

36. CONSTRUCTION OF PRIVATE DRAINAGE IMPROVEMENTS

POLICY

It is the policy of the Scott County Board of Supervisors to accept and review all applications for the construction of private drainage improvements and to make a fair and equitable determination on such applications based on the information submitted.

SCOPE

This policy applies to all applications for the construction of private drainage improvements across the land of others or across railroad or highway rights of ways submitted to the Scott County Auditor in accordance with the provisions of Iowa Code Chapter 468 Subchapter V.

ADMINISTRATIVE PROCEDURES

- A. Applications for the construction of private drainage shall be submitted in writing to the Scott County Auditor. The individual requesting approval for the construction of private drainage improvements across the land of others is responsible for all costs associated with such requests. A filing fee of \$100 shall be paid by the applicant to cover the cost of serving notices, fees of any witnesses summoned by the Board of Supervisors and other administrative costs. The applicant shall also be responsible for all costs associated with the preparation of plans and other technical information, the cost of the construction of all improvements, the payment of any damages caused by the construction or placement of such improvements and all maintenance of the improvements.
- B. An application shall include ten (10) copies of the following:
 1. The applicant(s)' name and address and a complete and accurate legal description of the property owned by applicant.
 2. A complete and accurate legal description of the property across which the improvements are proposed, including the names, addresses and phone numbers of all affected property owner(s) and/or tenant(s), if applicable.
 3. Detailed plans prepared and stamped by a Registered Professional Engineer showing the starting point, route, terminus, character, size, and depth of the proposed drainage improvements.
 4. Copies of all required State or Federal permits or copies of the permit application.

5. A detailed estimate giving the cost of construction and schedule for the completion of the proposed drainage improvements.
 6. An estimate, prepared by a certified real estate appraiser, of the damages or diminution of value of the property caused by the construction of any such improvements.
- C. Review of the application materials: The Scott County Auditor shall route nine (9) copies of all application materials to the Scott County Planning and Development Director. The Planning Director shall route the application materials to the Scott County Attorney, the Scott County Engineer, the Scott County Assessor, and the District Conservationist with the Natural Resources Conservation Service. Each office is requested to review and submit any comments or recommendations to Planning and Development within fifteen (15) days of the receipt of such materials. The Planning and Development Director shall present all application material and all comments and recommendations to the Board of Supervisors at or before the public hearing.
- D. Setting and notice of hearing before the Board of Supervisors: Following the filing of an application the Scott County Auditor shall set the time and date for a hearing on the application before the Board of Supervisors. The hearing date shall not be more than 90 days nor less than 30 days from the date of the filing of a complete application. The Auditor shall send notice of the hearing date and purpose of the application to all affected property owners not less than ten (10) days prior to the hearing.
- E. Claim for damages: Any affected property owners claiming damages or requesting compensation for or on account of the construction of such drainage improvements must file a claim in writing with the County Auditor at or before the time of the hearing. Failure to file such a claim shall be deemed to be a waiver of the right to claim or recover such damages.
- F. Board of Supervisors' determination on application: Following the hearing of any such application the Board of Supervisors will make a determination on the sufficiency of the application, the merits of the application, any objections to the application and all claims filed for damages or compensation. If the Board finds that the requested drainage improvements are beneficial then the Board may approve the specifications for construction, maintenance, and repair of such drainage improvements and what compensation, if any, the applicant shall pay the affected property owners. The Board shall also provide a written decision and all other applicable records and plans with the County Auditor who shall then record such materials and records with the County Recorder.
- G. Keeping of records for private drainage system: The Scott County Recorder shall keep a record of all private drainage systems approved under this policy in accordance with the provisions of Iowa Code Chapter 468 Subchapter V.