

**Administrative Procedures for Policy #7210 (Construction)
Regarding Real Estate Acquisition**

I. Purpose

- A. Under the direction of the Superintendent, the Director of School Construction shall be charged with researching and offering recommendations to the Superintendent regarding the procurement of real estate for school construction.

II. Procedure

- A. The Director of School Construction will:

1. Use the following documents to identify potential school sites:
2. Tax assessors' maps;
3. Topographic maps;
4. County land use and zoning maps;
5. Subdivision applications;
6. Soil survey data;
7. Maryland Department of Planning Smart Growth and priority funded area initiatives;
8. Educational (School) Facilities Master Plan; and
9. Interagency Commission on School Construction Procedures.

- B. Secure preliminary evaluation of priority sites from:

1. Architect (suitability for intended facilities);
2. Soil engineer (suitability for intended facilities);
3. Civil Engineer (sewage, storm drainage, road access, traffic study, site improvements);
4. Environmental study;
5. Interagency Commission on School Construction designees; and
6. Real estate appraisal.

- C. Present the appropriate documentation and rationale regarding site acquisition to the Superintendent for his/her consideration. The Superintendent will request Board of Education approval to negotiate for specific building sites.

- D. Secure professional appraisal for each property.

- E. Negotiate the purchase price with the property owner.

- F. Make a recommendation to the Superintendent who will secure Board of Education approval to purchase property subject to conditions included in proposed contract.
- G. Consult with the school system attorney designated by the Superintendent to procure legal counsel to do a title search and draft a contract including any special instructions from the Superintendent, and include contingencies such as, but not limited to:
 - 1. "subject to approval of State Department of Education;"
 - 2. "subject to favorable test borings and percolation tests;"
 - 3. "subject to an environmental assessment;" and
 - 4. "subject to various County ordinances considerations."
- H. Work with the school system attorney designated by the Superintendent to secure signatures on contract.
- I. Make test borings and percolation tests.
- J. Secure any and all environmental statements.
- K. Secure Interagency Commission on School Construction approval.
- L. Participate with appropriate CCPS staff during the settlement process.

III. Special Situation Recommendations

A. Condemnation

- 1. When recommended by the Superintendent and in consultation with the school system attorney designated by the Superintendent, the Board of Education may consider condemnation to acquire real estate, rights of way, and easements for school construction projects in accordance with 12-101 of the Real Property Article of the Annotated Code of Maryland if:
 - a. The land is required for any school purpose; and
 - b. The Board of Education is unable to contract with the owner of the land for what the Board of Education considers to be a fair valuation.
- 2. The Board of Education may ask the Calvert County government for assistance in bringing condemnation proceedings.

B. Appraisals

- 1. The Director of School Construction shall secure a minimum of one appraisal prior to negotiations.
- 2. If unable to reach a favorable agreement, the owner and the Board of Education will each secure another appraisal.
- 3. The parties will renegotiate with three appraisals.
- 4. In the case of condemnation, further appraisals will occur as requested by the attorney.

- C. When federal and/or state funds are involved, including but not limited to the Open Space Act, Land and Water Conservation Act, or Patuxent River Valley Act, procedures

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Procedures Written: 5/21/07

Procedures Revised: 10/21/09; 9/6/12; 1/4/17; 3/29/23

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may have to be modified to allow adherence to the conditions of the act and/or imposed administrative procedures.

D. Options

1. It is recommended that the Superintendent be authorized to secure an option on a site when, in his/her judgment, such an option would be in the best interests of the Board of Education and the citizens generally, and provided that the option deposit is either refundable or not in excess of \$1,000 and would be in all cases applicable against the proposed purchase.