

Document prepared by and
Return recorded document to:

Edward Marko, School Board Attorney
The School Board of Broward County, Florida
Kathleen C. Wright Administrative Building
600 Southeast 3rd Avenue
Fort Lauderdale, FL 33301

INSTR # 106395202
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BROWARD COUNTY COMMISSION
DEPUTY CLERK 2000
#1, 29 Pages

NOTICE: PURCHASERS, GRANTEES, HEIRS, SUCCESSORS AND ASSIGNS OF ANY INTEREST IN THE PROPERTY SET FORTH ON EXHIBIT "A" ARE HEREBY PUT ON NOTICE OF THE OBLIGATIONS SET FORTH WITHIN THIS AGREEMENT WHICH SHALL RUN WITH THE PROPERTY UNTIL FULLY PAID AND PERFORMED.

EDUCATIONAL MITIGATION AGREEMENT

This is an Agreement, made and entered into by and between:

BROWARD COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY",

AND

CITY OF MIRAMAR, a municipal corporation, created and existing under the laws of the State of Florida, its successors and assigns, hereinafter referred to as "CITY",

AND

THE SCHOOL BOARD OF BROWARD COUNTY, a body corporate and political subdivision of the State of Florida, hereinafter referred to as "SCHOOL BOARD".

RECITALS

WHEREAS, the Broward County Board of County Commissioners approved Broward County Land Use Text Amendment PCT 05-4, revising the permitted uses within the "Miramar Regional Activity Center" in the City of Miramar (hereinafter "MRAC"); and

WHEREAS, Land Use Plan Amendment PCT 05-4 is a component of the East Miramar Area-Wide Development of Regional Impact (DRJ), in which 5,460 residential units are currently approved for residential development (hereinafter "Previously Permitted Units"); and

WHEREAS, 3,551 of the Previously Permitted Units have been built as 781 single family structures, 554 townhouses and 2,216 garden apartments (hereinafter "Existing Units") and 1,909 units consisting of 912 townhouses and 997 garden apartments are currently unbuilt (hereinafter "Unbuilt Units"); and

1

Approved BCC 8-15-06 #93

Submitted By Development Mgmt

RETURN TO DOCUMENT CONTROL (2)

WHEREAS, the Broward County Board of County Commissioners approved Broward County Land Use Plan Amendment PCT 05-4 (hereinafter "Amendment PCT 05-4"), revising the currently approved uses within the MRAC to allow for an increase in residential units from 5,460 to 7,460 and a reduction of 375,600 square feet of commercial use, a description of which is attached hereto as Exhibit "A"; and

WHEREAS, the CITY is proposing an additional 2,000 residential units (hereinafter "Additional Units") and a reduction of 375,600 square feet of commercial use in Amendment PCT 05-4, with the Additional Units consisting of 550 Townhouse units (192 two-bedrooms and 358 three-bedrooms) and 1,450 Garden Apartment units (290 one-bedroom, 942 two-bedrooms and 218 three-bedrooms). As used herein "bedroom" shall be as defined in the Broward County Land Development Code; and

WHEREAS, SCHOOL BOARD staff, as evidenced by the Public School Facility Impact Statement Report dated December 14, 2004 and letter dated February 8, 2005 to the CITY, which is attached hereto as Exhibit "B", anticipates that the Additional Units as proposed will generate 441 additional students consisting of 218 elementary school students, 116 middle school students and 107 high school students into Broward County District Schools; and

WHEREAS, the CITY anticipates that the Additional Units will be developed as 550 Townhouse units and 1,450 Garden Apartment units with the bedroom mix depicted herein. However, the actual mix of townhouse units and garden apartment units may change, and may also include some single family units, but in no event shall the number of students generated by any such mix exceed the 441 additional students consisting of 218 elementary, 116 middle and 107 high school students, as computed by the student generation rate formula applicable as of the date of this Agreement, and as set forth in the attached Public School Facility Impact Statement Report; and

WHEREAS, the CITY agrees to notify the Superintendent, or designee, and the Broward County Development Management Division when it intends on changing the residential units/bedroom mix depicted herein, and the Superintendent, or designee, shall determine the number of students anticipated from such change and notify the COUNTY and CITY of the anticipated results. If for any reason, the number of students generated exceeds 441 due to such change, any such students in excess of the 441 shall be subject to payment of the Student Station Cost Factor in effect at that time, and the cost per dwelling unit as calculated by the SCHOOL BOARD; and

WHEREAS, the CITY has agreed to mitigate the impact of students anticipated from the development of the Additional Units in the MRAC; and

WHEREAS, Chapter 5, Article IX, Broward County Code of Ordinances (hereinafter "County School Impact Fee Regulations"), requires that no application for a building permit shall be accepted by the COUNTY or by any municipality without documentation that a finding of adequacy of school sites and facilities has been made by the COUNTY; and

WHEREAS, the COUNTY, SCHOOL BOARD and CITY agree that the County Impact Fee Regulations apply to the Previously Permitted Units and the applicable COUNTY imposed school impact fees, will be due for the Unbuilt Units and the CITY agrees to provide written notice to the SCHOOL BOARD and the COUNTY regarding the location of the 1,909 un-built units within the boundaries of the MRAC and also send written notice whenever an applicant seeks development approval to develop any such units, and said school impact fees will be paid to the Development Management Division based on the rate in effect at the time; and

WHEREAS, the COUNTY, SCHOOL BOARD and CITY agree that the cost per student station (hereinafter "Student Station Cost Factor") is appropriate to the circumstances of the MRAC and that the Student Station Cost Factor shall be paid in lieu of the COUNTY school impact fees for the Additional Units and that the Student Station Cost Factor shall be as determined and published by the State of Florida; and

WHEREAS, the schedule of the Student Station Cost Factor for elementary, middle and high school students associated with the MRAC dwelling units have been established by the State of Florida pursuant to the published "Student Station Cost Factors Feb. 2005 ", as may be amended, attached hereto as Exhibit "C"; and

WHEREAS, as a condition for approval of Amendment PCT 05-4, the CITY was required to enter into this tri-party interlocal agreement with the SCHOOL BOARD and COUNTY, to enable legal enforcement of the commitment made before any building permits can be issued for Additional Units in the MRAC.

NOW, THEREFORE, in consideration of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, COUNTY, CITY and SCHOOL BOARD agree as follows:

1. AMENDMENT OF THE CITY'S LAND DEVELOPMENT CODE.

1.01 The CITY agrees that any application for a building permit for residential development within the MRAC shall be subject to the imposition of educational mitigation in the manner set forth in this Agreement. The CITY shall amend its land development code no later than May 30, 2006 to monitor and ensure that development of the Additional Units shall be no greater than 550 Townhouse units with the stated mix of 192 two-bedrooms and 358 three-bedrooms, and 1,450 Garden Apartment units with stated mix of 290 one-bedroom, 942 two-bedrooms and 218 three-bedrooms. Amendment of the land development code shall also require the payment of the student station per dwelling unit cost in lieu of the COUNTY school impact fees due for the Additional Units contained within the boundaries of the MRAC. Failure to ensure that the bedroom mix depicted herein for the 550 townhouse and 1,450 garden apartment units is not exceeded except as stated herein shall constitute a default of this Agreement.

