

Right of Way / Utility Utility/ ROW Permit Permi# 2021-U0193, UID# 71817
 App. Status: Active
 Valid: 03/15/2021 - 12/31/2024

Hennepin County Public Works
 Transportation Department (Roads and Bridges) - Operations
 1600 Prairie Drive
 Medina, MN 55340-5421

PROJECTS NORTH OF HIGHWAY 55
 Jacob Cardinal (612-328-1622) 24 hours before starting work

PROJECTS SOUTH OF HIGHWAY 55
 Tony Hooper (612-442-5025) 24 hours before starting work

[Email](#)

Information

Aerial or Underground?	Neither
Construction Description:	Use of Sidewalk in Hennepin County Right of Way for patio restaurant seating for 2021, 2022, 2023, 2024
Construction Dates:	03/15/2021 to 12/31/2024

Location

Map:

City/Twp: Long Lake

County Road #	From	To	Relative to Road
112	1832 Wayzata Blvd	Mill Street	North

Is the area of the disturbance is over 1 acre? No

Sketch / Site Plan

Upload sketch: File 1: [Red_Rooster_Patio.pdf](#)

Applicant

Applicant name:	Name: Michael Simpson Company name: Red Rooster Bar & Lounge Title: Manager Phone: (612) 702 - 9536 Email: michaelsimpson81@hotmail.com Company address: 1832 W Wayzata Blvd Long Lake MN 55356
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Terms

Definitions

UTILITY. Under this order "Utility" shall mean and include all privately, publicly or co-operatively owned communication lines and facilities, any systems, lines and facilities for the distribution and transmission of electrical energy, oil, gas, water, sewer, steam and other pipe lines, railways, ditches or other structures which under the laws of this State or the Ordinance of any County or City may be constructed, placed or maintained across, along or on County Highway Right-of-Way. Dependent upon the meaning intended in the context, "utility" shall also mean the Utility Company, inclusive of any wholly owned subsidiary.

General

- 1) Except as otherwise permitted, utility construction and relocation on County Highway Right-of-Way shall not be commenced until an application for a Permit has been made and such Permit granted. The Permit submittal shall include detailed construction plans that show the location of the proposed utility with reference to County Highway Centerline.
- 2) Each registrant shall, at the time of registration and by January 1 of each year, file a construction and major maintenance plan for all work within the county right-of-way for the upcoming year with the Permit Office. Such plan shall be submitted using a format designated by the Permit Office and shall contain the information necessary to facilitate coordination and reduction in the frequency of excavations and obstructions of right-of-way. The registrant shall map electronically upcoming major projects onto the county's established mapping application (Utility Infrastructure Integration, UI2).
- 3) INCLEMENT WEATHER shall be reason for delay of the project start or suspension of the project as determined by Hennepin County.
- 4) SAFETY VESTS shall be worn by ANYONE occupying County right-of-way.
- 5) PERMIT ON JOB: Permits or copies shall be kept on the work site, while work is in progress, in the custody of the individual in charge, and shall be exhibited upon request by any county official.
- 6) PROVISION AND REQUIREMENTS: These general permit requirements and specifications shall be considered as forming an integral part of each and every permit issued for operations on county roadways. The work authorized by this permit shall be done at such time and in such manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the County of Hennepin as herein specified. If at any time Hennepin County finds that the work is not being, or has not been, properly performed, the Permittee, upon being notified, shall immediately take the necessary steps, at their own expense, to place the work in conformance to said requirements or standards.
- 7) ANNULMENT: In the event of failure or neglect by said Permittee or Permittee's employees, to perform and comply with the prescribed conditions, restrictions and regulations, the Transportation Department may revoke and annul this permit and order said Permittee to immediately remove any and all structures or property belonging to said Permittee from the legal limits of the roadway or county property.
- 8) PRIVATE PROPERTY: The Permit as issued does not in any way imply an easement on private property or grant a right to encroach on private property.
- 9) DRIVING LIMITATIONS: No driving onto highway from ditch or driving on shoulders or over curbs where damage will occur.
- 10) LUGS ON EQUIPMENT: No lugs shall be used on equipment traversing Hennepin County roadways.
- 11) INSURANCE: The Permittee shall have in force during the operation of Permittee's vehicles and equipment over and/or adjacent to Minnesota roadways, (1) Commercial General Liability Insurance with each occurrence of \$1,500,000 and general aggregate limits of \$2,000,000, and (2) Automobile Liability Insurance with combined single limit each occurrence coverage for bodily injury and property damage limits of \$1,500,000. These are minimum insurance requirements. It is the sole responsibility of the Permittee to determine the need for and to procure additional insurance which may be needed in connection with this Permit. If requested, a Certificate of Insurance must be provided naming Hennepin County as certificate holder and as an additional insured for the Commercial General Liability coverage with respect to operations covered under this Permit.
- 12) INDEMNITY: The permittee shall, to the extent permitted by law, defend, indemnify and hold harmless the County, it's employees, officers, agents, and contractors against any claim of liability or against any loss of any kind, including compliance with administrative orders and regulations, and specifically including, without limitation, against any claim of liability or loss from personal injury or property damage resulting from or arising from, or is in any way related to, the presence of the permitted encroachments or other personal property on County managed public right-of-way or on County-owned property and also as to any willful misconduct of the permittee, it's employees, contractors or agents, except to the extent such claims or damages may be due to or caused by the willful misconduct of the County, or its employees, contractors, or agents.
- 13) LIABILITY WAIVER: The permittee waives any claims of any type against the County, or any of its respective agents, representatives, successors or employees for any damages, even if the County has been advised of the possibility of such damages, whether under theory of contract, tort (including negligence), strict liability or otherwise that is related to, arises out of, or is in some part, caused by the location of the permitted encroachments on Hennepin County right-of-way or County-owned property.

TRAFFIC CONTROL:

- 1) All warning devices and barricades shall conform to the Minnesota Manual on Uniform Traffic Control Devices, current edition, and any and all updates or supplements thereto.
- 2) All warning devices, barricades, flagmen and equipment shall be provided by parties or organizations performing the work. Said devices shall be removed from the job site promptly upon completion of work.
- 3) Standard warning devices and barricades and safety vests shall be kept clean and in good repair at all times.
- 4) Detour on a County roadway requires ten (10) working days advance notice to the Permit Office.
- 5) Execution: The Permittee shall use due diligence in the execution of the work authorized under this permit in order not to endanger or unnecessarily obstruct travel along the said highway. Operations shall be so conducted at all times as to permit safe and reasonably free travel over the roads within the limits of the work herein prescribed. All safety measures for the free movement of traffic shall be provided by the Permittee at its own cost.

GENERAL CONSTRUCTION

- 1) CONFORMITY TO LAWS: The installation shall be made in conformity with all applicable laws, regulations and codes covering said installations. All installations shall be made in conformity with regulations of governmental agencies for the protection of the public.
- 2) AMERICANS WITH DISABILITIES ACT: Any work in the County's rights-of-way that impacts any pedestrian facilities requires that the restoration of the pedestrian facilities impacted be restored to conform to current ADA requirements and standards.
- 3) NPDES: Any project that requires a Stormwater Pollution Prevention Plan (SWPPP) must submit that plan to the Hennepin County Permits Office to be attached to the permit.
- 4) REMOVAL: If at any time the permitted structure or facility shall fail from any cause whatsoever, the Permittee shall have the same removed or repaired immediately upon receipt of written notice to do so.
- 5) EXISTING FACILITIES: Applicant must protect all existing installations.
- 6) CUTTING TREES: The permission herein granted does not confer upon the Permittee the right to cut, remove or destroy trees or shrubbery within the legal limits of the roadway or relieve Permittee from obtaining any consent otherwise required from the owner of the property adjacent thereto.
- 7) DRAINAGE: The existing drainage patterns shall not be altered unless approved by Hennepin County. Watershed District approval and drainage calculations are required if plan alters existing drainage patterns.
- 8) CLEAN-UP: Street surface and roadside shall be kept clean, neat and presentable throughout construction as determined by the Hennepin County Transportation Department.
- 9) DUST CONTROL shall be provided upon request of the Hennepin County Transportation Department at the Permittee's expense.
- 10) TREES AND VEGATATION: Burning or disking operations and or the use of chemicals to control or kill trees, brush and other vegetation is prohibited without Hennepin County approval.
- 11) ILLICIT DISCHARGE: permittee shall not discharge any liquid or materials into Hennepin County right-of-way other than adequately treated stormwater or allowable uncontaminated waters as defined by MPCA in part 1A of the MS4 general permit. Any illicit discharge must be reported immediately to permits office staff, properly contained and remediated.

RESTORATION

- 1) DAMAGE TO ROADWAY: If pavement, roadway or right-of-way is damaged; same shall be restored, in a timely manner to its original or a better condition, at the sole expense of the Permittee.
- 2) The Permittee will be responsible for MAINTENANCE AND REPAIR of any and all failures due to settlement, erosion, lack of vegetation growth, rutting or other job related problems for a period of two (2) years after project completion and Notice of Work Completion form has been received by Hennepin County. Permittee shall perform all said maintenance immediately after it has been notified of deficiencies. Permittee shall be responsible for all costs and expenses related to said maintenance.
- 3) Permittee's failure to perform MAINTENANCE OR REPAIR of any failures and/or damage to roadway or right-of-way immediately will result in Hennepin County, through its own forces or its contractors, performing said maintenance or repairs and billing Permittee for all costs and expenses related thereto. Permittee shall make payment to Hennepin County within fifteen (15) days of receipt of said bill. Permittee agrees, that if it fails to make payment of said amounts within the specified time, to Hennepin County, Permittee shall pay all costs related to debt collections, including, but not limited to, court costs, fees, interest and attorneys' fees.
- 4) PERMANENT RESTORATION plans must be submitted to the County's Permit Office prior to starting construction for temporary restoration/winter stabilization work occurring between

November 1st and April 30th.

5) QUALITY OF WORK: Finished surface, base and sub-base of road upon completion of work shall be equal to or better than specifications for original road.

