City of Salisbury

LICENSE to ENCUMBER AGREEMENT
for PRIVATE UTILITIES in
PUBLIC EASEMENTS and RIGHTS-OF-WAY

Please complete this application and return it to:

Department of Infrastructure and Development
125 North Division Street, Room 202
Salisbury, Maryland 21801

NAME:_____

TITLE:_____

COMPANY:_____

STREET OR P.O. BOX:_____

CITY:_____

STATE & ZIP CODE:_____

PHONE/ FAX:_____

E-MAIL ADDRESS:_____

Once fully executed, this application constitutes the License to Encumber (LTE) Agreement. Permittee shall not break ground within City of Salisbury Rights-of-Way and Easements without a current LTE Agreement, installation specific LTE permit drawings and an approved traffic control plan (TCP)

For City Use:

Approved By:_____ Date:_____

City of Salisbury

LICENSE TO ENCUMBER
GENERAL REQUIREMENTS

This License to Encumber (LTE) Agreement is required for the new installation of utilities within City of Salisbury Rights-of-Way and Easements within the City of Salisbury Corporate Limits. Repairs to existing underground pipe, conduit or wire that are within the limits of the roadway or sidewalk require a Break Permit.

1. The Permittee agrees to the following conditions for installation of utilities, which include but are not limited to underground pipe, conduit and wire.
2. The Permittee and the sub-contractors performing work for the Permittee are required to adhere to the guidelines outlined herein.
3. All work must comply with City of Salisbury regulations and policies, including the latest versions of the Construction Standards, Construction and Material Specifications for Utility and Roadway Construction, and the City's Paving Policy.
4. The Permittee will not be permitted to break ground without a current LTE Agreement, an approved LTE permit drawing and an approved traffic control plan (TCP).
5. A copy of the approved LTE permit drawing and TCP shall be on site at all times during construction.
6. The LTE drawing(s) shall reflect the method of installation and include plan and profile views for the proposed utility installation as implemented by this license. Once approved, the drawings will be signed by the Traffic Manager and will become the LTE permit.
7. Permittee will locate and provide dimensions on the drawings for existing public utilities, private utilities and the location of its abandoned and proposed facilities as implemented by this license.
8. Permittee will bear the expense of removing or adjusting their abandoned facilities or the installation should it be required by the City of Salisbury at any time in the future.
9. Permittee will pay the cost to repair City infrastructure damaged at the time of installation or any later time by Permittee's actions.
10. A. Permittee agrees to indemnify, defend, and hold harmless, the Salisbury Department of Infrastructure and Development and the City of Salisbury and its officers, employees, and agents from any and all liability, loss, cost, damage, and expense, including reasonable attorney's fees and court costs, resulting from, arising out of, or incurred by reason of any claims, actions, or suits based upon or alleging bodily injury, including death, or property damage rising out of or resulting from the operations concerning the installation of utilities, or actions in connection therewith, under this LTE Agreement, whether such operations be by the Permittee or by any sub-contractor, agent, etc. performing work for the Permittee under this LTE. The Permittee will be responsible to the City for its acts and omissions and those of its subcontractors, agents, employees and other persons performing any services under this LTE.

    B. The City, by accepting this application makes no warranty or representation with regard to Permitee's legal right to utilize any City right-of-way over property not owned by the City. Permitee hereby agrees to indemnify, defend and hold harmless the City of Salisbury and its

officers, employees, and agents from any and all liability, loss, cost, damage, and expense, including reasonable attorney's fees and court costs, resulting from, arising out of, or incurred by reason of any claims, actions, or suits resulting from claims by a property owner that Permitee's use of the right-of-way exceeds the scope of the right-of-way granted to the City.

11. Permittee will provide as-built drawings approved by the Salisbury Department of Infrastructure and Development (DID).
12. This LTE Agreement is valid for two (2) years after the approval date.
13. LTE drawings shall be good for six (6) months from the approval date. If the project has not started within six months, then the Permittee can apply for an extension.
14. The LTE Agreement can be cancelled or modified after written notification.

