

RESOLUTION NO. 352

A Resolution authorizing the purchase of Timber Play Systems Play Equipment to be located at the Jackson School Playfield.

WHEREAS, the Port Gardner neighborhood allocated \$500 of their 198 Block Grant funds and \$3,346 of their 1985 Block Grant funds for the purchase of Timber Play Systems play equipment, and

WHEREAS, the Everett School District signed an agreement with the City of Everett () allowing the purchased equipment to be installed on school district property, and

WHEREAS, the City Council finds there is a need for additional recreational facilities for the Port Gardner Neighborhood, and

WHEREAS, Timber Play Systems is the supplier of the play equipment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVERETT that Community Development Block Grant funds be utilized for the purchase of the above described play equipment for approximately \$3,846.

Agreement between the City of Everett and the Everett School District for play equipment to be located on Jackson School Playfield.

This Agreement, entered into as of this 21st day of July, 1986, by and between the Everett School District (herein called the "District") and the City of Everett (herein called the "City") for development, installation and maintenance of the play equipment.

WHEREAS, the City has received funds from the United States Department of Housing and Urban Development under the Community Development Block Grant Program; and

WHEREAS, the City desires to use a portion of said funds for the purchase of play equipment in conjunction with the District;

NOW, THEREFORE, the City and District mutually agree as follows:

I. The City agrees to:

- A. Allow the District to use City-owned property hereinafter referred to as "equipment" to be installed on the grounds of Jackson School Playfield as part of Everett's Community Development Block Grant Program.
- B. Financing of the project shall be provided by the City through the City's Community Development Block Grant. The total cost shall not exceed \$3,846.

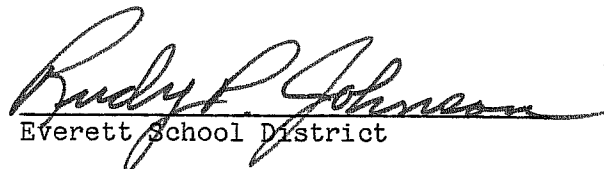
II. The District agrees to:

- A. Participate with the City and the Port Gardner Neighborhood organization in the purchase of the play equipment.
- B. Safety maintain and operate said equipment at Jackson Playfield for a minimum of 10 consecutive years from the date of installation or the life of the exercise course equipment, whichever is less.
- C. Sole use of the equipment for no more than 6-1/2 hours per day. The general public has use of equipment all other times. (HUD regulations #570.200(b)(2)).
- D. Return to the City all feasibly moveable City equipment should the current site cease to be owned and operated by the District.
- E. Release, indemnify and promise to defend and save harmless the City, its officers, employees and agents from and against any and all liability, loss, damage, expense, actions and claims, including costs and reasonable attorney's fees incurred by the City, its officers, employees and agents in defense thereof, arising on account of or out of use or activity on/in the equipment and the exercise course.

IN WITNESS WHEREOF, the City and the District have executed this agreement as of the date first above written.

City of Everett

Mayor



Everett School District

ATTEST:

City Clerk

Approved as to form:

City Attorney