

Document prepared by and Return recorded document to:

The School Board of Broward County, Florida
Kathleen C. Wright Administrative Building
600 Southeast 3rd Avenue
Fort Lauderdale, FL 33301

NOTICE: PURCHASERS. GRANTEES. 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.

**FIRST AMENDMENT TO EDUCATIONAL MITIGATION AGREEMENT
(Fort Lauderdale Downtown Regional Activity Center)**

THIS FIRST AMENDMENT TO THE EDUCATIONAL MITIGATION AGREEMENT ("First Amendment") 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 FORT LAUDERDALE, 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 Broward County Board of County Commissioners approved Broward County Land Use Text Amendment PCT 05-3, which added 3,000 new residential dwelling units to the existing "Downtown Regional Activity Center" in the City of Fort Lauderdale, a legal description of which is attached hereto as, **Exhibit "A"**, hereinafter referred to as the "Downtown RAC"; and

WHEREAS, the CITY voluntarily agreed to mitigate the impact of students anticipated from the development of the 3,000 new residential units in the Downtown RAC which requires individual applicants to pay student station cost factor fees, in lieu of school impact fees, on a site specific project basis, as well as to mitigate the impacts of the 8,060 existing built and unbuilt residential units; and

WHEREAS, the CITY proposed that the 3,000 new residential units, hereinafter referred to as "previously approved units", would be developed as high rise units as defined pursuant to the Broward

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Approved BCC 3/28/17 #31
Submitted By PD MD
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County Land Development Code as 'a 4 or more story residential building'; and

WHEREAS, in connection with the Downtown RAC approval for the previously approved 3,000 units, the COUNTY, CITY AND SCHOOL BOARD entered into a tri-party interlocal agreement entitled Educational Mitigation Agreement that applies to the entire Downtown RAC, which was recorded on March 16, 2007, in the Public Records of Broward County Official Record Book 43756, Pages 1606 through 1620 to legally enforce the commitments made in connection with the approval of Land Use Plan Amendment PCT 053, a copy of which is attached hereto as **Exhibit "B"** (the Educational Mitigation Agreement"); and

WHEREAS, all of the previously approved 3,000 residential units located within the Downtown RAC shall continue to be bound by the Educational Mitigation Agreement and the requirements contained therein including the payment of the student station cost factor fees prior to environmental review approval of construction plans by the Broward County Development and Environmental Regulation Division; and

WHEREAS, since the approval of the Educational Mitigation Agreement, the CITY and BROWARD COUNTY in conjunction with the SCHOOL BOARD have adopted public school concurrency regulations which requires all new residential development to comply with development review criteria for public school concurrency which will necessitate public school concurrency review either at the plat or site plan (or functional equivalent) stage of development review; and

WHEREAS, Chapter 5, Article IX, Broward County Code of Ordinances, 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 Broward County Land Development Code has since been amended to include mid-rise units which is defined as 'four (4) or more attached dwelling units in a building with four (4) to eight (8) residential stories (exclusive of parking levels)'; and

WHEREAS, said amendment to the Broward County Land Development Code modified the definition of high-rise units to 'nine (9) or more attached dwelling units in a building with nine (9) or more residential stories (exclusive of parking levels)'; and

WHEREAS, the Broward County Board of County Commissioners approved Broward County Land Use Text Amendment PCT 15-1, which further added 5,000 new residential dwelling units to the existing Downtown RAC, hereinafter referred to as the "RAC Amendment"; and

WHEREAS, the CITY is proposing a total of 16,060 residential units, which include: (i) 3,000 previously approved residential units (450 of the 3,000 additional dwelling units are restricted to affordable housing as defined by the Broward County Land Use Plan); (ii) 5,100 original existing residential units (approved prior to January 18, 2006); (iii) 2,960 existing residential units (2,750 flexibility and 210 reserve units transferred into the Downtown RAC from flex zones 54 and 49) for a total of 11,060 dwelling units, and (iv) 5,000 new additional dwelling units as part of Land Use Plan Amendment PCT 15-1; and

WHEREAS, at the time of the adoption of Land Use Plan Amendment PCT 15-1 development trends and the location of remaining buildable land in the Downtown RAC suggest that future residential development in the Downtown RAC would consist of 70% high-rise buildings and 30% mid-rise buildings, therefore the City anticipates that of the 5,000 new residential units 70% will be high-rise units and 30% will be mid-rise units; and

WHEREAS, the CITY has agreed to mitigate the impact of students anticipated from the

development of the 5,000 new dwelling units (hereinafter referred to as "New Additional Units") in the Downtown RAC as well as to continue to mitigate the impacts of the 3,000 previously approved units and 8,060 existing built and unbuilt residential units pursuant to the terms of the Educational Mitigation Agreement, and this First Amendment; and

WHEREAS, SCHOOL BOARD staff, as evidenced by the School Consistency Review Report dated September 22, 2014, which is attached hereto as Composite **Exhibit "C"**, anticipates that the New Additional Units approved as part of Land Use Plan Amendment PCT 15-1, if developed as mid-rise units, for projection purposes will generate 230 additional students consisting of 135 elementary school students, 55 middle school students and 40 high school students into Broward County Public Schools; and

WHEREAS, the New Additional Units are subject to public school concurrency review and to satisfy public school concurrency, the New Additional Units shall mitigate the student impact determined at the time of review if capacity is determined not to be available at the impacted schools in accordance with the provisions of the Interlocal Agreement and Section 5-182 of the Broward County Land Development Code and School Board Policy 1161, as either may be amended from time to time or be assessed the then current Broward County school impact fee for mid-rise units or high-rise units, as applicable, on a site specific project basis at the time of payment if capacity exists at the impacted schools. Any currently existing built units, demolished within 18 months of environmental review approval, are eligible for credit based upon type of unit and number of bedrooms; and

WHEREAS, the City has agreed to allocate any new residential units against any remaining previously approved units which are vested for public school concurrency. Once those Previously Approved Units have been accounted for, any subsequently proposed residential units will be applied to the New Additional Units and be subject to public school concurrency; and

WHEREAS, as a condition for approval of Land Use Plan Amendment PCT 15-1, the CITY was required to amend the tri-party interlocal agreement with the SCHOOL BOARD and COUNTY to recognize the incorporation of the additional residential units and reflect the students anticipated from the proposed additional units, and to enable legal enforcement of the commitment made, and before any building permits can be issued for residential units in the Downtown RAC; and

WHEREAS, in connection with the Downtown RAC and the City Land Use Plan Amendment PCT 15-1 Unit Application and the resulting New Additional Units, the parties hereto are desirous of amending the Recorded Mitigation Agreement, upon the terms and provisions as hereinafter set forth.

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. The foregoing recitals are true and correct and are incorporated herein by this reference. Capitalized terms not otherwise defined herein shall have the same meaning as ascribed to such terms in the Educational Mitigation Agreement.
2. The CITY and COUNTY do hereby confirm, ratify and reaffirm the covenants, restrictions and obligations contained in the Education Mitigation Agreement with the CITY, COUNTY and SCHOOL BOARD which was recorded in Official Records Book 43756, Pages 1606 through 1626 of the Public Records of Broward County, Florida.
3. This First Amendment shall be deemed part of, but shall take precedence over and supersede any provisions to the contrary contained in the Educational Mitigation Agreement.

4. The CITY, COUNTY and SCHOOL BOARD acknowledge and approve the total permitted 16,060 residential unit type and mix within the Downtown RAC as specified in the County approved Land Use Plan Amendment PCT 15-1. Any application for new residential development within the Downtown RAC shall be consistent with the approved Land Use Plan Amendment PCT 15-1 and subject to the imposition of educational mitigation in the manner set forth in the Educational Mitigation Agreement and this First Amendment. The CITY shall require that all residential dwelling units within the Downtown RAC (a) be assessed student station cost factor fees, or school impact fees, consistent with the terms of the Educational Mitigation Agreement as modified herein, in a site specific project basis; (b) monitor and make certain that development within the Downtown RAC will be built as specified herein for residential type and mix, and (c) as otherwise may be required to comply with this First Amendment.

5. Paragraph 2, entitled "Student Station Per Dwelling Unit Cost" of the Educational Mitigation Agreement is amended to include the New Additional Units (5,000) reflecting a total residential dwelling units within the Downtown RAC to be 16,060 with a residential unit mix and type for 5,000 New Additional Units as outlined in Land Use Text Amendment PCT 15-1. The student station per dwelling unit cost for each of the 3,000 previously approved dwelling units within the Downtown RAC shall be computed as specified therein, using the current Student Station Cost Factors as published 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. Based on the calculation utilizing the December 2016, State of Florida Student Station Cost Factors, the per dwelling unit cost for the previously approved units (3,000) residential unit within the Downtown RAC would be \$1,449. The New Additional Units (5,000) minimum per unit cost will be based upon the January 2016 school impact fee for mid-rise units and high-rise units, as amended. The actual per unit cost amount due shall be determined at the time of payment and based upon the then Broward County Educational Impact Fee schedule. The City will require evidence of payment for residential units within the Downtown RAC from individual applicants prior to the issuance of building permits.

6. The CITY shall provide written notification to the School Superintendent or his designee upon the allocation of any residential units within the Downtown RAC and upon plat or site plan approval of any residential project authorized pursuant to Land Use Text Amendment PCT 15-1. 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 time of building permit.

7. Prior to environmental review approval of construction plans as set forth within Chapter 27, Broward County Code of Ordinances by the Planning and Development Management Division for a building permit for the construction or erection of a residential building located within the Downtown RAC, the CITY shall identify the specific type of residential unit and treatment, i.e. 3,000 (450 of the 3,000 additional dwelling units are restricted to affordable housing as defined by the Broward County Land Use Plan), previously approved residential units, 5,100 original existing residential units (approved prior to January 18, 2006), and 2,960 existing residential units (2,750 flexibility and 210 reserve units transferred into the Downtown RAC from flex zones 54 and 49) for a total of 11,060 dwelling units and 5,000 New Additional dwelling units as part of Land Use Plan Amendment PCT 15-1 and provide written notification to the Broward County Development and Environmental Regulation Division and the School District's Facility Planning and Real Estate Department.

8. 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 Downtown RAC until the Student Station Unit Cost Factor Fees or school impact fees have been paid. 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 the Educational Mitigation Agreement, the Land Use Plan Amendment PCT 15-1, or this First Amendment by any remedy provided by law or equity.

9. Notwithstanding anything contained in the recorded Educational Mitigation Agreement to the contrary including, but not limited to, subsection 2.01 of the recorded Mitigation Agreement, following a Public School Concurrency Determination and prior to the issuance of a building permit for a residential unit on the Property, any owner within any portion of the Property shall voluntarily mitigate school impacts, if applicable, in accordance with the terms and provisions of the Interlocal Agreement and Section 5-182 of the Broward County Land Development Code, as either may be amended from time to time.

10. Except as specifically modified hereby, all of the provisions of the Agreement which are not in conflict with the terms of this First Amendment shall remain in full force and effect.

11. This First Amendment may be executed in one or more counterparts, each of which shall be deemed an original, and all of which together will constitute one and the same instrument.

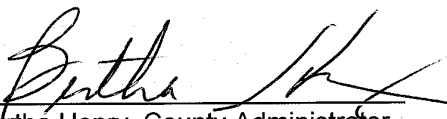
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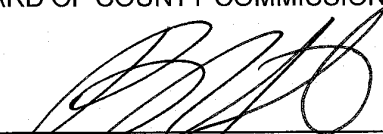
IN WITNESS WHEREOF, the parties have made and executed this Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action on the 23 day of March, 2017, the SCHOOL BOARD OF BROWARD COUNTY, FLORIDA signing by and through its Chair, authorized to execute same by Board action on the 22 day of Feb, 2017, and CITY, signing by and through its Mayor, duly authorized to execute same.

COUNTY

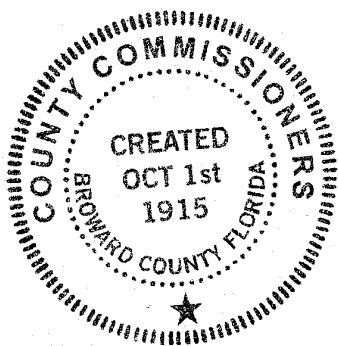
ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS


Bertha Henry, County Administrator
and Ex-Officio Clerk of the
Board of County Commissioners
of Broward County, Florida

By: 
Barbara Sharief, Mayor

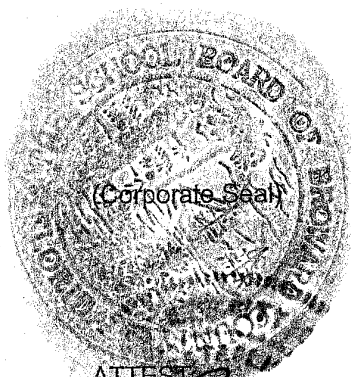
28 day of March, 2017



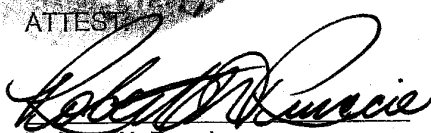
Approved as to form by
Joni Armstrong Coffey
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By: 
Maite Azcoitia, Deputy County Attorney

10 day of March, 2017



ATTEST


Robert W. Runcie

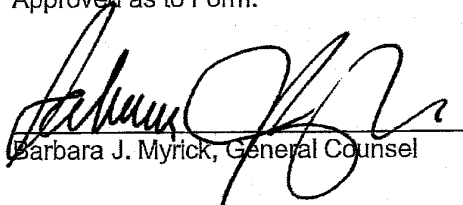
Superintendent of Schools

SCHOOL BOARD

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

By: 
Abby M. Freedman, Chair

Approved as to Form:

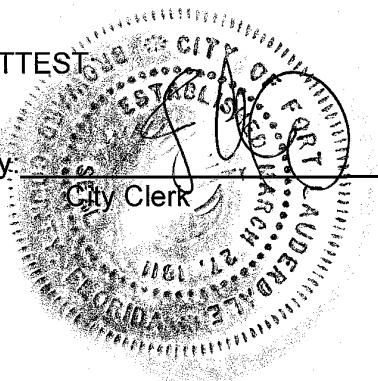

Barbara J. Myrick, General Counsel

WITNESSES:

By: jeanette A. Johnson
Print: Jeanette A. Johnson
By: H. Skourndale
Print: Harris Skourndale

ATTEST

By: [Signature]
City Clerk



CITY

CITY OF FORT LAUDERDALE

By: [Signature]
John P. "Jack" Seiler, Mayor
8th day of February, 2017

By: [Signature] for
Lee R. Feldman, ICMA-CM, City Manager
8 day of February, 2017

APPROVED AS TO FORM:

By: [Signature]
Cynthia A. Everett, City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

(TOGETHER WITH A REGIONAL ACTIVITY CENTER SKETCH)

[illegible]

EXHIBIT "A"

[illegible]

NOTES:

- 1) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 2) SUBJECT TO EXISTING EASEMENTS, RIGHT-OF-WAYS, COVENANTS, RESERVATIONS AND RESTRICTIONS OF RECORD, IF ANY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND MAPPER, RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CERTIFIED TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SKETCH AND DESCRIPTION DOWNTOWN REGIONAL ACTIVITY CENTER

DATED: February 23, 2016

MICHAEL W. DONALDSON
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA
NO. 6490

CITY OF FORT LAUDERDALE PUBLIC WORKS DEPARTMENT ENGINEERING & ARCHITECTURE 100 North Andrews Avenue, Fort Lauderdale, Florida 33301		NO. DATE BY CHECKED BY REVISIONS		PROJECT # 22222 DOWNTOWN REGIONAL ACTIVITY CENTER SKETCH AND DESCRIPTION		CITY OF FORT LAUDERDALE	
DRAWN BY: [] CHECKED BY: [] INCHES BY: [] DATE: 2/23/2016 SCALE: N/A	SHEET NO. 2 TOTAL 2	DRAWING FILE NO.		PROJECT # 22222 DOWNTOWN REGIONAL ACTIVITY CENTER SKETCH AND DESCRIPTION		CITY OF FORT LAUDERDALE	

EXHIBIT "B"

EDUCATIONAL MITIGATION AGREEMENT

**(RECORDED MARCH 16, 2007, IN THE PUBLIC RECORDS OF BROWARD COUNTY OFFICIAL
RECORDS BOOK 43756, PAGES 1606 THROUGH 1620)**

CFN # 106918209, OR BK 43756 Page 1606, Page 1 of 21, Recor 1 03/16/2007 at 12:02 PM, Broward Cou Commission, Deputy Clerk 1923

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

**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 FORT LAUDERDALE, 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 Broward County Board of County Commissioners approved Broward County Land
Use Text Amendment PCT 05-3, which added 3,000 new residential dwelling units to the existing
"Downtown Regional Activity Center" in the City of Fort Lauderdale, a description of which is attached
hereto as Exhibit "A", hereinafter referred to as the "Downtown Regional Activity Center"; and

