RESOLUTION APPROVING AGREEMENT WITH LIFT UP SARPY COUNTY FOR OFFICE SPACE FOR MENTAL HEALTH DIVERSION PROGRAM

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2012), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 2012), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, the Kim Foundation has awarded a grant to Lift Up Sarpy County, a 501(c)(3) non-profit corporation, so that Lift Up Sarpy County may lease an office to be occupied and used exclusively by the Sarpy County Mental Health Diversion Program for a one year period, as well as provide for related goods and services to the program; and,

WHEREAS, a suitable office space for lease that will meet the needs of the program has been located at 8040 South 84th Street in La Vista, Nebraska.

WHEREAS, entering into the agreement with Lift Up Sarpy County to occupy and use the office space is in the best interests of the citizens of Sarpy County.

NOW, THEREFORE, BE IT RESOLVED by the Sarpy County Board of Commissioners that this Board hereby approves and adopts the Agreement with Lift Up Sarpy County, a copy of which is attached.

BE IT FURTHER RESOLVED that the Chairman of this Board, together with the County Clerk, is hereby authorized to sign on behalf of this Board the agreement with Lift Up Sarpy County, a copy of which is attached, and any other related documents, the same being approved by this Board.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 8th day of March, 2016.

ATTEST:

Sarpy County Board Chairman

Sarpy County Clerk
March 4, 2016

MEMO

To: Sarpy County Board of Commissioners

From: Pete Pirsch, Deputy Sarpy County Attorney

Re: Agreement with Lift Up Sarpy for Mental Health Diversion Office Space

The Kim Foundation awarded a $27,000 grant to Lift Up Sarpy County, a 501(c)(3) non-profit corporation, so that Lift Up Sarpy may lease an office to be occupied and used exclusively by the Sarpy County Mental Health Diversion Program for a one year period, as well as attendant office costs.

A suitable office space for lease that will meet the needs of the program has been located in Brentwood Square, at 8040 South 84th Street in La Vista, Nebraska.

This agreement allows Sarpy County Mental Health Diversion Program to occupy and use the office space, and indemnifies Lift Up Sarpy for the non-profit’s role in procuring the lease.

The Agreement is recommended for approval. If you have any questions, please contact me at ppirsch@sarpy.com.

Pete Pirsch
Deputy Sarpy County Attorney

cc: Deb Houghtaling
    Mark Wayne
    Scott Bovick
    Brian Hanson
AGREEMENT

THIS AGREEMENT, made this 15th day of March, 2016, by and between Lift Up Sarpy County ("Lift Up Sarpy County"), a Nebraska Non-Profit Corporation and Sarpy County, Nebraska ("Sarpy County").

WITNESSETH: That in consideration of the mutual covenants and agreements to be kept and performed on the part of said parties hereto, respectively as herein stated:

I. Lift Up Sarpy County does hereby covenant and agree that it shall:

A. Enter into a one-year lease agreement, commencing April 1, 2016, for approximately 1,000 square feet of office space in the building owned by F & J Realty ("landlord"), located at Brentwood Square Shopping Center, and having the address of 8040 South 84th Street, LaVista, Nebraska, and provide exclusive possession, occupation and use of the same to Sarpy County for their Mental Health Diversion Program.

B. Provide landlord required rent and otherwise meet all terms of landlord's lease.

C. In event of asserted claim, provide Sarpy County reasonably timely written notice of same.

II. And Sarpy County does hereby covenant and agree that it shall:

A. Indemnify and hold harmless Lift Up Sarpy County and their successors and assigns, from any claim, action, liability, loss, damage or suit, arising out of their status as party to the lease agreement with F & J Realty.

B. Defend, protect, and hold harmless Lift Up Sarpy against claim or loss or liability arising out of their status as party to the lease agreement with F & J Realty.

This agreement shall be binding upon the parties, their successors, assigns and personal representatives. Time is of the essence on all undertakings. This agreement shall be enforced under the laws of the State of Nebraska. This is the entire agreement.

Signed the day and year first above written.

SARPY COUNTY, NEBRASKA

Don Kelly, County Board Chairman 3-8-16

LIFT UP SARPY COUNTY

By: Tim Gay, President 3-15-16

Approved as to Form: