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KENTUCKY DEPARTMENT OF EDUCATION
300 Sower Boulevard • Frankfort, Kentucky 40601
Phone: (502) 564-3141 • www.education.ky.gov

October 14, 2020

Dr. Martin Pollio, Superintendent
Jefferson County Public Schools
P.O. Box 34020
Louisville, KY 40232

**RE: JEFFERSON CO. – Health Equity Partners Properties, Inc. Property
Former Brown & Williamson Tobacco Co. Property
4.636 acres from a larger tract
for New 800 Student ES - DFP Priority 1b.7 (13 acres min.)
To Replace and Consolidate Roosevelt Perry ES and Wheatley
1720 West Broadway
Louisville, KY**

Dear Dr. Pollio:

Amendment No. 2 to the District's Facilities Plan (DFP) was approved by the Kentucky Board of Education at its August 2019 meeting. This amendment removed Priorities "1c.26 Roosevelt/Perry ES Major Renovation" and "1c.36 Wheatley ES Major Renovation" and added Priority "1b.7 New Elementary School....800 Student Capacity to replace Roosevelt-Perry ES and Wheatley ES" with a reported "Need" of approximately \$17,000,000.

After receiving KDE's tentative approval letter dated June 13, 2018 regarding the referenced property, the district has provided a schematic site plan and floor plans for a two-story building. It has requested and received waivers from the Kentucky Board of Education related to minimum site area; required physical education space by the shared use of the adjacent YMCA gymnasium; increased cafeteria size to provide required seating for the entire student body; art room location; and a larger administration suite to provide additional office space for service providers to serve the school's at risk population. These plans, combined with the approved waivers, demonstrate substantial compliance with KDE's Model Program of Spaces for a facility of the proposed enrollment and the requirements for site development found in the Facility Programming & Construction Criteria Guide.

As required by **702 KAR 4:050**, the following documents have been submitted to this office:

1. Letter dated July 30, 2020 from R. Benjamin Straus of Wyatt, Tarrant & Combs, LLP, stating a title opinion that the district may obtain fee simple title to the referenced property. The opinion covered a sixty (60) year period.
2. Commitment for Title Insurance dated July 09, 2020 by Commonwealth Land Title Insurance Company in the amount of \$1,390,000.

3. ALTA/NSPS Land Title Survey dated 08/18/2020 prepared by BMT Engineering, Inc., J. Craig Mount, PLS #2227. Survey stated that the property is situated in Zone “X” of the FEMA Flood Insurance Rate Map and does not appear to be in any special floor hazard area. The telephone easement shown on the survey was released on September 9, 2020.
4. Assurances of adequate site utilities:
Letter dated November 14, 2019 from Louisville Water Company, Keri Allen, Service Applications Associate, indicating that LWC can provide domestic water and fire protection service from multiple mains surrounding the property, “provided the requirements do not exceed the flow capacities of this water main.” The letter further stated that “System improvements necessary to provide water service to this parcel will be done at the developer’s expense.” The district is reminded of the constitutional restrictions regarding the use of “common school funds” regarding infrastructure improvements.
Letter dated November 15, 2019 from LG&E – KU, PPL Companies, Erin R. Fenwick, Contract Coordinator Trainee, stating that gas and electric service will be available to serve the property and advising “an electric and/or gas main extension may be required to serve the above referenced property.” The funding responsibility of these potential extensions was not identified, however, the district is again reminded of the constitutional restrictions mentioned above.
Letter dated September 17, 2020 from MSD, Mark A Sites, PE, Development Infrastructure Planning Administrator, stating that “MSD currently has capacity in our system.....assured for 90 days.”
5. Letter dated October 14, 2020 from Tracy Nowaczyk, PE, KYTC Director Division of Maintenance, confirming road adequacy for West Broadway at this location. Email dated October 14, 2020 from Ricky Sizemore, PE, Manager, KYTC Central Office Permits Branch, stating that Dixie Highway at this location is a local road. This is contrary to publicly available information showing Dixie Highway as US 60.
Letter dated May 1, 2020 from Jeff Brown, PE, Assistant Director Louisville Metro Public Works, confirming that the existing roadway network servicing the site is adequate in both width and capacity to accommodate the projected bus volume and vehicular traffic for the proposed elementary school facility in addition to the normal traffic. The letter provided a commitment to provide and install, within the public ROW, all regulatory signage necessary to control stopping, standing and parking of vehicles to accommodate vehicles to accommodate school arrival and dismissal traffic. It did not include a funding commitment for any improvements in the public right of way.
6. Phase I Environmental Site Assessment (ESA) Report dated May 5, 2020 prepared by Linebach-Funkhouser, Inc. Environmental Compliance and Consulting, Andrew W. Bergman, GIT Staff Geologist, and R. William Johnston, PG Principal Geologist.
7. Schematic Design Estimate for Exterior Improvements dated July 17, 2020 with a Total Estimated Cost of \$366,392.
Geotechnical Exploration Report prepared by Wood Environment & Infrastructure Solutions, Inc., Mark J. Schuhmann, PE, Senior Principal Engineer, dated 7/22/2020.
8. Appraisal Report prepared for JCPS dated February 3, 2020 by Valbridge Property Advisors, David A. Donan, MAI, Certified General Real Property Appraiser, KY License #257. The report provided a value conclusion of \$1,390,000 using the sales comparison approach.
9. Sale and Purchase Agreement between the district and Health Equity Partners Properties, Inc. in the amount of \$1,409,570.24. The Agreement, subject to a Shared Use Agreement between the district and the YMCA, included provision for the YMCA to also sign the Agreement.

Dr. Martin Pollio, Superintendent

October 14, 2020

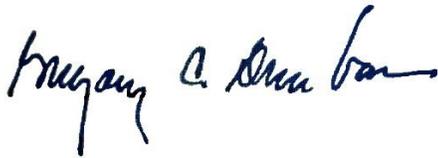
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Receipt of the above demonstrates substantial compliance with the requirements of 702 KAR 4:050. Approval is hereby granted to the Jefferson County Board of Education to proceed with the acquisition of the above referenced property subject to fulfilling the conditions set forth in the Agreement and the requirements for receiving title insurance and following the recommendation contained in the ESA regarding a recognized environmental condition to seek liability protection afforded by enrollment in the Kentucky Department for Environmental Protection's (KDEP's) Brownfields Redevelopment Program.

Please note that 702 KAR 4:050 requires the district to provide a notarized copy of the executed deed and title insurance certificate within thirty (30) days after closing of the property purchase.

If you have any questions about any of the above, please contact us at (502) 564-4326.

Sincerely,



Gregory C. Dunbar, AIA Manager,
District Facilities Branch
Division of District Support

ec: Michael Raisor & Susan Biasioli, JCPS
Ricky Sizemore, KYTC
Jeff Brown, PE Louisville Metro Public Works
Robin Kinney, Kelly Foster, Chay Ritter, James Bauman & Denise Hartsfield, KDE/DFB
Site Acquisition File/District Correspondence File