



LaSalle County Roadway Policy

1.1 Right of Way Request and Road Qualification Process

- A. An individual seeking to have an existing private road considered as being potentially suitable for acceptance by LaSalle County as a public right of way shall send a letter to the County Commissioner in whose precinct the proposed roadway lies requesting their willingness to donate necessary right of way for the roadway. The letter shall include the name, property identification, and mailing address of each property owner whose land will be burdened by the potential county roadway, and must provide a single designated contact person for the County. The minimum acceptable right-of-way width shall be 60 feet in accordance with the LaSalle County Subdivision Rules and Regulations unless a greater width is needed to properly construct and maintain the road, or the minimum width is waived in writing by action of the Commissioners Court. After initial review of the proposed county right of way by the Commissioner, and upon a favorable recommendation from the Commissioner to the Commissioners Court, the affected property owners shall execute a dedication of right of way on the form attached to this policy statement.
- B. The LaSalle County Commissioners Court (LSCC) may elect to grant a variance on the 60' minimum right of way width if it meets one of the following conditions:
1. It is determined that additional ROW is not necessary for drainage purposes, or the anticipated use of the ROW is not reasonably believed to require 60' of right of way. In this case, it will not be necessary to convey land sufficient to prepare drainage capable of meeting 100-year storm requirements in the roadside ditches, but the paving of the roadway may not cause increased drainage problems.
 2. It is determined that there are significant legacy trees lining the roadway that must be removed to accommodate the 60' minimum ROW requirement. This will particularly apply if the existing trees are primarily in the fence line, and their removal would eliminate the entire tree buffer between the roadway and the adjacent property.
 3. It is determined that the existing ROW is acceptable for safe roadside conditions, including adequate clear space from obstructions, reasonable ditch slopes, and acceptable sight distances.
 4. Significant existing utilities will require relocation at the expense of the County in order to accommodate the minimum 60' ROW width.
 5. The cost of acquisition of the remaining ROW (beyond the required ROW donation) exceeds the estimated cost of paving the roadway to LaSalle County Standards.
- C. If less than 100% of adjacent property owners burdened by the proposed right of way are willing to donate the ground necessary for the roadway, but either 90% or more of the total linear distance of the frontage on a county road or 90% of the residents along the road indicate a willingness to dedicate ROW, the project may proceed with approval of the LSCC. The purchase of the remaining 10% of the ROW may be negotiated with the owners with approval of the LSCC. If after the negotiation to purchase the ROW an agreement cannot be reached, the remaining ROW may be obtained through condemnation proceedings, if approved by the LSCC. If the LSCC does not approve condemnation proceedings, the project must be placed on hold.
- D. If less than 90% are willing to dedicate the following three options are available:
1. The Precinct Commissioner may direct that additional letters be sent out and the request reasserted in an attempt to gain more positive responses.

2. The required ROW may be purchased from the adjacent property owners still unwilling to donate with approval of the LSCC provided funds are available.
3. If the requested ROW cannot be obtained by donation or purchase from the owners, the LSCC must authorize the initiation of any condemnation procedure.

2.1 Criteria for Acceptance:

- A. The LSCC in its discretion and in the interest of public health, safety and welfare, may consider acceptance of the roadway after considering the following criteria:
 1. The number of homes / landowners fronting the road and utilizing the road for ingress and access to their property;
 2. The number of average daily trips associated with the road;
 3. The number of vehicle accidents associated with the road;
 4. Whether the road is on a school bus route;
 5. The nature and extent of any drainage problems associated with the road;
 6. The estimate costs to relocate existing utilities;
 7. The estimated future maintenance costs associated with the road;
 8. The estimated construction costs to upgrade the existing roadway to County Standards including drainage improvements;
 9. Whether the road interconnects to another existing County Road or state or federal improved roadway;
 10. Whether the property necessary for the roadway has clear title and clear of any liens;
 11. Whether those individuals seeking to dedicate the right of way hold fee simple title to the property necessary for the roadway.

3.1 Plan Preparation and ROW Acquisition Process:

- A. Once a County Road is determined to meet the County criteria and is prioritized, the LSCC will then make arrangements for preparation of legal descriptions of the existing ROW, the ROW to be acquired, boundary survey and topographic surveys.
- B. After the surveys are completed, the County may shall have construction plans prepared and will determine if additional easements beyond the 60-foot of ROW will be required for drainage improvements. All plans shall be prepared in accordance with the requirements and processes set forth in the LaSalle County Subdivision Rules and Regulations.
- C. The County Commissioner shall coordinate with the County legal counsel for the preparation of all right-of-way donation documents and/or condemnation documents. The documents pertaining to the parcels of land of owners that are willing to donate their right-of-way will then be sent out for execution and recordation. Condemnation proceedings will begin for the remainder of the parcels when such action is required by the LSCC.
- D. Once all right-of-way has been obtained, the LSCC may authorize the County Engineer to perform the following:
 1. The County Commissioner or authorized representative may:
 - a. Amend the County Inventory maps and inventory;
 - b. Oversee the day to day construction activities of the maintenance and construction crews from start of project to its finish;
 - c. Ensure that the project is constructed in accordance with the plans and construction staking and ensure that the work meets all County standards;
 - d. Provide inspection services throughout the project and maintain copies of all material testing or density test reports;
 - e. Inform the LSCC of any deficiencies cited in the test reports;
 - f. Report all field changes for inclusion in as-built plan sets.