

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

- SUBJECT:**
- 1) **RECOMMEND APPROVAL TO MIAMI-DADE COUNTY ("COUNTY") FOR EXEMPTION FROM EDUCATIONAL FACILITIES IMPACT FEES IN CONNECTION WITH THE FOLLOWING HOUSING PROJECTS FOR THE ELDERLY:**
 - A) **METRO SOUTH SENIOR APARTMENTS LIMITED PARTNERSHIP, LOCATED AT 6101 SUNSET DRIVE, SOUTH MIAMI, FLORIDA 33143; AND**
 - B) **THEODORE ROOSEVELT GIBSON MEMORIAL FUND, INCORPORATED, LOCATED AT 3634 GRAND AVENUE, MIAMI, FLORIDA 33133**
 - 2) **AUTHORIZE REIMBURSEMENT TO BOTH APPLICANTS FOR EDUCATIONAL FACILITIES IMPACT FEES ALREADY COLLECTED, FROM THE PROCEEDS OF FUTURE EDUCATIONAL FACILITIES IMPACT FEES COLLECTED BY THE COUNTY WITHIN THE EAST BENEFIT DISTRICT**

COMMITTEE: FACILITIES AND CONSTRUCTION

LINK TO STRATEGIC BLUEPRINT: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES

Pursuant to the terms of the Educational Facilities Impact Fee Ordinance ("Ordinance"), and Section 33K-8(a) of the Miami-Dade County ("County") Code of Ordinances, an applicant shall be exempt from the terms of the Ordinance if the proposed development activity is not capable of creating a demand for capital educational facilities during its useful lifetime, as a matter of law and fact. The Ordinance also requires that the County seek a recommendation from the School Board as it relates to any claim for an exemption under the Ordinance.

The County's Office of Regulatory and Economic Resources has submitted letters advising that the County agrees that the Metro South Senior Apartments Limited Partnership ("Metro South"), and Theodore Roosevelt Gibson Memorial Fund, Incorporated ("Gibson Memorial") projects should be recommended for an exemption based on the criteria stipulated in the Ordinance, and has requested approval from the

School Board on the exemption requests. In both cases, the applicant has already paid Educational Facilities Impact Fees. If an exemption from the payment of such fees is recommended by the Board, the applicants would receive reimbursement directly from the County from the proceeds of future Educational Facilities Impact Fees collected by the County within the East Benefit District:

Metro South Senior Apartments Limited Partnership

Metro South has substantially completed construction of 91 elderly housing units, located at 6101 Sunset Drive, South Miami, Florida 33143. The proposed exemption would provide for reimbursement to Metro South for Educational Facilities Impact Fees paid on June 11, 2014, in the amount of \$108,129.30.

Theodore Roosevelt Gibson Memorial Fund, Incorporated

Gibson Memorial has substantially completed construction of 50 elderly housing units, located at 3634 Grand Avenue, Miami, Florida 33133. The proposed exemption would provide for reimbursement to Gibson Memorial for Educational Facilities Impact Fees paid on April 14, 2015, in the amount of \$64,195.50.

Both applicants (the "Applicant") have proffered to the County a Covenant Related to Elderly Housing ("Covenant"), which will ensure that their respective projects (the "Project") are used exclusively for elderly housing. The terms and conditions of said Covenant have been reviewed by the School Board Attorney's Office for compliance with the Ordinance and elderly housing statutes.

The Covenant relative to both applications stipulates the following:

- a) The Project is solely intended to be operated and maintained to meet the social and physical needs of persons fifty-five (55) years of age and older;
- b) No dwelling unit within the Project shall be occupied by any person under the age of eighteen (18);
- c) The restrictions set forth in the Covenant shall not be subject to revocation or amendment for a period of thirty (30) years, after which it shall be extended automatically for successive periods of ten (10) years each;
- d) In the event the Applicant seeks to terminate the Covenant, the Applicant shall tender the full amount of the applicable Educational Facilities Impact Fees in effect at the time of the requested release, and the Covenant may only be released with the prior written consent of the County and the School Board;
- e) The County's Department of Regulatory and Economic Resources shall have the right, at any time, of entering and investigating the use of the premises, to determine whether or not the requirements of the Ordinance and the conditions of the Covenant are being complied with; and

- f) Failure of the Owner to enforce any of the requirements of the Covenant shall result in Educational Facilities Impact Fees becoming due and payable for all dwelling units within the Project.

RECOMMENDED:

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

- 1) recommend approval to Miami-Dade County ("County") for exemption from Educational Facilities Impact Fees in connection with the following housing projects for the elderly:
 - A) Metro South Senior Apartments Limited Partnership, located at 6101 Sunset Drive, South Miami, Florida 33143; and
 - B) Theodore Roosevelt Gibson Memorial Fund, Incorporated, located at 3634 Grand Avenue, Miami, Florida 33133
- 2) authorize reimbursement to both applicants for Educational Facilities Impact Fees already collected, from the proceeds of future Educational Facilities Impact Fees collected by the County within the East Benefit District.

VGV:vgv