

**Action Requested/Required:**

- ☐ Vote/Action Requested
☒ Discussion or Presentation Only
☐ Public Hearing
Report Date: 12/19/24
Hearing Date: _____
Voting Date: _____

Department: Community Development **Presenter(s) & Title:** Steve Green, Zoning Administrator

Agenda Item Title:

Private to public street application - The Summit at Towne Mill - Summit at Towne Mill HOA

Summary:

The applicant requests that the City accept the three streets (Rolling Hills Place, Hickory Run Way and Summit Avenue) in The Summit at Towne Mill for city maintenance.

Budget Implications:

Budgeted? ☐ Yes ☐ No ☒ N/A

Total Cost of Project: Check if Estimated ☐

Fund Source: General Fund ☐ Water & Sewer ☐ Sales Tax ☐ Other:

Staff Recommendations:**Reviews:**

Has this been reviewed by Management and Legal Counsel, if required? ☐ Yes ☐ No

Attachments:

SUMMIT AT TOWNE MILL

HOMEOWNERS ASSOCIATION

November 22, 2024

To: City of Canton

From: Summit at Towne Mill HOA

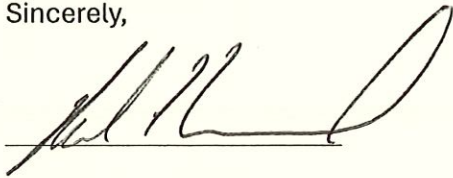
On behalf of the residents of the Summit at Towne Mill (SATM), the SATM HOA Board of Directors is asking the City of Canton to accept our three streets, Rolling Hills Place, Hickory Run Way, and Summit Avenue. We understand that should the City of Canton accept our streets, the City is not representing or agreeing that it will undertake any maintenance or repair of streets other than as normally would be done for other streets.

The Summit at Towne Mill is a gated community of 83 homes. The gate has not proven to be a real measure of security and was not a selling point when our homes were purchased. The primary draw to this community was a low HOA fee which provided lawn care on a monthly basis. As taxpayers, the residents of the Summit at Towne Mill are already paying for street maintenance; and, therefore, do not wish to be paying more for private street maintenance. Once the builder turned the HOA over to homeowner control, the first goal was to apply to the city to take over the streets.

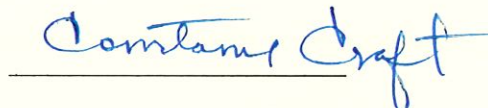
The Summit at Towne Mill is still very new with our streets being less than five years old and in excellent condition. Our application representative, Constance Craft, has met with City Engineer, Bethany Watson, to determine what the city would require of us in order to turn over our streets. We are prepared to meet all the stipulations set forth by Ms. Watson, which include some sidewalk repair and gate removal. If the City approves our application, we will begin work immediately to remedy these items.

We appreciate your time and consideration as you review our application.

Sincerely,



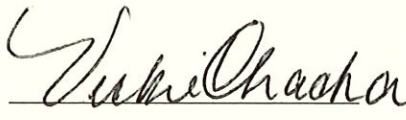
Tad Lewek – HOA President



Constance Craft – HOA Vice President



Barco Davidson – HOA Treasurer



Vickie Cha Cha – HOA Secretary

APPLICATION FOR CONSIDERATION OF ACCEPTANCE OF EXISTING PRIVATE STREETS BY THE CITY OF CANTON, GEORGIA

On March 15, 2012 the City of Canton passed a Resolution, Number 2012-04, which establishes the intent to develop a procedure by which private streets within the City will be considered for acceptance by the City. Acceptance of private streets by the City will make them public streets and they would therefore be maintained by the City.

The definition of a street includes the driving surface itself, as well the utility rights of way on both sides of the street, (usually an additional 13 to 15 feet).

Please complete the following application for consideration.

