

Attachment F

Encroachment Permit

ENCROACHMENT PERMIT NO. 12-275

Notify the Department of Public Works at least 48 hours, exclusive of Saturdays, Sundays and leg holidays, before starting any permit work. Inspector: Robert Palomino, 831-755-4955.

ATTACHMENT F



MONTEREY COUNTY
DEPARTMENT OF PUBLIC WORKS
168 W. Alisal St. 2nd Floor
Salinas, CA 93901
(831)755-4800

The use of this permit is prima facie evidence that the permittee has read and understands the terms.

ROAD: San Luis Avenue	LOCATION: 24505	
BETWEEN: San Lucas Avenue	AND: State Route 1	DATE ISSUED: 04-Jun-12
AREA: Carmel Woods	APN: 009-041-024	DISTRICT: Mon @ O-1

FEE: \$60.00	DATE PMT REC'D: 01-Jun-12	PMT METHOD: Check	BY: rp
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PERMITTEE: Michael & Cheryl Merritt	1: PLN 120348
C/O:	2:
ADDRESS: PO Box 1003	
CITY: Carmel	STATE: CA ZIP: 93921
PHONE: (209) 402-6962x	FAX:

In compliance of your request of 06/04/12 and subject to existing County Encroachment Ordinance and to all the terms, conditions and restrictions written below, printed on or attached to any part of this form,

PERMISSION IS HEREBY GRANTED TO:

Replace and replant trees that were removed without proper permits including construction of wood style fence 14 feet on County right-of-way on the east side property line pending design approval of PLN-120348.

In order to have this encroachment permit acknowledged as complete, work shall be in accordance with the above mentioned plan (if any), attached form DT and all pertinent sections of Monterey County Code Title 14.04.

Unless specified, no permit work or activity is to take place after: 31-Dec-12

EIR exempt by section: 15301 class: 1 c (9)

Accepted by: Canceled by: Date:

Copy: Permittee / Job Site / Inspector / Circulate / Foreman / Administration

Fund 002 Budget Unit 300 Organization 3000 Revenue # 4175

"ENCROACHMENT" includes any structure or object of any kind or character placed, without authority of law, either in, on, under, or over any County highway.

GENERAL CONDITIONS FROM MONTEREY COUNTY CODE, TITLE 14, CHAPTER 14.040

An ordinance to protect the County highways and works incidental thereto by regulating their excavation and encroachment.

SEC. .010 "County highway" means and includes all or any part of the entire width of right-of-way of any road, street, land, alley, way, place, or cul-de-sac maintained by the County and open to the use of the public for purposes of travel, whether or not such entire width is actually used for highway purposes, and whether or not it has been accepted into the County road system by resolution of the County Board of Supervisors. It also includes bridges, culverts, curbs, drains, ditches, and all works incidental to County highway construction, improvement, and maintenance.

SEC. .020-A When satisfied of an applicant's right or necessity, the Public Works Director may issue to him or her a written permit, which shall not be transferable, authorizing him or her to do any of the following acts:

1. Make an opening or excavation for any purpose in any County highway;
2. Place, change, or renew an encroachment;
3. Construct, grade, or place any driveway within a County highway; but no driveway shall be located within any portion of the normal curve returns of any intersection;
4. Plant, remove, cut, cut down, injure or destroy any tree/shrub/plant/flower growing within any County highway. (Ord. 1162 § 6, 1960).

SEC. .070-A. This Chapter shall not be construed to prohibit any act for which a permit is required when the performance of such act is reasonably necessary for the preservation of life or property in an emergency. In all such cases, however, the person performing such act shall promptly notify the Public Works Director and shall apply for a permit therefor at the earliest practicable time thereafter, in any event not later than the next succeeding day during which the office of the Public Works Director is open.

