



APPLICATION RIGHT OF WAY LICENSE AGREEMENT

DEVELOPMENT SERVICES

11555 West Civic Center Drive / Marana AZ 85653

(520) 382-2600

INSTRUCTIONS

Review instructions before completing the **Right of Way License Agreement**. Separate applications are required for each license agreement. The instructions guide you through the process for your application **type**.

LICENSE AGREEMENT

COURTESY NOTICE REGARDING PRIVATE IMPROVEMENTS WITHIN THE PUBLIC RIGHT OF WAY

The **Town of Marana Subdivision Street Standards Manual revised May 2013** states in Section 6.10 Landscaping in the Public Right-of-Way Item 1(c) "The installation and maintenance of landscaping in the public right(s)-of-way shall be accomplished by the developer, owner or private association, as agreed to in the approved, recorded covenants, conditions and restrictions. Assurances shall be required, and insurance policies, in a form acceptable to the Town, shall be required for all landscaping constructed in the public right-of-way"; and Item 1(d) "A perpetual License Agreement for new landscaping, irrigation, raised planters, fencing, walls, signs, art, and monuments within the public right(s)-of-way shall be required."

Ordinance 91.21 states "Public Improvements shall not be constructed in any street, alley, drainage way, public easement, any other right-of-way dedicated to the Town of Marana or to the public, nor on Town of Marana property without an appropriate permit having been issued by the Town. Public improvements for the purpose of this code shall include, but are not necessarily limited to, grading, paving, curbs, gutters, drainage facilities, sidewalks, paths, trails, landscaping, irrigation, walls, and berms." A Right-of-Way Use Permit issuance for installation of private improvements within the public rights-of-way is required by Ordinance 91.21. Applicants may be subject to penalties for installations without applicable permits.

INSTRUCTIONS

Review the instructions before completing the **GIS Addressing Application, Right-of-Way Use Permit Application and Right of Way License Agreement Application**. The instructions guide you through the process for your application type. A separate application is needed for each new or amended license agreement. License transfers are no longer permitted. If you are part of a Master HOA, a legally authorized representative of the Master HOA must be present at the presubmittal meeting in order to apply for or amend a License Agreement.

1. Contact GIS Addressing at least two weeks prior to completing your RW Use Permit Application for assignment of an administrative or miscellaneous address for your right-of-way improvements. Provide this GIS administrative or miscellaneous address for the Right of Way Use Permit application and the Right of Way License Applications.
2. Contact Engineering-Right of Way to apply for a RW Use Permit at least two weeks prior to scheduling a license application presubmittal meeting. Right of way license agreement applications are not accepted without an administrative or miscellaneous address, an assigned RW use permit number and verification of payment for Permit Fees.

PRESUBMITTAL MEETING REQUIREMENTS

Applications are accepted at scheduled pre-submittal meetings at the Marana Municipal Complex. If the applicant does not have a completed right of way license agreement application and an assigned Right-of-Way Use Permit number, all supporting documentation and fees at that time, we cannot accept the application. On the completed Application, please have both the legally vested owner and designated representative sign.

Please bring the following documents to the presubmittal meeting:

1. Application Fees **\$1000** per license agreement or amendment.
 - a. If applying for an agricultural or special license agreement, an additional council action fee of **\$250** is required.
2. Copy of assigned RW Use Permit No. _____.
3. Scaled location map of RW improvements.
4. Copies of 11 x 17 plan sets that apply: final plat, development plan, improvement plan, landscape/irrigation plan, and other.
5. Copy of a notarized, executed signature block of the legally vested owner or authorized corporate officer (required) signing the agreement.
6. If required, corporate resolution or other document authorizing a corporate officer to sign the license agreement.
7. For non-Arizona corporate or holding company entities, a copy of recent annual report filing and certificate of good standing.
8. As required, certificate of insurance and copy of additional insured endorsement from the owner meeting Town of Marana minimum insurance standards:
 - \$1 mil/occurrence, \$2 mil/occurrence general aggregate, covering project or location.
 - Town of Marana named as "additional insured" on all general, umbrella and excess coverage, evidenced by disclosure of endorsement or form number in the Description section.
 - Copy of additional insured endorsement with clearly defined encroachment type(s) and area(s) in Description section of the certificate and license agreement reference number LCA _____ (sample certificate and suggested Description language available).
 - Signed and dated insurance certificate and endorsement for 1 yr coverage, renewed annually.

(NOTE: The "Town of Marana" is the sole certificate holder. To facilitate USPS delivery, all certificates must be routed to the attention of requesting Department and Building.)

NOTE: Prior to execution of documents, the Town of Marana reserves the right to request written verification of the signer executing a contract or other conveyance document or request additional supporting documentation for any legal entity. Staff verifies corporate status of all Arizona-based legal entities and we are bound by Arizona Corporation Commission and Secretary of State records.

All documents must be submitted, fully executed for recordation and all fees paid prior to issuance of any permits or commencement of any work in the public right-of-way.



APPLICATION FOR RIGHT-OF-WAY LICENSE AGREEMENT

DEVELOPMENT SERVICES / 11555 West Civic Center Drive
Marana AZ 85653 / (520) 382-2600

SUBMIT ALL THREE PAGES OF THE COMPLETED, OFFICIAL APPLICATION.

