

Facilities Planning and Construction
Paul J. Phillips, Chief Facilities Officer

SUBJECT: AUTHORIZATION TO AMEND THE AGREEMENT WITH LUCKY START, LTD., FOR THE CONSTRUCTION OF PRIMARY LEARNING CENTER "U" AS A CONTRIBUTION IN-LIEU-OF IMPACT FEES

At its September 20, 1995 meeting, the Board authorized the Superintendent to negotiate a Declaration of Restrictions (Declaration) for Applications No. 94-597 and 95-272, Mrs. Gunhild Milner, subsequently assigned to Lucky Start, Ltd., for the applicant's construction of a Primary Learning Center (PLC) on an approximate two-acre parcel, the dedication of an additional approximate two-acre parcel and the option to purchase six additional acres at fair market value, within a proposed 703-unit residential development, to mitigate the impact of the development. The proposed development is located at S.W. 157 Avenue and S.W. 96 Street. In addition, the Board authorized the Chair and Secretary to negotiate and execute additional agreements as necessary to ensure compliance with the terms and conditions of the Declaration, as negotiated.

Pursuant to the agreement and Declaration, the PLC must be constructed in conformance with District-provided architectural plans and educational specifications. The agreement and Declaration also provided that the construction of the PLC was to begin prior to the developer obtaining a building permit for the 160th unit or within two years from the date of issuance of the first building permit, whichever occurred earlier. The construction of the PLC must be completed and receive approval from the Board for its occupancy within twelve months of the commencement of its construction.

The construction of the PLC began in accordance with the terms of the agreement and Declaration on March 16, 1999, by issuance of the Notice of Commencement. In order to meet the terms of the agreement and Declaration, the developer must complete construction by March 16, 1999. The developer is requesting an extension of time, by amendment to the existing agreement with the Board, to provide for a substantial completion date of December 16, 2000, based on delays experienced as a result of the site plan review and approval process at Miami-Dade County.

The amendment has been reviewed by the School Board Attorney's Office. A copy of the amendment will be placed on file in the Citizen's Information Center and the Recording Secretary's Office.

Should an amendment to the Declaration be necessary, it will be processed by the developer through Miami-Dade County.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent or his designee to execute an amendment to the existing agreement and support an amendment, if necessary, to the Declaration of Restrictions with Lucky Start, Ltd., which provided for the construction of Primary Learning Center "U" as a contribution in-lieu-of impact fees, to provide for a substantial completion by December 16, 2000.

SO:adc