

SR 32 Landscaping Agreement

The Indiana Department of Transportation is requesting the City of Westfield enter into an agreement regarding the installation of landscaping within the SR32 from Westfield Business Park Road to 1000 feet West of Springmill Road. The said landscaping is located in two median islands and on the north and south side of SR32 in the R/W. The landscaping consists of trees, bushes, and perennial plants.

The INDOT Documents that are requested to be completed are standard INDOT forms, the Right of Way Form 41769, Bond and/or Permit Waiver Fee Form 35483, and “Notice of Recognition of Encroachment Upon State Controlled Property and Provisions Allowing the Temporary Continuance of Same” pursuant to Indiana Code 8-23-5-1.

The Westfield Public Works Department recommends to the Board of Public Works and Safety to authorize the Public Works Director to execute these agreements on behalf of the City of Westfield.



RIGHT OF WAY PERMIT

State Form 41769 (R5 / 3-00)

Approve by State Board of Accounts, 2000

Approved by Auditor of State, 2000

STATE OF INDIANA INDIANA DEPARTMENT OF TRANSPORTATION

Type of Permit:		
<input type="checkbox"/> Excavation	<input type="checkbox"/> Pole Line	<input type="checkbox"/> Bridge Attachment
		<input type="checkbox"/> Miscellaneous
District	Subdistrict	Telephone number ()
Project locations:		Reference pt. number
Project description:		
Project purpose:		
Bond required: <input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, Penal Sum \$	Bond number
PERMIT FEE: (Make check or bank draft payable to "Indiana Department of Transportation")		\$
SPECIAL PROVISIONS:		
<p>THE APPLICANT AGREES TO INDEMNIFY, DEFEND, EXCULPATE, AND HOLD HARMLESS THE STATE OF INDIANA, ITS OFFICIALS AND EMPLOYEES FROM ANY LIABILITY DUE TO LOSS, DAMAGE, INJURIES, OR OTHER CASUALTIES OF WHATSOEVER KIND, OR BY WHOMSOEVER CAUSED, TO THE PERSON OR PROPERTY OF ANYONE ON OR OFF THE RIGHT-OF-WAY ARISING OUT OF, OR RESULTING FROM THE ISSUANCE OF THIS PERMIT OR THE WORK CONNECTED THEREWITH, OR FROM THE INSTALLATION, EXISTENCE, USE, MAINTENANCE, CONDITIONS, REPAIRS, ALTERATION, OR REMOVAL OF ANY EQUIPMENT OR MATERIAL, WHETHER DUE IN WHOLE OR IN PART TO THE NEGLIGENT ACTS OR OMISSIONS (1) OF THE STATE, ITS OFFICIALS, AGENTS, OR EMPLOYEES; OR (2) OF THE APPLICANT, HIS AGENTS, OR EMPLOYEES, OR OTHER PERSONS ENGAGED IN THE PERFORMANCE OF THE WORK, OR (3) THE JOINT NEGLIGENCE OF ANY OF THEM; INCLUDING ANY CLAIMS ARISING OUT OF THE WORKMEN'S COMPENSATION ACT OR ANY OTHER LAW, ORDINANCE, ORDER, OR DECREE. THE APPLICANT ALSO AGREES TO PAY ALL REASONALBE EXPENSES AND ATTORNEY'S FEES INCURRED BY OR IMPOSED ON THE STATE IN CONNECTION HEREWITH IN THE EVENT THAT THE APPLICANT SHALL DEFAULT UNDER THE PROVISIONS OF THIS PARAGRAPH.</p>		
Signature of permit applicant		Printed name of permit applicant
Name of company organization		Telephone number ()
Address (number and street, city, state, ZIP code)		
Inspector		
District Regulatory Supervisor		
District Director		

Application number

Road number

County number

Expiration date

Issue date

Permit number

State of Indiana
Department of Transportation
GENERAL PROVISIONS

1. All work described in the permit shall be subject to the inspection of the Department of Transportation and the permittee shall adjust or stop operations upon direction of any police officer or Department of Transportation employee.
2. The permit may be rescinded at any time by the Department of Transportation at its discretion or for noncompliance with any and/or all provisions of said permit.
3. The permittee shall notify the Department of Transportation Subdistrict five (5) working days preceding the beginning of any work activity.
4. The permittee shall notify the Department of Transportation Subdistrict that the work is complete and this notice is to be provided within seven (7) days from completion of all work on this permit.
5. The permittee shall have the permit complete with drawings and special provisions in their possession during work operations and will show said permit on demand, to any police officer or authorized Department of Transportation employee.
6. The permittee shall pay the Department of Transportation for any inspection costs where it is necessary to assign a Department of Transportation employee to inspect the work. The permittee shall immediately reimburse the State upon receipt of an itemized statement.
7. The permit is valid through the stated expiration date. If work is not completed within the allotted time, the permit is automatically cancelled unless an extension is requested prior to the expiration date and said request is approved by the Department of Transportation. If a permit is cancelled, a new application must be submitted and approved before the proposed work can be accomplished.
8. The permittee shall erect and maintain all necessary signs, barricades, detour signs, and warning devices required to safely direct traffic over or around the part of the highway where permitted operations are to be done so long as the work does not interfere with traffic, in accordance with Section "VI" of the Indiana Manual of Uniform Traffic Control Devices.
9. All construction and materials used within the highway right-of-way must conform to the current Department of Transportation "Standard Specifications" with the permittee being considered in the same status as the contractor.
10. The permitted operations shall not interfere with any existing structure on the Department of Transportation right-of-way without specific permission in writing from the Department of Transportation. In the event that any buildings, railings, traffic control devices, or other structures are damaged, said cost of the removal and/or damage shall be borne by the permittee.
11. This permit does not apply to any State roads or bridges that are closed for construction purposes, or to any county roads or city streets.
12. Approval of the permit application shall be subject to the permittee obtaining all necessary authorizations from local authorities and complying with all applicable laws. The issuance of the permit shall in no way imply Department of Transportation approval of, or be intended to influence any action pending before a local board, commission, or agency.
13. The permitted operations shall be allowed on state highway right-of-way only between sunrise and sunset and shall not be performed on Saturdays, Sundays, or during the period beginning at 12:00 Noon on the last weekday (Monday through Friday) preceding and continuing until Sunrise on the day following: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.
14. In accordance with the notice requirements of Indiana Code 4-22-1-25, any objection to the conditions and provisions of an approved permit must be submitted in writing to the Department of Transportation within fifteen (15) days from the issue date.



BOND AND/OR PERMIT FEE WAIVER

State Form 35483 (R4/8-04)

Approved by State Board of Accounts, 2004

STATE OF INDIANA
DEPARTMENT OF TRANSPORTATION

Type of permit:

Driveway Excavation Pole line Bridge attachment

Miscellaneous: _____

Application number

Road number

Section

The following is made a part of the application for a Department of Transportation permit.

Performance bond is waived.

Permit fee is waived.

Applicant agrees to promptly restore the road surface, highway structures, right-of-way, or any other Department of Transportation property disturbed by the work incorporated in said application and permit, to as good condition as it was prior to the time of performing said work, and to the satisfaction of the Department of Transportation.

Applicant agrees to assume responsibility for all maintenance costs, if in the opinion of the Department of Transportation, said maintenance costs arise as a result of said work.

It is understood by the applicant that if the above provisions are not carried out to the satisfaction of the Department of Transportation, performance bonds and payment of permit fees will be required for future permits until such time that the above provisions are carried out satisfactorily.

Applicant agrees to maintain contractors bond until the Indiana Department of Transportation is satisfied with said work.

Signature of applicant	Printed name of applicant
Name of agency or organization	
Address (number, street, city, state, ZIP code)	
Telephone number	

Application No. _____
Permit No. _____
Road _____
County _____

NOTICE OF RECOGNITION OF ENCROACHMENT UPON STATE CONTROLLED PROPERTY AND PROVISIONS ALLOWING THE TEMPORARY CONTINUANCE OF SAME.

Pursuant to Indiana Code [8-23-5-1](#), you are hereby notified that the following described condition upon and over the following described real estate constitutes an encroachment, to-wit:

The encroachment as above described will be permitted to remain and continue until such time that the Indiana Department of Transportation shall determine that such encroachment is in any way impairing or interfering with the highway or with the free and safe flow of traffic thereon. You shall be, and remain, liable for any and all damages or claims therefore, resulting from the continuing encroachment; and the continued existence of such encroachment shall not in any way prejudice or preclude the State's rights with respect to the future use of that portion of the State's right of way bearing the encroachment.

At such time when the Indiana Department of Transportation shall determine that such encroachment is in some way impairing the highway or is interfering with the free and safe flow of traffic thereon, the Indiana Department of Transportation will notify you by certified mail, sent to your last known address, that you shall within a period of thirty days from the date of said notification, remove, prevent, and terminate the encroachment at your own expense.

This notice, as hereby recorded, shall be binding upon everyone currently claiming any interest in and to the aforescribed real estate, and shall be binding upon any and all persons claiming any such interests in the future.

Application No. _____

Permit No. _____

Road _____

County _____

DATE: _____

ATTEST:

BY: _____

Title: _____

BY: _____

Signature of Mayor or President of
Town Board or County Commissioner

STATE OF INDIANA

COUNTY OF _____}

Before me the undersigned personally appeared _____
(Name & Title of Person)

And acknowledged the execution of this instrument this ____ day of _____, _____.

IN TESTIMONY WHEREOF, I _____, have unto set my hand and official seal.
(Notary)

Signature of Notary

Printed Name of Notary

My commission expires _____, _____
County of Residence

STATE OF INDIANA

COUNTY OF _____}

BY: State of Indiana Department of Transportation

BY: _____

District Deputy Commissioner

Before me the undersigned personally appeared _____
(Name & Title of Person)

And acknowledged the execution of this instrument this ____ day of _____, _____.

IN TESTIMONY WHEREOF, I _____, have unto set my hand and official seal.
(Notary)

Signature of Notary

Printed Name of Notary

My commission expires _____, _____
County of Residence