

STATE BOARD OF EDUCATION

DATE: April 15, 2003

SUBJECT: Indian River Community College - Request Approval to Exercise Eminent Domain at the Chastain Center in Martin County

PROPOSED BOARD ACTION

To approve the request from the District Board of Trustees of Indian River Community College to exercise the power of eminent domain.

AUTHORITY FOR STATE BOARD ACTION

Section 1013.25, Florida Statutes (F.S.)

BACKGROUND INFORMATION

Section 1013.25, F.S., provides as follows:

1013.25 When university or community college board of trustees may exercise power of eminent domain.--Whenever it becomes necessary for the welfare and convenience of any of its institutions or divisions to acquire private property for the use of such institutions, and this cannot be acquired by agreement satisfactory to a university or community college board of trustees and parties interested in, or the owners of, the private property, the board of trustees may exercise the power of eminent domain after receiving approval therefor from the State Board of Education and may then proceed to condemn the property in the manner provided by chapter 73 or chapter 74. (e.s.)

The District Board of Trustees of Indian River Community College has determined that additional land will be necessary for the Chastain Center in Stuart. The full-time equivalent student enrollment exceeds the 1,000 required for a Campus designation. Current guidelines recommend a Campus have 100 acres. Presently the Chastain site has only 40 acres, not all the land is usable due to wetlands. The Board, through their representatives, has attempted unsuccessfully to negotiate with the owners for a fair price based on an appraisal. These funds from the state are available for the purchase. The Board asks the State Board of Education to provide authority to proceed to the next step to exercise the power of eminent domain which will include allowing further negotiations.

Supporting Documentation Included: Letter of request, Board of Trustees Resolution and supporting exhibits.

Facilitators/Presenters: J. David Armstrong, Chancellor, Division of Community Colleges
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