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May 25, 2018

Euripides Rodriguez  
Brevard County Solid  
Waste Management Department  
2725 Judge Fran Jamieson Way, #A118  
Melbourne, FL 32940-6605

Re: Florida Recyclers

Dear Mr. Rodriguez:

Enclosed please find two copies of the Investment Value Consulting Report prepared by Shawn E. Wilson, MAI, regarding the landfill.

My clients will accept the appraised value for this property.

I look forward to speaking with you regarding this matter.

Very truly yours,

Jack A. Kirschenbaum

JAK/kf

Enclosures



# Compass Real Estate Consulting, Inc.

Real Estate Consultant    Litigation Valuation  
120 East Pine Street • Suite 1 • Lakeland, Florida 33801

## INVESTMENT VALUE CONSULTING REPORT

**45 Acres of Land  
Owned by  
Florida Recyclers  
of Brevard, LLC**

**BREVARD COUNTY, FLORIDA**

### **Prepared For**

GrayRobinson  
1795 West NASA Boulevard  
Melbourne, Florida 32901

### **By**

Shawn E. Wilson, MAI  
State-Certified General Real Estate Appraiser RZ503

## SUMMARY

PROPERTY: 45 acres of land owned by Florida Recyclers of Brevard, LLC, in Melbourne, Florida.

COUNTY: Brevard

TAX ID: 27-36-24-00-507  
27-36-24-00-508

LAND SIZE: 45 acres, more or less

IMPROVEMENTS: Currently used as a C&D landfill and recycling center.

HIGHEST AND BEST USE: Landfill

DATE OF VALUE: April 10, 2017

SCOPE OF WORK: Estimate investment value by analyzing land value plus cost to construct a new C&D landfill on the site.

DEFINITION OF VALUE: This assignment estimates investment value. Investment value is defined as "the value of a property to a particular investor or class of investors based on the investor's specific requirements. Investment value may be different from market value because it depends on a set of investment criteria that are not necessarily typical of the market." (The Dictionary of Real Estate Appraisal, Sixth Edition, 2015, page 121)

### VALUATION SUMMARY:

Investment Value

\$ 8,416,000

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### **ADDRESS AND LOCATION**

The subject property is located at 3351 Sarno Road in Melbourne, Florida

### **PROPERTY OWNER NAME AND ADDRESS**

Florida Recyclers of Brevard, LLC  
3351 Sarno Road  
Melbourne, Florida 32934

### **LEGAL DESCRIPTION**

Lengthy; please see deeds in Addenda.

### **PROPERTY INSPECTION**

The subject property was inspected on January 6, 2017, and April 10, 2017.

### **APPRAISAL REPORT FORMAT**

This is an Investment Value Consulting Report which is intended to comply with the reporting requirements set forth under Standard Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice for an Appraisal Report. As such, it presents only a summary of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file.

### **HISTORY OF THE PROPERTY (LAST FIVE YEARS)**

The subject property has not transferred ownership during the last five years. It has operated as a landfill and recycling center since 1998.

Instrument:	Trustee's Deed
Grantor:	Joseph J. Weisenfeld, Trustee
Grantee:	Florida Recyclers of Brevard, Inc.
Transaction Date:	3/31/98
O.R. Bk/Pg:	3826 / 3814

Instrument: Trustee's Deed  
Grantor: Joseph J. Weisenfeld, Trustee  
Grantee: Florida Recyclers of Brevard, Inc.  
Transaction Date: 9/30/99  
O.R. Bk/Pg: 4087 / 1036

Instrument: Corrective Trustee's Deed  
Grantor: Joseph J. Weisenfeld, Trustee  
Grantee: Florida Recyclers of Brevard, Inc.  
Transaction Date: 3/13/01  
O.R. Bk/Pg: 4310 / 3384

I was unable to discover, during the normal course of the appraisal process, any evidence of a current Agreement of Sale, listing, or option of the subject property.

The appraiser is informed that a portion of the property is leased to Simply Organic Lawn and Garden Center.



AERIAL PHOTOGRAPH



**PHOTOGRAPHS**



Photo 1:  
Looking south at  
landfill scales.



Photo 2:  
Looking north  
along driveway  
towards Sarno  
Road.

Photographs taken by Shawn Wilson, MAI, April 10, 2017.





Photo 3:  
Representative view  
of soil composting  
area.



Photo 4:  
Looking south  
toward C&D area.

Photographs taken by Shawn Wilson, MAI, April 10, 2017.



Photo 5:  
Looking south toward  
Sarno Landfill.



Photo 6:  
Looking east  
toward Brevard  
County Dredge  
Material  
Management Area.

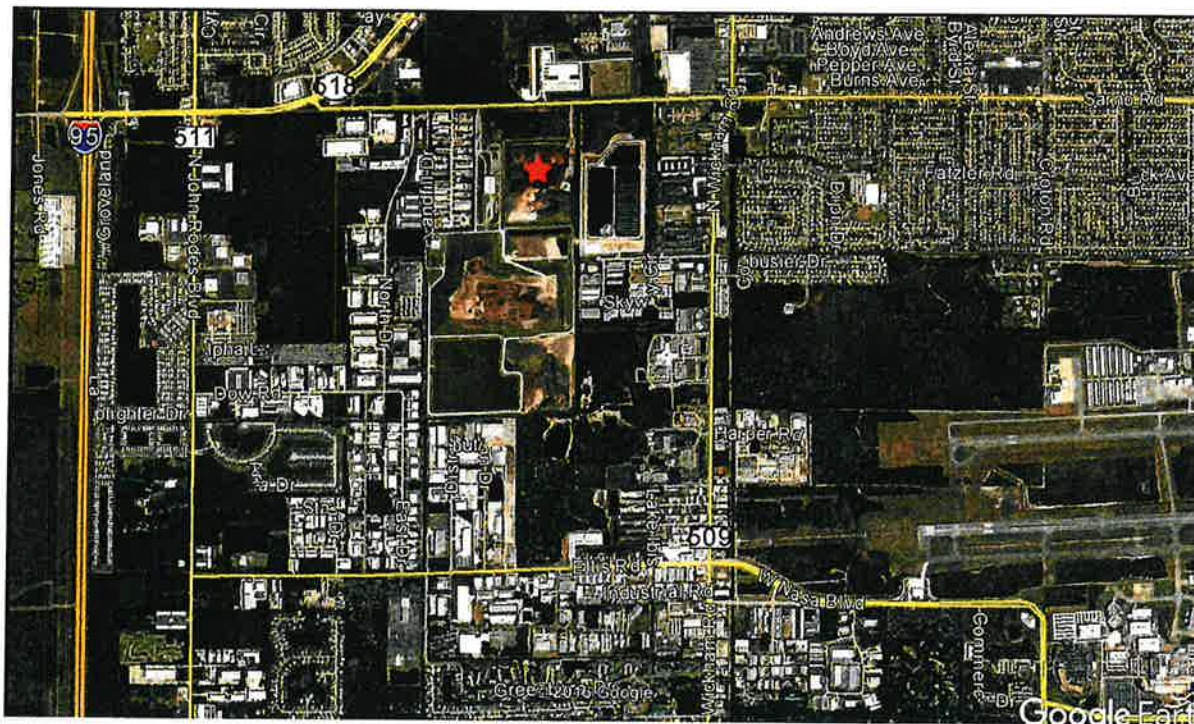
Photographs taken by Shawn Wilson, MAI, April 10, 2017.



## AREA AND NEIGHBORHOOD ANALYSIS

Intended users of this appraisal report are very familiar with the subject property's location, neighborhood, market area, and the greater Melbourne area. For this reason, only a brief analysis is summarized here.

The subject property is generally located in an industrial area between Interstate 95 and the Orlando Melbourne International Airport, lying within the City of Melbourne. The subject's neighborhood includes a variety of industrial uses, including warehousing, manufacturing, and industrial office. The subject property is marked with a red star on the aerial map below.



The Sarno Landfill and Transfer Station is located immediately west and south of the subject property. The Brevard County Dredge Material Management Area (DMMA) for the Eau Gallie River and Elbow Creek Restoration Dredging Project is located immediately east of the subject property.

## SOLID WASTE AND C&D LANDFILLS - OVERVIEW

Waste management is the collection, transport, processing, recycling or disposal and monitoring of non-hazardous waste materials. The term usually relates to materials produced by human activity and is generally undertaken to reduce their effect on health, the environment, or aesthetics. A landfill site, also known as tip, dump or rubbish dump, is a site for the disposal of waste materials by burial and is the oldest form of waste treatment. The first US landfill opened about 1937. Prior to that our

ancestors burned most of their garbage or buried it in outlying rural areas.

Modern landfills are well-engineered and managed and are located, designed, operated and monitored to ensure they comply with federal regulations. Municipal solid waste (MSW) consists of organic material, paper, plastic, glass, metals, and other refuse collected by municipal authorities. It typically does not include waste collected outside of formal municipal programs nor does it include the sewage, industrial waste, or construction and demolition waste generated by cities.

Solid waste is categorized either by material type or by product type. By material type this includes paper and paper board, yard trimmings, food scraps, plastics, metals, glass, wood, rubber, leather, textiles, and other materials. By product type this includes containers and packaging, nondurable goods (newspaper), durable goods (appliances), food scraps, and others. Although the use of landfills remains the common practice of disposal in most countries, about a quarter of the world's garbage is diverted to recycling, composting, or digestion, options that are environmentally superior to landfills and incinerators. In 2013 the US's share of recycled municipal solid waste, which was just 6.2% 50 years ago, grew to 34.4% or 1.5 pounds of garbage per person per day.

The waste industry is highly correlated with consumer spending and stems from consumer products and packaging. Thus, municipal solid waste tends to be generated in much higher quantities by wealthier nations and regions of the world. While wealthier nations produce more inorganic waste, such as plastics, paper, and aluminum, poorer and rural areas produce a higher share of organic matter. The 34 industrialized nations of the world produce about 1.6 million tons of MSW per day with the US producing 4.4 pounds per person per day or the daily equivalent of 60,000 garbage trucks.

Some interesting facts about waste management in the US include the following:

- Americans generate about 250 million tons of garbage each year in landfills
- An average American throws away around 1,200 pounds of waste each year that could be composted
- The amount of waste generated has tripled since 1960
- The average office worker uses over 500 paper cups per year
- Each year around 100.2 billion plastic bags are used by Americans
- 36% of what is thrown away in the US each year is paper or cardboard
- Aluminum can be recycled innumerable times with no loss of quality
- Each ton of paper recycled can save three cubic yards of landfill space
- About 22 billion plastic bottles are thrown out every year in landfills; shielded from sunlight they take thousands of years to decompose

In the 1970s there were 10,000 landfills in the US. Because of consolidation and more efficient use of these facilities, the number of open landfills was reduced to 1,900 by 2013 and 1,654 by 2015. In 2015 the US collected over 245.7 million tons of municipal solid waste of which over 58.4 million tons of material was recovered for recycling, and 20.6 million tons were recovered for composting. In June 2016 annual MSW collection had risen to 254 million tons but recycling increased with 87 million tons recycled or composed.

David Biderman, President of the Solid Waste Association of North America recently stated that the lack of capacity in the nation's landfills is largely overblown and he estimates that the nation overall has 62 years of capacity left. According to Mr. Biderman, seven states will run out of space in five years, one, in five to ten years, three, in 11 to 20 years, most have a significant capacity for many years, and 22 have no long-term problem at all.

Tipping fees are typically used to cover operating and maintenance costs and include personnel, equipment, fuel and anticipated capital costs such as cell expansions, cell closures, and capping. Government plays a huge role in determining rates and how the money will be spent. Often fees are used to fund local projects, solid waste management organizations, statewide waste reduction programs, or environmental efforts within the state.

In January 2016, the average tipping fee in the US was \$48.27 with a substantial variation between states noted. A list of landfill tipping fees published by Clean Energy Projects, Inc. for the 50 states indicated that, besides Hawaii, the highest tipping fees were in the northeast region of the US and included Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

Information from Dun & Bradstreet dated December 5, 2016, on their waste management services industry profile for the quarter ending in September 2016 reported that the US waste management industry includes about 24,000 companies (single-location and units of multi-location companies) with combined annual revenue of about \$85 billion. The profitability of individual companies depends on an efficient operation as the service is based on price. Big companies enjoy economies of scale in purchasing equipment and establishing networks of facilities. Small companies can compete by offering specialized services or serving local markets.

The US industry is concentrated with the 50 largest companies accounting for about half of the industry's revenue. The largest waste management companies in the US are Waste Management, which has 21,000 collection and transfer trucks and services more than 20 million customers in the US and Canada, and Republic Services, which serves over 2,800 communities throughout the US. One of the problems in the industry is preventing monopolization by big companies which may mean higher costs and subpar services for customers.

The collection process is the biggest part of the waste industry and accounts for about 55% of the industry's revenue. Waste treatment and disposal are responsible for 20% of the revenue which includes composting, incineration, landfill and recycling. About 15% of the annual revenue is remediation of waste which includes cleaning oil spills, cleaning contaminants on the ground, removal of asbestos and lead paint, restoration of strip-mined areas, and processing hazardous waste.

#### Landfill Classifications

As of December 2016, there were 333 permitted solid waste management facilities in Florida and five new facility applications. These include landfills, C&D disposal, C&D recycling, waste processing, and tire and soil treatment facilities. Landfills are classified as Class I and Class III.



Class I landfills are those which receive municipal solid wastes, or garbage. Class II landfills accept an average of fewer than 20 tons of solid waste per day. Class III landfills receive only yard trash, construction, and demolition debris, waste tires, asbestos, carpet, cardboard, paper, glass, plastic furniture other than appliances, or other materials which are not expected to produce leachate which poses a threat to public health or the environment. In addition to the Class I, II and III landfills, there are Construction & Demolition Debris facilities known as C&D facilities. Mixing of construction and demolition debris with other types of solid waste will cause a landfill to be classified as other than construction and demolition facilities.

### Construction and Demolition Landfills

The landfill that is the subject of this report is classified as a construction and demolition debris (C&D) landfill. C&D landfills are reviewed and approved by the State Department of Environmental Protection through a state permitting process. It is reported that in December 2016 there were about 70 C&D facilities in Florida. According to the Florida Department of Environmental Protection, about 25% of all of the state's municipal solid waste was C&D debris. C&D material is defined as debris generated during the construction, renovation, and demolition of buildings, roads, and bridges, and is typically not included in the category of municipal solid waste. C&D materials often contain bulky, heavy materials that include concrete, wood from buildings, asphalt from roads and roofing shingles, gypsum the main component of drywall, metals, bricks, glass, plastics, salvaged building components (doors, windows, and plumbing fixtures), and trees, stumps, earth, and rock from clearing sites. Construction and demolition landfills are able by regulation to take most of the full complement of materials deposited into landfills, except for paint, carpet, tires, furniture, household garbage, biomedical waste and industrial or hazardous waste. Some soils are also prohibited as they may be contaminated. The Environmental Protection Agency estimates the overall percentage of debris in C&D materials falls within the ranges provided below.

