



Utility Encroachment Agreement Special Provisions

(revised *July 2020*)

An executed copy of this agreement shall always be present at the construction site during execution of the approved work. The Town of Morrisville reserves the right to stop all work unless evidence of approval can be shown.

All materials and construction shall be in accordance with the Town of Morrisville standards and specifications.

Special Provisions

A detailed plan needs to be uploaded through the online portal outlining the proposed scope of work that, at a minimum, shows the following:

- Right of way
- Existing utilities
- Utilities to be installed
- Street names, the adjoining street names
- Any other pertinent information

All encroachment work shall be performed during the hours of 7 a.m. and 9 p.m., Monday through Saturday. Work is prohibited on Sundays except where permitted by the Town Manager. This is in accordance with the Town of Morrisville Code of Ordinances, Section 18-45(a)2. (*Revised 5/26/2016*)

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 condition is satisfied. The Town of Morrisville reserves the right to require a written traffic control plan for encroachment operations.

The Town of Morrisville 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 installation.

Two-way traffic shall always be maintained. No lane of traffic shall be closed or restricted prior to 9:00 a.m. or after 4:00 p.m.

The Town of Morrisville reserves the right to further limit, restrict, or suspend operations within the right-of-way if, in the opinion of the Town, safety and/or traffic conditions warrant such action.

All erosion control devices and measures shall be constructed, installed, maintained, and removed by the encroacher in accordance with all applicable Federal, State, and Local laws, regulations, ordinances, and policies. All earth areas shall be regraded and seeded in accordance with Town standards and specifications.

When the surface area proposed to be disturbed exceeds one (1) acre, the encroacher shall submit a copy of the approved sediment and erosion control plan. The approval shall be from the appropriate regulatory agency or authority. This information shall be submitted prior to beginning any work within the right of way. Failure to submit this information shall be grounds for immediate suspension of operations.

It shall be the responsibility of the Encroacher to determine the location of other utilities in the work area. 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 access to existing facilities.

The party placing the utilities within the right-of-way will install the utilities and facilities in such a way that it will not interfere with travel within the right-of-way, nor obstruct, nor interfere with proper maintenance of the right-of-way; and if at any time the Town of Morrisville shall require removal of or changes to the existing utilities/facilities, the party placing the utilities, its successors, or its designee agrees to remove or alter the utilities and/or facilities at no cost to the Town of Morrisville. *(Revised 1-31-05)*

In instances where Triassic “shale”, “mudrock”, or other compressible immature Triassic sedimentary rock-like material is encountered within the right of way limits and must be disturbed by the Encroacher, the material shall be excavated and hauled off and suitable backfill material utilized. Suitable materials are deemed as being aggregate base course (ABC) or equivalent approved per the Town Engineering Design and Construction Manual (EDCM).

Excavated material shall not be placed in the roadway at any time during the operation.

Trench backfill shall be placed at a maximum of six (6) inch loose layers and each layer thoroughly compacted. The Town reserves the right to reject any backfill work. Any such work rejected shall be corrected prior to any further work taking place.

The proposed utility shall be placed at a **minimum** depth of two (2) feet for communication lines and three (3) feet for electrical and gas lines.

The following schedule shall be adhered to for horizontal placement of utility lines:

UTILITY	LOCATION <i>(as measured horizontally from the back of the curb)</i>
Cablevision	One foot (1')
Telephone – Southern Bell, MCI, etc.	Seven feet (7')
Electrical (CP&L, etc.)	Five feet (5')
Gas (PSNC, etc.)	Three feet (3')

Boring pit(s) or excavations adjacent to the roadway shall not be left open overnight. At points where the utility is placed under an existing storm drain, sanitary sewer, or other Town utility, the trench shall be backfilled with Class M concrete up to the outside of the existing pipe.

The Encroacher shall notify the Town of Morrisville Engineering Department at 260-C Town Hall Drive, Morrisville, NC 27560 either via phone at **919-463-6907** or via email at encroachments@townofmorrisville.org a minimum of twenty-four (24) to forty-eight (48) hours **prior to beginning work.**

The Encroacher shall notify the Town of Morrisville Engineering Department at 260-C Town Hall Drive, Morrisville, NC 27560, either via phone at **919-463-6907** or via email at encroachments@townofmorrisville.org when the work covered by this agreement is **completed.**

Notwithstanding the foregoing, the grant of Permission to encroach shall become void, and this Agreement terminated, if the Applicant does not begin installation of the Facilities within one (1) year of the date of the Town Encroachment Review Sign Off (unless mutually agreed upon in writing by the encroacher and the Town) and thereafter diligently pursue installation to completion. (Revised 5/26/2016)

Company Acknowledgement and Signature

(Must be signed by the encroacher before the Town will grant encroachment)

Company Name:

Signature of Signing Authority:

Printed Name of Signing Authority:

Job Title of Signing Authority:

Date Signed:

Town Encroachment Review Sign Off (<i>Town Use Only</i>)
Engineering Signature:
Engineering Printed Name:
Job Title:
Date: