



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:

LL-3.

MEETING DATE	May 3 2016 10:15AM - Regular School Board Meeting
AGENDA ITEM	OPEN ITEMS
CATEGORY	LL. OFFICE OF PORTFOLIO SERVICES
DEPARTMENT	Facility Planning and Real Estate

Special Order Request
<input type="radio"/> Yes <input checked="" type="radio"/> No
Time
Open Agenda
<input checked="" type="radio"/> Yes <input type="radio"/> No

TITLE:

Second Amendment to Declaration of Restrictive Covenants for Land Use Plan Amendment PC 06-29

REQUESTED ACTION:

Approve the Second Amendment to Declaration of Restrictive Covenants (DRC) for Land Use Plan Amendment (LUPA) PC 06-29 as proposed by Palm Cove Holdings, LP for the proposed development of 214 single family (65 three bedroom and 149 four or more bedroom) residential units in the Palm Cove (formerly known as Monterey) Development, located in the City of Tamarac, as delineated in the Second Amendment to DRC.

SUMMARY EXPLANATION AND BACKGROUND:

Approval of the Second Amendment to DRC for LUPA PC 06-29 is being requested by Palm Cove Holdings, LP to assure that the revised 214 single family (65 three bedroom and 149 four or more bedroom) residential units proposed in the development, are consistent with the residential units that will be included in the plat application slated for consideration/approval by the Broward County Board of County Commissioners.
See Supporting Docs for continuation of Summary Explanation and Background.
This Agreement has been reviewed and approved as to form and legal content by the Office of the General Counsel.

SCHOOL BOARD GOALS:

Goal 1: High Quality Instruction
 Goal 2: Continuous Improvement
 Goal 3: Effective Communication

FINANCIAL IMPACT:

There is an anticipated \$412,050 additional positive financial impact to the District over the amount (\$1,243,624) anticipated in the Amended DRC with an anticipated total of \$1,655,674.

EXHIBITS: (List)

(1) Continuation of Summary Explanation and Background (2) Executive Summary (3) Executed Second Amendment to Declaration of Restrictive Covenants (4) Executed and Recorded Amendment to Declaration of Restrictive Covenants (5) Executed and Recorded Declaration of Restrictive Covenants

BOARD ACTION:

APPROVED

(For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:

Name: Chris O. Akagbosu	Phone: 754-321-2162
Name:	Phone:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
Senior Leader & Title

Leslie M. Brown - Chief Portfolio Services Officer

Signature
Leslie M. Brown
4/25/2016, 11:55:40 AM

Approved In Open Board Meeting On: **MAY - 3 2016**
By:
School Board Chair

Continuation of Summary Explanation and Background

The current owner, Palm Cove Holdings, LP bought approximately 34.1 acres of land from LDC Monterey Ventures, LLC located in the City of Tamarac, and known as Palm Cove (formerly known as Monterey). At the time of purchase, the new owners inherited LDC Monterey Ventures, LLC's voluntary commitment to pay in one lump sum the then total school impact fee (\$1,243,624) due for 61 single family (43 three bedroom and 18 four or more bedroom) and 164 townhouse (all three bedroom) units. The proposed mitigation was approved by the School Board on September 16, 2014, and subsequently, a DRC was recorded to memorialize this obligation.

In 2015, Palm Cove Holdings, LP modified the proposed development to 214 single family (65 three bedroom and 149 four or more bedroom) residential units. Staff subsequently determined that the revised units would now generate 94 (46 elementary, 23 middle, and 25 high school) students, which are an additional 25 (13 elementary, 8 middle, and 4 high school) students into Broward County Public Schools. Palm Cove Holdings, LP is committed to paying the voluntary mitigation amount due for the project in the manner outlined in the Second Amendment to DRC (Exhibit No. 3).

Executive Summary

Second Amendment to Declaration of Restrictive Covenants for Land Use Plan Amendment PC 06-29

Palm Cove (formerly known as Monterey) Land Use Plan Amendment (LUPA) PC 06-29 consists of approximately 34.1 acres and is located south of Commercial Boulevard and east of the Florida Turnpike in the City of Tamarac. In 2006, the then land owners/developers of the property, Prestige Homes of Tamarac, Inc., proposed a land use change from Commercial Recreation to Medium (10) Residential to permit the development of 232 residential units (48 single family units – consisting of 24 three bedroom and 24 four or more bedroom and 184 town house units - consisting of 138 two bedroom and 46 three bedroom) on the site. The District's review of the proposal indicated that the development would generate 25 elementary, 9 middle, and 10 high school students. Schools affected during the review period, the 2005-06 school year, were Park Lakes Elementary, Lauderdale Lakes Middle, and Boyd Anderson High Schools; and at that time, it was determined that mitigation was due for the anticipated middle school students.

In 2007, the land owners/developers voluntarily committed to provide mitigation to address the 9 middle school students attributed to the overcrowded school by paying, in one lump sum, the Florida Student Station Cost Factors due for the 10 elementary and 9 middle school students. On June 19, 2007, the School Board approved the alternative mitigation proposal for the payment of 10 elementary and 9 middle school Student Station Cost Factors. Additionally, consistent with section 2.2 of the currently effective Declaration of Restrictive Covenants (DRC) (OR BK 44460 pages 1773-1784), three (3) additional middle school Student Station Cost Factors was also due. The total amount due was required to be paid in one lump sum prior to the issuance of the first building permit for the proposed units. However, Prestige Homes of Tamarac, Inc., never built the 232 residential units, and sold the property to LDC Monterey Ventures, LLC.

In 2014, LDC Monterey Ventures, LLC revised the proposed residential units to 61 single family (43 three bedroom and 18 four or more bedroom) and 164 townhouse (all three or more bedrooms) units and committed to pay the revised mitigation amount due as outlined in the Amended DRC (Exhibit 4). It should be noted that based on the September 2014, Student Station Cost Factors, total Student Station Cost Factors (elementary and middle) due at the time was \$1,061,604. Therefore, the payment as articulated in the Amended DRC, calls for a payment of not less than \$1,243,624 (which was the school impact fee due for the project) with the final amount to be determined at the time of payment. This was to ensure that the mitigation amount, due and paid, was not less than the school impact fee due for the units. The School Board approved the Amended DRC on September 16, 2014.

