

APPLICATION TO OCCUPY HAYES COUNTY ROAD RIGHT-OF-WAY

Occupancy: ☐ Above Ground ☐ Below Ground

Type of Occupancy: _____

(water, sewer, gas, telephone, etc.)

and for the purpose of entering upon the same, to bury, construct, maintain and repair said UNDERGROUND UTILITY.

Name/address of person and/or agency making Application: _____

Telephone: _____

Name/address/phone number/email address of contact person: _____

Telephone: _____

Described Utility to Occupy the East ☐ West ☐ North ☐ South ☐ or Center ☐ side of the HAYES County Roadway, leading from point of origin to point of completion, listing appropriate legal descriptions:

Listed Occupancy is to be placed _____ feet from the centerline on the described roadway, and said UNDERGROUND UTILITY shall be buried a minimum of forty-eight inches (48") below the lowest point of the area of the county road right-of-way occupied thereby and the same shall be buried in such manner as to not interfere with HAYES COUNTY 's reasonable, necessary and beneficial use of its existing county road right of way and HAYES COUNTY shall not be liable or otherwise responsible for any damage(s) whatsoever which may be caused to said UNDERGROUND UTILITY.

Name, address of all contractor(s), subcontractor(s) and installer(s), including contact person(s), phone number(s) and email address for each: (attach additional pages as necessary)

Telephone: _____

OWNER/APPLICANT agrees to utilize this occupancy in accordance with the terms and conditions set forth herein. This permit shall be NULL and VOID if the work specified in the permit is not completed within six (6) months from the date of issuance of this permit. Any request for extension of time shall be in writing from the owner/applicant, and approval of such request, if granted, shall be in writing from the HAYES County Commissioners. OWNER/APPLICANT may cancel the permit with written notification at any time prior to the commencement of the work.

OWNER/APPLICANT shall be responsible for any damage and/or destruction to any other utility in place at the location of requested occupancy. It is further the responsibility of the person(s) making the application to locate and identify any other utility in existence, at described location, and to contact the digging hotline prior to the start of work.

OWNER/APPLICANT shall be responsible for the occupancy item and for damage(s) to county road right-of-way and/or county road resulting from and/or caused by such installation, and OWNER/APPLICANT shall pay HAYES COUNTY for said damages within thirty (30) days of receipt from HAYES COUNTY of an invoice/bill documenting said damages and cost(s) to repair. In addition, owner shall be responsible for removal of said item when county road construction requires, at no expense to HAYES COUNTY.

Upon burying said UNDERGROUND UTILITY OWNER/APPLICANT shall cause to be recorded in the HAYES County Register of Deeds office at OWNER/APPLICANT's expense a detailed survey showing the exact location of said buried UNDERGROUND UTILITY, and OWNER/APPLICANT shall mark, as directed by HAYES COUNTY's authorized agent or representative the locations where said UNDERGROUND UTILITY intersects the county road right of ways by setting at such points a PVC pipe or stake with the top 12 inches being painted fluorescent orange.

OWNER/APPLICANT agrees that the surface of the County road where the UNDERGROUND UTILITY is buried shall be dug in such a manner so as to result in minimal damage, and that the surface so dug, removed and otherwise damaged by OWNER/APPLICANT while burying, constructing, maintaining and/or repairing said UNDERGROUND UTILITY shall be duly and properly replaced and shall be duly and properly packed with packing equipment specifically made for that purpose. Additionally, OWNER/APPLICANT shall duly and properly water pack the area of the road so dug, removed or otherwise damaged by OWNER/APPLICANT's operations pursuant to this Application. **OWNER/APPLICANT shall use reasonable and due diligence to return such damaged area to its original state as nearly as can be reasonably done and as accepted and approved by HAYES COUNTY.**

If so requested by OWNER/APPLICANT, HAYES COUNTY agrees to provide traffic control barricades for use by OWNER/APPLICANT during the burying and construction of said UNDERGROUND UTILITY and OWNER/APPLICANT agrees to furnish and be solely responsible for all traffic control during the burying of said UNDERGROUND UTILITY and OWNER/APPLICANT shall provide adequate and proper warning(s) and signage to warn travelers of the work being done on and across said County Road, and OWNER/APPLICANT shall be solely responsible for any injuries suffered thereby and OWNER/APPLICANT agrees to hold HAYES COUNTY harmless therefore, and to indemnify HAYES COUNTY for any and all losses whatsoever incurred by HAYES COUNTY in relation to said injuries.

OWNER/APPLICANT shall be liable for all damages caused to HAYES COUNTY and HAYES COUNTY's county road and/or right-of-way in the event said UNDERGROUND UTILITY is or becomes ruptured or otherwise damaged. Furthermore, OWNER/APPLICANT agrees to hold harmless and indemnify HAYES COUNTY for any and all liability whatsoever arising or otherwise resulting from any and all claims or causes of action whatsoever filed against HAYES COUNTY relating in any manner to damages or losses caused by or resulting from OWNER/APPLICANT's burying, constructing, maintaining or repairing said UNDERGROUND UTILITY in accordance with this agreement

The abandonment of the occupancy described herein for the purpose(s) herein stated shall render the same void and shall cause the same to terminate accordingly.

This *Application to Occupy HAYES County Road Right of Way* shall be recorded in the HAYES County Register of Deeds office at OWNER/APPLICANT's expense.

APPLICATION/PERMIT FEE (full amount due and payable with application)*:

\$100.00 – crossing county road/county road ROW perpendicular to county road. _____
or
\$500.00/mile (fraction of mile) – occupying any portion of county road ROW parallel to county road. _____

NOTE: Two sets of plans for the proposed work requested herein shall be submitted with this application. The plans shall show the general features of the occupancy and all information such as sizes, dimensions, distances from edge of road and distance from right-of-way line. Detail of all bridge attachments must be shown if applicable.

I have read and understand the foregoing instructions/requirements, and I agree to completely and fully comply therewith.

Signature Owner/Applicant and/or Responsible Individual

Date

Company

Approved by: _____
HAYES County Zoning Administrator

Date

HAYES County Board of Commissioners

Date

****Application fee will be refunded if not approved.***

****Fee doubled if work has been commenced prior to written approval by the County Board***