1.02 The CITY will require evidence of payment of either the school impact fee or the student station per dwelling unit cost, whichever is applicable, from individual applicants prior to the issuance of building permits, on a site-specific per project basis.

1.03 The CITY shall provide written notice to the School Superintendent or his designee and the County's Development Management Division, upon site plan or plat approval of any residential project authorized pursuant to Amendment PCT 05-4. Notification shall include project location, the number and type of units, the bedroom mix at time of site plan or plat approval and shall be confirmed by the CITY at the time of building permit.

1.04 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 a building permit for the construction or erection of a residential building to be located within the MRAC, the CITY shall, consistent with this Agreement, identify the specific type of residential unit, the bedroom mix and allocate the available Previously Permitted Units and/or Additional Units and provide written notification to the Broward County Development Management Division.

1.05 Prior to the issuance of a building permit for the construction or erection of a residential building located within the MRAC, the CITY shall verify that the owner, applicant and/or developer has paid the applicable school impact fee for the Previously Permitted Units and/or the student station per dwelling unit cost for the Additional Units, as set forth herein.

1.06 The CITY, its successor and assigns, agrees that no building permits or certificates of occupancy shall be obtained from the CITY for residential development of land within the MRAC until the applicable school impact fee and/or student station per dwelling unit cost has been paid as required by this Agreement. Failure to ensure collection of the school impact fee and/or the student station per dwelling unit cost prior to the issuance of a building permit shall constitute a default of this Agreement. Nothing herein shall waive or affect the right of the COUNTY and/or SCHOOL BOARD to otherwise require the CITY to comply with the conditions of Amendment PCT 05-4 or this Agreement by any remedy provided by law or equity. In the event of a breach of this Agreement or if enforcement of this Agreement shall be required, the COUNTY, SCHOOL BOARD and CITY agree to reasonably cooperate with each other and take all appropriate and necessary action to secure payment of the applicable school impact fee or student station cost payment, and that no party (the County, School Board or City) shall be liable to the other for damages (including the applicable school impact fee or student station cost payment) in such instance; however, a party may be subject to equitable remedies such as mandamus or specific performance.

1.07 The CITY may propose a change to the anticipated specified type of residential unit and/or the bedroom mix upon 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 whether the number of students generated by any such proposed change will exceed the 441 additional students. If it is determined by the Executive Director, or designee, that such proposed change to the specified type of residential unit and/or the bedroom mix does not exceed the 441 additional students as computed by the student generation rate formula applicable as of the date of this Agreement and as set forth in the attached Public School facility Impact Statement Report, no amendment to this Agreement shall be required. Any further increase in the number of anticipated additional students shall require an amendment to this Agreement consistent with Paragraph 15 below to proceed.

2. STUDENT STATION PER DWELLING UNIT COST.

2.01 The student station per dwelling unit cost for each Additional Unit within the MRAC shall be an amount derived from the cost per student station as determined, published and amended by the State of Florida for elementary, middle and high school students and the associated per dwelling unit cost as calculated by the SCHOOL BOARD.

2.02 For those Additional Units to be built within the portion of the MRAC, a description of which is attached hereto as Exhibit "D", the owner, applicant, and/or developer shall pay the student station per dwelling unit cost of approximately \$2,036 per residential dwelling unit utilizing the cost per student station figures for middle and high schools as of March 2005. However, in no event shall that amount be less than \$2,036 for each residential dwelling unit.

2.03 For those Additional Units to be built within the portion of the MRAC, a description of which is attached hereto as Exhibit "E" the student station per dwelling unit cost to be paid is approximately \$2,312 per residential dwelling unit utilizing the student station per dwelling unit cost figures for elementary, middle

and high schools as of March 2005. However, in no event shall that amount be less than \$2,312 for each residential dwelling unit.

2.04 When computing the amount to be paid pursuant to the paragraphs above by the owner, applicant, and/or developer for the Additional Units, the amount to be paid shall be the greater of the amounts derived by utilizing; (i) the Student Station Cost Factor method or (ii) the applicable Educational Impact fee method. However, at no time until the last building permit is issued for the final Additional Units shall the total cost per student station amount due for the units be less than the total COUNTY required effective school impact fee that could have been due for the units.

2.05 Prior to the issuance of a finding of adequacy by the COUNTY, the SCHOOL BOARD shall provide the COUNTY with the current Student Station Cost Factors established and published by the State of Florida, and the associated per dwelling unit cost as calculated by the SCHOOL BOARD for the Additional Units. No later than the end of each calendar month, the COUNTY agrees to provide written correspondence to the SCHOOL BOARD listing residential developments issued satisfactory finding of adequacy. At the minimum, the information provided shall include the name of the development, the total number and type of proposed units and bedroom mix, and the total cost per student station amount paid.

3. PREVIOUSLY PERMITTED UNITS IMPACT FEE REQUIREMENT.

3.01 The COUNTY, SCHOOL BOARD and CITY agree and acknowledge that the Previously Permitted Units (which includes the 1,909 Unbuilt Units) mitigate student impact pursuant to the County School Impact Fee Regulations. The parties further acknowledge that consistent with the County School Impact Fee Regulations redevelopment of the Previously Permitted Units may warrant impact fee credit for the demolished and renovated units. If, as a result of redevelopment, additional dwelling units are created, those additional units shall mitigate student impact through the payment of the applicable cost per student station fee.

4. EDUCATIONAL FACILITIES. The student station per dwelling unit cost paid by the owner(s) and/or developer(s) pursuant to this Agreement shall, pursuant to School Board Growth Management Policy be used to provide educational facilities to serve students generated by the Additional Units in the MRAC, and pursuant to provisions of County School Impact Fee Regulations, the County school impact fee due for the Unbuilt Units will be spent in the applicable service area. The CITY recognizes and agrees that, even if such money is not directly utilized to meet the educational needs of the future residents of the area within the MRAC, the use of such money will indirectly benefit such development by making other funds available to directly meet those needs.

5. TRANSMITTAL OF FUNDS TO THE SCHOOL BOARD. The COUNTY agrees to remit quarterly to the SCHOOL BOARD, the student station per dwelling unit cost amount collected for the Additional Units to be spent by the SCHOOL BOARD in accordance with School Board Growth Management Policy. The COUNTY will continue to remit the COUNTY school impact fees to the SCHOOL BOARD consistent with the existing agreement between the COUNTY and the SCHOOL BOARD.

6. The COUNTY agrees that this Agreement satisfies the requirement in Chapter 5, Article IX, Broward County Land Development Code relating to Educational Impact Fees.

7. The recitals and representations set forth within the Whereas clauses are true and correct and are incorporated herein.

8. NOTICES. Whenever any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving of notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. Until otherwise designated by amendment to this Agreement, the parties designate the following as the respective places for giving notice:

For the COUNTY:

Director, Development Management Division of Broward County
115 South Andrews Avenue, Room A240
Fort Lauderdale, FL 33301

For the CITY:

City Manager
City of Miramar
6700 Miramar Parkway
Miramar, FL 33023-4897

With a copy to:

Cleghorn Shoe Corp.
c/o James G. Goggins
1401 79th Street Causeway
Miami, Florida 33141

For the SCHOOL BOARD

Superintendent of Schools
The School Board of Broward County, Florida
Kathleen C. Wright Administrative Building
600 Southeast 3rd Avenue
Fort Lauderdale, FL 33301

With a copy to:

The Executive Director
The School Board of Broward County, Florida
Facility Management, Planning and Site Acquisition Department
Kathleen C. Wright Administrative Building
600 Southeast 3rd Avenue, 14th Floor
Fort Lauderdale, FL 33301

9. RELEASE. When all of the obligations set forth herein are fully paid and performed, COUNTY, at the request of CITY or its successor and upon payment of any applicable fees, shall cause a release to be recorded in the Official Records of Broward County, Florida, evidencing such performance. To the extent that the obligations set forth herein are divisible and attributable to a specific parcel the payment of the student station per dwelling unit cost, the applicable COUNTY school impact fee and the issuance of a building permit shall constitute evidence that the divisible portion of the obligation has been satisfied.

10. VENUE; CHOICE OF LAW. Any controversies or legal issues arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State Court of the Seventeenth Judicial Circuit of Broward County, Florida, the venue situs, and shall be governed by the laws of the State of Florida.

11. CAPTIONS AND PARAGRAPH HEADINGS. Captions and paragraph headings contained in this Agreement are for convenience and reference only and in no way define, describe, extend or limit the scope or intent of this Agreement, nor the intent of any provisions hereof.

12. NO WAIVER. No waiver of any provision of this Agreement shall be effective unless it is in writing, signed by the party against whom it is asserted, and any such written waiver shall only be applicable to the specific instance to which it relates and shall not be deemed to be a continuing or future waiver.

13. EXHIBITS. All Exhibits attached hereto contain additional terms of this Agreement and are incorporated herein by reference.

14. FURTHER ASSURANCES. The parties hereby agree to execute, acknowledge and deliver and cause to be done, executed, acknowledged and delivered all further assurances and to perform such acts as shall reasonably be requested of them in order to carry out this Agreement.

15. AMENDMENTS. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by the COUNTY, CITY and SCHOOL BOARD.

16. COUNTERPARTS. This Agreement may be executed in three (3) counterparts, each of which may be deemed to be an original.

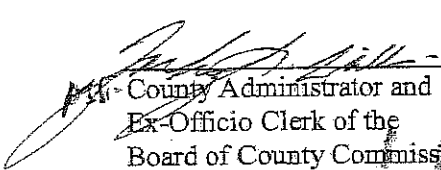
17. RECORDING OF THIS AGREEMENT. The CITY agrees to record this Agreement in the Broward County Public Records, at its expense.

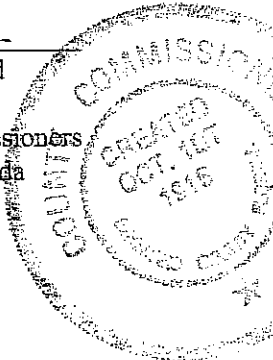
IN WITNESS WHEREOF, the parties have made and executed this Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action on the ___ day of _____, 2006, The SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, signing by and through its Chair, authorized to execute same by Board action on the ___ day of _____, 2006, and CITY, signing by and through its _____, duly authorized to execute same.


COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS


County Administrator and
Ex-Officio Clerk of the
Board of County Commissioners
of Broward County, Florida



By: 
Ben Graber, Mayor
VICE

31st day of August, 2006

Approved as to form by
Office of County Attorney
Broward County, Florida
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

By: 
Assistant County Attorney

27 day of June, 2006

SCHOOL BOARD

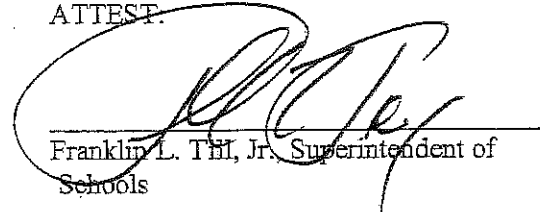
(Corporate Seal)

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

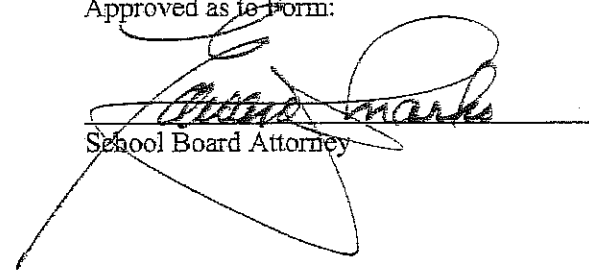
By: 

Benjamin J. Williams, Chair

ATTEST.


Franklin L. TH, Jr. Superintendent of
Schools

Approved as to Form:


School Board Attorney

CITY

WITNESSES:

CITY OF MIRAMAR

Nawa N. Barnett Forbes
Nawa N. Barnett Forbes
Denise Gibbs
Denise Gibbs

ATTEST:

Yvette H. McLeary
City Clerk

Robert Payton
By: Robert Payton
Robert Payton, City Manager

15 day of February, 2006

APPROVED AS TO FORM:

By: JML
City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION MIRAMAR REGIONAL ACTIVITY CENTER

All lands of the City of Miramar Florida lying west of Palm Avenue and east of Flamingo Road, more fully described as follows:

The south one half of Section 24, Township 51 south, Range 40 east; and
the south one half of Section 19, Township 51 south, Range 41 east; and
all of Section 25 Township 51, south Range 40 east; and
all of Section 30 Township 51 south, Range 41 east; and
that portion of the north one half of Section 36, Township 51 south, Range 40
east, that is designated as Regional Activity Center on the Future Land Use Map
of the City of Miramar Comprehensive Plan.

COMPOSITE EXHIBIT "B"

LAND USE PLAN AMENDMENT

PUBLIC SCHOOL FACILITY IMPACT STATEMENT

(Land Use Amendment PCT 05-4)

AND

THE FEBRUARY 8 2005 LETTER TO THE CITY OF MIRAMAR

ATTACHMENT 1

AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN

PROPOSED TEXT AMENDMENT PCT 05-4

Miramar Regional Activity Center

Acrcage: Approximately 2,205 acres

General Location: North of Bass Creek Road between Palm Avenue and Flamingo Road.

Density and Intensity of Land Uses:

Residential Land Uses	5,460	<u>7,460</u>	dwelling units
Retail Land Uses	2,212,000	<u>1,836,400</u>	square feet
Office Land Uses		<u>1,500,000</u>	square feet
Industrial Land Uses		<u>11,500,000</u>	square feet
Municipal Facility Land Uses		<u>200,000</u>	square feet

Remarks: This area is the subject of an Areawide Development of Regional Impact.

Post-It Fax Note	7671	Date	<u>1-10-04</u>	# of pages	<u>9</u>
To	<u>[Signature]</u>	From	<u>[Signature]</u>		
Co./Dept.		Co.			
Phone #	<u>954-764-9770</u>	Phone #	<u>954-357-6696</u>		
Fax #	<u>954-764-9770</u>	Fax #			

Note: Underlined words are proposed additions. ~~Strikethroughs~~ are proposed deletions.

ATTACHMENT 6

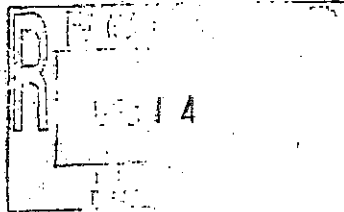
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

600 Southeast Third Avenue, 14th FL, Ft. Lauderdale, Florida 33301 • TEL: 754-321-2161 • FAX: 754-321-2179

THOMAS J. CHATES, Director
Broward County Planning Council
115 South Andrews Avenue, Room #307
Fort Lauderdale, Florida 33301

December 14, 2004

Henry Sniezek, Executive Director
Broward County Planning Council
115 South Andrews Avenue, Room #307
Fort Lauderdale, Florida 33301



Re: Land Use Plan Amendment PCT 05-4

Dear Mr. Sniezek: **HENRY**

Please find attached, Public School Facility Impact Statement (PSFIS) Report for Land Use Plan Amendment (LUPA) PCT 05-4. Information provided by the applicant indicates that the amendment site is a component of the East Miramar Area-wide Development of Regional Impact (DRI), and 5,460 residential units are currently permitted for development in the DRI. Furthermore, the proposal for the amendment is to modify the mix of uses within the RAC and increase the residential units from the currently permitted 5,460 to 7,460, an increase of approximately 2,000 residential units. Indications are that the Master Incremental Development Order (DO) for the DRI required the dedication of a 20-acre middle school site to address the anticipated student impact from the development of the existing permitted 5,460 units.

Correspondence provided by the agent for the applicant and dated September 27, 2004 (attached) indicates that the additional 2,000 residential units will consist of 192 two-bedroom and 358 three-bedroom townhouse units, 290 one-bedroom, 942 two-bedroom and 218 three-bedroom garden apartment units. The bedroom mix of 2,000 units as currently proposed, is anticipated to generate 218 elementary, 116 middle and 107 high school students for a total of 441 additional students into Broward County Public Schools.

Schools serving the amendment site in the 2004/05 school year are depicted in the attached PSFIS Report. Please be advised that the 2004 permanent capacity data for the impacted schools are not currently available, but are anticipated to become available soon. Therefore, the 2003 permanent capacity data was utilized in the analysis for the development. However, the 2004 preliminary permanent capacity data was utilized for Coral Cove Elementary School because it is a planned new School and the school boundary became effective in the 2004/05 school year. Furthermore, students assigned to Coral Cove Elementary School are currently attending classes in temporary facilities, while the permanent facility is currently under construction and forecasted for substantial completion in 2005. However, based on the 2004/05 Twentieth-Day Membership Counts Report, Coconut Palm Elementary, and Miramar High Schools are critically overcrowded, and New Renaissance Middle School is overcrowded. Therefore, development of the additional 2,000 residential units will further exacerbate overcrowded conditions at the impacted schools.

In the currently Adopted District Educational Facilities Plan, FY 2004/05 - 2008/09, planned Coral Cove Elementary School (Elementary "Y") is scheduled to potentially relieve overcrowding at Coconut Palm Elementary School, and is forecasted for substantial completion in 2005. Furthermore, planned Elementary

COA:coa
1/10/06

School "F-2" is scheduled to potentially relieve overcrowding at Coconut Palm Elementary School. However, the bulk of the funding for construction of the School is slated for FY 2006/07. Also, Miramar High School is scheduled for a 24-classrooms addition. However, School District records indicate that the project is currently in the design phase, and staff analysis concludes that despite the 24-classrooms addition, the School is still projected to become critically overcrowded.

In the 2004/05 school year, the City of Pembroke Pines East (K-5) and Somerset Neighborhood (K-5) charter schools are located within a two-mile radius of the East Miramar Area wide DRI site, and the Twentieth Day statistical data for the schools are as follows: City of Pembroke Pines East (E,W,C) (K-5): Enrollment - 1,795, Capacity - 1,800, Over/(Under) - (5), 2005/06 Enrollment projection - 1,800; Somerset Neighborhood (K-5): Enrollment - 75, Capacity - 75, Over/(Under) - 0, 2005/06 Enrollment projection - 75. Please be advised 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. Coconut Palm Elementary School is projected to become overcrowded in the 2005/06 school year, and students attending or anticipated to attend pertinent charter schools are factored into the enrollment projections for District schools. Therefore, the cited charter schools are not anticipated to completely relieve overcrowding at Coconut Palm Elementary School.

Therefore, consistent with the provisions of School Board Policy 1161, recommendations are that LUPA PCT 05-4 should be denied or deferred until permanent capacity addition is funded in the effective Capital Budget for Miramar High School. Also, this application is subject to the provisions of Section 7.8 of the Interlocal Agreement for Public School Facility Planning, which calls for the mitigation of students generated by proposed residential density increase. Alternatively, the applicant can provide mitigation for the number of applicable additional students anticipated from the amendment. It should be noted that the applicant (Sunbeam Properties, Inc.) is having ongoing discussions with District staff regarding the provision of appropriate mitigation for the anticipated students.

As you may be aware, the recent 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. Therefore, due to compliance with this requirement the permanent school capacity for the impacted schools dropped significantly.

Thank you for your continued cooperation and support on land use plan amendment matters pertaining to Broward County Public Schools. If you have questions or need further information, please email me at Chris.Akagbosu@browardschools.org or call me at 754-321-2162.

Sincerely,



Chris O. Akagbosu, Coordinator, Growth Management Division
Facility Management, Planning & Site Acquisition

COA:coa

cc: Thomas J. Coates, Executive Director, Facility Management, Planning and Site Acquisition
Tommy Moore, Director, School Boundaries Department

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		SEC 24, 25, 36 and 19, 30	TWP 51	RNG 40, 41
Type:	County			
Amendment #:	PCT 05-4			
Owner / Developer:	City of Miramar/Sunbeam Properties, Inc.			
Jurisdiction:	City of Miramar			
Current Land Use:	Regional Activity Center (Approx. 2,205 Acres)			
Proposed Land Use:	Regional Activity Center (Approx. 2,205 Acres)			

REC-7-2005

FEB - 7 2005

BROWARD COUNTY PLANNING COUNCIL

Potential Student Impact*		Additional Impact:		Cummulative Students From			
Existing Permitted Units:	5,460	Elementary Students:	218	LUPA Approved Since:			
Proposed Units:	7,460	Middle Students:	116	Since 1/01/04 to 6/29/04			
Net Change :	+2000	High Students:	107	Elem	Midd	High	Total
		Total:	441	<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**				
				05/06	06/07	07/08	08/08	09/10
Coconut Palm Elementary	820	1,061	241	967	1,065	1,124	1,137	
Loral Cove Elementary	733	497	-236	805	1,044	1,027	1,041	
Jew Renaissance	1,447	1,689	242	1,602	1,607	1,622	1,675	
Miramar High	2,037	2,821	784	2,969	3,115	3,253	3,267	

Information received from the Broward County Planning Council (BCPC) indicates that the current land use plan for the amendment site permits the development of 5,460 residential units. The applicant indicates that this application proposes 7,460 units or 2,000 (192 two-bedroom and 358 three-bedroom) warehouse units, 290 one-bedroom, 942 two-bedroom and 218 three-bedroom garden apartment units) additional units in the Regional Activity Center (RAC), which is anticipated to generate 441 students into Broward County Public Schools. As such, staff is advising the BCPC, the Broward County Commission, the applicant(s)/owner(s) and/or future developer(s) of the amendment site that based on the School District's 2004/05 Twentieth Day Membership Count report, Coconut Palm Elementary, and Miramar High Schools are critically overcrowded, and Jew Renaissance Middle is overcrowded. Thus, development of 2,000 residential units will further exacerbate overcrowded conditions at the impacted schools. Please be aware that the 2004 permanent capacity data is not currently available, but will be available soon. Therefore, the 2003 permanent capacity data was utilized in the review. Consistent with School Board Policy 3.11, this application should be denied or deferred until permanent capacity addition is funded in the effective Capital Budget for Miramar High School. Also, this application is subject to the provisions of Section 7.8 of the Interlocal Agreement for Public School Facility Planning which calls for the mitigation of density generated by proposed residential density increase. Alternatively, the applicant can provide mitigation for the anticipated student impact. It should be noted that the applicant (Sunbeam Properties, Inc.) is having ongoing discussions with staff regarding the provision of the appropriate mitigation for the impacted students. Data on charter schools within a two-mile radius of the site in 2004/05 school year is provided in the attached correspondence.

Note: 2004/05 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: Please see comments in attached correspondence dated December 14, 2004.

Middle Schools: None

High Schools: Miramar High: 24-classrooms addition, currently in redesign phase, and no forecasted completion date.

Comments: 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.

Date: December 14, 2004

By:  Facility Management, Planning & Site Acquisition Department

ATTACHMENT 9

FEB 10 2005


THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
 600 Southeast Third Avenue • 14th FL, FT. LAUDERDALE, FLORIDA 33301 • TEL 754-321-2161 • FAX 754-321-2179

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

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February 8, 2005

Charles F. Fink, President
 Charles F. Fink, Inc.
 5342 NW 92nd Lane
 Coral Springs, Florida 33067

Dr. Frank Till
 Superintendent of Schools

RE: CITY OF MIRAMAR - LAND USE PLAN AMENDMENT PCT 05-4

Dear Mr. Fink:

This correspondence is in response to your letter dated January 31, 2005 regarding the voluntary commitment by Sunbeam Properties, Inc. to provide mitigation for students anticipated from the proposed development of 2,000 residential units in the City of Miramar. The land use designation for the project site is Regional Activity Center (RAC), and an amendment to enable development of the units is currently being processed by the Broward County Planning Council as PCT 05-4.

In your correspondence dated September 27, 2004, you indicated that the additional 2,000 residential units would consist of 192 two-bedroom and 358 three-bedroom townhouse units, 290 one-bedroom, 942 two-bedroom and 218 three-bedroom garden apartment units. Furthermore, you were advised that the bedroom mix of 2,000 units as currently proposed, is anticipated to generate 218 elementary, 116 middle and 107 high school students for a total of 441 additional students into Broward County Public Schools.

In discussions with you regarding this application, you were advised that the proposed development is subject to the provisions of Section 7.8 of the Interlocal Agreement for Public School Facility Planning and School Board Policy 1161, which calls for the mitigation of additional students generated by proposed residential density increase. Furthermore, the District's development review report dated December 14, 2004 for the application indicated that the impacted schools, Coconut Palm Elementary and Miramar High Schools are critically in the 2004/05 school year, and New Renaissance Middle School is overcrowded. Thus, staff's recommendation was that mitigation should be provided for the anticipated pertinent elementary school students, the 116 middle school and the 107 high school students.

In the correspondence dated January 31, 2005, and subsequent email dated February 3, 2005, you indicate that there is a possibility that up to twenty percent (20%) of the units consisting of 80 one-bedroom, 220 two-bedrooms and 65 three-bedroom garden apartments may be constructed north of the Florida Turnpike Extension, thereby impacting Coconut Palm Elementary School. In such a scenario, mitigation will be due for the approximately 40 or more anticipated elementary, 116 middle and 107 high school students.

In your January 31, 2005 correspondence, you indicated that Sunbeam Properties, Inc. has voluntarily agreed to the payment of the Florida established cost per student station as mitigation for the anticipated

Transforming Education: One Student at A Time
 Broward County Public Schools is An Equal Opportunity/Equal Access Employer

Broward County Public Schools is An Equal Opportunity/Equal Access Employer

City of Miramar - Land Use Plan Amendment PCT 05-4

February 8, 2005

Page 2

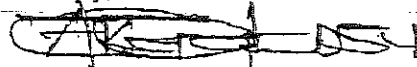
elementary, middle and high school students. Based on the School impact fee schedule (effective October 1, 2004), the school impact fee that would be currently due for the mix of units is approximately \$3,380,136. Computations utilizing the February 2005 Florida established cost per student station figures indicates that the cost per student station amount for the anticipated elementary, middle and high school students is approximately \$4,527,655 which translates to approximately \$2,264 per unit, and \$1,147,519 above the currently estimated school impact fees for the unit mix. Also, computations utilizing the June 2012 Florida established cost per student station figures indicates that the cost per student station amount for the anticipated elementary, middle and high school students is approximately \$5,308,040 which translates to approximately \$2,654 per unit, and \$1,927,904 above the currently estimated school impact fees for the unit mix. Please be advised that the mitigation amount indicated may be different for units built south of the Florida Turnpike Extension, since mitigation would only be due for the middle and high school students if the said units are not built north of the Florida Turnpike Extension.

The proposed mitigation complies with the mitigation provisions of School Board Policy 1161. However, staff requests that as a condition for approval of the land use plan amendment and final adoption by the Broward County Commission, the City of Miramar must agree to enter into a tri-party interlocal agreement with the School Board of Broward County, Florida and the Broward County Board of County Commissioners prior to the land use plan amendment becoming effective. Furthermore, Policy 1161 requires that at the minimum, the agreement should address the following:

1. Amendment of the City's Land Development Code prior to the issuance of the first building permit for the additional 2,000 units to require payment of the cost per student station amount as the educational impact fee for the additional residential units proposed within the boundaries of the RAC.
2. The City will not issue any residential building permits within the boundaries of the LAC until execution of the agreement and payment of the applicable cost per student station amount.
3. The City will provide written notice to District staff regarding proposed development of the applicable RAC authorized residential units. At the minimum, the notice shall include pertinent information about the project such as location map (site plan or plat), number and type of units.

Thank you for your cooperation regarding this matter and please email me at chris.akagbosu@browardschools.com or call me at 754.321.2162 if you have additional questions.

Sincerely,



Chris O. Akagbosu, Director
Growth Management Division
Facility Management, Planning & Site Acquisition

Coa:coa

cc: Thomas J. Coates, Executive Director, Facility Management, Planning and Site Acquisition
Alex Baum, Director, Capital Systems, Reporting and Control
Sharon Cruz, Acting County Attorney
Henry Sniezek, Executive Director, Broward County Planning Council
David Danovitz, Acting Director, Development Management Division
Don Waldron, Director, Community Development Department, City of Miramar

EXHIBIT "C"

STUDENT STATION COST FACTORS
FEB. 2005 TABLE OR AS AMENDED

EXHIBIT "C"

Student Station Cost Factors Feb 2005

STUDENT STATION COST FACTORS

16-Feb-05

	Consumer Price Index REC National Forecast of February 2005	Student Station Cost Factors	Cost of Elementary School Student Station (\$)	Cost of Middle School Student Station (\$)	Cost of High School Student Station (\$)
Jul-1997	160.4	0.9032	11,520	13,208	17,478
Aug-1997	160.8	0.9054	11,548	13,241	17,521
Sep-1997	161.2	0.9077	11,577	13,274	17,565
Oct-1997	161.5	0.9093	11,599	13,298	17,598
Nov-1997	161.7	0.9105	11,613	13,315	17,619
Dec-1997	161.8	0.9110	11,620	13,323	17,630
Jan-1998	162.0	0.9122	11,635	13,339	17,652
Feb-1998	162.0	0.9122	11,635	13,339	17,652
Mar-1998	162.0	0.9122	11,635	13,339	17,652
Apr-1998	162.2	0.9133	11,649	13,356	17,674
May-1998	162.6	0.9155	11,678	13,389	17,718
Jun-1998	162.8	0.9167	11,692	13,405	17,739
Jul-1998	163.1	0.9184	11,714	13,430	17,772
Aug-1998	163.4	0.9200	11,735	13,455	17,805
Sep-1998	163.5	0.9206	11,742	13,463	17,816
Oct-1998	163.9	0.9229	11,771	13,496	17,859
Nov-1998	164.1	0.9240	11,785	13,512	17,881
Dec-1998	164.5	0.9262	11,814	13,545	17,925
Jan-1999	164.8	0.9279	11,836	13,570	17,957
Feb-1999	164.7	0.9274	11,829	13,562	17,946
Mar-1999	164.9	0.9285	11,843	13,578	17,968
Apr-1999	165.9	0.9341	11,915	13,661	18,077
May-1999	166.0	0.9347	11,922	13,669	18,088
Jun-1999	166.0	0.9347	11,922	13,669	18,088
Jul-1999	166.6	0.9381	11,965	13,718	18,153
Aug-1999	167.1	0.9409	12,001	13,759	18,208
Sep-1999	167.7	0.9443	12,044	13,809	18,273
Oct-1999	168.1	0.9465	12,073	13,842	18,317
Nov-1999	168.4	0.9482	12,094	13,866	18,350
Dec-1999	168.9	0.9510	12,130	13,908	18,404
Jan-2000	169.3	0.9533	12,159	13,941	18,448

Feb-2000	169.9	0.9566	12,202	13,990	18,513
Mar-2000	171.0	0.9628	12,281	14,081	18,633
Apr-2000	170.9	0.9623	12,274	14,072	18,622
May-2000	171.2	0.9640	12,295	14,097	18,655
Jun-2000	172.2	0.9696	12,367	14,179	18,764
Jul-2000	172.7	0.9724	12,403	14,221	18,818
Aug-2000	172.7	0.9724	12,403	14,221	18,818
Sep-2000	173.6	0.9775	12,468	14,295	18,916
Oct-2000	173.9	0.9792	12,489	14,319	18,949
Nov-2000	174.2	0.9809	12,511	14,344	18,982
Dec-2000	174.6	0.9831	12,540	14,377	19,025
Jan-2001	175.6	0.9887	12,611	14,459	19,134
Feb-2001	175.9	0.9904	12,633	14,484	19,167
Mar-2001	176.0	0.9910	12,640	14,492	19,178
Apr-2001	176.5	0.9938	12,676	14,533	19,232
May-2001	177.4	0.9989	12,741	14,608	19,330
Jun-2001	177.8	1.0011	12,769	14,640	19,374
Jul-2001	177.4	0.9989	12,741	14,608	19,330
Aug-2001	177.5	0.9994	12,748	14,616	19,341
Sep-2001	178.1	1.0028	12,791	14,665	19,406
Oct-2001	177.6	1.0000	12,755	14,624	19,352
Nov-2001	177.5	0.9994	12,748	14,616	19,341
Dec-2001	177.2	0.9977	12,726	14,591	19,308
Jan-2002	177.6	1.0000	12,755	14,624	19,352
Feb-2002	177.9	1.0017	12,777	14,649	19,385
Mar-2002	178.5	1.0051	12,820	14,698	19,450
Apr-2002	179.4	1.0101	12,884	14,772	19,548
May-2002	179.5	1.0107	12,891	14,780	19,559
Jun-2002	179.7	1.0118	12,906	14,797	19,581
Jul-2002	180.1	1.0141	12,935	14,830	19,624
Aug-2002	180.6	1.0169	12,970	14,871	19,679
Sep-2002	180.9	1.0186	12,992	14,896	19,712
Oct-2002	181.2	1.0203	13,014	14,920	19,744
Nov-2002	181.4	1.0214	13,028	14,937	19,766
Dec-2002	181.6	1.0225	13,042	14,953	19,788
Jan-2003	182.2	1.0259	13,085	15,003	19,853
Feb-2003	183.2	1.0315	13,157	15,085	19,962
Mar-2003	184.0	1.0360	13,215	15,151	20,049
Apr-2003	183.4	1.0327	13,172	15,102	19,984
May-2003	183.3	1.0321	13,164	15,093	19,973
Jun-2003	183.5	1.0332	13,179	15,110	19,995
Jul-2003	183.8	1.0349	13,200	15,135	20,028
Aug-2003	184.5	1.0389	13,251	15,192	20,104
Sep-2003	185.1	1.0422	13,294	15,242	20,169

Oct-2003	184.9	1.0411	13,279	15,225	20,147
Nov-2003	184.6	1.0394	13,258	15,200	20,115
Dec-2003	184.9	1.0411	13,279	15,225	20,147
Jan-2004	185.8	1.0462	13,344	15,299	20,246
Feb-2004	186.3	1.0490	13,380	15,340	20,300
Mar-2004	187.2	1.0541	13,444	15,414	20,398
Apr-2004	187.6	1.0563	13,473	15,447	20,442
May-2004	188.8	1.0631	13,559	15,546	20,572
Jun-2004	189.4	1.0664	13,602	15,596	20,638
Jul-2004	189.3	1.0659	13,595	15,587	20,627
Aug-2004	189.4	1.0664	13,602	15,596	20,638
Sep-2004	189.7	1.0681	13,624	15,620	20,670
Oct-2004	190.9	1.0749	13,710	15,719	20,801
Nov-2004	191.2	1.0766	13,732	15,744	20,834
Dec-2004	191.1	1.0760	13,725	15,736	20,823
Jan-2005	191.7	1.0794	13,768	15,785	20,888
Feb-2005	191.9	1.0805	13,782	15,801	20,910
Mar-2005	192.0	1.0811	13,789	15,810	20,921
Apr-2005	192.0	1.0811	13,789	15,810	20,921
May-2005	192.2	1.0822	13,804	15,826	20,943
Jun-2005	192.3	1.0828	13,811	15,834	20,954
Jul-2005	192.4	1.0833	13,818	15,843	20,965
Aug-2005	192.7	1.0850	13,839	15,867	20,997
Sep-2005	192.9	1.0861	13,854	15,884	21,019
Oct-2005	193.4	1.0890	13,890	15,925	21,074
Nov-2005	193.7	1.0907	13,911	15,950	21,106
Dec-2005	194.0	1.0923	13,933	15,974	21,139
Jan-2006	194.1	1.0929	13,940	15,983	21,150
Feb-2006	194.4	1.0946	13,962	16,007	21,183
Mar-2006	194.6	1.0957	13,976	16,024	21,204
Apr-2006	194.9	1.0974	13,997	16,049	21,237
May-2006	195.1	1.0985	14,012	16,065	21,259
Jun-2006	195.4	1.1002	14,033	16,090	21,292
Jul-2006	195.7	1.1019	14,055	16,114	21,324
Aug-2006	196.0	1.1036	14,076	16,139	21,357
Sep-2006	196.4	1.1059	14,105	16,172	21,401
Oct-2006	196.7	1.1075	14,127	16,197	21,433
Nov-2006	197.1	1.1098	14,155	16,230	21,477
Dec-2006	197.4	1.1115	14,177	16,254	21,509
Jan-2007	197.7	1.1132	14,199	16,279	21,542
Feb-2007	198.0	1.1149	14,220	16,304	21,575
Mar-2007	198.4	1.1171	14,249	16,337	21,618
Apr-2007	198.7	1.1188	14,270	16,361	21,651
May-2007	199.0	1.1205	14,292	16,386	21,684

Jun-2007	199.3	1.1222	14,313	16,411	21,717
Jul-2007	199.7	1.1244	14,342	16,444	21,760
Aug-2007	200.0	1.1261	14,364	16,468	21,793
Sep-2007	200.4	1.1284	14,392	16,501	21,836
Oct-2007	200.8	1.1306	14,421	16,534	21,880
Nov-2007	201.1	1.1323	14,443	16,559	21,913
Dec-2007	201.5	1.1346	14,471	16,592	21,956
Jan-2008	201.8	1.1363	14,493	16,617	21,989
Feb-2008	202.2	1.1385	14,522	16,650	22,033
Mar-2008	202.5	1.1402	14,543	16,674	22,065
Apr-2008	202.9	1.1425	14,572	16,707	22,109
May-2008	203.2	1.1441	14,594	16,732	22,141
Jun-2008	203.6	1.1464	14,622	16,765	22,185
Jul-2008	204.0	1.1486	14,651	16,798	22,229
Aug-2008	204.3	1.1503	14,673	16,823	22,261
Sep-2008	204.7	1.1526	14,701	16,855	22,305
Oct-2008	205.1	1.1548	14,730	16,888	22,349
Nov-2008	205.5	1.1571	14,759	16,921	22,392
Dec-2008	205.9	1.1593	14,787	16,954	22,436
Jan-2009	206.2	1.1610	14,809	16,979	22,468
Feb-2009	206.6	1.1633	14,838	17,012	22,512
Mar-2009	206.9	1.1650	14,859	17,037	22,545
Apr-2009	207.3	1.1672	14,888	17,070	22,588
May-2009	207.7	1.1695	14,917	17,103	22,632
Jun-2009	208.1	1.1717	14,945	17,135	22,675
Jul-2009	208.5	1.1740	14,974	17,168	22,719
Aug-2009	208.9	1.1762	15,003	17,201	22,763
Sep-2009	209.3	1.1785	15,032	17,234	22,806
Oct-2009	209.7	1.1807	15,060	17,267	22,850
Nov-2009	210.1	1.1830	15,089	17,300	22,893
Dec-2009	210.6	1.1858	15,125	17,341	22,948
Jan-2010	211.0	1.1881	15,154	17,374	22,991
Feb-2010	211.4	1.1903	15,182	17,407	23,035
Mar-2010	211.9	1.1931	15,218	17,448	23,089
Apr-2010	212.3	1.1954	15,247	17,481	23,133
May-2010	212.7	1.1976	15,276	17,514	23,177
Jun-2010	213.1	1.1999	15,305	17,547	23,220
Jul-2010	213.6	1.2027	15,340	17,588	23,275
Aug-2010	214.0	1.2050	15,369	17,621	23,318
Sep-2010	214.5	1.2078	15,405	17,662	23,373
Oct-2010	214.9	1.2100	15,434	17,695	23,416
Nov-2010	215.4	1.2128	15,470	17,737	23,471
Dec-2010	215.8	1.2151	15,498	17,769	23,514
Jan-2011	216.3	1.2179	15,534	17,811	23,569

Feb-2011	216.7	1.2202	15,563	17,844	23,612
Mar-2011	217.2	1.2230	15,599	17,885	23,667
Apr-2011	217.7	1.2258	15,635	17,926	23,721
May-2011	218.1	1.2280	15,664	17,959	23,765
Jun-2011	218.6	1.2309	15,700	18,000	23,820
Jul-2011	219.1	1.2337	15,735	18,041	23,874
Aug-2011	219.6	1.2365	15,771	18,082	23,928
Sep-2011	220.1	1.2393	15,807	18,124	23,983
Oct-2011	220.6	1.2421	15,843	18,165	24,037
Nov-2011	221.1	1.2449	15,879	18,206	24,092
Dec-2011	221.6	1.2477	15,915	18,247	24,146
Jan-2012	222.1	1.2506	15,951	18,288	24,201
Feb-2012	222.6	1.2534	15,987	18,329	24,255
Mar-2012	223.0	1.2556	16,016	18,362	24,299
Apr-2012	223.5	1.2584	16,051	18,404	24,353
May-2012	224.0	1.2613	16,087	18,445	24,408
Jun-2012	224.5	1.2641	16,123	18,486	24,462

EXHIBIT "D"

