

executed by the person or persons holding fee simple title to the property upon which the easement will be located. All such documents must be notarized.

## 503 RIGHT-OF-WAY AND ENTRY AGREEMENTS

### 503.1 Purpose

The District maintains and operates water and wastewater systems for the benefit of its customers. In connection therewith, the District owns various interests in real property, including fee simple title, leases, easements, and rights of way (hereinafter collectively “District Property”). The District utilizes Right-of-Way and Entry Agreements to memorialize District agreements to license use of District Property to third parties for temporary periods of time and for purposes specified in the agreement. Such contemplated uses of District Property may restrict District access to and use of such property. A Right-of-Way and Entry Agreement restricts a third party’s use of District Property to specified purposes and times, and requires payment of compensation to District by applicant for the value of the applicant’s temporary use of District Property. The license to use District Property granted in such a Right-of-Way and Entry Agreement shall be limited in duration to specified periods of time.

### 503.2 Procedure for Entry into Right-of-Way and Entry Agreement

- A. The person requesting the right to temporarily use District Property for specified purposes must submit a written request to the District requesting a Right-of-Way and Entry Agreement together with a legal description of the parcel of real property upon which the right-of-way or entry shall be located, including a legal description of the right-of-way by metes and bounds prepared by a licensed engineer or licensed surveyor.

- B. The District Engineer shall evaluate the request and determine whether the proposed temporary use of District Property will conflict with any other existing or planned uses of District Property during the proposed duration of the proposed right-of-entry. The District Engineer shall also determine whether the proposed nature and extent of use of District Property by the applicant and the duration of the proposed use merits the requirement that the applicant pay compensation to the District for the use of District Property. Compensation may be waived when the applicant's use of District Property pursuant to the Right-of-Way and Entry Agreement promotes a public interest served by the District, such as to allow the contractor to utilize a portion of District Property for storage of construction materials pending construction of a District public works project. If the proposed use of District Property will preclude the District from utilizing such property due to the nature and extent of the applicant's proposed activities on District Property, the District shall establish a rental value for such District Property to be paid by the applicant for the use of District Property and include that amount in the proposed Right-of-Way and Entry Agreement.
- C. All licenses granted by the District pursuant to approval of a Right of Way and Entry Agreement must be memorialized by the District's standard Right-of-Way and Entry Agreement, attached hereto as Appendix 500-D—Right-of-Way and Entry Agreement, and executed by the District and the applicant.
- D. Any Right-of-Way and Entry Agreement must be approved by a majority of the Board of Directors at a regularly agendized public meeting of the Board of Directors. Following approval by the Board of Directors by minute action or by resolution, District staff will provide a copy of the fully executed Right-of-Way and Entry Agreement to the applicant and retain the original in the District office file. This authority may be delegated to the General Manager by the Board of Directors.

## 504 ENCROACHMENT PERMITS

### 504.1 Purpose

A property owner within the District must apply for and receive an Encroachment Permit from the District in the following circumstances:

- A. Whenever a property owner desires to install or construct physical improvements, such as landscaping, fencing, retaining walls, culverts, bridges, pipelines, or other structures or improvements on or within real property owned by the District or easements and right-of-way dedicated to the District, or
- B. Whenever a District resident or customer desires to secure temporary access over District owned real property or District easements or rights-of-way in order to access other private property, or
- C. Whenever a third party desires to secure temporary access to District owned real property, easements or rights-of-way in order to perform inspection or testing services including but not limited to soils testing, geotechnical engineering studies including borings, survey work or field inspection work.