May 24th, 2023

Re: Implementation of Existing Requirement for Right of Way Permit for Sidewalk Construction

Dear Developers/Home Builders:

Effective July 1, 2023, the Town of Sahuarita Department of Public Works will begin implementing an existing requirement per the Sahuarita Town Code Title 10, Chapter 10.40. As per this requirement, builders are mandated to obtain a Right of Way Permit for the construction of sidewalks at each new lot.

To comply with this long-standing regulation, it is necessary for builders and developers to obtain a Right of Way Permit from the Department of Public Works before commencing any sidewalk construction activities. The fee structure for the permit is as follows:

- Base Fee: $200
- Inspection Fee: $75 per hour (based on actual inspection time) We estimate that each lot will require a total of two hours for inspection which will take place over two visits.

These fees have been established in accordance with the Sahuarita Town Code Title 3, Chapter 3.10, Section 3.10.090, and cover the cost of inspections to ensure compliance with town regulations during the construction process.

Please be advised that the Department of Public Works will strictly enforce this requirement starting from July 1, 2023. Failure to obtain the necessary Right of Way Permit may result in penalties and project delays.

We kindly request you to review the relevant sections of the Town Code regarding the Right of Way Permit and ensure compliance with this existing regulation. Should you have any questions or require further information, please contact the Department of Public Works at pwpermits@sahuaritaaz.gov .

Thank you for your cooperation in this matter. Together, let's continue enhancing the safety and infrastructure of our community.

Sincerely,

Carlos Suarez
Construction & GIS Manager

Public Works Department
375 W Sahuarita Center Way
Sahuarita, AZ 85629
(520) 344-7100
pwpermits@sahuaritaaz.gov

RIGHT-OF-WAY USE APPLICATION

PROJECT INFORMATION

Date of Application:	**Project Start Date:**	**Project End Date:**
Project Name:		
Project Address/Location:		
Describe nature of work such as: trenching, boring in the asphalt and sidewalk area, traffic control setup, etc.		
Requesting for open cut per Town Code 10.40.010.B ☐ **YES** ☐ **NO**		
AzBlueStake Number:		

APPLICANT INFORMATION

Applicant:	**Contact Name:**		
Address:	City:	State:	Zip:
Email:	Phone No.:		
Contractor Firm:	Contact Name:		
Address:	City:	State:	Zip:
Email:	Phone No.:		
Town of Sahuarita License Number:	**Registrar of Contractor License Number:**		

OWNER/APPLICANT AUTHORIZATION

I, the undersigned, certify that all of the facts set forth in this application are true and correct to the best of my knowledge and that I am either the owner of the property or that I have been authorized in writing* by the owner to file this application. Applicant is responsible for all work activity.

***Attach construction cost estimate signed by property owner.**

Applicant Name (PRINT)	Signature	Date

FOR OFFICIAL USE ONLY

Approved by Town of Sahuarita

By: **Date:**

PERMIT NUMBER:	**EXPIRATION DATE:**

FEE SCHEDULE

Base Fee: $200	$ 200.00
Inspection Fee: Construction Cost x 2.5% **OR** Minimum of $75 x ____ hours.	
Traffic Control Plan check fee: $10 per sheet. Indicate number of pages _____.	
Haul Route: $150	
ROW Access Fee: $150	
Wireless Communication Facility Plan Review: $200	
Violation Fee: $1,500.00 plus Double Permit Fee	
TOTAL:	
PAYING WITH APA ACCOUNT #: _____	

GENERAL INSTRUCTIONS

1. Along with the completed ROW Permit Application, applicant shall provide a site location map, cost estimate, traffic control plans (as necessary) and applicable checklist items.

2. Cost of construction includes the cost of work in the public right-of-way (excluding cost of cable, pipe and other items which may be functional for the utility) including but not limited to all trenching, imported backfill material, placing and compacting backfill, concrete and pavement replacements.

AGREEMENT

Permission is hereby granted to the above named Applicant for use of the Town Right-of-Way as herein described on this permit and all attachments, pursuant to the requirements of the Town of Sahuarita, Ordinance No. 1997-09 and Resolution No. 1997-19, or current revisions thereto. Requirements identified in the Right-of-Way General Notes shall be adhered to. The holder of this permit must ensure that all excavations, construction and/or other operations or improvements performed within the Town shall conform to the provisions of Town requirements pertaining to the type of activities herein included. Adequate barricades with warning lights, protection and delineation for dark hours must be provided at all times around or adjacent to all excavations or hazards. Roadways, paved shoulders, pathways and sidewalks must be kept clear of all dirt and construction debris. Applicantshall give written notice to any affected parties for any construction activities that require restricting access to commercial or residential driveways.

The Applicant/Contractor shall give notice to the Town Public Works Department a minimum of 48 hours prior to the start and/or change of condition of any construction activities. Public Works Office: 520-344-7100.

