

Charter Township of Bloomfield
Application for Residential Right-of-Way Permit
(To be completed in accordance with the requirements of the Bloomfield
Township Code of Ordinances, Right-of-Way Management Code, Section 32)

For Township Use Only

Application No.: _____

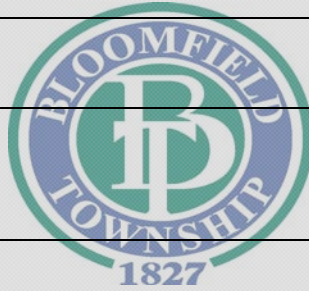
Received By: _____

Date: _____

Insurance Policy Information:

Name of Company: _____

Expiration Date: _____



Indemnification Agreement Provided? Yes No

Dear Applicant:

By filling out this application form in full, and attaching it to the materials requested, you will assist the Charter Township of Bloomfield in its effort to promptly review your application for a Residential Right-of-Way Permit. The information requested on this application is the minimum required by ordinance. You should submit any additional information or materials you believe would assist the Township in its review of your proposal.

This application must be filled out in full, and must bear the signature of the applicant or applicant's representative. Additionally, an application fee of \$250.00 must accompany this application.

Please submit your application, **three** sets of plans, a copy of the Road Commission of Oakland County's (RCOC) approved application, a copy of the insurance policy listing the Township as an additional insured, the indemnification agreement, and any other required information, to the Bloomfield Township Clerk's Office.

This application is valid for six (6) months from the date it is received by the Clerk's Office.

Applicant Information:

Estimated Commencement Date: _____

Estimated Completion Date: _____

Name: _____

Street Address: _____

Proposed Use and Occupancy

Describe the improvements within the right-of-way to be used and occupied (and show same on plans filed with application):

Describe the proposed use and occupancy to the right-of-way, including all construction, installation, location, maintenance and/or repairs of improvements in the right-of-way:

Describe the exact type, kind and amount of construction, installation, location, maintenance and/or repair of improvements:

Identify the name and number of pages of plans filed in connection with the requirements of this section of the application:

Map/Plans of Right-of-Way

Enclose with this application three sets of site plans identifying the location of all property lines as well as scaled drawings indicating compliance with items a-f of the Bloomfield Township Code of Ordinances, Section 32-82, as well as the Guidelines for Residential Right-Of-Way Permit Applications.

Anticipated Activities

Describe all anticipated activities to be performed within the right-of-way after completion of initial construction:

Certification

We certify the statements made in the application are true to the best of our knowledge, information and belief.

Applicant's Signature:

Date:

Applicant's Printed Name:

INDEMNIFICATION AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____,
201____, by and between _____, whose address is

hereinafter referred to as the "Owner" and the CHARTER TOWNSHIP OF
BLOOMFIELD, a Michigan municipal corporation, whose address is 4200 Telegraph
Road, P.O. Box 489, Bloomfield Hills, MI 48303-0489, hereinafter referred to as the
"Township".

WHEREAS, the Owner has title to and owns certain real property located within
the Township, County of Oakland, State of Michigan, commonly known as

(Insert address)

And legally described as:

(Insert legal description)

Tax parcel number: _____, hereinafter referred
to as the "Property"; and

WHEREAS, the Owner is seeking Township approval to permit Owner to

; and

WHEREAS, the Owner acknowledges that pursuant to Section 32-196 of the Bloomfield Township Code of Ordinances an indemnification agreement must be provided; and

WHEREAS, the Owner acknowledges that the proposed improvements to be located in the Township Right-of-Way may cause liability to persons and/or property.

NOW, THEREFORE, in consideration of the Township granting approval for the installation of _____,
the Owner understands and agrees as follows:

a) The township and its officials, officers, employees, agents, volunteers, representatives and contractors shall not be liable or responsible for any damages or injuries that occur to or are suffered by any person or property which are caused by or result from the owner's or its contractor's construction, installation, location, use or maintenance of improvements in the township right-of-way.

b) Owners shall indemnify, defend and hold the township and its officials, officers, employees, agents, volunteers, representatives and contractors harmless from any claims or encumbrances which may be imposed as a result of any indebtedness by the owner to any contractors, subcontractors or any other persons providing services, labor or materials to the owner. If the township discovers that such a claim or encumbrance has been placed on or against a township right-of-way, the township shall notify the owner in writing to remove the same within 30 days from said notice, with failure to remove such a claim grounds for revocation of permit. If the owner fails to remove the claim or encumbrance from the township's right-of-way within 30 days from the township's written notice, the township may apply any bond posted by the owner towards the township's

cost of completely removing the claim or encumbrance. The owner shall have the affirmative obligation to inform the township of any claims or encumbrances that the owner is aware have been placed on or against the township's right-of-way.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

CHARTER TOWNSHIP OF BLOOMFIELD

By: _____
Leo Savoie, Township Supervisor

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

Subscribed to and acknowledged before me this _____ day of _____, 201__.

