

**The following fee schedule is now in effect and should be submitted with an application for permit to place utility lines crossing road rights-of-way, enacted by the Wayne County Board of Commissioners on November 21<sup>st</sup>, 2017:**

- 1. Line, pipe or conduit less than 4" in diameter, or agricultural tile drain of any size: \$100.00.**
- 2. Line, pipe or conduit 4" to less than 8" in diameter: \$500.00.**
- 3. Line, pipe or conduit 8" in diameter or more: \$1,000.00.**

**APPLICATION FOR PERMISSION TO PLACE A UTILITY LINE  
IN COUNTY ROAD RIGHT OF WAY  
WAYNE COUNTY, NEBRASKA**

The undersigned hereby makes application to the Wayne County Board of Commissioners, for permission to place and maintain, entirely at the applicant's expense, a utility line in the county road right of way described as follows:

1. APPLICANT'S NAME, ADDRESS, PHONE NUMBER **AND E-MAIL ADDRESS**

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2. CONTACT INFORMATION FOR THE PERSON OR FIRM THAT WILL DO THE WORK. PLEASE INCLUDE: NAME, ADDRESS, TELEPHONE NUMBER, FAX NUMBER AND E-MAIL ADDRESS.

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3. LEGAL DESCRIPTION AND LOCATION OF THE ROAD RIGHT-OF-WAY IN WHICH THE LINE WILL BE PLACED (Please note location of road and nearest intersection, along with legal description : Section \_\_\_\_\_ Twp \_\_\_\_\_ Range \_\_\_\_\_  
Road \_\_\_\_\_ Avenue \_\_\_\_\_)  
(Include a map if necessary).

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4. TYPE OF UTILITY LINE TO BE PLACED (Check one.)

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|---|--|
| <input type="checkbox"/> Telephone        | <input type="checkbox"/> Sewer                 |
| <input type="checkbox"/> Electric         | <input type="checkbox"/> Water                 |
| <input type="checkbox"/> Cable Television | <input type="checkbox"/> Irrigation            |
| <input type="checkbox"/> Gas              | <input type="checkbox"/> Other (Specify) _____ |

5. LOCATION OF LINE WITHIN RIGHT OF WAY (Check and complete all that apply.)

Any such utility line running parallel with the roadway which is hereafter buried in a road embankment shall, in the area of any culvert, be required to be buried outside the road embankment, well clear of the culvert, as near as possible to the right-of-way line, and at least six feet below the surface of the ground, or be directionally bored beneath and at least eight feet below the culverts. (RESOLUTION NO. 05-17)

**Agricultural tile drains may be exempt from the above depth requirements.**

- The line will cross the road below ground level. It will be buried \_\_\_\_\_ inches below the surface of the road and \_\_\_\_\_ inches below the bottom of the road ditch.
- The line will cross the road above ground level. It will be \_\_\_\_\_ feet above the surface of the road.
- The line will run along the road below ground level. It will be \_\_\_\_\_ feet out from the centerline of the road and buried \_\_\_\_\_ inches deep.
- The line will run along the road above ground level. It will be \_\_\_\_\_ feet out from the centerline of the road and \_\_\_\_\_ feet above ground level.

6. PURPOSE OF THE LINE (Please specify whether facility to be served by the utility is existing or new) (Example: Power line to new bin site)

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7. DESCRIPTION OF PROPOSED WORK (Describe the work below and attach one set of plans that show the general features of the occupancy of the right of way and information such as sizes, dimensions, distances from the road center line, right of way line, or shoulder, and depths. Details of bridge attachments, if applicable, must be shown.)

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8. REASONS WHY THE LINE SHOULD BE PLACED IN COUNTY RIGHT OF WAY RATHER THAN ON PRIVATE PROPERTY. (Complete this section only if the line runs along the road. Otherwise leave this section blank.)

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9. CLOSING OF THE ROAD OR ROADS (Check and complete one.)

