

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ELK COUNTY, KANSAS

NOW on this ____ day of _____, 20____, upon application of
----- (N a m e)
----- (Address), for
permission to install (a/an) _____ (installing cable or
pipeline) along the Elk County Road right-of-way or to cross a county road
_____(description and map)

IT IS BY THE BOARD ORDERED that the Petitioner is hereby granted permission to install said pipeline or other utility, subject to the following:

A. IF PETITIONER REQUESTS A ROAD CROSSING:

1. Trenching or boring shall be done to a depth of four (4') feet and encased from the flow line of the ditch to the flow line of the ditch. Road ditches should be considered to be approximately two (2') feet in most areas.

2. Installation under a pavement shall be by boring. A five hundred (\$500.00) dollar non-refundable boring fee applies. Open cut trenching may be allowed if needed and the Petitioner pays a non-refundable fee of Five Hundred (\$500.00) Dollars per paved road cut and Two Hundred Fifty (\$250.00) Dollars fee per gravel road cut.

3. The Petitioner is to place and maintain a readily identifiable and suitable marker in the right-of-way where it crosses the county road except in those cases where a vent serves as a marker.

4. It is understood by the parties that one (1) cut shall be made through the county road, and the Petitioner shall fill and restore the road as nearly as possible to its condition prior to the cut and installation of the pipeline. This repair at the discretion of the road supervisor may include the use of flowable backfill.

B. IF PETITIONER REQUESTS INSTALLATION ALONG A RIGHT-OF-WAY:

1. Petitioner shall bury said pipeline at a depth of not less than four (4) feet when installing pipeline on the right-of-way.

2. Elk County Public Works Department shall determine depth of pipeline and location on County right-of-way prior to any activity.

3. Petitioner shall promptly repair all damage to the surface which may occur as a result of the installation: of the pipeline, and shall repair any driveway entrances to private property which might be damaged as a result of the installation, at no expense to the county or adjacent landowners.

4. Petitioner agrees to a non-refundable fee of \$1,000.00 per mile of right-of-way, deposited with the Elk County Public Works Department with this application. Prorated at .19 per foot for any part of a mile.

C. IN THE EVENT OF INSTALLATION OF EITHER OR BOTH CROSSING OR ALONG RIGHT-OF-WAY:

1. Petitioner shall promptly repair any damage which might occur to fences or other property belonging to adjacent landowners, and shall restore any damaged property to its original condition.

2. If, at any time, in the judgment of the County, the presence of a pipeline upon the right-of-way of the said county road is detrimental to the interests of said county road or to the proper repairs, maintenance or reconstruction of the same, the County may give notice of such fact to said Petitioner, and upon receipt of such notice the Petitioner agrees to conform promptly to the requirements of the County with respect thereto, and in the event that said Petitioner fails for a period of ten (10) days to conform to such requirements and orders, then, and in that event, the County may cause said pipeline to be moved or removed from said county road or county road right-of-way and may change the cost of such removal to the said Petitioner.

3. Petitioner shall promptly relocate its buried structure upon notice from the County of the need to do so due to construction, maintenance or roadway realignment or widening that the County may be undertaken.

4. Petitioner shall indemnify and hold the County harmless from all liability or cost for damage incurred by reason of the installation, maintenance and operation of the pipeline along or through said county road.

5. A map showing line as actually constructed will be filed with the County Commissioners and the County Road Department.

6. This agreement shall be limited to the location as set forth above, and does not allow the installation of any pipeline at any other location within Elk County, Kansas.

Signature of applicant
