

POTTAWATOMIE COUNTY, KANSAS
PERMIT TO INSTALL UTILITY SERVICES

Terms & Conditions

First: Completion Time: The petitioner shall furnish all material, do all work, pay all costs and shall in a reasonable length of time restore said highway to a condition equal to that existing before approval of the described work. It is also understood that the work shall be completed within ninety (90) days after this permit is approved; otherwise the permit becomes null and void, unless an extension of time is approved.

Second: Plans: The Petitioner shall furnish a comprehensive plan or sketch of the proposed work. The plan shall include the location of the utility and supporting equipment in relationship to the roadway and ditch, the depth if applicable, and other pertinent information. The utility shall be located and constructed to the satisfaction of the Pottawatomie County Engineer or his duly authorized representative. The material and construction methods used on all of the work within the right-of-way limits shall conform to the current specifications of Pottawatomie County.

Third: Obstruction of Traffic: One lane of traffic shall remain open at all times during the entire project. In extreme cases, the County will allow closure of the road for less than twenty-four, (24), hours if prior approval is obtained. The petitioner will be responsible for notifying all emergency services, postmasters, and affected homeowners and school districts. Private entrances shall not be closed overnight and shall be opened for access as promptly as possible.

Fourth: Construction Methods: The Petitioner shall bore all road crossings. All underground utilities shall be a minimum of 24" deep measured from the existing ground. All disturbed areas shall be re-compacted and surfaced to original condition. Rock windrow within the construction site shall be removed wherever necessary. Prior to the work the Petitioner shall contact Pottawatomie County to determine who will be responsible for moving the windrow. The Petitioner shall not use the rock windrow for backfilling or re-surfacing work areas. Areas where the road surface has been disturbed may require additional rock to be placed by Petitioner. The Petitioner shall not leave open any trenches or holes in or immediately adjacent to the roadway overnight. No mounds, ridges or other safety hazards shall be left on the road surface following said construction. The Petitioner agrees to immediately repair any settlement, which occurs as a result of the construction. Proposed construction approved by this permit is to be conducted in such manner as to in no way interfere with County's maintenance, construction, or a County contractor's work on a project.

Fifth: Safety: The Petitioner shall not park equipment on the roadway when work is not being conducted. The Petitioner shall utilize MUTCD signing procedures to adequately sign the construction zone. **Federal Regulation Part 634 of CFR23:** All workers within the right-of-way of a Federal Aid Highway, who are exposed to traffic or construction equipment within the work area, are REQUIRED to wear ANSI Class 2 or Class 3 High Visibility Safety Apparel. All hazards left within the right of way overnight shall be marked with a MUTCD approved barricade equipped with a flashing light.

Sixth: Assumption of Risk: The Petitioner, his or its successors or assigns, shall assume all risk and liability for accidents and damages that may occur to persons or property on account of the work performed by Petitioner, and shall hold County harmless therefrom.

Seventh: In the event County deems it necessary or proper to make any alteration or improvement along or upon the highway or road right-of-way, the Petitioner agrees to save County harmless for any damage to said Petitioner's construction along or upon said highway or road right-of-way and the Petitioner further agrees that, upon notice being served upon him or it, he or it shall, within a reasonable amount of time, relocate said utility on the highway or road right-of-way as requested by County or its duly authorized representative without expense to County. This provision shall not be applicable in the event legal or governmental regulation authorizes reimbursement to Petitioner.

Eighth: Re-seeding : Whenever an installation within the right-of-way destroys a planting of grass, shrubs, or trees, the right-of-ways and entrances shall be restored and shall be re-seeded and items destroyed shall be replaced as directed by the County Engineer or his designee. The areas to be re-seeded shall utilize vegetation similar to the surrounding areas and shall be mulched. An established stand of vegetation shall be required. Erosion, which occurs as a direct result of said construction, shall be the responsibility of the petitioner. Said areas shall be stabilized as directed by the County Engineer or his agent.

Ninth: Permit: A copy of the approved agreement shall be in the possession of the contractor during construction and presented upon request.

Tenth: Failure to abide by these conditions and restrictions shall result in the immediate termination of the utility easement agreement resulting in the immediate stoppage of all construction work. Future requests for agreements may also be denied based on past non-compliance.

****NOTE:** This instrument does not constitute an easement to construct, install and maintain utility services. County is merely an easement holder. This is merely a permit granting County's permission to install and maintain utility services within County road right-of-way. A utility wishing to install utility services on road right-of-way may need to obtain an easement from the owner or owners of the lands involved.

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WHEREAS, _____, herein called the
(Name)

Petitioner, requests permission and authority of Pottawatomie County, Kansas, (herein called County) to install certain utility services on and within County road right-of-way, described as follows: (type of work and location)

in, upon or along County Road known and designated as _____ Road, subject to the terms and conditions.

****By signing below, I acknowledge that I have read and agree to the Terms and Conditions as outlined on Page 1 of this application.****

SIGNATURE _____

PRINTED NAME _____

COMPANY _____

ADDRESS _____

CITY _____ **STATE** _____ **ZIP CODE** _____

PHONE #: _____ **FAX #:** _____

EMAIL: _____

AND WHEREAS it is recommended by: _____
Public Works Representative

NOW THEREFORE the petitioner's request is: **granted** **denied**

this _____ day of _____, _____,

By: _____
Public Works Department Head

Complete and submit page 2, along with a comprehensive plan or sketch of work to be completed, to:

Pottawatomie County Public Works
612 E. Campbell St.
Westmoreland, KS 66549
Fax: 785-457-3422

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