

## Exhibit A

### CHAPTER 2.20. – COUNTY ROAD SYSTEM

#### **12.20.010. – Established; official road map.**

The county will recognize and maintain as part of the county road maintenance system (hereinafter "system") those publicly maintained roads or streets within the county which are shown on the official road map of the county dated November 10, 1975, as revised from time to time, and those roads or streets which have been accepted into the system by action of the county board of commissioners, since the latest revisions to the map. A road which is accepted into the system shall be known as a publicly maintained road.

#### **12.20.020 – Road acceptance standards.**

The board of commissioners or its designee shall establish standards for acceptance for various classes of roads accepted into the county's system. These standards shall be known as the county road maintenance system acceptance standards (hereinafter "standards"). Except as provided in this Chapter, all persons applying for acceptance of a road into the system must establish compliance with the provisions of the standards.

#### **12.20.030 – Contents of application for road acceptance.**

Owners of property which abuts a road adjacent to a publicly maintained road may petition the board of commissioners for acceptance of the road into the system by making application to the county's department of Public Works and Utilities (hereinafter "department").

- A. In all cases, the application shall contain the following:
  1. The name, address, telephone number, and signature of each owner adjacent to the road which is proposed for acceptance;
  2. An adequate description of the road sought to be accepted into the county's system that reasonably describes it for purposes of land records, such as by legal description, survey, plat, or other sufficient methods;
  3. Proof of express dedication of the road to public use evidenced by a right-of-way deed, properly executed, witnessed, and notarized in accordance with state law and acceptable for recording, and conveying to the county the minimum necessary right-of-way required for the class of road involved according to then existing standards, or proof of implied dedication as evidenced by permitted open, continuous, and notorious use by the public, or both;
  4. Proof of express acceptance by the board of commissioners of such dedication evidenced by entry on the minutes of the commission or proof of implied acceptance of such dedication by acts of the county constituting maintenance, improvement, or control over the road;
  5. Proof that the road is a road dedicated to the public and open to vehicular traffic, and is not a private road, a developer's road, or a driveway;
  6. Proof that there is an average of one house per 500 linear feet of road; and
  7. Proof that the road serves a public purpose.
- B. As to roads which were previously publicly maintained roads, the application shall also contain:

1. Proof that the road was previously a publicly maintained road, maintained by the county, which burden of proof shall be on the applicant(s);
2. If the road needs to be upgraded to a condition that allows for county maintenance, a proposal for the payment of fees sufficient to cover the costs of the necessary upgrade. The Department of Public Works and Utilities shall determine the amount of the fees to be paid, and the department's determination must reflect the cost of providing the necessary upgrading to the road. To the extent that the creation of a special taxing district is necessary in order to ensure that the fees are paid in full, the county is authorized to create such a district and assess it accordingly. In such an instance, the proposal for the payment of fees shall request that the county create such a district, and provide all of the information on the properties and property owners covered by the district that is necessary to implement accurate and timely assessments.

C. As to roads which have never been part of the system, or as to which the applicant(s) cannot meet the burden of proof required in subsection B of this section, the application shall also contain proof that the road meets minimum standards for acceptance into the system for that class of road, as provided by the existing standards.

**12.20.040 – Hearing on application for road acceptance.**

Upon submission of a properly completed application, the county's department of Public Works and Utilities shall consider the application and prepare a written recommendation within 60 days of the submission of a completed application. The application and the department's written recommendation shall then be forwarded to the Planning Commission, together with all related documentation, which shall consider the application and recommendation at a meeting within 60 days of its submission to the Planning Commission. The Planning Commission shall consider the application, recommendation, and documentation and shall conduct a public hearing and then make a recommendation to the board of commissioners as to whether to accept or reject the application, and shall forward its recommendation, together with the application, departmental recommendation, and any additional documentation to the board of commissioners. The board of commissioners shall then, at a regularly scheduled public meeting, consider the application, departmental recommendation, Planning Commission recommendation, and any additional documentation and shall either approve the acceptance of the road or deny the acceptance of the road.

