

**RESOLUTION TO SET POLICY ON ENTRANCES TO COUNTY RIGHT-OF-WAY
WAYNE COUNTY
RESOLUTION NO. 20-34**

Policy Number: 2020- _____

WHEREAS, Wayne County has the authority to govern the location and requirements for access to the County Right-of-Way pursuant to Iowa Code Chapter 306,

AND, it is recognized that inspection, construction, installation, and administration are both actual costs and time expenditures that take away from daily and critical work on County roadways,

AND, it is recognized that for the purposes of this Policy, the definition of an entrance and a driveway are considered to be one in the same,

AND, it is recognized that if the applicant is not the real property owner, the real property owner shall provide a signed letter to the County stating that they are requesting access from their property to a County road via the County's Right-of-Way,

AND, it is recognized that this Policy should be reviewed and updated periodically,

NOW THEREFORE BE IT RESOLVED by the Wayne County Board of Supervisors that the following rules shall be set in place to govern access to County Right-of-Way from private properties:

SECTION 1. INTRODUCTION

Per Iowa Code 306.4, "Jurisdiction and control over the secondary roads shall be vested in the county board of supervisors of the respective counties." This responsibility is delegated and managed for the Board by the County Engineer. Anyone who seeks to make physical changes within County Right-of-Way shall obtain permission from the County Engineer's Office. This includes requests for access of coterminous properties to County Right-of-Way pursuant to Iowa Code 318.8.

SECTION 2. PURPOSE

The attached permit form is an application to construct a rural entrance within Wayne County Right-of-Way. When completed and approved by the proper authority, a Permit Number will be assigned and the application becomes the permit, required by Iowa Code, to build an entrance within the County's Right-of-Way. The individual who will be physically constructing the entrance shall have the County approved permit in their possession at all times when performing the work.

SECTION 3. STATEMENT

The individual requesting the permit is responsible for notifying the County Engineer's Office when the work is complete. The Engineer's Office will inspect and approve the project or provide comment if the entrance is not in compliance with this Policy. Non-complying work shall be corrected by the applicant, or their agent, in a timely manner. Non-permitted entrances and non-complying entrances may be removed and/or corrected by County forces, at the direction of the County Engineer or his/her designee, at the applicant's expense.

By submitting an application, the applicant agrees to comply with all requirements detailed within this Policy. Compliance shall be determined by the sole discretion of the County Engineer or his/her designee, as deemed necessary to promote public health, safety, and general welfare.

SECTION 4. NEW ENTRANCES

- a. Location of entrances shall provide a minimum stopping sight distance in accordance with Iowa Department of Transportation (DOT) Rural Design Guidelines (Instructional Memorandums (I.M.) No. 3.210) or more as determined by the County Engineer.
- b. The County shall approve a maximum of one (1) entrance per 40-acre parcel. Applicants desiring to install additional entrances, at their own expense, shall apply to the County Engineer's Office using the Entrance Permit Application. These additionally requested entrances shall meet the County's entrance criteria. Additional criteria may apply when several entrances are constructed/installed in close proximity.
- c. All entrances shall have a minimum top width of twenty-four (24) feet at the driving surface and side slopes shall be constructed/installed in accordance with the Iowa DOT Rural Design Guidelines (I.M. No. 3.210) and as shown on the County approved permit.
- d. When feasible, the entrance shall be located where a culvert will not be needed. When the County Engineer determines that a culvert is required, the sizing of the culvert shall be done so by the County Engineer. The County approved permit shall include, but not be limited to, the approximate drainage area, the culvert diameter/size, the culvert length, number of bands, the number of diaphragms, and the number of flared end sections/aprons will be shown on the approved permit. Only the specified culvert diameter/size shall be constructed/installed. Culverts shall meet the standards as set forth by the Iowa DOT Section 4030 – Pipe Culverts. The County Engineer can advise what pipes meet this standard.
- e. The applicant shall be responsible for all construction/installation means and methods including supplying all fill material.
- f. If an applicant desires the County to construct/install an entrance, said applicant shall agree to pay for all County provided materials and labor.
- g. Construction signing, if required, shall comply with the Manual on Uniform Traffic Control Devices.
- h. It is the applicant's responsibility to do a One-Call and to avoid causing damage to any utilities. If the County requests a copy of the One-Call ticket, the applicant shall provide in a timely manner.
- i. Other residents shall have reasonable access to the public roads at all times.
- j. All damaged areas within County Right-of-Way shall be repaired and restored to its former condition by the applicant. The cost of any repair work caused to be performed by the County shall be assessed against the applicant.
- k. Areas disturbed by the applicant which may be an erosion problem shall be solved by the applicant in a manner acceptable to the County Engineer or his/her designee.

- I. The entrance surfacing (e.g. fill material, rigid pavement, flexible pavement, road stone, etc.) and its associated cost shall be the sole responsibility of the applicant. If the County is required to repair the entrance surfacing at any point in time, the County will replace with suitable fill material.

SECTION 5. EXISTING ENTRANCES

- a. The County shall be responsible for future maintenance of current entrances that have been constructed under a County approved permit. If total reconstruction is necessary, the County will construct an entrance with a top width of twenty-four (24) feet. Additional expenses due to top widths exceeding twenty-four (24) feet shall be billed to the real property owner.
- b. The County is not responsible for maintaining surfacing on any entrance.
- c. Widening of existing entrances shall be at the expense of the real property owner.
- d. Maintenance of existing entrances shall be approved at the sole discretion of the County Engineer or his/her designee.
- e. A County entrance permit will be required if any maintenance is to be performed which changes the dimensions of the entrance (widening the top width, replacing the culvert, etc.). At that point, the entrance shall be brought up to current specifications as described on the entrance permit application and all cost associated with the improvements shall be the sole responsibility of the applicant.

SECTION 6. GRANDFATHERED ENTRANCES

- a. Existing entrances constructed prior to the implementation of a rural entrance policy will be maintained as described under the *Existing Entrances* section of this policy.
- b. The County may deny any request for entrance maintenance if there is a safety concern due to sight distance. In this event, the County will work with the real property owner, at their request, to determine a safe location for a new entrance. Refer to the *New Entrances* section of this policy.
- c. If a permit is denied, the entrance may continue to be used in its current state but no maintenance or upgrades will be permitted by the County.
- d. The County Engineer, or his/her designee, shall have sole discretion in making the determination as to whether or not a location currently being used to access County Right-of-Way is in fact a grandfathered entrance.

SECTION 7. FEES

- a. Application Fee - Residents of Wayne County will be charged twenty- five (\$25) dollars per application and non-residents will be charged one hundred (\$100) dollars per application. In order to receive the residential rate, the applicant must have an Iowa Homestead Tax Credit on file with the Wayne County Assessor's Office. One (1) entrance shall be covered per application. If an application is denied, no fee will be collected.
- b. Culvert Fee - If the County is supplying a culvert and/or its appurtenances, all required fees must be paid before the culvert and/or it appurtenances are released/delivered. If the County is supplying the culvert and/or its appurtenances, they must be picked up at the County Yard in Corydon or the County's designated location. If the County delivers the culvert and/or its appurtenances, a fifty (\$50) dollar fee will be applied.

SECTION 8. DURATION

This Policy shall become effective on July 1st, 2020, and thereafter shall remain in full force and effect until such time that the Board of Supervisors revise, update, amend, and/or terminate this Policy.

Passed and adopted this 30th day of June, 2020.

BOARD OF SUPERVISORS:

ATTESTED BY:



David Dotts, Chairman
Board of Supervisors



Michelle Dooley
County Auditor



Tom Swearingin, Member
Board of Supervisors



Donald Seams, Member
Board of Supervisors

Permit Number: _____ Date of Issuance: _____

**WAYNE COUNTY ENGINEER'S OFFICE AND SECONDARY ROAD DEPARTMENT
ENTRANCE PERMIT APPLICATION**

******* Applicant shall allow a minimum of three (3) business days for permit processing *******

This permit is for the construction of a driveway or entrance. For the purposes of this permit application, the definition of an entrance and a driveway are considered to be one in the same.

If the applicant is not the real property owner, the real property owner shall provide a signed letter to the County stating that they are requesting access from their property to a County road via the County's Right-of-Way.

Permit Application:

Section, Township, Range Section: _____ Township: _____ Range: _____

Site Address of Said Property: _____

Applicant's Printed Name: _____

Applicant's Mailing Address: _____

Applicant's Phone Number: _____

Applicant's E-mail: _____

Proof of Insurance Provided? Y or N (Naming County as additional insured)

Additional Remarks: _____

By signing this permit application, the applicant agrees to all the terms, requirements, and fees associated with the permitting and construction/installation of an entrance in the public right-of-way in the County of Wayne, State of Iowa.

Applicant's Signature

Date

Please sketch a map of the proposed location for the new entrance below:

Note: The applicant may also attach a copy of a map, with notes on it, to this form.

WAYNE COUNTY ENGINEER'S OFFICE AND SECONDARY ROAD DEPARTMENT

ENTRANCE PERMIT APPLICATION

Review / Approval – Official Use Only:

Date Received: _____ Received By: _____

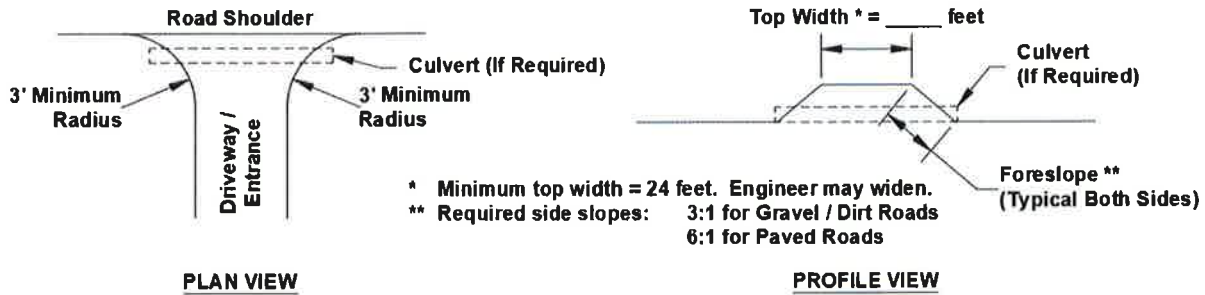
Investigated By: _____ Date Investigated: _____

Drainage Area: _____ Culvert Required (Y / N): _____

Culvert Length: _____ Culvert Diameter / Size: _____

Sight Distance: North _____ South _____ East _____ West _____

Entrance Type: () Residential () Commercial () Agricultural



Additional Remarks: _____

Recommended for Approval: () Yes () No

Approved By: _____
Wayne County Engineer

Fees Collected: Application: \$25 () Resident () Non-Resident
 Delivery: \$50 () If Applicable
 Other: \$ _____ Specify Reason:

- The applicant shall provide a certificate of insurance for the work being done, (naming the County as an additional insured on the applicant's policy), to the County Engineer before the permit application can be processed.
- The applicant shall contact the County Engineer's Office at least one (1) working day prior to commencing the permitted work to notify the office of the approved permit number, the anticipated start date/time, and the anticipated ending date/time. No work shall commence without the prior approval of the County Engineer.
- The applicant agrees that the county determines the size and length of the culvert needed to adequately convey the storm water runoff.
- After the applicant receives a copy of the approved permit application, they agree to notify the County of a commitment to purchase a culvert from a third party and shall submit the culvert specifications for the County's review and approval.

WAYNE COUNTY ENGINEER'S OFFICE AND SECONDARY ROAD DEPARTMENT

ENTRANCE PERMIT APPLICATION

GENERAL REQUIREMENTS FOR WORK IN THE ROAD RIGHT-OF-WAY

Supplement to accompany all Entrance Permit Applications

In accordance with Chapter 318 of the Code of Iowa "No billboard, advertising sign or device, fence other than right-of-way boundary fence, or other obstruction except signs or devices authorized by law or approved by the highway authorities shall be placed or erected upon the right of way of any public highway...", and further "A person shall not excavate, fill, or make a physical change within the right of way of a public road or highway without obtaining a permit from the highway authority having jurisdiction of the public road or highway."

Any work proposals requesting approval of this permit application must meet the following General Criteria:

- The applicant shall attach a map or sketch showing the location (using the 911 street names and addresses) and description of the proposed work.
- The applicant shall be responsible for contacting and obtaining Iowa One-Call approval at least forty-eight (48) hours (two (2) working days) before performing any excavation with the road right-of-way. The phone number for Iowa One-Call is 1-800-292-8989.
- The applicant agrees to contact the Engineer's Office (641-872-2025) upon completion of the entrance project to schedule a final inspection. The applicant agrees to rework any part of the entrance, including culvert installation/construction, resulting from the County's final inspection at the applicant's expense.
- The County Engineer or his/her designee may stop the applicant's work, at any time, if the work does not meet the requirements set forth in the approved permit application. If the applicant cannot or refuses to correct any deficiencies in a timely manner, the County Engineer may correct or remove the entrance at the applicant's expense.
- All work under this permit application shall be completed with one hundred eighty (180) days of the approval date unless otherwise specified on the approved permit application.
- Application Fee - Residents of Wayne County will be charged twenty-five (\$25) dollars per application and non-residents will be charged one hundred (\$100) dollars per application. In order to receive the residential rate, the applicant must have an Iowa Homestead Tax Credit on file with the Wayne County Assessor's Office. One (1) entrance may be covered per application. If an application is denied, no fee will be collected.
- Culvert Fee - If the County is supplying a culvert and/or its appurtenances, all required fees must be paid before the culvert and/or its appurtenances are released/delivered. If the County is supplying the culvert and/or its appurtenances, they must be picked up at the County Yard in Corydon or the County's designated location. If the County delivers the culvert and/or its appurtenances, a fifty (\$50) dollar fee will be applied.
- Final installation shall not create a hazard for errant vehicles from the roadway within **ANY** part of the road right-of-way.
- Final installation shall not hinder drainage in the roadway's ditch, culvert, and/or tile systems.
- Final installation shall not reduce snow storage available or cause additional (or more severe) drifting.
- Final installation shall not block visibility of signs, intersections, etc.
- Final installation shall not serve as a major distraction to the motoring public.
- Final installation shall not disturb existing native plantings, unless special exception is made by the Integrated Roadside Vegetation Management (IRVM) Director or the Wayne County Engineer or his/her designee.
- Re-seeding of disturbed areas shall be with a seed mix approved by the IRVM Director or the Wayne County Engineer or his/her designee.

Types of site items allowed:

- Working soil and seeding of right of way back slopes with non-woody plants.
- Work in back slope to prevent erosion (wash) from waterway.
- Work to reshape waterway TO A NATURAL DRAINAGE WAY through the back slope.
- Landscaping on the back slope that is flush with the ground.