

This is a Rice County Highway Permit only, permission must also be obtained from adjoining property owners.

RICE COUNTY HIGHWAY DEPARTMENT

718 W. 5TH St.

LYONS, KANSAS 67554

Telephone AC 620

257-2231 (Office)

257-3922 (FAX)

Co. Rd. # _____

APPL. Date _____

Permit # _____

Water Line _____

Salt Water Line _____

Gas or Oil Line _____

Optic Fiber Line _____

Telephone Line _____

Electric Line _____

Sewer Line _____

Other _____

HIGHWAY PERMIT

Whereas, _____ (Owner/Contractor) _____ (Mailing Address & Telephone #)

and _____ (Contractor) _____ (Mailing Address & Telephone #)

As Agent, Lessee, Contractor, hereinafter termed the company, request permission and authority to do certain work involving the County Highway right of way or Township right of way in, upon or along _____, and described as follows:

Road crossing will be _____ Ft. N. S. E. W. of the Intersection of _____ N, S, E, W side of Section _____ T _____ R _____ Rice County, Kansas

PROHIBITED: No road crossing of any kind shall be allowed near Section Corners or 1/2 Section Corners. If said Section Corners are disturbed, company maybe criminally charged pursuant KSA 21-3724. A Class C misdemeanor and full restitution if section marker or other landmarks are disturbed.

All County Asphalt roads and proposed County Asphalt roads and County Gravel Roads, as specified by an Authorized County Representative, shall be bored, unless prior authorization from Authorized County Representative!

PERMIT FEES:

A \$700.00 fee will be charged for each road crossing that is trenched. This fee shall be paid to Rice County for County roads crossed and to Township for Township roads crossed. A \$110.00 fee will be charged for each road crossing that is bored under roadway.

PLANS: Company shall furnish two (2) sets of comprehensive plans or sketches 8 1/2" x 11" in sufficient detail of the proposed project and location. For commercial entrances include a plot plan of the proposed installation. Entrance locations and utility installations must be approved by an Authorized County Representative. Drainage structural requirements are to be determined by an Authorized County Representative.

MATERIALS AND METHODS: All materials and construction methods used on the work within the limits of the road right of way shall be equal to or better than that required by KDOT Standard Specifications for the State Road and Bridge Construction, current edition: Commercial Entrances shall be surfaced with material of the same general type as roadway surfacing.

All pipe shall be laid not less than twenty four inches (24") below the flow line of the ditch unless otherwise required or the full width of the road right of way, and all tunnels and ditches shall be backfilled and tamped to the natural ground level. All pipe lines crossings shall be marked at or near the right -of -way line with a permanent sign with Owner's Name, Address, Telephone Number, showing route of line. Bond money will not be returned until completion and acceptance of above statements.

It shall be prohibited to lay oil, gas, crude oil, saltwater, water and sewer lines or any line in the ditches or right-of-way running parallel with county or township roads or section lines unless prior authorization from BOARD of RICE COUNTY COMMISSIONERS or TOWNSHIP TRUSTEE.

The Company agrees that if trenching across County or Township roads are required, then trenching will be completed with a regular trencher designed for the purpose and NOT a Backhoe. This shall be required to keep the width of trench to a minimum. A fee of \$10.00 a rod for line running parallel in the right-of-way.

COMPLETION: The Company shall furnish all material, do all work, pay all costs and restore said property to the condition existing prior to approval of the work described on this permit. Work to be completed within _____ da/mo. of APPROVAL DATE, otherwise permit is null and void. An extension of time may be requested in writing. Company agrees that an approved signed copy or permit will be on the premises before any work is performed, unless agreed upon by an Authorized County Representative.

The company agrees to meet on the premises with an Authorized County Representative prior to trenching or boring of the road crossing for the purpose of flagging the actual crossing site. A fine of not less than \$200.00 and not more than \$1000.00 maybe imposed. Company may also be required to relocate line if the crossing location is different than that shown on permit without approval from an Authorized County Representative.

BOND: A check, or other suitable bond, in the amount of _____ Dollars (\$ _____), made payable to the Rice County Highway Department is hereby deposited with this permit to guarantee satisfactory performance of the conditions of the permit. The Company agrees to notify the County Engineer's Office when the work covered by the permit is begun and again when completed. The County agrees that upon satisfactory compliance with all conditions of this permit, the bond shall be released to Company. A schedule of bond amounts is on the back of this form.

OBSTRUCTION OF TRAFFIC: Company agrees that there will be no interference with traffic, unless specifically provided for as part of the permit. Traffic protection to be in accordance with the Uniform Manual for Traffic Control Devices.

RIGHT OF WAY: Company agrees that there will be no portion of the right of way will be used for parking, advertising signs or any other commercial activity. Any sod, shrubs or trees destroyed by this work shall be replaced as directed by an Authorized County or Township Representative. The Company, his successors or Assigns, shall assume all risk and liability for accidents and damages that may accrue to persons or property on account of this work. That in the event the County or Township deems it necessary or proper to make any alteration or improvement along or upon the highway or right of way, the Company agrees to save Rice County harmless to any damage to said Company's construction along or upon the highway or right of way and the Company further agrees that upon notice being served upon them, they will, within a reasonable time alter, change, relocate or move it's construction or work off the highway or right of way as requested by Rice County and/or Township without expense to the County and/or Township.

DAMAGES: Company or any future successor in interest of ownership of such line shall be solely and totally responsible for all damages whether personal or property that may occur caused by such road crossings, and shall hold the County or Townships harmless from any such damages. Further company shall notify Rice County Highway Department of any changes in ownership of such lines.

