

Utility Company as noted on reverse hereinafter referred to as "Utility Company", having requested permission from McKenzie County, a political subdivision of the State of North Dakota, to cross an existing road or section line with a buried transmission facility designed to carrying or conduct oil, gas, water, electricity, telephone or any other substance or service whatsoever, and McKenzie County having considered the request does grant consent to cross the existing road or section line, as noted on reverse, up the terms and conditions herein stated.

Consent to cross such existing road or section line is granted on these terms and conditions:

1. Utility company must pay for all damage to the existing road caused by its activities, including but not limited to slumping in of trenches and collapse of pipe.
2. Utility company is responsible for any and all claims of damage, personal injury, or bodily injury that might result from their activities in crossing any existing road or section line in McKenzie County. Furthermore, utility company agrees to indemnify and hold harmless McKenzie County for any and all claims of damage, either personal injury or property or any type of claim for damages of any nature whatsoever, whether valid or invalid, that is made against McKenzie County on account of the activities conducted by the utility company in crossing any existing road or section line.
3. When the utility company crosses an existing road or a section line, the utility company shall be responsible to pay for all costs of moving, relocating, or reconstructing the buried transmission facility should McKenzie County deem it necessary or advisable, in its sole discretion, to repair or reconstruct existing roads or to build new roads on section lines or off section lines as allowed by North Dakota law. Should the utility company fail to take necessary steps to relocate or reconstruct its buried transmission facility, the County may take steps to have the same accomplished, and the utility company agrees to reimburse the County for all expenses incurred by McKenzie County in moving, relocating or reconstructing the buried transmission facility so the existing roads may be repaired or reconstructed, or new roads may be built on the section line or off the section line as allowed by North Dakota law.
4. The buried transmission facility to be installed by the utility company in crossing any existing road shall at a minimum comply with the following engineering standards:
 - i) Pipe shall be cased or heavy wall pipe used.
 - ii) County paved roads or County roads treated with road stabilization materials may **ONLY** be **BORED**.
 - iii) All crossings of existing roads not trenched as in Section 5 below shall be bored to a depth of five (5) feet below original ground or ditch elevations.
 - iv) All parallel borings must be a minimum of thirty (30) feet from road centerline.
 - v) Vent pipes must be outside existing right-of-way lines or 33 feet from road center, whichever is greater.
 - vi) All disturbed ground within right-of-way must be rehabilitated by covering with black dirt and seeding with an approved mix.
 - vii) If vent pipes are not used within the (10) feet of both sides of right-of-way, the transmission facility must have markers on the right-of-way line or 33 foot line, whichever is greater, on both sides of the road.
 - viii) The Company's plan to bury a transmission facility filed with the County Engineer must show at a minimum, in plain view and cross sectional view, the location of the crossing from a section or quarter line; section, township and range the crossing is located in; the location of vent pipes, if any, in proximity to the crossing; and the angle of crossing.
 - ix) The Company's plan must be submitted to the Office of the County Engineer for review prior to consideration by the Board at least two (2) weeks prior to the commencement of the project.
5. Any crossing installed by trenching or plowing in may be no more than eight (8) inches in width. The Company will apply surfacing materials and pack the site, returning it as close as possible to the original compaction. The Company will be responsible for all such crossings for a period of three (3) years, repairing during those three (3) years any damages to the road resulting from their activity. Any crossing which cannot be accomplished with this method must be bored.
6. Utility company must comply with all terms and conditions stated herein, with particular attention to the minimum engineering standards. Failure to comply with this **CONDITIONAL CONSENT** shall cause the consent to be rescinded and utility company must remove facility from right-of-way immediately or be responsible for the costs incurred by the County in removing the same. The County specifically reserves the right to remove the buried transmission facility from right-of-way for non-compliance and reimbursement will be made to the County by utility company for doing the same.

****Attach Maps and Construction Plans****

At a minimum, acceptable plans will include method of crossing existing roads or section lines and size and material used for the buried facility.