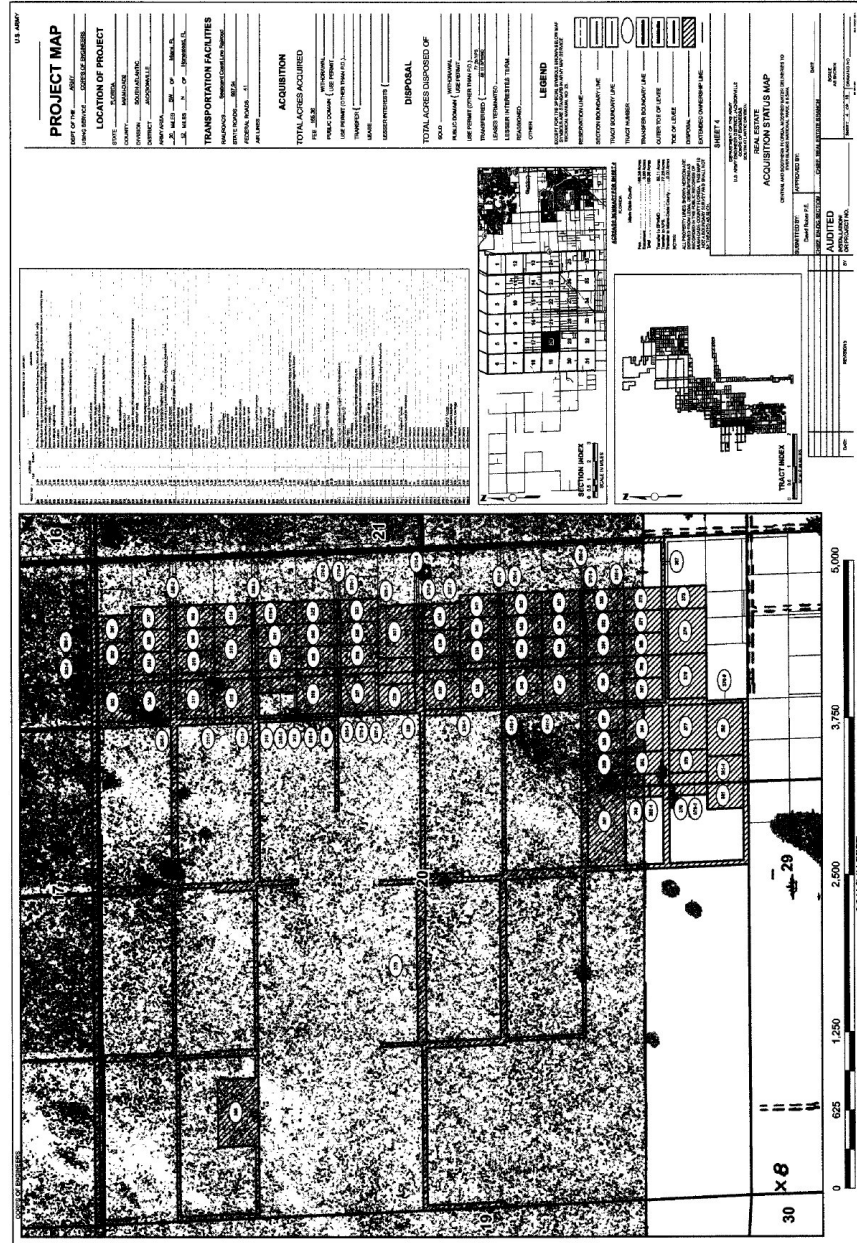


EXHIBIT "B"

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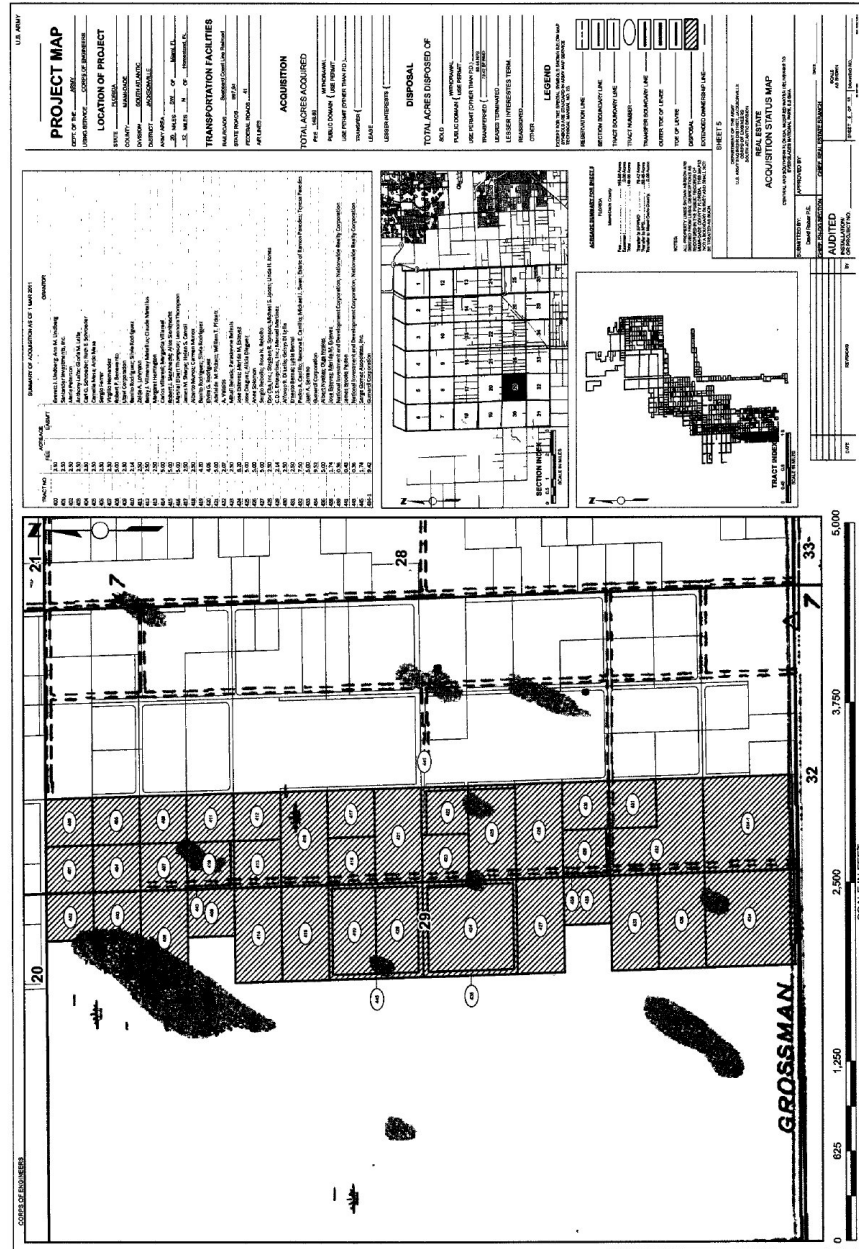


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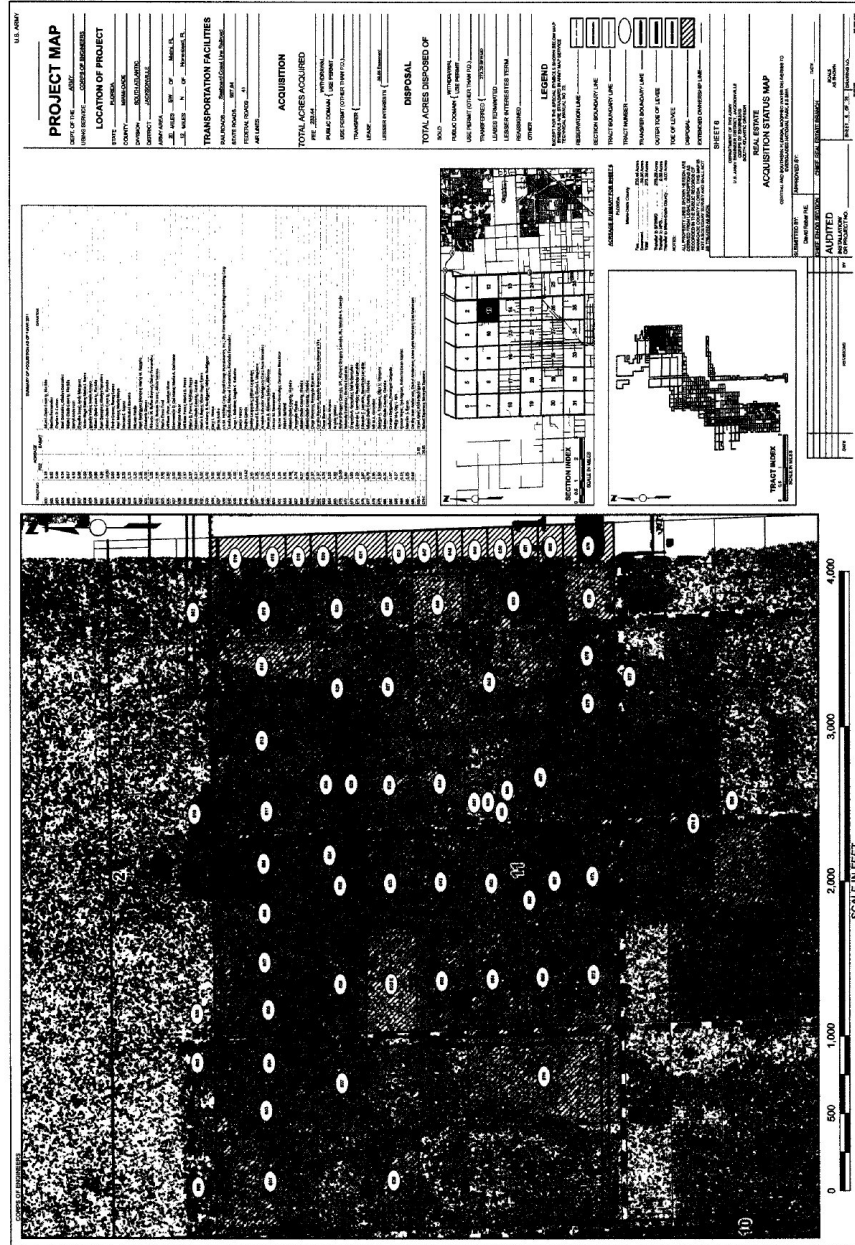


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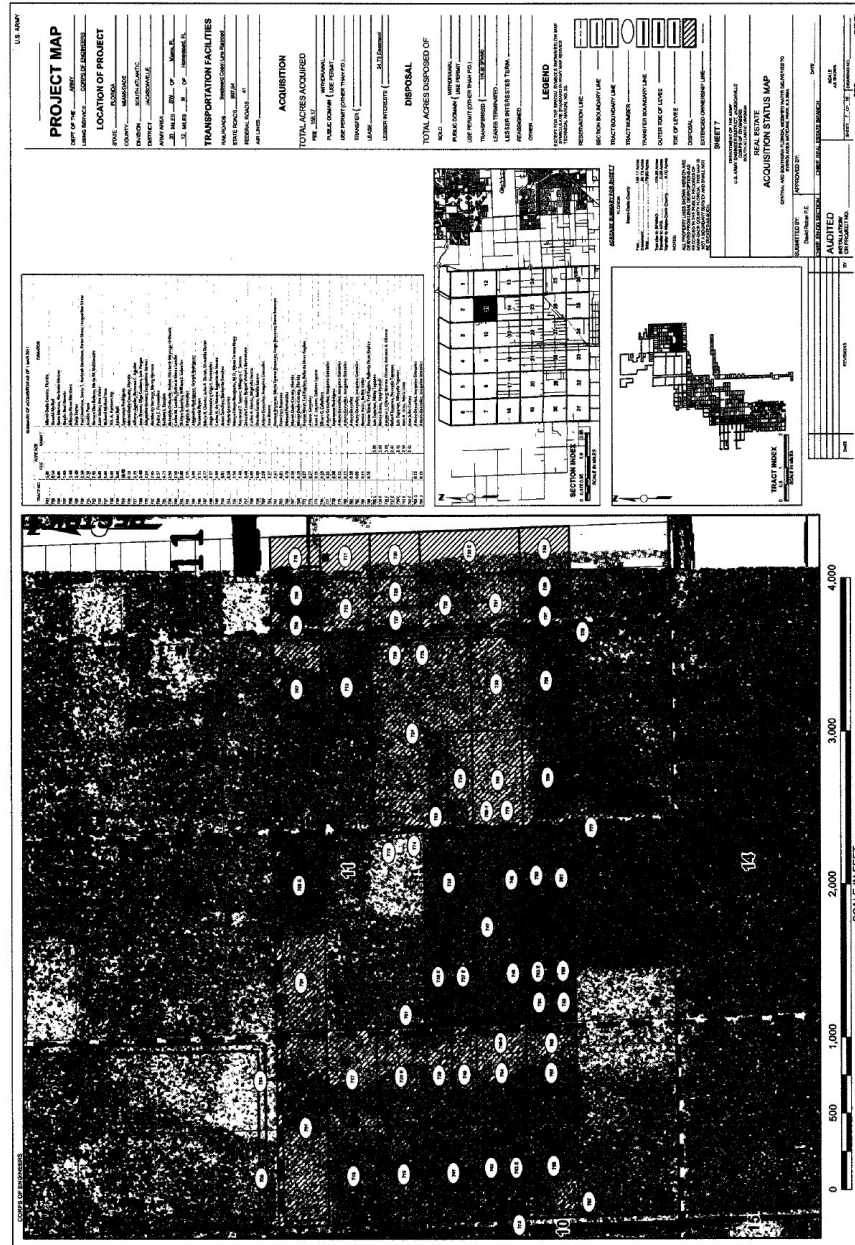


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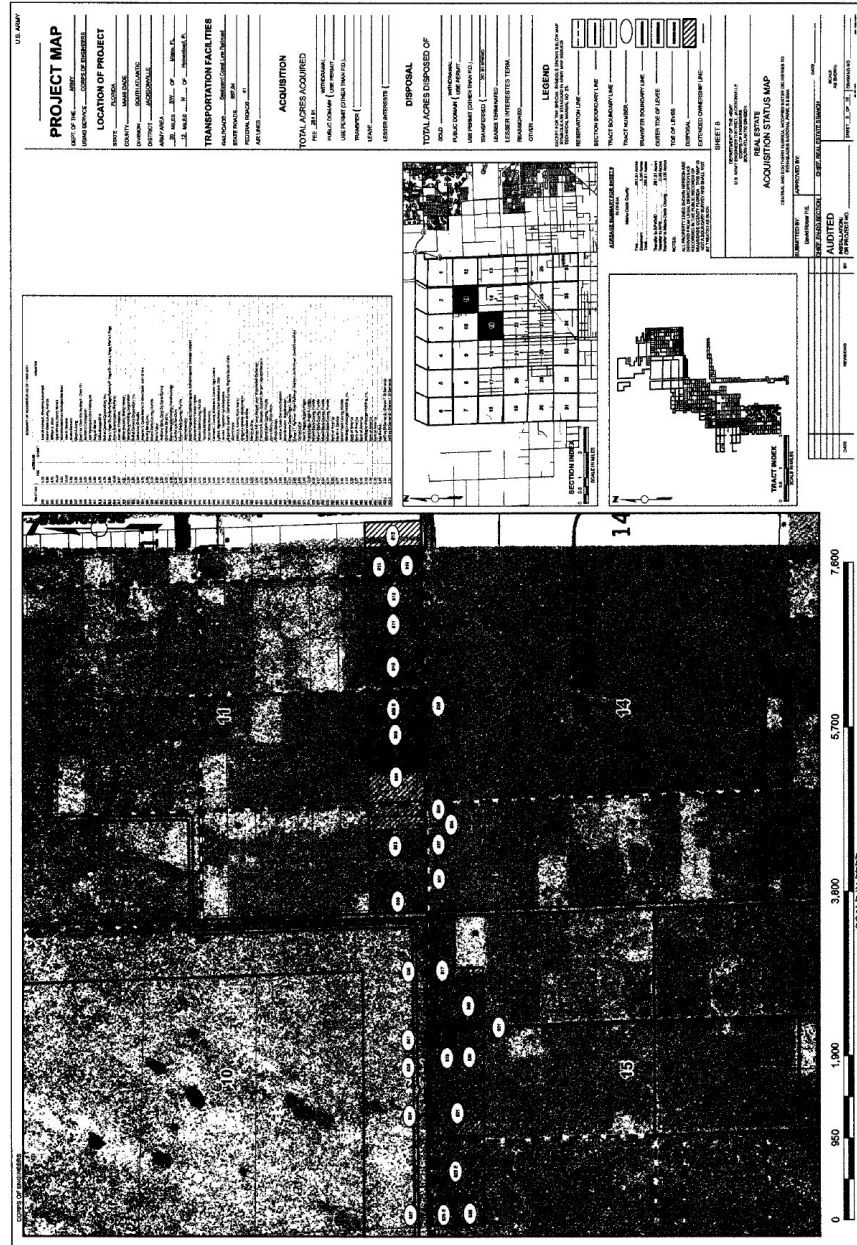


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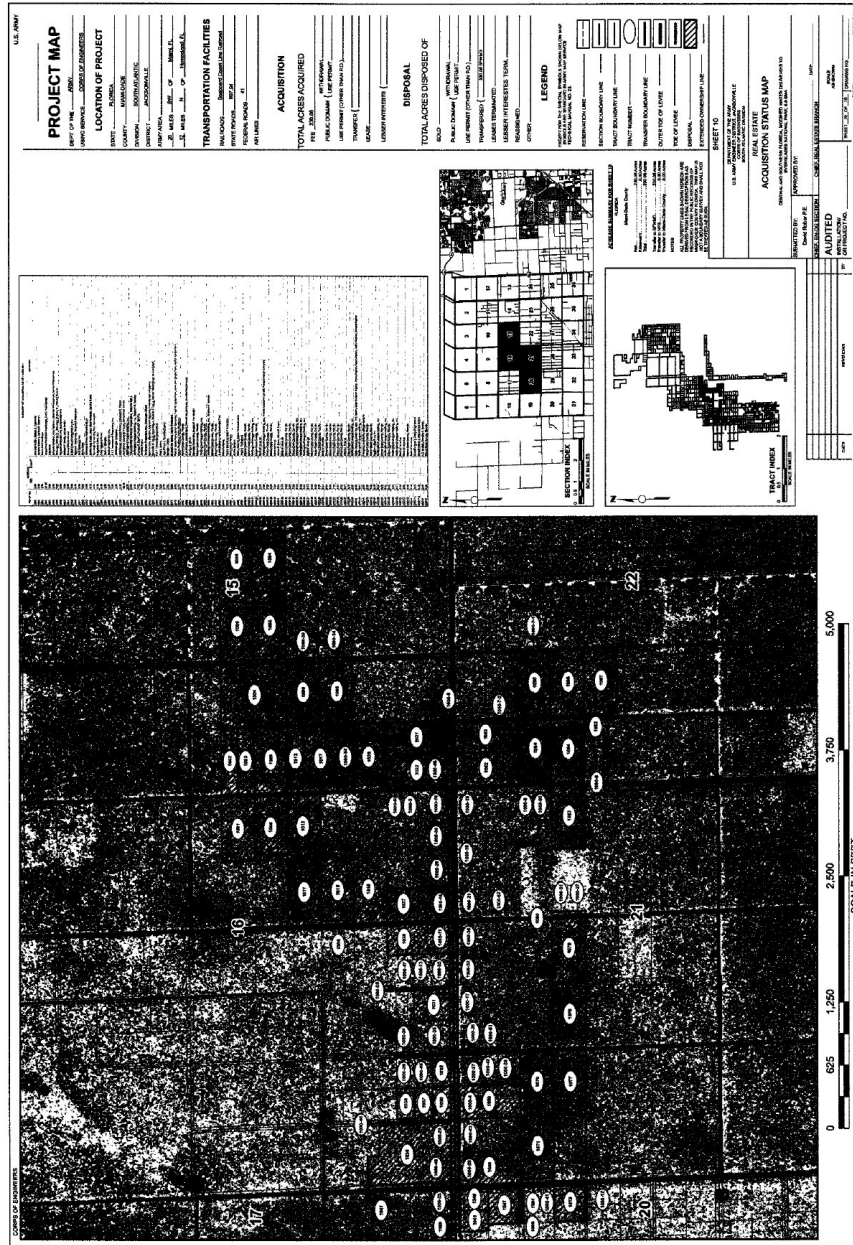


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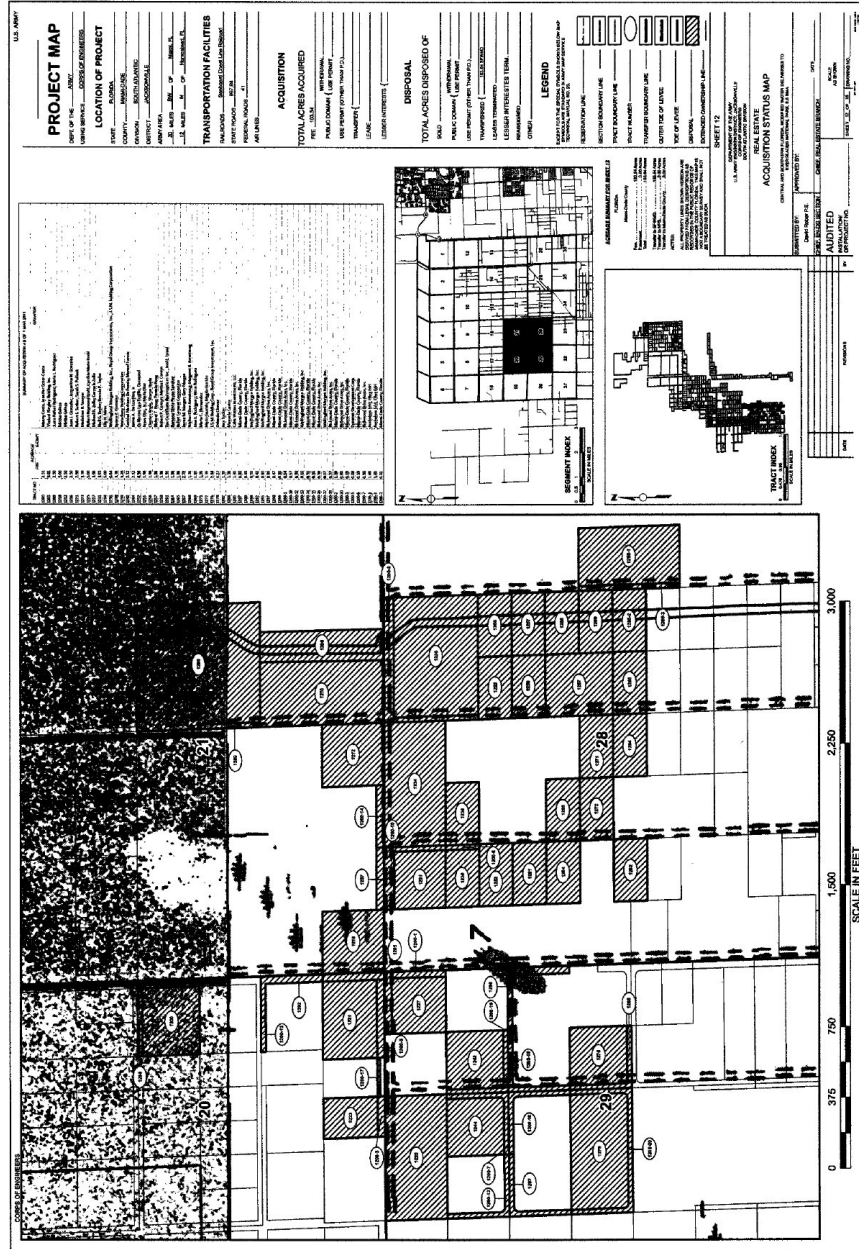


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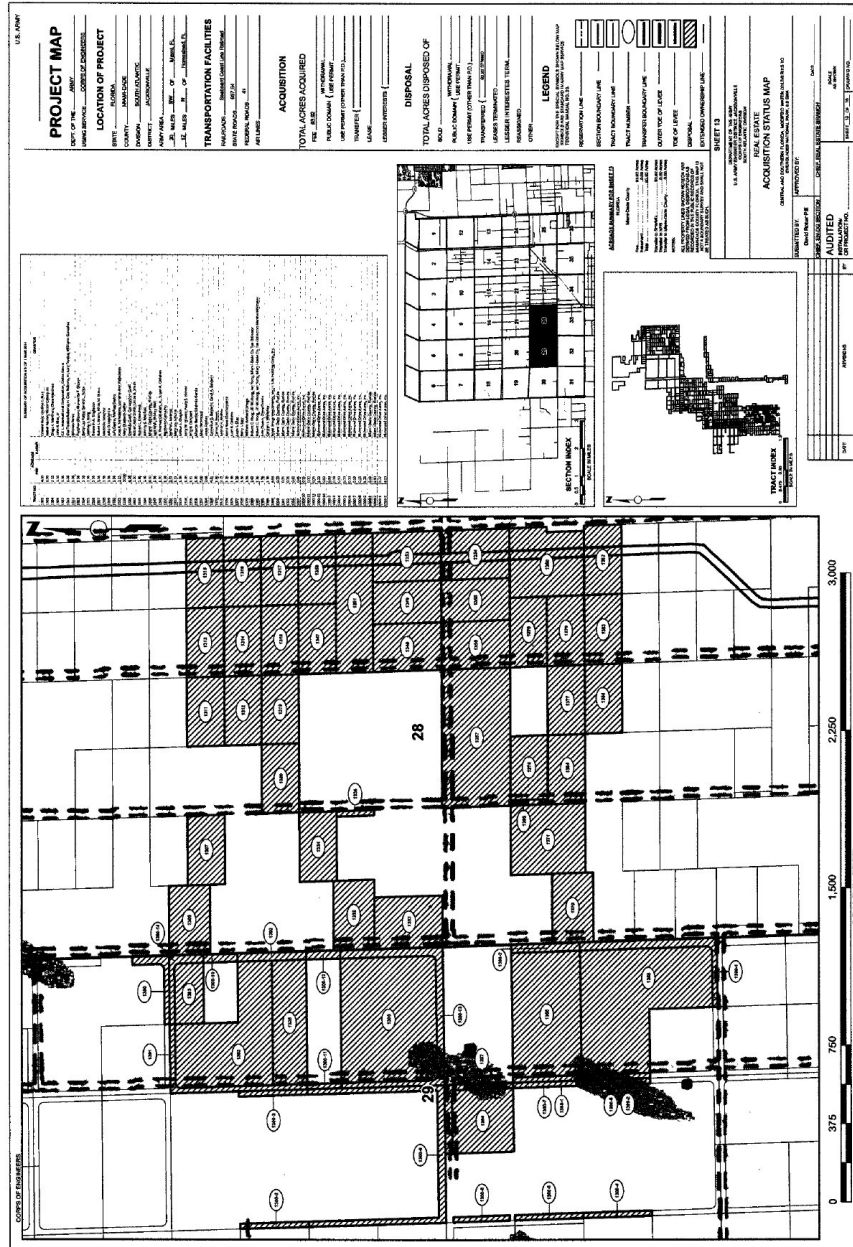


EXHIBIT "B"





