



Whereas, Foster County, 1000 5<sup>th</sup> Ave N, Carrington, ND 58421 referred to as “Grantor” does now permit to \_\_\_\_\_, “Grantee,” a Utility Permit to (cross County Road) or (longitudinally along County Right-of-Way access) {circle one}, on the following road or Right-of-Way (attach map if necessary):

\_\_\_\_\_  
\_\_\_\_\_

Description of work: \_\_\_\_\_

\_\_\_\_\_  
any plans attached hereto are made part hereof.

Estimated Project Start Date: \_\_\_\_\_ Completion Date: \_\_\_\_\_

The Grantor and Grantee agree as follows:

1. Grantee is granted permission to install and maintain the utilities as show on the plans attached hereto and made a part hereof, and/or set forth in the Description of Work above, within the deeded right of way or easement or will obtain proper easements via landowner.
2. The utility shall be placed at a minimum of 42 inches below the surface.
3. The utility shall be placed below the surface of any blacktop road by means of pipe or a boring tool.
4. All trenches and excavations shall be carefully backfilled so as to eliminate settlement, and the surface of the ground shall be returned to its original condition. The grantee shall repair or replace highway structures, appurtenances, and any existing facilities located on, over, or under highway right of way, which may be damaged as a result of the installation and maintenance of said utilities on highway right of way.
5. Foster County shall not be responsible or liable for any costs in connection with the placement or maintenance of the utility. Foster County shall not be liable for any damage to said utilities resulting from reconstruction or maintenance of the highway.
6. By signing below, the Grantee/Utility, agrees to perform all work in accordance with the Permit and to indemnify and hold harmless Foster County, its officers, and employees from all liability, judgement, costs, expenses, and claims growing out of damages, or alleged damages, of any nature whatsoever, to any person or property arising out of performance or nonperformance of said work or the existence of said utility.
7. If Foster County excavates in the area where the utility is located, the grantee shall move the utility at its own expense and upon Grantors request to do so.

8. No above ground structures shall be placed in the County Right-of-Way without the permission of the Grantor.
9. No construction shall be considered complete until checked and approved by the Highway Superintendent. The grantee will be notified of any deficiencies. Failure to complete the repairs will cause the Grantee to be liable to Foster County for the cost of the repairs in accordance with North Dakota Century Code.
10. Grantee shall pay a fee as follows:

<b>Description</b>	<b>Fee</b>
Crossing Fee	\$25.00 for boring \$50.00 for open cut
Right-of-way access fee	\$200.00 maintenance fee, plus \$25.00 per mile.

<b>Type of Facility</b>	<b>Crossing</b>	<b>Longitudinal</b>
Overhead	\$100.00	\$100/mile
Buried Cable	\$50.00	\$100/mile
Pipelines		
8 Inch and smaller	\$100 BORED	\$100/mile
10-16 inch	\$150 BORED	\$200/mile
Over 16 inch	\$200 BORED	\$300/mile
Bridge Attachments	\$500.00	\$500.00
Other	\$100 Minimum	\$100.00 Minimum

All fees with a unit price per mile will be rounded up to the next whole mile.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ Dated this \_\_\_\_\_ day of \_\_\_\_\_

Grantor, by \_\_\_\_\_ Grantee, by \_\_\_\_\_

Chairman, Foster County Commissioners Utility and Representative

OFFICE USE ONLY	
Application number:	Date:
Application fee received:	Amount: \$
Approved Permit sent to applicant:	Date:
Notification received from applicant that work is complete:	Date:
Final Inspection completed by:	Date:
Final inspection approved:	

Comments:

NOTICE: The Recipient must comply with ALL applicable Federal, State and local laws, rules and regulations, the North Dakota Century Code, Chapter 49-23. (ONE-CALL EXCAVATION NOTICE SYSTEM)

INSTALLATION AND MAINTENANCE: Installations and maintenance of said facilities on Highway right of way shall conform to the following provisions.

1. The Foster County Highway Department may not be the total fee owner and does not warrant the title to the highway right of way covered by the terms of this permit. The Recipient shall be responsible for reviewing the public records to determine ownerships and any encumbrances to the title of the properties covered by the terms of this permit.
2. Trenches and pits opened within the right of way shall be cut to O.S.H.A. standards and shall be of the minimum width necessary to accommodate installation or maintenance of said facilities. Open trenches and pit shall be barricaded if left unattended.
3. Trenches and pits opened within the right of way shall be backfilled with the same material originally in place, compacted to a density equal to that of the adjacent undisturbed soil and restored to the original grade. The backfill shall be tamped in layers not to exceeding six (6) inches in compacted thickness. Consolidation of the backfill by saturation or ponding is not permissible.
4. The diameter of the hole for bored or jacked installations shall not exceed by more than one (1) inch the outside diameter of the facility. Oversized bores, over-breaks, and unused holes shall be backfilled with grout.
5. Vehicles and other equipment shall not be parked on the through-traffic lanes or shoulders of the highway during installation.

I have read the above terms and conditions set forth in this permit. By my signature I acknowledge and accept the terms.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date