

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:

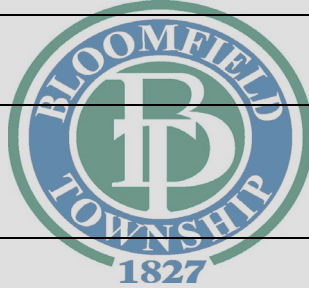
Date:

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 completed in full, and must bear the signature of the applicant or applicant's representative. Additionally, two fees must accompany this application:

- 1) Application fee of \$250.00 for Disruption permit **OR** \$200.00 for Use permit, payable to Bloomfield Township
- 2) Indemnification filing fee of \$30.00, payable to Oakland County Register of Deeds

Additional fees which may be required:

- 1) If inspection of the disruption site is required - \$100.00 per inspection
- 2) Disruption permit renewal application fee - \$125.00

Please submit your Township application to the Bloomfield Township Clerk's Office by mail or email (clerk@bloomfieldtwpmi.gov) with the following items:

- Site plans
- Road Commission of Oakland County's (RCOC) approved permit
- Insurance policy listing Bloomfield Township as an additional insured
- Indemnification agreement (notarized)
- Additional information may be required

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: _____

Phone: _____

Email: _____

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 _____, 20 __, 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: _____
Mike McCready, Township Supervisor

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

Subscribed to and acknowledged before me this ____ day of _____, 20____, by Mike McCready, Township Supervisor.

Notary Public
_____ County, Michigan
My Commission Expires: _____

OWNER(S)

(_____)

(_____)
(spouse, if applicable)

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

Subscribed to and acknowledged before me this ____ day of _____, 20____, by Owner, _____, _____ (Owner(s) Name).

Notary Public
_____ County, Michigan
My Commission Expires: _____

PREPARED BY:

**Michael Salhaney, Esq.
2600 Troy Center Drive
P.O. Box 5025
Troy, MI 48007-5025
(248) 225-6174**

WHEN RECORDED, RETURN TO:

**Martin C. Brook, 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
- ✓ Plans
- ✓ Insurance policy listing the Township as an additional insured
- ✓ Indemnification Agreement
- ✓ Application fee(s)

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 Indemnification 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

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 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 \$200.00.

3. 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.

4. Appeal Fees

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

5. 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.

6. 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

Modifications

The Supervisor is authorized but not required to grant a modification of a fee or insurance requirement established by 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.