



## **STREET ACCEPTANCE POLICY**

From time to time, Fort Mill Town Council may consider requests from property owners to accept one or more privately owned streets into the Town of Fort Mill Street Maintenance System for public ownership and maintenance. For the purpose of this policy, a “street” shall include all public infrastructure located within a public right-of-way, including, but not limited to: travel lanes, curb and gutter, drainage, and sidewalks, as well as planting strips, planted medians and street trees, which may be subject to a maintenance agreement between the Town and the applicant.

Notwithstanding any provision of this Street Acceptance Policy, Fort Mill Town Council shall have, at their sole discretion, the authority to accept, not accept, or to accept subject to a maintenance agreement any street or portion thereof.

### **Eligibility**

To be eligible for acceptance into the Town of Fort Mill Street Maintenance System, all streets must meet the following requirements:

- All streets offered for acceptance must have been platted in accordance with the Town of Fort Mill Subdivision Ordinance and Zoning Ordinance;
- All streets offered for acceptance must be designated on the record plat as public rights-of-way;
- All streets offered for acceptance must have been designed, installed and tested in accordance with the Town of Fort Mill’s street design, installation and testing requirements (or any alternative requirements approved by the Utilities Director);
- One hundred percent (100%) of all required infrastructure must be installed by the applicant before an application for acceptance will be considered;
- All infrastructure shall be reviewed and inspected by the Town Utilities Department, Planning Department and Public Works Department, prior to Town Council review and acceptance; and
- The applicant shall provide a Standard or Extended Maintenance Liability Period based upon the street classification. During the Maintenance Liability Period, the applicant shall be responsible for all maintenance costs, and shall correct any defects and/or discrepancies prior to final inspection.

## **Acceptance Procedures**

All requests to dedicate one or more privately owned streets to the Town of Fort Mill for public ownership and maintenance shall be subject to the following application and acceptance procedures outlined below:

- ***Application.*** The property owner (or his designee) shall submit a written application for street acceptance to the Town Planning Department. All applications for street acceptance shall be accompanied by the following items:
  - A description of all streets offered for acceptance, including street names, beginning and ending points, and street lengths;
  - A statement from the applicant and applicant's engineer certifying that all streets contained within the application meet the eligibility requirements for acceptance, as established by Fort Mill Town Council;
  - A statement from the applicant acknowledging the Town's Street Acceptance Policy, and agreeing to correct any defects or deficiencies during the Maintenance Liability Period;
  - A property plat or map, minimum 11" by 17", showing all street locations and right-of-way widths (Note: Only streets which are dedicated as public rights-of-way may be offered for acceptance);
  - One (1) full set of as-built drawings for all streets contained within the application;
  - A one-time street inspection fee of \$2.00 per linear foot;<sup>1</sup>
  - Copies of all testing and inspection reports;
  - Copies of all easements, encroachment permits and maintenance agreements within the proposed public rights-of-way;
  - Engineer's cost estimate or paid invoice(s) showing the total construction value (including labor) of all infrastructure located within any rights-of-way proposed for public acceptance; and
  - A surety bond or letter of credit equal to 25% of the engineer's cost estimate or total construction value (including labor), to be held for the duration of the Maintenance Liability Period, plus ninety (90) days.<sup>1</sup>
- ***Inspection.*** All applications for street acceptance shall be reviewed and inspected by the Town Street and Drainage Inspector, Utilities Director, Planning Director and Public Works Director, prior to consideration by Town Council. Only streets which have been deemed eligible for acceptance will be submitted to Town Council for review and approval. Unless expressly exempted, all applications shall be accompanied by a one-time street inspection fee of \$2.00 per linear foot.

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<sup>1</sup> This requirement shall not apply to any street which was recorded prior to April 11, 2016, or in any subdivision which was subject to an approved development agreement or other extended vesting provision which was in effect on or before April 11, 2016. This provision shall apply to any street which was partially recorded, provided more than 50% of the linear length of the street right-of-way was recorded on or before April 11, 2016.

