

## Kentucky Transportation Cabinet Department of Highways Permits Branch

TC 99-1 (A) 1/2015 Page 1 of 4

#### **APPLICATION FOR ENCROACHMENT PERMIT**

Permittee	Information		- 1			кут	C No.	07-2	017-00144
Name	Lexington Governmen	Fayette t	Urban	County	Permit Inform		N1 1		> 10 L 1
Address	200 East Ma	in Street			Address	Oliver Lewis W	/ay		
					City	Lexington			
City	Lexington				State	KY	Zip		
State	KY	Zip	40507		County	Fayette			
Phone#	¥1				Route No.	922	Mile- Point	0.0	
Contact	Susan Plueg	er			Longitude (X)	84.50972		6	
Phone 8	359-425-2888	Cell		ı p	Latitude (Y)	38.04861			
Email					Information belo	w to be filled oเ	it by KY	тс	
Contact	Andrew Gru	nwald			Air Right	☐ Entrar	ce	File:	
Phone 8	359-258-3410	Cell			Utilities	☑ Other:		MED	IAN
Email			L N					Had La	
		+				Left Left	Rie	ht	⊠ X-ing
					Access:	Full	Pa	rtial	by Permit
Modify me	escription of W dian on Oliver Le grass median in	ewis Way (F	Rt.922) bet ncrete. The	ween Vers e modifica	sailles Road and S tion is shown in A	South Broadwa Attachment A.	ıy. The	modific	ation will be to
THE UNDER TC 99-1 (A)	GNED PERMITTEE(s	) (being duly a	uthorized re	presentativo	e(s) or owner(s)) DO 3   16   17		RMS ANI	D CONDIT	IONS ON THE

This is not a permit unless and until the permittee(s) receives an approved TC 99-1(B) from KYTC. This application shall become void if not approved by the cancellation date. The cancellation date shall be one year from the date the permittee submits their application.



### May -

amended.

## Kentucky Transportation Cabinet Department of Highways Permits Branch

#### **APPLICATION FOR ENCROACHMENT PERMIT**

9. Where traffic signals are required as a condition of granting the requested permit or are thereafter required to correct motor vehicular safety deficiencies, as determined by the Department, the costs for signal equipment and installation(s) shall be borne by the permittee, its successors and assigns and the Department in its reasonable discretion and only in accordance with the Department's current policy set forth in the Traffic Operations Manual and Permits Manual. Any modifications to the permittee's entrance necessary to accommodate signalization (including necessary easement(s) on private property) shall be the responsibility of the permittee, its successors and assigns, at no expense to the Department.  10. The requested encroachment shall not infringe on the frontage rights of an abutting owner without their written consent as hereinafter described. Each abutting owner shall express their consent, which shall be binding
on their successors and assigns, by the submission of a notarized statement as follows, "I
(we),, hereby consent to the granting of
the permit requested by the applicant along Route which permit does affect
frontage rights along my (our) adjacent real property." By signature(s)
subscribed and sworn by
on this date!
11. The permit, if approved, is subject to the agreement that it shall not interfere with any similar rights or permit(s) previously granted to any other party, except as otherwise provided by law.  12. Permittee shall include documentation which describes the facilities to be constructed. Permittee, its successors and assigns, agree as a condition of the granting of the permit to construct and maintain any and all permitted facilities or other encroachments in strict accordance with the submitted and approved permit documentation and the policies and procedures of the Department. Permittee, its successors and assigns, shall not use facilities authorized herein in any manner contrary to that prescribed by the approved permit. Only normal usage as contemplated by the parties and by this application and routine maintenance are authorized by the permit.  13. Permittee, its successors and assigns, at all times from the date permitted work is commenced until such time as all permitted facilities or other encroachments are removed from the right-of-way and the right-of-way restored, shall defend, protect, indemnify and save harmless the Department from any and all liability claims and demands arising out of the work, encroachment, maintenance, or other undertaking by the permittee, its successors and assigns, related or undertaken pursuant to the granted permit, due to any claimed act or omission by the permittee, its servants, agents, employees, or contractors. This provision shall not inure to the benefit of any third party nor operate to enlarge any liability of the Department beyond that existing at common law or otherwise if this right to indemnity did not exist.
14. Upon a violation of any provision of the permit, or otherwise in its reasonable discretion, the Department may require additional action by the permittee, its successors and assigns, up to and including the removal of the encroachment and restoration of the right-of-way. In the event additional actions required by the Department under the permit are not undertaken as ordered and within a reasonable time, the Department may in its discretion cause those or other additional corrective actions to be undertaken and the Department shall recover the reasonable costs of those corrective actions from the permittee, its successors and assigns.  15. Permittee, its successors and assigns, shall use the encroachment premises in compliance with all requirements of federal law and regulation, including those imposed pursuant to Title VI of the Civil Right Act of 1964 (42 U.S.C. § 2000d et seq.) and the related regulations of the U.S. Department of Transportation in Title 49 C.F.R. Part 21, all as



