

RESOLUTION No. 2013-021

**A RESOLUTION OF THE
OURAY COUNTY BOARD OF COUNTY COMMISSIONERS**

Adopting a Policy Regarding Road Damage Repairs

WHEREAS, the Board of County Commissioners is authorized to construct and maintain the county roads within Ouray County, and to expend budgeted funds for the same, pursuant to C.R.S. 30-11-107 and C.R.S. 43-2-111; and

WHEREAS, Ouray County is a small, rural county with limited revenues and budget and in which the county roads are primarily dirt or gravel; and

WHEREAS the Colorado Governmental Immunity Act found in Part 1 of Article 10, Title 24 of the Colorado Revised Statutes generally provides immunity from claims against the County for vehicle damage attributable to road conditions by those utilizing County roads; and

WHEREAS the Board of County Commissioners acknowledges that, from time to time, there may be specific situations in which unusual or hazardous road conditions may result from construction or maintenance of County roads that the public does not reasonably anticipate, and which result in damage to a private vehicle; and

WHEREAS, while the County may have no obligation to compensate for damage to a private vehicle, there may be limited circumstances in which the Board of County Commissioners may elect, in their sole discretion, to reimburse for private vehicle damage.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

The Board of County Commissioners hereby approves the following policy regarding reimbursement of damage to private vehicles on County roads:

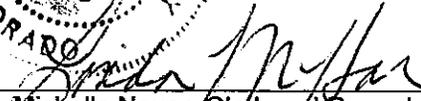
1. The general rule is that the County does not reimburse for damage to motor vehicles or other personal property resulting from rough roads, potholes, washboard conditions, weather related conditions, cracked windshields from gravel or debris, or other reasonably anticipated road damage. Ouray County is a rural county with limited resources, thus most of the roads are un-paved dirt and gravel. By their very nature, these roads can be expected to be rough, to have pot holes, wash-board conditions, and to be dusty, or with application of magnesium chloride, dirt from the roads can be expected to cling to vehicles and personal property. Those living, working or visiting Ouray County should reasonably expect these conditions as part of rural living or vacationing.
2. At the sole discretion of the Board of County Commissioners, the County may reimburse reasonable expenses directly attributable to road construction or maintenance errors by the County. The Board of County Commissioners will review the facts of each situation to make a determination as to whether reimbursement shall be made.

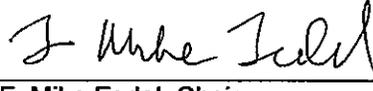
APPROVED AND ADOPTED THIS 28th DAY OF MAY, 2013.

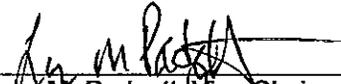
Voting for: Commissioners Fedel, Padgett and Batchelder
Voting against: None

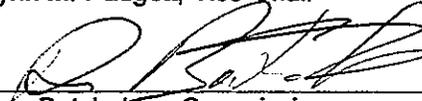
BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO




Michelle Nauer, Clerk and Recorder
By: Linda Munson-Haley, Deputy Clerk of the Board


F. Mike Fedel, Chair


Lynn M. Padgett, Vice-Chair


Don Batchelder, Commissioner