

Memorandum of Understanding

Langley Community Garden Project – Anderson Farm

In accordance with the Parks, Open Spaces, and Trails Element of the City of Langley Comprehensive Plan the City strives to promote community agriculture. Therefore, the City is entering into this Memorandum of Understanding to support the Langley Community Garden Project at the Anderson Farm.

This is a Memorandum of Understanding between the City of Langley, Washington (“City”) and the owners of the Anderson Farm (“Landowner”) to support a community garden (“Garden”). The Garden will be operated by the Landowner and the community gardeners and be self-supporting from gardener plot fees, donations, in-kind materials and labor, and volunteer efforts.

The Landowner agrees to allow the Garden to use the designated fenced area (near the Northwest corner of the property adjacent to Fairgrounds Road) located at 1041 Al Anderson Avenue, Langley, Washington, (parcel number R32903-312-3371), for the term of three years beginning May 4, 2010 and ending May 4, 2013. There will be an annual review of the Garden before January 31st each year in order to evaluate the Memorandum of Understanding and the progress of the Garden. Based on the annual review the City and Landowner have the option of mutually extending the Memorandum of Understanding for another year to maintain an ongoing three-year Memorandum of Understanding. Either party may terminate this agreement with 30 days written notice to the other party.

Contact and Notice:

Landowner Contact:

Name: Dorothy Anderson
Address: P.O. Box 1235, Langley, WA 98260
Phone number: (360) 221-6054

City Contact:

Name: Debbie Mahler, Clerk/Treasurer
Address: P.O. Box 366, Langley WA 98260
Phone number: (360) 221-4246

The Landowner also agrees to:

- Provide a water standpipe to the Garden from the property’s existing water connection through a separate Garden water meter, with the review and coordination of the Langley Public Works Department. The Garden water will be paid by the Landowner as part of the regular utility billing cycle. The Landowner will submit an invoice for the Garden water meter usage to the Parks and Open Space Commission for approval at a regularly scheduled meeting. Once approved the invoice will be submitted to the Clerk/Treasurer for reimbursement, in the form of a check from the City, as part of the regular accounts payable cycle.
- Provide and maintain a fence around the Garden;
- Provide and maintain parking and pathways to the Garden in coordination with the Gardeners.
- Provide a copy of soil testing completed within the last six months and conducted by an independent agency indicating that there is no hazardous soil contamination.

- In case of injury or death or damages, to release, indemnify, defend, and hold harmless the City of Langley, it's elected and appointed officials and employees, the organizers, sponsors, supervisor or any volunteer connected with the program from any and all claims, injuries, damages, losses or suits, including attorney fees, arising out of or in connection with the Garden except for the acts or commissions that are the sole negligence of the City of Langley.
- Obtain comprehensive general liability insurance.

The City agrees to:

- Act as the sponsor for the Garden on the Landowner's property;
- Set-up a Garden Fund in the City's accounting system to track the income and expenses of the Garden, providing financial reports and oversight to ensure the fund is self-supporting;
- Provide administrative support to the Garden to include: publicity, processing of plot applications, receipting of user fees and cash donations, and payment of Garden expenses;
- Provide oversight from the Parks and Open Spaces Commission to include: management of user fee funds, coordination of grants and funding opportunities, and conducting an annual review of the Project.

The Landowner and the City will jointly develop a *Community Garden Application* that includes a hold harmless clause, and *Community Garden Rules* that Garden applicants will agree to follow.

This Memorandum of Understanding may be amended on the initiative of either party by submitting a proposed amendment in writing to the other party and the written agreement of that party to the amendment.

As representative of the City of Langley:

Paul O. Samuelson, Mayor
City of Langley

Date

As legal owners of the above property:

Dorothy Anderson

Date

Linda Anderson

Date

Tamara Knapp

Date