

AGREEMENT

This agreement is made by and between the City of Montgomery, a Minnesota municipal corporation (hereinafter "the City"), first party, and Montgomery American Legion Post #79 (hereinafter "Post #79"), second party.

WHEREAS, the City is the fee owner of property located at 300 Boulevard Avenue West, Montgomery, Minnesota, 56069, which is legally described as Lot 1, Block 2, Richter's Third Addition to the City of Montgomery, Le Sueur County, Minnesota; and,

WHEREAS, effective April 18, 2011, the City has dedicated the subject property as a Veterans' Memorial Park; and,

WHEREAS, the parties wish to enter into an agreement regulating the parties' respective rights and obligations concerning the use and maintenance of said Veterans' Memorial Park.

NOW, THEREFORE, based upon the mutual promises of the parties, and other good and valuable consideration, it is hereby agreed as follows:

1. **The City's Obligation.** The City will cut all grass and weeds on the subject property, will provide electricity for the subject memorial through a public utility carrier, and will cover the subject property under the City's liability insurance. The City will maintain the subject property as a park for 50 years, from and after April 18, 2011.

2. **Post #79's Obligation.** Post #79 shall maintain its own separate insurance for all statues and other items of personalty placed upon the subject property by Post #79, whether owned by Post #79 or not. Post #79 shall be responsible for all site preparation costs for the memorial, including, but not limited to, excavation and landscaping costs.

3. **Other Terms.** The City reserves the unlimited right to decertify the subject property as a city park after the 50-year term has expired. The City further reserves the unlimited right to sell or develop the subject property and to, upon 120 days' notice, require Post #79 to remove all its personal property from the subject property after the 50-year term has expired. Post #79 shall not pay rent to the City during the time the

