

TAB 4

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JAN 04 2010

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CITY OF PALMETTO
PUBLIC WORKS DEPARTMENT
palmetto@manateebeautiful.com
www.manateebeautiful.com

P.O. Box 14426

Bradenton, Florida 34280

Corner of Cortez Rd. & 66th Street West



Memorandum

To: Geoffrey Seger, Deputy Director, Parks and Recreation
City of Palmetto Public Wrks Department

From:  Ingrid McClellan, Executive Director
Keep Manatee Beautiful, Inc.

Date: December 11, 2009

Subject: Adopt-A-Shore Program Agreement Requiring Signature

Please sign, NOTARIZE and date the following AdoptA-Shore Program agreement.

NEW: Ocean Conservancy

Please keep one fully executed agreement for your files. Please return the other two agreements for the group's and Keep Manatee Beautiful's files.

With the Adopt-A-Shore Program, Keep Manatee Beautiful provides the sign. This one will be by the Green Bridge Fishing Pier.

Thank you for your partnership in the AdoptA-Shore Program.



Adopt-A-Shore Marine Debris/Litter Removal Agreement

THIS AGREEMENT, made and entered into this 1 day of January, 2009 by and between Keep Manatee Beautiful, Inc., hereinafter called **KMB**; the group adopting the shore, Ocean Conservancy hereinafter called the **GROUP**; and the property owner (private owner or association, federal, state, county or city government) City of Palmetto hereinafter called the Property Owner.

WITNESSETH:

WHEREAS the following general description of the shoreline, including property landmarks

1/2 mile to include Green Bridge Fishing Pier and shoreline along fishing pier and Palmetto Boat Ramp

Has been identified for purposes of a marine debris/litter removal program. (Map included)

WHEREAS the legislature through the Solid Waste Management Act of 1988 (F.S. 403.4131, Section 55 (i)) has encouraged the implementation of litter removal programs such as Adopt-A-Shore.

WHEREAS **KMB**, a non-profit environmental corporation, has been charged with developing the countywide Adopt-A-Shore program and is dedicated to developing and implementing countywide incentive programs designed to motivate individual citizens, local organizations, local governments, and other groups interested in participating in litter prevention program activities.

WHEREAS the **GROUP** is desirous of adopting shoreline for the purposes of marine debris/litter removal.

NOW, THEREFORE, for the good and valuable consideration, the parties agree as follows:

I.

A. **KMB** shall:

1. Provide countywide coordination of the program and training.
2. Collect and evaluate report forms during National COASTWEEKS coordinate with other relevant federal and state programs.
3. Provide official Adopt-A-Shore program recognition for the adopting group.

B. PROPERTY OWNER shall:

1. Grant GROUP access to property for marine debris/litter removal purposes.

C. The GROUP shall:

1. Adopt, in most cases, approximately one-mile section of shoreline.
2. Remove debris/litter at least three times a year with one cleanup to coincide with the national cleanup held in conjunction with the fall COASTWEEKS, if practical.
3. Perform debris/litter removal in strict accordance with the environmental and safety requirements provided by KMB as outlines in the guidelines provided.
4. Dispose of bagged trash properly, separating trash and recyclables.
5. Provide adequate adult supervision of youths during cleanups.
6. Appoint an Adopt-A-Shore representative for the GROUP. This person must be an adult.
7. Complete and send report forms to designated KMB coordinator within 10 days of the event and during National COASTWEEKS cleanup. Keep accurate data during each cleanup on the official KMB Data Reporting Form and send the completed report form to KMB.
8. Protect and respect all property and natural resources.

II.

The GROUP covenants and agrees that it will indemnify and hold harmless the PROPERTY OWNER, KMB, and any agencies and all their officers, agents, and employees from any claim, loss, damage, cost, charge or expense arising out of any act, action, neglect or omission by the GROUP during the performance of the agreement, whether direct or indirect, and whether to any person or property to which the PROPERTY OWNER, or said parties may be subject, except that neither the group nor any; of its members shall be liable under this provision for damaged arising out of injury or damage to persons or property directly caused or resulting from the sole negligence of the PROPERTY OWNER, KMB, and its member agencies, any maintaining agencies, and all their officers, employees or agents. This section does not constitute a waiver of any member agency's sovereign immunity.

