



County of Greenville

"... At Your Service"

Department of Public Services and Facilities
Engineering Division
Phone: (864) 467-7010

ROAD MAINTENANCE RELINQUISHMENT PROCEDURES FOR GREENVILLE COUNTY

ABANDONMENT: The relinquishment of maintenance responsibilities on a road way by the Engineering Division of the Public Services and Facilities Department.

POLICY STATEMENT

Section I:

- A. The applicant(s) (council member, property owner, firm, corporation, developers/builders, staff, etc.) are to submit application to initiate procedures for proposed maintenance relinquishment(s) by this department (Engineering Division, Public Services and Facilities Department) to relinquish maintenance responsibility by vacation and/or quit-claim to the applicant a portion or portions thereof and/or entire lengths of public right-of-ways, county right-of-ways, alleyways, proposed subdivision stub-outs, and the realignment of cul-de-sac, etc. Utilizing Ordinance No. 1314, which is to amend Ordinance No. 978, adopted April 6, 1982, so as to clarify certain sections of said ordinance. Also Ordinance No. 2079, adopted January 30, 1990, which is to amend Ordinance No. 978, and Ordinance No. 1314, to transfer responsibilities for the road abandonment process to the Road and Bridge Department now known as the Engineering Division of the Public Services and Facilities Department and to establish procedures for submission of Applications and Quit-Claim Deeds. Policy Statement effective as of December 1, 1994. Revised September 5, 1995.

ROAD CLOSING

SECTION II:

- A. These procedures do not provide for closing a right-of-way thereby extinguishing all rights of use by any individual. If the applicant desires to physically prohibit access to the right-of-way by a fence, gate, or other means, the legality of such action must be addressed by his or her own legal counsel. If closing a right-of-way is desired, a Court Order doing so is recommended.

DEFINITIONS OF TERMS

SECTION III:

1. PUBLIC R-O-W Roadway surface being used by the traveling public and/or proposed to be used by the traveling public, being paved or unpaved, being either existing or proposed alleys, roadways, stub-outs, cul-de-sacs, etc.

2. COUNTY R-O-W: A public road or public way that is accepted by the governing body (Greenville County Council) and listed in the Official County Road Inventory System, i.e.,:
 - a) By Deed, Dedicated Road Right of Way Petition, Affidavit for Public Road Confirmation, Right-of-Way Dedication, Prescription, Ordinance 2181 -Section 5- Item C, Ordinance 885, Subdivision Regulations, and/or Certificate of County Supervisor Acceptance.
 - b) A legal notice or ad wherein request was made to the County Commissioners, County Supervisor, or other official acting in the capacity to receive and accept such roadways on the County's behalf.
 - c) Written documentation from the appropriate officials of acceptance, i.e., Statement of Dedication & Transfer of Streets and Roads to the County for Public Use.
 - d) Additional proof that by action of the County (Prescriptive Rights Easements, i.e., past or present maintenance activity) which would acknowledge the roadway ownership.
3. VACATION: Removal of all right-of-way from the Official County Road Inventory System. Vacation makes no disposition of the property if the County owns the underlying fee.
4. DEDICATION: A deeded, prescriptive, or acknowledged proof by maintenance activity right-of-way, unless otherwise stated, grants an easement to the traveling public and does not convey the fee.
5. UNDERLYING FEE: The property upon which the right-of-way is physically located.
6. QUIT-CLAIM DEED: A deed of conveyance that transfers any title, interest, or claim Greenville County may have in an easement or right-of-way, being public or county, to another party/parties, and does not profess that such title or interest is valid nor prejudice any rights of use that others may have and does not warrant clear title or covenants for title to the land.

PROCEDURES

SECTION IV:

1. An application for proposed maintenance relinquishment of a certain right-of-way shall be submitted to the Engineering Division (Roads and Bridges) along with a detailed map (8 ½" x 11" copy a tax map, plat, etc.). Showing exactly what portion(s) of the roadway is to be considered for abandonment.
2. To complete the application:
 - a) ***The application must be filled out completely.***
 - b) There must be 100% participation of all adjoining property owners and all adjoining owners must sign the application.
 - c) A copy of a plat (recorded or unrecorded), tax map sheet, or current aerial photograph must identify the portion(s) of roadway the applicant is proposing to have maintenance relinquished on and must accompany the application. The copy must show, where applicable, accurate

positions of fence lines, pavement lines, right-of-way lines, property boundary lines, adjacent owners, and foot prints of all structures and building(s).

