

P R E F A C E

THE CHAVES COUNTY ROAD POLICY was first adopted by Resolution Number 70-37, with an effective date of March 23, 1982, with provisions allowed to update by Resolution when required. New additions incorporate changes approved since the last edition.

THE CHAVES COUNTY ROAD POLICY is a policy of the elected body of Chaves County. Anyone may propose amendments to this policy. They may do so through the Chaves County Manager at Post Office Box 1817, Roswell, New Mexico, 88202.

AN ANALYSIS OF CHANGES is published and updated with each printing. It is found as **APPENDIX B** at the back of the policy.

R E V I S I O N S

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SECTION 1: GENERAL PROVISIONS

1.1 PURPOSE. The purpose of this document, hereinafter referred to as this policy, is to establish policies and procedures for the management and administration of the Chaves County Road Network and to provide the Chaves County Board of Commissions a uniform process to insure that fair and equitable treatment is exercised to provide County Road Services. It is, therefore, the resolve of Chaves County, through this policy, to provide an effective overall network of roads in which the consideration of roads is determined for the benefit of all manpower, and equipment available to the County.

1.2 DECLARATION OF CHAVES COUNTY ROADS. All roads and highways as shown on the official Updated Chaves County Road Map and as listed below:

1.2. A. All roads which have been established as a Chaves County Road pursuant to the laws of New Mexico by:

1. Petition and declaration by Chaves County Commissions as recorded in minutes of such proceedings.
2. Dedication to use and benefit of the public by filed plat.
3. Deeded to Chaves County from the landowner by Warranty Deed, Quit Claim Deed, or other legal deed.
4. Easement
5. Prescriptive right.
6. Donation by Owner.
7. Purchase by Chaves County.
8. Power of eminent domain.
9. Other legal acquisition by Chaves County.

ARE HERBY DECLARED to be Chaves County Roads and all such roads shall be designated on the Official Updated Chaves County Road Map dated the 23rd day of March, 1982, which is hereby and hereinafter declared a part of this policy, pursuant to the provisions of this policy regarding updated and amendment of the Chaves County Road Map.

1.2. B. All roads and roads rights-of-way in Chaves County that are within officially approved land subdivisions prior to the date of March 23, 1982, are County Roads, together with all roads or road rights-of-way declared by action of past County Commissioners, by deed, or dedication, whether shown on the official Updated Chaves County Road Map or not, which the County has legal rights and interests to, that are known as of the date of adoption of the Official Updated Chaves County Road Map.

1.3 UPDATED AND AMENDMENT OF CHAVES COUNTY ROAD MAP. The Official Chaves County Road Map dated the 23rd day of March, 1982, designates all declared County Roads as of the effective date of this policy and shall be referred to as the Original and shall not be changed. All amendments and updates hereafter to the Original Map shall be approved by Resolution of the County Commission and such amendments and updates shall be placed on an exact copy of the Original and the copy shall be referred to as the Official Updated Chaves County Road Map. There shall be copies of each and every Resolution hereafter amending or updating the Original recorded in the Chaves County Mapping Office and made a part of the Official Chaves County Road Map.

SECTION 2: PROCEDURES FOR CONSIDERATION OF REQUESTS FOR ROAD MAINTENANCE, NEW ROADS, AND ROAD CLOSURES

2.1 GENERAL PROVISIONS. The primary consideration for determination for road work in the County is the ability to schedule and fund the work appropriately, based in the total amount of work anticipated for each fiscal year. In order to effectively accomplish this objective, procedures are hereby established whereby construction, improvements, maintenance, and reduction of maintenance (in the case of road closures) are considered primarily at an annual public hearing prior to each fiscal year for the purpose of being able to determine appropriate funding, manpower, and equipment necessary for the upcoming year.

2.2 RESOLUTION REQUIRED. Except as otherwise specified in these provisions, a Resolution is required for all actions taken by this County Commission under the provisions of this section.

2.3 ANNUAL COUNTY ROADS PUBLIC HEARING. Requests for road maintenance, new roads, and road closures, as provided in Sections 3 and 4 of this policy, shall be considered at the Annual County Roads Public Hearing. The date of this hearing will be determined by the County Commissioners' approval of the Annual Road Hearing Schedule. The County Commission, at this hearing, will consider written requests which have been received for the upcoming fiscal year. All parties making requests will be given an opportunity to be heard and other citizens may also provide input at this hearing.

2.3. A. Requests. Requests may be submitted by any applicant with real property rights on land abutting the subject road. The subject road must be an access to developed improvements in order for the requests to be considered. Such requests must be written on request forms provided by the County and must be complete and submitted no later than forty days

prior to the scheduled Annual County Roads Public Hearing in order to be considered for the upcoming fiscal year.

2.3. B. Process for Approval. All requests will be reviewed by Staff in accordance with provisions of this policy. The requests will then be submitted to the County Commissioners for consideration at the Annual County Road Public Hearing. The County Commissioners shall review all requests in accordance with provisions of this policy. After reviewing the requests and considering the input from the public hearing, staff, and the review committees, the County Commissioners shall, by resolution, give “preliminary approval” for all approved requests. This “preliminary approval” will be given prior to the end of May of each year, at a regular Commission meeting where all Commissioners are present, and will allow the applicant time to meet specific criteria pertinent to his/her request. After “preliminary approval”, no changes or new requests will be considered. The applicant must meet the specific criteria outlined in this policy prior to final approval. Review of performance to meet this criteria will be based on actual performance and will take place six months after the Annual County Road Public Hearing. Final approval or denial will be by resolution at this time. All actions of the Commissioners will not become effective until January 1 of the next calendar year to allow time for the updating of the official county maps.

2.4 EXCEPTIONS TO PUBLIC HEARING. Requests which are not required to be heard at Public Hearing are as follows:

2.4. A. Legal Requirements. Roads required to be open, closed, or maintained by contract, mandate of the law, or by court action or judgment, at a time inconsistent with these provisions for an annual public hearing.

2.4. B. Emergencies. Temporary road closures, road work or new roads may be approved at any time during year if such action is of an emergency nature based on evidence that there is a clear and present danger to the life, health, safety, or livelihood of persons as determined by the County Road Operations Director, if the action is not considered until next scheduled Annual County Road Public Hearing.

The County Road Operations Director may at his discretion take immediate action to repair existing roads or to construct a new road in an emergency or to temporarily close a road for a reasonable period necessary to perform emergency repair or improvements.

2.4. C. New Subdivision. Roads approved as part of a new subdivision may be considered at any time during the year in accordance with procedures specified in Appendix A, Article III, Section 1-A, B, C, D & E of the Road

Policy for Class C & D Subdivisions. For other classes and types of subdivisions, see the Chaves County Subdivision Regulations.

SECTION 3: PROVISIONS FOR ROAD MAINTENANCE AND NEW ROADS

3.1. A. Approval by Resolution. All actions taken by the County Commission regarding maintenance and/or approval of roads shall be by Resolution and shall be made part of the Official Updated Chaves County Road Map. The County Commission shall review and designate the maintenance of County Roads annually.

3.1. B. Reconsideration of New Road or Maintenance Requests. Applications for new roads or maintenance that have been submitted previously for approval may only be reconsidered every other year.

3.2 MINIMUM STANDARDS REQUIRED FOR ACCEPTANCE OF ROADS FOR COUNTY MAINTENANCE. Applicants requesting that the County provide regular maintenance on County roads shall submit requests on applications provided by the County to the County Commission for consideration of acceptance for maintenance prior to improvements being made under these provisions. The County may accept said roads for maintenance based on the availability of funding, manpower, and equipment, and in accordance with procedures outlined in this policy. If the County Commission approves the application, the applicant shall, at their own expense, meet the requirements and minimum standards for acceptance of roads, as are specified in the following provisions. The County, at its discretion, reserves the right to initiate and implement the construction, development or maintenance of any County road or any accepted by the County as a County road at County expense whenever it is so deemed appropriate and beneficial to the Commissioners and provided there are sufficient funds, manpower, and equipment to accomplish such work.

3.2. A. Real Property Rights Required. Real property rights shall be granted to the County for all roads or rights-of-way accepted and approved by the County, within six months after preliminary approval, as is determined legal and necessary by the County Attorney to insure appropriate legal rights and interests of such roads are vested to the County. The applicant shall present a petition with the names of all the owners of all the land through which said road is to be laid out and shall be signed by the owners, giving the right-of-way through the land, and accompanied by a plat of the road.

3.2. B. Minimum Right-of-Way Widths Required. A minimum right-of-way width of at least 60 feet shall be granted by fee title to the County for all privately owned roads accepted by the County as County roads and for

regular maintenance, within six months after preliminary approval and after the effective date of this policy. The County, at its discretion, may require a wider right-of-way in cases that a wider right-of-way can be determined as necessary. Right of Way widths for roads in approved subdivisions shall be as specified in County Subdivision Regulations where applicable or as have been otherwise previously approved in existing subdivisions. Rights-of-way, in other cases, shall be determined on a case by case basis by the County Commission based on reasonable necessity.

3.2. C. Minimum Road Construction Standards. Chaves County Standard Specifications for Road Construction is hereby adopted as a part of this policy and can be referred to in Appendix A of this policy. These standards are applicable as follows:

1. Roads in Subdivisions after September 10, 1973.
Roads in subdivisions approved by the County after adoption of the Chaves County Subdivision Regulations, September 10, 1973, and as amended thereafter, are subject to all regulations thereof. Provisions regarding road construction standards are summarized as follows:
 - a. All streets within Class A, B, E, F, G and H Subdivisions must be paved with bituminous paving or its equivalent by the subdivider at his own expense in accordance with construction standards in Appendix A. A, B, E, F, G and H Subdivisions include residential, multifamily, commercial, or industrial subdivisions with parcels less than 2 ½ acres in size. In addition the subdivider shall pave, at his own expense, an access street leading from Class A, E, F, G and H Subdivision to the highways in accordance with construction standards in Appendix A, for Type B Roadways.
 - b. All weather compacted gravel base course surfacing shall be installed at the subdivider's expense in accordance with construction standards in Appendix A for Class C and D Subdivisions, which include residential, multifamily, commercial, or industrial subdivisions with parcels 2 ½ acres or larger in size.
2. Roads in Subdivisions Prior to September 10, 1973.
Prior to the County accepting such roads for regular maintenance, roads in subdivisions approved by the County prior to adoption of the Chaves County Subdivision Regulations, September 10, 1973, are subject to approved subdivision regulations prior to that date, in addition to provisions regarding road construction standards as follows:

All dedicated streets within subdivisions prior to September 10, 1973 shall be brought up to at least a minimum standard of an all-weather compacted gravel base course surface in accordance with Appendix A for a Type C Roadway and thereafter it shall be unlawful in such subdivision to subdivide or split any parcel for purpose of sale, in no less than a 2 ½ acre parcel.

3. New Roads and Existing County Roads.
Prior to the County accepting such roads for maintenance, all roads proposed for acceptance by the County for maintenance which are not within an approved subdivision shall, at the applicants expense and within six months after preliminary approval, be brought up to the minimum county standards for the proposed type of roadway as referenced in section 3.2.C.1. The County Commission may, at their discretion on existing County roads (not to include privately owned roads accepted by the County as County Roads which require a minimum of a sixty foot right-of-way after the effective date of this policy), require an appropriate right-of-way width as is determined necessary and may require a roadway surface of greater width than twenty-eight feet in cases that can be justified as being necessary.

3.3 REVIEW AND APPROVAL OF NEW ROADS.

- 3.3. A. New Mexico State Statues 67-5-8 through 67-5-20 outline the procedures for viewing roads by freeholders.
- 3.3. B. **Review, Annual Public Hearing, and Approval Required for New Roads.** Except as otherwise specified in this policy and in accordance with all statutory and other legal requirements for the establishment of new roads and consistent with New Mexico State Statute 67-5-9 the County shall appoint a board of three freeholders to view a proposed new road at their next regular meeting after a petition for such road is received, and fix a time for such view. It is hereby established that the time fixed for such view shall be in accordance with provisions of this policy which provide that an annual review committee, hereby designated as the board of freeholders appointed to view such new road, must review applications within one month prior to the Annual County Roads Public Hearing. New roads may be constructed by the County for emergency purposes in accordance with provisions of this policy, without a public hearing.

3.3. C. Public Notice Required. A legal public notice shall be published in a local newspaper of general circulation at least fifteen days prior to the public hearing on such road, which identifies the location of the road, action to be considered by the County Commission on the road, and the date, time, and place that the public hearing will take place. Legal publication hereof, is in addition to New Mexico State Statute 67-5-9 which requires that notices be posted in three of the most public places along the new proposed road, at least five days previous to the day fixed for the view thereof, giving parties in interest notice of the time and place for viewing such road; and consistent with New Mexico State Statutes 67-5-17.

3.4 PRIORITIES FOR MAINTENANCE AND NEW ROADS. Priorities are determined based on a road's most appropriate use as part of an overall network of roads designed to benefit citizens of Chaves County, the general public use of a road; and the specific purpose for which the road is being used and based on the County's ability to provide the funding, manpower, and equipment necessary to perform the work. Except for roads and road maintenance required by law or court order and roads approved for regular maintenance prior to the effective date of this policy, review of new roads or other existing roads for construction, improvements, or regular maintenance will be based on but not limited to the following criteria:

- 1. Status of Road:**
 - a. Condition of Road.
 - b. Maintenance frequency by the County.
 - c. Users of road and frequency of use.
 - d. Foreseeable future needs of roads.
 - e. Businesses, residences, area, and locations road provides access to.
 - f. Type of road; school bus route, postal route, farm to market Road, access to minerals or recreation.
 - g. Right-of-Way width of road.
 - h. Surface width of road being maintained for use.
 - i. Alternate legal access routes to same area.
 - j. Legal basis for being a County road.
 - k. Length of road requested for action.
 - l. Description of land over which the road extends.
 - m. An estimate cost of opening road for travel.
 - n. An estimate cost of annual maintenance.
 - o. Assessment of damage or benefits accruing to any person (s).
 - p. Proximity to historical sites.

2. **Contacts:**
 - a. Abutting landowners to road in question. (private, federal, state)
 - b. New Mexico Game and Fish Department.
 - c. Chaves County Road Department.
 - d. Known leaseholders using road.

3.5 CURRENTLY, AND NOT CURRENTLY MAINTAINED COUNTY ROADS AND RIGHT-OF-WAYS.

- 3.5. A. **Official Chaves County Road Maintenance Map.** All Chaves County roads approved and designated on the Official Chaves County Road Map shall be designated as “Currently Maintained”, “Not Currently Maintained (NCM)”, or “Right-of-Way” on a duplicate road map which shall be entitled the “Official Chaves County Road Maintenance Map”, and hereinafter referred to as the Road Maintenance Map. The County Commissioners shall approve the maintenance status of all roads by an annual review and update of the Road Maintenance Map.
- 3.5. B. **Currently Maintained Status.** All Chaves County roads receiving maintenance at least one time each year shall be considered as “Currently Maintained” status. All currently maintained County roads which are paved shall be checked at least once each year and patched or repaired as is deemed appropriate and necessary by the Road Operations Director. All currently maintained non-paved roads shall be bladed at least once each year. Maintenance shall be documented and recorded as a permanent record and as part of the Road Maintenance Map. Currently maintained roads that do not receive maintenance during the prior calendar year shall be submitted to the Commission for consideration as a Not Currently Maintained Road at the Annual County Roads Public Hearing. If not approved as Not Currently Maintained, the road must be maintained as required by this policy.
- 3.5. C. **Not Currently Maintained Status.** All established County roads not in “Currently Maintained” status shall be designated as “Not Currently Maintained” (NCM) on the Road Maintenance Map.
- 3.5. D. **Road Right-of-Way Status.** Road areas to which the County has title or other legal rights and interests, either through purchase, dedication, declaration, or other legal means which have not been constructed or otherwise are not developed, opened, or established for public use shall not be constructed or opened without approval of the County Commission and shall be designated on the Road Maintenance Map as “Road Right-of-Way”.

