

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, A PUBLIC SCHOOL CONCURRENCY PROPORTIONATE SHARE MITIGATION DEVELOPMENT AGREEMENT ("AGREEMENT"), BETWEEN THE CITY OF MIAMI BEACH ("CITY"), MIAMI-DADE COUNTY SCHOOL BOARD ("M-DCSB") AND THE FOLLOWING PROPERTY OWNERS: 500 ALTON ROAD VENTURES, LLC, A DELAWARE LIMITED LIABILITY COMPANY; 1220 SIXTH, LLC, A DELAWARE LIMITED LIABILITY COMPANY; SOUTH BEACH HEIGHTS I, LLC, A DELAWARE LIMITED LIABILITY COMPANY; AND KGM EQUITIES, LLC, A DELAWARE LIMITED LIABILITY COMPANY, (HEREINAFTER THE "PROPERTY OWNERS"); WHICH AGREEMENT PROVIDES FOR THE PAYMENT OF \$197,862 TOWARD SCHOOL BOARD CONCURRENCY BY PROPERTY OWNERS TO M-DCSB DUE TO THE PROPERTY OWNER'S APPLICATION TO CONSTRUCT 337 MULTIFAMILY RESIDENTIAL UNITS ON THE PROPERTY; AND WHICH AGREEMENT IS CONSISTENT WITH THE REQUIREMENTS OF THE AMENDED AND RESTATED INTERLOCAL AGREEMENT ("ILA") BETWEEN M-DCSB AND THE CITY, DATED DECEMBER 12, 2007.**

**WHEREAS**, in 2005, the Florida Legislature amended Chapters 163 and 1063, Florida Statutes, to require school boards and local jurisdictions to adopt public school elements in their Comprehensive Plans and implement School Concurrency; and

**WHEREAS**, on February 13, 2008, the City Commission approved Resolution No. 2008-26762, which authorized the City to enter into an Interlocal Agreement ("ILA") in order to implement public school concurrency and to coordinate the approval of residential development with the provision of adequate public school facilities; and

**WHEREAS**, 500 Alton Road Ventures, LLC, a Delaware limited liability company; 1220 Sixth, LLC, a Delaware limited liability company; South Beach Heights I, LLC, a Delaware limited liability company; and KGM Equities, LLC, a Delaware limited liability company (hereinafter, the "Property Owners"), have filled an application for conditional use approval and design review approval for the construction of a 337-unit residential development; and

**WHEREAS**, upon performing a Concurrency Review for the proposed development, Miami-Dade County Public Schools ("MDCPS") determined that the required public school level of service would not be met, pursuant to the following findings: 1) adequate school facility capacity is not available for six (6) of the senior high school students anticipated to be generated by the proposed residential dwelling units, at the level of service standard within the applicable Concurrency Service Area; 2) the needed school facility capacity for the applicable Concurrency Service Area is not available in any contiguous Concurrency Service Areas within the same geographic area; and 3) available school facility capacity will not be in place or under actual construction within three years after the approval of the development proposal; and

**WHEREAS**, pursuant to the ILA, the property owners are required to mitigate their impacts to senior high schools in order to be able to proceed with the development. In order to mitigate the impact, a Proportionate Share Mitigation Agreement will be required; and

**WHEREAS**, as required by the ILA, the attached Proportionate Share Mitigation Agreement will require the applicant to fund the full capital cost of 6 student stations. This will reimburse a mitigation bank established by the 3425 Collins Agreement approved on March 9, 2016, which will lead to the creation of a new classroom at Miami Beach High School.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approve and authorize the Mayor to execute, in a form acceptable to the City Attorney, a Public School Concurrency Proportionate Share Mitigation Development Agreement ("Agreement"), between the City of Miami Beach ("City"), Miami-Dade County School Board ("M-DCSB") and the following property owners: 500 Alton Road Ventures, LLC, a Delaware limited liability company; 1220 Sixth, LLC, a Delaware limited liability company; South Beach Heights I, LLC, a Delaware limited liability company; and KGM Equities, LLC, a Delaware limited liability company, (hereinafter the "Property Owners"); which Agreement provides for the payment of \$197,862 toward School Board Concurrency by Property Owners to M-DCSB, due to the Property Owner's application to construct 337 multifamily residential units on the Property; which agreement is consistent with the requirements of the Amended and Restated Interlocal Agreement ("ILA") between M-DCSB and the City, dated December 12, 2007.

**PASSED and ADOPTED** this \_\_\_\_ day of May, 2019

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*R. L. Grila* 5/7/19  
City Attorney Date

OK