

LIGHT RAIL VEHICLE DONATION AGREEMENT

36307

Los Angeles County Metropolitan Transportation Authority of Los Angeles, California, ("Metro"), hereby donates to the City of Long Beach ("Donee"), a P865 Light Rail Vehicle ("LRV") under the terms and conditions defined by this Light Rail Vehicle Donation Agreement ("Agreement").

With respect to LRVs received through the donation hereunder, Donee agrees to perform all covenants, conditions and obligations required by this Agreement, as follows:

1. Donee accepts the LRV in the current "AS-IS" condition and all donations are FINAL as of this Agreement. Metro has not and does not provide any warranties, either expressly or implicitly about vehicle fitness or merchantability. Metro assumes no responsibility for any repairs or parts regardless of any oral statements which may have been made. Further, Donee accepts that there are no manufacturer warranties and the entire risk as to the quality and performance of the LRV is with the Donee and if the vehicle is found to be defective in any fashion, the Donee and no else will assume responsibility for repair and service costs. Metro will not be responsible for any damages arising from loss of use, loss of time, inconvenience, or commercial loss.
2. Donee hereby unconditionally releases and covenants not to sue Metro upon any claims, liabilities, damages, obligations or judgments whatsoever, in law or in equity, whether known or unknown, or claimed, which they or either of them have or claim to have or which they or either of them may have or claim to have in the future against Metro, with respect to the donated LRV.
3. The Donee agrees to defend, indemnify and hold Metro harmless from any and all claims, actions, demands, costs, judgments, liens, penalties, liabilities, losses and expenses or obligation, including but not limited to personal injury to or death of any person or for damages to or loss of use of property resulting from the Buyer's use of the LRV purchased from Metro.

The following P865 Light Rail Vehicle is donated to

Donee: LRV No.100

Donee agrees to arrange and coordinate the transportation and transfer of the LRV from Metro's facility located at Washington Blvd and Long Beach Blvd, in the City of Los Angeles, at no cost to Metro. The Donee shall transport and take possession of the LRV no later than thirty (30) days from April 1, 2021.

If Donee does not transfer LRV from Metro 's facility within 30 days from April 1, 2021, Metro will proceed with the disposal process of the vehicle.

City of Long Beach

By:

Thomas B. Modica
Thomas B. Modica
City Manager

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER

May 18, 2021
Date

**Los Angeles County Metropolitan
Transportation Authority**

By:

Selena Landero
Selena Landero
Executive Officer, Supply Chain
Management & Logistics

6/8/21
Date

City of Long Beach

By:

Eric Lopez
Eric Lopez
Director of Public Works

4/30/21
Date

APPROVED AS TO FORM

May 13, 2021
CHARLES PARKIN, City Attorney

By: Erin Weesner-Mckinley
ERIN WEESNER-MCKINLEY
DEPUTY CITY ATTORNEY