- The road or roads will remain open to two-way traffic at all times during the proposed work.
- Only one lane of the road or roads will be closed to traffic. It will remain closed for no more than \_\_\_\_\_ calendar days on any one segment of road.
- Both lanes of the road or roads will be closed to traffic. They will remain closed for no more than \_\_\_\_\_ calendar days on any one segment of road.

The applicant will not close one or both lanes of any one segment of road for a longer time than these times without obtaining the written permission of the Board of County Commissioners of Wayne County, which Board shall be the sole judge of whether such permission shall be granted.

The applicant will not keep more than two miles of road closed to traffic at any one time. Likewise the applicant will not at any one time disrupt, restrict, or limit to one lane the traffic on more than two miles of road.

10. BEGINNING AND ENDING DATES

The proposed work will begin approximately \_\_\_\_\_, 20\_\_\_\_\_, and be completed on or about \_\_\_\_\_, 20\_\_\_\_\_.

11. CONFORMITY TO COUNTY POLICY

The applicant has read the current POLICY FOR ACCOMMODATING UTILITIES ON STATE HIGHWAY RIGHT-OF-WAY promulgated by the Department of Roads of the State of Nebraska and adopted by Wayne County; and the applicant states that the construction of the line and any future repairs, alterations, or maintenance of the line will conform to said POLICY (Check one.)

- without exception
- with only the following exceptions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 12. TRAFFIC SAFETY

As required by said POLICY, the applicant will use signs, flagmen, and traffic control devices in accordance with the federal MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES to protect the traveling public from the activities of those who construct, repair, alter, or maintain the line.

## 13. WAYNE COUNTY HELD HARMLESS

The applicant will indemnify and hold harmless Wayne County from any injury or damage resulting from construction, repair, alteration, or maintenance of the line.

## 14. OTHER UTILITY LINES

The applicant will take care to avoid damaging the utility lines of others in the road right of way. If the applicant damages such utility lines, the applicant will pay for the repair of the damage and will indemnify and hold harmless Wayne County from any claims arising out of the damage.

## 15. LOCATION MARKERS

The applicant will mark the location of the line with permanent markers of a type approved by Wayne County, which are clearly visible from the roadway.

## 16. FUTURE ROAD WORK

The applicant will, in the future, whenever Wayne County requests, mark the exact location of the line in areas where Wayne County wishes to accomplish road, bridge, or culvert construction, repair, or maintenance. If such road, bridge, or culvert construction, repair or maintenance will interfere with the line, the applicant will, at no expense to Wayne County, promptly relocate the line so as to avoid the interference.

## 17. DAMAGE TO THE LINE

The applicant understands that Wayne County will not be liable for any damage whatsoever to the applicant's line done by any person whomsoever, including damage occasioned by county road, bridge, or culvert construction, repair, or maintenance and damage occasioned by the construction, repair, alteration, or maintenance of the utility lines by others.

## 18. AS-BUILT PLANS

Immediately on completion of construction of the line, the applicant will furnish Wayne County with two sets of complete as-built plans of the line.

## 19. TIME LIMIT

If the construction of the line has not been completed within sixty (60) days of the date of this application, any permission granted by Wayne County to the applicant as a result of this application shall be automatically withdrawn and revoked. Applicant will then be required to re-apply for permission before construction can begin or resume.

## 20. LIMITATION OF PERMISSION

Any permission granted to the applicant by Wayne County as a result of this application shall be limited to the line described above and does not extend to any other lines or to the replacement or reconstruction of the line described above.

21. APPLICANT BOUND BY THE TERMS OF THIS APPLICATION

By signing this application the applicant agrees to observe all of the terms and conditions stated in the application and in any papers submitted in support of the application. The applicant understands that if the applicant fails to observe said terms and conditions, Wayne County may require the applicant to remove all or part of the line from the county road right of way immediately and at no expense to Wayne County.

