

RESOLUTION 2016-04

Amending Resolution 2011-05

WHEREAS, various public utility or cable television systems (sometimes hereinafter called "Utilities" or "Utility") operating in Ottawa County, Oklahoma (sometimes hereinafter called "County") are, at different times and for different reasons, using and sometimes disturbing County public roads, rights-of-way and easements, and

WHEREAS, the Board of County Commissioners of Ottawa County, Oklahoma, (hereinafter called "Board") is responsible for the maintenance and upkeep of said roads, rights-of-way and easements.

NOW THEREFORE, BE IT RESOLVED that the Board is, as of this date, requiring that all public utility or cable television systems shall abide by the following rules:

1. The Utility must request authorization from the Board not less than ten (10) calendar days prior to beginning construction, reconstruction, improvement or other modification of any utility system which, in any way, affects a County public road, right-of-way or easement, except in the case of emergency. In the event of an emergency, notification must be made to the Commissioner of that District and the Board as soon as possible.
2. All public utilities or cable television systems shall completely repair or replace any damage, injury or other change to County public roads or rights-of-way or easements which would inconvenience or endanger the public caused by the erection, placement, adjustment, construction or maintenance of any Utility system, poles, wires, posts, conduits or other equipment. Nothing in this Resolution shall be interpreted to impair the right of the County to recovery against any third party for such damage or injury.
3. All work performed by Utilities in/on/over/under the County public roads, rights-of-way or easements shall be subject to the approval of the Board, based on the guidelines listed herein.
4. When paralleling the roadway, utilities must be located within **four feet (4')** of the outermost edge of the right-of-way line or the fence line, if a fence is in place. If no fence exists, the right-of-way line is to be located by an Oklahoma registered land surveyor, at the Utility's expense. A copy of said Survey must be provided to the Board before authorization to begin work will be granted. **In no instance shall a paralleling utility be placed within the boundaries of the roadbed.**

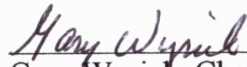
5. All underground parallel installations shall be a minimum of **three feet (3')** deep.
6. All overhead parallel installations shall not cross any point of access to a County road at a height of less than **eighteen feet (18')** above the highest surface grade of the road.
7. All underground installations that cross a County road with an asphalt, oil and chip, or concrete surface must be bored and cased. Cutting of such "hard surfaced" roads will not be permitted.
8. All underground crossings (other than high-pressure gas lines) shall be a minimum of **four feet (4')** below the elevation of the centerline. **High-pressure gas line crossings shall be a minimum of four feet (4') below the lowest elevation of the ditch.**
9. Crossings of unsurfaced County roads shall be compacted to a minimum density of 95% of Standard Proctor maximum density. Results of the AASHTO-T-99 Test, as well as results of field density checks, must be submitted to the Board before final acceptance of the installation will be granted. In addition, all existing material is to be replaced with base limestone rock at time of installation.
10. The Board reserves the right to inspect any and all work during erection, placement, adjustment, construction or maintenance of any Utility system, poles, wires, posts, conduits or other equipment. **Utilities must notify the Board upon completion of the utility work in order for a mandatory final inspection to be conducted.** The Board must affirmatively approve the work or provide the Utility with a list of deficiencies which the Utility must correct within a reasonable time frame. Once the corrections are made, the Utility must re-notify the Board, in order for another mandatory final inspection to be conducted.
11. Utilities agree to assume all responsibility and liability for the handling of traffic during the construction, reconstruction, improvement or other modification of any utility system. The Utility must man all traffic control points and/or they must use such signage in accordance the latest edition of the *Manual on Uniform Traffic Control Devices*. In the event it becomes necessary to close the County public road during the course of the utility work, the Utility must submit an "alternate route plan" to the Board for approval. No such closure shall be allowed until at least forty-eight hours (48 hrs) after such approval, so as to allow the Utility to notify all nearby residents and business owners/operators that may be reasonably expected to be affected by the closure.
12. Should any lowering, modification or relocation of said line(s) be required during any future reconstruction or maintenance of the road, said lowering, modification or relocation shall be made without claim against the County or Board. Should any damage to any Utility system, poles, wires, posts, conduits or other equipment occur in the regular operation of road work where the Utility has failed to comply with the requirements of this Resolution, said damage shall be repaired by the Utility or its successor(s), without claim against the County or Board.

13. If for any reason whatsoever, any requirement of this Resolution cannot be fully complied with, the Utility and the Commissioner in whose District the work is to be done may negotiate an alternative plan for the work to be done which shall approximate the requirements of this Resolution as closely as possible and yet allows for the work to be completed. Before any work on the alternate plan is commenced, the said plan shall be submitted to the Board for affirmative approval. Once approved, the work may commence but shall be, in all other respects, subject to all other provisions of this Resolution. Economic hardship alone is not a sufficient reason for a Utility to claim that it cannot fully comply with a requirement of this Resolution.
14. All Utilities using County public roads or rights-of-way or easements agree to hold the County and Board harmless for any damage to persons or property caused by the construction, maintenance operations or repair of its facilities in, on, over or under said County public road, right-of-way or easement and agrees to reimburse the County for any and all monies expended by the County in repairing any damage to the road caused by the construction, reconstruction, improvement or other modification of any utility system and the operations of the Utility.
15. In addition to all of the foregoing, failure on the part of any Utility to comply fully with the guidelines herein stated, shall cause the Utility to forfeit its right to easement in, on, over or under said County public road, right-of-way or easement, as set out in 69 O.S. §1401, and the Utility system, poles, wires, posts, conduits or other equipment may be ousted therefrom.

Approved in regular session this 8TH day of February, 2016



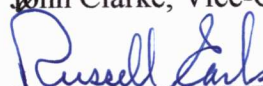
BOARD OF COMMISSIONERS
OTTAWA COUNTY, OKLAHOMA



Gary Wyrick, Chairman

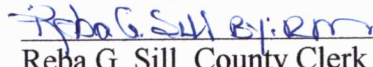


John Clarke, Vice-Chairman



Russell Earls, Member

Attest:



Reba G. Sill, County Clerk

Approved:



First Assistant District Attorney