

Business Operations
Facilities Operations and Legislative Support
Suzanne A. Marshall, Administrative Director

**SUBJECT: AUTHORIZATION OF PAYMENT TO THE CITY OF MIAMI BEACH AS
FINAL RESOLUTION IN CONSTRUCTION AGREEMENT AND
MODIFICATION OF THE JOINT USE AGREEMENT**

COMMITTEE: FACILITIES PLANNING AND CONSTRUCTION

The Miami-Dade County School Board entered into two agreements with the City of Miami Beach dated January 20, 1994. These agreements were the result of an agreement with the City to an exchange of property between the Board and the City. The Board and the City owned adjacent property containing the old school and an existing park. The exchange would permit the construction of the new Nautilus Middle School on property owned at that time by the City so the existing school could continue to function while the new school was built, at which time the Board would demolish and remove the old school and restore and turn over to the City a new park on the old school site. The two agreements were a Construction Agreement, which defined the rights and responsibilities of the parties during the construction period, and a Joint Use Agreement which defined the parties' relationship with regard to the site after construction was complete.

The new school was completed in 1996 and the demolition and construction of the park for the City was completed and presented to the City for acceptance in accordance with the Construction Agreement in July of 1998.

Disputes arose between the City and the Board as to the acceptability of the work for the park. After prolonged negotiations, an agreement has been reached by which the Board will pay the City eighty-five thousand dollars (\$85,000), perform certain work on the tennis courts and modify the Joint Use Agreement to include trash and litter removal by the Board on school days, and the City will accept the park and conclude the parties' relationship under the Construction Agreement.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to issue payment to the City of Miami Beach the amount of eighty-five thousand dollars (\$85,000) and perform work on the tennis courts as described in the settlement agreement in full and final resolution of all issues between the parties arising from the above referenced Construction Agreement and ratify and confirm that the Joint Use Agreement, as modified, shall bind the parties.

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