

AGENDA REQUEST FORM**The School Board of Broward County, Florida**

Meeting Date 6/6/2006	Open Agenda <input type="checkbox"/> Yes <input type="checkbox"/> No	Time Certain Request <input type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item Number J-20
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TITLE: Educational Mitigation Agreement Between The School Board of Broward County, Florida, Broward County, and the City of Pembroke Pines Regarding Land Use Plan Amendment PC 04-2

REQUESTED ACTION:
Approve the Educational Mitigation Agreement Between The School Board of Broward County, Florida, Broward County, and the City of Pembroke Pines, to enable legal enforcement of the City's voluntary mitigation commitment regarding Land Use Plan Amendment PC 04-2, and as set forth in Exhibit 1.

SUMMARY EXPLANATION AND BACKGROUND:

The School Board of Broward County, Florida, as a party to the Interlocal Agreement for Public School Facility Planning (ILA), along with Broward County and 26 municipalities, enables the District to review proposed residential developments that increases residential density, generate additional students and affect overcrowded Broward County Public Schools. Section 7.8 of the Agreement calls for the mitigation of additional students anticipated from proposed residential developments. Also, Rule 13 of School Board Policy 1161 "Local Government Voluntary Mitigation Options" lists the payment of Florida established cost per student station, as the primary mitigation option for Local Activity Centers (LAC), Regional Activity Center (RAC), or similar land use designations proposed by local governments. Rule 14(c)(1) "Local Government Voluntary Commitment" requires local governments who voluntarily agree to the payment of cost per student station as the mitigation option for students anticipated from proposed LAC or similar land use designations to enter into a tri-party interlocal agreement with the School Board and Broward County to enable legal enforcement of such voluntary commitment. In Land Use Plan Amendment (LUPA) PC 04-2, the City of Pembroke Pines proposed a land use change from Employment Center-High to Local Activity Center to enable the development of 750 residential units consisting of 325 townhouse and 425 high rise units. In the District development review report, staff determined that the 750 units would generate 115 (63 elementary, 23 middle and 29 high school) additional students into Broward County Public Schools. Also, schools affected in the 2003/04 school year were Pines Lakes Elementary, Pines Middle and Flanagan High Schools, which were all overcrowded. However, it was determined that planned permanent capacity improvements to Pines Middle School would accommodate the anticipated middle school students. Thus, the City was advised that mitigation was not due for the 23 middle school students. To mitigate the anticipated 63 elementary and 29 high school students, the City initially proposed creating capacity at the City's charter high school for the 29 high school students. This proposal was rejected by staff in February 2004, and subsequently rejected by the School Board on June 1, 2004.

The City has now voluntarily agreed to require the payment of Florida established Student Station Cost Factors amount for the proposed 750 residential units. Broward County approved and adopted the proposed land use designation on February 25, 2005, and made the City's voluntary commitment a condition for approval of the land use designation. Additionally, the County required mechanism to enable legal enforcement of the voluntary commitment. Based on the current school impact fee schedule (effective October 1, 2005), the school impact fee that would have been due for the proposed units is \$899,750. Based on the June 2006 Student Station Cost Factors figures, the total cost per student station amount due for the 63 elementary and 29 high school students is \$1,538,449, or approximately \$638,699 above the County required school impact fee. It is anticipated that the payment of the cost per student station amount as committed to by the City would be paid by developers of parcel(s) of land contained within the boundaries of the land use designation. Additionally, the actual amount due will be based on the cost per student station amount in effect for the particular month when building permit is obtained for the units. The City of Pembroke Pines executed the Agreement on May 17, 2006. As such, it is recommended that the School Board approve the Educational Mitigation Agreement. Upon approval by the School Board, the Agreement will be scheduled for Broward County Commission formal action, and subsequently recorded after the Commission's approval.

SCHOOL BOARD GOALS:

- ☐ Goal One: All students will achieve at their highest potential.
☐ Goal Two: All schools will have equitable resources.
☐ Goal Three: All operations of the school system will demonstrate best practices while supporting student achievement.
☒ Goal Four: All stakeholders will work together to build a better school system.

FINANCIAL IMPACT:

The financial impact to the School District is a positive impact of approximately \$638,699 in additional revenue above the County required school impact fee of \$899,750 for a total of \$1,538,449. All funds to be received have been included in the balanced adopted District Educational Facilities Plan, Fiscal Years 2005/2006-2009/2010.

EXHIBITS: (List)

1. Educational Mitigation Agreement
2. Letter from David N. Tolces to Alan L. Gabriel, School Board Cadre Attorney

BOARD ACTION

(For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION

Name: Christopher O. Akagbosu Phone: (754) 321-8352

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
DIVISION OF FACILITIES AND CONSTRUCTION MANAGEMENT

MICHAEL GARRETSON, DEPUTY SUPERINTENDENT

Approved in Open Board Meeting on

Revised July 31, 2003

FT/MG/TC/Akagbosu/Houchin

By:

, School Board Chair

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 # 106395210
OR BK 42695 Pages 32 - 60
RECORDED 09/05/06 07:46:20
BROWARD COUNTY COMMISSION
DEPUTY CLERK 2000
#1, 29 Pages

NOTICE: PURCHASERS, GRANTEEES, 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 PEMBROKE PINES, 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 CITY, through Sun Trust Bank, as Trustee of the Pembroke Pines Land Trust, Florida Land Trust Agreement No. 56-02-137-6900246 is the fee simple owner of the subject property described herein; and

WHEREAS, the Broward County Board of County Commissioners approved Broward County Land Use Text Amendment PCT 04-2, establishing a "Local Activity Center" in the City of Pembroke Pines; and

1

Approved BCC

8/15/06 #92

Submitted By

Rev. Mgmi. Division

RETURN TO DOCUMENT CONTROL

WHEREAS, the Broward County Board of County Commissioners approved Broward County Land Use Plan Amendment PC 04-2, designating a "Local Activity Center" in the City of City of Pembroke Pines, a description of which is attached hereto as Exhibit "A"; and

WHEREAS, the CITY is proposing a total of 750 residential units in Land Use Plan Amendment PC 04-2 (hereinafter "Amendment PC 04-2"), consisting of 325 townhouse and 425 high rise units; and

WHEREAS, the CITY has agreed to mitigate the impact of students anticipated from the development of the 750 residential units in the Local Activity Center; and

WHEREAS, SCHOOL BOARD staff, as evidenced by the Public School Facility Impact Statement Report dated April 20, 2004 and letter dated April 20, 2004 to the Broward County Planning Council, which are attached hereto as Composite Exhibit "B", anticipates that the 750 residential units as proposed will generate 115 additional students consisting of 63 elementary school students, 23 middle school students and 29 high school students into Broward County District Schools; and

WHEREAS, for mitigation purposes, SCHOOL BOARD staff applied credit for the 23 middle school students generated based on the funded capital improvement regarding the replacement of Pines Middle School and determined that capacity resulting from the capital improvement will accommodate the anticipated middle school students, resulting in the mitigation for 63 elementary and 29 high school students a net modification obligation of 92 students; 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 cost per student station is appropriate to the circumstances of the Local Activity Center and that the cost per student station would be paid in lieu of the County school impact fees for the additional 92 students and that the cost per student station would 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 Local Activity Center dwelling units have been established by the State of Florida pursuant to the published "Student Station Cost Factors Nov. 2005", as may be amended, attached hereto as Exhibit "C"; and

WHEREAS, as a condition for approval of Amendment PC 04-2, the CITY was required to enter into a 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 residential units in the Local Activity Center.

