

**PERMIT TO USE THE RIGHT-OF-WAY**

THIS PERMIT, made this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by and between the County of Fremont, a political subdivision of the State of Idaho, hereinafter called the Grantor and \_\_\_\_\_ hereinafter called the Grantee, WITNESSETH:

ESTIMATED Construction Begin Date \_\_\_\_\_

ESTIMATED Construction Completion Date \_\_\_\_\_

**CONDITIONS:**

THAT the said Grantor, does hereby grant and convey unto the said Grantee, its successors and assigns, a PERMIT TO USE a portion of the right-of-way of the County Road hereinafter described, and the right to construct, install and lay and thereafter use, operate, inspect, repair, maintain, replace, and/or remove a \_\_\_\_\_ for the conveyance of \_\_\_\_\_ under and across the following described County Road lying in Fremont County, State of Idaho, and more particularly described as follows:

\_\_\_\_\_  
\_\_\_\_\_

together with the right to ingress and egress, for the purpose for which the above mentioned rights are herein granted, subject to the condition that if it is necessary for the public good, convenience, or welfare, that the right-of-way given hereunder may be terminated as a result of public necessity, and the Grantee shall remove its property, at its sole expense, from said right-of-way without any compensation, remuneration or damages as a result of the termination of said right-of-way rights.

THE said \_\_\_\_\_ shall be laid to the depth to allow a minimum of **three (3) feet** of cover for irrigation lines or utility conduit, a minimum of **one (1) foot of cover** for a metal or concrete culvert, or a minimum of **eighteen (18) inches** cover for buried cable. Casing pipe shall be required for all pressurized liquid pipelines crossing the roads, except for domestic water lines up to 2 inches in diameter. All material shall be new. The proposed project must be installed under any culverts that are crossed. Adequate drawings or sketches shall be included showing the depth and type of the proposed facility and its location with respect to the existing location of the roadway, the public right-of-way and approved access points.

THE Grantee shall install said facility at his or their own costs and expenses and shall assume all responsibility with reference to proper protection to the public by installing all necessary warning signals and other safety precautions to properly protect the public during and after installation.

THE Grantee further agrees to properly backfill the excavated area and compact the same to good repair and condition. Any pavement that must be cut shall not be broken out rough, but shall be cut to a neat line with an asphalt/concrete saw or other similar cutting tool. The pavement shall be patched with asphalt to the same depth as the existing asphalt or 4", whichever is greater. The Grantee shall leave the area adjacent to the roadway in the same condition that existed prior to the Grantee's project. All work by the

Grantee shall conform to the standards set forth in the current volume of the *Idaho Standards for Public Works Construction (ISPWC)*, Fremont County's *Standards for Roadway Design and Construction*, and to the satisfaction of the County Commissioners.

IN accepting this permit, the Grantee, its successors and assigns, agrees to hold Fremont County harmless from any and all liability on account of the installation, construction, maintenance or operation of the facilities located under this permit.

UPON completion of said work herein contemplated, all rubbish and debris shall be immediately removed and the roadway and roadside shall be left neat and presentable and to the satisfaction of the County Commissioners.

THE Grantee shall maintain at his or their sole expense, the structure or objects in perpetuity for which this permit is granted in a condition satisfactory to the County Commissioners.

IF trench or pavement settlement should occur on the above described right-of-way, repairs shall be made by the Grantee as directed by the Fremont County Public Works Director and at no cost to the County. The Grantee shall place appropriate warning signs and barricades as per the standards of the Uniform Traffic Control Devices Manual.

ALL Applicants for a Permit to Use the Right-of-way shall deposit with Fremont County a sum of money to insure against any residual damage that may be sustained to a public roadway as a result of a breach of the roadway surface. The required deposit amounts are set forth in the chart below. This chart represents an initial deposit structure and the amounts set forth may be modified or amended from time to time by resolution of the Board of County Commissioners.

