

Business Operations
Ofelia San Pedro, Deputy Superintendent

SUBJECT: AUTHORIZATION TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF MIAMI BEACH FOR EASEMENTS OF LANDS NECESSARY TO COMPLETE THE PARTIAL REPLACEMENT PROJECT AT MIAMI BEACH SENIOR HIGH SCHOOL

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

Background

The School Board commissioned the firm of Zyscovich, Inc. to design and prepare contract documents for the partial replacement project of Miami Beach Senior High School, located at 2231 Prairie Avenue, Miami Beach. The design solution for this project, calls for the construction of a new bus drop-off area along Dade Boulevard and a parent drop-off along Prairie Avenue. In accordance with the Interlocal Agreement for School Facility Planning in Miami-Dade County, the School District submitted a copy of the project for the City's review for consistency with its Comprehensive Development Master Plan (CDMP) and reasonable development standards. The City has found the project to be consistent with its CDMP and has provided reasonable development standards for improvements in the public rights-of-way along both, Dade Boulevard and Prairie Avenue.

Interlocal Agreement

The work required within the public rights-of-way necessitates that the School Board and the City of Miami Beach, enter into an interlocal agreement to allow for the easement of lands necessary to complete the project. The agreement was generally negotiated under the following terms and conditions:

- The City of Miami Beach agrees to grant a permanent easement of a portion of its rights-of-way along Dade Boulevard, of approximately 5.5 feet in width by the entire length of the bus drop-off area, to allow for the construction of a new bus drop-off (see attached Exhibit "A"). The actual easement documentation will be brought back to the School Board for approval at a future meeting.
- The School Board agrees to grant a permanent easement to the City of Miami Beach to access the City's public works property through the School's property (see attached Exhibit "A"). The actual easement documentation will be brought back to the School Board for approval at a future meeting.
- The School Board agrees to grant a permanent easement to the City of Miami Beach to facilitate access to the City's water and sewer system located within the

School's property (see attached Exhibit "A"). The actual easement documentation will be brought back to the School Board for approval at a future meeting.

- The parties hereto agree that they shall prepare the necessary land surveys and legal descriptions affecting the properties and lands owned by either party, and specifically delineating the City Easement and the Board Easement, respectively. Each party shall bear the cost the preparation of its respective legal documents, or, upon mutual written agreement, have the option to hire the same land surveying company and share the costs.
- Upon execution of this Agreement, the Board shall have the right to commence any portion of the "Project" within the rights-of-way, upon securing the required permits from the City, and the City shall have the right to keep using the access area located immediately east of the service road of the School.
- The School Board agrees to provide the necessary improvements, along Dade Boulevard and Prairie Avenue, required for the proper completion of the replacement project (see attached Exhibit "B").
- The agreement may be cancelled by either party, for cause, with ninety (90) days advance written notice to either party. However, either party shall have the opportunity to remedy the violation within ninety (90) days and once the cause is cured, prevent the cancellation of the Agreement. The parties may mutually agree to an extension of said cure period. Nevertheless, both the City and Board shall have the right to cancel this Agreement without cause and for convenience, if mutually agreed by both parties, without penalty, upon sixty (60) days written notice.
- Subject to and to the extent of the limitations included within Section 768.28, Florida Statutes, the Board and the City covenant and agree that it shall indemnify, hold harmless and defend each other, from and against any and all claims, suits, actions, damages or causes of actions arising from or in connection with the Board's and the City's use and occupancy of the easement area, for any personal injury, loss of life or damage to property sustained in or about the easement area. This provision survives the expiration of Agreement, and shall be in effect as long as the permanent easement is in effect.
- Throughout the term of the Interlocal Agreement, each party shall be responsible for all repair, maintenance and upkeep of the easement area, shall immediately remove any refuse or debris from the easement area, and shall otherwise keep the easement area in a safe, clean and working condition. The Board and the City shall keep the easement areas free and clear of any vehicles or equipment when they are not in use of the easement area. Each party also agree to repair any damage to the easement area resulting from the actions of each party, their agents, representatives or employees.

- This Agreement shall commence upon the date of the execution of the Agreement by the Board and the City (the "Commencement Date"), and shall expire on the date the "Project" is completed, as evident by the issuance of a Certificate of Occupancy, or ten (10) years after the Commencement Date, whichever is first. However, both parties agree and acknowledge that, provided such instruments are approved and executed by the City and the Board, respectively, the City Easement and the School Board Easement are intended to survive the expirations of this Agreement.

The Office of Capital Improvement Projects, Principal of Miami Beach Senior High School, Superintendent for Region 2, and Maintenance recommend entering into this interlocal agreement with the City of Miami Beach to allow the completion of the replacement project at Miami Beach Senior High School. The agreements will be reviewed by the School Board Attorney's Office and the Office of Risk and Benefits Management prior to their execution.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent or his designee to execute an Interlocal Agreement with the City of Miami Beach to allow for the easement of lands necessary to complete the replacement project at Miami Beach Senior High School.

