

**EXHIBIT C**

**APPLICATION AND PERMIT**

**FOR**

**UTILITY FACILITY ENCROACHMENT**



181 LARKIN STREET, CORNELIA, GA 30531  
(706) 778-8585 FAX: (706) 778-2234  
[CORNELIAGEORGIA.ORG](http://CORNELIAGEORGIA.ORG)

**Application and Permit for Utility Facility Encroachment**

**PLEASE BE ADVISED, THIS FORM IS SUBJECT TO OPEN RECORDS**

Application is hereby made to the City of Cornelia by (Utility Owner): \_\_\_\_\_

24 Hour Emergency Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

For permission to construct, operate and maintain the following described Utility Facility within the public right of way of City Road (Name & Number): \_\_\_\_\_

Description (including starting location & ending location): \_\_\_\_\_

Length installed in R/W: \_\_\_\_\_

Number of Bores Under Roadway: \_\_\_\_\_

Plans Attached: Yes or No

Area Disturbed \_\_\_\_\_ AC (Note: The City Is the Local Issuing Authority & Erosion Control Plans must be submitted for disturbance greater than 1 acre.)

The Utility facilities covered hereby shall be installed in accordance with the plans attached hereto and made a part hereof. Applicant agrees to comply with and be bound by **City of Cornelia's Development Standards Ordinance** on file in the office of Planning and Development or GDOT Utility Accommodation Policy and Standards, for utilities not covered in the standards, made a part hereof by reference, and all general provisions and special provisions shown on the reverse hereto, during the installation, operation, and maintenance of said Utility.

Permit requested this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Typed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Permission is granted for the above described Utility Facility Encroachment in accordance with the plans and provisions thereof. This permit is to be strictly constructed and no work other than that specifically described above is hereby authorized.

Permit is granted this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Typed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



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## Application and Permit for Utility Facility Encroachment

### GENERAL PROVISIONS

1. It is expressly stipulated that this permit is a license for permissive use only and the placing of facilities upon public property pursuant to this permit shall not operate to create or vest any property rights in the holder of the permit.
2. Prior to the initiation of any work under this permit, the applicant shall determine the location of any and all other installations for utilities upon, over or across the right-of-way and shall install, operate and maintain the facilities in such a manner as not to damage or interfere with the operation of its existing facilities.
3. Whenever necessary for the construction, repair, improvement, maintenance, safe and effective operation, alteration or relocation of all or any portion of the roadway or other city facilities as determined by the City of Cornelia, and at the sole expense of the permittee unless reimbursement is authorized by separate agreement. Should the permittee fail to remove or relocate facilities, upon-due notice from the city, permittee shall be liable for any extraordinary cost or damages incurred by the City of Cornelia as a result thereof.
4. Applicant agrees to indemnify and hold harmless the City of Cornelia and all officers, employees or agents of the City of Cornelia or any political subdivision thereof, against any and all claims, damages, demands, actions, causes of action, cost and expenses of whatsoever nature, which may result from any injury to, or the death of any persons, or from the loss of or damage to, property of any kind or nature, when such injury, death, loss or damage arises out of the construction operation, maintenance, repair, removal or relocation of the facilities covered by this permit.
5. The City of Cornelia, its engineers, officers or employees shall not be held responsible or liable for injury or damage that may occur to facilities covered by this permit, or to any connection or connections thereto, by reason of city maintenance and construction activities or city contractor or permittee operations. The City of Cornelia's contractor shall not be held liable for any damage that may occur to utility facilities if the permittee has been notified of a construction conflict and given reasonable time to mark or relocate its facilities but has failed to do so, the Facility owner shall be responsible for interfacing with Utilities Protection Center (UPC) to determine notification.
6. If the City of Cornelia undertakes to improve this roadway or other city owned facilities it shall be the responsibility of the permittee to plan with the City of Cornelia and its contractor a schedule which will clearly set forth at which state of operations the permittee will be required to perform any adjustment to its facilities necessary to accommodate the city improvements.
7. During the initial installation or construction of facilities authorized by this permit, or during any future repair, removal or relocation thereof or any miscellaneous operations, the permittee shall at all times maintain flagman, signs, lights, flares, barricades, and other safety devices in accordance with the latest edition of the Manual on Uniform Traffic Control Devices, and as may be necessary to properly protect traffic upon the roadway and to warn and safeguard the public against injury or damage.
8. It is expressly provided that with respect to any limited access highway, the permittee shall not have or gain direct access, either ingress or egress, from the main traveled way of said highway or its on or off ramps to any facilities authorized by the permit except upon specific approval by the City of Cornelia.
9. It is the applicant's responsibility to verify the limits of public right-of-way and perform land surveying if necessary for location of the utility facilities authorized hereby.

10. No inherent or retained right or privilege of any abutting property owner is affected by this permit nor is the City of Cornelia responsible for any claim which may develop between the permittee and any Property owner concerning the use of the right-of-way. Permittee is responsible for maintaining reasonable access to private driveways during installation of its facilities and for restoration of driveways to the owner's satisfaction. The permittee will be required to replace any disturbed area with "in kind" materials throughout entire permit area unless a satisfactory replacement is approved by the city and abutting property owners.
11. Approval of this permit does not constitute approval of design (or construction details) for the proposed facilities. Applicant is responsible for compliance with all applicable governmental codes and regulations.
12. Use of explosives within the city right-of-way is prohibited unless approved by a separate permit.
13. Applicant shall be responsible for obtaining approvals for the proposed installation which may be required by any local government of agency on roads or streets under their jurisdiction.
14. Permittee shall give the City of Cornelia a minimum of 24 hours notices prior to beginning any work under this permit.
15. This permit shall be void unless work hereunder is begun within one (1) year of the date of its approval.
16. The provisions of this permit are regulatory and not contractual, no interest or right of an applicant granted by this permit may be transferred to another except by written consent of the City of Cornelia.
17. This permit may be revoked at the discretion of the City of Cornelia upon thirty (30) days written notice to the permittee.
18. Roads resurfaced in the past five (5) years will not be allowed to be cut.
19. Any utility cut made within the roadbed of any city road shall be replaced as required by the GDOT standard drawing 1401. In addition, said cut shall be plated until such time as the concrete has cured to design compressive stress and promptly asphalted.
20. Permittee shall be responsible for obtaining any other state and Federal permits necessary for work performed under this permit.
21. The permittee's attention is drawn to the requirements of the Georgia Sedimentation and Erosion Control Act. If strict adherence to those requirements are not met, the city has the authority to revoke this permit.