

Enclosed, is the information you requested. Please review it in its entirety. It is essential for every property owner to understand the right-of-way grant guidelines. This information is *particularly critical in regard to relocations and removal of structures, fences and trees*. If you have questions do not hesitate to give me a call @ 449-7369 (8 a.m. - 4 p.m.).

Project Representative are urged to contact each property owner in order to confirm their support for the chip and seal proposal. This should be done in advance of presenting the right-of-way grant forms.

Allen County Highway Department maintains a sizable pool of qualified conversion proposals and yours is in contention with each of them. Each road will be scored according to the county's point system, as later outlined in this handout.

If you are unable to complete your documentation right away, don't give up. It is extremely rare that a proposal is approved in the same season as the documents are prepared and recorded. Please attempt to answer each property owner's questions. Understanding what they are agreeing to is crucial as it minimizes confusion and frustration during project execution. Do not hesitate to call me if you are uncertain.

Please understand that issuance of this guidebook shall not be construed as "implied acceptance" of your proposal. Each conversion proposal is subject to evaluation and approval. Once a proposal is approved the project representative will be notified.

Procedural Guidelines

Conversion of
STONE ROADS
TO
BITUMINOUS ROADS

Allen County, Indiana

Effective Date:
January 1, 2011

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Preface

Due to the overwhelming demand for the conversion of stone roads to chip and seal roads, we are revising our guidelines. These revisions are being implemented to stretch our finances and yet continue our conversion program through a fair and equitable policy.

A primary objective of the Board of Commissioners of the County of Allen and the Allen County Highway Department (ACHD) is to make our services available to as many citizens as our budget will permit. These revisions will enable county residents to apply for the roadway improvements they desire, while applying consistent standards to each roadway classification.

To qualify for acceptance each petitioning group must fulfill all applicable requirements of this program. Many unforeseen events could extend or reduce the completion time of these projects, which are customarily constructed by highway maintenance personnel.

These guidelines are become effective January 1, 2011. Since some residents have already made previous application for this program, it is necessary to be aware of these revisions and how they affect the application. Please contact our office for further guidance regarding your project.

*William F. Hartman
Executive Highway Director
Allen County Highway Department*

Approved By:

The Board of Commissioners of the County of Allen

Linda K. Bloom - President

William Brown - Vice-President

F. Nelson Peters - Secretary

Date: _____, 2010

SECTION ONE – THE PROCESS

I. OBTAINING THE DOCUMENTS FOR CONVERSION PROJECTS

- a. The right-of-way grant package(s) can be obtained from Allen County Highway Department (ACHD) at the downtown office at **One West Superior Street** (Southwest corner of Calhoun and Superior), second floor; OR by contacting ACHD at **(260) 449-7369** (8:00 a.m. – 4:00 p.m.).
- b. The **Project Representative** should be a resident of the road to be converted, and is responsible for following procedural instructions of submitting all appropriate documents, including:
 - i. obtaining the right-of-way grant forms from the ACHD
 - ii. gathering and notarizing *each* signature of the property owner whose name is recorded in the township plat books of the Allen County Auditor as an owner of record.
 1. This shall include a copy of the deed on the property
 - iii. submitting all notarized copies of right-of-way grant to the ACHD
- c. The origin and terminus for each conversion project must extend from one intersection to another (*intersection-to-intersection only*).
 - i. Partial sections will not be considered unless the existing roadway consists of multiple surface types.
 - ii. Each section of the road is considered a separate project, and must follow the instructions for obtaining proper documentation.
- d. Property owners may request an estimate of where the road will be ranked on the County's chip and seal matrix to determine whether or not they would like to follow through with the condemnation process (outlined in Section Two).
- e. The conversion project documentation will remain valid for ten years or while the right-of-way is being secured, or until the condemnation process is completed.

II. OBTAINING SIGNATURES

- a. Each property owner must complete the right-of-way grant documents, including:
 - i. Providing the recording number of the underlying deed
 - ii. Attaching a copy of the property deed
 - iii. Signing their name on the form as it appears **deed provided**
 1. ALL SIGNATURES MUST BE NOTARIZED

- b. In the event that a deceased person is still listed as a property owner-of-record, the circumstances will need to be reviewed to determine who the rightful remaining landowner should be.
 - i. If the house title is in the name of both a husband and a wife, the surviving spouse can sign the right-of-way grant form.
- c. In the event that a corporation is listed as the property owner-of-record, the individual signing the right-of-way grant document must designate their position of authority which qualifies them to sign as that company's agent.
- d. If a property owner is physically incapable of signing their own name, their Guardian/Power Of Attorney (POA) may sign in their behalf so long as that person submits evidence of their POA authority, and it is recorded.

III. SUBMITTING THE RIGHT-OF-WAY GRANT FORMS

- a. All property owners (100 %) along the frontage of a proposed improvement must agree to grant the county their right-of-way in order for a project to be considered.
- b. Returned right-of-way grant forms can either be mailed to or dropped off in person at the Allen County Highway Department Downtown Office. ACHD will copy the documents, and forward it to the Auditor's Office for review and certification (verification of owners and addresses).
- c. Once the right-of-way grant forms are recorded in the Recorder's office, the road will then be reviewed according to the county's point system, and placed by rank on the county's matrix for completion.

SECTION II – CONDEMNATION PROCESS

I. QUALIFICATION FOR CONDEMNATION PROCESS

- a. If all but a small number of property owner completes the right-of-way grant forms along the proposed road conversion project, the remaining property may be condemned .
 - i. In order to ensure that every effort has been made to have the homeowner sign their right-of-way grant forms, 90 days should have passed since the right-of-way grant forms were initially obtained from the Allen County Highway Department.

II. PROCEDURES

- a. Once it is decided that piece of property will be condemned, the Allen County Highway Department will require the signatures of property owners on the road that will be responsible for the balance of costs associated with condemnation as outlined below.
 - i. The County Highway will begin the process of condemnation based on current available funding in the highway department for the process.
 - 1. The ACHD will be responsible for the following costs of the condemnation process:
 - a. Title Search
 - b. Initial Appraisal
 - c. Survey
 - d. Offer (for the purchase of the right-of-way)
 - 2. The property owners along the road will be responsible for 100% of the following condemnation procedures;
 - a. Court Costs
 - b. Court Appraisals
 - c. Litigation.
 - ii. The Allen County Highway Department will secure the funding for estimates of the condemnation costs from residents on the road who signed the petition before any condemnation procedures begin. The money collected from the residents along the road will be held in an escrow account. Excess dollars will be refunded upon completion of the condemnation. Deficiencies for the cost will be billed to the property owners.

III. PLACEMENT ON THE MATRIX

- a. Once the condemnation process is complete, the road will then be reviewed according to the county's point system, and placed by rank on the county's grid for completion.
 - i. It is NOT guaranteed that it will have the same ranking as the initial estimate, but it will be close to the prior estimate (either higher or lower)

SECTION III – THE POINT SYSTEM

- I. All completed road petitions, for the purpose of converting gravel highways to bituminous (chip and seal) surface, will be reviewed and ranked on the County’s grid by the number of points they acquire based on the following criteria:\

Project Priority - Criteria Defined

1. Vehicle Miles Traveled /Mile

2. Dwelling Density (70)	
Points	Range
70	30 plus
60	25 to 29
50	20 to 24
40	15 to 19
30	10 to 14
20	5 to 9
10	1 to 4

3. Connects to Classified Road (50)	
Points	Criteria
50	Connects to Arterial
30	Connects to Local Road
10	Dead End

4. Potential Development Area (20)	
Points	Criteria
20	Yes
10	Feasible
0	No

5. Commercial Usage (20)	
Points	Criteria
20	Business located on road
10	Business within 2,500 ft of road

6. Contiguous to Paved Roadway (10)	
Points	Criteria
10	Yes - Non Intersection
0	No

7. Location of School or Church (20)	
Points	Criteria
20	School on Road
20	Church on Road
10	School Bus Route

8. Owners Willing to Pay	
Pay	Points
20%	20
40%	40
60%	60
80%	80
100%	100

- II. The Allen County Highway Department shall present a priority list of road conversions to the Board of Commissioners at the first legislative meeting in January of each year.

