

## **RESOLUTION NO. 2025-08**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT, ADOPTING LOS CAYOS CDD RULE 2025-1 PERTAINING TO MAINTENANCE AND COMPLIANCE WITH THE DECLARATION OF RESTRICTIVE COVENANT AND ENGINEERING CONTROL MAINTENANCE PLAN (PHASE 2) RELATING TO PROTECTION OF GROUNDWATER AND CONTAMINATED SOIL ON PROPERTY LOCATED WITHIN THE DISTRICT BOUNDARIES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Los Cayos Community Development District (the “District”) is a local unit of special-purpose government organized and existing in accordance with the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, as amended; and

**WHEREAS**, District joined and consented to the Declaration of Restrictive Covenant (“DRC”) recorded on August 30, 2024, in Book 34387, Page 2756, of the official public records of Miami-Dade County, which the District agreed to be responsible for the obligations described in the Engineering Control Maintenance Plan (“ECMP”) dated July 23, 2024 Keys Lake Phase 2 Closure Area, regarding the engineering control inspection and maintenance of properties within the District boundaries; and

**WHEREAS**, the District has determined that based upon the DRC and ECMP, the District will need to inspect and report on the condition of the lands within the Keys Lake Phase 2 area within the boundaries of the District, provide notices to Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resources Management (“DERM”) and perform certain repairs, as may be necessary to stay in compliance with the DRC and ECMP; and

**WHEREAS**, District has the need to enact reasonable rules and regulations to perform its obligations under the DRC and ECMP regarding inspection and necessary repairs of properties within the District boundaries and ensuring compliance with the DRC and ECMP; and

**WHEREAS**, the District advertised a public hearing for November 4, 2025, in order to hear and receive comments on the proposed Los Cayos CDD Rule 2025-1 pursuant to the requirements of Chapters 120 and 190, Florida Statutes; and

**WHEREAS**, after a duly advertised public hearing held on November 4, 2025, the District Board of Supervisors finds it to be in the best interests of the District to adopt the proposed Los Cayos CDD Rule 2025-1 attached to this Resolution as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT, THAT:**

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

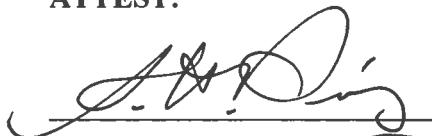
Section 2. Los Cayos CDD Rule 2025-1, attached to this Resolution as Exhibit A, is hereby adopted by the District.

Section 3. The District Manager is hereby directed to distribute this Resolution as required by Chapters 120 and 190, Florida Statutes.

Section 4. This Resolution shall be effective immediately upon adoption.

**PASSED AND ADOPTED THIS 4<sup>TH</sup> DAY OF NOVEMBER, 2025.**

**ATTEST:**

  
\_\_\_\_\_  
Print name: Gloria Perez  
Secretary/Assistant Secretary

**LOS CAYOS COMMUNITY  
DEVELOPMENT DISTRICT**

  
\_\_\_\_\_  
Print name: Teresa Baluja  
Chairman/Vice-Chairman

**Exhibit A**

**LOS CAYOS CDD RULE 2025-1**

**RULES FOR COMPLIANCE WITH DECLARATION OF  
RESTRICTIVE COVENANT AND ENGINEERING  
CONTROL MAINTENANCE PLAN PHASE 2 AS TO USE  
OF PROPERTY WITHIN THE BOUNDARIES OF THE  
DISTRICT**

- (1) General. The Los Cayos Community Development District (“District”) joined and consented to a Declaration of Restrictive Covenant (“DRC”) recorded on August 30, 2024, at Official Records Book 34387, Page 2756, in the Public Records of Miami-Dade County, Florida (“Covenant”), whereby the District agreed that it was responsible for the obligations described in the Engineering Control Maintenance Plan Keys Lake Phase 2 Closure Area (“ECMP Phase 2”), dated July 23, 2024 (attached hereto as **Exhibit 1**), providing for the inspection, maintenance and reporting requirements regarding properties situated within the District boundaries and as described in the DRC. The District will conduct certain routine inspections of property within the District boundaries to ensure compliance with the DRC and ECMP Phase 2, require notification by the individual property owners of any penetration of the engineering controls on their property and any interaction with groundwater and reporting to the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (“DERM”). Pursuant to the ECMP Phase 2, the District is responsible for the maintenance of engineering controls, disclosing environmental conditions to prospective contractors, retention of a Florida licensed professional engineer to oversee and document work performed below the engineering controls, and submit Source Removal Reports and Engineering Control Repair reports, as necessary, as described in the DRC and ECMP Phase 2.
- (2) Inspections. The District shall perform routine inspections under the direct supervision of a professional engineer on a semi-annual basis to determine compliance with the DRC and ECMP Phase 2. The property owners within the boundaries of the District shall permit the entry of the District personnel to inspect the property owner’s unimproved property in accordance with the DRC and ECMP Phase 2. The property owner shall be notified by the District of the date and general time of the aforementioned inspections.
- (3) Notification. All property owners are required to be in compliance with the DRC. Each property owner shall inform the District, of the following:

