

I. Variances

- a) Should the permittee or applicant choose to object to any of the terms or conditions of the permit placed therein by the City of Evans, variance must be requested from the City of Evans, Public Works Director within 60 days of transmittal off the permit for permittee signature. The request shall include reasons for the variance and may include recommendations by the permittee or applicant that would be acceptable to him/her.
- b) The City variance may consider any objections and requested revisions at the request of the permittee or applicant. If agreement is reached, the City of Evans may revise the permit accordingly, issue a new permit, or require the applicant to submit a new application for reconsideration. Changes in the original application, proposed design or access use will normally require submittal of a new application.
- c) Regardless of any communications, meeting, or negotiations with the City of Evans regarding revisions and objections to the permit, if the permittee or applicant wishes to appeal the City decision to the Council, the appeal must be brought to the Council within 60 days of transmittal of the permit.

II. Construction standards and requirements

- a) The access must be under construction within one year of the permit date. However, under certain conditions a one year time extension may be granted if requested in writing prior to permit expiration.
- b) The applicant shall notify the City of Evans, as noted on the permit, at least 48 hours prior to construction. Inspections will be made during construction.
- c) The access construction with City of Evans right-of-way must be completed within 45 days of the start of construction.
- d) It is the responsibility of the permittee to complete the construction of the access according to the terms and conditions of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and included on the permit. The City may order a halt to any unauthorized use of the access. Reconstruction or improvements to the access may be required when the permittee has failed to meet required specification of design or materials. If any construction element fails within two years due to improper construction or material specification, the permittee is responsible for all repairs.
- e) In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced within approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are City property and shall be turned over to a representative of the City of Evans.
- f) A copy of the permit shall be available for review at the construction site. If necessary, minor changes and additions shall be ordered by the designated City Authority to meet unanticipated site conditions.
- g) The access shall be constructed and maintained in a manner that shall not interfere with the drainage system in the right-of-way.
- h) Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the work shall be accomplished by the permittee without cost to the City of Evans, and at the direction of the City or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately.
- i) Adequate advance warning is required at all time during access construction, in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways. This may include the use of signs, flashers, barricades and flaggers. The issuing authority, the City of Evans and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.

III. Changes in use and violations

- a) If there are changes in the use of the access, the access permit-issuing authority must be notified of the change. A change in property use which makes the existing access design or use in non-conformance with the Evans Transportation Plan, or other adopted access control documents, or the terms and conditions of the permit, may require the reconstruction or relocation of the access. Examples of changes in access use are: an increase in vehicular volume by 20 percent, or an increase by 20 percent of a directional characteristic such as a left turn. The City of Evans will review the original permit; it may decide it is adequate or require that you apply for a new permit.
- b) All terms and condition of the permit are binding upon all assigns, successors-in-interest and heirs.
- c) When a permitted driveway is constructed or used in violation of the Access Permit, the City of Evans may obtain a court order to halt the violation. Such access permits may be revoked by the issuing authority.

IV. Further information

- a) When the permit holder wishes to make improvements to an existing legal access, he/she shall make the request by filing a completed permit application form with the City of Evans. The City of Evans may take action only on the request for improvement. Denial does not revoke the existing access.
- b) The permittee, his heirs, successors-in-interest, and assigns of the property serviced by the access shall be responsible for meeting the terms and condition of the permit and the removal of clearance of snow or ice upon the access even though deposited on the access in the course of City snow removal operations.
- c) The issue date of the permit is the date the City of Evans representative signs the permit, which is after the permittee has returned the signed permit and paid any required fees.
- d) The City of Evans may, when necessary for the improved safety and operation of the roadway, rebuild, modify, remove, or redesign the highway including any auxiliary lane.

_____ **By initialing here, I acknowledge that I have read, understand, and agree to the terms as stated on this permit.**