

RESOLUTION NO. 2017-12

**A RESOLUTION RESCINDING THE OLD CURRY
COUNTY ROAD POLICY AND ADOPTING A NEW
CURRY COUNTY ROAD POLICY**

WHEREAS, by statute, Curry County is responsible for the maintenance and operation of various dedicated and accepted roads within the boundaries of Curry County; and,

WHEREAS, Curry County has previously adopted a 2014 Road Policy, which sets forth standard policies and procedures to be followed not only by the Curry County Road Department, but by others desiring to work on, under or adjacent to any County road or in any County right-of-way; and,

WHEREAS, the Curry County Road Committee has made recommendations to the Curry County Board of County Commissioners regarding necessary changes and modifications to the existing Road Policy.

NOW, THEREFORE BE IT RESOLVED that the attached 2017 Curry County Road Policy be and the same hereby is adopted as the official Road Policy for Curry County. Any and all Road Policies other than the attached 2017 Road Policy that may have been adopted, used or made available through the County or the County Road Department are hereby rescinded.

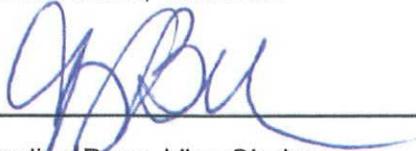
DONE THIS 11th DAY OF FEBRUARY, 2017.

BOARD OF COUNTY COMMISSIONERS

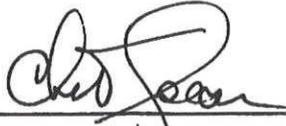
CURRY COUNTY, NEW MEXICO



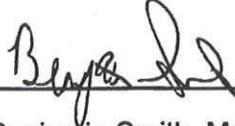
Ben McDaniel, Chairman



Angelina Baca, Vice Chairman



Chet Spear, Member



Benjamin Smith, Member



Robert Thornton, Member

Attest to:



County Clerk



CURRY COUNTY ROAD POLICY 2017

Lance Pyle, Curry County Manager
Dennis Fury, Curry County Road Superintendent

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SECTION I: GENERAL PROVISIONS

1. **Purpose.** The purpose of this document, hereinafter referred to as the Road Policy, is to establish policies and procedures for the orderly and consistent management and administration of the Curry County Road Network and to provide the Curry County Board of Commissioners a uniform process and system to insure that fair and equitable treatment is exercised to provide County Road services. The overall purpose of this document is to establish standards for design and construction of safe and durable roads for the benefit of all citizens of the County within the limitations of funding, manpower, and equipment available to the County.
2. **Applicability.** This document applies to all County roads located within the unincorporated areas of Curry County, New Mexico. This document also applies to the platting, design and maintenance of any road within a subdivision, in conjunction with the requirements of the New Mexico Subdivision Act, N.M.S.A. 1978, §§ 47-6-1, et seq. (as amended), and the Curry County Subdivision Ordinance (as amended).
3. **Declaration of Curry County Roads.** All roads which have been established as a Curry County Road pursuant to the laws of New Mexico by:
 1. Petition and declaration by Curry County Commissioners as recorded in minutes of such proceedings.
 2. Dedication to use and benefit of the public by filed plat if approved and adopted by the County Commission.
 3. Deeded to Curry County from the landowner by Warranty Deed, Quit Claim Deed, or other legal deed.
 4. Easement.
 5. Prescriptive right.
 6. Donation by owner.
 7. Purchased by Curry County.
 8. Power of eminent domain.
 9. Other legal acquisition by Curry County.

In certain instances, roads within County subdivisions have been declared and dedicated to the use and benefit of the public, but have not been accepted for County maintenance. Nothing in this policy shall change or alter the status of those roads that currently exist that are not maintained by Curry County.

ARE HEREBY DECLARED to be Curry County Roads and all such roads shall be designated on the official Curry County Road Map (as updated) which is hereby and hereinafter declared a part of this policy.

4. **Curry County Road Map.** Each year a new updated map will be approved and submitted for approval to the Curry County Commission.

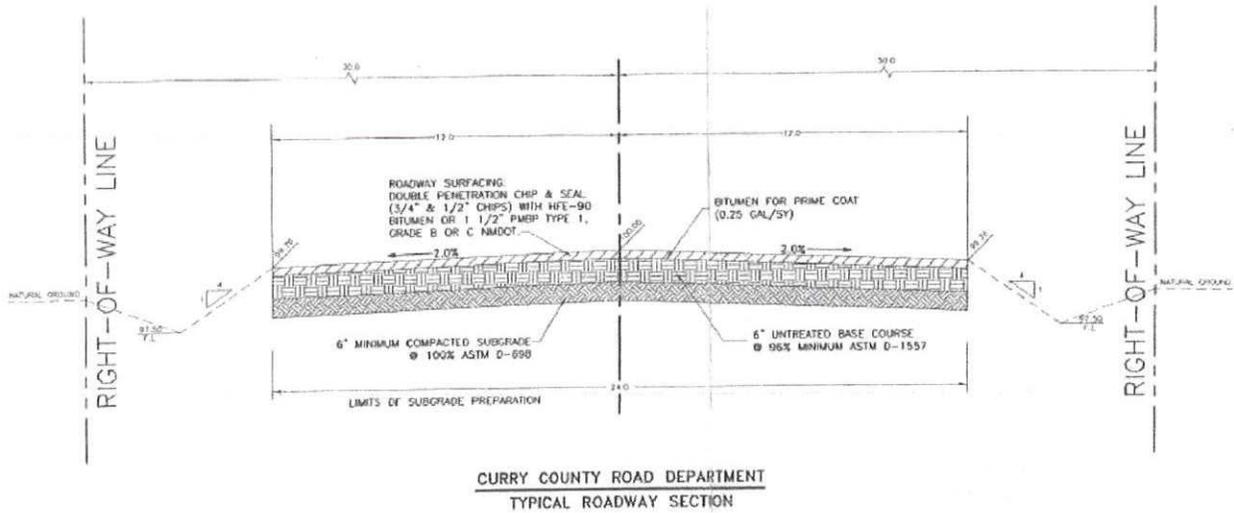
SECTION II: MAINTENANCE CLASSIFICATION

1. **County Maintained Road.** A County Maintained Road is a road that has been accepted for full County maintenance. Each County Maintained Road is assigned a number and/or an alphabetical listing. Services on such roads may include routine maintenance, pavement, asphalt, chip seal, grading, shredding, dust control, replacement of base coarse, installation and repair of drainage structures, snow removal, pothole repair, signage, resurfacing, weed control and mowing.
2. **Classification.** Each County road shall be classified according to their road surface, i.e., dirt, caliche, chip-seal, pavement, asphalt.

