

12.3 Administrative Variance

The Public Works Director can grant an administrative variance to acceptance standards if the proposed changes are minimal, or if it will not pose an undue burden or risk upon the County.

12.4 Special Conditions

The Board of Commissioners may consent to accept a roadway with special conditions that do not conform to County road standards upon the recommendation of the County Administrator or the Planning Commission.

12.5 Street Frontage for Every Lot

Only streets located in residential subdivision developments with lot frontage on the right-of-way will be accepted by the County.

12.6 No Interior Streets in Group Developments Accepted

Interior street and drainage systems serving group developments such as private industrial parks, shopping centers, apartment complexes, condominiums and mobile home parks will not be accepted for maintenance by Decatur County.

12.7 Construction Specifications

Unless otherwise specifically set forth herein, all of the materials, methods of construction, and workmanship for work performed in connection with road construction and storm drainage construction shall conform to the latest standard specifications of the Georgia Department of Transportation (GDOT). Design criteria and standards not specifically set forth herein shall conform to the current edition of the American Association of State Highway Transportation Officials (AASHTO) Guidelines, except where specifically noted otherwise in the standards adopted by the County.

12.8 Right-of-Way Requirement

Acceptance by the County of a right-of-way deed from all the affected property owners for roads shall be based on functional classification (Appendix H). Easement widths within, or off of the right-of-way shall be determined by the Public Works Director in concurrence with utilities or other public users. The GDOT has developed a functional classification system mapped for all roadways within the state. Urban classifications are those places within boundaries, which have a population of 5,000 or more. Roadways within these established urban areas carry urban roadway functional classification categories. Areas outside these urban areas shall utilize rural functional classification categories.

The functional classification system groups the streets and highways according to the service they are intended to provide. The *arterial* roadways provide direct service between cities and towns. The *collector* roadways collect traffic from the local roads and streets that are accessing land uses and distribute them onto the arterials and major thoroughfares. All roadways shown without a functional classification designation are classified as *local* roadways. Each functional classification requires a different amount of right-of-way depending on the number of lanes and whether or not the roadway is a divided roadway or parkway.

The functional classification right-of-way guidelines established in the table below are to be used for planning purposes and are subject to modification in areas along a roadway where existing roadside development constricts the expansion of existing right-of-way widths. A development looking to locate along a roadway should be required to incorporate right-of-way need guidelines into their site plan as either an easement or setback. This will allow for less costly roadway improvements once the roadway reaches capacity and must be widened. Public agencies will benefit in this process through less expensive right-of-way purchases, and private businesses will benefit through minimal property disruptions as a result of a future roadway improvements.

Functional Classification Right-of-Way Guidelines Functional Classification	ROW	Comments
Interstate and four lane limited access	300	Additional ROW needed at interchanges and grade separation.
Urban or Rural Principal Arterial	120	140' feet needed if divided highway or parkway.
Urban Minor Arterial	100	Based on eventual need for five-lane roadway.
Urban Collector	80	Based on eventual need for three-lane roadway.
Rural Minor Arterial	100	Based on eventual need for five-lane roadway.
Rural Major Collector	80	Based on eventual need for three-lane roadway.
Rural Minor Collector	80	Based on eventual need for three-lane roadway.
Urban or Rural Local	60	Based on roadway remaining a two-lane roadway.
Cul-de-sac	60	50' radius required at turnaround

12.9 Special Assessment Where Required

Prior to accepting any new roads or storm drainage facilities for public maintenance, the affected developers or property owners shall bear the expense of any improvements required to meet County standards based on an estimate and design scheme prepared by the Public Works Director.

