



**CITY OF ENCINITAS ARBOR DAY TREE GIVEAWAY EVENT**  
**WAIVER AND LIABILITY RELEASE FORM**

I, \_\_\_\_\_ (Resident), received a tree, mulch, and/or soil from the City of Encinitas (City) at no cost and for no consideration whatsoever as part of the City's Arbor Day tree giveaway event (Event).

I hereby acknowledge and agree to the following:

1. I am the record owner of the property at the address listed below (Property).
2. I understand and agree that trees, mulch, and/or soil are provided by the City on a first-come-first-served basis, and it is my sole responsibility to collect the tree, mulch, and/or soil from the City according to instructions provided by the City.
3. I agree to plant and maintain the tree at the Property at my own cost and expense. I further agree that I shall be solely responsible for any and all changes necessary to the Property to plant and/or maintain the tree, including, but not limited to, alteration of landscape or irrigation systems.
4. I am aware of and accept the responsibilities and obligations associated with owning and maintaining a tree and voluntarily assume any and all potential risks involved.
5. I agree to release, discharge, indemnify, and hold harmless the City and its directors, officers, agents, and employees (City Indemnified Parties) from and against any and all liability, demands, losses, damages, costs, expenses, claims, and causes of action of any nature whatsoever that the City may hereinafter incur, suffer, or sustain as a result of or in any way connected with my participation in the Event or use and/or maintenance of the tree. This indemnification obligation includes, without limitation, injury to or the death of any person, or physical damage to any property that may arise from my participation in the Event or use and/or maintenance of the tree, including damages or injury caused by the active and passive negligence of the City Indemnified Parties, and excluding damages or injury caused by the sole or willful misconduct of the City.

**BY SIGNING BELOW, I CERTIFY THAT I HAVE READ THIS WAIVER AND LIABILITY RELEASE IN ITS ENTIRETY AND FULLY UNDERSTAND ITS CONTENTS.**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Participant Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_