



CITY OF MIDDLETON

1103 W. MAIN STREET, MIDDLETON, ID 83644

208-585-3133, 208-585-9601 FAX

WWW.MIDDLETONCITY.COM

July 7, 2023

RE: Right-of-Way Permitting

Middleton City Clerks,

The City Council recently passed an ordinance clarifying and expanding our City code related to right-of-way permitting. (Ordinance 677, passed June 7th, 2023) In light of this recent Council Action, please resume the practice of collecting a refundable deposit for all projects in City Right-of-Way.

The City does have a franchise agreement in place with several different entities. Each agreement will have specific terms, but typically these requirements specify that the City will waive the permit fee. If there is a franchise agreement in place requiring the fees to be waived, the permit fee and inspection fee associated with a permit application will be waived, but this will not affect the City's requirement to submit a refundable deposit intended to offset any damage to the right-of-way caused by this work.

If you have any questions, please feel free to contact me.

Regards,

Jason Van Gilder, P.E.

Public Works Director

City of Middleton

**CITY OF MIDDLETON**

P O Box 487, MIDDLETON, ID 83644

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PLANNING DEPARTMENT**WORK WITHIN PUBLIC RIGHT-OF-WAY APPLICATION & PERMIT**

Revised: 5/02/2023

Date Received: _____

Received by: _____

Fee paid: \$ _____

DATE:		NAME:		Office Use Only	
JOB:		COMPANY NAME:			
				Fee \$75/day	
				Reinspection Fee: \$50/per inspection	
JOB LOCATION:		COMPANY ADDRESS:		Deposit Homeowner: \$500	
				Deposit Single Lot/Area: \$2,000	
				Deposit Multiple Lots/Areas: \$4,000	
COMPANY PHONE:					
UTILITY: (Check One)		Distance from Center Line:		ROW Line:	
Overhead		Angle of Crossing:		Potential:	
Underground		Size of Pipe:		Pressure:	
Surface		Vertical Clearance:		Depth:	
Attach map of work to be performed, and traffic control plan.					
Description of Work to be Performed and an Estimate of the number of days will be working in right-of-way.					
I certify that I am the authorized company representative and request permission to construct the above facilities within the City of Middleton right of way in accordance with the General Provisions attached with this form. The special provisions and the plans are made a part of this permit.					
Signature Name (sign above)		Print Name (print above)		Date	
Special Terms and Conditions:					
Permission is hereby granted to the above named applicant to perform the work described above according to all approved application materials, terms, conditions shown on this form and attachments.					
APPLICATION APPROVAL			INSPECTION APPROVAL		
			Final Inspection Date(s): _____		
Public Works					
Date:			Public Works Date		

CITY OF MIDDLETON
APPLICATION & R.O.W. PERMIT

Page 2 of 4

The following must be included with this application: (Check to confirm attached.)

- ☐ 1. **Homeowner Refundable Deposit** \$500 cash or check
- ☐ 2. **Certificate of Liability Insurance** (Contractor Only)
Showing at least \$500,000 Personal Injury and \$1,000,000 General Aggregate. We reserve the right in more sensitive locations to request higher limits.
- ☐ 3. **Refundable Deposit** (Contractor Only)
Work in Right-of-Way single lot or area: \$2,000.
Work in Right-of-Way multiple lots or areas: \$4,000
*The deposit can be paid with **Cashier's Check or Letter of Credit**. The deposit shall be kept on file with the Middleton City Clerk and refunded upon completion and satisfactory final inspection of the project.*
- ☐ 4. **Inspection Fee -**
Work in Right-of-Way Permit - **\$75/day**

Date

Work Schedule

Work Begins

Work Completed

End of Warranty Period (to be modified accordingly based on actual completion of work)

NOTES:

- A) An inspection of the proposed location of improvements (with appropriate pre-marking) shall be requested of the Public Works Supervisor prior to the issuance of any permit.
- B) All trench repair/backfill shall be in accordance with ISPWC standards.
- C) Compaction tests shall be completed in accordance with ISPWC and submitted to the City.
- D) **No Paving** will be allowed in City Rights of Way after **October 15 or below the temperature as required by ISPWC**. All paving will be inspected and completed in accordance with ISPWC Standards.
- E) **No Construction** will be allowed in Public Right of Way after **November 15**. All completed construction will be accompanied by an approved inspector's report.
- F) The Public Works Supervisor will determine **spring** start updates.
- G) Contractors' hours of operation will be 7:00 a.m. to 4:00 p.m. Monday through Friday.
- H) In any case of street cuts, the permittee shall be required to back fill street cut and provide at least a temporary surface repair within 48 hours of opening such cut. Upon back filling any street cut and allowing access of such area to the public, the surface of such cut shall be kept in a maintained condition by the permittee until permanently restored.
- I) If driveway approach culverts are required. The Public Works Department shall approve the culvert size, which in any event shall not be less than **12 inches in diameter**.
- J) Prior to Final Inspection, all projects utilizing directional drilling techniques within public right of way shall provide to the City a post construction video inspection of sewer mains and laterals within the construction area documenting that the sewer system was not damaged by construction activities.
- K) Reasonable notification to the public and the Fire Department – Quick Response of City service disruption (water, sewer, and traffic) is contractor's responsibility.

