



RESOLUTION: 2010-04

PRESENTED: October 18, 2010

ADOPTED: October 18, 2010

WHEREAS, it becomes necessary from time to time for the Town of Hamilton to obtain land use permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across over and upon highway systems of the Commonwealth of Virginia; and,

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of granting to the Town of Hamilton by the Virginia Department of Transportation of said permits for the work aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the Hamilton Town Council this 18th of October, 2010:

Section 1: That the provisions of Section 24 VAC 30-151-700 of the Land Use Permit Regulations of the Virginia Department of Transportation, the Town of Hamilton does hereby grant assurances to the Virginia Department of Transportation (VDOT) that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the Town of Hamilton and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one-million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and the Virginia Department of Transportation's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Commonwealth Transportation Board, the Virginia Department of transportation or the Commonwealth of Virginia in the event of suit.

Section 2: That the County Administrator, City or Town Mayor, or their designee, be, and hereby is authorized to execute on behalf of the Town of Hamilton all land use permits and related documents of the Virginia Department of Transportation.

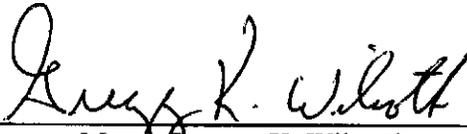
Section 3: That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

Section 4: That the Town of Hamilton shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by its contractor or to have the contractor execute a dual obligation rider that adds the Virginia

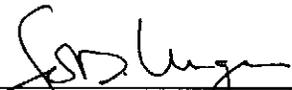
Department of Transportation as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.

BE IT STILL FURTHER RESOLVED that the County Administrator, City or Town Mayor, or their designee, be, and hereby is authorized and directed to procure insurance required by Section 1 herein.

The foregoing Resolution was adopted by the Hamilton Town Council at its regular meeting held on October 18, 2010, in Hamilton, Virginia.



Mayor Gregory K. Wilmoth



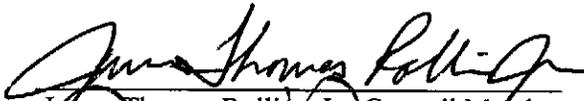
John D. Unger, Vice Mayor



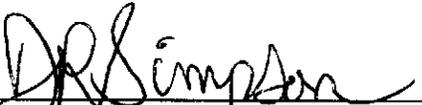
Kenneth C. Wine, Council Member



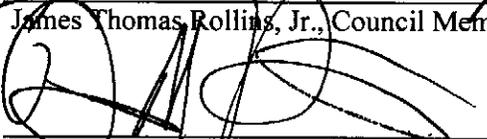
Michael E. Snyder, Council Member



James Thomas Rollins, Jr., Council Member



David R. Simpson, Council Member



Dimitri N. Kesari, Council Member