



PLANCON

PART C: SITE ACQUISITION

COMMONWEALTH OF PENNSYLVANIA
Department of Education
Bureau of Budget and Fiscal Management
Division of School Facilities
333 Market Street
Harrisburg, PA 17126-0333

PART C: SITE ACQUISITION

If there any questions regarding the completion of these materials, contact the Division of School Facilities at (717) 787-5480.

GENERAL INSTRUCTIONS

Do not submit Part C for construction projects on existing sites. Complete Part C if the school district is seeking reimbursement for site costs and is: planning to acquire a site as part of a reimbursable PlanCon project; planning to acquire a site for a future school construction project; or buying a building. Submit one copy of Part C for PDE review and approval after the special meeting is held but before the school district/CTC purchases or takes by condemnation the selected site. **Written PDE approval must be obtained prior to the date of settlement or the filing date of the Declaration of Taking if reimbursement is being sought.**

When a local board of education decides to acquire land, the primary role of the Pennsylvania Department of Education is to determine the state reimbursement for site acquisition. The ultimate decision to acquire property rests with the school board.

Reimbursement for a site is available under two circumstances: the proposed site is being acquired five or more years in advance of its projected need (called "an advance site acquisition"); or the site is being purchased for a current PlanCon project. Reimbursement for **advance site acquisitions** is contingent on the school district's receipt of all requisite approvals for the site. If sites are acquired as part of a current PlanCon project, no debt service payments will be eligible for reimbursement until all legal and regulatory requirements for the project building are met and Part G "Project Accounting Based on Bids" for the project building is approved.

No acreage or FTE allowance is provided for sites acquired solely for district administration offices or natatoriums. For site acquisitions related to elementary, middle or secondary school building projects, there is no acreage or FTE allowance given for district administration offices or natatoriums in those buildings.

Land acquired solely to expand parking lots, athletic fields or community recreational areas does not qualify for state reimbursement. Such acquisitions may, however, be reimbursable if they are part of a PlanCon project for alterations, additions or new construction. State funding is limited to the costs associated with the acquisition of land and improvements thereon; there is no state funding available for rights-of-way or easements.

A table depicting the normal "Sequence of Events" is provided in Attachment A of these instructions.

AGRICULTURAL LAND PRESERVATION POLICY: Executive Order 2003-2, Agricultural Land Preservation Policy, directs all agencies under the Governor's jurisdiction to "protect the Commonwealth's 'prime agricultural land' from irreversible conversion to uses that result in its loss as an environmental and essential food and fiber resource." The order further states that "Commonwealth funds shall not be used to encourage the conversion of 'primary agricultural land' to other uses when feasible alternatives are available."

In order to comply with this order, school districts considering the acquisition of lands in **active agricultural use** must (1) look at the alternatives to converting the "primary agricultural land", and (2) weigh the alternatives based on the policy's priority ranking. Documentation of this process must be submitted with PlanCon Part C to fulfill the requirements of this executive order. Note that the review of this documentation will increase the processing time for a PlanCon Part C submission.

The following additional information is required to complete our review of a PlanCon Part C submission:

1. Did the school district consider any other sites besides the three properties described in the PlanCon Part C submission? If yes, provide a brief description of each site to include the approximate acreage, present use of land, estimated cost, the reason(s) why the school district decided to not choose the site, and any other pertinent information.
2. Does the county where this school site is located have a comprehensive land use plan, as per the Pennsylvania Municipalities Planning Code?
3. Has the local municipality where this school site is located adopted a zoning and/or a subdivision and land development ordinance? If yes, what is the zoning for the planned property? Will the school district need to seek a zoning variance to build a school?

To determine a project's impact on protected agricultural resources, the Department of Agriculture may independently request additional information on the presence or absence of agricultural resources within the project area. Only after this information is provided can that agency identify the existence of protected agricultural resources within the scope of a proposed project. Any questions concerning this policy should be directed to the Pennsylvania Department of Agriculture, Bureau of Farmland Preservation at (717) 783-3167.

PART C TRANSMITTAL, PAGE C01

Complete page C01 to formally submit Part C of PlanCon. Note the following:

PROJECT BUILDING NAME: Enter the name of the building to be purchased or the name of the building for which construction or alteration is planned and for which reimbursement is sought. "Advance Site Acquisition" should be entered if the site is being acquired five or more years in advance of its projected need.

