

***CEDS and Public Works Departments***

# **Non-Maintained Roadways**

**August 29, 2017**



# Presentation Outline

- Background
- Current BCC Policy
- Roadway Costs
- Example Subdivisions
- Summary





# Background

- **BCC Open Discussion on April 11, 2017**
  - Public comment by several residents of Christmas Pines
  - Presentation by Com. Bonilla
- **Numerous meetings have occurred with District 5 office and property owners**
- **Purpose of this Work Session is to clarify the BCC policy regarding non-maintained roadways**



# Background

- **Orange County maintains 2,600 miles of roadways**
  - Unincorporated and some incorporated
- **All public rights of way are not maintained**
- **Reasons for not being maintained:**
  - Insufficient dedicated right-of-way
  - Sub-standard cross section
  - Inadequate drainage
- **Board first approved a maintenance policy in 1977**
  - Current policy adopted in 2001





# Definitions

- **Four general categories of roads:**
  - **Maintained Roads**
  - **Open Non-maintained Roads**
  - **Unopen Unimproved Rights of Way**
  - **Residential and Commercial Private Drives**







# Definitions

- **Maintained Roads**
  - Includes arterials, collectors and local roads
  - Traffic control devices, street signs, drainage systems, lighting, mowing
- **\$46M annual costs**
  - Funded by gas taxes and MSBUs
- **Local streets are constructed by a developer and conveyed after Certificate of Completion**  
*(pursuant to OC Code Chapter 30)*



*S. Apopka Vineland Rd.*



*Winding Creek Lane*



# Definitions

- **Open Non-maintained Roads**
  - Those traveled ways used on a daily basis to access two or more residential homes
  - Maintenance is responsibility of adjacent property owners
  - Current condition of many roads is unknown
  - Approximately 47 miles across County



*Ridgeline Court*



*Santa Gertrudis Drive*

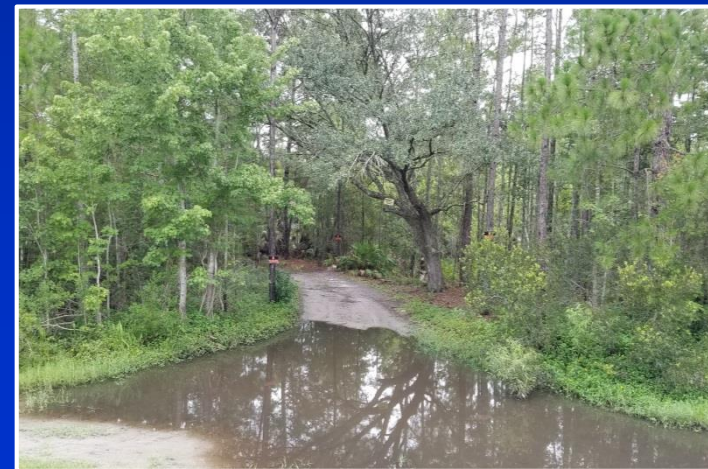


# Definitions

- **Unopened Unimproved Rights of Way**
  - Any unopened unimproved platted or dedicated right of way that serves as access to any number of undeveloped lots or parcels
  - Rights-of-way exist in various conditions
  - Over 170 miles of unopened rights of way across County



*Prince Street*



*Dill Road*





# Definitions

## ■ Private Drives

### — Residential

- Alleys
- Gated subdivision streets
- Internal condominium roadways

### — Commercial (including Industrial)

- No public ROW
- Serves multiple property owners
- Internal circulation of traffic



*Kelsall Dr. in Eagles Creek*



*Florida Mall circulator roadway*



# Presentation Outline

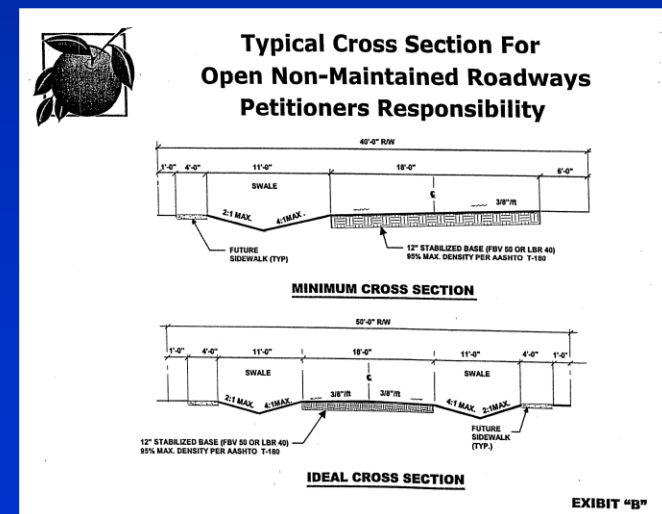
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- **Current BCC Policy**
- Roadway Costs
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# Current BCC Policy

- **Open Non-Maintained Roads Policy**
  - County to surface roadway and accept for future maintenance
  - Petition by 67% of owners
  - Requires road to be at least minimum dirt road standards (at resident cost)
  - Financing via private sector or MSBU
- **Established list of open non-maintained roads**





# Current BCC Policy

## Development Implications (Open Non-Maintained)

- Conditioned upon:
  - Notice of Future Assessment
  - Non-Maintenance Agreement
- To open additional right of way, the Unopened Unimproved Right of Way policy will apply



*Residence on Brangus Road*

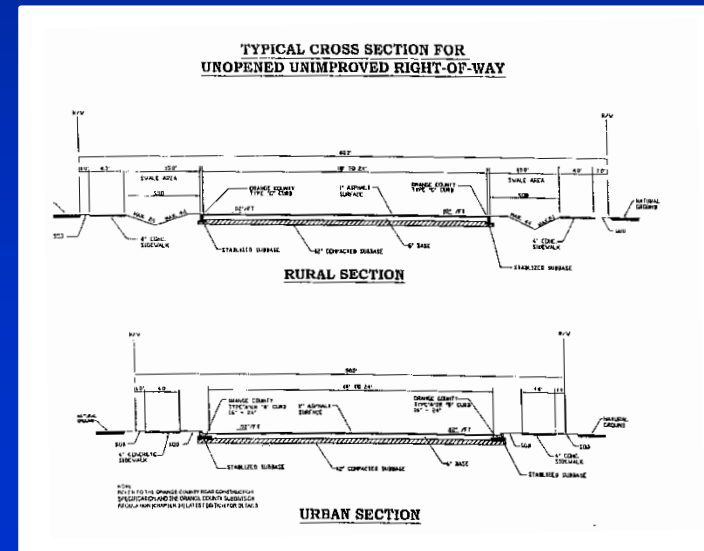




**–Roadway segment to be improved to County paved road standards**

- Road must be paved from the property access point to the nearest paved road

- **Developer of the parcel(s) will bear all costs including design, permitting, and construction**





# Current BCC Policy

## Development Implications (Unopened Unimproved)

- 100% Right of Way dedication required
- Orange County does not participate in paving the road
  - Special Assessment is not an option
  - Non-Maintenance Agreements and Notice of Future Assessments do not apply
- Residential permitting can occur during road construction
  - No “CO” until the improvements are accepted



# Current BCC Policy

- **OC Land Development Regulations**
  - Comprehensive Plan and Code require developer to bear infrastructure costs
  - Prohibits erection of building unless access via public street (OC Code Sec 30-92)
- **Life-safety issues**
  - Fire Code and Building Code
  - Utilities (water, wastewater, power)
- **Practicality of urban services including emergency response, waste collection, and mail**



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- Current BCC Policy
- **Roadway Costs**
- Example Subdivisions
- Summary

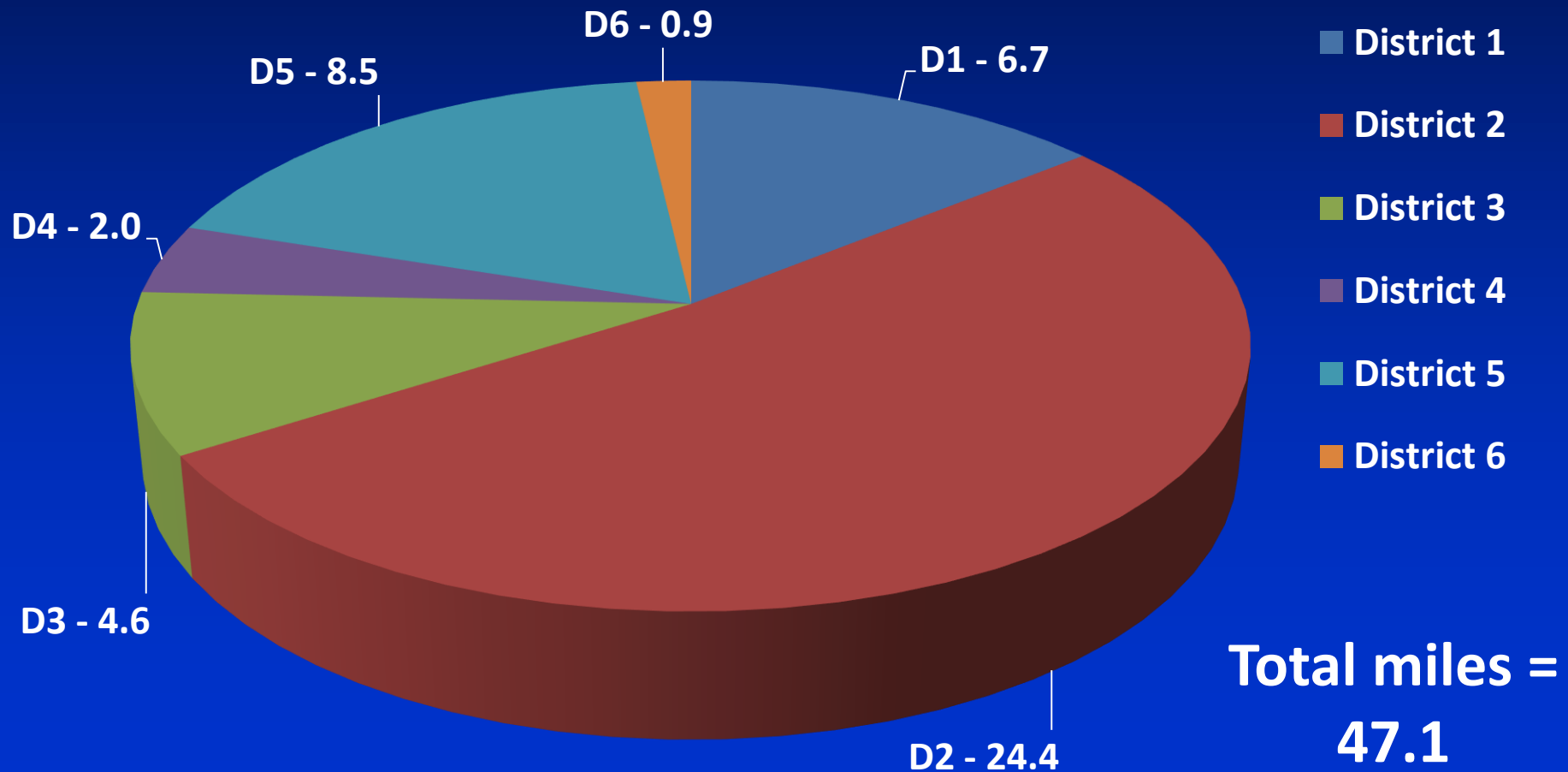






# Roadway Costs

## Miles of Open, Non-Maintained Roads by District





# Roadway Costs

- **County undertook dirt road reduction program in 1997**
  - Alternative surface roadways
  - Paved over 223 miles of dirt roads
- **To improve Open Non-Maintained Roads**
  - Requires ROW and minimum dirt road standards
  - \$640k - \$1.0M /mile for 2 lanes
- **Total construction cost approx. \$47M + ROW**



*Dirt road being improved*



# Roadway Costs

- **To improve Unopened Unimproved Rights of Way**
  - 20' Paved road surface
  - Property Owner is 100% Responsible
  - \$800k - \$1.4M per mile for 2 lanes
- **Variation due to condition of property, soils**
- **170+ miles, some ROW of insufficient widths**
- **Total cost could exceed \$200M + ROW**



# Roadway Costs

- Orange County does not permit new dirt roads
  - Urban county
  - Public safety and services
  - Environmental impacts
  - Future owner disclosure
  - Resident complaints
  - High costs to maintain (equipment and labor) disproportional to paved roads







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- **Example Subdivisions**
- Summary





# Example Subdivisions

- Significant subdivision of property occurred prior to adoption of land development regulations in October 1957
- Open non-maintained roads and unopened unimproved rights of way exist:
  - In the urban and rural service areas
  - In all Commission Districts



