

MEMORANDUM

October 15, 2008

TO: The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

FROM: Alberto M. Carvalho, Superintendent of Schools *AMC*

**SUBJECT: WITHDRAWAL OF AGENDA ITEM F-4
AUTHORIZATION FOR THE SUPERINTENDENT TO FINALIZE
NEGOTIATIONS AND THE CHAIR AND SECRETARY TO EXECUTE A
LANDSCAPE MAINTENANCE COVENANT WITH THE CITY OF MIAMI
FOR THE DISTRICT TO MAINTAIN LANDSCAPE IMPROVEMENTS
WITHIN PUBLIC RIGHT-OF-WAY, LOCATED ADJACENT TO MIAMI
JACKSON SENIOR HIGH SCHOOL, AT 1751 NW 36TH STREET, MIAMI**

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

The attached item is being withdrawn from the School Board meeting of October 15, 2008 in order to allow staff to complete additional research on this issue. If necessary, this item will be brought back to the Board at a future date for further consideration.

If you have any questions, please feel free to call Mr. Jaime G. Torrens, Chief Facilities Officer, Office of School Facilities, at 305-995-1401.

AMC:ja
M159

cc: School Board Attorney
Superintendent's Cabinet

Office of School Facilities
Jamie G. Torrens, Chief Facilities Officer

SUBJECT: AUTHORIZATION FOR THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND THE CHAIR AND SECRETARY TO EXECUTE A LANDSCAPE MAINTENANCE COVENANT WITH THE CITY OF MIAMI FOR THE DISTRICT TO MAINTAIN LANDSCAPE IMPROVEMENTS WITHIN PUBLIC RIGHT-OF-WAY, LOCATED ADJACENT TO MIAMI JACKSON SENIOR HIGH SCHOOL, AT 1751 NW 36 STREET, MIAMI

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

LINK TO STRATEGIC PLAN: IMPROVE CONSTRUCTION SERVICES

The District is presently completing construction of the replacement Miami Jackson Senior High School, located at 1751 NW 36 Street, Miami (School). As part of the permitting process for off-site work, the City of Miami (City) is requiring that the District install certain landscape improvements, consisting of trees, ground cover and irrigation, within the sidewalk located immediately adjacent to the School in public right-of-way (see location map), and enter into a covenant running with the land for the District to maintain such improvements.

Terms of the proposed landscape maintenance covenant (Covenant) are, substantially, as follows:

- the term shall commence upon execution of the Covenant by all parties and shall continue uninterrupted, unless terminated by the City as provided under the terms of the Covenant;
- the District shall, at its expense, install trees, ground cover and irrigation (Landscape Improvements) within planting areas in the sidewalk on NW 19 Avenue adjacent to the School, with a collective area of 5,210 square feet, in accordance with the Florida Building Code and City standards;
- the District shall, at its expense, maintain, repair and replace, if necessary, the Landscape Improvements;

**ITEM WITHDRAWN
(10/14/08)**

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- the District shall relocate, remove or adjust the Landscape Improvements, at its expense, in the event the City Public Works Director deems it necessary in order to widen, alter or otherwise change the adjacent road to meet future City criteria or planning;
- the District shall, to the extent and within the limits of Section 768.28, Florida Statutes, indemnify, defend and hold the City harmless against any claims, demands, actions, losses or liabilities which may arise as a result of the Covenant or any of the District's activities under the Covenant, including, without limitation, the use, construction, installation, repair, maintenance and/or removal of the Landscape Improvements;
- the City shall have the right to terminate this Covenant for convenience by providing the District with 60 days advance written notice;
- in the event of default by the District, which default is not cured, the City shall have the right to either correct the default, at the District's expense, or terminate this Covenant and remove the Landscape Improvements, at the District's expense; and
- for purposes of this Covenant, the Superintendent of Schools shall be the party designated by the Board to grant or deny all approvals required by this Covenant.

The Office of School Facilities recommends entering into the proposed Covenant. The Covenant will be reviewed and approved by the School Board Attorney's Office and the Office of Risk and Benefits Management prior to execution.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to finalize negotiations and the Chair and Secretary to execute a Landscape Maintenance Covenant with the City of Miami for the District to maintain landscape improvements within public right-of way, located adjacent to Miami Jackson Senior High School, at 1751 NW 36 Street, Miami, substantially in conformance with the terms and conditions noted above.

MCA:mca

Location Map

NW 39 ST

Miami Jackson
Senior High School


NW 17 AVE

NW 19 AVE

NW 36 ST

NW 35 ST

Legend



Area of
Landscape
Improvements
(not to scale)

