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**REVOCABLE RIGHT-OF-WAY EXCAVATION, RIGHT-OF-WAY ENCROACHMENT  
& UTILITY CONNECTION PERMIT APPLICATION**

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**TERMS & CONDITIONS**

1. Permit fee is \$50.00. Tree trimming, removal and planting, refer to #23.
2. No work shall be conducted on City property without an approved permit.
3. All work shall be done subject to and in accordance with the requirements of this Permit, City Code and ordinances, City Standards and Specifications, and good engineering practices. Work shall be completed during normal working hours which are 8:00 a.m. to 4:30 p.m. Monday through Friday.

**No work may be performed on the weekend other than emergencies. During all emergency situations, you must call 970-275-4923. Inspections will be completed the next available business day and payment will be expected at that time.**

**\*ROAD CUT MAINTENANCE**

All road cuts shall be made with a saw, equipment mounted wheel cutter, or jack hammer. All cut edges shall be uniformly cut in order to avoid jagged edges. If edges are not maintained during construction or clean cut, the permittee will be billed by the city to clean-up the edges prior to patching.

Permittee shall continually maintain all road cuts until repaired to City satisfaction.

**No road cut shall be allowed to develop ruts, holes, edge drop-offs or other hazardous conditions for the driving public.** Permittee shall correct all maintenance deficiencies within 24 hours of being notified by the City representative.

**\*ROAD CUT REPAIRS**

Permittee shall repair all road cuts within the timeframe agreed to by the City and shall be guaranteed for one (1) year from the date of acceptance. The road section to be replaced shall match the existing road section, but in no case shall there be less than 8" of Class VI material and 3" of asphalt. All deficiencies found in the repair work shall be corrected within seven (7) calendar days of being notified by the City representative.

**\*ROAD CUT TIMING**

Permittee shall not start a project requiring a road cut when the timing of the road cut will prevent it from being repaired in a timely and adequate manner. This includes seasonal and market considerations, unless approved in advance by the City.



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**\*CORRECTIVE ACTION BY THE CITY**

If the permittee fails to make corrections within the identified time frame, the City will take corrective action and bill the cost back to the permittee as shown below. (This does not apply to excavation permits where the permittee has opted to pay the City to repair the road cuts.)

- If work is completed by a contracted source, the cost will be billed back to the developer/permittee at cost plus 10%
  - If the work is completed by City crews the developer/permittee will be billed at the City costs.
4. Permittee shall submit a completed application \*including drawn plan(s) and a traffic plan to the City of Delta. The Public Works Department will review the application and notify applicant once approved. Once approved, payment for the excavation permit and bond are due. A minimum of 48-hour notice to the Public Works Dept. is required prior to the start of excavation. If start date/time change the permittee shall notify the Public Works Department no later than 48 hours prior to change.
  5. Prior to commencing excavation, Permittee shall notify UNCC at 811 or 1-800-922-1987 for location of utilities. Marking tape shall be placed 12 inches above all buried utility lines and pipes or as otherwise required by City specifications. Unless otherwise approved by the City, utility lines and pipes shall be perpendicular or parallel to right-of-way lines. (48-hour process)
  6. Any utilities, facilities, improvements which are disturbed or damaged by the work shall be repaired at the Permittee's cost. The surface area shall be restored to its prior condition. Street and sidewalk surfaces and sub-surface which are cut or disturbed shall be restored to their pre-existing conditions. Backfill, compaction and gravel requirements are set out in City specifications. **The permittee is responsible for replacement of the asphalt.**
  7. Allowance shall be made to avoid interrupting the flow in any drainage ditches, flumes, canals or similar facilities, and to notify affected owners of the facilities.
  8. **Before you backfill, call (970) 874-7913 to schedule Public Works to be on site during backfilling and compaction.** The work shall be completed, excavations properly backfilled, the surface restored and all damages repaired within 48 hours after commencing work unless otherwise authorized by the City. Thereafter, the City may cause the work to be completed; excavation backfilled, surfaces restored and damages repaired and collect the cost of so doing from the Permittee. Thereafter, no further work is authorized without an additional permit.
  9. No cleated or tracked equipment shall work on any pavement without mats or other appliances adequate to prevent damage to such surfaces.



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10. Signs and barricades and other safety provisions shall be provided by the Permittee, and comply with Part VI of the Manual of Uniform Traffic Control Devices. The Permittee shall notify the school district, bus service, ambulance district, fire district and Police Department.

11. The City shall have access to the work site at all times to inspect the progress of the work. The City may stop the work on account of violations of the terms of this Permit to insure safety or traffic movement and may require the surface and subsurface to be restored. No more than one-half of a street may be blocked at one time without specific City permission.

