AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Road Access Permit; County Road #730, Ohio Creek R

Action Requested: Motion

Parties to the Agreement: Castleton Ranch Ranch Properties, LLC

Term Begins: March 20, 2017 **Term Ends:** 5/1/2017 **Grant Contract #:**

Summary:

Castleton Ranch is cleaning a pond on the west side of Ohio Creek Road and hauling the material to a disturbed area on the east side of the road to be reclaimed into meadow.

Fiscal Impact: None

Submitted by: Marlene D. Crosby **Submitter's Email Address:** mcrosby@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok - gs

Reveiwed by: GUNCOUNTY1\gstuhr Discharge Date: 3/17/2017 Certificate of Insurance Required Yes ◉ No ○

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 3/17/2017

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: DCM Report

Agenda Date: 3/21/2017

Revised April 2015

ROAD ACCESS PERMIT
COUNTY ROAD #730, OHIO CREEK ROAD
SPRING SEASON 2017

In order to facilitate the use of a road that would otherwise not be used by heavy truck traffic, the Gunnison County Public Works Department will permit Castleton Ranch ("Permittee") to use CR #730, also known as Ohio Creek Road, for the purpose of hauling material excavated from a pond cleanup on the west side of CR #730 to the east side of CR #730, subject to the specific conditions recited herein.

Such hauling shall be done in a manner to preserve and protect roads during the term of the permit, to insure safe and efficient transportation, and to prevent excessive damage to roads or streams. Metal plates shall be placed on CR #730 by Permittee during the project and can be left in place for the duration of the project as long as road base is placed around them to avoid sudden elevation changes. Permittee will be responsible for snow removal from the metal plates after each storm.

Material hauling shall include use of the traveled way for the purpose of hauling excavated material from a pond on the west side of CR #730 to the east side of CR #730 from property owned by Castleton Ranch. The haul route will be on that portion of CR #730, Ohio Creek Road between the 11 and 12 mile markers.

Conditions of the permit shall be as follows

1. No one shall remove snow from County roads for the purpose of facilitating the haul without first receiving written permission from the Gunnison County Public Works Director.
2. The Gunnison County Public Works Director, or her representative, and the Permittee shall meet on site to evaluate road conditions before hauling begins. At the discretion of the County, The Permittee may be required to make improvements and repairs to the road which are deemed necessary to protect and preserve the road from the anticipated use. The improvements shall be paid for by the Permittee and work shall be completed and inspected by the County prior to the approval of this Road Access Permit.
3. All drivers will be required to minimize the use of Engine/Jake Brakes while traveling the haul route.
4. Hauling will only be allowed during daylight hours Sunday – Saturday. Daylight hours shall be defined as 6:00 AM – 5:00 PM for the purpose of this permit.
5. Trucks will be required to maintain a reasonable and prudent speed, and remain respectful of bicycle and other motor vehicle traffic on the road. Any drivers exceeding speed limits or being disrespectful of other users will be removed from the haul.
6. Drivers will be made aware that County maintenance activities may impact their haul and they may be held up to 20 minutes at traffic stops during pavement repairs.
7. Gunnison County Public Works reserves the right, upon its sole discretion, to suspend hauling to accommodate special events. In such case, Gunnison County Public Works will provide no less than 48 hour advance notice of the suspension of hauling for a special event.
8. Weather conditions which may cause unsafe haul conditions may occur. If such events occur the Gunnison County Public Works Department will notify Castleton Ranch

regarding the existing/forecast conditions and require either reduced hauling or cessation until conditions improve.

9. All vehicles involved in material hauling will be licensed and insured pursuant to applicable Colorado and Federal law.
10. Permittee shall maintain bonding of no less than $5,000.
11. Hauling will be permitted from March 1st to May 1st of each year that a permit is issued.
12. Gunnison County will provide truck hazard signs that are to be used by the permittee during the haul period and then returned to Gunnison County upon completion of the project.

The term of this access permit for the material haul shall be for 2017 and may, upon request, be renewed annually by the Gunnison County Board of County Commissioners.

The County may impose other requirements and restrictions as required in the sole discretion of the Gunnison County Director of Public Works.

An additional road inspection will be conducted at the conclusion of the hauling period. The Gunnison County Public Works Department shall notify the Permittee in writing if surfacing material has been impacted by the haul. The notice shall state the number of road miles (rounded up to the next 0.1 mile), and the cubic yard equivalent of surfacing required to restore the road surface. The calculations of the cubic yards will be available for review. In the event the Permittee is hauling on a road with an asphalt surface, any damage done to that surface will be evaluated and clearly documented, and a bill will be sent to the Permittee for any damages. The Permittee will also be advised of damage to any culverts or other structures.

Upon such notice, at the sole cost of the Permittee, the Permittee shall replace the surfacing material in kind, or make the necessary repairs, within 30 days up to a maximum cost of $5,000.00. Planned repairs should be approved by the Public Works Director or her representative. If additional time is needed the extension must be approved in writing by the Public Works Director.

<u>Obligations Binding:</u>
The undersigned permittee agrees:

That the permittee has read and understands all of the foregoing requirements, restrictions and conditions;

That, for valuable and sufficient consideration, the permittee is contractually obligated to the Board of County Commissioners of the County of Gunnison, Colorado to fully and faithfully abide by and perform all of the foregoing requirements, restrictions and conditions; and

That the Board of County Commissioners of the County of Gunnison, Colorado may legally and specifically enforce each of the foregoing requirements, restrictions and conditions by informal action (e.g., suspending this permit) and by formal action (e.g., litigation).

Signed by the parties hereto on the day and year fist set forth below.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

BY_____

TITLE_____

ADDRESS: 195 Basin Park Drive

Gunnison, CO 81230

Date_____

CONTRACT PERMITTEE
CASTLETON RANCH
RANCH PROPERTIES, LLC

BY_____

TITLE Member

ADDRESS c/o Dubin & Co., 767 Fifth Ave,
45th Fl., NY, NY 10065

Date 3/8/17

Local Contact: Lowell Inman
970-641-3034
LInman@castletonranch.net