

Facilities Planning and Construction
Paul J. Phillips, Chief Facilities Officer

SUBJECT: AUTHORIZATION TO EXECUTE A LEASE AMENDMENT WITH MIAMI-DADE COUNTY FOR THE ENVIRONMENTAL EDUCATION CENTER (LITTLE RED SCHOOL HOUSE) AT AMELIA EARHART PARK

Miami-Dade County (County) and the Board entered into a 30 year land lease in October 1993, to allow the District to construct an environmental education center (Little Red School House) at Amelia Earhart Park. Progress on the project has been significantly delayed due to bid amounts coming in substantially above cost estimates. The design has since been reevaluated to incorporate significant cost saving measures. In addition, pursuant to a Safe Neighborhood Parks Bond Program Challenge Grant Agreement, the County is providing matching funds in the amount of \$169,100 towards the estimated facility construction cost of \$338,057.

Prior to the start of construction, the District requested clarification from the County dealing with the applicable building code to be used in constructing the facility. This issue came to light under similar circumstances in the construction of the Biscayne Nature Center, resulting in a work stoppage and lengthy time delay. Since the Little Red School House will be funded in large part with District capital improvement funds and the facility will be used for educational purposes, Florida Statutes require that the structure conform to the State Uniform Building Code for Public Educational Facilities Construction (UBC). However, the County was to assume ownership of the facility immediately upon its completion, which would require the structure to conform to the South Florida Building Code (SFBC). This would require the District to pull permits and be subject to the County's inspection process.

In order to resolve this issue, County and District staff have developed an appropriate lease amendment. Terms of the proposed lease amendment are as follows:

- the legal description shall be modified to more accurately describe the demised premises;
- the lease term shall be extended to allow the District to use the facility for 40 years;
- the District will be the owner of the building for the duration of the lease term, rather than the County. This will specifically allow for the construction of the building using the UBC rather than the SFBC, and the work will be subject only to the District's plan review and inspection process;

- the District shall have exclusive use of the facility during regular school hours on regular school days. The County will have use of the facility at all other times. The District may request use of the facility during non-school hours, by contacting the County 24 hours in advance;
- the District shall provide routine maintenance to the buildings and will repair or reconstruct the facility and other improvements on the demised premises in the event of damage or destruction;
- in the event of cancellation of the lease agreement by the County for other than cause, the County shall reimburse the Board for the unamortized portion of District funds used in construction of the facility;
- the Superintendent shall be the party designated by the Board to grant or deny all approvals required by this lease or to cancel this lease; and
- all other terms and conditions of the lease shall remain unchanged.

As a result of retaining ownership of the facility for the lease term, the District will add the building to its Master Property Insurance Program for replacement, should it be damaged or destroyed.

The proposed lease amendment has been reviewed by the School Board Attorney's Office and by the Office of Risk and Benefits Management. The Deputy Superintendent of Education and Chief Facilities Officer recommend approval of this lease amendment.

A copy of the proposed lease amendment will be placed on file in the Citizen Information Center and the Recording Secretary's Office.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent or his designee to execute a lease amendment with Miami-Dade County for the environmental education center (Little Red School House) at Amelia Earhart Park, and under the terms and conditions set forth above.

MAL:ms