

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

SUBJECT: AUTHORIZATION FOR THE SUPERINTENDENT TO:

- 1) **FINALIZE NEGOTIATIONS AND EXECUTE A JOINT USE AGREEMENT WITH MIAMI-DADE COUNTY FOR USE BY THE DISTRICT OF NARANJA PARK, LOCATED AT 14150 SW 264 STREET, AND BY THE COUNTY OF THE YOUNG MEN'S ACADEMY FOR ACADEMIC AND CIVIC DEVELOPMENT AT MACARTHUR SOUTH, LOCATED AT 13990 SW 264 STREET ; AND**
- 2) **FINALIZE NEGOTIATIONS AND EXECUTE A TEMPORARY USE PERMIT WITH MIAMI-DADE COUNTY TO ALLOW INTERIM DISTRICT USE OF NARANJA PARK, BEGINNING WITH THE START OF THE 2009-2010 SCHOOL YEAR AND UNTIL SUCH TIME AS THE PROPOSED JOINT USE AGREEMENT COMMENCES**

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

LINK TO STRATEGIC PLAN: IMPROVE CONSTRUCTION SERVICES

Background

Effective with the 2009-2010 school year, the Young Men's Academy for Academic and Civic Development at MacArthur South will be housed at the former Naranja Elementary School facility (School), located at 13990 SW 264 Street, which is adjacent to the Miami-Dade County-owned Naranja Park (Park) (see location map). Miami-Dade County (County) has expressed a willingness to enter into a joint use agreement (Agreement), which will allow District use of certain Park recreational facilities during school hours; likewise, the County would like access to recreational and other amenities at the School for Park use during non-school hours. In the event the proposed Agreement is unable to be finalized and implemented prior to the start of the 2009-2010 school year, the Miami-Dade County Park & Recreation Department has agreed to enter into a temporary use permit (Permit), which would allow the District to use the Park site until such time as the Agreement commences.

Proposed Joint Use Agreement

Terms of the proposed joint use agreement are, substantially, as follows:

- An initial 30-year term, with one successive 10-year option period, at the mutual agreement of the Parties;
- the District will have use of the Park during regular school hours on regular school days. The Park amenities to be used by the District will be as mutually agreed to by the School Administrator and Park Supervisor. Portions of the Park may be closed from time to time to reduce the impact on the turf or other recreational amenities. The District may request additional use of the Park during a time other than its regular period of use, by requesting said use through the Park Supervisor. Approval of said requests shall not be unreasonably withheld, provided such use does not conflict with the Park's operations or previous obligations;
- the County will have use of recreational facilities located at the School during non-School hours and on days when school is not in session. The School amenities to be used by the County will be as mutually agreed to by the School Administrator and Park Supervisor. The County may request additional use of the School during a time other than its regular period of use, by requesting said use through the School Administrator. Approval of said requests shall not be unreasonably withheld, provided such use does not conflict with the School's operations or previous obligations;
- each Party shall pay an annual rent of \$1 to the other;
- on a periodic basis, the Parties, through their respective designees, may modify the exact areas of use and periods of use;
- the District shall retain responsibility for ongoing routine maintenance of the School, and the County shall retain responsibility for ongoing routine maintenance of the Park;
- each Party shall be responsible for removal of trash and litter from the Park and School sites, generated during their respective periods of use;
- this Agreement shall be deemed subordinate to any existing or future financing of the School property or any part thereof by the Board;
- the County shall have the right to use non-recreational amenities located at the School, when not in conflict with School operations and policies, in compliance with Board Rule and by reserving such use with the School Administrator;
- the Parties shall each indemnify and hold the other harmless to the extent and within the limitations of Florida Statutes;

- the Agreement shall be construed and enforced according to the laws of the State of Florida and the venue for any disputes shall be in Miami-Dade County Florida;
- the Parties shall comply with all applicable laws, rules, regulations, ordinances and codes of Federal, State and Local Governments, including, but not limited to, the Americans with Disabilities Act, as they apply to this Agreement;
- the Agreement may be cancelled by either Party, if the other Party defaults and fails to cure. In addition, either Party may cancel this Agreement at any time, without penalty, with 180 days advance written notice. The County will use its best efforts to avoid any such cancellation during the school year;
- in the event of any litigation between the Parties under this Agreement, each Party shall be responsible for its own attorney's fees and court costs through trials and appellate levels.; and
- the Superintendent of Schools shall be the party designated by the Board to grant or deny all approvals required by this Agreement, or to cancel and/or terminate this Agreement.

The School Principal and South Regional Center Superintendent recommend approval of the Agreement and the Permit. The proposed Agreement and Permit will be reviewed by the School Board Attorney's Office and the Office of Risk and Benefits Management prior to execution.

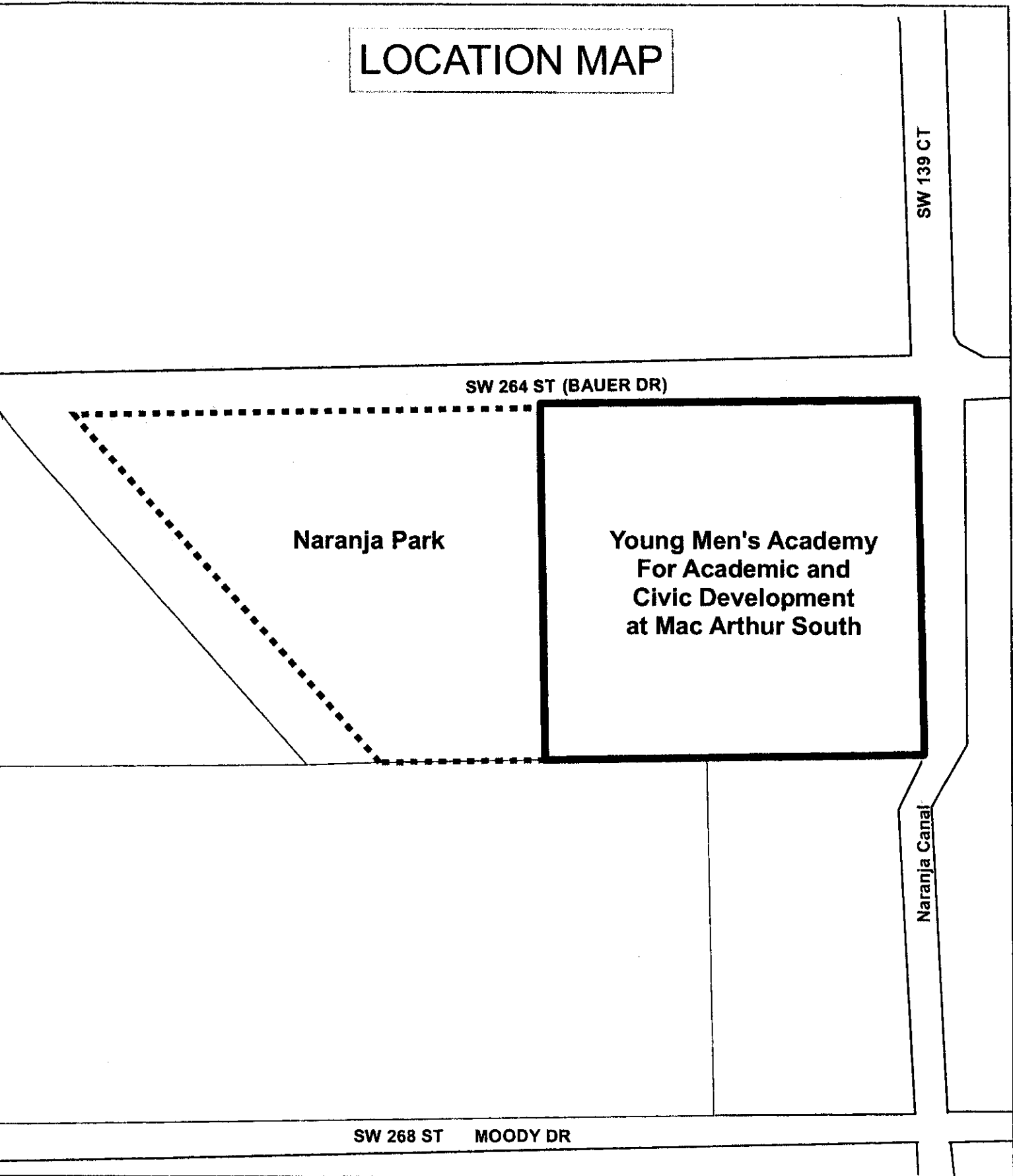
RECOMMENDED:

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

- 1) finalize negotiations and execute a joint use agreement with Miami-Dade County for use by the District of Naranja Park, located at 14150 SW 264 Street, and by the County of the Young Men's Academy for Academic and Civic Development at MacArthur South, located at 13990 SW 264 Street, under substantially the terms and conditions noted above; and
- 2) finalize negotiations and execute a temporary use permit with Miami-Dade County to allow interim District use of Naranja Park, beginning with the start of the 2009-2010 school year and until such time as the proposed joint use agreement commences.

MCA:mca

LOCATION MAP



SW 264 ST (BAUER DR)

Naranja Park

Young Men's Academy
For Academic and
Civic Development
at Mac Arthur South

SW 139 CT

Naranja Canal

SW 268 ST MOODY DR