PROJECT #: Enter the project number assigned by PDE. Leave blank for an advance site acquisition.

Enter a check mark or "N/A" for each item listed on this page. Although this page lists the attachments normally required, additions may be added to the list of attachments.

Reimbursement for the **purchase of a building** that will be used as a school building or district administration building, equals the lesser of the actual purchase price of the building and its grounds, plus any alteration costs OR the rated pupil capacity of the project building times the applicable per pupil reimbursable amount (\$4,700-elementary, \$6,200-secondary/district administration office, \$7,600 career and technical center). If the project involves an addition to the building being purchased, reimbursement will be prorated based on the areas of the addition and existing building.

A special board meeting on the proposed site acquisition or building purchase must be held prior to board approval of PlanCon Part C.

SITE ACQUISITION JUSTIFICATION, PAGE C02

Describe the site to be acquired and provide the reasons for this site acquisition. Include in the explanation a description of other sites owned by the school district/CTC that the board of directors has deemed to be inappropriate for this project. Describe all proposed uses including cooperative community recreation programs. Also describe all tax liens, easements, rights-of-way, restrictions or mineral rights held by others.

ELEMENTARY BUILDING CAPACITY, PAGE C03

Refer to the instructions in Part A "Project Justification" to complete this page. If PlanCon Part A has been approved within the preceding 12 months, a copy of Page A07 may be submitted instead of Page C03.

MIDDLE/SECONDARY BUILDING CAPACITY, PAGE C04

Refer to the instructions in Part A "Project Justification" to complete this page. If PlanCon Part A has been approved within the preceding 12 months, a copy of Page A08 may be submitted instead of Page C04.

SUMMARY OF OWNED BUILDINGS AND LAND, PAGE C05

Refer to the instructions in Part A "Project Justification" to complete this page. If PlanCon Part A has been approved within the preceding 12 months, a copy of Page A09 may be submitted instead of Page C05.

COMPARATIVE SITE EVALUATION, PAGES C06-C10

At least three potential sites must be evaluated for a new building. For a building purchase or the expansion of an existing building's site, only the property being acquired needs to be evaluated. Where other circumstances make the evaluation of three or more potential sites impractical, use page C02, "Site Justification" to request a waiver and to explain the extenuating circumstances. Provide information relative to the entire site being evaluated for each entry. For example, if a site being evaluated involves a thirty-acre tract owned by two different property owners, the entire thirty acres should be evaluated as a whole.

"Yes," "No" or "Not Applicable" are acceptable responses for most items on **pages C06 and C07** except for descriptive information.

The **Contract Sales Price or Estimated Just Compensation** for the land and any improvements (**page C08**) is to be based on appraisals and current market conditions.

Estimate other costs related to site acquisition based on the school district's experience in acquiring sites.

Demolition to Clear Structures (page C08) should include costs to demolish buildings, such as homes, barns and garages, which will not be used for school buildings or district administration offices. **Asbestos Removal Related to Clearing Structures** should only include costs associated with the removal of asbestos from buildings, such as barns, on the site that must be demolished to prepare the site for the project building. The cost of demolition to clear unrelated structures and any related asbestos removal is non-reimbursable.

Rough Grading to Receive the Building (page C08) refers to the earth excavation and compacted fill needed to prepare a rough plain that will permit contractors to stake out the building to an elevation of one foot below the finished floor and to a line ten feet beyond the exterior of the proposed building or sizable addition.

The calculations on **page C09** only apply to the purchase of land; for a **building purchase**, pages D02-D04 and D06-D09 for non-vocational, or D10-D13 for vocational, and D14 must be completed to determine the state's share.

If the site under consideration is composed of **more than one property**, enter the highest appraised value for each property on **page C09, line A.1-b**. Reimbursement is based on the lesser of the price paid for land and improvements or the highest appraised value for each property to be acquired.

PDE-Reimbursable Acres (Page C09, line A.2-b) are calculated as follows for each school building located on the site: 1 acre for every 100 full-time equivalent (FTE) plus 10 acres for an elementary school, 20 acres for a middle school or 35 acres for a secondary or comprehensive vocational building or 15 acres for a part-time vocational building. **No acreage or FTE allowance is provided for sites acquired solely for district administration offices or natatoriums. For site acquisitions related to elementary, middle or secondary school building projects, there is no acreage or FTE allowance given for district administration offices or natatoriums in those buildings.** Acreage on the site already owned by the school district is subtracted from this calculated allowance.

