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Confidential attorney/client communication

MEMORANDUM

TO: School Board members **DATE:** February 9, 2022
FROM: John F. Cafferky, Esq. **FILE:** 4950.31

Re: ACPS Purchase of 1703 Beauregard St.: Formal Resolution Approving Purchase

As you are no doubt aware, the School Board, with the support of the City, is at the point of consummating its purchase of the building and land at 1703 Beauregard St., the property adjacent to Ferdinand Day Elementary School and its parking garage. The building will be used for relocation of some ACPS offices, school renovation swing space, and thereafter for construction of a 600-student school. The property was the subject of study by ACPS staff in May 2021, followed by a commitment to purchase by the Board in a June 23, 2021 closed meeting. The sales contract was executed on behalf of ACPS on September 7, 2021, and the City Council formally approved appropriation of the \$17.9 million purchase funding on September 18, 2021. As you also know, the Board’s proposed FY 2023 budget includes significant funding for renovation of the building.

Closing on purchase of the property has been slated for this week. In that process, however, it has just been ascertained that while there is a formal City Council resolution (ordinance) approving of the purchase, there does not appear to have been a separate, formal School Board resolution approving the purchase at the time the Board gave the ok for the purchase in June 2021. Since the City Council and School Board are separate legal entities, this is something technically required to complete the transaction. Given where that closing stands, such a resolution needs to be adopted immediately.

Attached is a resolution we have prepared. We have asked that it be placed on the consent agenda for tomorrow night so that the closing can proceed without further delay. We will be available if the Board would like to discuss in a closed session beforehand. If you have questions in the meantime, let us know. Thank you.

J.F.C.

cc: Dr. Gregory C. Hutchings, Jr, Superintendent
Dr. Alicia J. Hart, Acting Chief of Facilities and Operations
Jeremy B. Root, Esq.