



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS

MICHAEL F. EASLEY.  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

October 27, 2005

Chatham County                      County Driveway Permit File Number 19-641  
(Briar Chapel PUD)

Subject: Commercial Driveway Permit Application with Entrance on SR 1634

Mr. Mitch Barron  
NNP-Briar Chapel  
5850 Fayetteville Rd. Suite 201  
Durham, NC 27713

Dear Mr. Barron:

Personnel assigned to this office have conducted a review of the permit Application and approval is granted subject to the following stipulations:

1. The entrances onto SR 1634 is to be constructed in accordance with the attached detail sheet and the attached Special Provisions.
2. The realignment of SR 1634 shall be paved up to the surface lift prior to switching traffic to the new alignment; Station 10+00 of the existing SR 1634, Station 39+00 of the proposed Road "D" and to the end of the radii of the proposed Day Care stub out.
3. The entrances onto SR 1634 shall require radii on each side of the driveways as shown on the attached drawing.
4. No parking or outdoor advertising (signs) shall be allowed inside the right of way of SR 1634.
5. Any areas inside the right of way disturbed during construction shall be seeded and mulched immediately upon completion of construction.

Attached to this correspondence please find an approved copy of TEB Form 65-04 (Driveway Permit Application - N. C. Department of Transportation). Upon completion of the driveway entrance construction please notify the Chatham County Maintenance Department (Phone 919-742-3431) so a final inspection of the entrance can be made.

Yours very truly,

A handwritten signature in cursive script, appearing to read "J. L. Picklesimer", with a circular stamp or mark to the right.

J. L. Picklesimer, P.E. , P.L.S.  
District Engineer

JLP/jek  
Attachments

cc: Mr. Timothy Johnson P.E., Division Engineer  
Mr. B.F. Sloan, County Maintenance Engineer  
Mr. Charlie Horne, Chatham County Manager

APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION STREET AND DRIVEWAY ACCESS PERMIT APPLICATION
Driveway Permit No. <u>19-641</u>	Date of Application <u>10-27-05</u>	
County: <u>Chatham</u>		
Development Name: <u>Briar Chapel</u>		

**LOCATION OF PROPERTY:**

Route/Road: Hubert Herndon Road SR 1634 Realignment AND EXTENSION ROAD"

Exact Distance 570       Miles       Feet       N     S     E     W

From the Intersection of Route No. US 15-501 and Route No. Hubert Herndon Rd. SR1634 Toward Cul-de-sac

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

Property:                             is                             is not                            within Chatham County zoning area 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 or 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, 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 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 claim 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 TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.**

**RECEIVED**  
SEP 26 2005  
DIVISION OF DISTRICT  
DEPT. OF TRANSPORTATION

SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)  
COMPANY NWP-Briar Chapel, LLC (Mitch Barron)  
SIGNATURE [Signature]  
ADDRESS 5850 Fayetteville Road, Suite 201  
Durham, NC 27713 Phone No. 919-361-7000

WITNESS  
NAME Jon Moore  
SIGNATURE [Signature]  
ADDRESS PO Box 14005  
RTP, NC 27709

AUTHORIZED AGENT  
COMPANY N/A  
SIGNATURE \_\_\_\_\_  
ADDRESS N/A  
N/A Phone No. N/A

WITNESS  
NAME \_\_\_\_\_  
SIGNATURE \_\_\_\_\_  
ADDRESS \_\_\_\_\_

APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER  
[Signature]  
SIGNATURE

[Signature] 9-26-05  
DATE

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

[Signature]  
SIGNATURE

[Signature]  
TITLE

9/27/05  
DATE

APPLICATION APPROVED BY DISTRICT ENGINEER  
[Signature]  
SIGNATURE

10-27-05  
DATE

INSPECTION BY NCDOT

\_\_\_\_\_  
SIGNATURE TITLE DATE

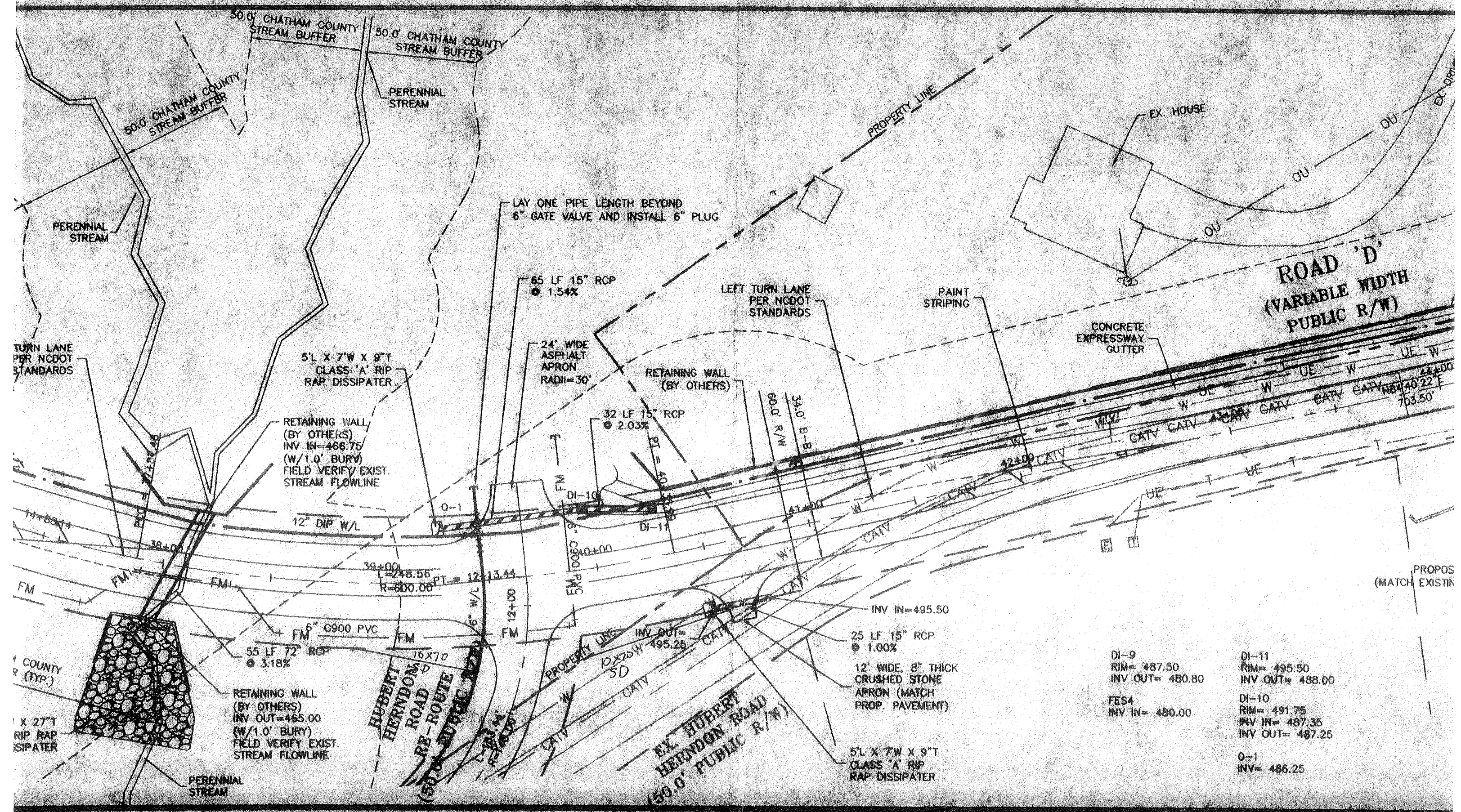
COMMENTS:

**DRIVEWAY ACCESS SPECIAL PROVISIONS**  
**BRIAR CHAPEL**  
**19-641 (CHATHAM)**

*Approval of the driveway permit agreement is made subject to the following Special Provisions:*

1. Changes noted in red on the plans shall be incorporated into and made a part of the driveway permit agreement. An executed copy of the driveway permit agreement shall be available at the construction site at all times. NCDOT reserves the right to stop all work unless evidence of approval can be shown.
2. Notify the following prior to beginning work:
  - *B.F. Sloan, County Maintenance Engineer*  
1404 E. Raleigh St.  
Siler City, N.C. 27344  
(919) 742-3431
  - *Charlie Horne, County Manager*  
Chatham County  
P.O. Box 87  
Pittsboro, N.C. 27312  
(919) 542-8200
3. **The encroaching party shall comply with all applicable federal, state and local environmental regulations, and shall obtain all necessary federal, state and local environmental permits, including but not limited to, those related to sediment control, stormwater, wetland, streams, endangered species, and historical sites.**
4. All materials and construction shall be in accordance with NCDOT standards and specifications, including but not limited to the NCDOT Standard Specifications for Roads and Structures 2002, the NCDOT Roadway Standards Drawings, and NCDOT Policies and Procedures for Accommodating Utilities on Highway Rights of Way.
5. It shall be the responsibility of the Encroacher to determine the location of other utilities within the encroachment area in accordance with General Statute 87-102. The Encroacher shall be responsible for notifying other utility owners and providing protection and safeguards to prevent damage or interruption to existing facilities and to maintain accessibility to existing utilities. Costs to repair, restore, or relocate existing utilities due to this encroachment shall be the responsibility of the encroaching party.
6. NCDOT does not guarantee the Right of Way on this road, nor will it be responsible for any claim for damages brought by any property owner by reason of this driveway permit. All Right of Way and easements necessary for construction and maintenance shall be dedicated to NCDOT with the proof of dedication furnished to the District Engineer prior to beginning work. Encroachment within the Right of Way does not imply approval for encroachment onto adjacent property. The Encroacher shall be responsible for securing any easement, permit, permission, or approval for encroachment or other use of property outside the state maintained right of way. Right of Way monuments disturbed during construction shall be referenced by a Professional Land Surveyor and reset immediately after construction.
7. The encroaching Party shall take whatever measures are necessary to minimize soil erosion and siltation, water pollution, and air pollution. It shall be the responsibility of the Encroaching Party to keep fully informed to comply with the applicable regulations of all legally constituted authorities relating to pollution prevention and control. In the event of conflict between regulations, specifications, or requirements, the more restrictive requirement shall apply. All erosion and pollution control devices and measures shall be constructed, installed, maintained and removed by the encroaching party in accordance with all applicable Federal, State and Local laws, regulations, ordinances, and policies. No construction shall begin until all erosion control devices have been installed to the satisfaction of the District Engineer. Failure to comply with this provision shall be grounds for immediate suspension of all activities within the Right of Way.

8. A \$75,000.00 Performance and Indemnity Bond shall be executed and posted with the District Engineer prior to beginning any work on the Right of Way. The bond shall remain in effect for a period of one (1) year following completion of the job. The encroaching party shall notify the District Engineer in writing when all work within the Right of Way has been completed. Upon receipt of written notification, the District Engineer will inspect the project and provide certification that the project has been completed. When the project has been satisfactorily completed for one (1) year, the bonding company shall submit a written request along with a copy of the encroachment authorization to the District Engineer for release of the bond. The bond will be released upon satisfactory final inspection, review and approval by the District Engineer.
9. A \$ 75,000.00 Performance and Indemnity Bond shall be executed and posted with the District Engineer prior to beginning any work on the Right of Way. The required bond may be executed in any of the following methods.
  - Cash bond in the form of a certified check payable to the North Carolina Department of Transportation.
  - Performance and indemnity bond underwritten by a surety company legally authorized to do business in North Carolina.
  - Continuing bond for the performance of work within the NCDOT Right of Ways.
  - Cashiers check or bank letter of credit (2 copies with original signature) in the amount of the bond.
  - The Bond shall be submitted to the District Engineer, North Carolina Department of Transportation, P.O. Box 1164, Asheboro, N.C. 27204. Please identify the Driveway Permit Agreement by including File # 19-641 on the Bond.
10. Bonds shall remain in effect for a period of one (1) year following completion of the job. The encroaching party shall notify the District Engineer in writing when all work within the Right of Way has been completed. Upon receipt of written notification, the District Engineer will inspect the project and provide certification that the project has been completed. When the project has been satisfactorily completed for one (1) year, the bonding company shall submit a written request along with a copy of the encroachment authorization to the District Engineer for release of the Bond. The Bond will be released upon satisfactory final inspection, review, and approval by the District Engineer.
11. In the event this driveway permit is constructed under multiple contracts and the bond requirement is delegated to the contractor or contractors, separate bonds may be posted. The amount of the bond secured by each contractor shall be proportional to the length and size of the contract. The bond will be held for a period of one (1) year following completion of the contract.
12. No work shall commence until all Bond requirements have been satisfied.
13. Construction equipment or vehicles shall not be parked on the pavement or roadway shoulder.
14. Construction is authorized to be performed on Monday through Friday during the hours between sunrise and sunset.
15. The encroaching party may delegate the performance of certain provisions of this agreement to contractors or other parties. However, this shall not in any way release the encroaching party from its obligations to the terms and provisions of the encroachment.
16. Written notification shall be provided to the District Engineer upon completion of the work proposed under this agreement. Materials test frequencies and methods shall be in conformance with the NCDOT Materials and Tests guidelines, or as directed by NCDOT. A letter of approval, or recommendations for compliance, will be provided upon receipt and review of test reports.
17. The traveling public shall be warned of construction with complete and proper signing and traffic control devices in accordance with the current Manual on Uniform Traffic Control Devices (MUTCD). No work shall be performed in the Right of Way unless this requirement is satisfied. NCDOT reserves the right to require a written traffic control plan for encroachment operations. Traffic control devices and operations shall include, but are not limited to the following:



**ROAD 'D'**  
(VARIABLE WIDTH  
PUBLIC R/W)

**ROAD 'D'**

DI-9	RIM= 487.50	DI-11	RIM= 495.50
	INV OUT= 480.80		INV OUT= 488.00
FES4	INV IN= 480.00	DI-10	RIM= 491.75
			INV IN= 487.35
			INV OUT= 487.25
		0-1	INV= 486.25

HIGH POINT ELEV = 515.16  
HIGH POINT STA = 43+36.55  
PVI STA = 42+77.56  
PVI ELEV = 518.02