

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

**SUBJECT:            AUTHORIZATION FOR CREDIT OF EDUCATIONAL FACILITIES  
                         IMPACT FEES FOR OLD CUTLER VILLAGE APARTMENTS, LTD.**

**COMMITTEE:        FACILITIES PLANNING AND CONSTRUCTION**

In 1993, Robert and Elizabeth Oliver, Trustee (Owner), proffered a Declaration of Restrictions (Declaration) to Miami-Dade County, in connection with an application for a zoning change of a 22.6-acre site. This Declaration provided for a contribution to the School Board (Board) to mitigate the impact of a proposed 290-unit residential development. Pursuant to the terms of the Declaration, the Owner was to pay a monetary contribution equal to the fair market value of a hypothetical 1.352 net acres of land, as determined by the County's Property Appraiser based on land valuation assumptions. The assumptions require that the value of the property be determined as of the day of public hearing approval (September, 1993). The appraisal completed on August 17, 1994, set the value of the property at \$170,000. Additionally, pursuant to the Declaration, the contribution was to be paid prior to final plat approval.

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). The current owner of the property, Old Cutler Village Apartments, Ltd. (Applicant) paid to the School District the required \$170,000 on July 26, 2002, and has now filed an impact fee credit application for the payment of \$170,000. 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. It is staff's recommendation that a credit be authorized up to \$170,000 or the total amount of impact fees paid by the Applicant, whichever is less, in connection with the above referenced development.

**RECOMMENDED:**        That The School Board of Miami-Dade County, Florida, authorize a credit of Educational Facilities Impact Fees for Old Cutler Village Apartments, Ltd., up to \$170,000, or the total amount of impact fees paid by the Applicant, whichever is less, in connection with the above referenced development.

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