

Office of School Facilities
Rose Diamond, Chief Facilities Officer

SUBJECT: AUTHORIZE THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND EXECUTE A PURCHASE AND SALE AGREEMENT WITH KENDALL LAND DEVELOPMENT, LLC, TO ACQUIRE APPROXIMATELY 10.29 ACRES OF VACANT LAND LOCATED AT SW 167 AVENUE AT THEORETICAL SW 95 STREET, MIAMI, FLORIDA, TO SITUATE STATE SCHOOL "M1", A NEW ELEMENTARY SCHOOL INTENDED TO RELIEVE CHRISTINA EVE, OLIVER HOOVER AND CLAUDE PEPPER 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 execute a purchase and sale agreement (Agreement) with Kendall Land Development, LLC, to acquire approximately 10.29 acres of land located at SW 167 Avenue at theoretical SW 95 Street, Miami, Florida (Site), to situate State School "M1" (see attached location map).

State School "M1" is a planned elementary school, which will accommodate approximately 826 new seats to relieve Christina Eve, Oliver Hoover and Claude Pepper Elementary Schools, which were operating at permanent F.I.S.H. capacities of 108%, 110% and 108%, respectively, as of October 2005, as well as capture projected student enrollment growth from ongoing or proposed residential development. 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 2006-2007 and 2007-2008 fiscal years, respectively.

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.

Site

The Site is a ± 10.29-acre parcel of vacant land, located in unincorporated Miami-Dade County and zoned as a Traditional Neighborhood Development (TND), and its use is limited to civic purposes. The Site is part of the Kendall Commons TND and is owned by

Kendall Land Development, LLC. The Site is located at SW 167 Avenue at theoretical SW 95 Street, Miami, Florida, and is generally described on Exhibit "A" attached hereto. The legal description will be specifically defined in the executed Agreement between the Board and Kendall Land Development, upon completion of the Boundary Survey.

Staff has conducted substantial due diligence for the Site as required, with the exception of a Phase II environmental assessment and trenching. These activities will be conducted during the inspection period provided under the contract for purchase of the Site, which contract is subject to a satisfactory Phase II assessment and recommendations.

1. Determination of Historic or Cultural Resources: The Miami-Dade County Office of Historic Preservation has indicated that no archeological and/or historical resources are located on the Site.
2. Jurisdictional Statements: The Department of Environmental Resources Management (DERM) has indicated that the Site is located in an area that contains wetlands, and as such, a Class IV Wetlands Permit is required. The South Florida Water Management District has indicated that the parent tract, consisting of 160 acres, contains a total of 3.76 acres of wetlands. The Site contains only two isolated areas of wetlands, totaling 0.07 acres each, which do not require wetland mitigation. Additionally, DERM's water control section has indicated that the Site is not subject to storm water retention requirements. The Army Corps of Engineers has indicated that provided the Site is within the original footprint of the Kendall Commons project, a new permit will not be required. As noted below, as part of the sale, the Seller is responsible for satisfying all wetland mitigation requirements that may affect the Site, if any, including payment of all applicable wetland mitigation fees.
3. Phase I Environmental Audit: A Phase I Environmental Audit was completed, which concluded that previous use of the Site as agricultural land was considered to be a recognized environmental condition due to the use of agri-chemicals that could potentially affect the subsurface at the Site. It was recommended that further assessment of the Site be conducted to evaluate potential impact from the prior agricultural use. As noted above, a Phase II environmental assessment will be conducted in conformance with the governing Board rule.
4. Comprehensive Plan/Zoning Compliance: The Miami-Dade County Department of Planning and Zoning has indicated that use of the Site is not inconsistent with the Comprehensive Development Master Plan despite the fact that it does not fully conform with Educational Policy 2.1, which encourages elementary schools to be located ¼ mile from the UDB. However, in recognition that there is a scarcity of viable undeveloped sites in the area, it was recommended that the principal school buildings and entrances be placed as far as functionally practical from the UDB.
5. Aviation: The Miami-Dade County Aviation Department has indicated that based on the available information, the Site is located outside the No School Zone (NSZ) as depicted in the Zoning Ordinance for Kendall-Tamiami Executive Airport.

Additional Information

In conformance with Board Rule, an informational packet consisting of potential school sites and preliminary due diligence for State School "M1" was presented to the SSPCC at its August 2005, as well as the April and June 2006 meetings, for review and direction. Based on input from Regional Center VI staff, and its own discussion of the proposed sites, at the June 2, 2006 meeting, the SSPCC recommended that the Board acquire the Site based on the general terms and conditions outlined below:

- The purchase price will be \$7,800,000 for the ± 10.29-acre Site, which is approximately nine percent (9%) above the total of the value established in the District commissioned review appraisal completed in April 2006 (\$6,050,000), plus the cost to clear, demuck and fill the Site (\$1,093,056), as established by the District's outside consultant, for a total of \$7,143,056;
- The Board will deposit the sum of \$50,000 into an escrow account to be held by the School Board Attorney's office;
- The Seller will be responsible for the payment of any and all outstanding taxes, special assessments or liens, if any;
- The Board will be responsible for the cost of the updated Survey, the cost of the Title Insurance Commitment and the premium for the Title policy obtained by the Board (subject to a maximum credit from the Seller of \$500) for issuance of the Commitment;
- As part of the purchase price and prior to conveyance of the Site to the Board, the Seller will be responsible for clearing, demucking and filling the Site to an elevation of 8.75 feet, and in accordance with the District's specifications;
- The Seller will be responsible for installing water and sewer lines to center of the right of way adjacent to the Site to facilitate connection to utility services to serve the Site;
- The Seller will be responsible for resolving all matters relating to wetland mitigation for the Site, if any, including payment of all applicable wetland mitigation fees; and
- As noted above, the Site is part of the Kendall Commons TND. As part of Miami-Dade County's approval of the TND, the Site owner submitted a site plan and pattern book containing design guidelines that will control future development of the TND, including the Site. As such, the Board's design, construction and maintenance of its improvements shall strictly comply with the provisions and restrictions of the site plan and pattern book. District staff will have an opportunity to review the site plan and pattern book, and if it is determined that the Board cannot comply with the provisions and restrictions, the Board will not be obligated to acquire the Site.

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 Kendall Land Development, LLC, to purchase \pm 10.29 acres located at SW 167 Avenue at theoretical SW 95 Street, Miami, Florida, as described above, for \$7,800,000, to situate State School "M1", pursuant to the recommendation of the School Site Planning and Construction Committee.

MCA:mca

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

A portion of the Northeast 1/4, of Section 6, Township 55 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of said Section 6; thence S00°38'32"W along the East line of said Northeast 1/4 as per that FINAL JUDGMENT, recorded in Official Record Book 14242, at Page 0597 of the Public Records of Miami-Dade County, Florida, for a distance of 1808.51 feet to the POINT OF BEGINNING of the hereinafter described Parcel of land; thence continue S00°38'32"W along said East line for a distance of 558.80 feet; thence N77°08'31"W for a distance of 37.44 feet to a point of curvature with a circular curve to the left, concave to the Southwest; thence Westerly along the arc of said curve, having for its elements a radius of 26.00 feet, through a central angle of 15deg50min38sec for an arc distance of 7.19 feet to a point of tangency; thence continue S87°00'51"W for a distance of 289.39 feet to a point of curvature with a circular curve to the left, concave to the Southeast; thence Westerly, Southwesterly and Southerly along the arc of said curve, having for its elements a radius of 18.00 feet, through a central angle of 90deg00min00sec for an arc distance of 23.15 feet to a point of non-tangency; thence S87°00'51"W for a distance of 118.67 feet; thence N81°21'43"W for a distance of 39.56 feet; thence N56°30'35"W for a distance of 89.80 feet; thence N33°29'25"E for a distance of 6.50 feet; thence N56°30'35"W for a distance of 98.30 feet to a point on a circular curve to the left concave to the West, a radial line to said point bears S88°45'02"E; thence Northerly along the arc of said curve having for its elements a radius of 182.60 feet through a central angle of 33deg42min42sec for an arc distance of 107.44 feet to a point of reverse curvature with a circular curve to the right concave to the East; thence Northerly along the arc of said curve having for its elements a radius of 482.51 feet, through a central angle of 18deg02min39sec for an arc distance of 151.96 feet to a point of compound curvature with a circular curve to the right, concave to the Southeast; thence Northeastly along the arc of said curve having for its elements a radius of 200.00 feet through a central angle of 12deg02min13sec for an arc distance of 42.02 feet to a point of tangency; thence N17°37'07"E for a distance of 118.59 feet to a point of curvature with a circular curve to the right, concave to the Southeast; thence Northeastly along the arc of said curve, having for its elements a radius of 267.12 feet, through a central angle of 34deg32min40sec for an arc distance of 161.05 feet to a point of reverse curvature with a circular curve to the left concave to the Northwest; thence Northeastly along the arc of said curve having for its elements a radius of 549.22 feet, through a central angle of 21deg25min58sec for an arc distance of 205.45 feet to a point of non-tangency; thence S60°40'41"E for a distance of 449.42 feet to the POINT OF BEGINNING.