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 Local Activity Center 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 45 days from the approval of this Agreement by the SCHOOL BOARD and COUNTY or in the alternative as the owner of the subject property described herein, establish a legally enforceable mechanism acceptable to the SCHOOL BOARD and COUNTY to require the payment of the student station per dwelling unit cost in lieu of the COUNTY school impact fees due for the total 750 additional residential units contained within the boundaries of the Local Activity Center. The SCHOOL BOARD and COUNTY agree that an acceptable alternative would be the collection and payment of the appropriate mitigation fee to the SCHOOL BOARD at the time of the sale or transfer of a parcel located within the Local Activity Center to another unrelated entity for development purposes.

1.02 The CITY will require evidence of payment of the student station per dwelling unit cost 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 County's Development Management Division and the School Superintendent or his designee as provided herein, upon site plan or plat approval of any residential project authorized pursuant to Amendment PC 04-2. Notification shall include project location and number and type of units 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 the issuance of a building permit for the construction or erection of a residential building located within the Local Activity Center, the CITY shall verify that the owner, applicant and/or developer has paid the applicable student station per dwelling unit cost for the 750 residential units as set forth below.

1.05 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 Local Activity Center until the applicable student station per dwelling unit cost is paid as required by this Agreement. Failure to verify and ensure payment of the student station per dwelling unit cost prior to obtaining 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 PC 04-2 or this Agreement by any remedy provided by law or equity.

2. STUDENT STATION PER DWELLING UNIT COST.

2.01 The Student Station Per Dwelling Unit Cost for each residential dwelling unit within the Local Activity Center 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. However, in no event shall that amount be less than \$2,048 for each residential dwelling unit. For example, computations utilizing the cost per student station figures as of January 2006 would be approximately \$2,048 per residential dwelling unit for the 750 residential units, and computations utilizing the cost per student station figures as of June 2012, would be approximately \$2,327 per residential dwelling unit for the 750 residential units. At no time until prior to when the last building permit is issued for the final 750th residential unit shall the total cost per student station amount due for the total units be less than the total COUNTY required effective school impact fee that could have been due for the total units.

2.02 Prior to the issuance of a finding of adequacy by the COUNTY, the SCHOOL BOARD shall provide the COUNTY with the current cost per student station schedule established and published by the State of Florida, and the associated per dwelling unit cost as calculated by the SCHOOL BOARD for the 750 residential 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, unless the alternative is utilized which requires payment of the appropriate mitigation fee directly to the SCHOOL BOARD. At the minimum, the information provided shall include the name and project or plat number of the development, the total number and type of proposed units and the total cost per student station amount paid.

2.03 The CITY agrees that it will not accept an application for a building permit for any residential unit, which is included within the Local Activity Center unless it has received documentation of a finding of adequacy by the COUNTY.

3. 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 750 residential unit development in the Local Activity Center. 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 Local Activity Center, the use of such money will indirectly benefit such development by making other funds available to directly meet those needs.

4. 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 proposed Local Activity Center dwelling 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.

5. The COUNTY agrees that this Agreement satisfies the requirements of the County School Impact Fee Regulations relating to Educational Impact Fees.

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

7. 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 Pembroke Pines
10100 Pines Boulevard
Pembroke Pines, FL 33026

With a copy to:
Samuel S. Goren, City Attorney
3099 East Commercial Boulevard, Suite 200
Fort Lauderdale, FL 33308

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

8. 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 and the issuance of a building permit shall constitute evidence that the divisible portion of the obligation has been satisfied.

9. 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 sitis, and shall be governed by the laws of the State of Florida.

10. 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.

11. 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.

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

13. 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.

14. 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.

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

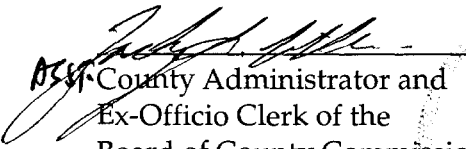
16. RECORDING OF THIS AGREEMENT. The CITY agrees to record this Agreement in the Broward County Public Records, at its expense.

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 Mayor, 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

14 day of June, 2006

SCHOOL BOARD

(Corporate Seal)

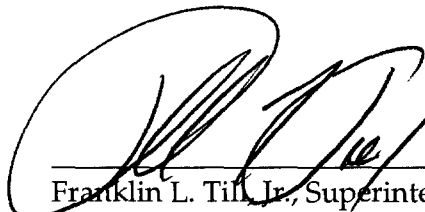
THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

ATTEST:

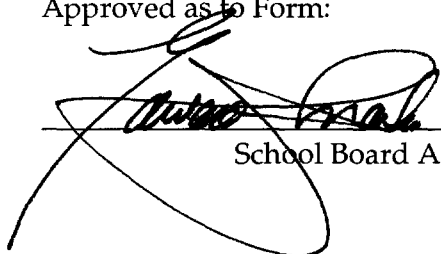
By: 

Benjamin J. Williams, Chair

6 day of June, 2006

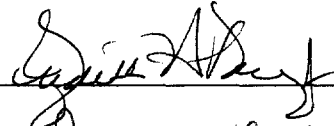

Franklin L. Tift, Jr., Superintendent of
Schools

Approved as to Form:

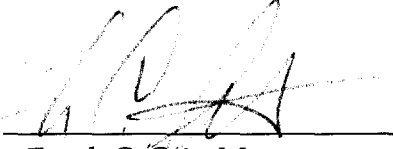

School Board Attorney

CITY

WITNESSES:

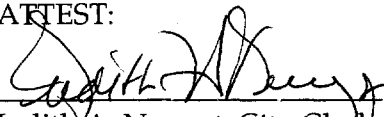

Julie Klahn

CITY OF PEMBROKE PINES

By: 
Frank C. Otis, Mayor

17 day of May, 2006

ATTEST:


Judith A. Nugent, City Clerk

By 
Charles F. Dodge, City Manager

17 day of May, 2006

APPROVED AS TO FORM:

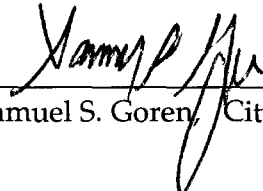
By  5/17/06
Samuel S. Goren, City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION
(Including Sketch of Area)

**LAND DESCRIPTION
PINES LAKE CENTER
CITY OF PEMBROKE PINES, BROWARD COUNTY, FLORIDA**

PARCEL 1:

Portions of Tracts 35-43 and 54-60, Section 18, Township 51 South, Range 41 East of "THE EVERGLADES SUGAR & LAND COMPANY SUBDIVISION", according to the plat thereof as recorded in Plat Book 2, Page 39, of the Public Records of Dade County, Florida, said portions described as follows:

Begin at the Northeast corner of Parcel "A" PINES LAKE COMMERCIAL CENTER", according to the plat thereof as recorded in Plat Book 161, Page 31, of the Public Records of Broward County, Florida (P.O.B. #1); thence along a line parallel with and 100.00 feet South of the North line of the South half (S 1/2) of said Section 18, also being the South right of way line of Pines Boulevard as described in Deed Book 173, Page 441 and Deed Book 634, Page 183 of said Public Records of Broward County, Florida, North 87°49'48" East 2552.54 feet to the Westerly line of a 120.00 foot Florida Power & Light Company Easement as described in Official Records Book 2222, Page 704, of said Public Records of Broward County, Florida; thence along said Westerly line, South 32°14'16" West 1751.20 feet to the Northeast corner of Parcel "A", PINES CENTRAL PARK, according to the plat thereof as recorded in Plat Book 168, Page 21 of said Public Records of Broward County, Florida; thence along the North line of said Parcel "A" North 86°15'29" West 764.98 feet to the Northerly most Northwest corner of said Parcel "A"; thence along the Northerly prolongation of a Westerly line of said Parcel "A", North 17°18'09" East 128.08 feet; thence South 87° 49'48" West 973.00 feet; thence North 01°46'39" West 177.23; thence North 87°49'48" East 127.02 feet to the Southerly prolongation of the East line of said Parcel "A" of "PINES LAKE COMMERCIAL CENTER"; thence along said Southerly prolongation and said East line, North 02°10'12" West 1068.04 feet to the Point of Beginning.

TOGETHER WITH:

Portions of Tracts 33-36 and 58-64, Section 18, Township 51 South, Range 41 East of "THE EVERGLADES SUGAR & LAND COMPANY SUBDIVISION", according to the plat thereof as recorded in Plat Book 2, Page 39, of the Public Records of Dade County, Florida, said portions described as follows:

Begin at the Southwest corner Tract "A" "PEMBROKE PINES CITY HALL PLAT", according to the plat thereof Recorded in Plat Book 136, Page 23, of the Public Records of Broward County, Florida (P.O.B. #2); thence along the south line of said Tract "A" North 87°52'43" East 976.49 feet to the Southeast corner of said Tract "A"; thence along a line parallel with and 100.00 feet West of the East line of the Southeast Quarter (SE1/4), of said Section 18, South 02°07'17" East 1421.17 feet to a line parallel with and 50.00 feet North of

the South line of the Southeast Quarter (SE1/4), also being the North right of way line of Washington Street as described in Deed Book 634, Page 183, of said Public Records of Broward County, Florida; thence along said parallel line, South 87°49'35" West 1985.51 feet to the Easterly line of a 160 foot Florida Power & Light Company Easement as described in Official Records Book 222, Page 552, of said Public Records of Broward County, Florida; thence along said Easterly line, North 32°14'01" East 1723.66 feet to the Westerly prolongation of said South line of Tract "A"; thence along said Westerly prolongation North 87°52'43" East 36.34 feet to the Point of Beginning.

Said lands situate, lying and being in the City of Pembroke Pines, Broward County, Florida.

TOGETHER WITH:

PARCEL 2: (FPL Easement Property)

That portion of land described in Official Records Book 2222, Page 704, Official Records Book 222 Page 552 and Official Records Book 1192, Page 114, all of the Public Records of Broward County, Florida, lying South of the South right of way line of Pines Boulevard as described in Deed Book 173, Page 441 and Deed Book 634, Page 183, of said Public Records and lying North of the North right of way line of Washington Street as described in Deed Book 634, Page 183, of said Public Records, said portion of land more particularly described as follows:

Begin at the Northwest corner of Tract "A", PEMBROKE PINES CITY HALL PLAT, according to the plat thereof as recorded in Plat Book 136, Page 23, of said Public Records; thence along the Westerly line of said Tract "A", and the Southwesterly extension thereof South 32 degrees 14 minutes 01 seconds West 3018.92 feet to said North right of way line of Washington Street, said North right of way line being 50.00 feet North of the South line of the Southeast quarter (SE ¼) of Section 16, Township 51 South, Range 41 East; thence along said North right of way line South 87 degrees 49 minutes 35 seconds West 376.19 feet to the Southeast corner of Tract "A", F.P. & L. HOLLYBROOK SUBSTATION, according to the plat thereof as recorded in Plat Book 120, Page 42, of said Public Records; thence along the Easterly line of said Tract "A", along the Easterly line of Parcel "A", PINES CENTRAL PARK, according to the plat thereof as recorded in Plat Book 168, Page 21, of said Public Records and along the Northwesterly extension thereof, North 32 degrees 14 minutes 10 seconds East 3019.00 feet to said South right of way line of Pines Boulevard, said South right of way line being 100.00 feet South of the North line of the South half (1/2) of said Section 18; thence along said South right of way line, North 87 degrees 49 minutes 48 seconds East 375.91 feet to the Point of Beginning.

Said lands situate, lying and being in the City of Pembroke Pines, Broward County, Florida, and containing a total net area of 133.590 Acres, more or less.

PEMBROKE PINES CITY CENTER

A REPEAT OF PORTIONS OF TRACTS 33 THROUGH 43 and 54 THROUGH 64, OF "THE EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION" RECORDED IN PLAT BOOK 2, PAGE 39, DADE COUNTY RECORDS, LYING IN SECTION 18,

CITY OF PEMBROKE PINES, BROWARD COUNTY, FLORIDA

LEGAL DESCRIPTION:

PARCEL 1:

PORTIONS OF TRACTS 35-43 AND 54-60, SECTION 18, TOWNSHIP 51 SOUTH, RANGE 41 EAST OF "THE EVERGLADES SUGAR & LAND COMPANY SUBDIVISION", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 39, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID PORTIONS DESCRIBED AS FOLLOWS:

BEING AT THE NORTHEAST CORNER OF PARCEL A, PINES LAKE COMMERCIAL CENTER," ACCORDING TO THE RECORDS OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 83

TOGETHER WITH:

PORTIONS OF TRACTS 33-56 AND 58-64, SECTION 18, TOWNSHIP 31 SOUTH, RANGE 41 EAST OF THE EVERGLADES SUGAR & LAND COMPANY SUBDIVISION," ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 39, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID PORTIONS DESCRIBED AS FOLLOWS:

