

**OPENINGS IN RIGHT-OF-WAY PERMIT  
CITY OF DEFIANCE  
ENGINEERING DIVISION**

RECEIPT: \_\_\_\_\_ CHECK NO. \_\_\_\_\_ PERMIT NO. \_\_\_\_\_

Processing Fee: **\$10.00** per inspection plus other expenses, if applicable \_\_\_\_\_

Opening Location: \_\_\_\_\_

City Administrator – Ryan Mack

Subject to all the terms, conditions, and restrictions, printed or written below, and on the reverse side hereof, permission is hereby granted to:

Company or Individual Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To: (Nature of Work) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Work to be performed in accordance with the below listed stipulations at no cost or liability to the City of Defiance.

*Excavation* for boring operation shall be a minimum of 10 ft. from the pavement edge and cross over/under cable/pipe shall be placed at a minimum depth of 18" below the lowest point within the street R/W or 24" below the surface of the road pavement, whichever is the greater.

All work areas within the street right-of-way shall be controlled in accordance with the "Ohio Manual of Traffic Control for Construction and Maintenance Operations," current edition. Stopping or parking on the traveled portion of the highway is prohibited. All safety measures shall be the responsibility of the permittee.

All disturbed areas and/or installations shall be restored to their normal conditions including placing backfill in loose layers and thoroughly compacting back fill in accordance with 603.08 of the "State of Ohio, Department of Transportation, Construction and Material Specifications," current edition.

Please note the General Provisions on the back of this form.

This permit is not a substitute for satisfying the rights of any other party that may have an interest in the underlying fee (Ohio Gas, T.E. Co., United Tele., etc.)

This permit to be in possession of person in charge of work at all times. This permit is to be shown upon request to any employee of the City of Defiance.

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No work shall be done under this permit until the party or parties to whom it is granted shall have communicated with and received instructions from the Defiance City Engineering Division, Telephone No. 419-784-2249

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Notification shall be given to the Engineering Division no less than *five working hours prior* to desired time of inspection, by the contractor.

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This permit shall be void unless the work herein contemplated shall have been completed before \_\_\_\_\_, 20\_\_\_\_.

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\_\_\_\_\_  
Submittal Date

\_\_\_\_\_  
Approval Date

\_\_\_\_\_  
Permittee's Signature

\_\_\_\_\_  
Melinda K. Sprow, P.E., City Engineer

*GENERAL PROVISION IN FORCE IN SO FAR AS THEY APPLY TO THE  
WORK TO BE DONE UNDER THIS PERMIT  
(Sec. 905.04 City Code)  
General Provisions Applicable to All Permits*

The granting of this permit does not in any way abridge the right of the City of Defiance in his/her jurisdiction over the city streets. If in the process of any future work for the benefit of the traveling public, it becomes necessary, in the opinion of the City Administrator to order the removal, reconstruction, relocation, or repair, this shall be done wholly at the expense of the owners thereof, and be made as directed by the City Administrator.

The Defiance City Engineering Division shall act for and in behalf of the City Administrator in the issuance of and the carrying out of the provisions of all permits.

The City Administrator shall have full authority to insure that the provisions of this permit are fully complied with; and retains the right to reject any materials or workmanship in the restoration of Defiance City facilities. Failure on the part of the permittee to conform to the provisions of this permit will be cause for suspension, revocation, or annulment of this permit as the City Administrator deems necessary.

If the party or parties to whom this permit is issued does anything contrary to the orders of the City Administrator and after due notice, fails to correct such work or to remove such structure or material as he or they may be ordered to remove, the City of Defiance may, with or without notice, correct such work or remove such structure or material; and the party or parties to whom this permit is issued shall reimburse the City of Defiance for any expense incurred in correcting the work or removing the structure or materials.

The right is reserved, during the time any or all the work is being performed, to appoint an inspector over the work who shall represent the interest of the City on the work, and any compensation arranged for shall be paid wholly by the permit holder.

All the work herein contemplated shall be done under the supervisor and to the satisfaction of the City Engineering Division, and the entire expense thereof, shall be borne by the party or parties to whom this permit is issued.

Except as herein authorized, no excavation shall be made or obstacle placed within the limits of the highway in such manner as to interfere with the travel over the road.

If any grading, sidewalk, or other work done under this permit interferes with the drainage of the highways in any way, such catch basins and outlets shall be constructed as may be necessary to take proper care of said drainage.

The acceptance of this permit or the doing of any work thereunder shall constitute an agreement by the party or parties to whom the permit is granted to comply with all of the conditions and restrictions printed or written herein.

All of the above conditions shall be applicable to the herein authorized, unless the same are inconsistent with the conditions on the face of the permit, in which case the conditions written or printed on the face of the permit shall apply.

City property, distributed by the permittee, shall be restored using materials, design and workmanship in conformance with the Ohio Department of Transportation Construction and Material Specifications, normal construction practices, or existing City Standards.

All work requiring men or vehicles on the pavement or shoulders shall comply with all the requirements of the Ohio Manual of Uniform Traffic Control Devices and Item 614 (Maintaining Traffic) of the Ohio Department of Transportation Construction and Material Specifications. Failure to comply with is requirement will be cause for the immediate suspension of the permit until the proper traffic controls have been provided.

The permittee, upon completion of the work, shall leave the highway clean of all rubbish, excess materials, temporary structure, and equipment, and all parts of the highway shall be left in an acceptable condition.

The permittee shall save harmless the City of Defiance and all of its representatives from all suits, actions, or claims of any character, brought on account of any injuries or damages sustained by any person or property in consequence of any neglect or on account of any act or omission as a result of the issuance of this permit.

If the permittee fails to comply with the provisions of the Permit, then the permittee will be subject to the City's "Penalty; Equitable Remedy" code 905.99.

Provision of AP-3-09 issued by the Ohio Department of Health re: Air Pollution shall be complied with.