

**APPLICATION FOR PERMIT TO LOCATE  
BURIED OR OVERHEAD UTILITY FACILITIES  
WITHIN COUNTY HIGHWAY RIGHT OF WAY**

Date: \_\_\_\_\_

The undersigned utility company (hereinafter referred to as "Applicant") hereby makes application to THE BOARD OF COMMISSIONERS OF THE COUNTY OF WELLS, with offices in care of the Wells County Auditor located at 102 W. Market Street, Suite 205, Bluffton, Indiana 46714 (hereinafter referred to as "the Commissioners"), for permission to erect all necessary cable, pedestals, transmission, distribution, utility and attachments thereto or underground conduits, as will be necessary and proper to be done along and adjacent to the county highway right of way, being a part of the thoroughfare system of Wells County, Indiana (hereinafter referred to as "the County"), and especially along the following locations as per staking sheets attached.

**Location:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Location: Quarter Section** \_\_\_\_\_ **Section No.** \_\_\_\_\_ **Township** \_\_\_\_\_ **Range** \_\_\_\_\_

Sketches of drawings showing the exact location, dimensions, depth of opening or distance from the main portion of the traveled highway, and the print of the same is to be furnished by Applicant.

**See attached drawings.**

The purpose of such work is as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If this application for permit to locate is granted, Applicant hereby agrees to replace the portion of the highway right-of-way or the part adjacent thereto in as good condition as it is now, and backfill any trench or opening by, including but not limited to, thoroughly tamping the backfilling in layers not exceeding four inches deep, and to maintain the surface which has been disturbed in a smooth and uniform condition for a period of six months after the work is completed.

Applicant further agrees to indemnify the Commissioners, the County, its officials, agents, or employees, against any claims for injury of damage to persons or property and to execute a bond conditioned to pay for such damage if required by the Commissioners.

Applicant further agrees to notify the Commissioners in writing five days in advance of the time of beginning the work done under this application for permit to locate, and to mail a copy of such notice to the Wells County Highway Engineer (hereinafter referred to as "the County Engineer"). Applicant further agrees to notify the County Engineer either by telephone or fax the day preceding the beginning of the work.

**APPLICANT UNDERSTANDS THE PROVISIONS OF THIS APPLICATION AND AGREES TO THE FOLLOWING TERMS AND CONDITIONS:**

1. Utilities should be located in the outer 10 feet of the road right-of-way on the back of the ditch or beyond. Absolutely no above ground structure shall be placed on the road in-slope or ditch bottom.
2. That Applicant will be held responsible to replace in a workable manner any field title that is cut or damaged by a trenching or cutting operation.
3. That this is the total lineal feet of cable, ducts, or lines installed at this location. Should there be need for future extension another application for permit to locate will be required.
4. That all right-of-way or road surface which is disturbed must be restored to the satisfaction of the County Engineer or his designee. Proper restoration of right-of-way, pavement and connecting approaches will be completed properly and promptly as work progresses and will not be more than one (1) day behind the trenching or cutting operation.
5. An inspector designated by the County Engineer may inspect the work.
6. That the work will be completed so there will be no disturbances of highway right-of-way drainage at the time. Work must be done so that there will be not extra maintenance work left for the County as a result of said trenching or cutting. Wherever topsoil and sod are disturbed, they shall be replaced and maintained until the turf is re-established.
7. That after a contract is awarded for work covered under this application for permit to locate, a pre-construction conference may be asked for by either party, attended by appropriate officials and representatives of Applicant.
8. At all times proper warning signs and flagmen will be provided by Applicant's workmen in accordance with MUTCD latest edition and to the satisfaction of the County Engineer for the purpose of traffic control and safety. If proper signs and flagmen are not used, the work may be stopped by the County Engineer or his designee until this protection is provided.
9. It is also understood that the Commissioners, the County, its officials, agents, or employees, will be held harmless for damage and liabilities incurred during construction and henceforth for the duration of facilities covered by this application for permit to locate.
10. Should road rearrangements or repairs necessitate the location of these facilities at a future date, the Commissioners will advise Applicant two (2) work days prior to the required location of said facilities and that if Applicant fails to meet this obligation, the Commissioners, the County, its officials, agents, or employees, assume no obligation or liability for damages to facilities during road, bridge rearrangements, or construction.
11. It is also understood that unforeseen or emergency situations required for highway or bridge construction or repair may require location of facilities in shorter time span than listed above.
12. When individuals or contractors are billed for repairs to utilities due to alleged damage caused by the individual or contractor, the Commissioners may call a meeting of parties concerned and rule on any differences of opinion as to responsibility for cost of repairs.

13. As-built record documentation will be provided to the County's GIS Department upon completion. As-built documents shall include the latest revisions and be in a clear and neat fashion including horizontal and vertical location information in a hard copy and electronic file (AutoCAD DWG or ArcGIS format). The standard horizontal datum shall be North American Datum 1983 (NAD83) State Plane Indiana East FIPS. The standard vertical datum shall be the North American Vertical Datum 1988 (NAVD 1988). Documentation shall be submitted to the County Engineer and the County's GIS Coordinator within 60 days of completion or suspension of the work.
14. All new utility lines shall maintain a minimum 18-inch vertical separation when crossing an existing utility line. A minimum 5-foot horizontal separation shall be maintained from all parallel utility lines, fire hydrants, valve boxes, meter pits, manholes, inlets or utility structures. A smaller setback may be allowed with prior written approval from the County Engineer upon request.
15. The granting of this application for permit to locate does not in any way imply an easement on private property or over the public right-of-way.
16. One copy of this form must be filled out and signed, and attached to each application for permit to locate for construction within public right-of-way with any trenching, boring or cutting operation.
17. This consent and permission extends only to the property rights that the Wells County Board of Commissioners has acquired by virtue of its right-of-way acquisition. Applicant is to acquire permission for access from all affected property owners along the route included in this application.
18. It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or vest any property right in said holder.
19. It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the County's right, title and interest in the land to be entered upon and used by the holder, and the holder will, at all times, assume all risk of and indemnify, defend and save harmless the County from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise or attempted exercises by said holder of the aforesaid rights and privileges. Applicant is to acquire permission for access from all affected property owners along the route included in this application.

COMPLETING THIS APPLICATION DOES NOT PROVIDE OR GRANT ANY RIGHTS WITHOUT THE EXPRESS APPROVAL OF THE BOARD OF COMMISSIONERS ON PAGE 5

APPLICANT :

NAME OF COMPANY:

\_\_\_\_\_

BY: \_\_\_\_\_

AUTHORIZED SIGNATURE

PRINTED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

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STATE OF \_\_\_\_\_ )

) SS:

COUNTY OF \_\_\_\_\_ )

Before me, a Notary Public in and for said County and State, on \_\_\_\_\_ personally appeared \_\_\_\_\_, the \_\_\_\_\_, of the above-named entity designated as the Utility, who acknowledged execution of the foregoing instrument as such officer acting for and on behalf of said entity, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal on \_\_\_\_\_.

My Commission Number:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary's printed or typed name

Resident of \_\_\_\_\_ County, IN

PERMISSION TO LOCATE BURIED OR OVERHEAD UTILITY FACILITIES WITHIN COUNTY HIGHWAY RIGHT OF WAY IS HEREBY GRANTED:

THE BOARD OF COMMISSIONERS OF THE COUNTY OF WELLS:

\_\_\_\_\_  
Jeffery D. Stringer, President  
Wells County Board of Commissioners

\_\_\_\_\_  
Blake Gerber, Commissioner  
Wells County Board of Commissioners

\_\_\_\_\_  
Michael K. Vanover, Vice President  
Wells County Board of Commissioners

Attest:

\_\_\_\_\_  
Lisa McCormick, Wells County Auditor

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STATE OF INDIANA            )  
  ) SS:  
COUNTY OF WELLS         )

Before me, a Notary Public in and for said County and State, personally appeared the Wells County Board of Commissioners, by JEFFERY D. STRINGER, MICHAEL K. VANOVER, and BLAKE GERBER, the President, Vice President, and Member, respectively, who acknowledged execution of the foregoing instrument as such officer acting for and on behalf of the Wells County Board of Commissioners.

Witness my hand and Notarial Seal on \_\_\_\_\_.

My Commission Number:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary's printed or typed name

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This instrument prepared by \_\_\_\_\_. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. \_\_\_\_\_ (name)