

COUNTY HIGHWAY DEPARTMENT
CONSTRUCTION IN COUNTY RIGHT-OF-WAY APPROACH PERMIT

The Board of Stark County Commissioners, in the State of North Dakota, hereby grant permission to _____

to place, construct, and thereafter maintain an approved access road at the following location(s):

Section: _____ Township: _____ Range: _____

along county road: _____.

1. Above ground fixtures shall be located off the road right-of-way or on the right-of-way line.
2. All trenches and other excavations shall be carefully backfilled in such a manner as to eliminate settlement, and the surface of the ground shall be returned to its original condition.
3. It is understood and agreed that Stark County will not be liable for any costs in connection with the future required relocation of the road improvement.
4. All abandoned approaches/roads shall be reclaimed to their original state at the cost of the applicant and/or its successors.
5. Installation, maintenance, relocation, and removal of said approach on county right-of-way shall be done in a manner satisfactory to, and subject to supervision by the Stark County Road Superintendent.
6. Stark County shall not be liable for damage to said approach resulting from reconstruction or maintenance of the right-of-way. Applicant and/or its successors shall hold the County harmless for injury to persons or damage to property resulting from the location of said approach on county right-of-way. Applicant and/or its successors are responsible for any and all claims of damage, personal injury, or bodily injury that might result from their activities on any existing road or section line in Stark County. Furthermore, the applicant and/or its successors agree to indemnify and hold harmless Stark County for any and all claims of damage, either personal injury or property or any type of claim for damages of any nature whatsoever, whether valid or invalid, that is made against Stark County on account of the activities conducted by the applying company and/or its successors on the construction of said approach.
7. Applicant and/or its successors shall promptly remove said approach from county right-of-way or shall relocate or adjust said approach, at its sole cost and expense when

requested to do so by the County. When applying company and/or its successors uses an existing road or section line easement, the applying company shall be responsible to pay for all costs of moving, relocation, or reconstructing the said approach, should Stark County deem it necessary or advisable, in its sole discretion, to repair or reconstruct existing roads or to build new roads on section lines or off section lines as allowed by North Dakota State law. Should the applicant and/or its successors fail to take necessary steps to relocate, or reconstruct its approach, the County may take steps to have the same accomplished, and the applying company agrees to reimburse the County for all expenses incurred by Stark County in moving, relocating, or reconstruction of the approach so the existing roads may be repaired or reconstructed, or new roads may be built on the section line or off the section line as allowed by North Dakota law.

8. If at any time Stark County wants to excavate in this area and if it should require the said approach to be moved, it will be at the expense of the applying company and/or its successors.
9. Applicant and/or its successors 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 approach on highway right-of-way.
10. A GPS drawing of any proposed location must be placed on file with the Stark County Auditor and must show at a minimum the location of the proposed facility from a section or quarter line, section, township and range where the said approach will be placed.

**Before commencement of construction, the applicant must meet with the Stark County Road Superintendent.

**This application shall be accompanied by a \$25.00 fee.

Applicant (Representative, Company)

Phone Number of Applicant

Applicant Address (Address, City, State, Zip)

Fax Number of Applicant

Date: _____

Stark County Auditor