



2014-042

STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

LUTHER STRANGE  
ATTORNEY GENERAL

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Honorable Robert M. Spence  
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Tuscaloosa, Alabama 35403

County Commissions – Municipalities –  
Roads, Highways and Bridges –  
Subdivisions – Maintenance

Because the Tuscaloosa County Commission never accepted the streets located in the subdivision that is within the corporate limits of the Town of Brookwood, the county is not obligated to maintain those streets.

Dear Mr. Spence:

This opinion of the Attorney General is issued in response to your request on behalf of the Tuscaloosa County Commission.

QUESTION

Does the Tuscaloosa County Commission have any obligation to maintain the streets within a subdivision that is located within the corporate limits of the Town of Brookwood?

FACTS AND ANALYSIS

In your letter of request, you informed this Office that the county has maintained, and continues to maintain, the streets within the corporate limits of the Town of Brookwood. In 1995, a developer requested a waiver from the county of certain minimum standards for a road in a new development within the corporate limits of Brookwood. The county commission granted the waiver on August 9, 1995, with the stipulation that the roads covered in that amendment would not be accepted for county maintenance. A plat was recorded on September 19, 1995, which was before the Town of Brookwood adopted

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municipal subdivision regulations. Currently, you seek guidance regarding whether the maintenance of the streets in question are an obligation of the county.

From the outset, the Tuscaloosa County Commission stated that the county would not maintain the roads in question. It is well settled that dedication of a road, in and of itself, is not sufficient to transfer the responsibility for maintenance and liability to a governmental entity. *Ivey v. City of Birmingham*, 190 Ala. 196, 204, 67 So. 506, 509 (1914). Instead, acceptance of a dedication is equally as important as the dedication, and a dedication is incomplete without acceptance. *Baldwin Cnty. Comm'n v. Jones*, 344 So. 2d 1200, 1204 (Ala. 1977).

Moreover, the approval of a subdivision plat does not amount to an acceptance of a road. Thus, there is no burden on a governmental entity with respect to maintenance or liability as a result of the approval of a subdivision plat. *Chalkley v. Tuscaloosa Cnty. Comm'n*, 34 So. 3d 667, 673 (Ala. 2009), citing *Tuxedo Homes, Inc. v. Green*, 258 Ala. 494, 497, 499 (1953).

The Tuscaloosa County Commission has never assumed, attempted to assume, maintained, or accepted responsibility for the streets in question. Accordingly, it is the opinion of this Office that the streets in question are not the responsibility of the Tuscaloosa County Commission.

#### CONCLUSION

Because the Tuscaloosa County Commission never accepted the streets in question, the county is not obligated to maintain those streets.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

LUTHER STRANGE

Attorney General

By:



BRENDA F. SMITH

Chief, Opinions Division

LS/MMG  
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