

Village of Point Venture, Texas
ORDINANCE NO. 2026-04-21

AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, AMENDING ARTICLE 10.02 AND APPENDIX A OF THE VILLAGE OF POINT VENTURE CODE OF ORDINANCES; PROVIDING REGULATIONS FOR RIGHT-OF-WAY MANAGEMENT AND RELATED FEES; PROVIDING FINDINGS OF FACT; PROVIDING FOR REPEAL, SEVERABILITY, SAVINGS, PUBLICATION AND CODIFICATION; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS CONDUCTED IN ACCORDANCE WITH THE OPEN MEETINGS ACT; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Point Venture (“Village Council”) seeks to provide for the public health, safety and welfare of its citizens; and

WHEREAS, pursuant to Section 51.001 of the Texas Local Government Code, the Village Council may adopt, publish, amend, or repeal an ordinance for the good government, peace, or order of the Village, and as necessary or proper for carrying out a power granted by law to the Village; and

WHEREAS, pursuant to Texas Transportation Code Section 311.002 the Village has exclusive control over its highways, streets, and alleys; and

WHEREAS, pursuant to Texas Local Government Code Chapters 283 and 284, the Village has the authority to manage the use and occupancy of the public rights-of-way by certified telecommunication providers and network providers, respectively, and to receive fair and reasonable compensation for use of a public right-of-way; and

WHEREAS, the Village accepted dedication of the public streets and rights-of-way within its boundaries by Resolution No. 2001-04-01 and has served as custodian of those streets and rights-of-ways on behalf of the public since that date; and

WHEREAS, the Village Council finds the following amendments to Chapter 10, Article 10.02 and Appendix A necessary to ensure the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF POINT VENTURE, TRAVIS COUNTY, TEXAS:

SECTION 1. Findings of Fact. All of the above recitals and premises are hereby found to be true and correct legislative and factual findings of the Village Council of the Village of Point Venture, are made a part hereof for all purposes and are hereby approved and incorporated into the body of this Ordinance as if restated in their entirety.

SECTION 2. Ordinance Amendment. The Code of Ordinances of the Village of Point Venture Texas is hereby amended by deleting Article 10.02 of Chapter 10 and substituting therefor a new Article 10.02 as set forth in Exhibit "A".

SECTION 3. Ordinance Amendment. The Code of Ordinances of the Village of Point Venture Texas is hereby amended by renumbering Section A3.006 of Appendix A as new Section A3.007.

SECTION 4. Fee Schedule Amendment. The Code of Ordinances of the Village of Point Venture Texas is hereby amended by adding a new Section A3.006 of Appendix A as set forth in Exhibit "B".

SECTION 5. Repeal. This Ordinance shall be cumulative of all other ordinances and shall not repeal any of the provisions of such ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. All resolutions or ordinances of the Village, or parts thereof, conflicting or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict, and the terms and provisions of this Ordinance shall govern.

SECTION 6. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The Village Council hereby declares that it would have passed all remaining portions of this Ordinance without the inclusion of the portion or portions declared unconstitutional or invalid.

SECTION 7. Savings. All rights and remedies of the Village of Point Venture are expressly saved as to any and all violations of the provisions of any ordinances which have accrued at the time of the effective date of this Ordinance; and such accrued violations and litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8. Publication and Codification. The Village Secretary of the Village of Point Venture is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code. The Village Secretary is further directed to have this Ordinance codified at the next available codification update.

SECTION 9. Open Meeting. The Village Council of the Village of Point Venture finds that the meeting at which this Ordinance passed was conducted in compliance with the Texas Open Meetings Act.

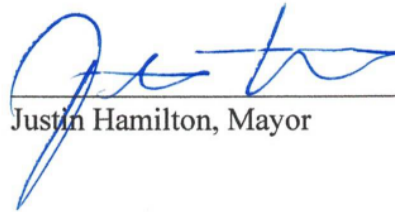
SECTION 10. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), in accordance with the enforcement and penalty provisions, and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues. Further, if the Village Council of the Village of Point Venture determines that a

violation of this Ordinance creates a threat to the public safety, the Village may bring suit in the District Court to enjoin such violation and may exercise all available remedies as allowed by law.

SECTION 11. Effective Date. That this Ordinance shall be in full force and effect from and after its date of publication, in accordance with law, and it is so ordained.

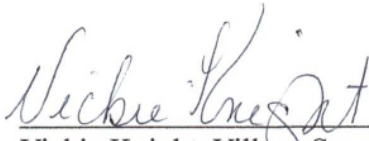
GIVEN FIRST READING AND CONSIDERATION OF THE AMENDMENTS by the Village Council of the Village of Point Venture, Texas on the 17th day of March, 2026.

PASSED, APPROVED AND DULY ADOPTED ON SECOND AND FINAL READING by the Village Council of the Village of Point Venture, Texas on the 21st day of April, 2026.



Justin Hamilton, Mayor

ATTEST:



Vickie Knight, Village Secretary

Caroline Kelley, Village Attorney

EXHIBIT A

CHAPTER 10 STREETS, PARKS AND OTHER PUBLIC WAYS AND PLACES

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ARTICLE 10.02 RIGHT-OF-WAY MANAGEMENT

10.02.001 Purpose

The purpose of this article is to:

- (a) Implement and administer the village's authority under Texas Transportation Code 311.002 and Texas Local Government Code Chapters 283 and 284, as applicable, to manage and protect the village's right-of-way.
- (b) Assist in the management of right-of-way in a nondiscriminatory and competitively neutral manner.
- (c) Govern the use and occupancy of the rights-of-way by certificated telecommunications providers, cable service providers, electric distribution systems, gas distribution systems, and all other persons expressly authorized by the village or state law to construct and maintain facilities in the rights-of-way.
- (d) Assure that the village can continue to fairly and responsibly protect the public health, safety and welfare and effectively manage its rights-of-way as a vital public resource.

10.02.002 Definitions

Whenever used in this article, the following terms, as well as their singular, plural, and possessive forms, shall have the following definitions and meanings, unless the context of the sentence in which they are used indicates otherwise:

Facilities means any and all of the duct spaces, manholes, lines, wires, fibers, poles, conduits, cables, pipelines, underground and overhead passageways, and other equipment, structures, plant and appurtenances, and all associated transmission media, placed in, on, over or under the rights-of-way.

Person means a natural person (an individual), corporation, company, association, partnership, firm, limited liability company, joint venture, joint stock company or association, cooperative, utility, public utility, retail public utility, district, water control and improvement district, political subdivision and other such entities

Right-of-way means the area on, below, above or adjacent to a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement, in which the village has an interest. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications.

Village council means the governing body of the village.

10.02.003 Application And Permit

- (a) Permit required. No person shall excavate, construct, install, repair or maintain facilities in, upon, over or under the village's right-of-way or affect traffic flow without first having applied for and received a non-exclusive right-of-way use permit from the village in accordance with the following provisions. Any person performing such work shall obtain a right-of-way use permit prior to conducting land disturbing activities for any reason in the right-of-way.
- (b) Permit fee. An application for a right-of-way use permit under this article must be submitted on an application form as specified by the village and must be accompanied by a right-of-way use fee in the amount specified in A3.006 of Appendix A of the Village of Point Venture Code of Ordinances.
- (c) Application contents. The right-of-way use permit application shall require at a minimum the following information:
 - (1) The name of the applicant;
 - (2) The name, address, telephone number, and e-mail address of the contact person(s) for the applicant;
 - (3) The name(s) and telephone number of an emergency contact who shall be available twenty-four (24) hours a day;
 - (4) The name, address, telephone number, and e-mail address of any and all contractors or subcontractors performing work in the right-of-way on behalf of the applicant;
 - (5) A detailed description of the project, duration of the project, location of the desired work, erosion control plan, and proposal for lane closures, if any;
 - (6) Proof of insurance and a surety bond, as specified in section 10.02.005 and 10.02.006 of this article; and
 - (7) Acceptance of indemnification, hold harmless and defend provisions specified in section 10.02.004 of this article.
- (d) Permit conditions. Notwithstanding other requirements contained in this article, as necessary to protect the public health and safety and the property of the village, the village may impose permit conditions including but not limited to the following:
 - (1) requiring under pavement boring;
 - (2) requiring the use of barricades, signs, or other traffic control or safety devices;
 - (3) restricting the location of materials, equipment, and excavated materials; and
 - (4) requiring pre-construction and post-construction pavement condition documentation.

