

ORDINANCE NO. 244, 1984

An ordinance establishing a license for the use of unopened rights of way for private access and adopting a chapter in the Clallam County Code (C.C.C.)

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Chapter 9.16

LICENSE FOR USE OF UNOPENED RIGHTS OF WAY

SECTIONS

- 9.16.010 Purpose
- 9.16.020 Application
- 9.16.030 Fees
- 9.16.040 Timber Rights
- 9.16.050 Publication and Notification
- 9.16.060 Director's Report
- 9.16.070 License
- 9.16.080 Public Maintenance
- 9.16.090 Severability
- 9.16.100 Effective Date

C.C.C. 9.16.010. Purpose. The purpose of this chapter is to establish by ordinance procedures for granting licenses for private use of unopened County rights of way.

C.C.C. 9.16.020 Application. An application furnished by the Department of Public Works must be completed by the applicant for a license showing the following:

- A. Name of road or street (if named).
- B. Either an agreement of all abutting landowners as to the location of the County right of way or a survey plat by a licensed surveyor showing the correct location of the County right of way.
- C. Names and addresses of all owners of abutting property.
- D. Construction plans, including cross-section of the proposed roadway together with a statement of materials to be used.

- E. Name of licensed contractor who will build the road (if applicable).
- F. Liability insurance policy with the County as a named insured and a hold harmless agreement, indemnifying the County from any personal injury, death, or property damage, associated with work, or occurring, within the County right of way during construction. Minimum liability limits under the policy shall be one million dollars (\$1,000,000) for personal injury or death of any one person, two million dollars (\$2,000,000) for personal injury or death of two or more persons, in any one occurrence, and one million dollars (\$1,000,000) for damage to property resulting from any one occurrence.

C.C.C. 9.16.030. Fees. The application shall be accompanied by a fee in the amount of \$275.00 as reimbursement for expenses incurred in advertising, mailing, site inspection and other costs related to the license.

C.C.C. 9.16.040. Timber Rights. If Clallam County determines that the right of way contains merchantable timber which belong to Clallam County, the following steps shall occur prior to granting the license:

- A. The County forester shall determine the stumpage value of the timber.
- B. If the value is less than \$500.00, then the applicant shall pay the County said amount.
- C. If the value is more than \$500.00, then the County shall sell the timber in accordance with the procedures and requirements of Chapter 36.34 R.C.W.

C.C.C. 9.16.050. Publication and Notification.

Notice of a public hearing on an application required herein shall be published in the County's official newspaper ten (10) days preceding the date of the hearing, which shall be at a regular meeting of the Board of Clallam County Commissioners. Notification of the hearing date shall also be mailed to each property owner abutting said right of way.

C.C.C. 9.16.060. Director's Report.

The Director of the Department of Public Works shall submit a report to the Board commenting on the qualifications of the contractor and the acceptability of the construction plans and addressing any problems that might arise from the road being opened as proposed.

C.C.C. 9.16.070. License.

Following the public hearing the Board of County Commissioners may grant the license, if it determines that it would be in the public interest to do so. Any license so granted shall include the following provisions:

- A. The road construction plans and contractor must be approved by the County prior to construction.
- B. Construction must be started within six (6) months, and completed within twelve (12) months, of the granting of the license.
- C. The license shall be revocable at the will of the County.
- D. Assignability of the license shall be at the County's discretion.
- E. The license shall be non-exclusive.

C.C.C. 9.16.080. Public Maintenance.

If, pursuant to this Chapter and at no expense to Clallam County, a road is constructed or improved upon a County right of way which meets all

County road standards, and the Clallam County Engineer so certifies to the Board, the Board of County Commissioners may, by Resolution, accept the road into the County Road System.

C.C.C. 9.16.090. Severability. If any portion of this ordinance or any application thereof is held invalid or unconstitutional for any reason by a court of competent jurisdiction, such portion thereof or any application thereof shall not affect the validity of the remaining portions of the ordinance or its applicability to other persons or circumstances.

C.C.C. 9.16.100. Effective Date. This ordinance shall take effect ten (10) days after this adoption.

PASSED AND ADOPTED THIS 6th DAY OF November, 1984.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Don Feeley
Don Feeley, Chairman

Lawrence Gaydeski
Lawrence Gaydeski

Evan Jones
Evan Jones

ATTEST:

Charlene Gau
Charlene Gau
Clerk of the Board

BEFORE THE BOARD OF CLALLAM COUNTY COMMISSIONERS, STATE OF WASHINGTON

In the matter of:)
Private Road Construction)
On County Right of Way)

CR RESOLUTION NO. _____, 19__.