# Munger Willis R. Land Co.

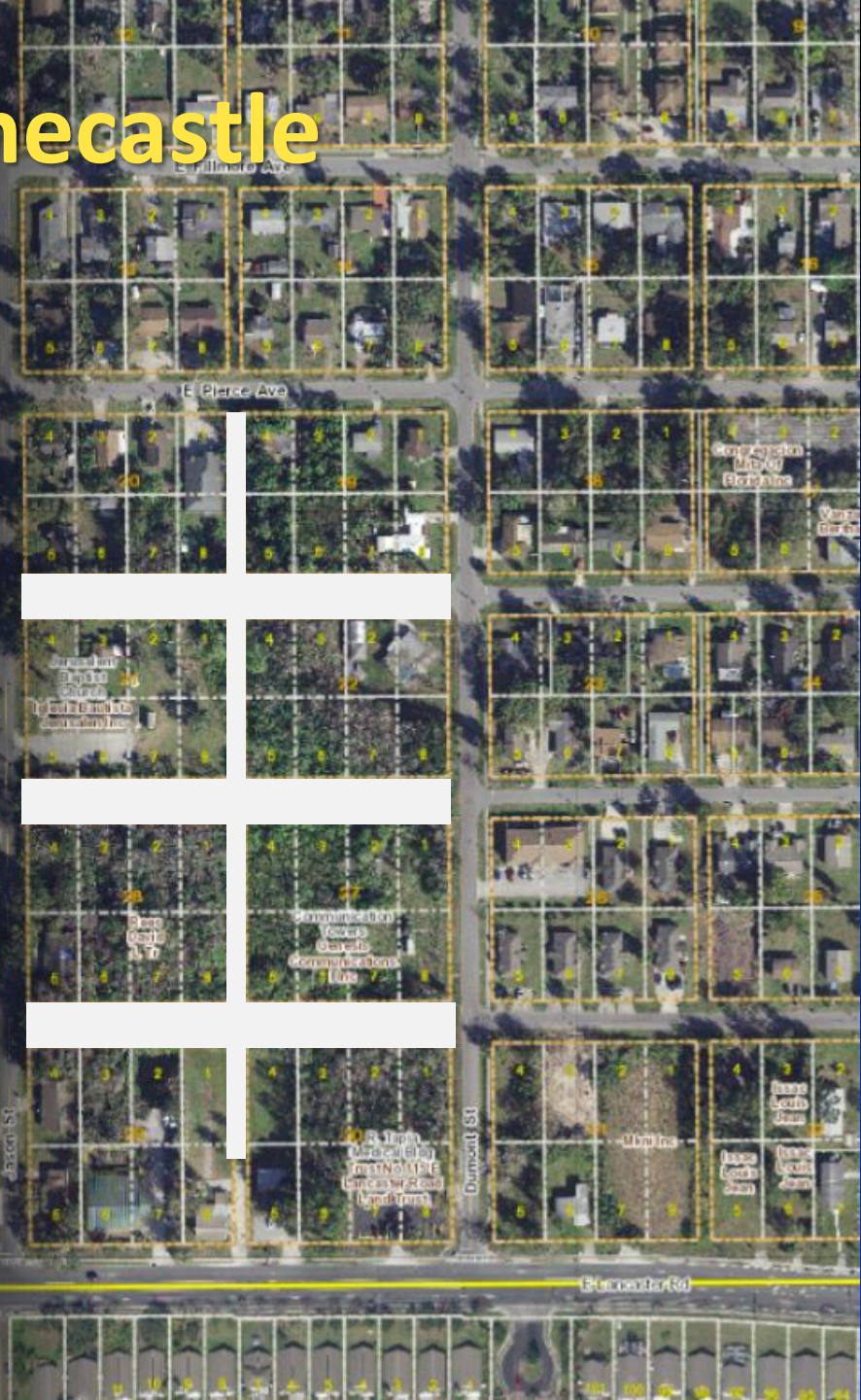
- Along SR 417 between International Drive and Hunters Creek in USA in District 1
- Platted in 1912
- Total parcels 1,100+
- Many lots don't have dedicated access
- 65% of lots under private ownership





# Anno's Addition to Pinecastle

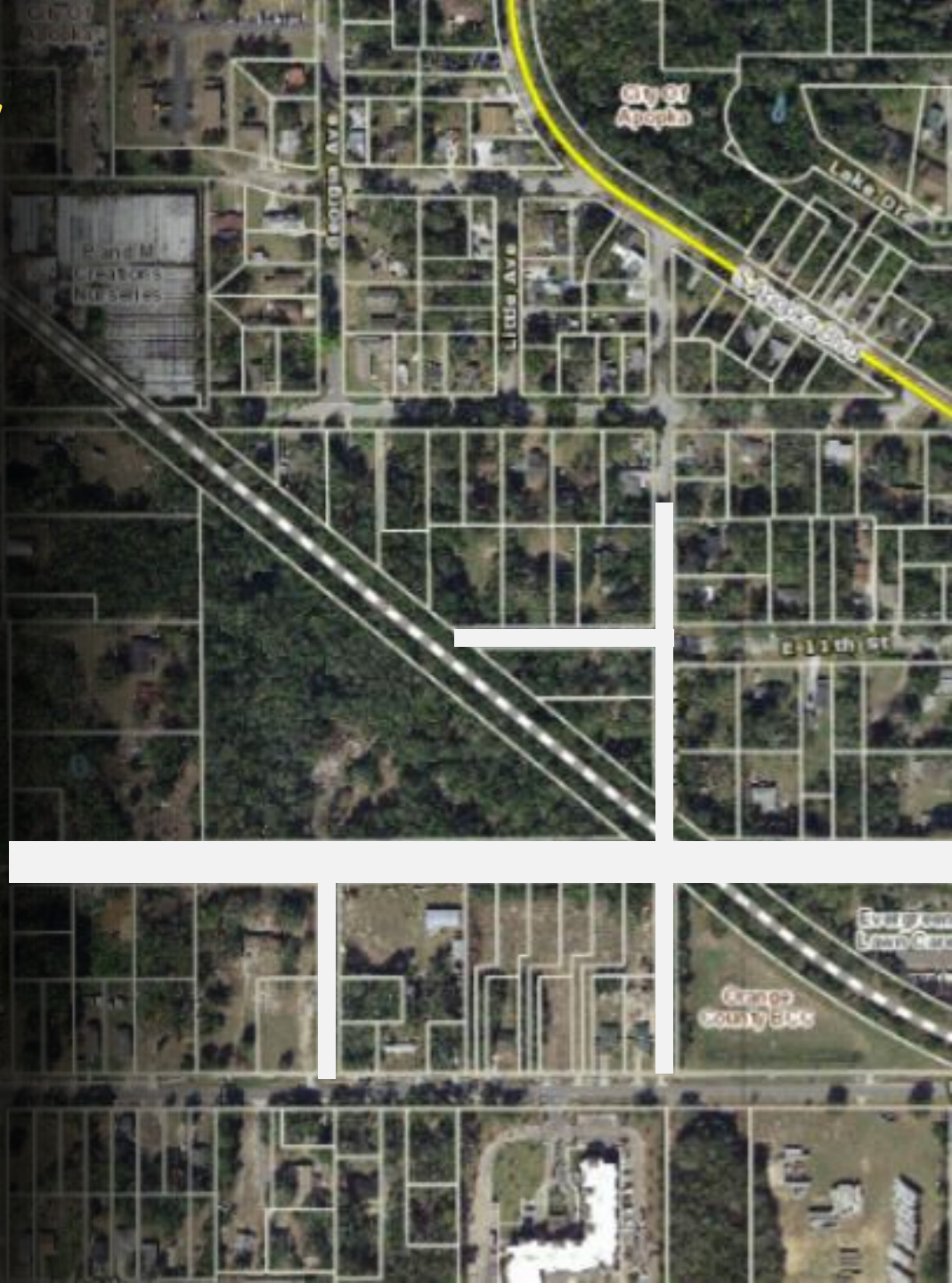
- North of Lancaster Rd,  
west of Orange Avenue  
in District 3
- Plat recorded in  
January 1913
- Several lots only have  
access via unopened,  
unimproved rights of  
way





# Hackney Property

- Located in South Apopka north of 13<sup>th</sup> Street
- First surveyed in 1885
- Property subdivided through the 1960s
- Several lots only have access via unopened, unimproved rights of way





# Orange County Acres

- North of SR 50 at SR 520 in District 5 in the RSA
- Unrecorded Plat from 1960
- Total parcels 1,000+
- Many lots don't have dedicated public access
- Most lots under private ownership





# Christmas Pines

- East Orange County, south of SR 50
- Platted in April 1957
- Total Parcels 174
- Seven named roads
  - 66' R/W
- Rear lot alley
  - 25' width





# Christmas Pines

- FLUM is Rural 1/10
- Zoning is A2/C-1
- Development Standards
  - Lots are substandard lots of record
  - Comp Plan policy addresses development rights (FLU 6.1.9)
  - Water and wastewater service not available
  - All lots have dedicated access







**N**

## DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being the owner of in fee simple of the lands described in the foregoing caption to this plat, do hereby dedicate said lands and plat for the use and purposes therein expressed and dedicate the STREETS AND ALLEYS shown hereon to the perpetual use of the public. IN WITNESS WHEREOF, The undersigned HAVE hereunto set THAIR hand and seal on APRIL 10, 1967

**WITNESSES:**

*[Signature]*

Joe Carlsson

A. L. Hancock

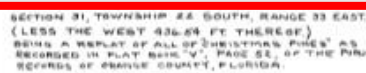
Mary Carlson

J. Howard Kays

Carol K. Kahan

STATE OF FLORIDA COUNTY OF ORANGE  
THIS IS TO CERTIFY, That on APRIL 10, 1957, before  
me, an officer duly authorized to take acknowledgments in this State and  
County aforesaid, personally appeared GUY CARLSON,  
[Signature] [Name] [Address] [City] [State] [Zip]

THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS  
NOTED HEREON IS FOR RECORDING PURPOSES ONLY AND  
DOES NOT INDICATE COMPLIANCE WITH MINIMUM REQUIRE-  
MENTS AS TO STREETS, DRAINAGE, SANITARY PROVISIONS  
AND WATER SUPPLY.