BEING AT THE SOUTHWEST CORNER TRACT "A", PENSACOLA PINES CITY HALL PLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1366, PAGE 21, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA (P.O.B. 21); THENCE ALONG THE SOUTH LINE OF SAID TRACT "A", NORTH 87°32'35" EAST 79.19 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "A", THENCE ALONG A LINE PARALLEL WITH AND 100.00 FEET WEST OF THE EAST LINE OF THE SOUTHEAST CORNER OF THE SOUTHWEST CORNER TRACT "A", NORTH 87°32'35" EAST 79.19 FEET TO THE SOUTHWEST CORNER OF TRACT "A", ALSO BEING THE NORTH ORT OF MAY LINE OF WASHINGTON STREET, AS DESCRIBED IN DEED BOOK 634, PAGE 183, OF SAID PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE ALONG SAID PARALLEL LINE, SOUTH 87°49'35" WEST 119.85 FEET TO THE EASTERN LINE OF A 160 FOOT FLORIDA POWER & LIGHT COMPANY EASEMENT, AS DESCRIBED IN OFFICIAL RECORDS BOOK 222, PAGE 552, OF SAID PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE ALONG SAID EASEMENT, SOUTH 27°24'00" WEST 160.00 FEET TO THE SOUTHWEST CORNER OF SAID EASEMENT, THENCE ALONG SAID WESTERLY LINE, NORTH 87°32'35" EAST 36.34 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PARCEL 2: (FPL Easement Property)

THAT PORTION OF AND DESCRIBED IN OFFICIAL RECORDS BOOK 2232, PAGE 704, OFFICIAL RECORDS BOOK 2232, PAGE 552 AND OFFICIAL RECORDS BOOK 1192, PAGE 114, ALL OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF PHIBS BOULEVARD AS DESCRIBED IN DEED BOOK 1733, PAGE 441 AND DEED BOOK 638, PAGE 181, OF SAID PUBLIC RECORDS AND LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF WASHINGTON STREET AS DESCRIBED IN DEED BOOK 634, PAGE 193, OF SAID PUBLIC RECORDS, SAID PORTION OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF PEMBROKE PINES, BROWARD COUNTY, FLORIDA, AND CONTAINING A TOTAL NET AREA OF 133,590 ACRES, MORE OR LESS.



This instrument prepared by:
C.A. Gardner & Associates, Inc.
Clermont, Florida, P.A.
Engineers, Surveyors, Planners
1800 Blue Pines, Suite 200
Clermont, Florida 34501
Phone: (813) 271-7700 Fax: (813) 271-6007
November, 2003

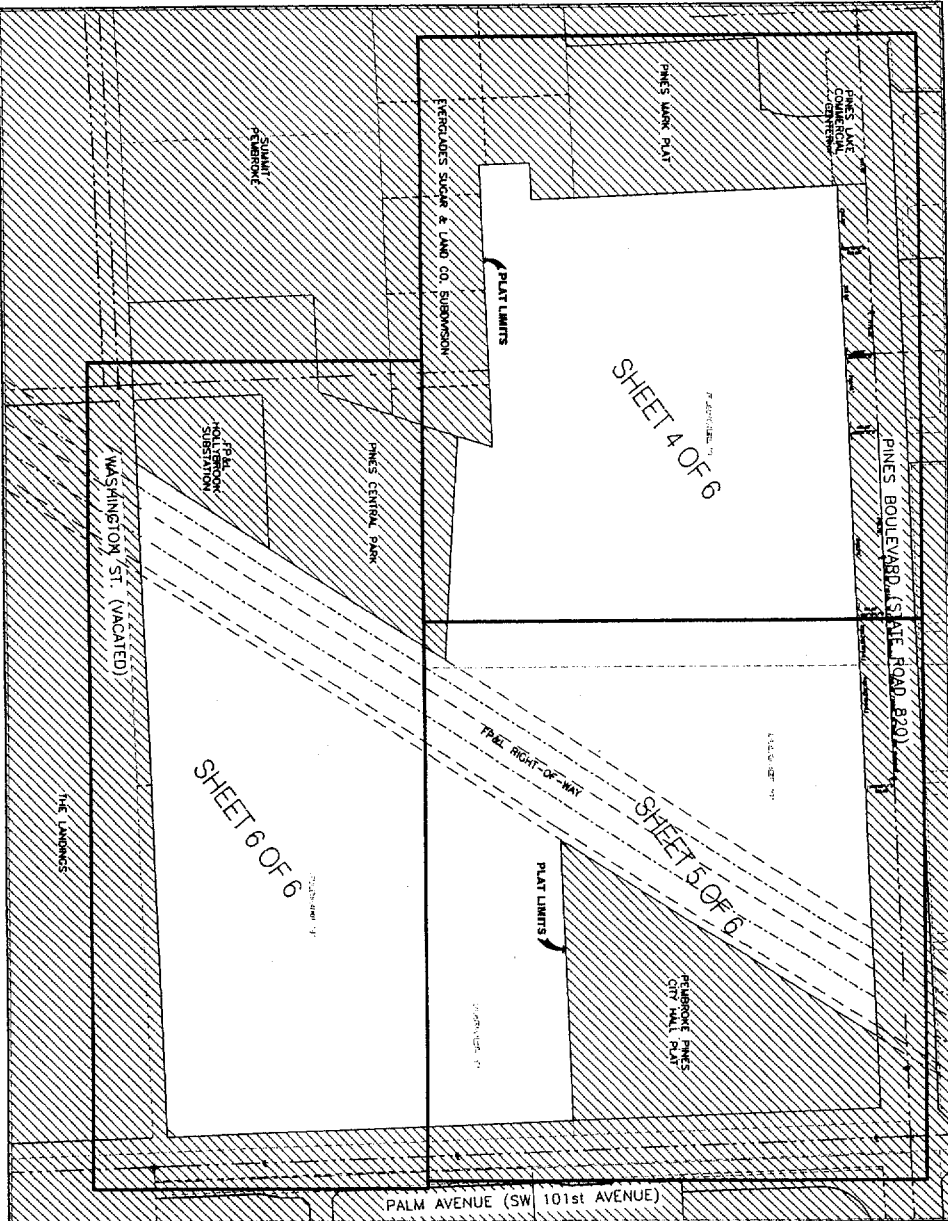
PEMBROKE PINES CITY CENTER

A REPLAT OF PORTIONS OF TRACTS 33 THROUGH 43 AND 54 THROUGH 64, OF
"THE EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION" RECORDED IN
PLAT BOOK 2, PAGE 39, DADE COUNTY RECORDS, LYING IN SECTION 18,
TOWNSHIP 51 SOUTH, RANGE 41 EAST
CITY OF PEMBROKE PINES, BROWARD COUNTY, FLORIDA



PLAT BOOK

SHEET 3 OF 6



KEY MAP


SCALE: 1"=200'