Only acreage on an existing site with a gradient greater than 20% can be considered unusable for reimbursement purposes. For acreage to be excluded in calculating the site reimbursement for a project, a topographical survey prepared by a licensed professional which identifies the location and amount of unusable acreage must be submitted. The perimeters of the unusable acreage must be highlighted in a contrasting color on the topographical survey. The survey must be based on the site as it will appear following the completion of the PlanCon project.

The following example depicts the calculations for a school district that has decided to locate several of its school buildings on one site:

SAMPLE CALCULATIONS FOR SITE REIMBURSEMENT

	FTE	Optimal Acres
High School - Existing	600	6 + 35 = 41
Middle School - Existing	400	4 + 20 = 24
Elementary School - New	700	7 + 10 = 17
Maximum Allowable Acres		82
LESS Existing Site Acreage		50
PDE-Reimbursable Acres		32

In this example, PDE will reimburse the school district for up to 32 additional acres. If the school district decides to acquire more than 32 acres, reimbursement will be proportionately reduced. Existing school sites that are contiguous to properties under consideration must be included in the PDE-Allowable Acres calculations.

The above acreage allowance applies to each school building on the site based on the project building definition provided in PlanCon Part A "Project Justification." The following examples, for reimbursement purposes, would be viewed as one school building and given the following acreage allowances:

GRADES HOUSED IN A SCHOOL BUILDING *	ACREAGE ALLOWANCE PER BUILDING
K-5 or K-6	10 + 1 acre per 100 FTE
K-8, 5-8 or 6-8	20 + 1 acre per 100 FTE
K-12, 6-12, 7-8, 7-9, 7-12 or 9-12	35 + 1 acre per 100 FTE
Comprehensive High School or Comprehensive Career and technical center	35 + 1 acre per 100 FTE
Career and technical center	15 + 1 acre per 100 FTE

* - BASED ON PROJECT BUILDING DEFINITION IN PLANCON PART A

School districts should also be aware that **reimbursement for advance site acquisitions** will be based solely on the type of building (elementary, middle or secondary) to be built at the time of purchase. No credit will be given at the time of the initial submission for the proposed building's estimated FTE capacity. Additional reimbursement based on the building's FTE will be determined when Part G "Project Accounting Based on Bids," for the project building itself is processed.

Allowable Site Acquisition Costs (C09, line A-4) are limited to the following for each property to be acquired: contract sales price or just compensation including interest or delay damages; title insurance, recording and transfer fees and other costs to be paid at settlement; and appraisal fees. The following costs are non-reimbursable: school taxes, relocation fees, legal expenses, consulting fees, and costs for testimonials related to condemnation proceedings.

Rough Grading to Receive the Building (C09, line B.1-a) is the cost for the earth excavation and compacted fill needed to prepare a rough plain that will permit contractors to stake out the building to an elevation of one foot below the finished floor and to a line ten feet beyond the exterior of the proposed building or sizable addition. The PDE maximum allowance for "cut and fill" is limited to a maximum of \$9 per cubic yard for excavation and \$17 per cubic yard for compacted fill related to rough grading to receive the building.

Allowable Sanitary Sewage Disposal Costs (Page C09, line B-2-a) are limited to the following: on-site sewage treatment plant or system; charges for tap-in to sewer authority; reserve capacity charge; and on-site extension of sewer lines. The PDE maximum allowance for sanitary sewage disposal is based on a maximum of \$400 per NEW FTE unless an exception is granted. Note that the extension of off-site sewer lines is only reimbursable if the authority's costs to extend the line are prorated between all property owners along the extension. The school district's prorated share of these costs should be reported under Charges for Tap-In to Sewer Authority.

The Applicable Aid Ratio (page C09, line D) is the greatest of the school district's Market Value Aid Ratio, CARF or Density Factor.

List the major advantages and disadvantages associated with each site evaluated on **page C10**.

**INDEPENDENT APPRAISAL REPORT #1
and
INDEPENDENT APPRAISAL REPORT #2**

Submit copies of the actual appraisal reports prepared by two independent professional appraisers, for each property to be acquired on the chosen site only. If the chosen site is composed of two or more properties, separate appraisals for each titled property must be completed. For reimbursement purposes, the appraisals must be completed prior to and within six months of the date of receipt of the PlanCon Part C submission. Each appraisal must include the qualifications of each appraiser. A brief description of each appraiser's education and appraisal experience will meet this requirement. Note that a certified real estate appraiser licensed in Pennsylvania must complete each appraisal. Questions on the state certification requirements for real estate appraisers should be directed to the Pennsylvania Department of State, Bureau of Professional and Occupational Affairs.

