

**Tri Township Section Line Permit Application
For Opening, Using And Improving Section Line Right of Ways**

Pursuant to the NDCC 24-07-04 an organized Township has jurisdiction over opening, changing and closing a highway upon a section line right of way within the township. Any person or company requesting to open and improve a Section Line in Tri Township must do the following:

Applicants Name _____

Address _____

City/State/Zip _____

Contact person/Title _____

Phone Numbers _____

Description of Section Line: _____

Reason for opening, changing or closing: _____

TERMS AND CONDITIONS: Opening and improving a highway/road on a section line shall be subject to the provisions of NDCC Chapters 24-06 and 24-07 and the following terms and conditions:

- A. If the road is for purposes of Oil and Gas development the Applicant must provide proof that it has complied with the Notice and damage settlement provisions of NDCC Chapter 38-11.1. In which case the provisions of Paragraph B. and C. of this Permit application are not required. But the applicant shall provide a list of the names of the owners of the land over which the road is to pass, the point at which it is to commence, its general course, and the point where it is to terminate.

- B. In cases other than noted in Paragraph A. above, attach a copy of the petition for laying out the proposed road in accordance with N.D.C.C. §24-07-05, and providing a list of the names of the owners of the land over which the road is to pass, the point at which it is to commence, its general course, and the point where it is to terminate.

- C. Pursuant to N.D.C.C. §24-07-11, provide verification that at least seventy percent (70%) of the qualified electors who are owners or part owners of land bordering the proposed road have signed the original petition, and have released all their claims to damages arising from the laying out of the road. If there is less than seventy percent (70%) of the qualified electors who are owners of land bordering the proposed road approving the proposed road, provide verification of the required statutory posting or service of notice of the proposed road to said property owners; and, absent said statutory approval of qualified electors who are owners or part owners of land bordering the proposed road, any damages sustained by the laying out of the road will be in accordance with N.D.C.C. §24-07-16.
- D. Attach a copy of the approved plan for the proposed road or changing of such road, and approval by the McKenzie County, ND Road Department.
- E. In the event the proposed road intersects with another road or highway, provide a copy of the approved approach permit from the appropriate agency, board or entity.
- F. Applicant acknowledges and agrees that it shall be solely responsible for the cost of opening the road, unless the Township agrees in writing to take over the road. The applicant shall be responsible for complying with all local, state and federal laws and regulations pertaining to traffic control and road improvements.
- G. Applicant acknowledges and agrees that it shall provide a schedule for its construction activity, and no less than three full business days before commencement of any actual dirt work on the proposed roadway, the Applicant shall notify Tri Township in writing and all other appropriate agencies to prevent any conflict in work that may be scheduled for the proposed road.
- H. Applicant acknowledges and agrees that it shall be solely responsible for the cost of any future maintenance for the road, including but not limited to, dust control, graveling, snow removal and blading, as may be deemed or required by any local, state or federal regulation or standard unless the Township agrees in writing to take over the road.
- I. Applicant further agrees to indemnify and hold harmless Tri Township, its officers, agents, employees, successors and assigns, including reimbursement of reasonable attorney fees and costs, from any claims by any persons or entities for damages to person or property resulting from Applicant's activities in connection with the construction, maintenance, improvement and/or closure of said proposed road. This indemnification shall include the indemnification and holding harmless all Surface Owners for any and all environmental damage

caused by Applicant's activities hereunder, including but not limited to liability for water, soil, and air pollution, seepage, fire, spills and use of hazardous or toxic materials. Applicant agrees to assume liability for costs incurred by third parties required to contain or correct such damage. Applicant's indemnification shall include reimbursement of court costs and attorney fees which may arise and for which Tri Township is obligated to pay as a result of any claims, demands, causes of action, or liability for damages, loss or injuries that arise out of its activities on the land.

- J. Dust control if needed during and after construction is entirely at the applicant's expense unless the Township agrees in writing to take over the road.
- K. In the event the road is closed, Applicant agrees to abide by all local, state and federal statutes and regulations regarding notice and procedure for closure of the road, including but not limited to N.D.C.C. §§24-07-01, *et seq.*, and as may be amended.

When all the preceding conditions have been met, Applicant MUST present the entire packet to the Township Clerk TWO WEEKS before the regular scheduled meeting.

APPLICANT

By (Signature) _____ Date _____

Print Name and Title _____

Permission is here by granted to open and improve the stated section line in Tri Township with the following conditions: _____

Approved on _____ at the regular board meeting of the township officers.

TRI TOWNSHIP

Chairman