

**COUNTY OF MADERA
PUBLIC WORKS DEPARTMENT**

ENCROACHMENT PERMIT

No. _____

TO: San Joaquin River Ranch, LLC,
Riverstone Farms, LLC &
Riverstone Development, LLC
Attn: Timothy Jones
265 E. River Park Circle, Suite 310
Fresno, California 93720
And their respective successors-in-title to Madera
County APNs 049-051-004, 049-051-005, 049-052-005,
049-052-006, 049-053-004, 049-053-005 & 049-053-009

ROAD: Road 40

Permission is granted for the owners of the above-referenced Madera County APNs from time to time (each such owner, during its period of ownership, a “Permittee”) to use the subsurface of the real property described in the Offer of Dedication (fee title) recorded as Document No. _____, Official Records of Madera County (the “Offer of Dedication”), including for the utilization and operation of underground private irrigation pipelines within the fee title granted therein (the “Irrigation Pipelines”), including the right to repair, replace, or modify such pipelines, for purposes of moving irrigation water between APNs 049-051-004 and 049-052-005 on the westerly side of Road 40 (the “Westside Parcels”) and APNs 049-051-005, 049-052-006, 049-053-004, 049-053-005, and 049-053-009 on the easterly side of Road 40 (the “Eastside Parcels”).

- **This permit does not allow for a road closure without separate written consent from the Road Commissioner.**

This permit is issued under Chapter 5.5 of Division 2 of the Streets and Highway Code. **It is understood and agreed to by the permittee that by doing any of the work under this permit he or she accepts the conditions listed below.** The granting of this permit does not establish any precedent concerning the kind of encroachments permitted within public right-of-way.

SPECIAL CONDITIONS

Upon one-hundred eighty (180) days’ written notice, the County may require Permittee to relocate some or all of the Irrigation Pipelines to one or more different locations under Road 40 designated by the County of Madera Road Commissioner or his/her authorized deputy, so long as the relocation is at a reasonable cost to Permittee and the relocated Irrigation Pipelines allow the reasonably efficient flow of sufficient irrigation water between the Westside Parcels and the Eastside Parcels. This permit is being issued concurrently with and as a condition of the Offer of Dedication, and although the Irrigation Pipelines are subject to relocation as provided above, this permit may not be revoked except for a material breach by Permittee that is not cured within thirty (30) days after written notice from the County; provided, however, that if the matter is not reasonably subject to cure within that period, the cure period shall be extended a reasonable time so long as Permittee initiates the cure within such initial thirty (30)-day period and diligently prosecutes it to completion.

GENERAL CONDITIONS

1. The permittee is responsible for furnishing the contractor(s) with a copy of this permit.
2. Prior to any work, the permittee will secure, whenever required by law, written consent from the Railroad Commission of the State of California or any other public board having jurisdiction.
3. All work will conform to Madera County Code and either California Department of Transportation (CAL-TRANS) or the American Association of State Highway and Transportation Officials (AASHTO) standards and approved by the Road Commissioner.
4. All work will be inspected by the applicant's project Registered Civil Engineer who will certify that all work meets or exceeds Madera County Ordinance and accepted standards.
5. Madera County Road Department will be notified 72 hours prior to the commencement of final grade preparation, placement of asphalt, and at the completion of construction.
6. Prior to excavation, the permittee will call USA Underground Alert: 1-800-642-2444.
7. During construction, all traffic control will be in accordance with the most recent California Department of Transportation (CAL-TRANS) Manual of Traffic Controls for Construction and Maintenance Work Zones. *One lane of traffic will be open at all times.*
8. Traffic control during construction is the responsibility of the permittee and/or his contractors. The permittee will furnish and maintain all necessary safety devices and/or construction signs to properly protect and direct traffic.
9. No material shall be stored within eight feet from the edge of pavement or travel way or within the shoulder line where shoulders are wider than eight feet.
10. The permittee is responsible for all liability for personal injury and /or property damage, which may arise out of work permitted, or which may arise out of the permittee's failure to perform his obligations. In the event of any claim of liability against the County of Madera, department, officer, or employee, the permittee shall defend, indemnify and hold them and each of them harmless from such a claim.
11. Any damage to private or public facilities will be immediately reported to the Road Department, repaired and/or replaced at the expense of the permittee.
12. Work will not interfere with established drainage.
13. During grading and/or excavation, should archaeological resources be encountered, work will cease. The contractor must immediately contact the Madera County Road Department and a qualified archaeologist to determine whether the find is significant. The archeologist will make appropriate photo documentation and record a Historic Architectural Survey report if required. Any materials collected will be donated to an appropriate institution. The archaeologist will monitor further grading and /or excavation. He or she will have the power to halt or redirect these activities to allow for evaluation and recover. Should human remains be disturbed, the contractor will also contact the County Coroner (State Health and Safety Code Section 7050.5). Work will not resume until the coroner has determined the origin and disposition of the remains (Public Resources code 5097.98).
14. Upon completion of work, all brush, timber, scraps and material will be entirely removed, and the right-of-way left in a safe condition.
15. Upon completion of work, As-Built plans, signed and stamped by either a California licensed land surveyor or a California registered civil engineer will be provided to the Road Department.
16. The Permittees will not release the contractor(s) or any bond prior to acceptance of the work by the Road Department.
17. Unless revoked by the Road Commissioner or his designee, this permit is valid for the duration stated in the special conditions. Before an extension may be granted, an extension request must be presented in writing and

approved by the Road Commissioner or his designee. This permit is valid for 1 year from the date of permit issuance.

18. Whenever construction, reconstruction, or maintenance work on the road may require, the Permittees will immediately remove, at his or her own expense, all improvements from the right-of-way upon the written request of the Road Commissioner.

For the County of Madera

Acting Road Commissioner

By: _____

Teddy Michel

Assistant Engineer