

BLINDLY BEACH

STATE OF NORTH CAROLINA

COUNTY OF Currituck

ROUTE SR 1529

PROJECT LAUNDRY FACILITY

DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY ENCROACHMENT AGREEMENT
FOR NON-UTILITY ENCROACHMENTS ON
PRIMARY AND SECONDARY HIGHWAYS

-AND-

Currituck County

153 Courthouse Road, Suite 204

Currituck, NC 27929

THIS AGREEMENT, made and entered into this the _____ day of _____, 20____, by and between the Department of Transportation, party of the first part; and _____ party of the second part, Currituck County

WITNESSETH

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as Route(s) SR 1529 & NS 99577, located MAPLE COMMERCE PARK,

with the construction and/or erection of: 20 FOOT DRIVEWAY WITH 60 FOOT ASPHALT AT THE INTERSECTION OF BARCO WAY & AVIATION PRK WY. ALONG WITH A 2 1/2" PROPOSED TO EX. 4" FORCE MAIN CONNECTION AND A 24" CULVERT PIPE & RESPECTIVE RIP RAP APPROX. .

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part 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 party of the first part hereby grants to the party of the second part 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:

That the said party of the second part binds and obligates himself to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part 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 the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the said facilities, that the said party of the second part binds himself, his successors and assigns, to promptly remove or alter the said facilities, in order to conform to the said requirement, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Division Engineer of the party of the first part.

That the party of the second part hereby agrees to indemnify and save harmless the party of the first part from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment.

It is clearly understood by the party of the second part that the party of the first part will assume no responsibility for any damage that may be caused to such facilities, within the highway rights of way limits, in carrying out its construction and maintenance operations.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the Division Engineer of the party of the first part. The party of the second part agrees 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 ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Division Engineer of the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the Division Engineer of the party of the first part.

That the party of the second part agrees to have available at the encroaching site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.

Provided the work contained in this agreement is being performed on a completed highway open to traffic; the party of the second part agrees to give written notice to the Division Engineer of the party of the first part when all work contained herein has been completed. Unless specifically requested by the party of the first part, written notice of completion of work on highway projects under construction will not be required.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part 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 party of the first part.

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) year from the date of authorization by the party of the first part unless written waiver is secured by the party of the second part from the party of the first part.

R/W (161A) : Party of the Second Part certifies that this agreement is true and accurate copy of the form R/W (161A) incorporating all revisions to date.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and year first above written.

DEPARTMENT OF TRANSPORTATION

BY: _____
Asst. Manager of Right of Way

ATTEST OR WITNESS:

Second Party

INSTRUCTIONS

When the applicant is a corporation or a municipality, this agreement must have the corporate seal and be attested by the corporation secretary or by the empowered city official, unless a waiver of corporate seal and attestation by the secretary or by the empowered City official is on file in the Raleigh office of the Manager of Right of Way. In the space provided in this agreement for execution, the name of the corporation or municipality shall be typed above the name, and title of all persons signing the agreement should be typed directly below their signature.

When the applicant is not a corporation, then his signature must be witnessed by one person. The address should be included in this agreement and the names of all persons signing the agreement should be typed directly below their signature.

This agreement must be accompanied, in the form of an attachment, by plans or drawings showing the following applicable information:

1. All roadways and ramps.
2. Right of way lines and where applicable, the control of access lines.
3. Location of the proposed encroachment.
4. Length and type of encroachment.
5. Location by highway survey station number. If station number cannot be obtained, location should be shown by distance from some identifiable point, such as a bridge, road, intersection, etc. (To assist in preparation of the encroachment plan, the Department's roadway plans may be seen at the various Highway Division Offices, or at the Raleigh office.)
6. Drainage structures or bridges if affected by encroachment.
7. Typical section indicating the pavement design and width, and the slopes, widths and details for either a curb and gutter or a shoulder and ditch section, whichever is applicable.
8. Horizontal alignment indicating general curve data, where applicable.
9. Vertical alignment indicated by percent grade, P.I. station and vertical curve length, where applicable.
10. Amount of material to be removed and/or placed on NCDOT right of way, if applicable.
11. Cross-sections of all grading operations, indicating slope ratio and reference by station where applicable.
12. All pertinent drainage structures proposed. Include all hydraulic data, pipe sizes, structure details and other related information.
13. Erosion and sediment control.
14. Any special provisions or specifications as to the performance of the work or the method of construction that may be required by the Department must be shown on a separate sheet attached to encroachment agreement provided that such information cannot be shown on plans or drawings.
15. The Department's Division Engineer should be given notice by the applicant prior to actual starting of installation included in this agreement.
16. Method of handling traffic during construction where applicable.
17. Scale of plans, north arrow, etc.

APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION STREET AND DRIVEWAY ACCESS PERMIT APPLICATION
Driveway Permit No.	Date of Application	
County:		
Development Name:		

LOCATION OF PROPERTY:

Route/Road: Aviation Pkwy, SR 1529

Exact Distance 30 Miles Feet N S E W

From the Intersection of Route No. SR 1529 and Route No. NS-99572 Barco Way Toward US 158

Property Will Be Used For: Residential /Subdivision Commercial Educational Facilities TND Emergency Services Other

Property: is is not within _____ City Zoning Area.

AGREEMENT

- I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location.
- I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation.
- I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT.
- I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans.
- I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary.
- I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction.
- I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways".
- I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied.
- I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel.
- I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer.
- I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction.
- I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction.
- I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system.
- The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point.
- I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees.
- **I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.**

**FINANCIAL RESPONSIBILITY/OWNERSHIP FORM
SEDIMENTATION POLLUTION CONTROL ACT**

No person may initiate any land-disturbing activity on one or more acres as covered by the Act before this form and an acceptable erosion and sedimentation control plan have been completed and approved by the Land Quality Section, N.C. Department of Environmental Quality. Submit the completed form to the appropriate Regional Office. (Please type or print and, if the question is not applicable or the e-mail and/or fax information unavailable, place N/A in the blank.)

Part A.

1. Project Name _____

2. Location of land-disturbing activity: County _____ City or Township _____
Highway/Street _____ Latitude _____ Longitude _____

3. Approximate date land-disturbing activity will commence: _____

4. Purpose of development (residential, commercial, industrial, institutional, etc.): _____

5. Total acreage disturbed or uncovered (including off-site borrow and waste areas): _____

6. Amount of fee enclosed: \$ _____. The application fee of \$65.00 per acre (rounded up to the next acre) is assessed without a ceiling amount (Example: a 9-acre application fee is \$585).

7. Has an erosion and sediment control plan been filed? Yes _____ No _____ Enclosed _____

8. Person to contact should erosion and sediment control issues arise during land-disturbing activity:
Name _____ E-mail Address _____
Telephone _____ Cell # _____ Fax # _____

9. Landowner(s) of Record (attach accompanied page to list additional owners):

Name	Telephone	Fax Number
Current Mailing Address	Current Street Address	
City State Zip	City State Zip	City State Zip

10. Deed Book No. _____ Page No. _____ Provide a copy of the most current deed.

Part B.

1. Company(ies) or firm(s) who are financially responsible for the land-disturbing activity (Provide a comprehensive list of all responsible parties on an attached sheet.) *If the company or firm is a sole proprietorship, the name of the owner or manager may be listed as the financially responsible party.*

Name	E-mail Address
Current Mailing Address	Current Street Address
City State Zip	City State Zip
Telephone	Fax Number

2. (a) If the Financially Responsible Party is not a resident of North Carolina, give name and street address of the designated North Carolina Agent:

_____			_____		
Name			E-mail Address		
_____			_____		
Current Mailing Address			Current Street Address		
_____			_____		
City	State	Zip	City	State	Zip
Telephone_____			Fax Number_____		

(b) If the Financially Responsible Party is a Partnership or other person engaging in business under an assumed name, **attach a copy of the Certificate of Assumed Name**. If the Financially Responsible Party is a Corporation, give name and street address of the Registered Agent:

_____			_____		
Name of Registered Agent			E-mail Address		
_____			_____		
Current Mailing Address			Current Street Address		
_____			_____		
City	State	Zip	City	State	Zip
Telephone_____			Fax Number_____		

The above information is true and correct to the best of my knowledge and belief and was provided by me under oath (This form must be signed by the Financially Responsible Person if an individual or his attorney-in-fact, or if not an individual, by an officer, director, partner, or registered agent with the authority to execute instruments for the Financially Responsible Person). I agree to provide corrected information should there be any change in the information provided herein.

Type or print name

Title or Authority

Signature

Date

I, _____, a Notary Public of the County of _____

State of North Carolina, hereby certify that _____ appeared personally before me this day and being duly sworn acknowledged that the above form was executed by him.

