

# Aransas County Right-Of-Way Policy

*Approved by Commissioners Court July 13, 2009*

Over the last two hundred years, many rights-of-way have been dedicated to Aransas County. The intended use of said rights-of-ways is for the purpose of public access, roads, drainage and public utilities. Most of these were not cleared or built by the original developers. Many of these rights-of-way have not been opened or have been opened by individuals wanting only to gain access to their properties. Many of these rights-of-way have been lost by closure or by adverse possession. Whereas these rights-of-way were entrusted to Aransas County in perpetuity for the benefit of all of the citizens, the following policy shall govern.

**Obstructions in the right-of-way:** No structures or obstacles shall be placed within or across the bounds of the county right-of-way that present a potential hazard or restriction to the traveling public. Such structures shall include but not be limited to basketball goals, vegetation, fences, gates, vertical driveway entrances, bulkheads, or any hard structure that might restrict passage or potentially cause personal injury or damage based on the speed limit of the right-of-way in question. Exceptions shall be mailboxes installed according to TXDOT standards. All such structures brought to the attention of the County Engineer will be investigated and determined whether they do present a potential hazard or obstruction. If it is determined that the obstruction does pose a potential danger to the driving public, the County Engineer will notify the responsible party by registered mail and copy the Commissioners' Court of the problem. The notice will give the responsible party thirty (30) days to remove the obstruction. The party may dispute the decision of the County Engineer by delivering a written rebuttal detailing the basis of their disagreement within the same thirty day (30) time frame. The written rebuttal will then be submitted to the Commissioners' Court for further action. If no response or action is taken within the thirty days (30) the obstruction will be removed by the Road and Bridge Department at the responsible parties expense. In the event the party cannot be notified by registered mail, a written placard will be located on or near the obstruction outlining the problem, solution, and contact information of the Road and Bridge. The thirty day notice will start when the placard is installed.

**Opening of a right-of-way:** From time to time, individuals who have bought property along unopened county right-of-ways desire to have access to their property. Since this property is under the jurisdiction and control of the Aransas County Commissioner's Court, the interested party must make their request through the commissioner of that precinct for court approval. If permission is granted, the individual will be allowed to clear the area for access but must remove the debris and uprooted vegetation from the right-of-way at the individual's expense. The individual's access is limited to the boundaries of the platted right-of-way and it is their responsibility to verify said boundaries. Prior to the beginning of clearing, the individual will sign a hold harmless agreement exonerating Aransas County from any liability resulting from their actions.

Uprooted vegetation left within the right-of-way shall be considered a fire hazard and illegal dumping with the appropriate legal action being taken against the responsible party. Clearing of a right-of-way over one acre is considered a construction project and is subject to the rules governing sediment control by local, state and federal agencies. Once opened, the right-of-way is considered public access but privately maintained. No chains, private property signs or any other obstruction will be allowed to inhibit public access. Any material brought in by an individual and placed on a county right-of-way shall be a Road and Bridge approved type and shall be compatible with any future road construction. Large concrete fragments, tree trimmings, shingles or any other type of matter that would decay or cause difficulty in future road construction will not be allowed for road materials.

**Use of right-of-way:** The use of the county right-of-way shall be for public access, road construction, drainage, driveways, and public utilities. Parallel use within the right-of-way for uses such as but not limited to private water, sewer, or electricity shall be prohibited. Parallel use within the right of way by any company other than a common carrier shall be prohibited. Perpendicular private use of the right-of-way shall be permitted provided the person or company requesting the use of the right-of-way owns both sides of the road or has an easement on both sides that would be joined by the use of the right-of-way. Requests for perpendicular crossing shall be directed to the Aransas County Road and Bridge Department and shall follow all current permitting and standard details.

**Road Closures:** Due to the fact that many roads closed in the past are now needed for drainage and through streets, right-of-way closures will only be considered if they meet the following criteria:

- The right-of-way segment may not be in the middle of a longer right-of-way that could be use as a future thoroughfare.
- The segment is not needed for drainage or other utilities.
- The segment serves a limited area and by closure would not land lock or restrict access of adjacent properties.
- All property owners affected by the closure either adjacent or by proximity shall sign a statement agreeing to the closure.
- The closure serves a general public interest and not just the personal gain of the adjacent property owners.

All right-of-way closure procedures shall conform to Sec. 251.052 of the Texas Transportation Code. All right-of-way closures shall be governed by a unanimous vote of the court as mandated by Section 251.051(b). In order to prevent the county from inadvertently creating a non-conforming lot which is in violation of the county subdivision order, all approved right-of-way closures shall be replatted with the adjacent property and the closed portion of right-of-way showing one unified parcel prior to the County Judge signing the conveyance to the owner.