

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

FACILITY ALONG OR ACROSS _____ COUNTY ROAD
PROJECT NO. _____ COUNTY OF _____
UTILITY NAME _____ BY _____
(Company Title)
ADDRESS _____ HEREIN CALLED APPLICANT,
proposes to construct _____ Utility Facility
along or across _____, said facility to be
(Name of Road)
installed between Sta. _____ and Sta. _____
of Project No. _____ and within road or highway right-of-way, and hereby makes
application to the County 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 II-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 which is hereby made a part of this Application Agreement, and agrees to perform the construction according to the applicable industry code and according to the plans and specifications for the Project.

The Applicant shall be responsible for future maintenance and repair of the facilities. The Applicant shall make future adjustments in, or relocate, the facilities located within road or highway right-of-way when required for highway widening or other highway construction, and its right to reimbursement of its costs, if any, shall be in accordance with State law in effect at the time such adjustment or relocation is made. 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.

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 will be adjusted to comply with same without cost to the County, unless the variance from the Policy has been approved by the granting of the Permit pursuant to this Application.

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.

_____ County agrees to the following stipulations:

- (1) To cooperate with the Utility Company in every way to avoid conflicts in the location, construction, and maintenance of the County Highway and Utility Facility.
- (2) To pursue any and all legal means to see that Policy Standards, except to the extent of any variance shown on the plans filed herewith and approved, are complied with in the facility installation.
- (3) If the County 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 this Agreement for the installation.
- (4) 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).
- (5) Should any term or provision of this Applicant Agreement conflict with the law of the State of Mississippi, the Mississippi Constitution, or the United States Constitution, or impair or deny to the Applicant or the County any right protected thereby, it shall be deemed to conform to said law or Constitution.

WITNESS the signature of the Applicant this the _____ day of _____, 20____.

By: _____

Title: _____

AGREED TO AND APPROVED BY

_____ COUNTY

BOARD OF SUPERVISORS

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

BY ORDER OF THE BOARD OF SUPERVISORS, Dated the _____ Day of _____,

20____, of _____ County, Mississippi. The permit for the installation or adjustment of the utility applied for above is granted.

ATTACHMENT “ A “

1. The utility company agrees to notify the County Road Foreman 24 hours in advance of the commencement of any work on the county Highways.
2. All facilities will be located no closer to the roadway than the bottom of the ditch or toe of fill, unless on site approval is given by the County Road Foreman for each requested road variance.
3. Upon completion of the work, and prior to final acceptance, the utility company, or its representative, agrees to hold a final inspection with the County Road Foreman.