



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:
L-1.

MEETING DATE	2019-07-23 10:05 - Regular School Board Meeting
AGENDA ITEM	ITEMS
CATEGORY	L. 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 type="radio"/> Yes <input checked="" type="radio"/> No

TITLE:
Release of Declaration of Restrictive Covenants Regarding Land Use Plan Amendment PC 04-22, Golf-Tam, Inc.

REQUESTED ACTION:
Approve the Release of the Declaration of Restrictive Covenants (DRC) regarding the voluntary mitigation commitment for Land Use Plan Amendment (LUPA) PC 04-22, Golf-Tam, Inc.

SUMMARY EXPLANATION AND BACKGROUND:
In 2004, School District staff reviewed the application for LUPA PC 04-22, proposed by Golf-Tam, Inc. (aka Bainbridge) for the development of thirty (30) townhouse units located in the City of Oakland Park.

See Supporting Docs for continuation of Summary Explanation and Background.
This item has been reviewed and approved as to form and legal content by the Office of the General Counsel and will be executed and recorded by Broward County after School Board approval.

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

FINANCIAL IMPACT:
There is no financial impact to the District.

EXHIBITS: (List)
(1) Continuation of Summary Explanation and Background (2) Executive Summary (3) Termination and Release of Declaration of Restrictive Covenants (4) Executed and Recorded Declaration of Restrictive Covenants (5) Executed and Recorded Amended 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
7/8/2019, 12:15:18 PM

Approved In Open Board Meeting On:
By:

JUL 23 2019
Heather P. Burkhardt
School Board Chair

IN WITNESS WHEREOF, the parties have made and executed this Termination on the respective dates under each signature: BROWARD COUNTY through its Board of County Commissioners, acting by and through its Mayor or Vice Mayor, authorized to execute same; and THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA acting by and through its Chair, duly authorized to execute same.

WITNESSES:

COUNTY

Name: _____

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

Name: _____

By _____
Mark D. Bogen, Mayor

____ day of _____, 2019

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

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

____ day of _____, 2019

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Mark D. Bogen, Mayor, who is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2019.

Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires:



OFFICIAL SCHOOL BOARD RECORDS

600 SE 3RD AVENUE, FT. LAUDERDALE, FLORIDA 33301

Tel: 754-321-2390 Fax: 754-321-2720

Noemi Gutierrez, Supervisor

DATE: July 1, 2019

TO: L. Houchins 754-321-2177

FROM: Noemi Gutierrez, Supervisor

SUBJECT: Agenda Item: **L-1**
Release of Declaration of Restrictive Covenants Regarding
Land Use Plan Amendment PC 04-22, Golf-Tam, Inc.

BOARD MEETING DATE: July 23, 2019

Please return the executed, original signature page(s) (pg. 3 of 5) from the attached Board Agenda Item(s) to Official School Board Records for its permanent files.

Thank you.

Attachment

/mc



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:
L-1.

MEETING DATE	2019-07-23 10:05 - Regular School Board Meeting
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DEPARTMENT	Facility Planning and Real Estate

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

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See Supporting Docs for continuation of Summary Explanation and Background.
This item has been reviewed and approved as to form and legal content by the Office of the General Counsel and will be executed and recorded by Broward County after School Board approval.

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

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EXHIBITS: (List)
(1) Continuation of Summary Explanation and Background (2) Executive Summary (3) Termination and Release of Declaration of Restrictive Covenants (4) Executed and Recorded Declaration of Restrictive Covenants (5) Executed and Recorded Amended 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
7/8/2019, 12:15:18 PM

Approved In Open Board Meeting On:
By:

JUL 23 2019
Leatha P. Brunkow
School Board Chair

Continuation of Summary Explanation and Background

Staff determined that the development would generate a total of 4 (2 elementary, 1 middle, and 1 high school) additional students into Broward County Public Schools and impact Oriole Elementary, Lauderdale Lakes Middle, and Boyd Anderson High Schools. Thereafter, Golf-Tam, Inc. voluntarily committed to pay Student Station Cost Factors for 4 additional students (2 elementary, 1 middle, and 1 high) and applicable school impact fees for 10 single-family units that were permitted on the site as the mitigation for the students anticipated from the development. In 2005, Golf Tam, Inc. recorded the required Declaration of Restrictive Covenants (DRC) to enable the legal enforcement of the voluntary mitigation commitment. The property was never developed as envisioned in LUPA PC 04-22. Subsequently, Blackwood Partners, LLC and Blackshore Partners, LLC purchased the 5-acre parcel (LUPA PC 04-22) as part of the 140.7-acre Oak Tree Golf Course property acquisition. Blackwood Partners, LLC and Blackshore Partners, LLC filed LUPA PC 19-2 with Broward County for the entire 140.7-acre parcel to change its current land use designation to Irregular (2.88) Residential. The new development plans under LUPA PC 19-2 now envisioned single-family homes on the 5-acre parcel (LUPA PC 04-22) that are subject to the DRC.

On April 8, 2019, Blackwood Partners, LLC and Blackshore Partners, LLC. via its agent requested a Release of the property from the DRC. Since the development planned on the 5-acre component of the property is inconsistent with the commitment made in the DRC, it is recommended that the School Board approve the Release of the DRC regarding the voluntary mitigation commitment for LUPA PC 4-22, Golf-Tam, Inc.

Executive Summary

Release of Declaration of Restrictive Covenants Regarding Land Use Plan Amendment PC 04-22 Golf-Tam, Inc.

Golf-Tam, Inc. Land Use Plan Amendment (LUPA) PC 04-22 consists of approximately 5 acres and is located west of Prospect Road and east of NW 26th Terrace in the City of Oakland Park. In 2004, Golf-Tam, Inc. proposed a land use change from Low (5) Residential and Park and Recreation to Low-Medium (10) Residential to permit the development of 30 townhouse residential units on the site. The District's review of the proposal indicated that the development would generate a total of 4 additional students (2 elementary, 1 middle, and 1 high school). Schools affected during the review period, the 2003-04 school year, were Oriole Elementary, Lauderdale Lakes Middle, and Boyd Anderson High Schools; and at that time, it was determined that mitigation was due for the anticipated students at the elementary, middle, and high school levels.

On August 30, 2005, Golf-Tam, Inc. voluntarily committed to provide mitigation to address 4 additional students (2 elementary, 1 middle, and 1 high) attributed to the overcrowded schools by paying, in one lump sum, the total cost of Student Station Cost Factors for 4 students plus the applicable school impact fee for 10 single-family units that were permitted on the site. Golf-Tam, Inc. memorialized the mitigation commitment via execution and recordation of a Declaration of Restrictive Covenants (DRC) (BK 40448, Pages 864 - 880). On November 15, 2015, Golf-Tam, Inc. executed and recorded an Amended DRC (BK 40917, Pages 1604-1614) containing the same mitigation commitment as in the original DRC.

The property was never developed as envisioned in LUPA PC 04-22. Subsequently, Blackwood Partners, LLC and Blackshore Partners, LLC purchased the 5-acre parcel (LUPA PC 04-22) as part of the 140.7-acre Oak Tree Golf Course property acquisition. Blackwood Partners, LLC and Blackshore Partners, LLC filed LUPA PC 19-2 with Broward County for the entire 140.7-acre parcel to change its current land use designation to Irregular (2.88) Residential. New development plans under LUPA PC 19-2 now envisions single-family homes on the 5-acre parcel (LUPA PC 04-22) that are subject to the DRC.

On April 8, 2019, Blackwood Partners, LLC and Blackshore Partners, LLC. via its agent requested a Release of the property from the DRC. Therefore, it is recommended that the School Board approve the Release of the DRC regarding the voluntary mitigation commitment for LUPA PC 4-22, Golf-Tam, Inc.

PREPARED BY AND RETURN TO:
Alan L. Gabriel, Esq.
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
200 East Broward Boulevard, Suite 1900
Fort Lauderdale, FL 33301

TERMINATION AND RELEASE OF
DECLARATION OF RESTRICTIVE COVENANTS
Land Use Plan Amendment PC 04-22

THIS RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS (the "Release") is made as of the 23rd day of July, 2019 by **BROWARD COUNTY**, a political subdivision of the State of Florida, with a post office address at 115 South Andrews Avenue, Fort Lauderdale, Florida 33301 (the "County"), and **THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**, with a post office address of 600 Southeast 3rd Avenue, Fort Lauderdale, Florida 33301 (the "School Board").

