

NOTIFICATION

Once the Right-of-Way Use Permit is approved by the City, a letter of notification providing the proposed start date shall be received by the various utility companies and governmental agencies affected by the project, including the City's Building Division, at least fourteen (14) days prior to the commencement of the work. A list of the notified agencies shall be given to the City. No construction will be permitted until all notification requirements have been completed.

Applicant shall commence actual construction in good faith within sixty (60) days from the approval date of this Application. Failure to do so will result in the expiration of the permit and forfeiture of all fees, and a new application, including fees, shall be required.

The permittee shall, within seven (7) days prior to the start of construction, notify the Construction Services Director in writing of the actual start date and end date of the disruption of the City's rights-of-way. Ongoing and final inspections will be required.

APPLICANT AFFIDAVIT: I certify that all the foregoing information is accurate and that I have no unpaid civil penalties, administrative hearing cost, investigative costs, enforcement costs, testing or monitoring costs or unpaid liens which are owed to the City of Palm Beach Gardens.

SIGNATURE OF APPLICANT: _____

PRINT NAME: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by

(Name of person acknowledging) (Print, type or stamp Commissioned Name of Notary Public)

(Signature of Notary Public)

Personally known _____ OR Produced Identification _____
Type of Identification _____

SIGNATURE OF QUALIFIER: _____

PRINT NAME: _____

QUALIFIER LICENSE NUMBER: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by

(Name of person acknowledging) (Print, type or stamp Commissioned Name of Notary Public)

(Signature of Notary Public)

Personally known _____ OR Produced Identification _____
Type of Identification _____

GENERAL

For the purposes of this document and its attachments, any references to the City shall be interpreted as the City of Palm Beach Gardens, Director of Construction Services, or his assigns.

The Contractor, and any sub-contractors doing work under this permit, shall be registered with the City's Building Department and will be subject to all City codes.

Applicant is to provide complete construction drawings (2 sets) of the proposed project. The drawings submitted shall contain a location map which includes the section, township and range, as well as the name of the road right-of-way, canal or easement, and shall delineate the beginning and end of the proposed project. Detailed plans and sections shall be drawn to a scale of 1" = 50' or larger, and drawings must contain complete information necessary for construction. One (1) copy of all applicable regulatory agency permits shall be submitted prior to the issuance of this permit.

After facilities herein described are completed, the applicant agrees to file with the City, signed and sealed electronic Record Drawings of facilities as constructed, indicating any variations from either vertical or horizontal planes shown on drawings. These will be required prior to returning the surety.

Failure to obtain a Right-of-Way Use Permit prior to beginning work in the City's rights-of-way or easements shall result in a fine of four times the normal charge, and the Contractor may be required to restore the City's rights-of-way and easements to current City standards. Prior to continuing the work, the Contractor shall be required to submit a new application for a Right-of-Way Use Permit, including fees.

Applicant declares that prior to filing this application, the location of all existing utilities, (both aerial and underground) have been located by the current APPROVED underground facilities contractor.

BOND/INSURANCE

Prior to the issuance of this permit, the applicant may be required to submit the following:

- Surety in an amount equal to the estimated cost of the construction and the restoration of the rights-of-way, roadways and utility easements in favor of the City, as approved by the City; and
- A certificate of insurance showing that the applicant has secured general liability insurance coverage naming the City as an additional insured in amounts not less than \$100,000 per person/\$200,000 per accident/\$100,000 for property damage.

An assessment of \$1,000 per day will be deducted from the surety for work not completed within the Construction Period, if such delay is within the Applicant's control.

Where the Applicant is prevented from completing the work within the Construction Period presented due to delay beyond the control of the Applicant, the Construction Period will be extended in an amount equal to the time lost due to such delay. Delays beyond the Applicant's control shall include, but not be limited to, acts or neglect by the City, fires, floods, epidemics, abnormal weather conditions, or acts of God.

WORK PERFORMED

Applicant agrees to comply with the attached City of Palm Beach Gardens Standards for Utility Installations in Public Rights-of-Way and Easements. All applicable conditions shall be included on a Permit Conditions Report, to be attached to and made part of the permit issued. All noted applicable conditions must be satisfied prior to or at final inspection.

The roadway rights-of-way or easements, in their entirety, shall be restored to current City standards at the conclusion of the work. A joint inspection of the construction site by the contractor and a City representative shall be made no later than 24 hours before work begins, and upon completion and restoration of the project. At the discretion of the City, a pre-construction meeting may be required in lieu of the above-referenced pre-construction joint inspection of the job site.

The proposed construction and maintenance of the utility shall not interfere with the property and rights of a prior licensee.

Applicant agrees that if the City determines that it is necessary to relocate licensed lines lying within the City's rights-of-way or easements to facilitate a proposed City project, the Applicant shall relocate said lines at their expense within sixty (60) days of receiving written notification from the City.

INDEMNIFICATION/HOLD HARMLESS

The Applicant, shall indemnify, defend, and hold harmless the City and all of its officers, agents and employees from any claim, loss, damage, cost, charge or expense arising out of any acts, actions, neglect or omission by the Applicant, its agents, employees, or subcontractors during the performance of the Contract, whether direct or indirect, and whether to any person or property to which the City or said parties may be subject, except that neither the Applicant nor any of its subcontractors will be liable under this Article for damages arising out of the injury or damage to persons or property directly caused or resulting from the SOLE negligence of the City or any of its officers, agents or employees.

It is the Applicant's obligation to indemnify, defend, and pay for the defense or at the City's option, to participate and associate with the City in the defense and trial of any damage claim or suit, and any related settlement negotiations shall be triggered by the City's notice of claim for indemnification to the Applicant. The Applicant's inability to evaluate liability or its evaluation of liability shall not excuse the Applicant's duty to defend and indemnify within seven (7) days after such notice by the City

The City's failure to notify the Applicant of a claim shall not release Applicant of the above duty to defend.

MAINTENANCE OF TRAFFIC (MOT)

For any proposed road closures or traffic disruptions, the Applicant or their designated agent shall submit a Maintenance-of-Traffic Plan prepared by a certified Contractor to the City for review. In addition, the Applicant or their designated agent shall notify, within five (5) working days prior to the proposed construction, the City, and shall place an advertisement describing the proposed road closure or traffic disruption in the primary newspaper of the City of Palm Beach Gardens or on the City's website through a press release. No construction will be permitted until all notification requirements have been completed.

In order to notify the local residents that may be affected by the proposed project, the Applicant shall erect flashing information boards, which provide a brief description of the proposed project, including the start and finish dates of the project, at the beginning and end limits of the project. The information boards shall be left in place for the duration of the work in the City's rights-of-way and easements, if deemed necessary by the City.

If a full road closure is required for any City roadway, the applicant will be required to post a flashing information board a minimum of one (1) week in advance to notify the public of the dates of closures and detour routes that will be provided through an approved MOT.

MOT plan for any disruption of traffic will be required to be submitted with this application. The MOT will be reviewed for sufficiency and shall be developed by a certified designer.

(remainder of this page intentionally left blank)