- *Town Council Approval.* Once the streets have been deemed eligible for acceptance, Town Council shall consider the application for street acceptance during its next regularly scheduled meeting. Applications for street acceptance must be approved by a resolution of Town Council. Immediately following the Town Council meeting, the Town Clerk shall certify Town Council's action. In the event Town Council votes to approve the request, the street(s) shall be deemed accepted into the Town of Fort Mill Street Maintenance System, and the Maintenance Liability Period shall commence immediately.
- *Maintenance Liability Period.* A Maintenance Liability Period shall commence immediately following a positive vote by Town Council to accept the street(s) into the Town of Fort Mill Street Maintenance System. During the Maintenance Liability Period, the applicant shall bear all costs related to maintaining and repairing all street(s) contained within the application, and shall correct any defects or discrepancies that arise during the warranty period. When required, a surety bond or letter of credit equal to 25% of the engineer's cost estimate or total construction value (including labor) shall be provided by the applicant and held by the Town for the duration of the Maintenance Liability Period, plus ninety (90) days. In the event the applicant fails to make the required repairs during the Maintenance Liability Period, the bond or letter of credit will be drawn down by the Town in order to complete the repairs, and any additional costs in excess of the bond or letter of credit amount, if required, will be the responsibility of the applicant. The required Maintenance Liability Period for all streets accepted by the Town shall be as follows:
  - *Standard Maintenance Liability Period.* All streets that are wholly contained within a subdivision (or a phase within a subdivision) and which do not serve as the primary means of access to one or more unfinished or undeveloped phases within the same subdivision, shall have a twelve (12) month Standard Maintenance Liability Period following acceptance by Town Council. Notwithstanding the previous sentence, any street which was approved and recorded prior to the effective date of this policy shall have a twelve (12) month Standard Maintenance Liability Period following acceptance by Town Council.
  - *Extended Maintenance Liability Period.* Major streets or roads serving two or more subdivisions, or which provide the primary means of access to one or more unfinished or undeveloped phases of a single subdivision, may require an Extended Maintenance Liability Period, as recommended by the Planning Director. The Extended Maintenance Liability Period shall be for a minimum of twenty-four (24) months.
- *Final Inspection.* Upon completion of the Maintenance Liability Period, the applicant shall submit a request to the Utilities Director for a final inspection of all streets contained within the original application. This request must be submitted no earlier than thirty (30) days prior to the expiration of the Maintenance Liability Period, and no more than thirty (30) days after its expiration. The Utilities Director shall inspect all streets within five (5) business days of receiving the request, and shall provide a report of his findings to the applicant. If all streets are found to be free of any defects or discrepancies, the inspection shall be approved, and the Utilities Director shall send a written notification releasing the applicant from any further maintenance liability. If the inspection is not approved, the Utilities Director shall provide written notification to the application of any defects or discrepancies which must be repaired or corrected prior to final approval.
- *Cure Period.* If, during the final inspection, the Utilities Director identifies any defects or discrepancies, the applicant shall have sixty (60) days from the date of the final inspection in which to repair or replace any such defects or discrepancies. In the event the applicant fails to make the

required repairs during the cure period, the bond or letter of credit (when required) will be drawn down by the Town in order to complete the repairs, and any additional costs in excess of the bond or letter of credit amount, if required, will be the responsibility of the applicant.

- *Final Re-Inspection and Release of Liability*. Upon completing any necessary repairs, the applicant shall submit a request to the Utilities Director for a final re-inspection. The Utilities Director shall inspect all streets within five (5) business days of receiving the request, and shall provide a written report of his findings to the applicant. Once all streets have been found to be free of any defects or discrepancies, the inspection shall be approved, and the Utilities Director shall send a written notification releasing the applicant from any further maintenance liability.

Completed applications for street acceptance, and all supporting materials, shall be submitted in writing to the following address for review and processing:

**Town of Fort Mill  
Attn: Planning Department  
P.O. Box 159  
Fort Mill, SC 29715**



## APPLICATION FOR STREET ACCEPTANCE

This application may be completed by any property owner seeking to dedicate one or more privately owned streets to the Town of Fort Mill for public ownership and maintenance. For the purpose of this application, a “street” shall include all public infrastructure located within a public right-of-way, including, but not limited to: travel lanes, curb and gutter, drainage and sidewalks, as well as planting strips, planted medians and street trees, which may be subject to a maintenance agreement between the Town and the applicant.

Only streets which have been platted pursuant to the Town’s Subdivision and Zoning Ordinances, and designed, installed and tested in accordance with the Town of Fort Mill’s design, installation and testing requirements (or any alternative requirements approved by the Utilities Director), shall be eligible for dedication and acceptance.

All applications for street acceptance must include the following items:

- Signed and completed application for street acceptance;
- Property plat or map, minimum 11” by 17”, showing all street locations and right-of-way widths (Note: Only streets which are dedicated as public rights-of-way may be offered for acceptance);
- One (1) full set of as-built drawings for all streets contained within the application;
- A one-time street inspection fee of \$2.00 per linear foot (*unless exempt*);
- Copies of all testing and inspection reports;
- Copies of all easements, encroachment permits and maintenance agreements within the proposed public rights-of-way;
- Engineer’s cost estimate or paid invoice(s) showing the total construction value (including labor) of all infrastructure located within any rights-of-way proposed for public acceptance; and
- A surety bond or letter of credit equal to 25% of the engineer’s cost estimate or total construction value, to be held for the duration of the Maintenance Liability Period, plus ninety (90) days (*unless exempt*).

