

## **Utility and Right- of- Way Occupation Policy**

### **INDEMNIFICATION AND ONGOING REQUIREMENTS**

The applicant, its successors, heirs or assigns, agrees to indemnify and hold harmless, protect and defend Platte County and its Board of Supervisors, officers, agents, representatives and employees from and against any and all losses, claims, demands, suits, actions, payments and judgements, arising from personal injury or damages, or otherwise, brought or recovered against Platte County or its Board of Supervisors, officers, agents, representatives and employees by reason of any act or omission of the applicant, its directors, officers, agents, representatives servants or employees, subcontractors, guests or otherwise incident to or resulting from the work performed under this permit, including any and all costs and expenses, legal or otherwise, incurred by Platte County and its Board of Supervisors, officers, agents, representatives and employees in the defense of any claim or suit.

The applicant, its successors, heirs or assigns, further agrees to indemnify and hold harmless, protect and defend Platte County and its Board of Supervisors, officers, agents, representatives and employees from any damages caused to the soil or ground water and/or clean up necessitated to the soil or ground water as a result of any leaks from the underground pipe laid in accordance to this permit.

Platte County reserves the right to request removal of the construction at any time. Said removal shall be at the cost of the applicant. The applicant agrees that this permit shall automatically terminate and lapse and have no force or effect should the works or construction not be used for the purpose or purposes originally set forth by the applicant herein or should the applicant, its successors, heirs or assigns violate any term or condition of this permit. Upon the automatic termination or lapse of this permit, the applicant shall take all steps necessary to remove the construction and restore the premises to its original state at applicant's expense.

### **PERMIT REQUIREMENTS**

- 1) The Township Board approval must be obtained if this permit involves a township road.
- 2) The Board of Supervisors must approve any and all permits before construction can begin.
- 3) The applicant, or his contractor shall be responsible for One Call Notification and request location of any buried utilities. Damage to any utilities or underground lines or structures, including culverts, either on County right-of-way or adjacent to County right-

of-way shall be repaired at the expense of the applicant or their contractor. Platte County is not responsible for utilities in public right-of-way that are not registered with the One Call Notification Center.

- 4) Areas disturbed by construction shall be restored to pre-construction condition as much as practical. This includes compaction of the backfill to a density equal to or greater than the surrounding soil, replacing road and driveway surfacing materials lost during construction and seeding of the disturbed areas. Weed control of the disturbed areas is the responsibility of the applicant and shall be controlled until permanent grass seed is established.
- 5) Pipe under road shall be one piece with all fittings located outside road surface edge. All pipe and encasements to conform with the State of Nebraska Policy for Accommodating Utilities on State Highway Right-of-Way and State of Nebraska standards Specifications for Highway Construction.
- 6) Paved Road crossing shall be dry bored.
- 7) Roads may be closed for a maximum of 8 daylight hours. At least 48 hours prior to commencement of work, the applicant shall provide and make proper placement of road closed signs and/or barricades prior to commencement of the construction. Any portion left open for work continuation shall be protected by such barricades. No open trenches in the roadway will be allowed overnight. Emergency services, i.e. Fire Dept. Ambulance, Sheriff's Office, etc. must be notified at least 48 hours prior to road closure as to location, length of closure, etc.
- 8) Applicant is responsible for the completion of their work, restoration of the road surface and public right-of-way to pre-construction condition and for maintenance to the public right-of-way for damages directly traceable to underground utility installation as long as utility remains in public right-of-way.
- 9) If applicant does not restore road to pre-construction condition, or does so and settling or other problems arise, the Platte County Highway Department will contact the applicant and the applicant shall remedy the deficiency with the time determined by the Platte County Highway Designee. If the applicant does not cure any such deficiency within the time determined by the Platte County Highway Designee to the reasonable satisfaction of the Designee, or does not promptly respond when notified by the Platte County Highway Department, then the Platte County Highway Department shall perform the repair work reasonable and necessary to effect such cure and bill the applicant for expenses incurred. In the event any person, firm or corporation fails to pay the damages here in the County may assess such damages upon the property in the same manner as other special taxes for improvements are levied and assessed, or the County may sue any such person, firm or corporation in any court of competent jurisdiction for the amount of the damages due and payable under the terms and provisions of this Permit and may recover a judgement against said party for the amount so due together with interest and attorney's fees.

- 10) When applicable to the project, one set of construction plans must accompany the permit application; and a map showing site location, location of barricades and road closed signs.
- 11) In the event that the County improves said roadway at some future date, the holder of this permit will be responsible for any required relocation of waterline, power lines and pole adjustments, fiberoptic or any other buried utility lines at no expense to the County.
- 12) The cover over any under ground waterline, power line, gas line, fiber optic, cable, telephone or any other utility line shall be a minimum of 5' feet under the roadway and shall be a minimum of 3' deep in the ditch adjacent to any roadway. Except near the crest of hills, within 250 feet in either direction from the crest of any hill, the cover over said line shall be a minimum of 5 feet deep through the entire length of the right-of-way.
- 13) All plastic lines shall be installed with a tracer line to be buried 6" above the plastic line.
- 14) There is no permit fee for project with 2 or less crossings. Projects with utility crossings of 3 locations or more shall be charged the actual cost for time and mileage for the inspections prior, during and upon completion of the installation. Schedule of charges will be provided with permit application.

Approved this 19<sup>th</sup> day of February, 2019.

By the Platte County Board of Supervisors: \_\_\_\_\_

Jerry Engdahl, Chairman

Attest:

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Diane Pinger, Clerk