12.10 Security for Performance and Maintenance

The developer shall be required to provide the County with security for the performance of the design and construction of new streets, signs, and drainage system(s) in accordance with these standards. The security shall be in the form of a surety bond, bank letter of credit, escrow account, or similar instrument that guarantees performance and shall be in an amount equal to 100% of the cost of the improvements. The security shall remain in effect until such time as the County accepts and assumes ownership of the new streets, signs, and drainage systems. At the time the County accepts and

assumes ownership of the new streets, signs, and drainage systems, the developer shall be required to provide the County with security for the maintenance of the streets, signs, and drainage systems for a period of two (2) years commencing with the County's formal acceptance of same. The security shall be in the form of a surety bond, bank letter of credit, escrow account, or similar instrument that guarantees maintenance of the improvements and shall be in an amount equal to 90% of the cost of the improvements.

12.11 Inspection

The developer is responsible for the costs associated with providing all quality control / quality assurance testing and inspections required during construction of new roads and the associated drainage systems to ensure compliance with the applicable design and construction standards. However, the Public Works Director is authorized to retain independent engineering or geotechnical consultants to perform all or part of the inspections and testing on behalf of the County if in his/her discretion it is necessary to do so, and may assess an inspection fee, sufficient to cover the County's cost for inspection and testing.

12.12 Traffic Impact Studies

In order to protect the integrity of the roadway system within the County, all developments requiring development review as listed below may be subject to access evaluation or traffic impact studies (TIS). Developments that are subject to access evaluation and/or a traffic impact study may include, but are not limited to:

- 1) Site Plan Review
- 2) Change of Use
- 3) Conditional Use Permit
- 4) Planned Unit Developments (PUD's)
- 5) Variances, and Remodeling/Additions to Existing Properties and Structures

The purpose of these studies is to evaluate the traffic impacts anticipated by the proposed use or change of use and to further minimize the impacts to the roadway system. In the case of a change of use for a currently developed property, the existing driveway number and location will be reviewed and shall be modified as required to conform to the requirements of the County as provided herein. The developers of proposed properties shall carry the burden of all expenses for the studies and subsequent improvements, unless otherwise directed by the County Administrator or the Board of Commissioners.

Access Evaluation: This type of study may be required for low traffic generators of less than one-hundred (100) trips in the peak hour of traffic or less than five-hundred (500) trips on an average day, and is intended to minimize impacts to the roadway system. A preliminary determination of the anticipated vehicle trips shall be based on the guidelines of the Institute of Transportation Engineer's (ITE's) Trip Generation Manual.

This evaluation can be prepared as part of the site plan and need not require a registered professional engineer specializing in traffic. The scope of the evaluation shall concentrate on the subject property and the adjacent properties including properties across the road, and access issues within the immediate area of the proposed site. The requirements of the evaluation are for the most part required as part of the development review. The access evaluation shall include the following elements:

- 1) Identification of building size and use, driveways, parking areas, and drive aisles.
- 2) Identification of road details including right-of-way width, both existing and proposed, pavement widths, identification of vehicular lanes, and adjacent traffic control devices including stop signs and traffic signals.
- 3) Identification of adjacent access locations including properties across the road.
- 4) A formal request to the County for review of the access. This can be conducted with a site plan submittal or plat as part of the current staff development review process.

The results of the access evaluation may be subject to either these policies, the County Land Subdivision Regulations or the GDOT Driveway and Encroachment Control Manual at the discretion of the Public Works Director. In the case of any conflict between the regulations, the more restrictive will generally apply.

Traffic Impact Study: A TIS shall be required for any development which involves a use (or re-use) of a property which is determined to produce one-hundred (100) vehicle trips or more in the peak hour or five-hundred (500) vehicle trips or more per day. A preliminary determination of the anticipated vehicle trips shall be based on the guidelines of the Institute of Transportation Engineer's (ITE's) Trip Generation Manual. In certain cases, supplemental traffic data based on actual data from similar developments can be included and considered. A licensed professional engineer shall prepare the TIS with experience in the area of traffic, transportation and/or transportation planning. The TIS shall include:

- 1) Level of Service (LOS) and Capacity Analysis: Evaluate existing and proposed LOS or capacity conditions as applicable on roadways and intersections. The difference in operations shall be considered the site impacts. If the access point is on an arterial or collector road LOS should be recalculated as necessary. Roadway improvements shall be developed to address the proposed site impacts.
- 2) Sensitivity Analysis: In special circumstances, typically involving large developments or developments on critical roadways, the County may require either sensitivity testing or 10 to 20 year traffic projections. Sensitivity testing would entail capacity analyses on incremental (5% to 20%) traffic increases. Traffic projections would require evaluation of future traffic operations based on an agreed annual growth rate. Operational impacts as a result of background traffic increases (sensitivity testing or traffic projections) may not be required to be mitigated unless such is a result of a phased development.
- 3) Peak-hour Analysis: Existing and proposed AM (7:30-8:30) and PM (5:00 and

6:00) peak hour trips.

- 4) Trip Generation Analysis: Evaluate existing and proposed trip generation. It should be noted that often trip generation data is based on limited sample size and, therefore, application of such could have varying results. Additionally, some land uses may not lend well to direct application of the Manual and upward or downward adjustments may be justifiable. An example of such might include trip rate factors for apartments in which the ITE Trip Generation Manual bases such on national apartment profile characteristics. However, in the case of the County, many of the apartment complexes house 2 to 4 students in a single unit. This would result in a higher number of vehicles than expected (4 vehicles versus 2) and higher trip numbers per unit.
- 5) Trip Distribution Analysis: Existing and proposed 24-hour directional traffic count on a typical weekday for each roadway or access point.
- 6) Internal Circulation Analysis: Evaluation of driveway lengths for vehicular queuing and lane needs, which would affect the operation of the public roadway system, should be addressed as part of the site impacts.
- 7) Traffic Impact Mitigation: Evaluation and recommendations of on-site and off-site roadway improvements to accommodate the additional predicted traffic to be generated by the site, including access management and safety improvements regarding warrants for additional turn lanes and channelization, medians and islands and signalization as provided in the GDOT Driveway and Encroachment Control Manual.

The results of the traffic impact study submitted to the County are not automatically binding. The County, at its discretion, may review the traffic study and may over-rule submitted recommendations.

13.0 ABANDONMENT OF PUBLIC ROADS AND RIGHT-OF-WAYS.

13.1 Road Closing Petition.

Any person or organization wishing to close an existing public street, road, or highway to public traffic, or to vacate a public easement granted to the County, may submit a petition for consideration by the Board of Commissioners in accordance with state law (OCGA 32-7-2) and under the following provisions.

- 1) Filing of the petition using a County form.(Appendix J)
- 2) A plat or sketch of the road or portion of road that is proposed to be closed.
- 3) Signatures or their vote by all of the owners of property adjoining the road and by all of the owners of property who use the road as their only means of ingress/egress to their property.
- 4) The signatures shall be accompanied with a statement that the property owners release and indemnify the County from any duty to maintain the road.

The County staff shall schedule a public hearing before the Board of Commissioners for the purpose of determining whether the road or portion of the road that is proposed to be closed has for any reason ceased to be used by the public to the extent that no substantial public purpose is served by it. Notice of the date, time, and purpose of the public hearing shall be given to property owners located on the road and shall be published in the newspaper in which the sheriff's advertisements for the County are published once a week for a period of two weeks.

The County staff shall prepare a written report prior to the public hearing. To the extent that the County staff has knowledge of such, the report will consider the following factors:

- 1) Source of Title: Does Decatur County own fee simple title to the road/street or merely an easement for use by public for road purposes?
- 2) Present Use of Road, Street or Alley: Is the present use for the general public; limited use by a small group; or for the location of public utilities?
- 3) Past History: What use has been made of the road/street in the last seven (7) years?
- 4) Potential Need in the Future: Is the road or street in a growth area, or have transportation studies identified the road as a potential connector or corridor that would improve the transportation network?
- 5) Cost Involved in Abandoning Road/Street: Are there cost considerations, including legal costs that would make the abandonment prohibitive?
- 6) Availability of Other Means of Travel: Would abandonment cause an inconvenience to the general public, adjoining land owners or neighborhoods, delivery of emergency, utility, or other public services?
- 7) Map showing requested road closure.

