

POLICY #16

OFF RIGHT OF WAY/PRIVATE PROPERTY WORK

DATE ADOPTED: 6-23-97
MINUTE BOOK: 32 PAGE 48

POLICY: To establish a policy to govern when and under what circumstances the County can perform work on private property.

PROCEDURE: ALA. CONST. Art. IV, Sec. 94 as amended by ALA. CONST. Amendment 112, prohibits a county from granting money or any other thing of value in aid of a private person, corporation or association.

The Office of the Attorney General of the State of Alabama has ruled that the Constitutional provisions supra., prohibit a county from using county labor, equipment and materials to work on private property unless the county, not the landowner alone, receives some benefit from the work.

Houston County, through its employees, except as may be authorized by statute or state constitutional provision, shall not do any work on private property (Off Right of Way work) unless the county, through its Engineer and Commissioner in whose district the proposed work is to be done, shall satisfy themselves that Houston County, not the landowner alone, shall receive a present "benefit" from the proposed work.

This policy shall be implemented by the County Commissioner in whose District the proposed work is to be done and the County Engineer. It shall be the responsibility of said Commissioner and Engineer to see that this policy is properly followed and implemented. It shall be the joint responsibility of said Commissioner and the County Engineer to see that the procedures for implementing this policy are complied with.