



Interoffice Memorandum

AGENDA ITEM

August 13, 2018

TO: Mayor Teresa Jacobs
— AND —
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development Services
Services Department

CONTACT PERSON: **Matt Suedmeyer, Manager
Parks and Recreation Division
(407) 836-6202**

SUBJECT: September 11, 2018 – Consent Item
Agreement between Orange County and Central Florida
Basketball Partners, LLC

The Parks and Recreation Division is requesting approval of the Agreement between Orange County and the Central Florida Basketball Partners, LLC. This Local Player Tryout Release Agreement provides Central Florida Basketball Partners, LLC, use of gymnasium space at the Silver Star Recreation Center for the purpose of league tryouts on September 23, 2018. Silver Star Recreation Center is located at 2801 North Apopka Vineland Road.

The tryout period does not affect the current programs offered at the recreation center. The Agreement has been reviewed and approved as to form and content by the County Attorney's Office and Risk Management Division.

ACTION REQUESTED: Approval and execution of Local Player Tryout Release Agreement (2018) between Central Florida Basketball Partners, LLC and Orange County, Florida to use a gymnasium and associated facilities at Silver Star Recreation Center for a league tryout on September 23, 2018. District 6

JVW/MS/kk
Attachment

c: Ajit Lalchandani, County Administrator
Anne Kulikowski, Director, Administrative Services

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
SEP 11 2018



Local Player Tryout Location Release Agreement (2018)

For good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, **Orange County, Florida** ("Host") hereby grants permission to **Central Florida Basketball Partners, LLC**, NBA Development League, LLC (d.b.a. NBA G League), and their affiliates, licensees, employees, contractors, and agents ("Released Parties") to enter and exclusively use the property, including the gymnasium and locker rooms, located at **Silver Star Recreation Center at 2801 N. Apopka Vineland Rd., Orlando, FL 32818** (the "Property"), in connection with the local player tryout for the **Lakeland Magic** (the "Team") basketball team. Such permission includes the right to bring and utilize thereon personnel, materials and equipment (including props and temporary sets) and to rearrange furnishings temporarily, and the sole ownership of and unlimited right to exhibit any and all events photographed or recorded at and of the Property (including signs, displays, names and the like) throughout the world and in all media now or hereafter known and for all purposes, including for advertising purposes and purpose of trade. The undersigned hereby waives any and all rights of privacy, publicity, future remuneration or any other rights of a similar nature in connection with the above.

The above permission is granted for the period commencing on **Sunday, September 23, 2018 at 9:00am** and concluding **Sunday, September 23, 2018 at 12:00pm**. During the aforesaid period, the Host agrees that it will not enter or occupy or authorize any third party to enter or occupy the Property without express consent of the Released Parties; provided, however, that nothing in the aforementioned sentence shall limit or in any way prevent Host's personnel from using the Property for access to its offices, training rooms, meeting rooms, or any other areas of the Property not required for purposes of the tryout. The Host acknowledges and agrees that the Released Parties have no affirmative obligation to actually use the Property for the purposes contemplated herein.

The Released Parties agree to use reasonable care to prevent damage to the Property and to indemnify, defend and hold Host harmless against any and all liability and loss which Host may incur by reason of the death or injury of any person or damage to or destruction of any property caused by negligence of the Released Parties, or by the negligence of any party entering the Property with authorization of the Released Parties. Host agrees to use reasonable care to maintain the Property and to indemnify, defend and hold the Released Parties harmless against any and all liability and loss which the Released Parties may incur by reason of the death or injury of any person or damage to or destruction of any property caused by Host's negligence, or by the negligence of any party entering the Property with Host's authorization. To the extent Florida law requires the following limitation, the Released Parties hereby agree to the following: nothing herein is intended to be or shall be construed to be a waiver of the Host's sovereign immunity. The Host and the Released Parties agree that the total liability of the Host shall not exceed the limits of liability as set forth in § 768.28(5), Florida Statutes (2018), regardless of whether any such obligations are based in tort, contract, statute, strict liability, negligence, product liability or otherwise.

All Parties acknowledge that the Host and Team may enter in to a contemporaneous agreement which memorializes the financial terms of the use of the Property or other details relating to the local player tryout. All Parties acknowledge and agree that the terms of this Local Player Tryout Location Release Agreement shall supersede any conflicting terms of any other agreement. Florida law shall govern in interpreting this agreement and venue for any action initiated under this agreement shall be in Orange County, Florida.

The Host represents that it has the full authority to enter into this agreement and that the consent of no other party is necessary to provide the full and complete permission granted by this agreement and that this agreement shall be binding on the Host's successors or assignees.

AGREED AND ACCEPTED:

Orange County, Florida

By: Board of County Commissioners

Teresa Jacobs
Teresa Jacobs, Orange County

Date: 9.11.18

Central Florida Basketball Partners, LLC

By: *Keely Uteke*

Title: President

Date: 8/6/18

