

## **PETITION FOR THE USE OF THE PUBLIC RIGHT-OF-WAY**

Now come Waitsfield and Champlain Valley Telecom, Petitioner, and respectfully represent that in order to furnish adequate service to its patrons, it is necessary to place underground conduit within the town highway right-of-way limits of the Town of Charlotte (the "Town") as shown on the attached four-sheet set of plans entitled "Project 15-105, Charlotte, VT" (the "Plans"). The project covered by this Petition is further described as follows:

Waitsfield and Champlain Valley Telecom proposes to use the directional bore method and open trench where ledge is encountered to place conduit for underground fiber optic cable along Thompson's Point Road between Lake Road and Deer Point Road as part of job# 15-105. There will be a number of above ground access points that will also be placed. The locations have been reviewed with Town Road Commissioner Hugh Lewis Jr.

The Petitioner further represents that such work will be done in accordance with the Plans and specifications attached, the special conditions so noted on this Petition, and in a manner safe for public travel and subject to the rules thereof. In consideration of approval of this Petition, the Petitioner will, without expense to the Town, repair said line should it be damaged during road repairs, maintenance and/or improvements. It is further agreed that the Petitioners will perform any excavation and backfilling under the supervision of an agent of the Town, unless the Town of Charlotte expressly waives this supervision requirement, and will restore the town highways, if damaged, to their original condition within five days of cable installation, replacement or repair, weather and conditions permitting.

Wherefore, the Petitioner, in accordance with 30 V.S.A. §2502, requests approval from the Selectboard to place underground conduit using the directional bore method as aforesaid.

Dated at Waitsfield, Vermont on this 8th day of June, 2016.

Waitsfield and Champlain Valley Telecom

Jim Urquhart

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Jim Urquhart  
Senior OSP Engineer

The Town of Charlotte Selectboard hereby grants permission to Waitsfield and Champlain Valley Telecom to install and maintain the conduit as described herein and as shown on the Plans subject to the following special conditions:

Installation of the underground utility lines shall be conducted so that the uppermost conduit or cable shall be no less than four (4) feet below the roadway surface and no less than three (3) feet below the bottom of road-side ditches within the Town's town highway rights-of-way. If ledge or other obstacles prevent burying conduit or cable at these depths, shallower depths may be allowed with approval by the Road Commissioner; a concrete cap or pipe sleeve surrounding the conduit may be required. In the event Petitioner and its agents, employees, contractors, subcontractors, heirs, administrators, successors and assigns, are unable to install the utility lines four (4) feet below the roadway surface and no less than three (3) feet below the bottom of road-side ditches, as provided above and irrespective of the approval of the Road Commissioner, Petitioner, and its agents, employees, contractors, subcontractors, heirs, administrators, successors and assigns, shall indemnify and hold harmless the Town, its

elected and appointed officials, board members, managers, officers, attorneys, agents, employees, successors and assigns, from any damage, loss, injury or otherwise (including without limitation personal injury or death to any person and damage to property of the Petitioner or third persons) which may occur in whole or in part because of the Town's, and its employees', agents' and contractors', work, maintenance, repair, replacement, repaving or improvement activities within the town highway right-of-way.

Petitioner acknowledges that the surface area of the underground utility lines' location is utilized as a public street of the Town. Petitioner agrees that it shall, during any construction, reconstruction, repair or replacement of the underground utility lines and associated improvements, keep open to the general circulation of vehicles at all times at least one lane of traffic of sufficient width and of adequate surface for vehicles to proceed above the area of construction in both a northerly and southerly direction and in a reasonably convenient manner. Petitioner agrees that it shall at all times during its construction activities, at its sole expense, adequately control motor vehicle and pedestrian traffic on and over the traveled portion of Thompson's Point Road and Deer Point Road.

Prior to performing any work done within the right of way of Thompson's Point Road and Deer Point Road, Petitioner shall provide at least two (2) business days' notice to the Town (except in case of emergencies in which case notice shall be provided to the Town as soon as reasonably possible).

Petitioner shall promptly reimburse the Town for all actual costs that the Town may incur, including reasonable court, attorneys' and witness' fees and costs, as a result of Petitioner not performing, observing, and complying with the conditions of this Petition as herein stated

Date

Selectboard

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