

EXHIBIT "A"

Agreement between the City of Circleville Parks Board and Circleville Youth Baseball League

This Agreement entered into by and between the City of Circleville Director of Public Service on behalf of the Park Board, 104 East Franklin Street, Circleville, Ohio 43113 (hereinafter called "the City") and Circleville Youth Baseball League, PO Box 631, Circleville, OH 43113 (hereinafter called CYBL), on or as the date of this Agreement is fully executed by both parties.

Whereas, the City and CYBL wish to maintain and improve the baseball diamonds at Barthelmas Park to create a generally clean and aesthetically pleasing environment for the youth baseball league of the City and to promote safe and healthy activities for the youth of the City.

Whereas, The Park Board for the City is in agreement with the general conditions and covenants as set forth in this agreement.

Whereas, CYBL has invested in Barthelmas Park by purchasing the lights, equipment in the concession stand and the concession stand itself. CYBL has also used its own equipment and volunteers to maintain the baseball diamonds and facilities and would like to continue to do so.

Now Therefore, the City and CYBL, in consideration of the mutual covenants set forth herein, agree that:

I. **CYBL Responsibilities:** CYBL will:

- 1.1 Paint and fix backstops
- 1.2 Replace Fencing on backstop baseball diamond 5
- 1.3 Work to repair baseball diamond 2 fencing and flooding
- 1.4 Repair/replace concrete on 3rd base side of Baseball Diamond 1 due to flooding
- 1.5 Repair/replace concrete in dugouts baseball diamond 5
- 1.6 Maintain diamond 6 for use by general public
- 1.7 Correct drainage issues on baseball diamond 4
- 1.8 Install roofs over all dugouts
- 1.9 Build a press box per Building Department and Zoning guidelines
- 1.10 Perform all maintenance on concession stands and baseball diamonds
- 1.11 Perform general upkeep and cleaning of restrooms
- 1.12 Carry all necessary liability insurance on all baseball diamonds and concession stand
- 1.13 Will pay for lights to be turned on if needed
- 1.14 Will begin repairing all baseball diamonds as necessary to prepare them for use
- 1.15 Improvements to be made during the initial 5- year period of the agreement

II. **The City's Responsibilities:**

- 1) The City shall grant the CYBL the ability to control the use of the aforementioned baseball diamonds for a period of 5 years from the date of execution of this document.
- 2) Near the end of the first 5- year period of this agreement, CYBL may request an additional 5 - year term that will be granted if all conditions and agreements set forth in the document have been met to the satisfaction of the City.
- 3) This agreement may be terminated for failure to comply with any of the terms of the aforementioned responsibilities and/or terms

III. **Other**

- 1) Community members can have access to baseball diamonds to "hit balls" or play a pick-up game. Diamond 6 will be cleaned and maintained by CYBL for this purpose.
- 2) Organized practices or games for traveling teams consisting of a majority of players that are Circleville residents or attend Circleville City Schools may be scheduled. Other organized baseball activity may be allowed at the discretion of the CYBL with proof of acceptable insurance coverage for use of the facilities.
- 3) Any signage in the park must be appropriate and shall not consist of advertising for alcohol or election signs.
- 4) In consideration of this agreement, CYBL agree to defend indemnify and hold harmless, the City of Circleville from all claims, demand suit, loss, cost of expense, or any damage which may be asserted, claimed or recovered against the City of Circleville, it's elected officials, employees, volunteers, successors, and assigns any damage to property, personal injury or bodily injury, including death arising out of any activity by CYBL, its assigns or affiliations.

In Witness whereof, the parties hereto have set their hand and seals, and have executed this agreement on the day and year set forth below

The City

By: _____

Date: _____

CYBL

By: _____

Date: _____

Approved as to Form:

Gary Kenworthy, City Law Director

Date: _____