

ORDINANCE NO. 1093

AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE
AUTHORIZING THE APPROPRIATE OFFICIALS TO ENTER
AN AGREEMENT WITH THE PARK SWIM CLUB CONCERNING
THE LEASE OF CERTAIN GROUND AND CONSTRUCTION OF
TENNIS COURTS AND OTHER RECREATIONAL FACILITIES

BE IT ORDAINED AND ENACTED by the Municipality of Monroeville, in Council
assembled as follows:

Section 1. That the appropriate officials of Monroeville are hereby
authorized and directed to enter an agreement with the Park Swim Club
concerning the leasing of certain ground and construction of tennis
courts and other recreational facilities.

Section 2. A copy of said agreement is attached hereto, made a
part hereof and marked Exhibit "A".

ORDAINED and ENACTED this 13th day of December, 1977.

(SEAL)

ATTEST:

MUNICIPALITY OF MONROEVILLE

S/ Marshall W. Bond
Municipal Manager

S/ R. E. Droske
Mayor

Entered in Legal Book December 28, 1977

PROPOSED AGREEMENT

THIS AGREEMENT made by and between the PARK SWIM CLUB, INC., a non-profit corporation (hereinafter referred to as "The Club")

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THE MUNICIPALITY OF MONROEVILLE, a Municipal Corporation (hereinafter referred to as "Monroeville").

W I T N E S S E T H T H A T:

WHEREAS, Monroeville is desirous of expanding recreational facilities to residents of the Municipality, particularly in the University Park area.

WHEREAS, the Club is the owner of certain ground in Monroeville in the University Park area containing 20 acres, more or less.

WHEREAS, the Club is desirous of leasing certain property to Monroeville and Monroeville is desirous of possessing and utilizing said property for recreation activities for the residents and taxpayers of Monroeville.

NOW THEREFORE, in consideration of the above intending to be legally bound hereby the parties hereto agree as follows:

1. Monroeville hereby agrees to construct a road to connect the existing entrance road to the Park Swim Club facility and the proposed tennis courts.
2. Monroeville agrees to construct two (2) tennis courts and other recreation facilities on the Club property within the metes and bounds description of the property herein leased, a more specific description to be attached hereto and made a part hereof.
3. Monroeville agrees to maintain the aforesaid road, tennis courts and recreation facilities for as long as the lease of the subject land exists.
4. The Club agrees to lease to Monroeville that portion of its land necessary for the Municipality of Monroeville to construct and maintain the aforesaid road, tennis courts and recreation facility in area, the particular description of said property to be attached hereto and made a part hereof.
5. The Club shall have a continuous option to purchase the tennis courts and any recreation facility constructed by the Municipality of Monroeville by notifying the Municipality of Monroeville in writing of its intent to do so and pay to the Municipality the original cost of construction of the tennis courts and any other recreation facilities.

6. In the event the Municipality shall at any time fail or cease to use or maintain the tennis courts or recreation facilities or area, ownership of the same shall become vested in the Club.

7. Monroeville shall cause to be placed for public bid as part of its leasing agreement, paving for the roadway leading into the club facilities along with the swim club parking area, the Municipal improvements and make available to the Club the low bid prices obtained by Monroeville through public competitive bidding.

8. All provisions of this Agreement are subject to and contingent upon Monroeville Municipal Council deciding at a public meeting to construct the recreational facility herein contemplated and to provide funding for the same. In the event Monroeville Municipal Council makes a contrary determination then the provisions of this Agreement shall be null and void.

9. This agreement represents the entire understanding of the parties. There are no other agreements, covenants or conditions that are not specifically herein set forth and any amendment hereto shall be in writing and executed in writing by the parties hereto.

10. This agreement shall be binding upon the heirs, successors, administrators and assigns of each of the parties to this agreement.

IN WITNESS WHEREOF the parties hereto set their hands and seals this 13th day of December, 1977.

(SEAL)

ATTEST:

PARK SWIM CLUB, INC.

Secretary

President

(SEAL)

ATTEST:

MUNICIPALITY OF MONROEVILLE

S/ Marshall W. Bond
Municipal Manager

S/ R. E. Droske
Mayor

(SEAL)