



COLLIN COUNTY

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DATE: January 27, 2015
TO: Collin County Commissioners Court
FROM: Clarence Daugherty, P.E., Director of Engineering
SUBJECT: Consideration of changing future subdivision roads to not be maintained by the County

Commissioner Webb has requested that the Engineering staff explore changing the Subdivision Regulations so that Collin County will not be responsible for maintenance of any future subdivision roads in unincorporated Collin County.

A legal opinion was requested to determine the authority of the County to change the County policy so that the County does not accept future subdivision roads for maintenance. The staff has received a legal opinion that states that the County does have such authority. Subdividers can set up subdivisions so the roads will be private, or they can dedicate them to the public. In the second case, the County would simply not accept those roads for maintenance. In either case the maintenance will have to be provided by some other organization, such as a homeowners association.

In order for the Commissioners Court to have all the information that the staff feels is pertinent to this decision, we offer the following analysis:

Advantages of discontinuing accepting subdivision roads for maintenance:

- Addresses the concern that maintenance of roads in unincorporated subdivisions is subsidized by taxpayers in cities.
- No increase in subdivision roads to maintain – no increase in cost to County.

Disadvantages:

- There is a risk that the roads will not be maintained well or not maintained at all. Short of some type of taxing district, there will not be a mechanism available with the funding necessary to maintain the roads.
- If the roads deteriorate to the point that they are unacceptable, the affected County citizens will most likely complain to County. There are many examples in cities of eventually being petitioned by homeowners in subdivisions with “private” roads to turn the roads over the cities.
- There is a possibility that some developers will not continue to develop in the unincorporated areas of Collin County because they will not want to be associated with a development for which there is no organization available with the resources to adequately maintain the roads.
- Cities already hesitate to annex subdivisions that have streets that are not built to city standards. They will be even less likely to annex streets that are in poor condition due to lack of maintenance.

Other points

- The cost savings is very small because less than 10% of the road maintenance budget is spent on subdivision roads.