

Business Operations
J.E. Surash, P.E., Chief Business Officer

SUBJECT: APPROVAL OF AN EXECUTED PURCHASE AND SALE AGREEMENT TO ACQUIRE ±.77 ACRES OF VACANT LAND REPRESENTING A PORTION OF A PROPOSED ASSEMBLAGE OF PROPERTIES LOCATED AT THEORETICAL N.E. 210 STREET 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 January 9, 2003 and March 5, 2003 meetings 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

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homes and light commercial buildings interspersed within. Subsequently, staff negotiated an Agreement to acquire a ± 1.5 acre tract of vacant land pursuant to terms and conditions contained in staff's initial purchase offers. The Board approved this acquisition at its September 10, 2003 Board meeting and title was transferred to the District on September 29, 2003.

Pursuant to the governing Board Rule, staff completed additional appraisal analysis for remaining properties located within the proposed assemblage and these results were presented to the SSPCC at its August 21, 2003 meeting. Upon consideration of same, the SSPCC recommended that staff submit new purchase offers to the remaining property owners. In accordance with the SSPCC's recommendation, staff has negotiated an Agreement to purchase an additional tract of vacant land, zoned for commercial use, $\pm .77$ acres in size, located at theoretical N.E. 210 Street and West Dixie Highway, Miami, Florida (subject site); staff apprised the SSPCC of this proposed acquisition at its October 1, 2003 meeting.

Accordingly, subject to Board approval, an Agreement has been negotiated under the following terms and conditions:

- The purchase price shall be \$530,000 for the $\pm .77$ -acre subject site. After review of two (2) full appraisals of the subject site, the reviewing appraiser established an estimated market value range from \$500,000 to \$530,000. The asking sales price was \$650,000;
- The subject site is to be purchased in "As Is" condition. All required due diligence, including a Phase I and Phase II environmental audit, will be completed prior to Closing. The District has the option of cancelling the Agreement, without penalty, should any negative environmental conditions be discovered;
- Closing must occur on or before November 07, 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;
- The Seller shall be responsible for: (1) the payment of any and all outstanding taxes, special assessments or liens, if any, (2) the cost of curing any title defects, if any, and (3) Seller's attorney fees; and,
- The Board shall be responsible for: (1) the Seller's documentary stamp taxes, (2) the recording cost of the Deed, (3) the cost of the updated Survey, and (4) the cost of the Title Insurance Commitment and the premium for the Title policy obtained by the Board.

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 is completing additional due diligence requirements for the subject site as required by the governing Board Rule. Listed below is the property location and corresponding due diligence results completed to date for the subject site.

Subject Site

Location: The subject site consists of + .77 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 theoretical N.E. 210 Street and West Dixie Highway, Miami, Florida.

Summary of Due Diligence Results: A copy of completed 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 advised that the subject site does not fall within their jurisdiction. 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 environmental audits are pending.
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

The South 110.00 feet of the South 221.85 feet of the East 368.30 feet of the N ½ of Lot 2, less the East 66 feet thereof, in Block 5, of Hallandale, according to the Plat thereof, recorded in Plat Book B Page 13 of the Public Records of Miami-Dade County, Florida. Section 34, Township 51 South, Range 42 East

