

**AMENDED
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,

AND, WHEREAS upon further review, the County has decided to make certain amendments to the July 1, 2020 policy,

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 permit 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 an entrance, at the Applicant's own and sole expense. The Applicant shall apply to the County Engineer's Office using the Entrance Permit Application. All requested entrances shall meet the County's entrance criteria. Additional criteria may apply when several entrances are constructed/installed in close proximity. The County will not pay or be responsible for any future costs, maintenance, or upkeep of such entrances. The County Engineer shall approve the size and material of any culvert used in such additional entrance.
- c. All entrances shall have a minimum top width of twenty-four (24) feet and a maximum top width of forty-five (45) feet, both being measured at the driving surface located at or near the right-of-way line. 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. In exceptional circumstances, the County Engineer is authorized in his/her sole discretion to adjust the side slopes and increase the width of the driving surface or width at the County's right-of-way.
- 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 and material 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.
- l. 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 AS OF JULY 1, 2020

- a. The County shall be responsible for future maintenance of current entrances that have been constructed under a County approved permit prior to July 1, 2020. 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 maintenance, upkeep, or improvements shall be the sole responsibility of the landowner. After such maintenance, upkeep, or improvement, then the entrance is no longer either a grandfathered entrance under Section 6 or an existing entrance under Section 5.

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 –A fee of twenty- five (\$25) dollars per application will be charged by the County. 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 January 25, 2021, 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.

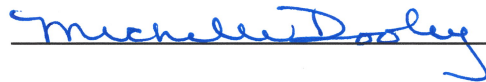
Passed and adopted this 25th day of January, 2021.

BOARD OF SUPERVISORS:

ATTESTED BY:



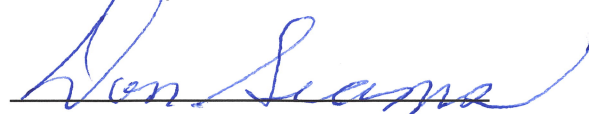
David Dotts, Chairman
Board of Supervisors



Michelle Dooley
County Auditor



Tom Swearingin, Member
Board of Supervisors



Donald Seams, Member
Board of Supervisors