

Board of County Commissioners
Leon County, Florida

Policy No. 24-2

Title: Private to Public Dirt Road Improvement and Maintenance Program

Date Adopted: July 9, 2024

Effective Date: July 9, 2024

Reference Sec. None

Policy Superseded: None

It shall be the policy of the Board of County Commissioners of Leon County, Florida that:

Leon County shall provide an option for property owners on private dirt roads to donate 100% of the needed right of way enabling them to thereafter be owned and maintained by the County. The primary objective of this policy is to ensure safe ingress and egress to formerly private roads for homeowners, U.S. Postal Service, and emergency services personnel by adding them to the public road system, upgrading them based on availability of funding and maintaining them thereafter.

Incorporated herein are the Procedures for the “Private to Public Dirt Road Improvement and Maintenance Program.”

Procedures for Participation in the Private to Public Dirt Road Improvement and Maintenance Program

1. Application: Request/application forms for participation in Leon County's Private to Public Dirt Road Improvement and Maintenance Program shall be obtained from and submitted to the Leon County Division of Operations, 2280 Miccosukee Road, Tallahassee, Florida, 32308.

All applications for participation in Leon County's Private to Public Dirt Road Improvement and Maintenance Program shall include the following:

- a) the name, address and telephone number of the party/parties making the request
 - b) the name of the road(s) of which the repairs are being requested
2. Criteria: Public Works staff will conduct an evaluation for the following eligibility criteria:
 - a) The project must be on private dirt road that is continuous and contiguous to an existing publicly maintained right of way.
 - b) 100% of the owners of the private road need to sign the petition.
 - c) 100% of the owners of the private road need to donate the necessary right-of-way (60 feet) to the County without compensation. Such title shall be free from encumbrances and material defects, except those deemed by the County to be acceptable, shall be free from any doubt as to its validity, and shall make it reasonably certain that such title will not be called into question in the future so as to subject the County to litigation with regard thereto. The County shall only pay the costs of any surveys and title insurance, and the property owners shall pay all other costs deemed necessary or advisable by the County in its discretion to complete such donation of the right of way, including, but not limited to, documentary stamp tax, recording, miscellaneous closing fees, and any attorney's fees and court costs for quieting title to such right-of-way, probate, or any other litigation or filings necessary or advisable to convey clear title to the County.
 3. Repairs: Private to Public Dirt Road Maintenance and Improvements activities allowed under this policy would typically be only those activities covered within and described as follows:
 - a) Improving the dirt road up to the County standard of 20 feet road width.
 - b) Addition of swales and ditches and stormwater conveyances as needed.
 - c) Addition of driveway culverts as needed.
 - d) Cross-drain repair or replacement.
 - e) Roadside ditch maintenance.
 - f) Dirt road grading.
 - g) Delivery of soils by the cubic yard for the purpose of dirt road stabilization.
 - h) Delivery of aggregates by the ton for the purpose of dirt road stabilization.
 - i) Sod and sediment controls for the purpose of stabilizing areas associated with road and stormwater repair activities.

Other repairs as would be in compliance with the objectives of this policy and within the other limitations established herein may be considered.

4. Funding: Pursuant to the Livable Infrastructure for Everyone (L.I.F.E.) Program Policy (Board Policy No. 16-6) (L.I.F.E. Program), funding is available for traffic safety and emergency access programs. The funding for this program will come from the L.I.F.E. Program, or as otherwise appropriated. Through the annual budget process and five-year capital improvement plan, funding shall be allocated to Private to Public Dirt Road Improvement and Maintenance Program. Approval and scheduling of all requests for Private to Public Dirt Road Improvements shall be contingent upon the availability of Program funding. If at the end of the County fiscal year all appropriated Program funds are not expended, remaining Program funds may be carried forward to the next fiscal year.
5. Prioritization: Full and complete request applications shall be evaluated and ranked based on: (1) the criteria set forth at Section 2 herein, including an estimate of time to complete 100% donation of the road if the project is approved; (2) the precedential order set forth in section 2(B) of the L.I.F.E. Program; (3) whether or not the dirt road has historically been deemed impassable to any residents' vehicles or to vehicles of law enforcement or emergency personnel; (4) the ability to complete a smaller project based on available funds in a given fiscal year; and (5) physical, design/permitting, and funding constraints.
6. Waiting List: When funding is not available to proceed with approved Private to Public Dirt Road Improvement and Maintenance Program improvements, a waiting list will be established. Those applicants on the waiting list will be notified annually of their status. Applicants will be prioritized on the waiting list in the order in which their applications were approved.