NOTE - THE LAND DEPICTED ON THIS PLAT IS SUBD  
TO ZONING AS PROVIDED BY LAW

THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS NOTED HEREON IS FOR RECORDING PURPOSES ONLY AND DOES NOT INDICATE COMPLIANCE WITH MINIMUM REQUIREMENTS AS TO STREETS, DRAINAGE, SANITARY PROVISIONS AND WATER SUPPLY.

BUILDINGS SHALL BE SET BACK A MINIMUM OF 25 FEET FROM FRONTING STREETS AND 15 FEET FROM SIDE STREET EXCEPT LOT FRONTING ON HIGHWAY 50 WHICH SHALL HAVE A BUILDING SETBACK OF 50 FEET.

NOTE — DRYS SET ON ALL BLADE CORNERS ARE FOR FIRE

NOTE - THE PURPOSE OF THIS PLAT IS TO CORRECT  
ERRORS APPEARING IN THE ORIGINAL PLAT.

THIS IS TO CERTIFY, That on APRIL 15, 1957 the foregoing plat was approved by the Board of County Commissioners, Orange County, Florida.

*A. J. M...*  
Chairman of the Board

ATTEST:  
Arthur W. Newell  
Clerk of the Board

CERTIFICATE OF APPROVAL  
BY ZONING COMMISSION

THIS IS TO CERTIFY, That on **APRIL 10, 1957**  
the Orange County Zoning Commission approved the foregoing plat.

Randolph V. Mathis

I HEREBY CERTIFY, That I have examined the foregoing plat and find that it complies in form with all the requirements of Chapter 177, Florida Statutes, and was filed for record on APRIL 17, 1957.

Arthur W. Neal  
Clerk of the Circuit Court  
in and for Orange County, Fla.

By James



# Christmas Pines

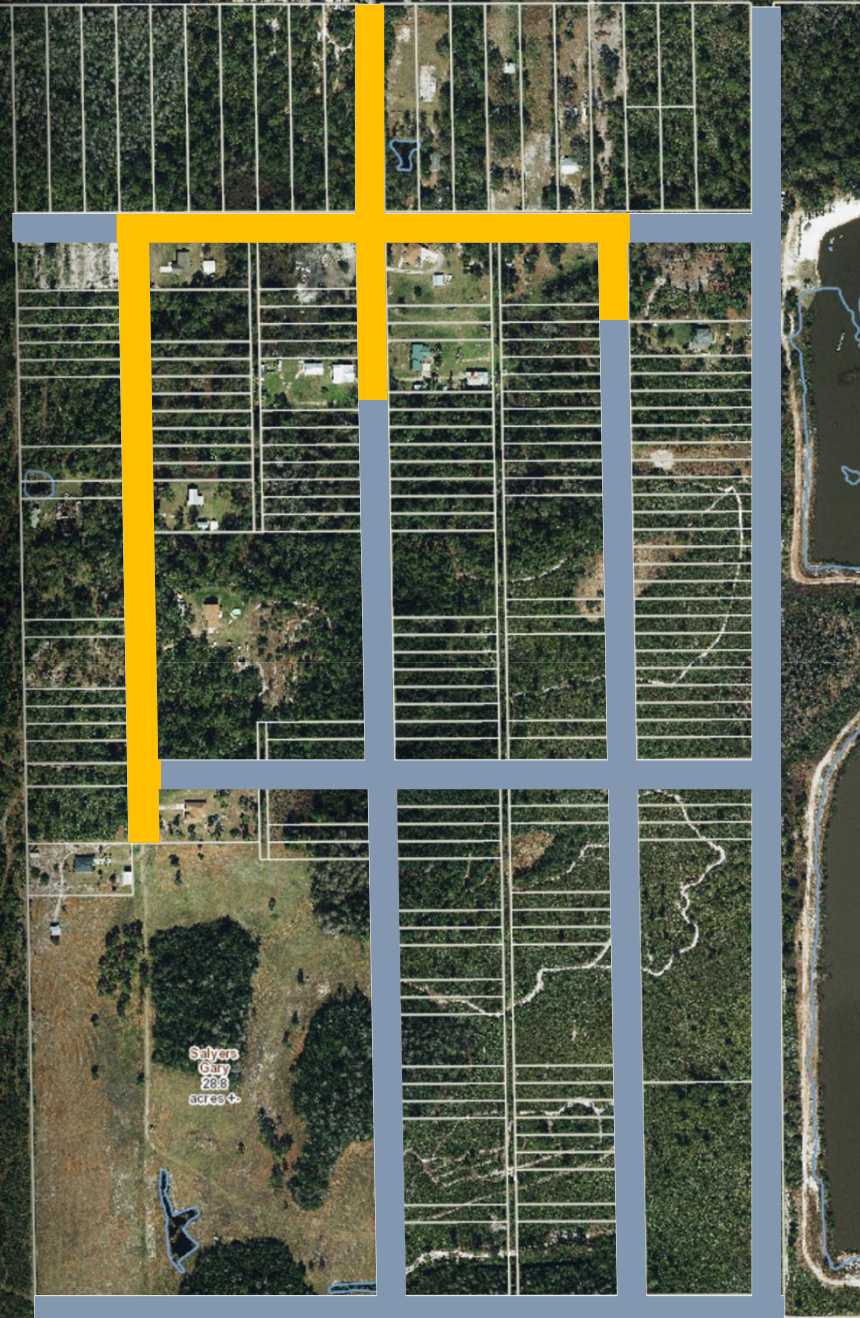
■ Road Mileage – 3.25 miles

■ Open Non-Maintained Roads  
1.0 miles

- Development can occur with non-maintenance agreement and notice of future assessment

