

Office of School Facilities  
Rose Diamond, Chief Facilities Officer

**SUBJECT:            AUTHORIZE THE SUPERINTENDENT TO FINALIZE  
NEGOTIATIONS AND EXECUTE A USE AGREEMENT WITH THE  
CITY OF MIAMI BEACH FOR THE USE OF FLAMINGO PARK,  
LOCATED AT 1435 MICHIGAN AVENUE, BY MIAMI BEACH  
SENIOR HIGH SCHOOL**

**COMMITTEE:        FACILITIES AND CONSTRUCTION REFORM**

Since July 2001, the Board has leased the baseball facilities at Flamingo Park, located at 1435 Michigan Avenue, from the City of Miami Beach (City) for Miami Beach Senior High School (School) practice and home games (see location map). The current agreement has expired, and the City has expressed a willingness to enter into a new five-year use agreement beginning with the 2006-07 baseball season. The City has proposed that the fee increase from \$15,000 to \$15,600 for the first year of the agreement, which is intended to reimburse the City for the District's share of the annual maintenance cost of the baseball facilities. The annual fee would increase by four percent each year thereafter. This fee covers a maximum of 118 days of use of the Flamingo Park baseball field and girl's softball field. Any use beyond the 118 days will be subject to an additional fee. The new use agreement conforms in large part to the previous agreement, and includes, substantially, the following terms and conditions:

- the School shall have use of the facilities on practice days from approximately 3:00 p.m. to 6:30 p.m., and on game days from one and one-half hours before the game to one hour after the game;
- payment of \$15,600 as reimbursement for the District's share of the annual maintenance cost of the baseball and softball facilities for the 2006-07 baseball/softball season, with costs to increase by four percent (4%) every year thereafter;
- the City shall be responsible for utilities, and all repair and maintenance of the baseball facility, other than damage caused exclusively by the District during its period of use;
- the City and Board shall indemnify and hold each other harmless to the extent of the limitations included within Section 768.28, Florida Statutes;
- the school may use the facilities a maximum of 118 days per year. Any use beyond the 118 days will be subject to an additional fee;

- in addition to default or damage and destruction, either party may cancel the use agreement at any time, without penalty, by providing the other party with one year prior written notice; and
- the Superintendent shall be the party designated by the Board to grant or deny all approvals required by this use agreement or to cancel the agreement.

No physical improvements requiring the use of District funds are necessary as a result of the proposed Board action. In addition, the School Board Attorney's Office and the Office of Risk and Benefits Management shall review the proposed use agreement prior to its execution.

Staff contacted the Principal of Miami Beach Senior High School, the Regional Center II Superintendent and the Associate Superintendent of School Operations, who indicated a continuing need for the use of Flamingo Park baseball and softball facilities to serve Miami Beach Senior High School for practice and home games for the five year period beginning with the 2006-07 baseball season.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent or his designee to finalize negotiations and execute a use agreement with the City of Miami Beach for the use of Flamingo Park baseball and softball facilities for Miami Beach Senior High School, substantially in conformance with the terms and conditions noted above. The agreement shall be for a five-year term, commencing with the 2006-07 baseball season and ending with the 2010-11 baseball season, at an initial annual rental amount of \$15,600, and a 4% annual increase thereafter.

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# LOCATION MAP

