Form MM-109 Rev. 12-9-2019

PERMIT NO. 05-2020-0708

West Virginia Department of Transportation
Division of Highways
Right-of-way Encroachment Permit Application

PERMIT TO ENTER UPON, UNDER, OVER OR ACROSS THE STATE ROADS OF THE STATE OF WEST VIRGINIA.

THIS PERMIT, Made this 17th day of November 2020, between the

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, a statutory corporation hereinafter called DIVISION and

Mail to: 544 Cloverdale Road
Charles Town, WV 25414

Name: KROP PROPERTIES, LLC

Address: 640 WAR ADMIRAL BOULEVARD

Address: CHARLES TOWN, WV 25414 Phone No: (703) 731-1050

EMail: _____ hereinafter called APPLICANT.

WITNESSETH

In consideration of the hereinafter set out covenants and in accordance with W. Va. Code §17-2E-1 *et seq.*, §17-4-8, §17-16-6, §17-16-9, §31H-1-1 *et seq.*, federal law, and the rules, policies, guidelines, manuals, and federal regulations promulgated thereunder, APPLICANT does hereby apply to enter:

Route Type & No.: WV 115 DOH Project No.: _____ (if applicable);

at 0.196 mi south of CO 9/33, west side Mile Post: 5.804

in 19 - Jefferson County, for the purposes hereinafter set forth and in accordance with the plans and specifications which are attached hereto and made a part hereof:

To construct and maintain 1-24' commercial approach with 35' radii according to attached plans by Gordan. This work shall be constructed and maintained so that water and debris will not flow or be tracked onto the roadway. Should this parcel futher develop commercially, subdivide, or be located within a subdivision with internal access, this permit will be invalid. Applicant shall apply for a new permit to fit altered conditions. VOID 5-06-0438

APPLICANT further agrees to accept the conditions hereinafter set forth:

1. APPLICANT shall deposit with DIVISION the sum of $ 25000.00 in the form of an official, certified or cashier's check, or executed bond with surety satisfactory to DIVISION to cover any damage and inspection costs DIVISION may sustain by reason of the granting of this permit, including any expense incurred in restoring said highway to its original condition or the proper repair of any and all damages that may result within one (1) year from the date of the completion of said work.

APPROVED
JAN 13 2021
WV DOT
District 5

2. APPLICANT agrees to reimburse DIVISION for inspection costs as follows:

- ☐ A. For any inspection costs incurred under this permit.
- ☐ B. At $ _____ per linear foot for _____ feet of water line installed under this permit.
- ☐ C. At $ _____ per linear foot for _____ feet of sewer line installed under this permit.

3. APPLICANT shall notify DIVISION at least 48 hours in advance of the date the work will begin. Failure to comply will be cause for cancellation of this permit.

4. APPLICANT agrees to protect its employees, equipment and users of the highway at all times in accordance with the current Division of Highways manual "Traffic Control For Street and Highway Construction and Maintenance Operations".

BEFORE DIGGING OR OTHERWISE DISTURBING THE EARTH CALL: 1-800-245-4848 TO NOTIFY MANY UNDERGROUND OWNERS* FREE SERVICE