

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

SUBJECT: AUTHORIZATION FOR THE SUPERINTENDENT TO ACCEPT AN AMENDMENT TO THE DECLARATION OF RESTRICTIONS PROFFERED BY PASADENA AT THE CALIFORNIA CLUB, 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 AND CONSTRUCTION

LINK TO STRATEGIC BLUEPRINT: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES

Background

On September 7, 2005, the Board authorized the Superintendent to accept a Declaration of Restrictions ("Covenant") proffered by 46 Acres, LLC, 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, related to a proposed development of approximately 822 residential units.

The Board subsequently authorized a number of Amendments to the Covenant, primarily deferring the timing under which the School Site was to be conveyed to the Board. In 2014, the then current Owner of the Property, Pasadena at the California Club, LLC ("Pasadena"), advised that it was actively pursuing development of its residential project, and requested that the Covenant be amended to change the date by which the School Site was to be conveyed to the Board from October 30, 2014 to March 31, 2015. Pasadena also agreed to further amend the Covenant to reflect that the District was obligated to commence construction of a school facility on the School Site within four (4) years of conveyance of the School Site to the Board, rather than the then current requirement under the Covenant of October 30, 2018. Subsequent to receiving Board authorization, the Covenant was subsequently amended to reflect these dates.

Additional Information

In anticipation of a Closing on the School Site, Pasadena approached the District to request that the conveyance of the six-acre School Site be conveyed in two separate parcels, with the first parcel (approximately 5.77 acres) to be conveyed to the Board on or before March 31, 2015, and the remaining parcel (approximately 0.24 acres) to be

conveyed to the Board within 30 days of demand by the Board. Retention of the smaller parcel by Pasadena was intended to delay conveyance of that land until Pasadena was able to secure release of certain title encumbrances.

The Board Closed on the 5.77-acre site on March 30, 2015. In conformance with the provisions of the Covenant, the District is obligated to commence construction of a school facility on that property within four (4) years of conveyance (on or before March 30, 2019).

Pasadena has advised that it is now in a position to facilitate removal of the title encumbrances on the remaining 0.24-acre parcel, which would allow the District to facilitate its conveyance, but is seeking to retain ownership and use of the land for a limited period, as it provides access to Phase III of its development project. In return, Pasadena is offering to extend the time period for the District to commence construction of a school facility on the combined six-acre School Site. In further consideration of delaying the conveyance of the 0.24-acre parcel, Pasadena will relocate the Board's fence, currently installed along the perimeter of the 5.77-acre parcel, to encompass the full six-acre School Site at such time as the Board takes possession of the 0.24-acre property. The proposed modification of terms will be facilitated through an amendment to the Covenant.

Proposed Amendment to Declaration of Restrictions

The Chief Facilities Officer recommends amending the Covenant, under, substantially, the following terms and conditions:

- The 0.24-acre property shall be conveyed to the Board upon the sooner of (i) Pasadena's completion of Phase III of its project; or (ii) thirty-six (36) months from the date Pasadena commences construction of its Phase III project;
- In the event the Board requires acquisition of the subject parcel prior to the above date, the parcel shall be conveyed by Pasadena within ninety (90) days of written notice from the District;
- Pasadena, at its sole cost and expense, shall relocate the Board's fence, currently installed along the perimeter of the 5.77-acre parcel, to encompass the full six-acre School Site at such time as the Board takes possession of the 0.24-acre property; and
- The date by which the Board must commence construction on the full six-acre School Site shall be extended from March 30, 2019, to a date three (3) years from conveyance of the 0.24-acre parcel to the Board, but in no event prior to March 30, 2023.

The proposed Amendment to the Declaration of Restrictions has been reviewed and approved by the School Board Attorney's Office as to form and legal sufficiency, and found to be in compliance.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to accept an amendment to the Declaration of Restrictions proffered by Pasadena at the California Club, 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, under, substantially, the terms and conditions noted above.

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