

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

**SUBJECT: AUTHORIZATION FOR THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND FOR THE CHAIR AND SECRETARY TO EXECUTE:**

1. A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH THE CITY OF NORTH BAY VILLAGE (CITY) IN ORDER TO ALLOW THE CITY TO ACCESS A PORTION OF THE TREASURE ISLAND ELEMENTARY SCHOOL (SCHOOL) PLAYFIELD, LOCATED AT 7540 EAST TREASURE DRIVE, NORTH BAY VILLAGE, TO INSTALL A UTILITY MAIN ALONG A PORTION OF THE SCHOOL; AND
2. A PERMANENT GRANT OF EASEMENT WITH THE CITY FOR THE UTILITY MAIN

**COMMITTEE: FACILITIES AND CONSTRUCTION REFORM**

**LINK TO STRATEGIC FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY**

#### Background

The City of North Bay Village (City) is currently replacing its old sewer force main pipe with a new 16-inch sewer force main system. To facilitate this work, the City recently approached the District with a request to install the main along a portion of the Treasure Island Elementary School (School) campus, located at 7540 East Treasure Drive. The area in question is generally located along the extreme western boundary of the School campus and measures approximately 10 feet wide by 674.7 feet long (approximately 6,747 square feet).

#### Additional Information

According to the City, installing the main along a portion of the School campus, as described above, rather than entirely within the adjacent public right-of-way, is expected to reduce the overall length of the pipe by approximately 500 feet, minimize impact to the community and reduce the City's project costs by over \$70,000. To accomplish the work, the City is requesting that the Board consider granting two easements:

1. a temporary construction easement to provide site access for construction activities; and
2. a permanent utility easement to allow future maintenance of the main, as necessary (see location map).

The City has advised that the area necessary for temporary construction activities is the same as the area of the proposed permanent easement. As such, the legal description of both easement areas is the same. The work will be accomplished at the sole cost and expense of the City and will be confined to the temporary construction easement area. All on-site construction activities will be coordinated with the School principal and other District staff to minimize disruption during School hours. The City will initiate the work during the summer, and anticipates completing the work on the School site within two weeks from commencement. Once completed, the area of work will be restored to a condition as good or better as currently exists.

The School principal and Region II Superintendent have advised that the City has maintained a long-standing and mutually beneficial relationship with the School, with the City providing support to the School through the funding of a DARE Officer assigned to the School, a custodial supervisor for after school activities in the School's athletic field and School use of an adjacent City owned Tot-Lot. Given the above, the Principal and Region II Superintendent recommend that the District provide the City with the proposed temporary construction easement and permanent utility easement. Terms and conditions of the proposed easements are, substantially, as follows:

#### Temporary Construction Easement

- the easement area shall only be used by the City to facilitate access to, and installation of, the utility line, as well as for the temporary storage of equipment and materials related to the work;
- the easement shall terminate 90 days following completion of construction activities or one year from execution of the agreement, whichever occurs first;
- upon completion of the work, the City shall assure that the site is in compliance with all applicable building, safety and health codes, and shall restore the site to the same or better condition as existed before construction;
- the City shall create a safety buffer zone by installing and maintaining a temporary fence during the term of this agreement, which shall separate the easement area from the balance of the School site;
- the City and the contractor doing the work shall indemnify the Board from all liability, and the Board shall be named as an additional insured on the contractor's insurance policy; and
- the City shall coordinate its on-site work with District staff in such a manner as to minimize interference with ingress, egress and access to the School site, and shall require its contractor to implement appropriate safety precautions during the work.

The proposed Temporary Construction Easement consists of approximately 6,747 square feet or 0.15 acres, more or less. The area is legally described in Exhibit "A" attached hereto.

### Permanent Utility Easement

- the site shall only be used for the installation and operation of sewage transmission facilities, and may not be used for the installation of such things as electrical power transmission lines or cell towers;
- in the event the City discontinues its use of the utility main, all rights granted to the City under the Permanent Utility Easement shall cease;
- the District may construct, use and maintain paved walkways, driveways and landscaping over this area. In the event the City impacts these improvements as a result of its maintenance activities, it shall replace same at its sole cost and expense; and
- the City shall coordinate repairs within the site with School staff in such a manner as to minimize interference with ingress, egress and access to the School site, and shall require its contractor to implement appropriate safety precautions during the work.

The proposed Permanent Utility Easement consists of approximately 6,747 square feet or 0.15 acres, more or less. The area is legally described in Exhibit "B", attached hereto.

The Principal of Treasure Island Elementary School, Regional Center II Superintendent, and Office of School Facilities recommend the granting of both the proposed Temporary Construction Easement and Permanent Utility Easement. Both documents will be reviewed and approved 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 and for the Chair and Secretary to execute:

- 1) a Temporary Construction Easement Agreement with the City of North Bay Village in order to allow the City to access a portion of the Treasure Island Elementary School playfield, located at 7540 East Treasure Drive, North Bay Village, to install a utility main along a portion of the School, in substantial conformance with the terms and conditions described above; and
- 2) a Permanent Grant of Easement with the City for the utility main, in substantial conformance with the terms and conditions described above.

RL:

# LOCATION MAP

KENNEDY CSWY  
79TH STREET CSWY

Easement

E TREASURE DR

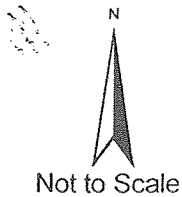
MUTINY AVE

Treasure Island ES

GALLEON ST

JEWEL AVE

S TREASURE DR



Not to Scale

EXHIBIT "A"

SKETCH & DESCRIPTION FOR:  
**10' EASEMENT**

A PORTION OF TRACT B - FIRST ADDITION TO TREASURE ISLAND (PLAT BOOK 53, PAGE 65, M.D.C.R.)  
NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA

LAND DESCRIPTION:

A portion of Tract B, FIRST ADDITION TO TREASURE ISLAND, according to the plat thereof, as recorded in Plat Book 53, Page 65, of the Public Records of Miami-Dade County, Florida, described as follows:

A 10 foot strip of land for an Easement being 5 feet of each side of the following described centerline:

COMMENCE at the northwest corner of said Tract B, thence S01°37'08"E, along the west line of said Tract B, 51.76 feet to the POINT OF BEGINNING of said centerline; thence S46°10'59"E, 16.61 feet; thence S01°18'36"E, 508.24 feet; thence S46°18'36"E, 14.14 feet; thence N88°41'24"E, 103.29 feet; thence S46°37'12"E, 14.21 feet; thence S01°37'02"E, 18.23 feet to the POINT OF TERMINATION of said centerline, said point being on the north line of the plat PORTION OF TRACT B FIRST ADDITION TO TREASURE ISLAND, according to the plat thereof, as recorded in Plat Book 57, Page 6, of the Public Records of Miami-Dade County, Florida.

Side lines of said 10 foot Easement are to be prolonged or shortened to coincide with west line of said Tract B and the north line of said plat PORTION OF TRACT B FIRST ADDITION TO TREASURE ISLAND to form a continuous strip of land.

Said lands situate and being in North Bay Village, Miami-Dade County, Florida.

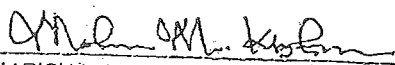
SURVEYOR'S NOTES:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Bearings shown hereon are relative to the plat, FIRST ADDITION TO TREASURE ISLAND, based on the west line of Tract B having a bearing of S01°37'08"E.
5. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
6. Abbreviation Legend:  $\text{C}$  = Centerline; L.B. = Licensed Business; M.D.C.R. = Miami-Dade County Records; P.B. = Plat Book; P.O.B. = Point of Beginning; P.O.C. = Point of Commencement; P.O.T. = Point of Termination; P.S.M. = Professional Surveyor & Mapper.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Minimum Technical Standards set forth in Chapter 5J-17.05, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 4/9/2010

  
 MARISHA M. KREITMAN, P.S.M.  
 Florida Registration No. 6555  
 AVIROM & ASSOCIATES, INC.  
 L.B. No. 3300

