USE AGREEMENT

THIS USE AGREEMENT is entered into by and between the City of Victoria and Independent School District 112.

RECITALS

A.   Independent School District 112 (ISD 112 or the District) is the owner of certain real property upon which it has constructed an elementary school (the School) pursuant to plans and specifications it has developed.

B.   ISD 112 has constructed the School on land it owns in the City of Victoria, described fully on Exhibit A. The School will contain a gymnasium and related land to be used for school and recreational purposes.

C.   The City of Victoria (the City) has planned for a public park which will include a variety of recreational amenities, such as playing fields which will be available for baseball, softball, football and other related activities (the Park). The Park will adjoin the School and is described on Exhibit B.

D.   The City Comprehensive Plan provides for the construction of public recreational facilities in the City for use by all residents and their families.

E.   The City Comprehensive Plan approves the joint use of park facilities and further provides that "incorporating other public and semi public facilities near park locations may also be highly beneficial." The proposed location of the School site is adjacent to the Park which will permit joint use of the School and the Park.

F.   A partnership between ISD 112 and the City would add needed recreational facilities available to all citizens of Victoria, through a joint use agreement with significant benefit to the School, the City and the residents of the City

G.   The City and ISD 112 desire to enter into this Use Agreement (the Agreement) to address roles and responsibilities for the construction, maintenance, scheduling and joint recreational use of the facilities.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants set forth below, and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties do hereby agree as follows: