

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

- SUBJECT:**
- 1) **AUTHORIZE THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND EXECUTE A LICENSE AGREEMENT WITH THE CITY OF MIAMI BEACH TO FACILITATE THE RECONSTRUCTION OF THE SIDEWALK ALONG MICHIGAN AVENUE BETWEEN 2<sup>ND</sup> STREET AND 4<sup>TH</sup> STREET, ADJACENT TO SOUTH POINTE ELEMENTARY SCHOOL, LOCATED AT 1050 4<sup>TH</sup> STREET, MIAMI BEACH; AND**
  
  - 2) **AUTHORIZE THE CHAIR AND SECRETARY TO EXECUTE THE NECESSARY DOCUMENTS TO DEDICATE A STRIP OF BOARD-OWNED LAND ALONG 4<sup>TH</sup> STREET (APPROXIMATELY 3,017 SQUARE FEET IN AREA), ADJACENT TO SOUTH POINTE ELEMENTARY SCHOOL, TO THE CITY OF MIAMI BEACH FOR RIGHT-OF-WAY PURPOSES**

**COMMITTEE:** FACILITIES AND CONSTRUCTION REFORM

**LINK TO**

**STRATEGIC PLAN:** IMPROVE CONSTRUCTION SERVICES

Background

As part of the South Pointe RDA Phase II Improvement Project, the City of Miami Beach (City) will be demolishing and reconstructing sidewalks along Michigan Avenue and 4<sup>th</sup> Street, including those sidewalks located adjacent to South Pointe Elementary School (School). Given that reconstruction of the sidewalk will impact adjacent portions of the School, the City has requested temporary access to portions of School property in order to reconstruct four paved areas (Paved Areas) of the School located along Michigan Avenue (see location map). Specifically, the Paved Areas will require sloping and grading so that they properly and safely tie-in with the new sidewalk being reconstructed by the City. All work will be done at the City's sole cost and expense.

License Agreement

The proposed License Agreement (Agreement) provides the City and its contractor access to portions of the School along Michigan Avenue between 2<sup>nd</sup> Street and 4<sup>th</sup> Street for construction purposes under, substantially, the following terms and conditions:

- the term shall commence upon execution of the Agreement by both parties, and will terminate upon completion of the reconstruction of the Paved Areas, but no later than June 30, 2010, unless extended for a period not to exceed 18 months, at the District's sole discretion;

- the City will have access to certain portions of the School property solely for the purpose of reconstructing the Paved Areas (see location map). No other portions of the School may be accessed by the City or its contractor, without the specific approval of the School principal;
- all work will be done at the City's sole cost and expense and will not interfere with or disrupt the operations of the School;
- the City and its contractor shall coordinate all work with the School principal in order to minimize impact on School operations;
- the City shall hold harmless and indemnify the School Board, subject to the limitations of Florida Statutes;
- the City's contractor shall hold harmless and indemnify the School Board and shall provide the District with evidence of general liability, property and workmen's compensation insurance in amounts required by the District, and naming The School Board of Miami-Dade County, Florida, as additional insured;
- the City shall assure that all construction work is completed by a licensed contractor, and that such work is performed in a workmanlike manner, and that the School property affected by the subject construction activities and adjacent sidewalks are restored to a condition that is not only safe and usable, but also as good or better than previously existed;
- the City and its contractor shall take all necessary safety precautions, secure all construction areas by appropriate construction fencing and coordinate with the School principal to assure the safety of students, staff, visitors, invitees and the public at all times during construction, and up to acceptance by the City of the work as complete;
- the City and its contractor shall comply with all applicable federal, state and local laws, ordinances and codes, including ADA requirements; and
- for purposes of this Agreement, the Superintendent of Schools shall be the party designated by the Board to grant or deny all approvals required by this Agreement, including extending the term for a period not to exceed 18 months, if so requested by the City.

