

## **Durango West 2 Right of Way Policy**

Durango West Metropolitan District No. 2 (the “District”) is responsible for maintaining the street, water and sewer systems which serve the property in Durango West 2. Maintenance of streets includes road repairs, resurfacing, rebuilding (when necessary) and snowplowing. Maintenance of water and sewer lines includes repairs, cleaning and general maintenance. The streets, water and sewer systems are located within a right of way (“ROW”) dedicated for access and utilities that is 60’ in width as shown on the recorded plats. Since the paved surface of most of the streets in the subdivision is 30’, that means that the dedicated ROW extends approximately 15’ on either side of the paved street even though this area might appear to be part of the owner’s lot. This area is needed for snow storage, maintenance and repair of the roads, repair of water and sewer lines, cleaning of sewer lines and for signage and drainage. The ROW’s need to remain unobstructed to allow for access for these services which the District provides.

At times, it will be necessary for the District to plow snow well off the road into the ROW as part of its routine plowing and snow storage activities. This is always the case in years with larger snow accumulation.

Building fences, retaining walls or any other structures within the ROW is not permitted. Landscaping features such as boulders, berms, trees, shrubs, waterfalls, artificial turf or other features that interfere with district utility and road maintenance are not permitted in the ROW. If already built, they are subject to the same provisions regardless of when they were put in or if the current owner did it. Planting trees and shrubs outside the ROW is advantageous for the homeowner as these are most prone to damage from snow plowing and snow storage. Owners are encouraged to maintain minimal landscaping within the ROW to create an attractive appearance. Smaller plantings may rebound after being watered by the extra snow storage, but there is no guarantee. When necessary for street maintenance or safety, any landscaping that is in the ROW can be trimmed or removed by the District, or the District can request that the Owner remove it.

If damage occurs to plants, raised beds, trees, shrubs, landscaping, retaining walls, fencing or other materials within the ROW, the District and its contractors are not responsible for that damage. If damage occurs to District or the District contractor’s equipment, the property owner is liable for both the damage and any extra time needed to make repairs due to impediments that are in the ROW. Charges will be added to your metro fees bill and will be subject to the District’s perpetual lien authority. This policy applies to all obstructions in the ROW regardless of when they were installed.

**revised 9/20/2023**