

CONSTRUCTION SITE VISITOR’S AGREEMENT,
WAIVER AND RELEASE OF LIABILITY

1. I acknowledge there are risks and dangers involved in construction and associated with entering an active construction site, including risks of serious bodily injury, death and property damage. By signing this agreement and entering upon the Gaylord Pacific Resort and Convention Center construction site (the “Project”) for a site tour or other visit (“Site Visit”), I am assuming the risks arising out of my Site Visit.

2. I hereby release, waive, and agree to hold harmless RIDA Chula Vista, LLC, (“Owner”), the Owner Members, Architect, Architect’s Consultants, the Owner’s Financing Providers and their respective officer’s, directors, shareholders, members, partners, employees, agents and representatives(collectively, the “Indemnitees” and, separately, each “Indemnitee”), Mortenson-McCarthy, M. A. Mortenson Company, McCarthy Building Companies, Inc. (“the Mortenson Parties”), and each of their affiliates, officers, directors, subcontractors, suppliers, and employees, from claims, damages, liabilities, losses, and expenses, for or by reason of any damage, loss or injury to my person and/or property arising out of or related to the Site Visit. This waiver, release, and assumption of risk is binding on myself, my heirs, executors and administrators.

2. I agree that wearing a hardhat, safety vest, long pants, eye protection, gloves, covered shoes, and any other attire as directed by the Mortenson-McCarthy(“Proper Attire”) and abiding by any additional safety requirements, rules and regulations (“Safety Requirements”) that may be imposed during the Site Visit are mandatory requirements of participation in the Site Visit. I acknowledge that failure to wear Proper Attire, abide by Safety Requirements or follow the direction of Mortenson-McCarthy may result in immediate dismissal from the Site Visit.

3. I have read this Construction Site Visitor’s Agreement, Waiver and Release of Liability. I fully understand it, and I agree to be legally bound by it.

Date: _____

Visitor’s Name (PRINT): _____

Visitor’s Signature (must be at least 18 years old): _____

Parent/Guardian Signature (if visitor is younger than 18): _____