



**ENCROACHMENT PERMIT APPLICATION FOR CONSTRUCTION WITHIN VILLAGE RIGHT OF WAY (Rev. 6/8/2021)**

APPLICATION FEE: \$100.00 SECURITY DEPOSITS: \$\_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

Check one: \_\_\_\_\_New Construction \_\_\_\_\_Repair existing

The undersigned, being property owner (or their representative) within the Village of Angel Fire do hereby apply to the Village of Angel Fire for a permit to encroach upon The Village rights of way for the construction of the following:(CHECK ALL THAT APPLY)

- A. Driveway Access – **Attach map of driveway location in relation to roadway and your lot along with drive design**
- B. Culvert Installation – **See attached Drawing requirements**
- C. Off Street Parking
- D. Curb/ Gutter/ Sidewalk/ Cut
- E. Other (Explain) \_\_\_\_\_
- F. Street Cut – **Attach Drawing of the area to be cut & the dimensions**
  - 1. Trench
  - 2. Pit
  - 3. Bore

**LOCATION OF ENCROACHMENT:**

Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_ Blk: \_\_\_\_\_

Street Address: \_\_\_\_\_

Phone numbers: Owner \_\_\_\_\_

Contractor \_\_\_\_\_

Estimated size of excavation \_\_\_\_\_

(Amount of pipe required for driveway)

Type of compaction equipment to be used \_\_\_\_\_

Start Date \_\_\_\_\_ Completion Date \_\_\_\_\_

FEE RECEIVED \$\_\_\_\_\_ DATE \_\_\_\_\_ CHECK #\_\_\_\_\_  FEE WAIVED

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 encroachment (i.e. driveway, etc.) if applicable. It is further agreed that the existing roadway cross-section (or planned design, if the road is not yet completed) will be maintained and **under no circumstances will the encroachment (i.e. driveway, etc.) protrude into the road surface, raising or lowering the road profile or altering its surface.**

**We further agree to abide by the following specifications:**

Driveway entrance will be a minimum width of 16' in which case a 20' metal pipe culvert will be used. Two Feet of culvert is to extend on both sides of driveway. If driveway is not perpendicular to the roadway, additional length of metal pipe culvert will be required.

The metal pipe culvert shall be 18" minimum diameter, corrugated metal (16 gage) pipe. Driveway widths are to be

measured at the top surface of the driveway from hinge point to hinge point. If the driveway is above the Village road, and has the potential to allow water from the driveway to enter onto the road, the design of the driveway must be approved by the Village Streets Department. Appropriate designs may include a crowned driveway with bar ditches on both sides of the driveway, one that sheds water to the bar ditch on the downhill side of the driveway, or the installation of a slotted drain culvert if the driveway is going to be concrete or paved. See Village Code 9-7-12 Private Drives.

Driveways will be permanently marked by the placement of one marker with a white reflector at each end of the pipe or swale. Said markers shall be placed on the outside of the pipe or swale and shall be a minimum of 4' above the adjacent ground surface.

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

The granting of this permit, subject to any conditions stated below, pertains to the encroachment only, without comment or responsibility, as to the adequacy of the encroachment by the Village of Angel Fire.

I (we) understand that the granting of this permit is conditioned upon the commencement of construction of the encroachment within twelve (12) months after the date shown below and the completion of the facility within twelve (12) months of the commencement date of construction, and that a deposit may be required to make sure that the work done is to Village specifications, (amount of deposit is to be determined by the Streets Supervisor) subject to property owner's continual maintenance thereafter of the encroachment, at the property owner's expense in a manner satisfactory to the Village of Angel Fire. Street cuts are only allowed between the dates of April 30 and November 1 unless the Public Works Department approves other arrangements (see code 7-1-5-14A2). Should this schedule or requirement not be met, this permit terminates immediately. Any removal and/or replacement of the encroachment, or modification thereof other than normal maintenance, requires an additional permit for that purpose. (See attached copies of Ordinances & Resolution pertaining to Streets).

Owner/ builders must provide proof of Liability Insurance; Contractors must provide proof of Liability Insurance, Business License, Contractor's License and Workers Compensation. The applicant further agrees to assume responsibility for locating the following utilities prior to commencement of the excavation:

1. Telephone – Century Link
2. Electric - Kit Carson Electric
3. Water & Sewer – Village of Angel Fire
4. TV Cable – Comcast

The applicant assumes responsibility for all traffic control and will provide adequate barricades to prevent accidents and facilitate traffic flow. Any road closure requires Village approval **prior to closure**. If it becomes apparent that traffic is to be re-routed the applicant shall call the Streets Department, Police Department and all other emergency response personnel, as to time and place of excavation and detour plan for routing traffic **prior to re-routing**.

**APPLICANT (S)**

Signature (owner)	Mailing Address (please print)	Phone Number
Date: _____		

Please type or print name

**NAME OF CONTRACTOR/ PERSON RESPONSIBLE FOR COMPLYING WITH ENFORCEMENT SPECIFICATION, IF OTHER THAN APPLICANT:**

Signature (contractor)	Type or Print Name	Phone Number
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***Applicant not to write below this line***

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1) First Inspection Date: \_\_\_\_\_

Signature of Streets Superintendent: \_\_\_\_\_

2) Second Inspection Date: \_\_\_\_\_

Signature of Streets Superintendent: \_\_\_\_\_

3) Final/Approval Inspection Date: \_\_\_\_\_

Signature of Streets Superintendent: \_\_\_\_\_

Deposit Required \$ \_\_\_\_\_

Fee Waived: \_\_\_\_\_

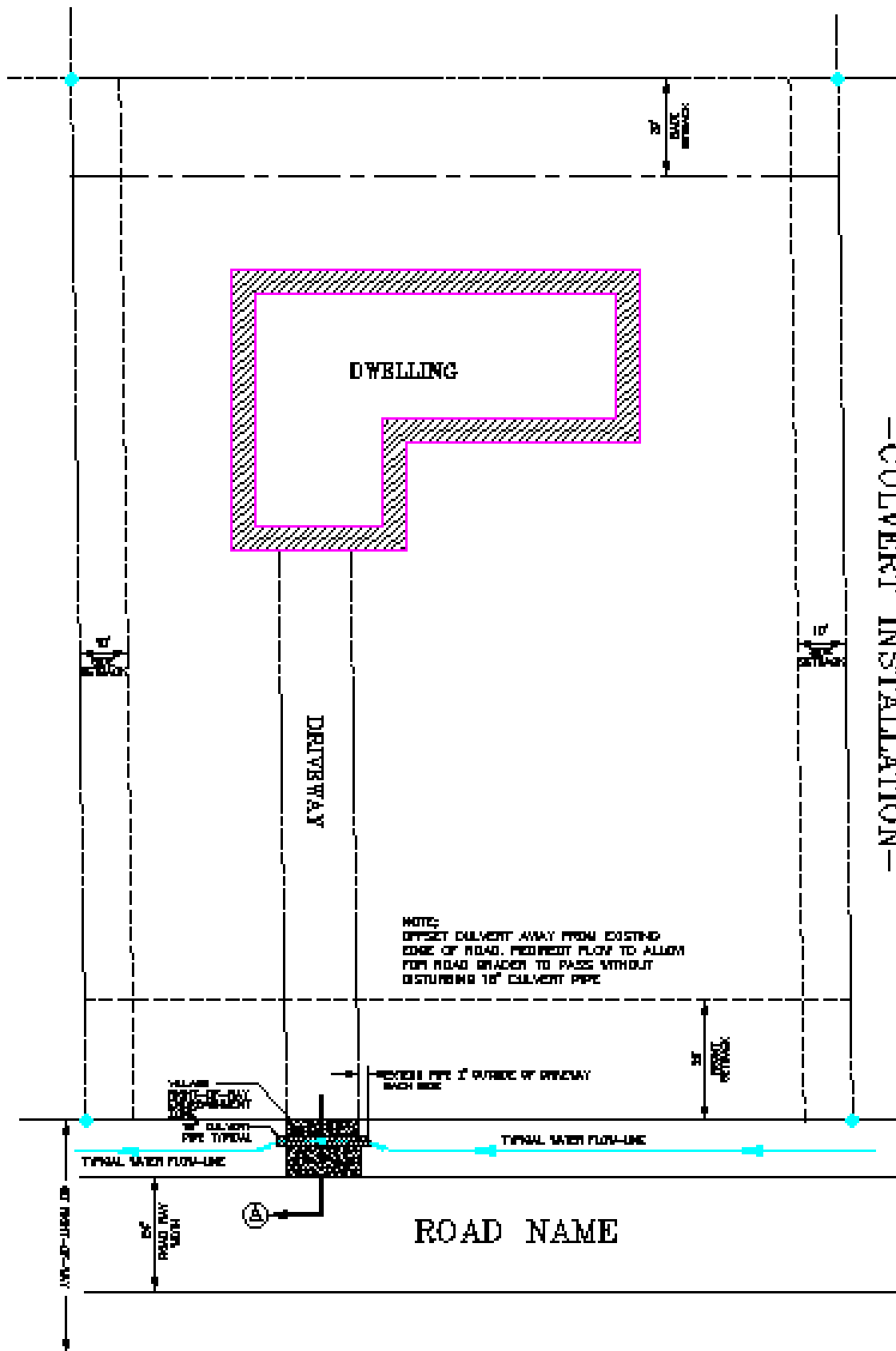
Estimated cost to Repair Village Property \$ \_\_\_\_\_

