



POLICY 7.01

4-A I recommend that the Board adopt the proposed revised Policy 7.01, entitled "Acquisition of Land."

[Contact: Barry Present, PX 21947.]

Adoption

CONSENT ITEM

- The Board approved development of this revised Policy at the development reading on August 4, 2010.
- The purpose of this policy is to set forth the procedures of the School District in selecting sites and purchasing real estate for school and ancillary facilities.

POLICY 7.01

ACQUISITION OF LAND

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- 3 1. The purpose of this policy is to set forth the procedures of the School District in
4 selecting sites and purchasing real estate for school and ancillary facilities.
- 5 2. The School District shall acquire real property in accordance with Florida Statutes
6 and State Requirements for Educational Facilities (“SREF”), Section 1.4.
- 7 3. Due to the uniqueness of real estate transactions and depending upon the specific
8 circumstances, the District, when purchasing real property relating to new
9 freestanding sites, takes the following steps during the site selection and
10 acquisition process and performs its due diligence:
 - 11 a. The District’s Real Estate Services Department (“RES”) receives the
12 parameters from the District’s Five Year Plan as to the nature of the search.
 - 13 b. Within the site search area, RES selects as many potential sites as possible
14 and researches the sites as to:
 - 15 i. Size,
 - 16 ii. Shape,
 - 17 iii. Location,
 - 18 iv. Access,
 - 19 v. Traffic,
 - 20 vi. Environmental (uplands, wetlands, contamination, etc.),
 - 21 vii. Zoning
 - 22 viii. Availability of Utilities,
 - 23 ix. Cost (willing seller)
 - 24 x. No proposed site shall be in an airport flight path as set forth in F.S.
25 333.03.
 - 26 xi. Proposed sites shall generally not be located to or in the immediate
27 vicinity of other existing or planned incompatible uses that would create
28 noise, vibrations, odors or other disturbances or safety concerns, such as
29 factories, industrial facilities or railroad tracks/operations that would be

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

- 62 o. RES may order an additional environmental study, if needed, during the due
63 diligence time period.

- 64 p. If the contract is approved, a closing will follow for the District to obtain title to
65 the property.

- 66 q. If the District proceeds with eminent domain, the District will seek an Order of
67 Taking to obtain title to the property.

- 68 4. When purchasing real property as additions to existing sites, some of the foregoing
69 steps may be eliminated on a case by case basis depending on the circumstances
70 that meet the needs of the District.

71 STATUTORY AUTHORITY: Fla. Stat. §§ ~~230.22(2); 230.23(22); 230.23005(4);~~
72 1001.41(1) & (2); 1001.42 (26); 1001.43 (4); 1013.14
73 LAWS IMPLEMENTED: Fla. Stat. §§ 163.3177; 163.3180; ~~230.23(9)(b); 230.23005(4);~~
74 ~~235.05; 235.054; 253.025~~ 1001.42 (2), (4) & (11); 1001.43(4); 1013.14; 1013.15;
75 1013.18; 1013.24, 1013.36, 1013.365
76 RULES SUPPLEMENTED: Rule 6A-2.0010, F.A.C.
77 HISTORY: 4/6/83; 03/26/01; ___/___/2010

Legal Signoff:

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

Attorney

Date