WITNESSETH:

WHEREAS, **GOLF-TAM, INC.**, a Florida corporation, ("Golf-Tam") executed that certain Declaration of Restrictive Covenants dated August 30, 2005 and recorded in Official Records Book 40448, Pages 864-880, Public Records of Broward County, Florida (the "Declaration") affecting certain real property located in the City of Oakland Park, Florida, in Broward County, more particularly described in Exhibit "A" attached hereto (the "Original Parcel"); and

WHEREAS, Golf-Tam, subsequently executed that certain Amended Declaration of Restrictive Covenants dated November 15, 2005 and recorded in Official Records Book 40917, Pages 1604-1614, Public Records of Broward County, Florida (the "Amended Declaration") affecting only the Original Parcel; and

WHEREAS, Golf-Tam filed Land Use Plan Amendment PC 04-22 with the intention of developing 30 townhouse residential units, which units have not been permitted or developed; and

WHEREAS, **BLACKWOOD PARTNERS, LLC** and **BLACKSHORE PARTNERS, LLC** are the current owners ("Current Owners") of approximately 140.7 acres commonly referred to as the Oak Tree Golf Course property ("Oak Tree Property"). The Original Parcel is a 5 acre portion of the Oak Tree Property all of which is located in the City of Oakland Park, Florida; and

WHEREAS, the Current Owners of the Oak Tree Property have filed Land Use Plan Amendment PC 19-2 to change the Land Use Plan designation on the Oak Tree Property to Irregular Residential 2.88 dwelling units per acre. The Oak Tree Property development plan as proposed will consist of 273 single family and 132 townhouse residential units. Development on the Original Parcel is now intended to consist of single family residential lots; and

WHEREAS, since the development as contemplated by PC 04-22 and evidenced by the recorded Declaration and the Amended Declaration is inconsistent with the current development plan for the Oak Tree

Property, the Current Owners have requested their release as the current property owners from these obligations; and

WHEREAS, any subsequent change of use or release of the Declaration and the Amended Declaration would require further public school concurrency review by the Broward School District at the plat or site plan (or functional equivalent) phase of development review of the Oak Tree Property; and

WHEREAS, the County and School Board are willing to release the Declaration and the Amended Declaration and their effect on the Original Property and the Oak Tree Property, as further identified herein.

NOW THEREFORE, in consideration of the mutual covenants, promises and benefits contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. The County and the School Board hereby agree that the Declaration and the Amended Declaration are terminated and of no further force and effect as of the date hereof as to the Original Property, as more particularly described in Exhibit "A", attached hereto.
3. The County and the School Board hereby agree that the Declaration is terminated and of no further force and effect as of the date hereof as to the Oak Tree Property, as more particularly described herein, as the Land Use Plan designation on the Oak Tree Property has been changed to Irregular Residential 2.88 dwelling units per acre. The Oak Tree Property development plan as proposed will consist of 273 single family and 132 townhouse residential units and development on the Original Parcel will now consist of single family residential lots and shall be subject to and satisfy applicable Broward County Public School Concurrency review regulations.

[Signature Pages Follow]

IN WITNESS WHEREOF, the parties have made and executed this Termination on the respective dates under each signature: BROWARD COUNTY through its Board of County Commissioners, acting by and through its Mayor or Vice Mayor, authorized to execute same; and THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA acting by and through its Chair, duly authorized to execute same.

WITNESSES:

COUNTY

Name: _____

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

Name: _____

By _____
Mark D. Bogen, Mayor

____ day of _____, 2019

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

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

____ day of _____, 2019

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Mark D. Bogen, Mayor, who is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2019.

Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires:

SCHOOL BOARD:

WITNESSES:

MOLLIE COPELAND

Name: Mollie Copeland

CETTY MCCLARY

Name: Cetty McClary

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By: Heather P. Brinkworth
Heather P. Brinkworth, Chair

Dated: July 23, 2019

Attest:
By: Robert W. Runcie
Robert W. Runcie
Superintendent of Schools

Approved as to form and legality:
By: Barbara J. Myrick
Printed Name: Barbara J. Myrick, Esq.
Title: School Board Attorney

Dated: July 23, 2019

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Heather P. Brinkworth, Chair, who is personally known to me or who has produced _____ as identification.

Ady WITNESS my hand and official seal in the County and State last aforesaid this 23rd day of _____, 2019.

Notary Public
Notary Public
Printed, printed or stamped name of Notary Public

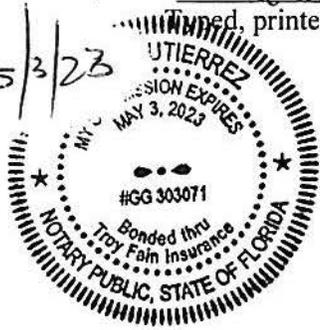
My Commission Expires: 5/3/23


EXHIBIT "A"

LEGAL DESCRIPTION OF DECLARATION
And AMENDED DECLARATION

SKETCH AND DESCRIPTION

PORTION OF

SECTION 17, TOWNSHIP 49 SOUTH, RANGE 42 EAST

EXHIBIT A
1 of 2

LAND DESCRIPTION:

A parcel of land lying in Section 17, Township 49 South, Range 42 East, being more particularly described as follows:

COMMENCE at the Northeast corner of the Northwest One-Quarter (NW 1/4) of the Southeast One-Quarter (SE 1/4) of said Section 17; thence S88°01'31"W, 100.00 feet; thence S01°40'16"E, along the west line of Prospect Road, 441.16 feet to a point of curvature of a curve concave to the East, having a radius of 1246.28 feet and a central angle of 12°07'37"; thence southerly an arc distance of 263.78 feet to the POINT OF BEGINNING; thence continue along said arc, having a radius of 1246.28 feet and a central of 12°36'46"; thence southerly an arc distance of 274.35 feet; thence S88°21'04"W, 857.71 feet; thence N57°50'54"W, 100.00 feet; thence N32°09'06"E, 98.57 feet to a point of curvature of a curve concave to the northwest, having a radius of 100.00 feet and a central angle of 33°56'25"; thence northerly an arc distance of 59.24 feet to a point of tangency; thence N01°47'19"W, 39.39 feet to a point of curvature of a curve concave to the southeast, having a radius of 25.00 feet and a central angle of 90°00'00"; thence northerly an arc distance of 39.27 feet to a point of tangency; the preceding five courses and distances being along a private road and Lot 1, as shown on the plat of GOLF-TAM VILLAGE, as recorded at Plat Book 119, Page 18 of the Public Records of Broward County, Florida; thence N88°12'41"E, 757.56 feet to the POINT OF BEGINNING.

Said lands lying and situate in Broward County, Florida, containing 217,812 square feet, (5.0003 acres) more or less.

NOTES:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the surveyor.
4. Data shown hereon was compiled from Instrument(s) of record and does not constitute a boundary survey.
5. No underground Improvements were located.
6. Bearings shown hereon are relative to the north line of the N.W. 1/4, S.E. 1/4, of Section 17, Township 49 South, Range 42 East having a bearing of S88°01'31"W.
7. Abbreviation Legend: L = Arc Length; L.B.= Licensed Business; P.B.= Plat Book; B.C.R.= Broward County Records; PG.= Page; P.L.S.= Professional Land Surveyor; P.O.B.= Point of Beginning; P.O.C.= Point of Commencement; R = Radius; Δ= Central Angle.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Minimum Technical Standards set forth in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 5/10/04

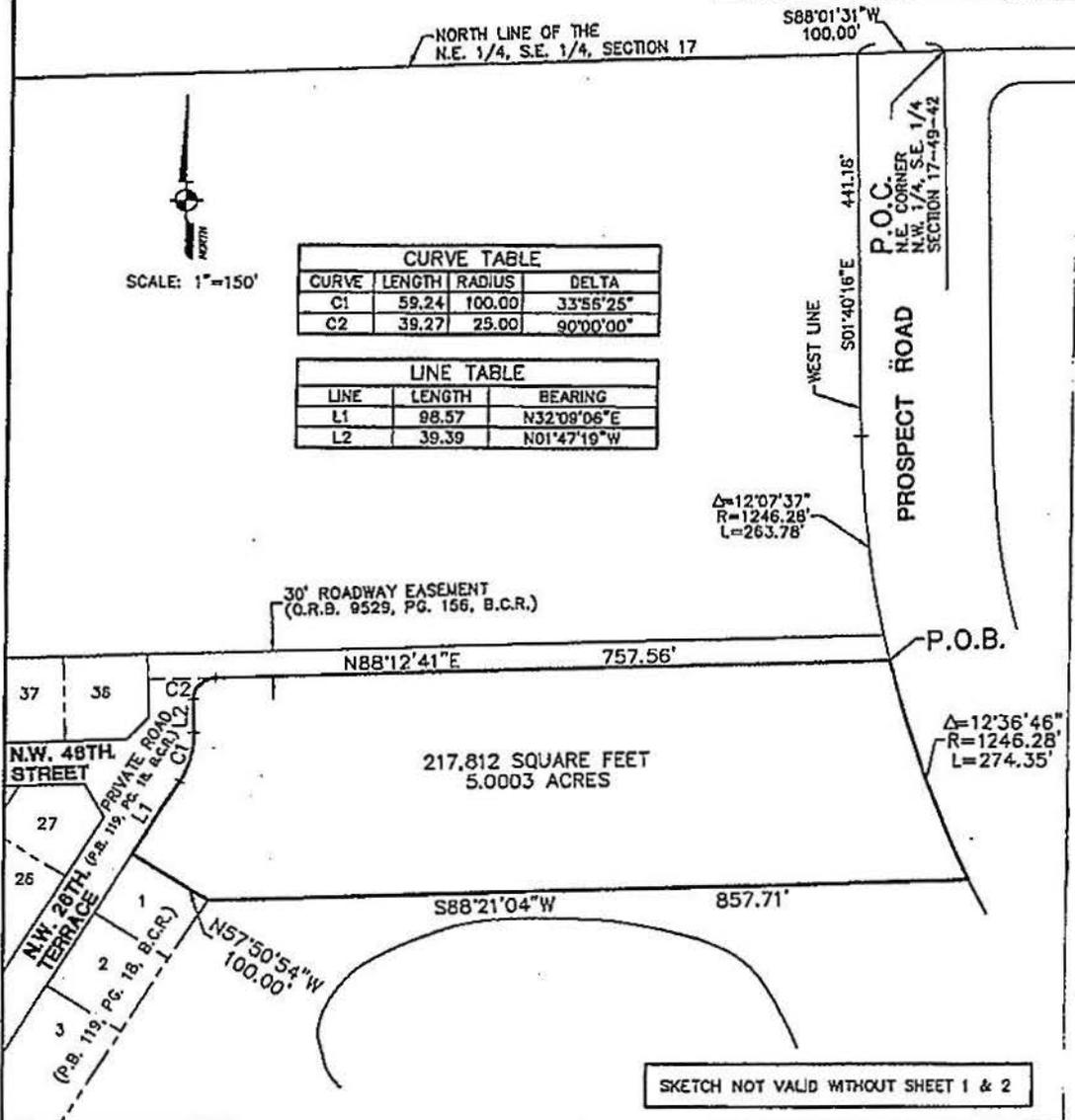
John V. Doogan
JOHN V. DOOGAN, P.L.S.
Florida Registration No. 4409
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