**12.20.050 – Procedure for road abandonment.**

Whenever the board of commissioners determines that a section of the county road system has for any reason ceased to be used by the public to the extent that no substantial public purpose is served by it or that its removal from the county road system is otherwise in the best public interest, the county, by certification recorded in its minutes, accompanied by a plat or a sketch, and, after notice to property owners located thereon, and after notice of such determination is published in the newspaper in which the sheriff's advertisements for the county are published once a week for a period of two weeks, and after a public hearing on such issue, may declare that section of the county road system abandoned. Thereafter, that section of road shall no longer be part of the county road system and the rights of the public in and to the section of road as a public road shall cease. Prior to certifying the abandonment of a road or section thereof, the county shall give notice of its intention to any municipality into which or

through which any part of such road passes. To the extent that the above-referenced procedures differ from those provided by Title 32 of the Georgia Code, the provisions of the Georgia Code shall control. The County shall comply with Title 32 of the Georgia Code in disposal of any property interest in any county road or street.

#### **12.20.060 – Creation of special taxing district for road improvements.**

Pursuant to the Georgia Constitution, Article IX, Section II, Paragraph VI, a special district may be created for the purpose of providing street and road construction, maintenance, repair, and/or improvement.

- A. *Creation of special taxing district.* A special district may be created by resolution or ordinance of the Hall County Board of Commissioners within the unincorporated land district of Hall County, Georgia, which special district shall be composed of all of that land abutting the previously maintained public right-of-way proposed to be improved. The implementing resolution or ordinance of the board of commissioners will contain a description that adequately describes the boundaries of any such special taxing district.
- B. *Burden of proof.* Proof that the road or street proposed to be improved was a previously maintained public way shall be on the applicants or petitioners.
- C. *Assessment provisions.* The owner of each parcel of land in such special district shall be assessed a road improvement fee. Assessments for each affected property parcel shall be made in a fair and reasonable manner with assessments being directly tied to the purpose of providing adjacent road and street improvements. Such assessments shall become a lien against each parcel of real estate in such special district when assessed in the same manner as all other real estate tax assessments.
- D. *Payment of assessments.* The assessments provided for in paragraph B of this section shall be included in the land owner's real estate tax assessment and shall be payable in the same manner as other real estate taxes on said parcel.
- E. *Delinquency.* Failure to pay any assessment provided for in this section shall subject the responsible party to the same liens and penalties provided for failure to pay other real estate taxes on said parcel and will result in the delinquency of the entire account of said parcel. Such assessment will not be deemed paid until all real estate taxes for such parcel, including the special assessment, are paid in full.
- F. *Revenue from assessments.* The proceeds of the assessments provided for herein shall be used exclusively to defray the cost of providing road and street improvements for such special district.
- G. *Petition requirements.* As a prerequisite to the consideration of the creation of a special taxing district as provided herein for street and road construction maintenance, repair, and/or improvement, 80 percent of the landowners of the property adjacent to the previously maintained public right-of-way to be improved must petition in the affirmative the board of commissioners of Hall County asking for the creation of a special taxing district for road and street improvement.

#### **12.20.070 – Developments with private roads.**

Any residential development or subdivision which includes private streets, either designated as such on the development plat or otherwise, and which seeks approval and permitting by the County must demonstrate the formation of a homeowners' association which will be responsible for the maintenance and upkeep of all private streets therein. The County shall not approve the plat for any residential subdivision or development containing private streets which does not sufficiently demonstrate to the county's administrative officials that a homeowners' association has been created and that the association has been given the full power and responsibility for future maintenance of all private streets within the development. All such private roads shall comply with the existing road standards adopted by Hall County.

