

Bethel Island Municipal Improvement District  
PO Box 244/3085 Stone Road  
Bethel Island, CA 94511  
(925) 684-2210

APPLICATION FOR DISTRICT APPROVAL  
TO OPERATE A MOTOR VEHICLE ON THE DISTRICT'S UP-RAMPS AND LEVEE

Date: \_\_\_\_\_ Applicant's Full Name: \_\_\_\_\_

Applicant's Full Address: \_\_\_\_\_

Applicant's Phone Number(s): \_\_\_\_\_

Property address of driver's destination along the levee: \_\_\_\_\_ Bethel Island, CA 94511

The owner(s) of the above property is/are: \_\_\_\_\_

Vehicle license No: \_\_\_\_\_ Vehicle Make/Model: \_\_\_\_\_

The reason for requesting this approval: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Expiration date requested by Applicant: \_\_\_\_\_

Without special approval, this date may not be for more than  
10 days after the date the approval is granted.

This is an application to the Bethel Island Municipal Improvement District ("BIMID") for a District Approval to operate a motor vehicle on BIMID's up-ramps and the restricted portion of the levee road. Once this application has been approved by BIMID, it becomes a District Approval. If the application is granted, the Applicant shall abide by all of the following terms, conditions and covenants:

(1) Some segments of the restricted portion of the levee road may be open to the public, meaning that anyone can operate a motor vehicle on the road after they have obtained District Approval from BIMID. Other segments of the restricted portion of the levee road may be open for use only by BIMID and the property owners in a particular subdivision, meaning that if you don't own a lot in that subdivision, you can only operate a motor vehicle on the levee road after you have obtained both a District Approval from BIMID and the permission of all of the property owners along your route of travel. Additional segments of the restricted portion of the levee road may be private property, only open to BIMID, meaning that you can only operate a motor vehicle on the levee road after you have obtained both a District Approval from BIMID and the permission of all the property owners along your route of travel.  
Applicant initials \_\_\_\_\_

(2) Applicant expressly acknowledges that: (a) this District Approval grants permission only from BIMID, which might not own fee title to the levee property; (b) this District Approval does not confer nor attempt to confer any right to the Applicant to cross over or upon a privately owned parcel of land belonging to third parties, including privately owned portions of the levee; and (c) obtaining permission to cross over or upon a parcel of land owned by any third parties, including any privately owned portion of the levee, shall be the sole responsibility of the Applicant and not BIMID. BIMID makes no warranty, express or implied, regarding which portions of the levee are open to the public, which portions are only open to subdivision lot owners, and which portions are private property. BIMID maintains a summary of legal documents that effect whether or not various segments of the levee are open to the public, open to subdivision lot owners, or are private property. You are encouraged to consult that list and seek your own legal counsel to interpret the legal affect of those documents. (NOTE: the up-ramp at 4526 Stone Road is not for public use.)  
Applicant initials \_\_\_\_\_

(3) This District Approval is only for the specific vehicle identified above. That vehicle, while on the District's up-ramps and the restricted portion of the levee road, shall only be operated by the Applicant identified above. The vehicle shall have liability insurance in at least the minimum amount required under California law for the operation of a vehicle on a public highway. Proof of insurance shall be provided to BIMID.  
Applicant initials \_\_\_\_\_

(4) The motor vehicle shall not be parked, stopped or operated in such a manner so as to block, obstruct, hinder or interfere with the free passage of other motor vehicles or machinery using the restricted portion of the levee road.  
Applicant initials \_\_\_\_\_

(5) The applicant must IMMEDIATELY re-secure (after passing through) any gate, chain, barricade or similar device if such is encountered while the Applicant is operating the motor vehicle on the restricted portion of the levee road or on an up-ramp.  
Applicant initials \_\_\_\_\_

(6) While on the restricted portion of the levee road or on any up-ramp, no litter or foreign matter shall be discharged.  
Applicant initials \_\_\_\_\_

(7) The motor vehicle shall not be operated on the restricted portion of the levee road when conditions are such that its use would likely cause excessive rutting of the levee crown or render the operation of the motor vehicle unusually dangerous. "Excessive rutting" means a rut groove, or indentation in the soil, caused by a wheel of a motor vehicle, that is deeper than five inches.  
Applicant initials \_\_\_\_\_

(8) If the motor vehicle is stopped on the levee road (such as for loading and unloading) the driver shall remain near the motor vehicle in case it needs to be moved for another vehicle to pass-by (including but not limited to emergency vehicles and BIMID vehicles).  
Applicant initials \_\_\_\_\_

(9) Operating or parking a motor vehicle on the restricted portion of the levee road in violation of any of the regulations contained in subsections (3) through (8) above is an infraction and could result in the issuance of a citation and fine. (Please consult BIMID's ordinances, particularly Ordinance 20, and regulations for an exact description of what constitutes an infraction.)