CONTRACTOR INFORMATION SHEET

Please fill in the following information:

(Date completed: _____)

COMPLETE NAME OF COMPANY/CONTRACTOR:			
CORPORATION		PARTNERSHIP	
		JOINT VENTURE	
		PROPRIETOR	
MAILING ADDRESS:			
OFFICE PHONE:		EMERGENCY PHONE (24 hrs):	
PERSON(S) TO CONTACT:			
NAME OF LOCAL LIABILITY INSURANCE COMPANY:			
AGENT'S NAME:			
MAILING ADDRESS:			
OFFICE PHONE:		EXTENSION NO:	
PERSON(S) ALLOWED TO SIGN FOR PERMITS:			
NAME:		TITLE:	
TYPE OF WORK PERFORMED BY YOUR COMPANY			
CONCRETE WORK		ASPHALT WORK	
DRIVEWAY APPROACHES		DRIVEWAY TIE-INS	
SIDEWALKS		ALLEYS	
CURBS & GUTTERS		STREETS	
EXCAVATION ONLY (ON THOSE ITEMS MARKED ABOVE)			
WATER LINES		SEWER LINES	
OTHER WORK AS SPECIFIED:			

CITY OF MIDDLETON
APPLICATION & R.O.W. PERMIT

Page 4 of 4

GENERAL PROVISIONS

1. During the process of the works such as 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.
2. In accepting this permit, the permittee, its successors and assigns agree to hold the City of Middleton harmless from any and all liability on account of the erection, installation, construction, maintenance or operation of the facilities located under this permit.
3. Except as herein authorized, all underground crossings shall be bored or jacked. No excavation shall be made or obstacle placed within the right of way of the City of Middleton in such a manner as to interfere with travel over said roadway.
4. Any disturbance of the traveled surface of the road and/or traffic control devices shall be restored to the satisfaction of the Public Works Supervisor.
5. If the work done under this permit interferes in any way with the drainage of the roadway, the permittee shall wholly and at his own expense make such provision as the Public Works Supervisor may direct to provide for said drainage.
6. On completion of said 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 Public Works Supervisor.
7. All of the work herein contemplated shall be done to conform with current government and industry standards under the supervision and to the satisfaction of the Public Works Supervisor and the entire expense of said supervision shall be borne by the permittee.
8. The City hereby reserves the right at any time in the future to order the change of location or the removal of any structure(s) or facility(ies) authorized by this permit. Said change or removal to be made at the sole expense of the permittee, or its successors and assigns, unless such structure(s) or facility(ies) have been located pursuant to the special provisions.
9. All such changes, reconstruction or relocation by the permittee shall be done in such a manner as will cause the least interference with any of the functions of the City of Middleton.
10. This permit or privilege granted under MCC shall not be deemed or held to be an exclusive one and shall not prohibit the City of Middleton from granting other permits or franchise rights of like or other nature to other public or private utilities, nor shall it prevent the City of Middleton 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.
11. The City may revoke, amend, amplify or terminate this 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 utility herein granted is not installed or operated and maintained in conformity herewith.
12. The permittee shall maintain at its sole expense the structure or subject for which the permit is granted.
13. Adequate drawings or sketches shall be included showing the existing and/or proposed location of the facility with respect to the existing and/or planned location of the road improvement, the traveled way, the rights of way lines, and where applicable, the control of access lines and approval access points.
14. If trench or pavement settlement should occur within two years from the date of installation, repairs shall be made by the permittee as directed by the Public Works Supervisor at no cost to the City. If the permittee fails to make the necessary repairs, the City will make the repairs and bill the permittee. No new permits shall be issued to the permittee until such claim has been settled.
15. No work shall be started until an authorized representative of the Public Works Department has given notice to the permittee to proceed.
16. A cashiers check or letter of credit in the amount of \$_____ is required for the protection of the City of Middleton as set forth in the terms of the bond.
17. Any replacement of, addition to, or change in the facility granted by this permit shall require a new permit prior to initiation of such work.

PERMIT TO BE VOIDED IF WORK NOT COMPLETED BY _____.