

Resolution Number 4/3/05.

**Amherst Township Resolution Regarding:**  
**Ditch Enclosure & Driveway Approach Culvert Regulations per Ohio Revised Code § 5571.02**

The Board of Trustees of Amherst Township, Lorain County, Ohio met in regular session on the 12<sup>th</sup> day of April 2005 at the Amherst Township Hall with the following members present:

(Presence indicated by a ✓ mark)

✓ Mr. Dennis Abraham

✓ Mr. Neil Lynch

✓ Mr. David Urig

Mr. Abraham moved to adopt the following resolution:

**Whereas;** the Amherst Township Trustees wish to protect the health, safety and welfare of the residents of Amherst Township and the General Public traveling on township roads, and

**Whereas;** ORC §5571.02, places township roads under the control of the trustees and requires them to keep them in good repair, and

**Whereas;** Incidental to the authority granted in ORC §5571.02 goes the duty to see that roads are drained, and for this purpose tile or ditches may be installed, and

**Whereas;** ORC §5571.16, authorizes the board of township trustees to require any person to obtain a permit before installing a driveway culvert or making any excavation in a township highway or highway right-of-way within its jurisdiction, except an excavation to repair, rehabilitate, or replace a pole already installed for the purpose of providing electric or telecommunications service, and

**Whereas;** ORC §5571.16, further authorizes the board of township trustees to require the applicant to indemnify the township against liability or damage as the result of the installation of the culvert or as a result of the excavation, and

**Now, therefore be it resolved by the Trustees of the Township of Amherst, State of Ohio:**

**Section 1:** Any landowner who wishes to enclose a ditch or install a drive tile, shall apply for a permit and pay fees set by the Board of Trustees.

**Section 2:** Upon adoption of this resolution, the Ditch Enclosure & Driveway Culvert permit fee shall be **\$50.00**. A check made payable to Amherst Township shall be provided with the permit. Applications for permits shall be made to the township clerk upon forms to be furnished by the board. The permit fee shall be returned to the applicant if the application is denied

**Section 3:** To ensure proper road drainage, township employees, or contractors authorized by the township, shall perform the work specified in the permit application. In addition,

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the township will specify materials and methods of excavation, refilling, and resurfacing to be followed

**Section 4:** The permit applicant shall indemnify the township against liability or damage as the result of the installation of any culvert or tile, or as a result of any excavation or ditch enclosure.

**Section 5:** The permit applicant shall pay all cost to install any culvert or tile. The township Road Superintendent shall make an estimate of the installation cost. The cost rates upon which these estimates are based may be modified from time to time by the trustees, and shall be reviewed on an annual basis at the trustee organizational meeting.

**Section 6: Rescission**

This resolution shall supercede any previous resolutions specifying rules ditch enclosures and driveway culvert installation.

**Section 7:** Effective Date – May 1, 2005.

Mr. Lynch seconded the Resolution, and the roll being called upon its adoption, the vote resulted as follows:

<b>Trustee</b>	<b>Yes (√)</b>	<b>No (√)</b>
Mr. Dennis Abraham	√	
Mr. Neil Lynch	√	
Mr. David Urig	√	

Adopted \_\_\_\_\_ April 12, 2005  
Mr. John Koval, Township Clerk Date

**CERTIFICATE OF RECORDING OFFICER**

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the resolution adopted by the Board of Trustees held on the 12<sup>th</sup> day of April 2005, and that I am duly authorized to execute this certificate

\_\_\_\_\_  
(original signature) Amherst Township Clerk  
(title)