

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

SUBJECT: AUTHORIZATION FOR THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND FOR THE CHAIR AND SUPERINTENDENT, AS MAY BE REQUIRED, TO EXECUTE:

1. AN INTERLOCAL AGREEMENT WITH THE TOWN OF MEDLEY PROVIDING FOR THE DEDICATION AND CONVEYANCE OF BOARD-OWNED LAND ALONG NW 87 AVENUE AND ADJACENT TO THE NORTHWEST TRANSPORTATION CENTER, FOR PUBLIC RIGHT-OF-WAY PURPOSES, AND FOR THE TOWN TO PERFORM PHYSICAL IMPROVEMENTS TO THE TRANSPORTATION CENTER NECESSARY TO MAINTAIN ITS OPERATIONAL INTEGRITY; AND
2. A RIGHT-OF-WAY DEED OR OTHER APPROPRIATE INSTRUMENT TO CONSUMMATE SUCH CONVEYANCE TO THE TOWN; AND
3. A GROUND LEASE WITH THE TOWN FOR INTERIM USE BY THE BOARD OF THE CONVEYED PROPERTY UNTIL SUCH TIME IT IS REQUIRED AS PART OF PROPOSED ROADWAY IMPROVEMENTS; AND
4. ANY OTHER DOCUMENTATION THAT MAY BE NECESSARY TO FULLY EFFECTUATE THE ABOVE LISTED TRANSACTIONS

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

LINK TO STRATEGIC FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY

Background

The Florida Department of Transportation (FDOT) has formulated a roadway widening plan to alleviate traffic on the highly utilized NW 87 Avenue corridor, by expanding it from a two-lane road to a four lane arterial roadway. The segment of the project within the Town of Medley (Town) would help to alleviate traffic congestion adjacent to and in the vicinity of the District's Northwest Transportation Center (Transportation Center), located at 9900 NW South River Drive. In order to accomplish this, the Town and FDOT have been working collaboratively to secure a 40-foot right-of-way dedication from the adjoining property owners along the project segment lying within the Town proper, with the Town primarily responsible for securing the requisite right-of-way dedications.

The westernmost 15 feet of the Transportation Center along NW 87 Avenue was previously dedicated for right-of-way purposes, although it has remained in use by the District as a parking area. Since the proposed widening project would require a strip of land 40 feet in width, the Town has requested adjoining property owners, including the School Board, to dedicate the remaining 25 foot strip (see location map attached).

Additional Information

The Transportation Center parking lot is currently configured to house approximately 150 school buses and 275 employee vehicles. Representatives from the Town and District have worked together to develop a revised parking lot layout that would allow the School Board to convey the combined 40 foot strip of land, while maintaining the operational viability of the facility. Under the new layout the main entrance and guard house would be relocated from N.W. South River Drive to NW 87 Avenue with all the attendant infrastructure, including electrical and phone service; additional site reconfiguration would include relocation of the existing light poles to a location within the property, sealing and re-striping the parking lot to accommodate the new access point on NW 87 Avenue and modifying site drainage to eliminate the potential for flooding within the facility as a result of the proposed road widening. Additionally, the Town will ensure that FDOT will provide a traffic signal and southbound left-turn lane on NW 87 Avenue in line with the new access into the Transportation Center, so as to facilitate access into and out of the facility.

These modifications are expected to improve direct and signalized access to and from NW 87 Avenue, rather than South River Drive, in exchange for three school bus spaces and 12 employee vehicle spaces. As such, the District's Department of Transportation supports the proposed Transportation Center reconfiguration. Recognizing the benefits to the community of proceeding with the roadway project, the Town has proffered these site improvements, at no cost or expense to the Board.

The roadway project is presently listed under the Miami-Dade Metropolitan Planning Organization (MPO) 2035 Long Range Transportation Plan as a Priority One project. Currently, the MPO staff and technical committees are performing their Fiscal Year 2011 Review of Priority Projects for the FDOT Work Program Cycle of 2013/2017. The preliminary recommendation is that funding for this project be allocated in FY 2017; the MPO may recommend to the FDOT that funding be advanced to an earlier fiscal year. In order to accommodate possible changes in schedule or funding timelines, any Right-of Way Deed from the Board to the Town will include a clause for automatic reversion to the Board in the event the project is cancelled or project construction has not commenced by a date certain, as explained below in greater detail.

Proposed Documents:

It is recommended that the Superintendent be authorized to finalize negotiations, and for the Chair and Superintendent, as may be required, to execute:

- an Interlocal Agreement with the Town on behalf of the Board to allow implementation of the above described roadway project adjacent to the Transportation Center, including the requisite dedication of a 25-foot wide strip of land adjacent to the Transportation Center on NW 87 Avenue, and the conveyance to the Town of the full combined 40 foot wide strip (which is comprised of the previously dedicated 15-foot strip and the proposed additional 25-foot strip);
- a Ground Lease Agreement or other appropriate document to allow the Board (as lessee) to lease from the Town (as lessor) the full 40-foot wide strip of land in question for \$1/year until such time the roadway project is ready to commence, or until reconfiguration of the Transportation Center parking lot has been completed, as determined solely by the District, whichever occurs first;
- a Right-of-Way Deed or other appropriate instrument conveying to the Town the subject 40 feet with a provision for automatic reversion of the 25-foot wide strip of land back to the Board in the event the NW 87 Avenue expansion project is cancelled, or project construction has not commenced by June 30, 2017, unless such date is extended by the Superintendent, at his sole discretion, at the request of the Town, for a period not to exceed two years (June 30, 2019).