- 1.) Are the applicants able to provide a deed which would convey and dedicate the private streets to the City? Yes ☒ No
- 2.)
 - a.) If the owner of the private streets is the developer of a subdivision and a Homeowners Association exists, attach a statement naming the subdivision and signed by the developer, Board of Directors of the Homeowners Association, and 51% of the homeowners stating approval of the private streets becoming public streets. The statement must specify the addresses of those signing, the total number of homeowners in the subdivision, and the number of homeowners who signed the statement: or
 - b.) If the owner of the private streets is the Homeowners Association attach a statement naming the subdivision and signed by the Board of Directors of the Homeowners Association and 51% of the homeowners stating approval of the private streets becoming public streets. The statement must specify the addresses of those signing, the total number of homeowners in the subdivision, and the number of homeowners who signed the statement: or ***Please see APPENDIX D**
 - c.) If there is no Homeowners Association attach a statement naming the subdivision and signed by 100% of the homeowners stating approval of the private streets becoming public streets. The statement must specify the addresses of those signing and the total number of homeowners residing on the private streets.
- 3.) Is there a fund, maintained by the Homeowners Association or other organization, which is dedicated to the maintenance and repair of the private streets? Yes ☒ No
- 4.) Is the Homeowners Association or other organization prepared to transfer all said funds to the City as a condition of the City's acceptance of their private streets? Yes ☒ No
***Please see APPENDIX C**

Page two

- 5.) Are the applicants prepared to submit **all** of the private streets in the subdivision to become public streets? YesX No
- 6.) Please attach a copy of the final plat for your subdivision (all phases) and, using three different colors, highlight or draw in storm drains, fire hydrants, and all traffic signs. Describe the colors in the legend along with the total number of drains, hydrants, and signs. ***Please see APPENDIX E**

Also on the plat:

Describe each traffic sign (i.e. stop, slow, speed limit).

State the distance between fire hydrants.

Indicate the locations of all streetlights.

- 7.) Provide the following information in regard to the streets:
- a.) Width of street paving, excluding curbs: 20 Feet
 - b.) Do the streets have finished topping? Yes
 - c.) Are there any manholes raised above the surface of the streets? No
 - d.) List any streets with current defects and describe the defect (such as cracking, alligatoring, potholes, patching): No street defects

e.) Do any streets appear to require immediate repairs or maintenance?
Which streets? No

f.) Are any of the streets missing curbs? No
g.) Are any of the curbs in need of repair? No If yes, describe the location and type of problem.

- 8.) Does there appear to be any safety issues with any of the streets? No If yes, please describe (pedestrian conflicts, sight distance, speeding, etc.).

- 9.) Does the subdivision have sidewalks? Yes If yes, are any in need of repair?
If yes, describe the location and type of problem. Please see the attached list of needed repairs per Bethany Watson, City Engineer See APPENDIX C

- 10.) Are there any known sanitary sewer system issues? No If yes, describe the location and type of problem.

- 11.) Does the development have a master meter or individual meters for the provision of water? ____ Yes ____
- 12.) Are there any known legal problems with any utility easements or rights of way? ____
If yes, describe the location and type of problem. ____ No ____

The acceptance of private streets by the City of Canton is not guaranteed and further details may be requested based upon the above information. If the City accepts private streets it is not representing or agreeing that it will undertake any maintenance or repair other than as normally done for all city streets.

November 20, 2024

Date

Constance Craft

Name of person completing application

Constance Craft

Signature

407 Summit Ave.

Contact information (incl. phone number)

Canton, GA 30114

770.542.7468

Submit this application to the Building Department at Canton City Hall before the first of any month. The application will be reviewed by the Building and Streets Departments which will present and make a recommendation to the City Council. Presentation to the Council can be expected at the Council work session on the first Thursday of the following month at 6:00 p.m. at City Hall. The vote on accepting/denying the streets will be at the Council's voting session on the third Thursday of the same month at 6:00 p.m. at City Hall.

Community Development Department

City of Canton

151 Elizabeth Street
Canton, Georgia 30114
Phone: (770) 704-1530 Fax: (770) 479-1872

Steve Green
Zoning Administrator

Private Street to Public Street Application

Project#: _____

1. Please check all information supplied on the following pages to ensure that all spaces are filled out completely and accurately before signing this form. State "N/A", where Not Applicable.
2. If you have any questions regarding this form please contact the Department of Planning and Zoning by calling (770) 704-1530.

This form is to be executed under oath. I Constance Craft do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in the application is true and correct and contains no misleading information. I, Constance Craft, have received and thoroughly read the Application Procedures.

This 20th day of November 2024.

Signature: Constance Craft Print Name: Constance Craft

Applicant Information:

Name: Constance Craft
Address: 407 Summit Ave.
City: Canton
State: GA Zip Code: 30114
Telephone: 770.542.7468
Fax Number: _____
Email: craft605@aol.com

Owner Information:

Name: SATM HOA
Address: 407 Summit Ave.
City: Canton
State: GA Zip Code: 30114
Telephone: 770.542.7468
Fax Number: _____
Email: craft605@aol.com

Property Information:

Address: Summit at Towne Mill (Rolling Hills Place-Hickory Run Way – Summit Ave)
Land Lot(s): 222 & 223 District: 14th Section: 2nd
Map#: 14N Parcel(s): 14N20B083R
☒ City Total Acreage of Property: 26.83 Acres
County Existing Use(s) of Property: Housing

Directions to property from Main Street in downtown Canton:

E. Main to Cumming Hwy – Turn north on 575 to Exit 20 – Turn left off exit ramp onto Riverstone Pkwy. – Turn right on to Bluff's Pkwy at Chik Fil A light – Stay on Bluffs until dead ends into Fate Conn Rd. – Left on Fate Conn
Take first right into Towne Mill – Summit at Towne Mill will be first left. f5

Community Development Department

151 Elizabeth Street
Canton, Georgia 30114
Phone: (770) 704-1530 Fax: (770) 479-1872

Steve Green
Zoning Administrator

Authorization of Property Owner

This form is to be executed under oath, I, Constance Craft, do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the owner representative (circle one) of the property, which is the subject matter of the attached application, as is shown in the records of Cherokee County, Georgia. I hereby authorize the City of Canton and its representatives to inspect the property, which is the subject of this application, and post any notices required thereon.

This 28th day of October 2024

Owner Signature: Constance Craft Print Name: Constance Craft

I, Constance Craft, the above signed legal representative of the subject property, do hereby authorize the following application to be submitted for the request of the City of Canton to accept the private street(s) as public right-of-way for maintenance and upkeep.

Sworn To And Subscribed Before Me This 28th Day of October 2024

Notary Signature: Judy Victoria Chacha



See attached list of homeowners and signed authorization forms.

(Appendix D)

621::,

Community Development Department

ITM

City of Canton

151 Elizabeth Street
Canton, Georgia 30114
Phone: (770) 704-1530 Fax: (770) 479-1872

Steve Green
Zoning Administrator

Authorization of Applicant

This form is to be executed under oath, I, Constance Craft, do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the owner/representative (circle one) of the property, which is the subject matter of the attached application, as is shown in the records of Cherokee County, Georgia. I hereby authorize the City of Canton and its representatives to inspect the property, which is the subject of this application, and post any notices required thereon.

This 20th day of November 2024

Owner Signature: (See attached signatures) Print Name: Constance Craft

I, the Summit at Towne Mill Homeowners, the above signed legal owner of the subject property, do hereby authorize the person named below to act as applicant in the pursuit of a request for the City of Canton to accept the private street(s) as public right-of-way for maintenance and upkeep.

Name of Authorized Applicant: Constance Craft

Signature: Constance Craft

Mailing Address: 407 Summit Avenue

City: Canton

State: GA Zip Code: 30114

Telephone: 770.542.7468

Fax Number:

Email: craft605@aol.com

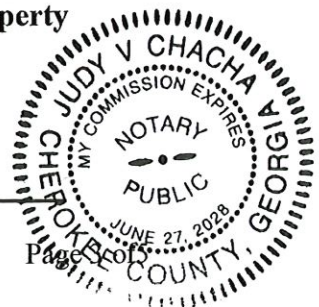
Applicant Status:

- ☐ Owner
☐ Option to Purchase
☐ Leasee
☒ Area Resident
Other (Explain):

