



# Every Child Every Day

**SUPERINTENDENT**  
TONYA HORNE-WILLIAMS

**BOARD CHAIR DISTRICT 1**  
LINDA GEARHEART

**VICE CHAIR DISTRICT 4**  
KEITH SMALLWOOD

**MEMBER DISTRICT 2**  
DR. CHANDRA VARIA

**MEMBER DISTRICT 3**  
WILLIAM NEWSOME, JR

**MEMBER DISTRICT 5**  
STEVE SLONE

**Agenda Item:** Consider/Approve BG-1 for the Purchase of Property Located at 1009 N. Lake Drive, Prestonsburg, Kentucky 41653

**Applicable State Law or Regulation:**

KRS 160.290 – General Powers and Duties of Local Boards of Education

**Fiscal/Budgetary Impact:**

Purchase price not to exceed \$1,400,000.00, plus any associated closing costs, legal fees, appraisal costs, and due diligence expenses.

**History/Background:**

The Floyd County Board of Education has been presented with the opportunity to acquire approximately 1.98 acres of real property located at 1009 N. Lake Drive, Prestonsburg, Kentucky 41653.

The property is being considered to support current and future district needs, including, but not limited to, the development of a multi-purpose athletic facility, educational facilities, parking, and other district purposes as determined by the Board of Education.

The acquisition would provide additional flexibility to address future facility, programmatic, and operational needs serving Prestonsburg High School and its feeder schools. The proposed purchase is contingent upon the satisfactory completion of all required inspections, title review, appraisal requirements, environmental reviews if necessary, and approval by the Kentucky Department of Education and any other required regulatory agencies.

**Recommended Action:**

Approve the BG-1 and authorize the Superintendent to proceed with the purchase of the property located at 1009 N. Lake Drive, Prestonsburg, Kentucky 41653, for an amount not to exceed \$1,400,000.00, subject to all required due diligence and approvals.

**Contact Person(s):** Kevin O'Quinn, 606-874-2435

Director

Superintendent

**Date:** June 1, 2026

The Floyd County Board of Education does not discriminate on the basis of race, color, national origin, age, religion, marital status, sex, or disability in employment, educational programs, or activities as set forth in Title IX & VI, and in Section 504.

442 KY ROUTE 550, EASTERN KY, 41622  
TEL: 606.886.2354 FAX: 606.886.4550

Andy Beshear  
Governor



Jamie Link  
Secretary  
Education and Labor Cabinet

Dr. Robbie Fletcher  
Commissioner of Education

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

May 29, 2026

Ms. Tonya Williams, Superintendent  
Floyd County Public Schools  
442 KY RT 550  
Eastern, KY 41622

**RE: Property Acquisition (Not on DFP)**  
**Jack & John LLC Property**  
**1009 N Lake Drive (1.98 acres ±)**  
**Prestonsburg, KY 41653**

Dear Supt. Williams:

On January 5, 2026 and May 27, 2026, the district indicated that a complete submittal has been uploaded. Upon your request and pursuant to **702 KAR 4:050 Building sites: inspection, approvals**, for approval to proceed with the property acquisition, the following information was submitted to this office.

**1. Title Opinion:**

- a. Letter dated December 18, 2025, from Max K. Thompson with Thompson & Kennedy, PLLC, stating, "The Floyd County Board of Education may obtain a fee simple title to the subject tract with a deed of conveyance from the current surface owner which is currently Jack and John, Inc., and a deed of conveyance from the mineral owner, Northern Coal & Coke, or its successor. A forbearance agreement may also be an option if the mineral owner is agreeable" The report is limited in time for (60) years through December 18, 2025.
  - b. Letter dated May 27, 2026, from Robert J. Patton with Robert J. Patton, PLLC, stating,  
(A) Mineral Severance: Deed of Conveyance from B.C. May, et al. to John C.C. Mayo dated July 28, 1902 and recorded at Deed Book 3, Page 367 ("Mineral Severance")  
(1) Mineral Deed of Conveyance from Mrs. Jno. C.C. Mayo Co. to Floyd County Board of Education, a/k/a The Board of Education, Floyd County, Kentucky dated April 2, 2026 and recorded at Deed Book 709, Page 137;  
(2) Forbearance Agreement by and between EQT Production Company and the Board of Education of Floyd County, Kentucky dated May 20, 2026 and recorded at Miscellaneous Book 22, Page 694 ("Oil & Gas Forbearance Agreement"); all records of the Floyd County, Kentucky Clerk's Office.
2. **Commitment for Title Insurance:** Commitment for Title Insurance issued by Commonwealth Land Title Insurance Company for the property located at 1009 N. Lake Drive, Prestonsburg, Floyd County, Kentucky, for a proposed policy amount of \$1,370,000 with the commencement date of December 18, 2025.
  3. **Plat:** Boundary Survey dated May 30, 2025, by Thomas E. Nairn, licensed professional land surveyor #3921, Bocook Engineering, Inc., indicated property boundaries and acreage and noted, "The subject property is not located within the 1% annual chance (100 year floodplain)."
  4. **Utility Assurance Letters** are not required for this acquisition as indicated in the Tentative Approval letter.
  5. **Roadway Adequacy and Funding Commitment Letters:**
    - a. KYTC letter dated June 27, 2025, from Joshua Rogers, P.E., Director, Division of Maintenance, confirms the roadway adequacy of state-maintained roadways for the property acquisition. KYTC has determined that

improvements required on state-maintained right of way for the proposed school sites can be performed by KYTC and/or its contractors. Therefore, no funding commitment for the school district is necessary.

- b. Local Government letter not required for this acquisition as indicated in the Tentative Approval letter.
6. **Potential Environmental or Safety Hazards Assessment** prepared by James A. Patton, REPA, RPG states, “the site investigation has shown that The Jack and John Property does not use and has not used hazardous materials in the past. There is no evidence of spills, stressed vegetation or chemical odors on the property at this time.”
  7. **Schematic Site Plans:** Letter dated October 31, 2025, prepared by Michael T. Hughes, Ross Tarrant Architects, indicates No changes required to the ingress/egress points, public way or rights of way or the existing building as the district intends to utilize only the parking on the site at this time.
  8. **Site and Building Development Cost Analysis:** Letter dated October 31, 2025, prepared by Michael T. Hughes, Ross Tarrant Architects, indicates, “Given the above, our statement of probable cost for site/building development of this property is \$0.00.”
  9. **Certification:** Letter dated December 30, 2025, states, “the Floyd County Board of Education has conducted a comprehensive review of all reasonable and available property sites within the KDE-approved site acquisition area for the proposed project. 1009 N. Lake Drive Prestonsburg, KY 41653 represents the most reasonable, appropriate, and beneficial site available to meet the needs of the district and KDE requirements.”
  10. **Appraisals:** Appraisal Report, dated 5/7/2025, prepared by Paul David Brown, of Red, Brown & Williams Real Estate Services, indicates the market value of 1009 North Lake Drive to be \$1,370,000.
  11. **Proposed Purchase Agreements:** Commercial Offer to Purchase Agreement made on October 10, 2025, between Jack & John, LLC (seller) and the Floyd County Board of Education (Buyer) indicates the total purchase price for the property at 1009 N. Lake Drive as One Million Four Hundred Thousand Dollars (\$1,400,000.00).

The Floyd County Board of Education is hereby authorized to complete the actions needed to complete the acquisition.

Submit an Initial BG-1 Project Application Form (in FACPAC) approved by the Floyd County Board of Education which identifies the proposed fund source(s). **Please be advised, because the proposed acquisition is not on the current District Facilities Plan (DFP), funding is limited to unrestricted funds and/or accessing restricted cash with a Capitol Funds Request (CFR) approved by the local board or by modifying the DFP to include this project.** Include a signed pdf version of the BG-1 as an attachment to the FACPAC form submitted to our office.

As required by 702 KAR 4:050, within thirty (30) days after the closing, please provide a notarized copy of the executed deed and Certificate of Title Insurance (**in the amount of the appraisal**) to KDE. Submit these documents through the “My Document Submissions” in the SharePoint portal and submit your board-approved BG-5 with signatures through the FACPAC system to close the project.

If you have any questions about any of the above, please call Marcus Highland at (502) 564-4326 extension 4408.

