

### **Letter of Agreement Conditions from William G. Pomeroy Foundation:**

1. The grant is to be used solely for the Historic Marker Program as described in your application.
2. The Publicity Release Form (provided herein) must be signed along with this Letter of Agreement.
3. If any media coverage is scheduled to feature these markers you must notify the Pomeroy Foundation in advance.
4. If a dedication ceremony is scheduled for this marker, you must notify the Pomeroy Foundation at least three (3) weeks prior.
5. Grantee is solely responsible for the installation and maintenance of any Historic Markers granted by the Pomeroy Foundation.
6. Upon installation, two photos of the marker will be provided to the Pomeroy Foundation: (a) “close up” photo of the marker itself, without the pole; (b) “landscape” photo showing the entire marker and pole, as well as its surroundings.
7. Grantee confirms that no goods or services were provided to the Pomeroy Foundation in exchange for this grant.
8. Any funds not used for the specific purpose of the grant must be returned to the Pomeroy Foundation unless otherwise authorized in writing.
9. Grantee hereby agrees to indemnify, defend and hold harmless the Pomeroy Foundation and its employees, officers, agents, successors and assigns from and against any and all claims, damages, losses, liabilities and expenses (including but not limited to reasonable attorney fees and expenses), resulting from or arising out of (a) any negligence, wrongful acts, omissions, or misconduct of the Grantee; (b) any failure on the part of the Grantee to perform or comply with any of the terms or conditions of this Letter of Agreement; or (c) any provision or furnishing of any materials or any labor or services by the Grantee or on behalf of the Grantee with respect to the installation and/or maintenance of any of the Historic Markers granted.
10. The Pomeroy Foundation does not pay for the replacement of markers that have been damaged (caused by cars, snowplows, vandals, etc.) or stolen. While markers are intended to be placed in areas where they can be viewed by the public, it is the grantee’s responsibility to carefully consider location. If damage or theft occurs, please consult your insurance provider.