

STATE OF NORTH CAROLINA
COUNTY OF GREENVILLE

GREENVILLE, S.C.
OCT 21 10 35 AM '80
JOHN W. HUMPHREYS

INDEMNITY AGREEMENT

THIS INDEMNITY AGREEMENT, made this 3rd day of October, 1980, by THE PARK HAYWOOD COMPANY ("Park"), a Texas limited partnership, to THE CITY OF GREENVILLE, SOUTH CAROLINA, ("City");

W I T N E S S E T H:

WHEREAS, Park proposes to construct an apartment complex on a tract of land located on Congaree Road in Greenville, South Carolina, which tract is more specifically described in Exhibit A attached hereto; and

WHEREAS, in order to comply with governmental requirements for the retention of excess surface water, Park has proposed to City that Park use the tennis court shown on the site plan prepared by Reg Narmour, Registered Architect, a copy of which is attached hereto as Exhibit B, as a retention pond; and

WHEREAS, City has agreed to approve the use of the tennis court as a retention pond in accordance with storm drainage design prepared by Thomas D. Duggins, Registered Landscape Architect, provided Park agrees to indemnify and hold City harmless from any liabilities, claims, and/or expenses resulting from such use and provided Park agrees to install appropriate signing near the tennis court whereby the general public will be reasonably informed that said tennis court may be subject to flooding during a prolonged rainstorm;

NOW, THEREFORE, in consideration of City approving the use of the tennis court shown on Exhibit B attached hereto as a retention pond in accordance with storm drainage design prepared by Thomas D. Duggins, Registered Landscape Architect, to control the flow of excess surface water, Park hereby agrees to indemnify and hold harmless City from any and all liabilities, claims, and/or expenses (including reasonable attorney's fees) resulting directly or indirectly from the use of such tennis court as a retention pond for the control of the flow of surface water in

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