

Business Operations  
Ofelia San Pedro, Deputy Superintendent

**SUBJECT:            RENEWAL OF LEASE AGREEMENT WITH THE CITY OF NORTH MIAMI FOR USE OF THE NORTH MIAMI ARMORY PARKING LOT, LOCATED AT 13250 NE 8 AVENUE, AND LETTER AGREEMENT FOR CONTINUED USE OF THE CITY'S COMMUNITY CENTER PARKING LOT, LOCATED AT NE 131 STREET AND NE 8 AVENUE, FOR USE BY NORTH MIAMI MIDDLE SCHOOL**

**COMMITTEE:        FACILITIES AND CONSTRUCTION REFORM**

Background

Since July 1997, the Board has leased the North Miami Armory parking lot (Armory Lot), consisting of 68 parking spaces and located at 13250 NE 8 Avenue, North Miami (see location map), from the City of North Miami (City), for use by the staff of North Miami Middle School (School), pursuant to a Lease Agreement (Agreement) with the City. The District has completed its initial five-year term, and is in the third of five one-year renewal option periods available under the Agreement. The current term of the Agreement will expire on August 25, 2005.

In September 2001, the City advised the District that as a result of the tragic events of September 11, 2001, the Armory Board of the State of Florida (Armory) will need exclusive use of the Armory Lot for an undetermined period of time and that the District will be unable to use same until further notice. Due to the limited amount of parking otherwise available at the School, the District and City entered into a Letter Agreement (Letter Agreement) for the temporary use of 68 parking spaces at the City's Community Center parking lot (Community Center Lot) until the Armory Lot is once again available for use by the District.

Lease Agreement

Even though the Armory Lot is still not available for District use, the School Board Attorney's Office has advised that the District must exercise its renewal option in order to reserve its right to use the Armory Lot once the time of emergency is concluded. Although the Lease Agreement for District use of the Armory Lot will renew effective August 26, 2005, the District will not occupy the space or pay rent for its use until such time as the Armory declares its preemptive use of the facility to be over. At that time, the Armory Lot will be made available once again for use by the School and the District will relocate the School's staff parking from the Community Center Lot, back to the Armory Lot.

The Agreement specifies that the annual rental rate shall be increased each year by 4%. As such, the current annual rental rate of \$3,013.48 shall be adjusted to \$3,133.92, which is \$3.84 per space per month. The term of the renewal option period will commence August 26, 2005, and will end August 25, 2006. All other terms and conditions of the Agreement will remain unchanged, including the following:

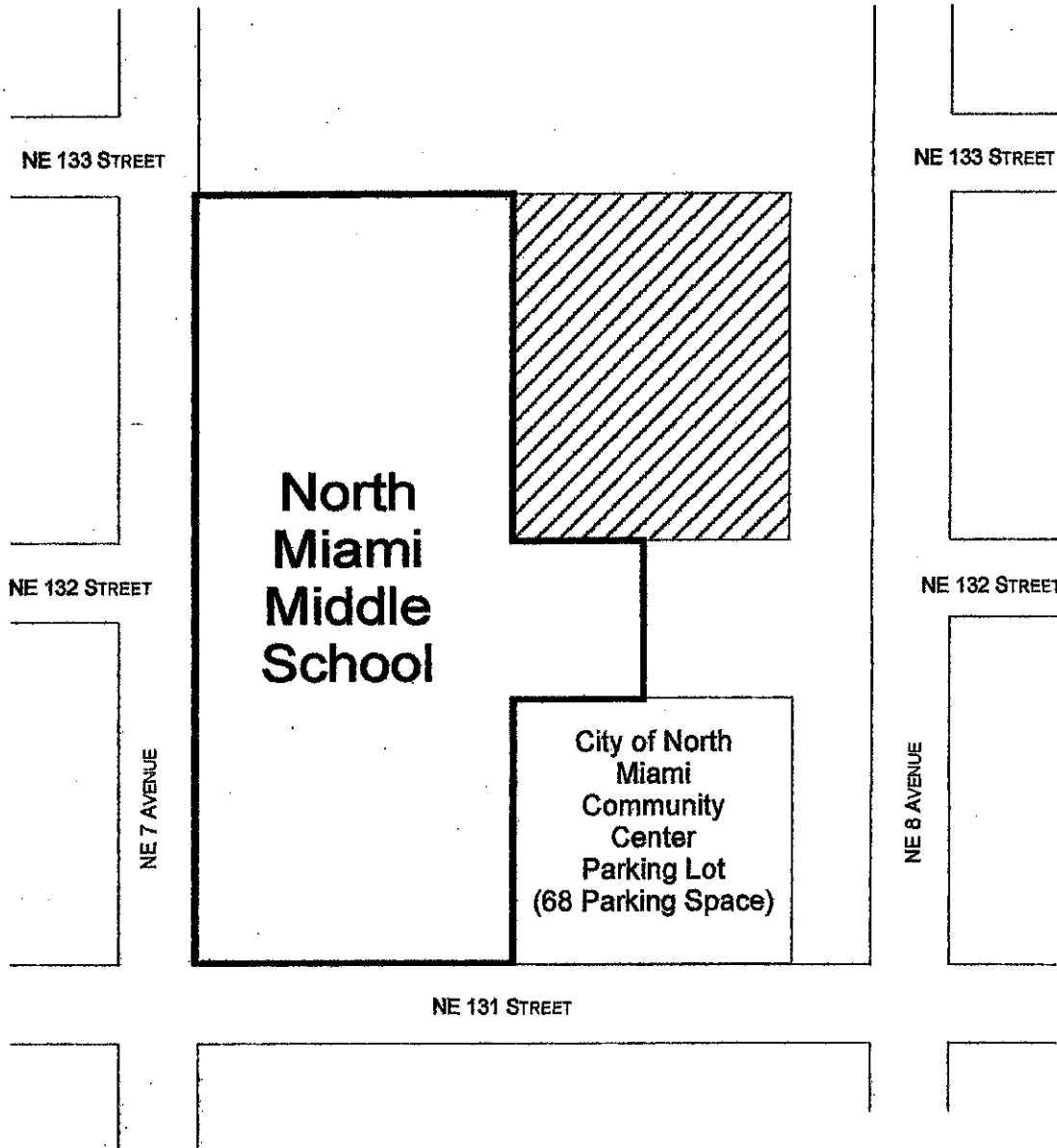
- either party shall have the right to cancel the Agreement at any time by giving the other party 90 days prior written notice; and
- the District is responsible for providing all repair and maintenance to the demised premises where such repair is due to the actions or negligence of the District.

#### Renewal of Letter Agreement


The current term of the Letter Agreement for temporary use of the Community Center Lot will expire on August 25, 2005. The District is in its the first of two one-year option periods available, at the discretion of the City. The City has advised a willingness to allow the District to exercise the second renewal option period. Given that the Armory Lot is still unavailable for District use, it is recommended that the Community Center Lot agreement be renewed for the period of August 26, 2005 through August 25, 2006. The rental rate for the District's interim use of the Community Center Lot will be the same amount authorized under the Armory Lot Agreement.

Staff contacted the North Miami Middle School Principal, the Region II Superintendent and the Associate Superintendent of Region Operations, who indicated a continuing need for the Armory Lot for the staff of North Miami Middle School, for the period of August 26, 2005 through August 25, 2006, and in the interim, a need for use of the Community Center Lot.

# LOCATION MAP



**LEGEND**

 DEMISED PREMISES  
(NORTH MIAMI ARMORY  
PARKING LOT/68 PARKING  
SPACES

NOT TO SCALE



**RECOMMENDED:** That The School Board of Miami-Dade County, Florida. authorize the renewal of :

- 1) the Lease Agreement with the City of North Miami, for use of the North Miami Armory Parking Lot, consisting of 68 parking spaces and located at 13250 NE 8 Avenue, as a measure intended to preserve the District's right to use the Armory Lot during the current state of emergency. The District will not occupy the space or pay the annual rental rate of \$3,133.92 until such time as the state of emergency is concluded. All other terms and conditions of the Lease Agreement will remain unchanged; and
- 2.) the Letter Agreement with the City of North Miami, to allow continued interim use of 68 parking spaces at the City's Community Center Lot, located at NE 131 Street and NE 8 Avenue. The rental rate for the District's interim use of the Community Center Lot will be \$3,133.92, which is the same amount authorized under the Armory Lot Agreement. The term of the renewal option period will commence August 26, 2005 and will end August 25, 2006, unless terminated sooner due to the availability of the Armory Lot. All other terms and conditions of the Letter Agreement will remain unchanged.

CDR:rr