

PERFORMANCE AND INDEMNIFICATION

RESOLUTION

This Resolution is required by the Muskegon County Road Commission to enable it to issue to a governmental body Permits for Use of Muskegon County Roads, or Permits for Miscellaneous Operations within Muskegon County Roads. It must be renewed annually.

RESOLVED

WHEREAS, the _____
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL BODY", from time to time makes application to the Muskegon County Road Commission, hereinafter referred to as the "COMMISSION", for permits, hereinafter referred to as "PERMIT", to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and/or under Muskegon County Roads at various locations within and adjacent to its corporate limits;

NOW, THEREFORE, in consideration of the COMMISSION 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 Muskegon County Road Commission, and all officers, agents, and employees thereof, and those governmental bodies performing permit activities for the COMMISSION, and all officers, agents and employees thereof, pursuant to any activity for which the commission may require a PERMIT, 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 Muskegon County Roads, except claims resulting from the sole negligence or willful acts or omissions of said COMMISSION, its officers, agents, employees, and contracting governmental bodies and officers, agents, and employees thereof, performing permit activities.

2. The COMMISSION 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 COMMISSION, promptly restore and/or correct physical or operating damages to any Muskegon County Road 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 COMMISSION.

4. The incorporation by the COMMISSION of this Resolution as part of the PERMIT does not preclude the COMMISSION requiring additional performance security or insurance when deemed necessary by the COMMISSION.

5. This Resolution shall continue in force from the date hereof until canceled by the GOVERNMENTAL BODY or the COMMISSION with no less than thirty (30) days prior written notice to the other party. It will not be canceled 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 Muskegon County Road Commission for the necessary permit to work within County Road rights of way on behalf of the GOVERNMENTAL BODY.

Name	and/or	Title

I HERBY CERTIFY that the foregoing is a true copy of a resolution adopted by the

(Name of Board, etc.)

of the _____ of _____
(Name of GOVERNMENTAL BODY) (County)

Michigan, at a _____ meeting held on the
_____ day of _____

A.D. _____.

Signed _____

Title _____