This is a rough draft of an ordinance to consider making private roads public. It is modeled after the statute outlining the findings a City Council must make to vacate public streets (good cause and does not injure public interest) as well as the criteria the city has considered in the past when evaluating whether private streets should be considered to be made public.

Making Private Roads Public.

1) A homeowners' association desiring to make one or more private roads public shall file a petition with the city that is signed by the homeowners' association president and includes the following:

a) the fee required by the city's consolidated fee schedule;

b) a copy of the subdivision's Covenants, Conditions and Restrictions;

c) a copy of the requisite number of signatures voting to approve making the private roads within the subdivision public.

d) a complete history of pavement management including the dates of each type of treatment; and

e) for streets installed prior to 2005, a written report from an approved testing laboratory reporting data from core samples taken of the asphalt – the City Engineer shall determine what data is required for the report.

2) Upon acceptance of a complete petition, staff (as the Technical Review Committee) shall consider whether the petition meets the following criteria before making a recommendation to the City Council:

a) whether the street(s) meet the fire code as adopted by the city;

b) whether the street(s) meet a current street cross-section in the city's adopted Transportation Master Plan;

c) whether the street(s) were installed per city specifications;

d) whether the street(s) were regularly and properly maintained since they were installed to the present;

e) the date the street(s) were last crack sealed and slurried;

f) the year the street(s) were installed.

g) whether the street(s) passed a current staff inspection and/or made all of the repairs noted on a punch list following such an inspection.

3) Once the Technical Review Committee has made its recommendation, the City Recorder shall schedule a public hearing before the City Council in accordance with Section 10-9a-208 of the Utah Code and the City Council shall determine whether:

a) good cause exists for the city to make the private street(s) public; and

b) neither the public interest nor any person will me materially injured by making the private street(s) public.

4) Upon the City Council making the findings required in paragraph (3) above, the homeowners' association shall prepare, sign and record a dedication plat and/or a warrant deed to the city transferring the street(s) being made public.