3.5. E. Fences, Gates and Obstructions On County Roads and Right-of-Ways.

1. Fences, locked gates and other obstructions are prohibited on all established and currently maintained County roads.
2. Gates are permissible on County Roads only after obtaining a gate permit from the appropriate Chaves County Administrative Office. All gates on established County roads shall be unlocked, shall include appropriate safety controls, and shall be constructed at the expense of the applicant in accordance with standards and procedures established by the County. Disapproval of a gate permit by County Staff, or protests of gate permits approved by County Staff may be appealed to the County Commission for final disposition.
3. Fences and locked or unlocked gates are permissible on County Right-of Ways (not established roads), provided the gate or fence shall be removed by the owner or any subsequent owner, at the owners expense at any time the County needs the use of the right-of-way. Such gate or fence shall be promptly removed within thirty (30) days of receipt of a written notice to remove such gate or fence. Failure to remove such gate or fence in the specified period shall result in removal by the County at the owner's expense.

3.5. F. Temporary Road Closures. Roads may be closed for emergencies on a temporary basis as is specified in Section 2.4 of this policy.

SECTION 4: PROVISIONS FOR ROAD VACATIONS

4.1 APPROVAL BY RESOLUTION. All actions taken by the County Commission regarding permanent road vacations 4.1-A shall be made by Resolution and approved in accordance with the provisions of this policy.

4.1. A. Road or Right-of-Way Vacation. The vacation of a County road or right-of-way is the permanent discontinuance or vacation by the County of a legally established County road as outlined in Paragraph 1.2-A. The County no longer claims any legal right or interest in a vacated road or right-of-way.

4.2 PROVISIONS FOR ROAD VACATIONS.

4.2. A. Road or Right-of-Way Vacation.

1. Statutory Provisions for Vacation. New Mexico State Statutes 67-5-3 require as follows:

“A county or public road may be increased or diminished in width, or may be altered in direction, or discontinued, by pursuing substantially the steps prescribed for opening or establishing a new road. Whenever, in the opinion of the board of county commissioners of any county, any road or part of road then established and maintained as a public highway is not needed, or the repairs of the same are burdensome and in excess of the benefits therefrom, they may at a regular meeting appoint a board of commissioners of three freeholders of the county as viewers to view such road or part of road, and make report thereof to the board of county commissioners at their next regular meeting, setting forth fully their finding, and if they recommend a discontinuance of such road or part of the road, then the board of county commissioners may order the same vacated; provided that if such road runs on the county line between two counties, the county commissioners of both the counties interested shall appoint viewers and the concurrence of the county commissioners of both counties shall be necessary to vacate it.”

2. Priorities for Road Vacations. The County Commission shall not permanently vacate a County road when the road will, in the foreseeable future, be necessary, beneficial, or valuable for public use as a County road, and as such, the road is beneficial or necessary for the following purposes, all of which are hereby declared to be of substantial value to Chaves County:
 - a. Used as officially declared school bus route or postal road.
 - b. Serves as a primary farm to market road.
 - c. Serves as primary access for production of minerals.
 - d. Serves as primary access to recreational areas.
 - e. Serves as primary access to public lands.

A County road shall only be permanently vacated if the County would not in the foreseeable future be in a position after such road is vacated, to have to obtain and use County funds to

reacquire right-of-way to the road, and the road is not necessary or beneficial for any of the above purposes.

3. **Review, Annual Public Hearing and Approval Required for Permanent Road Vacations.** Except as otherwise specified in this policy, and in accordance with all statutory and other legal requirements, permanent road vacations shall be reviewed and considered for final approval in accordance with all statutory and other legal requirements, permanent road vacations shall be reviewed and considered for final approval in accordance with provisions of this policy which provides that an annual review committee, hereby designated as the board of freeholders appointed to view a permanent road vacation, must review applications within one month prior to the Annual County Roads Public Hearing, which must be held in accordance with this policy. Final consideration for approval of such roads will be in accordance of this policy.

4. **Public Notice Required for Vacations.** A legal public notice shall be published in a local newspaper of general circulation at least fifteen days prior to the public hearing on such roads, which identifies the location of the road, action to be considered by the County Commission on the road, and the date, time and place that the public hearing will take place. In addition to the legal publication hereof, notices shall be posted in proposed for permanent closure, at least five days previous to the day fixed for the view thereof, giving parties in interest notice of the time and place for viewing such road.

4.2. B. **Reconsideration of Vacation Requests.** Applications for vacation of roads that have been submitted previously for approval may only be reconsidered every third year.

4.3 **PROCEDURE FOR ROAD VACATION.** An applicant may request road vacation of a County road or County regulated right-of-way after submitting a formal Application to the Chaves County Public Services Department along with the appropriate application fee as set forth herein below.

4.3. A. **APPLICATION FEES**

1. The application fee for an Application for Vacation is Two Hundred Fifty Dollars (\$250.00) for each Application. The Application fee shall be tendered at the time the Application is submitted and any Application submitted without the requisite Application Fee will be returned to the Applicant. The Application

fee shall not be returned once the Application has gone through Staff and Road Review Committee review.

4.4 EXPLANATION OF ROAD DELETED FROM THE COUNTY ROAD MAP.

When a road is deleted from the Official Updated Chaves County Road Map by vacation it does not cease to exist. By deleting the road from the Official Map, the County is indicating that they are no longer liable for the road or responsible for its maintenance. Those roads deleted from the Official Updated Chaves County Road Map on State land would be the liability and responsibility of the New Mexico State Land Office; those on Federal land would be the liability and responsibility of the Federal Bureau of Land Management; those on private land would be the liability and responsibility of the private landowner, as they deem necessary to keep access. The County no longer claims any legal right or interest in a deleted road or right-of-way.

4.5 PROCESS FOR APPROVAL. All requests for Road Vacation will be reviewed by Staff in accordance with the provisions of this policy. The requests will then be submitted to the County Commissioners for consideration at the Annual County Road Public Hearing. Upon review of the recommendations from the Board of Freeholders and Staff, as well as public comment at the public hearing, the commission shall, by resolution, give final approval or denial of the request. Final approval for Road Vacations shall become effective upon approval of the resolution.

SECTION 5: MANAGEMENT AND ADMINISTRATION OF ROAD NETWORK.

5.1 GENERAL PROVISIONS. Since there are limited funds available for road work each fiscal year, the County must carefully review the requirements and costs of manpower, equipment, and materials for road work currently being performed and the contractual or legal obligations requiring road work during the upcoming fiscal year before workable and practical decisions can be made in regard to additional requests for road work at the Annual County Road Public Hearing.

This section outlines procedures to help accomplish these objectives in addition to procedures for effectively and efficiently performing road work during the year.

5.2 PLANNING FOR ROAD WORK. Prior to the preview of requests by Review Committee(s) each year, the Road Operations Director, under the supervision of the County Manager, shall provide the appropriate documentation and maps which outline the current requirements and costs for manpower, equipment, and materials, for operation of the Road Department, in addition to contractual or legal obligations required during the upcoming fiscal year. This information will be presented to the Review Committee(s) and County Commissioners during the review process for determination for road work each year.

5.3 SCHEDULING, REPORTING, AND MAPPING OF ROAD WORK. After final decisions have been made by the County Commission in regard to road work for the upcoming fiscal year, the Road Operations Director under the supervision of the County Manager, shall schedule all construction, improvements, and maintenance approved for the fiscal year and provide appropriate reports and mapping to show periodic progress toward achieving the road work approved by the County Commission and for assessing performance of employees in that regard.

5.4 ESTABLISHING SPEED LIMITS. Speed limits in Chaves County are established by Section 66-7-301 NMSA 2006 and are as follows:

- A. Fifteen miles per hour in school zones,
- B. Thirty miles per hour in business and residential districts,
- C. Fifty-five miles per hour on urban roads, and
- D. Seventy-five miles per hour on rural interstate highways.
The County Commissioners may alter and establish speed limits lower than those established by law on County roads within the County.

5.5 OBSTRUCTIONS AND INJURIES TO ROADS. It is unlawful to obstruct or damage public roads (reference Section 67-7-1 and 67-7-2 NMSA 2009).

5.6 CATTLE GUARDS AND DRIVEWAY CULVERTS. Cattle guards and driveway culverts may be installed by the County Road Department as determined by the Road Operations Director. Applications will be available at the Road Department. Applicants must purchase the cattle guard or culvert from the County and the County Road Department will do the installation.

