

APPLICATION FOR PERMIT TO OPEN RIGHT OF WAY

Village of Ilion
49 Morgan Street
Ilion, NY 13357
Telephone: (315) 895-7449

PERMIT FEE: \$315.00 (\$300.00 Surety and \$15.00 Permit)

TO THE BOARD OF TRUSTEES OF THE VILLAGE OF ILION:

The undersigned hereby requests a permit to cut, dig holes and excavate a portion of the curbing and pavement in front of the premises owned by _____, situated at No. _____, Ilion, N.Y., for the purpose of _____. Pavement restoration will be conducted by _____.

Said cutting, digging out and excavating will begin on the ____ day of _____, 20____ and will be completed, refilled and placed in a safe condition for public travel by the ____ day of _____ 20____.

The undersigned agrees to safeguard properly and adequately the public and the Village of Ilion, NY ("Village"), from any and all injury and damage arising by reason of said cutting, digging out and excavating. The undersigned covenants and agrees to indemnify and hold harmless the Village from any liability, loss, damage, cost, charge, action, proceeding, claim, fees and/or expenses (including without limitation attorney fees reasonably incurred) of every kind and nature whatsoever in connection with all work conducted pursuant to this permit and application.

FOR CONTRACTORS AND UTILITY COMPANIES ONLY

The undersigned further agrees to file a bond in the sum of Ten Thousand Dollars (\$10,000.00) to indemnify and save harmless, the Village from any and all liability, loss, damage, cost, charge, action, proceeding, claim, fees and/or expenses (including without limitation attorney fees reasonably incurred) of every kind and nature whatsoever, by reason of excavating, digging into or otherwise interfering with or injuring the streets, roads and sidewalks of the Village or by reason of doing and performing any work in connection with, or in or on the Village streets, sidewalks, public buildings, or Village property, of whatsoever name and nature, whether the same be done by the undersigned, or his agents and employees.

Surety: With this application, a fee must be paid to the "Village of Ilion" as a guarantee that public street/curbs will be restored properly to the satisfaction of the Supervisor of the Department of Public Works ("DPW") in the amount of Three hundred dollars (\$300). If insufficient, the undersigned agrees to pay the deficiency on demand. (The \$300.00 will be kept on deposit for 1 year, or until released by the DPW Supervisor. The \$15.00 Permit Fee is nonrefundable, regardless of whether or not the permit is issued.)

If the undersigned violates the terms of the permit or this application, and the Village has to enforce the permit, in law or equity, the undersigned agrees to pay all costs and expenses, including but not limited to attorneys' fees, incurred by the Village in enforcing the permit.

Curb cuts and pavement cuts must be approved before and after work is completed. The undersigned agrees to comply with all Rules for Road/Curb cuts, Specifications for Road/Curb Cuts, codes and ordinances of the Village.

Rules for Road/Curb cuts:

- 1) The undersigned is the responsible person for all maintenance and repair for 1(one) year until the final acceptance by the DPW Supervisor.
- 2) If said pavement cut becomes a hazard to the general public, the undersigned will be _____ notified by phone. Phone calls will be made by the DPW or by the Ilion Police Dept.
- 3) Depending on the severity of the hazard, the undersigned will have 12 hours to repair the problem. If, in the Village's sole discretion, the hazard is extreme and may cause injury or an accident to the public, then the undersigned must respond in 2 hours to fix the hazard.

- 4) If the DPW is called and repairs are made by the Village, then all associated costs to the Village will be billed to the undersigned.
- 5) If possible, all cuts must be repaired permanently with hot asphalt before the asphalt plants close. If pavement cuts are needed during the winter months, then the cuts must be repaired within 30 days of the opening of the asphalt plants.
- 6) After acceptance by the DPW Supervisor (one year after completion) you will receive the aforementioned Surety back from the Village.
- 7) A copy of check/proof of insurance will be attached to permit.

Specification for Road / Curb Cuts:

- 1) All road cuts must be saw cut.
- 2) During excavation, if the existing pavement is undermined, then existing pavement must be cut back and removed and compacted.
- 3) Backfill in 8" lifts and compact each lift.
- 4) Backfill with item 4 and remove excavation material.
- 5) Sweep and tack existing asphalt for bonding to the new.
- 6) Minimum of 4" of asphalt binder compacted.
- 7) Minimum of 1.5" of asphalt top compacted.
- 8) Curbs will be saw cut and doweled.
- 9) Curb repairs will be with concrete.
- 10) All existing pipes will be repaired to original state before excavation.

Annexed hereto is the check of _____ in the sum of \$ _____, payable to the Treasurer of the Village of Ilion, N.Y., as security for the payment of the cost of repairing, replacing, patching and restoring such curbing and pavement, road sidewalks or street, and Village permit, to be applied thereon.

The undersigned has fully reviewed and agrees to the provisions in this 2-page Application for Permit to Open Right of Way.

Signature: _____
 Print name: _____
 Address: _____

 Phone #: _____

Dated _____

PERMIT VALID ONLY WHEN COUNTERSIGNED: (2 Signatures required)

This permit is granted upon the express condition that the said _____ shall do the foregoing work strictly in accordance with the local codes, specifications and proposals contained in the application of this permit, a breach of which shall vitiate and cancel this permit *ipso facto* without further action by Board of Trustees of the Village of Ilion, N.Y.

Date: _____ Approved by _____
 Village of Ilion, DPW Supervisor

Date: _____ Approved by _____
 Village of Ilion, Treasurer

Refund of \$300.00 deposit (After one year)

Date: _____ Approved by _____
 Village of Ilion, DPW Supervisor