

MAINTENANCE AGREEMENT

APPLICATION, PROCEDURES AND REQUIREMENTS



MAINTENANCE AGREEMENT PROCEDURES AND REQUIREMENTS

DEFINITION:

A maintenance agreement allows non-standard material “features” in the public right-of-way to be maintained by permittee.

APPLICATION:

Complete the application and attach any background information that may be needed to support the request.

Submit request to: City of Phoenix
 Street Transportation Department
 Maintenance Agreement
 200 West Washington Street, 5th Floor
 Phoenix, Arizona 85003 – 1611

NOTE – this is **not** an application for construction permit. City of Phoenix, Planning and Development Department issues construction permits which are required for all construction within public right-of-way.

If an agreement is not executed within six (6) months of the application submittal, the request will be null and void. Any renewed interest will require another submittal and will be subject to all associated reviews.

FEE:

There are no application or annual use fees associated with Maintenance Agreements.

INSURANCE REQUIREMENTS:

Features allowed in the right-of-way must be covered by liability insurance.

The certificate shall satisfy the following:

1. Post the certificate with the City of Phoenix and address to:

City of Phoenix
Street Transportation Department
Maintenance Agreement
200 W. Washington Street, 5th Floor
Phoenix, AZ 85003-1611

*Please reference the maintenance agreement number.

A certificate is to be posted with the City each time the policy renews, is replace, dropped, or on the date indicated on the certificate for renewal (Accord Form 25). The applicant is responsible for

maintaining a current policy and submitting the updated policy on an annual basis to the City. Applicant's failure to supply current insurance documentation shall result in the agreement being revoked.

2. Declare the required limits of coverage:
Single family-owned residential use: \$300,000.00
All other uses: \$2,000,000.00
3. Liability insurance is required and the City of Phoenix is to be named as an additional insured on applicant's insurance policy. The applicant will be required to save and hold harmless the City of Phoenix.
4. If features are contracted out to a third party, said party is to list City of Phoenix as additionally insured on Company Insurance policy for this property.

EXHIBIT DRAWING:

Two (2) exhibits drawings are needed:

1. Identify location of the maintenance area within the right-of-way. Provide dimensions of existing right-of-way and areas to be affected by features. Right-of-way lines shall be labeled "RW" or "ROW".
2. Provide a description of the type of material used for the features (features are distinguishing elements within right-of-way area).

Maricopa County Recorder's Office stipulations for recordation:

Prepare two 8 ½" x 11" exhibit drawings for inclusion in the application. One inch margins are required on all borders of the exhibit drawings. Lettering size must be a minimum of eleven (11) point font size. The drawings do not need to be to scale. Exhibits are to show and label right-of-way lines, dimensions to monument lines, property lines and other physical references, such as sidewalks or curbs.

Each exhibit drawing shall include the proposed encroachment, providing dimensional location of the encroachment within right-of-way. Provide a north arrow, preferably with north up or to the right and label street names.

Exhibits will not be accepted with printing or marking that are lighter than the rest of the drawing, have information overlapping, or are "mirrored", have color or shading.

MAINTENANCE AGREEMENT CONDITIONS:

Maintenance agreements are restricted by Zoning Codes, ordinances, policies, traffic regulations, Arizona Statutes, road and utility needs, and in some cases by Federal Regulations and other laws.

This type of agreement contains details to identify locations of features and type of material used. The applicant can expect the following types of conditions:

1. The right-of-way shall be used only according to the purposes and plans as approved by the City.
2. Limitation are set on the extent of the rights to the use of the right-of-way. The agreement does not convey exclusive rights to the right-of-way.
3. Liability insurance will be required.
4. The agreement is subject to all laws, ordinances, codes, and other regulations and cannot be issued in violation of the intent of such laws, ordinances, codes, and regulations.
5. The applicant has no recourse against the City for any loss, costs, expenses, or damages arising out of any of the conditions or provisions of the agreement.
6. Maintenance agreements are non-transferable. Change of ownership will require notification to the City and the new property owner will be responsible for entering into a new agreement. If a new agreement is not recorded, the permittee will be responsible for removing the features at their cost.
7. The agreement is revocable by either the City or the permittee providing thirty (30) days written notice and proof of feature removal (if requested by permittee) must be made prior to revocations.
8. The feature shall be removed within the time limits specified in the agreement upon revocation of the agreement.



This application must be submitted to begin the maintenance agreement process. A completed application must be submitted, together with two exhibit of the area affected by the feature to the Street Transportation Department, 200 West Washington Street (5th floor), Phoenix, Arizona 85003. Allow fifteen business days from the time of submittal to process, failure to submit the proper documentation may delay the procedure.

BUSINESS CONTACT INFORMATION			
Company contact		Title	
Phone		<input type="checkbox"/> Sole proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Other	
Email			
Registered company name			
Registered company address			
City, State			
Zip code			
Billing address (If different from above)			
City, State, Zip			

RESIDENTIAL CONTACT INFORMATION			
Property owner name			
Phone		Email	
Property address			
City, State, Zip			

Address or street name of features location: _____

Description of non-standard material used for feature: _____

Dimensions or square footage for each feature: _____

Full legal description of property address to proposed encroachment: _____

SIGNATURE

DATE