



MEMORANDUM OF UNDERSTANDING

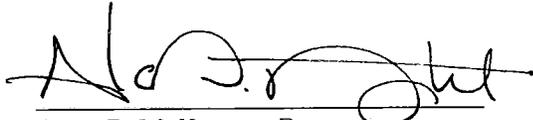
THIS MEMORANDUM OF UNDERSTANDING ("UNDERSTANDING") is entered on the 28th day of January 2015 by and between the CITY OF COLUMBUS, OHIO, which is acting by and through its DEPARTMENT OF RECREATION AND PARKS ("CRPD"), a municipal corporation, and SUMMER JAM WESTGATE ("SJW"), an Ohio non-profit corporation, which understand and agree to the following:

- A. **WHEREAS**, CRPD owns certain real property located at 455 S. WESTGATE AVENUE, COLUMBUS, OHIO 43204, known as Westgate Park ("PROPERTY"); and
- B. **WHEREAS**, THE SJW will be maintain any and all construction of the following, within the Property:
 - 1) Metal Butterfly Sculpture
- C. **WHEREAS**, the City will not be responsible for construction, installation, maintenance and removal of any of item 1. The SJW will have full responsibility of day to day maintenance of the sculpture and associated weed control: and;
- D. **WHEREAS**, it is understood by the SJW, if they can no longer care for the above, the SJW will remove the sculpture, and;
- E. **WHEREAS**, the SJW understands and agrees that it shall indemnify, hold harmless, and defend the CITY OF COLUMBUS, OHIO, and all of the City's officers, agents, and employees from and against all liability, judgments, or claims for bodily injuries to, or death of, persons, or damage to property, including attorney's fees, caused or purportedly caused by CRPD, or its agents or employees.
- F. **WHEREAS**, this Understanding is not intended to be a contract or lease, and CRPD and SJW shall provide all rules and conditions of use and occupancy of the Property, and the City and SJW reserves the right to terminate, at any time and for any reason; and
- G. **WHEREAS**, the SJW understands and agrees that this MOU will expire March 2017.
- H. **WHEREAS**, the relevant contacts for this Understanding are as follows:
 - I. COLUMBUS RECREATION AND PARKS DEPARTMENT:
 - A. PRIMARY: TINA MOHN, (614) 645-3395, TMMOHN@COLUMBUS.GOV
 - II. SUMMER JAM WESTGATE: Patricia Von Niessen, (614) 716-8437, summejamwestgate@gmail.com

APPROVED:

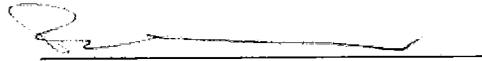
IN WITNESS WHEREOF, the CITY OF COLUMBUS, OHIO, by ALAN D. MCKNIGHT, DIRECTOR, DEPARTMENT OF RECREATION AND PARKS, SUMMER JAM WESTGATE, by PATRICIA VON NIESSEN, EVENT COORDINATOR, and the representative, caused their respective organizations to be bound by the terms and conditions presented in this MEMORANDUM OF UNDERSTANDING.

CITY OF COLUMBUS, OHIO,
A MUNICIPAL CORPORATION



ALAN D. MCKNIGHT, DIRECTOR
DEPARTMENT OF RECREATION AND PARKS
DATE: 2/17/15

SUMMER JAM WESTGATE,
OHIO NON-PROFIT CORPORATION



SUMMER JAM WESTGATE
DATE: Jan 28, 2015