SKETCH NOT VALID WITHOUT SHEET 1 & 2

REVISIONS		AVIROM & ASSOCIATES, INC.	JOB NO.7428
		SURVEYING & MAPPING	SCALE: 1" = 150'
		80 B.W. 2ND AVENUE, SUITE 102	DATE: 05/05/04
		BOCA RATON, FLORIDA 33432	DRAWN BY: C.L.P.
		TEL. (561) 392-2594, FAX (561) 394-7125 ©2004 AVIROM & ASSOCIATES, INC. ALL RIGHTS RESERVED.	SHEET: 1 OF: 2

SKETCH AND DESCRIPTION
 PORTION OF
 SECTION 17, TOWNSHIP 49 SOUTH, RANGE 42 EAST

EXHIBIT A
 2 of 2



SCALE: 1"=150'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	59.24	100.00	33°56'25"
C2	39.27	25.00	90°00'00"

LINE TABLE		
LINE	LENGTH	BEARING
L1	98.57	N32°09'06"E
L2	39.39	N01°47'19"W

REVISIONS



AVIROM & ASSOCIATES, INC.
 SURVEYING & MAPPING
 50 S.W. 2ND AVENUE, SUITE 102
 BOCA RATON, FLORIDA 33432
 TEL (561) 392-2594, FAX (561) 394-7125
 ©2004 AVIROM & ASSOCIATES, INC. ALL RIGHTS RESERVED.

JOB NO. 7428
 SCALE: 1" = 150'
 DATE: 05/05/04
 DRAWN BY: C.L.P.
 SHEET: 2 OF: 2

SKETCH NOT VALID WITHOUT SHEET 1 & 2

FORM DECLARATION
WITH EXISTING UNITS

Revised 6/3/05

Return to: (enclose self-addressed stamped envelope)

Name: Leigh R. Kerr, President
Leigh Robinson Kerr & Associates, Inc.
Address: 808 East Las Olas Boulevard #104
Fort Lauderdale, FL 33301

This Instrument Prepared by: Leigh R. Kerr, AICP
Leigh Robinson Kerr & Associates, Inc.
808 E. Las Olas Blvd. #104
Ft. Lauderdale, FL 33301

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS

This Declaration of Restrictive Covenants ("Declaration") related to Broward County Public Schools student impacts is executed this 30th day of Aug., 2005 by GOLF-TAM, INC., a Florida corporation, its successors and assigns ("Owner"), whose address is 2400 W. Prospect Rd. Oakland Park, FL 33309, shall be for the benefit of BROWARD COUNTY, a political subdivision of the State of Florida, with a post office 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 3rd Avenue, Fort Lauderdale, FL 33301 ("School Board").

WHEREAS, Owner is the fee simple owner of approximately 5 gross acres of land generally located at 2400 West Prospect Road, in the City of Oakland Park, Florida, in Broward County, more particularly described in the attached Exhibit "A" ("Property"); and

WHEREAS, ten (10) single family units are currently permitted on the Property pursuant to the existing Low (5) Residential and Park and Recreation land use designation which generates two (2) elementary, one (1) middle and one (1) high school student; and

WHEREAS, Owner has submitted Land Use Plan Amendment Application PC 04-22 ("Application") for the Property, to change the Property's designation from Low (5) Residential and Park and Recreation to Low Medium 10 Residential permitting an additional 20 residential units consisting of, 20 townhouses, units which is anticipated to generate four (4) additional students consisting of two (2) elementary, one (1) middle and one (1) high school student; and

WHEREAS, in connection with the Application, Owner has voluntarily agreed to enter into this Declaration regarding the mitigation of student impacts for the four (4) students which is the number of students anticipated to be generated by the future development of the additional twenty (20) townhouse units proposed for the development of the Property consistent with the Public School Facility Impact Statement Report dated August 19, 2004, a copy of which is attached hereto as Exhibit "B", associated with the proposed development on the Property; and

(17)

**FORM DECLARATION
WITH EXISTING UNITS**

Revised 6/3/05

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

NOW, THEREFORE, the undersigned agree and covenant to the following:

1. The above recitals are true and correct and are incorporated herein.
2. Prior to the issuance of Department of Planning and Environmental Protection construction approval for the Property, Owner shall make payment to the County for the applicable school impact fees due based on Broward County Ordinance No. 97-40 for the 10 single family residential units currently permitted on the Property pursuant to the existing Low (5) Residential and Park and Recreation land use designation.
3. 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, Owner shall make one lump sum payment to the School Board for the State of Florida established Student Station Cost Factors for the four (4) additional students consisting of two (2) elementary, one (1) middle and one (1) high school student generated by the additional 20 townhouse units. The total payment amount due shall be determined at the time of payment and based upon the then applicable State of Florida established Student Station Cost Factors schedule; however, the total mitigation payment shall be no less than \$64,410. Owner shall obtain proof of such payment from the School Board and provide same to the Broward County Development Management Division. The School Board has issued a letter dated August 19, 2004, 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.

Said payment shall mitigate towards the cost of providing student stations for the total number of students anticipated from the Property and created as a result of the approval of Broward County Land Use Plan Amendment PC 04-22. This voluntary commitment constitutes the totality of all obligations to pay school impact fees and mitigation fees subject to the provisions set forth within Paragraph 2 and 3 above.

4. Once the mitigation payment has been made, no additional school impact fees will be required of Owner upon payment of the amount referenced in Paragraphs 2 and 3 above for the development referenced above. In the event that the total number of residential units change 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, Owner 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 20 total units contemplated herein and notify Owner and the County of any further increase in the number of anticipated students. Owner 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 Owner 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 Owner by the County or the School Board.

FORM DECLARATION
WITH EXISTING UNITS

The foregoing instrument was acknowledged before me this ^{Revised 6/3/05} 30 day of August, 2005, by R H GRAB as Pres. of GOLF-TAM, INC., a Florida corporation, freely and voluntarily on behalf of said Coop.. He/She is personally known to me or has produced _____ as identification.

Bernadette Costanzo
Notary Public, State of Florida
My Commission Expires:



Bernadette Costanzo
Commission # 00335887
Expires Aug 27, 2008
Florida
Automatic Bonding Co., Inc.

**FORM DECLARATION
WITH EXISTING UNITS**

Revised 6/3/05

EXHIBIT LIST

EXHIBIT "A"

PROPERTY LEGAL DESCRIPTION
(TOGETHER WITH A PROPERTY SKETCH)

EXHIBIT "B"

PUBLIC SCHOOL FACILITY IMPACT STATEMENT REPORT

EXHIBIT "C"

SCHOOL BOARD LETTER OF CONCURRENCE

SKETCH AND DESCRIPTION
 PORTION OF
 SECTION 17, TOWNSHIP 49 SOUTH, RANGE 42 EAST

EXHIBIT A
 1 of 2

LAND DESCRIPTION:

A parcel of land lying in Section 17, Township 49 South, Range 42 East, being more particularly described as follows:

COMMENCE at the Northeast corner of the Northwest One-Quarter (NW 1/4) of the Southeast One-Quarter (SE 1/4) of said Section 17; thence S88°01'31"W, 100.00 feet; thence S01°40'16"E, along the west line of Prospect Road, 441.16 feet to a point of curvature of a curve concave to the East, having a radius of 1246.28 feet and a central angle of 12°07'37"; thence southerly an arc distance of 263.78 feet to the POINT OF BEGINNING; thence continue along said arc, having a radius of 1246.28 feet and a central of 12°36'46"; thence southerly on arc distance of 274.35 feet; thence S88°21'04"W, 857.71 feet; thence N57°50'54"W, 100.00 feet; thence N32°09'06"E, 98.57 feet to a point of curvature of a curve concave to the northwest, having a radius of 100.00 feet and a central angle of 33°56'25"; thence northerly an arc distance of 59.24 feet to a point of tangency; thence N01°47'19"W, 39.39 feet to a point of curvature of a curve concave to the southeast, having a radius of 25.00 feet and a central angle of 90°00'00"; thence northerly an arc distance of 39.27 feet to a point of tangency; the preceding five courses and distances being along a private road and Lot 1, as shown on the plat of GOLF-TAM VILLAGE, as recorded at Plat Book 119, Page 18 of the Public Records of Broward County, Florida; thence N88°12'41"E, 757.56 feet to the POINT OF BEGINNING.

Said lands lying and situate in Broward County, Florida, containing 217,812 square feet, (5.0003 acres) more or less.

