ROAD CUT RESOLUTION

BEAVER CREEK METROPOLITAN DISTRICT

EAGLE COUNTY, COLORADO

ADOPTED 11-18-80

REVISED 8-25-81

ROAD CUT RESOLUTION

BEAVER CREEK METROPOLITAN DISTRICT

WHEREAS, it is necessary and desirable that construction work within the public ways of the District be performed in accordance with uniform acceptable engineering standards and procedures; and

WHEREAS, failure to such construction to conform to acceptable and uniform engineering standards and procedures is or may be detrimental to and may endanger the public health, safety and welfare; and

WHEREAS, adherence to such standards and procedures is essential to the protection of the public investment in the public ways; and

WHEREAS, Engineering Regulations, Construction Specifications and Design Standards have been prepared and the Board of Directors of the District desire to adopt the same and to authorize the making of changes of amendments therein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BEAVER CREEK METROPOLITAN DISTRICT, that:

Sec. 1. Findings. The Board of Directors find as follows:

1.1 That the public investment in the public ways of the District is a substantial and valuable investment which must be protected for the benefit of the people of the District and of all persons who use or rely upon the public ways of the District for transportation, communication, telephone service, water, utility and other services, and drainage.

1.2 That work within the public ways must be regulated in the interest of the public health, welfare and safety for the protection of the people of the District and of all persons using or relying upon the public ways of the District.

Sec. 2. Definitions.

2.1 Applicant shall mean any person who makes application for a permit.

2.2 District shall mean the Beaver Creek Metropolitan District, quasi-municipal corporation of the State of Colorado.

2.3 Engineer shall mean the Engineer of the District, or his authorized representative.

2.4 Emergency shall mean any unforeseen circumstances or occurrence, the existence of which constitutes a clear and immediate danger to persons or property.

2.5 Engineering Regulations, Construction Specifications, and Design Standards shall mean the Engineering Regulations, Construction Specifications and Design Standards of the Beaver Creek Metropolitan District for work within the public ways of the District as delineated in Section 29 of this Resolution.

2.6 Permittee shall mean any person who has been issued a permit and has agreed to fulfill all the terms of this Resolution.

2.7 Person shall mean and include any natural person, partnership, firm association, public utility company, corporation, company, special district or organization of any kind.

2.8 Public Utility Company shall mean any company subject to the jurisdiction of the State Public Utilities Commission, or any mutual non-profit corporation providing gas, electricity, water, telephone, or other utility product or services for use by the general public.

2.9 Special District shall mean any Local Improvement and Service District organized under the provisions of the Colorado Revised Statutes, 1973, Title 32.

2.10 Public Way shall mean and include all public rights-of-way and easements, public footpaths, walkways and sidewalks, public streets, public roads, public highways, public alleys, and public drainage ways and utility easements. It shall not, however, include utility easements on private property not within other public ways of the District as otherwise defined herein.

2.11 Work Site Restoration shall mean and include the restoring of the original ground or paved surface to the same (or better) condition than the condition which existed before construction commenced, and shall include but not be limited to repair, clean-up, backfilling, paving and other work necessary to place the site in acceptable condition following the conclusion of the work.

Sec. 3. Construction of Resolution.

3.1 As used herein, the singular shall include the plural and the masculine shall include the feminine and neuter.

3.2 This Resolution shall be liberally construed so as to effect the intention hereof to protect and preserve the public ways of the District for the uses thereof, and for the protection of the people of the District and of all persons using or relying upon the public ways of the District.

Sec. 4. Unlawful to Work in Public Way Without Permit and Compliance. No person shall make, construct, reconstruct, or alter any opening excavation, tunnel, sidewalk, curb, gutter, driveway, street, or perform any other work of any kind within the public way which will result in physical alteration thereof, unless such person shall first have obtained a permit for the performance of such work, and unless such work shall be performed in conformity with the terms and provisions of this Resolution and of the permit or permits issued hereunder except as hereinafter specifically provided.

Sec. 5. Applications for Permits. Each and every person desiring to perform any work of any kind described in Section 4 above made subject to regulation by this Resolution, in a public way within this District shall make application for a permit. Such application shall be filed with the Secretary of the District on a form or forms to be furnished by said Secretary. Such application shall be made during the normal office hours of the District.

Such application shall state this exact nature and location of the proposed work and the time required for its completion. When necessary, in the judgement of the District's Engineer, to fully determine the relationship of work proposed, to existing or proposed facilities within the public ways, or to determine whether the work proposed complies with the Engineering Regulations, Construction Specifications, and Design Standards, the Engineer may require the filing of engineering plans, specifications, and sketches showing the proposed work in sufficient detail to permit determination of such relationship or compliance or both; and the application shall be deemed suspended until such plans and sketches are filed. The applicant, may be required, in addition, to present information that all materials, labor and equipment which may be required to complete the proposed work are available.

