

Driveway Permit

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

APPLICATION FOR PERMIT TO CONSTRUCT DRIVEWAY ON PUBLIC RIGHT-OF-WAY

TO: Lea County Board of Commissioners  
5915 Lovington Hwy.  
Hobbs, NM 88240

Permit No. \_\_\_\_\_ Granted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

APPLICATION is hereby made by \_\_\_\_\_,

\_\_\_\_\_ , for permission to construct driveway at the following described location:

Subdivision \_\_\_\_\_, Block \_\_\_\_\_, Parcel \_\_\_\_\_ or other location \_\_\_\_\_, Section \_\_\_\_\_, Twp. \_\_\_\_\_, Rge \_\_\_\_\_, Lea County, New Mexico.

Work will commence on or about \_\_\_\_\_, 20\_\_\_\_\_ and

be completed on or about \_\_\_\_\_, 20\_\_\_\_\_.

Gate ( ), Cattle guard ( ), additional fence ( ), will be required which applicant agrees to furnish and hereafter maintain in good repair and closed to livestock.

If this permit is granted, the undersigned applicant agrees to comply with all conditions, restrictions, and regulations of the Lea County Board of Commissioners. Lea County Subdivision Regulations, Section 19-3, state the requirements for driveways constructed on public right-of-way.

\_\_\_\_\_  
Owner or Lessee

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

Driveway Permit

Recommended By: \_\_\_\_\_

Grantor: County of Lea, New Mexico

APPROVED:

\_\_\_\_\_  
Chairman, Lea County Board of Commissioners

**Subsection 19-3. Requirement for Driveways**

A. No driveway shall be constructed on any subdivision or other county road right-of-way until the subdivided or owner or lessee of parcel, or of any other area of land, has been granted a county permit. Application for permit to construct driveway on right-of-way shall be filed with the Lea County Manager from whom forms may be obtained. Before a permit may be granted, or any work begun, applicant shall agree to the following conditions:

1. The location, construction, and maintenance of driveways are under the supervision of the Board Of County Commissioners at all times, and that in granting such permit under these regulations the Commission waives none of its powers or rights to direct the removal, relocation and/or proper maintenance in the future of any driveway within the right-of-way of the dedicated road. Any permit granted will be construed as regulatory and

## Driveway Permit

not contractual. Such permits are revocable by the Board of County Commissioners whenever the use and presence of a driveway or approach interferes with the required use of that portion of the right-of-way occupied by the driveway or constitutes a hazard to traffic, or the driveways are not built in compliance with the permit issued under these regulations.

2. The applicant shall perform all work in accordance with permit, and shall indemnify and save harmless the Lea County Board of Commissioners, its planning and zoning board, county officers, and employees from all liability, judgments, costs, expenses and claims growing out of damages, or alleged damages, of any nature whatsoever, to any person or property arising out of performance or non-performance of said work or the existence of said driveways, or for any other act by parcel owner or lessee within right-of-way included within parcel frontage.

3. No part of the dedicated road right-of-way shall be used for servicing of vehicles, displays or the conduct of private business. The buffer area (the border area along the parcel frontage between the traveled way and the right-of-way line) is to be kept clear of buildings, sales exhibits, business signs, parking areas, service equipment and appurtenances thereto. Any grading and landscaping within the buffer area shall be only as approved by the Board of County Commissioners.

4. No driveway shall be considered complete until surfaced as specified in the application. All driveways shall be surfaced with caliche (compacted to ninety-five (95) percent maximum density), crushed stone, gravel, bituminous material, concrete or other material meeting the approval of the Board of County Commissioners. No surfacing shall be placed upon a driveway until an inspection is made and the grading work approved by the County Road Superintendent. Drainage on roadside ditches shall not be altered or impeded, and applicant must provide such suitable and approved drainage structures as required by the county.

5. Width of driveway at right-of-way line shall be not less than ten (10) feet nor more than twenty-two (22) feet on residential parcels and shall be not less than thirty (30) feet nor more than forty (40) feet on commercial parcels.

6. All portions of the driveway shall be within the parcel boundary with minimum edge clearance of five (5) feet.

7. Maximum of two (2) driveways shall be approved on any single parcel having a frontage of less than six hundred (600) feet.

8. Combined driveways may be approved where it is impossible to properly locate driveways on adjacent properties ten (10) feet apart. Combined driveways shall not exceed two-thirds (2/3) the width of the total individual driveway maximums. Utility installations shall pre-empt use of space within the right-of-way in case of conflict for space.

9. Driveway profile: (cut section)

a. From edge of traveled way to outer edge of shoulder, gradient to be same as shoulder pitch;

b. From outer edge of shoulder to low point at ditch line or over a culvert maximum downward gradient to be five (5) to eight (8) percent;

c. Beyond ditch line, maximum gradient to be five (5) to eight (8) percent for commercial driveways or ten (10) to fifteen (15) percent for others:

## Driveway Permit

### 10. Driveway profile: (fill section)

a. Slope across shoulder, same as 9 (a) above;

b. Beyond outer edge of shoulder, maximum gradient to be five (5) to eight (8) percent for commercial driveways or ten (10) to fifteen (15) percent for others. Whenever culvert pipe is needed, corrugated metal pipe, or its equivalent, shall be of sufficient size that existing drainage is not interrupted.

11. Driveways should be so located as to result in no undue interference with or hazard to the free movement of normal traffic, and so that area of traffic congestion will not be created on subdivision roads. Driveways should be located where there are no sharp curves nor steep grades, and where sight distance with the driveway access would be adequate for safe traffic operation. Locations that would interfere with the placement and proper functioning of road signs, signals, lighting, utility poles or guys, or other devices that affect traffic operation will not be permitted.

12. Single driveways should be positioned at right angles, or nearly so, to the roadway. Where two driveways are used on one frontage, and are to be used for access to and from both directions of travel on the roadway, they may be placed at an angle other than a right angle with the roadway edge, but the driveway angle should be no less than forty-five (45) degrees.

13. The curvature of driveway established by the radius of curvature shall not encroach upon a frontage boundary line, right-of-way line, or curvature of intersection corners. Radius of curvature for residential driveway at right angle to roadway shall be five (5) feet minimum and thirty (30) feet maximum. Radius of curvature for residential driveway at less than right angle to roadway shall be five (5) feet minimum and fifteen (15) feet maximum.

14. No person or entity shall remove, injure, tamper with, destroy, or deface in any way public property or property of a public utility lawfully placed in dedicated right-of-way or in any way interfere with the lawful use thereof by said utility without first having obtained the written consent of the appropriate public authority or public utility.

B. Subdivided shall include in all disclosure statements the entire text of Subsection 19-3.A. above.