**MAKE-UP OF DEBRIS IN C&D LANDFILLS**

Concrete & Mixed Rubble	40-50%	Metals	1-5%
Wood	20-30%	Bricks	1-5%
Drywall	5-15%	Plastics	1-5%
Asphalt Roofing	1-10%		

Reducing and recycling C&D materials conserves landfill space, reduces the environmental impact of producing new materials, creates jobs, and can reduce overall building project expenses through avoided purchase and disposal costs. Less waste can lead to fewer disposal facilities and reducing, reusing and recycling C&D materials offsets the need to extract and consume virgin resources. Deconstruction and selective demolition methods divert large amounts of materials from disposal and provide business opportunities to the local community. Recovered materials can be donated to qualified charities resulting in a tax benefit to the donor.

## Industry Trends

There are several trends that may define the future of the waste industry. The first is achieving Zero Waste, a trend by cities and others to push recycling programs, to ban the use of specific products, and to increase waste to energy programs. Some refer to this as the four “R” approach: reducing waste at the source, then reusing, recovering, or recycling any waste that remains.

The second trend is for smaller waste removal companies to acquire or merge with other companies. The intent is for smaller companies to make a bigger impact on the industry, like their bigger competitors. If the merger or acquisition is not well planned, however, these activities can lead to increases in costs, invoice change issues, and even service interruptions.

The third trend is the development of advanced technology in trash and recycling containers. This trend will help companies decrease energy use, save money, and increase efficiency by using solar powered dumpsters. These containers can send a digital signal when they are near capacity, so over or under collecting by waste management companies does not occur. In another emerging disposal technique, semi-underground containers are used to reduce odor, reduce the growth of bacteria, and deter invasion by animals.

The fourth trend is for municipalities to take steps to eliminate or cut down food and organic waste by enforcing composting programs. According to the EPA, every year Americans generate around 14 million tons of food waste or about 107 pounds per person. Some cities now require sporting venues, restaurants at large hotels, large food manufacturers and wholesalers to recycle all food waste. It is noted by many in the industry that these programs may cause a significant amount of stress for businesses trying to comply with these new regulations.

## Conclusion

As recently as forty years ago it was common practice in Florida, as in most parts of the United States, to either burn solid waste materials or use open dumps to alleviate solid waste problems. Back then, there were 500 open dumps in Florida. Today there are 333 solid waste management facilities permitted in Florida by the Florida Department of Environmental Protection. These facilities are located in every county and include at least one special waste materials construction and demolition disposal facility in every county.

Sources: Basic Information about Landfills, Environmental Protection Agency, April 2015.  
“Municipal Solid Waste Trends and Changing Demographics,” by Nick Chiu, Seeking Alpha, December 26, 2012.  
“20 Horrifying Waste Management Statistics and Facts About Landfills,” Trash Talkin’, December 10, 2013.  
“Think Outside the Bin,” Environmental Protective Agency, June 27, 2016  
“Trash by the Numbers: Startling Statistics about US Garbage,” by Melissa Breyer, Business/Environmental Policy, July 1, 2016  
“Four Waste Management Trends Defining the Waste Industry,” by Carmine Esposito, National Waste Associates, September 10, 2015.  
Solid Waste Management Facilities List, Florida Department of Environmental Protection, December 27, 2016.  
Landfill Tipping Fees in USA, Green Power, Inc., January 2016.  
Landfill Statistics, Environmental Protection Agency, June 27, 2016.

### **DESCRIPTION OF THE CONSULTING SERVICE**

The subject property is currently permitted for use as a construction and demolition debris landfill (C&D). The property owners now operate a recycling and landfill operation on the property. Recycling activities include a mulch and soil composting operation, Simply Organic Lawn and Garden Center, with wholesale and retail sales activity on-site.

In addition to the on-site recycling activity, typical C&D recycling items such as concrete, metal, and plastics are also removed from the waste stream and recycled off-site. The location of the subject property is conducive for continued use as a landfill. However, the Simply Organic Lawn and Garden Center mulch and soil operation is under separate ownership and does not require a landfill permit for operation. That business could be moved to a different location if the business owners chose to do so.

As described previously, the subject property is surrounded on three sides by Brevard County Government solid waste facilities: Sarno Transfer Station, Sarno Landfill, and a Dredge Material Management Area.

The Brevard County Board of County Commissioners is charged with providing and regulating waste collection and disposal. The Brevard Code of Ordinances sets forth annual special assessments and service fees for collection, recycling, and disposal services. Because of the manner in which tipping fees for C&D waste are assessed, privately owned landfills in Brevard County cannot operate at levels of profit which are possible in counties which have a more traditional pricing model.

The subject property is the only privately owned and operated C&D landfill in Brevard County. The subject landfill is profitable, in part, because its operating income is augmented by the on-site recycling operation.

The subject property is also unique among properties in Brevard County because it is bounded on three sides by existing government-owned solid waste facilities. By sharing common boundaries with other government solid waste facilities, the subject land can afford additional utility and horizontal expansion capacity when designed in conjunction with adjoining facilities, particularly in conjunction with the adjoining Sarno Landfill improvements.

Because of these atypical locational and market characteristics, a traditional market value analysis is not utilized in this assignment. The consulting problem is addressed by examining the investment value of the subject property's potential air space if used by the Brevard County solid waste program.

Note that the market value of the landfill and business which currently operate on the site is not part of this analysis.

## **ZONING AND FUTURE LAND USE**

The subject property is located in Brevard County and is governed by the City of Melbourne Comprehensive Plan and Land Development Regulations.

Zoning: C-M1 (Neighborhood Commercial District / Light Industrial District)

Future Land Use Designation: Industrial

The Industrial Future Land Use designation is intended for “manufacturing, assembling, and distribution activities; assembling and distribution activities; warehousing and storage activities; general commercial activities; and other similar land uses.” It is determined by the impact on existing and planned public services, utilities, water resources, and energy resources.

The C-M1 zoning is “intended to apply to an area adjacent to arterial and major collector streets and convenient to major residential areas. The types of uses permitted are intended to serve consumer needs. Lot sizes and other restrictions are intended to reduce conflicts with adjacent residential uses and to minimize the interruption of traffic along thoroughfares.”

The zoning and Future Land Use designations provide for a variety of medium intensity uses. The subject property could be improved with one or more of the permitted uses, as a mixed-use development.

The capacity of the existing landfill operation is determined by the Florida Department of Environmental Protection (FDEP) permit and the subject property’s City of Melbourne zoning. The permissible height of the landfill currently differs, being 80’ for the FDEP permit, and a 40’ height limit imposed by zoning. The appraiser is informed that a reasonable probability of obtaining a zoning variance for a height of 80’ exists, primarily because neighboring Brevard County solid waste facility improvements are permitted to exceed 40’ in height. This height differential is discussed further in the Extraordinary Assumption section of the report.

## **ASSESSED VALUE**

<b>Parcel ID Number</b>	<b>Assessed Value Land</b>	<b>Assessed Value Improvements</b>	<b>Assessed Value Total</b>
27-36-24-00-507	\$844,000	\$0	\$844,000
27-36-24-00-508	\$600,660	\$0	\$600,660
Total	\$1,444,660	\$0	\$1,444,660

Note that the tax assessment for the subject property is provided for reference purposes only. Tax assessments are based upon mass appraisal techniques and are not generally reliable for market value estimates.

### **PROPERTY RIGHTS APPRAISED**

This value estimate for the subject property is appraised as a fee simple estate. This is defined as "Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat." (The Dictionary of Real Estate Appraisal, Sixth Edition, 2015; page 90).

### **PUBLIC AND PRIVATE RESTRICTIONS**

As described previously, the subject property holds a permit for use as a C&D landfill. This permit is administered by the FDEP, and the landfill activities on the site are governed by the restrictions related to that permit. The appraiser is informed that the permit is active, with no atypical restrictions or deficiencies noted on the effective date of value.

Other than the items described previously, I did not find evidence of any public or private restrictions that would have a significant effect on the highest and best use of the subject property. I did not find any evidence of other encumbrances that would have a negative effect on the utility or market value of the land as if vacant.

### **PURPOSE AND INTENDED USE OF THE APPRAISAL**

The purpose of the appraisal is to estimate the investment value of the subject property as of the effective date of valuation. The client who has ordered this appraisal is GrayRobinson, attorneys for the property owners. The intended users are the client, property owners, and their authorized representatives. The appraiser has been informed that this appraisal consulting report will be used for a potential negotiated sale of the subject property to Brevard County Government.

### **HYPOTHETICAL CONDITION**

A hypothetical condition is "that which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis." (The Dictionary of Real Estate Appraisal, Sixth Edition, 2015, page 113)

This investment value consulting assignment is based on the assumption that the subject property is vacant and available to be improved with a C&D landfill.

The use of this hypothetical condition may affect the assignment results.



### **EXTRAORDINARY ASSUMPTION**

Extraordinary Assumption is defined as “an assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser’s opinions or conclusions.” (Uniform Standards of Professional Appraisal Practice, 2016-2017 Edition, Page 3.)

This investment value consulting assignment is based on an extraordinary assumption that a zoning variance from the City of Melbourne to permit landfill activities to a height of 80’ is reasonably probable.

This assignment includes an estimate of waste volume, or air space, which has been consumed by the existing landfill operation. A topographic survey and consumption data provided by William Mott Land Surveying Inc. has been relied upon to estimate air space consumption as of the effective date of value. The investment value herein is based upon an extraordinary assumption that the consumption data provided therein is accurate.

James E. Golden, P.G. of Grove Scientific and Engineering has provided a cost model for the permitting and construction of a conceptual C&D landfill, similar to that on the subject property. His conceptual design results in a waste volume, or air space, of approximately 2,800,000 cubic yards. His detailed cost model and engineering report are included in the Addenda of this consulting report. The investment value estimate herein is based upon an extraordinary assumption that permitting of the conceptual design is reasonably probable and that the technical information and cost model within the Grove Scientific report are accurate.

The use of this extraordinary assumption may affect the assignment results.

### **TYPE AND DEFINITION OF VALUE**

This assignment estimates investment value. Investment value is defined as “the value of a property to a particular investor or class of investors based on the investor’s specific requirements. Investment value may be different from market value because it depends on a set of investment criteria that are not necessarily typical of the market.”  
(The Dictionary of Real Estate Appraisal, Sixth Edition, 2015, page 121)

### **EFFECTIVE DATE OF VALUE OPINION (DATE OF VALUE)**

The effective date of value is April 10, 2017, the most recent date of inspection.

## **DATE OF REPORT**

The date of this report is June 22, 2017.

## **SCOPE OF WORK**

This section describes the extent of the process of collecting, confirming, and reporting data.

This is an appraisal consulting service. The effective date of value is April 10, 2017.

As described previously, a traditional market value analysis is not utilized in this assignment. The consulting problem is addressed by examining the investment value of the subject property's potential air space if used by the Brevard County solid waste program.

The scope of work for this assignment results in an estimate of the investment value of the subject property when analyzed as vacant land available to provide additional C&D landfill capacity to Brevard County Government, with an adjustment for airspace which has already been consumed on the site. Note that the market value of the landfill and business which currently operate on the site is not part of this analysis.

Information on the subject property was gathered from the Florida Department of Environmental Protection, Brevard County Property Appraiser resources, other public records, published studies, various news publications, information from the property owner, the appraiser's files, and other sources.

Market data utilized in the valuation process was gathered from public records, tax assessment records, Multiple Listing Service records, other appraisers, local Realtors and licensed real estate salespersons, and through research for comparable properties. Market data gathered includes sales and listings of land similar to the subject property.

A highest and best use analysis is part of this assignment, including consideration of all the physically possible, legally permissible, financially feasible, and maximally productive uses of the subject property. The data utilized to value the subject land as if vacant is based on this highest and best use conclusion.

The appraiser reviewed documents regarding the Florida Department of Environmental Protection's landfill permitting process and Florida Recyclers' permit history.

The scope of this consulting assignment includes providing a written report in a summary format.

Professional assistance with landfill research, valuation, and report drafting was provided by John A. Gillott, MAI, SRA, State-certified general real estate appraiser RZ212. James E. Golden, P.G. of Grove Scientific and Engineering provided a conceptual plan and cost model for the construction of a C&D landfill on the subject property.

## HIGHEST AND BEST USE

### Definition

Highest and Best Use is defined as “the reasonably probable and legal use that results in the highest value. The four criteria that the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity.” (The Dictionary of Real Estate Appraisal, Sixth Edition, 2015; page 109).

### Analysis – Current Condition

Legally permissible uses for the subject property are those permitted by the property’s zoning and Future Land Use (FLU) designations. A discussion of this issue is presented in this appraisal report under the heading, *Zoning and Future Land Use*. In summary, industrial uses are permitted.

Physically possible uses for the site as if vacant are governed by setback and size restrictions which are related to zoning. The property currently operates as a permitted landfill and recycling center, with appropriate site improvements to support same.

Financially feasible uses for the site include those which are legally permissible, physically possible, and would attract sufficient prospective purchasers to assure profitable development. The existing landfill is permitted and has consumed approximately 950,000 cubic yards of waste volume. It has adequate remaining capacity for continued operation over an estimated period of 23 years. FDEP requirements are in place for closure of the landfill when capacity is reached. These closure requirements are imposed regardless of whether or not maximum permissible waste volume is reached. For that reason, the most productive use of the property as improved is for the continued operation of a C&D landfill until the maximum permissible waste volume is in place, followed by closure of the landfill.

Therefore, the maximally productive use of the subject property is for continued use as a C&D landfill until the maximum permissible waste volume is in place.

### Analysis – as if Vacant

Legally permissible uses for the subject property are those permitted by the property's zoning and Future Land Use (FLU) designations. A discussion of this issue is presented in this appraisal report under the heading, *Zoning and Future Land Use*. In summary, industrial uses are permitted.

Physically possible uses for the site as if vacant are governed by setback and building size restrictions which are related to zoning. The property is a permitted landfill and has an adequate land area to be improved as a C&D landfill, or with a variety of industrial building improvements.

Financially feasible uses for the site include those which are legally permissible, physically possible, and would attract sufficient prospective purchasers to assure profitable development. The subject property is located in an industrial neighborhood, just west of an airport, and proximate to Interstate 95. It is bounded on three sides by existing government-owned solid waste facilities, including the Sarno Landfill. These locational characteristics are well-suited to construction and operation of a landfill, or similar industrial uses.