LICENSE TO ENCUMBER PERMIT
DRAWING SUBMITTAL REQUIREMENTS

LICENSE TO ENCUMBER PERMIT PROCESSING PROCEDURES

1. Applicant requests copies of existing record drawing information by email or by phone from DID.
2. Applicant submits completed drawings, which include depths of cover at existing public utilities, notation regarding required clearances, profiles (if required) and traffic control plans.
3. DID provides review comments and subsequent comments on resubmittals.
4. DID issues approval of the LTE drawing and traffic control plans prior to commencing construction. The DID signature on LTE drawings constitutes the LTE permit approval.
5. Following completion of construction, applicant must provide dated and signed as-built drawings of the completed work for DID review and approval.

GENERAL

6. All lines will be installed either parallel or perpendicular to the center line of the roadway unless otherwise approved by DID.
7. The minimum required horizontal and vertical clearance from existing underground utilities is twelve (12) inches. The exception is that a two (2) inch or smaller pipe can be installed with six (6) inches of separation from a water service as long as there is visual confirmation that the two (2) inch pipe will clear the water service.
8. The minimum horizontal clearance from utility poles or fire hydrant is three (3) feet. The clearance for utility poles does not apply to poles that are only used for street lights.
9. The vertical depth of the utility will be seventy-two (72) inches when placed within six (6) inches horizontally of a water meter.
10. If the installation method is a boring operation, all existing sewer service laterals shall be fully exposed to visually ensure that the twelve (12) inch minimum vertical clearance is achieved.
11. The ends of each section of pipe/conduit are to be buried at the time of installation. Leaving the terminating ends of a pipe/conduit exposed above ground is not acceptable.

12. Where the installation is located at the edge of a sidewalk, care shall be taken so that the sidewalk is not undermined. Backfilling under a sidewalk is not acceptable. If there are voids created under the curb, gutter and/or sidewalk due to utility installation, then the curb, gutter and/or sidewalk is to be removed and replaced.
13. Drawings shall include the contact information and signature of the responsible party that prepared the drawing and an approval block for DID.
14. Add the following notes to drawings:
    - This License to Encumber Permit is in accordance with the License to Encumber Agreement dated _____. (List approval date of Agreement.)
    - Approval of this License to Encumber is only for installations located within the City's Right-of-Ways and/or Easements.
    - Maintain a minimum one (1) foot of separation from underground utilities and three (3) feet of separation from utility poles.

TRENCHING

15. When the installation method is trenching, the minimum required cover on all proposed utilities within a City Right-of-Way or Easement shall be thirty-two (32) inches, as long as one (1) foot horizontal and vertical clearance from underground utilities can be maintained.

HORIZONTAL DIRECTIONAL DRILLING

16. When the installation method is Horizontal Directional Drilling (HDD), the minimum required cover on all proposed utilities in the public roadbed is twenty four (24) inches for pipes two (2) inches or less in diameter, and thirty six (36) inches for pipes greater than two (2) inches in diameter.
17. When a reamer is used to open the bore hole for the utility pipe, the utility company will provide one (1) foot of clearance from the outside of the reamer to the outside of any existing utility except for utility poles and fire hydrants, in which case a three (3) foot clearance is required.
18. The following notes shall be required on LTE drawings of proposed horizontal directional drilling operations.
    - The HDD contractor shall calibrate its tracking and locating equipment at the beginning of each day.
    - The HDD contractor shall monitor and record the alignment and depth readings provided by the tracking system every ten (10) feet.
    - The design bending radius of the boring installation equipment is _____ and the diameter of the proposed bore hole is _____. (To be completed by Applicant on the LTE drawing.)
    - Minimum required cover on all proposed utilities in the public roadbed is two (2) feet for pipes that are two (2) inches or less in diameter and three (3) feet for pipes greater than two (2) inches in diameter.
    - The HDD contractor shall at all times and for the entire length of the HDD alignment be able to demonstrate the horizontal and vertical position of the alignment.

- The HDD contractor shall dispose of all HDD effluent at an authorized waste site.
- The HDD contractor shall complete the HDD installation as shown on the approved LTE permit drawing unless otherwise approved in writing by the authorized City representative.
- The HDD contractor shall provide access for inspection of the HDD operations at all times.
- Prior to start of backfilling operations under paved surfaces, the HDD contractor shall notify the City representative to schedule and complete an inspection.