- (e) Permit on site. A copy of the right-of-way use permit and engineering plans shall be maintained at the work site and made available for inspection by the village at all until final inspection.
- (f) Working hours. The allowed working hours in the right-of-way are 7:00 a.m. to 6:00 p.m., Monday through Friday. Work that needs to be performed after 6:00 p.m. Monday through Friday must be approved by the village in advance. Any work performed on Saturday must be approved twenty-four (24) hours in advance by the village. Directional boring is allowed only Monday through Friday, 7:00 a.m. to 6:00 p.m., unless approved in advance. No work will be done, except for emergencies, on Sundays or legal holidays, unless approved in advance.
- (g) Revocation. If any of the provisions of this article are not followed, a right-of-way use permit may be revoked by the mayor or the mayor's designee. If a person has not followed the terms and conditions of this article in work done pursuant to a prior permit, new permits may be denied or additional terms required.
- (h) Appeal. Appeal from denial or revocation of permit or from the decision of the mayor or the mayor's designee shall be to the village council. Appeal shall be filed with the village secretary within fifteen (15) calendar days from the date of the decision being appealed.

10.02.004 Indemnity

- (a) Every person performing work in the village right-of-way, permitted or unpermitted, shall, at such person's sole cost and expense, indemnify, hold harmless and defend at the village's choice of council, the village, its officers, boards, commissions, agents and employees, against and from any and all claims, demands, causes of action, suits, proceedings, damages, liabilities and judgments of every kind arising out of or due to the person's such work, including but not limited to damages for injury or death or damages to property, real or personal, and against all liabilities to others and against all loss, cost and expense, resulting or arising out of any of the same.
- (b) The indemnity provided by this subsection does not apply to any liability resulting from the negligence of the village, its officers, employees, contractors, or subcontractors. If a person and the village are found jointly liable by a court of competent jurisdiction, liability shall be apportioned comparatively in accordance with the laws of this state, without, however, waiving any governmental immunity available to the village under state or federal law and without waiving any defenses of the parties under state or federal law. This section is solely for the benefit of the village and the person and does not create or grant any rights, contractual or otherwise, to any other person.
- (c) The person or the village shall promptly advise the other in writing of any known claim or demand against the person or village related to or arising out of the person's activities in right-of-way activities.

10.02.005 Insurance

- (a) Every person performing work in the village right-of-way shall secure and maintain the following liability insurance policies:
 - (1) General liability insurance with limits not less than:
 - (A) One million dollars (\$1,000,000.00) primary; and
 - (B) One million dollars (\$1,000,000.00) umbrella or other securities as acceptable to the mayor or his designee.
 - (2) Worker's compensation for the person's employees within statutory limits.
- (b) The liability insurance policies required by this section shall be maintained by the person throughout the term during which the person is otherwise operating within right-of-way, or is engaged in the removal of such person's facilities.
- (c) Unless otherwise precluded by law, the person may satisfy one or more of the insurance requirements specified in this section through self-insurance. In no event shall a self-insurance proposal be approved absent the village's satisfaction that the person is in a sound financial condition, which shall be evidenced by a letter of self-insurance to be provided to the village.