SECTION 6: AGREEMENT REQUIRED FOR EXCHANGE OF BENEFITS ROAD WORK

6.1 COUNTY WORK ON PRIVATELY OWNED PROPERTY. The County shall not perform work or perform any services on privately owned roads or property except under the following provisions:

The County may enter into an agreement with a private party to perform certain services on private property only in specific cases where such an agreement would not violate the Public Purchases Act of the State of New Mexico (Sections 13-1-1, et seq, NMSA, 1978 Compilation). In situations where the County crews are working on a specific section of a County road and require caliche, gravel, water or other road materials, the County may enter into an exchange agreement with a private party to obtain those materials only when the total value of the materials being obtained does not exceed \$250.00; the value of the services being performed by the County is equal to or less than the value of the materials being received by

the County, and the procurement of bids for that material would entail unnecessary and detrimental delay and loss to the County. Prior to entering into such an agreement, the County Road Operations Director shall document that the value of the materials being obtained by the County is less than \$250.00, the value of the services being performed by the County is equal to or less than the value of those materials received by the County, materials being obtained are the best possible price in that area of the County, taking into consideration any expenses that would be incurred in transporting the material from another site. Following receipt of the documentation as stated previously, a written agreement shall be prepared on a form accepted by the County for such use and presented to the County Commissioners for approval. The County Commissioners shall make specific determination at the time of entering into the aforesaid agreement as to the value of the materials received by the County, and whether or not the procurement of bids for the material would entail an unnecessary and detrimental delay and loss to the County.

This agreement, prior to being presented to the County, shall be signed by a duly authorized employee of the Road Department after obtaining verbal approval from one County Commissioner. The agreement shall be recorded in a permanent file of the Road Department and the County Manager's Office and open to public review and inspection. The agreement for materials received must be ratified by the County Commission at the next regularly scheduled public meeting.

The provisions of this paragraph shall not be exercised except in those situations where the utilization of materials provided by private landowner saves time, costs and would comply with the exception to the Public Purchases Act set forth above.

6.2 WORK ON COUNTY ROADS BY PRIVATE PARTIES. Private parties shall not perform any work on County roads or property except as may be specifically authorized by the County commission in a written agreement. Private parties may enter into an agreement with the County to perform certain work and/or provide improvement on County roads or property when such an agreement would be in the best interest of the citizens of Chaves County and provide an improvement on an existing County road. Any written agreement entered into by the County authorizing a private party to work on a County road or County property shall contain the following provisions:

6.2. A. The private party agrees to assume all liability and be responsible for any actions that may result from any injury or damage that may occur while road work is being performed by the private party. Such liability and responsibility shall remain from the time that the work is commenced until it is completed and approved as acceptable by an authorized employee of the Chaves County Road Department.

6.2. B. The private party agrees to transfer title to all improvements installed on the County road or property, such as cattle guards or other items, to Chaves County after said items and property have been installed and

accepted by an authorized employee of the Chaves County Road Department.

- 6.2. C. The private party agrees to notify an authorized employee of the Chaves County Road Department, prior to the start of the work, of the location of the proposed work, the type of proposed work, and the date that said work will start.
- 6.2. D. The private party agrees that any road work performed on County roads shall meet the minimum standards to satisfy the County for such improvements.

It shall be the duty and responsibility of the Road Operations Director to insure that each agreement strictly complies with the provisions contained above and to inspect the work as it is ongoing to determine that the agreement is being fulfilled. No private party shall perform any work on any County road or property until a written agreement has been completed unless the County Road Operations Director, or his representative designated by the County Commission, shall determine that an emergency situation exists requiring immediate action. In an emergency situation, the County Road Operations Director may verbally authorize the work under the terms and conditions set forth in this section.

A written agreement must be prepared within five days of the verbal authorization for submission to the County Commission for approval. All written agreements shall be reviewed and signed by the County Road Operations Director, or his designated representative, and the County Manager prior to submission to the County Commission.

- 6.3 **DONATIONS OF PRIVATELY OWNED MATERIALS.** Nothing contained in this section of the Chaves County Road Policy shall prohibit or in any restrict the donation of road materials (caliche, gravel, water, etc.) to the County when such donation is free of charge and involves no expense to the County other than transporting the materials to the road site for use. The County of Chaves specifically recognizes in this policy that the farmers and ranchers of Chaves County have throughout the history of Chaves County provided materials to the County for use in maintenance and construction of roads, often at no charge to the County. Such donations by these citizens have proven to be an invaluable aid to the County in its attempts to construct and maintain a viable road system and is hereby specifically encouraged as a benefit to the citizens of Chaves County in that it saves expenditures of funds and man hours.

APPENDIX A

CHAVES COUNTY, NEW MEXICO STANDARD SPECIFICATIONS FOR ROAD CONSTRUCTION

ARTICLE I

JURISDICTION

Section 1. JURISDICTION

- A. These standard specifications for road construction shall apply to all of the territory within Chaves County that is not within the municipal limits of the following
New Mexico municipalities: Roswell, Dexter, Hagerman and Lake Arthur.

- B. The planning and platting jurisdiction of the City of Roswell, Chaves County, New Mexico covers the area within five miles of the Roswell Municipal Limits. Chaves County and the City of Roswell have concurrent jurisdiction within this five mile area.

ARTICLE II

SPECIFICATIONS

Section 1. REFERENCES

- A. These specifications and standards shall be complied with in conjunction with references to AASHTO Specifications (American Association of State Highway and Transportation Officials), and the New Mexico State Department of Transportation Standard Specifications for Highway and Bridge Construction-Edition of 2007 (N.M.D.O.T. Standards).

Section 2. CLEARING AND GRUBBING

- A. Before beginning preparation of subgrade, all sod, and other vegetation shall be removed from the road bed to a minimum depth of six (6) inches, and cleared for subgrade preparation.

Section 3. SUBGRADE PREPARATION (From Sec. 207 N.M.D.O.T. Standards)

- A. After clearing, and removal of all sod and other vegetation to a minimum depth of six (6) inches, the top six inches of the road bed shall be compacted to 100% of maximum density. Compact soils with a PI of 15 or greater to at least 95 % of maximum density. The moisture content of the top six inches

of the roadway shall be in accordance with the provisions of the second paragraph of subsection 207.3 of the N.M.D.O.T. Standards.

- B.** Densities will be determined in compliance with AASHTO T-99. Field densities will be as described in 207.3 of the N.M.D.O.T. Standards.
- C.** The top surface of the finished subgrade shall not vary more than 0.1 foot above or below established grade, and 0.05 foot above or below the typical cross-section, measured on the finished surface at right angles to the center line.

Section 4. BITUMINOUS TREATED BASE (“ASPHALT TREATED BASE COURSE”)

This material shall be in compliance with Section 301 and 302 of the N.M.D.O.T. Standards.

Section 5. BASE COURSE

- A.** This material shall be in compliance with Section 304 – “Base Course” of the N.M.D.O.T. Standards.
- B.** From 304.1, Base Course will be tested in accordance with AASHTO methods provided below, or in accordance with other approved methods: Mechanical Analysis-AASHTO T27; Passing No. 200 sieve-AASHTO T11; Liquid Limit-AASHTO T89; Linear Shrinkage-Materials Testing Control Manual.
- C.** Base Course aggregate materials shall be combined in such proportions that the resulting composite blend meets the requirements of Table 304.2.1:1, as follows:

BASE COURSE CLASSIFICATION

PERCENT PASSING

<u>Sieve Size</u>	<u>Percent</u>
1”	100
¾”	80-100
No. 4	30-60
No. 10	20-45
No. 200	3-10
L.L.	25 or less
A.I.	35 or less

- D. Base course will be spread in layers which will permit the required density to be obtained. Density requirements will be determined by AASHTO T180. Unless otherwise provided, base course shall be compacted to not less than 96% of the laboratory established density. Field densities will be determined in compliance with AASHTO T205 and otherwise described in 304.304 of the N.M.D.O.T. Standards.

