

**THIS RULE / FORM WILL BE DELETED BECAUSE WE ARE NOT USING THIS FORM ANYMORE. DELETE ENTIRELY.**

**~~Sub-part 7501 – Maintenance~~**

**~~Chapter 04010 Agreement, Form MND-012~~**

**~~Purpose~~**

~~100 — To provide an agreement form to be used, when required by MDOT, for applicant's applying for right of way encroachment permits.~~

~~101 — This rule establishes an agreement form to be used, when required by MDOT, to accompany a performance bond on work performed, by permit, on MDOT right of way. See Attached form, MND-012.~~

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MND-012  
REV:XX XX

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

AGREEMENT

~~\_\_\_\_\_ This \_\_\_\_\_ agreement \_\_\_\_\_ entered \_\_\_\_\_ into \_\_\_\_\_ by \_\_\_\_\_ and \_\_\_\_\_ between \_\_\_\_\_ of \_\_\_\_\_, hereinafter "Applicant" and the Mississippi Transportation Commission, hereinafter "Commission" whereby \_\_\_\_\_ is authorized to \_\_\_\_\_ on the right of way of Highway No. \_\_\_\_\_ in \_\_\_\_\_ County, Mississippi, Permit No. \_\_\_\_\_.~~

~~\_\_\_\_\_ WHEREAS, The Applicant has submitted an application and plans to the Mississippi Transportation Commission, acting by and through the Mississippi Department of Transportation, hereinafter "Department", for the construction of said facilities; and~~

~~WHEREAS, the parties have agreed that the facility will be constructed according to said plans along said highway.~~

~~NOW THEREFORE, in consideration of the mutual promises herein, the Commission and Applicant agree as follows:~~

- ~~1. The Commission agrees to allow the Applicant to construct its facility on the said highway right of way according to the plans which the Applicant has provided to the Department and which have been approved by the Department and referenced by Permit No. \_\_\_\_\_.~~
- ~~2. The Applicant agrees to construct its facilities according to said approved plans and will not vary therefrom without express written consent of the State Maintenance Engineer or his/her designee of the Department.~~
- ~~3. The Applicant agrees to construct said facilities in accordance with all federal and state regulations as shown on the permit and to repair damages to the highway right of way, shoulders, and drainage facilities as required by the permit.~~
- ~~4. The Applicant agrees to post a performance bond on Form MND-603, cashier's check or certified check in the amount of \$ \_\_\_\_\_ payable to the Mississippi Transportation Commission, with said bond, cashier's check or certified check being held until such time as all stipulations in the permit and approved plans have been complied with and release is made by the Executive Director of the Department. At such time as said requirements have been fulfilled, the bond, cashier's check or certified check is to be returned to said Applicant. However, if said Applicant has not fulfilled the terms of this agreement to the satisfaction of the Department and Commission, the Surety or the Applicant~~

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~~will be firmly bound to the State of Mississippi for the performance of any work not done or work not approved by said Department as well as any damages which result from the Applicant's actions.~~

~~IN WITNESS WHEREOF, the undersigned parties has caused the signatures of their appropriate representatives to be affixed on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.~~

~~MISSISSIPPI \_\_\_\_\_ TRANSPORTATION \_\_\_\_\_ COMMISSION~~

~~=~~

~~Individual Company~~

~~By: \_\_\_\_\_~~

~~By: \_\_\_\_\_~~

~~=~~

~~Executive Director~~

~~ATTEST: \_\_\_\_\_~~

~~\_\_\_\_\_~~

~~Secretary~~

~~Entered in the Commission's Minute Book No. \_\_\_\_\_ (Agreement must be properly \_\_\_\_\_, Page \_\_\_\_\_, this executed to identify applicant and the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. person signing agreement and \_\_\_\_\_ notarized).~~

~~\_\_\_\_\_~~

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~~Sub part 7501 – Maintenance~~

~~Chapter 04010 Agreement, Form MND-012~~

~~Purpose~~

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MND-012  
REV:XX-XX

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

AGREEMENT

~~This agreement entered into by and between \_\_\_\_\_ of \_\_\_\_\_, hereinafter "Applicant" and the Mississippi Transportation Commission, hereinafter "Commission" whereby \_\_\_\_\_ is authorized to \_\_\_\_\_ on the right of way of Highway No. \_\_\_\_\_ in \_\_\_\_\_ County, Mississippi, Permit No. \_\_\_\_\_.~~

~~WHEREAS, The Applicant has submitted an application and plans to the Mississippi Transportation Commission, acting by and through the Mississippi Department of Transportation, hereinafter "Department", for the construction of said facilities: and~~

~~WHEREAS, the parties have agreed that the facility will be constructed according to said plans along said highway.~~

~~NOW THEREFORE, in consideration of the mutual promises herein, the Commission and Applicant agree as follows:~~

- ~~1. The Commission agrees to allow the Applicant to construct its facility on the said highway right of way according to the plans which the Applicant has provided to the Department and which have been approved by the Department and referenced by Permit No. \_\_\_\_\_.~~
- ~~2. The Applicant agrees to construct its facilities according to said approved plans and will not vary therefrom without express written consent of the State Maintenance Engineer or his/her designee of the Department.~~
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~~IN WITNESS WHEREOF, the undersigned parties has caused the signatures of their appropriate representatives to be affixed on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.~~

~~MISSISSIPPI \_\_\_\_\_ TRANSPORTATION \_\_\_\_\_ COMMISSION~~

~~=~~

~~Individual - Company~~

~~By: \_\_\_\_\_~~

~~By: \_\_\_\_\_~~

~~=~~

~~Executive Director~~

~~ATTEST: \_\_\_\_\_~~

~~Secretary~~

~~Entered in the Commission's Minute Book No. \_\_\_\_\_ (Agreement must be properly \_\_\_\_\_, Page \_\_\_\_\_, this executed to identify applicant and the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. \_\_\_\_\_ person signing agreement and \_\_\_\_\_ notarized).~~