

**SHELBY COUNTY BOARD OF SUPERVISORS
APPLICATION FOR APPROVAL OF UNDERGROUND OR OVERHEAD
CONSTRUCTION ON COUNTY HIGHWAY RIGHT-OF-WAY**

APPLICANT: _____ PHONE #: _____

ADDRESS: _____

SHELBY COUNTY BOARD OF SUPERVISORS
HARLAN, IOWA

Approval is hereby requested for the overhead or underground construction of:

(Describe fully work to be completed)

(hereinafter referred to as "the installation" or "utility lines") and will be located as shown on the attached detailed plat which is hereby made a part hereof.

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

1. The installation shall meet the requirements of local municipal, county, state, and federal laws, franchise rules, and regulations; applicable regulations and directives of the Iowa State Commerce Commission, Iowa Utilities Board, applicable rules and regulations of the Iowa State Department of Health; applicable rules and regulations of the Iowa State Highway Commission; and any other applicable laws or regulations.
2. The applicant will, at any time subsequent to installation of utility lines, at the applicants own expense, relocate or remove said utility lines as may become necessary to conform to new grades, alignment, or widening of Right-of-Way in connection with maintenance or construction operations of the highway. The applicant further agrees to perform this operation promptly upon written order by the highway authority or its authorized representative without cost to the highway authority in accordance with the applicable sections of the 1979 Code of Iowa. If the applicant fails to, or is unable to, comply promptly with said written notice, the Highway authority may cause said utility lines to be relocated or removed and the cost of such work shall be paid by the Applicant upon receipt of statement of costs. The highway authority assumes no responsibility for damages to Applicant's property occasioned by any construction or maintenance operations on said highway.
3. Applicant shall give the highway authority 48 hours' notice of the Applicant's intention to start any installations on the highway Right-of-Way. Applicant also shall give the highway authority timely notice of intention to perform routine maintenance within the Right-of-Way. Said notice shall be made to the Shelby County Engineer, Harlan, Iowa. The highway authority shall give the Applicant at least 48 hours' notice of any proposed construction or maintenance work, on either existing or newly acquired Right-of-Way, that is likely to conflict with installations

**SHELBY COUNTY BOARD OF SUPERVISORS
APPLICATION FOR APPROVAL OF UNDERGROUND OR OVERHEAD
CONSTRUCTION ON COUNTY HIGHWAY RIGHT-OF-WAY**

belonging to the Applicant. It is specifically understood that this permit shall in no way be interpreted to grant an easement of Right-of-Way to this applicant or any person whatsoever.

4. Applicant shall take all reasonable precaution during the construction and maintenance of said installation to protect and safeguard the lives and property of the traveling public and adjacent property owners. Applicant's operations in construction and maintenance of said utility installation shall be carried on so as to cause a minimum of interference to traffic on said highway. Applicant shall be responsible for any damage that may result to said highway because of construction or maintenance of said utility installation. Including restoring vegetative cover to disturbed areas by seeding.
5. The applicant shall indemnify and hold harmless the County of Shelby, Iowa, from any and all causes of action, suits at law or in equity, or losses, damages, claims, or demands, and from any and all liability and expense whatsoever for, on account of, or due to acts or omissions of said Applicant and or said Applicant's agents, representatives, officers, members, contractors, employees, or assigns, arising out of or in connection with Applicant's use or occupancy of the public highway under this permit.
6. Applicant shall comply with any special provisions noted on the attached detailed plat.
7. The Shelby County Board of Supervisors, at their discretion, may require a fee for utilization of the County Right-of-Way for utility purposes. The fee shall be negotiated between the applicant and the Chairman of the Shelby County Board of Supervisors, or his designee, prior to the processing and approval of the permit by the Shelby County Board of Supervisors.
8. Pipelines conveying hazardous liquids as described in Chapter 479B of the Iowa Code shall be installed following all rules regulations of the Iowa State Commerce Commission, American Standard Transmission and Distribution Piping System, and Chapter 479B of the Iowa Code.
9. Insurance – It shall be the Applicants responsibility to: Make sure the contractor has insurance covering all of the construction operations incident to completion of this permit.
The Applicant shall submit to Shelby County Board of Supervisors a certificate of liability & property insurance, with the minimum coverage as follows:
General Liability Insurance – Bodily Injury and Property Damage Combined \$1,000,000 Each Occurrence/3,000,000 Aggregate
Automobile Liability - \$1,000,000 Combined Single Limits
Excess Liability - \$1,000,000 Each Occurrence/\$1,000,000 Aggregate
Worker's Compensation & Employer's Liab. – Part A – Statutory Part B - \$500,000/\$500,000/\$500,000
10. Bonding – It shall be the responsibility of the applicant to provide to the Shelby County Engineer with a performance bond in the amount of the estimated cost for work performed within the Right-of-Way. The bid bond shall be submitted to the Shelby County Engineer at least 48 hours prior to any construction operations commencing. The bond shall be called on in the event that the applicant does not take corrective action for their contractors non-conforming work with-in the County Right-of-Way, or the contractors work results in damages to Shelby County Secondary Road infrastructure. Bond shall not be required where the installation is serving a single residence; however, the Applicant shall deposit funds equivalent to 20% of the project's projected cost with the County, as a damage deposit, prior to beginning the installation. In any case, the Applicant shall follow all of the other requirements in this Application and shall continue to be liable for any damages or corrective action necessary to Shelby County Secondary Road infrastructure resulting from the installation.
11. Backfilling – Tunnels and trenches shall be thoroughly compacted in layers of 6" or less in depth. Backfilling of trenches within the Right-of-Way but not under the traveled roadway, shall be tamped sufficiently to avoid settlement. All work shall be done in a workmanlike manner, and the ground left in a neat condition, satisfactory

**SHELBY COUNTY BOARD OF SUPERVISORS
APPLICATION FOR APPROVAL OF UNDERGROUND OR OVERHEAD
CONSTRUCTION ON COUNTY HIGHWAY RIGHT-OF-WAY**

to the County Engineer or their representative. Any surfacing material removed, covered up, or mixed with earth shall be replaced by the applicant at their expense.

12. During Construction – The Applicant shall provide full time inspection services during the time of construction upon the County Road Right-of-Way; and the inspector(s) shall certify to the County that construction requirements are followed; including inspection of all roadway structures for damages caused by the contractor's operations.
13. Installation – All installations shall be placed to not interfere with normal road maintenance operation, including, but not limited to, the blading of granular surfaced roads, ditch cleaning operations, and erection and maintenance of signs and signposts. Installations over culverts will not be permitted. Minimum bore depth below culvert flow line shall be 4 feet. All underground utility installations proposed to cross County roads or highways shall be bored, unless the County Engineer waives such requirement in writing prior to commencement of work. The applicant shall indemnify and hold the County harmless from all future damage claims on this account.
14. Construction Damages – Any damages to Shelby County property, with the Right-of-Way, shall be the responsibility of the applicant, even if work is done by a private contractor. This permit is a written agreement with the Applicant, not the private contractor.
15. After Construction – The applicant shall be responsible for reimbursement to the County for additional granular resurfacing necessary to put the roadway back into its condition prior to the installation of any utility lines.
16. Future Construction – The terms of this permit shall continue to apply to all future activities concerning the installation within the County Road Right-of-Way.
17. Affected Landowners – Applicant shall contact all landowners affected by the installation. Prior to the commencement of any work on the installation, Applicant shall obtain landowner approved and signed easement agreements from all affected landowners.

At the discretion of the County Engineer, after consultation with the Chairman of the Board of Supervisors, permits for small projects requested by public utilities that have an existing relationship with Shelby County may be granted approval to proceed by the County Engineer prior to Board of Supervisors official action. Small projects shall be defined as service installations to single homes that are less than 500 linear feet of utility installed within the County Right-of-Way. Insurance and bond must be on file with the County Engineers Office prior to work commencing.

Application No. _____

**SHELBY COUNTY BOARD OF SUPERVISORS
APPLICATION FOR APPROVAL OF UNDERGROUND OR OVERHEAD
CONSTRUCTION ON COUNTY HIGHWAY RIGHT-OF-WAY**

RECOMMENDED FOR APPROVAL:

BY: _____
County Engineer

Applicant

Date: _____

Mailing Address

APPROVAL:

BY: _____
Chair, Shelby County Board of Supervisors

City, State, Zip Code

Date: _____

Phone Number Email Address

Agreed Upon Permit Fee: _____

Date: _____

Fee Amount Paid Date: _____

Approved by Shelby County Board of Supervisors – March 15, 2022