

### ACCESS AGREEMENT

This AGREEMENT made and executed in duplicate this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, by and between \_\_\_\_\_ (must be owner/s), hereinafter designated as "owner" and THE CITY OF MORGANTOWN, West Virginia a municipal corporation organized and existing under the laws of the State of West Virginia, hereinafter designated as "city".

WITNESSETH

That whereas, \_\_\_\_\_ is/are the owner/s of Morgantown Corporation District, **Tax Map #** \_\_\_\_\_ and **parcel/s #** \_\_\_\_\_ in the \_\_\_\_\_ ward of the City of Morgantown, Monongalia County, West Virginia more particularly described as follows \_\_\_\_\_ (address).

Whereas, the Owner/s desire/s to make a reduced curb height along \_\_\_\_\_ (address) upon which said property abuts, such reduced curb height to extend a distance of \_\_\_\_\_ feet, and

WHEREAS the City is willing to allow said reduced curb height to be made providing it be released, indemnified and left harmless from any and all claims or damages arising therefrom.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH THAT THE parties hereto do mutually covenant and agree as follows:

1. That the City does hereby grant permission for the curb along \_\_\_\_\_ (address) to be reduced in height for a distance of \_\_\_\_\_ feet where said Street/Avenue abuts upon said Morgantown Corporation District **Tax Map #** \_\_\_\_\_, **Parcel/s #** \_\_\_\_\_, and **Lot/s #** \_\_\_\_\_ for the purpose of providing access and entrance thereto in accordance with the ordinances and regulations of the CITY OF MORGANTOWN. Namely, the curb height be reduced at face of curb to within 1" of the Paving slab and 3" at back of curb.
2. That the Owner/s for **them/him/her** and **their/his/her** heirs, successors and assigns, do hereby release, indemnify and hold harmless, the CITY OF MORGANTOWN from any and all damages or injury to person or property resulting directly or indirectly from the cutting or reduction in height of said curb on said \_\_\_\_\_ (address) and **do/does** hereby expressly release and discharge the said City from any damages or injuries to persons or to the property of any person, firm, corporation, resulting directly or indirectly therefrom.
3. That in cutting said curb or reducing the height thereof the Owner/s shall not lower the level of any sidewalk now existing, or hereafter placed, along said Address and abutting Morgantown Corporation District **Tax Map #** \_\_\_\_\_, **Parcel/s #** \_\_\_\_\_.
4. Jurisdiction for all legal controversies which may arise out of the Agreement shall be with the Circuit Court of Monongalia County, West Virginia.

