

## Wexford Township Private Road Ordinance

### March 6, 2006

**\*Purpose:** The township had determined that as tracts and parcels of land are divided, sold, transferred, and developed, private roads are being created to provide access to the newly created properties which are not subject to regulation under the Land Division Act, as amended, or other State regulations. The township determines it is in the best interest of public health, safety, and welfare to regulate the construction and improvement, extension, relocation, and use of private roads.

**\*Private Roads Permitted:** Private roads are permitted provided they conform to the following. All parcels of land or lots created by a land division, platted subdivision, PUD's, and site condominium units must form a public or private road which meets the ordinance requirements and a land use or zoning permit.

**\*All private roads constructed in Wexford Township shall be located within a permanent right-of-way easement duly recorded with the Wexford County Register of Deeds.**

**\*Application shall include a proposed road maintenance and easement agreement signed by the road proprietor (s) to be recorded with the Township Clerk and the Wexford County Register of Deeds that contains the following provisions:**

- A method of initiating and financing of such road construction and maintenance in order to keep the road up to properly engineered specifications and free of snow or debris.
- A workable method of apportioning the costs of maintenance and improvements to current and future users.
- A notice that if repairs and maintenance are not made the Township Board may bring the road up to the established Wexford Township Road Standards for private roads and assess the owners of the parcels on the private road for the improvements.
- A notice that no public funds of the Township of Wexford are to be used to build, repair, or maintain the private roads and the Township has no responsibility for the maintenance or upkeep of the roads.
- The United States Postal Office Service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Maintenance of Private Roads Act PA 139 or 1972, as amended) All conditions and requirements concerning public roads shall be deemed the same for private roads, i.e., location on a public road, setbacks ( front yard measured from the property line), ect.
- Majority vote rules regarding road maintenance and improvement decisions.
- The owner of each parcel will be responsible for payment of the share of costs apportioned to his or her parcel.

- The owner shall have standing and the right to commence legal or equitable action against a delinquent parcel owner or parcel owners to foreclose a lien or otherwise collect the sums owed.
- The agreement shall be recorded and shall run with the land and bind and benefit the parcels, and the owners thereof, in perpetuity.
- The owner or owners of the land served by the road shall provide for the requirement to grade, drain, and otherwise maintain the private road in accordance with the requirements of the ordinance.

**\*The proposed road maintenance and easement agreement shall be sent to the Township Attorney for review and comment. All associated costs shall be borne by the applicant.**

**\*The Wexford Township Board shall approve the maintenance and easement agreement if the information and agreements required by this section have been met by the applicant. Following approval, the road maintenance and easement agreement shall be recorded with The Wexford County Register of Deeds.**

**\*Failure to Perform:** Failure by the applicant to begin construction of the private road according to the approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made by the Wexford County Road Commission or the Township in its standards and the specifications for road construction and development. The private road shall be completed within one and one-half (1 ½) years.

**\*Posting of Private Roads:** All private roads shall be designated as such and shall be clearly posted with a clearly readable name which can be easily seen in an emergency. The sign shall be paid for, posted, and thereafter maintained by the property owner's association or developer. The developer shall check with the Wexford County Road Commission to avoid a duplicate of names and give approval of the same.

**\*Private road may serve two (2) through four (4) parcels. Said drive shall access directly onto a public road, rather than onto a private road or other common drive. Common drives shall at a minimum meet the following design standards.**

- Have a sand and gravel base of not less than twelve (12) inches in depth of which the top six (6) inches will be a minimum of road grade gravel.
- Have a roadbed of not less than sixteen (16) feet wide.
- Have at least two (2) feet of improved shoulder on each side and have six (6) feet of clearance from the outside of each shoulder.
- Have a grade of not more than nine (9) percent, unless road surface is constructed of bituminous or concrete pavements. Roads constructed of bituminous or concrete pavements shall not exceed eleven (11) percent gradient, with integral curbing that directs water runoff safely away from road surface.
- Have not less than sixty-six (66) feet of right of way width.



- Be constructed over adequate culverts as may be required under the requirements of Wexford County Soil Erosion, Sedimentation, and Stormwater Runoff.
- There shall be a horizontal and vertical clearance of a minimum of fourteen (14) feet above and across the common drive.
- All common private roads in excess of two hundred (200) feet in length but less than six hundred-sixty (660) feet shall have:
  - At least one (1) turnaround that is not less than twenty (20) feet wide by sixty-five (65) feet in length as measured from the centerline of the proposed private road with twenty-eight (28) feet radius fillers.
  - Or have a cul-de-sac with a radius of not less than ninety (90) feet with twenty-eight (28) feet radius fillets.

\*From five (5) to nine (9) parcels.

\*A private road serving, or to service five (5) to nine (9) parcels or lots shall at a minimum meet the following design specifications:

- Have a sand and gravel base of not less than twelve (12) inches in depth of which the top six (6) inches in depth will be at a minimum of road grade gravel.
- Have a roadbed of not less than eighteen (18) feet in width.
- Have at least two (2) feet of improved shoulder on each side and have six (6) feet of clearance from the outside of each shoulder.
- Have a grade of not more than nine (9) percent, unless road surface is constructed of bituminous or concrete pavements. Roads constructed of bituminous or concrete pavement shall not exceed eleven (11) percent gradient, with integral curbing that directs water runoff safely away from road surface.
- Have not less than sixty-six (66) feet of right of way width.
- Be constructed over adequate culverts as may be required under the requirements of Wexford County Soil Erosion, Sedimentation, and Stormwater Runoff.
- There shall be a horizontal and vertical clearance of a minimum of fourteen (14) feet above and across the common drive.
- All common private roads in excess of two hundred (200) feet in length by less than six hundred sixty (660) feet shall have:
  - At least one (1) turnaround that is not less than twenty (20) feet wide by sixty-five (65) feet in length as measured from the centerline of the proposed private road with twenty-eight (28) feet radius fillets.
  - Or have a cul-de-sac with a radius of not less than ninety (90) feet with twenty-eight (28) feet radius fillets.

- All private roads serving or to serve nine (9) or more lots in excess of six hundred-sixty (660) feet in length shall have:

- At least twenty (20) feet of improved roadbed width with at least two (2) feet of improved shoulder width from the outside of each shoulder.
- There shall be a horizontal and vertical clearance of a minimum of fourteen (14) feet above and across the private road.
- Have not less than sixty-six (66) feet in right of way width.
- If dead-ended, shall have a cul-de-sac with a radius of not less than ninety (90) feet of the accommodation of emergency commercial and other vehicles.

\*Resubmittal: If the application is disapproved, and subsequent resubmitted shall be processed as a new request with new fees.

Commencement of Construction: Upon approval of the application by the Township Board construction may commence. The applicant shall provide the zoning administrator copies of all other permits or waivers of permits, which may be required by county, state, or federal statute prior to commencement or construction.

\*Effective date of this ordinance: April 1<sup>st</sup>, 2006