

RETURN TO:

ARIZONA STATE LAND DEPARTMENT
PUBLIC COUNTER
1616 WEST ADAMS
PHOENIX, ARIZONA 85007

SUBMIT NON-REFUNDABLE FILING FEE:

New/Renewal: \$500
Amend: \$100

DEPARTMENTAL USE ONLY			ROLODEX # _____	
ACCOUNTING	T&C		RECOMMENDATION/INITIAL	DATE
Filing Fee:			Approve _____	_____
New/Renewal: \$500		Exam: _____	Deny _____	_____
		Exam #: _____	Reject _____	_____
Amend: \$100		Int Title: _____	Withdraw _____	_____
N(34) R(35) A(23)		App Entry: _____		

APPLICATION FOR RIGHT OF WAY

Type or print in ink.

APPLICATION NO. _____ - _____

Complete ALL questions, SIGN and SUBMIT application with appropriate NON-REFUNDABLE FILING FEE.

1. APPLICANT:

2. TYPE OF APPLICATION:

Name

_____ **NEW**

_____ **RENEW**

Mailing Address

_____ **AMEND**

Reason for amendment:

City State Zip

Contact Person Phone No.

Email Address for Contact Person

3. REQUEST FOR RIGHT OF WAY: Applicant hereby makes Right of Way application under A.R.S. § 37-461, for the purpose of _____ over and across the lands hereinafter described for a term of _____ years, in accordance with the laws of the State of Arizona and the rules of the State Land Department.

4. LEGAL DESCRIPTION: (Complete below and attach metes and bounds legal description, maps, surveys & plans)

<u>TWN.</u>	<u>RNG.</u>	<u>SEC.</u>	<u>LEGAL DESCRIPTION</u>	<u>ACRES</u>	<u>COUNTY</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

<u>SLD USE ONLY</u>		
<u>CTY</u>	<u>GRT</u>	<u>PARCEL</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. CONSTRUCTION SCHEDULE:

- a. If construction is required, when is the proposed construction anticipated to begin? _____
- b. Typical processing time for an application is 12-16 months. Does your construction schedule allow for this processing time? No Yes If no, please complete R/W Supplement "RW-CO" Conditional Right of Way Supplement.

6. TYPE OF RIGHT OF WAY – REQUIRED SUPPLEMENTS: (Complete supplement for each use marked)
Required supplements are available at 1616 W. Adams or online at www.land.state.az.us

a. Municipal/Utility Rights of Way

- _____ Public Roadway & Underground Utilities – (Complete supplement "RW-RU")
- _____ Public Roadway – (Complete supplement "RW-R")
- _____ Drainage Easement – (Complete supplement "RW-D")
- _____ Service Road – (Complete supplement "RW-R")
- _____ Underground Utility Easement – (Complete supplement "RW-U")
- _____ Water Line, Reservoir or Lift Station – (Complete supplement "RW-U")
- _____ Sewer Line or Lift Station – (Complete supplement "RW-U")
- _____ Electrical Line or Substation – (Complete supplement "RW-U")
- _____ Gas Line – (Complete supplement "RW-U")
- _____ Temporary Construction Easement – (Complete supplement "RW-T")
- _____ Other, Please specify _____

b. Telecommunications Rights of Way

- _____ Communication Line – Distribution Line – (Complete supplement "RW-C")
- _____ Communication Line – Single User – Transmission Corridor – (Complete supplement "RW-C")
- _____ Communication Line – Multiple User – Transmission Corridor – (Complete supplement "RW-C")
- _____ Service Road – (Complete supplement "RW-R")
- _____ Temporary Construction Easement – (Complete supplement "RW-T")
- _____ Other, Please specify _____

c. Private Individuals & Entities

- _____ Non-Exclusive Access Road – (Complete supplement "RW-R")
- _____ Haul Road – (Complete supplement "RW-R")
- _____ Service Road – (Complete supplement "RW-R")
- _____ Temporary Construction Easement – (Complete supplement "RW-T")
- _____ Other, Please specify _____

7. BASIS FOR APPLICATION:

a. Why are you applying for this right of way? (Mark all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Public Works Project | <input type="checkbox"/> Pending Sale |
| <input type="checkbox"/> Pending Private Development | <input type="checkbox"/> Loss of Alternative Access |
| <input type="checkbox"/> Required by City, County, etc. | <input type="checkbox"/> Other, Please specify: |
| <input type="checkbox"/> Necessary to provide infrastructure | _____ |
| <input type="checkbox"/> Necessary to provide access | _____ |
| <input type="checkbox"/> Trespass/Encroachment | _____ |

b. Does this right of way serve a specific property?

- No If no, complete R/W Supplement "RW-2" (Easement in Gross Supplement)
 Yes If yes, complete R/W Supplement "RW-1" (Dominant Estate Supplement)

c. Is the proposed right of way to be used in conjunction with any application for a state lease, permit or sale (commercial, mineral, etc.)? No Yes If yes, provide the application number: _____

8. EXISTING LESSEE – IMPROVEMENTS:

a. Are there any improvements that would be disturbed if this application is approved (water tanks, wells, fences, building, etc.)? No Yes If yes, list below:

b. If approved, will the construction and the maintenance of the right of way interfere with or intrude upon the existing lessee's rights under any existing lease? No Yes If yes, describe in detail:

c. Have you contacted the Lessee to discuss this application? No Yes N/A

9. JURISDICTIONAL WASHES:

a. Will the right of way cross any known washes, waterways, or other Waters of the U.S.? No Yes If yes, list the numbered washes or indicate "unnamed wash" below:

10. APPLICANT COMPLETE AND SIGN PAGE 4.

CERTIFICATION: Pursuant to A.R.S. Title 37 and the Rules of the Arizona State Land Department, A.A.C. Title 12, Chapter 5, you must complete the following information pertinent to you and/or the organization you represent and sign the certification or your application will not be processed. **NOTE: Applicant must complete item #1.**

1. Is this application made in the name of: (Applicant must check one) _____ Individual(s) _____ Husband & Wife
 _____ Corporation _____ Partnership _____ Ltd. Partnership _____ Estate _____ Trust _____ Ltd. Liability Co.
 _____ Joint Venture _____ Municipality _____ Political Subdivision _____ Other (specify) _____

2. INDIVIDUAL(S) OR HUSBAND & WIFE: Complete the following for each applicant:

NAME	AGE	MARITAL STATUS
_____	_____	_____
_____	_____	_____

3. CORPORATION: Complete the following:

(A) Do you have authority from the Arizona Corporation Commission to do business in the State of Arizona? Yes___ No___

(B) Is the corporation presently in good standing with the Arizona Corporation Commission? Yes___ No___

(C) In what state are you incorporated? _____

(D) Is the legal corporate name and Arizona business address the same as stated in this application? Yes___ No___

If no, state the Legal Corporate Name: _____

Address: _____

(Street or Box Number) (City) (State) (Zip)

4. LIMITED LIABILITY COMPANY: Complete the following:

(A) If an out-of-state limited liability company: Have you filed for a Certificate of Registration with the Arizona Corporation Commission?
 _____ Yes _____ No

(B) If an Arizona limited liability company: Have you filed Articles of Organization with the Arizona Corporation Commission?
 _____ Yes _____ No

(C) Are you authorized by the Arizona Corporation Commission to transact business in Arizona? _____ Yes _____ No

5. PARTNERSHIP OR JOINT VENTURE: Complete the following for each authorized partner or principal in the partnership or joint venture:

NAME	BUSINESS ADDRESS	AGE	MARITAL STATUS
_____	_____	_____	_____
_____	_____	_____	_____

6. LIMITED PARTNERSHIP: Is this Limited Partnership on file with the Arizona Secretary of State? Yes No

Complete the following for the authorized general partner(s) only:

GENERAL PARTNER(S) NAME	BUSINESS ADDRESS
_____	_____
_____	_____

7. ESTATE: Complete the following and attach a copy of the court or estate document(s):

Name of the court-appointed administrator or personal representative: _____

List the type and date of issuance of the court or Estate document: _____

(Date issued) (Type of Document)

8. TRUST: (A) Complete the following pursuant to A.R.S. § 33-404, for each beneficiary of the Trust:

NAME	ADDRESS	AGE	MARITAL STATUS
_____	_____	_____	_____
_____	_____	_____	_____

or (B) Identify the Trust document by title, document number, and county where document is recorded: _____

9. I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT THE INFORMATION AND STATEMENTS CONTAINED HEREIN, TOGETHER WITH ALL EXHIBITS AND ATTACHMENTS ARE TRUE, CORRECT AND COMPLETE AND THAT I/WE HAVE AUTHORITY TO SIGN THIS DOCUMENT.

SIGNATURE(S)

_____ (Name of Corporation, Partnership, etc.)	_____ Date	_____ Signature of Applicant (Individual)	_____ Date
_____ Signature	_____ Title	_____ Signature of Applicant (Individual)	_____ Date

RIGHTS-OF-WAY APPLICATION ADDENDUM

NOTE: READ CAREFULLY

1. Completed supplemental forms (available on ASLD website) and the Application Addendum signed and dated by a Right of Way Administrator, or Section Manager, or Division Director, must accompany any new application for a Right of Way or Right of Entry. If such forms do not accompany the application, or if the Application Addendum is not signed and dated, or if the application is not submitted within 90 days of the Preliminary Application Conference date, the application shall be rejected.

