

## **BENTON COUNTY UTILITY PERMIT**

Project No.: \_\_\_\_\_

C.S.A.H.: \_\_\_\_\_

C.R.: \_\_\_\_\_

(Office Use Only) In accordance with the application herein, a Utility Permit is granted to \_\_\_\_\_ to place, construct and thereafter maintain \_\_\_\_\_ on or across, or under the right of way of County Highway No. \_\_\_\_\_ in the location shown on the sketch, which is a part of said application, or in such locations as may be specified by the Benton County Highway Department in the Special Provisions hereof.

### SPECIAL PROVISIONS: (Office Use Only)

Approved \_\_\_\_\_  
date  
Board of County Commissioners

Foley, Minnesota

By: \_\_\_\_\_  
County Environmental Technician

Permit No. \_\_\_\_\_

Check No. \_\_\_\_\_

Surety Bond No. \_\_\_\_\_

Date of S. Bond or C. Check \_\_\_\_\_

Bank or Bonding Co. \_\_\_\_\_

Deposit Made by \_\_\_\_\_

Office Use Only:

### **PUBLIC WORKS/HIGHWAY DEPARTMENT**

7752 Hwy 25 NE P.O. Box 247 Foley, MN 56329 | [aritsche@co.benton.mn.us](mailto:aritsche@co.benton.mn.us)  
320-968-5051 Main | 320-968-5333 Fax | 320-968-8842 TDD

**BENTON COUNTY PUBLIC WORKS  
APPLICATION FOR UTILITY PERMIT ON  
COUNTY HIGHWAY RIGHT OF WAY**

Board of County Commissioners  
Benton County, Minnesota  
Attn: County Environmental Tech

C.S.A.H. \_\_\_\_\_  
C.R. \_\_\_\_\_

Application is hereby made for permission to place, construct and thereafter maintain a \_\_\_\_\_ along or across County Highway No. \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ feet from center line on the \_\_\_\_\_ (east, west, north or south) side of the county highway in accordance with the sketch shown on the inside hereof or attached thereto.

**I. AERIAL CONSTRUCTION**

Single Pole	Open Wire
H-Frame	Cable
Single Pole and H-Frame	Vertical
Steel Tower	Cross-Arm
Other _____	Vertical and Cross-Arm

VOLTAGE	NUMBER OF CONDUCTORS	SIZE OF CONDUCTORS
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Minimum height of conductor: \_\_\_\_\_ ft. along highway \_\_\_\_\_ ft. at crossing over highway

**EXTENT AND LOCATION OF TREE TRIMMING AND/OR CLEARING:**

**II. UNDERGROUND CONSTRUCTION**

CONDUIT		
Multiple Tile	Sectional concrete	
Transite	Steel pipe	
Clay Tile	Other _____	
CASING		
Steel pipe	Sectional concrete	<input type="checkbox"/> Other _____

SIZE	DEPTH	
VOLTAGE	NUMBER OF CONDUCTORS	SIZE OF CONDUCTORS

**METHOD OF INSTALLING UNDER ROADBEDS (if open trench, explain why necessary)**

Open Trench \_\_\_\_\_

Jacking      Boring      Pneumatic Gopher

EXTENT AND LOCATION OF TREE CLEARING:	NEW FACILITY	REPLACEMENT FACILITY
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**III. Work to start on or after \_\_\_\_\_ and to be completed on or before \_\_\_\_\_.**

**IV. The applicant in carrying on any and all of the work herein above mentioned or referred to in its application and in the Permit issued here fore, shall strictly conform to the terms of such Permit, and the regulations of the Board of County Commissioners, as set forth herein together with the Special Provisions, all of which are made a part hereof. The applicant specifically agrees to be bound hereby. The applicant shall also comply with the regulations of all other governmental agencies for the protection of the public. The work shall be accomplished in a manner that will not be detrimental to the highway and that will safeguard the public.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Name of Company making application

Signature \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

# BENTON COUNTY PUBLIC WORKS

## APPLICATION FOR UTILITY PERMIT ON

### COUNTY HIGHWAY RIGHT OF WAY

#### DEFINITION

*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 town or city may be constructed, placed or maintained across, along or on 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.

#### GENERAL

- I. Except as otherwise permitted, utility construction and relocation on county highway right of way shall 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 centerline. A copy of the sketch shall be provided for each copy of such permit.
- II. Burning or disking operations and/or the use of chemicals to control or kill trees, brush and other vegetation is prohibited without prior approval from the County Highway Engineer.
- III. All waterways and lines of drainage shall remain operative.
- IV. Wherever topsoil and sod are disturbed they shall be replaced and maintained satisfactorily until the turf is established.
- V. The utility facility and installation shall not interfere with any existing utility facilities on the County highway right of way.
- VI. 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.
- VII. At the time of construction of the utility and at the times of subsequent maintenance, prior approval shall be obtained from the County Highway Engineer for the cutting and trimming of trees within the county right of way. Where ever trees are cut the resulting stumps shall be removed unless otherwise provided in the Special Provisions of the Permit. Any holes caused by the stump removal shall be backfilled, the area leveled and all materials associated therewith disposed of outside the county right of way. The utility shall advise the County Highway Engineer at least 48 hours in advance of its intent to start clearing and grubbing operations so that proper supervision can be provided.
- VIII. The Utility shall notify the County Highway Engineer of its intent to perform service and maintenance operations which will interfere with the flow of traffic on county highways, and shall obtain his approval prior to performing such operations. However, the Company may perform service and maintenance

operations on county highways including opening and disturbing the surface of the right of way without prior approval in those instances where an emergency exists that is dangerous to the life or safety of the public and which requires immediate repair. The utility shall take all necessary and reasonable safety measures to protect the traveling public and shall notify the County Highway Engineer at the earliest possible moment.

- IX. If at any time Benton County, acting through its Board of Commissioners, shall deem it necessary to make any improvements or changes on all or any part of the right of way of the county highway, then and in such event, the owner of the utility shall within 15 days after written notice from the Board of County Commissioners, or its authorized agent, proceed to alter, change, vacate or remove said utility from the county highway right of way so as to conform to said county highway changes and as directed by the Board of County Commissioners. Such work shall be done without any cost whatsoever to Benton County and shall be completed within the date specified in said written notice. The Utility shall assume all liability and save Benton County harmless from any and all claims of damage of any nature whatsoever occasioned by reason of not having removed said utility within the time specified in said notice.
- X. Indemnification: Any and all claims that arise against Utility, its agents, servants or employees as a consequence of any act or omission on the part of Utility or its agents, servants, or employees while engaged in the performance of the Permit shall in no way be the obligation or responsibility of the County. Utility shall indemnify, hold harmless and defend the County, its officers and employees against any and all liability, loss, costs, damages, expenses, claims or actions, including attorney's fees which the County, its officers or employees may hereafter sustain, incur or be required to pay, arising out of or by reason of any act or omission of Utility, its agents, servants or employees, in the execution, performance, or failure to adequately perform Utility's obligations pursuant to this permit.
- XI. 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 Benton County, covering the applicant's performance obligations including payment of labor and materials, and 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.

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Applicant guarantees all workmanship and materials of the items and services furnished for a period of one (1) year after final acceptance of installation. If during the guarantee period any defect or faulty materials are found, Applicant will immediately, upon notification, replace or repair the same at its own expense, along with any damages to finishes, fixtures, equipment and furnishings damaged as a result of the defective equipment or workmanship.

XII. The permit as issued does not in any way imply as easement on private property

XIII. The installation 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.

Other licenses. Permits or rights: Applicant shall procure, at its own expense, all licenses, permits or other rights required for the provision of services by this utility permit. Applicant shall inform County of any changes in the above within five (5) days of occurrence.

XIV. 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.

Independent Contractor Status: That at all times and for all purposes hereunder, Applicant shall be independent contractor and is not an employee of the County for any purpose. No statement contained in this Permit shall be construed so as to find Applicant to be an employee of the County, and Applicant shall not be entitled to any of the rights, privileges, or benefits of employees of the County of Benton, including, but not limited to, workers' compensation, health/dental benefits, and indemnification for third-party personal injury/property damage claims.

XV. Survivorship: Any section of this Permit that by its terms contemplates or requires continuing effect following termination of this Permit shall survive such termination. Specifically, and without limitation, Sections regarding warranties and indemnification shall survive termination of this Permit

**AERIAL**

- I. There shall be only a single pole line on the county highway right of way on either side of the center line thereof.
- II. Longitudinal installations on county highways shall normally be located in the outer five feet of the right of way. At crossing of the county highway, poles shall be placed at a minimum of thirty feet from the shoulder lines of the through roadbeds unless right of way widths are prohibitive to such location.
- III. The location of all brace poles, anchors and anchor poles within the limits of the county highway right of way shall be approved by the County Highway Engineer.
- IV. In those instances which a Utility is issued a Permit or Permits for construction on both sides of the county highway right of way in a given area, such Permit is conditioned upon the Utility subsequently proving joint use to other Utilities upon reasonable terms mutually agreeable to the Utilities.

**UNDERGROUND**

- I. All crossings of the roadbeds of the county highway shall be made by boring inside a casing or carrier pipe, or by jacking, unless this procedure is modified in the Special Provisions of the Permit. The auger shall not lead the casing or carrier pipe by more than one inch. Open trenching shall be restricted to the area from 5 feet beyond the shoulder to the right of way line except as modified in the Special Provisions of the Permit.
- II. When pipes with bells of flanges are installed, the crossings of the roadbeds of the county highway shall be made by boring inside a conduit as provided in paragraph I of this section or jacking a conduit of sufficient diameter to permit threading the carrier pipe through it.
- III. All voids caused by jacking or boring shall be filled by pressure grouting. The grout material shall consist of sand-cement slurry of at least two sacks of cement per cubic yard and a minimum of water to assure satisfactory placement.
- IV. The underground utilities shall be so installed as virtually to preclude and necessity for disturbing the roadbeds to perform maintenance operations.
- V. Underground installations shall be accomplished without damaging or destroying the principal root structure of specimen

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LOCATION SKETCH

Show location of proposed facility in relation to the centerline of the county highway and other pertinent features such as right of way line, shoulder line, curb line and edge of surfacing. The facility should also be referenced to adjacent land lines. Please attach additional pages if needed.

OPEN TRENCH RESTORATION

