

Appendix E – Brookings County Haul Road Agreements

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**AGREEMENT
FOR USE AND RESTORATION OF HAUL ROAD**

Agreement No. _____

WHEREAS, BROOKINGS COUNTY HIGHWAY DEPARTMENT has authorized project _____ and

WHEREAS, in order to complete said project it may become necessary for the Contractor to utilize a portion of county road/s _____ of Brookings County for the conveyance of construction equipment and materials to the project site and

WHEREAS, _____ (contractor) or its assignee will restore that portion of said highway system as shown on page two of this agreement sheet, after it has been used to convey construction equipment and materials, to the condition which existed immediately prior to its use, and

WHEREAS, an inspection of the proposed route to be so utilized will be made, preferably not to exceed thirty days prior to expected initiation of its stated use, at which time the inspection will determine and record the existing condition of the haul road, including the type, thickness and width of surface material in place, and

WHEREAS, authorized representatives of _____ (contractor) and BROOKINGS COUNTY HIGHWAY DEPARTMENT, after making said inspection and recording the existing condition of the haul road, shall assign the inspection report, agreeing to the conditions stated therein.

NOW THEREFORE, in consideration of the premises, the mutual and independent covenants and any and all other requirements, agreements and covenants, all as hereinafter more fully set forth, the parties hereto agree as follows:

That, the portion of county road _____ as shown on page two of the sheet, is maintained by BROOKINGS COUNTY and is that portion which is proposed for use as haul road, and that, after use of said highway as a haul road for the purposes herein set forth,

_____ (contractor) hereby agrees to restore said highway roadbed and highway appurtenances to the condition, as reported in the Haul Road Inspection Report (DOT 45 Appendage), in accordance with measurements and observations of the inspection party at time of inspection and to the satisfaction of the Highway Superintendent.

IN WITNESS WHEREOF, the said parties hereto have caused this agreement to be signed by their respective and duly authorized officers on the _____ day of _____.

By: _____
Authorized Representative (Contractor)

Brookings County Highway Department

By: _____
Authorized Representative

Title: _____

Representing: _____
(Contractor)

APPROVED AS TO FORM:

Address: _____

AGREE. NO. _____

AGREE NO. _____

**AGREEMENT FOR USE AND RESTORATION OF
CONTRACTOR'S HAUL ROAD**

FILE NO. _____

WHEREAS, _____ (contractor) has contracted the construction of Highway Project No. _____ in Brookings County, and

WHEREAS, _____ (hereinafter referred to as the contractor), in order to construct said project, finds it necessary or desirable to utilize a portion of Brookings County Road _____ for conveyance of construction equipment and project materials, and

WHEREAS, the maintenance of the proposed route which is to be used as a haul road is the responsibility of BROOKINGS COUNTY HIGHWAY DEPARTMENT and

WHEREAS, an inspection of the proposed route to be so utilized has been made and the inspection team has determined and recorded the existing condition of the haul road, including the width of sub grade, type, thickness and width of surfacing material in-place and type, size location and condition of drainage structures as well as other highway appurtenances on form DOT-45 Appendage, and

WHEREAS, authorized representatives of BROOKINGS COUNTY HIGHWAY DEPARTMENT and the Contractor having made said inspection and recorded the existing condition of the haul road have all signed the inspection report (DOT-45 Appendage), agreeing to the conditions stated therein.

NOW, THEREFORE, in consideration of the premises, the mutual and independent covenants and any and all other requirements, agreements and covenants, all as hereinafter more fully set forth, the parties hereto agree as follows:

That, the portion of County Road _____ as shown on page two of this sheet is that portion which is planned for use as a haul road, and

That, satisfactory maintenance of said haul road as determined by the Highway Superintendent, during the period when hauling operations are in progress will be the responsibility of the Contractor, and

That, after use of said highway as a haul road for the purposes herein set forth, the Contractor hereby agrees to restore said highway roadbed and highway appurtenances to the condition, as reported in the haul Road Inspection Report and to the satisfaction of the Highway Superintendent.

IN WITNESS WHEREOF, the said parties hereto have caused this agreement to be signed by their respective and duly authorized officers on the _____ day of _____, 20 _____

By: _____
Contractor's Authorized Representative

By: _____
Authorized Representative (Gov. Agency)

BROOKINGS COUNTY HIGHWAY DEPT.

By: _____

Title: _____

Title: _____

Representing: _____
(Contractor)

AGREEMENT

HAUL ROUTE INSPECTION REPORT

NO. _____

HIGHWAY PROJECT NO. _____

An inspection of the highway to be used for a haul route as set forth in the Agreement No. _____,
Dated _____, was conducted on the _____ day of _____, 20 _____,
by duly authorized representatives of the parties thereto and was found in the condition detailed as follows:
**RECORD WIDTH OF SUBGRADE AND TYPE, THICKNESS AND WIDTH OF SURFACING
IN PLACE AT APPROXIMATELY UNIFORM INTERVALS ALONG THE ROUTE.
CONDITION OF BRIDGES, BOX CULVERTS, PIPE CULVERTS, CATTLE GUARDS AND
OTHER HIGHWAY APPURTENANCES SHOULD BE RECORDED IF PERTINENT.**

CONTRACTOR _____

By: _____ Title: _____

BROOKINGS COUNTY HIGHWAY DEPARTMENT

By: _____ Title: _____

Agreement No. _____

**AGREEMENT FOR USE AND RESTORATION OF HAUL ROAD
RELEASE**

FILE NO. _____

WHEREAS, The South Dakota Department of Transportation and/or _____

(Contractor) (Address)
has with the consent of

(Governmental Agency)

utilize a portion of _____ Highway System as a haul road in order to convey equipment and materials in the construction of Brookings County Highway Department Project No. _____ and have, subsequent to the completion of the said project, restored the haul road surface and appurtenances to the condition called for in DOT 45 or 45A, Agreement No. _____, dated the _____ day of _____, 20____, and the related Haul Road Inspection Report (DOT 45 & 45A Appendage).

NOW THEREFORE the undersigned does attest that the said haul road has been inspected by authorized representatives of _____ and has been found to be restored to the condition agreed to and does hereby release and absolve Brookings County Highway Department and _____ from any further obligation concerning said highway.

Dated this _____ day of _____, 20 _____.

By: _____ Title: _____
(Authorized Representative Gov. Agency)

Representing: _____ Address: _____
(Governmental Agency)

BROOKINGS COUNTY HIGHWAY DEPARTMENT

By: _____

Title: _____