

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
OFFICE OF THE SUPERINTENDENT**

**JAMES F. NOTTER
SUPERINTENDENT OF SCHOOLS**

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January 31, 2011

TO: School Board Members

FROM: Thomas E. Lindner
Acting Deputy Superintendent
Facilities & Construction Management

Signature is on File

VIA: James F. Notter
Superintendent of Schools

SUBJECT: Additional Information to J-8, Grant a Property Agreement, License, Donation of Property and Resolution to the Florida Department of Transportation for a Portion of Fox Trail Elementary School, for the February 1, 2011 Regular School Board Meeting

Attached is additional information to J-8, Grant a Property Agreement, License, Donation of Property and Resolution to the Florida Department of Transportation for a Portion of Fox Trail Elementary School, for the February 1, 2011 Regular School Board Meeting.

Mr. Joe Balocco, School Board Cadre Attorney, Ms. Marilyn Batista-McNamara, Deputy General Counsel, and staff, have been in negotiations with the Florida Department of Transportation (FDOT) to incorporate the Jessica Lunsford Act Language into the FDOT Agreement.

FDOT has also agreed to place a six foot (6') chain link fence on the premises that will segregate the work force from the balance of the school property during construction activities. When the fence is installed at the beginning of construction, and dismantled at the completion of construction, FDOT will use supervisory personnel, who meet the fingerprinting and background screening requirements.

Please see attached Property Agreement with School Board Deed, which reflects these changes.

JFN/TEL/CA/NM:sat
Attachment

09-L.17-12/97

This instrument prepared under the direction of: Laurice C. Mayes, Esq. Legal description prepared by: Grace K. Abel (07-23-10) Department of Transportation 3400 W. Commercial Boulevard Ft. Lauderdale, Florida 33309

Parcel No. 900.1
Item/Segment No. 4218542
Section No. 86095-2420
Managing District: 04
S.R. No. 862 (I-595)
County: Broward

LICENSE

This Agreement made the ___ day of ___, 2011, between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA a body corporate and political subdivision of the State of Florida, whose address is: 600 S.E. 3rd Avenue, Fort Lauderdale, Florida 33301-3125, herein called licensor, and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, herein called licensee.

In consideration of the benefits accruing unto the licensor, the parties agree as follows:

Licensor hereby grants to licensee a license to occupy and use, subject to all of the terms and conditions hereof, the following described premises:

Parcel No. 900 Item/Segment No. 4218542

A portion of TRACT 'A', "CALUSA RIDGE", according to the plat thereof, as recorded in Plat Book 147, Page 47 of the Public Records of Broward County, Florida, in Sections 8 and 17, Township 50 South, Range 41 East, Broward County, Florida; said portion lying Southerly of and adjacent to Parcel 130 and extending no more than 38.00 feet between Baseline of Survey Stations for State Road 862 (I-595) 331+12.74 and 340+03.74, as shown on the Florida Department of Transportation Parcel Map for Item/Segment No. 4218542 (Section 86095-2420).

The premises may be occupied and used by licensee solely for sloping, grading, tying in, harmonizing and reconnecting existing features of the licensor's property with the highway improvements which are to be constructed together with incidental purposes related thereto during the period beginning with the date first above written and continuing until completion of the transportation project, but not later than the last day of July 2014.

Licensee shall be responsible for any and all damages for personal injury or property damage resulting from Licensees use of the right granted. Licensor does not warrant or represent that the above described real property is safe or suitable for the purpose for which it is permitted to be used by this License and Licensee expressly assumes all such risk. Upon termination of this License, Licensee shall cause all equipment and other materials to be removed from the Property and shall

restore same to its condition on the date of execution of this License.

Licensee will install a 6-foot chain link fence on the premises that will segregate the work force from the balance of the school property during construction activities. In compliance with Sections 1012.32, 1012.465 and 1012.467, Florida Statutes, Licensee shall ensure that all activities of Licensee's personnel, contractors and/or sub-contractors while on the subject premises performing the installation and removal of the fence, shall remain in the line of sight of a person who has had complete background screening as required by the Licensor.

The making, execution and delivery of this agreement by licensor has been induced by no representations, statements, warranties, or agreements other than those contained herein. This agreement embodies the entire understanding of the parties and there are no further or other agreements or understandings, written or oral, in effect between the parties relating to the subject matter hereof.

IN WITNESS WHEREOF, the said licensor has signed and sealed these presents the day and year first above written.

Signed, sealed, and delivered in our presence:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA a body corporate and political subdivision of the State of Florida

BY: _____

Witness Signature

NAME: Benjamin J. Williams

Witness Printed Name

TITLE: Chair

Attest:

Witness Signature

BY: _____

Witness Printed Name

NAME: James F. Notter

TITLE: Superintendent of Schools

Approved as to form and legal content:

BY: 

NAME: _____

TITLE: School Board Attorney

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this ____ day of _____, 2011
by _____ as _____ of THE
SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, a body corporate and political subdivision
of the State of Florida, who is personally known to me or who has produced valid drivers licenses
for identification.

_____(SEAL)
Notary Public
Print Name: _____
My Commission Expires: _____

This instrument prepared
under the direction of:
Laurice C. Mayes, Esq. _____
Legal description prepared by:
Grace K. Abel (07-23-10) _____
Department of Transportation
3400 W. Commercial Boulevard
Ft. Lauderdale, Florida 33309

Parcel No. 900.1
Item/Segment No. 4218542
Section No. 86095-2420
Managing District: 04
S.R. No. 862 (I-595)
County: Broward

RESOLUTION

ON MOTION of _____, seconded by _____,
_____, the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 862 (I-595), Item/Segment No. 4218542, Section No. 86095-2420, in Broward County, Florida; and

WHEREAS, it is necessary that certain lands now owned by The School Board of Broward County, Florida a body corporate and political subdivision of the State of Florida be used temporarily by the State of Florida for the use and benefit of the State of Florida Department of Transportation; and

WHEREAS, said use is in the best interest of the School Board; and

WHEREAS, the State of Florida Department of Transportation has made application to said School Board to execute and deliver to the State of Florida Department of Transportation a license agreement, or agreements, in favor of the State of Florida, for the purpose of sloping, grading, tying in, harmonizing and reconnecting existing features of the licensor's property with the highway improvements which are to be constructed, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by The School Board of Broward County, Florida a body corporate and political subdivision of the State of Florida that the application of the State of Florida Department of Transportation for a license agreement or agreements are for transportation purposes which are in the public or community interest and for public welfare; that a license agreement or agreements, in favor of the State of Florida, in Broward County, should be drawn and executed by this School Board. Consideration shall be \$_____.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 3400 W. Commercial Boulevard, Ft. Lauderdale, Florida 33309.

STATE OF FLORIDA

COUNTY OF BROWARD

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by The School Board of Broward County, Florida a body corporate and political subdivision of the State of Florida at a meeting held on the _____ day of _____, 201_____.

Print Name: _____

Its Chairperson
(or Vice-Chairperson)

The School Board of Broward County,
Florida