

## **AGREEMENT FOR USE OF BICENTENNIAL PARK FOR TRACTOR STORAGE**

This Agreement is made and entered into this 21<sup>st</sup> day of June 2022, between The South Alabama Antique Tractor and Engine Club ("Tractor Club") and the Baldwin County Commission (the "County").

1. The County hereby grants to the Tractor Club permission to use Bicentennial Park, a property owned and maintained by Baldwin County, for storing antique tractors and other related equipment.
2. Tractor Club shall use the park premises solely for its club purposes and activities incidental thereto, and not otherwise, for and during the term one (1) year, from, to-wit: June 21, 2022, through June 20, 2023. This period is herein referred to as the "term" or "period" of this Agreement for Use.
3. In consideration for this Agreement for Use of Bicentennial Park for Tractor Storage, Tractor Club commits to provide the public benefit of agricultural education to residents of Baldwin County through its activities and events.
4. Tractor Club hereby releases, waives and discharges Baldwin County, Alabama, and its elected officials, employees, agents, and volunteers (hereinafter the "Released Parties") from and agrees and covenants not to sue the Released Parties for any claim, liability, or demand of any kind or on account of any real or personal property damage, real or personal property loss, personal injury, temporary or permanent disability, death, economic loss and/or other damages, whether caused by the negligence of Released Parties or otherwise, resulting from or in any way associated with the storage of Tractor Club equipment at Bicentennial Park.
5. Tractor Club voluntarily assumes all risks of personal injury, temporary or permanent disability, death, real or personal property loss, real or personal property damage, economic loss, and/or other damages to the Club and its property resulting from or in any way associated with the storage of tractors and/or tractor-related equipment at Bicentennial Park.
6. Tractor Club hereby acknowledges and agrees that this Agreement is intended to be, and is, a complete release of any responsibility of the Released Parties for personal injury, temporary or permanent disability, death, real or personal property loss, real or personal property damage, economic loss, and/or other damages sustained by Tractor Club and resulting from or in any way associated with the storage of tractors and/or tractor-related equipment at Bicentennial Park.
7. Tractor Club hereby agrees and covenants to indemnify the Released Parties for and hold the Released Parties harmless from any and all personal injury, temporary or permanent disability, death, real or personal property loss, real or personal property damage, economic loss, and/or other damages sustained by the tractor club and resulting from or in any way associated with the storage of tractors and/or tractor-related equipment at Bicentennial Park.

8. Prior to storing any equipment on County property, Tractor Club will provide proof that Baldwin County as the owner of Bicentennial Park has been added as an additional insured under its Commercial General Liability Policy.
9. Each term and provision of this instrument shall be valid and enforced separately to the fullest extent permitted by law. This instrument shall be governed, construed, and enforced in accordance with the law of the State of Alabama.
10. The parties by executing this document warrant that they have read this Agreement and I understand the terms used in it and their legal significance.
11. The waiver and release contained herein is freely and voluntarily given by Tractor Club with the understanding that right to legal recourse against Baldwin County, its elected employees, elected officials, agents, and volunteers is knowingly waived by Tractor Club. The signature on this document is intended to bind not only Tractor Club, but also its members, representatives, administrators, and assigns.
12. By executing this document, \_\_\_\_\_ and James E. Ball, Commission Chairman represent that they have the necessary capacity and authority to bind Tractor Club and the County to this Agreement.

**IN WITNESS WHEREOF**, the Tractor Club and the County executed this Agreement for Use of Bicentennial Park for Tractor Storage on the date below:

DATE: \_\_\_\_\_

**SOUTH ALABAMA ANTIQUE TRACTOR  
AND ENGINE CLUB**

\_\_\_\_\_

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

Its: \_\_\_\_\_

**BALDWIN COUNTY COMMISSION**

\_\_\_\_\_

By: **James E. Ball**

Its: Chairman

**ATTEST:**

\_\_\_\_\_  
**RONALD J. CINK**

Budget Director