

[DATE] 03/25/2022

Madison County, Mississippi
Post Office Box 608
Canton, Mississippi 39046

Dear Board:

As part of the request of the undersigned party to install a traffic control gate on a public street, we hereby acknowledge the receipt of and agree to abide by the terms of the County's "Policy Regarding Gated Public Streets."

We specifically agree to indemnify and hold harmless the County from any and all costs associated with defending any claims associated in any way with the approval of this request and the installation and maintenance of the gate or gates.

We understand and agree that before any gate or gates are installed, we will furnish proof of insurance, in a form acceptable to the County, in an amount not less than \$1,000,000.00, with the County named as a named insured.

We understand that any failure to abide by the terms of this agreement, or any terms of the County's policy identified above, may result in removal of the gate with no compensation or damages of any type paid to us. We further acknowledge that the gate may be removed at any time in accordance with the provisions of the policy.

SARTAIN ASSOCIATES INC. Brian Sartain Pres
[Applicant]

Accepted by:

On behalf of Madison County, Mississippi

Exhibit 1

Madison County, Mississippi Gated Public Streets Policy

Definitions:

Public Street - A public vehicular access way (street) shared by and serving two or more lots, which is dedicated to the public and is publicly maintained.

Gates controlling entry to residential subdivisions on public streets shall meet the following requirements:

1. The street must be fully and equally accessible to the public, by reasonable and obvious means. No plan will be approved which is designed, marked with signs or otherwise laid out so as to give an impression that the street is a private one. At a minimum, this would mean a clearly visible sign identifying the access mechanism.
2. Any request should include specific plans and specifications for the gate. The Board will not be in a position to authorize the gate unless County personnel have had an opportunity to review all technical and design aspects of the proposed gate. Specific requirements include:
 - a. A design professional, preferably a registered Landscape Architect, shall design every element of the gated entry, including gate design, location, pedestrian access, lighting, planting, signage, etc. and present the design to the Planning & Zoning Administrator for preliminary review and subsequent review by other County personnel as needed.
 - b. Specific elements of the design include:
 - i. The entry gate will be designed in such way as to avoid any damage to any public infrastructure including road surface, base, and curbing.
 - ii. All gates will be required to open away from, not toward, a vehicle.
 - iii. A "BE PREPARED TO STOP" caution sign (*plate 1*) shall be installed at least 100 feet before the gate on both the entry and exit side. If one hundred feet is not feasible the sign shall be located at the discretion of the County Engineer. The sign shall be 36 inches square for installations where the traffic speed is 30 miles per hour or greater and 30" square for installations on roadways less than 30 miles per hour consistent with the current edition of the Manual of Uniform Traffic Control Devices Handbook (MUTCD). The sign shall be supported on a post meeting county specifications.
 - iv. A "PULL HERE FOR ENTRY" and "PULL HERE FOR EXIT" sign (*plate 2*) shall be installed prior to the gate where the access control mechanism is installed along with a 12" min. width white painted line to indicate the appropriate stopping point. *As stated above it should be obvious that anyone can enter the subdivision.*
 - v. Emergency access will consist, at minimum, of a siren operated system and a Fire Box.
 - vi. A walk-through gate will be provided to allow pedestrian access, constructed to connect to street or existing sidewalks.
 - vii. Gate equipment will be either pre-finished in an approved color or painted

- with an approved color and screened with plant material as required.
- viii. Lighting - The gate will be lighted sufficiently to be easily seen at night without any added external light source, i.e. from a car or bicycle headlights and will include an element of reflectivity.
3. The parties requesting the gate should be prepared to assume all costs and responsibility for installation and maintenance of the gate, including repair or replacement costs if anything happens to the gate for any reason, including accident, vandalism or simple mechanical failure.
 4. The County must have the right to remove the gate at any time for any reason or for no reason whatsoever, although we could make arrangements to return the mechanism to parties who installed the gate, if feasible. If the gate is removed for any reason except safety issues, street or utility construction, reconstruction or relocation, or failure of the sponsoring party to comply with any of the policies established herein, the County will reimburse the sponsoring party for the original cost of the gate, or any portion which is removed.
 5. Any request for a gate must be submitted by the Home Owners Association, or, if an association does not exist, by 75% of the property owners fronting the public streets directly affected by the request.
 6. The parties requesting the gate shall sign an agreement (*Exhibit 1*) to indemnify and hold harmless the County from any and all costs and expenses associated with defending any claims associated in any way with the approval of such request and the installation and maintenance of the gate. The County will require proof of insurance or other evidence of ability to provide indemnification and the county will be listed as co-insured.

General Information

1. Any approval should be based upon a finding by the Board that approval of the request is necessary to preserve the good order and peace of the County or to prevent injury to public or private property.
2. All signage, posts, etc., to be paid for by the HOA or other responsible parties and installed by the Homeowners Association or the Developer.
3. This policy applies only to gated public streets, *whether or not they are planned to be open for the majority of the day*. Private streets are subject to separate application and evaluation.
4. All gate installations are to be reviewed and approved by the County prior to making the gates functional.
5. Damaged signs are to be replaced by the Home Owners Association or other responsible parties.

Adopted By:
Madison County, Mississippi
Board of Supervisors
October 17, 2011



Plate 1

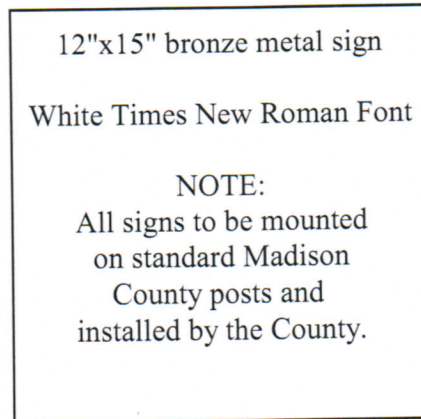
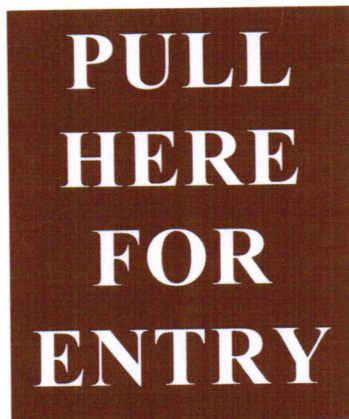
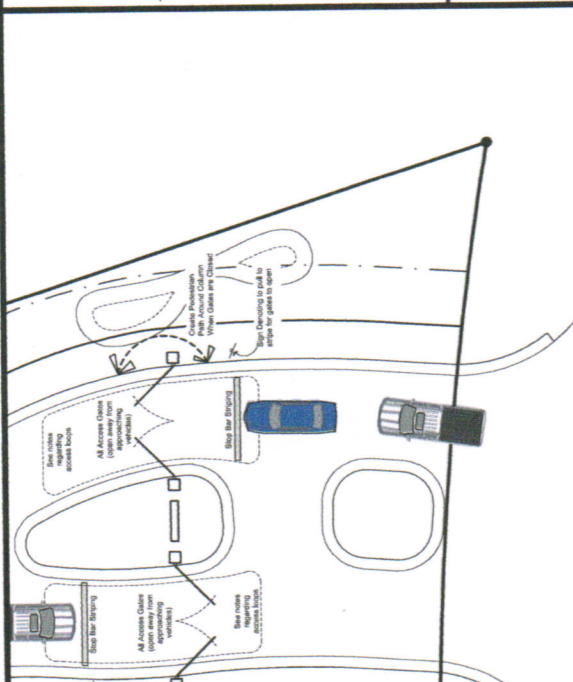


Plate 2

Please Refer to the Madison County Gated Public Streets Policy (This information is available online at <https://www.madison-co.com/county-departments/administrator/policies-and-procedures>)



A "BE PREPARED TO STOP" caution sign (plate 1) shall be installed at least 100 feet before the gate on both the entry and exit side.

A "PULL HERE FOR ENTRY" and "PULL HERE FOR EXIT" sign (plate 2) shall be installed prior to the gate where the access control mechanism is installed along with a 12" min. width white painted line to indicate the appropriate stopping point. It should be obvious that anyone can enter the subdivision.

- Madison County Specific Elements Required for Installation:**
- i. Specific elements of the design include:
 - I. All gates will be designed in such way as to avoid any damage to any public infrastructure including road surface, base, and curbside.
 - II. All gates will be required to open away from, not toward, a vehicle.
 - III. A "BE PREPARED TO STOP" caution sign (plate 1) shall be installed at least 100 feet before the gate on both the entry and exit side. If one hundred feet is not feasible the sign shall be located at the discretion of the County Engineer. The sign shall be 36 inches square for installations where the traffic speed is 30 miles per hour or greater and 36 square foot installations on roadways less than 30 miles per hour consistent with the current edition of the Manual of Uniform Traffic Control Devices Handbook (MUTCD). The sign shall be illuminated.
 - IV. A "PULL HERE FOR ENTRY" and "PULL HERE FOR EXIT" sign (plate 2) shall be installed prior to the gate where the access control mechanism is installed along with a 12" min. width white painted line to indicate the appropriate stopping point. As stated above, it should be obvious that anyone can enter the subdivision.
 - V. Emergency access will consist, at minimum, of a fire operated system and a Fire Box.
 - VI. A walk-through gate will be provided to allow pedestrian access, constructed to connect to street or existing sidewalks.
 - VII. Gate equipment will be either pre-finished in an approved color or painted with an approved color and screened with paint material as required.
 - VIII. The gate will be lighted sufficiently to be easily seen at night without any added external light source, i.e. from a car or bicycle headlights and will include an element of reflectivity.

