

Application for License to Use Rowing Craft Rack, Conomo Point

Name of Craft Owner: _____

Essex Residential Address: _____

Telephone Number: _____ e-mail address: _____

Make of Craft: _____ Hull Identification No: _____

Length, Color, Description of Craft: _____

I acknowledge and agree that the Town is making no representations or warranties, express or implied, as to the condition of the rowing craft rack or that it is fit for its intended purpose and that I am using the rack at my own risk. I further acknowledge and agree that my use of the rack is subject to all applicable statutes, bylaws and regulations and that I shall abide by all orders of the Harbormaster relative to my use of the rack.

I acknowledge and agree that the issuance of this license is subject to my execution of the Release attached hereto. I agree to observe all US Coast Guard rules and Commonwealth of Massachusetts rules for the safe equipping and operation of non-motorized watercraft.

Signature

Date

On behalf of and under the authority of the Essex Board of Selectmen, I hereby approve this application for space on the Town's rowing craft rack at Conomo Point. The rack space permit number is: _____.

The Board of Selectmen reserves the right to modify or revoke this license at any time, for any reason or no reason at all, including but not limited to if they become aware of circumstances not in keeping with the purpose or conditions herein. It is the responsibility of the license holder to keep the craft in good repair and bailed out. If the craft is posing a threat of damage to Town property and/or a public safety problem, the Harbormaster may remove the boat, at the owner's sole cost and expense, after trying to make contact with the license holder using the information listed above. This permit is valid for the dates between April 1st and December 31st.

Daniel Fialho, Harbormaster

Date

TOWN OF ESSEX
Release of Claims, Indemnity and Hold Harmless Agreement

*****Please read this document thoroughly before completing and signing*****

The Town of Essex (the "Town") hereby grants to the undersigned _____ (the "Releasor"), a license to use the Town's rowing craft rack at Conomo Point (the "Premises"), for the sole purpose of storing a rowing craft recognized by the Town of Essex Harbormaster, as more fully described in the License Application attached hereto.

Releasor hereby acknowledges and agrees that the Town is making no representations or warranties, express implied, as to the condition of the Premises or that they are fit for the intended purpose.

In consideration for a license to use the Premises, Releasor on behalf of himself and his heirs, successors, and assigns, hereby RELEASES, WAIVES, DISCHARGES, AND COVENANTS NOT TO SUE the Town of Essex and/or its employees, volunteers, officials, boards, agents and representatives from any and all liability, claims, demands, actions and causes of action whatsoever, whether known or unknown, both in law or in equity, which he has or may have had from the beginning of the world to the date of execution of this Agreement, arising out of or related to the license granted herein, including but not limited-to any and all claims, demands, losses, costs, damages, liabilities and causes of action whatsoever arising out of or related to any loss, damage or injury, including death and including any damage or destruction of any property, that may be sustained by the Releasor.

Releasor agrees to be solely responsible for and to INDEMNIFY, DEFEND AND HOLD HARMLESS the Town of Essex, its agents, representatives, officers and employees, against any claims, demands, losses, costs, damages, liabilities and causes of action whatsoever by any other person, including damages, costs and attorneys' fees, arising out of or related to the license granted herein including but not limited-to claims injury or death to persons or loss or damage to any property occurring as a result of or in any way related to the license granted herein.

Releasor agrees that it shall be solely responsible for and shall reimburse the Town for any restoration or repair of any and all damage to the Premises resulting from or in any way related to the license granted herein.

Witness my hand and seal this _____ day of _____, 20_____.

Name (Signature)

Name (Printed)

Witness (Signature)

Witness (Printed)