

SEP 24 2018

Approved

**REQUEST FOR AGENDA PLACEMENT FORM**

Submission Deadline - Tuesday, 12:00 PM before Court Dates

**SUBMITTED BY:** Jim Simpson

**TODAY'S DATE:** Sept 6, 2018

**DEPARTMENT:**

County Attorney's Office

**SIGNATURE OF DEPARTMENT HEAD:**

\_\_\_\_\_

**REQUESTED AGENDA DATE:**

09/24/18

**SPECIFIC AGENDA WORDING:**

1. Consideration and Approval of Public Works Form "Public Utility Company Notice of Intent to Place Solid Object in County Right-of-Way."
2. Consideration and Approval of Public Works Form "Response to Notice of Intent to Place Solid Object in County Right-of-Way."

**PERSON(S) TO PRESENT ITEM:** Bill Moore, Jim Simpson or David Disheroon

**SUPPORT MATERIAL:** attached

**TIME:**

**ACTION ITEM:** 10 minutes

**WORKSHOP:** \_\_\_\_\_

(Anticipated number of minutes needed to discuss item) **CONSENT:** \_\_\_\_\_

**EXECUTIVE:** \_\_\_\_\_

**STAFF NOTICE:**

**COUNTY ATTORNEY:** \_\_\_\_\_  \_\_\_\_\_

**ISS DEPARTMENT:** \_\_\_\_\_

**AUDITOR:** \_\_\_\_\_

**PURCHASING DEPARTMENT:** \_\_\_\_\_

**PERSONNEL:** \_\_\_\_\_

**PUBLIC WORKS:** \_\_\_\_\_  \_\_\_\_\_

**BUDGET COORDINATOR:** \_\_\_\_\_

**OTHER:**

\*\*\*\*\*This Section to be Completed by County Judge's Office\*\*\*\*\*

ASSIGNED AGENDA DATE: \_\_\_\_\_

REQUEST RECEIVED BY COUNTY JUDGE'S OFFICE \_\_\_\_\_

COURT MEMBER APPROVAL \_\_\_\_\_

Date \_\_\_\_\_

**Public Utility Company Notice of Intent to Place Solid Object  
in County Right-of-Way**

**A. Placement of Object in Right-of-Way**

**A.1 This Notice shall be completed and submitted to the Johnson County Public Works Department by any Utility Company which is authorized by law to place utility structures in a County Road Right-of-Way (hereinafter CR ROW or ROW).**

**A.2 Johnson County is authorized by law to maintain road right-of-way and associated drainage and support areas.**

**A.3 Johnson County acknowledges that certain utilities are granted statutory authority to utilize those rights-of-way. The use of the rights-of-way by public utilities is subordinate to the use and function of the rights-of-way for the safe operation and maintenance of roadways and necessary appurtenances. Johnson County seeks to ensure that utilities or other structures or objects do not create a hazard for vehicles utilizing the roadways or create an impediment to the operation or maintenance of the CR ROW.**

**A.4 Utilities do not have the authority to place pipelines, telephone lines, telephone poles or other structures or objects in the CR ROW in such a manner that it interferes with the operation or maintenance of the roadway or ROW. Johnson County may require that an object which interferes with the operation or maintenance of the roadway or ROW be moved at the expense of the person or company that emplaced or caused the emplacement of the object. In order to avoid conflict and to minimize the risk of an object emplaced by a utility company creating a hazard or interfering with the maintenance of operation of a CR ROW the person, entity or company identified below provides this **Notice of Intent to Place Solid Object in County Right-of-Way** (hereafter "Notice".)**

**A.5 Please include a map clearly marking the affected Right-Of-Way area with each application. The map should be marked and identified as "Location Exhibit A."**

**A.6 Please email to \_\_\_\_\_ or you may mail or hand deliver the notice to 2 N. Mill St., Suite 305, Cleburne, TX 76033. You will be provided with a response to let you know the Notice has been received.**

