

Baldwin Middle/High School

Name of School

School No. 38

Athletic & Maintenance Equipment

General Description

**MEMORANDUM OF UNDERSTANDING**

THIS MEMORANDUM OF UNDERSTANDING (“Memorandum”), made and entered into this 8<sup>th</sup> day of February, 2007, by and between the City of Jacksonville, a municipal corporation, hereinafter referred to as “City” and DUVAL COUNTY SCHOOL BOARD, a body politic and corporate, hereinafter referred to as “DCSB”.

WITNESSETH:

WHEREAS, the City and DCSB have entered into a Joint Use Agreement dated 1/20/98 (the “Agreement”) allowing the City and DCSB to jointly use certain DCSB property and certain City property more particularly described herein for recreational and educational purposes in accordance with said Agreement and the limitations set forth therein;

WHEREAS, the Agreement requires the parties to enter into a Memorandum of Understanding for each DCSB property and City property setting forth in detail the extent of the use to be made of each property;

WHEREAS, the City and DCSB have authorized the Director, Department of Parks, Recreation, Entertainment and Conservation and Assistant Superintendent, Facilities Services to execute all Memoranda of Understanding and amendments thereto, on behalf of the City and DCSB, respectively;

WHEREAS, the parties desire to enter into this Memorandum to set forth the terms and conditions necessary by the parties to ensure the jointly used property is well maintained and operated.

NOW THEREFORE, the parties in consideration of the foregoing and the mutual promise and covenants herein, agree as follows:

Section 1. Use. The city shall have the right to use jointly with DCSB the area designated on the plat diagram or site plan attached hereto as Exhibit A and made a part hereof (the "Property") at Baldwin Middle Senior High School, 291 Mill Street West, Baldwin, FL 32234

(Name of School)  
educational and recreational purposes only. The City shall have the right to use the Property for the purposes stated herein at the times set forth in Exhibit B, attached hereto and made a part hereof.

Section 2. Improvements. The City may install the improvements listed on Exhibit C; attached hereto and made part hereof (the "Improvements") at the locations set forth in Exhibit A. All Improvements shall meet Florida Department of Education safety standards.

Section 3. Maintenance of Improvements and Property. DCSB shall maintain, at its sole cost and expense, the Improvements installed by the City on the Property. The DCSB shall maintain the Property and any improvements made by DCSB thereon and provide daily litter control during the school year.

Section 4. Title of Improvements. DCSB, at its option, may keep any or all of the Improvements installed by City on the Property and the City shall convey its rights, title and interest in the Improvements "as is" with no warranties as to merchantability or fitness to the DCSB or DCSB may require the City to demolish and remove the Improvements on the Property and return the Property completely as practicable to its original condition prior to the installations of the Improvements.

Section 5. Memorandum Period and Termination. This Memorandum shall be effective for the period beginning 1/29/2007 and shall continue unless terminated by either party, with or without cause, upon giving three (3) months written notice to the other party.

Section 6. Notices. All notices required under this Memorandum shall be made in writing and served upon City by registered or certified mail, return receipt requested, addressed to Director, Department of Parks, Recreation, Entertainment, and Conservation, 851 N. Market Street, Jacksonville Florida 32202-2798 and served upon DCSB by registered or certified mail, return receipt requested, addressed to Assistant Superintendent, Facilities Services, 1701 Prudential Drive, Jacksonville, FL 32207-8181 with a copy to Dr. Donna Richardson

At Baldwin Middle Senior High School, 291 Mill Street West, Baldwin, FL 32234

School Address

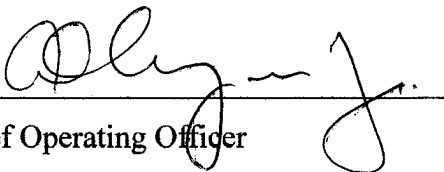
Name of Principal

Section 7. Amendments. This memorandum may be amended from time to time by written request and agreements of the parties. The Director, Parks, Recreation and Entertainment and the Assistant Superintendent, Facilities Services are authorized to execute any and all such amendments on behalf of the City and DCSB, respectively.

Section 8. Association Use of Property. The City may allow associations, groups or individuals use of the Property for public purposes upon written agreement between City and the association, group or individual, in accordance with the terms and conditions of the Joint Use Agreement. Any such written agreement between the City and the association, group or individuals must be approved by the school principal, or his/her designee. The DCSB may in its sole discretion deny such use.

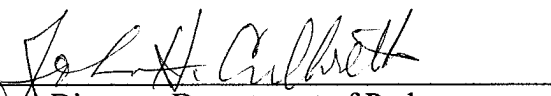
IN WITNESS WHEREOF, the parties hereto have executed this Memorandum on the day and year first above written.