REVISIONS

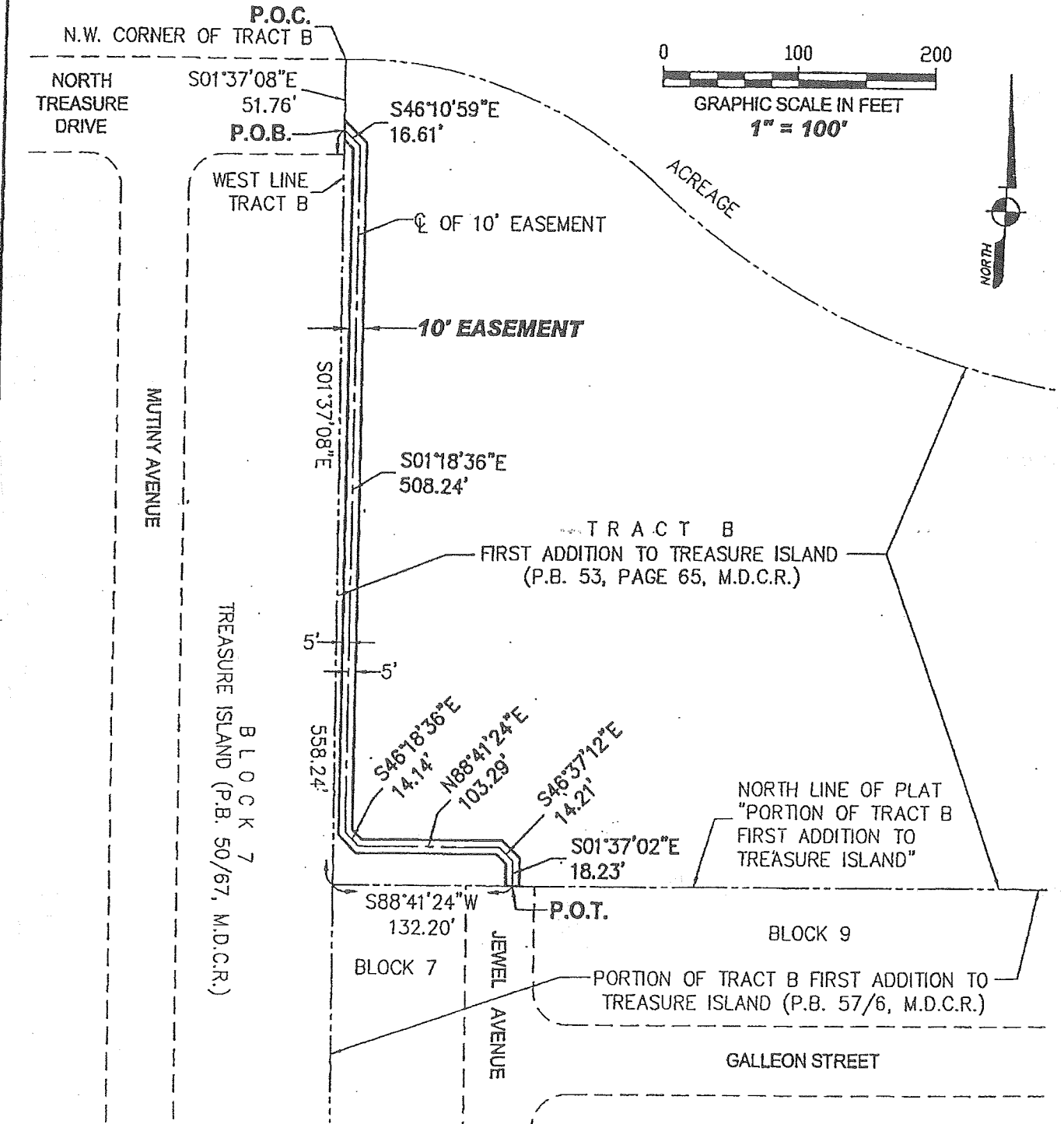


**AVIROM & ASSOCIATES, INC.**  
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JOB #:	5662-17
SCALE:	1" = 100'
DATE:	04/09/2010
BY:	M.M.K.
CHECKED:	
F.B.	N/A
PG.	N/A
SHEET	1 OF 2

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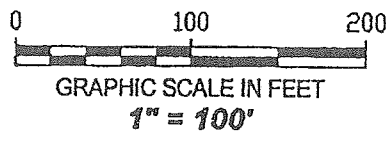
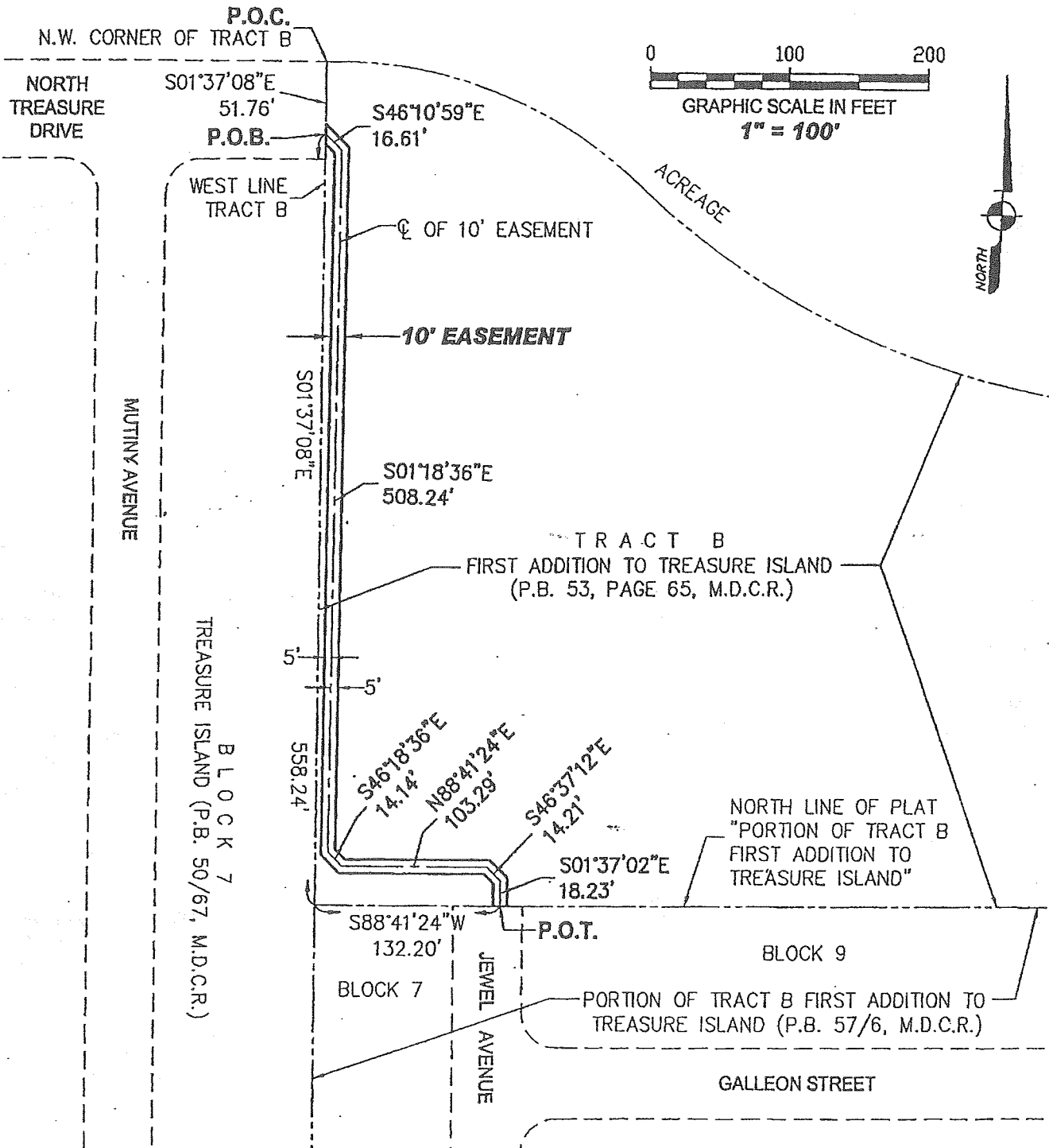


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