- (a) intention of digging holes or trenches which disturb or penetrate the engineering controls on the property owner's property; and
  - (b) intention to interact with groundwater on the property owner's property; and
  - (c) proof of permit issued by Miami-Dade County which provides for all requirements of the DRC; and
  - (d) notice of any violations received by Miami-Dade County/DERM regarding or arising out of the requirements of the DRC.
- (4) Compliance. Pursuant to the requirements of the DRC, the CDD requires that individual property owners disclose the environmental conditions and requirements of the DRC and ECMP Phase 2 to prospective contractors, engage a Florida licensed professional engineer to oversee and document work performed on their property, and provide all reports to the District, as required by the ECMP Phase 2.
- (5) Reporting. It is the responsibility of the District to notify DERM of any violations of the Covenant. If the District is made aware of any violations of the DRC, the District will notify the property owner of said violations and advise the property owner to come into compliance therewith.
- (6) Maintenance. In the event of a failure of the property owner to comply with the requirements of the DRC, the District has the responsibility under the ECMP Phase 2 to repair and restore any damage to the engineering controls on the subject property at the property owner's sole cost and expense. The property owner shall pay all such costs to the District within thirty (30) days of written notice sent by the District to the property owner at the address on file at the County property appraiser for the subject property. If the property owner fails to timely pay all such costs incurred by the District, the District may impose such costs on the property owner as a maintenance special assessment on the subject property.

Specific Authority: §§ 120.54, 190.011(5), 190.012(3), Fla. Stat.  
190.012(3), Fla. Stat. Adopted \_\_\_\_\_

**EXHIBIT C**  
**ENGINEERING CONTROL MAINTENANCE PLAN**  
**KEYS LAKE PHASE 2 CLOSURE AREA**  
**NORTH OF THE SW 172 AVENUE AND SW 336 STREET INTERSECTION**  
**HOMESTEAD, MIAMI-DADE COUNTY, FLORIDA**  
**HWR-1249**  
**JULY 23, 2024**

## **SITE BACKGROUND**

SCS Engineers (SCS) prepared this Engineering Control Maintenance Plan (ECMP), on behalf of Lennar Homes, LLC, for the Phase 2 closure area (the Property) which is located in the vicinity of SW 172nd Avenue and SW 336th Street, Homestead, Miami-Dade County, Florida. The Property is part of and encompassed by a larger parcel of land, known as Keys Lake (the Site).

The engineering control (EC) at the Property consists of at least two feet of clean fill (i.e. fill imported from a rock quarry in Miami-Dade County and/or soil with arsenic concentrations within the observed range of naturally occurring concentrations in Miami-Dade County soils, based on the Miami-Dade County natural background data set) and extends throughout the Property. Refer to **Exhibit C, Figure 1 through Figure 3** for the engineering control as-built survey, prepared by County-Wide Land Surveyors, Inc. (CWLSI) certified on July 22, 2024.

## **ENGINEERING CONTROL INSPECTION AND MAINTENANCE**

The Los Cayos Community Development District (the CDD), on behalf of the property owner(s), will be responsible for the inspections, notification, and maintenance described herein.

### **Inspections**

A Florida-licensed Professional Engineer, or appropriate personnel under the direct supervision of the Professional Engineer, retained by the CDD, will conduct semi-annual inspections of the EC. During the inspections, evidence of damage or failure of the engineering control will be noted.

The following constitutes damage to the engineering control:

- Holes at the surface with a depth of less than two feet
- Signs of erosion at the surface

The following constitutes failure of the engineering control:

- Holes at the surface deeper than two feet

The results of the EC inspections will be documented in writing and the date, name of the inspector (and associated qualifications), key observations, and recommended corrective actions (if applicable) will be included.

## Maintenance

If evidence of damage to the EC or failure of the EC is observed, the ECs will be restored within 30 days of discovery. Inspection reports and repair records will be maintained by the CDD and submitted to DERM upon request.

## **DISTURBANCE OF ENGINEERING CONTROL**

### Work Authorization

The CDD will notify the Pollution and Remediation Section of Miami-Dade County DERM and the South Florida Water Management District (SFWMD) prior to digging of any holes, trenches, or any other penetrations of the earth.