After a public hearing on such issue, the Board of Commissioners may declare that section of the County road system abandoned if the Commissioners find that it has ceased to be used by the public to the extent that no substantial public purpose is served by it. If the petition is approved:

- 1) The Board of Commissioners may declare the requested road or portion of road petitioned abandoned, and shall certify the action by record in its minutes. 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.
- 2) It shall be the responsibility of the Public Works Department to physically close the roadway, and, the Public Works Director may require the property owners to place an appropriate sign alongside or at the end of the road.

- 3) If the abandoned road was a prescriptive public road, the County may execute quitclaim deeds to the property owners along the road at their request. If the abandoned road was a deeded public road, the County may dispose of the property in accordance with the provisions of Official Code of Georgia Annotated § 32-7-4.
- 4) No application for abandonment may be made, or considered, if any portion of the property sought to be abandoned has been the subject of an abandonment application filed, or considered by the Decatur County Board of Commissioners, within the immediate preceding two years.

The failure to follow any of the above provisions shall not affect the validity of a road abandonment that otherwise complies with the requirements of Georgia law.

14.0 TEMPORARY CLOSING OF STREETS AND ROADS.

14.1 Road Closing Petition: Regular

Any party desiring to have any street or road temporarily closed in the County shall submit a written request to the County Administrator under the following provisions.

- 1) The petition (unless the County is the petitioner) shall be accompanied by a processing and review fee subject to the Board of Commissioner's adopted schedule of fees and charges.
- 2) All written requests must be submitted at least ten (10) days prior to the requested closing date.
- 3) All parties requesting such temporary closure shall designate one (1) person who shall act as spokesperson for the party, as well as supervise all activities for the duration of such closing.
- 4) The County Administrator shall consider, within five (5) days, all timely submitted requests made by such parties. If a public notice or press release is required, the permitter shall bear the cost.

14.2 Other requirements.

- 1) If approved, The County Administrator shall take appropriate action to advertise to the public through the news media all approved temporary closings. The Public Works Department shall take appropriate action to blockade the requested streets and/or roads.
- 2) The cost of such advertising shall be borne by the parties requesting the temporary closures.
- 3) All streets and roads closed pursuant to this section shall be blockaded for a period normally not to exceed twenty-four (24) hours. Such duration, however, may be amended by the County Administrator at his/her discretion on an event basis.

14.3 Road Closing Petition: Emergency

Requests for temporary closing received less than ten (10) days prior to the requested closing date may be considered as an emergency closing if, in the opinion of the County Administrator, such closing is warranted; provided, that

- 1) Such action would not conflict with the public interest.
- 2) That there exists sufficient time for appropriate action to blockade requested streets and/or roads.
- 3) All applicants will be placed on notice that future requests must be submitted to the County Administrator ten (10) days prior to the requested closing date.
- 4) All petitioners shall meet requirements for regular road closing petitions.

15.0 EMINENT DOMAIN.

15.1 General

In general, the County will not compensate property owners for easements or rights-of-way on roads and bridges projects from which the property owners will directly benefit. Decatur County sometimes recognizes that the use of eminent domain is necessary to provide public roads, bridges and associate drainage structures for public benefit. While the preference is to acquire through donation, the County Board of Commissioners will use the power of eminent domain to condemn private property judiciously and only under circumscribed instances. The Board of Commissioners may exercise their discretion to designate any road or transportation projects, and especially where eminent domain may be used for such purposes. The Board of Commissioners expects, without announcing a binding decision that it will not consider the offer of private funds to pay for road or transportation projects via eminent domain.

15.2 Baseline Criteria

The criteria used to consider condemnation for County road or transportation improvement projects by the Board of Commissioners will include the following:

- 1) The degree to which paving is necessary for the reliable delivery of services to the residents along the road and in the area, particularly for school buses for transporting students, emergency services such as fire, emergency medical services and law enforcement, and for collecting solid waste.
- 2) The number of persons or households that the road services
- 3) The status or classification of the road with regard to the entire County road system.
- 4) The cost of the project relative to other paving projects.
- 5) The impact of new or proposed residential, commercial or industrial development.
- 6) The needs of a community development or redevelopment project.

