

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

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

Permit Name

Permit Number

Full Legal Name of Applicant

Property and/or HWY Address

Description of Work

The applicant hereby requests permission of the Talladega County Highway Department to construct a turnout to the highway noted above. The applicant agrees with the Talladega County Highway Department, 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 R.O.W. The applicant is not permitted to use the access turnout, or adjacent highway R.O.W., 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.

4. The Clean Water Act of 1987 and the Alabama Nonpoint Source Management Program of 1989 are 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 the Alabama Department of Environmental Management (ADEM), for 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 the turnout in satisfactory condition, at the sole cost and expense of the applicant, at all times. Any drainage structure(s) that may be necessary in connection with this turnout, must also be kept in satisfactory condition, at the sole cost and expense of the applicant, 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 the adjacent highway R.O.W.

9. Should a new permit be obtained for turnout; the applicant will perform or hire outside service(s) for work applied for in this permit contract. The applicant will maintain approved modified area in a condition satisfactory to the Talladega County Highway Department for a period of one year from the acceptance 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 R.O.W. maps, relating to the highway in the work area provided for hereunder. Said 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, their agents, and employees against and/or from claims, damages, losses and/or expenses. Including but not limited to, attorneys' fees arising out of, or resulting from, performance of work provided that such claim, damage, loss and/or expense that is attributable to bodily injury, sickness, disease, death. Or to injury 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 by, 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, 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 construction runoff.

16. This permit contract 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 _____, _____ day of 2024.

Full Legal Name of Applicant

Full Legal Name of Recommended for Approval

Full Legal Name of Engineer