

Right-Of-Way Permit

General Information:

All contractors and subcontractors are responsible for carrying their own insurance and bond requirements for working in the right of way. The contractor or subcontractor must have a responsible person in charge on site that can clearly communicate with staff. Section 510 of the City Code places the responsibility of the right of way work on the person/company completing the work in the Right of Way for any issues that may occur during the course of the permit. Work is not permitted in the right of way without the necessary documentation listed in the checklist.

Checklist:

- ✓ Completed Right of Way Permit Application
 - Traffic Control Plan
 - Communication Plan
 - Contact Information
- ✓ Occupational License
 - General Liability Insurance
 - \$2.5 Million
 - City of Smithville Listed as Additional Insured
 - Workmen's Compensation
- ✓ Maintenance Bond (form provided), AIA A313 or EJCDC C-12
 - 2 Years - \$5,000 per project
 - or
 - 2 years - \$25,000 annually
- ✓ Signed Acknowledgement of Licensee Agreement
- ✓ If working in the Street, Curb, or Sidewalk:
 - Must complete the Street Excavation Permit and pay necessary fees



Acknowledgement And Acceptance Right-Of-Way Form

ACKNOWLEDGMENT AND ACCEPTANCE:

Subcontractor named below hereby acknowledges and accepts the duty to perform the work assigned to such subcontractor by Licensee pursuant to the terms hereof as well as an acknowledgment and acceptance of the duties, responsibilities, liabilities and indemnities of the Licensee and shall provide to the City a copy of the certificate of insurance required hereby, including naming the City as an additional insured without waiving any of the City's sovereign immunity. Subcontractor also acknowledges subcontractor must obtain all needed City business license for such work to be performed by the subcontractor prior to beginning such work.

Authorized Representative Name: _____

Address: _____

Contact number for Supervisor of work: _____

Email address for Supervisor of work: _____

**A BUSINESS LICENSE, MAINTENANCE BOND, AND CERTIFICATE OF
INSURANCE REQUIRED BY THE AGREEMENT MUST BE ATTACHED PRIOR TO
BEGINNING ANY WORK.**

Subcontractor Acknowledgement and Acceptance:

Authorized Representative Signature

Printed Name and Title

Date

**PERFORMANCE AND
MAINTENANCE BOND**

City of Smithville, Missouri KNOW

ALL MEN BY THESE PRESENTS:

THAT we, the undersigned, _____,
of _____, hereinafter
referred to as "Contractor", and _____ a corporation organized
under the laws of the State of _____ and authorized to
transact business in the State of Missouri, as "Surety", are held and firmly bound unto the City of
Smithville, Missouri, hereinafter referred to as "City", in the penal sum of Five Thousand
Dollars (\$5000), lawful money of the United States of America for the payment of which sum will
and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and
assigns, jointly and severally by these presents.

THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH THAT:

WHEREAS, the above bonded Contractor, on the _____ day of
_____, 20____, has been given permission by the Director of Public Works
under Permit No. _____ to construct: _____
_____ within the public Right of Way.

Whereas, the parties agree that the laws of the State of Missouri shall govern this
PERFORMANCE and MAINTENANCE BOND. Any action arising out of the terms and conditions shall be
instituted and litigated in the courts of the State of Missouri, County of Clay and in no other.

NOW, THEREFORE, if the said Contractor shall construct or cause to be constructed and completed the
entire improvement in accordance with specifications used by the City of Smithville for like
improvements, and to the lines and grades shown on the plans, all to be done subject to the approval and
acceptance of the PW Director for the said City of Smithville, and shall construct said with such materials
in such manner that same shall endure without need of any repairs for the period of two (2) years from
and after the completion of said improvement and acceptance thereof; and if said improvement shall
endure without the need of repairs for the period of two
(2) years from and after completion and acceptance thereof as aforesaid, then this obligation
shall be void; otherwise to be in full force and effect.

