TALLADEGA COUNTY HIGHWAY DEPARTMENT
PERMIT TO CONSTRUCT A TURNOUT TO
PROVIDE ACCESS TO A COUNTY HIGHWAY

This form to be used for commercial entrances
and for private entrances where the APPLICANT
constructs the turnout.

Permit No. __________________________
Contact Person _________________________

Name of APPLICANT:

Address: ______________________________

Description of work: _______________________

The APPLICANT hereby requests permission of the Talladega County Highway Department
to permit APPLICANT to construct a turnout to the highway above noted and agrees with the
Talladega County Highway Department, that upon approval of this request by the Talladega
County Highway Department, the permission for the applicant to construct, maintain and/or use
such turnout shall be subject at all times to revocation by the Highway Department, and the
permission to construct, maintain and/or use the turnout by the APPLICANT, shall be especially
subject to the following terms and conditions as respectively applicable, and that such permission
will be revoked or denied by the Talladega County Highway Department at any time the
APPLICANT fails to comply with any such term or condition hereinafter stated:

1. The turnout shall be in compliance with the Talladega County Highway Department’s current
   highway design standards. (Information is available to assist APPLICANT in this regard upon
   request from the Talladega County Engineer’s Office.)

2. The access turnout will be constructed in such a manner that no damage will be occasioned to
   the county highway and no hazard to the traveling public will be created.

3. The APPLICANT is not granted any right, claim, or control over any part of the highway right-
   of-way. The APPLICANT is not permitted to use the access turnout, or adjacent highway right-
   of-way, for any purpose other than for highway access and for maintenance of the access turnout.
   All structures, including gas pumps, tanks, sheds, signs, etc., must be placed beyond the R.O.W.
   and in no way encroach thereon.

   hereby made a part hereof by reference and will be conformed to by the APPLICANT as the
   provisions thereof are applicable hereto.
The APPLICANT will conform to the regulations of the Environmental Protection Agency (EPA) and of the Alabama Department of Environmental Management (ADEM), (latest edition), for both installation and maintenance of permitted facilities.

5. If hazardous material is encountered in the execution of this Agreement, it will be the responsibility of the APPLICANT to notify the proper agency responsible for said hazardous material and to comply with any and all environmental regulations as established by the Environmental Protection Agency (EPA), the Alabama Department of Environmental Management (ADEM), and the Occupational Safety and Health Administration (OSHA) in the proper disposition of the hazardous material encountered.

6. The APPLICANT will maintain, and keep in satisfactory condition, at the sole cost and expense of the APPLICANT, any drainage structure(s) that may be necessary in connection with this turnout and keep same cleaned out at all times.

7. If it becomes necessary to remove and/or reconstruct this access turnout, the Talladega County Highway Department, or its Contractors, have the right to remove and/or reconstruct said turnout without any payment whatsoever to the APPLICANT.

8. The APPLICANT will not make additions to or otherwise modify the access turnout after its completion without obtaining a new permit from the Talladega County Highway Department. This stipulation applies to the turnout itself and adjacent highway right-of-way.

9. The APPLICANT will perform or cause to be performed the work applied for in this permit contract and will restore highway in the work area in as good condition as the same was prior to the work and will maintain the accomplished work and highway work area in a condition satisfactory to the Talladega County Highway Department for a period of one year from the acceptance by the Department of the work applied for by APPLICANT.

10. The APPLICANT will file with the Talladega County Highway Department an acceptable certified check or bond in the penal amount of $ to guarantee the faithful performance of this permit in its entirety. Upon satisfactory completion and acceptance of all work provided for in this permit contract, the check or bond, as applicable, will be returned to the APPLICANT; otherwise, the proceeds from the check, or any amount received by the County as a result of the bond, will be applied to complete and fulfill the permit contract terms.

11. During construction of this turnout, traffic control devices shall be used in accordance with the National Manual on Uniform Traffic Control Devices (MUTCD).

12. Nothing in this permit shall be construed to permit violation of the denial of access as indicated on the Talladega County Highway Department right-of-way maps relating to the highway in the work area provided for hereunder, which maps are of record within the Talladega County Highway Department.

13. To the fullest extent permitted by law, the APPLICANT shall defend, indemnify, and hold harmless the County of Talladega, the Alabama Department of Transportation, and their agents and employees from and against claims, damages, losses and expenses, including but not limited to attorneys' fees arising out of or resulting from performance of the work, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the work itself) including loss of use resulting therefrom, but only to the extent caused in whole or in part by alleged or proven
negligent acts or omissions of the APPLICANT, anyone directly or indirectly employed by APPLICANT or anyone for whose acts APPLICANT may be liable, regardless of whether such claim, damage, loss or expense is caused in part, or alleged but not legally established to have been caused in whole by a party indemnified hereunder.

The term "hold harmless" includes the obligation of the APPLICANT to pay damages on behalf of Talladega County, the Talladega County Highway Department, and their agents and employees.

14. Under all conditions, a slope of not less than 1/2" per ft. will be maintained from shoulder line to a point in line with typical ditch section on both sides of turnout. The slope from this point to R.O.W. limits may vary according to section desired by property owner.

15. In no case shall post development drainage from beyond the R.O.W. limits, directed toward the roadway, be greater than the pre-construction runoff.

16. This permit terminates one year from its date and all construction, work and activity provided for must be completed within such one year period. Once work is begun on the turnout, the APPLICANT shall pursue the work continuously and diligently until completion.

17. The decision of the Talladega County Highway Department will be final on any question that may arise hereunder and concerning any work performed or to be performed pursuant hereto.

In Witness whereof the parties hereto have caused this Agreement of permit to be executed by their respective officers, officials, and persons thereunto duly authorized and the same to be dated and to be effective on the day of ________________________, 20____.

______________________________

Legal Name of Applicant:

______________________________

By:

______________________________

RECOMMENDED FOR APPROVAL:

Timothy P. Markert, P.E.
County Engineer