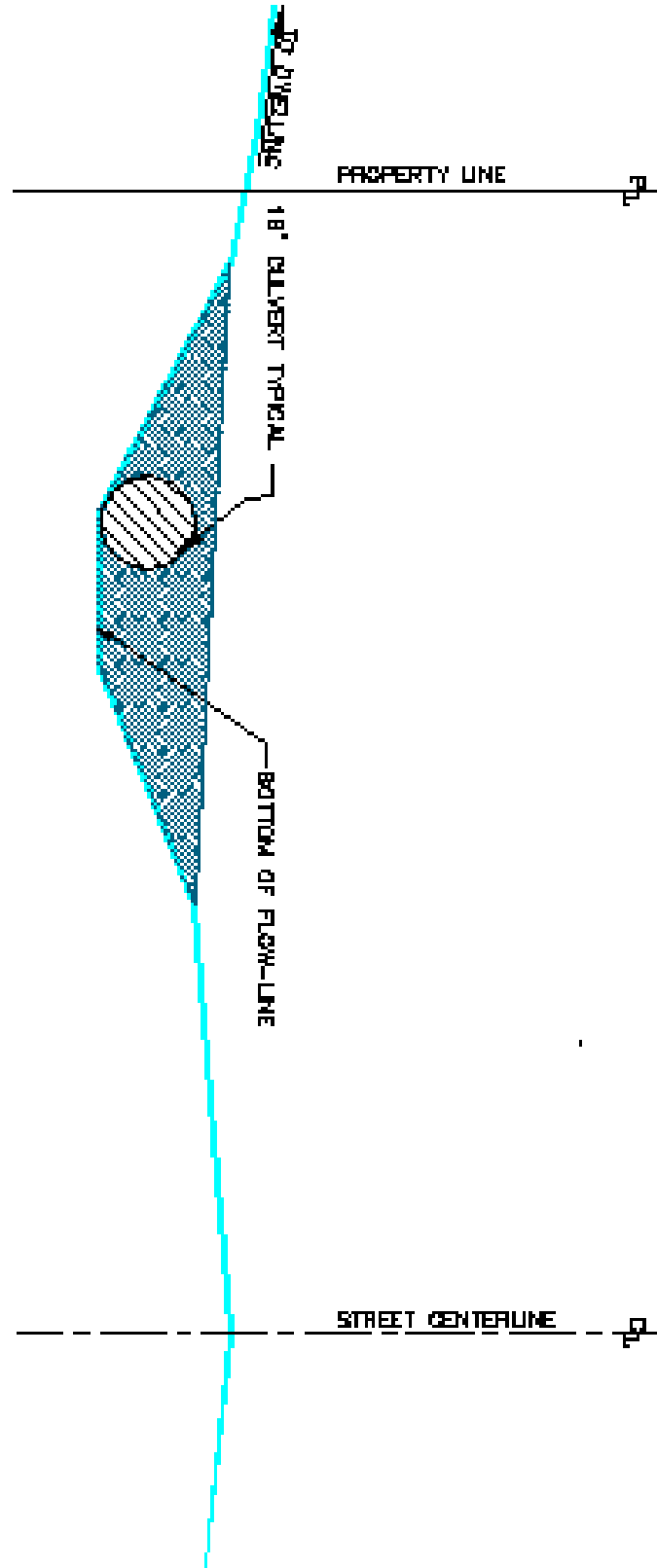
Performance deposit in accordance with Village Code 7-2-4, may be in the form of cash, check or an irrevocable letter of credit in the amount identified by the Streets Supervisor according to the Village of Angel Fire Resolution. **Contractors' License Bonds are Not Acceptable.** The term of the deposit bond is determined by the work being performed and the type of surface to be restored. (see code 7-2-4B) No work under this permit may be initiated prior to receipt of a completed application, fee and performance deposit. At that time the contractor will be issued a signed copy of the encroachment application.

