

**USE AGREEMENT BETWEEN  
DUNDEE UNITED METHODIST CHURCH, INC., AND  
THE SCHOOL BOARD OF POLK COUNTY, FLORIDA**

THIS AGREEMENT is entered into by and between DUNDEE UNITED METHODIST CHURCH, INC., a Florida corporation, whose mailing address is PO Box 1688, Dundee, FL 33838, hereinafter "Dundee Methodist" and THE SCHOOL BOARD OF POLK COUNTY, FLORIDA, a statutory corporation, whose mailing address is PO Box 391, Bartow, FL 33831, hereinafter "School Board."

WHEREAS, the Methodist Church owns certain land across from the Donald E. Wood Center, as is more particularly described as follows:

Lots 2, 3, and 4, Block 7, Dundee PB 1 PG 86, Public Records of  
Polk County, Florida

WHEREAS, the School Board has determined that there is a need for the use of the Methodist Church's property for an additional parking area.

WHEREAS, both parties desire to utilize the property above for the promotion of the welfare and safety of students, parents, staff and guests of the Donald E. Wood Center under the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein and other good and valuable consideration, the Methodist Church and the School Board agree as follows:

1. Term of Agreement: The initial term of this agreement shall be from February 23, 2005 until June 30, 2005. Thereafter it shall renew automatically effective 1 July if each year, unless either party notifies the other party in writing of its intent not to renew no later than 90 days prior to the date of renewal.

2. **Improvement to Property:** The School Board shall construct a parking lot on the above-described property at its expense. This parking lot will consist of an oyster shell surface over a clay base. Otherwise, it is the intent of the parties that the property shall remain in essentially the same physical condition during the term of this agreement.
3. **Use of Property:** The School Board shall have the right to use the above property for the benefit of the students, staff, and guests of the Donald E. Wood Center during school hours, and during school functions.
4. **Maintenance and Repairs:** The School Board shall generally maintain the surface of the parking lot referenced above during the terms of this use agreement.
5. **Indemnification:** Subject to the doctrine of sovereign immunity and Section 768.28, Florida Statutes, the party making use of or sponsoring an event or activity at the property above shall indemnify and hold the other party harmless from and against any liability, action, claim, injury, or property damage occurring while the indemnified party is using the property above unless the injury or damage is caused by the act or omission of the other party or the other party's agents or employees.
6. **Termination:** Either party may terminate this agreement with 90 days written notice.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by the respective authorized officers or representatives as of the last date set forth below.

**DUNDEE UNITED METHODIST CHURCH, INC.**

By Howard Spence  
Howard Spence, Trustee Chairman

Attest Phil Griner  
Phil Griner, Council Chairman

Date 3-2-05

(SEAL)

**THE SCHOOL BOARD OF POLK COUNTY, FLORIDA**

By Kay Fields  
Kay Fields, Board Chair

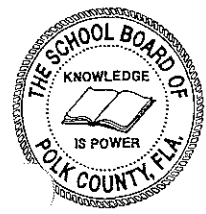
Attest Gail F. McKinzie  
Gail F. McKinzie, Secretary

Date 2-22-05

(SEAL)

cl: 021505

APPROVED AS TO  
FORM AND LEGALITY  
CB  
ATTORNEY - PCSB



# SCHOOL BOARD OF POLK COUNTY

P.O. BOX 391  
BARTOW, FLORIDA 33831

1915 SOUTH FLORAL AVENUE  
BARTOW, FLORIDA 33830

(863) 534-0500 • SUNCOM 515-1321 • FAX (863) 534-0705

## Board Members

BOARD CHAIR  
KAY FIELDS  
DISTRICT 5

FRANK J. O'REILLY  
DISTRICT 1

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DISTRICT 2

HAZEL SELLERS  
DISTRICT 3

BRENDA C. REDDOUT  
DISTRICT 4

MARGARET LOFTON  
DISTRICT 6

C. J. ENGLISH, III  
DISTRICT 7

C. WESLEY BRIDGES, II  
General Counsel

## Administration

McKINZIE, Ph.D.  
Superintendent of Schools

February 25, 2005

RECEIVED FEB 28 2005

Howard Spence  
Dundee United Methodist Church, Inc.  
P.O. Box 752  
Lake Wales, FL 33859-0752

Re: Use Agreement

Dear Mr. Spence:

Enclosed please find two (2) originals of the Use Agreement between Dundee United Methodist Church, Inc. and the School Board of Polk County, Florida approved by the School Board on February 22, 2005.

Please have your officers sign these originals, keep one original for your file and return the other original to us. If you have any questions feel free to call our office at 534-0773.

Thank you,

Beverly Hartley  
Administrative Secretary

Enclosure

cc: Bob Williams