

**APPLICATION FOR PERMIT TO USE COUNTY ROAD RIGHT-OF-WAY
COUNTY OF KINGFISHER, STATE OF OKLAHOMA**

Before the county right-of-way (also known as county road easement) may be used for any purpose by any person for the placement of pipelines, public utilities, telephone lines or cables, crossing a county road, or other installation or use, a request must be made to the Board of County Commissioners of Kingfisher County ("Board" or "County") by way of this Application for permission to encroach upon and use the County's public right-of-way for the specific purpose described herein and in accordance with and subject to the terms and conditions set forth below.

NOTICE: This Application must be completely filled out either by typing or printing, except where a signature is required. Applications filled out by printing must be done clearly and legibly in blue ink. Only a fully-completed and signed original plus two (2) copies (copies must be stamped "copy") of this Application will be accepted for consideration. Only original signatures will be accepted. Fee payment in accordance with Fee Schedule must accompany Application.

Application type: Original Renewal Amended

If Application is Renewal or Amended, state the approval date of the original application: _____

Describe with specificity your intended installation/use of the County right-of-way:

Proposed installation is: Permanent Temporary

If temporary, what is the duration of the proposed use? _____ (30-day increments, may not exceed 90 days)
(Number of days)

Person requesting permit (APPLICANT) is: Public utility or service company Private person

Name: _____

Address: _____

City: _____ State: _____ Zip code: _____

Telephone: _____ Fax: _____

Contact Person: _____ Telephone: _____

Email: _____ Website: _____

24-Hour Emergency Contact (if different from Contact Person): _____

Title: _____ Telephone: _____

- Applicant is:
- Individual
 - Sole proprietor using trade or business name: _____
 - Corporation
 - Partnership/Association
 - Limited liability company
 - State government or state agency
 - Federal agency

Applicant Warranty: By signing below, Applicant represents and warrants to the County as follows:

(a) On the date this Application is submitted, Applicant, if a corporation, partnership, limited liability company or other unincorporated association, is (1) duly formed and validly existing under the laws of the State of Oklahoma or the state of _____, (2) authorized under the laws of the State of Oklahoma to conduct business in Oklahoma, and (3) duly authorized to do all things required of it under or in connection with this Application;

(b) Applicant has obtained all requisite consents and approvals, whether required by internal operating procedures or otherwise, for making and entering into the obligations specified in this Application and for concluding the matters contemplated in this Application;

(c) This Application that Applicant is to execute by its duly authorized representative shall be binding upon Applicant.

Is the proposed installation/use to be performed for the benefit of a person other than Applicant? Yes No

If the answer is yes, then provide the following:

OWNER-BENEFICIAL USER (person with whom Applicant has contracted for purposes of this Application):

NOTE: If Owner-Beneficial User or operator has not yet identified the service company to be used to perform the work associated with this Application, then Owner shall complete this Application and indicate above "to be determined" on the line for name of Applicant. The County may grant provisional approval pending selection of the service company and submission of an amended application showing the service company as the "Applicant."

Name: _____

Address: _____

City: _____ State: _____ Zip code: _____

Telephone: _____ Fax: _____

Contact person: _____ Telephone: _____

Email: _____ Website: _____

- Owner is:
- Individual
 - Sole proprietor using trade or business name: _____
 - Corporation
 - Partnership/Association
 - Limited liability company
 - State government or state agency
 - Federal agency

Owner-Beneficial User Warranty: By signing below, Owner represents and warrants to the County as follows:

(a) On the date this Application is submitted, Owner, if a corporation, partnership, limited liability company or other unincorporated association, is (1) duly formed and validly existing under the laws of the State of Oklahoma or the state of _____, (2) authorized under the laws of the State of Oklahoma to conduct business in Oklahoma, and (3) duly authorized to do all things required of it under or in connection with this Application;

(b) Owner has obtained all requisite consents and approvals, whether required by internal operating procedures or otherwise, for making and entering into the obligations specified in this Application and for concluding the matters contemplated in this Application;

(c) This Application that Owner is to execute by its duly authorized representative shall be binding upon Owner.

