

## AGREEMENT

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016, between the City of Columbia, Missouri (hereinafter "City") and Sustainable Farms & Communities, Inc., a Missouri not-for-profit corporation (hereinafter "Sustainable Farms & Communities").

The Parties agree as follows:

1. City shall allow Sustainable Farms & Communities to operate a farmers market and community education garden on a temporary basis on approximately 50,000 square feet of the land owned by City located at Clary-Shy Community Park, 1701 West Ash Street. The City Manager of the City of Columbia, Missouri shall designate the exact location of the market, parking areas and street access. The farmers market shall be located generally on the north side of this land adjacent to West Junior High School.
2. Sustainable Farms & Communities shall have the right to use this property only during the period of March 15, 2016 through November 15, 2016 on days of the week and during such hours as requested by Sustainable Farms & Communities and approved, in writing, by the City Manager. At all other times, City may use the property or allow others to use the property.
3. Sustainable Farms & Communities shall use the property solely for a farmers market and community education garden and any related uses approved by the City Manager. If Sustainable Farms & Communities should use the property for any other purpose, this agreement shall automatically terminate and Sustainable Farms & Communities shall immediately vacate the premises.
  - a. Community education garden shall consist of four (4) four-feet by eight-feet raised planting beds located south of the fence in an area pre-determined by Sustainable Farms & Communities and City's Parks and Recreation Department staff.
4. City shall provide a dust-free parking lot for farmers market patrons and merchants.
5. This agreement shall expire on November 16, 2016.
6. Sustainable Farms & Communities shall pay City Two Thousand One Hundred Dollars (\$2,100.00) upon execution of this agreement.
7. City shall keep grassy areas mowed, and maintain and service the area as it deems necessary.
8. Sustainable Farms & Communities shall keep the area clean of all trash.

9. Special promotions such as concerts that may attract larger than normal crowds or those held on dates outside of the approved schedule may be approved through the Park Special Use Permit process.

10. Sustainable Farms & Communities shall indemnify and hold harmless the City, its officers, agents and employees from all liability claims, settlements, judgments and defense costs (including attorneys' fees) for damages to persons or property arising in any way from the operation of the farmers market on City's property.

11. Sustainable Farms & Communities, at its sole expense, shall obtain and keep in force public liability insurance to cover operation of the farmers market on City's property in an amount not less than \$2,000,000 combined single limit for both personal injury or death and property damage, naming City as an additional insured. Sustainable Farms & Communities shall provide City with proof of such insurance.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date and year first above written.

**CITY OF COLUMBIA, MISSOURI**

By: \_\_\_\_\_  
Mike Matthes, City Manager

ATTEST:

By: \_\_\_\_\_  
Sheela Amin, City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Nancy Thompson, City Counselor

**SUSTAINABLE FARMS & COMMUNITIES, INC.**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

Name: \_\_\_\_\_