

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

SUBJECT: AUTHORIZATION TO EXECUTE A JOINT USE AGREEMENT WITH MIAMI-DADE COUNTY FOR THE USE OF KENDALE LAKES ELEMENTARY SCHOOL/KENDALE LAKES PARK

Since 1974, Kendale Lakes Elementary School and Miami-Dade County (County) have used the school and adjacent Kendale Lakes Park playfield areas for their recreational programs, under the May 17, 1961 Agreement for Joint Recreational Program and Use of Facilities between the Board and County. In order to clarify operational issues dealing with the joint use of the park and school recreational facilities, the County has agreed to enter into a site-specific Joint Use Agreement. Under the proposed Joint Use Agreement, the school will continue to use portions of the park playfield area to conduct its recreational programs and the County will use portions of the school grounds to address limited available park land and an increasing need to provide public recreational facilities to serve residents in the community.

The principal of Kendale Lakes Elementary School and Region Superintendent for Region VI have also advised of a pressing need for additional staff/visitor parking as well as a bus drop-off area at Kendale Lakes Elementary School. The current parking area, which is constructed partly on the adjacent park, is extremely limited in size and is shared with park patrons. In addition, as an ESE site, the school receives approximately 15 buses daily. The current lack of an adequate loading area for these buses creates traffic gridlock and an unsafe condition for students, staff and the community. The County has expressed a willingness to include provisions in the Joint Use Agreement to allow the District to construct and use a bus drop-off area and additional staff/visitor parking on Kendale Lakes Park (see Exhibit "A").

Pursuant to negotiating procedures, a Management Team (MT) meeting was held on February 26, 2001, for direction on negotiating strategies and parameters. The MT recommended that the Board enter into a Joint Use Agreement with the County to allow the District to construct and use a bus drop-off area and additional staff/visitor parking on Kendale Lakes Park, located adjacent to Kendale Lakes Elementary School. Based on this direction, staff has negotiated a Joint Use Agreement with the County for Kendale Lakes Elementary/Kendale Lakes Park, that includes the following terms and conditions:

- a 40 year term with two five-year renewal option periods, at the mutual option of the County and the Board;
- either party shall have the right to cancel the agreement at any time by giving the other party one year prior written notice;
- the District, at its sole cost, shall construct certain improvements to the park site, consisting primarily of a portion of a bus drop-off area and an expansion of a parking lot;

- the County may construct additional recreational improvements on the school site, subject to District approval;
- the District, at its sole option, may construct additional recreational or educational facilities on the school site at such time as the District determines such a need;
- the County and District shall each pay utility service charges and other fees, including any special assessments, for the park site and school site respectively;
- the County and District shall be responsible for all maintenance and upkeep of the grounds and recreational improvements for the park site and school site respectively. The County and District shall provide regular scheduled janitorial service, including litter pickup and removal, during their period of use of each others facilities;
- upon the termination, cancellation or expiration of the agreement, the District shall elect, at its sole option, to retain ownership of all improvements constructed by the County on the school site or require the County to remove them;
- the County may utilize the school's recreational facilities (including playfield, basketball courts, P.E. Shelter and benches) and parking facilities (on a space-available basis) after school hours. School hours shall include regular school hours on regular school days, special school events and functions, after-care, and summer school;
- the District may use the park site (including playfield areas, hard courts and Vita Course) and parking facilities (on a space-available basis) during regular school hours on regular school days;
- the County and District shall indemnify and hold each other harmless, to the extent of the limitations included within Section 768.28, Florida Statutes, from all liability which may arise as a result of their use of each others facilities; and
- the Superintendent shall be the party designated by the Board to grant or deny all approvals required by this agreement, or to cancel this agreement.

The proposed Joint Use Agreement has been reviewed by the School Board Attorney's Office and the Office of Risk and Benefits Management. The principal of Kendale Lakes Elementary School, Region Superintendent for Region VI, and Deputy Superintendent for School Operations recommend approval of the agreement.

A copy of the Joint Use Agreement will be placed on file in the Citizen Information Center and the Recording Secretary's Office.

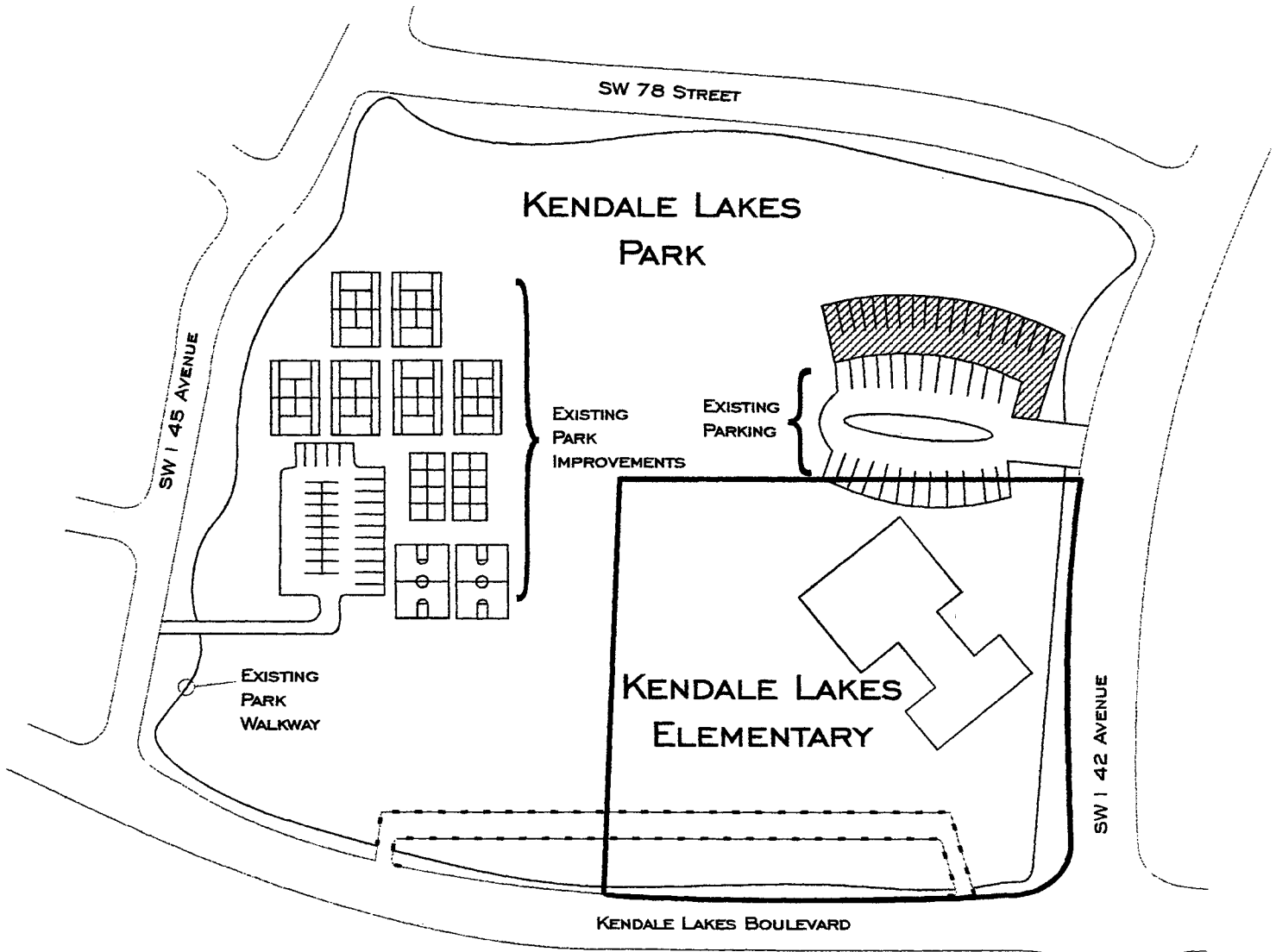
The proposed Joint Use Agreement with the County for the playfield area at Miami Douglas MacArthur South Senior High School, is being brought to the Board as companion item J-12.

RECOMMENDED:



That The School Board of Miami-Dade County, Florida, authorize the Superintendent or his designee to execute a Joint Use Agreement with Miami-Dade County for Kendale Lakes Elementary School/Kendale Lakes Park, under the terms and conditions set forth above. The Joint Use Agreement will commence concurrent with the execution of a lease agreement with Miami-Dade County for County use of the playfield at Miami Douglas MacArthur South Senior High School.

MAL:slr

EXHIBIT "A"



LEGEND

-  PROPOSED ADDITIONAL PARKING
-  PROPOSED BUS DROP-OFF AREA