■ Unopened Unimproved Rights  
of Way 2.25 miles

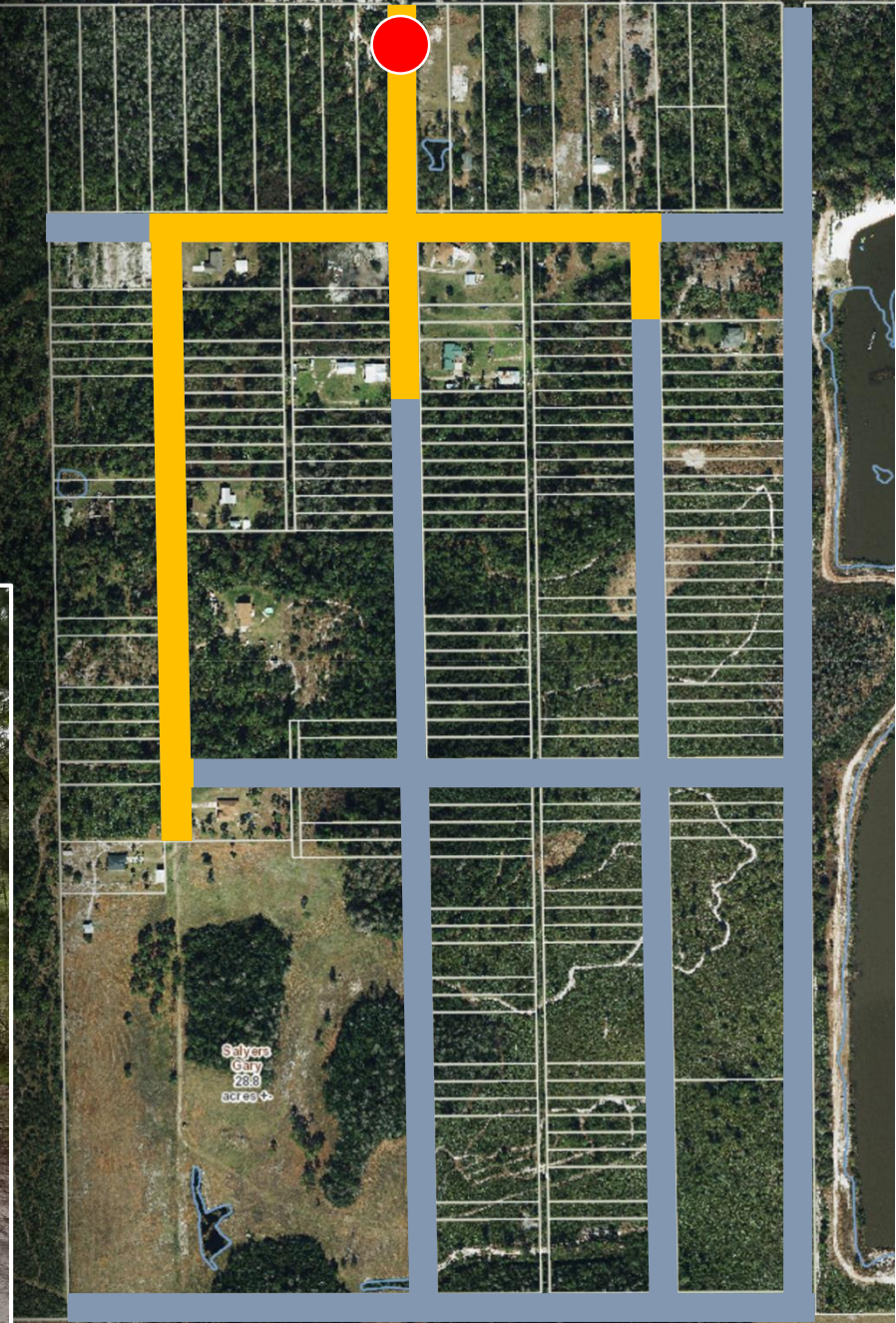
- Development cannot occur unless paved road constructed to lot





