

August 29, 2001

Facilities Planning and Construction
Suzanne A. Marshall, Chief Facilities Officer (Construction)

SUBJECT: AUTHORIZATION TO EXECUTE LEASE AGREEMENTS WITH MIAMI-DADE COUNTY FOR VACANT BOARD-OWNED LAND FOR PARK PURPOSES (WILD LIME PARK), AND DR. MICHAEL M. KROP SENIOR HIGH SCHOOL AND HERBERT A. AMMONS MIDDLE SCHOOL FOR USE OF COUNTY-OWNED LAND FOR DISTRICT RECREATIONAL PURPOSES

At its meeting of June 4, 1997, the Board authorized the execution of a Joint Operating Agreement with Miami-Dade County (County), to allow the use of six acres of vacant Board-owned land for public park purposes. The Board-owned land is located adjacent to 5.86 acres of County-owned land, and the combined 11.86 acre parcel is used as Wild Lime Park (see location map). The Board-owned land falls within a statutorily mandated airport restrictive zone, and the District is currently unable to develop the site as a school. Because of increased community demand for public recreational facilities, the County has now requested permission to enter into a new long-term lease agreement in order to construct two lighted soccer fields, an asphalt walkway and a parking lot on the Board-owned land. The Board-owned land is restricted by Deed to use as a public school or public park, and the County has agreed to include language in the agreement to vacate the site should the development restrictions ever be lifted or modified to allow its use as a public school site, at no penalty to the Board. No physical improvements requiring the use of District funds are necessary as a result of the proposed Board action.

As consideration for the long-term use of Board-owned land at Wild Lime Park, the County has agreed to provide a similar accommodation for District use of 11.256 acres of the park site adjacent to Dr. Michael M. Krop Senior High School (Ives Estates District Park), and the 5.32 acre park site adjacent to Herbert A. Ammons Middle School (Eureka Villas Park). District use of these park sites (see location maps) was facilitated through Joint Use Agreements which allowed the District to more effectively utilize Board-owned land for the siting of the school facilities and provided for the joint development and use of the combined park and school properties for the benefit of the District and the surrounding communities. Prior to the opening of each school, the District constructed recreational improvements totaling approximately \$1,777,347 on Ives Estates District Park and \$567,462 on Eureka Villas Park. All of the recreational improvements were required under the District's Educational Specifications, were budgeted as part of the school construction project, and would typically be provided as part of new school construction. The County will be further developing both park sites in the near future, and these enhanced recreational improvements will be available for school use.

Execution of replacement lease agreements for these two schools will provide the District

with greater assurance of long-term use and will establish provisions dealing with cancellation, damage and destruction, default and other critical lease terms, not covered under the existing Joint Use Agreements. No physical improvements requiring the use of District funds, beyond those already in place, are necessary as a result of the proposed Board action.

Pursuant to negotiating procedures, a Management Team (MT) meeting was held on August 28, 2001, for direction on negotiating strategies and parameters. The MT recommended that the District enter into lease agreements with the County for the use of vacant Board-owned land, and at Dr. Michael M. Krop Senior High School and at Herbert A. Ammons Middle School for the use of County-owned land. Based on this direction, terms and conditions of the proposed lease agreements are as follows:

Lease Agreement for the Board-owned land at Wild Lime Park

- a 40 year lease term, with two five-year renewal options, at the Board's option;
- the annual lease rate shall be \$1;
- the County may construct two lighted soccer fields, an asphalt walkway and a lighted parking lot, at its sole cost and expense;
- the County shall have the right to construct additional park related improvements on the land, at its sole cost and expense, with prior District approval;
- all construction plans shall be submitted to and approved by the District;
- the County shall be responsible for the maintenance of the complete site, including all improvements, and shall provide and pay for all utilities;
- the County shall have the right to cancel the lease with 90 days prior written notice;
- the District shall only have the right to cancel the lease, with 90 days prior written notice, for the purpose of using the land as a public school site, or in the event the County defaults under the lease and fails to cure the default. In either event, the Board shall not reimburse the County for on-site capital improvements;
- at the termination, cancellation or expiration of the lease, the County shall, at the sole option of the District, either remove all improvements or convey title to the improvements to the Board;
- in the event of damage or destruction, the County, at its sole option, may cancel the lease, failing which the County shall cause the premises and all improvements to be repaired and placed in a safe and usable condition;

- the County shall pay the full amount of any special assessment charges levied against the land; and
- the Superintendent shall be the party designated by the Board to grant or deny all approvals required under the lease or to cancel the lease.

Lease Agreements for the County-owned land adjacent to Dr. Michael M. Krop Senior High School (Ives Estates District Park) and Herbert A. Ammons Middle School (Eureka Villas Park)

- a 40 year lease term, with two five-year renewal options, at the Board's option;
- the annual lease rate shall be \$1;
- the District may construct additional improvements beyond those already in place, at its sole cost and expense, with prior approval from the County and the Board;
- the County may construct improvements on Ives Estates District Park, at its sole cost and expense, with prior District approval, and provided construction of those improvements does not unreasonably interfere with the District's ability to conduct its recreational and educational activities at Dr. Michael M. Krop Senior High School. This approval will include provisions for maintenance, utilities and damage and destruction responsibilities;
- the County may construct a parking lot, tot lot, restroom/concession/storage building, site furniture, landscaping and two softball fields with fences/dugouts/field lighting on Eureka Villas Park, at its sole cost and expense. The County may construct additional improvements, at its sole cost and expense, with prior District approval, and provided construction of those improvements does not unreasonably interfere with the District's ability to conduct its recreational and educational activities at Herbert A. Ammons Middle School. This approval will include provisions for maintenance, utilities and damage and destruction responsibilities;
- the District shall be responsible for maintenance of all currently existing recreational facilities, landscaping, and irrigation system utility cost and repair (other than damage caused by the County), as well as pickup of litter on school-days, at Ives Estates District Park;
- the District shall be responsible for maintenance of the currently existing fitness equipment, irrigation system repair (other than damage caused by the County), as well as pickup of litter on school-days, at Eureka Villas Park. The County shall be responsible for the mowing of the grass as well as all other maintenance and utility costs;

- the District shall have the right to cancel the lease at any time with 90 days prior written notice;
- the County shall have the right to cancel the lease only in the event the District defaults under the lease and fails to cure the default;
- in the event the County defaults under the lease and fails to cure the default, the District may, at its option, cancel the lease, in which event the County shall reimburse the Board for the unamortized portion of District funds used to construct existing recreational and educational improvements on the park site;
- at the termination, cancellation or expiration of the lease, the Board shall convey title to all District-constructed improvements to the County;
- in the event of damage or destruction, the Board, at its sole option, may cancel the lease, failing which the County shall cause all improvements currently in place at Eureka Villas Park, as well as those to be constructed by the County in the future, to be repaired and placed in a safe and usable condition, and the District shall cause all improvements currently in place at Ives Estates District Park to be repaired and placed in a safe and usable condition;
- the County may use designated and mutually agreed to portions of the school recreational facilities on an as-needed basis, with the County to be bound by all terms and conditions of the lease agreement, including, but not necessarily limited to supervision, maintenance and liability;
- any charges levied against the park land by special assessment or taxing district, other than those charges voluntarily entered into by the County, shall be paid by the District and County in equal portions; and
- the Superintendent shall be the party designated by the Board to grant or deny all approvals required under the lease or to cancel the lease.

The proposed lease agreements have been reviewed by the School Board Attorney's Office and the Office of Risk and Benefits Management. The principals of Dr. Michael M. Krop Senior High School and Herbert A. Ammons Middle School, Region Superintendents for Regions II and VI, and Deputy Superintendent of School Operations recommend approval of the lease agreements.

Copies of the proposed lease agreements will be placed on file in the Citizen Information Center and Recording Secretary's Office.