The site, as if vacant, is permitted for use as a C&D landfill. Such permits are considered to have value, as they are in demand but somewhat scarce, and are generally more difficult to obtain than permits for non-landfill industrial uses.

Therefore, the maximally productive use of the subject property as if vacant is for the construction of a C&D landfill.

### APPROACHES TO VALUE

The scope of work for this assignment calls for an estimate of the investment value of the subject property when analyzed as vacant land available to provide additional C&D landfill capacity to Brevard County Government. The investment value analysis includes elements of the Cost Approach, including the value of the land as if vacant and the cost to construct a conceptual new landfill on the site. The Sales Comparison Approach is used to estimate the value of the land as if vacant.

As discussed previously in this report, the manner in which tipping fees for C&D waste are assessed in Brevard County creates an economic environment where privately-owned landfills cannot operate at levels of profit which are possible in counties with a more traditional pricing model. As a result, the market value of the landfill and business which currently operate on the site is not part of this investment value analysis. For that reason, the Sales Comparison Approach and Income Approach for an improved landfill of the type which currently operates on the property was not processed.

### ESTIMATE OF LAND VALUE (AS IF VACANT)

The Sales Comparison Approach is based upon the Theory of Substitution which holds that a prudent purchaser would be willing to pay no more for a particular property than the cost of acquiring an equally desirable substitute. This also implies that a willing seller would be willing to sell for no less than that value or price that would allow him to acquire a property of comparable utility and desirability.

The essence of this approach involves the researching of comparable sales, and the analysis of those sales so that they may be directly compared to the subject property to yield an appropriate range of value for the subject. Properties such as the subject are typically bought and sold based upon land area, expressed in square feet. For purposes of this analysis, the price per square foot of total land area is used as the basis for comparison.

The comparable sales selected for comparison to the subject property have several elements of similarity:

Market Conditions - The comparable sales used were transferred before the effective date of value. The sales are relatively recent in nature. Changing market conditions are considered in the analysis, but no specific adjustment is applied because insufficient sales data is available to precisely formulate such an adjustment. However, the age of each sale is considered in the correlation of a final value opinion.

Financing - All sales were cash to seller, or cash equivalent, so no financing adjustments were necessary.

Conditions of Sale - All sales were arm's-length, fair market value transactions for fee simple estates. Accordingly, no adjustments for conditions of sale were needed.

Size - Larger parcels typically sell for less on a per unit basis than smaller sites due to economies of scale and the amount of capital outlay necessary for the purchase. The comparison of each sale to the subject for this factor is considered in the reconciliation process.

Please refer to the Addenda of this appraisal report for additional information for the land sales used in comparison.



The comparable sales given primary consideration in this analysis are presented in the grid below.

	Subject	#7 Lexmar Sale	#2 Palm City Sale	#5 Dike Road Sale	#14 Digital Light Sale
Sale Price		\$300,000	\$1,100,000	\$700,000	\$430,000
Sale Date		3/24/15	7/8/16	9/25/14	10/9/15
Location	Sarno Road	1000 Clearmont Street	Robert J. Conlan Blvd NE	205 Dike Road	Digital Light Drive
Frontage					
Size	45 acres	4.93 acres	24.10 acres	17.28 acres	7.45 acres
Zoning / FLU	C-M1 / Industrial	L-1 / Industrial	BMU / Bayfront Mixed Use	R-3 / UD-Res INST / P-1	M-1 / Industrial
Selling Price/SF		\$1.40 / SF	\$1.05 / SF	\$0.93 / SF	\$1.33 / SF
Selling Price/AC		\$60,852 / AC	\$45,643 / AC	\$40,509 / AC	\$57,718 / AC

The unit prices for the four land sales range from \$0.93 to \$1.40 per square foot. The total land area for the comparable sales ranges from 4.93 acres to 24.10 acres, which in all cases is smaller than the subject property's land area of approximately 45 acres.

Sale #14 - Digital Light Drive, is the sale in closest proximity to the subject property. It is located approximately 0.5 miles directly to the west. Although the locational aspects of the sale are very similar, it is only 7.33 acres in size. At \$1.33 per square foot of land area, it is considered to establish an upper limit of value for the subject land when considered as vacant.

The two comparable sales which are largest in size, #5 - 205 Dike Road and #2 - Palm City Investments, have unit prices which range from \$0.93 to \$1.05 per square foot. These sales are more similar to the subject property in size and are given greatest weight in the analysis.

After careful consideration of the foregoing comparable land sales and with all data gathered and analyzed, the appraiser concluded that the market value of the subject land as if vacant is \$1.00 per square foot.

The value of the subject land as if vacant is calculated as:

$$45 \text{ acres} \times 43,560 \text{ sf / acre} \times \$1.00 \text{ per square foot} = \$1,960,200$$

Rounded to \$1,960,000

#### INVESTMENT VALUE ANALYSIS

James E. Golden, P.G. of Grove Scientific and Engineering has provided a cost model for the construction of a C&D landfill on the subject property. His conceptual design results in a waste volume, or air space, of approximately 2,800,000 cubic yards (similar to that of the subject landfill). His detailed cost model and engineering report are included in the Addenda of this consulting report.

Mr. Golden's cost model is summarized below:

Development Costs	
1. Mobilization & Demobilization	\$80,000.00
2. Site Work & Infrastructure	\$873,755.45
3. Disposal Cell Earthwork	\$1,590,375.00
4. Leachate Control System	\$4,508,796.96
5. Leachate Storage Facility	\$389,900.00
6. Groundwater Monitoring	\$50,500.00
7. Bidding Assistance	\$5,000.00
8. Surveying Layout & As-Built	\$50,000.00
9. CQA & Geotechnical Testing	\$227,500.00
10. Final Design, Permits, Construction Management & Certification	\$450,000.00
Subtotal	\$8,225,827.41
Contingency 10%	\$822,582.74
Total Development Costs	\$9,048,410.15
COST ESTIMATE SUMMARY	
Predevelopment Costs	\$723,500.00
Development Costs	\$9,048,410.15
Total	\$9,771,910.15
Total, Rounded	\$9,772,000.00

The estimated cost for permitting and constructing a landfill with 2,800,000 cubic yards of waste volume is \$9,772,000, or \$3.49 per cubic yard. This unit value has been compared to published resources and other materials in the workfile and is considered to be reasonable and well supported.

Recall that a portion of the waste volume, or air space, associated with the existing Florida Recyclers landfill has been consumed. A topographic survey and consumption data provided by William Mott Land Surveying Inc. has been relied upon to estimate air space consumption. Our analysis indicates that approximately 950,000 cubic yards had been consumed on the effective date of value. The available capacity is therefore 2,800,000 less 950,000 = 1,850,000 cubic yards. The cost of construction per cubic yard developed above is applied to the available capacity as follows:

$$1,850,000 \times \$3.49 / \text{cu yd} = \$6,456,500$$

Rounded \$6,456,000

The land value for the subject property was developed in an earlier section of the report and is estimated to be \$1,960,000. This land value, combined with the cost to construct the available landfill capacity, results in the investment value estimate.

Cost to construct available capacity	\$6,456,000.00
Land value	\$1,960,000.00
Investment Value Estimate	\$8,416,000.00

The subject land value results in an overall construction cost which is somewhat higher than usual because the subject land is smaller and closer to the path of development than sites which are typically purchased for construction of a C&D landfill. When considering investment value, the somewhat elevated land cost is considered to be offset by the economies of scale and potential for additional air space utility which is created by use of a 45-acre site surrounded on three sides by existing Brevard County solid waste facilities.

The scope of work for this assignment calls for an estimate of the investment value of the subject property when analyzed as vacant land available to provide additional C&D landfill capacity to Brevard County Government. That investment value is estimated to be:

\$8,416,000

#### SUMMARY

The total cost for acquiring the subject land as vacant, permitting the project, and constructing a landfill with a total of 2.8 million cubic yards of waste volume on the site was estimated. These costs were then adjusted for the air rights consumed on the subject property as of the date of the appraisal.

The subject site is smaller and better-located than sites which would typically be purchased in a more rural area for construction of a C&D landfill. When considering investment value, the somewhat higher land cost is considered to be off-set by the economies of scale and potential for additional air space utility which is created by sharing boundaries with existing Brevard County solid waste facilities.

Thus, based on the extraordinary assumptions and hypothetical condition stated in this report, the investment value of the subject property, as of the effective date of the appraisal of April 10, 2017, is estimated to be:

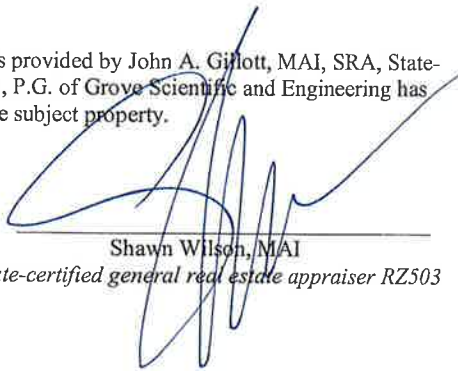
EIGHT MILLION FOUR HUNDRED SIXTEEN THOUSAND DOLLARS  
\$8,416,000

## CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this appraisal report, upon which the analyses, opinions, and conclusions expressed herein are based, are true and correct, and no pertinent facts affecting value are knowingly withheld. In completing my analyses and arriving at the conclusion set forth herein, certain statements were relied upon as fact. If these statements ultimately prove untrue or misleading, my conclusions may be invalidated and warrant reconsideration.
- The reported analysis, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions. The appraisal report sets forth all the limiting conditions (imposed by the terms of this assignment or by the undersigned) affecting the analyses, conclusions, and opinions in this report.
- I have no present or contemplated future interest, nor any personal interest or bias with respect to the subject matter or real estate of this appraisal report or the parties involved in this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My engagement and compensation are not contingent upon developing or reporting a predetermined value of direction in value which favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- To the best of my knowledge and belief, this certificate, the appraisal analysis, opinions, and conclusions have been developed and this appraisal report has been prepared in conformity with, and the use of this report is subject to the minimum requirements of [a] the State of Florida for Certified Appraisers, and [b] the Uniform Standards of Professional Appraisal Practice. I further certify that, to the best of my knowledge and belief, the reported analysis, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute. As of the date of this report, I have completed the continuing education program for Designated Members of the Appraisal Institute.
- The preparation and use of this report are subject to the requirements of [a] the Appraisal Institute and [b] Florida Real Estate Appraisal Board inclusive of review by their duly authorized representatives. Other than those persons identified within the report, no one has provided significant professional assistance to the person signing this report.
- I have performed no other services, as an appraiser or in any other capacity, regarding the subject property within the three-year period immediately preceding acceptance of this assignment.
- I have personally inspected the property which is the subject of this appraisal report.
- A list of Assumptions and Limiting Conditions is shown elsewhere in this appraisal report and is made a part hereof by reference thereto and these "Assumptions and Limiting Conditions" are a part of the valuable consideration between appraiser and client for this report.
- Professional assistance with landfill research and valuation was provided by John A. Giffott, MAI, SRA, State-certified general real estate appraiser RZ212. James E. Golden, P.G. of Grove Scientific and Engineering has provided a cost model for construction of a C&D landfill on the subject property.

June 22, 2017  
Date

  
Shawn Wilson, MAI  
State-certified general real estate appraiser RZ503

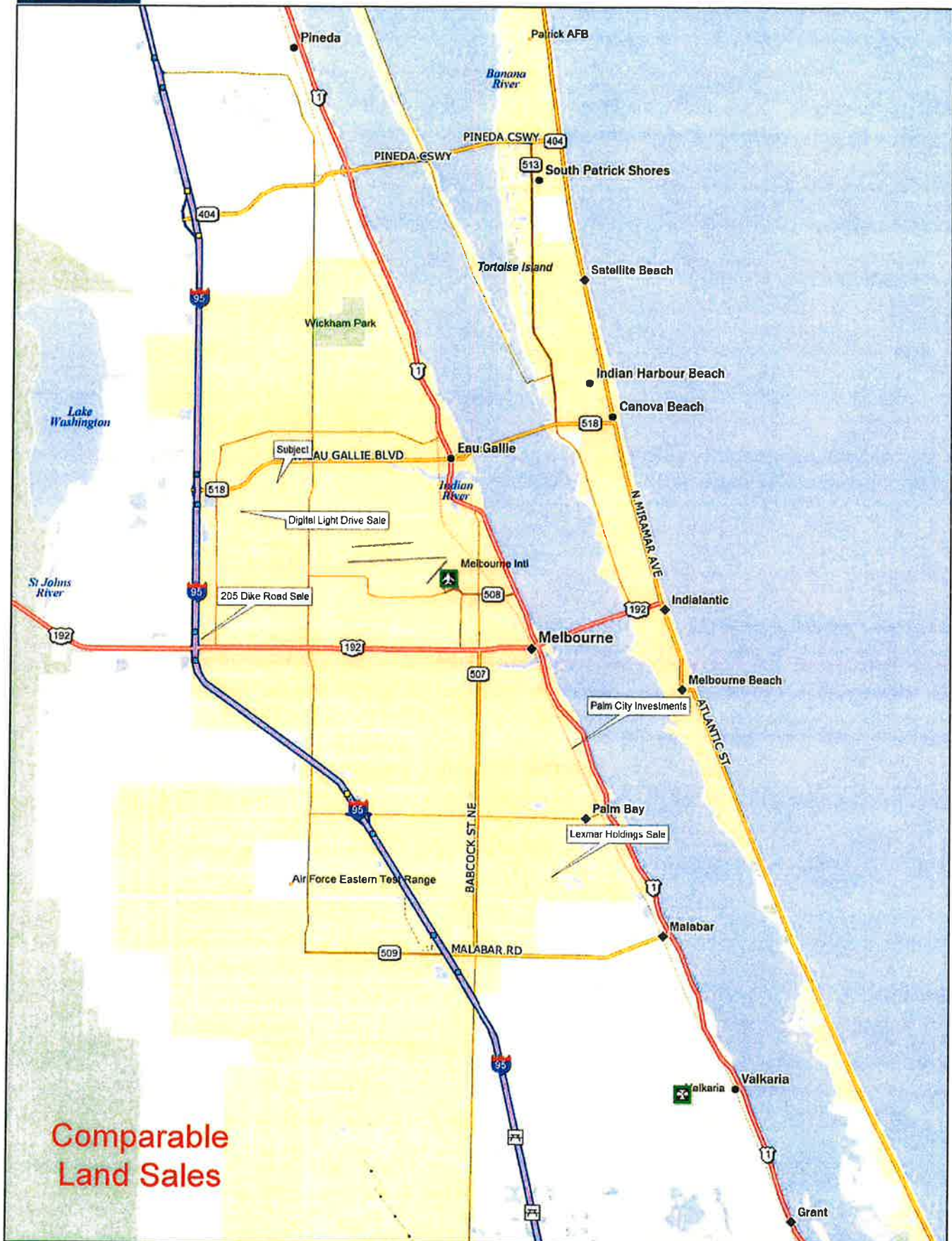
## ASSUMPTIONS AND LIMITING CONDITIONS

1. This is an Appraisal Report which is intended to comply with the reporting requirements set forth under Section 2-2(a) of the Uniform Standards of Professional Appraisal Practice. Supporting documentation concerning the data, reasoning, and analyses utilized in this appraisal is retained in the appraiser's file. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.
2. No responsibility is assumed for legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated in this report.
3. The property is appraised free and clear of any or all liens and encumbrances unless otherwise stated in this report.
4. Responsible ownership and competent property management are assumed unless otherwise stated in this report.
5. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
6. All engineering is assumed to be correct. Any plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
7. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures beyond those associated with the detrimental condition that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
8. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless otherwise stated in this report.
9. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a nonconformity has been stated, defined, and considered in this appraisal report.
10. It is assumed that all required licenses, certificates of occupancy or other legislative or administrative authority from any local, state, or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report are based.
11. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless otherwise stated in this report.
12. Unless otherwise stated in this report, the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act. The presence of architectural and communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.



13. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event, only with proper written qualification and only in its entirety.
14. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news sales, or other media without prior written consent and approval of the appraiser.

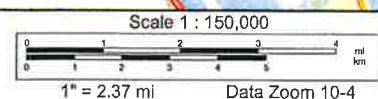
# Addenda



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## LAND SALES DATA SHEET

**SALE NO.:** #7 – Lexmar Holdings

**Recording Data:** Brevard County OR Book 7331 Page 2206

**Grantor:** Robert A. Webb

**Grantee:** Lexmar Holdings, LLC

**Date of Sale:** March 24, 2015

**Dimensions/area:** Land area is 4.93 acres; 214,750 square feet

**Consideration:** \$300,000

**Price per unit:** \$60,852 / per acre, \$1.40 / per square foot

**Type of Instrument:** Warranty Deed

**Financing:** Cash to the seller

**Tax ID #:** 2834849

**Zoning / FLU:** L-1 (Light Industrial and Warehousing) / Industrial, City of Palm Bay, Florida

**Utilities:** Public water, sewer and electric are available.

**Location of Sale:** The site is located at 1000 Clearmont Street, Palm Bay, Florida.

**Comments:** This vacant wooded parcel is located between Palm Bay Road NE and Port Malabar Boulevard NE.



## Aerial of Lexmar Holdings



## LAND SALES DATA SHEET

**SALE NO.:** #2 – Palm City Investments

**Recording Data:** Brevard County OR Book 7691 Page 2825

**Grantor:** Citizens Bank and Trust

**Grantee:** Palm City Investments F.H., LLC

**Date of Sale:** July 8, 2016

**Dimensions/area:** Land area is 24.10 acres; 1,049,796 square feet

**Consideration:** \$1,100,000

**Price per unit:** \$45,643 / per acre, \$1.05 / per square foot

**Type of Instrument:** Special Warranty Deed

**Financing:** Cash to the seller

**Tax ID #:** 2826096 and 2852961

**Zoning / FLU:** BMU (Bayfront Mixed Use District) / Bayfront Mixed Use, City of Palm Bay, Florida

**Utilities:** Public water, sewer and electric are available.

**Location of Sale:** The site is located on Robert J. Conlan Boulevard NE, Palm Bay, Florida.

**Comments:** The east boundary of the site abuts a railroad right-of-way. The property is somewhat below the grade of the adjoining roadway.

Aerial of Palm City Investments



## LAND SALES DATA SHEET

**SALE NO.:** #5 – 205 Dike Road

**Recording Data:** Brevard County OR Book 7216 Page 0810

**Grantor:** PNC Bank, National Association

**Grantee:** Dike Ventures, LLC

**Date of Sale:** September 25, 2014

**Dimensions/area:** Land area is 17.28 acres; 752,717 square feet

**Consideration:** \$700,000

**Price per unit:** \$40,509 /acre, \$0.93 / square foot

**Type of Instrument:** Special Warranty Deed

**Financing:** Cash to the seller

**Tax ID #:** 2801294

**Zoning / FLU:** R-3 (Multiple Family) / UD-Res (Urban Density Residential) and INST (Institutional) / P-1 (Institutional), City of West Melbourne, Florida.

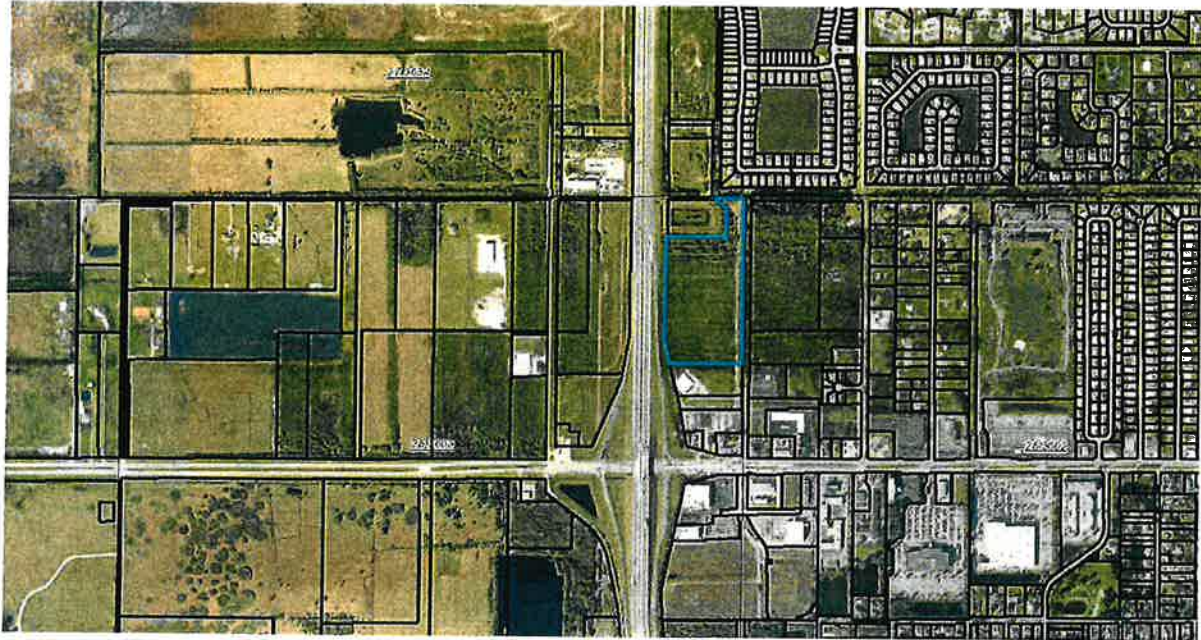
**Utilities:** Public water, sewer and electric are available.

**Location of Sale:** The site is located on 205 Dike Road, West Melbourne, Florida.

**Comments:** The property is located in the northeast quadrant of I-95 and U.S. Highway 192.



**Aerial of 205 Dike Road**



## LAND SALES DATA SHEET

**SALE NO.:** #14 – Digital Light Drive

**Recording Data:** Brevard County OR Book 7474 Page 0527

**Grantor:** Mark J. Pieloch

**Grantee:** Erchonia Corporation, LLC

**Date of Sale:** October 9, 2015

**Dimensions/area:** Land area is 7.45 acres; 324,522 square feet

**Consideration:** \$430,000

**Price per unit:** \$57,718 / acre, \$1.33 / square foot

**Type of Instrument:** Special Warranty Deed

**Financing:** Cash to the seller

**Tax ID #:** 2742853

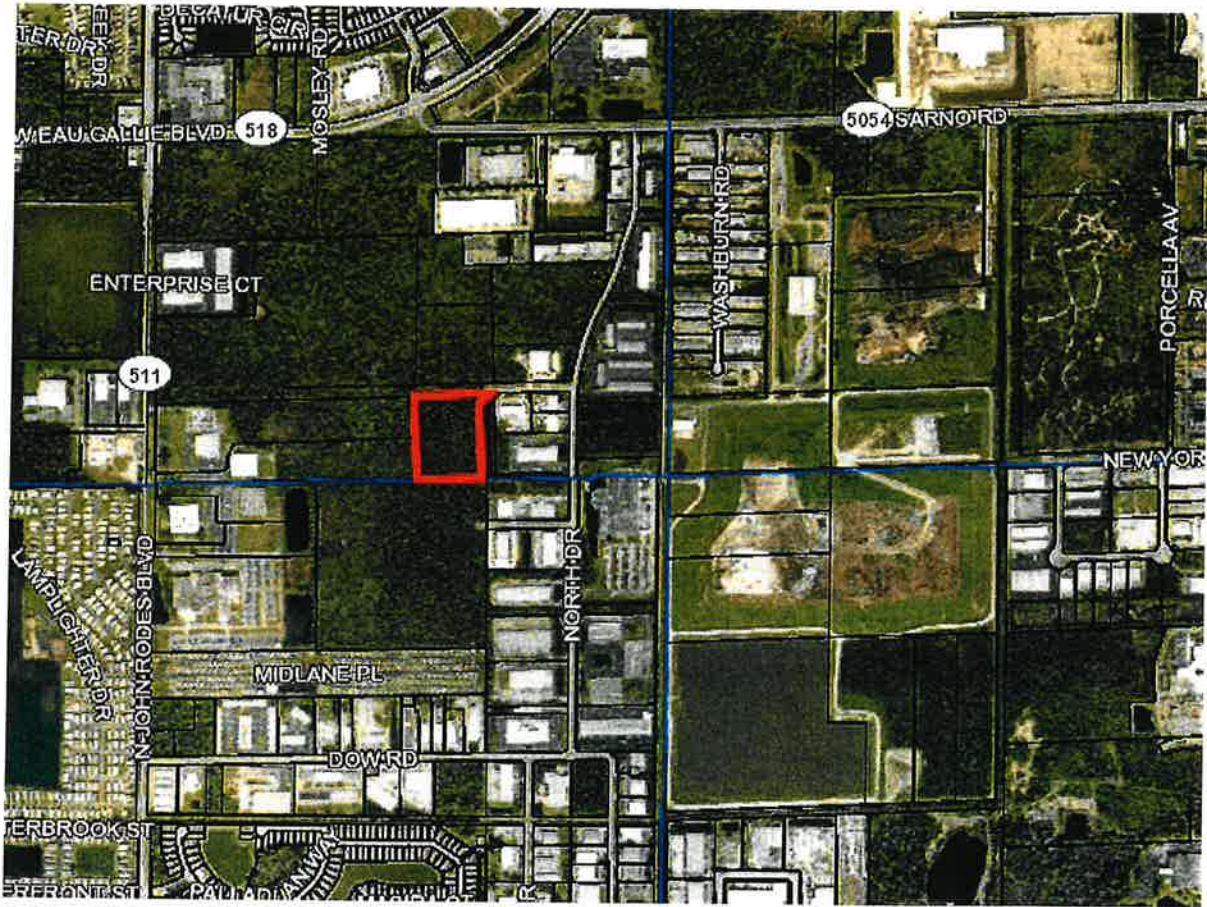
**Zoning / FLU:** M-1 (Light Industrial District) / Industrial, City of Melbourne, Florida

**Utilities:** Public water, sewer and electric are available.

**Location of Sale:** The site is located on Digital Light Drive, Melbourne, Florida.

**Comments:** The site is located in a platted industrial park, just west of the Sarno Landfill.

Aerial of Digital Light Drive





June 7, 2017

Jack Kirschenbaum, Shareholder  
Gray Robinson  
1795 West NASA Blvd.  
Melbourne, Florida 32901

Subject: Development Cost Estimate For Conceptual  
Construction and Demolition Debris Disposal Facility  
East-Central Florida  
GSE Project No. 291200

Dear Mr. Kirshenbaum:

Grove Scientific & Engineering (GSE) has completed a development cost estimate for a construction and demolition (C&D) debris disposal facility in accordance with our approved scope of work. The C&D facility is assumed to be developed in east-central Florida. Therefore, the specific land, siting, permitting, design, and operational limitations of this locale have been applied to the cost estimate. A cost model for the C&D facility was developed that reflected a typical Florida location, size, height and site life. This report first discusses the conceptual facility design, goes on to estimate the predevelopment costs, such as design and permitting, and then finishes with the estimated costs to develop the site to allow acceptance of C&D wastes.

### **Conceptual Site Design**

The cost model used in this estimate is a 45 acre total site size, with a 35 acre disposal area footprint. Site infrastructure, such as paved entrance roadway, stormwater ditches, ponds, scale house and scale, and setbacks, make up the remaining acreage, see attached Figure 1. Minimum setbacks from the disposal footprint are assumed to be 100 feet from adjacent parcels, and 150 feet facing the front collector roadway. The C&D disposal facility is assumed to be lined with leachate controls, a stormwater control system of perimeter ditches/swales, and ponds to control the 25-year storm. C&D facilities have been required to be lined in Florida since July 2010. To provide for the required lined disposal cell base grade of a 1-2% slope to a sump at one end, and to stay above the assumed shallow water table, the disposal unit area must be filled on the upgrade top of slope of the cell, see Figure 1.

The final abovegrade design of the facility was evaluated to understand the permitting and site planning constraints. The sideslopes are assumed to be 3' horizontal : 1' vertical, with terraces and letdown pipes to prevent erosion. The height is assumed to be 80 feet above grade, with a flat top slope of 3%, see Figure 2. These basic design criteria comply with the maximum allowed C&D facility design according to the Florida Department of Environmental Protection (FDEP) Rule



requirements, see Rule 62-701 excerpt, Attachment 1. The final cover would also be required to be impervious, like the bottom liner. This final cover would generate higher stormwater runoff than a soil covered site, thus the ditch and pond system needs to be sized accordingly. This conceptual abovegrade design results in a waste volume, or air space of approximately 2,800,000 cubic yards (CY) in-place, or at an in-place density of 1,500 lbs. per cubic yard, 2,100,000 tons of waste. At a waste input rate of 1000 cubic yards, or 250 tons per day, and a 2.5 compaction ratio, a 23 year site life would be available. Soil cover volume was not included, since C&D facilities are not required to provide waste cover, unless a temporary closure is required.

