

**APPLICATION FOR PERMIT
TO OCCUPY COUNTY HIGHWAY RIGHT-OF-WAY**

NAME/COMPANY _____ DATE _____

ADDRESS _____

TELEPHONE _____ EMAIL _____

FAX _____

BY _____ TITLE _____

Application is hereby made to occupy a Lawrence County Highway Right-of-Way. The proposed occupation is located in Township (s) _____ Range (s) _____ Section (s) _____ along County Road (s) _____.

_____ AERIAL FACILITIES: Location, type and size of the proposed line and anchors with respect to anchors with respect to the centerline of the road or outer edge of the right-of-way and location of crossings showing any right-of-way are shown on Exhibit "A" (Sketch) attached.

_____ UNDERGROUND FACILITIES: The approximate route and location of the proposed facility are shown on Exhibit "A" (Sketch) attached.

The following information is pertinent to the proposed installation:

1. Intended usage or rating _____
2. Pipe size, cable size and type _____
3. Outside diameter _____
4. Maximum pressure at which pipeline will be operated _____
5. Size and type of metal casing _____
6. Minimum depth of cable or pipeline _____

Applicant hereby agrees to the following terms and conditions:

1. No utility installation shall be allowed on top of drainage pipes.
2. Casing will be installed by minimum size boring and will extend from toe of in-slope to toe of in-slope.

P.O. Box 514 Deadwood, SD 57732 • Phone: (605) 578-2183 • Fax: (605) 578-2167 • Email: abonnema@lawrence.sd.us

3. This installation shall comply with the most recently adopted ASA, Code for Gas Transmission and Distribution Pipe Systems or the National Safety Code. Marker sign(s) shall be installed where appropriate.
4. Open cut trench operations shall be performed in accordance with current SDDOT Open Cut Method of Utility Installation or Repair – ARSD 70:04:05.
5. Saw cutting of the pavement structure before excavation operations shall be required to confine pavement damage to the limits of the trench or excavation.
6. The backfilling of ditches or other excavation shall be performed in such a manner as not to permit any settling, erosion, or other damages to the public road or right-of-way. In the event of any settling occurring in or under the surface or pavement within two (2) years of the utility installation, it shall be presumed that the project was not done properly. In such case, the Lawrence County Highway Superintendent shall send a notice by registered mail to the Applicant. The Applicant shall have ten (10) days upon receipt of the notification to correct the deficiencies, or the County may elect to take remedial action to correct the work. If the County elects to have remedial work done, the Applicant is responsible for the cost and shall be assessed by invoice a fee equal to the cost incurred by the County. This assessment shall be paid prior to issuance of any additional permits, and in no case later than thirty (30) days after the invoice is sent by County.
7. Applicant shall furnish all materials, labor, incidentals and pay all costs involved with the construction and maintenance of the utility, including restoration of any damage to the roadway and /or right-of-way to equal or better condition than existed prior to the construction and occupancy designated in this application.
8. Applicant shall provide protection to highway traffic during the construction and repair of the utility designated in this application by the use of proper signs, barricades, flag persons and lights as prescribed in the Manual of Uniform Control Devices. 2003 Edition.
9. Permittee shall not cause a road or highway to be closed to vehicular traffic, for any length of time, except upon the prior express written permission of the Lawrence County Highway Superintendent or his representative.
10. Applicant agrees to indemnify and hold harmless Lawrence County, its Highway Superintendent, commissioners, agents and employees harmless from and against any and all actions, suits, damages, liability or other proceedings of any kind or nature brought because of any injuries or damage received or sustained by any person or property on account of the construction, use, repair or maintenance of the utility designated in this Application.
11. If underground installation is necessary the method installation shall be by pushing or boring. Installation of the utility by any other method is prohibited unless prior express written permission is granted by the Lawrence County Highway Superintendent.
12. Utility shall be moved or rearranged, if required by the County in the future, at no expense to the County and in such subsequent work shall be done in compliance with all the terms and conditions of this application.
13. Applicant shall insure that the utility is installed to a depth of not less than thirty-six inches (36”).
14. A minimum of five feet (5’) shall be maintained from the road surface, except at crossings. At least a five foot (5’) lateral clearance shall be maintained from any drainage structures and culverts.
15. The installation, maintenance and repair of said utility facilities, together with all future adjustments, maintenance and repair shall not interfere with or impair construction, repair, maintenance or use of any highway and will comply with all applicable state, federal and local guidelines, rules and regulations.

16. Failure to complete the installations and occupancy in accordance with the terms and conditions of this permit shall automatically render this permit null and void and where applicable,
17. constitute grounds for removal of the utility and _____ of the occupancy site all solely at the Applicant's expense.
18. A surety bond in the sum of five thousand dollars (\$5,000) shall be required to insure faithful performance of all duties required by the County and for repayment to the County for all damages growing out of the carelessness or negligence of Permittee. **When any contract is let which will involve a county right-of-way, a performance bond will be furnished by the contractor in the amount of 20% of the total contract bid.**
19. Prior to commencing any construction and upon completion of the work authorized pursuant to this permit, the Applicant shall notify the Lawrence County Highway Department at (605) 578-2183.

Recommended for approval this _____ day of _____, _____, by
 _____, Lawrence County Highway Superintendent.

Approved by the Lawrence County Commission this _____ day of _____,
 20____, _____, Chairman.

Attested: _____, Lawrence County Auditor.