



COMMISSION STAFF REPORT

MEETING DATE: July 06, 2021

ITEM TITLE, PRESENTER: Temporary Gate, TJ Adair – Road Superintendent

RECOMMENDATION: Approve Gate Installation

SUMMARY

Gary Halls would like to put a temporary panel gate across CR320 – Sturgeon at the intersection with CR330 – Schafer. The gate will not be locked and will not restrict public access. The gate will allow Gary to use Emergency Range Land approved through NRCS to graze cattle because of the drought.

Gary has submitted an application and the Road Department's recommendation is to approve the application.

There is one resident who will be impacted and the resident does not have an issue with the temporary gate. This is a low impact road and the gate will be in place from July 15, 2021 to October 15, 2021.

HISTORY/PAST ACTION

Approved in the past.

FISCAL IMPACT

None – All work will be done and paid by the land owner.

San Juan County
Policy for Gates on County Roads

 **COPY**

1.0 PURPOSE

To formulate a policy for authorizing the erection and maintenance of gates on county roads consistent with County Resolution No. 2002-06, PUBLIC RIGHTS OF WAY OBSTRUCTION POLICY and Utah Code Section 72-7-106.

2.0 DEFINITION

“County road” means a class B road as defined in UCA Section 72-3-103.

3.0 POLICY

- 3.1 The Board of San Juan County Commissioners (hereinafter “ Commission”) may authorize the erection and maintenance of a gate on a county road.
- 3.2 The person for whose immediate benefit a gate is erected or maintained shall in all cases bear the expense of such a gate.
- 3.3 A gate is not allowed on a county road unless authorized by the Commission in accordance with this policy.
 - (a) If the expense of the erection and maintenance of the gate is not paid or if a lock or device is placed upon the gate so as to make it restrictive, the Commission shall notify the responsible party that county approval is terminated and the gate shall be considered to be an obstruction under San Juan County Resolution No. 2002-06, PUBLIC RIGHTS OF WAY OBSTRUCTION POLICY and Utah Code Section 72-7-105.
- 3.4 The placement or maintenance of a gate with the authorization of the Commission across a county road does not constitute or establish an abandonment under Utah Code Section 72-5-105 or 72-5-305 by the county and does not establish an easement on behalf of the person establishing the gate.

4.0 GATE AUTHORIZATION - PERMIT

- 4.1 To be considered to receive authorization from the Commission to erect and maintain a gate on a county road, a person must first submit an application for a gate permit with the County Road Department.
- 4.2 Once an application for a gate is received, it shall be reviewed by the County Road Superintendent and the County Road Committee for completeness, a determination of whether the application conforms with the foregoing county policy and the merits of the application itself.

SAN JUAN COUNTY ROAD DEPARTMENT

835 East Highway 491

Post Office Box 188

Monticello, Utah 84535

PHONE: (435) 587-3230

FAX: (435) 587-2771

Application for Gate Permit on a County "B" Road

Date: 6-28-2021

TO: San Juan County Road Superintendent
Post Office Box 188
Monticello, Utah 84535

Application is hereby made by: GARY HALLS

Address: Box 428 Monticello, Utah

Telephone Number: 435-587-2832; FAX Number: _____ for

permission to erect a gate on County Road # 320, which will be located between _____

At the intersection of 330 will be panel gates
easy for anyone to open - This road has low traffic.

in accordance with the attached plan and map. Construction will begin on or about July 15

2021 and will be completed on or before July 16

2021

will be removed by Oct 15, 2021

If this application is granted, we agree to comply with all conditions, restrictions and regulations as contained in the **SAN JUAN COUNTY RESOLUTION NO.2002-06, PUBLIC RIGHTS OF WAY OBSTRUCTION POLICY AND UTAH CODE SECTION 72-7-105 as attached.**

The San Juan County Road Superintendent will review the application and either approve the application or may recommend a cattleguard as a better alternative.

Any and all applicants will be required to pay for and maintain said gate/gates. Also, if a lock or device is placed upon the gate so as to make it restrictive, the Commission will notify the responsible party that San Juan County will terminate its approval. The opening width within the gate entry shall be a minimum of county road width.

San Juan County can only grant permission to the extent the San Juan County has the authority to

do so and the permission granted hereunder is limited to the interest of authority actually owned by San Juan County and no warranties of ownership or authority to grant permission expressed or implied by the granting of this permit.

By: Benny F. Hall Date 6-28-2021

Owner
Title

To be filled in by the San Juan County Road Superintendent:

(1) Permit should be granted X

Permit should not be granted _____

(2) Recommendation for/ or additional requirements: This is for Emergency
Grazing. Only a temporary Gate.

Todd Olsen
San Juan County Road Superintendent

6-28-2021
Date