This Authorization of Applicant Form has been completed and the property owner's signature is sworn to and subscribed before me

this 20 day of November, 2024

Notary Signature: Judy Victoria Chacha



Community Development Department

151 Elizabeth Street
Canton, Georgia 30114
Phone: (770) 704-1530 Fax: (770) 479-1872

Steve Green
Zoning Administrator

Application Submittal Requirements

1. Property Ownership
Developer
☒ Homeowner's Association
No developer, no Homeowner's Association
2. Deed/survey prepared and submitted which is a recordable document that will convey all property under consideration to the City of Canton
See APPENDIX B
3. All private street(s) have been included within the application
4. Letter of request for acceptance. The letter must state that the applicant clearly understands that should the City accept the streets the City is not representing or agreeing that it will undertake any maintenance or repair of streets other than as normally would be done for other streets.
5. Is there a fund being maintained for the maintenance and repair of the private street(s)?
☒ Yes
No **Please see attached explanation – APPENDIX C**

If such fund exists the applicant agrees to transfer this money to the City in full
Agree
Disagree
6. Final plat submitted (current) that calls out in specific detail existing storm drains, street lights, fire hydrants and all traffic signs. Final plat must be at original scale. Type and number of each type traffic sign must be detailed. The distance between fire hydrants must be shown.
See APPENDIX E



City of Canton

Community Development Department

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Steve Green
Zoning Administrator

7. Pavement:

- a) Width of pavement (pavement only): 20 Feet_____
- b) Do streets have final topping? Yes_____
- c) Have streets been striped? No_____
- d) Do streets have curb and gutter? Yes_____
- e) List any defects with paving, curb/gutter and drainage structures: None_____

8. Sidewalks:

- a) Existing: Yes_____
- b) Width: 5 Feet_____
- c) Condition: Good_____

9. Water:

- ☒ Master Meter
- ☐ Individual Meter

10. Articles of Incorporation that established the Homeowner's Association

See attached Articles of Incorporation – the Summit at Towne Mill HOA.
See **APPENDIX A**

The applicant must submit one original of each of the required items and nineteen (19) copies of the same. Failure to provide the required number of copies will result in your request being held until all items are submitted.

Per Bethany Watson, one hard copied has been submitted and an electronic copy.

Resolution No. 2012-0127

A RESOLUTION OF THE CITY OF CANTON TO ESTABLISH AN APPLICATION
PROCEDURE FOR THE ACCEPTANCE OF PRIVATE STREETS INTO THE CITY

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Mayor and Council of the
City of Canton that:

There be established an application process for private streets to be accepted into the City
of Canton on the following conditions:

1) The private streets must be conveyed and dedicated to the City by a deed from the
owner of the streets such that the City will have good title to the property;

2) If the owner of the streets is a developer of a subdivision for which a
Homeowners Association exists, then the Board of Directors of the Homeowners Association
and 51% of the owners in the subdivision must approve the private streets becoming public;

3) If the owner of the streets is the Homeowners Association of a subdivision, then
the Board of Directors must approve the transfer of the property, and 51% of the owners must
also approve the private streets becoming public;

4) All of the streets in a subdivision must be transferred to the City. The City shall
not accept only a portion of the private streets within a subdivision;

5) If the streets are in a subdivision without a Homeowners Association, or are not in
a subdivision at all, then 100% of the owners of property along the streets have to approve of the
private streets becoming public;

6) The application must state clearly that, if the streets are accepted, the City is not
representing or agreeing that it will undertake any maintenance or repair of the streets other than
as normally would be done for all city streets;

7) The application shall ask whether there is a fund being maintained for
maintenance and repair of the private streets, and if there is such a fund, then the monies in the
fund shall be transferred to the City as part of the acceptance of the streets.

IN WITNESS WHEREOF, the City of Canton, Ohio, on this 20th day of

_____, 2012,
L'Je

_____,

_____,

_____,
Susan Stanton, City Clerk

Approved as to form: (1) 1/1, 1/1
Robert M. Dyer, City Attorney

Approved by Council on:

15 • 1 1/2