



LA PAZ COUNTY PUBLIC WORKS
PO Box 3580 * 21943 Hillside Drive
Parker, Arizona 85344
Phone: (928) 669-2016 Fax: (928) 669-5408

HIGHWAY ENCROACHMENT PERMIT APPLICATION
(Application for Permission to Use County Highway Right of Way)

The undersigned herewith makes application for a permit to enter in, upon, and use a portion of La Paz County Right-of-Way, the location of which is described as follows:

Name of Encroachment Owner: _____	Name of Applicant <i>(If other than the Encroachment Owner)</i> : _____
Address of Owner: _____	Address of Owner: _____
City: _____	City: _____
State: _____ Zip: _____	State: _____ Zip: _____
Phone: _____	Phone: _____

City/Town: _____

County Road Name: _____

Parcel No. _____

Project Completion Date: _____

Subdivision: _____

Description of the proposed work or activity in the right of way:

For the consideration of the granting of a permit or license for the purpose set forth herein, the Licensee hereby agrees, covenants, and binds said Licensee as follows, to wit:

1. That the Licensee assumes the responsibility and all liability for any injury or damage to said highways, or to any person while using said highway in a lawful manner, caused by or arising out of the exercise of this permit or license.
2. That all work done shall be at the sole cost and expense of the Licensee, and shall be done at such time and in such manner as to be least inconvenient to the traveling public, and as directed by the agent of the Licensor. Work must be finished in the time specified on permit.
3. That when the proposed work is completed, the Licensee shall repair the roadbed and replace the surfacing material thereon and will leave the said road in as good a condition as it is now, so far as the road is affected by the Licensee.
4. If the subject of the permit or license fails to pass final inspection, the Licensee will remove or replace the same within such time as specified by written notice from the Licensor; or if at any time hereafter, any material used by the Licensee in replacing or reconstructing any part of said highway proves defective, the Licensee will replace the same with the kind and quality of material which the Licensor shall specify.
5. That if the title and possession of any property placed upon the right-of-way by the Licensee remains in said Licensee, the Licensee shall and will promptly perform all necessary repair work upon written notice from the

Licenser, and will not permit or allow any condition to exist which would be a hazard or source of danger to the traveling public.

- 6. That if at any time hereafter, the right-of-way, or any portion thereof, occupied and used by the Licensee may be needed or required by the Licenser, any permit or license granted in pursuance of this application, may be revoked by the Licenser and all right thereunder terminated, and upon sufficient notice, the Licensee shall and will remove all property belonging to said Licensee.
- 7. That in the event that the work to be done under the authority of the permit or license necessitates the creation of any hazard or source of danger to any person or vehicle using said highway, said Licensee shall and will provide and maintain at all times during the existence of said hazard, sufficient barriers, danger signals, lanterns, detours, and shall and will take such other measures of precaution as the Licenser shall direct.
- 8. A.R.S. § 28-650 requires any contractor, firm or corporation performing work on roads, streets or highways shall post and maintain at the work site until the work is completed or until such time as the governing body authorizes removal, such warning signs, signals, markers and barricades in compliance with the manual on Uniform Traffic Control Devices.
- 9. That if the work to be undertaken is of such a nature or character that the Licenser deems it necessary that said work be laid out, or inspected by the Licenser, said Licensee will defray any and all expenses incurred by said Licenser, and herein agrees to reimburse the Licenser, and for that purpose will deposit with the Licenser a sum of money in the amount necessary to cover all cost incurred by the Licenser.

**NO WORK SHALL TAKE PLACE INSIDE THE RIGHT OF WAY
WITHOUT AN APPROVED PERMIT ON SITE**

This application is approved with the following directions, requirements, and specifications. Contractor is responsible for repairing all damage to County property (at the Contractor's expense) as a result of the construction. Repairs must be made to County Standards & Specifications. No open trenches are allowed during night hours. Barricades and traffic control must be used at all times. NOTIFICATION MUST BE GIVEN AT LEAST THREE (3) DAYS PRIOR TO START OF CONSTRUCTION.

ALL AFFECTED BY ANY TRENCHING IN THE WORK ZONE MUST BE NOTIFIED FORTY-EIGHT (48) HOURS IN ADVANCE OF THE BEGINNING OF TRENCHING.

Encroachment Owner: *(Print Name and Sign)*

Applicant: *(Print Name and Sign)*

Date:

Date:

**FOR LA PAZ COUNTY PUBLIC WORKS USE
PERMIT TO USE COUNTY HIGHWAY RIGHT-OF-WAY**

A permit and license is hereby issued to the foregoing Licensee for the purpose contained in the application and upon the expressed condition that every agreement and covenant therein contained is faithfully performed, and said work to be performed in accordance with approved plans and specifications, or as stipulated hereinbefore.

