

## **RESOLUTION NO. 2021-031**

### **RESOLUTION OF HANCOCK COUNTY ADOPTING A POLICY FOR CROSSING HANCOCK COUNTY SECONDARY ROADS WITH DRAINAGE TILE**

Be it resolved by the Board of Supervisors of Hancock County, Iowa, to adopt the following road crossing with drainage tile policy for Hancock County, Iowa

WHEREAS, Chapter 318 of the Code of Iowa requires any person working within the right of way of a public road to obtain a permit from the highway authority having jurisdiction of the public road or highway, and

WHEREAS, Chapter 468 of the Code of Iowa prescribes a method for landowners to improve drainage by construction of field tile through road right of ways, and

WHEREAS, The Hancock County Board of Supervisors desires to adopt a road crossing with drainage tile policy that includes an option which will expedite procedures relating to projecting a drainage tile across a public highway to a suitable outlet.

THEREFORE, be it resolved and enacted by the Hancock County Board of Supervisors that Hancock County, Iowa, agrees, upon receipt of proper permit application, proof of contractor insurance, downstream property owner agreement, proof of contractor completion per Hancock County Engineer's specifications to;

- 1) Pay 50% of the cost of materials and installation, up to \$2,500.00 for open cutting across the road right of way, and 50% of the cost of materials and installation, up to \$15,000.00 to bore across the road right of way.
- 2) Crossing under paved roadways shall be bored, crossings under gravel roadways may be open trenched. Surface material, and seeding disturbed areas are the responsibility of the applicant. Open trenching shall not be performed between November 15<sup>th</sup> and April 1<sup>st</sup> unless specifically authorized by the County Engineer.
- 3) Pay \$350 towards the cost of materials and installation of an intake in the road ditch on the new tile line.
- 4) Private tile shall not be permitted to be placed within the road right of way parallel to the roadway.
- 5) Private tile shall not be permitted to be outlet into the road right of way ditch, unless specifically authorized by the County Engineer.
- 6) When a licensed Iowa Professional Engineer study is not performed, property owner shall not ask for a larger sized crossing or additional crossings in the vicinity for a period of 10 years.

If a landowner chooses not to be bound by the above policy, then, the procedures for securing such crossing shall be in accordance with applicable sections of the Code of Iowa Sections 468.600 through 468.622.

A summary of those procedures is shown below:

1. File application in writing with the Hancock County Auditor and provide information required by Iowa Code Chapter 468.600. Include five copies of the following information:
  - a. Applicant(s)' name, address and a complete legal description of the property owned by applicant.
  - b. A complete and accurate legal description of the property across which the drainage improvements are proposed, including the names, address, and phone numbers of all affected property owners(s) and or tenant(s), if applicable.
  - c. A detailed engineer's report, prepared by a licensed Iowa Professional Engineer, showing the drainage area served by the existing drainage tile including the starting point, route terminus, character, size, and depth of existing drainage tile.
  - d. A detailed engineer's report, prepared by a licensed Iowa Professional Engineer, showing the drainage area to be served by the proposed improvements including the starting point, route, terminus, character, size, and depth of the proposed drainage improvements.
  - e. Requirements of a licensed Iowa Professional Engineer may be waived depending on complexity of improvement.
  - f. A detailed estimate giving the total cost of construction of the proposed drainage improvements with a separate, detailed estimate of the cost of road crossings.
  - g. After the application material has been submitted to the county auditor and prior to scheduling the required public hearing, the auditor will route the application materials to the county attorney, county engineer and Natural Resources Conservation Service to review and submit any comments or recommendation.
2. A public hearing shall be set by the Hancock County Auditor pursuant to Iowa Code Chapter 468.601.
3. File claims for damages at or before hearing pursuant to Chapter 468.604 of the Code of Iowa.
4. A public hearing shall be held in compliance with Iowa Code Section 468.605. If the Board of Supervisors find that the purpose is to secure more complete drainage or a better outlet and the levee, open ditch, tile, or other underground drain is found to be beneficial it will be approved. If the Board of Supervisors find that a proposed drain runs in the course of natural drainage to a public road the owner of such land shall have the right to enter upon such highway for the purpose of connecting owners drain or ditch with any drain or ditch constructed along or across said road.
5. If the supervisors approve the merits of the application, Iowa Code Section 468.606 shall be followed. The landowner, however, in making such connections or crossings shall do so in accordance with specification furnished by the Secondary Road Department at the time of filing a crossing application.


6. If the Board of Supervisors approve the tile line to be projected across the right-of-way to a suitable outlet, the expense, of both material and labor used in installing the tile line across the highway and any subsequent repair thereof shall be paid from funds available for the highway affected.
7. If funds are not available in the Hancock County Secondary Road Fund for reimbursement of the applicant for the cost of said tile crossing at the time of the construction of the crossing, it is understood that the applicant will be reimbursed at such time as funds are available in the Hancock County Secondary Road Fund. It is further understood that said reimbursements will be made in chronological order of approved and completed crossing.
8. The Hancock County Board of Supervisors reserves the right to negotiate any type of cost sharing arrangement with the applicant and/or to install approved crossing with county staff or another contractor.

A completed application for drainage permit, including contractor's proof of insurance, executed road signage agreement, and downstream property owner agreement are required. Upon completion of the crossing the applicant shall pay the Contractor and Hancock County will pay the applicant.

The above resolution was read by Supervisor   Tlach  , who moved for its adoption. Seconded by Supervisor   Greiman  . Whereupon the Chairman, Supervisor   Rayhons   put the question to a vote and the vote was as follows:

Jerry Tlach:  Aye  Nay      Gary Rayhons:  Aye  Nay      Florence "Sis" Greiman:  Aye  Nay  
 Absent/abstain:   None  .

The Chairman thereupon declared the resolution duly adopted this   17<sup>th</sup>   day of   May  , 2021

  
 Gary Rayhons, Chairperson  
 Hancock County Board of Supervisors

ATTEST:   Michelle K. Eisenman    
 Michelle K. Eisenman, Auditor