

HB335 INTRODUCED



1 OQC NJM-1

2 By Representatives Brown, Stringer, Shirey (N & P)

3 RFD: Mobile County Legislation

4 First Read: 18-Apr-23

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A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County; to amend Sections 45-49-181, 45-49-181.02, 45-49-181.03, 45-49-181.04, and 45-49-181.08, Code of Alabama 1975, to further provide for acceptance by the county of certain unimproved roads from private landowners; and to regulate the construction of certain other unimproved roads.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 45-49-181, 45-49-181.03, 45-49-181.04, and 45-49-181.08, Code of Alabama 1975, are amended to read as follows:

"§45-49-181

The County Commission of Mobile County may accept each year a total number of miles of public roads equal to the number of miles of county maintained dirt roads graded, drained, based, and paved under any pay-as-you-go program during the preceding calendar year and shall not accept any other dirt or otherwise substandard road ~~constructed or improved after January 1, 1984~~. The county commission shall require that the division of a lot, tract, or parcel of land



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29 into two or more lots, plats, sites, or other divisions of
30 land ~~for the purpose~~, whether immediate or future, divided for
31 purposes of sale or of building development shall be done by
32 recorded plat in accordance with Section 35-2-50."

33 "§45-49-181.02

34 A chair shall be designated on this petition to
35 represent the petitioners and to act on their behalf. A map of
36 legible size indicating the location of the named road shall
37 be presented with the petition. The petition should clearly
38 state the name to be assigned to the road. The petition shall
39 certify to the intent of the adjacent property owners to offer
40 jointly, at no cost to the county, a minimum of 60-foot width
41 of right-of-way, along an alignment that complies with
42 accepted design criteria and does not compromise the safety of
43 the traveling public, together with any required drainage
44 easements as determined by the county engineer to adequately
45 maintain the road. The petition shall certify that the
46 adjacent property owners will jointly and severally indemnify
47 the county against liability for roadway defects for a period
48 not to exceed five years after acceptance of the road or roads
49 by the county. The petition shall certify that the
50 petitioners, at their expense, shall ~~provide funds for the~~
51 ~~purchase of~~ the necessary driveway culvert pipe approved by
52 the county engineer as further provided in Section
53 45-49-181.03 for installation by the county as a prerequisite
54 to acceptance and maintenance. The petition shall certify that
55 the petitioners, at their expense, shall pay for the
56 relocation of any utilities and any fences required to



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57 accommodate the necessary roadway improvements and associated
58 drainage improvements."

59 "§45-49-181.03

60 (a) On or prior to the first day of the month of
61 February, the county commission shall submit copies of each
62 petition received to the county engineer. The county engineer,
63 on or prior to the last day of the month of March of the same
64 year, shall return to the commission a prioritized list of the
65 roads submitted by petitioners. This prioritized list shall be
66 based on the density of development along each road. The list
67 shall designate the commission district in which the road is
68 located. The county commission shall review the list of
69 eligible roads, and on or prior to the last day of April,
70 shall return to the county engineer the prioritized list
71 designating those roads which shall be considered for
72 acceptance for the county road maintenance system in
73 accordance with the prioritized density of development.

74 (b) The county commission shall concurrently notify the
75 chair for the petitioners of each selected road to contact the
76 county engineer to coordinate the right-of-way acquisition,
77 utility relocations, fence relocations, and ~~the~~ approval by
78 the county engineer of any culvert pipe the chair for the
79 petitioners proposes to purchase for use as ~~of~~ driveway
80 culvert pipe, should the chair choose to purchase pipe from a
81 private party. The county engineer shall approve the proposed
82 driveway culvert pipe so long as the culvert pipe meets the
83 specifications of the applicable building code."

84 "§45-49-181.04



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85 The following sequence dates shall apply to this part:

86 (1) January: Petitions for road maintenance may be
87 accepted by the county commission only during the month of
88 January.

89 (2) February: Petitions forwarded to the county
90 engineer for analysis and recommendations.

91 (3) March: On or before the last day of the month of
92 March, the county engineer shall submit a prioritized list of
93 roads submitted by petition to the county commission.

94 (4) April: On or before the last day of the month of
95 April, the county commission shall designate those roads which
96 will be considered for addition to the county road maintenance
97 system.

98 (5) May: Prior to or during the first regular
99 commission meeting in the month of May, the county commission
100 shall assign consultants to prepare surveys, construction
101 plans, and deed and easement documents.

102 (6) July: The consultant designated by the commission
103 shall have until the last day of July to prepare right-of-way
104 deed and easement documents, as required. On or prior to the
105 last day of the month of July, the county engineer shall
106 notify the chair for each petition selected by the commission
107 that the right-of-way deed and easement documents are prepared
108 and request that the chair begin work toward the execution of
109 the documents.

110 (7) August: The consultant designated by the commission
111 shall have until the last day of August to complete the design
112 of the roadway improvements and the associated drainage



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113 improvements. On or prior to the last day of August, the
114 county engineer shall notify the chair for each petition that
115 the construction plans for the roadway have been completed and
116 are ready for use in coordinating the relocation of utilities
117 ~~and,~~ the relocation of fences, and the purchase of approved
118 driveway culvert pipe. The chair processes the right-of-way
119 deed and easement documents and coordinates activities with
120 the property owners.

121 (8) September: On or prior to the last day of the month
122 of September, all right-of-way deed and easement documents
123 shall be executed and returned to the county engineer by the
124 chair. The chair shall also have until the last day of
125 September to submit any proposed culvert pipe to the county
126 engineer for his or her approval to be used as driveway
127 culvert pipe.

128 (9) October: The chair shall work on the coordination
129 of utility relocations and the collection of funds from the
130 individual property owners for the purchase of driveway
131 culvert pipe. The county engineer shall also have until the
132 last day of October to communicate to the chair the approval
133 status of the pipe submitted for use as driveway culvert pipe.

134 (10) November: On or prior to the last day of the month
135 of November, the chair shall have reported to the county
136 engineer that all utility relocations have been completed,
137 that all fences have been relocated, and that all ~~the funds~~
138 ~~have been collected and delivered for the purchase of all of~~
139 ~~the~~ required approved driveway culvert pipe has been
140 purchased. ~~to the county engineer's office. The county shall~~



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169 driveway culvert pipes ~~and deliver a single cashier's check~~
170 ~~for the total amount of all the funds for all the required~~
171 ~~driveway culvert pipes to the county engineer.~~ The chair shall
172 provide a list of the funds collected for each tract or
173 property along the selected roadway. The chair shall also
174 submit the culvert pipe they propose to purchase for use as
175 driveway culvert pipe to the county engineer for approval.
176 ~~This task~~ These tasks shall be completed on or prior to the
177 last day of the month of ~~November~~ September.

178 (5) The chair shall coordinate the relocation of
179 existing fences and other private encroachments out of the
180 proposed 60-foot minimum width right-of-way. The chair shall
181 also purchase all required approved driveway culvert pipe.
182 ~~This task~~ These tasks shall be completed on or before the last
183 day of the month of November."

184 Section 2. This act shall become effective on the first
185 day of the third month following its passage and approval by
186 the Governor, or its otherwise becoming law.