

THE BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF BERRIEN, MICHIGAN
2860 EAST NAPIER AVENUE, P.O. BOX 768, BENTON HARBOR, MICHIGAN 49022
TELEPHONE: AREA CODE 269-925-1196 FAX 269-925-8098

APPLICATION AND PERMIT TO CONSTRUCT, OPERATE, USE AND/OR MAINTAIN WITHIN THE RIGHT-OF-WAY; OR TO CLOSE A COUNTY ROAD.

If a Contractor is to perform the construction entailed in this application and permit, and is supplying the deposit, the Contractor will fill out the information block provided, and thereby assumes responsibility, along with the applicant, for any provisions of this application and permit which applies to the Contractor.

Table with 2 main columns: Applicant's Name (Property Owner, Corp., City, Township, Etc.) (Date) and Contractor's Name (Individual, Company, Etc.) (Date). Rows include Mailing Address, Telephone Number, Fax Number, Email address, and Applicant's/Contractor's Signature.

The above-named applicant hereby makes application for a permit to Construct, Operate, Use and/or Maintain within the right-of-way; or close a County Road at the following address:

Table with 4 columns: House Number, Road, Township, Section No. Below the table, text reads: 'the exact location is as follows: (In rural areas give distance & direction from nearest main intersection)'

For a period commencing _____ and ending _____; detailed description of the desired facility and/or activity is as follows: (Include size, length, type of facility. If crossing under roadbed, describe method. If buried, indicate depth from top of facility to surface. If facility is to run parallel to roadway, indicate distance from inside edge of facility to centerline of road. If driveway approach, state if Residential or Commercial; if Commercial, state type of establishment it will service. If Tree Trimming or Tree Removal, state number, species and sizes of trees involved. If application for Banner, state legend.)

The above-stated intentions will be carried out in the manner applied for and in accordance with plans, specifications, map and statements filed with the Berrien County Road Commission hereinafter referred to as the Commission, as part of this application and if said permit is granted, the above-named applicant agrees to do the following:

- ATTACHED TO APPLICATION: PLANS, BOND, PROOF OF INSURANCE, OTHER. 1. To operate and maintain the structure covered by this permit at their own expense. 2. Give written notice to the Permit Department of the Commission at least 48 hours prior to commencement of operations covered by this permit. 3. In any and all operations under this permit meet all applicable requirements of the Commission Specifications and Supplemental Specifications set forth on this application and permit. 4. Take, provide and maintain all necessary precautions to prevent injury or damage to persons and property from operations covered by this permit and use safety devices which are in accordance with the Michigan Manual of Uniform Traffic Control Devices. 5. Shall provide to the Berrien County Road Commission CERTIFICATE OF INSURANCE or Owner's Protection Policy covering the term of the permit in the amount of \$500,000.00 for bodily injury, \$250,000.00 property damage and (if applicable) statutory workmen's compensation insurance naming the "BERRIEN COUNTY ROAD COMMISSION" and the "BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF BERRIEN" as "ADDITIONAL NAMED INSURED" for all operations covered by this permit. 6. Surrender the permit herein applied for; surrender all rights hereunder; cease operations; and remove, alter, relocate at applicant's own expense the facilities for which this permit is granted whenever ordered to do so by the Commission because of the need for the area covered by this permit for public road uses or because of a default in any of the conditions of the permit. Upon failure to remove, alter, relocate or surrender the facilities pursuant to the order of the Commission, reimburse the Commission for its costs in doing same. 7. At the option of the Commission deposit cash, performance bond, or a certified check in the sum of _____ acceptable to the Commission and conditioned upon performance of the conditions of the permit and compliance with all requirements of law. 8. Comply with the requirements of Act 347, PA 1972 controlling soil erosion and sedimentation. 9. Nothing in this permit shall be construed to grant any rights whatsoever to any public utilities whatsoever except as to the consent herein specifically given, nor to impair anyway any existing rights granted in accordance with the constitution or laws of this State. 10. This permit is issued on the condition that licensee and any person working under the authority of this permit shall comply with the requirements of Act 53 of PA 1974 concerning giving notice to public utilities. (Cont'd on back page.) Call MISS DIG at least 3 working days before you dig. Toll Free Number 800 - 482-7171

A permit as requested in the foregoing application subject to the conditions to which the applicant therein agrees, is hereby granted for the period commencing _____ and ending _____. The period applied for and granted in this permit covers activity within the right-of-way. The obligation to operate use and/or maintain the facility to the satisfaction of the Commission remains in force as long as the facility exists and is within an area under the jurisdiction of the Commission.

RECOMMENDED FOR ISSUANCE: By _____ Title _____ Date _____

BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF BERRIEN By _____ Title _____ Date _____

Table with 5 columns: FEE AMOUNT, PERMIT NO., CASH AMOUNT, ISSUANCE DATE, RECEIPT NO. Each column has a corresponding empty box for input.

NOTE: THIS PERMIT DOES NOT RELIEVE APPLICANT FROM MEETING ANY APPLICABLE REQUIREMENTS OF LAW OR OF OTHER PUBLIC BODIES OR AGENCIES.

