

08 2A SS JUL 88

DESCRIPTION OF LEGAL ADVERTISING

ORD. 693  
 3349008

**TERMS: Please pay from this invoice. It is due upon presentation and is past due after 15 days.**

Legal Ad. Cost 16.80

Extra Proofs 2.00

Notary Fee 18.80

**Total Amt due**

WASHOE COUNTY CLERK  
 P.O. BOX 11130  
 RENO, NV 89520  
 ATTN: CHARLOTTE JAMES

MONTH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
JULY														X							X										

**PROOF OF PUBLICATION**

STATE OF NEVADA, SS.  
 COUNTY OF WASHOE

Betty J. Aleck

being first duly sworn, deposes and says: That as the legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice of County Ordinance - ORDINANCE 693

of which a copy is hereto attached, was first published in said newspaper in its issue dated the 14th day of July, 1986 and, July 21, the full period of 2 days, the last publication thereof being in the issue of July 21 19 86.

Signed Betty J. Aleck

Subscribed and sworn to before me this

21st day of July, 1986

Alice L. Buffalo  
 Notary Public

NOTICE OF COUNTY ORDINANCE  
 NOTICE IS HEREBY GIVEN that Bill No. 868, Ordinance No. 693, entitled "An ordinance amending the Washoe County Code by establishing a procedure for issuing revocable permits allowing the holder to legally encroach upon county rights of way," was adopted on July 8, 1986, by Commissioners King, Lillard, McDowell, Ritter and Williams.  
 Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.  
 Judi Bailey  
 County Clerk  
 3349008-ORD. 693  
 July 14, 21-bja133

PLEASE STAMP & SIGN FOR PAYMENT

JUL 23 1986

Alice L. Buffalo  
 Notary Public - State of Nevada  
 Appointment Recorded In Washoe County  
 MY APPOINTMENT EXPIRES JUNE 5, 1989

SUMMARY: Amends Washoe County Code by establishing a procedure for issuing revocable permits to encroach upon County rights of way.

BILL NO. 868

ORDINANCE NO. 693

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ESTABLISHING A PROCEDURE FOR ISSUING REVOCABLE PERMITS ALLOWING THE HOLDER TO LEGALLY ENCROACH UPON COUNTY RIGHTS OF WAY.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Chapter 85 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this ordinance.

SECTION 2.

85.056 Encroachment permits: Requirement; application; fee; issuance; recording.

1. An encroachment permit shall be secured from the engineering division of the department of public works before any person makes any obstacle or encroachment in the right of way of any public highway, road, street or alley within the unincorporated areas of the county; but if any emergency arises necessitating an immediate obstacle or encroachment resulting in full road closure during the hours when the engineering division of the department of public works is not open for business, the applicant making such encroachment shall notify the sheriff and appropriate fire departments prior to making the obstacle or encroachment, giving the location of the encroachment, the time at which it will be made and the extent thereof. An encroachment permit shall be secured from the engineering division of the department of public works on the next-succeeding business day, unless the emergency encroachment has been permanently removed from the right of way before 8:00 a.m. on that day.

2. Application for an encroachment permit must be made in writing on the form provided by the engineering division of the department of public works. The application must contain the following information and such other information as the county engineer deems necessary:

(a) The name or names of the owners of the property abutting the portion of the right of way upon which the encroachment is proposed to be made;

(b) The legal description of the property abutting the portion of the right of way upon which the encroachment is proposed to be made;

(c) A drawing clearly and legibly drawn to scale in

black waterproof india ink on bond paper measuring 8-1/2 by 13 inches which shows the owner's property line as it abuts the right of way, the edge of the traveled portion of the highway or roadway, including shoulder areas, and the location, size, height and type of construction of the proposed encroachment.

3. The application must be accompanied by a \$25 service fee payable to the County of Washoe and by a recording fee for the permit in the amount specified in NRS 247.305 payable to the Recorder of Washoe County.

4. If he finds that the right of the public to safely traverse the roadway or otherwise use the right of way will not be adversely affected by allowing the encroachment, the county engineer may issue an encroachment permit to the applicant which is in the form and contains all of the restrictions and conditions set forth in section 85.057. The county engineer may impose such additional restrictions and conditions upon the permit as he deems proper to insure the public safety.

5. For purposes of this section, "obstacle or encroachment" means any object, materials or facilities not owned by the county that are placed within a right of way of the county for purposes of vehicular access or storage or for decorative improvements for front lots that are not a part of the highway or roadway facility. The term includes, but is not limited to, concrete or asphaltic driveways and parking areas, fences, plants and trees used for landscaping, and decorative brick and stonework. The term does not include vehicles parked in a lawful manner within a right of way.

### SECTION 3.

85.057 Encroachment permits: recording; terms and conditions binding upon subsequent owners unless permit revoked; form.

1. An encroachment permit must be signed by each owner of the property abutting the right of way upon which the encroachment is proposed to be made. Each signature must be acknowledged and the permit must be recorded by the county engineer in the official records of Washoe County in the manner prescribed by law. At the time of recording, the county engineer shall tender the fee for recording which was submitted with the application for the permit.

2. The county engineer may, with or without cause, revoke an encroachment permit at any time. Upon making a decision to revoke an encroachment permit, the county engineer shall mail to the current owner of the property which is the subject of the permit a written notice that the permit is to be revoked. The revocation becomes effective when a written document entitled "Revocation of Encroachment Permit" is executed by the county engineer,

acknowledged and recorded in the official records of Washoe County. After recording that document, the county engineer shall mail a copy of the document to the current owner of the property which was the subject of the permit.

3. Except as provided in subsection 4, the owner of the property shall remove all obstacles or encroachments in the county's right of way within 30 days after the Revocation of Encroachment Permit is recorded. If the owner fails to timely remove the obstacle or encroachment, the county engineer may remove or cause the removal of the obstacle or encroachment and may recover the cost of removal from the owner.

4. The county engineer may waive, in writing, the requirement of subsection 3 that an obstacle or encroachment be removed from a county right of way after a Revocation of Encroachment Permit has been recorded.

5. Unless revoked by written instrument executed by the county engineer and recorded in the office of the recorder of Washoe County, an encroachment permit issued and recorded pursuant to section 85.056 and this section shall have perpetual existence and shall inure to the benefit of and be binding upon the owner (permittee) and all persons who subsequently acquire any right, title or interest in or to the property described in the permit.

6. An encroachment permit must be in substantially the following form:

REVOCABLE ENCROACHMENT PERMIT

Pursuant to the provisions of Chapter 244 of the Nevada Revised Statutes and the Washoe County Code, WASHOE COUNTY hereby grants a revocable permit to \_\_\_\_\_

\_\_\_\_\_, hereinafter referred to as "Owner," to construct a \_\_\_\_\_ partially within the right of way of \_\_\_\_\_.

The authority hereby granted permits the installation of a \_\_\_\_\_

\_\_\_\_\_ as shown on the drawing attached hereto as EXHIBIT 'A' and hereby made a part hereof.

The improvements permitted hereby are for the benefit of the Owner's real property and all restrictions and conditions set forth herein shall be binding upon the Owner, his legal representatives, successors and assigns. Said Owner's real property is more particularly described as follows:

This permit is subject to the following conditions:

1. This permit is issued contingent upon the Washoe County Engineer's approval, prior to the beginning of construction, of the construction schedule, safety and traffic control measures, and any other facet of the permitted encroachment which he deems prudent to control in the interest of the County and the traveling public. Failure to secure such approval from the County Engineer shall render this permit null and void. All work shall be under the supervision of the Washoe County Engineer and shall meet his approval.
2. During the construction operation, proper barricades, warning and directional signs, flags, flares or other protective devices shall be installed and maintained as a protection to the traveling public when determined necessary by the County Engineer. In the event that cutting of the street or trenching within the right of way is required in the work of construction, a "Street Cut Permit" shall be obtained prior to such work, and the work shall be carried out in conformance with the requirements of the "Street Cut Permit".
3. All work not specifically provided for and which will affect the public road or vehicular traffic thereon shall be performed in such a manner as may be directed by the Washoe County Engineer to insure a minimum delay or inconvenience.
4. Any surface or public road appurtenance damaged or disturbed shall be returned to its original condition within two (2) days of completion of work, and if not so performed, the Washoe County Engineer reserves the right to make necessary replacements and repairs, and the Owner hereby agrees to pay the actual cost of such work performed by the County upon receipt of proper billing of such work.
5. Nothing in this permit is to be construed as relieving the Owner hereunder from obtaining permits as may be necessary under Chapter 100 of the Washoe County Code, generally known as the Washoe County Building Ordinance, and the work which is the subject of this permit

shall be performed in accordance with said ordinance when applicable.

6. The Owner shall indemnify the County of Washoe and save it harmless from and against any and all liability for injury to persons or damage to properties whether said properties may belong to Owner, County or to third parties, which injury or damage is sustained by reason of any cause directly resulting from the exercise of the privilege herein granted.
7. The Owner shall make any and all repairs to the facilities installed by authority given in this permit as soon as the need therefore arises and shall at all times maintain said facilities. The Owner further agrees to indemnify the County of Washoe and save it harmless from and against any and all liability for damages to said facilities which may result from road maintenance operations.
8. Upon notification in writing from the County of Washoe of the necessity therefor, the Owner shall adjust or remove the encroachment at its own expense, within thirty (30) days after receipt of such notice, unless the emergency of the situation requires the work to be done in a shorter time.
9. No brush, shrubs, trees or other flora now located within the public road right of way or that which hereafter may be planted or grown within said right of way shall be cut, trimmed, mutilated, removed or disturbed in any manner whatever without the written consent, approval and supervision of the Washoe County Engineer.

THE OWNER AGREES TO THE ABOVE RESTRICTIONS AND CONDITIONS AND ACKNOWLEDGES THAT SAID RESTRICTIONS AND CONDITIONS SHALL RUN WITH THE OWNER'S REAL PROPERTY AND BE BINDING UPON HIS LEGAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS.

DATED this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
WASHOE COUNTY  
by Washoe County Engineer

\_\_\_\_\_  
Owner (s)