- d) A fee of \$85.00 must be paid at the time the application is submitted.
3. After the application has been submitted along with the \$85.00 fee, two (2) "Proposed Road Maintenance Relinquishment" signs are given to the applicant to be posted at the area/site when notified.
4. The application is reviewed and all property owner signatures are verified, the site is visited, and the research is done before processing is initiated. **The minimum allowable time for overall application processing is 30 days.**
5. A date for the public hearing is assigned by the Clerk to County Council. After the application is verified, the site visited and research completed a Public Hearing is planned for the next regular scheduled full council meeting on the assigned date.
6. Eighteen (18) days prior to the Public Hearing **certified letters** are mailed out to applicant(s), adjoining property owners, attorneys, etc. {these packets contain: a) public hearing notice, b) distribution memorandum, c) location map showing the proposed area of relinquishment}. All utility companies, fire, water, sewer, and telephone services, and interdepartmental agencies, etc. are notified by regular mail or inter-office mail and must respond within ten (10) days of the Public Hearing. The maintenance relinquishment notice is run in the **PUBLIC NOTICES** section of the local newspaper and the applicant(s) shall post the signs on both ends of the maintenance relinquishment area at least fifteen (15) days prior to the public hearing.
7. At the Public Hearing any comments received from the general public are recorded and documented. The following Tuesday after the Public Hearing, the proposed maintenance relinquishment is brought before the Public Services Committee to be voted on for approval or disapproval. If there are any contingencies requested by the utilities agencies, etc. these contingencies must be met prior to the Public Services Committee meeting. After the vote or motion, it is then brought before full Council the next Tuesday for final vote of approval or disapproval. If applicable a recordable plat must be drawn up to be presented to the Engineering Division with a registered land surveyor's seal.
8. If the proposed maintenance relinquishment will cause the remaining portion of roadway to become a dead end, the applicant must be prepared to deed a turnaround or cul-de-sac right-of-way to Greenville County. Also a copy of a recordable plat showing the turnaround or cul-de-sac must be presented and is contingent upon final approval by County Council. The cul-de-sac or turnaround can be on the same plat in Section IV paragraph 7 of this document.
9. If approved a memorandum is generated from the Clerk to County Council and the following documents are mailed out from the Engineering Division to the applicant:
 - a) A copy of the approval memorandum
 - b) A copy of the location map and/or recordable plat
 - c) A letter instructing the applicant of the procedures in acquiring a Quit-Claim Deed
10. When the Quit-Claim Deed documents are received in the Engineering Division office from the applicant(s) or adjoining property owners attorney(s), the deeds are verified for accuracy of description and is forwarded on to the County Attorney's Office for approval. Upon approval, the County Attorney will transmit the Quit-Claim Deed to the Clerk to County Council for execution and filing on behalf of the County. The Clerk will return the documents to the applicant's attorney for execution and filing on behalf of the grantee. This is in addition to Chapter 9 of Title 57 of the 1976 Code, which authorizes the closing of streets and roads through a Court procedure. This method specifically states that it is cumulative to other authorized methods.

ROAD MAINTENANCE RELINQUISHMENT APPLICATION

APPLICANT

NAME _____

ADDRESS _____

PHONE: HOME _____ WORK _____

APPLICANT'S SIGNATURE _____

PROPOSED RELINQUISHMENT

ROAD NUMBER _____

ROAD NAME _____

TAX MAP # _____

DEED BOOK _____

PLAT BOOK _____

BRIEFLY DESCRIBE PORTION OF ROADWAY TO BE RELINQUISHED

Date: _____ Fee Paid: _____

Taken by: _____ Sign Given: _____

* If the above-proposed relinquishment will cause the remaining portion of roadway to become a dead end, the applicant must be prepared to deed a turnaround (see attached) or cul-de-sac right-of-way to Greenville County. Also a copy of a recordable plat showing what you are proposing to relinquish must accompany this application and is contingent upon County Council approval. Effective December 1, 1994.

Council District _____ Telephone Service _____
Fire District _____ Electric Service _____
Sewer & Water District _____

THERE MUST BE 100% PARTICIPATION OF ALL ADJOINING PROPERTY OWNERS AND ALL PROPERTY OWNERS MUST SIGN THE APPLICATION.

