



BOARD OF SCHOOL TRUSTEES

KELLER INDEPENDENT SCHOOL DISTRICT

9D. Action

Date: Oct. 23, 2006

SUBJECT:

- 1. COMMUNITY FACILITIES AGREEMENT WITH CITY OF FORT WORTH FOR PAVING, STORM DRAIN, STREET LIGHTS AND SIGNS AT ELEMENTARY NO. 19**
- 2. INFORMAL DEVELOPER AGREEMENT WITH CITY OF FORT WORTH FOR WATER LINE IMPROVEMENTS AT ELEMENTARY NO. 19**
- 3. LEASE AGREEMENT WITH CITY OF FORT WORTH FOR DISTRICT-FUNDED OFF-SITE IMPROVEMENTS AT ELEMENTARY NO. 19**
- 4. LEASE AGREEMENT WITH HILLWOOD ALLIANCE RESIDENTIAL, L.P. FOR DISTRICT-FUNDED OFF-SITE IMPROVEMENTS AT ELEMENTARY NO. 19**

BOARD GOAL:

All systems in the Keller Independent School District will be effective, efficient, and accountable in support of the district's mission.

FISCAL NOTE:

Improvements to be constructed with 2005 Bond Funds

Background Information:

1. Community Facilities Agreement

- A Community Facilities Agreement (CFA) is a document required by the City of Fort Worth Transportation & Public Works Department to bind the development of a new construction site with required public improvements, in this case the construction of paving, storm drainage, street lights and signs at the Elementary No. 19 site located in Fort Worth
- Improvements included as part of the CFA are to be completed by the "developer", which in this case is KISD; KISD is allowed to do public work using the district's CM-at-Risk contractor in lieu of the City contracting the project itself, giving the district control over cost and timing
- Costs included in the CFA are estimates prepared by the City of Fort Worth based on unit cost of construction for the various improvements included in the CFA

2. Informal Developer Agreement

- An Informal Developer Agreement is required by the City of Fort Worth Water Department to bind the development of a new construction site with water and/or sanitary sewer improvements
 - It is identical in function to the CFA required by the Transportation and Public Works Department.
- As with the CFA, improvements included in the Informal Developer Agreement are to be completed by the developer, in this case, the district

3. Lease Agreement with the City of Fort Worth

- Current state law prohibits a public school district from spending its funds for improvements on property it does not own
- Because the district is required to make public improvements as noted in Items 1 and 2 above, it is necessary for the district to enter into a temporary lease with the City of Fort Worth in order to comply with state law
- This lease expires either upon completion of the improvements included in the CFA or December 31, 2007, whichever is later

4. Lease Agreement with Hillwood Alliance Residential

- For the same reason as noted in Item 3 above, it is necessary for the district to enter into a temporary lease with the owner of property that is adjacent to the school site, as certain of the public improvements that the district is required to make, namely water, sewer, and drainage improvements, will cross the land adjacent to the site of Elementary No. 19
- The adjacent land owner is Hillwood Alliance Residential, L.P., whom the district purchased the school site from
- This lease also provides that Hillwood will pay \$21,206.28 to the district as reimbursement for the installation of a 12" water line across the adjacent property, with said amount representing the increased cost of a larger water line than is required by the district to serve its new school (8" water line required by the district)

Administrative Considerations:

- Copies of each document are attached for the Board to review.
- All City of Fort Worth documents have been reviewed by district legal counsel, and both lease agreements were prepared by legal counsel.

- The approval of a final plat and issuance of a building permit are tied to the approval and execution of these documents; therefore, due to the time-critical nature of the project's schedule, these items are being presented for immediate approval by the Board.

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The administration recommends that the Board approve each of the documents described above relating to the construction of public improvements required by the City of Fort Worth at Elementary No. 19.

Respectfully submitted,

Bill Stone, Asst. Supt.
Business Operations

Mark Canterbury, AIA
Director of Construction / District Architect