

## 2012 ADOPT-A-MEDIAN PARTNERSHIP AGREEMENT/RENEWAL



This Agreement, between the City of Indianapolis Department of Public Works ("City"), and

\_\_\_\_\_  
(Name of individual, company, or organization responsible for median(s) to be adopted) ("Adopter")

is to provide a means of beautifying and maintaining the following median(s):

Street Name: \_\_\_\_\_

Approximate 100 block (include N, S, E, W): \_\_\_\_\_

Between the intersection of which two streets: \_\_\_\_\_

Nearest recognizable landmark (usually a business): \_\_\_\_\_

**Example: 38<sup>th</sup> Street, 100 block east, between Meridian and Pennsylvania, Summit Towers**

All labor and materials associated with the beautification and maintenance of the median(s) are the sole responsibility of Adopter.

### **Adopter responsibilities before signing and returning this Agreement:**

If Adopter wishes to beautify the median in addition to keeping it mowed and free of litter, Adopter shall submit a landscape plan. This plan will be reviewed by City. Adopter's plan must be approved before Adopter begins any improvements. Some improvements may require a permit.

### **Adopter shall perform the following responsibilities after Adopter has signed and City has approved this Agreement and City posts an adoption sign:**

1. Secure all permits related to planting and working in the City right-of-way.
2. Keep shrubs pruned and neatly trimmed. Make sure plant/flower beds are regularly mulched, weeded, and watered.
3. Cut the grass on a regular basis, keeping the grass in the median(s) at or under a height of four (4) inches. If Adopter allows the grass height to exceed five (5) inches, Adopter may be given a one-time grace period during which the median will be cut by City. This one-time grace period is dependent upon the reason for the delay in cutting and must be approved by the Adopter-a-Median Program Manager. All future cuttings will be the responsibility of the Adopter. If the median is not maintained as agreed, this Agreement will be terminated by

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City. Please note that termination is the last resort. Our goal is to maintain as many Adopters as possible throughout Marion County.

4. Inspect the adopted median(s) on a weekly basis (during the winter on a monthly basis) and remove weeds, debris, broken glass, and litter. This includes both the grassy and concrete areas of the adopted median(s).
5. Repair or remove and replace, at Adopter's expense, any damaged or destroyed median plantings. In addition, repair, at Adopter's expense, damage done to the grassy median surface by adding soil to and replanting grass in the damaged area(s) to return median to its pre-damaged condition.
6. Note that all items, including signs and flora, may be subject to City ordinances and regulations, including but not limited to, Section 701 of the City Code dealing with flora. Also note that upon planting, all flora is subject to the control of the City Department of Code Enforcement and, after a period of one (1) year, becomes the property of City. Unauthorized removal of flora in violation of any applicable ordinances, and/or regulations may subject Adopter to penalties.
7. Provide one contact person, over the age of 18, who shall be responsible for coordinating all contacts and work.
8. Abide by all safety guidelines and use due care at all times.

City will provide and place, at no cost to Adopter, **one (1)** double-sided sign stating that the median has been "adopted" by Adopter. Only signs provided by City are permitted on medians. **Adopter shall not place its own sign on the median.** No commercial, promotional, or political signs or religious symbols of any kind are allowed on medians. **No non-organic decorations such as flags, garden decorations, or art/sculpture are allowed on medians.**

Organizations wishing the adoption sign to display their logo or other design will incur a \$100.00 fee due at the time of signing of this Agreement. City, at its sole discretion, may waive this fee for any nonprofit organization with 501-C(3) status supplying its tax exempt ID #. Note that, if a logo sign needs to be replaced, it will be at the Adopter's expense.

Checks should be made payable to: **Department of Public Works, Operations**

**Please note:** City will mow Adopter's median until Adopter's sign is posted. Once the sign is posted, Adopter shall begin its responsibilities.

#### **Termination / Term of Agreement:**

The median(s) shall remain the property of City. If the City determines that Adopter is not meeting the terms of this Agreement, the Adopt-a-Median Program Manager may send a notice of termination to Adopter and remove all signs. City reserves the right to change or cancel the location of Adopter's median(s) for safety or any other reason.

