



GENERAL TERMS AND CONDITIONS for  
**RIGHT OF WAY PERMIT**  
ENCROACHMENT (REVOCABLE)

1. This permit is issued by the City and is subject to Happy Valley Municipal Code (HVMC) Chapters 12.04, *Road Standards* and Chapter 12.05 *Utility Facilities in Public Rights-of-Way*, and the terms and conditions contained herein and/or attached hereto, as accepted, and approved by Applicant.
2. As used in this permit:
  - “Applicant” means person, agent, firm or corporation requesting temporary use/activity within the public right of way.
  - “Property Owner” is any person, agent, firm or corporation having a legal or equitable interest in the adjacent property which the permitted activity is occurring.
  - “City” means the City of Happy Valley.
3. Bonding & Insurance - Unless waived by the City, the Applicant shall provide proof of insurance and bonds as required by HVMC 12.04.100, 12.05.150 and/or 16.50.080. The City of Happy Valley, its councilors, officers, agents, and employees shall be named additional insured using the appropriate endorsement. Owner/Applicant and Contractor's insurance shall be primary and noncontributory coverage.
4. Liability & Injury - Unless otherwise addressed in a franchise agreement, the Applicant shall be responsible and liable for all accidents, environmental clean-up, damages or injuries to any person or property resulting from the construction, maintenance, repair, operation, or use of a facility for which the Applicant may be legally liable. The Applicant shall defend, indemnify and hold the City and its officers, employees, agents and representatives harmless from and against any and all damages, claims, demands, actions, causes of action, costs and expenses of whatsoever nature which they or any of them may sustain by reasons of the acts, conduct or operation of the Applicant, his agents or employees in connection with the construction, maintenance, repair, operation or use of said facility. If the Applicant has an established franchise agreement with the City of Happy Valley, that agreement shall control.
5. Permit Expiration - This permit is valid until such time the City requests the encroachment be removed or relocated.