

# APPLICATION FOR ENCUMBRANCE OF CITY RIGHT-OF-WAY (City Code Chapter 901.03)\*

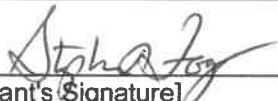
DEFINITION: Public right-of-way means the surface and space above and below any real property which the City has an interest in law or in equity, whether held in fee, or other estate or interest, or as trustee for the public, including but not limited to all public streets and public easements, as those terms as defined herein, sidewalks, tree lawns and other property, but only to the extent of the City's right, title, interest or authority to grant as Encumberment Permit. (§901.03)

725 Westmoreland Avenue Napoleon, OH 43545  
(Address requesting encumbrance)

Napoleon Area City Schools 701 Briarheath Dr., Suite 108  
(Owner Name) (Owner Address)

Napoleon, OH 43545 419-599-7015  
(City) (State, Zip) (Phone Number)

Reason for encumbrance: We request using a buried electrical line beneath Westmoreland Avenue. We believe this to be a safer, more secure means of carrying the electrical load to the new Elementary.

  
[Applicant's Signature]  
Stephen R. Fogo,  
Supt.

6-20-14  
[Date]

**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 901 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. 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 closure of City street for construction activity, whether such acts or omissions are authorized, allowed or prohibited by Chapter 901 of the Codified Ordinances of the City of Napoleon, Ohio. Finally, applicant fully understands the City of Napoleon is not responsible for replacing, reimbursement or maintenance of any objects that may be damaged or disposed of due to construction or replacement of any City owned streets, utilities, sidewalks or any other that may apply.

**OFFICE USE ONLY**

**APPROVED:**

Y  N If no, reason: \_\_\_\_\_

\_\_\_\_\_  
CITY ENGINEER

\_\_\_\_\_  
DATE

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(Address requesting encumbrance)

Napoleon Area City Schools 701 Briarheath Dr., Suite 108  
(Owner Name) (Owner Address)

Napoleon, OH 43545 419-599-7015  
(City) (State, Zip) (Phone Number)

Reason for encumbrance: We request using a buried line beneath Westmoreland Avenue to carry the district's communication link between the High School and the elementary. We believe this a safer, more secure means for this critical link.

Stephen R. Fogo 6-20-14  
[Applicant's Signature] [Date]  
Stephen R. Fogo  
Supt.

**CAUTION:**

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**OFFICE USE ONLY**

**APPROVED:**

If no, reason: \_\_\_\_\_  
Y N

\_\_\_\_\_  
CITY ENGINEER DATE