

JOINT USE AND COST SHARING AGREEMENT FOR THE MEADE SCHOOL DISTRICT LITTLE LEAGUE FIELDS

The parties to this Agreement are the City of Sturgis, a South Dakota Municipal Corporation, of 1040 Harley-Davidson Way, Sturgis, SD 57785, hereinafter referred to as City, and the Meade School District 46-1, of 1230 Douglas Street, Sturgis, SD 57785, hereinafter referred to as School District.

WHEREAS, the Meade School District is the owner of the real property located in Sturgis, Meade County, South Dakota, as shown in Exhibit A.

WHEREAS, the parties desire to clarify their rights and obligations concerning the little league fields constructed and maintained by the City on the School District's real property legally described above.

NOW THEREFORE, the parties agree as follows:

1. OWNERSHIP

The School District authorized the use of the property legally described herein for maintenance and use of youth baseball fields with the ownership of said real property remaining within the School District.

2. SHARED COSTS

The City shall be responsible for maintaining the property and facilities at the youth baseball fields.

3. SHARED USE

The parties recognize that the use of the fields will be used by the school during the normal course of the school year from late August through May of each year for any outdoor physical education classes. During the normal baseball season of May through July each year the use of the fields for youth baseball games and practices will occur. These events would be organized by a City entity as to not interfere with the normal course of the school districts use.

4. DURATION OF USE

This Agreement shall become effective upon execution by both parties and shall continue in effect so long as the youth baseball league continues to exist or until one party provides written notice of cancellation to the other party with at least 90 days notice. However, nothing contained in this Agreement shall be construed as a conveyance by the School District of its right in the fee of the land on which the fields are located. This Agreement shall bind and inure to the benefit of the respective heirs, personal representative, successors, and assigns of the parties.

5. INSURANCE

During the months that the City utilizes the area, the City will carry a liability insurance policy which shall be with a reputable insurance company licensed to do business in the State of South Dakota, and shall be in the minimum amount of \$50,000 property damage, \$1,000,000 personal injury per person, with an aggregate of at least \$2,000,000, or a combined single limit of \$2,000,000. The School District would be required to carry comparable insurance as owners of the above listed property.

Dated this ____ day of _____, 2016.

MEADE SCHOOL DISTRICT 46-1

CITY OF STURGIS

Bryce Richter, School Board President

Mark Carstensen, Mayor