

June 17, 2002

Business Operations
Joe Arriola, Chief Business Officer

SUBJECT: RENEWAL OF LEASE AGREEMENT WITH THE CITY OF NORTH MIAMI FOR THE USE OF THE NORTH MIAMI ARMORY PARKING LOT BY NORTH MIAMI MIDDLE SCHOOL AND AUTHORIZATION TO EXECUTE AN AMENDMENT TO THE LETTER AGREEMENT WITH THE CITY OF NORTH MIAMI FOR CONTINUED USE OF THE CITY'S COMMUNITY CENTER PARKING LOT

Introduction

Since July 1997, the Board has leased the North Miami Armory parking lot (Armory Lot) located at 13250 N.E. 8 Avenue, North Miami (see location map), from the City of North Miami (City), for use by the staff of North Miami Middle School (School), under a lease agreement (Agreement) with the City. The District has completed its initial five-year term. The current term of the Agreement will expire on August 25, 2002. This proposed renewal represents the first of five one-year renewal option periods available under the Agreement.

The Armory Lot was part of a parcel of land leased to the Armory Board of the State of Florida (Armory) under a separate lease agreement between the City and the Armory, dated January 12, 1954. Although the Armory Lot is now leased to the Board, the Agreement provides that in time of emergency, the Armory will have the exclusive and preemptive use of the Armory Lot upon notification to the Board. In September 2001, the City advised the District that as a result of the tragic events of September 11, 2001, the Armory will need exclusive use of the Armory Lot for an undetermined period of time and that the District will be unable to use same until further notice. Due to the limited amount of parking otherwise available at the School, it became necessary to secure alternative parking for School staff. At the request of the School principal and the Region, the District and City entered into a letter agreement (Letter Agreement) for the temporary use of the City's Community Center parking lot until the Armory Lot is once again available for use by the District.

Renewal of Armory Lot Lease Agreement

Although the Armory Lot is still not available for District use, the School Board Attorney's Office has advised that the District must exercise its renewal option in order to reserve its right to use the Armory Lot once the time of emergency is concluded. Although the Agreement for District use of the Armory Lot will renew effective August 26, 2002, the District will not occupy the space or pay rent for its use until such time as the Armory declares its preemptive use of the facility to be over, and the Armory Lot is made available once again for use by the School. The Agreement specifies that the annual rental rate

shall be increased each year by 4%. As such, the current annual rental rate of \$2,678.97 shall be adjusted to \$2,786.13, which is \$3.41 per space per month. The term of the renewal option period will commence August 26, 2002, and will end August 25, 2003. All other terms and conditions of the Agreement will remain unchanged, including the following:

- either party shall have the right to cancel the Agreement at any time by giving the other party 90 days prior written notice; and
- the District is responsible for providing all repair and maintenance to the demised premises where such repair is due to the actions or negligence of the District.

Amendment to Letter Agreement

The Letter Agreement for use of the City's Community Center parking lot will expire on June 28, 2002. Given that the Armory Lot is still unavailable for District use and at the request of the School principal and Region Superintendent, staff contacted the City, who has expressed its willingness to extend the term of the Letter Agreement to allow continued use of the City's Community Center parking lot, at a rental rate no higher than the amount authorized under the Armory Lot agreement (\$3.41 per space per month).

Staff contacted the principal of North Miami Middle School, the Region II Superintendent and the Associate Superintendent of School Operations, who indicated a continuing need for the Armory Lot for the staff of North Miami Middle School, and in the interim, a need for use of the City's Community Center parking lot.

RECOMMENDED:

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

1. authorize the renewal of the lease agreement with the City of North Miami, for use of the North Miami Armory parking lot, at an annual rental amount of \$2,786.13 (\$3.41 per space per month), as a measure intended to preserve the District's right to use the Armory Lot once the state of emergency is concluded. The term of the renewal option period will commence August 26, 2002 and will end August 25, 2003. All other terms and conditions of the lease agreement will remain unchanged; and
2. authorize the Superintendent or his designee to execute an amendment to the current letter agreement with the City of North Miami to allow continued use of the City's Community Center parking lot, at the same rental rate authorized under the Armory Lot agreement of \$3.41 per space per month, for the period commencing June 29, 2002 and until such time as the Armory Lot is once again available for District use. All other terms and conditions of the letter agreement will remain unchanged.

MMC:rr

LOCATION MAP

