

PERMIT TO OCCUPY COUNTY ROAD RIGHT OF WAY IN LINCOLN COUNTY, NEBRASKA

In consideration of the terms and conditions as stated herein, this Permit to Occupy County Road Right of Way in Lincoln County, Nebraska is issued by the County of Lincoln (“County”) to _____ (“Company”) on this _____ day of _____, 20____. This permit shall remain valid for a period of thirty days from the date of approval by the Lincoln County Board of Commissioners, after which time a new permit may be required at the discretion of the Lincoln County Highway Superintendent if construction of the project is not yet complete.

WHEREAS, the Company is, by law, granted the right to operate and maintain telecommunication lines and facilities along, upon, across and under the public roads of this state pursuant to Nebraska Revised Statute § 86-701 *et seq.*

WHEREAS, the County, having full control and ownership of the various rights of way for the roads of Lincoln County, has the authority to permit usage of its rights of way for any purpose deemed in the best interests of the public.

WHEREAS, the Company hereby agrees to the following terms and conditions:

1. The Company shall furnish to the County construction drawings or engineering plans showing the precise location of the lines to be buried or facilities to be constructed as well as a legal description of the project and said drawings and plans shall become a part of this permit. Additionally, Company and County shall schedule a pre-construction meeting to review with the Lincoln County Department of Roads the exact location of all installations.

2. Fees due and owing under this permit shall be calculated as follows:

\$100.00 base permit fee;

\$100.00 for each crossing of a dirt or aggregate road;

\$200.00 for each crossing of a hard surface road;

\$.03 per linear foot of cable or line to be installed;

\$200.00 per hour for labor and equipment to repair damage left or caused by Company’s installation of cables, lines or facilities.

A bond in the amount of \$ _____ dollars per mile of right of way utilized by Company shall be posted before the commencement of any construction. Such bond shall, among other things, assure proper installation of underground utilities, complete any repairs deemed necessary and repair or replace any seeding required per the terms of this Permit.

3. The Company shall be responsible to maintain all lines, cables or facilities located within the right of way or road, including ensuring that such lines and cables remain buried to a depth of not less than 42” as provided below. Any damage to any lines or cables buried less than 42” deep which is caused by routine road maintenance with a motor grader or road groom shall be the sole responsibility of Company.

4. The Company shall bury all lines, cables or other underground items, by means of a cable plow, to a depth of not less than 42” below the surface where they are buried with indicator tape of a warning color buried at a depth of 12”-24” below the surface. All waterlines shall be encased in a minimum of Schedule 40 PVC pipe so as to protect the road surfaces in the event of rupture or leakage. County reserves the right to request Company move the proposed lines, cables or other facilities to locations within the right of way as the County deems necessary.

5. The Company shall backfill and compact all soil excavated incident to the installation of all lines, cables or facilities within the right of way or road in such a manner as to restore soil density to as close to natural as possible and, in any event, in such a way as to prevent washing and erosion and shall maintain all excavations in such a manner as to avoid holes or interference with the use of the roadbed and the County’s maintenance of the same. In any event, all County property shall be left in the same or better condition than when construction commenced. Company shall be responsible for any and all grading and reseeding required to repair such constructed areas to original or better condition. The Company is required to maintain such newly seeded areas and to assure proper growth of grass for a period of twelve (12) months from the date of completion as acknowledged by both the County and Contractor.

6. If the installation of said lines, cables or facilities includes crossing a county road, then horizontal boring shall be utilized instead a cable plow. At the County’s sole discretion, or cable plows may be permitted for crossing county roads provided all backfill is mechanically compacted with the installation of 6” of drainable base. Company shall restore all asphalt surfaces with hot patched asphalt that is compacted with a motorized double drum roller, all concrete

surfaces shall be replaced with substantially similar concrete and all gravel roads shall be repaired to their original condition. Each such occasion where Company crosses over a county road during the installation of cables, lines or facilities shall incur a separate and additional charge of \$100.00 per crossing on roads surfaced with aggregate or dirt and \$200.00 on hard surfaced roads.

7. The Company shall assume all responsibility for the completion of the project within the scope and timeframe of this permit, shall assume all responsibility for all ongoing maintenance of all lines, cables and facilities, and shall complete all work in a workman like manner.

8. By signing this permit, the Company explicitly agrees to save and hold the County harmless from any and all claims for damages and injuries caused by or arising from the installation and ongoing maintenance of the lines, cables or facilities.

9. The County shall provide the Company sufficient notice of any proposed construction or maintenance work that is likely to affect the use of the property installed under this agreement so that the Company can arrange to protect the lines, cables or facilities installed pursuant to this agreement.

10. During the period of installation, the Company shall not unduly hinder the flow of traffic and shall be solely responsible for the temporary installation of all appropriate warning signs as per the most current edition of the Manual on Uniform Traffic Control Devices.

11. The Company shall abide by the latest publication of Policy for Accommodating Utilities on State Highway Right of Way, as published by the Nebraska Department of Transportation, in any areas not otherwise specifically covered by this permit.

12. Upon completion of the installation, Company shall provide County with “as built” drawings showing the location of the installation with reference to some fixed feature. Company shall also provide County with a digital file, preferably a shape file, showing exact coordinates for all lines, cables or facilities installed under this permit.

13. Upon completion of the project, a minimum of a 3” by 6’ post shall be installed. When the utility runs across the road the post will be placed on the right of way line and on each side of the road above the utility. When the utility runs down the road the post will be placed on the right of way line on only 1 side of the road. All posts must be visible from one post to the next,

from the beginning of the utility to the end. All posts shall be colored accordingly and will be maintained by the owner of the utility.

14. Upon completion of the project, Company shall notify the Lincoln County Roads Department at (308) 534-4008 of such completion and make arrangements to provide the digital files referenced in Paragraph 12 above and shall schedule a post construction meeting and inspection of the project.

COLOR CODING FOR MARKING UTILITY LINES

- 1) Red-Electric
- 2) Yellow-Gas/Oil/Steam
- 3) Orange-Communication
- 4) Blue-Water
- 5) Green-Sewer

PLACARDS AND POSTS WILL BE SUPPLIED FOR MARKING WATER, GAS AND ELECTRIC.

_____ MARKED
For County use only

_____ NOT MARKED
For County use only

IN WITNESS HEREOF we have set our hands this _____ day of _____,
20____.

The County of Lincoln, Nebraska

Chairman

ATTEST:

Lincoln County Clerk

Company Name

BY:

Authorized Representative

RETURN TO: _____
Name

Address

City

State

Zip

Telephone Number