

ACCESS MANAGEMENT REGULATIONS FOR CLINTON COUNTY, OHIO

BOARD OF CLINTON COUNTY COMMISSIONERS

David R. Stewart, President
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Adopted: April 13, 2009

PREPARED BY:

CLINTON COUNTY ENGINEER'S OFFICE

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Adoption

These regulations are adopted by resolution of the Board of County Commissioners on April 13,
2009 after public hearings were held on April 6, 2009 and April 13,
2009.

CLINTON COUNTY BOARD OF COUNTY COMMISSIONERS

1) David R Stewart

2) [Signature]

3) Andy Riley

Date: 4-13, 2009

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ARTICLE 1

Title, Purpose, Authority and General Provisions

SECTION 1.01 TITLE.

This Resolution shall be known and may be cited as the Access Management Regulations of Clinton County, Ohio, except as referred to herein as the "Resolution".

SECTION 1.02 PURPOSE.

These Access Management Regulations are adopted for the purposes of promoting traffic safety and efficiency, maintaining proper traffic capacity and traffic flow, reducing vehicular collision frequency, minimizing the future expenditure of public revenues, and improving the design and location of access connections to county and township roads while at the same time providing necessary and reasonable ingress and egress to properties along those roads.

This Board of County Commissioners finds and determines that these regulations establish the minimum standards necessary to properly manage access to county and township roads in Clinton County and to carry out the purpose and intent of Ohio Revised Code Chapter 5552.

SECTION 1.03 AUTHORITY.

These regulations are adopted pursuant to the authority granted to Boards of County Commissioners by Ohio Revised Code Chapter 5552.

SECTION 1.04 APPLICABILITY.

These regulations shall apply to all access connections designed or intended for motor vehicle, bicycle, equestrian or pedestrian use to county or township roads constructed on or after the effective date of these regulations. They shall also apply to all existing access connections for the purposes described in this Article whenever the land use or the access classifications of such existing access connections change or whenever the existing access is upgraded by reconstruction, relocation, modification, or expansion.

These regulations do not apply to the original approval of platted major subdivisions governed by the Clinton County Subdivision Regulations. They do apply to minor subdivisions approved without a plat under the procedure contained in Ohio Revised Code 711.131 and to any point of access from a parcel of land not otherwise subject to regulation under Ohio Revised Code Chapter 711.

SECTION 1.05 VALIDITY AND SEVERABILITY.

The invalidation of any clause, sentence, paragraph, or section of these Standards by a court of competent jurisdiction shall not affect the validity of the remainder of these Standards, either in whole or in part.

SECTION 1.06

EFFECTIVE DATE.

The effective date of these regulations is May 14, 2009.

ARTICLE 2

Administration and Enforcement

SECTION 2.01 IMPLEMENTATION AND ADMINISTRATION.

The Clinton County Engineer is responsible for implementing and administering these regulations.

SECTION 2.02 ENFORCEMENT.

- A. If any driveway is installed contrary to these Regulations, the County Engineer shall notify the property owner in writing. Such written notice shall be sent by certified mail, return receipt requested; or, if certified mail is returned marked refused or undeliverable, the County Engineer may send written notice by ordinary U.S. mail to satisfy this requirement. The notification shall identify the problem with the driveway and establish a 30-day period for the property owner to correct the problem. If the problem is not corrected within 30 days of issuance of written notice, the County Engineer may block access at the point that it enters a public road right-of-way.
- B. In addition, in accordance with the Ohio Revised Code Section 5552.99, the Clinton County Engineer may cause a misdemeanor charge to be filed in criminal court having proper venue, and whoever violates any provision of these Regulations shall be fined upon conviction not more than five hundred (\$500.⁰⁰) dollars for each offense. This provision, however, shall not be construed as an exclusive remedy superseding or affecting the enforcement authority provided in Section 2.02(C) below.
- C. In addition, the Clinton County Engineer may refer any violation of these Regulations to the Clinton County Prosecuting Attorney to initiate civil proceedings in the name of the Clinton County Engineer seeking injunctive relief to abate any existing or future violations of these Regulations and compensatory damages. This provision, however, shall not be construed as an exclusive remedy superseding or affecting the enforcement authority provided in Section 2.02(B) above, and / or other legal or equitable remedy available under law.

SECTION 2.03 RELIEF FROM PERSONAL RESPONSIBILITY.

The Clinton County Engineer, his/her employee(s), agents and/or representatives charged with the authorization and enforcement of the Resolution, while acting for the County of Clinton, shall not thereby render himself/herself liable personally, and he/she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her official duties. Any suit instituted against any officer or employee, agent and/or representative because of an act performed by such individual in lawful discharge of his/her duties and under the provisions of this Resolution shall be defended by the legal representation of the County until the final termination of the proceedings. In no case shall the Clinton County Engineer, his/her employee(s), agents and/or representatives along with any elected or appointed official of the County of Clinton, and any of its employee(s), agents and/or representatives be liable for the costs in any action, suit, or proceedings that may be instituted in pursuance of the provisions of this Resolution; and any officer acting in good faith

and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his/her official duties in connection herewith.

ARTICLE 3

Permits and Approvals

SECTION 3.01 PRELIMINARY ACCESS APPROVAL.

- A. Prior to any lot split approval, the Clinton County Engineer shall issue a preliminary access approval. The preliminary access approval will indicate those locations along the lot for which access is acceptable and in conformance with these regulations. The preliminary access approval shall be issued within seven (7) working days following submission of all the information required by these regulations.
1. **Procedure.**
 - a. The County Engineer shall view the survey or the proposed lot split and inspect the site of the split.
 - b. The County Engineer shall make an evaluation of proposed driveway locations based on sight distance and the Minimum Access Connection spacing as required by these Regulations.
 - c. If all access connection spacing and sight requirements are met, the County Engineer shall issue a preliminary access approval consisting of a signature on the survey. If all connection spacing and sight requirements are not met, the County Engineer shall not issue a preliminary access approval and the lot split shall not be permitted until the survey has been reconfigured to comply with the requirements of these Regulations.
- B. For preliminary access approval or for access permit issuance when no preliminary access approval was required, the Clinton County Engineer may require any or all of the following information be provided or shown on either a survey plat or other accurate drawing prepared by a Registered Professional Engineer or Registered Professional Surveyor:
1. Distances from the side property lines to the nearest adjacent driveways and their use.
 2. Location of the nearest driveways across from the property and their use.
 3. Location of any and all existing driveways on the property and their use.
 4. Required driveway spacing per these Regulations.
 5. Location of proposed driveways.
 6. Other information as required by the Clinton County Engineer such as, but not limited to:
 - d. Available sight distance (SSD) per Ohio Department of Transportation criteria.
 - e. Required sight distance (SSD) per Ohio Department of Transportation criteria.

SECTION 3.02 ACCESS PERMITS.

- A. Prior to the issuance of a building permit or the construction of a driveway, the Clinton County Engineer shall issue an Access Permit. The Permit will be for access at a location for which a Preliminary Access Approval was previously granted or at a location that is otherwise in conformance with these Regulations. In those situations where no Preliminary Access Approval was issued, the Clinton County Engineer may require submission of the Preliminary Access Approval information.

- B. Access permits shall only be issued after all provisions of these Regulations have been met and for access connections that are in conformance with the performance standards of these Regulations.
- C. Permits issued may include interim or temporary permits and shall prescribe the permitted uses and any limitations or conditions of the permit as well as the access classification. New permits are required whenever the land use or the access classifications of existing driveways change or whenever existing driveways are upgraded, including widening.
- D. For Intermittent Volume and Very Low Volume driveways, Access Permits shall be issued or denied within seven (7) working days following submission of all information required by these Regulations.
- E. For all other driveway classifications, Access Permits shall be issued or denied within fourteen (14) working days following submission of all information required by these Regulations.
- F. An Access Permit fee as established by the Board of Commissioners to cover the cost of administering these Regulations shall accompany the access permit application.
- G. Access Permits shall expire if the driveway is not constructed within twelve (12) months of the date of access permit issuance. In cases where the Access Permit has expired, a new application must be submitted.
- H. In accordance with the Ohio Revised Code 5543.16, the owners of land shall construct and keep in repair all approaches or driveways from public roads under the direction of the County Engineer.
- I. A new Access Permit will be required whenever any of the following apply:
 - 1. When driveway upgrades are proposed;
 - 2. When significant increases (>150%) in trip generation are planned or occur for the driveway;
 - 3. If the use served by the driveway discontinues for a consecutive period of 2 years;
 - 4. When there is a change of land use of the property; or
 - 5. When there is a change of access connection classification.

