

SECTION 35.0 PRIVATE ROAD TRANSFER TO COUNTY OWNERSHIP

Section 35.01 Introduction

St Johns County will consider accepting transfer of ownership and maintenance responsibility for existing private roads that either already conform to County Standards or whose residents are willing to bring such roads up to County Standards at their own expense prior to County acceptance.

The transfer process outlined below assumes that there is an active Homeowners Association (HOA). Where no active HOA or equivalent legally responsible entity exists, a process for establishing the legal authority needed to formalize a request for County acceptance and transfer of title to County ownership will need to occur first.

- A. The first step will be submittal of a formal Private Road Transfer Application to the Development Services Division from the HOA. This must include documentation that the HOA has formally and according to that Association's governing documents, acted to approve the transfer request. It is intended that this request be made using the same process and by the same entity that has legal authority to convey title of the roads to the County should that be the final decision.

The application should contain the following items:

1. A legal description of the rights-of-way occupied by the roadways and associated improvements that are proposed for transfer to County ownership. Associated improvements may include sidewalks, drainage facilities, and other improvements within the road rights-of-way. Landscaping within the right-of-way should be identified and an agreement for its continued maintenance by the HOA will be required. Community signage and/or monuments within the rights-of-way should be identified and, if upon being reviewed by County staff they are deemed to pose do detriment to the safety or maintenance of the right-of-way and do not need to be removed, agreements for its continued maintenance, responsibility for the cost of any necessary future removal of by the HOA and a hold harmless agreement will be required. Street lighting and other lighting in the rights-of-way should be identified and an agreement for its continued maintenance and operation by the HOA will be required. Drainage and pedestrian facilities outside the road rights-of-way should not be included; however easements, maintenance agreements and hold harmless agreements from the HOA will be required.
2. Interpretation of Development / Subdivision / HOA by-laws by an attorney or title Company confirming that the applicant has authority to convey title.
3. Documentation of clear title and a non-binding letter of intent to transfer title to the County.
4. Comprehensive site plan of the development including wetland delineation wherever there are wetlands located on, within or adjacent to the rights-of-way proposed for transfer.

5. Phase 1 Environmental Survey Assessment. This is a standard due diligence requirement to document that there are no existing environmental issues of concern within the rights-of-way proposed for transfer.
 6. Underground drainage facilities that are to come under County maintenance must be remotely inspected to assess and document their condition. A copy of the video record and inspector's report shall be included.
 7. A report signed and sealed by a registered Professional Engineer providing details of the repair and maintenance tasks necessary to bring the subject facilities into compliance with current County standards. The report shall contain an Engineer's Estimate of Probable Cost for the recommended repair and maintenance tasks.
- B. A review of the Private Road Transfer Application will be made by the appropriate County Staff. Requests for additional information will be submitted to the applicant within 30 days following receipt of the initial Application. When all requests for additional information have been satisfied, a staff recommendation regarding the proposed transfer will be provided to the HOA.
- C. If the applicant wishes to pursue the transfer, a written agreement will be prepared for formal adoption and signature by the HOA. This agreement will be prepared by St. Johns County staff and will include the following:
1. A legal description of the property proposed for transfer to County ownership.
 2. Establishment of an escrow account into which the HOA will pay the estimated amount needed for the repairs and maintenance.
 3. Authorization for the County to utilize these escrow funds for the accomplishment of the recommended repair and maintenance tasks by a private contractor under County supervision.
 4. A statement that cost increases resulting from unidentified or under estimated repair and maintenance tasks will be the responsibility of the Homeowner's Association.
 5. Commitment on the part of the HOA to transfer ownership of the described rights-of-way and improvements to the County.
 6. Commitment on the part of the County to accept ownership of and maintenance responsibility for the described facilities upon completion of the agreed repairs and maintenance tasks.
 7. Agreement by the HOA that acknowledges the continuing ownership, liability and maintenance responsibility by the HOA of those specific structures, facilities and fixtures left within the rights-of-way for which the County will not accept ownership or responsibility, acknowledges the continued ownership, liability and maintenance responsibility for the HOA for those drainage

features outside of the right-of-way that are appurtenant to the functioning of the right-of-way, and grants the County the right to access and drain stormwater collected in the dedicated streets and roads over, under, across and through any and all existing drainage and access easements.

8. Any other commitments, agreements or assurances deemed by County staff to be necessary for the County to efficiently and conveniently own and maintain the described facilities.
- D. Upon receiving an agreement duly adopted and signed by the HOA, County staff will schedule the agreement for adoption by the Board of County Commissioners of St. Johns County.