

MEMORANDUM

March 16, 2004

TO: The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

FROM: Merrett R. Stierheim, Superintendent of Schools

SUBJECT: WITHDRAWAL OF AGENDA ITEM E-2 – AUTHORIZATION TO EXECUTE A PURCHASE AND SALE AGREEMENT WITH THE MIAMI-DADE EXPRESSWAY AUTHORITY FOR A 2,486-SQUARE FOOT PORTION OF A 1.504-ACRE VACANT BOARD-OWNED PARCEL LOCATED AT N.W. 12 STREET AND N.W. 137 AVENUE FOR THE EXPANSION OF STATE ROAD 836

The attached agenda item is being withdrawn from the March 17, 2004 agenda, in order to allow staff to review other possible options with the Miami-Dade Expressway Authority and other relevant stakeholders.

MRS:aj
M-1708

Attachment

cc: Superintendent's Executive Staff
School Board Attorney
Mr. J. E. Surash, P.E.
Ms. Ana Rijo-Conde

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

SUBJECT: AUTHORIZATION TO EXECUTE A PURCHASE AND SALE AGREEMENT WITH THE MIAMI-DADE EXPRESSWAY AUTHORITY FOR A 2,486-SQUARE FOOT PORTION OF A 1.504-ACRE VACANT BOARD-OWNED PARCEL OF LAND LOCATED AT N.W. 12 STREET AND N.W. 137 AVENUE FOR THE EXPANSION OF STATE ROAD 836

COMMITTEE: FACILITIES MANAGEMENT

Introduction

The Miami-Dade County Expressway Authority (MDX) is currently planning to extend State Road 836 (SR 836), west to Northwest 137th Avenue (see attached location map). Construction is scheduled to commence in the summer of 2004. As part of the process, MDX is acquiring numerous parcels necessary for right-of-way and other transportation purposes, pursuant to Florida Statutes. One parcel to be impacted is a 2,486-square foot portion of a vacant Board-owned site which was acquired from a residential developer in 1996 as a partial contribution in-lieu-of impact fees, and was slated for the possible construction of a Primary Learning Center (PLC). The parcel remains vacant and is not included for development in the District's Five-Year Facility Plan.

Background

Pursuant to Florida Statute, School Board Rule 6Gx13-2C-1.083, and in accordance with the negotiating parameters established by the School Site Planning and Construction Committee (SSPCC), staff entered into pre-suit negotiations with MDX in an effort to reach an agreement regarding the amount of compensation to be paid for a portion of the subject parcel. The negotiating parameters were based on two appraisals; one provided by each governmental entity. The SSPCC, at its February 4, 2004 meeting, recommended that staff submit to the Board for approval, an agenda item requesting authorization to execute a purchase and sale agreement with MDX for the 2,486-square foot parcel, at a purchase price of \$56,000.

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

- The purchase price shall be \$56,000. This purchase price is based on MDX's appraisal, which is \$1,000 over the District's commissioned appraisal;
- MDX shall have the right to enter upon the subject parcel with its agents and engineers as needed before closing for inspection purposes;

**ITEM WITHDRAWN
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- MDX, at its sole cost and expense, shall order a Title Commitment. MDX shall have thirty days from the date of receipt of the Commitment and survey to examine it and notify the District of any defects which would render title unmarketable or otherwise unacceptable to MDX. The District shall have sixty days from receipt of notice within which to remove such defects. If the District is unsuccessful in removing same within said time period, MDX shall have the option of: (i) accepting title as it then is; or (ii) terminating the proposed agreement, whereupon each party shall then be released of all further obligations thereunder;
- MDX shall have the right, at any time before closing, to survey the property at its sole cost and expense;
- Due to imminent construction of the project, MDX is requesting that closing take place within the next thirty days, assuming no defects in title;
- MDX shall pay all closing costs, including documentary stamps and Miami-Dade County Surtax; and
- MDX shall reimburse the Board for the cost of the District's commissioned appraisal.

The purchase and sale agreement will be reviewed by the School Board Attorney's Office prior to its execution.

Additional information

The Department of Advanced Planning has reviewed the impact of selling the 2,486-square foot portion of the site to MDX, and determined that the balance of the parcel would still be viable for the placement and operation of a PLC. However, the SSPCC, at its meeting of February 4, 2004, recommended that the remaining portion of the site not be used for educational purposes, due to its adjacency to SR 836, and that the District sell the remainder of the land. Staff will investigate the potential future use of this site for any District educational or ancillary purpose and, should no such use seem imminent, a recommendation for the disposition of the balance of the site will be brought to the Board at a future Board meeting.