WHEREAS, the CITY is proposing a total of 11,060 residential units, including 5,100 original
existing residential units, 2,960 existing residential units (2,750 flexibility and 210 reserve units transferred
into the Downtown Regional Activity Center from flex zones 54 and 49) for a total of 8,060 existing units and
3,000 new residential units as part of Land Use Plan Amendment PCT 05-3; and

WHEREAS, the CITY has agreed to mitigate the impact of students anticipated from the development

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Approved BCC 1/23/07 #64

Submitted By Dw. August Dineen

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of the 3,000 new residential units (hereinafter referred to as "Additional Units") in the Downtown Regional Activity Center as well as to continue to mitigate the impacts of the 8,060 existing built and unbuilt residential units; and

WHEREAS, SCHOOL BOARD staff, as evidenced by the Public School Facility Impact Statement Report and letter dated June 9, 2005 to The Broward County Planning Council, which are attached hereto as Composite Exhibit "B", anticipates that the Additional Units will generate 183 additional students consisting of 126 elementary school students, 24 middle school students and 33 high school students into Broward County Public Schools; and

WHEREAS, the CITY has proposed that the Additional Units will be developed as high rise units as defined pursuant to the Broward County Code of Ordinances as a 4 or more story residential building; 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 8,060 existing high rise dwelling units are subject to the provisions of School Board Policy 1161 and the mitigation of the anticipated student impacts on a site-specific per project basis. Such mitigation will be due for any of the existing 8,060 residential dwelling units that may be determined by the CITY to not be currently allocated and/or permitted. The CITY agrees to provide written notice including a location map to the SCHOOL BOARD and the COUNTY immediately following the recordation of this Agreement regarding the location of any of the high rise units allocated but not permitted and also send written notice whenever an applicant seeks development approval to develop any such units, and the mitigation amount as then determined shall be paid, based on the rate in effect at the time, prior to environmental review approval of construction plans as stipulated in the Natural Resource Protection Code; and

WHEREAS, the COUNTY, SCHOOL BOARD and CITY agree that the cost per student station is appropriate to the circumstances of the Downtown Regional Activity Center and that the cost per student station would be paid in lieu of the County school impact fees for the additional 183 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 Regional Activity Center dwelling units have been established by the State of Florida pursuant to the published "Student Station Cost Factors May, 2006", attached hereto as Exhibit "C"; and

WHEREAS, as a condition for approval of Land Use Plan Amendment PCT 05-3, 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, and before any building permits can be issued for residential units in the Regional 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:

CFN # 106918209, OR BK 43756 PG 1608, Page 3 of 21

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 Downtown Regional 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 to (a) require the payment of the student station per dwelling unit cost in lieu of the COUNTY school impact fees due for the Additional Units contained within the Downtown Regional Activity Center; (b) monitor and make certain that development within the Downtown Regional Activity Center where the Additional Units will be built strictly occurs as specified herein for residential type and mix, and; (c) as otherwise may be required to comply with this Agreement.

1.02 The CITY will require evidence of payment of the mitigation or the student station per dwelling unit cost, whichever is applicable 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 School Superintendent or his designee, and to the Broward County Development Management Division upon site plan or plat approval of any residential project authorized pursuant to Land Use Plan Amendment PCT 05-3. 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 environmental review approval of construction plans as set forth within Chapter 27, Broward County Code of Ordinances by the Broward County Development Management Division for a building permit for the construction or erection of a residential building located within the Downtown Regional Activity Center, the CITY shall, consistent with this Agreement, identify the specific type of residential unit, the bedroom mix and allocate the available residential flexibility units and provide written notification to the Broward County Development Management Division.

1.05 Prior to the issuance of a building permit for the construction or erection of a building with residential units located within the Downtown Regional Activity Center, the CITY shall verify that the owner, applicant and/or developer has paid the applicable education mitigation fee per dwelling unit cost for the Additional Units or the applicable mitigation for the existing units, as set forth herein.

1.06 The CITY, its successor and assigns, agrees that no building permits or certificates of occupancy shall be issued by the CITY for residential development of land within the Downtown Regional Activity Center until the applicable mitigation or student station per dwelling unit cost is paid as required by this Agreement. Failure to ensure collection of the student station per dwelling unit cost prior to the issuance of 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 Land Use Plan Amendment PCT 05-3 or this Agreement by any remedy provided by law or equity. In the event of a breach of this Agreement or if enforcement of this Agreement shall be required, the COUNTY, SCHOOL BOARD and CITY agree to reasonably cooperate with each other and take all appropriate and necessary action to secure payment of the applicable mitigation or student station cost payment, and that no party (the County, School Board or City) shall be liable to the other for damages (including the applicable school impact fee or student station cost payment) in such instance; however, a party may be subject to equitable remedies such as mandamus or specific performance.

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1.07 The CITY anticipates that the new Additional Units will be developed as high rise residential units. However, the actual mix of units may change, but in no event shall the number of students generated by any such mix exceed the 183 additional students as set forth in the attached Public School Facility Impact Statement Report. The CITY may propose a change to the specified type of residential unit and/or the bedroom mix upon written notification to the Executive Director, Facility Management, Planning and Site Acquisition of the School Board or designee, with a copy to the Broward County Development Management Division. The Executive Director, or designee, shall determine whether the number of students generated by any such proposed change will exceed the 183 additional students. If it is determined by the Executive Director, or designee, that such proposed change to the specified type of residential unit and/or the bedroom mix does not exceed the 183 additional students as computed by the student generation rate applicable as of the date of review, no amendment to this Agreement shall be required. Any further increase in the number of anticipated additional students shall require an amendment to this Agreement consistent with Paragraph 15 below to proceed.

2. STUDENT STATION PER DWELLING UNIT COST.

2.01 The Student Station Per Dwelling Unit Cost for each residential dwelling unit within the Regional Activity Center (PCT 05-3) 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 \$1,193 for each residential dwelling unit. For example, computations utilizing the cost per student station figures as of June 2006 would be approximately \$1,193 per residential dwelling unit for the Additional Units, and computations utilizing the cost per student station figures as of December 2016, would be approximately \$1,475 per residential dwelling unit for the Additional Units. At no time until prior to when the last building permit is issued for the final 3,000 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 Additional 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. 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 Downtown Regional Activity Center (PCT 05-3) unless it has received documentation of a finding of adequacy by the COUNTY.

3. EXISTING UNITS.

3.01 The COUNTY, SCHOOL BOARD and CITY agree that the 8,060 existing high rise dwelling units are subject to the provisions of School Board Policy 1161 and the mitigation of the anticipated student impacts on a site-specific per project basis. Such mitigation will be due for any of the existing 8,060

CFN # 106918209, OR BK 43756 PG 1610, Page 5 of 21

residential high rise units that may be determined by the CITY to not be currently allocated and/or permitted. The City agrees to provide written notice including location map to the SCHOOL BOARD and the COUNTY immediately following the recordation of this Agreement regarding the location of any of the allocated high rise units that are not permitted and also send written notice whenever an applicant seeks development approval to develop any such units, and the mitigation amount as then determined shall be paid based on the rate in effect at the time, prior to environmental review approval of construction plans as stipulated in the Broward County Natural Resource Protection Code.

4. 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 Additional Units in the Downtown Regional 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 Downtown Regional Activity Center, the use of such money will indirectly benefit such development by making other funds available to directly meet those needs.

5. 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 Downtown Regional 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.

6. The COUNTY agrees that this Agreement satisfies the requirement in Chapter 5, Article IX, Broward County Land Development Code relating to Educational Impact Fees.

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

8. 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 Fort Lauderdale
100 North Andrews Avenue
Fort Lauderdale, FL 33301

CFN # 106918209, OR BK 43756 PG 1611, Page 6 of 21

With a copy to:
Planning and Zoning Department Director
City of Fort Lauderdale
700 NW 19th Avenue
Fort Lauderdale, FL 33311

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

9. RELEASE. When all of the obligations set forth herein are fully paid and performed, COUNTY and SCHOOL BOARD, 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, the applicable COUNTY school impact fee and the issuance of a building permit shall constitute evidence that the divisible portion of the obligation has been satisfied.

10. 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.

11. 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.

12. 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.

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

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14. 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.

15. 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.

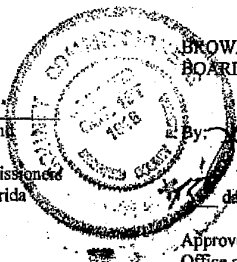
16. COUNTERPARTS. This Agreement may be executed in three (3) counterparts, each of which may be deemed to be an original.

