

**APPLICATION FOR PERMIT TO INSTALL UTILITY FACILITIES WITHIN  
PUBLIC RIGHT OF WAY**

**TO: LEA COUNTY BOARD OF COMMISSIONERS**  
**5915 Lovington Hwy**  
**Hobbs, NM 88240**

(  ) **Renewal Permit**  
(  ) **Original Permit**

**Permit #** \_\_\_\_\_

**1. The undersigned:**

\_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_ **Phone #:** \_\_\_\_\_

**herewith makes application to install following utility facility:**

\_\_\_\_\_  
(Water, sewer, oil, gas, steam, eclectic, telephone or other)

\_\_\_\_\_  
(Also give voltage, pressure, type of liquid if other than water or sewage)

**In the following location:**

\_\_\_\_\_  
(Give County, number and name of road, section, township, range or other information so location can be easily ascertained)

- 2. For the purposes of this application "Within" shall be construed as meaning "on, over, across, under, above and along."**
- a. Road Superintendent" shall be construed as meaning the County Road Superintendent or his representative, hereinafter referred to as road superintendent.**
- b. County" shall be construed as meaning: the "County of Lea, all governmental subdivisions, boards, commissions, agencies, officers and employees thereof."**
- c. Applicant" shall be construed as meaning: the "Individual, firm, corporation, association, governmental subdivision, or other organizations making this application, or the successors of any of the above."**
- d. Board" shall mean Lea County Board of Commissioners.**
- e. "Utility facility" shall be construed as meaning, but not limited to, any publicly, privately, cooperatively, municipally or governmentally owned facility used for carriage, distribution or transmission of water, gas or electricity, either for power, or communications, oil and products carried by means of pipelines, conduits, wires, culverts, ditches or conveyors or other methods.**

**3. This application is for:** \_\_\_\_\_ **installation**

(Sub-surface or overhead crossing)

A "Crossing installation" is one where the smaller angle of intersection between the utility line and the centerline of the highway is greater than 45°; where the angle of intersection is less than 45° the installation will be deemed parallel.

4. Applicant proposes to install parallel utility facility: \_\_\_\_\_ feet inside the \_\_\_\_\_ right of way line. If it is proposed to install overhead utility (north, south, east, west)

facility more than two (2) feet or sub-surface utility facility more than six (6) feet inside right of way line, give reasons for doing so: (Use blank space below paragraph 26.)

5. The top of all sub-surface crossing installations of utility facilities must be at least thirty-six (36) inches below lowest point of the highway cross-section along the alignment of the utility installation.

The top of all parallel utility installations must be at least thirty-six (36) inches below grade along the alignment of the utility installation.

If applicant proposes installation at lesser depth, give reasons: (Use blank space below paragraph 26.)

6. Applicant proposes to cross right of way which has a finished permanent type surface pavement- asphalt, concrete, or similar paving, by (boring) or six (6) inch minimum pavement cut) \_\_\_\_\_

a. If applicant desires to cross by making a pavement cut, give the reasons for doing so: (Use blank space below paragraph 26.)

Where application for paving cut is justified the application will be held in abeyance pending receipt of cash bond in an amount to be fixed by the Road Superintendent to insure replacement of paving and compaction of soil in a satisfactory manner.

Bond may be waived and the amount will be based on type and age of paving to be cut and the total area involved. Maximum bond will be \_\_\_\_\_ (Amount of bond, or waiver of bond, is shown in paragraph 26.)

7. There is attached hereto a diagrammatic or dimensioned drawing showing the location of proposed installation, width of right of way, height or depth of utility facility above or below grade, survey ties and other pertinent features. If application is for a parallel installation, the general status of land abutting right of way should be indicated as to buildup, irrigated, grazing, residential, commercial and setbacks, etc. Installations on bridges or other highway structures require special detail drawings.

8. Applicant desires this permit to be in effect for \_\_\_years. Permit will not be issued for a period longer than 10 years, other than utilities which is a period of 25 years; permit must be renewed by Applicant upon expiration and the burden of timely renewal is on the Applicant.

9. The signing of the application by the Chairman and return to Applicant shall validate this application as a permit.

10. All overhead installations, including parallel facilities, shall comply with the current National Electric Safety Code, and crossings shall be installed so that the lowest member or portion of facility will be at least eighteen (18) feet above main traveled portion of highway.

11. All permits are granted subject to the following express conditions and by signing this application the Applicant signifies that Applicant has read, understands and will abide these conditions.