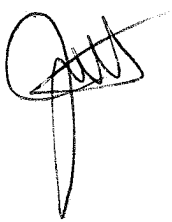
DUVAL COUNTY SCHOOL BOARD

By:   
Chief Operating Officer

By:   
Principal

CITY OF JACKSONVILLE

By:   
Director, Department of Parks,  
Recreation and Entertainment



# EXHIBIT A

## SITE PLAN OF SCHOOL



## EXHIBIT B

### TIME OF USE BY CITY

The City shall have use of the Courts and Fields after school hours of 5:00 PM Monday through Friday; including all day Saturday and Sunday.

EXHIBIT C

IMPROVEMENTS





# **FOUNTAIN DESIGN GROUP, INC**

**CASCADE FOUNTAINS FOUNTAIN SERVICE**

**7628 N W 6th AVENUE BOCA RATON FL 33487**

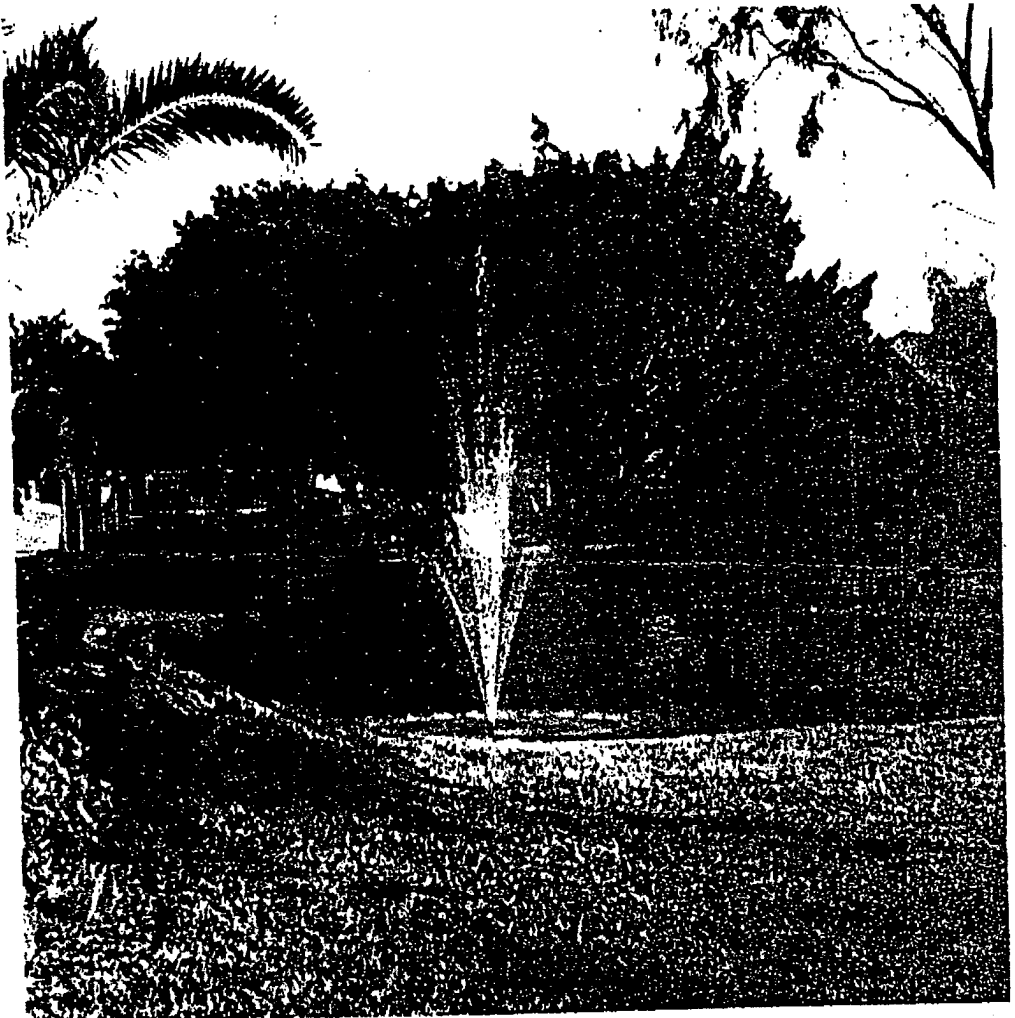
**PHONE: 561-994-3939 TOLL FREE 1-800-446-1537 FAX: 561-994-3944**

