

**POLK COUNTY BOARD OF COUNTY COMMISSIONERS**  
**TRANSPORTATION DIVISION**  
**Inspection and Testing Section**  
3000 Sheffield Road  
Winter Haven, Florida 33880

**APPLICATION FOR THE PERMITTING OF RIGHT-OF-WAY ENCROACHMENTS**  
**BY PRIVATE UTILITIES AND ENTITIES IN POLK COUNTY**

(Type or legibly print all information furnished on application)

<b>PERMITTEE/HOA REPRESENTATIVE</b>	<b>24 HR EMERGENCY PHONE NUMBER</b>
<b>MAILING ADDRESS</b>	<b>CITY, STATE and ZIP CODE</b>
<b>BY: _____ DATE: _____</b>	
<b>AUTHORIZED SIGNATURE</b>	

**CONDITIONS AND TERMS OF PERMIT**

**All persons or entities working on Polk County property or within the right of way shall comply with all Federal, State and Local laws.**

1. The Permittee shall commence actual construction in good faith within \_\_\_\_ days after issuance of the permit, and shall be completed within \_\_\_\_ days after the permitted work has begun.
2. The construction and maintenance of such utility shall not interfere or conflict in any way with the property and/or rights of a prior public utility Permittee.
3. It is expressly stipulated that this permit is a license for permissive use of County rights-of-way only and that the placing of utilities upon public property pursuant to this permit shall not operate to create or vest any property right in said holder nor shall it operate to relieve a third party from obligations and requirements of the Polk County Land Development Code and the Polk County Utility Division relating to completion guarantees and warranty periods before final acceptance of utilities. The license or permit granted hereby shall not be assigned or otherwise conveyed by Permittee to a successor in interest or to another utility without the prior written approval of Polk County.
4. Pursuant to Florida Statutes, §337.403(1), any utility placed upon, under, over, or along any public road that is found by Polk County to be unreasonably interfering in any way with the convenient, safe, or continuous use, or maintenance, improvement, extension, or expansion of such public road, shall, upon thirty (30) days written notice to the utility or its agent by Polk County, be removed or relocated by such utility at its own expense. That obligation shall apply to all successors and assigns for the permitted facility.
5. In the event that the relocation of said utilities is scheduled to be done simultaneously with Polk County's construction work, the Permittee will coordinate with Polk County before proceeding and shall cooperate with Polk County's contractor to arrange the sequence of work so as not to delay the work of Polk County's contractor, and shall defend any legal claims of Polk County's contractor due to delays caused by Permittee's failure to comply with the approved schedule but the Permittee shall not be responsible for delay beyond its control.
6. In the case of non-compliance with Polk County's requirements in effect as of the date this permit is approved, this permit is void and the facility will have to be brought into compliance or removed at no cost to Polk County.
7. It is understood and agreed that the rights and privileges herein set out are granted only to the extent of Polk County's right, title and interest in the land to be entered upon and used by the Permittee.
8. Pursuant to Florida Statutes, §337.401(2), the permit granted hereby shall require the Permittee to be responsible for damage resulting from the issuance of the permit. Polk County may initiate injunctive proceedings as provided in Florida Statutes, §120.69 to enforce provisions of that statute or any rule or order issued or entered into pursuant thereto.
9. Pursuant to Florida Statutes, §337.402, when any public road is damaged or impaired in any way because of the installation, inspection, or repair of a utility located on such road, the owner of the utility shall, at his or her own expense, restore the road to its original condition before such damage. If the owner fails to make such restoration, Polk County is authorized to do so and charge the cost thereof against the owner under the procedures set out in Florida Statutes, §337.404.

10. The Permittee shall comply with all provisions of Chapter 556, Florida Statutes, the "Underground Facilities Damage Prevention and Safety Act", including but not limited to compliance with procedures relating to the Sunshine State One-Call system.
11. Permittee, in consideration for the granting of this permit to install and maintain private utilities within Polk County rights-of-way, which the Permittee acknowledges is good and valuable consideration for entry into this indemnification agreement, hereby forever discharges and holds harmless POLK COUNTY, a political subdivision of the State of Florida, from all present and future debts, liabilities, damages, actions, claims, fines and causes that may arise out of the use of Polk County's rights-of-way by Permittee, its agents, employees, licensees, members or contractors. POLK COUNTY shall not in any case be liable for any special, incidental, consequential, indirect, or punitive damages arising out of or relating to the use of the County-owned rights-of-way during any phase of Permittee's use, including but not limited to, installation and maintenance of the proposed utilities, and the Permittee, on behalf of its agents, employees, licensees, members or contractors, agrees to indemnify POLK COUNTY against any suit or claim arising out of or relating to such use. This section applies to any claim, demand, suits or judgments, including, but not limited to, those resulting from (a) injury or death of any person or persons whomsoever, (b) the loss of or damage to any property whatsoever, (c) contract disputes between the Permittee and its contractor, or (d) the failure of the utility to perform or function as designed.
12. The granting of the permit pursuant to this application may be subject to special conditions and terms in addition to those set out herein. Such special conditions and terms may be set out in an addendum hereto which shall be incorporated herein and become a part hereof.
13. It is understood and agreed that commencement by the Permittee is acknowledgment and acceptance of the binding nature of all the above listed permit conditions, terms, and special instructions.

**LOCATION INFORMATION:** (posted road name, development, community or geographical area only)

(Use vicinity map/plan view for project limits)

(Work order/project number)

For description of proposed construction, furnish feet, inches and quantities, check off materials and appurtenances below:

( ) FEET OF AERIAL ( ) CABLE OR ( ) FIBEROPTIC; AND ( ) STRAND OR ( ) OVERLASH

( ) TOTAL NUMBER OF PERMITTEE'S NEW POLES; ( ) TOTAL NUMBER OF POLES REMOVED

( ) TOTAL FEET OF UNDERGROUND CONDUIT SYSTEM AND ( ) CABLE, ( ) FIBEROPTIC

( ) INSTALLATION OF GROUND TERMINAL/POWER SUPPLY/DISTRIBUTION EQUIPMENT/ R/W ACCESS OR WORK AREA FOR DISTRIBUTION FACILITY (FIELD REVIEW BY POLK COUNTY REQUIRED PRIOR TO SUBMITTAL)

( ) TOTAL NUMBER OF PAVED & UN-PAVED ROAD CROSSINGS FOR FACILITIES

PLACED BY: (check all that apply) ( ) JACKING BORE; ( ) DIRECTIONAL BORE

**NOTE: POLK COUNTY POLICY PROHIBITS OPEN-CUTTING OF COUNTY MAINTAINED ROADS.**

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COUNTY CONTACT: Office: 863.535-2200, ext. 2325 Fax: 863.534-7362 Email: [danielblaha@polk-county.net](mailto:danielblaha@polk-county.net)

APPROVAL OF PERMIT BY: \_\_\_\_\_

PERMIT NUMBER: \_\_\_\_\_ DATE OF APPROVAL: \_\_\_\_\_

**A COPY OF THIS APPROVED PERMIT AND ALL ATTACHMENTS MUST BE ON THE JOBSITE DURING ALL ACTIVITIES. ATTACHMENT "A" MUST BE SUBMITTED AS REQUIRED.**

**PERMITTING APPLICATION FORMAT:**

Notwithstanding the foregoing, application for a right-of-way use permit hereunder by Polk County Utilities, as the ultimate owner of the system, shall in no way relieve third parties from requirements of the Polk County Land Development Code and the Polk County Utility Division relating to completion guarantees and warranty periods before final acceptance of utilities. Application forms used by consultants should be the current form designated for that type of utility.

