

**Harford County Department of Public Works
General Rules and Regulations
Private Road Acceptance**

1. A petition that requests that a private road and its drainage system be upgraded to meet all applicable County standards and be taken into the County maintenance system shall be submitted to the Director of the Department of Public Works. The private road must have been in existence for a minimum of ten (10) years prior to County consideration of a petition. Condominium roads will not be considered for acceptance into the County maintenance system. The petition shall be signed by the Board of Directors of the non profit community association or homeowners' association which controls the common area on which the road is located or, where control of the road does not fall under the auspices of such an organization, by a majority of the property owners whose property abuts the private road. The petition shall grant the County the right to enter upon the property of the petitioners to perform any tests or inspections required by the County.
2. The Department of Public Works shall authenticate the petition.
3. The Department of Public Works shall conduct a field investigation of the road and its drainage system which are proposed for acceptance. The investigation shall include any and all testing necessary to determine the present condition of the roadway and drainage system and the impact which acceptance of the facilities will have on County road maintenance.
4. The Department of Public Works shall prepare a preliminary estimate which includes, but is not limited to, the costs for engineering, construction, inspection, overhead and administration that will be required to bring the existing facilities into compliance with applicable County standards. The estimate shall be subject to modification in the event that design and construction are undertaken.
5. The Department of Public Works shall hold a public meeting. Notice of the date, time and location of the meeting shall be provided to the community or homeowners' association or to the abutting property owners. Notice shall be directed to the address shown on the most recent tax bill.
6. The proposed acceptance process and the estimated cost shall be presented at the meeting. Attendees shall be provided an opportunity to speak at the meeting. The County shall provide an agreement to the petitioner(s) that indicates the estimated cost of the project. The agreement shall provide that property owner(s) benefited by the project shall pay a pro rata share of the cost of the necessary construction in accordance with Paragraph 11 below and shall, furthermore, obligate the property owners to dedicate all necessary rights-of-way and/or easements to the County at no cost upon completion of the project. The agreement shall, furthermore, grant the County a right-of-entry for design and construction of the required improvements. It shall be the responsibility of the petitioner(s) to obtain the signatures of a sufficient majority of affected property owners as defined in Paragraph 7.
7. A "sufficient majority" for purposes of these Rules and Regulations is defined as follows:
 - a. Where roads are not controlled by a community or homeowners' association, one hundred percent (100%) of the adjoining property owners.
 - b. Where roads are controlled by a community or homeowners association, the percentage of members required, under the Association's covenants, articles or by-laws, to dedicate the required rights-of-way and/or easements to the County.

8. If the petitioner(s) fail to return the agreement, signed by a sufficient majority of the affected property owners, within six months following the public meeting, the County shall abandon the project. Should acceptance of the petition be denied, no duplicate petition shall be considered by the County during a period of five (5) years from the date of the prior petition.
9. After receipt of a properly executed agreement, the Director of Public Works by, through, and with the consent of the County Executive, may propose legislation, subject to County Council approval, to finance the cost of the project through a special assessment.
10. If a special assessment is approved and upon completion of the project, the costs thereof, including but not limited to engineering, construction, inspection, overhead and administration shall be certified by the Director of Public Works to the Treasurer. The Treasurer shall add the special assessment for each property to the State and County tax bills in accordance with Section 225-6 of the Harford County Code.
11. The costs to be assessed shall be allocated among property owners as follows:
 - a. Where no community or homeowners' association is involved, an abutting property owner shall pay a percentage of the assessable costs equivalent to the number of feet of his or her property that front the road, divided by the total road frontage to be deeded to the County.
 - b. Where a community or homeowners' association is involved, each property owner shall be assessed an equal share of the cost of improvements.
12. The engineering, design and construction may be financed and work may be performed directly by the abutting property owners or the association. In this event, County inspectors shall inspect the work assuring that County standards are met. The cost of this inspection, which is due and payable upon acceptance of completed road and storm drain construction, shall be borne by the property owner(s) or the association.
13. The Director of Public Works may authorize the performance of necessary construction or improvements by County forces or may procure the performance by contract.
14. The scheduling of road and drainage improvements and inspection shall be within the discretion of the Director of Public Works. The Director reserves the right to recommend deferring an acceptance project in the event that it is in the best interest of the County to do so.

These Rules and Regulations have been promulgated through the authority granted in Section 225-6, Streets, Sidewalks and Public Works, Harford County Code. They conform to the requirements of Section 807 of the Harford County Charter in that they have been subject to at least one advertised public hearing and are on file with the President of the County Council and Director of Administration.

Robert B. Cooper, P.E., Director
Department of Public Works
October 21, 2010