

Golden Gate Highway District No. 3

Commissioners: Virgil Holsclaw, David Lincoln, Fred Sarceda

Application to Use Right-of-Way LICENSED USE PERMIT FOR NON-PUBLIC UTILITY INSTALLATION AND/OR REPLACEMENT

[for all types of use except subdivision utilities, public utilities and major installations involving more than one right-of-way]

The Applicant represents:

- That Applicant is the owner or is authorized by the owner and is the responsible party for the installation of the Licensed Use described below.
- That in the completion of this Application, Applicant represents and certifies to the Highway District the following:
 - The correct legal name of the Applicant.
 - If the Applicant is an entity, such as a corporation, LLC, partnership, lateral association, or other legal entity, please set forth on the signature line the legal capacity of the person who is signing for the entity which has been properly authorized. [i.e., President of Corporation, Managing Member of LLC, Authorized Agent of entity, etc.]
 - The correct identification of the ownership of the land that is benefitted by the Licensed Use.

Applicant Information:

Applicant's Legal Name: _____
Contact Person's Name: _____
Mailing Address: _____
Street Address: _____
Telephone: _____ Fax: _____
E-mail: _____

Ownership of Land Benefitted by Licensed Use: [Mark in box, as appropriate]

Title Report Proof of Ownership by deed or tax assessment

Owner(s) Information:

Name: _____ Parcel(s) No: _____
Mailing Address: _____
Street Address: _____
Telephone: _____ Fax: _____
E-mail: _____

(Attach separate page if multiple Benefitting Land Owners)

Type of Licensed Use (referred to herein as "Licensed Use"): [Mark in box, as appropriate]

New use Replacement of existing use

Describe type of Licensed Use: _____

Right-of-Way Licensed Use Location:

Location of right-of-way affected: (name of road, address or distance/direction from nearest cross street)

Starting at: _____ Terminating at: _____
Roadway Surface Type: Pavement Gravel Dirt

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A PROPOSED WORK PLAN AND TRAFFIC CONTROL PLAN MUST BE ATTACHED: (drawing of the Licensed Use, its location, describe the intended use, detour route and MUTCD signage)

Installation and Traffic Control Plan: *[Mark in box, as appropriate]*

- | | |
|---|--|
| <input type="checkbox"/> Installation Plan attached | <input type="checkbox"/> Traffic Control Plan attached |
| <input type="checkbox"/> Installation Plan will be supplied | <input type="checkbox"/> Traffic Control Plan will be supplied |
| <input type="checkbox"/> Installation Plan waiver requested | <input type="checkbox"/> Traffic Control Plan waiver requested |

Excavation and location of Licensed Use:

- Underground: _____ (depth and size of Licensed Use)
 Surface Road Cut: _____ (describe the amount of road cut area)

Licensed Use Location within right-of-way: *[Mark in box, as appropriate]*

- | | |
|---|--|
| <input type="checkbox"/> Parallel with the right-of-way | <input type="checkbox"/> Crossing the right-of-way |
| <input type="checkbox"/> Parallel and crossing the right-of-way | |

INSTALLATION RESPONSIBILITY: Applicant Highway District

Complete *only* if the Applicant intends to install:

Construction Start Date: _____
Estimated Completion Date: _____

- Proof of Insurance
- 3rd party compaction testing consultant
- AGREE to notify Highway District, Sheriff's Office and School Bus Services before closing roadway.
- AGREE to notify Highway District and obtain permission before closing roadway and starting work.
- AGREE to notify Highway District of completed roadway repair.

See General Permitted Licensed Use Conditions.

Contractor/Installer Information:

Company Name: _____
Contact Person: _____
Mailing Address: _____
Street Address: _____
Telephone: _____ Fax: _____
E-mail: _____

Applicant/Installer Signature: _____ **Date:** _____

This Permit expires 120 days from issue date unless extension is granted. Permittee must complete work and call for final inspection at (208) 482-6267 prior to Permit expiration, or forfeit deposit.

Notice to Applicant
This Licensed Use permit shall not be valid for applicant excavation until, or unless, the provisions of Idaho Code Title 55, Chapter 22 have been complied with.
Prior to Excavation, Call Dig Line
1 (800) 342-1585 or 811

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THE ISSUANCE OF THIS LICENSED USE PERMIT IS INCLUSIVE OF THE FOLLOWING TERMS AND CONDITIONS AND A COPY OF THE LICENSED USE PERMIT MUST BE PRESENT AT WORK SITE DURING CONSTRUCTION

GENERAL CONDITIONS

1. If a deposit is required, the same shall accompany the application. If proper repair (see #4 below) is made and accepted by the Highway District within fourteen (14) days of Licensed Use installation, the deposit will be refunded. If proper repair is not completed within fourteen (14) days, the Highway District will make repairs which are reasonably necessary and the deposit will be forfeited. Actual repair costs incurred by the Highway District above the deposit amount will be paid by the permittee. Deposit will be forfeited due to failure by the permittee to notify the Highway District of completed repairs within fourteen (14) days. The administrative permit fee is non-refundable.
2. During the progress of the work of installation, such barricades, lights and other traffic control devices shall be erected and maintained as may be necessary or as may be directed for the protection of the traveling public. Said barricades, lights and other traffic control devices shall conform to the current issue of the *Manual on Uniform Traffic Control Devices for Streets and Highways*. Parked equipment and stored materials shall be as far from the travel way as feasible. Items left overnight within 30 ft. of travel way shall be marked and/or protected.
3. In accepting this Licensed Use permit, the permittee, its successors and assigns, agrees to hold the Highway District harmless from any and all liability on account of the erection, installation, construction, maintenance or operation of the Licensed Use under this permit.
4. Any disturbance of the travel surface, shoulder and ditch of the roadway and/or traffic control devices shall be restored to the satisfaction of the Highway District. Permittee shall be responsible for proper pavement cut, excavation, backfill, compaction and asphalt repair. Asphalt repair shall be in accordance with Standard Provisions and Drawings of the District's currently adopted Highway Standards and Development Procedures.
5. If the work done under this permit interferes in any way with the drainage of the highway, the permittee shall wholly and at his own expense make such provision as the Highway District may direct to take care of said drainage.
6. On completion of the installation work herein contemplated, all rubbish and debris shall be immediately removed and the roadway and roadside shall be left neat and presentable to the satisfaction of the Highway District.
7. All of the installation work herein contemplated shall be done to conform with current government and industry standards to the satisfaction of the Highway District. The entire expense of inspections and supervision shall be borne by the permittee.
8. The Highway District hereby reserves the right to order the change of location or the removal of any structure(s) or facility(ies) authorized use by this Licensed Use permit. Said change or removal to be made at the sole expense of the permittee, or its successor and assigns.
 - 8.1 All such changes, reconstruction or relocation of the Licensed Use by the permittee shall be done in such a manner as will cause the least interference with any of the Highway District work.
9. This permit shall not be deemed or held to be an exclusive one and shall not prohibit the Highway District from granting other licensed use permits or franchise rights of like or other nature to other public or private utilities, nor shall it prevent the Highway District from using any of its roads, streets, or public places, or affect its right to full supervision and control over all or any part of them, none of which is hereby surrendered.
10. The Highway District may revoke, amend, amplify, or terminate this Licensed Use permit or any of the conditions herein enumerated if permittee fails to comply with any or all of its provisions, requirements or regulations as herein set forth or through willful or unreasonable neglect fails to heed or comply with notices given, or if the use herein licensed and permitted is not installed or operated and maintained in conformity.
11. The Benefitting Landowner(s) shall maintain at its sole expense the use, structure or subject for which this Licensed Use permit is granted.
12. Adequate drawings or sketches shall be included showing the existing and/or proposed location of the Licensed Use with respect to the existing and/or planned location of the highway improvement, the traveled way, the rights-of-way lines, and, where applicable, the control of access lines and approved access points.
13. If trench or pavement settlement should occur, within two years from the date of acceptance, repairs shall be made by the permittee as directed by the Highway District at no cost to the District. If the permittee fails to make the necessary repairs, the Highway District will make the repairs and bill the permittee. No new licensed use permits shall be issued to the permittee until such claim has been settled.
14. No installation work shall be started until an authorized representative of the Highway District has given notice to the permittee to proceed. Permittee shall notify the Highway District to schedule a time for road closure and opening. If the work will prevent emergency traffic from traveling through, the Canyon County Sheriff's Office and School Bus Services must be notified by the permittee.
15. A deposit or bond, if required, in the amount set forth of this Licensed Use permit is required for the protection of the Highway District as set forth in the terms of the bond.
16. The permittee shall indemnify and save and hold harmless the District from and for any and all losses, claims, actions or judgments for damages or injury to persons or property and losses and expenses caused or incurred by the permittee, its officers, employees and agents and as provided in general condition #3 of this Licensed Use permit.
17. The permittee shall maintain, and by its acceptance of this permit specifically agrees that it will maintain throughout the term of this permit, liability insurance for any and all losses, claims, actions or judgments for damages or injury to persons or property and losses and expenses caused or incurred by the its officers, employees and agents. The District shall be a named insured in an amount equal to the current liability coverage carried by the District in accordance with its insurance coverage for claim made under the Idaho Tort Claims Act and Idaho's Workers' Compensation Law. The limits of insurance shall not be deemed a limitation of the permittee's covenant to indemnify and save and hold harmless the District from such losses,

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claims, actions or judgments, and if the District becomes liable for an amount in excess of the insurance limits herein provided, the permittee covenants and agrees to indemnify and save and hold harmless the District from any and all such losses, claims, actions, judgments or expenses for damages or injury to persons or property.

18. The insurance policies obtained by the permittee in compliance with this section must be approved by the District, and such insurance policy, along with written evidence of payments of required premiums, shall be filed and maintained with the District Secretary during the term of this permit; or in lieu of an insurance policy, the permittee may submit and keep on file with the District Secretary during the term of this permit a current certificate of insurance showing compliance with this section, but said certificate of insurance must disclose that the District is a named insured, the policy period, and that the premium has been paid for the policy period.
19. Any replacement of, addition to, or change in the licensed use facility granted by this Licensed Use permit shall require a new permit prior to initiation of such work.
20. In circumstances where the Subject Right-of-Way is prescriptive, this Licensed Use permit is a non-interference Licensed Use permit; and if the permittee is not the underlying fee owner of the property, the permission of the underlying fee owner must be obtained.

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Benefitted Landowner(s) Certification and Agreement

As a condition and in consideration of the issuance of this Licensed Use Permit by the Highway District:

I certify that I am the Benefitted Landowner of Parcel(s) _____
and that the information provided in the above Application is true and correct to the best of my knowledge.

I have authorized the *Applicant* to request permission to construct and use the above-described licensed Use within the Highway Right-of-Way in accordance with the statements made in this Application and in accordance with and subject to the *General Conditions* printed as set forth above. I acknowledge that I am aware of the following:

- ✓ Perpetual maintenance of the permitted Licensed Use within the Highway Right-of-Way is the responsibility of the Benefitted Landowner(s), successors and assignees of the above-referenced benefitted parcel(s); and
- ✓ Upon approval by the Highway District of this Application, the Highway District will cause this Application and Licensed Use Permit to be recorded at the Canyon County Recorder's Office.

