



# POLK COUNTY

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PUBLIC WORKS

## PERMIT TO ESTABLISH A PRIVATE MAINTENANCE AREA

TO POLK COUNTY PUBLIC WORKS DEPARTMENT:

The undersigned, being the owner(s) or lessee(s) of the below described property, hereinafter called Permittee, requests that Polk County Public Works Department use no vegetation control measures on the property or County Road property adjacent to the property (see site information below) and agrees to the conditions herein:

Permittee is: (check all that apply) ☐ Landowner ☐ Lessee ☐ Other \_\_\_\_\_

Permittee Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Message Number: \_\_\_\_\_

Site Address(s): \_\_\_\_\_

Tax Lot(s): \_\_\_\_\_

Description: \_\_\_\_\_

*\* Please describe the roads and areas that you would like to maintain with this Private Maintenance Agreement.*

Total Lineal Footage of Roadside Proposed for Private Maintenance: \_\_\_\_\_

**\*Note: A map of the subject property, identifying areas requested must be attached.**

1. Describe the reason for requesting this Private Maintenance Agreement.

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

2. Describe how (equipment, chemicals, etc.) you intend to meet vegetation control levels in each zone.

Zone A: \_\_\_\_\_

Zone B: \_\_\_\_\_

Zone C: \_\_\_\_\_

In consideration of the permit from Polk County Public Works pursuant to this request, the undersigned agrees to the following:

1. The area will be posted with signs (by County) at both ends that state "PM" (Private Maintenance Area). The sign at the start of the area will be red and the sign at the end of the area will be green. At all times these signs will extend a minimum of 36" above existing foliage, fully visible to County maintenance personnel, and will be maintained by permittee.
2. The area will be maintained at permittee's expense to control levels equivalent to the County program in the area. The control level and responsibility is described in Private Maintenance Vegetation Control Level (attached). Permittee is responsible for control of excess vegetation in Zones A, B and C from the ground up to 8 feet in height. Polk County Public Works will continue to provide brushing and/or limbing above the 8-foot level.

3. If the control level is not maintained as described in the Private Maintenance Vegetation Control Level, Polk County Public Works Department may undertake control measures as it deems necessary up to and including removal of signs, effectively canceling the agreement.
4. The fee will depend on various factors, including total length and number of signs required. The fee will be calculated at the time application is submitted.
5. All work should be done so as not to encroach on the roadway. If encroachment is necessary, the work area shall be signed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) for construction zones.
6. **This permit is renewed biannually in January of even numbered years.** A renewal letter will be sent to permittee when term is expiring. Either party may terminate this agreement upon written notification to the other party at any time within the two (2) year period. There is no permit renewal cost for permittee who complied with the terms of the previous permit. Polk County reserves the right to modify this agreement, upon written notification, at any time.
7. Polk County retains ultimate authority for the Right-of-Way, and, therefore, permittee shall hold harmless, release and indemnify Polk County, its officials, agents and employees against any claimed damage to vegetation and/or property within the Right-of-Way, whether caused by Polk County or a third party.

PERMITTEE SHALL BE RESPONSIBLE AND LIABLE FOR ALL DAMAGE OR INJURY TO ANY PERSONS OR PROPERTY CAUSED BY PERMITTEE OR ANY THIRD PARTY WHILE WORKING ON COUNTY RIGHTS-OF-WAY OR WITHIN THE PRIVATE MAINTENANCE AREA FOR THE PRIVATE MAINTENANCE AREA PROGRAM. PERMITTEE SHALL ASSUME ALL RISKS AND HOLD HARMLESS AND RELEASE POLK COUNTY, ITS EMPLOYEES, AGENTS, AND OFFICERS AGAINST ANY AND ALL DAMAGES, CLAIMS, DEMANDS, ACTIONS, CAUSES OF ACTION, COSTS AND EXPENSES OF ANY NATURE WHICH PERMITTEE MAY HAVE OR ANY THIRD PARTY MAY HAVE BECAUSE OF ANY MATTER OR THING DONE, OMITTED OR SUFFERED TO BE DONE BY REASON OF ACTS, CONDUCT, OR OPERATIONS OF PERMITTEE, PERMITTEE'S FAMILY, AND PERMITTEE'S AGENTS OR EMPLOYEES IN CONNECTION WITH THE MAINTENANCE OF VEGETATION IN THE PRIVATE MAINTENANCE AREA. PERMITTEE SIGNS THIS RELEASE FOR HIM/HERSELF AND HIS/HER FAMILY, AGENTS OR EMPLOYEES.

\_\_\_\_\_  
PERMITTEE SIGNATURE

\_\_\_\_\_  
COUNTY REPRESENTATIVE SIGNATURE

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

By my signature below, I am agreeing that the above named Permittee is authorized to provide Vegetation Management within the Public Right of Way on my property in accordance with the requirements of this Agreement. I further agree to indemnify and hold harmless Polk County, its employees, agents and contractors from any and all damages that may occur as a result of this authorization.

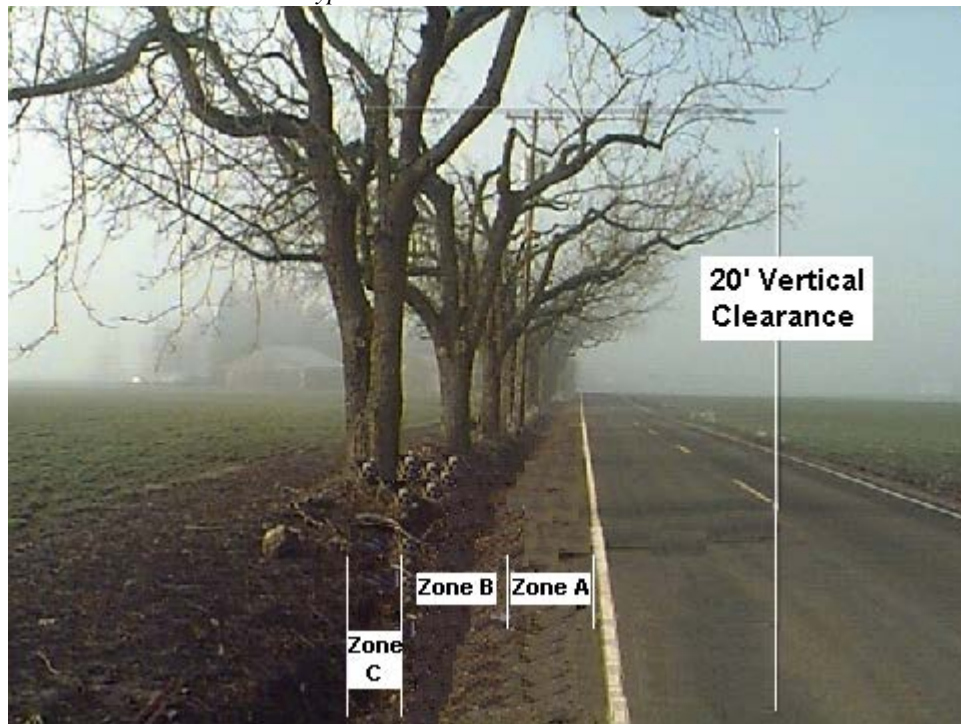
**Additional Landowner/Lessee Signatures:**

Name	Signature	Tax Lot

FOR OFFICE USE ONLY	
Fee Processing	
<input type="checkbox"/> Renewal	No Fee
<input type="checkbox"/> New Account	\$
<input type="checkbox"/> Processed By:	

## PRIVATE MAINTENANCE VEGETATION CONTROL LEVEL

*Typical cross section - Not to scale*



### **Zone A (Shoulder)**

This zone extends from the edge of the roadway to the front slope of the ditch, or 3 feet from edge of roadway where no ditch exists.

- ◆ Property Owner:  
Herbicide Spray Annually (Spring) – Maintain Vegetation Free Area  
Remove Brush and Limb to 8 feet above pavement (minimum)
- ◆ County:  
Limb to 20 feet above road surface (minimum or more as needed)

### **Zone B (Ditch) \***

This zone extends from Zone A to the top of the ditch back-slope, or 6 feet from the edge of roadway where no ditch exists.

- ◆ Property Owner:  
Herbicide Spray or mow  
Remove all trees and brush within this zone
- ◆ County:  
Clean and or excavate ditches  
Limb to 20 feet above road surface (minimum or more as needed)

### **Zone C (Behind Ditch – to edge of Right of Way) \***

This zone extends from Zone B to the right-of-way line.

- ◆ Property Owner:  
Herbicide Spray as needed (See Note 1 below)  
Brush or mow as needed (See Note 1 below)
- ◆ County:  
Limb to 20 feet (minimum) vertical clearance as needed (to the back of zone “C”)  
Remove brush to maintain adequate sight distance or as otherwise determined necessary by the County Road Supervisor

**\*Note:** Property owners with Private Maintenance Agreements may have vegetation in Zone B and C as long as it does not interfere with the functionality of the ditch line, impede sight distance, or create a safety hazard as determined by Public Works.