

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

**SUBJECT: AUTHORIZATION TO PURSUE THE PRESERVATION OF  
TRANSFER OF DEVELOPMENT RIGHTS PERTAINING  
TO CORAL GABLES ELEMENTARY SCHOOL  
PURSUANT TO CITY OF CORAL GABLES ORDINANCE,  
AND PAYMENT OF ATTORNEY FEES TO THE FIRM OF  
TEW CARDENAS REBAK KELLOGG LEHMAN DEMARIA  
TAGUE RAYMOND AND LEVINE, LLP.**

**COMMITTEE: FACILITIES MANAGEMENT**

Coral Gables Elementary School (School), located at 105 Minorca Avenue, Coral Gables, was built in 1926 and has been listed as a historic landmark in the National Registrar of Historic Places and in the Coral Gables Registrar of Historic Landmarks. In 1998, the City of Coral Gables (City) adopted a Transfer of Development Rights (TDR) Ordinance for such historically designated properties within its Central Business District (CBD), to provide an economic incentive to owners to preserve such sites by transferring the development rights ascribed to that historic property to another developable parcel located within the CBD. That portion of the School that falls within the CBD (212,036 square feet), is subject to the TDR. At a potential value of \$15 to \$20 per square foot and with a 50% transferability limitation, the District could realize a gain of approximately \$2 million by transferring such development rights.

In recent years, the City Commission has expressed some concern over the TDR ordinance and its potential impact on the quality of development in the CBD. As such, it is considering amending the TDR ordinance, which could effectively constitute a "taking" of the Board's TDR's.

The District has retained the firm of Tew Cardenas Rebak Kellogg Lehman Demaria Tague Raymond and Levine, LLP. (Tew Cardenas), to ensure that the District's interests are protected. The firm is currently under contract with the Board and has represented the District in other matters regarding schools within the City. Tew Cardenas has recommended that:

- the District seek to amend the Table reflecting the amount of transferable undeveloped floor area at the School. The current ordinance only reflects 188,000 square feet, whereas the correct amount is 212,036 square feet, which has been confirmed by City staff as being the accurate number for the portion of the site within the CBD;
- the District seek an amendment to the TDR ordinance to remove the 50% transferability limitation, as was recently done for the City relating to City-owned historic properties;
- the District order an appraisal, in accordance with applicable Board Rule, to determine the fair market value of the TDR's at the School;
- subsequent to receipt of the appraisal, the District immediately initiate a Request For Proposal (RFP) to seek bids to sell the existing TDR's;
- the proceeds of the sale of the District's development rights only be used for capital outlay improvements at the School and/or for the maintenance of other Board-owned properties within the City; and
- subject to the Board determining its desire to retain its TDR rights, the District explore the economic viability of proffering a covenant running with the land in favor of the City, agreeing to maintain the School in its present condition pursuant to a preservation plan, prepared and certified by a preservation expert, along with a specific maintenance schedule, and submit same to the City and Board for approval. District staff will conduct a cost benefit analysis to determine whether such maintenance outweighs the costs associated with the School's current maintenance costs.

It is staff's recommendation that, subject to the Board accepting the recommendations of Tew Cardenas, a District representative appear before the City Commission to communicate the Board's action in this regard.

**RECOMMENDED:**

That the School Board of Miami-Dade County, Florida:

1. adopt the recommendations of Tew Cardenas Rebak Kellogg Lehman Demaria Tague Raymond and Levine, LLP., and direct the Superintendent or his designee to communicate this action to the City of Coral Gables;
2. direct the Superintendent or his designee to initiate the appropriate actions to accomplish the recommendations delineated above;
3. authorize the payment of attorney fees to the firm of Tew Cardenas Rebak Kellogg Lehman Demaria Tague Raymond and Levine, LLP., in the amount of \$11,140.27 for services rendered, and authorize an additional amount not to exceed \$10,000 for continuing services; and
4. direct the Superintendent or his designee to report back to the Board by November 19, 2003 with an update on this issue.

VGv:rr