

ORDER AUTHORIZING THE TOWN TREASURER TO PLACE THE NET PROCEEDS OF THE DISPOSITION OF THE PLUMMER-MOTZ AND LUNT SCHOOL PROPERTY INTO A RESERVE ACCOUNT FOR A FUTURE COMMUNITY RECREATION CENTER.

Draft: January 19, 2012

WHEREAS, pursuant to 20-A M.R.S.A. §4103(3), the Falmouth School Board has voted that the D.W. Lunt Elementary School and the Plummer-Motz Elementary School are no longer needed for school purposes and has transferred control of the school buildings, improvements and real property and fixtures to the Town Council;

WHEREAS, pursuant to Section 204.12 of the Falmouth Charter and Section 16-43 of the Code of Ordinances, the Town Council has determined that the Lunt and Plummer-Motz Schools, including all real and personal property associated with the Schools, are surplus property and should be sold, in whole or a portion of the property, by a competitive negotiation process;

WHEREAS, the Town Council authorized the Town Manager to issue a Call for Offer, or Request for Proposals (RFP), relative to the sale and use of the Lunt and Plummer-Motz Schools, which school property appears as Tax Map U-27, Lot3, and to carry out a process that was outlined by the Council in October 2011;

WHEREAS, the Town Manager issued a RFP containing various criteria, in addition to price, concerning use and development of the property that the Town Council would consider in selecting a proposal;

WHEREAS, the Request for Proposals stated that "(t)he Falmouth Town Council determined that there is a desire for a community recreation center" and that "(t)he Council remains interested in proposals that accommodate a community recreation center, but proposals are not limited to such an accommodation;"

WHEREAS, the Town Manager has received more than one proposal in response to the RFP and has shared the proposals with the Town Council;

WHEREAS, the Town Council, after reviewing all proposals, authorized the Town Manager to negotiate with Ocean View Retirement Community Limited Partnership ("Ocean View") relative to its proposal and to develop a Purchase and Sale Agreement that reflects Ocean View's proposal as modified through negotiation;

WHEREAS, the Town Manager has returned to the Town Council with a Purchase and Sale Agreement (Draft 1-11-2012) that he has negotiated with Ocean View;

WHEREAS, the Town Council recommends this Purchase and Sale Agreement be entered into by the Town;

WHEREAS, the draft Purchase and Sales Agreement allows the Town a five (5) year period to evaluate if the Town should retain ownership of the Mason-Motz School lot for a Community Recreation Center or sell it to Ocean View through a so-called “put;”

WHEREAS, the “put” option in the draft Purchase and Sales Agreement allows the Town to evaluate all options for a Community Recreation Center, both at the Mason-Motz School lot site as well as at other locations in the community;

WHEREAS, on January 23, 2012 the Town Council held a public hearing on the draft Agreement, at which hearing the Town Manager explained the terms of the Agreement to the public; and

WHEREAS, the Town Council, after hearing the views of the public, has determined that it is in the best interests of the Town to sell the property described in the Agreement, which is a portion of Tax Map U-27, Lot 3, to Ocean View subject to the conditions contained therein; and

WHEREAS, the Town Council has determined that by placing the net proceeds of the disposition of the school property into a Reserve Account for a future Community Recreation Center, such funds can be used for:

- a renovation of the Mason-Motz School wing, or
- new construction at the Mason-Motz site, or
- new construction (and/or renovation) at another site, or
- if circumstances present themselves, any other option that the Town

Council feels best meets the needs of the Falmouth citizens,

NOW THEREFORE, Be it ORDERED by the Falmouth Town Council, in Town Council assembled, as follows:

1. Placement by the Town Treasurer of the net proceeds of the disposition of the Plummer-Motz and Lunt School property into a Reserve Account for a future Community Recreation Center for a period of five (5) years upon date of Closing of the sale of the Lunt and Plummer-Motz Schools.

So ORDERED, this ____ day of _____, 2012.