BRIMFIELD TOWNSHIP ROAD DEPARTMENT
ROAD BOND
PHONE: 330-678-0739 FAX: 330-678-6626

DATE: _____ **RB#** __

APPLICANT: _____

ADDRESS: _____

_____

PHONE: _____ **EMAIL:** _____

LOCATION: _____

REASON FOR REQUEST: _____

_____

REQUESTED BY: _____

CONTACT: _____ **PHONE:** _____

FEE: $50.00 PERMIT FEE PLUS $2,500.00 OR 25% OF THE EXCAVATION CONTRACT, WHICHEVER IS GREATER

APPLICANT SIGNATURE: _____

DATE COMPLETED: _____

APPROVED: _____ **REJECTED:** _____ **RELEASE BOND:** _____

ROAD SUPERINTENDENT SIGNATURE: _____

PLEASE CALL 330-678-0739 A MINIMUM OF 48 HOURS PRIOR TO START OF WORK. PLEASE NOTIFY ROAD SUPERINTENDENT DAVE RUFENER 48 HOURS AFTER COMPLETION AT 330-678-0739 OR CONTACT JENDY MILLER VIA EMAIL: jmiller@brimfieldohio.gov

APPLICANT SIGN-OFF: _____ **DATE:** _____

All documents and permits must be completed and issued prior to any work within Township roadways.

Date: _____

Permit No. _____ Fee Paid: _____

Receipt No. _____

BRIMFIELD TOWNSHIP, PORTAGE COUNTY, OHIO

APPLICATION FOR A PERMIT TO EXCAVATE WITHIN TOWNSHIP PUBLIC HIGHWAYS, INCLUDING RIGHT-OF-WAYS, TO THE BOARD OF TRUSTEES:

Application is hereby made by:

Name: _____ Address: _____

Phone: _____ Date: _____

PERMIT TO EXCAVATE: (check all that apply)

☐ Driveway ☐ Curb Cut ☐ All Roads to Be BORED

☐ Road Cut ☐ Road Right-of-way When Possible

LOCATION:

Name of Road: _____

From: _____ To: _____

The purpose of the excavation is: _____ and will completed on or about _____. If this application is approved and a permit is issued, the Applicant agrees to comply with all the terms, conditions and restrictions printed or written on the back of this sheet and/or attached hereto as "addendum" as amended or supplemented in accordance with the detailed plans submitted and attached to this application.

Signed: _____ Signed: _____

(Contractor doing work) (Applicant)

_____ _____

Name & Title (please print) Name & Title (please print)

PERMIT

The above application is hereby:

_____ Approved and permission is granted to do the work covered in the application, which work shall be done in strict conformity with the terms, conditions, and restrictions of the permit as contained on the reverse hereto or attached hereto.

_____ Disapproved and excavation is prohibited for the above work under the penalty of law.

NOTE: WORK MAY NOT BE COMMENCED UNTIL A BOND IS POSTED AND APPROVED BY FISCAL OFFICER

DATED: _____, 20____ BRIMFIELD TOWNSHIP BOARD OF TRUSTEES

_____

Bond in the form of _____ in the amount of $ _____ is hereby deposited with the Fiscal Officer of the Brimfield Township Trustees to be held and used if necessary, as proved in the terms, conditions and restrictions hereof.

DATED: _____, 20____ _____

Fiscal Officer

TERMS, CONDITIONS AND RESTICTIONS THAT APPLY TO THE ISSUANCE OF A PERMIT FOR EXCAVATING IN ANY BRIMFIELD TOWNSHIP PUBLIC HIGHWAY

NOTE: WHEN POSSIBLE – ALL ROADS TO BE BORED

The foregoing permit is issued under the authority of the Board of Brimfield Township Trustees, by Resolution No. 2008-186, adopted pursuant to Ohio Revised Code Section 5571.16. That Resolution requires anyone who desires to make any excavation in any Brimfield Township public highway (which for the purposes of these conditions is defined as the road surface, its sub-surface, and right-of-way) to obtain a permit for each such excavation prior to the commencement of the excavation. Any work performed at such excavation shall be done in accordance with Ohio law and the conditions contained in this permit. These conditions are binding upon the Applicant as herein defined. Once the permit application is submitted to the Township Fiscal Officer, the fee paid and the required bond posted, work may commence upon approval of and under the supervision of the Road Superintendent of Brimfield Township. For the purpose of these conditions, the term "Applicant" includes any contractor or employee performing any work related to this permit, and all of their heirs, executors, administrators, successors, and assigns and any agents of any such individuals or entities.

1. The Applicant for a permit shall submit detailed plans for each contemplated excavation indicating the location, size, type, and dimensions at least forty-eight (48) hours prior to the date on which excavation will begin if a permit is issued. The fee for each excavation permit will be Fifty Dollars ($50.00).
2. The Applicant shall deposit with the Fiscal Officer of Brimfield Township, as a cash deposit (in the form of a check) or a surety bond to insure adherence to these terms, in the sum of Twenty-Five Hundred Dollars ($2,500.00) or 25% of the contract amount for the excavation, whichever is greater. Said surety shall be satisfactory to the Board of Brimfield Township Trustees and any bond shall be payable to the Board of Brimfield Township Trustees. Said deposit or bond shall be conditioned upon the restoration of the public highway to the condition herein specified if work is performed in an emergency basis. Said deposit shall be refunded or the bond shall be released within Twelve Months (12 mons.) after the restoration of the public highway and upon recommendation of the Road Superintendent and the approval thereof by resolution of the Board of Brimfield Township Trustees finding that the public highway has been restored to the condition prevailing at the time of the issuance of the permit or at the time of the commencement of the excavation in the case of an emergency as hereinafter provided. Should the person or business to whom a permit has been issued fail to restore said public highway as provided herein within sixty (60) days of the issuance of the permit or the opening of the excavation, whichever date is later, then the deposit or bond shall be forfeited to the Board of Brimfield Township Trustees and the said Board shall take legal action to enforce said bond and restore the affected public highway, all at the Applicant's cost and expense, to all of which in such event, Applicant agrees to pay, including court costs, and the Board's attorneys' fees and related expenses.
3. The Applicant for any permit issued hereunder shall be responsible for obtaining all other permits required for construction and notify applicable utilities of the pending excavation, and for spotting, marking, and if necessary, having utilities located in the area of excavation relocated at its sole cost prior to commencing excavation. The Applicant shall be responsible for any damage to the public highway and any associated structures and shall make repairs as deemed necessary by and to the satisfaction of the Board of Brimfield Township Trustees. The Applicant shall also be responsible for the installation and maintenance of adequate signs and warning devices to inform and protect the public. The Applicant shall be responsible for the maintenance of traffic throughout the construction period and shall comply with the requirements of the OHIO MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES ("MUTCH") at all times until the work is completed.
4. The Applicant shall excavate, backfill, refill and resurface any public highway covered by the permit to be issued to the Applicant in accordance with these permit conditions and the directions and

specifications as provided by the Board of Brimfield Township Trustees with the advice and consultation of the Road Superintendent of Brimfield Township. All excavations and materials including backfilling, refilling and resurfacing and the method of compaction shall be performed and completed in a manner satisfactory to the Board of Brimfield Township Trustees.

