

BURTCHVILLE TOWNSHIP

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Lakeport, Michigan 48059
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Michael Appel, Supervisor
Robert Bailey, Clerk
Alan Briolat, Treasurer
Cynthia Minnie, Trustee
Patrick Janks, Trustee

RESOLUTION 2024-02-06-0

TO AUTHORIZE AND SUPPORT THE SUBMISSION OF A

REQUEST FOR GRANT FUNDS FROM THE

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY (EGLE)

FOR THE PURPOSE OF

SAFE DRINKING WATER DISTRIBUTION SYSTEM AND RELATED INFRASTRUCTURE IMPROVEMENTS

WHEREAS, Burtchville Township is committed to providing clean, safe drinking water to all residents and households regardless of social-economic status; and

WHEREAS, there remains a portion of land situated within the Burtchville Township boundaries that includes underserved, low income households that do not have direct access to clean, safe municipal drinking water and must rely on either shallow wells or tanker delivery of potable water; and

WHEREAS, access to clean, safe drinking water is considered crucial to the immediate health of residents, economic viability of a community, value of property, and desirability of neighborhoods; and

WHEREAS, the township has received a petition from the affected property owners requesting access to clean drinking water and the township has sought financial assistance for this major public health project; and

WHEREAS, preliminary engineering designs and cost estimates indicate that total cost of designing and installing distribution lines and related infrastructure from the existing water distribution system to the areas in need as part of a Phase I project (Harris Road to State Road) is estimated at \$1,250,000; and

WHEREAS, Burtchville Township has pledged a total of \$750,000 (60%) in project funding from both the township's Water Development and Maintenance Fund (\$300,000) and a set aside of American Rescue Program funding (\$250,000), and has secured a commitment from the St. Clair County Board of Commissioners (\$200,000); and

WHEREAS, constructing extended water service lines and connections to low-income households with failing private wells or those that must rely on tanker delivery for potable water would be an immediate benefit on the health of residents and a positive, long term impact for the community;

NOW, THEREFORE BE IT RESOLVED, that the Burtchville Township Board of Trustees does hereby support and authorize the administrative staff to prepare and submit the appropriate applications to the

- 6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY 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 MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY 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 MUNICIPALITY.

Title and/or Name:

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

the BURTCHVILLE TOWNSHIP BOARD OF TRUSTEES

(Name of Board, etc.)

of the BURTCHVILLE TOWNSHIP of ST. CLAIR

(Name of MUNICIPALITY)

(County)

at a SPECIAL meeting held on the 15th day

of FEBRUARY A.D. 2024.



Signed

BURTCHVILLE TOWNSHIP SUPERVISOR

Title

MICHAEL D. APPEL

Print Signed Name

PERFORMANCE RESOLUTION FOR MUNICIPALITIES

This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the BURTCHVILLE TOWNSHIP BY RESOLUTION # 2024-02-15-0
(County, City, Village, Township, etc.)

hereinafter referred to as the "MUNICIPALITY," 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 utilities 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 MUNICIPALITY agrees that:

1. Each party to this *Resolution* shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this *Resolution*, as provided by law. This *Resolution* 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 MUNICIPALITY is performed by a contractor, the MUNICIPALITY 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 MUNICIPALITY Failure of the MUNICIPALITY 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 MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY 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 MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S 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 MUNICIPALITY.
4. The MUNICIPALITY 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 MUNICIPALITY 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 MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

