

Office of School Board Attorney  
JulieAnn Rico, Board Attorney

**SUBJECT: REQUEST AUTHORIZATION TO SEEK INJUNCTIVE AND OTHER LEGAL RELIEF AGAINST UNAUTHORIZED IMPROVEMENTS ON SCHOOL BOARD OWNED PROPERTY LOCATED AT SW 74 AVENUE AND SW 44 STREET**

The School Board of Miami-Dade County, Florida owns a four (4) acre parcel located at SW 74 Avenue and SW 44 Street (the "Site"), adjacent to the property located at 4300 SW 73 Avenue, and owned by another party and managed by Bird Wingate, LLC., ("Bird Wingate property"). An easement crosses the southern portion of the Site to allow access from SW 74 Avenue to the Bird Wingate property. This easement provides access to the Site for egress and ingress to the Bird Wingate property and for no other purpose.

Upon being notified that unauthorized improvements were made to the Site, a visual inspection was made by school district staff. This inspection revealed unauthorized improvements including paving, concrete curbs, concrete parking stops and landscaping. These improvements were constructed without permission and interfere with school district use of its property, including interference with school bus ingress and egress. The manager of Bird Wingate, LLC, has been contacted and acknowledged that he had authorized the construction of the improvements in question without the advance knowledge or consent of the School Board.

The unauthorized improvements will directly hinder school district plans to conduct a sales auction for school buses scheduled to take place in January of 2008. The manager of Bird Wingate, LLC has been requested to remove the portion of the work that is blocking access for the buses by no later than December 31 of this year, with the remainder to be removed within a reasonable time thereafter. We are awaiting response from the manager of Bird Wingate, LLC. In the interim, we are requesting authorization to commence legal action--if necessary--so that we can remove the current impediments on the property should the school district's request be denied.

This item does not appear on the published Agenda. There is good cause to vary from the published Agenda since the anticipated legal action, if necessary, would have to be filed prior to the January 16, 2008 School Board meeting.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the School Board Attorney to commence requisite legal action, if needed, against Bird Wingate, LLC and any other indispensable or necessary parties for the removal of the unauthorized improvements to the School Board property located at SW 74 Avenue and SW 44 Street, Miami, Florida.

**G-5**  
**GOOD CAUSE**