

## Agreement

THIS AGREEMENT dated as of the \_\_\_\_\_ day of \_\_\_\_\_, 2012 is by and between Okolona Little League, Inc., a Kentucky corporation in the process of dissolution ("OLL") and the Jefferson County Board of Education, operating as the Jefferson County Public Schools ("JCPS").

WHEREAS, OLL and JCPS entered into a written agreement in 1998 under which OLL constructed certain athletic fields, spectator seating, a concession/meeting building and other amenities on the premises of Southern High School ("Southern"), to be used as an athletic facility providing baseball and softball, on a non-discriminatory basis, for the children of Okolona; and

WHEREAS, OLL and JCPS entered into a written agreement in 2002 under which OLL constructed a building to be used as a batting cage on the premises of Southern, to be used for the same purpose as the original athletic facility; and

WHEREAS, OLL with the consent of JCPS constructed an addition to the above-described facilities in 2005-2006, as described in the Form BG-1, the Building Permit and the Certificate of Occupancy attached hereto, to be used for the same purposes as the original athletic facility; and

WHEREAS, OLL and JCPS either failed to document their agreement with respect to the 2005-2006 addition or such documentation has been lost, and OLL and JCPS therefore desire to confirm and ratify their agreement with respect to such addition by entering into this agreement.

NOW THEREFORE, in consideration of the premises and the covenants and conditions set forth in this Agreement, and intending to be legally bound, OLL and JCPS agree as follows:

1. Ratification of 2005-2006 Addition. JCPS hereby confirms in writing that the construction of the addition to the above-described facilities in 2005-2006 was approved by JCPS prior to the commencement of construction, and JCPS further confirms that JCPS approved the use of such addition by OLL and its successors for the same purposes as the original athletic facility. JCPS hereby ratifies all actions taken by JCPS administrators and staff in connection with the approval of such construction and use. OLL hereby confirms in writing that such addition has been and will be used by OLL and its successors for the same purposes as the original athletic facility, or any other purposes approved by JCPS.

2. Governing Law. This Agreement, and the respective rights, duties and obligations of the parties under this Agreement, will be governed by and construed in accordance with the laws of Kentucky, without giving effect to the principles of conflicts of laws.

3. Entire Agreement. This Agreement, including the attached exhibits, contains the entire agreement of JCPS and OLL with regard to the ratification of the construction of the above-described addition and supersedes any previously written or verbal agreements concerning such subject matter. No terms, conditions, understandings, agreements to amend,

modify, vary, supplement or explain any provision of this Agreement shall be effective unless contained in a writing signed by OLL and JCPS.

4. Severability. Each provision of this Agreement is severable. If any term is held invalid or unenforceable by a court of competent jurisdiction, the ruling will not affect the remainder of this Agreement, and the parties will negotiate in good faith to substitute a valid and enforceable provision that reflects the intent and has the economic substance of the invalid or unenforceable provision.

5. Headings. The headings assigned to the sections of this Agreement are for convenience only and shall not limit the scope and applicability of the sections.

6. Successors and Assigns. The terms and conditions of this Agreement shall be binding upon, and shall inure to the benefit of, the parties to this Agreement and their respective successors and permitted assigns.

7. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall for all purposes be deemed an original and all of which shall constitute one and the same instrument. For this purpose, a signature sent by a party or signatory and received by other parties or signatories by facsimile transmission (whether by telecopier or electronic mail) shall have full force and the same effect as an original signature.

IN WITNESS WHEREOF, JCPS and OLL have caused this Agreement to be duly executed and delivered as of the date first written above.

OKOLONA LITTLE LEAGUE, INC.

By: Carl Kunk

Title: Director

JEFFERSON COUNTY BOARD OF EDUCATION. operating as the  
JEFFERSON COUNTY PUBLIC SCHOOLS

By: \_\_\_\_\_

Title: \_\_\_\_\_

JL DISTRICT: JEFFERSON COUNInitial: \_\_\_\_\_ Revis: xx BG# 05-014031-5006 ACTIVITY BUILDING ADDITION AT  
SOUTHERN HIGH SCHOOL MCA

## II PROPOSED PLAN TO FINANCE APPLICATION

## A. Statement of Probable Cost:

1. Total Construction Cost	<u>135,300</u>
2. Architect/Engineer Fee	<u>10,960</u>
3. Construction Manager Fee	_____
4. Bond Discount	_____
5. Fiscal Agent Fee	_____
6. Contingencies	<u>6,765</u>
7. Site Acquisition	_____
8. Equipment/Furnishings	_____
9. Equipment/Computers	_____
10. Technology Network System (KETS)	_____
11. Other Reimbursables	<u>2,000</u>

Total Estimated Cost

155,025

## B. Funds Available:

1. SFCC Cash Requirement	_____
2. SFCC Bond Requirement	_____
3. SFCC Bond Sale	_____
4. Local Bond Sale	_____
5. Cash - General Fund	<u>155,025</u>
6. Cash - Capital Outlay	_____
7. Cash - Building Fund	_____
8. Cash Investment Earnings	_____
9. KETS	_____
10. Other <u>School Funded</u>	<u>-155,025-</u>
11. Other	_____

Total Funds Available

155,025

THE ABOVE INFORMATION IS A STATEMENT OF PROBABLE COST AND FUNDS AVAILABLE AND IS REQUIRED TO BE REVISED TO CORRESPOND TO ACTUAL BIDS RECEIVED PRIOR TO THE SIGNING OF CONSTRUCTION CONTRACTS.

TO BE COMPLETED ON INITIAL & REVISED APPLICATION: The signing of this financial document certifies the above stated funds are available and designated for this project during this fiscal year.

Stephen B. Young Superintendent  
Joseph Hardy Chairman

October 26, 2004 Date

October 26, 2004 Date

ORIGINAL SIGNATURES REQUIRED

NOTE: Any district anticipating the financing of this and/or other projects in a combined school revenue Bond should discuss the financing with the Director of Division of Finance.

## TO BE COMPLETED ON INITIAL APPLICATION:

This building project application is approved by the Division of Facilities Management indicating compliance with current facility plan or minor project under 702KAR 1:010

Comments: Financial review complete  
James P. Baker  
Director/Branch Manager, Facilities Management  
Date: 11/4/04

## TO BE COMPLETED ON INITIAL APPLICATION WHEN

KETS FUNDING IS INDICATED: Technology Approval: Application approval based on available KETS funding and conformance with approved district technology plan. Disbursement of these funds may require additional approval.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
NOV 1 2004  
Director, Division of Systems Support, Education Technology  
FACILITIES MANAGEMENT  
Date: \_\_\_\_\_

## TO BE COMPLETED ON INITIAL &amp; REVISED APPLICATION:

Financial Approval: Tentative approval based upon financial information provided this office in support of projected cost.

Comments: \_\_\_\_\_  
Stephen B. Young  
Director/Branch Manager, Division of Finance  
Date: 11-10-04

## TO BE COMPLETED ON INITIAL APPLICATION:

This building project application is hereby approved according to the condition outlined in the application. You should now proceed in accordance with the attached checklist.

Comments: \_\_\_\_\_  
Debra K. H.  
Associate Commissioner, District Support Services  
Date: 11/15/04

LOCAL BOARD ORDER AUTHORIZING PROJECT MUST BE ATTACHED ON INITIAL &amp; REVISED APPLICATIONS

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HPD BRUNSWICK

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Register  
 Total \$640.00  
 Payer: KOETTER CONSTRUCTION INC  
 Received CHECK  
 Check # 1739  
 Change  
 Official Receipt  
 \$640.00  
 \$0.00

Metro Government

IP.LLOUKYMETRO.ORG

DNS, PERMITS &amp; LICENSES

Phone (502)574-3321

ATTN: Theresa  
Tharp

## BUILDING PERMIT

 RESTON HWY  
 LOUISVILLE, KY 40219-0000

 ISSUE DATE: 02/14/2006  
 INSPECTOR: BOBBIE DAVIS  
 INSPECTOR PHONE: (502)773-2120 x  
 EMAIL: [Bobbie.Davis@loukymetro.org](mailto:Bobbie.Davis@loukymetro.org)
**CONTRACTOR:**  
 KOETTER CONSTRUCTION INC  
 7393 PETE ANDRES RD  
 FLOYD KNOBS, IN 47119-  
 PHONE: (812)923-9873 x

**APPLICANT/OWNER:**  
 JEFF. CO SCHOOL DIST FINANCE  
 3332 NEWBURG RD VANHOOSE  
 LOUISVILLE, KY 40218  
 PHONE: (502)636-3766 x

 FEE: USE GROUP SECTION 1  
 FEE: USE GROUP SECTION 2

 \$640.00  
 \$0.00
**BUILDING DETAIL:****Dimensional Information:**

Work Type: B-ADD

Front:

Rear:

Sq. Feet: 8000 Stories: 1

New Bedrooms: 0

Left:

Right:

Total Bedrooms: 0

**WORK DESCRIPTION:**

Zoning District: (R4)

Form District: NFD

Binding Elements Y

Total No. Units: 0

No. New Units: 0

Use Group: A-3

Est Cost: \$82,000.00

 Addition to an out building (batting cage) at Southern High School  
 for the Okolona Little League. Addition to be separated with an two  
 hour fire wall as stated of plans. Plans indicate no plumbing or  
 heating equipment. Shall comply with the provisions of the 2002  
 KBC-jdc...

Please contact above inspector between the hours of 7:30 A.M. and 9:00 A.M. to schedule required inspections.

**Required Inspections**

A minimum of at least one inspection is required for each permit. Some permits may be required by code to have more than one inspection. Listed below are the general inspection requirements. If you have any questions concerning the inspections that are required, please call your inspector.

**Building**

1. Foundations or footings (Before concrete is placed)
2. Prior to covering structural members (Ready to drywall)
3. Final inspection (Before occupancy)

Approved plans and permit must be available on the job site until final inspection has been made. Where a certificate of occupancy is required, such buildings shall not be occupied until the final inspection has been made and approval given by the building inspector.

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HPD BRUNSWICK

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Louisville-Jefferson County Metro Government

LouisvilleKy.gov

**DEPARTMENT OF INSPECTIONS, PERMITS & LICENSES**

444 South 5th Street

Louisville, Kentucky 40202

Phone 502/574-3321

ATTN: Theresa  
Tharp

# CERTIFICATE OF OCCUPANCY IS HEREBY GRANTED TO:

**CONTRACTOR:**

KOETTER CONSTRUCTION INC

7393 PETE ANDRES RD

FLOYD KNOBS, IN 47119

**OWNER:**

CO SCHOOL DIST FINANCE JEFF

3332 NEWBURG RD VANHOOSE

CTR

LOUISVILLE, KY 40218

**LOCATION:** 8620 PRESTON HWY

LOUISVILLE, KY 40219-0000

**ISSUE DATE:** 06/29/2006**PERMIT NUMBER:** 103276**Occupant:** LITTLE LEAGUE BATTING CAGE**Work Type:** B-ADD**Use Group:** A-3**Code Edition:** KBC2002**Sprinkler System Required:** NO**Construction Type:** 2-B

The development listed above has been inspected and found to be in substantial compliance with the requirements of the Kentucky Building/Residential Code and referenced standards.

This certificate is issued subject to the following Restrictions and/or Comments:

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BOBBIE DAVIS  
Building Inspector