

Business Operations
Facilities Planning
Ana Rijo-Conde, AICP, Administrative Director

SUBJECT: AUTHORIZATION TO NEGOTIATE AN AGREEMENT IN CONNECTION WITH APPLICATION NO. 01-275 LUIS AND MARGARITA AGUDO, ET AL, FOR THE PROVISION OF AN APPROXIMATE 2-ACRE (NET) SCHOOL SITE AT NW 78 AVENUE AND NW 197 STREET AS A CONTRIBUTION IN-LIEU-OF EDUCATIONAL FACILITIES IMPACT FEES

COMMITTEE: FACILITIES PLANNING AND CONSTRUCTION

Introduction

Pursuant to the terms of the Educational Facilities Impact Fee Ordinance (Ordinance) and the Interlocal Agreement (Agreement) between the School Board (Board) and Miami-Dade County (County), the Board may accept contributions in-lieu-of impact fees from developers if the Board determines that such contributions are appropriate and desirable.

Luis and Margarita Agudo, et al, (applicants), propose such a contribution in connection with a zoning change, approved by the Miami-Dade Community Zoning Appeals Board 5 (Zoning Board) on October 18, 2001. The applicants obtained a zoning change approval from GU (Interim) to RU-1M(a) (Modified Single-Family), on 28 gross acres located between N.W. 197 Street and N.W. 202 Street and between N.W. 77 Avenue and N.W. 79 Avenue, in order to build a 152-unit development (see attached location map). At that time, the applicants indicated to the Zoning Board their willingness to set aside a two-acre site to the District, as a contribution in-lieu-of impact fees.

Background

At its February 13, 2002 meeting the Board authorized staff to explore the feasibility of a land dedication as a contribution in-lieu-of educational facilities impact fees in connection with the referenced application, subject to full due diligence and other relevant research.

Additional Information

The applicants have agreed to negotiate an agreement to benefit the Board with substantially the following terms:

Applicant will set aside an approximate 2-acre (net) site within the proposed development (see attached location sketch) as a contribution in-lieu-of educational facilities impact fees. Pursuant to the terms of the Ordinance, the amount credited

for a contribution in-lieu-of impact fees shall be the value of the land contributed as established by an appraisal of its fair market value. A District-commissioned appraisal for the 2-acre vacant site indicated a fair market value of \$280,000. Additionally, the ordinance requires the applicant to reimburse the Board for any costs associated with determining the value of the contribution, including any appraisal costs (\$3,000). No credit will be provided for any administrative fees (2%) paid by the applicants.

In the event the impact fees (currently estimated at \$273,600) calculated for the development of the property turn out to be higher than the fair market value of the school site, the applicants will pay the difference to the County. In the event the fair market value of the land is greater than the final impact fee amount, the Board will not be required to reimburse the applicants for the difference.

The two-acre school site shall be conveyed to the Board prior to the issuance of the first building permit.

Full due diligence has been conducted by District Staff and the results can be summarized as follows (please also see attachments):

- The Miami-Dade County Planning and Zoning Department has indicated that the site is consistent with the Comprehensive Development Master Plan and is acceptable for use as a school.
- The Miami-Dade Aviation Department has indicated the site is compatible with airport operations and is located outside the no-school zone.
- The Miami-Dade County Office of Historic Preservation has indicated the site has a low to medium probability of cultural resources being present on site, and that there are no historic sites recorded for the tract. A Phase I and a limited Phase II Environmental Assessment indicated no unusual environmental concerns that would preclude use of the site for a school. In an abundance of caution, trenching may be conducted to further confirm the absence of environmental conditions.
- Miami-Dade DERM, Water Control Division, indicated that no water retention area is required.
- Miami-Dade DERM, Natural Resources Division, has indicated a Class IV Wetlands Permit will be not be required and no jurisdictional wetlands were identified in the area of the proposed school.
- The South Florida Water Management District has indicated that wetlands as defined by Chapter 62-340 Florida Administrative Code are not present on the site.

Education Site inspection Report dated April 3, 2002 confirmed the suitability of the site for a school.

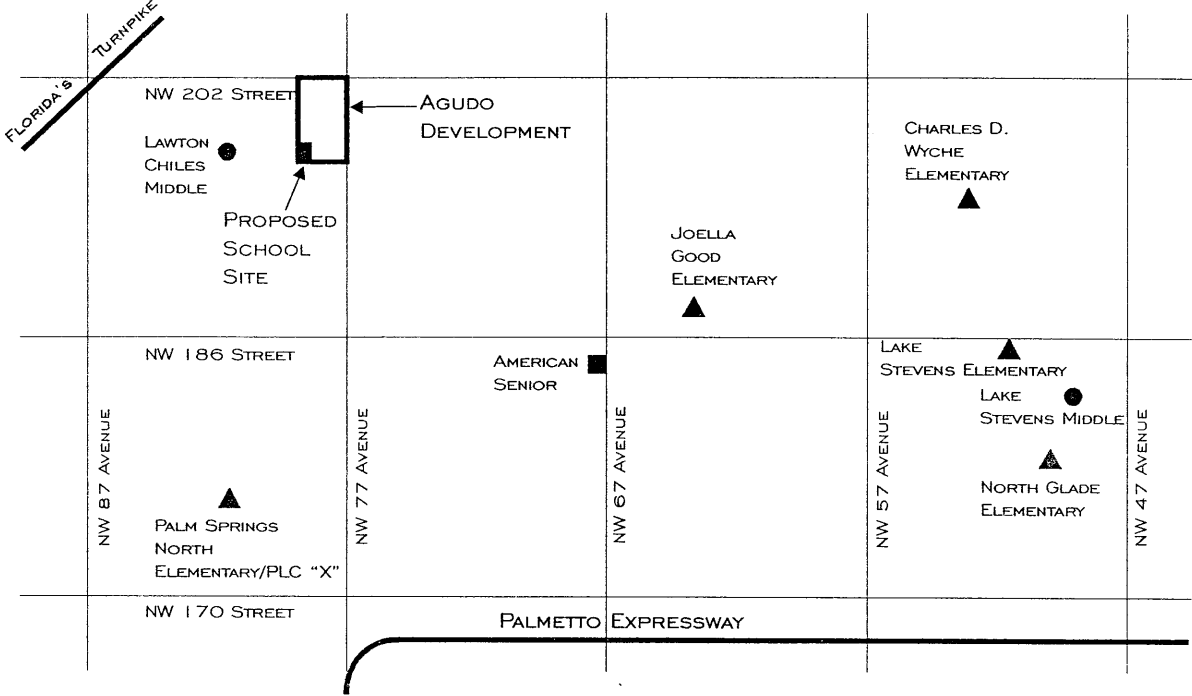
Should the Board accept the conveyance of this school site, pertinent documentation will be provided to the Board Attorney's Office for its review and subsequent recordation. Additionally, the Office of Treasury Management, as well as the Office of the Controller will be provided all relevant information concerning this site conveyance, to ensure the asset is properly accounted for.

RECOMMENDED:

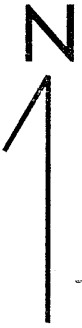
That The School Board of Miami-Dade County, Florida, authorize the Superintendent to negotiate an agreement for Application No. 01-275 Luis and Margarita Agudo, et al, for an approximate 2-acre (net) site at NW 78 Avenue and NW 197 Street, as a contribution in-lieu-of impact fees, pursuant to the Educational Facilities Impact Fee Ordinance, and in conformance with the terms and conditions enumerated above.

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LOCATION MAP



BOB GRAHAM ▲
EDUCATION CENTER
(SS "C" & "TT")/
IN PROGRESS



LOCATION SKETCH

