

R-209-17

STATE OF NORTH CAROLINA

ENCROACHMENT AGREEMENT

COUNTY OF CHATHAM

THIS AGREEMENT, made and entered into this the ___ day of _____ 2017 by and between the COUNTY OF CHATHAM, hereinafter referred to as "County"; and the TOWN OF PITTSBORO, hereinafter referred to as "Town";

WITNESSETH:

WHEREAS, the Town desires to make an improvement upon the right of way of the public premises known as Courthouse Square located northwest of the Chatham County Courthouse in the Town of Pittsboro with the conversion of a portion of the existing sidewalk and parking area into a public bio-retention drainage system; and

WHEREAS, it is to the material advantage of the County and Town to effectuate this improvement, and the County and the Town, in the exercise of authority conferred upon the parties by statute, are willing to acknowledge and permit the improvement within the limits of the right of way as indicated, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED between the parties that the Town may make this improvement upon the public premises more particularly described on Exhibit A attached hereto upon the following conditions, to wit:

1. That the installation, operation, and maintenance of the above described facility will be accomplished in such safe and proper condition that it will not interfere with or endanger pedestrian or vehicular travel upon said public premises, nor obstruct nor interfere with the proper maintenance thereof.
3. That the Town agrees to provide during construction and any subsequent maintenance proper signs, lighting, flagmen and other warning devices for the protection of traffic and the public.
4. That the Town hereby agrees to indemnify and save harmless the County from all damages and claims for damage that may arise by reason of the installation and maintenance of this improvement.
5. That the Town agrees to restore all areas disturbed during installation and maintenance. The Town also agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil, silting or pollution of ground surfaces or other property; or pollution of the air.
6. The Town agrees to give written notice to the County when all work contained herein has been completed.

R-210-17

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: Cindy S. Perry
Name: CINDY S. PERRY
Title: Mayor

R-211-17

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.

COUNTY OF CHATHAM

By:

Name:

Title:

R-212-17

EXHIBIT A

ALL of that certain premises described as "Proposed Bio-Retention Pond" and "Temporary Construction for Bio-Retention Area" according to the plat entitled "Final Survey and Plat Prepared for Town of Pittsboro" by Charles O. Eliason, PLS, dated March 15, 2017, reference to which is hereby made for a more particular description