

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

SUBJECT:

1) AUTHORIZE THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND EXECUTE A TEMPORARY, NON-EXCLUSIVE LICENSE AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") FOR THE PURPOSE OF ALLOWING FDOT TO TIE-IN AND HARMONIZE ITS PROPOSED HIGHWAY IMPROVEMENTS WITH EXISTING FEATURES OF THE MIAMI SENIOR HIGH SCHOOL ("SCHOOL") CAMPUS, 2450 SW 1 STREET, MIAMI, LOCATED ADJACENT TO THE ROADWORK;

2) AUTHORIZE THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND FOR THE CHAIR AND SECRETARY TO EXECUTE A TEMPORARY, NON-EXCLUSIVE EASEMENT AGREEMENT, IN FAVOR OF AND TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, FOR THE PURPOSE OF ALLOWING FDOT TO ACCESS THE ABOVE REFERENCED ROADWAY CONSTRUCTION SITE DURING INSTALLATION OF A DRAINAGE STRUCTURE WITHIN EXISTING PUBLIC RIGHT-OF-WAY ADJACENT TO THE SCHOOL; AND

3) AUTHORIZE THE SUPERINTENDENT TO GRANT OR DENY ALL APPROVALS REQUIRED UNDER BOTH AGREEMENTS, INCLUDING EXTENDING THE AGREEMENTS FOR A PERIOD NOT TO EXCEED 18 MONTHS, CANCELING OR TERMINATING THE AGREEMENTS, AND PLACING FDOT IN DEFAULT, AS MAY BE APPLICABLE

COMMITTEE: FACILITIES AND CONSTRUCTION

LINK TO STRATEGIC BLUEPRINT: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES

The State of Florida Department of Transportation ("FDOT") will be initiating a substantial roadway project along portions of West Flagler Street beginning in early 2016. The work will include drainage, curb and gutter reconstruction, installation of on-street parking, new lighting and signalization, and improving sidewalks and ramps ("Transportation Project"). A portion of the proposed work, between SW 24 Avenue and SW 25 Avenue, is located immediately adjacent to the Miami Senior High School ("School") campus, 2450 SW 1 Street, Miami. FDOT has approached the District with a request for the parties to enter into a Temporary, Non-exclusive License Agreement and a Temporary, Non-exclusive Easement Agreement to facilitate the work and limit any impact on the School.

Temporary, Non-exclusive License Agreement

The proposed Temporary, Non-exclusive License Agreement ("License Agreement") will impact a small portion of the School campus immediately adjacent to the roadway improvements (approximately 5 feet in depth), and will allow FDOT to occupy and use the area solely for sloping, grading, tying in, harmonizing and reconnecting existing features located on the School campus (e.g. driveways, sidewalks, swale areas, etc.) with the roadway improvements to be constructed by FDOT. The License Agreement will cover the area of the harmonizing work, as more specifically described in Exhibit "A", attached hereto.

Temporary, Non-exclusive Easement Agreement

The proposed Temporary, Non-exclusive Easement Agreement ("Easement Agreement") will impact an approximate 117 square foot area on SW 25 Avenue, where FDOT must excavate a portion of the right-of-way for the purpose of accessing the construction site during the installation of a drainage structure within the right-of-way. The Easement Agreement will cover the area of the excavation, as more specifically described in Exhibit "B", attached hereto.

The Temporary, Non-exclusive License Agreement and the Temporary, Non-exclusive Easement Agreement (collectively, the "Agreements") include, substantially, the following terms and conditions:

- The Agreements shall be effective upon the date that the last of the Parties executes the document, and shall remain active until the FDOT Transportation Project is completed, but in no event later than February 28, 2018;
- Prior to commencing any work within the impacted area, FDOT will submit construction plans for the area for review and prior approval by the District;
- FDOT will coordinate commencement of the work within the impacted area with a minimum of 48-hours advance notice;
- FDOT will maintain full access to the School grounds during all days that the School is in session, from a period beginning one hour before classes begin and ending one hour after classes end;

- FDOT will restore the impacted area to a safe and usable condition at the conclusion of the work;
- FDOT will comply with all applicable laws, ordinances and codes of all governmental authorities;
- In the event of any dispute, each Party shall pay its own Attorney fees and costs;
- During construction, FDOT shall require its construction contractor(s) to maintain Commercial General Liability insurance providing continuous coverage for all work or operations performed under the Construction Contract; and
- The Superintendent of Schools shall be the party designated by the Board to grant or deny all approvals required by the Agreements, and may, at his sole option, extend the Agreements for a period not to exceed 18 months, upon receipt of a written request from FDOT.

The two Agreements have been reviewed and approved by the School Board Attorney's Office and the Office of Risk and Benefits Management. The Office of School Facilities recommends approval of the License Agreement and Easement Agreement.

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

1) authorize the Superintendent to finalize negotiations and execute a Temporary, Non-exclusive License Agreement with the State of Florida Department of Transportation ("FDOT") for the purpose of allowing FDOT to tie-in and harmonize its proposed highway improvements with existing features of the Miami Senior High School ("School") campus, 2450 SW 1 Street, Miami, located adjacent to the roadwork, under, substantially, the terms noted above;

2) authorize the Superintendent to finalize negotiations and for the Chair and Secretary to execute a Temporary, Non-exclusive Easement Agreement, in favor of and to the State of Florida Department of Transportation, for the purpose of allowing FDOT to access the above referenced roadway construction site during installation of a drainage structure within existing public right-of-way adjacent to the School, under, substantially, the terms noted above; and

3) authorize the Superintendent to grant or deny all approvals required under both agreements, including extending the agreements for a period not to exceed 18 months, canceling or terminating the agreements, and placing FDOT in default, as may be applicable.

EXHIBIT "A"

GENERAL NOTES:

- THIS IS NOT A SURVEY
- Reproductions of this map are not valid without the signature and the original raised seal of the Florida Licensed Surveyor and Mapper in responsible charge.
- Lands shown hereon were not abstracted by this office for rights of way, easement of record ownership, abandonments, deed restrictions, or Murphy Act Deeds. This information should be obtained through appropriate verification.
- Bearings are based on a bearing of N 87°44'25" E along the North Line of the S.W. 1/4 of of Section 3, Township 54 South, Range 41 East as referenced to the provided F.D.O.T. Roadway plans (Financial Project 418091-1-52-01)
- Proposed License Agreement lines shown hereon were provided by Client on September 16, 2015 via email (file:41809115201_Harmonization_Area.dgn).
- Dimensions and areas of Parcels are calculated based on existing plats, city atlas maps, right of way maps, deeds and roadway plans as provided by client.
- Additions and/or deletions to survey maps, sketches or reports by any party other than the signing party are prohibited without the written consent of the signing party.
- Stations and offsets are relative to the center lines of construction as shown on provided F.D.O.T. Roadway plans
- Triangle Surveying & Mapping, Inc. carries Professional Liability Insurance for Surveying & Mapping services.
- Owner's name was obtained from online records at the Miami-Dade Property Appraiser's website.

LEGAL DESCRIPTION PARCEL 919

(Part A):

A portion of TRACT "A" of "MIAMI SENIOR HIGH SCHOOL" according to the plat thereof, recorded in Plat Book 168 at Page 61 of the Public Records of Miami-Dade County, Florida all lying in the S.W. ¼ of Section 3, Township 54 South, Range 41 East, City of Miami, Miami-Dade County, Florida, being more particularly described as follows:

Commence at N.W. corner of said S.W. 1/4 of Section 3; thence N87°44'25"E, along the North line of said S.W. 1/4 of Section 3, for a distance of 696.80 feet; thence S02°15'35"E, at right angle to the last described course, for a distance of 49.90 feet to a point on the arc defining the N.W. corner of aforementioned TRACT "A" and the POINT OF BEGINNING: said curve being concave Southeasterly, having a radius of 25.00 feet, a chord bearing of N37°25'04"E and a chord distance of 13.66 feet; thence Northeasterly along the arc of said curve, through a central angle of 31°41'56", for an arc distance of 13.83 feet; thence on a non-radial bearing, S01°59'40"E for a distance of 10.32 feet; thence S86°29'46"W for a distance of 8.67 feet to the POINT OF BEGINNING:

Containing 53 square feet, more or less

TOGETHER WITH:

(Part B):

A portion of TRACT "A" of "MIAMI SENIOR HIGH SCHOOL" according to the plat thereof, recorded in Plat Book 168 at Page 61 of the Public Records of Miami-Dade County, Florida all lying in the S.W. ¼ of Section 3, Township 54 South, Range 41 East, City of Miami, Miami-Dade County, Florida, being more particularly described as follows:

Commence at N.W. corner of said S.W. 1/4 of Section 3; thence N87°44'25"E, along the North line of said S.W. 1/4 of Section 3, for a distance of 721.23 feet; thence S02°15'35"E, at right angle to the last described course, for a distance of 35.00 feet to the existing South Right of Way line of State Road No. 968 (West Flagler Street) as per Florida Department of Transportation Maintenance Map, Section 87053 and the POINT OF BEGINNING: thence N87°44'25"E, along said South Right of Way line, for a distance of 254.40 feet; thence departing said South Right of Way line, S02°50'51"E for a distance of 3.75 feet; thence S87°27'30"W for a distance of 254.44 feet; thence N02°16'01"W for a distance of 5.00 feet to the POINT OF BEGINNING:

Containing 1,113 square feet, more or less

CONTINUE ON SHEET 2 OF 4...