CORING

19. The depths of cover to existing City utilities in the roadbed must be field verified.
20. DID shall be notified 48 hours in advance of coring so that the work can be inspected. Coring must be done with approved traffic control.
21. The coring method, location and core diameter must be approved in advance by DID.
22. Core drilling must be performed using the vacuum method.
23. Core holes and test pits must be immediately backfilled using the schedule shown below:

CORE HOLES TEN INCHES IN DIAMETER OR LESS

- Follow City of Salisbury Utility Trench Detail / Repair Detail Standard No. 400.35, with the following modifications.
  - Compaction for core holes ten inches in diameter or less must be achieved through the use of a pneumatic tamp.
  - The 2 foot cut back is not required
  - Perma-Patch, or other approved permanent asphalt patching material, may be used in-lieu of Hot Mix Asphalt.
  - Substitute flowable fill or low strength concrete for graded aggregate sub-base.

CORE HOLES / TEST PITS GREATER THAN TEN INCHES IN DIAMETER

- Follow City of Salisbury Utility Trench Detail / Repair Detail Standard No. 400.35.

PROFILE DRAWING

24. A profile drawing of the proposed crossing of City streets will be required if DID determines that the proposed utility location will conflict with an existing City utility or if the proposed utility will be installed in between City utilities.
25. Profiles must be drawn to scale. Profiles shall show all existing utilities with dimensions of the vertical clearance between existing and proposed utilities.
26. The profile drawing requirement may be waived if the following conditions apply and these notes are included on the LTE drawings:
    - Provide a minimum twelve (12) inches of horizontal and vertical clearance between the proposed pipe and existing City utilities.
    - Select one of the following options:
      - The proposed pipe will be installed via trenching and will be located above all existing utilities while providing the necessary clearance.

- The proposed pipe will be installed via horizontal directional drilling and will be located above all existing utilities while providing the necessary clearance.
- The proposed pipe will be installed via horizontal directional drilling and will be located below all existing utilities while providing the necessary clearance.

AS-BUILT DRAWINGS

27. As-built drawings shall be submitted to DID for review and approval following completion of construction.
28. The as-built drawings shall show the actual location of the installed utilities including dimensions of clearances from public utilities.
29. As-built drawings shall include the contact information and signature of the responsible party that prepared the drawings. The drawings do not need to be sealed by a Professional Engineer or Licensed Surveyor.

SMALL WIRELESS FACILITIES (SMALL CELLS)- Ordinance No. 2580

30. "Small Wireless Facility" means a wireless facility, as defined by the Federal Communications Commission, that meets the following qualifications: (i) each wireless provider's antenna could fit within an enclosure of no more than 3 cubic feet in volume; and (ii) all other wireless equipment associated with the wireless facility, whether ground- or pole-mounted, is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, vertical cable runs for the connection of power and other services.
31. Small wireless facilities may not be installed on City owned poles, lights or traffic signals. All Small wireless facilities shall be on standalone poles. The applicant is required to obtain all necessary permits for all associated utilities such as electric and fiber optics.
32. No person shall place a small wireless facility in a City Right-of-Way, without first obtaining a site specific permit from the Department of Infrastructure and Development.
33. Small wireless facilities shall not be greater than thirty (30) feet in height above grade. If maximum height must be exceeded for the system to properly function, justification must be submitted with the permit application. A variance up to fifty (50) feet in height may be approved by the Director of the Infrastructure and Development Department after Permitee has demonstrated the reasonable necessity for the additional height.
34. Small wireless facilities shall not be placed closer than 500 feet from another small wireless facility. If minimum spacing requirements cannot be met, justification must be submitted with the permit application. A variance may be approved by the Director of the Infrastructure and Development Department after Permitee has demonstrated the reasonable necessity for the placement of a small wireless facility closer than 500 feet to another such facility.
35. Small wireless facilities shall be black in color.
36. New poles installed to support small wireless facilities shall be made of the same or similar material and shall have a similar appearance to the fluted ornamental light fixtures for City Street

Lights as detailed in the current editions of the City Construction Standards and the Construction & Material Specifications.

