



**SILVER PALMS
COMMUNITY DEVELOPMENT
DISTRICT**

**MIAMI-DADE COUNTY
PUBLIC HEARING
DECEMBER 19, 2022
6:00 P.M.**

Special District Services, Inc.
8785 SW 165th Avenue, Suite 200
Miami, FL 33193

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AGENDA
SILVER PALMS
COMMUNITY DEVELOPMENT DISTRICT
Meeting Room at Mercedes Benz of Cutler Bay
10701 SW 211th Street
Cutler Bay, Florida 33189
PUBLIC HEARING
December 19, 2022
6:00 p.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Welcome & Seat Board Members
- E. Administer Oath of Office & Review Board Member Responsibilities and Duties
- F. Election of Officers
 - Chairman
 - Vice Chairman
 - Secretary/Treasurer
 - Assistant Secretaries
- G. Additions or Deletions to Agenda
- H. Comments from the Public for Items Not on the Agenda
- I. Approval of Minutes
 - 1. September 19, 2022 Regular Board Meeting.....Page 2
 - 2. October 17, 2022 Regular Board Meeting.....Page 5
- J. Public Hearing
 - 1. Proof of Publication.....Page 8
 - 2. Receive Public Comments on Adopting a District Rule Pertaining to Maintaining the District’s 20-Foot Stormwater Retention Easement and Adopting Guidelines and Specifications Pertaining to any Property Owner Modifications of the District’s 20-Foot Stormwater Retention Easement
 - 3. Consider Resolution No. 2022-06 – Adopting a District Rule Pertaining to Maintaining the District’s 20-Foot Stormwater Retention Easement and Adopting Guidelines and Specifications Pertaining to any Property Owner Modifications of the District’s 20-Foot Stormwater Retention Easement.....Page 9
- K. Additional Board Member/Staff Comments
- L. Adjourn



Miscellaneous Notices

Published in Miami Daily Business Review on November 21, 2022

Location

Miami-Dade County,

Notice Text

SILVER PALMS COMMUNITY
DEVELOPMENT DISTRICT

NOTICE OF RULE MAKING FOR DISTRICT RULE PERTAINING TO MAINTAINING THE DISTRICT'S 20-FOOT STORMWATER RETENTION EASEMENT AND ADOPTING GUIDELINES AND SPECIFICATIONS PERTAINING TO ANY PROPERTY OWNER MODIFICATIONS OF THE DISTRICT'S 20-FOOT STORMWATER RETENTION EASEMENT BY THE SILVER PALMS COMMUNITY DEVELOPMENT DISTRICT AND PUBLIC HEARING THEREON

In accordance with Sections 190.01, 190.035 and 120.54, Florida Statutes, the SILVER PALMS COMMUNITY DEVELOPMENT DISTRICT ("District") hereby gives notice of its intention to enact and establish District rules regarding the maintenance of the District's 20-foot stormwater retention easement and enacting guidelines and specifications pertaining to any property owner modifications of the 20-foot stormwater retention easement (collectively "Stormwater Easement Rule").

Specific legal authority for the Stormwater Easement Rule includes Sections 190.011, 190.035, 120.54, and 120.81, Florida Statutes. A copy of the proposed Encroachment Rule may be obtained by contacting the District Manager, Gloria Perez, Special District Services, Inc., at 8785 SW 165th Avenue, Suite 200, Miami, Florida 33193, telephone (786) 347-2711.

The Board of Supervisors of the District will hold a Public Hearing on Monday, December 19, 2022 at 6:00 p.m. at the Meeting Room at Mercedes Benz of Cutler Bay, located at 10701 SW 211th Street, Cutler Bay, Florida 33189, to receive public comment on the adoption of the Stormwater Easement Rule. The Public Hearing will provide an opportunity for the public to address and comment upon the Stormwater Easement Rule. The proposed Stormwater Easement Rule may be adjusted at the Public Hearing pursuant to discussion by the Board of Supervisors and public comment.

The purpose and effect of the Encroachment Rule is to provide for efficient and effective management and maintenance of the District-owned properties, easements, and stormwater management facilities. The Stormwater Easement Rule will prohibit certain unauthorized encroachments into District-owned properties and easements in violation of the Stormwater Easement Rule. The Stormwater Easement Rule will also authorize the District Manager to remediate damages to the Stormwater Easement and pass all costs plus a 10% administrative fee to the violating property owner.

