

STATE OF NORTH CAROLINA

ENCROACHMENT AGREEMENT

COUNTY OF CHATHAM

THIS AGREEMENT, made and entered into this the \_\_\_ day of \_\_\_\_\_ 2015 by and between the TOWN OF PITTSBORO, hereinafter referred to as "Town"; and CHATHAM HABITAT FOR HUMANITY, hereinafter referred to as "Habitat";

WITNESSETH:

WHEREAS, Habitat desire to encroach on the right of way of the public road designated as Roberts Street located in the Town of Pittsboro for the placement of a construction trailer; and

WHEREAS, it is to the material advantage of Habitat to effect this encroachment, and the Town in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the Town hereby grants to Habitat the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof upon the following conditions, to wit:

1. That the installation, operation, and maintenance of the above described facility will be accomplished in accordance with the Town's latest policies and procedures, if any, for accommodating temporary structures on street rights-of-way, and such revisions and amendments thereto as may be in effect at the date of this agreement.

2. That the said Habitat binds and obligates itself to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger pedestrian or vehicular travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the Town for the cost incurred for any repairs or maintenance to its roadways and structures necessary due to the installation and existence of the facilities of Habitat.

3. That Habitat agrees to provide during construction and any subsequent maintenance proper signs, lighting, and other warning devices for the protection of traffic and the public.

4. That Habitat hereby agrees to indemnify and save harmless the Town from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment.

5. That Habitat agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the Town. Habitat agree to exercise every reasonable

precaution during construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with applicable ordinances and regulations relating to pollution prevention and control.

6. When any installation or maintenance operation disturbs the ground surface and existing ground cover, Habitat agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Town.

7. That Habitat agrees to assume the actual cost of any inspection of the work considered to be necessary by the Town.

8. Habitat agrees to give written notice to the Town when all work contained herein has been completed.

9. That in the case of noncompliance with the terms of this agreement by Habitat, the Town reserves the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the Town.

10. That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within one (1) month from the date of authorization by the Town unless written waiver is secured by Habitat from the Town.

IN WITNESS WHEREOF, the parties have hereunto caused this agreement to be executed in their respective names by duly authorized officials, the day and year first above written.

TOWN OF PITTSBORO

By: \_\_\_\_\_  
Name:  
Title:

CHATHAM HABITAT FOR HUMANITY

By: \_\_\_\_\_  
Name:  
Title: