



ENCROACHMENT PERMIT

CARSON CITY RIGHT-OF-WAY OCCUPANCY

APPLICATION AND PERMIT

A copy of this permit must be available at the job site.

PERMIT NO. **DS**

APPLICANT:

1. Type of Work:
2. Location where excavation, construction, and/or encroachment is proposed:
3. Full description of the type and scope of work and nature and capacity or size of facility and schedule for start and completion (use reverse side or extra sheets if necessary - attach detailed plans or drawings):
4. In the case of commercial or subdivision development, describe the ultimate development (number and type of units, area involved, etc.) along with the stages and proposed time frame for development, that will be served by the proposed installations:
5. By signature below, the PERMITTEE hereby accepts any and all additional conditions imposed by the department herein unless he/she notifies the department, in writing, of his specific objections prior to commencing any construction hereunder.

Name

Signature of Permittee or Authorized Agent

Address

Name

Title

Phone

of Individual or Firm
(hereinafter called Permittee)

ENCROACHMENT PERMIT

GENERAL REQUIREMENTS

1. The Permittee must attach proof of approval from other involved City Departments, where applicable. Where proposed City roads or streets are involved, the Permittee's request for approaches must be accompanied by evidence that an approved plat or plan is on file with the local planning commission or governing body.
2. The Permittee must attach three (3) complete sets of copies of detailed (acceptable) plans, drawings or maps. This permit will not be processed without detailed plans which must, at a minimum, show:
 - A. The street alignment, including center line, and right-of-way lines, including mile posts and/or Highway Engineering stationing, in relation to the proposed work.
 - B. Color coding (with legend) showing the facilities to be installed, removed, abandoned and/or adjusted.
 - C. Directional orientation, i.e., north arrows, tangent bearings, etc., drawn to engineering or architectural scale.
 - D. Street right-of-way widths, boundaries, relevant property lines, and significant topographic features.
 - E. Profile or cross-section drawings showing an elevation view of proposed overhead utility or underground utility or drainage installations in relation to the street.
 - F. Location of existing facilities in the area and evidence that applicant has coordinated his plans with the owners of the existing facilities.
 - G. A traffic control plan, showing the location of signs, barricades, flagmen and other devices to protect the motoring and pedestrian traffic during construction when applicable or when required by the City.
 - H. Proposed and/or existing fencing, gates, driveways and utility facilities in the area.
 - I. Traffic engineering requirements:
 1. For approaches serving minor traffic generators (less than 100 vehicles per hour generated during peak hours):
 - a) Identify all points of access, existing and proposed, and tie to existing highway stationing.
 - b) State type and extent of proposed development including planned future expansion.

- c) Provide a site plan including building location, driveways, internal traffic network, parking area, etc.
2. For approaches serving major traffic generators (more than 100 vehicles per hour generated during peak hour), the Permittee must submit, with the permit application, a full traffic engineering report. This report shall contain all of the information required for the "minor traffic generator" stated above, as well as the following:
- a) An analysis of existing traffic conditions including information on abutting access routes with respect to number of lanes and available right-of-way. Traffic counts at critical intersections during peak hours shall be included.
 - b) Anticipated traffic to be generated by the proposed development shall be analyzed including directional distribution, and critical hour turning volumes for site traffic at each approach and surrounding critical intersections shall be furnished.
 - c) The traffic engineering report shall provide a traffic impact and capacity analysis of the proposed development on the existing traffic network and shall show that adequate means are provided under the proposed permit to accommodate site traffic within the roadway systems.
 - d) In summary, the traffic engineering study must assess the existing traffic situation, the anticipated changes due to the proposed development, and the measures to be taken to accommodate the traffic changes and/or increases anticipated due to the proposed development.
- J. A drainage plan and run-off calculations shall be submitted for any development or construction impacting the right-of-way. Existing flow patterns shall be perpetuated and any proposed changes to a drainage system by the Permittee must be supported by drainage calculations. Provision shall be made for the reduction of peak flows which may have been increased due to the effects of the development.

