

RESOLUTION AND ORDER

RESOLUTION AND ORDER of the Commissioners Court of Orange County, Texas revising the Orange County Culvert Policy;

WHEREAS, Orange County (the County) is a governmental agency utilizing the authority granted them pursuant to the Texas Transportation Code (251.016. & 251.017.), the Texas Local Government Code 232.003.(5), 232.003.(8).(A), 232.003.(8).(B), (232.007.(c).(1) & 240.901.(c).(3)), the Texas Health & Safety Code (121.003.(a)); and

WHEREAS, the Orange County Commissioners Court have determined there exists a need to revise the current Culvert Policy for Orange County, Texas to preserve public health, safety and welfare of its citizens as well as to prevent damage to public and private property from flooding caused by substandard or improperly installed culvert(s) and the displacement of water due to an excessive amount of culvert(s) being installed on Orange County right-of-way; and

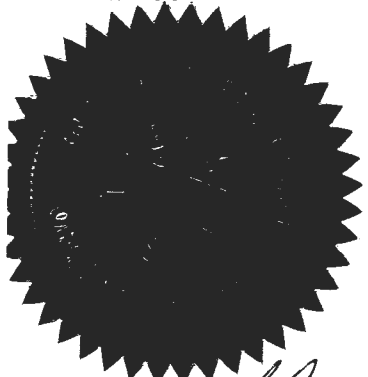
WHEREAS, the Commissioners' Court of Orange County, Texas, has determined, that after proper notice of the time, place and purpose of a meeting open to the public was given, in accordance to the Open Meetings Act, Chapter 551, Texas Government Code, and after soliciting the public's comments, the Court finds that the adoption of the revised regulations is in the best interest of the County and its Citizens; and

WHEREAS, the new Culvert Policy for Orange County, Texas shall preempt all existing policies, rules, regulations and requirements heretofore passed by Orange County Commissioners Court; and

WHEREAS, the attached Policy was approved, confirmed and ratified by Orange County Commissioners Court.

NOW, THEREFORE BE IT RESOLVED, that the Commissioners Court of Orange County, Texas, hereby adopts the attached Policy as the revised Orange County Culvert Policy and Orders it be in full force and effect on and after its date of approval.

PASSED AND APPROVED ON THIS 1st day of June, 2015.



Absent

STEPHEN BRINT CARLTON
Orange County Judge

[Signature]

DAVID E. DUBOSE
Commissioner, Precinct One

[Signature]

BARRY M. BURTON
Commissioner, Precinct Two

[Signature]

JOHN W. BANKEN
Commissioner, Precinct Three

[Signature]

JODY E. CRUMP
Commissioner, Precinct Four

ATTEST:

[Signature]

BRANDY ROBERTSON, Orange County Clerk

ORANGE COUNTY CULVERT/DRIVEWAY POLICY

INSTALLATION OF ANY CULVERT(S) ON COUNTY RIGHT-OF-WAY

1. Permit Application:

Any Person who owns or is under contract to purchase a lot or tract of property within Orange County who desires to install or have installed culvert(s) within an Orange County right-of-way that adjoins their property. The applicant/owner must apply for a permit through the Orange County Road & Bridge Dept. The permit application must be reviewed and approved by Orange County before the applicant/owner can install or have installed culvert(s) on Orange County right-of-way. Each request will be reviewed for approval on case by case basis.

2. Boundary limits/Area covered:

- a) The limits of the regulations herein pertain only to County owned/maintained road right-of-ways. Orange County does not install culvert(s) on any Private, City or State owned/maintained Roads, Highways or Farm to Market road right-of-ways.
- b) The area covered will be limited to portion of Orange County's right-of-way, between the roadway edge to private property (the ditch) and cannot include any portion of private property beyond Orange County's right-of-way.

3. Responsibility:

- a) If a property owner desires to install or have installed culvert within a ditch on Orange County right-of-way, the property owner assumes all responsibility for keeping the inside and ends of said culvert free of any obstructions, where culvert(s) are obstructing the normal flow of water and causing damage to or flooding of the roadway or property, Orange County reserves the right to take any necessary action within any County owned right-of-way to address drainage or similar concerns, including the removal of any culvert(s) causing drainage or other issues.
- b) In the case where it is necessary for Orange County to remove culvert(s) from County right-of-way and there is not sufficient area/space to place said culvert(s) on owners property, Orange County reserves the right to transport said culvert(s) to Precinct Barn location for that area, Property owner will need to coordinate retrieval of said culvert(s) with the Precinct Foreman of their area. (fees may be associated with the removal of said culvert(s)).
- c) If applicant/owner chooses to use concrete, asphalt or other similar material to cover driveway culvert(s) within the County's right-of-way, applicant/owner should take the necessary steps to have expansion joints installed at a minimum of 3 ft. from centerline of culvert(s) each side, in the case where removal of culvert(s) is necessary, Orange County reserves the right to replace the portion of driveway surface removed with any material Orange County deems suitable.

4. Installation:

- a) The applicant/owner may choose to install culvert(s) or have a contractor install the culvert(s) for them. (see permit application for schedule of fees).
- b) Culverts installed on County right-of-way by someone other than the Orange County must be installed at the correct elevation, any installation of culvert(s) on County right-of-way shall be coordinated with the Orange County Road & Bridge Dept. to insure proper installation of culvert(s), this will help to avoid unnecessary removal of improperly set culvert(s) at the applicants/owners expense.
- c) The applicant/owner may choose to have Orange County Road & Bridge Dept. install the culvert(s) for them. (see permit application for schedule of fees).
- d) All fees must be paid in full prior to any work commencing, any special conditions concerning culvert(s) being installed shall be pre-arranged and approved before any work commences.

- e) A representative of Orange County Road & Bridge Dept. will determine the proper size culvert(s) to be installed within any Orange County right-of-way.
- f) Applicant/owner will be responsible for furnishing all culvert(s) to be installed.
- g) Orange County recommends that reinforced concrete or 3/16"+ steel culvert(s) be used for driveways. However, if the applicant chooses to use plastic or metal corrugated culvert(s), the applicant will be required to sign a waiver that states that he or she shall be responsible for correcting any issues that may occur from the use of such culverts. In the event such culvert(s) is damaged and/or obstructing the normal flow of water, Orange County reserves the right to remove said culvert(s). (fees may be associated with the removal of said culvert(s)).
- h) If applicant/owner requests Orange County to install culvert(s), it will be at Orange County's discretion for the type material used, if applicant/owner requests a material that is not normally used by Orange County such as stabilized sand, 60/40, etc..., applicant/owner must purchase and have delivered to job site. Agreement with applicant/owner shall be pre-approved by Orange County prior to beginning the project.
- i) **Residential access:** proof of ownership may be required, access shall be 20.00 ft. in width, Residential Property owners with 100.00 ft. or less of frontage may install culvert up to a maximum of 25.00 ft. of their frontage, Property owners with frontage over 100.00 ft. may install up to a maximum of 25% of their frontage, all culvert are to be supplied by property owner/applicant.
- j) **Commercial access:** Orange County does not install culvert(s) at any commercially or privately owned business or at a location where the intent is to sell, rent or lease any product or goods, including real property for a capital gain. However, culvert(s) may be installed by the owner or a contractor following the guidelines herein. Commercial access shall be a minimum of 20.00 ft. in width, Commercial Property owners with 100.00 ft. or less of frontage may install culvert(s) up to a maximum of 40.00 ft. of their frontage, Commercial Property owners with frontage over 100.00 ft. may install up to maximum of 40% of their frontage, all culvert are to be supplied by property owner/applicant.
- k) **Cleanouts:** Culvert installation greater than 50.00 ft. in length will require cleanouts, the maximum distance between cleanouts shall not exceed 50.00 ft. center to center.
- l) **Watershed:** The installation of culvert(s) shall not for any reason cause the watershed to drain onto a County road or down the edge of such road, necessary steps shall be taken to avoid excess water draining to the roadway.

5. Removal:

Removal of any culvert(s) on Orange County right-of-way by Orange County for any reason, shall subject owner of such culvert(s) to the cost of removal. (see sections 6 ,7 & 8).

6. Modification:

Any modification, alteration or removal of existing culvert(s) installed prior to the adoption of these regulations, shall subject said culvert(s) to the regulations herein.

7. Replacement:

If Orange County determines a culvert(s), installed on Orange County right-of-way need to be replaced and Orange County furnishes the replacement culvert(s), the culvert(s) removed become property of Orange County.