#### Right-of-Way Dedication

As noted above, the City will also be demolishing and reconstructing the existing sidewalk along 4th Street (4<sup>th</sup> Street Sidewalk). The portion of the 4<sup>th</sup> Street Sidewalk located adjacent to the School was not previously dedicated by the School Board to the City (see location map). As a result, the City has requested that the School Board dedicate the Board-owned portion of the 4<sup>th</sup> Street Sidewalk to the City for use as public right-of-way. Because this area is used for parent drop-off/pick-up, the City has agreed to use its best efforts to commence and complete the demolition/reconstruction of the portion of the 4<sup>th</sup> Street Sidewalk located adjacent to the School during the District's summer break or other period of time when school is not in session. This stipulation will

be included in the Agreement noted above. Dedication of this sidewalk to the City also minimizes potential District liability.

The strip of land to be dedicated to the City totals approximately 3,017 square feet, or 0.06 acres, more or less, and is more fully described in Exhibit "A" attached hereto.

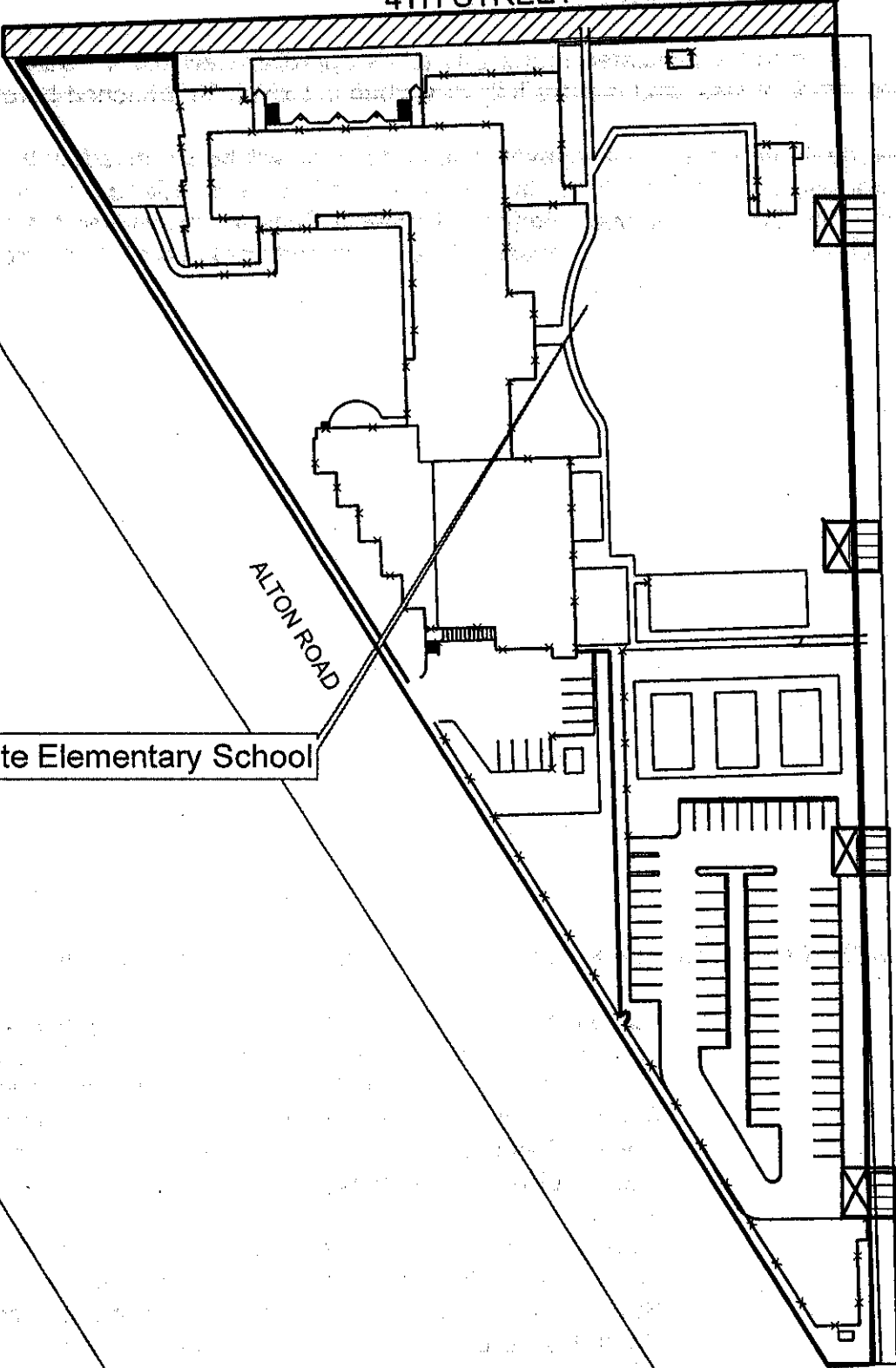
The Agreement and right-of-way conveyance documents will be reviewed by the School Board Attorney's Office and the Office of Risk and Benefits Management prior to execution. The School Principal, Regional Center II Superintendent and the Office of School Facilities concur with the proposed Agreement and right-of-way dedication.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida:

- 1) authorize the Superintendent to finalize negotiations and execute a License Agreement with the City of Miami Beach to facilitate the reconstruction of the sidewalk along Michigan Avenue between 2<sup>nd</sup> Street and 4<sup>th</sup> Street, adjacent to South Pointe Elementary School under, substantially, the terms and conditions noted above; and
- 2) authorize the Chair and Secretary to execute the necessary documents to dedicate a strip of Board-owned land along 4<sup>th</sup> Street (approximately 3,017 square feet in area), adjacent to South Pointe Elementary School, to the City of Miami Beach for right-of-way purposes.

# LOCATION MAP

4TH STREET



South Pointe Elementary School


ALTON ROAD


MICHIGAN AVENUE

3RD ST

2ND ST

### LEGEND

Paved Areas and sidewalk to be accessed by contractor 

4th Street Sidewalk area to be dedicated to City 

(Not to Scale)



Exhibit "A"  
Legal Description

Commence at the Point of Intersection of the Center Line of Alton Road and Fourth Street; thence Due East along the Center Line of Fourth Street for a distance of 72.39 feet to a point; thence Due South for a distance of 25 feet to the Point of Intersection of the South Right of Way Line of Fourth Street and the Northwesterly Right of Way Line of Alton Road; said point also being the Point of Beginning of the strip of land more particularly described as follows; thence run S30°11'34"E along the Northwesterly Right of Way Line of Alton Road for a distance of 6.92 feet to a point; thence run N89°50'10"E for a distance of 57.21 feet to a point; thence run N89°48'25"E for a distance of 53.91 feet to a point; thence run S89°48'50"E for a distance of 45.75 feet to a point; thence run N89°56'39"E for a distance of 51.06 feet to a point; thence run S89°50'26"E for a distance of 49.32 feet to a point; thence run N89°53'33"E for a distance of 50.84 feet to a point; thence run S89°57'45"E for a distance of 48.95 feet to a point; thence run N89°51'31"E for a distance of 50.54 feet to a point; thence run S89°51'46"E for a distance of 50.04 feet to a point; thence run N89°54'16"E for a distance of 62.77 feet to a point on the West Right of Way Line of Michigan Avenue; thence run N00°01'01"E along the West Right of Way Line of Michigan Avenue for a distance of 5.70 feet to a point, said point also being the Point of Intersection between the South Right of Way Line of Fourth Street and the West Right of Way Line of Michigan Avenue; thence Due West along said South Right of Way Line of Fourth Street for a distance of 523.87 feet to the Point of Beginning.

Said land located, lying and being in the City of Miami Beach, Florida, containing 3,017.92 square feet more or less