

## Howard Industrial Park Sub

### Planning Review

#### Subdivision Review

The owner intends to build a private street. If the owner intends to dedicate the ROW and road to the public at some future date, the county has several requirements for that. The requirements in Section 106-2-2.1 (b) provides an option for the creation of a private street that is intended to become public at some point in the future:

1. The final plat shall dedicate the land under the private street to the County for the purpose of future conversion to a public street at a time the governing body determines a public street is necessary, if ever.
2. The parcel being dedicated to the county shall be the length of the private street and extend to adjacent developable land or another street regardless of whether the private street infrastructure does. The parcel shall be the same width required for a public street right-of-way, and be configured at a grade that will not create an unreasonable burden for future street-building and connectivity given typical grading and construction methods.
3. If adjacent parcels to which the private street could connect reach full build-out or otherwise change in a manner that renders a future public street connection extremely unlikely, or if future public access to those parcels offers very little public benefit, the county, at its sole option, may transfer the land, in accordance with all legal requirements, to the joint ownership of the owners of all lots that gain access from it.
4. Except after the county assumes responsibility for the street, if ever, the operations and maintenance of the installed private street improvements shall be the sole responsibility of the owners of each lot gaining access from the private street. The Land Use Authority may allow these owners to restrict access to the street by the general public, except county officials conducting official county business on a county-owned street-parcel.
5. On the final plat, the county-owned street-parcel, where applicable, shall be labeled and noted as required by [Section 106-1-8.2](#).

106-2-2.1 (b) (8) Unless otherwise required by the local Fire Authority or County Engineer, a private street shall be constructed to public street standards.

106-2-2.1 (b) (3) The applicant shall pay for and construct the private street.

106-2-2.1 (b) (10) **Recording requirements.** At the time of final plat recording, the applicant shall record a covenant to run with the land that provides that:

1. The owners of all lots that gain access from the private street are solely and equally responsible for operations and maintenance of the street.
2. If applicable, that by purchasing a lot that gains access from a private street, the owner acknowledges that the street-parcel is owned in fee by the governing body for possible future public street purposes, but that the governing body assumes no responsibility or liability for the

street or for the uses thereof or thereon until and unless, if applicable, the governing body assumes responsibility for it.

3. The owner is responsible for disclosing the nature of the street to prospective purchasers, renters, or lessees.
4. The landowner of record or authorized representative agree to pay a proportionate amount of the costs associated with improving or restoring the street to operational public street standards at the time the governing body assumes responsibility for it; and agrees to not protest the creation of a special assessment area or other similar revenue generating mechanism the governing body deems necessary to bring the private street to operational public street standards.