

**APPLICATION FOR PERMIT FOR UTILITY  
CONSTRUCTION IN ROAD RIGHT-OF-WAY**

**OFFICE USE ONLY**

Permit No.: \_\_\_\_\_

Date Received \_\_\_\_\_

Received By \_\_\_\_\_

Application Fee \$ \_\_\_\_\_

Cash  Check No. \_\_\_\_\_

\_\_\_\_\_ of  
Name of Applicant

\_\_\_\_\_  
Applicant's Address

Hereafter referred to as "Applicant" or "Permittee", is proposing to place a:

Utility Type/Product: \_\_\_\_\_

Nominal Size: \_\_\_\_\_

Material: \_\_\_\_\_

Installation Method and Type:

- ( ) Temporary - 30 days or less      ( ) Permanent      ( ) Bore      ( ) Open Trench  
( ) Right-of-Way Crossing      ( ) Parallel Installation

In or across an existing Linn County Public right-of-way with a buried utility designated to carry or conduct natural gas, water, electricity, communications, temporary equipment or any other substance or service whatsoever for distribution, and Linn County having considered the request does grant consent to cross the following described existing County Public right-of-way, upon the terms and conditions herein stated:

**INSTRUCTIONS FOR APPLICANTS:**

1. The Applicant submitting for a permit to occupy and perform work within the Linn County Public right-of-way or property shall not perform such work except under authority of a permit issued by Linn County.
2. Application shall be made in triplicate and be accompanied by triplicate drawings (1) to a working scale, (2) showing position and location of work, (3) names, numbers and width of roads and the location in plats, or subdivisions and by section, township, and range, and (4) showing relative position of the proposed work to existing utilities within such County Public right-of-way or property.
3. Applicant must submit applications to the Linn County's Road and Bridge Supervisor or County's Representative for review prior to consideration by the Board of Commissioners at least two (2) week prior to the commencement of the project.
4. The Applicant shall specify the type of construction proposed, submitting plans showing the class of material and manner in which work is to be accomplished. All materials and equipment shall be of the highest quality and the

manner of excavation, fills, construction, installation, erection of temporary structures, road obstructions and barricades, etc. shall meet the requirements set forth in the Linn County Public Right-of-Way Use Guide, as now or hereafter amended, and shall require approval of Linn County.

5. The Applicant shall post a bond or other financial assurance to ensure compliance with all permit conditions. The bond shall remain in full force and effect for a period of one (1) year following completion of the authorized work.

**GENERAL PERMIT TERMS AND CONDITIONS:**

1. This permit is a license and shall not be deemed to grant a franchise, nor an easement or other interest in real property. This permit authorizes the Permittee to enter and occupy Linn County Public right-of-way or property at the designated location to perform only the work approved by the County Road and Bridge Supervisor or County's Representative. ~~The permit may be revoked, annulled, or terminated by Linn County at any time if the Permittee willfully or negligently fails to comply with any permit provision or a county notice, or if work is not performed in conformity with permit requirements.~~
2. The term "Permittee" shall mean the permittee, permittee's principals, partners, agents, contractors, successors and assigns to whom the Permit has been granted by Linn County.
3. Linn County reserves the right to make such alterations or improvements to its Public right-of-way and/or property at any time the County Board of Commissioners deems necessary. The Permittee shall, upon written notice and at Permittee's sole cost and expense, remove or relocate or alter the Permittee's installation(s) to accommodate the County work. If Permittee fails to timely comply with this condition, Linn County, may do, order, or have done such work at the Permittee's sole cost and expense.
4. The Permittee shall at Permittee's sole cost and expense promptly repair all Permittee's damage to the County Public right-of-way and/or property and restore the County Public right-of-way and/or County property to a condition at least in as good and a safe condition as it existed before Permittee's work commenced. If Permittee fails to fully comply with this condition within a reasonable time, the County may do, order, or have done any work necessary to restore the good and safe condition of the County Public right-of-way and/or property, and the Permittee, by acceptance of this Permit, agrees that, upon demand by the County, the Permittee shall reimburse the County for all costs of repair and restoration work.
5. The Linn County Board of Commissioners reserves the right, at any time, to change, amend, modify, or terminate any condition of this Permit to conform to federal, state, or county laws, regulations, or codes enacted subsequently to the permit issuance date. The Board of Commissioners or County Road and Bridge Supervisor may revoke this permit if the Permittee fails to comply too such changes.
6. The Permittee is responsible to be familiar with and abide industry standards and federal, state, and county laws, regulations, and codes applicable to the work. Signage, barricades, and traffic control in the vicinity of the work shall strictly conform to provisions of the Manual on Uniform Traffic Control Devices (MUTCD), 2009 Edition with Revisions 1 and 2. The Applicant is solely responsible for all environmental permitting and mitigation associated with the Applicant's approach to the County Public right-of-way.
7. The work shall be performed using materials, construction methods, and traffic safety practices and devices approved in advance by the Linn County Road and Bridge Supervisor or County's Representative and shall be subject to inspection by the County Road and Bridge Supervisor or County's Representative at any time to assure compliance with permit conditions. The Permittee shall maintain the permitted utility installation or structure in good repair while it remains in existence.
8. Before commencing the work, the Permittee shall locate all utility installation in the permit location, and shall notify and coordinate with all utilities and property owners to take all necessary steps to protect persons, utility installations, and real and personal property. The Permittee shall be solely responsible for injury or damage to property or any person arising from the Permittee's work. Permittee is required to contact Kansas One-Call for utility location **BEFORE WORK COMMENCES**.
9. The buried utility lines to be installed by the Permittee in crossing or paralleling any existing Linn County Public right-of-way shall at a minimum comply with the following engineering standards:

- a. Utility crossings shall be installed in casing as noted in the attached details and shall be buried a minimum of five feet (5') deep from the crown of the road, or three feet (3') below the bottom of the ditch, whichever is deeper.
  - b. All parallel installations must be minimum fifteen feet (15') from road centerline or five foot (5') from edge of roadway whichever is greater.
  - c. Underground utility lines crossing the right-of-way which are less than twelve inches (12") in diameter shall be bored and twelve inches (12") or greater in diameter shall be open trenched in accordance with the approved construction details in Part B: Linn County Right-of-Way Use for Utility Infrastructure.
  - d. As-built GPS location every fifty feet (50') or measured references is required on all underground utilities.
  - e. Tracer wire and line markers (2 minimum) are required in all underground utilities within the County Public right-of-way.
  - f. Vent pipes, if applicable, shall be located on the existing County right-of-way line.
  - g. All disturbed ground within the County Public right-of-way must be rehabilitated by covering with top soil and seeded in accordance with requirements in the Linn County Public Right-of-Way Use, Repair and Maintenance Guide.
10. The Permittee shall notify the County or County's Representative two (2) weeks before work is initiated and again when the work is completed. All work shall be completed within the designated construction timeframe established below by Applicant.

Construction Start Date: \_\_\_\_\_  
Construction End Date: \_\_\_\_\_ or No. of Construction Days: \_\_\_\_\_

11. An approved signed copy of this permit shall be on the premises before and during the period any work is performed.
12. BY ACCEPTING THIS PERMIT AND COMMENCING THE WORK, THE PERMITTEE AGREES TO INDEMNIFY AND HOLD HARMLESS LINN COUNTY FROM ALL CLAIMS, ACTIONS, LAWSUITS OR DAMAGES OF ANY KIND AND DESCRIPTION WHICH MAY ACCRUE TO OR BE SUFFERED BY ANY PERSON, CORPORATIONS, OTHER ENTITY, OR REAL OR PERSONAL PROPERTY BY REASON OF PERFORMANCE OF THE WORK, CHARACTER OF MATERIALS USED OR MANNER OF INSTALLATION OR CONSTRUCTION, OR THE MAINTENANCE OR OPERATION OF THE INSTALLATIONS, OR IMPROPER OCCUPANCY OF THE COUNTY PUBLIC RIGHT-OF-WAY OR PUBUC OR PRIVATE REAL OR PERSONAL PROPERTY, AND IN THE CASE ANY SUCH CLAIM IS MADE OR AN ACTION OR LAWSUIT IS COMMENCED AGAINST LINN COUNTY FOR DAMAGES ARISING OUT OF ANY OF THE ABOVE CAUSES, THE PERMITTEE SHALL, UPON NOTICE FROM THE COUNTY OF SUCH CLAIM OR COMMENCEMENT OF SUCH ACTION OR LAWSUIT, DEFEND THE SAME AT THE PERMITTEE'S SOLE COSTS AND EXPENSE SHALL FULLY SATISFY ANY JUDGEMENT AFTER SAID LAWSUIT SHALL HAVE BEEN FINALLY DETERMINED ADVERSELY TO THE COUNTY. THIS HOLD HARMLESS AND INDEMNIFICATION SHALL SURVIVE EXPIRATION OF THE PERMIT.

**AUTHORIZED AGENT OF APPLICANT:**

I, the undersigned, being an authorized agent of the Applicant described in the above, confirms that the foregoing and any attachments are true and correct and requests the foregoing permit and accepts the terms and conditions set forth above:

Signature of Applicant or Authorized Agent	Printed Name & Title	Date	
Address	City	State & Zip	Email
Contact for this Project	Phone (Day)	Phone (Emergency)	

**ISSUANCE OF PERMIT:**

This permit shall become void unless, prior to commencement of work the Permittee posts a bond or other financial assurance, in a form and/or with surety satisfactory to the Linn County, in the amount of \$\_\_\_\_\_. The bond or other financial assurance shall be posted or deposited with Linn County and shall remain in full force until returned or refunded as set for in the County Public Right-of-Way Use, Maintenance and Repair Policy.

Approved by:

\_\_\_\_\_  
Linn County Road and Bridge Department Supervisor

\_\_\_\_\_  
Issuance Date of Permit

\_\_\_\_\_  
Linn County Public Works Administrator

**FINAL APPROVAL OF PERMIT:**

Permittee has completed the permitted work and has so notified Linn County. The work was thereafter inspected by the County Road and Bridge Supervisor or County's Representative and complies with permit conditions.