La Paz County Encroachment Officer *(Name and Signature)*

Issue Date: _____

Permit No. _____

Permit work to be completed by: _____

WHEN RECORDED MAIL TO:

La Paz County
Board of Supervisors



2006-07785

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Requested By: LA PAZ CO BOARD OF SUPR

SHELLY D BAKER, RECORDER

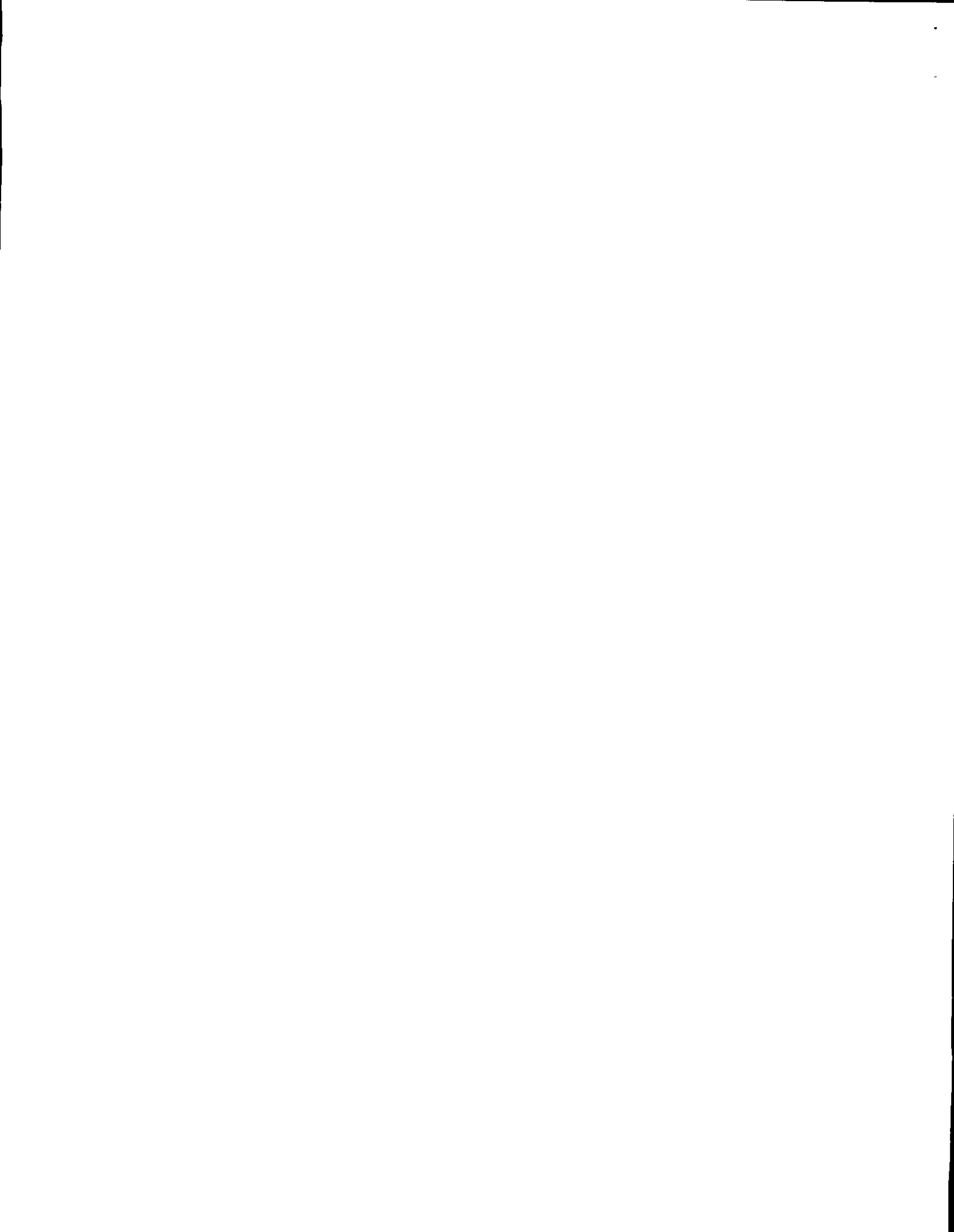
OFFICIAL RECORDS OF LA PAZ COUNTY, AZ

12-19-2006 01:29 PM Recording Fee \$0.00

(THIS SPACE RESERVED FOR RECORDING INFORMATION)

CAPTION HEADING:

Resolution 2006-44



La Paz County Board of Supervisors

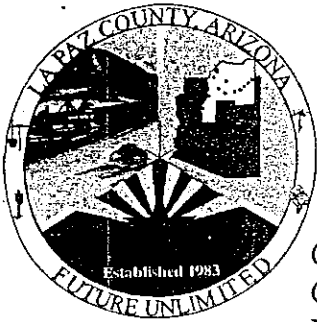
1108 Joshua Avenue

Parker, Arizona 85344

(928) 669-6115

TDD (928) 669-8400

Fax (928) 669-9709



Gene Fisher - District 1
Clifford Edey - District 2
Mary A. Scott - District 3

Donna J. Hale - Clerk of the Board /
Interim County Administrator

RESOLUTION NO. 2006-44

A RESOLUTION RESCINDING RESOLUTION NO. 83-05 AND 2004-26, RELATING TO ENCROACHMENT AND ADOPTION OF THE LA PAZ COUNTY ENCROACHMENT PERMIT SCHEDULE TO PROVIDE FOR ENCROACHMENT PERMITS

WHEREAS, La Paz County previously adopted a encroachment permit resolution upon approval of Resolution 83-05, adopted March 7, 1983; and

WHEREAS, La Paz County has increased fees for encroachment permits upon approval of Resolution 2004-26, adopted December 6, 2004; and

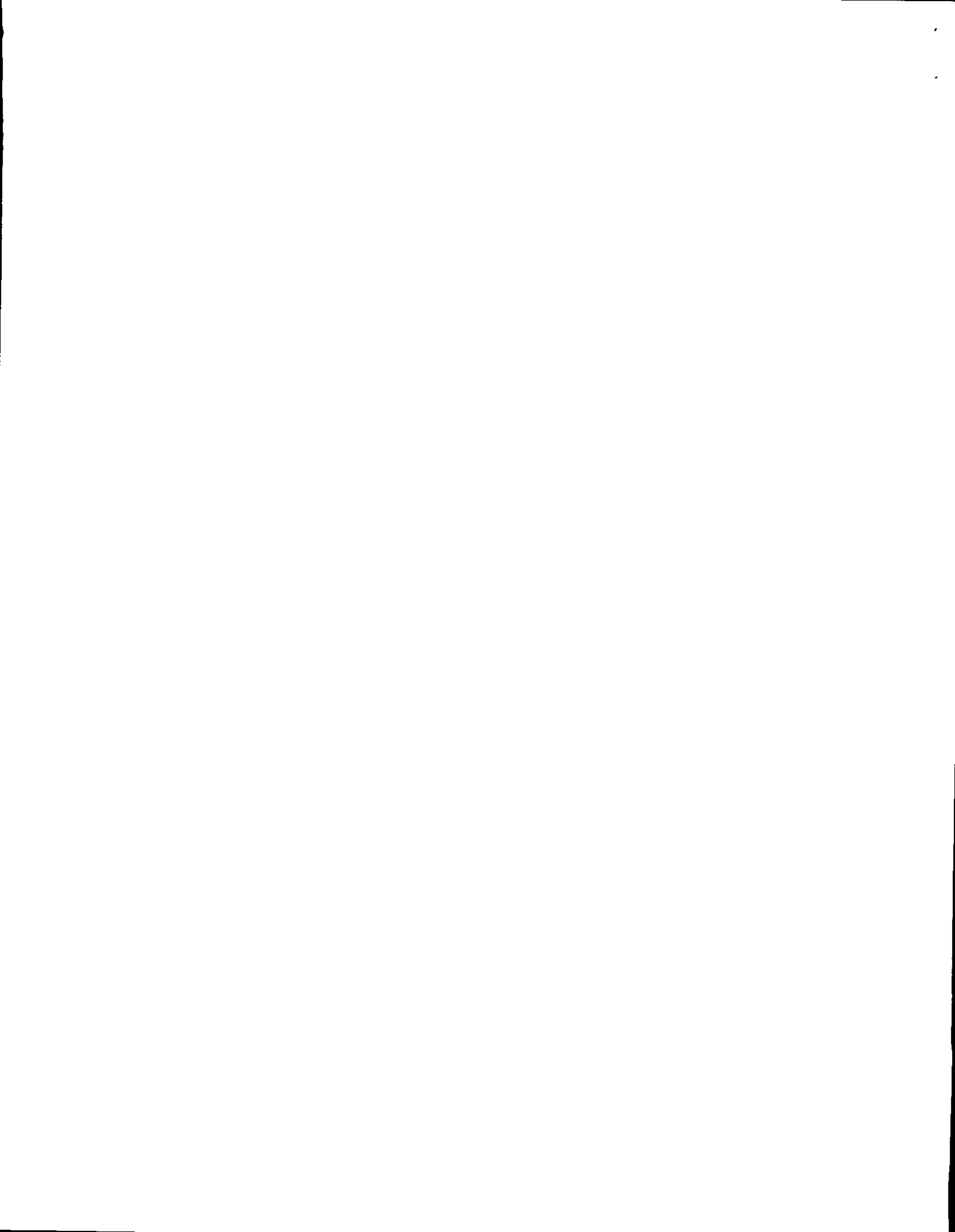
WHEREAS, the Board of Supervisors of La Paz County hereby rescinds the previous Resolutions for encroachment permits, submitting a new resolution and schedule; and

WHEREAS, it is necessary in the public interest that all uses for the right-of-way for public roads, streets, and alleys by individuals, corporations and political subdivisions be regulated and controlled so that said public roads, streets, alleys may be effectively utilized and maintained for their primary purpose as public ways; and

WHEREAS, the laws of the State of Arizona authorize the Board of Supervisors of La Paz County to control and manage said public roads, streets and alleys within La Paz County.

NOW, THEREFORE, BE IT RESOLVED that no person, corporation, association or other political subdivision shall without obtaining a permit therefore, enter upon any public road, street, alley or way or upon the right-of-way of any public road, street, alley or way, not a State Highway, outside the corporate limits of any city or town for the purpose of performing any construction, reconstruction, removal, repair, maintenance or any other work, including but not limited to the following:

1. Pavement, curbs, gutters, driveways, sidewalks;
2. Drainage or flood control facilities;
3. Grading, oiling, graveling or any surfacing of any road, street, alley or way;
4. Water, gas, sewer or other types of pipelines;
5. Irrigation and waste water facilities;
6. Utility lines such as electric, television, telephones, other power service and communication facilities;
7. Structures, signs (whether temporary or permanent);