NOTES:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. No underground Improvements were located.
6. Bearings shown hereon are relative to the north line of the N.W. 1/4, S.E. 1/4, of Section 17, Township 49 South, Range 42 East having a bearing of S88°01'31"W.
7. Abbreviation Legend: L = Arc Length; L.B.= Licensed Business; P.B.= Plat Book; B.C.R.= Broward County Records; PG.= Page; P.L.S.= Professional Land Surveyor; P.O.B.= Point of Beginning; P.O.C.= Point of Commencement; R = Radius; Δ= Central Angle.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Minimum Technical Standards set forth in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 5/10/04

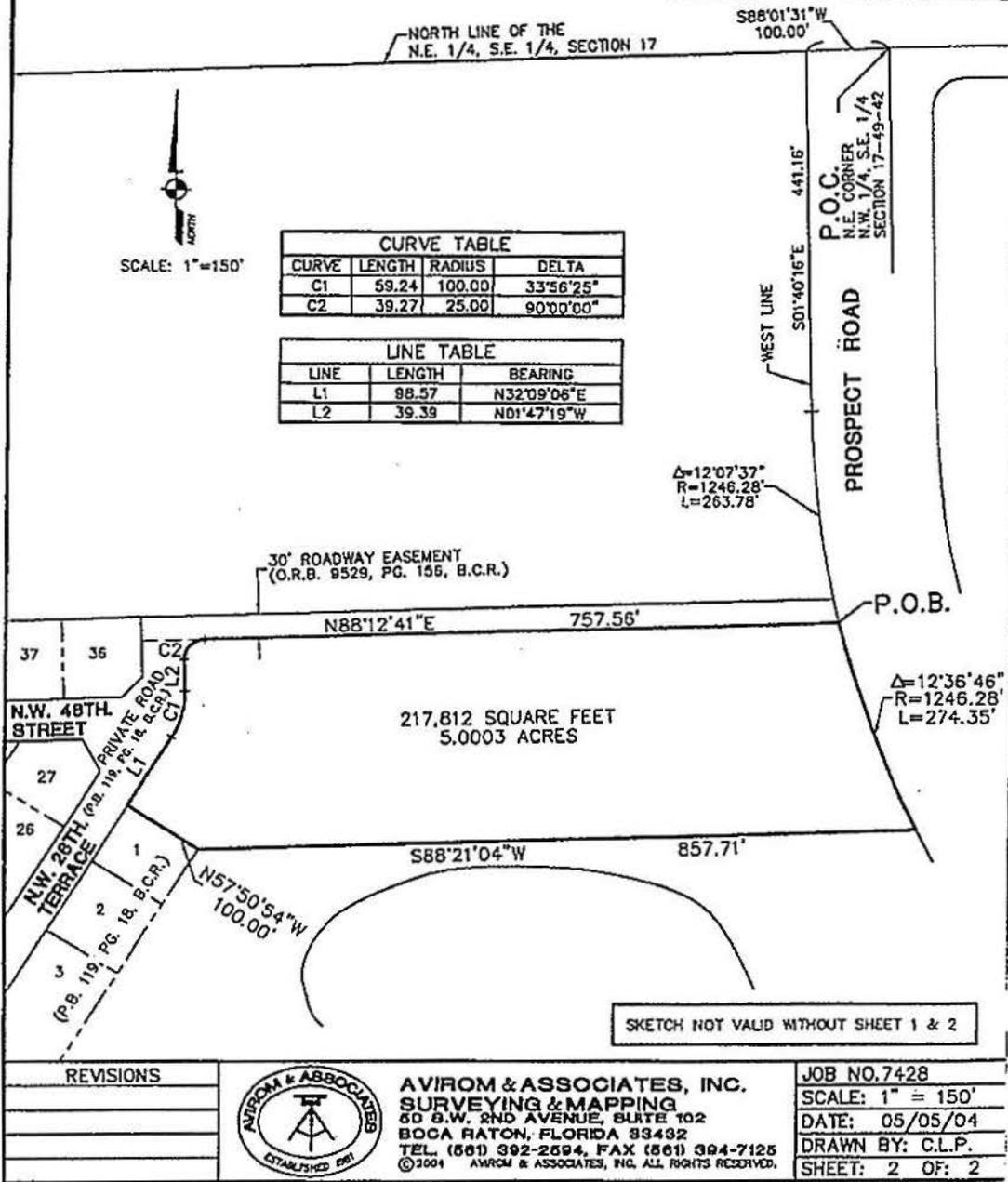

 JOHN V. DOOGAN, P.L.S.
 Florida Registration No. 4409
 AVIROM & ASSOCIATES, INC.
 L.B. No. 3300

SKETCH NOT VALID WITHOUT SHEET 1 & 2

REVISIONS		AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING 80 S.W. 2ND AVENUE, SUITE 102 BOCA RATON, FLORIDA 33432 TEL. (561) 392-2694, FAX (561) 394-7128 ©2004 AVIROM & ASSOCIATES, INC. ALL RIGHTS RESERVED.	JOB NO. 7428
		SCALE: 1" = 150'	DATE: 05/05/04
			SHEET: 1 OF: 2

SKETCH AND DESCRIPTION
 PORTION OF
 SECTION 17, TOWNSHIP 49 SOUTH, RANGE 42 EAST

EXHIBIT A
 2 of 2



REVISIONS



AVIROM & ASSOCIATES, INC.
 SURVEYING & MAPPING
 60 S.W. 2ND AVENUE, SUITE 102
 BOCA RATON, FLORIDA 33432
 TEL. (561) 392-2694, FAX (561) 394-7125
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JOB NO. 7428
SCALE: 1" = 150'
DATE: 05/05/04
DRAWN BY: C.L.P.
SHEET: 2 OF: 2

08/19/2004 11:18 FAX

EXHIBIT B

004/004

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

<u>Property Description</u>			
Type:	County	SEC 17	TWP 48 RRG 42
Amendment #:	PC 04-22		
Owner / Developer :	Castillo Grand, LLC		
Jurisdiction :	City of Oakland Park		
Current Land Use:	Low (5) Residential and Park and Recreation (Approx. 5.6 Ac.)		
Proposed Land Use:	Low Medium (10) Residential (Approx. 5.6 Ac.)		

<u>Potential Student Impact*</u>		<u>Additional Impact:</u>		<u>Cumulative Students From</u>			
				<u>LUPA Approved Since:</u>			
Existing Permitted Units:	10	Elementary Students:	4	Since			
Proposed Units:	30	Middle Students:	2	Since			
Net Change :	+20	High Students:	2	Elem	Midd	High	Total
		Total:	8	<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.

<u>Currently Assigned Schools*</u>	School Capacity	20th Day* Enrollment	Over/ (Under) Enrolled	Projected Enrollment**				
				04/05	05/06	06/07	07/08	08/09
Oriole Elementary	709	827	118	842	879	893	886	891
Lauderdale Lakes Middle	927	1,012	85	953	954	967	970	1,022
Anderson, Boyd H. High	2,773	2,891	82	2,874	2,931	3,055	3,078	3,013

COMMENTS: Broward County Public Schools staff is advising the Broward County Planning Council, Broward County Commissioners, the applicant(s)/owner(s) and/or future developer(s) of the amendment site that based on the School District's 2003/04 Twentieth Day Membership Counts Report, Oriole Elementary and Lauderdale Lakes Middle Schools were overcrowded in the 2003/04 school year. The same schools are scheduled to serve the area of the site in the 2004/05 school year. Indications are that the current land use designation for the site permits the development of 10 single family units, which generates two elementary, one middle and one high school student for a total of four students. This application was reviewed as a potential 30 three or more bedroom townhouse units development, and as currently proposed, is anticipated to generate a total of eight (four additional) students into Broward County Public Schools which will exacerbate overcrowded conditions at the impacted schools. This application is subject to the provisions of Section 7.5 of the Interlocal Agreement for Public School Facility Planning which calls for the mitigation of students generated by proposed residential density increase. However, the applicant has voluntarily committed to pay in one lump sum, the applicable cost per student station amount as mitigation towards the cost of providing student stations for the anticipated students. Staff concurs with the voluntary commitment (see attached correspondence). 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. Information for charter schools located within a two-mile radius of the site was provided in a previous correspondence.

* Note: 2003/04 School Year Data - School attendance areas are subject to change each year.
** Adjusted Cohort projections - Cohort Survival Model, School Boundaries Department.

<u>Planned and Funded Improvements in the Currently Adopted District Educational Facilities Plan</u>	
Elementary Schools:	None
Middle Schools:	None
High Schools:	Boyd Anderson: Remolding of old kitchen/caterina to three classrooms. Bulk funding slated for FY 2005/06.
Comments:	

Date: August 19, 2004

Revised 6/20/03

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

08/19/2004 11:18 FAX

002/004

EXHIBIT C
1 of 2



THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
690 Southeast Third Avenue, 14th FL. FT. LAUDERDALE, FLORIDA 33301 • TEL 754-321-3161 • FAX 754-321-3179

THOMAS J. COATES, *Executive Director*
Facility Management, Planning & Site Acquisition
tom.coates@browardschools.com

SCHOOL BOARD

Chair CAROLE L. ANDREWS
Vice Chair STEPHANIE ADAMA KRAFT, ESQ.
JUDIE S. BUDNICK
DARLA L. CARTER
BEVERLY A. GALLAGHER
DR. ROBERT D. PARKS
MARTY RUBINSTEIN
LOIS WEXLER
BENJAMIN J. WILLIAMS

DR. FRANK TELI
Superintendent of Schools

August 19, 2004

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

Re: Revised Land Use Plan Amendment PC 04-22

Dear Mr. Sniezek:

Attached per the request from your staff, is the revised Public School Facility Impact Statement Report for Land Use Plan Amendment (LUPA) PC 04-22. Recent information provided by your office indicates that the current land use designation for LUPA 04-22 permits the development of 10 single-family units, which generates two elementary, one middle and one high school student for a total of four students. This application was reviewed as a potential 30 three or more bedrooms townhouse units development, and as currently proposed, is anticipated to generate a total of eight (four additional) students into Broward County Public Schools which will exacerbate overcrowded conditions at the impacted schools.

