

MARCH 31, 2009

The Warren County Board of Supervisors met on Tuesday March 31, 2009 at 10:06 a.m. with Supervisors Middleswart and Shull present. Supervisor Grace was absent. The purpose of the meeting was a public hearing regarding Area Service "C" Road Classification. The following business was had to-wit:

RESOLUTION 09 – 126 CLOSE PUBLIC HEARING

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to close the public portion of the hearing. Two ayes, Supervisor Grace absent.

RESOLUTION 09 -127 AREA SERVICE C ROAD CLASSIFICATION

WHEREAS, pursuant to the provisions of Section 309.57 of the Code of Iowa, whereby the Board of Supervisors may classify certain roads on the area service system in the county as Area Service "C" roads so as to provide for a reduced level of maintenance effort and restricted access; and,

WHEREAS, roads may only be classified as Area Service "C" by resolution of the Board upon petition. The resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The resolution shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, to the agent or employee of any public utility, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road; and,

WHEREAS, a public hearing was held in the Board of Supervisor's meeting room, Warren County Administration Building at 10:00 a.m., March 31, 2009, in regard to a petition to establish an Area Service "C" road pertaining to the following described section of road:

Beginning at the approximate North ¼ corner of Section 24, Township 74 North, Range 25 West; thence East to the end of the existing road. The road is currently classified a Level B road and known as Tyler Street; and,

WHEREAS, proponents and opponents of the proposed re-classification were given the opportunity to be heard; and,

WHEREAS, the Chair asked for any written objections to or support of the said re-classification; now,

BE IT RESOLVED on a motion by Doug Shull, second by Marvin Grace, that the above described section of road be officially re-classified as Area Service "C" Road.

Access to said section of road shall be restricted by means of a gate or other barrier, as determined by the County Engineer. The initial gate only shall be purchased and installed by the County, and thereafter maintained, purchased and installed by the adjoining landowners. If not so maintained, the County may remove the gate.

Said section of road shall have signs conforming to the Iowa State Sign Manual installed and maintained by the County at all access points to said section of road from other public roads, to warn the public they are entering a section of road which has a lesser level of maintenance effort than other public roads, and to warn the public that access is limited.

Entering said section of road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass as defined in Section 716.7 of the Code of Iowa.

Said section of road shall retain the classification until such time as a petition for reclassification is submitted to the Board. The petition shall be signed by one or more adjoining landowners. The Board shall approve or deny the request for reclassification within 60 days of receipt of the petition.

All jurisdiction and control over said section of road shall rest with the Board, pursuant to the Iowa Code Section 309.67. Two ayes, Supervisor Grace absent.

Upon proper motion the meeting was adjourned at 10:10 a.m.

ATTEST: _____, AUDITOR
Traci VanderLinden

_____, CHAIR
G. Kevin Middleswart