



Parks & Recreation Department

To: Mayor Jerry Wiley, Fairway City Council

CC:

From: Nathan Nogelmeier, City Administrator

Date: 11/9/2016

Re: 3rd Party Use Agreement

The Kansas Historical Society has reviewed the 3rd Party Use Agreement and the related Rental Application that was proposed to them in September. After adding a few additional items that give clarity to certain sections, the KHS has agreed to the documents.

The only change was in the liability paragraph where a sentence was added and is depicted below in red.

1. Liability.

- a. Fairway shall not assume any additional liability as a result of third party use at the SIMSHS. **Any liability associated with third party use of the site will be assigned and assumed to the individual third parties using the site as indicated on the rental application.** Based on the nature of any third party use, Fairway may, at its discretion, require the user to provide proof of insurance and/or list Fairway and KSHS as both Certificate Holders and Additional Insureds.

A final version and the rental application are attached for your reference. These documents have been reviewed by a Stinson attorney and staff recommends approval.

NEALE PETERSON PARK AND FAIRWAY POOL
6136 MISSION ROAD
FAIRWAY, KANSAS 66205
913-722-3161 (SUMMER ONLY)
NNOGELMEIER@FAIRWAYKANSAS.ORG

WWW.FAIRWAYKANSAS.ORG

FAIRWAY CITY HALL
4210 SHAWNEE MISSION PARKWAY, STE. 100
FAIRWAY, KS 66205
PHONE: 913-262-0350
FAX: 913-262-4607

Third Party Use Agreement

This Agreement between the City of Fairway (Fairway) and the Kansas State Historical Society (KSHS) shall outline third party use procedures regarding the Shawnee Indian Mission State Historic Site (SIMSHS) located at 3404 W. 53rd Street in Fairway, Kansas. This agreement shall be appended to the existing management agreement between Fairway and KSHS for the SIMSHS.

Nothing contained in this document shall be construed to replace or modify any portion of the Memorandum of Agreement between the Fairway and KSHS.

1. Areas available for third party use.

- a. North Building Conference Room
- b. East Building Chapel – The main area on the first floor
- c. Grounds

Additional areas for third party use may be added as they become available.

2. Third Party Use Administration.

Fairway will administer all third party activities, including agreements, fees, and scheduling:

- a. Fairway will create a standard third party use application, incorporating pieces of existing applications from both Fairway and KSHS.
- b. Fairway will use its then existing scheduling and point of sale software for processing third party use applications
- c. Fairway will set 3rd party usage rates. All revenue generated from third party use will be collected by Fairway and deposited into Fairway's Shawnee Indian Mission Fund to offset operating expenses.

3. Third Party Use Events

- a. Most indoor third party events must take place outside of normal museum operating hours. Outdoor third party events may take place during or outside of normal operating hours provided that such events do not unreasonably impede normal operations or access for museum visitors.
- b. During all third party use events, Fairway will arrange for a staff member or verified volunteer to be present and act as a site liaison for the entirety of the event.
- c. Fairway may, at its discretion, require third party users to provide security services based on the nature of the event.

4. Routine Permissible Third Party Uses.

- a. Events (such as, but not limited to, receptions, family reunions, weddings, corporate meeting/events) a reasonable person would conclude presents a minimal risk of damage to the buildings, grounds, exhibits and artifacts shall be permissible at the discretion of Fairway.

- b. Meetings of the Shawnee Indian Mission Foundation, a Kansas not-for-profit corporation (SIMF) dedicated to the advancement and support of SIMSHS and events sponsored and approved by SIMF for the purposes of SIMF shall be permissible at the discretion of Fairway.

5. Liability.

- a. Fairway shall not assume any additional liability as a result of third party use at the SIMSHS. Any liability associated with third party use of the site will be assigned and assumed to the individual third parties using the site as indicated on the rental application. Based on the nature of any third party use, Fairway may, at its discretion, require the user to provide proof of insurance and/or list Fairway and KSHS as both Certificate Holders and Additional Insureds.