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN AT LEAST THREE DAYS PRIOR TO ANY PROCEEDINGS, CONTACT GLORIA PEREZ, SPECIAL DISTRICT SERVICES, INC., AT (786) 347-2711.

All interested parties may appear at the above public meeting at the stated time and place. Any person who wishes to provide the District with a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), Florida Statutes, must do so in writing within twenty-one (21) days after publication of this notice. This Public Hearing may be continued to a date, time and place to be specified on the record at the Hearing. The public record of this meeting may be examined at the office of the District Manager set forth above.

Pursuant to Section 286.0105, Florida Statutes, Silver Palms Community Development District advises the public that if a person decides to appeal any decision made by this Board with respect to any matter considered at its meeting or Hearing, he or she will need a record of the proceedings, and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Board for the introduction of admission of evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

Gloria Perez

District Manager

SILVER PALMS COMMUNITY DEVELOPMENT DISTRICT

www.silverpalmscdd.org

11/21 22-10/0000631477M

**SILVER PALMS COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
SEPTEMBER 19, 2022**

A. CALL TO ORDER

The September 19, 2022, Regular Board Meeting of the Silver Palms Community Development District (the “District”) was called to order at 6:00 p.m. in a Meeting Room of Mercedes Benz of Cutler Bay located at 10701 SW 211th Street, Cutler Bay, Florida 33189.

B. PROOF OF PUBLICATION

Proof of publication was presented that Notice of the Regular Board Meeting had been published in the *Miami Daily Business Review* on November 5, 2021, as part of the District’s Fiscal Year 2021/2022 Regular Meeting Schedule, as legally required.

C. ESTABLISH A QUORUM

It was determined that the attendance of the following Supervisors constituted a quorum and it was in order to proceed with the meeting: Chairperson Lisa Riley, Vice Chairman Miguel Zaiter and Supervisors Omar Reyes, Bryan Riley and Ashley Riley.

Staff in attendance included: District Manager Gloria Perez of Special District Services, Inc.; General Counsel Gregory George of Billing, Cochran, Lyles, Mauro & Ramsey, P.A.; and District Engineer Juan Alvarez of Alvarez Engineers, Inc.

D. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

E. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no comments from the public for items not on the agenda.

F. APPROVAL OF MINUTES

1. June 20, 2022, Public Hearing & Regular Board Meeting

Mrs. Perez presented the June 20, 2022, Public Hearing & Regular Board Meeting minutes and asked if there were any corrections or additions.

There being none, a MOTION was made by Supervisor Zaiter, seconded by Supervisor Ashley Riley and unanimously passed approving the minutes of the June 20, 2022, Public Hearing & Regular Board Meeting, as presented.

G. NEW BUSINESS

1. District Engineer’s Presentation of Lake Bank Easement Criteria

Mr. Alvarez explained the materials he provided in the meeting material, followed by a Q&A session.

2. Discussion Regarding Adopting a District Rule Pertaining to Lake Bank Easement Criteria and Consider Setting a Public Hearing

Mr. George made some changes to the documents and provided copies to the Board for review and discussion.

A **MOTION** was made by Supervisor Ashley Riley, seconded by Supervisor Zaiter and passed unanimously approving the setting of a Public Hearing on the District's Rulemaking for December 19, 2022, at 6:00 p.m. in the Meeting Room located at Mercedes Benz of Cutler Bay, 10701 SW 211th Street, Cutler Bay, Florida 33189.

3. Discussion Regarding Encroachment at 10882 SW 229th Street

Presented in the meeting materials was a copy of the letter sent to the homeowner requesting the trimming of the tree that is causing damages to the lake bank. As of the inspection conducted on September 16, 2022, this issue has been addressed.

No further action is required.

4. Discussion Regarding Encroachment at 10888 SW 229th Street

Presented in the meeting materials was a copy of the letter sent to the homeowner requesting corrections to structures that are causing damages to the lake bank. As of the inspection conducted on September 16, 2022, the pipe that was directing water to the lake bank has been removed and the grass has been replaced.

H. OLD BUSINESS

There were no Old Business items to come before the Board.

I. ADMINISTRATIVE MATTERS

1. Financial Update

Mrs. Perez presented the financials in the meeting book and briefly reviewed them with the Board, pointing that available funds as of August 31, 2022, were \$212,141.18.

2. Accept and Receive 20-Year Stormwater Needs Analysis

Mrs. Perez presented in the meeting book the 20-Year Stormwater Needs Analysis for the Board's review.

A **MOTION** was made by Supervisor Bryan Riley, seconded by Supervisor Ashley Riley and unanimously passed accepting and receiving the District's 20-Year Stormwater Needs Analysis, presented.

