



PUBLIC WORKS

2301 U.S. 27 South
Avon Park, Florida 33825

Phone: (863) 452-4427

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Right of Way (ROW) Use Application/Permit

Permit No. _____

The undersigned hereby makes application to the City of Avon Park, Highlands County, Florida for a Right of Way (ROW) Use permit, which authorizes utility construction, and maintenance with the named public right-of-way(s) as described in this application and detailed on accompanying drawings. Any permit issued pursuant to this application will be issued to and in the name of the applicant. In accepting this permit, the applicant agrees to be bound by City of Avon Park Ordinance 03-10 including, but not limited to the following conditions:

SEC. No. _____, T _____, S, R _____ E

Date: _____

Permission is hereby granted to: _____

Of _____ for the construction and maintenance of _____

Subject to the following conditions:

- a. The construction and maintenance of the utility improvements shown on the attached drawings shall not interfere with the property and rights of anyone else.
- b. All work shall comply with standards of the Public Works Department and shall be subject to the approval of the Director of Works.
- c. All materials and equipments shall be subject to inspection by the Director of Public Works, or its representative, located in Avon Park, Florida.
- d. All City property shall be restored to its original condition as far as practical, in the opinion of the Director of Public Works.
- e. All construction shall comply with the standards and requirements of **Ordinance No. 3-10** If at any time during the utility installation/construction the Director of Public Works finds that the permit conditions have been violated the Director of Public Works may issue an immediate Stop Work Order. The Stop Work Order shall be in effect until the operation is brought into compliance with the permit. Failure to perform satisfactory construction may also result in the City not issuing additional permits to the applicant until deficiencies are corrected.
- f. All overhead installations shall conform to clearance standards of the Florida Department of Transportation, and all underground crossings installations shall be laid at a minimum depth of thirty-six (36) inches below pavement and at least thirty (30) inches below ditch grade. Exceptions may be made in special cases by authority from the Director of Public Works.
- g. The attached sketch covering the details of this installation shall be made a part of this permit.
- h. The applicant expressly acknowledges and agrees that the permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operator to create or to vest any property/right in the holder of the permit.
- i. The permit may be granted in perpetuity but whether or not issued in perpetuity the permit shall be subject to termination by the Director of Public Works without compensation in the event the road of highway is closed, abandoned, vacated, discontinued, or reconstructed.

- j. Whenever necessary for the construction, repair, improvement, alteration, or relocation of all, or any portion of a road or street as determined by the Director of Public Works, any or all of the poles, wires, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed from that road or street, or reset or relocated thereon, as required by the Director of Public Works, at the expense of the holder of the permit.
- k. The permittee shall commence actual construction in good faith with sixty (60) days from the date of the permit and shall complete permitted construction within _____ working days.
- l. Applicant declares that prior to filling this application the applicant has ascertained the location of all existing utilities, both aerial and underground. Applicant also declares that due notice of work under this application/permit was furnished to each utility involved and that copies of letters addressed to each such utility are attached.
- m. The applicant understands and agrees that the rights and privileges herein set out are granted only to extent of the City's right title and interest in the land to be entered upon and used by the permit holder.
- n. The applicant further agrees that the applicant will at all times assume all risk of damage and loss and does hereby indemnify, defend, and save harmless City of Avon Park from and against any and all damages, cost or expense arising in any manner on account of the exercise or attempted exercises of the aforesaid rights and privileges by the holder of any permit issued pursuant to this application. The permitted shall maintain adequate insurance and provide proof of insurance during the term of this permit to protect the City of Avon Park. Failure to maintain adequate insurance will result in revocation of this permit.
- o. During construction of the permit the holder of the permit shall comply with all safety regulations of the Florida Department of Transportation and the Manual of Uniform Traffic Control Devices current edition. The permit holder must take such measures, including placing and display of safety devices, as may be necessary in order to safety conduct the public through the project area.
- p. The office of the Director of Public Works shall be notified 24 hours prior to the start of any work.
- q. The applicant hereby accepts responsibility for maintenance of any road cut or subterranean crossing for a period of 36 months after the Director of Public Works office is notified of completion of construction.
- r. The undersigned certifies that he has complied with the provisions of Section 553.851 (2) (a), Florida Statutes, as amended, concerning requesting gas pipeline location information and will comply with the provisions of Section 553.851 (2) (c) and (f), Florida Statutes, by notifying pipeline owners 48 hours prior to any excavation.

Witness Signature	Submitted by: _____ Applicant's Name – Type or Print
Print Name	Signature of Applicant or Officer
Witness Signature	Applicant's Mailing Address
Print Name	City, State and Zip
Permit Approved by:	(Seal) Phone Number
For Director of Public Works	Attest: Type or Print Name
Date	Signature and Title