



PERMIT FOR USE OF PUBLIC ROAD RIGHT-OF-WAY
FOR CERTAIN CONSTRUCTION ACTIVITIES
VILLAGE OF DIVERNON, ILLINOIS

THIS PERMIT IS HEREBY ISSUED in accordance with the Village of Divernon ("Village")'s Code of Ordinances and all other applicable Illinois law, thus permitting MCC Network Services, LLC ("Permittee") to perform certain Directional Boring within the Right-of-Way of the Village, to allow the Permittee to install a buried fiber optic cable system within the Village (the "Permitted Work"). The Permitted Work is hereby authorized, subject to all applicable Village Ordinances and the following terms and conditions:

1. This Permit is limited to allowing the Permittee to perform such Permitted Work as is outlined in the plans and specifications submitted by the Permittee in order to obtain this Permit.
2. This Permit is subject to revocation by the Village upon violation of the terms and conditions governing its use.
3. This Permit does not create a property right or grant authority to the Permittee to impinge on the rights of others who may have an interest in the Right-of-Way within the Village, nor to perform any task beyond the Permitted Work within the Public Right-of-Way.
4. The Permittee, its successors, grantees, and assigns shall assume all risks and liabilities for all accidents and damages that may occur to person or property that is related to the Permitted Work.
5. Permittee shall indemnify, defend, and hold harmless the Village, its officers, agents, volunteers, and attorneys from and against any and all suits, claims, demands, losses, damages, costs, and expenses of any nature whatsoever incurred in relation to this Permit and/or the Permitted Work.
6. A copy of this Permit must be maintained and readily accessible by the Permittee on the location where Permittee will be performing the Permitted Work.
7. Any disturbance to the right-of-way caused by the Permittee shall be returned to its original condition in a manner consistent with the Village's Code of Ordinances. The Village, in its sole and exclusive discretion, shall determine whether the Permittee has returned the right-of-way to its original condition.



8. The Permitted Work shall be located and constructed to the satisfaction of the Village.

9. The Village will make all reasonable efforts to mark any and all facilities it maintains within the Right-of-Way. However, the Village's failure to mark its utilities shall not be a defense to damage caused by Permittee.

10. No revisions or additions shall be made to the Permitted Work performed by the Permittee without written permission of the Village or its duly authorized representative. The Village shall have unrestricted access to inspect the Permitted Work at all times.

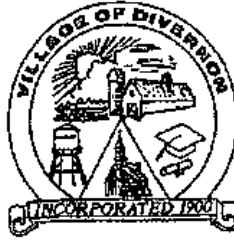
11. The Permittee shall at all times conduct work in such a manner as to minimize hazards to vehicular and pedestrian traffic. All signs, barricades, flaggers etc. required for traffic control shall be furnished by the Permittee.

12. The Permittee shall comply with all other applicable laws relating to the placement of utility lines, with all applicable provisions of the Illinois Telephone Company Act, the Public Utilities Code and its regulations, and with all other applicable laws or ordinances.

13. These conditions and terms will apply to all contractors (including sub-contractors), agents, invitees, licensees, and any other person or entity hired by the Permittee to perform or be involved in any aspect of the Permitted Work.

14. This permit is valid only for the hours of operation permitted under the Village's Code of Ordinances, and shall only allow for directional boring to be undertaken in such amounts as are allowed by the Village's Code of Ordinances on any one day.

15. Permittee and/or any contractor shall obtain and thereafter keep in force insurance coverages in such times and such amounts as are required under the Village's Code of Ordinances. Said coverages shall be provided by an insurance company deemed acceptable to the Village and authorized to transact business under Illinois law. The Village does not warrant the adequacy of the types of insurance coverage or the limits of liability specified therein, nor shall any such decision with respect to the type of insurance coverage obtained by Permittee limit the indemnification provision of this permit. All insurance coverage shall remain in force during the period covering the work performed pursuant to



this permit and at all times thereafter when the Permittee and/or contractors may be correcting, removing, or replacing defective work and restoring damaged property.

16. The Village shall not be liable for any damage done to the Permittee's facilities, equipment, or any other real or personal property owned, operated, and/or controlled by the Permittee, beyond liabilities available under the Local Governmental and Governmental Employees' Tort Immunity Act, 745 ILCS 10/1-101, et.seq]

17. Permittee shall make such agents and employees who are knowledgeable about the scope of the Permitted Work and the Permittee's completion thereof, available to the Village (or its designee) not less than weekly, for the purpose of identifying the locations where upcoming Permitted Work will be performed, and other topics necessary to effectuate the intent of this Permit and the Village's Code of Ordinances.

