

R-01-2017 A Resolution to Create Conditions for Accepting Private Streets

**City Council of the City of Glenarden, Maryland
2016 Legislation**

Resolution: R-01-2017
Introduced By: Councilman James Herring
Co-Sponsors: Councilwoman Carolyn Smallwood
Session: Regular Session
Date of Introduction: July 13, 2016

A Resolution to Create Conditions for Accepting Private Streets

WHEREAS, City representatives have met with representatives of Homeowners Associations (HOA), residing within the City of Glenarden, to establish conditions for accepting private streets by the City; and

WHEREAS, there are approximately 1 mile of private streets, either existing or proposed, within the City of Glenarden; and

WHEREAS, the majority of private streets located within the City are located in townhouse communities; and

WHEREAS, the establishment of conditions for accepting private streets addresses the arguments of townhouse communities that they are paying taxes for services not received; and

WHEREAS, the City receives increased revenues of street accepted from motor vehicle taxes, and

WHEREAS, the City will incur increased snow plow costs of approximately \$4,100 per mile of street accepted, and other costs that may be offset by State highway user fees.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Glenarden, Maryland sitting in Regular Session this 13th day of July, 2016 as follows:

1. That the following conditions, labeled as Exhibit 1 to this Resolution, be established as the mechanism for accepting private streets from Home Owner Associations by the City for public maintenance.
2. This Resolution shall take effect immediately upon adoption.

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45 ATTEST:

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47 Toni Taylor
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49 Toni Taylor, Council Clerk

City Council of Glenarden

Maxine E. Phifer
Maxine Phifer, President, At Large

James A. Herring
James Herring, Vice President, Ward I

Elaine A. Carter
Elaine A. Carter, Councilwoman, Ward II

Judy C. Diggs
Judy Diggs, Councilwoman, At Large

Deborah Eason
Deborah Eason, Councilwoman, Ward II

Jennifer Jenkins
Jennifer Jenkins, Councilwoman, Ward III

Carolyn Smallwood
Carolyn Smallwood, Councilwoman, Ward I

70 Yes -7-
71 No -0-
72 Abstain -0-

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CONDITIONS FOR ACCEPTING PRIVATE STREETS

- The Homeowner Associations (HOA) must make a written request for consideration of the transfer of streets from the HOA to the City by letter from the President of the HOA.
- The City Manager would provide a punch list of infrastructure items requiring repair prior to acceptance. Items identified on the punch list would need to be corrected prior to acceptance.
- On the punch list, the City would identify how many core borings, if any, would be required by the City in order to determine street sub-grade condition. These core borings would be paid for by the HOA and be performed by a certified engineer. The City would reserve the right not to accept a street if it showed significant deterioration.
- The HOA must pay for replatting and metes and bounds survey to separate the public road from the private parking area. The HOA will also be required to submit a list of all streets to be accepted showing street name, length and pavement width of each street. The City will be responsible for recording of these documents once streets are accepted by the City.
- The City would only accept the traveled portion of the streets and would not accept the parking areas. However, the City will coordinate with the HOA concerning major repair projects in order to provide the HOA the opportunity to benefit from the contract bid price given to the City if the City's contract with the private contractor allows this.
- The City would also accept responsibility for maintaining the storm drainage system contained within the area accepted by the City.
- The City will only pay electric and maintenance costs for street lights. The City will not pay the amortized street light installation costs. The City will only pay for lights on streets the City takes over and would not pay for lights around parking areas. This approach is consistent with the way the City deals with street lights in single family developments.

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- The City will not maintain painted curb areas on streets accepted by the City, unless required to by State or County law.
- The City will not maintain private or nonconforming signs erected by the HOA on streets accepted by the City.
- The City will not maintain landscape areas or cut grass on streets or right-of-ways accepted by the City.
- The City will not accept streets with either speed humps or bumps.
- A complete and accurate document showing the precise nature of the agreement between the City and the HOA would be prepared prior to actual acceptance by the City. The City will prepare this document.
- City Council would accept streets into the City system and approve the agreement noted above by City Council Resolution at a public meeting after all appropriate Department Heads sign off on this acceptance signifying that all of the above conditions have been met.