

RIGHT OF ENTRY AND INDEMNIFICATION AGREEMENT TO HIGHLANDS COUNTY
FOR PURPOSES OF EMERGENCY STORM DEBRIS REMOVAL FOR HURRICANE IRMA

Print Name of Roadway Property Owner
Print Mailing Address:

Re: _____
Print Name of Subdivision

Preferred point of contact information:

Name: _____

Title: _____

Phone: _____

List names of roadways to be included:
(Attach extra sheet if necessary or map clearly defining roads to be included)

The above-referenced property owner owns the roads and is legally responsible for repair and maintenance of the roads within the subdivision that are private. That property owner also has the legal authority to grant rights of access to governmental entities and their agencies, elected and appointed officials, employees, agents, contractors, and subcontractors. In the aftermath of Hurricane Irma, there is an extraordinary amount of vegetative debris on the roads and properties throughout the subdivision. As properties are cleared of debris by moving it to the road system throughout the subdivision, the amount of vegetative debris from tree branches, indeed entire trees, has or soon will create a substantial and ever growing fire risk within the subdivision, and access to homes in the subdivision for solid waste collection, firetrucks, ambulances, and other

community, contractor, and governmental services will continue to be impeded until vegetative debris resulting from Hurricane Irma is removed from the subdivision.

According to Section 125.01, Florida Statutes, the legislative and governing body of a county has the power to carry on county government and, to the extent not inconsistent with general or special law, that power includes, but is not restricted to, the power to provide fire protection, ambulance service, health and welfare programs, waste and sewage collection and disposal, roads, bridges, tunnels, and related facilities, and to perform any other acts not inconsistent with law, which acts are not in the common interest of the county, and exercise all powers and privileges not specifically prohibited by law. Pursuant to Section 252.38, Florida Statutes, in carrying out the provisions of 252.31-252.90, Florida Statutes, Highlands County has the power and authority to appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies.

The above-referenced property owner freely and voluntarily, grants a right of entry to the subdivision on, over, and across all roads within the subdivision to Highlands County, a political subdivision of the State of Florida, its elected and appointed officials, employees, agents, contractors, and subcontractors, for the purpose of removing and clearing any and all disaster generated vegetative debris from the roads in the subdivision.

The above-referenced property owner understands and agrees that the right of entry hereby given does not create an obligation upon any government or government agency or the elected or appointed officials, employees, agents, contractors or subcontractors of any government or government agency to perform disaster generated vegetative debris removal in the subdivision. As a further inducement and in consideration for any debris removal performed pursuant to the right of entry hereby given, the above-referenced property owner hereby agrees to indemnify and hold harmless the United States Government, the Federal Emergency Management Agency (FEMA), the State of Florida, Highlands County, a political subdivision of the State of Florida, and any of their agencies, elected and appointed officials, employees, agents, contractors, and subcontractors, for any and all damages of any and all types, either to the roads and properties within the subdivision or to persons and property located thereon or therein that might arise by or be related to removal of disaster generated vegetative debris from the subdivision, and the above-referenced property owner does hereby release, discharge, and waive any action, either legal or equitable, that may arise by reason of, or be related to, any action of the United States Government, the Federal Emergency Management Agency (FEMA), the State of Florida, Highlands County, a political subdivision of the State of Florida, and any of their elected or appointed officials, employees, agencies, agents, contractors, and subcontractors related to removal of disaster generated vegetative debris from the subdivision.

Neither the property owner nor any of the lessees or lot owners within the subdivision has received any compensation for disaster generated vegetative debris removal from any other source, including the Small Business Administration (SBA), National Resource Conservation Service

(NRCS), private insurance, individual and family grant programs or any other public assistance program. The above-referenced property owner will report to the County Administrator of Highlands County, a political subdivision of the State of Florida, for itself and for all lessees and lot owners within the subdivision any insurance settlements made to the above-referenced property owner and any lessee or lot owner within the subdivision for disaster generated vegetative debris removal that has been performed at government expense.

The foregoing Right of Entry and Indemnification Agreement was approved by the property owner on _____, 2017.

Dated this ____ day of _____, 2017.

Print Name of Property Owner

Signature: _____

Print Name: _____

Title: _____

Phone: _____

Attest:

Signature: _____

Print Name: _____

Secretary