Sec. 6. <u>Commencement or Work--Approval or Disapproval of Application</u>.

6.1 No work shall be commenced until the Secretary of the District has approved the application and until a permit has been issued for such work, except as specifically provided to the contrary in this Resolution.

6.2 Within three working days of the filing of any application, the Secretary of the District shall approve or disapprove the same, stating in writing the reasons for his disapproval, if the application is disapproved; provided, however, that the time for approval or disapproval may be extended by the checking of plans, sketches and specifications submitted, but no such extension of time for approval or disapproval shall exceed thirty days from the date of filing of required plans, sketches or specifications, shall not be included in the computation of time hereunder.

6.3 A permit shall issue on approval of an application by the Secretary of the District.

a. Each permittee shall notify all utilities operating in the District, and the Eagle-Vail Metropolitan District Fire Chief of the nature and location of the work authorized by the permit and the time the work shall begin, at least forty-eight hours before the work authorized by the permit is to begin. Such notice shall be made during the normal office hours of the utilities and fire department.

6.4 The disapproval of an application by the Secretary of District may be appealed by the applicant to the Board of Directors of the District by the filing of a written Notice of Appeal within ten days of the action of the Secretary. The Board shall hear such Appeal, if written request therefor be timely filed, at their next regularly scheduled meeting and render their decision within a reasonable time.

6.5 In approving or disapproving work within the public way; or permits therefor; in the inspection of such work; in reviewing plans, sketches or specifications, and generally in the exercise of the authority conferred upon him by this Resolution, the Secretary of the District shall act in such manner as to preserve and protect the public ways and the use thereof; but he shall have no authority to govern the actions or inaction or permittees or applicants or other persons which have no relationship to the use, preservation or protection of the public ways or the use thereof.

Sec. 7. <u>Connections with Special Districts; and Notices to Owners Abutting and Adjoining</u>.

7.1 Applications for work connecting to a special district property must be approved by the special district involved, as well as by the Secretary of the District.

7.2 If the work to be undertaken by the permittee is such that it will affect the use of properties abutting or adjoining the project, the permittee shall notify the

affected property owners and tenants of the proposed work to be done.

7.3 If the work to be undertaken by a permittee will affect other sub-surface installations in the vicinity of the proposed opening, the permittee shall notify the owner of such facilities of the proposed work.

Sec. 8. Eligibility. No persons shall be eligible to apply for or receive permits to do work within the public way of the District, save and except contractors licensed by the District as Contractors.

Sec. 9. Permit Fees. A fee of Ten ($10.00) Dollars shall be required for each permit issued, except that annual permits may be obtained for a fee of One Hundred ($100.00) Dollars. More than one item may be included on a permit provided all items are within the immediate vicinity.

Sec. 10. Review and Inspection Fees. Fees for the review of the application, including plans, specifications and sketches and for inspection as the work progresses shall be assessed by the following schedule:

Service Cut(s): First cut $25.00
Additional cuts $10.00 each

Longitudinal Cut(s): $25.00
plus $0.10 per lineal foot.

Driveways (including culverts): $25.00
plus $0.10 per lineal foot.

Street Surfacing & Repairing (Asphalt):
$25.00 plus $0.10 per square foot.

Permittees shall, at the time of application for permit, and before issuance thereof, or in the case of the holder of an annual permit, at the time of giving notice of work to be performed, pay an estimated amount to cover expected costs of engineering review and inspection, which charges shall be computed in accordance with the above schedule of Review and Inspection Fees.

No permit shall be issued (other than annual permits) and no work

shall be performed under any permit for which such charges have not been paid by the permittee.

In the event that the actual work performed by the permittee shall exceed the work as stated in the application upon which the charges were based and upon which additional charges should be assessed, the permittee shall be liable for the difference between such actual review and inspection fees and the amount paid by him, if said difference exceeds Twenty-Five ($25.00) Dollars, which shall be billed by the District at the conclusion of the work, or from time to time as the work precedes; and in the event of non-payment of all or part thereof, the balance due may be collected by the District's Attorney by legal action, or may be referred by the District's Attorney for collection, as may be deemed appropriate by the District's Attorney. In the event of non-payment, the permittee shall not be entitled to receive further permits from the District, or to perform further work within the District's public ways.

In the event that the amount of such engineering review and inspection charges paid by the permittee on an estimated basis as aforesaid, shall exceed the actual charges of such work by more than Twenty-Five ($25.00) Dollars, the difference between the amount paid and the actual cost shall be repaid to the permittee by the District at the conclusion of the work.

Sec. 11. Payments to the District. All amounts to be paid by the permittee shall be paid to the District and receipted by the Secretary of the District.

Sec. 12. Work Under Annual Permits.

12.1 Any holder of an annual permit shall not commence or undertake any work in the public way on any job or separate undertaking not previously approved by the Secretary of the District.

12.2 The holder of an annual permit shall in advance give written notice to the Secretary of the District of each job or separate undertaking which the permittee desires to undertake in the public way within the District, and

shall furnish to the Secretary of the District such plans, sketches or specifications, or all of them, as the Secretary of the District may find necessary to fully determine the relationship of the work proposed to be performed to existing or proposed facilities within the public ways, or to determine whether the work proposed complies with the Engineering Regulations, Construction Specifications and Design Standards of the District.

12.3 Each such notice shall advise the Secretary of the District of the nature of the work to be performed, the time within which the work is to be performed, and the place of work.

12.4 Within three working days of the giving of such notice, the Secretary of the District shall approve or disapprove the doing of such work under such permit, and shall state the time within which the work shall be performed, if approval is granted. Notification shall be given by the permittee to all utilities and fire departments as required under Section 6.3a.

12.5 Such work, if approved, shall be performed at the place and during the time approved by the Secretary of the District and the time may be extended by the Secretary of the District for good cause shown, or extension of time may be refused by the Secretary of the District if the work has not been satisfactorily performed.

Sec. 13. Permit Duration and Limits. Each permit application shall state the starting date and estimated completion date. The permit shall be valid for the time period specified. If the work is not completed during such period, the permittee may apply to the Secretary of the District for an additional permit or an extension, which may be granted by the Secretary of the District if the requirements of this Resolution are satisfied. An additional permit or extension may be refused by the Secretary of the District if he finds that work under the original permit, or as extended, has not been satisfactorily performed.

Sec. 14. Assignment of Permits. Permits shall not be transferable or assignable, and work shall not be performed under a permit, other than an annual permit. Nothing herein contained shall prevent a permittee from subcontracting the work to be performed under a permit; provided, however, that the holder of the permit shall be and remain responsible for the performance of the work under the permit, and for all bonding, insurance and other requirements of this Resolution and under said permit.

Sec. 15. Permit or Permit Number on Job Site. Either a copy of the permit or the permit number, or both, shall be kept on the job site at all times as work is in progress.

Sec. 16. Emergency Work. Any person maintaining pipes, lines or facilities in the public way may proceed with work upon existing facilities without a permit when emergency conditions demand the work to be done immediately; provided a permit could not reasonable and practicably have been obtained beforehand.

Any person commencing emergency work in the public way without a permit shall immediately thereafter apply for a permit or give notice on the first regular business day on which District offices are open for business after such work is commenced, and a permit may be issued which shall be retroactive to the date when the work has begun, in the discretion of the Secretary of the District.

In the event that emergency work is commenced on/or within any public way of the District, the District shall be notified within one-half hour from the time work is commenced. The person commencing and conducting such work shall take all necessary safety precautions for the protection of the public and the discretion and control of traffic.

Sec. 17. Suspension or Revocation of Permits, and Stop Orders. Any permit may be revoked or suspended by the Secretary of the District, after notice to the permittee for:

a. Violation of any condition of the permit or of any provision of this Resolution.

b. Violation of any provision of any other Resolution of the District or law relating to the work.

c. Existence of any condition or the doing of any act which does constitute or may constitute or cause a condition endangering life or property.

A suspension or revocation by the Secretary of the District, and a stop order, shall take effect immediately upon entry thereof by said Secretary and notice to the person performing the work in the public way.

A stop order may be issued by the Secretary of the District directed to any person or persons doing or causing any work to be done in the public way without a permit, or in violation of any provision or provisions of this Resolution, or whenever the Secretary of the District shall suspend or revoke a permit.

Any suspension or revocation or stop order by the Secretary of the District may be appealed by the Permittee to the Board of Directors, by filing a written notice of appeal within ten days of the action of the Secretary of the District, the Board shall hear such appeal, if written request therefor be timely filed, as soon as practicable, and render its decision within a reasonable time following filing of notice of appeal.

Sec. 18. Bond. Each applicant, before being issued a permit, shall provide the District with an acceptable corporate surety bond of not less than Two Thousand ($2,000) Dollars, or a deposit of not less than Two Thousand ($2,000) Dollars in cash to guarantee faithful performance of the work authorized by a permit granted pursuant to this Resolution. The amount of the bond or cash deposit required may be increased in the discretion of the Secretary of the District whenever it shall appear that the amount and cost of the work to be performed may exceed the amount of bond or cash deposit, otherwise required hereunder. The term of the bond shall run coincident with the term of the applicant's annual permit, or if the application shall be for a permit other than an annual permit, the term of the bond shall run coincident with the term of the applicant's license issued under the Water

Regulations of the District, and the same may continue from year to year by delivery of a continuation certificate signed by District's Attorney in fact under the seal of the surety. Public utilities may submit a corporate bond, without sureties.

Sec. 19. Default in Performance. Whenever the Secretary of the District shall find that a default has occurred in the performance of any term or condition of the permit, written notice thereof shall be given to the principal and to the surety on the bond if there is surety bond. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the Secretary of the District to be reasonably necessary for the completion of the work.

Sec. 20. Completion of Work. In the event that the surety (or principal), within a reasonable time following the giving of such notice (taking into consideration the exigencies of the situation, the nature of the work, and the requirements of public safety and for the protection of persons and property), shall fail either to commence and cause the required work to be performed with due diligence, or to indemnify the District for the cost of doing the work, as set forth in the notice, the District may perform the work, at the discretion of the District's Engineer with contract forces, and suit may be commenced by the District's Attorney against the contractor and bonding company and such other persons as may be liable, to recover the entire amount due to the District on account thereof. In the event that cash has been deposited, the costs of performing the work may be charged against the amount deposited and suit brought for the balance due, if any.

Sec. 21. Insurance. Before being issued the permit, each applicant shall provide the District with a certificate of insurance in form acceptable to the Secretary of the District indicating that the applicant is insured against claims for damages for personal injury and for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by

him; Workmen's Compensation Insurance, and motor vehicle liability insurance. The insurance required shall cover (but such coverage shall not be limited to) collapse, explosive hazards and underground work, and shall include protection against liability arising form completed operations. Exclusions of explosive hazards, collapse or liability from underground operations may be approved by the Secretary of the District, in his discretion, but such exclusions must be clearly specified on the certificate or certificates of insurance furnished to the District. Applicants shall at its own expense maintain in full force and effect during the term of the work the following policy or policies of insurance.

21.1 Comprehensive General Liability Insurance against injury or death of person or persons or damage to or loss of property in the sum of at least Five Hundred Thousand ($500,000.00) Dollars for all damages arising out of any one incident of bodily injury, including death, at any time resulting therefrom and Five Hundred Thousand ($500,000.00) Dollars for all damages arising out of injury to, or destruction of property on any one incident.

21.2 Comprehensive Automobile Liability Insurance on all vehicles used in connection with the work with minimum limits for bodily injury of Five Hundred Thousand ($500,000.00) Dollars for each person and Five Hundred Thousand ($500,000.00) Dollars for each accident, and property damage minimum limits of Five Hundred Thousand ($500,000.00) Dollars.

21.3 Workmen's Compensation Insurance in accordance with the provisions of the Workmen's Compensation Act of the State of Colorado, for all of applicant's employees to be engaged in the work and, in case the work is subcontracted, applicant shall require the subcontractor similarly to provide the Workmen's Compensation Insurance for all of the latter's

employees to be engaged in such work and the public liability and property damage.

A public utility company may be relieved of the obligation of submitting certificates of insurance if it shall submit satisfactory evidence in advance that it is insured, or has adequate assets and provisions for self-insurance. Public utilities may submit annually evidence of insurance coverage in lieu of individual submissions for each permit.

Sec. 22. Notice of Improvements. When the District schedules a major improvement in any public way, the Secretary of the District shall notify all affected Special Districts and public utilities of the nature, scope and timing of said improvements. When final plans are approved, the Secretary shall give notice to all persons owning property abutting the public way about to be improved, and to all Special Districts, and public utilities owning or operating substructures in said way, and all such persons, public utilities, and Special Districts shall within sixty (60) days from the giving of such notice make all connections as well as any repairs thereto which would necessitate excavation of the public ways.

The time may be extended if permission is requested in writing and approved by the Secretary of the District.

Sec. 23. Restrictions upon Opening New Streets. No permit shall be issued by the Secretary of the District which would allow an excavation or opening in a newly paved, or rebuilt street surface less than one (1) year old unless the applicant can clearly demonstrate that public health, safety, or interest require that the proposed work be permitted or unless an emergency condition exists.

Sec. 24. Opening New Streets. If by approval of the Secretary of the District, a permit is issued to open any newly paved or rebuilt street surface less than one (1) year old, except under emergency circumstances, restoration work may be required to be performed to higher engineering standards than those ordinarily required, so that the quality of restoration shall be and remain in

conformity with the quality of the surface generally; and all charges to be paid by the permittee in connection with engineering, inspection and restoration of the surface shall be charged accordingly to the permittee, even though higher than the rates normally set forth in the schedule of charges maintained by the Secretary of the District.

Sec. 25. Testing of Facilities in Public Ways.

25.1 Every person owning, using, controlling or having an interest in pipes, conduits, ducts, or other facilities within any public way, shall, file with the Secretary of the District within 120 days after passage of this Resolution, a large map or a written statement identifying the public ways wherein the aforementioned facilities owned by such person are located, together with their location therein.

25.2 Within ninety (90) days after the first day of January of each and every year following the passage of this Resolution, such person, without further request, shall notify the Secretary of the District in writing of any changes necessary to maintain the listing required in Subsection A of this Section 25.

Sec. 26. Abandoned Facilities.

26.1 Whenever any pipe, conduit, duct, tunnel, or other structure or portion thereof located within any public way, or the use thereof, is abandoned, the person owning, using, controlling or having an interest therein shall, within thirty (30) days after such abandonment, file with the Secretary of the District, a statement in writing giving in detail the location of the structure so abandoned.

26.2 The owner of any abandoned facility within a public way may be required to remove or make alterations in the same by the Secretary of the District, if such removal or alterations become necessary in the judgement of the Secretary of the District to permit work or

improvements within the public way, or if the abandoned facilities or any part thereof shall constitute a nuisance or hazard to the public health, safety, and welfare. The Secretary of the District shall notify the owner of the requirements for alteration or removal, and shall set a reasonable time for such alteration or removal, taking into consideration the nature of the nuisance or hazard, if any, the requirements of the public health, safety and welfare, and the time required to accomplish such alteration or removal. If the owner shall fail or refuse to remove or alter such facilities according to the terms of the notice, or commence such alteration or removal within a reasonable time following the giving of such notice, then the District may remove or alter the abandoned facilities or cause the same to be removed or altered, and the owner shall reimburse the District for the cost of such removal or alteration.

26.3 If the owner shall fail to reimburse the District for the costs of such removal or alteration the owner shall not be eligible to receive any further permits or approval of work in the public way under any permit from the District, or to conduct any work within the public way within the District; and the District's Attorney may commence action against the owner for the cost of removal or alteration of the abandoned facilities, or refer the same for collection, in the discretion of the District's Attorney.

Sec. 27. Hold Harmless. The permittee agrees to save the District, its officers, employees and agents harmless from any and all costs, damages and liabilities which may occur or be claimed to occur by reason of any work performed under said permit. The acceptance of any permit under this Resolution shall constitute such an agreement by the permittee whether the same is expressed or not.

Sec. 28. Liability of District. This Resolution shall not be construed as imposing upon the District or any official or employee any liability or responsibility for damages to any person injured by or by reason of the performance of any work within the public way, or under a permit issued pursuant to this Resolution; nor shall the District or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspection authorized hereunder, the issuance of any permit or the approval of any work.

Sec. 29. Engineering Regulations, Design Standards and Construction Specifications. These Engineering Regulations, Design Standards and Construction Specifications, or as amended, shall govern construction of public facilities and construction within the public way of this District; and no such construction shall be approved unless performed and completed in accordance with such Engineering Regulations, Design Standards and Construction Specifications, or as amended, unless such performance or completion in accordance with such standards be waived in writing for reasons stated in such written waiver by the Secretary of the District or the Board of Directors.

The Secretary of the District shall have and is hereby given the authority from time to time and at any time to revise the said Engineering Regulations, Design Standards, and Construction Specifications or to amend the same, in accordance with good engineering standards and practices, subject only to approval by the Board of Directors, said approval to be by resolution.

Copies of these Engineering Regulations, Design Standards and Construction Specification, as the same may be amended from time to time, shall be kept in the office of the Secretary of the District and made available for public inspection in the offices of the Secretary of the District at any time during business hours.

Copies of the Engineering Regulations, Design Standards and Construction Specifications as incorporated in this Resolution, and as the same may be amended from time to time shall be

available to be sold to the public at a reasonable price sufficient to cover the cost of printing and reproduction by the District.

Sec. 29.1. Opening and Excavation Restrictions.

29.1.1 The Rules and Regulations Governing Excavation work of the Industrial Commission of Colorado shall be applicable to excavation work 5' or greater in depth performed in Public Ways. Permit application for said excavation must be accompanied by proof that a "Notice of Intent to Excavate or Trench" form has been filed with the Industrial Commission. The Secretary of the District will have these forms on hand to fill out if proof does not accompany the application and the Secretary of the District will forward all such intent forms at the close of each day's business.

29.1.2 The stipulations which follow are general in scope and may refer to conditions which will not be encountered in the performance of the work, and which are not applicable thereto. Any requirement or stipulation which pertains to a non-existent condition shall have no meaning. The Secretary of the District may attach such other conditions or stipulations as may be reasonably necessary to facilitate the work, prevent damage to public or private property, or to prevent the work from being conducted in a manner hazardous to life or property or in a manner likely to create a dangerous or unsafe condition.

29.1.3 One lane of traffic in each direction shall be maintained when any work is performed in a public street. Traffic on streets shall not be restricted between the hours of 7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00 P.M., Monday through Friday, except in an emergency. Weekend and holiday work

shall require proper notice and/or the Secretary of the District's permission.

29.1.4 Open trench cuts shall not exceed 300 feet beyond backfill and cleanup operations within an established residential area and/or paved street except by special permission of the Secretary of the District.

29.1.5 All utility facilities shall be exposed sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.

29.1.6 The permittee shall not interfere with or relocate any existing line, pipe or structure without the written consent of the owner. No facility owned by the District shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned facilities shall be similarly borne by the permittee unless it makes other arrangements with the person owning the facility. The permittee shall support and protect all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across such work. The permittee shall secure approval of the method of support and protection from the owner of the facility. In case any of said pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of the facility, the permittee shall promptly notify the owner thereof.

29.1.7 Monuments of concrete, iron or other lasting material set for the purpose of locating or

preserving the lines of any street or property subdivision, or a precise survey reference point or a permanent survey benchmark within the District, shall not be removed or disturbed unless permission to do so is first obtained in writing from the Secretary of the District. Permission shall be granted only upon condition that the permittee shall pay all expenses incident to the proper replacement of the monument.

29.1.8 When work performed by the permittee interferes with the existing drainage system of any street, provision shall be made by the permittee to provide drainage to the satisfaction of the Secretary of the District.

29.1.9 Excavated materials shall be laid compactly along the side of the trench in a manner so as to cause as little inconvenience as possible to public travel. In order to expedite flow of traffic or to abate a dirt or dust nuisance, the street supervisor may require the permittee to provide toe boards or bins; and if the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walls shall be installed by the permittee as directed by the Secretary of the District.

When any earth, gravel, or other excavated material is caused to roll, flow, or wash upon any street, the permittee shall cause the sand to be removed from the street within twenty-four (24) hours after deposit. In the event the earth, gravel, or other excavated material so deposited is not removed, the Engineer shall cause such removal and the cost incurred shall be paid by the permittee or deducted from his bond.

29.1.10 It shall be the duty of every person cutting or making an excavation in or upon any public place, to place and maintain barriers and warning devices necessary for safety of the general public. Barriers, warning signs, lights, etc., shall conform to the requirements of the Secretary of the District. Warning lights, electrical markers or flashers shall be used to indicate a hazard to traffic from one hour before sunset of each day to sunrise of the next day.

The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as near normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public.

When traffic conditions permit the Secretary of the District may, by written approval, permit the closing of streets to all traffic for a period of time prescribed by him. The written approval of the Secretary of the District may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given.

Warning signs shall be placed enough in advance of the construction operation to alert traffic within a public street, and cones or other approved devices shall be placed to channel traffic, in accordance with the instruction of the Secretary of the District.

29.1.11 Except in the case of an emergency no permit shall be issued so as to allow a street opening or pavement cuts between November 15, and April 15.

29.1.12 The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, value housing structures, and all other vital equipment as designated by the Secretary of the District.

29.1.13 Access to private driveways shall be provided except during working hours whenever construction operations prohibit provision of such access.

29.1.14 In granting any permit, the Secretary of the District may attach such other conditions as may be reasonably necessary to prevent damage to public or private property or to prevent the operation in a manner likely to create a nuisance. Such conditions may include, but shall not be limited to the following:

a. Restrictions as to the size and type of equipment.

b. Designation of routes upon which materials may be transported.

c. The place and manner of disposal of excavated materials.

d. The prevention of noise, and other results offensive or injurious to the neighborhood, the general public or any adjacent properties.

e. Minimum depth of any service line shall be eighteen inches below grade.

29.1.15 Equipment. Backhoes, cranes, or other heavy equipment with outriggers must be equipped with rubber pads on the outrigger before it is allowed to dig on said street or public right-of-way. Special provisions can be made by the Secretary of the District in the event of emergencies or where special circumstances exist.

Permittee shall comply with all pertinent federal and state rules and regulations.

29.2. Backfilling. All pavement cuts, openings, and excavations shall be backfilled, surfaced, and restored, as follows:

29.2.1 Backfilling under paved streets shall be made in accordance with the following specifications:

a. Materials. Materials shall be granular, consisting essentially of sand, gravel, rock, slag, disintegrated granite, or a combination of such materials. It shall be a well-graded mixture containing sufficient soil mortar, crusher dust or other binding material which, when placed and compacted, will result in a firm, stable foundation. Material composed of uniformly sized particles or which contains pockets of excessively fine or excessively coarse material will not be acceptable. The material shall meet the following gradation:

Percent by Weight Passing	Sieve Designation
2-1/2 inch	100
2-inch	95 - 100
No. 4	30 - 60
No. 200	5 - 15

All material passing the No. 40 sieve shall have a liquid limit of not over thirty-five and a plasticity index of not over six. Test for liquid limit and plasticity index shall be in accordance with A.A.S.H.O. designations T-89 and T-91, respectively.

b. Construction Methods. The material shall be deposited layers not exceeding eight inches in thickness prior to compacting. Each layer shall be compacted with suitable mechanical tamping equipment. It shall be compacted sufficiently to obtain a field density which is

at least ninety percent of theoretical density as determined by A.A.S.H.O. Method T-99. Field density shall be determined by A.A.S.H.O. Method T-147.

29.2.2 Excavations in unpaved public places not used as vehicular ways may be backfilled with earth and shall be compacted in lifts not to exceed eighteen inches in depth by loose measurement in a manner set forth by the street supervisor. All grassed areas shall be returned to their original condition.

29.3. Restoration of Surface.

29.3.1 The cut and restoration of oil and chip surfaces shall be made in the following manner:

a. The initial pavement cut shall be made a minimum of one foot wider than the trench on all sides of the trench, a minimum of three feet wide, and the cut in the paving shall be made with a power circular saw or cutter.

b. The oil and chip surfaces shall match the quality and appearance of the existing surface surrounding the excavation, and shall be sealed with a chemical as approved by the Secretary of the District.

29.3.2 If the Secretary of the District finds that paving surfaces adjacent to the street opening may be damaged where trenches are made parallel to the street or where a number of cross trenches are laid in close proximity to one another, or where the equipment used may cause such damage, the permittee shall be required to pay the cost of resurfacing. The cost of resurfacing shall be charged on a time and materials basis and payment shall be made prior to the issuance of any other permit.

29.3.3 If any settlement in a restored area occurs within

a period of one year from the date of completion of the permanent restoration, any expense incurred by the District in correcting such settlement shall be paid by the permittee, unless proof is submitted by the permittee satisfactory to the Secretary of the District that the settlement was not due to defective backfilling. Failure to backfill properly may be grounds for revocation of permittee's contractor's license.

29.3.4 If the area to be resurfaced exceed fifty (50) percent of the total pavement surfacing in any block, the Secretary of the District may require the permittee to resurface the block. Fifty percent or greater damage shall be deemed to require one hundred (100) percent restoration. This damage may be caused where trenches are laid in close proximity to one another, or where the equipment or method used causes damage.

29.3.5 The District recognizes that Special Districts and public utilities perform inspections and have other agencies which inspect and require their facilities to be inspected; therefore, the Secretary of the District will not make inspections of work performed by those permit holders unless a complaint is received from the public which requires an inspection by the Secretary of the District, in which case, the permittee shall be billed for the inspection. If any failure in the restored area occurs within a period of one (1) year from the completion date, the District shall require the permittee to make necessary corrections.

For other permits, the Secretary of the District shall make such inspections as he may deem necessary. For underground installation, the

District recognizes that other agencies require inspections and the District's concern is that the surface is properly restored. If any failure in the restored area occurs within a period of one (1) year from the completion date, the permittee shall be notified that corrections are necessary. If the corrections are not made in a reasonable time, the permittee's surety shall be notified and necessary corrections made and required expenses deducted from the bond. Inspections may be requested between the hours of 8:30 A.M. and 4:30 P.M. Monday through Friday by calling 949-6060. Normally calls received before 12:00 noon will be inspected that day.

29.3.6 In no case shall any opening made by a permittee be considered in the charge or care of the District or any of its officers or employers, and no officer or employee is authorized in any to take or assume any jurisdiction over any such opening, except in the exercise of the police powers, when it is necessary to protect life and property.

Sec. 30. Severability. If for any reason any one or more sections, sentences, clauses or parts of this Resolution are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Resolution held invalid, and the invalidity of any section, sentence, clause or part of this Resolution or in any one or more instances, shall not affect or prejudice in any way

the validity of the remaining provisions hereof, or in any other instance.

ADOPTED AND APPROVED this 11th day of November, 1980.

BEAVER CREEK METROPOLITAN DISTRICT

/s/ Larry E. Lichliter
Chairman of the Board of Directors

ATTEST:

/s/ Leslie J. Allen
Secretary

PERMIT NUMBER _____

PERMIT FOR CONSTRUCTION AND INSTALLATION
OF UTILITIES
IN PUBLIC RIGHTS OF WAY

Beaver Creek Metropolitan District
Eagle County, Colorado

1. Location & Description of Work_____
_____
_____(Map Attached - Yes/No)
2. Type of Installation_____
3. Estimated Construction Date to Start_____ Complete_____
4. GENERAL PROVISIONS:
   A. The Contractor shall be responsible for establishing safety measures sufficient to protect the traveling public from any and all harm during utility construction, improvement, location or relocation; said safety measures to be in accordance with then prevailing state and/or federal standards.
   B. The facilities shall be placed in a location mutually agreed upon by the Contractor and the Permittor and in accordance with details with specifications shown on the attached construction plans.
   C. Any underground installation shall be initially installed beneath the surface of the right of way at a minimum depth of _____ or to the extent permitted by the composition of the soil; exceptions shall be noted and initialed by Permittor on the work plans attached hereto. Any disturbed portion of the right of way shall be restored as nearly as possible to the condition as existing immediately prior to the Contractor's installation. Backfilling shall be made in six inch lifts, mechanically tamped and paced, and the last 12 inches shall be of crushed rock or gravel. Trench shall be left open until the installation is inspected by the District Engineer except as specified under paragraph "H".
   D. Where the installation crossed a roadway, an encasement pipe of larger diameter may be required and the crossing shall be as nearly

perpendicular to the roadway as physically possible. This installation shall be installed by the method of boring or jacking beneath the road surface.

