

**JUAB COUNTY UTILITY & EXCAVATION PERMIT AGREEMENT**

**Please Print legibly or type in the blanks.**

Permittee Company or Individual name: \_\_\_\_\_

Permittee Contact name: \_\_\_\_\_

Permittee Contact Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact Phone:(\_\_\_\_)\_\_\_\_\_ Contact Fax Phone:(\_\_\_\_)\_\_\_\_\_

Project Name/Description: \_\_\_\_\_

\_\_\_\_\_

Projected Start Date: \_\_\_\_\_ Est. Projected Completion Date: \_\_\_\_\_

If traffic will need rerouting, please include time frames and plans for such rerouting. \_\_\_\_\_

Specify method for crossing the road and include a detailed plan for crossing the roads. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attach to this Permit all narrative information so as to fully describe the plan, including but not limited to engineering plans.

***I. Permittee agrees to all of the following:***

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1. Juab County has the ultimate responsibility to insure that utility cuts are properly made and road structures are properly, timely and safely restored and that all road impacts are properly mitigated.
2. Permittee is required to first determine what underground utility facilities are in the area where digging will be done and correlate and obtain permits or approvals as necessary *prior* to any digging. Prior to the commencement of digging, excavation or removal of any material within the Juab County right-of-way, the Permittee shall call Blue Stakes.
3. Proper signing of the work site is the responsibility of the Permittee and must be accomplished prior to any digging in accordance with the Manual on Uniform Traffic Control ( MUTC ) in order to insure the safe flow of traffic. The applicant shall assume sole liability for any injuries or damages caused to any parties as a result of the fulfillment of this permit and related construction operations. Permittee shall hold harmless Juab County from any and all damages and accidents that may occur during the construction operations of this permit.
4. All crossing of paved county roads ***shall be accomplished by boring*** under the Road ***unless*** specifically and expressly approved otherwise in writing by the Juab County Commissioners.
5. Notwithstanding any language detailing requirements for repairing trench cuts and replacing pavement, Permittee agrees that it will place Juab County in the same position that it was in prior to the trench cuts and removal of the pavement.
6. Trenching is acceptable through gravel surface roads providing Permittee accomplishes a durable, smooth, prompt and safe restoration. The Permittee is to rebuild the disturbed portion

Signature of authorized Permittee Official \_\_\_\_\_ Date: \_\_\_\_\_

of the road or street by replacing the sub grade, base course and surface. The restored road surface should blend with the surrounding surface both in appearance and riding quality. Permittee utility cut backfill must be compacted to 96% of maximum density, as determined by standard proctor tests. Proper compaction shall be achieved and requires that each loose lift of backfill material be separately compacted in six inch (6") lifts as it is placed until the final lift reaches the elevation at the top of the sub grade and also be performed in conformance with the "Special Conditions – 3. Compaction Section " of the permit. Backfill material should match the sub grade material of the rest of the roadway (assuming that the latter is suitable), unless specifically approved otherwise in writing. Usable backfill that may be approved depending on unique characteristics of the trench cuts may include granular materials, sand, and cement-stabilized sand (i.e. slurry). Large rocks, debris, cobblestones, bricks, railroad ties and other remnants of buildings, abandoned utilities, frozen lumps of earth etc. shall not used as backfill materials. Moisture content of the backfill material will affect compaction and density and it may be necessary to moisten the material before it is placed in the trench to accomplish the required compaction.

7. The manual on Uniform Traffic Control Devices (MUTC), Part VI, of the U.S. DOT Federal Highway Administration requires smooth and safe traffic control through utility work zones; protecting not only vehicles and their occupants, but also pedestrians, workers, and the utility facilities. Required traffic control referred to above is the responsibility of the Permittee.
8. Trenching that runs parallel to an asphalt road must be a minimum of 3 feet away from the edge of the asphalt or main gravel road base on the specified roads. Any surface disturbance must be restored as referred to above.
9. The utility must be buried at least 36 inches deep. The utility must be routed at least 8 feet (in any direction) away from any culverts, cattle guards, bridges or other types of conduit and at least 36 inches below any culverts, cattle guards, bridges or any other type of conduit.
10. Any damage to the asphalt or surface of the applicable county roads will be restored to former appearance and condition.
11. If settling occurs after the boring or trenching, Permittee agrees to repair or replace asphalt, road base, gravel or any other related road materials to a standard that equals or exceeds the condition that existed prior to the boring and/or trenching project for a minimum of 2 years after completion or longer if specified by Juab County.
12. All work in progress is subject to random inspection and approval of Juab County. A fee will be imposed for labor and travel required performing inspections.
13. Juab County may order rework of an area or backfill if such is not or has not been accomplished according to Juab County standards.
14. Failure of Permittee to properly restore the road in a timely manner, as referred to above or as otherwise required by Juab County, will result in Juab County making or contracting such repairs and Permittee agrees to pay all costs of mitigating such impacts or by going against project bonds.
15. If Juab County accidentally damages the utility during the normal course of business, Permittee agrees to hold Juab County harmless and to make any repairs at Permittee's expense.
16. Permittee, if using a sub-contractor to install the utility, shall fully inform and educate sub-contractor regarding the terms of this permit, provide a copy of said permit to sub-contractor and require sub-contractor to follow all permit terms in fulfilling said contract. Permittee shall be responsible and will be held liable by Juab County for all work done by sub-contractor. A copy

