

EQUIPMENT USE AGREEMENT and WAIVER OF LIABILITY

This Equipment Use Agreement and Waiver of Liability (hereinafter referred to as “Agreement”) is made by and between Kissimmee Utility Authority (hereinafter referred to as “KUA”) and _____ (hereinafter referred to as “User”):

Now, therefore in consideration of mutual covenants and promises set forth, the parties hereto agree as follows:

1. KUA has a 2002 trailer-mounted stainless steel commercial cooker (EU-210) (hereinafter referred to as “Cooker”) and agrees to allow the undersigned party the free use of said equipment after the party has been instructed by KUA on the proper method of using the Cooker.
2. The User agrees that in return for the separate and sufficient consideration of the free use of the Cooker, it will indemnify and hold harmless KUA, its Officers, Board Members, Agents, Employees, and Servants from all responsibility, liability, and costs including without limitation attorney’s fees and expert witness fees, for any injury, damage, expense or loss to any person or property caused by or arising in any way from the User’s use of the Cooker. This obligation to indemnify also includes, without limitation, claims of third parties made against KUA.
3. Prior to any use of the Cooker, User agrees to procure premises liability insurance sufficient to cover any and all claims and expenses that may arise from use of the Cooker. User shall provide KUA proof of insurance certifying adequate coverage and including KUA as an additional insured on User’s applicable insurance policy.
4. In the event a claim is made by any party, including third parties, against KUA related to User’s use of the Cooker, the User agrees to fully cooperate with KUA, its insurance carriers or any other person or organization designated by KUA to investigate such claims, and to provide such information as shall reasonably be necessary and/or required.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives as of the date indicated below.

Kissimmee Utility Authority (KUA) _____ (User)

By: _____ By: _____

Its: _____ Its: _____

Date: _____ Date: _____