

## O'BRIEN COUNTY RESOLUTION

No. 2022-66

WHEREAS, O'Brien County desires to classify certain roads on the area service system in the County to provide for a minimal level of maintenance and access by means of a gate or barrier; and

WHEREAS, the County, after consultation with the County Engineer, has the authority to specify certain roads within the County as Area Service "C" roads pursuant to Iowa Code Section 309.57; and

WHEREAS, the County has received a petition, attached to this resolution, signed by all landowners adjoining the road, requesting that the following road be classified as an Area Service "C" road:

440<sup>th</sup> Street 3300 feet west of Yew Ave continuing west to the dead end. This segment of road lies between Sections 26 & 35 of Grant Township, T-95N, R-39W, O'Brien County, Iowa.

1. **Blading**. Blading or dragging will not be performed on a regular basis.
2. **Snow and Ice Removal**. Snow and ice removal will not be performed on a regular basis. Sanding and salting will not be performed on a regular basis.
3. **Bridges**. Bridges on Area Service "C" roads may not be maintained to carry legal loads but will be posted appropriate to advise of any load limitations
4. **Weeds, Brush, and Trees**. Mowing or spraying weeds, cutting brush and tree removal will not be performed on a regular basis. Adequate sight distances will not be maintained on a regular road.
5. **Structures**. Bridges and culverts may not be maintained on a regular basis to carry legal loads. Upon failure or loss, the replacement structure will be for traffic thereon.
6. **Road Surfacing**. There will be no surfacing materials applied to Area Service "C" roads.
7. **Shoulders**. Shoulders will not be maintained.
8. **Crown**. A crown will not be maintained.
9. **Repairs**. There will be no road repairs on a regular basis.

10. **Uniform Width.** Uniform width for the traveled portion of the road will not be maintained. Adjoining landowners to provide 15 feet each to make a 30-foot wide traveled portion for mutual access.

11. **Inspections.** Regular inspections will not be conducted.

12. **Gate.** A cable gate and padlock shall be purchased and installed by the County, and maintained by the adjoining landowners.

WHEREAS, the only persons who will have access rights to the road shall be:

- (1) the owner, lessee, or person in lawful possession of any adjoining land,
- (2) the agent or employee of the owner, lessee or person in lawful possession of any adjoining land,
- (3) any peace officer,
- (4) any magistrate,
- (5) any public employee or agent whose duty it is to supervise or perform maintenance or construction on the road,
- (6) any agent or employee of any utility located upon the road.

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF O'BRIEN COUNTY that this County does hereby establish the road described as an Area Service "C" road, with restricted access and a minimal level of maintenance.

Enacted this 6<sup>th</sup> day of December, 2022.

  
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Dennis Vanden Hull , Chairperson, Board of Supervisors

Attest

  
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Barbara Rohwer, County Auditor