In 2015, LDC Monterey Ventures, LLC sold the property to Palm Cove Holdings, LP without building any residential units contained in the Amendment to DRC. Palm Cove Holdings, LP has revised the proposed residential units to 214 single family (65 three bedroom and 149 four or more bedroom) units. Current owner Palm Cove Holdings, LP is committed to pay the mitigation amount due (\$1,243,624) in one lump sum to the School Board as outlined in the Second Amendment to DRC (Exhibit 3). This payment shall vest 65 three bedroom and 99 four or more bedroom single family units for Public School Concurrency (PSC) review. Additionally, the remaining 50 four or more bedroom single family units shall be subject to PSC review at the time of development and shall pay the then effective school impact fee consistent with the procedure outlined in the Second Amendment to DRC (Exhibit 3). The current school impact fee for 50 four or more bedroom single family units is \$412,050.

Prepared by, Record and Return to:

Scott Backman, Esq.
Dunay, Miskel and Backman, LLP
14 SE 4th Street, Suite 36
Boca Raton, Florida 33432

SECOND AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS

(LAND USE PLAN AMENDMENT PC 06-29)

This Second Amended Declaration of Restrictive Covenants ("Second Amended Declaration") is executed as of this _____ day of _____, 2016 by **PALM COVE HOLDINGS, LP**, a Delaware limited partnership, ("Owner") whose address is 848 Brickell Avenue, Penthouse 1, Miami, Florida, 33131, its successors and assigns, and shall be for the benefit of **BROWARD COUNTY**, a political subdivision of the State of Florida, with a post office address of 115 South Andrews Avenue, Fort Lauderdale, Florida 33301 ("County"), and **THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**, with a post office address of 600 Southeast Third Avenue, Fort Lauderdale, Florida 33301 ("School Board").

WHEREAS, Owner is the fee title owner of approximately 34.1 gross acres of land located in the City of Tamarac, Broward County, Florida, as more particularly described in Exhibit "A" attached hereto ("Property"); and

WHEREAS, County previously approved Land Use Plan Amendment Application PC 06-29 for the Property, which changed the Property's land use designation from Commercial Recreation to Low Medium (10) Residential; and

WHEREAS, Owner's predecessor-in-interest to the Property voluntarily entered into a Declaration of Restrictive Covenants executed on August 2, 2007 and recorded on August 10, 2007 in Official Records Book 44460, Pages 1773 through 1784, of the Public Records of Broward County, Florida ("Declaration") restricting development to 48 single family units (24 three-bedroom units and 24 four-bedroom units) and 184 townhouses units (138 two-bedrooms units and 46 three-bedroom units), which at the time was anticipated to generate 25 elementary, 9 middle and 10 high school students, for a total of 44 students; and

WHEREAS, Owner's predecessor-in-interest to the Property subsequently voluntarily entered into an Amended Declaration of Restrictive Covenants ("Amended Declaration") executed on August 11, 2014 and recorded on October 10, 2014 in Official Records Book 51160, Pages 744 through 751, of the Public Records of Broward County, Florida which reduced the density and changed the residential unit type to develop the Property with a total of 225 units consisting of 61 single family units (43 three-bedroom and 18 four-bedroom) and 164 townhouse units (all three-bedroom), which at the time was anticipated to generate 33 elementary, 15 middle and 21 high school students, for a total of 69 students; and

WHEREAS, Owner now intends to reduce the density and intensity (residential type) of development on the Property to a total of 214 single family residential units (65 three-bedroom and 149 four or more bedroom units); and

WHEREAS the School Board has further determined that the proposed density reduction and change in residential type calculated utilizing the updated student generation rates will now generate 94 (46 elementary, 23 middle and 25 high school) students, thus generating 25 (13 elementary, 8 middle and 4 high school) additional students (over currently approved residential unit mix) into Broward County Public Schools consistent with the currently effective student generation rates contained in the Broward County Land Development Code (BCLDC), attached hereto as Exhibit "B"; and

WHEREAS, Broward County and the City of Tamarac, in conjunction with the School Board, have adopted public school concurrency since approval of the Declaration requiring all new residential development proposals to comply with development review criteria for school concurrency in Broward County, and in particular the change in density and residential unit type will necessitate public school concurrency review either at the plat or site plan (or functional equivalent) state of review; and

WHEREAS Owner now wishes to revise the Amended Declaration to modify the School Board approved school mitigation plan under the Amended Declaration to reflect the current proposed density reduction and change in residential unit type and its anticipated additional student impact on Broward County Public Schools; and

WHEREAS, the School Board has agreed with the revised student mitigation plan outlined herein, and has requested the execution and recordation of this Second Amendment to Declaration to accomplish the parties' desire and intent.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Owner hereby declares that the Property shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the covenants, restrictions, and regulations hereinafter set forth.

1. The above recitals are true and correct and are incorporated into this Second Amendment to Declaration by this reference.

2. Other than as amended herein, Owner hereby confirms, ratifies and reaffirms the covenants, restrictions and obligations contained in the Declaration and Amended Declaration.

3. Pursuant to the Amended Declaration, Owner's predecessor-in-interest agreed to mitigate for student impacts by paying no less than \$1,243,624.00 ("Minimum Payment") to mitigate the student impact anticipated from the revised unit mix. Broward County impact fee regulations and School Board Policy 1161, require school mitigation to be no less than the school impact fees which are due at the time of payment, therefore, the total Minimum Payment due may change time to time and the actual payment due shall be determined at the time of payment.

4. Prior to environmental review approval of construction plans as set forth within Chapter 27, Broward County Code of Ordinances, by the Development Management Division for the first building permit for construction or erection of the first residential unit on the Property, Owner shall make one lump sum payment to the School Board for the Minimum Payment, as may be modified at the time of payment. Upon satisfaction of the then current Minimum Payment, 164 single family residential units [65

three bedroom ("Three-Bedroom, Vested-Unit Pool") and 99 four or more bedroom ("Four-Bedroom, Vested-Unit Pool") within the Property shall be vested for public school concurrency, which includes education impact fees.

5. Upon satisfying payment of the then current Minimum Payment and completing the permitting of 164 single family (65 three bedroom and 99 four or more bedroom) residential units, the School Board acknowledges that the remaining 50 single family residential units within the Property shall then be subject to Public School Concurrency (PSC) review. The Owner may transfer units from the Four-Bedroom, Vested-Unit Pool to the Three-Bedroom, Vested-Unit Pool on a unit-per-unit basis until a maximum of 164 residential units are constructed. The Owner shall be subject to and pay the then applicable education impact fee(s) as contained in the Broward County Land Development Code ("BCLDC") if PSC review determines that the capacity is available at the impacted schools for the remaining 50 single family residential units.

6. In the event that the total number of residential units changes from what is represented in the Application and there is an increase in the number of residential units or unit type(s), Owner shall submit an application to the Facility Planning and Real Estate Department for Public School Concurrency review and determination. In the event that changes in the overall mix of residential units results in a net reduction in the amount of units, no refund of any portion of the school impact and/or mitigation fees shall be due and owing to Owner by the County or the School Board.

7. Except as modified herein, all other terms and conditions of the Declaration and the Amended Declaration shall remain in full force and effect.

8. The County and the School Board are the beneficiaries of this Second Amendment and as such, both or either may enforce this Second Amendment by action at law or in equity against any person or persons, entity or entities, violating or attempting to violate the terms of this Second Amended Declaration. Any failure of either the County or the School Board to enforce this Amended Declaration shall not be deemed a waiver of the right to do so thereafter.

9. This Second Amendment shall be recorded in the Public Records of Broward County, Florida, by Owner and the provisions hereof shall constitute a covenant running with the land and shall remain in full force and effect and binding upon the undersigned, its heirs, legal representatives, estate successors, grantees and assigns until released as provided for herein.

10. This Second Amendment constitutes the entire agreement, with regard to the subject matter contained herein, and may only be amended, modified or released with the consent of the parties. In the event of a conflict between the terms, covenants, restrictions or conditions of the Declaration and the Amended Declaration, the terms of this Second Amended Declaration shall control and prevail.

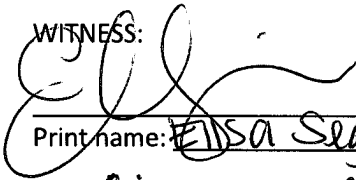
11. The undersigned hereto expressly covenants and represents that he/she has the authority to enter into this Second Amendment to Declaration and so bind all general partners and affiliated partnerships.

IN WITNESS WHEREOF, the undersigned has caused this Second Amendment to be executed this 28th day of March, 2016.

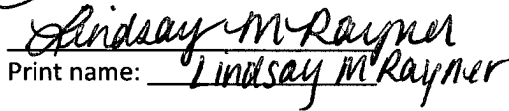
Signed, sealed and delivered in the presence of:

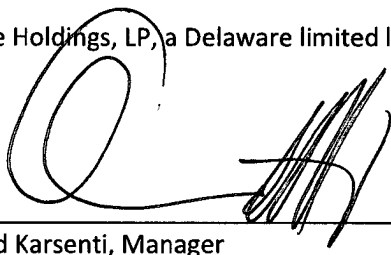
Palm Cove Holdings, LP, a Delaware limited liability company

WITNESS:



Print name: EISA SEGUIN


Print name: Lindsay M. Rayner

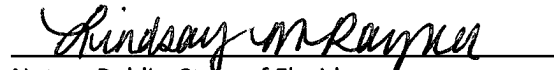
By: 
Arnaud Karsenti, Manager

STATE OF FLORIDA

COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 28th day of March, 2016, by Arnaud Karsenti on behalf of PALM COVE HOLDINGS, LP, a Delaware limited partnership. He is personally known to me or has produced _____ as identification.

Seal


Notary Public, State of Florida
My commission expires: 9/27/19



Lindsay M Rayner
COMMISSION #FF922054
EXPIRES: September 27, 2019
WWW.AARONNOTARY.COM

Joinder & Consent

Mortgagee, being the holder of a mortgage relating to the parcel(s) described in Exhibit "A" hereby consents and joins in for the purpose of agreeing that its mortgage shall be subordinated to the foregoing Agreement.

Witnesses (if partnership):

Janie Daniels
(Signature)

Print Name: Janie Daniels

Lauren Ramos
(Signature)

Print name: LAUREN RAMOS

Branch Banking and Trust Company

By: [Signature]

Print name: William Ruiz

Title: Vice President

Address:

30th day of March, 2016

STATE OF FLORIDA

COUNTY OF Broward

The foregoing instrument was acknowledged before me this 30 day of March, 2016, by William Ruiz, V.P. of BRANCH BANKING AND TRUST COMPANY, a North Carolina corporation, who is personally known to me or has produced _____ as identification.

Seal



Michelle Tandon
Notary Public, State of Florida
My commission expires:

EXHIBIT LIST

Exhibit A - Property Legal Description

Exhibit B - Student Generation Rates

Exhibit "A"

All of the Plat of "Palm Cove", according to the Plat thereof, as recorded in Plat Book 181, Page 157, of the Public Records of Broward County, Florida.

Exhibit "B"



**FACILITY PLANNING AND REAL ESTATE DEPARTMENT
GROWTH MANAGEMENT SECTION**

Generation Rate Detailed Information

Single Family	Bedrooms	Elem	Middle	High
	2 or less	0.000	0.000	0.000
	3	0.173	0.091	0.107
	4 or more	0.232	0.111	0.122
	Average			
Townhouse/ Duplex/Villa	Bedrooms	Elem	Middle	High
	1 or less	0.060	0.000	0.000
	2	0.109	0.049	0.056
	3 or more	0.177	0.076	0.110
	Average			
Garden Apartment	Bedrooms	Elem	Middle	High
	1 or less	0.013	0.003	0.004
	2	0.136	0.056	0.044
	3 or more	0.193	0.113	0.123
	Average			
Mid Rise Apartment	Bedrooms	Elem	Middle	High
	Studio	0.008	0.004	0.004
	1	0.008	0.004	0.004
	2	0.028	0.013	0.021
	Average			
High Rise Apartment	Bedrooms	Elem	Middle	High
	Studio	0.010	0.004	0.006
	1	0.010	0.004	0.006
	2 or more	0.010	0.004	0.006
	Average	0.010	0.004	0.006
Mobile Home	Bedrooms	Elem	Middle	High
	1 or less	0.084	0.083	0.000
	2	0.084	0.083	0.000
	3 or more	0.182	0.182	0.000
	Average			

0.00 - No Students were observed in the sample.

Ordinance #2014-36 became effective January 26, 2015.

Prepared by, Record and Return to:

Richard G. Coker, Jr.
Coker & Feiner
1404 S. Andrews Avenue
Ft. Lauderdale, FL 33316

AMENDMENT
TO
DECLARATION OF RESTRICTIVE COVENANTS

(LAND USE AMENDMENT PC 06-29)

THIS IS NOT AN OFFICIAL COPY

This Amendment to Declaration of Restrictive Covenants ("Amended Declaration") is entered into as of this 11th day of August, 2014, by **LDC MONTEREY VENTURES, LLC**, a Florida limited liability company, ("Owner") whose address is 550 Biltmore Way, Suite 1110, Coral Gables, Florida 33134, its successors and assigns, for the benefit of THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA whose address is 600 Southeast Third Avenue, Fort Lauderdale, FL 33301 ("School Board") and BROWARD COUNTY, a political subdivision of the State of Florida, whose address is 115 South Andrews Avenue, Fort Lauderdale, Florida 33301 ("County").

