

RESOLUTION No. 06-15-21-20-001

Establishing a Policy for Crossing Winnebago County Secondary Roads with Drainage Tile

WHEREAS Chapter 318 of the Code of Iowa requires any person working within a highway right-of-way to obtain a permit from the applicable highway authority, and

WHEREAS Chapter 468 of the Code of Iowa prescribes a method for landowners to secure more complete drainage or a better outlet by constructing a tile across a highway right-of-ways, and

WHEREAS the Winnebago County Board of Supervisors desires to adopt a policy that includes an option which will expedite procedures relating to said construction; and

NOW THEREFORE BE IT RESOLVED and enacted by the Winnebago County Board of Supervisors that Winnebago County agrees, upon receipt of proper permit application, proof of contractor insurance, downstream property owner agreement, proof of contractor completion per Winnebago County Engineer's specifications, and proof of payment, to:

1. Pay 50% of the cost of materials and installation, up to \$2,500.00 for open cutting across an unpaved road right-of-way, and 50% of the cost of materials and installation, up to \$15,000.00 to bore across a paved road right of way.
2. Pay \$350 towards the cost of materials and installation two intakes, one in each road ditch on the new tile line.

NOW THEREFORE BE IT FURTHER RESOLVED that a permit application has been drafted and is attached to this resolution.

NOW THEREFORE BE IT FURTHER RESOLVED that 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 as follows:

1. File application in writing with the Winnebago 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 legal description of the property across which the drainage improvements are proposed, including the names, address and phone numbers of all affected property owners and tenants.
 - 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 cost estimate for the proposed drainage improvements with a separate, detailed cost estimate for the 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 Winnebago County Auditor pursuant to Iowa Code Chapter 468.601.
3. Any person may 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, at which the Board shall examine the merits of the application.
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 Winnebago 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 Winnebago County Secondary Road Fund. It is further understood that said reimbursements will be made in chronological order of approved and completed crossing.
8. The Winnebago 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.

Passed and approved this 15th day of June, 2021.

RECOMMENDED:



Scott Meinders, County Engineer

**BOARD OF SUPERVISORS OF
WINNEBAGO COUNTY, IOWA**



Terry Durby, Chair

ATTEST:



Karla Weiss, County Auditor