



40555 Utica Road | P.O. Box 8009
Sterling Heights, MI | 48311-8009
TEL 586-446-2720 | FAX 586-276-4061

**CONTRACTOR/DEVELOPER APPLICATION AND
PERMIT TO CONSTRUCT, OPERATE, USE AND/OR
MAINTAIN WITHIN THE RIGHT-OF-WAY/EASEMENT**

(City Code Chapter 48-4)

This form acts as an application for the permit and upon approval becomes the final permit for the work described herein.

FOR OFFICE USE ONLY
Date of Application: _____
Permit No. _____
Date of Issuance: _____
Date of Expiration: _____

Contractor: _____ hereby makes application for a permit to CONSTRUCT, OPERATE, USE and/or MAINTAIN IMPROVEMENTS within the part of the right-of-way/easement under the jurisdiction of the City of Sterling Heights. A detailed description of the desired facility and/or activity is as follows: (Include size, length, type of facility; if underground indicate depth below surface; if parallel to the road indicate distances from inside edge of pavement, if crossing under roadbed, describe method.)

Project Name: _____ Project Address: _____ Section No: _____

Nearest Crossroads: _____ Start Date: _____ End Date: _____

Description of Facility/Activity: _____

The above stated intentions will be carried out according to plans, specifications, maps and statements filed with the City of Sterling Heights as part of this application, and if said application is approved, the above named applicant agrees to do the following:

- 1. Secure a permit from the City of Sterling Heights before the commencement of construction or maintenance operations. If a contractor is to perform the construction or maintenance entailed in this application, he shall secure a permit from the City of Sterling Heights prior to the commencement of construction or maintenance operations and thereby assumes responsibility, along with the applicant, for any provisions of this application, which may apply to him.
- 2. Any and all construction proposed under this application will meet all requirements of the City of Sterling Heights together with the Supplemental Specifications set forth on the reverse side of this application for permit.
- 3. Save harmless the City of Sterling Heights against any and all claims for damages arising from operations covered by this application and furnish proof of insurance coverage for the term of the permit issued. Insurance coverage shall be for public liability, property damage and workman's compensation at limits deemed acceptable to the City of Sterling Heights.
- 4. Surrender the permit herein applied for; surrender all rights hereunder; cease operations; and remove, alter, relocate at applicant's own expense the facilities for which this permit is granted whenever ordered to do so by the City of Sterling Heights because of the need for the area covered by this permit for public uses or because of a default in any of the conditions of the permit. Upon failure to remove, alter, relocate or surrender the facilities pursuant to the order of the City of Sterling Heights, reimburse the City of Sterling Heights for its cost in doing same.
- 5. Nothing in this application shall be construed to grant any rights whatsoever to any public utilities whatsoever except as to the consent herein specifically given, nor to impair anywise any existing rights granted in accordance with the constitution or laws of this State.
- 6. Contact the Office of Engineering at 586-446-2720 a minimum of 48 hours prior to construction to schedule an inspection.

Applicant's Signature

Applicant's Printed Name

Applicant's Address

City State Zip

Area Code and Telephone No.

Email Address

REVIEW FEE: \$ _____
INSP. DEPOSIT: \$ _____
BOND: \$ _____
Proof of Insurance _____

The application as requested is hereby **approved**, subject to the conditions to which applicant therein agrees. The obligation to operate, use and/or maintain the facility to the satisfaction of the City of Sterling Heights remains in force as long as the facility exists and is within the right-of-way under the jurisdiction of the City.

NOTE: This permit does not relieve applicant from meeting any applicable requirements of law or other public bodies or agencies.

