

Registration Fee: \$ 40.00

**CITY OF EXCELSIOR
339 THIRD STREET
EXCELSIOR, MINNESOTA 55331**

**REGISTRATION INFORMATION FOR RIGHT OF WAY
USERS**

Name of Company _____

Address _____

Telephone # _____ Facsimile # _____

Contact Person _____

Address _____

Phone (Business) _____ Phone (Emergency) _____

Site Coordinator _____

Gopher One-Call Registration Number _____

Certificate of Insurance

A Certificate of Insurance is required from a company that is licensed to do business in the State of Minnesota. A copy of your general liability and comprehensive coverage policies are required to complete the registration procedure. Please review ordinance Section 640:15, Subd. 1(c) for further information.

Proper insurance information enclosed Yes _____ No _____
Registration Fee enclosed Yes _____ No _____

Indemnification and Liability

The registrant has read and understands the indemnification and liability section found in Section 640:67 of this ordinance.

(Signature)

(Date)

RIGHT OF WAY MANAGEMENT

On December 20, 1999, the City Council of the City of Excelsior enacted an ordinance that restricts the excavation of **Public Right-of-Ways** without the legal consent of the City of Excelsior. No person shall excavate, dig, tunnel, trench, or install any facilities, equipment, or improvement without obtaining the proper verification and permit from City Hall. The applicant will be responsible for the completion of the appropriate registration and permitting application(s), accompanied by the appropriate fees, and with providing the City of Excelsior with the following information:

- A. Scaled drawings showing the location of all facilities and improvements proposed by the applicant.
- B. A description of the methods that will be used for installation
- C. A proposed schedule for all work being completed
- D. The location of any public streets, sidewalks, or alleys that will be temporarily closed to traffic during the work project.
- E. The location of any public streets, sidewalks, or alleys that will be disrupted by the work.
- F. A description of methods for restoring any public improvements disrupted by the work.
- G. Any other information reasonably required by the Public Works Superintendent or City Engineer.

Insurance Requirements- A certificate of insurance from a company licensed to do business in the State of Minnesota is required in order to obtain a Public Right-of-Way permit from the City of Excelsior.

(Please review Section 640:15, Subd. 1(c) for further information)

Exceptions - No permit is required for the following improvements:

- A. Landscaping work permitted by the City pursuant to site improvement agreements.
- B. Driveways, sidewalks, curb and gutter, and other facilities permitted by the city pursuant to site improvement agreements.
- C. Snow removal activities.
- D. Activities of the City

Right-of-Way Management Regulation Fees

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|----|-----------------------------|---|
| 1. | Registration Fee | \$ 40.00 |
| 2. | Excavation Permit | |
| | A. Hole | \$ 125.00 |
| | B. Emergency Hole | \$ 50.00 |
| | C. Trench | \$ 125.00 plus
\$ 70.00 / 100 lin. ft. |
| 3. | Obstruction Permit | \$ 50.00 plus
\$.05 / lin. ft. |
| 4. | Permit Extension Fee | \$ 50.00 |
| 5. | Delay Penalty | |
| | Up to 3 Day Late | \$ 50.00 plus |
| | Additional Fee after 3 days | \$ 10.00 per day |

Guarantees - All permit holders are required to guarantee their work and maintain it for twenty-four months following its completion. During this twenty-four month period, upon notification from the Public Works Director or City Engineer, all permit holders will be expected to promptly correct all restoration work necessary to meet the specifications set forth by the City Engineer.

In granting a Right-of-Way permit, the City of Excelsior will not assume liability in the cases of injuries, damage to property, or loss of service claims by parties other than the registrant or the city, or for claims or penalties that may result due to installation, presence, maintenance, or operation of equipment by the registrants. The permit holder is responsible to uphold and follow all rules and regulations set forth by the City of Excelsior (**Please note Section 640:67 for further information**). Negligence on the part of the permit holder is not acceptable and may result in the revocation of the Right-of-Way permit.

Issuance of Permit - Please allow a minimum of two weeks from submittal of information for approval of permit.

**CITY OF EXCELSIOR
RIGHT OF WAY REGISTRATION PERMIT**

If work cannot be completed within dates specified, a written request for permission must be made to the City of Excelsior. If a request for extension is not made prior to the expiration of the Permit, the Permit shall become null and void on the expiration date.

Except for negligent acts of the City, its agents and its employees, the utility or permittee shall assume all liability for and render the City, its agents and its employees, harmless from any and all claims for damages, actions or causes of actions arising out of the work to be done herein and the continuing uses by the permittee, including but not limited to the placing, constructing, reconstructing, maintaining and using of said utility under this application and permit for construction.

(I, We) the undersigned, herewith accept the terms and conditions of the regulations as laid down by the City of Excelsior and agree to fully comply therewith to the satisfaction and requirements of the City.

Organization_____

By (Print Name)_____

Signature_____ **DATE**_____

PRIOR TO STARTING CONSTRUCTION, CALL (952) 474-5233

INSTALLATION OF UTILITIES REGULATIONS

SAFETY

- 1. All warning devices and barricades shall conform to the Minnesota Manual on Uniform Traffic Control Devices.**
- 2. All warning devices, barricades, flagmen, and equipment shall be provided by parties or organizations performing the work.**
- 3. Standard warning devices, barricades, and safety vests shall be kept clean and in good repairs at all times.**
- 4. Detour routing shall require 5 working days advance notice to the City of Excelsior.**
- 5. Excavation shall be cribbed, sheeted and/or fenced when necessary, or as required by the City of Excelsior.**
- 6. Inclement weather shall be reason for delay of the project start or suspension of the project as determined by the City of Excelsior.**

