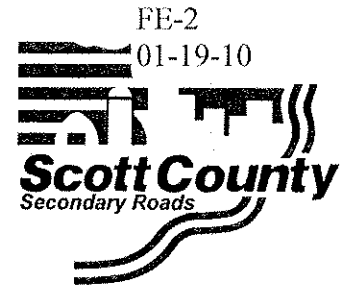


**SCOTT COUNTY ENGINEER'S OFFICE**

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JON R. BURGSTRUM, P.E.  
County Engineer

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Assistant County Engineer

BECKY WILKISON  
Administrative Assistant

**MEMO**

**TO:** Dee F. Bruemmer  
County Administrator

**FROM:** Jon Burgstrum  
County Engineer

**SUBJ:** Resolution Approving Policy for Purchase of Right of Way 2010

**DATE:** January 19, 2010

The County Assessor has provided a list of land purchases over the past year and we have determined a multiplier to determine the price of land when right-of-way is purchased by the County. With land prices rapidly increasing this factor is becoming quite significant; accordingly it is important that appropriate prices are being paid.

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES THAT  
THIS RESOLUTION HAS BEEN FORMALLY APPROVED BY  
THE BOARD OF SUPERVISORS ON \_\_\_\_\_ DATE \_\_\_\_\_  
SCOTT COUNTY AUDITOR \_\_\_\_\_

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

Policy for Purchase of Right of Way for 2010  
January 21, 2010

WHEREAS: The uniform treatment of landowners in right-of-way is of paramount importance, and

WHEREAS: Assurance must be given to the Iowa Department of Transportation that Scott County is in compliance with the provisions of the 1970 Uniform Relocation Assistance and Land Acquisition Policies Act,

NOW, THEREFORE BE IT RESOLVED by the Scott County Board of Supervisors on this twenty-first day of January, 2010, that the Scott County Engineer is authorized to purchase the necessary right-of-way for construction and maintenance during the calendar year 2010, using the values computed in accord with the following schedule of allowances:

SCHEDULE I - AGRICULTURAL LAND:

For land by easement or deed: 4.16 times the assessed valuation per acre as it currently exists at the time an offer is made.

SECTION II - RESIDENTIAL, COMMERCIAL OR INDUSTRIAL LAND:

For land by easement or deed, where such land is classified by the assessor as residential, commercial or industrial for zoning

purposes - generally the appraisal method will be used.

SECTION III - FEDERALLY FUNDED PROJECTS, FARM-TO-MARKET FUNDED PROJECTS, AND SPECIAL PURCHASES - APPRAISAL METHOD:

This section will only be utilized when the following conditions are determined to exist:

1. Where any buildings or special improvements or appurtenances exist on the parcel being taken.
2. Where there are definable damages to the remaining property.
3. Where federal funds or farm-to-market funds are involved requiring the complete appraisal method.
4. Where the parcel being taken is not representative of the total piece.
5. For properties as noted under Section II.

The County Engineer will seek two or more quotes for the service of an appraiser for the review by the Board of Supervisors prior to employment of an appraiser. The appraisal document will serve as the basis for purchase of the parcel.

SECTION IV - BORROW:

For land disturbed by reason of borrow or backslope: The value shall be based on the price per cubic yard of material taken - (\$0.30/cu.yd.). Agreement will also be made for the restoration of the area disturbed for borrow or backslope, either by removing and replacing 8 inches of top soil or by other appropriate measures, in accordance with Section 314.12, 1995 Code of Iowa. Compensation for crop loss or other land use loss in borrow or backslope areas will be determined based on the rental value for

similar land in the area. If crops have been planted, payment will be made to cover tillage cost, seed cost and fertilizer cost based on the pro-rated actual cost incurred. If the crop is harvested before the area is disturbed there will be no compensation for crop loss.

SECTION V - WATER LINES:

For existing privately owned water lines crossing the roadway: The total cost of any alterations required on the line within the new or existing right-of-way will be at the expense of the County.

SECTION VI - FENCES:

For the relocation of functional fences made necessary by the reconstruction of an existing roadway, a new fence will be allowed for all of the same type as the existing right-of-way fence. Allowances are \$25.00 per rod for woven wire, \$16.00 per rod for barbed wire. If no fence exists, no fence payment will be allowed. The length for payment will be the footage required to fence the new right-of-way. For relocating cross fences to the new right-of-way, the length of fence required to be moved shall be compensated at the rate for the same type of right-of-way fence above. For angle points introduced into the fence line by the design of the roadway, an allowance of \$166.00 for a two-post panel and \$260.00 for a three-post panel will be made.

NOTE: All salvage from the existing fence shall become the property of the property owner. Payment for fencing will be withheld until all existing fence has been removed and cleared

from the right-of-way. If the fence or any part thereof is not removed at the time of construction, it will be removed by Scott County or its contractor and a penalty of \$3.00 per rod assessed and deducted from the fence payment. For the removal of non-functional fences made necessary for the reconstruction of an existing roadway, the County will compensate the owner for his labor and equipment at the following rates:

Woven Wire	-	\$10.00 per rod
Barbed Wire	-	\$ 8.00 per rod

NOTE: All salvage from existing fence shall become the property of the owner. Payment for removal of non-functional fences will be withheld until all existing fences has been removed and cleared from the right-of-way. If fence or any part thereof is not removed at time of construction, it will be removed by Scott County or its contractor and the owner will forfeit any payment tendered for the fence.

DEFINITIONS:

Functional: In good state of repair and capable of containing livestock for which the fence was constructed.

Non-functional: In disrepair and incapable of containing the livestock for which the fence was constructed. Compensation for relocating fences of a type other than those described shall be negotiated.

SECTION VII - TREES AND SHRUBS:

For trees and ornamental shrubs which must be removed from the residence areas: compensation will be made on basis of appraisal

by an arborist or by negotiation.

SECTION VIII - INCIDENTAL EXPENSES:

A lump sum of \$50.00 which shall compensate the owner for any out-of-pocket expense incurred as a result of this transaction; i.e., abstracting fees, postage, telephone, etc.

SECTION IX - EASEMENT PRIORITY AGREEMENTS:

Scott County will pay all costs assessed by mortgage holders in executing "Easement Priority Agreements" for the easements obtained under the terms of this policy.

SECTION X:

PASSED AND APPROVED this Twenty-first day of January, 2010, by the Scott County Board of Supervisors.

SECTION XI: This resolution shall take effect immediately.

PERMIT NO: \_\_\_\_\_

Application for Approval of Utility Construction  
On Scott County Right-of-Way

This is a Utility Permit Application for telecommunications, electric, gas, water and sewer utilities. The applicant agrees to comply with the following permit requirements. Compliance shall be determined by the sole discretion of the County Engineer as deemed necessary to promote public health, safety and the general welfare. These requirements shall apply unless waived in writing by the County Engineer prior to installation.

Applicant Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State & Zip Code: \_\_\_\_\_  
Contact Person: \_\_\_\_\_

1. Location Plan. An applicant shall file a completed location plan as an attachment to this Utility Permit Application. The location plan shall set forth the location of the proposed line on the secondary road system and include a description of the proposed installation.

2. Written Notice. At least ten (10) working days prior to the proposed installation, an applicant shall file with the County Engineer a written notice stating the time, date, location and nature of the proposed installation.

3. Inspection. The County Engineer may provide a full-time inspector during the installation of all lines to insure compliance with this Utility Permit. The inspector may have the right, during reasonable hours and after showing proper identification, to enter any installation site in the discharge of the inspector's official duties, and to make any inspection or test that is reasonably necessary to protect the public health, safety and welfare.

4. \*Inspection Fee. Upon approval of the application by the Board of supervisors, the Utility Permit will be issued by the County Engineer upon payment of the required prepaid inspection fee made payable to the County Treasurer's office. The fees shall be as follows:

Telecommunications.....\$1,000	Electric.....\$1,000
Gas.....\$1,000	Water.....\$1,000
Sewer.....\$1,000	

\*May be waived by County Engineer

5. Remittance of Fees. The applicant shall pay actual costs directly attributable to the installation inspection conducted by the County Engineer. Payment shall be made out of the prepaid inspection fee. Within thirty (30) days after completion of the installation, the County Engineer shall remit any unused portions of the prepaid inspection fee to the applicant, along with a statement for services rendered. Excess inspection fees above \$1,000 must be paid by applicant.

6. Requirements. The installation inspector shall assure that the following requirements have been met:

A) Construction signing shall comply with the Manual on Uniform Traffic Control Devices.

B) Depth - (Add additional depth if ditch has silted to the thickness of the deposited silt.) The minimum depth of cover shall be as follows:

Telecommunications.....36"	Electric.....48"
Gas......48"	Water......60"
Sewer......60"	

Height - The minimum height over the surface of the roadway for overhead installations shall be 18'.

- C) The applicant shall use reference markers in the right of way (R.O.W.) boundary to locate line and changes in alignment as required by the County Engineer. A permanent warning tape shall be placed one (1) foot above all underground utility lines. If the applicant can not sufficiently determine the (R.O.W.) line they shall request that the County Engineer provide markers on the (R.O.W.) line to facilitate placement.
- D) All tile line locations shall be marked with references located in the (R.O.W.) line.
- E) No underground utility lines shall cross over a crossroad drainage structure.
- F) Residents along the utility route shall have uninterrupted access to the public roads. An all-weather access shall be maintained for residents adjacent to the project.
- G) A joint assessment of the road surfacing shall be made by the applicant and the County Engineer both before and after construction. After construction, granular surfacing shall be added to the road by the applicant to restore the road to its original condition. After surfacing has been applied, the road surface shall be reviewed by the County Engineer once the road has been saturated, to determine if additional surfacing on the roadway by the applicant is necessary.
- H) All damaged areas within the (R.O.W.) shall be repaired and restored to at least its former condition by the applicant or the cost of any repair work caused to be performed by the County will be assessed against the applicant.
- I) Areas disturbed during construction which present an erosion problem shall be solved by the applicant in a manner approved by the County Engineer.
- J) All trenches, excavations, and utilities that are knifed shall be properly tamped.
- K) All underground utilities shall be located between the bottom of the back slope and the bottom of the fore slope, unless otherwise approved in writing by the County Engineer prior to installation.
- L) Road crossings shall be bored. The depth below the road surface shall match the minimum depth of cover for the respective utility.
- M) Utility Poles shall be placed just inside the right of way (R.O.W.) line to provide adequate clearance from the roadway. Guy lines shall not be placed closer to the road than the bottom of the fore slope.

7. Non-Conforming Work. The County Engineer may halt the installation at any time if the applicant's work does not meet the requirements set forth in this Utility Permit.

8. Emergency Work. In emergency situations, work may be initiated by an applicant without first obtaining a Utility Permit. However, a Utility Permit must be obtained within fourteen (14) days of initiation of the work. All emergency work shall be done in conformity with the provisions of this ordinance and shall be inspected for full compliance.

9. County Infraction. Violation of this permit is a county infraction under Iowa Code section 331.307, punishable by a civil penalty of \$100 for each violation. Each day that a violation occurs or is permitted to exist by the applicant constitutes a separate offense.

10. Hold Harmless. The utility company shall save this County harmless of any damages resulting from the applicant's operations. A copy of a certificate of insurance naming this County as an additional insured for the permit work shall be filed in the County Engineer's office prior to installation. The minimum limits of liability under the insurance policy shall be \$1,000,000.

11. Permit Required. No applicant shall install any lines unless such applicant has obtained a Utility Permit from the County Engineer and has agreed in writing that said installation will comply with all ordinances and requirements of the County for such work. Applicants agree to hold the County free from liability for all damage to applicant's property which occurs proximately as a result of the applicant's failure to comply with said ordinances or requirements.



12. Relocation. The applicant shall, at any time subsequent to installation of utility lines, at the applicant's own expense, relocate or remove such lines as may become necessary to conform to new grades, alignment or widening of (R.O.W.) resulting from maintenance or construction operations for highway improvements.

13. Appeal Process. If the Engineer does not approve a permit, the company requesting will have fifteen (15) days to appeal the decision to the Board of Supervisors.

DATE \_\_\_\_\_  
NAME OF COMPANY \_\_\_\_\_

BY: \_\_\_\_\_  
Please sign in BLUE ink

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RECOMMENDED FOR APPROVAL:

DATE \_\_\_\_\_  
COUNTY ENGINEER \_\_\_\_\_