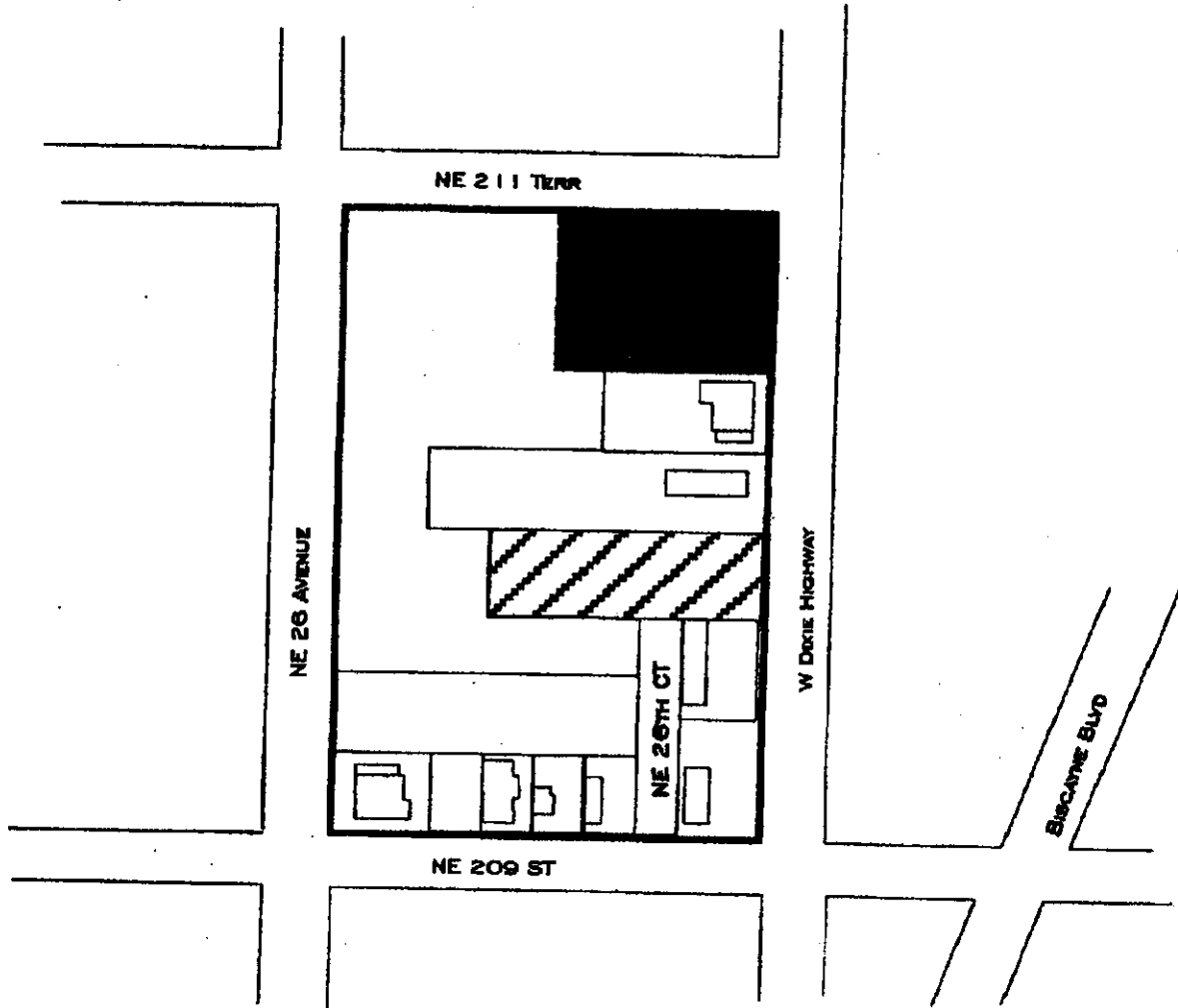
Folio Number: 30-1234-001-0302

The owners of the subject site are Jack Davis and Joseph Demarzio, Trustees.




RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent or his designee approve the executed purchase and sale agreement in the amount of \$530,000 to acquire ±.77 acres of vacant land representing a portion of a proposed assemblage of properties located at theoretical N.E. 210 Street and West Dixie Highway, Miami, Florida, for State School "D".

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LOCATION MAP



LEGEND

	PORTION OF PROPOSED ASSEMBLAGE ALREADY ACQUIRED BY THE BOARD ± 1.5 ACRES VACANT LAND
	SUBJECT SITE ± .77 ACRES VACANT LAND
	PROPOSED ASSEMBLAGE ± 1.8 ACRES



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