17. RECORDING OF THIS AGREEMENT. The CITY agrees to record this Agreement 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 23rd day of January, 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:

 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: Stephen Engelhardt
Mayor
day of March, 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: Wanda DeCorte
Assistant County Attorney

15 day of March, 2006

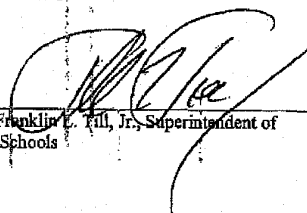
CFN # 106918209, OR BK 43756 PG 1613, Page 8 of 21

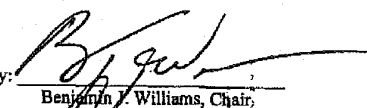
SCHOOL BOARD

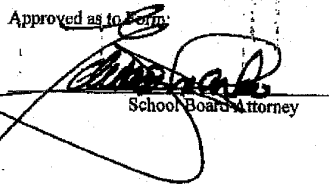
(Corporate Seal)

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

ATTEST:


Franklin L. Hill, Jr., Superintendent of
Schools

By: 
Benjamin J. Williams, Chair,
day of _____, 2006

Approved as to Form:

School Board Attorney

FT.LAUDERDALE.TRIPARTY(m1.2-7.6.06)

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CITY

WITNESSES:

[Signature]

[Signature]

ATTEST:

Jorda K. Joseph
City Clerk

CITY OF FORT LAUDERDALE

By:

[Signature]
Ian Naugle Mayor
20th day of July, 2006

By:

[Signature]
City Manager
26 day of July, 2006

APPROVED AS TO FORM:

By [Signature]
Asst. City Attorney

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EXHIBIT "A"

LEGAL DESCRIPTION

(TOGETHER WITH THE DOWNTOWN REGIONAL ACTIVITY CENTER SKETCH)

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Fort Lauderdale Triparty Agreement
Revised Draft 9/9/05

EXHIBIT "A"

LEGAL DESCRIPTION OF DOWNTOWN REGIONAL ACTIVITY CENTER
TOGETHER WITH A REGIONAL ACTIVITY CENTER SKETCH

LANDS LYING IN SECTIONS 2,3, 10 AND 11, TOWNSHIP 50 SOUTH, RANGE 42
EAST, BROWARD COUNTY, FLORIDA; BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE CENTERLINE OF SOUTH FEDERAL
HIGHWAY (U.S. 1), WITH THE CENTERLINE OF THE TARPON RIVER; THENCE
SOUTHWESTERLY ALONG THE CENTERLINE OF TARPON RIVER TO ITS
INTERSECTION WITH THE CENTERLINE OF THE FLORIDA EAST COAST
RAILROAD RIGHT OF WAY; THENCE NORTHERLY ALONG SAID
CENTERLINE TO ITS INTERSECTION WITH THE CENTERLINE OF
SOUTHWEST 7 STREET; THENCE WESTERLY ALONG SAID CENTERLINE TO
ITS INTERSECTION WITH THE CENTERLINE OF SOUTHWEST 4 AVENUE;
THENCE NORTHERLY AND NORTHWESTERLY ALONG THE CENTERLINE OF
SAID 4 AVENUE AND THE CENTERLINE OF THE W. H. MARSHALL BRIDGE,
TO THE INTERSECTION WITH THE EASTERLY EXTENSION OF THE SOUTH
LINE OF LOTS 1, 3, 5, AND 7, BLOCK 33, "BRYAN'S SUBDIVISION OF BLOCKS
33 AND 64, FORT LAUDERDALE, FLORIDA", ACCORDING TO THE PLAT
THEREOF, RECORDED IN PLAT BOOK 1, PAGE 29, OF THE PUBLIC RECORDS
OF DADE COUNTY, FLORIDA; THENCE WESTERLY ALONG SAID EXTENDED
LINE TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE NORTH ALONG
THE WEST LINE OF SAID LOT 7, THE WEST LINE OF LOTS 26,25,8 AND 7,
BLOCK 22, "BRYAN'S SUBDIVISION OF BLOCKS 21 AND 22, FORT
LAUDERDALE, FLORIDA", ACCORDING TO THE PLAT THEREOF, RECORDED
IN PLAT BOOK 1, PAGE 29, OF THE PUBLIC RECORDS OF DADE COUNTY,
FLORIDA AND THE NORTHERLY EXTENSION THEREOF, TO THE NORTH
RIGHT OF WAY LINE OF SOUTHWEST 2 STREET; THENCE EAST ALONG SAID
RIGHT OF WAY LINE TO INTERSECT THE WEST LINE OF LOT 10, BLOCK 20,
"TOWN OF FORT LAUDERDALE", ACCORDING TO THE PLAT THEREOF,
RECORDED IN PLAT BOOK "B", PAGE 40, OF THE PUBLIC RECORDS OF DADE
COUNTY, FLORIDA; THENCE NORTHERLY ALONG SAID WEST LINE OF LOT
10 THE NORTHWEST CORNER OF SAID LOT 10; THENCE EASTERLY ALONG
THE NORTH LINE OF SAID LOT 10 TO THE SOUTHWEST CORNER OF LOT 5,
BLOCK 10, "SUBDIVISION OF LOTS 1,2,3 AND 4-9 AND 10, BLOCK 20, FORT
LAUDERDALE, FLORIDA", ACCORDING TO THE PLAT THEREOF, RECORDED
IN PLAT BOOK 3, PAGE 15, OF THE PUBLIC RECORDS OF DADE COUNTY,
FLORIDA; THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 5
AND THE WEST LINE OF LOTS 5 AND 6 OF BLOCK 1 OF SAID "SUBDIVISION

- 1 -

OF LOTS 1,2,3 AND 4-9 AND 10, BLOCK 20, FORT LAUDERDALE, FLORIDA"
TO THE SOUTH RIGHT OF WAY OF WEST BROWARD BOULEVARD; THENCE
NORTHERLY TO THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE
OF WEST BROWARD BOULEVARD WITH THE WEST LINE OF LOT 16, BLOCK
"D", "AMENDED PLAT OF SUBDIVISION OF BLOCK 7, FORT LAUDERDALE,
FLORIDA", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK
1, PAGE 60, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE
NORTH ALONG THE WEST LINE OF SAID LOT 16, THE WEST LINE OF LOT 3
OF SAID BLOCK "D" AND THE WEST LINES OF LOTS 3 AND 16, BLOCK "A",
OF SAID "AMENDED PLAT OF SUBDIVISION OF BLOCK 7, FORT
LAUDERDALE, FLORIDA" AND THE NORTHERLY EXTENSION THEREOF, TO
THE CENTERLINE OF SOUTHWEST 2 STREET; THENCE EASTERLY ALONG
THE CENTERLINE OF SOUTHWEST 2 STREET TO THE CENTERLINE OF THE
FLORIDA EAST COAST RAILROAD; THENCE NORTHERLY AND
NORTHEASTERLY ALONG SAID CENTERLINE TO THE CENTERLINE OF WEST

