

## OWNER'S COVENANT

- A. Any grading, special ditching, alteration of slopes, or any other disturbance of any portion of the roadway right-of-way shall be restored by and at the expense of the Applicant to the condition existing prior to such disturbance and to the satisfaction of the Town Highway Commissioner or designated representative.
- B. The entire cost of the driveway construction or installation shall be the obligation of the Applicant.
- C. Applicant **shall** keep driveway culvert free of debris and other obstructions to provide proper drainage along the roadway.
- D. Maintenance and upkeep of driveway on and over public road right-of-way shall be the responsibility of the Applicant.
- E. The area within 10-feet of a property line shall be a restricted area over which no driveway may be developed. The 10-foot restriction shall be measured parallel to the driveway edge.
- F. The centerline of that part of the driveway lying on the public road right-of-way shall be at approximately right angles to the road pavement except as topography may make certain angular placement necessary.
- G. All driveways shall be developed in accordance with section 74.24 C., *Mitchell Code of Ordinances*; shall have a surface that is drive-able in all weather conditions that is at least 12-feet in width (driveway width is equal to the actual drive-able width); and shall have an area clear of brush, stones, trees, or similar obstructions that measures 24-feet horizontally (centered on the centerline of the drive-able surface) and 14-feet vertically (measured from the top of the drive-able surface).
- H. All culverts shall be developed in accordance with section 22.06, *Mitchell Code of Ordinances* with culvert materials restricted to concrete, corrugated steel, and corrugated High Density Polyethylene (HDPE) pipe, meeting AASHTO M 294, Type S Specifications, with a minimum of 12 inches of granular cover.
- I. At a distance of **Six (6)** feet from the edge of the roadway pavement, the finished grade of the driveway shall be at least **Four (4)** inches below the grade of the edge of the adjacent pavement.
- J. **This permit is revocable.** If the Applicant fails to complete the driveway within ninety (90) days, if the road right-of-way is not restored within thirty (30) calendar days, or if the driveway is not installed in accordance with this permit or the Town's rules for driveway construction, the Town may arrange for the restoration and all resulting costs shall be the obligation of the permit Applicant.
- K. The Permittee, his / her successors or assigns, agree to hold harmless the Town of Mitchell and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the issuance or exercise of this permit.
- L. All new driveways shall be constructed to have permanently vegetated sloped sides. Such construction shall be accomplished using only soil materials. The side slopes of the driveway shall be sloped at no more than a length to height ration of 2.5 : 1. All slopes shall be seeded or sodded by the property owner.
- M. The following special provision and regulation, not mentioned above shall apply to this permit:  

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