

2014-0015

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF PARKS & RECREATION)

ORDINANCE NO. 14-2-1

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 and April 5, 2004 the Parish Council adopted Ordinances 94-1-6 and 04-4-2 respectively 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 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 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: SCHEXNAYDRE, TASTET, WILSON, WOODRUFF, BENEDETTO, HOGAN, COCHRAN, FLETCHER, FISHER-PERRIER

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted this 3rd day of February, 2014, to become effective (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]
SECRETARY: [Signature]
DLVD/PARISH PRESIDENT: 2-4-14
APPROVED: DISAPPROVED:
PARISH PRESIDENT: [Signature]
RETD/SECRETARY: 2-4-14
AT: 4:00 pm RECD BY: [Signature]

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON July 1, 2021
AS ENTRY NO. 460314
IN MORTGAGE/CONVEYANCE BOOK
NO. 908 FOLIO 26

LEASE AGREEMENT

This agreement is made and entered into on this 19 day of February 2014 by and between:

THE ST. CHARLES PARISH SCHOOL BOARD (SCPSB), 13855 River Road, Luling, LA 70070, herein represented by John W. "Jay" Robichaux, its President. duly authorized by resolution of the St. Charles Parish School Board, dated 2-19-14 hereinafter sometimes for brevity referred to as "School Board."

And

THE ST. CHARLES PARISH DEPARTMENT OF PARKS AND RECREATION, 274 Judge Edward Dufresne Parkway, Luling, LA 70070 herein represented by V. J. St. Pierre, Parish President, duly authorized by Ordinance No. 14-2-1 dated 2/3/14 herein 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 1 attached hereto; and,

WHEREAS, The Parish utilizes these public facilities for recreational purposes for the residents of St. Charles 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,

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, 2014 and ending on March 31, 2024 the use of the facilities noted on Exhibit 1 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 volleyball and that the Parish shall have the use of the property rent free. In addition, the use of athletic fields in Exhibit 1 shall also be 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 or tobacco products 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 the 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) To the fullest extent permitted by law, the Parish shall defend, indemnify and hold SCPSB, its officers, agents and employees, harmless from and against any and all claims, suits, liabilities, losses, expenses, liens, costs, demands and causes of action of every kind and character including those of the Parish, its agents and employees for death, bodily injury, personal injury, damage or destruction of real or personal property, including costs, attorneys' fees and settlements arising out of or in any way connected with the negligent performance of the work performed under this Contract, by any negligent act or omission, whether performed by the Parish or any other Subcontractor or any independent contractor or any agent, employee, invitee or licensee of the Parish, whether resulting from or contributed to by the negligence in any form by its officers, agents or employees whether active or passive. All parties agree that the provisions and limitations of LA. Rev. Stat. 9:2780.1 and 38.2195 apply and are guiding when construing this indemnity agreement. The Insurance required to be maintained under this Contract by the Parish shall insure the performance of this indemnification as set forth herein, but nothing in the insurance shall in any way limit the indemnification provided for hereunder. The Parish shall pay all reasonable legal fees and costs incurred by SCPSB under the Contract to enforcing the indemnification articulated under this Section.
- 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 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.

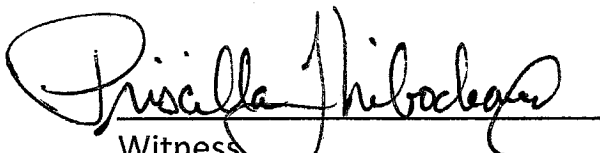
- 5 The parties hereto agree that at no time during the term of this agreement will the School Board be required to maintain, supervise, or in any way assume responsibility for the recreational programs being conducted on the leased property.

- 6 During the time said property is being used for the Department of Parks and Recreation purposes, it is the responsibility of the Parish to :
 - a) provide supervision of spectators and participants at all recreational activities and provide protection of the facilities.
 - b) provide stadium attendant or gym monitor to open and be present at property during recreational usage
 - c) pay for any repairs to school buildings, grounds, 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.


Witness


V. J. St. Pierre, President
St. Charles Parish
Department of Parks & Recreation


Witness



John W. "Jay" Robichaux, President
St. Charles Parish School Board

EXHIBIT I
ST. CHARLES PARISH PUBLIC SCHOOLS
RECREATION DEPARTMENT SITES USED

EAST BANK

School	Football	Basketball	Baseball/ Softball	Soccer	Volleyball	Summer Camp	Covered Play Area
Cammon Middle	X	X	X	X	X	X	
Destrehan High*	X		X	X			
Hurst Middle	X	X	X	X	X	X	
New Sarpy Elementary				X			X
Norco Primary							X
Norco Elementary	X		X		X		X
St. Rose Elementary							X
Schoeffner Elementary				X		X	X

WEST BANK

School	Football	Basketball	Baseball/ Softball	Soccer	Volleyball	Summer Camp	Covered Play Area
Allemands Elementary							X
Carver Early Lrn. Ctr.		X					
Hahnville High*	X	X		X			
Lakewood Elementary	X	X	X	X	X	X	X
Landry Alt. Ctr.	X	X			X	X	
Luling Elementary						X	X
J. B. Martin Middle		X	X	X	X	X	
R. K. Smith Middle	X	X	X	X	X		
R. J. Vial Elementary				X			X

Monsanto tennis courts (Hahnville High School uses from January to May 15 from 3:00 – 6:00 p.m.)

Keller Playground (E. J. Landry Alternative Center)

*These sites are not to be used on a regular basis. To use any site at any time, approval must be granted by St. Charles Parish Public Schools, Physical Plant Services.

ST. CHARLES PARISH PUBLIC SCHOOLS
ST. CHARLES PARISH RECREATION DEPARTMENT ASSIGNED RESPONSIBILITIES

EAST BANK

SCHOOL	LOCATION	ASSIGNED RESPONSIBILITY
Cammon Middle	Ball field in back	Grass cutting
	Gym (basketball)	Clean gym
	Covered play area	Area to be left litter free
Destrehan High*	Near baseball field 3½ yards	Grass cutting
	Home side stands stadium (football championships every other year)	Clean
Hurst Middle	Ball field & football field	Grass cutting
	Gym (basketball)	Clean gym
	Football field for middle school games	Line off field – chalk
New Sarpy Elementary	Covered play area	Area to be left litter free
Norco Elementary	Ball field	Grass cutting
	Walkway from restroom to dugout	Grass cutting
	Covered play area	Area to be left litter free
St. Rose Elementary	Covered play area	Area to be left litter free
Schoeffner Elementary	Covered play area	Area to be left litter free

WEST BANK

SCHOOL	LOCATION	ASSIGNED RESPONSIBILITY
Allemands Elementary	Covered play area	Area to be left litter free
Hahnville High*	Football field	Deliver seating stands & pick up of bleachers for playoff games
	Home side stands stadium (football championships every other year)	Clean
Lakewood Elementary	Ball fields/soccer/football/walking track	Grass cutting
	Near field and fence	Spray round up to kill weeds
	Fields behind school	Spray ant poison to kill ants
	Outside locations	Empty garbage cans two times per week
	Covered play area	Area to be left litter free
E. J. Landry Alternative Center	Football field and parking lot area	Grass cutting
	Football field for middle school games	Line off field – chalk
	Outside locations	Empty garbage cans two times per week
	Fields	Spray round up to kill weeds
	Fields behind school	Spray ant poison to kill ants
Luling Elementary	Covered play area	Area to be left litter free
J. B. Martin Middle/R. J. Vial Elementary	Ball fields/soccer/football	Grass cutting from ditch to ditch

	Near field	Spray round up to kill weeds
	Fields behind school	Spray ant poison to kill ants
	Outside locations	Empty garbage cans two times per week
	Fields	Add dirt to repair holes for proper water flow
Mimosa Park Elementary	Covered play area	Area to be left litter free
R. K. Smith Middle	Gym and baseball, softball, and soccer fields	Grass cutting
	Baseball, softball, and soccer fields	Spray ant poison
	Outside locations	Empty garbage cans two times per week
	Three fields	Line off with paint
R. J. Vial Elementary	Covered play area	Area to be left litter free

NOTES:

Recreation will line off baseball and softball fields for middle schools, lay out tracks on fields for Hurst and Cammon Middle, purchase paint for lining of fields and tracks, and provide labor during parish hours (81 hours of overtime) for stripping of gym floors at E. J. Landry Alternative Center.

St. Charles Parish Public Schools shall have the use of Edward A. Dufresne Community Center free of charge for four events per year chosen by the Superintendent.

Based upon availability, each party of this agreement shall have access to each other's parking facilities at R. K. Smith Middle School and Edward A. Dufresne Community Center for events that deem it necessary. Notification must be given in writing or electronically.