Section 6. SUBBASE

- A. This material shall be in compliance with Section 304 – “Subcase” from the N.M.D.O.T. Standards.
- B. Subbase materials shall meet the requirements of Class IV, as follows:

SUBBASE CLASSIFICATION

PERCENT PASSING

<u>Sieve Size</u>	<u>Percent</u>
1-1/2”	100
1”	60-95
No. 4	25-40
No. 10	15-30
No. 200	0-12
L.A. Abrasion	50 or less
L.L.	
P.I.	
Linear Shrinkage	1.5 or less

- C. The subbase shall be compacted to not less than 96 % of the laboratory established density as determined in compliance with AASHTO T180. Density will be determined in compliance with AASHTO T205, and otherwise as described in 304.32, N.M.D.O.T. Standards.

Section 7. ASPHALT CONCRETE

- A. This material shall be in compliance with Section 402 of the N.M.D.O.T. Standards.

Section 8. OPEN GRADED FRICTION COURSE

- A. This material shall be in compliance with Section 403 of the N.M.S.H.D. Standards.

Section 9. TACK COAT

- A. This material shall be in compliance with Section 407 – “Tack Coat”, N.M.D.O.T. Standards.

Section 10. PRIME COAT

- A. Prime coat, shall be in compliance with Section 408 – “Prime Coat”, N.M.D.O.T. Standards.

ARTICLE III

STATEMENTS

Section 1. RESPONSIBILITES

- A. It is the responsibility of the developer and the persons responsible to the developer for constructing the roads, to be familiar with, and to comply with the additional requirements and responsibilities required of them by the Chaves County Subdivision Regulations, August 10, 1981 amendment.
- B. It is the responsibility of the developer to retain the services of New Mexico certified testing laboratory or New Mexico registered professional engineer qualified and property equipped to perform the necessary and sufficient testing to assure the Board of County Commissioners that all roads are constructed in accordance with the requirements of these specifications and standards.
- C. Before receiving approval of any roads by the developer or owner, or person constructing the roads, there must be three (3) called inspections by Chaves County Road Department Operations Director (or his representative) after clearing and removal of sod and other vegetation; after subgrade is compacted to 95% percent density; and, after base course is laid and compacted to 96 % percent density. The Road Department Operations Director may require additional inspections due to the site locale. A report is required from the above described testing laboratory certifying that said roads are in compliance herewith and shall be presented to the Chaves County Planning and Zoning Department for recommendation to the Board of Chaves County Commissioners. The Chaves County Road Operations Director shall provide a recommendation to the Chaves County Commissioners to accompany the Planning and Zoning recommendation assuring that all requirements have been met prior to assuming the road(s) for maintenance.
- D. Prior to approval of a subdivision, or the granting of permission to begin construction, the developer or owner, or person constructing the road, as the

case may be, a good and sufficient bond, payable to the County of Chaves, as obligee, in amount equal to 100 % of the estimated material to be furnished, and of the labor to be performed on the proposed work, together with an amount equal to one hundred percent (100%) of the estimated value of the proposed work as a performer bond to insure completion of the proposed work within a reasonable time, or within the framework of a road development schedule approved by the Board of Chaves County Commissioners.

- E.** The attached drawings of “Chaves County Road Standards – August 12, 1981”, showing “Typical Roadway Sections”, are to be considered an integral part of these specifications and standards.

RELEASE OF LIABILITY

I, _____
(Print Name, Address, and Telephone Number)

_____ hereby release Chaves County from all liability for any injury to myself or my passenger(s) or for any damages incurred while driving or walking on County Road C-____-_____ which is Temporarily Closed.

I plan to be using the road from _____ to _____ . I understand that I must return Key No. _____ within forty-eight (48) hours of _____.

(Failure to return key issued within the specified time will generate a search of the area and the assessment of a Fifty Dollar (\$50.00) fine. There will be a Fifty Dollar (\$50.00) fine for anyone in possession of an unauthorized duplicate key.

_____	_____	_____
(time)	(date)	(signature)
	_____	_____
	(date)	(signature)

* * * * *

RETURN RECIEPT

_____	_____	_____
(time)	(date)	(signature)

APPENDIX B
ROAD POLICY REVISIONS

- 3-28-82 Adoption Date
- 5-12-82 Resolution R-70-42
- Section 4.3 Temporary Road Closures
- A. Priorities – procedure to temporarily close a County Road.
- 7-14-82 Resolution R-82-2
- Section 2.4
- B. “Emergencies” clarifies procedures for “Temporary” road closures.
- 8-11-83 Resolution R-83-32
- Section 4.3 Temporary Road Closure
- A. Priorities – allows NCM – Closed roads to be open during legal hunting seasons.
- 12-08-83 Resolution R-83-60
- Section 2.3 Annual County Roads Public Hearing
- All road requests will be heard during the Annual County Roads Public Hearing.
- 12-10-87 Resolution R-87-57 (Revised Edition Number Two)
- Section 3 Provisions for Road Maintenance and New Roads and Rights-of-Ways.
- A. Official Chaves County Road Maintenance Map removes reference to Not Currently Maintained (NCM) Closed Status.
- B. Currently Maintained Status. Adds Currently Maintained roads that do not receive maintenance once a year be submitted to the commission for NCM status.

- C. Not Currently Maintained Status. Removes reference to “Open” and “Closed” status.
- D. Road Right-of-Way Status. Changes “Not Established Roads” status and ads must have Commission approval to be constructed or opened.
- E. Fences, Gates and obstructions on County Roads and Right-of-Ways. Removes posting requirement, adds 1. Prohibition of fences, locked gates or other obstruction on currently maintained roads. adds 2. Gates are permissible after obtaining a gate permit. adds 3. Fences and locked gates are permissible on County Right-of-Ways.
- F. Temporary Road Closures refers to Section 2.4 of the “Road Policy”.

Section 4 Provisions for Road Vacations and Road Removals.

- A. Road or Right-of-Way Vacation, new wording.
- B. Road or Right-of-Way Removal, new wording.

Section 4.2 Provisions for Road Vacation

- A. Road or Right-of-Way Vacation.
 - 1. Statutory Provisions for Vacation. Removes Permanent and Closure from wording.
 - 2. Priorities for Road Vacations. Removes Permanent and Closure from wording.
 - 3. Review, Annual Public Hearing and Approval Required for Permanent Road Vacations – changes “Closure” to “Vacation”.
 - 4. Public Notice Required for Vacations. Removes – except in cases that the road is a “Not Established Road”
- B. Reconsideration of Vacation Requests. Three year time limit for reconsideration.

Section 4.3 Provision for Road Removal

- A. Road or Right-of-Way Removal – defines “Removal”.
- B. Application and Review of Road Removal – defines procedure for a “Removal”
- C. Reconsideration of a Road Removal – defines requirements for reconsideration of a “Removal”.

Section 4.4 Explanation of Road Deleted from the County Road Map. Same wording.

Section 5 All of this section deleted.

12-12-88 Resolution R-88-59 (Revised Edition Number Three)

Section 2.3 Removes a definite date for the Annual Road Hearing and changes “application” and “applicant” to “request form” and “applicant”.

- A. Changes “applications” and “applicant” to “request forms” and “requests”, also changes one month to forty (40) days the deadline for submission of requests prior to the Annual Public Hearing.
- B. Changes “applications” to “requests”, the final decision day and written appeals becomes part of day of the Annual Road Hearing schedule as approved by the Commission.

Section 4.2 (A)(3) Changes the definite month instead refers to the appropriate section 2.3 and 2.3 B.

Section 4.3 (B) changes “applications” to “requests”.

Section 4.3 (C) changes “applications” to “requests”.

Section 5.2 changes “applications” to “requests”.

11/26/91 Resolution R-91-54 (Revised Edition Number Four)

Section 2.3 Adds that the date of the Annual County Road Public Hearing will determined each year by the County Commissioner’s approval of the Annual Road Hearing Schedule.

Section 2.3.A Adds that applicants must have real property rights on land abutting requested roads that the requested road must be an access to developed improvements.

Section 2.3.B Redefines the process for approval for all road requests, new wording.

Section 2.3.C Deleted.

Section 2.4.B Emergencies, road repairs, and road closures are determined by the County Road Superintendent. Changes “three days” to “reasonable”.

Section 3.1 Changes to 3.1.A

Section 3.1.B Reconsideration of New Road or Maintenance Requests, new wording.

3.2.A Real Property Rights Required

Adds “within six months after preliminary approval”.

3.2.B Minimum Right-of-Way Widths Required

Adds “within six months after preliminary approval”.

3.2.C.3 New Roads and Existing County Roads

Adds “within six months after preliminary approval”.

3.3.A New Mexico State Statutes 66-5-8 through 66-5-20, listed in Appendix B.

3.3.B Deletes references to specific months, deletes reference to specific sections, and adds “in accordance with provisions” of this policy.

3.4 Changes the priority point system to priority review system and lists all criteria.

4.2.A.3 Deletes reference to specific sections of the policy.

5.4 Establishing Speed Limits. New wording.

5.5 Obstructions and Injuries to Roads, new wording.

5.6 Cattle Guards and Driveway Culverts, new wording.

11/30/94 Resolution R-94-71 (Revised Edition Number Five)

Section 2.3.B. Adds that `preliminary approval` will be given “at a regular commission meeting where all members are present”.

Section 3.2.A. Adds that the applicant shall present a petition with all the names of all land owners through which said road is to be laid out and be signed by the owners, giving the right-of-way through the land, and accompanied by a plat of the road.

Section 3.2.C.3. Adds that roads approved for new Road status will be brought up to county standards at the applicant’s expense. Redefines the minimum standards to “the minimum county standards for the proposed roadway as referenced in section 3.2.C.1.”.

Section 4.2.B.1. Deletes “shall not be reconsidered for a period of three years from date of prior consideration”. Adds “may be reconsidered at the following years Road Hearing”.

Section 4.2.B.2. Deletes “shall not be reconsidered for a period of three years from date of prior consideration”. Adds “may be reconsidered at the following years Road Hearing”.

APPENDIX D Lists New Mexico State Statutes 66-7-301, 66-7-304, 67-7-1, and 67-7-2.

- 3/13/96 Resolution R-96- 17 (Revised Edition Number Six)
Adds Section 4.5 establishing process for approval.
- 12/15/11 Resolution R-11-072 (Revised Edition Number Seven)
PREFACE Changes “88201 to 88202”.
INDEX Changes page numbers in Sections 2 through 6 and Appendix A and B.
Section 1.1 Deletes “orderly and consistent, and system, of closures”.
Section 2.3 Deletes “which will normally be held in the spring of each year”.
Section 2.4 B. Changes “Superintendent to Operations Director”.
Section 3.1 A. Deletes “All actions taken by the County Commission regarding approval of roads accepted as County Roads shall be by Resolution and shall be made a part of the Official Updated Chaves County Road Map. All other County Commission actions regarding maintenance of County Roads shall be by Resolution and shall be made part of the Chaves County Road Maintenance Map”. Adds “All actions taken by the County Commission regarding maintenance and/or approval of roads shall be by Resolution and shall be made part of the Official Updated Chaves County Road Map. The County Commission shall review and designate the maintenance of County Roads annually”.
Section 3.3 C. Deletes “which requires notices to be posted at three public places along the road after the road has been approved and accepted by the County Commission to be opened for travel”.
Section 3.5 B. Changes “Superintendent to Operations Director”.
Section 3.5 E. 2. Deletes “currently maintained or not currently maintained roads”, Adds “County Roads”.
Section 4. Deletes “AND ROAD REMOVAL”
Section 4.1. Deletes “Closure to include”; “and removals”; “& B,”
Section 4.1.B. All of this Section deleted.
Section 4.2 B. Deletes “be reconsidered only as follows:”, Adds “only be reconsidered every third year”, deletes Sections 1 and 2.
Section 4.3. Deletes existing Section. Establishes new Procedure for Road Vacation and establishes Application Fee.
Section 4.4 Deletes “or removal”.

Section 4.5 Deletes “Road Removal and”.
Section 5.2 Changes “Superintendent to Operations Director”.
Section 5.3 Changes “Superintendent to Operations Director”.

Section 5.4 Deletes “1978 (referenced in Appendix D of this policy”
Adds “2006”

Section 5.4 D. Deletes “Sixty-five”, Adds “Seventy-five” Deletes
“reference Section 66-7-304 NMSA 1978 in Appendix D of this
policy”.

Section 5.5 Deletes “1978 in Appendix D of this policy”

Section 5.6 Changes “Superintendent to Operations Director”.

Section 6.1 Changes “Superintendent to Operations Director”.

Section 6.2 D. Deletes “met”, adds “meet”, Changes “Superintendent
to Operations Director”.

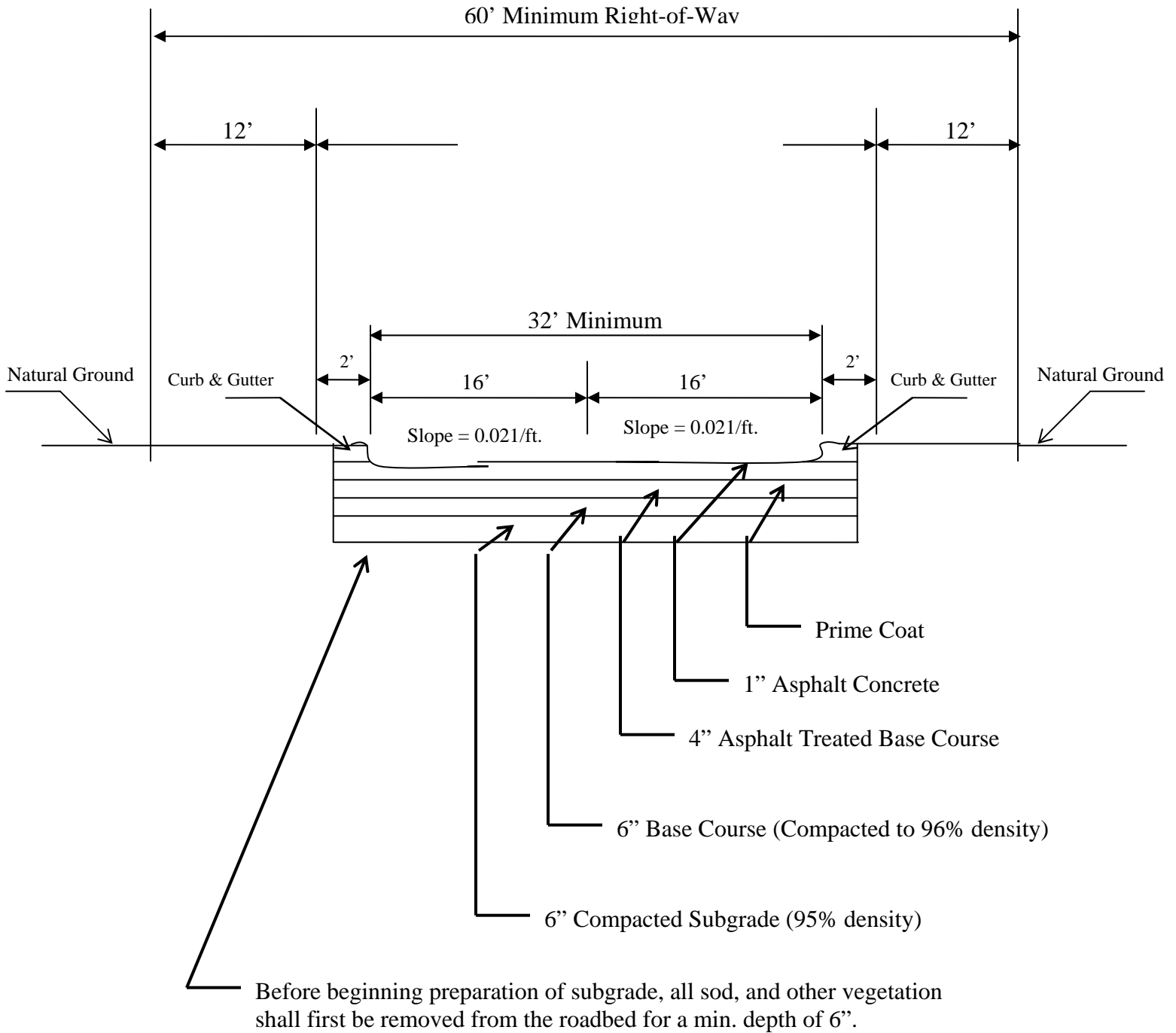
APPENDIX A, ARTICLE II, Sections 1. through 10 Changes
N.M.S.H.T.D. to N.M.D.O.T. and 1976 to 2007 Edition of
Specifications. ARTICLE III, Changes “Superintendent to Operations
Director”, Deletes “subbase”, adds “subgrade”, deletes “95%”, adds
“96%”.

