

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

SUBJECT: RATIFICATION OF PRIOR ADMINISTRATIVE APPROVAL OF CREDIT OF EDUCATIONAL FACILITIES IMPACT FEES

Section 33K-9 of the Educational Facilities Impact Fee Ordinance (Ordinance) provides that a developer may apply for impact fee credit for contributions made to the School District pursuant to a Declaration of Restrictions accepted prior to Ordinance enactment (October 1, 1995). The Ordinance requires all such applications for impact fee credit to be reviewed and acted on by the School Board (Board) before it can be processed by Miami-Dade County. The credit can be given up to an amount equal to the actual contribution received by the School District.

Since the enactment of the Ordinance, thirty-eight (38) applicants have applied for impact fee credit. Prior School District staff reviewed and approved the first thirty (30) applications administratively. Apparently, at that time, staff was under the understanding that credit review and approval had been delegated to staff. This was later reversed as a result of the 1997 Internal Audit Report (Audit), which clarified all credits for contributions made prior to the enactment of the Ordinance must be reviewed and acted on by the Board.

Subsequent to the Audit, the remaining eight applications for credit were forwarded to the Board for review, all of which were approved. This item accomplishes two things: 1) it brings to the Board's attention the full record of the thirty (30) credit applications approved by the prior administration; and 2) it requests that the Board ratify such approvals.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, ratify the prior administrative approval of credit of Educational Facilities Impact Fees for Applications (1-30) as delineated in the attached report labeled Exhibit "A".

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EXHIBIT "A"
IMPACT FEE LOG REPORT
CREDITS FOR PREVIOUS LAND DEDICATIONS OR MONETARY CONTRIBUTIONS

Applicant	Fee Project	DCS Parcel	Address	APN	Date Received	Completion	Type	Terms of Commitment	Contribution	Assessed Value	Market Value	Notes
0001	International Homes Assoc., Ltd.	Phillip Ray Deville #87-802	SW 92-98 S./SW 157 Ave.	SW	10/03/95	yes	\$	yes	\$200,000+cola	0	\$213,200.00	10/24/1995 Full payment due 81 permits. 145 permits pulled prior to final payment being made.
0002	Daide Residential Developers, Inc.	Madecan Investment Corp. #85-772 (Forest Lakes)	SW 98 S./SW 182 Ave.	SW	10/13/95	yes	L	yes	8.89 acre school site located at SW 98 S./SW 182 Ave.	0	\$1,240,000.00	12/19/1995 Deed received 12/14/95.
0003	Polindana Enterprises	City National Bank Tract G #88-142/ #91-709	SW 182 Ave./SW 85 St.	SW	11/09/95	yes	\$	Yes	\$388,018 + cola	0	\$395,198.28	11/18/1995 Atty. indicated applicant not obligated to pay impact fees just contribution pursuant to covenant. DCPSS letter to county indicates owner will be subject to impact fees (if applicable). Applicant appealed. Appeal denied.
0004	Hertler Realty Co. d.b.a. Continental Homes	R.G.C. #89-141 (Lago Mar South)	N.E. corner of SW 88 St/182 Ave.	SW	12/01/95	yes	\$	Yes	\$550,000 + cola	0	\$548,181.00 (cola decreased contrib. amount)	12/18/1995 Required extensive research of covenants pertaining to City National Bank, R.G.C. & Lakes of Brighton.
0005	Hertler Realty Co. d.b.a. Continental Homes	City National Bank #88-142 Tracts I & J	SW 182 Ave./SW 85 St.	SW	12/01/95	yes	\$	yes	Tract I - \$101,776.20 Tract J - \$105,591.77 + C.O.L.A.	0	\$207,368.49	1/18/1996 Delay in obtaining C.O.L.A. from Department of Economic Commerce.

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Project #	Prop. Name	Prop. Address	Section	RD	Date	Committed Type	Amount	Received Date	Committed Amount	Assessed Date	Assessed Value	Assessed Date	Notes
0006	Brakelone Beach Prop., Ltd.	Granite Development #94-137	NE 196 St / Collins Ave.	E	02/08/96	\$	yes	yes	\$83,654.72 + C.O.L.A.	0	\$83,805.88	2/15/1996	None
0007	Hartel Investments, Inc.	Hartel Investment #88-126	SW 176 St / 148 Ave.	SW	02/02/96	L	yes	yes	6.483 acre school site	0	appraised value \$696,570.00	2/15/1996	DCPS did not accept appraisal rounded value of \$700,000.
0008	Primary Holdings Inc.	Section 3 Prop. Corp. #94-730	NW 194 St / 82 Ave.	NW	02/02/96	L/\$	yes	yes	12.13 acre school site	0	\$1,758,850	4/23/1996	DCPS did not accept appraisal rounded value of \$1,780,000 delay due to confirmation of infrastructure.
0009	Michael Lettner Assoc.	Michael Lettner #85-467	SW 157 Ave / 152 St.	SW	02/02/96	\$	yes	yes	\$144,000 + C.O.L.A.	0	\$169,480.00	2/15/1996	None
0010	Caribe Homes Corp.	Sunbow Realty #89-738	SW 188 St / 157 Ave.	SW	03/22/96	\$	yes	yes	\$184,500 + C.O.L.A.	0	\$173,383.00	3/28/1996	Pursuant to covenant applicable Impact fees may be paid in lieu of second payment.
0011	Western Estates Development, Inc.	Sunbow Realty #89-739	SW 176 St / 157 Ave.	SW	3/96	\$	yes	yes	\$117,000+ C.O.L.A.	0	\$127,840.00	3/28/1996	Pursuant to covenant applicable Impact fees may be paid in lieu of second payment.
0012	Gill Homes, Inc.	DOM Inc.	S.W. 98 St / 164 Ave.	SW	4/96	\$	yes	yes	\$72,000 + C.O.L.A.	0	\$72,187.85	4/16/1996	None

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Project #	Fee Payer	Land Interest	Address	APN	Date Received	Completion	Type	Terms of Contribution	Contribution	Amount Due	Credit Status	Redemption	Notes
0013	Bird Lakes Development Corp.	Marina S.A.	S.W. 143 Ave/43 St.	SW	03/01/98	yes	L	yes	\$11,011 acre school site	0	\$3,597,379.00	5/28/1998	Delay due to discrepancy of appraisal, 2nd appraisal required.
0014	Key Biscayne Ocean Club-Limited Partnership	Key Biscayne Hotel & Villas	Key Biscayne	E	5/10/98	yes	\$	no (see comments)	\$2,133,334.00	\$1,066,667.00	\$2,133,334.00	5/28/1998	Applicant still required to pay final payment due on July 1, 1997
0016	Lennar Homes Inc.	Lakes by the Bay	S.W. 216 St/87 Ave.	E	7/12/98 - No Ted cover lit.	Pump station	L	yes	\$1,498,100.00	0.00	\$1,498,100.00 (\$1,420,000 + CPLU)	8/13/1998	None
0018	Lennar Homes Inc.	Three Lakes Development	S.W. 137 Ave/S.W. 152 Street	SW	7/12/98 - No Ted cover lit.	yes	\$	yes	\$739,200.00	0	\$739,200.00	7/31/1998	None
0017	Lennar Homes Inc.	Four Lakes Development	S.W. 136 St/S.R. 874	SW	7/12/98 - No Ted cover lit.	yes	\$	no (see comments)	\$200,000.00	\$200,000.00 + C.O.L.A.	\$200,000.00	7/30/1998	Applicant still required to pay second payment of \$200,000 + C.O.L.A. pursuant to covenant.
0018	Caribe Century JV.	Intercontinental Bank (Caribe Lakes Phase I)	S.W. 42 St/S.W. 152nd Ave.	SW	08/02/98	yes	\$	no (see comments)	\$113,457.93	2nd payment of Phase II and payments for Phase III.	\$113,457.93	8/9/1998	Applicant still required to pay balance due pursuant to covenant.
0019	Brighton Homes, Development, Inc.	Howerton Investment	S.W. 144 St/S.W. 152nd Ave.	SW	09/27/98	yes	\$	no (see comments)	\$255,393.00	\$243,000 + C.O.L.A.	\$255,393.00	10/1/1998	Applicant still required to pay balance due pursuant to covenant.