8. Necessity & Assessment:

If Orange County determines that it is necessary to remove a driveway or culvert(s) that serves as the only access to a lot or tract of property and removal of culvert(s) would cause a hardship to owner of said property, Orange County reserves the right to remove and replace said culvert(s) at the expense of the owner, owner will be liable for cost of removal, installation, culvert(s) and materials associated with action(s) performed by Orange County.

9. Variance:

Any variance from the regulations herein shall be reviewed by the Orange County Engineer and may be granted at his/her discretion. (Example, if a variance to the regulations herein would improve drainage or safety issues, impede damage to public or private property, a variance may be granted).

10. Indemnification:

The applicant/owner or any representative of applicant/owner shall hold harmless Orange County, its duly appointed agents and employees against any action "including but not limited to" personal injury or property damage sustained by reason of the exercise of the permit or the regulations herein.

FEE SCHEDULE

PERMIT FEE TO INSTALL CULVERT(S) ON COUNTY RIGHT-OF-WAY BY INDIVIDUAL OR CONTRACTOR

ORANGE COUNTY PERMIT FEE (per driveway/set): \$ 75.00

FEEES FOR ORANGE COUNTY TO INSTALL CULVERT(S) ON COUNTY RIGHT-OF-WAY

DRIVEWAY CULVERTS

ORANGE COUNTY PERMIT FEE (one-time fee per location/driveway): *\$ 75.00

CULVERT INSTALLATION (initial 20 ft.): \$ 600.00
(Includes one 8 yard load of base material, additional base @ \$ 30.00 per yard)

CULVERT EXTENSION (during initial trip, over 20 ft.): \$ 30.00/ft.
(Includes base material at same rate as initial 20 ft., additional base @ \$ 30.00 per yard)

CULVERT INSTALLATION (after initial installation): \$ 30.00/ft.
(Includes base material at same rate as initial 20 ft., requesting party may purchase additional base material from County @ \$ 30.00 per yard)

NON-DRIVEWAY CULVERTS (piping in ditch, includes cover dirt)

ORANGE COUNTY PERMIT FEE (one-time fee per location/set): *\$ 75.00

CULVERT INSTALLATION: \$ 20.00/ft.

*AFTER INITIAL CULVERT INSTALLATION, A \$100.00 FEE WILL BE ASSESSED PER TRIP FOR ANY FUTURE REQUESTS.

Adopted: June 20, 2005

Revised: June 1, 2015

ORANGE COUNTY PERMIT
TO INSTALL CULVERT(S) ON COUNTY RIGHT-OF-WAY

REQUESTING PARTY IS RESPONSIBLE FOR
ANY DRIVEWAY DAMAGE DUE TO THE NEGLIGENCE OF REQUESTING PARTY.

The Undersigned hereby agrees to accept and comply with the terms and conditions set out in the Orange County Culvert Policy for Installation of culvert(s) within Orange County right-of-way.

(Length Limits: Residential= minimum 20.00 ft. access, maximum 25.00 ft. or 25% of property frontage, Commercial= minimum 20.00 ft. access, maximum 40.00 ft. or 40% of property frontage).

(Orange County does not sell or furnish culverts; Requesting party is responsible for providing culverts).

Name: _____ Phone: _____

Address: _____

Address of Culvert Installation: _____

Signature: _____ Date: _____

Typically, new driveways will be installed within 10 working days of final approval. Unusual weather conditions and prior project commitments may cause additional delays. Driveway repairs and add-ons will be scheduled upon equipment availability. All fees must be paid in full prior to work beginning.

Department Use Only		
PERMIT FEE (one- time fee per location):	\$ 75.00	\$ _____
Driveway Culvert (Initial 20 ft.):	\$ 600.00	\$ _____
Trip Charge after initial installation (in addition to per ft. fee):	\$ 100.00	\$ _____
Driveway Culvert Extension _____ ft. @:	\$ 30.00/ft.	\$ _____
Driveway Culvert Replacement/Repair _____ ft. @:	\$ 30.00/ft.	\$ _____
Non-Driveway Culvert(s) _____ ft. @:	\$ 20.00/ft.	\$ _____
Non-Driveway Culvert Replacement/Repair _____ ft. @:	\$ 20.00/ft.	\$ _____
Additional Base Material (per yard):	\$ 30.00/yd.	\$ _____
Date Paid _____ Cash _____ Check# _____	Total:	\$ _____

Completed by: _____

There is a \$25.00 charge for all returned Checks

Adopted: June 20, 2005

Revised June 1, 2015