INTERLOCAL AGREEMENT FOR
PUBLIC SCHOOL SITE DEVELOPMENT FOR PARCELS 44849-000-00 and 44844-000-00
(easement parcel)
(HIGH SCHOOL 'CCC')

This Interlocal Agreement (hereinafter referred to as "Agreement") is entered into between the Marion County Board of County Commissioners (hereinafter referred to as "County"), and The School Board of Marion County, Florida (hereinafter referred to as "School Board").

WHEREAS, the Parcel Numbers referenced above relate to a site that received a Special Use Permit for the construction of a new high school, by Marion County Resolution No. 13-R-387 (hereinafter referred to as "the SUP"); and

WHEREAS, the adoption of this Agreement by the parties is in furtherance of Conditions 2. and 6. of the SUP; and

WHEREAS, the adoption of this Agreement by the parties is in furtherance of provisions of the MARION COUNTY THIRD AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING dated February 7, 2023, specifically: Sec. 6.2 provides: Pursuant to Section 1013.33(7), F.S., local governments may impose reasonable development standards and conditions in accordance with Section 1013.51(1), F.S., and may consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in Chapter 1013, F.S., or the Florida Building Code, unless mutually agreed and consistent with the interlocal agreement required by Section 163.31777, F.S.; and, Sec. 8.3 provides: In the construction of educational facilities and infrastructure, standards and conditions may not be imposed which conflict with the Florida Building Code (FBC). The School Board, pursuant to Section 1013.64(5)(a), F.S. is exempt from local government landscape ordinances, but must comply with FBC landscape requirements for educational facilities. The foregoing statute affords the School Board the option of complying with local government landscaping ordinances if it would be less costly than complying with the FBC; and

WHEREAS, Florida Attorney General Opinion AGO 2004-42 concluded that the location and development of educational facilities must be consistent with the County's comprehensive plan and implementing land development regulations that do not relate to or regulate the same subject as the Florida Building Code and the Florida Fire Prevention Code; and

WHEREAS, the County and School Board recognize their mutual obligation and responsibility for the education, nurture and general well-being of the children of Marion County; and

WHEREAS, the School Board has the statutory and constitutional responsibility to provide a uniform system of free and adequate public schools on a countywide basis; and

WHEREAS, the County and School Board recognize the benefits that will be realized by the citizens and students of their communities by more closely coordinating their comprehensive land use and school facilities planning programs: namely (1) better coordination of new schools in time and place with land development, (2) greater efficiency for the School Board and local governments by placing schools to take advantage of existing and planned roads, water, sewer, and parks, (3) improved student access and

safety by coordinating the construction of new and expanded schools with the road and sidewalk construction programs of the local governments, (4) better defined urban form by locating and designing schools to serve as community focal points, (5) greater efficiency and convenience by co-locating schools with parks, ball fields, libraries, and other community facilities to take advantage of joint use opportunities, and (6) reduction of pressures contributing to urban sprawl and support of existing neighborhoods by appropriately locating new schools and expanding and renovating existing schools; and

WHEREAS, Section 1013.33, Fla. Stats. (2024), requires that the coordination of planning between school boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. The location of educational facilities must be consistent with the comprehensive plan and implementing land development regulations of the appropriate local government. In addition, all parties in the planning process are required to consult with state and local road departments to assist in implementing the Safe Routes to Schools program in order to remove barriers currently preventing children from walking and bicycling to school due to lack of infrastructure, unsafe infrastructure, and a lack of pedestrian and bicyclist educational programs aimed at children, parents, and the community; and

WHEREAS, the County and School Board have further determined that it is necessary and appropriate for the entities to cooperate with each other to provide adequate public-school facilities in a timely manner and at appropriate locations, to minimize any deficit of permanent student stations or relocatable student stations per Sections 163.3180(6)(e) and 1013.35(2)(b)2.f F.S. (2024); and

WHEREAS, the County recognizes School Board facilities as a part of the local infrastructure system and as vital to the development of a community as other infrastructure systems; and

WHEREAS, the School Board's Educational Facilities Plan and schedule calls for construction of High School 'CCC' to be completed in time for the beginning of the school year in 2026. With respect to the specific project, in order to assist the School Board to maintain the critical path to meet that date, Marion County agrees to limit its review of the submittals to the requirements of this agreement, and the School Board shall timely deliver its submittals to the County to achieve that result.

NOW THEREFORE, be it mutually agreed that the County and the School Board (hereinafter referred to collectively as "Parties") hereby enter into this Agreement concerning public-school facilities planning for High School 'CCC' at Parcels 44849-000-00 and 44844-000-00 (*easement parcel*). Pursuant to the SUP and prior to commencing construction, the School Board will provide to the County for approval the following:

a. Engineering plans, as identified in the Marion County Land Development Code as offsite improvement plans, showing the construction of off-site improvements related to utilities, sidewalks, stormwater, traffic, access, roads, etc., which will be submitted under separate cover by the engineer for permitting.

b. A traffic impact analysis in compliance with the County's Traffic Impact Analysis Guidelines that has been agreed to by the Office of the County Engineer. The recommendations in the analysis shall serve as the basis of design for ingress and egress of the school's development

and of any offsite improvements necessary to support the school's development. This will be submitted under separate cover by the engineer.

c. A photometric plan showing that exterior lighting will be contained on the site such that it is shielded from adjacent properties such be provided within six (6) months of the effective date of this agreement. In no case shall lighting be installed without review and approval of the photometric plan by the County.

d. A copy of the overall site plan showing the layout of all improvement for County records and cursory review, including onsite traffic circulation, stormwater controls, and a minimum Type "A" buffer (30 feet wide, with 10 trees per 100 feet of length and shrubs planted in double staggered hedge rows to form a 60 inch high continuous visual screen within two years after time of planting) required along the west side of the property. If the cursory review reveals any environmental concerns, health, safety and welfare, and effects on adjacent property, the School Board shall work with the County to remedy those concerns.

   Alternatively, the School Board shall establish a buffer consistent with the Florida Building Code's State Requirements for Educational Facilities (SREF) pursuant to Section. 1013.64(5)(a), F.S.

   Further, as High School 'CCC' shall be connected to central water and sewer utilities provided by the County, engineered plans and calculations shall be submitted for review and approval in compliance with the Marion County Land Development Code and the Florida Department of Environmental Protection.

e. A conveyance of 130 feet of right-of-way along the frontage on SW 165th Street. Road, *not including* the existing 75 feet right-of-way for SW 165th Street Road, which shall be maintained as a buffer between the school complex and the Summer Glen development to the north. Per the SUP, if such dedication requires the County to compensate the School Board for all or portions of the land needed for right-of-way, the County's purchase price will not exceed the per acre price paid by the School Board to Summur, LLC.

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Conveyance of additional right-of-way in the future to support the driveway intersections. This conveyance shall be compensated per the SUP. County shall reconvey to the School Board any right-of-way not needed upon future design and construction of the widening of SW 165th Street Road.

IN WITNESS WHEREOF, the PARTIES hereto have executed this Agreement as of the date last signed by the parties.

ATTEST:

MARION COUNTY, a political subdivision of the State of Florida

_____
Gregory C. Harrell, Clerk
Marion County Clerk of Court

_____
Michelle Stone
Chairman

Dated:_____

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ATTEST:

Diane V. Gullett

Diane V. Gullett, Ed.D.
Superintendent

THE SCHOOL BOARD OF MARION COUNTY, FLORIDA

Nancy Thrower

Nancy Thrower
Board Chair

Dated: 11/4/2024