The following additional site assumptions were used for the cost model:

1. The terrain was assumed to be relatively flat.
2. Groundwater table on the site was assumed to have a seasonal high of 3 feet below grade and an average depth on 5 feet. Therefore, all disposal unit construction is to be above grade. Subsurface soils are assumed to be medium permeability sands and silts, with an intermediate aquifer at 30 feet below grade, and a clayey sand confining unit at a 75 foot depth.
3. Geology is assumed to be stable and not sinkhole prone.
4. The site is assumed to be heavily wooded with no wetlands.
5. Land use and zoning is assumed to have to be heavy industrial, with adjacent uses compatible with that use.
6. It was assumed that a 500 foot paved 2-lane access road, with a turn lane off of a collector 2-lane road would be required to access the site.
7. Soils are assumed to be stable.
8. Surrounding land uses are similar heavy industrial uses, such as landfills, recycling facilities, wastewater/sludge treatment facilities, etc. Variances have been approved by the local municipality for the surrounding land uses for setbacks and heights to 80 feet above grade.
9. Utilities , such as water, sewer, and electric are available within 500 feet of the site.
10. Land costs are not included in the cost estimate.

### **C&D Debris Disposal Facility Pre-Development Costs**

In developing the cost estimate for this model, it was assumed that the pre-development period, from the point investigations began, to the time the construction permit is received would last three years. In our experience, this is an average time in Florida, with some contested permits lasting five or more years. Landfills, and related solid waste facilities are considered LULUs, or "locally undesirable land uses", that are always opposed by nearby land owners, environmental groups, and competitors (commonly disguised as a home owner's group). Therefore, these land uses are very difficult to get approved through the County, and/or City, Zoning and Commissioner boards because of the nuisance stigma (odors, noise, traffic, groundwater pollution, air pollution, reduced property values, etc.). Many landfill and C&D projects have failed in recent years in Florida because of opposition. In addition, in east-central Florida it is also very difficult to find 45 acres of land that is zoned heavy industrial or remote agricultural/open space land that would allow a Conditional Use permit for a C&D facility. For the cost model, we are assuming a moderate amount of difficulty to obtain local zoning/permitting approvals.

As previously described, for the cost model, we are assuming that an FDEP solid waste permit can be obtained for an 80 foot high disposal unit on the 35 acre footprint. This basically is the maximum height, at a 3:1 sideslope, that can be reached. It is also assumed that the local municipality's zoning code only allows for a 50 -foot high structure in a heavy industrial zoned land use. Therefore, to go to the 80 foot height, a variance to the code would be required. We are assuming that the surrounding heavy industrial land uses had previously received variances for heights up to 80 feet above grade, thus setting a precedent for a height variance. This is not uncommon for well buffered industrial uses.

In addition, the land that is selected must meet the landfill siting Prohibitions of the local municipal codes, and FDEP Rule 62-701.300, such as a geologically stable foundation, minimum wetlands setback, potable well setbacks, and surface water setbacks, see Attachment 1. For this cost model, we have assumed that a suitable 45 acre site can be found to develop a C&D facility. Based on GSE's experience with landfill siting, design and permitting, the following predevelopment tasks and associated estimated costs are presented in Table 1.

**Table 1. East-Central Florida C&D Disposal Facility- Predevelopment Costs**

1. Site Selection Study, market analysis and Phase I/II ESA	\$30,000
2. Boundary and Topographic Survey	22,500
3. Conditional Use Permit application, Public hearings, Fees*	75,000
4. Lobbying and Legal Services*	50,000
5. Environmental Assessments-Wetlands, T&E.	35,000
6. Hydrogeological Investigation	100,000
7. Geotechnical Investigation	50,000
8. Landfill/Stormwater Control System Engineering Design & Plan Sets	200,000
9. FDEP Solid Waste and Stormwater Permit Applications-Operations Plan, Groundwater Monitoring Plan, Closure Plan, Closure Cost Estimate, Fees	100,000
10. Roadway and Turnlane Design and Permitting	30,000
11. Water Supply Well design and permitting	3,500
12. Scalehouse, parking, utilities design and permitting	7,500
13. Leachate lift Station design and permitting.	20,000
<b>Total</b>	<b>\$723,500</b>

\*assumes no major opposition to land use approvals. Contingency costs have been included.

Other than the engineering design, the hydrogeological and geotechnical studies are the most substantial predevelopment items, see required FDEP Solid Waste Rule scope for these studies in Attachment 1. For these studies, we assumed 13 SPT borings were completed to a depth of 50 feet to the first confining layer, and a series of 10 piezometers installed within the shallow aquifer, to a depth of 20 feet, and into the intermediate aquifer, to a depth of 45 feet, to evaluate the hydrogeology on the 35 acre disposal unit footprint. An additional 6 shallow borings to 30 feet were used to investigate stormwater pond, roadway, and scalehouse foundations. Soil laboratory testing of 25 samples for soil type characteristics, permeability, and clay content were assumed. Slope stability, foundation analysis, and slug tests were also included in the costs

estimate for these studies. A sinkhole investigation would also be included in the Geotechnical task.

Under the current FDEP Rule 62-701.730, C&D disposal units must be designed with a liner and a leachate collection system, see Attachment 1. This liner system is basically the same as those required for a class III landfill. Therefore, almost the same extensive amount of engineering design and evaluations are required to be applied to this cost model, as applied to a full class I sanitary landfill. Once the leachate is collected, it is assumed that a storage tank is designed to provide for storage capacity prior to off-site disposal or transmission to a sewer system. For the model site, we assumed the design and permitting of a secondarily contained leachate storage tank, discharging to a lift station to a sewer force main along the collector roadway, 600 feet from the facility.

We also assumed the design of typical site infrastructure improvements, such as water service, a water well to supply dust control water, 3-phase electrical service, truck scale, 500 SF office trailer/ scalehouse, customer and handicapped parking spaces, access ramps and washrooms.

### **Facility Construction Cost to Accept Waste**

For costing purposes, it was assumed that the entire C&D disposal facility was excavated, lined, and otherwise constructed at one time, where in reality, liner construction would likely proceed in phases. Typically, each phase, or cell, is operated for about 10 years, and each phase closed as they are filled. Figure 1 depicts the conceptual C&D disposal facility model used to develop the costs to construct. Excavation and surface quantities are based on a 35 acre disposal unit size, see Figure 1.

The estimated costs to construct the 35 acre C&D facility for waste acceptance pursuant to FDEP rules are presented in attached Table 2. Unit costs are based on recent (2015) landfill construction projects in Orange County and Brevard County, Florida, FDOT 2016 average unit costs for roadway construction, and GSE's recent bidding experience on central Florida landfill projects. Specific references are listed in later sections of the report. It should be noted that the Ultimate I-4 highway project is significantly impacting regional borrow soil costs in central Florida. Because of this, soil pricing is common at \$20.00-22.00 for material, delivery and placement. For this cost model, we are using a 2015 landfill closure borrow soil bid from Brevard County at \$18.25/CY.

The following discussion explains the cost items related to the construction of the conceptual C&D facility itemized on attached Table 2

#### **Items 1 & 2-Mobilization, Site Work and Infrastructure**

Items 1 and 2 on Table 2 present the costs of the initial mobilization of contractor's heavy equipment and personnel to the site (typically 1% of the total project), and the basic earthwork to construct the access roadways, stormwater control system, fencing, and utilities. Assuming that the 45 acre site is wooded, clearing and grubbing would be required. Excavation is based on in-bank volume, with 15% swell and losses. The 32,000 cubic yards of excavated fill from the stormwater ponds and ditches is assumed to be used on-site for fill under the lined disposal units.

Typical waste disposal site improvements have been assumed, such as a 500 SF office trailer, or scalehouse with entrance ramps, truck scale, lighting, signage, office furniture, and office software. The office trailer cost is estimated at \$15,000, the scale, foundation and installation is \$70,000, and the remainder of the costs are area lighting, security and scale cameras, signage and access ramps.

A 375 foot turnlane, and a 375 foot deceleration lane are assumed to be required at the entrance from the local 2-lane collector roadway. The site access road is an 800-foot paved 2-lane road from the entrance into the truck scale, paved scalehouse parking area, and then up to the disposal cells. Pavement assumes a limerock base and a 2-inch asphalt surface. A 1200 foot long landscape berm, along the frontage with the collector street is assumed, with trees at 20 feet on center and shrubs to create a visual buffer, a common requirement of a local land use permit. Utilities, such as 3-phase electric (leachate pumps), sanitary sewer, and potable water service, are assumed to be installed approximately 600 feet to the operations area from the utilities on the frontage roadway right of way. An irrigation well is typically used to provide irrigation and dust control water. If municipal water is available, as assumed, it is common for a fire hydrant to be required by the local Fire Marshall. A 6-foot galvanized steel perimeter security fence and locking gates are required by the FDEP, and most local codes. The total estimated cost for items 1 and 2 is \$953,755.45.

### **Item 3-Disposal Cell Earthwork**

The abovegrade disposal facility design, and the shallow water table assumed for the site, requires that significant earthwork be completed prior to constructing the lining the disposal facility cells. The cost model design has two 17 acre cells sloped to leachate collection sumps, see Figure 1. This design requires raising the elevation of the upgrade end of the cell liner some 6 feet above the sump level to obtain the minimum cell center conduit slope of 1.0 %, and the side flow slopes at 2 %. It was assumed that the sump is excavated 2 feet below grade. Soil from that cut, and the stormwater cut, is used to add fill to build up the site. Even with this fill, borrow soils of an estimated 75,000 CY are required to be imported to construct the cells base. In addition, an intercell berm separates the cells, a common design to allow a partial closure of a filled cell. The total estimated cost of the earthwork to construct the 35 acres of lined C&D cells is \$1,590,375. Again, the current high costs of imported fill greatly impacts this cost.

### **Item 4-Leachate Control System**

As discussed previously, C&D disposal cells are required to be lined with leachate controls, as described in Attachment 1. A geosynthetic clay liner is required to be installed underneath all leachate collection trenches and the sumps. The 60-mil smooth liner is used on the floor of the cell, and the 60-mil textured liner is used along the sideslopes and berm surrounding the cell base. A geocomposite drainage net is used to convey the leachate along the base of the cell liner to the central conduit and onto the sump. Per the FDEP design, a 24-inch drainage/protective sand layer overlies the liner. This sand is also assumed to be imported from off-site. The pipe, pumps and gravel materials make up the central leachate conduit and sump construction in each cell. A 6-inch force main conveys leachate to the storage tank near the scalehouse, and then on to the lift station, see Figure 1. The total estimated cost of item 4, leachate control system is \$4,508,796.96.



#### **Item 5-Leachate Storage Facility**

A leachate storage facility consisting of an aboveground steel tank with secondary containment was assumed for the cost model. A typical rule of thumb in Florida for leachate generation is 2500 gallons per day per open landfill acre, as an average annual rate. Therefore, if it is assumed that one cell is open, or 17.5 acres x 2500 GPD x 2 days storage, equals an estimated 87,500 gallon storage tank. Because of needed extra capacity, a 100,000 gallon storage tank was assumed. A 110 % impervious concrete containment structure is also required for a leachate tank. Leachate transfer pumps and controls would also be required. A lift station would be required to transfer the leachate to the municipal sewer force main assumed to be along the collector roadway, for disposal at the local wastewater treatment plant. This is the preferred disposal method for leachate in Florida. Leachate disposal costs have not been considered in this cost model, but can reach \$0.25 per gallon. The estimated cost of this item is \$389,900.

#### **Item 6-Groundwater Monitoring**

A groundwater monitoring system of wells is required for all C&D facilities in Florida, with a minimum of one upgradient well, and two downgradient wells. However, in our experience, the FDEP would require shallow aquifer and intermediate aquifer monitoring well clusters and additional downgradient well locations to provide adequate coverage. Therefore, a system of 5 well clusters, or 10 wells is assumed, as depicted on Figure 1. Prior to the facility receiving waste, the wells would require background parameter sampling, laboratory analysis and well completion reports. Installation, sampling and reporting are included in the lump sum cost estimate in Table 2. It is also assumed that one surface water sample location would require a background sample. The total estimated cost for this item is \$50,500.

#### **Item 7-Bidding Assistance**

It is assumed that the landfill developer will need some technical assistance with bidding the specialty construction trades required for the leachate control and storage systems, at an estimated cost of \$5,000.

#### **Item 8-Surveying**

Surveying services over the 12-month construction period are critical to accurate construction grades, liner and pipe installation and as-built reporting required for the FDEP construction certifications. This item has been estimated at cost of \$50,000.

#### **Item 9-Construction Quality Assurance**

Construction Quality Assurance (CQA) is strictly regulated and must be followed for C&D facility lined disposal unit projects. FDEP Rules specify fulltime engineer's supervision and testing of all



soil and liner materials per Rule 62-701.400. The cost per acre is an average of similar GSE projects and local landfill bids. The estimated unit cost includes professionals, technicians, soil and liner laboratory tests. A final CQA report is also included. The estimated cost of soils and liner CQA services is \$227,500.

#### **Item 10-Final Permits and Construction Management and Certifications**

Item 10a. includes all final construction engineering design, final State/local permitting, and construction management for items such as access roadways, turnlanes, utilities, lift station, scalehouse and scale building permits, local impact fees, irrigation well, and engineer certification reports. It is estimated that to construct the 35 acre facility, with associated support facilities, would take 12 months. The estimated cost of this item is \$150,000.

Item 10b.-Financial Assurance is the estimated cost of a guarantee performance bond required by the FDEP in case an owner/operator abandons the facility before it is closed, see Rule excerpt 62-701.630 in Attachment 1. It is estimated that the subject cost model disposal facility would require \$3,000,000 in closure and long term care costs. This amount of financial assurance would need to be provided through one of the FDEP approved instruments prior to waste acceptance. For this cost estimate, we have assumed that a bond could be obtained, and that a 10% fee payment is required for the facility owner to get coverage. Therefore, the estimated cost of the bond is \$300,000, which makes the total for item 10 \$450,000.

As presented in Table 2, the total estimated cost of construction of the 35 acre C&D facility is to get approval to accept C&D waste is \$8,225,827.41.

#### **Item 11-Contingency**

A 10% contingency has been added to all construction items, which is a typical amount for similar projects. This contingency is available to provide funding for material and labor increases in the interim period from bidding to construction, and any unforeseen site problems, such as dewatering, impact fees and insurance. The estimated cost for this item is \$822,582.74.

Therefore, the total estimated cost of the facility construction is \$9,048,410.15.

