COURT ORDER NO. 97- 576 -08-25

THE STATE OF TEXAS

COUNTY OF COLLIN

COUNTY POLICIES: ADOPTION OF REVISED COUNTY ROAD POLICY/RESCIND PREVIOUSLY APPROVED COURT ORDERS COUNTY ROAD SUPERINTENDENT

On **August 25, 1997,** the Commissioners' Court of Collin County, Texas, met in **special session** with the following members present and participating, to wit:

Ron Harris	**County Judge, Presiding**
Phyllis Cole	**Commissioner, Precinct 1**
Jerry Hoagland	**Commissioner, Precinct 2**
Joe Jaynes	**Commissioner, Precinct 3**
Jack Hatchell	**Commissioner, Precinct 4**

During such session the court considered a request from the County Road Superintendent for approval to rescind previously adopted court orders pertaining to County Road Policies, furthermore, adoption of a revised County Road Policy.

Thereupon, a motion was made, seconded and carried with a majority vote of the court to adopt a revised County Road Policy effective October 1, 1997, and rescind previously adopted court orders pertaining to same. Same is hereby approved in accordance with the attached documentation.

Ron Harris, County Judge

Phyllis Cole, Commissioner, Pct. 1

Jerry Hoagland, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

Jack Hatchell, Commissioner, Pct. 4

ATTEST:

Helen Starnes, Ex-Officio Clerk
Commissioners' Court
Collin County, T E X A S

c:\court97\courtorders\roadpol

Commissioner Cole

COUNTY ROAD POLICIES

August 25, 1997

TABLE OF CONTENTS

County Road Policies (General)

Section I Maintenance of Public Roads	Page 1
Section II Upgrade of County Roads	Page 1,2
Section III Re-opening of County Roads	Page 2
Section IV Abandonment of County Roads	Page 2
Section V Subdivisions	Page 2,3
Section VI Right-of-Way	Page 3
Section VII Other Cost	Page 3
Section VIII County Projects	Page 3
Section IX Extending the Length of a Road Project	Page 3
Section X Signs	Page 4
Section XI Reimbursement by Property Owners	Page 4
Section XII Culverts	Page 4
Section XIII Extenuating Circumstances	Page 4
Application for Road Upgrading	Page 5
General Requirements for Upgrading County Roads	Page 6
Upgrading/Acceptance of Private Roads in Recorded Subdivisions	Page 6
Costs	Page 7

County Road Policy (Cities)

Section I Maintenance/Improvements to Roads Within City Limits	Page 8
Section II Reimbursement for Work Performed by Collin County	Page 8

County Road Policy (Oiling/Dust Control)

Section I Oiling of County Roads	Page 9
Application for Road Oiling Due to Chronic Respiratory Condition	Page 10

Assessment Policy for Subdivision Roads

Section I Assessment to Upgrade Roads in Subdivisions	Page 11
Section II Assessment Procedures	Page 11,12
Section III Appeals	Page 12
Section IV Liens	Page 12
Section V Acceptance	Page 12
Section VI Status of Roadway after Acceptance	Page 12
Section VII Reimbursement of Funds	Page 13

COUNTY ROAD POLICIES (GENERAL)

COUNTY ROAD POLICIES (GENERAL)

Section I Maintenance of Public Roads

A. All public roads located in unincorporated areas of Collin County which are determined by the Commissioners' Court to be county roads, will be maintained by the County. All others shall be considered private roads and will not be maintained by Collin County.

B. Roads or sections of roads which are bordered by a city or cities shall not be maintained by Collin County as follows:

(a) Any portion of a public road which has been annexed by a city or cities shall not be maintained at county expense.

(b) Public roads or portions of public roads which are bordered by a city or cities on one side will be considered to lie in an incorporated area from the centerline of the public road to the city border. That portion which is considered to be in an incorporated area shall not be maintained at county expense.

(c) Public roads or portions of public roads which are bordered by a city or cities on both sides will be considered to lie in an incorporated area and shall not be maintained by Collin County.

Section II Upgrade of County Roads

A. Commissioners' Court will consider upgrading a rock road to an asphalt road provided one of the following conditions are met:

(a) Roads with traffic counts of 150 cars per day or greater, which by the determination of Commissioners' Court, should be asphalted due to maintenance costs or other appropriate criteria when the adjacent property owners donate the right-of-way described in Section VI of this policy; or;

(b) Roads not on the Collin County Thoroughfare Plan with traffic counts of 125 cars per day or greater, which when determined by the Director of Public Works (County Road Supt.) to have adequate width and drainage can be asphalted due to maintenance costs or other appropriate criteria without obtaining additional right-of-way; or;

(c) Roads with traffic counts of 100 cars per day or greater can be asphalted when the adjacent property owners donate the right-of-way described in Section VI of this policy; or;

(d) When the adjacent property owners donate the right-of-way described in Section VI of this policy and reimburse the County for the cost of materials required to upgrade the subject road to asphalt by current county standards.

To be considered for asphalt, a road must tie into an existing asphalt road, unless the road in question is a "Dead End" road. A "Dead End" road which does not tie into an existing asphalt road can be upgraded, provided its entire length is asphalted. A cul-de-sac shall be required when a dead end road is upgraded.

B. The Commissioners' Court will consider upgrading a dirt road to a rock road provided that the adjacent property owners:

(a) Donate the right-of-way described in Section VI of this policy; and

(b) Reimburse the county for the cost of materials to upgrade the subject road to the appropriate depth and width of rock

Section III Re-opening of County Roads

The Commissioners' Court will consider re-opening a county road which has not been maintained by the county in the last 10 years provided that the adjacent property owners:

(a) Donate the right-of-way described in Section VI of this policy; and

(b) Reimburse the County for the total cost of improvements if the road is to be improved from its existing state

Section IV Abandonment of County Roads

The Commissioners' Court, by unanimous vote, may abandon a county road upon following procedures required by Vernon's Civil Statute's and the Texas Transportation Code.

Section V Subdivisions

A. To be considered for maintenance by Collin County, private roads in recorded subdivisions must be asphalt and meet current county standards in regards to width, drainage, culverts, base material type and thickness.

B. Private roads in subdivisions which were filed in the County Clerk's Office prior to May 18,1981 will be accepted for maintenance by the county provided there is adequate right-of-way, the roads are asphalt and meet current county standards.

C. Private roads in subdivisions which were approved by Commissioners' Court and filed in the County Clerk's Office prior to October 23, 1995 will be accepted for maintenance provided such roads are asphalt and have been built and maintained to county standards.

D. Private roads in subdivisions which were filed in the County Clerk's Office after May 18, 1981 that were not approved by Commissioners' Court shall meet the following conditions prior to acceptance:

(a) Road right-of-ways must be dedicated to the public and accepted by Commissioners' Court

(b) Roads must be asphalt and meet current county standards as described in this policy

E. Private roads in recorded subdivisions which do not meet county standards can be considered for maintenance by the county provided the landowners donate additional right-of-way, when needed, and provide total funding to upgrade such roads to county standards.

F. Private roads in unrecorded subdivisions will not be upgraded by Collin County under this policy. To be accepted for maintenance, the subdivision must be platted and the roads constructed, by a private contractor, in accordance with the Collin County Subdivision Regulations

Section VI Right-of-Way

A. Right-of -Way shall be in the following form:

(a) Right-of-Way which is donated may be in Deed or Easement form; or

(b) Right-of-Way which is purchased through negotiations or by eminent domain shall be in Deed form with an actual ownership (Title) transfer of the land.

B. Right-of-Way Width

(a) The right-of-way width for roads on the Collin County Thoroughfare Plan shall conform to Collin County design standards.

(b) The right-of-way width of roads to be upgraded which are not on the Collin County Thoroughfare Plan shall be a minimum of (60) sixty feet.

(c) When a road which is not on the Collin County Thoroughfare Plan is a candidate for upgrading, the requirements for right-of-way may be waived by Commissioners' Court provided the required pavement width and drainage are adequate within the existing right-of-way.

(d) Right-of-way widths may be waived by Commissioners' Court upon review of engineering information which indicates a different width is appropriate.

Section VII Other Cost

The cost involved for surveying, to prepare Deeds or Easements, re-locate fences, utilities (if in a private easement beyond the existing prescriptive right-of-way), culverts or other existing improvements may be borne by the county if such cost does not exceed twenty-five percent (25%) of the total project cost. When property owners are required to incur total cost to upgrade a road, the above cost shall not be borne by the County.

Section VIII County Projects

All projects shall be brought to the attention of Commissioners' Court for consideration.

Section IX Extending the Length of a Road Project

A road project which has been approved by Commissioners' Court may be extended in length when approved by the Director of Public Works (County Road Superintendent), provided that all requirements outlined in this policy have been met.

Section X Signs

Regulatory and warning signs placed along county roads shall be in accordance with the Texas Manual on Uniform Traffic Control Devices.

Section XI Reimbursement by Property Owners

Upon Commissioners' Court approval of a road project which requires reimbursement from the adjacent property owners, the property owners involved must place the required amount of money in escrow in a Collin County bank and provide the required right-of-way prior to the commencement of the project.

Section XII Culverts

Drive culverts within county road right-of-ways shall be permitted and sized by the County. Only corrugated metal or high-density polyethylene culverts will be permitted. Culverts shall be a minimum of thirty (30) feet in length unless the driveway over the pipe is concrete. In which case, the culvert may be the width of the driveway. New drive culverts must be installed at the expense of the property owner. Existing culverts within county road right-of-ways will be replaced as needed by the County at county expense.

Section XIII Extenuating Circumstances

Any extenuating circumstances not covered under this policy shall be brought to the attention of Commissioners' Court for consideration

APPLICATION FOR ROAD UPGRADING

Requesters' Name: _____ Date: _____

Mailing Address: _____

Home Phone _____ Work Phone _____ Mobil/Pager _____

Type of upgrade requested: Dirt to Rock ____ Dirt to Asphalt ____ Rock to Asphalt ____ Private Road ____

County Road No./Name: _____ Subdivision Name: _____

Location/Extent of Road(s) to be upgraded: _____

_____

_____

FOR COUNTY USE

Is Road on Thoroughfare Plan ? Yes ____ No____ Right-of-Way Required: _____

Comments: _____

_____

_____

Utility Comments: _____

_____

_____

Culvert/Drainage Comments: _____

_____

_____

Fence Comments: _____

_____

_____

Initial Cost Estimate: Materials_____ Labor_____ Other_____ Total_____

Comments _____

Prepared By: _____ Date:_____ Date Mailed:_____

GENERAL REQUIREMENTS FOR UPGRADING COUNTY ROADS

An application requesting a road upgrade must be submitted to the Public Works Department specifying the location and approximate length of road or section of road to be upgraded. If more than one person is involved, please designate a single contact.

An approximate cost estimate with right-of-way requirements will be prepared by the Public Works Department and sent to the requester.

To proceed with the upgrade, the Public Works Department must be notified in writing of the requester(s) willingness to pay for material costs and donate right-of-way, when applicable.

The request will be brought to the attention of Commissioners' Court for consideration.

The Public Works Department will notify the requester in writing of the Court's action. A firm cost estimate will be provided, if different than the original estimate.

Right-of-Way documents, when required, will be prepared by Collin County for signature. Money for material costs shall be placed in an escrow account by the requester(s). The project will be scheduled for construction after these items have been addressed.

UPGRADING / ACCEPTANCE OF PRIVATE ROADS IN RECORDED SUBDIVISIONS

Subdivision must be recorded and meet the requirements specified in Section V of the County Road policies.

All roads in the subdivision must be upgraded / accepted.

Minimum right-of-way width shall be sixty (60) feet as required by Section VI,B.,(b) of the County Road Policies. When engineering information indicates that the existing right-of-way is not adequate, additional right-of-way will be required.

A request must be submitted to the Public Works Department specifying the name and location of the subdivision in question. Please designate a single contact person for the county regarding this project.

An approximate cost estimate will be prepared by the Public Works Department and sent to the requester.

To proceed, the Public Works Department must be notified in writing of the requester(s) willingness to pay for all costs involved with the upgrade.

The request will be brought to the attention of Commissioners' Court for approval.

The Public Works Department will notify the requester in writing of the Court's action. A firm cost estimate will be provided if different from the original estimate.

Money must be placed in an escrow account prior to the project being scheduled. If applicable, all fences, utilities or other improvements must be relocated prior to scheduling.

COSTS

Since material costs fluctuate, the written cost estimate we have provided you will be honored for the period indicated (typically 6 months).

