



**CITY OF FAIRBURN**

**ATTN: ENGINEERING DEPARTMENT  
26 WEST CAMPBELLTON STREET  
FAIRBURN, GA. 30213**

**APPLICATION AND PERMIT FOR RIGHT-OF-WAY ENCROACHMENT**

APPLICATION IS HEREBY MADE TO THE CITY OF FAIRBURN BY: \_\_\_\_\_

(APPLICANT - NAME & ADDRESS)

FOR PERMISSION TO CONSTRUCT AND MAINTAIN THE FOLLOWING DESCRIBED FACILITY WITHIN THE PUBLIC RIGHT-OF-WAY OF:

\_\_\_\_\_ (STREET NAME) FROM A POINT \_\_\_\_\_ FEET \_\_\_\_\_ (N,S,E,W) OF ITS INTERSECTION WITH  
\_\_\_\_\_ (STREET NAME) TO A POINT \_\_\_\_\_ FEET \_\_\_\_\_ (N,S,E,W) OF ITS INTERSECTION WITH  
\_\_\_\_\_ (STREET NAME), A TOTAL DISTANCE OF \_\_\_\_\_ FEET.

DESCRIPTION OF WORK: \_\_\_\_\_

Duration of Construction: THE APPLICANT HEREBY ACKNOWLEDGES AND AGREES TO COMPLY WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) PROVISIONS FOR TEMPORARY TRAFFIC CONTROL. IT IS ANTICIPATED THAT THE PLANS UNDER WHICH THIS APPLICATION IS BEING MADE SHALL COMPLY WITH ONE OF THE FOLLOWING:

- MUTCD TYPICAL APPLICATION PLAN  ATTACHED DETAILED TRAFFIC CONTROL PLAN  MODIFIED MUTCD PLAN (ATTACHED)
- (TYP. APP. # \_\_\_\_\_)

THE 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 THE CITY OF FAIRBURN'S RIGHT-OF-WAY ACCESS CONTROL STANDARDS AND DRAINAGE CONSTRUCTION SPECIFICATIONS, CURRENT EDITION, ON FILE IN THE OFFICE OF THE CITY ENGINEER, MADE A PART HEREOF BY REFERENCE, AND ALL GENERAL AND SPECIAL PROVISIONS SHOWN ON THE REVERSE HEREOF, OR ATTACHED HERETO, DURING THE INSTALLATION, OPERATION AND MAINTENANCE OF SAID FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY.

PERMIT REQUESTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

BY: \_\_\_\_\_  
(SIGNATURE)

WITNESS TO SIGNATURE:  
\_\_\_\_\_

\_\_\_\_\_  
(TYPED NAME)

\_\_\_\_\_  
(TITLE)

\_\_\_\_\_  
(TELEPHONE NUMBER)

\_\_\_\_\_  
(EMAIL)

**ECG Review Required**       **Preconstruction Meeting**   
**ECG Approval Date** \_\_\_\_\_

PERMISSION IS GRANTED FOR THE ABOVE DESCRIBED ENCROACHMENT IN ACCORDANCE WITH THE PLANS AND PROVISIONS HEREOF. THIS PERMIT IS TO BE STRICTLY CONSTRUED AND NO WORK OTHER THAN THAT SPECIFICALLY DESCRIBED ABOVE IS HEREBY AUTHORIZED.

PERMIT GRANTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

CITY OF FAIRBURN  
BY: \_\_\_\_\_  
(PUBLIC WORKS DIRECTOR)

<b>DISTRIBUTION AFTER APPROVAL:</b> <input type="checkbox"/> - APPLICANT <input type="checkbox"/> - STREET DEPT. OFFICE <input type="checkbox"/> - PUBLIC WORKS OFFICE <input type="checkbox"/> - CODE ENFORCEMENT <input type="checkbox"/> - _____	<b>(TO BE COMPLETED BY PUBLIC WORKS OFFICE STAFF)</b>  PERMIT NUMBER: _____ APPLICANT NAME: _____ STREET NAME: _____ LENGTH: _____ LOCATION: _____ BOND NUMBER _____
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**GENERAL PROVISIONS**

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 RIGHT IN THE HOLDER.

WHENEVER NECESSARY FOR THE CONSTRUCTION, REPAIR, IMPROVEMENT, MAINTENANCE, SAFE AND EFFECTIVE OPERATION, ALTERATION OR RELOCATION OF ALL OR ANY PORTION OF THE HIGHWAY, AS DETERMINED BY THE DIVISION, ANY OR ALL OF SAID FACILITIES AND APPURTENANCES AUTHORIZED HEREUNDER SHALL BE IMMEDIATELY REMOVED FROM THE RIGHT-OF-WAY, OR RESET OR RELOCATED THEREON, AS REQUIRED BY THE CITY ENGINEER, AND AT THE SOLE EXPENSE OF THE PERMITTEE UNLESS REIMBURSEMENT IS AUTHORIZED BY SEPARATE AGREEMENT. SHOULD THE PERMITTEE FAIL TO REMOVE OR RELOCATE ITS FACILITIES, UPON DUE NOTICE FROM THE CITY, PERMITTEE SHALL BE LIABLE FOR ANY EXTRAORDINARY COSTS OR DAMAGES INCURRED BY THE CITY AS A RESULT THEREOF.

APPLICANT AGREES TO INDEMNIFY AND HOLD HARMLESS THE CITY, THE PUBLIC WORKS DIVISION, AND ALL OFFICERS, EMPLOYEES OR AGENTS OF THE CITY OF FAIRBURN, OR ANY POLITICAL SUBDIVISION THEREOF, AGAINST ANY AND ALL CLAIMS, DAMAGES, DEMANDS, ACTIONS, CAUSES OF ACTION, COSTS 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.

THE CITY, IT'S 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 ROAD MAINTENANCE AND CONSTRUCTION ACTIVITIES OR ROAD CONTRACTOR OR PERMITTEE OPERATIONS. THE CITY'S CONTRACTOR SHALL NOT BE HELD LIABLE FOR ANY DAMAGE THAT MAY OCCUR TO SUBJECT 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.

IF THE CITY UNDERTAKES TO IMPROVE THIS ROAD, IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE TO PLAN WITH THE CITY AND ITS CONTRACTOR A SCHEDULE WHICH WILL CLEARLY SET FORTH AT WHICH STAGE OF OPERATIONS THE PERMITTEE WILL BE REQUIRED TO PERFORM ANY ADJUSTMENT TO ITS FACILITIES NECESSARY TO ACCOMMODATE THE ROAD IMPROVEMENTS.

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 FLAGMEN, SIGNS, LIGHTS, FLARES, BARRICADES, AND OTHER SAFETY DEVICES IN ACCORDANCE WITH THE FEDERAL HIGHWAY ADMINISTRATION'S MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, CURRENT EDITION, AND AS MAY BE NECESSARY TO PROPERLY PROTECT TRAFFIC UPON THE ROAD, WARN AND SAFEGUARD THE PUBLIC AGAINST INJURY OR DAMAGE.

IT IS THE APPLICANT'S RESPONSIBILITY TO VERIFY THE LIMITS OF PUBLIC RIGHT-OF WAY FOR LOCATION OF THE DESCRIBED FACILITIES AUTHORIZED HEREBY.

NO INHERENT OR RETAINED RIGHT OR PRIVILEGE OF ANY ABUTTING PROPERTY OWNER IS AFFECTED BY THIS PERMIT NOR IS THE DIVISION RESPONSIBLE FOR ANY CLAIM WHICH MAY DEVELOP BETWEEN THE PERMITTEE AND ANY PROPERTY OWNER CONCERNING 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.

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 LOCAL CODES AND REGULATIONS.

USE OF EXPLOSIVES WITHIN THE ROADBED OR BENEATH THE PAVEMENT IS PROHIBITED UNLESS APPROVED BY SEPARATE PERMIT FROM THE PUBLIC SAFETY DIRECTOR.

APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING APPROVALS FOR THE PROPOSED INSTALLATION THAT MAY BE REQUIRED BY ANY OTHER GOVERNMENT ON ROADS OR STREETS UNDER THEIR JURISDICTION OR BY ANY OTHER AGENCY.

PERMITTEE SHALL GIVE THE CITY A MINIMUM OF 24 HOURS' NOTICE PRIOR TO BEGINNING ANY WORK UNDER THIS PERMIT.

THIS PERMIT SHALL BE VOID UNLESS WORK HEREUNDER IS BEGUN WITHIN TWELVE (12) MONTHS OF THE DATE OF ITS APPROVAL AND SHALL EXPIRE (18) MONTHS AFTER ISSUE DATE UNLESS NOTED OTHERWISE.

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.

THIS PERMIT MAY BE REVOKED AT THE PLEASURE OF THE CITY UPON THIRTY (30) DAYS WRITTEN NOTICE TO THE PERMITTEE.

(TO BE COMPLETED BY ENGINEERING STAFF)

**SPECIAL PROVISIONS**

THE INSTALLATION COVERED BY THIS PERMIT HAS BEEN COMPLETED IN ACCORDANCE WITH THE PROVISIONS OF THE PERMIT AND THE PLANS ATTACHED HERETO.

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
(STREETS SUPERINTENDENT)

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
(CODE ENFORCEMENT)

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
(UTILITY)