

WAIVER OF CLAIM AND INDEMNITY AGREEMENT

This waiver of claim and indemnity agreement is entered into on this 20th day of July, 2022 between the City of Columbia, Missouri, (City) and Quaker Manufacturing, LLC, a limited liability company of Delaware (Quaker).

WHEREAS, Quaker is the owner of certain property located at 4501 Paris Road with the legal description of Lot 1 of Paris Road Park Plat No. 1; and

WHEREAS, Quaker wishes to construct a concrete retaining wall, driveway paving, fencing and a storm sewer system (the improvements) on an electric easement adjacent to the Colt Railroad Right of Way (the electric easement) as shown on Exhibit A which is attached to and made part of this agreement; and

WHEREAS, Quaker has requested permission to build on the utility easement under the provision of Section 107.2.6.3 of the Building Code as amended by Section 6-17 of the Code of Ordinances; and

WHEREAS, Section 107.2.6.3, as amended, requires assurances in the form of a bond or a waiver of claim and indemnity agreement before the issuance of a building permit allowing the construction and maintenance of a structure in a utility easement; and

WHEREAS, Quaker understands and agrees that its use of the easement will be subordinate to the right of the City and public utilities to use the easement for electric purposes.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. In consideration of the passage of an ordinance by the City Council allowing construction of the improvements in the electric easement, Quaker hereby waives any claims against the City or any public utility having or placing in the future any electric distribution lines or appurtenances within the electric easement, or any of their agents, officers or employees for any damage to the improvements.
2. Quaker agrees to indemnify City and any public utility which has electric facilities located in the electric easement from any loss, claim, damage or liability arising out of the construction or maintenance of the improvements over and upon the electric easement, whether such loss, claim, damage or liability accrues to Quaker, any tenant, guest, invitee of Quaker as owner of the property, or of their agents, the public at large or any officer or employee of the City.

IN WITNESS WHEREOF, the parties have fully executed this agreement on the day and year first above written.

CITY OF COLUMBIA

BY: _____

De'Carlon Seewood, City Manager

ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

Nancy Thompson, City Counselor

QUAKER MANUFACTURING, LLC

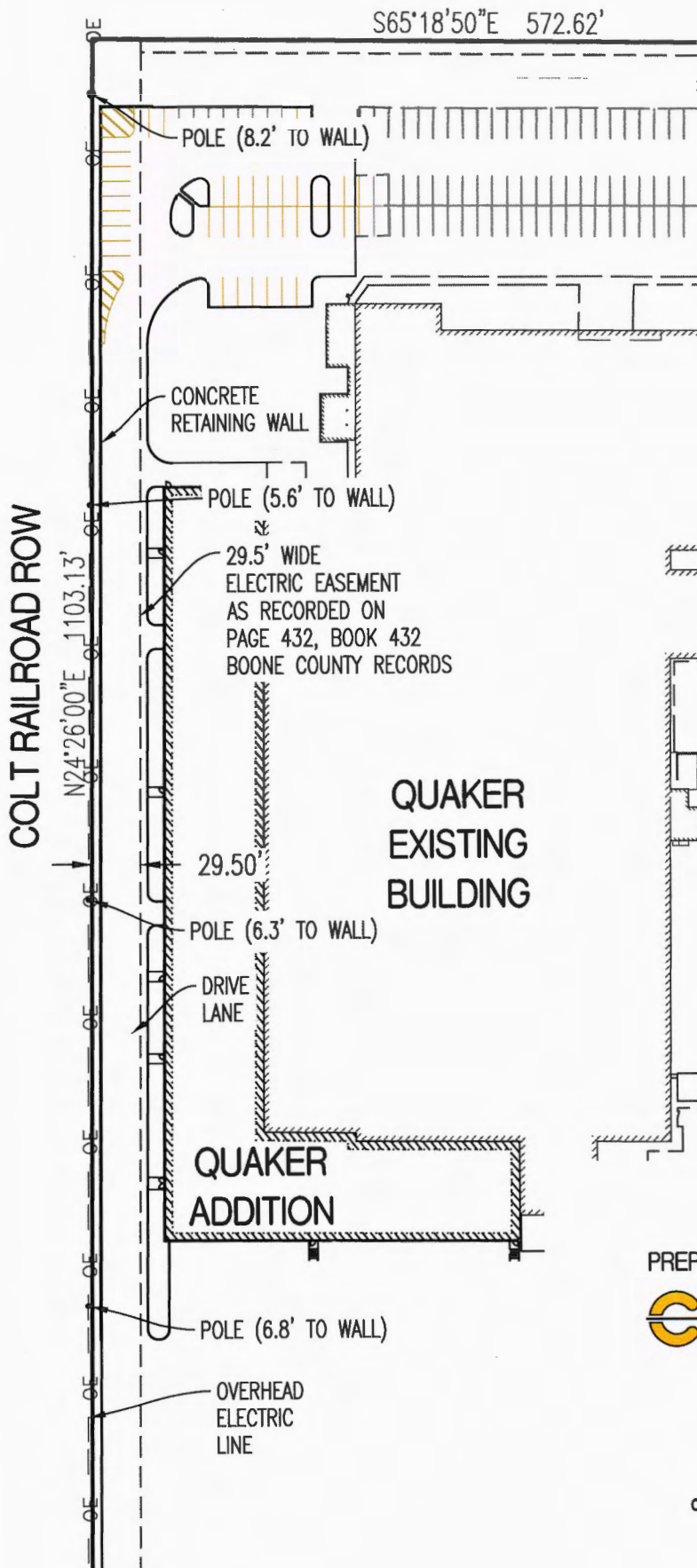
BY: Cole Knudsen

Cole Knudsen, Plant Manager

ATTEST:

Mary L. Todd

EXHIBIT A



SCALE: 1"=100'

PREPARED BY:

CROCKETT

ENGINEERING CONSULTANTS
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Crockett Engineering Consultants, LLC
Missouri Certificate of Authority
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