

**COLFAX COUNTY  
ENCROACHMENT PERMIT  
(Dedicated roads and other Colfax County rights of way)**

The undersigned property owner, or agent of property owner within Colfax County for a permit to encroach upon County rights of way for the construction of the following:

- Driveway access
- Culvert installation
- Open swale installation (describe)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Aerial Crossing – Under fifteen (15) feet, 110 volt or higher
- Removing material
- Utility installation/construction
- Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The permit applications must be accompanied by a fee of \$75.00 for the first sixty (60) and an additional cost of six (.06) cents each additional foot, for any of the purposes set forth in Section 2, paragraph A of the Colfax County Road Excavation Ordinance No. 1999-2. Fees are to be collected by the Colfax County Manager's Office and deposited with the County Treasurer in the County Road Fund.

In addition to the permit fee, a performance bond in the amount of \$500.00 for each excavation or construction site shall be paid prior to the issuance of a permit to secure compliance with the County specifications for repair and restoration of the right of way. Upon satisfactory completion of the repair and restoration of the County right of way, the performance bond shall be refunded.

I (we) the undersigned applicant (s) agree to maintain the drainage ditch alongside the road by means of an open swale (ditch) or metal pipe across the encroaching facility (i.e. driveway, etc.). It is further agreed that the existing road cross-section (or planned ultimate design, if the road is not yet completed) will be maintained and under no circumstances will the encroaching facility (i.e. driveway, etc.) protrude into the road cross-section surface, raising or lowering the road profile or altering its surface.

We further agree to abide by the following specifications:

Driveways will be of a maximum width of 24' in which case a 30' metal or plastic pipe culvert will be used to maintain the roadside drainage if an acceptable open swale (ditch) is not permitted. Driveways will be of a minimum width of 16' in which case a 20' metal or plastic pipe culvert will be used in lieu of an acceptable open swale (ditch). In both cases the pipe shall be 18" minimum diameter, corrugated

pipe. Driveway widths are to be measured at the top surface of the driveway, hinge point to hinge point. Driveways will be marked by the placement of one marker at each end of the pipe or swale, as the case may be. Said markers shall be placed on the outside (i.e. private property side) of the pipe or swale and markers shall be 3' high above the ground surface. The markers will be green metal "T" posts with a 3" round amber reflector mounted at the top of each post.

Specification for facilities other than driveway encroachments, if any, are attached hereto and made a part of this permit.

It is the intent on the above to require conformance with the State Highway Department of New Mexico specifications for such driveways or facilities, the particulars set forth above withstanding only if additions thereto.

The granting of this permit pertains to the encroachment only, without comment or responsibility, as to the adequacy of the encroaching facility, by Colfax County.

I (we) understand that once the permit is approved it will be valid for thirty (30) working days at which time it will expire. Upon written request a permit may be extended at no extra charge.

The permittee is required to correct incomplete or defective materials and workmanship performed under each permit.

The permittee must restore the road sub-base and surface to its original condition within fifteen (15) days after notice of non-compliance, unless the County has granted an extension of time. Upon failure of the permittee to make such restoration following notice of non-compliance and determination of non-compliance following a hearing, as provided below, the County may cause to have such work done and the cost charged to the permittee, subject to the permittee's right to appeal as provided below.

The permittee prior to making any excavation or road cut shall adequately light the area at night with safety flares, blinking lights, etc. A barricade and lighting will be maintained until all work has been completed.

Facilities shall be installed at least 36 inches below the ground surface.

Ditches paralleling county roads shall not be open for more than forty-eight (48) hours without notifying the County Road Department.

The permittee shall remove all rubbish, excess rock, earth and other debris resulting from excavation work immediately on completion.

All trenches and ditches will be backfilled and compacted every ten (10) inches from the bottom of the cut to the ground surface.

The County shall make backfill and compaction inspections.

Any person, including a utility company making any excavation or road cut is required to correct defective materials and workmanship performed for a period of two (2) years from the date the work under such permit was completed.

Each permittee must be thoroughly clean up from the public place all rubbish, excess earth, rock and other debris resulting from any excavation or road cut work. All cleanup operations at the locations of such cuts are to be accomplished at the expense of the permittee. Failure to complete clean up may cause the County to have such work done, and the permittee shall pay for such reasonable cost.

In the event a permittee fails to comply with the requirements of the Ordinance, the County Road Department may issue written notice of non-compliance and conduct a hearing. Based on the findings of the hearing, the County Road Department is authorized and empowered to suspend, cancel or withdraw any permit issued to the permittee. The permittee may appeal the decision to the Board of County Commissioners by filing written notice of appeal with the County Manager within (10) business days of the date of such written findings and decision.

In addition to any other liabilities imposed by law, any persons who shall violate the provision of this Colfax County Ordinance 1999-2 may, upon conviction, be punished by a fine of not more than \$300.00 or imprisonment for a period not to exceed ninety (90) days, or both, at the discretion of the judge.

APPLICANT (S)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Mailing Address (please print)

\_\_\_\_\_  
Please type or print name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone number

LOT DESCRIPTION: (Must be completed):

\_\_\_\_\_  
(OFFICE USE ONLY)

Permit granted: \_\_\_\_\_

COLFAX COUNTY

\_\_\_\_\_  
County Manager

\_\_\_\_\_  
Road Superintendent

Effective date of this permit: \_\_\_\_\_

Attachments: \_\_\_\_\_  
(indicate none or describe)