12. That no permit granted hereunder shall be construed as granting any easement or property right.

13. That the construction work to be undertaken pursuant to the permit herein applied for will be commenced not later than \_\_\_\_\_, and completed not later than \_\_\_\_\_.  
Notice of the actual commencement of construction shall be given to

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(County Road Superintendent or his designated representative)

not less than three (3) days prior to commencement of construction unless waived by notation to this effect on the application; the Road Superintendent shall make a final inspection to determine compliance with all conditions.

14. That installation of utility facilities within the right of way shall be in strict conformity with this application and drawings as the same may be modified by the Road Superintendent and no departure therefrom may be made without the written consent of the Road Superintendent and all construction shall be subject to the inspection and approval of the Road Superintendent. All facilities shall be so placed that they will not interfere with or endanger any existing facility already in the right of way or any highway structure.

15. That all construction work undertaken pursuant to this application will be so carried on that danger, inconvenience and delay to the traveling public will be held to a minimum and where interference with traffic is unavoidable, traffic control and safety precautions shall be in accordance with any safety code adopted by the Board.

16. That the Applicant will, except as otherwise ordered by the Road Superintendent, restore the highway right of way and all bridges or other structures thereon or adjacent thereto which have been altered or affected by the construction work performed hereunder, to the former condition or better so as not to interfere with the reasonable use of the highway right of way, bridge, or other structures.

17. That if any damage is caused to the highway right of way or to any bridge, structure or improvement thereon or adjacent thereto by reason of the installation, maintenance, alteration or removal of the facilities or other appurtenances of the Applicant, the Applicant will reimburse Board the full amount thereof promptly upon demand by the Road Superintendent; provided, however, that the obligations imposed under this paragraph shall not apply in the event the damage resulted from causes beyond the control of the Applicant.

18. That the Applicant will at all times indemnify and save harmless the County from any and all claims of every kind or character caused by or incident to the installation, maintenance, alteration, removal or condition of the utility facilities in the right of way and will promptly reimburse the County for any and all expenses incurred by the County in resisting any such claim or claims.

Nothing herein shall be construed to mean that the Applicant hereunder will indemnify and save harmless the County from any claim caused by or incident to any neglect, carelessness or breach of duty on the part of the County.

19. That all such utility facilities installed within the right of way shall at all times be kept in such repair so as not to damage the highway, inconvenience or endanger the traveling public and shall be kept free from advertisements, posters and the like.

20. That if the Applicant should at any time fail to promptly and fully perform any of the obligations imposed upon Applicant hereby, and after thirty (30) days' written notice thereof, the Board may at its option (a) cause the obligations to be fully carried out and performed and the Applicant will promptly reimburse the Board for all costs and expenses incident thereto, (b) may summarily order the removal of such utility facility and if Applicant fails to comply within a reasonable time, the Board may direct the removal of the utility facility with all costs and expenses incident to be borne by Applicant.

21. That if by any reason of any change in the location, construction, grade or any other matter affecting the highway upon which any utility facility is located because of changing traffic conditions or otherwise, it shall become advisable in the opinion of the Board that said utility facility be removed, relocated or otherwise modified, the Applicant, upon written notice from the Road Superintendent shall remove, relocate or modify such utility facility without undue delay in such manner as the Board may direct or approve, at the applicant's expense to the county.

22. All utility facilities to be installed on public right of way under the dual jurisdiction of the County and another governmental entity shall comply with all applicable rules and regulations of such government entity property and lawfully in force and including provisions of local franchises not in conflict with the rules and regulations of the Board.

23. The Board makes no warranty either express or implied as to the continued existence of any highway in any particular location and expressly assumes no obligation with regard to the utility facility upon change, vacation or abandonment of any highway or portion thereof.

24. Neither the making of this application or anything herein contained shall constitute a waiver on the part of the Applicant of any rights or claims had or made by Applicant with respect to the occupancy of the streets and highways under the Constitution and Laws of the State of New Mexico nor shall anything herein contained in anywise prejudice or impair any rights or claims existing independently of this application with respect to the construction, operation and maintenance of the Applicant's utility system in the County of Lea.

25. This application is hereby granted subject to the following special provisions, changes or amendments:

26. Applicant shall notify Road Superintendent of removal or discontinuance of use of utility facility or any portion thereof.

**EXECUTED at** \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

**By:** \_\_\_\_\_

**Applicant**

\_\_\_\_\_

**Title**

**APPROVAL of this permit is hereby given this** \_\_\_\_\_ **day of** \_\_\_\_\_, \_\_\_\_\_.

**APPROVED:**

**LEA COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_

**Chairman**

**REVIEWED & RECOMMENDED**

\_\_\_\_\_

**County Road Superintendent**