

Memo

TO: Mayor and Board of Commissioners

FROM: Hazen Blodgett, Town Manager

DATE: February 20, 2008

SUBJECT: Policy allowing brick mailboxes in rights-of-way.

Attached is a proposed policy for allowing brick mailboxes in the right-of-way as well as driveway columns, plants, rocks, landscape timbers, small pipes or stakes, and wire reflectors. Each of these items will be allowed in the right-of-way provided they do not create any sight distant problems. The property owner is installing these at their own risk and the Town may disturb any of these items in the right-of-way if we need to do right-of-way or utility work. Furthermore, the Town will not be required to reimburse the property owners for the replacement costs or damages. We reserve the right to determine if any of these permitted items will create a hazard and order their removal as necessary.

Recommendation: Approve the Matthews Right-of-Way Management Policy for Local Town Streets.

MATTHEWS RIGHT-OF-WAY MANAGEMENT POLICY FOR LOCAL TOWN STREETS

The following items placed in the public right-of-way, but outside the paved portion of the Town-maintained local street with a posted speed limit of 30 mph or less, shall generally not constitute an unnecessary obstruction or encroachment within the meaning of the Town Code §95.30(A), and shall not require an encroachment agreement pursuant to Town Code §95.30 (B):

- Brick mailboxes
- Driveway entrance columns or markers
- Plants (that do not extend into the roadway)
- Rocks placed at least 18 inches from the road's edge
- Landscape timbers
- Small pipes or stakes that are not sharp or present an impalement or puncture hazard and at least 18 inches from road's edge
- Wire reflectors

Notwithstanding the foregoing, the following shall apply:

1. The Town Engineer shall prepare general guidelines governing installations allowed by this policy.
2. None of the listed items, or other potentially allowable objects, shall cause a sight problem for any driveway or intersection.
3. Installation of anything within the right-of-way without an encroachment agreement is at the property owner's risk. Should the Town, or any public utility franchised by the Town or State, need to do work that disturbs the right-of-way, and if such work in some way damages or removes an item installed in the right-of-way, the town or utility will not be required to reimburse the property owner for replacement costs or damages.
4. The Town reserves the right to determine the level of hazard for all objects within the right-of-way and order the removal, if necessary, in accordance with §95-30(D) of the Town Code.

This policy shall apply only to Town-maintained streets (not NCDOT roads) or streets to be accepted by the Town for maintenance. See code §95.30(C).