

Business Operations  
J.E. Surash, P.E., Chief Business Officer

**SUBJECT: AUTHORIZATION TO EXECUTE A REVISED COVENANT RUNNING WITH THE LAND REQUIRING A PORTION OF CORAL GABLES ELEMENTARY SCHOOL TO ADHERE TO THE CITY OF CORAL GABLES HISTORIC PRESERVATION ORDINANCE, ZONING CODE AND COMPREHENSIVE LAND USE PLAN**

**COMMITTEE: FACILITIES MANAGEMENT**

**Background**

At its January 14, 2004 meeting, the Board authorized the execution of a Covenant Running with the Land (covenant) requiring Coral Gables Elementary School to adhere to the City of Coral Gables (City) Historic Preservation Ordinance for purposes of protecting the district's Transfer of Development Rights (TDR). The City Commission was to have acted on this matter at its January 27, 2004 meeting, but City Administration opted instead to postpone the matter and continue negotiating the terms of the Covenant with the district.

**Additional Information**

Since that time, the law firm of Tew Cardenas, acting as the District's outside counsel in this regard, has been conferring with the City to solidify the District's position as well as to address the City's concerns. However, a recent City staff report is still raising questions as to whether the City should remove Coral Gables Elementary from the TDR ordinance, thereby divesting the Board of its TDR, whether to permit the Board to sell 50% or 100% of its TDR, and whether to require the Board to comply with the City's zoning and comprehensive plan regulations only at Coral Gables Elementary School, or to impose the regulations at all schools within the City limits.

In an attempt to allay these concerns and to perfect the Board's interest, Tew Cardenas is now recommending that the previously approved Covenant be revised to include language requiring the district to adhere to the City's Zoning Code and Comprehensive Land Use Plan with respect to the portion of Coral Gables Elementary that lies within the Central Business District. Tew Cardenas also recommends that the revised Covenant be immediately executed and recorded in the Public Records of Miami-Dade County.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Chair and Superintendent to execute and record a revised Covenant Running with the Land requiring a portion of Coral Gables Elementary School to adhere to the City of Coral Gables Historic Preservation Ordinance, Zoning Code and Comprehensive Land Use Plan, as detailed above.

VGv:mo