

RESOLUTION NO. RES-2017-036

**RESOLUTION FOR THE ESTABLISHMENT OF A POLICY
FOR THE RECONSTRUCTION OF DRIVEWAY APPROACHES
DURING TOWN ROAD CONSTRUCTION PROJECTS**

WHEREAS, Minnesota Statute §164.02 *et. seq.* authorizes Town Boards to make such expenditures of Township road and bridge funds as they deem necessary for the maintenance, construction, reconstruction and improvement of Town roads; and

WHEREAS, portions of private driveways often cross into the right-of-way of the town roads, and such driveways and driveway approaches are often improved with aggregate, bituminous, concrete or other special materials, which improvements have been paid for by the owners of the private properties; and

WHEREAS, during the reconstruction or improvement of existing town roads, it is common for the private driveways and driveway approaches, or portions thereof, that are located within the town road right-of-way to be partly or completely damaged, destroyed or removed; and

WHEREAS, after due consideration of the burdens and responsibilities of the Town and of the owners of the private properties located along town roads, and the reasonable expenses related to construction and reconstruction of driveways and driveway approaches, the Clear Lake Township Board of Supervisors have determined to adopt a policy concerning the allocation and payment of expenses for the reconstruction of driveways and driveway approaches damaged during reconstruction or improvement to town roads.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Clear Lake, as follows:

1. **Restoration Policy.** Pursuant to Minnesota Statute §164.02, the town board is authorized to spend township road and bridge funds to repair and restore the portions of private driveways and driveway approaches located within the town road right-of-way that are damaged during the construction, reconstruction or improvement of a town road. Such expenditures for repair and restoration shall occur and be administered as follows:

a. **Gravel Surfaced Driveway.** The Town will repair and restore the damaged or destroyed part of the gravel surfaced driveway or driveway approach that is located in the road right-of-way with gravel materials of a similar aggregate classification, at a grade to match the town road and the existing driveway.

b. **Bituminous Surfaced Driveway.** The Town will repair and restore the damaged or destroyed part of the bituminous surfaced driveway or driveway approach that is located in the road right-of-way with bituminous materials of the same mixture as is used in the repair or reconstruction of the town road, at a grade to match the town road and the existing driveway.

c. Concrete Surfaced Driveway. The Town will repair and restore the damaged or destroyed part of a concrete surfaced driveway or driveway approach that is located in the road right-of-way with concrete materials of a mixture to be determined by the town, at a grade to match the town road and the existing driveway.

d. Specialty or Other Material Surfaced Driveway. The Town will pay for the reasonable costs to repair and restore the damaged or destroyed part of a driveway or driveway approach located in the road right-of-way that is finished with stamped concrete, exposed aggregate concrete, pavers or other specialty materials. The property owner will obtain two bids for the materials and labor to repair and restore the driveway surfaced that was damaged or destroyed during the town road reconstruction project. The town board will evaluate the two bids and will, in its sole and absolute discretion, select the bid that is most reasonable, and shall then reimburse the property owner in the amount of the selected bid after the work is completed on the property owner's driveway or driveway approach. The property owner may, at its option, elect to waive reimbursement of the costs of replacing specialty surface materials, and instead elect to have the town replace the damaged portion of the driveway or driveway approach with concrete as in section 1.c. above.

e. Exclusive Remedy. The town will not pay any additional or other damages except as stated herein. By accepting replacement of the materials or reimbursement for the costs of specialty materials as described in this policy, the property owner waives any claim for additional damages, costs or expenses. The property owner may be requested to sign a written waiver of any such damages, costs or expenses as a condition of, and prior to the completion of the work or reimbursement described herein.

f. Designated Projects Only. This policy shall only apply to town road construction, reconstruction, repair or improvement projects, and shall not apply to incidental damage to or destruction of portions of driveways or driveway approaches that may occur during maintenance, plowing, grading or minor repair work.

2. **Severability and Repealer.** All prior resolutions of the Town that are in conflict with this Resolution, are hereby repealed. If any section of this Resolution is held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions will remain in full force and effect.

3. **Effective Date.** This Resolution is effective upon its adoption by the Town, and as provided by law.

4. **Adopt and Enforce Regulations.** The Town agrees to enact, adopt, and strictly enforce all such resolutions, ordinances, or regulations, as may be or shall be necessary to give full effect to the provisions contained in this Resolution.

5. **Amendments.** Any amendments to this Resolution must be adopted and approved by the Town in writing.

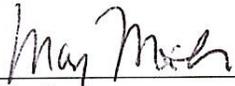
6. **Authorization.** The appropriate officers of the Town are hereby authorized to execute this instrument and to carry the terms of this Resolution into effect.

This Resolution is hereby Adopted by the affirmative vote of all the members of the Clear Lake Town Board of Supervisors this 20 day of JUNE, 2017.

TOWN OF CLEAR LAKE

By: 
Chairperson
Board of Supervisors

Attest:

By: 
Clerk