

Sagamore Hills Township

11551 Valley View Rd.
Sagamore Hills, OH 44067
(330)467-0900 Phone
(330)655-7899 Fax
www.MySagamoreHills.com

Right-of-Way Excavation Rules & Regulations

1. PERMIT REQUIRED: A right-of-way excavation permit is required when placing, extending, or repairing any pipes, cables, wires, roadway structure or appurtenances, or for any other purposes requiring the use of or connection to a Township road right-of-way. (U.S. Postal Service approved mailboxes on breakaway posts are exempted from permit requirements) Failure to obtain a permit may result in the imposition of a fine equal to the permit and inspection fees (listed below) that would have been charged had the work been properly permitted and inspected. Further penalties may also apply, including the opening of the construction site for inspection and/or prosecution under Ohio Revised Code §5571.99.

2. LIABILITY: The issuance of a permit does not relieve the agency and its contractor from any liability, and the permit holder shall at all times indemnify and save harmless Sagamore Hills Township and its employees and officials against all claims from injury or damage to persons and property that may be asserted by any firm, person or corporation arising out of the use and occupancy of any part of the road and/or road right-of-way. The attached indemnification agreement must be completed and submitted with permit application.

3. PERMIT PLANS: Whenever excavation is to be performed within the right-of-way, all permit requests shall be accompanied by a plan of suitable size and clarity to show the nature of the work to be performed. Such plan shall show all existing utilities and topographic features, existing right-of-way and adjacent property lines. The utilities shall be shown on the plans as to horizontal and vertical alignment based on a diligent search of records. All conflicts with any utility facility shall be resolved to the satisfaction of the utility owner. Trench data is to include length, width and depth dimensions and indicate fill material to be used. Method of closure must also be shown. (Please request a copy of current filling and closing materials and procedures). Indicate if excavation is in pavement, sidewalk, driveway or grass areas. Make notation if a trench, push, bore or tunnel method is involved. Proposed work should be highlighted for easy identification. **NOTE: *Sagamore Hills Township discourages the practice of enclosing natural or man-made swales and ditches with storm pipe in the Township. In most cases, permits will not be granted for such excavation work.***

4. ROAD CLOSURE: Whenever the full closure of a road is needed, the agency or its contractor shall provide the Sagamore Hills Township Service Department with a set of plans showing the proposed traffic control signs, detour route maps, notes, etc. Upon approval of plans, contractor must notify Sagamore Hills Township Service Department and Northfield Center-Sagamore Hills Fire District five (5) working days prior to actual closure of road.

5. RESTORATION: Whenever any person or agency has a permit to excavate in any roadway or right-of-way of any road or public way, the person or agency causing such excavation shall restore the same in such a manner and by the time as required by Sagamore Hills Township. All road and driveway repairs shall conform to current county standards and specifications. Permanent repairs to any road, open-cut for the purpose of installing, extending or repairing any pipe, utility, wire, cable, conduit or any other repair shall be made in accordance with current specifications approved by the Summit County Engineer.

6. EMERGENCY REPAIRS: When any public agency, private utility company or contractor must excavate within the roadway to make emergency repairs for the safety and convenience of the public, the same shall request a permit the following working day. All permanent repairs shall conform to these regulations.



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7. INSPECTION: Personnel of Sagamore Hills Township shall do inspection and acceptance of work performed under these permits. It is the permit holder's responsibility to request inspections. If, in the opinion of the Sagamore Hills Township Service Department Superintendent or the Sagamore Hills Township Administrator, additional inspections are needed due to the size or nature of the work, the contractor shall place on deposit funds necessary to pay for said inspection services. If a deposit is required, the amount will be negotiated with the contractor.

8. TRAFFIC CONTROL: If traffic control devices are required, all such devices shall be furnished, erected, maintained and removed by the contractor in accordance with the Ohio Uniform Manual of Traffic Control Devices with current revisions. Copies are available at the Ohio Department of Transportation.

9. NEW PAVEMENT OR REPAVEMENT: No permit will be granted to open-cut new pavement or repavement of a road, except for the purpose of emergency repairs, until after three years from the completion of such new pavement or repavement. The Summit County Engineer's specifications shall be followed when making permanent pavement repairs after open cutting.

