City of New Castle
Waiver and Release Required for Concert Series

The City of New Castle (the "City") is extremely concerned about the potential spread of the Covid-19 virus, especially among those attending the outdoor concert series events at Battery Park. Attendees agree to practice social distancing, wear masks when not in designated areas reserved for their family, otherwise practice good hygiene practices at public rest rooms and otherwise follow the reasonable instructions of our volunteer monitors. ***As a condition of attendance, the City requires that all persons read and sign the Acknowledgement, Assumption of Risk and Waiver and Release below:***

ACKNOWLEDGEMENT OF HEALTH RISKS: By signing below, I acknowledge and understand the potential health risks posed by the COVID-19 pandemic by close personal contact such as may result from attending the outdoor concert series at Battery Park. I agree that I, and all minors for whom I am legal guardian, are in good health and that I will comply with all restrictions imposed by the City and otherwise take appropriate precautions while in attendance. If I determine that my attendance poses an unsafe health risk to me (or any minors for whom I am legal guardian) in any way, I will immediately vacate the movie screening area and surrounding park area and cause any minors under my supervision to do so as well.

ASSUMPTION OF RISK: I fully understand that attending the outdoor concert series at Battery Park involves the risk of illness or injury, including possible exposure to the COVID-19 virus, whether from the actions or omissions of the City (including their staff and volunteers), other users of Battery Park, or other attendees; and that there may be other risks not known to me or not readily foreseeable at this time. I understand and acknowledge that while the outdoor concert area may be monitored by staff employed by, or volunteering on behalf of, the City, there is no guarantee that other attendees will remain fully compliant with safe social distancing, mask wearing and good hygiene requirements, or State of Delaware or CDC guidelines relating to COVID-19. **I FULLY ACCEPT AND ASSUME ALL SUCH RISKS** and all responsibility for personal injuries, including death, losses, costs, and damages both for myself and any minors under my supervision that may be incurred as a result of attendance of the outdoor concert series at Battery Park and the surrounding park area.

WAIVER AND RELEASE: In consideration of the City's agreement to allow me and all minors under my supervision to attend the outdoor concert series at Battery Park, I hereby **RELEASE, DISCHARGE AND COVENANT NOT TO SUE**, both on my own behalf, and on behalf of all minors for whom I am legal guardian, the City, the Trustees of the New Castle Common, and their respective agents, employees, and volunteers (each a "Releasee" herein) from all personal injuries, including death, losses, costs, and damages related to the COVID-19 virus caused or alleged to be caused by attendance of the outdoor concert series at Battery Park; and I further agree that if, despite this release, waiver of liability, and assumption of risk, I or any minors for whom I am legal guardian, make a claim against any of the Releasees, I will indemnify, save and hold harmless each of the Releasees from any loss, liability, damage, cost or legal fees which any of them may incur as the result of such claim.

_____ _____ _____, 2020

Witness Signature

Print name:

_____ _____ _____, 2020

Witness Signature

Print name: