

LANDSCAPE PERMIT APPLICATION

Date: _____

HORSESHOE BEND SPECIAL ROAD DISTRICT #1
134 Verbena Road
Lake Ozark, MO 65049
Ph: 573-365-2832
Fax: 573-365-7081
info@hbsrd.org

Date Issued: _____

Weekend Work Approved: (Yes) (No)

PROPOSED LOCATION MUST BE CLEARLY MARKED BEFORE SUBMITTING THIS FORM

EST. START DATE: _____ EST. COMPLETION DATE: _____

APPLICANT: _____

MAILING ADDRESS: _____

PHONE #: _____ EMAIL: _____

LOCATION OF PROPOSED CONSTRUCTION if different from the address above (Please indicate road and nearest address if one exists)

PURPOSE OF THIS ACCESS (Residence, Business, Utility Location, etc.): _____

Applicant hereby requests permission and authority from the Horseshoe Bend Special Road District #1, (hereinafter, "District"), to construct a landscape or beautification area over and/or across the right-of-way of the District. Applicant acknowledges and agrees that any improvements, landscaping, equipment, or personal property (including mailboxes and trash enclosures) permitted to be placed on District Right of Way are subject to removal by the District if necessary for the purpose of widening or maintenance of a road. Further, Applicant agrees, as a condition of the permit, that the District shall not be responsible for any damage to or destruction of any such items from any cause whatsoever, by any person, persons or organizations including District. _____ **(Initial Here)**

All work shall be completed within _____ days (10 days unless otherwise written) of the Permit date.

I certify and acknowledge that:

- (1) The information contained in this application is true and correct; and*
- (2) The commencement of the work described in this application shall constitute acceptance of the permit as issued, including all terms and conditions thereof; and*
- (3) If this permit is for commercial or residential driveway work, I am the legal owner of the property that this driveway will serve, or I am the authorized representative; and*
- (4) All work performed under this permit will be done in accordance with the District and its Requirements for Approval attached hereto; and*

Applicant

Title and Company Name if not property owner

Superintendent

GENERAL PROVISIONS:

1. Applicant represents all parties in interest and affirms that the driveway approach is to be constructed by them for the bona fide purpose of securing access to their property and not for the purpose of doing business or servicing vehicles on the road right-of-way.
2. Applicant shall furnish all labor and materials, perform all work, and pay all costs in connection with the construction of the driveway and its appurtenances on the right-of-way. **All work shall be completed within _____ days (10 days unless otherwise written) of the Permit date.**
3. The type of construction shall be as designated and/or approved by the District and all materials used shall be of satisfactory quality and subject to inspection and approval of the District.
4. Applicant shall assume responsibility for the removal or clearance of snow, ice or sleet upon any portion of the driveway approach even though deposited on the driveway in the course of the District's snow removal operations.
5. No revisions or additions shall be made to the driveway or construction its appurtenances on the right-of-way without the written permission of the District.
6. Provisions and specifications outlined herein shall apply on all rights-of-way, roads, driveways, shoulders, setbacks, or otherwise under the jurisdiction of the District.
7. **One Permit Only:** This permit is good for one access only.
8. All work performed under this permit must be done in accordance with the application, plans, specifications, maps and statements filed with the District and must comply with the attached Requirements for Approval and the current MODOT Standard Specifications for Construction, if applicable.
9. **Indemnification:** In addition to any liability or obligation of the Applicant that may otherwise exist, Applicant shall, to the fullest extent permitted by law, indemnify and hold harmless the District and its commissioners, officers, agents, attorneys, and employees from and against any and all claims, actions, proceedings, liabilities, losses, and damages thereof, and any and all costs and expenses, including legal fees, associated therewith which the District may sustain by reason of claims for or allegations of the negligence or violation of the terms and conditions of this permit by the Applicant, its officers, agents, or employees, arising out of the work which is the subject of this permit, or arising out of the work not authorized by this permit, or arising out of the continued existence of the operation or facility, which is the subject of this permit.
10. **Dig-Rite:** The Applicant shall comply with the requirements of Chapter 319, RSMo 2014, CALL DIG RITE AT (800) 344-7483 or 811 OR www.digrite.com AT LEAST THREE (3) FULL WORKING DAYS, BUT NOT MORE THAN TEN (10) CALENDAR DAYS, BEFORE YOU START WORK. The Applicant assumes all responsibility for damage to or interruption of underground utilities.
11. **Notification of Start and Completion of Work:** The Applicant shall notify the District at least 48 hours in advance and during the District's normal business hours before starting work, when work is completed, and additionally as directed by the District (573) 365-2832.
12. **Time Restrictions:** All work shall be performed Mondays through Fridays between 8:00am and 6:00pm unless written approval is obtained from the District, and work shall be performed only during the period authorized in this permit (10 days unless otherwise written). Applicant shall perform no work except emergency work, unless authorized by the District on Saturdays, Sundays, or from on the day proceeding until the normal starting time the day after the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day.
13. **Safety:** Applicant shall furnish, install and maintain all necessary traffic controls and protection during Applicant's operations in accordance with the Manual of Uniform Traffic Control Devices (<https://mutcd.fhwa.dot.gov/>), the Requirements for Approval attached hereto, and any supplemental specifications set forth herein.
14. **Restoration and Repair of Road:** The construction, operation and maintenance of the activity covered by this permit shall be performed by the Applicant without cost to the District unless specified herein. The Applicant shall also be responsible for the cost of restoration and repair of the right-of-way determined by the District to be damaged as a result of the activity which is the subject of this permit. Restoration shall meet or exceed conditions when work is commenced and be in accordance with specifications and be performed to completion in a commercially reasonable period of time unless the District determines the public safety is at risk at which time Applicant shall make immediate repairs. The Applicant shall be responsible for costs incurred by the District for emergency repairs performed by or on behalf of the District for the safety of the motoring public. Said repairs shall be performed with or without notice to the Applicant if immediate action is required. This determination shall be in the sole and reasonable opinion of the District.
15. **Limitation of Permit:** Issuance of this permit does not relieve Applicant from meeting any and all requirements of Missouri law, or of other public bodies or agencies. The Applicant shall be responsible for securing and shall secure any other permits or permission necessary or required by law from cities, villages, townships, corporations, property owners, or individuals for the activities hereby permitted. Any work not described by the application, including the time and place thereof, is strictly prohibited in the absence of the application for and issuance of an additional permit or amendment to this permit.
16. **Assignability:** Any permit arising from this application is not assignable and not transferable unless specifically agreed to in writing by the District.
17. **Authority:** The statutory authority of the District to require compliance with permit requirements is predicated upon its jurisdictional authority and is set forth in various statutes including, without limitation, §233 RSMo.