



# ATLAS TOWNSHIP, MI

TOWNSHIP BOARD

AGENDA • AUGUST 1, 2017

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**Special Meeting**

**Township Hall**

**4:30 PM**

**7386 S. Gale Rd, Grand Blanc, MI 48439**

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**1. CALL MEETING TO ORDER**

**2. ROLL CALL**

**3. APPROVAL OF AGENDA**

**4. REPORTS**

**5. PUBLIC COMMENTS**

**6. NEW BUSINESS**

1. ADOPT RESOLUTION #17-18 ALLOW WEST SHORE PERMISSION TO INSTALL AN EMERGENCY SIREN

**7. PUBLIC COMMENTS**

**8. ADJOURNMENT**

Note: 1) Each person addressing the board is asked to voluntarily state their name and address for the record.  
2) Three (3) minutes will be allowed for an individual addressing the board. Each individual present will be allowed an opportunity to address the board.  
3) Please refrain from being redundant.  
4) All comments are to be directed to the chair.

PHYSICALLY CHALLENGED PERSONS NEEDING ASSISTANCE OR AID AT ANY PUBLIC MEETING OR PUBLIC HEARING SHOULD CONTACT THE ATLAS TOWNSHIP CLERK AT 810-636-2548 DURING REGULAR OFFICE HOURS, NOT LESS THAN SEVENTY-TWO (72) HOURS PRIOR TO THE PUBLIC MEETING OR PUBLIC HEARING.

**PERFORMANCE RESOLUTION  
#17-18 FOR GOVERNMENTAL  
AGENCIES**

*This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way" (form 2205), or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way" (form 2205B).*

RESOLVED WHEREAS, the TOWNSHIP OF ATLAS hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, 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 Highway 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 AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, 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. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The GOVERNMENTAL AGENCY It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way

resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.

- 6. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the 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.
- 7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
- 8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY 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 AGENCY 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(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Title	and/or	NAME

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by the BOARD OF TRUSTEES of ATLAS TOWNSHIP of GENESEE COUNTY at a Special Meeting held on the 1<sup>st</sup> day of August 2017 A.D.

Signed \_\_\_\_\_ Title \_\_\_\_\_

Attachment: RESOLUTION #17-18 (2287 : ADOPT RESOLUTION #17-18 ALLOW WEST SHORE PERMISSION TO INSTALL AN EMERGENCY