IN TESTIMONY whereof, the Contractor has hereunto set his hand, and said surety has caused
these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its attorney-
in-fact duly authorized to do so at

_____ on this _____ day of _____, 20____.

ATTEST

Principal

(Principal) Secretary

(SEAL)

By _____ (s)

(Witness as to Principal)

(Address)

_____ (Address)	_____ Surety
ATTEST:	
_____ (Witness to Surety)	By _____(s) Attorney-in-Fact
_____	_____
_____ (Address)	_____ (Address)

- NOTE:
1. Date of BOND must be prior to date the beginning of the Project.
 2. If CONTRACTOR is partnership, all partners should execute BOND.
 3. Surety companies executed BONDS must appear on the Treasury Department’s most current list (Circular 570 as amended) and be authorized to transact business in the state where the Project is located.
 4. Accompany this bond with Attorney-in-Fact’s Authority from the Surety Company certified to include the date of the bond.
 5. Provide supplemental execution by any additional parties, such as joint venturers.
 6. Any singular reference to Contractor, Surety, Owner, or other party shall be considered plural where applicable.

(Accompany this bond with the attorney-in-fact's authority from the surety company certified to include the date of the bond)



Date: _____

TYPE OF UTILITY: Circle one: Water ☐ Sewer ☐ Electric ☐ Gas ☐
 Telephone ☐ Cable ☐ Other: _____
 Street Placement of Roll off Unit ☐

FRANCHISE NAME OR ROW AGREEMENT NAME: _____

APPLICANTS NAME: _____

ADDRESS: _____ CITY: _____

STATE: _____ ZIP: _____ TELEPHONE: _____

NAME OF COMPANY PERFORMING WORK: _____

SMITHVILLE OCCUPATION LICENSE #: _____

ADDRESS: _____ CITY: _____

STATE: _____ ZIP: _____ TELEPHONE: _____

EMAIL ADDRESS: _____

LOCATION OF WORK TO BE PERFORMED:

SCOPE OF WORK:

PLEASE BE SURE TO ATTACH THE FOLLOWING:

Engineering site plan showing proposed location of applicant’s facilities including manhole or overhead poles: the length, size, type and proposed depth of any conduit or any other enclosures; and the relationship of the facilities to all existing streets; length of right of way; the number of road crossings and the dimensions and character of any cut and excavation, and the number of square feet to be resurfaced.

RIGHT OF WAY PERMIT

PERMIT FEE: \$ 25.00

INSPECTION FEE: _____ LOCATIONS* X \$25.00 = \$ _____

*Number of locations where ground has been disturbed

TOTAL DUE = \$ _____

COMPLETE BELOW IF CUTTING INTO STREET, CURB, OR SIDEWALK

ONE TIME NON-FRANCHISEE RIGHT OF WAY EXCAVATION PERMIT

PERMIT FEE: \$ 20.00

STREET CUT: _____ SQUARE FT X \$20.00 = \$ _____

CURB CUT: _____ SQUARE FT X \$15.00 = \$ _____

SIDEWALK CUT: _____ SQUARE FT X \$10.00 = \$ _____

TOTAL DUE = \$ _____

ANNUAL EXCAVATION PERMIT FEE FOR FRANCHISEES AND OWNERS OF FACILITIES THAT MAINTAIN MORE THAN 1,000 LINEAL FEET OF FACILITIES WITHIN THE PUBLIC RIGHT OF WAY.

PERMIT FEE: \$ 250.00

STREET CUT: _____ SQUARE FT X \$20.00 = \$ _____

CURB CUT: _____ SQUARE FT X \$15.00 = \$ _____

SIDEWALK CUT: _____ SQUARE FT X \$10.00 = \$ _____

TOTAL DUE = \$ _____

FOR STREET EXCAVATIONS THAT EXCEED A TOTAL OF 1,000 SQUARE FEET OR MORE THE STREET CUT FEE WILL BE \$5.00 PER SQUEARE FOOT.

*****The excavation fee is a degradation fee, not replacement fee. The repair and replacement of streets/curb/sidewalk is the responsibility of the applicant.***

I hereby certify that I am the agent of the Franchisee or the ROW agreement holder and that the proposed work is authorized by the Franchisee or ROW agreement holder and that I have been authorized by them to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the code official or the code official's authorized representative shall have the authority to enter areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit.

SIGNATURE

E-MAIL

PHONE NO.

OFFICE USE ONLY:

SIGNATURE

APPROVAL DATE