

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

SUBJECT: AUTHORIZATION TO MODIFY A DECLARATION OF RESTRICTIONS TO ALLOW CELOMADING, S.A., TO EXTEND THE CONVEYANCE DATE FOR THE DONATION OF A 5.1 NET ACRE SCHOOL SITE LOCATED AT THE NORTHWEST CORNER OF S.W. 149 AVENUE AND CORAL WAY

COMMITTEE: FACILITIES MANAGEMENT

Background

As part of Application No. 99-221 to request a zoning change, Celomading, S.A. (applicant), proffered a Declaration of Restrictions (Declaration) in February 2001, in favor of the School Board (Board). The Declaration provides for the donation of a 5.1 net acre site, over and above impact fees, with the Board having an option until December 31, 2004, to purchase an additional 11.3 net acres at fair market value, pursuant to a School District (District) commissioned appraisal. The subject land is located at the northwest corner of S.W. 149 Avenue and Coral Way (see attached located map).

As part of its Declaration, the applicant will provide storm water retention for the entire 16.4 net acre site as well as any required wetland mitigation fees, paved road access and all utilities including water and sewer lines, electric and phone service, with no additional connection charges to the District.

At its May 15, 2002 meeting, the Board authorized a modification of the Declaration to allow the applicant to extend the conveyance date of the 5.1 net acre school site from March 1, 2002 to January 31, 2003. At that time the applicant had not completed the majority of the required site improvements. Subsequently, the applicant advised the District that although most of the improvements had been completed it did not appear that all the necessary work would be completed by the January 31, 2003 deadline. At its March 12, 2003 meeting, the Board authorized a Second Amendment to the Declaration to allow the applicant to extend the conveyance date of the 5.1 net acre school site from January 31, 2003 to July 30, 2003.

Additional Information

At this time, the District has completed all due diligence on the 5.1-acre parcel, with the exception of an environmental assessment. Such an environmental assessment has been initiated on the entire 16.4-acre site in order to complete the due diligence process. The applicant has advised the District that the majority of the site

improvements on the 5.1-acre parcel have been completed. However, the right-of-way improvements have not been finished due to additional Public Works requirements. The District is in the process of verifying that all the required site improvements have been done as required by the Declaration.

As such, the applicant is requesting a Third Amendment to the Declaration to extend the conveyance date from July 30, 2003 to October 31, 2003, and for the Superintendent to be authorized to extend this date, should further mitigating circumstances warrant same. This proposed Third Amendment will allow completion of all the required site improvements as well as the District commissioned environmental assessments. It should be noted that District staff will ensure all required due diligence is completed prior to acceptance of the site.

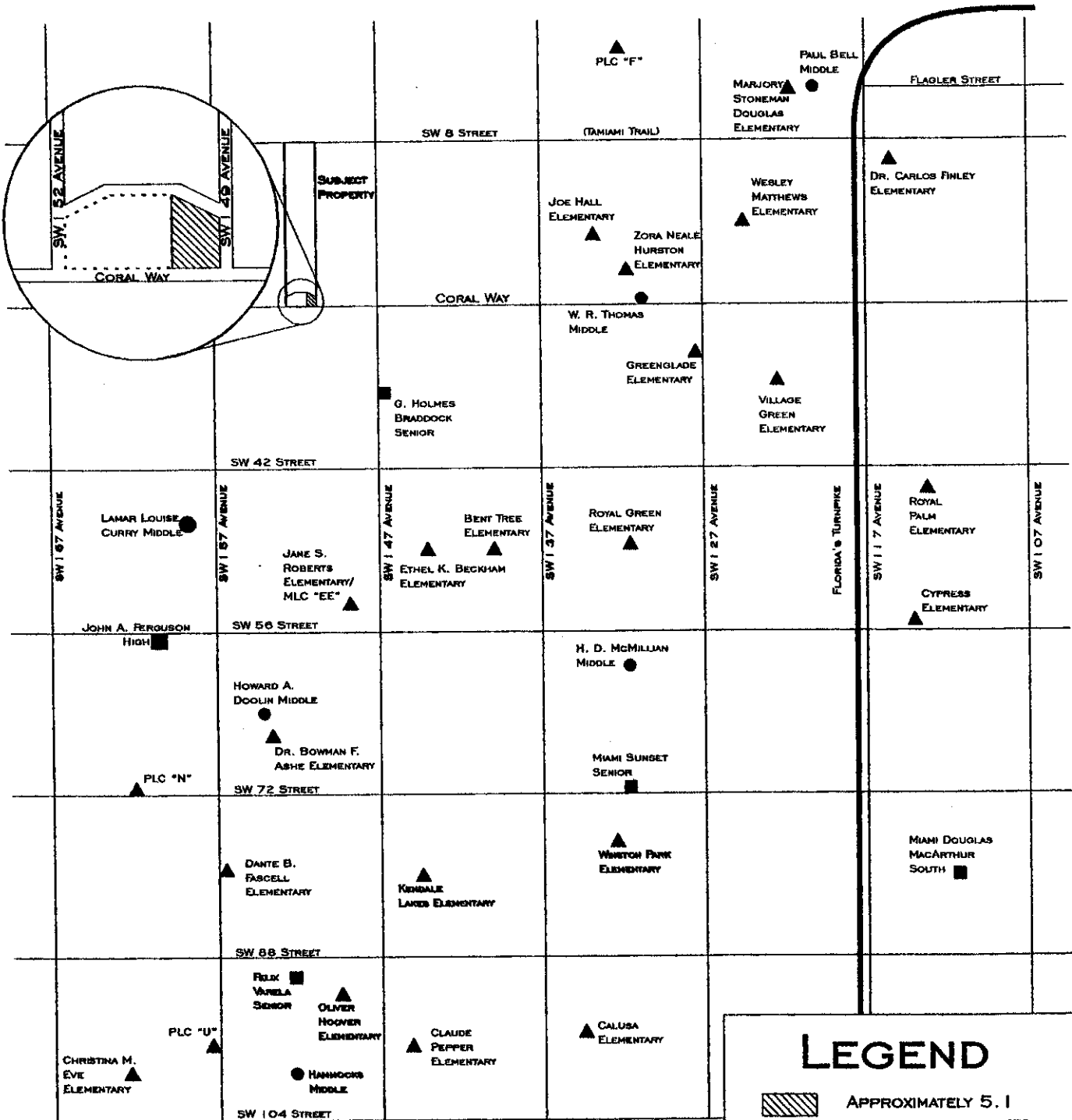
The Third Amendment to the Declaration will be reviewed by the School Board Attorney's Office.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to modify the Declaration of Restrictions proffered by Celomading, S.A., to extend the conveyance date of a donated 5.1 net acre site located at the northwest corner of S.W. 149 Avenue and Coral Way to October 31, 2003, with the Superintendent to be authorized to extend this date, should mitigating circumstances warrant same.

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LOCATION MAP



LEGEND



APPROXIMATELY 5.1 ACRES TO BE DONATED OVER AND ABOVE IMPACT FEES



APPROXIMATELY 11.3 ACRES FOR POSSIBLE PURCHASE BY THE DISTRICT