37. Small wireless facilities shall blend in with the surrounding environment or otherwise be concealed to the extent practicable.
38. Other than warning or notification signs required by federal law or regulations, or identification and location markings, a small wireless facility shall not have signs installed thereon.
39. Wires and cables connecting the antenna and appurtenances serving the small cell facility shall be installed in accordance with the version of the National Electrical Code and National Electrical Safety Code adopted by the City and in force at the time of installation. In no event shall wiring and cabling serving the small wireless facility interfere with any wiring or cabling installed by a cable television or video service operator, electric utility, or telephone utility.
40. Small wireless facilities shall be located such that they do not interfere with a public health or safety facility, such as, but not limited to a fire hydrant or water valve. New small wireless facilities shall not be installed directly over any previously installed utility such as water, sewer, or storm drain or service line.
41. Wireless providers shall have the right of access to small wireless facilities in the Right-of-Way at all reasonable times. An application shall not be required for routine maintenance.
42. The City shall deny a proposed small wireless facility if the proposed application:
    - Interferes with the safe operation of traffic control equipment.
    - Interferes with sight lines or clear zones for transportation or pedestrians.
    - Interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
    - Fails to comply with any of the requirements of this application that apply to all communications service providers in the City's Rights-of-Way.
    - Fails to comply with applicable codes.
43. Within ninety days following written notice from the City, a wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any small wireless facilities for which it has a permit hereunder whenever the City has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the Right-of-Way.
44. The City retains the right to cut or move any small wireless facilities located within the Right-of-Way, as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency.
45. The City may require a wireless provider to remove an abandoned small wireless facility permitted hereunder within 180 days of abandonment. Should the wireless provider fail to timely remove the abandoned small wireless facility, the City may remove the small wireless facility to be removed and may recover the actual cost of such removal from the wireless provider.
46. All applications for small wireless facility permits shall be accompanied by a fee of $500.00 for up to five small wireless facilities addressed in an application plus $100.00 for each additional small wireless facility addressed in the application beyond five.
47. As compensation for access to the Right-of-Way for an installation of a small wireless facility, a non-recurring fee of $1,000 per pole for a new pole shall be paid prior to installation. Additionally,

and annual fee of $270 per year per small wireless facility installed in the Right-of-Way shall be paid to the City after the first year.

48. A wireless provider is authorized to remove its facilities at any time from the Right-of-Way and cease paying the City compensation for use of the Right-of-Way. When a small wireless facility is removed, the Right-of-Way shall be restored to its prior condition at the expense of the wireless provider.

LTE PERMIT FEES:

Application- Installation of Service Line	$75	$25 per additional service line in project area, defined as ¼ mile radius from primary address
Application – Large Boring Project	$275	Includes up to 500 linear feet. $75 for additional 250 linear feet above the initial
Application – Large Open/Cut	$375	Includes up to 500 linear feet. $125 for additional 250 linear feet above the initial
Application – Micro-Trenching Project	$125	Includes up to 500 linear feet. $50 for additional 250 linear feet above the initial
Application – Installation of New Utility Pole (excluding Small Cell facilities)	$750	NA
Application – Underground utility project replacing overhead utilities and removing utility poles	Waived	NA

The terms and conditions stated above are agreeable to _____, their successors and assigns. This LTE Agreement is valid for two (2) years after the approval date.

PERMITTEE:

ATTEST: _____

_____

BY:
Name: _____

CITY:
ATTEST: CITY OF SALISBURY, a Municipal Corporation of The State of Maryland

_____

BY:
Name: _____

City of Salisbury

STATE OF MARYLAND
COUNTY OF WICOMICO

I hereby certify that on this _____ day of _____ , 2025, before me the undersigned officer personally appeared, _____ of _____, an _____, and on his behalf did acknowledge the foregoing instrument to be the act and deed of said _____.

As witness, I set my hand and official seal.

(SEAL)

_____
Notary Public
My commission expires: _____

STATE OF MARYLAND
COUNTY OF WICOMICO

I hereby certify that on this _____ day of _____ , 20___ , before me the undersigned officer personally appeared, _____, of the City of Salisbury, a Municipal corporation of the State of Maryland and on his behalf did acknowledge the foregoing instrument to be the act and deed of said corporation.

As witness, I set my hand and official seal.
(SEAL)

_____
Notary Public
My commission expires: _____