J. BOARD MEMBER/STAFF ADDITIONAL COMMENTS/REQUESTS

1. 2022 Florida Legislative Session Update

Mr. George provided an update on the 2022 Florida Legislative Session Memorandum that was presented in the meeting book.

Mrs. Perez noted that the January 16, 2023, meeting will fall on the Martin Luther King, Jr. Day and therefore is seeking approval to cancel said meeting.

A **MOTION** was made by Supervisor Ashley Riley, seconded by Supervisor Lisa Riley and unanimously passed cancelling the January 16, 2023, Regular Board Meeting.

District management will forward a request for the cleaning of the Miami-Dade County storm drainage system.

K. ADJOURNMENT

There being no further business to come before the Board, a **MOTION** was made by Supervisor Lisa Riley, seconded by Supervisor Ashley Riley and passed unanimously adjourning the Regular Board Meeting at 6:29 p.m.

ATTESTED BY:

Secretary/Assistant Secretary

Chairperson/Vice-Chair

**SILVER PALMS COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
OCTOBER 17, 2022**

A. CALL TO ORDER

The October 17, 2022, Regular Board Meeting of the Silver Palms Community Development District (the “District”) was called to order at 6:00 p.m. in a Meeting Room of Mercedes Benz of Cutler Bay located at 10701 SW 211th Street, Cutler Bay, Florida 33189.

B. PROOF OF PUBLICATION

Proof of publication was presented that Notice of the Regular Board Meeting had been published in the *Miami Daily Business Review* on October 7, 2022, as part of the District’s Fiscal Year 2022/2023 Regular Meeting Schedule, as legally required.

C. ESTABLISH A QUORUM

It was determined that the attendance of the following Supervisors constituted a quorum and it was in order to proceed with the meeting: Chairperson Lisa Riley, Vice Chairman Miguel Zaiter and Supervisors Omar Reyes, Bryan Riley and Ashley Riley.

Staff in attendance included: District Manager Gloria Perez of Special District Services, Inc.; General Counsel Gregory George of Billing, Cochran, Lyles, Mauro & Ramsey, P.A.; and District Engineer Juan Alvarez of Alvarez Engineers, Inc.

D. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

E. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no comments from the public for items not on the agenda.

F. APPROVAL OF MINUTES

1. September 19, 2022, Regular Board Meeting

The minutes of the September 19, 2022, Regular Board Meeting were tabled and will be presented at a future meeting.

G. NEW BUSINESS

1. Consider Resolution No. 2022-05 – Adopting a Fiscal Year 2021/2022 Amended Budget

Mrs. Perez presented Resolution No. 2022-05, entitled:

RESOLUTION NO. 2022-05

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SILVER PALMS COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING AND ADOPTING AN AMENDED FINAL FISCAL YEAR 2021/2022 BUDGET (“AMENDED BUDGET”), PURSUANT TO CHAPTER 189, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

Mrs. Perez explained, as done every year for administrative and statutory requirements, within 60 days of any given fiscal year end, the Board adopts a revised/amended budget for said year. The fiscal year ended on September 30, 2022. This is the reason it is administrative in nature (past year’s budget for past year’s expenses) and will serve as the Board’s final approval/ratification of the District’s expenditures for the past fiscal year.

A **MOTION** was made by Supervisor Ashley Riley, seconded by Supervisor Reyes and unanimously passed adopting Resolution No. 2022-05, as presented.

H. OLD BUSINESS

There were no Old Business items to come before the Board.

I. ADMINISTRATIVE MATTERS

1. Financial Update

Mrs. Perez presented the financials in the meeting book and briefly reviewed them with the Board, pointing that available funds as of September 30, 2022, were \$200,589.59.

J. BOARD MEMBER/STAFF ADDITIONAL COMMENTS/REQUESTS

Mrs. Perez advised the Board that inspections of the District had been conducted and emails had been forwarded to Miami-Dade County regarding the following:

Date	Matter	Last Update
9/30/2022	Stop sign reported to 311 on 9/30/2022 SW 103 AVE & SW 225 LN	Reported to 311
9/30/2022	Storm Drainages reported to County for cleaning. Intersection of Silver Palm Dr. and SW 107 AVE.	Reported to 311. Case # 22-10371395
9/30/2022	Pavement in bad condition on SW 229 ST.	Reported to 311. Case # 22-10371368
9/30/2022	Stop sign reported to 311 on 9/30/2022 SW 107 PL & SW 228 TER	Reported to 311. Case # 22-10370964
9/30/2022	Stop sign reported to 311 on 9/30/2022 SW 107 AVE & SW 228 TER	Reported to 311. Case # 22-1037096
9/30/2022	Pavement in bad condition on Silver Palm Dr.	Reported to 311. Case # 22-10045927 New case open in 10/3/2022. Case # 22-10374282
9/30/2022	Pavement in bad condition on SW 107 AVE, near to old Cutler Rd.	Reported to 311. Case # 22-10160666

K. ADJOURNMENT

There being no further business to come before the Board, a **MOTION** was made by Supervisor Lisa Riley, seconded by Supervisor Ashley Riley and passed unanimously adjourning the Regular Board Meeting at 6:10 p.m.

ATTESTED BY:

Secretary/Assistant Secretary

Chairperson/Vice-Chair



Miscellaneous Notices

Published in Miami Daily Business Review on November 21, 2022

Location

Miami-Dade County,

Notice Text

SILVER PALMS COMMUNITY
DEVELOPMENT DISTRICT

NOTICE OF RULE MAKING FOR DISTRICT RULE PERTAINING TO MAINTAINING THE DISTRICT'S 20-FOOT STORMWATER RETENTION EASEMENT AND ADOPTING GUIDELINES AND SPECIFICATIONS PERTAINING TO ANY PROPERTY OWNER MODIFICATIONS OF THE DISTRICT'S 20-FOOT STORMWATER RETENTION EASEMENT BY THE SILVER PALMS COMMUNITY DEVELOPMENT DISTRICT AND PUBLIC HEARING THEREON

In accordance with Sections 190.01, 190.035 and 120.54, Florida Statutes, the SILVER PALMS COMMUNITY DEVELOPMENT DISTRICT ("District") hereby gives notice of its intention to enact and establish District rules regarding the maintenance of the District's 20-foot stormwater retention easement and enacting guidelines and specifications pertaining to any property owner modifications of the 20-foot stormwater retention easement (collectively "Stormwater Easement Rule").

Specific legal authority for the Stormwater Easement Rule includes Sections 190.011, 190.035, 120.54, and 120.81, Florida Statutes. A copy of the proposed Encroachment Rule may be obtained by contacting the District Manager, Gloria Perez, Special District Services, Inc., at 8785 SW 165th Avenue, Suite 200, Miami, Florida 33193, telephone (786) 347-2711.

The Board of Supervisors of the District will hold a Public Hearing on Monday, December 19, 2022 at 6:00 p.m. at the Meeting Room at Mercedes Benz of Cutler Bay, located at 10701 SW 211th Street, Cutler Bay, Florida 33189, to receive public comment on the adoption of the Stormwater Easement Rule. The Public Hearing will provide an opportunity for the public to address and comment upon the Stormwater Easement Rule. The proposed Stormwater Easement Rule may be adjusted at the Public Hearing pursuant to discussion by the Board of Supervisors and public comment.

The purpose and effect of the Encroachment Rule is to provide for efficient and effective management and maintenance of the District-owned properties, easements, and stormwater management facilities. The Stormwater Easement Rule will prohibit certain unauthorized encroachments into District-owned properties and easements in violation of the Stormwater Easement Rule. The Stormwater Easement Rule will also authorize the District Manager to remediate damages to the Stormwater Easement and pass all costs plus a 10% administrative fee to the violating property owner.

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN AT LEAST THREE DAYS PRIOR TO ANY PROCEEDINGS, CONTACT GLORIA PEREZ, SPECIAL DISTRICT SERVICES, INC., AT (786) 347-2711.

All interested parties may appear at the above public meeting at the stated time and place. Any person who wishes to provide the District with a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), Florida Statutes, must do so in writing within twenty-one (21) days after publication of this notice. This Public Hearing may be continued to a date, time and place to be specified on the record at the Hearing. The public record of this meeting may be examined at the office of the District Manager set forth above.

