

BROWN COUNTY HIGHWAY DEPARTMENT
GEORGETOWN, OH 45121

PERMIT TO WORK WITHIN COUNTY/TOWNSHIP ROAD RIGHT-OF-WAY LIMITS

FEE: _____ DATE: _____ PERMIT NO: _____

Subject to the General Conditions, Standard and Special Provisions filed with your office, and the application, permission is granted by the Board of County Commissioners, hereinafter referred to as the Board, to:

Name of Individual or Company Address Phone

Description of Work and Location (Road Name etc.)

This permit for installation shall be effective until _____ 200_____, unless sooner revoked by the Board, the Brown County Engineer, or by operation of law.

SUMMARY OF GENERAL CONDITIONS:

1. All disturbed areas shall be promptly restored to the original condition.
2. The cutting of pavement is not permitted except when specifically authorized by granting authority.
3. The use of the pavement lane or berm for deposit of excavated materials will not be permitted.
4. This permit is valid only within the right-of-way of this public road.
5. The permit holder and permit holder's contractors shall abide by the regulations for safety as detailed in the Manual of Uniform Traffic Control Devices and all OSHA standards.
6. The permit holder will be required to make any necessary repairs or relocation of facilities within or over the existing right-of-way promptly at permit holder's expense to accommodate any improvement or repairs undertaken by the County or Township.
7. This permit is valid for this installation only. Future installations or reconstruction will require a new permit.
8. A permit will be required for installations constructed on private property which must cross over or under the road right-of-way.
9. The permit holder and permit holder's contractors shall be responsible for calling the Ohio Utilities Protection Service prior to construction.
10. Plans and specifications shall be submitted with this permit.
11. All affected property owners shall be notified by the permit holder, at least 48 hours prior to commencement of work.
12. Permit holder shall be responsible for and save the County/Township harmless from all damages and claims to persons or property due to, or resulting from any work performed under this permit and shall defend any action brought due to this work.
13. Permit holder shall be responsible for any pavement and berm failure or trench settlement occurring within twelve months of completion of the project, if determined to have resulted from operations within the right-a-way.
14. At no time will the governing authority, as signed below, be held responsible for damage to the facilities placed under this permit in the course of normal maintenance and repair unless caused by its own negligence or willful conduct.
15. Where the law requires, permittee shall also obtain a permit from the township affected.
16. No valves, meters or other appurtenances that extend above grade shall be installed on Right-Of-Way.

BROWN COUNTY COMMISSIONERS:

BROWN COUNTY HIGHWAY DEPARTMENT

Chairman of Board

Brown County Engineer

Date _____

Date _____

ACCEPTANCE OF PERMIT AGREEMENT

In consideration of the benefits accruing to the Permittee by reason of the foregoing permit agreement, this said agreement is hereby accepted by the said Permittee, and the said Permittee hereby agrees to comply with all of the terms, provisions, stipulations and conditions of Brown County.

Permittee

By _____

GENERAL CONDITIONS OF PERMIT

1. **TERMS:** The word "Board" as used herein shall mean the Board of County Commissioners, Board of Township Trustees, or their duly authorized representative.
The word "Engineer" as used herein shall mean the County Engineer or his duly authorized representative.
The word "Permittee" as used herein shall mean the party to whom this permit is issued or his duly authorized representative.
The word "Utility" as used herein shall mean a public or private service facility either publicly or privately owned.
2. **BONDS:** In order to insure full and faithful compliance with all the terms, conditions, and obligations of this permit agreement, the Permittee shall furnish for the period of time required for the complete installation of said utility, including the repair and restoration of the highway facilities, a bond or cash deposit in the amount deemed necessary by the Board. If a bond is furnished, it must be written by a surety company duly qualified and licensed to do business in the State of Ohio and in a form satisfactory to the Board.
The Board may retain any portion of the cash deposited herewith which in the opinion of the Board shall be necessary to cover any expense for damage through the granting of this permit. The cash deposit or the balance thereof shall be returned to the Permittee upon completion of the work to the satisfaction of the Engineer and Board.
3. **PERMIT VALIDITY:** This permit shall not become operative until a copy thereof, properly executed by the Permittee, has been delivered to the office of the Engineer. No work shall be commenced under this permit agreement until the required bond has been submitted to and approved by the Board or the cash deposit has been received, together with payment of the required fees.
A copy of this permit and the approved plans or sketches shall be kept on the site during the course of any construction pursuant hereof by the Permittee.
4. **MAINTAINING TRAFFIC:** During the installation or construction of said utility, and/or during the repair, removal or relocation of said utility, the Permittee shall at all times maintain such watchman or watchmen and/or barricades and/or other safety devices as may be necessary to properly protect traffic upon said highway, and to warn and safeguard the public against injury or damage resulting from the operation of said Permittee in the construction and/or maintenance of said utility. The Permittee shall place and maintain lighted warning lights on all barricades and obstructions during the hours between sunset and sunrise. Traffic shall be maintained at all times unless special permission is given by the Engineer.
During construction only one-half of the roadway may be blocked at any one time and then for a distance of not more than one-fourth mile. Two flagmen shall be provided for controlling traffic under such conditions. Complete blocking of the road will not be permitted at any time except by written permission from the Engineer for each specific location.
Driveways, street crossings and/or road pavements through which a trench has been cut, shall be made passable at the close of each day's operation.
Any or all load limit and speed limit signs erected by the County on any County or Township road within the work area shall be observed by the Permittee.
5. **INDEMNIFICATION:** This permit is granted with the specific understanding that the Permittee shall be responsible and liable for all accidents, damage or injury to persons or property resulting from the construction, installation, maintenance, repair, removal or relocation of said utility legally chargeable to said Permittee, and shall hold the County, and all of its officers and agents harmless, and said Permittee shall indemnify them against any loss, injury, or damage which they or any of them may sustain by reason of the acts, conduct, or operations of the Permittee in connection with the construction, installation, maintenance, repair, removal or relocation of said utility.
Proof of insurance for accident liability and workmen's compensation shall be delivered to the office of the Engineer at the time a properly executed copy of the permit is delivered.
6. **COMMENCEMENT OF OPERATIONS:** The Permittee shall give notice to the Engineer at least 48 hours in advance of the commencement of work.
7. **CONSTRUCTION METHODS:** The Permittee herein agrees to employ any and all methods in the construction of the said utility which the Engineer may require in order to properly protect the highway from damage, both during the construction of said utility and subsequent to its completion.
Heavy construction equipment shall not be operated or moved on, over or across bituminous pavements without providing ample protection to the bituminous surface with wood planks or mats. At no time will material be placed upon the roadway surface.

8. **TUNNELING:** No tunneling shall be done under this permit; where pipes or conduits are to cross the highway, the crossing shall be made without disturbing the pavement, by driving the pipe under the roadway; the pipe shall be carried under and across the road in a larger pipe or casing. Tunneling or construction of galleries requires special permission and shall be done in accordance with Special Provisions attached hereto.
9. **CUTTING PAVEMENT:** No pavement shall be cut under this permit. Cutting of pavement requires special permission and shall be done in accordance with Special Provisions attached hereto.
10. **TREES OR SHRUBS:** The Permittee must apply for and receive a special permit for all work involving trimming, removal or tunneling of trees or shrubs. In all cases the consent of the abutting property owners must be secured.
11. **EXISTING UTILITIES:** The rights of other utilities within the right of way are to be observed.
12. **RESTORATION:** All damage to drainage structures, roadbeds, trees, pavements, mailboxes, signs, yards, driveways, fences, sidewalks, and other highway appurtenances shall be repaired or replaced at the expense of the Permittee. Upon completion of any work within the limits of the highways all disturbed portions shall be replaced in such manner as shall be acceptable to the Engineer and the Board. The Permittee agrees to leave the road in a neat and presentable condition and in as good or better condition as it was prior to the commencement of work, and if, in the opinion of the Engineer, he fails to do this, or fails to carry out any of the provisions of this permit, then the Board reserves the right to enter thereon and complete the work, and charge the Permittee for the cost of same.