WHEREAS, Owner is the current fee title owner of that certain parcel of land approximately 34.1 acres in size located in the City of Tamarac, Florida, and described in **Exhibit "A"**, attached hereto ("Property"); and

WHEREAS, Broward County previously approved Land Use Plan Amendment Application PC 06-29 for the Property, which changed the Property's land use designation from Commercial Recreation to Low Medium (10) Residential; and

WHEREAS, Owner's predecessor-in-interest to the Property voluntarily entered into a Declaration of Restrictive Covenants executed on August 2, 2007 and recorded on August 10, 2007 in Official Records Book 44460, Pages 1773 through 1784, of the Public Records of Broward County, Florida ("Declaration") restricting development to 48 single family units (24 three-bedroom units and 24 four-bedroom units) and 184 townhouse units (138 two-bedroom units and 46 three-bedroom units), which at the time was anticipated to generate 25 elementary, 9 middle, and 10 high school students, for a total of 44 students; and

WHEREAS, Owner now intends to reduce the density and change the residential type to develop the Property with a total of 225 units consisting of 61 single family (43 three-bedroom and 18 four-bedroom) and 164 townhouse (all three-bedroom) units; and

WHEREAS, at the time the Development was proposed and the Declaration was approved, the then student generation rate/school impact fee study was being updated and the developer agreed that the development would be re-calculated with the new effective student generation rate; and

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WHEREAS, if the new computations resulted in additional elementary and middle school students the Owner's predecessor-in-interest agreed to pay the total cost per student station amount due for those additional students; and

WHEREAS, upon such calculation, it was determined that the development would generate three (3) additional middle school students; and

WHEREAS, the School Board has further determined that the proposed density reduction and change in residential type calculated utilizing the updated student generation rates will now generate 69 (33 elementary, 15 middle and 21 high school) students, thus generating 25 (8 elementary, 6 middle and 11 high school) additional students into Broward County Public Schools consistent with the School Board Opinion Letter dated September 27, 2013, attached hereto as **Exhibit "B"**; and

WHEREAS, Broward County and the City of Tamarac, in conjunction with the School Board, have adopted public school concurrency since approval of the Declaration requiring all new residential development proposals to comply with development review criteria for school concurrency in Broward County, and in particular the change in density and residential type will necessitate public school concurrency review either at the plat or site plan (or functional equivalent) state of review; and

WHEREAS, Owner now wishes to amend the Declaration to modify the School Board approved school mitigation plan under the Declaration to reflect the current proposed density reduction and change in residential type and its anticipated additional student impact on Broward County Public Schools; and

WHEREAS, the School Board has agreed with the revised student mitigation plan outlined herein, and has requested the execution and recordation of this Amended Declaration to accomplish the parties' desire and intent.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Owner hereby declares that the Property shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the covenants, restrictions, and regulations hereinafter set forth.

1. The above recitals are true and correct and are incorporated into this Amended Declaration by this reference.
2. Other than as amended herein, Owner hereby confirms, ratifies and reaffirms the covenants, restrictions and obligations contained in the Declaration.
3. Pursuant to the Declaration, Owner's predecessor-in-interest agreed to mitigate for student impacts by paying Student Station Cost Factors for 11 elementary and 9 middle school students. Further, in accordance with the Declaration and with the adoption of the new student generation rates, the Declarant shall pay additional Student Station Cost Factor for three (3) additional middle school students. However, the July 2014 total Student Station Cost Factors (which may change time to time) based on the revised unit mix of 225 residential units consisting of 43 three-bedroom and 18 four-bedroom single family units and 164 townhouse (all three-bedroom) is \$1,058,505.00 (for 33 elementary, and 15 middle), and the total Education Impact Fee for the same unit mix is \$1,243,624.00. Broward County impact fee regulations and School Board Policy 1161, require school mitigation to be no less than the school impact fees which are due at the time of payment, therefore, the total Education Impact Fee is due as payment to mitigate the student impact anticipated from the revised unit mix. Payment due may change time

to time and the actual payment due shall be determined as the time of payment. However, the total amount due shall not be less than \$1,243,624.00.

4. Prior to environmental review approval of construction plans as set forth within Chapter 27, Broward County Code of Ordinances, by the Development Management Division for the first building permit for construction or erection of the first residential unit on the Property, Owner shall make one lump sum payment to the School Board the total Education Impact Fee due for the revised unit mix stated in paragraph 3 above. The amount due shall be determined at the time of payment and shall not be less than \$1,243,624.00. Once the mitigation is satisfied the 225 residential units (43 three-bedroom and 18 four-bedroom single family units) and 164 townhouse (all three-bedroom) contained in the project shall be vested for Public School Concurrency requirement.

5. In the event that the total number of residential units changes from what is represented in the Application and there is an increase in the number of residential units or unit type(s), Owner shall submit an application to the Facility Planning and Real Estate Department for Public School Concurrency review and determination. In the event that changes in the overall mix of residential units results in a net reduction in the amount of units, no refund of any portion of the school impact and/or mitigation fees shall be due and owing to Owner by the County or the School Board.

6. Consistent with the understanding that the student generation rate/school impact fee study has been updated and that the student impacts resulting from the development has been recalculated with the new effective student generation rate, as specified herein, Paragraph 2.2 of the Declaration is hereby deleted in its entirety.

7. Except as modified herein, all other terms and conditions of the Declaration shall remain in full force and effect.

8. The County and the School Board are the beneficiaries of this Amended Declaration and as such, both or either may enforce this Amended Declaration by action at law or in equity against any person or persons, entity or entities, violating or attempting to violate the terms of this Amended Declaration. Any failure of either the County or the School Board to enforce this Amended Declaration shall not be deemed a waiver of the right to do so thereafter.

9. This Amended Declaration shall be recorded in the Public Records of Broward County, Florida, and the provisions hereof shall constitute a covenant running with the land and shall remain in full force and effect and binding upon the undersigned, its heirs, legal representatives, estate successors, grantees and assigns until released as provided for herein.

10. This Amended Declaration constitutes the entire agreement, with regard to the subject matter contained herein, and may only be amended, modified or released with the consent of the parties. In the event of a conflict between the terms, covenants, restrictions or conditions of the Declaration and the Amended Declaration, the terms of this Amended Declaration shall control and prevail.

11. The undersigned hereto expressly covenants and represents that he/she has the authority to enter into this Amended Declaration and so bind all general partners and affiliated partnerships.

IN WITNESS WHEREOF, the undersigned has caused this Amended Declaration to be executed this 11 day of August 2014.