If separate reimbursement is sought for site acquisition, in addition to the purchase of a building, separate appraisals and deeds must be provided.

ADVERTISEMENT AND PROOF OF PUBLICATION NOTICE FOR PUBLIC MEETING

Effective July 1, 1988, Chapter 21 of the State Board of Education Regulations requires that a public meeting be held prior to the acquisition of property by a school district or career and technology center. The public meeting must be advertised in the same manner as a special board meeting and must indicate that the purpose of the meeting is to discuss the purchase or condemnation of the specific site for a specific school building. Attach a copy of the advertisement and publication notices used for the special board meeting.

Advertisements that do not specifically mention that the special meeting is being held to discuss the proposed purchase or condemnation of a specific site for a specific school building will not be accepted. See sample site acquisition and building purchase advertisements in Attachment B. Failure to include the required information may result in the school district's readvertising and holding another special meeting to comply with this requirement.

MINUTES OF PUBLIC MEETING ON SITE ACQUISITION AND WRITTEN PUBLIC COMMENTS

The minutes of the public meeting on the proposed site acquisition and any comments given at the public meeting must be submitted. Information to be distributed at the special meeting should include, but need not be limited to:

- (1) Summary of Owned Buildings and Land (Page C05); and
- (2) Comparative Site Evaluation (Pages C06-C10).

BOUNDARY SURVEY SHOWING ACREAGE OF PROPERTY TO BE ACQUIRED

Provide a boundary survey to depict the site size (in acres) for each piece of property to be acquired through purchase or condemnation. (The survey must be prepared by a licensed professional.)

BOUNDARY SURVEY SHOWING ACREAGE OF EXISTING SITE

If applicable, provide a boundary survey that depicts the existing site's size (in acres) if this site is contiguous to land already owned by the school district or career and technology center. (The survey must be prepared by a licensed professional.)

SALES AGREEMENT/OPTION TO PURCHASE

Provide a signed Sales Agreement based on a negotiated price or documentation supporting an option to purchase. Many solicitors recommend that the agreement/contract contain contingency clauses voiding the agreement/contract for; (1) PDE disapproval; (2) unknown factors, such as mine or contaminated soils.

SKETCH OF SITE AND PHYSICAL CHARACTERISTICS

Provide an 8 1/2" by 11" sketch for each site on the Comparative Site Evaluation that clearly shows its physical characteristics and any conditions on or near the site (electrical, oil or gas transmission lines, wetlands) which may cause problems in the proposed use of the site. Each property to be acquired through purchase or condemnation should be clearly identified and legible. The following information must also be provided:

- Name of property owner(s), approximate location of property lines and approximate size in acres of land to be acquired as part of the project
- Project building's location
- General site contours
- Site development concerns
- Existence and location of flood plains, wetlands and other potential environmental problems

- Adjacent residential, commercial and industrial developments
- Rights-of-way, easements and utilities
- Location of state and local roads
- Cooperative community recreation areas

**SKETCH OF SCHOOL DISTRICT WITH ALL EXISTING SCHOOL BUILDINGS
AND OWNED SITES IDENTIFIED PLUS PROPERTIES CONSIDERED FOR ACQUISITION**

Provide an 8 1/2" by 11" sketch showing the general location of the existing buildings and owned sites in the school district as well as the properties considered for acquisition. The sketch should clearly indicate if any school sites are adjacent/contiguous to the selected property or any other school sites owned by the school district. All school buildings including the district administration office should be clearly identified and legible.