TYPE OF INSTALLATION:

Electric Gas Oil Water (*identify type*) _____ Telephone
 Sewer Other _____ Number of lines _____

LOCATION:

Starting point in the _____ Qtr. of the _____ Qtr. of Section _____ Township _____ Range _____

Crossing or parallel to county road numbers _____

Ending point in the _____ Qtr. of the _____ Qtr. of Section _____ Township _____ Range _____

Other _____

NOTICE: Applicant must submit an appropriate detailed scaled drawing or a colored aerial photograph (such as Google Earth™). The drawing or photograph shall indicate the location of the proposed installation, including pumps, any other auxiliary apparatus, Applicant's pipeline system within the County, and shall further identify, without limitation, the following:

- (a) Location of the pipeline system and the name and location of all wells connected thereto;
- (b) Length encompassed by each specific size and type of pipe for each segment of the pipeline system;
- (c) Location of interconnects of Applicant's pipelines to other pipelines owned by Applicant's parent or affiliated companies or other persons;
- (d) Location and capacity of all booster stations, gate valves, check valves, launchers, receivers, and gas processing plants connected to Applicant's pipeline system;
- (e) Identification of existing lines and other apparatus located within the easement of the proposed installation.

Is this location within a designated Special Flood Hazard Area (SFHA) as determined by FEMA and the National Flood Insurance Program? No Yes Permit # _____. If yes, any proposed development in the Kingfisher County Floodplain Area requires a separate permit. For additional assistance, contact the Kingfisher County Floodplain Administrator at 405-375-3820.

Installation Information

PIPELINES:

Size/Type _____ Alloy/Material _____

Wall thickness _____ Contents _____

Mfg. test pressure _____ Working pressure _____

Maximum operating pressure _____

CASING:

Size _____ Alloy/Material _____ Wall Thickness _____

ELECTRICAL:

Voltage _____ Conductor size _____

Type of Structure _____ Ruling Span _____

COMMUNICATIONS:

Wires/Pairs/Strands _____ Gauge _____ Cable Type _____

Provide all information requested below and attach additional sheets of paper as needed.
(For temporary installation only)

1. Will any hazardous material (as defined below) be used, produced, transported, carried, conveyed, contained or stored on or within the right-of-way or any right-of-way facilities, or used in or be part of the installation, construction, operation or maintenance of this project?

Yes No

If yes, then identify with specificity such hazardous material. "Hazardous material" means "deleterious substances," as defined by OAC 165:10-1-2, natural gas and any other product, article or substance capable of posing a risk or can be damaging to personal health, safety, property or the environment. _____

2. Do you have a written emergency response plan that addresses how a release of hazardous material into the environment is determined and handled?

Yes No

If yes, then submit a copy of the plan with this Application.

The following terms and conditions apply to this Application and any use permit issued, to-wit:

1. Applications are to be hand-delivered or mailed to the County. Unless exempt, Application must be accompanied by check in the amount of the permit application fee (see Fee Schedule below) made payable to the "Board of County Commissioner, Kingfisher County." The County Pipeline Inspector requires sufficient time after receipt of the Application to review it prior to placing the request on the Board's next-available meeting agenda. Therefore, **all permits must be turned in or received by 3:00 p.m. the Wednesday prior to the following Board meeting.** Mailed applications should be addressed to: Kingfisher County Commissioners, 101 S. Main, Room No. 9, Kingfisher, OK 73750.
2. All County road crossings must be bored. Blasting is strictly prohibited. If trenching of any kind is required, it must be pre-approved by the Board. Any crossing in a floodplain requires an additional permit application, which must be approved by the County Floodplain Board. Contact the Floodplain Administrator for further information. Culverts installed by the County for drainage of water run-off and through which any temporary lines are allowed to be located shall not be obstructed by more than sixty percent (60%). This limitation does not apply to culverts permitted to be and are installed by Applicant or Owner for the sole purpose of providing a safe conduit for crossing a road with temporary pipelines.
3. Applicant shall furnish all flagmen, lights, barricades, and warning signs meeting all laws and regulations, including those in the "Manual on Uniform Traffic Control Devices" appropriate for the construction or installation project. Any time workers are in the county right-of-way they are required to wear an approved safety vest. Applicant agrees to keep the road open to traffic unless otherwise approved by the Board. At the conclusion of such work, the right-of-way must be cleaned up and left in a presentable condition.

4 OF 10

Start Sec _____ Township _____ Range _____

Ending Sec _____ Township _____ Range _____

Application must be completed in its entirety

District

1 **2** **3**

(For office use only)

4. Auxiliary equipment including, but not limited to, pumps associated with temporary pipelines are prohibited from being located on the traveled portion of the road and shall be located a minimum of five (5) feet away from the edge of such traveled portion. All pumps and auxiliary equipment located in the right-of-way must display flashing orange warning lights and have advanced warning signs posted no less than 500 feet in all directions of the pump's or other equipment's location. Signs shall meet MUTCD requirements and read "men & equipment in roadway," be displayed as an orange diamond with black border/writing 36"x36" in size and be mounted no less than one (1) foot above the ground and off the traveled portion of the roadway using either a type 1 or type 2 barricade (see MUTCD Figures 6F-2 and 6F-7 for examples).
5. For all right-of-way installations, and unless consent has been provided in accordance with a surface use agreement or other written use agreement, Applicant must obtain written consent, using the Landowner Consent form available from the County, from each abutting landowner of the right-of-way that will be affected by this Application. (Applicant is responsible for obtaining from the County as many Landowner Consent forms as may be needed.) **If all required abutting landowner consents are not obtained prior to installation, any such installation shall be considered unpermitted and be subject to removal and all non-permitted fines.**
6. This Application and any use permit issued pursuant thereto does not grant the Applicant or any other person connected with the purpose of this Application any permission to be upon or rights regarding private property outside the County's road easement/right-of-way. The granting of a use permit does not take into consideration whether or not the abutting landowner is entitled to compensation for use of the County's road easement.
7. A use permit granted by the County pursuant to this Application is for the specific purpose stated and as may be approved, and nothing herein shall be construed to grant Applicant or other person any rights whatsoever in and to the right-of-way.
8. Any placement of pipelines or other apparatus on the surface of the right-of-way during the mowing season, in locations where the County normally mows, shall be done so only after areas that are to be rendered inaccessible to County mowers are mowed by the Applicant who shall thereafter ensure that the pipelines or other apparatus remain at all times plainly visible. The County will inform the Applicant whether the proposed placement of pipelines or other apparatus on the surface of the right-of-way will be in an area normally mowed by the County. The application of herbicides is prohibited without a proper applicator license and the approval of landowner and neighboring landowners.
9. Applicant agrees to and does assume all liability in relation to this Application thereby relieving the County, its officers, officials and employees of responsibility associated with the intent and purpose of this Application and use permit and to hold the County harmless and to indemnify the County against any and all claims and actions arising out of, or for any damage or injury to persons or property directly or indirectly caused by or resulting from, the construction, maintenance, operation, use, termination or repair of the installation and facilities on, under, or over the County right-of-way, including, without limitation, expenses (including attorney fees and costs, regardless whether approved by a court), judgments, fines, settlements and other amounts actually incurred in connection with any liability, claim, suit, action, loss, or damage arising or resulting therefrom, except in situations arising from gross negligence or willful conduct by the County.
10. Applicant and Owner assume full responsibility for any damage resulting from deviation of the approved plan, or any adverse effects to County road right-of-way or property and/or abutting landowner property.
11. All underground facilities shall be a minimum of five (5) feet below the elevation of the center of the road, but not less than four (4) feet below the bottom of the ditch when encased. Crossings may be encased from right-of-way line to right-of-way line and be vented off the right-of-way lines. Concrete caps four (4) feet wide and six (6) inches deep may be required from edge of road to fence line. If there will be absolutely no casing, pipeline then **MUST** be eight (8) feet deep below the ditch. Identification markers shall be installed at each right-of-way line directly above the facility. The markers must identify the Owner's name, address, telephone number, size of facility, and emergency contact number in black with a yellow background. Marker must be at least 130 square inches in area and erected at a height plainly visible from the road right-of-way. All underground electric cable crossings must be placed in a conduit and be a minimum of four (4) feet below the ditch flow lines. Conduit placed beneath a roadway must be steel, HDPE, heavy duty PVC, or fiberglass, if it is designed to withstand

roadway loading and is properly protected. Steel pipelines crossing the right-of-way may be installed without encasement if the carrier pipe material within the right-of-way is superior to the carrier pipe material outside the right-of-way by being of steel at least one grade better and of the same wall thickness, or a minimum of one wall thickness greater and of the same alloy. Pipe must be properly protected from corrosion. Facilities such as water and sanitary sewer lines crossing the county right-of-way shall be encased. The Board may approve a line without casing if case or ductile iron, HDPE or material of equal design is used. Maintenance will be performed by a method that will not disturb the through-lanes or interfere with traffic. All conduits shall be sufficient to withstand roadway loads.

- 12. All section corners and quarter-section corners shall be protected. **No pipeline or utility line shall cross an intersection diagonally.** No boring or ditching for lines within 50 feet of a quarter-section corner or 200 feet of a bridge. Any line threaded under a bridge is to be secured during use and completely removed after the permit expires. **Lines shall not be permitted on the surface of or be tied to or suspended from bridges.**
- 13. Owners of all facilities shall be responsible, at their expense, for decommissioning installation sites. The right-of-way shall be restored to its original condition or better.
- 14. When notified of safety issues or other matters of concern by the County, Applicant agrees, at its expense, to immediately make all necessary corrections or changes required by the County in relation to the County road right-of-way.
- 15. Applicant or its successors or permitted assigns shall repair fences and make all other necessary repairs as may be needed for damages caused by Applicant, without claim against the County.
- 16. Applicant will, at its expense, furnish all labor, tools, equipment and supervision necessary to complete the work related to this Application.
- 17. Applicant agrees to perform all work in a neat and workmanlike manner using materials acceptable to the County. Applicant further agrees to clean up the portion of right-of-way used of all trash, materials, and equipment, leaving the area in a presentable condition.
- 18. Applicant agrees that the County will not be responsible or liable in any manner for loss of any kind encountered by the Applicant during its permitted installation and use of the right-of-way.
- 19. If this is a request for a temporary use permit to allow the Applicant to convey water along the County's right-of-way, Applicant shall be responsible for first obtaining a separate Provisional Temporary Permit from the Oklahoma Water Resources Board for the use or diversion of water. The Applicant must hold both permits to convey and use water. By signing this Application, Applicant certifies that it has obtained such necessary permit or permits. Upon demand by the County, Applicant must present any permit or true copy of the same or written proof that all necessary permits have been obtained from those governmental agencies as may be required under state or federal law including, but not limited to, the Federal Water Pollution Control Act of 1948 as amended in 1972 (commonly known as the Clean Water Act).
- 20. Permit approval shall be conditioned upon Applicant furnishing the County with satisfactory evidence that the Applicant carries public liability insurance with limits of no less than five hundred thousand dollars (\$500,000.00) per occurrence and five hundred thousand dollars (\$500,000.00) general aggregate and shall have the County endorsed as an additional named insured on the liability insurance policy. Applicant shall maintain such liability insurance for the duration of the period intended by this Application. In some cases, the Applicant shall be required to post a cash performance bond in an amount to be determined by the Board. Necessity for such bond will be determined by the Board and the bond will be held in the County Treasurer's office until the right-of-way is in a presentable condition.
- 21. Applicant and Owner and their successors and permitted assigns hold the County harmless and without obligation or liability regarding any private agreement Applicant or Owner may have with an abutting landowner or any other person in relation to this Application and any permitted use hereunder.

Start Sec _____ Township _____ Range _____
Ending Sec _____ Township _____ Range _____

Application must be completed in its entirety
District

1 **2** **3**
(For office use only)

- 22. All temporary lines shall be tagged or labeled at both ends (in the right-of-way) and middle of the line, with the tags to show the name of the permit holder and the date it was installed. Tags must be visible from the roadway. Above-ground waterlines and equipment running parallel with the road shall be placed as not to disrupt road maintenance and at least five (5) feet away from the edge of the traveled portion of the roadway. Applicant or Owner of the temporary line shall be responsible for all damages to county roads due to a line or multiple lines running through a culvert that substantially reduces its drainage capacity. Boring of county roads should be considered instead of using culverts, and any work affecting private entrances must be coordinated with landowner approval. All crossings shall be restored to their original condition or better with new material.
- 23. **Any installation interfering with road maintenance equipment or other County activity involving the road right-of-way will be removed. ***
- 24. Applicant and Owner of any temporary lines shall be responsible for all damages to county roads or property caused by an installation in the right-of-way.
- 25. **If at any time an installation is found by the Board or County Pipeline Inspector to be out of compliance with the terms of the use permit issued in connection with this Application, then the Applicant or Owner will be fined in accordance with the Schedule of Fines. ***
- 26. The failure of the Applicant to comply with any or all terms and conditions as set out in this Application will nullify the authority granted by any use permit issued pursuant hereto. *
- 27. The terms and conditions herein inure to the benefit of and bind the Applicant and Owner and their respective heirs, successors, and permitted assigns.
- 28. The Board's approval of this Application, and the return of a certified copy the same to the Applicant, shall validate this Application as a permit.

* Except in an emergency, Applicant or Owner will be allowed a reasonable time, as determined by the County, to take any necessary action or remedy any non-compliance.

LANDOWNER CONSENT required herein (see paragraph 5 above) shall be indicated by:

- Completed Landowner Consent form available from the County
- Surface use agreement or other written use agreement dated _____ and signed by Landowner

Fee Schedule:

Road bored \$1,000.00 per line
 Cut or trenched \$1,500.00 per line
 Parallel line / Road crossing \$250.00 per mile for each line

Fines:

Lines without permits \$1,000.00 each day for each mile of line
 Lines abandoned or left at road crossings \$1,000.00 each day until line is removed
 Lines found to be in non-compliance \$500 each day until corrections are made

PAYMENT: Check #: _____ Date of check _____ Amount \$ _____

NOTE: If Application is denied, then payment (minus a \$250.00 administration processing fee) will be returned to the Applicant in person at the County Clerk's office.

Start Sec _____ Township _____ Range _____
Ending Sec _____ Township _____ Range _____

Application must be completed in its entirety

District

1 **2** **3**

(For office use only)

ACCEPTANCE AND ACKNOWLEDGMENT

By signing below, Applicant acknowledges that it is responsible for fully completing this Application and for providing all requested information and documentation, including required permits or approvals, with and at the time this Application is submitted to and received by the County Clerk on behalf of the Board, and that Applicant shall be subject to the terms and conditions set forth above. Incomplete, or the absence of, information may cause a delay in consideration or a denial of this Application. Submitting incorrect fee could delay the processing of this Application.

I hereby certify, acknowledge and affirm under penalty of perjury that I am 21 years of age or older, that I have personally examined the information contained in this Application including any attachments, that all of the information provided in this Application is true and correct, that all required abutting landowner consents on a form prescribed by the County have been obtained and accompany this Application, unless such written consent is provided by other instrument, that all terms and conditions set forth in this Application have been read and understood by me, that I have conferred with or had the opportunity to confer with an attorney of my choice regarding the terms, obligations and conditions set forth in this Application, that I have had sufficient time to consider the terms provided for in this Application, that I am duly authorized by the Applicant to make and submit this Application and to attest to the same for and on behalf of the Applicant, and that I fully accept on behalf of the Applicant the terms and conditions set forth by the County in this Application.

Name of Applicant (*Print*)

Authorized Representative of Applicant (*Print*)

Authorized Representative of Applicant (*Signature*)

Title/Position

Owner Performance Guarantee. The undersigned Performance Guarantor (Owner-Beneficial User identified above) hereby unconditionally and irrevocably guarantees the prompt and faithful performance by the Applicant of all obligations, terms, conditions, agreements, indemnities and liabilities of any kind whatsoever including the payment of fees and fines specified in this Application (collectively, the Guaranteed Obligations) strictly in accordance with the terms hereof (the Performance Guarantee). If for any reason whatsoever the Applicant shall fail to perform, pay or observe any of the Guaranteed Obligations, then the Performance Guarantor shall forthwith perform, pay and observe, as applicable, any such of the Guaranteed Obligations as may be required to be performed, paid or observed in accordance with the terms of this Application.

Name of Owner-Beneficial User (*Print*)

Authorized Representative (*Print*)

Authorized Representative (*Signature*)

Title/Position

LANDOWNER CONSENT

STATE OF OKLAHOMA)
) ss.
COUNTY OF KINGFISHER)

I, _____, of lawful age, being first duly sworn, upon my oath
(Print full name)
depose and state that I am the record owner of the land described as:

(Property address / legal description)

that I am familiar with the purpose of the Application by _____,
(Name of Applicant)

dated _____, to which this Landowner Consent is attached, that I hereby grant consent to the placement of the above-identified proposed pipeline and any auxiliary apparatus on the surface of my property to the extent such pipeline is placed on that portion of my land which is the County road easement and right-of-way, that I hold the County harmless and without obligation or liability regarding any private agreement I may have with the Applicant or any other person in relation to the Application and any permitted use, and that my consent is only for the use period approved by the County.

Landowner signature

Contact telephone number

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public (required)

My Commission (No. _____)

Expires: _____

ACTION OF THE BOARD

In regard to the foregoing Application, the undersigned Commissioners hereby take the following action:

Application is **APPROVED**

An approved Application shall be subject to the terms and conditions set forth above.

For temporary installations, permit EXPIRES: _____.

Application is **DENIED**

Reason: _____

If vote is not unanimous, each Commissioner's vote is indicated below.

Executed and accepted on this _____ day of _____, _____.

**BOARD OF COUNTY COMMISSIONERS
KINGFISHER COUNTY**

Chairman

Vice-Chairman

Member

ATTEST:

County Clerk (or Deputy)

Date _____