

GENERAL RIGHT OF WAY PERMIT TERMS

The Board of County Commissioners of Hendricks County, shall hereinafter be referred to as the “Board”, and the applicant and/or the owner of the facilities being installed, shall hereinafter be referred to as the “Permittee”

1. The Permittee shall provide a drawing (plan sheets if applicable) of the proposed installation (see “Instructions for Completion” for the requirements.)
2. The permittee must request utility locates prior to any excavation in accordance with Indiana State law.
3. The utility facilities which are to be retained, installed, adjusted, or relocated on, over, along, or under the highway, within Hendricks County right-of-way limits, will be located and accommodated in a manner that will not impair use of the highway, its maintenance, or otherwise interfere with its safe operation.
4. No pole, handhole, riser, or other feature constructed as part of this Improvement shall be placed in the flowline of a roadside ditch, nor in any manner that will obstruct drainage.
5. The Permittee hereby agrees to assume liability for making any necessary utility adjustments should future conditions or road improvements necessitate such action when so requested by the Board, including the assumption of cost thereof, except where Permittee has a compensable property right, or where reimbursement of such cost is provided for by law.
6. It is the responsibility of the Permittee to determine and show the County right of way limits to the best of their ability.
7. All disturbed areas shall be seeded or sodded by the Permittee immediately upon completion to prevent erosion. This work may be deferred until growing season upon installation of erosion control measures at the Highway Engineer’s discretion.
8. The Permittee shall not plant flowers, shrubs, or trees within the right of way. Existing plantings in the right-of-way creating a potentially dangerous condition as determined by the County Engineer shall be removed by Permittee.
9. The Permittee further agrees to comply with the rules and regulations of the Board in servicing, maintaining, replacing, and removing the above described facilities, and to obtain a permit before performing any of these functions on such facilities located within the highway right-of-way, through the office of The Hendricks County Engineer.
10. The Permittee shall save harmless and indemnify the Board from any claim for damages of any nature whatsoever arising out of the Permittee’s negligence in connection with any work done pursuant to the agreement or in connection with the operation of the utility or improvement.
11. During the progress of any construction undertaken within the limits of said highway in compliance with this agreement, the Permittee shall provide watchmen and flagmen as may be required for safety and convenience of the public. Further, the Permittee shall provide all barricades, signs, and traffic control lights reasonably necessary to protect the public. Traffic shall be maintained at all times unless otherwise indicated by special endorsement of the Boards duly authorized representative. Further, any detours of traveled roadways in Hendricks County, Indiana must be approved by the Hendricks County Engineering Department and the Board which have acknowledged and approved the impact of such detours on the county roadways prior to the implementation of such detour as may be required. All traffic control measures shall be in compliance with the Indiana MUTCD and INDOT Standards.
12. All damages to drainage structures, roadbeds, pavements, ditches, and other highway appurtenances arising from the installation, maintenance, or repair of the Permittee’s utility facilities shall be repaired at the expense of the Permittee. No portion of pavement or highway shall be disturbed without prior permission from the Board. If a road cut is approved by the Board, the Permittee shall make all necessary repairs according to specifications obtained from The Hendricks County Engineering Department. Upon completion of any work within the limits of the highway, all disturbed portions shall be replaced as nearly as practicable in as good a condition as they were when the work was begun.
13. It is understood and agreed to by the Board and the Permittee that all utilities shall comply with the “Indiana Department of Transportation Utility Accommodation Policy, September 10, 1990”, or latest edition.

**RIGHT OF WAY PERMIT
INSTRUCTIONS FOR COMPLETION**

1. Complete a Right of Way permit application through the Hendricks County Highway Department or on line through the County website. Blank applications can be picked up at the Hendricks County Engineering Department.
2. Determine the permit fee amount. Fees are based on the type and extents of work being performed. For fee amounts, refer to the Hendricks County Highway Permit Fee Schedule.
3. Determine the bonding required for your project. Bonding amounts are based on the type and extents of work being performed. For bonding amounts, refer to the Hendricks County Highway Bonding Fee Schedule.
4. Submit Permit Application along with project plans to the Hendricks County Engineering Department. Plans MUST show the following:
 - a. right of way dimensions, existing driveway locations, existing drainage structure locations, roadway pavement and shoulders, streams and waterways, and existing utility infrastructure if relevant.
 - b. they must clearly delineate and dimension location of the subject Improvement relative to the roadway and other features, as well as the proposed depth of subsurface installations.
 - c. Aerial photography if possible.
 - d. Traffic control schematics and details where applicable.
 - e. A legend for all symbols used.
5. If a road closure is necessary, it must be declared in the permit application.
6. Hendricks County Engineering Department review, approval, and recommendations. Make yourself available to respond to questions from the Hendricks County Highway Department. Representatives from the Highway Department will review the plans submitted and may have additional questions or request additional information to be submitted. Upon final review and acceptance from the Engineering Department, a permit number will be issued.
7. Submit original copies of the Permit Bonds to the Hendricks County Highway Department. The Board of Hendricks County Commissioners shall be shown as the obligee in any and all Bonds.
8. The permit may be forwarded to the Board of County Commissioners at the Engineer's discretion.
9. The Hendricks County Engineering Department will notify applicant of approval. Once the applicant submits permit fees, the Engineering Department will provide a signed permit to applicant. Fees should be made payable to the Hendricks County Engineering Department. Unless other conditions have been placed on the permit approval, this shall be the county's notice to the applicant that construction may begin.
10. Contact the Hendricks County Engineering Department on the date work begins. Permits expire one year after initial approval.
11. Upon completion of the work, notify the Hendricks County Engineering Department so a final inspection may be completed.
12. Hendricks County will perform a final inspection of the work. The applicant will be notified of any deficiencies and will be expected to remedy in a reasonable timeframe. Upon final acceptance, Hendricks County will notify applicant that work has been completed satisfactorily.
13. Applicant shall submit a 3 year maintenance bond for the work completed within the right of way. Original permit bond will be cashed if applicant fails to submit a maintenance bond within a reasonable time of County's acceptance.