Schools that served the area of the amendment site in the 2003/04 school year were Oriole Elementary, Lauderdale Lakes Middle and Boyd Anderson High Schools. Based on the 2003/04 Twentieth-Day Membership Counts Report, Oriole Elementary and Lauderdale Lakes Middle Schools were overcrowded in the 2003/04 school year. The same schools are scheduled to serve the area of the amendment site in the 2004/05 school year.

In the currently adopted District Educational Facilities Plan, Fiscal Years (FY) 2004/05 to 2008/09, the old kitchen/cafeteria area of Boyd Anderson High School is scheduled for remodeling to create three classrooms. However, the bulk of the funding for the project is slated for FY 2005/06.

Charter schools located within a two-mile radius of the amendment site in the 2003/04 school year, and the Twentieth Day statistical data for the schools was provided in the correspondence dated July 19, 2004. The same charter schools with the inclusion of Charter Institute Annex (K-5), Eagle Academy (6) and Smart School Institute (9) are scheduled to serve the area of the site in the 2004/05 school year. However, North Broward Academy of Excellence (K-5) and North Lauderdale Academy (9-12) are not anticipated to serve the site in the 2004/05 school year.

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

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

08/19/2004 11:18 FAX

003/004

EXHIBIT C

2 of 2

Revised Land Use Plan Amendment PC 04-22

August 19, 2004

Page 2

increase. However, the applicant has voluntarily committed to pay in one lump sum (see attached correspondence from John McDonald), the applicable cost per student station amount as mitigation towards the cost of providing student stations for the anticipated students. This payment will be made prior to obtaining the Department of Planning and Environmental Protection (DPEP) approval for the first building permit for the units. Staff concurs with the voluntary commitment, and agrees that the commitment will satisfactorily contribute towards the provision of student stations for the anticipated students. Furthermore, staff requests that as a condition for approval of LUPA PC 04-22, and prior to the land use plan amendment becoming effective, the applicant or property owner must execute a Declaration of Restrictive Covenant that at the minimum addresses 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 the full payment of the applicable cost per student station amount will be made directly to the School Board of Broward County, Florida when due.

Correspondence containing this payment should be addressed to my attention at the above stated address. Additionally, the Declaration of Restrictive Covenant must be submitted to District staff for review and deemed recordable by Broward County before execution and recordation, and an executed copy of the Restrictive Covenant shall be provided to Broward County School District.

As you are 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, it should be noted that the permanent school capacity for the impacted schools dropped significantly due to compliance with the class size constitutional amendment, and will continue to decrease until final compliance with the mandate.

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 contact me at chris.akagbosu@browardschools.com or at 754-321-2162.

Sincerely,



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

COA:coa

Attachment

cc: Thomas J. Coates, Executive Director, Facility Management, Planning & Site Acquisition Department
Thomas Moore, Demographer/Statistician, School Boundaries Department

Return to (include e-mail address if e-mailed envelope)

Name: Leigh R. Kerr

Address: 808 East Las Olas Blvd.
Ft. Lauderdale, Fl. 33301

This instrument prepared by:

Leigh R. Kerr, President
Kerr & Assoc., Inc.
808 East Las Olas Blvd.
Ft. Lauderdale, Fl. 33301

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Covenant") made this 28 of September 2004 by Golf Tam, Inc. a Florida corporation, with an address of 2400 W. Prospect Rd., Oakland Park, FL 33309 ("Owner"), shall be for the benefit of BROWARD COUNTY, a political subdivision of the State of Florida, with a post office address at 115 South Andrews Avenue Fort Lauderdale FL 33301, ("County").

WITNESSETH:

WHEREAS, the Owner is the fee simple owner of approximately 5.0 gross acres of land, generally located on the south side of Prospect Road, west of Northwest 21st Avenue, in the City of Oakland Park and more particularly described in Exhibit "A" ("Property"); and

WHEREAS, the Owner has made an application to Broward County ("County") for the approval of a land use plan amendment ("Amendment") to change the designation of the Property from 5.0 gross acres of Parks and Recreation designation to Low Residential; and Medium (10)

WHEREAS, the Owner has offered to enter into this Covenant to restrict the utilization of the Property; and

WHEREAS, the Owner agrees to grant this Covenant to the County, and the County agrees to accept this Covenant in order to place certain restrictions on the development of the Property upon final approval of Owner's application for amendment to Broward County Use Plan for the Property.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Owner hereby declares that the Property specifically referenced herein shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the covenants, restrictions, and regulations hereinafter set forth, all of which shall run with such property and any part thereof and

FPL:149778:1

which shall be binding upon all parties having any right, title or interest in such property or any part thereof, their heirs, successors and assigns.

1. Recitations. The recitations set forth above are true and correct and are incorporated into this Declaration by this reference.

2. Property Development. Owner shall restrict the development of the Property to 30 townhouse units. Also, the portion of the property adjacent to Lot 1, P.B. 119, Pg. 18, BCR shall be developed per the attached Exhibit B to assure appropriate buffers to residents.

3. Amendments. This Covenant shall not be modified, amended or released as to any portion of the Property except by written instrument, executed by the then owner or owners of the portion of the Property affected by such modification, amendment, or release and approved in writing by the County. The appropriate governmental authority of the County shall execute a written instrument effectuating and acknowledging such modification, amendment or release. Any amendment, modification or release of this Covenant shall be recorded in the Public Records of Broward County, Florida.

4. Recordation and Effective Date. This instrument shall not become effective and shall not be recorded in the Public Records of Broward County, Florida until after approval by Broward County of the requested amendment to the Broward County Land Use Plan changing the 5.0 gross acres from ^{Parks and Recreation} Residential, and the expiration of all appeal periods or if an appeal is filed the conclusion of such appeal with the amendment in full force and effect. Once recorded, this restrictive covenant shall run with the Property for the sole benefit of Broward County and shall bind all successors and assigns to the title of the Property.

5. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part thereof 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.

6. Captions, Headings and Titles. Articles and paragraph captions, headings and titles inserted throughout this Covenant are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way effect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Covenant.

7. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

Sep 24 2004 8:03AM LRKA

954-467-6308

P.4

IN WITNESS WHEREOF, the Owner has executed this Declaration of Restrictive Covenants on the day first above written.

GOLF TAM, INC., a Florida Corporation

[Signature]
Signature Witness
Chad Archwlotz
Printed Name of Witness

By: [Signature]
Printed Name RH Breda
Title: OWNER

Signature of Witness

STATE OF Florida)
COUNTY OF Broward)

I HEREBY CERTIFY, that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, the foregoing instrument was acknowledged before me by RH Breda, the _____ of GOLF TAM, INC., a Florida corporation, freely and voluntarily under authority duly vested in him/her by said corporation on behalf of the general partnership, and that the seal affixed thereto is the true corporate seal of said corporation. He/She is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 28 day of September, 2004.

[Signature]
Notary Public
Kelly A. Ray
Type, printed or stamped name of Notary Public

My Commission Expires:
10/15/2007

 Kelly A. Ray
Commission #DD254921
Expires: Oct 15, 2007
Bonded Through
Atlantic Bonding Co., Inc.

SKETCH AND DESCRIPTION
 PORTION OF

SECTION 17, TOWNSHIP 49 SOUTH, RANGE 42 EAST

EXHIBIT A
 1 of 2

LAND DESCRIPTION:

A parcel of land lying in Section 17, Township 49 South, Range 42 East, being more particularly described as follows:

COMMENCE at the Northeast corner of the Northwest One-Quarter (NW 1/4) of the Southeast One-Quarter (SE 1/4) of said Section 17; thence S88°01'31"W, 100.00 feet; thence S01°40'16"E, along the west line of Prospect Road, 441.16 feet to a point of curvature of a curve concave to the East, having a radius of 1246.28 feet and a central angle of 12°07'37"; thence southerly an arc distance of 263.78 feet to the POINT OF BEGINNING; thence continue along said arc, having a radius of 1246.28 feet and a central of 12°36'46"; thence southerly an arc distance of 274.35 feet; thence S88°21'04"W, 857.71 feet; thence N57°50'54"W, 100.00 feet; thence N32°09'06"E, 98.57 feet to a point of curvature of a curve concave to the northwest, having a radius of 100.00 feet and a central angle of 33°56'25"; thence northerly an arc distance of 59.24 feet to a point of tangency; thence N01°47'19"W, 39.39 feet to a point of curvature of a curve concave to the southeast, having a radius of 25.00 feet and a central angle of 90°00'00"; thence northerly an arc distance of 39.27 feet to a point of tangency; the preceding five courses and distances being along a private road and Lot 1, as shown on the the plat of GOLF-TAM VILLAGE, as recorded at Plat Book 119, Page 18 of the Public Records of Broward County, Florida; thence N88°12'41"E, 757.56 feet to the POINT OF BEGINNING.

Said lands lying and situate in Broward County, Florida, containing 217,812 square feet, (5.0003 acres) more or less.