APPROVED BY: _____

Printed Name _____

Act 451-SESC permit (required/not required) # _____

This form expires on **June 30, 2024**

SUPPLEMENTAL SPECIFICATIONS

1. **INTENT:** Since a permit will have to be secured from the City of Sterling Heights prior to the start of any construction or maintenance operations proposed by this application, it is the intent of these supplemental specifications to be incorporated as part of the plans or specifications required for this proposed work.
2. **EXCAVATION AND DISPOSAL OF EXCAVATED MATERIAL:** The City of Sterling Heights shall specify if trenches or excavations under or adjacent to the road surface shall be sheeted, shored and/or braced in such a manner as to prevent caving, loss, or settlement of foundation material supporting the pavement.

Excavated material shall be stocked in such locations that it does not obstruct vision on the traveled portion of the road and in such a manner that it will interfere as little as possible with the flow of traffic. Sod and topsoil shall be stocked separately from other excavated material. The applicant shall dispose of all surplus and unsuitable material outside of the limits of the highway unless the permit provides for disposal at approved locations within the right-of-way. In the latter case, the material shall be leveled and trimmed in an approved manner.

3. **BACKFILLING AND COMPACTING BACKFILL:** All trenches, hole, and pits shall be filled with sound earth or with sand-gravel if so provided, placed in successive layers not more than 6 inches in depth, loose measure, and each layer shall be thoroughly compacted by tamping and all backfill subject to check by the Controlled Density Method (minimum 95%). Sod and topsoil shall be replaced.

Sand-gravel backfill material shall consist of approved bank-run sand or gravel or a mixture of approved sand or stone screenings in the mixture. All the material shall be of such size that it shall pass through a screen having 2 1/2 inch square openings and meet the requirements of MDOT class II material, unless otherwise authorized.

Any excavation within the right-of-way outside traveled portion of road must be maintained until all settlement has occurred and must be reshaped and seeded. All disturbed areas outside of roads, shoulders, driveways, and sidewalks must be restored with vegetation. Previously sodded areas shall be restored with 3 inches of screened topsoil and class 'A' sod. Other areas shall be restored with 4 inches of screened topsoil and fertilizer, seed and mulch blanket.

All excavation within traveled portion of road must be backfilled with sand and compacted. Special requirements to be determined by type of surface.

4. **CROSSING ROADBED BY TUNNELING:** When the pipe is installed by tunneling, boring or jacking without cutting the existing pavement, the backfill shall be made by tamping a dry mix of lean concrete into place to completely fill any voids remaining around the installation. The concrete shall be composed of one part of Portland Cement and 10 parts of sand-gravel by volume. Sand-gravel shall conform to the requirements given in paragraph 3.
5. **CROSSING BY CUTTING GRAVEL ROADS:** All trenches are to be backfilled with approved material to within 12 inches of surface within the limits of the roadbed. Backfill methods will be as described in paragraph 3. All surplus excavated material will be disposed of as described in paragraph 2. The top 12 inches within the roadbed will be backfilled with 8" of 4a limestone topped with 4" of 21AA limestone. Trenches outside of the roadbed will be backfilled in accordance with paragraph 3.
6. **CROSSING BY CUTTING PAVEMENT AND TRENCHING:** When this method is used, the pavement shall be cut back so that the opening is at least 12 inches wider on each side than the width of the trench or to the nearest slab joint, whichever is greater. In all concrete surfaces or bases, edges of trenches shall be formed by the use of a concrete saw. The pavement shall be broken in such a manner as to allow the reinforcing steel, if any, to protrude a sufficient distance for lapping or tying with similar reinforcement in the pavement patch. Backfill shall be in accordance with paragraph 3. After the backfill has been thoroughly compacted, the pavement shall be replaced with 21AA limestone stabilized with chloride until the permit licensee can replace the pavement with new pavement. Maintenance of the temporary pavement will be assumed by the City of Sterling Heights if the Contractor fails to do so and cost incurred will be deducted from the Permit Licensee's deposit.
7. **DEPTH OF COVER MATERIAL:** Pipes shall be placed to a depth that will provide not less than 4 feet of cover (6.0 feet minimum cover for public watermain) between the top of roadway surface and the pipe.
8. **TREES:** This permit will be required for any proposed tree trimming or removal in the road right-of-way. Tree roots shall be bored a distance of 1 foot for each 1 inch of trunk diameter for underground utility installations. When tree roots are required to be cut, a 'DOSKO' root cutter/disc trencher or approved equal shall be utilized.
9. Any proposed operation in the right-of-way not covered by the above specifications, submitted with this application shall be done in accordance with additional specifications or instructions deemed necessary by the City of Sterling Heights or its duly authorized representative.
10. The foreman in charge of the work shall have the approved permit and the plans in his possession on the job at all times.
11. **DRIVEWAYS AND SIDEWALKS:** All driveways and sidewalks that are damaged during construction or maintenance activities shall be replaced to the nearest joint with concrete on a compacted sand base. Driveways and sidewalks through driveways shall be 6 inches thick in residential areas and 8 inches thick in all other areas. Sidewalks not in driveways shall be replaced with 4 inch thick concrete on a compacted sand base.
12. **MAILBOXES:** Single mailbox supports shall be a single wood post 4 inch by 4 inch or 4.5 inch diameter set no deeper than 24 inches. Multiple mailbox installation shall be with single supports separated by a clear distance of 3/4 of the height of the nearest support or a gang mailbox support in accordance with United States Postal Bulletin 21892, 4-27-95 and 'A GUIDE FOR ERECTING MAILBOXES ON HIGHWAYS' by the American Association of State Highway and Transportation Officials (AASHTO). Brick mailbox supports and other non-breakaway supports are specifically prohibited and will be removed by the City of Sterling Heights.
13. **TRAFFIC CONTROL:** In case of lane closures, traffic control devices shall conform to the current edition of the Michigan Manual of Uniform Traffic Control Devices.

