

CITY OF TOWN AND COUNTRY

APPLICATION FOR ACCEPTANCE OF PRIVATE STREETS FOR MAINTENANCE

Guidelines, procedures, and standards for acceptance of private streets are attached.

APPLICANT INFORMATION

Contact Person _____ Title _____

Address _____ Telephone _____

Subdivision Name _____

This application is for the following street(s): _____

SUMITTALS

Please attach one certified copy of each of the following documents:

Record Plat of subdivision and/or streets to be dedicated and any applicable easements/documents.

Trust indentures and any subsequent revisions or amendments.

INCLUDE ADDITIONAL INFORMATION IF AVAILABLE

Trustee records of construction and repairs of roadway and related sewers, including plans and specifications, etc.

Subdivision trustee update form (see attached).

Authorized Representative/Print Signature Title Date

Authorized Representative/Print Signature Title Date

Authorized Representative/Print Signature Title Date

Note: The application must be signed by the persons authorized to dedicate streets for public use.

SUBDIVISION TRUSTEE UPDATE FORM

SUBDIVISION NAME _____ WARD # _____

City of Town and Country
1011 Municipal Center Drive
Town and Country, MO 63131-1101

Trustee 1

First Name _____ Last Name _____
(please print)

Address _____

City: Town and Country Zip _____

Home Phone _____ Work Phone _____

Term Expires _____ E-mail _____

Trustee 2

First Name _____ Last Name _____
(please print)

Address _____

City: Town and Country Zip _____

Home Phone _____ Work Phone _____

Term Expires _____ E-mail _____

Trustee 3

First Name _____ Last Name _____
(please print)

Address _____

City: Town and Country Zip _____

Home Phone _____ Work Phone _____

Term Expires _____ E-mail _____

IF YOUR PHONE NUMBER IS UNLISTED PLEASE ADVISE SO WE DO NOT GIVE IT OUT.

GUIDELINES FOR ACCEPTANCE OF PRIVATE STREETS
FOR MAINTENANCE BY THE CITY OF TOWN AND COUNTRY

Procedures

1. Subdivisions and Trustee Organizations responsible for the maintenance of streets in residentially zoned areas of the City are eligible to make application. To initiate the process for acceptance of a private street, a written application on forms provided by the City must be submitted to the Town and Country Development Office for consideration. The application shall be signed by the authorized subdivision representative to dedicate the streets for public use. The application must include copies of the record plat of all streets to be dedicated, any applicable easement documents, any records of construction and repair and any and all subdivision trust indentures and amendments thereto. Upon the City's initial review, additional information may be requested by the City. The application must include the telephone number and address of an authorized subdivision representative for the City to contact. The City will consider applications received on a first-come, first-served basis. The City will in no event accept an application hereunder with respect to any private street unless and until (i) the Certificate of Completion provided for in Section 410.160.G.2.e of the City's Municipal Code of Ordinances has been issued and (ii) at least two-thirds of the trustees of the subdivision have been elected by the purchasers of recorded lots in the subdivision as provided for in Section 410.200.A.14.b of the City's Municipal Code of Ordinances.
2. The Applicant must pay all the costs of processing an application for acceptance of private streets. The Director of Public Works, or his/her designee, will prepare an estimate of the City's costs for processing the application to include consultant costs, survey and engineering costs, pavement coring costs or other independent tests to determine pavement thickness, testing costs necessary to determine conditions of the improvements, legal review, and recording fees. A cash deposit must be posted with the City by the Applicant to cover the aforementioned estimated costs before further processing of the application. If the final cost exceeds the estimate, the Applicant must pay the difference. If the amount is less than the estimate, then the difference shall be refunded to the Applicant. No street acceptance shall be finalized until the amounts due to the City hereunder have been paid in full.
3. The Director will cause inspections and tests to be undertaken with respect to each street to determine if the streets meet the minimum standards set forth in this document. The Director will prepare an estimate of the cost of repairs or improvements needed to bring the street up to the minimum standards set forth herein. The Director will notify, in writing, the subdivision's authorized representative of any deficiencies and the foregoing estimated costs. The City and its agents and employees will not be responsible for any variance between the estimate and actual costs.
4. Within ninety (90) days of receipt of the foregoing notice; (a) a petition must be filed on forms provided by the City requesting that the City accept ownership of the street and (b) plans must be submitted detailing the repairs and improvements to be made to each street. The petition must be signed by the proper parties as authorized under the subdivision indentures. Evidence of such authority must be presented to the City Attorney for approval. The City Attorney may require verification of ownership as a legal condition to acceptance of such petition. If any legal issue exists relative to the authority of the parties to dedicate a street, the City Attorney is authorized to require confirmation of such authority or other legal assurance of such authority in the form of an opinion of counsel or title policy. If the City Attorney is not satisfied with the petition and supporting evidence, then a petition in the form attached will be considered satisfactory only if signed by all property owners in the subdivision or along the subject street.