#### Kentucky Transportation Cabinet Department of Highways Division of Maintenance Permits Branch

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#### **ENCROACHMENT PERMIT**

KEPT No.:	07-2017-00144	
Permittee:	Lexington Fayette Urban Co Govt	
Permit Type / Subtype:	Other / Miscellaneous	
Work Completion Date:	1/1/2018	
	INDEMNITIES	
Туре	Amount Required	Tracking Number
Performance Bond	\$0.00	
Cash / Check	\$0.00	
Self-Insured	\$5,000.00	0009633
Payment Bond	\$0.00	
Liability Insurance	\$0.00	
This permit has b		DENIED
Kelly A Baker, P.E.	D7 - Chief District Engineer	3/21/2017
SIGNIFURED BURN	TITLE	DATE

The TC 991(B), including the application TC-99 1(A) and all related and accompanying documents and drawings make up the permit. It is not a permit unless both the TC 99-1(A) and TC 99-1(B) are both present.

LOCATION(S)						
Description	County - Route	Latitude	Longitude			
Median modify on KY 922	Fayette - KY 922	38.050608	-84.509756			

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# COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS ENCROACHMENT PERMIT MISCELLANEOUS REQUIREMENTS

### THE FOLLOWING STIPULATIONS ARE REQUIREMENTS FOR YOUR APPROVED PERMIT NO. 07-2017-00144

- Future mowing and maintenance of the median shall be the responsibility of the applicant.
- Work shall be coordinated with the Prime Contractor for the Newtown Pike project.
- Any damage to existing curb and gutter shall be the responsibility of the applicant to repair.
- This permitted work shall not in any way impact the existing contract between KYTC and the Prime Contractor.



## Kentucky Transportation Cabinet Department of Highways Permits Branch

TC 99-1 (A) 1/2015 Page 1 of 4

#### APPLICATION FOR ENCROACHMENT PERMIT

Permittee	Information					К	YTC No.	07-2	017-00144
Name	Lexington Government	Fayette	Urban	County	Permit Inform	nation			- 14
Address	200 East Maii	n Street			Address	Oliver Lew	is Way		No.
6					City	Lexington			
City	Lexington				State	KY	Zip		
State	KY	Zip	40507		County	Fayette			
Phone#			21 Ed		Route No.	922	Mile- Point	(3, (2	,
Contact	Susan Pluege	r			Longitude (X)	84.50972	×	ā	
Phone 8	359-425-2888	Cell		М	Latitude (Y)	38.04861	9		
Email					Information bel	ow to be fille	d out by KY	тс	( ALALA
Contact	Andrew Grun	wald			Air Right	En	trance	TWE.	
Phone 8	359-258-3410	Cell			Utilities	⊠ot	her:	MED	IAN
Email								D.T.	I Print
					de la companya della companya della companya de la companya della	Left	Ri	ght	⊠ X-ing
					Access:	☐ Full	☐ Pa	rtial	<b>⊠</b> by Permit
Modify me	dian on Oliver Lev grass median ins	wis Way (F						e modifi	cation will be to
THE UNDERS	GNED PERMITTEE(s)	(being duly a	authorized ro	epresentativ	e(s) or owner(s)) DO	O AGREE TO AL	L TERMS AN	D CONDI	TIONS ON THE

This is not a permit unless and until the permittee(s) receives an approved TC 99-1(B) from KYTC. This application shall become void if not approved by the cancellation date. The cancellation date shall be one year from the date the permittee submits their application.

### Contract of the same

amended.

#### Kentucky Transportation Cabinet Department of Highways Permits Branch

#### **APPLICATION FOR ENCROACHMENT PERMIT**

9. Where traffic signals are required as a condition of granting the requested permit or are thereafter required to
correct motor vehicular safety deficiencies, as determined by the Department, the costs for signal equipment and
installation(s) shall be borne by the permittee, its successors and assigns and the Department in its reasonable
discretion and only in accordance with the Department's current policy set forth in the Traffic Operations Manual
and Permits Manual. Any modifications to the permittee's entrance necessary to accommodate signalization
(including necessary easement(s) on private property) shall be the responsibility of the permittee, its successors
and assigns, at no expense to the Department.
10. The requested encroachment shall not infringe on the frontage rights of an abutting owner without their
written consent as hereinafter described. Each abutting owner shall express their consent, which shall be binding
on their successors and assigns, by the submission of a notarized statement as follows, "I
(we), hereby consent to the granting of
the permit requested by the applicant along Route, which permit does affect
frontage rights along my (our) adjacent real property." By signature(s)
, subscribed and sworn by
on this date
11. The permit, if approved, is subject to the agreement that it shall not interfere with any similar rights or
permit(s) previously granted to any other party, except as otherwise provided by law.
12. Permittee shall include documentation which describes the facilities to be constructed. Permittee, its
successors and assigns, agree as a condition of the granting of the permit to construct and maintain any and all
permitted facilities or other encroachments in strict accordance with the submitted and approved permit
documentation and the policies and procedures of the Department. Permittee, its successors and assigns, shall not
use facilities authorized herein in any manner contrary to that prescribed by the approved permit. Only normal
usage as contemplated by the parties and by this application and routine maintenance are authorized by the
permit.
13. Permittee, its successors and assigns, at all times from the date permitted work is commenced until such time
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as all permitted facilities or other encroachments are removed from the right-of-way and the right-of-way
restored, shall defend, protect, indemnify and save harmless the Department from any and all liability claims and
demands arising out of the work, encroachment, maintenance, or other undertaking by the permittee, its
successors and assigns, related or undertaken pursuant to the granted permit, due to any claimed act or omission
by the permittee, its servants, agents, employees, or contractors. This provision shall not inure to the benefit of
any third party nor operate to enlarge any liability of the Department beyond that existing at common law or
otherwise if this right to indemnity did not exist.
14. Upon a violation of any provision of the permit, or otherwise in its reasonable discretion, the Department may
require additional action by the permittee, its successors and assigns, up to and including the removal of the
encroachment and restoration of the right-of-way. In the event additional actions required by the Department
under the permit are not undertaken as ordered and within a reasonable time, the Department may in its
discretion cause those or other additional corrective actions to be undertaken and the Department shall recover
the reasonable costs of those corrective actions from the permittee, its successors and assigns.
· · · · · · · · · · · · · · · · · · ·
15. Permittee, its successors and assigns, shall use the encroachment premises in compliance with all requirements

2000d et seq.) and the related regulations of the U.S. Department of Transportation in Title 49 C.F.R. Part 21, all as



## Kentucky Transportation Cabinet Department of Highways Division of Maintenance Permits Branch

TC 99-1 (B) 03/2016 Page 1 of 1

#### **ENCROACHMENT PERMIT**

KEPT No.:	07-2017-00144  Lexington Fayette Urban Co Govt					
Permittee:						
Permit Type / Subtype:	Other / Miscellaneous					
Work Completion Date:	1/1/2018					
	INDEMNITIES					
Type	Amount Required	Tracking Number				
Performance Bond	\$0.00					
Cash / Check	\$0.00					
Self-Insured	\$5,000.00	0009633				
Payment Bond	\$0.00					
Liability Insurance	\$0.00					
This permit has b		DENIED				
Kelly A Baker, P.E.	D7 - Chief District Enginee	r 3/21/2017				
SIGNIFURE . Bulen	TITLE	DATE				

The TC 911(B), including the application TC-99 1(A) and all related and accompanying documents and drawings make up the permit. It is not a permit unless both the TC 99-1(A) and TC 99-1(B) are both present.

