

MCINNISH PARK USAGE AGREEMENT

This McInnish Park Usage Agreement (the “Agreement”) is made and entered into by and between CITY OF CARROLLTON, TEXAS, a municipal corporation (“City”) and BLUE SKY SPORTS CENTER OF CARROLLTON, LP, a Texas limited partnership (“Blue Sky”) with regard to the following:

WHEREAS, pursuant to the terms of that certain Development and Transfer Agreement dated July 12, 2016, Blue Sky is obligated to expend capital resources to improve an outdoor soccer field located at “McInnish Park” (the “Park”); and

WHEREAS, the parties desire to provide an opportunity for Blue Sky and its sublessees, including specifically, but not limited to, Liverpool FC America, LP, (a soccer club associated with the Blue Sky facilities) (collectively, “Blue Sky”) to use the Park on occasion and by agreement;

THEREFORE, upon the conditions and terms set forth herein, the parties hereby agree as follows:

1. As long as the Carrollton Ground Lease Agreement executed on or about September 2, 2015 and by and between Blue Sky Sports Center of Carrollton, LP and the City remains in effect, Blue Sky shall have the right to use of the Park in accordance with this Agreement.
2. Blue Sky shall be entitled to use the Park on such days and times as agreed to by the parties to this Agreement and in a manner which shall not unreasonably interfere with the City’s or its designee, including, but not limited to, Carrollton/Farmer’s Branch Soccer Association, priority use and enjoyment of the Park.
3. Blue Sky’s use of the Park shall be consistent with all State and local laws, rules and regulations.

IN WITNESS WHEREOF, the parties have caused this Usage Agreement to be executed in multiple counterparts each of which shall have the full force and effect of any original, by their respective duly authorized representatives on the day and year first set forth above.

ATTEST:

THE CITY OF CARROLLTON, TEXAS

Laurie Garber, City Secretary

Leonard Martin, City Manager

BLUE SKY SPORTS CENTER OF CARROLLTON, LP

By: _____
Peter Brody, President of Blue Sky
Carrollton Management, Inc. its General Partner