All disturbed areas shall be restored to their original contour and seeded and mulched in accordance with Item 659, Seeding and Mulching, State of Ohio Department of Highways Construction and Material Specifications.

The Permittee guarantees for a period of one (1) year after the completion of the work that the workmanship and materials furnished for all restoration work are first class, and he shall be responsible for repairs or renewals on account of defects during the one (1) year period.
13. **MAINTENANCE:** The Permittee shall at all times keep said utility free from leaks and in a good state of repair so that no damage or injury will be done to the said highway, or the traveling public.
14. **RELOCATION OF UTILITY:** If, at any time, in the judgement of the Engineer, the presence of said utility upon the right of way of the said highway is detrimental to the interests of said highway or the proper repair, maintenance or reconstruction of the same the Board may give said Permittee notice of such fact. Upon receipt of such notice, the Permittee shall agree in writing to conform promptly to the requirements of the Board with respect thereto. In the event that the said Permittee fails for a period of ten (10) days to agree to conform to such requirements and orders, then, and in that event, the Board may cause said utility to be moved or removed from said highway and may charge the cost of such removal to said Permittee.

It is understood and agreed that the County, its officers, agents or employees shall not be held responsible or liable for injury or damage that may occur to said utility and/or any connection or connections thereto by reason of any construction or maintenance operations that may be carried on by or under the direction of the Engineer and the Board or any person constructing or installing, maintaining, repairing, operating or using any facility pursuant to a permit or permit agreement either heretofore or hereafter issued by the Board or Engineer.
15. **COST:** The entire cost of installing, relocating or removing said utility, including the cost of materials, trenching, laying, backfilling, supervision and inspection, and any other expense whatsoever incident thereto, is to be paid for by said Permittee. The Permittee shall reimburse the County for any and all expenses incurred by said County in connection with said installation, and such reimbursement shall be made by said Permittee within ten (10) days after being billed therefore by the Board.
16. **PERMITTEE'S RESPONSIBILITY:** The Permittee's responsibility under this permit will remain in force until a release has been granted by the Engineer.

The Permittee shall be responsible for securing, and shall secure, any other permits necessary or required by law from cities, villages, townships, corporations or individuals.

17. COUNTY RESERVATIONS: The Engineer reserves the right to appoint an inspector over the work who shall represent the interests of the County on the work, and said inspector's compensation shall be paid wholly by the Permittee.

Any supervision and/or control exercised by the Engineer shall in no way relieve the Permittee of any duty or responsibility to the general public nor shall such supervision or control relieve said Permittee of any liability for loss, damage or injury to persons or property sustained by reason of the installation, maintenance or repair of said utility, or in the removal or relocation thereof as hereinafter provided, nor of the Permittee's liability for damage to said highway.

The installation, construction and maintenance of said utility is subject to the paramount control of the legislature over the said highway and no right or privilege herein granted shall be deemed or construed to be beyond the reach or authority of the legislature to control the said highway, and the Permittee in accepting this permit, accepts it knowing that the rights and privileges herein granted may at any time be defeated, modified or abrogated by legislative act.

The granting of this permit does not in any way abridge the right of the Engineer in his jurisdiction over the highways. If in the process of any future work or for the benefit of the traveling public, it becomes necessary, in the opinion of the Engineer to order the removal, reconstruction, relocation or repair of any of the fixtures, or work performed under this permit, said removal, reconstruction, relocation or repair shall be wholly at the expense of the owners thereof, and be made as directed by the Engineer.

18. TIME LIMIT AND PROGRESS: This permit will become null and void if the work proposed herein has not been started within ninety (90) days following the date of this permit. The Permittee shall conduct his operations without undue hindrance to the traveling public or adjacent property owners. The completion of the project and restoration of the highway shall be completed as soon as possible.

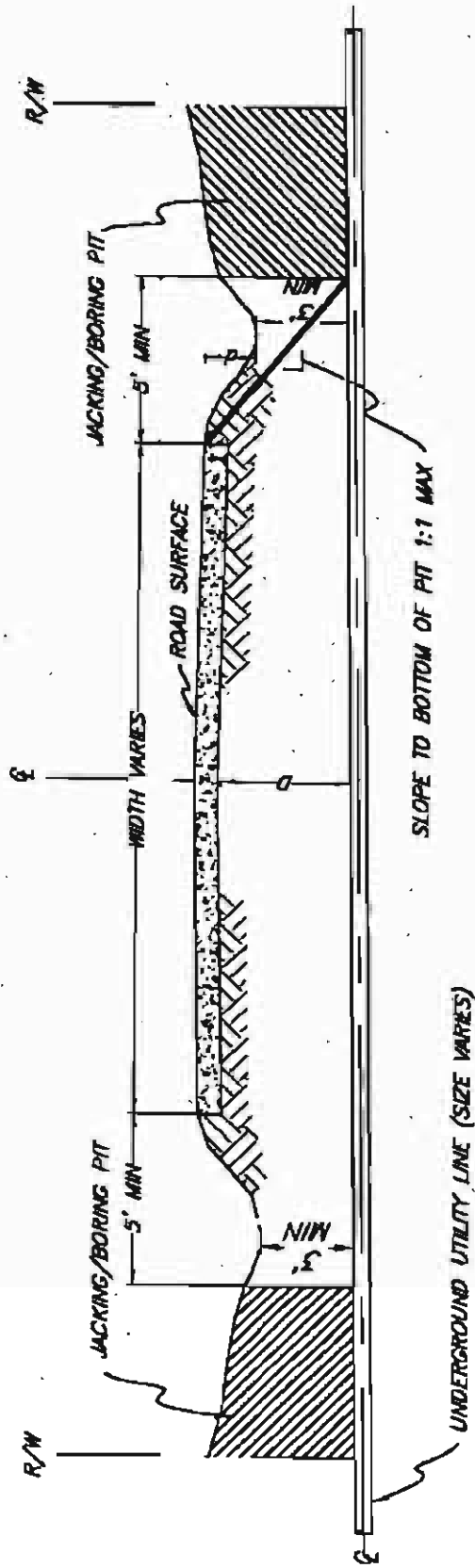
19. REVOCATION: The permit may at any time be revoked or annulled by the Board and Engineer for non-performance of or non-compliance with, any of the said conditions, restrictions and regulations hereof.

**STANDARD PROVISIONS
RELATING TO BURIED CABLE**

1. Cable to be placed within the confines of a public road right of way shall be buried at a distance of three (3) feet from the edge of the pavement on a paved road, and at a distance of two (2) feet from the edge of the graveled surface on an unpaved road.
2. Cable shall be buried at a minimum depth of twenty-four (24) inches.
3. All cable shall be installed by approved plowing, jacking, boring and trenching methods.
4. The center of all poles and pedestals shall be located not more than one (1) foot from the apparent right of way line of the highway. In no case shall the center of the poles and pedestals be located more than four (4) feet from the said right of way line and will require permission as indicated in Special Provisions attached hereto.
All loops to poles, pedestals and other equipment shall be buried to a depth of not less than thirty-six (36) inches under existing ditch lines.
5. At all road crossings, the cable shall be buried to a minimum depth of thirty-six (36) inches under the surface of the road in PVC conduit. On paved roads, cable and casings may be placed across the road through the subgrade by jacking, or by boring a hole just large enough to take the casing.
6. The edge of the driving pit shall be a minimum of five (5) feet from pavement edge.
7. The cable shall be placed in a trench around the end of all drainage structures at a minimum depth of thirty (30) inches.
8. Trenches or excavations adjacent to the road surface and drainage structures when the slope from the bottom of the trench to the edge of the pavement or structure is greater than 1:1, shall be sheeted, shored and/or braced in such a manner as to prevent caving, loss, or settlement of foundation material supporting the pavement and/or structures.
9. All trenches, holes, and pits within the right of way, except as noted in Paragraph 5, shall be properly backfilled with suitable material, placed in courses not to exceed six (6) inches, loose measurement. Each course shall be thoroughly tamped or rolled, and shall be firm and uniform; or backfilling may be made as directed by the Engineer. All surplus and unsuitable material shall be removed and disposed of outside of the limits of the right of way.
10. When manholes are placed in the berm of the highway, they shall be located at such depth that the berm can be maintained over the top of the same. If at some future time the pavement is widened over the conduit, the manholes shall be raised to conform with the surface of the pavement.
11. All disturbed vegetation is to be seeded and mulched as specified in Item 659, Seeding and Mulching, State of Ohio Department of Highways Construction and Material Specifications.
12. All of the above conditions apply in the event it becomes necessary to open the trench for repairs or removal or addition of structures.

