



**TOWN OF MERRILLVILLE
RIGHT OF WAY YEARLY ENTRY
PERMIT FOR OWNERS**

APPLICANT

NAME: _____

ADDRESS: _____

CONTACT NAME: _____

PHONE NO: _____

EMAIL: _____

DATE ISSUED: _____

The Applicant is looking to either perform emergency repairs or to perform maintenance of their facilities within the Town of Merrillville's public right of way.

The applicant will complete work either using their own forces or an independent contractor to perform the proposed work. For this work, the repairs will be performed under the "RIGHT OF WAY YEARLY ENTRY PERMIT FOR OWNERS". While all other work like placing new or upgrading existing facilities with the applicants own forces or an independent contractor will require the RIGHT OF WAY ENTRY PERMIT.

THEREFORE, the applicant or a representative who has the authority to sign for the applicant agrees and understands they will follow all the requirements listed below to perform emergency repairs or maintenance on their existing facilities within the Town of Merrillville's public right of way.

FEE: At the time the completed application is submitted to the Town of Merrillville Public Works Department, a \$1,000.00 fee must be paid to the Town of Merrillville Clerk Treasurer. The receipt must be presented to the Town Engineer at the first scheduled meeting after the application is submitted.

ITEM 1. Financial Security

Prior to receiving any executed permit approval by the Town, the Applicant shall do the following:

The applicant will post a bond, letter of credit, certified check, or other sufficient surety (the "Bond") in the amount of \$50,000.00. The Bond may be called for failure to comply with the provisions of this PERMIT in whole or in part according to the terms of the Bond. The Bond will not be released until there has been full compliance with this PERMIT and at all locations where emergency repairs or maintenance

work has been performed during the term of this permit. Certification by the Engineering Administrator that the placement, repair, or maintenance of facilities has been completed in full compliance with Item 6 RIGHT OF WAY RESTORATION AND ACCEPTANCE.

ITEM 2. Documentation of Existing Conditions

The applicant will be required to document the conditions of the existing right of way prior to the start of any work. A copy of this documentation will be provided to the town prior to any work starting. This documentation shall be in the form of video which cover the entire limits of construction. The only exception to this requirement will be for emergency repairs. In cases of emergency repairs the applicant is not exempt from this requirement completely, but shall do its best to provide some type of documentation.

ITEM 3. Maintenance or Emergency Work

The applicant will provide a request in writing to the Town of all non-emergency maintenance work a minimum of five (5) calendar days in advance of the commencement of work. This request should be sent via email to publicworks@merrillville.in.gov and c.c. to kevinmarkle@merrillville.in.gov and to sking@merrillville.in.gov. The letter or email shall contain an explanation of what work will be performed, what inspections will be required and what restoration work will need to be completed. As part of this request, the applicant will also give a timeframe in which the work will need to be completed. Once the restoration work is completed, the Engineering Administrator will be contacted as noted under Item No 6 to receive a certification of release of the restored public right of way.

Regardless whether the work being performed is maintenance or emergency it shall be performed in accordance with local ordinance and standards or any other provisions the Town makes a part of this permit.

ITEM 4. Town License Requirements

Applicant agrees to comply with all required provisions of the Town of Merrillville Contractor Licensing regulations.

ITEM 5. Town Inspections

For work that was completed under emergency conditions the applicant will contact the Engineering Administrator a minimum of five (5) calendar days after the commencement of the work performed. The applicant can either make contact via email to Steve King at sking@merrillville.in.gov or by phone at 219-769-3631. The email shall contain an explanation of what work was performed and what restoration work that will need to be completed. The applicant will also provide a timeframe within which the restoration work will be completed. Once completed the applicant will contact the Engineering Administrator as noted under Item No.6 to receive a certification of release for the restored public right of way.

For work not considered an emergency, the Applicant or Applicant's contractor agrees to request inspections of permitted work a minimum of five (5) calendar days in advance of the commencement of the work to be inspected, by contacting the Engineering Administrator at 219-769-3631, or via email at sking@merrillville.in.gov. Applicant or Applicant's Contractor further agrees that if construction/maintenance commences prior to inspection, and said construction/maintenance involves

improvements that are no longer visible for inspection, that Applicant or Applicant's Contractor shall, if the Town so requires, excavate and expose the improvements so inspection may take place.

ITEM 6. Right of Way Restoration and Acceptance

All right of way disturbed including all pavements, driveways, curb and gutter, sidewalks, etc. shall be restored to pre-existing or better conditions. The restoration of grassed areas must have at a minimum of 70% germination of the seeded area attained before the town will approve final acceptance. For final acceptance to be achieved, the Applicant is required to request in writing that a final review be conducted by the Town Engineering Administrator to certify the restored public right of way, in writing to Steve King, Town of Merrillville, 7820 Broadway, Planning and Building, Merrillville, IN 46410 or via email sking@merrillville.in.gov.

The Applicant is responsible for restoration failures and defects for a period of one (1) year after the date of the Town Engineering Administrators favorable inspection. During this period, it shall remain the responsibility of the Applicant to correct and cure these defects and failures.

ITEM 7. Warranty

The Applicant shall immediately repair, at its own costs, all defects of any type whatsoever which occur within said one (1) year period. If required repairs herein are not timely completed, the Town shall have the right, at its option, to make said repairs at the expense of the Applicant. In such event, the Town may call the applicant's financial security as described under Item 1 to pay for said repairs.

ITEM 8. Right of Way Yearly Entry Permit for Owners Duration

For the RIGHT OF WAY YEARLY ENTRY PERMIT FOR OWNERS, the duration of this permit will be exactly one year (365 days) from the date of issuance. If the Applicant would like to extend the permit for another year, the applicant will need to provide the request in writing and provide a new form of financial security as described under Item No 1 for the new dates of the requested permit. The Town reserves the right to adjust the amount of financial security based on the amount of work being completed in Town

The Applicant or their representative who has the authority to sign for the Applicant has read and will abide by the provisions of the Right of Way Yearly Entry Permit for Owners described above.

Signature

Date

Printed Name

Company Name