

**ARAGO TOWNSHIP
HUBBARD COUNTY, MINNESOTA
Resolution No. 2-09**

**A RESOLUTION ESTABLISHING STANDARDS AND REQUIREMENTS
THAT MUST BE SATISFIED BEFORE THE TOWN WILL ACCEPT A ROAD**

WHEREAS, Arago Township ("Town") has a number of miles of town roads that it maintains as part of its system of roads and over which the Town Board is the road authority;

WHEREAS, the Town Board is occasionally approached by those proposing to develop land by plat containing roads to be dedicated to the public or by owners of property who wish to dedicate a portion of their land to the Town for a public road;

WHEREAS, the purpose of this Resolution is to establish a policy the Town Board will follow when responding to such requests, including setting out the basic requirements and standards and specifications that must be complied with before the Town will accept a road or open and maintain a dedicated road as a town road;

WHEREAS, the Town Board makes, based on information supplied by the Town's attorney, the following findings and determinations regarding roads dedicated to the public by plat:

- a. When a plat is recorded at the County Recorder's office, it serves to automatically transfer to the local government (in this case the Town) all easements and other areas dedicated to the public on the plat (i.e. roads, drainage easements, utility easements, parks);
- b. The Town holds the easements it receives upon the recording of a plat in trust for the benefit of the public;
- c. Easements dedicated by plat are not abandoned or otherwise extinguished by the Town's non-user and remain until such time as the Town Board decides to open and maintain them as town roads or to vacate them pursuant to the procedure set out in Minn. Stat. § 164.07;
- d. Until the Town Board does accept a dedicated road for public maintenance, pursuant to Minn. Stat. § 164.11, they are to be deemed a legal cartway provided they are at least 30 feet in width;
- e. As a cartway, the public may use and maintain it for road purposes, but the Town is prohibited under Minn. Stat. §§ 164.08, subd. 2(d) & 164.10 from spending any public funds on it until the Town Board determines by resolution to open and maintain it as a Town road. The Town Board makes no assertions regarding the right of the public to use roads previously dedicated to the public that are less than 30 feet wide prior to the Town Board agreeing to open and maintain them;
- f. The Town does not administer its own zoning or subdivision regulations. Instead, the County administers the platting of land within the Town. However, the Town Board does review proposed plats and has a direct interest in ensuring the roads proposed to be dedicated to the public within them are properly built by the developer; and
- g. Any review, comments, or approvals the Town Board may have expressed in the past, or may express in the future, with respect to a proposed plat related to the plat as a whole and does not constitute, nor shall be construed as constituting, an agreement to open or maintain any of the easements dedicated to the public within the plat.

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby establishes the following policy which must be complied with before the Town Board will agree to accept the dedication of land for a road or will agree to open and maintain a road dedicated to the public by plat:

1. **Scope.** All new roads being dedicated to the public within a plat, or proposed to be dedicated directly to the Town by the owners of the property over which the proposed road crosses, shall be constructed in accordance with the requirements, standards, and specifications contained or referenced herein (collectively the "Specifications").
2. **Stricter Provisions.** To the extent any requirement contained herein is less strict than any other requirement which may apply by ordinance or otherwise, the stricter requirement shall apply. However, the Town Board may expressly agree to alter the requirements of these Specifications as part of a written agreement with the developer if the Town Board determines such alteration is appropriate to respond to the circumstances of a particular situation or is otherwise in the public interest.
3. **Costs.** All costs associated with building the roads in accordance with the Specifications, including all testing and inspections, shall be the responsibility of the developer or other person, entity, or group responsible for constructing the road (collectively the "Developer"). The Developer shall also be required to fully reimburse the Town for all professional costs and expenses it may incur to oversee, inspect, or otherwise ensure compliance with the Specifications. The Town Board may require the Developer to deposit a cash escrow with the Town from which the Town may deduct its expenses. If an escrow is required, the Developer shall replenish the escrow account as the Town Board determines is necessary to cover its costs. If the Developer fails to replenish the escrow account within 30 days from the Town's request, or otherwise fails to fully reimburse the Town for all its costs, the Town Board may refuse to provide, or may suspend, any approvals related to the plat or project and will refuse to open and maintain the roads. Once the roads are constructed, inspected, and the warranty period has expired, the Town will return any unused portion of the escrow account to the Developer.
4. **Platted Roads.** The Developer of a plat is responsible for building all roads within the plat to the Specifications and such other standards or requirements which may be identified by the Town Board when the plat is proposed. The Town Board will not sign the dedication of any plat within the Town unless:
 - a. The Developer has presented the preliminary plat to the Town Board at a regular Town Board meeting and then a final plat at a later Town Board meeting showing the locations of all roads and other lands to be dedicated to the public within the plat;
 - b. Prior to submitting the final plat, the Developer must provide the Town Board an engineered estimate of the cost to construct all roads being dedicated to the public within the plat in accordance with the Specifications;
 - c. The Developer shall construct all the roads within the plat by the date determined by the Town Board at the time it reviews the final plat;
 - d. The Town Board may require the Developer to provide a performance bond, letter of credits, or other form of non-revocable security in a form acceptable to the Town Board in the amount of at least 125% of the total estimated costs to construct the roads within the plat in accordance with the Specifications. The security must cover the entire period of construction and at least one year after the roads are completed in order to warrant that they were properly constructed;

- e. The roads shall not be considered complete, and the warranty period shall not begin to run, until the Town Board has inspected the roads and determines they were built in accordance with the Specifications. The Town's inspections of the roads shall not constitute, and shall not be construed as constituting, an agreement to open and maintain the roads as town roads or as any type of warranty or guarantee that the roads comply with the Specifications.
 - f. If the Developer fails to properly construct the roads in accordance with the Specifications, if the roads fail or otherwise require repairs within one year of when they were completed, or if the roads are not completed within the time period established by the Town Board, the Town Board may immediately draw upon the security to complete the necessary road work or repairs. However, the Town Board stepping in to complete the work or to conduct a repair shall not constitute or be construed as the Town Board agreeing to open and maintain the road as a town road;
 - g. The Town Board may require the Developer to enter into an agreement with the Town setting out the specific requirements which must be complied with respect to a proposed plat as a condition of the Town Board consenting to the plat. If an agreement is required, the Developer shall be responsible for reimbursing the Town for its costs, including professional fees, related to drafting and entering into such agreement as well as to ensure the Developer complies with its terms, conditions, and requirements;
 - h. The Town Board will not assume the maintenance of a platted road until at least $\frac{1}{4}$ of the buildable lots within the plat adjacent to the road have been developed as determined by the Town Board. Until the Town Board does agree, by the adoption of a resolution at a Town Board meeting, to assume the maintenance of a platted road, it shall be responsibility of the Developer and/or the owners within the plat to snowplow and provide whatever other work that may be required to keep the roads properly maintained and open for travel; and
 - i. If a road deteriorates between the time it is built and the time the Town Board determines it is eligible to be opened and maintained by the Town as a town road, it shall be the responsibility of the Developer and/or the owners to repair or improve the road at their expense to meet or exceed the Specifications.
5. **Unplatted Roads:** The Town Board will not accept the dedication of land for a road unless all of the following are satisfied:
- a. The Town Board determines that the establishment of a new town road as proposed is in the public's best interests;
 - b. The owners of the property over which the road passes (collectively the "Developer") shall be responsible for building the road in accordance with the Specifications and for complying with the requirements of this Resolution;
 - c. The proposed road easement must be 66 feet wide;
 - d. The Developer shall have a survey of the entire proposed road completed by a Minnesota registered land surveyor. The survey shall show all structures within 100 feet of the centerline of the road. The Town Board may accept a centerline survey if the road proposed to be dedicated already physically exists;
 - e. An owners and encumbrances report must be ordered for each property over which the road passes to confirm the owner has sufficient legal interest in the property to

dedicate a road easement to the Town. The Town Board may also require the Developer to obtain consents from each mortgagee of the properties over which the road passes;

- f. The dedication of the road must be accomplished by properly executed easements in a form acceptable to the Town Board. Such easement shall include a dedication to the Town of all trees and other vegetation within the easement area. The Developer shall be responsible for the costs of developing, reviewing, and recording the easements as well as all other costs the Town incurs related to considering and processing the request;
- g. The road must be constructed in accordance with the Specifications;
- h. Trees and other vegetation the Town Board determines may interfere with the use or maintenance of the road shall be removed; and
- i. The Developer must comply with such other requirements as determined by the Town Board based on the circumstances of the particular request.