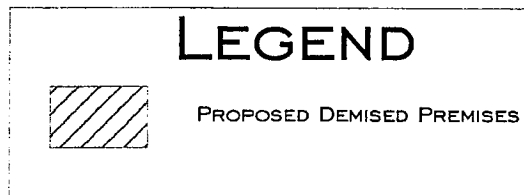
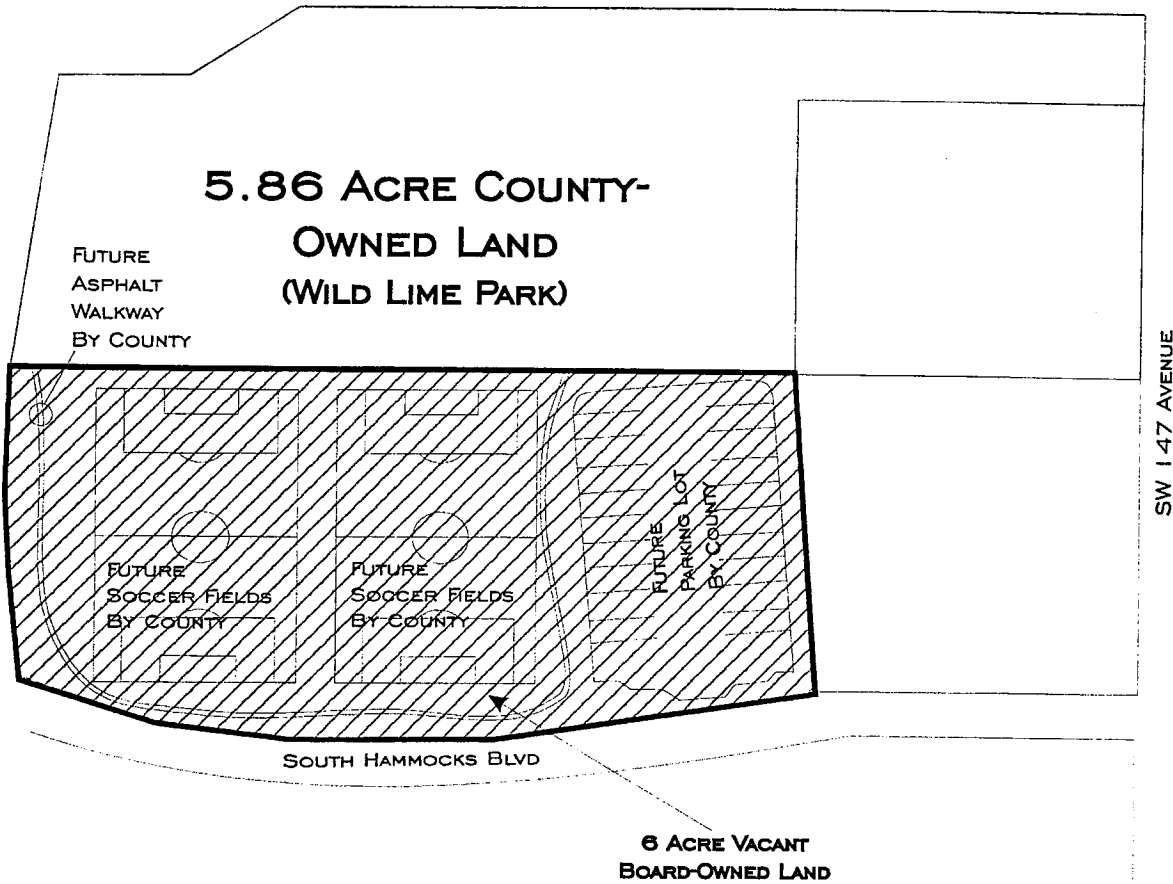
RECOMMENDED:

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

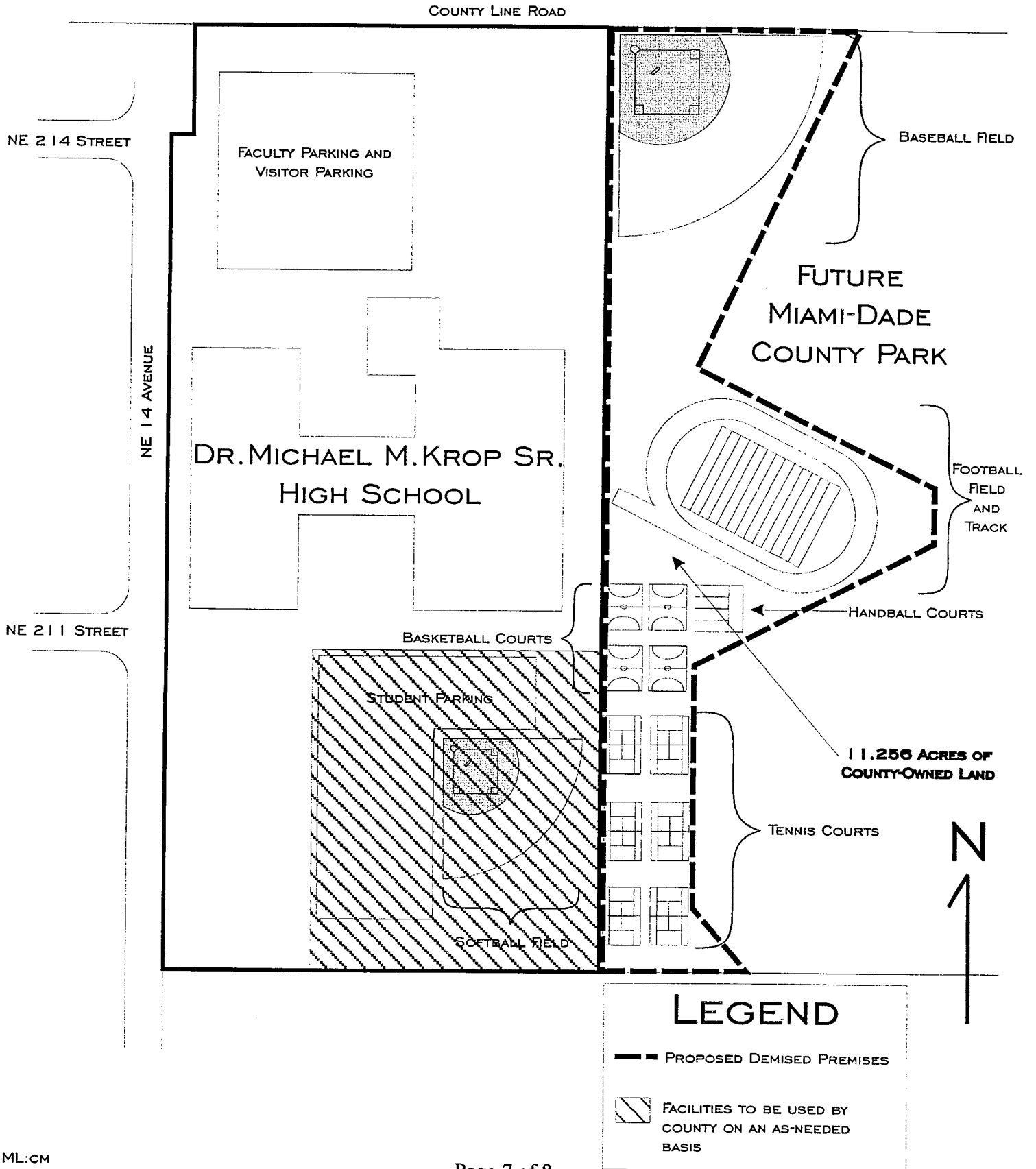
1. authorize the Superintendent or his designee to execute a lease agreement with Miami-Dade County for use of vacant Board-owned land located at S.W. 147 Avenue and South Hammocks Boulevard (adjacent to Wild Lime Park), at an annual rental rate of \$1, and under the terms and conditions set forth above, and cancel the Joint Operating Agreement with Miami-Dade County effective with the commencement date of the new lease; and
2. authorize the Superintendent or his designee to execute lease agreements with Miami-Dade County for the use of County-owned land adjacent to Dr. Michael M. Krop Senior High School (Ives Estates District Park) and Herbert A. Ammons Middle School (Eureka Villas Park), each at an annual rental rate of \$1, and under the terms and conditions set forth above, and cancel the Joint Operating Agreements with Miami-Dade County effective with the commencement date of the new leases.

