

MORGAN COUNTY RIGHT OF WAY PERMIT AND APPLICATION

APPLICATION:

Name of Owner or operator of facilities: _____

Address: _____

Telephone Number: _____

Fax Number: _____ **E-mail:** _____

Contact Person: _____

Name and address of Owner/Operator's agent or contractor (if any):

Phone Number: _____ **Cell Phone Number:** _____

Description of Right of Way Use: _____

Location of Right of Way Use:

Cross County Road _____ Location of crossing: _____

Type of crossing: _____ (trench, bore, or overhead)

Parallel to Road _____ on the _____ side for a distance of _____ feet.

Location of starting point: _____

Location of ending point: _____

State location of any bridges or culverts: _____

Additional location information (attach sketch map. Use additional sheets as necessary):

Fee Calculation:	Crossing(s) @ \$100 each	\$_____
	Distance @ .10/foot	\$_____
	Poles @ \$25/pole	\$_____
	Inspection and processing fee @ \$50/road	\$_____
	Total	\$_____

PERMIT:

The Board of County Commissioners of Morgan County, Colorado hereby grants a permit to _____ (Permitee), (through _____ [Permitee’s agent or contractor]) and the Permitee’s successors and assigns, to use the public right of way described below for the purpose of installing, maintaining, and removing a _____ subject to the conditions set out herein.

Description of Location (note location of bridges and culverts):

Conditions:

- 1. Permitee must be the owner/operator of the facilities to be placed in the county right of way and not the owner/operator’s contractor or agent. The contractor or agent may apply for a permit in the owner/operator’s name but the responsibility for compliance with the conditions of this permit or any damage to the county roads is the sole responsibility of the owner/operator.**
2. No road cuts are allowed on paved roads. All crossings of paved roads must either be bored under the road or installed overhead.
3. Any facility such as a pipeline, cable, or any other facility must be buried a minimum of 48 inches below the roadway surface or the barrow pit, as applicable.
4. All trenches parallel to county roads must be placed at least 3 feet from the shoulder of the road. If the desired location is already occupied by an existing facility the County Road Superintendent shall be notified so that he may establish where the new facility will be located. A minimum of 36 inches of horizontal separation must be maintained between different facilities using the county right of way.

5. The applicant specifically waives the right to any damages for injury to the facilities caused by Morgan County if the location of the damage to such facilities does not meet the depth and separation requirements of this permit.
6. All trenches and cuts must be backfilled with a minimum of 95% compaction or approved equivalent backfill. Any settling of the trench or cut must be further backfilled by the Permittee.
7. The road surface and any other disturbed areas of the right of way must be restored to as good or better condition, including re-vegetation, as it was prior to the installation of the Permittee's facilities. The Permittee warrants any restoration of the road surface for a period of 12 months.
8. The permittee or its agent must provide proof of at least five hundred thousand (\$500,000.00) dollars general liability insurance at the time of application. Such insurance must remain in effect during all installation and reclamation activities. **The insurance must be in the name of the owner/operator and/or contractor or agent.**
9. The Permittee agrees to hold harmless, indemnify, and defend Morgan County from any claim of any person arising from the installation, use, maintenance, or removal of the Permittee's facilities in the county right of way.
10. Any damages to the Permittee's structures caused by normal **County** maintenance operations, including mowing, grading and snowplowing in the county right of way are the responsibility of the Permittee and not that of Morgan County.
11. In the event it is necessary to remove or relocate the Permittee's facilities because of road construction or maintenance such removal shall be at the sole cost of the Permittee.
12. Upon request the Permittee must accurately mark the location of its facilities to avoid damage. The above ground facilities must be marked with a fiberglass or other non-deteriorating material marker in a contrasting color which is at least 48" tall and is placed at least 24" into the ground. The marker shall be placed as close to the above ground facility as possible on the side away from the county road.
13. Morgan County may require the presence of a county inspector when installing facilities under, around, or near bridges and culverts. The cost of a county inspector shall be \$50 per inspection.
14. Violation of the conditions of this permit may be cause for the permit to be revoked and the facilities being removed from the county right of way at the Permittee's sole expense. Any correction or mitigation of violations of the conditions of this permit or damages to the county roads or right of way caused by the Permittee or its agent or contractor will be at the sole cost of the Permittee. The County may choose, at its sole discretion, to have the Permittee or its agent or contractor correct such damage or problem, conduct such work itself, or contract such work to a third party.

15. The county Road Superintendent may require the owner/operator to provide GIS coordinates of any above ground facilities within 30 days of installation of such facilities.

16. Installation of facilities must be completed within 12 months of the date of this application except for reclamation which must be completed within 18 months.

17. Permittee must contact the Morgan County Road and Bridge Department (970) 542-3560 at least 48 hours prior to the beginning of installation work and inform the Department of the time of the start of work and the estimated time of the completion of work.

18. Other Conditions: _____

This permit is valid for the Permittee and the Permittee's successors and assigns **only**.

Dated this _____ Day of _____, 20____.

(SEAL)

**BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO**

ATTEST:

Clerk to the Board

Chairman

By submitting this application the applicant agrees to abide by all conditions of this application:

Applicant's Signature: _____ **Date:** _____

Printed Name: _____ Position: _____