6. **Minimum Road Standards:** Roads proposed to be dedicated to the Town shall meet or exceed the following dimensions and standards indicated, which are part of the Specifications. The Town Board may exercise its judgment to alter the Specifications given its consideration of the topography, location, public safety and public convenience. Any item not covered in the following information shall conform with the minimum standards set forth in the latest edition of the Minnesota Department of Transportation (“Mn/DOT”) Standards Specifications for Highway Construction. Any particular issue not addressed in these Specifications, or any ambiguity in the application of a particular requirement contained herein, shall be resolved in accordance with the latest edition of the Mn/DOT standard or specification most applicable to the issue.

Estimated vehicle speeds	MPH	<u>20</u>	<u>30</u>	<u>40</u>	<u>50</u>
a) Minimum sight distance to allow for safe stopping (See Figure #1 Sight Distance in Exhibit A)		150'	200'	275'	350'
b) Maximum allowable grades, % (feet of elevation change per 100 feet of road length)	MPH	<u>20</u>	<u>30</u>	<u>40</u>	<u>50</u>
	% of Grade	10%	9%	8%	7%
c) Minimum radii for curves		110'	250'	460'	760'
Super elevation will be required on curves greater than 30 MPH and when the direction of travel changes by more than 5 degrees a horizontal curve should be constructed.					
d) Road surfaces and grades shall be constructed to current MN/DOT Standard Specifications for Construction and the attached Typical Section and shall provide a smooth, hard, dense, well-drained, all weather surface and shall be signed off by a certified State of Minnesota civil engineer. (See Figure #2 Typical Section in Exhibit A)					
e) The minimum recommended ditch depth is 3 feet from the shoulder to ditch bottom. Minimum culvert diameter is 15 inches and set to the flow line of the ditch. Culverts larger than 24 inches should be sized by a certified State of Minnesota civil engineer. Culverts shall have a minimum cover of 18 inches. Turf establishment shall be required on all disturbed areas and shall comply with MPCA best management practices and storm water runoff requirements.					

- f) Intersecting roads shall intersect at right angles except when topography precludes, and in no case should the angle of the intersection be less than 60 degrees. Two roads meeting a third road from opposite sides shall be offset at least 125 feet from their centerlines. Sight distance at intersections shall be as follows:

Anticipated vehicle speed	MPH	<u>20</u>	<u>30</u>	<u>40</u>	<u>50</u>
Minimum sight distance	Feet	200	300	400	500

(See Figure #3 Intersection Sight Distance in Exhibit A)

- g) Dead end roads will not be permitted without a suitable cul-de-sac constructed at the end for a turn a round. Minimum diameter for cul-de-sac shall be 75 feet of finished surface.
- h) Right of Way shall be adequate for construction and maintenance of the roadway, slopes and ditch. In all cases the dedicated right of way shall be a minimum of 66 feet wide.
- i) Road surfacing shall be spread and bladed shoulder to shoulder and 4 inches of aggregate surfacing of modified Class 1, all conforming to current MN/DOT specifications for modified Class 1.

Pavement Specifications

- a) Paved roads shall have at least a 5 ton capacity.
- b) At least 6 inches of Class 5 gravel must be placed below the asphalt surface.
- c) Asphalt surface shall be at least 3 inches thick.
- d) The travelled surface shall be at least 20 feet wide.
- e) A 3 foot paved shoulder shall be provided on both sides of the travelled surface.

Figure No. 1 – Sight Distance

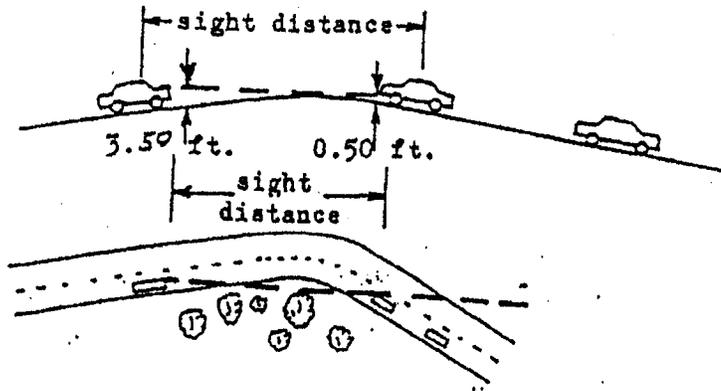
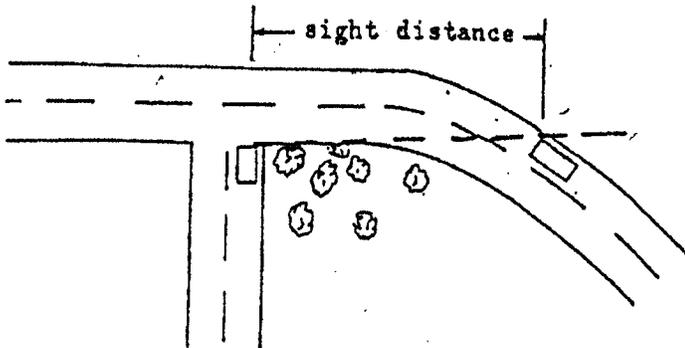
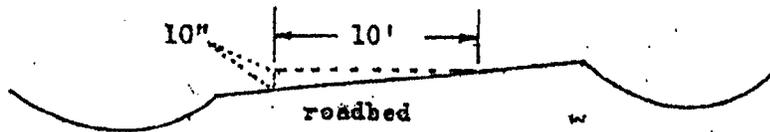


Figure No. 3 – Intersection Sight Distance

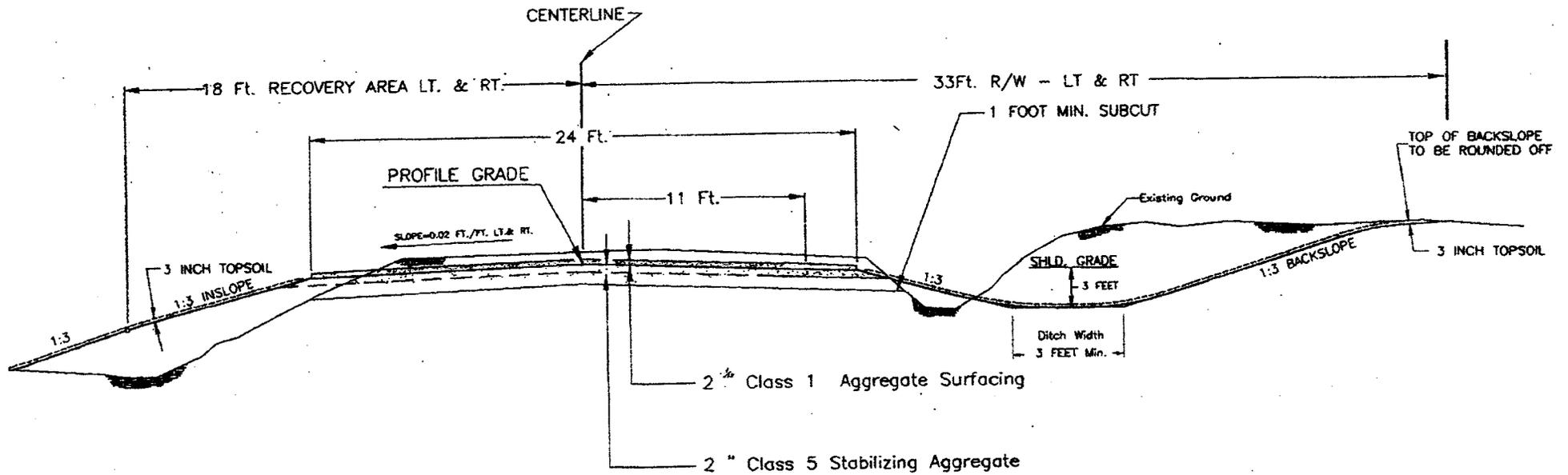


This Figure shows the Maximum allowable superelevation of one inch per foot of road width.



TYPICAL GRADING SECTION

FIGURE NO. 2



Adopted by the Arago Township Board on October 27, 2009 at the Arago Town Hall.

	Aye	Nay	Other
Pat Kimball	✓		
Charlene Christenson	✓		
Michael Wilson	✓		



Pat Kimball
Chairperson



Attest
Patricia Stulich, Clerk