2. Preliminary Application Conferences shall be set up by an administrator of the Right of Way Section (602) 542-4098. The Conference may be with the proposed applicant or a party representing the applicant. Preliminary Application Conferences shall be by appointment, may be in person or by phone, and shall be scheduled for a minimum thirty (30) minute time period, unless an administrator personally arranges otherwise.

3. An appointment for a Preliminary Application Conference must be set up at least ten (10) working days in advance. The potential applicant must provide a completed Application Addendum and any supplemental forms for the specific use at the time the Preliminary Application Conference is scheduled. The completed Application Addendum and supplemental forms may be mailed, hand delivered, faxed or provided electronically. In addition to the Application Addendum, it is highly recommended that a surface ownership map showing the proposed alignment be provided by the applicant. If the Preliminary Application Conference is conducted by telephone, it is the responsibility of the potential applicant or representative to make sure the Application Addendum, supplemental forms and any maps are delivered to the administrator prior to the Preliminary Application Conference. The administrator shall not schedule the Preliminary Application Conference if the potential applicant fails to provide the completed Application Addendum prior to scheduling the Preliminary Application Conference.

4. Administrators will be assigned to Preliminary Application Conferences on a basis established by the Right of Way Section Manager.

5. When the Preliminary Application Conference is concluded, the administrator shall return the signed and dated Application Addendum to the potential applicant or his representative to submit with the application if one is filed, and retain a copy.

ACCEPTANCE OF THE APPLICATION SUBSEQUENT TO COMPLETION OF THE ADDENDUM DOES NOT CONSTITUTE A FINAL DETERMINATION BY THE DEPARTMENT OF THE MERITS OF THE APPLICATION.

**ARIZONA STATE LAND DEPARTMENT
REAL ESTATE DIVISION**

**ADDENDUM TO APPLICATION
REQUIRED PRELIMINARY APPLICATION INFORMATION**

This completed form, signed and dated by the Real Estate Division, must accompany every New Right of Way or Right of Entry Application. The Department will not accept an application for a right of way or a right of entry without this form being completed.

APPLICANT INFORMATION

Applicant Name: _____

Contact Name: _____

Mailing Address: _____

City: _____

State & Zip Code: _____

Phone: _____ Fax: _____

E-Mail: _____

PARCEL INFORMATION

Section/Township/Range: _____

Political Jurisdiction: _____

Existing Zoning: _____

General Plan Designation: _____

Existing Adjacent Land Uses: _____

North: _____

East: _____

South: _____

West: _____

Proposed Project Description, purpose and/or need for the requested right of way?

What is your opinion of the value of the right-of-way you wish to acquire the rights to, per acre, and if appropriate, per square foot?

What are the funding mechanisms that will assist and or pay for this right of way? Are there constraints, stipulations or deadlines with the funding?

Is access an improved dedicated public street? Yes No

Describe access and identify road names: _____

Are there any drainage and/or flood plain constraints or requirements for the use or proposed project? If yes, what are the proposed plans to address them and how or will they impact the proposed use?

Are there any waterways/washes in along or within the project area? If yes, what are the sizes and what constraints and/or issues may they generate?

Has the proposed use or proposed project been presented and/or vetted through the local, State or Federal jurisdiction? If yes, what was the jurisdiction's position? Please include any letter of support and/or stipulations imposed on the project.

Are there any pending projects associated with this use or proposed project? If yes, do they require other rights of ways or acquisitions to complete the project? Please explain.

Are there any extraordinary issues affecting the use or proposed project that you are aware of, such as the existence of endangered species, cultural resources, topographic constraints, etc.?

What, local, State or Federal approvals, if any, are necessary for this use or proposed project? If a Certificate of Environmental Compatibility (CEC) by the Arizona Corporation Commission is required, when are you planning to file the application? If filed, please provide a copy of the application.

Why are you requesting that this parcel be encumbered with a right of way at this time? Please provide supporting data.

For Real Estate Division Use Only

Preliminary Application Conference Took Place with: _____

Real Estate Division Signature: _____ (Date)

RIGHT OF WAY INSTRUCTIONS

(Please read all instructions carefully before filing an application.)

ATTENTION

Prior to filing a **NEW** application for a Right of Way or Right of Entry, contact the Right of Way Section at (602) 542-4098 to schedule a pre-application conference with a Right of Way Administrator. **NOTE:** The attached Application Addendum must be completed and signed by the Land Department.