SECTION III: SUBDIVISION ROADS

1. **Subdivision Roads.** No road will be accepted by the County nor shall said road be part of the County road system, or subject to County maintenance unless the road is approved by the Curry County Commission pursuant to the County's Subdivision Ordinance. Any and all roads built or constructed in a Curry County subdivision must meet the current minimum road specifications, that are in existence at that time. The speed limits in all Subdivisions shall be 35 miles per hour or less and the Subdivider shall be required to post all appropriate speed limit signage. The following are the minimum specifications as of the adoption of this policy:
 - A. The road shall have a minimum top measurement of twenty-four feet.
 1. The road sub-base shall be compacted to at least ninety-five percent (95%) compaction rate.
 2. The road base shall consist of at least six (6) inches of NON-SPEC. Base Course (caliche) At least sixty (60) feet of right of way shall be available for drainage and road surfaces in the discretion of the professional engineer retained by the sub divider of each individual subdivision.
 3. At least sixty (60) feet of right of way shall be available for drainage and road surfaces in the discretion of the professional engineer retained by the sub-divider of each individual sub-division.
 4. Each road shall have at least a two percent (2%) crown.
 5. Double Penetration—Minimum (or suitable alternates)
 - a. Asphalt Emulsified Prime
 - b. PEP - Shot Rate between .25 and .35
 - c. HFE90 100P, and AEP
 - i. .10 gallon per square yard or equivalent shot rate minimum .35 to .45
 - ii. Chips 3/4" first penetration (3/4" chips - minimum of 25 lbs per square yard)
 - iii. Chips 1/2" second penetration (1/2 chips - minimum of 15 lbs per square yard)
 - B. A drawing of the cross-section of a typical County subdivision road is set forth herein and, all roads, to be approved and accepted by the County,

must meet the criteria shown.



2. County Acceptance of Roads.

- A.** Subdivision Roads. Any road can be accepted as a subdivision road if approved by the Board of County Commissioners at a public meeting prior to any road being adopted into the Curry County road system, whether it is an existing road or a new road to be built, said road must meet the above set forth standards and criteria. Said proposed road to be added as a Curry County road shall be evaluated by the Curry County Subdivision Committee and upon its recommendation the Curry County Board of Commissioners, may be approved and accepted at a public meeting.
- B.** Final Approval. Final approval of a subdivision shall not be granted until road-name signs, approved as to location, road name, general construction and size have been installed in appropriate locations, as further set forth herein, without cost to the County or until an Improvement Agreement is made
1. Road-name signs shall be placed at the beginning and at the end of each road in the subdivision and at each intersection within the subdivision at which two or more roads meet at the cost of the sub divider or owner. If only one road-name sign is placed at such beginning point, end point or intersection, the same shall be placed on the south edge or the east edge of the beginning point or end point and adjacent to the southeasterly corner of any intersection. Signs are to be constructed of materials that will withstand all types of weather, be suitably anchored with a signpost approval by NMSHD. The road name shall appear in letters at least four (4) inches tall and suitably spaced to be readable from a distance of sixty feet in daylight. The Rural Addresser shall have final approval over road names decided upon by the subdivision. The sub divider with the preliminary plat shall submit plans for such signs.

3. **Number of Access Roads.** Curry County reserves the right to determine and/or regulate the number of access roads to or from the subdivision that connect with public roads or thoroughfares, depending on the size of the subdivision, the number of units in the subdivision, location of the subdivision, the public road or thoroughfare from which access to or from the subdivisions with, traffic volumes, overall pattern of usage and/or development within a five (5) mile area of the proposed access roads, and any other factor, which in the opinion of Curry County, impacts or may impact the health, safety and well-being of the County or the County residents.
4. **Acceptance of Roads.** No other private road or public road in a private development will be accepted as a County Road, or as part of the Curry County Road System. Changes in classification required by repair or construction work, or as a result of an emergency. The reclassification procedure set forth herein shall not apply to abandonment of County roads, which are governed by the standards and procedures set forth in § 67-5-4 N.M.S.A. 2008 (as amended).
5. **Reclassification Standards.** In considering a request for Curry County to accept or reclassify any road, no road may be reclassified or accepted if the road is not constructed to meet the minimum standards as set forth in this Resolution, as well as the Curry County Subdivision Ordinance, which is in place as of the date of the request for classification. The Board of County Commissioners may accept the request in-whole or in-part, or may designate only a portion of a road for reclassification.

However, no road may be reclassified as a County Maintained Road until and unless said road is constructed according to the standards set forth herein. Nor shall any road be reclassified for any County maintenance classification if maintenance is impossible, dangerous or unreasonably costly. Nor shall any road be reclassified for County maintenance if environmental problems are identified in the environmental assessment.

6. **Maintenance Schedule.** The County, at its discretion, reserves the right to initiate and implement the construction, development or maintenance of any County road or any road accepted by the County as a County road at County expense whenever it is so deemed appropriate and beneficial to the overall County road network by the Curry County Board of Commissioners and provided there are sufficient funds, manpower, and equipment to accomplish such work. The County will only maintain roads that have been accepted by the Curry County Board of Commissioners in a publicly held Commission meeting.
 - A. **Real Property Rights Required.** Real property rights shall be granted to the County for all roads or rights-of-way accepted and approved by the Board of County Commissioners of Curry County in a publicly held Commission meeting, within six (6) months after preliminary approval, as is determined legal and necessary by the County Attorney to insure appropriate legal rights and interests of such roads are vested to the County.

- B. Minimum Right-of-Way Widths Required.** A minimum right of-way width of at least 60 feet shall be granted by fee title to the County for all privately owned roads accepted by the County as County roads and for regular maintenance. The County, at its discretion, may require a wider right-of-way in cases that a wider right-of-way can be determined as necessary. Right of way widths for roads in approved subdivisions shall be as specified in County Subdivision Regulations where applicable or as have been otherwise previously approved in existing subdivisions. Rights-of-way, in other cases, shall be determined on a case by case basis by the Board of County Commissioners in a publicly held meeting, based on reasonable necessity.

