

SHA Permit No. 15-AP-MO-021-16

ROUTE
MD 190

DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION
OF MARYLAND
Baltimore, MD

DATE OF ISSUE
May 19, 2016

MILEPOINT
9.68

EXPIRATION DATE
May 19, 2017

PERMISSION IS HEREBY GIVEN:

Saint Andrew Romanian Orthodox Church, c/o Mr. Dima Samata, 9111 River Road, Potomac, MD 20854 (Phone: 240-281-0254) so far as the State Highway Administration has the right and power to grant same, to construct a site entrance as part of the proposed Bradley Farms (Saint Andrew Romanian Orthodox Church), located on the north side of River Road MD 190, 680 feet east of Harrington Drive & MD 190.

Improvements include but are not limited to the following: full-depth pavement, reinforced concrete slab, resurfacing, signing, pavement markings, and landscape plantings.

Unless otherwise specified below, construction of these improvements and/or modifications shall be in accordance with the latest version of the Maryland Department of Transportation State Highway Administration's Standard Specifications for Construction and Materials and the attached plan, copies of which are on file in this office. The plans and all of their additions and attachments are hereby incorporated in this permit.

It is agreed and understood that this permit constitutes a binding contract between you, your heirs, successors, and assigns, and the SHA, to adhere to the terms and conditions set forth in this permit.

SPECIAL CONDITIONS OF APPROVAL AND PERMIT ISSUANCE

The following Special Conditions of Approval for the proposed access on are hereby incorporated into this permit:

1. A reinforced concrete slab design, dated February 18, 2016 and designed by ECS Mid-Atlantic, is permitted in lieu of a standard SHA pavement design at the site access point. Any and all repairs, maintenance, or failures incidental to the reinforced concrete slab will be the responsibility of the permittee.

2. The SHA will retain the project surety, the posted Performance Bond No. 4469136, dated April 25, 2016, with Westfield Insurance Company, for the length of one year following the completion of construction. The project surety will be released upon final inspection approval at the conclusion of the one year period.

My telephone number/toll-free number is 410-545-0400 or 1-800-206-0770
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

GENERAL PROVISIONS

I. Inspection and Pre-Construction Meeting

A. IMPORTANT: Prior to any work being performed in the State Highway Administration right-of-way, a pre-construction meeting shall be held with representatives of the Administration. In order to schedule the pre-construction meeting, all source of supply letters must be approved. Submit source of supply letters to SHA's Materials Management Division (Phone: 443-572-5020) at least two (2) weeks prior to the date you intend to begin construction. Once you have approved source of supply letters, you must notify the SHA Utility Permit Inspector, Mr. Montee Benjamin, Greenbelt, Maryland (Phone: 301-513-7492) forty-eight (48) hours before the commencement of work, and prior to each successive stage of work. All work is subject to review and approval of the SHA Utility Permit Inspector. Work deemed unacceptable shall be repaired and/or replaced to the satisfaction of the SHA Utility Permit Inspector.

AND

You must make notification in accordance with Engineering Specifications Section II: Utilities, Section III: Work Zone Traffic Control and Maintenance of Traffic, Section VIII: Permanent Signing, Pavement Marking and Traffic Control, and Section VII: Traffic Signals, prior to commencement of work.

If this notice is not given, it will be necessary to suspend work for a minimum period of twenty-four (24) hours to allow time for notification of the proper agencies.

B. SHA will assign an SHA inspector to regularly monitor the construction work of you and/or your contractor.

C. It shall be the responsibility of you and/or your contractor to notify the SHA Utility Permit Inspector's office upon completion of the work, so that SHA can conduct a final inspection of the modifications and/or improvements. When SHA determines that all work required under the terms of this permit have been completed, SHA will release the permit, return the bond to you and notify the surety. Release of this permit does not extinguish this agreement regarding continuing responsibilities of either party concerning maintenance, drainage, traffic signals, land use, etc.

II. The Permittee's and/or Owner's Responsibility for Work

A. You and/or your contractor shall fully perform the modifications and/or improvements set forth in this permit in a manner satisfactory to SHA. Failure to complete the modifications and/or improvements within the allotted time, may result in one of the following actions:

(1) Permit may be revoked if entrance work is not started and property is not in commercial use.

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(2) Completion of all or part of the work at your expense if work is not completed, or you fail to comply with the permit provisions. With no prior notice to the Permittee, the surety will be requested to immediately fulfill its obligation, and the Permittee shall be responsible for any costs in excess of the bond.

