

City of Doraville, GA
RIGHT-OF-WAY ENCROACHMENT
GENERAL PROVISIONS

Permit #: _____
Application Date: _____

- 1) It is expressly stipulated that this permit is a license for permissive use only and the placing of facilities upon public property pursuant to this permit shall not create or vest any property rights in the holder of the permit.
- 2) Prior to the initiation of any work under this permit, the applicant shall determine the location of any and all other installations for utilities upon, over, or across the right-of-way and shall install, operate, and maintain the facilities in such a manner as not to damage or interfere with the operation of other existing facilities.
- 3) Whenever necessary for the construction, repair, improvement, maintenance, alteration, relocation, safe and effective operation of all or any portion of the roadway or other City or County facilities as determined by the City of Doraville, any of all said facilities and appurtenances authorized hereunder shall be immediately removed from the right-of-way or reset or relocated thereon, as required by the City of Doraville, and at the sole expense of the permittee unless reimbursement is authorized by separate agreement. Should the permittee fail to remove or relocate facilities, upon due notice from the City or County, permittee shall be liable for any extraordinary cost or damages incurred by the City of Doraville as a result thereof.
- 4) Applicant agrees to indemnify and hold harmless the City of Doraville and all officers, employees or agents of the City of Doraville or any political subdivision thereof, against any and all claims, damages, demands, actions, causes of action, cost, and expenses of whatsoever nature, which may result from any injury to, or the death of any persons, or from the loss of or damage to, property of any kind or nature, when such injury, death, loss or damage arises out of the construction operation, maintenance, repair, removal or relocation of the facilities covered by this permit.
- 5) The City of Doraville and its engineers, officers, or employees shall not be held responsible or liable for injury or damage that may occur to facilities covered by this permit, or to any connection or connections thereto, by reason of City maintenance and construction activities or City contractor or permittee operations. The City of Doraville's contractor shall not be held liable for any damage that may occur to utility facilities if the permittee has been notified of a construction conflict and given reasonable time to mark or relocate its facilities but has failed to do so, the facility owner shall be responsible for interfacing with utilities protection center (UPC) to determine notification.
- 6) If the City of Doraville undertakes to improve this roadway or other City or County owned facilities, it shall be the responsibility of the permittee to plan with the City of Doraville or DeKalb County and its contractor a schedule which will clearly set forth at which state of operations the permittee will be required to perform any adjustment to its facilities necessary to accommodate the city/county improvements.
- 7) During the initial installation or construction of facilities authorized by this permit, or during any future repair, removal, or relocation thereof or any miscellaneous operations, the permittee shall at all times maintain flagman, signs, lights, flares, barricades, and other safety devices in accordance with the **Manual on Uniform Traffic Control Devices (MUTCD)** and as may be necessary to properly protect traffic upon the roadway and to warn and safeguard the public against injury or damage.
- 8) It is expressly provided that with respect to any limited access highway, the permittee shall not have or gain direct access, either ingress or egress, from the main traveled way of said highway or its on or off ramps to any facilities authorized by the permit except upon specific approval by the City of Doraville, and as applicable the Georgia Department of Transportation (GDOT).
- 9) It is the applicant's responsibility to verify the limits of public right-of-way and perform land surveying if necessary for location of the utility facilities authorized hereby.
- 10) No inherent or retained right or privilege of any abutting property owner is affected by this permit nor is the City of Doraville responsible for any claim which may develop between the permittee and any property owner concerning the use of the right-of-way. Permittee is responsible for maintaining reasonable access to private driveways during installation of its facilities and for restoration of driveways to the owner's satisfaction. The permittee will be required to replace any disturbed area with "in kind" materials throughout entire permit area unless a satisfactory replacement is approved by the City of Doraville and abutting property owners.

Applicant Name: _____ Applicant Signature: _____ Date: _____
(PRINTED)

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- 11) The permittee will be required to replace any disturbed area with "in kind" materials throughout entire permit area unless a satisfactory replacement is approved by the City of Doraville.
- 12) Approval of this permit does not constitute approval of design (or construction details) for the proposed facilities. Applicant is responsible for compliance with all applicable governmental codes and regulations.
- 13) Use of explosives within the City right-of-way is prohibited unless approved by a separate permit.
- 14) Applicant shall be responsible for obtaining approvals for the proposed installation which may be required by any local government of agency on roads or streets under their jurisdiction.
- 15) Permittee shall give the City of Doraville a **minimum of 24 hours' notice prior** to beginning any work under this permit.
- 16) This permit shall be void unless work described here is begun within ninety (90) days of the date of its approval.
- 17) The provisions of this permit are regulatory and not contractual, no interest or right of an applicant granted by this permit may be transferred to another except by written consent of the City of Doraville.
- 18) This permit may be revoked at the discretion of the City of Doraville upon thirty (30) days written notice to the permittee.
- 19) Any utility cut made within the roadbed of any City/County road shall be replaced as required by DeKalb County Standard Drawing 804. In addition, said cut shall be plated until such time as the concrete has cured to design compressive stress and promptly asphalted.
- 20) Permittee shall be responsible for obtaining any other state and federal permits necessary for work performed under this permit.
- 21) The permittee's attention is drawn to the requirements of the Georgia Sedimentation and Erosion Control Act; if strict adherence to those requirements are not met, the City has the authority to revoke this permit.