

Approved Sept 7, 2021
Commissioners

WARREN COUNTY PERMIT TO UTILIZE RIGHT-OF-WAY REQUIREMENTS
FOR
BROADBAND INFRASTRUCTURE

The applicant agrees to the following conditions:

1. Construction drawings showing the location of all details of the project in relation to the County Highway right-of-way must be submitted.
2. Boring is the preferred method for asphalt and stabilized roadway.
 - If an open cut on a paved road is approved, the surfaced must be sawcut, the trench backfilled a maximum of 12" above the carrier with a granular material then capped. The granular material will be removed at the time of repaving and filled with hot asphaltic concrete and the road surface shall be repaved to a smooth and uniform condition for the distance of the cut with not less than 220# per square yard of hot asphaltic concrete surface mix.
3. If an open cut across a gravel road is approved, the trench shall be backfilled and tamped every 8" to 10" with a granular material. The top layer (not less than 10" in the traveled portion) shall consist of compacted crushed stone. The road surface shall be maintained to a smooth and uniform condition for a period of not less than 4 weeks after installation.
4. The carrier shall be at least 48" deep under the road, 36" deep under the side ditches and 30" when located parallel to the road.
5. Any sod that is disturbed shall be seeded, fertilized, strawed or replaced subject to County Highway approval.
6. The applicant shall provide all necessary signs and/or barricades and provide traffic control.
7. Equipment shall not be stored within 20' of the edge of the road.
8. The applicant shall relocate or remove, at his expense, anything installed under this permit if future road improvements so dictate.
9. If at any time in the future, a non-conforming installation should be damaged due to normal maintenance by the County Highway Department, the Applicant shall be responsible for the expense of all the repairs.
10. The Applicant will comply with I.C. 8-1-26, which requires, in addition to other things, calling 811 prior to construction.
11. If any drainage structures are damaged, the Applicant shall be responsible for the cost of replacement or repair satisfactory to the County Highway Department.
12. If spraying operation is conducted for brush control on the right-of-way, Applicant shall be responsible to remove all dead limbs and brush from the ditches and other areas that interfere with County Highway operation in the future.
13. If poles are to be placed on the right-of-way, the plans must indicate their exact location in relation to ditches, etc. and the County Highway Department reserves the right to alter their location in order to protect the ditches.
14. The Permit to Utilize the Right-of-way must be approved before work beginning the project. If the afore-mentioned conditions are not met to the satisfaction of the County Highway Supervisor, and after applicant is first given written notice of deficiency and a thirty (30) day notice to cure, the County Commissioners may instruct the County Attorney to bring civil action against the Applicant for damages incurred. The Applicant agrees to indemnify, defend, exculpate and hold Warren

County (including its officials and employees), harmless from any liability due to loss, damage, injuries or other casualties of whatsoever kind, or by whomever caused, to the person or property of anyone on or off the right-of-way arising out of or resulting from the issuance of this permit or the work connected therewith, or from the installation, existence, use, maintenance, condition, repairs, alteration, or removal of any equipment or material whether due in whole or in part to the negligent acts or omissions (1) of the County, its officials, agents or employees, or (2) of the Applicant, his agents or employees or other persons engaged in the performance of the work, or (3) the joint negligence of any of them, including any claims arising out of the Workmen's Compensation Act or any other law, ordinance or decree. The Applicant also agrees to pay all reasonable expenses and attorney fees incurred by or imposed on the County in connection herewith in the event that the Applicant shall default under the provisions of this paragraph.

Acknowledgment of conditions:

Permit Applicant

Signature: _____

Date: _____

Printed name: _____

Company name: _____