

**MEMORANDUM OF UNDERTANDING BY AND BETWEEN
THE CITY OF ALPHARETTA AND THE CITY OF MILTON
FOR A JOINTLY OWNED PASSIVE PARK**

WHEREFORE the City of Alpharetta (“Alpharetta”) and the City of Milton (“Milton”) (collectively the “Parties” or individually a “Party”) do hereby enter into this Memorandum of Understanding (MOU) for the purpose of memorializing the parties’ intention of jointly acquiring, owning, operating, improving, and maintaining a municipal park located at 1470, 1480 and 1490 Mayfield Road, Alpharetta, Georgia, (the “Property”) in the City of Alpharetta. Based upon the receipt of \$10.00 and other good and valuable consideration exchanged, the receipt and sufficiency of which are acknowledged by the signatures affixed below, the Parties do hereby express their intention to undertake the following:

1. The Parties shall jointly make an offer to the Property owner(s), with both Alpharetta and Milton responsible for fifty (50) percent of the purchase price, with the capped purchase price being no more than \$██████████; and no Party responsible for more than \$██████████.
2. Alpharetta and Milton shall individually be responsible for their own respective legal fees related to the acquisition.
3. The Property, following closing, shall be jointly titled in the name of Milton and Alpharetta.
4. The Parties shall split equally all due diligence and closing costs.
5. It is the expectation and intention of the Parties that the Property shall be jointly insured by each Parties’ general liability insurance carrier.
6. During due diligence, the Parties shall enter into a formal Intergovernmental Agreement to confirm:

- a. Future obligations with respect to how daily and long-term decisions shall be made relative to the Property;
 - b. Future obligations with respect to maintenance, repair, and upkeep relative to the Property;
 - c. Future obligations with respect to capital improvements relative to the Property;
 - d. Future obligations and decision-making relative to park and recreation programming as to the Property.
 - e. The Parties agree that all decisions relative to items 6 (a) through (d) shall be guided by the principal that the Property is to be a park jointly owned by Alpharetta and Milton, on an equal basis, for the joint and equal usage by citizens of Alpharetta and Milton.
7. It is the expectation of the Parties that the Property shall be a passive amenity as opposed to an active park, thereby allowing trails, pavilions, children's play areas, and other similar passive recreational amenities.

SO APPROVED, this _____ day of April, 2017.

Joe Lockwood, Mayor
City of Milton

David Belle Isle, Mayor
City of Alpharetta

City Clerk

City Clerk

Seal

Seal