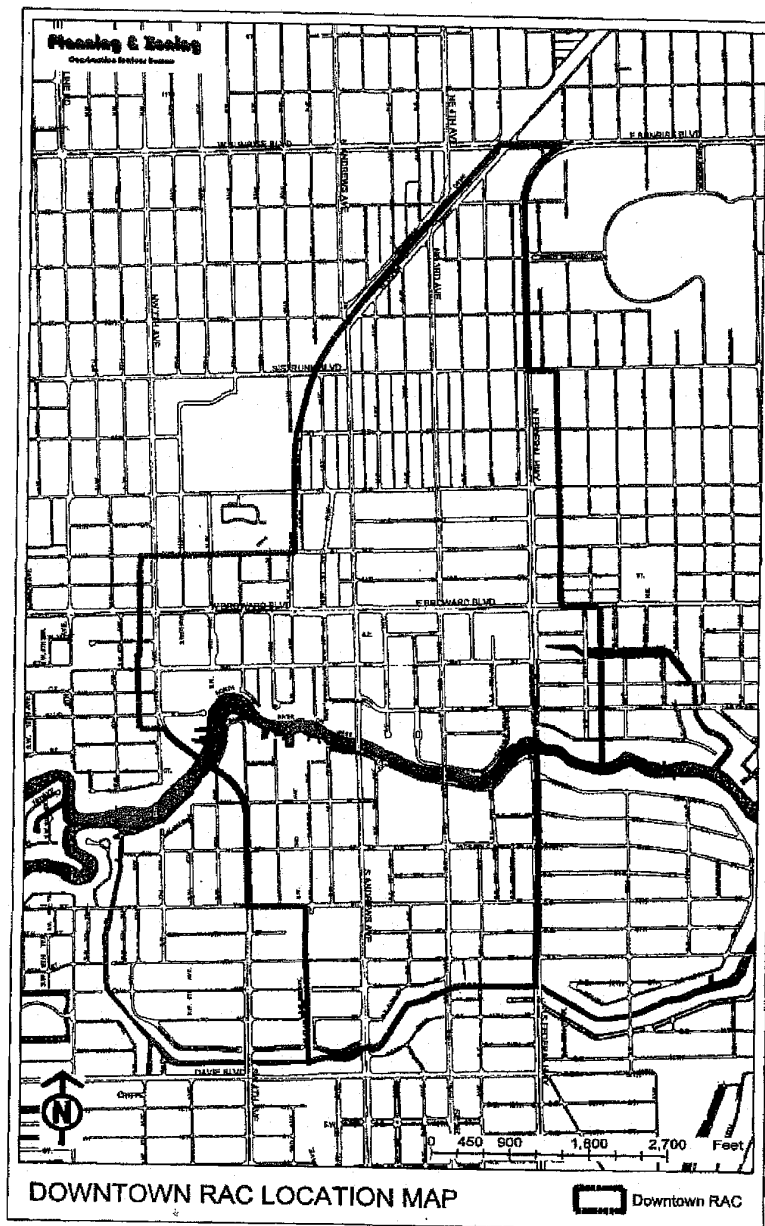
CFN # 106918209, OR BK 43756 PG 1617, Page 12 of 21

OF LOTS 1,2,3 AND 4-9 AND 10, BLOCK 20, FORT LAUDERDALE, FLORIDA" TO THE SOUTH RIGHT OF WAY OF WEST BROWARD BOULEVARD; THENCE NORTHERLY TO THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF WEST BROWARD BOULEVARD WITH THE WEST LINE OF LOT 16, BLOCK "D", "AMENDED PLAT OF SUBDIVISION OF BLOCK 7, FORT LAUDERDALE, FLORIDA", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 60, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 16, THE WEST LINE OF LOT 3 OF SAID BLOCK "D" AND THE WEST LINES OF LOTS 3 AND 16, BLOCK "A", OF SAID "AMENDED PLAT OF SUBDIVISION OF BLOCK 7, FORT LAUDERDALE, FLORIDA" AND THE NORTHERLY EXTENSION THEREOF, TO THE CENTERLINE OF SOUTHWEST 2 STREET; THENCE EASTERLY ALONG THE CENTERLINE OF SOUTHWEST 2 STREET TO THE CENTERLINE OF THE FLORIDA EAST COAST RAILROAD; THENCE NORTHERLY AND NORTHEASTERLY ALONG SAID CENTERLINE TO THE CENTERLINE OF WEST SUNRISE BOULEVARD; THENCE EASTERLY ALONG SAID CENTERLINE TO THE INTERSECTION WITH THE CENTERLINE OF NORTH FEDERAL HIGHWAY (U.S. 1); THENCE SOUTHWESTERLY AND SOUTHERLY ALONG THE CENTERLINE OF NORTH FEDERAL HIGHWAY TO THE INTERSECTION WITH THE CENTERLINE OF NORTHEAST 6 STREET; THENCE EASTERLY ALONG THE CENTERLINE OF NORTHEAST 6 STREET TO THE INTERSECTION WITH THE CENTERLINE OF NORTHEAST 7 AVENUE; THENCE SOUTHERLY ALONG THE CENTERLINE OF NORTHEAST 7 AVENUE TO THE CENTERLINE OF EAST BROWARD BOULEVARD; THENCE EASTERLY ALONG THE CENTERLINE OF EAST BROWARD BOULEVARD TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST LINE OF LOTS 11 THROUGH 20, INCLUSIVE, BLOCK 6, "BEVERLY HEIGHTS", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTHERLY ALONG SAID EAST LINE AND ITS SOUTHERLY EXTENSION, BEING A LINE PARALLEL WITH AND 175 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, THE CENTERLINE OF SOUTHEAST 8 AVENUE TO THE INTERSECTION WITH THE CENTERLINE OF THE NEW RIVER; THENCE WESTERLY ALONG THE CENTERLINE OF THE NEW RIVER TO ITS INTERSECTION WITH THE CENTERLINE OF SOUTH FEDERAL HIGHWAY; THENCE SOUTHERLY ALONG SAID CENTERLINE TO ITS INTERSECTION WITH THE CENTERLINE OF THE TARPON RIVER AND THE POINT OF BEGINNING OF THIS DESCRIPTION.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Provided by Tony Irvine, City of Fort Lauderdale Surveyor, on 3/08/2006

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COMPOSITE EXHIBIT "B"

LAND USE PLAN AMENDMENT

PUBLIC SCHOOL FACILITY IMPACT STATEMENT
(Land Use Amendment PCT 05-3)

AND
THE JUNE 9, 2005 LETTER TO THE CITY OF FORT LAUDERDALE

CFN # 106918209, OR BK 43756 PG 1620, Page 15 of 21

06/13/2005 09:28 FAX

0004

The Nation's Largest Fully



Accredited School System

Facility Management, Planning & Site Acquisition Department
600 S.E. 3rd Avenue, 14th Floor
Fort Lauderdale, Florida 33301

Regional Activity Center/Local Activity Center/Development of Regional Impact
Public School Facility Impact Statement

Property Description			
Type:	County	SEC 2, 3, 10, 11	TWP 50 RNG 42
Project Name:	PCT 05-3		
Owner /Developer :	City of Fort Lauderdale and Downtown Development Authority		
Jurisdiction :	City of Fort Lauderdale		
Current Land Use:	Regional Activity Center (Approx. 710 Acres)		
Proposed Land Use:	Regional Activity Center (Approx. 710 Acres)		

Potential Student Impact*		Additional Impact:		Cumulative Students From	
Existing Permitted Units:	5,100	Elementary Students:	126	LUPA Approved Since:	
Proposed Units:	8,100	Middle Students:	24	Since 1/03/05 to 2/25/05	
Built Units:		High Students:	33		
Net Change :	+3000	Total:	183	Elem	Midd High Total
				0	12 0 12

* Note: Calculations are based upon the maximum student generation rates in the Land Development Code.

Currently Assigned Schools*	20th Day Enrollment	School Capacity	Over/Under Enrolled	Projected Enrollment**				
				05/06	06/07	07/08	08/09	09/10
Croissant Park Elementary	751	737	14	559	553	559	579	742
North Fork Elementary	534	506	-28	502	478	508	584	708
North Side Elementary	522	578	-56	529	591	583	533	513
Walker Elementary	535	578	-43	525	781	785	758	777
Arthur Ashe Middle	1238	1000	238	1269	1198	1182	1199	1380
New River Middle	1543	1247	296	1457	1548	1581	1615	1641
Sunrise Middle	1576	1580	296	1515	1477	1477	1421	1416
Fort Lauderdale High	1708	1835	-79	1775	1887	1860	1804	2081
Stranahan High	2188	1648	236	2151	2173	2092	2012	2092

COMMENTS: Please see comments dated June 9, 2005.

* Note: 06/05 School Year - 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 School Board District Educational Facilities Plan	
Elementary Schools:	Walker Elementary School: 12-classrooms addition, forecasted for completion in the fall of 2006.
Middle Schools:	None
High Schools:	Stranahan High School: 72-classrooms addition, funded in FY 2004/05.
Comments:	

Date: June 9, 2005

By:
Facility Management, Planning & Site Acquisition

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002



THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

600 Northeast Third Avenue, 14th FL. FT. LAUDERDALE, FLORIDA 33301 • TEL 754-321-2161 • FAX 754-321-2179

Chris Atagbosa, Director
 Growth Management Division
 Facility Assessment Planning & Site Evaluation
 chris.atagbosa@browardschools.com

June 9, 2005

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

SCHOOL BOARD

STEPHANIE ADAMS-KRAFT, ESQ.
 RICHARD A. WILLIAMS
 CAROL L. ANDREWS
 RUBEN BARTLEMAN
 DARLA L. CARTER
 WALTER A. DENNEY
 BEVERLY A. GALLAGHER
 DR. ROBERT D. PARKS
 HARRY RUBINSTEIN

Dr. Frank Tili
 Superintendent of Schools

Re: REVISED REPORT FOR LAND USE PLAN AMENDMENT PCT 05-3

Dear Mr. Sniezek:

Please find attached per the request from your office, the revised Public School Facility Impact Statement (PSFIS) Report for Land Use Plan Amendment (LUPA) PCT 05-3, which updates the February 3, 2005 Report on the amendment. The information provided by your office indicates that 5,100 residential units are currently permitted for development within the boundaries of the property, and 3,000 high-rise units are currently proposed. Thus, the development as proposed, is anticipated to generate a total of 183 (126 elementary, 24 middle and 33 high school) additional students into Broward County Public Schools, which will exacerbate overcrowded conditions at the impacted schools. Also, the number of land use plan amendment applications adopted by the Broward County Commission from January 2005 to February 25, 2005, is anticipated to generate 12 middle school students into Arthur Ashe Middle School.

Schools serving the area of the amendment site in the 2004/05 school year are depicted in the attached PSFIS Report. Additionally, Virginia Shuman Young Elementary, a magnet school is located in the vicinity of the RAC boundary. However, the School has a countywide boundary, and the 2004/05 Twentieth Day statistical data for the School is as follows: Enrollment - 796, 2003 Capacity - 623, Over/(Under) 173, 2005/06 Projected Student Enrollment - 745. Also, be aware that the 2004 preliminary permanent capacity data was utilized in the review of the application. Based on the 2004/05 Twentieth-Day Membership Counts, and Enrollment and Facility Planning Inventory (EFPPI) Report, Croissant Park, North Fork, North side and Walker Elementary Schools are Neutral (>=90% to 110% of Permanent capacity) in the 2004/05 school year. However, Croissant Park Elementary School is projected to be overcrowded in the 2005/06 school year. Also, Arthur Ashe, New River and Sunrise Middle Schools are critically overcrowded, Fort Lauderdale High School is Neutral and Stranahan High School is overcrowded. Scheduled capital improvements for pertinent impacted schools are depicted in the attached Report for the amendment.

In the 2004/05 School Year the School of Excellence (Grades K-5) and the Downtown Academy of Technology (Grades 6-8) are located within a two-mile radius of the site, and the Twentieth Day statistical data for the schools is as follows: Enrollment - 294, Contract Capacity - 310, Over/(Under) (16), 2005/06 Enrollment - 300; Downtown Academy of Technology and Arts: Enrollment - 118, Contract Capacity - 154, Over/(Under) - (36), 2005/06 Enrollment - 154. 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

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Revised Report for Land Use Plan Amendment PCT 05-3
 June 9, 2005
 Page 1

awareness about their school within the area they serve. Croissant Park Elementary, Arthur Ashe, New River and Sunrise Middle Schools are projected to be overcrowded in the 2005/06 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 are not anticipated to completely relieve overcrowding at Croissant Park Elementary, Arthur Ashe, New River and Sunrise Middle Schools.

In correspondence dated August 16, 2004, the City of Fort Lauderdale Downtown Development Authority voluntarily committed to "pay or cause to be paid the student station cost factor as determined and published by the State of Florida" for each anticipated student. Based on the current School impact fee schedule, effective October 1, 2004, the school impact fee that would currently be due for the units is approximately \$1,395,000. Computations utilizing the June 2005 Florida established Student Station Cost Factors figures indicate that the cost per student station amount for the anticipated elementary, middle and high school students is approximately \$2,811,684. This amount is approximately \$1,416,684 above the currently estimated school impact fees, and translates to approximately \$937 per LAC dwelling unit. Also, computations utilizing the June 2012 Student Station Cost Factors figures indicate that the cost per student station amount for the anticipated elementary, middle and high school students is approximately \$3,282,408. This amount is approximately \$1,887,408 above the currently estimated school impact fees, and translates to approximately \$1,094 per LAC dwelling unit. Thus, the commitment satisfies the mitigation provisions of School Board Policy 1161. Please be advised that the tri-party interlocal agreement between the School Board, the Broward County Commission and the City to enable legal enforcement of the City's voluntary commitment as been drafted and will be transmitted soon to the City for review, and execution by the City Commission.

As always, 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 email me at chris.akagbosu@browardschools.com or call me at 754-321-2162.

Sincerely,



Chris O. Akagbosu, Director
 Growth Management Division
 Facility Management, Planning & Site
 Acquisition Department

COA:coa

Attachment

1. Revised Public School Facility Impact Statement Report, LUPA PCT 05-3

cc: Thomas J. Coates, Executive Director, Facility Management, Planning & Site Acquisition Department
 Thomas Moore, Director, School Boundaries Department
 Omar Shimi, Director, Capital Systems, Reporting and Control
 Sharon Cruz, Deputy County Attorney
 David Danovitz, Director, Development Management Division
 Marc LaFerrier, Director, City of Fort Lauderdale Planning Department

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EXHIBIT "C"

STUDENT STATION COST FACTORS
May 2006 TABLE, OR AS AMENDED

Student Station Cost Factors per H5005(2006)

STUDENT STATION COST FACTORS
REVISED TO CONFORM WITH HB 5005(2006)

11-May-06

	Consumer Price Index REC National Forecast of February 2006	Student Station Cost Factors	Cost of Elementary School Student Station (\$)	Cost of Middle School Student Station (\$)	Cost of High School Student Station (\$)
Jan-2006	198.6	1.0000	17,932	19,386	25,181
Feb-2006	198.9	1.0012	17,974	19,409	25,211
Mar-2006	199.1	1.0024	17,994	19,432	25,240
Apr-2006	199.3	1.0033	18,011	19,450	25,264
May-2006	199.5	1.0045	18,033	19,474	25,295
Jun-2006	199.8	1.0059	18,057	19,500	25,328
Jul-2006	200.1	1.0073	18,084	19,528	25,366
Aug-2006	200.4	1.0089	18,111	19,559	25,404
Sep-2006	200.7	1.0104	18,140	19,589	25,444
Oct-2006	201.1	1.0123	18,173	19,624	25,491
Nov-2006	201.4	1.0139	18,202	19,656	25,531
Dec-2006	201.7	1.0155	18,229	19,686	25,570
Jan-2007	202.0	1.0169	18,255	19,713	25,606
Feb-2007	202.3	1.0184	18,281	19,742	25,643
Mar-2007	202.6	1.0198	18,308	19,770	25,680
Apr-2007	202.9	1.0212	18,333	19,798	25,716
May-2007	203.2	1.0228	18,361	19,827	25,754
Jun-2007	203.5	1.0243	18,389	19,856	25,794
Jul-2007	203.8	1.0260	18,419	19,890	25,835
Aug-2007	204.1	1.0277	18,449	19,922	25,878
Sep-2007	204.5	1.0294	18,480	19,956	25,921
Oct-2007	204.8	1.0312	18,513	19,991	25,967
Nov-2007	205.2	1.0330	18,545	20,028	26,012
Dec-2007	205.5	1.0348	18,577	20,061	26,057
Jan-2008	205.9	1.0367	18,610	20,097	26,104
Feb-2008	206.3	1.0384	18,642	20,131	26,148
Mar-2008	206.6	1.0401	18,672	20,164	26,191
Apr-2008	206.9	1.0417	18,700	20,194	26,230
May-2008	207.2	1.0433	18,730	20,228	26,272
Jun-2008	207.6	1.0450	18,761	20,259	26,315
Jul-2008	207.9	1.0469	18,793	20,294	26,361
Aug-2008	208.3	1.0486	18,824	20,327	26,404
Sep-2008	208.6	1.0502	18,854	20,360	26,446
Oct-2008	208.9	1.0518	18,882	20,390	26,485
Nov-2008	209.2	1.0534	18,911	20,422	26,527
Dec-2008	209.5	1.0551	18,942	20,455	26,569
Jan-2009	209.9	1.0569	18,974	20,490	26,614
Feb-2009	210.3	1.0588	19,004	20,522	26,657

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Student Station Cost Factor H5005(2006)