PERMIT GRANTED THIS _____ day of _____, 20_____.

Authorized County Representative/Township

68-543 Culverts over ditches in front of private property; costs by county or city, additional culverts or new entrances, costs to owner: procedures : penalty. Whenever it is necessary to make a ditch along a public road in front of any property at such depth as will in the opinion of the officials in charge of such road obstruct any then existing entrance connecting such property with the public highway, it shall be the duty of the county engineer to cause to be constructed and maintained a substantial culvert over the said ditch, so as to make a good safe crossing. The county shall pay for such improvement on county roads and the township on township roads. *Provided*, That in any township having a population of more than six thousand (6,000) outside the limits of any incorporated city, the cost of the materials for such culverts shall be paid by the owner of such property when such property is in a platted area and when the installation of such culvert is requested by the property owner or his agent. All moneys for the payment of such materials shall be collected by the township treasurer and by him placed in the township road fund.

Whenever any property owner shall request an additional culvert or new entrance, the same may be installed by the county engineer, and the cost thereof charged to the property owner, the county engineer may require the property owner to deposit the estimated cost of such installation before installing and constructing the same, of the property owner may himself install and construct such additional culvert or new entrance, but only after first obtaining approval of plans thereof and permission to do so from the county engineer, and such work shall be done by the owner subject to the direction and supervision of the county engineer. It shall be a public offense for any property owner or other person to construct a culvert or entrance across any ditch along a public road without first having secured approval of the plans thereof and permission to do so from the county engineer. Any person who shall violate the provisions of this section shall, upon conviction thereof, be fined not less than fifty dollars(\$50) nor more than one hundred (\$100).

History: L1917,ch264,§ 50 RS 1923, 68-543, L1953 ch 303 1.L 1957, ch 363, § 1, June 29

Research and Practice Aids

Highways ≈120(1)

C.J.S. Highways §186

CASE ANNOTATIONS

1. Mandamus will not tie where something more than culvert is needed.
2. Bohan Sumner County Comm'rs 131 K.87, 90, 289 P 436
3. Failure to maintain new driveway, injury occurring on abandoned driveway, recovery denied Cowan v. Rockford Township, 142K 698, 52 P 2d 623

68.545. Unlawful obstructions, excavations, removal of materials, dumping trash or other materials or plowing of roads, penalty, payment of cost to restore it shall be unlawful for any person or persons to obstruct any portion of a public highway including any portion of the entire right-of-way, in any manner with intent to prevent the free use thereof, or to make any holes therein, or to remove any earth, gravel or rock therefrom or any part thereof or in any manner to obstruct ditch on the side of any such highway and thereby damage the same, to dump trash, debris, sewage, or any other material on any highway or any ditch on the side of any highway, or to plow any public highway for the purpose of scouring plows, or for any other purpose except for the improvement of such highway and as directed in writing by the county engineer and the township board of highway commissioners acting jointly. Any person or persons violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction before any court having competent jurisdiction shall be fined for each and every offense under this act in the sum of not more than \$200, and shall pay costs of the action and the cost of cleaning the public highway and restoring it to its prior condition.

History. L 1917, ch264, § 52R § 1923, 68-545 L1951, ch 386 §1, L 1961, ch 305 § 1, L 1984 ch 254, § 1 July1.

Source of prior law L 1883, ch 150S2

Cross References to Related Sections

Littering, see 21-3722

Research and Practice Aids

Highways ≈153

CJS Highways § 217 cl seq

CASE ANNOTATIONS

1. Locality and legality immaterial in criminal prosecution for obstruction State v. Hayes, 125 K 375, 379, 263 P 782

File: 1 COPY TO PETITIONER
1 COPY TO ROAD FILE BY #
1 COPY TO ROAD # FILE

***MAKE ALL DEPOSITS PAYABLE TO:**

Rice County Highway Department
718 W. 5th St.
Lyons, Kansas 67554

***SCHEDULE OF BONDS**

The minimum bond which must accompany all permits is as follows:

EXCAVATION:

Excavation within the right of way limits.....	\$ 1500.00
Boring under pavement or road with auger or punching.....	\$ 1500.00
Tunneling under pavement or road.....	\$ 4000.00

ENTRANCES:

Private entrance to farm field or home.....	\$ 500.00
Commercial entrances, incl. filling stations.....	\$ 1000.00

Field entrances must have at least 30 foot wide roadway and 3:1 side slopes (maximum steepness, one(1) foot down to three(3) feet horizontal)

Home entrances must have at least a 28 foot wide roadway and 3:1 slopes on the sides(ends). Locations of entrance must be at least 10 feet from the side property lines and at least 20 feet between entrances measured at the top of the slope. Locations at box culverts and bridges will be located at least 200 feet from the structure, if at all possible. If at all possible 24 inch round pipe should be the minimum diameter considered. 18-inch diameter or 24" squash pipe can be considered only in case where the ditch is so shallow diameter pipe cannot be covered. In all cases pipe sizing will be done by the County Highway Department. RE:

K.S.A. 68-543. Only pipe approved by the Standard Specifications for State Road and Bridge Construction shall be used. Pipe lengths should be held to lengths of 40 feet or less in diameter of under 36 inches. Pipe must be approved by on site inspection of an authorized county representative prior to covering.

EXCEPTIONS:

A deposit is not required of Non-profit governmental units doing work with its own forces.