The cost estimate for materials will be based on the type upgrade requested.

Dirt to Rock: A blend of (6" loose) crushed native white rock with (3" loose) flex base to improve traction and minimize dust.

Dirt to Asphalt: A blend of (4" compacted) crushed native whiterock with (6" compacted) flex base and two layers of asphalt surface treatment.

Rock to Asphalt: Two layers of asphalt surface treatment, any additional rock will be paid for by Collin County since it is an existing rock road.

Private Road in Recorded Subdivision: Since conditions vary, subdivisions will be evaluated on a case by case basis.

If you have any additional questions, please feel free to call the Public Works Department at Metro 424-1460 ext. 3700 or (972) 548-3700.

Mail or Fax Application To:

Collin County Service Center
700A West Wilmeth Road
McKinney, Texas 75069
Fax Number (972) 548-3754

COUNTY ROAD POLICY (CITIES)

COUNTY ROAD POLICY (CITIES)

Section I Maintenance/Improvements to Roads Within City Limits

A. Each city in Collin County is responsible for maintaining the roads and bridges within their city limits.

B. Commissioners' Court desires that a consistent policy be continued concerning road work performed by the county within the corporate limits of cities as Collin County has limited funds, personnel and equipment available for these projects.

C. Commissioners' Court may consider making or participating in improvements to roads and bridges within the corporate limits of a city as follows:

(a) General maintenance items to include rocking, grading, asphalt level up, sealcoating, oiling for dust control, installation of culverts, cleaning of drainage ditches, mowing or brushcutting and emergency repairs to bridges.

(b). Major improvements such as the construction or reconstruction of roadways will only be considered if the road is on the Collin County Thoroughfare Plan.

D. A city must be entered into an Interlocal Cooperation Agreement with Collin County prior to work being performed by Collin County for that city.

E. All requests must be submitted to the Director of Public Works by April 1st of the year prior to the year improvements are desired to be made. Emergency requests will be evaluated by Commissioners' Court upon the merits presented by the requesting city.

F. Authorization for work in cities can only be given by Commissioners' Court.

Section II Reimbursement for Work Performed by Collin County

A. Costs for road and bridge repairs or improvements will be as follows:

(a) Cost of materials used for the project or one-half of the total project (including labor and equipment), whichever is greater, if the road is on the Collin County Thoroughfare Plan.

(b) Total cost, including materials, labor and equipment if the road is not on the Collin County Thoroughfare Plan.

COUNTY ROAD POLICY (OILING/DUST)

COUNTY ROAD POLICIES (OILING/DUST CONTROL)

Section I Oiling of County Roads

County funds shall be expended to spray county roads for dust control as follows:

a) When a person has a chronic respiratory condition, substantiated by a physician, the county will oil up to 500 feet in front of their house. If the house is located at a road intersection, the roads will be oiled for up to 500 feet in both directions from the intersection. **Priority will be given to elderly residents.**

b) When the traffic count on a road reaches a minimum of 150 cars per day, oil will be applied on an interim basis until the road can be upgraded to asphalt. If the right-of-way required to upgrade a road is unobtainable, the road will no longer be oiled at county expense.

c) When county trucks are hauling materials to or from a project site damaging the road surface and creating a severe dust problem.

d) Other conditions as approved by action of the Commissioners Court.

B. All other requests for oiling in unincorporated areas of the county would be at the requester's expense. Collin County shall be reimbursed for the cost of materials.

Collin County Department
of Public Works
700 A West Wilmeth Road
McKinney, Texas 75069
(972) 548-3700
FAX No. (972) 548-3754

Application for dust control oiling due to chronic respiratory condition

RESIDENT

Name:_____
Physical Address:_____
_____
Mailing Address:_____
_____
Phone:_____

PATIENT

Name:_____
Physical Address:_____
_____
Mailing Address:_____
_____
Phone:_____
Date of Birth:_____

County Road No.:_____ **Application is good for this calendar year only**

****

1) Approximate distance residence is from county road._____feet

2) Number of years lived at this residence._____years

3) What side of road is residence located?
Circle one: North South East West

****

To be completed by physician.

_____Allergy which interferes with breathing or is life threatening

_____Interstitial	_____Pulmonary TB
Pulmonary Fibrosis	_____Lung Abscess
_____Hypoxemia	_____Asthma
_____Sarcoidosis	_____Bronchiolitis
_____Asbestosis	_____Dyspnea
_____Emphysema	_____Cystic Fibrosis

Other chronic/life threatening respiratory conditions:_____

How long has patient had this condition:_____Last episode:_____

Other comments:_____

Physician Name (Please print)_____

Physician signature/specialty _____

Date: _____ Phone No.:_____

APPLICATION SHOULD BE MAILED OR FAXED FROM THE DOCTOR

ASSESSMENT POLICY FOR SUBDIVISIONS

ASSESSMENT POLICY FOR SUBDIVISION ROADS

Section I Assessment to Upgrade Roads in Subdivisions

A. Collin County may upgrade county roads as outlined in Senate Bill 314, Article 6702-3, on a first come basis or as specified by Commissioners' Court provided the initial funds are available or made available to the county. Only roads in recorded subdivisions will be considered for upgrade by assessment.

B. Commissioners' Court may consider upgrading a road or roads by assessment within subdivisions in un-incorporated areas of Collin County upon receipt of a written request from the Property Owner's Association or individual landowners agreeing to adhere to the following terms prior to construction:

(a) Donation of additional right-of-way, drainage or utility easements, when required.

(b) If a road lies within an unrecorded subdivision, the addition must be approved by Commissioners' Court and a plat filed for record at the County Clerk's Office.

(c) Payment for all utility relocations. These costs will not be included in the assessment.

(d) Payment for all surveying platting, replatting and legal fees (to include title fees, assignment of liens, etc.). These costs will not be included in the assessment.

(e) Payment for all project cost to include materials, equipment and labor. This includes all cost whether by in-house forces or contract.

(f) Placement of 10% of the construction cost in an escrow account in a Collin County Bank.

(g) Placement of 50% of the utility relocation cost in an escrow account in a Collin County Bank.

Section II Assessment Procedures

A. After the conditions in Section I have been met, the following procedures are required before the assessment can take place:

(a) Commissioners' Court must give notice of the proposed improvement and assessment and must hold a public hearing. The notice must be published at least twice in a newspaper of general circulation in the county and shall state that a public hearing will be held to consider whether or not the improvement and assessment will be ordered.

(b) Within 10 days of the public hearing, Commissioners' Court shall send by certified mail, a ballot to each owner of real property showing the maximum amount of assessment for each property in the subdivision should a majority of the record owners of real property in the subdivision vote in favor of the proposition.

(c) If the vote passes, Commissioners' Court may provide the time, terms and conditions of payment and default to the assessment, except that no interest on the payment of the assessment shall be allowed.

(d) If the vote fails, Commissioners' Court may not order the improvement and assessment, and may not propose the order again until four years after the date the County Clerk declares the results of the vote to Commissioners' Court.

(e) An assessment shall be secured by a lien against the real property of the assessed property owner.

Section III Appeals

An assessment may be appealed by filing a petition in the district court having jurisdiction in the county not later than the 15th day after the date that a property owner receives an assessment.

Section IV Liens

An assessment shall be secured by a lien against the real property of the assessed property owner. Liens on all property shall remain in place until such time that the entire assessed amount has been paid to Collin County. Property owners are separately, not jointly, liable for their assessed amounts.

Section V Acceptance

When all of the requirements set out in Section I and II of this policy have been met and if funds are available from Collin County the project will be accepted. If it will require an excessive amount of time to relocate the utilities and begin the actual upgrading of the road/roads the Commissioners' Court may direct that a minimum amount of maintenance be performed to assure the health and safety of the property owners.

Section VI Status of Roadway after Acceptance

A road improved under this article is a county road, and the county shall maintain the road in accordance with county road standards.

Section VII Reimbursement of Funds

A. Prior to the actual road upgrading and upon completion of the utility relocation the balance of the utility relocation cost shall be paid to Collin County or the respective utility company. (This includes the 50% escrowed monies plus the remaining 50% balance of the relocation cost)

B. Upon completion of the upgrading, the 10% escrowed monies shall be reimbursed to Collin County.

C. The 90% balance of the project cost including construction and other related cost as noted in Section I of this policy shall be the total assessed amount and shall be collected by the county over an amortized period, not to exceed sixty months.