

COUNCIL AGENDA ITEM**R-C****Department:** Public Works**Council Meeting Date:** February 26, 2008**Staff Contact:** Mary Jaeger**Subject:** Report on private to public street conversion procedure.**Key Result Area:** Transportation

Executive Summary: Developers use private streets to create a unique feel for their development and this usually means they have not adhered to one or more of the City street standards. The expense of maintaining these private streets then falls to the Homes Association or the adjacent property owners. In recent months the City has received various requests from Home's Associations to convert their private street to a public street. In order to process each request in an equitable manner, staff has developed the following procedure for the conversion process:

1) Representatives from the Homes Association or adjacent property owners of the private street contact City staff regarding their request to convert the private street to a public street.

2) The City evaluates the street for any issues that are not our current standard, i.e. street lights, curb and gutter, storm sewers, set back conformance, accessibility for emergency vehicles and trash pick up, etc. This evaluation involves multiple departments such as Fire, Municipal Services, Planning and Public Works.

It is the responsibility of the Homes Association or the adjacent property owners to pay for any items required for the conversion should the City Council approve the action. Staff can give an estimate of the costs associated with the conversion to the representatives; however, it is recommended that for items requiring engineered design that the representatives hire a consultant to perform design and cost calculations. A cost estimate at this time will allow for the Homes Association or the adjacent property owners to make an educated decision regarding the conversion.

3) A petition must be submitted to the City by either a homes association (showing a vote has been taken) or the adjacent property owners (all owners must sign the petition for it to be valid).

4) A report is taken to the City Council, along with a staff recommendation regarding the conversion. Staff proceeds per the direction of the Council.

5) Depending on the plat for the street, homeowners may be required to have a survey completed for the dedication of the roadway and a mortgage release to be signed. If mortgage releases are required and any of the property owners are unable to get their mortgage company to sign the release, the conversion process stops.

6) The petitioners bring the private street up to current standards. City staff strongly encourages the petitioners to ensure that all necessary mortgage releases can be acquired prior to making the necessary improvements.

7) The City's Legal Department works with Public Works and the property owners to be sure that all proper documentation is signed. This can include Deeds of Dedication and agreements stating maintenance of landscaping, exclusion of street lights and other items.

Fiscal Impact: This report is for information only.**Recommendations/Options/Action Requested:** For information only.**Attachments:** None