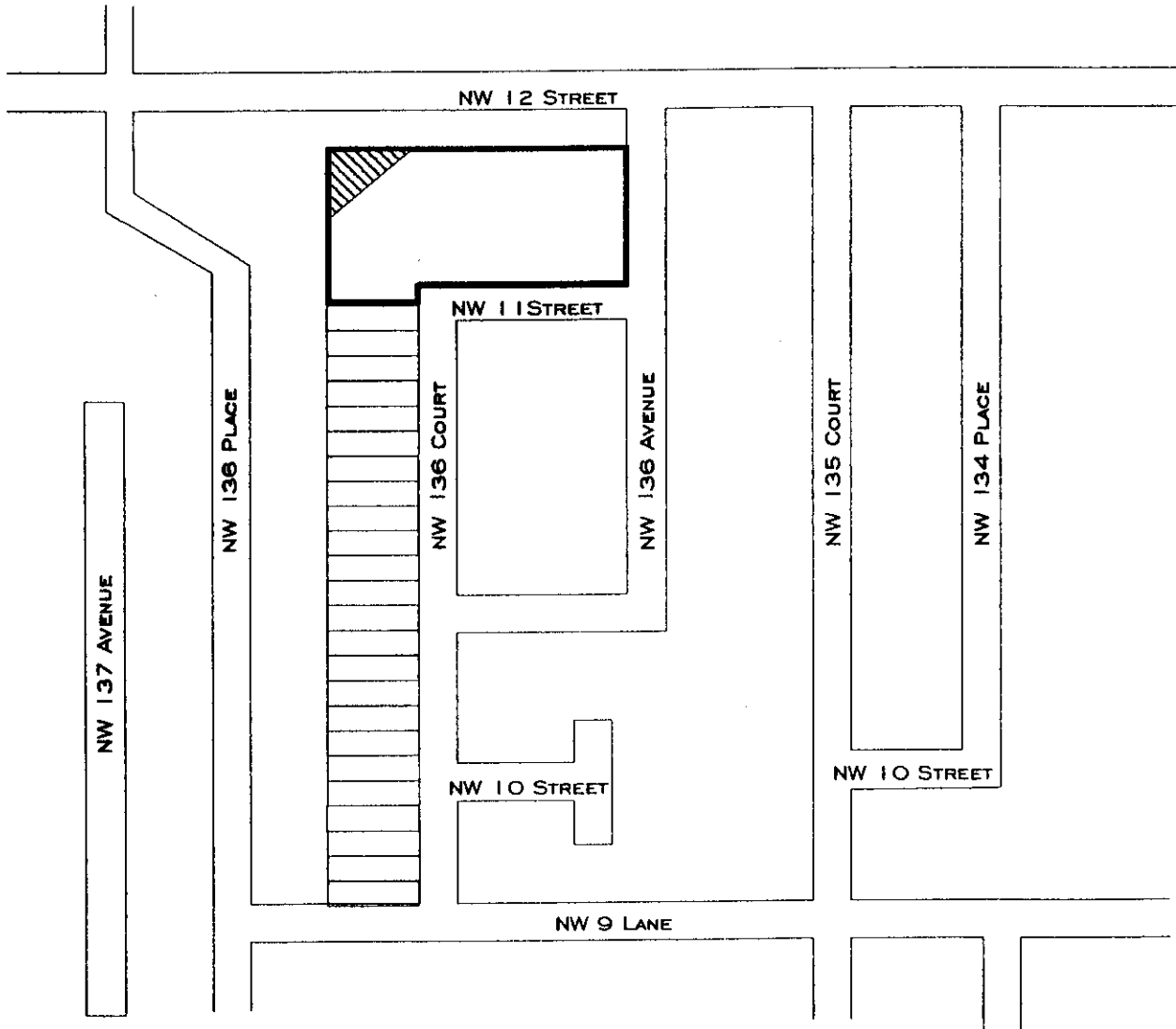
Further, in addition to the subject parcel, a portion of the Central West Transportation facility, located at 13775 N.W. 6 Street, will also be impacted by the extension of SR 836. The District and MDX are still in pre-suit negotiations, and disposition of this issue will be brought to the Board for its consideration at a later date.

RECOMMENDED:



That The School Board of Miami-Dade County, Florida, authorize the Superintendent or his designee to execute a purchase and sale agreement with the Miami-Dade Expressway Authority for a 2,486-square foot portion of a 1.504-acre vacant Board-owned parcel of land located at the corner of N.W. 12 Street and N.W. 137th Avenue, for a purchase price of \$56,000, and subject to the additional terms and conditions set forth above.

VGv:mo

LOCATION MAP



LEGEND

-  PART TO BE SOLD TO MDX (2,486 SQUARE FEET)
-  VACANT SCHOOL BOARD OWNED SITE (1.504 ACRES)

V.G.V.: H.J.
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