



Access and Right of Way Permit Conditions

- A. Permittee's copy of this permit shall be posted at the work site. Proper pedestrian and traffic control must be in place when working on City Streets
- B. At least 48 Hours before starting work, the permittee shall contact Winston Public works at (541)679-6114, between the hours of 7:30 AM and 4 PM, Monday – Friday, excluding holidays
- C. Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. You may obtain copies of the rules by calling the center at 811
- D. Depending on project permittee may be required to submit Grading and Erosion control plans that have been prepared by a licensed civil engineer. Grading plans for regular grading may be prepared by the property owner or a licensed professional acting within the scope of their license. A licensed professional is an architect, civil engineer, landscape architect, professional geologist, or registered professional forester. A valid Oregon seal of professional license and signature is required on all sheets for plans prepared by a licensed professional.
- E. All trench back fill shall be compacted with a mechanical device.
- F. All work shall be approved and inspected by an authorized representative of the public works department. Any damaged areas shall be restored to their original condition.
- G. Permittee warrants that all restoration work will be free from defects for a period of one year from the date of completion. Permittee, at Permittee's expense, shall correct defects that become apparent within the warranty period. If the permittee fails to correct the defects, the city may do so and charge the cost to permittee.
- H. Any sight posts, signs or mailboxes that are removed shall be replaced immediately in the original condition and location and the area around them will be restored to the original condition.
- I. Permittee, at permittee's expense, shall have a Professional Land Surveyor, registered in the State of Oregon, reestablish any survey monument moved, destroyed, damaged, or altered while working within City Right of Way.
- J. This permit does not waive or abridge the City of Winston's governmental powers over public roads within its jurisdiction. The City of Winston reserves the right, at its discretion, to order the removal, reconstruction, relocation, or repair of any approach

roads, structures, fixtures, or other facilities placed or constructed within the road Right of Way pursuant to this permit, at the expense of the owners.

- K. Permittee shall defend, indemnify, and hold harmless the city, its officers, agents, and employees from any claims, actions, damages, and other expenses resulting from injury to any person or damage to property, of whatsoever nature, arising out of or incident to the activities covered by this permit or the condition of any approach roads, structures, fixtures, or other facilities placed or constructed within the road right of way pursuant to this permit. Permittee shall not be held responsible for any claims, actions, damages, or other expenses directly, solely, and proximately caused by negligence of the city.
- L. This permit shall be governed by and construed in accordance with laws of the State of Oregon. Permittee and any contractor retained by Permittee shall promptly observe and comply with all present and future statutes, orders, regulations, rules, ordinances, and requirements of federal, state, and local governments with respect to this permit including, but not limited to the provisions of any ordinance adopted by the city pursuant to ORS 368.011 and 374.310
- M. The City may cancel this permit without cause by written notice to Permittee any time before commencement of the work authorized by this permit. The City also may cancel this permit at any time and pursue any legal remedy available to the City if the conditions of this permit are violated.
- N. The Conditions of this permit shall bind and apply to Permittee's successors, assigns, and other persons who now or in the future hold an interest in the approach roads, structures or other facilities placed or constructed within the road right of way pursuant to this permit.