THIS AGREEMENT, made and entered into this 9th day of MAY, 2014, by and between the Pacific County Department of Vegetation Management, hereinafter referred to as "DVM", and the City of Raymond, hereinafter referred to as "City".

WITNESSETH: IT IS HEREBY COVENANTED AND AGREED AS FOLLOWS:

The City and DVM agree that the DVM shall perform vegetation control work specified by the City at a time and in a manner as to maximize vegetation control benefits. The City further requests that the work be completed within six months from the date of the Agreement.

The City agrees to reimburse the DVM for the work performed by the DVM for all labor, equipment rental and materials used in the work involved in accordance with the current approved rate schedule hereto attached and made a part hereof as if herein repeated. The total cost of said work shall not exceed $ 5,500.00.

In accepting this Agreement, the City, including its successors and assigns, does hereby covenant and agree to indemnify and protect and save harmless the DVM and its officers and employees from all claims, actions or damages of every kind and description which may accrue to or be suffered by any person, partnership, corporation or other entity of any kind that arise in whole or in part from intentional tort(s), or negligent act(s) or omission(s), or strict liability of the City or its employees, agents, successors, or assigns.

If the above sentence applies and any suit or action is brought against the DVM, its officers, its employees or any combination thereof, the City, including its successors or assigns, shall defend the suit or action at its or their sole cost and expense and shall fully satisfy any judgment that is rendered against the DVM, its officers, its employees or any combination thereof.

If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid or unenforceable, said provision(s), or portion(s) thereof, shall be deemed severed and the remainder of this Agreement shall not be affected and shall remain in full force and effect. Furthermore, if such and event occurs, the parties agree to negotiate a modification to replace the unacceptable provision(s) as soon as possible.

This Agreement contains all of the terms and conditions agreed upon by the parties. No other understandings oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

Any modifications to this Agreement must be approved in writing by both parties.

CITY:

05/09/14

(Signature) (Date)

Director of Public Works

(Title)

DVM:

5/9/14

Jeff Nesbitt, Director (Date)

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

_____

Commissioner (Chairperson)

_____

Commissioner

_____

Commissioner

Attest:

_____

City Clerk