MAL:hf

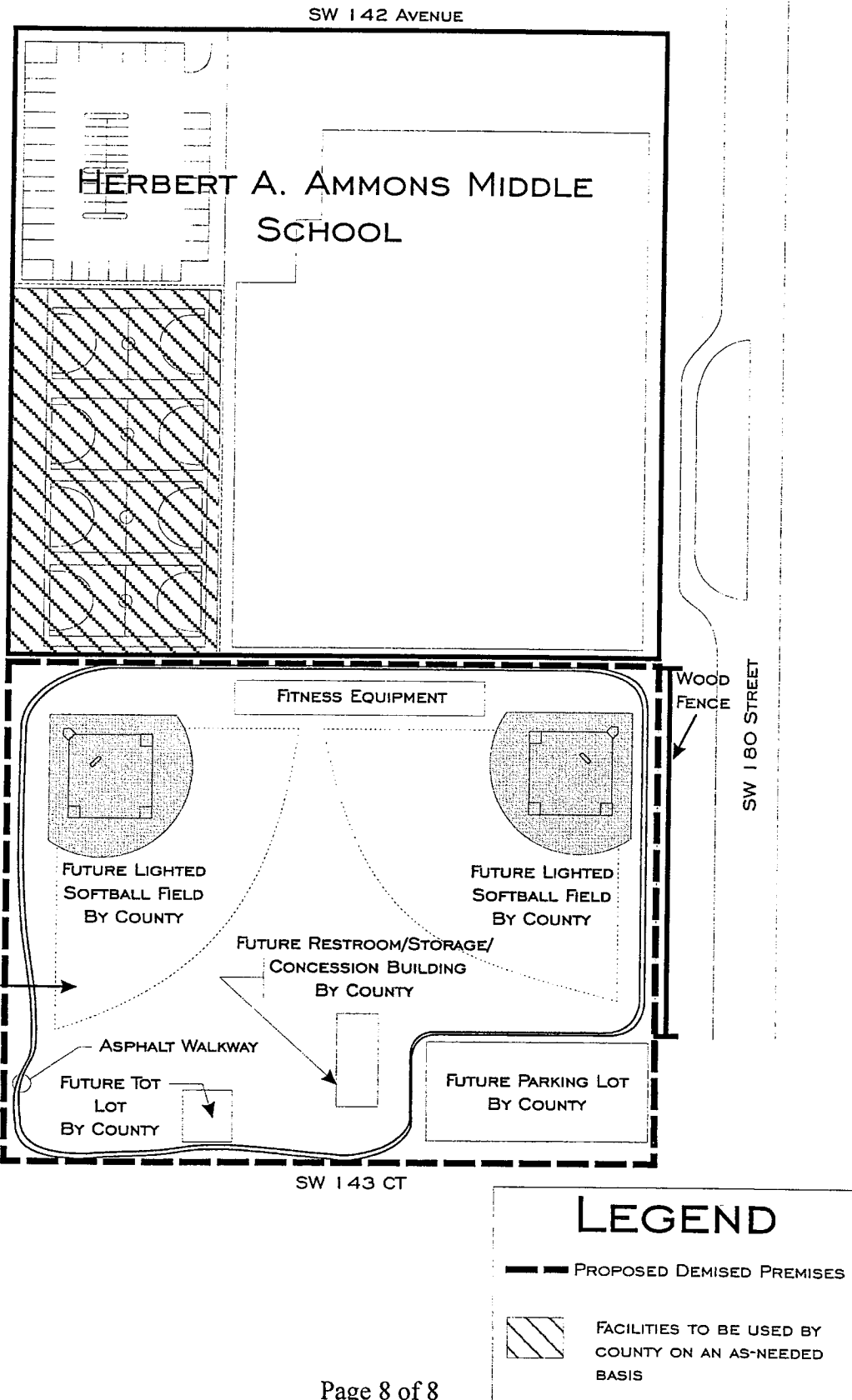
LOCATION MAP



LOCATION MAP



LOCATION MAP



5.32 ACRES OF COUNTY-OWNED LAND