

**Sec. 8 Acceptance of Road Maintenance and Development Permits**

**Owner's / Developer's Maintenance Responsibility.** The Owner / Developer shall remain responsible for all maintenance and repair of streets within a subdivision until the Commissioners Court, by formal written action or Minute Order, accepts the obligation to maintain and repair such roads. The Commissioners Court's decision to approve a Record Plat or dedication of the right of way for a street shall not be deemed to constitute acceptance of the streets for maintenance.

**County Acceptance of Maintenance.** The County shall accept a road or street for maintenance when the following conditions have been satisfied:

- A. The street has been constructed as a Public Permitted Street in accordance with these Regulations, the Record Plat for the road or street has been recorded and the associated right of way has been dedicated to the public pursuant to these Regulations.
- B. The Owner / Developer has submitted a written request to the County. If the Owner / Developer is no longer available, i.e. has ceased to transact any business or, in the case of an individual, has died, any person owning property with frontage or access onto the street may submit written request;
- C. A registered professional engineer has performed and approved all required inspections and tests at the completion of each phase of construction of the 23 street, including plasticity index, sub-base and base, tests for compacted density, depth of base and distribution of asphalt (it is the responsibility of the developer to coordinate all inspections and laboratory tests with a registered professional engineer and not to proceed with construction until proper inspections and tests have been obtained, as required by these regulations. Any laboratory tests and test holes shall be at the expense of the developer. In no event will any base be placed on the street until the sub grade has been approved in writing by the registered professional engineer and inspected by the Commission in whose precinct the proposed Subdivision is located;
- D. A registered professional engineer has inspected the street no earlier than 30 days prior to the Commissioners Court's acceptance of the maintenance obligation and has submitted to the Commissioners Court an Inspection Report stating that:
  - 1) The street, in its current condition and with no repairs, upgrades or improvements, is in compliance with the Regulations and all other guidelines in effect at the time of the inspection;

- 2) The requirements regarding construction of drainage structures and driveway drain pipes, has been satisfied; and
- 3) The Burleson County Commissioner in whose precinct the proposed Subdivision is located recommends acceptance of the street by the Commissioners Court,

E. And following has occurred:

- 1) Two (2) years has expired from the date that all streets, drainage (including drain pipes) and other public improvements in the subdivision were first completed and inspected by a registered professional engineer and
- 2) The Owner / Developer has posted with the County cash, bond or a letter of credit in a form approved by the County (a "Maintenance Bond") to secure the proper construction and maintenance of the roads prior to County acceptance thereof in an amount equal to 10% of the construction costs of the streets for a term of two (2) years following acceptance by the County. The Maintenance Bond will also secure the Owner / Developer compliance with Section 6.6 (e) above. Before release of the Maintenance Bond, the Commissioner in whose precinct the proposed Subdivision is located shall inspect the roads or streets and the Owner / Developer shall remedy all deficiencies prior to release of the Maintenance Bond. If the deficiencies are not promptly remedied, the County shall make the repairs and draw on the Maintenance Bond for payment. Note: A Maintenance Bond must be posted, regardless of the date of the streets or roads are accepted by the County, for all streets or roads completed prior to the recording of the Record Plat.

#### Sec. 9 Performance Bond

This section applies if the Owner / Developer desires to file a Record Plat prior to completion of construction of all Permitted Streets and inspection by the Commissioner. The Owner Developer shall continue to be responsible for all other requirements set forth.

- A. With the permission of the Commissioners Court, the Owner / Developer shall post a good and sufficient cash bond in an amount equal to 100% of the estimated construction costs of the streets and roads. The Commissioners Court must individually approve each application to post such a performance bond and the performance bond shall remain in effect until the streets and roads and all associated drainage improvements have been accepted by the County for

maintenance. The bond may be forfeited to the County for the County to use to complete the construction of the streets and roads. If approved, the County will assume maintenance and responsibility for the streets and roads upon forfeiture.

- B. Before release of the performance bond, the Commissioner in whose precinct the proposed Subdivision is located shall inspect the roads and the Owner/Developer shall remedy all deficiencies prior to release of the security. If the deficiencies are not properly remedied, the County shall draw on the security to make the necessary repairs

#### Sec. 9.1 Alternative Acceptance of Road Maintenance

As an alternative to Section 8 and 9 above, The Commissioner's Court of the County may accept a road or street (the "Road") for maintenance from a Developer when the following conditions have been satisfied:

- A. The Court determines based on (i) inspection by the Commissioner (or Commissioners, as the case may be) in whose precinct the Road is located that the Road reasonably satisfies the needs of the County relative to initial construction of such Road and (ii) recommendation of acceptance of the Road for County maintenance by such Commissioner(s).
- B. The Court determines that the right of way associated with the Road has been, or will be upon recording of Developer's plat, dedicated to the Public and of sufficient size and width for the County's future maintenance needs.
- C. The Court has established a nonrefundable Maintenance Fund Payment payable by the Developer to the County in an amount that the Court deems appropriate and necessary to defray possible maintenance costs or supplemental construction for the Road.
- D. The Developer has paid to the County the Maintenance Fund Payment in the form of cashier's check or wire transfer of funds as reasonably designated by the County. Upon proper delivery of such funds, the County shall issue and deliver for Developer within three (3) business days thereafter, a written acknowledgement of
  - 1) receipt of the Maintenance Fund Payment,
  - 2) acceptance by the County of the Road maintenance, and
  - 3) discharge and release of Developer for further obligations regarding the Road.