

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 RECREATIONAL FACILITIES AT  
RUBEN DARIO PARK, RUBEN DARIO MIDDLE SCHOOL AND  
E.W.F. STIRRUP ELEMENTARY SCHOOL**

**COMMITTEE:        FACILITIES AND CONSTRUCTION REFORM**

Since 1991, Miami-Dade County (County) and the District have jointly used recreational facilities at Ruben Dario Park (Park), Ruben Dario Middle School and E.W.F. Stirrup Elementary School, under the terms of a Joint Use Agreement (see location map). The County has now requested that the Agreement be modified to provide for various site improvements, and improve the recreational programs at both schools and the Park. This will be accomplished through the execution of a successor Joint Use Agreement (Agreement). The proposed Agreement will continue to allow District use of Park recreational facilities during school hours, and County access to recreational facilities at both schools, for park use during non-school hours.

The County has also requested that an unused on-site portable classroom, located on the Ruben Dario Middle School campus, be conveyed to the County for ongoing Park recreational activities. Staff contacted the Department of Facilities Operations, Maintenance (Maintenance), which advised that, the Portable is not of the type that could be used at school facilities, and the District has no need for this Portable for other purposes. Staff also contacted the Office of Educational Facilities Administration, which advised that the Portable is targeted for removal from the F.I.S.H. inventory in the District's Plant Survey and Work Plan, and as such, donating the Portable to the County would be in compliance with the Plant Survey and Work Plan. In addition, Maintenance has estimated that the cost to relocate the Portable from the School campus is approximately \$12,000, which does not include the approximate \$50,000 connection cost that would be required if the District were to re-use the Portable. The cost to demolish the Portable and restore the site ranges between \$6,500-\$10,000.

Given the foregoing, it is recommended that the Board authorize the donation of the Portable, bearing Portable number 69-016, to the County. At its option, the County may retain and use the Portable in its current location or relocate it elsewhere. In order to facilitate its summer youth program, which will begin at the completion of the 2005-06 school term, the County has requested that it be allowed immediate occupancy of the Portable, and that the electrical service to the Portable, which runs from the school, remain in place for the summer. Once the summer youth program ends, new electrical service will be installed by the County to the Portable from the Park. Upon acceptance of the Portable by the County, the District will have no further obligations or liabilities with respect to the Portable.

Terms and conditions of the proposed Agreement include, substantially, the following:

- the schools and County shall each be responsible for removal of trash and litter from the Park and school sites, generated during their respective periods of use;
- the County will resurface the basketball court located on the Ruben Dario Middle School campus, and install lighting, at its sole cost and expense;
- the District shall be responsible for maintenance of the Park's racket ball court, and the County shall be responsible for maintenance of the basketball court lighting. All other maintenance of school and Park facilities will be the responsibility of the property owner;
- the County will utilize recreational facilities on the school sites after school hours and on days when school is not in session;
- the District shall convey Portable Classroom No. 69-016 (#13) to the County, at no cost. The District shall retain electrical service to the Portable to facilitate the County's summer youth program, at the completion of which, the County will install its own electrical service. Subsequent to conveyance, the District will have no further obligations or liabilities with respect to the Portable;
- 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;
- this Agreement may be cancelled by either party, if the other party defaults and fails to cure. In addition, either party may cancel this Agreement at any time with 180 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 Principals of Ruben Dario Middle and E.W.F. Stirrup Elementary Schools, Regional Superintendent for Regional Center III, Construction Officer, Office of School Facilities Construction, and Maintenance Officer, Facilities Operations recommend entering into the proposed 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 use of recreational facilities at Ruben Dario Park, Ruben Dario Middle School and E.W.F. Stirrup Elementary School, including the donation to Miami-Dade County of one Board-owned portable classroom bearing portable number 69-016, and under substantially the other terms and conditions noted above.

ORM:scj

# LOCATION MAP

