

RESOLUTION NO. 2017-82

A RESOLUTION ACCEPTING A DONATION OF A 2014 POLARIS RANGER CREW 800 - 4 X 4 UTILITY VEHICLE FROM DAVEY TREE EXPERT COMPANY ESTIMATED AT \$5,000.00 TO THE CITY OF KENT FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Fire Department has received a donation of a 2014 Polaris Ranger Crew 800 – 4 X 4 utility vehicle estimated at \$5,000.00 from Davey Tree Expert Company; and

WHEREAS, the City wishes to accept said donation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Council does hereby authorize the City Manager on behalf of the City of Kent to accept the donation of a 2014 Polaris Ranger Crew 800 – 4 X 4 utility vehicle estimated at \$5,000.00 from Davey Tree Expert Company.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: August 16, 2017  
Date

  
\_\_\_\_\_  
Jerry T. Fiala  
Mayor and President of Council

EFFECTIVE: August 16, 2017  
Date

ATTEST:   
\_\_\_\_\_  
Tara Grimm, CMC  
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF RESOLUTION No. \_\_\_\_\_, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
TARA GRIMM, CMC  
CLERK OF COUNCIL  
(SEAL)

The undersigned, \_\_\_\_\_ ("Releasor")  
with a mailing address of \_\_\_\_\_,  
having the legal right and authority, does execute this Release of Claims (the "Release"), for and in  
sole consideration of The Davey Tree Expert Company ("Owner") with an address of 1500 North  
Mantua Street, Kent, Ohio 44240 donating the following identified property to Releasor:

\_\_\_\_\_ (the "Property")  
to be donated upon proper execution of this Release. Releasor, for Releasor and Releasor's officers,  
employees, shareholders, agents, principals, executors, administrators, successors and assigns, hereby  
releases, acquits and forever discharges Owner and Owner's agents, subsidiaries, parents, officers,  
employees, shareholders, agents, principals, executors, administrators, successors and assigns from any  
and all claims, actions, causes of action, demands, rights, damages, costs, loss of service, expenses and  
compensation whatsoever, which the Releasor now has or which may hereafter accrue on account of or  
in any way growing out of any and all known and unknown, foreseen and unforeseen bodily and  
personal injuries and property damage and any other claims and the consequences thereof resulting or  
to result from the donation and/or the use of the Property in any manner whatsoever.

Releasor understands that the Property is donated "as-is, where-is" and with all faults and with  
no warranty of any kind or nature, which Owner hereby disclaims, and that the Property does pose  
certain risks of injury and that Owner accepts no responsibility whatsoever for any risk of injury to  
persons or property and that Owner cannot and does not guarantee or insure the safety of any person or  
that someone will not sustain any injury due to the use of the Property. Releasor agrees to protect,  
indemnify, defend, release and hold Owner harmless from any and all liability for personal injury or  
property damage in any way, directly or indirectly, occurring due to the use of the Property or to any  
person who accesses the Property either with or without Releasor's permission. Releasor further  
covenants and agrees that Releasor will not institute, or cause to be instituted, any claim, action or suit  
against Owner as a result of any personal injury or property damage occurring as a result of or in any  
way related to the use or misuse of the Property.

This Release contains the entire agreement between the parties hereto, and that the terms of the  
Release are contractual and not a mere recital. For purposes of this Release, facsimile signatures will  
have the same force and effect as original signatures.

**THE UNDERSIGNED RELEASOR HAS READ THE FOREGOING, FULLY UNDERSTANDS  
IT AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.**

Signed: \_\_\_\_\_

Witness:

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

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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

4 X 4 Utility Vehicle that Davey Tree is donating to us.

2014 Polaris Ranger Crew 800 UTV Model 570 EFI. Value = \$5,000

