



CITY OF KEARNEY
RIGHT OF WAY PERMIT
 (for Street Cut, Excavation, Boring, Driveway Approach)

Fee:	\$ 5.00
Deposit:	\$ 250.00
(n/a for borings)	
Total:	\$ 255.00
Date Paid:	_____

Contact Name: _____ Company Name: _____

Mailing Address: _____ Occupation License #: _____

Phone Number: _____ Email Address: _____

Work Description: _____ Street Cut: Y N

Start Date: _____ Finish Date: _____ Missouri One Call Ticket #: _____

Exact Location of Excavation (attach map): _____

Size of Excavation & Approximate Depth: _____

In Case of Emergency, Contact:

Name: _____ Phone Number: _____

REQUIREMENTS: Repair/Replacement of any sub-grade and asphaltic surface to be in compliance with APWA standards, including all street cuts to be made with a saw and backfill with gravel and fines.

SECTION 510.020 PERMIT REQUIRED: It shall be unlawful for any person to dig up, excavate, tunnel, undermine or in any manner break up any street, alley or sidewalk or to make or cause to make any excavations in or under the surface of any street, any earth or any other excavated material obstructing or tending to interfere with the free use of the street unless such persons shall first have obtained an excavation permit therefore from the Building Inspector. A fee of five dollars (\$5.00) will be charged for such permit.

SECTION 510.030 DEPOSIT REQUIRED: Where it shall be necessary to make an excavation within the limits of any streets, alley or sidewalk, the applicant for an excavation permit shall, before receiving a permit, deposit with the Building Inspector a security deposit in the amount of two hundred fifty dollars (\$250.00), such deposit to apply to payment for the proper repair of such excavation in accordance with the terms of this Article.

SECTION 510.040 BARRICADES AND LIGHTS REQUIRED ON EXCAVATIONS: All excavations shall be barricaded by permittee in such a manner as to protect both pedestrians and vehicular traffic until such time as backfilling is completed. Such excavations and barricades shall be lighted at night with danger signals in such a manner that all traffic may be warned of the existence and location of such excavations and barricades. All surplus excavation materials, tools or supplies at the site of the excavation shall be barricaded and lighted at night in the manner described in this Section.

SECTION 510.050 PROVISIONS OF INDEMNITY AGREEMENT: A permittee in accepting a permit hereunder agrees that when the permittee or his/her subcontractor or agents make an excavation in a street, sidewalk, alley, curb or public place in the City, with or without a permit, the permittee does: (1) Indemnify, save harmless and defend the City for any claim or loss, damage or expense sustained on account of damages to persons or property occurring by reason of an excavation made by the permittee, his/her subcontractor or agent; (2) Indemnify, save harmless and defend the City from any and all liability for the City's own negligence occurring by reason of said opening or excavation. This indemnification agreement covering the City's liability for its own negligence shall not apply to injuries or damages sustained while City employees are present at the excavation pouring cement or asphalt therein; (3) The permittee assumes the sole responsibility for maintaining proper barricades and/or lights as required by Section 510.040 from the time of the opening of the excavation until the excavation is surfaced and opened for travel; (4) For any and all other liability incurred subsequent to the completion of the operation and the excavation having been opened for travel, the permittee indemnifies the City for work performed by the permittee in the City, except liability arising out of the sole negligence of the City.

SECTION 510.060 CHARGES FOR BACKFILLING: Upon completion by the permittee of the excavation, he/she shall immediately notify the City of Kearney, Missouri, to begin backfill work. All asphalt and backfill work will be done by the City of Kearney on a time and material basis and such service will be deducted from the deposit submitted by the permittee at the time of making application for such permit. Any additional charge over the deposited amount will be paid for immediately by permittee upon completion of backfilling.

SECTION 510.070 PENALTY: Any violation of Section 510.020 of this Article shall be an ordinance violation. Any person found guilty of violating this Article shall be punished by a fine of not more than two hundred fifty dollars (\$250.00) and costs for each separate violation.

BY MY SIGNATURE BELOW, I HEREBY STATE THAT THE INFORMATION CONTAINED IN THIS PERMIT IS CORRECT TO THE BEST OF MY KNOWLEDGE. I ALSO ACKNOWLEDGE THAT I HAVE READ THE ABOVE INFORMATION AND AGREE TO ITS CONTENTS.

SIGNATURE: _____ DATE: _____

PRINTED NAME: _____

Utilities Director: 816-365-1992
 Community Development Dept: 816-903-4731
 Building Inspector: 816-885-1859

Approved By: _____
 Name _____ Date _____