

STATE BOARD OF EDUCATION

November 18, 2003

SUBJECT: Condemnation of Private Property Adjacent to the Campus of Florida
A&M University

Proposed Board Action

Approval to exercise the right of eminent domain by the Board of Trustees of Florida A&M University to acquire fee simple title in the Board of Trustees of the Internal Improvement Trust Fund of all properties described in Exhibits 1 and 2; and, to give authority to the Board of Trustees of Florida A&M University to accomplish the acquisition as described herein through negotiation or condemnation, including authority to prepare and execute all necessary parcel-specific condemnation resolutions.

AUTHORITY FOR STATE BOARD ACTION

Pursuant to Section 1001.74(30), Florida Statutes, each university board of trustees may exercise the right of eminent domain. Pursuant to Section 1013.25, the board of trustees may exercise the power of eminent domain after receiving approval therefore from the State Board of Education. On October 22, 2003 the Board of Governors approved substantially the same item.

Background Information

The properties listed in Exhibit 1 are needed for providing the stormwater facilities necessary for the recently constructed College of Pharmacy and Pharmaceutical Sciences and other science related disciplines within close proximity to each other. The City of Tallahassee allowed Florida A&M University to construct these new buildings without constructing permanent stormwater treatment facilities. Temporary stormwater facilities were constructed based on an agreement with the City of Tallahassee that Florida A&M University would acquire the properties in Exhibit 1 as part of the overall stormwater treatment plan. The City of Tallahassee will construct an off-campus regional stormwater pond and Florida A&M University will construct the necessary stormwater conveyance through these properties to that regional stormwater pond. These properties are initially to be used as an impervious area offset to mitigate stormwater impacts from development within the drainage basin. These lands will be cleared to provide pervious areas to offset the impervious land used to construct the new buildings, while the City constructs the regional stormwater pond. In the future, not only will a stormwater conveyance system be constructed on these properties, but the new Pharmacy Phase Two Building will be constructed once the City finishes the regional stormwater pond. The first letters regarding the need of the property were sent to landowners in March of 2002. Appraisals were completed and first offers were made in August of 2002. Negotiations continued until they reached impasse.

The properties listed in Exhibit 2 are needed to allow closure to Osceola Street in order to provide for safer campus facilities, to accommodate campus expansion, and for the construction of the Teaching Gymnasium/Multi-Purpose Center. These two parcels received initial contact in 1997 and some of the properties adjacent settled, however, the final two are remaining. The Board of Trustees of Florida A&M University has determined that the power of eminent domain is necessary to acquire the properties in Exhibits 1 and 2. (See proposed Resolutions Exhibit 5.)

Acquisition of these properties through negotiation has reached an impasse. Therefore, eminent domain is necessary in order to acquire the properties to meet responsibilities for maintaining storm water management facilities and to provide sufficient property for expansion and construction of new campus facilities within Florida A&M University's Strategic Plan. All of these properties have residential buildings on them, although some may be zoned for more commercial uses. Some are single-family homes and some are duplexes and triplexes and one has a small 8-unit apartment building. (See Exhibit 3 and 4 for details.) Most of these properties are rentals. We do not have the current leases on these properties. However, after review of terms of lease, all tenants will be assisted with moving either at the end of their current term or before depending on individual circumstances.

Please note that attorneys represent many of the landowners and they are not opposed to the property being placed into eminent domain lawsuits. These properties have been in negotiation for many years and most landowners are anxious to have the valuation issues finalized through court action.

Supporting Documents Included:

- Exhibit 1: Property Map of Site Location, Parcel I.D.'s and Description
- Exhibit 2: Property Map of Site Location, Parcel I.D.'s and Description
- Exhibit 3: Parcels with size of building and negotiation history.
- Exhibit 4: Parcels with size of building and negotiation history.
- Exhibit 5: FAMU Resolutions

Facilitators/Presenters:

- Robert Scanlan, Asst. Atty. General – Office of the Attorney General
- Samuel Houston, Director of Facilities Planning - FAMU