

BENTON COUNTY PUBLIC WORKS ENCROACHMENT PERMIT CONDITIONS

1. The applicant, designated herein as the "grantee," and their successors, shall have the right and authority to encroach upon the right-of-way of the County for the use and purpose as indicated on the front of this form.
2. The manner, limits, and use of the encroachment shall be in accordance with the County's policies on encroachments approved by the County Engineer.
3. In the case of damage to any road, street, alley, public place, or structure during the use or occupation of the right-of-way, the grantee shall bare the full responsibility and cost of repair or replacement per the current County standards and to the satisfaction of the County Engineer.
4. If the County Engineer, their assigns, or agents so order the removal of obstructions, or have any other work completed that is done for the purpose of improving the safety of the travelling public and that was executed within the right-of-way encroached, the grantee shall, upon demand, pay to the County the cost of reimbursement for said work.
5. All provisions, conditions, regulations, and requirements of this permit shall be binding to the successor of the grantee, and all privileges will be by such successors as if they were specifically mentioned.
6. The Board of County Commissioners or the County Engineer may revoke, annul, or terminate this permit, or may substantially modify it, so as to conform to any state or County regulation pertaining to safety, health, or transportation regulation, either currently in force or enacted hereafter. The Board or County Engineer may also revoke, annul, or terminate this permit if the grantee fails to comply with an order for modification of use or occupation of the right-of-way based on such state or County regulation or if the grantee fails to comply with all of its provisions, conditions, regulations, and requirements, and with the policy enforced by the Public Works Department.
8. This permit is for permission to encroach upon County right-of-way only and does not grant the permittee permission to perform work within the right of way in the installation, maintenance or removal of any encroachments covered under the permit. Any additional permitting or requirements may be required and the County does not waive the right to require additional permits by acquisition of this right-of-way encroachment permit.
9. Nothing in this permit shall be taken as relieving the grantee from other provisions, conditions, regulations, or requirements that may be necessary for the proposed use and occupation of the right-of-way.
10. In accepting this permit, the grantee agrees to protect and save harmless the County from all claims, actions, or damages of every kind and description that may accrue to or be suffered by any persons, corporation, or property by reason of the use or occupancy of the right-of-way, and in case and such suit or action is brought against said County for damages arising out of or by reason of any of the above clauses, the grantee will, upon notice to them or commencement of such action, defend the same at their sole cost and expense and will fully satisfy any judgment after the said suit or action shall have finally been determined if adversely to the County.
11. Upon failure of the grantee to construct, use, occupy or maintain the encroachment in accordance with the provisions herein or otherwise written on the permit, or if the encroachment appears to be abandoned, the County Engineer may take the following actions:
 - a. Notify the grantee verbally, if possible, and via email. If the grantee is unavailable, post a notice of non-compliance at the site.
 - b. If thirty (30) days after written notice or posting, the non-compliance has not been corrected or if abandonment has continued, the County Engineer may remove or bring into compliance all installations upon the right of way at the expense of the grantee, which expense may be recovered from the grantee by the County.
12. This form is a required attachment during the application process of the Encroachment permit in the Citizen Self-Service (CSS) portal.

Property Owner: _____

Location (address): _____

Parcel Number: _____

Owner/grantee (printed): _____

Owner/grantee Signature: _____ Date: _____

ATTENTION: This document MUST be signed by the property owner and no other party.

Notice: After Encroachment Permit submittal in CSS, the Conditions Page will not be emailed. Applicants are responsible for saving or printing a copy from the CSS portal for their records.