

EXCAVATION AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 20____, by and between PONDERA COUNTY, MONTANA, by and through its Board of County Commissioners, first party, and _____, second party,

W I T N E S S E T H

First party does hereby grant to second party permission to engage in excavation on and under county roads described as follows: (road name and legal description) _____ for the purpose of installing _____.

In consideration of such permission, second party agrees as follows:

1. To contact 1-Call and personal property owners about utility locations.
2. To fill and compact any ditches created by such project with a hand tamper every six (6) inches from the bottom up, or by hydraulic backhoe tamping.
3. To replace all gravel removed.
4. To be responsible for settling and repair of crossings for two (2) years after completion of the project.
5. That all work will be done in daylight hours, and as speedily as possible so as not to inconvenience motorists more than necessary.
6. To display construction signs according to state law.
7. To provide a detour if traffic is to be delayed more than four (4) hours.
8. To restore county roads involved in the project to the same condition they were in prior to such excavation and placement, in such manner and form acceptable to first party.
9. It is further agreed that if any part of this installation interferes with the future maintenance or reconstruction of the County Road, relocation or repair of installation will be at the expense of the permittee or his successor.

In consideration for said permission so granted, said second party does hereby further agree to hold first party, its officers, agents and employees, free and harmless from any claims for damages or injuries which may occur to any person or thing caused by such excavation and placement, and does hereby accept full and complete responsibility for any such damages and injuries.

IT WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by the proper officers thereunto duly authorized, and their seals affixed, the day and year in this instrument first above written.

ATTEST:

Clerk & Recorder

PONDERA COUNTY, MONTANA

By: _____
Chairperson, Board of County Commissioners
First Party

By: _____

Title: _____
Second Party