

San Pablo Elementary

Name of School

School No. 80

Playground Equipment

General Description

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("Memorandum"), made and entered into this 15th day of January, 2008, 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 Recreation and Community Services 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 **San Pablo Elementary, 801 North 18th Avenue, Jacksonville Beach, FL 32250.**

(Name of School)

for 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 12/05/2007 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 Recreation and Community Services, 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 Linda Graham

Name of Principal

San Pablo Elementary, 801 North 18th Avenue, Jacksonville Beach, FL 32250

School Address

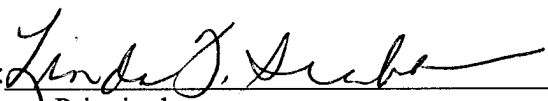
Section 7. Amendments. This memorandum may be amended from time to time by written request and agreements of the parties. The Director, Department of Recreation and Community Services and the Assistant Superintendent, Facilities Services are authorized to execute any and all such amendments on behalf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

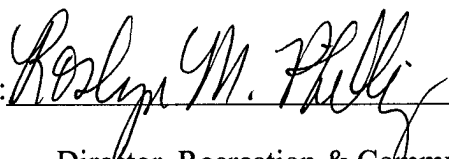
By: 
Director, Recreation & Community Services



EXHIBIT A

SITE PLAN OR DIAGRAM

SITE PLAN OR DIAGRAM SAN PABLO ELEMENTARY

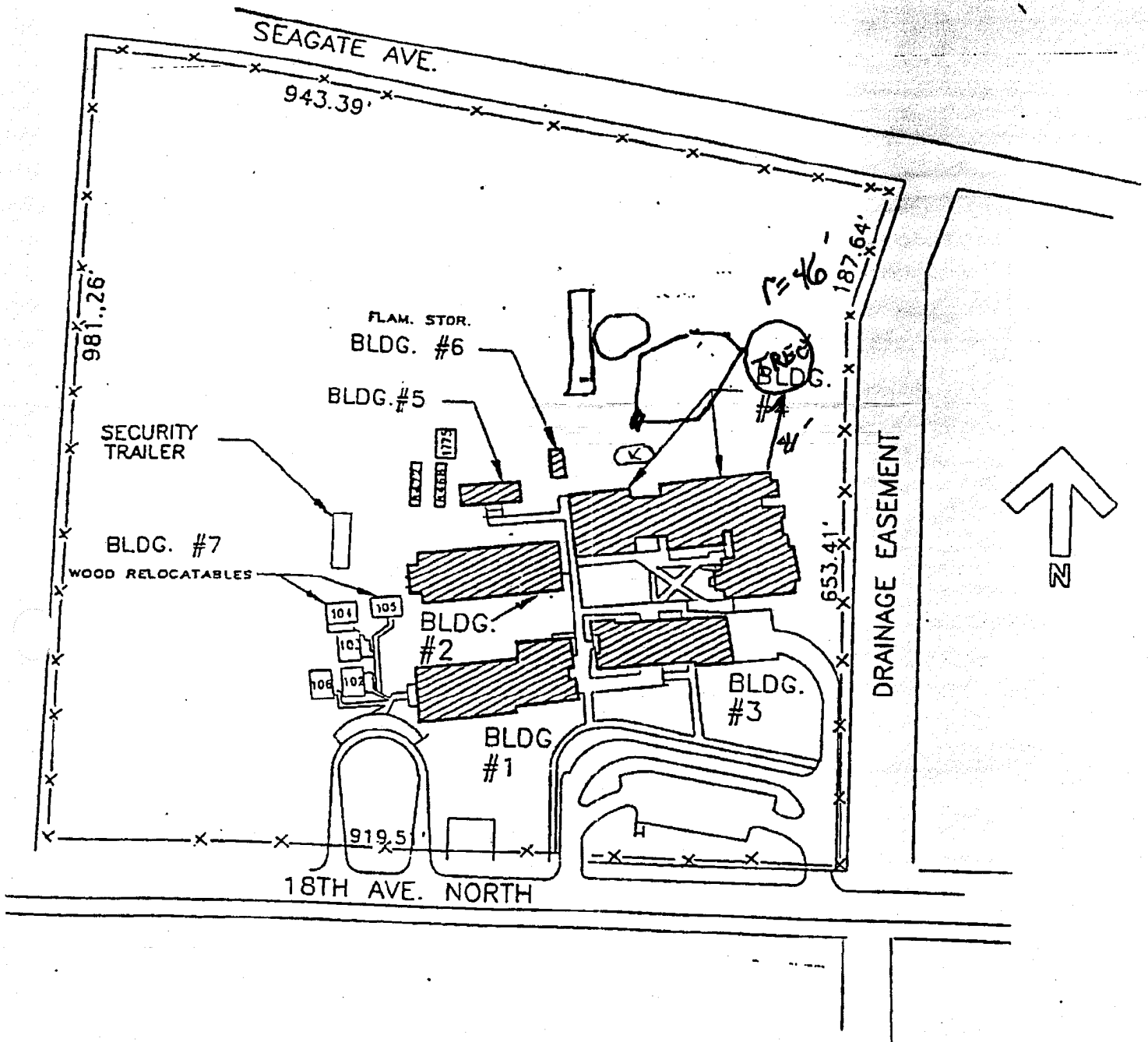


EXHIBIT B

TIME OF USE BY CITY

The City shall have use of the PLAYGROUND EQUIPMENT after 5 p.m. Monday through Friday and all day Saturday and Sunday.

EXHIBIT C
IMPROVEMENTS

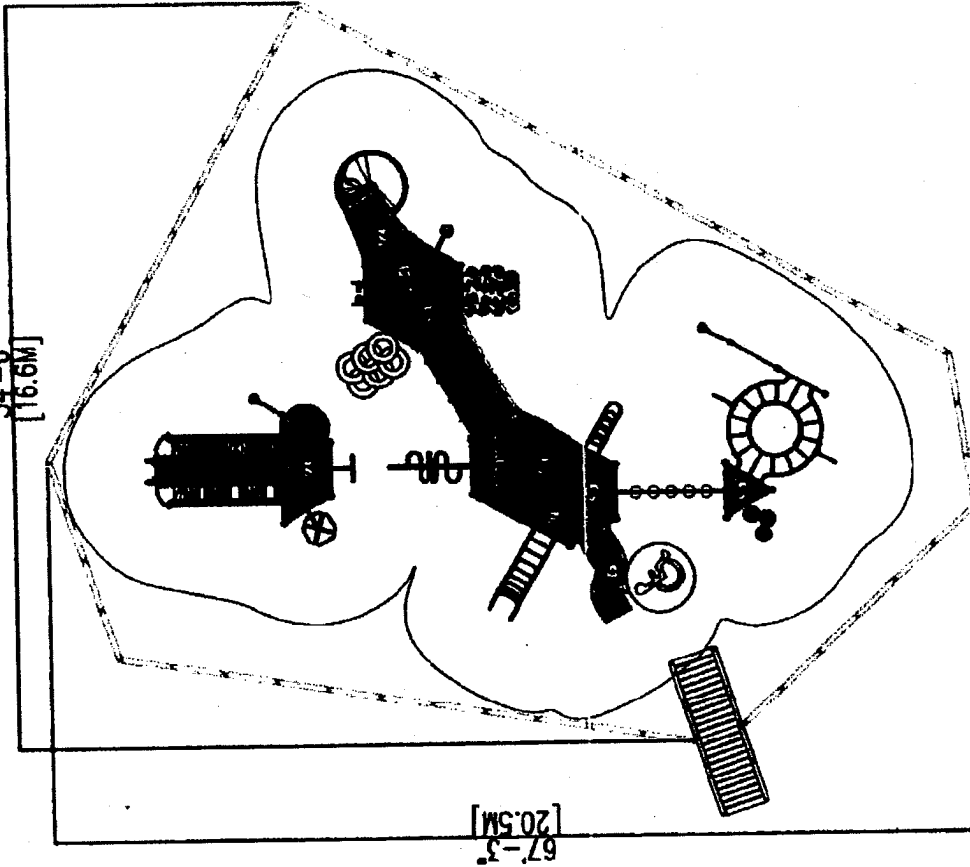
This Play Structure design will meet ADA accessibility guidelines for building and facilities effective November 17, 2000 as published by the architectural and transportation barriers compliance board with the addition of _____ Ground level components of _____ different types of play and when installed over accessible surfacing.



TQ-00062-4

Drawn By: A. Van Der Ploeg
 Consultant: Gary Gillem
 Date: 11/08/06
 Scale: Name

(B)



San Pablo Elementary
 Jacksonville Beach, FL

Child Capacity: 68
 Age Range: 5-12
 4' Landscape Timbers: 48

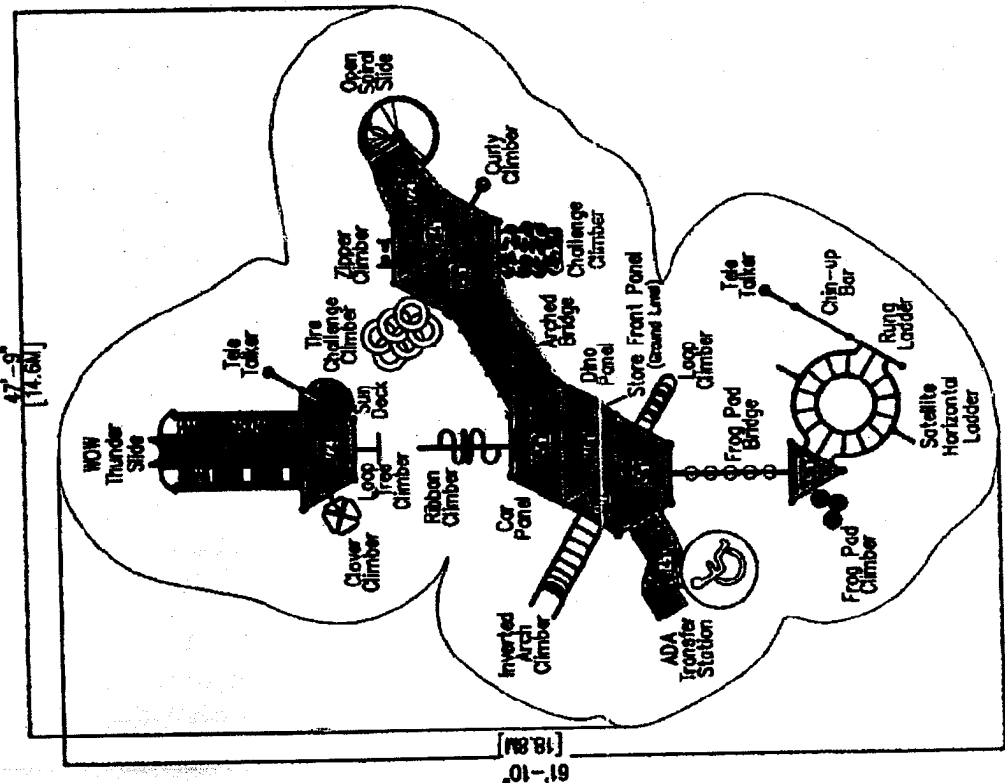
Full Height: 6 ft.
 Structure Size: 90' x 36'
 Use Zone Size: 68' x 55'
 Surface Area: 2326 sq. ft.

This Play Structure design will meet ADA accessibility guidelines for building and facilities, effective November 17, 2000 as published by the architectural and transportation barriers compliance board with the addition of 3. Ground level components of 3 different types of play and when installed over accessible surfacing.



Q-00062

Drawn By: J Healy
 Consultant: Gary Clemen
 Date: 05/23/07
 Scale: None



**San Pablo Elementary
 Jacksonville Beach, FL**

Child Capacity: 68
 Age Range: 5-12
 # Landscape Features: 48

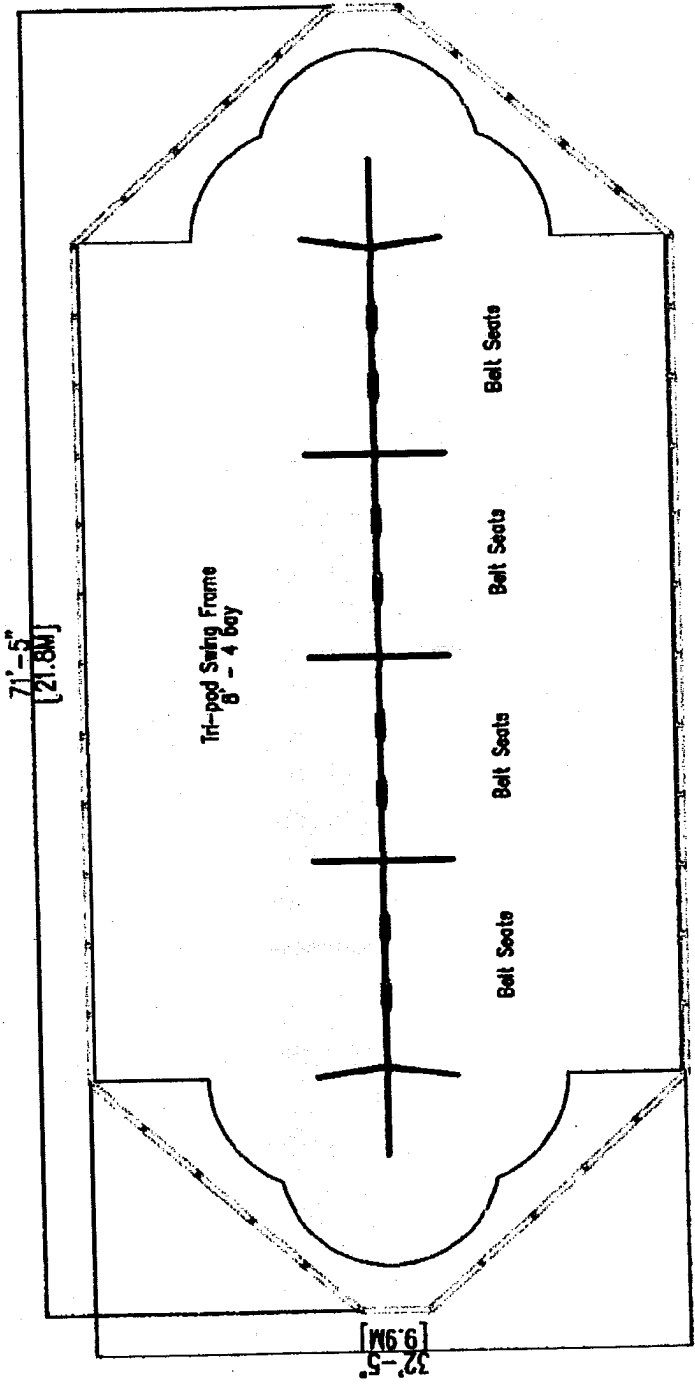
Full Height: 6 ft.
 Structure Size: 50' x 36'
 Use Zone Size: 62' x 48'
 Surface Area: 1766 sq. ft.



