

Office of School Facilities
Rose Diamond, Chief Facilities Officer

SUBJECT: AUTHORIZATION FOR THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS WITH MIAMI-DADE COUNTY AND EXECUTE A JOINT USE AGREEMENT FOR PORTIONS OF COUNTRY CLUB OF MIAMI PARK AND STATE SCHOOL "NN-1", (RELIEF FOR LAKE STEVENS AND LAWTON CHILES MIDDLE SCHOOLS) LOCATED AT NW 75 PLACE AND MIAMI GARDENS DRIVE, TO PROVIDE FOR THE CONSTRUCTION OF A BUS ACCESS ROAD ACROSS THE PARK SITE

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

The District has been working with Miami-Dade County (County) to finalize terms and conditions of a Joint Use Agreement for portions of Country Club of Miami Park (Park) and State School "NN-1" (School), to provide for the construction of a bus access road across the park site (see location map). The proposed Joint Use Agreement would allow District use of the access road and a small parking lot to be constructed by the District on the Park. The County would have access to the School athletic field, during non-school hours, for use as a public park.

Terms and conditions of the proposed Joint Use Agreement are currently being finalized with County staff, and will also require the approval of the Miami-Dade County Board of County Commissioners prior to becoming effective. In order to allow the project to move forward, it is recommended that the Superintendent be authorized to finalize negotiations, under substantially the terms and conditions noted below. Should the District and County be unable to reach a successful conclusion to these negotiations, this issue will be brought back to the Board for direction.

Terms and conditions of the proposed Joint Use Agreement are, substantially, as follows:

- the District will construct, at its sole cost and expense, a bus access road (Area 1) and a 10 space parking lot (Area 2), entirely on Park property. The District will have unencumbered use of the access road at all times, and use of the parking lot, infrequently, on a space available basis;
- the District is desirous of retaining responsibility for issuance of building permits, inspections and approval of final occupancy for the work taking place within Areas 1 and 2 (access road and parking lot), using the District's Building Department, in conformance with the Florida Building Code and County design standards. The County would retain the right to inspect the work to assure compliance with all County criteria. Once confirmed by the County, this provision shall be included in the Joint Use Agreement;

- the County will utilize recreational facilities on the School site (Area 3), after school hours and on days when school is not in session. The County shall use these facilities for passive recreational purposes, and no programming of activities or events will be allowed;
- in the event the School requires use of some or all of Area 3 during the County's regular period of use, the school site administrator shall notify the County a minimum of 72 hours in advance, and Area 3 will be unavailable to the County for that period;
- the District shall be responsible for all maintenance within Areas 1 and 3, and the County shall be responsible within Area 2;
- the term of the agreement is 10 years, with two five-year options thereafter;
- on a periodic basis, the parties, through their respective designees, may modify the exact areas used and periods of use;
- the parties shall each indemnify and hold harmless the other, to the extent and within the limitations of Florida Statute;
- the agreement may be cancelled by either party, only if the other party defaults and fails to cure. In addition, the District may also cancel at any time with 90 days advance written notice; 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 Region Superintendent for Region Center 1, Construction Officer, Maintenance Officer, and Director of Advanced Planning, recommend entering into the proposed Joint Use Agreement. The agreement will be reviewed by the School Board Attorney's Office and Office of Risk and Benefits Management prior to execution.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to finalize negotiations with Miami-Dade County and execute a Joint Use Agreement for portions of Country Club of Miami Park and State School "NN-1" (Relief for Lake Stevens and Lawton Chiles Middle Schools), under substantially the terms and conditions noted above, including construction by the District of a bus access road and a small parking lot on the Park. Should the District and County be unable to reach a successful conclusion to these negotiations, this issue will be brought back to the Board for direction at a subsequent Board meeting.

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LOCATION MAP

