

RESOLUTION NO. _____

A RESOLUTION OF THE VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, CLPF-NBV, L.P., AS SUCCESSOR IN INTEREST TO ZF DEVELOPMENT, LLC, AND NORTH BAY VILLAGE, TO ADDRESS MITIGATION OF SCHOOL CONCURRENCY IMPACTS RELATED TO DEVELOPMENT PROPOSED ON PROPERTY LOCATED AT 8000 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER DENNIS KELLY)

WHEREAS, the School Board of Miami Dade County (the "School Board") and North Bay Village (the "Village") entered into the Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County, dated December 12, 2007 (adopted and executed by the Village on February 21, 2008) to implement public school concurrency; and

WHEREAS, a Site Plan application for the development of 285 residential multi-family dwelling units (the "Development") on property located at 8000 West Drive, North Bay Village, was approved by the Village Commission of North Bay Village on July 25, 2012, subject to compliance with school concurrency requirements; and

WHEREAS, adequate school capacity is not available for six high school students generated by the Development resulting in a failure of the level of service standard for school facilities in the applicable service area; and

WHEREAS, the school facility level of service may be satisfied by the execution of a binding Proportionate Share Mitigation Development Agreement (the "Agreement") between the School Board, CLPF-NBV, L.P., as successor in interest to ZF Development, LLC (the "Applicant") and the Village, requiring that the Applicant provide mitigation proportionate to the demand for public school facilities created by the Development and requiring that the Village withhold all building permits until such time as the mitigation payments have been made by the Applicant.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above Recitals are true and correct and incorporated herein by this reference.

Section 2. Approval of Agreement. The Agreement between the School Board of Miami-Dade County, Florida, CLPF-NBV, L.P., as successor in interest to ZF development, LLC, and North Bay Village to address mitigation of school concurrency impacts related to development proposed on property located at 8000 West Drive, North Bay Village, Florida, attached hereto as Exhibit "A", is hereby approved.

Section 3. Authorization of Village Officials. The Village Manager is authorized to take all actions necessary to implement the terms and conditions of the Agreement.

Section 4. Execution of Agreement. The Village Manager is authorized to execute the Agreement on behalf of the Village subject to the approval as to form and legality by the Village Attorney.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

The motion to adopt the foregoing Resolution was offered by _____, seconded by _____.

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps _____
Vice Mayor Eddie Lim _____
Commissioner Richard Chervony _____
Commissioner Wendy Duvall _____
Commissioner Jorge Gonzalez _____

PASSED AND ADOPTED this ____ day of December, 2012.

Connie Leon-Kreps, Mayor

ATTEST:

Yvonne P. Hamilton, CMC
Village Clerk

**APPROVED AS TO FORM FOR THE USE OF
NORTH BY VILLAGE:**

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
Village Attorney

North Bay Village Resolution: Blu School Board School Concurrency Development Agreement

HC(40)