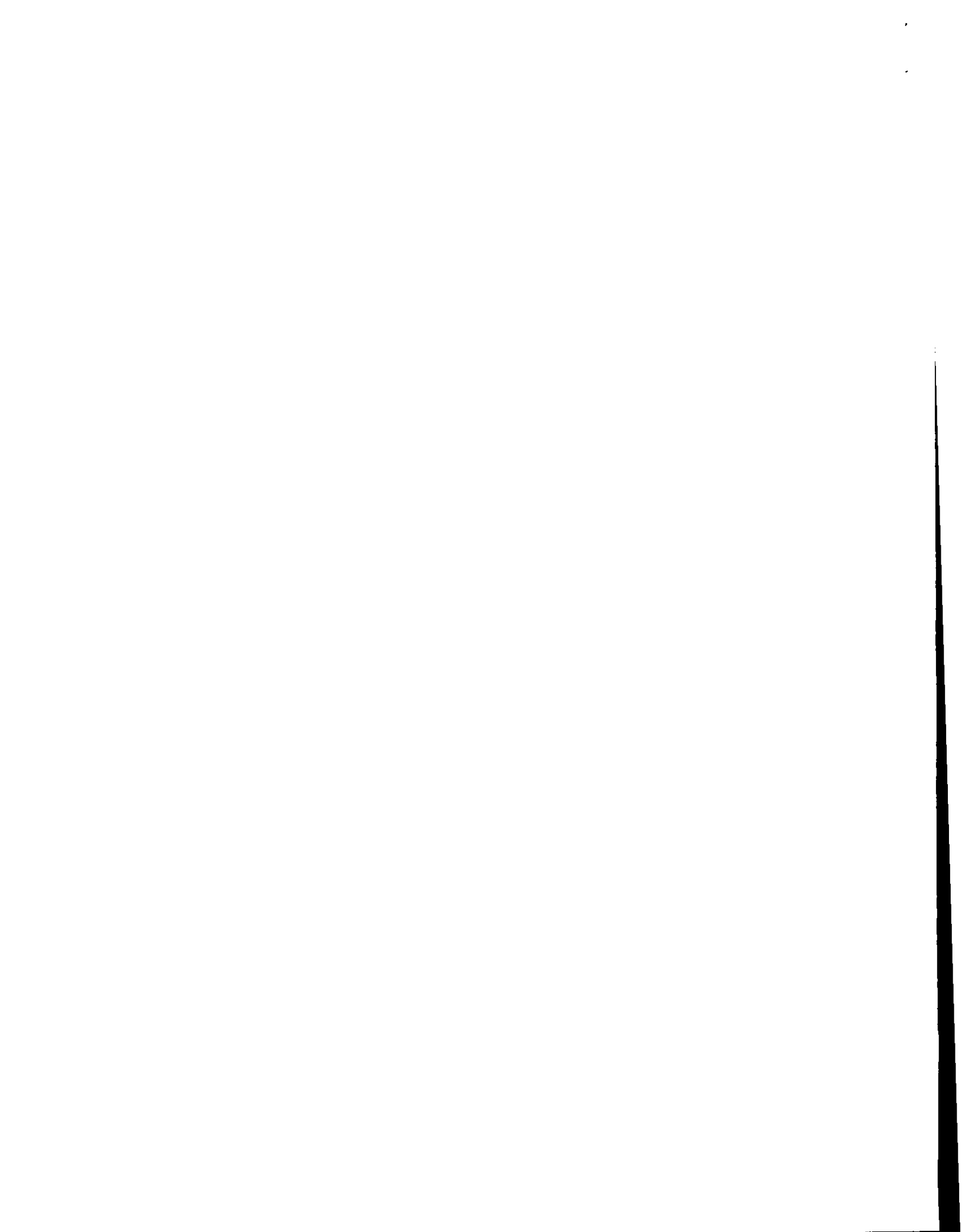
8. Plantings, landscaping, watering and/or drainage systems, and decorative placements;
9. Any of the above which may overhang the public road, street, alley or way.

BE IT FURTHER RESOLVED that the Board of Supervisors of La Paz County hereby authorize the Director of Public Works of La Paz County to issue such permits.

BE IT FURTHER RESOLVED that all applications for such permits shall be in writing on such form as required by the Director of Public Works, unless waived in writing, by the Director of Public Works. The application shall be submitted at least 10 normal working days prior to start of construction and shall be accompanied by a drawing, map, blueprint, diagram, or similar exhibit of a size and in the quantity prescribed by the Director of Public Works, sufficient to clearly illustrate the location, dimension, motive, method and purpose of the proposed work. Applicants for such permits may be either an owner or a contractor; however, the work may be performed only by (1) a licensed contractor, (2) utility company, (3) governmental agency, or (4) resident owner or residential property, where the property owner proposes to do the work. If the improvement to be constructed under the permit is not to become the property of the County of La Paz, and if the applicant is someone other than the owner, the owner shall also sign the permit form indicating that he agrees to the conditions of the permit. Permits shall be issued only to the person, corporation or political subdivision making the application therefore and may not be assigned to another person, corporation or political subdivision by the permittee. If a permittee assigns his permit to another, the permit shall become void. A permit shall be valid for one year from date of issue, unless sooner cancelled. If work is not completed within one year, a new permit must be obtained for such incomplete work. If no work is performed after a permit is obtained, the permittee may apply for cancellation of the permit. If approved, the fee, less processing charge, shall be refunded to the permittee.

