

**DECATUR COUNTY
RESOLUTION 2018-28
RESOLUTION TO SET POLICY ON ENTRANCES TO COUNTY RIGHT OF WAY**

Policy Number: 2018-001

Effective: August 13, 2018

Last Reviewed/Updated: April 20, 2015

WHEREAS, Decatur County has the authority to govern the location and requirements for access to the County Right-of-Way,

AND, it is recognized that the inspection, installation, and administration are both actual costs and time expenditures that take away from critical on road work,

AND, it is recognized that the entrance policy should be reviewed and updated periodically,

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

Introduction

Per Code of Iowa, “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 perform non-roadway related activities within County Right-of-Way must obtain permission from the County Engineer's Office. This includes requests for access of adjacent properties to County Right-of-Way.

Purpose

The attached form is an application to construct a rural entrance within Decatur 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 County Right-of-Way. The person actually building the driveway or entrance must have this permit in their possession when performing the work.

Policy Statement

The person 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 the Rural Entrance 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 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 designated representative, as deemed necessary to promote public health, safety, and general welfare.

New Entrances:

- a. Location of driveways and field entrances shall provide a minimum stopping sight distance in accordance with Iowa DOT Rural Design Guidelines (I.M. No. 3.210) or more as determined by the County Engineer.
- b. Decatur County shall approve a maximum of one entrance per 40-acre parcel. Applicants wishing to install additional entrances, at their own expense, may apply to the County Engineer's Office using the Entrance Permit Application. These additionally requested entrances must meet the County's entrance criteria. Additional criteria may apply when several entrances are installed close together.
- c. All entrances shall have a minimum top width of 24 feet at the driving surface and side slopes shall follow Iowa DOT Rural Design Guidelines (I.M. No. 3.210) and as shown on the 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 length and diameter of the required culvert will be shown on the approved permit. Only this size culvert may be installed. Culverts must meet the standards as set forth by the Iowa DOT for Highway Entrance Culvert Pipe. The County Engineer can advise what pipes meet this standard.
- e. Up to a maximum of 30 feet, of maximum 24-inch diameter corrugated metal pipe (CMP) culvert will be furnished by the County on the first residential entrance per 40-acre parcel, as determined by the County Engineer or his/her designee. The landowner or applicant will be responsible for paying for the difference of any required culvert that is greater than 30 feet in length and/or 24 inches in diameter. The culvert shall be sized by the County Engineer. Payment shall be made before the culvert is delivered. If this service is requested prior to the construction of the residential dwelling, the applicant must provide sufficient evidence, to convince the Engineer, or his/her designee, that the dwelling will be constructed.
- f. For non-residential entrances, the applicant shall be responsible for the entire cost of the new entrance. The culvert shall be sized by the County Engineer.
- g. The applicant shall be responsible for all construction. The County will not install entrances.
- h. The applicant shall be responsible for supplying all fill material.
- i. Construction signing, if required, shall comply with the Manual on Uniform Traffic Control Devices.
- j. It is the applicant's responsibility to do a One-Call and to avoid causing damage to any utilities.
- k. Other residents shall have reasonable access to the public roads at all times.
- l. 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 will be assessed against the applicant.

- m. 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.
- n. All surfacing will be the responsibility of the applicant.

Existing Entrances:

- a. The County shall be responsible for future maintenance of current residential entrances that have been constructed under an approved permit. If total reconstruction is necessary, the County will construct an entrance with a top width of 24 feet. Additional expenses due to top widths exceeding 24 feet may be billed to the land owner. Surfacing damaged during maintenance of residential entrances will be replaced, as needed, with road stone.
- b. The County shall not be responsible for future maintenance of non-residential entrances, however, up to 30 feet of 24 inch diameter (maximum) CMP will be furnished by the County on the first entrance per 40 acre parcel, as determined by the County Engineer or his/her designee. The applicant will be responsible for paying for the difference of any required culvert that is greater than 30 feet in length and/or 24 inches in diameter (subject to delivery fee). The County will not install said culvert.
- c. The County is not responsible for maintaining surfacing on any entrance.
- d. Widening of existing entrances shall be at the expense of the land-owner except for situations where the pipe culvert needs to be replaced due to deterioration. In these instances, item "b." will apply to all entrance widening.
- e. Maintenance of existing entrances shall be approved at the sole discretion of the County Engineer or his/her designee.
- f. An 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 this point, the entrance shall be brought up to current specifications as described on the application.

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 landowner, at their request, to determine a safe location for a new entrance. Refer to the *New Entrance* 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.

ATV Trails Access

- a. Points of access to ATV trails shall be permitted using the Entrance Permit Application.
- b. The applicant will be allowed to place rock surfacing material level with the existing ground. Said rock shall not inhibit the natural flow storm water. Culverts will not be allowed.
- c. All criteria described in the Entrance Permit Application shall be met with the exception of entrance and culvert geometry.
- d. These access points are intended for use only by small off-road vehicles (ATVs, UTVs, etc.) and not permitted for use by agricultural equipment, forestry equipment, passenger vehicles, etc.
- e. The County will provide no maintenance for these entrances.

Fees

- a. Application Fee - Residents of Decatur County will be charged \$25 per application and non-residents will be charged \$100 per application. In order to receive the residential rate, the applicant must have an Iowa Homestead Tax Credit on file with the Decatur County Assessor's Office. One entrance may be covered per application. Multiple entrances (such as circle drives) may be handled under one application but the fee will be multiplied by the amount of drives proposed. If an application is denied, no fee will be collected.
- b. Culvert Delivery Fee - If a culvert is required all fees must be paid before the culvert is released/delivered. If the County is supplying the pipe, it must be picked up at the County Yard in Leon. If the County delivers the pipe a \$50 fee will be applied.

This policy shall supersede any prior resolutions, policies, ordinances, or rules on this topic.

VOTES:	AYE	NAY	ABSTAIN
Fulton (Chair)	X		
Bell	X		
Christensen	X		

SIGNED: Jim Fulton
Chairman, Decatur County Board of Supervisors

ATTEST: Stephanie R. Daughton
Decatur County Auditor