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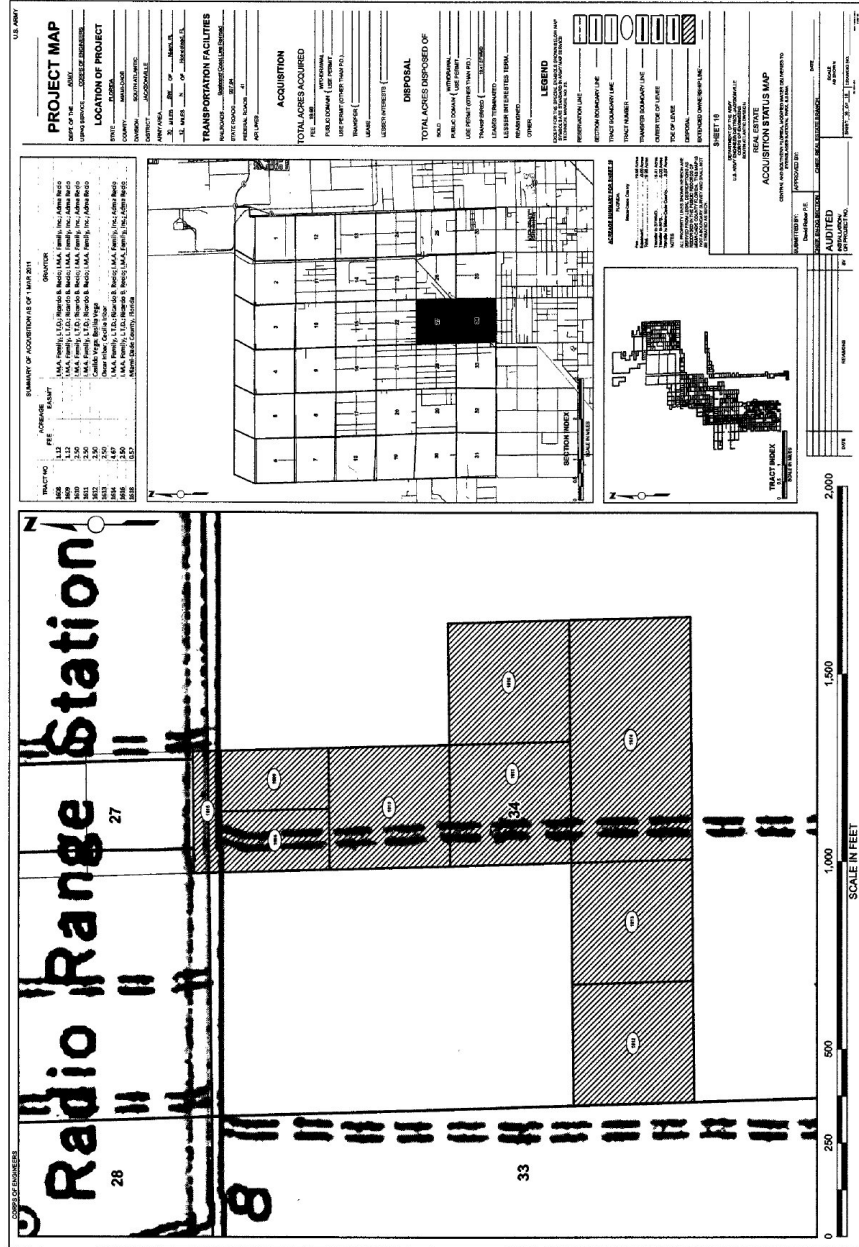


EXHIBIT "B"

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Exhibit 'C'	ACOE TRACT BOOK	RECORD BOOK	PAGE	DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
1000-10	16937	26030	482	9/21/1995	United States of America	3.62	Eugenio Segura	\$12,700	305821000R0090
1000-11	26030	26030	3067	7/7/2005	United States of America	0.30	Alicia M. Suggara	\$0	305816000R0115
1000-12	23387	26030	3420	4/14/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	305816000R0116
1000-13	26030	26030	3067	7/7/2005	United States of America	0.51	Wellington Morgan Holding, Inc.	\$12,125	30582000003272
1000-14	21469	26030	4653	6/1/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	305816000R0119
1000-16	23490	26030	1449	5/24/2005	United States of America	0.30	Bank of America	\$4,800	305816000R0112
1000-17	26030	26030	3067	7/7/2005	United States of America	0.30	Florida Coastaline Canal & Transportation Company	\$12,750	305816000R0211
1000-18	26030	26030	3067	7/7/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	305816000R0213
1000-19	23470	26030	526	5/1/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	305816000R0214
1000-2	23470	26030	556	5/17/2005	United States of America	0.36	Harold B. Coker	\$5,700	305816000R0215
1000-20	21460	26030	4775	5/23/2005	United States of America	0.19	Maria B. Lopez	\$10,800	305816000R0251
1000-21	26030	26030	3067	7/7/2005	United States of America	0.30	Bank of America	\$5,700	305821000R0072
1000-22	26030	26030	3067	7/7/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	305821000R0317
1000-23	26030	26030	3067	7/7/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	305821000R0319
1000-24	21481	26030	183	5/1/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	305816000R0301
1000-25	21481	26030	421	5/11/2005	United States of America	0.10	Wellington Morgan Holding, Inc.	\$2,375	305816000R0301
1000-26	21481	26030	4215	5/11/2005	United States of America	0.21	Wellington Morgan Holding, Inc.	\$2,375	305816000R0301
1000-27	23373	26030	2809	5/26/2005	United States of America	0.13	Bank of America	\$5,900	305816000R0301
1000-28	26030	26030	3067	7/7/2005	United States of America	0.30	Miami-Dade County, Florida	\$2,450	305821000R0404
1000-29	26030	26030	3067	7/7/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	305821000R0404
1000-30	26030	26030	3067	7/7/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	305821000R0404
1000-31	23607	26030	1703	5/23/2005	United States of America	0.13	Bank of America	\$0	305816000R0310
1000-32	26030	26030	3067	7/7/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	305821000R0311
1000-33	26030	26030	3067	7/7/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	305821000R0311
1000-34	23300	26030	2573	3/9/2005	United States of America	2.30	Miami-Dade County, Florida	\$0	305816000R0246
1000-35	26030	26030	3067	7/7/2005	United States of America	0.30	Miami-Dade County, Florida	\$48,562	305816000R0332
1000-36	26030	26030	3067	7/7/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	305816000R0332
1000-37	23460	26030	4812	5/26/2005	United States of America	0.47	Albert L. Pearse	\$8,900	305816000R0333
1000-38	26030	26030	3067	7/7/2005	United States of America	0.19	Miami-Dade County, Florida	\$0	305821000R0404
1000-39	23470	26030	502	5/13/2005	United States of America	0.30	Wellington Morgan Holding, Inc.	\$1,250	305821000R0250
1000-4	24119	26030	3141	12/22/2005	United States of America	0.30	Edwain Kaplan	\$5,700	305821000R0119
							Judith Kaplan		
							Karen Kaplan		
							Henry Kaplan		
							Roberta Dean Kaplan		
							Adole Rabin		
							Teri Kaplan		

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Exhibit "C"	ACOE TRACT BOOK	RECORD BOOK	PAGE DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
1000-40	23431	4231	5/13/2005	United States of America	0.41	Wallingford Morgan Holding, Inc.	\$9,750	305816000012
1000-41	23390	1481	6/8/2005	United States of America	0.30	Francisco Arrambala	\$6,300	305821000042
1000-42	26050	3067	7/7/2005	United States of America	0.30	Hilda Arrambala	\$0	305816000027
1000-43	23431	1481	6/8/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	305816000033
1000-44	23490	1476	6/7/2005	United States of America	0.19	Southern Equities, Inc.	\$5,700	305816000056
1000-45	23044	3478	5/26/2005	United States of America	0.10	Wallingford Morgan Holding, Inc.	\$2,375	305816000149
1000-46	26050	3067	7/7/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	305816000024
1000-47	23431	4187	5/11/2005	United States of America	0.21	Wallingford Morgan Holding, Inc.	\$5,000	305816000020
1000-48	26050	3067	7/7/2005	United States of America	0.61	Miami-Dade County, Florida	\$0	305816000024
1000-50	23431	4223	5/13/2005	United States of America	0.27	Wallingford Morgan Holding, Inc.	\$6,375	305820000103
1000-51	23435	1344	5/27/2005	United States of America	0.40	Bank of America	\$0	305816000035
1000-52	23435	1344	5/27/2005	United States of America	0.40	Bank of America	\$0	305816000035
1000-53	26050	3067	7/7/2005	United States of America	0.36	Miami-Dade County, Florida	\$0	305816000024
1000-54	23373	2795	5/27/2005	United States of America	0.19	Bank of America	\$5,600	305821000076
1000-57-1	21866	936	1/5/2004	United States of America	0.19	Rodolfo Rivera	\$3,040	305821000097
1000-57-2	21866	936	1/5/2004	United States of America	0.19	Maria Elyza Rivera	\$3,040	305821000097
1000-58	22152	3064	2/13/2004	United States of America	0.19	Maria Elyza Rivera L.O. Bunkley	\$3,040	305821000095
1000-59	26050	3067	7/7/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	305816000014
1001	22035	598	8/31/2004	United States of America	5.00	Anna Maria Olin	\$208,000	305816000031
1002	22675	970	7/19/2004	United States of America	2.50	Robert A. Figueroa	\$27,500	305816000050
1003	22178	1121	3/27/2004	United States of America	2.40	Anselita Rubines	\$46,000	305816000069
1004	22524	2265	12/16/2004	United States of America	10.00	Bernard Paul Rojas	\$200,000	305816000085
1005	22383	3941	12/19/2004	United States of America	5.00	Josephine Posthumus Inseburgh	\$92,000	3058150000797
1006	20253	1319	3/7/2002	United States of America	5.00	Ada Ayala Anna Schaefer Sonia Villavicencio	\$44,000	305815000798
1008	23362	1513	4/26/2005	United States of America	5.00	Rolando Schaefer Eduardo Villavicencio Domingo Alvarez, Jr. Domingo Alvarez, Sr. Marta Alvarez	\$117,500	305816000060
1009	23318	560	4/18/2005	United States of America	5.00	Patricia Ordoñez Barrera	\$117,500	305816000056
101	18893	272	1/12/1999	United States of America	3.32	Gustavo Barrera Alex Arcey	\$11,600	305820000514
1011	23298	4689	3/25/2005	United States of America	5.00	Maria Arcey Leticia Smith Richard P. Smith	\$10,000	305820000315 305816000055

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Exhibit "C"	ACOE TRACT	RECORD BOOK	PAGE	DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
	1012	23461	2768	5/27/2004	United States of America	5.00	Dems Wholesale Inc	\$50,000	305816000655
	1013	23786	542	5/22/2005	United States of America	2.30	Ballet Concert Corporation, Inc.	\$60,000	305816000657
	1015	23998	3087	2/24/2004	United States of America	4.73	Real Estate Management Real Estate Management	\$110,000	305816000658
	1017	23573	2977	5/17/2005	United States of America	5.00	Bold Holdings, Inc.	\$55,000	305816000658
	1018	22178	1127	3/11/2004	United States of America	5.00	Alfaro Cullis	\$65,000	305816000659
	102	18299	321	10/31/1996	United States of America	1.66	Nature Conservancy Asset Management Corporation	\$5,800	305802000610
	1020	21449	914	4/6/2002	United States of America	5.00	Mohamed Khan	\$45,000	305816000623
	1021	21923	2098	9/5/2003	United States of America	4.70	Hadihash Khan Jorge Alberto Noste Emanuela Noste	\$75,200	305816000660
	1022	22934	2251	12/15/2004	United States of America	4.34	Servando Fernandez Neri Fernandez	\$150,000	305816000659
	1027	23170	548	2/22/2005	United States of America	4.70	Subarban Sales, Inc.	\$95,000	305816000660
	1028	23498	4769	4/11/2005	United States of America	4.70	Flore Roberto Perez	\$99,300	305816000660
	103	17984	3441	6/17/1997	United States of America	3.47	Rosa M. Delgado	\$1,400	305802000629
	1031	23765	2146	6/17/2005	United States of America	2.50	Jose A. Delgado	\$7,500	305816000670
	1035	23981	4213	9/22/2005	United States of America	1.24	Nancy's York Sale, Inc.	\$20,000	305816000680
	1036	23239	3237	2/9/1978	United States of America	1.36	B.C.J. Investment Properties, Inc.	\$18,000	3058160006480
	1037	23489	4311	4/22/2005	United States of America	1.36	Wetzamania Company	\$16,300	3058160006470
	1038	23490	1422	3/4/2005	United States of America	1.26	Juan Bruno Leonardo Pizarro	\$15,100	3058160006440
	1039	23490	1411	3/4/2005	United States of America	10.56	Juan Bruno Leonardo Pizarro	\$126,700	3058160006320
	1041	23431	4169	5/11/2005	United States of America	0.76	Consuelo E. Pizarro	\$18,000	3058160006410
	1041	19256	153	8/25/2000	United States of America	4.59	Phyllis Mirmalli Phyllis Mirmalli Dorothy Mirmalli Steven Bernd Mirmalli Errol Jay Mirmalli Philip Craig Mirmalli Sharon Mark Mirmalli	\$13,836	305802000630
	1045	23982	1589	5/24/2005	United States of America	1.40	Tamara Smallfield Baroni Corporation	\$33,250	3058020006020
	1046	23910	804	1/6/2005	United States of America	1.40	Roberto Yabu	\$33,250	3058020006010
	1047	23838	4878	8/4/2004	United States of America	2.51	Stephen R. Swanson Willingford Morgan Holding, Inc.	\$4,000	3058020006120
	1048	23765	2153	6/8/2005	United States of America	6.00	Bertha M. Cullin	\$24,000	3058020006440
	1050	23856	4493	1/22/2004	United States of America	4.70	Tru-Care Properties, Inc. Zohi Lago Altamir	\$56,500	3058120006120
	105-1	17779	44	9/4/1997	United States of America	35.49	Edgardo Dumare-Rodriguez Faad A. Mifata Jami Sibhat	\$92,120	3058020006012

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Exhibit 'C' ACOE TRACT	RECORD BOOK	DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
1062	22897	3/84	1/15/2004	United States of America	5.00	\$110,000	310821000090
1063	21755	1355	9/11/2003	United States of America	5.00	\$75,200	310821000060
1064	20526	4613	4/6/2002	United States of America	4.81	\$63,000	310821000060
107	16937	487	9/27/1995	United States of America	5.00	\$15,000	310821000250
1070	23414	579	4/25/2005	United States of America	5.00	\$95,000	310821000030
1071	23992	2169	1/29/2005	United States of America	4.70	\$62,500	310821000045
1074	23695	2674	5/17/2005	United States of America	2.51	\$47,700	3108210000270
1077	22838	4884	8/20/2004	United States of America	5.00	\$37,500	310821000060
1078	22865	1150	4/20/2004	United States of America	5.00	\$62,000	3108210000051
1079	17996	2663	2/12/1998	United States of America	4.74	\$10	3108210000330
1080	26030	3067	7/7/2005	United States of America	0.26	\$0	3108210000010
1083	23921	3659	12/10/2004	United States of America	4.81	\$120,000	3108210000027
1084	22299	1139	8/20/2003	United States of America	4.74	\$75,800	3108210000011
1086	23601	1453	6/12/2005	United States of America	0.27	\$5,800	3108210000082
1087	26030	3067	7/7/2005	United States of America	0.26	\$0	3108210000004
1088	23470	518	5/13/2005	United States of America	1.06	\$23,125	3108210000251
1089	26030	3067	7/7/2005	United States of America	0.42	\$0	3108210000011
1090	23912	2399	12/15/2004	United States of America	0.51	\$9,625	31082100000102
1091	26030	3067	7/7/2005	United States of America	0.51	\$0	31082100000103
1092	26030	3067	7/7/2005	United States of America	0.26	\$1,504	3108210000048

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Exhibit "C"	ACOE TRACT	RECORD BOOK	PAGE DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
	1091	20993	1995 5/21/2002	United States of America	5.00	Alvaro Romero	\$71,800	3058150000799
	1094	20935	3/16 2/8/2005	United States of America	5.00	Luz Marina del Toro	\$30,000	3058150000810
	1095	22383	4/46 4/12/2004	United States of America	4.70	Maricela Cruz	\$80,000	3058160000611
	1096	23035	7/15 1/22/2004	United States of America	4.70	Isabel Gonzalez	\$75,200	3058160000625
	1097	20856	4/22 3/19/2002	United States of America	5.00	Herry Lania Yinger	\$49,500	3058210000940
	1098	20235	2/89 2/17/2002	United States of America	5.00	Pablo Alvarez	\$49,500	3058210000960
	1099	22315	6/13 6/9/2004	United States of America	4.62	Maria Teresa Alvarez	\$127,500	3058210000970
	1100-10	23085	6/21 1/23/2004	United States of America	0.51	Jorge L. Rodriguez	\$9,750	3058220000924
	1100-11	26039	3/67 7/7/2005	United States of America	0.30	Wellington Morgan Holding, Inc	\$0	3058220000921
	1100-13	23490	1/85 6/8/2005	United States of America	0.30	Stephen R. Sorson	\$0	3058210000931
	1100-14	23640	4/203 5/23/2005	United States of America	0.77	Miami-Dade County, Florida	\$7,000	3058210000631
	1100-15	23411	4/203 5/11/2005	United States of America	0.17	Melissa Susan Loy	\$14,600	3058210000631
	1100-16	23607	3/85 5/26/2005	United States of America	0.19	Bank of America	\$3,250	3058200003330
	1100-17	23607	3/85 5/26/2005	United States of America	0.19	Wellington Morgan Holding, Inc.	\$3,600	3058210000625
	1100-18	23499	7/00 6/2/2005	United States of America	0.20	Philip Lee	\$8,700	3058210000641
	1100-19	26080	3/67 7/7/2005	United States of America	0.13	Greg L. Iles	\$0	3058210000924
	1100-20	23573	2/83 5/23/2005	United States of America	0.13	Margery Schwartz	\$0	3058210000924
	1100-21	23999	7/12 6/7/2005	United States of America	0.13	Fancia Iles	\$2,200	3058210000928
	1100-22	23765	2/15 5/27/2005	United States of America	0.19	Bank of America	\$4,400	3058210000951
	1100-3	23813	2/18 5/23/2005	United States of America	0.13	Barry J. Schwartz	\$2,500	3058210000955
	1100-4	23690	5/22 5/26/2005	United States of America	0.19	William Perez	\$8,200	3058210000941
	1100-5	26007	3/67 7/7/2005	United States of America	0.19	Estate of Pamela Lohme, Deceased	\$8,200	3058210000941
	1100-8	23607	1/80 6/2/2005	United States of America	0.77	Arnaldo del Nodal	\$7,700	3058210000948
	1100-9	23387	3/29 4/14/2005	United States of America	0.10	Bank of America	\$1,200	3058210000947
	110-1	18964	3/48 1/22/1999	United States of America	27.69	Wellington Morgan Holding, Inc.	\$86,531	3058200001081
	1102	22812	2/81 10/5/2004	United States of America	10.00	Stephen R. Sorson	\$179,300	3058100000910
	1105	23115	3/91 1/20/2004	United States of America	5.00	Ohla Villar	\$68,000	3058210000930
	1108	20693	2/01 5/3/2002	United States of America	5.00	Maria A. Velasco	\$23,000	3058210000930
	1111	22360	3/28 5/19/2004	United States of America	5.00	Nellie R. Lohme	\$70,000	3058210000949
						Louise E. Soward		3058210000931

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ACRE TRACT	RECORD BOOK	PAGE DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
111-1	18900	2364 12/13/1997	United States of America	20.17	Birmbeck Corporation, N.Y.	\$63,114	305821000020
111-2	20236	4630 4/02/2002	United States of America	4.81	David A. Jaramillo	\$306,000	305821000540
111-4	21802	259 1/09/2003	United States of America	2.50	Lisa Jaramillo	\$25,000	305821000570
111-5	23004	4540 1/5/2005	United States of America	5.00	Ana G. Puentes	\$60,000	305821000620
111-6	23507	623 3/15/2005	United States of America	2.30	John Santos	\$47,500	305821000680
111-7	23765	2108 6/2/2005	United States of America	2.37	Horacio S. Santos	\$45,000	305821000690
111-8	23798	3848 4/13/2005	United States of America	5.00	Salih Farghali	\$132,600	305821000700
111-9	23498	4791 4/11/2005	United States of America	5.00	Maria E. Jiras	\$95,000	305821000610
112-1	23786	537 5/20/2005	United States of America	5.00	Jose Antonio Ben	\$107,900	305821000650
112-1	18863	174 1/23/1999	United States of America	73.97	Carlos Vilca	\$211,070	305821000600
112-2	23490	1481 6/7/2005	United States of America	5.00	Ralph Salazar	\$95,000	305821000690
112-5	26030	3067 7/7/2005	United States of America	0.30	Jose Thabier Fergalhi	\$0	305821000820
112-6	23372	639 4/11/2005	United States of America	1.25	Jose Thabier Fergalhi	\$30,623	305821000820
112-7	23387	3425 4/9/2005	United States of America	1.26	Doana J. Metts, Jr.	\$18,500	305821000690
112-9	23035	628 7/22/2004	United States of America	0.41	Wellington Morgan Holding, Inc.	\$70,700	305821000690
113-1	23375	375 1/2/2005	United States of America	2.50	Wellington Morgan Holding, Inc.	\$10,000	305821000690
113-2	23362	922 4/29/2005	United States of America	2.50	Wellington Morgan Holding, Inc.	\$24,800	305821000690
113-4	23489	4226 4/21/2005	United States of America	5.00	Cypress Land Holding, Inc.	\$95,000	305821000540
113-8	21825	1129 10/15/2003	United States of America	2.50	Trudi Ther Dymeman	\$23,000	305821000630
114	16872	732 6/30/1998	United States of America	1.61	Maria Jovita Rivera	\$5,600	305821000400
114-0	22855	2318 2/10/2004	United States of America	5.00	Juan Ramon Lezama-Lopez	\$77,000	305821000632
114-4	21521	4658 7/11/2005	United States of America	5.00	Robert Alan Blake	\$70,000	305821000645
114-6	21843	4346 10/02/2003	United States of America	5.00	Yester Tolla	\$42,500	305821000038
114-7	23786	585 5/20/2005	United States of America	4.28	Rodolfo Ayala	\$56,300	305821000120
114-8	23373	3298 5/23/2005	United States of America	0.70	Saramo Antonio Hernandez	\$106,400	305821000010
114-9	23109	279 2/22/2005	United States of America	2.07	Edwado Gonzalez	\$13,200	305821000010
115	16937	410 9/26/1995	United States of America	1.36	Olinda L. Gonzalez	\$4,800	305821000630
115-3	23400	1462 6/9/2005	United States of America	0.47	Marilyn Leonard	\$11,125	305820003330
115-4	23815	2155 6/8/2005	United States of America	1.42	Wellington Morgan Holding, Inc.	\$21,250	305820003330
115-7	23431	4227 5/13/2005	United States of America	0.51	Michael Jones	\$12,125	305820003361
115-9	23300	2579 3/9/2005	United States of America	5.00	Wellington Morgan Holding, Inc.	\$95,874	305821000670
116-0	23512	1528 2/14/2005	United States of America	5.00	Magdalena A. Fleas	\$95,000	305821000150

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Exhibit "C"	ACRE TRACT	RECORD BOOK	PAGE DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
1161	1161	21791	2450 10/11/2004	United States of America	2.37	Nashima J. Cooperman Ethel I. Cooperman	\$30,000	305821000092
1162	1162	21796	2233 6/17/2004	United States of America	2.37	Allonso T. Ruiz	\$18,500	305821000090
1163	1163	26030	3067 7/7/2005	United States of America	0.13	Miami-Dade County, Florida	\$0	305821000016
1164	1164	21861	2042 5/17/2004	United States of America	5.00	Jacqueline A. Hippel Debra Hipp	\$50,000	305821000016
1165	1165	21861	917 8/25/2003	United States of America	5.00	Efrain Avila	\$73,500	3058210000142
1169	1169	21806	3573 11/6/2003	United States of America	4.80	Dely Valle Rita Garcia	\$77,000	3058210000019
117	117	18467	1716 1/7/1999	United States of America	1.36	Gene Block	\$4,800	3058210000180
1170	1170	23407	4739 5/23/2005	United States of America	5.00	Yamirys C. Garcia Yamirys Pineda	\$85,000	3058210000181
1176	1176	21972	4781 1/8/2004	United States of America	2.37	Rosario E. del Sol	\$400,000	3058210000094
1177	1177	23283	3947 31/7/2005	United States of America	2.50	Maria H. Malis	\$70,000	3058210000093
1178	1178	23279	3620 7/7/2004	United States of America	2.37	Maria Cantocera	\$31,000	3058210000091
1179	1179	25219	1809 7/29/2004	United States of America	5.00	Roberto Silvera	\$64,000	3058210001389
118	118	17809	5622 1/4/1996	United States of America	1.36	Franklin J. Buzar Sandra G. Ford	\$4,100	3058202000312
1181	1181	20175	4472 1/23/2002	United States of America	4.81	Bonnie E. Ford	\$40,000	3058210001370
1182	1182	23045	1467 1/20/2004	United States of America	5.00	Jayson George Angiles Guillermo Jorge	\$50,000	3058210000700
1184	1184	23084	4427 1/29/2005	United States of America	5.00	Bruce Cohen Ana C. Jorge	\$120,000	3058210000720
1185	1185	22761	4446 10/22/2004	United States of America	4.70	Elisa Ramirez Elisa Ramirez	\$281,000	3058210000720
1187	1187	23490	1435 5/31/2005	United States of America	0.51	Jorge Elias Ramos Marta Dade Properties, Inc.	\$9,700	3058200000010
1189	1189	23256	1981 1/20/2004	United States of America	1.25	Marta Magdalena Rosique Escarlet Sauerlin	\$12,500	3058200003510
119	119	18619	2520 5/14/1997	United States of America	2.72	Paul S. Scharin Sandra S. Kild Edgington	\$12,000	3058200000260
1193	1193	23431	4207 5/11/2005	United States of America	0.10	Sandra M. Darr Pauline C. Bugh	\$1,875	3058200000941
1194	1194	23414	566 5/11/2005	United States of America	0.64	Wellington Morgan Holding, Inc.	\$15,125	3058200001081
1199	1199	22383	4533 4/14/2004	United States of America	2.50	Wellington Morgan Holding, Inc. Dennis Soriano	\$50,000	3058210002190

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Exhibit "C"	ACOE TRACT BOOK	RECORD BOOK	PAGE DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
1200-1	23387	23384	2336 11/2/2004	United States of America	2.51	Manny Costa Jennifer Gomez-Costa	\$50,000	305820004480
1200-10	26080		3468 4/11/2005	United States of America	0.54	Richmond Drive Acres, Inc.	\$10,000	305820000102
1200-12	26080		3067 7/7/2005	United States of America	0.57	Richmond Drive Acres, Inc.	\$0	305820000234
1200-13	26080		546 6/25/2005	United States of America	0.10	Richmond Drive Acres, Inc.	\$0	305820000235
1200-14	26080		2414 5/6 5/11/2005	United States of America	0.10	Richmond Drive Acres, Inc.	\$2,275	305820000236
1200-15	26080		3067 7/7/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	305820000242
1200-16	23387		3067 7/7/2005	United States of America	0.36	Miami-Dade County, Florida	\$0	305820000242
1200-17	23370		3412 4/11/2005	United States of America	0.07	Richmond Drive Acres, Inc.	\$7,200	305820000091
1200-19	23481		510 5/13/2005	United States of America	0.38	Wellington Morgan Holding, Inc.	\$1,625	305820000431
1200-2	26090		4243 5/9/2005	United States of America	0.37	Richmond Drive Acres, Inc.	\$5,660	305820000071
1200-3	26090		3067 7/7/2005	United States of America	1.10	Richmond Drive Acres, Inc.	\$0	305820000217
1200-4	26090		3067 7/7/2005	United States of America	1.10	Richmond Drive Acres, Inc.	\$1,200	305820000217
1200-5	26090		3067 7/7/2005	United States of America	0.59	Miami-Dade County, Florida	\$0	305820000216
1200-5	26400		3067 7/7/2005	United States of America	0.58	Miami-Dade County, Florida	\$0	305820000216
1200-6	26090		1866 6/9/2005	United States of America	0.38	Dynamic Development Corp.	\$7,200	305820000820
1200-6	26090		3067 7/7/2005	United States of America	0.10	Miami-Dade County, Florida	\$0	305820000822
1200-7	23387		3437 4/11/2005	United States of America	0.38	Richmond Drive Acres, Inc.	\$7,200	305820000122
126-1	19011		419 11/19/1999	United States of America	0.31	Alan G. Davis For N. Davis & Co.	\$1,512	305820000379
126-1	19011		3106 4/13/2004	United States of America	0.81	Vandaci Kingley Holding, Inc.	\$97,100	305820000015
126-1	20526		4637 4/9/2022	United States of America	2.50	Maria J. Rodriguez Jean Rafael Rodriguez	\$24,000	305821000170
1210	22098		3096 2/26/2004	United States of America	5.00	Mirna Gutin	\$91,000	305821000034
121-1	16964		3820 10/4/1975	United States of America	-0.99	Vita B. Davis Alan G. Davis	\$14,427	305802000070
1212	22122		3119 3/18/2004	United States of America	2.50	Francine N. Davis	\$54,000	305821000756
1216	22635		700 8/20/2004	United States of America	2.50	Mirna Gutin Juan J. Gonzalez	\$55,000	305821000752
1221	23518		546 6/14/2005	United States of America	2.98	Robert L. Stalder Sarah S. Pollock	\$486	305820000420
122-1	19011		419 11/19/1999	United States of America	0.15	Alan G. Davis For N. Davis & Co.	\$1,786	305820000379
1223	23307		653 3/23/2005	United States of America	1.39	Madeleine R. Sawyer	\$221,500	305820000400
1225	22987		1322 6/11/2005	United States of America	5.00	Robert Raymond Krall Vivian Krall Carmela Zullo	\$95,000	305820000121
1227	20593		2322 3/25/2002	United States of America	1.96	Carmela Zullo	\$24,600	305820000101
1231	23035		691 11/22/2004	United States of America	1.93	Noli G. Taylor	\$25,000	3058200001740
123-1	19256		176 8/24/2000	United States of America	2.08	Brenda P. Taylor Carmela A. Mendez	\$8,029	305820000620
1234	23035		634 12/30/2004	United States of America	5.00	Luis F. Mendez Ely H. Mims	\$105,250	305820001610
1236	22594		1391 6/10/2004	United States of America	6.64	Wellington Morgan Holding, Inc. J.S.M. Sola	\$13,460	305820001560