BE IT FURTHER RESOLVED that if any work is undertaken prior to securing a permit therefore, the Director of Public Works may require the County road to be restored to its original condition prior to granting a permit, or may charge a reasonable fee not to exceed \$500 in addition to the normal fee schedule for inspection and examination of the work done prior to issuance of a permit. All work shall cease until the Director of Public Works determines whether the public road should be restored to its original condition or grant a permit in accordance with this resolution.

BE IT FURTHER RESOLVED that this resolution shall not prevent any person, corporation or political subdivision from maintaining any pipe or conduit lawfully on or under any public street, or from make excavation as may be necessary for the preservation of life or property when an urgent necessity therefore arises during the hours the offices of the Director of Public Works are closed, except that those making emergency use shall apply for a permit within one (1) calendar day after the offices are again opened.



La Paz County Board of Supervisors
 Resolution No. 2006-44
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BE IT FURTHER RESOLVED that all work done in said public roads, streets, alleys or ways shall be done in accordance with the permit and specifications of La Paz County for such installation. The Director of Public Works may require, in the public interest, such structures as designated by him to properly control traffic, provide access to adjoining property and maintain other facilities in the area.

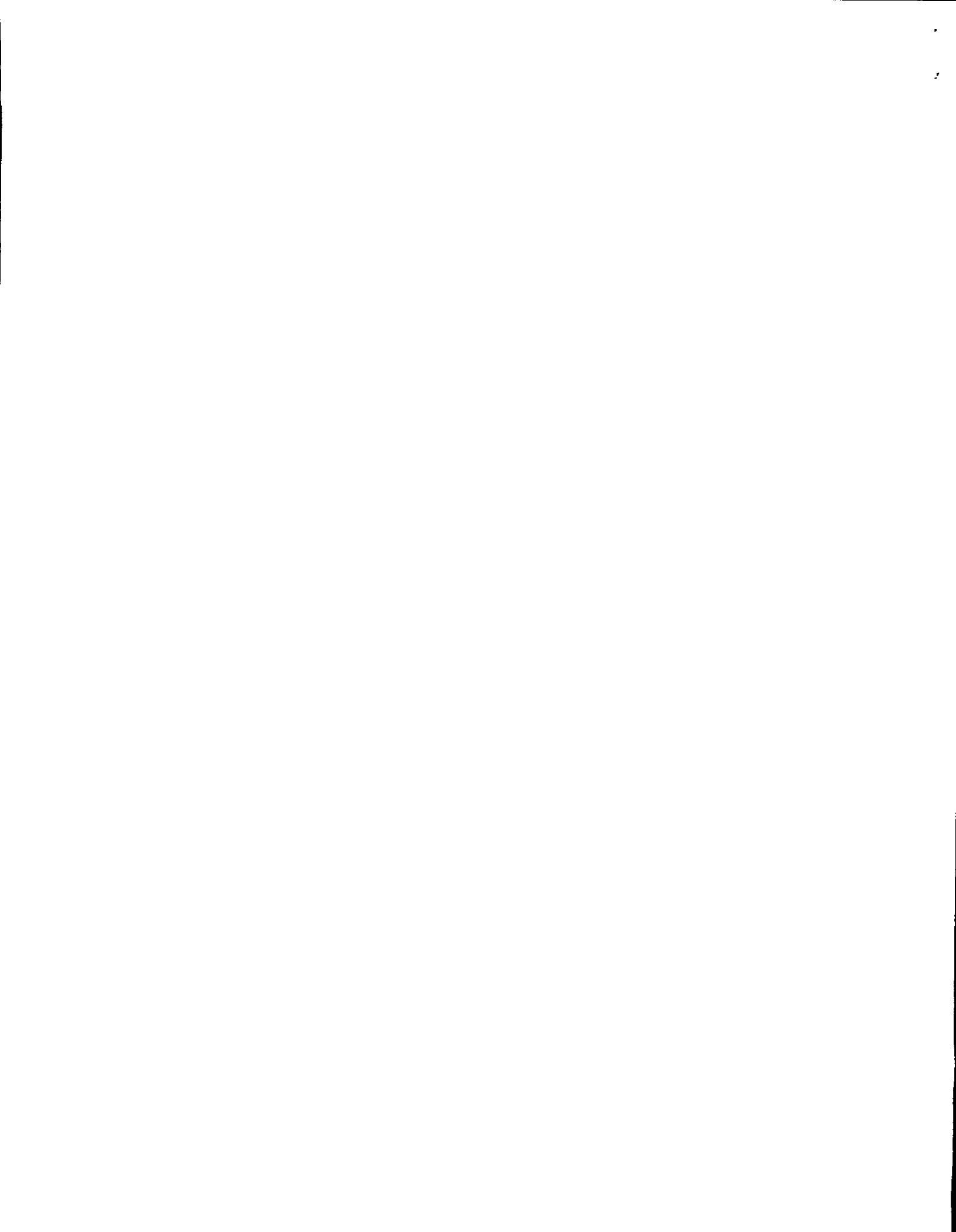
BE IT FURTHER RESOLVED that the Director of Public Works shall furnish to the applicants such engineering and inspection services as will determine if the improvements constructed are in accordance with permits granted and the specifications and details mentioned in this resolution. Any persons or corporation, association, or political subdivision, doing work under any permit as set forth in this resolution shall notify the Director of Public Works at least one (1) full working day in advance of the time and place the work will begin.

BE IT FURTHER RESOLVED that the applicant shall, before any permit shall be issued, deposit with the Director of Public Works a permit fee to cover the County's cost of inspection and clerical services. The schedule of fees set forth herein is established to offset the County's expenses incurred in connection with processing permit applications and inspecting work performed under the permits and the fee shall be computed on the basis of such fee schedules. If the work is not performed after a permit is obtained, the permit shall be cancelled and the portion of the fee relating to inspection costs refunded at the request of the applicant.

BE IT FURTHER RESOLVED that any unauthorized encroachment of a permanent structure may be resolved upon approval by the County Board of Supervisors, by requiring an appraisal to be paid by the property owner, along with payment of market value to the County, plus the filing fee.

APPLICATION FOR PROCESSING CHARGE IS \$5.00 PLUS THE FOLLOWING:

<u>ITEM</u>	<u>UNIT</u>	<u>COST</u>
Base Permit	Each	\$ 25.00
Anchor & down guide	Each	\$ 2.50
Barricade (Permanent)	L.F.	\$ 2.50
Box Culvert, Bridge (surface area)	S.F.	\$.25
Cable or Conduit, Buried	L.F.	\$.10
Catch basin, scupper, drainage structure	Each	\$ 20.00
Concrete curb & gutter	L.F.	\$.20
Concrete slabs	Each	\$ 25.00
Comb. Curb, gutter & sidewalk	L.F.	\$.40
Driveway	Each	\$ 25.00
Fire Hydrant	Each	\$ 15.00
Grading (\$50.00 minimum)	Mile	\$100.00
Headwall	Each	\$ 20.00



Landscaping	L.F.	\$ 1.00
Maintenance or Emergency Repair	Month	\$ 25.00
Manhole	Each	\$ 24.00
Pavement Replacement	S.Y.	\$.25
Pull Box	Each	\$ 5.00
Replacement of Existing Concrete	S.Y.	\$ 5.00
Riprap Channel Lining	S.Y.	\$.50
Sidewalks	S.F.	\$.05
Special Event (excluding traffic control)	Each	\$100.00
Splice Pit	Each	\$ 16.00
Stockpiling Material	Per pile	\$ 10.00
Survey Monument	Each	\$ 3.00
Test Hole (on Dirt Roads)	Each	\$ 5.00
Transformer Pad, Utility Vault	Each	\$ 8.00
Utility Meter	Each	\$ 8.00
Utility/CATV Pedestal	Each	\$ 8.00
Water, Sewer, Gas & Irrigation		
Lines 6" Diameter or Less	L.F.	\$.15
Lines 6" Diameter or More	L.F.	\$.25

