

PERMIT APPLICATION FOR USE AND OCCUPANCY AGREEMENT FOR
THE CONSTRUCTION OF ADJUSTMENT OF A UTILITY
WITHIN ROAD OR HIGHWAY RIGHT-OF-WAY

FACILITY ALONG OR ACROSS _____ COUNTY ROAD

PROJECT NO. _____ WARREN COUNTY

UTILITY NAME _____ BY _____
(Company Title)

ADDRESS _____ herein called APPLICANT

Proposes to construct a _____ Utility Facility

Along or across _____ County Road, said facility to be

Installed between _____ and _____ Of Project No.

_____ and within road or highway right-of-way, and hereby makes application to the Board of Supervisors for the construction permit.

Attached hereto are drawings or plans for the construction, which will not be changed or altered without approval of the Board of Supervisors, or its authorized representative.

WHEREAS, the Legislature of Mississippi has heretofore granted to the APPLICANT the right to locate its facilities upon, across, under, over and along public highways and streets within the State of Mississippi; APPLICANT agrees to comply with applicable provisions of S.O.P No. SAD 11-2-8, Policy for the Accommodation of Utility Facilities within the Rights-of-Way of County Federal Aid and State Aid Highways (hereinafter referred to as the "Policy"), promulgated by the State Aid Engineer and dated January 1, 1983, and Warren County's *Policy For The Accommodation Of Utility Facilities Within The Rights-Of-Way Of All Public County Roads*, and which is hereby made a part of the Application Agreement, and agrees to perform the construction according to the applicable code and according to the plans and specifications for the Project.

The APPLICANT shall be responsible for future maintenance and repair of the facilities. Further, any maintenance, repair, or construction shall be done in such a manner as to occasion no unreasonable interference with the normal flow and safety of traffic. The Utility warrants all work associated with this permit for a period of one year.

The APPLICANT shall be responsible for providing adequate traffic control (signs, flagmen, warning devices, etc.) in order to assure the public safety as outlined in the latest edition of the Manual on Uniform Traffic Control Devices.

THE COMPLETED PERMIT APPLICATION MUST BE
RETURNED TO THE WARREN COUNTY PERMIT OFFICE.

A general description of the size, type, nature, and extent of the utility work to be done is as follows:

The APPLICANT understands and agrees that, except as herein granted, no right, title, claim, or easement to said road right-of-way is granted by the issuance of this Permit and that if this Utility Facility is not placed within the allowable horizontal and vertical limits as listed in the general provisions of the Policy, it shall be adjusted to comply with same without cost to the Board of Supervisors, unless the variance from the Policy has been approved by the granting of the Permit pursuant to this Application. Also, any future relocation or adjustment of the utility required to accommodate improvements to the county roadways, drainage facilities, etc. will be performed by the Utility in a timely manner without cost to the Board of Supervisors. The approved permit or a legible copy of the approved permit must be on site while work is being performed, as required in the Board of Supervisors' *Policy For The Accommodation Of Utility Facilities Within The Rights-Of-Way Of All Public County Roads*.

The APPLICANT further understands that the Utility's engineering, plant, or other personnel will be responsible for the staking and construction supervision of the work set out above and as shown on the attached plans.

The Board of Supervisors agrees to the following stipulations:

- (1) To pursue any and all legal means to see that all Policy standards, except to the extent of any variance shown on the plans filed herewith and approved, are complied with in the facility installation.
- (2) If the Engineer or other authorized representative of the Board of Supervisors approved the drawings, sketches, and plans submitted by the APPLICANT, he shall so indicate by signing and dating the Permit Approval at the end of this Application, and the APPLICANT may proceed with the installation; if the drawings, sketches, and plans are not approved, he shall promptly notify the APPLICANT, and advise it of the reason or reasons. He will also act as the duly appointed representative of the Board of Supervisors and will give his approval to the completed work as being in compliance with the location and standards shown in the Policy and in the Agreement for the installation.
- (3) That all joint highway construction and utility adjustment or relocation operations will comply with the requirements of Section S-105.06 and Section S-107.18, Mississippi Standard Specifications for State Aid Road and Bridge Construction, 1989 Edition (or current edition).
- (4) Should any term or provision of this APPLICANT Agreement conflict with the laws of the State of Mississippi, the Mississippi Constitution, the laws of the United States, or the United States Constitution, or impair or deny to the APPLICANT or the Board of Supervisors any right protected thereby, it shall be deemed amended to conform to said laws or Constitutions.

WITNESS the signature of the APPLICANT this the _____ day of
_____, 20_____.

BY: _____

TITLE: _____

Received By _____ Date: _____

APPROVED BY:

WARREN COUNTY, MS
COUNTY ENGINEER

BY: _____
County Engineer (Month) (Day) (Year)

The permit for the installation or adjustment of the utility applied for above is granted under
Permit Number _____.