Pursuant to Section 286.0105, Florida Statutes, Silver Palms Community Development District advises the public that if a person decides to appeal any decision made by this Board with respect to any matter considered at its meeting or Hearing, he or she will need a record of the proceedings, and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Board for the introduction of admission of evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

Gloria Perez

District Manager

SILVER PALMS COMMUNITY DEVELOPMENT DISTRICT

www.silverpalmscdd.org

11/21 22-10/0000631477M

RESOLUTION 2022-06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SILVER PALMS COMMUNITY DEVELOPMENT DISTRICT, ADOPTING A DISTRICT RULE PERTAINING TO MAINTAINING THE 20-FOOT STORMWATER RETENTION EASEMENT; ADOPTING A RULE, GUIDELINES, AND SPECIFICATIONS PERTAINING TO ANY HOMEOWNER MODIFICATIONS OF THE 20-FOOT STORMWATER RETENTION EASEMENT; PROVIDING FOR ENFORCEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Silver Palms Community Development District (the “District”) was established pursuant to Chapter 190, Florida Statutes and Ordinance 03-206 enacted by the Board of County Commissioners of Miami-Dade County, Florida; and

WHEREAS, the District is the owner of and is responsible for the operation and maintenance of that certain lake parcel located within the boundaries of the District and identified as Tract A on the Plat of Silver Palm Lake, as recorded at Plat Book 161, Page 71 of the Public Records of Miami-Dade County, Florida (the “Lake”); and

WHEREAS, the Lake is an integral part of the stormwater management and drainage system benefitting all lands within the boundaries of the District; and

WHEREAS, the Lake that is owned and maintained by the District typically includes submerged lands covered by water, the littoral shelf, and those typically dry sloped areas that include the lands running from the water line to just beyond the top of the lake bank of the Lake; and

WHEREAS, the Lake is surrounded by single-family residential lots whose rear yard lot lines are typically located just upward of the top of the sloped bank of the Lake; and

WHEREAS, the stormwater management and drainage system was designed to include a 20-foot easement that should remain free from structures and plantings at least 15 feet from the rear residential property lines (the “SWRE”) within the residential lots and just upland beyond the top of the sloped bank, as more particularly shown in Exhibit A of the SWRE Rule, as established below; and

WHEREAS, after receiving the results of an inspection of the Lake and the stormwater management system by the District Engineer, Alvarez Engineers, Inc., and reviewing the report pertaining to such inspection, the District Board of Supervisors (the

“Board”) finds that the rear yards of multiple single-family residential lots abutting the Lake have been modified to include structures and plantings which are and have the potential to adversely affect or otherwise damage the SWRE; and

WHEREAS, the SWRE is essential to the proper functioning of the stormwater management and drainage system, provides for pretreatment of runoff, provides environmental benefits promoting the overall health of the Lake and the water quality of the Lake, and serves to prevent and limit erosion protecting the integrity of the sloped lake bank; and

WHEREAS, in order to protect the stormwater management and drainage system and maintain the benefits and protections of the SWRE, the Board determines that it is necessary to adopt a rule relating to future modifications by residential property owners to the SWRE that allow residential property owners to maximize the use and development of their rear yards, subject to municipal, county, ordinances, covenants, and laws, while preserving the effect and purpose of the SWRE through the implementation of acceptable tree plantings (the “SWRE Rule”).

WHEREAS, pursuant to the requirements of Chapter 120 and 190, Florida Statutes, the District advertised a public hearing for December 19, 2022, in order to hear and receive comments on the proposed SWRE Rule; and

WHEREAS, after a duly advertised public hearing, the District Board of Supervisors finds it to be in the best interests of the District and the residents of the District to adopt the proposed rule attached to this Resolution as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE SILVER PALMS COMMUNITY DEVELOPMENT DISTRICT, THAT:

Section 1. The above recitals are true and correct and are incorporated in and adopted as part of this Resolution.

Section 2. The SWRE Rule attached to this Resolution as **Exhibit A**, is hereby adopted by the District.

Section 3. The District Manager is hereby directed to take all actions necessary and consistent with the intent of this Resolution, including posting this Rule on the District’s website and making the same generally available to members of the public.

Section 4. All resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 5. If any clause, section or other part or application of this Resolution is held by a court of competent jurisdiction to be unconstitutional, illegal or invalid, in part

or as applied, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE SILVER PALMS COMMUNITY DEVELOPMENT DISTRICT, THIS 19th DAY OF DECEMBER 2022.

ATTEST:

**SILVER PALMS COMMUNITY
DEVELOPMENT DISTRICT**

Print name: _____
Secretary/Assistant Secretary

Print name: _____
Chairman/Vice-Chairman

Exhibit A
SWRE RULE

**SILVER PALMS CDD
LAKE BANK EASEMENT
MODIFICATION RULE AND GUIDELINES**

- 1.0 **Title.** This may be cited and referred to as the Silver Palms CDD Lake Bank Easement Guidelines or SREW Rule (collectively, the “ Rule”).
- 2.0 **Definitions.**
- 2.1 “District” shall mean the Silver Palms Community Development District, a local unit of special purpose government established pursuant to Chapter 190, Florida Statutes.
- 2.2 “SWRE” shall mean the twenty (20’) foot distance from the rear residential property line to the Lake within the residential lots abutting the Lake and located upland just beyond the top of the sloped bank, as more particularly shown in Exhibit A, attached hereto and made a part hereof. The SWRE is an important facility that is part of the stormwater management and drainage system designed and constructed for the District.
- 2.3 “Effective Date” shall mean December 19, 2022, which is the date this Rule was first adopted by the Board.
- 2.4 “Approved Planting” shall mean, for the purposes of this Rule, Palm Trees, as shown in Exhibit “A” or as otherwise approved by the District Engineer of the District.
- 2.5 “Lake” shall mean Tract A of the Plat of Silver Palm Lake, as recorded at Plat Book 161, Page 71 of the Public Records of Miami-Dade County, Florida. The District owns fee title to the Lake, and the Lake is an integral part of the stormwater management and drainage system benefitting all lands within the boundaries of the District.
- 2.6 “Owner” shall mean the fee title owner of a residential lot abutting and immediately adjacent to the Lake.
- 2.7 “Rule” shall mean the Silver Palms CDD Lake Bank Easement Modification Guidelines, adopted pursuant to District Resolution 2022- 06, as amended from time to time.
- 3.0 **SWRE Modifications On or After the Effective Date.** An Owner may modify the SWRE located in the rear yard of Owner’s property, subject to satisfying each of the following conditions:

- 3.1 Any modification to the SWRE by Owner shall not include a permanent or impervious structure; and
- 3.2 Any tree planted in the SWRE by Owner shall be located within the upper five (5) feet of the SWRE, as long as they do not cast shade that kills the grass, such as palm trees, with the exception of coconut trees; and
- 3.4 Owner has applied for and secured any and all required building and zoning permits from Miami-Dade County, and any other government entity or agency having jurisdiction thereof, and any such permits are valid at the time the modification is being constructed; and
- 3.5 The sloped lake bank within the parcel identified as the Lake is maintained sodded at all times at a 4:1 slope as required by applicable permits issued by the South Florida Water Management District and held by the District, that no modifications are made to the sloped lake bank or the Lake, and that any damages to the lake bank or Lake are corrected to the satisfaction of the District within fifteen (15) days of District sending, via U.S. Mail, Owner written notice of such damages; and
- 3.6 No encroachments whatsoever shall be made into the Lake parcel owned by the District; and
- 3.7 All improvements, construction, maintenance and work shall be subject to the rules and regulations of any federal, states and local laws, rules, and regulations that may be otherwise applicable, including any and all permits issued to the District by the South Florida Water Management District.

4.0 **SWRE Modifications Made Prior to the Effective Date.** The District acknowledges that the SWRE behind several residential lots abutting the Lake have already been modified as of the adoption of the Rule. For such properties, should Owner make any further changes to the project or improvement that modified the SWRE, the Owner shall be required to make such changes consistent with and in compliance with the Paving, Grading and Drainage plans approved by Miami-Dade County DERM on May 21, 2003. Owner must otherwise comply with each of the conditions set forth in Sections 3.1 through 3.7 of this Rule. Notwithstanding, should the upland improvements on an Owner's Property be contributing to erosion of the abutting sloped lake bank, pollutants entering the Lake, or any damage to the sloped lake bank or Lake, the Owner shall be required at Owner's expense to make such corrections restore such District-owned property in accordance with the provisions of section 3.5 above.

5.0 **Enforcement.** The District hereby authorizes, to the extent such authorization is required, the District Manager to implement this Rule in order to safeguard the integrity, design, and operation of the stormwater management and drainage system, ensure healthy water quality in the Lake, limit erosion of the lake banks, preserve the infrastructure constituting the stormwater management and drainage system, while protecting the residential properties and rights-of-way within the District from future flooding concerns and limiting maintenance costs to Owners. The District Manager is authorized to remediate any damage to the SWRE and remove any structures or plantings in contradiction to this Rule. All costs associated with remediating or removing structures or plantings from the SWRE shall be the responsibility of the abutting residential lot Owner(s) plus a 10% administrative fee. Nothing herein shall be construed as limiting or restricting the District's authority to enforce this Rule and its property interests pursuant to Chapter 190, Florida Statutes, and Florida law.

EXHIBT A

