

ADDENDUM 190 MESA COUNTY ROAD & BRIDGE SPECIFICATIONS
USE OF PUBLIC RIGHT-OF-WAY AS INGRESS/EGRESS POLICY

190 – POLICY FOR USE OF PUBLIC RIGHT-OF-WAY AS INGRESS/EGRESS FOR EXISTING PARCELS ONLY

The Policy of Mesa County is to assist owners of existing parcels of land when said owners desire to develop vehicular ingress and egress to said parcels utilizing lawfully established public rights-of-way of record. Mesa County must also insure that the ingress/egress thereto is of such a standard and condition to safely accommodate the necessary vehicular traffic, including emergency, law enforcement and firefighting equipment. This policy shall not be applied for subdivision use, for any land divisions, when new parcels are created, or for any land use of which falls within the Land Development Code or requires an action by the Planning Department.

The public rights-of-way to which this Policy applies are those public rights-of-way declared in the Order of the Board of County Commissioners of Mesa County recorded on August 7, 1957, in Book 714 at Pages 521-537 in the office of the Mesa County Clerk and Recorder*, and which are depicted on the Map which represents the road rights-of-way created by Proclamation--which map is maintained and kept by the Mesa County Public Works Director.

* This Order is a re-recording of two Proclamations by the Board of County Commissioners of Mesa County which proclamations were declared on March 11, 1890 and August 3, 1892, and which were then recorded in the general records, and the Grantee and Grantor indexes, of the Mesa County Clerk and Recorder on March 18, 1890 and September 19, 1892, respectively.

PROCEDURE FOR USE OF PUBLIC RIGHT-OF-WAY AS INGRESS/EGRESS FOR EXISTING PARCELS ONLY

The purpose of this Procedure is to identify roles, responsibilities, and requirements for anyone who desires to use, for ingress and egress to an existing individual parcel, the public rights-of-way which were declared in an Order of the Board of County Commissioners of Mesa County and recorded on August 7, 1957 in Book 714 at Pages 521-537 in the office of the Mesa County Clerk and Recorder. (“Public Rights-of-Way”)

Any road constructed on Public Rights-of-Way by individuals utilizing this policy will be open to the public and the public cannot be denied use of that right-of-way. No gate or sign shall be placed so as to prevent, restrict, or discourage use of the right-of-way by the public. All work within the right-of-way shall comply with the Mesa County Standard Specifications for Road and Bridge Construction.

Anyone desiring to use the Public Rights-of-Way as ingress/egress shall submit a written application to Mesa County’s Engineering Division which must include a narrative describing the proposed use of the public right-of-way.

Upon receipt of this application, Mesa County will confirm the right-of-way is a Public Right-of-Way which was declared in the Order recorded in Book 714 at Pages 521-537 such that it is a right-of-way for public use, and that it is feasible for the proposed use. Mesa County shall notify the applicant of its initial findings, in these regards, within fourteen (14) days of the applicant making said request to Mesa County.

The applicant can then proceed or choose other alternatives. An example of an alternative might be the cooperation of use of an existing driveway. All arrangements shall be the responsibility of the applicant.

If the applicant decides to proceed, then an Improvement Survey Plat will be required pursuant to 38-50-101 C.R.S. and 38-51-102(9) C.R.S. showing the location of any Public Right-of-Way of record; and showing and identifying all adjoining land owners; and showing all other existing features such as landscaping, irrigation, agricultural use, drainage, obstructions and elevations which may affect the proposed use. Such plat shall be subject to review by Mesa County prior to any approvals.

The applicant shall then submit plan and profile drawings showing the proposed design improvements, prepared and sealed by a Colorado Professional Engineer. This design shall provide for adequate drainage improvements and acceptable standards of geometrical design parameters, including cross-sections and structural section design. The applicant’s plat shall show all obstructions, fences, buildings, irrigation systems, utilities, trees, drainage, etc and the applicant shall detail, depict, or describe how these items will be resolved on the plan/profile. If Mesa County’s review of the applicant’s plat or plan identifies additional obstacles, then the applicant must re-submit a plat or plans. Such revised plans shall incorporate all comments from Mesa County concerning any relocations, removals, or construction needs within the recorded Public Right-of-Way as identified by Mesa County during its initial review of the Improvement Survey. All relocations, removals, and construction within the Public Right-of-Way will be the responsibility of the applicant. Acquisition and placement of materials required for construction

shall be the responsibility of the applicant and shall include emergency service provider requirements.

The road must be accessible in all weather conditions. Maximum grade shall not exceed 10% and adequate drainage shall be provided. A waiver shall be signed by the owner acknowledging that the property owner will maintain the road and that Mesa County will not be maintaining the road. Public Right-of-Way that is insufficient to accommodate the required driving surface, shoulder, and drainage may require additional right-of-way dedication which shall be the applicant’s responsibility. A turn-around feature is required at every access point serviced. Improvements schedule applies from the private access point to a County maintained roadway.

Privately maintained road improvements table for unimproved Public Right-of-Way:

Dwelling Units	Ingress/Egress Road Construction Parameters
1 or Field Access	Minimum driving surface width of 12' with 2' shoulders. Road lengths exceeding 600' shall require a turn-around feature every 600'.
2	Minimum driving surface width of 18' with 3' shoulders.
3 or more	Minimum driving surface width of 22' with 4' shoulders.

In cases where 2 or more parcels are affected, a financial security of sufficient value to cover the construction and inspection activities will be required.

Notice

Before Mesa County will issue permits detailing the requirements that must be satisfied, the applicant must first notify the adjoining property owners in a manner which is acceptable to the Mesa County Engineering Department. Once the applicant has shown that all the adjoining property owners have been sent sufficient notice via “Return Receipt Requested”, it shall then be the applicant’s responsibility to notify the Mesa County Engineering Department of their desire to continue to proceed.

Then, upon receipt of required plans (and revised plans, if necessary), and upon receipt of an approved Improvement Survey Plat, and upon receipt by the applicant of proof that all adjoining landowners have been mailed notice at least 30 days’ prior to the time that the applicant intends to develop the Public Right-of-Way, then Mesa County will 1) advertise the request to utilize the public right-of-way in the local newspaper in order to serve Public Notice, and 2) continue to process the permits needed for the right-of-way development upon the applicant’s applying for same.

Permits

A “Driveway” Permit and a “Surface Alteration” Permit shall be required, and possibly an “Underground Utility” Permit. All permits are the responsibility of the applicant.

The Driveway Permit will evaluate the safety of the driveway connection at the property line and define conditions necessary for safe access to the public road network. All conditions will be the responsibility of the applicant.

The Surface Alteration Permit may be issued after the plan and profile drawings are reviewed. The applicant shall be responsible for all the necessary construction within the public right-of-way.

The Underground Utility Permit shall be required for all utility construction within the right-of-way and must be submitted by the applicable utility company.

Maintenance Waiver

A Maintenance Waiver shall be required releasing Mesa County from any road maintenance obligations.

Termination of Permits

Mesa County reserves the right to make improvements within the right-of-way at any time.