This document consists of four (4) sheets and neither shall be considered full, valid, and complete without the other.

FLORIDA DEPARTMENT OF TRANSPORTATION SKETCH TO ACCOMPANY LEGAL DESCRIPTION

STATE ROAD NO. 968

MIAMI-DADE COUNTY

DRAWN	BY	DATE	PREPARED BY:	TRIANGLE SURVEYING AND MAPPING, INC 829D NW 64 STREET MIAMI, FL 33166 (LB7388)	DATA SOURCE:	SEE GENERAL NOTES	
CHECKED	BY	DATE	F.P. NO.	418091-1	SECTION	87053	SHEET 1 OF 4
JL	JL	09/21/15					

SKETCH 3000-22.01

EXHIBIT "A"

...CONTINUED FROM SHEET 1 OF 4

TOGETHER WITH:

(Part C):

A portion of TRACT "A" of "MIAMI SENIOR HIGH SCHOOL" according to the plat thereof, recorded in Plat Book 168 at Page 61 of the Public Records of Miami-Dade County, Florida all lying in the S.W. ¼ of Section 3, Township 54 South, Range 41 East, City of Miami, Miami-Dade County, Florida, being more particularly described as follows:

Commence at N.W. corner of said S.W. 1/4 of Section 3; thence N87°44'25"E, along the North line of said S.W. 1/4 of Section 3, for a distance of 1,089.88 feet; thence S02°15'35"E, at right angle to the last described course, for a distance of 35.00 feet to the existing South Right of Way line of State Road No. 968 (West Flagler Street) as per Florida Department of Transportation Maintenance Map, Section 87053 and the POINT OF BEGINNING; thence N87°44'25"E, along said South Right of Way line, for a distance of 88.26 feet to a point on curve that is concave Southwesterly, having a radius of 1,120.92 feet, a chord bearing of S88°35'37"E and a chord distance of 143.27 feet; thence Southeasterly along the arc of said curve, through a central angle of 07°19'42", for an arc distance of 143.37 feet to the point of compound of curvature with a curve that is concave Southwesterly, having a radius of 25.00 feet, a chord bearing of S65°52'35"E and a chord distance of 16.73 feet; thence Southeasterly along the arc of said curve, through a central angle of 39°05'17", for an arc distance of 17.06 feet; thence departing said South Right of Way line, N85°31'41"W for a distance of 56.07 feet; thence N88°13'29"W for a distance of 35.62 feet; thence S89°29'42"W for a distance of 50.02 feet; thence S88°16'37"W for a distance of 105.02 feet; thence N02°15'35"W for a distance of 5.00 feet to the POINT OF BEGINNING:

Containing 1,354 square feet, more or less

TOGETHER WITH:

(Part D):


A portion of TRACT "A" of "MIAMI SENIOR HIGH SCHOOL" according to the plat thereof, recorded in Plat Book 168 at Page 61 of the Public Records of Miami-Dade County, Florida all lying in the S.W. ¼ of Section 3, Township 54 South, Range 41 East, City of Miami, Miami-Dade County, Florida, being more particularly described as follows:

Commence at N.W. corner of said S.W. 1/4 of Section 3; thence N87°44'25"E, along the North line of said S.W. 1/4 of Section 3, for a distance of 1,368.17 feet to a point of intersection with the centerline of S.W. 24th Avenue; thence along said centerline, S02°14'15"E for a distance of 111.11 feet; thence S87°47'45"W, at right angle to the last described course, for a distance of 25.00 feet to the existing West Right of Way line of said S.W. 24th Avenue and the POINT OF BEGINNING; thence S02°14'15"E, along said West Right of Way line, for a distance of 24.36 feet; thence departing said West Right of Way line, S87°45'45"W for a distance of 10.00 feet; thence N02°14'15"W for a distance 24.36 feet; thence N87°45'45"E for a distance of 10.00 feet to the POINT OF BEGINNING:

Containing 244 square feet, more or less

Parts A through D containing a total of 2,764 square feet, more or less.

This document consists of four (4) sheets and neither shall be considered full, valid, and complete without the other.


