

CITY OF WINTER HAVEN

Engineering Services Division
490 3rd Street N.W. 33881
Phone 863-291-5851

USE PERMIT

Street Name _____ Date _____

Located between _____, Street and _____ Street

Permission Granted to _____ Phone number - _____

For construction and maintenance of _____

This permit is subject to the following conditions:

1. The construction and maintenance of such utility shall not interfere with the property and the rights of a prior occupant.
2. All work shall be done in keeping with standards established by the Engineering Services Director and under the supervision of Mike Foster, City Construction Inspector, Phone (863) 291-5850, Cell (863) 287-2727.
3. All material and equipment shall be subject to inspection by a representative of the Engineering Services Director.
4. Construction shall be performed in a safe manner and in accordance with the regulations of OSHA, USDA and other applicable agencies. The City shall be relieved of all responsibilities for damages of any nature arising from this permit. Subject to the above terms and conditions, the permittee shall take such safety measures, including placing and display of caution signs, as good practice dictates in conduct of construction and maintenance work herein described.
5. The permittee shall provide for safe pedestrian traffic throughout the construction time. Where existing sidewalks and other walkways exist prior to this work, they or safe alternate trafficable ways, shall be maintained.
6. All city property shall be restored to its original condition to the satisfaction of the Engineering Services Director and/ or his authorized representative.
7. The applicant shall indemnify, defend, and hold harmless the City from and against any and all claims, suits, actions, judgments, demands, taxes, losses, costs, expenses, damages, and liability caused by, resulting from, or arising out of the negligent acts, errors, or omissions of the applicant, its officers, employees, agents, or representatives that may occur by reason of this construction.
8. The attached sketch covering details of this construction shall be made a part of this permit.
9. The applicant, at a minimum, shall obtain insurance coverage for specific risks and in such amounts and with insurers as determined acceptable by the City. Any such insurance coverage(s) required by the City shall represent the minimum amount of coverage required. The applicant, at its sole cost, shall obtain insurance coverage(s) as follows:
 - a. Workers' Compensation/Employer's Liability:
 - For each accident (\$5,000,000.00)
 - Disease – Policy Limit (\$5,000,000.00)
 - Disease – Each Employee (\$5,000,000.00)
 - b. Commercial General Liability ("CGL"):
 - For each occurrence (\$5,000,000.00)
 - General Aggregate (\$5,000,000.00)
 - Products/Completed Operations Aggregate (\$5,000,000.00)
 - Personal and Advertising Injury (\$5,000,000.00)
 - c. Business Automobile Policy:
 - Each occurrence and bodily injury and property damage liability combined (\$5,000,000.00)
10. It is expressly stipulated that this permit is a license for permissive use only and that placing of facility upon public property pursuant to this permit shall not operate to create or to vest any property in the permittee or his client.

Pursuant to section 337.403(1), Florida statutes, whenever necessary for the construction, repair, improvement maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said Transportation Facility/City Property as determined by the Engineering Services Director, any or all utilities and appurtenances authorized here under or any shall be immediately removed from said Transportation Facility/City Property or reset or relocate thereon as requested by the Engineering Services Director and at the expense of the Permittee.
11. The permittee shall commence actual construction in good faith on _____ and shall complete the construction within _____ days. This permit shall be void if the work is not started within sixty (60) days from date of said permit.
12. Applicant declares that prior to filling out the application he has ascertained the location of all existing utilities, both aerial and underground. Applicant also declares that all other utilities within the area were notified and that he is including a notification copy with this permit application. List the name of the Utility, Date, and the authorized Contact person from each Utility that were contacted: _____

- 13. Notify the Engineering Services Division (863) 291-5851 a minimum of 48 hours prior to the commencement of construction. A SUNSHINE ONE number must be provided at this time. Failure to provide proper notification may result in the stoppage of work. **Notify the Engineering Services Division the day construction actually commences.**
- 14. If the applicant transfers or assigns its assets located within the City's right-of-way, the transferee or assignee shall be obligated to comply with the terms of this Use Permit and any and all applicable provisions of the WHC.
- 15. Nothing herein is intended to waive the City's sovereign immunity or the limits of its liability under Section 768.28 of the Florida Statutes regardless of whether such claims are based on contract, statute, tort, strict liability, product liability, negligence or otherwise.
- 16. **The use of missiles is prohibited in City of Winter Haven's right-of ways and easements.**
- 17. **There can be no construction utilizing mechanical equipment (back hoe, directional bore, trencher, etc.) after 3:30 pm, Monday thru Thursday and after 12:00 pm on Fridays. No said work on City of Winter Haven's designated holidays.**

Approved by: _____
 (Engineering Services Director)

Submitted by : _____
 (Applicant' Signature)

Date: _____

 (Applicant's name printed)

SUNSHINE ONE# _____

City of Winter Haven Engineering Services Division Permit # _____

Note: Attach Applicable Plans as Required