Approved by:

\_\_\_\_\_  
Linn County Road and Bridge Department Supervisor

\_\_\_\_\_  
Approval Date of Permit

\_\_\_\_\_  
Linn County Public Works Administrator

## Linn County Permit Fee Schedule

Mound City, KS 66056-0350

Office: (913) 795-2668 Fax: (913) 795-2889

Type of Permits - General	Unit	No. of Units	Cost Per Unit		Total Cost
			Application Fee	Permit Fee	
Access Entrance Permit	Per Location	_____	X \$50.00	+ X \$200.00	_____
Equipment in Right-of-Way Permit	Per Item	_____	X \$50.00	+ X \$450.00	_____
Dust Control Permit	Per Location	_____	X \$25.00	+ X \$25.00	_____
Oversize/Overweight Vehicle Permit Single Trip/Round Trip*	Per Load	_____	X \$25.00	+ X \$10.00 per mile	_____
Oversize/Overweight Vehicle Permit Annual Permit*	Per Load	_____	X \$25.00	+ X \$375.00	_____
Moving a Structure Permit*	Per Load	_____	X \$25.00	+ X \$375.00	_____
Transmission Pipeline Construction in ROW Parallel Install., Bored	Per Mile	_____	X \$100.00	+ X \$400.00	_____
Transmission Pipeline Construction in ROW Parallel Install., Open Trench	Per Mile	_____	X \$100.00	+ X \$1500.00	_____
Transmission Pipeline Construction in ROW Bored	Per Crossing	_____	X \$100.00	+ X \$400.00	_____
Transmission Pipeline Construction in ROW Open Trench	Per Crossing	_____	X \$100.00	+ X \$1500.00	_____
* Plus necessary and appropriate engineering and road damage fees.					
Type of Permits – Public Utility	Unit	No. of Units	Application Fee	Permit Fee	Total Cost
Utility Construction in ROW Public Utility, Bored	Per Crossing	_____	X \$100.00	+ X \$200.00	_____
Utility Construction in ROW Public Utility, Open Trench	Per Crossing	_____	X \$100.00	+ X \$200.00	_____
Utility Construction in ROW Public Utility, Parallel Install., Bored	Per Mile	_____	X \$100.00	+ X \$200.00	_____
Utility Construction in ROW Public Utility, Parallel Install., Open Trench	Per Mile	_____	X \$100.00	+ X \$200.00	_____

Type of Permits – Private Utility					
Utility Construction in ROW Private Utility, Bored	Per Crossing	_____	X \$100.00	+	X \$200.00
Utility Construction in ROW Private Utility, Open Trench	Per Crossing	_____	X \$100.00	+	X \$1500.00
Utility Construction in ROW Private Utility, Parallel Install., Bored	Per Mile	_____	X \$100.00	+	X \$200.00
Utility Construction in ROW Private Utility, Parallel Install., Open Trench	Per Mile	_____	X \$100.00	+	X \$1500.00

<b>Total for 30 Days</b>	<b>Application Total</b>	_____	<b>Permit Total</b>	_____
<b>Total for 60 Days</b>		<b>30 Day Permit Total X 2</b>		_____
<b>Total for 90 Days</b>		<b>30 Day Permit Total X 3</b>		_____

Submission of applications will be accepted and approval of permits will be granted on these terms and conditions:

1. All application and permit fees are non-refundable.
2. All fees are to be submitted with applications, permits or agreements to the Linn County Road and Bridge Department.
3. All permit fees shall be submitted fourteen (14) days prior to commencement of work.
4. Duration of all transmission pipeline and access entrance applications and permits shall be:
  - a. Application is valid for 12 months from Notice of Approval date.
  - b. Permit is valid for 18 months from the Application Received date.
5. Duration of all utility and all other applications and permits shall be:
  - a. Application is valid for 3 months from Notice of Approval date.
  - b. Permit is valid for 6 months from the Application Received date.
6. Notice of Approval or Denial will be returned within fourteen (14) days of submission and does not constitute a permit without payment of permit fee.
7. Linn County hereby reserves the right to prohibit the use or occupation of specific portions and/or all of the County Public right-of-way.
8. If the County denies a request to use or occupy a specific portion and/or all of the County Public right-of-way, the applicant shall be served a notice of such denial by first class mail. The notice shall indicate that the applicant shall have 10 days from the date of receipt of the notice to request a public hearing. Failure to do so shall constitute a waiver of the person's right to contest the denial before the governing body. The hearing shall be held by the governing body within 30 days after the filing of the request therefore, and the applicant shall be advised by Linn County of the time and place of the hearing. Following the public hearing, if the County governing body denies an applicant's request to use or occupy a specific portion and/or all of the county right-of-way such determination may be appealed to the district court.

Submit all applications to:  
Linn County Road Department  
306 Main  
Mound City, KS 66056-0350

Or send by mail to:  
Linn County Road Department  
PO Box 350  
Mound City, KS 66056-0350

Please make checks payable to: **Linn County Road and Bridge Department.**

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner