

ENTRANCE PERMIT STIPULATIONS

A. CONSTRUCTION AND MAINTENANCE STIPULATIONS

1. The entrance, including drainage structure, grading, surfacing and entrance configuration, shall be constructed by the applicant at the applicant's expense, in accordance with the attached entrance standard and upon final inspection and approval shall thereafter be kept in repair and maintained by Polk County. Nothing in this stipulation shall preclude Polk County from entering upon said entrance on highway right-of-way and performing necessary maintenance for the protection of the highway. Polk County will not construct paved type surfaces on entrances, but will use gravel only.

2. The construction, future repair or maintenance of said entrance shall be carried on in such a way as not to interfere with, or interrupt traffic on said highway, and the owner shall take all reasonable precautions to protect and safeguard the lives and property of any person or persons, or account of such construction, repair or maintenance operation.

3. No filling will be permitted in the right-of-way other than necessary to construct the proposed entrance. No excavations will be made within the limits of the traveled portion of the roadway. The entrance fill is to be compacted by tamping or rolling as per the approved standards.

4. The finished surface elevation of the driveway over the pipe or place where the pipe would normally be shall be four (4) inches lower than the shoulder elevation to prevent water draining onto the pavement or traveled way and the minimum depth of earth fill over the pipe shall be twelve (12) inches.

B. GENERAL

1. The owner's attention is directed to the fact that private property may not be used so as to obstruct or encumber the public highway right-of-way, or interfere with the safety, comfort and rights of public highway users.

2. A copy of the approved application shall be available on the job site at all times for examination by Polk County officials.

3. Subject to the approval of this application and upon completion of the constructing of the entrance in compliance with the terms agreed upon in this document and attachment, no changes in the entrance, including landscape walls or plantings, or its location shall be undertaken without the prior written approval of the Polk County Engineer.

4. Polk County shall be responsible for all future maintenance associated with that portion of the access located within Polk County right-of-way, except pavement placement or repair.

5. In the future, should this entrance generate sufficient traffic to warrant a need for additional traffic control upon the roadway system, costs for these improvements shall be the responsibility of the owner and shall be constructed in accordance with Polk County Standards. These may include, but would not necessarily be limited to, the constructing of turn lanes and/or signalization.

6. All provisions herein relating to the construction, repair or maintenance of the entrance shall be binding on all successors or assigns of the owner.

7. Upon completion of construction, the applicant shall leave the right-of-way area in as good a condition as prior to construction.

8. The Polk County Engineer reserves the right to relocate the proposed entrance to meet minimum required sight distance for the safety purposes at crest vertical curves, horizontal curves, and intersections.

9. This entrance permit will be executed prior to the issuing of a building permit.

C. LIABILITY

1. The Owner(s) shall indemnify and save harmless Polk County, its agencies and employees, from any and all causes of action, suits at law or in equity, for losses, damages, claims or demands, and for any and all liability and expense of whatsoever nature, arising out of or in connection with owner's use or occupancy of the public right-of-way.

2. If the Owner(s) should fail to comply with any of the conditions and requirements of this agreement, Polk County may terminate it, whereupon the owner(s) shall immediately remove any construction undertaken pursuant to this agreement and restore the access (es) previously existing and any rights granted the owner(s) by this agreement shall end.

D. NOTIFICATION

1. Before beginning any work in the highway right-of-way, it is the responsibility of the owner(s) to give the Polk County Public Works Department, forty-eight (48) hours prior written or verbal notice of owner's intent to start construction on the highway right-of-way. The owner shall also notify Polk County Public Works upon completion of construction.

2. Before beginning any work in the highway right-of-way, it is the responsibility of the owner(s) to contact utility companies which may be located in the area of the proposed work. Contact should be made by calling One Call at 1-800-292-8989, a minimum of forty-eight (48) hours in advance of starting construction.