# APPLICATION FOR UTILITY
# TO CROSS OR PARALLEL A COUNTY DRAIN

VAN BUREN COUNTY DRAIN COMMISSIONER'S OFFICE
219 E. Paw Paw Street, Suite 301, Paw Paw, Michigan 49079
(269) 675-8241 • Fax (269) 657-8286

NAME OF DRAIN: _____

Applicant - Company: _____

Applicant - Address: _____

_____

Phone: _____

Representative: _____
Owner ☐ Agent ☐

Applicant agrees to abide by current rules and specifications of the Van Buren County Drain Commissioner's Office (the Owner), and to hold the Owner and the named Drainage District harmless in the event of injury to persons, lands, and properties sustained during the permitted activity. Applicant agrees to promptly reimburse the Owner for costs incurred to defend against any action brought against the Owner or District by an aggrieved party resulting from the permitted activity.

Signature: _____ Date: _____

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ACTIVITY (describe):

_____

_____

_____

LOCATION:
City/Village _____ Township _____ Section: _____
(Describe location to nearest section line and quarter post)

_____

_____

ATTACHMENTS (check):
☐ Construction Plans ☐ Other (name): _____

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(Office Use Only)

Reviewed by _____
Approved by _____ Date: _____

Fee: Y ☐ N ☐
Amount: $ _____

Owner's Protective Policy: Y ☐ N ☐
Date: _____
Insurance Company: _____

Final Inspection and Approval

By: _____ Date: _____

# PERMIT FOR UTILITY
# TO CROSS OR PARALLEL A COUNTY DRAIN

The _____ Drain Drainage District, by and through the Van Buren County Drain Commissioner (hereinafter "Drain Commissioner"), does hereby grant permission to _____ of _____ and use of portion of the established right-of-way/easement for the _____ Drain in _____ Township(s), Van Buren County, Michigan. This permit is issued for the sole and only purpose of allowing Permittee the following use:

_____

_____

In consideration of granting this permit, Permittee does hereby agree to comply with all terms and conditions as set forth in this permit, together with the following rules and regulations as established by the Van Buren County Drain Commissioner:

1. Commencement of work set forth in the permit application constitutes acceptance of the permit as issued.

2. Failure to object within ten (10) days to the permit as issued constitutes acceptance of the permit as issued.

3. A minimum of seventy-two (72) hours notice is required to the Drain Commissioner's office prior to any construction that will involve a county drain.

4. Permit application must be completely filled out and accompanied with a detailed plan or sketch outlining the proposed activity.

5. Specifications:

    a. All utilities and/or facilities must be a minimum of four (4) feet below the established drain bottom (may be lower than existing drain bottom) when crossing or paralleling a county drain or right-of-way.

    b. Any structures removed such as headwalls, wingwalls, concrete slabs, riprap, erosion protection, tiling and culverts - metal or concrete, must be replaced with new material and reconstructed to original condition or better.

    c. All ditch banks, when disturbed, must be reshaped to original slope, compacted, topsoiled, and seeded, fertilized, and mulched or hydroseeded.

6. Equipment and materials may not be stored in any way so as to cause blockage of a county drain.

7. Permittee is responsible for maintaining all storm drainage during the time of construction, whether by use of pumping equipment or construction of a bypass system.

8. Prior to issuance of a permit, proof of Contractor's Liability Insurance must be filed with the Office of the Drain Commissioner, with the named insured, in compliance with the Van Buren County Drain Commissioner's Insurance Certificate Requirements.

9. This permit does not relieve applicant from meeting any application requirement of law or other public bodies or agencies, i.e., local, state, or federal. Additionally, the issuance of this permit does not relieve the utility of any future expense for relocation of said utility to accommodate for future drain improvements.

10. Permittee shall be responsible for and pay all costs for engineering and inspection services incurred by the Van Buren County Drain Commissioner in the review of the Permit Application and inspection of work performed hereunder. Payment is to be made within thirty (30) days of invoice.

11. Other: _____ further agrees, either to pay any increased cost to the Drainage District due to this utility occupying said drain, said cost to be determined as a separate bid item during construction or reconstruction, or if determined by the Van Buren County Drain Commissioner, the Utility Company occupying said drain right-of-way, shall relocate or lower if the location of the utility shall increase the cost of performing drain improvements or drain maintenance.

All expenses pertaining to said relocations shall be paid for by the owner of the utility company. Relocation shall be completed within ninety (90) days from receipt of written request by the Drain Commissioner.

Additional time may be granted by the Drain Commissioner if determined necessary.

Permittee does hereby acknowledge and agree that, in the event the area of the right-of-way for which this permit is granted is necessary for future maintenance and operation of the _____ Drain, Permittee at its own expense, shall remove all conflicting facilities, structures, pipelines, cables, and other appurtenances to said use in and during the time of the maintenance of said Drain. Upon request of the Drain district, said utility will be relocated within ninety (90) days from said request.

Further, Permittee shall hold harmless and indemnify the Van Buren County Drain Commissioner, the _____ Drain Drainage District, and their employees, agents or contractors from any injury to person or property sustained as a result of the placement of the uses specified herein.

Further, this permit is subject to additional terms and conditions as follows:_____

_____

_____

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ACKNOWLEDGMENT AND AGREEMENT

The terms and conditions of this permit and attachments hereto are acknowledged by _____ _____(Permittee) of _____.

Dated: _____

WHEREFORE this permit is granted this ____ day of _____, 20____.

_____
Van Buren County Drain Commissioner