

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

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PUBLIC SCHOOL CONCURRENCY PROPORTIONATE SHARE MITIGATION DEVELOPMENT AGREEMENT ("AGREEMENT"), ATTACHED HERETO AS "EXHIBIT 1", BETWEEN THE CITY OF MIAMI BEACH ("CITY"), MIAMI-DADE COUNTY SCHOOL BOARD (THE "SCHOOL BOARD") AND NORTH BEACH TOWN CENTER DEVELOPMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY AUTHORIZED TO TRANSACT BUSINESS IN THE STATE OF FLORIDA ("PROPERTY OWNER"), THE OWNER OF REAL PROPERTY LOCATED AT 6948-6988 ABBOTT AVENUE & 6957-6965 BYRON AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" (THE "PROPERTY"); WHICH AGREEMENT PROVIDES FOR THE PAYMENT OF MITIGATION TOWARD SCHOOL BOARD CONCURRENCY BY PROPERTY OWNER TO THE SCHOOL BOARD, ASSOCIATED WITH PROPERTY OWNER'S APPLICATION TO CONSTRUCT MULTIFAMILY RESIDENTIAL UNITS ON THE PROPERTY; AND WHICH AGREEMENT IS CONSISTENT WITH THE REQUIREMENTS OF THE AMENDED AND RESTATED INTERLOCAL AGREEMENT BETWEEN THE SCHOOL BOARD AND THE CITY, DATED DECEMBER 12, 2007 ("ILA").**

**WHEREAS**, on February 13, 2008, and pursuant to Resolution No. 2008-26762, the Mayor and City Commission approved and authorized the Mayor to execute that certain Amended and Restated Interlocal Agreement, between the City and the Miami-Dade County School Board (the "School Board"), for Public School Facility Planning in Miami-Dade County, to implement public school concurrency and to coordinate the approval of residential development with the provision of adequate public school facilities ("ILA"); and

**WHEREAS**, during review of an application for new construction, the City requires all applicants to comply with applicable school concurrency requirements associated with the project, in order to ensure the intent of the ILA is adhered to by all developers and to ensure sufficient and proper educational facilities are provided for the City's residents and children; and

**WHEREAS**, North Beach Town Center Development, LLC, a Delaware limited liability company authorized to transact business in the State of Florida ("Property Owner"), is the owner of real property located at 6948-6988 Abbott Avenue and 6957-6965 Byron Avenue in the City of Miami Beach, as more particularly described on Exhibit "A" (the "Property"); and

**WHEREAS**, the Property Owner is seeking Design Review Board approval (File No. DRB 19-0424) and Conditional Use Approval from the Planning Board (File No. PB 19-0303) to develop the Property with 170 multifamily residential dwelling units (the "Project"); and

**WHEREAS**, pursuant to the ILA, the Property Owner is required to mitigate its impacts to senior high schools in order to be able to proceed with the development. In order to mitigate the Project's impact, a Proportionate Share Mitigation Agreement (the "Agreement", attached hereto) is required; and

**WHEREAS**, the ILA requires that the School Board, the City, and the Property Owner execute the Agreement; and

**WHEREAS**, as required by the ILA, the parties agree that the Property Owner has selected, as its proportionate share mitigation option, the purchase of three (3) banked seats ("Monetary Proportionate Share Mitigation") from Mitigation Bank #2016-004; and the Parties further agree that the Property Owner shall pay the Monetary Proportionate Share Mitigation funds; and

**WHEREAS**, Public School Concurrency shall be satisfied by the Property Owner's execution and compliance with the attached Agreement, which Agreement ensures the Property Owner shall provide mitigation proportionate to the demand for public school facilities to be created by these new residential dwelling units; and

**WHEREAS**, the Property Owner shall be required to comply with the Proportionate Share Mitigation requirements of the ILA; and

**WHEREAS**, the Administration recommends authorizing the attached Agreement, in order to ensure compliance with the City's ILA with the School Board, and ensure that the Property Owner complies with school concurrency requirements.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, the Mayor and City Commission approve and authorize the City Manager to execute a Public School Concurrency Proportionate Share Mitigation Development Agreement ("Agreement"), attached hereto as "Exhibit 1", between the City, the School Board, and Property Owner, the owner of real property located at 6948-6988 Abbott Avenue and 6957-6965 Byron Avenue, as more particularly described in Exhibit "A" (the "Property"); which Agreement provides for the payment of mitigation toward School Board concurrency by Property Owner, associated with Property Owner's application to construct multifamily residential units on the Property; and which Agreement is consistent with the requirements of the amended and restated Interlocal Agreement Between M-DCSB and the City, dated December 12, 2007.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST:**

\_\_\_\_\_  
Rafael Granado, City Clerk

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

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

6/18/2020  
Date

NK