

GENERAL RELEASE AND TRANSFER OF TITLE

In consideration of the transfer of ownership of a 2005 Armored Rescue Vehicle, VIN 1FDAF57Y85ED15498 ("SR-1"), from the City of Redding ("City") to the County of Siskiyou ("County"), the County hereby releases and forever discharges the City, its elected officials, officers, employees and agents from any and all claims for injury, disability, loss or property destruction that may occur to anyone as a result of County's use, operation, maintenance or control of the SR-1. In keeping with such liability, County hereby acknowledges that ownership and operation of the SR-1 could result in harm to persons or property including, but not limited to, serious injury or death.

County further represents and warrants that it is advised of the existence of California Civil Code § 1542, which provides as follows:

A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

Notwithstanding this provision, this will constitute a full release in accordance with its terms. By execution of this General Release and Transfer of Title ("General Release"), County knowingly and voluntarily waives the provisions of Section 1542, as well as any other statute, law or rule of similar effect, and acknowledges and agrees that this General Release is an essential and material term of the donation of the SR-1 to the County. Because the transaction contemplated herein is a donation, County's execution of this General Release shall serve as the sole consideration to City for the transfer of ownership.

County accepts full responsibility and also agrees to indemnify, defend, and hold harmless the City, its elected officials, officers, employees and agents for any alleged injury or damage to any person or property that may occur or be caused by the SR-1 after the transfer of ownership, which is effective as of the date this General Release is signed by the City, including the reasonable costs of defending such claims.

Upon transfer of ownership accomplished herein, City shall have absolutely now ownership interest in the SR-1 and shall have no obligations relating to maintenance or upkeep thereafter. County takes the SR-1 "as is".

PURSUANT TO CALIFORNIA COMMERCIAL CODE § 2316, COUNTY HEREBY WAIVES ANY AND ALL IMPLIED WARRANTIES, INCLUDING ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE REGARDING THE SUBJECT MATTER OF THIS AGREEMENT. COUNTY FURTHER AGREES THAT CITY HAS NOT MADE ANY

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REPRESENTATIONS OR WARRANTIES OF ANY KIND WHERE ARE NOT OTHERWISE CONTAINED IN THIS GENERAL RELEASE.

IN WITNESS WHEREOF, City and County have executed this General Release on the days and year set forth below:

CITY OF REDDING,
A Municipal Corporation


Dated: 4/29, 2021


By: COLE, BRIAN (WEUTENANT)

ATTEST:

APPROVED AS TO FORM:

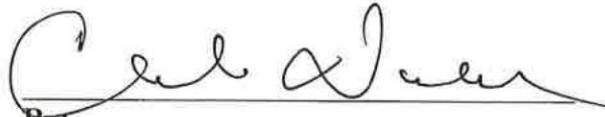
BARRY E. DeWALT
City Attorney


PAMELA MIZE, City Clerk


By:

COUNTY OF SISKIYOU

Dated: 4/29, 2021


By: CHARLES NOWDESKA (DET)