

**APPLICATION FOR CONSTRUCTION IN RIGHT-OF-WAY
(City Code Chapter 919)**

Definition: Public right-of-way means the surface and space above and below any real property in which the City has an interest in law or in equity, whether held in fee, or other estate or interest, or as trustee for the public, including but not limited to all public streets and public easements, as those terms are defined herein, sidewalks, tree, lawns and other property, but only to the extent of the City's right, title, interest or authority to grant a Construction Permit (§919.01).

TIME WARDER CABLE
[Applicant's Name]

310 JEFFERSON ST.
[Street Address]

DEFIANCE OH 43512
City State Zip Code

Corporation Not for Profit Organization Partnership
 LLC Sole Proprietor Other _____

_____ [Federal Tax ID No.] _____ [Charter No. If Corp.] _____ [Statutory Agent if Corp.]

Licensed as an Ohio Corporation Licensed in Ohio as a Foreign Corporation
Y N Y N

[List Any Affiliates to Company]

List the name, address and telephone number of the local officer, agent or employee responsible for the accuracy of the information provided and a number at which the City can contact the applicant at any time in case of emergency.

RONNIE BROWN 310 JEFFERSON ST DEFIANCE
[Name] [Street] [City]

OH 43512 419-184-1992 EX3009
[State] [Zip Code] [Emergency Telephone No.]

SOUTH SIDE OF INDEPENDENCE DR EAST OF DAKWOOD AVE
TO A POINT 2978' AT LEADER ENGR. & FABRICATION INC
695 INDEPENDENCE DR

(The location, the kind, extent and schedule of the proposed work to be performed)

Attached Not Attached: The location of all known overhead and underground public utility, utility, telecommunications, cable, water, sanitary sewer, storm water drainage and other existing facilities in the public right-of-way along the route of the applicants proposed construction, sufficient to show any impact of the applicant's facilities on other existing facilities.

Attached Not Attached: If the applicant is proposing to construct or locate facilities above ground: (a) Evidence that surplus space is available for locating its facilities on existing utility poles along the proposed route; and, (b) The location and route of all facilities to be located or installed on existing utility poles.

Attached Not Attached: If the applicant is proposing an underground installation of new facilities in existing ducts, pipes or conduits in the public rights-of-way, information in sufficient detail to identify: (a) The excess capacity currently available in such ducts or conduits before the installation of the applicants facilities; and, (b) The excess capacity, if any, that will exist in such ducts or conduits after installation of the applicants facilities.

Attached Not Attached: If the applicant is proposing an underground installation of new facilities in new ducts or conduits to be constructed in the public right-of-way: (a) The location and depth proposed for the new ducts or conduits; and, (b) The excess capacity that will exist in such ducts or conduits after installation of the applicants facilities.

Attached Not Attached: The construction methods to be employed for protection of existing structures, fixtures and facilities in or adjacent to the public right-of-ways.

Attached Not Attached: The structures, improvements, facilities and obstructions, if any, that the applicant proposes to temporarily or permanently remove or relocate.

Attached Not Attached: The impact of construction on trees in or adjacent to the public right-of-ways along the route proposed by the applicant, together with a landscape plan for protecting, trimming, removing, replacing and restoring any trees or areas disturbed during construction.

Attached Not Attached: Certificate of Insurance demonstrating compliance with the insurance provisions. Applicant shall maintain and file with the City a certificate evidencing a commercial, general and liability insurance policy, issued by a company authorized to write insurance in the State and designating the City as an additional insured, in the following amounts (or such other amounts determined to be adequate by the City Engineer):

- (1) One million dollars (\$1,000,000.00) for any and all claims for bodily injury or death for each person;
- (2) Three million dollars (\$3,000,000.00) for any and all claims for bodily injury or death for each accident;
- (3) Five hundred thousand dollars (\$500,000.00) for all other types of liability; and,
- (4) Ten million dollars (\$10,000,000.00) excess liability or umbrella coverage for each accident arising out of the work to be performed pursuant to the construction permit or the prosecution of the work for which the construction permit is obtained or in any manner arising or growing out of the work necessary or incident to the issuance of the construction permit or that may be occasioned by reason of any work or anything else done pursuant to the construction permit. The insurance coverage shall be on an occurrence coverage basis so that the insurance required by this section shall provide coverage through the end of the period established by the applicable statute of limitations for all items insured. Such insurance policy shall require written notification to the City thirty (30) days prior to any expiration or cancellation.

The Applicant shall show to the reasonable satisfaction of the City that the applicant has workers compensation insurance in effect at all times covering its obligations under the workers compensation statute.

No waiver of insurance shall be granted by the City Engineer unless, the nature of the construction work poses little or no risk to the public, as determined in writing by the City Engineer. Waived Not Waived

\$ _____ Fee: Paid Waived: Fee shall be waived by the City Engineer when the item being placed into or near the right-of-way is a mailbox or other permissible material that will require no inspection, as determined by the City Engineer.

Performance Bond Approved Performance Bond Waived

[This blacked portion to be completed by authorized City official ONLY]

CAUTION:

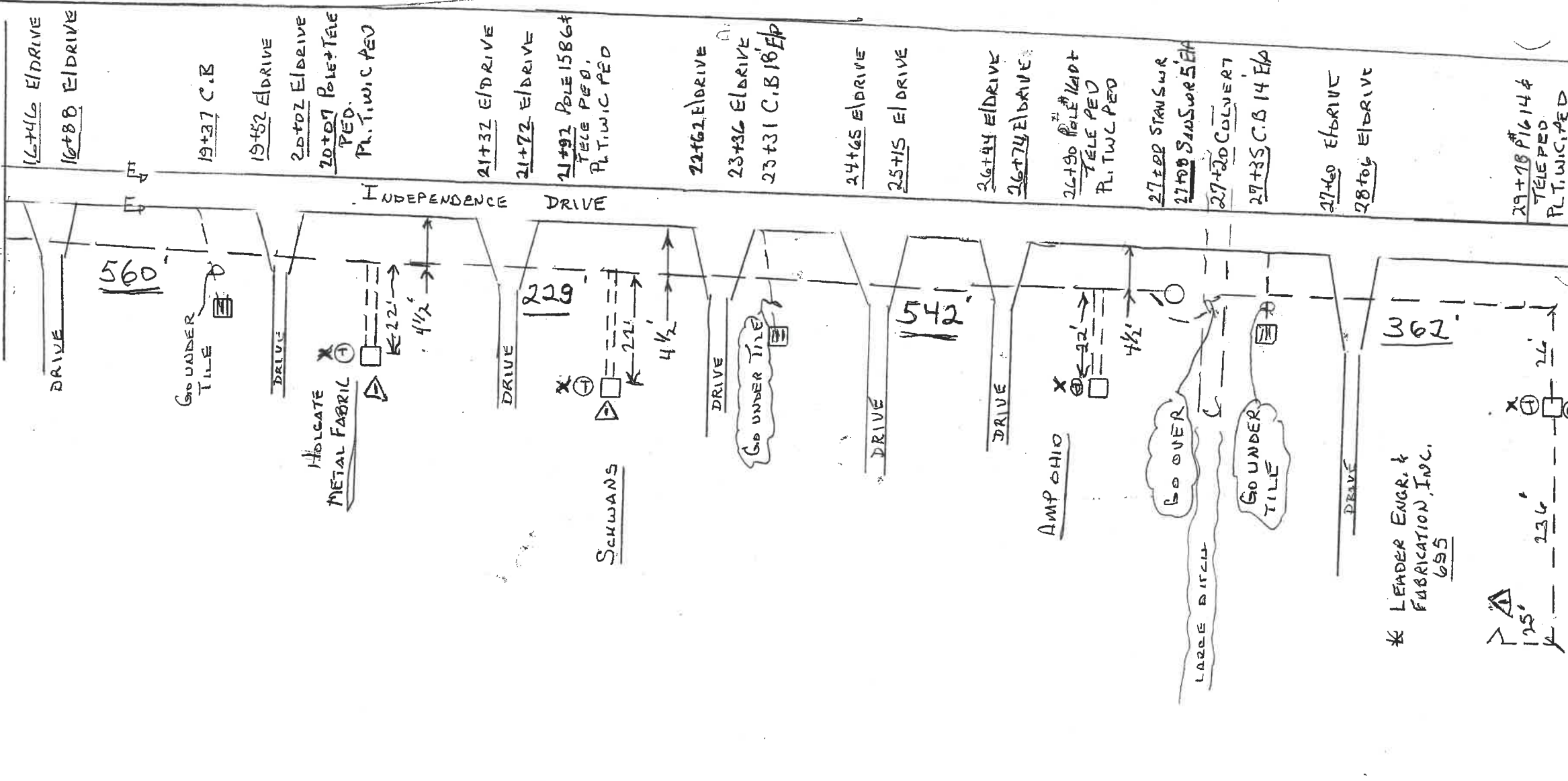
By signing this application, you are agreeing on behalf of the person and/or entity you are representing to all the terms, conditions, rules and regulations as required by Chapter 919 of the Codified Ordinances of the City of Napoleon, Ohio as now in effect or as may be later amended. Applicant warrants that he/she has the authority to make such application to the City of Napoleon, Ohio. Finally, applicant hereby expressly undertakes to defend, indemnify and hold the City and its elected and appointed officers, officials, employees, volunteers, agents, representatives and subcontractors harmless from and against any and all damages, losses and expenses, including reasonable attorneys fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the applicant or its affiliates, officers, employees, agents, contractors or subcontractors in proposed construction in the public right-of-way, whether such acts or omissions are authorized, allowed or prohibited by Chapter 919 of the Codified Ordinances of the City of Napoleon, Ohio.