THIS PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS:

(All boxes which are checked apply to this permit)

- o For the purposes of this permit, the following definition of titles as used herein shall apply:
 - Development Engineering Services: The authorized agency in whose area the activities contemplated by this permit occur.
 - Permittee: The person(s), corporation(s), entity(ies) or their agents to whom this permit may be issued.
- o The Permittee agrees to indemnify and save harmless the City and its officers, agents, and employees against any and all liability, loss, damage, cost and expense which it or they may incur, suffer, or be required to pay by reason of death, disease, or bodily injury to any person or persons, or injury to, destruction or loss of use of any property, including property belonging to the City arising out of or incident to activities contemplated by this permit, and proximate caused in whole or in part, by any act or omission of the permittee or its contractors, agents, employees, or the employees of any one or all of them, or by the officers, agents, or employees of the City, unless it is

established by the Permittee that the proximate cause was the willful misconduct or gross negligence of such officers, agents, or employees of the City.

- Prior to the effective date of this permit, Permittee agrees to acquire and furnish proof of a policy of insurance covering the premises which are the subject of this permit. Said policy shall name Carson City as an additional insured and shall have a single limit of liability in the amount of at least one million dollars (\$1,000,000.00) per occurrence. Maintaining insurance is an ongoing condition of this permit and the permit may be revoked if adequate insurance is not maintained. Permittee shall immediately notify the City in writing of any change of cancellation of any insurance required by this permit.
- It is understood that during the construction, rearrangement, relocation, reconstruction, maintenance, or removal of Permittee's facilities as outlined in this permit, the Permittee for himself, his heirs, personal representatives, agents, successors in interest, and assigns, as part of the consideration hereof, does hereby covenant and agree that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this permit for a purpose for which the City program or activity is extended or for another purpose involving the provision of similar services or benefits, the permittee shall maintain and operate such facilities and services in compliance with all other requirements imposed.
- The Permittee, for himself, for personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that: (a) no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; (b) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subject to discrimination; (c) that the Permittee shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Nondiscrimination Federally assisted programs of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
- That in the event of breach of any of the above Nondiscrimination covenants, the City shall have the right to terminate the permit and reenter and repossess said land and the facilities thereon and hold the same as if said permit had never been made or issued.
- This permit is granted subject to all prior valid and existing permits, contracts, leases, liens, reservations, conditions, encumbrances, or claims of title which may affect the property covered by this permit. Permittee is responsible for obtaining consent from any underlying fee owner in the event the City does not own the full fee interest.
- All Construction shall be in conformance with the requirements, rules and regulations of the I.B.C., and all City codes, ordinances and requirements, in addition to those particularly stipulated herein.
- No work shall be initiated by the Permittee, agent, employee, or contractor upon or from the through traffic lanes of any City street except: (1) when prior written permission is obtained from the City; (2) when such work is authorized by this permit; (3) in cases of extreme emergency which present an immediate danger to the safety and convenience of the public.

