

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

**SUBJECT:            AUTHORIZE THE SUPERINTENDENT TO PURSUE FURTHER DISCUSSIONS AND NEGOTIATIONS FOR A LEASE AGREEMENT WITH THE CITY OF WEST PARK, IN RESPONSE TO ITS REQUEST TO ALLOW THE CONSTRUCTION OF ITS CITY HALL AND ADMINISTRATIVE FACILITY ON LAND JOINTLY OWNED BY THE BOARD AND THE STATE OF FLORIDA, LOCATED AT 3501 SW 56 AVENUE, IN BROWARD COUNTY, CONDITIONED ON THE CITY ASSUMING RESPONSIBILITY FOR THE MAINTENANCE AND OPERATION OF MCTYRE PARK**

**COMMITTEE:            FACILITIES AND CONSTRUCTION REFORM**

**LINK TO  
STRATEGIC PLAN:        IMPROVE CONSTRUCTION SERVICES**

Background

In November 1959, the Board and State of Florida (State) acquired a one-half undivided ownership interest in a 19-acre parcel of land, at no cost, located at 3501 SW 56 Avenue, in Broward County, for the operation of television transmission facilities (see location map). The site is the current location of the WLRN broadcast tower. Since only a portion of the site was used at the time for television transmission facilities, the District was subsequently approached by Broward County with a request to lease the vacant area (approximately 15 acres) for use as a public park, and a long-term lease agreement was entered into in May 1969. Broward County developed the parcel as McTyre Park (Park), with a 3,100 square foot community center, 60 space parking lot, basketball courts, volleyball court, playground and soccer/football field. Under the terms of the lease agreement, Broward County retains all responsibility for Park maintenance and upkeep. This lease agreement will expire in 2023. In addition to the Park and WLRN tower, the site is improved with a 400 foot television transmission tower (previously used by WLRN prior to the construction of its new 1,000 foot tower), which is owned by Broward County, and used for local emergency services communications.

At the time the site was acquired, the parcel was located in unincorporated Broward County. In 1970, the land was annexed into the Town of Pembroke Park (Town), but the surrounding communities, constituting the majority of Park users, remained unincorporated. In 2005, these surrounding communities incorporated, becoming the City of West Park (City). Broward County has advised that it is unable to continue to operate neighborhood park facilities located within municipalities, due to a court ruling prohibiting the use of County-wide ad valorem taxes to fund municipal park operations. The Town has a functioning park system that does not require use of the Park, and has declined to assume responsibility for the approximate \$280,000 annual operating budget. The City is extremely desirous of having the Park remain open and functioning

since its residents constitute the majority of Park users, but has also indicated an inability to cover this cost. As a result, the Broward County Board of County Commissioners directed their staff to continue to operate the Park only until April of 2008, while continuing to seek a resolution with the stakeholders that would facilitate a permanent solution to allow the Park to remain in operation.

Representatives from Miami-Dade County Public Schools, Broward County Public Schools, the Broward County Park Department, the office of the Broward County Administrator, the City, the State of Florida (State) and the Town, have met to discuss possible options for the Park's continued operation. These options included seeking State operating funds, locating a corporate sponsor, creating a special taxing district, charging Park user fees and securing a co-locator on the WLRN tower willing to fund Park operations as a part of its tower lease. As of April 2008, none of these options proved viable, and Broward County closed the Park. Under the terms of its lease agreement, Broward County is obligated to maintain the site for the balance of its lease term (October 19, 2023), which consists of mowing the grass in compliance with local code criteria.

As a result of recent discussions between the City, Town and Broward County, an interim solution has been developed and agreed upon between these parties to fund Park operations through September 30, 2008. Under this scenario, Broward County will continue to provide staff, supplies, and lawn and field maintenance, and pay for utilities (at a total estimated cost of \$98,000 beyond Broward County's ongoing obligation to provide lawn and field maintenance), with these expenses to be largely covered by the City (\$25,000), Town (\$10,000), user fees (\$15,000) and Rodriguez Charities (\$50,000). Beginning October 1, 2008, the City, under the auspices of the existing lease agreement with Broward County, would assume a substantially larger role in ongoing Park operations, by providing staff and routine Park maintenance (estimated to cost approximately \$100,000 per year, less user fees), with the County to continue to provide lawn and field maintenance, and the Town to contribute \$30,000 per year.

