

## MEMORANDUM OF UNDERSTANDING

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BETWEEN

THE CITY OF AURORA

AND THE BOYS AND GIRLS CLUB OF AURORA

This Memorandum of Understanding sets forth the mutual understanding of the City of Aurora (hereinafter referred to as "City") and the Boys and Girls Club of Aurora (hereinafter referred to as "Club") regarding the City's donation of land located adjacent to Garfield Park (hereinafter referred to as the "Donated Land") for purposes of the Club constructing a new facility in Aurora.

WHEREAS, the Club has a need for a new location to build a new club; and

WHEREAS the Donated Land is vacant currently; and

WHEREAS the proximity of the Donated Land to Garfield Park makes it an attractive location for the Club's activities; and

WHEREAS, the Donated Land is centrally located, accessible, and convenient for all youth and their families in Aurora; and

WHEREAS, the Club has approached the City about donating land, at no cost to the Club in exchange for the Club building a new Club in Aurora; and

WHEREAS, the Club desires to perform some due diligence on the Donated Land but seeks a mutual understanding with the City after due diligence is completed of entering into a donation agreement with the City before expending any sums on the project; and

WHEREAS, both parties affirm that this Memorandum of Understanding will, if the parties choose to move forward, be superseded by a full donation agreement with customary

terms and conditions subject to City Council approval via its ordinance process.

NOW THEREFORE IT IS AGREED BY THE PARTIES AS FOLLOWS:

1. The recitals set forth above are incorporated in this Memorandum of Understanding.

2. The City is willing to offer the Donated Land to the Club, in exchange for the Club constructing a new facility subject to a formal donation agreement approved by City Council and all City permits and approvals.

3. The City hereby grants to the Club the right to make inspections of the Donated Land and to undertake due diligence investigations. The Club shall hold the City harmless from any claims or damages arising out of any activities of the Club on the Donated Land, the Club's officers or members, or any of the Club's contractors, sub-contractors, service providers, agents or invitees.

4. This Memorandum of Understanding will expire 1 year from the date of its passage by the City of Aurora unless superseded by a donation agreement subject to City Council approval or otherwise extended by the mutual agreement of the parties.

AGREED:

CITY OF AURORA

BOYS AND GIRLS CLUB OF AURORA

By: \_\_\_\_\_

By: \_\_\_\_\_

Mayor Richard C. Irvin

Executive Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_