

Resolution 2019-20: 68

Authorization for City of Rochester Acquisition of Certain Real Property (School 54)

By Board Member Tom Richards

WHEREAS, the Rochester School Facilities Modernization Program Act (“the Act”) established the Rochester Joint Schools Construction Board (“RJSCB” or “Board”), a seven voting member board consisting of equal representation by the City of Rochester (“City”) and the Rochester City School District (“District”), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the authorizing legislation for Phase 2 of the Rochester Schools Modernization Program (“RSMP”) was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the amended Act authorized up to 26 projects in Phase 2 of the RSMP including a District Wide Technology (“DWT”) program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, for Phase 2 of the RSMP, the RJSCB intends to undertake 14 projects for the design, reconstruction, or rehabilitation of existing school buildings for their continued use by the District (collectively, the “Phase 2 Projects”), which have been further defined as Phase 2a, Phase 2b, Phase 2c and Phase 2d, plus a DWT project at each of the Phase 2 school buildings; and

Whereas, under the Act, the design of all RSMP projects, as well as additions to project scope, must be reviewed and approved by the District and the design and construction standards must be approved by the State Education Department (“NYSED”); and

WHEREAS, the Flower City School No. 54 Project (“School 54”) is one of the projects included in Phase 2d of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the School 54 project site is inadequate under NYSED standards; and

WHEREAS, the acquisition of additional property is required for student safety, adequate parking, improved bus drop-off and pickup area and playfields for School 54 project; and

WHEREAS, the RJSCB has identified properties adjacent to the School 54 project site, as more fully described in Exhibit A (the “Acquisition Properties”), for acquisition for the purpose of enlarging each project site to conform to NYSED standards; and

WHEREAS, the District has reviewed and approved the change in the project scope to allow for the acquisition of the Acquisition Properties to enlarge the School 54 project site; and

WHEREAS, the RJSCB Chair, Program Coordinator and Program Manager have had preliminary discussions with the City concerning the acquisition of the Acquisition Properties; and

WHEREAS, during the Executive Session held on December 5, 2019, the Program Coordinator and the Program Manager briefed the Board on the status of the School 54 project, the Acquisition Properties and requested approval to authorize the City to acquire the Acquisition Properties by purchase or condemnation with the costs of same being reimbursed to the City through RSMP program funds; and

WHEREAS, the RJSCB considered the recommendations of the Program Coordinator and the Program Manager at its December 9, 2019 meeting and, after due deliberation, it determined that it is in the best interest of the public, RJSCB and the RSMP to authorize the City to acquire the Acquisition Properties as set forth herein.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby determines that it is in the best interest of the public, the Board and the RSMP to authorize the City to acquire the Acquisition Properties; and
2. The RJSCB hereby approves the acquisition of the Acquisition Properties by the City using RSMP program funds, subject to the further approval of the RJSCB as to the acquisition costs for each Acquisition Property; and
3. The RJSCB Chair, or his designee, is hereby authorized to direct the City to acquire the Acquisition Properties as described herein and enter into an agreement with the City as is acceptable to the Chair with the advice of the Program Manager and the RJSCB's General Counsel.

**Second by Board Member Jesse Dudley
Adopted 4-0**