

Permit # _____

Road Name: _____

Ottawa County Highway Department

Road & Bridge

Harvesting Hay on a County Right-of-Way

This agreement is entered between the Ottawa County Commissioners and

_____, (_____) _____
 (Name of Individual) (Telephone #)
 _____, _____, _____
 (Address) (City) (Zip Code)

The Ottawa County Commissioners have jurisdiction over County Right-of-ways within Ottawa County and believe it is in the interest of the Citizens of Ottawa County to permit certain work to be performed on County Right-of-way's.

The Petitioner requests permission and authority from the Ottawa County Commissioners to mow portions of the County Right-of-way's, to bale and keep clippings from such mowing's as Petitioners sole compensation.

Mowing and Haying to be accomplished at the locations described below:

Description (List each location separately)

1. Road _____ Beginning _____ Ending _____
 Distance _____ Side (N, S, E, W or Both) _____
 Township _____ Section _____
2. Road _____ Beginning _____ Ending _____
 Distance _____ Side (N, S, E, W or Both) _____
 Township _____ Section _____
3. Road _____ Beginning _____ Ending _____
 Distance _____ Side (N, S, E, W or Both) _____
 Township _____ Section _____

The Ottawa County Commissioners have delegated full and completer authority to the Ottawa County Highway Administrator to execute County Right-of-way permits on the Commissioners behalf.

In consideration of the permission granted by the Highway Administrator to utilize right-of-ways in the manner described above, the terms and conditions of this permit, including Attachment 1, which were incorporated by reference, are mutually agreed by the Petitioner and the Highway Administrator.

Harvesting hay on County Right-of-ways by the Petitioners will be done with the full knowledge the vegetation may contain chemical residue of automotive emissions and/or chemical herbicides used for vegetation control or other foreign substances

In order to meet the requirements of Chapter 2, Article 12 of the Kansas Statute Annotated 2-1314, Control and Eradication of Noxious Weeds, the Petitioner agrees to consult with and obtain the signature of the Ottawa County Noxious Weed Director.

Ottawa County Noxious Weed Director, _____ Tel. # _____

(Petitioner must secure the Ottawa County Noxious Weed Director's signature prior to Permit approval)

The Petitioner agrees to contact the Highway Administrator _____ Tel# _____

when cutting of hay has begun.

The duration of this permit will be for 1 (one) calendar year ending December 31.

I, the Petitioner have read and accept the Requirements and Guidelines as stated on front and back Of this permit, and agree to abide by them.

(Signature of Petitioner)

(Date of Application)

Approved By: _____
(Highway Administrator)

PERMIT APPROVAL DATE: _____

**HARVESTING HAY ON A COUNTY RIGHT-OF-WAY
ATTACHMENT 1**

Permit

1. No person, firm, or corporation shall mow any portion of the County Right-of-way for the purpose of **Baling of Hay** without obtaining a written permit.
2. The permit application shall be submitted to the appropriate Highway Administrator on forms provided by the Ottawa County Highway Department.
3. Haying permit applications will be accepted after January 1 for that years mowing season.
4. Adjacent landowners will be given permit priority until March 31 of given year.
5. After March 31, permits will be issued in order received.
6. There is no fee for a permit and the permit may be canceled at any time by either party, given 3 (three) day notice.
7. Poor performance, failure to comply with requirements and guidelines may result in immediate termination of this permit.
8. Future permits may be denied for any reason. The Petitioner recognizes the permit contains no property right and no guarantee of future permits being issued.
9. Future permits may be denied for any reason
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Performance

1. All work shall be conducted in accordance with the requirements of the permit and attachments here to.
2. Mowing shall be continuous within the designated area. Selective mowing is prohibited. Selective baling is allowed.
3. The following areas shall not be mowed:
 - a) Newly seeded areas where adequate vegetation is not established;
 - b) Sparse or marginal vegetative cover;
 - c) Slopes 3:1 or steeper, highly erodible slopes and waterways;
4. Vegetation such as native dogwood, wild plum, small saplings etc. shall not be mowed or damaged.
5. Vegetation shall be mowed to a minimum height of 5".
6. Work shall be performed only when soil is dry enough to prevent rutting or damage to the County right-of-way.
7. Operations will be permitted during daylight hours only.
8. The County right-of-way shall be in clean and neat condition upon completion of work.
9. All bales within 30' of a roadway shall be removed immediately. All other bales shall be removed within 10 days of baling or they will be removed by the Ottawa County Highway dept. personnel without compensation to the Petitioner.
10. Unattended equipment must be parked near the right-of-way line, but will in no event shall unattended equipment be parked within 30' of the road.

Liability

1. The Petitioner, his successor, or assigns shall assume all risk and liability for injuries, accidents, damages and loss that may occur to persons or property as a result of this work conducted pursuant to this permit including injury or damage which may result in debris, foreign objects or chemical contamination resulting in handling or feeding hay obtained thru this permit. Petitioner shall indemnify and hold harmless the Ottawa County Commission and/or the Ottawa County Highway Department from any and all costs, liabilities, expenses, suits, judgments, or damages to persons, to property, or claims of any nature arising out of or in connection with this permit or the actions of the Petitioner, Petitioner's employee, agents or sub-contractors.
2. Ottawa County makes no warranties, either expresses or implies regarding the quality of hay obtained through this permit.
3. The Petitioner assumes all liability pertaining to the quality of hay obtained through this permit.
4. The Petitioner shall be liable for any damage to Ottawa County right-of-way, fences, signs, guardrail, trees and shrubs or appurtenances as a result of his work.