ARTICLE 4

Variances and Appeals

SECTION 4.01 BOARD OF APPEALS.

The Board of Commissioners hereby designates the Executive Board of the Clinton County Regional Planning Commission to act as the appellate board for these Access Management Regulations. The appellate board shall hear and decide variances to these regulations in accordance with the standards of this Article. It may also hear appeals where it is alleged that the Clinton County Engineer, his/her employee(s), agents and/or representatives made an error in any order, requirement, decision or determination in the enforcement of these access management regulations. This provision, however, shall not be construed as an exclusive remedy superseding or affecting the enforcement authority provided in Section 2 (above) or any other legal or equitable remedy available under law.

SECTION 4.02 VARIANCES.

Variances may be granted by the appellate board for all classes of driveways. Variances are appropriate if not contrary to the public interest where, owing to special conditions, a literal enforcement of the regulations will result in unnecessary hardship. Variances shall be such that the intent of the regulations will be observed and substantial justice done.

In the granting of variances, the appellate board may consider granting the variance if all of the following are satisfied:

- A. Granting the variance would not endanger the public safety.
- B. Granting the variance would not hinder traffic safety or the proper operation of the public road.
- C. Not granting the variance would deny all reasonable access.
- D. The hardship was not self-created.
- E. All feasible access options except granting a variance have been considered.
- F. Granting the variance would be consistent with the purpose of these regulations.
- G. The variance is in conformance with any adopted Comprehensive Plan.

The applicants for variances may provide evidence of unique or special conditions that make the strict application of these regulations impractical or impossible. Such evidence may show:

- A. Indirect or restricted access cannot be obtained.
- B. No engineering or construction solutions can be applied to mitigate the condition.
- C. No alternative access is available.

All applications for variances shall be made on the form provided and accompanied by the fee established by the Board of County Commissioners. Variances shall be filed within thirty (30) days of the County Engineer's decision.

The Board shall meet within thirty (30) days after the filing of the variance shall render its decision in writing within thirty (30) days of the conclusion of the hearing.

Appeals to decisions of the Board of Appeals for Access Management shall be in accordance with Chapter 2506 Revised Code of Ohio.

SECTION 4.03 APPEALS.

All applications for appeals shall be made on the form provided and accompanied by the fee established by the Board of County Commissioners. Appeals shall be filed within thirty (30) days of the County Engineer's decision.

The Board shall meet within thirty (30) days after the filing of the appeal and shall render its decision in writing within thirty (30) days of the conclusion of the hearing.

Appeals to decisions of the Board of Appeals for Access Management shall be in accordance with Chapter 2506 Revised Code of Ohio.

ARTICLE 5

Access Classification

SECTION 5.01 DRIVEWAY ACCESS CLASSIFICATIONS.

Driveways shall be classified according to their purpose, use, and the number of trips which they generate in accordance with the following parameters:

A. Temporary Access.

1. Temporary drives may be permitted when permanent access requirements cannot be met subject to the following limitations:
 - a. Temporary driveways, when permitted, shall be constructed as required by the Clinton County Engineer's Office.
 - b. Temporary driveways will not be permitted as the primary access on single-family residential property.
 - c. Temporary driveway permits shall be valid for a period of 12-months and shall be renewable by application at the discretion of the Clinton County Engineer's Office.

B. Intermittent Volume (IV) Driveway.

1. Field drive;
2. Utility drive.

C. Very Low Volume (VLV) Driveway.

1. Any use that generates less than 10 trip ends in the peak hour.
2. Farm drive providing access to structures which are agricultural in nature;
3. Single family residential drive;
4. Residential drives serving three or fewer residences;
5. Designated walking, jogging, biking or equestrian trails.

D. Low Volume (LV) Driveway.

1. Any use that generates greater than 10 but less than 50 trip ends in the peak hour;
2. Four or more residential dwelling units.

E. Medium Volume (MV) Driveway.

1. Any use that generates greater than 50 but less than 100 trip ends in the peak hour.

F. High Volume (HV) Driveway.

1. Any use that generates 100 or more trip ends in the peak hour.

SECTION 5.02 ROADWAY ACCESS CLASSIFICATIONS.

Roadways are to be classified according to the most current ADT counts on file with the Clinton County Engineer's Office; however, in no case shall the count be considered to be less than the most current count on file with the Clinton County Engineer's Office as of the effective date of adoption of these regulations.

A. Minor Local Roads.

1. **Definition.** A roadway that is primarily intended to provide access to abutting properties. It tends to accommodate lower traffic volumes, serves short trips (generally within neighborhoods), and provides connection preferably only to collector streets rather than arterials.
2. **Criteria.** Any roadway with less than 400 ADT.

B. Major Local Roads.

1. **Definition.** A roadway that is primarily intended to provide access to abutting properties. It tends to accommodate lower traffic volumes, serves short trips (generally within neighborhoods), and provides connection preferably only to collector streets rather than arterials.
2. **Criteria.** Any roadway with greater than 400 ADT but less than 1000 ADT.

C. Minor Collector Roads.

1. **Definition.** A roadway similar in function to a major collector but which carries lower traffic volumes over shorter distances and has a higher degree of property access. Minor collectors may serve as main circulation streets within large, residential neighborhoods. Most minor collectors are also township roads and streets and may or may not be through streets.
2. **Criteria.** Any roadway with greater than 1000 ADT but less than 1500 ADT.

D. Major Collector Roads.

1. **Definition.** A roadway that provides for traffic movement between local roads / streets and arterials or community-wide activity centers and carries moderate traffic volumes (between 1500 and 5000 ADT) over moderate distances (generally less than one mile). Major collectors may provide direct access to abutting properties, such as regional shopping centers, large industrial parks, major subdivisions and community-wide recreational facilities, but typically not to individual residences. Most major collectors are also county road and are therefore through streets.
2. **Criteria.** Any roadway with greater than 1500 ADT but less than 5000 ADT.

E. Arterials.

1. **Definition.** Arterials are intended to provide a greater degree of mobility rather than land access; consequently it is important that access points be minimized. Arterials generally convey more than 5000 vehicles per day for distances greater than one mile. An arterial is a roadway that is of regional importance and is intended to serve high volumes of traffic travelling relatively long distances within and even beyond the County. It may connect

urban centers with one another and/or with outlying communities and employment or shopping centers. An arterial is intended primarily to serve through traffic, and access should be controlled.

2. **Criteria.** Any roadway with greater than 5000 ADT.

F. Limited / Controlled Access Freeways and Expressways.

1. **Definition.** The highest type of arterials highways, always divided, designed for relatively un-interrupted, high-volume mobility between cities and other major areas with full control of abutting land access and with a mixture of intersections (at grade) and interchanges (grade-separated). "Access Management" on limited access freeways and expressways is related to the number and spacing of interchanges and intersections. Proposals for additional interchanges and intersections will be subject to exhaustive study to assure that that the capacity of the existing expressway or freeway is not degraded.
2. **Criteria.** Any roadway with full prohibition of abutting land access.

ARTICLE 6

Standards

SECTION 6.01 STANDARDS.

The arrangement, character, extent, width, grade, and location of all access connections shall conform with these Regulations and shall be considered in their relation to existing and planned roads, streets and driveways, topographical conditions, and public convenience and safety and the proposed uses of the land to be served by such access connections.

The requirements of these Regulations vary depending on the road classification as defined herein.

The provisions of any existing or future Access Management Plan prepared for a specific road or portion of a road shall apply. The applicable requirements of the *Clinton County Zoning Resolution* (most current edition), the *Subdivision Regulations for Clinton County* (most current edition) and the *Construction Methods and Technical Specifications of the Clinton County Engineer* (most current edition) shall also apply.

SECTION 6.02 GENERAL.

- A. All driveways or driveway upgrades shall meet or exceed the requirements of these Regulations. The location of all access connections shall permit adequate horizontal and vertical sight distance as specified in the *Ohio Department of Transportation, Location and Design Manual* (most current edition) based on the stopping sight distance for the legal speed limit at the location of the driveway.
- B. If there are access connection spacing problems associated with the proposed drive locations, a designated location may be required to be shown on the survey.
- C. If there are sight distance problems associated with the proposed drive locations, a designated location may be required to be shown on the survey.
- D. Existing driveways that do not conform with these Regulations shall be considered non-conforming driveways and shall be brought into conformance with these Regulations under the following conditions:
 - 1. When new access permits are requested or required;
 - 2. When driveway upgrades are proposed;
 - 3. When significant increases (>150%) in trip generation are planned or occur for the driveway;
 - 4. If the use served by the nonconforming driveway discontinues for a consecutive period of 2 years;
 - 5. When there is a change of land use of the property; or
 - 6. When there is a change of access connection classification.

- E. To the greatest extent possible developments shall incorporate unified access and circulation systems. Where a proposed development abuts to and connects, through internal circulation, to an existing subdivision or development that has access to a public roadway, the proposed development shall, when necessary based upon a Traffic Impact Study, upgrade the existing roadways.
- F. When a new driveway or driveway upgrade is permitted, the property owner(s) shall eliminate all pre-existing non-conforming driveways upon completion of the new driveway or driveway upgrade as required by the County Engineer. No new driveways or driveway upgrades shall be permitted for parcels or contiguously-owned parcels where access rights have been previously extinguished or acquired by a governmental body.
- G. The County Engineer shall require a Traffic Impact Study for any High Volume driveway and may require a Traffic Impact Study for any Medium and Low Volume driveways.

SECTION 6.03 INTERSECTION TO ACCESS CONNECTION SPACING.

The distance from an access connection on either side of the roadway to the nearest intersection of a public road shall be equal to or greater than the minimum spacing required for that roadway classification / access classification combination.

In no case shall the intersection to access connection spacing for VLV, LV and MV drives be required to be greater than 450 feet.

At a minimum, intermittent drives shall be located at least 150 feet from the nearest intersection.

SECTION 6.04 ACCESS REQUIRED TO BE ON LOWER CLASSIFICATION ROADWAY.

No new driveways or driveway upgrades shall be permitted along a roadway from parcels or contiguously owned parcels where access is available or can be made available from a lower classification road or street.

SECTION 6.05 RIGHT-IN / RIGHT-OUT ACCESS.

Right-in / right-out access may be permitted at a spacing lower than otherwise permitted in locations where a Traffic Impact Study shows that the proposed right-in / right-out access will not result in a degradation of the capacity or level of service of the roadway.

SECTION 6.06 LEFT TURN, RIGHT TURN, & CENTER TURN LANES.

Left-turn lanes, right-turn lanes and center turn lanes may be required based upon recommendations of a Traffic Impact Study.

SECTION 6.07 OPPOSING ACCESS CONNECTIONS.

Proposed roadways shall, where possible, align with opposing roadways.

Proposed driveways shall, where not in conflict with sight distance or access connection spacing requirements, align with opposing driveways.

SECTION 6.08 DRIVES IN CURVES.

Drives shall not be permitted to be located in a curve with a radius less than 200 feet.

Where a drive is permitted to be located within a curve with a radius greater than 200 feet, it shall intersect as nearly as possible with the centerline of the roadway at a right angle.

SECTION 6.09 CIRCLE DRIVES.

Circle drives shall be permitted only for Very Low Volume (VLV) drives. Circle drives shall be considered to be a single access point. For required spacing requirements, the location of the drive shall be considered to be the center of the legs of the circle drive. The distance between the two legs of the circle drives shall be a maximum of 150 feet apart and a minimum of 50 feet apart. Circle drive permits shall only be issued in locations where both legs of the circle drive meet sight distance requirements.

SECTION 6.10 COMMON DRIVES.

Common access driveways and/or cross access or through access easements may be permitted where sight distance requirements cannot be met. Common drives will only be permitted where a filed survey shows a cross access easement and only after a signed common access easement agreement (sample included in Appendix "A") has been recorded in the Clinton County Recorder's Office.

SECTION 6.11 EXISTING LOTS OF RECORD.

These Regulations shall not prevent existing lots of record from having not more than one (1) IV, VLV and LV access point. Additional access points and higher volume connections shall be required to be in conformance with these Regulations.

SECTION 6.12 TRAFFIC IMPACT STUDIES.

Traffic Impact Studies (TIS) shall be in accordance with the most current edition of the *State Highway Access Management Manual* (most current edition) as published by the Office of Traffic Engineering of the Ohio Department of Transportation as well as any requirements as detailed in the *Subdivision Regulations of Clinton County* (most current edition). The Clinton County Engineer's Office reserves the right to revise the scope of the impact study. Changes in traffic volume in excess of 150% of the volume of trip ends approved under the Traffic Impact Study may necessitate a new study.

SECTION 6.13

MINIMUM ACCESS SPACING TABLE.

PROPOSED ACCESS CONNECTION	EXISTING ROADWAY CLASSIFICATION						
		Minor Local	Major Local	Minor Collector	Major Collector	Arterial	Limited / Controlled Access
	IV Drive	TBD	TBD	TBD	TBD	TBD	Prohibited
	VLV Drive (<10 TPH)	150	300	450	600	750	Prohibited
	LV Drive (10-50 TPH)	300	450	450	600	750	Prohibited
	MV Drive (50-100 TPH)	300	450	600	TIS	TIS	Prohibited
	HV Drive (>100 TPH)	TIS	TIS	TIS	TIS	TIS	Prohibited
	Minor Local (<400 ADT)	TIS	TIS	TIS	TIS	TIS	TIS
	Major Local (400-1000 ADT)	TIS	TIS	TIS	TIS	TIS	TIS
	Minor Collector (1000-1500 ADT)	TIS	TIS	TIS	TIS	TIS	TIS
	Major Collector (1500-5000 ADT)	TIS	TIS	TIS	TIS	TIS	TIS
	Arterial (>5000 ADT)	TIS	TIS	TIS	TIS	TIS	TIS

TIS = Traffic Impact Study as scoped and approved by the Clinton County Engineer's Office.

TBD = To be determined by the County Engineer. Minimum access connection spacing to be determined on a case-by-case basis by the Clinton County Engineer's Office.

TPH = Trips per hour (peak hour)

ADT = Average Daily Traffic

SECTION 6.14

MINIMUM ACCESS SPACING GUIDELINES.

- A. **Intermittent Drives.** Field drives shall be located no closer than 150 feet to an intersection and no closer than 60 feet to an adjacent drive. The end of all drive culverts shall not extend past a property line.
- B. **Very Low Volume Driveways, Low Volume Drive, and Medium Volume Drives.** No more than two (2) VLV, LV, or MV drives shall be permitted on a single parcel. The end of all drive culverts shall not extend past a property line. For purposes of access spacing requirements, IV drives shall not be considered to be an access connection.

C. High Volume Driveways. The end of all drive culverts shall not extend past a property line. For purposes of access spacing requirements, IV drives shall not be considered to be an access connection.

ARTICLE 7

Definitions

Article 1400 Definitions of the *Subdivision Regulations of Clinton County* are incorporated by reference into these regulations to the extent not inconsistent with the above definitions.

ADT	Average Daily Traffic. The average 24-hour volume of vehicles at a given location over some period of time greater than 24-hours.
Construction Methods & Technical Specifications	The <i>Construction Methods and Technical Specifications of the Clinton County Engineer</i> as enacted and amended by the Clinton County Board of Commissioners.
Driveway	An access connection other than from another public road or street which permits access to or from the road or street by vehicles, equipment, cars, trucks, buses, motorcycles, bicycles, pedestrians, or horses or other animals, for the purpose of crossing the road or street or accessing the road or street.
Dwelling Unit	Space within a building comprising living, dining, sleeping and storage rooms as well as space and equipment for cooking, bathing, and toilet facilities.
Easement	A non-possessing interest held by one or more person(s) in land of another whereby the first person(s) is accorded partial use of such land for one or more specific purpose(s) such as but not limited to ingress/egress. An easement restricts but does not abridge the rights of the fee owner to the use and enjoyment of his land.
Field Drive	A driveway, which provides seasonal access to <u>unimproved</u> agricultural lands and principally used by farm equipment.
Intersection Sight Distance	The measure of the line of sight, both horizontally and vertically, that allows the drivers of both vehicles at or approaching an intersection to see each other in time for necessary decision-making or avoidance maneuvers. Intersection Sight Distance shall be as defined in the most recent edition of the <i>Location and Design Manual</i> of the Ohio Department of Transportation.
Lot of Record	A parcel of property that is recorded in the Office of the Clinton County Recorder as part of a subdivision or as a metes and bounds description.
Lot Split Approval	The process of approving Minor Subdivision (Lot Splits) in accordance with the <i>Clinton County Subdivision Regulations</i> as authorized by Ohio Revised Code 711.131.

Roadway Access Connection	An access connection from another public road or street which permits access to or from another road or street by vehicles, equipment, cars, trucks, buses, motorcycles, bicycles, pedestrians, or horses or other animals, for the purpose of crossing the road or street or accessing the road or street.
Stopping Sight Distance	The distance required by a driver of a vehicle, traveling at a given speed, to bring the vehicle to a stop after an object on the roadway becomes visible. Stopping Sight Distance shall be as defined in the most recent edition of the <i>Location and Design Manual</i> of the Ohio Department of Transportation.
Subdivision Regulations	The <i>Clinton County Subdivision Regulations</i> as enacted and amended by the Clinton County Board of Commissioners.
Traffic Impact Study	A study of the traffic impacts of a proposed access connection on the adjacent and surrounding road system and the transportations improvements /needs required to accommodate it.
Utility Drive	A driveway that provides access to public or quasi-public utility facilities.

APPENDIX "A"

THE FOLLOWING FORM OR "SAMPLE ACCESS AGREEMENT" IS PROVIDED BY THE CLINTON COUNTY, OHIO ENGINEER AND IS PRESENTED SOLELY FOR USE AS AN EXAMPLE OF A DOCUMENT THAT ADDRESSES SOME ISSUES THAT MAY BE OF CONCERN FOR OWNERS OF PROPERTY WHO SHARE A COMMON ACCESS DRIVEWAY (CAD). THE "SAMPLE CROSS ACCESS EASEMENT" FORM PRESENTED HEREIN SHOULD NOT BE USED BY ANY PERSON(S) FOR ANY LEGAL PURPOSES. THE CLINTON COUNTY, OHIO ENGINEER IS NOT PERMITTED TO GIVE LEGAL ADVICE NOR DOES THE CLINTON COUNTY ENGINEER INTEND TO MAKE ANY REPRESENTATION THAT THE FOLLOWING "SAMPLE CROSS ACCESS AGREEMENT" CONFORMS TO ANY LEGAL REQUIREMENTS. ANY PERSON(S) CONSIDERING THE NEED AND/OR CREATION OF A "CROSS ACCESS AGREEMENT" OR SIMILAR OR RELATED DOCUMENT SHOULD CONSULT WITH HIS/HER/THEIR OWN SEPARATE LEGAL COUNSEL.

SAMPLE CROSS ACCESS AGREEMENT

THIS AGREEMENT is made and entered into by and between the owners of the following described real estate:

(insert descriptions, lot numbers, etc.)

for the purpose of providing for and insuring the proper use and continuing maintenance, repair, and upkeep of the Common Access Driveway constructed to serve the above real estate. The Common Access Driveway (CAD) is a PRIVATELY constructed, PRIVATELY owned, and PRIVATELY maintained driveway for which the County Engineer accepts NO responsibility for plan review, approval, and construction inspection and for which the County and Township accept NO responsibility for maintenance, either initially or at any time in the future.

The CAD shall be used for ingress and egress purposes as follows:

(insert proposed uses, limitations, etc.)

The following covenants, agreements, restrictions and reservations shall run with the real estate described above and shall be binding upon and shall inure to the benefit of all subsequent grantees, their respective heirs, successors, and assigns.

- 1) Each lot or parcel (regardless of the number of owners of said lot) which is served by the Common Access Driveway shall be entitled to one vote (hereinafter referred to as a "Lot Vote"). All decisions as to the extent of maintenance, repair and upkeep, or the need for such maintenance, repair, and upkeep of the Common Access Driveway (CAD) shall be governed by a majority of the Lot Votes.
- 2) The terms "maintenance", "repair", and "upkeep" as used in this instrument shall be interpreted in their broadest sense. The terms include, but shall in no way be limited to, snow removal replacement of stone or gravel, paving or cementing the driveway, the removal of obstructions

and overhangs from the driveway as needed, tar and chipping, dust control, grass and weed control, and ditch maintenance, including all associated labor, materials, and equipment costs.

- 3) Relative to the total expense for maintenance, repair, and upkeep of the CAD, each respective lot shall be responsible for and is hereby charged with the following percentage of the total expense:

(insert percentage)

- 4) The CAD shall, at all times, be free from obstruction of any kind so as to allow for the proper passage of public safety vehicles. All trees, overhanging branches, or other obstructions to the free passage of public safety vehicles shall be removed and shall be kept removed and maintained at all times.
- 5) If any owner of a lot institutes maintenance, repair, or upkeep procedures without the prior authority of a majority of the Lot Votes, said owner shall be responsible for payment in full of such maintenance, repair, or upkeep procedures, regardless of whether or not said procedures benefit the CAD.
- 6) For all said purposes, the owner(s) of record of a lot shall be the owner(s) of the Lot Vote (one vote per Lot) and said Vote may not be assigned or transferred without the prior written consent of the other owners of Lot Votes.
- 7) The owners of the Lot Votes shall be entitled to establish procedures for the providing of maintenance, repair, or upkeep of the CAD as a majority of said Lot Votes deem fit. Nothing in this Agreement shall prevent a Lot Vote from being exercised by proxy.
- 8) This Maintenance Agreement may be modified so long as said modification is in writing, approved by unanimous consent of all Lot Votes, and that said modifications shall not be in conflict with the Common Access Driveway regulations of Clinton County. All modifications shall be recorded in the Clinton County Recorder's Office.
- 9) If the parties are not able to agree as to what expenses for maintenance, repair, or upkeep are necessary, the issue in dispute shall be submitted to binding arbitration. Except as provided herein, arbitration shall be pursuant to the provisions of Chapter 2711 of the Ohio Revised Code as then enacted.

Within fifteen days after a party to this Agreement has given written notice to the other of demand for arbitration of said dispute or controversy, the parties to the dispute or controversy shall each appoint an arbitrator and give notice of the appointment to the other. Within a reasonable time after such notices have been given the arbitrators so selected shall select a neutral arbitrator as chairperson and give notice of the selection thereof to the parties. The arbitrators shall hold a hearing within a reasonable time from the notice of selection of the neutral arbitrator. In any event, the hearing shall be held within 60 days after appointment of the arbitrators, unless the parties agree in writing to an extension of time. Expenses of the arbitration shall be shared equally by the parties to this Agreement.

10) All remedies, legal and equitable, shall be available to all owners of the Lot Votes to provide for the proper enforcement of the regulations, agreements or arbitration awards established, including the collection of unpaid costs due as charged each lot.

Signed this _____ day of _____, 20____.

Signed:

Notarized:

Owner Lot ____.

Notarized:

Owner Lot ____.