E. Where in the opinion of the Permittee, conditions are such that boring is impossible or impractical, open cuts across a roadway may be authorized by the District under the terms and conditions which will not unduly hinder the public in its usual travel on the highway. If such open cut or trench is required across a road, the cut shall be filled with gravel and compacted in six inch lifts to a density of 95% of surrounding soils. Any compaction tests will be conducted by the District Engineer at the expense of the Contractor.

F. The Contractor shall advise the Permitter 48 hours in advance of the commencement of the installation of any facility and shall notify the Permitter a minimum of 12 hours in advance if the date is changed.

G. The Contractor shall maintain the installation at all times and agrees to hold the Beaver Creek Metropolitan District, the agencies thereof, their officers and employees harmless from any and all claims, loss and damage which may arise out of or be connected with the installation, maintenance, alteration, removal or presence of the installation herein referred to or any work or facility connected therewith, within the area covered by this permit to the extent of unsatisfactory performance by the Contractor, its agents, servants or employees.

H. Only emergency work shall be performed on Saturdays and Sundays. No trench will be permitted in the traveled roadway after dark, unless otherwise specified on special provisions.

I. The Contractor shall make the location of the installed facilities in accordance with good practices at locations designated by the Road Department.

J. In accepting this permit, the undersigned, representing the Permittee, verifies that he has read and understands all the foregoing provisions; that he has the authority to sign and bind the Permittee and that by virtue of his signature, the Permittee is bound by all conditions set forth therein.

PERMIT NUMBER _____

5. SPECIAL PROVISIONS:

_____

_____

_____

_____

6. Contractor_____ Title_____

By_____ Tel. No._____ Date_____

Address_____

NOTE:

If dissatisfied with construction performed on this job, please call the following person, collect, at _____

Project Manager_____

Conditions of Permit Read and Agreed to: _____

Permittee

Issued by: _____

Authorized Agent for Beaver Creek Metropolitan District

Date: _____

RESOLUTION AMENDING

ROAD CUT RESOLUTION

BEAVER CREEK METROPOLITAN DISTRICT

WHEREAS, the Board of Directors of the Beaver Creek Metropolitan District has determined that the efficient construction, management, and maintenance of the public ways of the District require that the opening and excavation requirements of the Road Cut Resolution be amended to require the extension of lines located within such public ways and providing communication, telephone, electric, water, utility and other service, and drainage, in such manner as to avoid the necessity of reentry into excavations to connect service lines to main lines, and

WHEREAS, a proposed amendment has been prepared and considered by the Board, effecting the necessary amendments, and the Board desires to adopt the same and to effect the amendments provided therein,

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BEAVER CREEK METROPOLITAN DISTRICT, that the Road Cut Resolution ("the Resolution") of the Beaver Creek Metropolitan District be and hereby is amended as follows:

Sec. 1. The Resolution shall be amended by the addition of a new sub-Section, identified as sub-Section 2.12., which shall read as follows:

2.12. Main. shall mean any pipe, line or conduit used for the transmittal of a commodity, service, or disposed substance to or from one or more Service Lines and within a public way.

Sec. 2. The Resolution shall be amended by the addition of a new sub-Section, identified as sub-Section 2.13., which shall read as follows:

2.13. Service Line. shall mean any pipe, line or conduit used for the transmittal of a commodity, service or disposed substance between an individual dwelling or other structure and a Main located within a public way.

Sec. 3. The Resolution shall be amended by the addition of three new sub-Sections 29.1.14f., 29.1.14g., and 29.1.14h., which shall read as follows:

29.1.14f. The requirement that all Mains be extended, through the installation of Service Lines or otherwise, to property lines of all lots adjacent to the location of the Main within the public way through which any Main is being extended.

29.1.14g. The requirement that all electrical communication lines be installed using a system of rigid duct or conduit and manholes, permitting the extension of all necessary lines through the system first installed, without further excavation.

29.1.14h. The requirement that all locations of terminations of service lines be marked in a manner acceptable to the Engineer, which will permit their location at a later date.

BE IT FURTHER RESOLVED, that except as specifically herein provided, the Road Cut Resolution of the Beaver Creek Metropolitan District, as originally adopted on the 18th day of November, 1980, shall remain in full force and effect.

ADOPTED AND APPROVED this 25th day of August, 1981.

BEAVER CREEK METROPOLITAN DISTRICT

ATTEST:

/s/ Leslie Allen
Secretary

By: /s/ Larry Lichliter
Chairman of the Board of Directors