#### **Limitations and Related Cost Issues**

GSE's C&D disposal facility cost model was limited to the assumptions presented, unit costs referenced, and our experience with similar projects. The construction costing of a specific location and facility design would vary. The conceptual facility design is indicative of an average east-central Florida site. GSE's sources of material and services costs included our professional experience on similar construction projects, recent contractor bids, FDOT 2015-2016 average roadway project costs, and:

1. Financial Responsibility Cost Estimates- Brevard County Solid Waste Management System, FY 2015- Neel-Schaffer, Inc.; July 2015;
2. Financial Responsibility Cost Estimates- Brevard County Solid Waste Management System, FY 2016- Neel-Schaffer, Inc.; August 2016;

3. Brevard County Central Disposal Facility Phase V Closure, August, 2015 (Approximate 28 acre Closure). Neal-Schaffer, Inc.;
4. Orange County Cell 9-12 Phase I closure bid, October 2015 (Approximate 38 acre closure) CH2MHill/ Neal-Schaffer, Inc.

Typically, C&D facilities are valued on the air space, or waste volume provided by their approved permits and designs and the current market C&D disposal rates, or tipping fees. This cost model did not consider air space or market tipping fees. To realize the value of that waste volume, a facility must be operated with the appropriate heavy equipment, such as compactors, trained operators, soil cover, and final closure cover. This cost model did not consider operational or closure costs.

## Conclusions

GSE has completed a cost model for the design, permitting and construction of a 45 acre site, with a 35 acre C&D debris disposal facility. The cost model was based on typical site predevelopment siting, design and permitting costs, regulatory requirements, and site improvements and construction common to existing Florida C&D facilities. GSE's cost model concluded that the 45 acre facility would have: 1) predevelopment costs of \$723,500 (Table 1.); and 2) construction costs of \$9,048,410 (Table 2.) to accept C&D waste, resulting in an estimated project total of \$9,771,910.

We trust that this report meets with your scope of work expectations. Please contact us with any questions.

Sincerely,

## Grove Scientific and Engineering



James E. Golden, P.G.  
Vice President, Sr. Project Scientist



James T. Show, P.E.  
Vice President, Engineering

Attachments

cc: Shawn Wilson, Compass; John Gillott

## Tables

Table 2. East - Central Florida Construction and Demolition Debris Disposal Facility  
ENGINEER'S COST ESTIMATE- Disposal Units and Infrastructure Construction

ITEM	UNITS	UNIT COST	QUANTITY	ITEM COST	ITEM	UNITS	UNIT COST	QUANTITY	ITEM COST
<b>1. MOBILIZATION &amp; DEMOBILIZATION</b>	EACH	\$ 80,000.00	1	\$ 80,000.00	<b>5. LEACHATE STORAGE FACILITY</b>				
<b>2. SITE WORK AND INFRASTRUCTURE</b>			<b>SUBTOTAL</b>	<b>\$ 80,000.00</b>	a. COMPACT MASS GRADING FILL AREAS	Yd <sup>2</sup>	\$ 1.00	1,200	\$ 1,200.00
a. CLEAR AND GRUB	Yd <sup>3</sup>	\$ 0.50	217800	\$ 108,900.00	b. FINE GRADE CONCRETE SUBGRADE	Yd <sup>2</sup>	\$ 1.00	1,200	\$ 1,200.00
b. STORMWATER PONDS, DITCHES AND PIPING	Yd <sup>3</sup>	\$ 5.24	32266	\$ 169,073.84	c. LEACHATE TANK BASE PAD	Yd <sup>2</sup>	\$ 100.00	160	\$ 16,000.00
c. SOD POND AND DITCH SLOPES	Yd <sup>2</sup>	\$ 2.25	22666	\$ 50,998.50	d. CONCRETE FLOOR SLAB	Yd <sup>2</sup>	\$ 100.00	300	\$ 30,000.00
d. PERIMETER FENCING AND GATES	LF	\$ 8.68	6500	\$ 56,420.00	e. CONCRETE TRUCK RAMP	Ft <sup>2</sup>	\$ 35.00	100	\$ 3,500.00
e. SCALEHOUSE / TRAILER, TRUCK SCALE, LIGHTING, SIGNAGE	LS	\$ 100,000.00	1	\$ 100,000.00	f. CONCRETE CONTAINMENT WALLS	Yd <sup>2</sup>	\$ 35.00	1,600	\$ 56,000.00
f. TURNPIKE AND PAVED ACCESS ROAD	Yd <sup>2</sup>	\$ 47.19	5369	\$ 253,363.11	g. TYPE C INLETS	Each	\$ 3,500.00	2	\$ 7,000.00
g. LANDSCAPE BERM	LF	\$ 50.00	1200	\$ 60,000.00	h. LEACHATE STORAGE TANK (100K GAL)	LS	\$ 150,000.00	1	\$ 150,000.00
h. UTILITIES-ELECTRIC, SEWER, WATER TO SITE	LF	\$ 45.00	800	\$ 36,000.00	i. TANK CONTROLS AND LEAK DETECTION	LS	\$ 20,000.00	1	\$ 20,000.00
i. IRRIGATION WELL	LS	\$ 15,000.00	1	\$ 15,000.00	j. LEACHATE TRANSFER PUMP	LS	\$ 12,000.00	1	\$ 12,000.00
j. FIRE HYDRANT AND LINE	LF	\$ 30.00	800	\$ 24,000.00	k. 6" FORCE MAIN TO SEWER CONNECTION	LF	\$ 30.00	600	\$ 18,000.00
<b>3. DISPOSAL CELL EARTHWORK</b>			<b>SUBTOTAL</b>	<b>\$ 873,755.45</b>	k. LIFT STATION TO MUNICIPAL SEWER	LS	\$ 75,000.00	1	\$ 75,000.00
a. MASS GRADING (CLUT/HILL)	Yd <sup>3</sup>	\$ 2.00	28,000	\$ 56,000.00	<b>6. GROUNDWATER MONITORING</b>			<b>SUBTOTAL</b>	<b>\$ 389,900.00</b>
b. COMPACT MASS GRADING FILL AREAS	Yd <sup>2</sup>	\$ 1.00	100,000	\$ 100,000.00	a. INSTALL & INITIAL SAMPLE MONITORING WELL	Each	\$ 5,000.00	10	\$ 50,000.00
c. INTERCELL BERM	Yd <sup>3</sup>	\$ 18.25	2,500	\$ 45,625.00	b. SURFACEWATER SAMPLE	Each	\$ 500.00	1	\$ 500.00
d. FILL CELL BASE GRADE	Yd <sup>3</sup>	\$ 18.25	75,000	\$ 1,368,750.00	<b>7. BIDDING ASSISTANCE</b>			<b>SUBTOTAL</b>	<b>\$ 50,500.00</b>
e. PERIMETER ROAD-PLACE 6" SHELL ROCK ROAD BASE	Yd <sup>3</sup>	\$ 20.00	1,000	\$ 20,000.00	a. ONE JOB LUMP SUM	LS	\$ 5,000.00	1	\$ 5,000.00
<b>4. LEACHATE CONTROL SYSTEM</b>			<b>SUBTOTAL</b>	<b>\$ 1,590,375.00</b>	<b>8. SURVEYING LAYOUT &amp; AS-BUILT</b>			<b>SUBTOTAL</b>	<b>\$ 5,000.00</b>
a. FINE GRADE LINER SUBGRADE	Yd <sup>2</sup>	\$ 1.00	100,000	\$ 100,000.00	a. SUBGRADE & FINISH GRADE CERT.,				
b. GEOSYNTHETIC CLAY LINER	Ft <sup>2</sup>	\$ 0.61	11,000	\$ 6,710.00	LCS PIPE SLOPE CERT., AS-BUILTS	LS	\$ 50,000.00	1	\$ 50,000.00
c. 60 MIL SMOOTH HDPE LINER	Ft <sup>2</sup>	\$ 0.57	1,180,000	\$ 672,600.00	<b>9. COA &amp; GEOTECHNICAL TESTING</b>			<b>SUBTOTAL</b>	<b>\$ 50,000.00</b>
d. 60 MIL TEXTURED HDPE LINER	Ft <sup>2</sup>	\$ 0.62	314,108	\$ 194,746.96	a. SITE OBS., SAMPLE COLLECTIONS,				
e. GEOCOMPOSITE DRAINAGE NET	Ft <sup>2</sup>	\$ 0.73	1,300,000	\$ 949,000.00	LABORATORY TESTING, COA REPORT,	ACRE	\$ 6,500.00	35	\$ 227,500.00
f. 8 OZ./YD3 NON-WOVEN GEOTEXTILE	Ft <sup>2</sup>	\$ 2.21	15,000	\$ 33,150.00	<b>10. FINAL DESIGN, PERMITS, CONST. MANAGEMENT AND</b>			<b>SUBTOTAL</b>	<b>\$ 227,500.00</b>
g. 8" DIA. PERFORATED SDR11 HDPE PIPE	LF	\$ 10.60	2,400	\$ 25,440.00	<b>CERTIFICATION (1)</b>				
h. LCS GRAVEL - FDOT 57 & 4 STONE	Yd <sup>3</sup>	\$ 18.00	9,100	\$ 163,800.00	a. ONE JOB LUMP SUM	LS	150000	1	\$ 150,000.00
i. 24" SAND DRAINAGE LAYER	Yd <sup>3</sup>	\$ 18.25	125,000	\$ 2,281,250.00	b. FINANCIAL ASSURANCE-BOND	LS	\$ 300,000.00	1	\$ 300,000.00
j. 48" DIAMETER SDR 32.5 HDPE SUMP	Each	\$ 3,450.00	2	\$ 6,900.00	<b>11. CONTINGENCY (10% OF ITEMS 1 - 10)</b>			<b>SUBTOTAL</b>	<b>\$ 450,000.00</b>
k. 10 HORSEPOWER SUMP PUMP & CP	Each	\$ 20,000.00	2	\$ 40,000.00	<b>ITEMS 1-10 TOTAL</b>			<b>\$ 8,225,827.41</b>	
k. 6" LEACHATE FORCE MAIN TO STORAGE TANK	LF	\$ 22.00	1,600	\$ 35,200.00	<b>TOTAL</b>			<b>\$ 9,048,410.15</b>	
			<b>SUBTOTAL</b>	<b>\$ 4,508,796.96</b>					

Note: (1) Predevelopment permitting costs are not included, see Table 1.

## Figures







## **Attachment 1**

**Florida Department of Environmental Regulation- Rule 62-701 Solid Waste Management Facilities, FAC.-Excerpts**

**Construction and Demolition Debris Definition:**

(24) "Construction and demolition debris" means discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, including such debris from construction of structures at a site remote from the construction or demolition project site. The term includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project; clean cardboard, paper, plastic, wood, and metal scraps from a construction project; except as provided in Section 403.707(9)(j), F.S., yard trash and unpainted, non-treated wood scraps from sources other than construction or demolition projects; scrap from manufacturing facilities that is the type of material generally used in construction projects and that would meet the definition of construction and demolition debris if it were generated as part of a construction or demolition project, including debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities and de minimis amounts of other non-hazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the construction and demolition industries. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris

**Siting Prohibitions:**

(2) Siting. Unless authorized by a Department permit or site certification in effect on May 27, 2001, or unless specifically authorized by another Department rule or a Department license or site certification based upon site-specific geological, hydrogeological, design, or operational features, no person shall store or dispose of solid waste:

(a) In an area where geological formations or other subsurface features will not provide support for the solid waste;

(b) Within 500 feet of an existing or approved potable water well unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the potable water well was in existence. This prohibition shall not apply to any renewal of an existing permit that does not involve lateral expansion, nor to any vertical expansion at a permitted facility;

(c) In a dewatered pit unless the pit is lined and permanent leachate containment and special design techniques are used to ensure the integrity of the liner;

(d) In any natural or artificial body of water including ground water and wetlands within the jurisdiction of the Department. This prohibition also applies to areas where waste may settle into ground water as a result of the maximum expected loads over the waste. This prohibition does not apply to areas of standing water that exist only after storm events, provided that the storage or disposal does not result in objectionable odors or sanitary nuisances;

(e) Within 200 feet of any natural or artificial body of water unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the water body was in existence. This prohibition shall not apply to any renewal of an existing permit that does not involve lateral expansion, nor to any vertical expansion at a permitted facility. For purposes of this paragraph, a "body of water" includes wetlands within the jurisdiction of the Department, but does not include impoundments or conveyances which are part of an on-site, permitted stormwater management system, or bodies of water contained completely within the property boundaries of the disposal site which do not discharge from the site to surface waters. A person may store or dispose of solid waste within the 200 foot setback area upon demonstration to the Department that permanent leachate control methods will result in compliance with water quality standards and



criteria. However, nothing contained herein shall prohibit the Department from imposing conditions necessary to assure that solid waste stored or disposed of within the 200 foot setback area will not cause pollution from the site in contravention of Department rules; and

(f) On the right of way of any public highway, road, or alley.

**Permit Application:**

All applications shall include the information in paragraphs (b) through (f) of this subsection, and applications to construct or laterally expand a disposal unit shall also include the information in paragraph (a) of this subsection.

(a) An engineering report, signed and sealed by a professional engineer, that includes:

1. A site plan, of a scale not greater than 200 feet to the inch, which shows the project location and identifies the proposed disposal units, total acreage of the site and of the proposed disposal units, and any other relevant features such as water bodies or wetlands on or within 200 feet of the site, and potable water wells on or within 500 feet of the site;

2. A geotechnical investigation which meets the criteria of Rule 62-701.410, F.A.C.

3. A hydrogeological investigation which meets the criteria of paragraphs 62-701.410(2)(a), (c) and (d), F.A.C.;

4. An estimate of the planned active life of the facility, the design of the disposal areas, the final design height of the facility, and the maximum height of the facility during its operation;

5. Documentation that the facility location will comply with the requirements of paragraphs 62-701.730(4)(c) and (d), F.A.C.

(b) A boundary survey, legal description, and topographic survey of the property;

(c) An operation plan which describes how the applicant will comply with subsection 62-701.730(7), F.A.C., which must include procedures for emergency preparedness and response as required in subsection 62-701.320(16), F.A.C.;

(d) A closure plan that describes how the applicant will comply with subsections 62-701.730(9) and (10), F.A.C.;

(e) The financial assurance documentation required by subsection 62-701.730(11), F.A.C.; and

(f) The CCA treated wood management plan as required in subsection 62-701.730(20), F.A.C.

(3) Certification. Certification of construction completion shall be done in accordance with paragraph 62-701.320(9)(b), F.A.C.