B. SHA shall have the right to enter upon the property of the Permittee to perform or complete the work. Such action shall not be deemed an acceptance of any work not completed in accordance with this permit. That does not relieve you and/or your contractor of liability for loss or damage resulting from your negligence or that of your contractor.

C. If, due to circumstances beyond your control (i.e. weather, strikes, etc.) you cannot complete the work within the allotted time, please write this office thirty (30) days before it is going to expire to request an extension. Your request will need to include a detailed justified reason as to why the work has not been performed and a construction timetable of when this work will be completed. SHA may grant an extension of the work completion date within which the terms and conditions of the permit are to be fulfilled. A copy of the extension will be forwarded to you and the provider of the surety. Your concurrence will be assumed if written objections are not received within ten (10) days of the issuance of the extension.

D. It shall be your responsibility to obtain and provide copies to SHA, any and all other permits, approvals, etc., from the appropriate parties or agencies that may be necessary for you to complete the necessary modifications and/or improvements.

E. The personnel on the job site performing the modifications and/or improvements must have a copy of SHA's approved permit and plans at all times and they must have full knowledge of the contents of the permit. The SHA Utility Permit Inspector shall have the option of closing down projects where the job site personnel do not have a copy of the approved permit and plans and/or are not complying with the contents of the permit and plans.

III. Future Adjustments

A. It is agreed that any expansion and/or modification of the development, or change of use or occupancy of the property, will require the approval of the SHA and may require the owner, developer, or tenant to obtain a new access permit to remove, modify, or reconstruct the entrance in accordance with SHA requirements in effect at that time and deemed necessary by the Administration.

B. In the event that any State highway is modified to become a dual or divided highway containing a median, or if a median is already in place, SHA may decline to construct or allow the construction of a crossover through the median that would allow left turns to and from the property. SHA reserves the right to restrict or eliminate the use of existing crossovers and new crossovers established under this permit.

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IV. Right-of-Way Requirements

- A. Vehicular access to and from the subject site by the public, for the purpose of conducting business for the permitted use of the property, shall not be allowed until such time as the work herein specified has been fully completed in accordance with the permit.
- B. No obstructions shall be placed on or within the SHA right-of-way without written permission.
- C. No signs or lights will be permitted on or above the State's right-of-way. (Except approved traffic control signs, traffic signals, intersection lighting, etc.).
- D. If mailboxes are erected within the SHA right-of-way, they must be placed on a breakaway type post or support. The maximum size wooden post will be 4" x 4". The maximum size pipe support will be 2" in diameter. Any other type of support (ornamental) shall not have a structural strength greater than either of these. The owner and/or you will be directed to remove any mailbox support of a size greater than the aforementioned; and if not removed by the owner and/or you, it will be removed by SHA forces. SHA is not responsible for any damage to mailboxes regardless of how the damage may occur.
- E. Fire hydrants on or adjacent to the project shall be kept accessible to fire departments at all times and no material or obstruction shall be placed within fifteen (15) feet of any such hydrant. All footways, gutters, sewer inlets adjoining the work under construction shall not be obstructed more than is absolutely necessary. Construction zones closed down for the winter or at any other times shall be left entirely accessible at all points to fire apparatus.
- F. Proposed removal, selective thinning, or pruning of any trees within SHA right-of-way must be reviewed and approved by **SHA's Office of Environmental Design – Landscape Operations Division (Phone: 410-545-8590)** prior to contacting the **Maryland Department of Natural Resources – Forest Service (Phone: 301-854-6060)**, to determine whether that is permissible under the Annotated Code of Maryland, Title 08, Subtitle 07, Chapter 02.
- G. As part of this permit, permission is hereby granted to plant in the area behind the roadside curb. You and/or your contractor shall maintain the plants at a maximum height of 18", and the plants shall be trimmed so they will not overhang the outside edge of the concrete curb. Where grass is planted, it shall be mowed and trimmed periodically to insure a neat appearance.
- H. Graded cut and fill slopes in the public right-of-way are to be sodded or seeded and mulched.
- I. In the fill areas where the cross slope of the embankment fill is steeper than 3:1 (horizontal : vertical), and the height of the fill exceeds 5', Standard "W" beam is required as directed by the SHA Utility Permit Inspector.
- J. It shall be the responsibility of you and/or your contractor to restore the right-of-way to its original condition if construction begins but is abandoned prior to completion.

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K. All mud and debris tracked and/or spilled on the State highway shall be removed promptly to eliminate potential hazards and comply with sediment control requirements.

L. Maintenance of the area, beyond the roadside flowline, shall be the full responsibility of you and/or the Permittee or Lessee.

