

## EXHIBIT A

*City of Eudora, Kansas  
4 East 7th Street, Eudora, Kansas*

# **Right-of-Way Permit Requirements and Contractor Responsibilities**

## **I. Right-of-Way Permit Policy**

The City of Eudora regulates all work performed within any City right-of-way (ROW). This Policy, as adopted by City Ordinance # 949, contains all the specifications, requirements and administrative procedures that must be followed when working in the right-of-way. Copies of this Policy are available at City Hall, 4 East 7th Street, Eudora, Kansas, during normal business hours.

## **II. Permits**

Except as otherwise provided, no ROW-user may excavate any right-of-way or conduct any repair, construction, or reconstruction of facilities located within the right-of-way without first having obtained the appropriate right-of-way permit. There are two exemptions to this provision:

- Contractors working on the construction or reconstruction of public improvements on behalf of the City.
- ROW-users performing routine service operations which do not require excavation in the right-of-way and do not disrupt traffic for more than four (4) hours.

Application for a right-of-way permit shall be submitted to the Right-of-Way Official by either the ROW-user or by the person who will do the work and/or excavation in the right-of-way. Right-of-way applications shall contain the following:

- Compliance with verification of registration;
- Submission of a completed permit application form, including all required attachments and scaled drawings showing the location and area of the proposed project and the location of all existing and proposed facilities at such location;
- A traffic control plan;
- Payment of all money due to the City for permit fees and costs, for prior excavation costs, for any loss, damage or expense suffered by the City because of the applicant's prior excavations of the right-of-way or for any emergency actions taken by the City, unless the payment of such money is in dispute and timely appealed as provided hereafter.

Prior to the commencement of excavation, the permittee shall identify and locate any buried facilities to be spray painted according to the Uniform Color Code required by the Kansas One Call. Single right-of-way permits shall have a maximum project length of 1,200 feet. Projects exceeding 1,200 feet in length shall obtain multiple permits.

### III. Notification

At the discretion of the Right-of-Way Official, the permittee may be required to notify the occupants of all properties within two hundred feet (200') of the excavation prior to the commencement of such excavation. Door hangers shall be sufficient to satisfy such notification requirement.

At the discretion of the Right-of-Way Official, the permittee may be required to notify the Eudora Police Department and the local Fire Department of the schedule and location of such excavation prior to the commencement of such excavation.

The permittee shall notify the City no less than three (3) working days in advance of any construction, reconstruction, repair, location or relocation of facilities which would require any street closure or which reduces traffic flow to less than two (2) lanes of moving traffic for more than four (4) hours. Except in the event of an emergency as reasonably determined by the permittee, no such closure shall take place without notice and prior authorization from the City.

### IV. Insurance and Bonding Requirements

No performance and maintenance bond or liability insurance will be required of any residential property owner working in the right-of-way adjacent to his/her primary residence but such work must be confined to that area of the right-of-way that is outside of the curb line or edge of the street, and cannot encroach into or onto any paved surface of the right-of-way.

The permittee shall file with the City evidence of commercial general and automobile liability insurance with an insurance company licensed to do business in Kansas. The general liability limit will be not less than one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in aggregate. The automobile liability limit will not be less than one million dollars (\$1,000,000) combined single limit.

The permittee shall at all times during the term of the permit, and for two (2) years thereafter, maintain a performance and maintenance bond for the work to be performed under the Permit. The amount of the bond will be \$2,000 or the value of the restoration, whichever is greater, for a term consistent with the term of the permit plus two (2) additional years.

Alternatively, if the permittee anticipates requirements for multiple right-of-way permits, the permittee may choose to meet the bond requirements for the above prescribed term as follows:

- A. 10 permits or less/year: \$15,000 annual bond;
- B. 25 permits or less/year: \$30,000 annual bond;
- C. Unlimited permits/year: \$50,000 annual bond.

No performance and maintenance bond will be required for permits issued for driveway placement, driveway replacement, residential street approach or landscaping work such as irrigation systems and tree planting, and no liability insurance will be required for such permits if the contractor doing the work has a valid Douglas County Contractor License, and shows proof to the Right-of-Way Official of having the Contractor Insurance required for such License.

No performance and maintenance bond will be required of any governmental entity.

## **V. Scheduling and Work Safety**

A. Non-emergency work on arterial and collector streets may not be accomplished during the hours of 7:00 AM to 8:30 AM and 4:00 PM to 6:00 PM, in order to minimize disruption of traffic flow.

B. All work performed in the right-of-way or which in any way impacts vehicular or pedestrian traffic shall be properly signed, barricaded, and otherwise protected at the permittee's expense. Such signage shall be in conformance with the latest edition of the Manual on Uniform Traffic Control Devices, unless otherwise agreed to by the City.

C. All work should be scheduled to accommodate the community as much as possible. Work sites should be secured by 4 p.m. and all overnight barricading must be reflective and include properly working flashers. Work in arterial streets must be coordinated to avoid peak traffic flow period disruption.

D. Any job that represents a safety hazard or creates undue traffic confusion will be immediately ordered to stop work, backfill the excavation, and shut down the project until the situation is remedied to the satisfaction of the Right-of-Way Official.

E. All necessary signage must be in place before work begins. If restricted two-way traffic flow can be maintained, a flagman must be utilized at all times while work is in progress. Reflectivized cones should be used to channel traffic in the most effective manner possible. It is the responsibility of the contractor to verify the location of all utility lines within the proposed work area.