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Exhibit 'C'	ACRE TRACT	RECORD BOOK	PAGE DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
1238	23815	2178	6/27/2005	United States of America	1.36	Lazaro Y. Gonzalez	\$29,200	305828001650
1239	23944	3471	6/28/2005	United States of America	1.26	Wesberry Holding Corporation	\$310,000	305828001750
124	18609	3237	3/8/1999	United States of America	1.36	Josephine Antebitus S. Touch	\$7,000	3058280000311
1242	22875	996	8/20/2004	United States of America	2.12	Mamadou Fouta	\$50,000	3058280000170
1244	23298	4099	4/6/2005	United States of America	2.12	Carolina Hernandez De Tencia	\$45,600	3058280000120
125-1	18619	2362	5/31/1999	United States of America	1.52	James P. Jones, Jr. Richard P. Foster	\$4,888	305828000016
1252	23734	137	5/26/2005	United States of America	4.36	Karen M. Forner	\$16,300	305828001770
1255	23373	2620	6/24/2005	United States of America	1.36	Guillermo Leo Trujillo, Deceased Jens Diaz, Jr.	\$33,000	305828001421
1256	20053	1312	2/26/2002	United States of America	1.36	Meris Diaz	\$12,200	305828001420
1257	20993	2327	4/24/2002	United States of America	1.36	Charles Hoyle Richard T. Hoag	\$18,900	305828001440
1258	22035	684	10/21/2004	United States of America	1.36	Robert P. Conyn Martha J. Conyn	\$16,300	305828001430
1261	23298	4516	3/21/2005	United States of America	1.36	Joel L. Israel Tax Certificate Redemptions Inc.	\$13,600	305828001791
1264	22480	2902	7/8/2004	United States of America	1.36	Ramona Silvia Reyes Sanchez	\$213,000	305828001808
1265	23815	2107	5/24/2005	United States of America	1.36	Bulliet Cement Corporation	\$17,000	305828001805
1267	22675	1493	8/24/2004	United States of America	2.72	James M. Moran	\$16,000	305828001480
1268	20648	4315	11/12/2001	United States of America	1.36	Walter Kline Armstrong Margaret B. Armstrong	\$18,900	305828001450
1269	21755	1346	9/22/2003	United States of America	1.36	Jose L. Rodriguez	\$19,000	305828001470
1271	23170	2116	2/7/2005	United States of America	1.36	Meris C. Hernandez	\$29,670	305828001890
127-1	17490	3899	1/31/1997	United States of America	0.72	Zeynep M. Koc Zeynep D. Koc	\$2,448	305828000278
1272	23035	736	12/29/2004	United States of America	1.36	Miguel Garrido Mario Garrido	\$25,000	305828001890
1276	23387	3072	1/20/2005	United States of America	2.14	Royal Group Investment, Inc. J.S.M. Holding Corp.	\$29,500	305828000160
1278	23489	4333	4/21/2005	United States of America	4.27	Orlando Chavez	\$79,800	305828000070
128-1	16964	3827	10/24/1995	United States of America	0.72	Giovanni Esnagono Giovanni C. Esnagono	\$2,171	305828000617
1282	24356	1937	6/12/2005	United States of America	1.36	Anna Tuckey	\$16,300	3058280002010
1284	23035	675	10/25/2004	United States of America	1.36	Mamadou C. Castro	\$13,600	305828001910
1285	22185	3108	3/22/2004	United States of America	1.36	Calm Waters Investments, LLC Ellen Edri	\$17,000	305828001491
1286-1	20526	4447	3/26/2002	United States of America	1.40	Avakoban Edri	\$100,962	305828002290

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Esabin 'C'	ACRE TRACT	RECORD BOOK	PAGE DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
1286-2	2026	4647	3/26/2002	United States of America	3.80	Avasthok Edin	\$279,038	305823002290
1286-3	26030	3067	7/7/2005	United States of America	0.31	Miami-Dade County, Florida	\$0	305823002290
1287	26030	3067	7/7/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	305821000820
1289	23431	4235	5/11/2005	United States of America	0.19	Miami-Dade County, Florida	\$0	305823000420
1292	23411	4219	5/11/2005	United States of America	0.51	Wellington Morgan Holding, Inc.	\$17,125	305823000420
1295	23414	562	5/11/2005	United States of America	0.41	Wellington Morgan Holding, Inc.	\$9,750	305823000420
1299	26030	3067	7/7/2005	United States of America	0.30	Wellington Morgan Holding, Inc.	\$7,125	305823000420
1299	26030	3067	7/7/2005	United States of America	0.26	Richmond Drive Acres, Inc.	\$5,600	305823000011
1299	26030	3067	7/7/2005	United States of America	0.26	Richmond Drive Acres, Inc.	\$5,600	305823000011
1299	26030	3067	7/7/2005	United States of America	0.16	Miami-Dade County, Florida	\$0	305823000012
1300-10	23470	514	5/9/2005	United States of America	0.15	Richmond Drive Acres, Inc.	\$2,800	305823000062
1300-11	26650	3067	7/7/2005	United States of America	0.10	Miami-Dade County, Florida	\$0	305823000062
1300-12	26650	3067	7/7/2005	United States of America	0.15	Miami-Dade County, Florida	\$0	305823000063
1300-13	23414	546	5/5/2005	United States of America	1.22	Richmond Drive Acres, Inc.	\$23,200	305823000063
1300-14	23470	538	5/9/2005	United States of America	0.32	Richmond Drive Acres, Inc.	\$6,100	305823000063
1300-2	23470	530	5/9/2005	United States of America	0.19	Richmond Drive Acres, Inc.	\$2,900	305823000051
1300-3	23470	530	5/9/2005	United States of America	0.19	Richmond Drive Acres, Inc.	\$2,900	305823000051
1300-4	23414	529	5/9/2005	United States of America	0.19	Richmond Drive Acres, Inc.	\$2,900	305823000051
1300-5	23470	550	5/9/2005	United States of America	0.19	Richmond Drive Acres, Inc.	\$2,900	305823000051
1300-5	23470	526	5/9/2005	United States of America	0.19	Richmond Drive Acres, Inc.	\$3,600	305823000194
1300-6	23431	4239	5/9/2005	United States of America	0.19	Richmond Drive Acres, Inc.	\$2,900	305823000194
1300-7	23470	522	5/9/2005	United States of America	0.19	Richmond Drive Acres, Inc.	\$2,900	305823000191
1300-8	23414	558	5/9/2005	United States of America	0.19	Richmond Drive Acres, Inc.	\$3,600	305823000191
1300-9	23283	3930	1/23/2004	United States of America	0.15	Richmond Drive Acres, Inc.	\$2,300	305823000191
1302	22844	3336	1/29/2004	United States of America	1.25	Richmond Drive Acres, Inc.	\$18,700	305823000091
1303	23362	297	4/21/2005	United States of America	4.39	Edward Ruiz	\$084,600	305823000050
1305	23489	4318	4/22/2005	United States of America	0.93	Isabel Polanco	\$22,000	305823000096
1307	23634	4851	7/30/2004	United States of America	1.50	Victor Cebalado	\$18,000	305823000202
1311	24424	4247	5/20/2005	United States of America	1.36	John R. Ruiz, Jr.	\$17,000	305823000202
1312	23507	638	3/15/2005	United States of America	1.36	Carlos Garcia	\$40,000	305823000202
1313	23283	3962	3/10/2005	United States of America	1.36	Williams Gonzalez	\$40,000	305823000190
1314	21701	3408	9/11/2000	United States of America	1.36	Lony Truitt	\$16,300	305823000190
1315	23163	3965	2/18/2004	United States of America	1.36	H. Clay Roberts, III	\$33,600	305823000190
1316	20315	3309	2/11/2005	United States of America	1.36	Fletcher Gibson	\$13,600	305823000190
1317	20315	3834	2/22/2002	United States of America	1.36	Alfonso Perez	\$13,600	305823000190
				United States of America	1.36	Alfonso T. Gibson	\$13,600	3058230002390
				United States of America	1.36	Betty Lou Fuller	\$19,000	3058230002390
				United States of America	1.36	Gerald L. Fuller	\$12,300	3058230002390
				United States of America	1.36	Stanley King	\$12,300	3058230002390
				United States of America	1.36	Robert A. King	\$12,300	3058230002390
				United States of America	1.36	Hilda M. Bravo	\$12,300	3058230002390
				United States of America	1.36	Robert J. Bravo	\$12,300	3058230002390

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Exhibit 'C'	ACOE TRACT	RECORD BOOK	PAGE	DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
1364	23734	142	5/24/2005	United States of America	1.36	Mediano Sanchez	\$28,400	3058230002270	
1368	23734	1287	6/16/2004	United States of America	1.36	Julio D. Trigueros	\$15,000	3058230001880	
1370	22935	656	10/28/2004	United States of America	1.36	Martha Carrero	\$7,000	3058230002560	
1371	22935	174	1/12/1999	United States of America	20.87	John Ibrahim Fighali	\$62,610	3058100000090	
1372	21829	1363	1/17/2003	United States of America	2.25	Melvina Fouad-Abou de Feghali	\$223,000	3058230000630	
1373	22906	394	5/27/2004	United States of America	6.28	Lorraine Ann Vallalanes	\$155,000	3058230000630	
1374	23170	2088	1/12/2005	United States of America	1.50	Oswaldo Cueli	\$76,000	3058230000640	
1375	23640	4791	5/26/2005	United States of America	1.86	Robert L. Krawcheck	\$35,300	3058230002101	
1376	23635	602	1/15/2004	United States of America	1.36	Robert L. Krawcheck	\$19,500	3058230002120	
1377	26630	3087	7/7/2005	United States of America	0.10	Johnny E. Marnott	\$0	3058230002560	
1378	23211	2285	2/14/2005	United States of America	1.36	Miami-Dade County, Florida	\$25,000	30582300008206	
1379	22791	1913	10/5/2004	United States of America	1.70	Jack Wall	\$21,250	3058230002521	
1380	20253	1298	3/5/2002	United States of America	1.36	R. Thomas Williams, Jr.	\$13,200	3058230002350	
1381	20253	11305	3/1/2002	United States of America	2.71	Rafaelito Canabalo	\$28,500	3058230002320	
1382	23815	2170	5/23/2005	United States of America	1.51	Suelin L. Lorenzo	\$18,100	3058230002330	
1383	20593	2324	4/20/2002	United States of America	1.78	Mary Lou Schille	\$18,250	3058230002340	
1384	20221	615	4/7/2002	United States of America	1.78	Arthur S. Chyhan	\$19,000	3058230002360	
1385	21701	3422	8/5/2003	United States of America	1.51	Larry W. Glover	\$18,000	3058230002570	
1386	23169	4901	1/18/2005	United States of America	1.70	Paula J. Groves	\$20,400	3058230002550	
1387	23607	3362	12/29/2004	United States of America	5.00	Franc R. Deard	\$138,000	3058230002560	
1364	22785	4187	6/25/2005	United States of America	2.06	Edelmira Garcia	\$20,400	3058230002570	
1368	23294	2010	3/5/2005	United States of America	4.31	Alberto Garcia	\$85,700	3058230002580	
1370	22791	2677	9/23/2004	United States of America	1.50	Abas Hammond	\$20,600	3058230002590	
1371	23170	2092	1/12/2005	United States of America	2.72	Abas Hammond	\$27,751	3058230002590	
1374	23235	1856	7/8/2004	United States of America	1.26	Abas Hammond	\$85,000	3058230003020	
1375	23659	413	6/15/2005	United States of America	1.36	Abas Hammond	\$74,000	3058230003050	
1376	23111	2815	3/10/2005	United States of America	1.36	Abas Hammond	\$20,000	3058230003050	
1378	23311	2815	3/10/2005	United States of America	1.36	Abas Hammond	\$17,000	3058230003050	
1379	23170	2069	10/25/2004	United States of America	1.36	Abas Hammond	\$20,000	3058230003090	

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Exhibit 'C'	ACOE TRACT	RECORD BOOK	PAGE	DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
1380	22560	3094	4/13/2004	United States of America	2.62	Robert C. Hoog Jill W. Hoog Robert C. Hoog Mertha Whitaker	\$41,700	3058230003380 3058230002790	
1382	22360	3117	4/13/2004	United States of America	1.36	Robert C. Hoog Jill W. Hoog	\$19,000	3058230003690	
1383	22738	395	8/20/2004	United States of America	1.36	Ian Verry, Miami-Dade Co. Tax Collector Dana Oceano	\$20,000	3058230003730	
1384	23267	645	3/13/2005	United States of America	1.36	Joe Ocasio	\$16,305	3058230003135	
1388	23170	813	2/16/2005	United States of America	6.53	1.S.M. Inc. Royal Group Investments, Inc.	\$165,000	3058230003250 3058230002800	
1390	26030	3067	7/7/2005	United States of America	0.33	Miami-Dade County, Florida	\$0	3058230003035	
1391	26030	3067	7/7/2005	United States of America	0.55	Miami-Dade County, Florida	\$0	3058230003035	
1392	26030	3067	7/7/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	3058230003035	
1395	26030	3067	7/7/2005	United States of America	0.10	Miami-Dade County, Florida	\$0	3058230003035	
1396	23239	3223	7/23/2005	United States of America	0.45	Richmond Drive Acres, Inc.	\$8,973	3058230001981	
1398	26030	3067	7/7/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	3058230003035	
1398-2	26030	3067	7/7/2005	United States of America	0.30	Miami-Dade County, Florida	\$0	3058230003035	
1399-1	23414	554	5/9/2005	United States of America	0.77	Richmond Drive Acres, Inc.	\$14,600	3058230002051	
1399-2	23470	542	5/9/2005	United States of America	0.19	Richmond Drive Acres, Inc.	\$1,660	3058230002051	
1400	26030	3067	7/7/2005	United States of America	0.36	Miami-Dade County, Florida	\$0	3058230003035	
1403	22335	200	7/27/2004	United States of America	2.14	Beta Z. Valdes	\$27,000	3058230002070	
1405	22782	4558	7/7/2004	United States of America	1.50	Humberto Valdes Nestor Reyes Erendira Reyes	\$28,500	3058230003480 3058230003480	
1406	23148	549	2/16/2005	United States of America	1.50	Eva Lopez Greselda Reyes	\$60,000	3058230003470	
1407	23283	3955	2/28/2005	United States of America	1.36	Arturo Reyes Rolon Vega	\$47,500	3058230003470	
1408	22334	2838	7/6/2004	United States of America	1.36	Jorge Vega William T. Wade	\$97,000	3058230003170	
1410	22738	387	7/30/2004	United States of America	1.73	Goodwill Industries of Upper South Carolina, Inc.	\$4,178	3058230003220 3058230003221	
1411	22785	4581	6/10/2005	United States of America	1.36	Mildred Lattimer	\$40,000	3058230003180	
1413	22665	267	7/26/2004	United States of America	1.36	Chris Pichan	\$13,600	3058230003540	
1414	22904	2629	7/15/2004	United States of America	1.36	Reba Pichan	\$20,000	3058230003550	
1415	20283	4532	3/20/2002	United States of America	1.36	Phillip J. Harris	\$16,325	3058230003610	
1416	20593	2341	3/7/2002	United States of America	1.36	Francis Perez, Sr. Francis Perez, Jr. Ofelia Perez	\$25,700	3058230003620	
1417	20593	2354	6/20/2002	United States of America	2.72	Consuelo Torres Ramon Torres	\$25,840	3058230003670 3058230003630	

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Exhibit "C"	ACCE TRACT	RECORD BOOK	PAGE	DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
1419	22383	4539	3/18/2004	United States of America	1.36	Ada Weath	\$22,500	3058230003560	
1420	22380	3079	4/13/2004	United States of America	1.36	Larry Adams	\$21,800	3058230003650	
1421	22380	3079	7/25/2005	United States of America	1.36	Billean Adams	\$0	3058230003650	
1425	26030	3067	7/7/2005	United States of America	0.10	Miami-Dade County, Florida	\$0	3058230003210	
1428	22156	3218	3/20/2004	United States of America	1.25	Aria M. Barros	\$160,000	3058230003300	
1429	26030	3067	7/7/2005	United States of America	0.25	Miami-Dade County, Florida	\$0	3058230003300	
1430	26030	3067	7/7/2005	United States of America	0.36	Miami-Dade County, Florida	\$0	3058230003300	
1431	20993	2374	5/7/2002	United States of America	2.03	Luz Rivas	\$145,000	3058230002410	
1434	23461	1602	5/14/2004	United States of America	2.14	Bianca Rivas	\$40,000	3058230003460	
1435	26030	3067	7/7/2005	United States of America	0.36	Miami-Dade County, Florida	\$0	3058230003300	
1436	22524	3081	12/14/2004	United States of America	2.14	Rosemarie Kanigie	\$53,000	3058230002470	
1438	22700	3408	9/22/2004	United States of America	2.13	Eduardo Fuentes	\$233,000	3058230002430	
1440	23785	4587	6/11/2005	United States of America	1.55	Jemima Fuentes	\$40,000	3058230003290	
1441	26030	3067	7/7/2005	United States of America	0.35	Trenice T. Gentry	\$0	3058230003290	
1447	23007	3462	12/1/2004	United States of America	2.73	Mary Dennis	\$81,900	3058230003260	
1449	26030	3067	7/7/2005	United States of America	0.10	Nicholas G. Depaulis	\$0	3058230003270	
1450	21870	3197	12/2/2003	United States of America	1.26	Guaulupe Olazabal	\$153,500	3058230001630	
1452	25889	4340	4/21/2005	United States of America	1.36	Francisco O. Zamora	\$46,200	3058230003250	
1453	21870	3198	12/2/2003	United States of America	1.26	Guaulupe Olazabal	\$153,500	3058230003250	
1456	22231	4791	3/26/2004	United States of America	1.36	Yusef Zarif	\$63,000	3058230003690	
1457	26030	3067	7/7/2005	United States of America	0.10	Miami-Dade County, Florida	\$0	3058230003213	
1458	22152	3954	2/3/2004	United States of America	1.36	Rogelio Gomez	\$21,800	3058230003700	
1460	20593	2559	4/9/2002	United States of America	1.36	Leon P. Yzaguirre	\$14,000	3058230003190	
1461	22494	1379	6/9/2004	United States of America	1.36	Francisco Trujillo	\$21,800	3058230003770	
1464	20048	4305	11/26/2001	United States of America	1.36	Mercedes Mendenhall	\$16,600	3058230002370	
1465	23808	2356	6/8/2005	United States of America	1.50	Armando Praga	\$57,632	3058230003740	
1471	22170	641	2/4/2005	United States of America	2.20	Alex S. Garcia	\$80,000	3058230003340	
1472	22786	554	5/23/2005	United States of America	1.36	Jose J. Garcia	\$0	3058230003430	
1476	23498	4738	3/12/2005	United States of America	2.14	Billy J. Katz	\$53,200	3058230002250	

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Parcel ID	ACRE TRACT	RECORD BOOK	PAGE DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
1474	1477	20025	4571 3/20/2002	United States of America	3.29	Eduardo E. Paz Rafael A. Paz Sherry Paz Vivian Paz Jorge A. Paz	\$160,000	308827000250 308827000250
1484		26000	3067 7/7/2005	United States of America	0.37	Antonio R. Minoz	\$0	3088270000909
1485		26000	3067 7/7/2005	United States of America	0.36	Miami-Dade County, Florida	\$10,000	3088270002261
1487		23339	3233 1/23/2005	United States of America	0.36	Richmond Drive Acres, Inc.	\$10,000	3088270002261
1488		23387	3441 4/11/2005	United States of America	0.36	Richmond Drive Acres, Inc.	\$10,000	3088270002261
1489		26000	3067 7/7/2005	United States of America	0.36	Miami-Dade County, Florida	\$0	30882700009229
1490		26000	3067 7/7/2005	United States of America	0.36	Miami-Dade County, Florida	\$0	30882700009229
1493		23339	3223 1/23/2005	United States of America	0.47	Richmond Drive Acres, Inc.	\$9,372	3088270002451
1494		23339	3223 1/23/2005	United States of America	0.47	Richmond Drive Acres, Inc.	\$7,378	3088270002451
1496		26000	3067 7/7/2005	United States of America	0.47	Miami-Dade County, Florida	\$0	30882700009245
1497		26000	3067 7/7/2005	United States of America	0.47	Miami-Dade County, Florida	\$0	30882700009245
1498		23318	554 6/7/2005	United States of America	0.36	United States of America	\$0	30882700009246
1500		20078	3294 12/12/2001	United States of America	2.20	Conrado Perez	\$33,250	30882700009246
1500-1		22494	1369 6/9/2004	United States of America	2.50	Alena Perez	\$40,000	30881500009540
1501		20026	4745 4/25/2002	United States of America	2.31	Im Yory Jose Rodriguez	\$188,000	3088270001740
1502		20855	2143 5/9/2002	United States of America	2.50	Emelina Pilo Marcelino Albero Crespo Molina Angela Nighly Crespo Canavay Jorge Luis Canavay	\$40,000	3088270001620
1503		21933	3607 8/21/2003	United States of America	10.00	Manuel E. Hernandez Betsy Escalona	\$160,000	3088270001620
1505		21825	852 10/16/2003	United States of America	5.00	Jason A. Escalona Cruz Alcala Parra	\$251,000	3088270001590
1506		20095	2062 12/20/2001	United States of America	5.00	Jose Luis La Rosa Jorge L. Sanchez Thomas Gonzalez	\$67,400	3088270001470
1507		21986	944 7/19/2003	United States of America	2.50	Edberto Romaguera	\$40,000	3088270001460
1509		22731	4798 4/12/2004	United States of America	2.07	Caridad Romaguera Heitor Bocorro	\$499,900	3088270001110
1510		20175	4489 1/9/2002	United States of America	5.00	Georgia Nancy B. Mendosa	\$91,000	3088270001100
1512		20521	622 3/28/2002	United States of America	5.00	De Ann Johnson Luis Del Villar	\$55,000	3088270000980
1514		20048	4528 11/12/2001	United States of America	2.50	Irwin Silver Diana Silver Rita Berg Leonard Berg	\$27,500	3088270000940

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Exhibit 'C'	ACOE TRACT	RECORD BOOK	PAGE	DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
	1516	20526	4757	4/6/2002	United States of America	2.31	Richard E. Chivran	\$30,000	305822000830
	1517	21033	3578	8/19/2003	United States of America	2.50	Susan Chivran	\$54,000	305822000830
	1518	20175	4478	1/25/2002	United States of America	2.50	Graciela Malagon	\$41,500	305822000830
	1519	20175	4479	1/25/2002	United States of America	2.50	Delia Chivran	\$41,500	305822000830
	1520	20521	629	5/31/2002	United States of America	2.50	Tomas Phorcica	\$27,500	305822000132
	1521	21986	906	12/29/2003	United States of America	4.81	Lloyd C. Hawthorne	\$157,100	305822000120
	1522	20593	2567	5/6/2002	United States of America	2.50	Madeline S. Woodard, Jr	\$24,700	305822000116
	1523	22152	3942	2/20/2004	United States of America	4.81	Raymond E. Woodard, Jr	\$95,000	305822000119
	1524	22171	3212	3/24/2004	United States of America	2.07	Anthony Mazona	\$133,000	305822000111
	1525	20235	3323	2/4/2002	United States of America	5.00	Hector Serrullo	\$50,000	305822000088
	1526	20078	3272	1/16/2001	United States of America	4.81	Alejandro Pinocho	\$30,000	305822000100
	1527	20172	733	1/22/2002	United States of America	5.00	Francisco Rodriguez	\$45,000	305822000090
	1528	20526	4414	6/27/2002	United States of America	5.00	U.S.A. / U.S. Customs Service	\$130,000	305822000080
	1529	22181	4870	2/27/2004	United States of America	4.62	Carl W. Keene	\$110,000	305822000070
	1530	20172	902	12/31/2001	United States of America	15.00	Arriades J. Labrada	\$225,000	305822000063
	1532	21933	3856	12/4/2003	United States of America	4.81	Doña Labrada	\$246,900	305815000796
	1533	20175	4242	1/10/2002	United States of America	4.81	Jose A. Dalgado	\$215,000	3058150001270
	1543	22066	971	1/10/2004	United States of America	4.70	Idania Friboi	\$240,000	3058150001260
	1545	20593	2573	3/22/2002	United States of America	0.30	Manuel Friboi	\$3,300	3058150001261
	1546	20526	4424	6/7/2002	United States of America	4.70	Emery L. Green	\$63,500	3058150001260
	1547	22097	382	2/19/2004	United States of America	4.81	Juan F. Guierrez	\$256,600	305814000181
	1548	22383	4546	3/17/2004	United States of America	2.14	Manuel Fernandez	\$69,500	305814000190

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ACOE PROJECT	RECORD BOOK	PAGE DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
1564	20235	2862 2/13/2002	United States of America	4.70	Moises Kaba III Luis A. Nicholson Joseph J. Nicholson Angel Mandiola Yolande M. Mandiola	\$45,000	305815000191 305815000241 305815000690 305815000180
1568	20235	2841 2/22/2002	United States of America	5.00	Gieta Isabel Boggiano de Laverie	\$61,200	305815000094 305815000052 305815000180
1569	20283	4581 3/19/2002	United States of America	4.73	Raul Lopez Amanda Lopez	\$190,000	3058150001161 3058150001161
1570	23035	3722/2004	United States of America	5.00	Fabiola Diaz Maira Goody	\$85,000	3058150001240 3058150001240
1571	23283	4515 4/8/2004	United States of America	5.00	Desmond A. Veremase	\$115,000	3058150001280 3058150001280
1572	23933	3572 8/14/2003	United States of America	2.50	Rene Reyilla	\$95,000	3058150001840 3058150001840
1573	21178	1141 3/2/2004	United States of America	3.59	Edicia Jonsson Edita Jonsson Marta Jonsson	\$106,000	3058150000951 3058150000951
1574	20693	2579 5/22/2002	United States of America	4.73	Mamad Duarte	\$250,000	3058150001210 3058150001210
1575	26030	3067 7/7/2005	United States of America	0.27	Miami-Dade County, Florida	\$0	3058150001345 3058150001345
1577	20235	2857 2/25/2002	United States of America	2.50	Cosquepa Sosa	\$38,000	3058150001550 3058150001550
1578	20235	1274 3/19/2002	United States of America	5.00	Rafael Sosa Francisco Hernandez Omar Hernandez	\$73,360	3058150001615 3058150001615
1580	26610	3067 7/7/2005	United States of America	0.26	Francisco Hernandez	\$0	None Assigned
1581	20526	4440 5/21/2002	United States of America	0.36	Miami-Dade County, Florida Jeane Corp.	\$3,600	3058140000193 3058140000193
1582	20526	4766 4/24/2002	United States of America	0.18	Developers, Inc	\$2,000	3058220000125 3058220000125
1585	20523	1292 2/11/2002	United States of America	0.43	Edward Shubert Reule	\$4,700	3058150001169 3058150001169
1589	23785	4179 6/1/2005	United States of America	0.27	Bank of America	\$4,320	3058150001213 3058150001213
1590-1	26610	3067 7/7/2005	United States of America	0.23	Miami-Dade County, Florida	\$0	3058150001213 3058150001213
1590-2	26610	3067 7/7/2005	United States of America	0.17	Miami-Dade County, Florida	\$0	3058150001213 3058150001213
1591	26610	3067 7/7/2005	United States of America	0.25	Miami-Dade County, Florida	\$0	3058150001111 3058150001111
1592	26610	3067 7/7/2005	United States of America	0.18	Miami-Dade County, Florida	\$0	3058150000862 3058150000862
1594	20526	4446 5/21/2002	United States of America	0.80	Jeane Corp.	\$8,000	3058140000362 3058140000362

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Exhibit "C"	ACOE TRACT	RECORD BOOK	PAGE DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FULLO
	1595	20266	4452 5/21/2002	United States of America	0.19	Jeano Corp.	\$1,900	305834000184
	1596	22084	2636 7/15/2004	United States of America	0.36	Jeano Corp. H. DeCannon	\$7,760	305834000189
	1597	20526	4458 5/21/2002	United States of America	0.30	Jeano Corp.	\$1,690	305834000151
	1599	22084	1388 10/21/2003	United States of America	2.50	Ann Patricia Bergalin Emelina Piao	\$10	305834000953
	1608	21522	4238 7/15/2003	United States of America	1.12	Jan Vercy I.M.A. Family, L.T.D. Ricardo B. Reoso	\$31,090	305834000420
	1609	21522	4238 7/15/2003	United States of America	1.12	I.M.A. Family, Inc. Adama Reoso	\$31,090	305834000030
	1610	21522	4238 7/15/2003	United States of America	2.50	Ricardo B. Reoso I.M.A. Family, L.T.D. I.M.A. Family, Inc. Ricardo B. Reoso	\$69,396	305834000820
	1611	21522	4238 7/15/2003	United States of America	2.50	Adama Reoso I.M.A. Family, L.T.D.	\$69,396	305834000940
	1612	20621	635 6/19/2002	United States of America	2.50	Adama Reoso I.M.A. Family, L.T.D. Ricardo B. Reoso	\$32,000	305834000910
	1613	21755	1339 9/5/2003	United States of America	2.50	Castillo Vero Cecilia Inbar	\$44,800	305834000920
	1614	21522	4238 7/15/2003	United States of America	4.67	Oscar Inbar Adama Reoso Ricardo B. Reoso	\$129,632	305834000960 305834000950
	1616	21522	4238 7/15/2003	United States of America	2.50	I.M.A. Family, Inc. I.M.A. Family, L.T.D. I.M.A. Family, L.T.D. Ricardo B. Reoso	\$69,396	305834000920
	206-1	17020	2635 12/4/1995	United States of America	1.38	Adama Reoso Mara Burgon	\$5,520	305869000012
	201-1	17069	896 11/20/1995	United States of America	1.55	Allison Burgon Sergio de Paz	\$4,650	305869000036
	202	16315	2908 4/11/1994	United States of America	5.00	Marlene Caden Marianne Caden	\$17,500	305869000040
	205-1	16239	384 4/4/1995	United States of America	5.67	Rose Mary McCrvert	\$19,845	305869000950
	213	17714	4338 7/15/1997	United States of America	3.50	Yolanda Erban Arno Erban Mark S. Blumenten	\$12,300	305816000170

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Exhibit "C" ACOE TRACT	RECORD BOOK	PAGE DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
214	17902	4945 1/28/1995	United States of America	1.39	Michael S. Jones Linda H. Jones	\$9,200	30583.60000175
215	17305	4010 5/15/1996	United States of America	1.55	Ernesto S. Hernandez Ernestina Sims	\$5,400	30583.60000200
216	17714	4361 7/15/1997	United States of America	2.86	Arno Erban Mark S. Blumstein Mark I. Blumstein	\$10,000	30583.60000201 30583.60000202
217	16891	727 8/21/1995	United States of America	4.32	Pedro Julio Cueta Olga Castro Cueta Carmen C. Cueta	\$15,100	30583.60000390
218	17400	3154 10/21/1996	United States of America	6.00	Joan Martinez Nirvada Mirquez	\$24,000	30583.60000320 30583.60000321
219	18398	1373 12/11/1999	United States of America	2.50	Edward T. Roffman Marian Lois Roffman	\$14,000	30583.60000540
220	17909	823 11/02/1995	United States of America	4.73	Naure Conservancy Asset Management Corporation	\$16,600	30583.60000510
221	18803	278 11/01/1999	United States of America	9.47	Marla Dominguez Marla Dominguez	\$17,500	30583.60000511
222	17816	1991 11/31/1997	United States of America	4.73	Marla Dominguez Marla L. Yates	\$20,000	30583.60000690
223	16891	734 8/21/1995	United States of America	4.73	Carmen C. Cueta Roberto C. Cueta	\$18,500	30583.60000920
224	16937	703 9/21/1995	United States of America	2.64	Pedro Julio Cueta	\$9,200	30583.60001172
225	18803	310 11/21/1999	United States of America	2.72	Arturo Fuenll Sergio Balbin	\$9,200	30583.60001174 30583.60001173
226	18803	139 11/21/1999	United States of America	1.26	Sebastian Vanciano de Pineda	\$5,800	30583.60001176
228	17940	2068 1/21/1998	United States of America	1.26	Stephen R. Swanson	\$3,800	30583.60000204
229	16891	836 6/29/1995	United States of America	5.04	Naure Conservancy Asset Management Corporation	\$15,100	30583.60000290
230	16738	1347 4/4/1995	United States of America	1.26	Dorothy E. Sparks Linda H. Jones	\$5,800	30583.60000330 30583.60000310
231	17909	644 11/01/1995	United States of America	2.50	Michael S. Jones Naure Conservancy Asset Management Corporation	\$7,500	30583.60001540
245	17162	3035 4/11/1996	United States of America	3.78	Naure Conservancy Asset Management Corporation Ronda Swale	\$11,300	30583.60000360 30583.60000370
246	17529	4838 2/13/1997	United States of America	1.26	Michael D. Lewis	\$3,800	30583.60003660
247	17908	1622 1/20/1998	United States of America	2.31	Lucille M. Lewis	\$7,500	30583.60003651
248	17210	320 11/16/1995	United States of America	2.11	Monter C. Shramke Monter C. Shramke	\$8,500	30583.60002620
249	17594	837 11/14/1997	United States of America	2.12	Monter C. Shramke Monter C. Shramke Jean Oval	\$8,300	30583.60002310

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ACOE TRACT	RECORD BOOK	PAGE DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
250	18467	1784 7/27/1998	United States of America	1.36	Herman L. Roldan	\$5,000	305816000250
252	19011	446 2/25/2000	United States of America	1.36	David Diaz	\$8,000	305816000250
253	17089	803 1/19/1995	United States of America	2.41	Peter Mito Cusca	\$7,500	305816000820
254	17318	1323 8/12/1996	United States of America	1.26	Carmer C. Curcio	\$3,800	305816000100
255	17318	1319 8/15/1996	United States of America	1.45	Laudholm Marlin	\$5,100	305816000330
256	17318	1315 8/14/1996	United States of America	2.50	Lemus L. Russel	\$8,800	305817000044
257	18538	3774 3/16/1998	United States of America	2.50	Sylvia de La Sierra Ramo	\$8,800	3058170002451
258	18883	116 1/12/1999	United States of America	2.50	Charmaine M. Zair	\$8,750	305817000150
259	17318	1307 8/9/1996	United States of America	2.50	Grace Goharbas-Zair	\$8,800	3058170002490
260-1	17205	4014 5/16/1996	United States of America	1.25	Lorenzo Zair	\$4,400	3058170002450
261-1	18893	71 1/12/1999	United States of America	1.25	Gonzalo Rivera	\$4,400	3058170002461
262-1	17876	1944 1/16/1997	United States of America	1.25	Jose Carlos Gonzalez	\$4,400	3058170002470
263-1	17942	5025 12/28/1995	United States of America	1.25	Carlos Saladrigas	\$4,400	3058170002480
264	17009	748 1/29/1995	United States of America	9.39	Sobelda Hernandez	\$37,600	3058170001270
275	18893	291 1/12/1999	United States of America	2.13	Jose R. Cuervo	\$20,500	3058170001270
					Juan Bruno Leonardo Pintero		305816000330
					Leonardo Zair		305816000330
283	18805	3365 9/30/1999	United States of America	1.08	Jennifer Sosson	\$3,240	305816000330
284	18690	4241 4/22/1998	United States of America	1.36	German E. Roldan	\$5,500	305816000240
286-1	18893	93 1/12/1999	United States of America	0.61	Bank of America Corporation	\$1,570	305816000240
287-1	19071	615 4/14/2000	United States of America	0.16	Jennifer Sosson	\$576	305816000202
287-1.6	19071	615 4/14/2000	United States of America	0.60	Jennifer Sosson	\$1,106	305816000202
287-1.7	19071	615 4/14/2000	United States of America	0.10	Jennifer Sosson	\$206	305816000202
287-1.8	19071	615 4/14/2000	United States of America	0.10	Jennifer Sosson	\$206	305816000202
287-1.9	19071	615 4/14/2000	United States of America	0.21	Jennifer Sosson	\$729	305816000202
287-2	19071	615 4/14/2000	United States of America	0.16	Jennifer Sosson	\$576	305816000202
287-20	19071	615 4/14/2000	United States of America	0.79	Jennifer Sosson	\$2,772	305816000202
287-21	19071	615 4/14/2000	United States of America	0.21	Jennifer Sosson	\$729	305816000202
287-3	19071	615 4/14/2000	United States of America	0.37	Jennifer Sosson	\$1,277	305816000202
287-4	19071	615 4/14/2000	United States of America	0.16	Jennifer Sosson	\$576	305816000202
287-5	19071	615 4/14/2000	United States of America	0.16	Jennifer Sosson	\$576	305816000202
287-6	19071	615 4/14/2000	United States of America	0.21	Jennifer Sosson	\$777	305816000202
287-7	19071	615 4/14/2000	United States of America	0.60	Jennifer Sosson	\$2,114	305816000202

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Exhibit "C"	ACCE TRACT	RECORD BOOK	PAGE DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
315-1	18619	2370	5/17/1999	United States of America	1.60	Stephen R. Sonson Walter and Wolvenne, Inc.	\$1,074	305820000640
317	17714	4389	6/11/1997	United States of America	1.26	Ralph N. Cocconi	\$4,000	305820000660
318-1	17652	788	5/20/1997	United States of America	0.40	Stephen R. Sonson	\$1,206	305820000670
319-1	17529	4660	1/31/1997	United States of America	0.37	Nature Conservancy Asset Management Corporation	\$1,106	305820000690
320	19880	1273	9/14/2001	United States of America	1.26	Jeanette H. Van de Wege	\$2,200	305820000700
321	17966	3473	1/25/1998	United States of America	1.26	Larry L. Lantz	\$2,200	305820000800
322	17996	344	2/23/1998	United States of America	1.26	Stanley C. Fragar	\$5,000	305820000920
323	18028	3717	3/8/1998	United States of America	1.26	Elizabeth Fragular	\$4,000	305820000980
325	17652	796	5/22/1997	United States of America	1.26	Mercedes Cruz	\$3,800	305820000990
326	18097	717	7/15/1999	United States of America	1.26	Bernard Cruz Olga L. Cruz Stephanie Cruz Walter Gonzalez Michael S. Jones	\$3,800	305820001000
327-1	18893	162	1/12/1999	United States of America	0.37	Der Cha, Inc. Philadelphia Florida Corporation	\$1,106	305820001010
329-1	17652	792	5/20/1997	United States of America	0.78	Marta P. Lundy Edwin S. M. Lundy	\$2,562	305820001040
331	18295	1103	11/3/1998	United States of America	2.83	Stephen R. Sonson Nature Conservancy Asset Management Corporation Sheri J. Sanders	\$9,000	305820001050
334	17652	818	5/21/1997	United States of America	1.42	Matthew D. Sanders Linda H. Jones	\$4,300	305820001270
336	17802	2307	9/25/1997	United States of America	1.42	Richard L. Fowler John L. Fowler	\$4,500	305820001380
337-1	17884	3465	6/20/1997	United States of America	0.76	Stephen R. Sonson Overtown Holding Corporation	\$2,283	305820001290
338-1	19225	1241	10/4/2000	United States of America	0.38	Larry Lantz Richard Frisk Betty Frisk Miriam Lantz Leah A. Lantz	\$1,135	305820001310
339	18895	2543	5/6/1998	United States of America	1.26	Stephen R. Sonson Der Cha, Inc.	\$3,800	305820001320
340	18464	3853	12/14/1998	United States of America	1.26	John D. Dandourif Stephen L. Dandourif David N. Dandourif	\$4,800	305820001340

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ACCE TRACT	RECORD BOOK	PAGE	DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
341	18893	145	11/21/1999	United States of America	1.26	The Estate of Stella M. Nelway	\$3,800	305820000330
342	18108	3739	2/17/1998	United States of America	1.26	Alfredo Toselli	\$3,800	305820000340
343	18342	2709	6/11/1998	United States of America	1.26	Stephen R. Sonson	\$3,800	305820000341
344	17848	4307	9/6/1997	United States of America	1.26	Doc Cha, Inc.	\$3,800	305820000342
345	18919	2288	12/21/1999	United States of America	1.36	Lillie J. Mitchell	\$4,100	305820000343
346-1	18395	1232	12/16/1998	United States of America	0.38	Jennifer Sonson	\$1,514	305820000344
347-1	19346	2180	8/17/1999	United States of America	1.26	Zohar S. N. Tugillo	\$1,135	305820000345
348	18346	1835	8/10/1999	United States of America	1.26	John J. Kimmel	\$3,800	305820000346
349	17804	1439	8/21/1997	United States of America	1.26	Helen P. Jackson	\$3,800	305820000347
350-1	18893	82	11/21/1999	United States of America	0.48	Charles E. Jackson	\$1,433	305820000351
350-2	18893	82	11/21/1999	United States of America	0.48	R. Tucker, Trustee	\$1,433	305820000352
351	18305	3511	5/41/1998	United States of America	1.26	Arthur N. Thurman, Jr.	\$4,100	305820000353
352	19016	2399	8/12/1999	United States of America	1.36	Marjorie G. Wilford Form	\$4,100	305820000354
353	17848	4363	10/20/1997	United States of America	1.26	Helen P. Jackson	\$4,000	305820000410
354	18893	128	11/21/1999	United States of America	1.26	Zola Warch	\$3,800	305820000411
355-1	18296	1859	9/28/1998	United States of America	0.38	Estate of Manuel Arroyo	\$1,135	305820000412
362-1	18139	4529	6/21/1998	United States of America	0.66	Doc Cha, Inc.	\$2,619	305820000412
363	17996	286	1/29/1998	United States of America	1.26	Stephens R. Sonson	\$3,800	305820000410
364	17848	4315	10/28/1997	United States of America	2.52	Isabel M. Hernandez	\$7,660	305820000410
367	18419	2385	5/17/1997	United States of America	1.25	Linda H. Jones	\$3,800	305820000410
368	17652	932	5/21/1997	United States of America	1.26	Overtown Holding Corp	\$3,800	305820000410
369	18142	2714	5/27/1998	United States of America	1.26	Doc Cha, Inc.	\$3,800	305820000410
370-1	19011	460	3/23/2000	United States of America	0.10	Stephen R. Sonson	\$300	305820000431
370-2	19011	460	3/23/2000	United States of America	0.10	Michael Jones	\$300	305820000431
370-3	19011	460	3/23/2000	United States of America	0.03	Linda H. Jones	\$300	305820000431
						Allan Parragale		
						Jennifer Sonson		

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Exhibit "C" ACOE TRACT	RECORD BOOK	PAGE DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
370-4	19011	460 3/2/2000	United States of America	0.31	Jennifer Sosson	\$931	305820004230 305820004330 305820004361
370-5	19011	460 3/2/2000	United States of America	0.43	Jennifer Sosson	\$1,291	3058200040431 305820004330 305820004401 305820004431 305820004330 305820004230 305820004361
370-6	19011	460 3/2/2000	United States of America	0.43	Jennifer Sosson	\$1,291	305820004230 305820004330 305820004361
370-7	19011	460 3/2/2000	United States of America	0.34	Jennifer Sosson	\$1,021	305820004230 305820004330 305820004361
370-8	19011	460 3/2/2000	United States of America	0.24	Jennifer Sosson	\$720	305820004230 305820004330 305820004361
370-9	19011	460 3/2/2000	United States of America	2.48	Jennifer Sosson	\$7,444	305820004330 305820004230 305820004361 305820004431 305820004330 305820004230 305820004361 305820004431
371	17809	4317 10/20/1997	United States of America	1.26	Blanca Yabia Roberto Yabia Aran Trabazos Fred Berganza Katherine Mco	\$3,800	305820004170
372	18139	4333 5/29/1998	United States of America	1.26	Mary Berganza Joseph Mco Mary Berganza / Asset Management Corporation	\$8,800	305820004180
373	18043	4929 3/16/1998	United States of America	1.26	Stephan R. Sosson	\$4,100	305820004230
374	18028	3748 3/20/1998	United States of America	2.51	Stephan R. Sosson Philadelphia Florida Corp.	\$3,800	305820004250
376	18215	491 6/8/1998	United States of America	2.51	Kerette Anderson Lyle Vernon Anderson	\$7,500	305820004260
377	17848	4357 10/17/1997	United States of America	2.52	Jon K. Eichenwecht	\$7,600	305820003340
378	17949	2800 1/13/1998	United States of America	1.26	Don H. Berganza Don H. Berganza Don Cha, Inc.	\$3,800	305820000390
379-1	17948	4321 10/28/1997	United States of America	0.66	Stephan R. Sosson	\$1,990	305820001970
381-1	17848	4325 10/17/1997	United States of America	1.42	Barbara Buelnic	\$4,818	305820004030

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ACOE TRACT	RECORD BOOK	PAGE	DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
380	17586	4531	10/17/1997	United States of America	2.80	Glenn C. Moffett	\$8,400	3058290004650
381	18081	4104	1/21/1998	United States of America	0.04	James Van Dyke	\$120	3058290000981
386-1	19774	2551	6/15/2000	United States of America	0.49	Ernie de Jongschee Van De Wige	\$1,959	30582900001411
386-2	19774	2551	6/15/2000	United States of America	0.68	Jennifer Sosson	\$2,719	30582900001511
386-3	19774	2551	6/15/2000	United States of America	0.34	Jennifer Sosson	\$1,359	30582900001590
387	23788	1338	6/24/2005	United States of America	1.20	TITF	\$2,100	30582900001600
400	18142	2718	6/8/1998	United States of America	2.50	Ann M. Lindberg	\$9,800	3058290000191
401	18215	501	7/27/1998	United States of America	2.50	Everett J. Lindberg	\$7,500	3058290000180
404	177143	4980	6/18/1997	United States of America	2.50	Swaneder Investments, Inc.	\$10,800	3058290000190
405	17754	1903	8/14/1997	United States of America	2.50	Carl O. Schroeder	\$8,800	3058290000200
406	17998	1829	2/25/1998	United States of America	2.50	Ruth E. Schroeder	\$10,000	3058290000200
407	18098	465	5/8/1998	United States of America	2.50	John J. Jarama	\$10,800	3058290000290
410	18144	1940	6/11/1998	United States of America	2.14	Sergio Ferriz	\$20,000	3058290000300
411	17804	1413	9/8/2009	United States of America	2.50	Virgilio Hernandez	\$7,500	3058290000320
412	18296	1846	9/20/1998	United States of America	2.50	Berito Rodriguez	\$7,500	3058290000330
413	17754	1891	8/11/1997	United States of America	2.50	Silvia Rodriguez	\$10,800	3058290000340
416	17949	2072	1/13/1996	United States of America	5.00	Beatriz Rodriguez	\$21,500	3058290000416
417	17976	2061	11/17/1997	United States of America	2.50	Leonora Thompson	\$7,500	3058290000440
418	18142	2723	4/7/1998	United States of America	2.50	Marshall Elbert Thompson	\$10,800	3058290000460
421	1804	1495	8/20/1997	United States of America	5.00	James M. Sharpe	\$21,500	3058290000460
422	17559	4843	1/10/1997	United States of America	2.07	Caracas, Maroz	\$6,200	3058290000350
423	17754	1921	8/6/1997	United States of America	2.50	William T. Pickett	\$10,800	30582900002100
425	17802	2445	9/10/1997	United States of America	5.00	A. Valentin	\$23,500	30582900002120
426	17802	2463	9/15/1997	United States of America	5.00	Pamela Kerve Bekas	\$21,500	30582900002120
429	48943	4953	3/12/1996	United States of America	2.14	Milani Bekas	\$9,200	3058290000230
430	17951	2272	1/20/1998	United States of America	2.50	Jose Dieguez	\$12,400	30582900002340
431	18298	122	9/20/1998	United States of America	2.50	Alfonso R. Di Lella	\$15,000	3058290000023

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Exhibit 'C' ACDE TRACT	RECORD BOOK	PAGE	DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
432	17848	4345	10/27/1997	United States of America	7.50	Raouana E. Carrillo Elena Rodriguez Enrique R. Perales Michael J. Swan	\$32,300	305829000054
434-1	17876	2514	10/28/1997	United States of America	9.42	Rodrigo A. Carrillo	\$47,100	305829000022
439	18919	2216	12/17/1999	United States of America	0.36	Guardell Corporation	\$3,775	305829000230
441	18919	473	1/27/2000	United States of America	0.43	Nationwide Realty Corporation	\$1,100	305829000291
445	18919	2222	12/17/1999	United States of America	0.36	United States of America	\$1,375	305829000311
600	26010	3067	7/7/2005	United States of America	1.18	National Investment and Development Corporation	\$0	3058110000101
601	23239	3245	3/11/2005	United States of America	8.82	Miami-Dade County, Florida	\$190,000	3058110000751
603	21185	3115	2/6/2004	United States of America	5.00	Martha Fernandez	\$45,000	3058110000710
604	23469	4803	5/24/2005	United States of America	4.34	Charles D. Cotton	\$81,200	3058110000540
605	26010	3067	7/7/2005	United States of America	0.57	Glady Gonzalez	\$0	3058110000820
606	23469	4803	5/24/2005	United States of America	4.32	Miami-Dade County, Florida	\$38,450	3058110000170
607	23277	2891	6/10/2004	United States of America	5.00	Donald Johnson Claudio Staff	\$45,000	3058110000172
608	21986	912	12/26/2003	United States of America	5.00	Victor Hugo Ramo	\$50,000	3058110000650
609	22883	4594	3/18/2004	United States of America	5.00	Maria J. Ramo	\$44,000	3058110000171
610	26010	3067	7/7/2005	United States of America	0.80	Ignacio T. Veloz	\$0	3058110000803
611	23469	4809	5/24/2005	United States of America	4.20	Miami-Dade County, Florida Glady Gonzalez	\$78,600	3058110000220
613	23300	2573	3/9/2005	United States of America	10.00	Raul Gonzalez	\$191,748	3058110000010
614	22411	568	3/9/2004	United States of America	5.00	Miami-Dade County, Florida	\$115,000	3058110000181
615	23514	4202	4/5/2005	United States of America	4.84	Nancy Lopez Pedro Lopez Maria Lopez Maria Lopez	\$72,600	3058110000110
616	20993	1940	6/4/2002	United States of America	2.25	Herman C. Lopez	\$25,000	3058110000015
618	20521	598	5/6/2002	United States of America	1.25	Nelda Isabel Navarro	\$9,800	3058110000017
619	23498	4731	6/14/2005	United States of America	1.25	Miriam Pardo	\$18,800	3058110000012
620	20993	1948	6/5/2002	United States of America	1.25	Maria M. Nizaro	\$9,800	3058110000140
621	23490	1402	8/20/2004	United States of America	2.50	Raul Rodriguez Montes	\$26,000	3058110000111
622	21701	3416	8/14/2005	United States of America	1.25	Elizabeth Gomez	\$12,900	3058110000121
623	22299	1148	3/26/2004	United States of America	2.95	Alberto M. Rollan Bayon Alicia Santos Luz-G. Roman Torres	\$50,000	3058110000112

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ACOE TRACT	RECORD BOOK	PAGE DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
625	2352	1022 4/21/2005	United States of America	2.95	Maria Elena Fied	\$111,000	3058110000100
626	20048	4499 11/01/2001	United States of America	5.00	Walter J. Moore Joelton Vior	\$61,000	3058110000190
627	22122	3064 2/2/2004	United States of America	5.00	Bernardo D. Quintana Maria A. Quintana	\$95,400	3058110000191
628	22534	1804 8/10/2004	United States of America	5.00	Martine Amor	\$140,000	3058110000280
629	20095	2046 12/02/2001	United States of America	2.37	William Perez	\$34,550	3058110000070
630	20095	2054 12/21/2001	United States of America	2.37	Maria D. Perez	\$345,500	3058110000071
631	26010	3067 7/7/2005	United States of America	0.27	Miami-Dade County, Florida Victor Hugo Ramos	\$0	3058110000072
632	20172	727 1/30/2002	United States of America	5.00	Maria J. Rams	\$50,000	3058110000580
633	22477	1178 6/29/2004	United States of America	5.00	Justiniano R. Rodriguez Miriam Rodriguez	\$91,900	3058110000200
634	20256	4515 4/23/2002	United States of America	5.00	Gary L. Horn	\$20,700	3058110000173
637	20048	4522 1/16/2001	United States of America	5.00	Robert G. Moore	\$25,800	3058110000680
639	23111	2510 3/29/2005	United States of America	5.00	Robert G. Moore The Flamingo-Barrington Holding Corp J.S.M. Holding Corp	\$75,000	3058110000770
642	21843	3937 10/16/2003	United States of America	5.00	Evelia Rodicio Mamad Fernandez	\$92,000	3058110000291
643	22477	2592 7/2/2004	United States of America	5.00	Florida Fernandez Angel L. Quintana	\$280,000	3058110000290
644	22483	2661 11/02/2004	United States of America	5.00	Erda Falcon	\$180,000	3058110000161
645	22566	1074 6/8/2005	United States of America	14.62	Pedro Garcia	\$771,000	3058110000160
646	21802	379 10/13/2003	United States of America	2.95	Lillian Cepedea	\$47,200	3058110000152
647	22604	2612 7/9/2004	United States of America	1.25	Emilio Cepedea	\$14,000	3058110000530
648	20256	4521 5/9/2002	United States of America	1.25	Oliver L. Unzueta Marianela Rodriguez Cher Rose Gonzalez	\$3,800	3058110000531
649	22035	745 12/02/2004	United States of America	1.25	Julia A. Alfonso	\$18,800	3058110000532
650	20256	4595 4/30/2002	United States of America	1.25	Roman A. Alfonso	\$8,800	3058110000536
651	22910	4357 11/7/2004	United States of America	1.25	Hector M. Hernandez Hector Sanchez Gonzalez	\$13,000	3058110000535
653	22808	2245 6/24/2005	United States of America	6.91	Georgina Rius Ave	\$130,000	3058110000151
654	26010	3067 7/7/2005	United States of America	4.74	Robert K. Smith Marianela Rodriguez	\$206,000	3058110000480
658	26010	3067 7/7/2005	United States of America	0.27	Miami-Dade County, Florida	\$0	3058110000R04
660	26010	3067 7/7/2005	United States of America	0.26	Miami-Dade County, Florida	\$0	3058110000R06
661	21824	275 11/7/2003	United States of America	2.37	Nereyda Navarro Oscar Navarro	\$47,000	3058110000631

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ACOE TRACT	RECORD BOOK	PAGE	DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
662	2011	2691	12/02/2003	United States of America	2.37	Luisa Navarro Vila Osceola Navarro Coralia Navarro	\$47,000	305811000640
663	2188	1410	3/25/2004	United States of America	4.74	Osceola Navarro	\$360,000	305811000650
664	2194	267	11/17/2003	United States of America	5.00	Jacqueline Alvarez	\$80,000	305811000650
665	20516	603	4/23/2002	United States of America	5.00	Arnold Valdez	\$60,000	305811000661
670	21906	3553	11/02/2003	United States of America	15.00	Richard Gregory Camacho, SR. Nausika A. Camacho	\$240,000	305811000661
672	21152	3391	3/17/2004	United States of America	5.00	Richard Gregory Camacho, JR. Yolanda Camacho Doris Escobar	\$120,000	305811000661
673	20078	3275	12/7/2001	United States of America	5.00	Idalia Gonzalez	\$65,400	305811000640
675	21986	920	1/6/2004	United States of America	2.23	Gregorio A. Gonzalez Eduardo E. Larralde	\$73,300	305811000420
676	21986	926	1/6/2004	United States of America	2.07	Rosafinla Larralde	\$50,300	305811000480
677	20600	3807	7/7/2005	United States of America	0.70	Miriam A. Gonzalez	\$0	3058110009D07
678	20512	1785	7/10/2004	United States of America	2.95	Miriam A. Gonzalez	\$279,000	305811000150
679	20521	694	4/10/2002	United States of America	2.50	George A. Viquez	\$25,000	3058110000533
681	26030	3067	7/7/2005	United States of America	0.26	Olga V. Viquez	\$0	3058110009D13
682	22905	4221	11/21/2004	United States of America	1.07	Miami-Dade County, Florida Flawright Delgado	\$23,500	305811000090
683	22499	718	6/2/2005	United States of America	0.27	Greg L. Lee	\$9,200	3058110000632
684	23786	566	5/31/2005	United States of America	0.15	Roberta Dean Kaplan Krome West	\$3,300	3058110000401
685	23498	4783	5/9/2005	United States of America	1.25	Ted Kaplan	\$18,800	3058110000534
686	23460	1470	5/16/2005	United States of America	0.68	Marilyn S. Birn Deryl Anderson Lisa Anderson	\$10,500	3058110001169
700	24610	3067	7/7/2005	United States of America	0.80	Donny Jack Anderson	\$0	3058110009D08
701	22976	1034	12/15/2004	United States of America	8.50	Miami-Dade County, Florida Donald Melillo	\$1,000,000	3058110001499
704	23298	4008	2/9/2005	United States of America	5.00	Herinda Matreza	\$174,800	3058110000820
707	21884	3187	10/10/2003	United States of America	5.00	Rene Matreza	\$86,000	3058110001050
708	22477	2721	6/24/2004	United States of America	1.48	Ricardo Ruiz Ravelo	\$80,000	3058110001190
709	21933	3585	8/19/2003	United States of America	4.48	Alvin Romo Martinez Paul T. Dawson	\$23,700	3058110001180
710	22046	58	1/25/2004	United States of America	2.50	Paul Dawson Peter Shaw Sonia T. Harford-Division Jacqueline Shaw	\$44,000	3058110000410

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Exhibit C	ACOE TRACT	RECORD BOOK	PAGE DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
	711	22325	2721 2/10/2004	United States of America	2.50	Arturo Diaz	\$45,000	3058110001200
	712	22383	4531 2/12/2004	United States of America	2.95	Hernan Del Realino Mara M. Maldonado	\$510,032	3058110001210
	713	21825	996 10/21/2003	United States of America	5.00	Eve Velaz Juan Velaz	\$89,000	3058110000257
	717	22656	4705 12/30/2004	United States of America	5.00	Richard Michael Sica	\$80,000	3058110000500
	718	23095	2667 6/3/2005	United States of America	5.00	E.L.S. A. Parrish	\$130,000	3058110000150
	719	22619	1902 7/27/2004	United States of America	5.00	Esther Bell	\$45,000	3058110000150
	728	22065	3662 2/8/2004	United States of America	0.19	Alfonso Rodriguez	\$438,000	3058110000380
	736	22065	3662 2/8/2004	United States of America	0.19	Alfonso Rodriguez	\$0	3058110000260
	727	22364	1907 8/2/2004	United States of America	1.29	Ramona C. Aguilar	\$41,000	30581100001320
	728	20393	1956 6/28/2002	United States of America	1.48	Alicenso Aguilar Luis Vargas	\$45,200	3058110004020
	729	22141	1165 3/2/2004	United States of America	2.50	Jose Rovete Acquiline Gomez	\$81,000	3058110001310
	732	23470	552 4/4/2005	United States of America	2.95	Mercy Herrera Humberto Herrera	\$110,000	3058110001300
	734	23666	10667 5/27/2005	United States of America	2.37	Pedro E. Fernandez	\$108,200	3058110000254
	735	22853	2784 11/7/2004	United States of America	4.73	Barbara L. Escobar	\$113,000	3058110000460
	739	22897	3789 9/17/2004	United States of America	2.50	Ronald Orlando	\$72,800	3058110001590
	740	22638	4890 8/18/2004	United States of America	2.50	Nuvia Elizabeth Mayaga Ornela Carlos M. Landin	\$210,000	3058110000300
	741	21855	1372 9/24/2003	United States of America	5.00	Shirley Schaefer William J. Schaefer	\$80,000	3058110000320
	742	22461	1798 3/29/2004	United States of America	2.35	Bridgette A. Gonzalez	\$40,000	3058110001690
	744	23148	3414 1/25/2005	United States of America	5.00	Alejandro Rodriguez Grecell Rodriguez	\$240,000	3058110001030
	746	23792	4022 5/26/2005	United States of America	2.21	Yessam Rojas	\$135,000	3058110000243
	747	22152	3918 1/21/2004	United States of America	4.77	Barbara Ann Duran Onaida Duran	\$80,000	3058110000347
	748	22638	4862 8/7/2004	United States of America	2.37	Jairo A. Duran	\$64,100	3058110000546
	749	22461	2823 5/17/2004	United States of America	5.00	Jorge Fernandez Olga L. Fernandez	\$97,000	3058110001150
	750	22198	1184 3/19/2004	United States of America	4.81	Eugenia de Nova Carlos R. de Nova	\$235,000	3058110001140
	751	23387	3401 4/20/2005	United States of America	0.18	Barbara Schaefer Armando Contreras	\$5,400	3058110000014
	755	22014	1083 1/18/2004	United States of America	2.50	Maria Tereza Ryo Manuel Hoye Rusabado, M.D.	\$2,000	3058110005040

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Exhibit "C" ACCE TRACT	RECORD BOOK	PAGE	DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
800	22965	4091	11/22/2004	United States of America	5.00	Olga Celo Aldulain O. Barroso	\$110,000	3058110001700
801	22965	4349	11/29/2004	United States of America	2.50	Roberto Cuo	\$110,000	3058110001720
803	23666	1090	6/3/2005	United States of America	4.70	Eduardo Alvarez	\$139,000	3058110002560
804	23944	3454	5/27/2005	United States of America	2.50	Jairo Fernandez	\$139,000	3058110001760
805	23965	2138	6/3/2005	United States of America	2.50	Thomas A. Hudgen	\$105,000	3058110001760
806	23965	2138	6/3/2005	United States of America	10.00	Thomas A. Hudgen	\$250,000	3058110001860
808	23573	2970	5/17/2005	United States of America	5.00	Deborah Fobler	\$111,300	3058110000011
810	23435	2918	5/18/2005	United States of America	10.00	Jose Baston	\$400,000	3058110001170
811	21843	4075	11/4/2003	United States of America	5.00	Rubelia T. Navarro	\$80,000	3058110002770
812	21966	3567	1/17/2005	United States of America	5.00	Luis E. Navarro	\$80,000	3058110002771
813	22638	4896	8/29/2004	United States of America	2.95	Maria Velez	\$115,000	3058110002500
814	21923	2088	11/02/2003	United States of America	2.95	Shirley Bosdet	\$47,200	3058110002510
815	33062	2703	12/17/2003	United States of America	5.00	George Alberto Viquez, Jr. Lucy Dominguez	\$50,000	3058110001410
817	23300	2573	3/9/2005	United States of America	13.70	Ruben Valle	\$362,694	3058150000010
819	23807	4747	5/11/2005	United States of America	4.89	Miami-Dade County, Florida	\$99,500	3058150000090
820	23256	1781	3/19/2005	United States of America	4.81	James A. Gobel, Jr. Emelita Gobel	\$560,000	3058150000100
821	23371	3486	2/1/2005	United States of America	8.90	Doñeres Gobel Juan A. Gobel	\$178,000	3058150000061
827	26010	3667	7/7/2005	United States of America	0.47	Aloysman (USA) Company	\$0	3058150000062
829	23015	727	12/02/2004	United States of America	2.50	Miami-Dade County, Florida	\$35,000	3058150000063
831	26010	3667	7/7/2005	United States of America	0.19	Soma Amador	\$0	3058150000370
834	26010	3667	7/7/2005	United States of America	1.10	Miami-Dade County, Florida	\$0	3058150000303
835	23470	569	5/19/2005	United States of America	1.64	Miami-Dade County, Florida	\$91,800	3058150000315
836	23035	611	11/18/2004	United States of America	0.80	Loftis F. Roofert	\$20,000	3058110001021
837	23499	706	6/3/2005	United States of America	0.30	Silverman Stiles, Inc. Barbara S. Hernandez Raymond E. Hernandez	\$10,200	3058110000361
838	23640	4811	5/23/2005	United States of America	0.77	Gov. L. Ivis Philip Ivis Bank of America	\$56,200	3058150000091

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ACORE TRACT	RECORD BOOK	PAGE DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
840	26030	3067 7/2/2005	United States of America	0.91	Miami-Dade County, Florida	\$0	3058150000231
841	25270	6255 8/2/2004	United States of America	1.3	Maria M. O'Brien	\$78,000	3058150000090
900	25991	2647 5/19/2005	United States of America	5.70	Adri Alonabadi	\$75,000	3058869000170
901	26030	3067 7/2/2005	United States of America	0.83	Giovanna Alonabadi	\$0	3058869000020
902	22827	3134 8/24/2004	United States of America	4.70	Miami-Dade County, Florida	\$132,100	3058869000180
903	22861	2925 5/29/2004	United States of America	10.00	William J. Allen	\$100,000	3058869000050
904	20656	4332 1/4/2005	United States of America	5.00	Henry Winiak	\$115,000	3058869000019
905	23498	4776 4/11/2005	United States of America	15.60	Miguel A. Martinez	\$235,000	3058869000013
906	23446	2071 4/13/2005	United States of America	2.50	Jose A. Decena	\$38,000	3058869000200
907	22615	1427 8/2/2004	United States of America	2.50	Ahvaro Romero	\$23,500	3058160000054
908	23424	4241 5/20/2005	United States of America	5.00	Lloyd A. Long	\$85,000	3058160000056
909	23784	4173 5/27/2005	United States of America	5.00	Kevin M. Chen-Yin	\$95,000	3058160000055
910	22791	2166 1/6/2004	United States of America	5.00	Henry Chen-Yin	\$75,000	3058160000052
911	23640	4782 6/1/2005	United States of America	5.00	Elva Velazquez	\$152,000	3058160000021
913	23734	135 6/1/2005	United States of America	4.70	Joel Velazquez	\$99,200	3058160000012
914	23786	548 5/23/2005	United States of America	4.70	Chita Alexandrini	\$117,700	3058160000011
915	23912	2640 12/4/2004	United States of America	5.00	Bullet Cement Corporation, Inc.	\$20,000	3058160000010
916	23372	2086 5/5/2005	United States of America	10.00	Eva J. Vega	\$235,000	3058150000420
917	23170	2099 2/23/2005	United States of America	9.47	Roberto P. Vega	\$142,100	3058160000040
919	23298	4289 3/30/2005	United States of America	4.81	Dr. Jose L. Vega	\$115,000	3058160000055
921	23944	3461 6/15/2005	United States of America	2.50	Maria J. Vega	\$60,000	3058160000031
922	23815	2188 6/8/2005	United States of America	2.50	Illia Perez	\$60,000	3058160000041
923	20993	1986 5/20/2002	United States of America	5.00	Anuro Suarez Lopez	\$127,000	3058160000051
924	23170	2080 1/10/2005	United States of America	4.70	Jose Iza	\$41,000	3058160000020
925-1	20526	4345 4/5/2002	United States of America	2.50	Sharon Ira	\$117,500	3058150000480
925-2	20526	4345 4/5/2002	United States of America	2.50	Abdour Hamain	\$241,000	3058150000481
926	23640	4486 5/23/2005	United States of America	5.00	Waverly Holding Corporation		3058150000470

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928	26050	3067	7/7/2005	United States of America	0.19	Miami-Dade County, Florida	\$0	3058150000207
929	22729	3626	8/19/2004	United States of America	2.50	Arbonne Grant	\$27,500	3058150000490
931	21953	3393	8/18/2005	United States of America	2.50	Carri De Cruz Gomez	\$23,600	3058150000491
933	20526	4357	5/14/2002	United States of America	5.00	Clarence Zaracho	\$40,000	3058150000430
934	20526	4364	5/29/2002	United States of America	4.39	Eliosa Mercado Dohily	\$220,000	3058150000421
937	20283	4566	3/20/2002	United States of America	9.26	Francisco Lugo	\$80,000	3058150000520
938	23180	2577	3/9/2005	United States of America	5.00	Luis Ruiz	\$95,874	3058150000510
940	22385	2712	6/02/2004	United States of America	5.00	Miami-Dade County, Florida	\$80,000	3058150000570
940	22383	4496	3/19/2004	United States of America	5.00	Sara Fernandez	\$80,000	3058150000130
941	23371	3506	1/18/2005	United States of America	2.50	Rafael Noguera	\$55,000	3058150000131
942	26500	3067	7/7/2005	United States of America	0.15	Enaida Noguera	\$0	3058150000132
944	21003	3803	12/12/2003	United States of America	2.35	Yolanda Scarpini	\$164,000	3058150000207
944	23498	4781	5/9/2005	United States of America	5.00	Miami-Dade County, Florida	\$17,500	3058150000140
948	22784	1899	8/21/2004	United States of America	5.00	Terecia M. Mendez	\$50,000	3058150000101
950	23170	2105	1/17/2004	United States of America	5.00	Victor Rene Romero	\$95,000	3058150000110
953	20607	4254	5/15/2002	United States of America	4.70	Camren C. Cueta	\$173,000	3058150000160
955	23785	4574	5/31/2005	United States of America	2.50	Lynett E. Virgin	\$112,500	3058150000590
956	23754	120	6/8/2005	United States of America	2.60	Olga Cueta	\$23,500	3058150000510
957	22868	2899	6/17/2004	United States of America	2.50	Mercedes A. Diaz	\$50,000	3058150000501
958	22945	4867	12/17/2003	United States of America	2.50	Sylvia Lopez	\$73,600	3058150000600
959	22560	3084	3/22/2004	United States of America	2.50	James E. Legatine	\$20,000	3058150000609
960	23507	631	3/15/2005	United States of America	2.50	Catherine Curran	\$57,500	3058150000620
961	23170	2139	12/21/2004	United States of America	2.50	Virginia Curran Valla	\$7,200	3058150000630
962	21865	4977	12/25/2003	United States of America	2.50	Alejandro Curran	\$40,000	3058150000640

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Exhibit "C"	ACDE TRACT	RECORD BOOK	PAGE	DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
963	26000	2178	1133	3/16/2004	United States of America	0.30	Miami-Dade County, Florida	\$0	3058160000206
964	22893	22791	3122	9/18/2004	United States of America	1.37	Osaka, Japan	\$26,225	3058160000161
965	23015	22791	721	11/42/2004	United States of America	2.24	Jean Alcala	\$220,000	3058160000162
966	23015	22791	721	11/42/2004	United States of America	5.00	Alejo Garcia	\$69,000	3058160000151
967	22791	22791	2540	10/14/2004	United States of America	5.00	Jennifer Susan Gammith Brandon	\$69,000	3058160000121
968	22965	22791	3650	11/23/2004	United States of America	4.23	Brian Brandon	\$94,500	3058160000111
969	23490	22791	1427	5/31/2005	United States of America	5.00	Alejo Garcia	\$189,000	3058160000540
972	23498	22638	4746	4/14/2005	United States of America	5.00	Robert Koffman	\$95,000	3058160000491
973	22638	22638	4870	7/30/2004	United States of America	5.00	Edward T. Ruffman	\$90,000	3058160000490
974	22383	22383	4479	4/17/2004	United States of America	10.00	Carlos Leonin	\$484,105	3058150000870
975	26610	26610	3067	7/7/2005	United States of America	0.30	Jose R. Pagan	\$0	3058150000871
977	26610	26610	3067	7/7/2005	United States of America	0.27	Regala Pagan	\$0	3058150000870
978	26610	26610	3067	7/7/2005	United States of America	0.54	Jose R. Pagan	\$0	3058150000871
979	26610	26610	3067	7/7/2005	United States of America	0.74	Regala Pagan	\$0	3058150000870
980	23640	23640	4889	5/23/2005	United States of America	0.53	Bank of America	\$0	3058160000112
981	23470	23470	498	5/23/2005	United States of America	0.77	Bank of America	\$0	3058160000112
982	23470	23470	498	5/23/2005	United States of America	0.66	Bank of America	\$0	3058160000112
983	23573	23573	2802	5/23/2005	United States of America	0.19	Bank of America	\$0	3058160000112
984	23573	23573	2802	5/23/2005	United States of America	0.09	Bank of America	\$0	3058160000112
985	23573	23573	1889	5/24/2005	United States of America	0.27	Wallingford Morgan Holding, Inc.	\$4,500	3058160000144
986	23573	23573	3312	5/23/2005	United States of America	0.43	Bank of America	\$1,700	3058160000102
987	23531	23531	4195	5/17/2005	United States of America	0.43	Bank of America	\$5,100	3058160000533
988	23752	23752	3657	6/24/2005	United States of America	0.30	Bank of America	\$4,500	3058160000222
989	23752	23752	3657	6/24/2005	United States of America	0.30	Bank of America	\$5,700	3058160000015
990	23490	23490	1445	6/2/2005	United States of America	0.19	Martha Ruiz	\$2,900	3058160000057
TOTALS	848					2182.14		\$1,909,810	

Page 33 of 33

CFN 2014R0306458 · Source Document Page 68 of 68

OR BK 29129 PG 0247  
LAST PAGE

ACOE TRACT	RECORD BOOK	PAGE	DATE	GRANTEE	ACRES	GRANTOR	AMOUNT	FOLIO
113-1-E	27089	542	11/6/2009	United States of America	5.68	Florida Power & Light Company	\$0	3058150000640
113-4E	23830	644	6/3/2005	United States of America	7.50	Florida Power & Light Company	\$115,200	3058150000641
113-5E	23608	2	5/17/2005	United States of America	7.19	Isabel Abel	\$110,000	3058110000560
635 E	23575	2627	6/8/2005	United States of America	5.00	Nidia Rodriguez	\$1,184,500	3058110001070
674 E	23321	4629	2/28/2005	United States of America	34.85	Neryda Tapanes Refael Tapanes		3058110000470 3058110000210 3058110000510 3058110001080 3058110000460 3058110000030
705 E	23256	1879	3/26/2005	United States of America	5.00	Luis Tapanes	\$150,000	3058110000380
720 E	23498	4759	5/9/2005	United States of America	5.00	Mireya Tapanes Renae Evans Tanji Pavloff	\$88,000	3058110004960
730 E	22045	1345	1/26/2004	United States of America	5.00	Norma Olivera Antonio A. Olivera	\$58,000	3058110004890 3058110004010 3058110004960 3058110004080 3058110000450
737 E	23321	4619	2/28/2005	United States of America	2.41	Refael Tapanes	\$75,000	3058110000440
738 E	23256	2087	3/26/2005	United States of America	2.41	Neryda Tapanes Luis Tapanes	\$75,000	3058110001680
743 E	24234	3936	2/22/2005	United States of America	2.50	Mireya Tapanes Maria Lima Jose A. Lima	\$85,000	3058110000341
763 E	23815	2162	6/24/2005	United States of America	2.41	Jose Julio Comtes	\$63,800	3058110001820
809 E	23909	3918	5/5/2005	United States of America	4.20	Caridad Mena	\$149,700	3058150000330
825 E	22444	3952	5/24/2004	United States of America	10.00	Eneris R. Tamayo Juan H. Tamayo	\$311,721	3058150000340 3058150000350
828 E	22444	3952	5/24/2004	United States of America	2.03	Eneris R. Tamayo Juan H. Tamayo	\$63,279	
TOTALS	IS				101.18		\$2,649,200	

Page 1 of 1

## EXHIBIT A-5

July 9, 2025

SFWMD enforcement action · Investigative Notice · Enforcement Case No. 23523 · Folio No. 3058150000795

# SFWMD Investigative Notice - Enforcement Case No. 23523

South Florida Water Management District Investigative Notice issued **July 9, 2025** to Adri Marc S.A., Successor Trustee, The Cabana Living Land Trust, for **Folio No. 3058150000795**, Miami-Dade County. Signed by **Gregory Vazquez, PWS**, Section Leader, Environmental Resource Bureau. Single alleged violation: unauthorized filling of wetlands. Case closed without finding of violation on approximately **July 16, 2025** — seven days after issuance — following the property owner's written Jurisdictional Challenge. [White Paper, Section IV.B]

## WHAT THIS SEQUENCE PROVES — LAS PALMAS COMMUNITY / 8.5 SMA

### 1. The notice was issued more than a year after the seepage wall corrected the flooding SFWMD caused.

The seepage wall — mandated by Congress after the community won *Garcia v. United States* (2002) — was completed in 2024. The flooding SFWMD's own operations caused ceased. SFWMD then issued a new enforcement notice in July 2025. The sequence confirms that enforcement is not driven by physical conditions on the ground. [WP Section IV.B]

### 2. The notice asserted ERP jurisdiction without producing the required F.A.C. 62-340 biological field assessment.

Florida law requires a field-verified biological assessment confirming all three wetland indicators — hydrophytic vegetation, hydric soils, and wetland hydrology — before SFWMD may assert Environmental Resource Permit jurisdiction. No such assessment was produced. When directly challenged, SFWMD could not produce the § 373.441, F.S. delegation agreement with FDEP required before SFWMD may regulate agricultural operations. [WP Section IV.B]

### 3. The case was closed without finding of violation seven days after the jurisdictional challenge.

The property owner transmitted a written Jurisdictional Challenge on July 15, 2025, formally challenging SFWMD's jurisdiction, denying site access pending production of § 373.441 and F.A.C. 62-340 documentation, and requesting public records. SFWMD responded on July 16, 2025 — closing the case the following day. No jurisdictional documentation was produced. No F.A.C. 62-340 assessment was produced. The closure itself is confirmation that the underlying classification cannot withstand scrutiny. [WP Section IV.B]

### 4. The property is a bona fide agricultural operation — a Florida nursery.

SFWMD's own closure letter states the nursery operation is "currently operating within the limits of Chapter 373.406(2), F.S." — the agricultural exemption. The property that was the subject of this enforcement action is an active nursery operating at grade. [Source: SFWMD closure email, July 16, 2025]

### 5. The July 9, 2026 Bert J. Harris Act deadline is the most urgent item in this entire record.

For SFWMD Enforcement Case No. 23523 (July 9, 2025): written pre-suit notice WITH a valid appraisal must reach SFWMD by **July 9, 2026**. Agricultural parcels: 90-day notice period under § 193.461, F.S. (not 150 days). Miss this date and this claim is permanently lost. [WP Section IX.B]

**KEY FINDING — CASE CLOSED WITHOUT PRODUCING ANY JURISDICTIONAL DOCUMENTATION [WP Section IV.B]:**

SFWMD issued Enforcement Case No. 23523 on July 9, 2025 — more than a year after the seepage wall corrected the flooding SFWMD caused. The property owner challenged jurisdiction in writing on July 15, 2025. SFWMD closed the case on July 16, 2025 — without producing the § 373.441 delegation agreement, without producing an F.A.C. 62-340 biological field assessment, and without any finding of violation. An agency that cannot produce its jurisdictional authority when formally challenged, and closes its case the following day, has confirmed the classification cannot withstand scrutiny.

### Enforcement Sequence — Case No. 23523 Chronological Record

From SFWMD investigative notice to closure — seven days. Source: documents in this exhibit. [White Paper, Section IV.B]

DATE / EVENT	WHAT HAPPENED — WHAT IT MEANS
<b>Aug 1, 2024 MDC DERM C&amp;D;</b>	Miami-Dade DERM issued Cease and Desist against Folio 30-5815-000-0795. Clear sunny day. No flooding. No standing water at time of issuance. No F.A.C. 62-340 biological field assessment conducted before issuance. [WP Section IV.D]
<b>2024 Seepage wall completed</b>	Court-mandated Alternative 6D seepage wall completed. Flooding corrected. The government-caused inundation ceased. The regulatory enforcement did not. [WP Section III.E]
<b>July 9, 2025 SFWMD Investigative Notice issued</b>	<b>Source Document A — E-5(a).</b> SFWMD issued Investigative Notice, Enforcement Case No. 23523, to Adri Marc S.A., Trustee. Alleged violation: unauthorized filling of wetlands. Demanded site access within 7 days. Signed: Gregory Vazquez, PWS, Section Leader, Environmental Resource Bureau. Certified Mail No. 7020 0640 0000 5303 3760. No F.A.C. 62-340 assessment referenced or attached.
<b>July 15, 2025 Jurisdictional Challenge transmitted</b>	<b>Source Document B — E-5(b), pages 2–3.</b> Property owner transmitted written Jurisdictional Challenge, Denial of Access, Notice of Federal and State Preemption, and Public Records Request. Formally challenged SFWMD’s jurisdiction under § 373.441, F.S. Denied site access. Demanded production of: (1) § 373.441 delegation agreement; (2) F.A.C. 62-340 field assessment; (3) all public records for Case No. 23523. Copied to: Governor’s Office, FDEP, Miami-Dade County, and others.
<b>July 16, 2025 SFWMD closure response</b>	<b>Source Document B — E-5(b), page 1.</b> Gregory Vazquez responded by email. Key statements in SFWMD’s own words: (1) “the nursery operation occurring at this property was constructed at grade and is currently operating within the limits of Chapter 373.406(2), F.S.”; (2) “the District will be closing Enforcement Case No. 23523.” No § 373.441 delegation agreement produced. No F.A.C. 62-340 assessment produced. No finding of violation.
<b>July 9, 2026 ■ DEADLINE</b>	<b>Bert J. Harris Act — § 70.001, F.S.: Written pre-suit notice WITH valid appraisal must reach SFWMD by July 9, 2026. Agricultural parcels under § 193.461, F.S.: 90-day notice period. Miss this date and this claim is permanently and irrevocably lost. [WP Section IX.B]</b>

#### Source Documents in This Exhibit

Document	Description	Pages
<b>E-5(a) Source Doc A</b>	SFWMD Investigative Notice, Enforcement Case No. 23523 Dated July 9, 2025 · Signed Gregory Vazquez, PWS, Section Leader, Environmental Resource Bureau Certified Mail No. 7020 0640 0000 5303 3760 eEnclosures: Location Map (23523_LocMap_20250613.pdf) · Inspection Report (23523_InspectionRpt_20250618.pdf)	Exhibit pp. 3–4
<b>E-5(b) Source Doc B</b>	Email thread: SFWMD closure response (Jul 16) + Jurisdictional Challenge letter (Jul 15) Page 1: Gregory Vazquez / SFWMD — case closure notification, Jul 16, 2025 Pages 2–3: Adri Marc S.A., Trustee — Jurisdictional Challenge, Denial of Access, Notice of Federal and State Preemption, Public Records Request, Jul 15, 2025	Exhibit pp. 5–7

Source Document A — E-5(a) · SFWMD Investigative Notice · Enforcement Case No. 23523 · Page 1 of 2



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

July 09, 2025

Adri Marc S.A., Successor Trustee  
The Cabana Living Land Trust  
8901 SW 157 Ave., 16 167  
Miami, FL 33196  
**CERTIFIED MAIL NO. 7020 0640 0000 5303 3760**

**Subject: The Cabana Living Land Trust Property  
Investigative Notice  
Enforcement Case No. 23523  
Folio No. 3058150000795  
Miami-Dade County**

Dear Mr. Marc:

As discussed with South Florida Water Management District (District) staff and Victor Reyes on May 20, 2025, the District has recently become aware of activities on the referenced property which require, or may require, an Environmental Resource Permit (ERP), in accordance with Sections 373.413, 373.416 and 373.430(1)(b), Florida Statutes (FS). These statutes require that a permit be obtained from the District prior to constructing or operating stormwater management systems, ditches, culverts, structures, filling, excavation, or other construction that connects to, draws water into, or is placed in or across waters in the State, under the definition of "works" in Section 373.403, FS. The activities that have not or may not have been properly permitted on the referenced property include the following:

1. Unauthorized filling of wetlands.

To resolve this matter and avoid potential enforcement action, a response to this letter is required within seven (7) days of receipt. In the response, please grant District staff access to the property to determine if wetlands have been filled.