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EXHIBIT "A"

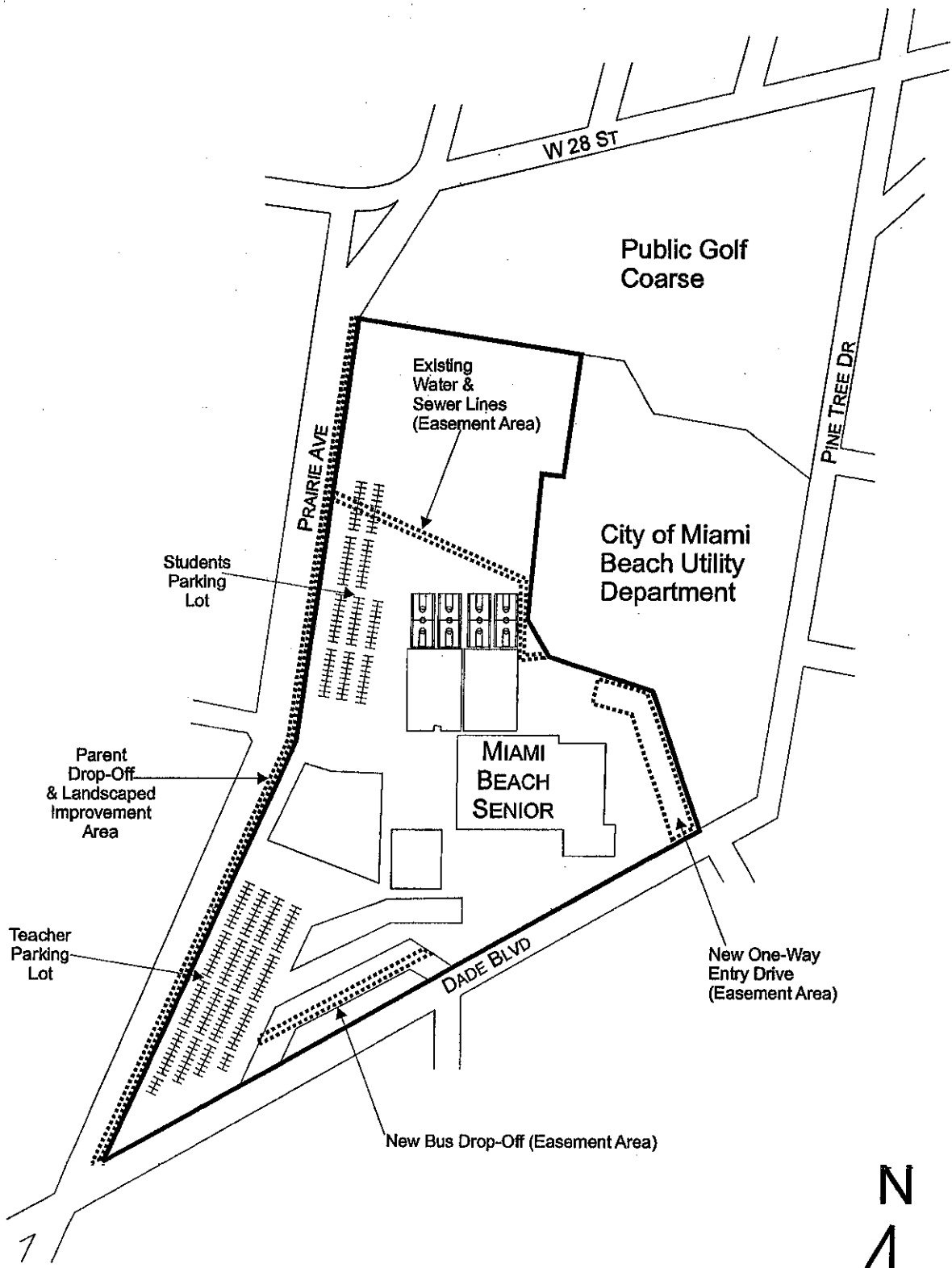


EXHIBIT "B"

Improvements along Prairie Avenue

1. Construction of new parent drop-off area, including sidewalk, valley gutter, student crossing markings at two locations (at 23rd street and north edge of student parking);
2. Estate fencing along School property with a landscaping strip between the fence and the parking lot, except in front of the Fine Arts Building;
3. Irrigation system with own water meter to be conveyed to the City; and
4. Landscaping, on School property, consisting of 4' high shrubbery and 12'-14' high shade trees at 20' o.c., and new sod turf on adjacent public right-of-way.

Improvements along Dade Boulevard

5. Construction of new bus drop-off area, where the City will grant a permanent easement to accommodate the bus drop-off area;
6. Relocation of existing trees from School to public right-of-way;
7. 6' sidewalk parallel to School property and southernmost edge of walk occurring 10' from back of existing Dade Boulevard curb;
8. Pedestrian crossing markings with ADA compliant concrete ramps;
9. Irrigation system with own water meter to be conveyed to the City, and
10. Construction of new one-way shared entry drive to School service yard and City's public works yard. Board shall grant a permanent access easement to City. City shall have the opportunity to obtain permission from relevant authorities, to convert the one-way shared entry drive into a two-way access drive.
11. New landscaping in adjacent public right-of-way as per permitted construction drawings.