

19. TEXAS GATE POLICY

Written applications, by private parties for the installation of a Texas Gate on an undeveloped MD road allowance will be considered by Council. Each applicant must own the adjacent land or the owner of the adjacent land must give written approval before the Texas Gate can be approved. Upon approval by Council the applicant must enter into an agreement with the MD.

Regulations:

1. The Texas Gate must be inspected and approved by the Director of Public Works prior to and after installation.
2. The Texas Gate is to be built of durable and suitable materials capable of carrying a minimum load of 80,000 pounds. The gate must not be less than six (6) feet and up to twenty-four (24) feet which will left up to the discretion of the Director of Public Works.
3. All Texas Gates must be accompanied by an access bypass sufficiently wide to accommodate agricultural equipment.
4. The private party must carry liability insurance in an amount determined by the MD Council and must provide the MD Administrator with proof of coverage on an annual basis.
5. The applicant is responsible for all costs of constructing and installing the Texas Gate. The applicant must install signage indicating Texas Gate, must keep the sign in a reasonable state of repair and is liable for any and all damages sustained by the public if this is not done.
6. The applicant is responsible for the maintenance of the Texas Gate.
7. Council reserves the right to order such gates removed at their discretion. The removal of the Texas Gate(s), if carried out in the future, shall be the responsibility of the applicant. Should the MD require the removal to facilitate road construction, sufficient notice shall be given to allow the applicant to remove the Texas Gate.

Apr. 12/07

TEXAS GATE AGREEMENT (Updated Apr. 12/07)

AN AGREEMENT made in duplicate and effective this _____ day of _____, 20____.

BETWEEN: The Municipal District of Provost No. 52
Box 300
Provost, Alberta
T0B 3S0

OF THE FIRST

PART

and

OF THE SECOND PART

The Council has approved the installation of ____ Texas Gate(s) at the following locations:

Sec. _____ Twp. _____ Rge. _____ W4

Sec. _____ Twp. _____ Rge. _____ W4

The approval is subject to the following conditions:

1. The Texas Gate must be inspected and approved by the Director of Public Works prior to and after installation.
2. The Texas Gate is to be built of durable and suitable materials capable of carrying a minimum load of 80,000 pounds. The gate must not be less than six (6) feet and up to twenty-four (24) feet which will be left up to the discretion of the Director of Public Works.
3. An access bypass sufficiently wide to accommodate agricultural equipment must accompany all Texas Gates.
4. The private party must carry liability insurance in an amount determined by the MD Council and must provide the MD Administrator with proof of coverage on an annual basis.
5. The applicant is responsible for all costs of constructing and installing the Texas Gate. The applicant must install signage indicating Texas Gate, must keep the sign in a reasonable state of repair and is liable for any and all damages sustained by the public if this is not done.
6. The applicant is responsible for the maintenance of the Texas Gate.
7. Council reserves the right to order such gates removed at their discretion. The removal of the Texas Gate(s), if carried out in the future, shall be the responsibility of the applicant. Should the MD require the removal to facilitate road construction, sufficient notice shall be given to allow the applicant to remove the Texas Gate.
8. The applicant agrees to indemnify and save harmless the Municipal District of Provost No. 52 from, and against all losses, costs, charges, liabilities, damages and expenses, including without limitation to third parties which the Municipal District may sustain by reason of the applicant, his agents, employees or contractors, arising out of, or in any way related to, the installation and this agreement, unless such loss arises from the negligence of the Municipal District, its employees, contractors or agents.

IN WITNESS WHEREOF the Municipal District and the Applicant have executed this Agreement by their signatures and seals as of the day shown above.

Applicant

Reeve MD of Provost

Witness
Jan. 9/03

Administrator MD of Provost