1 ea.

(A) + (B)

This Play Structure design will meet ADA accessibility guidelines for building and facilities, effective November 17, 2000 as published by the architectural and transportation barriers compliance board with the addition of N.A. Ground level components of N.A. different types of play and when installed over accessible surfacing.



T-00100

Drawn By: A. Van Der Ploeg
Consultant: Gray Glenn
Date: 11/08/06
Scale: None



Playgrounds

San Pablo Elementary
Jacksonville Beach, FL

Child Capacity: 8
Age Range: 5-12
4" Landscape Timbers: 46

Fall Height: 8 ft
Structure Size: 60' x 21'
Use Zone Size: 72' x 33'
Surface Area: 1948 sq ft



Contract Construction Inc.



07-961.tif Introduced by Council Member Graham:

ORDINANCE 2007-961-E

AN ORDINANCE APPROPRIATING \$40,000 FROM THE PROCEEDS OF THE CITY'S EXCISE TAXES REVENUE BONDS AUTHORIZED BY ORDINANCES 2004-998-E AND 2005-1044-E, DISTRICT 13 COUNCIL DISCRETIONARY FUNDS TO ASSIST IN FUNDING FOR PURCHASE AND INSTALLATION OF CUSTOM PLAY STRUCTURE AND SAFETY SURFACE FOR SAN PABLO ELEMENTARY SCHOOL; WAIVING THE REQUIREMENTS OF THE AUTUMN BOND, ORDINANCE 2004-998-E, AS AMENDED BY 2005-1044-E AND SECTION 106.315, ORDINANCE CODE, THAT BOND FUNDS BE USED ON CITY PROPERTY; APPOINTING THE PARKS RECREATION ENTERTAINMENT AND CONSERVATION DEPARTMENT TO OVERSEE THE PROJECT; PROVIDING FOR THE CARRYOVER OF FUNDS TO FISCAL YEAR 2007-2008; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Jacksonville:

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

(a) Appropriated from:

Council District 13 Capital Projects (ETR, 2004)

CCCP36313720-09910

\$40,000.00

1
2 (b) Appropriated to:

3 **Parks, Recreation, Entertainment and Conservation**

4 PRCP363F5790 - 06505 - PW0156/02 \$40,000.00

5 **Section 2. Purpose.** The purpose of this appropriation is
6 to assist in funding for purchase and installation of the
7 playground equipment and safety surface for the San Pablo
8 Elementary Playground, as more fully described in **Exhibit 1**
9 attached hereto.

10 **Section 3. Waiving the Requirement that Bond funds be**
11 **used on City Property.** The provisions of the Autumn Bond,
12 Ordinances 2004-998-E and 2005-1044-E and Section 106.315,
13 *Ordinance Code*, requiring that bond funds be used on City property,
14 and open to the public, is hereby waived.

15 **Section 4. Appointment of Parks Recreation Entertainment**
16 **and Conservation to oversee the project.** The Parks Recreation
17 Entertainment and Conservation department shall oversee the
18 expenditure of the funds on a draw basis.

19 **Section 5. Carryover.** The funds appropriated herein
20 shall not lapse at the end of the current fiscal year, but shall
21 carry over into Fiscal Year 2007-2008.

22 **Section 6. Effective Date.** This ordinance shall become
23 effective upon signature by the Mayor or upon becoming effective
24 without the Mayor's signature.

25
26 Form Approved:

27
28 /s/ Margaret M. Sidman

29 Office of General Counsel

30 Legislation Prepared By: Margaret M. Sidman