

RESOLUTION

RESOLUTION ESTABLISHING A NONDEDICATED SUBDIVISION ROAD MAINTENANCE PROGRAM

WHEREAS, property owners adjacent to Nondedicated Subdivision Road are desirous of receiving assistance in maintaining their roadways; and

WHEREAS, the Illinois Department of Transportation - Road, Bridge and Other Related Laws of Illinois, Article 605 ILCS 5/5-701.15 permit the use of Motor Fuel Tax funds for the maintenance of Nondedicated Subdivision Roads established prior to January 1, 1959; and

WHEREAS, the use of Motor Fuel Tax funds is conditioned in accordance with Illinois Law with proportional matching from property owners along Nondedicated Subdivision Roads; and

WHEREAS, McHenry County it is desirous of assisting property owners along Nondedicated Subdivision Roads established prior to January 1, 1959 for maintenance in accordance with Illinois Law; and

WHEREAS, the Transportation Committee approves of the Nondedicated Subdivision Road Maintenance Program Policy attached hereto and made a part hereof.

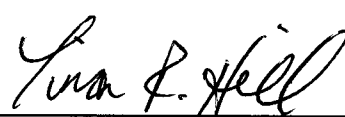
NOW THEREFORE BE IT RESOLVED by the McHenry County Board that the Nondedicated Subdivision Road Maintenance Program is hereby adopted; and

BE IT FURTHER RESOLVED that the deadline for applications for the first year of this program is January 31, 2014; and

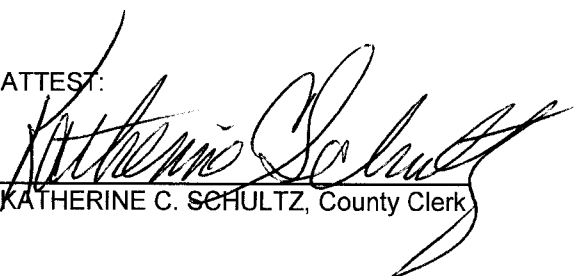
BE IT FURTHER RESOLVED that the County Engineer is hereby directed to distribute a copy of this resolution and program requirements to the affected township highway commissioners in McHenry County; and

BE IT FURTHER RESOLVED that the County Clerk is hereby directed to distribute a certified copy of this resolution to the County Administrator and three certified copies of this resolution to the Director of Transportation/County Engineer, two of which will be forwarded to the Illinois Department of Transportation through its regional engineers office at Schaumburg, Illinois.

DATED at Woodstock, Illinois, this 15th day of October, A.D., 2013.



TINA R. HILL, Chairwoman
McHenry County Board

ATTEST:


KATHERINE C. SCHULTZ, County Clerk

- ATTACHMENTS:**
- NSR Maintenance Program Policy - Final 100213 (PDF)



McHenry County Board

County Board Room
Woodstock, IL 60098

15.2.K.9

Meeting: 10/15/13 07:00 PM
Department: Transportation Committee
Category: General
Prepared By: Jeffrey Young

SCHEDULED

RESOLUTION

DOC ID: 2284

TO: McHenry County Board
FROM: Jeffrey Young
DATE: October 15, 2013
SUBJECT: Resolution Establishing a Nondedicated Subdivision Road Maintenance Program

Board / Committee Action Requested: At the request of property owners along Nondedicated Subdivision Roads located in Algonquin, Dorr, McHenry, and Nunda Townships, the Transportation Committee has directed the Division of Transportation and State's Attorney Office to investigate the use of Motor Fuel Tax Funds towards a road maintenance program.

Background and Discussion: In accordance with Illinois Law, Motor Fuel Tax Funds are permitted to be used towards the maintenance of Nondedicated Subdivision Roads provided a proportional match from the property owners is made per State Statute.

The Transportation Committee has vetted the draft policy during several Committee meetings since the fall of 2012 including a roundtable meeting with Township Highway Commissioners and representatives from effected subdivisions.

The proposed draft policy will need to be reviewed by the State's Attorney Office and the Illinois Department of Transportation before the Transportation Committee's approved policy can be brought forward to the County Board for consideration.

Impact on Human Resources: Depending on the success of the program, additional MCDOT staff may be required to administer the program.

Impact on Budget (Revenue; Expenses, Fringe Benefits): State Statute dictates that the Townships can contribute 50% of their Motor Fuel Tax Funds annually towards the maintenance of Nondedicated Subdivision Roads. Fifty percent (50%) of the Motor Fuel Tax Funds from the three townships of Algonquin, McHenry, and Nunda for 2012 is approximately \$208,000.

The proposed draft County policy states that the County's contribution to the maintenance would not exceed this amount. Therefore, the budget impact to the County's Motor Fuel Tax Fund would be \$208,000 annually. The actual amount is dictated by the 50% amount the Townships could contribute as well as the actual amount matched by the property owners of Nondedicated Subdivision Roads.

Impact on Capital Expenditures: none

Resolution (ID # 2284)

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Impact on Physical Space: Depending on the success of the program, additional staff may require additional space at the MCDOT.

Impact on Other County Departments or Outside Agencies: none

Conformity to Board Ordinances and Policies: conforms to county ordinances and policies

Attachments / Appendices:

- NSR Maintenance Program Policy - Final 100213 (PDF)

HISTORY:

05/15/13	Transportation Committee	RECOMMENDED
10/02/13	Transportation Committee	RECOMMENDED

Nondedicated Subdivision Roads
Maintenance Program Policy
October 2, 2013

1. Introduction and Authority

- a. The use of McHenry County Motor Fuel Tax (MFT) funds for Nondedicated Subdivision Roads (NSR) shall be in accordance with Article 605 ILCS 5/5-701.15 and any other pertinent regulations or laws that apply.
- b. When property owners adjacent to a Nondedicated Subdivision Road (NSR) are desirous of receiving assistance in maintaining their roadway, the following requirements must be adhered to for the maintenance activity to be funded by MFT funds made available to McHenry County through the State of Illinois. The use of MFT funds for NSR's is in accordance with 605 ILCS 5/5-701.15.
- c. The County shall condition its approval upon proportional matching contributions, whether in cash, kind, services or otherwise, by property owners in the subdivision where such a road is situated.
- d. The funding available to the McHenry County NSR Maintenance Program shall be programmed annually as part of the MCDOTs' 5-Year Highway Improvement Program as approved by the County Board.
- e. A resolution shall be passed annually by the County Board appropriating the funds for the NSR Maintenance Program.

2. Procedures

- a. Application
 - i. The property owner(s) shall make application to McHenry County for assisting in maintenance activities.
 - ii. A maintenance activity may include, but is not limited to, snow and ice removal, road grading, shoulder grading, ditch grading, pot hole patching, graveling, seal coating, tree trimming and removal, pavement marking, Hot Mix Asphalt (HMA) paving and sign replacement/repair.
 - iii. All activities shall comply with the Americans with Disabilities Act (ADA).
 - iv. The application made by the property owner(s) must be filed prior to June 1st of each year to McHenry County.

b. Funding

- i. The NSR may apply for matching County MFT funds up to the amount applied for and received from the Township funds.
- ii. The NSR contribution may be in cash, kind, services or otherwise as allowed under State Statute. The NSR contributions shall be reviewed by McHenry County to confirm all contributions comply with the McHenry County Procedure Manual and all State and Local regulations and laws.
- iii. The annual MFT appropriated amount by McHenry County shall not exceed the township's contribution for NSR established prior to July 23, 1959 annually.

Funding Example

NSR property owners Group "A" has committed to providing \$300 in cash for maintenance activities on their NSR. Group A also has two people complete the Inspection Certification class and performs inspection services as permitted totaling \$200 in services. The total contribution from Group "A" is \$500. Group "A" then applies for and receives \$500 from Township "B". Group "A" may then apply for and receive \$500 from County MFT. The total funds received from Township "B" and the County for the NSR which Group "A" is looking to maintain is \$1,000.

c. Work Performed

- i. Neither McHenry County forces nor McHenry County contractual work shall be used in the NSR Maintenance Program.

d. Inspection and Certification

- i. Any NSR accepting McHenry County MFT funds shall follow McHenry County's procedure manual on the acceptable types of road maintenance and reporting requirements necessary for final payment.
- ii. McHenry County and/or NSR shall inspect and certify all work performed and materials used confirming that all requirements are met before payment is made by McHenry County.

e. Disbursement of Funds

- i. Payment shall be made upon acceptance by McHenry County of inspection and certification of the work performed and materials used by McHenry County and/or NSR in accordance with McHenry County procedures.
- ii. McHenry County shall issue payment to the appropriate parties from the County MFT funds.