

**CITY OF SAN ANTONIO
DEPARTMENT OF PARKS AND RECREATION
AND
TEXAS PUBLIC RADIO**

AGREEMENT INCLUDING RELEASE AND INDEMNIFICATION

WHEREAS, THE CITY OF SAN ANTONIO, TEXAS, hereinafter CITY, and TEXAS PUBLIC RADIO, herein referred to as TPR consents and agrees to permit _____ hereinafter referred to as PARTICIPANT, to participate in the *Brackenridge Park Xeriscape Project of 2007*, subject to the adherence of the PARTICIPANT to any provisions set out in the rules and regulations of the San Antonio Parks and Recreation Department.

NOW, THEREFORE, for and in consideration of the premises and the mutual promises, covenants, and agreements set forth in this Agreement, the CITY, TPR and PARTICIPANT agree that the CITY, TPR and its agents or employees, shall not be liable or responsible for, and shall be **SAVED, HELD HARMLESS, RELEASED and INDEMNIFIED** by PARTICIPANT from and against any and all suits, actions, losses, damages, claims, or liability of any character, type, or description, including but not limited to all expenses of litigation, court costs, and attorney fees for injury or death to any person, or injury to any property received or sustained by any person or persons or property arising out of, or occasioned by, directly or indirectly, the participation of PARTICIPANT in the *Brackenridge Park Xeriscape Project of 2007*, including claims and damages arising in whole or in part from the negligence of the CITY, TPR and its agents or employees.

IT IS THE EXPRESS INTENT OF THE PARTIES TO THIS AGREEMENT THAT THE INDEMNITY PROVIDED FOR IN THIS AGREEMENT IS AN INDEMNITY EXTENDED BY PARTICIPANT TO INDEMNIFY AND PROTECT THE CITY FROM ANY AND ALL CLAIMS OR ACTIONS, AS SET FORTH ABOVE, OF ANY KIND, ARISING DIRECTLY OR INDIRECTLY FROM THE PARTICIPATION OF PARTICIPANT IN SUBJECT PROJECT, REGARDLESS OF WHETHER SUCH CLAIMS OR ACTIONS ARE FOUNDED IN WHOLE OR IN PART UPON ALLEGED NEGLIGENCE OF CITY, ITS REPRESENTATIVES, AGENTS OR EMPLOYEES.

It is further understood and agreed that the PARTICIPANT will participate solely as an individual on a voluntary basis and not as an employee, contractor or agent of the City of San Antonio, Texas Public Radio or its agents or employees.

PARTICIPANT'S SIGNATURE

DATE

ADDRESS

PHONE NUMBER

EMERGENCY NO.