

Valencia County, NM Code of Ordinances

**ACCEPTANCE FOR COUNTY
ROAD MAINTENANCE****§ 94.065 GENERAL.**

No road will be considered for county maintenance unless the right-of-way is dedicated to the county. If maintenance is being requested on a road, which is not dedicated, the initial step in acquiring periodic maintenance shall be the dedication of the right-of-way to the county. The point of contact to coordinate the dedication maintenance request is the Public Works Department, P.O. 1119, 1209 Highway 314, Los Lunas, New Mexico 87031, phone 505.866.2475. Information will be provided on procedures and requirements that must be followed in the dedication process.

(Ord. 2006-02, passed 3-17-2006)

§ 94.066 PROCEDURE.

(A) Upon the receipt of an approved petition from all the resident(s) and owner(s) of an existing private road for acceptance by the county, the Public Works Director shall determine if the road meets the minimum standards for county roads together with the needs, if applicable, of necessary construction to bring the road up to standards with particular attention to the soil content. The Public Works Director shall provide a cost estimate to bring the road up to county specifications.

(B) Roads that are not within the boundaries of an approved subdivision must have right-of-way transferred to the county through a warranty deed, or other type of document acceptable to the County Attorney. In addition the county will require proof of clear title, and may require title insurance to be provided and paid for at the expense of the person(s) dedicating the right-of-way or road to the county. Person(s) dedicating right-of-way must pay for and furnish a legal survey and plat of proposed dedication prepared by a registered land surveyor, meeting minimum standards for land surveying in New Mexico.

(C) The Director and the Code Enforcement Department together with the Rural Addresser shall review the proposed road and provide a written analysis of the impact of the road on adjoining county roads together with related concerns of the departments. Such report shall reflect approval of affected utility easement holders. The Fire Chief shall review the proposed road for safety concerns involving ingress and egress and other related concerns in a written analysis. The Director shall not submit the petition for dedication until all county departments have submitted reports, including the Director's report, with all agency comment. The Director shall provide to the owner(s) of the road the responses by the county departments to bring the road in compliance with county regulations. Upon substantial completion by the owner(s) of the conditions addressed by the various county departments or if the road meets the specified health, safety and welfare requirements set forth in this section, the Director shall submit the petition and agency comments to the County Manager for presentation to the Board of County Commissioners (Board). (Road and street design standards – see §§ 94.010 through 94.015)

(D) The Board may, in its discretion in extraordinary circumstances, grant a full or partial waiver in order to accept roads for maintenance that do not otherwise meet the above road standards if the acceptance of the road is essential to the protection of the public health, safety and welfare, with the understanding that county maintenance of accepted roads will be undertaken with available funding and pursuant to priorities for road maintenance county-wide.

(E) (1) Considerations to be used in determining whether a full or partial waiver is granted are:

- (a) Number of occupied dwellings on the road;
- (b) Whether the road is a collector or local access road;
- (c) Whether the road is an established school bus route;
- (d) Whether mail deliveries are made on the road;
- (e) Accessibility to dwellings of emergency service, medical and fire protection due to inclement weather;
- (f) The adequacy of driving space and water runoff.

(2) All roads and streets created after the effective date of Ord. No. 2006-02 are specifically excluded and subject to the requirements of § 94.011.

(Ord. 2006-02, passed 3-17-2006)

§ 94.067 MAINTENANCE ACCEPTANCE.

Acceptance of dedication is reserved for the Board who has the option to accept the dedication, to not accept the dedication, or to accept the dedication contingent upon roads being constructed in conformance with county standards and specifications and this chapter.

(Ord. 2006-02, passed 3-17-2006)

§ 94.068 ROAD EXCLUSIONS.

Roads within subdivisions, which are not dedicated to public use by disclosure on the plat, will not be accepted by the county for maintenance. The responsibility for maintenance of private roads is with the developer, owner or the purchasers. Temporary, courtesy or emergency maintenance by the county does not constitute an implied acceptance of maintenance by the county.

(Ord. 2006-02, passed 3-17-2006)

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