

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

SUBJECT: AUTHORIZATION TO AMEND THE AGREEMENT WITH LUCKY START, LTD., FOR THE CONSTRUCTION OF PRIMARY LEARNING CENTER "U" AS A CONTRIBUTION IN-LIEU-OF IMPACT FEES

At its September 20, 1995 meeting, the Board authorized the Superintendent to negotiate a Declaration of Restrictions (Declaration) in connection with Applications No. 94-597 and 95-272, for the following: 1) applicant's construction of a Primary Learning Center (PLC) on an approximate two-acre parcel; 2) the dedication of an additional approximate two-acre parcel; and; 3) the option to purchase six additional acres at fair market value, within a proposed 703-unit residential development, located at S.W. 157 Avenue and S.W. 96 Street to mitigate the impact of the development. The purchase of the six acres could not be made as an agreement could not be reached with the seller. In addition, pursuant to Board authorization, an Agreement was executed to ensure compliance with the terms and conditions of the Declaration.

The Agreement and Declaration required the following: 1) that the PLC be constructed in conformance with District-provided architectural plans and specifications; 2) that construction of the PLC be commenced prior to the developer obtaining a permit for the 160th unit or within two years of issuance of the first building permit, whichever occurred first; and 3) that construction of the PLC be completed and receive final approval from the Board for occupancy no later than twelve months after commencement.

Notice of Commencement for the PLC was issued on March 16, 1999, and as such completion should have been attained March of 2000. However, due to unforeseen delays and pursuant to a request from the developer for an extension of time, on March 20, 2000, the Board granted a time extension for completion of the project until December 16, 2000, and an amendment to the Agreement was prepared and executed, accordingly. The developer is now requesting an additional time extension for substantial completion of the project beyond December of 2000 to February 15, 2001, due to delays at the County level in the site plan approval process.

The amendment has been reviewed by the School Board Attorney's Office. A copy of the amendment will be placed on file in the Citizen's Information Center and the Recording Secretary's Office.

Should an amendment to the Declaration be necessary, it will be processed by the developer through Miami-Dade County.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent or his designee to execute an amendment to the Agreement and to support a companion amendment to the Declaration of Restrictions with Lucky Start, Ltd., as may be needed, to provide for the substantial completion of Primary Learning Center "U", by February 15, 2001.

SO:aj