

Permit # _____

**Barton County
Harvesting Hay on County Right-of-Way**

This Agreement is entered into _____, 20__ by and between the Board of County Commissioners of Barton County, Kansas, and Petitioner as identified below:

Name of Firm or Individual _____

Address _____

City, State and Zip Code _____

Phone Number / Email _____

and the individual and / or firm doing the actual haying if different than above:

Haying Individual if any _____

Address _____

City, State and Zip Code _____

Phone Number / Email _____

AGREEMENT

The County has jurisdiction over Barton County rights-of-way; and

The County believes it is in the best interest of its citizens to permit certain work to be performed upon County rights-of-way by Petitioner; and

Petitioner requests permission from the County and the County agrees to allow Petitioner to harvest hay from the below described County rights-of-way for his / her benefit, subject to the provisions of this permit. Harvesting of hay is to be accomplished by mowing designated portions of the right-of-way and baling the clippings from such mowing; and

Permitting fee shall be set at \$1,000.00. Should the bailing be performed without damaging described rights-of-way, blacktops or other issue as described herein, \$500.00 shall be returned to Petitioner following an inspection of the permitted rights-of-way.

No permitting fee shall be charged to landowners requesting permission to harvest from right-of-way adjoining their property.

DESCRIPTION

List each location separately. Indicate the road name, the beginning and ending points, and the side of the road where the permit is requested. For example, *NW 150 Road beginning 0.5 miles E of NW 120 Avenue and continuing E for 1.0 miles on the N and S side of the road.* If necessary, please use an additional sheet of paper for location information.

A. _____ Road / Avenue beginning _____ miles N S W E of _____ Road / Avenue _____ and continuing N S W E _____ miles on the N S W E side of the road.

B. _____ Road / Avenue beginning _____ miles N S W E of _____ Road / Avenue _____ and continuing N S W E _____ miles on the N S W E side of the road.

C. _____ Road / Avenue beginning _____ miles N S W E of _____ Road / Avenue _____ and continuing N S W E _____ miles on the N S W E side of the road.

D. _____ Road / Avenue beginning _____ miles N S W E of _____ Road / Avenue _____ and continuing N S W E _____ miles on the N S W E side of the road.

E. _____ Road / Avenue beginning _____ miles N S W E of _____ Road / Avenue _____ and continuing N S W E _____ miles on the N S W E side of the road.

The terms and conditions of this permit are included in Attachment 1, which is incorporated by reference, are mutually agreed to by the Petitioner and the County.

Harvesting hay on County rights-of-way by the Petitioner will be done with the full knowledge that the vegetation may contain chemical residue of automotive emissions and /or chemical herbicides used for vegetative control or other foreign substances.

In order to meet the requirements of Chapter 2, Article 13 of the Kansas Statute Annotated 2-1314, Control and Eradication of Noxious Weeds, the Petitioner acknowledges that he / she has reviewed the Statute and will comply with the requirements.

The Petitioner agrees to notify the County Works Director at 620.793.1816 or dwilliams@bartoncounty.org at least one (1) week prior to cutting of hay. Petitioner shall not commence cutting without the specific consent of the County Works Director as a result of the required notification.

All haying operations will be completed by August 15th in the year the permit is issued. The petitioner is allowed a 5-day window to remove the bales from the right-of-way. This permit is valid for one cutting in the calendar year in which the permit is issued. A new permit is required for succeeding years.

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

Signature of Petitioner

Date of Application

Approved By:

County Works Director

Approval Date

Authorized under the adoption of Barton County Resolution 2021-XX, A Resolution Establishing a Permitting System for Bailing Hay in County Right of Way as adopted by the County Commission on March 12, 2021.

**Harvesting Hay on County Right-of-Way
Attachment 1**

Permit

1. No person, firm or corporation shall mow any portion of any County right-of-way without obtaining a written permit.
2. The permit application shall be submitted to the County Works Director, Barton County Road and Bridge, 2401 – 7th, Great Bend, Kansas, 67530. Telephone – 620.793.1816. Email – dwilliams@bartoncounty.org.
3. Haying permit applications will be accepted after January 1 for that year’s mowing season.
 - a. Adjacent landowners will be given permit priority until April 30 of a given year. Applications by others will be held until April 30.
 - b. After April 30, permits will be issued in the order received if the adjacent landowner has not applied.
4. There is a \$1,000.00 permit fee. Half of that will be returned to Petitioner following completion of the bailing in accordance with the terms of the permit. No permit fee is required for adjacent landowners mowing rights-of-way under the permitting system.
5. Poor performance or failure to comply with the requirements and guidelines may result in immediate termination of this permit. If terminated, fee will not be returned, in full or part, to Petitioner.
6. 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.
7. All haying operations will be completed by August 15th.

Performance

1. All work shall be conducted in accordance with the requirements of this permit and attachments hereto.
2. Mowing shall be continuous within the designated area. Selective mowing and baling to avoid noxious weeds will be permitted.
3. Vegetation shall be mowed to a minimum height of 5”.
4. Work shall be performed only when the soil is dry enough to prevent rutting or damage to County right-of-way.
5. Operations will be permitted during daylight hours only.

6. The County right-of-way shall be left in clean and neat condition upon completion of work.
7. All bales within 15' of a highway shall be removed immediately. All other bales shall be removed within 5 days of baling or they will be removed by County personnel without compensation to the Petitioner.
8. Unattended equipment must be parked near the right-of- way line. Equipment shall not be left on the right-of-way longer than 5 days.
9. Permit must be available on site with the person performing the hay harvesting operation.

Liability

1. The Petitioner, his or her 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 any injury or damage which may result from debris, foreign objects or chemical contamination resulting from handling or feeding hay obtained through this permit. Petitioner shall indemnify and hold harmless the County from any and all costs, liabilities, expenses, suits, judgments, or damages to person, to property, or claims of any nature arising out of or in connection with this permit or the actions of the Petitioner, Petitioner's employees, agents or sub- contractors.
2. Barton County make no warranties, either express or implied, 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 County right-of-way, fences, signs, guardrail, trees, shrubs and appurtenances as a result of this work. The cost of materials, labor, and equipment to repair damages will be paid by the Petitioner commensurate with the County's actual costs.