- 7) The need for safety or traffic congestion improvements such as: road and shoulder widening, installation of acceleration/deceleration lanes or turn lanes at intersections, intersection realignments, bridge work, and other improvements as determined necessary by Decatur County

The County has established baseline criteria for determining the need and/or eligibility to exercise condemnation. Should one or more of the following baseline criteria be met for each priority level project, the Board of Commissioners may consider the exercise of condemnation.

Baseline Criteria	Priority I Improvements: Arterial or Collector Road Corridors	Priority II Improvements: Local Road Corridors
Priority Rating Score (based on GDOT criteria)	> than 60	> than 40
Linear Road Frontage Land Conveyance	75% of Prop. Owners	85% of Prop. Owners
Fair Market Value of Land Conveyance	85% of Prop. Owners	85% of Prop. Owners
Connector (network, community facilities, etc.)	Yes	Yes
Safety Project Improvement	Yes	Yes
Community Development Project	Yes	Yes

15.3 Procedure.

The amount of right-of-way acquisition needed for eminent domain acquisition shall be determined by the Public Works Director and forwarded to the County Administrator.

The County Administrator shall authorize an appraisal for affected property parcels whereby the results shall accompany a staff report with recommendations to Board of Commissioners for or against the condemnation of property.

Upon issuance of a final report, any action authorizing condemnation of easements or rights-of-way on any County roads and bridges project shall require the prior approval of the Board of Commissioners. The Board of Commissioners shall determine the method of eminent domain as prescribed by State Law.

Exceptions to the County's general policy not to compensate property owners for projects from which they directly benefit may be made under the following circumstances.

- 1) Unusual circumstances that make payment of a reasonable amount of compensation more economical than resorting to condemnation.

- 2) Deadlines for completion of a project preclude the expenditure of time required for condemnation.
- 3) Compensation is awarded through the condemnation process.
- 4) Compensation is required by State or/and Federal law

16.0 ENCROACHMENTS AND EASEMENTS ON, OVER, UNDER AND ACROSS PUBLIC STREETS AND PROPERTY.

16.1 General

Easements over, under and across public streets and property controlled or maintained by the County shall be granted only for a public purpose, convenience, necessity, or to facilitate the provision of water, sewer, electricity, transportation, telecommunications or other utility.

16.2 Assurance and Certification

Prior to the granting of an encroachment permit or easement, the grantee shall provide a written assurance that he, she, or it will comply with all applicable local, state and federal laws and regulations and such other requirements as are necessary to ensure the public's safety at any time, during construction, repairs, or otherwise, should injury to person or property occur as a result of acts and/or omissions to act by such grantee, his, her, or its heirs, executor, successors or assigns. Easements shall be arranged in such a manner as to eliminate unnecessary easement offsets and to facilitate the use of easements for power distribution, telephone service, drainage, water services, sewer services and pedestrian access. The grantee of such easement shall certify:

- 1) The purpose of such easement.
- 2) The area affected.
- 3) The necessity and the fact that the area affected does or does not receive similar services from another public or private utility (where applicable).
- 4) All easements shall be properly designated with a specific width and purpose. .
- 5) Easements shall be cleared of trees, debris, and other objectionable materials, unless it is delineated as a conservation easement or wetland area or as otherwise approved by the Planning Director.

16.3 Permit Requirements

An encroachment permit that affects the right-of-way of any county maintained highway, street or road shall be approved by the Planning Director's office, and is required for all construction, undertaken by parties other than the County or its authorized contractor(s). This requirement shall apply, but not be limited, to:

- 1) Connections involving a curb cut or pipe installation, except for single family residential subdivisions where inverted crown road sections are approved.
- 2) Utility taps and installations.

- 3) Excavations within rights-of-way.
- 4) Storm drainage installation or discharge.
- 5) Subdivision entrance signs or gateways.