Witness my hand and notarial seal, this _____ day of _____, 20_____

Seal

Notary

My commission expires_____



Major Site Plan Review Process

Pre-Application
Conference

Community
Meeting
(optional)

Submit
Application

Determination of
Completeness

Staff Report
(optional)

Technical Review
Committee
Decision

Notice of
Decision

Major
Site Plan

Contact Information

Currituck County
Planning and Community Development
153 Courthouse Road, Suite 110
Currituck, NC 27929

Phone: 252.232.3055
Fax: 252.232.3026

Website: <http://www.co.currituck.nc.us/planning-community-development.cfm>

General

Major site plan approval is required for any non-residential, multi-family, or mixed-use development that:

- Is 5,000 square feet or greater of building gross floor area, impervious surface, disturbed land area, and other use area.

Step 1: Pre-application Conference

The purpose of a pre-application conference is to provide an opportunity for the applicant to determine the submittal requirements and the procedures and standards applicable to an anticipated development application. A pre-application conference is also intended to provide an opportunity for county staff to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed development, as it relates to the standards in the Unified Development Ordinance (UDO).

The applicant shall submit conceptual drawings that show the location, general layout, and main elements of the development to be proposed as part of the application to the Planning and Community Development Department at least three business days before the pre-application conference.

Step 2: Application Submittal and Acceptance

The applicant must submit a complete application packet on or before the application submittal date. A complete application packet consists of the following:

- Completed Currituck County Major Site Plan Application.
- Application Fee (\$.10 per square foot of gross floor area or \$400 minimum).
- Site plan drawn to scale. The plan shall include the items listed in the major site plan design standards checklist.
- Landscape plan drawn to scale. The plan shall include the items listed in the major site plan design standards checklist.
- Exterior lighting plan drawn to scale. The plan shall include the items listed in the major site plan design standards checklist.
- Major Stormwater Plan and Form SW-002.
- Architectural elevations illustrating the design and character of the proposed structures, if applicable.
- ARHS Construction Improvements Permit OR if connecting to existing wastewater system, a letter of commitment from centralized sewer provider and letter from DWQ indicating the existing plant has sufficient capacity to serve the development at the time of site plan approval.
- NCDEQ, DWQ stormwater permit application (if 10,000sf or more of built upon area).

- NCDEQ, Land Quality, Erosion and Sedimentation Control permit application (if one acre or more of land disturbance).
- NCDOT Street and Driveway Access Permit Application and Encroachment Agreement.
- Number of Copies Submitted:
 - 2 Copies of site plans
 - 2 Hard copies of ALL documents
 - 1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all plans AND documents

On receiving an application, staff shall, within ten business days, determine whether the application is complete or incomplete. A complete application contains all the information and materials listed above, and is in sufficient detail to evaluate and determine whether it complies with appropriate review standards. If an application is determined to be incomplete, the applicant may correct the deficiencies and resubmit the application for completeness determination. Failure to resubmit a complete application within 45 calendar days after being determined incomplete will result in the application being considered withdrawn. Applicants may submit applications for a site plan and building permit concurrently.

Step 3: Staff Review and Action

Once an application is determined complete, it will be distributed to the Technical Review Committee (TRC) and be placed on the TRC meeting agenda. TRC shall review and prepare a written report that will include any outstanding concerns with the application. TRC shall approve, approve subject to conditions or disapprove the application. Conditions of approval shall be limited to those deemed necessary to ensure compliance with the standards of the UDO.

An application for a site plan shall be approved on a finding the applicant has demonstrated the proposed development:

- Is consistent with the Land Use Plan or other officially adopted plan;
- Complies with the applicable district, use-specific, development, environmental, and infrastructure design standards of the UDO;
- Complies with the Currituck County Stormwater Manual and all other applicable standards of the UDO and the County Code of Ordinances; and
- Complies with all standards or conditions of any prior applicable development permits or approvals.



Major Site Plan Application

OFFICIAL USE ONLY:

Case Number: _____
Date Filed: _____
Gate Keeper: _____
Amount Paid: _____

Contact Information

APPLICANT:

Name: _____

Address: _____

Telephone: _____

E-Mail Address: _____

PROPERTY OWNER:

Name: _____

Address: _____

Telephone: _____

E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: _____

Property Information

Physical Street Address: _____

Location: _____

Parcel Identification Number(s): _____

Total Parcel(s) Acreage: _____

Existing Land Use of Property: _____

Request

Project Name: _____

Proposed Use of the Property: _____

Deed Book/Page Number and/or Plat Cabinet/Slide Number: _____

Total square footage of land disturbance activity: _____

Total lot coverage: _____ Total vehicular use area: _____

Existing gross floor area: _____ Proposed gross floor area: _____

I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this process shall become public record.