10.02.006 Bond

- (a) Every person performing work in the village right-of-way shall annually obtain, maintain and file with the village secretary a corporate surety bond with a surety company authorized to do business in the state, and found acceptable by the village attorney, in the amount of seventy-five thousand dollars (\$75,000.00), or of the estimated amount of the value of work anticipated to be done in that year, whichever is greater, to guarantee the restoration of the right-of-way in the event the person leaves a job site in the right-of-way unfinished, incomplete or unsafe or unreasonably delays the completion of the construction. The person shall provide this corporate surety bond within thirty (30) days of the issuance of a right-of-way use permit under this article but prior to commencement of construction. Should a person without a bond in place leave a job site in the right-of-way unfinished, incomplete or unsafe or unreasonably delay the completion of construction, the person will pay the actual cost of restoring the right-of-way, plus an administrative fee to reimburse the village's cost of overseeing any such restoration.
- (b) The rights reserved to the village with respect to the bond are in addition to all other rights of the village, whether reserved by this article or authorized by law, and no action, proceeding or exercise of a right with respect to such bond shall affect any other right the village may have.
- (c) The bond shall contain the following endorsement: "It is hereby understood and agreed that this bond may not be canceled by the surety nor any intention not to renew be exercised

by the surety until sixty (60) days after the receipt by the village, by registered mail, of written notice of such intent.”

- (d) Pursuant to Texas Water Code Section 49.220, this section does not apply to water control and improvement districts.
- (e) The mayor or the mayor’s designee may waive the requirement of a bond, if the person is able to demonstrate financial responsibility by having assets in excess of an amount determined appropriate by the village mayor. In the event the mayor determines a bond is required, due to insufficient assets or a demonstration that the person is not adequately or promptly fulfilling such person’s responsibilities in the right-of-way, such person shall meet the requirements of this section.
- (f) All notices under this section to the village shall be in writing via certified mail, return receipt requested, to:

Village Mayor
Village of Point Venture
555 Venture Blvd. S.
Point Venture, Texas 78645

- (g) All notices to a person shall be in writing via certified mail, return receipt requested, to the contact person and address provided by the person to the village. Notice shall be deemed effective when mailed to the most recent address provided by the person to the village. Any change in the address, telephone number or fax number of the person or the village shall be furnished to the other within a reasonable time.

10.02.007 Standards, Location, And Maintenance Of Facilities

All facilities shall be constructed, installed, located, and maintained in accordance with the following terms and conditions:

- (a) All lines, cables, wires and pipelines in the village’s right-of-way are required by this article to be placed underground. Any and all lines, cables, wires and pipes installed after the effective date of this article shall be buried. Facilities shall be installed within existing underground duct or conduit whenever excess capacity exists within such facility
- (b) Best efforts shall be used to install facilities within existing underground duct or conduit whenever excess capacity exists within such facility.
- (c) Every person intending to occupy the right-of-way along any roadway designated by the village shall be required to place road crossing sleeves in locations designated by the village prior to the commencement of operations in order to lessen the likelihood of road cuts on the newly constructed roads.
- (d) Facilities shall be maintained in good and safe conditions and in a manner that complies with all applicable laws.

- (e) Within sixty (60) days of completion of facility installation, the village shall be supplied with a complete set of “as built” plans of record. The village may, at its discretion, accept any reasonable alternative to “as built” plans of record which provides adequate information as to the location of facilities in the right-of-way.
- (f) Maps of all facilities located on village property or within the right-of-way and shall promptly locate such person’s facilities at the village’s request.
- (g) In any instance in which operation of this section is deemed by the applicant to impose a significant financial hardship, a person shall have the right to present alternative proposals to the village, and the village shall give due consideration to any such alternative proposals.
- (h) No person shall take any action or allow any action to be done which may impair or damage any village property or other property located in, on or adjacent to the right-of-way.
- (i) Nothing in this article relieves a person, from such person’s obligations to obtain locates of underground facilities before excavation as required by the Texas Utilities Code, section 251.001 et seq.

10.02.008 Notice Of Repair And Emergency Work

No person, shall commence any work in or about village property or right-of-way without providing seven (7) days’ advance notice to the village. If an emergency exists which makes advance notification impossible, such person may begin that response or repair work, or take any action required under the circumstances, provided that notice to the village is given as promptly as possible after beginning the work, and the person acquires any approval required by village ordinances applicable to emergency response work. Such person shall be required to restore the village property and right-of-way to as good a condition or better than such existed before the work was undertaken.

10.02.009 Property Restoration

When any person does or causes to be done any work in or affecting any right-of-way or village property, such person shall, at such person’s own expense, promptly remove any obstructions and restore such right-of-way or village property to as good a condition as existed before the work was undertaken, in accordance with existing standards of the village in effect at the time of the work. Such standards shall be consistent with regulations set by the Texas Department of Transportation (“TxDOT”) in the latest edition of TxDOT’s Standard Specifications for Construction and Maintenance of Highways Streets & Bridges and the following:

- (a) Trench fill. The compaction of all trench fill materials in accordance with applicable regional standards.
- (b) Soil testing. Soil testing at all street crossings and as requested by village inspectors, and as is required of all other users of the right-of-way.

- (c) Approval. All restoration work is subject to inspection and approval by the village or the mayor's designee. The village may, at the person's sole expense, retain an independent inspector to verify that any restoration work meets the requirements of this section.
- (d) Completion. Work shall not be deemed complete until approved by the village or its designated inspector.
- (e) Restoration timeline. Such person shall replace and properly re-lay and repair the surface, base, irrigation system and landscape treatment of any right-of-way that may be excavated or damaged by reason of the erection, construction, maintenance, or repair of such person's facilities. All permanent restoration shall be completed within thirty (30) calendar days after completion of the work, unless a shorter period is required by permit conditions.
- (f) Additional standards for cuts and breaks. When a cut or break in a roadway occurs during work that is subject to this article, the person performing the work shall comply with the following standards in addition to the general standards provided in section 10.02.007.
 - (1) Edges. All cuts and breaks in pavement shall be saw-cut to clean, straight edges before any patching or surface restoration begins. Ragged or broken edges are not acceptable.
 - (2) Base. The base material shall be restored to the same depth and type as the original base. All backfill shall be properly compacted in lifts to prevent settlement.
 - (3) Surface. The surface course shall match the existing pavement type and shall be restored to the same or greater thickness as the surrounding pavement. The finished patch shall be flush with the surrounding surface with no raised or depressed areas.
 - (4) Notice before surfacing. The person performing the work shall provide notice to the village of surfacing at least forty-eight (48) hours in advance of performing so that the village may arrange for inspection.
- (g) Temporary restoration. If weather or other conditions do not allow the complete restoration required by this section, such person shall temporarily restore the affected right-of-way or property.
- (h) Erosion control. Such person shall contain all sediment within the work area using erosion control measures and erosion-limiting construction techniques. Such person shall submit a construction erosion control plan with all permit applications. All construction materials shall be cleared from right-of-way by the end of every business day.
- (i) Safety measures. Such person shall use suitable barricades, flags, flagmen, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting such right-of-way or property.

10.02.010 Cost Recovery And Lien

- (a) Village's right to restore. If any person fails to restore the right of way as required by this article, the village may perform or contract for the necessary restoration work at the sole expense of the person performing the work.
- (b) Cost recovery. The village shall recover from such person all costs incurred in performing restorative work under section 10.02.009 including materials, labor, equipment, and administrative costs, together with interest at ten percent (10%) or otherwise prescribed by law from the date of payment or occurrence of such expenditure.
- (c) Lien. To recover costs under subsection (b), the village may file a lien statement with the Travis County Clerk identifying the costs incurred, the date of the restoration work, the person responsible, and a legal description of the affected area. The lien attaches upon filing, bears interest at ten percent (10%) per annum or as otherwise prescribed by law, and may be foreclosed in the name of the village. The village shall provide written notice of the lien filing to the person responsible within ten (10) days of filing.
- (d) Additional remedies. The rights provided by this section are in addition to all other remedies available to the village in addition to all other remedies available to village under this article or as provided by applicable law.

10.02.011 Unpermitted Work

- (a) Stop-work. The village, the mayor, or the mayor's designee may require that a person performing work not allowed under this article stop-work immediately. Failure to comply with a stop-work order constitutes a violation of this article for each day of continued work.
- (b) Permit history. A record of any unpermitted work may be maintained by the village and may be considered in the review of future permit applications from the same person.

10.02.012 Removal And Relocation Of Facilities

- (a) Within ninety (90) days following written notice from the village, or a mutually agreed upon time frame, the person shall, without claim for reimbursement or damages against the village, temporarily or permanently remove, relocate, change or alter the position of any facilities on village property or within the right-of-way whenever village officials determine that such removal, relocation, change or alteration is reasonably required for the widening or straightening of streets.
- (b) If, after proper notice, the person fails or refuses to remove or abate the facilities in question, the village retains the rights and privilege to remove or abate any such facilities, at the sole cost and expense of the person. In performing or allowing such work to be done, the village shall not be liable to any carrier or any person for any damages to any facilities unless directly and proximately caused by the willful, intentional or malicious act by the village, and shall not be liable in any event for any consequential damages relating to service interruptions.

- (c) Emergency Removal by the village. The village retains the right and privilege to cut or move any facilities located on village property or within the right-of-way that the village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. The village shall cooperate to the extent possible with the person in such instances to assure continuity of service, and to afford the person the opportunity to make such relocation and/or removal itself where deemed reasonable, at the village's sole discretion. The village shall use all reasonable means to minimize the disruption of service.

10.02.013 Enforcement; Penalties

- (a) Civil and criminal penalties. The village shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance.
- (b) Criminal prosecution. Any person violating any provision of this article shall, upon conviction, be fined a sum in accordance with the general penalty provided in section 1.01.009 of this code. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a misdemeanor.
- (c) Civil remedies. Nothing in this article shall be construed as a waiver of the village's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including but not limited to the following:
 - (1) Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;
 - (2) A civil penalty up to \$1,000.00 a day when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article; and
 - (3) Other available relief.

10.02.14 Village Rights; Administration

- (a) The village may, at reasonable times but not more than once annually unless there is good cause, make inquiries pertaining to compliance with this article, and the person shall respond to such inquiries on a timely basis.
- (b) Within twenty (20) days of a written request from the village mayor or the mayor's representatives, the requested person shall furnish the village with information directly related to the person's use, occupancy or construction within or upon right-of-way and as otherwise required by state law to be furnished to the village.

- (c) The village may establish, after reasonable notice, such rules and regulations as may be appropriate for the administration of this article in the construction of the person's facilities on village property to the extent allowed by law.

10.02.015 Applicability Of Other Regulations

At all times, every person shall be subject to the lawful exercise of the village's police power and regulatory authority and such reasonable and authorized regulations as the village shall hereafter by resolution or ordinance provide.

10.02.016 Conflicts And Future Contingency

- (a) State and Federal Law. To the extent that any provision of this article conflicts with State or Federal law, the applicable state or federal law controls.
- (b) Franchise Ordinances. This article shall be construed in accordance with the other village ordinances in effect on the date of passage of this article and as may be amended from time to time to the extent that such ordinance is not in conflict with or in violation of the constitution and laws of the United States or the State of Texas. Should all or part of this article be inconsistent or conflict with any state or local franchise, the two shall be read together to the extent possible; otherwise, specific provisions contained in the state or local franchise shall control.
- (c) Future contingency. In the event this article, or any fee or other provision of this article, becomes unlawful or is declared or determined by a judicial or administrative authority exercising its jurisdiction to be excessive, unenforceable, void, or illegal, in whole or in part, then the municipality and all permit holders shall negotiate a new compensation arrangement that is in compliance with the authority's decision.

EXHIBIT B

APPENDIX A FEE SCHEDULE

Article A3.000 Planning and Development

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A3.006 Right-Of-Way Use Fees*

- (a) Administrative Fee: \$250 or five percent (5%) of the actual cost to restore the right-of-way, whichever is greater.
- (b) Surface cuts of any street or public way other than a curb or gutter:
 - (1) Up to 15LF: \$500.00
 - (2) Per additional linear foot above 15LF: \$30.00
- (c) Bore under any street or other public way: \$250.00
- (d) Cut into a curb or gutter: \$500.00

***In addition to the above-specified amount, applicant shall also be responsible for additional fees amounting to the actual costs involving consultation with Village consultants or performance of duties by Village consultants (such as contracted engineers, planners, attorneys, architects, plan reviewers, inspectors, etc.).**