



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

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: April 17, 2018

TITLE: Motion Approving the Execution of a Declaration of Restrictive Covenant
at the Fort Lauderdale Country Club Maintenance Facility

Recommendation

It is recommended that the City Commission approve the execution of the Declaration of Restrictive Covenant (DRC) at the Fort Lauderdale Country Club (FLCC) Maintenance Facility located at 415 East Country Club Circle, Plantation FL 33317.

Background

The City operates the Peele-Dixie wellfield located in Plantation, FL within property owned by both the City and FLCC.

Specifically, this action involves the FLCC Maintenance Facility only which is located on City-owned property. The area was discovered to be contaminated with arsenic. The City, partnering with FLCC, conducted pollution remediation activities and groundwater monitoring from 2014-2017 as outlined in the Settlement and Remediation Agreement approved on March 19, 2013 (#13-0374) and as amended on February 4, 2014 (#14-0100) by the City Commission.

The culmination of these remediation efforts has resulted in Broward County Environmental Protection and Growth Management Department (EPGMD) accepting the clean-up efforts and issuing an intent to conditionally close the site contingent upon execution of the DRC. The City's Attorney's Office and FLCC's Attorney have crafted the DRC using Florida Department of Environmental Protection guidelines that comply with the Florida Administrative Code.

The restrictions are the following:

- 1) There shall be no use of the groundwater under the Restricted Property. There shall be no drilling for water conducted on the Restricted Property, nor shall any wells be installed on the Restricted Property other than monitoring or other wells pre-approved in writing by EPGMD in addition to any authorizations required by the South Florida Water Management District.

- 2) For any dewatering activities on the Restricted Property, a plan approved by EPGMD must be in place to address and ensure the appropriate handling, treatment, and disposal of any extracted groundwater that may be contaminated.
- 3) The current stormwater management configuration on the Restricted Property may not change without advance approval from Broward County.
- 4) The Restricted Property shall be used for golf course and ancillary purposes, including worker access for golf course maintenance. Notwithstanding, the following uses of the Restricted Property are prohibited: agricultural use of the land including forestry, fishing and mining; hotels or lodging; recreational uses including amusement parks, parks, camps, museums, zoos, or gardens; residential uses, and educational uses such as elementary or secondary schools, or day care services. These prohibited uses are specifically defined by using the North American Industry Classification System, United States, 2012 (NAICS), Executive Office of the President, Office of Management and Budget.
- 5) Areas containing soils with concentrations exceeding 12mg/kg of the Contaminant must be maintained under an engineering control of impervious surface or a minimum of two (2) feet of clean fill as described in Exhibit B of the DRC
- 6) All monitoring wells will be properly abandoned by a third party after the Declaration is approved.

The execution of the DRC will allow Broward County to issue the final No Further Action with Conditions (NFAC) letter which will bring closure to this issue.

Resource Impact

There is no resource impact for this item.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Infrastructure Enhancement Cylinder of Excellence, specifically advancing:

- Goal 2: Be a sustainable and resilient community.
- Objective 5: Improve air and water quality and our natural environment.

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

Attachment

Exhibit 1 – Declaration of Restrictive Covenant

Prepared by: Todd Hiteshow, Public Works

Department Director: Paul A. Berg, Public Works