- III. A minimum of 21 points shall be required to consider a conversion project.
- IV. On potential projects that have scored high points in the density category, a letter may be sent to residents/property owners describing the program process and will include a blank right-of-way grant form. The letter will be followed up by Allen County Highway Personnel.

SECTION IV - CLASSIFICATION & SPECIFICATIONS

THE MINIMUM REQUIRMENTS FOR CONVERSION PROJECTS ARE:

Construction Requirements	<u>Dead End</u>	<u>Local</u>	<u>Collector</u>	<u>Arterial</u>
Right-of-way	50'	50'	60'	60'
Stone Base Depth	10"	12"	14"	14"
Width of Driving Surface	16-18'	18-20'	20-22'	22-24'
Shoulder Width	0-2'	2-3'	2-4'	2-6'

◆ On-site circumstances may require additional right-of-way, notably wider than those listed above. Each proposal is analyzed independently to assure that there is sufficient right-of-way to accommodate future improvements within the proposed right-of-way limitations.

SECTION V – RESPONSIBILITIES OF HOMEOWNERS AND HIGHWAY DEPARTMENT

- I. ALLEN COUNTY HIGHWAY DEPARTMENT OBLIGATIONS
 - a. Once the right of way is donated and recorded in the Recorder’s Office, the ACHD will locate section corners and denote the new right-of-way with lath markers. The centerline survey confirms the necessity of utilit relocation.
 - b. The Highway Department shall furnish or replace existing driveway and field entrance culverts provided it is necessary and the pipe’s length does not

exceed 20 feet on residential property, 30 feet on commercial property, or 30 feet at a field entrance.

- i. Additional lengths of culvert pipe, beyond the initial lengths listed above, must be requested in writing by the property owner before installation.
 - ii. IF the request is approved the pipe will be installed by ACHD but *at the property owner's expense*.
 - iii. Pipe diameter may vary as determined by on-site conditions, and be at least 16 gauge corrugated steel unless otherwise approved by ACHD.
- c. Highway Department will notify the Project Representative of upcoming activities.
- i. Residents should contact their REPRESENTATIVE for answers to their questions.

II. PROPERTY OWNER OBLIGATIONS

- a. Trees, shrubs, and fences must be removed or relocated depending upon their location with respect to the periphery of the new right-of-way.
- b. **Property owners shall relocate their fences approximately 12” behind the newly established right-of-way line before the work order will be issued to commence reconstruction.**
 - i. Salvageable fencing and physical obstructions must be removed or relocated by the landowner.
 - ii. ACHD crews will remove and dispose of old, deteriorated, fences.
 - iii. This phase must be completed before utility companies are contacted for their services and lines to be relocated.
- c. **Residents shall make their mail and newspaper boxes portable during construction.**
 - i. If requested, our field crew will assist in the relocation effort by pulling your boxes out of the ground and laying them behind the newly defined right-of-way lines.

III. ADDITIONAL ISSUES

- a. Only after all the right-of-way has been donated will utility companies initiate relocation of their lines, cables and structures. This phase sometimes delays the project due to funding and/or budgeting priorities within the utility companies.
- b. When necessary, open drainage ditches will be constructed to manage storm water run-off. This assures the roadbed will remain dry and stable. Drainage structures, including cross pipes, inlets and driveway culverts shall be installed as necessary prior to placement of the new aggregate base material.