06/29/2007
[Date]

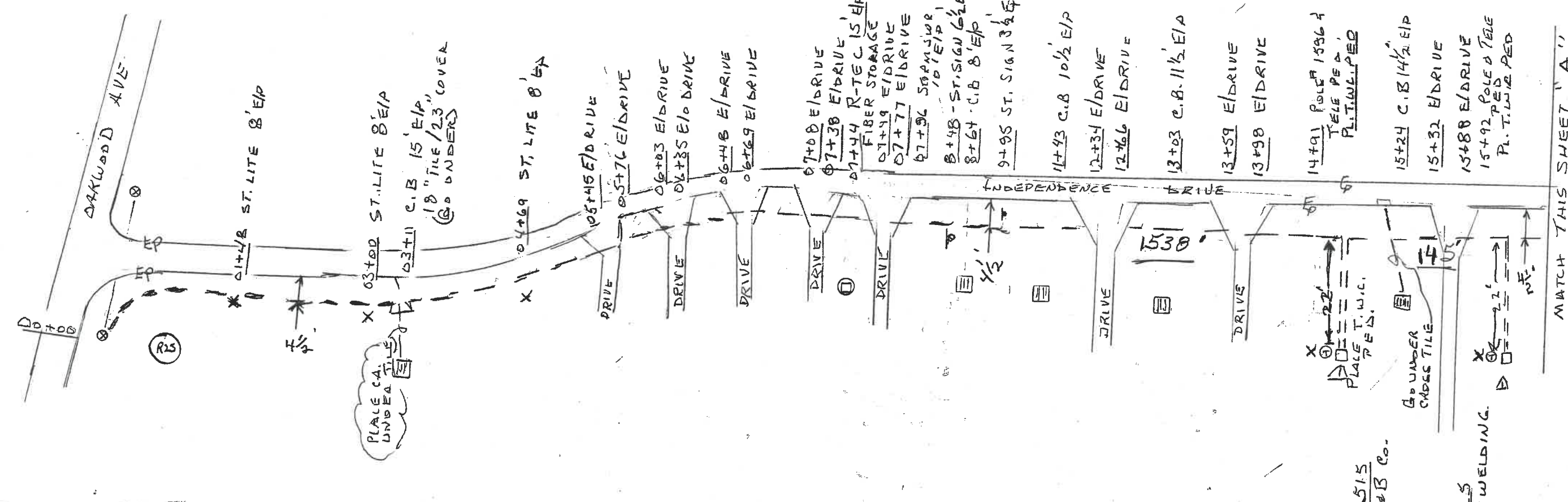
Ronald L Brown
[Signature of Applicant]

FIELD ENGINEER
[Title]

MATCH THIS SHEET "A"



- 16+46 E/DRIVE
- 16+88 E/DRIVE
- 19+37 C.B
- 19+52 E/DRIVE
- 20+02 E/DRIVE
- 20+07 POLE+TILE PED.
- PL. T.W.C. PED
- 21+32 E/DRIVE
- 21+72 E/DRIVE
- 21+92 POLE 1586+ TELE PED.
- PL. T.W.C. PED
- 22+62 E/DRIVE
- 23+36 E/DRIVE
- 23+31 C.B. 18' EP
- 24+65 E/DRIVE
- 25+15 E/DRIVE
- 26+14 E/DRIVE
- 26+74 E/DRIVE
- 26+90 POLE 140+ TELE PED
- PL. T.W.C. PED
- 27+00 STANSWR
- 27+00 STANSWR 5' EP
- 27+20 COLVERT
- 27+35 C.B. 14' EP
- 27+60 E/DRIVE
- 28+06 E/DRIVE
- 29+18 #16 14+ TELE PED
- PL. T.W.C. PED



- 01+48 ST. LITE 8' EP
- 03+00 ST. LITE 8' EP
- 03+11 C.B. 15' EP
- 18" TILE/23" COVER (GO UNDER)
- 04+69 ST. LITE 8' EP
- 05+45 E/DRIVE
- 05+76 E/DRIVE
- 06+03 E/DRIVE
- 06+35 E/DRIVE
- 06+48 E/DRIVE
- 06+69 E/DRIVE
- 07+00 E/DRIVE
- 07+38 E/DRIVE
- 07+44 R-TEC 15' EP
- FIBER STORAGE
- 07+49 E/DRIVE
- 07+77 E/DRIVE
- 07+96 STANSWR 10' EP
- 08+48 - ST. SIGN 6 1/2'
- 08+64 - C.B. 8' EP
- 09+95 ST. SIGN 8 1/2'
- 11+43 C.B. 10 1/2' EP
- 12+34 E/DRIVE
- 12+66 E/DRIVE
- 13+03 C.B. 11 1/2' EP
- 13+59 E/DRIVE
- 13+98 E/DRIVE
- 14+91 POLE 1586+ TELE PED.
- PL. T.W.C. PED
- 15+24 C.B. 14 1/2' EP
- 15+32 E/DRIVE
- 15+88 E/DRIVE
- 15+92 POLE 0' TILE PED
- PL. T.W.C. PED

253

3273

HENRY CO. NAPOLEON CITY.

