

Office of School Facilities
Rose Diamond, Chief Facilities Officer

SUBJECT: AUTHORIZE THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND EXECUTE A PURCHASE AND SALE AGREEMENT WITH CENTURY HOME BUILDERS OF SOUTH FLORIDA, INC., TO ACQUIRE APPROXIMATELY 10 ACRES OF VACANT LAND LOCATED IN THE VICINITY OF NW 81 STREET AND NW 112 AVENUE, DORAL, FLORIDA, TO SITUATE STATE SCHOOL "P1", A NEW ELEMENTARY SCHOOL INTENDED TO RELIEVE JOHN I. SMITH AND EUGENIA B. THOMAS ELEMENTARY SCHOOLS

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

Background

In accordance with School Board (Board) Rule 6Gx13-2C-1.083, the School Site Planning and Construction Committee (SSPCC), at its June 2, 2006 meeting, recommended that staff present an item to the Board requesting authorization to finalize negotiations and execute a purchase and sale agreement (Agreement) with Century Home Builders of South Florida, Inc. (Century), to acquire approximately 10 acres of land located in the vicinity of NW 81 Street and NW 112 Avenue, Doral, Florida (Site) to situate State School "P1" (see attached location map). Century is currently under contract to purchase the Site from the owners, Charles and Claudia G. Lemon (Owner), and has agreed to enter into an agreement to sell the Site to the Board at the same purchase price. Century will close on its contract with the Owner for purchase of the Site and simultaneously convey title to the Site to the Board.

State School "P1" is a planned elementary school, which will accommodate approximately 1221 new seats to relieve John I. Smith and Eugenia B. Thomas Elementary Schools, which were operating at permanent F.I.S.H. capacities of 145% and 186%, respectively, as of October 2005. The 352-seat modular addition at John I. Smith Elementary is projected to bring the present utilization at that school to 104%. Funding for acquisition is allocated in the 2005-2006 fiscal year as part of the Five-Year Work Program. Funding for design and construction has been allocated in the 2007-2008 and 2008-2009 fiscal years, respectively.

REVISED

Site Analysis

A summary of the Site's characteristics and accompanying due diligence results are summarized below. A copy of completed due diligence reports for the Site, and a record of informational packets presented to the SSPCC will be submitted to the Board as supplemental information, and a copy placed with Citizen's Information.

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Site

The Site is a \pm 10-acre parcel of vacant land, and is zoned for general use (Interim District). As noted above, the owners of the Site are Charles and Claudia G. Lemon, who are currently under contract to sell the Site to Century. The Board will acquire the Site from Century, via a simultaneous closing. The property is located in the vicinity of NW 81 Street and NW 112 Avenue, Doral, Florida, and is generally described as follows:

Tract 34, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, according to the plat thereof as recorded in Plat Book 2, Page 17 of the Public Records of Miami-Dade County, Florida, being in Section 7, Township 53 South, Range 40 East.

The legal description will be specifically defined in the executed Agreement between the Board and Century, upon completion of the Boundary Survey.

Staff has conducted substantial due diligence for the Site as required, including a Phase I environmental audit and a Phase II environmental assessment. Due to the presence of wetlands, extensive site-wide trenching and soil borings are not possible without environmental permits. However, out of the three soil borings taken, arsenic and selenium levels slightly above the DERM established criteria were found. Additional testing was ordered by the District to ensure there is no cause for concern. These results will be reviewed prior to contract execution and the District will not pursue the Site if detrimental environmental conditions exist.

1. Determination of Historic or Cultural Resources: The Miami-Dade County Office of Community and Economic Development has not issued a response. A Desktop Cultural Resource Survey will be conducted by the District's environmental consultant together with the Phase I Environmental Audit. The Board will not be obligated to purchase the Site should the survey reveal any matters that negatively affect the District's ability to use or develop the Site as a public school.
2. Jurisdictional Statements: The Department of Environmental Resources Management (DERM) has indicated that the Site is located in an area that contains wetlands, and is requiring a Class IV Wetlands Permit for any future impacts. Additionally, DERM's water control section has indicated that a storm water retention area is required for the Site. Neither the South Florida Water Management District nor the Army Corps of Engineers have issued a response.
3. Phase I Environmental Audit: As noted above, both a Phase I Environmental Audit and a Phase II environmental assessment were conducted and additional assessments are ongoing, as noted above.
4. Comprehensive Plan/Zoning Compliance: The City of Doral Planning and Zoning Department has not issued a response, but is expected to do so prior to the end of the inspection period provided under the Agreement. The Board will not be obligated to purchase the Site should the City of Doral's response negatively affect the District's ability to use or develop the Site as a public school. It should be noted that NW 114 Avenue is proposed to be extended to NW 90 Street, thereby bisecting the Site. The parcel to the east will contain approximately 6 net acres, and the

remaining parcel will consist of approximately 3.5 acres. The 6-acre parcel will most likely be the host site for the school and the remaining 3.5 acres will most likely be used to satisfy water retention requirements and/or overflow parking.

5. Aviation: The Miami-Dade County Aviation Department has indicated that the Site is compatible with airport operations, as is located outside of any restrictive zones, as depicted in the Zoning Ordinance for Miami International Airport.