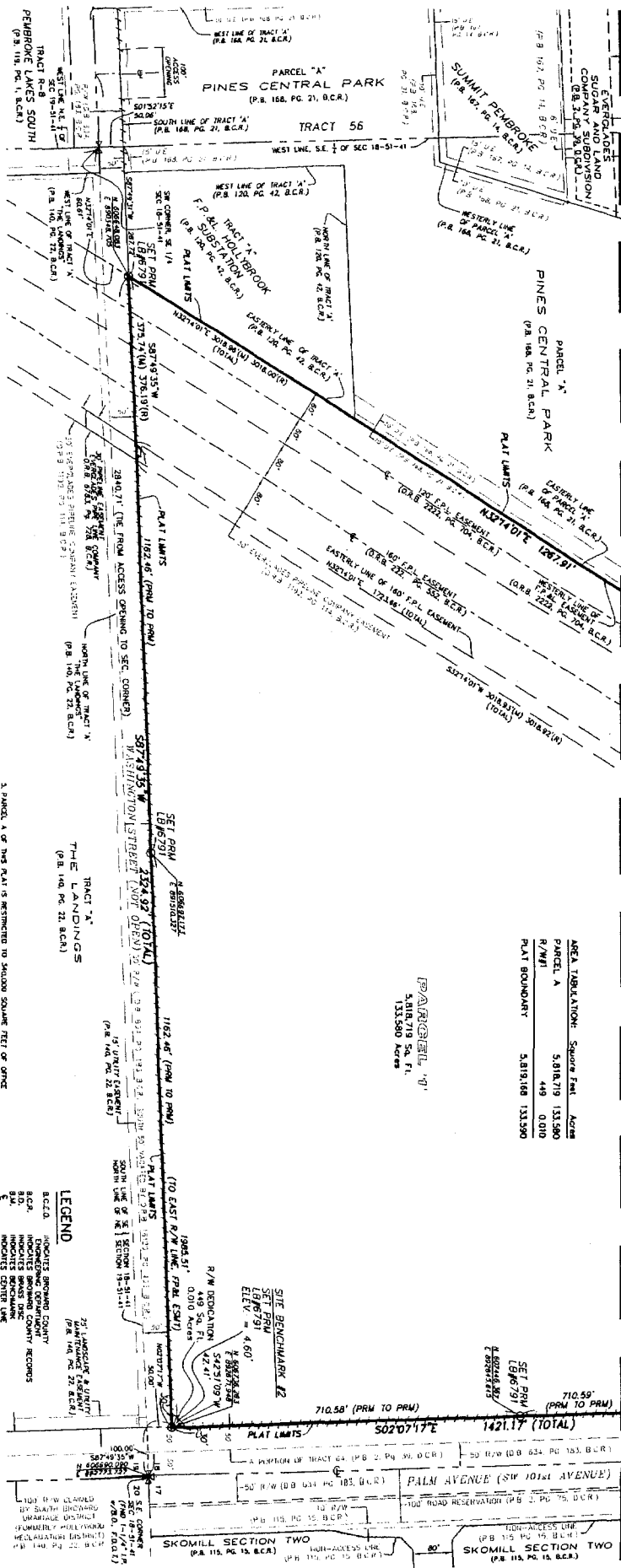
067-MP-03

PLAT BOOK _____, PG. _____

SHEET 6 OF 6

A REPLAT OF PORTIONS OF TRACTS 33 THROUGH 43 AND 54 THROUGH 64, OF "THE EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION" RECORDED IN PLAT BOOK 2, PAGE 39, DADE COUNTY RECORDS LYING IN SECTION 18,

This instrument Prepared By: 
Gregory J. Clements, P.S.M.
Cable, Girdano & Associates, Inc.
Engineers Surveyors Planners
 1800 Elliot Drive, Suite 600
 P.O. Box 1000, Fort Lauderdale, Florida 33316
 Phone: 954.521.7761 Fax 954.521.8807
 Certificate of Authentication No. 18 6794
 November, 2003



NOTES:

- [illegible]

TRACT A
THE LANDINGS
(P.B. 140, PG. 22, B.C.R.)

AREA TABULATION: Square Feet		Acres
PARCEL A	5,818,719	133.580
R/W#1	449	0.010
PLAT BOUNDARY	5,819,168	133.590

PARGESL '7
5,818,719 Sq. Ft.
133,580 Acres

LEGEND

- [illegible]

067-MP-03

COMPOSITE EXHIBIT "B"

LAND USE PLAN AMENDMENT

PUBLIC SCHOOL FACILITY IMPACT STATEMENT

Dated April 20, 2004

(Land Use Amendment PC 04-2)

AND

THE April 20, 2004 LETTER TO THE BROWARD COUNTY PLANNING COUNCIL

The Nation's Largest Fully



Accredited School System

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

Land Use Plan Amendment Public School Facility Impact Statement**Property Description**

Type: County **SEC 18** **TWP 51** **RNG 41**
Amendment #: PC 04-2
Owner / Developer : City of Pembroke Pines (Initial Applicant)
Jurisdiction : City of Pembroke Pines
Current Land Use: Employment Center-High (Approx. 146.37 Acres)
Proposed Land Use: Local Activity Center (Approx. 146.37 Acres)

Potential Student Impact*

Existing Permitted Units: 0
Proposed Units: 750
Net Change : +750

Additional Impact:

Elementary Students: 63
Middle Students: 23
High Students: 29
Total: 115

Cumulative Students From**LUPA Approved Since:**

Since

Elem	Midd	High	Total

* 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**				
				03/04	04/05	05/06	06/07	07/08
Pines Lakes Elementary	708	1,020	312	951	964	973	965	1,295 958
Pines Middle	744	1,452	708	1,398	1,253	1,226	1,264	
Flanagan, Charles W. High	2,348	3,701	1,353	3,689	3,237	3,187	3,143	3,337

COMMENTS: Broward County Public Schools staff is advising the Broward County Planning Council, Broward County Commission, the applicant(s)/owner(s) and/or future developer(s) of the amendment site that based on the Twentieth Day Membership Counts Report, Pines Lakes Elementary School is overcrowded in the 2003/04 school year, and Pines Middle and Flanagan High Schools are critically overcrowded. This application was reviewed as a potential 750 units development consisting of 325 townhouses and 425 high rise units. As currently proposed, it is anticipated to generate a total of 115 students into Broward County Public Schools which will exacerbate overcrowded conditions at the impacted schools. Therefore, staff recommends that the amendment should be denied or deferred until capital improvement(s) are funded in the effective adopted School Board Capital Budget for Flanagan High School. 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 land use plan amendment. 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. In the 2003/04 school year, Pembroke Pines East (K-5) charter school is located within a two-mile radius of the site, and pertinent information regarding the charter school is provided in the attached 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.

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

Elementary Schools: None

Middle Schools: Replacement of Pines Middle Sch., Bulk of the funding allocated in FY 2003/04, and forecast for completion in the fall of 2007.

High Schools: None

Comments:

Date: April 20, 2004

By: Facility Management, Planning & Site Acquisition Department



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

SCHOOL BOARD

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BENJAMIN J. WILLIAMS

DR. FRANK TILL
Superintendent of Schools

April 20, 2004

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

Re: Land Use Plan Amendments PC 04-2 (Revised) and PC 04-12 Through PC 04-19

Dear Mr. Sniezek:

Attached, are Public School Facility Impact Statement Reports for Land Use Plan Amendment's (LUPA) PC 04-2 (revised), and LUPA PC 04-12 through PC 04-19. LUPA PC 04-18 and 04-19 as currently proposed are not anticipated to generate additional students into Broward County Public Schools.