NOTES:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. No underground improvements were located.
6. Bearings shown hereon are relative to the north line of the N.W. 1/4, S.E. 1/4, of Section 17, Township 49 South, Range 42 East having a bearing of S88°01'31"W.
7. Abbreviation Legend: L = Arc Length; L.B.= Licensed Business; P.B.= Plat Book; B.C.R.= Broward County Records; PG.= Page; P.L.S.= Professional Land Surveyor; P.O.B.= Point of Beginning; P.O.C.= Point of Commencement; R = Radius; Δ= Central Angle.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Minimum Technical Standards set forth in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 5/10/04

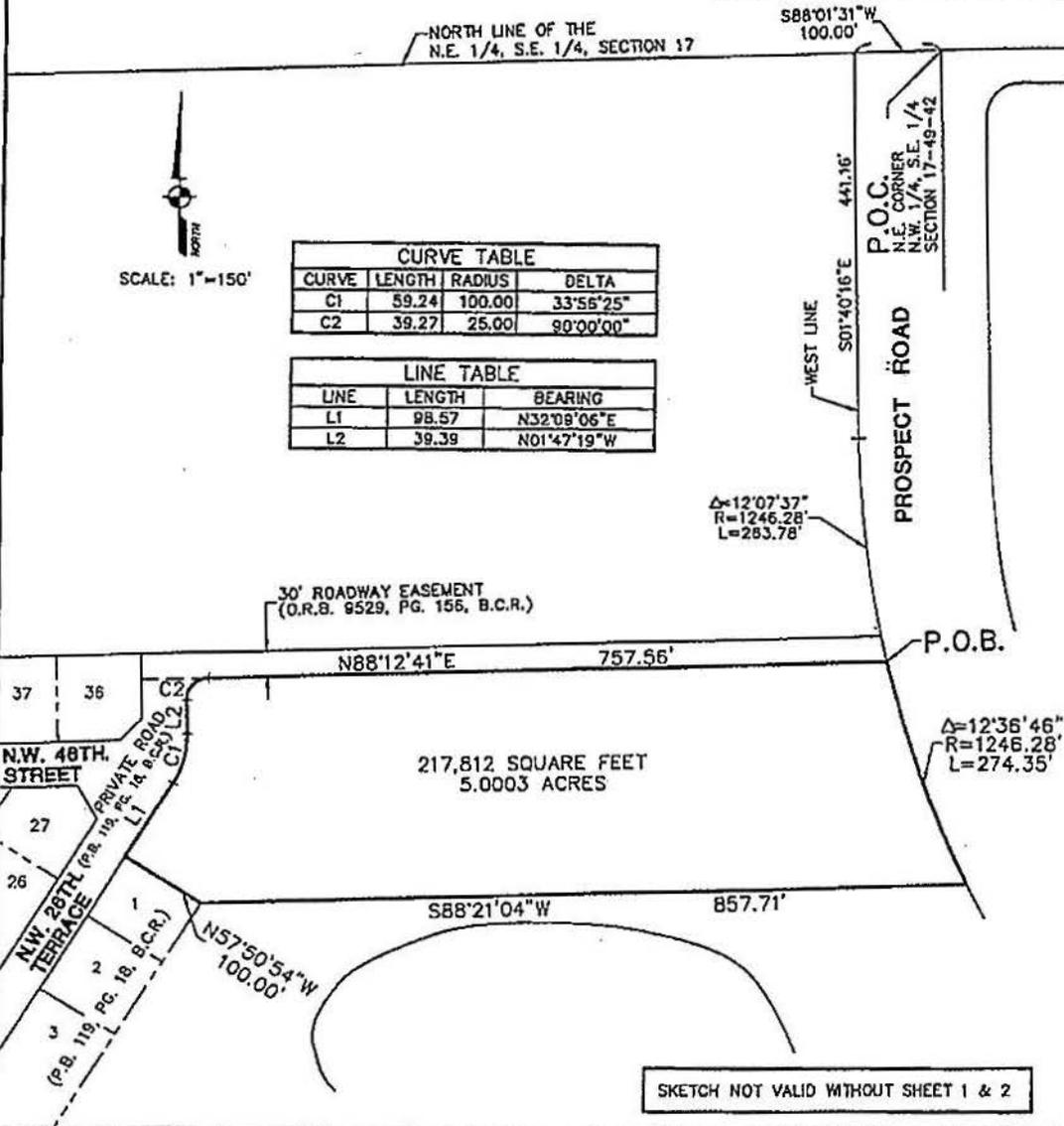

 JOHN V. DOOGAN, P.L.S.
 Florida Registration No. 4409
 AVIROM & ASSOCIATES, INC.
 L.B. No. 3300

SKETCH NOT VALID WITHOUT SHEET 1 & 2

REVISIONS		AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING 60 S.W. 2ND AVENUE, SUITE 102 BOCA RATON, FLORIDA 33432 TEL. (561) 392-2594, FAX (561) 394-7128 ©2004 AVIROM & ASSOCIATES, INC. ALL RIGHTS RESERVED.	JOB NO. 7428 SCALE: 1" = 150' DATE: 05/05/04 DRAWN BY: C.L.P. SHEET: 1 OF: 2

SKETCH AND DESCRIPTION
 PORTION OF
 SECTION 17, TOWNSHIP 49 SOUTH, RANGE 42 EAST

EXHIBIT A
 2 of 2



SCALE: 1"=150'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	59.24	100.00	33°55'25"
C2	39.27	25.00	90°00'00"

LINE TABLE		
LINE	LENGTH	BEARING
L1	98.57	N32°08'06"E
L2	39.39	N01°47'19"W

REVISIONS

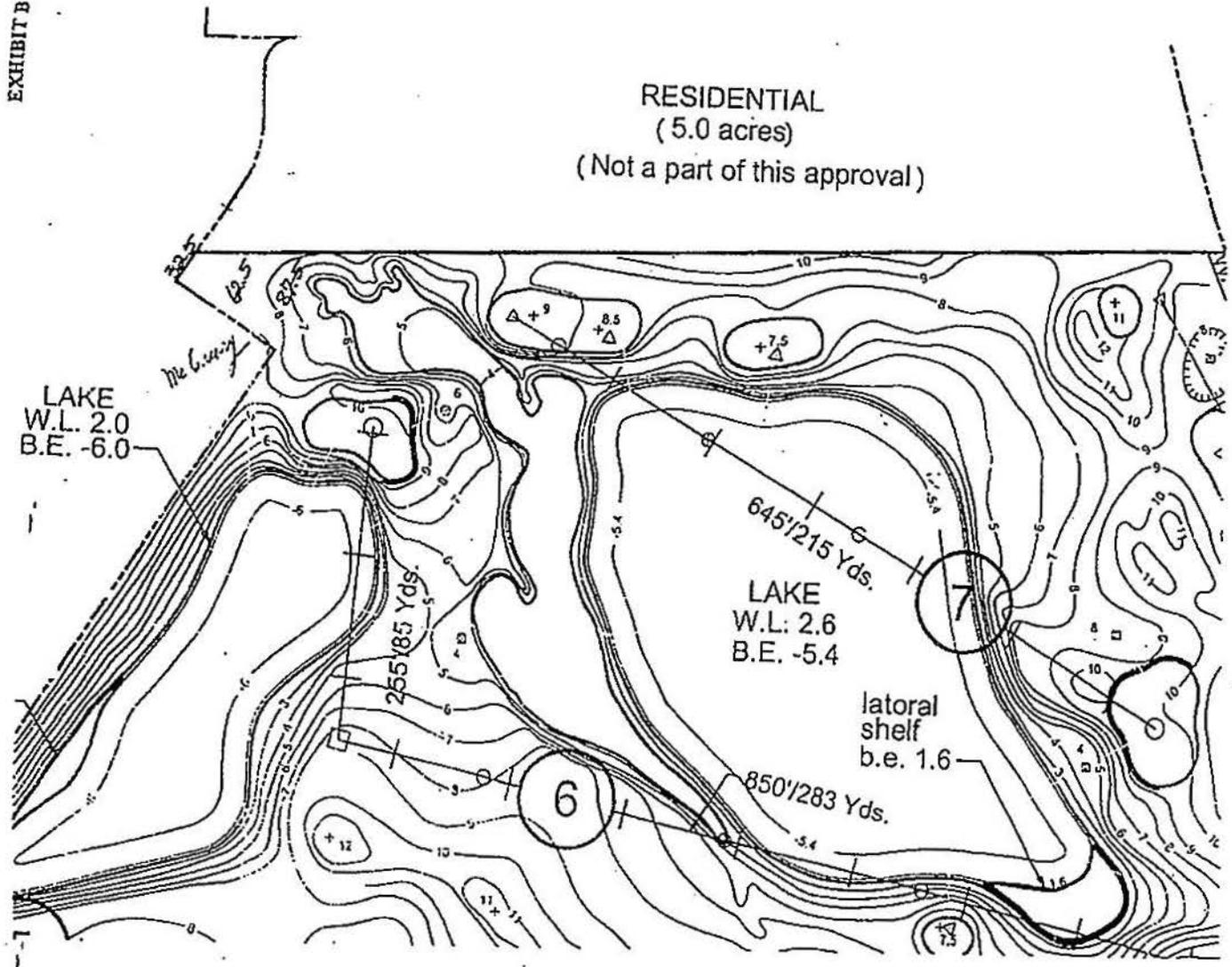


AVIROM & ASSOCIATES, INC.
 SURVEYING & MAPPING
 60 S.W. 2ND AVENUE, SUITE 102
 BOCA RATON, FLORIDA 33432
 TEL. (866) 362-2894, FAX (866) 394-7128
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JOB NO.7428
 SCALE: 1" = 150'
 DATE: 05/05/04
 DRAWN BY: C.L.P.
 SHEET: 2 OF: 2

SKETCH NOT VALID WITHOUT SHEET 1 & 2

EXHIBIT B



Return to: (enclose self-addressed stamped envelope)

Name: Leigh R. Kerr, President
Leigh Robinson Kerr & Associates, Inc.
Address: 808 East Las Olas Boulevard #104
Fort Lauderdale, FL 33301

INSTR # 105535247
OR BK 40917 Pages 1604 - 1614
RECORDED 11/17/05 10:19:06
BROWARD COUNTY COMMISSION
DEPUTY CLERK 1034
#1, 11 Pages

This Instrument Prepared by: Leigh R. Kerr, AICP
Leigh Robinson Kerr & Associates, Inc.
808 E. Las Olas Blvd. #104
Ft. Lauderdale, FL 33301

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

AMENDED DECLARATION OF RESTRICTIVE COVENANTS

This Declaration of Restrictive Covenants ("Declaration") related to Broward County Public Schools student impacts is executed this 15 day of November, 2005 by GOLF-TAM, INC., a Florida corporation, its successors and assigns ("Owner"), whose address is 2400 W. Prospect Rd, Oakland Park, FL 33309, shall be for the benefit of BROWARD COUNTY, a political subdivision of the State of Florida, with a post office 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 3rd Avenue, Fort Lauderdale, FL 33301 ("School Board").

