

Facilities Planning and Construction
Paul J. Phillips, Chief Facilities Officer

SUBJECT: AUTHORIZATION TO AMEND A DECLARATION OF RESTRICTIONS FOR APPLICATION NO. 99-59, TRANSWORLD MANAGEMENT SERVICES, INC.

At its August 25, 1999 meeting, the Board authorized the Superintendent to negotiate a Declaration of Restrictions (Declaration) for Application No. 99-59, Transworld Management Services, Inc. In order to mitigate the impact at the middle and senior high school levels, the applicant proffered a voluntary contribution in the amount of \$195,000, over and above impact fees. The proposed 587-unit development is located south of Tamiami Trail and west of S.W. 147 Avenue (see attached location map). Additionally, the Declaration also specified that, should a different number of units ultimately be approved, the donation will be proportionally modified consistent with the impact.

Subsequent to the approval of the application by the Miami-Dade County Board of County Commissioners, a portion of the subject property was acquired by Miami-Dade County (County) for the future development of a regional park, which has provided written confirmation that the property will be preserved in perpetuity as a park. Based on this information, the applicant is requesting the Declaration be amended to eliminate the inclusion of the park's property from the covenant. As such, the remaining property will be developed with 173 units, generating a school impact of 80 students (37 at the middle/senior levels); a reduction of 207 students. The contribution amount, reduced on a pro-rata basis, \$1,477.27 per student, will be \$54,658.99, representing the impact at middle and senior high school levels only. Such payment will be made in addition to school impact fees (estimated to be \$311,400, based on the countywide average impact fee). Although the contribution was previously due prior to the final plat approval of each phase of the development, the applicant will now be paying the entire contribution in one payment prior to final plat approval.

Pursuant to established procedures, a Management Team meeting was held on April 24, 2000. The Management Team has recommended that the Declaration be amended under the following terms and conditions:

- The entire contribution in the amount of \$54,658.99, over and above impact fees, will be paid prior to final plat approval; and
- All other terms and conditions of the Declaration will remain unchanged.

The Declaration has been reviewed by the School Board Attorney's Office.

A copy of the proposed Declaration will be placed on file in the Citizen Information Center and the Recording Secretary's Office.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize an amendment to a Declaration of Restrictions for Application No. 99-59, Transworld Management Services, Inc., for a voluntary contribution in addition to educational facilities impact fees, under the terms and conditions set forth above.

PG:jc

LOCATION MAP