Page 2 of 3

Mar-2009	210.6	1.0603	19,034	20,554	26,698
Apr-2009	210.9	1.0618	19,082	20,585	26,738
May-2009	211.2	1.0635	19,091	20,616	26,779
Jun-2009	211.6	1.0651	19,120	20,648	26,820
Jul-2009	211.9	1.0667	19,149	20,679	26,860
Aug-2009	212.2	1.0683	19,179	20,710	26,901
Sep-2009	212.5	1.0700	19,208	20,742	26,943
Oct-2009	212.9	1.0716	19,237	20,774	26,984
Nov-2009	213.2	1.0733	19,268	20,807	27,027
Dec-2009	213.5	1.0751	19,300	20,841	27,071
Jan-2010	213.9	1.0770	19,334	20,879	27,120
Feb-2010	214.3	1.0788	19,388	20,913	27,165
Mar-2010	214.6	1.0805	19,397	20,946	27,208
Apr-2010	214.9	1.0821	19,425	20,977	27,247
May-2010	215.3	1.0837	19,455	21,009	27,290
Jun-2010	215.6	1.0854	19,486	21,042	27,333
Jul-2010	215.9	1.0871	19,516	21,076	27,375
Aug-2010	216.3	1.0889	19,548	21,109	27,419
Sep-2010	216.6	1.0907	19,579	21,143	27,464
Oct-2010	217.0	1.0925	19,612	21,179	27,510
Nov-2010	217.4	1.0943	19,645	21,214	27,555
Dec-2010	217.7	1.0961	19,678	21,249	27,601
Jan-2011	218.1	1.0980	19,711	21,286	27,649
Feb-2011	218.5	1.0998	19,744	21,321	27,694
Mar-2011	218.8	1.1016	19,776	21,356	27,739
Apr-2011	219.2	1.1033	19,807	21,389	27,782
May-2011	219.5	1.1051	19,839	21,424	27,828
Jun-2011	219.9	1.1070	19,872	21,460	27,875
Jul-2011	220.3	1.1089	19,907	21,497	27,923
Aug-2011	220.6	1.1108	19,941	21,534	27,971
Sep-2011	221.0	1.1127	19,975	21,571	28,019
Oct-2011	221.4	1.1146	20,010	21,609	28,068
Nov-2011	221.8	1.1166	20,045	21,647	28,117
Dec-2011	222.2	1.1186	20,081	21,685	28,167
Jan-2012	222.6	1.1206	20,118	21,725	28,219
Feb-2012	223.0	1.1227	20,154	21,764	28,270
Mar-2012	223.4	1.1247	20,190	21,803	28,321
Apr-2012	223.8	1.1267	20,227	21,842	28,372
May-2012	224.2	1.1287	20,263	21,882	28,423
Jun-2012	224.6	1.1308	20,299	21,921	28,474
Jul-2012	225.0	1.1328	20,335	21,960	28,524
Aug-2012	225.4	1.1348	20,372	21,999	28,575
Sep-2012	225.8	1.1368	20,409	22,039	28,627
Oct-2012	226.2	1.1389	20,446	22,079	28,679
Nov-2012	226.6	1.1410	20,484	22,120	28,732
Dec-2012	227.1	1.1432	20,522	22,161	28,786
Jan-2013	227.5	1.1454	20,562	22,205	28,842
Feb-2013	227.9	1.1475	20,601	22,246	28,896
Mar-2013	228.4	1.1496	20,638	22,287	28,949
Apr-2013	228.8	1.1517	20,675	22,327	29,001
May-2013	229.2	1.1538	20,712	22,367	29,053
Jun-2013	229.6	1.1558	20,749	22,408	29,104
Jul-2013	230.0	1.1579	20,785	22,445	29,155

<http://edr.state.fl.us/conferences/peco/station.htm>

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Student Station Cost Factor H5005(2006) Page 3 of 3

Aug-2013	230.4	1.1596	20,822	22,485	29,206
Sep-2013	230.8	1.1619	20,858	22,524	29,257
Oct-2013	231.2	1.1639	20,894	22,563	29,307
Nov-2013	231.6	1.1659	20,931	22,603	29,359
Dec-2013	232.0	1.1680	20,968	22,643	29,412
Jan-2014	232.4	1.1702	21,009	22,686	29,467
Feb-2014	232.9	1.1723	21,046	22,727	29,520
Mar-2014	233.3	1.1744	21,084	22,768	29,574
Apr-2014	233.7	1.1765	21,121	22,809	29,627
May-2014	234.1	1.1786	21,159	22,849	29,679
Jun-2014	234.5	1.1807	21,196	22,889	29,731
Jul-2014	234.9	1.1827	21,232	22,929	29,782
Aug-2014	235.3	1.1848	21,269	22,968	29,834
Sep-2014	235.7	1.1868	21,306	23,008	29,886
Oct-2014	236.1	1.1889	21,342	23,047	29,937
Nov-2014	236.6	1.1909	21,379	23,087	29,989
Dec-2014	237.0	1.1930	21,417	23,128	30,041
Jan-2015	237.4	1.1952	21,456	23,170	30,096
Feb-2015	237.8	1.1973	21,494	23,211	30,149
Mar-2015	238.2	1.1994	21,532	23,252	30,202
Apr-2015	238.7	1.2015	21,569	23,292	30,255
May-2015	239.1	1.2036	21,607	23,333	30,308
Jun-2015	239.6	1.2057	21,645	23,374	30,361
Jul-2015	239.9	1.2078	21,683	23,415	30,414
Aug-2015	240.3	1.2099	21,720	23,456	30,466
Sep-2015	240.7	1.2119	21,756	23,494	30,517
Oct-2015	241.1	1.2138	21,790	23,531	30,566
Nov-2015	241.5	1.2158	21,827	23,570	30,616
Dec-2015	241.9	1.2179	21,864	23,611	30,668
Jan-2016	242.3	1.2201	21,903	23,652	30,722
Feb-2016	242.8	1.2222	21,940	23,693	30,775
Mar-2016	243.2	1.2243	21,978	23,734	30,828
Apr-2016	243.6	1.2264	22,016	23,775	30,882
May-2016	244.0	1.2285	22,054	23,816	30,935
Jun-2016	244.4	1.2306	22,092	23,856	30,988
Jul-2016	244.9	1.2327	22,129	23,897	31,040
Aug-2016	245.3	1.2348	22,167	23,937	31,093
Sep-2016	245.7	1.2369	22,205	23,978	31,146
Oct-2016	246.1	1.2390	22,243	24,019	31,199
Nov-2016	246.5	1.2411	22,281	24,061	31,253
Dec-2016	247.0	1.2433	22,319	24,102	31,307

<http://edr.state.fl.us/conferences/peco/station.htm>

5/30/2006



I hereby certify this document to be a true,
correct and complete copy of the record
filed in my office. Dated this 29 day
of March, 2007
By [Signature] Deputy Clerk

AFFIDAVIT OF APPLICANT

I, CHRISTOPHER AKAGROSU being duly sworn deposes and says that:

(1) I have reviewed the staff report relating to the PCT 05-3

Plat and hereby state that I concur with the findings and recommendations set forth within said report.

(2) I have the authority as agent of the applicant to make such representations.

FURTHER AFFIANT SAYETH NAUGHT

CHRISTOPHER AKAGROSU Signature
CHRISTOPHER AKAGROSU Print Name:

ACKNOWLEDGMENT

STATE OF Florida)
COUNTY OF Broward)SS.

The foregoing instrument was acknowledged before me this 18 day of

January, 2007, by Christopher On Akagrosu who is

[] personally known to me or [x] produced identification.

Type of identification produced A22111458121-0

NOTARY PUBLIC:

(Seal) Ronald Major
Commission #DD308965
Expires: Apr 08, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

Print Name:

Ronald Major
Ronald Major

EXHIBIT "C"

SCHOOL CONSISTENCY REVIEW REPORT

(DATED SEPTEMBER 22, 2014)

EXHIBIT C

**The School Board of Broward County, Florida
SCHOOL CONSISTENCY REVIEW REPORT**

LAND USE

SBBC-1646-2014

County No: PCT 15-1

Downtown Fort Lauderdale Housing

September 22, 2014



RECEIVED

SEP 22 2014

**BROWARD COUNTY
PLANNING COUNCIL**

**Growth Management
Facility Planning and Real Estate Department
600 SE 3rd Avenue, 8th Floor
Fort Lauderdale, Florida 33301
Tel: (754) 321-2177 Fax: (754) 321-2179
www.browardschools.com**

ATTACHMENT 17

SCHOOL CONSISTENCY REVIEW REPORT - LAND USE

PROJECT INFORMATION			IMPACT OF PROPOSED CHANGE			PROPERTY INFORMATION		
Date:	September 22, 2014		Units Permitted	0	Units Proposed	5,000	Existing Land Use:	Downtown Regional
Name:	Downtown Fort Lauderdale Housing						Proposed Land Use:	Downtown Regional
SBBC Project Number:	SBBC-1646-2014						Current Zoning:	RAC-
County Project Number:	PCT 15-1						Proposed Zoning:	RAC-
Municipality Project Number:	2113						Section:	
Owner/Developer:	City of Fort Lauderdale						Township:	
Jurisdiction:	Fort Lauderdale						Range:	