Notary Public
_____ County, Michigan
My Commission Expires: _____

OWNER

(spouse, if applicable)

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

Subscribed to and acknowledged before me this _____ day of _____, 201__.

Notary Public
_____ County, Michigan
My Commission Expires: _____

PREPARED BY:

**William P. Hampton, Esq.
P.O. Box 3040
Farmington Hills, MI 48333-3040
(248) 851-9500**

WHEN RECORDED, RETURN TO:

**Janet Roncelli, Township Clerk
4200 Telegraph Road
P.O. Box 489
Bloomfield Hills, MI 48303-0489**

CHARTER TOWNSHIP OF BLOOMFIELD RESIDENTIAL R.O.W. PERMIT PROCESS

The following documents and fee must be received in the Clerk's office prior to review of an application:

- ✓ Bloomfield Township Residential Right-of-Way Permit (R.O.W.) Application
- ✓ Road Commission of Oakland County (RCOC) approved application
- ✓ Three (3) copies of plans
- ✓ Insurance policy listing the Township as an additional insured
- ✓ Indemnification Agreement
- ✓ \$250.00 application fee

Upon receipt, the Clerk's office will assign a permit number, begin an Internal Plan Review form and distribute copies to the Planning, Building & Ordinance Department, and Engineering & Environmental Services Department for review as follows:

PLANNING, BUILDING & ORDINANCE DEPARTMENT

When the Residential R.O.W. permit application is received from the Clerk's office, the Planning, Building & Ordinance Department will process the permit as follows:

Application Review: Residential Project Coordinator/ Plan Reviewer

1. Review of permit application and plans with regards to the application guidelines.
2. Review of RCOC approved application.
3. Review for compliance with items a-f of the Bloomfield Township Code of Ordinances, Section 32-82, as well as the Guidelines for Residential Right-Of-Way Permit Applications.
4. Forward the plans to other Township Departments, i.e., Fire, DPW, as necessary.
5. Return application and Internal Plan Review form with comments to the Clerk's office.

ENGINEERING & ENVIRONMENTAL SERVICES DEPARTMENT

When the Residential R.O.W. permit application is received from the Clerk's office, the Engineering & Environmental Services Department will process the permit as follows:

A. Application Review: Engineer Coordinator

1. Check the proposed work with regards to existing water and sewer locations.
2. Return application and Internal Plan Review form with comments to Clerk's office.
3. Notify DPW and EES staffs of R.O.W. permit issuance.
4. File application and plans, by application number in R.O.W. permit folder.

B. In-Field Observation: Project Coordinator

1. Check in the field for above ground areas to be disturbed. Take digital pictures of roads, drives, walks or landscaping that may be disturbed. Link digital pictures to CivicSight.
2. Check on progress of the work during construction as necessary.
3. After work is completed, follow-up on restoration with the contractor.
4. After the restoration work has been completed, and meets Township's requirements, send a notice of project completion to the Clerk's office.
5. Confirm the release by RCOC.

Upon a satisfactory review by the Planning, Building & Ordinance Department and Engineering & Environmental Services Department, the Clerk's office will issue a Residential Right-of-way Disturbance Permit subject to the applicant submitting a fully executed Hold Harmless Agreement with Oakland County Register of Deeds within 30 days. A copy of the permit will be faxed to RCOC/Lee Liston (248-858-4773) specifying the RCOC permit number supplied on the applicant's RCOC application form.

GUIDELINES FOR RESIDENTIAL RIGHT OF WAY PERMIT APPLICATIONS

A permit application to erect a structure in a residential district shall include a site plan identifying the location of all property lines, as well as scaled drawings indicating compliance with items a – f of the Code of Ordinances, Sec. 32-82, along with the following:

1. Structures located on each side of driveways, shall provide a minimum opening at the driveway of not less than twelve (12) feet to allow for unobstructed access for emergency vehicles.
2. Structures located on each side of driveways, shall be set back from the road edge so as to provide sufficient turning radius for emergency vehicle access, and to provide a clear line of sight of oncoming traffic when entering the roadway.
3. Structures erected of other than landscape materials, shall be placed on footings that are at least as wide as the structure, but not less than 12 inches in width, 10 inches in thickness, and that extend to a depth that is below the frost line.
4. Structures comprised of masonry units shall conform with all applicable masonry industry standards and practices.
5. The structures shall not contain any exposed or embedded reinforcing members or design features that would present a risk of impalement when struck by pedestrian or vehicular traffic.
6. The structures shall not be located so as to cause pedestrians in the right-of-way to walk within five (5) feet of the road edge for curbed streets, and twelve (12) feet for uncurbed streets.
7. The structures must be routinely maintained so as to be structurally sound and in a safe condition.
8. Structures shall not be located over public utilities.
9. Neither the proposed structure, nor the related landscaping, shall be placed so as to inhibit or impede access to, and/or use of, a fire hydrant. Plantings must be kept a minimum of fifteen (15) feet in any direction from the hydrant.
10. The project may not include filling the ditch and/or in any way negatively affect surface water drainage.
11. Driveway gates must be equipped with a "quick-release" mechanism and a Knox Box.

CODE OF ORDINANCES, SEC. 32-82. RESIDENTIAL USE PERMIT REVIEW STANDARDS

- A. In addition to determining whether other standards, terms and conditions of this Ordinance will be satisfied, the Township, in determining whether to grant or deny or grant with conditions an application for a Residential Use Permit shall consider the following factors in order to protect the public health, safety and welfare and insure the compatibility of the structure with the residence using or to be served by the structure and residences of other homes in the immediate neighborhood. For purposes of this section, structures shall include such items as entrance piers, gates, walls, and mail box enclosures.
- B. Structures shall not exceed four (4) feet in height and be in harmonious conformance with permanent neighboring development, excluding mailbox enclosures that may extend no greater than five (5) feet in height.
- C. Materials shall be of durable quality.
- D. Exterior lighting shall not be permitted.
- E. Landscape elements consisting of all forms of planting and vegetation, ground forms, rock groupings are encouraged.
- F. To the extent reasonably feasible, the structure design, landscape and site treatment around the structure shall be consistent with the character of the area.

CHARTER TOWNSHIP OF BLOOMFIELD

CONSOLIDATING RESOLUTION CONFIRMING AND ESTABLISHING RIGHT-OF-WAY PERMIT FEES, INSURANCE AMOUNTS AND POLICIES

RECITALS:

As provided for in the Township's Right-of-Way Management Ordinance adopted in 1999 and subsequently amended, the Township Board of Trustees has adopted Resolutions to establish and modify fee and insurance requirements and to provide guidance on several areas of Ordinance interpretation.

Since 1999, the State laws under which the Township may provide for Right-of-Way regulation have been changed and the Ordinance has been amended such that an amendment of fees and the repeal and adoption of new policies are appropriate.

The Township Board finds that administration and enforcement of the Ordinance will be assisted if all Resolutions regarding the Right-of-Way Management Ordinance are consolidated.

IT IS THEREFORE RESOLVED THAT the operative provisions of all prior Resolutions adopted by the Township Board regarding the Right-of-Way Management Ordinance, now codified in the Right-of-Way Regulations in Article II of Chapter 32 of the Bloomfield Charter Township Code ("Ordinance"), as consolidated, summarized and amended by this Resolution are hereby adopted to read as follows:

FEES

1. Fees in Connection with Disruption Permits

The non-refundable disruption permit application fee shall be \$250.00.

The application review and processing fee to review, process, investigate, grant or deny, and issue a disruption permit and for review of each set of plans under an annual franchise disruption permit shall be a minimum of \$250.00 to cover the Township's administrative, engineering, planning and legal costs of that process. Those costs shall be based on the estimated amount of time by involved personnel, consultant billing rates if applicable, and the hourly payroll cost of wages, taxes and benefits for Township employees.

The non-refundable disruption permit fee shall be in the amount of \$100.00 for each week or fraction of a week that the disruption is permitted to or does occur. If the disruption continues beyond the permitted period, additional disruption permit fees at that rate shall be paid.

The non-refundable disruption permit extension application fee shall be \$125.00.

