

DUBUQUE COUNTY UTILITY PERMIT

PERMIT NO: _____

ROAD: _____

DATE: _____

TO THE BOARD OF SUPERVISORS OF DUBUQUE COUNTY, IOWA:

The (company name) _____, incorporated under the laws of the State of Iowa, with its principal place of business at (address) _____ (city) _____, (state) _____, (zip) _____ does hereby make application requesting permission for the use of (County road name) _____ in Section(s) _____, Civil Township _____ T _____ N-R _____, Dubuque County, _____ miles/feet from _____ for the accommodation of a _____.

The installation shall consist of _____

_____.

AGREEMENTS: The utility company, corporation, applicant, permit holder or licensee, (hereinafter referred to as the permit holder) agrees that the following stipulations shall govern under this permit.

1. The permit holder will file a plat showing the location, horizontally and vertically, of the proposed utility line, and that said plat is hereby made a part of this agreement; and that the description of the proposed installation shall include type, height and spacing of poles, maximum voltage, length of cross arms, minimum clearance and number of wires; type, size and capacity of underground cables, conduits, tile lines and pipe lines and maximum working pressures for pipe lines carry flammable products.
2. The permit holder will, at any time subsequent to the installation, at their own expense, remove or relocate their utility lines as may become necessary to conform to new grades, alignment, or widening of right-of-way resulting from maintenance or construction operation for highway improvements. The permit holder further agrees to perform this operation promptly upon written notice by the County without cost to the County. If the permit holder fails, or is unable to comply promptly, the County may cause the work performed and the cost of such work will be paid by the applicant upon receipt of a statement.
3. All costs for the location, construction and maintenance of the utility installation covered by this application shall be the responsibility of the permit holder.
4. The installation shall meet the requirements of local municipal, county, state, and federal laws, franchise rules and regulations, regulations and directives of the Iowa State Commerce Commission; Utilities Division, the Department of Natural Resources, all rules and regulations of Dubuque County and any other laws or regulations applicable.
5. The permit holder and its contractors, shall carry on the construction, repair and maintenance of the accommodated utility with serious regard to the safety of the traveling public and adjacent property owners in such a manner as to cause minimum interference to or distraction of traffic on said highway. Traffic protection shall be in accordance with the current Manual on Uniform Traffic Control Devices for Streets and Highways. Flagging operations are the responsibility of the permit holder. The original placement of signs and removal upon completion of the work shall be accomplished by the permit holder.
6. All underground cable, conduit, tile line and pipe crossings of hard surfaced secondary roads shall be by means of jacking, boring, or some other manner approved by the County.
7. The permit holder agrees to give Dubuque County forty-eight (48) hours notice of its intention to start construction on the highway right-of-way. The permit holder also agrees to at all times give Dubuque County timely notice of intention to perform routine maintenance within the right-of-way. Said notice shall be to the Engineer whose name is shown below.
8. Before beginning work in the highway right-of-way, it is the responsibility of the permit holder to contract other utilities which may be located in the area of the proposed work.

9. A copy of the approved permit shall be available on the job site at all times for examination by Dubuque County officials.

10. The permit holder shall be responsible for any damage that may result to said highway because of the construction operation or maintenance of said utility. The permit holder shall return the entire roadway to its original condition and shall reimburse Dubuque County any expenditure that Dubuque County may have to make on said highway because of said Permit Holder's utility having been constructed, operated and maintained thereon.

11. Non-compliance with any of terms of Dubuque County policy, permit or agreement, may be considered cause for shut-down of utility construction operations or withholding of any 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.

12. The owner of the utility facility shall indemnify and hold harmless Dubuque County, 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 owner's use or occupancy of the public highway.

13. Dubuque County shall give the permit holder at least forty-eight (48) hours notice of any proposed construction or maintenance work, on either existing or newly acquired right-of-way when the proposed work will be within ten feet (10') of a utility location. The permit holder shall be responsible within this time frame to arrange to protect its facilities.

14. Dubuque County assumes no responsibility for damages to the permit holder's property occasioned by any construction or maintenance operations on said highway if permit holder has been notified in accordance with stipulation number thirteen above or if the facilities are not located in accordance with this permit.

15. This permit may not be transferred or assigned by the applicant. If the utility equipment which is installed under this permit is sold, leased, or otherwise transferred, the applicant shall require the purchaser, lessee or transferee to obtain a new permit in its own name prior to the effective date of the sale, lease or transfer. Otherwise, rights acquired under this permit shall terminate and the applicant may be required, upon the County's demand, to immediately remove all utility equipment from the right-of-way and to restore the roadway to its existing condition at its own expense.

16. A new permit is required any time there is a change in the class of transmittant, an increase in the maximum design pressure shown on the permit or any other physical change in the utility facility.

17. The authority granted by this permit is limited to Dubuque County's own limited easement on said highway right of way. It does not intend to remove or supersede any independent right the servient landowner may retain pursuant to Keokuk Junction Railway Co. v. IES Industries Inc. 618 N.W.2d 352 (Iowa 2000).

NAME OF CONTRACTOR: _____

PERSON TO CONTACT: _____

CONTRACTOR PHONE NO.: _____

NAME OF APPLICANT: _____

TITLE: _____ **EMAIL:** _____

APPLICANT PHONE NO.: _____

SIGNATURE: _____ **DATE:** _____

Recommended for Approval by the County Engineer's Department OR Chair of the Board:

DATE: _____

Dubuque County Engineer or Maintenance Superintendent

OR

DATE: _____

Chair, Dubuque County Board of Supervisors