

PROCESS TO CONVERT PRIVATE STREETS TO PUBLIC STREETS

Department of Transportation and Engineering

Revised 2013

BACKGROUND

Private streets within the City of Cincinnati are privately owned and maintained. These streets may be owned by a single entity (person, firm, or corporation) or jointly by some or all of the abutting property owners. Since private streets are not publicly maintained, the City does not maintain a complete inventory of these facilities. In some cases, a private street may appear no different than an adjacent public street. In other cases, it is hard to distinguish the street from extensive parking areas. Large apartment complexes, condominiums, and malls typically have extensive roadway networks providing access to parking areas. In all cases, the streets are located on private property.

On occasion, requests for the City to take over private streets are received from residential property owners who live along those streets. Often, private streets are poorly maintained. This may be due to a lack of resources on the part of the owner(s) or a lack of understanding about who is responsible for the maintenance. Additionally, there may be residents on the street who are not owners of the street and are not clear about why the street is not being maintained.

At these times, the residents may request that the City take over the street and maintain it into the future. Therefore, there is a process for the conversion of a private street to a public street. However, before the City can accept the street, it must meet City standards and be in good condition. The City does not have the resources (staff or funding) to upgrade private streets on behalf of the owners. According to the existing records, there are over 300 private streets within the City of Cincinnati extending over 40 miles.

PROCESS

Under rare circumstances, the City may entertain accepting a private street as public once it meets City standards and is in good condition. In order for a private street to be eligible for inclusion into the public street transportation network, it must meet these requirements which may require it to be upgraded under City supervision and at no cost or liability to the City. While the actual process of converting a private street into a public street is extensive with many detailed steps, the following sequential list provides general tasks necessary to accept a street as public.

1. A) The owner(s) or resident(s) of a private street must submit a petition signed by at least 75% of the abutting property owners to the City indicating their interest in dedicating their private street to the City. This petition must also indicate their understanding that all real estate, environmental, surveying, engineering, construction, and permit costs necessary for the street to become a public street will be the responsibility of the petitioners. For petition purposes, each member of a Condo or Home Owners Association will be considered an abutting property owner.

B) The petitioner(s) must also supply proof of clear title to the property which is necessary for the street to be transferred to the City. This process may require the services of a real estate attorney.

C) The petitioner(s) must also supply an environmental site assessment which indicates that no environmental contamination or health hazards exist on the property. Site assessments shall have been conducted by an environmental professional and in accordance with ASTM E1527 - 05 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.

2. Once the Department of Transportation and Engineering (DOTE) confirms that the submitted documentation is valid, DOTE staff will prepare a professional service cost estimate to evaluate the existing private street. This evaluation will be focused on determining what construction changes/upgrades are necessary to bring the existing street infrastructure into city street standards. These street standards are identified in the current version of DOTE's Subdivision and Development Street Manual.
3. If after receiving the service cost estimate the petitioner(s) still wishes to pursue the City accepting the private street as a public street, the petitioner(s) must deposit the amount of funds identified in the service estimate into City Fund 624 "REVIEWING ENGINEERING DETAIL OF UNDEDICATED STREETS".
4. Once the funds are deposited into the City Fund, the Department of Transportation and Engineering (DOTE) will inspect the street to determine the condition of sidewalks, pavements, curbs, and other street infrastructure. DOTE will also contact the Metropolitan Sewer District of Greater Cincinnati (MSDGC) who may require a separate, televised inspection of any sewer system at the petitioner's expense. DOTE will also contact Greater Cincinnati Water Works (GCWW) who will determine the status and condition of any water main.
5. Based on available information, DOTE, MSDGC, and GCWW will provide preliminary budget estimates to the petitioner(s) for:
 - a. general items of work needed to bring the street to City standards;
 - b. construction costs for this work; and
 - c. permit costs, including inspection.

These budget estimates are preliminary, subject to change during both the design and construction process, and do not include estimates for environmental work, surveying, engineering, or real estate. We encourage the petitioner(s) to obtain detailed cost estimates for all items of work from private firms routinely engaged in such work prior to deciding to proceed.

6. The petitioner(s) or his designee must submit a plan showing all necessary improvements. This plan must be prepared, stamped, and signed by a Professional Engineer registered in the State of Ohio with experience in the design of streets in accordance with City standards. This plan must be reviewed and approved by appropriate City agencies prior to beginning construction. If the street has not been previously dedicated as Public Right-of-Way, the petitioner(s) must submit a Dedication Plat prepared by a Land Surveyor registered in the State of Ohio to the City Engineer. The plat must be reviewed, approved, and signed by all City agencies having responsibility for assets to be accepted. The City Engineer will then submit it to the City Planning Commission for review and

approval. In a report, the City Engineer will provide the reason(s) for said dedication with the results of reviews and approvals by appropriate City agencies. The cost of Dedication Plat preparation is the responsibility of the applicant.

7. The petitioner(s) must hire a licensed contractor to perform all necessary construction work. This work must be performed in accordance with permits obtained from appropriate City agencies prior to beginning construction.
8. The petitioner(s) must provide an Attorney's Certificate of Title for the property underlying the street to the City's Law Department in order to prepare an acceptance ordinance.
9. The petitioner must pay all outstanding taxes, assessments, and liens on the property prior to the City assuming title to the street. The petitioner(s) must pay all costs associated with providing a clear title.
10. The Law Department will prepare an acceptance ordinance for submission to City Council. Once approved by City Council, the street becomes public. All future maintenance will be the responsibility of appropriate City agencies.

Initial contact with the City should be through the office of the Director, Department of Transportation and Engineering.