

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

**Meeting Date**  
 1/18/2005

**Open Agenda**  
 Yes  No

**Time Certain Request**  
 Yes  No

**Agenda Item Number**  
 J-12

**TITLE:**  
 Release of Road Impact Fee Lien Agreement and Statement of Acknowledgement  
 Hale Plat - Dave Thomas Education Center (West)

**REQUESTED ACTION:**  
 Approve the Release of Road Impact Fee Lien Agreement and Statement of Acknowledgement - Hale Plat - Dave Thomas Education Center (West) which is required for the plat approval and recordation.


**SUMMARY EXPLANATION AND BACKGROUND:**  
 On February 10, 2004, the Board of County Commissioners enacted an ordinance amending the Broward County Land Development Code and Chapter 27 of the Code of Ordinances revising the time assessment and payment of road, transit and school impact fees. The ordinance requires the assessment and payment of these impact fees prior to the Department of Planning and Environmental Protection (DPEP) construction approval, instead of prior to recordation of the agreement to amend the note on the plat.  
 In addition the new ordinance, effective March 1, 2004, requires the termination of existing impact fee agreements for application to amend the note on the plat approved after the effective date of the ordinance.  
 The assessment of Road Impact Fees only applies to Commercial developers in the Hale Plat. Chapter 1013 Florida Statutes exempts public schools from impact fees.  
 DPEP requires the School Board execute this agreement first.  
 The School Board Attorney has approved this Agreement as to form.

**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.

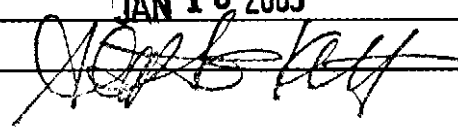
**FINANCIAL IMPACT:**  
 There is no financial impact to the School District.

**EXHIBITS: (List)**  
 1. Release of Road Impact Fee Lien Agreement

<p><b>BOARD ACTION</b>  <b>APPROVED</b>                  (For Official School Board Records' Office Only)</p>	<p><b>SOURCE OF ADDITIONAL INFORMATION</b>                  Name: Marc Brown  Phone: 754-321-2165</p>
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**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**  
 DIVISION OF FACILITIES AND CONSTRUCTION MANAGEMENT  
 MICHAEL GARRETSON, DEPUTY SUPERINTENDENT



Approved in Open Board Meeting on:                     JAN 18 2005                      
 By:                                         , School Board Chair

Revised July 31, 2003  
 FT/MG/Coates/Brown/Messina/Walker

**Exhibit 1**

**Release of Road Impact Fee Lien Agreement**

12/18/04  
J-12  
Return recorded document to:

Development Management Division  
115 S. Andrews Avenue, A240  
Fort Lauderdale, FL 33301

Document prepared by:

Development Management Division  
115 S. Andrews Avenue, A240  
Fort Lauderdale, FL 33301

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**Release of Road Impact Fee Lien Agreement  
and Statement of Acknowledgement**

WHEREAS, John B. Barnini, Bettina Barnini, (as Trustee) Richard Hoekstra, and Dorothy Hoekstra (as Trustee) (*Developer(s)*), by indenture of Road Impact Agreement and Lien dated December 19, 1988 (*date County Commission signed agreement*), and recorded at Official Records Book 16055, Page 639, in the public records of Broward County, Florida (the "Road Impact Agreement"), relating to the The Hale Plat (*Name of Plat*), obligation to pay Broward County, a political subdivision of the State of Florida, hereinafter referred to as the "County," certain road impact fees to provide for the future transportation needs of the proposed development of the Plat, a description of which is attached to the Road Impact Lien Agreement; and

WHEREAS, the Road Impact Lien Agreement was recorded as a lien against the property within the Plat to secure DEVELOPER'S obligation to pay road impact fees.

WHEREAS, as of March 1, 2004, Broward County no longer requires security for the deferred payment of Broward County educational, transit, and road impact fees. Therefore, the lien agreement will be released with the understanding that Broward County educational, transit or road impact fees will be assessed and collected prior to obtaining approval from the Land Use and Permit Section of the Department of Planning and Environmental Protection. Additionally, the impact fees will be assessed based on the current impact fee schedule in effect at the time of payment. Broward County educational, transit, and road impact fees will be updated once a year, every October 1<sup>st</sup>. This update could result in the increase of Broward County impact fees based on a variety of factors which include but are not limited to, an inflation adjustment based on the Implicit Price Deflator of the Gross National Product, County Capital Road Improvement Projects, and or variations in the financial obligations of the Broward County School Board to provide for the future educational needs of the population of Broward County; and

WHEREAS, in the event that all the owners of property within the PLAT are not parties to this release of agreement, DEVELOPER hereby agrees to indemnify, defend, and hold BROWARD COUNTY harmless from any claims or causes of action brought by owners of property within the PLAT as a result

of the release of the lien referenced above. This indemnification obligation shall run with the land and bind DEVELOPER'S successors and assigns.

NOW, THEREFORE, IN CONSIDERATION of the paragraphs above by the DEVELOPER, the COUNTY hereby releases and discharges from the Road Impact Lien Agreement, the following described property;

**All of the The Hale Plat as recorded in Plat Book 137 , Page 16  
As recorded in the Broward County, Florida Public Records.**

IN WITNESS WHEREOF, the COUNTY and DEVELOPER have made and executed this Agreement 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 SBC, Acting by and through its representative, duly authorized to execute same.

**COUNTY**

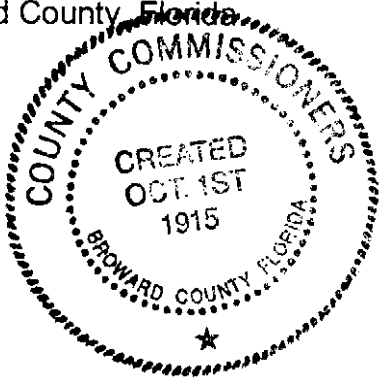
ATTEST:

R. [Signature]  
County Administrator and  
Ex-Officio Clerk of the  
Board of County Commissioners  
of Broward County, Florida

BROWARD COUNTY, through its  
BOARD OF COUNTY COMMISSIONERS

By [Signature]  
Mayor

1<sup>st</sup> day of March, 2005



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 [Signature]  
Assistant County Attorney

21<sup>st</sup> day of February, 2005