Applicant initials \_\_\_\_\_

(10) As used in this paragraph, the term "LEVEE LOT OWNERS" shall mean all owners of parcels of land situated on that portion of the levee over which Applicant will at any time traverse using the levee key. Applicant agrees to release, exonerate, hold harmless, indemnify, and defend BIMID and the LEVEE LOT OWNERS with regard to any and all claims, obligations, liabilities, costs, expenses, demands, damages, suits or causes of action, (including reasonable costs and attorney's fees), which may, in any way, arise out of or be related to: (a) Applicant's use of the road on top of the levee, or the access ways to the levee road; and/or (b) any injury to, or damage to, any persons or property occurring at or near the above mentioned road on top of the levee or access ways, resulting from the acts or omissions of Applicant, and/or Applicant's principals, employees, agents, representatives and/or subcontractors; and/or (c) any claim that Applicant is trespassing on private property. The previous sentence shall be interpreted to create an express and unequivocal obligation for Applicant to indemnify and hold harmless BIMID for, among other things, the concurrent negligence of both: (a) BIMID; and (b) Applicant, Applicant's principals, employees, agents, representatives and/or subcontractors. BIMID shall only be responsible for its sole negligence. This paragraph shall operate to exonerate BIMID with regard to both third party claims and claims made by Applicant. The use of the word "indemnify" is intended to include an offensive right, and the use of the word "hold harmless" is intended to include a defensive right. BIMID would not have allowed Applicant to possess a levee key but for the Applicant's agreement to exonerate BIMID pursuant to this paragraph. The LEVEE LOT OWNERS are intended to be third party beneficiaries of the terms of this paragraph.

Applicant initials \_\_\_\_\_

(11) Applicant agrees to observe all of the rules and regulations of BIMID pertaining to the use of a motor vehicle on the levee and acknowledges having received a copy of such rules and regulations. Vehicles should be driven no faster than 5 m.p.h. on the levee.

Applicant initials \_\_\_\_\_

(12) The permission granted in this District Approval is revocable at any time. If revoked, Applicant shall immediately surrender the key and this District Approval to BIMID.

Applicant initials \_\_\_\_\_

(13) This District Approval is non-transferable and cannot be assigned. A copy of this District Approval shall be in the motor vehicle at all times while the motor vehicle is on the restricted portion of the levee road.

Applicant initials \_\_\_\_\_

(14) If Applicant receives a key to the locks on the levee road, Applicant shall return the key to BIMID prior to the expiration of this District Approval. Applicant shall deposit \$100.00 with BIMID as a condition to receiving a key, which will be refunded to the Applicant when the key is returned to BIMID. If the key is not returned in a timely manner to BIMID, Applicant shall reimburse BIMID for all costs to re-key all of the locks on the levee road in excess of the \$100.00 deposit which shall be retained by BIMID. The key shall not be used on any area of the levee road not specified above and shall not be duplicated. Illegal use and/or duplication of the key is punishable under Section 496 of the California Penal Code which states: Any person who, knowingly makes, duplicates, causes to be duplicated, or uses, or attempts to make, duplicate, cause to be duplicated, or use, or has in his possession any key to a building or other area owned, operated, or controlled by the State of California, any state agency, board, or commission, a county, city or any public school or community college district without authorization from the person in charge of such building or area or his designated representative and with the knowledge of the lack of such authorization is guilty of a misdemeanor.

Applicant initials \_\_\_\_\_

I acknowledge having read and I hereby agree to all of the above terms, conditions and covenants. I declare, under penalty of perjury under the laws of the State of California, that all information provided by me on this application is true and correct. Executed at Bethel Island, California, on the date stated at the top of this application.

Applicant's Signature: \_\_\_\_\_

**BIMID PROCESSING (APPROVAL/DENIAL)**

(To be completed by BIMID Staff)

Applicant's Driver's License No: \_\_\_\_\_ \$100.00 deposit rec'd: \_\_\_\_\_

Yes/No

Key Number: \_\_\_\_\_ Proof of insurance photocopied \_\_\_\_\_

Yes/No

On behalf of BIMID, I hereby \_\_\_\_\_ the above application

"approve" or "deny"

Signature of BIMID representative: \_\_\_\_\_

Date approval granted or denied: \_\_\_\_\_ Permit # \_\_\_\_\_

If approved, the Expiration Date is: \_\_\_\_\_

Without special approval, this date may not be more than 10 days after the date the District Approval is granted.

If denied, the reasons for denial are: \_\_\_\_\_  
(Add additional page if necessary)

Original for BIMID file. Copy for Applicant.