

APPLICATION FOR OCCUPANCY
FOR UTILITY INSTALLATION OR EXCAVATION WITHIN THE PUBLIC RIGHT-OF-WAY

Date: _____ Applicant: _____ For a: _____

The Applicant hereby applies to The Board of Custer County, South Dakota Commissioners for permission to install __utilities or conduct__ excavation work (*please check one or both*) within the public right-of-way.

The proposed utility and/or excavation will be located on (*road name/number*): _____

In Section: _____ Township _____ Range(s) _____

Intended Usage: _____ Pipe Size/type of installation: _____

Depth installed: _____ Method of installation: _____

as shown on the plans, drawing or sketch accompanying this request. The plans, drawings or sketches provided shall show the exact location, alignment and depth of utility placed in the public right-of-way.

Work is to commence on (Date) _____ , and be completed by (Date) _____ unless the Custer County Highway Superintendent is timely notified in writing of a request for an extension of time and consents thereto.

Prior to the issuance of any permit, a cash or surety bond must be posted with Custer County in the sum of five thousand dollars (\$5,000.00) for faithful performance of all requirements of this permit including full restoration of the premises upon completion of the project and for repayment to Custer County for all damages which may occur as a result of the excavation and/or installation of the utility authorized by this permit. Said cash or surety shall remain in place and be warranted to Custer County for not less than two (2) years after completion of the work permitted herein unless officially cancelled, in writing, by Custer County prior to that date. The posting of the bond does not satisfy or limit the applicant's liability or obligation to fully restore the roadway and all surrounding and adjacent premises, including but not limited to ditches, culverts, approaches, driveways, and the like, to a condition as good as or better than their original condition. Applicant agrees that Custer County, and any affected property owner, has the right to recover its costs, expenses, attorney's fees, damages, and relief of any kind and nature from Applicant assigning out of or related to any failure of the Applicant or its subcontractors, officers, affiliates, employees, agents, or assigns to comply with the requirements and conditions of this application.

The Right-of-Way will be properly restored and necessary safety precautions will be taken during construction work. No lines running parallel with the ROW will be placed under the driving surface of the roadway. Crossings shall be perpendicular to the driving surface and directional bored and sleeved. Utilities shall be placed at the outermost edges of the ROW (as far as possible from the driving surface). The installation will comply with the National Safety Code. A marker will be installed by the utility owner where appropriate.

In consideration of granting a permit to make any excavation or installation of any utility in or below, over or across any Custer County Right-of-Way, the undersigned association, corporation, firm, partnership, or person(s) hereby agrees to indemnify and hold Custer County, its employees, officers, representatives, agents and assigns harmless from and against any and all claims, demands, liabilities, obligations, damages, costs, actions, or other proceedings of any kind or nature related to any alleged errors, omissions, actions or conduct of its officers, subcontractors, agents, employees, or affiliates arising out of or related to any work performed in relation to the permit issued herein and agrees to comply with all the conditions and requirements of this application.

Authorized Applicant Signature: _____ Date: _____

Recommended for Approval By: _____ County Highway Superintendent

BOARD OF COUNTY COMMISSIONERS CUSTER, SOUTH DAKOTA Approval Date: _____

Commission Chairperson: _____ Date: _____

TO BE COMPLETED BY THE CUSTER COUNTY HIGHWAY DEPARTMENT

Final Inspection: Date: _____ By: _____ Remarks:

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