

Facilities Planning and Construction
Paul J. Phillips, Chief Facilities Officer

SUBJECT: AUTHORIZATION TO EXECUTE A LEASE AGREEMENT AND GRANT OF EASEMENT AGREEMENT WITH MIAMI-DADE COUNTY FOR THE PLACEMENT AND OPERATION OF AIRCRAFT NOISE MONITOR EQUIPMENT AT THE JOHN I. SMITH ELEMENTARY SCHOOL SITE

The Miami-Dade County Aviation Department (County), has approached the District with a request to place aircraft noise monitor equipment at the John I. Smith Elementary School site. This equipment is intended to monitor aircraft noise generated from operations at Miami International Airport. The County will pay all costs associated with installing, maintaining, repairing and operating the equipment and is requesting to lease an area of 64 square feet (see attached location map). The proposed improvements will be configured on the school site for minimal impact to school operations. The terms and conditions of the lease agreement are as follows:

- a ten year term, with one ten-year renewal option period, at the Board's sole option; and
- the annual lease rate shall be \$1.00.

A Management Team meeting was held on November 8, 1999, for direction on negotiating strategies and parameters. Based on this direction, additional terms and conditions of the proposed lease agreement are as follows:

- the County will indemnify the Board for all personal injury claims and any real or personal damage claims arising from its use of the leased area;
- the Board will grant access to the leased area for the collection of data and maintenance of aircraft noise monitor equipment;
- the County shall be responsible for any and all utility costs related to the operation of its equipment;
- either party shall have the right to cancel the lease at any time by giving the other party sixty (60) days prior written notice;
- the County, at its sole cost and expense, will restore the leased area to its original condition upon expiration or cancellation of this agreement; and
- the Superintendent shall be the party designated by the Board to grant or deny all approvals required by this lease or to cancel this lease.

In order to provide the necessary utilities to service the proposed leased area, the County has requested a grant of an easement. The term of the proposed easement will run concurrent with the proposed lease agreement and will be located at the eastern boundary of the school site (see attached location map).

The said easement is legally described as:

That part of the SE 1/4 of the SE 1/4 of the NE 1/4 of Section 20, Township 53 South, Range 40 East, Miami-Dade county, Florida more particularly as follows:

Begin at the Southwest Corner of Tract "A" of DORAL GREENS as recorded in Plat Book 145 at Page 28 of the Miami-Dade County Public Records; thence run N04°44'04"W along the West line of said Tract "A" for 45.00 feet; thence run S85°15'56"W for 10.00 feet; thence run S04°44'04"E for 44.93 feet to the Northerly Right of Way Line of NW 52 Street as shown on the plat of DORAL PARK COUNTRY CLUB VILLAS as recorded in Plat Book 123 at Page 34 of the Miami-Dade County Public Records; said point is on a circular curve concave to the North, having a radius of 673.20 feet and bears S03°53'00"E from the center on said curve; thence Easterly along the arc of said curve and on the said North Right of Way Line of NW 52 Street through a central angle of 0°51'04" for 10.00 feet to the Point of Beginning.

The proposed lease agreement and grant of easement agreement have been reviewed by the School Board Attorney's Office and the Office of Risk and Benefits Management. The Office of Facilities Operations, the Department of Safety, Environment and Hazard Management, the Office of Capital Improvement Projects, and the Region Superintendent for Region III are in agreement with the proposed lease and grant of easement agreements.

A copy of the proposed lease agreement and grant of easement agreement will be placed on file in the Citizen Information Center and the Recording Secretary's Office.

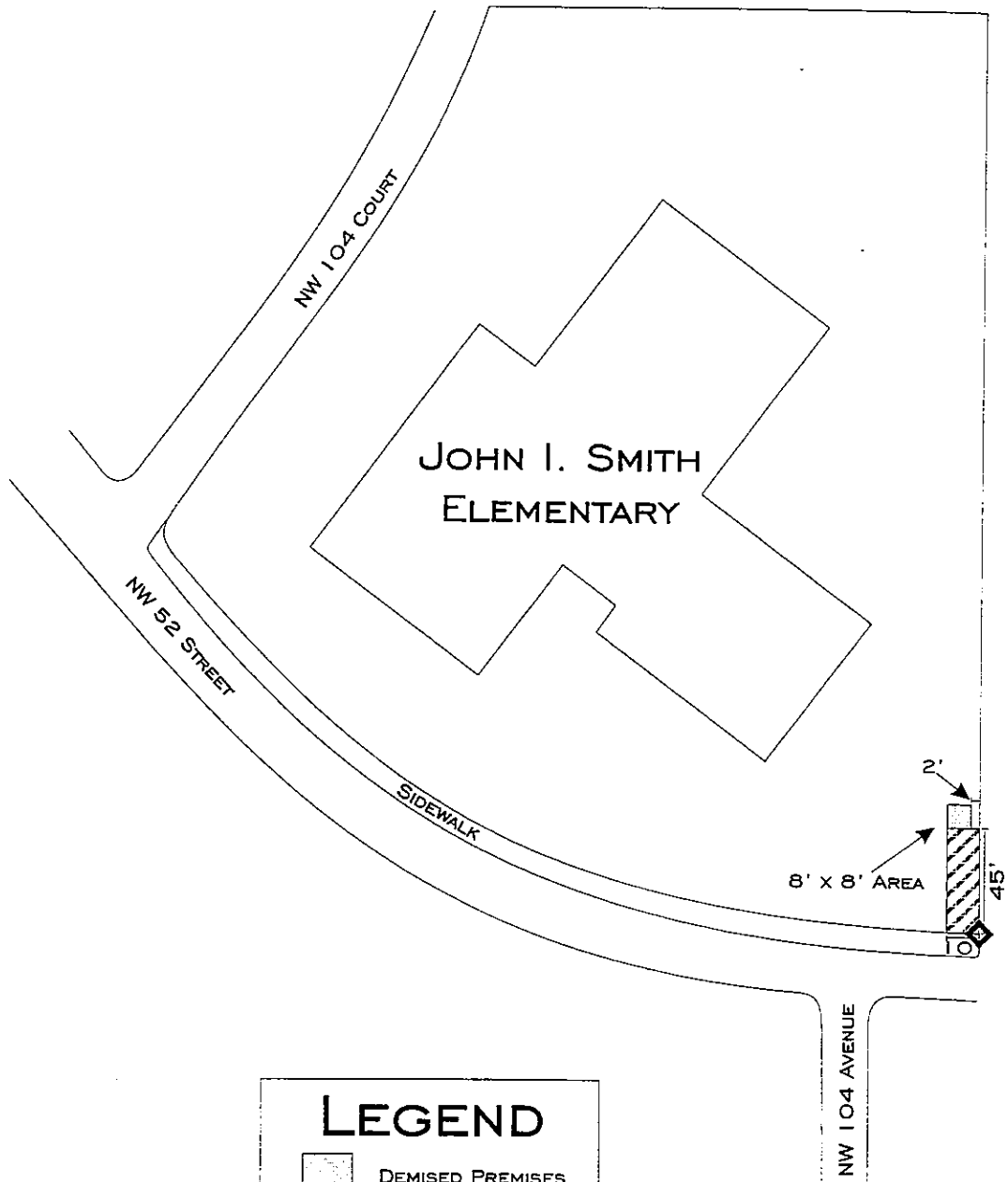
RECOMMENDED:

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




- 1) authorize the Superintendent or his designee to execute a lease agreement with Miami-Dade County, for the operation of aircraft noise monitor equipment at the John I. Smith Elementary School site, at an annual rental amount of \$1.00, and under the terms and conditions set forth above; and
- 2) authorize the Chair and Secretary to execute a grant of easement agreement with Miami-Dade County, for the provision of an easement as described above, for the installation of all necessary utilities to service the leased area.

KC:lbd

LOCATION MAP



LEGEND

-  DEMISED PREMISES
-  UTILITY EASEMENT
-  UTILITY CONNECTION POINT

