

BELL COUNTY POLICY
ACCEPTANCE OF ROADS FOR COUNTY MAINTENANCE
(2007 REVISION)

1. **PURPOSE:** The purpose of this policy is to establish procedures for determining whether or not a road can be accepted for maintenance by Bell County. More specifically, it applies to those roads located in: (1) Illegal subdivisions (Note: an illegal subdivision may be recorded or un-recorded; it may exist as a plat, or may not. Review and approval by the Commissioners' Court is needed for a subdivision to be considered legal.); (2) Subdivisions that were platted prior to the adoption of subdivision regulations by Bell County; (3) Subdivisions in which the roads were not accepted due to inadequate design or construction; (4) Any other road deemed by the Commissioners' Court as appropriate under this policy. [Note: Prior to June 10, 1974, Bell County accepted subdivision roads that were not paved. Since that time, however, only subdivision roads that were paved have been accepted for maintenance. For any subdivision, legal or illegal, created after June 10, 1974, all improvements shall be performed by contractor(s) in accordance with Paragraph 6D.]

2. **JURISDICTION:** This policy applies to those roads described in paragraph 1, above, and which lie outside the corporate limits of any town or city in Bell County, Texas.

3. **PROCEDURE:** The decision to seek acceptance of a road/street by Bell County lies with the residents living along, or owning property along, the roads in question. Prior to any County participation in this process a simple majority of the residents affected shall appoint, in writing, a spokesperson who is to contact the Bell County Engineer. The County Engineer may research those records made available by the residents or landowners, or may utilize any records which may be reasonably available in the offices of the County Clerk or Tax Assessor/Collector of Bell County. The purpose of this research is the discovery of facts relating to the proposed project and possible legal, engineering or other technical issues that could arise. If a project is deemed appropriate for inclusion under this Policy the following must be accomplished by the residents, landowners and/or developers:

A. Bell County is to receive clear (fee simple) title to the proposed right of way (ROW). In those cases where a clear (fee simple) title cannot be obtained, and solely at the discretion of the Bell County commissioners' Court, the ROW may be accepted based on usage. (Note: Not all right of ways may be acceptable. If there is insufficient right of way to construct a safe road (appropriate grade, slopes and sight distances), the landowners shall resolve the issue with technical assistance or guidance from the County Engineer. Right of way must be sufficient for all drainage as well as the installation of utilities.)

B. Drainage easements, sufficient for the construction of appropriately sized drainage structures and/or ditches shall be provided to Bell County.

C. Any utilities that conflict with the construction or maintenance of the road are to be

relocated at the expense of the homeowners or landowners.

D. The right of way is to be clearly marked by the home or landowners. If it is necessary to hire a surveyor in order to establish the property lines, this expense will be borne by the home or landowners. Any fences, buildings or other obstructions are to be removed by the home or landowners.

E. The cost of all materials to bring the roadway up to present Subdivision Regulation standards (including pavement) shall be borne by the homeowners or landowners. Bell County will provide all labor, equipment and supervision to construct the road and haul the necessary materials for the road construction.

F. In consideration of the property owners paying for the cost of the improvements mentioned above, Bell County will place these roads in its construction program as soon as practical.

4. The general policy of Bell County shall be to accept, annually, no more than two (2) miles of road under the program described in paragraph 3, above.

5. **GRAVEL ROAD OPTION:** The Commissioners' Court, at its discretion, and as budgets permit, may elect to incorporate into the County road system up to two (2) miles of unpaved roadway, each year. These property owners are still responsible for the cost of gravel and drainage improvements (culverts, etc.), and for the acquisition and identification/marketing of the right of way, obtaining necessary drainage easements and relocating obstructions and any utility lines that may conflict with the County's maintenance or construction efforts. Applications for participation in this optional program must be received, in writing, by the County Engineer or Precinct Commissioner no later than October 1 to be considered for acceptance for maintenance by the County in the next calendar year. **NOTE: ROADS BROUGHT INTO THE SYSTEM UNDER THIS PROGRAM SHALL BE BROUGHT UP TO GRAVEL ROAD STANDARDS (SEE APPENDIX A.) AND MAINTAINED AS A GRAVEL ROAD FOR AT LEAST FIFTEEN (15) YEARS BEFORE THEY MAY BE CONSIDERED FOR PAVEMENT BY THE COUNTY.**

A. **PRIORITIZING:** Projects submitted under this Option will be evaluated based on the following criteria:

1. Length of time the road has existed.
2. Housing density based on the number of occupied, residential structures per mile of road. (i.e. if there are three occupied houses on 0.3 miles of road, the density is 3/.3, or 10 per mile) [NOTE: ROADS WITH FEWER THAN THREE OCCUPIED STRUCTURES ARE CONSIDERED PRIVATE DRIVES AND WILL NOT BE CONSIDERED UNDER THIS POLICY]

3. School bus route.
4. Mail route.
5. Health and safety issues as documented by police, fire or EMT authorities.
6. Number of occupied houses.
7. Existing right of way width.
8. Other design and safety issues.

B. The decision by the Commissioners' Court shall be announced at the approval of the

Annual Work Plan. Maintenance of the road(s) will commence upon approval of the Work Plan.

6. ACCEPTANCE OF PAVED ROADS FOR COUNTY MAINTENANCE: The decision to accept an existing paved road for County maintenance will be determined as follows:

A. The procedure will be in accordance with Para. 3, A - D.

B. The Bell County Engineer and appropriate staff shall inspect the roadways to determine the costs that would be incurred by the County in maintaining or upgrading the road(s) for the next three (3) years. (i.e. overlay, patching, crack sealing, surface treatment, reconstruction and repaving)[If deemed necessary, the County Engineer may also determine the structural adequacy of the road by digging or probing.] The costs for the repairs or maintenance deemed necessary by the County Engineer shall be paid by the homeowners or landowners.

C. The acceptance of roads in this category is subject to the limits specified in Para. 4.

D. In the event that the Commissioners' Court decides not to participate in an improvement project, of an existing, platted subdivision road, and which is acceptable in accordance with Paragraph 1 of this Policy, the land/homeowner have the option to hire a contractor(s) to construct road and drainage improvements to current County Subdivision specifications. The land/homeowners will be required to provide the County with a set of engineered plans and specifications that comply with the County's current Subdivision Regulations and take into account any existing structures or improvements that may be impacted by the proposed construction. The plans and specifications must be submitted and approved by the County Engineer prior to the start of any construction.

7. UPON THE APPROVAL OF THIS POLICY BY THE BELL COUNTY COMMISSIONERS' COURT, THE POLICIES OF MARCH 16, 1987, NOVEMBER 14, 1989, AND JUNE 14, 2004 SHALL BE NULL AND VOID.

RICHARD E. MACCHI, P.E.
BELL COUNTY ENGINEER

Approved Bell County Commissioners' Court on January 29, 2007.

APPENDIX A
GRAVEL ROAD STANDARDS

1. Design Speed : 30 M.P.H.
2. Right of Way: In general, the minimum acceptable right of way is fifty (50') feet. However, exceptions to this minimum may be granted by the Commissioners' Court where deemed appropriate. In lieu of the minimum right of way, landowners could provide a combination of dedicated right of way and drainage and/or road improvement easements.
3. Road Width: The minimum gravel road width will be eighteen (18') feet.
4. Depth of Gravel: Depending on the existing roadbed material(s), Bell County will furnish and install from 3" to 6" of road gravel.
5. Minimum Sight Distance: A minimum sight distance, at all points along the road, shall be 135 feet. Landowners shall remove obstructions that limit the sight distance to anything less than this minimum.