SHORT RANGE - 5-YEAR IMPACT

Currently Assigned Schools	Gross Capacity	LOS Capacity	Benchmark Enrollment	Over/Under LOS	Classroom Equivalent Needed to Meet LOS	% of Gross Capacity
Croissant Park Elementary	846	846	761	-85	-4	90.0%
North Fork Elementary	713	713	553	-160	-8	77.6%
North Side Elementary	608	608	434	-174	-9	71.4%
Walker Elementary	1,017	1,017	603	-414	-23	59.3%
New River Middle	1,493	1,493	1,380	-113	-5	92.4%
Sunrise Middle	1,403	1,403	1,349	-54	-2	96.2%
Fort Lauderdale High	2,001	2,001	2,073	72	3	103.6%
Stranahan High	2,518	2,518	1,554	-964	-38	61.7%

Currently Assigned Schools	Adjusted Benchmark	Over/Under LOS-Adj. Benchmark Enrollment	% Gross Capacity Adjusted Benchmark	Projected Enrollment				
				14/15	15/16	16/17	17/18	18/19
Croissant Park Elementary	762	-84	90.1%	752	802	809	802	793
North Fork Elementary	553	-160	77.6%	543	515	509	512	508
North Side Elementary	434	-174	71.4%	421	436	433	431	438
Walker Elementary	608	-409	59.8%	580	549	542	534	509
New River Middle	1,401	-92	93.8%	1,386	1,408	1,416	1,413	1,398
Sunrise Middle	1,361	-42	97.0%	1,336	1,351	1,366	1,358	1,353
Fort Lauderdale High	2,073	72	103.6%	2,028	1,908	1,927	1,841	1,823
Stranahan High	1,597	-921	63.4%	1,552	1,594	1,606	1,637	1,653

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code. A traditional cohort survival methodology is used to project future school enrollment out over the next five years, and a proportional share of charter school enrollment is used to project future charter school enrollment by school level Districtwide. For more information: <http://www.broward.k12.fl.us/dsae/enrollment/Proj.shtml>. The annual benchmark enrollment is used to apply individual charter school enrollment impacts against school facility review processes.

*The first Monday following Labor Day

LONG RANGE - TEN-YEAR IMPACT

Impacted Planning Area	School District's Planning Area Data				Aggregate Projected Enrollment			
	Aggregate School Capacity	Aggregate Enrollment	Aggregate Over/(Under) Enrollment		2013-14	2015-16	2017-18	2019-20
Area E - Elementary	13,701	10,592	-3,109		10,788	10,903	11,018	11,133
Area E - Middle	5,350	4,367	-983		4,558	4,619	4,679	4,740
Area E - High	7,794	6,455	-1,339		5,162	5,222	5,282	5,343

CHARTER SCHOOL INFORMATION

Charter Schools within 2-mile radius	2013-14 Contract Permanent Capacity	2013-14 Benchmark Enrollment	Over/(Under)	Projected Enrollment
Charter School Of Excellence 2@ Fort Lauderdale	500	29	-471	29
Charter School Of Excellence Es	310	278	-32	278
Florida Virtual Academy At Broward County	0	43	43	43
Mavericks High Central Broward	550	309	-241	309
Melrose High	600	28	-572	28
Somerset Village Academy Middle	750	132	-618	132
The Obama Academy For Boys	720	93	-627	93
The Red Shoe Charter School For Girls	720	92	-628	92

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code. A traditional cohort survival methodology is used to project school-by-school District traditional school enrollment out over the next five years, and a proportional share of charter school enrollment is used to project future charter school enrollment by school level Districtwide. For more information: <http://www.broward.k12.fl.us/dsa/EnrollmentProj.shtml>. The annual benchmark school enrollment is used to apply individual charter school enrollment impacts against school facility review processes.

*The first Monday following Labor Day

PLANNED AND FUNDED IMPROVEMENTS IN THE ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN
(Years 1 - 5)

School(s)	Description of Improvements
Croissant Park Elementary	None
North Fork Elementary	None
North Side Elementary	None
Walker Elementary	None
New River Middle	None
Sunrise Middle	None
Fort Lauderdale High	Construct two 3-story buildings, previously budgeted and already factored into the schools FISH capacity number.
Stranahan High	None

PLANNED IMPROVEMENTS IN THE ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN
(Years 6 - 10)

Improvements for Planning Area E	
School Level	Comments
Elementary	None
Middle	None
High	None

Comments

<p>Information contained in the application indicates that the approximately 710-acre site is generally located south of Sunrise Boulevard and north of Tarpon River between SE 8th Avenue and NW/SW 7th Avenue in the City of Fort Lauderdale. The current land use designation for the site is Regional Activity Center (RAC), which currently allows 8,100 residential units on the site. Among the currently allowed 8,100 residential units, 3,000 residential units (which were added via Land Use Plan Amendment (LUPA) PCT 05-3) are subject to a Tri-Party Educational Mitigation Agreement (OR BK 43756, Pages 1606 -1626). The applicant proposes to add an additional 5,000 mid-rise residential units into and within the RAC site, which are anticipated to generate a total 230 additional students (135 elementary, 55 middle, and 40 high school) into Broward County Public Schools.</p> <p>Please be advised that this application was reviewed utilizing 2013-14 school year data because the current school year (2014-15) data will not be available until updates are made utilizing the Benchmark Day Enrollment Count. This application was reviewed based on its location in the School District's Long Range Seven Planning Areas, and Ten-Year Long Range Plan contained in the Adopted District Educational Facilities Plan (DEFP). However, the statistical data regarding the Level of Service (LOS) standard status of the actual schools impacted by this land use application in the initial five years of the ten-year period is depicted herein for informational purposes only.</p> <p>Schools serving the amendment site in the 2013-14 school year are: Elementary - Croissant Park, North Fork, North Side, and Walker; Middle - New River, Sunrise, and Arkway (very small portion of the site); High - Fort Lauderdale and Stranahan. The same schools are serving the site in the 2014-15 school year. Based on the District's Public School Concurrency Planning Document, all but Fort Lauderdale High (operating at 103.6% of gross capacity) schools are operating below the adopted LOS of 100% of gross capacities in the 2013-14 school year. Incorporating the cumulative students anticipated from approved and vested developments anticipated to be built within the next three years (2013-14 - 2015-16), all but Fort Lauderdale High (expected to operate at 101.3% of gross capacity in the 2014-15 school year) schools are expected to operate below the adopted LOS of 100% of gross capacities through the 2015-16 school year. It should be noted that the school capacity or Florida Inventory of School Houses (FISH) for the impacted schools reflects compliance with the class size constitutional amendment and the permanent capacity additions that are planned for the schools within the first three years of the Five-Year Adopted DEFP, FY 2013-14 - 2017-18. Also, to ensure maximum utilization of the impacted Concurrency Service Areas, the Board may utilize other options such as school boundary changes to accommodate students generated from developments in the County. Charter schools located within a two-mile radius of the subject site in the 2013-14 school year are depicted herein.</p> <p>Capital Improvements scheduled in the long range section (2019-19 to 2022-23) of the currently Adopted DEFP, FY 2013-14 - 2017-18 regarding pertinent impacted schools are depicted above. Based on the School District's Seven Long Range Planning Areas, the amendment site is located within School District Planning Area "E" and the elementary, middle, and high schools currently serving Planning Area "E" and their cumulative student enrollments, cumulative capacities, and pertinent student enrollment projections are depicted herein. Therefore, Planning Area "E" is anticipated to have sufficient excess capacity to support the students generated by the residential units proposed in the Planning Area.</p> <p>Please be advised that the mitigation for the student impact anticipated from previously approved application PCT 05-3 is addressed in the Educational Mitigation Agreement between Broward County, the City of Fort Lauderdale, and the School Board of Broward County, Florida. Since the application PCT 15-1 adds more residential to the RAC site, the existing Agreement must be amended to recognize the incorporation of the additional residential units and reflect the students anticipated from the proposed additional units. Therefore, staff recommends that approval of LUPA PCT 15-1 should be conditioned upon amendment of the Educational Mitigation Agreement. Please be advised that if approved, the units from this project will be subject to a public school concurrency review at the plat, site plan (or functional equivalent) phase of development review, whichever comes first.</p>	
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The School Board of Broward County, Florida
SCHOOL CONSISTENCY REVIEW REPORT
PROJECT NUMBER: SBBC-1646-2014

09/22/2014
Date

Reviewed By:



Signature

Mohammed Rasheduzzaman, AICP

Name

Planner

Title