



RIGHT-OF-WAY APPLICATION AND PERMIT
FOR THE PURPOSE OF: TO CONSTRUCT, OPERATE, MAINTAIN, USE AND/
OR REMOVE WITHIN A VILLAGE OF CAPAC RIGHT-OF-WAY

Village of Capac

208 N. Main Street P.O. Box 218

Capac, MI 48014

Phone: (810) 395-4355

PERMIT TYPE

- ☐ RESIDENTIAL DRIVEWAY
☐ COMMERCIAL DRIVEWAY
☐ SIDEWALK
☐ ELECTRIC UTILITY
☐ TELEPHONE UTILITY
☐ FIBER OPTIC UTILITY
☐ GAS UTILITY
☐ ROAD CONSTRUCTION
☐ TREE PLANTING
☐ CULVERT
☐ OTHER _____

Permit Number:	Date Issued: (Permit expires after 90 days.)	Permit Fee:	Other:
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The Village reserves the right to require a licensed contractor to perform any work in the Village Right of Way..

APPLICATION

APPLICANT - Please Print			CONTRACTOR - Please Print		
Name			Name		
Street			Street		
City	State	Zip	City	State	Zip
Phone		Fax	Phone		Fax

Application is made for a permit to use right-of-way for the purpose indicated as described below and/or as provided in the attached plans and specifications at the following location. Revisions, additions, deletions, or modifications to the work are not permitted unless approved in writing by the Village of Capac or a new Right of Way Permit is obtained.

Street Name and Address	Location (Cross streets between which property is located or nearest main intersection)
Purpose	
	Proposed Start Date

APPLICANT/AUTHORIZED AGENT SIGNATURE - If Authorized Agent, I certify that I am acting as Authorized Agent on behalf of named Applicant.

Name

If this permit is for a driveway, Public Works must be contacted prior to pavement placement.

This permit expires 90 days from issue date.

Permittee shall defend, indemnify, and hold the Village of Capac harmless from all loss, damages, claims, attorney fees, expenses, injuries or the like, which arises out of or are related in any way to the granting of this Permit or work performed by Permittee or on Permittee's behalf in the Village of Capac Right of Way.

PERMIT

VILLAGE OF CAPAC USE ONLY BELOW THIS LINE

Requirements/Conditions for permit

A permit is granted in accordance with the forgoing application for the period stated above, incorporating the Requirements and Conditions agreed to by the applicant as set forth above and found on page 2 of this form.

This permit is incomplete without the Requirements and Conditions found on page 2 of this form.

When Applicant hires a contractor, the Permittee is the Applicant and the Contractor.

Approved and Issued:

DPW AUTHORIZING SIGNATURE

TITLE

DATE

Village of Capac

Application and Permit – Requirements and Conditions

1. **Specifications.** All work performed under this permit must be done in accordance with the plans, specifications, maps and statements filed with and approved by the Village of Capac and must comply with the Village's current ordinances and specifications. No person shall make any opening or excavation in the public streets of the Village or install any pipe, conduit, or other structure in Village of Capac rights of way except as specified in a valid non expired permit granted by the Village of Capac. The Village of Capac reserves the right to require any work done in Village of Capac rights of way or streets to performed by licensed contractors approved by the Village of Capac or by the Village of Capac itself.
2. **Fees and Costs.** The permittee shall be responsible for all fees incurred by the Village in connection with this permit and shall deposit estimated fees and costs as determined by the Village, at the time the permit is issued.
3. **Escrow.** The permittee shall provide a cash deposit or letter of credit, as may be required, in a form and amount acceptable to the Village at the time permit is issued.
4. **Indemnification.** Permittee shall defend, indemnify, and hold the Village of Capac harmless from all loss, damages, claims, attorney fees, expenses, injuries or the like, which arises out of or are related in any way to the granting of this Permit or work performed by Permittee or on Permittee's behalf in the Village of Capac Right of Way
5. **Miss Dig.** The permittee must comply with the requirements of PA 53 of 1974, as amended. CALL MISS DIG AT (800) 482-7171 AT LEAST THREE (3) FULL WORKING DAYS, BUT NOT MORE THAN TWENTY-ONE (21) CALENDAR DAYS, BEFORE YOU START WORK. The permittee assumes all responsibility for damage to or interruption of underground utilities.
6. **Notification of Start and Completion of work.** The permittee must notify the Village at least 72 hours before starting work and must notify the Village when work is completed.
7. **Safety.** The permittee agrees to work under this permit in a safe manner and to keep the area affected by this permit in a safe condition until the work is completed. All work site conditions shall comply with Michigan Manual of Uniform Traffic Control Devices. Insurance Policy number and provider shall be provided to the Village on behalf of the applicant or contractor.
8. **Restoration and Repair of Road.** Restoration and Repair. Permittee is responsible to restore the road and right of way to a condition equal to or better than its condition prior to commencing work and to repair any damage to the road and right of way related to work performed by Permittee or on behalf of Permittee. Such restoration and repair is not complete until approved by the Village of Capac. The Village, in its discretion, may choose to repair and restore the road and/or right of way itself or via its approved contractor at the cost and expense of Permittee.
9. **Soil Erosion and Sedimentation.** The permittee shall comply with the requirements of the Natural Resources and Environmental Protection Act, Part 91 of PA 451 of 1994, as amended, and implement all applicable measurements controlling soil erosion and sedimentation.
10. **Limitation of Permit.** This permit does not relieve the permittee from meeting other applicable laws and regulations of other agencies. The permittee is responsible for obtaining additional permits or releases, which may be required in connection with this work from other governmental agencies, public utilities, private entities and individuals, including property owners. Building and Zoning permits may be required from Construction Code Authority.
11. **Violation of Permit.** This permit shall become immediately null and void if the permittee violates the terms of this permit. The Village will require immediate removal of the permittee's facilities, or may remove them without notice at the permittee's expense.
12. **Assignability.** This permit may not be assigned without the prior approval of the Village. If approval is granted, the assignee shall be bound by all the terms of this permit.
13. **Permit Fee.** The permit to construct a private driveway, sidewalk, walkway, fence, or plant bushes on rights-of-way may be obtained from the Village of Capac Office at 208 N. Main Street by paying the currently required fee.
14. **Inspection of Construction.** All work conducted within a village right-of-way shall be installed under the standards or specifications or other accepted engineering practices of the village. All construction shall be inspected by the director of public works prior to being covered and during regular village working hours. Open pit inspections are required for all culverts, water boxes or any other underground installation.

*****Additional Terms. Permittee and its contractor, if one exists, shall not cancel or terminate any insurance identified on the application while the Permit is open. The Village may require Permittee escrow or deposit funds or provide other security related to Permittee's obligations under the Permit, including, but not limited to, Permittee's obligations to indemnify, defend and hold harmless the Village of Capac and Permittee's obligation to restore and repair the Village of Capac right of way and/or road. Funds or security provided for such purposes shall not be released to Permittee until the Permit is closed out and work is completed to the satisfaction of the Village of Capac. Provided, release of such funds or security back to Permittee does not waive or release Permittee from any of its obligations. Nothing herein authorized Permittee or its contractor to lien or otherwise encumber the Village of Capac right of way or public roads. Permittee is relying on its own investigation and experience in apply for a permit and completing the work. The Village of Capac has made no representations to Permittee, verbally or in writing, concerning the Permit or the work to be performed which are not contained within the Permit. The Village of Capac reserves the right to cancel this Permit if the Village of Capac deems such is necessary for the welfare or safety of the Village of Capac and reserves all of other rights related to the area covered by the Permit.