



# AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

<b>MEETING DATE</b>	2019-09-04 10:05 - School Board Operational Meeting
<b>AGENDA ITEM</b>	ITEMS
<b>CATEGORY</b>	LL. OFFICE OF PORTFOLIO SERVICES
<b>DEPARTMENT</b>	Facility Planning and Real Estate

<b>Special Order Request</b>
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Time</b>
<b>Open Agenda</b>
<input checked="" type="radio"/> Yes <input type="radio"/> No

**ITEM No.:**  
LL-3.

**TITLE:**  
First Amendment to the Agreement of Sale and Purchase with Lennar Homes, LLC

**REQUESTED ACTION:**  
Approve the First Amendment to the Agreement of Sale and Purchase between The School Board of Broward County, Florida (SBBC) and Lennar Homes, LLC for the purchase of the site commonly referred to as Elementary D-1 School Site (No. 352.1).

**SUMMARY EXPLANATION AND BACKGROUND:**  
The SBBC at the April 9, 2019, School Board Operational Meeting (SBOM) approved Agenda Item No. LL-2 entering into and Agreement of Sale and Purchase (Agreement) with Lennar Homes, LLC for the sale of SBBC owned land referred to as the Elementary D-1 School Site for the purchase price of \$10,851,954. See Supporting Docs for continuation of Summary Explanation and Background. This First Amendment has been reviewed and approved as to form and legal content by a District Cadre Attorney and the Office of the General Counsel.

**SCHOOL BOARD GOALS:**  
 Goal 1: High Quality Instruction      Goal 2: Safe & Supportive Environment      Goal 3: Effective Communication

**FINANCIAL IMPACT:**  
At the time this sale is closed, there will be a positive financial impact of \$10,851,954 (minus closing cost) to SBBC. Closing on the property is currently anticipated to occur prior to the end of the 2019/20 fiscal year.

**EXHIBITS: (List)**  
(1) Continuation of Summary Explanation and Background (2) Executive Summary (3) First Amendment to Agreement of Sale and Purchase (4) Executed Agreement of Sale and Purchase

**BOARD ACTION:**  
**POSTPONED**  
To September 17, 2019 Regular School Board Meeting  
(For Official School Board Records Office Only)

**SOURCE OF ADDITIONAL INFORMATION:**

Name: Chris O. Akagbosu	Phone: 754-321-2162
Name:	Phone:

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**  
Senior Leader & Title

Leslie M. Brown - Chief Portfolio Services Officer

Signature  
Leslie M. Brown  
8/23/2019, 4:02:59 PM

Approved In Open Board Meeting On: **SEP 04 2019**  
By: *Martha P. Burkwood*  
School Board Chair

## **CONTINUATION OF SUMMARY EXPLANATION AND BACKGROUND**

Thereafter and during its Inspection Period, Lennar Homes, LLC communicated to SBBC's cadre attorney working on the Elementary D-1 School Site land transaction, the potential challenges it may face from the Hawks Landing Property Owners Association, and the Hawks Landing community (Hawks Landing) regarding Lennar Homes, LLC proposed residential development. As evidence of this potential challenge, Lennar Homes, LLC provided the attached May 22, 2019 letter, which the Hawks Landing Property Owners Association wrote to the Mayor of Plantation opposing Lennar Homes, LLC proposed residential development.

Due to the looming challenges, Lennar Homes, LLC is seeking a First Amendment to the Agreement of Sale and Purchase (First Amendment). If approved by SBBC this First Amendment would amend language in the Agreement to state that in the case of a challenge or appeal by a third party, dates in the Agreement would be automatically extended until such challenge or appeal is adjudicated and resolved; and all associated litigation costs would be at the sole expense of Lennar Homes, LLC. Also, Lennar Homes, LLC agrees to indemnify, hold harmless and defend, SBBC against any future litigation.

This First Amendment has been reviewed and approved as to form and legal content by a District Cadre Attorney and the Office of the General Counsel.