BOUNDARY MAP – Area Referenced in Paragraph 2.02

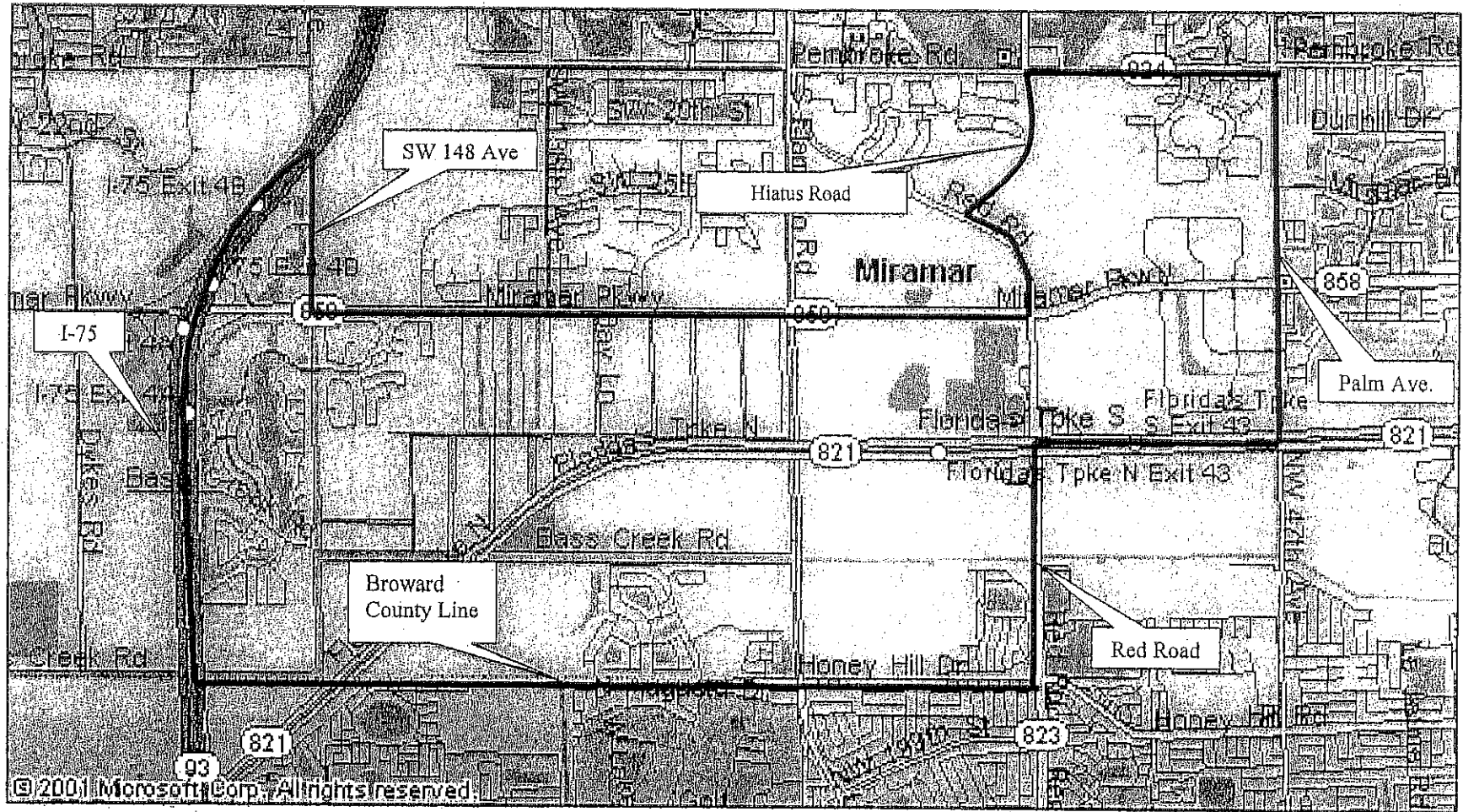


EXHIBIT "D"

MIRAMAR TRIPARTY AGREEMENT

EXHIBIT "E"

BOUNDARY MAP - Area Referenced in Paragraph 2.03

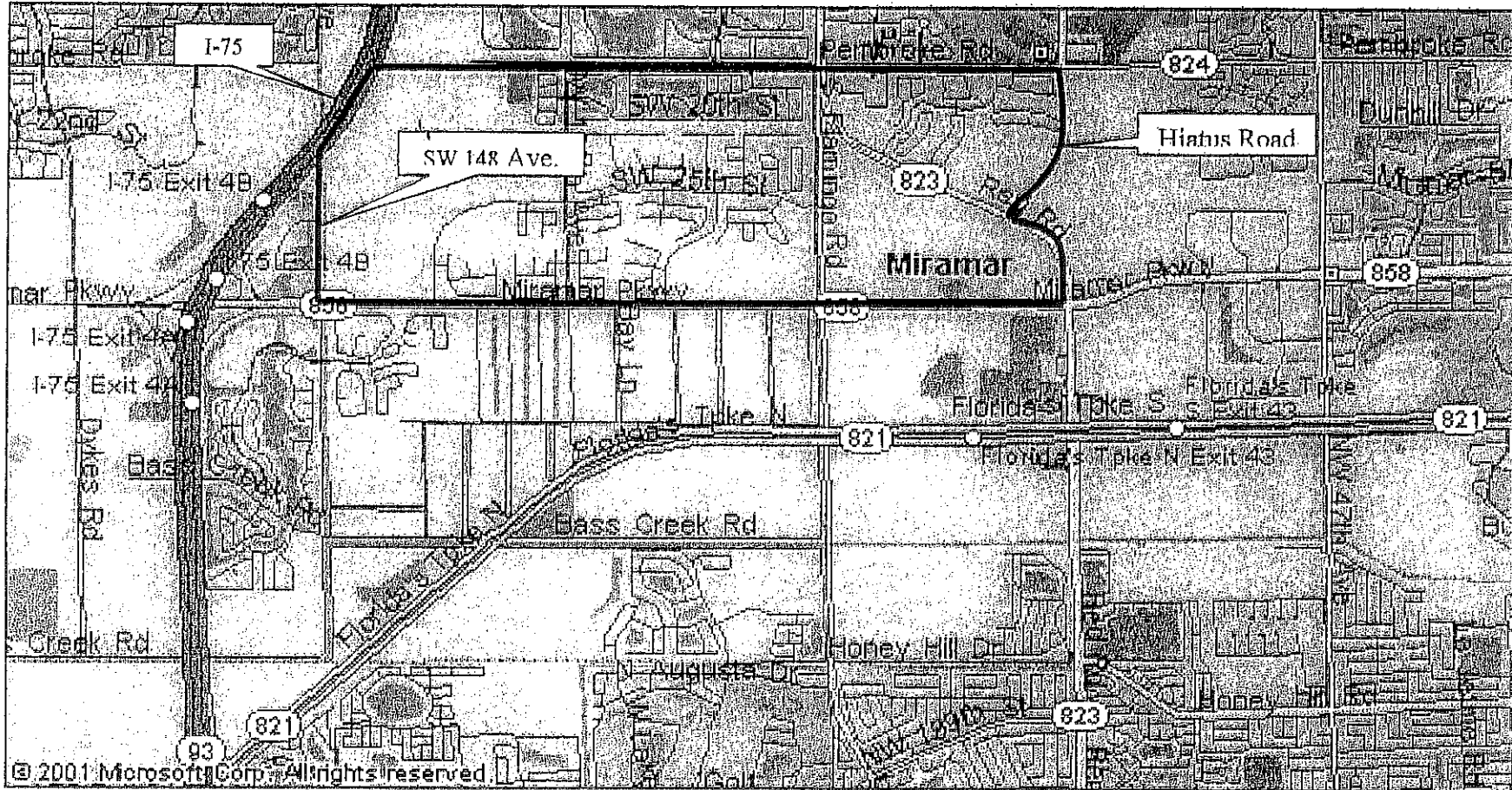


EXHIBIT "E"
MIRAMAR TRIPARTY AGREEMENT