216D.03 NOTIFICATION CENTER Subdivision 1 ? Participation. An operator shall participate in and share in the costs of one statewide notification center operated by a vendor selected under subdivision 2. Subdivision 2 ? Establishment Of Notification Center; Rules. (a) The notification center services must be provided by a nonprofit corporation approved in writing by the commissioner. The nonprofit corporation must be governed by a board of directors of up to 20 members, one of whom is the director of the Office of Pipeline Safety. The other board members must represent and be elected by operators, excavators, and other persons eligible to participate in the center. In deciding to approve a nonprofit corporation, the commissioner shall consider whether it meets the requirements of this paragraph and whether it demonstrates that it has the ability to contract for and implement the notification center service. (b) The commissioner shall adopt rules: 74STATE LAW (651)454-0002 - OR - (800)252-1166 (1) establishing a notification process and competitive bidding procedure for selecting a vendor to provide the notification service; (2) governing the operating procedures and technology needed for a statewide notification center; and (3) setting forth the method for assessing the cost of the service among operators. (c) The commissioner shall select a vendor to provide the notification center service. The commissioner may advertise for bids as provided in section 16C.06, subdivisions 1 and 2, and base the selection of a vendor on best value as provided in section 16C.06, subdivision 6. The commissioner shall select and contract with the vendor to provide the notification center service, but all costs of the center must be paid by the operators. The commissioner may at any time appoint a task force to advise on the renewal of the contract or any other matter involving the center's operations. (d) An operator may submit a bid and be selected to contract to provide the notification center service under paragraph (a) or (c). The commissioner shall annually review the services provided by the nonprofit corporation approved under paragraph (a) or the vendor selected under paragraph (c). Subdivision 3 ? Cooperation With Local Government. www.gopherstateonecall.org 75STATE LAW In establishing operating procedures and technology for the statewide notification center, the board of directors or the commissioner must work in cooperation with the League of Minnesota Cities, the Association of Minnesota Counties, and the Township Officers' Association. The purpose of this cooperation is to maximize the participation of local governmental units that issue permits for activities involving excavation to assure that excavators receive notice of and comply with the requirements of sections 216D.01 to 216D.07. Subdivision 4 ? Notice To Local Government. The notification center shall provide local governmental units with a master list, by county, of the operators in the county who are participants in the notification center, and the telephone number and mailing address of the notification center. 216D.04 ? EXCAVATION; LAND SURVEY. Subdivision 1 ? Notice Required; Contents. (a) Except in an emergency, an excavator shall and a land surveyor may contact the notification center and provide notice at least 48 hours, excluding Saturdays, Sundays, and holidays and not more than 14 calendar days before beginning any excavation or boundary survey. An excavation or boundary survey begins, for purposes of this requirement, the first time excavation or a 76STATE LAW (651)454-0002 - OR - (800)252-1166 boundary survey occurs in an area that was not previously identified by the excavator or land surveyor in the notice. (b) The notice may be oral or written, and must contain the following information: (1) the name of the individual providing the notice; (2) the precise location of the proposed area of excavation or survey; (3) the name, address, and telephone number of the individual or individual's company; (4) the field telephone number, if one is available; (5) the type and extent of the activity; (6) whether or not the discharge of explosives is anticipated (7) the date and time when the excavation or survey is to commence; and (8) the estimated duration of the activity. Subdivision 1A ? Plans For Excavation. (a) Any person, prior to soliciting bids or entering into a contract for excavation, shall provide a proposed notice to the notification center to obtain from the affected operators of underground facilities the type, size, and general location of underground facilities. Affected operators shall provide the information within 15 working days. An operator who provides information to a person who is not a unit of government may indicate any portions www.gopherstateonecall.org 77STATE LAW of the information which are proprietary and may require the person to provide appropriate confidentiality protection. The information obtained from affected operators must be submitted on the final drawing used for the bid or contract and must depict the utility quality level of that information. This information must be updated not more than 90 days before completion of the final drawing used for the bid or contract. (b) This subdivision does not apply to bids and contracts for: (1) routine maintenance of underground facilities or installation, maintenance, or repair of service lines; (2) excavation for operators of underground facilities performed on a unit of work or similar basis; or (3) excavation for home construction and projects by home owners. (c) A person required by this section to show existing underground facilities on its drawings shall conduct one or more preliminary design meetings during the design phase to communicate the project design and coordinate utility relocation. Affected facility operators shall attend these meetings or make other arrangements to provide information. (d) A person required by this section to show existing underground facilities on its drawings shall conduct one or more preconstruction 78STATE LAW (651)454-0002 - OR - (800)252-1166 meetings to communicate the project design and coordinate utility relocation. Affected facility operators and contractors shall attend these meetings or make other arrangements to provide information. (e) This subdivision does not affect the obligation to provide a notice of excavation as required under subdivision 1. Subdivision 2 ? Duties Of Notification Center; Regarding Notice. The notification center shall assign an inquiry identification number to each notice and retain a record of all notices received for at least six years. The center shall immediately transmit the information contained in a notice to every operator that has an underground facility in the area of the proposed excavation or boundary survey. Subdivision 3 ? Locating Underground Facility; Operator. (a) Prior to the excavation start time on the notice, an operator shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator and provide readily available information regarding the operator's abandoned and out-of-service underground facilities as shown on maps, drawings, diagrams, or other records used in the operator's normal course www.gopherstateonecall.org 79STATE LAW of business, without cost to the excavator. The excavator shall determine the precise location of the underground facility, without damage, before excavating within two feet of the marked location of the underground facility. (b) Within 96 hours or the time specified in the notice, whichever is later, after receiving a notice for boundary survey from the notification center, excluding Saturdays, Sundays, and holidays, unless otherwise agreed to between the land surveyor and operator, an operator shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator, without cost to the land surveyor. (c) For the purpose of this section, the approximate horizontal location of the underground facilities is a strip of land two feet on either side of the underground facilities. (d) Markers used to designate the approximate location of underground facilities must follow the current color code standard used by the American Public Works Association. (e) If the operator cannot complete marking of the excavation or boundary survey area before the excavation or boundary survey start time stated in the notice, the operator shall promptly contact the excavator or land surveyor. (f) After December 31, 1998, operators shall maintain maps, drawings, diagrams, or other records of any underground facility abandoned or 80STATE LAW (651)454-0002 - OR - (800)252-1166 out-of-service after December 31, 1998. (g) An operator or other person providing information pursuant to this subdivision is not responsible to any person, for any costs, claims, or damages for information provided in good faith regarding abandoned, out-of-service, or private or customer-owned underground facilities. Subdivision 4 ? Locating Underground Facility; Excavator Or Land Surveyor. (a) The excavator or land surveyor shall determine the precise location of the underground facility, without damage, before excavating within two feet on either side of the marked location of the underground facility. (b) If the excavator or land surveyor cancels the excavation or boundary survey, the excavator or land surveyor shall cancel the notice through the notification center. (c) The notice is valid for 14 calendar days from the start time stated on the notice. If the activity will continue after the expiration time, then the person responsible for the activity shall serve an additional notice at least 48 hours, excluding Saturdays, Sundays, and holidays, before the expiration time of the original notice, unless the excavator makes arrangements with the operators affected to periodically verify or refresh the marks, in which case the notice is valid for six months from the start time stated on the notice. www.gopherstateonecall.org 81STATE LAW (d) The excavator is responsible for reasonably protecting and preserving the marks until no longer required for proper and safe excavation near the underground facility. If the excavator has reason to believe the marks are obliterated, obscured, missing, or incorrect, the excavator shall notify the facility operator or notification center in order to have an operator verify or refresh the marks. 216D.05 Precautions To Avoid Damage. An excavator shall: (1) plan the excavation to avoid damage to and minimize interference with underground facilities in and near the construction area; (2) use white markings for proposed excavations except where it can be shown that it is not practical; (3) maintain a clearance between an underground facility and the cutting edge or point of any mechanized equipment, considering the known limit of control of the cutting edge or point to avoid damage to the facility; (4) provide support for underground facilities in and near the construction area, including during backfill operations, to protect the facilities; and (5) conduct the excavation in a careful and prudent manner. 216D.06 ? DAMAGE TO FACILITY. Subdivision 1 ? Notice; Repair 82STATE LAW (651)454-0002 - OR - (800)252-1166 (a) If any damage occurs to an underground facility or its protective covering, the excavator shall notify the operator promptly. When the operator receives a damage notice, the operator shall promptly dispatch personnel to the damage area to investigate. If the damage results in the escape of any flammable, toxic, or corrosive gas or liquid or endangers life, health, or property, the excavator responsible shall immediately notify the operator and the 911 public safety answering point, as defined in section 403.02, subdivision 19, and take immediate action to protect the public and property. The excavator shall also attempt to minimize the hazard until arrival of the operator's personnel or until emergency responders have arrived and completed their assessment. The 911 public safety answering point shall maintain a response plan for notifications generated by this section. (b) An excavator shall delay backfilling in the immediate area of the damaged underground facilities until the damage has been investigated by the operator, unless the operator authorizes otherwise. The repair of damage must be performed by the operator or by qualified personnel authorized by the operator. (c) An excavator who knowingly damages an underground facility, and who does not notify the operator as soon as reasonably possible or who backfills in violation of paragraph (b), is guilty of a misdemeanor. www.gopherstateonecall.org 83STATE LAW Subdivision 2 ? Cost Reimbursement. (a) If an excavator damages an underground facility, the excavator shall reimburse the operator for the cost of necessary repairs, and for a pipeline the cost of the product that was being carried in the pipeline and was lost as a direct result of the damage. (b) Reimbursement is not required if the damage to the underground facility was caused by the sole negligence of the operator or the operator failed to comply with section 216D.04, subdivision 3. Subdivision 3 ? Prima Facie Evidence Of Negligence. It is prima facie evidence of the excavator's negligence in a civil court action if damage to the underground facilities of an operator resulted from excavation, and the excavator failed to give an excavation notice under section 216D.04 or provide support as required by section 216D.05. 216D.07 EFFECT ON LOCAL ORDINANCES. (a) Sections 216D.01 to 216D.07 do not affect or impair local ordinances, charters, or other provisions of law requiring permits to be obtained before excavating. (b) A person with a permit for excavation from the state or a public agency is subject to sections 216D.01 to 216D.07. The state or public agency that issued a permit for excavation is not liable 84STATE LAW (651)454-0002 - OR - (800)252-1166 for the actions of an excavator who fails to comply with sections 216D.01 to 216D.07.

Invoice #39986 (03/15/2021) Expected Payment Method: Unknown

Charge	Cost	Quantity	Total
Grand Total			
		Total	\$0.00
		Payment 03/15/2021	\$0.00
		Due	\$0.00

Special Provisions

*** Contact Mike Olmstead at (612) 221-7162 or via email at michael.olmstead@hennepin.us at least 24 hours prior to construction. Failure to contact either Mr. Olmstead or the Permits Office shall be considered a violation of the permit and grounds for dismissing contactor from job site.

This permit allows Red Rooster Bar & Lounge to use the sidewalk area detailed on the attached sketch for outdoor seating during 2021, 2022 & 2023. All activities must remain inside fenced area and not expanded further than detailed sketch. The applicant must follow all the rules and regulations of other agencies and the City of Long Lake. Hennepin County reserves the right to have the patio seating removed at any time for any reason at no cost to the county.

This Permit for the seasonal sidewalk seating in County Right of Way is approved for the additional outdoor season of 2022 under the same layout and arraignment. M D Olmstead HC Permits Supervisor 4/5/2022

This Permit for the seasonal sidewalk seating in County Right of Way is approved for the additional outdoor season of 2023 under the same layout and arraignment. M D Olmstead HC Permits Supervisor 4/6/2023

Approvals

Approval	Signature
Applicant	Michael Simpson - 03/15/2021 1:17 PM - witnessed by Michael D. Olmstead 1dc771f299de05e89897bc2af6020f13 8c57bf06b6ee48b8f56095729a5c47e5
#1 Permits Inspector	Michael D. Olmstead - 03/15/2021 1:17 PM a82cfdfe1bff170392a913549030c9d6 8d482760ebdc233dee60cb5070835854
#3 Permits Supervisor	Michael D. Olmstead - 03/15/2021 1:38 PM c8b123eaf59e95e256f064bec6f4a306 3156889001b1ee90ebace530c4916cb9

Internal Notes

Text:	<input style="width: 100%; height: 30px;" type="text"/>
File(s):	<input style="width: 100%; border: 1px dashed black;" type="text"/>

Print View