**STANDARD PROVISIONS RELATING TO THE ERECTION
OF POLES, WIRES AND OVERHEAD STRUCTURES**

1. All poles lines are to be built in accordance with the National Electrical Safety Code 4901:1-10-06
2. The center of all poles shall be located not more than one (1) foot from the right of way line of the highway. In no case shall the center of the poles be located more than four (4) feet from the said right of way line and will require special permission as indicated in Special Provisions attached hereto.
3. At no time shall poles be placed in the drainage ditch or so as to interfere with any drainage ditch or drainage structure within the road right of way.
4. No poles shall be placed on the berm of the road.
5. No transmission line towers of any type shall be set within the highway right of way.
6. When the poles are side guyed across the highway, the stub to which the guy is attached shall be located not more than one (1) foot inside the right of way line; the vertical clearance between the guy and the edge of the pavement from the pole being guyed shall not be less than fourteen (14) feet.
7. No cutting or trimming of trees is authorized by this permit; in case it is found necessary to trim trees within the boundaries of the highway, the least amount possible shall be done, and in all cases the consent of the abutting property owners must be secured before poles are set and trees trimmed.
8. All disturbed vegetation is to be seeded and mulched as specified in Item 659, Seeding and Mulching, State of Ohio Department of Highways Construction and Material Specifications.
9. All aerial crossings of the highway system shall maintain a minimum clearance of 18'6".




NOTES

1. d = DEPTH OF DITCH BELOW ROAD SURFACE.
 D = $d+3'$ MIN./OR EQUAL TO DEPTH OF PIPE BELOW ROAD SURFACE.
2. ALL DITCHES ARE TO BE LEFT OPEN.
3. JACKING/BORING PITS ARE TO BE COMPACTED & BACKFILLED PER ASTM D 2321.
4. SEED & STRAW ALL AREA DISTURBED DURING CONSTR.

TYPICAL HIGHWAY / ROAD BORING CROSSING DETAIL

NTS



JAMES G. BEASLEY
Brown County Engineer
COUNTY FAIRGROUNDS
325 WEST STATE STREET
GEORGETOWN, OHIO 45121
937-378-6456 OR 937-378-4175

To: ALL UTILITY PERMITS
From: BROWN COUNTY ENGINEER'S OFFICE
Date: 5-23-02
Subject: SUBDIVISION ROADS

It has come to our attention that utilities are being place on Subdivision Roads without the approval of the Brown County Engineer.

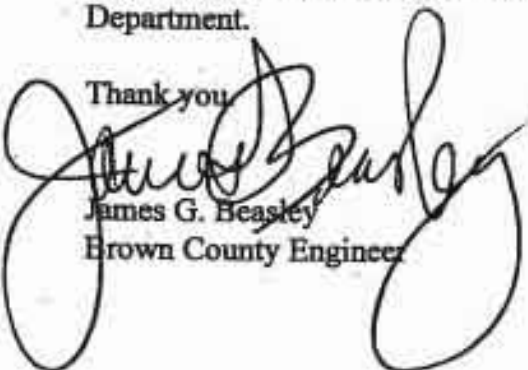
On March 11, 1963 the Brown County Commissioners passed a Resolution to adopt an Amendment to Rules Governing Recording of Deeds and Plats in Brown County, Ohio. Under Chapter 711 Revised Code of the State of Ohio (recorded in Commissioners Journal 33 Page 30) Paragraph III Section 5 reads:

"All of that portion of the subdivided land lying between the center line of the existing public road and the right-of-way line (not less than 25 feet) shall be made subject to a perpetual easement for road and highway purposes. Right-of-way widths shall be shown on all surveyors sketches."