SUPPLEMENTAL SPECIFICATIONS

1. **PERMIT** - The individual in charge of the work shall have the permit and the approved plans or sketches in their possession on the job at all times.
2. **EXCAVATION AND DISPOSAL OF EXCAVATED MATERIAL** - The Contractor and/or the Utility Company shall provide and place the necessary sheeting, shoring and bracing required to prevent caving, loss or settlement of foundation material supporting the pavement, or any other highway installation such as sewers, culverts, etc. The Contractor and/or Utility Company shall assume the full responsibility for this protection and shall not proceed in these areas before approval of methods by the Commission. Excavated materials shall be stocked in such locations that it does not obstruct vision on the traveled portion of the highway and in such a manner that it will interfere as little as possible with the flow of traffic. Sod and top soil shall be stocked separately from other excavated material. The applicant shall dispose of all surplus and unsuitable material outside the limits of the highway unless the permit provides for disposal at approved locations within the right-of-way. In the latter case, the material shall be leveled and trimmed in an approved manner.
3. **BACKFILLING AND COMPACTING BACKFILL** - All trenches holes and pits shall be filled with sound earth or with sand-gravel if so provided placed in successive layers not more than 9 inches in depth, loose measure and each layer shall be thoroughly compacted by tamping and all backfill compaction will be subject to check by the Controlled Density Method. Restoration shall be such that it will provide a condition equal to or better than the original and in accordance with Michigan Department of Transportation Standard Specifications. Sand-gravel backfill material shall consist of approved bank-run sand or gravel or a mixture of approved sand or stone screenings with gravel or crushed stone provided that there shall be a substantial excess of sand or stone screenings in the mixture. All material shall be of such size that it will pass through a screen having 2-1/2 inch square openings, unless otherwise authorized.
4. **CROSSING BY CUTTING GRAVEL AND TRENCHING** - All trenches shall be back-filled with sand-gravel as specified in paragraph 3 or material acceptable to the Commission, to within 6 inches of surface of traveled portion of road. Place 8 inches of 22A gravel in trench on traveled portion of road.
5. **CROSSING ROADBED BY BORING OR JACKING** - When the pipe is installed by boring or jacking without cutting the existing pavement, the backfill shall be made by tamping a dry mix of lean concrete into place so as to completely fill any voids remaining around the installation. The concrete shall be composed of one part of Portland cement and 10 parts of sand-gravel by volume. Sand-gravel shall conform to the requirements given in paragraph 3.
6. **CROSSING BY CUTTING PAVEMENT AND TRENCHING** - When this method is approved by the Commission, the pavement shall be cut back so that the opening is at least one foot wider on each side than the width of the trench. In all concrete surfaces or bases, edges of trenches shall be formed by the use of a concrete saw. The pavement shall be broken in manner as to allow the reinforcing steel to protrude a sufficient distance for lapping or tying with similar reinforcement in the pavement patch. In all asphalt surfaces or bases, the material shall be cut in a straight line. Backfill shall be made with sand-gravel as specified in Item 3. After the backfill has been placed by the controlled density method, the pavement shall be replaced with new pavement of the original type and quality unless at a season of the year when it is not feasible to replace pavement in kind, in which case a temporary surface of bituminous material shall be placed, and later replaced with pavement of original type at the applicant's expense.
7. **DEPTH OF COVER MATERIAL** - Pipes shall be placed to a depth that will provide not less than 4 feet of cover between the top of roadway surface and the top of the pipe and not less than 3 feet below bottom of ditches to the top of the pipe, unless otherwise authorized by the Commission.
8. **TREE TRIMMING OR TREE REMOVAL** - (a) Contact and secure permission of the abutting property owner where necessary (b) Dispose of all limbs logs, stumps and litter in a manner acceptable to the Commission. (c) Comply with any additional supplemental provisions deemed necessary to protect the interests of the Commission.
9. **INSPECTION** - In all cases the applicant or contractor shall notify the Commission 48 hours in advance of when the work will commence so if necessary arrangements may be made to have an inspector present while the work is in progress. The applicant or contractor may be billed for the necessary expense of the inspector.
10. Any operation in the right-of-way not covered by the above specifications, submitted with this permit, shall be done in accordance with Commission requirements.
11. **INDEMNIFICATION** - Permit Holder shall hold harmless and indemnify and keep indemnified the Commission, its officers and employees from all claims, suits and judgments to which the Commission, its officers, or employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including property of the Commission, whether due to the negligence of the Permit Holder or the joint negligence of the Permit Holder and the Commission arising out of the work under this permit, or in connection with work not authorized by this permit, or resulting from failure to comply with the terms of this permit, or arising out of the continued existence of the work product which is the subject of this permit.
12. **LIMITATION OF PERMIT** - This permit does not relieve Permit Holder from meeting other applicable laws and regulations of other agencies. Permit Holder is responsible for obtaining additional permits or releases which may be required in connection with this work from other governmental agencies, public utilities, corporations and individuals, including property owners. Permission may be required from the adjoining property owners.
13. **ASSIGNABILITY** - This permit may not be assigned without the prior approval of the Commission. (f approval is granted, the assignor shall remain liable and the assignee shall be bound by all the terms of this permit.
14. This permit is subject to supplemental specifications on file with the Road Commission and Act 200 of Public Acts of 1969.
15. Full compliance is required with any regulations of the Public Service Commission and Municipal or County Regulations.

THE FOLLOWING MUST BE ATTACHED TO APPLICATION WHEN APPLICABLE:

1. Deposit, except for residential driveways and local units of Government.
2. Plans, specifications and location of facility.
3. Copy of resolution for local units of Government.
4. Traffic plan in case of street closures.
5. In cases of banner applications, legend must be shown.

RIGHT OF WAY PERMIT-SUPPLEMENTAL SPECIFICATIONS

16. The Contractor and/or the Utility Company, Phone Company or Cablevision Company shall install all Pedestals and above ground level Equipment Within (one) 1 Ft. of the right of way line.
17. The Utility Company, Phone Company or Cablevision Company shall clear and maintain a 5 Ft. by 5 Ft. clear area around all Pedestals and above ground level Equipment..
18. The Utility Company, Phone Company or Cablevision Company shall place a 5 Ft. Marker at all Pedestals or above ground level Equipment that will be visible in high grass or brush.