Proposed Terms and Conditions:

- at the time the District receives written confirmation from FDOT that it has allocated funding and awarded the construction contract, and further indicates that construction is imminent, the Town shall make the appropriate modifications to the Transportation Center, as explained above, at no cost to the District;
- the Parties shall each indemnify and hold the other harmless to the extent and within the limitations of Florida Statutes;
- the Agreements 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 the Agreements;
- other than in the event of default, which default is not cured, or if the project is cancelled or construction does not commence beyond the stipulated timeframe, none of the proposed Agreements may be cancelled by the other Party;
- in the event of any litigation between the Parties under the Agreements, each Party shall be responsible for its own attorney's fees and court costs through trials and appellate levels; and

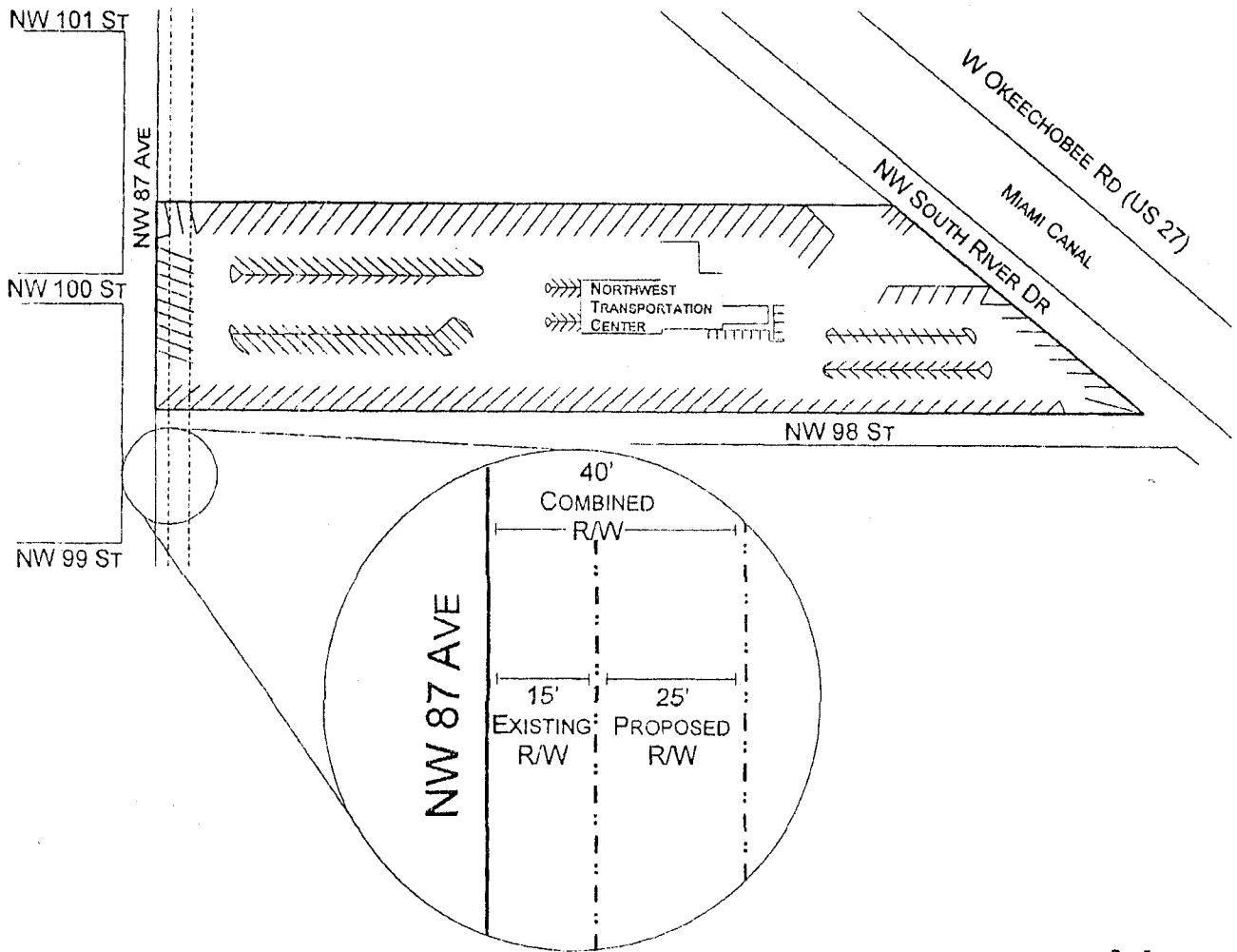
- for purposes of the Agreements, the Superintendent of Schools shall be the party designated by the Board to grant or deny all approvals required by any Agreement, including extending the date by which construction of the NW 87 Avenue expansion project is to commence, or to cancel and/or terminate any Agreement.

The District's Department of Transportation concurs with the proposed terms of the Interlocal Agreement and Ground Lease. The Interlocal Agreement, Right-of-Way Deed, Ground Lease and any other documentation necessary to effectuate the above transactions 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 finalize negotiations, and for the Chair and Superintendent, as may be required, to execute:

1. an Interlocal Agreement with the Town of Medley providing for the dedication and conveyance of Board-owned land along NW 87 Avenue and adjacent to the Northwest Transportation Center, for public right-of-way purposes, and for the Town to perform physical improvements to the Transportation Center necessary to maintain its operational integrity; and
2. a right-of-way deed or other appropriate instrument to consummate such conveyance to the Town; and
3. a ground lease with the Town for interim use by the Board of the conveyed property until such time it is required as part of proposed roadway improvements; and
4. any other documentation that may be necessary to fully effectuate the above listed transactions.

LOCATION MAP



Northwest
Transportation Center
VV:JG
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