Property Owner(s)/Applicant*

Date

***NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.**

Major Site Plan Design Standards Checklist

The table below depicts the design standards of the major site plan application. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

Major Site Plan Design Standards Checklist

Date Received: _____

TRC Date: _____

Project Name: _____

Applicant/Property Owner: _____

Site Plan Design Standards Checklist		
General		
1	Property owner name, address, phone number, and e-mail address.	
2	Site address and parcel identification number.	
3	North arrow and scale to be 1" = 100' or larger.	
4	Vicinity map showing property's general location in relation to streets, railroads, and waterways.	
5	Existing zoning classification and zoning setback lines of the property.	
6	Scaled drawing showing existing and proposed site features : Property lines, acreage, adjacent use types, streets (right-of-ways), easements, buildings and accessory structures (including square feet and use), parking layout, vehicular use areas, driveways (including opposing driveways), loading spaces, refuse collection facilities (dumpsters), outdoor storage areas, ground based utility equipment, fences and walls, and sidewalks and pedestrian circulation. And location and size of existing and proposed infrastructure : Water mains (including and water taps), water meter details, backflow prevention details, wells, sewer mains or on-site septic systems (including repair area), electrical service, fire hydrants, detail of fire apparatus access to buildings, and any other public utility within all adjacent public right-of-ways and easements.	
7	Approximate location of all designated Areas of Environmental Concern or other such areas which are environmentally sensitive on the property, such as Maritime Forest, CAMA, 404, or 401 wetlands as defined by the appropriate agency.	
8	Sight distance triangles.	
9	Proposed common areas, open space set-asides, and required buffers.	
Landscape Plan		
10	All existing and proposed planting areas and vegetation that will be used to comply with the landscaping requirements, including the species, caliper, and spacing of all vegetation.	
11	Existing and proposed physical barriers to be used to comply with the bufferyard and screening requirements.	
12	Heritage tree inventory and proposed tree protection zones.	
13	Adjoining property lines, zoning, and names and address of adjoining property owners.	
Exterior Lighting Plan		
14	Location, height, and type of all proposed exterior lighting including but not limited to site, street, building, and security lighting.	
15	Footcandle measurements of the entire site including lot lines, or light fixture documentation when minimal lighting is proposed.	
Major Stormwater Management Plan		
16	Major Stormwater Plan and From SW-002	

Architectural Elevations		
17	Architectural drawings and/or sketches illustrating the design, character, height, and materials of the proposed buildings.	
Flood Damage Prevention, if Applicable		
18	Proposed elevation of all structures and utilities.	
19	Location, dimensions, and use of: Development and disturbance, existing and proposed structures and utility systems grading and pavement areas, fill materials, storage areas, drainage facilities, and other development.	
20	Boundary of Special Flood Hazard Area (SFHA), floodway, Coastal Barrier Resource System (CBRS) Area, water course relocation, or a statement that the entire lot is within a specific SFHA.	
21	Flood zone designation as determined on the County's Flood Insurance Rate Maps (FIRM).	
22	Design Flood Elevation (Base Flood Elevation plus one foot freeboard).	
23	Plans and/or details for the protection of public facilities and utilities (sewer, gas, electrical, and water systems) from inundation of flood waters up to Design Flood Elevation.	
24	Water course alteration or relocation: Description of alteration or relocation, report on effects of proposed project on the flood carrying capacity of the water course, and effects to properties located up and downstream.	
25	Fill – plans for non-structural fill (if being utilized in VE zone).	

Major Site Plan Submittal Checklist

Staff will use the following checklist to determine the completeness of your application within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

Major Site Plan Submittal Checklist

Date Received: _____

TRC Date: _____

Project Name: _____

Applicant/Property Owner: _____

Major Site Plan Submittal Checklist		
1	Complete Major Site Plan application	
2	Application fee (\$.10 per square foot of gross floor area or \$400 minimum)	
3	Site plan	
4	Landscape plan	
5	Exterior Lighting plan	
6	Major Stormwater Management plan and Form SW-002	
7	Architectural elevations, if applicable	
8	ARHS Construction Improvements Permit OR if connecting to existing wastewater system, a letter of commitment from owner of centralized sewer provider and letter from DWQ indicating the existing plant has sufficient capacity to serve the development at the time of site plan approval.	
9	NCDEQ stormwater permit application (if 10,000sf or more of built upon area).	
10	NCDEQ Erosion and Sedimentation Control permit application (if one acre or more of land disturbance).	
11	NCDOT Street and Driveway Access Permit Application and Encroachment Agreement	
12	2 copies of plans	
13	2 hard copies of ALL documents	
14	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	

For Staff Only

Pre-application Conference

Pre-application Conference was held on _____ and the following people were present:

Comments