A RIGHT OF WAY CAN ONLY BE USED FOR THE PURPOSE FOR WHICH IT IS ISSUED

<u>TYPE OF R.O.W. EASEMENT</u>	<u>FEES APP</u>	<u>TERM</u>	<u>EXAMPLE OF USE</u>	<u>LEASE RENTAL</u>
Annual (KE-17)	\$500	10 years	Temporary use only; construction easement, haul road, etc.	Annual Payment
Short-Term (KE-18)	\$500	10 years	Non-exclusive access roads, service roads, utilities, power, communication, gas, water, sewer, etc.	Full payment in advance
Mid-Term (KE-14)	\$500	50 years	Major transmission lines: communication, 69 kV and above; electric lines, pipelines, etc., utility, facilities, etc.	50, 25 or 10 year advance payment
Perpetual* (KE-16)	\$500	Perpetual	Public roadways	Full payment in advance

*(Rights of way exceeding 50 years will be offered at public auction. Advertising and administrative fees paid for by applicant.)

TYPES OF ACCESS/ROADWAYS:

- Public Roadway Easements acquired by federal, state, or local governmental agencies. The public roadway must be built to city/county/federal standards.
- Access Roads Limited use easement (10-year maximum) for non-exclusive individual use, to gain access to State Land under lease, Federal mining leases, communication sites, and private land landlocked within State Lands, where no other reasonable access is available.

NOTE: Federal mining claim leases should contact the Mineral Section of the State Land Department before filing for access at (602) 542-4628.

- Haul Roads Non-exclusive acquired by mining, sand, gravel and timber operators. The roadway is used by heavy equipment, and is not a public access road. A damage and restoration bond and rehabilitation of the lands used for the haul road or damaged by the users of the haul road is required.
- Service Roads Easements acquired by a utility company for the purpose of installation, service, and repair of utility lines. This type of easement is not a public access road.

HOW TO APPLY FOR A RIGHT OF WAY

APPLICATIONS CAN NOT BE ACCEPTED WITHOUT THE FOLLOWING INFORMATION:

- Answer all questions on the right of way application and sign the certification page of the application.
- Attach all required Supplemental Forms. They are available at 1616 W. Adams or online at www.land.state.az.us.
- Be specific about what you propose to construct.

4. State the purpose of the right of way.
5. **Preliminary description:** A U.S.G.S. seven and one half minute topographic quadrangle map or an aerial map showing the proposed right of way alignment, including the width and approximate length of right of way crossing State Trust Land. This map should include township, range and section lines/designations.
6. Include any additional information or material available that would aid in the Department's evaluation of the application.

CLEARANCES REQUIRED:

1. Archaeological - State Historical Preservation Office, Phoenix, AZ 85007 (602) 542-7142.
2. Native plants - Department of Agriculture, 1688 W. Adams, Phoenix, AZ 85007 (602) 542-4373.
3. Clearance/Permit may be required if there is impact to "Waters of the U.S."
4. Clearance may be required from various other State agencies, including the Department of Environmental Quality.

Initial contact for the clearances will be handled by the Land Department. All costs for clearances shall be borne by the applicant.

ALIGNMENTS:

A preliminary review of the Right of Way application is done to evaluate impact and suitability as to the acceptability of the proposed alignment. A field inspection may be required. Applicant will be notified of the acceptable alignment and, if applicable, survey requirements.

APPRAISAL:

The rental and purchase prices will be based on the appraised fair market value of the land as approved by the Department.

RIGHT OF WAY FINAL DESCRIPTIONS & SURVEY DATA:

1. The final description for an approved right of way alignment shall consist of a written description and map in accordance with the State Land Department's "Standards for Final Right of Way Descriptions," copies available from the State Land Department Right of Way Section.
2. If the description is irregular enough to require a survey, it must be certified by an Arizona Registered Land Surveyor.
 - Samples of survey requirements are available from the Right of Way Section or CADASTRAL and SURVEY REVIEW UNIT.
 - For information regarding the survey, contact the CADASTRAL and SURVEY REVIEW UNIT at (602) 542-2601, 542-2602 or 542-2603.

POWER OF ATTORNEY:

If you are acting as an Attorney in Fact for the applicant you must submit a copy of your notarized Power of Attorney and a \$50.00 additional fee.

PROCESSING TIME:

Approximate time for processing an accepted application is twelve (12) months to sixteen (16) months.

For further information, contact:

**Right of Way Section
Arizona State Land Department
1616 West Adams
Phoenix, Arizona 85007
(602) 542-4098**