III.

This agreement shall remain of effect for a two (2) year period. The PROPERTY OWNER or GROUP may terminate this agreement for any reason up on thirty (30) days written notice to KMB, GROUP, or PROPERTY OWNER. KMB reserves the right to terminate this agreement for non-compliance with the stated terms.

IN WITNESS WHEREOF the parties hereto have caused these present to be executed, the day and year first written above. They certify that they are familiar with the information contained in this agreement and that they possess the authority to execute this agreement.

NAME OF GROUP: Ocean Conservancy Date: 8-Sept-09

BY: Jamie McWade Signature of Group Representative Name/Title: Jamie mcwade
~~Jessica Koelseh~~

Address: 449 Central Ave., Suite 200 City: St. Petersburg Zip: 33701

Telephone (Day): 727-895-2188 Ext. 14 Evening):

ATTEST: Emerald Gustowt Notary Public Date: Sept 15, 2009
NOTARY PUBLIC - STATE OF FLORIDA
Emerald Gustowt Notary Public
Commission # DD652422
Expires: MAR. 19, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

PROPERTY OWNER NAME: City of Palmetto Date:

BY: Shirley Groover Bryant, Mayor Signature of Group Representative Name/Title: Geoff Seger, Deputy Director
Public Works Dept.

Address: 600 17th St. W. City: Palmetto Zip: 34221

Telephone (Day): 941-721-2138

ATTEST: _____ Date: _____
Notary Public

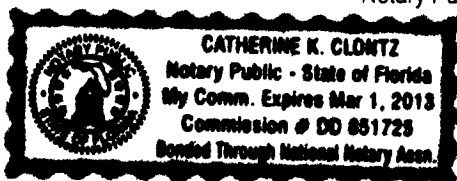
KEEP MANATEE BEAUTIFUL, INC. Date: 12-11-09

BY: Ingrid McClellan Signature of Group Representative Name/Title: Ingrid McClellan, Executive Director

Address: P.O. BOX 14426 City: Bradenton, FL Zip: 34280

Telephone (Day): 795-8272

ATTEST: Catherine Clontz Notary Public Date: 11 Dec 2009



RESOLUTION

A RESOLUTION of the Ocean Conservancy

(group)

authorizing execution of the ADOPT-A-SHORE Agreement with Keep Manatee Beautiful, Inc.

WHEREAS, the Board of Directors of Ocean Conservancy

(group)

has authority to enter into agreement with Keep Manatee Beautiful, Inc. to undertake the project on shorelines of 1/2 mile to include Green Bridge Fishing Pier and shoreline along fishing pier and Palmetto Boat Ramp

NOW THEREFORE, be it resolved by the Board of Directors of _____

Ocean Conservancy that ~~Jessica Koelsch~~ Jamie mcwade

(group)

(name of group's representative)

is authorized to execute the agreement with Keep Manatee Beautiful, Inc.

DULY PASSED AND ADOPTED THIS 8th eightth day of Sept. 2009

*BY: Jamie J. Mcwade

TITLE: Project Coordinator

ATTEST:

The foregoing instrument was acknowledged before me this 8th day of September, 2009 ~~Jessica Koelsch~~ Jessica Koelsch Program Manager of Ocean Conservancy a Florida corporation, on behalf of the corporation.
(corporation) (state) (name & title of group's officer)

He/she is personally known to me or has produced _____
(type of identification)

as identification and did (did not) take an oath.

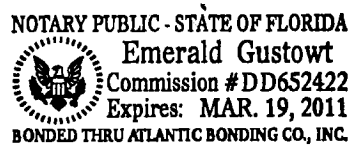
(Affix Seal/Stamp Here)

NOTARY SIGNATURE: *Emerald Gustowt*

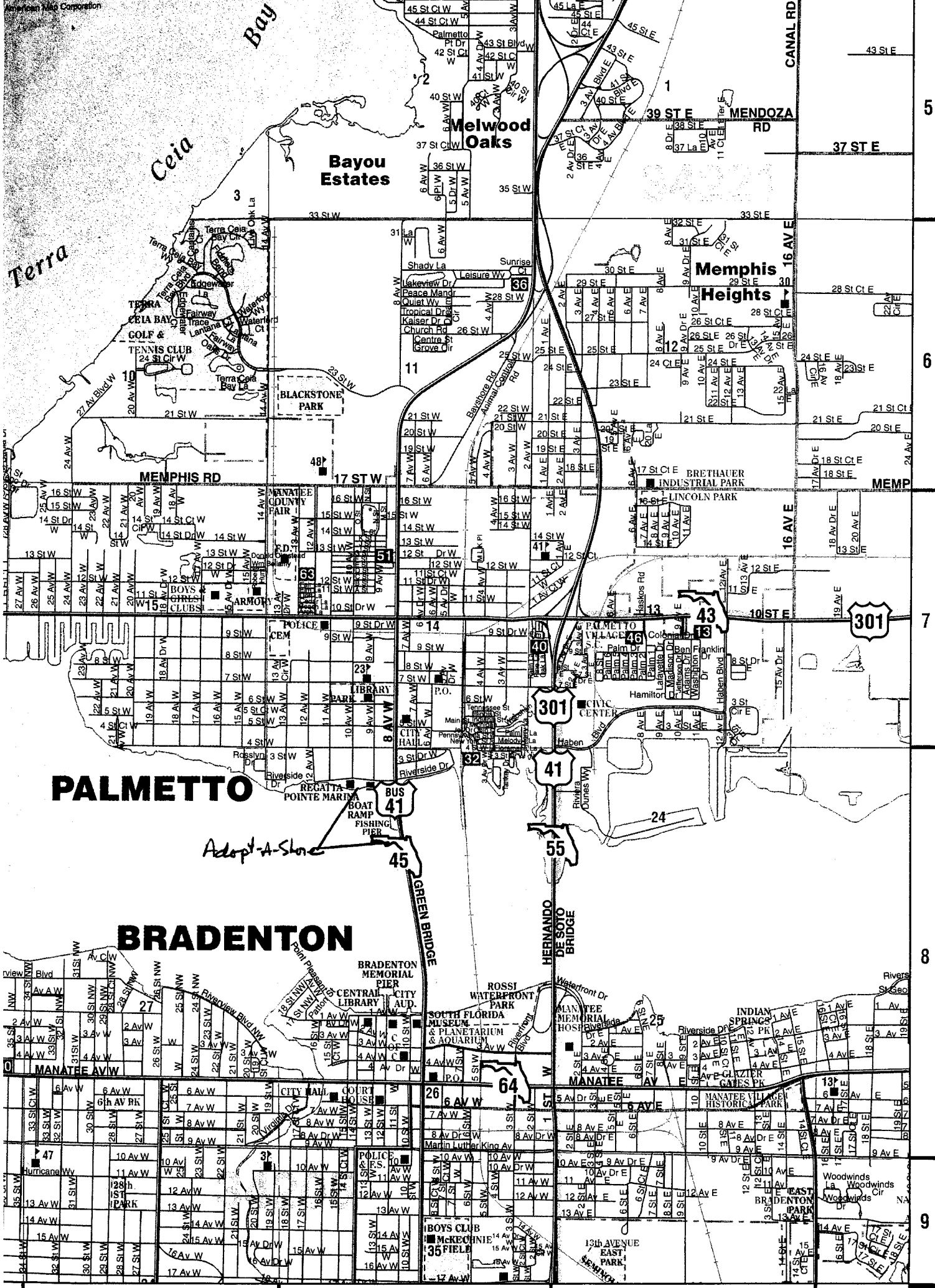
PRINT NAME: Emerald Gustowt

Notary Public in and for the County and State last aforesaid.

My Commission Expires: Mar 19, 2011



*Authorized signature must be attested by a Notary Public.



SEE MAP PAGE 20

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