

Facilities Operations, Maintenance and Planning
Ana Rijo-Conde, Interim Assistant Superintendent

SUBJECT: AUTHORIZATION TO EXECUTE A PURCHASE AND SALE AGREEMENT WITH FLORIDA POWER AND LIGHT COMPANY TO ACQUIRE A ± .80-ACRE SITE LOCATED AT 30 N.W. 43 AVENUE, MIAMI, FLORIDA, FOR FUTURE EXPANSION OF KINLOCH PARK ELEMENTARY SCHOOL

COMMITTEE: FACILITIES MANAGEMENT

Background

In accordance with School Board Rule 6Gx13- 2C-1.083, the School Site Planning and Construction Committee (SSPCC), at its March 5, 2003 meeting, recommended that staff submit to the School Board (Board) for approval, an agenda item requesting authorization to execute a purchase and sale agreement (Agreement) with Florida Power and Light Company (FPL) for a ± .80-acre site located at 30 N.W. 43 Avenue Miami, Florida (subject site), at a purchase price of \$700,000, for future expansion of Kinloch Park Elementary School (Kinloch). The Five-Year Work Program proposes construction of an addition of approximately 450 student stations in fiscal year 2004-05, with planning to occur in fiscal year 2003-04. Kinloch had an October 2002 permanent F.I.S.H. capacity of 199.6%. Pursuant to the SSPCC's recommendation, an agenda item was presented to the Board at its March 12, 2003 meeting, and approved.

Subsequent to Board approval, staff forwarded to FPL an Agreement proposing to purchase the subject site for \$700,000. FPL rejected the District's purchase offer and submitted its own counteroffer in the amount of \$735,000. FPL's counteroffer was presented to the SSPCC at its August 21, 2003 meeting, at which time, the SSPCC recommended that staff present an agenda item to the Board recommending acceptance of FPL's counteroffer. The \$735,000 purchase price is within the negotiating parameters recommended by the review appraiser.

Accordingly, subject to Board approval, a purchase and sale agreement will be negotiated under the following terms and conditions:

- The purchase price shall be \$735,000 for the ±.80-acre site. This purchase price is in the mid-range of the estimated appraised value parameters deemed by the review appraiser to be supportable;
- Satisfactory completion by the District of further environmental assessments;
- FPL shall 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 of \$500) for issuance of the Commitment; and,
- In the event environmental problems are discovered, the Board shall not be obligated to proceed with the purchase of the subject property.

Additional Information

Funding for this site purchase has been allocated in the 2002-2003 fiscal year as part of the Five-Year Work Program and will require an increase in the site acquisition appropriation for this project from \$600,000 to \$750,000 (which increase includes estimated closing costs).

As referenced above, staff undertook and completed extensive due diligence for the subject site as required by the governing Board Rule. Listed below is the property location and corresponding due diligence results for the subject site.

Subject Site

Location: The subject site consists of \pm .80 acres and is located at 30 N.W. 43 Avenue, Miami, Florida. The subject site is presently developed and used as off-street parking.

Summary of Due Diligence Results: A copy of due diligence records will be submitted to the Board under separate cover and a copy placed with Citizen's Information.

1. **Determination of Historic or Cultural Resources:** The Miami-Dade County Historic Preservation Division has indicated that the subject site has no archeological designation.
2. **Jurisdictional Statements:** Both the South Florida Water Management District and the Department of Environmental Resources Management (DERM) have indicated that the subject site does not contain wetlands. The U.S. Army Corps of Engineers has not provided a statement. DERM's Water Control section has indicated that the subject site is not subject to water retention requirements.
3. **Phase I Environmental Audit:** The Audit indicated no evidence of on-site recognized environmental conditions in connection with the historic or current land use of the subject site and nearby off-site facilities. Therefore, the environmental consultant recommended that further assessment of the subject site is not warranted at this time. However, in an abundance of caution, District staff will commission a Phase II environmental assessment (including soil sampling) of the subject site upon execution of the Agreement. A copy of the

Executive Summary of findings and conclusions of the Phase I will be included in the supplemental information to be submitted to the Board under separate cover and a copy placed with Citizen's Information.

4. Comprehensive Plan/Zoning compliance: The City of Miami (City) Department of Planning and Zoning has indicated that the acquisition of the subject site for a new elementary school is in conformity with the City's Comprehensive Neighborhood Plan.
5. Aviation: The Miami-Dade County Aviation Department has indicated that although the subject site is located inside the No-School Zone, the proposed expansion would be permissible given the school's existence prior to the July 1, 1993 enactment of the governing statute.

Legal Description of the Subject Site

Folio Number: 01-4105-000-0060; Section 5 Township 54 Range 41, .80 Ac Beg 160 Ft. N of SE corner of E1/2 of SW ¼ of SE ¼ of NW ¼ N 161.62 Ft. W330 Ft. S25 Ft. E 10Ft. S 137.43 Ft. E 225 Ft. to POB Less E 25 Ft.

The owner of the subject site is Florida Power and Light Company.

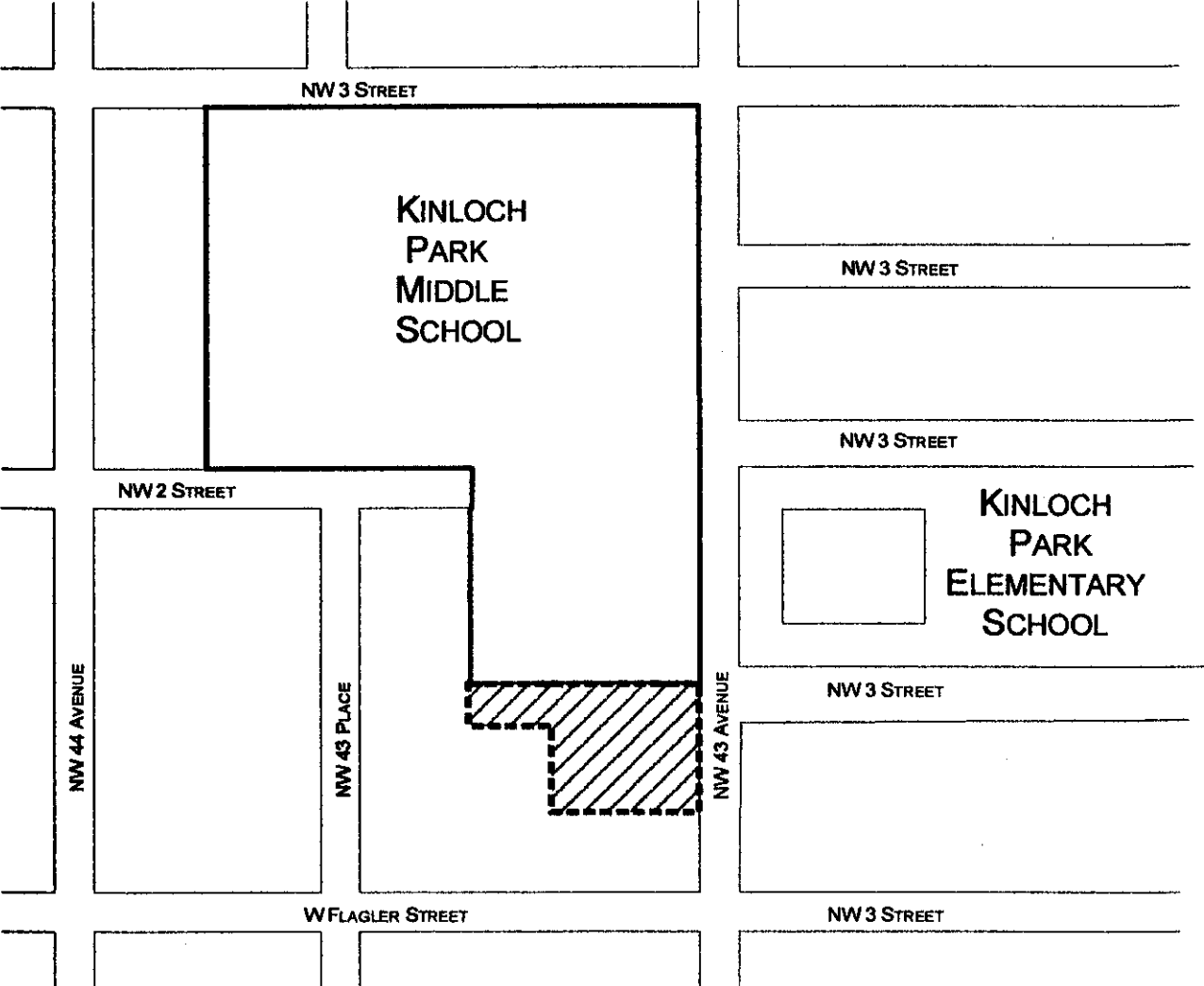
A copy of the full record on this proposed acquisition will be submitted to the Board as supplemental information.

RECOMMENDED: That The School Board of Miami-Dade County, Florida:


- 1) authorize the Superintendent or his designee to execute a purchase and sale agreement with Florida Power and Light Company to acquire a ± .80-acre site located at 30 N.W. 43 Avenue, Miami, Florida, in the amount of \$735,000, for the future expansion of Kinloch Park Elementary School, subject to the terms and conditions set forth above; and
- 2) authorize an amendment to the Five-Year Work Program to increase the site acquisition appropriation for this project from \$600,000 to \$750,000, with the transfer of said additional funds from Program 2803, Reserves-Site Purchases.

JB:rr

LOCATION MAP



LEGEND

 KINLOCH PARK ELEMENTARY SCHOOL EXPANSION (+/- .80 ACRE)

