

POLICY NO. 93

BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF ST. CLAIR

SUBJECT: Encroachments within the Road Commission Right-of-Way

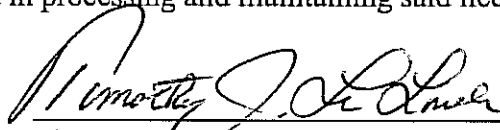
ADOPTED: May 15, 2007

The St. Clair County Road Commission has adopted the following policy pertaining to landscaping and/or encroachments in the right-of-way. The St. Clair County Road Commission reserves the right to deviate from this policy or add additional conditions or requirements, under the following conditions:

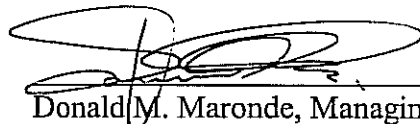
1. That the property owners adjacent to rights-of-way under St. Clair County Road Commission jurisdiction may request permission from the Road Commission to conduct, install, operate, use and/or maintain landscaping or other encroachments within rights-of-way adjoining their property after first obtaining written approval for the alternate landscaping treatment or encroachment desired from the local government body. Only one sign/encroachment will be allowed per property adjacent to the right-of-way, and the sign/encroachment must be for the business located on that property.
2. It is determined by the St. Clair County Road Commission that the proposed landscape and/or encroachment does not create a hazardous condition for the motoring public.
3. At the discretion of the St. Clair County Road Commission, a revocable license may be issued through the St. Clair County Road Commission Special Services Department and shall be subject to conditions as specified by the Road Commission. This revocable license shall be subject to the following provisions as well as any additional conditions specified by the Road Commission:
 - That the right-of-way must be 100' or greater in width;
 - That the landscaping and/or any portion of the encroachment does not extend onto the right-of-way more than 15';
 - That the Road Commission shall reserve the right of access to construct drainage facilities or other appurtenances on and through the rights-of-way without being responsible for damages to the landscaping and/or encroachments under license;
 - That the license is and shall be incapable of being assigned or transferred by licensee to his/her heirs or assigns;
 - That the license shall be revocable at any time for any reason at the discretion of the Board of County Road Commissioners;

- That in the event the Board revokes the license, the landscaping and/or encroachments permitted shall be removed from the right-of-way by licensee on or before a date specified by the Board, its agents, successors or assigns;
- That in the event the licensee fails to remove the landscaping and/or encroachments by the date specified by the Board, the St. Clair County Road Commission or its contractor may remove said landscaping and/or encroachments and licensee shall be responsible for the costs and expenses incurred by the Road Commission therein;
- That in the event that the licensee sells or transfers ownership of the property on which the landscaping and/or encroachment exists, the license will be revoked and the licensee must remove the landscaping and/or encroachment prior to final sale or transfer at licensee's expense;
- That licensee shall provide a continuous surety bond in an amount specified by the Road Commission;
- That licensee shall obtain liability and bodily injury and property damage insurance in the amount of \$1,000,000 comprehensive single limit coverage naming the St. Clair County Road Commission as additional insured and shall agree to other insurance provisions specified by the Road Commission;
- That issuance of license shall be subject to annual Special Services Department fees to be paid by licensee;
- That licensee is responsible for supplying a current certificate of insurance annually and paying the annual fees. If either condition is not met by licensee within 10 days of the expiration date of the certificate of insurance on file with the Road Commission, the license will be revoked and the licensee must remove the landscaping and/or encroachment at the licensee's expense or the licensee shall be responsible for the costs and expenses incurred by the Road Commission for said removal;
- That, if approved, nothing in the license shall be construed to grant any right whatsoever to the licensee except to the consent specifically granted.

Private parties who desire to have a revocable license issued for landscaping and/or encroachments in right-of-way under St. Clair County Road Commission jurisdiction will be responsible for all of the costs involved in processing and maintaining said license.



Timothy LaLonde, Chairman



Donald M. Maronde, Managing Director