

## 103-15. Construction by County.

(a) No road shall be constructed by the County, whether on force account or by contract or both, unless the right-of-way for such road has been previously acquired by the County or dedicated to public use by appropriate recording among the land records of the County, and the cost of the road is to be charged against the benefited property in accordance with Sections 24-30 to 24-42 of this Code and subsection (b) of this Section. Any road so constructed shall conform to the minimum requirements, standards and specifications for its particular classification as prescribed by this Article; provided, that the County may require such construction to be in excess of or better than that prescribed as a minimum; provided further, that nothing herein shall prohibit the County from constructing roads pursuant to Section 2-140 of this Code relating to contract services for municipalities or pursuant to agreements made by the County with other governmental agencies.

\* \* \*

(e) The County may authorize the construction of temporary sidewalks to serve as access to schools within rights-of-way where there is no curb and gutter or where there is an existing plan or program to change the horizontal or vertical alignment or paving cross section. Notwithstanding any other provision of this Article, such sidewalks may be constructed without regard to the standards and specifications of this Article and the cost of construction thereof shall be borne by the County. Whenever such sidewalk is constructed within a right-of-way where there is no pavement or other road construction, such sidewalk construction shall not be construed as acceptance for maintenance by the County of any part of the right-of-way except sidewalk so constructed.

SEC. 47. Subsections (b) and (c) of Section 103-18, Chapter 103, title "Streets and Roads," of the Montgomery County Code 1965, are hereby repealed and re-enacted, with amendments, to read as follows:

## 103-18. Performance bond.

\* \* \*

(b) Before acceptance, all bonds shall be approved by the County Executive or his designee and the County Attorney. If a corporate bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State. If a cash bond is offered, it shall be deposited with the Director of Finance, who shall give his official receipt therefor, reciting that the cash has been deposited in compliance with and subject to the provisions of this Section. All cash and corporate bonds filed hereunder shall be released upon but not before acceptance of the completed road by the County in accordance with the following Section.