

ENCROACHING, TRENCHING AND/OR BORING OF COUNTY ROADS AND COUNTY RIGHT OF WAYS

WHEREAS, it is in the best interests of Bosque County and the health, safety, and general welfare of its citizens to adopt this Ordinance,

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF BOSQUE COUNTY, STATE OF TEXAS, AS FOLLOWS:

- A. When an individual, out of necessity, encroaches upon a county road, the individual shall submit to the County Commissioners a properly completed Encroachment and Permit Application with accompanying fees. Once the completed Encroachment and Permit Application is received by the County, the application will be inspected by the Commissioner of that precinct and then submitted to the County Commissioner's Court for approval or denial. It is a violation of this section if work commences on an encroachment without approval from the County Commissioners. Violators may be fined up to \$500 per encroachment.
 - a. "Encroachment" refers to any underground forms of trenching, boring, approaches, excavations, any work conducted, or utilities installed on county right of way.
 - b. "Utilities" refers to all underground forms of cables, lines, wires, piping, and any other forms or reasons for encroaching in county right of way, including any electrical, communications, sewer, water or gas lines. Overhead utilities must conform to any and all applicable rules/regulations associated with them.
 - c. "Permit Holder" refers to any person(s) or entities wishing to encroach upon a county right of way.
- B. When applying for and submitting an Encroachment Application and Permit, the Permit Holder is subject to the following:
 - a. No paved roads will be cut or trenched by the Permit Holder. Only boring is permitted by the Permit Holder. If a Permit Holder is seeking an exception to this requirement, said exception will be heard by the Commissioner of that precinct and submitted to the County Commissioner's Court for approval or denial. In order to minimize disturbance, boring under the county right of ways will be required whenever possible as determined by the Commissioner's Court.
 - b. Permit Holder shall inform the Precinct Commissioner at least 24 hours in advance before any work begins in accordance with the issued permit. Failure to inform the Commissioner will result in immediate cease and desist of work.
 - c. All work contemplated under the Encroachment Application and Permit shall be done under the inspection of, and to the standards and satisfaction of the Commissioner or his designee.
 - d. A MINIMUM depth of 36" must be used when laying any utilities through, under, or across a county right of way. If an individual, or Public Utility Company, seeks an

exception to place utilities less than 36" deep under, or across a county right of way, said exception must be obtained in written form from the Commissioner. Placement of utilities at a depth less than 36" will require Permit Holder to provide the Commissioner with a map detailing placement of said utility lines. Installation of utilities in the county road itself, or on the shoulder of the county road, is strictly prohibited. Those seeking an exception to this requirement must obtain written approval from the Precinct Commissioner.

- e. All forms of encroachments upon, or in any county right of way shall be backfilled with gravel. Each 12-18 inches of backfill require tamping to insure minimal amount of settling. The original ground surface level shall be maintained. The permit holder is required to resurface the encroachment in a manner suitable, and approved by the Commissioner.
- f. When the Permit Holder accepts the Encroachment Permit, the Permit Holder assumes all responsibility for any damages, and maintenance to the county right of way related to the encroachment. In cases of trenching into, or boring under a county right of way, the Permit Holder will assume all liability and responsibility for a minimum of 6 months and not to exceed 12 months as deemed necessary by the Precinct Commissioner. Upon written request, and at the discretion of the Precinct Commissioner a Release of Liability form will be assigned to the Permit Holder, no sooner than six months after completion of the encroachment, releasing Permit Holder of all liability and responsibilities for the condition of the county right of way. A Right-of-Way Bond of up to \$1,000,000 depending on the scope of project is required with the application.

This Ordinance shall become effective after approval in County Commissioners Court.

PASSED AND ADOPTED by the Board of County Commissioners of Bosque County, Texas this

13 day of OCTOBER, 2020.

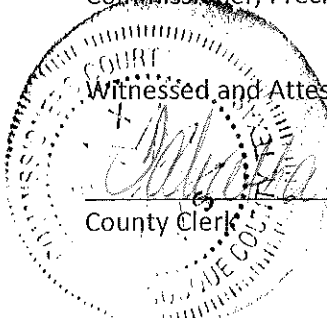
DuPaul
County Judge

Commissioner, Precinct 1

Troy W. Toney
Commissioner, Precinct 2

Lay Phillip
Commissioner, Precinct 3

R. L.
Commissioner, Precinct 4



Witnessed and Attested By:

[Signature]
County Clerk