The enclosed application form and all supporting materials may be sent to the following address:

**Town of Fort Mill  
Attn: Planning Department  
P.O. Box 159  
Fort Mill, SC 29716**



## APPLICATION FOR STREET ACCEPTANCE

<b>Property Owner Name</b>	
<b>Property Owner Address</b>	
<b>Primary Contact Name/Title</b>	
<b>Primary Contact Phone</b>	
<b>Primary Contact Email</b>	

<b>Subdivision -- <i>If Applicable</i></b>	
<b>Phase(s) -- <i>If Applicable</i></b>	

The property owner identified above hereby applies to the Fort Mill Town Council for acceptance of the following streets into the Town of Fort Mill Street Maintenance System. All streets must be clearly identified by name, beginning and ending point, and street length, in the space provided below. Portions of streets must be clearly delineated by dimensions and/or landmarks. Please include a map or plat of all streets covered by this application. Attach additional sheets, if necessary.

Street Name	From	To	Length (LF)

## APPLICANT CERTIFICATION

By submitting this application, I, on behalf of the above-named property owner, do hereby certify the following to be true and accurate:

1. I am duly authorized to sign this application on behalf of the property owner, and to bind the property owner to the requirements of the Town of Fort Mill Street Acceptance Policy; and
2. One hundred percent (100%) of the required public infrastructure and at least seventy-five percent (75%) of all lots within the area covered by this application have been built out and completed.

Furthermore, I, on behalf of the above-named property owner, do hereby agree to the following procedures and requirements, as outlined in the Town of Fort Mill Street Acceptance Policy:

1. All applications for street acceptance shall be reviewed and inspected by the Town Street and Drainage Inspector, Utilities Director, Planning Director and Public Works Director, to determine eligibility prior to consideration by Town Council.
2. All applications for street acceptance are subject to review and approval by Fort Mill Town Council;
3. All streets accepted into the Town of Fort Mill Street Maintenance System shall be subject to a Standard Maintenance Liability Period (12 months) or an Extended Liability Period (minimum 24 months), as determined by the Planning Director. During the Maintenance Liability Period, the applicant shall bear all costs related to maintaining and repairing all street(s) contained within this application, and shall correct any defects or discrepancies that arise during the warranty period. Unless exempt, a surety bond or letter of credit equal to 25% of the engineer's cost estimate or total construction value (including labor) shall be provided by the applicant and held by the Town for the duration of the Maintenance Liability Period, plus ninety (90) days. In the event the applicant fails to make the required repairs during the Maintenance Liability Period, the bond or letter of credit will be drawn down by the Town in order to complete the repairs, and any additional costs in excess of the bond or letter of credit amount, if required, will be the responsibility of the applicant.
4. Upon completion of the Maintenance Liability Period, the applicant shall submit a request to the Utilities Director for a final inspection. Any defects or discrepancies identified by the Utilities Director must be repaired by the applicant within sixty (60) days from the date of inspection. In the event the applicant fails to make the required repairs during the cure period, the bond or letter of credit will be drawn down by the Town in order to complete the repairs, and any additional costs in excess of the bond or letter of credit amount, if required, will be the responsibility of the applicant.
5. Upon completing any necessary repairs, the applicant shall submit a request to the Utilities Director for a final re-inspection. The Utilities Director shall inspect all streets within five (5) business days of receiving the request, and shall provide a written report of his findings to the applicant. Once all streets have been found to be free of any defects or discrepancies, the inspection shall be approved, and the Utilities Director shall send a written notification releasing the applicant from any further maintenance liability.

<b>Applicant Signature</b>		<b>Date</b>	
<b>Name (Printed)</b>		<b>Title</b>	

# APPLICANT'S ENGINEER CERTIFICATION

I certify that all streets contained within this application have been designed, installed and tested in accordance with the Town of Fort Mill's design, installation and testing requirements, or any alternative requirements approved by the Utilities Director.

Affix P.E. Seal Here

<b>Engineer Signature</b>		
<b>Name (Printed)</b>		
<b>P.E. Number</b>		
<b>P.E. State</b>		
<b>Date</b>		

This section to be completed by the Town Street & Drainage Inspector

## INSPECTOR CERTIFICATION

I certify that all streets contained within this application were inspected by me on \_\_\_\_\_, 20\_\_\_\_, and were found to be free of any defects and/or discrepancies. I further certify that these streets are eligible for acceptance into the Town of Fort Mill Street Maintenance System, pursuant to the Town of Fort Mill's Subdivision Ordinance and Street Acceptance Policy, unless otherwise noted below.

