

**EXHIBIT FOR ORD 280\_2019**  
**MAUMEE UPTOWN BUSINESS ASSOCIATION**  
**IN PARTNERSHIP WITH THE CITY OF MAUMEE**  
**POLICY AND PROCEDURE FOR**  
**RIGHT OF WAY ENCROACHMENT**

**PURPOSE:**

The City of Maumee recognizes that the Maumee Uptown Business Association has a vested interest in ensuring that businesses in the uptown are able to secure prompt permission for temporary and or long term use of the City right-of-way. Further, City recognizes that the businesses within the Uptown Design Review District have a shared interest in preserving and protecting the right-of-way from encroachments that impede the flow of traffic or otherwise distract drivers. That both the City and MUBA desire to ensure that the Uptown Design review District remains aesthetically appealing and consistent. The City of Maumee adopted this policy and procedure whereby any business in the Uptown Design Review District can seek an encroachment into the right-of-way through MUBA. All businesses, whether members of MUBA or not, shall be obligated to complete the request for any encroachment starting January 1, 2020 forward.

**PROCEDURE:**

Any business within the City of Maumee Uptown Design Review District shall complete the City of Maumee, "Acknowledgement of Terms and Conditions of Encroachment upon Public Right-Of-Way" (Attached) along with their application for review by MUBA. Proper completion of the form includes providing a drawing or description relative to the manner of encroachment, the length of time said encroachment shall continue and proof that the owner of any adjoining business was notified of the request.

MUBA upon receipt of a completed Acknowledgement shall review the application and make a recommendation to City Council relative to the request. Council will review the recommendation of MUBA and take prompt action to either approve or deny the encroachment request.

**What is an encroachment?** This is any item that is fixed or temporary in nature that is placed within the area between the business and the roadway that is commonly known as the City right-of-way. Examples of encroachment would be sandwich boards, table and chairs, benches, planters etc.

**APPLICATION:**

Applicant shall complete the following:

- 1) MUBA application form;
- 2) City of Maumee Acknowledgement Form;
- 3) Proof of Notice to adjoining business owner/agent.

Once received the MUBA Right-of-way committee shall meet and review application and forward the recommendation to the applicant and Maumee City Council. The request is considered approved upon acceptance by Maumee City Council.

If MUMBA is recommending DENIAL of a request, Applicant can appeal that DENIAL to Maumee City Council who will have final say regarding the right-of way encroachment request.

**APPLICATION OF ENCROACHMENT INTO  
MUNICIPAL RIGHT-OF-WAY**

1. Name of Applicant: \_\_\_\_\_

2. Name and Address of Business: \_\_\_\_\_

3. Brief description of encroachment and why you are making the request: (Attach any photographs or drawings that depict or explain what your encroachment as well as any supporting documents that will enable MUBA to review your request \_\_\_\_\_

4. How long do you desire to encroach into the right-of-way? Is this a temporary encroachment or long-term?

5. Provide proof that written notice of your encroachment request, which included the details of said encroachment, has been provided to any adjoining property owner.

6. I understand that my business, the for whom I am applying on behalf of, shall be responsible for maintenance and repair of the area of the encroachment at my expense and that I agree at all times to comply with all laws, ordinances, rules and regulations that pertain to my use, operation or maintenance within the municipal right-of-way. Further, I understand that the City of Maumee must grant me permission for the use of their right-of-way and that they retain discretion to review or revoke such permission upon written notice thereof, or that they may remove any item within the right-of-way should it create a risk to public health or safety without written notice thereof.

Signed by applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Date Received by MUBA: \_\_\_\_\_

Recommendation to City Council:

APPROVE

DENY

IF recommendation is Denial please articulate the basis of such denial:

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