SEQUENCE OF EVENTS

ACQUISITION WITHOUT CONDEMNATION	ACQUISITION BY CONDEMNATION
<p>1. A school district/CTC determines the need for additional land either for an addition to an existing facility or a completely new building. The following pages in Part C "Site Acquisition" must support a school district's decision to acquire additional property:</p> <ul style="list-style-type: none"> • C03 - Elementary Building Capacity; • C04 - Middle/Secondary Building Capacity; and • C05 - Summary of Owned Buildings and Land. 	<p>1. Same.</p>
<p>2. The school district/CTC completes the Comparative Site Evaluation (pages C06-C10) for no less than three properties. If looking for a site to build a new building, existing sites with excess acreage must be included in the evaluation. Estimates of the appraised value for each site must also be included in the evaluation.</p>	<p>2. Same.</p>
<p>3. The school board chooses the best location for the school's needs. Additional testing and surveying may need to be authorized by the school board.</p>	<p>3. Same.</p>
<p>4. Appraisals by two independent professional appraisers are completed for each property to be acquired. If the chosen site is composed of two or more properties, separate appraisals for each titled property must be completed.</p>	<p>4. Same.</p>
<p>5. The school district obtains a signed sales agreement based on a negotiated price or an option to purchase. Many solicitors recommend that the agreement/contract contain contingency clauses voiding the agreement/contract for: (1) PDE disapproval; and (2) unknown factors, such as mines or contaminated soils.</p>	<p>5. The school board adopts a resolution to make an offer for the chosen property. The property owner refuses to sell.</p>
<p>6. The school district/CTC advertises a meeting in the same manner as a special board meeting to discuss and solicit public comment on the proposed site acquisition. The ad must contain specific language informing the public that a proposed site acquisition will be discussed. The meeting date and time should be established to permit interested parties to attend. While state regulations require only 24 hours notice, PDE suggests that the ad appear at least one week before the meeting date. Information to be provided at the special meeting should include, but need not be limited to: (1) Summary of Owned Buildings and Land (Page C05); and (2) Comparative Site Evaluation (Pages C06-C10) in Part C "Site Acquisition."</p>	<p>6. Same.</p>
<p>7. Following the special meeting, Part C is approved by the board and then submitted for PDE review and approval.</p>	<p>7. Same.</p>
<p>8. Following PDE's written approval, the school district/CTC settles on the property. The Part F "Construction Documents" review is then held if the site acquisition is part of a PlanCon project. If the site is being acquired five or more years in advance of the projected need, no Part F review is required. At settlement, the attorney or title insurance company that conducted the title search issues a certification that all mortgages and liens have been satisfied and that the property has a clear title prior to purchase.</p>	<p>8. Following PDE's written approval, the school district/CTC adopts a resolution to condemn the property, files a declaration of taking and, if no appeal is filed within thirty days, pays either the property owner or the court the estimated just compensation. The property owner's rights to appeal the declaration of taking must have been either waived or exhausted through the appeal process and the estimated just compensation paid either to the court or the property owner before the Part F "Construction Documents" review may be scheduled. Prior to the taking, the attorney or title insurance company that conducted the title search issues a certification that all mortgages and liens have been satisfied and that the property has a clear title prior to taking.</p>
<p>9. The school district submits Part G plus the following information for each property purchased:</p> <ul style="list-style-type: none"> •Signed and dated settlement sheet; •Bills for two independent appraisals of the property; •Property deed; and •Clear title certification. 	<p>9. The school district submits Part G "Project Accounting Based on Bids" plus the following information for each property acquired through condemnation:</p> <ul style="list-style-type: none"> •Signed and dated declaration of taking; •Application to make payment of estimated just compensation; •Bills for two independent appraisals of the property; and •Clear title certification.
	<p>10. The school district/CTC must submit Part J "Project Accounting Based on Final Costs" to receive additional state reimbursement. This should be done after the final just compensation and damages have been determined and agreed to by all parties through the eminent domain process. The Part J submission should include: Board of view award or court award establishing final just compensation and damage; or signed and dated settlement sheet if out-of-court settlement was reached.</p>

SAMPLE SITE ACQUISITION ADVERTISEMENT

A special public meeting will be held in the meeting room name at the building name, street address on hearing date & time for the purpose of reviewing all relevant matters relating to the acquisition of approximate site acreage currently owned by name of the current property owner. The purpose of this special meeting is to discuss and solicit public comment about this proposed site acquisition related to the intended current and future use(s) (planned and future school buildings on this site briefly described).

SAMPLE BUILDING PURCHASE ADVERTISEMENT

A special public meeting will be held in the meeting room name at the building name, street address on hearing date & time for the purpose of reviewing all relevant matters relating to the acquisition of building name currently owned by name of the current property owner. The purpose of this special meeting is to discuss and solicit public comment about this proposed building purchase related to the intended current and future use(s) of this building.