

Board of County Commissioners
Leon County, Florida

Policy No. 11-1

Title: Private Road Preventative Maintenance and Repair Program

Date Adopted: July 9, 2024

Effective Date: July 9, 2024

Policy Superseded: Policy No. 04-5 “Private Dirt Road Repair Program” adopted September 15, 2004; Policy No. 06-5 “Private Paved Road Preventative Maintenance and Repair Program” adopted December 12, 2006, revised February 22, 2011

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

Leon County shall provide repairs to paved and dirt roads and related infrastructure (shoulders, drainage conveyances and other infrastructure supporting paved and dirt roads) to private roads within the unincorporated areas of Leon County. The primary objective of this policy is to ensure safe ingress and egress to private roads for homeowners, U.S. Postal Service, and emergency services personnel. Such services shall not be construed as competition with private enterprise, but rather a service that serves the public good with the narrow focus of ensuring safe “all weather access” to residential dwellings. Only private accesses that have been officially platted and named by the Leon County Addressing Coordinator’s Office as “private roads” shall be eligible for work under the Private Road Repair Program. All other private accesses shall be deemed to be ineligible.

Incorporated herein are the Procedures for the “Private Road Preventative Maintenance and Repair Program.”

Procedures for Participation in the Private Road Preventative Maintenance and Repair Program

1. Requests/applications forms for participation in Leon County's Private Road Preventative Maintenance and Repair Program shall be obtained from and submitted to the Leon County Division of Operations, 2280 Miccosukee Road, Tallahassee, Florida, 32308.
2. All requests/applications for repair services 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
 - c) a detailed description of the requested repairs to include a list of materials
 - d) a map of the exact location within the road section on which the repairs are being requested.
3. Upon receipt of the repair request/application, a staff member will perform a review of the request to determine if the requested repairs meet all applicable program criteria. The requesting party/parties shall be notified within four (4) working days as to the findings of the application review. For repaving repair activities, additional time may be required for a cost estimate to be generated from the County's Asphalt Continuing Supply Contractor.
4. Repair activities allowed under this policy would typically be only those activities covered within the Division of Operations General Maintenance Permit, and described as follows:
 - a) Pothole Repair
 - b) Curb and gutter repair and replacement
 - c) Inlet top repair
 - d) Ditch bottom inlet structural repair or replacement
 - e) Storm sewer repair
 - f) Cross-drain repair or replacement
 - g) Roadside ditch maintenance
 - h) Drainage outfall to stormwater treatment facility repair
 - i) Drainage flume repair or replacement
 - j) Dirt road grading
 - k) Delivery of soils by the cubic yard for the purpose of dirt road stabilization
 - l) Delivery of aggregates by the ton for the purpose of dirt road stabilization
 - m) Sod and sediment controls for the purpose of stabilizing areas associated with road and stormwater repair activities.
 - n) Repaving repair activities. The existing paved private road must be continuous and contiguous to an existing publicly maintained right of way.

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

5. All fees associated with repair requests shall be entirely the responsibility of the requesting party/parties and, except where special assessments are imposed in accordance with this Policy, shall be paid in full prior to work commencing. Leon County will in no manner assume a role in mediating or negotiating between parties, relevant to their participation in the Private Road Preventative Maintenance and Repair Program or the associated fees. All checks for payment of fees shall be made payable to the Leon County Board of County Commissioners.
6. The fees for approved activities within the Private Road Preventative Maintenance and Repair Program shall be based upon the following criteria:
 - a) all activities and materials fees shall be based upon Leon County's current fee rates at the time the services are performed or current market prices for materials.
 - b) fees will reflect only Leon County's actual cost of doing business with no profit margins included.
7. In order to ensure non-competition with private enterprise and to prevent over extension of County resources, approval of repair requests other than repaving projects shall be limited in their scope as follows:
 - a) Major Projects: Major projects shall be deemed to be any project that requires in excess of one 10-hour workday to complete and has a maximum total cost of \$9,000 or less. Major repair projects shall be limited to one per neighborhood/customer per fiscal year (October 1 through September 30).
 - b) Minor Projects: Minor projects shall be deemed to be projects that can be accomplished within one 10-hour work day and at a cost of \$6,000 or less. These projects typically include activities such as; minor asphalt repairs, minor stormwater repairs and minor dirt road repairs. Minor repair projects are not subject to the one per fiscal year provision as with major projects. However, under no circumstances shall requests for periodic or regular services or acceptance of fees therefore, be accepted.
8. Repaving Projects.
 - a) Definitions.

