

**AGREEMENT**

This Agreement is entered into this \_\_\_\_ day of September 2013 by and between the Yellow River Water Trail, Inc. ("Yellow River") and Charles & Hilda Berry.

WHEREAS, Yellow River desires to utilize a portion of property owned by Charles & Hilda Berry for the purposes of foot traffic only by recreationists accessing the Yellow River, as indicated on the attached map;

WHEREAS, Charles & Hilda Berry are committed to increasing water awareness and appreciation in the community as well as providing positive benefits and outdoor recreational opportunities for the citizens of Newton County and the surrounding areas;

WHEREAS, Charles & Hilda Berry will have the protection of Georgia's Recreational Property Act, O.C.G.A. §51-3-20 et seq., and as amended;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is acknowledged, Charles & Hilda Berry agree to allow Yellow River, its members, users of its services, and general recreationists of the public to enter upon the attached property for the purpose of foot traffic only to access the Yellow River. Yellow River agrees that no fees or charges will be imposed on any person or entity entering Charles & Hilda Berry property to access the Yellow River. Yellow River further agrees that no signs will be posted or structures of any kind placed on Charles & Hilda Berry property without the express written permission of the Executive Director of the Newton County Water and Sewer Authority. Yellow River also agrees and understands that this permission and Agreement may be: revoked at any time, for any cause or no cause, upon written notice by Charles and Hilda Berry.

Yellow River agrees that it shall defend, indemnify and hold harmless Charles & Hilda Berry from and against all claims, liabilities, damages, losses, and judgments, including costs and expenses incident thereto, from any recreationist, person and/or entity arising out of or related to the access granted by Charles & Hilda Berry herein.

**Charles & Hilda Berry**

By: Charles Berry Jr  
Charles Berry

By: Hilda E. Berry  
Hilda Berry

**YELLOW RIVER WATER TRAIL, INC.**

By: [Signature]

Title: Chair