

ORD

2004-0115

INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT
(DEPARTMENT OF PARKS & RECREATION)

ORDINANCE NO. 04-4-2

An ordinance approving and authorizing the execution of a Lease Agreement between the St. Charles Parish School Board and The St. Charles Parish Department of Parks and Recreation for the use of various School sites for recreational purposes.

WHEREAS, the School Board is the owner of certain School sites that are used by the Department of Parks and Recreation for recreational purposes; and,

WHEREAS, on January 10, 1994 the Parish Council adopted Ordinance No. 94-1-6 to approve a Lease Agreement for the use of various school sites for recreational purposes for a ten year period; and,

WHEREAS, it is the desire of the School Board and the Department of Parks and Recreation to approve a new Lease Agreement for the use of said facilities.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Lease Agreement between The St. Charles Parish School Board and The St. Charles Parish Department of Parks and Recreation is hereby approved.

SECTION II. That the Parish President is hereby authorized to execute the said Lease Agreement on behalf of The St. Charles Parish Department of Parks and Recreation.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: MARINO, FAUCHEUX, FABRE, RAMCHANDRAN, WALLS, BLACK,
DUHE, MINNICH
NAYS: NONE
ABSENT: HILAIRE

And the ordinance was declared adopted this 5th day of April, 2004, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]
SECRETARY: [Signature]
DLVD/PARISH PRESIDENT: 4-6-04
APPROVED: [Signature] DISAPPROVED: _____

PARISH PRESIDENT: [Signature]
RETD/SECRETARY: 4-6-04
AT: 2:40 RECD BY: [Signature]

REFERENCE

ord. 14-2-1

LEASE AGREEMENT

This agreement is made and entered into on this 21st day of April, 2004, by and between:

THE ST. CHARLES PARISH SCHOOL BOARD, 13855 River Road, P.O. Box 46, Luling, LA 70070, herein represented by Stephen M. Crovetto, its President, duly authorized by resolution of The St. Charles Parish School Board, dated April 21, 2004 hereinafter sometimes for brevity referred to as "School Board"

and

THE ST. CHARLES PARISH DEPARTMENT OF PARKS AND RECREATION, 15045 River Road, P.O. Box 302 Hahnville, LA 70057, herein represented by Albert D. Laque, Parish President, duly authorized by Ordinance No. 04-4-2 dated April 5, 2004 hereinafter sometimes for brevity referred to as "Parish";

WITNESSETH THAT:

- WHEREAS**, The School Board is the owner of certain School sites located in St. Charles Parish, Louisiana, more specifically described on Exhibit I attached hereto; and,
- WHEREAS**, The Parish utilizes these public facilities for recreational purposes for the residents of the Parish; and,
- WHEREAS**, the School Board desires to assist the Parish by making these public facilities available for use through the Department of Parks and Recreation; and,
- WHEREAS**, the Parish and the School Board desire to enter into an agreement setting forth their rights and obligations with respect to any construction, ownership, operation, use and maintenance of these properties, which are owned by the School Board and which the Parish intends to utilize for recreational purposes.

NOW, THEREFORE, BE IT AGREED, for and in consideration of the mutual agreements and covenants of the parties hereto, that:

1. The School Board hereby grants to the Parish, for a period of ten (10) years, beginning on April 1, 2004 and ending on March 31, 2014, the use of the facilities noted on Exhibit I for the organized team sports listed thereon. It is understood by the parties to this lease that the only buildings included are those gymnasiums that are to be used for basketball and that the Parish shall have the use of the property rent free. It is further understood and agreed that, in the event the Parish becomes unable or unwilling to fund the operations of the Department of Parks and Recreation, any facilities constructed on the property will become the property of the School Board at no cost to the Board and the agreement will thereby terminate.
2. The Parish agrees to:
 - (a) Use the above described property only for recreational purposes. Such use is not contrary to present or future School Board policies, rules and regulations for the use of school grounds and facilities, including the prohibition of the sale or consumption of any alcoholic beverages on the property.
 - (b) Accept in the present condition and subject to any servitudes the above described property.
 - (c) Obtain the written consent of the School Board for any additions or alterations to any recreational facilities to be constructed or added to the said property.
 - (d) Properly maintain the property, which said maintenance includes, but is not limited to, landscaping, sodding, cleaning, fencing, if any, and, in general, keeping said area in a clean, neat, and sanitary condition, all the expense of the Parish.
 - (e) Provide to the School Board, its staff and students, full access to and right to use any portion of the said property during school hours as necessary for the education programs of the School Board.

- (f) Provide that its use of this property shall not interfere with the operations of the School System.
 - (g) The leased property shall be used only for recreational purposes by and under the direction and supervision of the St. Charles Parish Department of Parks and Recreation during the time that it is not being used for School purposes.
3. The School Board agrees to provide reasonable access to the property herein.
 4. General Obligations:
 - (a) The Parish assumes the responsibility for and shall indemnify and hold the School Board harmless and defend the School Board from all losses (including claims for injuries to employees of the Parish or of the School Board), expenses, attorney's fees, damages, claims and judgements for any loss of life or injury or damage to persons or property, arising from, growing out of, or by reason of any act or omission of the Parish, its agents or employees, solely or in conjunction with a third person by reason of its use and control of the property described herein.
 - (b) The Parish shall at its sole cost and expense, but for the mutual benefit of both the Parish and the School Board, maintain personal injury and property damage liability insurance, including coverage for contractual liability against claims for bodily injury, death or property damage, with policy limits of not less than \$1,000,000 in respect of bodily injury or death to any one person, and of not less than \$1,000,000 in respect of any one accident. Upon execution of this agreement and annually thereafter, the Parish shall provide a certificate of insurance to the School Board to verify coverage. Each such policy or certificate issued by the insurer shall contain, to the extent obtainable, an agreement by the insurer that such policy shall not be cancelled without at least ten (10) days' prior written notice to the School Board. In connection with the aforementioned liability insurance policies, and as a further condition of this agreement, the Parish will cause the School Board to be shown as additional named insured as to the property herein leased.
 5. The parties hereto agree that at no time during the term of this agreement will the School Board be required to maintain, supervise, or in any way assume responsibility for the recreational programs being conducted on the leased property.
 6. During the time that the said property is being used for Department of Parks and Recreation purposes, it is the responsibility of the Parish to provide supervision and protection of the facilities, at its cost for personnel and for any repairs to the school building (s) and facilities made necessary by the failure to provide such supervision and protection.

THUS DONE AND SIGNED in the presence of the undersigned witnesses on the date first written.

Barbara J. J. J. J.
Sancho H. Miguez

**ST. CHARLES PARISH
 DEPARTMENT OF PARKS & RECREATION**

Albert D. Laque
 By: **ALBERT D. LAQUE**
PARISH PRESIDENT

Sheryl B. Matheux
Erin S. [Signature]

ST. CHARLES PARISH SCHOOL BOARD

Stephen M. Crovetto
 By: **STEPHEN M. CROVETTO**
PRESIDENT

**EXHIBIT I
ST. CHARLES PARISH
PARKS AND RECREATION DEPARTMENT
USAGE SITES**

<u>EASTBANK</u>	<u>FOOTBALL</u>	<u>BASKETBALL</u>	<u>BASEBALL</u>	<u>SOCCER</u>	<u>SUMMER CAMP</u>
Norco Elementary	X		X		X
Harry M. Hurst Middle	X	X	X	X	
Albert Cammon Middle	X	X	X		X
New Sarpy Elementary			X	X	
Destrehan High School	X		X	X	
(All grounds excluding stadium and baseball field)					

<u>WESTBANK</u>	<u>FOOTBALL</u>	<u>BASKETBALL</u>	<u>BASEBALL</u>	<u>SOCCER</u>	<u>SUMMER CAMP</u>
Mimosa Park Elementary			X		
Lakewood Elementary	X	X	X	X	X
J.B. Martin Middle		X	X	X	X
R.J. Vial Elementary			X	X	
Eual J. Landry, Sr. Middle	X	X	X		X
Carver Elementary		X			
Boutte Activity Center	X		X		