Minimum Road Construction Standards Curry County Standard Specifications for Road construction is hereby adopted as a part of this policy.

- C. Minimum Road Construction Non-Subdivision.** Curry County standards specifications for road construction:
1. The road shall have a minimum top measurement of twenty-four feet.
 2. The road sub-base shall be compacted to at least ninety-five percent (95%) compaction rate.
 3. The road base shall consist of at least six (6) inches of NON-SPEC. Base Course (caliche).
 4. Each road shall have at least a two percent (2%) crown.
 5. For an existing chip seal County road, in addition to the above-referenced four requirements, each road shall meet the following additional conditions:
 - a. Double Penetration -Minimum (or suitable alternates)
 - i. Asphalt Emulsified Prime
 - ii. PEP -Shot Rate between .10 and .15
 - iii. HFE 90 and HFE 100P and AEP:
 1. 10 gallon per square yard or equivalent shot rate minimum .35 to .45
 2. Chips with first penetration (3/4" or 5/8" chips -minimum 25 lbs per square yard)
Chips with second penetration (1/2" or 3/8" chips -minimum 25 lbs per square yard)

- 7. Special Assessment District.** Any road for which reclassification is sought does not at the time of application meet the standards set forth this section may be reclassified contingent upon creation of a special assessment district to finance necessary road improvements. Any road improvements such as paving, drainage

improvements, or other such improvements that are requested by the public that are not currently planned or budgeted by the County may also be financed by the creation of a special assessment district. Creation of the special assessment district shall be subject to statutory requirements, including N.M.S.A. 1978, §§ 67-4-20 through 67-4-24 (as amended) and N.M.S.A. 1978, §§ 3-33-1 through 3-33-43 (as amended).

SECTION IV: ROUTINE ADMINISTRATION OF THE ROAD NETWORK

- 1. Report and Resolution Presentation.** On an annual basis, the Superintendent of the Road Department shall present a report to the Board of County Commissioners in a publicly held Commission meeting for its consideration and approval which certifies to the Secretary of the New Mexico Department of Transportation the total mileage, names, route and, location of public roads maintained by Curry County, pursuant to N.M.S.A., Section 67-3-28.3 (Supp. 1995). As part of the presentation, the Road Department Superintendent will report to the Commissioners the total miles of County-maintained roads in the network, any additions and/or deletions and estimated maintenance cost of the network.

Also on an annual basis, the Road Department Superintendent shall present a resolution to the Board of County Commissioners for its consideration and approval which authorizes the submission of an application to the New Mexico Department of Transportation for assistance from the Local Government Road Fund to perform necessary repair of and construction of roads in Curry County, authorizing the expenditure of matching funds for categories of the Local Government Road Fund (i.e., CAP, CO-OP, and School Bus Routes) and recommend projects on which the funds may be used.

2. Establishing Speed Limits.

- A.** Speed limits in Curry County shall be set and established pursuant to New Mexico statutes.
- B.** Speed limits on roads in Curry County may be changed, modified or altered pursuant to statutory provisions set forth in § 66-7-304 NMSA 2008. The procedure for changing or altering a speed limit on a County road shall be as follows:
 1. If the Curry County Board of County Commissioners determines that the speed limit on any specific road, or portion of a road is greater or less than is reasonable or safe under the conditions existing at that time, it will request an engineering survey and traffic investigation on the same. Said engineering survey and traffic investigation shall be on a form approved by the Secretary of the New Mexico Department of Transportation.
 2. The Curry County Board of County Commissioners shall submit its request for change in speed limit, together with the engineering

survey and traffic investigation, to the New Mexico Department of Transportation.

3. If the Commission, after the engineering survey and traffic investigation is completed decides to change or alter the speed limit, the alteration of the speed limit, as approved by the New Mexico Department of Transportation shall be effective when appropriate signs that conform to the specifications adopted by the New Mexico Department of Transportation, giving notice thereof, are erected along that particular part of said County road(s).
4. No speed limit in Curry County, on any road, shall be declared to be greater than 55 miles per hour.
5. Changes of speed limits in construction zones shall be authorized pursuant to § 66-7-303 and § 66-7-304 NMSA 2008.

3. Procedures for Establishing Right-of-Ways or Alteration or Establishment of New County Roads. The procedures to be followed when the Board of County Commissioners of Curry County establishes right-of-ways or alters or opens new roads is set forth in §§ 67-5-5 through 67-5-21, NMSA 2008, as amended.

4. Procedures for Alteration or Discontinuation of County or Public Roads. The procedures to be followed when the Board of County Commissioners of Curry County discontinue roads is set forth in §§ 67-5-4 NMSA 2008, as amended. Whenever, in the opinion of the Board of County Commissioners any road or part of a road that is open and maintained by Curry County;(1) is not needed; or (2) the repairs of the same are burdensome and in excess of the benefits therefrom; the County may proceed to determine whether or not said road should be closed. Procedure for closing a county road as follows:

(a) At a regular Curry County Board of County Commission Meeting, the Board may vote to appoint three freeholders of Curry County to serve as viewers, to view such road or part of a road and make a report of the same to the Curry County Board of County Commissioners at its next regular meeting.

(b) The freeholders shall, at the Curry County Commission Meeting, provide the Board of County Commissioners with their findings.

(c) If the viewers recommend a discontinuance of the road, then by majority vote, the Curry County Board of County Commissioners may order the road vacated.

The procedures set forth in Section 67-5-1 *et. seq.* will govern and apply to all said road closures.

5. Temporary Road Closures. Any road closure of five days or less for an emergency or temporary basis may be approved by the Road Superintendent with the ratification by the Board of County Commissioners at its next Commission meeting. All road closures for more than five days in length must be approved by the Board of County Commissioners.

6. Acquisition of Water for County Road Maintenance. From time to time, it may be necessary for Curry County to obtain water from property owners/entities to use

while making repairs and/or otherwise workings on County roads. When, at the discretion of the Road Superintendent, it is not feasible to drive back to one of the County water access facilities and load the trucks with water, the County Road Superintendent shall negotiate and enter into a contract with private property owners/water rights owners, for the acquisition of water. Any agreement for the acquisition of water shall be on the water purchase agreement form, which is attached to this policy. No payment for the acquisition of water or water rights will be made and no water shall be obtained until such time as said water purchase agreement has been approved by the Board of County Commissioners of Curry County.

SECTION V. MANAGEMENT AND ADMINISTRATION OF ROAD NETWORK

1. **General Provisions.** Since there are limited funds available for road work each fiscal year, the County must carefully review the requirements and costs of manpower, equipment, and materials for road work currently being performed and the contractual or legal obligations requiring road work during the upcoming fiscal year before workable and practical decisions can be made in regard to additional requests for road work.

2. **Obstructions and Injuries to Road.** It is unlawful to obstruct or damage public roads. It is also unlawful to construct, build or erect anything within the County Road Easement.

Any building, structure, vehicle, tree, plant or anything else that is situated, placed, left, installed or otherwise located within a Curry Road Easement can be removed, at any time, without notice, by the Curry County Road Department. Curry County shall not be required to reimburse any owner, property owner, resident or anyone else for damages, costs or expenses, or be liable in any other way, for the County's actions in removing any structure or item that is placed, left, constructed or is otherwise in Curry County Road Easement.

3. **Fences, Gates and Obstructions on County Roads and Right-of-Ways.** Fences, locked gates and other obstructions are prohibited on all established and currently maintained county roads unless written permits are approved and issued by the Board of County Commissioners.

Fences and gates are permissible on County Right-of-Ways (not established roads) and shall be removed by the owners or any subsequent owner, at the owners expense, at any time the county needs the use of the right-of-way. Such gate or fence shall be promptly removed within thirty (30) days of receipt of a written notice to remove such gate or fence. Failure to remove such gate or fence in the specified period shall result in removal by the County at the owners' expense.

4. **Cattle Guards.** Land owners are responsible for repairing any and all cattle guards that they have requested to be installed. No repairs can be performed without County approval, which is to be obtained through the Road Superintendent. Curry

County requires that an application/ permit be prepared and filed for any cattle guard. If a application/permit has not been filed, one will be required before any repairs can be performed on an existing cattle guard. It is hereby declared and established by the Curry County Board of County Commissioners that damaged or broken cattle guards may present a hazard to the motoring public and, if the land owner fails to make said repairs, the County Road Department may repair said cattle guards and bill the owner of the property for the same. Any bill not paid may be subject to a lien filed by the County for all said work.

- 5. Culverts.** Culvert permits must be obtained from the Curry County Road Department. Any person who desires to have a culvert installed must complete an application, a copy of which is attached as Attachment B, and pay the administrative fee. Culvert permits may be approved by the Road Superintendent with ratification by the County Commission. Permits will be presented to the Curry County Commission by the Road Superintendent for approval. Curry County does not sell culverts. Curry County Road Department will install culverts or pipes that have been approved by the Curry County Commission. Current schedule fees govern the cost of installation.

Culverts will be provided by the County only on New Mexico Department of Transportation projects or designated County projects approved by the Curry County Commission. Unless otherwise determined by the County Road Superintendent culverts shall have a minimum diameter of twenty-four inches (24"). The County Road Superintendent is authorized to approve a culvert having a minimum diameter of eighteen inches (18") in order to get proper coverage.

Once installed they become the property of the landowner and their responsibility. The landowners are responsible to maintain their culverts and, specifically, clean the culverts as and when necessary. All landowners must understand that weeds, debris, tumbleweeds and other matter collect in bar ditches at culverts. It is the landowners' responsibility to clean said culvert before they become clogged. If landowner fails to keep the culverts clean and the County is required to clean the culverts or remove debris from the culvert to allow water to flow in the ditch, then the County will bill the landowner for the cost of the same. If the bill is not paid, landowner may be subject to a lien filed by the County for the same.

Curry County ditches will be cleaned out by the Curry County Road Department. The County reserves the right to remove culverts if determined to be a hazard. If the County is at fault for the damage, the County will replace the culvert at no cost to the landowner. Any cost for repair of normal damage to the culvert will be the landowner's responsibility.

SECTION VI: AGREEMENT REQUIRED FOR EXCHANGE OF BENEFITS FOR ROAD WORK

- 1. County Work on Privately Owned Property.** The County shall not perform work or perform any services on privately owned roads or property except under the following provisions:

The County may enter into an agreement with a private party to perform certain services on private property only in specific cases where such an agreement would not violate the Public Purchases Act of the State of New Mexico (Sections 13-1 I, *et seq*, NMSA, 1978 Compilation). These situations are:

- A. Where the county, or county road crews need access to private property to open water ways for diversion of or continuation of natural water flow and/or access to provide other miscellaneous work or miscellaneous actions as might be necessary regarding proper necessary care for counties roads, bar ditches, right ways, or another property. no such work will be completed unless absolutely necessary as a result of an emergency conditions, without the prior written approval and consent of the owner in the form attached here to;
- B. Where the County crews are working on a specific section of a County road and require caliche, gravel, water or other road materials, the County may enter into an exchange agreement with a private party to obtain those materials only when the total value of the materials being obtained does not exceed \$250.00; the value of the services being performed by the County is equal to or less than the value of the materials being received by the County, and the procurement of bids for that material would entail unnecessary and detrimental delay and loss to the County. Prior to entering into such an agreement, the County Road Superintendent shall document that the value of the materials being obtained by the County is less than \$250.00, the value of the services being performed by the County is equal to or less than the value of those materials received by the County, and the materials being obtained are the best possible price in that area of the County, taking into consideration any expenses that would be incurred in transporting the material from another site. Following receipt of the documentation as stated previously, a written agreement shall be prepared on a form accepted by the County for such use and presented to the Board of County Commissioners for approval.

Regarding those situations encompassed in subparagraph B. above, The Board of County Commissioners shall make specific determination at the time of entering into the aforesaid agreement as to the value of the materials received by the County, and whether or not the procurement of bids for the material would entail an unnecessary and detrimental delay and loss to the County.

The agreement, prior to being presented to the Board of County Commissioners, shall be signed by the Road Superintendent. The agreement shall be recorded in a permanent file of the Road Department and the County Manager's office and open to public review and inspection. The agreement for materials received must be ratified by the Board of County Commissioners at the next regularly scheduled public meeting.

The provisions of this paragraph shall not be exercised except in those situations where the utilization of materials provided by private landowner saves time, costs and would comply with the exception to the Public Purchases Act as set forth above.

2. **Excavating, Cross Cuts or Other Cuts on County Roads.** No entity, third-party, governmental body, individual Franchisee, utility, whether public or private, or other entity shall do any excavating, cross cutting, digging, trenching or any other work on or across a County road without first contacting the Curry County Road Superintendent, completing and submitting the appropriate application, together with any and all application fees, to perform such work in obtaining approval from the Curry County Board of County Commissioners. In the event of an actual emergency, the application may be approved by the concurrence of the Curry County Road Superintendent and the Curry County Manager, but only after all of the appropriate paperwork has been approved and the application fees paid. A copy of said Cross Cut Application is attached as Attachment C hereto. All utilities must be installed at a minimum depth of six feet (6') below road surface and/or a minimum depth of thirty-six inches (36") below the existing clean bar ditch level on any road.

3. **Work on County Roads by Private Parties.** Private parties shall not perform any Road Construction work (such as plowing, disking, ripping, rebuilding, etc.) on County roads except as may be specifically authorized by the County Commission in a written agreement. Private parties may enter into an agreement with the County to perform certain work and/or provide improvement on County roads when such an agreement would be in the best interest of the citizens of Curry County and provide an improvement on an existing County road. No work shall be performed until and unless the landowner has completed and submitted to the County Road Superintendent. Only upon approval by the Board of Curry County Commissioners, shall said individual be authorized to work on County Roads or County Property. Said form shall contain the following provisions:
 - A. **Liability.** The private party agrees to assume all liability and be responsible for any actions that may result from any injury or damage that may occur while road work is being performed by the private party. Such liability and responsibility shall remain from the time that the work is commenced until it is completed and approved as acceptable by the Curry County Road Superintendent.

 - B. **Transfer of Title.** The private party agrees to transfer title to all improvements installed on the County road or property to Curry County after said items and property have been installed and accepted by the Curry County Road Superintendent.

 - C. **Notification of County.** The private party agrees to notify the Curry County Road Superintendent, prior to the start of the work, of the location of the proposed work, the type of proposed work, and the date that said work will start.

 - D. **Minimum Standards.** The private party agrees that any road work performed on County roads shall meet the minimum standards to satisfy the County for such improvements.

It shall be the duty and responsibility of the Road Superintendent to insure that each agreement strictly complies with the provisions contained above and to inspect the work as it is ongoing to determine that the agreement is being fulfilled. No private party shall perform any work on any County road until a written agreement has been completed unless the County Road Superintendent, or his representative designated by the County Commission, shall determine that an emergency situation exists requiring immediate action. In an emergency situation, the County Road Superintendent may verbally authorize the work under the terms and conditions set forth in this section. A written agreement must be prepared within five days of the verbal authorization and be signed by the County Road Superintendent and the County Manager and submitted to the Board of County Commissioners for ratification at the next scheduled County Commission meeting.

- E. Mowing of grass in right of way, pushing snow, and etc.** This is not included as "work on County roads by private parties". The policies listed in Section VI., (1), (2) and (3) are meant to keep destructive acts from happening on County roads. This is not meant to deter the general public from good faith efforts to clear County roads of weeds, snow or etc.
- 4. Donations of Privately Owned Materials.** Nothing contained in this section of the Curry County Road Policy shall prohibit or in any way restrict the donation of road materials (caliche, gravel, water, etc.) to the County when such donation is free of charge and involves no expense to the County other than transporting the materials to the road site for use. The County of Curry specifically recognizes in this policy that the farmers and ranchers of Curry County have throughout the history of Curry County provided materials to the County for use in maintenance and construction of roads, often at no charge to the County. Such donations by these citizens have proven to be an invaluable aid to the County in its attempts to construct and maintain a viable road system and is hereby specifically encouraged as a benefit to the citizens of Curry County in that it saves expenditures of funds and man hours. An agreement must be signed by the County and the landowner for the donation.
- 5. County Equipment on Private Property.** No County equipment shall be used on private property unless approved by the Board of County Commissioners and a Hold Harmless agreement is signed.

SECTION VII: MISCELLANEOUS PROVISIONS

- 1. Administrative Fees.** In order to defray and/or offset a portion of the cost and/or expenses of the administration of private versus public requests, the Board of County Commissioners has established procedures that require an application and payment of an administrative fee. The administrative fee for this policy shall be established at \$50.00 per person, per application and can be changed, altered or amended by the County Commission as it deems fit.

2. **Work, Excavating, Boring, Crosscuts or Other Cuts on County Roads.** No entity, franchisee, utility, third party or others shall do or perform any type of work excavating, boring, crosscuts or cuts on Curry County roads without first obtaining a permit for the same from the Curry County Road Superintendent. A separate permit shall be required for each and every crosscut or other cuts on County roads. If utility companies or others are working in the County right-of-way and not on the road surface directly, a separate permit shall be required for each intersection of the County road where the work is to be performed.

Prior to any work being performed on County roads, the person or entity requesting to do the work/have the work done, must submit the appropriate application, together with any and all application fees to the Curry County Road Superintendent and no work shall be performed until the application process is complete and a permit has been issued. A copy of said work permit application is attached as Attachment C hereto.

3. **Obstruction of, Damage to or Work on County Roads.** It is unlawful to obstruct or damage public roads (N.M.S.A. 1978, §§ 67-7-1 and 67-7-2~. No objects will be allowed on, or within 12 feet of, the driving surface that may interfere with the safety of persons or vehicles utilizing a County road. Fences, locked gates and other obstructions are prohibited on all County maintained and lesser County maintained roads or rights-of-way.

Private parties or organizations shall not perform any type of construction or other activity such as, but not limited to, utility installation, or constructing a driveway/road intersection without first applying for and securing authorization from the Curry County Road Department, thereafter complying fully with all provisions and standards set forth in the authorization.

4. **Pavement, Gravel, Culverts, Weed Control, Traffic Signs/Pavement Striping and Street Lighting.** The County may pave, gravel, install culverts, install cattle guards, perform weed control, install signs, stripe and install street lighting on any County maintained road or public right-of-way at its discretion. Upon citizen request, the County may perform any of the above if it is determined to be necessary and is in the best interest of the County. Any requested improvements will be prioritized based on need and will be contingent upon available funding, manpower and equipment.

Any road improvements such as paving, drainage improvements, or other such improvements that are requested by the public that are not currently planned or budgeted by the County may also be financed by the creation of a special assessment district. Creation of the special assessment district shall be subject to statutory requirements, including N.M.S.A. 1978, §§ 67-4-20 through 617-4-24 (as amended) and N.M.S.A. 1978, §§ 3-33-1 through 3-33-43 (as amended).

- A. **Pavement.** Currently paved roads will be maintained at that level including asphalt patching and resurfacing when determined to be necessary by the County.
- B. **Gravel.** Currently graveled roads will be maintained at that level including routine blading and dust control when determined to be necessary by the County.
- C. Under normal conditions, Curry County will not blade any ditch, back slopes, or shoulders from October 1 of any year through April 1 of the following year. Exceptions to this general policy may be allowed if the road is under construction or rebuilding is being done on said road.

In addition, with the approval (or supervision) from the Road Superintendent, Road employees may blade the front slopes (or shoulder) of county roads in order to establish water flow down the ditch. In areas where ditches are full of blow sand, again, with the approval (or supervision) of the Road Superintendent, Road employees may clean the ditch in order to reestablish a ditch line capable of keeping rain water off of the roadway. In sandy areas, any blading will only be done with adequate moisture to compact the material on the roadway.

- D. **Culverts.** Culverts will be installed in such a manner as to align with the historic or established drainage. However, this does not imply that Curry County is responsible to maintain the drainage channel beyond the limits of the right-of-way easement. Only in the event it is determined that such maintenance of the drainage channel would directly benefit the County and the County has received permission and indemnification from the property owners would the County consider performing work.
- E. **Weed Control.** The County may use herbicides and mowing as part of its weed management program. The use of herbicides and mowing on County road rights-of-way will be at the discretion of the Curry County Road Department Superintendent.

1. **Herbicides.** --- Herbicides may be used to inhibit and/or prevent weed, shrub and tree growth on County road rights-of-way. Herbicides may also be used in an effort to control noxious weeds on County road rights-of-way. , The County can, at the discretion of the Road Superintendent, control noxious weeds on County and/or private property (with landowner's permission) if it is determined to be in the best interest of the County or should any noxious weed acts may be enacted within this State. The County will attempt to perform this service at no charge to landowners.
2. **Mowing.** Mowing will be done on maintained and lesser maintained County roads when weed growth obstructs the visibility of traffic and/or pedestrian ingress and egress.

F. **Traffic Signs/Pavement Striping.** The placement of all traffic signs and pavement striping will be performed in compliance with the Manual on Uniform Traffic Control Devices (MUTCD). Materials shall be in accordance with requirements of ASTM standards, FHWA specification FP-96, and Federal Register Volume 48, No. 200, 10/14/83. Speed limits will be established based on State laws.

5. **Interpretation.** Interpretations of this policy shall be made by the Road Superintendent, subject to review and approval of the County Manager and County Attorney.

Application and Hold Harmless Agreement

I/we, the undersigned, as the legal owner(s) of the below described real property, do hereby request that the Board of County Commissioners of Curry County and/or its designee approve and authorize Curry County personnel and equipment from the Curry County Road Department to enter upon my/our below described real property for the purpose of performing the following work at said location:

Physical description of property, including road and/or intersection where work is to be performed: _____

Description of work to be completed: _____

In consideration of Curry County and/or Curry County personnel/equipment providing the above described services, I/we knowingly and voluntarily waive and release Curry County, its employees, personnel and equipment, from any and all current and/or claims, demands, causes of action, claims for relief, or claims for compensation, which arise out of or result from Curry County equipment and personnel coming onto the land and/or performing any work thereon, regardless of the nature of the claim or damage, and regardless of the type, nature, reason or basis for any and all said claims, whether known or unknown, anticipated or unanticipated, intended or unintended.

I/we further agree to release and hold Curry County and any of its employees/personnel/equipment harmless from any and all damages, claims, causes of action, claims for reimbursement or repairs, which result from or are the result of Curry County, or any of Curry County's personnel, or any Curry County equipment coming on to the property and/or any work, action, conduct, transaction or any non-action by Curry County, any of its employees and/or equipment.

Undersigned stipulate and acknowledge that they have freely and voluntarily requested Curry County to perform the above referenced work without any threats or coercion and as their free and voluntary act.

Undersigned stipulate and agree that this document is for the benefit of Curry County, its agents, employees, contractors and assigns.

Signature of Owner

Printed Name of Owner

Address, City, State Zip

Home Phone and Optional Phone

Signature of Owner

Printed Name of Owner

Address, City, State Zip

Home Phone and Optional Phone

The above application was presented for consideration by the Curry County Commission of Curry County, New Mexico this ____ day of _____, 20____. Said application was granted upon the terms and conditions therein stated.

BOARD OF CURRY COUNTY COMMISSIONERS

Road Superintendent

ATTEST:

Curry County Clerk
Date:

Reference: _____
Date and description of work performed and by whom.

CULVERT APPLICATION/PERMIT

Date of Application: _____

I, the undersigned, do hereby make application to the Curry County Road Department of Curry County, NM, to place a Culvert under or along Curry Road _____.

Work will be done on Curry Road _____ between _____ and _____.

Description of Location: _____

Person or persons who will own said culvert once installed _____

Culvert will be at location, ready for installation on or by _____.

Applicant's Responsibilities:

1. That Culvert pipe will be no smaller than 24 inches in diameter unless determined by Road Superintendent that an 18 inch culvert can be used to obtain proper coverage.
2. The applicant will purchase their own culvert; Curry County does not sell/provide them.
3. The applicant agrees to protect, indemnify, defend and hold Curry County harmless, including attorney fees, from any injury or damage caused to a third party or third parties by the maintenance of said culvert thereof, or the lack of maintenance thereof.
4. Curry County reserves the right to relocate, modify, alter or reroute County Roadways, and applicant shall be solely responsible for any and all costs or expenses necessary to relocate or move Applicants culvert.
5. The applicant is responsible for maintenance and cleaning of culverts, and all damages to culverts need to be repaired by Applicant.
6. An administrative fee of \$50.00 and install fee of \$275.00 must accompany this application.

