

Facilities Operations, Maintenance and Planning
Ana Rijo-Conde, Interim Assistant Superintendent

SUBJECT: AUTHORIZATION TO ACCEPT A 9.97-GROSS ACRE SCHOOL SITE, LOCATED ON THE NORTHEAST CORNER OF S.W. 112 AVENUE AND S.W. 240 STREET, AS A PARTIAL CONTRIBUTION IN-LIEU-OF EDUCATIONAL FACILITIES IMPACT FEES, IN CONNECTION WITH APPLICATION NO. 02-228, ALLAPATTAH NURSERY LTD., AT A REDUCED PRICE OF \$75,000/AC, OR 49.8% OF THE APPRAISED VALUE

COMMITTEE: FACILITIES MANAGEMENT

Introduction

Pursuant to the terms of the Educational Facilities Impact Fee Ordinance (Ordinance) and the Interlocal Agreement (Interlocal) 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.

Allapattah Nursery, Ltd., (applicant), proposes such a contribution in connection with a zoning change, approved by the Miami-Dade Community Zoning Appeals Board 15 (Zoning Board) on December 11, 2002. The applicant obtained a zoning change approval from AU (Agriculture) to RU-TH (Townhouse) and RU-1M(a) (Modified Single-Family), on 78.64 acres located at the northeast corner S.W. 240 Street and S.W. 112 Avenue. At that time, the applicant indicated to the Zoning Board a willingness to set aside a 9.97-acre site to the District, as a partial contribution in-lieu-of impact fees (see attachment).

Background

At its December 11, 2002 meeting the Board authorized staff to explore the feasibility of a land dedication as a partial contribution in-lieu-of educational facilities impact fees in connection with the referenced application, subject to full due diligence and other relevant research.

In order to determine the appraised value of the site, the Ordinance requires that a District Commissioned appraisal be conducted. The applicant voluntarily agreed to receive only partial impact fee credit for the school site dedication by limiting the applicable impact fee credit amount to \$75,000 per acre or 60% of the appraised value of the site, whichever is less. The applicant also agreed that should the impact fees calculated for the development of the property be greater than the agreed upon value, the applicant will be required to pay the balance of impact fees owed by the proposed development.

In the event the impact fees are less than said value, then no refund will be owed by the School District to the applicant.

The School Board has 120 days following the approval of the application, after all applicable appeal periods, to notify the Owner of the Board's desire to acquire the site. Pursuant to the covenant, the District has requested and has been granted a 30-day extension to May 30, 2003, in order to complete the due diligence and other applicable research. The site would be conveyed to the Board within 30 days of the recordation of the final plat for the subject property.

Additional Information

Due diligence has been conducted by District Staff and the results can be summarized as follows:

- 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 no archaeological designations. A Phase I and a limited Phase II Environmental Assessment have been requested by the District to verify that there are no unusual environmental concerns that would preclude use of the site for a school.
- 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.
- The U.S. Army Corps of Engineers indicated the site is not jurisdictional and will not require a Corps permit.

A District-commissioned appraisal for the undeveloped 9.97 acre site (434,720 square feet) indicated a fair market value of \$1,500,000 or \$150,451.35 per acre. Based on the proffered covenant the applicant agreed to receive partial impact fee credit for 60% of the appraised value of the site or \$75,000 per acre, whichever is less.

Since 60% of the appraised value exceeds \$75,000 per acre (\$90,270.81), the applicant will only receive impact fee credit in an amount not to exceed \$747,750 or \$75,000 per acre, which represents 49.8% of appraised value.

The conveyance of this school site is subject to the District receiving an acceptable Phase I and Limited Phase II Environmental Assessment. Pertinent documentation will be provided to the Board Attorney's Office for its review and subsequent recordation.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to accept an approximate 9.97 acre site at SW 112 Avenue and SW 240 Street, as a partial contribution in-lieu-of impact fees, for Application No. 02-228 Allapattah Nursery, Ltd., pursuant to the Educational Facilities Impact Fee Ordinance, at a reduced price of \$75,000/ac, which represents 49.8% of the appraised value and in conformance with the terms and conditions enumerated above and subject to an acceptable Phase I and limited Phase II Environmental Assessment.

PG:am

ATTACHMENT