B. Any person who violates any of the provisions of this Section is guilty of a misdemeanor. (Ord. 1162 § 6, 1960)

SEC. .090-B Work performed under a permit involving an excavation or fill or roadway or driveway surfacing shall be maintained by the permittee for at least six months after completion, or for such longer period, up to one year after completion, as the Public Works Director may specify. (Ord. § 10, 1960)

SEC. .100 The Public Works Director may, but is not required to, supervise any work done under any permit issued under the provisions of this Chapter, in which event the permittee may be required to pay the reasonable cost of such supervision to the County, but no cost of supervision shall be charged by the Public Works Director to any public agency. (Ord. 1162 § 11, 1960)

SEC. .110-A Every permittee shall:

1. Notify the Public Works Director at least forty-eight (48) hours, exclusive of Saturdays, Sundays, and legal holidays, before starting any permit work;
2. Keep his or her permit, or a copy thereof, at the site of the permit work at all times when he or she is actually engaged in work thereat, and exhibit it to the Public Works Director, or his or her representative or any peace officer, upon demand;
3. Promptly remove all refuse, debris, equipment, and excess material from the site of the permit work upon its completion, and leave the premises in as presentable a condition as before the work started;
4. Place and maintain suitable warning lights, signs, barriers, devices, or flagmen, which be of the types specified in Section 21406 of the California Vehicle Code;
5. Deliver to the Public Works Director, upon his or her demand, after the completion of any permit work, a plan or drawing showing locations and details of permitted encroachments and connections, if any, to existing structures where such encroachments and connections differ substantially from any plats and diagrams submitted with the application for a permit;
6. In all cases where he or she has disturbed the existing surface of a County highway, replace, repair or restore such highway in accordance with the terms of his or her permit. In case his or her permit contains no such terms, then he or she shall do such replacing, repairing, or restoring at his or her own expense promptly upon completion of his or her permit work, in a good and workmanlike manner as directed by the applicable provisions of this Chapter, to as good condition as before the permit work started; provided, however, that if the surface which was disturbed was a bituminous-surfaced roadway, such surface shall be replaced, repaired or restored with not less than one and one-half inches, compacted in thickness, of asphaltic concrete surfacing, over a minimum of six inches, compacted, in depth, of aggregate base material of a type approved by the Public Works Director;
7. Comply with all of the terms and conditions of his or her permit;
8. Comply with all construction standards and methods specified in this Chapter;
9. Store, place or deposit no material within five feet from the edge of the pavement or traveled way or within the shoulder line, where the shoulders are wider than five feet, of any County highway, without the prior approval of the Public Works Director;
10. Diligently pursue the permit work in such a way as not to cause an unreasonable interference or inconvenience to the traveling public.

SEC. .120-A Unless the permit provides otherwise:

All permit work shall conform to such of the following specifications as may be designated by the permit:

1. The Standard Specifications of the Department of Public Works of the State of California;
2. The Special Provisions for Encroachment Work, on file in the office of the Public Works Director.

SEC. .125 Indemnity and hold harmless: an applicant shall agree to indemnify, defend, and save harmless the County, its officers, agents and employees, from and against any and all claims and losses whatsoever accruing or resulting to any and all persons, firms or corporations, and public and private property in connection with the encroachment or the conduct of the special event, unless arising out of the sole negligence or willful misconduct of County. (Ord. 3889, 1996)

GENERAL CONDITIONS FROM MONTEREY COUNTY CODE, TITLE 18, CHAPTER 18.08

18.08.030 SEC 106.4.1 No permit shall be issued until the applicant has obtained all clearances and any required permits from County departments and governmental agencies, including, but not limited to, encroachment permits, septic tank permits, and subdivision and zoning clearances. (Ord. 3946, 1997; Ord. 3453 § 6, 1990; Ord. 3108 § 4, 1985; Ord. 2675, 1980)

18.08.060 SEC 108.5.6 FINAL INSPECTION: To be made after finish grading and the building is complete. A final inspection will not be made until the driveway approach, septic tank and planning and zoning requirements have been completed and approved by the respective County departments concerned therewith. (Ord. 3946, 1997)