

Office of School Facilities
Jamie G. Torrens, Chief Facilities Officer

SUBJECT: AUTHORIZATION FOR THE SUPERINTENDENT TO:

- 1) EXECUTE AN ACCESS LETTER AGREEMENT TO ALLOW TEMPORARY USE OF SPANISH LAKE PARK TO COMPLETE CONSTRUCTION RELATED ACTIVITIES ASSOCIATED WITH THE CONSTRUCTION OF SPANISH LAKE ELEMENTARY SCHOOL; AND
- 2) FINALIZE NEGOTIATIONS AND EXECUTE A JOINT USE AGREEMENT WITH MIAMI-DADE COUNTY FOR RECREATIONAL FACILITIES AT SPANISH LAKE PARK, SPANISH LAKE ELEMENTARY SCHOOL AND LAWTON CHILES MIDDLE SCHOOL

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

LINK TO STRATEGIC PLAN: IMPROVE CONSTRUCTION SERVICES

Background

The District is currently in the final stages of constructing Spanish Lake Elementary School (School), located adjacent to Spanish Lake Park (Park), at 7940 NW 194 Street, Miami (see location map). In order to complete construction related activities associated with the construction of the School, Miami-Dade County (County) has agreed to allow District access to portions of the Park on a short-term basis. Work will include primarily leveling and grading the transition between the School and Park, and constructing a road across a small portion of the Park for parent drop-off/pick-up. Construction of the road was authorized by the Board at its meeting of May 16, 2007, and was to be initiated after conveyance of equal portions of the Park and School between the Board and County. Conveyance of the land has been delayed, and construction of the road is required at this time in order to meet the School's critical construction timeline.

Proposed Access Letter Agreement

Terms of the proposed Access Letter Agreement (Access Agreement) are, substantially, as follows:

- the Access Agreement will terminate effective with the exchange and recordation of Deeds between the Board and County, as authorized by the Board at its meeting of May 16, 2007, with said exchange anticipated for January 2008;

- access to the Park will be limited to the area adjacent to the School, for the purpose of completing construction related activities associated with the construction of the School;
- the District shall be responsible for securing the work site;
- work will consist largely of relocating a portion of a walkway and existing trees within the Park impacted by the District's construction activities, regrading/sodding the area, and installing a two-rail fence between the Park and School sites;
- the District will assure the continued access to the balance of the Park by park patrons during construction;
- during those times that work is taking place within the Park, the Board shall indemnify and hold harmless the County, to the extent and within the limitations of Florida Statute; and
- the District's contractor will provide the same indemnification to the County as required by the Board, and will list the County as additional insured on its liability insurance.

Additional Information

Due to the desire to augment the limited on-site recreational facilities of the School, and the adjacency of the Park to the School and Lawton Chiles Middle School (see location map), Park staff and both school principals are recommending that a Joint Use Agreement (Agreement) be entered into. The proposed Agreement will 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.

Proposed Joint Use Agreement

Terms of the proposed Agreement are, substantially, as follows:

- The Park will be utilized during school hours to augment the School's recreational facilities. Initially, only the large open portion of the Park will be used. As additional Park amenities are constructed by the County, these may be used by the School, as mutually agreed to by the School Administrator and Park Supervisor;
- the County may utilize recreational facilities located at both school sites, after school hours and on days when school is not in session, as mutually agreed to by each School Administrator and the Park Supervisor;
- each party shall be responsible for removal of trash and litter from the Park and school sites, generated during their respective periods of use;
- 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 the other harmless, to the extent and within the limitations of Florida Statute;

- the 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 Spanish Lakes Elementary and Lawton Chiles Middle Schools, Regional Center I Superintendent, and Office of School Facilities recommend entering into the proposed Access Agreement and Joint Use Agreement. Both agreements 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:

- 1) execute an Access Letter Agreement to allow temporary use of Spanish Lake Park to complete construction related activities associated with the construction of Spanish Lake Elementary School; and
- 2) finalize negotiations with Miami-Dade County and execute a Joint Use Agreement for use of recreational facilities at Spanish Lake Park, Spanish Lake Elementary School and Lawton Chiles Middle School, under substantially the terms and conditions noted above.

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LOCATION MAP

