



POLICY 7.01

5-B I recommend that the Board approve development of the proposed **revised** Policy 7.01, entitled "Acquisition of Land."

[Contact: Barry Present, PX 21947.]

Development

CONSENT ITEM

- The purpose of this revision is to set forth the procedures of the School District in selecting sites and purchasing real estate for school and ancillary facilities. Many provisions concerning this issue had been contained within SREF Section 1.4 but were deleted by the State Board of Education.
- The parameters for site selection and acquisition are listed in detail, particularly when selecting new sites.
- This revision also updates statutory references.

POLICY 7.01

ACQUISITION OF LAND

PURPOSE

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4 1. The purpose of this policy is to set forth the procedures of the School District in
5 selecting sites and purchasing real estate for school and ancillary facilities.

6 POLICY

- 7 2. The School District shall acquire real property in accordance with Florida Statutes
8 and State Requirements for Educational Facilities ("SREF"), Section 1.4.

- 9 3. Due to the uniqueness of real estate transactions and depending upon the specific
10 circumstances, the District, when purchasing real property relating to new
11 freestanding sites, takes the following steps during the site selection and
12 acquisition process and performs its due diligence:

13 a. The District's Real Estate Services Department ("RES") receives the
14 parameters from the District's Five Year Plan as to the nature of the search.

15 b. Within the site search area, RES selects as many potential sites as possible
16 and researches the sites as to:

17 i. Size.

18 ii. Shape.

19 iii. Location.

20 iv. Access.

21 v. Traffic.

22 vi. Environmental (uplands, wetlands, contamination, etc.).

23 vii. Proximity of Power Transmission lines.

24 viii. Proximity to railroad tracks/operations

25 ix. Proximity to industrial operations

26 x. Zoning

27 xi. Flight Path.

- 28 xii. Availability of Utilities.
- 29 xiii. Cost (willing seller) , and
- 30 xiv. Safety
- 31 c. Considering these criteria, RES selects the best site(s), writes to the owner(s)
32 to express the District's interest and determines if the owner(s) are willing to
33 sell and the price. RES may then begin to engage in negotiations.
- 34 d. Upon notice from the Real Estate Services Department, the District's Planning
35 Department submits the sites to the County or Municipality for review,
36 pursuant to 1013.33(11), if applicable.
- 37 e. If RES is still interested in the parcel, it will order the appraisals per the Florida
38 Statutes
- 39 f. RES orders a Phase I Environmental Audit and additional studies, if
40 warranted.
- 41 g. RES orders a feasibility study, subsurface geo-technical investigation report, if
42 warranted.
- 43 h. The District's Planning Department orders a Traffic Study, if warranted.
- 44 i. RES drafts a proposed contract that is sent to the owner(s).
- 45 j. Negotiations between the District and the owner(s) then may follow.
- 46 k. If agreement is reached on terms in the District's judgment that are in its best
47 interest, a contract, that is contingent upon School Board approval, is
48 presented to the owner(s) and appropriate signatures are obtained from
49 him/her/them. Then the item is reviewed by CORC, if warranted, prior to being
50 placed on an agenda for a School Board meeting to obtain Board approval.
- 51 l. If no agreement is reached, District staff determines, based upon its judgment,
52 whether to recommend proceeding with eminent domain or RES determines to
53 search for additional sites or consider other sites.
- 54 m. If the Superintendent determines to recommend proceeding with eminent
55 domain, the recommendation is placed on an agenda for a School Board
56 meeting to obtain Board approval.
- 57 n. RES may order a survey either before or after Board approval of a contract to
58 purchase and a tree survey, if warranted.
- 59 o. RES may order an additional environmental study, if needed, during the due

- 60 diligence time period.
- 61 p. If the contract is approved, a closing will follow for the District to obtain title to
62 the property.
- 63 q. If the District proceeds with eminent domain, the District will seek an Order of
64 Taking to obtain title to the property.
- 65 4. When purchasing real property as additions to existing sites, some of the foregoing
66 steps may be eliminated on a case by case basis depending on the circumstances
67 that meet the needs of the District.

68 STATUTORY AUTHORITY: Fla. Stat. §§ ~~230.22(2); 230.23(22); 230.23005(4);~~
69 1001.41(1) & (2); 1001.42 (26); 1001.43 (4); 1013.14

70 LAWS IMPLEMENTED: Fla. Stat. §§ 163.3177; 163.3180; ~~230.23(9)(b); 230.23005(4);~~
71 ~~235.05; 235.054; 253.025~~ 1001.42(2), (4) & (11); 1001.43(4); 1013.14; 1013.15;
72 1013.18; 1013.24, 1013.36, 1013.365

73 RULES SUPPLEMENTED: Rule 6A-2.0010, Fla. Admin. Code; SREF §1.4

74 HISTORY: 4/6/83; 03/26/01; / /10

Legal Signoff:

The Legal Department has reviewed proposed Policy 7.01 and finds it legally sufficient for development by the Board.

Attorney

Date