# Christmas Pines

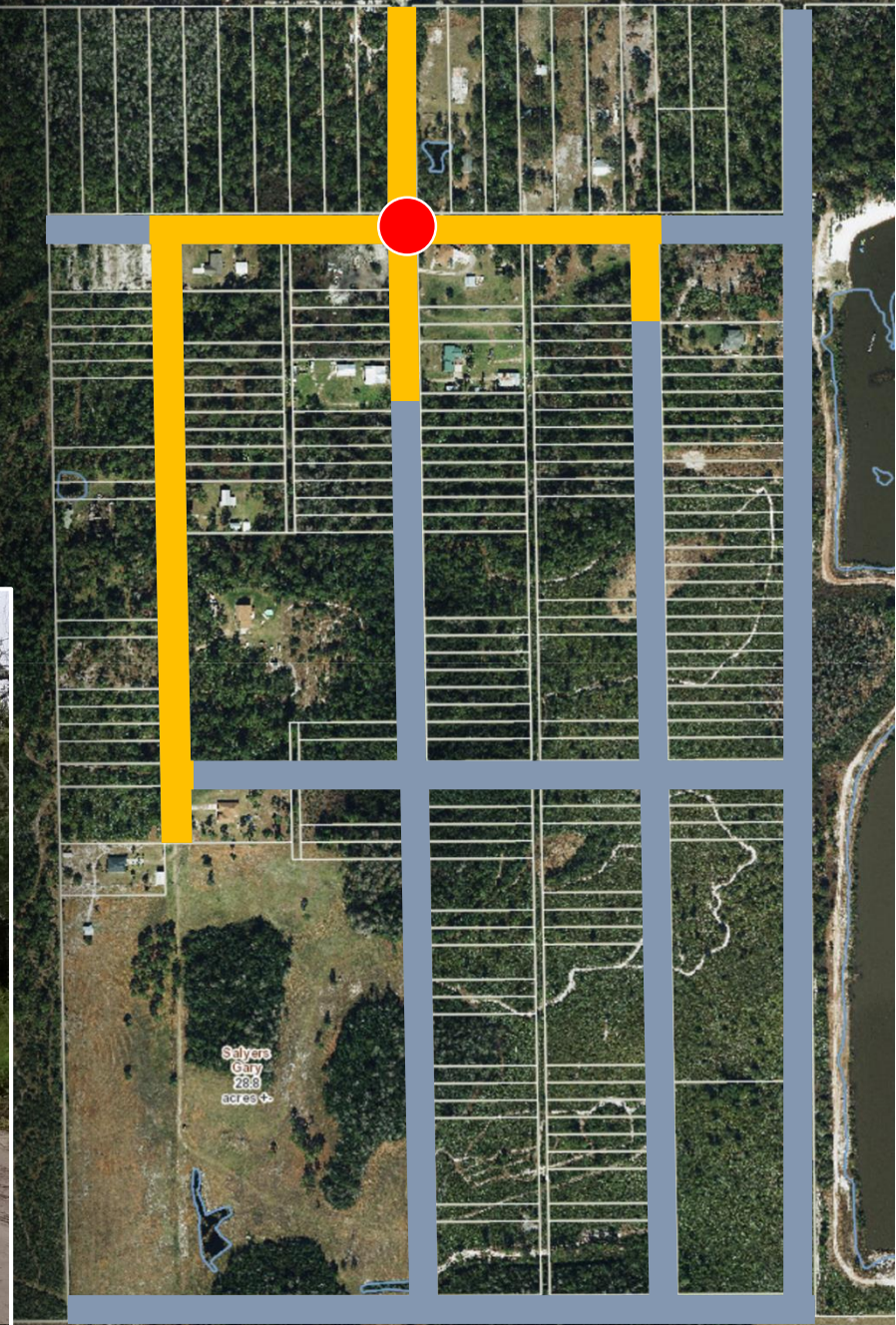
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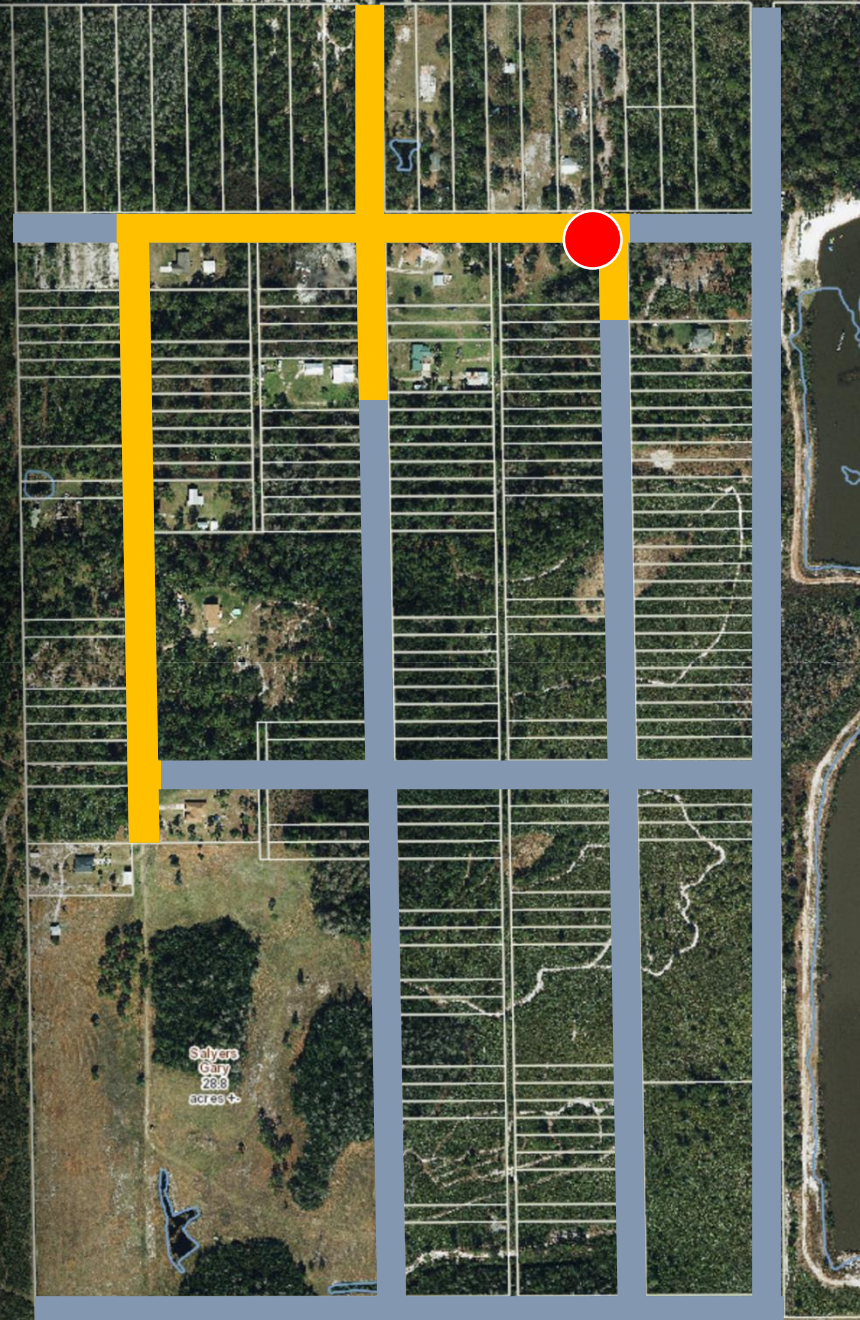
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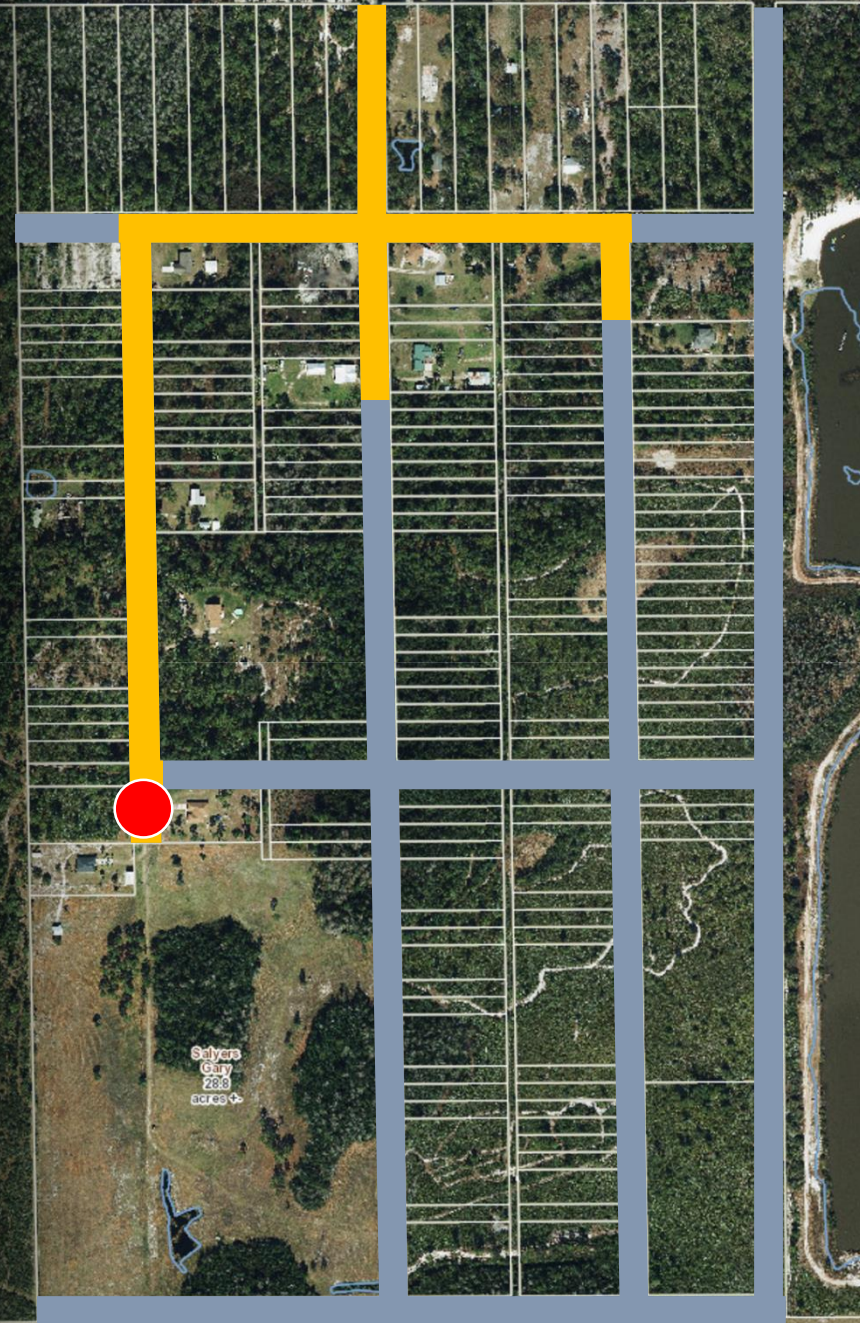
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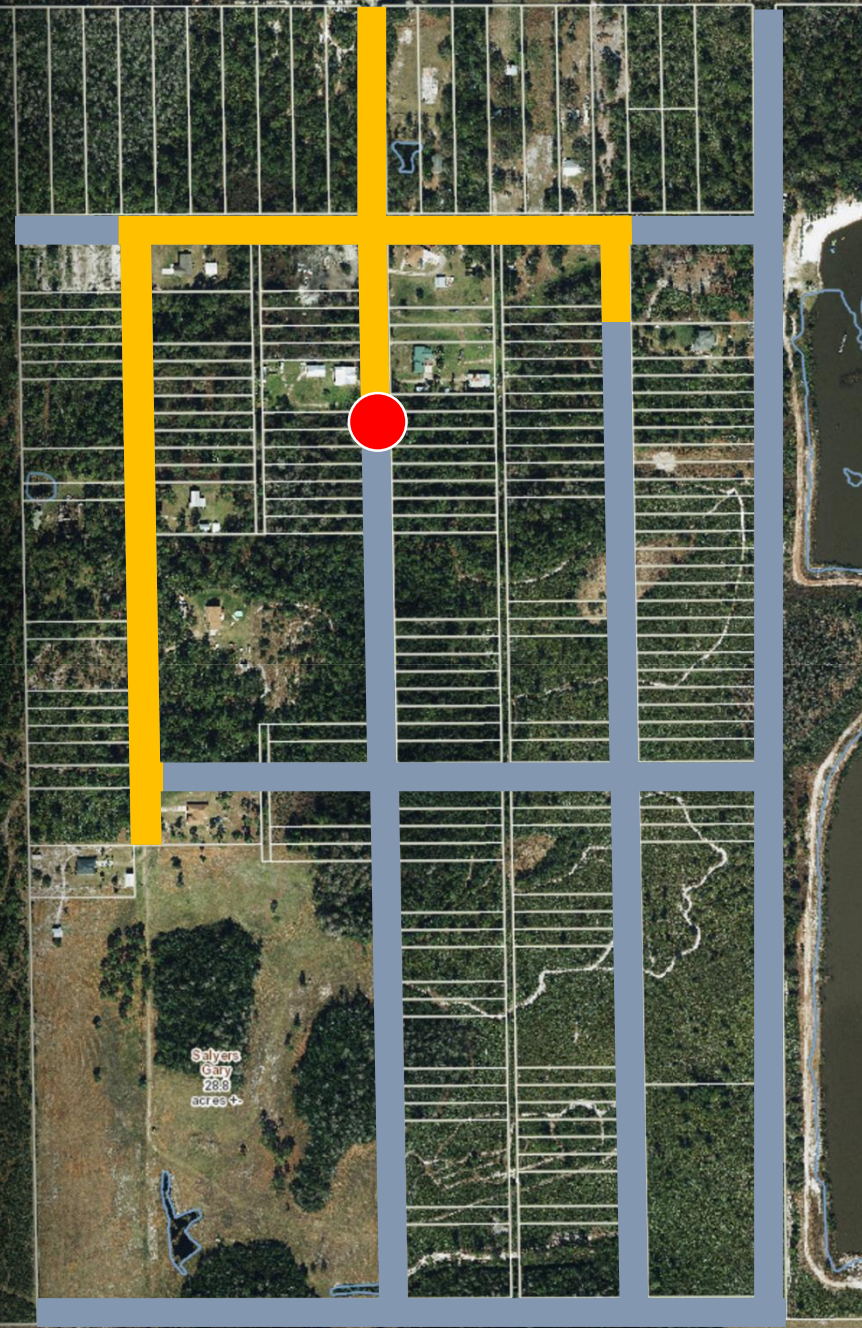
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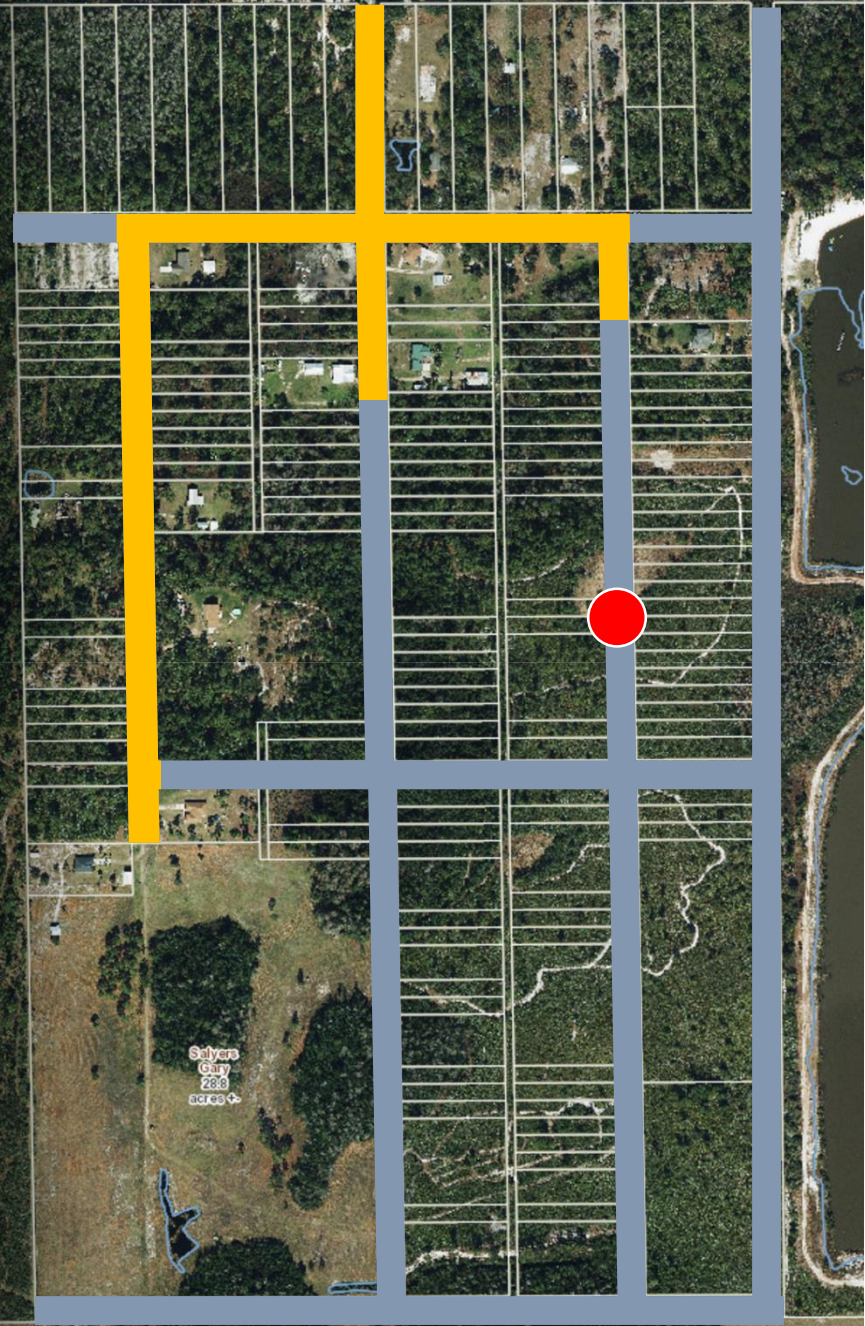