Additional Information

In conformance with Board Rule, an informational packet consisting of potential school sites and preliminary due diligence for State School "P1" was presented to the SSPCC at its December 2005, as well as its February, April, May and June 2006 meetings, for review and direction. Based on input from Regional Center III staff, and its own discussion of the proposed sites, the SSPCC recommended that the Board acquire the Site based on the general terms and conditions outlined below:

- The purchase price will be \$10,000,000 for the ± 10-acre site. The purchase price falls within the mid range of the negotiating parameters established in the District commissioned review appraisal completed in May 2006 and recommended by the SSPCC. Those parameters were \$9,000,000 at the low end and \$11,000,000 at the high end;
- Century will close on the purchase of the Site from the Owner and simultaneously convey title to the Site to the Board, at the same purchase price. However, the District will be responsible for closing costs and attorney's fees incurred by Century as part of its purchase of the Site (estimated at \$225,325);
- On the day following School Board approval of the proposed acquisition, the District will deposit ten percent (10%) of the purchase price (\$1,000,000) into an interest bearing account to be held in escrow by the School Board Attorney's office;
- The District will be responsible for obtaining all required environmental permits to develop the Site and for water retention requirements as required; and
- The District will be responsible for building the portion of NW 114 Avenue bisecting the Site. Based on a cost estimate prepared by the District's outside consultant, the construction of the road is estimated to cost approximately \$222,654.

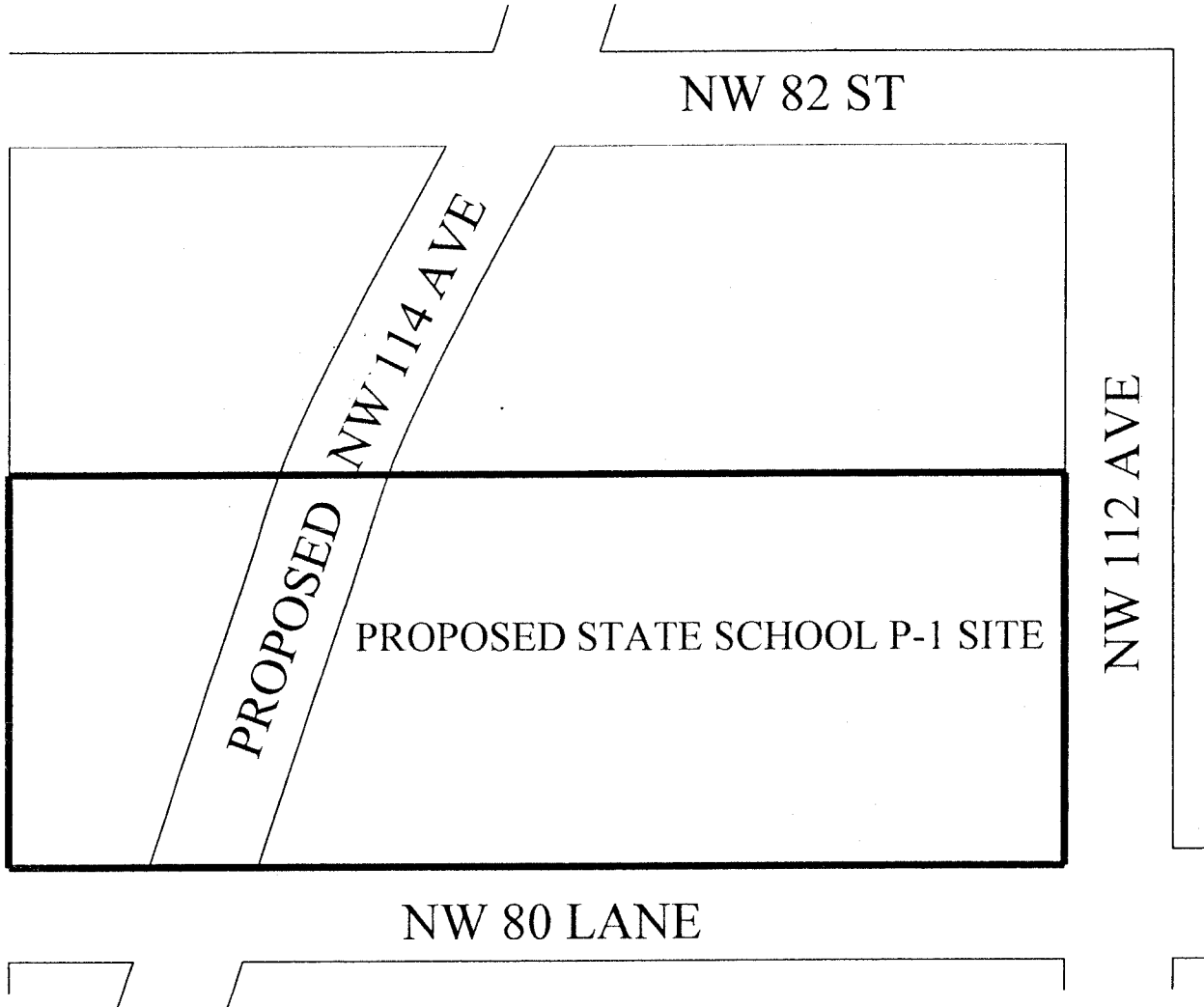
A copy of the full record of the site selection and investigation process will be provided to the Board as supplemental information.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent or his designee to finalize negotiations and execute a purchase and sale agreement with Century Home Builders of South Florida, Inc., to acquire \pm 10 acres located in the vicinity of NW 81 Street and NW 112 Avenue, Doral, Florida, as described above, for \$10,000,000, plus closing costs and attorney's fees incurred by Century as part of its purchase of the Site (estimated at an additional \$225,325), to situate State School "P1", pursuant to the recommendation of the School Site Planning and Construction Committee.

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LOCATION MAP



 SUBJECT SITE (\pm 10 Acres)

