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10-15-18

AGMT- 18-15

MIRACLES PARK MAINTENANCE FUND AGREEMENT

This contract is made and entered into this 15th day of October, 2018, by and between Miracle League of the Lakeshore, a Wisconsin unincorporated non-profit association ("MLL"), operating as a program of Goodwill Industries of North Central Wisconsin, Inc., a Wisconsin nonstock nonprofit corporation ("Goodwill NCW") and successor associations thereof, and the City of Manitowoc, a municipal corporation, doing business at 900 Quay Street, Manitowoc, Wisconsin ("City").

WHEREAS, City owns and maintains Miracles Park, a 26.5 acre park located at 1840 S. 35th Street, Manitowoc, Wisconsin;

WHEREAS, Goodwill NCW Miracle League Field of Dreams ("Field of Dreams") is a baseball diamond facility accessible to, and useable by, persons with special needs and physical limitations located within Miracles Park;

WHEREAS, Goodwill NCW wishes to donate \$25,000 to the City to be used for maintaining Field of Dreams;

WHEREAS, the parties entered into a Memorandum of Understanding on June 17, 2013, which established the need for a separate agreement establishing terms and conditions for the \$25,000 donation;

NOW THEREFORE, in consideration of the mutual covenants hereinafter set forth, the undersigned parties acknowledge, agree, and understand as follows:

1. Recitals. The above recitals are true and correct.
2. Release of Funds. Goodwill NCW shall donate the sum of \$25,000 to City for the continued maintenance and upgrades to Field of Dreams and associated amenities. The City shall deposit these funds in a segregated account to be used exclusively for maintaining and upgrading Field of Dreams and associated amenities.
3. Duty to Maintain. The City shall be responsible for maintaining and upgrading Field of Dreams and associated amenities as needed.
4. Termination. Either party may terminate this Agreement with ten days' written notice to the other party.
5. Notice and Demands. A notice, demand or other communication under this Contract by any party to the other party shall be sufficiently given or delivered if it is sent by certified mail or personally delivered to:

Goodwill NCW:
Attn: Billie Jo Higgins
1800 Appleton Road
Menasha, WI 54952

City:
City of Manitowoc
900 Quay Street
Manitowoc, WI 54220

Notice and demand given shall be effective only if and when received by the party intended and acknowledged by receipt. The above addresses may be changed at any time by any party by giving written notice in the manner provided above.

6. Choice of Law. This Contract shall be governed by and construed in accordance with the laws of the State of Wisconsin. All actions or proceedings relating directly or indirectly to this Contract, whether sounding in contract or tort, shall be litigated only in the circuit court located in Manitowoc County, Wisconsin. All parties to this Contract hereby subject themselves to the jurisdiction of the circuit court for Manitowoc County, Wisconsin.

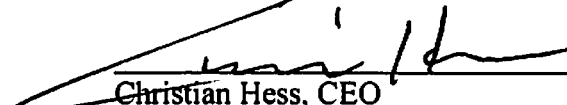
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IN WITNESS WHEREOF, the parties hereto have made and executed this Contract as of the day and year first written above.

CITY OF MANITOWOC


GOODWILL NCW

By: _____
Justin M. Nickels, Mayor



Christian Hess, CEO

By: _____
Deborah Neuser, City Clerk



Billie Jo Higgins, VP-Finance

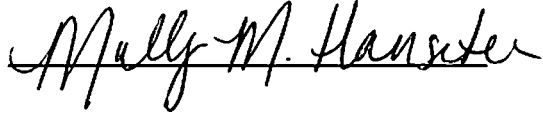
STATE OF WISCONSIN)
) ss.
MANITOWOC COUNTY)

Personally came before me, this ____ day of _____, 2018, the above-named Justin M. Nickels, Mayor, and Deborah Neuser, City Clerk, of the City of Manitowoc, and acknowledged that they executed the foregoing instrument as such officers of said City, by its authority.

Notary Public
Manitowoc County, Wisconsin
My commission (expires)(is): _____

STATE OF WISCONSIN)
) ss.
WINNEBAGO COUNTY)

Personally came before me, this 1st day of October, 2018, the above-named Christian Hess, CEO and Billie Jo Higgins, VP-Finance and acknowledge that they executed the foregoing instrument.



Notary Public
Winnebago County, Wisconsin
My commission (expires)(is): 10/20/20

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Handwritten signature or scribble in the middle left quadrant.

Faint text or stamp in the middle right quadrant.

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Faint text or stamp in the lower left quadrant.

Faint text or stamp in the lower right quadrant.

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Faint text or stamp in the bottom left quadrant, below the signature.

