

**UTILITY PERMIT**

<b>PERMIT NO.:</b>		<b>SECTION NO.:</b>		<b>STATE ROAD</b> 5	<b>COUNTY</b> Palm Beach
FDOT construction is proposed or underway.			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<b>Financial Project ID:</b>
Is this work related to an approved Utility Work Schedule?			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<b>If yes, Document Number:</b>
<b>PERMITTEE:</b>	City of Delray Beach Utilities				
<b>ADDRESS:</b>	434 S. Swinton Avenue			<b>TELEPHONE NUMBER:</b> (561) 243-7336	
<b>CITY/STATE/ZIP:</b>	Delray Beach, FL 33444				
The above PERMITTEE requests permission from the State of Florida Department of Transportation, hereinafter called the FDOT, to construct, operate and maintain the following:					
<b>FROM:</b>			<b>TO:</b>		
<b>Submitted for the PERMITTEE by:</b> Name and Company (Typed or Printed Legibly)	<b>Contact Information</b> Address/Telephone/E-Mail (if applicable)			<b>Signature</b>	<b>Date</b>
John Morgan, City of Delray Beach	434 S. Swinton Avenue, Delray Beach, FL 33444 561-243-7336 Morgan@mydelraybeach.com				

- The Permittee declares that prior to filing this application, the location of all existing utilities that it owns or has an interest in, both aerial and underground, are accurately shown on the plans and a letter of notification was mailed on \_\_\_\_\_ to the following utilities known to be involved or potentially impacted in the area of the proposed installation:
- The local Maintenance or Resident Engineer, hereafter referred to as the FDOT Engineer, shall be notified a minimum of forty eight (48) hours in advance prior to starting work and again immediately upon completion of work. The FDOT's Engineer is \_\_\_\_\_ located at \_\_\_\_\_, Telephone Number \_\_\_\_\_. The Permittee's employee responsible for MOT is \_\_\_\_\_ Telephone Number \_\_\_\_\_. (This name may be provided at the time of the forty eight (48) hour advance-notice prior to starting work).
- All work, materials, and equipment shall be subject to inspection and approval by the FDOT Engineer.
- All plans and installations shall conform to the requirements of the FDOT's UAM in effect as of the date this permit is approved by FDOT, and shall be made a part of this permit. This provision shall not limit the authority of the FDOT under Paragraph 8 of this Permit.
- This Permittee shall commence actual construction in good faith within \_\_\_\_\_ 360 \_\_\_\_\_ days after issuance of permit, and shall be completed within \_\_\_\_\_ 30 \_\_\_\_\_ days after the permitted work has begun. If the beginning date is more than sixty (60) days from the date of permit approval, the Permittee must review the permit with the FDOT Engineer to make sure no changes have occurred to the Transportation Facility that would affect the permitted construction.
- The construction and maintenance of such utility shall not interfere with the property and rights of a prior Permittee.
- It is expressly stipulated that this permit is a license for permissive use only and that the placing of utilities upon public property pursuant to this permit shall not operate to create or vest any property right in said holder, except as provided in executed subordination and Railroad Utility Agreements.
- Pursuant to Section 337.403, Florida Statutes, any utility placed upon, under, over, or along any public road or publicly owned rail corridor that is found by FDOT to be unreasonably interfering in any way with the convenient, safe, or continuous use, or maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor shall, upon thirty (30) days written notice to the utility or its agent by FDOT, be removed or relocated by such utility at its own expense except as provided in Section 337.403(1), Florida Statutes, and except for reimbursement rights set forth in previously executed subordination and Railroad Utility Agreements, and shall apply to all successors and assigns for the permitted facility.
- It is agreed that in the event the relocation of said utilities are scheduled to be done simultaneously with the FDOT's construction work, the Permittee will coordinate with the FDOT before proceeding and shall cooperate with the FDOT's contractor to arrange the sequence of work so as not to delay the work of the FDOT's contractor, defend any legal claims of the FDOT's contractor due to delays caused by the Permittee's failure to comply with the approved schedule, and shall comply with all provisions of the law and the FDOT's current UAM. The Permittee shall not be responsible for delay beyond its control.
- In the case of non-compliance with the FDOT's requirements in effect as of the date this permit is approved, this permit is void and the facility will have to be brought into compliance or removed from the R/W at no cost to the FDOT, except for reimbursement rights set forth in previously executed subordination and Railroad Utility Agreements. This provision shall not limit the authority of the FDOT under Paragraph 8 of this Permit.
- It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the State's right, title and interest in the land to be entered upon and used by the Permittee, and the Permittee will, at all times, and to the extent permitted by law, assume all risk of and indemnify, defend, and save harmless the State of Florida and the FDOT from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise or attempted exercises by said Permittee of the aforesaid rights and privileges.
- During construction, all safety regulations of the FDOT shall be observed and the Permittee must take measures, including placing and the display of safety devices that may be necessary in order to safely conduct the public through the project area in accordance with the Federal MUTCD, as amended by the UAM.
- Should the Permittee be desirous of keeping its utilities in place and out of service, the Permittee, by execution of this permit acknowledges its present and continuing ownership of its utilities located between \_\_\_\_\_ and \_\_\_\_\_ within the FDOT's R/W as set forth above. Whenever the Permittee removes its facilities, it shall be at the Permittee's sole cost and expense. The Permittee, at its sole expense, shall promptly remove said out of service utilities whenever the FDOT determines said removal is in the public interest.
- In the event contaminated soil is encountered by the Permittee or anyone within the permitted construction limits, the Permittee shall immediately cease work and notify the FDOT. The FDOT shall notify the Permittee of any suspension or revocation of the permit to allow contamination assessment and remediation. Said suspension or revocation shall remain in effect until otherwise notified by FDOT.
- For any excavation, construction, maintenance, or support activities performed by or on behalf of the FDOT, within its R/W, the Permittee may be required by the FDOT or its agents to perform the following activities with respect to a Permittee's facilities: physically expose or direct exposure of underground facilities, provide any necessary support to facilities and/or cover, de-energize or alter aerial facilities as deemed necessary for protection and safety.

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16. Pursuant to Section 337.401(2), Florida Statutes, the permit shall require the permit holder to be responsible for damage resulting from the issuance of the permit. The FDOT may initiate injunctive proceedings as provided in s.120.69 to enforce provisions of this subsection or any rule or order issued or entered into pursuant thereto.
17. Pursuant to Section 337.402, Florida Statutes, when any public road or publicly owned rail corridor is damaged or impaired in any way because of the installation, inspection, or repair of a utility located on such road or publicly owned rail corridor, the owner of the utility shall, at his or her own expense, restore the road or publicly owned rail corridor to its original condition before such damage. If the owner fails to make such restoration, the authority is authorized to do so and charge the cost thereof against the owner under the provisions of s.337.404.
18. The Permittee shall comply with all provisions of Chapter 556, Florida Statutes, Underground Facilities Damage Prevention and Safety Act.
19. Special FDOT Instructions: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

It is understood and agreed that commencement by the Permittee is acknowledgment and acceptance of the binding nature of all the above listed permit conditions and special instructions.

20. By receipt of this permit, the Permittee acknowledges responsibility to comply with Section 119.07, Florida Statutes.
21. By the below signature, the Permittee hereby represents that no change to the FDOT's standard Utility Permit form, as incorporated by reference into Rule 14-46.001, for this Utility Permit has been made which has not been previously called to the attention of the FDOT (and signified to by checking the appropriate box below) by a separate attached written document showing all changes and the written and dated approval of the FDOT Engineer. Are there attachments reflecting change/s to the standard form? ☐ NO ☐ YES If Yes, \_\_\_\_\_ pages are attached.

<b>PERMITTEE</b>	John Morgan, City of Delray Beach	<b>SIGNATURE</b>		<b>DATE:</b>	
	<b>Name &amp; Title of Authorized Permittee or Agent (Typed or Printed Legibly)</b>				
<b>APPROVED BY:</b>				<b>ISSUE DATE:</b>	
	<b>District Maintenance Engineer or Designee</b>				

**UTILITY PERMIT FINAL INSPECTION CERTIFICATION**

<b>DATE:</b>	
<b>DATE WORK STARTED:</b>	
<b>DATE WORK COMPLETED:</b>	
<b>INSPECTED BY:</b>	
(Permittee or Agent)	
<b>CHANGE APPROVED BY:</b>	<b>DATE:</b>
<b>District Maintenance Engineer or Designee</b>	

I the undersigned Permittee do hereby CERTIFY that the utility construction approved by the above numbered permit was inspected and installed in accordance with the approved plans made a part of this permit and in accordance with the FDOT's current UAM. All plan changes have been approved by the FDOT's Engineer and are attached to this permit. I also certify that the work area has been left in as good or better condition than when the work was begun.

<b>PERMITTEE:</b>	<b>SIGNATURE:</b>	<b>DATE:</b>
<b>Name &amp; Title of Authorized Permittee or Agent (Typed or Printed Legibly)</b>		

CC: District Permit Office  
Permittee