

Attachment " D "

MEMORANDUM OF AGREEMENT

THIS Memorandum of Agreement is made and entered into by and between the Yellowstone Boys and Girls Ranch (hereinafter YBGR) and the City of Billings (hereinafter City).

WITNESS THAT:

WHEREAS, YGBR and the City are cooperatively working to allow the establishment of reverse-angle, on-street parking on three of the contiguous street faces at the Garfield building site.

WHEREAS, the contiguous street faces are South 32nd and 33rd Streets between 1st and 2nd Avenues South and 2nd Avenue South between South 32nd and 33rd Streets.

WHEREAS, the City possesses ownership of the contiguous streets.

WHEREAS, YBGR agrees to pay for all improvements and to provide subsequent maintenance of the improvements indefinitely.

THEREFORE, in consideration of the stipulations contained herein, the parties agree as follows for all such work:

1. YBGR will protect, indemnify, and save harmless the City against and from all claims, liabilities, demands, causes of action, judgments (with any cost and fees that might be awarded), and losses to anyone as a result of errors or omissions in design and/or plans, construction, maintenance or use, including any suits, claims, actions, losses, costs or damages of any kind, including the City's legal expenses, made against YBGR by anyone arising out of, in connection with, or incidental to the streetscape improvements and its design, construction, maintenance or use.
2. YGBR shall ensure that all improvements installed for the on-street parking are maintained or caused to be maintained in good working condition. All maintenance costs associated with this shall be the responsibility of the YBGR.

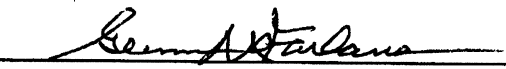
This agreement shall be binding on both parties, the heirs, successors, personal representatives or assigns or either party.

IN WITNESS WHEREOF, YGBR's authorized representatives have signed on behalf of the Yellowstone Boys and Girls Ranch, and the City Administrator, on behalf of the City of Billings, has signed and affixed hereto the seal of the City.

Signatures on Page 2

YELLOWSTONE BOYS AND GIRLS RANCH

MOA with City of Billings - Street Parking

By 
Glenn McFarlane, CEO
Yellowstone Boys and Girls Ranch

3-14-2011
Date

CITY OF BILLINGS

By _____
City Administrator

Date