

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

SUBJECT: THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA:

1) AUTHORIZE THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS, AND FOR THE CHAIR AND/OR SUPERINTENDENT, AS MAY BE REQUIRED, TO EXECUTE:

A. THE NECESSARY DOCUMENTS TO CONVEY SCHOOL BOARD-OWNED PROPERTY LOCATED AT BOOKER T. WASHINGTON SENIOR HIGH SCHOOL (HIGH SCHOOL), CONSISTING OF APPROXIMATELY 0.55 ACRES, TO THE CITY OF MIAMI (CITY), TO IMPLEMENT THE PORTION OF THE CITY'S OVERTOWN GREENWAY PROJECT WHICH ABUTS THE HIGH SCHOOL;

B. ONE OR MORE TEMPORARY CONSTRUCTION ACCESS AGREEMENTS WITH THE CITY TO FACILITATE CONSTRUCTION RELATED ACTIVITIES BY THE CITY ON BOARD-OWNED LAND; AND

C. ANY OTHER DOCUMENTS OR AGREEMENTS NECESSARY TO EFFECTUATE THE CONVEYANCE OF THE SUBJECT SCHOOL BOARD-OWNED PROPERTY TO THE CITY;

AND

2) CONTINGENT ON APPROVAL OF ITEM 1 ABOVE, THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA:

A. ADOPT RESOLUTION NO.13-001, DESIGNATING THE SUBJECT SCHOOL BOARD-OWNED PROPERTY TO BE UNNECESSARY FOR EDUCATIONAL PURPOSES, AND CONVEYANCE THEREOF TO THE CITY TO BE DEEMED IN THE BEST INTEREST OF THE PUBLIC; AND

B. IN THE EVENT THE CITY DETERMINES THAT IT WILL NOT PROCEED WITH THE PORTION OF THE OVERTOWN GREENWAY PROJECT WHICH ABUTS THE HIGH SCHOOL, RESCIND RESOLUTION NO. 13-001, DESIGNATING THE SUBJECT SCHOOL BOARD-OWNED PARCEL AS BEING UNNECESSARY FOR EDUCATIONAL PURPOSES

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

F - 1

LINK TO

STRATEGIC FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY

Background

The City of Miami (City) is moving forward with the implementation of the Overtown Greenway Project (Greenway Project), along NW 11 Terrace, between NW 2 Avenue and NW 7 Avenue. Two Board-owned facilities, Booker T. Washington Senior High School (High School) and Frederick Douglass Elementary School (Elementary School), are located along the Greenway Project corridor. The Greenway Project, which lies within the historical Overtown community, has as its main objectives to provide the community with: safe greenway paths; a more direct pedestrian and bicycle route through the area; lighting improvements; and supervised play areas to encourage outdoor physical activity by the community. The Greenway Project is planned largely within the existing right-of-way. However, in order to provide the necessary connectivity and open space, and allow for the construction of proposed hardscape and landscape improvements, the City approached the District to request that consideration be given to dedication of a strip of land on the southern portion of the High School campus. As the Board may recall, at its meeting of April 13, 2011, it authorized the Superintendent to collaborate with the City in the implementation of the Greenway Project, including the possible dedication of a strip of land adjacent to the High School. At that time, the Board also emphasized to the City representatives in attendance the importance of reaching out to the relevant communities.

Update on Project Status

District and City representatives have been in discussions concerning Greenway Project details, including the proposed dedication and conveyance of Board-owned land. The area requested by the City for dedication by the Board encompasses approximately 0.55 acres of an existing parking lot, and would result in the loss of 39 parking spaces. The City proposes to replace the lost parking, space for space, within an area of the High School campus that is currently a vacant green area (see location map). All work will be done at the City's sole cost and expense, which will require access to portions of the High School on an interim basis. As such, to facilitate construction of the improvements, one or more Temporary Construction Access Agreements (Access Agreements) between the parties will also be required.

As a part of the Greenway Project, the City is proposing to convert NW 11 Terrace from two-way traffic to one-way traffic (east to west). The City recently undertook a traffic study/analysis to determine what impact, if any, such a change in traffic flow would have on both the High School and Elementary School. A review of the traffic analysis by District staff indicates that the new traffic flow would not impede school operations and would be beneficial to the Elementary School from a pedestrian safety standpoint, even under the assumption that both schools would be operating at 100% occupancy.

On March 21, 2012, the City held a public meeting to present the Greenway Project's preliminary design concept to the community. City staff have advised that general comments and feedback received from participants were positive, noting that the landscaping, streetlights and other associated amenities are very much needed in the Overtown neighborhood.

Land Conveyance

The area of land to be dedicated to the City totals approximately 0.55 acres, more or less, and is more fully described in Exhibit "A" attached hereto. The City agrees to accept the land in its "as-is", "where-is" condition, and the Board makes no representations or warranties of any type or

nature whatsoever, either expressed or implied, as to the usefulness, physical condition or appropriateness of the land for the Greenway Project.

Temporary Construction Access Agreements

The proposed Access Agreements will allow the City and its contractor temporary access to portions of the High School and Elementary School under, substantially, the following terms and conditions:

- given that the City anticipates commencing the work within the next year, the term shall commence upon execution of the Access Agreements by both parties, and shall terminate two years thereafter, or upon the City's completion of the work within the construction access areas, whichever occurs first. The Superintendent may, upon receipt of a written request from the City, extend the term by up to six additional months;
- the City shall have access to certain portions of the Elementary School and/or High School property solely for the purpose of constructing replacement parking, relocating fencing, installing landscaping and other activities directly related to the City's Greenway Project, which access shall be previously authorized by and coordinated with the Elementary School and/or High School principal;
- all work shall be done at the City's sole cost and expense and shall be scheduled and coordinated with the High School and Elementary School principals so as not to interfere with or disrupt the operations of the Schools;
- the City shall hold harmless and indemnify the School Board, subject to the limitations of Florida Statutes;
- as a precondition to commencing the work, the City's contractors shall hold harmless and indemnify the School Board, and shall provide the District with evidence of general liability, property and workmen's compensation insurance in amounts required by the District, and naming The School Board of Miami-Dade County, Florida, as an additional insured;
- the City shall assure that all construction work is completed in a good and workmanlike manner, using contractors who are licensed, insured and fully bonded, evidence of which shall be provided to the Board prior to commencement of any work on Board-owned property;
- the City shall restore Board-owned property affected by the construction activities to a condition that is safe and usable, and as good or better than previously existed;
- the City and its contractors shall take all necessary safety precautions, secure all construction areas by appropriate construction fencing and coordinate with the High School and Elementary School principals to assure the safety of students, staff, visitors, invitees and the public at all times during construction;
- the City and its contractors shall comply with all applicable laws, rules, regulations, ordinances and codes of all governmental authorities, including, without limitation, the Florida Building Code, the Americans with Disabilities Act and the Jessica Lunsford Act to the extent required by applicable law; and

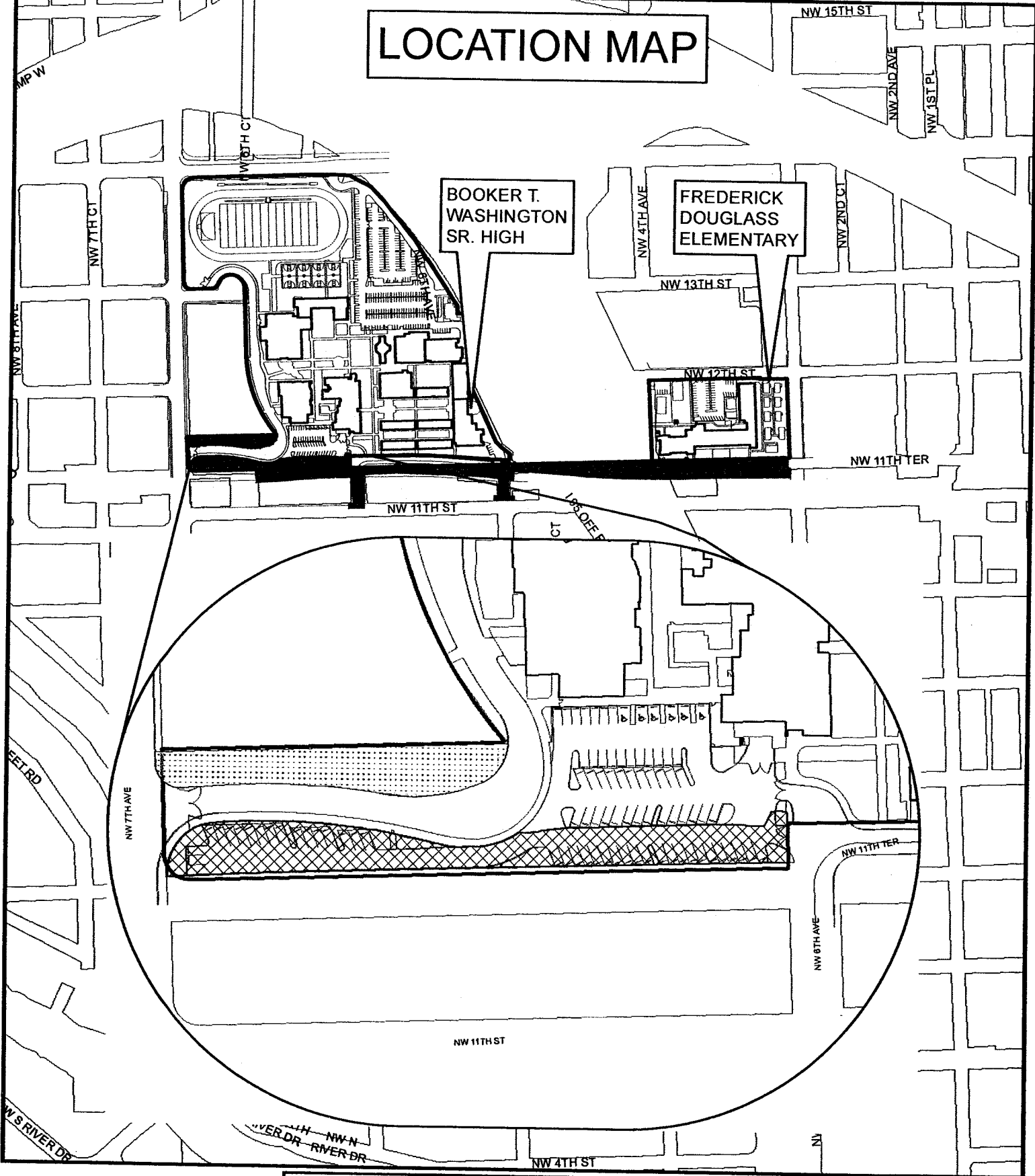
- for purposes of this Access Agreement, the Superintendent of Schools shall be the party designated by the Board to grant or deny all modifications and approvals required by the Access Agreements, including extending the term for a period not to exceed six months, if so requested in writing by the City, or to cancel and/or terminate the Access Agreements.

