

# Memorandum of Understanding

**THIS MEMORANDUM OF UNDERSTANDING** (“Agreement”) is made and entered into on July 15, 2024 (the “Effective Date”), by and between the City of Capitola, a California municipal corporation (“Donee”) and Capitola Beach Festival (“Donor”).

## Recitals

1. **WHEREAS**, the proposed project, Begonia Commemorative Public Art project, (“Project”) will honor the history of the Capitola Begonia Festival and serve as a welcome to visitors of the Capitola Village; and
2. **WHEREAS**, the proposed project site is located on a prominent street corner at the entrance of Capitola Village, where the Capitola Begonia Festival’s Nautical Parade took place; and
3. **WHEREAS**, Donor wishes to make a donation of twenty thousand dollars (\$20,000) in the form of monetary funds (“Funds”) to Donee for the sole purpose of contributing to the Project; and
4. **WHEREAS**, Donee desires to accept the Funds from Donor pursuant to the terms and conditions set forth below.

## Agreement

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements provided for herein, Donee and Donor agree as follows:

1. **Incorporation of Recitals and Exhibits**. The Recitals set forth above and the Exhibits attached to this Agreement are each incorporated into the body of this Agreement.
2. **Donation of Funds**. Subject to the terms and conditions set forth herein, Donor agrees to donate twenty thousand dollars (\$20,000), and Donee hereby agrees to accept the Funds from Donor. The Donor will donate the Funds on the Effective Date of this Agreement.
3. **Use of Funds**. Donee shall reserve Funds for the sole use on the Project.
4. **Intent**. Both Donor and Donee acknowledge that this donation is given freely without any expectation from Donor that Donee will provide favorable treatment to Donor in any capacity. No goods or services will be provided by Donee to Donor in exchange for this donation.
5. **Warranties**. Donor warrants that Donor owns donated Funds and Donor has the full right, power, and authority to transfer the Funds to the Donee.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the Effective Date.

Donee:

DocuSigned by:  
*Jamie Goldstein*

D05A9A7B5900485  
8/6/2024

Jamie Goldstein  
City of Capitola City Manager

Date

Donor:

DocuSigned by:  
*Mary Beth Cahalen*

BD334E2284AC4AA  
7/15/2024

Mary Beth Cahalen  
Capitola Beach Festival Board President

Date