

**RELEASE  
FOR  
DISPOSAL OF FILL MATERIAL  
OUTSIDE A  
COUNTY HIGHWAY RIGHT OF WAY**

**MADE AND CONCLUDED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Phone #:** \_\_\_\_\_

party(ies) of the first part, and

**Herkimer County Department of Highways**

313 Third Ave  
Herkimer, NY 13350

party of the second part

**WHEREAS**, the party of the first part for and in consideration of the sum of One Dollar (\$1.00) paid by Herkimer County Department of Highways, shall permit and allow Herkimer County Department of Highways, its agents, officers, employees and contractors the right and privilege to go upon the land and premises of the party of the first part with vehicles, tools and workmen for the purpose of

**DISPOSAL OF FILL MATERIAL**

**To be placed on lands or premises known as**

\_\_\_\_\_ **Tax Map #** \_\_\_\_\_  
Property Address or Description of Location

**at a distance of approximately \_\_\_\_\_ feet from the centerline of**

\_\_\_\_\_ **in the Town (s) of** \_\_\_\_\_  
County Route Name & Number

**Being subject to the following conditions:**

1. Fill material will only be disposed of in owner designated locations.
2. No grading or leveling off of disposed fill material will be performed by highway department forces.
3. Fill material will not be disposed of in areas that appear to be environmentally sensitive (i.e. wet areas, waterways, etc.)
4. Other: \_\_\_\_\_  
\_\_\_\_\_

**NOW**, upon agreement between the parties, it is hereby agreed that:

The right and privilege hereby granted shall bind the party of the first part, their heirs, legal representatives and assigns to this instrument.

The purposes for disposal of fill material are including, but not limited to: imposing safety concerns of the traveling public, highway rehabilitation/reconstruction and performance of necessary maintenance as determined by Herkimer County Department of Highways.

The party of the first part does hereby release and save harmless Herkimer County Department of Highways, its agents, officers, employees and contractors of and from any and all damages the party of the first part has or may hereafter sustain on account of disposal of fill material.

**IN WITNESS WHEREOF**, the party(ies) of the first part have set their hand and seal.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

**Witnessed By:** \_\_\_\_\_  
Herkimer County Department of Highways Employee