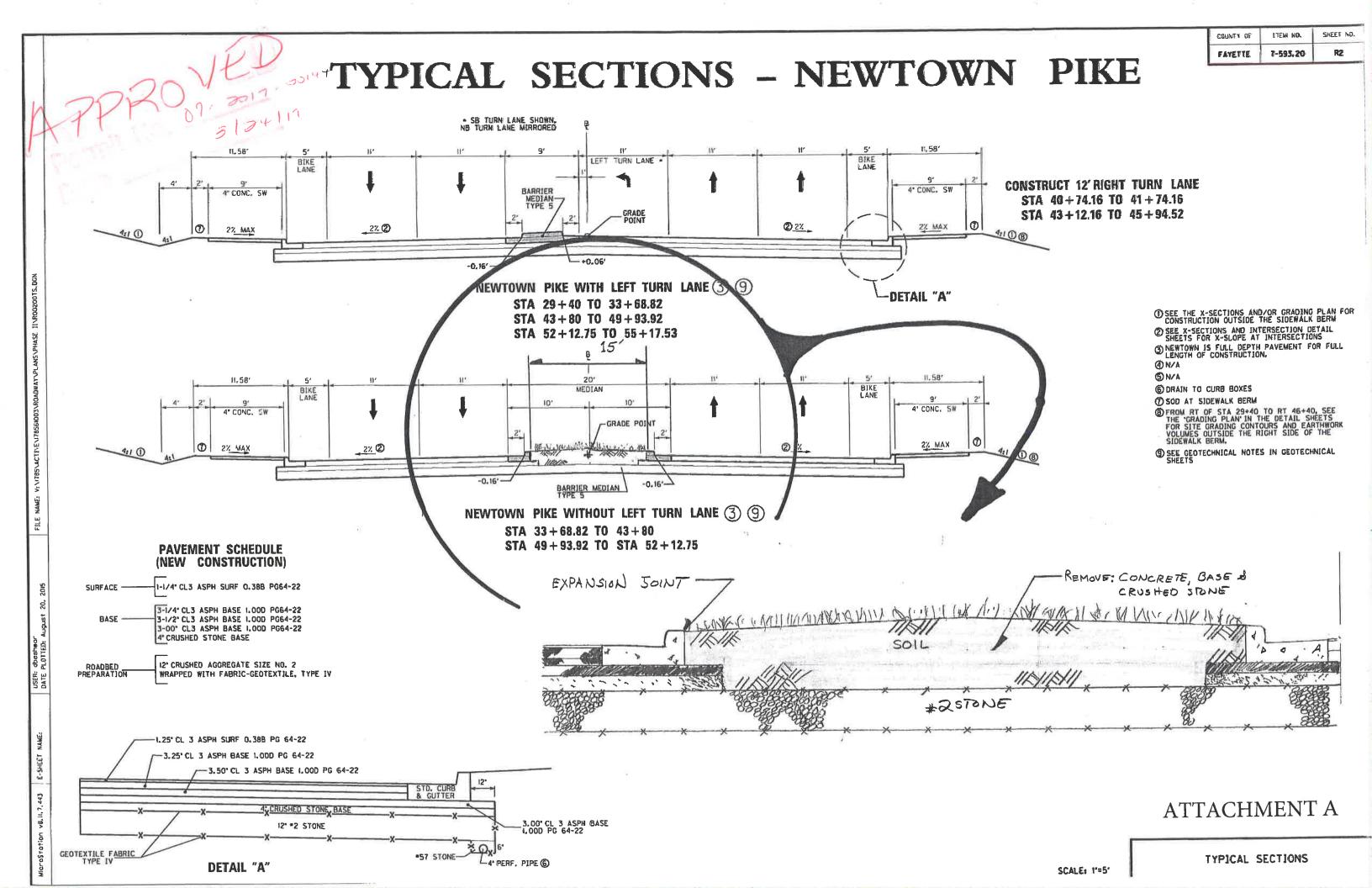
LOCATION(S)							
Description	County - Route	Latitude	Longitude				
Median modify on KY 922	Fayette - KY 922	38.050608	-84.509756				

