

RESOLUTION NO. 9-15-14

AUTHORIZING MAINTENANCE AGREEMENT BETWEEN THE CITY OF RAINSVILLE
AND ALABAMA DEPARTMENT OF TRANSPORTATION

WHEREAS, Springfield Investments, L.L.C. and Wolverton & Associates are redeveloping property and outparcels for future development on property located on Highway 35 in Rainsville, Alabama at the 31.505 mile marker; and,

WHEREAS, Springfield Investments, LLC and its owner, Mohammad Abbasi has requested the City of Rainsville to enter into a cooperative maintenance agreement with the State of Alabama to help maintain storm water drainage by maintaining the pipe from ROW to it spill out and will not be responsible for maintaining the inlet structure on ROW and other requirements as the attached Exhibit "A" to this resolution (the Alabama Department of Transportation Agreement for the Cooperative Maintenance of Public Right of Way) may demonstrate; and

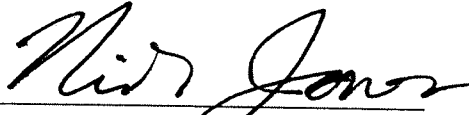
WHEREAS, originally the Right of Way Agreement requirement the City of Rainsville to be responsible for the requirements under said Agreement; and


WHEREAS, Springfield Investments, L.L.C., and Wolverton & Associates agree to perform all work present and future required of the City of Rainsville under said Agreement and shall indemnify the City of Rainsville from any expenses or loss due to said agreement; and,

THEREFORE, IT IS RESOLVED, by the City Council and Mayor of the City of Rainsville, Alabama that the Mayor is authorized to enter into the Alabama Department of Transportation Agreement for the Cooperative Maintenance of Public Right of Way along Highway 35 at the 31.505 mile marker in Rainsville, Alabama under the following terms and conditions:

1. The Performance Bond for work be acceptable to the City of Rainsville, Alabama;
2. Springfield Investments, LLC and Wolverton & Associates enter into an Indemnity Agreement indemnifying the City of Rainsville from any and all loss, cost, expense, judgment, defense cost, or any other liability real or imaginary, from or any third party, Springfield Investments, LLC and Wolverton & Associates including the State of Alabama, which the City of Rainsville may incur, whatever kind or character due to the Cooperative Maintenance Agreement, its performance or failure to perform by Springfield Investments, LLC and Wolverton & Associates or any of its contractors, subcontractors, agents, servants or employees.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF RAINSVILLE, ALABAMA on this the 15th day of September, 2014.


MAYOR, NICK JONES

ATTEST:

JUDY LEWIS, CITY CLERK