The Board of Clallam County Commissioners finds as follows:

1. _____
Name
_____ Address

has applied for permission to construct a roadway for private use on County right of way generally described as follows: _____

2. All adjoining landowners have been notified of this intended use, and a public hearing was held to accept all interested parties' input.

3. The applicant has furnished the Clallam County Road Department a cross section of the proposed road, along with a statement of the materials they propose to use.

4. The Director of Public Works has recommended the use of this right of way for private use.

NOW, THEREFORE BE IT RESOLVED, that the Board of Clallam County Commissioners meeting in open meeting,

I. Grants the applicant's request to construct a roadway within the following described County right of way to the standards submitted with this application and approved by the Clallam County Road Department and per Ordinance No. _____, 1983, with the full understanding that this grant does not constitute an exclusive right of use of said road upon completion of construction by the applicant.

Legal Description: _____

II. The County will not provide any maintenance on this road.

PASSED AND ADOPTED THIS _____ DAY OF _____, 19__.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Don Feeley, Chairman

Lawrence Gaydeski

ATTEST:

Evan Jones

Clerk of the Board

CR RESOLUTION NO. _____, 19__.

cc: Public Works

BEFORE THE BOARD OF CLALLAM COUNTY COMMISSIONERS, STATE OF WASHINGTON:

In the Matter of:)

A Call for Public Hearing on the)
Proposed Ordinance Establishing)
a License for Use of Unopened)
Rights of Way)

RESOLUTION NO. 121, 1984

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds that:

1. The proposed ordinance establishing a license for the use of unopened rights of way for private access and a license application form should be considered by the Board for adoption.
2. The Clallam County Charter, Section 3.10, requires that a public hearing be held at least ten days after the introduction of a proposed ordinance.

IN CONSIDERATION OF THE ABOVE FINDINGS OF FACT, IT IS HEREBY RESOLVED by the Board of Clallam County Commissioners:

- I. That a public hearing be held in the Commissioners' Meeting Room, Room 160, Clallam County Courthouse, on November 6, 1984, at 9:05 a.m., at which hearing the Board will consider the adoption of the proposed ordinance and license.
- II. That the full text of this resolution and attached summary of the ordinance and/or a Notice of Call for Public Hearing be published twice at least ten days prior to the hearing.

PASSED AND ADOPTED THIS 16th DAY OF October, 1984.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Don Feeley
Don Feeley, Chairman

Lawrence Gaydeski
Lawrence Gaydeski

Evan Jones
Evan Jones

ATTEST:

Charlene Gau
Charlene Gau
Clerk of the Board

PLEASE BILL: Clallam County Dept. of Public Works
223 E. Fourth St.
Port Angeles, WA 98362

cc: Press
Public Works Dept.

PLEASE PUBLISH: October 22 and 29, 1984

RESOLUTION NO. 121, 1984

Fee Paid _____

LICENSE

for Use of Unopened County Rights of Way

1. Name of Applicant: _____
2. Address: _____
3. Phone Number: _____
4. Name of road (if named): _____
5. Names and addresses of all owners of abutting property:

6. Name of licensed contractor who will build the road:
(If applicant, so state.)

7. Construction Plans Attached: Yes No (Circle One)
8. Boundary Location Agreement Attached: Yes No (Circle One)
- Survey Plat Attached: Yes No (Circle One)

(Note: Either Boundary Location Agreement or Survey Plat is required.)

9. Indemnification and Hold Harmless Agreement: It is a requirement of this license, and by the signature subscribed below the licensee agrees, that the licensee shall indemnify, defend, and hold harmless, the County and its officers, employees, and agents, against any and all liabilities from any personal injury, death, or property damage, associated with work, or occurring within, the County right of way during construction, and that the licensee shall provide liability insurance with the County as a named insured and with minimum policy limits of one million dollars for personal injury or death of any one person, two million dollars for personal injury or death of two or more persons, in any one occurrence, and one million dollars for damage to property resulting from any one occurrence.

10. General Conditions:

- A. This license is revocable at the will of the County.
- B. Assignability of this license shall be at the County's discretion.
- C. This license shall be non-exclusive.

11. Signature of Applicant:

It is hereby acknowledged, agreed and accepted that the Applicant/Licensee shall comply with all of the terms and conditions of this license.

DATED THIS _____ DAY OF _____, 19____.

12. Granting of License:

This license is hereby granted to the above-named applicant.

DATED THIS _____ DAY OF _____, 19____.

BOARD OF CLALLAM COUNTY COMMISSIONERS