THE FOLLOWING MUST BE ATTACHED TO THE APPLICATION WHEN APPLICABLE:

1. Plans, specifications and location of facility - 3 sets
2. Traffic control plan
3. Soil Erosion and Sedimentation Control Plan and Permit

INSURANCE REQUIREMENTS

Contractor shall not commence work within the Public Right-of-Way until it has obtained the insurance required within this paragraph. All coverages shall be written with insurance carriers acceptable to the City of Sterling Heights. If any insurance is written with a deductible or self-insured retention, Contractor shall be solely responsible for said deductible or self-insured retention. The purchasing of insurance shall not be a satisfaction of Contractor's indemnification of the City of Sterling Heights. Contractor is responsible to meet all MIOSHA requirements for on-the-job safety. Contractor shall procure and maintain during the term of the Permit insurance meeting the minimum requirements of the City of Sterling Heights (which may be revised from time to time), which minimum requirements are currently as follows:

- (a) **Workers Compensation Insurance** in accordance with all applicable statutes of the State of Michigan. Coverage shall include Employers Liability Coverage.
- (b) **Commercial General Liability Insurance** on an "Occurrence" basis with limits of liability not less than the specified amount per occurrence and/or aggregate combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions:
 - (1) Contractual Liability
 - (2) Products and Completed Operations
 - (3) Independent Contractors Coverage
 - (4) Broad Form General Liability Extensions or equivalent.
 - (5) Coverage for X, C and U hazards if any trenching, digging or excavation work is to be performed.
 - (6) **\$300,000 Liability Limit** required - includes minor installing, maintaining, repairing, replacing and removing work within the Right-of-Way. No mechanical trenching, digging or excavation. Project valued under \$10,000 and less than 30 days in duration.
 - (7) **\$500,000 Liability Limit** required - includes medium sized installing, maintaining, repairing, replacing and removing work within the Right-of-Way, including minor trenching and digging (no excavation). Project valued between \$10,000 and \$25,000 and less than 30 days in duration.
 - (8) **\$1,000,000 Liability Limit** required - includes larger sized installing, maintaining, repairing, replacing and removing work within the Right-of-Way including trenching, digging and excavation. Projects valued over \$25,000 and less than \$100,000 and/or projects over 30 days in duration.
 - (9) **\$3,000,000 Liability Limit** required - includes all major development projects with extensive installing, maintaining, repairing, replacing and removing work within the Right-of-Way including the placement of underground utilities and high hazard work. Projects valued \$100,000 and over.