\_\_\_\_\_  
APPLICANT'S SIGNATURE

\_\_\_\_\_  
DATE

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**ACTION AUTHORIZED BY THE WAYNE COUNTY BOARD OF COMMISSIONERS:**

- Application approved this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.
- Application denied this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.
- Application approved this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, subject to the special conditions listed below (Check one or more.):
- The applicant must submit a nonrefundable advance payment of \$\_\_\_\_\_ to reimburse Wayne County for anticipated damage to the road.
- The applicant must submit a performance guarantee of \$\_\_\_\_\_ to insure that the work will be completed according to the terms of the application.
- Other special conditions (Specify.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Wayne County Highway Superintendent

**ATTACHMENT TO THE APPLICATION FOR PERMISSION TO  
PLACE A UTILITY LINE IN COUNTY ROAD RIGHT OF WAY  
RESOLUTION NOL. 89-8**

**BE IT RESOLVED** by the Board of County Commissioners of Wayne County, Nebraska, that said county the POLICY FOR ACCOMODATING UTILITIES ON STATE HIGHWAY RIGHTS-OF WAY promulgated by the Nebraska Department of Roads; and  
**BE IT FURTHER RESOLVED** that future revisions made by said Department of Roads in said last-mentioned POLICY shall, in the absence of action to the contrary by said board be considered adopted as the policy of said county; and

**BE IT FURTHER RESOLVED** that said Board recommends that utility lines be placed on private property rather than on county road right of way whenever possible; and  
**BE IT FURTHER RESOLVED** that all applicants for such permission must submit a written application, using the form prepared by the County Highway Superintendent, reviewed by the County Attorney, and attached hereto, the terms, conditions, and requirements stated in said form being hereby approved and adopted by said Board; and  
**BE IT FURTHER RESOVLED** that Wayne County may, whenever said Board shall deem it appropriate, required any applicant for such permission to make a non-refundable advance payment and/or to deposit a performance guarantee, the amount of said payment or guarantee being determined in each case by said Board.

*Adopted by the Board of County Commissioners of Wayne County, Nebraska, this 7<sup>th</sup> day of March, 1989, at Wayne, Nebraska.*

### **RESOLUTION NO 91-33**

**WHEREAS** on March 7, 1989, the Board of County Commissioners of Wayne County, Nebraska, adopted a policy for accommodating utilities on county road rights of Wayne; and  
**WHEREAS** experience has shown that utility lines running parallel with the roadway and buried in the road embankment frequently make it extremely difficult to repair or replace culverts; now therefore  
**BE IT RESOLVED** by said Board said policy is hereby clarified and amended as follows: any such parallel utility line hereafter buried in a road embankment shall, in the area of any culvert, be required to be buried outside the road embankment, well clear of the culvert, as near as possible to the right-of-way line, and at least six feet below the surface of the ground.

*Adopted by the Board of County Commissioners of Wayne County, Nebraska, this 16<sup>th</sup> day of July, 1991, at Wayne, Nebraska.*

### **RESOLUTION NO. 05-17**

**WHEREAS** on March 7, 1989, the Board of County Commissioners of Wayne County, Nebraska, adopted a policy for accommodating utilities on county road rights of Wayne; and  
**WHEREAS** on July 19, 1991, said Board clarified and amended said policy; and  
**WHEREAS** further amendment and clarification is in the public interest; now therefore  
**BE IT RESOLVED** by said Board said policy is hereby further clarified and amended as follows: any such utility line running parallel with the roadway which is hereafter buried in a road embankment shall, in the area of any culvert, be required to be buried outside the road embankment, well clear of the culvert, as near as possible to the right-of-way line, and at least six feet below the surface of the *ground, or be directionally bored beneath and at least eight feet below the culvert.*

*Adopted by the Board of County Commissioners of Wayne County, Nebraska, this 19<sup>th</sup> day of July, 2005, at Wayne, Nebraska.*