18. No action in furtherance of the completion of the Permitted Work shall be performed under the authority of this Permit by the Permittee unless the person designated below is physically present at the location where the Permitted Work is being performed.

So approved this _____ day of _____

THE VILLAGE OF DIVERNON, SANGAMON COUNTY, ILLINOIS:

By:

Jeremy Rhodes, Its Public Works Superintendent

VILLAGE OF DIVERNON

Right of Way Revocable Permit Application

<i>Office Use Only</i>	<i>Permit Fee: \$2,500.00</i>
<i>Permit #:</i> _____	<i>Parcel # (if applicable):</i> _____
<i>Approved by:</i> _____	<i>Start Date:</i> _____

CONTRACTOR INFORMATION:

☐ Obstruction ☐ Excavation/Opening ☐ Utility Installation ☐ Communication Installation

Contractor/Firm: _____

Contact: _____

Name: _____

Address: _____

Phone: _____ Email: _____

ACCOUNTS PAYABLE INFORMATION:

Contact: _____

Name: _____

Address: _____

Phone: _____ Email: _____

SITE LOCATION:

(Street(s), property address(es), and/or distance and direction from nearest public street intersection. Attach as an Exhibit if necessary)

ON SITE/EMERGENCY CONTACT

Name: _____

Phone: _____

NATURE OF WORK:

DESCRIPTION: Include a detailed description and scaled drawing or plans of work for all permits including the identification of any structures to be installed, the size and depth of proposed excavation, any changes to existing materials and the proposed traffic control.

Indicate below the items to be disturbed and include this information on the drawing/plans of work:

ROW IMPACT ☐ Driveway ☐ Street ☐ Sidewalk ☐ Parkway ☐ Alley
Linear feet of impact: _____

**EXISTING SURFACES/
MATERIALS IMPACTED** ☐ Asphalt ☐ Concrete ☐ Brick Pavers ☐ Gravel ☐ Decorative Stone
☐ Curb ☐ Curb & Gutter ☐ Other (specify) _____

UTILITIES ☐ Water ☐ Sewer ☐ Gas ☐ Electric ☐ Cable/Phone ☐ Drainage/Culvert
☐ Traffic Signals ☐ Street Lights ☐ Other (specify) _____

OTHER IMPACTS ☐ Landscaping ☐ Trees ☐ Irrigation ☐ Signs ☐ Fire Hydrants

**METHOD OF
INSTALLATION** ☐ Open-Cut ☐ Directional Bore ☐ Aerial/Poles Attachment
☐ Other (specify) _____
Linear feet of buried: _____ Linear feet of aerial: _____
Number of Openings: Sidewalk _____ Parkway _____ Street _____ Alley _____

THE FOLLOWING ITEMS ARE TO BE SUBMITTED WITH THE APPLICATION

CERTIFICATE OF INSURANCE valid for the permit meeting the limits as determined by the Village naming the "Village of Divernon" as additional insured and any additional bond as required by Village Code.

PROJECT DESCRIPTION to include stamped, engineered drawing/plans and schedule for all activities taking place in the public right-of-way. Any and all permits obtained for this project (i.e. IDOT).

TRAFFIC CONTROL PLAN for safe movement of pedestrians and vehicles during construction, if applicable.

PERMIT FEE of \$2,500.00.

Any changes to operations set forth in this application without prior approval of the Village Board, may result in citation and fine.

Requirement to expose Village utility lines. Any company or homeowner engaged who intends to drill in the Village's right of way must notify the Village prior to beginning any drilling. The company or homeowner must expose Village owned utilities and leave that utility(s) exposed while drilling commences. No drilling shall occur unless Divernon Village personnel are on site to witness.

Permit Acceptance and Liability Waiver (to be signed by authorized company representative or homeowner). I request permission to excavate and/or occupy the public right-of-way in the Village of Divernon in accordance with Ordinance Number 25-01. For consideration of such permission, I agree to indemnify, hold harmless and defend the Village of Divernon, its officers, agents and employees, from any and all claims resulting from injuries, including death, damages or losses, including, but not limited to the general public, which may arise or which may be alleged to have arisen out of, or in connection with such excavation and occupancy. I further agree to do all work in accordance with the conditions, regulations and Village standards provided with this application. **A copy of this permit shall be available for review at the site at all times.**

Signature: _____

Date: _____

Signature of authorized company representative