

**CITY OF O'FALLON, ILLINOIS
RESOLUTION NO. 2005-**

**A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR OF
THE CITY OF O'FALLON TO EXECUTE AN INDEMNIFICATION
AGREEMENT AND RELEASE IN RELATION TO RECEIPT OF GRANT FUNDS
FROM METRO EAST PARK AND RECREATION DISTRICT (MEPRD)**

WHEREAS, it is in the best interests of the City of O'Fallon to maintain the O'Fallon Family Sports Complex and the property thereof located within the City of O'Fallon, and:

WHEREAS, the acquisition of the land for the O'Fallon Family Sports Complex will be assisted by the receipt of grant funds from the Metro East Park and Recreation District (MEPRD), and:

WHEREAS, the Metro East Park and Recreation District (MEPRD) requires the City of O'Fallon to execute an Indemnification and Release Agreement prior to the release of the grant funds to the City of O'Fallon;

NOW, THEREFORE, be it resolved by the Mayor and the City Council of the City of O'Fallon as follows;

1. That the Mayor is hereby authorized and directed to approve and execute the Indemnification Agreement and Release to the Metro East Park and Recreation District (MEPRD) for the receipt of grant funds in connection with the acquisition of land for the O'Fallon Family Sports Complex; that a copy of the Indemnification Agreement and Release is attached hereto, marked Exhibit A, and made a part hereof.
2. That the Mayor is hereby authorized and directed to take any and all action as is necessary to implement the attached Indemnification Agreement and Release.

Passed by the City Council this 4th day of April 2005

ATTEST:

Approved by the Mayor this ____ day
of _____ 2005.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

Exhibit A.

INDEMNIFICATION AND RELEASE

In consideration for the receipt of grant funds paid to the City of O’Fallon in the amount of ONE-HUNDRED THOUSAND and NO/100 Dollars (\$100,000.00) by the Metro East Park and Recreation District(MEPRD) pursuant to its Regional Project Grant Program- “Special Cycle” and Board action, receipt of which is hereby acknowledged, the City of O’Fallon indemnifies, holds harmless and releases the MEPRD from any claim, suit, cause of action or other liability made or incurred as a result of the expenditure of said funds in connection with the acquisition of lands for or improvements to the O’Fallon Family Sports Complex (the Project) located within the City of O’Fallon. This Indemnification and Release shall apply to any and all costs associated with the Project including, but not limited to, any claims for wages, salaries, materials, fees, costs, expenses, mechanic’s liens, material man’s liens, property transactions, trespass, encroachment, surveys, attorney fees, civil liability or other damages or injuries. It shall also specifically apply to any claims for workers’ compensation benefits brought by any person working or engaged in the Acquisition Project or maintaining, operating or managing the Project upon its completion and employed or retained by the City or any contractors, subcontractor or other entity in reference to the Project.

It is further understood and acknowledged that MEPRD has exercised and will exercise no control or interest in the Project, the manner or method in which the project was constructed, completed, maintained, operated or managed, or the selection and/or employment of any persons or entities involved in the Project.

It is further understood and acknowledged that the undersigned City of O’Fallon officers have been duly authorized to execute this Indemnification and Release by virtue of a Resolution adopted by the City Council on the _____ day of _____, 2005.

DATED this _____ day of _____,2005.

MAYOR, CITY OF O’FALLON

ATTEST:

CLERK, CITY OF O’FALLON