

**APPLICATION FOR PERMIT TO CONSTRUCT OR REPAIR UTILITY LINES WITHIN
DESOTO COUNTY, MISSISSIPPI PUBLIC RIGHT-OF-WAYS**

NAME: _____ **BY:** _____ (print name)

ADDRESS: _____

herein called APPLICANT, proposes, at the present time, to construct, improve, alter, or repair a utility line, which "work" shall be performed in accordance with section 14-2251 through 14-2760, "Utilities in Public Roads and Streets", of the Code of Ordinances of DeSoto County, Mississippi, (the "Utility Ordinance") along or across _____

_____ (the "Road") between _____ and _____, and makes application to the DeSoto County Road Department to undertake such work.

Attached hereto are drawings and plans as necessary for the scope of work to be undertaken (hereinafter the "work"), which will not be varied without permission of the county engineer. Applicant agrees to the following:

- (a) DeSoto County does not purport, by issuing the permit, to grant the applicant any right, claim, title, or easement on such road.
- (b) Desoto County, through its county engineer, may at any time require and compel the reconstruction or relocation of the utility line or any appurtenance thereto with the Board of Supervisors deems it necessary for the repair, maintenance, widening or reconstruction of the Road, and all expense of such reconstruction or relocation of the utility line is to be borne exclusively by the applicant, and DeSoto County is in no way liable for such expenses or other damages suffered by applicant as a result thereof. It is further understood, and agreed that, if this permit is granted, and acted upon by the applicant, the county will use all reasonable effort to avoid the necessity of requesting that the facility be moved, altered, or reconstructed.
- (c) All construction shall be done in full compliance with the Utility Ordinance, and all other applicable regulations of the Board of Supervisors in effect at the time this permit is granted, including, but not limited to, the obligation of the applicant to rebuild, repair, restore, and make good any damage to a road caused by the applicant's scope of work.
- (d) If all work shown on the scope of work plans is not completed within one year after issuance of the permit, the permit shall be void, and all work shall immediately stop.
- (e) Applicant will furnish a bond in such amount as required by the county engineer, payable to DeSoto County Board of Supervisors, sufficient to insure proper completion of all work, which bond shall be approved by the county engineer before work begins for assurance that all damages to the Road, and all other affected property of DeSoto County, will be repaired and kept repaired for one year from the date of completion of work.
- (f) Applicant shall not release its contractor until final inspection of all work has been made by the county engineer, and notice has been given that work is satisfactory.
- (g) Applicant agrees to take all necessary precautions and to assume full responsibility for safeguarding and directing traffic during construction.
- (h) Applicant is responsible for any conflict with other utilities within DeSoto County's right-of-way, and is to secure permission from other utilities for any conflicts and any necessary alterations.
- (i) A copy of the approved scope of work plans is to be kept at the site of the work at all times during construction.
- (j) It is agreed that no trees or shrubs on the right-of-way shall be cut, trimmed, or damaged, except as shown on the plans, provided, wire using utilities may cut and trim trees to the extent necessary for proper operation of the lines; encasements on paved roads shall be installed by jacking through or by dry-boring that will receive a casing with a snug fit, all sod disturbed shall be replaced and maintained to ensure growing sod; and all trenches shall be a minimum width and be backfilled and tamped in lifts not exceeding six inches.
- (k) Applicant agrees to maintain the utilities, and all appurtenances thereto, located within Desoto County's right-of-way in a proper state of repair and functionality for not less than a period of one year from the date of completion of work. DeSoto County assumes no responsibility to maintain, or repair the utility in any manner whatsoever, other than for damage done to the utilities as a result of the gross negligence or intentional acts of DeSoto County.
- (l) Any future maintenance or repairs to the utilities shall be performed in accordance with the Utility Ordinance. Any damage caused to the DeSoto County right-of-way, or other DeSoto County property, shall be completed without unreasonable delay, not to exceed thirty (30) days, unless additional time is granted by the county engineer. All repair of damage done to DeSoto County right-of-way, or other DeSoto County property, shall be at the expense of the applicant, and approved by the county engineer; should applicant fail to timely repair damages to the DeSoto County right-of-way, or other DeSoto County property, DeSoto County may undertake such repairs itself and assess such cost to the applicant pursuant to the Utility Ordinance.

Witness the signature of the applicant this _____ day of _____, 20_____

By: _____
Name and Title

PERMIT

By direction of the Board of Supervisors of DeSoto County, Mississippi, the permit applied for above is granted, and the applicant shall file a bond in the amount of \$ _____, before work begins this _____ day of _____, 20_____.

County Engineer