

Department of Engineering
Tim Bryan, P.E., County Engineer

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MEMORANDUM

November 25, 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: Tim Bryan, PE
County Engineer

Re: CSpire Utility Permit
Gluckstadt Rd

The Engineering Department recommends approval of permit application for CSpire to place approximately 240 ft of fiber in the right-of-way of Gluckstadt Rd.

Revised: 2/14/2019



PERMIT APPLICATION FOR THE CONSTRUCTION OR ADJUSTMENT OF A UTILITY WITHIN COUNTY ROAD RIGHT-OF-WAY

Utility Information: Utility Name: Telepak Networks, Inc. DBA Cspire

Address: 1018 Highland Colony Parkway Suite 400 City/State/Zip: Ridgeland, MS 39157

Contact Person: Dalton Granberry Contact's Phone: o: (318) 388-2717

Project Information: County Road Name: Johnstone Dr.

(If located within more than one road right-of-way, use Appendix 1 for additional descriptions)

Beginning Location: 32.533285 -90.186987 Ending Location: 32.536523 -90.183980

Length of Project: _____ Section: S22 Township: T8N Range: R1E

Description of Work: Beginning at the existing CSpire handhole located on the North side of Gluckstadt Rd., fiber and duct to be laid heading east across subd. entrance for approximately 200' before crossing to the south side of Gluckstadt Rd. and then back across to the west before turning north therefore providing service to homes within Johnstone subdivision. See attached construction drawings and image.

Check Box if Appendix 1 is to be included as a part of this Application

Whereas the above stated Utility makes application to the Madison County Board of Supervisors for a Construction Permit. Attached hereto are drawings and plans for the construction of the above facilities located within Madison County owned public rights-of-way. Once stamped by the Madison County Engineering Department, these plans shall not be changed or altered without written approval of the County Engineer, or his representative. A copy of the approved permit and plans shall be on-site at all times during construction.

The Applicant Utility 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* (hereinafter referred to as the "Policy"), as adopted on November 1, 2005, by the Madison County Board of Supervisors, and which is hereby made a part of this Application Agreement.

If facilities are to be located within the Rights-of-Way of the County-Federal or State Aid System, Applicant Utility also agrees to comply with applicable provisions of *S.O.P. No. SA 11-2-8, Accommodation of Utilities on Rights-of-Way*, issued by the State Aid Engineer and dated July 1, 2005.

The Applicant Utility 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. If this Utility is 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 Utility 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. If work impacts traffic in any way, the appropriate traffic control shall be installed per the *Manual of Uniform Traffic Control Devices*, Latest Edition.

The Applicant Utility understands that the County Engineer, or his representative, may issue a Stop Work Order at any time if it is deemed that site conditions are not suitable for construction or if any of the requirements of this permit are not being met.

Many County Roads have variable Rights-of-Way and/or no Right-of-Way at all and are maintained under a Prescriptive Easement. It is the sole responsibility of the Applicant Utility to verify the existence and limits of public rights-of-way. If none exists, it is the

responsibility of the Applicant Utility to acquire an easement for their Facilities from the applicable property owner(s). Madison County in no way verifies the limits of Right-of-Way as shown on the permit application.

The Applicant Utility shall be responsible for all future maintenance and repair of the facilities installed under this permit. The Applicant Utility shall make future adjustments to, 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 Madison 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 Utility understands that any damages caused by routine maintenance and construction by County forces shall be borne by the Applicant Utility.

The Applicant Utility further agrees to indemnify and hold Madison 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.

All underground facilities shall be installed at a depth equal to or greater than 48" below the lowest adjacent grade.

All pipes carrying liquid shall be encased under County maintained roads.

WITNESS the signature of the Applicant this the 15TH day of NOVEMBER, 20 19.

By: *Steve Cox*
(Applicant Signature)

Title: CONTRACTS & PERMITS

Note: Applicant must be an employee of the Utility named in this application. The Madison County Board of Supervisors will not recognize a Contractor, Subcontractor, Agent, or Consulting Engineer as the Applicant. Utility Company shall be fully responsible for all work performed under this application.

I, or my authorized representative, have reviewed this application and determined that the drawing, sketches, and plans submitted by the Applicant meet the requirements of A Policy for The Accommodation of Utility Facilities within the Right-of-Way of all Public County Roads.

*GLUCKSTADT RD ONLY
ALL RDS IN JOHNSTON
ARE PRIVATE*

AGREED TO AND APPROVED BY:

By: *Dan Gaillet*
Dan Gaillet, P.E.
County Engineer

Date: _____

Madison County Board President

ENTERED INTO THE MINUTES OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI ON THIS _____ DAY OF _____, 20 _____.

Appendix 1

PRIVATE

County Road Name: Daniel Ct.
Beginning Location: 32.525600 -90.187398 Ending Location: 32.525900 -90.187951
Length of Project: _____ Section: S22 Township: T8N Range: R1E
Description of Work: SEE PAGE 1

County Road Name: Mann Cir. PRIVATE
Beginning Location: 32.525552 -90.185608 Ending Location: 32.526440 -90.184919
Length of Project: _____ Section: S22 Township: T8N Range: R1E
Description of Work: SEE PAGE 1

County Road Name: Gluckstadt Rd. ✓
Beginning Location: 32.524202 -90.184079 Ending Location: 32.524252 -90.184030
Length of Project: _____ Section: S22 Township: T8N Range: R1E
Description of Work: SEE PAGE 1

County Road Name: William Glen Ct. PRIVATE
Beginning Location: 32.525482 -90.180535 Ending Location: 32.527871 -90.181047
Length of Project: _____ Section: S22 Township: T8N Range: R1E
Description of Work: SEE PAGE 1

County Road Name: McDill Cove PRIVATE
Beginning Location: 32.528449 -90.175086 Ending Location: 32.528731 -90.177164
Length of Project: _____ Section: S22 Township: T8N Range: R1E
Description of Work: SEE PAGE 1