Sincerely,

*Marshall Smith*

Marshall Smith  
Assistant Director  
District Facilities Branch  
Office of Finance & Operations

MS/mh

ec: Kevin O Quinn - FCPS  
Marcus Highland, Tanesha Keene - KDE  
DFB Site Acquisition File/District Correspondence File

# BG1 Project Application Form (Initial)

## (Ref# 22603)

Form Status: Saved

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Project: PHS Property 1009 N Lake Dr Prestonsburg  
BG Number: 26-099 District: Floyd County (HB727) (175)  
Status: New Phase: No Data

Emergency No  
Project Type Property  
Property Delivery Method Site Acquisition  
Procurement Standard Model Procurement

### Project Type and Description

#### Applicable Items

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New Building	No
Addition	No
Major Renovation	No
GESC	No
Roofing	No
HVAC	No
ADA Compliance	No
Life Safety	
Security	
Life Safety / Security	
Minor Project	No
New Relocatable Classroom	No
Equipment / Furnishings Procurement	No
Site Acquisition	Yes
New Acquisition or Expansion	New Acquisition
Number of Acres	1
Site Location	1009 North Lake Drive Prestonsburg, KY 41653
Site Acquired Per KAR Requirements	No
Proposed Site Currently Owned by	No
District	
Site Owner	Jack & John Inc Property
Site Disposition	No
Site Easement	No
Site Lease (Landlord)	No

### District Facility Plan (DFP)

Compliance with 702 KAR 4:180 and 702 KAR 4:160

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DFP Approval Date 9/1/2025  
DFP Priority

<b>5.3.1 -</b> Estimated Cost: \$1,500,000.00
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Facility: No Data  
Description: No Data

Project Not Listed on DFP

No

## Inventory

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Facility Name

## Scope

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Provide a Complete Narrative of the Proposed Project

The district proposes to acquire a parcel of real property located at 1009 N Lake Drive Prestonsburg, KY 41653 that adjoins existing district-owned property. The purpose of this acquisition is to provide future space for school site expansion, improved traffic flow, parking, and other educational facility development as identified in the District Facility Plan (DFP). Following acquisition, the existing structures on the site will be demolished and cleared to prepare the site for future educational use. No permanent educational facility construction is proposed under this BG-1.

Proposed Work Includes:

- Purchase of real property (land and existing structure)
- Demolition of existing structure and site clearance
- Restoration of site for safety and future use

Work Related to Project But Excluded from this BG1 Scope

## Financial Plan

### Probable Costs

Proposed Plan to Finance Application

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Total Construction Cost	
Construction Contingency	
Architect / Engineer Fee	
Construction Manager Fee	
Fiscal Agent Fee	\$5,825.66
Bond Discount	\$17,501.15
Equipment / Furnishings	
Equipment / Computers	
Technology Network System (KETS)	
Site Acquisition/Disposition	\$1,400,000.00
Site Survey	
Geotechnical Investigations	
Special Inspections	
Commissioning	
Advertising	
Printing	

## Other Probable Costs

Title	Amount
Banking and Rating	\$5,985.99
No Data	
No Data	
<b>Total Project Cost</b>	<b>\$1,429,312.80</b>

## Funds Available

Bond Sale - SFCC	\$0.00
Bond Requirement - SFCC	
Local FSPK Bond Sale	\$1,429,312.80
Local General Fund Bond Sale	
Cash - SFCC Requirement	
Cash - Building Fund	
Cash - Capital Outlay	
Cash - Investment Earnings	
Cash - General Fund	
City - County - KYTC Reimbursement	
KETS	
Federal Funds	
External Partner Agreement	

## Residual Funds

BG Number	Fund Source	Amount
No Data	No Data	No Data
	<b>Residual Funds Total:</b>	<b>\$0.00</b>

## Other Available Funds

Title	Amount
No Data	
No Data	
No Data	
No Data	
<b>Total Funds Available</b>	<b>\$1,429,312.80</b>

Attachments	Appraisal.pdf Phase I Jack and John Property Enviromental Audit.pdf Plat Survey.pdf Roadway Adequacy and Funding Commitment.pdf
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## **BG1 Signature Page (Online Form Ref# 22603)**

The signing of this financial document certifies the above stated funds are available and designated for this project during this fiscal year.

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Superintendent

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Date

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Finance Officer

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Date

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Chairman

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Date

**NOTE: Any district anticipating the financing of this and/or other projects in a combined school revenue Bond should discuss the financing with the Director/Branch Manager, KDE - District Financial**