Signature of Applicant

Applicants Printed Name

Mailing Address

City State ZIP

Phone number

The above application was presented for consideration by the Curry County Road Superintendent of Curry County, New Mexico this _____ day of _____, 20____. Said application was granted upon the terms and conditions therein stated.

ATTEST:

Road Superintendent

Curry County Clerk

Attachment [B]

**APPLICATION FOR WORK, EXCAVATING, BORING,
CROSS CUTS OR OTHER CUTS ON COUNTY ROADS**

Date of Application: _____

I, the undersigned, do hereby make application to the Curry County Road Department of Curry County, NM, to perform the following work on, under or along Curry Road _____ between _____ and _____.

Describe Project: _____

Person or Persons who perform said work: _____

Person or Persons who will own the property placed under, across or along any County road: _____

Work will begin on or about _____ and will require approximately _____ days to complete.

A SEPARATE APPLICATION IS REQUIRED for each and every separate boring, cross cut, or other cut on County roads, for any work on portions of County roads other than described above, and any separate work on any County intersection.

Applicant's Responsibilities:

- 1) In addition to all other provisions and requirements in this applicant, anything that is buried, installed or otherwise placed in a County Right of Way, shall at all times, be at least thirty-six (36) inches below the clean bar ditch level. It shall be the applicant's or assignee's responsibility to maintain this minimal level at all times.
- 2) To place said _____ at least 6 foot below top of intersections
- 3) Unless otherwise authorized by the County Road Superintendent in writing, all crossings of caliche and chip sealed roads will be bored, no cutting of the road bed shall be allowed.
- 4) All utilities must be installed at a minimum depth of six feet (6') below road surface and/or a minimum depth of thirty-six inches (36") below the existing clean bar ditch level on any road.

- 5) The application agrees to furnish appropriate traffic control/warning devices to protect the traveling public and workmen while work is taking place within the public Right-of-Way. Applicant further agrees to locate and protect any and all other existing utilities in the area of the project.
- 6) The applicant further agrees to return the road surface to its original condition after the above work has been completed, or to reimburse the Curry County Road Department within thirty (30) days for its work in bringing the road surface back to original condition. Applicant further warrants said repairs and agrees, at his/her/its own expense, to repair or replace any defects which appear in said repair for a period of twelve (12) months following completion of said roadway repair. In the event the applicant fails to repair or make said repairs, the County shall have the right to make any and all necessary repairs and bill the landowner for the total amount of the same. If the bill to the County is not paid, County shall have a right to file a lien against the property.
- 7) At the end of twelve (12) full calendar months following completion of any roadway repair, applicant must contact the Road Superintendent and have the Road Superintendent or his/her designee complete an inspection of the road. The inspection must be signed by the Road Superintendent or his/her designee and the landowner. If the landowner should fail or refuse or otherwise does not obtain a signed inspection from the Road Superintendent, the applicant shall be responsible for the costs of any and all repairs deemed necessary by County to bring said road surface back to County standards.
- 8) The applicant shall notify the Curry County Road Superintendent of emergency work undertaken prior to County authorization no later than the next regularly scheduled workday during normal working hours.
- 9) The applicant shall notify the Road Department no less than one (1) regular working day prior to any construction or work within the County Right-of-Way and upon completion of construction.
- 10) Curry County reserves the right to relocate, modify, alter or reroute County Roadways, and applicant shall be solely responsible for any and all costs or expenses necessary to relocate or move applicant's pipes/lines.
- 11) An administrative fee of \$50.00 must accompany this application. Before the application is approved by County, applicant will be required to pay County the following sums to cover the County's costs. For utilities zero to ten inches (0" – 10") in width, \$75.00; for utilities eleven to twenty inches (11" – 20") in width, \$150.00; for utilities larger than twenty-one inches (21") in width, \$300.00.

Signature of Applicant

Applicants Printed Name

Mailing Address

City State ZIP

Phone number

The above application was presented for consideration by the Curry County Road Superintendent of Curry County, New Mexico this _____ day of _____, 20____. Said application was granted upon the terms and conditions therein stated.

ATTEST:

Road Superintendent

Curry County Clerk

WATER PURCHASE AGREEMENT

THIS AGREEMENT is entered into this ____ day of _____, 20__ by and between Curry County, a New Mexico governmental entity, hereinafter referred to as "County", and _____, hereinafter referred to as "Seller", whose address is _____.

WHEREAS, County has a need, from time to time, to purchase and acquire water for the purpose of various road work or road projects in Curry County; and,

WHEREAS, Seller is the owner of certain water/water rights that it can sell to County for the limited and specific purpose of work on said county road project; and,

WHEREAS, the parties have entered into this agreement for the purpose of documenting the agreement they have reached.

IT IS THEREFORE MUTUALLY AGREED AND CONTRACTED TO BY THE PARTIES, and, for valuable consideration, as evidenced by their signatures hereto, the parties stipulate, agree and contract as follows:

- 1) Seller shall sell, assign and transfer up to _____ gallons of water to County for purposes of use on county road project in Curry County, New Mexico.
- 2) By its signature hereto, Buyer acknowledges, stipulates and represents to County that it is the sole owner of the water that is subject to this Agreement and that there are no liens or other encumbrances against the water and that payments for the sale of water under this Agreement are to be made directly to Seller.
- 3) County shall pay to Seller the sum of \$_____ per 1,000 gallons of water purchased under this Agreement, which includes any and all gross receipts tax. Seller agrees to accept County's meter reading for purposes of determination of the number of gallons purchased by County. County agrees to pay Seller, and Seller agrees to accept payment for said water at such time as County completes the road project for which said water is being purchased for. County shall provide Seller with a detailed statement showing the number of gallons of water purchased at the above-stipulated and agreed to rate, and provide a check for payment in full of the same.
- 4) The location where County is to obtain the water is described as:

5) Seller hereby consents, agrees and allows County vehicles, including but not limited to water trucks, access across said property to the above-described location, seven days a week, twenty-four hours a day, if necessary, for the purpose of obtaining water and filling water trucks with the water necessary for the county road project.

