

TOWNSHIP OF BURT

Performance and Indemnification Resolution

This Resolution is required by the Michigan Department of Transportation for purposes of issuing to a governmental body an Individual Permit for Use of State Truckline Right of Way, Form 2205 or an Annual Permit for Miscellaneous Operations within Free Access State Trunkline Right of Way, Form 2205B.

RESOLVED

WHEREAS, the Township of Burt, hereinafter referred to as the “Governmental Body” from time to time makes application to the Michigan Department of Transportation, hereinafter referred to as the “Department” for permits, hereinafter referred to as “Permit,” to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits.

NOW THEREFORE, in consideration of the Department granting such permit the Governmental Body agrees that:

1. It will faithfully fulfill all permit requirements and will indemnify, save harmless, represent and defend the State of Michigan. Michigan Transportation Commission, the Department, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the Department and all officers, agents, and employees thereof, pursuant to a maintenance contract from any and all claims of every kind for injuries to, or death of any and all persons and, for loss of, or damage to property, and environmental damage or degradation, and from attorney’s fees and related costs arising out of, under, or by reason of the presence of the Governmental Body’s facilities and/or its installation, construction, operation, maintenance, or other activities which are being performed under the terms of the permit on, over, and / or under the State trunkline right of way, except claims resulting from the sole negligence or willful acts or omissions of said Department, its officers, agents, employees, and contracting governmental bodies and officers, agents, and employees thereof, performing permit activities.
2. The Department shall not be subject to any obligations or liabilities by vendors and contractors of the Governmental Body, or their subcontractors or any other person not a party to the permit without its specific prior written consent and notwithstanding the issuance of the permit.
3. It will, by its own volition and/or request by the Department, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting or arising out of the installation, construction, operation, and / or

maintenance of the Governmental Body's facilities pursuant to a Permit issued by the Department.

4. The incorporation by the Department of this Resolution as part of a permit does not preclude the Department acquiring additional performance security or insurance when deemed necessary by the Department.
5. This Resolution shall continue in force from the date hereof until cancelled by the Governmental Body or the Department with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Governmental Body with regard to any Permit which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position or positions are hereby authorized to make application to the Michigan Department of Transportation for the necessary permit to work within state trunkline rights of way on behalf of the Governmental Body.

Lee G. Durrwachter	Supervisor	aye
Lori Savage	Clerk	aye
Jim Seibert	Treasurer	aye
Rose Benmark	Trustee	aye
Lois Leavenworth	Trustee	aye

I hereby certify that the foregoing is a true copy of a resolution adopted by the Burt Township Board of the Township of Burt of Alger County at a regular monthly meeting held on the 9th day of April, A.D. 2002.

Lori Savage
Township Clerk