As funding and circumstance permits, the City has also expressed a desire to eventually construct its City Hall and Administrative Facility on a portion of the Park. The City has been seeking a permanent location for these operations, with an expectation of having to purchase the land, and as such, use of a portion of the Park property at a nominal cost (e.g. \$1 per year), would provide a substantial cost benefit to the City. In return, the City would continue to be responsibility for a substantial portion of the ongoing Park operations housed on the balance of the site. If this proved to be feasible, then the existing lease agreement with Broward County for the Park could be either terminated or amended effective with the commencement date of a new long-term agreement (Agreement) with the City. The City's ability to enter into such an Agreement is contingent on a number of complex issues, including concurrence from the State and the Board to having the portion of the site desired for locating the City Hall and Park de-annexed by the Town and annexed by the City, and securing a continuous funding source, approximating \$280,000 per year for ongoing Park operations. A portion of these funds may be made available by Broward County and the Town. The Town has indicated a willingness to consider the de-annexation.

Should the City be unable to secure the necessary funding to operate the Park subsequent to September 30, 2008, and no alternate viable options are developed, the Park will most likely be closed. In that event, Broward County will continue to provide only minimal maintenance to the grounds through October 2023, and Miami-Dade County Public Schools will assume control of the site strictly for the use of the WLRN and Broward County towers. In this instance, all recreational and other improvements will either be disassembled and removed by Broward County or left in place, and the site will be off-limits to the public, and park activities or use will cease to exist.

#### Proposed Lease Agreement

In the event the City is able to secure the required approvals for (de)annexing, as well as positive feedback from the State and the Board, and in an attempt to facilitate the continued operation of McTyre Park for public use, it is recommended that the Superintendent be authorized to pursue further discussions and negotiations with the City on the possibility of a long-term lease agreement, with terms generally as follows:

- a 40 year term, with one successive 10 year option period, at the mutual option of the Parties;
- rent at \$1 per year;
- the City, at its sole cost and expense, would assume all responsibility for the ongoing operation of all existing or future Park improvements, including, but not limited to, a 3,100 square foot community center, 60 space parking lot, three basketball courts, volleyball court, net ball court, playground, soccer/football field with bleachers, announcer's booth, 8' asphalt walking path, three picnic shelters with grills, irrigation system and sports lighting;
- the City, at its sole cost and expense, would assume all responsibility for the ongoing maintenance and repair of all recreational and public use improvements located on the Park site;
- subject to the above, the City would construct and operate its City Hall and Administrative Facility on a portion of the Park, and retain all responsibility for operating and maintaining this facility;
- all utilities serving the Park and City Hall would be separately metered and paid for by the City;
- the Parties would each indemnify and hold the other harmless to the extent and within the limitations of Florida Statutes;
- the City would not be able to cancel the Agreement at any time. The District would be able to cancel the Agreement only in the event the City defaulted and failed to cure, or, with a minimum of 180 days prior written notice, cancel the Agreement for portions of the Park if the land were to be required by the District for purposes of serving the WLRN transmission facilities, or other District purposes;

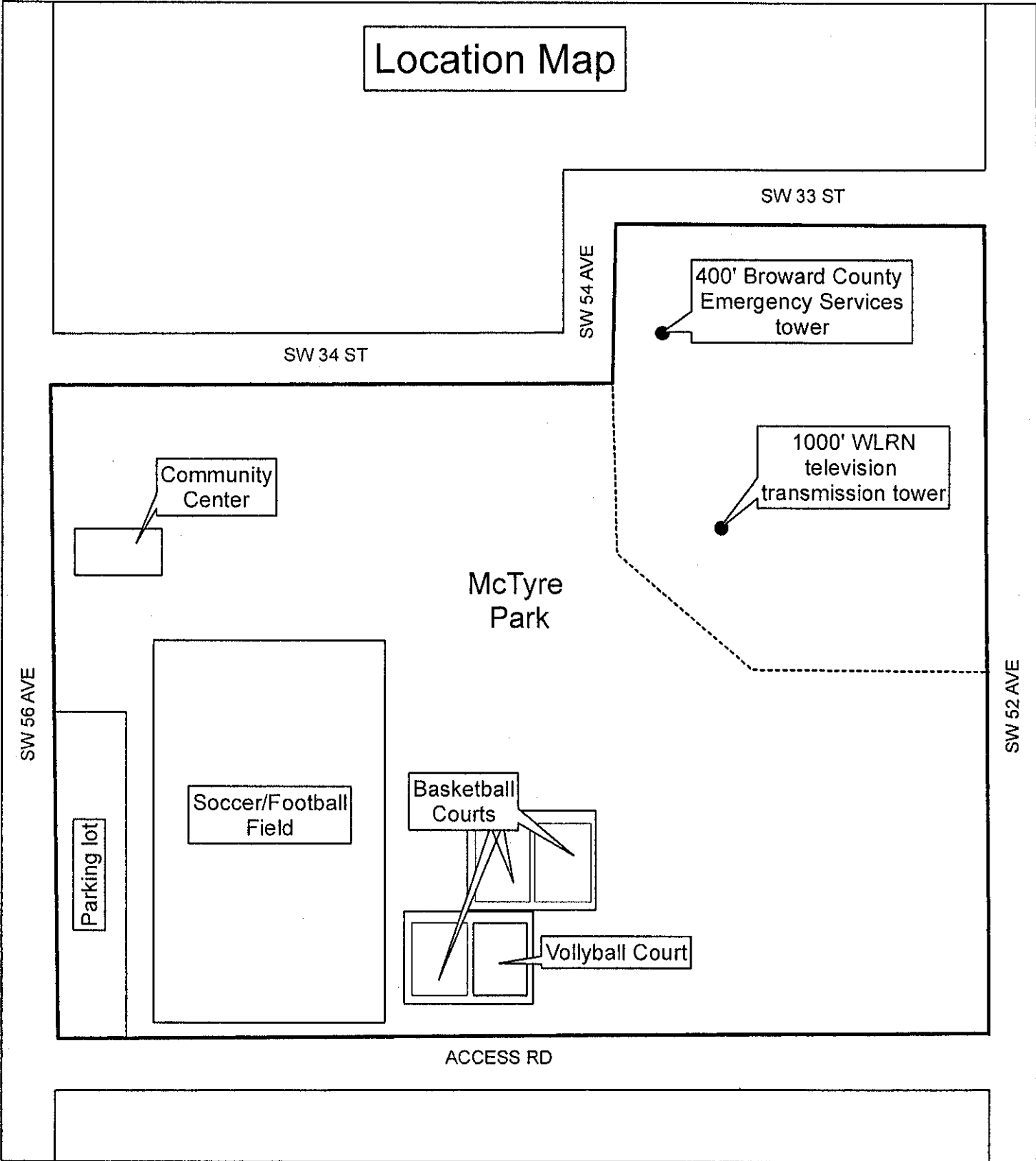
- the Parties would comply with all applicable laws, rules, regulations, ordinances and codes of Federal, State and Local Governments, including, but not limited to, the Americans with Disabilities Act; and
- the Superintendent of Schools would be the party designated by the Board to grant or deny all approvals required by this Agreement, or to cancel this Agreement.

Should the Board approve the recommendation to pursue further discussions and negotiations with the City, and should such negotiations be favorable, any proposed Agreement will be reviewed by the School Board Attorney's Office and the Office of Risk and Benefits Management prior to execution.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent to pursue further discussions and negotiations for a Lease Agreement with the City of West Park, in response to its request to allow the construction of its City Hall and Administrative Facility on land jointly owned by the Board and State of Florida, located at 3501 SW 56 Avenue, in Broward County, conditioned on the City assuming responsibility for the maintenance and operation of McTyre Park, under generally the terms and conditions noted above.

MAL

# Location Map



**LEGEND**  
— Board- Owned  
— Property Located at  
3501 SW 56 Avenue,  
in Broward County



Not to scale