The Applicant and/or Contractor, upon orders from the Town of Sahuarita, shall perform necessary maintenance and assume all responsibility for the right-of-way repair described herein. The Applicant shall save the Town of Sahuarita harmless from any and all claims brought against the Town resulting from or involving the work herein described during the period between the date of starting this work and final acceptance by the Town of Sahuarita. The right-of-way shall be repaired to original or better condition at completion.

ROW GENERAL NOTES

A. The applicant shall notify the town engineer of the proposed start date of the work and shall schedule and complete a pre-construction meeting with the town's right-of-way inspector at least two full work days before starting work.

B. Unless otherwise expressly approved in writing by the town engineer, all work shall conform to the following:

1. The latest edition of the Pima association of governments (PAG) standard specifications and details for public improvements. 2015 PAG Standard Specifications and Details, 2015 PAG Standard details and 2009 MUTCD edition, or current editions.
2. Other specifications, details or regulations approved by the town engineer or adopted by the town, including all conditions listed in the permit.
3. All requirements of this chapter.

C. The applicant shall be responsible for verifying the location of all underground utilities in accordance with the "blue stake" provisions of state law, A.R.S. § 40-360.21 et seq., prior to the commencement of any excavation and shall protect any utilities from damage. All town property shall be returned substantially to its original condition. The applicant shall be held responsible for any damage to, and for maintenance and protection of, existing utilities and structures.

D. Unless otherwise stipulated to in the permit, all pavement resurfacing after excavation shall be completed by the applicant. During construction, the site must be secured in a manner acceptable to the town whenever work is discontinued and construction staff is not on site. Permanent pavement repairs shall be completed within 30 working days after backfilling the trench.

E. If the applicant fails to secure the site, or if the permanent pavement repair is not performed within 30 working days after backfilling the trench and an extension has not been granted by the town engineer, the town engineer may select a contractor to perform all necessary work at the applicant's expense.

F. The applicant shall be responsible for restoration of all permanent traffic-control devices including, but not limited to, all pavement markings, signs and signals. The restoration of traffic-control devices may be accomplished by the applicant or, at the request of the applicant, by the town. In either case, the restoration shall be completed at the applicant's expense. All traffic control devices shall be approved by the town engineer prior to installation.

G. The applicant shall not allow any condition to exist during the project which would be a hazard or source of danger to the traveling public. If the work presents or becomes a hazard or source of danger to the traveling public, the town may take immediate corrective action and bill the applicant for the full cost incurred for the corrective action.

H. Completed excavation, backfill, and pavement repair shall be guaranteed free of defect by the applicant for a period of two years after closeout of permit or approval by the council, whichever occurs later.

I. The town engineer shall be notified by the applicant before backfilling and upon completion of the work. The applicant shall not proceed with pavement replacement until the backfill has been approved.

J. If the applicant does not repair the road and right-of-way to the specifications of the town engineer, the town shall notify the applicant of any deficiencies and the applicant shall have 20 working days to repair the deficiencies to the specifications of the town engineer. By acceptance of a permit, the applicant agrees to be responsible for all costs of the repair, if any. If a lawsuit is filed, the applicant, by acceptance of a permit, agrees to be responsible for all costs of collection including, but not limited to, court costs and attorneys' fees.

K. The applicant shall adequately barricade its work in accordance with the latest edition of the federal highway safety administration's manual on uniform traffic control devices and shall install sufficient warning lights and signs to protect the public. Not more than one direction of travel may be blocked at any one time, unless specifically allowed due to extenuating circumstances. The applicant shall submit a traffic control plan to the town engineer and obtain approval before closing or barricading any street or public right-of-way. All traffic control devices shall be delivered and in place in conformance with the approved traffic control plan prior to the contractor being allowed to begin the work, or to begin a new element of work requiring changes to the existing traffic control configuration.

L. If the applicant performs work not authorized by the permit or un-der the provisions for emergency repairs, the town shall notify the applicant of the unauthorized work. The notification from the town will indicate whether the town requires removal of the work. If the town requires removal of the work, the applicant shall be responsible for the removal within 15 working days of the notification. If the applicant does not remove the unauthorized work, the town may have the work removed by a competent contractor at the applicant's expense.

M. Where work is performed in a drainage way, drainage easement or designated floodplain area, the applicant shall not at any time obstruct or diminish in any manner the ability of the drainage way, drainage easement or designated floodplain area to convey or pass storm water. Prior to any work within a drainage way, drainage easement or designated floodplain area, the applicant shall obtain written authorizations from the town engineer and a floodplain use permit as required by title 21 of the land development code.

CONDITIONS:

Public Works Department
375 W. Sahuarita Center Way
Sahuarita, AZ 85629
pwpermits@sahuaritaaz.gov
520-344-7100

RIGHT-OF-WAY PERMIT CHECKLIST

REQUIRED ITEMS
Completed Right-of-Way Permit Application
One (1) set of approved plans in PDF format for roadway construction or new utility install. An aerial image indicating job site location.
Original Construction Cost Estimate in PDF and Excel formats
Traffic Control Plan(s) in PDF format (If applicable)
Arizona Registrar of Contractors License Number
Town Business License Number