City of Birmingham
A Walkable Community

MEMORANDUM

Engineering Dept.

DATE: **December 11, 2014**

TO: **Joseph A. Valentine, City Manager**

FROM: **Paul T. O'Meara, City Engineer**

SUBJECT: **MI Dept. of Transportation Annual Permit**

Each year the Michigan Dept. of Transportation (MDOT) requires the City of Birmingham to obtain an annual permit. Enclosed is a copy of the correspondence received from MDOT. The permit is required annually to establish the authorized representative when obtaining an individual permit for a specific purpose. MDOT requires that a certified resolution be provided to establish this person as the designated person for the community.

The annual permit is to take effect on January 1, 2015, and continues through the calendar year.

Similar to last year, it is recommended that the City Engineer, Paul T. O'Meara, be designated the officer authorized to obtain these permits as required by the State of Michigan beginning January, 2015, in accordance with the requirements of the attached application and permit. In his absence, the designated officer shall be Brendan Cousino, Assistant City Engineer.

SUGGESTED RESOLUTION:

To authorize the filing of an application for the annual permit for work on state highways and designate Paul T. O'Meara, City Engineer, as the officer authorized to sign permits required by the State of Michigan beginning January 1, 2015, in accordance with the requirements of the attached application and permit. In his absence, the designated officer shall be Brendan Cousino, Assistant City Engineer.

RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
OAKLAND TRANSPORTATION SERVICE CENTER

KIRK T. STEUDLE
DIRECTOR

December 10, 2014

2015 ANNUAL PERMIT FOR WORK ON STATE TRUNKLINE RIGHT OF WAY

The MDOT Oakland TSC is now accepting 2015 annual permit applications. All permit applications are to be submitted via the MDOT electronic Construction Permit System (CPS). The 2015 annual permit will be effective January 1, 2015. Your 2014 annual permit shall continue to be used for any work occurring between now and December 31, 2014.

The Performance Resolution for Governmental Agencies (Form 2207B) was revised in October 2014 therefore an updated Resolution is required for 2015. The form shall include the name or title of the designated person(s) authorized to sign permits and shall be uploaded into CPS with your annual permit application. I have attached a copy, however this form can be found on the internet at www.michigan.gov/mdot.

Each time you perform work under your annual permit you will need to submit an electronic advance notice via the MDOT electronic CPS system. No work shall be performed until the advance notice is approved by MDOT.

Municipalities, when working within their municipal limits, are exempt from permit fees.

An individual permit is required for all proposed operations in the MDOT right of way not covered under the annual permit.

Thank you for your cooperation. If you have any additional questions, feel free to contact me at 248-451-2453 or MDOT Permit Agent Wioletta Bilan at 248-451-2451.

Sincerely,

Stacey Gough
Oakland TSC Utility/Permit Engineer
goughs@michigan.gov

cc: Wioletta Bilan
Mary Hudak-Baylis
File

PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipality an "Individual Permit for Use of State Highway Right of Way" or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way".

RESOLVED WHEREAS, the City of Birmingham
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under State Highway right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

2. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.

3. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

4. The GOVERNMENTAL AGENCY It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.

5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

6. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent he DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

7. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

NAME AND/OR TITLE	
Paul O'Meara	City Engineer
Brendan Cousino	Assistant City Engineer

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the Birmingham City Commission
(Name of Board, etc)

of the City of Birmingham of Oakland
(Name of GOVERNMENTAL AGENCY) (County)

at a _____ meeting held on the _____ day

of _____ A.D. _____.

SIGNATURE	TITLE	PRINT NAME