**>>> A TRAFFIC CONTROL PLAN WILL NEED TO BE SUBMITTED TO THE CITY FOR ANY WORK THAT WILL ENCROACH INTO THE DRIVING LANE OR IMPEDE TRAFFIC. THE PLAN WILL SHOW HOW TRAFFIC AND PEDESTRIANS WILL SAFELY PASS THROUGH ALL WORK AREAS AND DELINEATE ALL SIGNAGE AND FLAGGERS THAT ARE NEEDED. THE PERMITTEE WILL BE RESPONSIBLE FOR ALL TRAFFIC CONTROL REQUIREMENTS. PERMITTEE WILL NOT BE ALLOWED TO BEGIN WORK UNTIL ALL TRAFFIC CONTROL IS IN PLACE AND REVIEWED BY THE CITY. <<<**

12. Compliance with the terms of this Permit is guaranteed the deposit with the city cash, a certified or cashier's check, or an approved surety bond. The required amounts are dependent on the type and nature of the permit action as indicated below. It shall remain in effect for the duration of this permit. A certified or cashier's check, or an approved surety bond shall be issued for each Permit obtained.

- Projects involving excavation of paved street/alley sections:..... Cash bond of \$2,500
- \*\* Over 200 Sq/ Foot of Combo Asphalt/ Sidewalk..... Cash bond of \$4,000
- Projects involving excavation of gravel street/alley sections:..... Cash bond of \$1,000
- Projects involving excavation requiring removal of concrete sidewalk/driveway: ..... Cash bond of \$2,000
- Projects involving encroachment of public rights-of-way: ..... Cash bond of \$500
- Projects involving Boring Operations..... Cash bond of \$12.00 Sq/ Foot

- The City may hold bonds for up to 12 months to allow time for the natural settling of materials.

13. In lieu of receiving the excavation bond back, the permittee may forfeit the bond and allow the City to complete the work.

14. Permittee agrees to hold the City, its officers and employees harmless on account of any damages suffered to the persons or property of Contractor or Permittee arising out of their operations hereunder or the installation and maintenance of their facilities, utilities or improvements upon City-owned property. The Permittee agrees to defend and indemnify the City, its officers and employees from any damages claimed or adjudged against the City,



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its officers and employees arising out of Permittee's operations or installation and maintenance of Permittee's utilities, improvements, encroachment or facilities installed or maintained with City-owned property by Permittee

15. Permittee agrees to properly maintain Permittee's encroachment, utilities, improvements or installations and shall be responsible to repair any damages to City property, street surfaces or improvements which result or are caused in any manner by the excavation, operation or maintenance of Permittee's encroachment, pursuant to this Permit.
16. In the event it is necessary to relocate any utility, facility or improvement of the Permittee installed on City property, pursuant to this Permit, on account of the change of any street grade, relocation, realignment or expansion of any street or other City improvements or property, or installation, replacement, maintenance or operation of any City property, utility or facility, the Permittee shall be responsible to relocate such facilities to a location approved by the City at the Permittee's sole expense.
17. The individuals signing on behalf of the Permittee and Contractor are hereby designated as agents for service of process on behalf of Permittee and Contractor.
18. In the event the City incurs any costs, including reasonable attorneys' fees, enforcing any provision of this Permit, the City may recover such costs from the Permittee.
19. All obligations, terms and conditions of this Permit upon Permittee shall be the joint and several obligations of the Permittee and Contractor.
20. The Permittee and Contractor represent that they have read and understand the foregoing terms and conditions of this Permit, that they have read and understand the City requirements pertaining to the work being done under this Permit, and that the undersigned have authority to sign for and bind Permittee and Contractor. If the purpose of excavation is to install an initial water or sewer tap onto the City water or sewer main, a utility application will also be filled out by the property owner.
21. The work shall be conducted and encroachment maintained pursuant to the plans attached as Exhibit "A".
22. Any breach of the conditions set forth in this Permit, or of City standards, specifications or requirements pertaining to work authorized by this Permit may cause the revocation of the Permit and the stoppage of the work.
23. This Permit may be revoked by the City for any reason as deemed appropriate in the City's sole discretion. Upon revocation, any encroachment shall be removed and City property restored at Permittee's expense.



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**23. TREE TRIMMING, REMOVAL AND PLANTING**

Some or all of the above requirements will apply. Additionally, the following requirements will apply:

- No Permit Fee
- A Bond is required
- A permit is required for trees in the public right of way when a tree is trimmed, removed or planted.
- If a healthy tree is approved for removal by the City, a \$500.00 fee is required to put in a fund for tree replacement

**\*City reserves the right to amend permit to include fee as deemed appropriate**

I have read and examined these terms and conditions and information provided on the application is true and correct. I understand and agree to comply with any and all codes, regulations, ordinances, laws and/ or restrictions that apply to this project.

X \_\_\_\_\_  
Signature

X \_\_\_\_\_  
Date