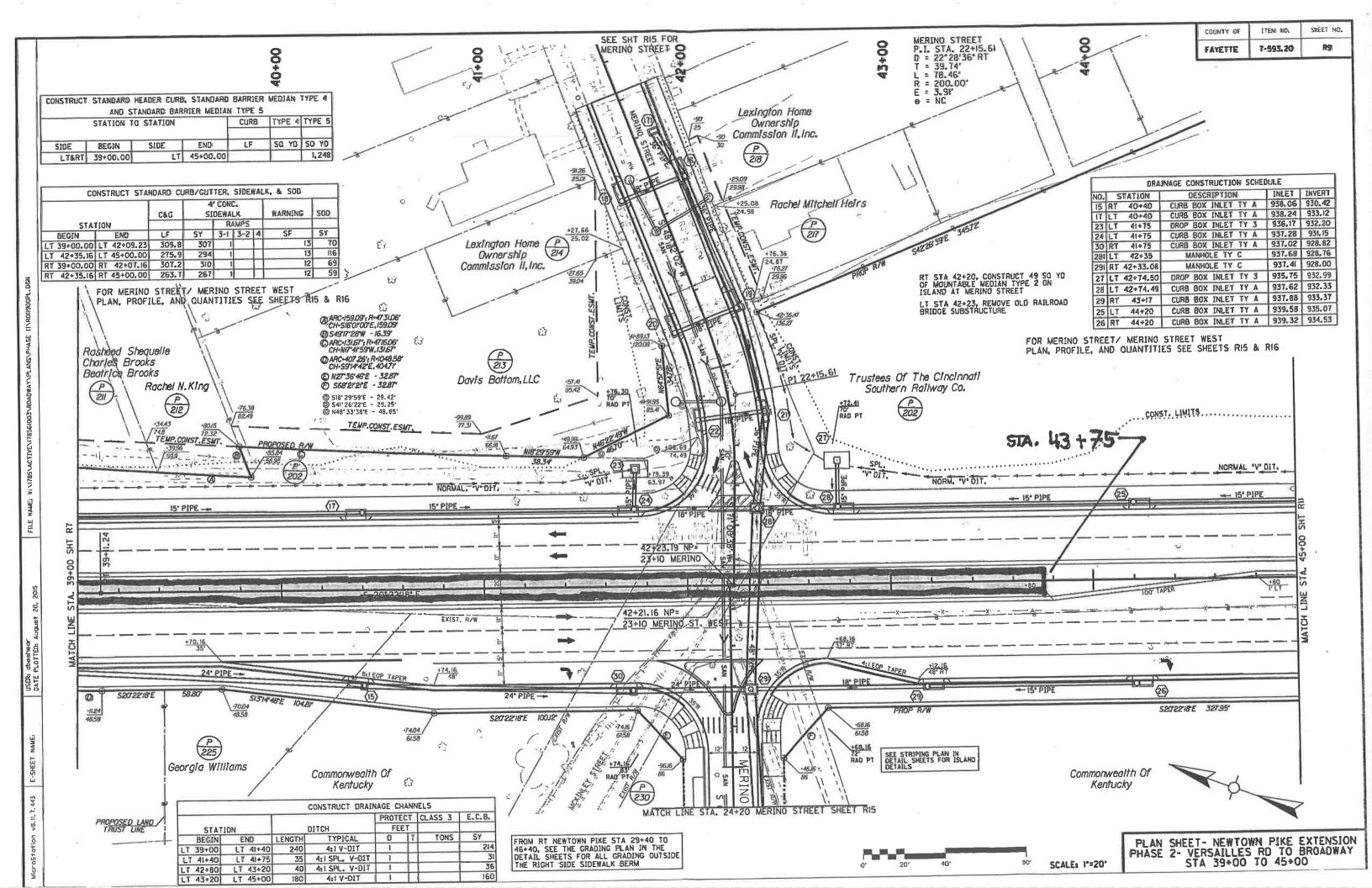
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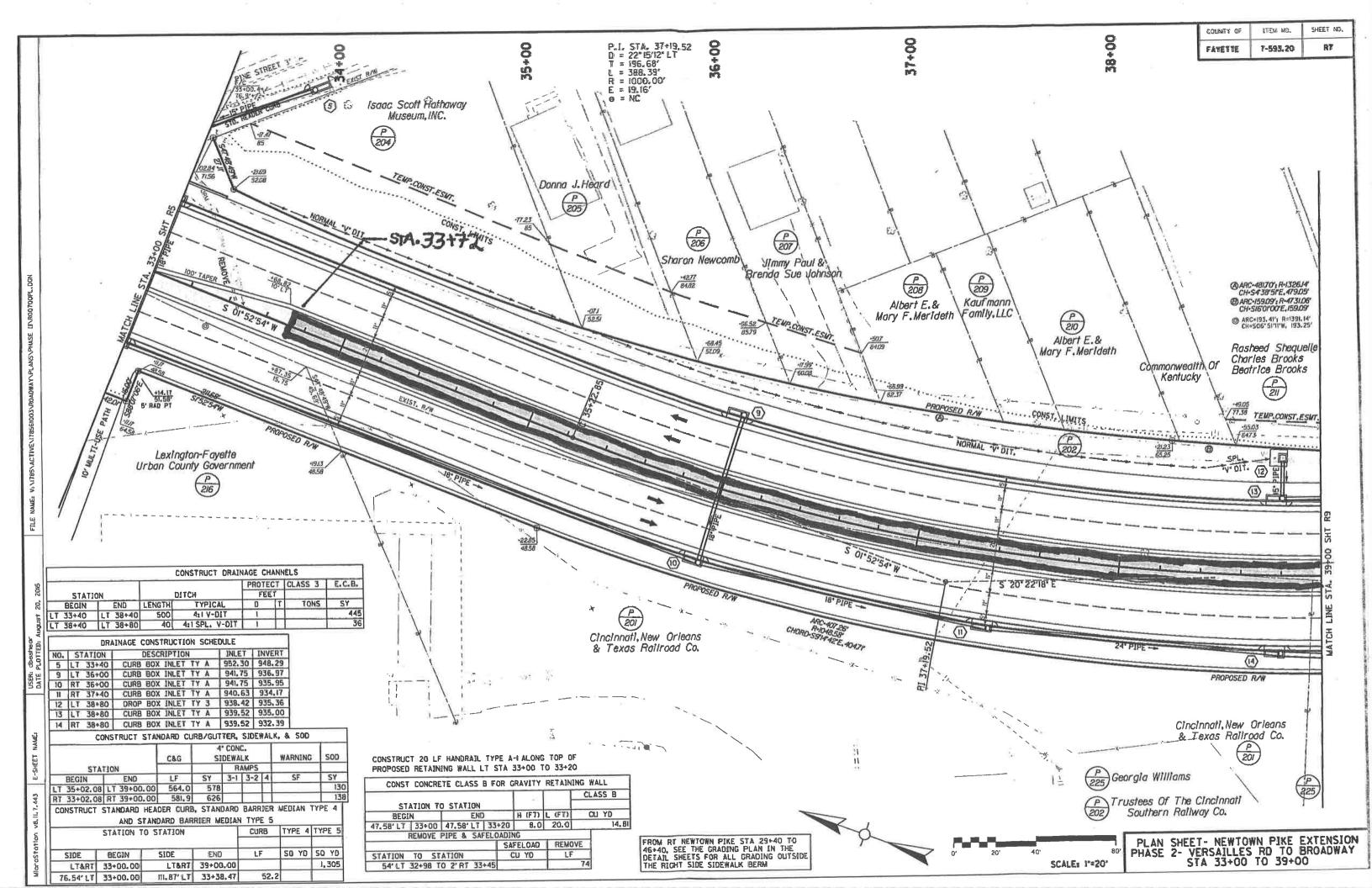
# COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS ENCROACHMENT PERMIT MISCELLANEOUS REQUIREMENTS

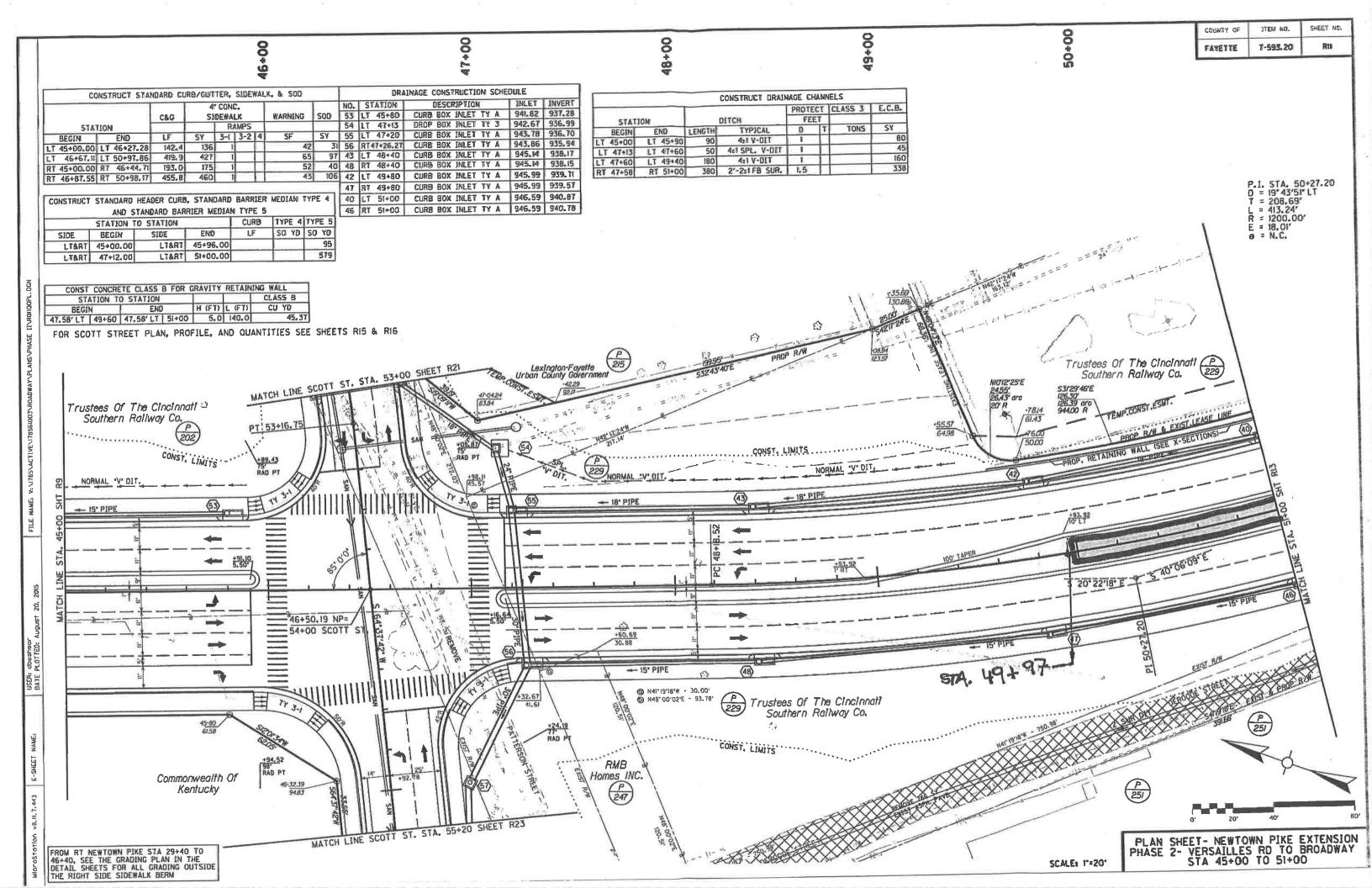
### THE FOLLOWING STIPULATIONS ARE REQUIREMENTS FOR YOUR APPROVED PERMIT NO. 07-2017-00144

