CLARK COUNTY ENGINEER

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General Conditions of Permit

TERMS: The word "Board" as used herein shall mean the Board of County Commissioners, or their duly authorized representative.

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 a 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.

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.

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.

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.

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 flagman or flagmen 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 the Engineer gives special permission.

During construction, only one lane of the roadway may be blocked at any one time and then for a distance of not more than one-quarter 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.

The type of signs required and the proper procedures to maintaining traffic shall be governed by the manual of "Traffic Control for Construction and Maintenance Operations" State of Ohio, Department of Transportation.

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.

COMMENCEMENT OF OPERATIONS: The Permittee shall give notice to the Engineer at least 48 hours in advance of the commencement of work.

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, mats or tires

TUNNELING: No tunneling shall be done under this permit; where pipes or conduit 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 or galleries requires special permission and shall be done in accordance with Special Provisions attached hereto.

CUTTING PAVEMENT: No pavement shall be cut under permit. Cutting of pavement requires special permission and shall be done in accordance with Special Provisions attached hereto.

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.

EXISTING UTILITIES: The rights of other utilities within the right-of-way are to be observed.

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.

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.

RELOCATION OF UTILITY: If, at any time, in the judgment of the Engineer, the presence of said utility upon the right-of-right of the highway is detrimental to the interests of the said highway or the proper repair, maintenance or reconstruction of the same, the Board may give said Permittee notice of such fact.

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.

PERMITTEE'S RESPONSIBILITY: The Permittee's responsibility under this permit will remain in force until the Engineer has granted a release.

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.

COUNTY RESERVATIONS: The Engineer reserves the right to appoint an inspector over the work that shall represent the interests of the County on the work.

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 shall be wholly at the expense of the owners thereof, and be made as directed by the Engineer.

TIME LIMIT AND PROGRESS: This permit will become null and void if the work proposed herein has not been started within thirty (30) 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.

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 condition, restrictions and regulations hereof.