WHEREAS, Owner is the fee simple owner of approximately 5 gross acres of land generally located at 2400 West Prospect Road, in the City of Oakland Park, Florida, in Broward County, more particularly described in the attached Exhibit "A" ("Property"); and

WHEREAS, ten (10) single family units are currently permitted on the Property pursuant to the existing Low (5) Residential and Park and Recreation land use designation which generates two (2) elementary, one (1) middle and one (1) high school student; and

WHEREAS, Owner has submitted Land Use Plan Amendment Application PC 04-22, ("Application") for the Property, to change the Property's designation from Low (5) Residential and Park and Recreation to Low Medium 10 Residential permitting an additional 20 residential units for a total of 30 townhouse units which are anticipated to generate eight (8) students consisting of four (4) elementary, two (2) middle and two (2) high school students or 4 additional students consisting of 2 elementary, 1 middle and 1 high school student; and

WHEREAS, in connection with the Application, Owner has voluntarily agreed to enter into this Declaration regarding the mitigation of student impacts for the four (4) additional students which is the number of students anticipated to be generated by the future development of the additional twenty (20) residential units proposed for the development of the Property consistent with the Public School Facility Impact Statement Report dated August 19, 2004, a copy of which is attached hereto as Exhibit "B", associated with the proposed development on the Property; and

WHEREAS, in furtherance of Owner's voluntary agreement regarding mitigation of the aforescribed student impacts, Owner caused to be filed that certain Declaration of Restrictive Covenants dated August 30, 2005, and recorded in the Public Records of Broward County, Florida on



September 7, 2005 in O.R. Book 40448, Page 864 (the "Declaration") in favor of the County and the Board; and

WHEREAS, the Owner acknowledges that the Declaration was mistakenly recorded and desires to reaffirm and ratify the covenants contained in the Declaration by this Amended Declaration; and

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

NOW, THEREFORE, the undersigned agree and covenant to the following:

1. The above recitals are true and correct and are incorporated herein.
2. Prior to the issuance of Department of Planning and Environmental Protection constuction approval for the Property, Owner shall make payment to the County for the applicable school impact fees due based on Broward County Ordinance No. 97-40 for the 10 single family residential units currently permitted on the Property pursuant to the existing Low (5) Residential and Park and Recreation land use designation.
3. 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, Owner shall make one lump sum payment to the School Board for the State of Florida established Student Station Cost Factors for the four (4) additional students consisting of two (2) elementary, one (1) middle and one (1) high school student generated by the additional 20 residential units. The total payment amount due shall be determined at the time of payment and based upon the then applicable e State of Florida established Student Station Cost Factors schedule; however, the total mitigation payment shall be no less than \$64,779.00. Owner shall obtain proof of such payment from the School Board and provide same to the Broward County Development Management Division. The School Board has issued a letter dated August 19, 2004, 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.

Said payment shall mitigate towards the cost of providing student stations for the total number of students anticipated from the Property and created as a result of the approval of Broward County Land Use Plan Amendment PC 04-22. This voluntary commitment constitutes the totality of all obligations to pay school impact fees and mitigation fees subject to the provisions set forth within Paragraph 2 and 3 above.

4. Once the mitigation payment has been made, no additional school impact fees will be required of Owner upon payment of the amount referenced in Paragraphs 2 and 3 above for the development referenced above. In the event that the total number of residential units change 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, Owner 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 30 total units contemplated herein and notify Owner and the County of any further increase in the number of anticipated students. Owner 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 Owner 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 Owner by the County or the School Board.

5. Upon Owner 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 amount of bedrooms in the subject residential unit has not been increased, the School Board and County shall promptly deliver to Owner, in recordable form, a release of this Declaration of Restrictive Covenants.

6. If any court of competent jurisdiction shall declare any section, paragraph or part thereof 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. The County and the School Board are the beneficiaries of these restrictive covenants and as such, both or either may enforce these restrictive covenants by action at law or in equity against any person or persons, entity or entities, violating or attempting to violate the terms of these Restrictions. Any failure of either the County or the School Board to enforce these restrictive covenants shall not be deemed a waiver of the right to do so thereafter.

8. This 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.

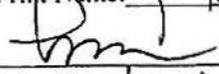
9. This Declaration constitutes the entire agreement, with regard to the subject matter contained herein, and may only be amended, modified or released with the consent of the parties.

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

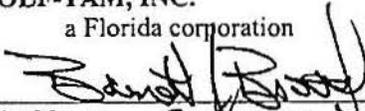
IN WITNESS WHEREOF, the undersigned has caused this Declaration to be executed this 15 day of November, 2005.

Signed, sealed and delivered in the presence of:

WITNESSES:


Print Name: Kelly Kay

Print Name: Leigh E. Keor

GOLF-TAM, INC.
a Florida corporation

By: 
Print Name: BARRETT J. DREES
Title: SEC/TREAS.
Address: 2400 W PROSPECT
FT. LAUD., FL. 33309

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 15 day of November, 2005, by B.J. Broad, as Sec/Treas of GOLF-TAM, INC., a Florida corporation, freely and voluntarily on behalf of said Corporation. He/She is personally known to me or has produced DL as identification.



Kelly A. Ray
Commission #DD258921
Expires: Oct 15, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

[Signature]
Notary Public, State of Florida
My Commission Expires: 10/15/2007

Declaration-PC04-22(fnl2)
October 17, 2005

EXHIBIT LIST

EXHIBIT "A"

PROPERTY LEGAL DESCRIPTION
(TOGETHER WITH A PROPERTY SKETCH)

EXHIBIT "B"

PUBLIC SCHOOL FACILITY IMPACT STATEMENT REPORT

EXHIBIT "C"

SCHOOL BOARD LETTER OF CONCURRENCE

SKETCH ID DESCRIPTION

PORTION OF

SECTION 17, TOWNSHIP 49 SOUTH, RANGE 42 EAST

EXHIBIT A

1 of 2

LAND DESCRIPTION:

A parcel of land lying in Section 17, Township 49 South, Range 42 East, being more particularly described as follows:

COMMENCE at the Northeast corner of the Northwest One-Quarter (NW 1/4) of the Southeast One-Quarter (SE 1/4) of said Section 17; thence S88°01'31"W, 100.00 feet; thence S01°40'16"E, along the west line of Prospect Road, 441.16 feet to a point of curvature of a curve concave to the East, having a radius of 1246.28 feet and a central angle of 12°07'37"; thence southerly an arc distance of 263.78 feet to the POINT OF BEGINNING; thence continue along said arc, having a radius of 1246.28 feet and a central of 12°36'46"; thence southerly an arc distance of 274.35 feet; thence S88°21'04"W, 857.71 feet; thence N57°50'54"W, 100.00 feet; thence N32°09'06"E, 98.57 feet to a point of curvature of a curve concave to the northwest, having a radius of 100.00 feet and a central angle of 33°56'25"; thence northerly an arc distance of 59.24 feet to a point of tangency; thence N01°47'19"W, 39.39 feet to a point of curvature of a curve concave to the southeast, having a radius of 25.00 feet and a central angle of 90°00'00"; thence northerly an arc distance of 39.27 feet to a point of tangency; the preceding five courses and distances being along a private road and Lot 1, as shown on the the plat of GOLF-TAM VILLAGE, as recorded at Plat Book 119, Page 18 of the Public Records of Broward County, Florida; thence N88°12'41"E, 757.56 feet to the POINT OF BEGINNING.

Said lands lying and situate in Broward County, Florida, containing 217,812 square feet, (5.0003 acres) more or less.

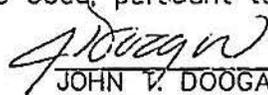
NOTES:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. No underground improvements were located.
6. Bearings shown hereon are relative to the north line of the N.W. 1/4, S.E. 1/4, of Section 17, Township 49 South, Range 42 East having a bearing of S88°01'31"W.
7. Abbreviation Legend: L = Arc Length; L.B.= Licensed Business; P.B.= Plat Book; B.C.R.= Broward County Records; PG.= Page; P.L.S.= Professional Land Surveyor; P.O.B.= Point of Beginning; P.O.C.= Point of Commencement; R = Radius; Δ= Central Angle.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Minimum Technical Standards set forth in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 5/10/04


JOHN V. DOOGAN, P.L.S.
Florida Registration No. 4409
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

SKETCH NOT VALID WITHOUT SHEET 1 & 2

REVISIONS		AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING 50 S.W. 2ND AVENUE, SUITE 102 BOCA RATON, FLORIDA 33432 TEL. (561) 392-2594, FAX (561) 394-7125 ©2004 AVIROM & ASSOCIATES, INC. ALL RIGHTS RESERVED.	JOB NO.7428
			SCALE: 1" = 150'
			DATE: 05/05/04
			DRAWN BY: C.L.P.
			SHEET: 1 OF: 2

SKETCH ID DESCRIPTION
 PORTION OF
 SECTION 17, TOWNSHIP 49 SOUTH, RANGE 42 EAST

EXHIBIT A
 2 of 2

NORTH LINE OF THE
 N.E. 1/4, S.E. 1/4, SECTION 17

S88°01'31"W
 100.00'



SCALE: 1"=150'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	59.24	100.00	33°56'25"
C2	39.27	25.00	90°00'00"

LINE TABLE		
LINE	LENGTH	BEARING
L1	98.57	N32°09'06"E
L2	39.39	N01°47'19"W

P.O.C.
 N.E. CORNER
 N.W. 1/4, S.E. 1/4
 SECTION 17-49-42

WEST LINE
 S01°40'16"E
 441.16'

PROSPECT ROAD

Δ=12°07'37"
 R=1246.28'
 L=263.78'

30' ROADWAY EASEMENT
 (O.R.B. 9529, PG. 156, B.C.R.)

N88°12'41"E 757.56'

P.O.B.

217,812 SQUARE FEET
 5.0003 ACRES

Δ=12°36'46"
 R=1246.28'
 L=274.35'

S88°21'04"W 857.71'

N57°50'54"W
 100.00'



SKETCH NOT VALID WITHOUT SHEET 1 & 2

REVISIONS



AVIROM & ASSOCIATES, INC.
 SURVEYING & MAPPING
 50 S.W. 2ND AVENUE, SUITE 102
 BOCA RATON, FLORIDA 33432
 TEL. (561) 392-2594, FAX (561) 394-7125
 ©2004 AVIROM & ASSOCIATES, INC. ALL RIGHTS RESERVED.

JOB NO.7428
SCALE: 1" = 150'
DATE: 05/05/04
DRAWN BY: C.L.P.
SHEET: 2 OF: 2


The Nation's Largest Fully Accredited School System EXHIBIT B

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

<u>Property Description</u>		SEC 17	TWP 49	RNG 42
Type:	County			
Amendment #:	PC 04-22			
Owner / Developer:	Castillo Grand, LLC			
Jurisdiction:	City of Oakland Park			
Current Land Use:	Low (5) Residential and Park and Recreation (Approx. 5.6 Ac.)			
Proposed Land Use:	Low Medium (10) Residential (Approx. 5.6 Ac.)			

<u>Potential Student Impact*</u>	Additional Impact:	<u>Cummulative Students From</u>			
		<u>LUPA Approved Since:</u>			
		Since			
		Elem	Mid	High	Total
Existing Permitted Units: 10	Elementary Students: 4				
Proposed Units: 30	Middle Students: 2				
Net Change: +20	High Students: 2				
	Total:	8	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

<u>Currently Assigned Schools*</u>	School Capacity	20th Day* Enrollment	Over/ (Under) Enrolled	<u>Projected Enrollment**</u>				
				04/05	05/08	06/07	07/08	08/09
Oriole Elementary	709	827	118	842	879	893	886	881
Lauderdale Lakes Middle	927	1,012	85	983	954	967	970	1,022
Anderson, Boyd H. High	2,773	2,691	-82	2,874	2,931	3,055	3,078	3,013

COMMENTS: Broward County Public Schools staff is advising the Broward County Planning Council, Broward County Commissioners, the applicant(s)/owner(s) and/or future developer(s) of the amendment site that that based on the School District's 2003/04 Twentieth Day Membership Counts Report, Oriole Elementary and Lauderdale Lakes Middle Schools were overcrowded in the 2003/04 school year. The same schools are scheduled to serve the area of the site in the 2004/05 school year. Indications are that the current land use designation for the site permits the development of 10 single family units, which generates two elementary, one middle and one high school student for a total of four students. This application was reviewed as a potential 30 three or more bedrooms townhouse units development, and as currently proposed, is anticipated to generate a total of eight (four additional) students into Broward County Public Schools which will exacerbate overcrowded conditions at the impacted schools. 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. However, the applicant has voluntarily committed to pay in one lump sum, the applicable cost per student station amount as mitigation towards the cost of providing student stations for the anticipated students. Staff concurs with the voluntary commitment (see attached correspondence). 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. Information for charter schools located within a two-mile radius of the site was provided in a previous correspondence.

* Note: 2003/04 School Year Data - School attendance areas are subject to change each year.
 ** Adjusted Cohort projections - Cohort Survival Model, School Boundaries Department.

<u>Planned and Funded Improvements in the Currently Adopted District Educational Facilities Plan</u>	
Elementary Schools:	None
Middle Schools:	None
High Schools:	Boyd Anderson: Remolding of old kitchen/cafeteria to three classrooms. Bulk funding slated for FY 2005/06.
Comments:	

Date: August 19, 2004


 By: Facility Management Planning & Site Acquisition Department

EXHIBIT C
1 of 2


THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
600 Southeast Third Avenue • 14th FL. FT. LAUDERDALE, FLORIDA 33302 • TEL 754-321-2161 • FAX 754-321-2179

THOMAS J. COATES, Executive Director
Facility Management, Planning & Site Acquisition
tom.coates@browardschools.com

SCHOOL BOARD

Chair CAROLE L. ANDREWS
Vice Chair STEPHANIE ARMA KRAFT, ESQ.
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DR. ROBERT D. PARKS
MARTY RUBINSTEIN
LOIS WEXLER
BENJAMIN I. WILLIAMS

DR. FRANK TILL
Superintendent of Schools

August 19, 2004

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

Re: Revised Land Use Plan Amendment PC 04-22

Dear Mr. Sniezek:

Attached per the request from your staff, is the revised Public School Facility Impact Statement Report for Land Use Plan Amendment (LUPA) PC 04-22. Recent information provided by your office indicates that the current land use designation for LUPA 04-22 permits the development of 10 single-family units, which generates two elementary, one middle and one high school student for a total of four students. This application was reviewed as a potential 30 three or more bedrooms townhouse units development, and as currently proposed, is anticipated to generate a total of eight (four additional) students into Broward County Public Schools which will exacerbate overcrowded conditions at the impacted schools.

Schools that served the area of the amendment site in the 2003/04 school year were Oriole Elementary, Lauderdale Lakes Middle and Boyd Anderson High Schools. Based on the 2003/04 Twentieth-Day Membership Counts Report, Oriole Elementary and Lauderdale Lakes Middle Schools were overcrowded in the 2003/04 school year. The same schools are scheduled to serve the area of the amendment site in the 2004/05 school year.

In the currently adopted District Educational Facilities Plan, Fiscal Years (FY) 2004/05 to 2008/09, the old kitchen/cafeteria area of Boyd Anderson High School is scheduled for remodeling to create three classrooms. However, the bulk of the funding for the project is slated for FY 2005/06.

Charter schools located within a two-mile radius of the amendment site in the 2003/04 school year, and the Twentieth Day statistical data for the schools was provided in the correspondence dated July 19, 2004. The same charter schools with the inclusion of Charter Institute Annex (K-5), Eagle Academy (6) and Smart School Institute (9) are scheduled to serve the area of the site in the 2004/05 school year. However, North Broward Academy of Excellence (K-5) and North Lauderdale Academy (9-12) are not anticipated to serve the site in the 2004/05 school year.

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

EXHIBIT C

2 of 2

Revised Land Use Plan Amendment PC 04-22
 August 19, 2004
 Page 2

increase. However, the applicant has voluntarily committed to pay in one lump sum (see attached correspondence from John McDonald), the applicable cost per student station amount as mitigation towards the cost of providing student stations for the anticipated students. This payment will be made prior to obtaining the Department of Planning and Environmental Protection (DPEP) approval for the first building permit for the units. Staff concurs with the voluntary commitment, and agrees that the commitment will satisfactorily contribute towards the provision of student stations for the anticipated students. Furthermore, staff requests that as a condition for approval of LUPA PC 04-22, and prior to the land use plan amendment becoming effective, the applicant or property owner must execute a Declaration of Restrictive Covenant that at the minimum addresses 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 the full payment of the applicable cost per student station amount will be made directly to the School Board of Broward County, Florida when due.

Correspondence containing this payment should be addressed to my attention at the above stated address. Additionally, the Declaration of Restrictive Covenant must be submitted to District staff for review and deemed recordable by Broward County before execution and recordation, and an executed copy of the Restrictive Covenant shall be provided to Broward County School District.

As you are 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, it should be noted that the permanent school capacity for the impacted schools dropped significantly due to compliance with the class size constitutional amendment, and will continue to decrease until final compliance with the mandate.

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 contact me at chris.akagbosu@browardschools.com or at 754-321-2162.

Sincerely,



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

COA:coa

Attachment

cc: Thomas J. Coates, Executive Director, Facility Management, Planning & Site Acquisition Department
 Thomas Moore, Demographer/Statistician, School Boundaries Department