APPENDIX B All of this Appendix deleted.

APPENDIX C changes to Appendix B.

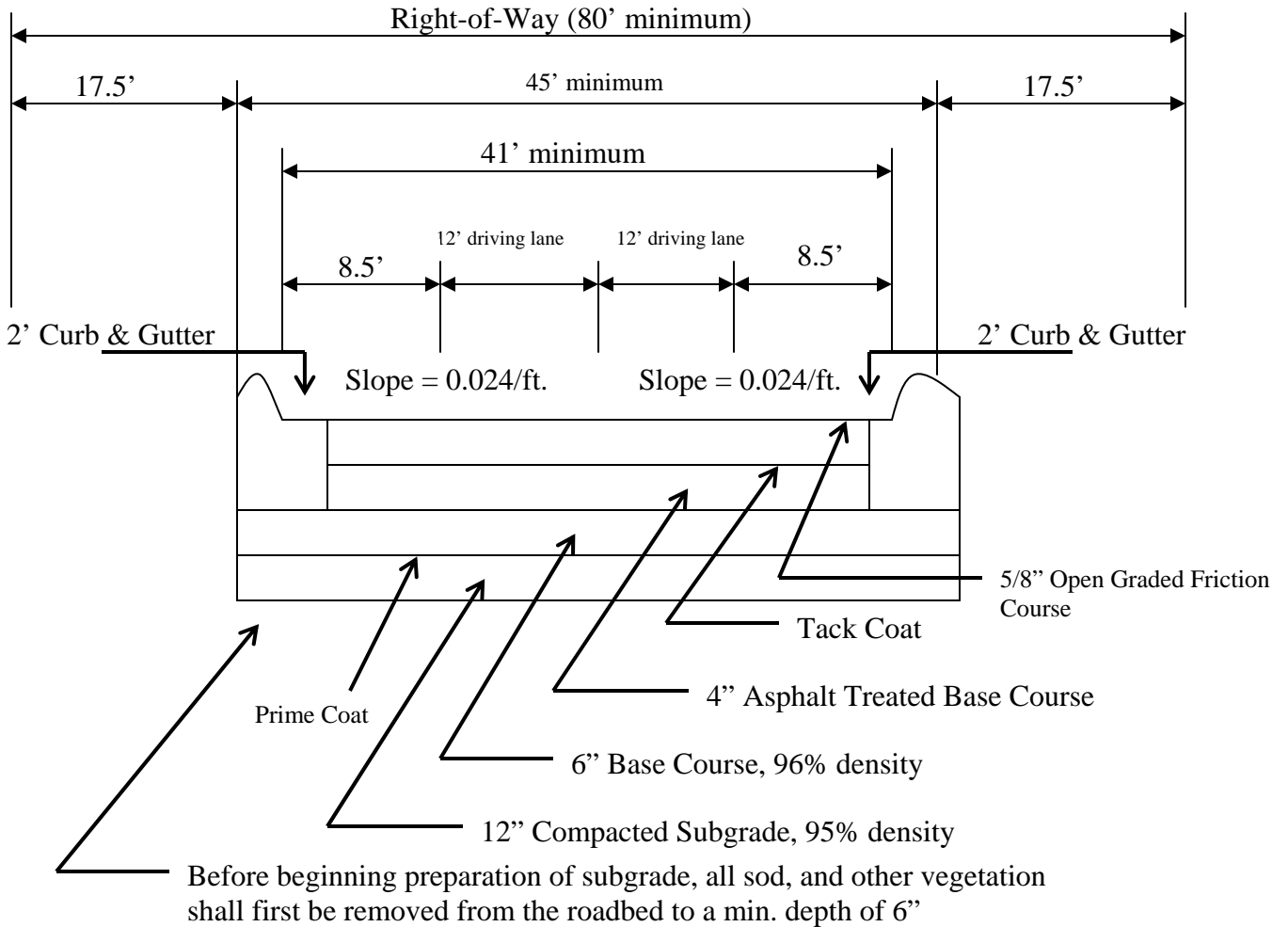
APPENDIX D All of this Appendix deleted.

Incorporate Typical Roadway Sections for Class A through H
Subdivisions.



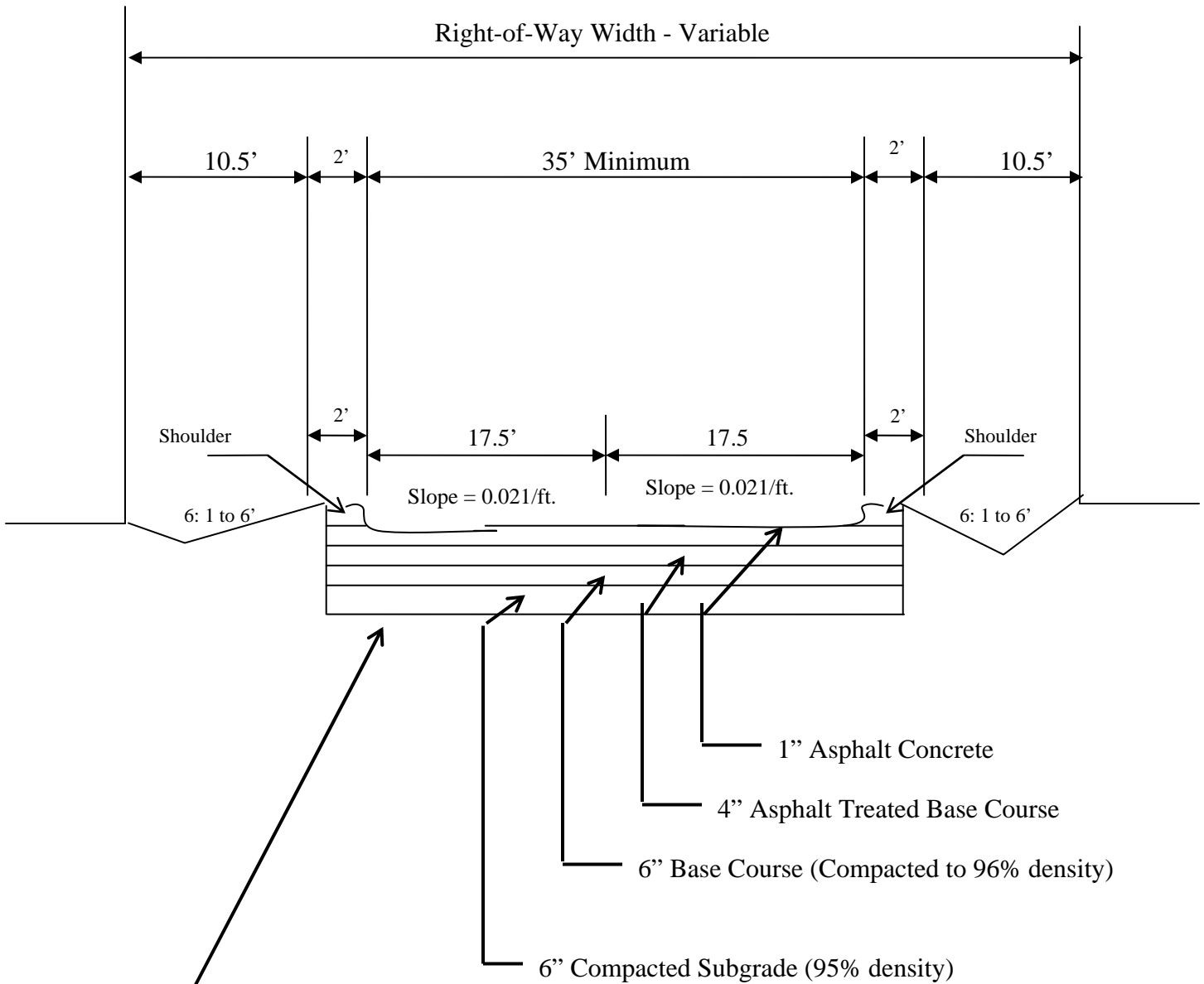
Note.

