

**RIGHT OF ENTRY PERMIT**

THIS AGREEMENT made this the \_\_\_\_ day of \_\_\_\_\_ 2020, by and between **WAKE COUNTY**, a body politic and corporate of the State of North Carolina (hereinafter called Landowner) and **Town of Apex, NC**, (hereinafter called Permit Holder).

The parties hereto agree as follows:

The Landowner hereby grants unto the Permit Holder, its employees, agents, consultants and cooperating parties, the right and privilege to enter at any reasonable time for purposes of constructing/digging a trench to be used in trench training exercises upon Landowner's property located directly behind Apex Station 3, said property described as:

Being a portion of the property commonly known as 736 Hunter Street, Apex, NC. For illustrative purposes the Right of Entry area is highlighted in Exhibit A, which is attached hereto and incorporated herein by reference.

This privilege to enter is subject to the following provisions and conditions:

1. The term of this permit shall be valid, pending execution of both parties, from June 1 - June 30, 2020. If necessary, said term may be extended subject to mutual written agreement on behalf of all parties.
2. The specific purpose of this Right of Entry is to grant Permit Holder a Right of Entry constructing/digging a trench to be used in trench training exercises by the Fire departments Cary, Apex, and Morrisville. The Permit Holder is responsible for locating all underground utilities in accordance with State and local laws or ordinances prior to digging or excavating. The Permit Holder is responsible for repairing any damaged underground utilities as a result of the digging or excavation.
3. The Permit Holder agrees to defend, indemnify, and hold harmless the Landowner from any and all loss, liability, claims or expense (including reasonable attorney's fees) arising from bodily injury, including death or property damage, to any person or persons caused in whole or in part by the negligence or misconduct of the Permit Holder resulting from activities conducted on said property by the Permit Holder, its contractors, agents or employees, except to the extent same are caused by the negligence or willful misconduct of the Landowner. It is the intent of this section to require Permit Holder to indemnify Landowner to the extent permitted under North Carolina law. Wake County has no responsibility for any misinformation regarding utility locations or repairs that may ultimately be needed to same.

4. In conducting the above activities, the Permit Holder, its contractors, agents or employees agree to exercise reasonable care in order to minimize physical damage to Landowner's property and agree to return the Landowners property to its original condition.
5. In any activities undertaken pursuant to this Right of Entry, Permit Holder shall comply and cause its contractors, agents, and employees to comply with all federal, state, and local laws; and shall be responsible for obtaining any permits required to undertake such activities.
6. This right of entry is revocable by the Landowner. In the event the Landowner determines at any time that the Permit Holder, its contractors, agents or employees interferes with the Landowners use of the property, violates any law, and/or creates a safety hazard or nuisance, the Landowner may terminate this permit by providing written notice to the Permit Holder.
7. The Parties designate the following as authorized contacts for their respective organizations:

LANDOWNER'S CONTACT INFORMATION:

Mark Forestieri  
Director, Wake County  
Facilities Design & Construction  
Office 919-856-6356  
Email: [mforestieri@wakegov.com](mailto:mforestieri@wakegov.com)

PERMIT HOLDER'S CONTACT INFORMATION:

\_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

IN WITNESS WHEREOF, the parties have executed this agreement as of the above stated date.

(SIGNATURES ON FOLLOWING PAGE)

LANDOWNER

**WAKE COUNTY**

\_\_\_\_\_  
By: Mark Forestieri  
Director, Wake County  
Facilities, Design and Construction

\_\_\_\_\_  
Date

PERMIT HOLDER  
**TOWN OF APEX**

\_\_\_\_\_  
By:  
Title:

\_\_\_\_\_  
Date

**Exhibit A**

**Right of Entry Area Shaded in Blue**



Apex Fire Station #3