

Management Agreement for Chilmark Landfill Area Trail

The **Town of Chilmark** hereby authorizes the **Martha's Vineyard Land Bank Commission**, its guests and invitees, to create and use a trail in the vicinity of the Chilmark landfill in the general location appearing as "Proposed Trail" on the attached plan, for pedestrian, equestrian and non-motorized bicycle access, passive recreation, nature study and scenic enjoyment. For the northern terminus of the trail, the land bank shall choose either Alternative A or Alternative B, but not both. The land bank shall have the right to create, maintain and improve the trail no wider than five (5) feet for said uses by cutting vegetation and removing other obstructions. Signs, screening, or barriers to prevent inappropriate use may be placed by the land bank only by the specific instruction of the selectmen. The land bank may use power equipment and motorized vehicles to conduct said maintenance and improvements.

All expenses associated with or arising out of creating the trail and keeping it passable shall be borne solely by or on behalf of the land bank. The town shall have no responsibility or obligation to maintain or repair the trail. The land bank agrees to defend, indemnify and save the town harmless from any and all liability, loss, injury, claim or damage to or of any persons or property while on the trail, unless caused by the fault or negligence of the town or its agents.

This agreement shall remain in effect until terminated by either party upon one hundred and twenty (120) days prior notice in writing by the other party. Such notice shall be deemed to be duly given only if delivered personally or mailed by registered or certified mail, return receipt requested.

IN WITNESS WHEREOF the parties hereto have set their hands and seals this \_\_\_th day of \_\_\_\_\_, 2012.

TOWN OF CHILMARK

MARTHA'S VINEYARD LAND BANK  
COMMISSION

\_\_\_\_\_  
Warren Doty, Selectman

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Carlos Montoya, Chairman

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Frank Fenner, Jr, Selectman

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Jonathan Mayhew, Selectman