

**RESOLUTION #2009-011  
BOARD OF COUNTY COMMISSIONERS  
COUNTY OF CHEYENNE, STATE OF COLORADO  
ESTABLISHING CATTLE GUARD POLICY**

**WHEREAS**, the Board of County Commissioners of Cheyenne County, Colorado, by virtue of Colorado Revised Statute 43-2-211 is establishing fixed specifications and design of cattle guards to be placed on the roads and highways of the County, and

**WHEREAS**, there are in existence some cattle guards, and the Board contemplates that there will be future demands for installation or replacement of cattle guards, and

**WHEREAS**, the Board of County Commissioners of Cheyenne County desires to promulgate uniform rules, policies, specifications and designs with respect to the same,

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. All new cattle guards must have prior authorization from the Board of County Commissioners and shall require ownership of land on both sides of the road or written agreement between the landowners.
2. That all cattle guards across the public roads and highways of Cheyenne County shall be installed at the expense of the individual adjoining landowner or landowners upon approval from the Board of County Commissioners; however, Cheyenne County may furnish labor for original installation.
3. All cattle guards shall be of a solid steel construction to adequately accommodate weight limits and be a minimum length of seven feet (7') and a minimum width of thirty feet (30') unless a waiver is approved from the Board of County Commissioners.
4. The road foremen are hereby instructed to inspect the cattle guards in their districts and to conduct routine inspections from time to time. If such inspection reveals cattle guards which are in need of replacement or substantial repair, the foreman shall contact the adjoining landowner and request him/her to immediately repair or replace the cattle guard(s). If the landowner refuses, the foreman shall report the matter to the Board of County Commissioners; thereupon, the Board of County Commissioners shall notify by certified return receipt mail to the landowner(s) of the report, and request a response from the landowner as to why his/her cattle guard(s) should not be repaired or replaced. If the landowner fails to respond within fourteen (14) days from the date of the letter, the Board shall enter an order that the cattle guard(s) be removed.
5. Maintenance and cleaning under cattle guards shall be performed by landowner(s). Cheyenne County may assist with the cleaning of cattle guards located on county roads.
6. In addition to the room necessary for the installation of the cattle guard, the landowner(s) shall be obligated to furnish an adequate gate for a bypass to one side of the cattle guard.
7. Nothing contained in this resolution shall limit or restrict the right of Cheyenne County to discontinue or limit maintenance of a particular cattle guard or the highway upon which it is situated, or to abandon or vacate any such roadway according to law, where such action is deemed to be in the public interest by the Board of County Commissioners of Cheyenne County, Colorado.

Dated at Cheyenne Wells, Colorado, this 13<sup>th</sup> day of November, 2009.

Board of County Commissioners, Cheyenne County, State of Colorado.

  
\_\_\_\_\_  
NANCY BOGENHAGEN, MADAM CHAIRMAN (Aye)(Nay)

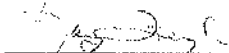
  
\_\_\_\_\_  
JERRY ALLEN, COMMISSIONER (Aye)(Nay)

  
\_\_\_\_\_  
ROBERT W. PAINTIN, COMMISSIONER (Aye)(Nay)

STATE OF COLORADO)  
COUNTY OF CHEYENNE) SS

The forgoing instrument was acknowledged before me this 13<sup>th</sup> day of November, 2009 by Commissioners Nancy Bogenhagen, Jerry Allen and Robert W. Paintin in Cheyenne County, Colorado.

Witness my hand and official seal.

  
\_\_\_\_\_  
Kay Feyh, Clerk to the Board