Based on the information provided by your office, LUPA 04-2 was reviewed as a potential 750 multi-family units development consisting of 325 townhouses and 425 high-rise units. As currently proposed, it is anticipated to generate 115 additional students into Broward County Public Schools which will exacerbate overcrowded conditions at the impacted schools.

Schools serving the area of the amendment site in the 2003/04 school year are Pines Lakes Elementary, Pines Middle and Flanagan High Schools. Based on the 2003/04 Twentieth-Day Membership Counts Report, Pines Lakes Elementary School is overcrowded in the 2003/04 school year, and Pines Middle and Flanagan High Schools are critically overcrowded. Scheduled capital improvements for Pines Middle School is depicted in the attached Report for the amendment. In the 2003/04 school year, Pembroke Pines East (K-5) charter school is located within a two-mile radius of the amendment site, and the Twentieth Day statistical data for Pembroke Pines E/W/C (K-5) schools are as follows: Enrollment - 1,800, Capacity - 1,800 Over/(Under) - 0, 2004/05 Enrollment Projections - 1,786. Please be aware that the maximum capacity at each charter school is determined by the enrollment specified in the charter school agreement between the school and the School Board of Broward County, Florida. Some charter schools open under enrolled, but achieve maximum capacity as they add grade levels, move from leased facilities to permanent facilities, or increase public awareness about their school within the area they serve. Pines Lakes Elementary School is projected to become overcrowded in the 2004/05 school year, and students attending or anticipated to attend pertinent charter schools are factored into the enrollment projections for District schools. Therefore, Pembroke Pines E/W/C (K-5) schools are not anticipated to completely relieve overcrowding at Pines Lakes Elementary School.

Consistent with Broward County Public Schools administrative review procedure regarding proposed residential developments impacting critically overcrowded schools, recommendations are that LUPA 04-2 should be denied or deferred until capital improvement(s) are funded in the effective adopted School Board Capital Budget for Flanagan High School.

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and Use Plan Amendments PC 04-2 (Revised) and PC 04-12 through PC 04-19
April 20, 2004
Page 2

LUPA 04-12 was reviewed as a potential 154 townhouse units development, and as currently proposed, is anticipated to generate 42 additional students into Broward County Public Schools, which will exacerbate overcrowded conditions at the impacted schools.

Schools serving the area of the amendment site in the 2003/04 school year are Tradewinds Elementary, Lyons Creek Middle and Monarch High Schools. Based on the 2003/04 Twentieth-Day Membership Counts Report, Tradewinds Elementary School is overcrowded in the 2003/04 school year and Lyons Creek Middle School is critically overcrowded. In the currently adopted District Educational Facilities Plan, Fiscal Years 2003/04 to 2007/08, no capital improvements are scheduled for the impacted schools. In the 2003/04 school year, no charter school is located within a two-mile radius of the amendment site.

Furthermore, 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 additional students generated by proposed residential density increase. In a letter dated February 24, 2004 to School District staff, Porten Companies voluntarily committed to pay for two modular classrooms as mitigation towards the cost of providing student stations for the anticipated students. Staff agrees the proposed commitment will satisfactorily contribute towards addressing the anticipated student impact (see attached letters).

LUPA 04-13 was reviewed as a potential 161 garden apartment units development, and as currently proposed, is anticipated to generate 96 additional students into Broward County Public Schools, which will exacerbate overcrowded conditions at the impacted schools.

Schools serving the area of the amendment site in the 2003/04 school year are Country Hills (grades K-3) and Eagle Ridge (grades 4 through 6) Elementary Schools, Westglades Middle and Stoneman Douglas High Schools. Based on the 2003/04 Twentieth-Day Membership Counts Report, Eagle Ridge Elementary School is overcrowded in the 2003/04 school year, and Country Hills Elementary, Westglades Middle and Stoneman Douglas High Schools are critically overcrowded. In the currently adopted District Educational Facilities Plan, Fiscal Years 2003/04 to 2007/08, High School "JJJ" is scheduled as a potential relief for Stoneman Douglas High School, and forecasted for completion in the fall of 2004. In the 2003/04 school year, no charter school is located within a two-mile radius of the amendment site.

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 additional students generated by proposed residential density increase. In the attached School District correspondence to WCI Communities, Inc. regarding the proposed local land use plan amendment for the site, staff agreed that an appropriate mitigation for the proposed development of 145 multi-family units on the site should be the payment for two modular classrooms if the City of Coral Springs determines that the proposed units are 145 townhouse units, or four modular classrooms if the City decides that the proposed units are garden apartments. The City has since determined that the proposed units are garden apartments. In a revised letter dated April 19, 2004 to School District staff (attached) WCI Communities, Inc. voluntarily committed to pay in one lump sum, \$748,000 for four modular classrooms as mitigation towards the cost of providing student stations for the anticipated students. Furthermore, the lump sum payment shall be made at the time the applicant obtains the first building permit for the total units.

Information provided by your office indicates that the current land use designation for the LUPA PC 04-14 site permits the development of 2,748 single family units, which generates 684 elementary, 308 middle and 214 high school students for a total of 1,206 students. This application was reviewed as a potential 2,204 (544 less units) single-family units development, and as currently proposed, is anticipated to generate a total of 968 students into Broward County Public Schools (238 less students than the currently approved

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and Use Plan Amendments PC 04-2 (Revised) and PC 04-12 through PC 04-19
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development intensity). Thus, LUPA 04-14 as currently proposed, will not generate additional students into Broward County Public Schools. In the 2003/04 school year, Somerset Neighborhood Charter School (K-5) is located within a two-mile radius of the amendment site and the Twentieth Day statistical data for the School is as follows: Enrollment - 75, Capacity - 75 Over/(Under) - 0, 2004/05 Enrollment Projections - 75.

LUPA 04-15 was reviewed as a potential 186 townhouse units development, and as currently proposed, is anticipated to generate 52 additional students into Broward County Public Schools, which will exacerbate overcrowded conditions at the impacted schools. Schools serving the area of the amendment site in the 2003/04 school year are Rock Island Elementary, Arthur R. Ashe Middle and Boyd Anderson High Schools. Based on the 2003/04 Twentieth-Day Membership Counts Report, Rock Island Elementary and Arthur R. Ashe Middle Schools are overcrowded in the 2003/04 school year. In the currently adopted District Educational Facilities Plan, Fiscal Years 2003/04 to 2007/08, no capital improvement is scheduled to relieve overcrowding at the impacted schools. In the 2003/04 school year, the charter schools located in Table 1 below are located within a two-mile radius of the amendment site.

