

September 7, 2000

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

**SUBJECT: AUTHORIZATION TO EXECUTE A LEASE AGREEMENT WITH MIAMI-
DADE COUNTY FOR THE USE OF RECREATIONAL FACILITIES AT
WEST LITTLE RIVER ELEMENTARY SCHOOL**

Due to an increasing need to provide public recreational facilities, Miami-Dade County (County) has approached the District with a request to establish a lease agreement for a portion of the playfield area at West Little River Elementary School during non-school hours (see attached location map). On May 13, 1980, the County and the District entered into a joint operating agreement for the use of the West Little River Elementary School playfield. Because of budgetary constraints, the County cancelled the joint operating agreement on August 4, 1988. Per the new agreement, the County will also make improvements to existing facilities in the demised area, at its sole cost and expense.

Pursuant to negotiating procedures, a Management Team meeting was held on August 21, 2000, for direction on negotiating strategies and parameters. Based on this direction, staff has negotiated a lease agreement with the County that includes the following terms and conditions:

- a forty year term with two additional renewal terms of five years each, at the Board's sole option;
- rent shall be \$1.00 per year;
- the County shall construct four 6 foot walkways, two bleachers on a concrete slab with a connecting walkway, and install twenty three trees;
- the County shall repair the existing recreation building to include replacement of electrical equipment and plumbing fixtures;
- the County shall renovate the lighted athletic field, which will include repair of the irrigation system, replacement of existing light pole lamps and fixtures, and installation of clay for the baseball diamond;
- the County shall repair and resurface four lighted basketball courts;
- all work will be done by the County, at its sole cost and expense, and shall conform to the State Requirements For Educational Facilities and the District's Design Criteria and Master Specifications;

- the District shall have exclusive use of the demised area during regular school hours on regular school days, including summer school and during before and after school programs, if applicable, and at all other times required by the District for the operation of school activities;
- the County shall indemnify, defend and hold the Board harmless for claims or liability resulting from its construction activities or use of the demised area, to the extent of the limitations included within Section 768.28, Florida Statutes;
- the County shall be responsible for securing any permits, zoning variances, regulatory or governmental approval, license and/or use approvals which may be required for the construction of its improvements;
- the County shall be responsible for removal of trash or litter from the demised area generated during its period of use, the repair of recreational equipment damaged by its actions and the repair, upkeep and maintenance of the demised area. The County shall also maintain the irrigation system servicing the demised area;
- the County shall be responsible for maintenance of trees/shrubs, mowing of the demised area, and for the cost of water and electricity for the irrigation system servicing the demised area;
- either party shall have the right to cancel the lease agreement in the event of default and the other party fails to cure such default, damage or destruction, or at any time by giving the other party ninety days prior written notice;
- either party shall also have the right to cancel this lease agreement at any time, without penalty, by giving either party written notice at least ninety days prior to the effective date of said cancellation; and
- the Superintendent shall be the party designated by the Board to grant or deny all approvals required by this lease agreement, including the installation of additional improvements by the County, or to cancel this lease agreement.

The proposed lease agreement has been reviewed by the School Board Attorney's Office and by the Office of Risk and Benefits Management. The principal of West Little River Elementary School, Region Superintendent of Region III and Deputy Superintendent for School Operations recommend approval of this lease agreement. No physical improvements requiring the use of district funds are necessary as a result of the proposed Board action.

A copy of the proposed lease 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 agreement with Miami-Dade County, for the use of recreational facilities at West Little River Elementary School, at an annual rental rate of \$1, and under the terms and conditions set forth above.

JB:lbd

LOCATION MAP

