

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 PLAN: 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.

Subsequent to execution and recordation of the original Covenant, primarily due to the real estate market downturn, development was deferred and the Property remains vacant. In the interim, at the request of the then Owner, the Board authorized two Amendments to the Covenant, primarily deferring the timing under which the School Site is to be conveyed to the Board. Pursuant to the last Board authorized Amendment, the Owner is to convey the School Site to the Board no later than October 30, 2012.

Proposed Amendment

The current owner of the Property, US Century Real Estate Holdings, LLC (US Century), has advised that it is exploring options, including further deferring or modifying 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, 2012 to October 30, 2014. 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, 2018, as opposed to the current timeline of October 30, 2016.

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.

MAL: