

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (“Memorandum”) is entered into on this ____ day of _____, 2017, by and between the CITY OF YUMA, an Arizona municipal corporation (“City”), and GOWAN COMPANY, L.L.C., an Arizona limited liability company (“Gowan”) to set forth the City’s and Gowan’s understanding, agreements, and intentions for designing, installing, and maintaining landscaping and the irrigation system on a portion of the east side of the East Main Canal Linear Park.

WHEREAS, Gowan, a longtime family owned company of Yuma, Arizona, wants to revitalize and beautify a portion of the East Main Canal Linear Park through City and YUMA COUNTY WATER USERS’ ASSOCIATION (“YCWUA”) approved landscaping; and,

WHEREAS, Gowan, is working with landscape professionals to create landscape and irrigation system design plans for the beautification initiative of that portion of the East Main Canal Linear Park; and,

WHEREAS, the portion of the East Main Canal Linear Park where the landscaping is to be located is the subject of YCWUA Encroachment License Number 001-95-002 (“Encroachment License”), between the City and YCWUA; and,

WHEREAS, the Encroachment License allows landscape and irrigation system plans with approval by YCWUA; and,

WHEREAS, Gowan has stated that pending the approval of its landscape and irrigation system plans by both the City and the YCWUA, Gowan would develop that portion of the East Main Canal Linear Park as a gift to the citizens of the City of Yuma; and,

WHEREAS, upon completion of the installation of the landscaping and irrigation system, Gowan will dedicate the landscaping improvements for City acceptance and maintenance.

NOW THEREFORE, in consideration of the mutual promises and representations set forth in this Memorandum, and in light of the YCWUA Encroachment License, Gowan and the City mutually understand, agree, and acknowledge the following:

(A) Pursuant to Article 1 of the Encroachment License, Gowan agrees to seek input and approval from both the YCWUA and the City of the proposed landscaping and irrigation design along the East Main Canal Linear Park.

(B) Pursuant to Article 4 of the Encroachment License, Gowan agrees to install the landscaping and irrigation along the East Main Canal Linear Park in accordance with the design and any other requirements or guidelines of the City or YCWUA.

(C) Pursuant to Article 5 of the Encroachment License, upon City acceptance of the landscape improvements the City will be solely responsible for the maintenance of the landscaping and irrigation along the East Main Canal Linear Park.

IN WITNESS WHEREOF, Gowan and the City have executed and delivered this Memorandum as of the date and year first written above.

THE CITY OF YUMA

GOWAN COMPANY, L.L.C.

By: Gregory K. Wilkinson
Its: City Administrator

By: _____
Its: _____

ATTEST:

ACKNOWLEDGED BY:
YUMA COUNTY WATER USERS'
ASSOCIATION

Lynda L. Bushong
City Clerk

By: _____
Its: _____

Approved as to Form

Richard W. Files
City Attorney