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Memorandum

TO: Mayor & Commissioners
FROM: Shawn D. Smith, City Attorney
RE: Glynn Archer School Agreement with School Board
DATE: June 10, 2013

Mayor and Commissioners

As you are aware, the School Board and City entered into an Agreement on the 24th day of April, 2012, regarding the Glynn R. Archer School. The Agreement provides for the conveyance of the property to take place no later than June 28, 2013. The Agreement also provides for the parties to enter into a long-term lease for real property adjacent to the Gerald Adams School. Both the City and the School District have worked to fulfill the provisions of the contract. However during discussions between the parties, it has become apparent that an extension to relevant dates was needed to accomplish some additional tasks that are beneficial to both parties. I will be bringing a proposed amendment to the Agreement as described below before you at your June 18, 2013 meeting and I recommend approval. The Superintendent and City Manager are both aware of the issues involved and support the amendment.

The School District continues to remove items from Glynn Archer. The City desires to have as much of the contents of the school removed as possible. While the parties could close the transaction as scheduled, the City would continue to let the remove articles but would expose itself to potential liability. The most prudent action under the circumstances is to extend the closing date for a brief period of time. The extension does not affect the City's ability to access the property or slow the design timeline down in any way. The proposed new closing date is no later than August 1, 2013.

Part of the former transfer station adjacent to Gerald Adams is to be long term leased to the School District for bus parking. Staff has discussed the effect of the conversion of the transfer station to a new transit facility on the proposed parking area. As part of the close out of the transfer station, the city is required to cap the area over which the buses will park. This will provide a benefit to the School District as compared to the existing ground cover. To accomplish this task, staff for each

entity is recommending a 24 month extension to the date upon which the property is leased. This will allow enough time to coordinate construction activities for the transit facility and make the required improvements to the property that will be leased to the School District.

I appreciate your time in reviewing this information. I encourage you to contact me with any questions or comments in advance of your meeting on the 18th.

Shawn D. Smith