5. The length of open trenches if any constructed during excavation shall be kept in a minimum and shall be protected by signs, barricade and lights as necessary and in conformance with the requirements of the current Ohio MUTCD.
6. The function of existing traffic control devices shall be retained at all times during excavation and before completion. Existing signs that must be relocated laterally shall be placed in accordance with the current Ohio MUTCD and such signs shall not be moved without the approval of the Board of Township Trustees or the Portage County Engineer as the case may be. The Applicant shall restore relocated traffic and street signs to the positions and conditions that existed prior to construction shall replace all paving markings in accordance with Ohio law and the current Ohio MUTCD.
7. No "off the road" equipment with steel tires, treads, cleats, stabilizing pads or similar equipment with be permitted on public highway pavement without the use of proper planking as approved by the Board of Brimfield Township Trustees or its Road Superintendent.
8. The Applicant shall at all times provide and maintain suitable driveways to and from abutting properties as to allow ingress and egress to and from such properties. The Applicant shall be responsible for any and all damages to any abutting property owner or any interference to their activities including the business activities of any such abutting property owner.
9. The Applicant hereby agrees to indemnify and save Brimfield Township, the Board of Brimfield Township Trustees, including its individual Trustees and its officers, agents, and employees as well as successors and assigns absolutely free and harmless from any and all claims for damages to persons or property which might arise or be connected in any way with any excavation to be performed in a public highway within this jurisdiction.
10. The Applicant shall complete any sub-road excavation by BORE method rather than open-cut unless specifically authorized otherwise by the Board of Township Trustees through its Road Superintendent. Drainage from the road surface and road right-of-way at the site of excavation will be maintained at all times during excavation.
11. The Applicant shall be responsible for restoring the public highway to as good condition as originally found, and repair and replace any and all roadway structures without cost to the Board of Brimfield Township Trustees and to its reasonable satisfaction. Restoration of all areas outside of the paved area will be made to satisfaction of the Board of Brimfield Township Trustees and shall be in accordance with State of Ohio Department of Transportation Construction & Materials Specifications Manual Item #659, and/or any other current ODOT specification equivalent to the satisfaction to the Board of Brimfield Township Trustees. All debris from the construction site including any excess excavation materials shall be removed from the site of excavation and properly and lawfully disposed of at the cost of the Applicant. Neither dumpsters nor any other types of obstructions can be placed in the public highway.
12. The cash deposit or surety bond deposited with the Board of Brimfield Township Trustees for this permit shall be held by the Fiscal Officer until such time as the excavation is adequately restored to the satisfaction of the Board of Brimfield Township Trustees and a sufficient period of time has passed to allow for adequate ground settling as determined by the Board of Brimfield Township Trustees. Moreover, the cash deposit or surety bond shall be held to insure satisfactory compliance with all terms and conditions of this permit by the Applicant. The cash deposit shall then be returned to the contractor or the surety bond, if provided, shall then be released, both without interest, upon satisfactory completion of the excavation to the satisfaction of the Board of Brimfield Township Trustees and full compliance with the conditions of the excavation permit and Ohio law. In the event that the conditions of the permit are not promptly, fully and completely adhered to by the Applicant, the Board of Brimfield Township Trustees may direct its Fiscal Officer to retain said deposit and/or deduct from said deposit any sum deemed necessary to restore the excavation site or to fulfill the terms, conditions and

restrictions as to the issuance of any excavation permit. The retention or deduction of any such damages from the deposit or bond, however, shall not be construed to liquidated damages, and the Applicant shall be responsible for any and all damages that might proximately flow from any failure to comply with the terms of this permit or Ohio law.

13. Before commencement of the excavation, the Applicant shall notify the fire and police departments, the school system, and the post office located in and/or having jurisdiction over the area where the excavation is to occur of the excavation work, the date of commencement and the completion of said work.
14. If an emergency occurs, such as a burst or leaking pipe, or similar problem which requires immediate action to protect the public health, safety, and welfare, a contractor may proceed with a road opening if the contractor adheres to all terms and conditions hereof, notifies the Brimfield Township Road Superintendent upon the commencement of work, and provides a completed application and bond as required herein as soon as possible thereafter but not later than two (2) days after an excavation has been commenced.

NOTICE:

No person shall make an excavation in any township highway in violation of any resolution adopted pursuant to Section 5571.16 of Ohio Revised Code.

PLEASE SIGN BELOW:

I, _____, have read, understand and will comply with the terms of this permit.

Signed: _____ Date: _____