

**Project Agreement By and Between
Canyon Lake Youth Soccer Club and Comal County
Regarding Improvements to Hidden Valley Sports Park**

**I.
Parties**

This Project Agreement ("Agreement") is entered into by and between Canyon Lake Youth Soccer Club ("CLYSC") and Comal County, Texas ("County") and becomes effective upon execution by all of the parties.

**II.
Purpose**

The purpose of this Agreement is to describe the conditions for CLYSC's Playground Shade Structure project ("project").

**III.
Agreement**

NOW, THEREFORE, for and in consideration of the premises and the mutual promises, covenants, and agreements set forth in this Agreement, the CLYSC and the County agree as follows:

**IV.
Definitions**

Budget: The Budget (or Total Project Amount) for this project is \$10,771.

Budget Shortfall: The actual cost of a Project less the budgeted amount.

**V.
County**

1. The County will provide plans and specifications for the CLYSC project.
2. The County will prepare the documents necessary to construct the CLYSC project in accordance with the Comal County Purchasing Policy.
3. The County will fund up to \$9,671 for the CLYSC project.
4. The County Parks Manager will manage selected contractor to construct the CLYSC project in accordance with the prepared plans and specifications.
5. If the CLYSC project is cancelled before construction commences, the County will refund the Entity Funding in the amount of \$1,100.

**VI.
CLYSC**

1. CLYSC will identify one representative that the County will coordinate with in constructing the CLYSC project.
2. CLYSC will provide Entity Funding to Comal County in the amount of \$1,100 by August 1, 2018.
3. CLYSC will cover any Budget Shortfalls within 30 days of notification of a Budget Shortfall. If CLYSC cannot cover the Budget Shortfall, CLYSC will work with County to develop a plan to construct a portion of the CLYSC project. However, in the event that the County deems the project unfeasible or if a portion of the project cannot be constructed, the CLYSC project will be cancelled.

**VII.
Term**

This Agreement shall begin on the date of the last signature and shall remain in force and effect until the CLYSC project is completed or cancelled.

**VIII.
Notice**

The designated representatives of the Parties shall be the following, who shall be fully authorized by their respective entities to receive notification required under this Agreement and to take any action

delegated to a designated representative under this Agreement. All notices required under this Agreement shall be given by regular mail or certified mail addressed as follows:

County: Comal County Parks Manager
195 David Jonas Drive
New Braunfels, Texas 78132

CLYSC: Don Kitzel
CLYSC
445 Flatrock
Canyon Lake, Texas 78133

**IX.
Law and Venue**

This Agreement shall be construed and enforceable in accordance with the laws of the State of Texas. Exclusive venue shall be in a court of competent jurisdiction in Comal County, Texas.

**X.
Immunity**

No provision of this agreement shall affect or waive any sovereign or governmental immunity available to the County and/or its elected officials, officers, employees and agents under Federal or Texas law nor waive any defenses or remedies at law available to the County and/or its elected officials, officers, employees and agents under Federal or Texas law.

**XI.
Entire Agreement**

This Agreement contains the entire agreement between the parties and correctly sets forth the rights, duties and obligations of each to the other as of the Effective Date. Any oral representations or modifications concerning this Agreement will be of no force or effect excepting a subsequent written modification executed by both parties

**XII.
Execution**

The County executes this Agreement by and through the County Judge acting under the authorization of the Commissioners Court of Comal County, Texas. CLYSC executes this Agreement under the authorization of the CLYSC Board. This agreement shall not become effective until executed by all parties.

COUNTY OF COMAL, TEXAS

CLYSC

EXECUTED on this the ____ day of _____, 2018.

EXECUTED on this the 2nd day of July, 2018.

By: _____
SHERMAN KRAUSE
Comal County Judge

By: 
DONALD KITZEL
CLYSC

Attest:

Attest:

By: _____
Bobbie Koepp, Comal County Clerk

By: 
XXXXXXXXXXXXXXXXXXXX

