

LEVEL "C" ROADWAY DESIGNATION RESOLUTION

Number

20-44

WHEREAS, Jasper County desires to classify a certain stretch of roadway on the area service system to provide for a minimal level of maintenance and access by means of a gate or barrier; and

WHEREAS, the County, after consultation with the County Engineer, has the authority to specify certain roads within the County as Area Service "C" roads pursuant to Iowa Code Section 309.57 (2015) see attached reference Document 1 of 1; and

WHEREAS, Jasper County has received a written request from the land owners, requesting that the Level "B" portion of **E 140<sup>th</sup> St S located in Sections 10,11,14, and 15, Township 79 North Range 17 West of the Fifth P.M., Jasper County, Iowa, described as follows: Beginning at the north right of way line of S 48<sup>th</sup> Ave E; thence north to the south right of way line of S 36<sup>th</sup> Ave E** be classified as a Level "C" Area Service Road and gates be installed.


1. **Blading.** Blading or dragging will not be performed on a regular basis.
2. **Snow and Ice Removal.** Snow and Ice removal will not be performed on a regular basis. Sanding and salting will not be performed on a regular basis.
3. **Bridges.** Bridges on Area Service "C" Roads may not be maintained to carry legal loads but will be posted as appropriate to advise of any load limitations.
4. **Weed, Brush, and Trees.** Mowing or spraying weeds, cutting brush and tree removal will not be performed on a regular basis. Adequate sight distances will not be maintained as on a regular road.
5. **Structures** Bridges and Culverts may not be maintained on a regular basis to carry legal loads. Upon failure or loss, the replacement structures will be for traffic thereon.
6. **Road Surfacing.** There will be no surfacing materials applied to Area "C" Service roads.
7. **Shoulders.** Shoulders will not be maintained.
8. **Crown.** A crown will not be maintained.
9. **Repairs.** There will be no repairs on a regular basis.
10. **Uniform Width.** Uniform width for the traveled portion of the road will not be maintained.
11. **Inspections.** Regular inspections will not be conducted.
12. **Gate.** The gate shall be purchased and installed by the County and maintained by the County.

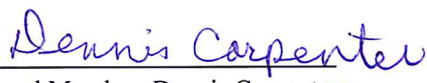
WHEREAS, the only persons who will have access rights to the road shall be:

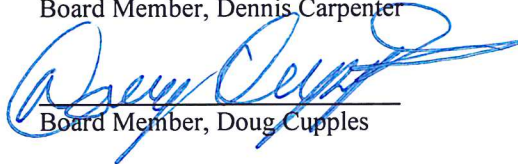
- (1) The owner, lessee, or person in lawful possession of any adjoining land.
- (2) The agent or employee of the owner, lessee or person in lawful possession of any adjoining land.
- (3) Any peace officers.
- (4) Any magistrate.
- (5) Any public employee whose duty it is to supervise the use or perform maintenance of the road.
- (6) Any agent or employee of any utility located upon the road.


THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JASPER COUNTY that this County does hereby establish the road described as an Area Service "C" road, with restricted access and a minimal level of maintenance.

Enacted this 7<sup>th</sup> day of July, 2020

  
Chairperson, Board of Supervisors  
Brandon Talsma

  
Board Member, Dennis Carpenter

  
Board Member, Doug Cupples

Attest:   
Auditor, Dennis Parrott

## Reference 1

### **309.57 Area service classification.**

1. The county board of supervisors, after consultation with the county engineer, and for purposes of specifying levels of maintenance effort and access, may classify the area service system into three classifications termed area service “A”, area service “B”, and area service “C”. The area service “A” classification shall be maintained in conformance with applicable statutes. Area service “B” classification roads may have a lesser level of maintenance as specified by the county board of supervisors, after consultation with the county engineer. Area service “C” classification roads may have restricted access and a minimal level of maintenance as specified by the county board of supervisors after consultation with the county engineer.

2. Roads within area service “B” and “C” classifications shall have appropriate signs, conforming to the Iowa state sign manual, installed and maintained by the county at all access points to roads on this system from other public roads, to adequately warn the public they are entering a section of road which has a lesser level of maintenance effort than other public roads. In addition, area service “C” classification roads shall adequately warn the public that access is limited.

3. Roads may only be classified as area service “C” by ordinance or resolution. The ordinance or resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The county 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, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road. Access to the road shall be restricted by means of a gate or other barrier.

4. Notwithstanding [section 716.7, subsection 2](#), paragraph “b”, subparagraph (2), entering or remaining upon an area service “C” classification 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](#).

5. A road with an area service “C” classification shall retain the classification until such time as a petition for reclassification is submitted to the board of supervisors. The petition shall be signed by one or more adjoining landowners. The board of supervisors shall approve or deny the request for reclassification within sixty days of receipt of the petition.

6. The county and officers, agents, and employees of the county are not liable for injury to any person or for damage to any vehicle or equipment, or contents of any vehicle or equipment, which occurs proximately as a result of the maintenance of a road which is classified as area service “B” or “C” if the road has been maintained to the level required for roads classified as area service “B” or “C”.

[S81, §309.57; 81 Acts, ch [100](#), §1]

96 Acts, ch [1103, §1](#); 2002 Acts, ch [1063, §10](#); 2003 Acts, ch [144, §5](#); 2013 Acts, ch [90, §242](#)



# JASPER COUNTY ENGINEER'S OFFICE

910 N 11<sup>TH</sup> Ave E Newton, IOWA 50208

## Request to Change Road Designation From Level B to Level C

Street: S ~~36th~~ Ave & E 140th St S.  
 Between: S 36th Ave E  
 &: S 48th Ave E  
 Township: Richland  
 Section: 10 - 11 - 14 - 15

### ADJOINING LANDOWNERS

- 641-990-5355
- : Warren Blom (owner)  
 ✓ Signature War Blom Date 6-19-20
  - : GARY P. BEYER  
 ✓ Signature Gary P. Beyer Date 6-19-20
  - : Craig Baarda *prop forward*  
 ✓ Signature Craig Baarda Date 6-19-20
  - : Leonard & Gertrude Maas <sup>danny</sup> *John Ann Kuster*  
 ✓ Signature Marjorie Kramer trustee Date 6-19-2020
  - : \_\_\_\_\_  
 ✓ Signature \_\_\_\_\_ Date \_\_\_\_\_
  - : \_\_\_\_\_  
 ✓ Signature \_\_\_\_\_ Date \_\_\_\_\_

This request is to see if there's interest in changing the designating from level B to level C