M. After construction is completed and prior to permit release, the Permittee must submit As-Built construction plans (two sets, plus digital copy) or certification from a licensed professional that the project was constructed as per the access permit plans with no changes.

V. Responsibility for Damage Claims

You shall indemnify and save harmless the SHA and all of its agents, servants and employees from all suits, actions, or claims of any character brought on account of any injuries or damages to person or property occurring as a result of any act or omission by you or your agent, servant, consultant or independent contractor employed by you for the performance of the work required or identified in this permit or the preparation for the performance of the work set forth in this permit, including but not limited to the formulation of plans or plats.

ENGINEERING SPECIFICATIONS

I. General Requirements

A. All construction on the State highway right-of-way shall conform to the latest version of SHA's "Standard Specifications for Construction and Materials", which shall be construed to include all pertinent Interim Specifications Addenda and Special Provision Inserts. In addition, these Engineering Specifications and approved site-specific Special Provisions attached to this permit shall apply. All construction shall conform to the latest version of SHA's "Book of Standards for Highway and Incidental Structures", except where the use of nonstandard or modified designs is expressly noted and detailed on the approved plans.

B. If there is a discrepancy between the actual elevations and the elevations shown on the plans, the grades of the proposed curbing and paving shall be established by using the actual elevation of the road edge. If, in SHA's sole judgment, the discrepancy is substantial enough to warrant formal plan revisions, such revisions shall be made by the Permittee and submitted for review and approval by the SHA. The SHA Utility Permit Inspector shall have the option of suspending work on the affected portions of the permitted work until the revisions have been approved and an Addendum to the permit has been issued.

C. Any deviations and/or adjustments as may be required at time of construction shall be constructed in accordance with the approval of and as directed by the SHA Utility Permit Inspector. If, in SHA's sole judgment, the deviations and/or adjustments are substantial enough to warrant formal plan revisions, such revisions shall be made by the Permittee and submitted for review and approval by the SHA. The SHA Utility Permit Inspector shall have the option of suspending work on the affected portions of the permitted work until the revisions have been approved and an Addendum to the permit has been issued.

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D. If the access area is to be used for construction traffic prior to completion of the access, a standard stabilized construction entrance (SCE-1) shall be constructed at the direction of the SHA Utility Permit Inspector. The construction entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto the SHA right-of-way. This may require periodic top dressing with additional stone as conditions demand, and repair and/or clean out of any sediment control measures.

II. Utilities

A. You shall be responsible for the necessary relocation and/or adjustment of all existing utilities, as well as the installation of any new underground utilities to serve this development, prior to the construction of the improvements. All utility work shall be accomplished under a separate permit issued by the **SHA District Utilities Engineer, Mr. John Nesbitt, Greenbelt, Maryland, (Phone: 301-513-7350)**.

B. As indicated by your signature on the permit application, you acknowledge and agree to accept full financial responsibility regarding the relocation or adjustment of utilities.

C. You must notify "**MISS UTILITY**" (**Phone: 1-800-257-7777**) forty-eight (48) hours in advance of any construction so that all underground utilities can be identified in the field. Use **BW996M82** when initiating a "MISS UTILITY" request.

D. You must notify the **Maryland State Highway Administration Office of Traffic and Safety** at **410-787-7650** forty-eight (48) hours in advance of excavation operations to allow any State owned underground facility to be marked.

III. Work Zone Traffic Control and Maintenance of Traffic

A. You are responsible for proper work zone traffic control and maintenance of traffic in accordance with the terms of this permit. In the event that the SHA is required to provide traffic control due to the Permittee failing to provide same, all cost and applicable overhead shall be billed directly to the Permittee.

B. Any work related to lane markings, signage, and/or traffic control, as appropriate for this permit, must be coordinated with the SHA Assistant District Engineer – Traffic. The Permittee shall notify the **SHA Assistant District Engineer – Traffic, Ms. Anyesha Mookherjee, (Phone: 301-513-7498)**, at least five (5) days prior to taking any action. Note: All temporary warning signs shall be completely covered and/or removed when not applicable.

C. Traffic controls shall conform to the latest version of the Maryland Manual on Uniform Traffic Control Devices (MdMUTCD), the Standard Specifications for Construction and Materials, the Standard General Notes MD 104.00, and the Special Provisions (DEAP'S) for Traffic – 1 (revised 7/31/05).

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D. Work within and adjacent to the traveled way once initiated, shall be completed in successive days. All work is to be accomplished week days between the hours of 9:00 AM and 3:00 PM or as determined by the SHA Assistant District Engineer – Traffic. No lane closures will be allowed during non-work periods, unless approved prior to permit issuance by the SHA Assistant District Engineer – Traffic.

E. All work accomplished under this permit shall be controlled using the appropriate SHA Standard Temporary Traffic Control Typical Applications (Standards No. MD 104.02 and MD 104.03) and in accordance with the attached Special Provisions Traffic – 1 (revised 7/31/05). The Permittee may request approval of a site-specific traffic control plan from the SHA Assistant District Engineer – Traffic to be used in lieu of the above-referenced standards. The SHA Book of Standards for Highway and Incidental Structures can be accessed at the following location:
<http://apps.roads.maryland.gov/BusinessWithSHA/bizStdsSpecs/desManualStdPub/publications/online/ohd/bookstd/index.asp>.

F. Traffic control required as a result of pavement elevation differences, during both work and non-work periods, shall be in accordance with SHA's current Pavement Drop-off Guidelines and/or as directed by the SHA Utility Permit Inspector. Except as may otherwise be directed, the pertinent SHA Standard Temporary Traffic Control Typical Applications MD 104.06-15, MD 104.06-16, MD 104.06-17, MD 104.06-18, MD 104.06-19, and MD 104.01-28 shall be applied based on the height of the drop-off and proximity to the travel lane. For drop-off greater than five (5) inches, closure of the adjacent travel lane or placement of temporary concrete traffic barrier with appropriate end treatments is required.

G. In the event that the SHA is required to provide traffic control due to the Permittee failing to provide same, all costs and applicable overhead shall be billed directly to the Permittee.

H. Boxing out the entrance and/or shoulder area in preparation for paving is to be accomplished in accordance with "Paving Instructions" outlined in the attached Special Provisions for Traffic Control.

IV. Grading and Paving

A. Grading for excavation, subgrade preparation, embankments, and roadside cut and fill areas shall conform to the lines and grades identified on the approved permit plans, and as may be directed by the SHA Utility Permit Inspector. In no case shall any cut slope or fill slope be graded steeper than 2:1 (horizontal : vertical).

B. A full-depth vertical sawcut is required at the edge of all pavement removal and replacement and/or base widening, to form a neat, clean joint between new pavement and existing pavement. The vertical face shall be cleaned and tack-coated prior to placing the new pavement. All existing paving disturbed during construction of the work covered by this permit shall be replaced in kind, subject to approval of the SHA Utility Permit Inspector.

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C. Paving shall be established on a subgrade acceptable to the Chief Engineer or his representative. The prepared and compacted subgrade shall have a density of not less than 97% of maximum dry density as specified in T 180. Unsuitable material shall be removed and replaced as directed by the SHA Utility Permit Inspector.

D. The permitted paving shall use the following full-depth section(s):

- (a) 2" Hot Mix Asphalt Superpave 12.5 mm for Surface – PG 64-22, Level 2
6" Hot Mix Asphalt Superpave 19.0 mm for Base – PG 64-22, Level 2 (2 – 3" lifts)
12" Base Course Using Graded Aggregate (2 – 6" lifts)

NOTE: The ESALs range for the above noted HMA Superpave mix(es) shall be from 0.3 million to 3 million ESAL (Category 2) for a 20 year Superpave design analysis period.

NOTE: At the sole discretion of the Permit Inspector, and/or the Resident Maintenance Engineer, cores may be required to verify the pavement depth prior to the construction and/or after the final paving. This is to allow the State Highway Administration's Permit Inspector/Resident Maintenance Engineer to determine if the pavement will need to be replaced by the Permittee.

NOTE: The Asphalt Binder shall conform to AASHTO MP 1-93 Table 1, Standard Specification for Performance Graded Asphalt Binder. Superpave mix designs shall be in conformance with AASHTO PP28-95, Standard Practice for Superpave Volumetric Design for HMA. The Contractor shall submit certificates of analysis showing that the HMA is in conformance with MP 1-93 and PP28-95 Specifications. The Performance Grading shall be achieved by the use of Neat Asphalt with Polymer modification when needed.

Each course of option must be thoroughly compacted with a road roller of not less than eight (8) tons in weight, unless otherwise directed by SHA.

F. The permitted paving shall conform to the following descriptions:

ENTRANCES

The sawcut shall be made along the edge of the existing traveled lane. The entrance proper shall slope on a suitable grade not to exceed 3%. Entrances that include pedestrian crossings shall provide a minimum 60" wide path not to exceed 2%. The area around the entrance radii is to be graded and paved as to ensure positive drainage. The existing pavement shall be sawcut or milled, as directed by the SHA Utility Permit Inspector, to remove the existing edgeline marking prior to placing the final surface course.

