

**Memorandum of Understanding
Between Christ Church Episcopal and First Presbyterian, Chattanooga**

- I. **Parties.** This memorandum of understanding (hereinafter referred to as "MOU") is made and entered into by and between the Christ Episcopal Church, 663 Douglas St. at McCallie Ave., Chattanooga, TN 37402 and First Presbyterian Church, 554 McCallie Ave., Chattanooga, TN 37402.

- II. **Purpose.** The purpose of this MOU is to establish the terms and conditions under which the strip of land evenly divided between the Christ Episcopal Church building and the First Presbyterian Church parking lot on McCallie Avenue is to be shared and maintained. This agreement does not create any ownership changes to the property. It is noted that the friendship and relationship between the two churches has been and continues to be mutually admired, respected and appreciated. Over the years, First Presbyterian Church has tried to landscape and maintain the small strip of land identified above, but over time the roots of the plants and the condition of the bushes and small trees has become an aesthetic issue as well as causing potential root damage to Christ Episcopal Church's foundation. A survey of the property indicates a straight line (North to South) divides the property equally with the majority of the plantings on the First Presbyterian side with the overhanging branches and stems extending to the Christ Episcopal side above and below the surface. In conversations with both parties involved, it has been agreed something needs to be reasonably done to the satisfaction of both parties.

- III. **Terms of the MOU.** The MOU is effective upon the day and date last signed and executed by the duly authorized representatives of the parties to this MOU. This MOU may be terminated, without cause, by either party upon a one (1) year written notice, which notice shall be delivered by hand or by certified mail to the address listed above.

- IV. **Responsibilities of the Parties.** First Presbyterian Church will discontinue its efforts to landscape and maintain the area and will cooperate in enhancing the larger corner at the west entrance to their parking lot while Christ Episcopal Church will, at their expense, be

responsible to remove all plants and trees in the area and, with the help of an arborist, design an attractive transition area between the church building and the First Presbyterian parking lot. This includes the removal of all Boxwoods, Saucer Magnolia tree(s), as well as the Holly bush at the SW corner of the Christ Episcopal Church building and the large Southern Magnolia tree from the entry corner of the First Presbyterian lot for safety and security reasons. First Presbyterian Church reserves the right to plant ground cover plants or low flowers to stop erosion and add color to its parking lot entry way.

V. General Provisions.

- A. **Amendments.** Either party may request changes to this MOU. Any changes, modifications, revisions or amendments to this MOU which are mutually agreed upon by and between the parties to this MOU shall be incorporated by written instrument, and effective when executed and signed by all parties to this MOU.
- B. **Entirety of Agreement.** This MOU, consisting of three (3) pages, represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral.
- C. **Severability.** Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.

VI. Signatures. In witness whereof, the parties to the MOU through their duly authorized representatives have executed this MOU on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein. The effective date of this MOU is the date of the signature last affixed to next page.

First Presbyterian Church, Chattanooga, TN

P. L. H. Interim Pastor 11.1.19

Name and Title

Date

M. S. DeLoach 11/1/19

Name and Title

Date

Christ Episcopal Church, Chattanooga, TN

Norman Boston Sr. Warden 11.1.19

Name and Title

Date

Name and Title

Date