2. Fees in Connection with Commercial Use Permits

The non-refundable use permit application fee shall be \$250.00.

The application review and processing fee to review, process, investigate, grant or deny, and issue a commercial use permit shall be a minimum of \$250.00 to cover the Township's administrative, engineering, planning and legal costs of that process. Those costs shall be based on the estimated amount of time by involved personnel, consultant billing rates if applicable, and the hourly payroll cost of wages, taxes and benefits for Township employees.

The non-refundable commercial use permit renewal application fee shall be \$125.00.

Subject to Township Board adjustment, the annual commercial use permit fee for improvements measured by lineal feet of right-of-way used shall be \$.15 per lineal foot for above-ground improvements and \$.30 per lineal foot for underground improvements, with the fee for improvements that occupy one or more locations or areas of right-of-way that are not measurable in lineal feet, to be based on a rate of \$1.00 per square foot for above-ground improvements and \$1.60 per square foot for underground improvements, with the square footage to include areas occupied by installations to which the improvements are attached, with a minimum per location fee of \$15.00.

3. Fees in Connection with Residential Use Permits

The combined non-refundable application, review, processing and use permit fee for residential use permits, payable at the time of application shall be \$250.00.

4. Fees in Connection with Telecommunications Permits

As provided in the Ordinance, except for telecommunications providers with facilities located in the right-of-way as of November 1, 2002 that applied for a permit within 180 days of that date, the 1-time, nonrefundable application fee for a telecommunications permit is \$500.00. Telecommunications providers holding such permits must also obtain disruption permits for construction activities but are not required to pay fees in connection with such disruption permits.

Annual maintenance fees are payable by telecommunications providers to the Authority as defined and provided for in the Ordinance and METRO Act. The Township's November 28, 2003 Resolution under the METRO Act is Appended to this Resolution.

5. Disruption or Use Without Required Permit (After-the-Fact Permits)

If disruption or use of a right-of-way commences without first applying for and obtaining a required permit, in addition to any penalties and proceedings for that violation under the Ordinance, the non-refundable application fee for the required permit shall be doubled.

6. Appeal Fees

The fee for an appeal/waiver request to the Township Board shall be \$ 500.00.

7. Transfer and Assignment Fees

The non-refundable fee for a request for Township consent to a transfer or assignment of a permit shall be \$ 250.00. The application review and processing fee to review, process, investigate and act on a request for Township consent to a transfer or assignment of a permit shall be a minimum of \$250.00 to cover the Township's administrative, engineering, planning and legal costs of that process. Those costs shall be based on the estimated amount of time by involved personnel, consultant billing rates if applicable, and the hourly payroll cost of wages, taxes and benefits for Township employees.

8. Refundable and Additional Application Review and Processing Fees

Any unused portion of a review and processing fee shall be returned to the applicant/permittee that paid it, or applied to any other fee obligations for that permit. If the Township reasonably anticipates that it will, or does in fact, incur costs and expenses in excess of the minimum administrative review and processing fees established above, the Township shall provide the applicant/permittee with a notice of the additional fees to be paid and the manner in which they were calculated.

INSURANCE

The following types of insurance as specified in the Ordinance, shall be required for the types of permits listed under that insurance category in the amount indicated, with umbrella or excess policies allowed to satisfy required minimums and the Township to be named as an additional insured on all liability policies:

1. Comprehensive commercial general liability insurance on an occurrence basis which shall include coverage for operations, products and completed operations, contractual liability, independent contractors and for explosion, collapse and underground liabilities, commonly referred to as "XCU" coverage.

Residential District Disruption Permits	\$1,000,000.00
Minor Disruption Permits	\$1,000,000.00
All other Disruption Permits and Franchise Disruption Permits	\$5,000,000.00
Use Permits other than Residential Use	\$5,000,000.00
Telecommunications (METRO Act) Use Permits (* Subject to modification in Permit)	\$5,000,000.00*

2. Liability insurance for Residential Use Permits \$1,000,000.00.

3. Motor vehicle insurance covering all owned and non-owned vehicles used in the permitted activities, including Michigan no-fault coverage.

