**Landscape Maintenance Agreement:**

**PURPOSE**: It is the Road Maintenance Division’s intent to set forth steps to be taken by right of way applicants to initiate a landscape maintenance agreement for landscape and irrigation within the County maintained [Rights-of-Way (ROW)](https://www.colliercountyfl.gov/your-government/divisions-f-r/road-maintenance/right-of-way-row-permitting-and-inspection-section)

**WHEN DO I NEED A LANDSCAPE MAINTENANCE AGREEMENT?** A [landscape maintenance agreement](https://www.colliercountyfl.gov/home/showdocument?id=60063) is needed in all instances when proposing landscape and irrigation within the rights of way with one exception which is addressed through an exemption application.

* The landscape is limited to sod and small shrubs.
* Minimum Code landscaping and buffering are not allowed in the right of way.
* When placing irrigation systems in the right of way, a landscape maintenance agreement is required.
* All Communities must mow the right-of-way area adjacent to their community.
* The plans shall be prepared by a Florida Registered Landscape Architect.

**POLICY/PROCEDURE FOR LANDSCAPE MAINTENANCE AGREEMENTS:**

* The “Applicant” may be a private, homeowners association, or developer. The applicant will be responsible for the installation costs of the landscape and irrigation project along with its perpetual maintenance.
* The applicant is required to obtain a Right-of-Way Permit. Included in the right of way applicant are the following:
	+ Signed original and notarized landscape maintenance agreement. [(LMA)](https://www.colliercountyfl.gov/home/showdocument?id=60063)
	+ Right of way permit and a check for the associated fees. [(ROW permit - fee schedule)](https://www.colliercountyfl.gov/your-government/divisions-f-r/road-maintenance/right-of-way-row-permitting-and-inspection-section)
	+ Signed and sealed landscape architectural plans that indicate the limit of work and future maintenance. (The Design Checklist)
	+ Landscape Maintenance Specifications [(Boilerplate Specifications)](https://www.colliercountyfl.gov/home/showdocument?id=60064)
* All attachments will be reviewed by Right of way permitting and Road Maintenance Landscape staff. Upon approval of plans, issuance of the right of way permit, and receipt of the original landscape maintenance agreement, a right of way permit will be issued, and the completed agreement will be submitted to the County Attorney’s Office for review for legal sufficiency.
* The agreement requires Board of County Commissioner approval before starting the work.
* The Board approved agreement is recorded through Minutes and Records. The applicant is responsible for all recording fees.

**References:**

* [**https://www.colliercountyfl.gov/your-government/divisions-f-r/road-maintenance/landscape-operations**](https://www.colliercountyfl.gov/your-government/divisions-f-r/road-maintenance/landscape-operations)
* [**https://www.colliercountyfl.gov/your-government/divisions-f-r/road-maintenance/landscape-operations/landscape-maintenance-agreement-lma**](https://www.colliercountyfl.gov/your-government/divisions-f-r/road-maintenance/landscape-operations/landscape-maintenance-agreement-lma)

**Checklist for Landscape Maintenance Agreement (LMA):**

* Obtain the most recent boilerplate agreement where the dates are indicated in the current year. Obtain a word document for revision.
* Paragraph 1 of the LMA, sentence 1 – leave the day and the month blank. This is left blank for recording the actual recording date and is entered by Minutes and Records.
* Paragraph 1 of LMA – type in the legal Association, Developer, or Owner of the property and their registered mailing address. Reference as “Association” or “Owner” or “Developer.”
* Type the information in the form. This information will be reviewed in Sunbiz for legal ownership before submitting to our attorney for review.
* The “Road” references the road where the right-of-way improvements are proposed. Type in the name of the street.
* Signature page:
	+ ATTEST: Crystal K Kinzel, Clerk (Leave Blank, will be signed by Clerk upon BCC approval).
	+ BCC Chairman, Check BCC Chairman and official signature.
	+ Under Association: Type legal association name.
	+ Notarize and stamp the last page of the agreement.
	+ The attorney reviewing for form and legality is Jeff Klatzkow, County Attorney – Leave blank.
* The LMA is comprised of Schedule ‘A’ which includes the approved documents.
	+ **Right of Way Permit**
		- The Right of way permit must be approved.
		- This is an attachment to the agreement.
	+ **Location Map that clearly indicates and labels:**
		- The Limits of Maintenance
		- The Right of way and property lines
		- The Street names.
	+ Landscape and Irrigation Plans
		- Legible at 8 ½ x 11 formats.
		- Reproducible and clear line work.
		- Labeled sod and landscaped areas.
		- Limits of Maintenance shown on the plan set.
	+ Landscape and Irrigation Review of Plans:
		- The agreement is limited to groundcovers, shrubs, and irrigation.
		- Landscape Plans must have a legend.
		- LDC and FDOT sightlines must be shown on the plans.
		- Utilities, waterlines, overhead electrical, light poles, driveways, and all above and below services must be shown on the plans.
		- The property and right of way lines must be shown.
		- Plans prepared by a Florida Registered Landscape Architect.
		- For median landscape proposals: Toro irrigation heads, brass valves, and standardized equipment is used. Schedule a meeting with
* **Schedule A:**
	+ Place a “Schedule A “Label in the corner of the ROW permit since this is an Exhibit to the Agreement it needs to be labeled.
* **Schedule B: Are the Boilerplate Landscape Maintenance specifications.**
	+ Plants that cannot be maintained to the proper heights will be rejected. If there is a plant that grows higher than the allowable heights. The specifications may be modified to indicate how the plant will be maintained. The County has the right to reject the provisional specification.
	+ The maintenance specifications are boilerplate specifications and can be modified to meet the site-specific proposal and required maintenance of the specified plants.
* Recording Fees: Once the agreement is approved by the Board. We will email the recorded agreement and invoice. The applicant is to write a check made payable to “Collier County Board of County Commissioners” for the invoiced amount and mail the check to:

Collier County Growth Management Department

Road, Bridge, and Stormwater Division – Landscape Section

4800 Davis Boulevard

Naples, FL 34104

Attention: Pamela Lulich

* The Landscape section will pay for the recording through account string 111-163801-649030 and the payment will reimburse the RM/Landscape operating account.