This format is designed for facsimile or internet transmittal between the issuing agency and the applicant/permittee. The single set submittal consists of Pages 1 & 2, Attachment B (for joint use designations) the vicinity map, the plan view and the cross-sections to be in letter size format (not folded) for the transmittal, review processing and filing required by this office.

**PERMITTING TYPE:**

- ☐ new encroachment or revision to existing permitted facilities.  
☐ utility coordination for new development per **POLK COUNTY ORDINANCE 79-39**.  
☐ relocation or adjustment of facilities for ☐ **FDOT**, ☐ **POLK COUNTY**, or ☐ **MUNICIPAL**

**Project described as:**

**(Permittee review contact person, provide telephone & facsimile number)**

CONSULTANTS MAY CONTACT THIS OFFICE PRIOR TO DESIGN FOR THE SUBMITTAL FORMAT AND UTILITY CONTACTS. FIELD PREVIEWS BY THIS OFFICE FOR DESIGN PURPOSES CAN BE SCHEDULED BY THE APPLICANT/CONSULTANT AS NECESSARY.

**DESIGN & SUBMITTAL REQUIREMENTS:**

THE SUBMITTAL IS REQUIRED TO CONSIST OF THE (A) ONE (1) APPLICATION FORM, (B) A VICINITY MAP OF THE PROJECT AREA (NOTE: THE VICINITY MAP MAY BE FURNISHED FOR THE PLAN VIEW REQUIRED, WITH THE ROAD NAMES PROVIDED IN ORDER TO DETERMINE THE BEGINNING AND END OF PROJECT), AND (C) A SEPARATE CROSS-SECTION FOR EACH ROADWAY PERMITTED DEPICTING THE ROAD DRIVING SURFACE TYPE (PAVED OR UN-PAVED), TYPICAL DRAINAGE SECTION(S), R/W DIMENSIONS (EITHER DEDICATED OR MAINTAINED), DIMENSIONS OF EXISTING PERMITTED FACILITIES REFERENCED TO THE EDGES OF PAVEMENT, AND THE DIMENSIONED LOCATION(S) OF THE PROPOSED ENCROACHMENT(S) REFERENCED TO THE EDGES OF PAVEMENT. A SEPARATE CROSS-SECTION IS REQUIRED FOR EACH CHANGE IN ROADWAY, R/W OR PROPOSED FACILITY LOCATION. AN ADDITIONAL DETAIL OF ALL DRAINAGE FACILITY CROSSINGS DEPICTING AT LEAST 18 INCHES OF PROPOSED FACILITY CLEARANCE BELOW THE INVERTS IS REQUIRED.

**COORDINATION REQUIREMENTS:**

The locations of all existing permitted users of the rights of way will be determined by either verbal or electronic contact with an authorized representative of that utility and the nature and scope of proposed construction reviewed for conflicts or adjustments that may be required at the applicant's expense prior to the submittal to this office for review and processing.

The name of the utility, the person contacted for response, the date of contact and any applicable reference number will be furnished below. **POLK COUNTY POLICY** requires that gas, petroleum, ammonia and long lines fiber-optic communication facilities furnish a certification reference number for the contact required with those utilities and that number be provided below. Contact must be within 30 days of application submittal.

**If a utility contacted does not have facilities in the area of proposed construction, do not show them on the cross-section and note that contact information as "N/A." Retain letters for your files.**

Utility	Contact Name	Contact Date	*ID#	Notes

☐ **PERMIT CONDITIONS, TERMS AND SPECIAL INSTRUCTIONS ATTACHED.**

**PROCESSING FEE OF \$200.00 MUST ACCOMPANY APPLICATION**

Fees are payable by Permittee's check, cashiers check or money order made payable to "BOCC, Polk County".

**PROCESSING FEE:** ☐ **N/A;** ☐ **ATTACHED;** ☐ **ESCROWED/EBF:** \$ \_\_\_\_\_