

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 31 -2012

AN ORDINANCE ADOPTING THE PROVISIONS OF THE INDIANA DEPARTMENT OF TRANSPORTATION (“INDOT”) DRIVEWAY PERMIT MANUAL (1996 VERSION) WITH RESPECT TO PROPOSED STREET CUTS ON ROADS RELINQUISHED BY INDOT TO CLARK COUNTY PURSUANT TO CONTRACTUAL AGREEMENT.

WHEREAS, this Board of Commissioners of Clark County, Indiana (this “Board”), is the executive body of Clark County government pursuant to the provisions of IC 36-2-2-2, and also the legislative body of such government pursuant to the provisions of IC 36-1-2-9; and,

WHEREAS, the Indiana Department of Transportation (hereinafter “INDOT”) relinquished control of certain roads and bridges to Clark County by agreement dated July 8, 2012, entitled *Road Transfer Memorandum of Agreement between the Indiana Department of Transportation and the County of Clark, Indiana concerning the Transfer of Portions of S.R. 111, 160, 203, 311, 403, and Old S.R. 60X, and S.R. 62X Bridges over Silver Creek* (the “Relinquishment Agreement”), the provisions of which are incorporated herein by reference; and,

WHEREAS, street cuts onto the roads and bridges relinquished by the Relinquishment Agreement were subject to the provisions of the INDOT Driveway Permit Manual (1996 Version) (the “Driveway Permit Manual”), a true and correct copy of which is attached hereto and incorporated herein as Exhibit “1”; and,

WHEREAS, this Board finds that the provisions of the Driveway Permit Manual should continue to apply to the roads and bridges relinquished to Clark County by the Relinquishment Agreement due to the volume of the traffic and resulting safety concerns regarding such roads; and,

WHEREAS, this Board now adopts this Ordinance for purposes of causing the roads and bridges relinquished to Clark County by the Relinquishment Agreement to remain subject to the requirements of the Driveway Permit Manual.

NOW, THEREFORE, BE IT ORDAINED by this Board of Clark County Commissioners as follows:

1. Relinquished Roads and Bridges. This Ordinance shall apply to the following roads and bridges relinquished to Clark County pursuant to the Relinquishment Agreement (the “Relinquished Roads”):

A. The portion of existing S.R. 111: From the Floyd Co. Line (@RP 34+14) northerly to SR 60 (@RP 35+94). (See Exhibit A to Relinquishment Agreement). *Total 1.8 centerline miles/3.6 lane miles.*

B. The portion of existing S.R. 160: From U.S.31 (@RP 18+19) southeasterly to S.R. 403 (@RP 26+55) which includes the bridge (See Exhibit B to Relinquishment Agreement):

- i. over Miller Fork (STR # (160)39-10-03234, NBI # 28170), 0.22 mile E. of US 31;
- ii. over Silver Creek (STR # 160-10-05847, NBI # 28180), 1.44 miles E. of US 31;
- iii. over Sinking Fork (STR # 160-10-05848, NBI # 28190), 3.8 miles E. of US 31;
- iv. over Sugar Run (STR # 160-10-05849, NBI # 28200), 2.66 miles w. of SR 403.

Total 8.36 centerline miles/16.72 lane miles.

C. The portion of existing S.R. 203: From SR 3 (@RP 0+00) to S.R. 362 (@RP 0+77). (See Exhibit C to Relinquishment Agreement). *Total 0.77 centerline miles/1.54 lane miles.*

D. The portion of existing S.R. 311: From the Floyd County Line northerly to US 31, which includes the signal @ old SR 60 (No. 01-010058). (See Exhibit A to Relinquishment Agreement). *Total 2.22 centerline miles/5.78 lane miles.*

E. The portion of existing S.R. 403: From US 31 (@RP 00+00) to SR 3 (@RP 5+54) which includes the Bridge over Silver Creek (STR # 403-10-01941A, NBI # 32000). (See Exhibit D to Relinquishment Agreement). *Total 5.54 centerline miles/11.08 lane miles.*

F. The Old SR 60X (Hamburg Pike) bridge over Silver Creek (STR#(60X)060-10-05336A/NBI 21570), located 0.5 miles west of US 31. (See Exhibit E to Relinquishment Agreement).

G. The Old SR 62X (Brown Station Way) bridge over Silver Creek, (STR#(62X)-62-22-04278B/NBI#22340), located 0.58 miles west of Lewis & Clark Parkway (old SR 131). (See Exhibit F to Relinquishment Agreement).

Total Overall Mileage Transferred - 18.69 centerline miles/38.72 lane miles.

2. Applicability of Driveway Permit Manual. The provisions, requirements, fees, and penalties established by the Driveway Permit Manual shall continue to apply in full force and effect to the Relinquished Roads to the same extent as if Clark County had initially drafted and adopted the Driveway Improvement Manual instead of INDOT. In interpreting, applying, and enforcing the Driveway Improvement Manual with respect to the Relinquished Roads, Clark County, acting by and through this Board, shall be substituted at every place in which INDOT or the "Department" is referenced in the Driveway Improvement Manual. All fees and penalties

collected pursuant to the Driveway Permit Manual shall be placed into an account established or to be established by this Board for the use and benefit of the Clark County Highway Department.

3. Amendment to this Ordinance. This Board reserves the right to subsequently amend this Ordinance by adding additional roadways or bridges under the jurisdiction of Clark County, whether by virtue of relinquishment from INDOT or otherwise, as being subject to the provisions of the Driveway Improvement Manual.

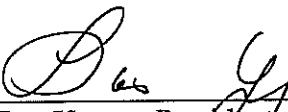
4. Effective Date of Ordinance. This Ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

So Ordained this 13th day of September, 2012.

Members voting "NO":

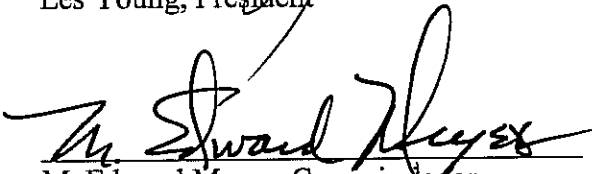
Members voting "YES":

Les Young, President



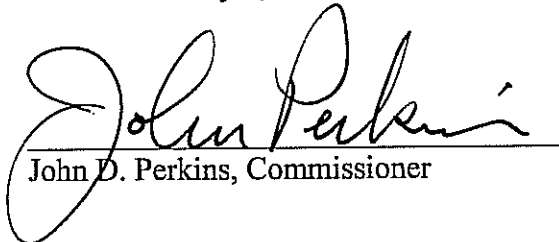
Les Young, President

M. Edward Meyer, Commissioner



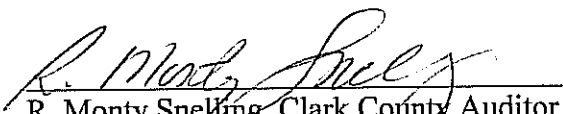
M. Edward Meyer, Commissioner

John D. Perkins, Commissioner



John D. Perkins, Commissioner

Attested by:



R. Monty Snelling, Clark County Auditor