



CITY OF TOLEDO

Department of Inspection

Division of Building Inspection

One Government Center, Suite 1600 • Toledo, OH 43604 • Phone (419) 245-1220 • Fax (419) 245-1329 • www.toledo.oh.gov

Encroachment of ROW Permit No. _____

Encroachment of the Public Right of Way Permit

Utility Infrastructure (TMC §945) Transportation and Traffic Control (TMC §305) Extension & Projections of Occupied Spaces (TMC §1361)

In accordance with Toledo Municipal Code §945, §305 and §1361, an encroachment of the public right of way must be reviewed and approved by the Division of Engineering Services, the Division of Transportation & Traffic Control, and the Division of Building Inspection. The permit shall be granted by the Commissioner of Building Inspection on behalf of the other Divisions. Applicant must submit two (2) copies of site plans & scaled drawings to describe the encroachment along with this completed application, a copy of applicant's liability insurance and a \$100 fee payable to City of Toledo.

Applicant agrees to all the following terms:

- 1. Compliance with Laws.** Applicant shall at all times comply with all laws, ordinances, rules and regulations that pertain to the permit area, its use, operation or maintenance, including no discrimination on the basis of race, religion, sex, national origin or mental/physical disability.
- 2. No Assignment.** Applicant shall not be permitted to assign this permit to any other person or entity.
- 3. Term.** The term of this permit is identified in §945.05 of the Toledo Municipal Code, or until such time as this permit is terminated or surrendered. No rights of property ownership are conveyed with the issuance of this permit. At any time Applicant no longer needs the permit area, applicant may terminate this permit by notifying the Director of Inspection in writing. Any improvements must be removed, at no cost to the City, and the permit area restored to the original condition unless authorized in writing by the City. The City may also terminate this permit by giving 60 days notification to the holder, if the permit area is needed for a public purpose. If it appears that applicant has abandoned or is not using the permit area for the purposes identified herein, the City will notify the holder that the permit area is surrendered and the permit will be extinguished within the time frame identified in the notification.
- 4. No exclusivity.** There may be existing or future utilities or other applicants utilizing the right of way, and applicant's use of the permit area is subject to them. The City reserves the right at all times to access the permit area for municipal purposes such as inspections and maintenance.
- 5. Conditions of Use.** Applicant agrees to Use the permit area as described above and recognizes that the permit area is public right of way and will treat it accordingly. If this permit authorizes placement of a patio or parking area, applicant understands this is done at its own cost and expense, and further that the City and other applicants have the right of access to existing or future infrastructure in the right of way.
- 6. No Waste.** This permit does not authorize applicant to create, or allow to be created, any waste or public or private nuisance on the permit area.
- 7. Maintenance and Repair.** Applicant is responsible for maintaining the permit area and bears the responsibility for all costs and repairs of the permit area.
- 8. Insurance.** Applicant shall procure and maintain during the term of this encroachment, at its own expense, the following insurance: Commercial general liability insurance with limits acceptable to the City of Toledo. The City, its officials, officers, agents and employees shall be named as additional insured – general liability endorsement to be obtained from the City's Risk Management Officer; an ACORD Certificate of Insurance, Form 25-S, and a copy of the above endorsement shall be filed with the City's Clerk of Council at the time applicant signs the original copy of this permit application. The certificate shall contain provisions that coverage afforded under the policy shall not be canceled or allowed to expire until at least 30 days prior to written notice has been given to the City. Applicant hereafter shall maintain current with the City both the Certificate and Endorsement until such time as this encroachment shall be terminated.
- 9. No Third Party Beneficiary.** There shall be no third party beneficiaries with respect to this agreement.

\$100.00

Date _____ Tax Parcel No. _____ Linked Permit No. _____ Fee Amt. _____

Is Applicant Property Owner Owner's Agent Contractor

Property's Street Address _____

Applicant's Printed Name _____

Property Owner's Printed Name _____

Applicant's Street Mailing Address _____

Property Owner's Street Mailing Address, City, State, Zip _____

Applicant's City, State, Zip _____

Property Owner's Phone No. _____ Property Owner's E-mail Address _____

Applicant's Phone No. _____ Applicant's Fax No. _____

Description. On a separate page or by scaled drawings and site plan, provide a description of the encroachment in detail, its purpose, size, depth, width, height, location to a fixed point, occupancy, and any structures involved.

Applicant's E-Mail Address _____

I hereby certify that the information provided is true, complete and correct and the public right of way will be used only for the purpose stated herein. Erroneous information will be grounds for the City to withdraw this permit.

Approved Not Approved _____
Div. of Engineering Services Date

Applicant's Signature _____ Date

Approved Not Approved _____
Div. of Transportation Date

Property Owner's Signature _____ Date

Approved Not Approved _____
Div. of Building Inspection Date

Make checks payable to City of Toledo. Mail application, supporting documents and fee to Dept. of Inspection. One Government Center, Suite 1600. Toledo, OH 43604

To be completed by City's staff

New / Renew encroachment? Yes No Application complete? Yes No

All documents received? Yes No Permit fee received? Yes No

Encroachment approved? Yes No

Comments or Conditions of approval or disapproval:

Permit Tech (in-take) _____ Date Commissioner of Building Inspection _____ Date