Since May 6th of 1994 all Subdivision Roads are to be built to County Standards. All utilities will need the approval of the Brown County Engineer.

I have included a copy of the Brown County Highway Department Minimum Standard County and Township Roads Typical Cross Section and also a memo from the Brown County Tax Map Department.

Thank you



James G. Beasley
Brown County Engineer

BROWN COUNTY TAX MAP OFFICE
800 MT. ORAB PIKE
GEORGETOWN, OHIO 45121
PHONE (937) 378-3494

RE: EASEMENTS OF ACCESS

IT HAS COME TO OUR ATTENTION THAT EASEMENTS OF ACCESS HAVE BEEN RECORDED IN THE RECORDER'S OFFICE WITHOUT HAVING BEEN APPROVED BY THE TAX MAP OFFICE. PLEASE BE ADVISED THAT THE BOARD OF BROWN COUNTY COMMISSIONERS IN COMMISSIONERS JOURNAL 23, PAGE 392 ADOPTED A SUBDIVISION REGULATION REQUIRING ALL EASEMENTS TO BE REVIEWED AND APPROVED BY THE TAX MAP DEPARTMENT. FURTHERMORE OAG 85-004 REQUIRED ALL DIVISIONS OF LAND INVOLVING NEW STREETS OR EASEMENTS OF ACCESS TO BE PLATTED AS A SUBDIVISION. WHEN PLATTED AS A SUBDIVISION THE BROWN COUNTY SUBDIVISION REGULATIONS REQUIRE PRIVATE ROADS TO BE CONSTRUCTED TO COUNTY STANDARDS OR A PERFORMANCE BOND GUARANTEEING SUCH CONSTRUCTION SHALL BE POSTED WITH THE COUNTY BEFORE ANY PARCELS ALONG SUCH EASEMENT CAN BE TRANSFERRED.



JAMES G. BEASLEY
Brown County Engineer
COUNTY FAIRGROUNDS
325 WEST STATE STREET
GEORGETOWN, OHIO 45121
937-378-6456 OR 937-378-4175

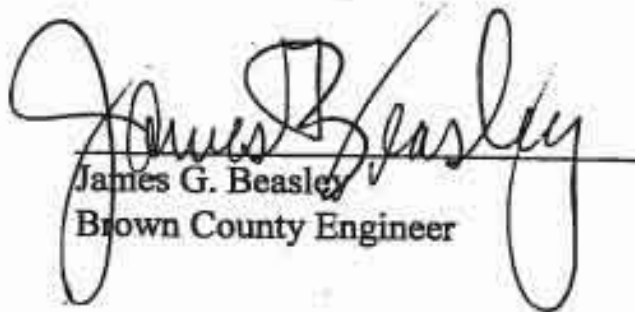
To: ALL UTILITY PERMIT DEPARTMENTS
From: BROWN COUNTY ENGINEER'S UTILITY PERMIT DEPARTMENT
Date: 2-1-2002
Subject: PERMITS

We have experienced problems recently with companies placing utility appurtenances above grade on county and township right-of-ways. These facilities present obstacles for our mowing operation. In order to prevent damage to these facilities they need to be buried below grade or placed outside the right-of-way. Therefore, to protect both our interests, we have revised our Summary of General Conditions by adding Item No.16, "no valves, meters or other appurtenances that extend above grade shall be installed on right-of-way."

I have attached a copy of the new utility permit that will be required as of 2-1-2002 for any future permits.

Please feel free to call should you have questions.

Thank you,



James G. Beasley
Brown County Engineer