If it is determined that these activities require a permit, the filing of an ERP application or restoration of such activities to pre-construction conditions will be required. If an ERP application is determined to be necessary, all information required to complete the application will need to be provided in order to issue the permit in a timely manner.

Alternatively, if the information provided in response to this letter and collected during the referenced site inspection indicates that a violation has not occurred, the District will provide correspondence indicating that no additional action is necessary.

Failure to timely respond to this letter may result in the District taking enforcement action to mandate compliance, imposition of penalties, and recovery of staff investigative time and attorney's fees under Section 373.129 of the Florida Statutes.

If you have any questions or require additional assistance, please contact Gabriela Munoz at 561-682-2329 or via email at [gamunoz@sfwmd.gov](mailto:gamunoz@sfwmd.gov).

**Source Document A — E-5(a) · SFWMD Investigative Notice · Enforcement Case No. 23523 · Page 2 of 2**

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The Cabana Living Land Trust Property  
Page 2

Sincerely,



Gregory Vazquez, PWS  
Section Leader, Environmental Resource Bureau

eEnclosures: Location Map ([23523\\_LocMap\\_20250613.pdf](#))  
Inspection Report ([23523\\_InspectionRpt\\_20250618.pdf](#))

*This document is filed in the eEnforcement system under Enforcement Case Number 23523*

Source Document B — E-5(b) · Page 1 of 3 · SFWMD Closure Response · Gregory Vazquez to Victor Reyes · July 16, 2025

10/1/25, 9:23 AM Gmail - RE: Jurisdictional Challenge & Public Records Request – Enforcement Case No. 23523 (Response to Investigative Notice J...



victor reyes <vreyes33196@gmail.com>

RE: Jurisdictional Challenge & Public Records Request – Enforcement Case No. 23523 (Response to Investigative Notice July 9, 2025)

1 message

Vazquez, Gregory <gvazquez@sfwmd.gov>  
To: victor reyes <vreyes33196@gmail.com>  
Cc: "Munoz Colon, Gabriela" <gamunoz@sfwmd.gov>

Wed, Jul 16, 2025 at 1:18 PM

Mr. Reyes,

Thank you for responding to the District's Investigative Notice and for providing the accompanying information. After further review of this case, we have determined that the nursery operation occurring at this property was constructed at grade and is currently operating within the limits of Chapter 373.406(2), F.S. As such, the District will be closing Enforcement Case No. 23523. Further correspondence will be sent later this week or early next week to confirm this. Should you wish to conduct future construction at the property or bring in fill material, it is recommended that you contact the District prior to doing so, to confirm these activities are consistent with Chapter 373.406(2), F.S.

Additionally, the District noticed that that this parcel does not appear to have a Florida Department of Agriculture and Consumer Services (FDACS) Notice of Intent to implement Water Quality and Water Quantity Best Management Practices (BMPs) for Florida Nursery Operations. It is recommended that you contact FDACS staff member Matt Warren, South Florida Field Staff Environmental Administrator ([Matt.Warren@FDACS.gov](mailto:Matt.Warren@FDACS.gov) / 863-448-9477) regarding the Notice of Intent.

Lastly, the District is in receipt of your public records requests. District staff from our public records office are processing these requests and will be in contact with you regarding your requested documents.

Sincerely,

Greg



Gregory Vazquez, PWS

Section Leader  
Environmental Compliance  
Regulation Division

South Florida Water Management District

Office: (561) 682-6053 | [gvazquez@sfwmd.gov](mailto:gvazquez@sfwmd.gov)

3301 Gun Club Road, MSC 9210

West Palm Beach, FL 33406

[www.sfwmd.gov/regpermitting](http://www.sfwmd.gov/regpermitting)

https://mail.google.com/mail/u/0/?ik=af6da039d0&view=pt&search=all&permthid=thread-a:r-760120252245025895%7Cmsg-f:1837824828491737842... 1/3

**Source Document B — E-5(b) · Page 2 of 3 · Jurisdictional Challenge Letter · Adri Marc S.A., Trustee · July 15, 2025**

10/1/25, 9:23 AM Gmail - RE: Jurisdictional Challenge &amp; Public Records Request – Enforcement Case No. 23523 (Response to Investigative Notice J...

**From:** victor reyes <vreyes33196@gmail.com>  
**Sent:** Tuesday, July 15, 2025 2:37 PM  
**To:** Vazquez, Gregory <gvazquez@sfwmd.gov>; PublicRecords <publicrecords@sfwmd.gov>  
**Cc:** GovernorRon.DeSantis2023@eog.myflorida.com; Sherin.R.Joseph@floridadep.gov; Lisa.Spadafina@miamidade.gov; elbu0320@hotmail.com  
**Subject:** Jurisdictional Challenge & Public Records Request – Enforcement Case No. 23523 (Response to Investigative Notice July 9, 2025)

[Please remember, this is an external email]

**ADRI MARC S.A., Trustee**  
LA CABAÑA LIVING LAND TRUST  
8901 SW 157 Ave 16-167  
Miami, FL 33196

7/15/2025

**Gregory Vazquez, PWS**  
Section Leader, Environmental Resource Bureau  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33406

**Re: Enforcement Case No. 23523 – Folio No. 3058150000795**  
**Jurisdictional Challenge, Denial of Access, Notice of Federal and State Preemption, and Public Records Request**

Dear Mr. Vazquez:

This correspondence responds to your Investigative Notice dated July 9, 2025.

As Successor Trustee of the Cabana Living Land Trust, I hereby **formally challenge the South Florida Water Management District's (SFWMD) jurisdiction** over the above-referenced property and reject any assertion of regulatory authority in this matter.

#### **Federal Preemption – Public Law 101-229**

The property in question lies within the 8.5 Square Mile Area (Las Palmas Community), which is expressly protected under **Public Law 101-229 (Everglades National Park Protection and Expansion Act of 1989)**. Congress enacted P.L. 101-229 to prevent state and regional authorities from using Everglades restoration projects to diminish private property rights or impose burdensome regulatory actions on landowners.

Any attempt by SFWMD to enforce Environmental Resource Permit (ERP) requirements or mandate restoration actions on this property would directly contravene these federal protections and may subject the district to legal and congressional scrutiny for exceeding its authority.

#### **State Preemption – §163.3162 F.S., §823.14 F.S., and HB 909 (2022)**

In addition, the property is engaged in **bona fide agricultural operations** and is shielded from local and regional regulation under:

- **§163.3162, Florida Statutes (Agricultural Lands and Practices Act)**
- **§823.14, F.S. (Florida Right to Farm Act)**
- **House Bill 909 (2022 amendments)**

<https://mail.google.com/mail/u/0/?ik=af6da039d0&view=pt&search=all&permthid=thread-a:r-760120252245025895%7Cmsg-f:1837824828491737842...> 2/3

## Source Document B — E-5(b) · Page 3 of 3 · Jurisdictional Challenge (continued) · Denial of Access · Public Records Request

10/1/25, 9:23 AM Gmail - RE: Jurisdictional Challenge & Public Records Request – Enforcement Case No. 23523 (Response to Investigative Notice J...

No evidence has been provided to demonstrate that SFWMD possesses lawful jurisdiction under **§373.441, F.S.** or any valid delegation agreement with the Florida Department of Environmental Protection (FDEP).

### Denial of Site Access

In light of the above, **access to the property is denied at this time**. No entry will be permitted unless and until SFWMD provides:

1. Written proof of lawful jurisdiction, including copies of any delegation agreements under §373.441, F.S. and Rule 62-344, F.A.C.
2. Confirmation that any inspection activities will strictly adhere to Rule 62-340, F.A.C. (Delineation of Landward Extent of Wetlands).
3. Acknowledgment that site access does not constitute a waiver of the Trustee's rights or consent to jurisdiction.

Any unauthorized attempt to enter the property will be regarded as **trespass and a violation of both state and federal law**.

### Public Records Request

Pursuant to **Chapter 119, Florida Statutes**, I request the following records:

1. All delegation agreements between FDEP and SFWMD under §373.441, F.S., authorizing ERP jurisdiction over agricultural lands.
2. All communications (emails, letters, memoranda, meeting notes) between SFWMD, Miami-Dade County DERM, FDEP, or any federal agencies regarding Enforcement Case No. 23523 or the subject property.
3. Copies of any inspection reports, maps, photographs, GIS data, or field notes relating to Folio No. 3058150000795.
4. All internal legal memoranda, policies, or procedural documents relied upon by SFWMD to assert ERP jurisdiction over bona fide agricultural operations.
5. A current organizational chart showing authority to issue Investigative Notices and conduct enforcement actions.

Please provide these records in electronic format and transmit them to 8901 SW 157 Ave 16-167 Miami, FL 33196. eMail: [VReyes33196@gmail.com](mailto:VReyes33196@gmail.com). If estimated costs exceed \$50, provide an itemized estimate prior to fulfillment.

### Deadline for Response

You are hereby requested to provide the requested jurisdictional documentation and public records **within seven (7) calendar days** of receipt of this letter. Failure to respond in a timely manner will be taken as confirmation that SFWMD lacks lawful authority in this matter.

### Notice of Escalation

Please be advised that if SFWMD persists in asserting jurisdiction without first providing clear legal authority as requested herein, I reserve the right to escalate this matter to:

- The Florida Department of Environmental Protection (FDEP)
- The Governor's Office of Agriculture and Environmental Affairs
- The United States Congress for potential violations of **P.L. 101-229**

This letter is submitted **without prejudice and under protest**. It shall not be construed as a waiver of any legal rights, remedies, or jurisdictional objections under state or federal law. All rights are expressly reserved.

Sincerely,

ADRI MARC S.A., Trustee  
LA CABAÑA LIVING LAND TRUST

[VReyes33196@gmail.com](mailto:VReyes33196@gmail.com)

<https://mail.google.com/mail/u/0/?ik=af6da039d0&view=pt&search=all&permthid=thread-a:r-760120252245025895%7Cmsg-f:1837824828491737842...> 3/3

**EXHIBIT A-6**

July 21, 2025 · August 1, 2024

SFWMD formal closure · USDA NRCS corroboration · Folio No. 30-5815-000-0795

# SFWMD Formal Closure - USDA NRCS Corroboration

This exhibit documents two independent government records that directly contradict the factual predicate of the August 1, 2024 MDC DERM cease-and-desist order against **Folio No. 30-5815-000-0795**. First: SFWMD formally closed Enforcement Case No. 23523 by letter dated **July 21, 2025**, signed Gabriela Munoz, Environmental Analyst 3. Second: USDA NRCS issued a Custom Soil Resource Report dated **August 1, 2024** — the same date as the MDC DERM C&D; — identifying the mapped area as **Chekika very gravelly marly loam, 0 to 2 percent slopes**, classifying it as **Farmland of Unique Importance**, and stating "**Hydric soil rating: No**" for the principal map unit.

## WHAT THESE RECORDS PROVE — LAS PALMAS COMMUNITY / 8.5 SMA

### 1. August 1, 2024: MDC DERM issued a C&D.; USDA NRCS issued a contrary soil record. Same date.

Two government agencies. One date. Contradictory conclusions. USDA NRCS identified the soil as non-hydric and classified the land as Farmland of Unique Importance.

### 2. USDA NRCS: "Hydric soil rating: No."

F.A.C. 62-340 requires three confirmed indicators before any wetland jurisdiction may be asserted: hydrophytic vegetation, hydric soils, AND wetland hydrology. The federal government's own soil survey states hydric soil rating: No. One mandatory indicator is absent. No valid wetland determination can rest on a non-hydric parcel.

### 3. USDA NRCS: Farmland of Unique Importance. Frequency of flooding: None. Frequency of ponding: None.

Chekika very gravelly marly loam, 0 to 2 percent slopes. This is the federal government's own characterization of the physical conditions of this land — issued on the same day MDC DERM claimed it was a wetland.

### 4. SFWMD formally closed Case No. 23523 by letter July 21, 2025. No violation found.

Gabriela Munoz, Environmental Analyst 3: "the above referenced enforcement case is hereby closed." No F.A.C. 62-340 assessment produced. No § 373.441 delegation agreement produced. MDC DERM C&D; remains open against the same parcel.

### 5. The C&D; cannot be treated as self-proving when two agencies have independently contradicted each required element.

Hydric soils required — USDA NRCS: No. Jurisdictional authority required — SFWMD: closed without producing delegation agreement. Biological field verification required — F.A.C. 62-340: no assessment produced by either agency.

### Three-Agency Record — August 1, 2024 and After

What each government agency concluded about the same parcel, Folio No. 30-5815-000-0795.

MDC DERM	SFWMDC	USDA NRCS
<b>Aug 1, 2024</b>	<b>Jul 9 → Jul 21, 2025</b>	<b>Aug 1, 2024</b>
Cease-and-Desist issued. Land subject to wetland regulation. No F.A.C. 62-340 assessment produced.	Investigative Notice issued (Jul 9). Case closed without finding of violation (Jul 21). No delegation agreement produced. No F.A.C. 62-340 assessment produced.	<b>Custom Soil Resource Report issued. Soil: Chekika very gravelly marly loam. Farmland of Unique Importance. Hydric soil rating: No. Frequency of flooding: None.</b>
<b>C&amp;D; REMAINS OPEN</b>	<b>CASE CLOSED no violation found</b>	<b>NON-HYDRIC FARMLAND</b>

### USDA NRCS Key Findings — Verbatim from Custom Soil Resource Report

Source: USDA NRCS Custom Soil Resource Report, Miami-Dade County Area, Florida · Dated August 1, 2024 · Folio No. 30-5815-000-0795 · DERM Case CLIV-20240048

NRCS Field	Value	Significance
<b>Map Unit</b>	23 — Chekika very gravelly marly loam, 0 to 2 percent slopes	Identifies the specific soil type of the parcel
<b>Farmland Classification</b>	Farmland of Unique Importance	Federal recognition of distinctive agricultural character
<b>Hydric Soil Rating</b>	<b>■ NO</b>	<b>Destroys one of three mandatory F.A.C. 62-340 wetland indicators</b>
<b>Frequency of Flooding</b>	None	No flooding frequency recorded for this soil unit
<b>Frequency of Ponding</b>	None	No ponding frequency recorded for this soil unit
<b>Depth to Water Table</b>	About 18 to 42 inches	Water table 1.5 to 3.5 feet below surface — not at surface
<b>Slope</b>	0 to 2 percent	Level to nearly level terrain
<b>Parent Material</b>	Loamy marl over oolitic limestone	Carbonate rock substrate — characteristic of upland, not wetland
<b>Report Date</b>	August 1, 2024	Same date as MDC DERM Cease-and-Desist order
<b>DERM Case Reference</b>	CLIV-20240048	Directly tied to the MDC DERM enforcement action

**KEY FINDING — TWO INDEPENDENT GOVERNMENT AGENCIES / ONE C&D; / SAME DATE:**

MDC DERM issued a Cease-and-Desist against Folio 30-5815-000-0795 on August 1, 2024 implying wetland classification. On that same date, USDA NRCS — a separate federal agency — issued a Custom Soil Resource Report for the identical parcel classifying it as Farmland of Unique Importance and stating "Hydric soil rating: No." SFWMD subsequently initiated its own enforcement, then closed the case without finding of violation, without producing its delegation agreement, and without producing an F.A.C. 62-340 assessment. A cease-and-desist that rests on a wetland classification cannot be treated as self-proving when the federal soil survey agency classified the same land as non-hydric farmland on the same day the order was issued.

**Source Documents in This Exhibit**

SFWMD Formal Closure Letter — Gabriela Munoz, Environmental Analyst 3 · July 21, 2025 · Enforcement Case No. 23523 · Folio No. 3058150000795 · "the above referenced enforcement case is hereby closed"

USDA NRCS Custom Soil Resource Report Cover / Aerial Map · Miami-Dade County Area, Florida · Victor Reyes · Dated August 1, 2024 · Folio No. 30-5815-000-0795 · DERM Case CLIV-20240048 · Aerial photograph confirms active nursery operations on parcel

USDA NRCS Principal Map Unit Description — annotated · 23—Chekika very gravelly marly loam, 0 to 2 percent slopes · Farmland classification: Farmland of unique importance · Hydric soil rating: No ■ annotated in red · Frequency of flooding: None · Frequency of ponding: None ■ annotated in blue

USDA NRCS Farmland Classification Table · Farmland of Unique Importance designation for Folio No. 30-5815-000-0795 · 100% of Area of Interest (5.0 acres) classified as Farmland of Unique Importance

**Source Document A — SFWMD Formal Closure Letter · Gabriela Munoz · Enforcement Case No. 23523 · July 21, 2025**



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

July 21, 2025

Adri Marc S.A., Successor Trustee  
The Cabana Living Land Trust  
8901 SW 157 AVE 16 167  
Miami, FL 33196

**Subject: The Cabana Living Land Trust Property  
Closure of Enforcement Case  
Enforcement Case No. 23523  
Folio No. 3058150000795  
Miami-Dade County**

Dear Mr. Marc:

As discussed with South Florida Water Management District (District) staff and Victor Reyes on July 16, 2025, the above referenced enforcement case is hereby closed.

If you have any questions or require additional assistance, please contact Gabriela Munoz at 561-682-2329 or via email at [gamunoz@sfwmd.gov](mailto:gmunoz@sfwmd.gov).

Sincerely,

A handwritten signature in blue ink that reads "Gabriela Munoz".

Gabriela Munoz  
Environmental Analyst 3

eEnclosures: Location Map ([23523\\_LocMap\\_20250613.pdf](#))

c: Victor Reyes (E-Mail)

*This document is filed in the eEnforcement system under Enforcement Case Number 23523*

**Source Document B — USDA NRCS Custom Soil Resource Report Cover / Aerial Map · Folio No. 30-5815-000-0795 · Dated August 1, 2024**

Folio No. 30-5815-000-0795 | DERM Case CLIV-20240048 | May 28, 2025



A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

# Custom Soil Resource Report for Miami-Dade County Area, Florida

**Victor Reyes**



August 1, 2024

Source Document C — USDA NRCS Principal Map Unit Description · Annotated · Chekika very gravelly marly loam · Hydric soil rating: No

Custom Soil Resource Report

Miami-Dade County Area, Florida

23—Chekika very gravelly marly loam, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 2z9sl
Elevation: 0 to 20 feet
Mean annual precipitation: 55 to 70 inches
Mean annual air temperature: 77 to 81 degrees F
Frost-free period: 365 days

Farmland classification: Farmland of unique importance

USDA NRCS FARMLAND OF UNIQUE IMPORTANCE

Map Unit Composition

Chekika and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Chekika

Setting

Landform: Rises on marine terraces
Landform position (three-dimensional): Tread, talf
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Loamy marl over oolitic limestone

Typical profile

Lmap - 0 to 5 inches: very gravelly loam
2R - 5 to 15 inches: bedrock

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: 2 to 10 inches to lithic bedrock
Drainage class: Somewhat poorly drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 2.00 in/hr)
Depth to water table: About 18 to 42 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 80 percent
Maximum salinity: Slightly saline to strongly saline (4.0 to 16.0 mmhos/cm)
Sodium adsorption ratio, maximum: 4.0
Available water supply, 0 to 60 inches: Very low (about 0.9 inches)

Frequency of flooding: None
Frequency of ponding: None

0 to flooding / No ponding

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: D
Forage suitability group: Shallow or moderately deep, sandy or loamy soils on rises and ridges of mesic uplands (G156AC521FL)
Other vegetative classification: Shallow or moderately deep, sandy or loamy soils on rises and ridges of mesic uplands (G156AC521FL)

Hydric soil rating: No

USDA NRCS HYDRIC SOIL RATING: NO

**Source Document D — USDA NRCS Farmland Classification Table · Farmland of Unique Importance**

Custom Soil Resource Report

**Table—Farmland Classification**

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
23	Chekika very gravelly marly loam, 0 to 2 percent slopes	Farmland of unique importance	5.0	100.0%
<b>Totals for Area of Interest</b>			<b>5.0</b>	<b>100.0%</b>

**Rating Options—Farmland Classification**

*Aggregation Method:* No Aggregation Necessary

Aggregation is the process by which a set of component attribute values is reduced to a single value that represents the map unit as a whole.

A map unit is typically composed of one or more "components". A component is either some type of soil or some nonsoil entity, e.g., rock outcrop. For the attribute being aggregated, the first step of the aggregation process is to derive one attribute value for each of a map unit's components. From this set of component attributes, the next step of the aggregation process derives a single value that represents the map unit as a whole. Once a single value for each map unit is derived, a thematic map for soil map units can be rendered. Aggregation must be done because, on any soil map, map units are delineated but components are not.

For each of a map unit's components, a corresponding percent composition is recorded. A percent composition of 60 indicates that the corresponding component typically makes up approximately 60% of the map unit. Percent composition is a critical factor in some, but not all, aggregation methods.

The majority of soil attributes are associated with a component of a map unit, and such an attribute has to be aggregated to the map unit level before a thematic map can be rendered. Map units, however, also have their own attributes. An attribute of a map unit does not have to be aggregated in order to render a corresponding thematic map. Therefore, the "aggregation method" for any attribute of a map unit is referred to as "No Aggregation Necessary".

*Tie-break Rule:* Lower

The tie-break rule indicates which value should be selected from a set of multiple candidate values, or which value should be selected in the event of a percent composition tie.

**Hydric Rating by Map Unit**

This rating indicates the percentage of map units that meets the criteria for hydric soils. Map units are composed of one or more map unit components or soil types, each of which is rated as hydric soil or not hydric. Map units that are made up dominantly of hydric soils may have small areas of minor nonhydric components in the higher positions on the landform, and map units that are made up dominantly of

**EXHIBIT A-7**

August 23, 2005 / July 24, 2006

*Congressional Research Service Report RS21331 (Two Versions) / Federal Legislative Record of Government-Caused Flooding / 8.5 SMA*

## **Garcia v. United States — The Community Won. Congress Responded. The Government Still Has Not Paid.**

On July 5, 2002, a federal court ruled in *Garcia v. United States, No. 01-801-CIV-Moore* that the U.S. Army Corps of Engineers had a mandatory legal obligation to protect the entire Las Palmas Community / 8.5 Square Mile Area from flooding — and could not condemn community land without specific authorization. Congress responded directly with P.L. 108-7 §157 (FY2003 Consolidated Appropriations), mandating the Alternative 6D flood protection system. CRS Report RS21331 is the nonpartisan federal legislative record that documents this victory — and cites this case by name, case number, and ruling date. The government has never paid just compensation for what it did to this community.

### **RELEVANCE TO THE TAKING — LAS PALMAS COMMUNITY / 8.5 SMA**

CRS RS21331 (both versions) is the authoritative congressional record documenting: the government's water management decisions that flooded the 8.5 SMA; the mandatory statutory obligation under §104(b), P.L. 101-229 that was never fulfilled; the community's July 5, 2002 federal court victory in *Garcia v. United States*; Congress's direct response via P.L. 108-7 §157 mandating Alternative 6D; and eminent domain against landowners whose parcels the government's own regulatory system simultaneously valued as high-value mitigation assets. MDC DERM cease-and-desist orders were served on certain property owners under threat of liens, fines, and criminal prosecution — without F.A.C. 62-340 biological verification. The broader Las Palmas Community continues to face ongoing attacks by MDC DERM and SFWMD in violation of P.L. 101-229. No just compensation has been provided.

### **KEY FINDING — THE CONGRESSIONAL RECORD DOCUMENTS THE COMMUNITY'S VICTORY AND THE GOVERNMENT'S ONGOING BREACH:**

CRS RS21331 cites *Garcia v. United States, No. 01-801-CIV-Moore* by name, case number, and ruling date — making this community's federal court victory part of the permanent federal legislative record. The Corps had a mandatory duty to protect the entire 8.5 SMA. Congress mandated Alternative 6D via P.L. 108-7 §157. The government invested ≈\$400 million in the project that caused the flooding. Every subsequent enforcement action against Las Palmas / 8.5 SMA property owners occurred after a federal court had already ruled the government exceeded its authority. No just compensation has been paid.

**Source Document A — CRS RS21331, August 23, 2005**

Order Code RS21331 · Author: Pervaze A. Sheikh · Congressional Research Service, Resources, Science and Industry Division

**HIGHLIGHTED PASSAGES — DIRECTLY RELEVANT TO THE TAKING****HIGHLIGHTED PASSAGE — CRS RS21331 (Aug. 2005), Page CRS-3**

Mod Waters is expected to flood some residential and agricultural areas adjacent to the park. Legislation authorizing this project instructs the Secretary of the Army to determine if residential and agricultural areas within or adjacent to the 8.5 SMA will be flooded from the hydrological changes of Mod Waters (§104(a)). If these areas are under threat of flooding, the law mandates that a flood protection system must be developed for the area (§104(b)).

*Relevance to The Taking: Congress expressly acknowledged that Mod Waters would flood the Las Palmas / 8.5 SMA and mandated flood protection. That mandate was not fulfilled — establishing the government's breach of its own statutory obligation to the property owners whose use was later suppressed without just compensation.*

**HIGHLIGHTED PASSAGE — CRS RS21331 (Aug. 2005), Page CRS-5 · Garcia v. United States Citation**

On February 23, 2001, some residents who are unwilling to sell their land in the 8.5 SMA filed a case against the Corps with two complaints. They asserted that the Corps does not have the authority to implement a plan that does not protect the entire 8.5 SMA from flooding, and that the Corps does not have the authority to exercise eminent domain or spend money to acquire their land through condemnation. [Footnote 13: Garcia vs. United States, No. 01-801-CIV-Moore, slip op. (D.S.D. FL. July 5, 2002).]

*Relevance to The Taking: The federal congressional record directly cites Garcia v. United States — this very case — confirming that the litigation is part of the documented federal legislative history of Mod Waters and the 8.5 SMA.*

**HIGHLIGHTED PASSAGE — CRS RS21331 (Aug. 2005), Page CRS-5 · 1992 Plan Deemed "Unworkable"**

The 1992 Plan was later deemed "unworkable" by the superintendent of Everglades National Park, who claimed that it would not provide full flood protection for current and future residents in the 8.5 SMA.

