

ARTICLE V. - ACCEPTANCE OF ROADS INTO THE COUNTY SYSTEM

Footnotes:

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Editor's note— An ordinance adopted Jan. 11, 2011, did not specify manner of inclusion; hence, codification as a new Art. V, §§ 13-151—13-153 was at the discretion of the editor. A copy of the list of county roads referenced has not been set out, but may be found at the office of the county clerk.

Sec. 13-151. - 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:

- (1) 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.
- (2) 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.
- (3) 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 article.
- (4) The road right-of-way must intersect on both ends with a road described in part (3) or at its terminus include sufficient right-of-way for a cul-de-sac or "T" turn-around.
- (5) The road must serve a minimum of five (5) occupied structures, belonging to three (3) different owners, per one-half mile,
- (6) The board may accept the following roads into the county system, even though such roads may serve less than five (5) occupied structures:
 - a. Roads abandoned by the Virginia Department of Transportation;
 - b. Roads constructed by residential or commercial property developers to standards set forth in the county's subdivision ordinance, pursuant to a development agreement between the developer and the county approved by the Tazewell County Planning Commission;
 - c. Roads constructed by any federal, state, regional, or local governmental entity or agency to serve a government facility;
 - d. Roads constructed to Virginia Department of Transportation standards by any private

business or industry financed by any loan, grant, or private activity bond issue from the Tazewell County Industrial Development Authority, the Virginia Coal Field Economic Development Authority, or other local, regional, or state economic development authority.

- (7) The board may by resolution set such additional standards as the board may deem necessary.

(Ord. of 1-11-11(2), § 1; Ord. of 1-10-12)

Sec. 13-152. - Road acceptance procedure.

- (a) 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:
 - (1) Upon resolution of the board, the board shall cause to be advertized 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.
 - (2) 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 article.
 - (3) Prior to the public hearing, the board shall refer the proposal to the planning commission for comment.
 - (4) After receipt of official comment from the planning commission or after sixty (60) days from the date of referral to the planning commission, the board may vote to accept the road into the county road system.
 - (5) The minutes shall include a certification of compliance with the standards set forth in this article by the county attorney, county engineer, and county administrator.
 - (6) 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.
- (b) Roads qualifying for acceptance pursuant to subsection 13-151(6) may be accepted by resolution from the board of supervisors without the requirement of a public hearing. Such

roads may also be accepted by the board without conforming to any other requirements set forth in this ordinance [from which this section is derived].

(Ord. of 1-11-11(2), § 2; Ord. of 1-10-12)

Sec. 13-153. - Existing roads.

No road shall be repaired, improved, or maintained without compliance with this article, 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.

(Ord. of 1-11-11(2), § 3)