Signed, sealed and delivered
In the presence of:

WITNESS:

LDC MONTEREY VENTURES, LLC,
a Florida limited liability company

Clara L. Diaz
Print Name: Clara L. Diaz
Isabel Moreira
Print Name: Isabel Moreira

By: David Sevansky
Print Name: David Sevansky
Print Title: VP
Address: 550 B. Hammere way
Suite 110
Coral Gables, FL 33134

THIS IS NOT AN OFFICIAL COPY

STATE OF FLORIDA :
COUNTY OF MIAMI-DADE :

The foregoing instrument was acknowledged before me this 11th day of August, 2014, by David Sevansky as VP of LDC MONTEREY VENTURES, LLC, a Florida limited liability company. He/She is personally known to me or has produced _____ as identification.

Clara L. Diaz
NOTARY PUBLIC, STATE OF FLORIDA

My Commission Expires:

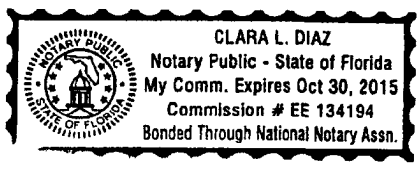


EXHIBIT LIST

Exhibit A -- Property Legal Description and Sketch

Exhibit B -- School Board Opinion Letter Dated September 27, 2013

THIS IS NOT AN
OFFICIAL COPY

EXHIBIT "A"

All of the Plat of MONTEREY BY PRESTIGE, according to the Plat thereof, as recorded in Plat Book 178, Page 119, of the Public Records of Broward County, FL, LESS AND EXCEPT Tract "D" and Tract "E" thereof.

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EXHIBIT "B"

THIS IS NOT AN
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REVISED



THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301 • TEL 754-321-2177 • FAX 754-321-2179

Chris O. Akagbosu, Director
Facility Planning and Real Estate Department
chris.akagbosu@browardschools.com

SCHOOL BOARD

Chair
Vice Chair
LAURIE RICH LEVINSON
PATRICIA GOOD

ROBIN BARTLEMAN
ABBY M. FREEDMAN
DONNA P. KORN
KATHERINE M. LEACH
ANN M. MURRAY
DR. ROSALIND OSGOOD
NORA R. PERTI

September 27, 2013

Robert W. Runcie
Superintendent of Schools

Richard G. Coker, Jr. ESQ
Coker and Feiner
1404 South Andrews Avenue
Fort Lauderdale, FL 33316

Re: Amendment of Previously Approved Land Use Plan Amendment (LUPA) PC 06-29, Tamarac, SBBC-1332-2013

Dear Mr. Coker:

This correspondence is in response to your request dated May 16, 2013, regarding the issuance of an "Opinion Letter" by the School District on the above referenced LUPA application PC 06-29. Based on the review and utilizing the then adopted Student Generation Rates (Ordinance 97-40), the development consisting of 48 (24 three bedrooms and 24 four or more bedrooms) single family and 184 (138 two bedrooms and 46 three or more bedrooms) townhouse units were determined to generate 44 (25 elementary, 9 middle, and 10 high school) students into Broward County Public Schools.

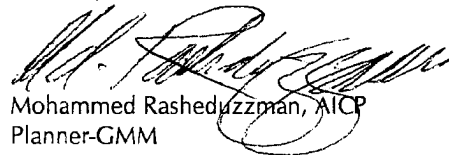
The applicant is now proposing to amend the residential unit mix in the LUPA PC 06-29 to 61 (43 three bedrooms and 18 four or more bedrooms) single family and 164 (all three or more bedrooms) townhouse units. Based on the currently effective Student Generation Rates contained in the Broward County Land Development Code, this proposed change will generate 69 (33 elementary, 15 middle, and 21 high school) students into Broward County Public Schools.

Therefore, the proposed changes will generate 25 (8 elementary, 6 middle, and 11 high school) additional students into Broward County Public Schools over the students anticipated in the currently approved residential unit mix stated in the currently effective Declaration of Restrictive Covenants (DRC) related to the project. Information regarding the school capacity for schools impacted by the LUPA can be obtained from the District Public School Concurrency Planning Document which is available at:

<http://www.broward.k12.fl.us/propertymgmt/new/growthmanagement/docs/PSCPD.pdf>

The District has no objection to the proposed amendment to the approved residential units mix. However, as you were advised, this amendment will also require an amendment to the existing DRC recorded in OR Book 44460, Pages 1,773 through 1,784. Please contact me via E-mail mohammed.rasheduzzaman@browardschools.com or at (754) 321-2173 if you have any additional questions or concerns regarding this request.

Sincerely,


Mohammed Rasheduzzaman, AICP
Planner-GMM

MR: mr

Cc: Chris Akagbosu, Director, Portfolio Management & Services Department
Jill Young, Director, Demographics & Student Assignments Department

2

INSTR # 107290908
OR BK 44460 Pages 1773 - 1784
RECORDED 08/10/07 11:27:45
BROWARD COUNTY COMMISSION
DEPUTY CLERK 1047
#2, 12 Pages

Return to: (enclose self-addressed stamped envelope)

Name: **Gerald L. Knight**

Address: **Billing, Cochran, Heath, Lyles,
Mauro & Anderson, P.A.
888 S.E. 3rd Avenue, Suite 301
Fort Lauderdale, FL 33316**

This Instrument Prepared by:
Gerald L. Knight
Billing, Cochran, Heath, Lyles,
Mauro & Anderson, P.A.
888 S.E. 3rd Avenue, Suite 301
Fort Lauderdale, FL 33316

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS
(LAND USE PLAN AMENDMENT PC 06-29)

This Declaration of Restrictive Covenants ("Declaration") is executed as of this 2nd day of August, 2007, by **PRESTIGE HOMES OF TAMARAC, INC.**, a Florida corporation, its successors and assigns, ("Declarant"), whose address is 11784 Sample Road, Suite 101, Coral Springs, Florida 33065, and shall be for the benefit of **BROWARD COUNTY**, a political subdivision of the State of Florida, whose address at 115 South Andrews Avenue, Fort Lauderdale, FL 33301 ("County"), and **THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**, with a post office address of 600 Southeast Third Avenue, Fort Lauderdale, FL 33301 ("School Board").

WHEREAS, Declarant is the fee title owner of approximately 34.1 gross acres of land located in the City of Tamarac, Broward County, Florida, as more particularly described in Exhibit "A" attached hereto ("Property"); and

WHEREAS, Declarant has submitted Land Use Plan Amendment Application PC 06-29 ("Application") for the Property, to change the Property's designation from Commercial Recreational to Low Medium (10) Residential permitting an additional 48 single family units (24 three-bedroom units and 24 four-bedroom units) and 184 townhouse units (138 two-bedroom units and 46 three-bedroom units), which is anticipated to generate 44 additional (25 elementary, 9 middle, and 10 high school) students; and

WHEREAS, in connection with Application, Declarant has voluntarily agreed to enter into this Declaration regarding the mitigation of student impacts for 10 elementary school students and 9 middle school students, which is the number of students attributable to the elementary and middle schools consistent with the Public School Facility Impact Statement Report dated May 7, 2007, a copy of which is attached hereto as Exhibit "B", associated with the proposed development on the Property; and

WHEREAS, the School Board has agreed with the student mitigation plan outlined herein, and has requested the execution and recordation of this Declaration;

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Declarant hereby declares that the Property shall be owned, held, used, transferred, sold conveyed, demised and occupied subject to the covenants, restrictions, and regulations hereinafter set forth.

1. The above recitals are true and correct and are incorporated into this Declaration by this reference.

2. Prior to environmental review approval of construction plans as set forth within Chapter 27, Broward County Code of Ordinances, by the Development Management Division for the first building permit for construction or erection of the first residential unit, Declarant shall make one lump sum payment to the School Board for the total cost per student station amount for the 10 elementary school students and for the 9 middle school students anticipated from the proposed development of the Property (the "Mitigation Payment"). The total payment amount due shall be determined at the time of payment and based upon the then applicable cost per student stations as determined and published by the State of Florida (Student Station Cost Factors) and the Broward County student generation rates then in effect; however, the total Mitigation Payment shall be no less than \$365,769.00 for 10 elementary and 9 middle school students. Declarant shall obtain proof of approved payment from the School Board and provide same to the Broward County Development Management Division. The School Board has issued a letter dated May 7, 2007, a copy of which is attached hereto as Exhibit "C", stating its concurrence with the payment of the fees referenced herein as mitigation for the students generated by the Application.

2.1 One year after completion of the development proposed in PC 06-29, the Declarant shall send written notification of such completion to the Executive Director, Facility Management, Planning and Site Acquisition of the School Board, or designee, and the School Board shall evaluate the development and determine the exact number of middle school students residing in the Property. Upon such evaluation, if the number of middle school students residing in the Property are greater than the middle school students anticipated and attributable to the overcrowded middle school, Declarant shall pay in one lump sum to the School Board within 30 days of demand by the School Board, the total cost per student station amount due for the additional middle school student(s). The total additional payment shall be determined at the time of payment as specified above.

2.2 In addition, upon the update of the student generation rates as contained in the current "Student Generation Rate/School Impact Fee Study, Phase II", and the updated student generation rates becoming effective in Broward County, the School Board shall utilize the new effective student generation rates to re-compute and determine the number of students anticipated from the development of the 48 single family units (24 three-bedroom units and 24 four-bedroom units) and 184 townhouse units (138 two-bedroom units and 46 three-bedroom units). If the new computations result in additional middle school students beyond the 9 middle school students originally anticipated and stated herein, Declarant shall pay in one lump sum to the School Board, the total cost per student station amount due for those additional middle school

students. If the effective student generation rates becomes effective prior to when the initial payment due for PC 06-29 is made, payment utilizing the updated student generation rates shall be due prior to environmental review approval of construction plans for the first building permit for construction or erection of the first residential unit proposed.

2.3 Said payments shall mitigate towards the cost of providing student stations for the number of students anticipated from the Property and created as a result of the approval of Application PC 06-29. This voluntary commitment constitutes the totality of all obligations to pay school impact fees and mitigation fees subject to the provisions set forth within this Paragraph 2 above.

3. Subject to any additional payments becoming due as specified in Paragraph 2 above, once the Mitigation Payment has been made, no additional school impact fees will be required of Declarant upon payment of the amount referenced in Paragraph 2 above for the development referenced above. In the event that the mix of units changes from what is represented in the Application and there is an increase in the number of residential units or unit type(s) changes from what is represented in the Application and there is an increase in the number of residential units and/or bedroom mix, Declarant agrees to provide written notification to the Executive Director, Facility Management, Planning and Site Acquisition of the School Board or designee, with a copy to the Broward County Development, Management Division. The Executive Director, or designee, shall determine the additional students anticipated from any increase in residential units beyond the 232 total units contemplated herein and notify the Declarant and the County of any further increase in the number of anticipated students. Declarant shall then propose additional mitigation for the newly anticipated additional students, subject to the terms and provisions contained in the adopted School Board Growth Management Policy. Any such additional mitigation amount shall be paid, in full, to the School Board no later than the date in which Declarant obtains the first building permit for such residential units and shall be a condition of The School Board's delivery of any partial release of this Declaration of Restrictive Covenants for the subject unit. In the event that changes in the overall mix of residential units and/or mix of bedrooms result in a net reduction in the amount of units, no refund of any portion of the school impact and/or mitigation fees shall be due and owing to Declarant by the County or The School Board.

4. Upon Declarant obtaining a final certificate of occupancy for any given residential unit, a copy of same shall be promptly delivered to Executive Director, Facility Management, Planning and Site Acquisition of the School Board and the Broward County Development Management Division, or their designees. Upon receipt of any such final certificate of occupancy and confirmation that the number of bedrooms in the subject residential unit has not been increased, the School Board and the County shall promptly deliver to Declarant, in recordable form, a release of this Declaration of Restrictive Covenants.

5. If any court of competent jurisdiction shall declare any section, paragraph or part invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect.

7/24/07

EXHIBIT "A"

PROPERTY

LEGAL DESCRIPTION:

A PORTION OF TRACTS 6, 11, 12, 13, AND 14 OF SECTION 13, TOWNSHIP 49 SOUTH, RANGE 41 EAST, FORT LAUDERDALE TRUCK FARMS SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 31 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY AND THE SOUTH LINE OF SAID SECTION 13, THENCE SOUTH 89°15'42" EAST ALONG SAID SOUTH LINE OF SECTION 13, A DISTANCE OF 429.36 FEET; THENCE NORTH 00°44'18" EAST, A DISTANCE OF 520.00 FEET; THENCE SOUTH 89°15'42" EAST, A DISTANCE OF 85.00 FEET; THENCE NORTH 00°44'18" EAST, A DISTANCE OF 275.88 FEET; THENCE NORTH 60°44'18" EAST, A DISTANCE OF 237.69 FEET; THENCE NORTH 29°15'42" WEST, A DISTANCE OF 85.00 FEET; THENCE NORTH 60°44'18" EAST, A DISTANCE OF 498.61 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE EAST AND TO SAID POINT A RADIAL LINE BEARS SOUTH 70°41'33" WEST; THENCE NORTHERLY ALONG SAID CIRCULAR CURVE HAVING A RADIUS OF 619.00 FEET, A CENTRAL ANGLE OF 51°12'09" AND AN ARC LENGTH OF 553.17 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG SAID CIRCULAR CURVE HAVING A RADIUS OF 7106.44 FEET, A CENTRAL ANGLE OF 06°23'51" AND AN ARC LENGTH OF 793.49 FEET; THENCE NORTH 38°17'30" EAST PARALLEL WITH AND 383 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY, A DISTANCE OF 543.66 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG SAID CIRCULAR CURVE HAVING A RADIUS OF 2,697.00 FEET, A CENTRAL ANGLE OF 07°14'31" AND AN ARC LENGTH OF 340.89 FEET; THENCE NORTH 38°33'14" WEST, A DISTANCE OF 415.41 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY; THENCE SOUTH 38°17'30" WEST, A DISTANCE OF 978.18 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST; THENCE SOUTHWESTERLY ALONG SAID CIRCULAR CURVE HAVING A RADIUS OF 7489.44 FEET, A CENTRAL ANGLE OF 22°48'16" AND AN ARC LENGTH OF 2,980.89 FEET TO THE POINT OF BEGINNING, THE LAST TWO (2) CALLS BEING COINCIDENT WITH THE EAST RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY.