**A.7 On the front page "description of work" block, please fully describe the work you want to perform and include a 24 hour contact phone number on page 2.**

**B. Right-of-Way Location Information**

**B.1 For COMPANY:**

\_\_\_\_\_ (Company Name)

\_\_\_\_\_ (Company Address)

\_\_\_\_\_ (Phone #) \_\_\_\_\_ (Fax #)

\_\_\_\_\_ (Construction Co. Name if other than above)

\_\_\_\_\_ (Construction Co. Phone # & Representative)

\_\_\_\_\_, hereinafter identified as COMPANY, intends to lay or place an object described as \_\_\_\_\_

\_\_\_\_\_ (example - metal pole), for the purpose of \_\_\_\_\_ (example -

supporting electronic data transmission and reception equipment) at the specified areas of rights-of-way adjacent to certain roadways of JOHNSON COUNTY. Such object or equipment or maintaining of such object or equipment and associated activities is hereinafter identified as "object emplacement". Location of said object emplacement is shown or described in **LOCATION EXHIBIT "A"** which is attached hereto and incorporated herein for all purposes.

**B.2 DESCRIPTION OF WORK TO BE PERFORMED:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

\_\_\_\_\_  
Printed Name - Authorized Agent of  
Company

\_\_\_\_\_  
**24 Hour Emergency Phone Number  
Required**

Instructions for sending “**Response to Notice**” to Company: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**C. Response to Notice (RTN)**

**C.1** Johnson County Public Works Department will provide a “**Response to Notice**” (RTN) within 14 days of the County’s receipt of the notice to inform the utility company whether the structure or object presents a hazard or *interferes with the use or maintenance of* the CR ROW.

**C.2** Following review of the Notice, Johnson County will mail, fax or email you the **Response to Notice** unless you instruct us otherwise. Please add those instructions to the bottom of the signature area of **page 2**.

**Response**  
**to**  
**Public Utility Company Notice of Intent to Place Solid Object in**  
**County Right-of-Way**

NOTICE # \_\_\_\_\_

PRECINCT # \_\_\_\_\_

**1. Identification of Company and Location**

1.1 On the \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_\_ JOHNSON COUNTY  
does hereby acknowledge:

\_\_\_\_\_ (Company Name)

\_\_\_\_\_ (Company Address)

\_\_\_\_\_ (Phone #) \_\_\_\_\_ (Fax #)

\_\_\_\_\_ (Construction Co. Name if other than above)

\_\_\_\_\_ (Construction Co. Phone # & Representative)

\_\_\_\_\_, hereinafter identified as COMPANY, intends to

Place an object described as \_\_\_\_\_  
\_\_\_\_\_ (**example – metal pole**), for the purpose of \_\_\_\_\_  
\_\_\_\_\_ (example – supporting electronic data  
transmission and reception equipment) at the specified **LOCATION EXHIBIT A**, being an area  
of right-of-way adjacent to certain roadway(s) of JOHNSON COUNTY. Such object or  
equipment installation or maintaining of such object or equipment and associated activities is  
hereinafter identified as “**object emplacement**”

1.2 After review of the Notice of Intent to Place Solid Object in County Road Right-of-Way  
(hereinafter CR ROW or ROW), Johnson county finds:

1.2.1 \_\_\_\_\_ The structure or object is not likely to present a hazard or *interfere*  
*with the use or maintenance of* the County Road Right-of-Way.

1.2.2 \_\_\_\_\_ The structure or object does ***present a hazard or interfere with the use or maintenance of*** the County Road Right-of-Way. Specifically the structure or object \_\_\_\_\_

\_\_\_\_\_ (attach pages or expand this area to **thoroughly** describe the hazard or interference).

## 2. **Inspection**

2.1 COMPANY assumes the duty to inspect for pre-existing damage on or along the roadways in JOHNSON COUNTY on which it will be conducting object emplacement operations prior to initiating actual operations.