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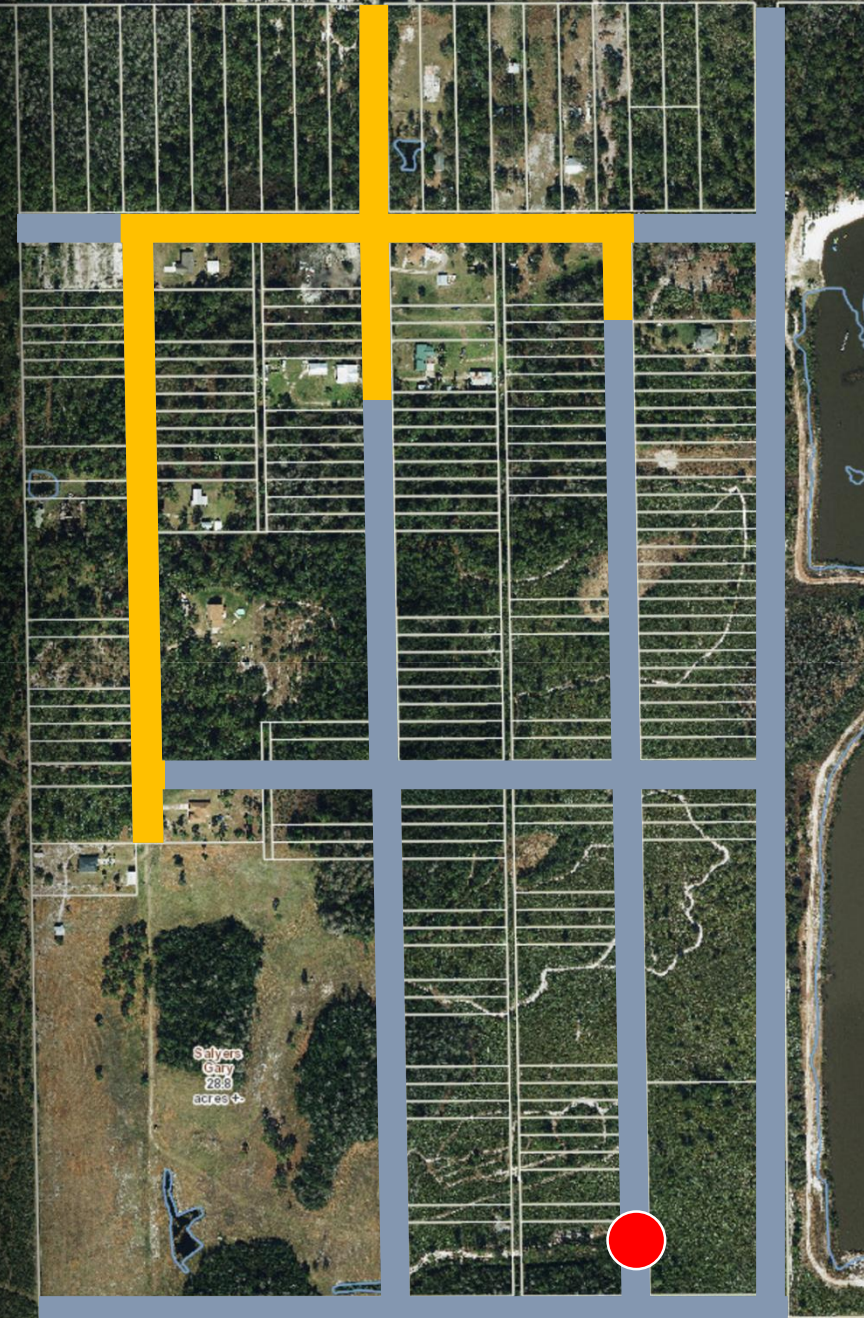
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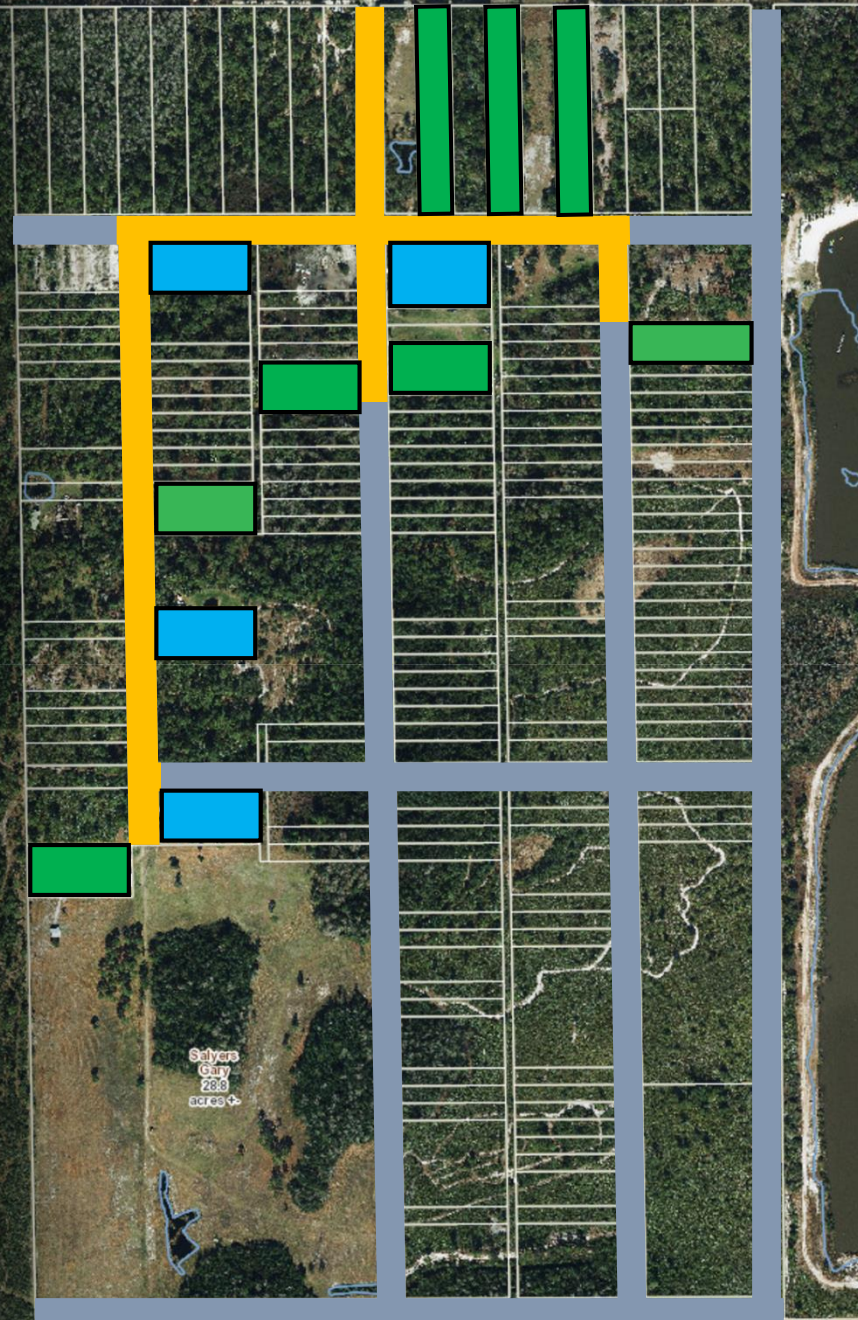
# Christmas Pines

## ■ Residential Homes – 12 houses

■ 8 houses constructed prior to 2001

■ 4 houses constructed after 2001

- All 4 have signed Notice of Future Assessment or Non-Maintenance Agreement







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# Summary

- **Board policy on Open Non-Maintained and Unopened Unimproved Rights of Way has been in place since 2001**
- **This policy has allowed for fair and consistent application of road construction and maintenance throughout the County**
- **Provides clear guidelines for improving non-maintained roads**



# Summary

- **Costs to improve non-maintained roads could be \$250M plus ROW and other costs**
- **New development on dirt roads creates challenges for providing adequate public services**