All Disruption and Use Permits except Residential Use	\$1,000,000.00
Telecommunications (METRO Act) Use Permits (* Subject to modification in Permit)	\$1,000,000.00*

4. Owner's and contractor's protective liability insurance of no less than \$1,000,000.00 to no more than \$5,000,000.00, when determined by the Township to be required in addition to the comprehensive commercial general liability insurance, for:

Disruption Permits other than Residential District and Minor	\$ See above range
Use Permits other than Residential Use	\$ See above range
Telecommunications (METRO Act) Use Permits (*Subject to modification in Permit)	\$5,000,000.00*

5. Worker's compensation insurance, including employer's liability coverage, in accordance with applicable Michigan statutes is required for all permits except Residential Use Permits.

POLICIES

Repeals

The Resolution Setting Policy for Use of Existing Facilities adopted February 14, 2000, and Resolutions Regarding Indemnification Agreements and Use Permit Transfers adopted July 24, 2000, are hereby repealed as no longer needed or applicable based on subsequent amendments of the Ordinance.

Modifications

The Supervisor is authorized but not required to grant a modification of a fee or insurance requirement established by this Resolution in response to a signed written request from the permit

applicant or holder that identifies and demonstrates to the Supervisor's satisfaction, a sufficient public interest or purpose that would be served by the requested modification.

APPENDIX TO CONSOLIDATING RIGHT-OF-WAY
FEE, INSURANCE AND POLICY RESOLUTION

RESOLUTION REGARDING RIGHT-OF-WAY REGULATION AND FEES
UNDER METRO ACT ADOPTED APRIL 28, 2003

RECITALS:

The Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002 (the "Act") took effect November 1, 2002; and

The Act, among other things, provides for a uniform permit and permit fee for access to and use of the public rights-of-way by telecommunications providers; and

The Act further provides, among other things, for a distribution of funds from the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority (the "Authority"), established pursuant to Section 3 of the Act, *provided* the Township takes certain action in compliance with the Act; and

The Township previously adopted Right-of-Way Management Ordinance No. 510, and Resolutions regarding implementation of that Ordinance, including the establishment of fees.

Certain provisions of the Right-of-Way Management Ordinance and Resolutions and prior permits issued pursuant to them are not consistent with the Act.

The Township has been and intends to continue in compliance with the Act and, under the criteria established by the Authority, wants to be eligible to receive the fee sharing payments in the first distribution by the Authority in 2003; and

In view of the Act and its requirements, the Township desires to give additional instruction and direction to the its personnel involved in the administration of the Right-of-Way Management Ordinance and Resolutions;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Effective November 1, 2002, the Township will comply with the Act.
2. The Township Clerk, with the assistance of the Township Attorney, is hereby authorized and directed to identify and compile a list of all telecommunications providers holding permits or authorizations issued by the Township, all telecommunication providers who have paid fees to the Township since 1990, all telecommunications providers identified in the Township's engineering or construction permit files, all regulated telephone inter-exchange carriers and competitive access providers listed on the web site of the Michigan Public Service Commission, and all regulated local telephone companies licensed in Michigan listed on such web site.
3. The Township Clerk, with the assistance of the Township Attorney, is hereby authorized and directed to provide a copy of this Resolution to the cable companies providing service in the Township, and to all telecommunications providers identified above, in satisfaction of the requirements of Section 13(4) of the Act.

4. Effective November 1, 2002, all permits issued by the Township to telecommunication providers for use of the public right-of-ways prior to that date are modified pursuant to the Act to require only the payment of fees as provided in Section 8 of the Act, reserving any rights the Township may have to fees due for the period ending October 31, 2002. If Section 8 of the Act is found to be invalid or unconstitutional, this modification of fees is void from the date of the modification

5. The Township Treasurer, based on the records of and in consultation with the Township Clerk and other Departments, is hereby directed to return to telecommunications providers, any payments or prorated portion of payments received by the Township from such providers for access and usage of the public rights-of-way in the Township after November 1, 2002 (other than any \$500 application fee allowed under the Act and any fees or funds received from the Authority).

6. The Township Clerk and all other Township personnel involved in the administration and enforcement of the Right-of-Way Management Ordinance and Resolutions are directed to comply with the Act and otherwise disregard provisions of the Ordinance and Resolutions which may conflict with the Act.

AYES: Barnett, Buckley, Devine, Kepes, Payne, Roncelli, Savoie
NAYS: None

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

It is hereby certified that the foregoing Resolution is a true and accurate copy of the Resolution adopted by the Township Board of the Charter Township of Bloomfield at a meeting duly called and held on June 14, 2010.

JANET M. RONCELLI, CMC
TOWNSHIP CLERK