



APPLICATION AND AGREEMENT FOR USE OF COUNTY RIGHT-OF-WAY FOR UTILITIES ACCOMMODATION

Permit Number _____

APPLICANT (INDIVIDUAL OR COMPANY)

Company Name or Individual Name		Phone Number	Ext.
Street Address	City/Town	State	Zip

INSTALLATION TO BE ACCOMODATED

Approval is hereby requested to enter within the County right-of-way for the accommodation of a utility installation as detailed on the plan set attachments and further described as follows:

WORK SITE LOCATION

The proposed work is located in Section _____ Township _____ Range _____ on Road _____ about _____ miles from _____.

APPLICANT SIGNATURE AND AGREEMENT

I have read this Agreement, understand its provisions, and agree to abide by it and the utility accommodation policy of Lyon County, Iowa. Refer to the Iowa DOT Utility Accommodation Policy for issues not addressed in this Permit.

Name of Owner/Agent (Print of Type)	Owner (Signature)	Date
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AGREEMENTS

The utility company, corporation, applicant, permit holder or licensee, (hereinafter referred to as the Permit Holder) agrees with Lyon County (hereinafter referred to as County) that the following stipulations and those special requirements as listed on this page shall govern under this permit.

A. General

1. The installation shall meet the requirements of local municipal, county, state, and federal Iowa franchise rules and regulations, regulations and directives of the Iowa State Commerce Commission; the County of Natural Resources, all rules and regulations of the County and any other laws or regulations applicable.
2. The Permit Holder shall be fully responsible for any future adjustments of the facilities within the established right-of-way caused by construction or maintenance operations.
3. Non-compliance with any of the terms of the County's policy, permit or agreement, may be considered cause for shut-down of utility construction operations or withholding of relocation reimbursement until compliance is assured, or revocation of the permit. The cost of any work caused to be performed by the County in removal of non-complying construction will be assessed against the Permit Holder.
4. The work described in this permit shall be completed as proposed in compliance with the stipulations and special requirements within one year from the date County approval is received for said request. Failure on the part of the Permit Holder to abide by the stipulations or in constructing the work described as stipulated and within the time frame stated shall render this agreement and request null and void. The Permit Holder also agrees to save the County harmless of any damages or losses that may be sustained by any person, or persons, on account of the conditions and requirements of this agreement.

B. Construction and Maintenance

- 1. The location, construction and maintenance of the utility installation covered by this application shall be in accordance with the current Iowa DOT's Utility Accommodation Policy.
- 2. A copy of the approved permit shall be available on the job site at all times for examination by County officials.
- 3. All traffic control including sign placement and flagging are the responsibility of the Permit Holder. The original placement of signs and their removal upon completion of the work shall be accomplished by the Permit Holder. Indicate below the Iowa DOT approved traffic control that will be used and attach a copy of the TC Standard. Acceptable Traffic Control layouts on the Iowa DOT website (<http://www.iowadot.gov/erl/current/RS/Navigation/tc.htm>).

List Standard Road Plan - TC Series:

- 4. Operations in the construction and maintenance of said utility installation shall be carried on in such a manner as to cause minimum interference to or distraction of traffic on the roadway.
- 5. After November 24, 2008, all personnel in the right-of-way shall wear ANSI 107 Class 2 apparel at all times when exposed to traffic or construction equipment.

C. Liability

- 1. The Permit Holder shall indemnify and save harmless Lyon County, Iowa, its agencies and employees, from any and all causes of action, suits at law or in equity, for losses, damages, claims or demands, and from any and all liability and expense of whatsoever nature, arising out of or in connection with the Permit Holder's use or occupancy of the right-of-way.
- 2. The County assume no responsibility for damages to the Permit Holder's property occasioned by any construction or maintenance operations on said roadway if Permit Holder has been notified in accordance with stipulation number D.3. or if the facilities are not located in accordance with this permit.
- 3. The County, its departments or employees, will be liable for expense incurred by the Permit Holder in its use and occupancy of the right-of-way only when negligence of the County, its departments or employees, is the sole proximate cause of such expense. Whether in contract, tort or otherwise, the liability of the County, its departments and employees, is limited to the reasonable, direct expense to repair damaged utilities, and in no event will such liability extend to loss of profits or business, indirect, special, consequential or incidental damages.

D. Notification

- 1. The Permit Holder is responsible for contacting Iowa One-Call (1-800-292-8989) and request the location of any underground utilities forty-eight (48) hours before excavation. Before beginning work in the right-of-way, the Permit Holder shall also contact any other known utility located in the area of the proposed work.
- 2. The Permit Holder agrees to give the County forty-eight hours notice of its intention to start construction or to perform routine maintenance on the County right-of-way. Said notice shall be made to the Lyon County Engineers Office in writing.

Approximate Construction Schedule:

- 3. The County shall give the Permit Holder at least forty-eight hours notice of any proposed construction or maintenance work, on either existing or newly acquired right-of-way when the proposed work will be ten feet from a utility location as previously approved by the County by permit or written agreement. The Permit Holder shall be responsible within this time frame to arrange to protect its facilities.
- 4. In emergency situations, the Permit Holder will work with the County to the best of its abilities to accommodate the County as needed.

LYON COUNTY FINAL ACTION		
Lyon County Engineer Recommendation <input type="radio"/> Recommend <input type="radio"/> Do Not Recommend	Signature	Date
Lyon County Chairman of the Board	Signature	Date
Special Requirements - in addition to the stipulations above, the following special requirements shall apply to this		