THE deposit, or a portion thereof, shall be refunded to the applicant based on the time frames set forth in the schedule found in the following chart, which time frames shall begin to run upon notification of the County Public Works Director by the Grantee that the project has been completed. The amount refunded shall be the deposit amount, less any amounts necessary to return the roadway surface as nearly as practical to its original condition. If the County has to repair the roadway in any way, the expense for said repairs will be deducted from the deposit before any portion of the deposit is refunded. If an oiled roadway is cut, the amount of \$200 will automatically and permanently be withheld from the deposit.

Type of Crossing	Cost	Deposit Retention Time	Amount refunded if project is approved	How refunded
Boring	\$100.00	7 days	\$100.00	Return check
Gravel Road	\$300.00	6 months	\$300.00	Return check
Oil Road	\$800.00	1 year	\$600.00	Payment from County

SHOULD the cost to the County exceed the amount of the applicant's deposit, the applicant shall be responsible to the County for the payment of any additional expense to return the roadway surface as nearly as practical to its original condition. No new permits will be issued to the Grantee until such claim has been settled.

EACH utility company and/or contractor will need to get a permit through the Public Works office for all

road crossings, and any construction work that is within the County road right-of-way. All deposits and fees will apply. Companies that are bonded may submit a bond in lieu of cash or deposits. If an oil road is cut, a non-refundable fee of \$200 in addition to the bond will be required for all road crossings. ALL individuals, utility companies, and/or contractors extending to third parties are required to follow the latest edition of the Uniform Traffic Control Manual for signing, traffic control, closing roads, and impeding traffic. Parked equipment and stored materials shall be kept as far away from the travelway as feasible. Items left overnight within 30 feet of the travelway shall be marked and/or protected.

ALL trenching, placing of pipes, cables, conduits, and culverts will be installed and placed according to the *ISPWC* and the *Fremont County Standards for Roadway Design and Construction*.

THE issuance of this permit in no way supercedes the requirement of the Grantee to obtain a right-of-way from each owner of property over which the construction will cross, or any other required permit.

ANY Grantee that has a project adjacent to or crossing a County roadway that could damage the roadway will be required to pay the County an amount sufficient to cover any and all repairs to County roads and bridges that may be caused by any portion of the project, at any time in the future.

IF more than one crossing is made by an applicant during the same project or related projects the applicant may, at the discretion of the County, be required to rebuild the road section between the crossings.

NO road that has been paved less than five (5) years, seal coated within the past three (3) years or is deemed to be in excellent condition will be cut unless the Fremont County Public Works Director grants permission.

THE County reserves the right to have any and all crossings bored on any and all roads in the County. Applications to bore under the roadway will be approved upon the County's receipt of the application if it can be determined the roadway will not be damaged. If it becomes necessary to cut the road during a boring job, a deposit fee will be required, as per the chart on page 2 of this application.

THE Fremont County Public Works Director will review applications to approve or reject right-of-way permits. Sufficient time must be allowed between application and approval for a site visit to be completed if needed.

**THE Grantee (applicant) shall notify the Fremont County Public Works Office 48 hours in advance of beginning construction.**

**THE project shall be completed within 48 hours.**

**THE Grantee shall notify the Fremont County Dispatcher, at 624-1534, a minimum of three (3) hours prior to the construction.**

THE Grantee (applicant) assumes all liability for the construction within the road right-of-way and holds Fremont County harmless from any actions performed by the Grantee.

**THIS permit shall not be valid for excavation until, or unless, the provision of Idaho Code Title 55, Chapter 22 have been complied with. PRIOR TO EXCAVATION, CALL DIGLINE LOCATION SERVICE. Telephone No. 1-800-342-1585. Digline requires 48 hours notice.**

APPLICANT:

\_\_\_\_\_  
Grantee

\_\_\_\_\_  
Agent

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Date of Application

\_\_\_\_\_  
Amount of Deposit

COUNTY OF FREMONT:

\_\_\_\_\_  
Road Supervisor

\_\_\_\_\_  
Public Works Director

Additional Conditions of Approval:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date of Approval of Application

\_\_\_\_\_  
Project Inspected and Approved By

\_\_\_\_\_  
Date Project Inspected

\_\_\_\_\_  
Date and Amount of Refund of Deposit