Attachments:

1. Village of Angel Fire Code 9-7-12 Private Drive
2. Village of Angel Fire Code Sections applicable to construction within right of way
3. Village of Angel Fire Resolution 2002-03 establishing fees for security deposit
4. Typical Site layout driveway culvert installation
5. Typical driveway sections showing required slopes
6. Driveway drainage structure for concrete or asphalt driveways

# TYPICAL SITE LAYOUT —CULVERT INSTALLATION—





DETAIL "A"

RESOLUTION NO. 2002-03

A RESOLUTION ESTABLISHING A FEE SCHEDULE FOR THE ENCROACHMENT OF VILLAGE RIGHTS OF WAY AND EASEMENTS

WHEREAS the Village of Angel Fire has adopted a Right-Of-Way Encroachment ordinance establishing procedures that allow contractors and private utility providers to encroach upon and do work in the Village rights of way and easements; and

WHEREAS said work is required to be indemnified by a security deposit; and

WHEREAS the amount of the security deposit is dependent on the type of construction and the type of road where said encroachment work may occur.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Village of Angel Fire, that the following fee schedule for security deposits shall apply to all encroachment work within the Village rights of way and easements.

Paved Roads – \$8.00 Cubic Foot plus \$200.00 per square yard of asphalt to the existing thickness, but not less than 3 inches.

Gravel Roads –\$8.00 Cubic Foot

Unimproved Roads and Easements - \$2.00 Cubic Foot

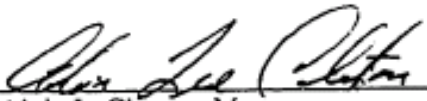
Curb & Gutter – \$50.00 Lineal Foot

Landscape, Driveway Apron and Sidewalks – \$300.00 Square Yard


Right of Way or Major Control Monuments – \$500.00 or Actual cost by licensed Surveyor if greater

Encroachment Permit Fee - \$10.00

PASSED, APPROVED, AND ADOPTED THIS 17th DAY OF JANUARY, 2002.

  
Alvin L. Clanton, Mayor

ATTEST

  
Lisa Sanchez, Village Clerk

### **7-2-3: PERMIT AND COMPLIANCE REQUIRED:**

A. Permit And Compliance Required: It shall be unlawful for any person, other than an officer or employee of the village in the course of his employment, to make, cause or permit any construction in, on, under or within a village right of way unless such person shall have first obtained an encroachment permit from the village public works department and unless such construction is performed in conformity with the permits and the terms and provisions of this chapter. Encroachment permits are required for, but not limited to, the following types of construction activities:

1. Utility installation.
2. Driveways.
3. Parking pads or structures contiguous to the right of way.
4. Drainage structures.

