DONATION AGREEMENT 36632

3 THIS DONATION AGREEMENT is made and entered, in duplicate, as of July 4 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 6 CARE CLOSET LBC, INC., a California non-profit corporation ("Organization"), with a place 7 of business at 2114 Lime Avenue, Long Beach, California, 90806, and the CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, the City has been working together to provide outreach and 10 stabilization services for individuals and families experiencing homelessness; and

....11 WHEREAS, Organization is a volunteer organization and nonprofit that 12 provides cleanup and trash removal in encampments within the City with the consent from the persons living within those encampments; and

14 WHEREAS, Organization has directly assisted with the removal of one 15 hundred tons of trash, which equates to two hundred thousand pounds; and

16 WHEREAS, Organization continues to identify ways to provide support to 17 persons and families experiencing homelessness; and

18 WHEREAS, the City would like to donate a 2005 General Motors Company 19 Sierra half-ton pickup truck ("Vehicle") with an estimated value of \$2,750 for assistance 20 with Organization's cleanup and trash removal efforts at homeless encampment sites; and 21. WHEREAS, the retired pickup truck would be especially helpful in collection

22 and disposing of debris and assisting with such efforts; and

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23 NOW, THEREFORE, in consideration of the mutual terms and conditions contained herein, the parties agree as follows: 24

25 1. RECITALS. The above recitals are true and correct and are incorporated herein by this reference. 26

27 2. DONATION. The City shall donate to Organization for use by 28 Organization the Vehicle described in Exhibit "A," attached hereto and incorporated herein

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Floor **1TTORNE** Beach. CA 95302-4664 13 111 West Ocean Boule Long Beach, CA 94 DAWN MCINTOSH, OFFICE OF THE CI

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

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OFFICE OF THE CIT, ATTORNEY DAWN MCINTOSH, Fity Attorney 411 West Ocean Boulevierd, 9th Floo Long Beach, CA 95302-4664 3. <u>OWNERSHIP AND USE</u>. Organization shall be the sole owner of and have complete responsibility for the Vehicle upon taking possession of it, including registration, licensing, use and operation of it, all of which shall be in compliance with all applicable federal, state and local laws, ordinances and regulations.

8 4. <u>RELEASE</u>. 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.

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

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

7. <u>GENERAL PROVISIONS</u>.

A. <u>Governing Law.</u> This Agreement shall be governed by and construed under the laws of the State of California.

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

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

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D. <u>Notice.</u> Any notice given hereunder shall be in writing and personally delivered or deposited in the U.S. Postal Service, first class, postage prepaid, addressed to Organization at 2114 Lime Avenue, Long Beach, California, 90806, Attn: Sylvester Duke Givens, and to the City at 411 West Ocean Boulevard, Long Beach, California 90802 Attn: City Manager. Notice of change of address shall be given in the same manner as stated herein for other notices. Notice shall be deemed given on the date personal delivery is made or on the date deposited in the mail, whichever first occurs.

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OFFICE OF THE CITY ATTORNEY DAWN MCINTOSH, Filly Attorney 411 West Ocean Boule and, 9th Floo Long Beach, CA 96802-4664 E. <u>Amendments.</u> Any amendment or modification of this Agreement require approval of the City Council and shall be in writing signed by both parties.

F. <u>Entire Agreement</u>. This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof, and supersedes all prior discussions or understandings.

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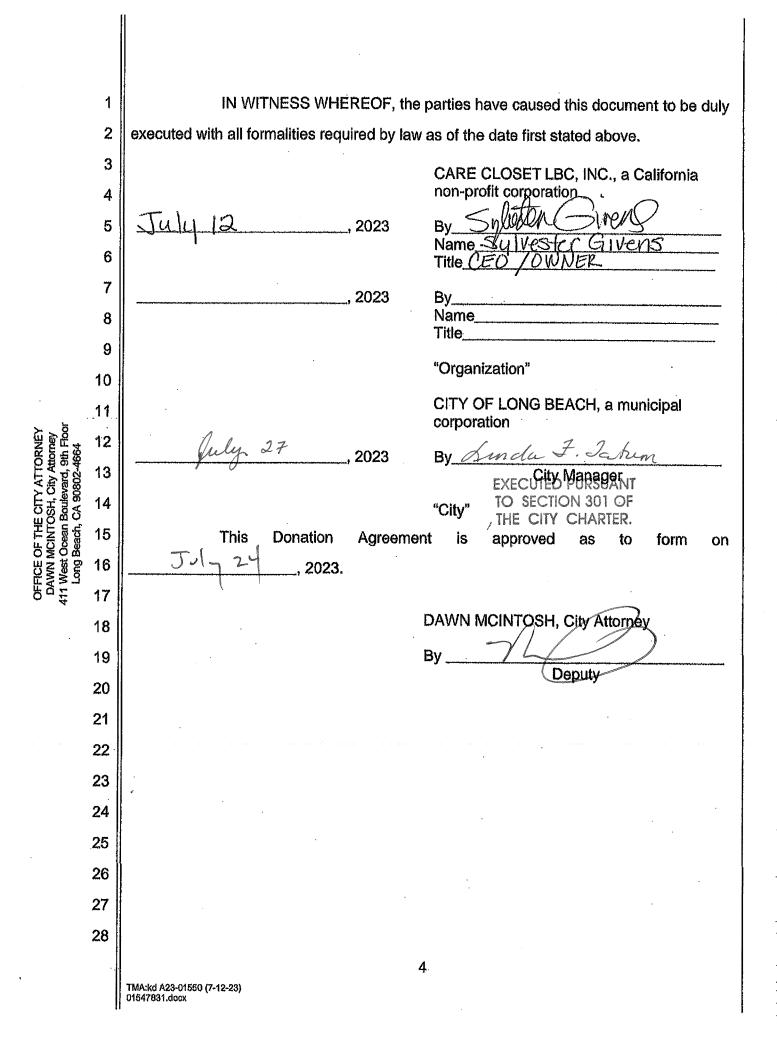


EXHIBIT "A"

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