

February 22, 2012

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

SUBJECT: AUTHORIZATION FOR THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND EXECUTE AN AMENDMENT TO THE JOINT USE AGREEMENT BETWEEN THE SCHOOL BOARD (AS LESSOR) AND TELEMUNDO NETWORK, INC. (AS LESSEE), FOR USE BY TELEMUNDO OF A 241-SPACE PARKING LOT LOCATED ON THE CAMPUS OF J.W. JOHNSON ELEMENTARY SCHOOL, AT 735 WEST 23 STREET, HIALEAH

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

LINK TO STRATEGIC FRAMEWORK: FINANCIAL EFFICIENCY/SUSTAINABILITY

Background

Since April 1995, J.W. Johnson Elementary School (School) and Telemundo Network, Inc. (Telemundo), have jointly utilized a 47,500 square foot parking lot on the School site, located at 735 West 23 Street, Hialeah (see location map), under a Joint Use Agreement (Agreement). Telemundo uses the spaces to supplement existing parking facilities at the Telemundo corporate headquarters located one block from the School. Telemundo initially constructed 161 parking spaces at its sole cost and expense, which it expanded in 2005 by 80 additional parking spaces, bringing the total number of parking spaces constructed by Telemundo and leased at the School from 161 to 241. Telemundo currently pays the District a rental amount of \$52,693.92 annually (\$18.22 per space per month). Under the Agreement, this amount has increased by 4% per year in each of the last five years. The current term of the Agreement will expire on April 9, 2012, and Telemundo requested an amendment to extend the Agreement for one additional two-year period.

Additional Information

As part of the discussions between Telemundo and the District related to the extension and associated terms and conditions, the possibility of an educational partnership between the two entities emerged to potentially include mentoring and internships for Hialeah Senior High School students enrolled in the District's communications magnet program. Given the added value to the District of such a partnership beyond the receipt of rent, and Telemundo's interest in further pursuing same, staff is recommending that the Agreement be amended to extend the term for four (4) months (April 10, 2012 through August 9, 2012), with the rental amount to remain unchanged during that interim time. This will allow both parties to finalize discussions related to the possible educational partnership, as well as proposed terms and conditions of a further extension of the Agreement beyond August 9, 2012.

Proposed Amendment to Joint Use Agreement

It is recommended that the Superintendent be authorized to finalize negotiations and execute an amendment to the Agreement with Telemundo to include, substantially, the following terms and conditions:

- the term of the Agreement will be extended for the four (4) month period commencing April 10, 2012 and ending August 9, 2012 and the current annual lease rate of \$52,693.92 (\$18.22 per space monthly) will remain unchanged during this interim extension period;
- either party may cancel the Agreement at any time, with 120 days prior written notice;
- the parking lot may be jointly used by District and Telemundo staff and visitors on a first-come, first-served basis;
- Telemundo is responsible for obtaining all licenses, permits, use approvals or other approvals required for the continued use of the parking lot;
- Telemundo shall procure and maintain general liability insurance coverage throughout the term of the Agreement. Additionally, Telemundo shall indemnify the Board from and against any actions arising in connection with Telemundo's use and occupancy of the parking lot;
- Telemundo shall be responsible for payment of all utilities and for maintenance and repair of the parking lot, at its sole expense; and
- at the termination or expiration of the Agreement, the parking lot and all other permanent fixtures and improvements shall become the property of the District.

The proposed amendment will be reviewed by the Office of Risk and Benefits Management and the School Board Attorney's Office prior to its execution.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to finalize negotiations and execute an Amendment to the Joint Use Agreement between the School Board (as lessor) and Telemundo Network, Inc. (as lessee), for the use by Telemundo of a 241-space parking lot located at J.W. Johnson Elementary School, at an annual rental rate of \$52,693.92, for the period of April 10, 2012 through August 9, 2012, and in conformance with the other terms and conditions noted above.

IB:

LOCATION MAP

