

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

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

- 1) THE NECESSARY DOCUMENTS TO DEDICATE APPROXIMATELY 23,689 SQUARE FEET OF BOARD-OWNED LAND ALONG THEORETICAL NE 16 AVENUE, ADJACENT TO DR. MICHAEL M. KROP SENIOR HIGH SCHOOL, LOCATED AT 1410 NE 215 STREET, TO MIAMI-DADE COUNTY, FOR RIGHT-OF-WAY PURPOSES; AND
- 2) A TEMPORARY CONSTRUCTION ACCESS AGREEMENT WITH MIAMI-DADE COUNTY TO FACILITATE CONSTRUCTION ACTIVITIES AT THE SCHOOL; AND
- 3) ANY OTHER DOCUMENTATION OR AGREEMENTS THAT MAY BE NECESSARY TO FULLY EFFECTUATE THE ABOVE

**COMMITTEE: FACILITIES AND CONSTRUCTION REFORM**

**LINK TO**

**STRATEGIC FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY**

#### Background

Miami-Dade County (County), operates the 92-acre Ives Estates Park (Park), which is located immediately east of and adjacent to Dr. Michael M. Krop Senior High School (School). Significant portions of the Park are utilized by the School under a Joint Use Agreement. The Park's entrance is via theoretical NE 16 Avenue, a small portion of which runs through Board-owned land and is currently not dedicated as public right-of-way (see location map). The road continues past the Park entrance, entirely on Board-owned land, and serves as the access to the School's bus drop-off area and student parking. The County is in the process of finalizing a Plat of the Park, including the dedication of roadways used by the public and leading up to the Park entrance; dedicating the small piece that presently runs through Board-owned property and is used by the public as a right-of-way would eliminate potential liability to the Board.

#### Right-of-Way Dedication

In order to facilitate the proposed Plat, the County has requested the dedication of approximately 23,689 square feet of Board-owned land along a portion of theoretical NE 16 Avenue for use as public right-of-way. In return, the County has agreed to relocate

portions of the existing chain-link fence, and to install a speed-bump on the portion of roadway extending beyond the Park entrance. All work, which will be done at the County's sole cost, will require access to portions of the School on an interim basis; therefore, a Temporary Construction Access Agreement between the parties will also be required to facilitate the construction of the work. The strip of land to be dedicated to the County is more fully described in Exhibit "A" attached hereto.

#### Temporary Construction Access Agreement

The proposed Temporary Construction Access Agreement (Agreement) will contain, substantially, the following terms and conditions:

- the term shall commence upon execution of the Agreement by both parties, and shall terminate two years 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 portions of vacant Board-owned land and the School solely for the purpose of relocating portions of the chain-link fence and gate located along theoretical NE 16 Avenue, and construction of a speed-bump on the portion of roadway extending beyond the Park entrance, 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 Board-owned property;
- the County shall restore the Board-owned 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, including, without limitation, bus drop-off in the mornings and bus pick-up in the afternoons;
- 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 to the extent required by applicable law; 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.

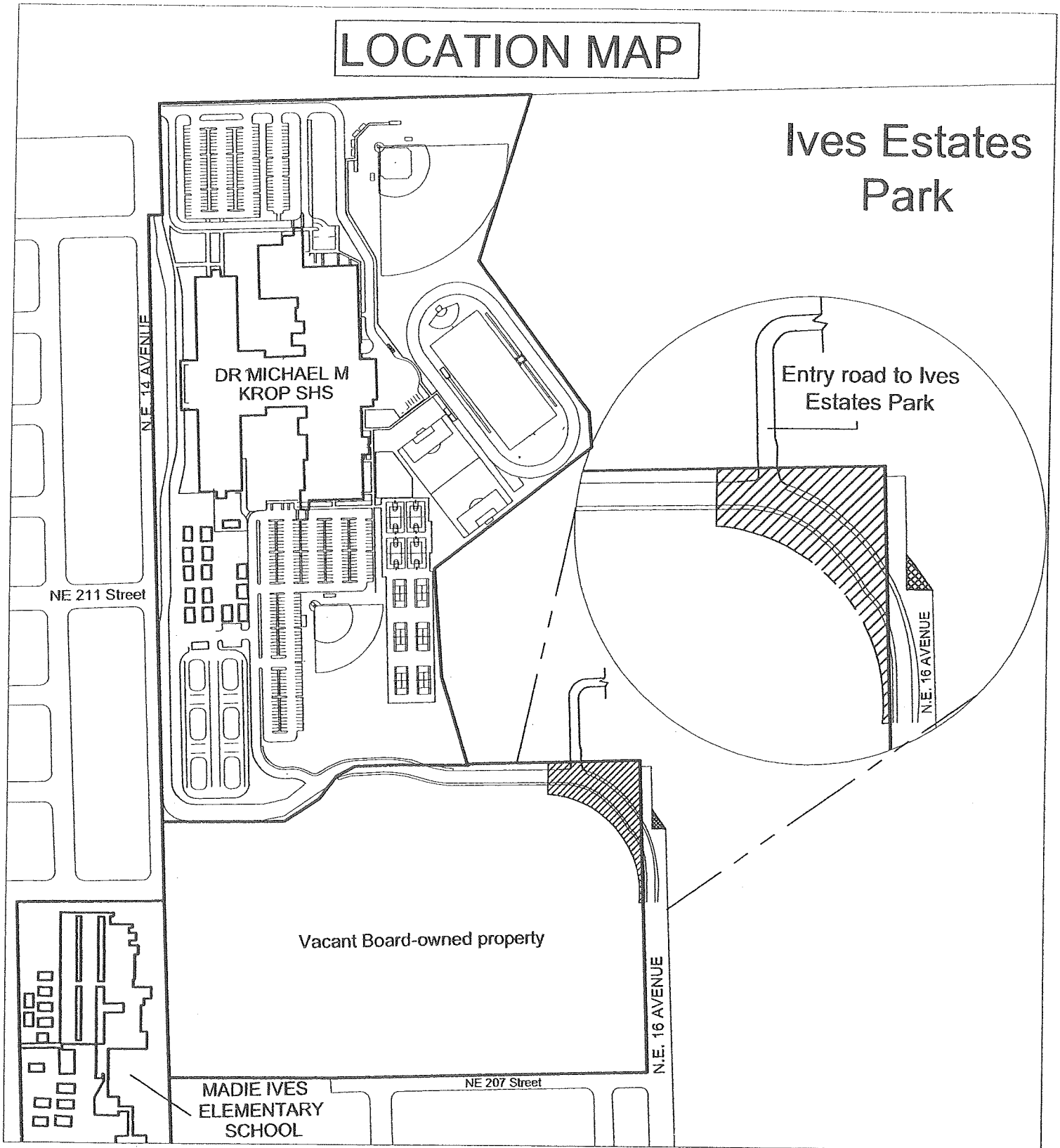
The Agreement, conveyance documents and any other documents that may be necessary to effectuate the land dedication and construction access will be reviewed by the School Board Attorney's Office and the Office of Risk and Benefits Management prior to execution. The School Principal and the North Regional Center Superintendent concur with the proposed Agreement and land dedication.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent to finalize negotiations and for the Chair and Superintendent to execute:



- 1) the necessary documents to dedicate approximately 23,689 square feet of Board-owned land along theoretical NE 16 Street, adjacent to Dr. Michael M. Krop Senior High School, located at 1410 NE 215 Street, to Miami-Dade County, for right-of-way purposes;
- 2) a Temporary Construction Access Agreement with Miami-Dade County to facilitate related construction activities, under, substantially, the terms and conditions noted above;
- 3) any other documentation or agreements that may be necessary to fully effectuate the above noted transactions.

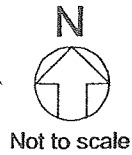
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# LOCATION MAP



**Legend**

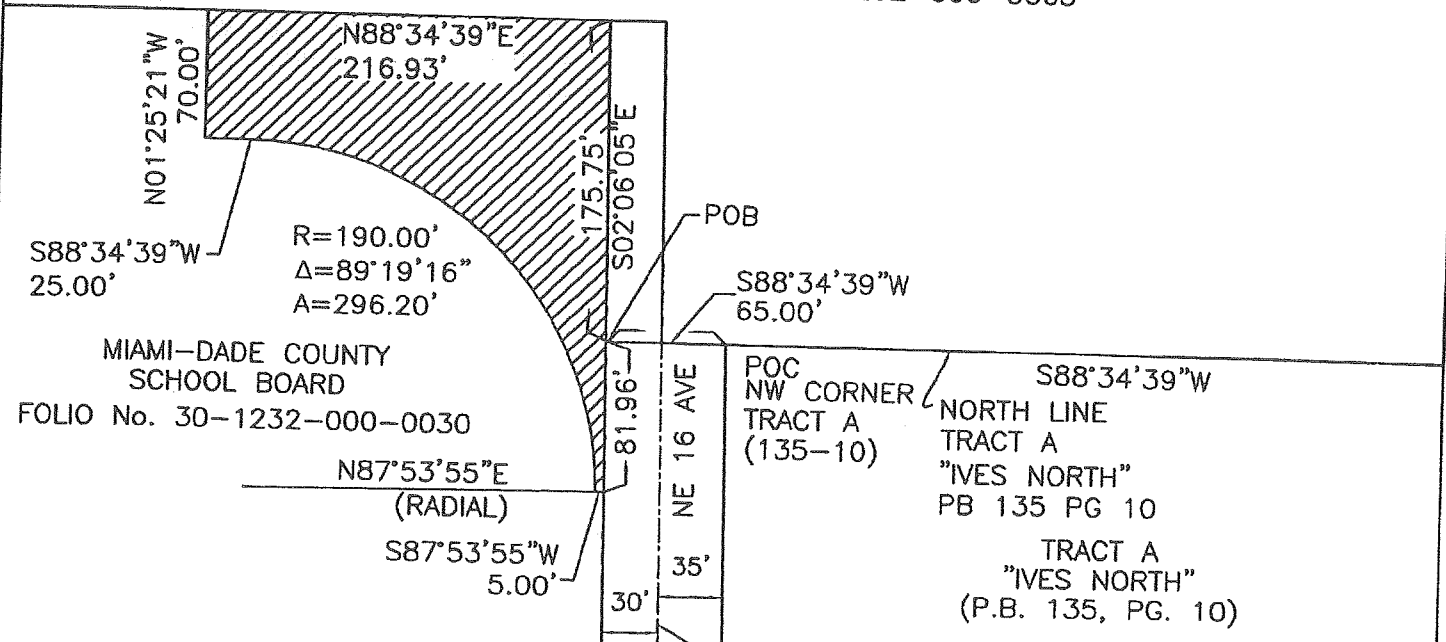
-  RW to be dedicated by MDCPS
-  RW to be dedicated by Miami-Dade Park Department



# RIGHT OF WAY SKETCH



IVES ESTATES  
PARK  
FOLIO No. 30-1232-000-0065



**NOTES**  
 THIS IS NOT A SURVEY  
 POB DENOTES POINT OF BEGINNING  
 POC DENOTES POINT OF COMMENCEMENT  
 P.B. DENOTES PLAT BOOK  
 PG. DENOTES PAGE  
 R DENOTES RADIUS  
 A DENOTES ARC  
 Δ DENOTES DELTA

CERTIFIED TO:  
 THE SCHOOL BOARD OF MIAMI-DADE COUNTY,  
 FLORIDA, ITS SUCCESSORS AND/OR ASSIGNS;  
 WALTER J. HARVEY, ESQ., SCHOOL BOARD ATTORNEY

PREPARED BY:  
**AYLWARD ENGINEERING & SURVEYING, INC.**

3222 Ridge Trace  
 Davie, Florida 33328  
 954-424-5852 or 305-827-2216  
 LB No. 5183  
 DATE: 9/3/2010, Rev. 9/9/2010  
 PROJECT No. 09-101

*(Signature)*  
 SHARON AYLWARD COX, P.S.M. 5450  
 THIS SURVEY NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

# LEGAL DESCRIPTION

A portion of the Northeast  $\frac{1}{4}$  of Section 32, Township 51 South, Range 42 East, more particularly described as follows:

Commence at the Northwest Corner of Tract A of "IVES NORTH" as recorded in Plat Book 135 at Page 10 of the Public Records of Miami-Dade County, Florida: thence run  $S88^{\circ}34'39''W$  along the Westerly extension of the North line of said Tract A for 65.00 feet to a point on the West Right of Way line of NE 16th Avenue and the Point of Beginning; thence run  $S02^{\circ}06'05''E$  along the West Right of Way line of NE 16th Avenue for 81.96 feet; thence run  $S87^{\circ}53'55''W$  for 5.00 feet to a point on the arc of a circular curve; said point bears  $N87^{\circ}53'55''E$  from its center; thence run Northerly and Easterly along the arc of said curve, having a radius of 190.00 feet, through a central angle of  $89^{\circ}19'16''$  for an arc distance of 296.20 feet to the point of tangency; thence run  $S88^{\circ}34'39''W$  for 25.00 feet; thence run  $N01^{\circ}25'21''W$  for 70.00 feet; thence run  $N88^{\circ}34'39''E$  for 216.93 feet to the West Right of Way line of NE 16th Avenue; thence run  $S02^{\circ}06'05''E$  along the West Right of Way line of NE 16th Avenue for 175.75 feet to the Point of Beginning.

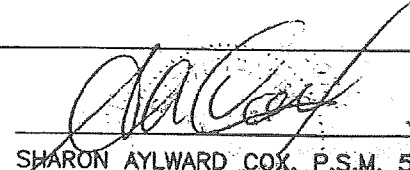
Containing  $\pm 23689$  SF

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SHEET 2 OF 2

  
SHARON AYLWARD COX, P.S.M. 5450

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MAPPER.