The above DERM notification also applies to work undertaken by other entities on behalf of the CDD.

### Disturbance within EC

If the work is conducted within the EC (excavation that does not fully penetrate the 2-foot soil cap), the CDD shall be responsible for repairing the ECs. Photographic evidence of the repair shall be maintained by the CDD.

### Disturbance below the EC

The following applies to work that will involve excavation below the EC:

#### **Contractor Requirements**

1. The environmental condition of the Site shall be disclosed to prospective Contractors by the CDD.
2. A Dust Control Plan with specific means and methods for dust suppression during execution of the work shall be submitted to DERM for review and approval prior to commencement of the work.
3. The Contractor shall prepare a project specific Health and Safety Plan (HASP), for use by their employees, subcontractors, and vendors engaged in the work. The Contractor shall review the HASP with all onsite employees prior to starting the work.
4. The Contractor shall comply with all applicable provisions of federal, state, and local health and safety statutes, codes, and regulations, including but not limited to Chapter 24 of the Code of Miami-Dade County.
5. A Soil Management Plan (SMP) to perform excavation work shall be submitted to DERM for review and approval prior to commencement of the work. This SMP must include details regarding the following: soil stockpiling, transportation and disposal of excavated soil (including identification of companies retained for such efforts), the plan for reuse of any excavated soil at the Site, the importation of clean backfill for use at the Site (including the

source of the backfill), and the repair to the ECs. At a minimum, the SMP shall provide provisions for the following guidelines:

- Any soil excavated from below the 2-foot soil cap will be stockpiled on an impermeable surface or directly loaded into trucks for transport to a disposal facility certified to accept this type of soil. Stockpiled soil shall be placed on a double layer of at least 6-mil thick polyethylene sheeting. The Contractor shall cover and berm soil stockpiles to prevent infiltration of water into, and erosion of soil from the stockpiles. Soil shall not be stockpiled onsite for more than 60 days. Soil will either be returned to its original location and depth, or properly disposed at a Class I landfill. In the event of off-site disposal, all transportation and disposal manifests will be provided to DERM.
- If necessary, clean soil will be added to return the area to existing grade. Clean fill shall be obtained from a DERM-approved quarry or will otherwise be pre-approved by DERM.

### **Owner Requirements**

1. The CDD must ensure the Contractor engages a Florida-licensed Professional Engineer for overseeing and documenting the work.
2. The CDD shall submit to DERM a Source Removal Report (if soils are removed from the Site) and/or an Engineering Control Repair Report (ECRR) within 60 days of work completion. The ECRR shall be signed and sealed by a Florida-licensed Professional Engineer.

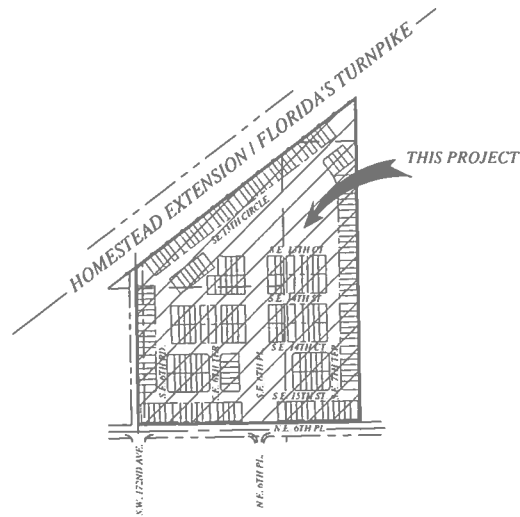


## EXHIBIT C, FIGURES

Exhibit C, Figure 1

**LOS CAYOS**  
**CITY OF HOMESTEAD, FLORIDA**  
**DERM PRS DRC PHASE 2**  
**AS-BUILT**

**SECTION 19 / TOWNSHIP 57 S / RANGE 39 E**



LOCATION MAP  
SCALE 1" = 300'

**LEGAL DESCRIPTION**

[illegible]

## NOTES

[illegible]

**SURVEYOR'S CERTIFICATION:**

STATE OF FLORIDA  
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for the purposes and consideration therein expressed.


Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public in and for the State of Florida

My commission expires \_\_\_\_\_

THIS DOCUMENT CONSISTS OF 3 SHEETS AND EACH SHEET

**Joseph L Martin**



COUNTY-WIDE LAND SURVEYORS, INC.  
LAND SURVEYORS - PLANNERS  
1401 W 141 COURT  
PO BOX 721 2340  
ST. JOE, MO 64506

ORIDA	REVISION COMMENTS	BY	APP
	REVISED AS PER ENGINEER'S COMMENTS	S. J.	J.M.
	REVISED AS PER ENGINEER'S COMMENTS	S. J.	J.M.

