

SEWARD COUNTY, NEBRASKA DRIVEWAY INSTALLATION POLICY

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The following policy, shall apply to all residents of Seward County, Nebraska (*not within municipal boundaries of Seward, Nebraska*).

1. Definitions.

- a) "Application" means the form document, used by the Seward County Roads Department in the normal course of business, upon which the applicant requests an inspection for authorization to install a new and/or additional driveway/culvert.
- b) "Board" refers to the Seward County Board of Commissioners.
- c) "County" means all areas within the political boundaries of Seward County, Nebraska.
- d) "Culvert" means an approved 16 gage minimum corrugated steel culvert allowing water to flow underneath a road, driveway, railroad, trail, or other such similar obstruction. This includes bridge-like structures surrounded by earth typically used to allow access to real property otherwise surrounded by a ditch.
- e) "Damage" means any physical alteration of a culvert, not including obstructions or intentional alterations designed to improve the flow or structure of the culvert, which restricts the normal flow of water through the culvert.
- f) "Ditch" ; Water drainage part of Row, approximately 21 feet to each side of a 24' road on a 66 foot right of way.
- g) "Inspection" means an examination by the superintendent for the Seward County Department of Roads, or someone designated by the superintendent, of an existing driveway/culvert or the site of a proposed driveway/culvert. Said inspection includes any and all activities regarding the determination of a proper driveway/culvert location; the necessary type of culvert; the proper materials for a particular kind of culvert.
- h) "Section" means one square mile (640 acres) of ground.

2. Driveway/Culvert required; provided by Property owners/Seward County.

In order to maintain proper drainage and adequately manage runoff, one driveway/culvert is required by Seward County on each home residence or quarter section of ground. Said culvert

will be twenty-four (24) feet minimum in length in whatever diameter of culvert is necessary for the particular location (as determined by the Seward County Roads Department) 18" minimum. The cost for the materials and labor for the required culvert will be borne by the Land Owner. Application procedures and requirements would apply.

Exception: Major road reconstruction project, the county will provide replacement driveway culverts as needed.

3. Additional driveway/culverts; maximum number allowed.

A landowner shall be allowed additional culverts reasonable to the location. Said additional culverts shall be subject to the application procedures, requirements, and approval as indicated in section four (4) of this policy.

4. Additional driveway/culverts; application; procedure; priority.

Any driveway/culverts beyond those required by section two (2) of this policy shall first be approved by the Seward County Roads Department. An application form can be picked up from the Roads Department's office, located at 320 S. 14th St., Suite 1, Seward, NE 68434. A landowner may submit the completed form and driveway location map to the Roads Department and it will be reviewed. Upon review the Roads Department superintendent, or one of his/her designees, may conduct an inspection of the proposed location of the culvert to determine feasibility and necessary materials. It shall be the responsibility of the landowner/lessee to contact the "Digger's Hotline" (tel. #: 811) to determine the location(s) of any nearby cables, wires, pipelines, etc. that may be present in the immediate area of the proposed location. The land owner will have 6 months to complete the driveway installation. An application extension can be granted or a new application can be submitted at a later date. In addition, approval to occupy county ROW must be granted. The land owner/contractor will maintain construction signage during driveway installation. The county will inspect the driveway staking location provided by the land owner and provide installation expectations. **Note:** All driveway surface material will be of dirt or aggregate material only on county right of way. Hard surface driveways constructed before policy implementation must be identified with approved reflective signage. The land owner will be assessed a \$50 non-refundable application fee along with a \$500 damage deposit to be returned within 45 days of final inspection, less any amount withheld due to road damage.

5. Additional driveway/culverts; cost to landowner.

Any landowner wishing to install driveway/culverts in addition to the required one driveway/culvert per *residence*/quarter section may apply to do so in accordance with section four (4) of this policy. If approved for installation, all installation/future maintenance costs associated with the driveway project shall be borne by the landowner (or lessee with landowner's approval).

6. All culverts; damaged or non-functioning; replacement; responsible party.

The land owner will be responsible for all future driveway/culvert damage and replacement cost, this includes hard surface replacement from property line to road edge.

7. **Inspection; notification to landowner/lessee; effect.**

Roads Department personnel shall make reasonable efforts to give a landowner or lessee notice that an inspection will occur and employees of Seward County (or private contractors/sub-contractors as authorized by Seward County) will be entering their land. Upon the determination that an inspection is needed, per notification from the landowner/contractor directly to the Seward County Roads Department office (402-643-3170) that further installation direction is needed or that the project is complete, reasonable efforts will be made by the Roads Department to complete the inspection within a reasonable time. However, due to the nature of the work and the overall duties of the Roads Department, external factors such as weather or other emergency matters requiring immediate action, inspection within the given date may not be possible.

8. **Non-compliance; effect.**

Upon county awareness of a non-compliant driveway/culvert installation or failure to meet inspection requirements, the county will notify property owners that they will have 30 calendar days to comply. In the event that a landowner/lessee does not comply with the procedures set out in this policy, the Roads Department may be required to repair, modify, alter, or remove said non-compliant driveway/culvert. In such case, the landowner/lessee shall bear *all costs* associated with said repair, modification, alteration, or removal including, but not limited to, materials, labor, and/or equipment costs.

9. **Appeals; procedure; standard of review.**

If a landowner applies for an additional culvert or culverts and is denied a permit for the request(s), he/she may appeal the decision to the Seward County Board. In order to do so, a landowner must contact the Seward County Clerk within fourteen (14) calendar days from the date of the denial and request that the issue be put on the agenda for the next Board meeting (or the one following, depending on the timeliness of the appeal request).

At the Board meeting the landowner will be able to present his/her case through argument and any reasonably related evidence he/she chooses to submit. The superintendent of the Roads Department, or someone designated by him/her, shall be present at said Board meeting and will present the reasons for denial of the request to the Board. This is not a court proceeding and the formal rules of evidence do not apply. The decision rendered by the Board affirming or overturning the denial of the landowner's application for additional culverts shall be deemed final.

Approved by Seward County Board of Commissioners on Dec. 20, 2016.



Signed,



Roger Glauwatz, Chairman
Seward County Board of Commissioners

Date: 12-20-14

ATTEST:



Sherry Schweitzer
Seward County Clerk

Date: 12/20/16