- The performance of ANY work contemplated by this permit shall constitute an acceptance by the Permittee of ALL the provisions and terms of this permit and ALL work shall be prosecuted diligently until completion. ALL work authorized by this permit shall be completed within one year from the date of issuance hereof, or this permit will be revoked; except upon written request, if warranted, the Permittee may be given an extension not to exceed ninety (90) days.
- The Permittee shall notify the Development Engineering Services forty-eight (48) hours prior to commencing work, and shall immediately notify said agency upon completion of the work.
- All work performed under this permit shall be in accordance with the “Standard Specifications for Public Works Construction” and shall be accomplished to the satisfaction of Development Engineering Services.
- Any work incidental to the scope of this permit, but not specifically provided for herein, and which may affect public safety, shall be performed in such a manner as to insure a minimum of danger, delay, or inconvenience to the public, or as may be directed by the City.
- During the construction operation, the Permittee shall cause to have installed and maintained as a protection to the public, proper barricades, warning and directional signs, flags, flares, or other protective device. Flagmen on each side of the work area shall be provided as required during construction operations to slow and direct traffic around work. Such safety measures shall conform with the provisions of “The Manual on Uniform Traffic Control Devices for Street and Highways” (U.S. Department of Transportation, Washington, D.C.). All flagmen must have a valid flagmen’s certification card in their possession when flagging.
- The Permittee shall insure that when installing aerial and underground electrical or communication lines, the clearances and method of construction shall be in accordance with the safety rules for the installation and maintenance of electrical supply and communication lines as set forth in the National Electrical Safety Code, and the City codes, rules and regulations.
- Except as may be required elsewhere, the Permittee shall not allow trenching or excavations within the limits of the right-of-way to remain open in any instance during the hours of darkness or on Saturdays, Sundays, or holidays. During such periods, trenching or excavations shall be either backfilled to surrounding grade or completely covered with steel plating or other suitable material. With the prior concurrence of the City that such measures are impracticable, the Permittee may instead erect sound and substantial fencing or barricades completely around the periphery of such trenching or excavations. The City may at any time direct the Permittee to take more stringent measures as circumstances dictate.
- Except as may be required elsewhere, the Permittee shall not allow excavated material, equipment, and materials to remain upon the traveled way or roadway prism during the hours of darkness or on Saturdays, Sundays, or holidays. The Permittee shall be responsible to insure that all such equipment and materials are situated, after each work shift, no less than thirty feet (30') from the traveled way edge of pavement and no less than fifteen feet (15') outside the back face of the curb, whichever the case may be.

- No work shall be performed by the Permittee on Saturdays, Sundays, or holidays or during hours of darkness without the prior written approval of the City.
- The Permittee shall not cut, trim, mutilate, remove or disturb in any manner, brush, shrubs, trees, or other flora now located within the street right-of-way, and/or planting easements, or which hereafter may be planted or grown therein, except as approved by the City.
- The Permittee shall insure that when the installation of pipe or casing to be accomplished by boring or jacking, it will be done in a manner that will not disturb the roadway surface. The Permittee's jacking and boring pit shall be located no closer than six feet (6') from the existing edge of oil and the top of pipe or casing shall not be less than thirty-six inches (36") to all points of roadway surface. No hydraulic or wet boring will be allowed.
- Construction grading shall be performed by the Permittee in such a manner that the roadway drainage ditch or any natural water course which feeds existing drainage facilities will not be blocked or the free flow hindered at any time. Should the necessity arise to accommodate drainage water, culvert pipe of the size and length and at the location prescribed by the City shall be installed by the Permittee.
- Permittee shall be solely responsible for the repair and maintenance of the sidewalk after its construction and specifically agrees to hold the City harmless and to indemnify the City, its officers, employees and agents from any liability or course of action arising out of the construction of the sidewalk, curb and gutter or from its use thereafter.
- The Permittee shall assure that any pavement to be displaced is cut and removed in neat and straight lines; (trenching shall be performed in such a manner as to prevent breaking or pavement edge adjacent to trench). Paving shall be replaced by the Permittee true to line and grade and shall extend at least eighteen inches (18") on either side of trench. The paving mix and thickness of Permittee's mix shall be approved by the City and in no instance shall the depth be less than three inches (3"), or less than that of the existing asphaltic pavement.
- Trenches shall be backfilled by the Permittee with granular backfill or other acceptable material to the elevation of the bottom of the existing base and surface (subgrade) as prescribed by the "Standard Specifications for Public Works Construction". Backfilling of the base area shall be made with Type 2 gravel or equivalent material. Permittee shall remove and dispose of all excess material immediately after backfilling. All backfill shall be mechanically compacted to 95% of its standard maximum density.
- Permittee shall replace all removed paving within two (2) days after completion of work. In the event of settlement in the area of the patched surface, the City may require the Permittee to repatch the disturbed area after the settlement has occurred to correct the deficiency. Failure by the Permittee to so perform will result in the City making the necessary replacements and repairs, in which case, the Permittee shall be assessed the actual cost of such work.
- Any street or highway appurtenances, including fences, disturbed or destroyed by reason of this permit shall be restored to equal or better conditions by Permittee. The entire work area within the right-of-way shall be cleared of construction debris and restored to its original condition prior to acceptance of the work by the City.