7/24/07

EXHIBIT "B"

PUBLIC SCHOOL FACILITY IMPACT STATEMENT REPORT
Dated May 7, 2007

The Nation's Largest Fully



Accredited School System

Facility Management, Planning & Site Acquisition Department
600 S.E. 3rd Avenue, 4th Floor
Fort Lauderdale, Florida 33301

Land Use Plan Amendment Public School Facility Impact Statement

Property Description				
Type:	County	SEC 13	TWP 49	RNG 41
Amendment #:	PC 06-29			
Owner / Developer :	Bruce Chait			
Jurisdiction :	City of Tamarac			
Current Land Use:	Commercial Recreation (Approx. 34.1 Acres)			
Proposed Land Use:	Low Medium (10) Residential (Approx. 34.1 Acres)			

Potential Student Impact*	Additional Impact:	Cummulative Students From LUPA Approved Since:			
Existing Permitted Units: 0	Elementary Students: 25	1/3/07-4/17/07			
Proposed Units: 232	Middle Students: 9	Elem	Midd	High	Total
Net Change : +232	High Students: 10	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Total: 44	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

* Note: Calculations are based upon the maximum student generation rates in the Land Development Code.

Currently Assigned Schools*	School Capacity	20th Day* Enrollment	Over/ (Under) Enrolled	Projected Enrollment**				
				07/08	08/09	09/10	10/11	11/12
Park Lakes Elementary	1,474	1,149	-325	1,163	1,201	1,206	1,248	1,213
Lauderdale Lakes Middle	924	1,043	119	1,032	1,047	1,067	1,080	1,067
Anderson, Boyd H. High	2,851	2,656	-195	2,626	2,591	2,536	2,478	2,451

This report has been updated to correct the capacity status for Park Lakes Elementary School. Staff is advising the Broward County Planning Council (BCPC), the Broward County Commission, the applicant(s)/owner(s) and/or future developer(s) of the amendment site that based on the 2006/07 Twentieth-Day Membership Counts, and Enrollment Facility Planning and Inventory (EFPI) Report, in the school years 2006/07 to 2008/09, Park Lakes Elementary is considered under enrolled. Lauderdale Lakes Middle is overcrowded (>110% to 120% of permanent capacity) but drops to neutral status only for the 2007/08 school year because of the anticipated completion of a 2-classroom addition, and Boyd Anderson High is neutral (>=90% to 110% of permanent capacity). This application was reviewed as a potential 184 townhouse units (138 2-bedrooms and 46 3-bedrooms), and 48 single-family units (24 3-bedrooms and 24 4-bedrooms) and is anticipated to generate 44 (25 elementary, 9 middle and 10 high school) additional students, which will exacerbate overcrowded conditions at the impacted school(s). This application is subject to the provisions of School Board Policy 1161. In a revised correspondence dated April 2, 2007, the applicant through its agent (Charles Fink) voluntarily agreed to pay the Florida established student station cost factor amount for the 9 anticipated middle school students plus an additional 10 elementary school students as mitigation for the project. The proposed mitigation complies with Policy 1161, and will be scheduled for School Board consideration at a Regular School Board Meeting in 2007. The applicant/owner is advised that temporarily, the School Board utilizes other options such as portable classrooms, multi-track year round education, double sessions or boundary changes to accommodate students generated from developments in the County.

* Note: 2006/07 School Year Data - School attendance areas are subject to change each year.
** Adjusted Cohort projections - Cohort Survival Model, School Boundaries Department.

Planned and Funded Improvements in the Currently Adopted District Educational Facilities Plan

Elementary Schools: None
Middle Schools: None
High Schools: None

Comments:

Date: May 7, 2007

By: [Signature] Facility Management, Planning & Site Acquisition Department

7/24/07

EXHIBIT "C"

LETTER FROM SCHOOL BOARD

Dated May 7, 2007



THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Sawgrass Technology Park, 1643 N. Harrison Parkway, Building H, Sunrise, Florida 33323 • TEL 754-321-8350 •
FAX 754-321-8182

Chris O. Akagbosu, *Director*
Growth Management Division
Facility Management, Planning & Site Acquisition
chris.akagbosu@browardschools.com

May 7, 2007

Charles F. Fink, President
CFF Planning Services
5342 NW 92nd Lane
Coral Springs, Florida 33067

SCHOOL BOARD

Chair
Vice Chair
BEVERLY A. GALLAGHER
ROBIN BARTLEMAN
MAUREEN S. DINNEN
JENNIFER LEONARD GOETZ
PHYLLIS C. HOPE
STEPHANIE ARMA KRAFT, ESQ.
ROBERT D. PARKS, Ed.D.
ELEANOR SOBEL
BENJAMIN J. WILLIAMS

James F. Notter
Superintendent of Schools

Re: Revised School Mitigation for Land Use Plan Amendment PC 06-29 (Monterey Golf Course)

Dear Mr. Fink:

This correspondence is in response to your letters dated February 15, 2007 and April 2, 2007, indicating that the School District Report on the above referenced Land Use Plan Amendment (LUPA) depicted permanent capacity data for Park Lakes Elementary School that did not include the 398 student stations attributed to the annex for the School, and the then ongoing 10 classrooms addition to the School. Follow up discussions with Capital Planning and Programming staff confirms that the subject 398 student stations were inadvertently not reflected in the published permanent capacity data for Park Lakes Elementary School. However, the 10 classrooms addition was reflected in the published Enrollment Facility Planning and Inventory (EFPI) Report. As such, staff agrees that if the 398 seats were included, the School would have been considered under enrolled at the time the application was reviewed. Please be advised that the 398 student stations were utilized as a temporary solution to house the students until the planned permanent capacity at Park Lakes Elementary School was completed. It is anticipated that the permanent capacity will be completed in the 2007/08 school year, at which time the students will be moved back to the School.