*Relevance to The Taking: The government's own flood protection plan was officially acknowledged as inadequate. Property owners were thus left without the statutory protection Congress mandated — a government-created condition directly causally linked to the regulatory burden subsequently imposed by MDC DERM without compensation.*

**HIGHLIGHTED PASSAGE — CRS RS21331 (Aug. 2005), Page CRS-4 · Project Cost / Scale of Impact**

The original cost of completing Mod Waters was estimated at \$81.3 million in 1990. The current estimated cost for completing the project is \$398 million. To date, approximately \$192 million has been appropriated... approximately \$200 million is for land acquisitions and approximately \$198 million is for construction, design, and monitoring.

*Relevance to The Taking: The federal government committed nearly \$400 million to a project it knew would flood the 8.5 SMA, spending \$200 million on land acquisitions — while simultaneously denying remaining agricultural landowners just compensation for the regulatory burden that same project created.*

## Source Document B — CRS RS21331, July 24, 2006 (Updated)

Order Code RS21331 · Author: name redacted (CRS) · Congressional Research Service, Resources, Science and Industry Division

The 2006 updated version of CRS RS21331 confirms that the conditions documented in 2005 persisted and worsened — the project remained eight years behind schedule, eminent domain was still actively being used against 8.5 SMA landowners, and the flood protection obligation remained unfulfilled. The 2006 record strengthens the taking claim by showing continuous, unresolved government action.

### HIGHLIGHTED PASSAGES — DIRECTLY RELEVANT TO THE TAKING

#### HIGHLIGHTED PASSAGE — CRS RS21331 (Jul. 2006), Summary · Project Status

Currently, the project is eight years behind schedule and will cost an estimated \$400 million to build. Part of the delay is due to extended efforts to acquire land from private and state owners. Federal agencies have used eminent domain to acquire some lands, a process that has been contentious.

*Relevance to The Taking: By 2006 the federal land acquisition program was still ongoing, still using eminent domain, and still unresolved — confirming that property rights in the 8.5 SMA remained under continuous government pressure without just compensation to all affected owners.*

#### HIGHLIGHTED PASSAGE — CRS RS21331 (Jul. 2006), Page 4 · Flooding Mandate Reaffirmed

Mod Waters is expected to flood some residential and agricultural areas adjacent to the park. Legislation authorizing this project instructs the Secretary of the Army to determine if residential and agricultural areas within or adjacent to the 8.5 SMA will be flooded from the hydrological changes of Mod Waters (§104(a)). If these areas are under threat of flooding, the law mandates that a flood protection system must be developed for the area (§104(b)).

*Relevance to The Taking: The 2006 update reaffirms the same statutory mandate — the government was obligated to protect the 8.5 SMA from flooding it caused. One year after the 2005 report, the obligation remained unfulfilled and the property owners remained without just compensation.*

#### HIGHLIGHTED PASSAGE — CRS RS21331 (Jul. 2006), Pages 5–6 · Eminent Domain / Land Acquisition

Implementation of Mod Waters is dependent on acquiring land in the 8.5 SMA. Land acquisition in this area is controversial because there are several unwilling sellers and the Corps is exercising eminent domain in some cases to acquire necessary lands... Approximately 78% of the 843 needed tracts have been acquired, and of the remaining 189 tracts, 57% are in negotiations for acquisition and 43% are expected to be condemned.

*Relevance to The Taking: As of 2006, 43% of remaining tracts were slated for condemnation — a documented ongoing government property acquisition program without voluntary consent. This is the identical factual and geographic context in which MDC DERM served cease-and-desist orders on certain Las Palmas property owners — and in which the entire Las Palmas Community / 8.5 SMA continues to face ongoing regulatory attacks by MDC DERM and SFWMD in violation of the congressional mandate established in P.L. 101-229. No just compensation has been provided.*

**Source Document B — CRS RS21331 (July 24, 2006) — continued**

Order Code RS21331 · Congressional Research Service · Additional highlighted passages

**HIGHLIGHTED PASSAGE — CRS RS21331 (Jul. 2006), Page 5 · 1992 Plan "Unworkable" Confirmed**

The Corps developed a flood mitigation plan in 1992 to provide flood mitigation for residents in the 8.5 SMA and allow for the implementation of Mod Waters. However, the 1992 Plan was later deemed "unworkable" by the superintendent of Everglades National Park, who claimed that it would not provide full flood protection for current and future residents in the 8.5 SMA.

*Relevance to The Taking: The 2006 CRS update confirms: the government's own flood protection plan was inadequate. The taking claim rests in part on this documented failure — the government caused the flooding, mandated its own remedy, failed to deliver that remedy, and then imposed regulatory restrictions on the same owners without compensation.*

**HIGHLIGHTED PASSAGE — CRS RS21331 (Jul. 2006), Pages 5–6 · Garcia v. United States / Corps Appeal**

Some residents who were unwilling to sell their land in the 8.5 SMA filed suit against the Corps in 2001. They asserted that the Corps does not have the authority to implement a plan that does not protect the entire 8.5 SMA from flooding, and that the Corps does not have the authority to exercise eminent domain or spend money to acquire their land through condemnation. [Garcia vs. United States, No. 01-801-CIV-Moore.] On July 5, 2002, a district judge restricted the Corps from veering from its original mandate to protect the entire community from flooding, and prevented the Corps from acquiring land in the 8.5 SMA. The Corps later appealed this decision and are now acquiring lands in the area.

*Relevance to The Taking: The 2006 CRS update confirms that the Garcia ruling remained operative and that the Corps was actively acquiring 8.5 SMA lands pursuant to the congressional mandate it produced — P.L. 108-7 §157. Every land acquisition and every enforcement action after July 5, 2002 occurred within the legal framework that ruling established. The Las Palmas Community won. The obligation to pay has never been discharged.*

## The Class IV Permit Coercion — An Independent Taking

Five-Agency Benefit Structure / Coerced Signatures / Mitigation Credit Pipeline · Las Palmas Community / 8.5 SMA

The coerced Class IV Wetland Permit is not merely a procedural irregularity — it is an independent constitutional taking. Each permit obtained through threats of liens, code enforcement fines, and criminal exposure — without the biological foundation Florida law requires (F.A.C. 62-340) — converted a working agricultural parcel into a mitigation credit asset. The landowner received the regulatory burden. Five government agencies and commercial developers received the financial benefit. No just compensation was paid. This is the core mechanism of the taking.

### THE COERCION MECHANISM — HOW IT WORKED

MDC DERM approached Las Palmas / 8.5 SMA agricultural landowners with a binary threat: **sign a Class IV Wetland Permit, or face enforcement.** The enforcement threat was not theoretical. It included escalating daily fines under Miami-Dade County Code Chapter 24 and Chapter 8CC, placement of liens against the property, and in documented cases, threats of criminal prosecution and incarceration. This is not regulation — it is coercion. A signature obtained under these conditions is not voluntary consent. It is a document of duress.

The coercion was compounded by the absence of the one thing that could make it lawful: a prior field-verified biological determination under F.A.C. 62-340 confirming all three wetland indicators — hydrophytic vegetation, hydric soils, and wetland hydrology — on the specific parcel. Without that determination, DERM had no jurisdiction. Without jurisdiction, the enforcement threat had no legal foundation. A threat made without legal foundation is not a regulatory act — it is an unconstitutional exaction under *Koontz v. St. Johns River Water Management District*, 570 U.S. 595 (2013).

Once the Class IV permit was signed — under duress — the parcel's land-use classification was administratively fixed as a wetland in the regulatory record. That administrative determination, regardless of biological reality, then became the basis for mitigation credit generation. The farm ceased to be a farm. It became a credit-generating asset — but the landowner received none of the credit value. That value flowed entirely to the regulatory system.

### FIVE-AGENCY BENEFIT STRUCTURE — WHO PROFITED FROM THE COERCION

Agency	Role in Coercion	Financial Benefit Received	Landowner Received
<b>MDC DERM / Miami-Dade County</b>	Issued Cease-and-Desist orders without F.A.C. 62-340 biological verification. Presented binary choice: sign Class IV Permit or face liens, daily fines, and criminal prosecution. No independent oversight body stood between DERM's classification decision and its enforcement outcome.	Regulatory compliance metrics. EEL program land acquisition at suppressed below-market values — agricultural parcels made economically untenable by enforcement pressure. NPDES compliance partially satisfied by involuntary private land use at no cost to the County.	Cease-and-Desist order. Class IV Wetland Permit under duress. Permanent administrative wetland classification. Loss of agricultural use. No compensation.

Agency	Role in Coercion	Financial Benefit Received	Landowner Received
<p><b>SFWMD / South Florida Water Mgmt. District</b></p>	<p>Accepted DERM's unverified C&amp;D; as jurisdictional predicate for ERP authority over Las Palmas parcels — without conducting an independent F.A.C. 62-340 field determination. Issued new enforcement (Case No. 23523, July 2025) over a year after completing the seepage wall that fixed the flooding SFWMD caused. Could not produce the §373.441, F.S. delegation agreement required before exercising jurisdiction over agricultural lands.</p>	<p>Mitigation credits generated from administratively classified parcels — valued at \$100,000–\$200,000 per credit in South Florida (Exhibit A-1). Credits sold to outside-UDB commercial developers (Parkland/Krome Groves DRI; SR 836 Expressway extension) whose projects could not proceed without them. 863-parcel portfolio received by quitclaim deed from USACE — every constitutional defect transferred with no warranty.</p>	<p>Enforcement notice. Threat of fines and sanctions. Administrative wetland classification fixed in the regulatory record. No credit revenue share. No compensation.</p>
<p><b>USACE / U.S. Army Corps of Engineers</b></p>	<p>Water management operations under P.L. 101-229 caused the flooding that suppressed land values and created the hydrological pretext for wetland classification. Acquired parcels at recorded deed consideration figures justified by a "landlocked" designation — while the same parcels were classified as mitigation assets worth multiples of the acquisition price. Transferred all 863 parcels to SFWMD by quitclaim deed — the only deed form that carries no title warranties — deliberately moving constitutional liability off federal books.</p>	<p>Acquisition of 863 parcels at recorded consideration figures far below independent fair market value for land the government's own regulatory system classified as high-value mitigation assets. Transfer of constitutional liability to SFWMD. Completion of Mod Waters — a ~\$400M federal project — using land acquired through coercive and below-market means.</p>	<p>Below-market acquisition offers justified by "landlocked" designation. Quick-take condemnation proceedings. No share of mitigation credit value generated from acquired parcels. No just compensation for the taking.</p>
<p><b>FDEP / Florida Dept. of Environmental Protection</b></p>	<p>Failed to produce and maintain the §373.441, F.S. delegation agreement required before SFWMD may exercise ERP jurisdiction over agricultural lands. Failed to enforce F.A.C. 62-340 compliance standards for SFWMD's wetland delineations and credit generation. Accepted phantom mitigation credits generated by administrative restriction alone — without biological foundation — under its oversight authority.</p>	<p>Regulatory program compliance metrics. Federal Section 404 permitting authority received December 2020 — administered over a classification framework whose foundational biological determinations were not independently verified. Avoided the cost and controversy of challenging a structurally defective credit system operating under its supervision.</p>	<p>Nothing. Landowners received no notice that the delegation agreement authorizing SFWMD's jurisdiction over their agricultural parcels could not be produced. No compensation.</p>

Agency	Role in Coercion	Financial Benefit Received	Landowner Received
<p><b>State of Florida / through SFWMD and FDEP</b></p>	<p>State sovereign authority exercised through SFWMD and FDEP to assert wetland jurisdiction, generate mitigation credits, and condition development approvals for outside-UDB projects on credit availability — credits whose supply was maintained by the coercive classification of Las Palmas agricultural land. The Everglades Restoration program presented to the public as ecological preservation generated a state-administered financial pipeline from private farmland to commercial developers.</p>	<p>CERP implementation advanced using private land acquired and classified at below-market cost. Stormwater management obligations of eastern Miami-Dade urban development partially offset by involuntary use of Las Palmas / 8.5 SMA rural land. Mitigation credit market maintained by state-controlled supply of administratively classified parcels — enabling continued outside-UDB development approvals.</p>	<p>Regulatory burden. Loss of agricultural classification and economic use. Coerced permit signatures. Soil degradation from decades of stormwater retention. No compensation from the State of Florida.</p>

**KEY FINDING — THE CLASS IV PERMIT COERCION IS AN INDEPENDENT FIFTH AMENDMENT TAKING:**

Each Class IV Wetland Permit obtained from a Las Palmas / 8.5 SMA landowner through threats of liens, escalating daily fines, and criminal prosecution — without prior F.A.C. 62-340 biological field verification — is a document of unconstitutional duress. Under *Koontz v. St. Johns River Water Management District*, 570 U.S. 595 (2013), demanding permit conditions under threat of enforcement, where those conditions lack a legitimate nexus to actual parcel conditions, constitutes an unconstitutional exaction. Each such permit: (1) permanently fixed the parcel's wetland classification in the administrative record; (2) generated mitigation credits worth \$100,000–\$200,000 per unit that flowed to MDC DERM, SFWMD, USACE, FDEP, and the State of Florida and their commercial development beneficiaries; and (3) provided zero compensation to the landowner whose property made that value possible. The credit value extracted from coerced Las Palmas permits represents unjust enrichment subject to disgorgement, and the permit itself is independently challengeable as a taking without just compensation. The entire Las Palmas Community / 8.5 SMA — not only those who received C&D; orders — faces this ongoing regulatory attack in violation of the congressional mandate established by P.L. 101-229.

## Comparative Analysis — 2005 vs. 2006 Versions / Fifth Amendment Framework

Both versions of CRS RS21331 read together as a unified congressional record

### KEY FACTUAL COMPARISONS — 2005 vs. 2006 VERSIONS

Issue	Aug. 2005 Version	Jul. 2006 Update	Significance for Taking Claim
Flooding of 8.5 SMA	Expected to flood most of 8.5 SMA	Confirmed — still expected to flood most of 8.5 SMA	Continuous congressional acknowledgment of flooding impact on Las Palmas Community
Flood protection mandate	§104(b) P.L. 101-229 mandates protection system	Same mandate reaffirmed in update	Statutory obligation persisted unfulfilled across both reporting periods
1992 Plan status	Deemed "unworkable" by ENP superintendent	Still referenced as failed / replaced by Alternative 6D	Government's own protection plan acknowledged as inadequate
Garcia v. US citation	Directly cited at footnote 13	Litigation referenced — Corps appealed, now acquiring lands	This case is embedded in the federal legislative record
Eminent domain	~90% signed contracts; 13 tracts condemned by June 2004	78% of 843 tracts acquired; 43% of remaining to be condemned	Ongoing expanding condemnation — same area as MDC DERM enforcement
Project cost	\$398M estimated / \$192M appropriated	\$398M estimated / \$252M appropriated	\$60M more spent in one year — sustained federal investment confirming scale

### FIFTH AMENDMENT TAKING ANALYSIS — PENN CENTRAL FACTORS

The three Penn Central factors — applied to the facts documented in both versions of CRS RS21331 — each weigh in favor of the property owner:

- Economic Impact:** Mod Waters was expected to flood most of the 8.5 SMA (CRS RS21331, both versions). MDC DERM subsequently served cease-and-desist orders on certain Las Palmas / 8.5 SMA property owners in this same hydrological context — and the entire Las Palmas Community continues to face ongoing regulatory attacks by MDC DERM and SFWMD in violation of P.L. 101-229. The economic impact is severe, community-wide, and government-caused.
- Interference with Investment-Backed Expectations:** The 8.5 SMA contained active agricultural and residential uses predating Mod Waters. The government's own 1992 plan and Alternative 6D confirm that owners had reasonable expectations of continued use — expectations Congress itself was obligated to protect.
- Character of Government Action:** The CRS record establishes that the regulatory burden on Las Palmas / 8.5 SMA owners was not incidental — it was the direct, foreseeable, and acknowledged consequence of a federal infrastructure project authorized and funded by Congress, targeting specific property owners for the public benefit without just compensation.

**CONSOLIDATED KEY FINDING — BOTH CRS VERSIONS / UNIFIED EXHIBIT RECORD:**

Read together, the August 2005 and July 2006 versions of CRS RS21331 form a two-year congressional record establishing: (1) that Mod Waters was known to cause flooding in Las Palmas / 8.5 SMA; (2) that Congress mandated flood protection that was never fully provided; (3) that *Garcia v. United States* (No. 01-801-CIV-Moore) is embedded in that federal legislative record; (4) that eminent domain was used against unwilling sellers in the 8.5 SMA; (5) that MDC DERM cease-and-desist orders were served on certain Las Palmas property owners in this same government-caused hydrological context; and (6) that the entire Las Palmas Community / 8.5 SMA continues to face ongoing regulatory attacks by MDC DERM and SFWMD in violation of the congressional mandate of P.L. 101-229, without just compensation to any affected owner. The Penn Central factors, the Lucas categorical taking doctrine, and the government's own congressional record each support a cognizable Fifth Amendment taking claim.

**GARCIA v. UNITED STATES — THE RULING, THE CONGRESSIONAL RESPONSE, AND THE ONGOING BREACH**

On July 5, 2002, District Judge Moore ruled in *Garcia v. United States*, No. 01-801-CIV-Moore (S.D. Fla.) that the U.S. Army Corps of Engineers had a mandatory legal obligation to protect the entire 8.5 Square Mile Area from flooding and could not condemn community land without specific congressional authorization. CRS RS21331 (August 2005 version, footnote 13) cites this ruling by name, case number, and date — making the community's federal court victory part of the permanent federal legislative record.

Congress responded directly with P.L. 108-7 §157 (FY2003 Consolidated Appropriations), mandating the Alternative 6D flood protection system and requiring that displaced residential owners be offered comparable replacement property before any condemnation could proceed. The seepage wall completed in 2024 is the physical realization of that mandate — twenty-two years after the court ordered it. Stabilization of the harm the government caused is not compensation. The obligation to pay remains outstanding.

Every enforcement action taken against Las Palmas / 8.5 SMA property owners after July 5, 2002 — MDC DERM cease-and-desist orders issued without F.A.C. 62-340 biological verification, SFWMD ERP jurisdiction asserted without the §373.441 delegation agreement, and the July 2025 SFWMD Enforcement Case No. 23523 — occurred after a federal court had already ruled that the government's treatment of this community exceeded its legal authority. The Las Palmas Community won in federal court. It has never been made whole.

**GARCIA AND ALTERNATIVE 6D — WHAT THE CONGRESSIONAL RECORD CONFIRMS:**

The *Garcia* ruling is not background to this exhibit — it is the exhibit. CRS RS21331 documents it. Congress legislated in response to it. The seepage wall was built because of it. And the regulatory attacks on Las Palmas property owners continued after it, in violation of the mandate it produced. The government has known, since July 5, 2002, that it exceeded its authority in this community. It has never paid. That is the taking.

# CRS Report for Congress

Received through the CRS Web

## Everglades Restoration: Modified Water Deliveries Project

Pervaze A. Sheikh

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Resources, Science, and Industry Division

### Summary

The Modified Water Deliveries Project (Mod Waters) is a controversial ecological restoration project in south Florida designed to improve water delivery to Everglades National Park. The implementation schedule of Mod Waters is of interest to Congress partly because its completion is required before the implementation of portions of the Comprehensive Everglades Restoration Plan. Concerns have been raised in hearings on the Administration's FY2006 budget request regarding the cost of implementing the project and the U.S. Army Corps of Engineers' authority to fund the project. **Further, due to concerns regarding phosphorus pollution in the Everglades, Congress enacted a provision in the FY2004, FY2005, and FY2006 Interior Appropriations Acts that conditions funding for Mod Waters on meeting state water quality standards. In addition, the use of eminent domain to acquire land for a flood mitigation plan adjacent to the park has been contentious.** Several landowners who were unwilling to sell their land obtained a ruling in federal court that prevented further land acquisitions in the area. The Corps appealed this decision, and Congress authorized a plan, which included land acquisition, in the Consolidated Appropriations Resolution for FY2003 (P.L. 108-7). This report provides background on Mod Waters and discusses issues relating to its current status, funding, and land acquisition needs. This report will be updated as warranted.

### Most Recent Developments

The Modified Waters Deliveries Project (Mod Waters) is being implemented by the Department of the Interior and the U.S. Army Corps of Engineers in southern Florida. (See **Figure 1**.) For FY2006, the Administration has requested a total of \$60 million for the project: \$35 million through the Corps and \$25 million through the Department of the Interior.

The President's request for the Everglades has drawn attention because of a proposed change in the funding of Mod Waters. The request called for the Corps to broaden its role by jointly funding the project with the Department of Interior, which previously had solely funded the project. This raises the question of whether the Corps is authorized to receive

appropriations to work on the project. The Administration's position appears to be for the Corps to pay for roughly two-thirds of the remaining \$191 million required to complete the project from FY2006-FY2009.<sup>1</sup> The Interior Appropriations Act for FY2006 provides \$25 million for Mod Waters and conditions this funding to the appropriation of matching funding for the Corps (P.L. 109-54). Corps funding for Mod Waters for FY2006 is not yet determined. The House version of the Energy and Water Appropriations (H.R. 2419) provides \$35 million and the in H.Rept. 109-86 the Committee states that the Corps has sufficient authority to receive and expend funds to proceed with project construction. The Senate version of H.R. 2419 does not fund Mod Waters, and according to S.Rept. 109-84, the Senate Appropriations Committee "does not believe sufficient current authorization exists for the Corps to fund the work."

A provision in the Interior Appropriations Act for FY2006 (P.L. 109-54) conditions funding for Mod Waters on meeting state water quality standards. This provision cites provisions in the FY2004 Interior Appropriations Act, which states that funds appropriated for Mod Waters will be provided *unless* the Secretary of the Interior, Secretary of the Army, Administrator of the EPA, and Attorney General indicate in a joint report (to be filed annually until December 31, 2006) that water entering the A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park does not meet state water quality standards, and the House and Senate Committees on Appropriations respond in writing disapproving the further expenditure of funds.<sup>2</sup>

## Background

The **Modified Water Deliveries Project was authorized by the Everglades National Park Protection and Expansion Act of 1989 (P.L. 101-229)** to improve water deliveries to Everglades National Park and, to the extent possible, restore the natural hydrological conditions within the park. The completion of Mod Waters is expected to be significant step towards the implementation of the Comprehensive Everglades Restoration Plan (CERP; Title VI, P.L. 106-541, the Water Resources Development Act of 2000 [WRDA

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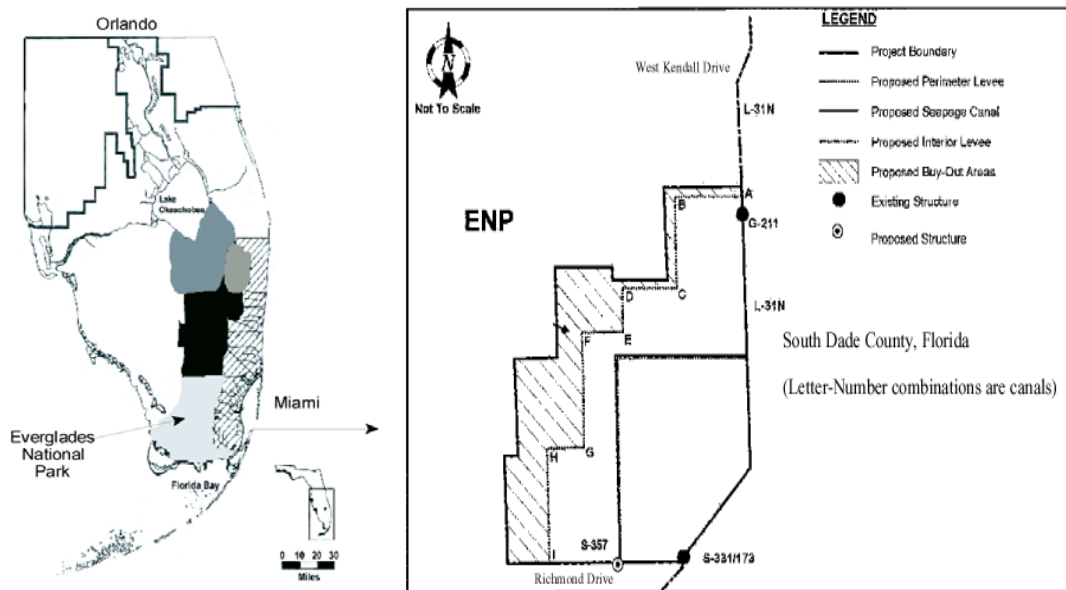
<sup>1</sup> U.S. Dept. of the Interior, News Release, "FY2006 Interior Budget Emphasizes Commitments, Cooperative Efforts, Performance and Fiscal Restraint," Feb. 7, 2005. Accessed March 14, 2005 at [[http://www.doi.gov/news/05\\_News\\_Releases/050207a](http://www.doi.gov/news/05_News_Releases/050207a)].

<sup>2</sup> For more information, see CRS Report RL32131, *Phosphorus Mitigation in the Everglades*, by Pervaze Sheikh and Barbara Johnson.

2000)].<sup>3</sup> Mod Waters must be completed before appropriations can be made to construct other restoration projects in the east Everglades (§601(b)(2)(D)(iv) of WRDA 2000).

Mod Waters is expected to consist of structural modifications and additions to the Central and Southern Florida Project (C&SF Project) to improve the timing, distribution, and quantity of water flow to the Northeast Shark River Slough.<sup>4</sup> Increased water flow to the Northeast Shark River Slough will increase water supplies in the park and is expected to improve the natural habitat and hydrology of a portion of the Everglades ecosystem.<sup>5</sup>

**Figure 1. The 8.5 Square Mile Area in Southern Florida**



**Source:** Adapted from the U.S. Army Corps of Engineers.

**Mod Waters is expected to flood some residential and agricultural areas adjacent to the park.** Legislation authorizing this project instructs the Secretary of the Army to determine if residential and agricultural areas within or adjacent to the 8.5 SMA will be flooded from the hydrological changes of Mod Waters (§104(a)). If these areas are under threat of flooding, **the law mandates that a flood protection system must be developed for**

<sup>3</sup> For more information Florida Everglades restoration, see CRS Report RS20702, *South Florida Ecosystem Restoration and the Comprehensive Ecosystem Restoration Plan*, by Nicole Carter.

<sup>4</sup> Originally, the Corps was asked to alter water flow in the Everglades to control flooding, open land for agriculture, and provide water supplies to urban areas. The cornerstone of this effort was the Central and Southern Florida Project, which was authorized by the Flood Control Project Act of 1948 (ch. 771, 62 Stat. 1171). This project resulted in nearly 1,000 miles of canals, 720 miles of levees, and more than 200 water control structures (e.g., dikes, dams and pumping stations).

<sup>5</sup> For more details, see U.S. Army Corps of Engineers, *Modified Water Deliveries to Everglades National Park and South Dade Canals (C-111) Projects* accessed on March 14, 2005, at [<http://www.saj.usace.army.mil/dp/MWDC111.htm>].

the area (§104(b)). To prevent flooding, several mitigation features have been developed. One of these features is called Alternative 6D, which is a plan for protecting residents in the 8.5 SMA from flood waters resulting from the project (discussed further below).

The importance of Mod Waters goes beyond its expected direct results. Legislation authorizing CERP provides that the Mod Waters must be completed before several CERP projects involving water flows on the east side of the park can receive appropriations (§601(b)(2)(D)(iv) of WRDA 2000).

## Issues Surrounding the Modified Water Deliveries Project

Three issues are being debated about the implementation of Mod Waters, including its estimated funding level, the relevance of its completion to overall restoration efforts in the Everglades, and the controversy surrounding land acquisition in the 8.5 SMA.

**Funding.** The question of whether the Corps is authorized to fund Mod Waters has been an issue during the deliberation over the FY2006 Energy and Water Appropriations. Arguments used to support the proposition that the Corps could be authorized to directly fund Mod Waters cite §102(f) of the Everglades National Park Protection and Expansion Act of 1989 (P.L. 101-229), which is the only section that authorizes funding and authorizes such sums as may be necessary to carry out the provisions of the act. This provision would include §104, which authorizes Mod Waters, though it primarily authorizes activities carried out by the Corps. Arguments used to argue against Corps authorization to fund Mod Waters could cite the long history of transfers from the NPS to the Corps, which could be argued to establish a strong precedent for the lack of Corps authority. Due to these conflicting arguments and the lack of clear legislative intent, the authority for the Corps to directly fund Mod Waters might still remain debatable.

