

Ordinance Type	District Operations	Date Adopted	June 28, 2006
Ordinance Number & Title	20000 - Location of Water Lines and Easements	Date Amended	June 25, 2008

20000.01 Location of Water Lines

20000.01.1 In Public Rights-of-Way or Easements

Water lines constructed by or for the District shall be constructed within public utility, road or street right-of-ways, except where the District has expressly authorized the construction to be made within a permanent right-of-way easement granted by a private property owner.

20000.01.2 Physical Location

A water line constructed within a public road or street right-of-way shall normally be located within the paved section of the road adjacent to the lip of the gutter. Where full road improvements are not constructed (i.e. gutter, dike, sidewalk), the water line shall normally be constructed outside of the paved section of the road.

A water line constructed within an easement shall normally lie along the centerline of the easement if the easement will not contain other utility lines. If other utility lines are allowed in the water pipeline easement, the water pipeline shall be located no less than five feet from the edge of the easement.

20000.02 District Water Line Easements

20000.02.1 Width of Easements

District minimum requirements for width of an easement for a water line shall be 20 feet provided, however, in exceptional cases, the General Manager may accept a permanent easement less than 20 feet in width on condition that the landowner grants to the District an adequate temporary easement for construction purposes and a right of access to the permanent easement for purposes of maintenance and repair of the water line to be installed. In specific cases, an easement greater than 20 feet in width may be necessary in the sole discretion of the District.

20000.02.2 Easements in Subdivisions

The centerline of an easement for a water line within a subdivision parcel or "lot-split" shall be parallel to at least one of the sidelines of the lot or parcel in which the easement is located. The entire width of the

easement, as measured at right angles to the parallel sideline, shall be located within the subdivision and along the lot or parcel.

20000.02.3 Easements on Non-Subdivided Land

The centerline of an easement for a water line on non-subdivided lands shall, whenever practical, be parallel to one of the sidelines of the parcel of land in which the easement is located. The entire width of the easement, as measured at right angles to the parallel sideline, shall lie within the parcel.

20000.03 Encroachment in District Easements

20000.03.1 Enforcement Against Encroachments

The General Manager is authorized and directed to institute on behalf of the District any legal action necessary to prevent or remove encroachment by others in, over, or upon District easements and rights-of-way.

20000.03.2 Allowance of Encroachments

The General Manager may allow encroachment in, over, or upon a District easement or right-of-way if he/she determines that the encroachment will not interfere with operation of the District's water systems and will not interfere with the maintenance, repair and replacement of such systems. However, such encroachment shall not be allowed until the property owner requesting the encroachment executes an encroachment agreement approved by the District. The agreement shall provide, among other conditions, that:

- A. The cost of removing and replacing the encroachment shall be borne solely by the owner, and;
- B. The District will not waive any rights as to its use of the easement or right-of-way, including, but not limited to, the right to enter upon the easement at any time for the purpose of making repairs, modification or replacement of any pipeline, road, or District facility, and;
- C. Except in an emergency, the encroachment will be removed upon thirty days written notice from the District to the owner, otherwise the District will remove the encroachment without further notice. The owner will assume all costs of the encroachment removal at no cost to the District. The General Manager may grant an extension of such period. The extension must be in writing and signed by the General Manager.
- D. The General Manager's authority to allow such encroachment shall extend to improvements that are removable and that do

not exceed \$15,000 in value. All other encroachments must be approved by the Board of Directors.

20000.04 Concurrent Use of District Easements

20000.04.1 By Governmental Agencies

The General Manager is authorized to enter into agreements for concurrent use of District easements by other governmental agencies or public utilities, provided such use does not interfere with the District's utilization of the easements.

20000.04.2 By Private Persons

Concurrent use of District easements by Persons other than governmental agencies or public utilities must be approved by the Board of Directors.

Revision History:

Revision Date	Description of Changes	Requested By
6/25/08	Ord. 08-001 repealed all prior ordinances	