

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: 7/2/2019	ITEM TIME: 11:20 am
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FROM:	R. Dubois /M. Mordi
TODAY'S DATE:	July 2, 2019
AGENDA TITLE:	Consideration of Approval of Revocable License Agreement for Installation and Maintenance of Private Waterline in Public ROW
CHECK ONE THAT APPLIES TO YOUR ITEM:	
<input checked="" type="checkbox"/> ACTION ITEM	
<input type="checkbox"/> DIRECTION	
<input type="checkbox"/> INFORMATION	
I. DESCRIBE THE REQUEST OR ISSUE:	
A land owner has requested permission to install a water line under the County Road 46 right-of-way to connect their water well to their home site across the road. The owner has agreed to the conditions stated in the revocable license. The request is to approve the agreement to allow the private utility to cross the County Road 46 right-of-way	
II. RECOMMENDED ACTION:	
Approval of and Authorization for Commissioner to sign the Revocable License Agreement for Installation and Maintenance of a Private Water Infrastructure in the Public Right-of-Way on County Road 46.	
PROPOSED REVENUE (budget): NA	
PROPOSED EXPENDITURE: NA	
FUNDING SOURCE: NA	
IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):	
None anticipated	
V. BACKGROUND INFORMATION:	
The property owner is in need to get water to their current home structure from the existing well which is located directly across the road. The well was drilled and put into production in 1981 in a recorded easement described in Book 551, Page 480. The line from the well was run to the house under the county road without written permission from the County at the time the well was installed. The existing water line is buried approximately 15-20 feet below the surface of the road and will not interfere with road maintenance. The property owner has agreed with all terms and conditions of the attached agreement.	

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VI. LEGAL ISSUES:

The County generally does not allow private infrastructure in the right-of-way to minimize the potential for conflicts or interruption in private service due to road work, maintenance, or use of the right-of-way by authorized utilities. Private owners are not required to belong to the utility notification system and there is a danger that when conducting work in the right-of-way private utilities are not located. Given that the right-of-way crossing is limited length and there will be delineators maintained to indicate the crossing, that conflict is reduced. County Attorney has reviewed and approved the revocable license. The license includes measures to allow the County to revoke the license and to allow the County to collect for damages to the right-of-way due to the irrigation line further reducing potential conflicts.

VII. CONFLICTS OR ENVIRONMENTAL ISSUES:

None anticipated

VIII. SUMMARY AND OTHER OPTIONS:

The water well is on the west side of CR 46 and the home is on the east side of the road. Other options are to drill a new well on the side of road with the home site