**Hydrogeological and Geotechnical Studies:**

(2) Hydrogeological investigation and site report. The hydrogeological investigation and site report required by subsection 62-701.330(3), F.A.C., shall be site specific, shall be conducted by or under the supervision of a professional geologist or professional engineer with experience in hydrogeologic investigations, and shall:

(a) Define the geology and hydrology of the disposal facility site and its relationship to the local and regional hydrogeologic patterns including:

1. Direction and rate of ground water and surface water flow, including seasonal variations;

2. Background quality of ground water and surface water;

3. Any on-site hydraulic connections between aquifers;

4. For all confining layers, semi-confining layers, and all aquifers below the site that may be affected by the disposal facility, the porosity or effective porosity, horizontal and vertical permeabilities, and the depth to and lithology of the layers and aquifers; and

5. Topography, soil types and characteristics, and surface water drainage systems of the site and surrounding the site.

(b) Include an inventory of all the public and private water wells within a one-mile radius of the site. The inventory shall include, where available:

1. The approximate elevation of the top of the well casing and the depth of each well;
2. The name of the owner, the age and usage of each well, and the estimated daily pumpage; and
3. The stratigraphic unit screened, well construction technique, and static water levels of each well.

(c) Identify and locate any existing contaminated areas on the site.

(d) Include a map showing the locations of all potable wells within 500 feet of the waste storage and disposal areas to demonstrate compliance with paragraph 62-701.300(2)(b), F.A.C.

(3) Geotechnical site investigation. The geotechnical site investigation required by subsection 62-701.330(3), F.A.C., shall be conducted by or under the supervision of a professional engineer with experience in geotechnical engineering. Investigations required in paragraphs (a) through (d) of this subsection may be conducted by a professional geologist. Prior to any construction on the site, the engineer shall define the engineering properties of the site that are necessary for the design, construction, and support of the disposal facility and all installations of the facility and shall:

(a) Explore and describe subsurface conditions including soil stratigraphy and ground water table conditions;

(b) Explore and address the presence of muck, previously filled areas, soft ground, and lineaments;

(c) Evaluate and address fault areas, and seismic impact zones, as described in 40 C.F.R. 258.13, hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-05041>), and 258.14, hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-05041>). To obtain these documents see subsections 62-701.210(6) and 62-701.210(7), F.A.C., respectively;

(d) Include estimates of the average and maximum high ground water table across the site;

(e) Include a foundation analysis to determine the ability of the foundation to support the expected maximum loads and stresses imposed by the disposal facility. It may include geotechnical measures necessary to modify the foundation to accommodate the imposed loads and stresses. The foundation shall be analyzed for short-term, end of construction, and long-term stability and settlement conditions. Considering the existing or proposed subgrade conditions and the disposal facility geometry, the analysis shall include but not be limited to:

1. Foundation bearing capacity;
2. Subgrade settlements, both total and differential;
3. Subgrade slope stability;

(f) Evaluate the potential for sinkholes and sinkhole activity as those terms are defined in Section 627.706(2), F.S., and unstable areas as described in 40 C.F.R. 258.15, hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-05041>). To obtain this document see subsection 62-

701.210(8), F.A.C. The initial site investigation phase shall include, at a minimum, an evaluation of the following for the proposed site:

1. Historical aerial photography;
2. Site topographic survey to indicate potential depressional areas;
3. Lineament features that transverse the site;
4. General information indicating the potential for sinkhole formation such as the Floridan Aquifer Vulnerability Assessment (FAVA) map at <http://www.dep.state.fl.us/geology/programs/hydrogeology/FAVA>, and sinkhole or subsidence occurrence maps; and,
5. Results of borings and/or geophysical work performed to describe the nature of the subsurface geology and hydrogeology for the proposed landfill site, including the potential for unstable areas as described in 40 C.F.R. 258.15; and,

(g) If the investigations required above indicate that portions of subsurface below the disposal facility show signs of past sinkhole activity, or are reasonably expected to develop sinkholes or sinkhole activity in the future, additional geotechnical investigations shall be included to further characterize the subsurface below the disposal facility for the purpose of assessing potentially unstable areas and for evaluating the effectiveness and design for any engineering measures proposed for any potentially unstable areas. The investigation shall also include an evaluation of any engineering measures needed to provide reasonable assurance that the subsurface of the site in those areas will be adequate to support the disposal facility without adversely affecting the performance of the liner or leachate collection system.

(4) Geotechnical report. The geotechnical site investigation report shall describe the site subsurface conditions and shall include, at a minimum, the methods used in the investigation, including but not limited to, all soil boring logs and laboratory results, analytical calculations, cross sections, interpretations and conclusions. The report shall also include a description of any engineering measures proposed for the site.

(5) Report verification. The site reports and supporting information, including detailed description of the methods, calculations, and interpretations used, shall be signed and sealed by the appropriate professional. The hydrogeological report shall be signed and sealed by a professional geologist or professional engineer with experience in hydrogeological investigations. The geotechnical report shall be signed and sealed by a professional engineer with experience in geotechnical engineering. Any portion of the geotechnical report conducted or prepared by a professional geologist shall be signed and sealed by the professional geologist who performed the work.

#### **(6) C&D Facility Design requirements.**

(a) Each new disposal unit, as well as each lateral expansion of an existing disposal unit, that has not received a Department permit authorizing construction or operation prior to July 1, 2010, shall be constructed with a liner and leachate collection system, unless the applicant demonstrates, based upon the types of waste received, methods for controlling the types of waste disposed of, the proximity of ground water and surface water, and the results of the hydrogeological and geotechnical investigations including any ground water monitoring analyses, the operation of the facility is not expected to result in violations of ground water standards and criteria otherwise.

(b) The liner system shall consist of at least a single 60-mil minimum average thickness HDPE geomembrane. In the sumps located inside the disposal facility footprint and in the leachate collection trenches, the geomembrane shall be placed on a GCL with a saturated hydraulic conductivity of less than or equal to  $1 \times 10^{-7}$  cm/sec, or on a compacted clay liner which is a minimum six inches thick with a saturated hydraulic conductivity of less than or equal to  $1 \times 10^{-7}$  cm/sec. The liner shall be placed on a prepared subgrade that will not damage the geomembrane liner or

the GCL. A primary leachate collection and removal system and a drainage layer shall be installed above the geomembrane liner. Except in sumps and leachate collection trenches, the system shall be designed to limit leachate head above the liner during routine facility operation after placement of initial cover to no greater than 12 inches. The liner system and leachate collection system must be constructed in accordance with the requirements of paragraphs 701.400(3)(a), (d), (e), and (f), and subsections 62-701.400(4), (7), and (8), F.A.C. Any alternative liner system shall be approved only in accordance with the provisions of Rule 62-701.310, F.A.C.

(c) Leachate shall be managed in accordance with subsection 62-701.500(8), F.A.C. Any leachate storage tanks or surface impoundments constructed or operated at the facility shall comply with the requirements of subsection 62-701.400(6), F.A.C.

#### **(11) Financial assurance.**

(a) Closure cost estimates, estimate updates and financial mechanisms shall comply with the provisions of subsections 62-701.630(1) through (4), F.A.C., except that the cost of long-term care shall be based upon a five-year period, and the costs shall be based upon compliance with this section. Landfill shall mean facility.

.630(1)(b) As a condition for the issuance of a landfill permit, or permit modification authorizing expansion, the owner or operator shall provide the Department with closure cost estimates for the permitted portions of the landfill as part of the application. Proof of financial assurance issued in favor of the Florida Department of Environmental Protection in the amount of the approved current dollar closing and long-term care cost estimates for each permitted disposal unit as determined pursuant to subsection 62-701.630(3), F.A.C., shall be provided at least 60 days prior to the planned initial receipt of waste at such unit. The owner or operator shall maintain financial assurance through the design period of the landfill and through any corrective action period.

#### **(3) Cost estimates for closure.**

(a) For the purpose of determining the amount of proof of financial assurance that is required for closure by this section, the owner or operator shall estimate the total cost of closure in current dollars for the time period in the landfill operation when the extent and manner of its operation make closing most expensive. The owner or operator shall submit the estimates, together with all necessary justification, to the Department as part of the permit application. Except as allowed in paragraph 62-701.630(3)(d), F.A.C., the costs shall be estimated and certified by a professional engineer for a third party performing the work, on a per unit basis, with the source of estimates indicated.

(b) Closing costs shall be based on the nature and characteristics of the wastes disposed of at the site and shall include estimated costs of cover material, topsoil, seeding, fertilizing, mulching, labor, and any other costs of compliance with Rules 62-701.600-.610, F.A.C.

(c) Long-term care costs shall include land surface care; gas monitoring; leachate pumping, transportation, management and treatment; water quality monitoring, collection and analysis; and any other costs of compliance with Rule 62-701.620, F.A.C. The annual cost of long-term care shall be estimated, listed separately, and multiplied by the number of years required in the long-term care period.

**.630. Proof of financial assurance** under this subsection shall include surety bonds, certificates of deposit, securities, letters of credit, trust fund agreements, closure insurance (excluding independent procurement), or financial tests and corporate guarantees, showing that the owner or operator has sufficient financial resources to cover, at a minimum, the costs of complying with all state landfill closing and long-term care requirements, and, if applicable, costs for corrective action.





# Acquiring Deeds

\* Prepared by and recorded copies  
should be sent to:

Mildred S. Crowder, Esq.  
Weisenfeld & Associates, P.A.  
550 Biltmore Way, Suite 1100  
Coral Gables, Florida 33134

5-3

Gray, Harris



CFN 98068703

04-14-98 08:51 am

OR Book/Page: 3826 / 3814

**Sandy Crawford**

Clerk Of Courts, Brevard County

#Pgs: 3 #Names: 2 Serv 0.00  
Trust: 2.00 Rec: 13.00 Excise: 0.00  
Deed: 3,320.10 nt Tax: 0.00  
Mtg: 0.00

Reserved

### TRUSTEE'S DEED

THIS INDENTURE, made this 31<sup>st</sup> day of March, 1998, between JOSEPH J. WEISENFELD, TRUSTEE under an unrecorded Land Trust Agreement dated January 10, 1979, whose post office address is c/o Weisenfeld & Associates, P.A., 550 Biltmore Way, Suite 1120, Coral Gables, Florida 33134 (hereinafter referred to as "Grantor") and FLORIDA RECYCLERS OF BREVARD, INC., a Florida corporation, whose post office address is c/o Evans-Butler Realty, Inc., 1688 W. Hibiscus Avenue, Melbourne, Florida 32901 (hereinafter referred to as "Grantee").

Folio Number: 27-36-24-00-501

### WITNESSETH:

That the said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, its heirs, executors, administrators, successors and assigns forever, the following described land, situate and being in the County of Brevard, State of Florida, to-wit:

See Exhibit "A" attached hereto and made a part  
hereof (hereinafter referred to as the "Property").

### SUBJECT TO:

1. Taxes and assessments for the year 1998 and all subsequent years.

TOGETHER with all of the tenements, hereditaments, privileges and appurtenances thereunto belonging or in any way appertaining.

And the Grantor hereby covenants with the Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor.

This instrument is executed solely in the exercise of powers conferred upon Trustee by the Trust and no personal liability or obligation for performance is undertaken or assumed by Trustee. No claim may be enforced or personal judgment obtained against Trustee individually on account of any covenant or warranty of Trustee set forth herein.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name the day and year first above written.

Signed, sealed and delivered  
in the presence of:

*M. S. Crowder*

M. S. Crowder  
Print or Type Name

*Patricia C. Perera*

Patricia C. Perera  
Print or Type Name

*Joseph J. Weisenfeld*  
JOSEPH J. WEISENFELD, Trustee under  
an unrecorded Land Trust Agreement dated  
January 10, 1979

STATE OF FLORIDA )  
COUNTY OF DADE )

The foregoing instrument was acknowledged before me this 31 day of March, 1998, by JOSEPH J. WEISENFELD, as Trustee under an unrecorded Land Trust Agreement dated January 10, 1979.



[NOTARIAL SEAL]

*M. S. Crowder*  
NOTARY PUBLIC, State of Florida  
at Large

\_\_\_\_\_  
Type or Stamp Name of Notary

My Commission Expires: \_\_\_\_\_

Personally Known X OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_  
V8159-AFL-RECYCLERS\DEED.TRS





Exhibit "A"

DESCRIPTION: (BY SURVEYOR) PARCEL "C"

PART OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2816, PAGE 0783, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 24, TOWNSHIP 27 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND RUN S 87°20'37" W ALONG THE SOUTH LINE OF SAID SECTION 24 A DISTANCE OF 53.06 FEET TO THE WEST RIGHT-OF-WAY LINE OF CRANE CREEK DRAINAGE DISTRICT CANAL L-16; THENCE N 00°01'53" E ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 600.66 FEET TO THE POINT-OF-BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE RUN S 87°20'37" W ALONG THE NORTH LINE OF THE SOUTH 600 FEET OF THE SOUTHWEST 1/4 OF SAID SECTION 24 A DISTANCE OF 1269.26 FEET TO THE WEST LINE OF THE EAST 1/2 HALF OF THE SOUTHWEST 1/4 OF SECTION 24; THENCE N 00°09'41" E ALONG SAID WEST LINE A DISTANCE OF 761.70 FEET; THENCE N 87°18'10" E A DISTANCE OF 1267.57 FEET TO THE SAID WEST RIGHT-OF-WAY LINE OF CRANE CREEK DRAINAGE DISTRICT CANAL L-16; THENCE S 00°01'53" W ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 762.53 FEET TO THE POINT-OF-BEGINNING.

TOGETHER WITH THE FOLLOWING :

COMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 24, TOWNSHIP 27 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND RUN S 87°20'37" W ALONG THE SOUTH LINE OF SAID SECTION 24 A DISTANCE OF 53.06 FEET TO THE WEST RIGHT-OF-WAY LINE OF CRANE CREEK DRAINAGE DISTRICT CANAL L-16; THENCE N 00°01'53" E ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 1363.19 FEET TO THE POINT-OF-BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE RUN S 87°18'10" W A DISTANCE OF 100.11; THENCE N 00°01'53" E A DISTANCE OF 1252.40 FEET TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 24 AND THE SOUTH RIGHT-OF-WAY LINE OF SARNO ROAD; THENCE N 87°18'10" E ALONG SAID NORTH LINE AND SOUTH RIGHT-OF-WAY A DISTANCE OF 100.11 FEET TO THE SAID WEST RIGHT-OF-WAY OF CRANE CREEK; THENCE S 00°01'53" W ALONG SAID WEST LINE A DISTANCE OF 1252.40 FEET TO THE POINT-OF-BEGINNING.



CFN 98068703

OR Book/Page: 3826 / 3816



Prepared by a. **Recorded copies**  
should be sent to:  
Mildred S. Crowder, Esq.  
Weisenfeld & Associates, P.A. *← E*  
550 Biltmore Way, Suite 1100  
Coral Gables, Florida 33134

CFN:99215850  
OR Book/Page: 4087 / 1036  
11-04-99 08:26 am

FILED IN OFFICE  
VIERA BRANCH  
1999 OCT 21 P 2:06  
SANDY CRAWFORD  
CLERK OF CIR. CT.  
BREVARD CO. FLA

### TRUSTEE'S DEED

THIS INDENTURE, made this 30th day of September, 1999, between JOSEPH J. WEISENFELD, TRUSTEE under an unrecorded Land Trust Agreement dated January 10, 1979, whose post office address is c/o Weisenfeld & Associates, P.A., 550 Biltmore Way, Suite 1120, Coral Gables, Florida 33134 (hereinafter referred to as "Grantor") and FLORIDA RECYCLERS OF BREVARD, INC., a Florida corporation, whose post office address is c/o Evans-Butler Realty, Inc., 1888 W. Hibiscus Avenue, Melbourne, Florida 32901 (hereinafter referred to as "Grantee").

**Sandy Crawford**

Clerk Of Courts, Brevard County

Folio Number: 27-36-24-00-501

#Pgs: 3	#Names: 2	
Trust: 2.00	Rec: 13.00	Serv: 0.00
Deed: 1,036.70		Excise: 0.00
Mtg: 0.00		Int Tax: 0.00

### WITNESSETH:

That the said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, its heirs, executors, administrators, successors and assigns forever, the following described land, situate and being in the County of Brevard, State of Florida, to-wit:

See Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Property").

### SUBJECT TO:

1. Taxes and assessments for the year 1999 and all subsequent years.

TOGETHER with all of the tenements, hereditaments, privileges and appurtenances thereunto belonging or in any way appertaining.

And the Grantor hereby covenants with the Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor.

This instrument is executed solely in the exercise of powers conferred upon Trustee by the Trust and no personal liability or obligation for performance is undertaken or assumed by Trustee. No claim may be enforced or personal judgment obtained against Trustee individually on account of any covenant or warranty of Trustee set forth herein.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name the day and year first above written.

Signed, sealed and delivered  
in the presence of:

*Patricia G. Donnan*  
Print or Type Name

*Joseph J. Weisenfeld*  
JOSEPH J. WEISENFELD, Trustee under  
an unrecorded Land Trust Agreement  
dated January 10, 1979

[CONTINUED ON NEXT PAGE]

**[CONTINUATION OF TRUSTEE'S DEED FROM JOSEPH J. WEISENFELD, TRUSTEE  
UNDER AN UNRECORDED LAND TRUST AGREEMENT DATED JANUARY 10, 1979  
TO FLORIDA RECYCLERS OF BREVARD]**

James M. Tanner

**[As To Signature of Joseph J. Weisenfeld,  
Trustee]**

Lourdes H. Marrero

Print or Type Name

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 30th day of September, 1999, by JOSEPH J. WEISENFELD, as Trustee under an unrecorded Land Trust Agreement dated January 10, 1979.



NOTARY PUBLIC

Personally Known ✓ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

\\8159-\\FL-RECYCLERS\\2ND-CLOS\\DEED.TRS



CFN:99215850

CFN:99215850  
OR Book/Page: 4087 / 1037

PARCEL B

## DESCRIPTION: (BY SURVEYOR)

PART OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2816, PAGE 0783, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 24, TOWNSHIP 27 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND RUN S 87°20'37"W ALONG THE SOUTH LINE OF SAID SECTION 24 A DISTANCE OF 53.06 FEET TO THE WEST RIGHT-OF-WAY LINE OF CRANE CREEK DRAINAGE DISTRICT CANAL L-16; THENCE N 00°01'53"E ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 1363.19 FEET; THENCE S 87°18'10"W A DISTANCE OF 100.11 FEET TO THE POINT-OF-BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE S 87°18'10"W A DISTANCE OF 1167.46 FEET TO THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 24; THENCE N 00°09'41"E ALONG SAID WEST LINE A DISTANCE OF 625.92 FEET; THENCE N 87°18'10"E A DISTANCE OF 1166.04 FEET; THENCE S 00°01'53"W A DISTANCE OF 625.85 FEET TO THE POINT-OF-BEGINNING. CONTAINING 16.74 ACRES OF LAND MORE OR LESS.



PREPARED BY AND RETURN TO:  
ROBERT W. WATTWOOD, ESQ.  
O'BRIEN, RIEMENSCHNEIDER & KANCILIA, P.A.  
1686 W. Hibiscus Blvd.  
Melbourne, FL 32901



CFN:2001056802 03-28-2001 08:41 am  
OR Book/Page: 4310 / 3384

## CORRECTIVE TRUSTEE'S DEED

THIS INDENTURE, made this 13<sup>th</sup> day of March, 2001, between JOSEPH J. WEISENFELD, TRUSTEE under an unrecorded Land Trust Agreement dated January 10, 1979, whose post office address is c/o Weisenfeld & Associates, P.A., 550 Biltmore Way, Suite 1120, Coral Gables, Florida 33134 (hereinafter referred to as "Grantor"), and FLORIDA RECYCLERS OF BREVARD, INC., a Florida corporation, whose mailing address is c/o Evans-Butler Realty, Inc., 1688 W. Hibiscus Avenue, Melbourne, Florida 32901 (hereinafter referred to as "Grantee").

Folio Number: 27-36-24-00-501

### WITNESSETH:

That the said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00), and other good and valuable considerations, to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, to the said Grantee, its heirs, executors, administrators, successors and assigns forever, the following described land, situate and being in the County of Brevard, State of Florida, to-wit:

See Exhibit "A" attached hereto and made a part hereof  
(hereinafter referred to as the "Property").

#### SUBJECT TO:

1. Taxes and assessments for the year 1998 and all subsequent years.

TOGETHER with all of the tenements, hereditaments, privileges and appurtenances thereunto belonging or in any way appertaining.

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor.

This instrument is executed solely in the exercise of powers conferred upon Trustee by the Trust and no personal liability or obligation for performance is undertaken or assumed by Trustee. No claim may be enforced or personal judgment obtained against Trustee individually on account or any covenant or warranty of Trustee set forth herein.

This Corrective Trustees Deed is being executed, delivered and recorded for the purpose of correcting the legal description of the second parcel referenced on Exhibit "A" attached hereto.

**Scott Ellis**

Clerk Of Courts, Brevard County

#Pgs: 3	#Names: 2
Trust: 2.00	Rec: 13.00
Deed: 0.70	Serv: 0.00
Mtg: 0.00	Excise: 0.00
	Int Tax: 0.00

o:\drive\flrecycl\corr trust deed - 9/18/00

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness [Signature]  
Print Name: PATRICIA G. PERERA  
Witness Melbis Cejila  
Print Name: Melbis Arila

[Signature]  
JOSEPH J. WEISENFELD, Trustee under an unrecorded  
Land Trust Agreement dated January 10, 1979.

STATE OF FLORIDA  
COUNTY OF DADE

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of March, 2000, by  
JOSEPH J. WEISENFELD, as Trustee under an unrecorded Land Trust Agreement dated January 10, 1979, ☒ who  
is/are personally known to me, or ☐ who has/ have produced \_\_\_\_\_ as identification.



[Signature]  
Notary Public  
Print Name:  
My commission expires:



CFN:2001056802

OR Book/Page: 4310 / 3385



Exhibit "A"



CFN:2001056802

OR Book/Page: 4310 / 3386

DESCRIPTION: (BY SURVEYOR) PARCEL "C"

PART OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2816, PAGE 0783. PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 24, TOWNSHIP 27 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND RUN S 87°20'37" W ALONG THE SOUTH LINE OF SAID SECTION 24 A DISTANCE OF 53.06 FEET TO THE WEST RIGHT-OF-WAY LINE OF CRANE CREEK DRAINAGE DISTRICT CANAL L-16; THENCE N 00°01'53" E ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 600.66 FEET TO THE POINT-OF-BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE RUN S 87°20'37" W ALONG THE NORTH LINE OF THE SOUTH 600 FEET OF THE SOUTHWEST 1/4 OF SAID SECTION 24 A DISTANCE OF 1269.26 FEET TO THE WEST LINE OF THE EAST 1/2 HALF OF THE SOUTHWEST 1/4 OF SECTION 24; THENCE N 00°09'41" E ALONG SAID WEST LINE A DISTANCE OF 761.70 FEET; THENCE N 87°18'10" E A DISTANCE OF 1267.57 FEET TO THE SAID WEST RIGHT-OF-WAY LINE OF CRANE CREEK DRAINAGE DISTRICT CANAL L-16; THENCE S 00°01'53" W ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 762.53 FEET TO THE POINT-OF-BEGINNING.

TOGETHER WITH THE FOLLOWING :

COMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 24, TOWNSHIP 27 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA AND RUN S 87°20'37" W ALONG THE SOUTH LINE OF SAID SECTION 24 A DISTANCE OF 53.06 FEET TO THE WEST RIGHT-OF-WAY LINE OF CRANE CREEK DRAINAGE DISTRICT CANAL L-16; THENCE N 00°01'53" E ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 1363.19 FEET TO THE POINT-OF-BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE RUN S 87°18'10" W A DISTANCE OF 100.11; THENCE N 00°01'53" E A DISTANCE OF 1252.40 FEET TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 24 AND THE SOUTH RIGHT-OF-WAY LINE OF SARNO ROAD; THENCE N 87°18'10" E ALONG SAID NORTH LINE AND SOUTH RIGHT-OF-WAY A DISTANCE OF 100.11 FEET TO THE SAID WEST RIGHT-OF-WAY OF CRANE CREEK; THENCE S 00°01'53" W ALONG SAID WEST LINE A DISTANCE OF 1252.40 FEET TO THE POINT-OF-BEGINNING.



# Compass Real Estate Consulting, Inc.

120 East Pine Street • Suite 1 • Lakeland, Florida 33801

*Shawn Wilson, MAI*

## *CURRICULUM VITAE*

### LICENSURE AND CERTIFICATION

Florida State Certified General Real Estate Appraiser RZ503 (1990 to Present)  
Guam Certified Non-Resident General Real Estate Appraiser CA-16-047 (2012 to Present)  
Tennessee State Certified General Real Estate Appraiser 5165 (2014 to Present)

### PROFESSIONAL AFFILIATIONS

Chair, The Appraisal Foundation Appraisal Practices Board (July 2016 to Present)  
Member of The Appraisal Foundation Appraisal Practices Board (July 2014 to Present)  
MAI Member of the Appraisal Institute (1993 to present)  
National Board of Directors of the Appraisal Institute (2011 to 2014)  
Region X Third Regional Director (2009, 2010)  
Region X Representative (2001, 2002, 2007, 2008)  
West Coast Fl. Chapter, Member Board of Directors (1998, 1999, 2000)  
West Coast Fl. Chapter Government Relations Committee Chairperson (1996)  
Association of Eminent Domain Professionals  
Executive Board 1992 through 1998, 2002, 2003; Vice-President 2004; President 2005  
International Right of Way Association - Member  
Florida Department of Environmental Protection - Approved Appraiser List

### EXPERT TESTIMONY

Has been qualified and presented testimony as an expert witness in the Circuit Courts of Orange, Sarasota, Manatee, Polk, DeSoto, Pasco, Lee, Volusia, Seminole, Hillsborough, Charlotte, Clay, and Marion Counties in the state of Florida, and in U.S. Bankruptcy Courts (Tampa and Jacksonville). Has been qualified and presented testimony as an expert witness for the Value Adjustment Board, Sarasota County, Florida, and for binding arbitration. Has provided consultation services in numerous settlement conferences and court-ordered mediation sessions. Served as Special Magistrate for the Manatee, Sarasota, Highlands, Charlotte, Hillsborough, and Polk County Valuation Adjustment Boards.

### GEOGRAPHIC EXPERIENCE

Has provided real estate appraisal services in the following Florida counties:

Alachua	Brevard	Broward	Charlotte
Citrus	Clay	DeSoto	Duval
Glades	Hardee	Hendry	Hernando
Highlands	Hillsborough	Indian River	Lake
Lee	Manatee	Marion	Martin
Nassau	Okeechobee	Orange	Osceola
Palm Beach	Pasco	Pinellas	Polk
Sarasota	Seminole	St. Lucie	Volusia

Has appraised properties in Tennessee and Guam.

#### PARTIAL LIST OF PROPERTY TYPES APPRAISED

Vacant urban land including commercial, multi-family, industrial, office park, planned development, residential.

Vacant rural land including agricultural, residential, planned development, and mixed use.

Improved properties including residential, commercial, industrial, multi-family, shopping centers, planned developments, restaurants, professional office buildings, medical office complexes, service stations, convenience stores, parking garage, senior Healthcare Facilities, branch banking facilities, ranches, citrus groves and waterfront residential property.

Special use properties including utility systems, plant nurseries, retention ponds, railroad rights-of-way, billboards, dairy, sod farm, citrus nurseries, golf course, blueberry farms.

Partial interests including leasehold/leased fee, utility easements, drainage easements, construction easements, and land leases.

#### PARTIAL LIST OF VALUATION ISSUE EXPERIENCE

Diminution in value claims related to:

Environmental contamination	Bert Harris claims	Title defects	Contractual disputes
NIMBY issues	Construction defects	Sinkholes	Leasing disputes

Eminent Domain takings resulting in:

Loss of, or change in, access	Curable damages (cost to cure analysis)
Business damages	Loss of parking
Incurable damages	Changes in Highest and Best Use
Partial taking of improvements	Total taking of improvements
Changes in drainage patterns	Change in site circulation

Inverse condemnation	Maps of Reservation
Changes in grade and/or elevation	Spoil banks and spoil easements
Jurisdictional wetlands	Electrical transmission facilities
Drainage canals and drainage easements	Special governmental districts (i.e. hospital)
Elevated passenger expressways	Airport noise and aviation/aviation easements
Electrical substations	Spray effluent fields
Development entry features and signage	Class I and III landfills
Mangroves and wetland vegetation	Prescriptive easements
Developments of Regional Impact	Pipeline easements
Wastewater treatment facilities	Muck and unstable soils
Probability of Rezoning	Severance damages

#### APPRAISAL EXPERIENCE

Owner, COMPASS REAL ESTATE CONSULTING, INC., 5/96 to present

Self-Employed Fee Appraiser, 7/92 to present

Affiliated with Sewell, Valentich, Tillis & Associates, 7/92 to 9/94

Appraiser and Project Manager, Kluza & Associates, 7/87 to 7/92