



MIKE LESPERANCE
HIGHWAY COMMISSIONER

July 8, 2015

Ladies and Gentleman,

In this packet of information you have received are the general requirements to bring your non-dedicated road into the township road district. This new County resolution still requires the County D.O.T. Committee to write the guidelines for the program.

So while we can begin the process, we have no idea at this point when we can take the next step. Please check the Nunda Township Road District website at www.nundaroaddistrict.com for updates.

For now if you are interested in moving forward with the program, please complete the petition and return to my office.

Very Truly Yours,

Mike Lesperance
Highway Commissioner

RESOLUTION

RESOLUTION SUPPORTING THE ESTABLISHMENT OF A NONDEDICATED SUBDIVISION ROAD CONSTRUCTION PROGRAM

WHEREAS, in the public and economic interest of McHenry County it is desirable that Nondedicated Subdivision Roads established prior to January 1, 1959, be constructed or reconstructed in a manner adequate for present traffic and said roads and streets accepted by the township road district and/or the most appropriate public jurisdiction allowed by law for all future maintenance and improvements; and

WHEREAS, through surveys conducted, there is a desire for at least 23 miles of Nondedicated Subdivision Roads to become part of a public jurisdiction; and

WHEREAS, the County Board wishes to establish a new program, "Nondedicated Subdivision Road Construction Program" to help bring all Nondedicated Subdivision Roads into a public jurisdiction; and

WHEREAS, the McHenry County Division of Transportation currently only funds road paving as part of the "Nondedicated Subdivision Road Paving Program" which also requires a matching contribution from a township and subdivision; and

WHEREAS, a new "Nondedicated Subdivision Road Construction Program" would be funded by the McHenry County Division of Transportation and shall not require a match from a township or subdivision unless required by law; and

WHEREAS, a new "Nondedicated Subdivision Road Construction Program" would be funded by the McHenry County Division of Transportation and will include any construction activity required for inclusion into a public jurisdiction and will replace the "Nondedicated Subdivision Road Paving Program"; and

WHEREAS, a new "Nondedicated Subdivision Road Construction Program" construction activity is defined as, but is not limited to, design engineering, construction engineering, plat of highways, signs, tree pruning/removal/replacement, permits, shoulders, curb and gutter, storm sewer, culverts, gravel sub base, full depth asphalt paving, and property acquisition; and

WHEREAS, a the Transportation Committee will establish the operation, process and implementation of the new "Nondedicated Subdivision Road Construction Program"; and

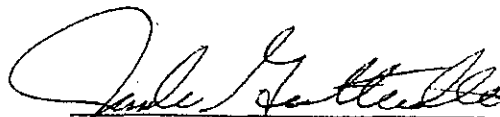
WHEREAS, a new "Nondedicated Subdivision Road Construction Program" would be funded by the McHenry County Division of Transportation in an amount of \$280,000 for 2015, \$2,500,000 for 2016, \$2,500,000 for 2017, \$2,500,000 for 2018 and \$280,000 for 2019 with non-spent funds rolling over each year into the budget of the program until the program is terminated or the funds are transferred by the Transportation Committee and/or the County Board.

NOW THEREFORE BE IT RESOLVED by the McHenry County Board that the Transportation Committee establish a new "Nondedicated Subdivision Road Construction Program"; and

BE IT FURTHER RESOLVED that said program shall be funded by the McHenry County Division of Transportation with \$280,000 for 2015, \$2,500,000 for 2016, \$2,500,000 for 2017, \$2,500,000 for 2018 and \$280,000 for 2019 with non-spent funds rolling over each year into the budget of the program until the program is terminated or the funds are transferred by the Transportation Committee and/or the County Board; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized to distribute a certified copy of this Resolution to the Director of Transportation/County Engineer and one copy to be sent to each of the 17 township highway commissioners.

DATED at Woodstock, Illinois, this 16th day of June, A.D., 2015.



Joseph Gottemoller, Chairman
McHenry County Board

ATTEST:



Mary E. McCrellan, County Clerk

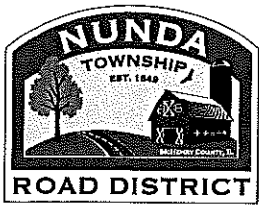
PETITION TO
THE HIGHWAY COMMISSIONER OF
NUNDA TOWNSHIP ROAD DISTRICT
ON THE ALTERATION AND ACCEPTANCE OF A ROAD

We, the undersigned, legal voters who reside in the Nunda Township Road District (the "District") located in the County of McHenry and the State of Illinois petition the Highway Commissioner of the District to alter to the extent necessary for inclusion in and incorporation into the District, based upon its uniqueness, and otherwise accept, the road which is described as:

We also designate _____ (print name) of
_____ (print address)

to speak on our behalf as the principal proponent of this petition.

<u>Signature</u>	<u>Address</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____



Here To Serve

MIKE LESPERANCE
HIGHWAY COMMISSIONER

Inclusion of Roads In
And
Incorporation of Roads Into
The
Nunda Township Road District

This paper serves to respond to various questions received by the personnel of the Nunda Township Road District (the "District") on the inclusion of roads in and the incorporation of roads into the District. As with any such matter, the reader is advised to consult his or her own attorney on the issues discussed in this paper. Any and all points set forth in this paper are set forth in general terms and are subject to the law of the State of Illinois, the County of McHenry and the District.

Inclusion / Incorporation

In general, the inclusion of a road in and the incorporation of a road into the District is governed by Section 6-325 of the Illinois Highway Code. 605 ILCS 5/6-325. Under this section, roads must conform to the rules, specifications, and regulations regarding location, width, grades, surface and drainage structures, prepared by the McHenry County Superintendent of Highways and adopted by the McHenry County Board.

However, in certain unique situations, a road can be included in and otherwise incorporated into the District, providing it is altered to otherwise fit into the structure of the District.

Alteration of a Road

In general, the alteration of a road is controlled by Division 3 of Article 6 of the Illinois Highway Code. The process begins with a least 5% of the legal voters of the Road District, or 12 legal voters, whichever is less, filing a petition with the Highway Commissioner of the District, praying for the alteration of such road. 605 ILCS 5/6-303. The petition must set forth a description of the road. Id.

Upon the receipt of a petition praying for the alteration of a road, the Highway Commissioner fixes a time when and a place where he will examine the route of the road and hear reasons for or against the alteration. 605 ILCS 5/6-305. The Highway Commissioner is obligated to give at least ten days' written notice of the time and place of such examination and hearing to the county superintendent of highways and to any municipality which is affected by such action occurring within its planning area, and by publication in at least one newspaper

published in the District or, in the absence of such published newspaper, in a least one newspaper in general circulation in the district. Id.

At such "meeting," the Highway Commissioner decides and publicly announces whether he will grant or refuse the prayer of the petition, and shall endorse upon or annex to the petition a brief memorandum of his decision. Id. The memorandum is signed by the Highway Commissioner and filed within five days in the office of the Clerk of the District. Id. Additionally, the Highway Commissioner sends a copy of his memorandum to the County Superintendent of Highways and any affected municipality. Thereafter, or in conjunction with said meeting, a final hearing is held if all damages have been released, all surveys and plats are made, and there are no objectors. Id. However, if there are objectors, a separate final hearing must be held. Id.

To the extent there is disagreement over the decision of the Highway Commissioner, an appeal may be taken under Section 6-306 of the Illinois Highway Code. 605 ILCS 5/6-306.

Upon the entering of a preliminary order, the Highway Commissioner is charged with causing a survey and plat of such road to be made by a competent surveyor who reports such survey and plat to the highway commissioner, giving the courses and distances and specifying the land over which such road is to pass. 605 ILCS 5/6-307. The Highway Commissioner may make changes between the ends of the road as the convenience and interest of the public, in his judgment, require. Id.

As to damages, unless damages are released by the adjoining land owners, a hearing shall be held on the same. 605 ILCS 5/6-308. Upon receipt of a petition, the Highway Commissioner would like to know whether the adjoining property owners will release damages concerning the vacation of the alley in question. To the extent such damages can be released, the alteration will be expedited. Upon receipt of the names of each of the owners of the adjoining property, along with an understanding as to their intention to release damages, the Highway Commissioner will have releases prepared for execution. If damages are not released, they would be ascertained at a public hearing. 605 ILCS 5/6-311.

Following the entry of a preliminary order following the hearing on the alteration, the release of and/or hearing on damages, and the entry of a final order, the final order is recorded with the office of the McHenry County Recorder and filed in the office of Clerk of the District.

From start to finish, this process typically takes between six and eight weeks.

To Begin the Process

To begin the process, the Highway Commissioner must receive a fully executed petition which requests the alteration and acceptance of a road, and a fully executed reimbursement of fees agreement which will cover the fees and costs which relate to the petition. Copies of these forms may be obtained from the Office of the Highway Commissioner. In addition, a survey will

be needed; if none is provided, the Highway Commissioner would acquire a survey from the District's engineer.

Should there be any questions, please contact the Highway Commissioner. Thank you.

The Nunda Township Road District will not accept any road into its jurisdiction unless it is contiguous to a public road.

Mike Lesperance
Highway Commissioner