2.2 Prior to initiating any object emplacement operations, or other activities, COMPANY shall make a detailed inspection of the roadway, culverts, bridges, and appurtenances thereto, and note any such structures which are, or appear to be, damaged and describe the damage thereto. Prior to COMPANY initiating object emplacement operations, a detailed report of such inspection shall be delivered to the JOHNSON COUNTY PUBLIC WORKS DEPARTMENT to avoid any claim that Company damaged the roadway, culverts, bridges, and appurtenances.

## 3. **Damages**

3.1 JOHNSON COUNTY may seek compensation for all damages or losses accruing to JOHNSON COUNTY as a result of damages caused to any real or personal property of JOHNSON COUNTY, including but not limited to roadways, culverts, fences, bridges, or other structures, which result directly, or indirectly from COMPANY'S operations upon the roads or roadways of JOHNSON COUNTY.

3.2 JOHNSON COUNTY is not liable to any employee, subcontractor, assignee or any other person and or entity based upon any claim arising or alleged to arise from any harm or damage that may occur before, during or after the object emplacement operations by COMPANY on the roadways or ROW of JOHNSON COUNTY as a result of the object emplacement operations or incidental to the object emplacement operations.

## 4. **No Authority**

JOHNSON COUNTY does not authorize or purport to have any authority to authorize emplacement of objects on lands under or adjoining the roads in JOHNSON COUNTY which are not owned in fee simple by JOHNSON COUNTY. COMPANY MUST OBTAIN AN EASEMENT, LEASE OR OTHER PROPERTY RIGHT FROM THE PERSON WHO OWNS THE PROPERTY UPON WHICH COMPANY SEEKS TO EMPLACE AN OBJECT OR STRUCTURE **unless placement is otherwise authorized by law.** This "Acknowledgement of Notice" is only for the emplacement of objects along the roadways of JOHNSON COUNTY. Any actions on the part of COMPANY which creates

**any liability or affects the rights of the holders of any property and or mineral interests shall be solely the responsibility of COMPANY.**

## **5. Safety Provisions**

**5.1** No activity shall be conducted in any area that may result in any damage to the pavement or shoulder or other portions of the county road facility.

**5.2** All emplaced objects must be arranged so that they do not create a hazardous condition. All emplaced objects must be securely anchored.

**5.3** Adequate signs, barricades, flares, flagmen, and safety devices shall be maintained by COMPANY during installation of objects

**5.4** COMPANY shall take reasonable steps to insure the safety of all persons that may be traveling along roads in JOHNSON COUNTY where it is conducting object emplacement operations.

**5.5** COMPANY shall not unreasonably impede traffic on the roads that it will occupy for object emplacement operation purposes.

**5.6** All equipment shall be parked and/or operated on one side of the roadway only.

**5.7** Construction activity shall be stopped when the ground conditions are such that operations within the right-of-way would cause extensive rutting and/or tracking of mud onto the roadway surface, or would damage the drainage ways, or damage the roadways.

**5.8** COMPANY shall restore the right-of-way to its original condition, free of damage, including repair of ruts or any other structural or environmental damage caused by the activity.

**5.9** Any costs incurred by JOHNSON COUNTY for the replacement of signs, delineators or other road or traffic features, or for the removal of debris, or for any other necessary restoration work performed by the County to place the right-of-way into a condition equal to the condition of the right-of-way prior to the COMPANY'S activity will be responsibility of COMPANY.

## **6. No Property Right Created**

**This Notice / Acknowledgement does NOT create a property right or interest in COMPANY.**

**Acknowledgment of location # \_\_\_\_\_**

For JOHNSON COUNTY:

\_\_\_\_\_  
Director, Johnson County Public Works  
Johnson County Courthouse Annex  
2 North Mill Street, Suite 304  
Cleburne, Texas 76033

COUNTY COMMISSIONER -- PRECINCT \_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_