

## RESOLUTION 061-2023

## *Adopting Roadway Excavation and Driveway Culvert Policy*

Cuyahoga County, Ohio

**Be It Resolved by the Township Trustees of Olmsted Township**

WHEREAS, this date, June 14, 2023, Trustee Zver  
moved the adoption of the following Resolution:

**WHEREAS**, it is deemed advisable to establish a uniform policy for the handling of roadway excavations and driveway culvert installations, and;

**WHEREAS**, such policy will include a uniform procedure for applications and the elimination of roadside ditch obstructions.

**NOW THEREFORE**, it is hereby RESOLVED by the Board that:

Pursuant to R.C. 5571.16, the Board of Trustees hereby adopts the Olmsted Township Driveway Culvert Policy.

Trustee Kriss seconded the Motion, and thereupon, the votes in favor of this Resolution were recorded and reflected by the signatures hereto.

**BE IT FURTHER RESOLVED:** that it is hereby found and determined that all formal actions of this Board of Township Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted the 14<sup>th</sup> day of June, 2023.

Jeri J. Jones  
Kiley S.  
Deborah K. Koen  
Township Trustees

Attest: Brian W. Gottschall  
Township Fiscal Officer

**OLMSTED TOWNSHIP DRIVEWAY CULVERT POLICY**  
Olmsted Township, Cuyahoga County, Ohio

Authorization from the Township Service Department is required before excavation in a township road right-of-way or before anyone places or installs any length of pipe or culvert within the right-of-way of a township road, or other public roadway under the control of the township, for driveway purposes.

The placement of pipe within the right-of-way of a township road shall generally be restricted to providing driveway access, ingress and egress. Thus, as a general rule, the township will no longer authorize the placement of pipe for the closure of a roadside ditch. Based upon experience, the closure of roadside ditches frequently produces obstructions or other conditions which adversely impact the proper drainage of township roads and presents other water quality concerns. Any roadside ditch elimination or pipe existing prior to the adoption of this policy may be replaced by the property owner, upon submission of an application consistent with this policy and so long as the replacement otherwise conforms to the standards herein. Furthermore, the township may authorize the installation of other roadside pipe on a case-by-case basis, subject to express conditions.

A permit must be obtained from the Township Service Department, upon payment of an administrative fee of \$50.00 set by the Board of Trustees. The property owner may be required to obtain a permit from the Cuyahoga County Engineer, or other county department, as well.

Applications for a permit under this policy shall be made to the Township Fiscal Officer, 7900 Fitch Road, Olmsted Township, Ohio 44138 (Phone: 440-235-3051), using the accompanying form. In addition, each applicant shall provide:

- (A) Plans indicating the location, size, type, and duration of the culvert or excavation contemplated;
- (B) Specification of the methods of excavation, refilling, and resurfacing to be followed; and
- (C) Description of the use of warning devices necessary to protect travelers on the highway (unless the work is to be performed by the Township).

The applicant for a roadside culvert permit shall post a deposit or bond with the Township Fiscal Officer, with sureties to the satisfaction of the Board, conditioned upon the performance of all conditions in the permit. The deposit or bond shall be in the amount of \$500.00 (or as otherwise required by the Board); however, the posting of a deposit or bond is waived if the work is performed by the Township.

Each owner of land abutting a township road is required to construct and keep in repair suitable approaches and roadside culverts to provide drainage of township roads. In the event the Board of Trustees determines any roadside pipe or culvert installed and maintained by a property owner to be in a state of disrepair, an obstruction to the proper drainage of a township road, or otherwise constitutes a nuisance, the abutting property owner may be ordered to remove such obstruction or replace any such deteriorated or insufficient culvert. Should an existing culvert in need of repair or replacement be covered with a concrete approach or apron, the property owner will be responsible for providing a suitable saw cut and for removal of a sufficient quantity of concrete to allow access to the culvert or pipe.

The materials, fill, required dimensions of pipe, as well as the size and number of catch basins and clean-outs (if applicable), will be determined by the Service Director or designee. All applicable standards and specifications set by the Service Department for an installation must be satisfied. Any specifications from the Cuyahoga County Engineer, if applicable, must also be satisfied. In the event of any conflict between a specification fixed by the County Engineer and the Service Department, the County requirement shall control.

Unless work is performed by the Township Service Department, all installations must be inspected by the Service Director or designee before the pipe and structures are backfilled.

Following installation, the property owner shall remain responsible for all maintenance of the pipe, catch basin and other structures, to ensure proper roadway drainage.

A property owner is not required to have a new driveway culvert or replacement installed by the Township Service Department. However, driveway culverts will be installed by the Service Department, subject to the following conditions:

1. The property owner (or other applicant) must pay the cost of the pipe and other facilities or materials, including catch basins as needed. These costs must be paid at the time of permit approval and before any work will be undertaken or materials supplied. The Township will source and acquire the necessary materials, facilities and supplies for the project.

2. The Township will provide the labor for setting the pipe. If additional backfill material is required, the property owner must supply the material or, otherwise, reimburse the Township for actual costs.

3. Finish grading, seeding and any stone or asphalt for driveway apron purposes, is solely the responsibility of the property owner. No concrete shall be used for a driveway apron or approach which will hinder easy access to driveway culvert pipes.

4. The property owner (or other applicant) must acknowledge notice of this policy and acceptance of these conditions.

**OLMSTED TOWNSHIP**  
**APPLICATION FOR ROADSIDE CULVERT PERMIT**

Property Owner=s Name and Address:

---

---

---

Property Address (if different):

---

---

---

Description of work to be performed:

---

---

Provide a sketch of the project:

---

---

The applicant agrees to perform such work in compliance with the Specifications received from the Service Department and/or County Engineer, and further agrees to indemnify the Township against liability or damage as the result of the installation of the culvert or as a result of the excavation.

Pipe Diameter Required:

Culvert/Pipe Length:

Number of Catch Basins:

Size of Catch Basins:

Size/Location of Clean Outs:

No concrete is permitted for resurfacing

Other Specifications:

---

Township Review/Approval:

Owner Approval

Service Director/Designee

Signature

Date

Date

**(CULVERT INSTALLATION AGREEMENT)**  
**AUTHORIZATION FOR INSTALLATION OF DRAINAGE PIPE**  
**FOR ROADWAY DRIVEWAY PURPOSES**

The undersigned, \_\_\_\_\_, owner(s) of the property located at and known as \_\_\_\_\_ in Olmsted Township, Ohio, hereby authorize(s) Olmsted Township, the Board of Township Trustees and its Service Department to install culvert or pipe on and across the undersigned's property, parallel to the \_\_\_\_\_ edge of the property/roadway, in the location approximated on the drawing attached hereto as Exhibit 1.

The culvert or pipe installed under the terms of this Authorization shall be approximately \_\_\_\_\_ (size), not to exceed \_\_\_\_\_ in width, \_\_\_\_\_ in length, and not to exceed \_\_\_\_\_ in depth. The purpose of this installation is to:

---

---

The undersigned agrees to pay all costs associated with the purchase of the pipe and any other facilities called for in the installation, together with the costs of backfill in excess of the amount provided by the Township. The Township will provide all labor for the installation without cost.

It is the responsibility of the undersigned to locate and identify for the Township any personal drain connections which serve the property for tie-in to the culvert or pipe being installed. The Township is not responsible for any tie-in connections which are not expressly identified prior to construction and is not responsible for any resulting damage, expense or loss.

I hereby grant Olmsted Township, the Board of Township Trustees, the Township Service Director and their agents full consent to enter upon the property for purposes of installing the pipe or culvert, and I agree to be bound by the Township specifications and policies. After completion of installation, maintenance of the facilities shall be the responsibility of the undersigned or any assigns.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Witnessed by:

---

Signature

---

Printed Name

---

Signature

---

Printed Name

**OLMSTED TOWNSHIP**  
**INSPECTION REPORT FOR ROADSIDE CULVERT INSTALLATION**

Property Owner=s Name and Address:

---

---

---

Property Address (if different):

---

---

---

Date of Inspection: \_\_\_\_\_

Description of Work Performed:

---

---

---

---

Work and Installation Approved:     Yes     No

If The Work or Installation is Not Approved, Describe Failing Condition:

---

---

Fiscal Officer is Authorized to Release the Deposit or Bond:     Yes     No

\_\_\_\_\_  
Service Director/Designee

\_\_\_\_\_  
Date

5571.16 Obtaining permit before installing driveway culvert or making excavation in township highway or highway right-of-way.

The board of township trustees, by resolution, may 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. The board, as a condition to the granting of the permit, may do any of the following:

- (A) Require the applicant to submit plans indicating the location, size, type, and duration of the culvert or excavation contemplated;
- (B) Specify methods of excavation, refilling, and resurfacing to be followed;
- (C) Require the use of warning devices it considers necessary to protect travelers on the highway;
- (D) 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;
- (E) Require the applicant to post a deposit or bond, with sureties to the satisfaction of the board, conditioned upon the performance of all conditions in the permit.

Applications for permits under this section shall be made to the township fiscal officer upon forms to be furnished by the board. Applications, including, but not limited to, a single application for an excavation project to install six or more poles for the purpose of providing electric or telecommunications service or to install a pole associated with underground electric or telecommunications service, shall be accompanied by a fee of up to fifty dollars per application, which fee shall be returned to the applicant if the application is denied. Except as otherwise provided in this section, no application or fee shall be required for an excavation project to install five or fewer poles for the purpose of providing electric or telecommunications service, but the person making that excavation shall provide verifiable notice of the excavation to the township fiscal officer at least three business days prior to the date of the excavation.

No person shall install a driveway culvert or make an excavation in any township highway or highway right-of-way in violation of any resolution adopted pursuant to this section, except that, in the case of an emergency requiring immediate action to protect the public health, safety, and welfare, an excavation may be made without first obtaining a permit, if an application is made at the earliest possible opportunity.

As used in this section, “person” has the same meaning as in section 1.59 of the Revised Code, and “right-of-way” has the same meaning as in division (UU)(2) of section 4511.01 of the Revised Code.

Effective Date: 03-31-2003; 12-20-2005; 9-28-2016.