

FACILITY INSTALLATION APPLICATION (continued)

GENERAL CONDITIONS

- 1). In submitting this Application, the listed Municipality agrees to comply with the various policies, conditions and requirements of the McHenry County Division of Transportation and McHenry County.
- 2). The Applicant or Municipality shall supply, at its expense, such information or submittals as may be required for review and to make such changes or revisions as required by the McHenry County Division of Transportation.
- 3). Lack of an immediate response to this application form or any information or submittals supplied for review and/or comment shall not be construed as approval or acceptance by the County Engineer or the McHenry County Division of Transportation, nor shall they be held responsible for any costs or delays due to the processing time required.
- 4). The review of the proposed work shall be based on the primary use of the County highway right-of-way for the safe and efficient movement of vehicular traffic and the maintenance and improvements needed to support such primary use. Submittal of this application does not obligate the County Engineer to issue a permit.
- 5). The McHenry County Division of Transportation is not responsible for providing room within the County highway right-of-way for the proposed work and lack of sufficient room can be cause for not permitting the proposed work to be located within the County highway right-of-way.
- 6). This Application does not relieve the Municipality from complying with any statutes, regulations, ordinances or administrative orders of the Federal, State or County governments or any political subdivision or administrative agencies that may apply to the proposed work.
- 7). The Applicant shall obtain written permission form the legal property owner of the County highway right-of-way where the Facility will be located.
- 8). Unless otherwise stated in the issued Division of Transportation permit, the Municipality and its successors and assigns shall be responsible for the following:
 - a. The operation and maintenance of the Facility within the County highway right-of-way. Such operation and maintenance shall include keeping the Facility in a safe condition for use by the Public, not creating any hazardous conditions, providing any special maintenance such as cleaning ice and snow from sidewalks or bikepaths or additional mowing of adjacent turf areas, making changes or revisions to the Facility needed because of the maintenance operations of the McHenry County Division of Transportation or use of the County highway right-of-way by the General Public and restoring portions of the County highway right-of-way disturbed by repairs, maintenance, extensions, service connections, and/or other work done to the Facility without a McHenry County Division of Transportation permit being issued.
 - b. Any additional costs to the County of McHenry and/or its Division of Transportation for road improvements and/or maintenance work due to the location and/or use of the Facility within the County highway right-of-way. Such costs can include adjustments needed to the Facility to accommodate said road improvements and/or maintenance work and/or damage to County property and/or equipment.
 - c. For indemnifying, defending and holding harmless the County of McHenry and McHenry County Division of Transportation including the elected and duly appointed officials, agents, employees and representatives from and against any and all claims, suits, actions, losses, expenses, damages, injuries, deaths, judgements and demands arising from and relating to the location and/or use of the Facility within the County highway right-of-way regardless of any limitations of insurance coverage.
 - d. Other items as specified in the McHenry County Highway Department Utility and Facility Placement Policy.
- 9). The County and McHenry County Division of Transportation reserves the right to stop any and all work if it deems the work is proceeding in an unsafe manner or poses any danger to the public or roadway.