The petition for a permit shall be accompanied by a processing and review fee subject to the Board of Commissioners' adopted schedule of fees and charges. The petitioner receiving an approved permit shall, prior to commencement of work, be responsible for:

- 1) Notifying the Public Works Director's office when construction begins on an encroachment.
- 2) Ensuring that a copy of the encroachment permit is on the construction site.
- 3) Ensuring that the construction and the restoration of the roadway have been approved by the Public Works Director.
- 4) Indemnifying the County for any liability incurred or damages sustained as a result of the encroachment.

Prior to any construction, installation, erection or excavation of, on, under or across such streets or property as may be authorized by such easement the grantee shall provide any necessary surety bond, pursuant to the Decatur County Public Right-of-Way Ordinance.

The grantee shall also provide the Public Works Director or his designee with a certificate or certificates of insurance evidencing the following the following required insurance:

- 1) All insurance policies shall be issued by an insurer satisfactory to the County, and the insurer shall have a rating in the A categories of Best Insurance Reports.
- 2) The certificate(s) shall include a provision that not less than thirty (30) days' notice will be given to the County prior to cancellation, termination, nonrenewal, or reduction in coverage.
- 3) Insurance shall be maintained with the following minimum coverage and limits:
 - a) Commercial general liability policy for bodily injury, personal injury, completed operations and property damage in a coverage amount of not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate, with the County named as an additional insured.
 - b) A business auto policy for bodily injury and property damage in coverage amount of not less than \$1,000,000 per occurrence, with the County named as an additional insured.
 - c) Maintain the workers' compensation coverage required by state law and provide a certificate for insurance for this coverage in the manner required by this subsection.
- 4) Exception waivers to sections a and b may be granted by the County Administrator at his discretion should the size and scope of the project pose undue insurance burden on the applicant.

An encroachment permit approved for excavation on a County maintained road shall adhere to the following requirements:

- 1) Work under such permit shall be commenced within the time specified on the permit; otherwise the permit shall become void.
- 2) All permits shall be kept at the place of excavation while the work is being done and exhibited whenever called for by any person having the authority to examine the same.
- 3) There shall be no more than one-half ($\frac{1}{2}$) the width of any road opened or obstructed at any one time.
- 4) Boring may be allowed, provided that no authorized underground construction shall be damaged or interfered with.
- 5) All portions of the road excavated shall be put in as good condition as before the excavation was made. The trench or excavation shall be refilled and compacted to 100% standard Proctor density and shall be re-paved in accordance with County standards.
- 6) Whenever any person making any excavations in a County maintained road fails to repair the road as required by this section or fails to maintain the same for a period of one year, then the Board of Commissioners shall cause the work to be done and the cost thereof shall be charged against the surety bond or other security as determined by the Public Works Director.

Where such excavations occur in a state or federal highway, permission shall be obtained from the appropriate state or federal highway agency before any work is commenced.

16.4 Indemnification and Hold Harmless

The grantee shall indemnify and hold harmless the County and its officials, officers, employees, agents, successors and assigns, from and against any and all loss, costs, expenses, (including attorney's fees and expenses of litigation), claims, suits and judgments whatsoever in connection with injury to or death of any person or persons or loss of or damage to property, and further claims, suits and judgments whatsoever by third parties resulting from the interruption of traffic caused by or in any way connected with the construction, installation, erection, repair or maintenance, use or presence of any such improvements or appurtenances, however caused.

The grantee shall bear all costs of furnishing flagging protection, warning devices and inspection services, as well as the costs of restoring the affected area to its original condition.

16.5 Status of Existing Utilities

For existing utilities where an easement has not been granted, any installation or replacement of new utilities or repair of existing utilities shall require a permit from the

Planning Director. Pipes, lines or conduits shall be laid at a location and depth under the road or drainage way as the Public Works Director may direct.

Should any utilities be damaged by the County in the course of routine maintenance, the County shall be indemnified and held harmless from any resulting damage in the same manner as stated in Section 16.4 of these policies