 JOHN LIPTAK DATE 9/21/15
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA LICENSE NO. 5564

FLORIDA DEPARTMENT OF TRANSPORTATION			
SKETCH TO ACCOMPANY LEGAL DESCRIPTION			
STATE ROAD NO. 968		MIAMI-DADE COUNTY	
BY	DATE	PREPARED BY:	DATA SOURCE:
DRAWN	CMP	TRANGLE SURVEYING AND MAPPING, INC. 8290 NW 64 STREET MIAMI, FL 33166 (LBT388)	SEE GENERAL NOTES
REVISION	BY	DATE	F.P. NO. 418091-1
CHECKED	JL	09/21/15	SECTION 87053
			SHEET 2 OF 4

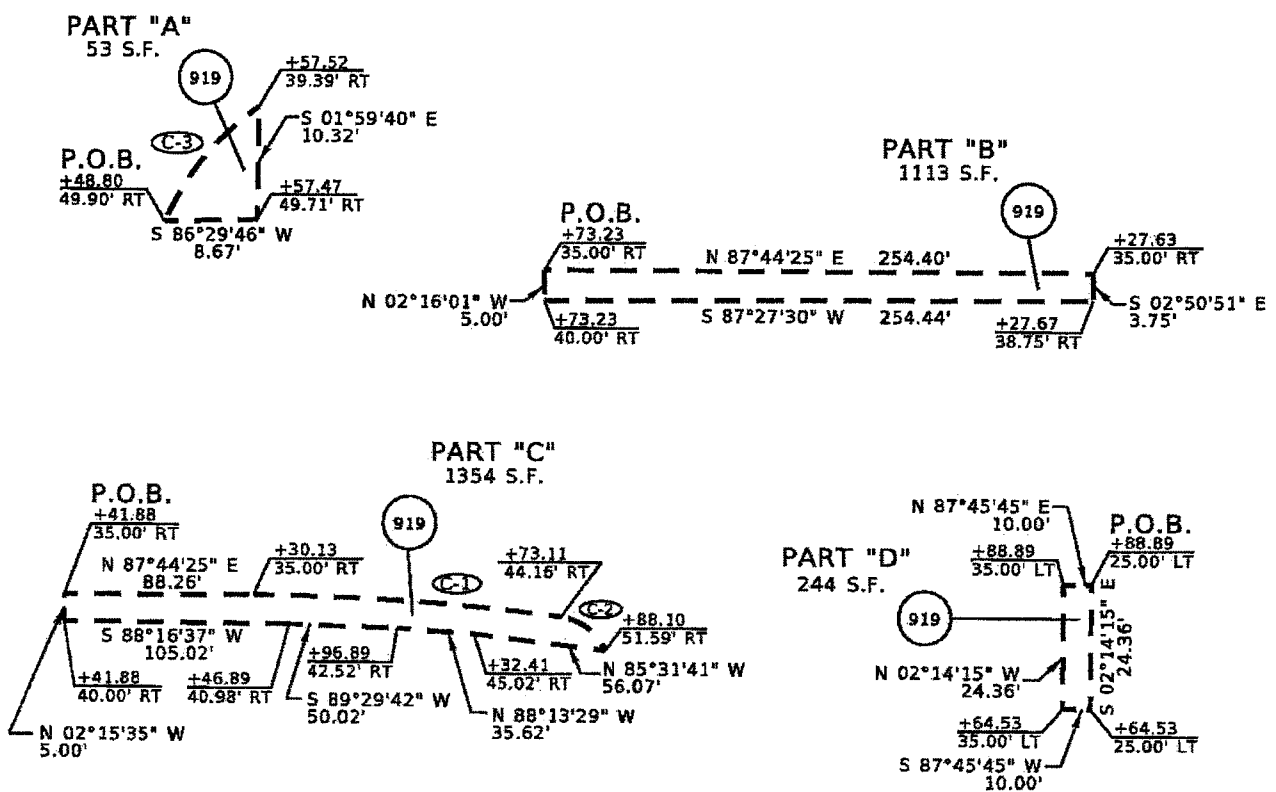
PAI Pro 3000 R/W Mapping 3000-22 58368 MISHS LA 91101001RUMS019.dwg

SKETCH 3000-22.01

EXHIBIT "A"

LEGEND:

- | | | |
|---|---|--|
| <ul style="list-style-type: none"> ⑨19 - Parcel Identification Number AC. - Acres B. - Baseline Δ - Delta Angle C. - Centerline/Centerline of Construction C.B. - Chord Bearing C.D. - Chord Distance D - Degree of Curve EXIST. - Existing F.D.O.T. - Florida Department of Transportation F.P. - Financial Project L - Arc Length | <ul style="list-style-type: none"> L - Arc Length M - City of Miami Monument Line O.R.B. - Official Record Book PG. - Page (P) - Platted Information P.B. - Plat Book P.C. - Point of Curvature P.I. - Point of Intersection P.T. - Point of Tangency P.O.C. - Point of Commencement P.O.B. - Point of Beginning | <ul style="list-style-type: none"> P. - Property Line R - Radius R/W - Right of Way (RW) - Right of Way Map Data RGE. - Range SEC. - Section S.F. - Square Feet S.R. - State Road STA. - Station T - Tangent Length TWP. - Township |
|---|---|--|



This document consists of four (4) sheets and neither shall be considered full, valid, and complete without the other.

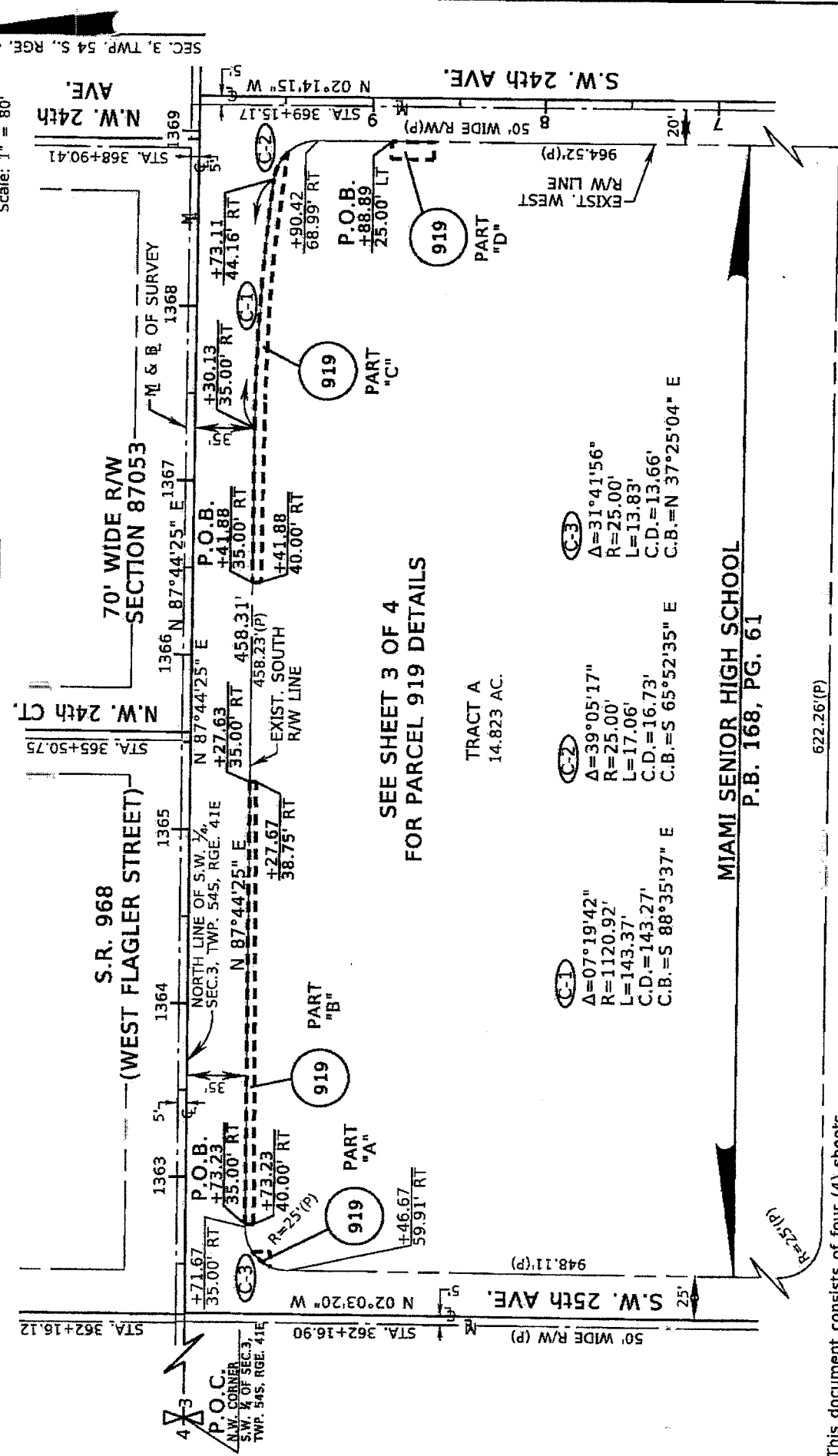
FLORIDA DEPARTMENT OF TRANSPORTATION SKETCH TO ACCOMPANY LEGAL DESCRIPTION

STATE ROAD NO. 968				MIAMI-DADE COUNTY			
	BY	DATE	PREPARED BY:			DATA SOURCE: SEE GENERAL NOTES	
DRAWN	CMP	09/17/15					
CHECKED	JL	09/21/15	F.P. NO. 418091-1		SECTION 87053	SHEET 3 OF 4	

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PARCEL #.	OWNER'S NAME	PARCEL AREA	REMAINDER	COMMENTS
919	SCHOOL BOARD OF MIAMI-DADE COUNTY	2,764 S.F.	14,760 AC.	

EXHIBIT "A"



SEE SHEET 3 OF 4
 FOR PARCEL 919 DETAILS

TRACT A
 14.823 AC.

(C-1)
 $\Delta=07^{\circ}19'42''$
 $R=1120.92'$
 $L=143.37'$
 $C.D.=143.27'$
 $C.B.=S\ 88^{\circ}35'37''\ E$

(C-2)
 $\Delta=39^{\circ}05'17''$
 $R=25.00'$
 $L=17.06'$
 $C.D.=16.73'$
 $C.B.=S\ 65^{\circ}52'35''\ E$

(C-3)
 $\Delta=31^{\circ}41'56''$
 $R=25.00'$
 $L=13.83'$
 $C.D.=13.66'$
 $C.B.=N\ 37^{\circ}25'04''\ E$

MIAMI SENIOR HIGH SCHOOL
 P.B. 168, PG. 61

This document consists of four (4) sheets and neither shall be considered full, valid, and complete without the other.

THIS IS NOT A SURVEY

FLORIDA DEPARTMENT OF TRANSPORTATION		STATE ROAD NO. 968		MIAMI-DADE COUNTY	
REVISION	BY	DATE	DRAWN	CMP	DATE
LEGAL DESCRIPTION			SECTION 87053 SHEET 4		
SKETCH TO ACCOMPANY			DATA SOURCE: TRIANGLE SURVEYING AND MAPPING, INC. 8290 NW 84 STREET MIAMI, FL 33166 (L87388)		
FLORIDA DEPARTMENT OF TRANSPORTATION			SEE GENERAL NOTES ON SHEET 1		
SKETCH TO ACCOMPANY			F.P. NO. 418091-1		
LEGAL DESCRIPTION			SECTION 87053 SHEET 4		

EXHIBIT "B"

LEGAL DESCRIPTION PARCEL 705:

A portion of Tract "A" MIAMI SENIOR HIGH SCHOOL, according to the Plat thereof, as recorded in Plat Book 168, at Page 61, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the intersection of the westerly projection of the North boundary of said Tract "A" with the northerly projection of the West boundary of said Tract "A"; THENCE South 02°03'20" East, along the West boundary of said Tract "A" and its northerly projection, a distance of 28.97 feet to the POINT OF BEGINNING of the following described parcel of land; THENCE continue South 02°03'20" East, along said West boundary of Tract "A", a distance of 26.00 feet; THENCE North 87°44'38" East, a distance of 4.49 feet; THENCE North 01°28'36" West, a distance of 26.00 feet; thence South 87°44'38" West, a distance of 4.75 feet to the POINT OF BEGINNING.

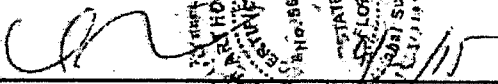
All of the foregoing lying in Section 3, Township 54 South, Range 41 East, City of Miami, Miami-Dade County, Florida and containing 120 square feet, more or less.

LEGEND:

- B - Baseline
- C.B. - Chord Bearing
- C - Centerline
- 705 - Parcel Identification Number
- Δ - Delta
- EXIST. - Existing
- F.D.O.T. - Florida Department of Transportation
- F.P. - Financial Project
- L - Length
- M - City of Miami Monument Line
- NO. - Number
- P.B. - Plat Book
- PG. - Page
- P.O.B. - Point of Beginning
- P.O.C. - Point of Commencement
- R - Radius
- RGE. - Range
- RT - Right
- R/W - Right-of-Way
- SEC. - Section
- S.R. - State Road
- STA. - Station
- T.B. - Tangent Bearing
- TWP. - Township

GENERAL NOTES:

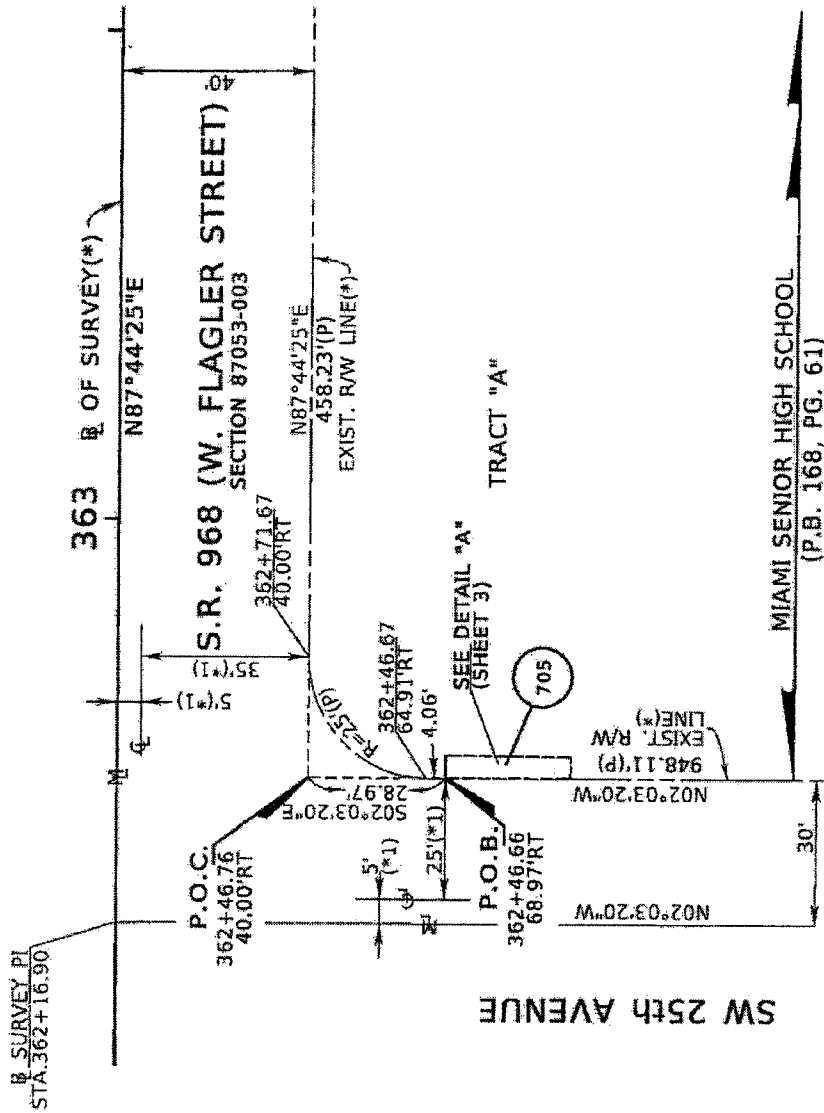
- THIS IS NOT A SURVEY.
- Bearings shown hereon are relative to the Survey Baseline along State Road 968 / W. Flagler St as shown on the Project Network Control Sheets (P.N.C.) prepared by PBS&J, Reference FP# 414630-1-52-01, Survey Date: 04-03-2006.
- Stations and Offsets are relative to the Survey Baseline as shown on the above referenced P.N.C. sheets.
- Survey Baseline, R/W lines, and Parcel geometry shown hereon were provided by F.D.O.T.
- Additions and/or deletions to survey maps, sketches or reports by any party other than the signing party are prohibited without the written consent of the signing party.
- No Title Search was provided and/ or reviewed in connection with preparation of this instrument.
- Biscayne Engineering Company, Inc. Order No. 03-84850, Drawing No. 2206-55-15
- Not valid without the signature and the original raised seal of Florida Licensed Surveyor and Mapper.


 MIKE J. BARTHOLOMEW DATE _____
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA LICENSE NO. 5666
 BISCAYNE ENGINEERING COMPANY, INC.
 529 W. FLAGLER ST, MIAMI, FL 33130, TEL 305.324.7671
 CERTIFICATE OF AUTHORIZATION No. 0129

FLORIDA DEPARTMENT OF TRANSPORTATION SKETCH TO ACCOMPANY LEGAL DESCRIPTION									
STATE ROAD NO. 968					MIAMI-DADE COUNTY				
DRAWN		I.V.		DATE		PREPARED BY:		DATA SOURCE:	
				04/15		BISCAYNE ENGINEERING COMPANY, INC., 18 8129		SEE GENERAL NOTES	
						529 W. FLAGLER ST, MIAMI, FL TEL (305)324-7671			
REVISION	BY	DATE	CHECKED	M.S.	04/25	F.P. NO. 418091-3-52-01	SECTION 87053-003	SHEET 1 OF 3	

SEC. 3-54-41
CITY OF MIAMI

SEC. 3 TWP. 54S, RGE. 41E



THIS IS NOT A SURVEY

NOTES:
 (*) PER RW MAP FOR S.R. 968 (WEST FLAGLER ST) SECTION 87053-0008,
 DATED 01-19-1984
 (*1) PER CITY OF MIAMI MUNICIPAL ATLAS SHEET.

FLORIDA DEPARTMENT OF TRANSPORTATION		STATE ROAD NO. 968		MIAMI-DADE COUNTY	
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		DATE	DATE	DATE	DATE
BY	BY	BY	BY	BY	BY
DRAWN	CHECKED	DATE	DATE	DATE	DATE
04/15	04/15	04/15	04/15	04/15	04/15
PREPARED BY: RISKAYNE ENGINEERING COMPANY, INC. LB 0129 323 W. FLAGLER ST. MIAMI, FL 33134-2821		DATA SOURCE: SEE GENERAL NOTES		SECTION 87053-003	
F.P. NO. 418091-1-52-01		SECTION 87053-003		SHEET 2 OF 3	

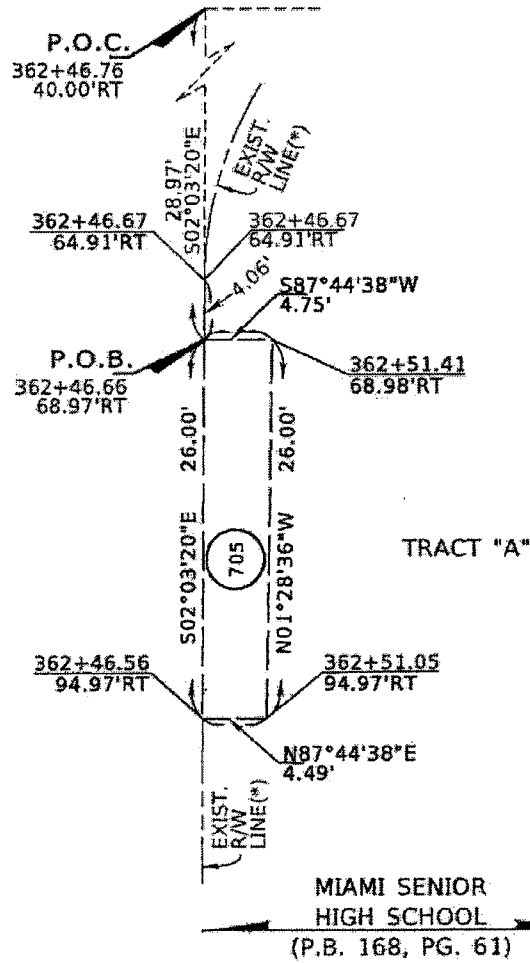
SEC. 3 TWP. 54S. RGE. 41E

DETAIL "A"

SEC. 3-54-41
CITY OF MIAMI

S.R. 968 (W. FLAGLER STREET)
SECTION 87053-003

SW 25th AVENUE



TRACT "A"

MIAMI SENIOR
HIGH SCHOOL
(P.B. 168, PG. 61)



THIS IS NOT A SURVEY

NOTES:
 (*) PER RW MAP FOR S.R. 968 (WEST FLAGLER ST) SECTION 87053-000B,
 DATED 01-19-1984.
 (*) PER CITY OF MIAMI MUNICIPAL ATLAS SHEET.

PARCEL NO.	OWNER'S NAME	PARCEL AREA	REMAINDER	COMMENTS
705	SCHOOL BOARD OF MIAMI-DADE COUNTY	120 SQ. FT.	UNDETERMINED	

FLORIDA DEPARTMENT OF TRANSPORTATION SKETCH TO ACCOMPANY LEGAL DESCRIPTION		STATE ROAD NO. 968		MIAMI-DADE COUNTY	
DATE	BY	DATE	BY	DATE	BY
04/75		04/75			
DRAWN		CHECKED		DATE	
REVISION					
PREPARED BY: BISCAYNE ENGINEERING COMPANY, INC. 18 0229 529 W. FLAGLER ST. MIAMI, FL. TEL. (305) 342-7871			DATA SOURCE: SEE GENERAL NOTES		
F.P. NO. 418091-1-52-01			SECTION 87053-003		
SHEET 3 OF 3					