

**TOWN OF TODD
COUNTY OF HUBBARD
STATE OF MINNESOTA**

PERMIT NO. 2013 - 0002

UTILITY PERMIT

In accordance with the application attached herein, a Utility Permit is granted to _____, (hereinafter "Permittee") to replace, construct and maintain a new URD 10 7.2 KV Line (underground line under 119th Avenue – see attached application) under the right of way of 119th Avenue at the location legally described on the attached Exhibit A to this permit and identified in the drawings which are part of said application, or in such location as may be specified by the Town of Todd (hereinafter "Township") in the Special Conditions hereof.

I. SPECIAL CONDITIONS:

The Permittee and his or her heirs, agents and assigns hereby agree to the following special conditions:

1. Contact ROW Director/Township 72 hours prior to initiation of construction and after restoration of area for a final review. 1.218.839.4576
2. No open cuts across Township's ROW – directional boring only
3. Rights of way must be restored to original conditions and seeded
4. Permit valid until from date of application which is 09.12.15.
5. Security in the amount of cash escrow of 1,000.00 for a period of one year to be returned with interest once the road review is approved.

II. GENERAL CONDITIONS

The Permittee and its heirs, agents and assigns hereby agree to the following general conditions:

1. The Permittee shall fully comply with all applicable laws, regulations and codes related to facilities located within public rights of way including but not limited to the requirements of Todd Township Ordinance No. 2006-06.01 as may be amended from time to time.
2. The installation of the facilities shall be made in conformity with all applicable laws, regulations and codes covering the installation of the facilities, including but not limited to Todd Township Ordinance No. 2006-06.01 as may be amended from time to time.
3. The Permittee's facilities and its installation shall not interfere with any existing utility facilities or the Township right-of-way.
4. The Permittee shall provide any necessary barricades, warning devices and flagman during all phases of the construction, installation and maintenance operations involving the Township right-of-way.
5. The restoration of the right of way shall be done in conformity with the requirements of Todd Township Ordinance No. 2006-.06.01 as may be amended from time to time.
6. Prior to commencement of work, the person must deposit with the Town security in the form of certified check, letter of credit, or construction bond, in a sufficient amount as determined by the Town for the completion of the work. The securities will be held for up to 24 months. Upon written request all or part of the security may in the Board's sole discretion be released prior to the expiration of the 24 month period. Upon application of the person, providing such information as the Town may require, if two or more work projects are to be constructed during a calendar year, the Town may accept, in lieu of separate security for each project, a single security for multiple projects in such form and amount as determined, in the discretion of the Town Board, to be sufficient to assure completion of all projects which may be in progress at any one time during that calendar year and to guaranty that restoration work will be satisfactorily completed. The security will then be returned to the person with interest if required by law and then interest at the applicable statutory rate. The Town may draw on said security to complete work not performed by the permit holder, to reimburse itself for costs incurred in the enforcement of this Permit, including attorney fees, to repair or correct deficiencies or other problems which occur in the right-of way during the period in which the security is in place, or to otherwise fulfill the obligations of the Permittee under this Permit. This remedy is in addition to any other remedies available to the Town.
7. The Permittee shall pursuant to State Statute and Rule 7560 provides to the Township an as built drawing depicting the location of the facilities within the right of way including any service laterals.
8. The Permittee shall pursuant to State Statute and Rule 7560 install locating wire on any nonconductive underground facility within the public right-of-way.
9. The Permittee shall indemnify, keep, and hold the Township, its representatives, officers, employees or assigns free and Harmless from any and all liability on account of injury to persons or damage to property

occasioned by the issuance of permits or by the construction, maintenance, repair, inspection, or operation of Permittee's facilities located in the right of way.

- 10. If a suit brought against the Township under circumstances where the Permittee is required to indemnify the Township, the Permittee, at its sole cost and expense, shall defend the Township in the suit. This condition is not, as to third parties a waiver of any defense, immunity or damage limitation otherwise available to the Township.

PERMITEE

Dated: _____

By: _____

Its: _____

STATE OF MINNESOTA)

) ss.

COUNTY OF HUBBARD)

The foregoing instrument was acknowledged before me this ____ day of _____ 2013, by _____, the _____ of _____.

Notary Public

**APPROVED
TODD TOWNSHIP**

Dated: _____

Town Board Chair

Dated: _____

ROW Director

