

August 29, 2003

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

SUBJECT: AUTHORIZATION TO EXECUTE A PURCHASE AND SALE AGREEMENT WITH BERTRAM GRAPIN, TRUSTEE, TO ACQUIRE ± 1.5 ACRES OF VACANT LAND REPRESENTING A PORTION OF A PROPOSED ASSEMBLAGE OF PROPERTIES LOCATED AT N.E. 211 TERRACE AND WEST DIXIE HIGHWAY, MIAMI, FLORIDA, FOR STATE SCHOOL "D"

COMMITTEE: FACILITIES MANAGEMENT

Background

In conformance with the School District's Five-Year Work Program, District staff conducted research to identify viable sites for an educational facility listed as State School "D", a proposed elementary school, pursuant to search parameters established by Region/ACCESS Center 2 staff. State School "D" will provide relief for Virginia A. Boone/Highland Oaks Elementary, Ruth K. Broad/Bay Harbor Elementary and Ojus Elementary Schools, which had an October 2002 permanent F.I.S.H. capacity of 166%, 154%, and 255%, respectively. Funding for site acquisition has been allocated in the 2002-2003 fiscal year as part of the Five-Year Work Program. Funding for construction has been allocated in the 2005-2006 fiscal year. It should be noted that Ojus Elementary School is scheduled to undergo construction of 531 additional student stations, which is anticipated to be completed for the 2005-2006 school year.

Analysis

In accordance with School Board (Board) Rule 6Gx13-2C-1.083, an informational packet consisting of potential school sites and preliminary due diligence was presented to the School Site Planning and Construction Committee (SSPCC) at its March 5, 2003 meeting for review and direction. Based on input from Region/ACCESS Center 2, Department of Transportation, and School Operations staff, and in addition to its own discussion of the proposed sites, the SSPCC recommended that staff negotiate and execute conditional purchase and sale agreements (Agreements) to acquire by assemblage, sufficient acreage to situate proposed State School "D", between N.E. 209 Street and N.E. 211 Terrace & between West Dixie Highway and N.E. 26 Avenue, Miami, Florida. The Agreements were based on a not-to-exceed purchase price as established in a restricted use appraisal and subject to completion of further due diligence (including environmental assessments and additional appraisal analysis) and final Board approval.

Pursuant to negotiating parameters established by the SSPCC at its March 5, 2003 meeting, and in accordance with Board Rule 6Gx13-2C-1.083, staff forwarded Agreements to all property owners within the proposed assemblage area. This area,

consisting of ±12 acres, is predominantly comprised of vacant land, with some duplex homes and light commercial buildings interspersed within. The owner of one of the sites within the proposed assemblage, which is located at N.E. 211 Terrace and West Dixie Highway (subject site), has accepted staff's purchase offer of \$860,000, subject to closing this transaction no later than September 29, 2003. The owner's counter proposal, including the stipulation that closing occur by September 29, 2003, was presented to the SSPCC at its August 21, 2003 meeting. The SSPCC recommended that staff present an agenda item to the Board requesting approval of the executed purchase and sale agreement.

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

- The purchase price shall be \$860,000 for the ±1.5 acre site. This purchase price is at the high end of the estimated value range deemed by the review appraiser to be supportable;
- Closing must occur on or before September 29, 2003, unless both parties agree in writing to extend this date;
- The Seller must comply with Section 196.295, Florida Statutes, concerning proration of real property taxes for the current year, which are not yet due and payable;
- The Seller shall be responsible for the payment of any and all outstanding taxes, special assessments or liens, if any; and,
- The Board shall be responsible for the recording cost of the Deed, 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.

Additional Information

It is important to note that while the prospect of consummating additional agreements with some of the remaining property owners located within the proposed assemblage is optimistic, others remain opposed to a sale. As such, initiation of eminent domain proceedings at a future date with one or more property owners may become necessary to acquire sufficient acreage to situate State School "D."

As referenced above, staff undertook and completed additional 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 ± 1.5 acres of vacant undeveloped land and represents a portion of a proposed assemblage of properties ± 12 acres in size. The subject site is located at N.E. 211 Terrace and West Dixie Highway, Miami, Florida.

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' response is pending. DERM's Water Control section has indicated that the subject site is not subject to water retention requirements. Additionally, DERM's Natural Resources Division has advised that the subject site contains specimen sized trees which will require a tree permit for removal or preservation.
3. **Phase I and Phase II Environmental Audit:** The Audit, which included trenching, revealed that the subject site contained no evidence of recognized environmental conditions or other environmental issues. A copy of the Executive Summary of findings and conclusions 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 Miami-Dade County Planning and Zoning Department has indicated that the acquisition of the subject site for a new elementary school is in conformity with the Comprehensive Development Master Plan.
5. **Aviation:** The Miami-Dade County Aviation Department has indicated that the subject site is compatible with airport operations as it is located outside the No-School Zone.

