DISTRICT OF COLUMBIA
PUBLIC SCHOOLS
Real Estate Office
825 North Capitol Street, N.E., Suite 7122
Washington, D.C. 20002-4232
202-442-5199, fax: 202-442-5180
www.k12.dc.us

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D.C. PUBLIC SCHOOLS
LEGAL SERVICES BRANCH
2001 JAN 29 PM 3:56
RECEIVED

September 8, 2000

Mr. Michael Sussman
Georgetown Flea Market
2109 N Street, N.W.
Washington, D.C. 20037

Dear Mr. Sussman:

As directed by the Superintendent, Dr. Paul Vance, commencing Sunday, September 10, 2000 your use of the parking facilities at the Hardy Middle School, to hold a flea market will be granted on a month to month basis, while you are filing an appeal for a special variance from the Board of Zoning Adjustment. Please note, any D.C. Public Schools' (DCPS) activities take preference over use and DCPS shall have the unilateral right in its sole discretion, to terminate this Agreement upon a fourteen (14) days prior written notice.

The total monthly user fee will remain in the same amount of $1,763.67, as defined on the enclosed "Application To Use Facilities" page 2 of 2. The rental rate will be revised upon receipt of the new appraisal. The new rate will reflect the new appraised value and will be applied at a later date.

Please submit a certified check or money order made payable to the D.C. Public Schools, and forward to the District of Columbia Public Schools, Real Estate Office, 825 North Capital Street, N.E., Suite 7122, Washington, D.C. 20002. An executed copy of the Assumption of Risk and Indemnification Form and an insurance certificate must also be received in the Real Estate Office prior to use.

Sincerely,

Veronica L. Falwell
Deputy Director

VLF:yc

Enclosures

Cc: Patrick Pope, Principal
Security
Real Estate Office

BZA
Case No. 16643
Exhibit No. 49

Board of Zoning Adjustment
District of Columbia
CASE NO.16643
EXHIBIT NO.49

01/29/01 MON 16:25 [TX/RX NO 9853]

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LEGAL SERVICES BRANCH

September 9, 1999

Mr. Michael Sussman
Georgetown Flea Market
2109 N Street, N.W.
Washington, D.C. 20037

Dear Mr. Sussman:

Enclosed for your records is a copy of the Use Agreement submitted by the Georgetown Flea Market, requesting permission to use the parking facilities at the Hardy Middle School to have a flea market. This use is scheduled to begin on September 12, 1999 through September 3, 2000. Please note that any D.C. Public Schools' activities take preference over this use. Notwithstanding anything to the contrary contained herein, D.C. Public Schools shall have the unilateral right, in its sole discretion, to terminate this Agreement upon thirty (30) days prior written notice.

The total monthly user fee is at $1,763.67, as defined on the enclosed "Application to Use Facilities", page 2 of 2. This rental rate will be revised upon receipt of the new appraisal and the new rate will reflect the new appraised value and will be applied from September 1999.

Please submit a certified check or money order, made payable to **D.C. Public Schools**, and forward to the D.C. Public Schools Real Estate Office, 825 North Capitol Street, N.E., Suite 7122, Washington, D.C. 20002. Also, return an executed copy of the enclosed Assumption of Risk and Indemnification Form, Conditions of Use, and an insurance certificate prior to use. The User's fee and insurance is a prerequisite for use.

If this use is cancelled or postponed, please notify both the principal and this office (202) 442-5199.

Sincerely,

Gerald F. Cooke
Director

GFC/tp

Enclosures

cc: Patrick Pope, Principal
Security
Custodial Services
Real Estate Office

01/29/01 MON 16:25 [TX/RX NO 9853]

APPLICATION TO USE FACILITIES

This form must be received in the Real Estate Office at least twenty (20) working days prior to the proposed use. For more information call the Real Estate Office on (202) 442-5199. The Principal's approval is needed prior to submitting this application to the Realty Office.

DATE OF APPLICATION: August 24, 1999 **FACILITY REQUESTED:** Parking Facility, Hardy M.S. Front and rear lots.

NAME OF USER/ORGANIZATION: Georgetown Flea Market

AUTHORIZED CONTACT: Michael Sussman

ADDRESS: 2109 N Street, N.W. Washington, D.C. 20037

TELEPHONE: 202-296-4989

DESCRIPTION OF PROPOSED USE: (Attach a brochure, flyer, etc. describing your activity.)

Sale of antiques and collectibles on a Sunday basis for the Georgetown/Burleith area. Open to all persons to buy and sell. Rear lot will not be used Dec., Jan. and Feb.

Check if applicable to proposed use.: More than 100 persons expected to attend: XX Handling of money: XX

Specific Area Requested: Auditorium _____ Gymnasium _____ Stadium _____ Armory _____

Cafeteria _____ Kitchen _____ No. of Classrooms _____ Other PARKING FACILITIES

Period of Requested Use:	**Hours** From...To	**Days** Mon-Sun	**Dates** Month/Day/Year
	7AM-6PM	SUNDAYS	SEPT 1999-SEPT 2000

Type of User:

Public School Related:
- __PTA or HSA
- __DCPS Program or Activity
- __Other _____

Non-Public School Related:
- __Religious Organization
- __Non-Profit Group
- X Other individual

How is the program funded? DCPS _____ **Grant** _____ **Other** private

Is the Staff paid? n/a **or volunteer?** _____ **Is there a charge to the participants?** Yes _____ **No** not to the public

I hereby agree to be bound by the terms of the Application to Use Facilities and to abide by the pertinent rules of the Board of Education, Section 3500 thru 3508 and Superintendent Directives. Furthermore, I agree to make final arrangements and publicize this activity ONLY after written approval has been received.

User Signature: _____ **Date:** 8/24/99

****

NOTE: All Users must immediately vacate the premises, as a result of a court order, construction, or inclement weather. This agreement may be cancelled with a thirty (30) day notice for the convenience of the School System.

FROM : MICHAEL SUSSMAN FAX NO. : 202 223 0289 Aug. 24 1999 10:13PM P1

01/29/01 MON 16:25 [TX/RX NO 9853]

USER NAME: Georgetown Flea Market APPLICATION TO USE FACILITIES page 2 of 2

INSURANCE INFORMATION:
The following information must be accurate. (False information will be cause for immediate termination of the agreement.)

Name of Insurance Company: Travelers Property Casualty
Policy Number: 660-198C3186TCT-99 Coverage: $2,000,000.00
Name and Telephone no. of Insurance Agent: DREYFUSS-NEY 301-656-3994
All users must sign an Indemnification Form, after approval of the use application by the Real Estate Office as necessary. This for plus a copy of the users insurance certificate to the Real Estate Office at least forty-eight (48) hours prior to entering the building.

For DCPS Real Estate Office Use Only **Calculated by:**

Assessed Rate: $110 per space per month

$110 / 20 (average monthly work days) = $5.50 daily rate

$5.50 x 74 (parking spaces) = $407.00 (per day)

$407.00 x 52 Sundays = $21,164

$21,164 x 12 = $1,763.67 (per month)

CONTINUOUS USERS

Pro-Rated Rental Fee	Cost/Sq. Ft. Per Day	No. Sq. Ft.	No. Days	Total Cost
Schedule A Schedule B	$.024 .007			

DCPS SIGNATURES	RECOMMEND	APPROVE	DISAPPROVE	DATE
PRINCIPAL/FACILITY ADMINISTRATOR				
REALTY OFFICER				9/9/99
SUPERINTENDENT/DEPUTY/ASSISTANT				

FORM NO. 53RO390 REV 2/98

FROM : MICHAEL SUSSMAN FAX NO. : 202 223 0289 Aug. 24 1998 10:13PM P2

01/29/01 MON 16:25 [TX/RX NO 9853]

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ASSUMPTION OF RISK AND INDEMNIFICATION FORM

Georgetown Flea Market, hereby agrees that all property and activities of any kind or nature whatsoever that may be in, upon, or about the designated space utilized by the **Georgetown Flea Market** on the Hardy Middle School's parking facilities, at any time during the term of this use agreement, or any renewal or extension hereof, shall be in, upon or about said premises at the sole **Georgetown Flea Market** or those claiming by, through, or under the **Georgetown Flea Market**.

Moreover, the **Georgetown Flea Market**, hereby agrees to indemnify and save harmless the District of Columbia Government, the D.C. Public Schools, and their agents and employees, from all penalties, claims and demands resulting from the **Georgetown Flea Market** use and occupancy of the designated premises, and in the conduct of its operation on said premises.

It is expressly understood that the District of Columbia Government, D.C. Public Schools, and their agents and employees shall not be liable to the **Georgetown Flea Market**, or to any person, for any accident, injury, loss, or damage to any person, or property while in, upon, or about, or entering or leaving said premises at any time during the term of the use agreement or any renewal or extension hereof, resulting from any cause whatsoever, and all claims therefore are hereby released to the District of Columbia Government and D.C. Public Schools, who may plead this release in bar thereof, in any and every suit, demand and claim for same.

Georgetown Flea Market

By: _____ 9/9/99

Name Date

01/29/01 MON 16:25 [TX/RX NO 9853]

Conditions Governing Use of Hardy Middle School's Parking Facilities by the Georgetown Flea Market September 12, 1999 to Septem[redacted], 2000

The following terms govern this use:

1. Rules of the Board of Education, Section 3500, et. seq. which are incorporated by reference.

2. This agreement grants use of the parking facilities at Hardy Middle School on Sundays beginning September 12, 1999 to September 3, 2000, from 7:00 a.m. to 6:00 p.m.

3. The User shall be responsible for repairing any damage to the Hardy Middle School site or building due to this use. The parking lost is made available "as is".

4. Proof of public liability insurance in the amount stated in the Board Rules, with the D.C. Board of Education, and the D.C. Government as an additional insurer shall be on file in the D.C. Public Schools, Real Estate Office, 825 North Capitol Street, N.E., Washington, D.C. 20002, prior to use.

5. If the User defaults on any term herein, the agreement is subject is subject to termination.

6. If the User desires to terminate the agreement prior to the end of the term agreement, a notice of five (5) days must be submitted to the D.C. Public Schools' Real Estate Office.

7. All notices related to this agreement shall be sent to:

   For User: Mr. Michael Sussman
   Georgetown Flea Market
   2109 "N" Street, N.W.
   Washington, D.C. 20037

   For DCPS: Veronica L. Falwell, Deputy Officer
   Real Estate Office
   825 North Captitol Street, N.E., Suite 7122
   Washington, D.C. 20002

8. The User is responsible for security during the term of this use and shall have a full-time Market Master on the site during each use.
   The name of the Market Master is: Michael Sussman. Please notify the Real Estate Office at 202/442-5199 in advance if any substitute(s) are made.

9. The User shall be responsible for clean-up (including removing all trash from the site) after each use.

10. The delivery trucks shall enter by the East Gate on Wisconsin Avenue, N.W. The User shall be responsible for any damages to the curb, sidewalk, or parking lot paving caused by this activity.

11. Since the building will be closed to the market staff and consumers, the User shall provide "port-a-johns" for the farmers and consumers.

12. No one is allowed to set-up in front of the building's entrance, or outside of the fence around the parking lot.

13. The User (Georgetown Flea Market) is responsible for all damages and/or claims that may arise from the use of the Hardy Middle School's parking lot, and the area adjacent during this use.

Signature _____
Michael Sussman