

## Town of Windsor

### Memorandum

January 14, 2014

**TO:** The Honorable Mayor and Town Council  
**FROM:** Michael Stallings, Town Manager *MS*  
**SUBJECT:** Town Signs

As you are aware, we are in the process of replacing the Town's entrance signs. The location of the sign on Route 258 on the north end of Town is within VDOT's right of way. As such, we must obtain a land use permit from VDOT for the construction of this sign.

As part of the permit process, we are required to adopt the enclosed resolution. This resolution states that we agree to carry liability insurance, require any contractors comply with VDOT's surety requirements, and authorizes the Town Manager to execute all documents pertaining to the land use permit applications.

I recommend that Council adopt the enclosed resolution.

#### **Recommended Motion**

Move that Council adopt the enclosed resolution.



## "RESOLUTION"

**WHEREAS**, it becomes necessary from time to time for the Town of Windsor to obtain land use permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across over and upon highway systems of the Commonwealth of Virginia; and,

**WHEREAS**, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of granting to the Town of Windsor by the Virginia Department of Transportation of said permits for the work aforesaid;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Windsor this 14th day of January, 2014:

**Section 1:** That in accordance with the provisions of Section 24VAC30-151-720 of the Land Use Permit Regulations of the Virginia Department of Transportation, the Town of Windsor does hereby grant assurances to the Virginia Department of Transportation (VDOT) that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the Town of Windsor and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one-million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and the Virginia Department of Transportation's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Commonwealth Transportation Board, the Virginia Department of transportation or the Commonwealth of Virginia in the event of suit.

**Section 2:** That the Town Manager, or his designee, be, and hereby is authorized to execute on behalf of the Town of Windsor all land use permits and related documents of the Virginia Department of Transportation.

**Section 3:** That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

**Section 4:** That the Town of Windsor shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by its contractor or to have the contractor execute a dual obligation rider that adds the Virginia Department of Transportation as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.

**BE IT STILL FURTHER RESOLVED** that the County Administrator, City or Town Mayor, or their designee, be, and hereby is authorized and directed to procure insurance required by Section 1 herein.

*The foregoing Resolution was adopted by the Town Council at its regular meeting held on January 14<sup>th</sup>, 2014 in Windsor, Virginia.*

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Carita J. Richardson, Mayor, Town of Windsor, Virginia