OPERATIONS

- 1. Permit on Job- Permits or copies shall be kept on the work site in the custody of the individual in charge while the work is in progress, and shall be exhibited upon request by any City official.**
 - 2. Provision and Specifications- These general provisions and specifications shall be considered as forming an integral part of each and every permit issued for operations on City roads. The work authorized by this permit shall be done at such time and in such manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the City of Excelsior as herein specified. If at any time it shall be found by the City of Excelsior that the work is not being or has not been properly performed, the permittee, upon being notified, shall immediately take the necessary steps, at their own expense, to place the work in condition to conform to said requirements or standards.**
 - 3. Annulment- In the event of willful failure or neglect by said permittee or their employees to perform and comply with prescribed conditions, restrictions, and regulations, the City may revoke and annul this permit and order said permittee to remove any and all structures or property belonging to said permittee from the legal limits of the City property. In the event the permittee leaves the road in a condition needing repair or construction, the City of Excelsior may repair such a roadway and the costs of such repair or construction shall be paid by the permittee.**
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**Installation of Utilities
Regulations - Operations
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4. Execution- The permittee shall use diligence in the execution of the work authorized under this permit in order not to endanger or unnecessarily obstruct travel along the said roadway. Operations shall be so conducted at all times as to permit safe and reasonable free travel over the roads within the limits of the work herein prescribed. All safety measures for the free movement of traffic shall be provided by the permittee at their own cost.
 5. Conformity to Laws- The installation shall be made in conformity with all applicable laws, regulations, and codes covering said installations. All installations shall be made in conformity with regulations of governmental agencies for the protection of the public.
 6. Removal- If at any time the permitted structure or facility shall fail from any cause whatsoever, the permittee shall have the same removed or repaired within 48 hours after receipt of written notice to do so, unless by reason of some extraordinary happening the City of Excelsior may extend such time limits.
 7. Existing Facilities- Applicant must protect all existing installations.
 8. Private Property- The permit as issued does not in any way imply an easement on private property.
 9. Notification- The contractor must notify the property owners in advance before beginning any project.
 10. Damage to Roadway- If pavement or roadway is damaged, same shall be restored to its original or better condition, at the sole expense of the permittee.
 11. Quality of Work- Finished surfaces, base and sub-base of road upon completion of work shall be equal to or better than specifications for original road.
 12. Cutting Trees- The permission herein granted does not confer upon the permittee the right to cut, remove or destroy trees or shrubbery within the legal limits of the roadway or relieve permittee from obtaining any consent otherwise required from the owner of the property adjacent thereto.
 13. Boring or Jacking- Installation of pipe under roadways, shall be jacked or bored as designated by the City of Excelsior.
 14. Line or Casing Pipe- Line or casing pipe shall be required as determined by Public Works Superintendent or City Engineer.
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15. Drainage- All waterways and lines of drainage shall remain operative.
 16. Pole Anchors- No pole anchors ---anchors, braces, or other construction on right-of-way except by permit authorization.
 17. Driving Limitations- No driving onto roadways from ditch or driving on shoulders or over curbs where damage will occur.
 18. Lugs on Equipment- No lugs shall be used on equipment traversing road which will damage the road surface.
 20. Clean-up - Street surface and roadside shall be kept clean, neat, and presentable throughout construction as determined by the City of Excelsior.
 21. Dust Control- Shall be provided upon request by the City.
 22. Trees and Vegetation- Burning or disking operations and/or the use of chemicals to control or kill trees, brush, and other vegetation is prohibited without prior approval.
 23. Restoration- It shall be further understood that the permittee will be responsible for maintenance or any failure due to settlement, erosion, lack of vegetation growth, rutting, or other job related problems for a period of three (3) years after completion of project and Notice of Completion of work has been received by the City of Excelsior.
 24. Manholes- All manholes, shut off valve covers, etc., shall be placed 1 inch lower than finished grade.
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CITY OF EXCELSIOR
339 THIRD STREET
EXCELSIOR, MN 55331
PHONE NUMBER: (952) 474-5233
FAX NUMBER: (952) 474-6300

RIGHT-OF-WAY CONSTRUCTION PERMIT

Restoration:

- A. The right-of-way must be left in its original or improved condition.
- B. Restoration shall be continuous and will follow the agreed upon restoration plans.
- C. Boulevards shall be seeded, conforming to MnDot specifications 2575 unless otherwise directed by the City of Excelsior.
- D. A minimum of 3" depth of topsoil is required to meet MNDOT Spec. No. 3877.
- E. The permittee shall be responsible for all maintenance that is caused by settlement, erosion, lack of vegetation growth, rutting, or other job related problems for a period of three years after completion of the project. The permittee will notify the City of Excelsior that the work has been completed.
- F. The applicant will be responsible for the immediate replacement of any damaged sign within the City right-of-way.

Compliance: Failure to comply with any permit provision shall nullify this permit.

Limitations: If the roadway surface has been replaced within a five year period, the applicant will not be allowed to disturb this new surface, including "potholing" for conflicting utilities. Furthermore, if City of Excelsior shall make any improvement or change on all or any part of its right-of-way, and such change or improvement requires the moving or changing the public utility facilities in such right-of-way, then, in that event, the applicant herein shall, after notice in writing by the City of Excelsior, alter, change, vacate, or remove from the City right-of-way that part of its facilities necessary to conform to the improvement at its own cost without any cost to the City of Excelsior.

PERMIT APPROVED BY _____
Public Works Superintendent (Date)

Permit Number: _____ Notice of Work Completion

Be advised that all work including restoration authorized under this permit was completed on _____ and is ready for final inspection.

Applicant Representative: _____
(Name) (Signature)

*This page must be faxed or mailed to the City of Excelsior
within 24 hours of work completion.*