

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

SUBJECT: AUTHORIZE THE SUPERINTENDENT TO:

1) FINALIZE NEGOTIATIONS AND EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE SCHOOL BOARD AND MIAMI-DADE COUNTY ("COUNTY"), TO EXTEND USE OF CALUSA CLUB ESTATES PARK, LOCATED AT 13464 SW 96 STREET, BY CALUSA ELEMENTARY SCHOOL, LOCATED AT 9580 WEST CALUSA CLUB DRIVE, FOR THE PERIOD ENDING NOVEMBER 17, 2025; AND

2) GRANT OR DENY ALL APPROVALS REQUIRED UNDER THE LEASE AGREEMENT, INCLUDING PLACING THE COUNTY IN DEFAULT, AND RENEWING, EXTENDING, CANCELLING OR TERMINATING THE AGREEMENT

COMMITTEE: FACILITIES AND CONSTRUCTION

LINK TO STRATEGIC BLUEPRINT: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES

Background

Since November 1980, the School Board ("Board") has utilized Calusa Club Estates Park, ("Park"), located at 13464 SW 96 Street, for use by Calusa Elementary School ("School"), located at 9580 West Calusa Club Drive (see Location Map), under a Lease Agreement ("Agreement") with Miami-Dade County ("County"). The District constructed a physical education shelter on the Park and utilizes the land for recreational purposes. In addition, three (3) portable classrooms utilized by the School for Exceptional Student Education, General Education and Spanish classes are located within a portion of the Park. The County has agreed to extend the term of the Agreement, originally slated to expire on November 17, 2015, for an additional ten (10) years. If extended, the School will have use of the Park for the period ending November 17, 2025, at no rental cost.

Proposed Amendment to the Lease Agreement

Given the lack of available recreational facilities on the School campus and continuing need to locate the three (3) portables classrooms on the Park site, the Deputy

Superintendent/Chief Operating Officer, School Operations, recommends the Agreement be extended for the period ending November 17, 2025. It is further recommended by District staff that the Agreement be amended to provide for additional terms and conditions. Accordingly, it is recommended that the Agreement be amended to provide, substantially, the following terms and conditions:

- the term of the Agreement will be extended for the period ending November 17, 2025;
- the term of the Agreement may be further extended, at the mutual agreement of the parties, for unlimited additional five (5) year renewal periods;
- either party shall have the right to cancel the Agreement, without cause or penalty, by giving the other party at least one hundred eighty (180) days prior written notice;
- the County shall indemnify and hold the Board harmless, subject to the monetary limitations contained in Florida Statute, Section 768.28, from all liability which may arise as a result of the County's negligence, actions or failure to act under the terms of the Agreement;
- the Board shall indemnify and hold the County harmless, subject to the monetary limitations contained in Florida Statute, Section 768.28, from all liability which may arise as a result of the Board's negligence, actions or failure to act under the terms of the Agreement;
- the Agreement shall be construed and enforced according to the laws of the State of Florida and the venue for any disputes shall be Miami-Dade County, Florida;
- in the event of any litigation between the parties under the Agreement, each party shall be responsible for its own attorney's fees and court costs through trials and appellate levels; and
- for purposes of the Agreement, the Superintendent of Schools shall be the party designated by the Board to grant or deny any approvals required by the Agreement, including placing the County in default, and renewing, extending, canceling or terminating the Agreement.

All other terms and conditions of the Agreement will remain unchanged, including the requirement for the District to maintain the Park and all facilities and equipment placed thereon by the District in a state of good repair, and in a safe and clean condition.

The proposed Amendment to the Lease Agreement has been reviewed and approved by the School Board Attorney's Office and the Office of Risk and Benefits Management for legal sufficiency and risk management issues, respectively.

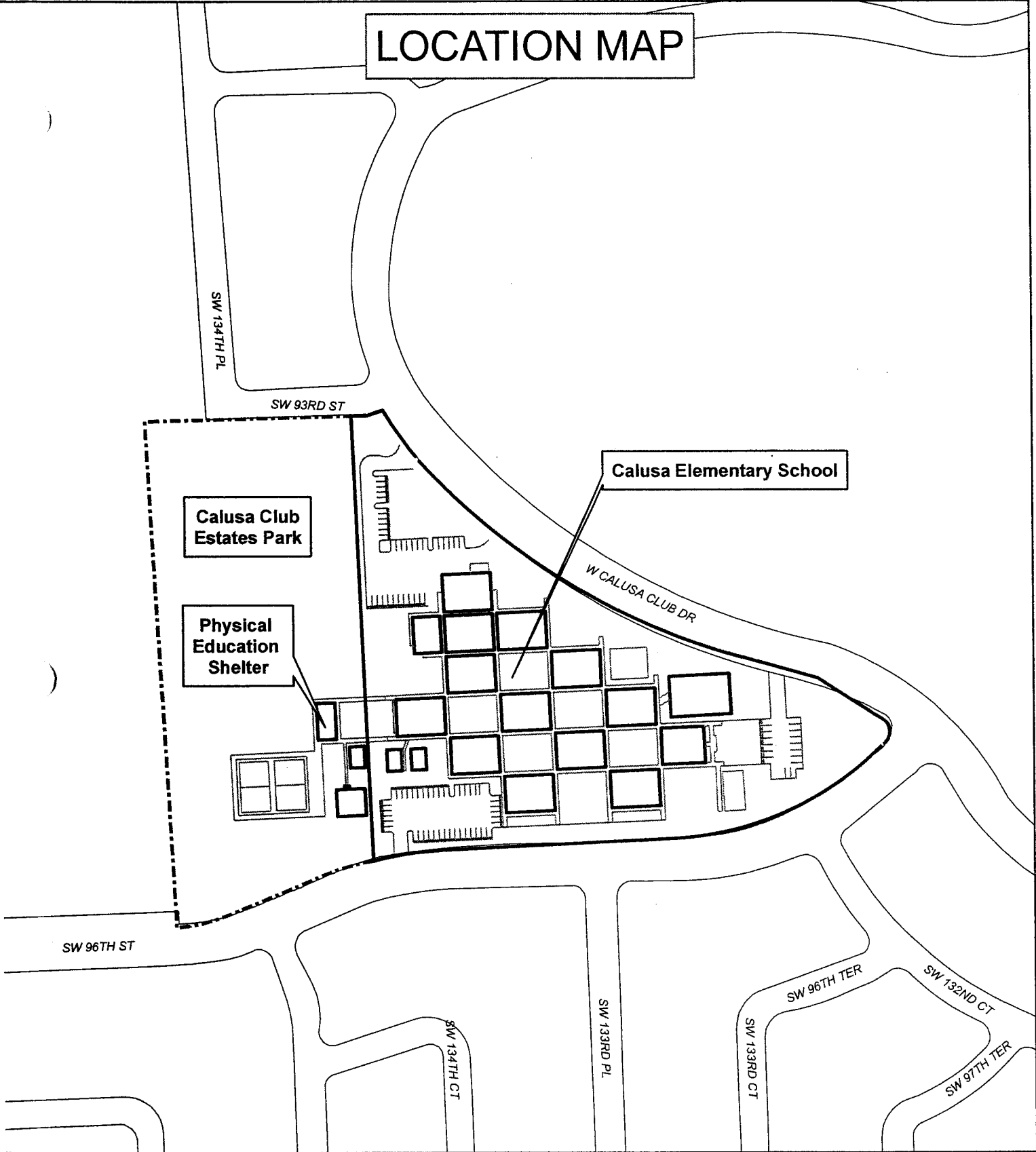
RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to:

1) finalize negotiations and execute an amendment to the Lease Agreement between the School Board and Miami-Dade County ("County"), to extend use of Calusa Club Estates Park, located at 13464 SW 96 street, by Calusa Elementary School, located at 9580 West Calusa Club Drive, for the period ending November 17, 2025, and under, substantially, the other terms and conditions set forth above; and

2) grant or deny all approvals required under the Lease Agreement, including without limitation, placing the County in default, and renewing, extending, cancelling or terminating the Lease Agreement.

JGT:IB

LOCATION MAP



LEGEND

- Board-owned
- - - Park