F. The one call system should be utilized to arrange the locations for all relevant utilities. Additionally, the City of Eudora should be notified to mark water and sewer lines in the area. A minimum of 48 hours notice in advance of the excavation is required unless there is an emergency situation. Any damage to utilities due to neglect or carelessness while excavating will result in the contractor being billed for the cost of repairs.

## **VI. Right-of-Way Repair and Restoration**

A. The work to be done under the right-of-way permit and the repair and restoration of the right-of-way as required herein must be completed within the dates as specified in the permit. However, in the event of circumstances beyond the control of the permittee or when work was prohibited by unseasonable or unreasonable conditions, the Right-of-Way Official may extend the date for completion of the project upon receipt of a supplementary application for a permit extension.

B. All earth, materials, sidewalks, paving, crossing, utilities, public improvement or improvements of any kind damaged or removed by the permittee shall be fully repaired or replaced promptly by the permittee at its sole expense and the reasonable satisfaction of the City.

C. In addition to repairing its own street cuts, the permittee must restore any area within five (5) feet of the new street cut that has previously been excavated, including the paving and its aggregate foundations.

D. In the event that the work requires the removal of pavement, the street section removed, of whatever nature, shall be sawcut on straight, square, clean lines in a rectangular

fashion by the contractor. All removed paving material shall be hauled offsite. The amount of pavement section removed shall be minimized. All cuts shall be cut in straight lines at right angles at least 8 inches away from the outer edge of the excavation.

E. For cuts that require the removal of any concrete curb & gutter, the contractor shall be responsible for the replacement of the same. The concrete curb and gutter shall match the existing curb, and otherwise meet the requirements of the American Public Works Association, Kansas City Chapter, or the latest Eudora specifications. Additional permit fees shall be assessed for any concrete curb & gutter removed.

F. Lane striping, crosswalks, stop bars, tactile indicators, or other surface markings will be replaced by permittee with similar methods and materials. Additional permit fees shall be assessed for any pavement markings destroyed by the pavement cut.

G. If an excavation cannot be back-filled immediately and left unattended, the permittee shall securely and adequately cover the unfilled excavation. The permittee has sole responsibility for maintaining proper barricades, safety fencing and/or lights as required, from the time of the opening of the excavation until the excavation is surfaced and opened for travel.

H. In restoring the right-of-way, the permittee guarantees its work and shall maintain it for twenty-four (24) months following its completion. During the twenty-four (24) months, the permittee shall, upon notification from the Right-of-Way Official, correct all restoration work to the extent necessary, using any method as required by the Right-of-Way Official.

I. The permittee shall use flowable fill as backfill on any street cut. This requirement may be waived or changed when appropriate in the discretion of the Right-of-Way Official. In such event, the Right-of-Way Official may require the permittee to employ a testing laboratory as approved by the Right-of-Way Official, which shall certify the proper back-filling on any street cut. The permittee shall pay all costs associated with such testing.

J. The permittee shall notify the office of the Right-of-Way Official upon completion of the authorized work permit.

K. The permittee will notify the Right-of-Way Official to schedule an inspection at the start of back filling. Upon completion of all right-of-way restoration activities, the permittee will schedule a closeout inspection.

## VII. PROPER NOTIFICATION—WHO TO CALL

When it is necessary to close a street for repair work, the following agencies must be notified 48 hours prior to the closure so that alternative routes can be planned:

- City of Eudora Public Works Department 785-542-3100
- City of Eudora Building Inspection Department 785-542-3124
- City of Eudora Police Department 785-542-3121
- City of Eudora Fire Department 785-542-3653



Application for Right-of-Way Permit  
City of Eudora, Kansas

Project Information	Owner/Contractor Information
Date of Application:	Owner's Name:
Location of Proposed Project:	Owner's Address:
Type of work (i.e., utility, street, sidewalk, alley):	Owner's Phone Number:
Reason for Excavation:	Contractor's Name:
Estimated Project Length (ft):	Contractor's Address:
Estimated Value of Restoration:	Contractor's Phone Number:
Proposed Start Date:	Douglas Co. Contractors License # (if applicable):
Estimated Completion Date:	New Single Family Residence Exemption:

Certification
<p>The applicant hereby certifies and agrees as follows:</p> <p><i>I hereby acknowledge, if the ROW/Excavation Permit is granted; (1) I assume all liability pertaining to this excavation and agree to maintain for two (2) years a Performance and Maintenance Bond with the City (if required). (2) I further bind myself to comply with all Building Codes and ordinances governing material, installation, repair or alteration of utilities. (3) I further agree to indemnify the City of Eudora for and hold it harmless from any cost or liabilities arising from the excavation identified above or any actions connected therewith. (4) I further acknowledge my responsibility and liability to notify all utility companies in advance of excavating and assume all liability for damage to all known and unknown utilities by this excavation. (5) I specifically indemnify the City for and hold it harmless from any liabilities to utility companies caused by this excavation. (6) The permittee shall notify the City no less than three (3) working days in advance of any construction, repair, relocation of facilities which would require any street closure or which reduces traffic flow to less than two (2) lanes of moving traffic for more than four (4) hours.</i></p>
Signature of Agent/Owner or Contractor:
Date:

For Official Use Only	
Issued by:	Date:
Approved _____ Denied _____	
Project Start Date:	Street Closure Required Date/Time:
Backfill Inspection Date:	Addl. Inspection/Excavation Fees Required:
Method of Backfill:	Addl. City Restoration Costs Req'd. on Completion:
Closeout Inspection Date:	Copy of Liability Ins. Cert. on File:
Date of Completion/Bond Start Date:	Copy of Perf. Maint. Bond/(\$) Amount on File:
ROW PERMIT #:	Total Permit Fee: