City of Green River
City Council Meeting
Agenda Documentation

Preparation Date: September 27, 2016	Department: Public Works
Meeting Date: October 4, 2016	Department Head: Mark Westenskow
	Presenter: Holden Wright

Subject:

Approval of WYDOT "Permit to Encroach on Public Right-of-Way" for 2016 Wayfinding Signage Project.

Background/Alternatives:

With the approval of Change Order #1 of the 2016 Wayfinding Signage Project, WYDOT requires the approval of the location through the Permit to Encroach on Public Right-of-Way.

Attachments:

WYDOT Permit to Encroach on Public Right-of-Way

Fiscal Impact:

None

Staff Impact:

In House Project Management and Inspection by the Engineering Division

Legal Review:

Reviewed.

Suggested Motion:

"I move to authorize the Mayor to sign the WYDOT Permit to Encroach on Public Right-of-Way for the 2016 Wayfinding Signage Project."

Rev 1/03

WYOMING DEPARTMENT OF TRANSPORTATION

PERMIT TO ENCROACH ON PUBLIC RIGHT-OF-WAY

PROJECT: 2016 Wayfinding Signage Project **ROUTE:** I 80 Business/US 30 **COUNTY:** Sweetwater

SECTION: 23 **TOWNSHIP:** 18N **RANGE:** 107W

This document constitutes a permit to encroach on public right-of-way administered by the Transportation Commission of Wyoming and the Wyoming Department of Transportation each of which, taken either separately or jointly, shall be hereinafter referred to as "State".

The permit is issued subject to existing rules and regulations of the State and further subject to the Specific Instructions, Restrictions, Terms and Conditions included herein.

Permit Issued to: City of Green River

Location description (*including: distance to encroachment behind face of curb, encroachment distance onto right-of-way, height of encroachment above sidewalk or ground, etc*):

15' from back of curb, spans will be 20' minimum from centerline of road, 150' from underpass 450' from intersection, will be two banner poles.

Distance from encroachment to edge of the nearest through traffic lane: 23 feet

Parking lane width (*if no parking, please state*): 8 feet

Explanation of why this request needs to be granted: Installing welcome and local events sign at the entrance to City. Will span across State highway.

Any violation of the rules and regulations or Specific Instructions, Restrictions, Terms and Conditions shall cause automatic revocation of this permit and any and all improvements made pursuant to this permit may be removed by the State at applicant, permittee or improvement owner's expense. The applicant, permittee or owner of the improvement understands that this permit **does not** confer a vested right in the lands of the public and where the State determines it necessary to improve its highway and right-of-way, any improvement constructed on the public land will be moved or reconstructed by the applicant, permittee or improvement owner, their successors or assignees at the applicant, permittee or improvement owners' expense. The issuance of this permit to encroach and/or perform work on the public right-of-way is considered to be issued to the owner of the improvement placed upon the right-of-way even though such application is made by owner's agent.

THE PERMITTEE SHALL COMPLY WITH THE FOLLOWING SPECIFIC INSTRUCTIONS, RESTRICTIONS, TERMS AND CONDITIONS:

1. The maintenance of right-of-way within the encroachment area shall be the responsibility of the permittee.

2. The permittee shall be responsible for any loss or damage caused by the permittee's encroachment on the right-of-way. The permittee will hold the State harmless from any law suits brought against the State or permittee arising out of the permittee's encroachment on the right-of-way.

3. The State reserves the right to construct, maintain, use, operate, relocate, reconstruct and renew such highway facilities as it may at any time, and may from time to time, desire within the limits of said right-of-way the right to use said right-of-way for any and all purposes.

4. The permittee shall at no time permit, construct, reconstruct or place any additional structures, facilities or other encroachments upon the permitted area of State right-of-way without WRITTEN consent of the State and the permittee shall at no time alter or reconstruct the present encroachment without prior written approval of the State.

5. The permittee by receiving this permit understands, acknowledges and agrees that upon thirty (30) days written notice, the State can cancel this permit where the right-of-way is necessary for construction, reconstruction or maintenance of the State Highway and the permittee will move his encroachment from the right-of-way within sixty (60) days with no cost or expense to the State and permittee agrees that if he fails to remove the encroachment within sixty days, the State becomes a sole and complete owner of the encroachment and may cause its removal or destruction with no compensation due the permittee.

6. The permittee understands and acknowledges that violation of any of the Specific Instructions, Restrictions, Terms and Conditions are cause for automatic revocation of the permit and permittee may be notified to remove the encroachment immediately. Failure to remove encroachment for a period of sixty (60) days after notice will be cause for State to remove encroachment without recourse by permittee.

7. The permittee is not authorized any other or additional uses of the public right-of-way beyond those specified herein.

Specific Instructions, Restrictions, Terms and Conditions Hereby Accepted by: _____

PERMITTEE or OWNER

date signed: _____

WYOMING DEPARTMENT of TRANSPORTATION

By: _____

District Engineer

approved date: _____

FEDERAL HIGHWAY ADMINISTRATION

By: _____

Title: _____

approved date: _____

ACKNOWLEDGMENT(WYDOT)

THE STATE OF _____)

) SS

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of, _____ 20___,

by _____ Witness my hand and official seal.

My commission expires _____ _____

NOTARY PUBLIC

ACKNOWLEDGMENT(PERMITTEE)

THE STATE OF _____)

) SS

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of, _____ 20___,

by _____ Witness my hand and official seal.

My commission expires _____ _____

NOTARY PUBLIC

ACKNOWLEDGMENT(FHWA)

THE STATE OF _____)

) SS

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of, _____ 20___,

by _____ Witness my hand and official seal.

My commission expires _____ _____

NOTARY PUBLIC