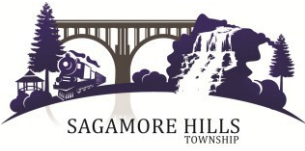
10. FEES: A permit fee of \$_____ shall be charged (ORC §5571.16). In addition, plan review and inspection fee of \$_____ will be charged for all new work. See Application for fee schedule. No permit or fee is required if work involves only the installation of U.S. Postal Service approved mailboxes on breakaway posts. If full stand-by inspection is requested by the contractor, a fee will be negotiated which must be deposited with Sagamore Hills Township Fiscal Officer prior to commencement of work.

11. CONSTRUCTION DEPOSIT: In addition to permit fee, plans review and inspection fee, a deposit shall be required for the following: open-cutting of pavement; work in right of way outside of paved area; new residential structures accessing a Sagamore Hills Township roadway; or existing residential structures seeking a new or additional curb cut; installation of culvert pipes; construction of a commercial structure or structures with entry onto a Sagamore Hills Township roadway. No deposit shall be required for replacement of existing driveway culvert pipe so long as the replacement is the same diameter and alignment as the existing culvert pipe (application and permit still required).

No deposit shall be refunded if the construction does not meet the required standards, is in violation of these regulations, or is not carried out according to the application and approved permit. Deposits will be refunded if work is corrected within 30 days of initial inspection and the correction meets the standards and regulations. It is the applicant's responsibility to request both the inspection fee and refund of deposit.

12. MATERIALS TO BE USED: All materials to be used shall be listed on the application for excavation in the right-of-way and shall be approved by the Sagamore Hills Township Service Department Superintendent and/or the Summit County Engineer.

13. SUBSTANDARD OR INCOMPLETE WORK: Substandard or incomplete construction or restoration will result forfeiture of deposit in the amount required for Sagamore Hills Township to complete, repair or restore the excavation at a rate of \$_____ per hour plus materials. Severe nonconformance with these standards may result in the issuance of a stop work order by the Service Director or Zoning Inspector.



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Sagamore Hills Township Application for Right-of-Way Excavation Permit



Call 8-1-1 or 1-800-362-2764 before you dig: It's the law!

Total Due \$ _____ Certif. of Insurance _____ Certif. of Worker's Comp _____

Applicant: _____

(Property owner or authorized agent)

Phone #: _____

Mailing address: _____

Contact name: _____

Phone #: _____

(Must include 24-hour emergency number)

Location of excavation/construction site: _____

(Address of site, or if no address, provide location map showing exact location of site)

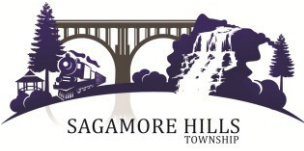
Subdivision: _____ Lot #: _____

Construction dates: _____

Estimate start date: _____

Estimate completion date: _____

Nature of excavation and work to be undertaken: _____



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Applicant has read the Sagamore Hills Township Right-of-Way Excavation Permit Regulations and agrees to or is providing the following: Applicant agrees to provide and place such warning devices as are necessary to protect travelers on the road and to ensure their safety.

1. Applicant agrees to complete all work to be performed under this application as soon as reasonably possible and to completely restore the entire road and right-of-way to the *condition* that existed before such work was undertaken, in accordance with the Sagamore Hills Township.
2. Right-of Way Excavation. Applicant agrees to notify the Sagamore Hills Township Service Department and Northfield Center-Sagamore Hills Township Fire District and all applicable utility providers of the right-of-way excavation and to obtain all required permits including, but not limited to, a road excavation permit from the Summit County Engineer and prior to the commencement of any work or excavation in the road right-of-way.
3. Applicant agrees to indemnify and hold harmless Sagamore Hills Township, its Board of Trustees, and all officers, employees and agents of Sagamore Hills Township, for any loss or cost, liability, damage, claim, demand or cause of action arising from, under or connected with the excavations and work covered by this application, and has properly executed the attached indemnification and hold harmless agreement.
4. This application is accompanied by a **\$100.00** application fee (ORC 5571.16), as well as plan review and inspection fees of \$_____.

X Applicant

Date



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PERMIT

The above application is hereby:

Approved and permission is granted to do the work covered in the application at

_____.

which work shall be one in strict conformity therewith.

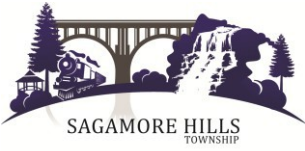
Amount of deposit is \$_____.

Received by Check No. _____

All deposits will be released upon Application of Applicant and approval of authorized permit issuing official. Disapproved and excavation is prohibited for the above work under penalty of law.

Authorizing Permit Issuing Official

Date:



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APPLICATION TO REFUND DEPOSIT FOR ROAD OPENING PERMIT

I was granted a Road Opening Permit No. _____ on _____ (date) for work at _____. I represent the work has been completed and that I request that my deposit in the sum of \$_____ be refunded. Refunds shall be issued after inspection and approval of the application by the Sagamore Hills Township Road Department Supervisor and the Fiscal Officer. After the approval of the Road Supervisor and submission to the Fiscal Officer a refund shall be made after thirty (30) days.

Deposit Refund _____

Applicant's Signature

Date

APPROVAL:

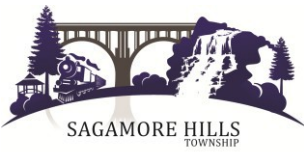
Sagamore Hills Township Service Director

Date

APPROVAL:

Sagamore Hills Township

Date



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Sagamore Hills Township

Application for Right-of-Way Excavation Permit

1. Plans, as required by Sagamore Hills Township, are attached to this application.
2. If constructing water/sewer or other utility lines, a permit from Summit County Environmental Services (330) 926-2474 or North Hills Water District (330) 468-0198 has been obtained and is attached to this application.
3. A list of materials to be used is attached to this application.
4. A security deposit in the amount of \$_____ accompanies this application.

Deposit required:

- a) For all new driveway access points to new or existing residential structures, \$1,000.00 for curb/gutter- \$500.00 for open swale
- b) If open-cutting pavement: \$150.00 per square yard of pavement to be cut; (minimum deposit- \$500.00)
- c) If constructing new subdivision: T.B.D.
- d) If constructing new roadway/driveway to a commercial structure: T.B.D.
- e) If working in right of way but outside pavement: \$75 per linear foot of work area length
- f) If setting new poles for utilities (6 or more for overhead utility lines, 1 or more for underground utility lines [ORC. Section 5571.16]): \$50 per pole.

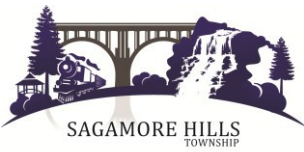
Security deposits shall not be refundable if it has been determined by inspection that the applicant has not met all conditions, standards and requirements contained in this application and in the Sagamore Hills Township Right-of-Way Excavation Regulations. It is the responsibility of the applicant to notify Sagamore Hills Township when ready for inspection. No refund will be granted until inspection has taken place and it has been determined by the responsible Sagamore Hills Township official that the work has been completed to the required standards.

5. Persons failing to comply with the standards and regulations, or failing to obtain a permit, shall be notified in writing by Sagamore Hills Township that they have 30 days from the date of notification to eliminate the violation and return the right-of-way to its original condition.

Date: _____

Signature:

(Must be signed by property owner or owner's authorized agent)



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INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

Now comes the undersigned being _____,
(hereinafter the “Undersigned,”) and the Board of Township Trustees of Sagamore Hills Township, Summit County, Ohio, (hereinafter the “Township”) and enter into this Agreement on this _____ day of _____, 20_____.

WHEREAS, The Undersigned desires to engage in excavation or construction activities within a Township roadway, pursuant to an application for such authority submitted to the Township, and

WHEREAS, the Township agrees to permit such excavation or construction activities but requires the execution of this Agreement pursuant to the Ohio Revised Code §5571.16,

NOW, THEREFORE, the Undersigned and the Township, in consideration of the mutual covenants and agreements, hereby agrees as follows:

The Undersigned agrees to indemnify and hold harmless the Township and each member of the Board of Trustees of the Township and each officer of said Board (and their heirs, executors, administrators and assigns) who is made a party or is threatened to be made a party to any litigation, action, suit or proceeding, whether civil, criminal, administrative or investigative by reason of the fact that he is or was a trustee, officer, employee or agent of the Board or is or was serving at the request of the Board against expenses, attorney’s fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding in connection with any activity by the Undersigned, or his designee, employee, agent, assign or contractor permitted under this agreement including, but not limited to, any negligent or intentional act which results in any harm or damage to another or to property of another. The foregoing right of indemnification shall not be exclusive of other rights or remedies to which such Board or Township official, or their heirs, executors and administrators may be entitled.

IN WITNESS WHEREOF, we have set our hands on the date set forth above.

X Applicant or Authorized Representative

Address: _____