

Office of Superintendent of Schools  
Board Meeting of November 20, 2002

November 15, 2002

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 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. The Board will contract at its own cost to patch and fill all cracks in the tennis courts, re-paint and re-line same, within ninety (90) days of the effective date of this agreement. The work shall be inspected by both parties promptly upon notice that it is ready for inspection and considered complete upon acceptance by both The City and the Board. Upon acceptance by both parties of the work performed at the tennis courts, the Board shall pay The City the amount of eighty-five thousand dollars (\$85,000), not later than sixty (60) days after the completion of the work. Such payment shall satisfy and resolve all outstanding disputes and conclude the parties' relationship under the Construction Agreement.

It is recommended that the budget for the repairs to the tennis courts, estimated at less than \$30,000, be transferred from Undistributed Capital Contingency, Program 0001.

A copy of the Revised Settlement Agreement will be distributed to Board Members under separate cover and will be placed on file in The Office of the Board Recoding Secretary and The Citizens Information Center. ADDED

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida authorize the Superintendent to:

1. issue payment to the City of Miami Beach in the amount of eighty-five thousand dollars (\$85,000),
2. approve the performance of 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,
3. transfer \$30,000 from Undistributed Capital Contingency; Program 0001; and
4. ratify and confirm that the Joint Use Agreement shall bind the parties.

SAM:sa