The Access Agreements, conveyance documents, and any other documents that may be necessary to effectuate the land dedication and temporary construction access will be reviewed by the School Board Attorney's Office and the Office of Risk and Benefits Management prior to execution. The High School Principal, Elementary School Principal and the Chief Academic Officer, Office of Academics and Transformation concur with the proposed Access Agreement and land dedication.

RECOMMENDED: That The School Board of Miami-Dade County, Florida:

- 1) authorize the Superintendent to finalize negotiations and for the Chair and/or Superintendent, as may be required, to execute:
 - A. The necessary documents to convey School Board-owned property located at Booker T. Washington Senior High School (High School), consisting of approximately 0.55 acres, to the City of Miami (Miami), to implement the portion of the City's Overtown Greenway Project which abuts the High School;
 - B. One or more Temporary Construction Access Agreements with the City to facilitate construction related activities by the City on Board-owned land; and
 - C. Any other documents or agreements necessary to effectuate the conveyance of the subject School Board-owned property to the City; and
- 2) Contingent on approval of item 1 above, that The School Board of Miami-Dade County, Florida:
 - D. Adopt Resolution No.13-001, designating the subject School Board-owned property to be unnecessary for educational purpose, and conveyance thereof to the City to be deemed in the best interest of the public; and
 - E. In the event the City determines that it will not proceed with the portion of the Overtown Greenway Project which abuts the High School, rescind Resolution No. 13-001, designating the subject School Board-owned property to be unnecessary for educational purposes.




LOCATION MAP



BOOKER T. WASHINGTON SR. HIGH

FREDERICK DOUGLASS ELEMENTARY

Legend

-  Overtown Greenway Project
-  Proposed dedication of a 0.55 acre strip of Board-owned land to City
-  Replacement by the City of 39 parking spaces on Board-owned land



Not to scale

Exhibit A

LEGAL DESCRIPTION:

A portion of Tracts "B" and "C" of "BOOKER T. WASHINGTON JR. HIGH", according to the Plat thereof, as recorded in Plat Book 129, Page 39, of the Public Records of Miami-Dade County, Florida; being more particularly described as follows:

BEGIN at the Most Southwesterly Point of Tract "C" of "BOOKER T. WASHINGTON JR. HIGH", according to the Plat thereof, as recorded in Plat Book 129, Page 39, of the Public Records of Miami-Dade County, Florida, that Point being also on the East Right-of-Way Line of N.W. 7th Avenue; Thence run along the South Line of said Tract "C" North 87°45'39" East for a distance of 599.88 feet to a point on the extended line of the West Right-of-Way Line of N.W. 6th Avenue; Thence run along said extended line of the West Right-of-Way Line of N.W. 6th Avenue North 02°16'11" West for a distance of 63.22 feet to a non-tangent point on a circular curve concave to the Southwest and whose radius point bears South 14°12'48" West from this point; thence run Northwesterly along a circular curve having for its elements a radius of 57.06 feet, a central angle of 23°33'32" for an arc distance of 23.46 feet to a Point of Curvature on a circular curve concave to the Southeast and whose radius point bears South 09°20'45" East from this point; thence run Southwesterly along a circular curve having for its elements a radius of 7.06 feet, a central angle of 37°23'06" for an arc distance of 4.60 feet to a Point of Tangency; Thence run South 43°16'09" West for a distance of 29.92 feet to a point; Thence run South 87°48'56" West for a distance of 203.55 feet to a point; Thence run North 41°28'30" West for a distance of 11.10 feet to a non-tangent point on a circular curve concave to the Northwest and whose radius point bears North 41°29'23" West from this point; thence run Southeasterly along a circular curve having for its elements a radius of 73.67 feet, a central angle of 33°12'47" for an arc distance of 42.70 feet to a Point of Tangency; Thence run South 87°43'50" West for a distance of 257.32 feet to a point; Thence run South 80°10'38" West for a distance of 49.88 feet to a point on said East Right-of-Way Line of N.W. 7th Avenue; Thence run along said East Right-of-Way Line of the N.W. 7th Avenue, South 02°04'23" East for a distance of 2.97 feet to a point; Thence continue along said East Right-of-Way Line of the N.W. 7th Avenue, South 13°30'37" East for a distance of 25.57 feet to the POINT OF BEGINNING, containing an area of 23,824 square feet or 0.55 acres, more or less.

RESOLUTION NO. 13-001

A RESOLUTION OF THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA ("BOARD"), DETERMINING THAT CERTAIN BOARD-OWNED LAND IS UNNECESSARY FOR EDUCATIONAL PURPOSES; PROVIDING FOR AUTHORITY TO CONVEY; AND ESTABLISHING EFFECTIVE DATE

WHEREAS, the City of Miami ("City") is moving forward with the implementation of the Overtown Greenway Project ("Greenway Project"), along NW 11 Terrace, between NW 2 Avenue and NW 7 Avenue, within the City of Miami; and

WHEREAS, two Board-owned facilities, Booker T. Washington Senior High School (High School) and Frederick Douglass Elementary School, are located along the Greenway Project corridor; and

WHEREAS, the Board, at its April 13, 2011 meeting, authorized the Superintendent to collaborate with the City in the implementation of the Greenway Project, including the possible dedication of a strip of land adjacent to the High School; and

WHEREAS, on March 21, 2012, the City held a public meeting to present the Greenway Project's preliminary design concept to the community, and City staff have advised that general comments and feedback received from participants were positive, noting that the landscaping, streetlights and other associated amenities are very much needed in the Overtown neighborhood; and

WHEREAS, the City has requested the dedication from the Board of a strip of land at the High School, located at 1200 NW 6 Avenue, Miami, consisting of approximately 0.55 acres ("Site"), to facilitate the construction of the Greenway Project; and

WHEREAS, after due consideration and consultation, the Board has determined that the Site described in Exhibit 1 attached hereto, is unnecessary for educational purposes, and conveyance thereof to the City is deemed to be in the best interest of the public; and

WHEREAS, in the event the City determines that it will not proceed with the portion of the Overtown Greenway Project which abuts the High School, the designation of the Site as being unnecessary for educational purposes shall be automatically rescinded.

NOW, THEREFORE, BE IT RESOLVED BY THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA THAT:

SECTION 1. The above recitals are true and ratified and adopted by this reference.

SECTION 2. The School Board of Miami-Dade County, Florida, hereby designates the Site described in Exhibit 1 attached hereto as unnecessary for educational purposes, and conveyance thereof to the City to be deemed in the best interest of the public.

SECTION 3. The Superintendent and/or the Chair are hereby authorized to execute all documents of conveyance which may be required in order to effectuate the conveyance of the subject School Board-owned property to the City.

SECTION 4. In the event, the City determines that it will not proceed with the portion of the Overtown Greenway Project which abuts the High School, the designation of the Site as unnecessary for educational purposes shall be automatically rescinded.

SECTION 5. This Resolution shall take effect immediately upon its passage.

ADOPTED this _____ day of _____, A.D., 2013

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Chair

ATTEST:

Secretary

Exhibit 1
to Resolution No. 13-001

Description of The Site:

Location: 1200 NW 6 Avenue, Miami, FL (Miami-Dade County)
Folio: portions of the following three (3) folios: 01-3136-077-0020,
01-3136-077-0030 and 01-3136-037-0250
Legal description: Legal description as per Exhibit "1-A" attached hereto.

Subject to: All conditions, restrictions, easements, zoning
and other limitations of record, if any.

Exhibit "1-A"

LEGAL DESCRIPTION:

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