Adopter has the right to terminate this Agreement by giving 30 days notice in writing to the Adopt-a-Median Program Manager.

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This Agreement shall be in effect when signed by Adopter and approved by the City's Adopt-a-Median Program Manager. Agreements signed prior to October 1<sup>st</sup> shall remain in effect until December 31 of the year signed, unless terminated earlier as provided for in this Agreement. Agreements signed after October 1<sup>st</sup> shall remain in effect until December 31 of the following year, unless terminated earlier as provided for in this Agreement. City will mail renewal agreements requesting signatures for re-adoption in October of the year in which the Agreement expires. Re-adoption is not guaranteed. **If a renewal Agreement is not signed by Adopter and received by City by January 31st, the adoption sign will be removed from the median.**

Adopter shall not perform any work in a median upon expiration or termination of this Agreement.

**Release of Liability:**

**Adopter agrees that all work performed in or on any median is done on a voluntary basis and at Adopter's own risk. Adopter, its volunteers, members and agents are not acting as agents or employees of the City of Indianapolis for any purpose. Adopter, on its own behalf and on behalf of its volunteers, members and agents, releases and agrees to hold harmless the City of Indianapolis, including all of its officials, employees and agents, from all liability, claims and damages arising out of accident or injury arising out of participation in the Adopt-a-Median Program. Adopter shall require each individual (or parent/guardian for each participant under the age of 18) performing work in a median to sign the attached release.**

Please fill in the **bolded areas** below and submit the form as well as email, fax, or mail the completed release of liability form found below:

City of Indianapolis  
Department of Public Works  
Attention: D. Watts  
1735 S. West St.  
Indianapolis, IN 46225  
**FAX - (317) 327-2984, Email: AdoptAMedian@indy.gov**

**Organization Adopting Median:** \_\_\_\_\_

**Adopt-A-Median sign to read as:** \_\_\_\_\_

\_\_\_\_\_  
*(Due to size constraints, please keep it short, text will be in all caps for legibility)*

**Adopter Contact (Printed):** \_\_\_\_\_

**Address and Zip Code:** \_\_\_\_\_

\_\_\_\_\_

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**Phone Number:** \_\_\_\_\_ **Fax Number:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_ **Date:** \_\_\_\_\_

☐ By checking this box you are agreeing to follow the above stated guidelines for the length of your adoption.

*City Adopt-a-Median Program Manager Approval Signature:*

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

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## ADOPT-A-MEDIAN SAFETY GUIDELINES



- 1) Workers should work only during daylight hours and in weather with good visibility.
- 2) Work should be scheduled during light traffic times
- 3) Workers should wear reflective or light colored clothing for increased visibility (orange safety vests are highly recommended).
- 4) One person should be designated as crew leader and shall instruct all workers on proper safety procedures.
- 5) Children under 15 years old shall be closely supervised by an adequate number of adults.
- 6) Access to a first aid kit must be readily available.
- 7) All workers and equipment shall be in or on the median. No lanes of traffic are to be blocked or diverted. Workers shall avoid standing or walking in traffic lanes.
- 8) All Workers should be alert and use common sense at all times, including but not limited to:
  - Avoiding the use of headsets or ear buds
  - Avoiding overexertion and have plenty of water available on hot days
  - Sunscreen is recommended for sunny days
  - Make sure you have the proper tools you need
  - Face on-coming traffic as much as possible,
  - Do not back tools, arms, legs, or yourself into traffic
  - Use caution, as many trucks have large mirrors that might hang over the median
  - Use of controlled substances, including alcoholic beverages, is strictly forbidden

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## ADOPT-A-MEDIAN RELEASE OF LIABILITY



The undersigned volunteer participant in the City of Indianapolis Adopt-a-Median Program acknowledges that this program will involve working within the medians of City of Indianapolis roadways, will subject the participant to risk, and hereby releases and agrees to hold harmless the City of Indianapolis, including all of its officials, employees and agents, from all liability, claims and damages arising out of accident or injury arising out of participation in the Adopt-a-Median Program. Your application will not be complete until the release form is returned.

\_\_\_\_\_  
Participant Signature

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

\_\_\_\_\_  
Printed Name

***Note: Parent or guardian must sign for all volunteers under the age of 18.***

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