<b>Inspector Signature</b>		<b>Date</b>	
<b>Name (Printed)</b>		<b>Title</b>	

<b>Notes/Conditions:</b>	
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This section to be completed by Utilities, Planning & Public Works Departments

### UTILITIES DEPARTMENT ENDORSEMENT

<b>Comments</b>	
<b>Recommendations</b>	

<b>Signature</b>		<b>Date</b>	
<b>Name (Printed)</b>		<b>Title</b>	Utilities Director

### PLANNING DEPARTMENT ENDORSEMENT

<b>Comments</b>	Subdivision plat recorded at Plat Book(s)/Page(s) _____ Bond/LOC # _____ Expiration: _____ Does property meet 75% build out requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Recommendations</b>	

<b>Signature</b>		<b>Date</b>	
<b>Name (Printed)</b>		<b>Title</b>	Planning Director

### PUBLIC WORKS DEPARTMENT ENDORSEMENT

<b>Comments</b>	
<b>Recommendations</b>	

<b>Signature</b>		<b>Date</b>	
<b>Name (Printed)</b>		<b>Title</b>	Public Works Director

This section to be completed by the Town Clerk following Town Council action

## CERTIFICATION OF COUNCIL ACTION

I certify that the Fort Mill Town Council, during a duly called meeting on \_\_\_\_\_, 20\_\_\_\_, voted to  ACCEPT /  NOT ACCEPT into the Town of Fort Mill Street Maintenance System, all the streets contained within this application, unless otherwise noted below.

Pursuant to the Town of Fort Mill Street Acceptance Policy, the Maintenance Liability Period shall commence on \_\_\_\_\_, 20\_\_\_\_, and shall expire on \_\_\_\_\_, 20\_\_\_\_, unless otherwise noted below.

<b>Signature</b>		<b>Date</b>	
<b>Name (Printed)</b>		<b>Title</b>	Town Clerk

<b>Notes/Conditions:</b>	
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### Statutory Reference

SECTION 6-29-1170. Approval of plan or plat not acceptance of dedication of land.

The approval of the land development plan or subdivision plat may not be deemed to automatically constitute or effect an acceptance by the municipality or the county or the public of the dedication of any street, easement, or other ground shown upon the plat. **Public acceptance of the lands must be by action of the governing body customary to these transactions.**

S.C. Code of Laws, 1976, as amended.

**This section to be completed by the Applicant upon completion of the Maintenance Liability Period**

## **APPLICATION FOR FINAL INSPECTION**

I/We hereby request that the Utilities Director conduct a final inspection of all streets identified within this application. I certify that the Maintenance Liability Period has elapsed, or will elapse within the next thirty (30) days, and at least seventy-five percent (75%) of all lots within the area covered by this application have been built out and completed.

Further, following the results of the Utilities Director’s inspection, I/We agree to repair or replace any defects or discrepancies within sixty (60) days of the final inspection date. I/We understand that failure to make the required repairs within sixty (60) days will result in a drawdown of the applicant’s bond or letter of credit.

<b>Applicant Signature</b>		<b>Date</b>	
<b>Name (Printed)</b>		<b>Title</b>	

<b>Applicant Notes:</b>	
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This section to be completed by the Utilities Director following final inspection / re-inspection

## FINAL INSPECTION REPORT

I certify that a final inspection for all streets contained within this application was completed by me on \_\_\_\_\_, 20\_\_\_\_. Below is a summary of my findings:

<b>Inspection Results</b>	<input type="checkbox"/>	Final Inspection <b>Approved</b> <i>(No Repairs Required)</i>
	<input type="checkbox"/>	Final Inspection <b>Not Approved</b> <i>(Repairs Required)</i>
	<u>Defects/Discrepancies (If Any):</u>   	

It is understood that the applicant will repair any defects or discrepancies, if any are noted above, within ninety (90) days from the date of this inspection report. Upon completion of these repairs, the applicant shall request a final re-inspection from the Utilities Director. Failure to make the required repairs within ninety (90) days will result in a drawdown of the applicant's bond or letter of credit.

<b>Signature</b>		<b>Date</b>	
<b>Name (Printed)</b>		<b>Title</b>	Utilities Director

## FINAL RE-INSPECTION REPORT

I certify that a final re-inspection for all streets contained within this application was completed by me on \_\_\_\_\_, 20\_\_\_\_. At such time, all streets were found to be free of any defects or discrepancies. The re-inspection is hereby approved, and the applicant is hereby released from any further maintenance liability for all streets contained within this application, unless otherwise noted below.

<b>Signature</b>		<b>Date</b>	
<b>Name (Printed)</b>		<b>Title</b>	Utilities Director

<b>Notes/Conditions:</b>	
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