

UTILITY INSTALLATION WITHIN THE PUBLIC RIGHT-OF-WAY

IT SHALL BE UNLAWFUL FOR ANY ASSOCIATION, CORPORATION, FIRM, PARTNERSHIP, OR PERSON TO TUNNEL UNDER OR TO MAKE ANY EXCAVATION IN ANY CODINGTON COUNTY HIGHWAY RIGHT-OF-WAY WITHOUT FIRST AGREEING TO THE FOLLOWING.

REVISED 3/96

AGREEMENT

In consideration of granting the right to make any excavation in a Codington County Highway right-of-way _____ and the Codington County Board of Commissioners agree that the contemplated work shall be conducted according to the following conditions:

1. The proposed utility will be located in Township _____ Range _____ Section _____ Lot _____ crossing, or adjacent to, County Road _____ known as _____ road as shown on the sketch accompanying this request.

2. The public R.O.W. will be left at the completion of the work in a neat and sightly condition to the satisfaction of the County Superintendent of Highways.

3. The County Superintendent of Highways, or his assignee shall be permitted to make investigations of the work in progress and require such changes in procedure as may be deemed necessary to best serve the interests of the County and the Public. Work is to commence on _____, 201__, and be completed _____, 201__, unless the County Highway Superintendent is notified in writing for a request for more time.

4. Saw cutting of the pavement structure ahead of the excavation operations shall be required to confine pavement damage to the limits of the trench or excavation. All culverts placed within the R.O.W. shall be steel or concrete, no plastic will be permitted.

5. Location of the utility shall be in the ditch bottom, no installations will be permitted on the in-slope of the roadway. The backfilling of ditches shall be performed in such a manner as not to permit any settling, erosion, or other damages to the Public R.O.W. Further that in the event of any settling occurring in or under the surface or pavement within two (2) years, it shall be presumed to be the result of the utility installation. The County highway Superintendent will send a written notice to the person, firm, company or corporation having obtained the permit for said work. The permittee will have ten (10) days upon receipt of notice to correct the deficiencies or the County shall cause to have the work done. If the County must cause to have the work done the permittee will be assessed a fee equal to the cost incurred by the County. This assessment shall be paid prior to the issuance of any additional permits and in no case later than thirty (30) calendar days after project completion.

6. The method of installing the utility under County Highway shall be by pushing and/or boring only. If impossible to make the installation in this manner, then before any other methods are employed it then shall be required for _____ to procure written permission from the County Highway Superintendent in order to proceed. All pipe installation shall include encasement approved by the Highway Superintendent. Codington County shall not be responsible for maintenance of such utility.

- a. Utility line will be moved or rearranged if required in the future, at no expense to the County.
- b. Codington County sign posts are placed a minimum of 36" deep. Utility company shall be responsible for any lines shallower than 36" deep.
- c. Drawing must be provided to show exact location and depth of utility.
- d. The installer shall be responsible for any and all safety/work zones signs which shall meet the requirements of the Manual on Uniform Traffic Control Devices. Utility marker signs shall be placed where appropriate.

Intended Usage _____

Utility type & size (diameter) _____

PROJECT NUMBER _____

Dated this _____ day of _____ 201 _____

By _____,

Representing _____

Address _____

Request approved by _____
Supt. of Highways Codington County