

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

**SUBJECT: AUTHORIZATION TO EXECUTE A LEASE AGREEMENT WITH THE
STATE OF FLORIDA FOR THE CONSTRUCTION AND OPERATION OF
A BROADCAST TOWER FOR WLRN**

The School Board of Miami-Dade County, Florida currently owns an undivided 50% interest in a 17.1 acre parcel of land located at 5200 S.W. 34 Street in Broward County, Florida. The State of Florida holds ownership of the other 50% interest. The property was acquired in 1959 for the purpose of operating a non-commercial educational broadcast station and is the current location of the WLRN broadcast tower. Previously, the State's interest has been vested in the Florida Department of Education (FDOE) pursuant to a lease with the Board of Trustees of the Internal Improvement Fund of the State of Florida. As the result of new Federal Communications Commission regulations, WLRN will be required to construct a new broadcast tower in order to transmit its signal in a digital format. In order to simplify the construction process and bring control of the site under a singular jurisdiction, the State of Florida has agreed to release the FDOE lease and lease its 50% interest in the property to the District under substantially the same terms and conditions.

Pursuant to negotiating procedures, Management Team meetings were held on June 5, 2000 and August 7, 2000, to review the terms of the lease. Based on this review, terms and conditions of the proposed lease for the State's 50% interest in the tower site are as follows:

- fifty year term, with three additional ten-year option periods, at the mutual option of the State and Board;
- the District shall pay an annual administrative fee of \$300, as required by the Department of Environmental Protection, pursuant to Chapter 18-2.020(8), Florida Administrative Code;
- the District may cancel the lease at any time, with at least six months prior written notice; however, the State may only cancel in the event the District defaults under the terms of the lease and fails to cure said default;
- in the event of cancellation or expiration of the lease, ownership of the physical improvements shall remain with the District unless otherwise mutually agreed;
- pursuant to Chapter 18-2.021(4), Florida Administrative Code, the District must file a Management Plan with the Division of State Lands, which will govern the District's activities on the site. This plan shall be reviewed jointly by the State and District at least every five years, or in the event of a modification of the use of the property;

- the District will construct all improvements, using the Florida Building Code;
- the District shall submit a complete site plan to the State prior to the commencement of construction;
- the District may grant easements as necessary for the construction of the tower or other public purpose, subject to approval from the State;
- the District may enter into other agreements or subleases which further a public purpose, subject to a written approval from the State;
- the Board may not mortgage or otherwise encumber the property;
- the District shall have complete responsibility for the payment of any utility costs, applicable taxes or assessments and maintenance of the property;
- the District accepts the property in an “as is” condition;
- the State will have the right to view and audit all public records related to the property and its operation, at the State’s sole expense;
- the State and the Board shall indemnify and hold each other harmless to the extent of Section 768.28, Florida Statutes;
- any use of the property by a for-profit entity shall require prior approval by the State and may require the payment of a lease fee, which will be negotiated based on any net revenues received by the District; and
- the Superintendent shall be the party designated by the Board to grant or deny all approvals required by this lease.

The proposed lease has been reviewed by the School Board Attorney’s Office and by the Office of Risk and Benefits Management. The Executive Officer for Integrated Media Services, Office of Design and Construction, and Deputy Superintendent of Federal Programs and Grants Administration recommend approval of this agreement.

A copy of the proposed lease 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, authorize the Superintendent or his designee to execute a lease agreement with the State of Florida for a 50% interest in property necessary for the construction and operation of a broadcast tower for WLRN, with an annual administrative fee of \$300, and under the terms and conditions set forth above.

JEM:lbd