B. Penalty: Any work done in a village right of way or easement without an approved encroachment permit will be subject to the provisions of section [7-2-9](#) of this chapter.

C. Emergency Exemptions: The electric power company and the telephone company holding franchise agreements with the village are exempted from this provision in emergency situations where public health, safety, or welfare is at risk. (Ord. 2002-01, 1-17-2002)

### **7-2-4: SECURITY DEPOSITS:**

A. Types Of Deposits: In addition to a permit fee, the applicant shall make a security deposit sufficient to ensure that the roadway is repaired to preconstruction condition. Security deposits may be made by irrevocable letter of credit, performance bond, cash deposit, cashier's check, or other acceptable security approved by the finance department and in the amount determined by the village fee schedule. Subsection C of this section shall be used to determine the amount to be deposited with the village prior to the issuance of a development permit, building permit or encroachment permit.

B. Deposit Hold Time: The period of time that the village will hold the security deposit will be a function of the type of road upon which the construction was done.

1. Paved Road: The security deposit will be held for twelve (12) months from the date of substantial completion of work covered by the encroachment permit. Paved roadway work also includes curb and gutter, sidewalks, driveway aprons, and valve collars.
2. Gravel Road: The security deposit will be held for six (6) months from the date of substantial completion of work covered by the encroachment permit.
3. Unimproved Road And/Or Easements: The security deposit will be held for three (3) months from the date of substantial completion.

C. Terms Of Security Deposit:

1. Public Utilities: Any public utility operating within the village may, at its option, elect to make a one time performance deposit to apply to all utility installations within the village and submit a letter of performance on road restoration in accordance with the provisions of this chapter that is acceptable to the village administrator.

**2. Refund Of Deposits:** The public works director shall be contacted to inspect the right of way restoration work prior to work beginning. At the end of the deposit hold time, a final inspection will be performed by the public works director to determine that the quality of the work is still acceptable. He will then authorize the refund of the security deposit unless the work has not been completed to village specifications. If the contractor completes all construction activities without call for appropriate inspections, the public works director may order the security deposit be held for an additional period of time to determine acceptability of the work performed.

3. Deficiency Of Deposit Demand: If, after issuance of a right of way encroachment permit, a deposit is determined to be less than sufficient to pay all restoration costs, the contractor shall pay the village an amount equal to the deficiency as determined by reference to the village fee schedule.

4. Failure To Perform: If the contractor fails or refuses to complete or correct any deficiencies noted by the village, the village may initiate legal action to recover the amount of money necessary to complete the restoration work. Until the restoration deficiencies are corrected or monies to finish all restoration are paid, no subsequent or additional permits shall be issued to the contractor. The remedies herein are in the alternative and are not exclusive.

D. Deposit Formulas: The security deposit for all encroachment work done in village rights of way or easements will be set by village resolution and will be based on type of construction.

1. Paved roads: Cubic foot of excavated materials.
2. Gravel roads: Cubic foot of excavated materials.
3. Unimproved roads and utility easements: Cubic foot of excavated materials.
4. Curb and gutter: Linear foot.
5. Sidewalks, driveway aprons, landscaping: Square yard.
6. Right of way or other major control monuments: Actual cost by licensed surveyor.

E. Exemptions From Provisions: The electric power company and the telephone company holding franchise agreements with the village are exempt from this section where the franchise agreements have existing provisions to guarantee work performed in the village right of way. (Ord. 2002-01, 1-17-2002)

## **7-2-5: UTILITY INSTALLATION REQUIREMENTS:**

Utility installations are to be coordinated among each utility company to ensure that roadway surface penetrations are minimized. When a first penetration is required for a given right of way segment, all utilities able to use that penetration for current or subsequent utility requirements shall do so, thereby preventing the need for future penetrations in that right of way segment.

A. The village requires that all utility lines must be located prior to any excavation or boring as per New Mexico Statutes Annotated chapter 63, article 14.

B. All utility installations must be performed by a licensed contractor and installed according to federal, state and local codes.



C. The clustering of electric meters is prohibited within the village rights of way or in single-family residential areas. "Clustering" is defined as three (3) or more electric meters either individually installed or ganged. One duplex or 2-gang electric meter pedestal is acceptable.

D. Contractors responsible for construction activities necessitating initial right of way encroachment shall cause that required coordination and subsequent utility installations be executed.

E. The director of the department of public works shall review and approve coordinated utility installation plans required by this chapter. (Ord. 2002-01, 1-17-2002)

**F. Telephone and television cables laid in village rights of way shall be buried a minimum of thirty inches (30") below the ground where said wires are proposed to be located. (Ord. 2006-02, 1-19-2006)**

#### **7-2-6: RESTORATION PROCEDURES:**

All restoration of permitted right of way easement encroachment shall be done in accordance with the following guidelines:

- A. Excavated material may be replaced in the trench so long as it not contain any vegetative material and the moisture content is sufficient and not excessive so as to obtain optimum compaction. Backfill must be in lifts of no more than eight inches(8") to twelve inches (12").
- B. In all paved roads, the subgrade must be compacted in lifts of no more than eight inches (8") to twelve inches (12"). The last six inches (6") of fill must be compacted base course, and the final six (6") inches shall be asphalt of concrete of an approved mix design.
- C. In all improved gravel roads, the subgrade must be compacted in no more than eight inches (8") to twelve inch (12") lifts, and the last six inches (6") must be compacted base course.
- D. All material excavated from the encroachment and not replaced in the trench must be removed from the site so as not to leave any nonbase course, asphalt, or concrete material on top of the roadway.
- E. Final grade and smoothness shall be consistent with village road standards and be approved by the department of public works inspection. (Ord. 2002-01, 1-17-2002)

#### **7-2-7: TRAFFIC CONTROL:**

Traffic control shall be the responsibility of the contractor performing the work and shall provide for the safety of the traveling public and work site personnel. One lane of traffic shall remain open at all times. In the event that road closure is absolutely necessary, twenty four (24) hour advance notice shall be given to the public works department, police department, and fire and EMS departments. (Ord. 2002-01, 1-17-2002)

#### **7-2-9: VIOLATION; PENALTIES:**

Any person, firm or corporation violating any portion of this chapter is guilty of a misdemeanor and, upon receiving a conviction thereof, shall be subject to penalty as provided in section [1-4-1](#) of this code for each offense. Each day during which such illegal construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense. In addition, or as an alternative to such fine and/or imprisonment, the village may seek other remedies provided in law or equity including, but not limited to, damages, injunctions, mandamus, or abatement. (Ord. 2002-01, 1-17-2002; and. 2003 Code; Ord. 2004-06, 7-15-2004, eff. 7-21-2004)

## **9-7-12: PRIVATE DRIVES:**

A. Private roadways and driveways shall not be constructed so as to drain onto the street. Driveways shall not have a slope that exceeds twelve percent (12%), unless the lot configuration requires a driveway slope exceeding twelve percent (12%), in which event, parking space shall be provided for a minimum of two (2) vehicles out of the street right of way unless an encroachment permit is requested and granted. See subsection [9-7-4A1a](#) of this chapter for parking space dimensions. Said parking spaces shall be constructed to provide a minimum of six feet (6') from the edge of the roadway to the parked vehicle to allow for snow removal. (Ord. 2005-01, 1-20-2005)

B. Commercial uses may be located along private roadways within commercial districts. If said private roadway or driveway is a cul-de-sac, no commercial lot or use shall be more than five hundred feet (500') from a dedicated right of way. (Ord. 2002-02, 1-17-2002)

C. Any commercial property owner requiring a utility connection that requires the cutting into pavement, concrete or compacted material for the purpose of acquiring service, shall be responsible for the replacement of material and compaction of same. (Ord. 2006-03, 1-19-2006)