

Office of School Facilities  
Jaime G. Torrens, Chief Facilities Officer

**SUBJECT: AUTHORIZATION FOR THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND ACCEPT AN AMENDMENT TO THE DECLARATION OF RESTRICTIONS PROFFERED BY 46 ACRES, LLC, IN CONNECTION WITH ZONING AND LAND USE APPLICATIONS, PROVIDING FOR THE SET-ASIDE OF APPROXIMATELY SIX ACRES OF VACANT LAND, AS A CONTRIBUTION IN-LIEU-OF EDUCATIONAL FACILITIES IMPACT FEES**

**COMMITTEE: FACILITIES PLANNING AND CONSTRUCTION**

**LINK TO STRATEGIC FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY**

Background

On September 7, 2005, the Board authorized the Superintendent to accept a Declaration of Restrictions (Covenant) proffered by 46 Acres, LLC (Owner), in connection with a previously filed zoning application and an April 2005 Miami-Dade County Comprehensive Development Master Plan application, providing for the set-aside of approximately six acres of vacant land located at 600 NE 215 Street (School Site), as a contribution in-lieu-of educational facilities impact fees. At that time, the Owner was proposing to develop the 72-acre parent track (Property) in two phases with approximately 822 residential units.

On October 17, 2007, the Board authorized an Amendment to the Covenant, providing for the conveyance of the School Site to the Board to take place no later than 24 months from the recordation of the final plat for phase I of the project. Additionally, reverter language in the Covenant was modified to allow the Owner to obtain title to the School Site, in the event the District fails to commence construction of the school facility within four years of accepting the School Site (i.e. by no later than October 30, 2013).

On October 14, 2009, the Board authorized an additional Amendment to the Covenant to change the date by which the School Site must be conveyed to the Board from October 30, 2009 to October 30, 2010. Additionally, reverter language in the Covenant was modified to reflect that, regardless of the date of actual conveyance, the District will not be obligated to commence construction of a school facility on the School Site prior to October 30, 2014.

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Proposed Amendment

The current owner of the Property, US Century Real Estate Holdings, LLC (US Century), has advised that as a result of current market conditions, it is exploring a number of options, including delaying or modifying construction of the residential project. As such, US Century is requesting that the Covenant be amended to change the date by which the School Site must be conveyed to the Board from October 30, 2010 to October 30, 2012. In turn, US Century agrees to further amend the Covenant to reflect that, regardless of the date of actual conveyance, the District will not be obligated to commence construction of a school facility on the School Site prior to October 30, 2016.

Given that the District has no immediate plans to develop the School Site, and US Century has agreed to significantly modify the time restriction previously in place, it is recommended that the proposed Amendment be approved. The proposed Amendment to the Covenant will be reviewed by the Board Attorney's Office prior to acceptance by the Superintendent.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent to finalize negotiations and accept an amendment to the Declaration of Restrictions proffered by 46 Acres, LLC, in connection with zoning and land use applications, providing for the set-aside of approximately six acres of vacant land, as a contribution in-lieu-of educational facilities impact fees, in substantial conformance with the terms and conditions noted above.

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