DATE	DERM PRS DRC AS-BUILT COVER
5-10-24	SW 33RD ST AND SW 172TH AVE, HOMESTEAD FL 33004
7-22-24	SECTION 19, TWP. 57S RGE. 39E

	FILED	CLERK	JULY 1987
AS SHOWN			
COUNTY OF ALBANY			N.Y.
JUN 10 1987			JJA,
DEputy Clerk			DIRECTOR
			DAVID J. GILBERT

1 of 3

Exhibit C, Figure 2

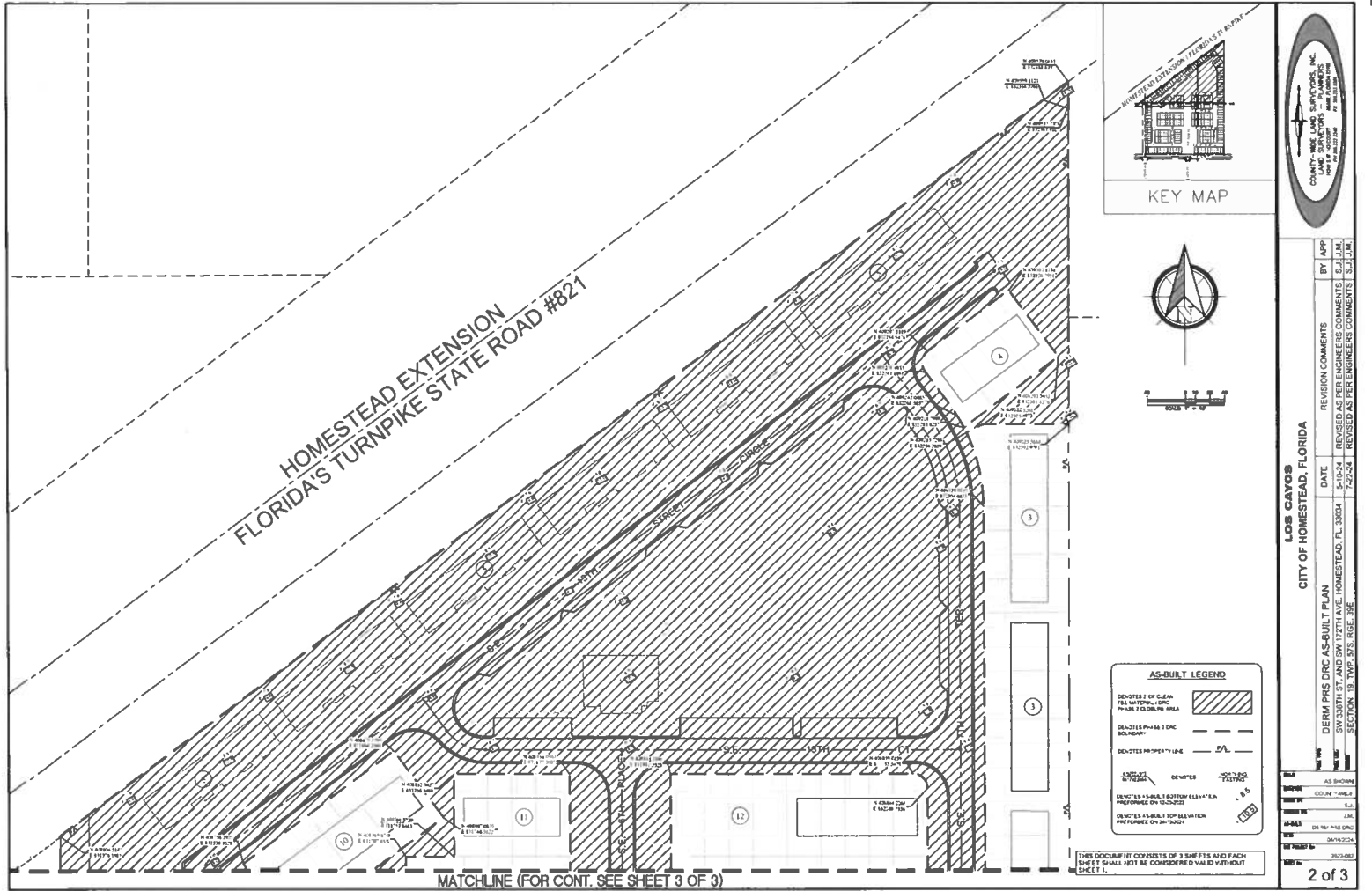


Exhibit C, Figure 3

