

FILED

JUN 26 2019

**KADE HOLLIDAY
COUNTY & PROBATE COURT CLERK**

ORDINANCE NO. 2019- 13

**AN ORDINANCE TO AMEND ORDINANCE 2006-17 TO
ESTABLISH AND AMEND PROCEDURES,
REQUIREMENTS, MINIMUM STANDARDS, AND
SPECIFICATIONS OF ROADS IN THE COUNTY OF
CRAIGHEAD, ARKANSAS, AND FOR OTHER
PURPOSES, AND DECLARING AN EMERGENCY**

WHEREAS, the County of Craighead has reviewed the increased needs of a growing and progressive county, and

WHEREAS, Craighead County has a significant investment in the county road system and it is incumbent upon the county to protect that investment against waste, deterioration, and destruction; and

WHEREAS, Arkansas Code Annotated Section 27-66-207 provides that the County Judge, in his discretion, has authority to set policy and designate as a county road any street or road dedicated to the public as a public thoroughfare, provided that a bill of assurance making the dedication is properly recorded and accepted;

WHEREAS, increasing industrial and residential development and associated transportation has led to an influx of subdivisions in Craighead County, and

WHEREAS, the purpose of this Ordinance is to amend and clarify particular portions of Ordinance 2006-17 to enable developers, contractors, and others consistent and applicable information of the County Road system, and

WHEREAS, Purchasers of property in subdivisions within unincorporated areas of Craighead County have a reasonable expectation that the roads within the subdivision meet the specifications for inclusion into the county road system and that such roads have

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been approved by the County Judge of Craighead County for subsequent maintenance as county roads, and

WHEREAS, the purpose of this Ordinance is to be applied to all subdivisions and plats and roads that have not been accepted into the County Road System as a County Road, and those that will be proposed from and after this passage.

THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF CRAIGHEAD COUNTY, ARKANSAS, AS FOLLOWS:

SECTION 1.: Article III, Section 1 and 2 shall be removed and Article IV Section 1 (A) 1-3, 6-8 shall be removed and the following language inserted as follows:

Article III.

A. Approval Procedures.

- i. Step 1. Concept Plan Submittal
- ii. Step 2. Preliminary Plat and Construction Plan Submittal and Approval
- iii. Step 3. Final Plan and Bond Submission, Approval and Filing

B. Concept Plan Submittal.

i. When a developer intends to develop a parcel of land within the unincorporated area of Craighead County, a Concept Plat must first be submitted to the County Judge for review applicable to the planning requirements. This conference may be of assistance to the developer through the prevention of unnecessary expense in the plat preparation.

ii. The Concept Plat may be a legible free-hand drawing superimposed upon a print of a site map or aerial photograph which may provide the following data:

Name, address and telephone number of the owner, developer, engineer and/or surveyor, topography, proposed street plan, existing or adjoining roads, development name, date, and approximate acreage or any additional information the developer considers pertinent.

iii. While in Concept form the developer or engineer may consult with the County Judge. During this conference, the general features of the land development, its layout, facilities and required improvements, including off-site improvements, shall be determined to the extent possible and necessary for preparations of the Preliminary Plat.

iv. When determined by the County Judge, the Quorum Court Road Committee may further review within fifteen (15) days following receipt of the Concept Plat.

C. Preliminary Plat and Construction Plan Submittal and Approval

When a land development is proposed, the first formal application for approval shall be the preliminary plat directed to the County Judge.

i. The Preliminary Plat and Construction Plans submission shall consist of the following:

a. Payment of the Preliminary Plat Fee, when so directed by the Craighead County Quorum Court.

b. Eight (8) copies of the Preliminary Plat and One (1) copy of the Detailed Construction Plans of the proposed development. The plat and construction plans shall include the information set forth in this

Ordinance. Additional copies may be required at the cost of the developer or contractor.

- c. Following submittal of the Preliminary Plat and Detailed Construction Plans, the County Judge shall distribute the plat to the Quorum Court Road Committee for their review and comments.
 - d. Within 30 days after the Quorum Court Road Committee and County Judge review the submission, they shall indicate their approval, disapproval, or approval with conditions. Such authority does not constitute authorization to proceed with the construction nor authorization to sell lots until the Final Plat is approved and filed in the Circuit Clerks office of Craighead County.
 - e. The Preliminary Plat shall not be filed with the Craighead County Circuit Clerks office.
- ii. The Preliminary Plat shall include all requirements as set forth in this Ordinance in this Section iv.
 - iii. The Construction Plan shall include:
 - a. Street typical section and pavement section of each street or street classification in the proposed development in accordance with the requirements of this Ordinance.
 - b. Street profile, design calculations, soils analysis (when requested) and plans and specifications in accordance with the requirements of this Ordinance.

- c. Storm drainage calculations, profile and plans and specifications in accordance with the requirements of this Article.
- d. As appropriate, design calculations, profile and plans, and specifications for all required off-site improvements in accordance with the requirements of this Ordinance.
- e. The engineer's estimated costs of all improvements.

iv. Requirements for Plat Subdivision

- a. All roads and drainage improvements will be designed and stamped by a registered professional engineer in the State of Arkansas. The design engineer for the project will also certify and stamp that the construction of the roads and drainage system meet all County, State, and Federal requirements.
- b. The roads and drainage system will be designed using the following minimum requirements:
 - i. 60-foot minimum right of way. Additional right of way may be required to accommodate areas with large grade changes where it would be difficult for the road ditch to be contained in the right of way.
 - ii. The road bed will have 22' minimum ACHM paved driving surface with 4' wide aggregate shoulders on both sides.
 - iii. 40 MPH geometric design on Collector streets, and 25MPH on local streets.

- iv. 2' minimum depth of all road side ditches measured from edge of subgrade to the bottom of the ditch.
- v. The drainage system will be designed to keep the 25-year storm flood elevation below the subgrade elevation at all locations. There will also be building elevations shown on each lot that would have standing water during this design flood.
- vi. The developer is responsible for correcting any drainage issues or flooding problems occurring on adjacent or downhill or downstream properties because of the development.
- vii. Reinforced concrete pipe culverts will be used under all County Roads.
- viii. The pavement life is designed for thirty (30) years with minimal maintenance. The default pavement section for a low volume residential street will be 3" of ACHM surface and 8" of aggregate. This pavement section will have a Structural number of 2.35. The default pavement section for a collector road will be 2" of ACHM surface, 3" of ACHM binder, and 7" of aggregate. This pavement section will have a structural number of 3.18. In the counties default pavement section, we are assuming that the subgrade soil would be classified as an A-5 or A-7.

Alternate pavement sections will be considered, if the developer chooses to do a site-specific geotechnical design.

The design may consider an improved subgrade to reduce the aggregate and ACHM required to meet the counties design requirements.

- ix. The subgrade will be compacted 12" deep at a minimum of 98% standard proctor at optimum moisture content.
- x. The aggregate base will meet with Arkansas DOT specifications for ABC Class 7.
- xi. The aggregate base will be compacted to a minimum of 98% modified proctor at optimum moisture content.
- xii. The ACHM will be made and installed to Arkansas DOT specifications for local roads.
- xiii. The developer will schedule a proof roll of both the subgrade and aggregate base for acceptance by both the design engineer and the County Judge (or his representative).
- xiv. The road will not be accepted into the County Road system until the ditches and Right of way have been stabilized to 80% vegetative cover.
- xv. Buffering may be required where there are developments of differing characteristics.

- xvi. Flood Hazard Areas. A flood hazard area is one subject to a base flood as determined by the Federal Emergency Management Agency (FEMA) identified on its Flood Insurance Rate Map (FIRM).
 - a. No plat of a subdivision shall be approved that contains lots or building sites in the floodway.
 - b. When a portion of a land development contains portions of floodplain, they shall be clearly delineated on the plat. No structures shall be constructed in the floodplain unless the base flood elevation certification has been approved by the County and the finished floor of the structure is 1 foot above BFE.
- vi. All improvements must be completed within thirty-six (36) months from date of approval of Preliminary Plat and Detailed Construction Plan. If not, performance bond, as set out below, shall compensate the County for all unfinished construction costs.
 - a. Said performance bond shall run in favor of the county and be in an amount sufficient to complete the improvements for the development as determined by the Road Superintendent and approved by the County Judge in the amount of 100% of the construction costs.
 - b. Said bond must be written by a surety authorized to do business in the State of Arkansas.
 - c. If, in the opinion of the County, the project has been abandoned, or County or private property is being damaged by action or inaction, the

said performance bond shall be forfeited immediately at the option of the County at any time prior to the end of the thirty-six month period.

- i. Separate bonds or letters of credit shall be executed to protect County roads or other County property.
 - ii. This bond does not take place of any bonding requirements as to any contractor. If the developer and the contractor are one in the same, then the bonds to be posted by the contractor shall protect the county.
- d. The developer performing the grading, street, storm drainage, water and sewer sanitary sewer improvement construction shall carry the following:
- i. Worker's Compensation Insurance for all employees and those subcontractors engaged in work on the site, in accordance with the Arkansas Compensation Laws.
 - ii. Insurance for protection against damage which may arise from operations of the kinds and limits listed: Public Liability insurance in an amount not less than five hundred thousand dollars (\$500,000.00) for injuries, including accidental death, to any one person, and subject to the same limit for each person, in an amount not less than five hundred thousand dollars (\$500,000.00) on account of one (1) accident. Property damage and vehicle liability insurance in an amount of not less than five hundred thousand dollars (\$500,000.00) for one accident, and subject to that limitation, in an amount not less than five hundred thousand dollars

(\$500,000.00) for all damages to or destruction of property during the policy period. In addition, the contractor shall obtain insurance for the construction period of the project, naming as the insured therein all officials and employees of Craighead County and their representatives. Such insurance shall be in a form and substance similar to Railroad Protective Liability Policy as approved by Federal, State, and Railroad agencies. Limits of liability shall be the following: Bodily injury liability (including death): \$500,000.00 each person, \$500,000.00 each occurrence. Physical damage liability: \$500,000.00 each occurrence, \$500,000.00 aggregate. Proof of insurance coverage shall be furnished by the Contractor to the County Judge prior to commencement of work on the site. Insurance shall be carried with insurance companies licensed in the State of Arkansas. The insurance shall be kept in full force until the contractor's work is accepted by the County.

D. Final Plat Submission- Approval and Filing

After the Preliminary Plat and Detailed Construction Plans are approved, the developer and or contractor shall submit to the County Judge an application for final approval.

- i. Application for approval of final plat.
- ii. Payment of a final plat fee as determined by the Craighead County Quorum Court. This is separate from any recording fees due to the Circuit Clerk's office.

- iii. One (1) copy of the final plat which shall include all requirements as set forth in this Ordinance. The final plat shall be reviewed by the County Judge. If revisions are required, the developer/contractor shall submit an additional copy of the revised plat to the County Judge.
- iv. Assurances that the improvements indicated in the final plat and/or required by this division have been installed or assurances they will be installed. Such assurances shall consist of:
 - a. A Certification by the Road Superintendent that all improvements have been completed and accepted or a performance and payment bond.
 - b. Individual letters of intent from public utility agencies that they shall or shall not provide service through the developer/contractor for the development.
 - c. The Seller of any residential land upon which a residential or business structure is to be construed or placed shall provide certification that the lots are three (3) acres or more or provide a copy of the Arkansas Health Department subdivision review approval letter.
 - d. The developer will provide the county with a copy of their approved ADEQ Storm Water Pollution Protection Plan.
- v. County Judge Approval: Within sixty (60) days after receipt of

the Final Plat and other required information and certifications, the County Judge shall approve or disapprove the Final Plat. The approval or disapproval shall be in writing.

vi. Developer's final action: Upon approval by the County Judge, the developer shall:

- a. Submit to the County Judge two (2) reproducible copies of the Final Plat with appropriate signatures of approval.
- b. Obtain County Judge's signature and submit 1 copy with covenants and certifications to the Circuit Clerks office. The other copy will go to the office of emergency management for 911 addressing.
- c. Developer or contractor may begin selling lots at this junction.

vii. The County Judge will still have discretion, as prescribed by law, to accept the improvements into the County Road system. No maintenance shall be performed until the maintenance bonds have expired. All plats for land developments approved by Craighead County shall be contingent upon receipt by the developer/contractor of any Federal, State, or local permits or approvals, if any, whether known or unknown to the County or developer/contractor.

viii. Conditions of Acceptance

- a. The County shall not have any responsibility with respect to any street, road, or other improvement, notwithstanding the use of the same by the public, unless the street, road or improvement has been accepted by the County.

- b. The County shall, within thirty (30) days after the improvements have been offered for dedication to the County, accept the improvements provided the improvements have been constructed in accordance with the conditions and requirements of the County. County maintenance will begin when the required one (1) year maintenance bond has expired.
- c. Prior to requesting final acceptance of the improvements into the County System, the developer shall submit the following:
 - a. The appropriately executed maintenance bonds shall be submitted to the Craighead County Judge's office to be reviewed by the Quorum Court Road Committee. An acceptable maintenance bond shall be provided for street and storm drainage improvements in the amount of fifty percent (50) of the actual construction costs against defects in workmanship and materials for a period of one (1) year from the date of the final inspection. The bond shall be filed with the County Judge Office. All damages noted by the County Road Superintendent shall be satisfactorily corrected prior to acceptance.
 - b. Certified proof that all County taxes, and professional fees, and improvement costs have been paid shall be submitted to the Craighead County Judge's office to be reviewed by the Quorum Court Road Committee.

c. Fifty (50%) percent of the lots shall have homes constructed on them.

d. Metes and Bounds. No conveyance by metes and bounds of tracts or lots coming under the definition of a subdivision without compliance with the applicable provisions of this Ordinance or amendments thereto shall be permitted. This Ordinance is aimed at preventing an attempt to circumvent this Article by conveying by metes and bounds without taking the necessary steps for filing an approved plat.

SECTION 2.: Article IV, Section 1 shall be amended to include the following:

(E) Requirements for improving off site roads

i. Existing County Roads. When a proposed land development causes a need for improvements to off-site roads and dedication of right-of-way, the developer shall be responsible in conformance with County Standards for the following:

a. In all cases, for the entire length of a proposed land development, the developer shall dedicate a minimum of thirty feet (30) of right-of-way measured from the centerline of the existing County road. For unusual alignment or terrain conditions, the Quorum Court Road Committee and/or County Judge may require a greater width of right of way dedication. The required width of right-of-way dedication shall be determined during the Preliminary Plat review and approval stage; in any event said, dedication must bear a reasonable relationship to the needs created by the proposed land

development. When the proposed development is of a size and magnitude to show cause for additional off-site improvements that the County does not have in its annual Plan, any off-site road shall be improved by and at the expense of the Developer in accordance with County standards, subject to the reasonable relationship test as stated above.

b. The road improvement cost shall include, but not be limited to, the costs of right-of-way clearing, roadway excavation and embankment, bridges, pipe and box culverts, roadway shaping, drainage blankets, base, paving, utility adjustments, and miscellaneous items. The Developer's proportionate share of the road improvement costs shall bear a reasonable relationship to the needs created by the land development.

c. The Developer's proportionate share of the costs of improving the County Road shall be determined by the County Judge and/or Quorum Court Road Committee based on the reasonable relationship test set out above.

d. The Craighead County Policy for improving County Roads is as follows: Depending on the road classification, surface type, surface width and condition, traffic, terrain, alignment, drainage and budget, one (1) of the following type of improvements shall be made; patching and surface treatment, patching and hot mix overlay, or reconstruction of the road to the County Standards.

e. The required off-site improvements and the developers proportionate share of the costs shall be determined at the Preliminary Plat review and approval stage.

f. It shall be the responsibility of the Developer to acquire and dedicate any necessary right of way subject to the reasonable relationship test set out above.

g. When requested, It shall be the responsibility for the Developer's Engineer to certify that the proposal of the Developer regarding roads width be adequate based on a traffic study and minimum standards of the County, subject to review of an Engineer retained by the County Judge at the expense of the Developer.

SECTION 3. Article I, shall be amended to add the following:

SECTION 3. Authority to Consult

The County Judge is authorized to consult with an independent registered professional engineer if he has concerns about the impact of any development on County or public roads or drainage. This initial consultation shall be at the expense of the County. If after said consultation concerns still exist then the County Judge may retain said engineer to perform a complete analysis of said development at the expense of the developer. Preference shall be given to engineers located within one hundred (100) miles of the County.

SECTION 4. Article V, shall be amended to add the following:

5. The water supply system shall be approved by the Arkansas Department of Health or its authorized agent and shall meet the requirements as set forth by that agency. The sanitary sewer system shall be approved by the Arkansas Department of Health and shall meet the requirements noted by the agency. When an approved public sanitary sewer system is not reasonably accessible, the developer shall install a community

sewage treatment system or plat the minimum lot size to accommodate individual sewage disposal system.

SECTION 5.

ARTICLE VI shall be added to state as follows:

ARTICLE VI: Violations

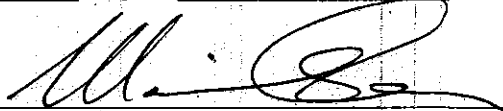
Violations shall be subject to a fine no less than \$200.00 for each day of offense and shall be subject to further restraints and restitution to the County in an amount as set forth by the Court. Violators are also subject to civil liability for violations of this Ordinance and other applicable laws and regulations in the State of Arkansas. If the County Judge may institute a civil suit to prevent or remove a violation of this Article and for damages sustained by the County. Any affected person may also institute a civil suit to prevent a remove a violation of this Article and for damages sustained against any person or entity other than the County.

SECTION 6. Severability. If any provision of this ordinance is held invalid, such invalidity shall not affect the remaining provisions of the ordinance which remains effective absent the invalid provision, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 7. Emergency Clause – In order to protect Craighead County taxpayers investment in the County Road system and to provide for necessary administrative and enforcement authority as well as proper and timely conduct of County Operations to manage the Craighead County Road System, an emergency exists, and this

Ordinance, being for the immediate preservation of the public peace, health, safety shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED on this 24th day of June, 2019.



Marvin Day, County Judge

ATTEST:



County Clerk- Kade Holliday