After the fact permits

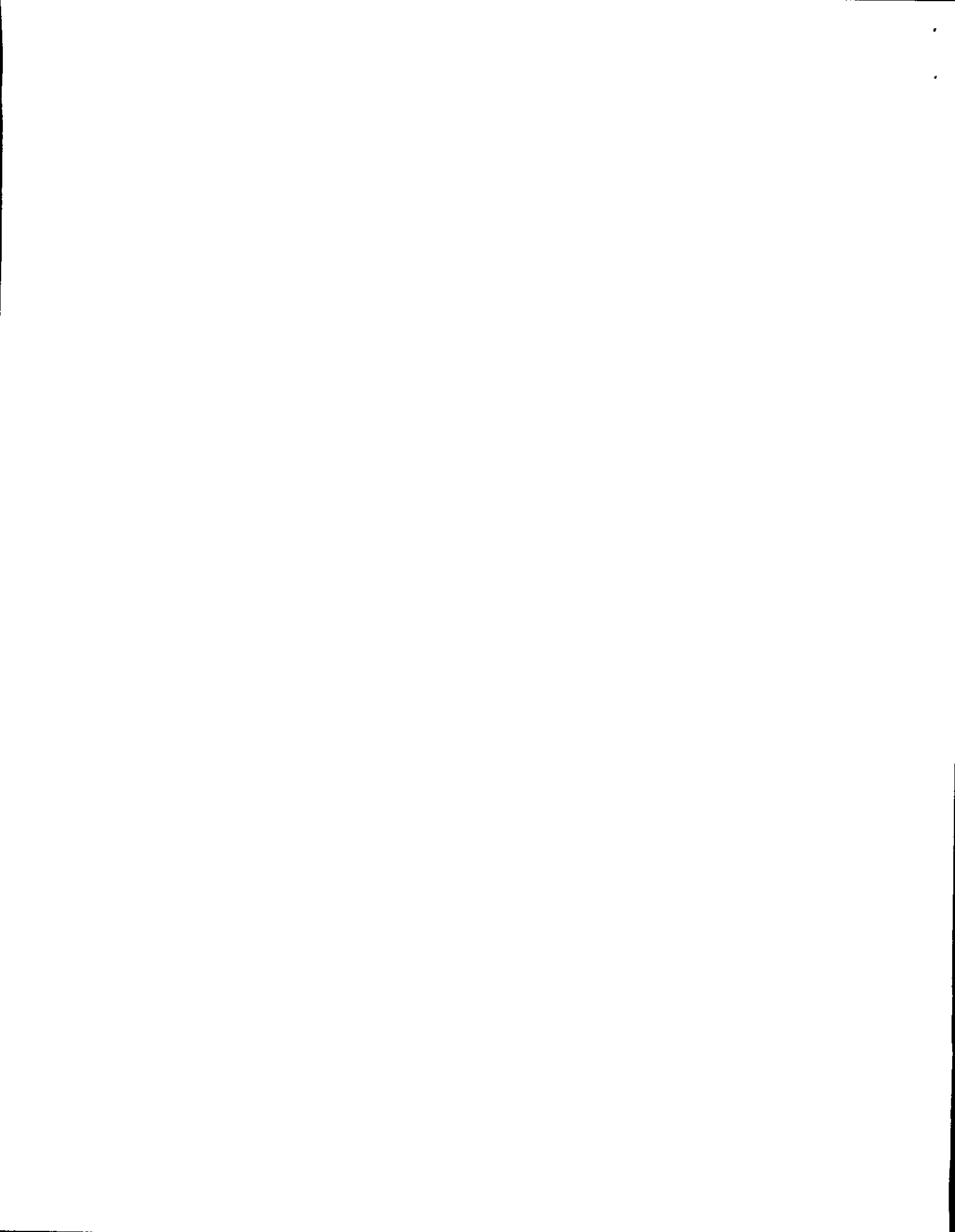
Double Fee

All other permits will be charged 4% of the cost as estimated by the Director of Public Works.

BE IT FURTHER RESOLVED that the Director of Public Works shall require each applicant referred to in this resolution, before granting the permit, to deposit with his office an amount in cash or a performance bond of a sum equal to one-half of the amount of the cost of work proposed in the application, as determined by the Director of Public Works, as guarantee that the work will be completed in accordance with the permit and the County's details and specifications. He shall give the applicant his receipt for such a deposit. Work bonded to La Paz County under the provisions of the Subdivision Regulations is not required to be bonded under the provisions of this paragraph.

The bond shall be joint and several in form, if there are multiple applicants, and made payable to La Paz County. The bond shall be signed by the applicant or the property owner shall sign the bond if he is not the applicant, and a qualified surety company authorized to transact business in the State of Arizona. The condition shall be that the applicant will faithfully complete the work described in the application in accordance with the plans, specifications and conditions thereof.

The bond shall be released upon satisfactory completion and acceptance of the work, or may be cancelled after the applicant has provided other security satisfactory to the County, which will cover obligations that remain.



No deposit shall be less than Ten Dollars (\$10.00) on work done under this article.

In instances where an applicant is issued numerous small permits throughout the year, he may post a continuing bond to cover work under more than one permit; however, this continuing bond provision is not intended for use on new subdivision type work. The continuing bond shall be of value sufficient to cover all work under construction by the permittee at any time and shall be satisfactory to the Department of Public Works.

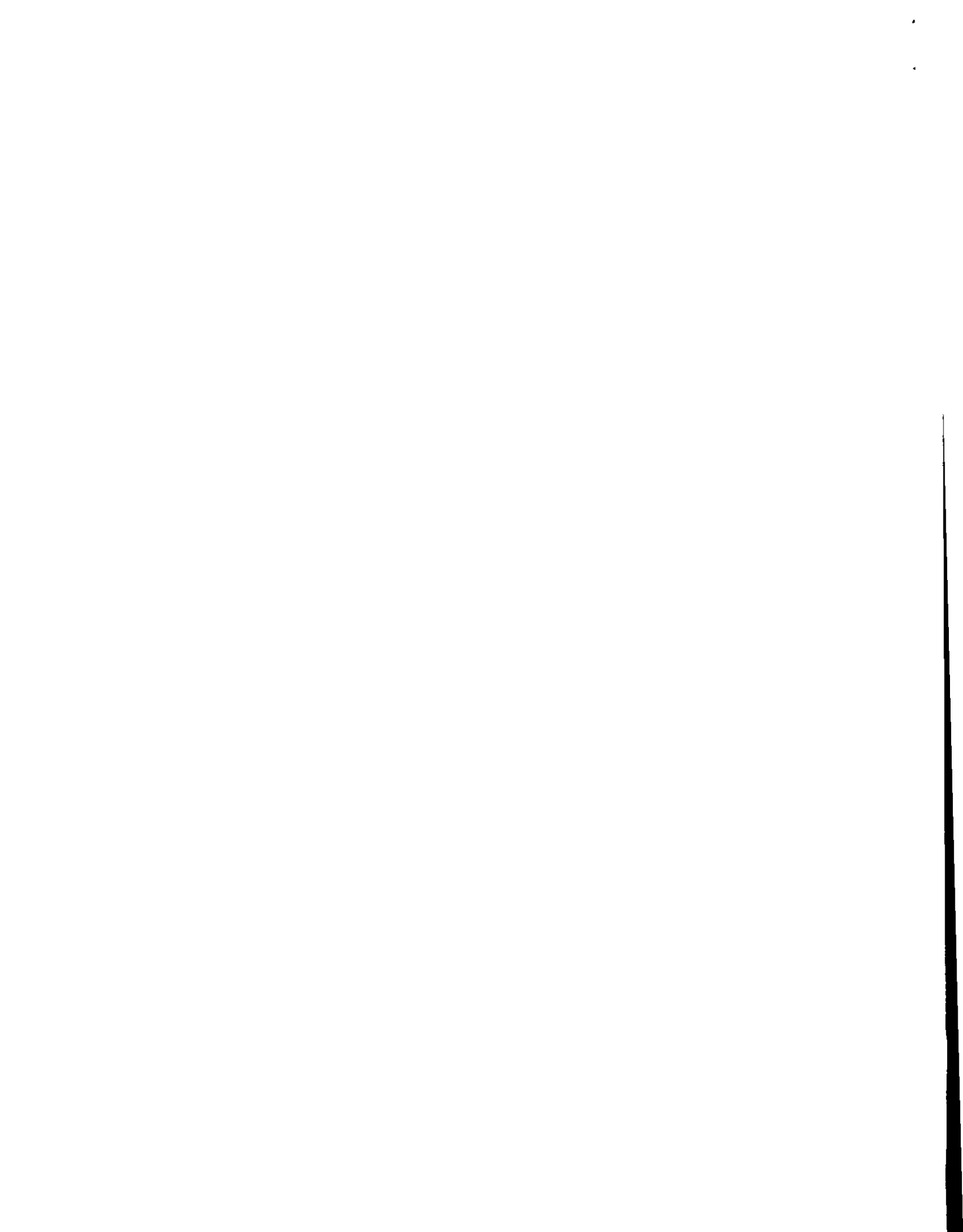
The bond is subject to cancellation as noted above, or may be terminated after all obligations are fulfilled which were "permitted" prior to the Director of Public Works receiving cancellation notice from Surety. Surety shall not cancel, change or amend any bond without (10) ten days prior written notice having been served on the Director of Public Works.

BE IT FURTHER RESOLVED that in addition to any liability imposed upon the permittee by law, the permittee shall indemnify and agree to save harmless the County and its elected or appointed officers, agents, boards, commissions, employees and representatives against and from any cost, expense, claim, demand or liability, arising out of, or in connection with any negligent act of omission by the permittee, his agents and employees, in the course of the performance of the work under permit which results directly or indirectly in the injury to or death of any person or persons or the damage of any property of any person or persons.

The permittee shall take out and maintain during the life of the permit, Workmen's Compensation Insurance for all his employees, employed at the site of the project, and in the case any work is sublet, the permittee shall require the subcontractor similarly to provide Workmen's Compensation Insurance for all of the latter's employees unless such employees are covered by protection afforded by the permittee. In case any class of employee who is engaged in hazardous work under this contract at the site of the project is not protected by Workmen's Compensation Statute, the permittee shall provide and shall cause each subcontractor to provide protection equal to that required by law for protection of his employees not otherwise protected.

Except as hereafter provided, any applicant for a permit shall, prior to issuance of such permit, procure and deliver to the Director of Public Works a certificate of insurance covering Public Liability and Property Damage issued by an insurance company authorized by the Insurance Department of Arizona to transact business in the State of Arizona, as shall protect the applicant or contractor and any subcontractor performing any work covered by the permit from claims for damage, for personal injury, including death as well as from claims for property damages which may arise from the operations under this permit, or by anyone directly or indirectly employed by any of the foregoing. Such certificate shall contain coverage for explosions, collapse, and underground operations.

The certificate may be placed on file for each individual permit, or a blanket certificate may be filed for an extended period of time.



The policy limits of such liability insurance shall contain not less than the following limits of coverage:

- Three hundred thousand (\$300,000) for death or bodily injury, or loss sustained by any one person per occurrence;
- Seven hundred fifty thousand (\$750,000) for death or bodily injury or loss sustained by more than one person per occurrence;
- Two hundred thousand (\$200,000) for loss sustained by damage or loss of property occasioned per occurrence.

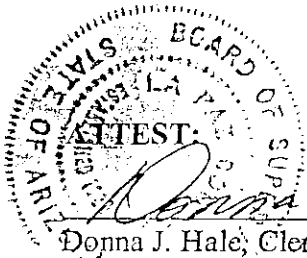
This insurance policy shall not be cancelled or changed until (10) ten days written notice of cancellation or change has been served on the Director of Public Works.

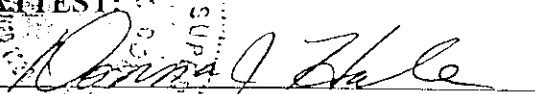
The permittee shall maintain said insurance in full force and effect until all work is complete and the permit has been released.

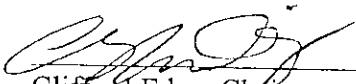
No evidence of liability insurance or surety bond shall be required as a condition precedent to the issuance of a permit to: (1) a resident owner of a residential property where he proposes to perform construction in front of his own property; (2) a federal, state, county or municipal agency or political subdivision; or (3) any public service corporation with a net worth of more than \$1,000,000 as reflected by its most current balance sheet.

BE IT FURTHER RESOLVED that the effective date of the provisions of this resolution shall be January 17, 2007.

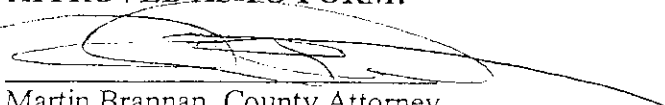
PASSED, APPROVED AND ADOPTED by the La Paz County Board of Supervisors this 4th day of December, 2006.




Donna J. Hale, Clerk of the Board


Clifford Edey, Chairman

APPROVED AS TO FORM:


Martin Brannan, County Attorney

