

# **DIAMOND VALLEY WATER DISTRICT**

(AN ARIZONA DOMESTIC IMPROVEMENT DISTRICT)

## **RESOLUTION R2015-10-26**

**A FORMAL RESOLUTION OF THE GOVERNING BOARD (THE "BOARD") FOR THE DIAMOND VALLEY WATER DISTRICT (THE "DISTRICT") AUTHORIZING THE DISTRICT'S METER INSTALLATIONS TO COMPLY WITH ARIZONA STATE LAW UNDER A.R.S. 11-809. AND ALLOW THE DISTRICT TO BILL THE ACCOUNT HOLDER FOR CLEARING EASEMENT AND ACCESS TO METERS PURSUANT TO ARS §48-910 WHICH AUTHORIZES A DOMESTIC WATER IMPROVEMENT DISTRICT TO SET FEES ACCORDINGLY.**

**WHEREAS, A.R.S. 11-809-C states that properties should have a UTILITY EASEMENT of a minimum of eight feet in width, dedicated to the general public to install, maintain, and access the water utilities; and**

**WHEREAS, property owners may not install, construct or place fencing, safety hazards or other obstacles in violation of the above statute; and**

**WHEREAS, water meters may have been installed in other than the aforementioned easement, which are inaccessible or hazardous; and**

**WHEREAS, the District shall have the option to bill the account holder for clearing of easements and access areas to district owned facilities**

**THEREFORE, the DISTRICT'S Management shall issue a DISTRICT Easement Violation Letter to correct any UTILITY EASEMENT violation, including but not limited to any construction, installation, safety hazard or obstruction in the aforementioned utility easement or in any area on the property, which precludes safe access to existing meters, which states that the property's water services shall be disconnected from the system within sixty days of the letter's date if the issue is not corrected, and will not be reconnected until such issues are resolved.**

**BE IT FURTHER RESOLVED that (1) all current and future fencing, safety hazards, or other obstacles that are in violation of A.R.S 11-809-C shall be removed from the UTILITY EASEMENT at the property owner's expense; and (2) any property owner requesting METER INSTALLATION shall provide District Management with service address, parcel number(s), and location of property pins with easement information before METER INSTALLATION will be performed; and (3) all new property owners of parcels with existing DISTRICT water services and meters shall receive a copy of R2015-10-26 with the DISTRICT'S Application for Water Services and Deposits.**

NOW THEREFORE, BE IT RESOLVED, APPROVED AND ADOPTED by the Governing Board that the District shall set water fees, rates and charges in accordance with ARS §48-910 with the above clarifications established by the District accordingly.

RESOLVED and ADOPTED this 06<sup>TH</sup> day of OCTOBER 2015.



**DAVE CRACKNELL**  
**DVWD BOARD CHAIRPERSON**

ATTEST:



**KURT WOMACK**  
**DVWD CLERK/SECRETARY**