

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

SUBJECT: 1) AUTHORIZE THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND EXECUTE AN AMENDMENT TO THE USE AGREEMENT BETWEEN THE SCHOOL BOARD AND THE CITY OF MIAMI BEACH, FOR STAFF PARKING AT NORTH BEACH ELEMENTARY SCHOOL, LOCATED AT 4100 PRAIRIE AVENUE, MIAMI BEACH; AND

2) RENEW THE USE AGREEMENT FOR THE PERIOD COMMENCING JULY 23, 2011, AND ENDING JULY 22, 2016, AS AMENDED

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

LINK TO STRATEGIC FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY

Background

Since July 2001, the Board has leased parking spaces from the City of Miami Beach (City) for use by staff at North Beach Elementary School (School), located at 4100 Prairie Avenue, Miami Beach (see location map). Under the terms of the use agreement (Agreement), the School has the right to use 24 metered parking spaces along 42nd Street (Metered), and 24 dedicated parking spaces in the City surface lot on 42nd Street (Dedicated), for a total of 48 parking spaces. The current term of the Agreement expires July 22, 2011, and the Board may, with the mutual consent of the City, renew the Agreement for a five-year period commencing July 23, 2011, and ending July 22, 2016, by providing the City with one year prior written notice.

Under the terms of the Agreement, there is no charge to the District for the 24 Metered spaces. The District currently pays \$30 per space per month for the 24 Dedicated spaces; however, rent is only charged for six months each year, resulting in an effective annual rental rate of \$4,320. The City has advised that effective with the renewal of the Agreement (July 23, 2011), the current rental rate of \$30 per parking space per month for the Dedicated spaces will be increased to \$35 per parking space per month. This is the first increase in rent requested by the City since the Agreement commenced in 2001.

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District staff contacted the School and was advised that only 30 parking spaces are currently required, as opposed to the 48 spaces now being leased. The City has agreed to decrease the total number of spaces leased to the District in the Metered and Dedicated parking areas from 24 to 15 in each category, for a total of 30 spaces, effective July 23, 2010. The City will continue to charge rent for the 15 Dedicated spaces for only six months of the year. This will reduce our current annual rental rate from \$4,320 to \$2,700 for the period of July 23, 2010 through July 22, 2011. Effective July 23, 2011, the rental rate will increase from \$30 per space to \$35 per space per month, resulting in an effective annual rental rate of \$3,150; a decrease of \$1,170 over the amount currently being paid by the District.

Proposed Amendment and Renewal

Given the School's continuing need for off-site parking facilities, and the lack of suitable alternate Board-owned locations to accommodate this need, it is recommended that the Agreement be amended to provide, substantially, the following terms and conditions, and that the Agreement be renewed for the five-year period commencing July 23, 2011, and ending July 22, 2016, as amended:

- the total number of parking spaces available to the School shall be reduced from 48 to 30 effective July 23, 2010, at the current rental rate of \$30 per parking space per month, and shall consist of 15 Metered parking spaces along 42nd Street and 15 Dedicated parking spaces in the City surface lot on 42nd Street;
- effective July 23, 2011, the current rental rate of \$30 per parking space per month shall increase to \$35 per parking space per month for the 15 Dedicated spaces, with rent only charged for six months of each year, resulting in an effective annual rental rate of \$3,150. There shall be no charge to the District for use of the 15 Metered spaces; and
- in the event of any litigation between the parties under this Agreement, each Party shall be responsible for its own attorney's fees and court costs through trials and appellate levels.

All other terms and conditions of the current Agreement will remain unchanged, including:

- unlimited five year renewal option periods, with the mutual consent of the District and the City;
- the District shall have use of the Metered parking spaces from 7:00 a.m. to 7:00 p.m., Monday through Friday, year round;
- the District shall have use of the Dedicated parking spaces from 7:00 a.m. to 7:00 p.m., Monday through Friday; beginning on the earlier of September 1 or the date that teachers are to report to work, and ending on the earlier of June 30 or the last date that teachers report for work, but in no event more than a maximum of 10 months each year;

- the City, on an annual basis, may conduct a review of parking usage within the surface lot. In the event the City determines that the District's use of the Dedicated parking spaces in the surface lot prohibits the City from meeting increased public demand for this parking facility, resulting in a loss of revenue to the City, the City may require an increase in rent. The City shall notify the District in writing of any such increase in rent, and the increase shall be effective 180 days after receipt of the notice, subject to Board review and approval;
- the City shall provide decals to the District, and erect proper signage in order to clearly specify and make available the parking spaces to the District during the District's period of use. All unauthorized vehicles in the demised premises during the District's period of use, shall be removed by the City;
- either party may cancel the Agreement at any time with 180 days prior written notice;
- the parties shall each indemnify and hold the other harmless to the extent and within the limitations of Florida Statutes;
- the City shall have sole responsibility to pay utility costs and maintain the demised premises; 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.

