

ORDER AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT TO SELL A PORTION OF THE PLUMMER-MOTZ AND LUNT SCHOOL PROPERTIES AND PROVIDING FOR FUTURE PUBLIC USES

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 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, 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.

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

1. The Town Council finds that the former Lunt and Plummer-Motz Schools (Tax Map U-27, Lot 3) are surplus property.
2. Sale of a portion of the former School property, which is unique because of its location, the school buildings situated on the property and the future public uses that the Town Council desires to see on the property, is and will continue to be accomplished through a competitive negotiation process rather than by a pure competitive bid process.
3. The Town Manager is authorized to execute on behalf of the Town the Purchase and Sale Agreement (Draft 1-11-2012) with Ocean View, which is attached hereto; to take such further actions and sign such further documents as may be necessary to satisfy the Town's obligations and to ensure that Ocean View satisfies its obligations under the Agreement; and to deliver to Ocean View a Quit Claim Deed with Covenant for the property being sold and to otherwise consummate the sale as called for by the Agreement.

So ORDERED, this ____ day of _____, 2012.