

Madison County, Mississippi Board of Supervisors

POLICY TO ALTER CHANNELS OF STREAMS AND WATER COURSES

The Madison County Board of Supervisors upon determining that the health, comfort and convenience of the inhabitants of the county will be promoted may:

- a. Alter and change the channels of streams or other water courses;
- b. Construct, reconstruct, and replace culverts and repair bridges over streams and water courses, and incur costs and pay necessary expenses for labor, materials and supplies to clean or clear drainage ditches, creeks or channels and to prevent erosion of such ditches, creeks or channels; Acquire property and obtain easements necessary to perform the work; reimburse landowners for damages and injury resulting from work performed by the county.
- c. However, if the work is to be performed or the expenses to be incurred will take place on private property, the Board must:
 1. Establish that the needed repair or remediation was caused by failure of the county to control or minimize drainage from a roadway and/or roadway drainage channel.
 2. Make a finding, as evidenced by entry upon its minutes, that such work and/or expenses are necessary in order to promote the public health, safety and welfare of the citizens of Madison County.
 3. Give notice, in writing, to all owners of property that will be affected by the work for a period of thirty (30) days as is reasonable to allow such owners to express any objections.
 4. Unless otherwise agreed, in writing, by the county and the landowner, construct or improve a water course and/or install a culvert or bridge at the county's expense at an appropriate location or locations as determined by the County Engineer and/or Road Manager to provide the landowner ingress and egress to all of the property to which the landowner had access immediately before performance of the work by the county.
 5. The county shall reimburse landowners for all damages or injury resulting from work performed by the county.
- d. Any existing drainage conditions which are determined to be the responsibility of the landowner, subdivision contractor or homeowners' association, etc. will not be imposed as any obligation or duty upon the county to perform any work or to incur any expenditures. Nor does the county intend to create any rights or benefits for the owner of any public or private property.

e. No additional taxes may be imposed for any work until the Board of Supervisors adopts a resolution declaring its intention to levy taxes and establish the amount of tax levies and the date on which the taxes initially will be levied and collected. All proceedings shall be adhered to as outlined in the Mississippi Code, *annotated*, of 1972, Section 19-5-92.1.

The Madison County Road Department's priority is construction, maintenance and protection of the county roadways and right of ways. The Road Department personnel are not authorized to proceed with altering, repairing or remediation of streams and water courses on private property without the consent of the Madison County Board of Supervisors.

SO ORDERED, this the 21 st day of May, 2004.

Douglas Jones, President

Madison County Board

Of Supervisors

ATTEST:

Arthur Johnston, Clerk