

ARTICLE IV. ORPHAN ROAD POLICY

Sec. 102-131. Definition.

Orphan road means all or part of a street or road right-of-way which is outside the incorporated limits of a municipality (or municipalities) and the incorporated area of the municipality (or municipalities) abuts or extends into the right-of-way. These roadway segments have, in effect, been "orphaned" by the abutting city (or cities) that they serve in that they have been left unincorporated. Thus the county has primary responsibility for maintenance, operation, enforcement, police and/or emergency services within these unincorporated rights-of-way.

(Ord. No. 2002-637, 4-2-2002; Ord. No. 2006-1171, 6-27-2006)

Sec. 102-132. Policy intent.

(a) The county contends that full responsibility for maintenance, operation, enforcement, police and emergency services for these roadway segments should rest with the city (or cities) adjoining these segments. Generally, the major traffic usage of these segments is for access to property within the adjoining city (or cities) as with typical city streets. The adjoining city (or cities) is (are) responsible for providing emergency services, police and fire protection to the properties abutting the orphan road segment. In most instances these orphan segments are isolated and significantly distant from the truly unincorporated areas of the county, where the county provides the only services. These segments could be more easily and quickly served by city police, fire and other service providers who have responsibility in the immediate area than by the county. Parking controls, control of access, speed limits and other aspects of traffic operations are typically influenced by abutting property development and usage which is under the control of the city (or cities).

(b) Orphan road segments often cause confusion, uncertainty and, sometimes, critical delay in determining proper jurisdiction and in providing necessary services to the public. It is with the intent of improving these circumstances and the overall delivery of services to the citizens that the county desires to eliminate orphan roads from the county's road inventory. This policy is established to encourage municipalities adjacent to these orphan road segments to annex the rights-of-way and to assume full responsibility for providing services therein.

(Ord. No. 2002-637, 4-2-2002; Ord. No. 2006-1171, 6-27-2006)

Sec. 102-133. Policy statement.

(a) The county encourages all cities adjacent to orphan roads in the county to develop, commit to and submit a plan to the county for completing the annexation of the orphan road segments and assuming full responsibility for these roadways. In instances where two cities abut the same orphan road segment, the county encourages the two cities to jointly develop a plan for the annexation of that segment. The county offers its assistance to the cities in developing such plans.

(b) The county, at the discretion of the commissioners court, may give additional selection value to projects in cities that have submitted a specific plan for the annexation of orphan roads when the county selects, approves and schedules projects for funding in the county's major capital improvement program (MCIP). Such preference may also be given in approving projects for road and bridge district participation (type "B" work).

(c) The county, at the discretion of the commissioners court, may also refuse to participate in discretionary projects, such as road and bridge district projects or MCIP projects, in a city that elects not to pursue the annexation of orphan road segments that abut its boundaries. Failure to notify the county of the city's intent to annex and/or failure to submit a plan for annexation in a timely manner shall be construed by the county as the

city's election not to pursue annexation.

(d) The county, at the discretion of the commissioners court, may select specific orphan road segments for improvement when a city commits to annexation of the segment upon completion of the project. However, the specific plan for annexation of orphan roads submitted by the city will not be limited to annexation upon completion of improvements by the county. The county improvements may be made as road and bridge projects or as MCIP projects (subject to other MCIP criteria including regional thoroughfare plan designation and city cost participation).

(e) This policy application is prospective and projects selected by the county and approved by the commissioners court prior to the date of the adoption of this policy shall not be impacted by this policy.

(f) The county shall provide written notification of the adoption of, and future revisions of, this policy to the cities abutting orphan road segments.

(g) The county director of public works shall maintain a listing of orphan roads and the city or cities they abut and shall provide updates to the commissioners court and to the cities as changes occur. The listing and changes to the listing shall be based on municipal boundary and annexation information provided to the county public works by the cities as required by Local Government Code, § 242.001(c).

(Ord. No. 2002-637, 4-2-2002; Ord. No. 2006-1171, 6-27-2006)