



TO: Honorable Mayor & Members of the Fort Lauderdale City Commission

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: December 21, 2021

TITLE: Motion Approving the Execution of a Declaration of Restrictive Covenant for Groundwater Restrictions at Middle River Terrace Park located at 1329 NE 7 Avenue - **(Commission District 2)**

Recommendation

Staff recommends the City Commission approve the execution of the Declaration of Restrictive Covenant (DRC) for groundwater use restrictions at Middle River Terrace Park (MRTP) located at 1329 NE 7th Ave.

Background

MRTP, constructed between 2000 – 2001, was formerly occupied by Bloom’s Nursery from 1946 – 1979. The former nursery operation came to the attention of Broward County and the Florida Department of Environmental Protection (FDEP) via e-mails from a concerned citizen between February – April 2014.

In August 2014, FDEP completed a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) preliminary assessment of the site. The preliminary assessment recommended the site for further CERCLA evaluation and a site inspection. The site inspection was performed, and a site inspection report was completed in March 2015. Although the site inspection report stated the site is no longer eligible for further CERCLA action, FDEP was unable to approve a No Further Action due to the arsenic in the groundwater above Groundwater Cleanup Target Levels. However, FDEP stated the groundwater issue can be addressed by placing a Restrictive Covenant on the property.

The intent of the DRC is to reduce or eliminate the risk of exposure to users or occupants of the property and the environment to the contaminants and to reduce or eliminate the threat of migration of the contaminants.

Water supplied to MRTP is through the potable water system, therefore, there will be no impact to operations at the park. The DRC includes the following groundwater restrictions:

- *Groundwater Use* - There shall be no use of the groundwater under the property. There shall be no drilling for water conducted on the property, nor shall any wells be

installed on the property other than monitoring or other wells pre-approved in writing by FDEP's Division of Waste Management (DWM) in addition to any authorizations required by the Division of Water Resource Management (DWRM) and the Water Management District (WMD).

- *Dewatering* - For any dewatering activities on the property, a plan signed and sealed by a Florida registered professional engineer or Florida registered professional geologist to address and ensure the appropriate handling, treatment and disposal of any extracted groundwater that may be contaminated must be submitted to FDEP's DWM.
- *Stormwater Facilities* - There shall be no stormwater swales, stormwater detection or retention facilities, or ditches on the property. If stormwater features must be constructed, modified, altered or expanded, a plan signed and sealed by a Florida registered professional engineer or a Florida registered professional geologist must be submitted to FDEP's DWM in addition to any authorizations required by the DWRM and the WMD.

After the execution of the DRC, FDEP has agreed to issue a Site Rehabilitation Completion Order with Conditions upon recordation of this declaration.

Resource Impact

There is no resource impact associated with this item.

Strategic Connections

This item is a *2021 Top Commission Priority*, advancing the Waterway Quality initiative.

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Public Places Focus Area
- Goal 3: Build a Healthy and Engaging Community
- Objective: Improve water quality and our natural environment

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Ready*.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan* specifically advancing:

- The Public Places Focus Area
- Parks, Recreation, and Open Space
- Goal 2: Be a community with high quality parks and recreation facilities that highlight the character of our City.

Attachment

Exhibit 1 – Declaration of Restrictive Covenant

Prepared by: Todd Hiteshow, Environmental Compliance Manager, Public Works

Department Directors: Alan Dodd, P.E., Public Works