AN ORDINANCE TO REGULATE THE ACCEPTANCE OF ROADS INTO THE COUNTY SYSTEM

WHEREAS the Board desires to maintain certain public roads within the County which are not within the Virginia Department of Transportation System and not within the corporate limits of any town;

WHEREAS the Board desires to maintain such system of County roads in an orderly fashion, to protect the safety of the travelling public, to prevent the inclusion of ill conceived roads that represent an extraordinary maintenance burden on the County, and to provide the public quality access to their homes and businesses;

NOW THEREFORE, be it ORDAINED that:

Sec. 1 County Road Standards—The Board of Supervisors shall not repair, improve or maintain any road not included on the attached "List of County Roads" unless the following criteria are met:

a. The road must have a width of thirty (30) feet of dedicated public right of way as certified by the County Attorney, or an attorney retained by the Board for the purpose of determining roadway rights of way.

b. The right of way must include all necessary drainage easements, as certified by the County Attorney, or an attorney retained by the Board.
for the purpose of determining roadway rights of way, and the County Engineer or any other licensed engineer retained by the Board for purposes of determining the drainage requirements of public roads.

c. The road must connect with a State maintained public road or another road in the County system that meets the same standards contained in this ordinance.

d. The road right of way must intersect on both ends with a road described in part (c) or at its terminus include sufficient right of way for a **cul-de-sac** or "T" turn around.

e. The road must serve a minimum of seven (7) residences.

f. The Board may by resolution set such additional standards as the Board may deem necessary.

**Sec. 2 Road Acceptance Procedure**- The Board of Supervisors shall not repair, improve, or maintain any road not included on the attached "List of County Roads" except by the following process:

a. Upon resolution of the Board, the Board shall cause to be advertised a public hearing to consider accepting the road into the County road system. Such advertisement shall meet the standards set forth in the Code of Virginia for any other County Ordinance. Such advertisement shall also include providing written notice by certified mail to the owners of each parcel that connects to the road as shown by the County tax maps: the names and addresses of the adjoining property owners for purposes of
the advertisements shall be as shown in the Commissioner of Revenue's records, unless any other owners or addresses are known.

b. The advertisement shall include the names of the affected property owners, the number of homes served by the road, and an estimated cost to improve the road to meet the standards set forth in this ordinance.

c. After consideration of any comments made at the public hearing, the Board shall refer the proposal to the Planning Commission for comment.

d. After receipt of official comment from the Planning Commission or after sixty (60) days from the date of the public hearing, the Board may vote to accept the road into the County Road System.

e. The minutes shall include a certification of compliance with the standards set forth in this ordinance by the County Attorney, County Engineer, and County Administrator.

f. An instrument indicating the County's acceptance, containing a certified Copy of the Ordinance accepting the road, shall be recorded in the Circuit Court Clerk's Office among the land records, listing the adjoining property owners as Grantors and the Board of Supervisors as Grantee for indexing purposes.

Sec. 3 Existing Roads No road shall be repaired, improved, or maintained without compliance with this ordinance, unless it is listed on the attached "List of County Roads". Any other roads heretofore improved by the County without an expressed
resolution of the Board accepting such road into the County Road system shall not be considered County Roads; the County's prior improvements thereof shall be deemed *ultra vires*; and no implication of acceptance by the Board of such roads into the system may be inferred from such improvements.

It is so ORDAINED by the Board on this the 11 day of January 11, 2011

RECORDED VOTE: 4 to 1  
MEMBERS PRESENT: Absher, Campbell, Hymes, White and Anderson  
MEMBERS ABSENT: None (0)  
AYES: Four (4)  
NAYS: One (1) Hymes  
ABSTENTIONS: None (0)

ATTEST:

County Administrator  
Jim Spencer

Chairman of the Board of Supervisors  
Dave R. Anderson
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