

## **SPECIAL USE AGREEMENT WALNUT VALLEY SAILING CLUB**

**THIS AGREEMENT** is entered into on this 23 day of March, 2010, by and between made between the Walnut Valley Sailing Club (hereinafter referred to as the "Club") with a mailing location of P.O. Box 20076, Wichita, KS 67208-1076 and the Kansas Department of Wildlife and Parks (hereinafter referred to as "Department") with a mailing location of 512 SE 25<sup>th</sup> Street, Pratt, Kansas 67124.

The Department grants to the Club privileges detailed in this Agreement for the area located at El Dorado State Park (hereinafter referred to as "Premises") and more specifically identified in Appendix I.

In consideration of the mutual promises and conditions contained in this Agreement, the Department and Club agree as follow:

### **A. PURPOSE**

1. It is understood by both parties that the purpose of this Agreement is to provide a quality sailboat facility through an open membership association within El Dorado State Park. The Club's objectives are to promote sailing and provide a quality sailing facility to the public and its' members. The Department reserves the right to survey members, utilizing the association, and members of the public to determine if the Club is best serving the needs of the public. The Department may require changes to the Club based on these surveys.

2. Services provided by the Club shall be within the area designated in Appendix I, as the Premises.

### **B. SERVICES**

1. The Club shall equip and operate a sailing facility within the Premises as indicated on Appendix I in accordance with this Agreement.

### **C. OPERATIONS**

1. The Club agrees to operate the Club facilities each and every day from May 15<sup>th</sup> to October 15<sup>th</sup>, inclusive, of each year during the term of this Agreement. The Club may, as an option, conduct, and operate the Club facilities for the period of October 16<sup>th</sup> to May 14<sup>th</sup>, inclusive, during the term of this Agreement.

2. The Club shall serve the public and Club members courteously and efficiently.

### **D. PRICES**

Prices charged by the Club for supplies, services, and facilities to the public shall be subject to prior written approval of the Department. By February 1 of each year, the Club shall submit to the Department a list of items it intends to sell to the public and services it intends to provide to the public with a schedule of proposed prices for that particular season. If the Department determines that any price is not reasonably related to the quality and quantity of items sold or services provided, the Department may require that the price be modified. The Department may not require a modification in price which will prevent the Club from making a reasonable profit, provided that the Department shall have final

