

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE ENCROACHMENT AGREEMENTS ON BEHALF OF THE CITY

WHEREAS, the State Highway Commission initiated a procedure whereby the City Council can pass a blanket resolution authorizing the City Manager to execute Encroachment Agreements on behalf of the city; and

WHEREAS, the State Highway Commission requires that this Resolution be filed with the Right-of-Way Department in order to allow the City to follow this procedure, it is, now therefore,

ORDERED AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURHAM

Section 1. That the City Manager is hereby authorized to execute encroachment agreements with the State Highway Commission on behalf of the City of Durham.

Passed
11-75

RESOLUTION AUTHORIZING CITY MANAGER
TO ENTER INTO ENCROACHMENT AGREE-
MENTS WITH THE NORTH CAROLINA DE-
PARTMENT OF TRANSPORTATION ON BE-
HALF OF THE CITY UPON CERTAIN
PRESCRIBED CONDITIONS.

Rev. #2362

Bk. 4

79. 6. 2

Passed

2-20-78

WHEREAS, it is found by the City Council of the City of Durham that the City of Durhm requires certain encroachment agreements with the North Carolina Department of Transportation for sewer and water projects and other similar public purposes; and

WHEREAS, the encroachment agreements typically involved the same or similar terms and conditions; and

WHEREAS, it is determined by the City Council of the City of Durham that the public interest will be served and greater efficiency realized if the City Manager is authorized to enter into certain encroachment agreements with the North Carolina Department of Transportation on behalf of the City under the conditions set forth herein; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURHAM:

Section 1. The City Council of the City of Durham does hereby authorize the City Manager to enter into encroachment agreements with the North Carolina Department of Transportation on behalf of the City under the following conditions:

- A. The project for which the encroachment agreement is required has been approved by the City Council or is undertaken in accordance with current City policy with regard to water and sewer facilities.
- B. The encroachment agreements shall be in one of the following forms:
 - (1) North Carolina Department of Transportation Form R/W 16.1 (Rev. 1-1-75) for installation of facilities in a part of the primary or secondary highway system, a copy of said form is attached to and incorporated by reference into this Resolution.

(2) North Carolina Department of Transportation Form R/W 1.6

(Rev. Jan. 1, 1974) for installation of facilities in a part of an interstate highway or other controlled access highway, a copy of said form is attached to and incorporated by reference into this Resolution.

(3) North Carolina Department of Transportation Form R/W 16.6

January 1, 1975, for installation of facilities where the State has entered into a construction contract with a third party for improvements to a roadway, a copy of said form is attached to and incorporated by reference into this Resolution.

C. The encroachment agreement may include other conditions or terms which relate to the following construction requirements in a manner consistent with sound engineering practices or safety reasons as determined by the City Engineer on the project involved:

- (1) Proximity of the installation to the pavement edge;
- (2) Locations where excavated material can be deposited;
- (3) Hours of construction.
- (4) Construction requirements relating to traffic movement and control.
- (5) Construction requirements set forth in Policies and Procedure for Accomodating Utilities on Highway Rights-of-Way referred to in the forms incorporated by Section 1 B of this Resolution.

D. Conditions or terms, which relate to bond requirements of the City's contractors, may include those limits and requirements which are within the amounts established and set forth in the contract between the City and its contractor.

E. The City Manager is directed to bring before the City Council any proposed agreement which varies from provisions authorized herein, and the City Manager is further authorized to bring before the City Council any agreement which he considers to warrant City Council review or action.

Sec. 2. The authority hereby granted shall be effective upon enactment of
this Resolution.

NORTH CAROLINA
DURHAM COUNTY

I, Margaret W. Rollins, City Clerk of the City of Durham, North Carolina, do hereby certify that the foregoing is a true and accurate copy of Resolution numbered 2362 from the February 20, 1978 meeting of the Durham City Council, which is recorded in Resolution Book 4 at page(s) 62, in the City Clerk's Office at City Hall.

Witness my hand and the corporate seal of the City of Durham, North Carolina, this 28th day of February, 1978.

City Clerk