

**COUNTY OF CASS, MINNESOTA
APPLICATION FOR UTILITY PERMIT
DRAINAGE SYSTEM RIGHT-OF-WAY**

Board of Commissioners for
Drainage System Authority
Cass County, Minnesota

<p>Submit completed application to: Cass County Highway Department PO Box 579 Walker MN 56484</p>

Application is hereby made for permission to place, construct and thereafter maintain:

_____ (description of utility), across, under, along or on

_____ (name of drainage system(s)) right-of-way

in Cass County, Minnesota in accordance with the sketch shown herein or attached to.

Rules and Regulations for Utilities on Public Drainage System Right-of-Way

DEFINITIONS

Utility. Under this order "utility" shall mean and include all privately, publicly, or cooperatively owned communication lines and facilities, any systems, lines and facilities for the distribution and transmission of electrical energy produced and furnished to others, oil, gas, water, sewer, steam and other pipelines, railways, ditches, flumes or other structures constructed, placed or maintained across, under, along or on public drainage system right-of-way. Dependent upon the meaning intended in the context, "Utility" shall also mean the utility company, inclusive of any wholly owned subsidiary.

GENERAL

I. Except as otherwise permitted, utility construction and relocation on drainage system right-of-way shall not be commenced until an application for a Permit has been made and the Permit granted. The Permit sketch and/or aerial photo shall show the location of the proposed utility with reference to drainage system center line, slopes, depth and other pertinent information regarding the drainage system right-of-way.

II. Burning or disking operations and/or the use of chemicals to control or kill trees, brush, and other vegetation is prohibited without prior approval from the County Engineer.

III. All open ditches and lines of drainage shall remain operative.

IV. Wherever topsoil and sod are disturbed they shall be replaced and maintained satisfactorily until the turf is established.

V. The utility facility and installation shall not interfere with any existing utility facilities on the drainage system right-of-way.

VI. When necessary, barricades, warning devices and flagmen shall be provided by the Utility during all phases of construction and maintenance operations on drainage system right-of-way.

VII. At the time of construction of the utility and at the times of subsequent maintenance, prior approval shall be obtained from the Drainage Authority for the cutting and trimming of trees within the drainage system right-of-way. Wherever trees are cut the resulting stumps shall be removed unless otherwise provided in the Special Provisions of the Permit. Any holes caused by

stump removal shall be backfilled, the area leveled and all materials associated therewith disposed of outside the drainage system right-of-way. The Utility shall advise the Drainage Authority at least 48 hours in advance of its intent to start clearing and grubbing operations so that proper supervision can be provided.

VIII. The Utility shall notify the Drainage Authority of its intent to perform service and maintenance operations which will interfere with the flow of surface water in drainage system rights of way, and shall obtain approval prior to performing such operations. However, the Company may perform service and maintenance operations on drainage system right-of-way including opening and disturbing the surface of the right-of-way without prior approval in those instances where an emergency exists that is dangerous to the life or safety of the public and which requires immediate repair. The Utility shall take all necessary and reasonable safety measures to protect the traveling public and shall notify the Drainage Authority as soon as possible.

IX. If at any time the Drainage Authority shall deem it necessary to make any improvements or changes on all or any part of the right-of-way of the drainage system which affects a utility located on drainage system right-of-way, then and in such event, the owner of the utility shall within 15 days after written notice from the Drainage Authority, or its authorized agent, proceed to alter, change, vacate or remove said utility from the drainage system right-of-way so as to conform to said drainage system changes and as directed by the Drainage Authority. Such work shall be done without any cost whatsoever to the drainage system and shall be completed within the date specified in the written notice. The Utility shall assume all liability and save the Drainage Authority harmless from any and all claims of damage of any nature whatsoever occasioned by reason of not having removed said utility within the time specified in said notice.

X. The Utility shall assume all liability for, and save the Drainage Authority, its agents and employees, harmless from, any and all claims for damages, actions or causes of action arising out of the work to be done herein and the continuing uses by the Utility, including but not limited to the placing, constructing, reconstructing, maintaining and using of said utility under this application and Permit.

XI. The Drainage Authority may require the Utility, or its contractor, to furnish a deposit in the form of a certified check, a surety bond or corporate undertaking, in favor of the Drainage Authority, for any expense incurred in the granting of the crossing permit, and the repairing of damage to any portion of the drainage system right-of-way caused by work performed under a Permit, including any out of the ordinary engineering supervision and inspection expense provided by the Drainage Authority. In those instances wherein a deposit is required, the amount of the deposit shall be specified in the Special Provisions of the Permit. If a check is furnished, any monies remaining over and above such expense shall be returned to the applicant.

XII. The Permit as issued does not in any way imply an easement on private property.

XIII. The installations shall be made in conformity with all applicable laws, regulations and codes covering said installations. All installations shall be made in conformity with regulations of governmental agencies for the protection of the public and the environment. This Permit shall be contingent upon the Utility obtaining any and all applicable local, state, and federal permits.

XIV. Upon completion of an installation, the Utility shall restore the drainage system right-of-way to near as practical its original condition. The Utility shall then notify the office of the County Engineer of the completion of the work so that inspection can be made to determine its acceptability.

The applicant in carrying on any and all of the work herein above mentioned or referred to in its application and in the Permit issued hereto, shall strictly conform to the terms of such Permit, and the regulations of the Drainage Authority, as set forth herein together with the Special Provisions, all of which are made a part hereof. The applicant specifically agrees to be bound hereby. The applicant shall also comply with the regulations of all other governmental agencies for the protection of the public and the environment. The work shall be accomplished in a manner that will not be detrimental to the drainage system right-of-way and that will safeguard the public and the environment.

UNDERGROUND

I. All utility crossings of drainage systems shall be a minimum of 4 feet below the existing bottom of open ditch and/or bottom of subsurface tile. Open ditches can be open cut. All subsurface tile lines and other structures of the drainage system must be bored.

II. The underground utilities shall be installed to avoid future disturbance of ditch structures to perform maintenance operations.

BRIDGES AND CULVERTS

All new bridges and culverts must be designed according to current hydraulic and hydrologic conditions. The Drainage Authority may require complete as-built plans with size and elevations when installation is complete. Any other requirements unique to the bridge or culvert will be set forth under the Special Provisions of this Permit.

Date _____

Name of Company making application

Signature _____

By _____

Title

Address _____

Telephone _____

CASS COUNTY, MINNESOTA

UTILITY PERMIT ON DRAINAGE SYSTEM RIGHT-OF-WAY

Reference: _____

In accordance with the application herein, a Utility Permit is granted to _____ to place, construct and thereafter maintain _____ across, under, along or on the right-of-way of _____ in the location shown on the sketch, which is a part of said application, or in such locations as may be specified by the Drainage Authority in the Special Provisions herein.

SPECIAL PROVISIONS:

Approved _____
(date)

Board of County Commissioners
for Drainage Authority
Cass County, Minnesota

Permit No. _____
Certified Check No. _____
Surety Bond No. _____
Date of S. Bond or C. Check _____
Bank or Bonding Co. _____
Deposit Made by _____

Signed:

Chairperson

Attest:

County Administrator/Clerk