

NORTH CAROLINA

HOLD HARMLESS AGREEMENT

WAKE COUNTY

WHEREAS, the Town of Apex (hereinafter “Town”) is engaged in the design and future construction of the Apex Peakway project also known as project U-5928 (Project) which includes a grade separation over South Salem Street and the CSX right-of-way to connect at the intersection with James Street; and

WHEREAS, the Project design involves a tie-in of a portion of the proposed storm drain system along the Apex Peakway south of South Salem Street and CSX right-of-way to the existing storm drain system in the public right-of-way which outfalls into a private stormwater detention pond; and

WHEREAS, the proposed design diverts approximately 1.01 acres of drainage area to the stormwater detention pond and the segment of Big Branch between the stormwater detention and the downstream convergence of the unnamed tributary; and

WHEREAS, the North Carolina Department of Transportation has contemplated the potential change in stormwater discharge and has accepted the Town’s design for the Apex Peakway project conditioned upon execution of this Hold Harmless Agreement.

NOW THEREFORE, the Town of Apex hereby agrees as follows:

To the extent permitted by law, the Town of Apex (hereinafter “Town”) hereby agrees to protect, defend, indemnify and hold harmless the North Carolina Department of Transportation, its officials, officers, agents, employees, successors and assigns from and against any and all liability, damage, claims, suits, liens and judgments resulting from the act, omission, or negligence of the Town of Apex in performance of the work on Salem Street, Apex Peakway and James Street as part of the U-5928 project that could potentially increase storm water entering any property from the proposed stormwater infrastructure that ties to the existing 24” pipe system located at the northwest quadrant of the Yateley Lane / Apex Peakway intersection as shown on Exhibit A, which flows under Yateley Lane, along Apex Peakway, and under Padstone Drive in a 24” reinforced concrete pipe existing system and draining into the private stormwater detention pond owned by Salem Village Owners Association, Inc. and located south of the Apex Peakway / Padstone Drive intersection, Parcel ID 0741051081, and properties located between the stormwater detention pond outlet and the downstream convergence with the unnamed tributary.

This Agreement shall be governed by the law of the State of North Carolina without regard to the conflict of law provisions thereof.

TOWN OF APEX

By: _____
(signature)

Name: Catherine Crosby

Title: Town Manager

**Exhibit A
Apex Peakway (U-5928)**

Proposed 30" Crosspipe (-L- 26+01) conveys drainage to this channel. 1.01 Ac. is diverted from the channel.

Tie-in to Ex. 24" System (Outfall 5) 1.01 Ac. is diverted to this system.

Ex. System within Ex. R/W

System Outlet (Outfall 5A) pond to Big Branch

Big Branch

Confluence with tributary from 30" crosspipe is about 900 LF from System Outlet at road.

Scale 1"=300'

