

GENERAL

1. Utility. Under this order "utility" shall mean and include all privately, publicly or co-operatively owned communication lines and facilities, any systems, lines and facilities for the distribution and transmission of electrical energy, oil, gas, water, sewer, steam and other pipe lines, railways, ditches, flumes or other structures which under the laws of this State or the ordinance of any village or city may be constructed, placed or maintained across, along or on the county highway right of way. Dependent upon the meaning intended in the context, "Utility" shall also mean the utility company, inclusive of any wholly owned subsidiary.

2. Except as otherwise permitted, utility construction and relocation on county highway right of way shall not be commenced until an application for a Permit has been made and such Permit granted. The Permit sketch shall show the location of the proposed utility with reference to county highway center line. A copy of the sketch shall be provided for each such Permit.

3. All waterways and lines of drainage shall remain operative.

4. Wherever topsoil and sod are disturbed they shall be replaced and maintained satisfactorily until the turf is established.

5. The utility and installation shall not interfere with any existing utility facilities on the county highway right of way.

6. When necessary, barricades, warning devices and flagmen shall be provided by the Utility during all phases of their construction and maintenance operations on county highway right of way.

7. The utility shall assume all liability for, and save the County, its agents and employees, harmless from, any and all claims for damages, actions or causes of action arising out of the work to be done herein and the continuing uses by the Utility, including but not limited to the placing, constructing, reconstructing, maintaining and using of said utility under this application and Permit.

8. The Board of County Commissioners may require the Utility, or its contractor, to furnish a deposit in the form of a certified check, a surety bond or corporate undertaking, in favor of the Board of County Commissioners of Douglas County, for any expense incurred by the County in the repairing of damage to any portion of the County highway right of way caused by work performed under a Permit, including any out of the ordinary engineering supervision and inspection expense provided by the county. In those instances wherein a deposit is required, the amount of the deposit shall be specified in the Special Provisions of the Permit. If a check is furnished, any monies remaining over and above such expense shall be returned to the applicant.

9. The Permit as issued does not in any way imply an easement on private property.

10. The installations shall be made in conformity with all applicable laws, regulations and codes covering said installations. All installations shall be made in conformity with regulations of governmental agencies for the protection of the public.

11. Upon completion of an installation, the Utility shall restore the county highway right of way to its original condition. The Utility shall then notify the office of the County Highway Engineer of the completion of the work so that inspection can be made to determine its acceptability.

12. If County Highway Department shall make any improvements or change on all or any part of its R/W upon, over, under or along the county highway then and in every case the applicant herein named shall, after notice from the County Highway Engineer or his authorized agents proceed to alter, change, vacate or remove from County Highway R/W said works necessary to conform with said changes without cost whatsoever to the County.

PERTINENT REGULATIONS

Roadway

1. Installation of pipe under concrete or high type of bituminous pavements to be done by jacking or boring.

2. When trenching across surfaced roads material excavated must be piled separately.

3. All back-filling must be performed in an approved manner and be placed in 6" layers and thoroughly tamped and material must be flush and even with the road surface when finally in place.

4. If pavement or roadway is damaged same shall be restored to original condition.

5. Concrete pavement to be replaced according to State specifications.

6. If settlement occurs or excavation caves in so that replaced materials settle (bituminous mat or concrete base) same shall be restored to its original condition.

7. No pole anchors, anchors, braces or other construction to be put on roadway shoulder or slope.

8. No driving onto highway from ditch or driving on shoulders where damage will occur.

9. When an installation is made by jacking or boring, a pipe or casing of larger dimension must be used to encase the service pipe, unless otherwise authorized.