

POLICY REGARDING PRIVATE ROADWAYS/DRIVEWAYS
OF THE
HOLMES COUNTY BOARD OF COUNTY COMMISSIONERS

WHEREAS, the Florida Constitution prohibits Counties from using their taxing power or credit to aid private persons or corporations without compensation; and

WHEREAS, the Courts of the State of Florida have consistently held that County funds may only be spent for the construction, maintenance, or repair of public roads; and

WHEREAS, a public road is defined as a road open to and set apart for the public, as contrasted with a private road which by its nature is not available to the public and upon which the public has no right to travel; and

WHEREAS, Section 125.01, *Florida Statutes*, grants to the governing body of a County the full power to carry on County government, and unless the legislature has preempted a particular subject, a County governing body has full authority to act through the exercise of home rule power; and

WHEREAS, The Holmes County Board of County Commissioners has determined that it is in the best interests of the County and the public that County roads and County rights-of-way be protected in a well-maintained and safe manner; and

WHEREAS, there are instances that the condition of private roadways/driveways may affect the protection and integrity of a County road or a County right-of-way; and

WHEREAS, nothing in this policy regarding private roadways/driveways shall restrict or affect the County's policies for providing and installing culverts for private landowners at a cost.

NOW THEREFORE, let it be the policy of the Holmes County Board of County Commissioners as follows:

1. No County or public funds or resources shall be used to construct, maintain, or repair a private roadway/driveway, except in the following circumstances:

A. Where a County road or County right-of-way joins a private roadway/driveway, County maintenance will extend ten (10) feet beyond the edge of the County road or County right-of-way in order to maintain the integrity of the County road or right-of-way.

B. In those instances where maintenance of a private roadway/driveway further than ten (10) feet beyond the edge of the County road or County right-of-way has a reasonable correlation to the protection and integrity of the County road or County right-of-way, the County may, with landowner approval, maintain or repair a maximum of up to fifty (50) feet of a private roadway/driveway. Determination as to whether maintenance or repair of any private driveway/roadway is necessary and has a reasonable correlation to the protection and integrity of a County road or a County right-of-way shall be made by the Director of Special Projects for the Road Department and Public Works Supervisor in conjunction with the County Coordinator.

2. It is the intent of the Board of County Commissioners of Holmes County, Florida, that this policy only be applied in accord with Florida law.

3. This policy shall supersede and replace any previous policy put in place by the Board of County Commissioners of Holmes County, Florida, regarding private driveways/roadways.

4. This policy shall take effect immediately upon its passing by the Board of County Commissioners of Holmes County, Florida.

PASSED by the Board of County Commissioners of Holmes County, Florida, on this 14th day of November, 2017.

BY: _____
CLINT ERICKSON, Chairman HCBOCC

ATTEST: _____
KYLE HUDSON, Clerk of Court