

**PROCEDURES
FOR DEDICATION OF ROADS/STREETS
TO THE CITY OF BLANCHARD**

City of Blanchard Ordinance No. 2005-19 (see “Attachment 1”) was passed and signed on Oct 25, 2005. The following are the procedures for citizens to implement this ordinance and dedicate their roads/streets to the City of Blanchard for the purpose of public use and city maintenance. These procedures apply if roads/streets were initially constructed under circumstances that did not require compliance with street standards of the Subdivision Regulations. Chapter 20, Article 3 Section 41 A & B (See “Attachment 2”).

Current Road/street ownership categories:

1. Roads/streets are owned by individual property owner and dedicated to the public use. (These roads/streets have not been accepted by the city.) Some property/lot- owners own land to the center of the roadbed while others own land to the edge of the roadbed.
2. Roads/streets owned by property owner and dedicated to the use of the property owners. (Private roads) Some property owners own land to the center of the roadbed while others own land to the edge of the roadbed.
3. Roads/streets owned by a Homeowners Associations (HOA) and dedicated to the use of the property owners.

NOTE: The City of Blanchard Legal Department will provide Petition and the procedures for execution. For example of Petition, see “Attachment 3”.

Property Owner Procedures:

1. Submit a Petition to the City Clerk indicating a desire to have the roads/streets made public.
 - a. Category 1: Requires 100% of all property owners’ signatures on letter or petition.
 - b. Category 2: Requires 100% of all property owners’ signatures on letter or petition.
 - c. Category 3: Requires signatures of more than 50% or the requirements of the individual HOA, whichever is greater.
2. Signatures are validated and city staff will direct engineer to make an evaluation of streets / roads for conditions as prescribed in Chapter 20 standards. This evaluation will include a cost estimate for work required to bring subject roads/streets up to those Chapter 20 standards.
3. These cost estimates will be submitted to the property owners for their decision to continue the process of transferring road/street ownership to the city. The responsibility of the property owners to provide funding to bring roads/streets up to Chapter 20 requirements. One funding

option might include the creation of a Road Improvement District. Instructions for this option - see "Attachment 4".

4. Once property owners decide to continue process to achieve dedication of roads/streets, a letter will be presented to the city requesting approval and acceptance of the roads/streets for public use and city maintenance. At this time, request will be placed on the council agenda by city staff.
5. Upon acceptance by majority of the council, district will be accepted subject to certification by city engineer that Chapter 20 standards have been accomplished. (NOTE: Category 1 and 2 property owners will sign dedication documents for easement transfer prior to road work. Appropriate documents will be provided by city staff.)

CITY OF BLANCHARD ORDINANCE NO. 2005-19

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BLANCHARD, OKLAHOMA RETITLING THE CURRENT PARAGRAPH 18 OF SECTION 41 OF ARTICLE III OF THE SUBDIVISION REGULATIONS AS SUBSECTION (a) OF SAID PARAGRAPH 18 AND ADDING A NEW PROVISION TO THE SUBDIVISION REGULATIONS OF THE CITY OF BLANCHARD TO ADDRESS THE EXEMPTION OF CERTAIN ROADS AND STREETS FROM THE STREET IMPROVEMENT STANDARDS OF THE SUBDIVISION REGULATIONS OF THE CITY OF BLANCHARD TO BE CODIFIED AS SUBSECTIONS (b) AND (c) OF PARAGRAPH 18 OF SECTION 41 OF ARTICLE III OF THE SUBDIVISION REGULATIONS OF THE CITY OF BLANCHARD, PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BLANCHARD, OKLAHOMA:

Section 1. That the current Paragraph 18 of Section 41 of Article III of the Subdivision Regulations of the City of Blanchard is hereby re-titled as Subsection (a) of Paragraph 18 of Section 41 of Article III of the Subdivision Regulations of the City of Blanchard.

Section 2. That a new **ARTICLE III, SECTION 41, PARAGRAPH 18, SUBSECTIONS (b) AND (c) OF THE SUBDIVISION REGULATIONS OF THE CITY OF BLANCHARD, OKLAHOMA**, is hereby added, which said new Subsections shall henceforth read as follows:

(b) Streets Exempted from Improvement Standards (unimproved streets).

Streets initially constructed under circumstances that did not require compliance with the street standards of the Subdivision Regulations may become a part of the recognized maintenance-supported street system of the City of Blanchard under the following conditions:

- i. The street is not defined as a Section Line Road;**
- ii. The street was initially constructed as a private road to provide access to private dwellings;**
- iii. The street was constructed prior to annexation into the corporate limits of the City of Blanchard;**
- iv. The street right-of-way is no less than fifty (50) feet in width, and the road bed is no less than 22 feet in width at any point;**
- v. The street is constructed of asphalt, gravel, oil and chip, blade mix or other limited-life material;**
- vi. Base preparation and testing processes are conducted consistent with the procedures set forth in Article III, Sec. 41, Paragraph 20, with reports received by the City showing 95% base compaction or application of 1,000 tons of rock per mile;**
- vii. Tinhorns, bar ditches, and drainage systems are inspected and recommended for acceptance by the Street Department Supervisor; and**
- viii. Upon completion of the foregoing requirements, the street is presented for dedication, and is dedicated and accepted by the City upon such conditions as may be imposed by the City Council.**

(c) Unimproved Streets Dedicated and Accepted by the City.

Streets meeting the requirements of Article III, Sec. 41, Paragraph 18(b):

- i. Will be maintained in the same condition as they were at the time of acceptance by the City;**
- ii. The City will not be responsible for improving such streets except as part of a general road improvement plan adopted by the City Council;**
- iii. Improved streets constructed of concrete will not be accepted for maintenance until such streets are found to be in compliance with the street standards for concrete streets set forth in Article III, Sec. 41, paragraph 18(a) of the Subdivision Regulations.**

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. WHEREAS, it being it being immediately necessary for the preservation of the peace health, safety and welfare of the City of Blanchard, Oklahoma and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

ADOPTED AND APPROVED THIS 25th DAY OF OCTOBER, 2005.

**s/Tom Sacchieri
MAYOR**

ATTEST:

**s/Camille Dowers
CITY CLERK
(SEAL)**

SUB-DIVISION REGULATIONS

CHAPTER 20 ARTICLE 3 SECTION 41 A & B

a. **Streets Exempted from Improvement Standards (unimproved streets)**

Streets initially constructed under circumstances that did not require compliance with the street standards of the Subdivision Regulations may become a part of the recognized maintenance-supported street system of the City of Blanchard under the following conditions:

- i: The street is not defined as a Section Line Road;
- ii: The street was initially constructed as a private road to provide access to private dwellings;
- iii: The street was constructed prior to annexation into the corporate limits of the City of Blanchard;
- iv: The street right-of-way is no less than fifty (50) feet in width and the road bed is no less than 22 feet in width at any point.
- v: The street is constructed of asphalt, gravel, oil and chip, blade mix or other limited-life material.
- vi: Base preparation and testing processes are conducted consistent with the procedures set forth in Article III, Sec. 41, Paragraph 20, with reports received by the City showing 95% base compaction or application of 1,000 tons of rock per mile.
- vii: Tinhorns, bar ditches, and drainage systems are inspected and recommended for acceptance by the Street Department Supervisor and;
- viii: Upon completion of the foregoing requirements, the street is presented for dedication and is dedicated and accepted by the City upon such conditions as may be imposed by the City Council.

b. **Unimproved Streets Dedicated and Accepted by the City**

Streets meeting the requirements of Article III, Sec. 41, Paragraph 18(a):

- i. Will be maintained in the same condition as they were at the time of acceptance by the City.
- ii: The City will not be responsible for improving such streets except as part of a general road improvement plan adopted by the City Council.
- iii.: Improved streets constructed of concrete will not be accepted for maintenance until such streets are found to be in compliance with the street standards for concrete streets set forth in Article III, Sec. 41, paragraph 18(a) of the Subdivision Regulations.

"Attachment 3"

NOTE: This is an example of a petition required to initiate the process for dedication and acceptance of streets and roads. This petition is for gravel roads.

**PETITION FOR DEDICATION AND ACCEPTANCE OF STREETS AND ROADS
FOR ROLLING HILLS ESTATES SUBDIVISION IN THE CITY OF BLANCHARD**

The undersigned property owners of lots within ROLLING HILLS ESTATES, a subdivision in the City of Blanchard, Oklahoma, request that all streets and roads as shown on copy of the recorded plat attached hereto as Exhibit A, be dedicated to the public and offered for acceptance by the City of Blanchard for maintenance, to become a part of the maintenance-supported street system of the City of Blanchard and agree to completion of all conditions for acceptance pursuant to City of Blanchard Ordinance No. 2005-19, including but not limited to:

- (a) dedication of a fifty-foot right-of-way width (i.e. 25 ft. from centerline of road);
- (b) application of 1,000 ton of rock per mile, if needed (22 ft. road bed width);
- (c) repairs to tinorns, bar ditches and drainage;

The above terms and conditions are acknowledged and requested by the following owners:

NAME (Please sign and print if not legible): PHYSICAL ADDRESS/Lot & Bl. # if known:

1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____

**STATUTORY REQUIREMENTS FOR
CREATION OF ROAD IMPROVEMENT DISTRICT**

A full description / plat of any proposed district will be required at the onset of the petition.

(11 O.S. Section 36-202) This is the form that must be used to comply with statute. The Petition must be signed by the owners of more than one-half, in area, of the land liable to assessment. ALL OWNERS OF ANY INDIVIDUAL TRACT MUST SIGN THE PETITION OR THE INDIVIDUAL TRACT CANNOT BE COUNTED TO COMPRISE A PART OF THE AREA REQUIRED.

(11 O.S. Section 36-202) After the Petition is filed with the City Clerk, the City Council must determine the sufficiency of the Petition. To make this determination, the City Council may conduct hearings.

(11 O.S. Section 36-202) The property owners whose property is to be assessed must BE NOTIFIED when a determination is made that the Petition is sufficient. Affected persons have 15 days after such determination to file an action in district court.

(11 O.S. Section 36-202 and 36-203) After the City Council determines the sufficiency of the Petition, the City Council shall direct BY RESOLUTION, the engineer to prepare preliminary plans and estimates. The resolution shall require the engineer to prepare and submit Preliminary Plans, typical section, type or types of material, approximate thicknesses and widths, assessment plat, showing the area to be assessed and preliminary estimate of the total cost with all information and in compliance with Section 36-203).

(11 O.S. Section 36-204) When the engineer files the plans, assessment plat and preliminary estimate of cost with the City Clerk, the City Council shall review them and if found satisfactory, shall adopt and approve them BY RESOLUTION. The resolution of necessity must contain the date, time and place of a hearing on the improvement and shall direct the City Clerk to give notice and provide notification of the rights of the property owners.

(11 O.S. Section 36-205) The resolution of necessity must be published for two weeks and mailed to all property owners and the City Clerk shall prepare and retain a Certificate of Mailing.

(11 O.S. Section 36-206) At the hearing, protest shall be heard and the City Council shall make findings on the proposed improvements and adopt and approve the proposed improvements.

(11 O.S. Section 36-207) Any property owner or other interested person shall have 15 days after the adoption and approval of the plans to file an action in District Court.

(11 O.S. Section 36-208(A)) After the time period for objections have been filed, the City Council shall adopt a RESOLUTION finding that no protests have been filed and expressing the determination of the City Council to proceed with the improvements and requiring the engineer to submit and file detailed plans, etc. and probable costs.

(11 O.S. Section 36-208(B))After the engineer has filed these detailed plans etc., the City Council shall examine them and if satisfactory shall adopt them BY RESOLUTION. The Resolution shall meet the 7 requirements set forth in Section 36-208(B).

(11 O.S. Section 36-209) The Notice for Proposals required by 36-208(B)(7) shall set forth the 6 items set forth in Section 36-209(A) and no lawsuit questioning the adoption of the resolution ordering the improvement, or its sufficiency or the final detailed estimates of the engineer may be filed later than 15 days after the first publication of the Notice for Proposals.

(11 O.S. Section 36-210) When bids are received, the City Council shall examine and shall award so long as the bids comply with the statute and do not exceed the engineer's estimate. The letting of the contract shall not be complete until the contract is executed and the bonds are approved.

(11 O.S. Section 36-211) provides the procedure for determining unforeseen costs of dirt work and underground connections. This section also allows a roster of the owners of the land to be included and allow the City Council to adopt the final statement of cost and the roster.

(11 O.S. Section 36-212) provides the means by which the Assessment and Apportionment is made and the appointment of the Appraisers who make the assessment roll and apportionment.

(11 O.S. Section 36-213) sets for the rules for apportioning costs.

(11 O.S. Section 36-214 to 36-215) provides the procedure for the City Council to conduct a hearing on the Assessment Rolls and the required notice and the adoption of a RESOLUTION confirming the apportionment and assessment.

(11 O.S. Section 36-216) provides the procedure for correcting and confirming the assessment and the means by which the assessment may be paid and provides that the City Council shall adopt an ASSESSING ORDINANCE and establishes the lien priority of the assessment.

(11 O.S. Section 36-217) makes public property, including the city, the county and school owned property subject to the liens.

It is important to remember that the statute leaves very little room for variance. The procedure is extremely technical and rigid. That is as it should be, since the process actually allows property to be taxed. The notices and the hearings and the Resolutions and the Ordinances must all be in full technical compliance with the statutes.

It is important that the Petition not be attackable by those property owners who may try to defeat the Assessments. Any variance, however slight, will provide a means of attack later when the public hearings and objection periods begin.

Also, the description of the property included in the proposed District must be included in the Petition in the Title of the Petition and in the body of the Petition.