County staff means the staff employed by the County in the real estate division or the public works department.

Non-ad valorem assessment means a special assessment which is not based upon millage and which can become a lien against a homestead property as permitted in section 4, article X of the state constitution.

Owner(s) means those natural persons or entities having fee title to the whole or part of the parcel, whether by sole ownership, part ownership, joint ownership, tenancy in common, tenancy in partnership, joint tenancy, or tenancy by the entirety.

Parcel(s) means any piece of real property in the unincorporated area of the County that has a single parcel identification number assigned to it by the county property appraiser; provided, however, that if such parcel identification number

is associated with multiple pieces of real property as depicted on the cadastral map maintained by the county property appraiser, each one of such multiple pieces shall be deemed to be a separate parcel unless otherwise determined by county staff.

Pending special assessment means a special assessment in a pending amount, with such amount to be determined by the Board in accordance with this Policy.

Request for road repaving means a written request, in a form approved by county staff, properly executed by the requisite number of parcel owners requesting the Board to consider repaving the road abutting their parcels. At a minimum, the request for road repaving shall provide the name and contact information of a designated representative of such parcel owners, describe the proposed road repaving, identify all of the parcels that abut such road, and contain a clear and plain statement that the parcel owners, by executing such request, acknowledge that they shall grant temporary easements to the County at no cost to perform such road repaving and the owners, on behalf of themselves and their successors and assigns, shall, in a recordable form acceptable to the County, waive, release and discharge the County from any and all liability related to or arising out of the road repaving or use and enjoyment of the easements.

Road means a privately-owned way improved, designed, or ordinarily used for vehicular travel, which is continuous and contiguous to a publicly maintained way. The road must be located in the unincorporated area of the County, in which the County or public has no express ownership interest and which has not otherwise been dedicated to the public, and which currently has, or originally had at the time of its construction, a surface paved with asphalt or other such hard-surface material, and which will allow for a repaving project that will be permitted without the requirement of any additional drainage ditches, swales, or other such stormwater management facilities.

Road repaving is limited to asphalt patching and repairs, road base repairs, asphalt resurfacing, surface treatments, and road shoulder repairs as necessary to accomplish the resurfacing repairs. Road repaving will be completed by the County's Asphalt Continuing Supply Contractor or another contractor chosen by the County. The County shall assume no responsibility for the continued maintenance of the road upon the completion of the road repaving.

Special assessment means a levy upon a parcel abutting a road repaving project to defray the cost thereof. A valid special assessment must satisfy a two-prong test: the parcel burdened by the special assessment must derive a special benefit from the road repaving provided by such special assessment; and the special assessment must be properly apportioned among the parcels receiving such special benefit.

Special benefit means the benefit derived by a parcel from an abutting road repaving project. In evaluating whether a parcel has derived a special benefit, the test is not whether such benefit derived by the abutting parcels is unique or is different in type or degree from the benefit provided to the community as a whole;

rather the test is whether there is a logical relationship between the road repaving and the benefit derived therefrom by the abutting parcels.