NAME _____
ADDRESS _____

TAX MAP NO. _____
PHONE HOME _____ WORK _____

NAME _____
ADDRESS _____

TAX MAP NO. _____
PHONE HOME _____ WORK _____

NAME _____
ADDRESS _____

TAX MAP NO. _____
PHONE HOME _____ WORK _____

NAME _____
ADDRESS _____

TAX MAP NO. _____
PHONE HOME _____ WORK _____

NAME _____
ADDRESS _____

TAX MAP NO. _____
PHONE HOME _____ WORK _____

NAME _____
ADDRESS _____

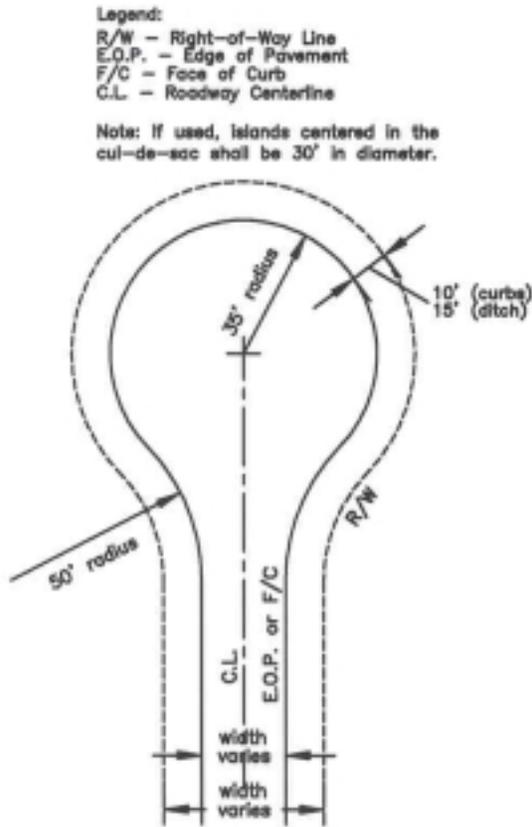
TAX MAP NO. _____
PHONE HOME _____ WORK _____

NAME _____
ADDRESS _____

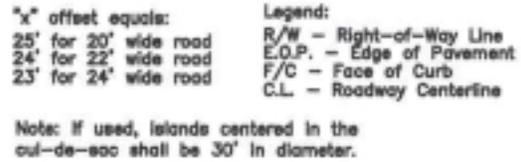
TAX MAP NO. _____
PHONE HOME _____ WORK _____

CUL-DE-SACS

A cul-de-sac shall be terminated by a circular right-of-way and a circular paved surface for turning. Physical dimensions and options for right-of-way and paved turning surface are shown on the following examples.

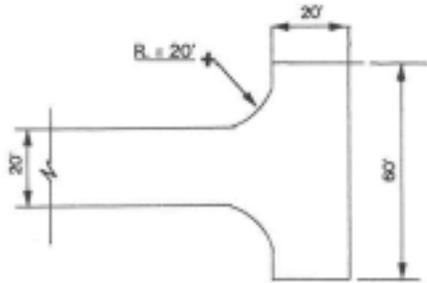


Typical Cul-de-sac Detail

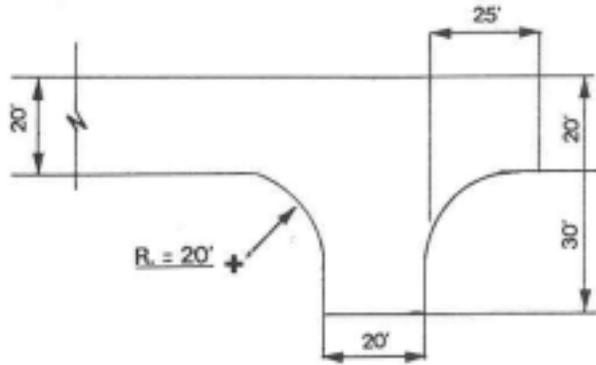


**Typical Offset
Cul-de-sac Detail**

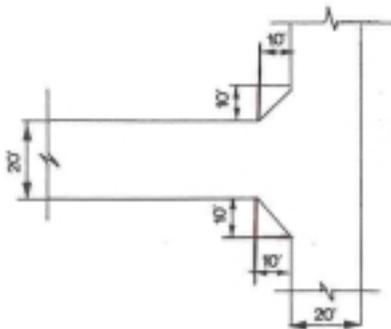
TURNAROUNDS



STANDARD TURNING AREA



MINIMUM TURNING AREA



STANDARD CUT-CORNERS