

# **TOWN OF LINCOLN CONDITIONAL USE PERMIT PROVISIONS FOR CONSTRUCTION, MAINTENANCE, AND SERVICE OF UTILITIES IN THE TOWN'S RIGHT OF WAYS**

## **RECITALS:**

**WHEREAS** Wisconsin Statutes grant towns the power to act for the government and good order of the **Town of Lincoln (Town)**, for its benefit and for the health, safety, welfare and convenience of the public;

**WHEREAS**, this Conditional Use Permit is intended to protect the public health, safety and welfare through the application of the provisions by outlining the duties and responsibilities of the parties hereto;

**WHEREAS**, the Town of Lincoln Zoning Ordinance Section 10.1203 (2) states: Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the **Town** may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the town zoning board. Wis. Stat. 60.61(4e)(d) ;

**WHEREAS**, the Town of Lincoln Zoning Ordinance Section 10.1203 (3) states: The applicant for the conditional use has the burden of showing why the conditional use should be approved;

**WHEREAS**, the mutual promises, covenants and obligations contained in this Conditional Use Permit are authorized by the laws of the State of Wisconsin;

**WHEREAS**, all property owners in the Town of Lincoln who wish to obtain a permit for new construction must comply with Chapter 10 of the Town of Lincoln Zoning Ordinance; Section 10.0700 Site Plan Review and Approval and Architectural Control;

## **STANDARD CONDITIONS:**

1. Each Use of "Right-of-Way Permit Application" shall contain adequate construction drawings & cross sections showing the proposed location of the utility facility within the right-of-way with respect to the existing road or any proposed road improvement and all existing utility facilities shall be shown. The details shall include dimensions from the proposed utility installation to the centerline of the roadway and to the commonly accepted right of way line and also the edge of the traveled way in rural areas and back of curb in developed areas; the proposed line depth shall also be stated on the drawings. The existing utilities are to be located on the drawing and dimensioned in the same manner as stated above. Detail drawing/cross sections shall show buried lines and or if applicable overhead clearance is required.
2. The depth the underground facilities within the right-of-way shall be a minimum of 30 inches as measured from the finished ground surface to the top of the facility. The depth of the underground facilities crossing the highway shall be a minimum of 48 inches as measured from a straight line connecting the lowest points of the finished pavement surface on each side of the road way to the top of the facility.
3. The applicant shall not remove any road sign(s) or place any line within 18"-inches of any existing sign post or utility pole not owned or managed by the applicant.
4. Access to all private drives and public road intersections shall be maintained and all disturbed areas completely restored.
5. All utilities shall be located within the right of way beyond three feet of the edge of the road.

6. Before a Building Permit is issued, the appropriate Building Permit Fee shall be deposited with the Zoning Administrator and Building Permit issued to the Applicant by the Zoning Administrator.
7. The Applicant agrees to indemnify and hold harmless the Town of Lincoln from any cost, claim, suit, liability and/or judgement which might come, be brought, or be assessed, because of the issuance or exercise of this permit, or because of any adverse effect upon any person or property which is attributed to the partially or entirely completed works of the Applicant.
8. The permitted facilities shall, if necessary, be altered at the expense of the Applicant to permit alteration, improvement or maintenance of the town roads as may hereafter be ordered.
9. The entire cost of constructing and maintaining the permitted facilities shall be the obligation of the Applicant unless a contract for such costs has been executed between the Town of Lincoln and the Applicant.
10. No open cutting for a crossing will be allowed where the pavement is too narrow to maintain one-way traffic at all times, unless the Town of Lincoln has granted permission for a detour. Wherever the pavement is opened, the spoil shall be hauled away and the trench shall be backfilled with sand or gravel and compacted in layers. The pavement removed for a road crossing shall be replaced as per the Town of Lincoln specifications.
11. When one-way traffic or a detour is used, the Applicant shall provide all necessary signs, flagmen, and/or lights.
12. All disturbed areas shall be returned to their present condition or better, subject to the satisfaction of the Town of Lincoln. If restoration is not carried out in a timely manner, the Town of Lincoln may issue a notice setting forth a time frame, by which the restoration must be completed. If the Applicant fails to satisfactorily complete all restorations within the time established, the Town of Lincoln will arrange directly for all necessary restorations, and all costs associated with such restorations shall be the cost obligation of the Applicant. The Applicant agrees to pay any, and all, such costs within 60 calendar days from the date the Town of Lincoln sends the invoice for the services to the Applicant.
13. A copy of this approval, along with any plans and special provisions, shall be available on the job site.
14. Upon completion of the work the Applicant shall file a written notice with the Town of Lincoln along with final drawings of the utility installation in the Town of Lincoln's Right of Ways.

These permit provisions are binding on Applicant's successors and assignees.

**By:** \_\_\_\_\_  
**Chairman, Board of Supervisors, Town of Lincoln**

**By:** \_\_\_\_\_  
**Applicant**

\_\_\_\_\_  
**Date**