

**ADAMS COUNTY  
PERMIT TO OCCUPY HIGHWAY RIGHT OF WAY**

\_\_\_\_\_  
(Name of Applicant)

\_\_\_\_\_  
(Address of Applicant)

is hereby granted permission to install and maintain the following described facilities on highway right of way, as shown on the plans attached hereto and made a part hereof:

\_\_\_\_\_  
(Description and location of project.)

**INSTALLATION AND MAINTENANCE:** Installation and maintenance of said facilities of highway right-of-way shall conform to the following provisions:

- (1) Upon construction, maintenance, relocation or removal of said facilities, any right-of-way scars shall be removed and the disturbed areas restored to original condition, including the reseeding thereof where necessary. Trenches dug within unorganized township roads shall be backfilled and compacted to a density equal to that of the adjacent undisturbed soil. **All County, Farm to Market, and Chip Seal roads must be bored at a depth of at least five feet.**

**TERMS AND CONDITIONS:** Installation and maintenance of said facilities on highway right-of-way shall be subject to the following terms and conditions:

- (1) Installation, maintenance, relocation and removal of said facilities on highway right of way shall be done in a manner satisfactory to and subject to supervision by the County Engineer for the County Highway Department.
- (2) Adams County shall not be liable for damage to said facilities resulting from reconstruction or maintenance of the highway. Applicant shall hold the County harmless for injury to persons or damage to property resulting from the location of said facilities on highway right-of-way.
- (3) Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over or under highway right-of-way, which may be damaged as a result of the installation and maintenance of said facilities on highway right-of-way.
- (4) Applicant shall promptly remove said facilities from highway right-of-way or shall relocate or adjust said facilities, at its sole cost and expense when requested to do so by the County.

**WHEREAS**, the terms of Section 24-01-42 of North Dakota Century Code, provide that the Board of County Commissioners may grant such a permit, and is approved by the Board of County Commissioners this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at Hettinger, North Dakota.

\_\_\_\_\_  
Applicant

Approval recommended: Yes \_\_\_ No \_\_\_

\_\_\_\_\_  
Highway Superintendent/Engineer

\_\_\_\_\_  
Chairman, Board of County Commissioners

Attest:

\_\_\_\_\_  
Adams County Auditor

**\*\*THIS PERMIT NEEDS APPROVAL/RECOMMENDATION BY ADAMS COUNTY ROAD SUPERVISOR (INCLUDING MAP OF PROJECT LOCATION & DETAILS) PRIOR TO BEING CONSIDERED AS AN ITEM ON COMMISSION AGENDA FOR APPROVAL**

# APPROACH PERMIT SPECIFICATIONS

## Proposed for 3.14.23 County Commission Approval

- SECTION 1. The total cost of all construction and maintenance of this work specified shall be borne by the Applicant, his/her grantees, successors, & assigns; except that Adams County will maintain the shoulder of the roadway.
- SECTION 2. It is understood by the Applicant that Adams County does not assume any responsibility for the removal or clearance of snow, ice or sleet, or the opening of windrows of such material, upon any portion of the drive even though snow, ice or sleet is deposited or windrowed on said drive by its authorized representative engaged in normal winter maintenance operations.
- SECTION 3. No application will be approved; and no drive shall be considered completed; until checked and approved by Road Superintendent and the County Commissioners.
- SECTION 4. A drive, as referred to in this Permit, shall be the traveled area between the roadway surface and the adjacent right-of-way line. Said drive shall be used only for the purpose of providing entrance to and exit from Applicant's property.
- SECTION 5. No drive, or improvement constructed on the road right-of-way shall be altered or relocated without permission of Adams County.
- SECTION 6. The Applicant agrees to perform all work in accordance with this Permit, and to indemnify and hold harmless Adams County, its officers and employees from all liability, judgments, costs, expenses and claims growing out of damages, or alleged damages, of any nature whatsoever, to any person or property arising out of performance or nonperformance of said work, or the existence of said drives.
- SECTION 7. It is understood by the Applicant that the location, construction and maintenance of drives are under the supervision of Adams County, and that in granting this Permit, Adams County, waives none of its powers or rights to direct the removal, relocation and/or proper maintenance in the future of any drives within the right-of-way of the road.
- SECTION 8. The granting of this permit does not vest the applicant with the exclusive use of the drive. Adams County retains the right to diminish and expand the use of the drives as required in the interest of the safety of road traffic.
- SECTION 9. All approaches are to be covered with crushed gravel.
- SECTION 10. Crushed gravel is placed a minimum of 75 feet from the center of the County or Township road.
- SECTION 11. Culverts will be a minimum of 18 inches and size will be determined by Road Superintendent.
- SECTION 12. A permit is required for all approaches connected to county or unorganized township roads. The permit applications can be obtained from the County Road Superintendent (cell – 701-567-3376 or shop – 701-567-2235) or the Adams County website (adamscountynd.com) prior to construction.