Commercial General Liability Insurance as described above shall include an endorsement stating the following shall be an additional insured: "The City of Sterling Heights, including all elected and appointed officials, employees, volunteers and all other individuals working on behalf of the City."

Worker's Compensation Insurance and Commercial General Liability Insurance as described above shall include an endorsement stating that thirty (30) days advance written notice of cancellation; non-renewal, reduction and/or material change shall be sent to:

City of Sterling Heights
Office of Engineering
40555 Utica Road, P.O. Box 8009
Sterling Heights, MI 48311-8009

Before final approval of the Permit, Contractor shall supply the following:

- (a) Two (2) copies of Certificate of Insurance of Contractor's Workers Compensation Insurance.
- (b) Two (2) copies of Certificate of Insurance of Contractor's Commercial General Liability Insurance.
- (c) When requested by the City, one (1) complete copy of any policy of insurance required or supplied under this Contract.

If any of the above coverages expires during the term of this Contract, Contractor shall deliver renewal certificates and/or policies to the City Engineer at least ten (10) days prior to the expiration date. Alternatively, Contractor may satisfy the insurance requirements by providing evidence of participation in a funded self-insurance program, which the City determines to be acceptable in place of insurance.

Contractor acknowledges that the insurance requirements of the City may be revised from time to time and Contractor agrees to comply with any new requirements within thirty (30) days of receipt of written notice from the City of such revised requirements. Failure to comply with the requirements set forth in this Contract shall constitute grounds for revocation of any permit to construct, operate, use and/or maintain within the Right-of-Way.

Contractor agrees to comply with the City's insurance requirements during the term of any such permit.

WAIVER AND INDEMNITY AGREEMENT

In consideration of and as a condition of issuance of any permit to construct, operate, use and/or maintain within the right-of-way and/or public utility easement of the City of Sterling Heights, the Contractor takes the following action:

- A. Contractor assumes all risks of injury and property damage and accepts all responsibilities in the case of accident, injury or death, except for damages caused by or resulting from the City's sole negligence.
- B. Contractor agrees not to sue the City of Sterling Heights, its employees, appointed and elected officials, volunteers and other individuals working on behalf of the City of Sterling Heights, for any claims, damages or costs which Contractor may have as a result of any accident, injury or death incurred or suffered by Contractor or its employees while conducting any activity, construction, operation, use and/or maintenance in the right-of-way and/or public utility easement, except for damages caused by or resulting from the City's sole negligence.
- C. Contractor expressly agrees to the fullest extent permitted by law to indemnify and hold the City of Sterling Heights, its employees, appointed and elected officials, and volunteers and other individuals working on behalf of the City of Sterling Heights, harmless against any losses, costs, expenses, damages, liabilities, or claims whether groundless or not, arising out of bodily injury, sickness or disease, including death resulting at any time therefore, which may be sustained or claimed by any person or persons, or destruction of any property, (including the loss of use thereof) based on any act or omission, negligent or otherwise, of Contractor or anyone else acting on its behalf incident to the Permit to construct, operate, use and/or maintenance within the right-of-way and/or public utility easement, except that Contractor shall not be responsible for indemnification to the City for damages caused by or resulting from the City's sole negligence; and Contractor shall at its own cost and expense, defend any such claim and any suit, action or proceeding which may be commenced there under and Contractor shall pay any and all judgments which may be recovered in any such suit, action or proceeding and any and all expenses, including but not limited to costs, attorney fees and settlement expenses which may be incurred therein as they relate in any way to any activity, construction, operation, use and/or maintenance by Contractor or others working on behalf of the Contractor within the right-of-way and/or public utility easement.

