

SITE ACQUISITION

FILE: FEE

TITLE: Site Acquisition
POLICY:

Prior to acquiring real property for educational or ancillary facilities, The School Board of Orange County, Florida ("Board") shall consider existing and anticipated site needs and the most economical and practicable locations of new sites based on the need to address enrollment growth and need to rebuild or expand existing educational or ancillary facilities.

- (1) Site Selection of Educational Facilities
 - (a) Site selection of new sites for educational facilities ("School Site") must be aligned with residential development projections, municipal and county population growth. To the extent practical, the Board shall consider the proximity of a School Site to urban residential areas to allow students to attend educational facilities nearest their residence and shall seek to collocate educational facilities, to the extent possible, with other public facilities, such as parks, libraries, and the community.
 - (b) Each School Site selected by the Board must be adequate in size to meet the educational needs of the students to be served on that School Site either through the original educational facility or future expansions of the facility through renovation and/or the addition of relocatables. The Board shall ensure that a site master plan has been developed prior to the construction of new or expansion of existing educational facilities.
 - (c) Each School Site must be well drained and suitable for outdoor educational purposes as appropriate for the educational program proposed for the New Site or collocated with outdoor facilities to serve this purpose.
 - (d) The School Site must not be located within the path of flight approach of an airport. Selection of School Sites should consider, to the extent practicable, potential conditions or disturbances which would be likely to interfere with the educational program, such as adjoining a right-of-way of a railroad or through-highway and adjacent to a factory or other property from which noise, odors, or other disturbances may exist.
 - (e) To the extent practical, School Sites must be chosen which will provide safe access from neighborhoods to educational facilities.
 - (f) Educational facilities serving kindergarten through twelfth grade should not be constructed on or adjacent to a known contaminated site unless steps have been taken to ensure that children attending the school or playing on the School Site will not be exposed to contaminants in the air, water, or soil at levels that present a threat to human health or the environment. Prior to acquisition of the School Site, the Board, through staff or an agency employed by the

Board, shall conduct appropriate due diligence of the School Site consistent with good commercial or customary practice to determine the existence of any potential air, water, or soil contamination that may exist on or adjacent to the School Site.

(2) Site Selection of Ancillary Facilities

Site selection of new sites for new or expanded ancillary or auxiliary facilities (collectively, "Ancillary Sites") shall comply with all local, state, and federal rules, regulations, and requirements for Ancillary Sites. To the extent the ancillary or auxiliary facilities are a part of an educational facility, site selection of the Ancillary Sites shall comply with the terms and conditions governing the site selection of School Sites.

(3) Appraisal and Negotiations

(4) The Chief Facilities Officer or designee may authorize appraisals of new School Sites or Ancillary Sites (collectively, "New Sites") in accordance with requirements set forth in the Florida Statutes. The Chief Facilities Officer or designee may negotiate the purchase, lease, lease-purchase, or exchange of the New Sites in accordance with the requirements set forth in the Florida Statutes. Construction of Facilities on Leased Property

The Board may construct or place educational, ancillary, or auxiliary facilities on leased land after acquiring from the owner a long-term lease for the use of the land for a period of not less than forty (40) years or the life expectancy of the permanent facilities constructed thereon, whichever is longer, in accordance with the requirements of the Florida Statutes and the State Requirements for Educational Facilities. The Board may enter into a short-term lease for the use of land on which temporary or relocatable facilities are to be utilized.

(5) Purchase, Conveyance, or Encumbrance of Property Interests above Surface of Land

The Board may purchase, own, convey, sell, lease, or encumber air space or any other interests in property above the surface of the land in accordance with the requirements of the Florida Statutes. All proceeds from such sale or lease shall be used by the Board solely for fixed capital outlay purposes. These purposes may include the renovation and/or remodeling of existing facilities owned by the Board or the construction of new facilities.

(6) Right of Eminent Domain

The Board has the authority and right to take private property for any public school purpose or use when, in the opinion of the Board, such property is needed in the operation of any or all of the public schools within the district. The absolute fee simple title to all property so taken and acquired shall vest in the Board of such district, unless the Board seeks to appropriate a particular right or estate in such property.

SPECIFIC AUTHORITY:

Sections 333.03; 1013.14; 1013.15; 1013.16;
1013.19; 1013.24; 1013.36; 1013.365, Florida
Statutes

ADOPTED: 11/17/08
REVISED: 10/10/17