Legal Description of the Subject Site

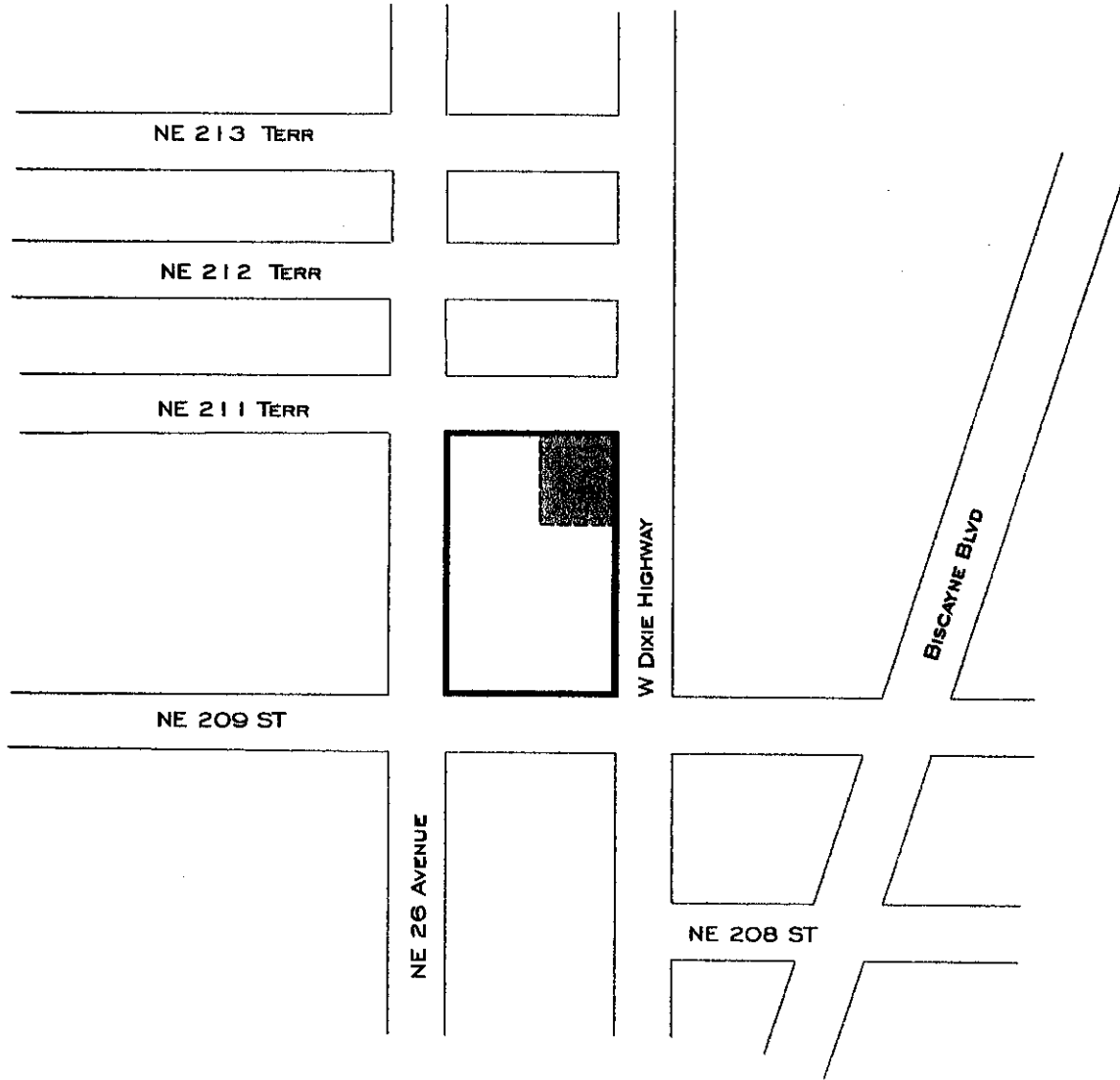
Folio Number: 30-1234-001-0261; Section 34 Township 51 Range 42, Map of Hallandale, PB B-13 W 300 Ft. of E 366 Ft of S220 Ft of Lot 3 Block 4

The owner of the subject site is Bertram Grapin, Trustee.


RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent or his designee to execute a purchase and sale agreement with Bertram Grapin, Trustee, in the amount of \$860,000, to acquire \pm 1.5 acres of vacant land representing a portion of a proposed assemblage of properties located at N.E. 211 Terrace and West Dixie Highway, Miami, Florida, for State School "D".


JB:rr

LOCATION MAP



LEGEND

 SUBJECT SITE
± 1.5 ACRES

 PROPOSED ASSEMBLAGE
± 12 ACRES

VACANT LAND