## **FOUNTAIN SPECIFICATIONS ARIES 200**

- |  |   |
|--|---|
| 1 Rotocast Floataion Unit with four watertight compartments for ballast  | 1 Brass Three-tier castle display jet   |
| 1 2 HP, 230 Volt, Single Phase Submersible Fountain Pump with built in check valve, stainless steel sealed motor, and over-load protection | 2 500 watt, 115/120V, submersible fountain lights with heavy duty rock gaurds, tempered lenses, mounted on stainless steel brackets |
| 1 custom stainless steel pump mounting harness   | 1 Adjustable Gate Valve   |
| 1 custom stainless steel intake screen   | 1 125' length of 12/3 electrical supply cable; Pump   |
|  | 1 125' length of 12/3 electrical supply cable; Lights   |
|  | 2 Mooring Ropes   |
|  | 1 Control Panel   |

### **CONTROL PANEL ETL LISTED**

NEMA 3R Enclosure  
Lighting Protection  
Phase Protection  
Motor Starter  
Overload Heater  
Circuit Breaker - Pump  
Circuit Breaker - Light  
24-Hour Time Clock - Pump  
24-Hour Time Clock - Light



### **DISPLAY:**

A three-tier display with center stream reaching a height of approximately 15' to 18' and the two lower tiers appropriately balanced. The fountain is accented with 1000 watts of quartz lighting.

EXHIBIT C  
Page 2 of 4



1 Introduced by Council Member Alvarez:



Attachment

4 **ORDINANCE 2006-1138-E**

5 AN ORDINANCE APPROPRIATING \$49,950 FROM THE  
6 TRAILRIDGE LANDFILL MITIGATION FUND CASH  
7 CARRYOVER ACCOUNT TO PROVIDE BASEBALL,  
8 SOFTBALL, FOOTBALL, BASKETBALL, VOLLEYBALL AND  
9 TRACK EQUIPMENT, AND AESTHETIC AND MAINTENANCE  
10 FOR THE HIGH SCHOOL GROUNDS IMPROVEMENTS AT  
11 BALDWIN MIDDLE-HIGH SCHOOL; PROVIDING FOR CITY  
12 OVERSIGHT AND THE RETURN OF UNSPENT FUNDS;  
13 PROVIDING FOR DIRECT PROCUREMENT OF  
14 CONTRACTUAL SERVICES PURSUANT TO SECTION  
15 126.107(G), ORDINANCE CODE; PROVIDING AN  
16 EFFECTIVE DATE.

17  
18 **BE IT ORDAINED** by the Council of the City of Jacksonville:

19 **Section 1.** For the 2006-2007 fiscal year, within the  
20 City's budget, there are hereby appropriated the indicated sum(s)  
21 from the account(s) listed in subsection (a) to the account(s)  
22 listed in subsection (b):

23 (a) Appropriated from:

24 Trailridge Landfill Mitigation Fund

25 Cash Carryover

26 JXSF445ER-09906

\$49,950

27 (b) Appropriated to:

28 Baldwin Middle-High School Equipment

29 Account Number to be designated

\$49,950

1           **Section 2. Purpose.** The purpose of this appropriation is to  
2 purchase baseball, softball, football, basketball, volleyball and  
3 track equipment as well as two pond fountains and electric wells,  
4 and a John Deer Tractor for the Baldwin Middle and High School as  
5 identified in **Exhibit 1** attached hereto.

6           **Section 3.** The Mayor is requested to appoint the  
7 appropriate City department to ensure compliance with this  
8 ordinance. Further, should Baldwin Middle-High School or the Duval  
9 County School Board receive any funds which are unspent for the  
10 purposes set forth herein, said funds shall be returned to the City  
11 by September 30, 2007.

12           **Section 4. Procurement of Contractual Services.** The  
13 City is hereby authorized to procure the services of the Duval  
14 County School Board or the Baldwin Middle and High School to  
15 purchase the equipment and material specified in **Exhibit 1**.  
16 Pursuant to Section 126.107(g), *Ordinance Code*, such procurement is  
17 exempt from competitive solicitation. With the exception of the  
18 foregoing, all other provisions of Chapter 126, *Ordinance Code*,  
19 shall remain in full force and effect.

20           **Section 5.** This ordinance shall become effective upon  
21 signature by the Mayor or upon becoming effective without the  
22 Mayor's signature.

23 Form Approved:

24  
25           /s/ Margaret M. Sidman          

26 Office of General Counsel

27 Legislation Prepared By: Margaret M. Sidman

28 G:\SHARED\LEGIS.CC\2006\ord\Alvarez trailridge mit funds Baldwin middle and high school.doc