



February 22, 2021

Mr. Jorge Acevedo
City of Coral Gables
Public Works Department
Utilities Division
jacevedo2@coralgables.com

Re: Fairchild Botanic Tropical Garden
Outside Sewer Connection
Davis House Building, Letter of Agreement

Mr. Acevedo:

Fairchild Tropical Botanic Garden, Inc. is providing a letter of agreement to the city. The projected average daily flow is 108.1 gallons per day (GPD). Based on the Ten States Standards, the sewer peak factor is 4. Therefore, the peak demand for this project will be 432.4 GPD. The following is the current property owner contact information:

Dr. Carl Lewis, Director
FAIRCHILD TROPICAL BOTANIC GARDEN, INC.
10901 Old Cutler Road
Coral Gables, Florida 33156
Office: (305) 667-1651

Please allow this letter to serve as a consent by the applicant, to the following terms:

(1) To pay a connection fee established in section 1-8 concurrently upon signing this agreement. The connection charge shall be made on the basis of an agreed upon estimated gallonage, which shall be subject to review at any time after six months; usage and the final connection cost shall be adjusted to reflect actual usage if greater, but in no case less than, the amount originally charged. An alternate method of payment for such sewer service connection charges may be granted whereby, in lieu of paying connection charges at time of execution of the customer agreement, the applicant or customer may be permitted to file with the city a cash bond in an amount to be agreed upon between the city manager and the customer, guaranteeing installment payments of said sewer service connection charges.

(2) To comply with all conditions set forth under this chapter, chapter 62, Resolution No. 22601, and any other pertinent ordinances or resolution, copies of which the applicant/customer has reviewed and fully acknowledged by agreeing hereto, except that rates applied to connecting outside the city shall be 25 percent greater than the rates applicable to the same connection within the city. If the connection is outside existing sanitary sewer districts but inside the city, the 25 percent additional rate shall not apply.

(3) To the billing and collecting of sewer service charges as determined by the city. Other agencies, for example the Miami-Dade Water and Sewer Department, may be designated by the city to bill and/or collect sewer service charges. Sewer service charges shall be due within ten days of receipt of billing by the customer. If the sewer service charges remain unpaid 30 days after due date, the city may have water services to the property disconnected. All sewer service charges to any building or structure or unit remaining unpaid 30 days after the due date shall become a lien against and upon the lands to which service has been furnished to the same extent as the lien for special assessments in the city, with the same penalties and the same right of collection and sale as would apply for city taxes.

(4) To pay the entire cost of whatever facilities are required from the source of the sewage to the point of connection with the city system.

(5) To furnish the city attorney with a copy of the deed for each unit of property making outside connection.

(6) To install and maintain facilities for such pre-treatment of wastes as may from time to time be found necessary to render the wastes suitable for handling and treatment by the city without creation of nuisances. Under operational difficulty, the reasonable determination by the city and the city consulting engineers shall be binding. The following shall be required in all cases:

- a. Grease separation facilities without exception.
- b. Comminutors except where flow is directly to a city comminutor.
- c. Screen at the discretion of the city in case of laundries and similar sources of rags, string and lint.
- d. Pre-chlorination in case of long force mains.

(7) To provide the city with plans and specifications in quadruplicate for applicant/customer sanitary sewer facilities as prepared by a registered civil engineer, licensed to practice in the State of Florida and fully experienced and qualified in the design of sanitary sewer systems. Said plans and specifications shall be reviewed by the city and returned to the applicant/customer marked for revision until the plans are returned, marked approved and signed as such by the director of public works. A composite plan/profile survey of existing utilities shall be prepared of each city right-of-way through which a pipeline run is proposed, showing the exact relationship between and among all existing and proposed facilities. The city may refuse to process the plans unless the composite picture is

complete, so that the most feasible route with the least inconvenience to residents may be confirmed by the director of public works.

(8) To provide a cut-off valve at the point of connection with the city system. This cut-off valve shall be shown and described in the above plans and specifications.

(9) To provide the city with a letter from said licensed/registered engineer stating that said engineering services have been retained to provide full-time resident inspection during construction and installation of said facilities. Upon completion of the installation, said engineer shall certify in writing that the work has been fully and properly installed, and that infiltration is within allowable limits.

(10) To have proposed installation shown on said approved plans and specifications constructed and installed only by a fully licensed and qualified contractor who shall also obtain all prerequisite construction permits from each agency having jurisdiction prior to initiating work in the field. The public works director may withhold or withdraw issuance of a city right-of-way permit if compliance with portions of Step II implementation by the applicant becomes overdue.

(11) To keep city informed of work progress and connections inside and outside the city so that city inspectors may confirm the integrity of the facilities at each key point.

(12) To be solely responsible for continuing maintenance and operation of said facilities. The city reserves the right to inspect the facilities and to require the applicant to have timely repairs made, where infiltration or other defects are adversely affecting the cost and operation of the city's sanitary sewer system. Failure of the applicant/customer to remedy defects shall be cause for termination of agreement and disconnection of the service. The occupants or tenants of the connected property shall be informed by the customer that the city is not responsible for such maintenance and operation.

(13) To not permit any other connection to the customer's connecting lines to the city system except those listed in the agreement. Any additional connections, if permitted, shall be subject to approval by the city as stated herein and the original connection charge shall be increased to reflect the additional sewage added. Additional connectors shall furnish the city with prior written approval by the original owner of the line and all prior connectors to said line.

(14) To limit the peak sewage flow from the outside sewer connection insofar as the property, zoning, size, type and/or density of the facility herein approved for connection, and any proposed change thereto which would generate significant increase in peak sewage discharged into the city sanitary sewer system shall require prior approval by the city for such increased sewage discharge in accordance with the terms of this division.

(15) To provide that the monthly charge computed at the volumetric base rate be multiplied by a value of unity for a monthly average BOD of 250 ppm or under, said value to be increased by a surcharge factor of one-quarter percent per part per million on monthly average BOD in excess of 250 ppm, as follows and as interpolation thereof:

Monthly BOD	Multiplier
250 ppm or less	1.000
260	1.025
270	1.050
280	1.075
290	1.100
300	1.125
400	1.375
500	1.625
1,000	2.875

(16) To provide for and bear the cost of sampling with suitable sampling facilities when reasonable cause for sampling exists. The city shall give the customer or tenant reasonable notice when sampling is necessary, and qualified city representatives shall thereafter perform the necessary sampling as efficiently as possible.

(17) To reconnect to the city sewer system at the customer's expense in a manner acceptable to the city, when sewerage is completed to a new area in the city which can more efficiently and effectively serve the customer's outside connection.

(18) To provide liability insurance in the amounts required by Resolution No. 22601, naming the City of Coral Gables as additional insured and covering any damages to public or private property due to a failure in the customer's facilities. A certification of insurance shall be required at the execution of the agreement in a form acceptable to the city.

(19) To provide a maintenance bond or other surety in the amount of five percent of the construction cost to ensure timely repair of the customer's facilities should a failure occur, said surety to run in perpetuity or until the connection is no longer required.

(20) To bear the expense of recording the agreement encompassing the above terms in the public records of the county, and said agreement shall be a covenant running with the land which will state that the owner will not convey or cause to be conveyed the title to the above property without requiring the successor in title to abide by all of the terms and conditions of said agreement.

(c) *Approval.* If after a review of the foregoing documents and terms which regulate all outside connections, the applicant still wishes to pursue the application, the applicant shall then request in writing to the city manager that the matter be placed on the agenda of the next regular commission meeting for consideration by the city commission. No reliance for approval by the city commission shall be assumed by the applicant before approval by the city commission publicly assembled in regular or special session.

(d) *Execution.* If the city commission approves the application for outside connection, the applicant shall then have his or her consultant prepare all plans and specifications for the connection facilities for review and approval by the director of public works, as required by above agreement terms. Upon approval of said plans and specifications by the director of public works, the applicant shall arrange to meet with the city attorney for the purpose of executing the agreement for the outside connection and to pay concurrently the connection for established hereinabove.

Regards,

A handwritten signature in blue ink, appearing to read 'CLE', followed by a horizontal line.

Dr. Carl Lewis, Director

Fairchild Tropical Botanic Garden