

December 7, 2001

Facilities Planning and Construction
Suzanne A. Marshall, Chief Facilities Officer (Construction)

SUBJECT: AUTHORIZATION FOR CREDIT OF EDUCATIONAL FACILITIES IMPACT FEES FOR LENNAR HOMES, INC.

In 1991, Lennar Homes, Inc. (Lennar), a developer, proffered a Declaration of Restrictions (Declaration) to Miami-Dade County, in connection with an application for a zoning change of a 184.37 acre site. This Declaration restricted the property to a maximum density of 6 units per acre or a maximum of 1106 units and provided for a contribution to the Board to mitigate the impact of the proposed residential development. Pursuant to the terms of the Declaration, Lennar was to pay a monetary contribution equal to the fair market value of a hypothetical 4.04 net acres of land, as determined by the County's Property Appraiser. That appraisal completed in July 18, 1991, set the value of the property at \$400,000. ^{Revised} Additionally, pursuant to the Declaration, the contribution was to be paid in two installments. The first payment in the amount of \$200,000 was paid to the District on May 11, 1992. The second payment in the amount of \$210,400 (\$200,000, plus cost of living adjustment) was paid to the District on October 28, 1999.

Pursuant to the terms of the Educational Facilities Impact Fee Ordinance (Ordinance) Section 33K-9, a developer may apply for impact fee credit for contributions made to the District pursuant to a Declaration accepted prior to Ordinance enactment (October 1, 1995). On June 12, 1996 Lennar applied for impact fee credit for the first payment. The credit was administratively reviewed and approved by District staff on July 30, 1996. District staff at that time, was apparently under the understanding that the review and approval of credits had been delegated to staff. This understanding was later reversed, pursuant to the findings of the 1997 Audit, which clarified all credits for contributions made prior to the enactment of the Ordinance must be reviewed and acted on by the Board.

Lennar has now filed an impact fee credit application for the final payment of \$210,400. Pursuant to the Ordinance, the Board must review and make a recommendation on the impact fee credit application before it can be processed by the County, up to an amount equal to the actual funds received by the District. To date, Miami-Dade County's records indicate that Lennar has utilized \$31,833.84 of the \$200,000 credit previously issued.

In sum, this item requests the following:

1. Board ratification of the prior administrative approval of impact fee credits in the amount of \$200,000; and,
2. Board review and action on the request for an additional impact fee credit in the amount of \$210,400.

RECOMMENDED:

That the School Board of Miami-Dade County, Florida, authorize:

1. ratification of the prior administrative approval of a credit of Educational Facilities Impact Fees for Lennar Homes, Inc., in the amount of \$200,000 and
2. a credit of Educational Facilities Impact Fees for Lennar Homes, Inc., in the amount of \$210,400.

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