Rising project costs for Mod Waters led some critics to question its viability. The original cost of completing Mod Waters was estimated at \$81.3 million in 1990.<sup>6</sup> The current estimated cost for completing the project is \$398 million.<sup>7</sup> To date, approximately \$192 million has been appropriated for constructing and implementing Mod Waters, and \$206 million more is estimated to be needed to finish the project (i.e., FY2005-FY2009).<sup>8</sup> Some supporters of Mod Waters argue that changes in the implementation plan, the rising cost of land acquisition, and flood mitigation requirements have led to higher costs. This was reflected, according to some, in the changes in the 1992 General Design Memorandum, which were derived from improved modeling data and the project's need to be compatible with CERP.

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<sup>6</sup> U.S. Army Corps of Engineers, *Modified Water Deliveries to Everglades National Park*, General Design Memorandum, Jacksonville District, June 1992.

<sup>7</sup> U.S. Dept. of the Interior, *FY2006 Budget Justification, National Park Service* (Washington, DC, 2005).

<sup>8</sup> Of the total amount of funds already spent and estimated to complete Mod Waters, approximately \$200 million is for land acquisitions and approximately \$198 million is for construction, design, and monitoring, among other things.

**Project Delays.** Mod Waters was originally estimated to be completed by 1997, yet now some argue it is unclear as to when or even whether the project will be completed. The FY2006 Administration request indicates that funding will be requested through FY2009. Some argue that the delay in implementing Mod Waters jeopardizes implementation of CERP projects, causes further degradation within Everglades National Park, and will set a precedent for delays and deliberation regarding land acquisition activities when CERP projects are being implemented.<sup>9</sup> Others contend that the SFWMD has already acquired 50% of the necessary land for implementing CERP and that delays should not be an issue.

**Land Acquisition in the 8.5 Square Mile Area.** Implementation of Mod Waters was dependent on acquiring land in the 8.5 SMA. Land acquisition in this area was controversial because there were several unwilling sellers and the Corps had to exercise eminent domain in some cases to acquire the necessary lands.

The 8.5 SMA is a region adjacent to Everglades National Park of approximately 5,600 acres with a residential community of approximately 1,500 people. Due to its low topography (ranging from 5.0 to 8.5 feet NGVD<sup>10</sup>) and lack of drainage, parts of the 8.5 SMA frequently flood for several months during the rainy season (typically from May to October). With the implementation of Mod Waters, the Corps expected that most of the 8.5 SMA would flood. The Corps developed a flood mitigation plan in 1992 (the 1992 *General Design Report and EIS for Modified Water Deliveries to Everglades National Park* [1992 Plan]). The 1992 Plan was expected to provide flood mitigation for residents in the 8.5 SMA and allow for the implementation of Mod Waters. However, the 1992 Plan was later deemed “unworkable” by the superintendent of Everglades National Park, who claimed that it would not provide full flood protection for current and future residents in the 8.5 SMA.<sup>11</sup>

The Corps began to devise a new plan for Mod Waters and the 8.5 SMA in 1999, which considered several alternative plans, including the complete buyout of the 8.5 SMA. A new plan, referred to as Alternative 6D, was proposed by the Corps in 2000. This plan includes a perimeter levee, seepage canal, pump station, and storm water drainage for flood protection in the 8.5 SMA. Instead of a complete buyout of the 8.5 SMA, this plan proposed the acquisition of approximately 2,500 acres in the 8.5 SMA (39% of the total area) and the acquisition of 77 residential tracts (24 tenant-occupied tracts and 53 owner-occupied tracts) in the 8.5 SMA (13% of the total number of “residential areas” in the 8.5 SMA).<sup>12</sup>

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<sup>9</sup> §601(b)(2)(D)(iv) of WRDA 2000 provides that Mod Waters must be completed before appropriations can be made to construct other restoration projects in the east Everglades.

<sup>10</sup> NGVD is the National Geodetic Vertical Datum, which is used to assess elevation relative to sea level.

<sup>11</sup> U.S. House Resources Subcommittee on National Parks and Lands, *Issues Regarding Everglades National Park and Surrounding Areas Impacted by Management of the Everglades*, oversight hearing, April 27, 1999, 106<sup>th</sup> Cong., 1<sup>st</sup> sess. (Washington, DC: GPO), Serial No. 106-24.

<sup>12</sup> A residential area contains either a fixed home, mobile home, or travel trailer.

On February 23, 2001, some residents who are unwilling to sell their land in the 8.5 SMA filed a case against the Corps with two complaints. They asserted that the Corps does not have the authority to implement a plan that does not protect the entire 8.5 SMA from flooding, and that the Corps does not have the authority to exercise eminent domain or spend money to acquire their land through condemnation.<sup>13</sup> On July 5, 2002, a district judge adopted an earlier ruling by a federal magistrate that restricted the Corps from veering from its original mandate to protect the entire community from flooding, and prevented the Corps from acquiring land in the 8.5 SMA. The Corps appealed this decision to the U.S. Court of Appeals for the Eleventh Circuit on September 4, 2002.

To help implement Mod Waters, Congress included a provision in the Consolidated Appropriations Resolution for FY2003 (Division F, Title I, §157 of P.L. 108-7) that authorizes the Corps to implement a flood protection plan (Alternative 6D) for the “8.5 Square Mile Area”(8.5 SMA) as part of Mod Waters. Three conditions are specified in the section authorizing implementation of Alternative 6D: (1) the Corps may acquire residential property needed to carry out Alternative 6D if the owners are first offered comparable property in the 8.5 SMA that will be provided with flood protection; (2) the Corps is authorized to acquire land from willing sellers in the flood-protected portion of the 8.5 SMA to carry out the first condition; and (3) the Corps and the nonfederal sponsor may carry out these provisions with funds provided under the Everglades National Park Protection and Expansion Act of 1989 (P.L. 101-229; 16 U.S.C. §410r-8) and funds provided by the DOI for land acquisition for restoring the Everglades.

Some critics of land acquisition in the 8.5 SMA base their arguments on the same principles used to criticize the acquisition of the entire 8.5 SMA — that the federal government should not exercise eminent domain to remove unwilling sellers and that the federal government is obligated to protect all residential areas from floods under P.L. 101-229. Some critics also argue that there are several unwilling sellers in the area and that if condemnations proceed, delays due to litigation will be inevitable and will eventually harm the ecosystem.<sup>14</sup> The Corps asserts that there are several willing sellers in the 8.5 SMA.<sup>15</sup> Approximately 90% of the landowners in the 8.5 SMA have signed contracts to sell their land to the federal government and by June 2004, 13 tracts of land have been acquired by eminent domain (5 were residential tracts and 8 were unoccupied tracts). Some supporters of acquiring land in the 8.5 SMA and implementing Alternative 6D argue that if this plan is not implemented, delays may be even longer in implementing Mod Waters and restoring the regional ecosystem, to the detriment of Everglades National Park.

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<sup>13</sup> *Garcia vs. United States*, No. 01-801-CIV-Moore, slip op. (D.S.D. FL. July 5, 2002).

<sup>14</sup> Michael Grunwald, “Dispute Stalls Everglades Project,” *Washington Post*, July 17, 2002: A21.

<sup>15</sup> The Corps asserts its power for condemnation is authorized under 40 U.S.C. §257 and 33 U.S.C. §591. This authority is extended to practices of flood control under 33 U.S.C. §701 according to the Corps. Personal communication with Barry Vorse, U.S. Army Corps of Engineers, on Sept. 7, 2002.

Note: The appended July 24, 2006 CRS report is the later updated version of the same report and is included for completeness.



# Everglades Restoration: Modified Water Deliveries Project

**name redacted**

Specialist in Natural Resources Policy

July 24, 2006

Congressional Research Service

7-....

[www.crs.gov](http://www.crs.gov)

RS21331

## Summary

The Modified Water Deliveries Project (Mod Waters) is a controversial ecological restoration project in south Florida designed to improve water delivery to Everglades National Park. The implementation schedule of Mod Waters is of interest to Congress partly because its completion is required before the implementation of portions of the Comprehensive Everglades Restoration Plan. Concerns have been raised in hearings on the Administration's FY2007 budget request regarding the cost of implementing the project, project delays, and the U.S. Army Corps of Engineers' role in funding the project. Currently, the project is eight years behind schedule and will cost an estimated \$400 million to build. Part of the delay is due to extended efforts to acquire land from private and state owners. Federal agencies have used eminent domain to acquire some lands, a process that has been contentious. Further, funding for the project in Interior appropriations acts (FY2004-FY2006) is being conditioned on the State of Florida meeting water quality standards by reducing excessive phosphorus, among other things. This report provides background on Mod Waters and discusses issues relating to its current status, funding, and land acquisition needs. This report will be updated as warranted.

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## Most Recent Developments

The Modified Waters Deliveries Project (Mod Waters) is being implemented by the Department of the Interior (DOI) and the U.S. Army Corps of Engineers in southern Florida. (See **Figure 1**.) For FY2007, the Administration has requested a total of \$48 million for the project: \$35 million through the Corps and \$13.3 million through the DOI. The House-passed Interior and Energy and Water appropriations bills, and the Senate-reported Interior appropriations bill, provide the requested amount of funding for Mod Waters for FY2007. The Senate-reported Energy and Water bill, however, provides no funding for Mod Waters (for the Corps) for FY2007 and limits funds to \$35 million for the Corps to construct this project. The Senate Appropriations Committee report on the Energy and Water bill (S.Rept. 109-274) states that Mod Waters should be solely funded by the DOI since it benefits Everglades National Park.

DOI and the Corps jointly funded Mod Waters in FY2007. Previously, DOI had solely funded the project. Joint funding of Mod Waters has generated controversy and raised the question of whether the Corps is authorized to receive appropriations to work on the project. The Administration's position appeared to be for the Corps to pay for roughly two-thirds of the remaining \$146 million required to complete the project from FY2007 to FY2009.<sup>1</sup> For FY2006, \$25 million was appropriated to the DOI, and \$35 million to the Corps for this project.

A provision in the Interior Appropriations Act for FY2006 (P.L. 109-54) conditions funding for Mod Waters on meeting state water quality standards. This provision cites provisions in the FY2004 Interior Appropriations Act, which states that funds appropriated for Mod Waters will be provided *unless* the Secretary of the Interior, Secretary of the Army, Administrator of the EPA, and Attorney General indicate in a joint report (to be filed annually until December 31, 2006) that water entering the A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park does not meet state water quality standards, and the House and Senate Committees on Appropriations respond in writing disapproving the further expenditure of funds.<sup>2</sup> The FY2007 Administration request did not contain this condition; however, the House-passed Interior Appropriations bill and Senate-reported bill both contain this provision.

## Background

The Modified Water Deliveries Project was authorized by the Everglades National Park Protection and Expansion Act of 1989 (P.L. 101-229; 16 U.S.C. §§410r-5, etc.) to improve water deliveries to Everglades National Park (ENP) and, to the extent possible, restore the natural hydrological conditions within the park. The completion of Mod Waters is expected to be significant step towards the implementation of the Comprehensive Everglades Restoration Plan (CERP; Title VI, P.L. 106-541, the Water Resources Development Act of 2000 [WRDA 2000]).<sup>3</sup> Indeed, Mod Waters *must* be completed before appropriations can be made to construct other restoration projects in the east Everglades (§601(b)(2)(D)(iv) of WRDA 2000).

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<sup>1</sup> U.S. Dept. of the Interior, News Release, "FY2006 Interior Budget Emphasizes Commitments, Cooperative Efforts, Performance and Fiscal Restraint," Feb. 7, 2005. Accessed March 14, 2005 at [http://www.doi.gov/news/05\\_News\\_Releases/050207a](http://www.doi.gov/news/05_News_Releases/050207a).

<sup>2</sup> For more information, see CRS Report RL32131, *Phosphorus Mitigation in the Everglades*, by (name redacted) and (name redacted).

<sup>3</sup> For more information Florida Everglades restoration, see CRS Report RS20702, *South Florida Ecosystem Restoration and the Comprehensive Everglades Restoration Plan*, by (name redacted) and (name redacted).

Mod Waters is expected to consist of structural modifications and additions to the Central and Southern Florida Project (C&SF Project) to improve the timing, distribution, and quantity of water flow to the Northeast Shark River Slough.<sup>4</sup> Increased water flow to the Northeast Shark River Slough will increase water supplies in the ENP and is expected to improve the natural habitat and hydrology of a portion of the Everglades ecosystem.<sup>5</sup> There are four components to Mod Waters: 8.5 SMA flood mitigation, Tamiami Trail modifications,<sup>6</sup> conveyance and seepage control features, and Combined Structural and Operational Plan (CSOP). The 8.5 SMA flood mitigation and Tamiami Trail modifications are discussed below.

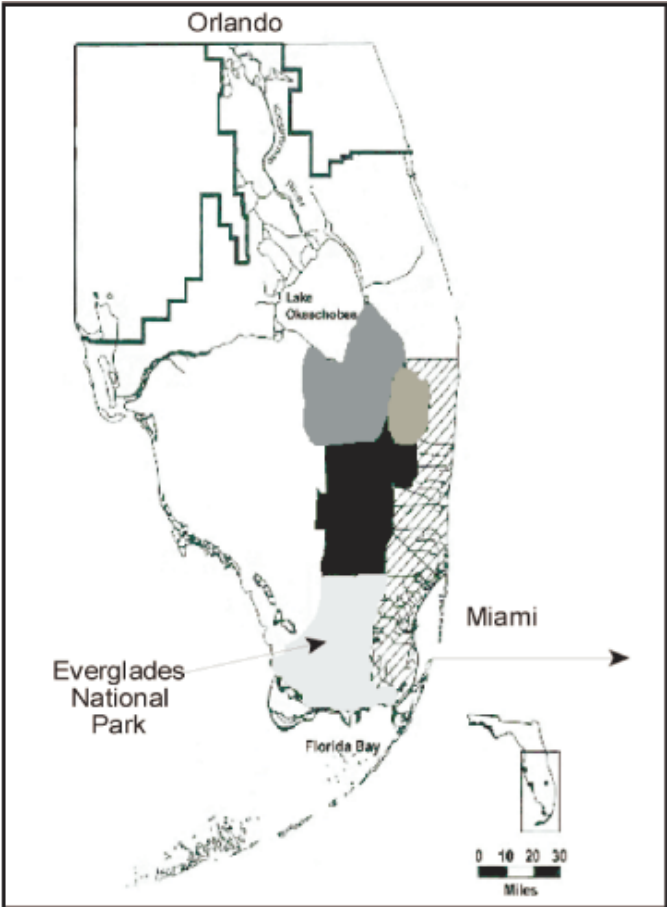
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<sup>4</sup> Originally, the Corps was asked to alter water flow in the Everglades to control flooding, open land for agriculture, and provide water supplies to urban areas. The cornerstone of this effort was the Central and Southern Florida Project, which was authorized by the Flood Control Project Act of 1948 (ch. 771, 62 Stat. 1171). This project resulted in nearly 1,000 miles of canals, 720 miles of levees, and more than 200 water control structures (e.g., dikes, dams and pumping stations).

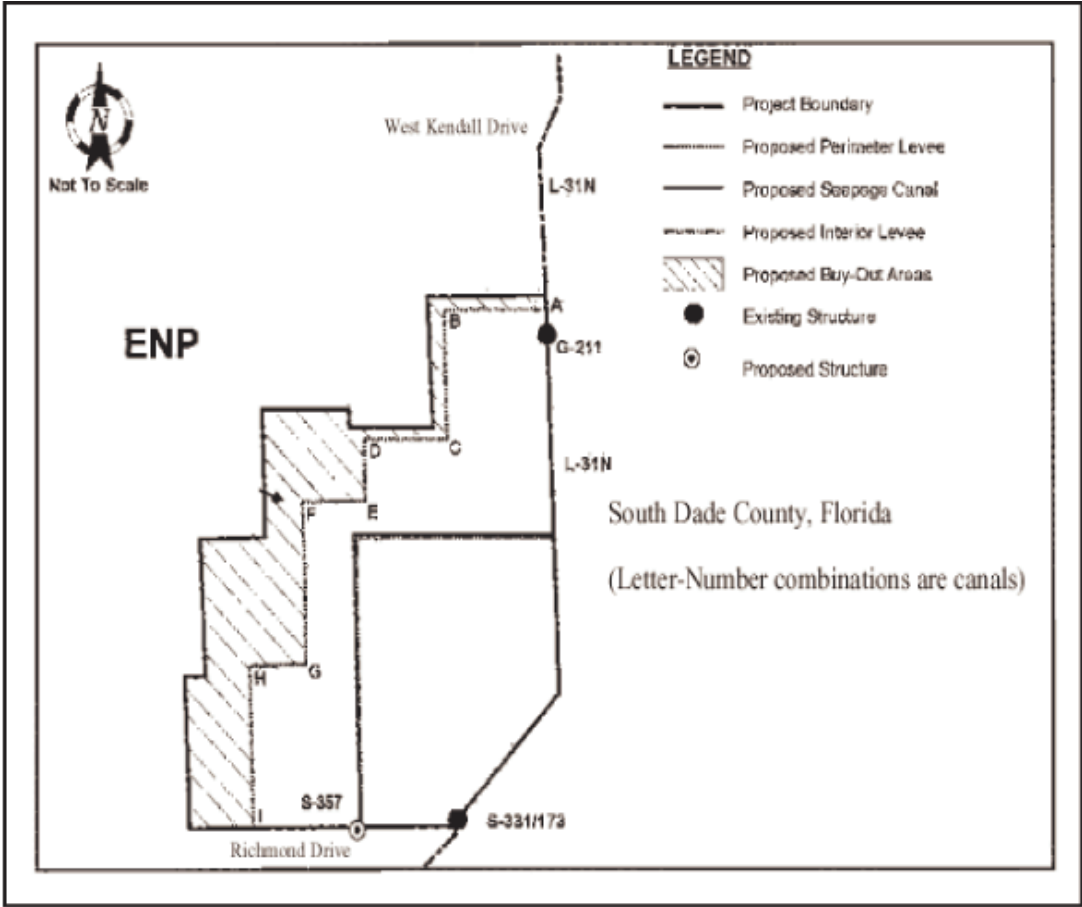
<sup>5</sup> For more details, see U.S. Army Corps of Engineers, *Modified Water Deliveries to Everglades National Park and South Dade Canals (C-111) Projects* accessed on July 20, 2006, at <http://www.saj.usace.army.mil/dp/mwdenp-c111/index.htm>.

<sup>6</sup> Tamiami Trail is a highway connecting Miami with the western shore of Florida.

Figure 1. The 8.5 Square Mile Area in Southern Florida



Source: Adapted from the U.S. Army Corps of Engineers.



Mod Waters is expected to flood some residential and agricultural areas adjacent to the park. Legislation authorizing this project instructs the Secretary of the Army to determine if residential and agricultural areas within or adjacent to the 8.5 SMA will be flooded from the hydrological changes of Mod Waters (§104(a)). If these areas are under threat of flooding, the law mandates that a flood protection system must be developed for the area (§104(b)). To prevent flooding, several mitigation features have been developed. One of these features is called Alternative 6D, which is a plan for protecting residents in the 8.5 SMA from flood waters resulting from the project.

The purpose of the Tamiami Trail modification is to identify alterations to the highway that would improve water flows for Northeast Shark River Slough and Everglades National Park. A general reevaluation report and environmental impact statement have been prepared for this project. These reports include a recommended alternative calling for two bridges that would allow water flows to pass across the highway. Construction is expected to begin in 2007.

## **Issues Surrounding the Modified Water Deliveries Project**

Three issues are being debated about the implementation of Mod Waters, including its estimated funding level, project delays, and the controversy surrounding land acquisition in the 8.5 SMA.

### **Funding**

The question of whether the Corps is authorized to fund Mod Waters was an issue during the deliberation over the FY2006 Energy and Water Appropriations. Arguments used to support the proposition that the Corps could be authorized to directly fund Mod Waters cite §102(f) of the Everglades National Park Protection and Expansion Act of 1989 (P.L. 101-229), which is the only section that authorizes funding and authorizes such sums as may be necessary to carry out the provisions of the act. This provision would include §104, which authorizes Mod Waters, though it primarily authorizes activities carried out by the Corps. Arguments used to argue against Corps authorization to fund Mod Waters could cite the long history of transfers from the NPS to the Corps, which could be argued to establish a strong precedent for the lack of Corps authority. Due to these conflicting arguments and the lack of clear legislative intent, the authority for the Corps to directly fund Mod Waters might still remain debatable. In the FY2007 Energy and Water Appropriations debate, the Senate Energy and Water Appropriations Committee has not provided funds to the Corps for Mod Waters.

Rising project costs for Mod Waters has led some critics to question its viability. The original cost of completing Mod Waters was estimated at \$81.3 million in 1990.<sup>7</sup> The current estimated cost for completing the project is \$398 million.<sup>8</sup> To date, approximately \$252 million has been appropriated for constructing and implementing Mod Waters, and \$146 million more is estimated to be needed to finish the project (i.e., FY2007-FY2009).<sup>9</sup> Some contend that changes in the implementation plan, the rising cost of land acquisition, and flood mitigation requirements have

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<sup>7</sup> U.S. Army Corps of Engineers, *Modified Water Deliveries to Everglades National Park*, General Design Memorandum, Jacksonville District, June 1992.

<sup>8</sup> U.S. Dept. of the Interior, *FY2006 Budget Justification, National Park Service* (Washington, DC, 2005).

<sup>9</sup> Of the total amount of funds already spent and estimated to complete Mod Waters, approximately \$200 million is for land acquisitions and approximately \$198 million is for construction, design, and monitoring, among other things.

led to higher costs.<sup>10</sup> This was reflected, according to some, in the changes in the 1992 General Design Memorandum, which were derived from updated modeling data and the project's need to be compatible with CERP.

## **Project Delays**

Mod Waters was originally estimated to be completed by 1997, yet now some argue it is unclear as to when or even whether the project will be completed. The FY2006 Administration request indicates that funding will be requested through FY2009. Some contend that delays are due to the undefined roles of DOI and the Corps in implementing the project, a lack of a unified approach to restoration, redesigning the project, and litigation regarding the 8.5 SMA and Tamiami Trail portion of the project.<sup>11</sup> Some argue that the delay in implementing Mod Waters jeopardizes implementation of CERP projects, causes further degradation within Everglades National Park, and will set a precedent for delays and deliberation regarding land acquisition activities when CERP projects are being implemented.<sup>12</sup> Some proponents of the project contend that ongoing land acquisition in the 8.5 SMA will minimize any future delays.

## **Land Acquisition in the 8.5 Square Mile Area**

Implementation of Mod Waters is dependent on acquiring land in the 8.5 SMA. Land acquisition in this area is controversial because there are several unwilling sellers and the Corps is exercising eminent domain in some cases to acquire necessary lands.

The 8.5 SMA is a region adjacent to ENP of approximately 5,600 acres. Due to its low topography and lack of drainage, parts of the 8.5 SMA frequently flood for several months during the year. With the implementation of Mod Waters, the Corps expects that most of the 8.5 SMA would flood. The Corps developed a flood mitigation plan in 1992 to provide flood mitigation for residents in the 8.5 SMA and allow for the implementation of Mod Waters. However, the 1992 Plan was later deemed "unworkable" by the superintendent of Everglades National Park, who claimed that it would not provide full flood protection for current and future residents in the 8.5 SMA.<sup>13</sup>

The Corps began to devise a new plan for Mod Waters and the 8.5 SMA in 1999, which considered several alternative plans, including the complete buyout of the 8.5 SMA. A new plan, referred to as Alternative 6D, was proposed by the Corps in 2000. This plan includes a perimeter levee, seepage canal, pump station, and storm water drainage for flood protection in the 8.5 SMA. Instead of a complete buyout of the 8.5 SMA, this plan proposed the acquisition of approximately 2,500 acres in the 8.5 SMA (39% of the total area) and the acquisition of 77 residential tracts (24

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<sup>10</sup> U.S. Dept. Of Interior, Office of Inspector General, *Modified Water Deliveries to Everglades National Park, Audit Report*, Rept. C-IN-MOA-0006-2005(Washington, DC: March 2006). Hereafter referred to *Audit Report*.

<sup>11</sup> *Audit Report*.

<sup>12</sup> §601(b)(2)(D)(iv) of WRDA 2000 provides that Mod Waters must be completed before appropriations can be made to construct other restoration projects in the east Everglades.

<sup>13</sup> U.S. House Resources Subcommittee on National Parks and Lands, *Issues Regarding Everglades National Park and Surrounding Areas Impacted by Management of the Everglades*, oversight hearing, April 27, 1999, 106<sup>th</sup> Cong., 1<sup>st</sup> sess. (Washington, DC: GPO), Serial No. 106-24.

tenant-occupied tracts and 53 owner-occupied tracts) in the 8.5 SMA (13% of the total number of “residential areas” in the 8.5 SMA).<sup>14</sup>

Some residents who were unwilling to sell their land in the 8.5 SMA filed suit against the Corps in 2001. They asserted that the Corps does not have the authority to implement a plan that does not protect the entire 8.5 SMA from flooding, and that the Corps does not have the authority to exercise eminent domain or spend money to acquire their land through condemnation.<sup>15</sup> On July 5, 2002, a district judge restricted the Corps from veering from its original mandate to protect the entire community from flooding, and prevented the Corps from acquiring land in the 8.5 SMA. The Corps later appealed this decision and are now acquiring lands in the area.

To help implement Mod Waters, Congress included a provision in the Consolidated Appropriations Resolution for FY2003 (Division F, Title I, §157 of P.L. 108-7) that authorizes the Corps to implement a flood protection plan (Alternative 6D) for the 8.5 SMA as part of Mod Waters. Three conditions are specified in the section authorizing implementation of Alternative 6D: (1) the Corps may acquire residential property needed to carry out Alternative 6D if the owners are first offered comparable property in the 8.5 SMA that will be provided with flood protection; (2) the Corps is authorized to acquire land from willing sellers in the flood-protected portion of the 8.5 SMA to carry out the first condition; and (3) the Corps and the nonfederal sponsor may carry out these provisions with funds provided under the Everglades National Park Protection and Expansion Act of 1989 (P.L. 101-229; 16 U.S.C. §410r-8) and funds provided by the DOI for land acquisition for restoring the Everglades.

Some critics of land acquisition in the 8.5 SMA base their arguments on the same principles used to criticize the acquisition of the entire 8.5 SMA—that the federal government should not exercise eminent domain to remove unwilling sellers and that the federal government is obligated to protect all residential areas from floods under P.L. 101-229. Some critics also argue that there are several unwilling sellers in the area and that if condemnations proceed, delays due to litigation will be inevitable and will eventually harm the ecosystem.<sup>16</sup> The Corps asserts that there are several willing sellers in the 8.5 SMA.<sup>17</sup> Approximately 78% of the 843 needed tracts have been acquired, and of the remaining 189 tracts, 57% are in negotiations for acquisition and 43% are expected to be condemned.<sup>18</sup>

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<sup>14</sup> A residential area contains either a fixed home, mobile home, or travel trailer.

<sup>15</sup> *Garcia vs. United States*, No. 01-801-CIV-Moore, slip op. (D.S.D. FL. July 5, 2002).

<sup>16</sup> Michael Grunwald, “Dispute Stalls Everglades Project,” *Washington Post* (July 17, 2002): A21.

<sup>17</sup> The Corps asserts its power for condemnation is authorized under 40 U.S.C. §257 and 33 U.S.C. §591. This authority is extended to practices of flood control under 33 U.S.C. §701 according to the Corps. Personal communication with Barry Vorse, U.S. Army Corps of Engineers, on Sept. 7, 2002.

<sup>18</sup> Dennis Duke, *Modified Water Deliveries Update*, Presented at the 8.5 Square Mile Public Meeting (Homestead, FL: Dec. 2005).

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