



Application for County Road Maintenance Through Implied Dedication

To be completed by developer or property owners requesting county road maintenance for roads and right of ways in subdivision developments

To:

Smith County Road & Bridge Department
P.O. Box 990; Tyler, Texas 75710; (903)-590-4801

Name:

Address:

From:

Phone:

Name of Development:

Date:

Name of Developer (if known): _____

Date 2nd lot sold: (by deed or contract, if known): _____

Number of homes in Development: _____

Location of Development (directions): _____

Plat filed with Commissioners Court? _____ If so, when (year): _____

Plat filed with City? _____ If so, when (year): _____ What City? _____

Dedicated right of way? _____ If so, what width? _____ ft. Recorded? _____

If less than 60 ft wide, will owners dedicate a total of 60 ft.?

Road(s) built to County specs? _____ Road(s) built to City specs? _____

Distance to closest residence from the center of the road: _____ ft.

Attach any drawings/maps you may have of the development.

Notes:

1. Acceptance of roads and right of ways into the County Road System does not obligate Smith County to upgrade road surfaces, routes, profiles, or curvature other than that required for normal maintenance. *The Smith County Commissioners Court reserves the right to accept roads in part or in whole, or not at all.*
2. Road construction required to meet minimum County Subdivision Regulations shall be at the applicant(s) expense.
3. Dedication of a right of way will require an amended plat be filed.
4. Any surveying required of dedicated right of ways will done at the applicant(s) expense.

Any exception to the above must be approved by the Commissioners Court.

5. No lines are to be installed under or within 50 ft. of either end of a bridge. No lines shall be placed in a culvert or within 10ft of the closest point of same.
6. Parallel lines will be installed as near of the right-of-way as is possible and no parallel line will be installed in the roadbed or between the drainage ditch and roadbed without special permission of the Road Administrator/Engineer.
7. Overhead lines will have a minimum clearance of 18 ft. above the road surface at point of crossing.
8. The cost of any repairs to road surface, roadbed, structures or right-of-way features as a result of this installation will be borne by the owner of this line.
9. At least on half of the traveled portion of the road must be open to traffic at all times.
10. This permit is permissive, is subject to the public right of travel on and access to the right-of-way, and may not be assigned.
11. The applicant shall secure all other necessary or required permits, licenses, or approvals before starting work.
12. Signs and traffic controls shall comply with the current edition of the Manual on Uniform Traffic Control Devices, as approved by the Texas Department of Transportation.
13. All work shall conform to the design standards and specifications of the County.
14. Restoration of the right-of-way is required and shall be completed within 30 days of the completed work within the right-of-way.
15. Right-of-way surfaces shall be cleaned before the end of each day's work. All catch basins, culverts or other improvements affected by the deposits of dirt, mud, rock, debris, or other material shall be cleaned daily or as specified by the County.
16. The applicant shall provide proof of insurance.
17. The applicant shall be responsible for all utility locates.
18. All residents or businesses affected by any scheduled maintenance causing road closure, or interruption of any utility service shall be notified forty-eighth (48) hours prior to any work. Emergency situations are exempt.
19. Petrochemical or other hydrocarbon pipeline: Does this pipeline fall under the Texas Rail Road Commission (flow lines)? Yes _____ No _____
20. **Final Inspection: All permits must have a final inspection once work is complete. Please call (903) 590-4801 to schedule a final inspection.**

Indemnification: By accepting this permit, the Applicant shall assume all risks and hazards incidental to it use of the County right-of-way under this permit and hold harmless the County of SMITH, its officers, employees and agents from any claim arising out of applications performance under this permit.

Applicants Signature: _____ Date: _____

Approved: _____
 Road Administrator/Engineer



Application for County Road Maintenance Through Implied Dedication¹

To be completed by property owners requesting county road
maintenance for roads and right of ways in
subdivision developments

(Whether in or out of any municipal extra-territorial jurisdiction)

County Improvements Of Subdivision Roads

(This outline is based on Implied Dedication pursuant to the common law)

Step 1: Road(s) must be laid out and established according to law (Tex. Transp. Code § 251.002), including initial regulatory traffic signage (Texas Manual on Uniform Traffic Control Devices for Streets and Highways). Location of the road(s) must be in the unincorporated areas of the county.

Step 2: File and process application with Road & Bridge Department by obtaining letter of recommendation for approval into county maintenance system.² This step may overlap step 3, and includes an inspection by Road & Bridge, which may determine that an amended plat or survey is necessary and/or list of improvements prior to granting the recommendation.

Step 3: Designate road(s) as “public” either in a plat or through “public use” and a Commissioners Court finding by resolution that the road is “public” (the finding that a road is “public” does not itself place the road into the maintenance inventory but is a required step).³ This step may overlap with step 5.

Step 4: Developer or property owners must obtain a minimum five (5) year maintenance bond subject to value of actual construction costs made payable to the county. Effective date must be on or before presentation to Commissioners Court.

Step 5: Road & Bridge submits agenda request for Commissioners Court. Developer and/or all property owners must attend court or sign necessary affidavit form to testify or attest that road is (a) in “public use”; (b) “impliedly dedicated” or “offered” to the county; and (c) there is a need for county maintenance due to “public health, safety, and welfare” of county residents. The burden is on those offering the dedicated property to show a compelling reason why the road(s) cannot be privately maintained. If the Court so finds, a resolution will be entered into the minutes accepting the dedicated property pursuant to the terms and conditions established by the Court.

Step 6: The *County shall maintain the road(s)* according to county road standards.

¹ With a population more than 50,000, Smith County is not subject to the limitations on smaller counties of Chapter 281 of the Transportation Code, which allows only express dedications. Implied dedications are allowed where there is “public road,” there is an acceptance by public usage, and the Commissioners Court passes a resolution making certain findings. **See Op. Tex. Att’y Gen. No. JC-0503 (2002).**

² Right of way width shall be at least 60 feet (30 feet either side of centerline).

³ Once deemed “public,” a road is generally eligible for county maintenance. **See Tex. Transp. Code § 251.003.**