

Motion By LEE FROEHLICH

Seconded By Don McGregor

To adopt the following resolution as policy for Kossuth County, Iowa

Resolution Number 10-11-05-01

### **TILE CROSSING POLICY FOR KOSSUTH COUNTY, IOWA**

Be it resolved by the Board of Supervisors of Kossuth County, Iowa, to adopt the following tile crossing policy for Kossuth County, Iowa

WHEREAS, Chapter 319 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 Kossuth County Board of Supervisors desires to adopt a road crossing policy that includes an option which will expedite procedures relating to projecting a tile line across a public highway to a suitable outlet.

THEREFORE, be it resolved and enacted by the Kossuth County Board of Supervisors that Kossuth County, Iowa, agrees, upon receipt of proper application, to pay for the cost of materials used to cross the road right of way installed to Kossuth County's specifications and Kossuth County, Iowa, will pay **\$250.00** to offset against the expense to cut across a gravel road and **70% of the cost** to offset against the expense to bore under a paved surface road all as approved by the Kossuth County Engineer.

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 Kossuth 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 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. 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.

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 Kossuth 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 Kossuth 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 Kossuth County Secondary Road Fund. It is further understood that said reimbursements will be made in chronological order of approved and completed crossing.
8. The Kossuth County Board of Supervisors reserves the right to negotiate any type of cost sharing arrangement with the applicant.

Passed on this \_\_\_\_ day of \_\_\_\_\_, 2005

ATTEST:

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Joann Bormann  
Kossuth County Auditor

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Eugene Elsbecker  
Kossuth County Board of Supervisors