

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

DONATION AGREEMENT

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THIS DONATION AGREEMENT is made and entered, in duplicate, as of July 12, 2023, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on July 11, 2023, by and between the CARE CLOSET LBC, INC., a California non-profit corporation ("Organization"), with a place of business at 2114 Lime Avenue, Long Beach, California, 90806, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, the City has been working together to provide outreach and stabilization services for individuals and families experiencing homelessness; and

WHEREAS, Organization is a volunteer organization and nonprofit that provides cleanup and trash removal in encampments within the City with the consent from the persons living within those encampments; and

WHEREAS, Organization has directly assisted with the removal of one hundred tons of trash, which equates to two hundred thousand pounds; and

WHEREAS, Organization continues to identify ways to provide support to persons and families experiencing homelessness; and

WHEREAS, the City would like to donate a 2005 General Motors Company Sierra half-ton pickup truck ("Vehicle") with an estimated value of \$2,750 for assistance with Organization's cleanup and trash removal efforts at homeless encampment sites; and

WHEREAS, the retired pickup truck would be especially helpful in collection and disposing of debris and assisting with such efforts; and

NOW, THEREFORE, in consideration of the mutual terms and conditions contained herein, the parties agree as follows:

1. RECITALS. The above recitals are true and correct and are incorporated herein by this reference.

2. DONATION. The City shall donate to Organization for use by Organization the Vehicle described in Exhibit "A," attached hereto and incorporated herein

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1 by this reference, to be used for cleanup and trash removal in encampments within the
2 City. Organization shall not use the Vehicle for any other purpose and shall not sell or
3 transfer ownership of or title to the Vehicle to any person or entity other than the City.

4 3. OWNERSHIP AND USE. Organization shall be the sole owner of and
5 have complete responsibility for the Vehicle upon taking possession of it, including
6 registration, licensing, use and operation of it, all of which shall be in compliance with all
7 applicable federal, state and local laws, ordinances and regulations.

8 4. RELEASE. Organization hereby expressly releases and discharges
9 City from any and all liability, damages, claims, causes of action, losses, suits, proceedings
10 cost and expenses, arising from or connected with the donation of the Vehicle to
11 Organization, the use or operation of the Vehicle by any person after its transfer to
12 Organization, or the condition, ownership, or transfer of the Vehicle.

13 5. WAIVER OF GENERAL RELEASE. Organization expressly waives
14 the rights and benefits available to it under section 1542 of the California Civil Code which
15 provides: "A general release does not extend to claims which the creditor does not know
16 or suspect to exist in his favor at the time of executing the release, which is known by him
17 must have materially affected his settlement with the debtor."

18 6. ASSIGNMENT. Organization shall not assign, transfer, lease, pledge,
19 or encumber any of its rights under this Agreement without the written consent of the City.

20 7. GENERAL PROVISIONS.

21 A. Governing Law. This Agreement shall be governed by and
22 construed under the laws of the State of California.

23 B. Severability. If any part of this Agreement is declared to be
24 invalid or unenforceable, the remainder of its provisions shall remain in full force and
25 effect.

26 C. Relationship of the Parties. Nothing in this Agreement is
27 intended to create a joint venture, partnership, principal-agent, master-servant or
28 employer-employee relationship between the parties.

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IN WITNESS WHEREOF, the parties have caused this document to be duly executed with all formalities required by law as of the date first stated above.

CARE CLOSET LBC, INC., a California non-profit corporation

July 12, 2023

By Sylvester Givens
Name Sylvester Givens
Title CEO / OWNER

_____, 2023

By _____
Name _____
Title _____

"Organization"

CITY OF LONG BEACH, a municipal corporation

July 27, 2023

By Linda F. Latun
City Manager

"City" EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

This Donation Agreement is approved as to form on July 24, 2023.

DAWN MCINTOSH, City Attorney

By [Signature]
Deputy

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EXHIBIT "A"