- When constructing asphalt approaches, the paving shall be placed by the Permittee a distance of at least twenty-five feet (25') from the edge of the existing pavement, or to the edge of the right-of-way if less than twenty-five feet (25') and shall be of a type and thickness approved by the City, unless indicated otherwise in the "Additional Conditions" section.
- Drainage structures or any other permanent roadway related structures or devices placed within the limits of right-of-way of any City street shall become the property of the City. Any such structures shall meet City standards and be approved by Development Engineering Services. All existing drainage features and flows shall be perpetuated.
- Minimum buried depth of underground facilities shall be at least forty-eight inches (48") within street rights-of-way.
- Any permanent survey or right-of-way marker or monument disturbed or obliterated in construction of the encroachment must be permanently reestablished by a registered land surveyor.
- The Permittee shall promptly make any and all necessary repairs to any facility erected or installed in the exercise of the privilege herein granted and shall at all times maintain said facility in good and safe condition.
- Any facility erected or installed in the exercise of the privilege granted remains subject to relocation or removal under the encroachment provisions of paragraphs 3 and 4 of Nevada Revised Statutes 408.210.
- The Permittee, prior to making any changes from the approved plans and/or method, must obtain prior written approval from the City for said change. Should any such change in the plan be approved, the Permittee shall, within thirty (30) days after the date of completion, submit "as built" drawings delineating the change.
- A final inspection of the work accomplished by the Permittee shall be performed by the City to insure that the Permittee has complied with the terms of this permit. Periodic inspections by the City during the progress of the work may be made to insure conformance to the City's standards and those specified by this permit. For complex or extensive work under this permit, the City may require a full-time inspector to observe the progress of work in its entirety. In such cases, the Permittee agrees to compensate the City for wages, mileage, etc., incurred by said inspector in connection with such inspection.
- Permittee agrees that if the work contemplated by this permit has not been accomplished in conformity with the approved plans, or not pursued to completion in a manner consistent with good engineering practices or if circumstances dictate changes be made, the City may: (a) require the Permittee to adjust or reconstruct all or part of the project as the City directs at no cost to the City, or (b) cause the work to be done and assess the Permittee all costs attributable to such adjustment or reconstruction.
- Permittee may not transfer, convey, or assign this permit, nor any privilege or responsibility contained herein pertaining to actual work to be accomplished with the right-of-way without prior written approval of the City. Permittee will insure, however, that his continuing responsibility for the upkeep and repair of any facility erected or

installed in connection with this permit will be transferred to his successors in interest or assigns, should this permit be approved.

- Land usage covered under an Encroachment Permit shall not be counted as part of the required minimum area needed for zoning, parking, landscaping or other such ordinance requirements. Land usage covered under an Encroachment Permit shall be entirely in addition to that required by ordinance so that the cancellation of an Encroachment Permit does not put the property in violation of any City ordinance.
- In the event the right-of-way encumbered by this permitted encroachment is needed for future City Facilities or City Utilities, Permittee agrees to modify, adjust, remove, or relocate the encroachment authorized herein to accommodate the improvements needed at no cost to the City.

Application Fee (Non-Refundable)

The Application Fee (AF) is \$50.00

Under the authority of, and in accordance with the provisions of this document, and subject to all the terms, restrictions, and conditions contained herein, an occupancy permit is hereby granted to:

_____, to perform the work described.

Dated this _____ day of _____, 20____

Stephen Pottey
PROJECT MANAGER