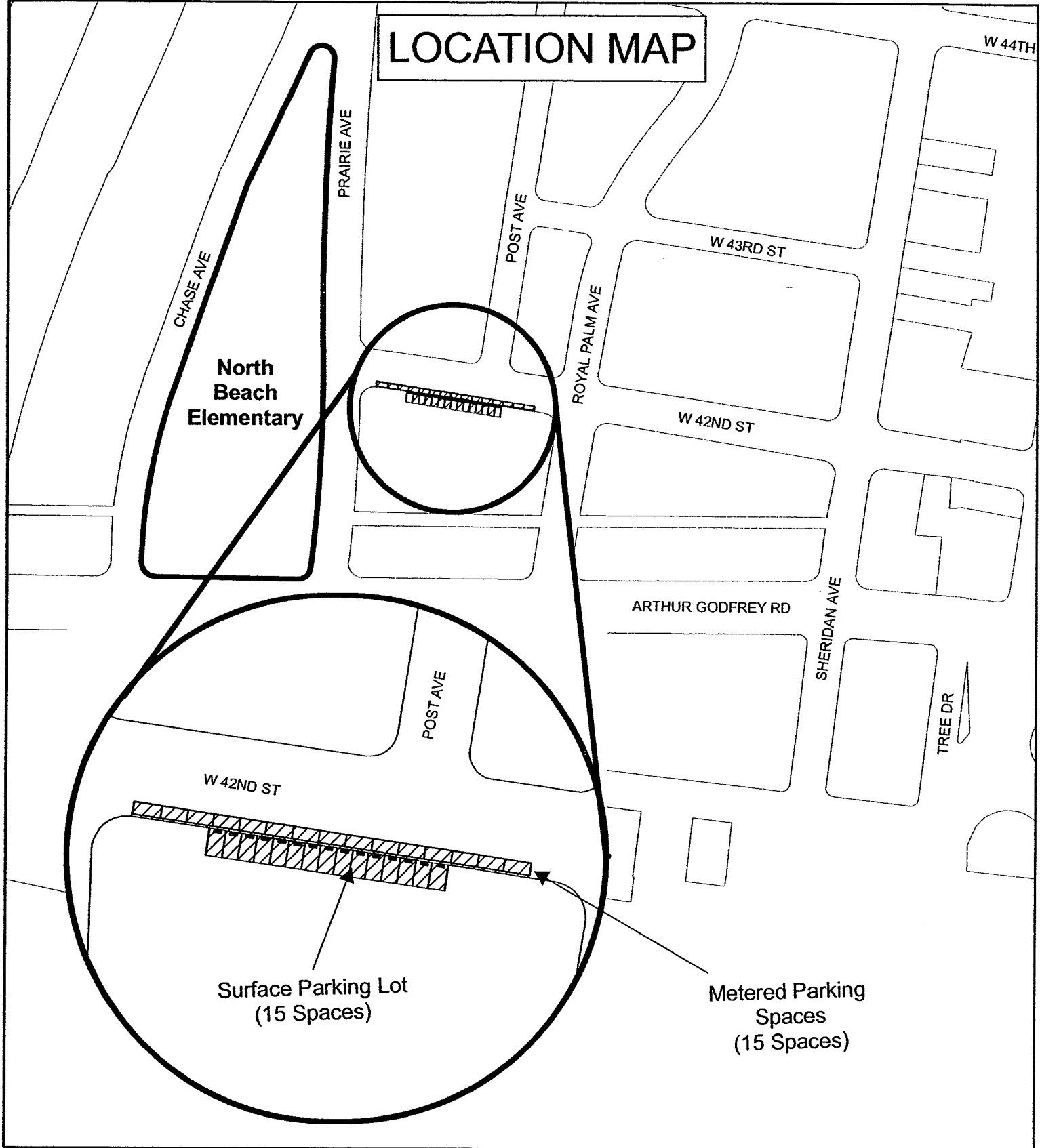
The principal of North Beach Elementary School and the Region Center II Superintendent recommend entering into the proposed amendment, as well as renewing the Agreement. The proposed amendment will be reviewed by the School Board Attorney's Office, and Office of Risk and Benefits Management prior to execution.

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

- 1) the Superintendent to finalize negotiations and execute an amendment to the use agreement between the School Board and the City of Miami Beach, for staff parking at North Beach Elementary School, located at 4100 Prairie Avenue, to reduce the number of parking spaces from 48 to 30 effective July 23, 2010, and substantially in conformance with the other terms and conditions set forth above; and
- 2) the renewal of the use agreement, for the period commencing July 23, 2011, and ending July 22, 2016, as amended, at an annual rental rate of \$3,150.

IB:

LOCATION MAP



LEGEND



Demised Premises
(Total of 30 Parking Spaces)



Not to scale