6) If there are any cattle or livestock on the property or if there are any gates that need to be opened or closed by County, or any other concerns that Seller has with regard to County's access for purposes of obtaining water, those are:

7) County shall not be liable to Seller for normal wear and tear resulting from County's access to and from the property for purposes of obtaining water and implementing the terms of this agreement.

8) Contact persons with regard to this Agreement, the terms and conditions and implementation hereof is as follows:

Curry County: Road Superintendent
Curry County
417 Gidding, Suite 100
Clovis, NM 88101
Telephone: 575-762-1501
Email: roadsdept@currycounty.org

Seller: _____

Telephone: _____
Email: _____

9) Unless sooner terminated, this Agreement shall automatically expire on the ____ day of _____, 20__.

Curry County:

Seller:

By: _____
Its: _____

By: _____
Its: _____

CURRY COUNTY CATTLE GUARD APPLICATION/PERMIT

I, undersigned, do hereby make application to the Curry County Road Department of Curry County, New Mexico, to place a cattle guard on Curry County Road

_____.

Work will be done on Curry County Road _____ between _____ and _____.

Description of location: _____.

*Complete attached map form.

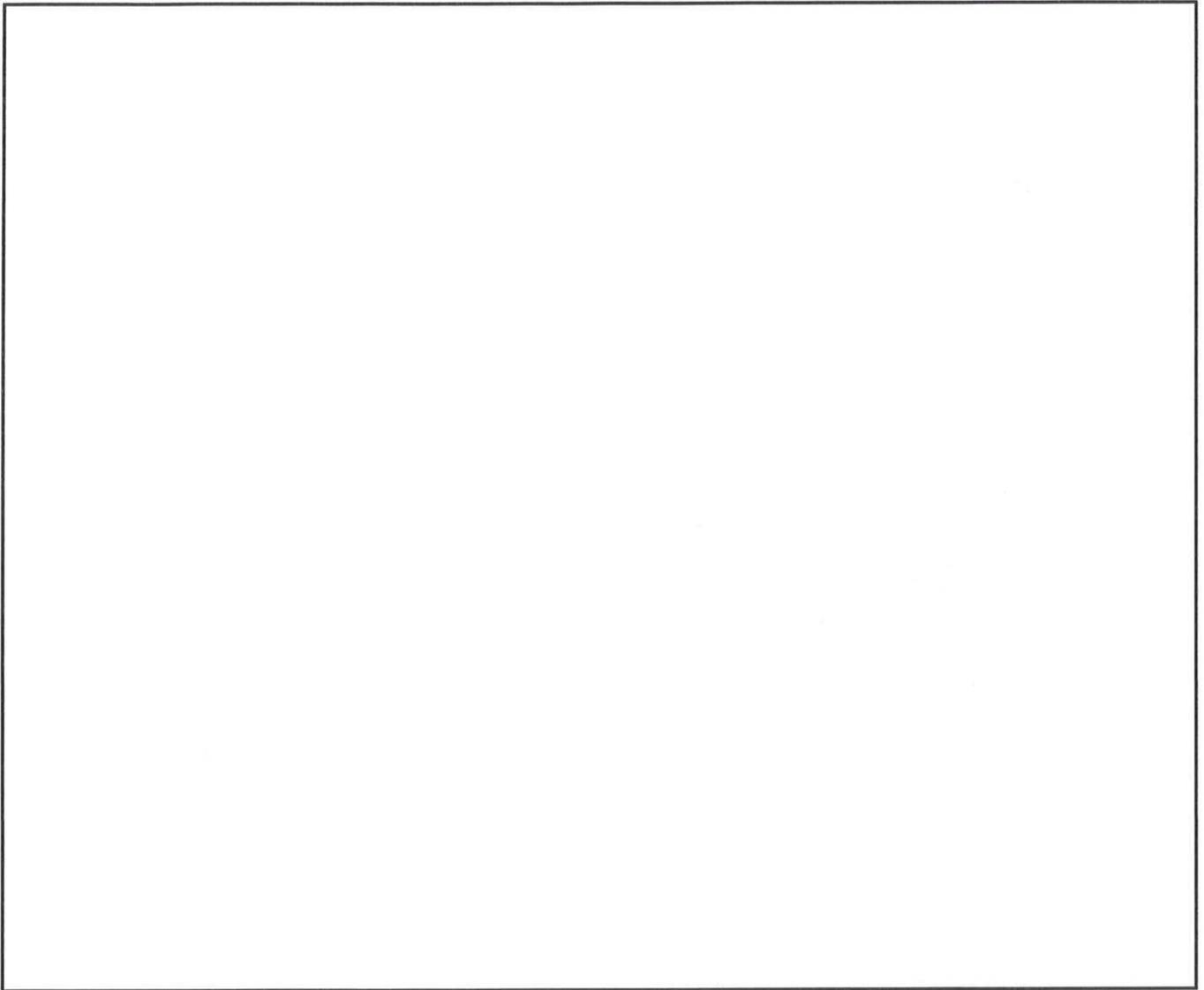
Cattle guard will be at location, ready for installation on or by _____.

Applicant's Responsibilities:

- 1) The cattle guard specifications are attached to application.
- 2) The applicant will purchase their own cattle guard and provide the material to install the cattle guard; Curry County does not sell/provide cattle guards or materials. All work in the County Road to install a cattle guard shall be performed by Curry County Road Department.
- 3) No person or entity shall be allowed to perform any cleaning/maintenance after installation.
- 4) In the event the cattle guard needs cleaning/maintenance before the maintenance crew returns, a request form for cleaning/maintenance must be completed, and submitted, Curry County has fifteen (15) working days to complete task.
- 5) An administrative fee of \$50.00 and install fee of \$275.00 must accompany this application.

Signature of Applicant _____
Applicant's Name Printed _____
Mailing Address _____
City, State, Zip _____
Contact Phone Number _____

The above application was presented for consideration by the Curry County Road Superintendent of Curry County, New Mexico, on this ____ day of _____, 20___. Said applicant was granted upon the terms and conditions therein stated.



Draw a map (or attach) as well as provide additional description if needed.
Please indicate road numbers on map and show where work will take place.
