

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 ("M-DCSB") AND NOBE CREEK, LLC ("PROPERTY OWNER"), RELATING TO THE PROPERTY LOCATED AT 666 71 STREET, 6973 INDIAN CREEK DRIVE, AND 6980 - 6994 CARLYLE AVENUE (THE "PROPERTY"); WHICH AGREEMENT PROVIDES FOR THE PAYMENT OF MITIGATION TOWARD SCHOOL BOARD CONCURRENCY BY PROPERTY OWNER TO M-DCSB ARISING OUT OF THE 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 ("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 ("M-DCSB"), 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 that 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

WHEREAS, Nobe Creek, LLC ("Property Owner") is the owner of property at 666 71 St, 6973 Indian Creek Drive, and 6980 - 6994 Carlyle Avenue, in Miami Beach (the "Property"); and

WHEREAS, on July 7, 2020, the Property Owner obtained Design Review Board approval from the City of Miami Beach (File No. DRB 20-0505) to develop the Property with 70 multifamily residential dwelling units, which are composed of 81 co-living units (counted as 41 for density calculations) and 29 regular units; and

WHEREAS, the Property currently holds no credits for existing units; therefore, a total of 70 residential units shall be counted for school concurrency calculation purposes; and

WHEREAS, pursuant to the ILA, property owners are required to mitigate their impacts to senior high schools in order to proceed with development. In order to mitigate a particular development project's impact, a Proportionate Share Mitigation Agreement is required; and

WHEREAS, the ILA requires that the M-DCSB, the City, and the Property Owner approve 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 two (2) banked seats ("Monetary Proportionate Share Mitigation") from Mitigation Bank #2016-004; and the Parties further agree that the Property Owner shall pay Monetary Proportionate Share Mitigation funds to satisfy its concurrency obligations; and

WHEREAS, Public School Concurrency shall be satisfied by the Property Owner's execution and compliance with the attached Agreement, which Agreement ensures that 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 M-DCSB, 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 of Miami Beach, Miami-Dade County School Board, and Nobe Creek, LLC ("Property Owner"), the owner of property at 666 71 Street, 6973 Indian Creek Drive, and 6980 - 6994 Carlyle Avenue; which Agreement provides for the payment of mitigation toward School Board concurrency by Property Owner to M-DCSB arising out of to the 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 (the "ILA").

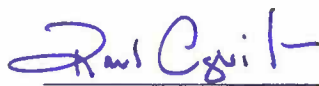
PASSED and ADOPTED this _____ day of _____, 2020.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

 10/29/20

City Attorney NK Date