

SECTION 36 LOCATION OF WATER LINES AND EASEMENTS

36.01 LOCATION OF WATER LINES

A. In Public Right-of-Way or Easements. Water lines constructed by or for this District shall be constructed within public road or street right-of-ways, except where the District has expressly authorized the construction to be made within permanent right-of-way easements.

B. Physical Location.

1. A water line constructed within a public road or street right-of-way shall normally be located within the easterly or southerly half of the right-of-way.
2. A water line constructed within an easement shall normally lie along the centerline of said 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 within the easterly or southerly half of the easement right-of-way.

36.02 DISTRICT WATER LINE EASEMENTS

A. 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 together with a right of access to the permanent easement for purposes of maintenance and repair of the water line to be installed.

B. Easements in Subdivisions. The centerline of an easement for a water line within a subdivision 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 said parallel sideline, shall be located within the said lot or parcel.

C. Easements in Unsubdivided Land. The centerline of an easement for a water line in unsubdivided lands shall, whenever practicable, 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 said parallel sideline, shall like within the said parcel.

36.03      ENCROACHMENT IN DISTRICT EASEMENTS

A.    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 right-of-ways.

B.    Allowance of Encroachments.    The General Manager may allow encroachment in, over, or upon a District easement or right-of-way if he determines that the encroachment will not interfere with operation of the District's water or sewer 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 (i) the cost of removing and replacing the encroachment shall be borne solely by the owner, and (ii) the District will not waive any rights as to its use of said easement or right-of-way, including, but not limited to, the right to enter upon said easement at any time for the purpose of making repairs, modifications, or replacement of any pipeline or road, and (iii) the encroachment will be removed upon 30-days written notice from the District to the owner. The General Manager may grant an extension of such period; however, the extension must be in writing and signed by the General Manager.

The Manager's authority to allow such encroachment shall extend to improvements that are removable and which do not exceed the Manager's monetary authority as set forth in subsection (D) of Section 2.01. All other encroachments must be approved by the Board of Directors.

36.04      CONCURRENT USE OF DISTRICT EASEMENTS

A.    By Governmental Agencies.    The 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 easement.

B.    By Private Persons or Entities.    Concurrent use of District easements by persons or entities other than governmental agencies or public utilities must be approved by the Board of Directors.