

ORDINANCE NO. 860

**AN ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, ACCEPTING A DONATION OF FORTY
ONE THOUSAND THREE HUNDRED EIGHTY DOLLARS
AND TWENTY FIVE CENTS (\$41,380.25) FROM THE
MORRIS FOUNDATION FOR THE PURPOSE OF PARK OR
STREET CAPITAL IMPROVEMENTS**

WHEREAS, pursuant to RCW 35.21.100, the City of Gig Harbor may accept any donations of money by ordinance, and may carry out the terms of the donation, if the same are within the powers granted to the City by law; and

WHEREAS, the City has received a check in the amount of Forty One Thousand Three Hundred Eighty Dollars and Twenty Five Cents (\$41,380.25) from the Morris Foundation, to be used for capital improvements to Parks or Streets; now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Acceptance of Donation. The City Council hereby accepts the Forty One Thousand Three Hundred Eighty Dollars and Twenty Five Cents (\$41,380.25) donation from the Morris Foundation, subject to the following terms of the donation, as expressed in Exhibit A, "Acknowledgement And Release": the donation is to be used for capital improvements of City Parks or Streets.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3.

Section 4. Effective Date. This ordinance shall take effect

and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:



MAYOR, GRETCHEN A. WILBERT

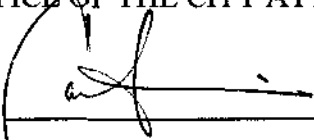
ATTEST/AUTHENTICATED:



CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY



FILED WITH THE CITY CLERK: 12/6/00
PASSED BY THE CITY COUNCIL: 1/8/01
PUBLISHED: 1/17/01
EFFECTIVE DATE: 1/22/01

EXHIBIT A
ACKNOWLEDGEMENT AND RELEASE

This Acknowledgement and Release between the Morris Foundation, a Washington non-profit corporation, and the City of Gig Harbor (hereafter the "Recipient"), is entered into this 8th day of January, 2001.

WHEREAS, the last Will and Testament of THOMAS G. MORRIS, SR., dated November 4, 1995, provided a charitable bequest to the Morris Foundation in the name of the Recipient. Pursuant to Article IV, Paragraph B, to fulfill such bequest the Estate of THOMAS G. MORRIS, SR., has transferred certain contract amounts to the Foundation. Pursuant to the last Will and Testament of THOMAS G. MORRIS, SR., the Recipient's share in these contracts had a face value on December 31, 1999, of \$41,380.25; and

WHEREAS, the Morris Foundation is required to pay the income on the Recipient's fund to the Recipient; and

WHEREAS, in lieu of paying the income on an on-going basis to the Recipient, the Morris Foundation has offered the Recipient the option of a lump sum payment in the face amount of the contracts as of December 31, 1999. The Recipient has accepted that offer.

NOW, THEREFORE, it is agreed as follows:

1. The Morris Foundation has paid the amount of \$41,380.25 to the Recipient.
2. The Recipient acknowledges receipt of the amount referenced in Term 1 above as its full share in and total right to income of the Foundation pursuant to the gift made in the last Will and Testament of THOMAS G. MORRIS, SR., dated November 4, 1995.
3. The Recipient fully releases the Morris Foundation, and its directors and agents, from any obligation or liability to it in connection with the bequest to the Foundation pursuant to Article IV, Paragraph B of the last Will and Testament of THOMAS G. MORRIS, SR., dated November 4, 1995. By signing this release, the Recipient gives up any claims whatsoever against the Foundation as a result of such bequest.
4. Recipient shall use the amount paid to it for street improvement (as opposed to ordinary maintenance) and park improvement (as opposed to ordinary maintenance).

Dated this 9th day of January, 2001

The Recipient

By Gretchen Albrecht

Its Mayor

The Morris Foundation

By Frank Morris

Its Director