

GUIDELINES FOR ACCEPTANCE OF PRIVATE STREETS FOR MAINTENANCE BY THE CITY OF RICHMOND HEIGHTS

Procedures

1. To initiate the process for acceptance of a private street, a written application on forms provided by the City must be submitted to the Office of the City Manager for consideration. The application shall be signed by the persons authorized 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 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 acceptance of private streets. 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, 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 costs before further processing of the application. This application fee is non-refundable.
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 established in the City's Subdivision Code and additional 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 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 if signed by all property owners in the subdivision or along the subject street.

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 City Council for its review. The City Council shall thereafter recommend acceptance or rejection of the street dedication. If the City Council recommends acceptance of dedication of the streets, the same shall be communicated to the Director of Public Works. If the City Council disapproves acceptance of dedication of the streets, the same shall be communicated to the Director of Public Works who shall immediately notify the petitioner(s) of same.

5. If the City Council accepts the street improvement and repair plans and recommends to accept dedication of the streets, the Director of Public Works shall notify petitioner(s) of same. The petitioner(s) must complete any necessary repairs and improvements and legal documents for recording within one year of the date such notice is given by the Director of Public Works. For good cause shown, an extension of time may be granted by the City Council. After the street has been improved to the standard the Board accepts, the Director of Public Works shall be notified of same by the subdivision. The Director, if satisfied that all improvements have been achieved, will issue a certificate of completion of the street improvements.
6. Upon receipt of a certificate of completion from the Director of Public Works, the City Council shall adopt an ordinance accepting the street(s) for public dedication.

Additional Standards For Acceptance

1. Streets must be concrete or asphalt 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. 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 Petitioner's 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 three (3) feet of the pavement 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) Right-of-way of at least twelve (12) feet along each side of the street is dedicated to the City.
 - (b) The paved surface is a minimum of twenty-six (26) feet.
 - (c) The paved surface shall have a minimum thickness for Portland Cement Concrete (PCC) of six (6) inches. Where existing PCC thickness is between four (4) and six (6) inches, asphaltic concrete wearing courses shall be added with two (2) inches of asphaltic concrete added for each inch of deficiency in the PCC thickness. Asphaltic pavements should have a wearing course of at least two (2) inches thickness of asphaltic concrete over a rock base course of at least six (6) inches in thickness. Sealed chat pavements shall have a total thickness of rock and chat of not less than eight (8) inches.
5. In lieu of requiring strict compliance with all of the above standards, the Director may waive compliance and recommend acceptance upon the payment by the Petitioners to the City of an appropriate sum of cash equal to the estimated cost of bringing the pavement up to minimum standards established herein.

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, the City will have no obligation to improve the condition or configuration of the street, only to maintain the street at its condition, composition and configuration at the time of acceptance.
2. Petitioners shall maintain all entrance monuments to subdivisions, including replacement of lighting, painting, repairs 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.
4. The City will remove all trees on the right-of-way that die after the streets have been accepted. Replacement of trees will be within the sole discretion of the City. All other landscaping will be performed at the expense of the Petitioners.

5. Consistent with the foregoing, all accepted street pavements will be reasonably maintained by the City, including repairs, patching, sealing, snow removal and storm sewer cleaning in accordance with City policy. Storm sewer maintenance is limited to structures and piping on the street right-of-way and to the first downstream structure. Under no circumstance is the City agreeing to accept responsibility to maintain any stormwater facilities that are not otherwise maintained by the City. Timing and necessity of maintenance is to be within the sole discretion of the City.
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. An existing entrance gate on a city maintained street may be permitted in a subdivision for traffic control purposes provided that, elsewhere in the subdivision, there is public access to all city maintained streets in the subdivision through a non-gated city maintained street. No streets will be accepted for public maintenance unless all speed bumps, entrance gates (except as provided above) 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.