CONTRACTOR NAME: _____

Authorized Representative - signature

Print Name Title

RIGHT-OF-WAY POLICY

PERMIT REQUIRED

In accordance with City Code 48-4 a permit is required for **all** work within the public right-of-way and easements within the City of Sterling Heights. Work is considered to be: installing/repairing/replacing/removing overhead or underground utilities (wires, pipe, poles, culverts, etc.); repairing or installing drive approaches/lane improvements, sidewalks, mailboxes, irrigation lines, planting or relocating trees, shrubs, rocks and other vegetation.

EXCEPTIONS TO PERMIT REQUIREMENTS

A right-of-way permit is generally not necessary for: work performed by City maintenance personnel; regular maintenance of landscaping (cutting grass, planting flowers, trimming trees) by a property owner; when a contractor is working on behalf of the City performing work under a current contractual obligation; when right-of-way work is being done in conjunction with another approved permit (i.e. plot plan). All site development plans shall obtain a right-of-way permit.

REVIEW FEES – All review fees shall be paid in full prior to issuance of permits.

Public Improvements – 1.3% of the estimate of cost of construction of improvement in the right-of-way - \$50.00 (minimum).

Major Road Residential Drive Approach – Review and inspection fee - \$265.00 (each drive approach)

INSPECTION DEPOSITS – The following inspection deposits shall be paid in full prior to issuance of permits:

Public Improvements – 9.00% of the estimate of cost of construction of the improvements in the right-of-way - \$500.00 (minimum).

SECURITY BOND – Cash, certified check, or irrevocable letter of credit from an approved financial institution equal in amount to the total cost of restoration - \$450.00 (minimum).

These fees may be waived or reduced for individual homeowners performing sidewalk replacement, mailbox or landscaping installation in front of their residences themselves. Homeowners shall submit a sketch of the proposed work along with a copy of their homeowner's insurance policy.

NOTE: Inspections will be charged at the rate of payroll + 180% with a minimum of two hours show up time and ½ hour increments thereafter. An additional charge of 10.00% will be added for inspections performed by the City's consultant. A monthly balance shall be kept by the Office of Engineering of all monies deposited for inspection. When it appears that there may be insufficient funds on deposit to complete the inspection of the project, an additional deposit will be required. In no case will work be allowed to proceed or inspections be provided on a deficit basis.

At the time of application all fees, bonds, deposits, details, sealed (registered Professional Engineer) site plans (24" x 36"), itemized engineer's cost estimate waiver and indemnity agreement, and proof of adequate insurance must be submitted.

MISCELLANEOUS NOTES

1. Additional permits to include Act 451 Soil Erosion and Sedimentation Control Permits and other local, state and federal permits may be necessary and must be obtained or letters indicating "*PERMIT NOT REQUIRED*" prior to approval of the right-of-Way permit.
2. The contractor is required to notify the City's Construction Manager two working days prior to construction to schedule an inspection. The Construction Manager shall determine if full time inspection is necessary.
3. Traffic control devices to include signs, arrow boards, and flaggers, as necessary, in accordance with the M.M.U.T.C.D. shall be in place and operating prior to beginning construction.
4. Adequate soil erosion and sedimentation control measures to include trenched in silt fence, inlet filters and gravel construction drives to be installed prior to beginning work.
5. Mailboxes (approved by the postmaster general) shall be constructed on breakaway posts made of wood (max. 4" x 4") or steel (max. 2" diameter). The Office of Public Works shall remove all other types of support posts and the homeowner shall be notified to install a standard post or the DPW will install a standard post and bill the homeowner.
6. Rocks of any size are not allowed within the public right-of-way and will be removed by the Office of Public Works. The property owner will be notified to restore the area or will be billed for restoration.