

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

SUBJECT: AUTHORIZATION FOR THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE SCHOOL BOARD (AS LESSOR) AND THE UNIVERSITY OF MIAMI (AS LESSEE), FOR USE OF THE BASKETBALL COURT AND SAND VOLLEYBALL COURT AT HENRY S. WEST LABORATORY SCHOOL, LOCATED AT 5300 CARILLO STREET, CORAL GABLES, FLORIDA

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

LINK TO

STRATEGIC FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY

Background

Since January 2008, the University of Miami (UM) has utilized the basketball court and sand volleyball court (demised premises), located on the southeast corner of Henry S. West Laboratory School (see location map), under a Lease Agreement (Agreement), with the Board. The current term of the Agreement will expire on January 24, 2013, and UM has requested a five year renewal (January 25, 2013 through January 24, 2018). The Agreement allows such an extension, subject to approval by the Board.

Proposed Amendment to Lease Agreement

The Principal of Henry S. West Laboratory School and the Region Superintendent, Central Region Office, recommend amending the Agreement to extend the term for the period of January 25, 2013 through January 24, 2018. No physical improvements requiring the use of District funds will be necessary as a result of the proposed Board action.

In addition, and in compliance with current Board policy, the Agreement will be further amended to include, substantially, the following terms and conditions:

- the Agreement is and shall be subject and subordinate to any conveyance and ground or underlying leases and the rights of the Board under those leases, and to all financing that may now or hereafter affect the leases or the Board-owned property, and to all renewals, modifications, consolidations, replacements and extensions thereof; and
- for purposes of the Agreement, the Superintendent of Schools shall be the party designated by the Board to grant or deny any modifications and

approvals required by the Agreement, including without limitation amending any of the exhibits to the Agreement, placing UM in default, renewing the Agreement, or canceling and/or terminating the Agreement.

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

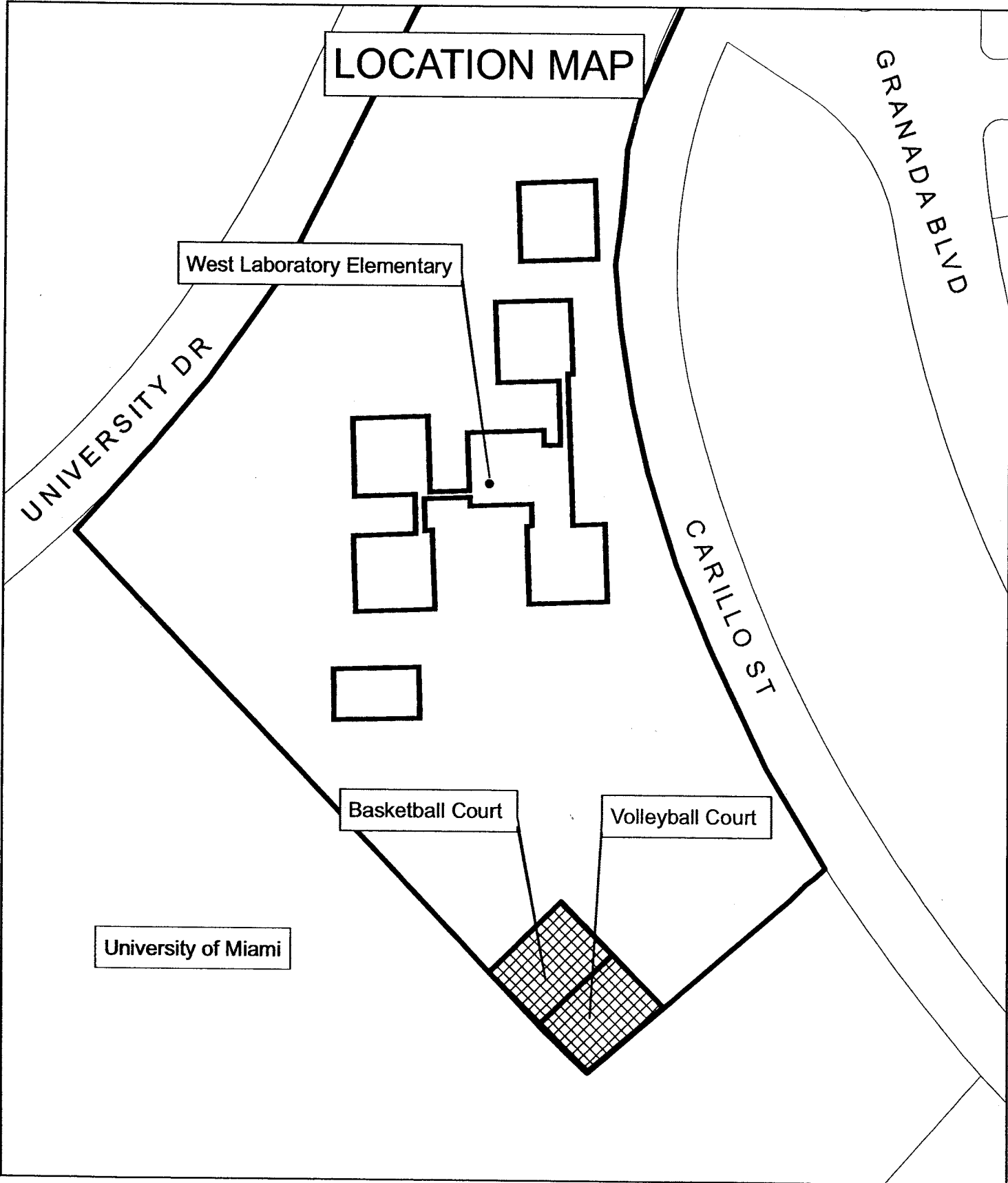
- annual rental rate of \$1;
- the District shall have full control, custody, right and use of the demised premises during regular school hours on regular school days, and at such other times as required for school sponsored activities, events or functions;
- UM shall have full control, custody, right and use of the demised premises for recreational purposes after school on regular school days, and on weekends and holidays from 7:00 a.m. until 11:00 p.m.;
- UM shall be responsible for providing all maintenance, upkeep and repairs to the demised premises and recreational improvements, including all fences and gates along the perimeter of the demised premises;
- UM shall be responsible for all utilities, if any, relating to its use of the demised premises; and
- in addition to Damage & Destruction or Default, which default is not cured, either party may cancel the Agreement at any time, with 180 days prior written notice.

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 the Superintendent to finalize negotiations and execute an amendment to the lease agreement between the School Board (as Lessor) and the University of Miami (as Lessee), for use of the basketball court and sand volleyball court at Henry S. West Laboratory School, located at 5300 Carillo Street, Coral Gables, Florida, to extend the term for the period of January 25, 2013 through January 24, 2018, and substantially in conformance with the additional terms and conditions noted above.

IBJ:ibj

LOCATION MAP




University of Miami

Basketball Court

Volleyball Court

West Laboratory Elementary

Legend

 Demised Premises
(not to scale)