Table 1, 2003/04 CHARTER SCHOOLS

Charter School	Capacity	Twentieth Day Membership Count	Over/(Under)	2004/05 Student Enrollment Projections
Central Charter School (Pre K-6)	630	578	(52)	566
Eagle Academy (6)	560	111	(449)	220
Smart School (6-8)	385	473	88	350
Smart School (9)	1000	134	(866)	200

Rock Island Elementary and Arthur R. Ashe Middle Schools are projected to become overcrowded in the 2004/05 school year, and students attending or anticipated to attend pertinent charter schools are factored into the enrollment projections for District schools. Therefore, the pertinent charter schools, listed in Table 1, are not anticipated to completely relieve overcrowding at Rock Island Elementary and Arthur R. Ashe Middle 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 additional students generated by proposed residential density increase. In a letter dated February 17, 2004 to School District staff, Lennar Homes, Inc. voluntarily committed to pay for two modular classrooms as mitigation towards the cost of providing student stations for the anticipated students. The mitigation is based on the commitment from Lennar Homes, Inc. that the proposed townhouse units will be restricted to 123 two bedrooms and 63 three bedrooms, and mitigation will also be provided for any additional three bedroom units constructed beyond the stated two bedroom units. Staff agrees the proposed commitment will satisfactorily contribute towards addressing the anticipated student impact (see attached letters).

LUPA 04-16 was reviewed as a potential 246 townhouse units development, and as currently proposed, is anticipated to generate 67 additional students into Broward County Public Schools, which will exacerbate overcrowded conditions at the impacted schools.

Schools serving the area of the amendment site in the 2003/04 school year are Oriole Elementary, Lauderdale Lakes Middle and Boyd Anderson High Schools. Based on the 2003/04 Twentieth-Day Membership Counts Report, Oriole Elementary, Lauderdale Lakes Middle Middle Schools are overcrowded in the 2003/04 school

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year. In the currently adopted District Educational Facilities Plan, Fiscal Years 2003/04 to 2007/08, no capital improvement is scheduled to relieve overcrowding at the impacted schools. In the 2003/04 school year, the charter schools cited in Table 1 above are located within a two-mile radius of the amendment site.

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 additional students generated by proposed residential density increase. In a letter dated February 17, 2004 to School District staff, Lauderdale Properties and Investments, LLC voluntarily committed to pay for two modular classrooms as mitigation towards the cost of providing student stations for the anticipated students. This mitigation is based on the commitment from Lauderdale Properties and Investments, LLC that the proposed townhouse units will be restricted to 171 two bedrooms and 62 three bedrooms, and mitigation will also be provided for any additional three bedroom units constructed beyond the stated two bedroom units. Staff agrees the proposed commitment will satisfactorily contribute towards addressing the anticipated student impact (see attached letters).

LUPA 04-17 was reviewed as a potential 775 three or more bedrooms townhouse units development, and as currently proposed, is anticipated to generate 213 additional students into Broward County Public Schools, which will exacerbate overcrowded conditions at the impacted schools.

Schools serving the area of the amendment site in the 2003/04 school year are Everglades Elementary, Falcon Cove Middle and Cypress Bay High Schools. Based on the 2003/04 Twentieth-Day Membership Counts Report, Everglades Elementary School is overcrowded in the 2003/04 school year, and Falcon Cove Middle and Cypress Bay High Schools are critically overcrowded. Scheduled capital improvements for the impacted schools in the currently adopted District Educational Facilities Plan, Fiscal Years 2003/04 to 2007/08 are provided in the attached report for the amendment. In the 2003/04 school year, no charter schools is located within a two-mile radius of the amendment site.

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 additional students generated by proposed residential density increase. Therefore, consistent with Broward County Public Schools administrative review procedure regarding proposed residential developments impacting critically overcrowded schools, recommendations are that LUPA 04-17 should be denied or deferred until capital improvement(s) are funded in the effective adopted School Board Capital Budget for Falcon Cove Middle and Cypress Bay High Schools.

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 754-321-2162.

Sincerely,



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

COA:coa

Attachments

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

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EXHIBIT "C"

STUDENT STATION COST FACTORS
NOVEMBER, 2005 TABLE

Student Station Cost Factors as of Nov 2005

STUDENT STATION COST FACTORS

22-Nov-05

	Consumer Price Index REC National Forecast of October 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	191.3	1.0771	13,739	15,752	20,845
Feb-2005	192.0	1.0811	13,789	15,810	20,921
Mar-2005	193.2	1.0878	13,875	15,909	21,052
Apr-2005	194.2	1.0935	13,947	15,991	21,161
May-2005	194.1	1.0929	13,940	15,983	21,150
Jun-2005	194.1	1.0929	13,940	15,983	21,150
Jul-2005	195.1	1.0985	14,012	16,065	21,259
Aug-2005	196.1	1.1042	14,084	16,147	21,368
Sep-2005	198.5	1.1177	14,256	16,345	21,629
Oct-2005	198.3	1.1166	14,242	16,328	21,608
Nov-2005	198.9	1.1199	14,285	16,378	21,673
Dec-2005	199.4	1.1227	14,321	16,419	21,727

Jan-2006	199.9	1.1256	14,357	16,460	21,782
Feb-2006	200.2	1.1273	14,378	16,485	21,815
Mar-2006	200.3	1.1278	14,385	16,493	21,825
Apr-2006	200.0	1.1261	14,364	16,468	21,793
May-2006	200.1	1.1267	14,371	16,477	21,804
Jun-2006	200.2	1.1273	14,378	16,485	21,815
Jul-2006	200.5	1.1289	14,400	16,510	21,847
Aug-2006	200.7	1.1301	14,414	16,526	21,869
Sep-2006	201.0	1.1318	14,436	16,551	21,902
Oct-2006	201.3	1.1334	14,457	16,576	21,934
Nov-2006	201.5	1.1346	14,471	16,592	21,956
Dec-2006	201.8	1.1363	14,493	16,617	21,989
Jan-2007	202.0	1.1374	14,507	16,633	22,011
Feb-2007	202.2	1.1385	14,522	16,650	22,033
Mar-2007	202.5	1.1402	14,543	16,674	22,065
Apr-2007	202.8	1.1419	14,565	16,699	22,098
May-2007	203.1	1.1436	14,586	16,724	22,131
Jun-2007	203.4	1.1453	14,608	16,748	22,163
Jul-2007	203.6	1.1464	14,622	16,765	22,185
Aug-2007	203.9	1.1481	14,644	16,790	22,218
Sep-2007	204.2	1.1498	14,665	16,814	22,250
Oct-2007	204.5	1.1515	14,687	16,839	22,283
Nov-2007	204.7	1.1526	14,701	16,855	22,305
Dec-2007	205.0	1.1543	14,723	16,880	22,338
Jan-2008	205.3	1.1560	14,744	16,905	22,370
Feb-2008	205.6	1.1577	14,766	16,930	22,403
Mar-2008	205.9	1.1593	14,787	16,954	22,436
Apr-2008	206.2	1.1610	14,809	16,979	22,468
May-2008	206.6	1.1633	14,838	17,012	22,512
Jun-2008	206.9	1.1650	14,859	17,037	22,545
Jul-2008	207.3	1.1672	14,888	17,070	22,588
Aug-2008	207.7	1.1695	14,917	17,103	22,632
Sep-2008	208.0	1.1712	14,938	17,127	22,665
Oct-2008	208.4	1.1734	14,967	17,160	22,708
Nov-2008	208.8	1.1757	14,996	17,193	22,752
Dec-2008	209.2	1.1779	15,024	17,226	22,795
Jan-2009	209.6	1.1802	15,053	17,259	22,839
Feb-2009	210.0	1.1824	15,082	17,292	22,882
Mar-2009	210.3	1.1841	15,103	17,317	22,915
Apr-2009	210.7	1.1864	15,132	17,350	22,959
May-2009	211.0	1.1881	15,154	17,374	22,991
Jun-2009	211.4	1.1903	15,182	17,407	23,035
Jul-2009	211.8	1.1926	15,211	17,440	23,079
Aug-2009	212.1	1.1943	15,233	17,465	23,111
Sep-2009	212.5	1.1965	15,261	17,498	23,155
Oct-2009	212.9	1.1988	15,290	17,531	23,198
Nov-2009	213.2	1.2005	15,312	17,555	23,231
Dec-2009	213.6	1.2027	15,340	17,588	23,275
Jan-2010	214.0	1.2050	15,369	17,621	23,318
Feb-2010	214.4	1.2072	15,398	17,654	23,362
Mar-2010	214.7	1.2089	15,419	17,679	23,395
Apr-2010	215.1	1.2111	15,448	17,712	23,438
May-2010	215.5	1.2134	15,477	17,745	23,482
Jun-2010	215.9	1.2157	15,506	17,778	23,525
Jul-2010	216.3	1.2179	15,534	17,811	23,569
Aug-2010	216.8	1.2207	15,570	17,852	23,623
Sep-2010	217.2	1.2230	15,599	17,885	23,667

Oct-2010	217.6	1.2252	15,628	17,918	23,711
Nov-2010	218.1	1.2280	15,664	17,959	23,765
Dec-2010	218.5	1.2303	15,692	17,992	23,809
Jan-2011	219.0	1.2331	15,728	18,033	23,863
Feb-2011	219.4	1.2354	15,757	18,066	23,907
Mar-2011	219.9	1.2382	15,793	18,107	23,961
Apr-2011	220.3	1.2404	15,822	18,140	24,005
May-2011	220.8	1.2432	15,858	18,181	24,059
Jun-2011	221.3	1.2461	15,893	18,222	24,114
Jul-2011	221.8	1.2489	15,929	18,264	24,168
Aug-2011	222.3	1.2517	15,965	18,305	24,223
Sep-2011	222.7	1.2539	15,994	18,338	24,266
Oct-2011	223.2	1.2568	16,030	18,379	24,321
Nov-2011	223.7	1.2596	16,066	18,420	24,375
Dec-2011	224.2	1.2624	16,102	18,461	24,430
Jan-2012	224.7	1.2652	16,138	18,502	24,484
Feb-2012	225.1	1.2675	16,166	18,535	24,528
Mar-2012	225.6	1.2703	16,202	18,576	24,582
Apr-2012	226.1	1.2731	16,238	18,618	24,637
May-2012	226.6	1.2759	16,274	18,659	24,691
Jun-2012	227.1	1.2787	16,310	18,700	24,746
Jul-2012	227.6	1.2815	16,346	18,741	24,800
Aug-2012	228	1.2838	16,375	18,774	24,844
Sep-2012	228.5	1.2866	16,411	18,815	24,898
Oct-2012	229	1.2894	16,446	18,856	24,953
Nov-2012	229.5	1.2922	16,482	18,898	25,007
Dec-2012	230	1.2950	16,518	18,939	25,062
Jan-2013	230.5	1.2979	16,554	18,980	25,116
Feb-2013	230.9	1.3001	16,583	19,013	25,160
Mar-2013	231.4	1.3029	16,619	19,054	25,214
Apr-2013	231.9	1.3057	16,655	19,095	25,269
May-2013	232.4	1.3086	16,691	19,136	25,323
Jun-2013	232.8	1.3108	16,719	19,169	25,367
Jul-2013	233.3	1.3136	16,755	19,210	25,421
Aug-2013	233.8	1.3164	16,791	19,252	25,476
Sep-2013	234.3	1.3193	16,827	19,293	25,530
Oct-2013	234.7	1.3215	16,856	19,326	25,574
Nov-2013	235.2	1.3243	16,892	19,367	25,628
Dec-2013	235.7	1.3271	16,928	19,408	25,683
Jan-2014	236.2	1.3300	16,964	19,449	25,737
Feb-2014	236.7	1.3328	16,999	19,490	25,792
Mar-2014	237.2	1.3356	17,035	19,532	25,846
Apr-2014	237.6	1.3378	17,064	19,565	25,890
May-2014	238.1	1.3407	17,100	19,606	25,944
Jun-2014	238.6	1.3435	17,136	19,647	25,999
Jul-2014	239.1	1.3463	17,172	19,688	26,053
Aug-2014	239.6	1.3491	17,208	19,729	26,108
Sep-2014	240	1.3514	17,236	19,762	26,151
Oct-2014	240.5	1.3542	17,272	19,803	26,206
Nov-2014	241	1.3570	17,308	19,845	26,260
Dec-2014	241.5	1.3598	17,344	19,886	26,315
Jan-2015	242	1.3626	17,380	19,927	26,369
Feb-2015	242.5	1.3654	17,416	19,968	26,424
Mar-2015	242.9	1.3677	17,445	20,001	26,467
Apr-2015	243.4	1.3705	17,481	20,042	26,522
May-2015	243.9	1.3733	17,517	20,083	26,576
Jun-2015	244.4	1.3761	17,552	20,124	26,631

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PLEASE REPLY TO FORT LAUDERDALE

May 18, 2006

Mr. Alan L. Gabriel, Esq.
Katz, Barron, Squitero & Faust
100 NE 3rd Avenue, Suite 280
Fort Lauderdale, FL 33301


RE: City of Pembroke Pines ("City") / Educational Mitigation Agreement
("Agreement") - City Center Project

Dear Mr. Gabriel:

Attached please find three (3) **original** Educational Mitigation Agreements as approved and executed by the City. Please forward this Agreement to the School Board, and advise our office when this Agreement will be before the School Board for their consideration.

Thank you for your assistance and should you have any questions, please do not hesitate to contact our office.

Sincerely,


for David N. Tolces
Assistant City Attorney

DNT:js

Enclosure(s)

CC: Charles F. Dodge, City Manager (w/out attachments)
Judith A. Neugent, City Clerk
Paul Edelstein, Director of Public Works
David Siegel, Stiles Development Company
Hoyt Holden, Calvin Giordano & Associates, Inc.