

ACKNOWLEDGMENT AND WAIVER

At its regular meeting on _____, 2017, the Winston-Salem City Council approved the donation of the following items to the Smith Grove Fire Department for use in its training programs: twenty (20) self-contained breathing apparatus (SCBA) packs. No SCBA air cylinders to be included.

In consideration of the donation of the Items, the Smith Grove Fire Department acknowledges and agrees as to the following:

1. The self-contained breathing apparatus (SCBA) packs must be tested annually. The SCBA packs being donated are in current need of annual testing before any use. The Smith Grove Fire Department acknowledges and agrees that it is solely responsible for procuring and paying for such testing before any use of the Items.
2. The Smith Grove Fire Department acknowledges and agrees that it is solely responsible for any future testing, maintenance and/or repair of the SCBA packs.
3. The Smith Grove Fire Department acknowledges and agrees that it assumes all risks involved in the acceptance and use of the SCBA packs, and agrees, on its own behalf and on behalf of its officers, directors, agents, employees, representatives, heirs and assigns and all others acting on its behalf in connection with this Acknowledgement and Waiver, to release, discharge, hold harmless and indemnify the City of Winston-Salem, the Winston-Salem Fire Department and their elected officials, agents, employees and representatives, from and against any and all claims, actions, suits, demands and/or liabilities of whatever kind – whether or not the basis of such liability is presently known to either party and whether such liability arises in contract, tort, by statute or otherwise and including attorneys' fees and court costs - which may arise from or in any way be connected to the acceptance and use of the Items under this Agreement and Waiver. The Smith Grove Fire Department acknowledges and agrees that this release and discharge specifically covers any personal injury or property damage which may be suffered by any person in connection with the donation of the SCBA packs and this Acknowledgment and Waiver.

SMITH GROVE FIRE DEPARTMENT

By:
Title:
Date: _____

Sworn to and attested before me this
the ____ day of _____, 2017.

Notary Public
My Commission Expires: _____