1. Top of finished grade to be a minimum of 4" below natural ground.



Note:

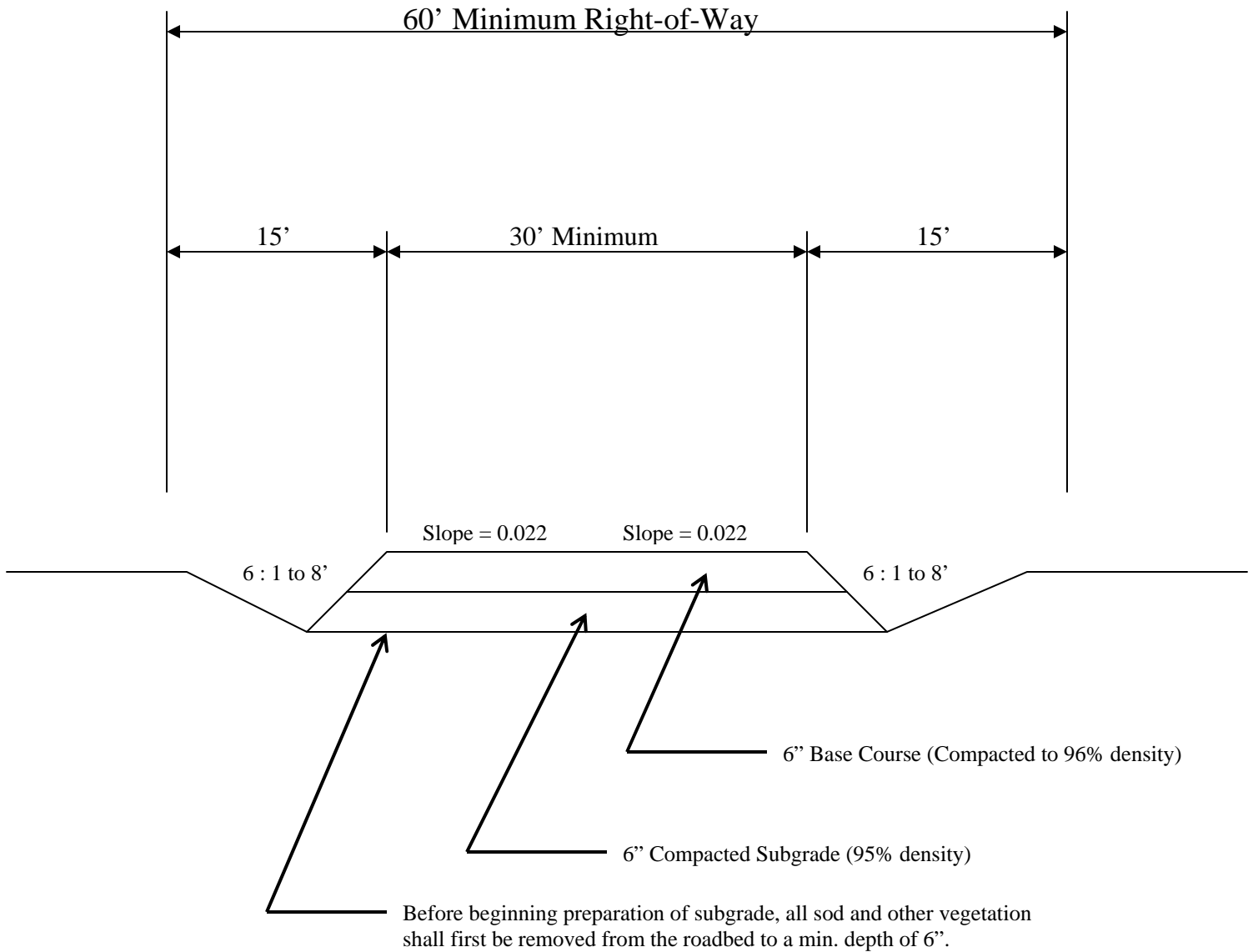
1. Top of finished grade to be a minimum of 4" below natural ground.

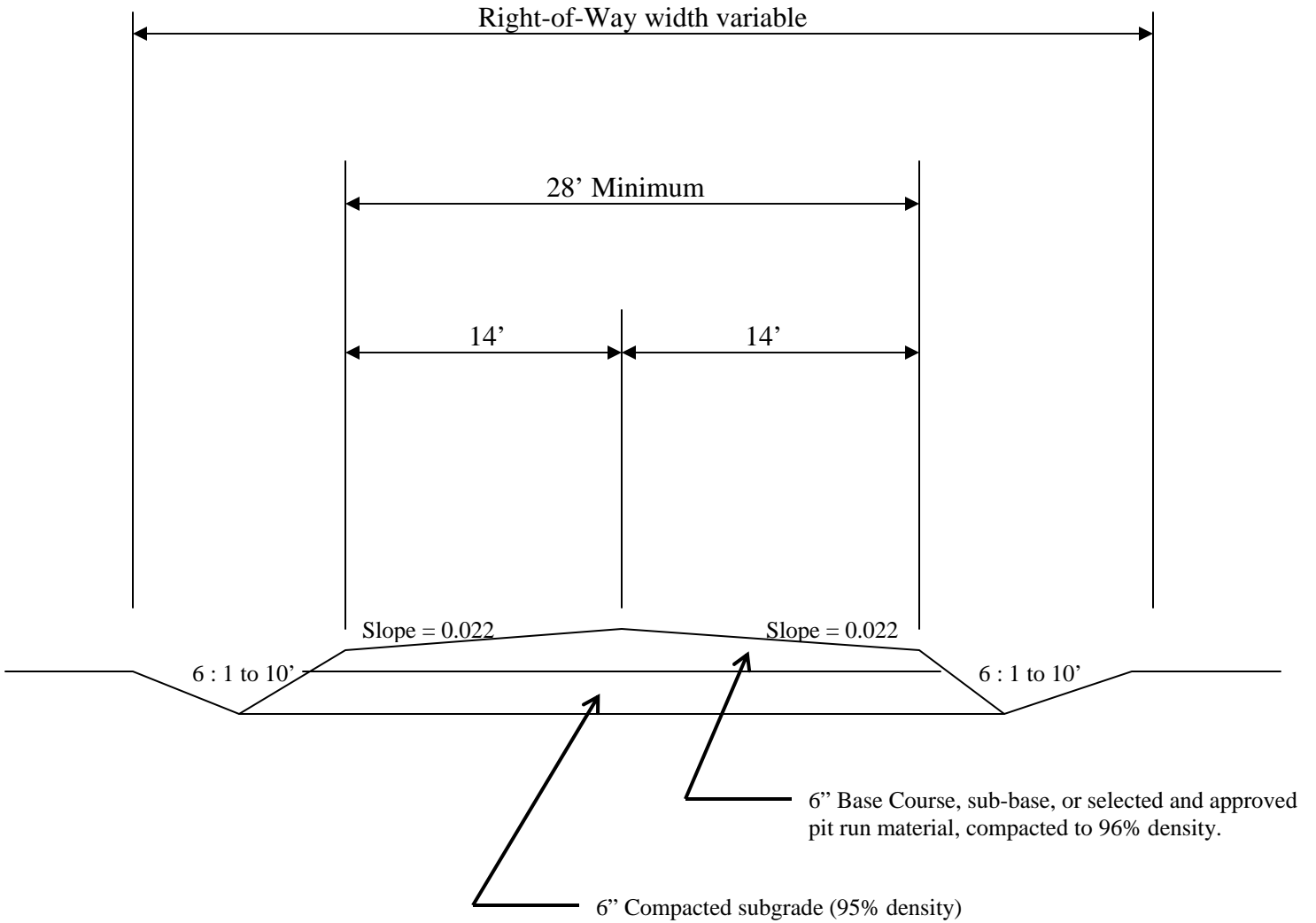


Before beginning preparation of subgrade, all sod, and other vegetation shall first be removed from the roadbed for a min. depth of 6".

Note.

1. Top of finished grade to be a minimum of 4" below natural ground.





Before beginning preparation of subgrade, all sod and other vegetation shall first be removed from the roadbed to a min. depth of 6".