



**RIGHT-OF-WAY APPLICATION**  
**46 RAVENNA STREET, SUITE D-3**  
**HUDSON, OHIO 44236-3099**  
**330-342-1790 • 330-656-1753 • FAX 330-342-1880**

Visit our Website at [www.hudson.oh.us](http://www.hudson.oh.us)

**PROJECT ADDRESS:** \_\_\_\_\_ **SUBDIVISION:** \_\_\_\_\_

**SUBLOT #:** \_\_\_\_\_ **ZONED:** \_\_\_\_\_ **COMMENCE:** \_\_\_\_\_ **COMPLETE:** \_\_\_\_\_

**PROJECT DESCRIPTION:** \_\_\_\_\_

<b>APPLICATION TO:</b>	<b>REPAIR</b>	<b>REPLACE</b>	<b>INSTALL</b>	<b>CONSTRUCT</b>
<i>(Circle type of work)</i>	<b>SANITARY SEWER</b>	<b>STORM SEWER</b>	<b>DRIVE WAY CURB CUT</b>	<b>DRIVE WAY CULVERT</b>
<b>WATER SERVICE</b>	<b>GAS SERVICE</b>	<b>DRIVEWAY APRON</b>	<b>SIDEWALK</b>	<b>DITCH ELIMINATION</b>
<b>ELECTRIC SERVICE</b>				

O.U.P.S. – Call 2 working days before you dig!!! 1-800-362-2764

The Community Development Department must be contacted at #342-1790 **48 hours** prior to placing concrete for pre-pour inspections of sidewalks, driveways and culvert installation. Applicant must be present to verify elevations with a City Representative.

**DEPOSITOR:** \_\_\_\_\_ **OWNER:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_ **ADDRESS:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_ **FAX:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_ **FAX:** \_\_\_\_\_

**AFFIDAVIT OF DEPOSITOR/LAND OWNER:**

I have read and understand the requirements of this permit and will comply with said requirements. I realize that non-compliance with said requirements will result in a partial or complete forfeiture of the cash deposit associated with this application or will result in a claim against said deposit. I understand and agree that any error, misstatement, or misrepresentation of material fact, either with or without my intent, or any material alteration or change in the approved plans made subsequent to the issuance of a Right-Of-Way Permit from this application, without the approval of the City Engineer, shall constitute sufficient grounds for the revocation of such Right-Of-Way Permit, the imposing of a fine pursuant to Codified Ordinances of the City of Hudson, or forfeiture of the cash deposit.

**Depositor:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
*Signature*

**Owner:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
*Signature*

**ZONING INSPECTOR:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
*Signature*

I acknowledge receipt of “Right-of-Way Application Rules” (Initials): \_\_\_\_\_

I acknowledge receipt of “Right-of-Way Culvert Construction Requirements and Specifications” (Initials): \_\_\_\_\_

**CERTIFICATION FOR RETURN OF DEPOSIT (For Staff Use Only)**

The Deposit will be returned to the applicant upon inspection and certification below by the City Engineer that all work is satisfactorily completed and that no further activity upon the property served will damage or obstruct the improvements with the Right-Of-Way.

I, \_\_\_\_\_, hereby certify the above on this \_\_\_\_\_ day of \_\_\_\_\_

*(For Staff Use Only)*

**R-O-W FEE:** \_\_\_\_\_ **R-O-W DEPOSIT:** \_\_\_\_\_ **Receipt #:** \_\_\_\_\_ **R-O-W Permit #:** \_\_\_\_\_

**Zoning Permit #:** \_\_\_\_\_ **Inspection:** \_\_\_\_\_ **P.O. #:** \_\_\_\_\_ **Refund \$** \_\_\_\_\_

**DRAINAGE DITCH ELIMINATION POLICY**

The procedures and requirements detailed in the following policy are designed for the resident who would like to voluntarily enclose the drainage ditch located along the roadway in front and side (in the case of a corner lot) of the property or drainage ditches located within City owned easements on the resident's property. The resident enclosing the ditch shall be responsible for all costs associated with the ditch enclosure, including, but not limited to, development of approved site plans showing the proposed improvement, material costs including pipe, stone, connectors, catch basins, etc., installation of the material, and all right-of-way fees and inspections.

This policy excludes situations of drainage ditch enclosures where, in the opinion of the Service Division Superintendent or City Engineer, an enclosure may be installed by the City of Hudson for the following situations or combination thereof: to correct an inadequate or poorly designed section of the drainage system; to correct a hazardous condition or safety concern; to correct an inefficient maintenance condition; or for any other reason deemed appropriate by the City Engineer or the Service Division Superintendent.

## **Requirements**

1. **Type of Pipe:** Solid Wall PVC (SDR-35) or Reinforced Concrete Pipe (RCP) Class IV or V. The bedding and backfill for the PVC pipe shall consist of 6" of #57 crushed limestone under the pipe and #57 crushed limestone placed over the pipe a minimum of 2" above the top of the pipe. For RCP pipe, the bedding and backfill shall consist of 6" of #57 crushed limestone under the pipe and #57 crushed limestone backfilled to the top of the RCP pipe.
2. **Type of Pipe Joints/Connections:** Premium Joint material shall be required between each length of pipe. For connections between PVC and existing Corrugated Metal Pipe (CMP) the City of Hudson allows a universal pipe connector to be used. For a 12" diameter connection, the connector is PIPECONX Model No. PCX 02 1212 manufactured by Uniseal. The City of Hudson has made arrangements with Trumbull Supply on Perkins Street in Akron to have the connector in stock for use by residents who need the connector.

All existing downspouts, sump pump lines or other storm water lines shall be connected to the proposed ditch elimination pipe with an approved water tight, manufacturer recommended connection. Examples of such connections are wye connections and tee connections. The Engineering Department will approve all proposed connections to the ditch elimination pipe.

The termination of the ditch elimination pipe shall be as approved by the Engineering Department. For connections to existing junction chambers, catch basins, curb inlets, etc., the connection shall have a watertight seal using standard construction practices. The use of sledgehammers and other such tools for pipe openings will not be allowed. For proposed ditch elimination installations that will not connect to an existing structure, erosion control material such as rip-rap, erosion control matting or other such material may be required. Additional grading and/or seeding may also be required, as determined by the Engineering Department.

3. **Minimum Diameter:** 12" Inside Diameter Pipe (**Note:** The required diameter may be larger than 12", depending on the drainage area affected by the elimination of the ditch, as determined by the Engineering Department of the City of Hudson).
4. **Minimum Slope/Velocity:** The slope of the pipe shall be established such that the minimum velocity of the water shall be three (3) feet per second. However, at no time shall the pipe slope be less than 0.15 %, even for a larger diameter pipe (for a 12" diameter pipe the minimum slope is 0.50%). The Engineering Department will review the proposed slope and velocity of the pipe.
5. **Catch Basins:** There shall be a minimum of one(1) catch basin every 150 to 200 feet as required to handle roadway and yard drainage. The Engineering Department, based on the drainage area and the existing topographic conditions of the site, shall review the proposed improvement drawings and determine the actual number and placement of catch basins. Catch basins shall be O.D.O.T. Type 2-2B, O.D.O.T. Type 2-2A or other catch basins as approved by the Engineering Department.

6. Roadway Drainage: Positive drainage from the roadway must still be maintained if a ditch elimination pipe is proposed. The existing ditch is also for draining the roadway, therefore, the ditch elimination pipe must be set low enough for the drainage from the roadway to occur. In addition, there must be enough cover over the ditch elimination pipe to allow for a small (4" to 8" deep) swale above the pipe to allow for roadway drainage. In some instances there may not be enough difference in elevation to allow for a ditch elimination pipe and still have positive drainage from the roadway. In such instances ditch elimination pipe will not be permitted.
7. Site Plan Approval: All site plan drawings for ditch elimination projects shall be approved prior to the start of construction by the Engineering Department of the City of Hudson. During review of the proposed improvement, the Engineering Department may require the homeowner/contractor to replace the existing driveway culvert due to poor condition of the pipe, inadequate slope of the pipe, incorrect size of pipe, etc. The Engineering Department will review the driveway culvert along with the proposed improvement to make the determination.

Approval of the site plan does not relieve the property owner or his contractor from making the proper connections/improvements during the installation process if the proposed connections or improvements are required for a complete project but were missed during the review process. Examples of such connections/improvements include additional grading, the installation of additional catch basins, the inclusion of additional connectors, replacement of the driveway culvert, etc.

8. Construction Inspection and Approval: The City Engineer or appropriate designee shall review the installation of the pipe and all appurtenances prior to the backfill operation to verify proper installation. In addition, the City Engineer or appropriate designee shall inspect the final grading and restoration, including the growth of grass, prior to final approval and release of the Right-of-Way bond.

## Procedure

1. Right-of-Way Permit: A resident interested in installing a ditch elimination pipe must apply for a Right-of-Way Permit from the Community Development office. Along with applying for a permit there are a number of items required for submission as described below.
2. Permit Fee: There are two parts to the fee. First, there is a required minimum \$1500 refundable deposit. This refundable deposit is intended to ensure that the work within the right-of-way is completed and acceptable to the City. If the work is not completed or acceptable, the City has the right to use the \$1500 to take corrective action. Along with the refundable deposit, there is a required minimum \$150 non-refundable inspection fee. Therefore, a total minimum amount of \$1650 is required for the Right-of-Way Permit. (Note: The \$1500 deposit and the \$150 inspection fee are based on a standard 12" diameter pipe in a 100 to 200 foot ditch in front of a residence. If a proposed ditch elimination is different in size of pipe or length of ditch to be eliminated, the fee may be higher as determined by the Engineering Department).
3. Site Plan: With each application the resident shall provide a site plan drawing which details the proposed ditch elimination pipe. Information required on the drawing includes proposed invert pipe elevations, proposed catch basin locations and invert elevations, proposed slopes on the pipe, proposed distance from the roadway, elevations of the existing roadway edge, existing driveway culvert invert elevations, invert and top of catch basin elevations for existing catch basins, a typical cross section drawing of the pipe with the required 4" to 8" swale above the ditch elimination pipe as it relates to the existing roadway edge of pavement in terms of distance and elevation, proposed spot ground elevations along the bottom of the 4" to 8" swale, and any other information deemed necessary by the Engineering Department for a complete review of the proposed installation. An example of the type of information that is required on a site plan is available in the Community Development office.

## Enforcement

1. City Authority: The installation of a ditch elimination system by a resident is within the City owned Right-of-Way of the roadway or within a City owned easement utilized for drainage purposes. As the owner of the Right-of-

Way and the easement, the City has the authority to review, approve and oversee the installation of each ditch elimination system within the City of Hudson corporation boundaries.

2. Responsibility of the Resident: The resident installing a ditch elimination system shall adhere to the requirements and procedures found within this policy. Failure to follow the requirements and procedures shall result in action by the City as stated below. In addition, each resident shall conform to State law and court precedent regarding the drainage rights of property owners both upstream and downstream of the property in which the ditch elimination system is proposed.

3. City Notice: If a resident is found to have installed a ditch elimination system in violation of this policy, the City Manager or designee may serve written notice of such violation to the owner of the property at the last known tax mailing address. If a written notice is served to the property owner, the owner shall be given sixty days to correct any deficiencies with the installed ditch elimination system. If, after 60 days the deficiencies have not been corrected or, if, in the opinion of the City Manager, the deficiency affects the health, safety and welfare of the properties impacted by the deficiency such that the sixty day period is deemed too long of a time frame, the City Council may, by resolution, direct the owner of the property to immediately correct the deficiency. If the owner does not respond in the time specified, the City shall have the Service Division, or a contractor hired through the Service Division, correct the deficiencies and bill the owner of the property for the work involved with the correction. In accordance with the provisions in Ohio Revised Code 715.47, from the time of the resolution by City Council until payment has been made by the property owner for the work involved, a lieu will be placed against the property.

### Exceptions

The above referenced drainage ditch elimination policy is intended to provide the means and methods for a proposed ditch elimination project. This includes the resident, who is proposing the ditch elimination, being responsible for all costs associated with the ditch elimination. The exception to this are subdivisions, or phases of a subdivision, in which some form of a drainage maintenance assessment has been paid or is currently being paid by the homeowners of the subdivision. This drainage maintenance assessment is intended to cover the cost of maintaining the storm water conveyance system of the subdivision. If it can be shown that the proposed ditch elimination corrects a drainage maintenance problem within a subdivision, a homeowner's proportional share of their drainage maintenance assessment may be used to offset the entire cost of the requested ditch elimination. The homeowner(s) would be required to inform the homeowners association of the subdivision, if a homeowners association exists, of the intent to request their proportional share of the drainage maintenance assessment on the property or properties in question. In addition, the homeowner(s) shall inform the City, at the time of the submission of the petition, of their intent to use their proportional share of the drainage maintenance assessment.

### DITCH ELIMINATION INFORMATION REQUIRED ON PLANS

- Pipe location
- Pipe invert elevations (upstream & downstream)
- Storm lateral locations and tie-in details
- Depth of cover
- Pipe length
- Yard drain locations
- Type of pipe
- Depth of swale over pipe
- House outline plan with driveway location
- Property lines
- Edge of pavement elevation versus pipe invert elevation
- Any additional information requested by City of Hudson Engineering Dept.

**AFFIDAVIT ON FACTS RELATING TO TITLE**

**Pursuant to Ohio Revised Code Section 5301.252**

I/we \_\_\_\_\_ being first duly sworn, depose and state as follows:

1. I/we are the owner(s) of certain real estate described on Exhibit "A" attached hereto and made a part of this Affidavit (the "Property").
2. I/we have made application and have been granted a permit, a copy of which is attached to this Affidavit as Exhibit "B" by the City of Hudson to do work permitted by the attached permit within the right-of-way owned by the City of Hudson and adjacent to the Property.
3. I/we understand and acknowledge that I/we and all future owners of the Property are and will be bound by the terms of the permit with respect to the work performed by me/us in accordance with the permit.
4. I/we understand and acknowledge that the terms of the permit are intended as a covenant running with the land.

FURTHER AFFIANT SAYETH NAUGHT.

Witnessed and Acknowledged in the presence of:

\_\_\_\_\_ Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_ Name: \_\_\_\_\_

Date: \_\_\_\_\_

SWORN AND SUBSCRIBED BEFORE ME this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

This instrument is prepared by:

R. Todd Hunt, Assistant to City Solicitor