of this permit **shall be onsite** at all times during construction.

17. Permittee shall provide Juab County with an electronic copy of Global Positioning Survey (GPS) recordings showing precise location of the utility cuts and utilities; and, a copy of a set of engineered plans of the utility cuts and utilities.
18. Permittee shall reseed the area with a seed mix in a time frame conducive to new and sustained growth as required and approved by the Juab County Road/Weed Supervisor.
19. If Permittee is granted an exception to cut a paved highway, Permittee shall restore the excavation cut by backfilling with a flowable fill ( approximately ½ bag of concrete per cubic yard of backfill ) from the bottom of the trench to the sub grade level. Before replacing asphalt pavement, contractor shall “back cut” 1 foot on each side of existing trench per the attached trench repair standards. Contractor shall seal all cold joints after asphalt installation. The pavement shall be restored by installing a minimum of 8 inches of untreated base course, compacted to 96% of the laboratory density, in accordance with ASTM D1557. Asphalt surfacing shall be to the thickness of existing pavement, plus 1 inch. Asphalt mix design shall meet the requirements of the State of Utah (UDOT) Standard Specifications for road and bridge construction as referred to in the “SPECIAL CONDITIONS – 5. BITUMINOUS MATERIAL” section of this permit.
20. If future conditions warrant Juab County to require future relocation of the utility, such as in the event of widening the county road right-of-way or some other factor, Permittee, or its successors in interest, agrees to relocate the utility and bear all costs of relocating the utility within a reasonable time period as required by Juab County.
21. Permittee agrees to repair any damage to any and all Juab County roads, infrastructure and rights-of-ways caused by or related to construction
22. Permittee shall provide a water truck and apply water to the road for dust control and
23. safety purposes during construction
24. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding to the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination of the right of way / permit.
25. The stipulations, plans, maps or designs attached hereto, labeled and dated:\_\_\_\_\_ are incorporated into and made a part of this instrument as fully and effectively as if they were set forth herein in their entirety.
26. Failure of the Permittee to comply with applicable law or any provision of this right-of-way grant or permit shall be a breach of this Agreement.
27. Upon termination by the Permittee or by the County, all improvements shall be removed from the public lands within 90 days or otherwise disposed of as directed by Juab County.
28. **Notice of intent to start construction shall be provided** to the Juab County Road Department Supervisor at **435-623-1593** or **435-623-3408** prior to beginning any excavation work.
29. Noxious Weed Invasive Species and control thereof are the responsibility of the Permittee. The Permittee shall:
  - Fail, including its sub-contractors, to power-wash all construction equipment and vehicles prior to starting construction. All vehicles traveling between the project location and outside areas shall be power washed on a weekly basis, or upon entering or exiting the project area.
  - Implement an intensive weed control program beginning the first growing season after

project completion. Weed control shall be conducted through a Pesticide Use Proposal and Weed Control Plan submitted by Applicant and approved by Juab County. All herbicide treatments shall be applied by a Utah licensed Pesticide Applicator. Weed control methods and weeds to be controlled shall be as directed by Juab County.

- Use certified noxious weed free seed and mulch shall be used in all reclamation projects (archeological, fire, minerals, recreation, range, etc.)
- Avoid traveling through weed infested areas shall be avoided or minimized.
- Use sand, gravel, borrow, and fill material shall be from noxious weed free sources to prevent the introduction and spread of weeds.
- Never permit a staging area to be in a weed area.
- Project areas and stockpiled material shall be maintained in a weed-free condition to prevent weed seed production. These include, but are not limited to, facility sites, well pads, cut and fill slopes, topsoil reserves, roadsides, etc.
- All new noxious weeds infestations on Juab County rights of way, easements and/or lands shall be reported to the Juab County Weed Coordinator. New weed infestations shall be controlled when found and before seed set if possible.
- Weeds shall be controlled within the disturbance areas, including borrow areas along roads. Reseed if feasible to promote competition for weeds.
- All disturbance areas shall be monitored for noxious weeds annually, for a minimum of three growing seasons following completion of project or until desirable vegetation is established (PM). If found, weeds shall be treated.

## **II. SPECIAL CONDITIONS FOR THE PERMITEE TO WORK IN A PUBLIC WAY:**

1. **Maintenance Responsibilities:** The Permittee shall be responsible for the place of excavation for a minimum period of two years from the date of completion unless a longer time period is specified to be: \_\_\_\_\_. The Applicant shall be responsible to maintain all new approved accesses.
2. **Time Limit:** The Excavation Permit is Valid for 90 days after the approval of Juab County. However, unless specifically approved otherwise in writing by Juab County, once construction has begun the Applicant has 14 days to complete the work within the county right-of-way.
3. **Compaction Operations:** The Applicant may not commence backfilling operations until approved compaction equipment is on site. Approved compaction equipment shall be capable of providing specified compaction. Backhoes shall not be considered approved compaction equipment. Jetting will only be used if approved in writing by Juab County. Juab County reserved the right to be on-site before backfilling begins. Juab County Road Department shall be notified prior to beginning backfill operations.
4. **Tack Coat:** The Applicant will be required to place a tack coat along the exposed vertical edges of asphalt concrete with Type RC of MC 70-250 bituminous tack coat when installing bituminous surfaces.
5. **Bituminous Material:** Bituminous Material shall comply to the requirements of UDOT Section 402, the ½ inch gradation is recommended for the surface course. The thickness of the bituminous courses shall be equal to the adjacent asphalt concrete thickness, plus one inch (1”) but no less than three inches (3”) unless otherwise specified by Juab County in writing.
6. **Saw Cutting:** When pre-authorized by Juab County in writing, saw cutting is required on all existing asphalt surfaces before material is removed. The pavement shall be cut in neat, vertical,

straight lines, to allow for specified compaction densities along the face of the cut. Any pavement outside the trench, which is damaged, shall be removed in a neat straight line. All concrete surfaces shall be removed to the nearest control joint (or score line). Some concrete surfaces may require saw cutting. Hydra hammers are not allowed. A stable, sound, durable, smooth, prompt and safe asphalt restoration must be accomplished. The restored pavement shall blend with the surrounding surface both in appearance and riding quality. The restored pavement should be broomed off, wiped up, and hosed down.

7. **Bond.** A Bond shall be required from the Permittee for any performance, subcontractor payment and/or reclamation, said Bond shall be made payable to Juab County and shall be approved by and be in the possession of Juab County *prior* to any excavation. Juab County shall determine the minimum time frame for holding the bonds. The per foot bond fees of \$6.00 per square foot for asphalt and an additional \$3.00 per square foot for gravel, fences, guardrails, etc.

- a. The Bond type required shall be \_\_\_\_\_ Performance, \_\_\_\_\_ Subcontractor Payment, and/or \_\_\_\_\_ Reclamation
- b. Bond Length: \_\_\_\_\_

8. **Inspection Fees.** An inspection fee is required and due and payable to Juab County before any excavation is performed. The Fees shall be \$26.63 per hour plus \$.50 cents per mile if Juab County performs the inspection. If a private contractor performs the inspection the fee shall consist of actual costs of the contract inspector.

- a. **Inspection Fee Deposit.** Inspection Fee Deposit based on \_\_\_\_\_ estimated hours and \_\_\_\_\_ estimated miles of the project shall be \$\_\_\_\_\_ due and payable prior to beginning excavation. Permittee further agrees to be liable for any difference in estimated vs. actual costs upon completion of project. Failure to pay such billed difference within 30 days time shall void this permit.

9. **Permit Fee.** The permit fee in the amount of \$\_\_\_\_\_ made pay able to Juab County is due upon filing this permit application.

Agreed to the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public Attest

\_\_\_\_\_  
Date Notary Commission Expires

\_\_\_\_\_  
Printed Name & Title of Permittee

\_\_\_\_\_  
Signature of authorized Permittee Official

\_\_\_\_\_  
Printed Name and Title of Juab County Official

\_\_\_\_\_  
Juab County Approval

\_\_\_\_\_  
Date

Signature of authorized Permittee Official \_\_\_\_\_ Date: \_\_\_\_\_