

## **Indemnity Agreement for Temporary Repairs to a Private Road**

### **Town of Southwick, MA**

Under Article 23 of the May 15, 2018 Annual Town Meeting, voters approved to adopt the Temporary Repair to Private Ways Bylaw (see Southwick Code, Section 84). Per the Bylaw, no repair of a private way shall be undertaken until the Select Board has in its possession agreements executed by at least 75% of abutting owners on the portion of the way to be repaired holding the Town harmless from any additional damage arising from negligent repair.

Please complete this page in its entirety and return to the DPW Office, Town Hall, 454 College Highway, Southwick, MA 01077.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Private Road Name: \_\_\_\_\_

Work requested to be completed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The undersigned acknowledges the following:

- (i) that the Town assumes no liability to such owners by making the repairs;
- (ii) jointly and severally, to indemnify and hold harmless the Town with respect to such statutory liability and any and all other liability for claims of injury, death or property damage to such owners or third parties caused by alleged defects in the way, including attorneys' fees and other costs of defense;
- (iii) that should the Town decide not to continue to provide temporary repairs to such way, the owners will themselves keep such way in good repair so as to minimize the liability of the Town for having undertaken such repairs;
- (iv) that such repair shall not constitute "maintenance" of such way, so as to give the way the status of a way "maintained and used as a public way" under the Massachusetts Subdivision Control Law;
- (v) that if betterment assessments are assessed for the repairs, the owners will not appeal the amount of the assessment and agree that the assessment may be apportioned over five years.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_