

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

- SUBJECT:**
- 1) **AUTHORIZE THE CHAIR AND SECRETARY TO EXECUTE THE NECESSARY DOCUMENTS TO DEDICATE APPROXIMATELY 158 SQUARE FEET OF BOARD-OWNED LAND AT THE CORNER OF NW 37 AVENUE AND NW 191 STREET, ADJACENT TO BARBARA HAWKINS ELEMENTARY SCHOOL, LOCATED AT 19010 NW 37 AVENUE, TO MIAMI-DADE COUNTY, FOR RIGHT-OF-WAY PURPOSES; AND**
 - 2) **AUTHORIZE THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND EXECUTE A CONSTRUCTION ACCESS AGREEMENT WITH MIAMI-DADE COUNTY TO FACILITATE CONSTRUCTION ACTIVITIES AT THE SCHOOL**

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

LINK TO

STRATEGIC FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY

Background

Miami-Dade County (County) will be making sidewalk improvements along NW 37 Avenue, between NW 183 Street and NW 191 Street, in order to comply with requirements of the Americans with Disabilities Act (ADA). As part of the project, the County has advised that a portion of the sidewalk at the corner of NW 37 Avenue and NW 191 Street, adjacent to Barbara Hawkins Elementary School (School), needs to be widened to meet ADA criteria, and has requested dedication of approximately 158 square feet of Board-owned land for this purpose (see location map). In addition, the County will be relocating a section of the School's perimeter fence located within the area of dedication, at its sole cost and expense, which will require access to portions of the School, on an interim basis. As such, a Construction Access Agreement between the parties will also be required to facilitate the fence relocation.

Right-of-Way Dedication

The strip of land to be dedicated to the County totals approximately 158 square feet, or 0.00362 acres, more or less, and is more fully described in Exhibit "A" attached hereto.

Construction Access Agreement

The proposed Construction Access Agreement (Agreement) will allow the County and its contractor access to portions of the School under, substantially, the following terms and conditions:

- the term shall commence upon execution of the Agreement by both parties, and shall terminate one year thereafter, or upon the County's completion of the work within the construction access area, whichever occurs first. The Superintendent may, upon receipt of a written request from the County, extend the term by up to six additional months;
- the County shall have access to certain portions of the School property solely for the purpose of relocating the School's chain-link fence to the new property line at the corner of NW 37 Avenue and NW 191 Street, and other activities directly related to the County's project, which access shall be previously authorized by and coordinated with the School principal;
- all work shall be done at the County's sole cost and expense and shall be scheduled and coordinated with the School principal so as not to interfere with or disrupt the operations of the School;
- the County shall hold harmless and indemnify the School Board, subject to the limitations of Florida Statutes;
- as a precondition to commencing the work, the County's contractors 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 an additional insured;
- the County shall assure that all construction work is completed in a good and workmanlike manner, using contractors who are licensed, insured and fully bonded, evidence of which shall be provided to the Board prior to commencement of any work on School property;
- the County shall restore the School property affected by the construction activities to a condition that is safe and usable, and as good or better than previously existed;
- the County and its contractors 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;
- the County and its contractors shall work closely with the School principal to assure that the work does not interfere with or disrupt the operations of the School;
- the County and its contractors shall comply with all applicable laws, rules, regulations, ordinances and codes of all governmental authorities, including, without limitation, the Florida Building Code, the Americans with Disabilities Act and the Jessica Lunsford Act; and

- for purposes of this Agreement, the Superintendent of Schools shall be the party designated by the Board to grant or deny all modifications and approvals required by this Agreement, including extending the term for a period not to exceed six months, if so requested in writing by the County, or to cancel and/or terminate this Agreement.

The Agreement and 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 and the North Region Superintendent concur with the proposed Agreement and land dedication.

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

- 1) authorize the Chair and Secretary to execute the necessary documents to dedicate approximately 158 square feet of Board-owned land at the corner of NW 37 Avenue and NW 191 Street, adjacent to Barbara Hawkins Elementary School, located at 19010 NW 37 Avenue, to Miami-Dade County, for right-of-way purposes; and
- 2) authorize the Superintendent to finalize negotiations and execute a Construction Access Agreement with Miami-Dade County to facilitate construction activities at the School, under, substantially, the terms and conditions noted above.

MCA:mca

LOCATION MAP

Relocated school fence

N.W. 191 STREET

N.W. 39TH AVENUE

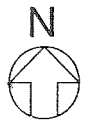
N.W. 37TH AVENUE

Barbara Hawkins Elementary School

Legend



Land to be dedicated
(158 square feet)



Not to scale

EXHIBIT "A"

LEGAL DESCRIPTION: (Fee Simple)

A portion of Tract 65, MIAMI GARDENS, according to the plat thereof recorded in Plat Book 2, Page 96 of the Public Records of Miami—Dade County, Florida, lying in Section 5, Township 52 South, Range 41 East, being more particularly described as follows:

Commence at the Northeast corner of the Southeast 1/4 of said Section 5; thence South $00^{\circ}16'47''$ West along the East line of the said Southeast 1/4 for a distance of 66.11 feet; thence North $89^{\circ}43'13''$ West for a distance of 35.00 feet to the **POINT OF BEGINNING** of the herein described parcel; thence North $44^{\circ}43'13''$ West for a distance of 4.95 feet; thence North $00^{\circ}16'47''$ East, along a line 38.50 feet west of and parallel to the said East line of the Southeast 1/4 of Section 5 for a distance of 2.50 feet to a point of curvature of a circular curve concave to the southwest, having a radius of 21.50 feet; thence northwesterly along said curve to the left, through a central angle of $90^{\circ}06'12''$ for an arc distance of 33.81 feet to a point of tangency; thence North $89^{\circ}49'25''$ West for a distance of 2.50 feet; thence North $44^{\circ}49'25''$ West for a distance of 4.95 feet; thence South $89^{\circ}49'25''$ East along a line 35.00 feet south of and parallel to the North line of said Southeast 1/4 of Section 5 for a distance of 6.00 feet to a point of curvature of a circular curve concave to the southwest, having a radius of 25.00 feet; thence southeasterly along said curve to the right, through a central angle of $90^{\circ}06'12''$ for an arc distance of 39.32 feet to a point of tangency; thence South $00^{\circ}16'47''$ West, along a line 35.00 feet west of and parallel to the said East line of the Southeast 1/4 of Section 5 for a distance of 6.00 feet to the **POINT OF BEGINNING**.