NO IMPROVEMENTS MAY BE INSTALLED IN THE PUBLIC RIGHT-OF-WAY UNTIL THE LICENSE AGREEMENT IS APPROVED, FULLY EXECUTED FOR RECORDATION AND ALL FEES ARE PAID.

OWNER/APPLICANT

NAME _____

GIS ADMINISTRATIVE ADDRESS _____

NAME OF THE BENEFITED PROPERTY'S OWNER, IF DIFFERENT FROM THE REPRESENTATIVE _____

DEVELOPMENT OR RELATED SUBDIVISION NAME _____

TOWN-ASSIGNED PROJECT NUMBER & LICENSE AGREEMENT NUMBER _____

APPLICANT IS SUBMITTING THIS APPLICATION FOR

- | | | | | |
|--|---|---|--|---|
| <input type="checkbox"/> A license to encroach upon Marana public right-of-way | Is this application intended for agricultural or extraordinary use? | <input type="checkbox"/> Yes
<input type="checkbox"/> No | Is signage or monumentation intended for this project? | <input type="checkbox"/> Yes
<input type="checkbox"/> No |
|--|---|---|--|---|

THE APPLICANT'S PROPOSED USE OF THE MARANA PUBLIC RIGHT-OF-WAY SOUGHT TO BE LICENSED IS DESCRIBED AS FOLLOWS
[Identify specific improvement types]

DOCUMENT SUBMITTAL CHECKLIST

- Fees Due _____ Location Map(s) _____
- Right-of-way use permit(s) number(s) assigned _____
- Certificate of Insurance and copy Additional Insured Endorsement _____
- Final plat Development plan Landscape & irrigation plan
- Improvement plan Engineering plan Other
- *Vested Owner- Signed & Notarized Signature Block(s) _____
- Non-Arizona Entities only: Annual Report and Certificate of Good Standing



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*** THE TOWN OF MARANA RESERVES THE RIGHT TO REQUEST VERIFICATION OF THE AUTHORIZED SIGNER FOR ANY PROPERTY RIGHT PROCESSED THROUGH THE TOWN. IF ALL FEES, SUPPORTING DOCUMENTATION AND A COMPLETE APPLICATION ARE NOT PROVIDED, THE APPLICATION WILL NOT BE PROCESSED BY STAFF.**

All applications are made subject to the following terms and procedures:

- All applicable processing fees, made payable to the Town of Marana, listed in Town of Marana adopted Fee Schedule, as amended from time to time, must be received prior to processing by the Town as part of the pre-submittal process.
- The Town circulates this request to internal staff, public utility companies and other applicable external parties or agencies for review and comments.
- Comments received from applicable stakeholders may become conditions and/or requirements for approval of this application. Any stakeholder concern and/or requirements shall be addressed by the Applicant.
- Applications are not assumable, assignable or transferable.
- The Applicant is subject to minimum insurance standards set by the Town of Marana and Arizona Insurance Regulations, which may be amended from time to time.
- The undersigned has received, read and understands the timelines, potential costs and conditions and/or requirements associated with a request of this nature.

Initial

Initial

DESIGNATED REPRESENTATIVE

Name

Mailing Address

City

State

Zip Code

Phone

Fax

E-mail Address

Signature of Designated Representative

Date

PROPERTY OWNER OR AUTHORIZED CORPORATE OFFICER

Property Owner or Authorized Corporate Officer

Legal Owner or Authorized Agent Name

Mailing Address

City

State

Zip Code

Phone

Fax

E-mail Address

Signature of Legal Owner or Authorized Agent

Date



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CERTIFICATE OF INSURANCE MINIMUM REQUIREMENTS

It is the applicant's responsibility to provide these requirements to their insurance broker to prepare the proper certificate and required endorsements. Substandard certificates and endorsements will not be accepted.

Commercial General Liability (with bodily injury, property damage): \$1,000,000 per occurrence covering the **Project** or **Location** with minimum \$ 2,000,000 per occurrence for general aggregate

NOTE: Coverage limits may be satisfied with excess or umbrella coverage, only as long as those policies remain in force and the Town of Marana is named as "additional insured," evidenced by endorsement number and endorsement*

*A copy of the "additional insured" endorsement or form must be provided

Workers compensation and employers' liability as required by Arizona Law

Business automobile liability Insurance - \$2,000,000 per occurrence

Additional Insured: "**Town of Marana**" must be named as "additional insured" evidenced by endorsement number **and** a copy of the endorsement on all general liability, excess or umbrella coverage; the Town cannot solely be the certificate holder without being "additional insured"

Description: Should note the License Agreement Reference Number (LCA0000-000), physical location, administrative address, a general description of Right-of-Way encroachment areas and specific types of improvements covered under the license agreement

Signatures: Certificates and endorsements must be signed on their face

Renewal: Licensee shall provide an annual renewal certificate of insurance, a copy of the additional insured endorsement and any other supporting endorsements

Notice: Insured shall provide 48 hours. Written notice for termination or any changes in policy coverage, unless the insurer provides a cancellation notice recipient endorsement

Initial

Initial