#### **12.20.080 – Public streets privately maintained.**

- A. As of the date of the enactment of this ordinance, the county shall not designate any additional roads or streets in the unincorporated area of the county as a "public road privately maintained" on the official county road map, and no additional roads shall be accepted or designated as such after the date of the enactment hereof. All future roads shall be designated as either a private road with private maintenance or accepted into the County's public road system.
- B. Within sixty (60) days of the enactment of this ordinance, the department of Public Works and Utilities shall compile a full and accurate list of all of the existing roads and streets within the unincorporated limits of Hall County, Georgia that have been designated as a "public road privately maintained" on the county's official road map. The list shall be maintained in the department in order to keep accurate record of the designated roads and streets. Any road or street within the unincorporated limits of Hall County, Georgia that is not on the maintained list containing all roads designated "public road privately maintained" shall be designated as either a public road or a private road privately maintained.
- C. All existing streets, roads, ways, easements, and all other forms of access avenues that have been designated as "public road privately maintained" by the County shall be maintained solely by the private parties having an interest therein.

#### **12.20.090 – Procedure for acceptance of roads not meeting road acceptance standards.**

Owners of property which abuts a road that does not meet the county's road acceptance standards adjacent to a publicly maintained road may petition the county's board of commissioners for acceptance of the non-standard road into the system by making application to the county's department of Public Works and Utilities (hereinafter "department").

- A. In all cases, the application shall contain the following:

1. The name, address, telephone number, and signature of each owner adjacent to the road which is proposed for acceptance;

2. An adequate description of the road sought to be accepted into the county's system that reasonably describes it for purposes of land records, such as by legal description, survey, plat, or other sufficient methods;
3. Proof that the road is a road open to public vehicular traffic, and is not a private road, developer's road, or driveway;
4. Proof that the road serves a public purpose; and
5. Adequate factual circumstances justifying the acceptance of the road into the county's road system.

B. Applications not properly completed will be returned with instructions as to the deficiencies noted by the department.

C. Upon submission of a properly completed application, the county's department of Public Works and Utilities shall consider the application and prepare a written recommendation within 60 days of the submission of said application. The application and the department's written recommendation, together with all related documentation, shall then be forwarded to the Planning Commission, which shall consider the application and recommendation at a meeting within 60 days of its submission to the Planning Commission. The Planning Commission shall consider the application, recommendation, and documentation and shall conduct a public hearing and then make a recommendation to the board of commissioners as to whether to accept or reject the application, and shall forward its recommendation, together with the application, departmental recommendation, and any additional documentation to the board of commissioners. The board of commissioners shall then, at a regularly scheduled public meeting, consider the application, departmental recommendation, Planning Commission recommendation, and any additional documentation and shall either approve the acceptance of the road or deny the acceptance of the road, subject to and contingent upon the creation of a special taxing district as described in subsection D.

D. If following the process in subsection C the board of commissioners determines that a road which does not meet the county's minimum road acceptance standards should be accepted into the county's road system, the road shall only be accepted into the county's system contingent upon the creation of a special taxing district pursuant to Code section 12.20.060, which shall be for the purpose of providing street or road construction, maintenance, repair, and/or improvement of the accepted road. Following the road's acceptance by the board of commissioners, the department of Public Works and Utilities shall determine the extent of the construction, maintenance, repair, and/or improvement of the road necessary to ensure: (1) continued safety for public travel on the road, (2) acceptable construction and maintenance of drainage facilities on or near the road, and (3) proper maintenance of the road surface. Based thereon, the department shall determine the parameters of the special taxing district and subsequently inform all landowners of the amount, extent, and duration of the resulting assessment, and the County shall then create the necessary special taxing district via resolution or ordinance.

E. As to all roads accepted into the county's road system pursuant to this section that do not meet the county's road acceptance standards, the department of Public Works and Utilities shall maintain a list of all such roads, and shall include in each such list an accurate description of the extent and boundaries of the road so accepted, the construction, maintenance, repair,

and/or improvement of the road done by the county, and the amounts assessed to each landowner pursuant to the special taxing district.

F. Should the landowners fail to fulfill their obligations to the special taxing district as assessed by the county, the county shall have the right to remove the road from its public road system and cease all construction, maintenance, repair, and/or improvement of the road, and shall have no further such obligation.