



CITY of NOVI CITY COUNCIL

**Agenda Item 6
November 26, 2012**

SUBJECT: Approval of the Parks, Recreation & Cultural Services department donation acknowledgment and acceptance of the naming rights agreement with Tom Holzer Ford for a three (3) year period in the amount of \$10,000 payable in two (2) installments of \$5,000 each.

SUBMITTING DEPARTMENT: Parks, Recreation & Cultural Services

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION: In early 2005, City Council, the Parks, Recreation & Forestry Commission, the Parks Foundation, and City staff identified the opportunity to generate additional funds for the park system through the development of a naming rights program. On April 18, 2005, City Council approved a naming rights policy and conceptually agreed to have the Parks Foundation serve as the agent to market and negotiate the naming rights agreements. On September 26, 2005, City Council and the Parks Foundation completed an agreement enabling the Parks Foundation to pursue donors through the naming rights program. The process requires that naming rights agreements be submitted with a recommendation to the City Council for approval.

The Parks Foundation Naming Rights Committee identified prospects and continues to present the benefits of becoming a donor through the naming rights program. Tom Holzer Ford was a donor for a three-year period, beginning on December 31, 2007 until December 31, 2010 for the naming rights of "Tom Holzer Field", a baseball field at Ella Mae Power Park. Tom Holzer Ford has again entered into a naming rights agreement for a three (3) year period beginning on October 31, 2012 for the naming rights of "Tom Holzer Field", and agrees to donate the cash sum of \$10,000.00 to the Novi Parks Foundation, payable in two (2) installments of \$5,000.00 each on or before October 31, 2012 and October 31, 2013, with the City to be notified when each installment is received.

Attached is a copy of the Naming Rights Agreement.

RECOMMENDED ACTION: Approval of the Parks, Recreation & Cultural Services department donation acknowledgment and acceptance of the naming rights agreement with Tom Holzer Ford for a three (3) year period in the amount of \$10,000 payable in two (2) installments of \$5,000 each.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Wrobel				

CITY OF NOVI

PARKS AND RECREATION FACILITIES DONATION ACKNOWLEDGMENT AND ACCEPTANCE AGREEMENT

This Agreement between the **City of Novi ("City")**, a Michigan municipal corporation, whose address is 45175 W. Ten Mile Road, Novi, MI, 48375, and **Tom Holzer Ford ("Donor")**, whose address is 39300 West Ten Mile Road, Farmington Hills, MI 48335, shall be effective as of the date it has been fully signed ("Effective Date").

Recitals:

The City has adopted a Parks and Recreation Facilities Naming Rights Policy that encourages individuals and entities to donate funds to benefit City parks and recreation facilities and that recognizes and acknowledges the spirit and generosity of such donations through an appropriate, City-approved public placement of the name or other message of the donor in connection with designated parks and recreation facilities to which the donation is directed by the donor.

The City's naming rights program is administered by and through the Novi Parks Foundation, a Michigan non-profit and charitable organization.

Donor desires to continue its participation in the City's naming rights program as provided in this Agreement.

Agreements:

1. For and in consideration of the naming rights described in this Agreement, Donor agrees to donate the cash sum of \$10,000.00 to the Novi Parks Foundation, payable in two (2) installments of \$5,000.00 each on or before October 31, 2012 and October 31, 2013, with the City to be notified when each installment is received.
2. For and in consideration of the donations described in Section 1, for a three (3) year period beginning on the Effective Date, the Northwest baseball field in the City's Power Park (also and/or previously known as "Blue Field"), shall be named as "Tom Holzer Field". The Donor and City agree that the sign to be displayed with that name shall be the sign at the location established under a prior donation agreement between the parties.
3. The funds donated will be used in accordance with the September 26, 2005 Agreement between the City of Novi and the Novi Parks Foundation and the City's Parks and Recreation Naming Rights Policy, and all terms and conditions of the "Regulations Regarding Naming Rights of Parks or Facilities" adopted by the City of Novi as part of the Parks and Recreation Facilities Naming Rights Policy (receipt of which Donor acknowledges) are incorporated in and part of this Agreement by reference.
4. Donor acknowledges that this agreement does not constitute an endorsement of Donor or any products or services of Donor by the City or the Novi Parks Foundation, nor does it entitle Donor to

use the City's or the Foundation's name, logo, or trademark in any form or manner or for any purpose without prior approval.

5. The sign to be displayed shall be owned by the City and Donor shall have no authority, responsibility, or liability for its placement, maintenance, condition, or safety, or for any conditions or activities within the City owned property where the sign is located. To the extent of: donations actually made by Donor under this Agreement and allowed by law at the time a claim arises, the City shall indemnify and defend Donor and its owners, officers, employees, and agents from loss, damage, liability, costs, and expenses (including reasonable attorney and expert witness fees and costs), for claims arising from and directly attributable to the placement, maintenance, condition, or safety of the sign described in and during the term of this Agreement.

6. This Agreement is not assignable without express approval of the City and constitutes the entire agreement between the parties.

Donor Information

Name: Tom Holzer Ford
Address: 39300 West Ten Mile Road, Farmington Hills, MI 48335
Telephone: (248) 474-1234
Facsimile: (248) 474-6121
Contact: Dennis Rekuc

DONOR, TOM HOLZER FORD

By: Constance L. Holzer

Its: pres. CEO D.P.

This Agreement was acknowledged before me on October 25, 2012, by Constance L. Holzer, the authorized representative of Donor, who states that he/she has signed this document of his/her own free will on behalf of Donor.

D. J. GOTH
Notary Public

DONNA J. GOTH
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Apr 10, 2017
ACTING IN COUNTY OF Oakland

CITY OF NOVI

By: _____

Its: _____

This Agreement was acknowledged before me on _____, 2012, by _____, authorized representative of the City of Novi, who states that he/she has signed this document of his/her own free will on behalf of the City of Novi.

Notary Public