

Department of Engineering  
Dan Gaillet, P.E., County Engineer

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MEMORANDUM

February 27, 2019

To: Sheila Jones, Supervisor, District I  
Trey Baxter, Supervisor, District II  
Gerald Steen, Supervisor, District III  
David Bishop, Supervisor, District IV  
Paul Griffin, Supervisor, District V

From: Dan Gaillet, P.E. *DG*  
County Engineer

Re: West Madison Utility District (WMUD)  
Various Streets – Kearney Park Area

The Engineering Department recommends approval of the permit application for WMUD to install approximately 22,000 lf of water main along the following streets:

- |                        |                 |
|------------------------|-----------------|
| Kearney Park Road      | Norris Street   |
| Mrs. Street            | Compress Street |
| Livingston Vernon Road | Center Street   |
| Woodlands Lane         | Madison Street  |
| Renfroe Street         | Magnavox Street |
| Harris Road            | Lincoln Street  |
| Virilia Road           | Pine Street     |
| Hunt Avenue            |                 |
| St. Charles Avenue     |                 |
| Charles Street         |                 |

MADISON COUNTY, MISSISSIPPI  
PERMIT APPLICATION FOR USE AND OCCUPANCY  
FOR THE CONSTRUCTION OR ADJUSTMENT OF A UTILITY  
WITHIN COUNTY ROAD RIGHT-OF-WAY

UTILITY NAME West Madison Utility District

BY Engineering Service

PHONE 601-939-8737 ADDRESS 115 Aero Smith Drive Richland, MS 39218

herein called APPLICANT, proposes to construct on EXISTING MADISON COUNTY ROADWAY RIGHTS-OF-WAY

said facility to be installed between roads Kearney Park Road and Lincoln Road and within the road right-of-way, and hereby makes application to the County for construction permit. Attached hereto are drawings or plans for the construction, which will not be changed or altered without approval of the County Engineer, or his representative. Beginning in Section 32/33, Township T9N, Range R1W, and ending in Section 28/29, Township T9N, Range R2W.

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 comply with all policies, procedures and construction practices as outlined in "A Policy for The Accommodation of Utility Facilities within the Right-of-Way of all Public County Roads", as adopted on May 1, 1992, by the Madison County Board of Supervisors.

The Applicant is 100% liable for verifying the location of County right-of-way and for locating permitted utilities within its limits. The Applicant is responsible for verifying the location of all storm drainage structures before boring.

The Applicant shall be responsible for the 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 road or highway widening or other road or highway construction at no cost to the county. The Applicant Utility shall relocate said utilities within sixty (60) days of notification by County by registered mail, return receipt requested, unless otherwise designated by the County Engineer. 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 to traffic and at the expense of the utility company. When reasonable care has been taken to locate said utility facilities within the right-of-way, the applicant understands that any damages caused by routine maintenance and construction by county forces shall be borne by the applicant Utility.

→ Many County Roads do not have ROW associated and are located on a prescriptive easement. In these cases it is the responsibility of applicant to get permission from each landowner before any work begins on their property.

A general description of the size, type, nature, and extent of the Utility work to be done is as follows:

West Madison Utility Authority (WMUD) is proposing to install approximately 22,000 of 4", 6", 10", and 12" linear-feet of new PVC water main in the area of Kearney Park, MS. Impact Madison Country roadway ROW will include: Kearney Park Road, Mrs Street, Livingston Vernon Road, Woodlands Lane, Renfroe Street, Harris Road, Virillia Road, Hunt Avenue, St. Charles Avenue, Charles Street, Norris Street, Compress Street, Center Street, Madison Street, Magnavox Street, Lincoln Street, and Pine Street. The water main will be buried at a minimum depth of 4-feet. Horizontal Directional Drills (HDD) and Jack and Bores (J&B) will maintain a minimum of 4-foot clearance between the pipe/casing and roadway surface, bottom of waterway, or other structure. A 5-foot horizontal set-back from the edge of asphalt to the water main will be maintained, except where existing-site conditions conflict with this set-back requirement. Engineering Service will provide construction management and oversite during the construction phase on behalf of WMUD.

The Applicant is responsible for insuring that all utilities in the aforementioned description of work be laid at a minimum depth of 48".

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 if this Utility Facility 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.

The applicant further agrees to indemnify and hold county harmless for any and all claims, accidents, damages, liabilities and expenses occasioned wholly, or in part, by any act or omission of applicant, its agents or employees. In case County shall, without fault on its own part, be made a party to any litigation commenced by or against applicant, then applicant shall protect and hold County harmless, and shall pay all costs, expenses and reasonable attorney's fees incurred or paid by County in connection with said litigation.


Madison 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 the 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 his authorized representative approved the drawing, 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 the Agreement for the installations.
- (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 of 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 amended to conform to said law or Constitution.

WITNESS the signature of the Applicant this the 30 day of January, 2019.

By: Morgan R Sims, PE  
(Applicant Signature)  
Title: Project Engineer

DN: C=US, O=Engineering Service, CN=Morgan R Sims, PE,  
E=MorganR@engservice.com  
Reason: I attest to the accuracy and integrity  
of this document  
Location:  
Date: 2019-01-30 16:35:05

  
\_\_\_\_\_  
Dan Gaillet, P.E.  
Madison County Engineer

*TB*

AGREED TO AND APPROVED BY:

\_\_\_\_\_  
Madison County Board President

Date: \_\_\_\_\_

ENTERED INTO THE MINUTES OF THE BOARD OF SUPERVISORS OF MADISON COUNTY,  
MISSISSIPPI ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

*\* GIS approved*