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Project #	Applicant	City/County	Address	NO	Date	Completion	Type	Impact Fee	Value	Amount Paid	Balance	Payment Date	Notes
0020	Legacy Development Dade Division Inc.	Francis & Davdine Compton #94-455	S.W. 124 St./S.W. 97 Ave.	E	08/27/96	yes	\$	yes (see comments)	\$165,744.00	0	\$165,744.00	10/1/1996	Applicant had paid \$16,080 of impact fees to Dade County. As per letter from County applicant fulfilled entire Pre-payment amount of \$181,824
0021	Lennar Homes, Inc.	Lennar Homes, Inc.	N.W. 117 Ave./N.W. 68 St.	NW		no	L	yes	10.5 acre site	0	\$2,515,000.00	7/16/1998	Value based on appraisal value as of 10/25/96 pursuant to County City's determination
0022	Hamlet Development	Bernard Marko	S.W. 208 St./S.W. 127 Ave.	SW		yes	L	yes	2.155 acre site	0	\$226,000.00	12/13/1996	None
0023	Caribe Homes	Intercontinental Bank #93-429	S.W. 42 St./S.W. 152 Ave.	SW		yes	\$	yes	\$113,347.35	Payments of Phase III	\$113,347.35	12/13/1996	Applicant still required to pay balance due pursuant to covenant.
0024	Adrian Developers, Corp.	Chan Real Estate #93-778	S.W. 157 Ave./S.W. 72 St.	SW	03/25/97	yes	\$	yes	\$34,952.46	0	\$34,952.46	4/3/1997	Puruant to covenant applicable impact fees may be paid in lieu of second payment.
0025	Adrian Developers, Corp.	Floeman & Wolf #93-442	S.W. 182 Ave./S.W. 72 St.	SW	03/25/97	yes	\$	yes	\$19,557.42	0	\$19,557.42	4/3/1997	Puruant to covenant applicable impact fees may be paid in lieu of second payment.
0026	Walter Brewer	Walter Sarena Lakes #87-568	S.W. 137 Ave./S.W. 180 St.	SW		yes	\$	yes	\$617,961.92	0	\$617,961.92	6/24/1997	None
0027	Caribe Lakes	Intercontinental Bank	S.W. 42 St./S.W. 152 Ave.	SW	07/13/97	yes	\$	yes	Phase III \$133,657.07	0	\$133,657.07	7/16/1997	None
0028	Continental Homes of Florida, Inc.	Continental Homes of Florida Inc. at Lago Mar West T-Plot #193962 Tract H	S.W. 88 St./S.W. 182 Ave.	SW		yes	\$	yes	Tract H \$139,113.97	0	\$139,113.97	7/23/1997	None

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Project #	Fee Region	DOC Reference	Address	APN	Date Received	Category	Type	Terms of Contribution	Contribution	Remaining Due	Change Value	Expiration Date	Notes
00029	Continental Homes of Florida, Inc.	Continental Homes of Florida Inc. at Lago Mar West Tract K	S.W. 98 St./ S.W. 162 Ave.	SW	07/11/87	yes	\$	yes	Tract K \$127,982.32	0	\$127,982.32	7/23/1997	None
00030	Key Biscayne Ocean Club Limited Partnership	Key Biscayne Hotel & Villas Tract K	Key Biscayne	E	05/10/88	yes	\$	yes	Contribution \$1,086,867	0	\$1,086,867.00	8/6/1997	None
00031	Rivera Homes, Inc.	Rivera Homes	8344 S.W. 8 Street	SW	03/08/88	yes	L	yes	1,504 acre site	0	50% of land value* \$113,677.50	7/1/1988	Board App 6/23/88. Approved \$277,355.
00032	Century/Crestview LTD.	Westwood	S.W. 142 Ave / S.W. 186 St.	SW	03/01/88	yes	L	yes	2.0 acre site	0	\$230,000.00	7/8/1988	None; Board app. 7/8/88
00033	Coscan Presidential Estates	Hasam Realty #85-718	NE 181 St / 18 Ave.	E	08/04/88	yes	\$	no (see comments)	\$40,790.20 1st installment	remaining installments total contribution value of 2.59 acres	\$40,790.20	7/8/1988	3 remaining installments must be paid pursuant to covenant. Board Approved 7/8/88
00034	Related Club West Housing Association, Ltd.	Club West/ #84-259	Country Club of Miami	NW		yes	\$	no (see comments)	\$168,617.00	remaining installments are due pursuant to covenant (value of 3.48 acres)	\$168,617.00	7/15/1988	Remaining installments due pursuant to covenant.
00035	Grand Bay(BB) Hotel Partners	Royal Biscayne Verture	Key Biscayne	E	1/8/1988	yes	\$	yes	\$300,000.00	0	\$300,000.00	5/18/1988	Board Approved 5/12/88
00036	Oak Ridge North Assoc. (Legacy)	Francis Davlina Compton #98-56	9657 SW 124 St	SW	03/16/89	yes	\$	no (see comments)	\$102,980.00	\$20,880 for EUM phase	\$102,980.00	7/1/1989	Board Approved 6/23/89. \$20,880 will be due for E.U. phase.
00037	Country Club Villas	Club West/ #84-259	6709 NW 168 St, Miami Lakes, FL 33014	NW	05/04/00	yes	\$	yes	\$337,798.79	0	\$337,798.79	6/22/2000	Board Approved 6/22/00
00038	Lennar Homes, Inc.	Four Lakes	8190 St. Road SW 84	SW	05/23/00	yes	\$	yes	\$200,000.00 + C.O.L.A.	0	\$210,400.00	12/___/01	Board authorized credit at the Board Meeting of 12/12/01