Benefitted Landowner Signature: _____ **Date:** _____

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ACKNOWLEDGEMENTS

(Option 1 – Applicant is an individual)

STATE OF IDAHO)
) ss.
County of Canyon)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known or identified to me to be the person(s) who executed the said instrument, and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[SEAL]

Notary Public for Idaho
My commission expires: _____

(Option 2 – Applicant is a corporation)

STATE OF IDAHO)
) ss.
County of Canyon)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known or identified to me to be the _____ (title: president, vice-president, or secretary) of _____, the corporation that executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[SEAL]

Notary Public for Idaho
My commission expires: _____

(Option 3 – Applicant is a limited liability company)

STATE OF IDAHO)
) ss.
County of Canyon)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known or identified to me to be the manager or a member of _____, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[SEAL]

Notary Public for Idaho
My commission expires: _____

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(Attach additional pages if multiple **Benefitting Land Owners**)

Benefitted Landowner(s) Certification and Agreement

As a condition and in consideration of the issuance of this Licensed Use Permit by the Highway District:

I certify that I am the Benefitted Landowner of Parcel(s) _____ and that the information provided in the above Application is true and correct to the best of my knowledge.

I have authorized the *Applicant* to request permission to construct and use the above-described Licensed Use within the Highway Right-of-Way in accordance with the statements made in this Application and in accordance with and subject to the *General Conditions* printed as set forth above. I acknowledge that I am aware of the following:

- ✓ Perpetual maintenance of the permitted use within the Highway Right-of-Way is the responsibility of the Benefitted Landowner(s), successors and assignees of the above-referenced benefitted parcel(s); and
- ✓ Upon approval by the Highway District of this Application, the Highway District will cause this Application and License/Permit to be recorded at the Canyon County Recorder's Office.

Benefitting Owner Signature: _____ **Date:** _____

ACKNOWLEDGEMENT

STATE OF IDAHO)
 :ss.
County of Canyon)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known or identified to me to be the person(s) who executed the said instrument, and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[SEAL]

Notary Public for Idaho
My commission expires: _____

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FOR OFFICIAL USE ONLY: Official Action by Highway District Staff

Action by Treasurer

Street Cut Fee Paid: \$ _____ (NON-REFUNDABLE) Date: _____ Initials: _____
Street Cut Deposit Paid: \$ _____ (REFUNDABLE) Date: _____ Initials: _____

Action by Director of Highways/Designee

Application Form Received by Director of Highways: Date: _____ Initials: _____
Application is Complete: Yes No Date: _____ Initials: _____
[This application will not be processed until the Application is complete.]

Subject Right-of-Way is: *[Mark in box, as appropriate]*
 Owned in Fee Prescriptive Date: _____ Initials: _____

Application Engineering review: *[Mark in box, as appropriate]*
 Application meets District standards no engineering review needed
 Application submitted for engineering review
Date: _____ Initials: _____

Engineering Review Completed, if applicable: Yes No
Date: _____ Initials: _____

Director of Highways Action on issuance of license/permit: *[Mark in box, as appropriate]:*
 Licensed Use permit granted in accordance with the application above stated.
 Licensed Use permit granted in accordance with the application above stated with the following changes and/or additional conditions:

Application Denied:
Basis for Denial:

Dated: _____ Signed: _____
Director of Highways / Designee

ISSUANCE OF LICENSED USE PERMIT by Director of Highways and Recorded by Secretary - Copy to Applicant:

All conditions complied with and certified copy of Licensed Use permit issued delivered to Applicant:
Date: _____ Initials: _____

Location and identification of Licensed Use Permit placed on Highway District permit map.
Date: _____ Initials: _____

Licensed Use Permit Issued:

Dated: _____ Signed: _____
Director of Highways / Designee

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Final Approval of Licensed Use and Deposit Status: *[Mark in box, as appropriate]*

Installation Date: _____

Repair Acceptance Date: _____

Deposit Refunded

Deposit Forfeited, basis for forfeiture:

Date: _____ Initials: _____

Dated: _____

Signed: _____

Director of Highways / Designee

Recording of Licensed Use Permit/Copy to Applicant:

Original recorded with Canyon County Recorder's Office and a conformed copy provided to the Applicant:

Instrument No. _____

Date Recorded: _____

Dated: _____

Signed: _____

Secretary