5. Once the petition and street improvement and repair plans are submitted and tentatively approved by the City staff, the petition shall be referred to the Planning and Zoning Commission for its review. The Planning and Zoning Commission shall recommend for or against acceptance of the streets. The Planning and Zoning Commission shall immediately thereafter report its findings to the Board of Aldermen for its review. The Board of Aldermen shall thereafter determine whether the City will accept or reject of the street dedication. The Board of Aldermen's decision will then be communicated to the Director of Public Works, who shall then immediately notify the petitioner(s) of the decision.

6. If the Board of Aldermen accepts the street improvement and repair plans and recommends to accept dedication of the streets, the petitioner(s) must complete any necessary repairs and improvements and legal documents for recording within one year of the date that formal acceptance notice is given by the Director of Public Works. For good cause shown, an extension of time may be granted by the Board of Aldermen. After the street has been improved to the standard the Board of Aldermen requires, the Director of Public Works shall be notified of same by the subdivision.

7. Upon completion of all improvements and/or repairs, as confirmed by the Director of Public Works, the Board of Aldermen shall adopt an ordinance accepting the street(s) for public dedication.

Standards For Acceptance

1. Streets must be paved with an asphalt or concrete surface, and restored to an acceptable condition as determined by the Director. "Acceptable condition" does not mean that the street must be in brand new condition, only that it must appear to the Director that reasonable effort has been made since original construction to maintain the street properly, including sealing as appropriate. For example: pavements which have settled or shifted significantly, which show evidence of voids in the underlying subgrade support, which have potholes or are extensively cracked or spalled on the surface, which have unsealed joints or cracks, or which are otherwise in need of immediate repairs or maintenance would not qualify as being in "acceptable condition" and must be repaired by Petitioners prior to acceptance by the City.

2. Streets must have adequate and safe vertical and horizontal alignment and be constructed to acceptable grades as determined by the Director to permit safe vehicle and pedestrian travel.

3. Trees, boulders and other large obstacles (other than mailboxes) located within the right-of-way must be removed by the Petitioners if determined by the Director to be unsafe or a traffic hazard.

4. No street will be accepted unless:

(a) The street meets the street specifications as listed in Section 410.200 of the Municipal Code.

(i) An exception to (a) may be granted by the Board of Aldermen, with recommendation by the Public Works Director, upon finding that each of the below criteria have been met:

A) the street under consideration was constructed pursuant to all codified requirements of 410.200 at the time that construction was completed

B) inspections, testing, and review of all available documentation are completed to ensure that the relevant standards and specifications were met, and the street continues to meet or exceed same

- C) no street shall be eligible for an exception unless construction of the street was completed no more than ten (10) years prior to the current standards adopted in Section 410.200
 - D) an exception granted to (a) above in no way provides exemption from any other standard, condition, or criteria outlined in this policy or required by the Municipal Code
- (b) The pavement condition index of the street shall be at least a 9 on a scale of 10 as outlined in the most recent edition of the Pavement Surface Evaluation and Rating (PASER) manual developed by the Transportation Information Center at the University of Wisconsin – Madison.

Other Conditions of Acceptance; Maintenance

1. The City will document by photographic evidence, engineering reports, plans and tests, the condition, composition and configuration (including pavement thickness and width) of the street at the time of application. If accepted, all street pavements will be reasonably maintained by the City, including repairs, patching, sealing and snow removal in accordance with applicable City policies as the same may change from time to time. Timing and necessity of maintenance is to be within the sole discretion of the City.
2. Petitioners shall maintain all entrance monuments to subdivisions, including replacement of lighting, painting, repair and maintenance. In the alternative, they shall be removed at Petitioner's costs.
3. Storm sewers are not required; but if not in existence at the time of application, the City will have no obligation to install storm sewers. Adequate drainage of existing streets must be in place prior to acceptance. Any storm sewer infrastructure not deeded to MSD for ownership and maintenance, will remain private and the responsibility of the subdivision to maintain.
4. No curbing of any kind is required; but if not in existence at the time of acceptance, the City will have no obligation to install curbing on the street(s).
5. The City will not be responsible for trees in the right-of-way after the streets have been accepted. All landscaping will be performed at the expense of the Petitioners, including the removal of trees within the right-of-way.
6. Entrance gates that prevent public access to streets, speed bumps and any other traffic obstructions or devices will not be allowed on City maintained streets. No streets will be accepted for public maintenance unless all speed bumps, entrance gates and other traffic obstructions or devices are first removed.
7. Acceptance by the City of the responsibility to maintain streets does not include the responsibility for maintenance of landscaping within the street right-of-way, landscaped portions of cul-de-sacs, common ground, streetlights, or mailboxes within the right-of-way.
8. The City shall have the right to exercise traffic control on all streets accepted for public maintenance by the City.
9. By accepting any streets for public maintenance, the City is not limiting its police power, condemnation rights or any other legal rights that it otherwise possesses.

10. Before the City will accept any streets for public maintenance from the subdivision trustees or property owners, the subdivision trustees or property owners must indemnify the City from any and all liability arising from, or relative to, the condition of the subdivision streets prior to acceptance by the City. Such indemnification shall be in a form which is satisfactory to the City Attorney.

11. As a condition of acceptance by the City of any street pursuant to these guidelines, any and all documents deemed necessary by the City for final acceptance shall be executed by subdivision trustees and/or property owners.

Conditions of Transfer of Public Streets to Private Ownership

1. To initiate the process for the return of streets previously dedicated for City maintenance to private maintenance, a written application on forms provided by the City must be submitted to the Town and Country Development Office for consideration. The application shall be signed by the persons authorized to dedicate the streets for public use. The application must include the telephone number and address of a subdivision representative for the City to contact. The City will consider applications received on a first-come, first-served basis.
2. The Applicant must pay all the costs of processing an application for the return of streets to private ownership. The Director of Public Works (the "Director") will prepare an estimate of the City's costs for processing the application to include consultant costs, survey and engineering costs, legal review, and recording fees. A cash deposit must be posted with the City by the Applicant to cover the aforementioned estimated costs before further processing of the application. If the final cost exceeds the estimate, the Applicant must pay the difference. If the amount is less than the estimate, then the difference shall be refunded to the Applicant.
3. The City maintains the right to complete any, all or no improvements to a street immediately prior to its return to private ownership. The City also makes no warranties regarding any of the roadway pavement, curbing, drainage facilities or any other improvements which may or may not be installed within the right of way to be returned.
4. No street which has been dedicated to the City is eligible for return to private ownership within 10 years of the date of acceptance by the Board of Aldermen.
5. Upon return of any street to private ownership the City shall receive as reimbursement, the residual value of any improvements installed within the previous five years prorated utilizing the actual cost and the intended design life of the improvement. No return of street to private ownership shall be finalized until the amounts due to the City hereunder have been paid in full.