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MILLING/GRINDING AND OVERLAY

Existing pavement shall be milled or carbide grinded within the limits shown on the plans to a depth of 2", prior to placement of the surface course for the overlay and the adjacent new full depth paving. The surface course overlay shall be applied on the properly prepared and cleaned surfaces and adjacent new base paving. The new surface course shall tie-in neatly with adjoining existing paving.

The following surface course is specified for the overlay:

2" Hot Mix Asphalt Superpave 12.5 mm for Surface, – PG 64-22, Level 2

NOTE: The ESALs range for the above noted HMA Superpave mix(es) shall be from 0.3 million to 3 million ESAL (Category 2) for a 20 year Superpave design analysis period.

V. Concrete Curb and Gutter, Islands, Monolithic Median, and Sidewalk

Not Applicable

VI. Traffic Barrier

Not Applicable

VII. Drainage

A. Positive and controlled flow of stormwater runoff to a suitable outfall, without ponding or erosion damage, shall be obtained. So that no increase in stormwater runoff is generated by this development into MD 190, proper stormwater management plans should be reviewed and approved by the County, Soil Conservation Districts and/or Maryland Department of the Environment and implemented by you. SHA is not an approving authority for stormwater management or sediment and erosion control requirements associated with the work within State right-of-way.

B. Should proper "Stormwater Management" not be included by you in development of the property, and upon being damaged by increased stormwater runoff from the development, SHA will institute legal proceedings to prevent a recurrence of such situations to protect the public's safety and to seek reimbursement for any damages sustained.

C. You shall be responsible for the placement of any sediment and erosion control devices required by the approving authority or deemed necessary by the SHA Utility Permit Inspector during the construction of the improvements outlined in this permit. All existing drainage systems (including, but not limited to ditches structures, inlets, pipes, outfalls, etc.) shall continue to function in an effective manner while work is in progress, as well as upon completion of work. Should any disturbance be made to existing drainage systems, you must restore them to their

original condition and function using appropriate methods (including, but not limited to, structural replacement, cleaning out, resodding, stabilization practices and paving) as directed by the SHA Utility Permit Inspector.

D. All drainage systems and construction incidental to drainage are a part of this permit, and the approved plans shall not be deviated from without written permission from this Administration. Storm drain structures, pipes and connections shall be constructed as indicated on the attached plan and as directed by the SHA Utility Permit Inspector. In the event that the storm drainage or stormwater management facilities cannot be constructed according to plan due to utility conflicts, adverse site conditions or other factors discovered during construction, it is your responsibility to accomplish a functionally equivalent design and submit revised plans to SHA for approval.

E. Clearance with any existing utility shall be in accordance with the criteria established by the utility owner. Underground utilities shall be located and clearances determined prior to submission of final design plans, using appropriate engineering methods including test pitting. Should utility conflicts arise during construction, an alternative design will be required that is functionally equivalent to the permitted design and will require approval from the Highway Hydraulics Division.

VIII. Permanent Signing, Pavement Marking and Traffic Control

A. A standard SHA stop sign (Standard Type R1-1 30" x 30"), is to be placed at the entrance to the State highway, as shown on plans, at the sole expense of the Permittee/or others, but not the SHA.

B. If it becomes necessary to adjust existing signs as part of the construction, they shall be removed, relocated and/or replaced as directed by the SHA Utility Permit Inspector.

C. Permanent pavement markings shall comply with the latest version of the MdMUTCD, the SHA Standard Specifications, and the approved plans.

D. In the event that the SHA is required to provide traffic control due to the Permittee failing to provide same, all costs and applicable overhead shall be billed directly to the Permittee.

IX. Traffic Signals

Not Applicable

X. Lighting

Not Applicable

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XI. Surety

A surety in the amount of \$70,000.00, has been posted in the form of a Performance Bond No. 4469136, dated April 25, 2016, payable to the State of Maryland, with the Westfield Insurance Company, One Park Circle Westfield Center, OH 44251, from the account of Saint Andrew Romanian Orthodox Church, 9111 River Road Potomac, MD 20854, is being made a part of this permit.

XII. Engineering Fee


Not Applicable

XIII. Signal Fee

Not Applicable

STATE HIGHWAY ADMINISTRATION

Gregory C. Johnson
SHA Administrator



Brian W. Young
District Engineer