- b) Request for road repaving; grant of temporary construction easements; waiver and release.
 - (i) Upon receipt by county staff of a full and complete request for road repaving signed by 100% of the owners of the parcels abutting any road, the Board shall consider the request for road repaving at a public hearing during a regular meeting of the Board and consider the extent to which the abutting parcels would derive a special benefit from the requested road repaving.
 - (ii) The request for road repaving shall contain in a clear and plain statement: the requirement that any easements needed for the road repaving shall be granted to the County free of charge; and the owners, on behalf of themselves and their successors and assigns, shall, in a recordable form acceptable to the County, waive, release and discharge the County from any and all liability related to or arising out of the road repaving or use and enjoyment of the easements.
- c) Notice to public; first public hearing
 - (i) Prior to the public hearing to consider a request for road repaving, the Board shall publish a notice in accordance with Section 50.011, Florida Statutes, as may be amended from time to time, stating that at a regular meeting of the Board on a date and time certain, to be held at least 20 days after the date of publication, the Board will conduct a public hearing to hear all interested persons on the requested road repaving.
 - (ii) The notice shall further state in general terms a description of the proposed road repaving, and the location thereof, the cost estimate thereof, a description of the abutting parcels against which a special assessment is proposed to be made, and a statement that any easements needed for the road repaving shall be granted by the Owners to the County free of charge. A copy of the notice shall be mailed by certified mail to the record owners of such abutting parcels at the address shown on the tax collector's office for tax notices or to the address listed in the county property appraiser's database, such notice to be mailed at least 20 days prior to the public hearing.
 - (iii) At the time designated in the notice, the Board shall hear all interested persons, and may then or thereafter reject the request for road repaving or, by resolution, approve all or any part of the requested road repaving and direct that a pending special assessment lien be imposed upon each of the abutting parcels that derive a special benefit from the requested road repaving.
 - (iv) The resolution shall contain the name of each owner of each parcel upon which the pending special assessment lien is imposed, along with a description of each such parcel. Such resolution shall also contain Board direction that prohibits the road repaving from being commenced until the easements required by the County have been obtained, and further that, if

such easements cannot be obtained within 60 days after the date of the resolution, the road repaving project shall be terminated. The burden shall be on the owners, at their expense, to provide the easements in a form acceptable to the County Administrator or designee. The 60-day deadline for obtaining such easements may be extended for good cause at the discretion of the County Administrator or designee.

- (v) An executed copy of such resolution shall, no later than ten (10) days after its adoption, be recorded in the official records of the County in a manner that will allow the discovery of the resolution through a search of any of the owners' names contained therein. Upon such recordation, the resolution shall thereafter constitute a pending special assessment lien on each such parcel contained therein. The failure to timely record the resolution shall not be deemed to invalidate such resolution.
 - d) Non-ad valorem assessments; method of collection.
 - (i) Within such time as the Board may determine following the completion of the road repaving and the determination of the total cost thereof, the County shall impose non-ad valorem assessments at a public hearing.
 - (ii) The Board may apportion the total costs of such road repaving as a special assessment based on a per lot methodology or on an alternative methodology, provided the amount of the special assessment for each parcel is not in excess of the proportional special benefits as compared to the special assessments on the other benefitted parcels.
 - (iii) The non-ad valorem assessments shall be collected pursuant to the method provided in Section 197.3632, Florida Statutes. The Board resolution adopted pursuant to Section 197.3632(4)(a), Florida Statutes, shall be recorded in the official records of the County in a manner that will allow the discovery of the resolution through a search of any of the owners' names contained therein. Upon such recordation, the resolution shall supersede, cancel, and replace the pending special assessment lien imposed pursuant to this Policy.
9. When deemed appropriate, Continuing Supply Contracts (in-place asphalt pavement, engineering, etc.) may be utilized on any project.
10. Approval and scheduling of all requests shall be contingent upon the availability of County resources with County maintained roads taking priority over private road repair requests.
11. Upon completion of the private road repairs, the requesting party/parties shall be solely responsible for all future maintenance responsibilities of the road. As such, Leon County shall in no manner assume any responsibility for future maintenance.