Appendix B

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Excavation/Construction in Public-Right-of-Way

APPLICATION AND PERMIT
FOR EXCAVATION/CONSTRUCTION
IN PUBLIC RIGHT OF WAY

Project Owner: _____
Address: _____
City: _____ State: _____ ZIP: _____ Telephone: _____

Contractor: _____
Address: _____
City: _____ State: _____ ZIP: _____ Telephone: _____

Job Location: _____
Purpose of construction: _____
Dates of construction _____ through _____
Size of excavation: Length _____ Width _____ Total S.F. _____

Traffic lanes affected: _____
Comments: _____
_____

FAILURE TO CLEAN UP TO CITY OF EVANS APPROVAL
WILL BE CHARGED TO CONTRACTOR/OWNER

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It is agreed and understood that all work performed shall be completed in accordance with all applicable codes, statues and ordinances and any other requirements as determined necessary by the City of Evans. It is further understood and agreed that any work performed shall be at the sole expense of the applicant and the applicant shall hold the City of Evans harmless from all suits and damage resulting from work performed pursuant to this application and permit. Applicant also agrees to maintain suitable safety devices around the excavation in order to ensure public safety until such time as work is completed. Applicant also understands that he/she is responsible for the restoration, backfilling and patching of said excavation and will notify the City of Evans Public Works Department at least 24 hours before all inspections so the work may be inspected by an official designated by the City of Evans.

In the event work is completed without inspection and approval, the applicant may be required to remove the work and undertake any corrective action at the applicant's expense. For Evans Public Works inspections call 475-1158. For all utility locates, call 1-800-922-1987 and for City of Evans utility locates, call 339-5344 ext 212.

Upon acceptance of this permit, the undersigned, representing the permittee, verifies that he/she has read and understands all provisions of the permit and has authority to sign for, and bind, the permittee and by his/her signature hereon agrees to and understands all of the conditions set forth herein.

Any person who makes a street, alley or sidewalk cut or excavation shall indemnify and hold the city harmless from any and all suits, claims, losses or damages which arise from, or are connected with, or result from such work.

Applicant _____ Date
Owner _____ Date

Property Owner must co-sign application if Final Acceptance of subdivision or streets has not been granted. This signature is an acknowledgment that the owner is aware of the planned work; City of Evans does not construe the acknowledgment as an approval.

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(CITY USE ONLY)

By: _____ Title: _____ Date: _____

Applicant's fee: _____ Deposit (if required): _____ Permit #: _____
Drawings Required ? : Yes _____ No _____ Receipt #: _____

Public Works approval: _____ Date: _____

PERMIT FEES
Section 12.04.040

A fee of fifty dollars ($50.00) shall be charged for a permit issued under provisions of this chapter for an excavation of twenty-five square feet or less. For excavations larger than twenty-five square feet, an additional permit fee of ten dollars ($10.00) shall be charged for each additional twenty-five square feet or fraction thereof.

PERMIT DEPOSIT REQUIREMENTS (IF REQUIRED)
Section 12.04.030

Applicant shall have first deposited with the City of Evans a performance bond or cash bond in an amount sufficient to cover the entire expense of replacing the surface and subsurface material, as required. If for any reason the amount of the deposit made under this section is insufficient to cover the cost of work covered by it, or if any damage shall have been done not contemplated in the original estimate, which will have caused increased expenditure by the city, the amounts of such deficiency or damage shall be certified to the city clerk, who shall collect the same from the person to whom the permit was issued. No further permits shall be granted to such person, or any other person on their behalf, until the amount of such deficiency or damage shall have been paid.

PERMIT DEPOSIT RETURN CONDITIONS
Section 12.04.050

After completion of the work covered by a permit issued under this chapter, to the satisfaction of the Director of Public Works, he/she shall certify to the City Clerk the cost of any work or materials performed or furnished by the city, and the clerk, after deducting such amount, shall pay any surplus remaining from the amount deposited under Section 12.04.030 to the person making the deposit.

TERMS AND CONDITIONS

1. Applicant acknowledges A) Receipt of applicable Administrative Procedures
   B) Availability of Subdivision Regulations and the Roadway Design and Construction Standards.
2. All work must conform to the approved construction plans and requirement of the Roadway Design and Construction Standards.
3. THE PERMITTEE SHALL NOTIFY THE CITY OF EVANS PUBLIC WORKS DEPARTMENT AT LEAST 48 HOURS, BUT NOT MORE THAN 96 HOURS IN ADVANCE OF COMMENCING WORK.
4. Permittee shall place a temporary cold mix asphalt patch (minimum thickness 4 inches) immediately after the backfill and compaction is completed for each separate cut included on this permit. This backfill and compaction is not to exceed 24 hours after the work is completed. The cold mix asphalt patch shall be maintained until the permanent hot mix asphalt patch is applied. (Required within 7 calendar days)
5. Permits are issued subject to the approval of city, state or other governmental agencies having either joint supervision over the section of road or authority to regulate land use by means of zoning and/or building regulations. It shall be the applicant's responsibility to determine the necessity of and to obtain any such easements and approvals which may be required.
6. Permits may be extended at no expense, at the option of the City of Evans Public Works Department, if presented prior to the expiration date included on the permit.
7. The applicant shall be responsible for locating, relocating or adjusting any utility facilities located on the road right-of-way as required to accommodate the road approach or other facility applied for. Construction of the utility, road approach or other facility by the applicant, his agent or contractor, will be permitted only after the applicant has furnished the Director of Public Works evidence that satisfactory arrangements for said location, relocation or adjustment have been made with the owner of the affected utility facility.
8. When construction plans and specifications are required, they shall be submitted in accordance with the requirements of the Roadway Design and Construction Standards prior to issuance of any permit. For maintenance projects involving street cuts, the applicant shall submit their request in form of the Street cut and R.O.W. Permit. This permit shall be accompanied by a sketch plan type, size and location of the proposed installation or repair. A plan for traffic control during construction must also be approved prior to issuance of permit.
9. Applicant must pay required fee and provide insurance and bonding, if required, prior to issuing the permit.
10. Repairs of damage caused to existing facilities as a result of work carried out under a valid permit shall be the responsibility of the permittee.
11. No refunds shall be made on any permit fee.
12. Work done under a permit shall result in a repair being made to the street or other City property involved. Said repair shall cause the street or other property to be returned to a condition equal to or better than original, within the limits of careful, diligent workmanship, good planning, and quality materials. Said repair shall be accomplished in the least possible time and with the least disturbance to the normal functioning of the street or other property.
13. All backfill material, compaction, and resurfacing of any excavation made in the City property will be done in accordance with the specifications and standards approved by and on file with the office of the Director of Public Works.
14. STOP WORK ORDERS. Any person, corporation, quasi-governmental agency, special district, mutual company, electric, gas or communication utility corporation, including Cable TV, who without first having obtained a permit and/or who having made a cut in a public right-of-way which has settled, has failed, or which has not been repaired in conformance with established City standards, shall be subject to a "Stop Work Order" issued by the City whereupon that person, corporation, or utility shall, except for emergencies repair work, discontinue all work within public right-of-way within the City of Evans until such time as the required repair has been satisfactorily completed. No further permits will be issued until the repair has been made, or the City is reimbursed for their expenses. City of Evans, may, on it's own initiate, make required repairs and bill the responsible contractor. Minimum charge shall be $300.00 administrative charge, plus costs for labor, materials and equipment on a portal to portal basis.