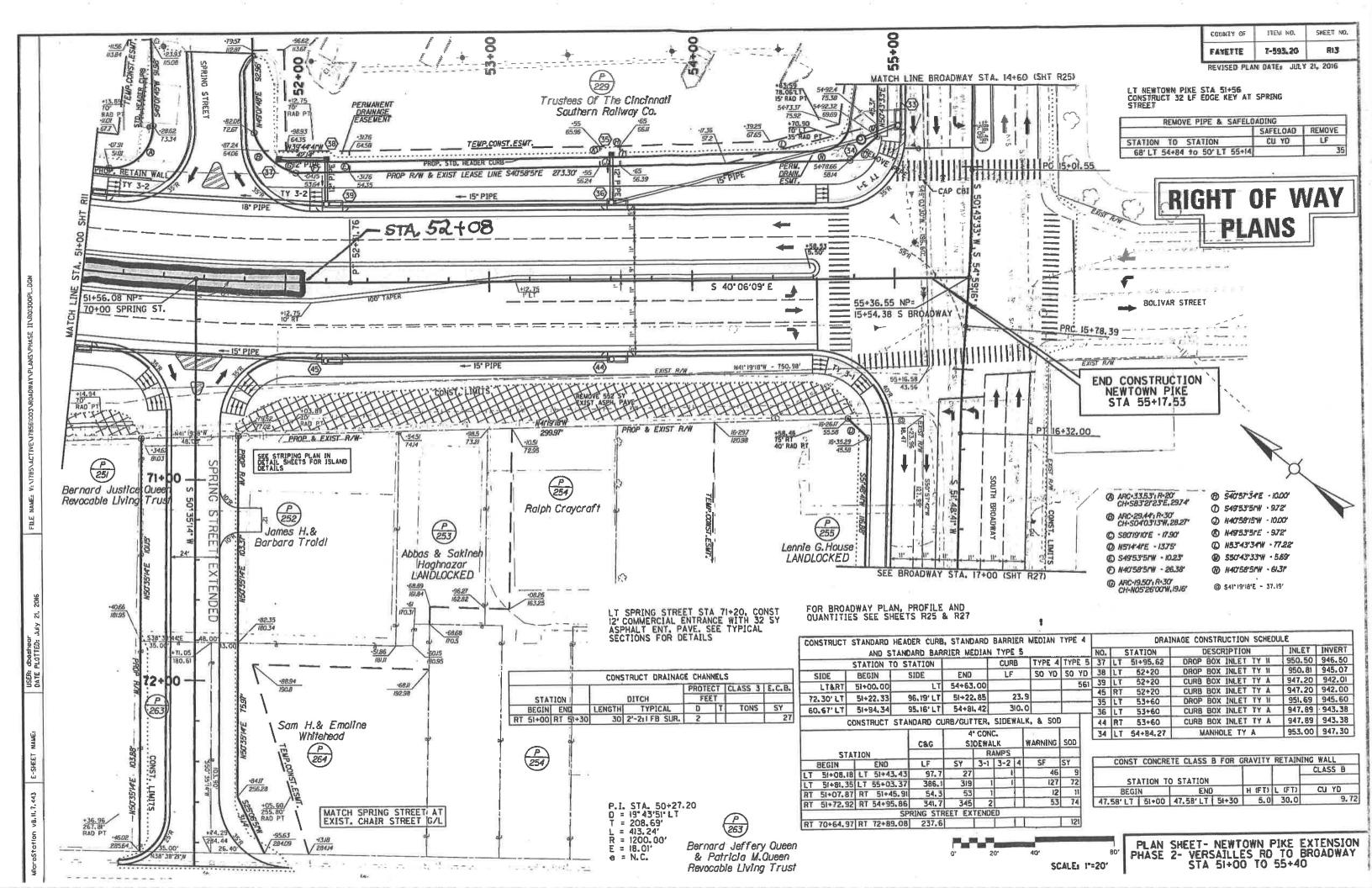
- Future mowing and maintenance of the median shall be the responsibility of the applicant.
- Work shall be coordinated with the Prime Contractor for the Newtown Pike project.
- Any damage to existing curb and gutter shall be the responsibility of the applicant to repair.
- This permitted work shall not in any way impact the existing contract between KYTC and the Prime Contractor.













Matthew G. Bevin Governor

#### COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET

Department of Highways, District 7 Office 763 West New Circle Road Lexington, Kentucky 40511 (859) 246-2355 www.transportation.ky.gov/ Greg Thomas Secretary

March 24, 2017

Lexington Fayette Urban Co Govt 200 East Main Street Lexington, Kentucky 40507

Subject: Permit #: 07-2017-00144

Permit Type: Other - Miscellaneous

Approval

Dear Applicant:

Attached is your permit approval and documentation for the subject permit.

Be advised that all work must be done in conformity with permit and application conditions. If you have any questions, please contact the Permits Section at this office.

Sincerely.

Kelly A Baker, P.E.

D7 - Chief District Engineer

Attachments



#### NOTICE OF COMPLETION OF ENCROACHMENT PERMIT WORK

#### **PERMITEE**

Name: Lexington Fayette Urban Co Govt

Contact Person:

Address: 200 East Main Street

City: Lexington State: Kentucky Zip: 40507

Telephone: (859) 258-3410

#### PROJECT IDENTIFICATION

Permit Number: 07-2017-00144

I wish to notify the Department of Highways that the above mentioned permit work and any necessary right-of-way restoration have been completed and are ready for final inspection.

#### **Applicant**

Please return this form to the address below when work is completed and ready for final inspection.

Please Return to:

**Permit Engineer** 

Department of Highways, District 7 Office

763 West New Circle Road Lexington, Kentucky 40511

(859) 246-2355

www.transportation.ky.gov/

LOCATION(S)						
Description	County - Route	Latitude	Longitude			
Median modify on KY 922	Fayette - KY 922	38.050608	-84.509756			



DOUG BURTON, P.E DIRECTOR ENGINEERING

#### **MEMORANDUM**

TO:

Martha Allen

Council Clerk

FROM:

Andrew Grunwald, P.E.

Municipal Engineer Senior

DATE:

March 30, 2017

RE:

Approved Encroachment Agreement from KYTC

Resolution 164-2017

Good Day Ms. Allen,

Please find the executed Application for Encroachment Agreement Permit (KYTC No. 07-2017-00144) to be included with the Resolution 164-2017 file.

If you need any additional information please let me know.

