

ORDINANCE NO. 2010-9

WHEREAS, the Warren County Highway Department has the responsibility of maintaining Warren County roads and associated rights-of-way; and

WHEREAS, Warren County needs to control the use of said rights-of-way by utilities and persons cutting or crossing the rights-of-way.

NOW, THEREFORE, IT IS ORDAINED that:

1. Warren County, through the Warren County Highway Department, shall have the right to allow and provide specifications for certain uses (also referred to as "improvements") within the rights-of-way of all county roads.

2. Any person or contractor who wishes to cut, cross, or use the right-of-way of any Warren County road shall make application to do so at least thirty (30) days in advance of the desired excavation or use, on a form provided by the Warren County Highway Department.

3. Included in the application shall be the name, address, and telephone number of the applicant, the described location (including section and township and road number), the purpose, the type of surface where the opening is to be made, and other information deemed important by the Warren County Highway Department.

4. The applicant shall provide drawings of the improvement and certificate of liability insurance and shall coordinate with the Warren County Highway Department to identify any existing utilities or improvements that may be impacted by the scope of work.

5. The applicant shall pay a fee for cutting, boring, or using Warren County roads and rights-of-way as set out in a schedule prepared by the Warren County Highway Department, and such fee shall be paid within ten (10) days after the grant of permit is made to cut into or use a Warren County right-of-way by a check made payable to the Warren County Treasurer.

6. The Warren County Highway Department has adopted minimum standards for all improvements regulating the depth of trenching, distance from maintained road surface of poles and improvements, and materials to be used in trenchings or openings, which minimums shall be followed unless exceptions are granted by the Superintendent of the Warren County Highway Department.

7. The Warren County Highway Department has the right to require a Maintenance Bond in certain circumstances to cover one hundred percent (100%) of the cost of restoring the county's property to its condition prior to being opened or damaged and has the right to refuse to approve the application if the request is determined to not be in the best interests of maintaining Warren County roads and rights-of-way.

8. Any person who installs a pipeline, conduit, or private drain across or along any county highway or blocks or damages a county highway without first obtaining a permit therefore such person shall, upon conviction, be fined any sum not exceeding one thousand dollars (\$1,000.00).

This ordinance shall be in full force and effect on January 1, 2011, after passage and publication.

ORDAINED by the Board of Commissioners of Warren County, Indiana this 20th day of December, 2010.

BOARD OF COMMISSIONERS
OF WARREN COUNTY



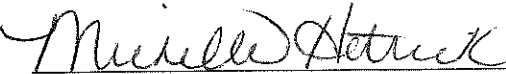
Thomas A. Hetrick

Steven C. Eberly



Anton "Tony" Briles

ATTEST:



Michelle Hetrick, Auditor of
Warren County, Indiana

Minimum Standards:

Improvements are not to be made within a three foot width measured from the edge of the maintained road surface outward without the approval as an exception by the Warren County Highway Superintendent.

Trenching parallel to or boring under road surfaces shall be at a minimum bury depth of 12 inches below the existing surface.

Utility poles or stabilizing devices related thereto shall be erected outside the maintained road surface and a safe distance therefrom. The exact location, or relocation of any utility poles or stabilizing devices made after the passage of Ordinance 2010-9, shall be made by the Warren County Highway Superintendent.

All trenching or openings will be backfilled with gravel or crushed stone (53 or smaller), which will be tamped in layers not to exceed 4 inches in depth to within 12 inches of the present surface and to dispose of all surplus material. The remaining 12 inches within the trench or opening will be replaced as per conditions prior to the project except that portion which is within the traveled road. This portion of the project will be backfilled with aggregate material approved by the Superintendent, Warren County Highway Department, maintained in a smooth and uniform condition equal to the elevation of the pre-existing road surface, for a period of not less than 4 weeks after completion of the project. After such time, the final surface application will be completed in accordance with the existing road surface.

Schedule of Fees
Warren County Right-of-Way Use

Road Excavation/Cuts

Gravel: \$5.00/foot depth. Example-A one foot long cut that is three feet deep costs \$15.00. There is a minimum charge of \$100.00.

Asphalt Surface - \$10.00/foot depth. There is a minimum of \$200.00.

Plowing in Utilities

\$0.10/lineal foot. There is a \$25.00 minimum.

Directional Boring

\$0.10/lineal foot. There is a \$25.00 minimum.

Trenching/Excavating (adjacent to roadway)

\$.010/lineal foot up to a 6" wide trench. There is a \$25.00 minimum.

\$.015/lineal foot up to a 7"-12" wide trench. There is a \$25.00 minimum.

\$0.20/lineal foot up to a 13"-24" wide trench. There is a \$25.00 minimum.

Costs for larger excavations are subject to a negotiated price.

Other Special Usage

Access to overhead lines, i.e., electrical utilities is subject to other consideration on a case by case basis.

Permit # _____

APPLICATION FOR PERMIT TO CUT, CROSS OR USE
WARREN COUNTY RIGHT-OF-WAY

Application is hereby made this _____ day of _____, 20____
by _____ for a permit to
cut, cross or use Warren County Right-of-Way at the following described
location: _____
Lot # _____ Section: _____ Township: _____
for the purpose of _____
W.O. No. or S.O. No. _____
Type of Surface where opening is to be made: _____
Opening will be _____ feet long in right-of-way and _____ feet long
in road surface by _____ feet wide and _____ feet deep.
Number of directional bores _____
Length of plowed or directionally bored cable or pipe _____ foot
Length of reconstructed or new overhead lines _____
Other uses of right-of-way detail you request _____

RESPONSIBILITY: If the inside face of trench is within three (3) feet
of the edge of the road surface, I hereby agree to backfill the trench
or opening with gravel or crushed stone (53 or smaller) which will be
tamped in layers not to exceed four (4) inches in depth to within
twelve (12) inches of the present surface and to dispose of all surplus
material. The remaining twelve (12) inches within the trench or
opening will be replaced as per existing conditions prior to the
project, except that portion which is within the traveled road. This
portion of the project will be backfilled with aggregate material
approved by the Superintendent, Warren County Highway Department,
maintained in a smooth and uniform condition equal to the elevation of
the pre-existing road surface, for a period of not less than four (4)
weeks after completion of the project. After such time, the final
surface application will be completed in accordance with the existing
road surface.

I FURTHER AGREE:

To provide proof of liability insurance in the amount of \$ _____.

To furnish a drawing showing size, type, controlling dimensions,
etc., of the proposed improvement affecting the right-of-way. The
applicant will coordinate with the Warren County Highway Department to
identify any existing utilities or improvements that may be impacted by
the scope of work requested within this application. The applicant is
responsible for any damages to existing utilities or other improvements
while accomplishing their work.

To notify the Warren County Highway Department forty (40) working
hours in advance of the time of commencing the work on the project.
The Warren County Highway Department will then identify the project
area and get locates of any existing utilities in this area. The
locating utility company then has forty-eight (48) hours to complete
the locates, unless it is an emergency, upon which they have twenty-
four (24) hours or less.

To erect and maintain all necessary barricades, detour signs and warning lights, as set out in Section D of the Indiana Manual on Uniform Traffic Control Devices, to safely direct traffic impacted by the project.

To move or remove any improvements specified within this permit, should future improvements or traffic conditions require, when requested to do so by the Warren County Highway Department. The applicant will be responsible for all costs associated with this request unless negotiated otherwise.

To assume all responsibility for any injury or damage to persons or property resulting directly, or indirectly, from the project.

That damages to existing right-of-way and/or utilities are subject to repair timelines, standards, and approvals as specified by the utility or the Warren County Highway Department and that failure to comply with repair specifications is subject to additional charges.

In accordance with the Schedule of Fees, a check in the amount of \$ _____ is attached or will be paid within ten (10) days to the Warren County Treasurer. If, in completing the work, a wider cut is made in the surface than that specified on this application, any additional amount due will be remitted to the Warren County Highway Department upon completion of the project.

That, depending upon the scope of the project, a bond may be required in order to secure approval of the application. Terms and conditions of the bond will be negotiated, if applicable, as a part of the application process.

Dated this _____ day of _____, 20_____.

CONTRACTOR _____	APPLICANT _____
ADDRESS _____	ADDRESS _____
SIGNATURE _____	SIGNATURE _____
PHONE NO. _____	PHONE NO. _____

APPROVED BY SUPERINTENDENT, WARREN COUNTY HIGHWAY DEPARTMENT, THIS

_____ DAY OF _____, 20_____.

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