

July 12, 2016

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF RED LODGE
AND
THE RED LODGE SKATE PARK GROUP**

On this ____ day of _____, 2016, this Memorandum Of Understanding ("MOU") is made and entered into by and between the City of Red Lodge, a municipal corporation organized and existing under the laws of the State of Montana whose address is P.O. Box 9, Red Lodge, Montana 59068, hereinafter referred to as the "City" and the Red Lodge Skate Park Group, whose contact information is travislikestodraw@gmail.com, hereinafter referred to as the "Skate Park Group".

WITNESSETH

WHEREAS, the Parties have discussed the contents of this MOU and acknowledge that they understand their respective duties and obligations and that each party intends to perform their respective duties and obligations as agreed hereunder, and

WHEREAS, the Red Lodge Skate Park is located in the City, generally identified as bordered by Villard Avenue and 10th Street, whose properties were dedicated by the Red Lodge City Council on October 14, 2016 as an official City park with legal description S27, T07S, R20E, LT H3 COS 1396AM and Geocode 10-0356-27-4-42-01-0000, and

WHEREAS, the Parties agree that the continued existence and operation of the Red Lodge Skate Park is in the best interest of the public, and

WHEREAS, to further the Red Lodge Skate Park's existence and availability to the public, the Parties agree to enter into this MOU, to provide services and necessities for the Red Lodge Skate Park without charge to the other party.

NOW, THEREFORE, in light of and furtherance of the matters set forth in the above recitals, the City and the Red Lodge Skate Park Group agree as follows:

The Skate Park Group is authorized to use the Skate Park as follows:

1. Use of the Skate Park, weather permitting, including events and tournaments.
2. Improve the features within the park.

The Skate Park Group shall:

1. Inform the City Planner of the dates for events or tournaments.

2. Coordinate with the City Planner any work to be conducted for maintaining or improving the features within the park.
3. Conduct an annual workday to maintain or improve the Skate Park course. Coordinate with the City Planner the date for the annual workday and the activities to be conducted.
4. Identify to the City Planner maintenance or renovations that may need to be conducted by the City.
5. Confirm to the Parks, Trees and Recreation Board by March of each year the contact information for dissemination of Board information to parks user groups.
6. Provide financial and/or in-kind assistance as available and agreed by the Parties to assist in maintenance and renovations of the Skate Park.

The City shall:

1. Maintain liability coverage through the Montana Municipal Interlocal Authority in order that the volunteers for the Skate Park Group are a Covered Party consistent with Section 5.2.3 of the MMIA Memorandum of Liability, July 1, 2015 or subsequently updated, in that Covered Party is defined as “All persons who perform a service on a volunteer basis for a Member Entity” (City of Red Lodge) “provided such performance is under the direction and control” (MOU) “of the Member Entity.”
2. Provide funding for maintenance and improvements to the Skate Park through the Red Lodge Parks, Trees and Recreation Board budget.
3. Provide benches and trashcans for the park. In addition, the City shall dispose of garbage in the trashcans on a regular basis.
4. Mow the grass as needed.

General Provisions:

1. The term of this MOU is for five years commencing on the date of approval by both Parties. The Parties may extend this MOU by a duly approved and signed written agreement.
2. Either Party may terminate this MOU by written notice given at least 30 days prior to the effective date of termination to the other Party.
3. Modifications to this MOU must be duly approved by each Party in writing signed by an authorized agent of each Party.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first herein above written:

Mayor, City of Red Lodge, Montana

Witness

Notary Public

Red Lode Skate Park Group Representative
Travis Burdick, travislikestodraw@gmail.com 559-676-2497

Witness

Notary Public