Attached, is the revised Public School Facility Impact Statement Report (PSFIS) report for LUPA for PC 06-29. The application to change the land use designation for the approximately 33.37-acre site located east of the Florida Turnpike, and south of Commercial Boulevard was from Commercial Recreation to Residential (10) LM. This change would enable the development of the new revised 232 residential units (formally 233 units) consisting of 184 townhouse units (138 two-bedrooms and 46 three-bedrooms), and 48 single-family units (24 three-bedrooms and 24 four-bedrooms) in the City of Tamarac. As proposed, the development is anticipated to generate 44 (25 elementary, 9 middle and 10 high school) additional students into Broward County Public Schools, which would exacerbate overcrowded conditions at the pertinent impacted school(s).

Schools serving the area of the amendment site in the 2006/07 school year are depicted in the attached Public School Facility Impact Statement (PSFIS) Report. However, based on the 2006/07 Twentieth-Day Membership Counts, and EFPI Report, Park Lakes Elementary School is considered under enrolled in the 2006/07 school year, Lauderdale Lakes Middle School is overcrowded (>110% to 120% of permanent capacity) but drops to neutral status only for the 2007/08 school year. The projected drop is because of the anticipated completion of the remodeling of the Kiva area into a 2-classroom addition

stated in the currently Adopted District Educational Facilities Plan, FY 2006/07 – 2010/11. Also, Boyd Anderson High School is neutral ($\geq 90\%$ to 110% of permanent capacity) in the 2006/07 school year.

In the 2006/07 school year, the charter schools listed in Table 1 below are located within a two-mile radius of the project site.

Table 1, 2005/06 CHARTER SCHOOLS

School	2006 School Permanent Capacity	2006/07 Twentieth Day Membership Counts	Over/(Under) Capacity	2007/08 Enrollment Projections	2008/09 Enrollment Projections
Chancellor at North Lauderdale (K-5)	600	539	(61)	520	526
Central Charter School (Pre K-5)	630	578	(52)	630	630
Eagle Academy (6-8)	280	333	53	331	331
Smart School Institute (9-12)	1,000	441	(559)	465	465

Please be aware that the maximum capacity at each charter school is determined by the enrollment specified in the charter school agreement between the school and the School Board of Broward County, Florida. Some charter schools open under enrolled, but achieve maximum capacity as they add grade levels, move from leased facilities to permanent facilities, or increase public awareness about their school within the area they serve. Lauderdale Lakes Middle School is overcrowded in the 2006/07 school year, and students attending or anticipated to attend pertinent charter schools are factored into the student enrollment projections for District schools. Therefore, Eagle Academy Charter School is not anticipated to completely relieve overcrowding at Lauderdale Lakes Middle School.

This application is subject to Section 7.8 of the Interlocal Agreement for Public School Facility Planning and School Board Policy 1161 as it relates to proposed residential developments with increased density impacting overcrowded schools. Based on the circumstances regarding the permanent capacity status for Park Lake Elementary School in the 2005/06 school year, your client (Prestige Homes, Inc.) in a letter dated April 2, 2007, made a revised voluntary commitment to pay the Florida established Student Station Cost Factors or (cost per student station) amount for the nine (9) anticipated middle school students plus an additional ten (10) elementary school students as mitigation for the student impact attributable to the 232 units.

Utilizing the May 2007 Student Station Cost Factor Schedule, the cost per student station amount for the 9 middle and 10 elementary school students is approximately \$364,167. Based on the current school impact fee schedule (effective October 1, 2006), the current school impact fees due for the 232 residential units is estimated at \$360,614. Therefore, the proposed voluntary commitment is \$3,553 above the school impact fees due and meets the mitigation provisions of School Board Policy 1161. Please be advised that the Student Station Cost Factors amount is adjusted each month based on the consumer price index. Therefore, the total mitigation amount due will be based on the Student Station Cost Factors amount figures in effect when payment is made. However, this revised voluntary commitment is considered

City of Tamarac - Revised School Mitigation for Land Use Plan Amendment PC 06-29 (Monterey Golf Course)

May 7, 2007

Page 3

an alternative mitigation proposal, and as such, would be scheduled for School Board consideration at the earliest possible Regular School Board meeting in 2007. Additionally, your client must execute a Declaration of Restrictive Covenant to reflect the new residential mix and School Board approved mitigation commitment before any building permit can be issued for the development. At the minimum, the Restrictive Covenant must address the following:

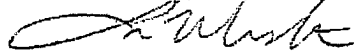
1. The voluntary commitment cited above.
2. That the cited voluntary commitment must run with the property until the obligation is deemed fulfilled.
3. That payment of the total mitigation amount due will be made directly to the School Board of Broward County, Florida prior to the issuance of Broward County Department of Planning and Environmental Protection (DPEP) construction approval for the first building permit of the total units.

Correspondence containing this payment should be addressed to the attention of Chris Akagbosu at the above stated address. Furthermore, the Declaration of Restrictive Covenant must be submitted to the Growth Management Division for review and deemed acceptable by the School Board Attorney's Office before execution and recordation. Also, an executed/recorded copy of the Restrictive Covenant must be provided to Broward County School District. Be advised that a copy of the School District's standard Declaration of Restrictive Covenant document can be obtained via www.browardschools.com, by accessing the web page of the Facility Management, Planning and Site Acquisition Department, and by clicking on the Growth Management Division.

As you may be aware, the class size constitutional amendment requires that by the year 2010, the maximum number of students in the following school grades must be: Pre-kindergarten through 3rd grade - 18 students, 4th through 8th grade - 22 students, and 9th through 12th grade - 25 students. It should be noted that the permanent school capacity or Florida Inventory of School Housing (FISH) for the impacted schools reflects compliance with the class size constitutional amendment.

You can obtain additional information regarding Broward County Public Schools at www.browardschools.com and accessing the web pages of the School Boundaries Department and the Facilities and Construction Management Division. If you have questions or need further information, please email me at lisa.wight@browardschools.com or call me at 754-321-8356.

Sincerely,



Lisa Wight, Planner
Growth Management Division
Facility Management, Planning & Site
Acquisition Department

LAW:lw

cc: Thomas J. Coates, Executive Director, Facility Management, Planning & Site Acquisition
Chris O. Akagbosu, Director, Growth Management Division
Maite Azcoitia, Deputy County Attorney, Broward County
Henry Sniezek, Executive Director, Broward County Planning Council
Jill Young, Director, Boundaries Department
Jennifer Bramley, Director, Community Development, City of Tamarac