

# Road Acceptance Policy for City of Hallowell

## Policy 2015-01

**[Adopted on December 7, 2015]**

The purpose of this policy is to provide a uniform, consistent, and equitable process for the dedication and acceptance of municipal roads and to ensure that the cost of the acceptance of new roads and associated infrastructure by the City does not create a financial burden for the City. Neither City ordinances nor the 2010 Comprehensive Plan nor this policy conveys any right or expectations for road acceptance. Final authority and determination of whether or not a road is accepted is at the discretion of the Hallowell City Council.

An applicant shall seek preliminary guidance from the Council, which shall not bind future Councils. Preliminary guidance or final decisions by the Council might consider factors including but not limited to the following:

1. Fiscal analysis City-wide and capacity analysis of the City's public works department at the time of the proposal;
2. Waivers or exceptions to ordinance goals or standards sought by the applicant or developer including but not limited to density, slopes, road network connectivity, service by utilities, and pedestrian accommodation;
3. Other city goals (if any) regarding growth of population, affordability of housing, growth of tax base, redevelopment of brownfield sites.

### **Definitions**

As used in this policy, the following terms shall have the meanings indicated:

**PRIVATE ROAD** – A road privately owned and maintained over which the owner may restrict use or passage.

**PUBLIC ROAD** – A road owned and maintained by the state, county or municipality over which the general public has a right to pass.

### **Applicability**

The provisions of this article shall apply to all roads offered for public acceptance in the City of Hallowell, whether within subdivisions or not.

### **Request for Acceptance**

The applicant shall give written notice requesting that the City accept the private road as a public road. The applicant shall be responsible for payment of all legal and other

costs incurred by the City in changing over the private road to a public road. A signed, written statement from the City Manager certifying that the proposed public way meets or exceeds the design and construction requirement of Chapter 9, subchapter VIII of the Hallowell Code of Ordinances is required before the Council votes on the acceptance.

## **Road Requirements**

*Conformance with Hallowell Code of Ordinances.* A private road within an approved subdivision, proposed for acceptance as a public road, shall be built to all road standards contained in Chapter 9, subchapter VIII, of the Hallowell Code of Ordinances prior to a request being filed for road acceptance. Only roads built in accordance with these standards shall be considered for acceptance by the City Council.

*Monumentation.* The applicant's project surveyor shall provide a certificate that all monuments for the road, easements, lot boundary lines and subdivision boundary lines have been set as required by the approved subdivision plan.

*Legal description.* The applicant's project surveyor shall provide a metes and bounds legal description of the proposed right-of-way and any associated drainage easements.

*Road cross section.* A typical cross section of the proposed public road shall be provided.

*Drainage maintenance.* The applicant shall be responsible for the maintenance of all detention ponds and drainage infrastructure for the proposed public road.

*Location within right-of-way.* The applicant's project surveyor shall certify that the roadway and its appurtenances as built lie within the proposed right-of-way, and similarly that the drainage structures as built lie within their respective easements.

*Occupancy requirement.* The Council may establish the effective date of its acceptance of a road as being the date at which some Council-determined percentage of lots or units have been occupied, to the satisfaction of the City Manager, to avoid public maintenance of a partially occupied development. Generally, the Council shall require 25% occupancy prior to the effective date of public ownership and maintenance, unless road configuration and development schemes justify and alternate approach. Generally, the City recognizes the need for acceptance of a road prior to the effective date in order to give clarity to prospective buyers or occupants regarding future maintenance responsibilities.

## **Legal Requirements**

*Warranty deed.* Once the proposed legal description has been reviewed and approved by the City Attorney, the applicant shall prepare a warranty deed suitable for recording at the Kennebec County Registry of Deeds. This deed shall include a signature block for the City Manager to indicate the City's acceptance of the conveyance. The final warranty deed shall be recorded at the Kennebec County Registry of Deeds after acceptance by the City Council, and after completion of all due diligence, and at any effective date established by the council.

*Encumbrances.* The applicant shall provide a letter from its attorney certifying that the applicant has good and marketable title to the property on which the proposed public road will be located and that there are no encumbrances on the property.

*Utilities.* The applicant shall prepare all utilities and easements for acceptance and recording to be approved by the respective utility company, including but not limited to water, sewer, electric, cable, and telephone.

*Drainage maintenance agreement.* The applicant shall provide a recordable drainage maintenance agreement approved by the City that meets all conditions imposed by outside agencies, such as the Maine Department of Environmental Protection.

## **Warranty Agreement**

*Warranty agreement required.* Before the *effective date of Council acceptance*, the private road, with at least the base coat, must go through a freeze/thaw cycle and if there are defects, the applicant must fix them to City standards. The applicant shall provide a written warranty for a period of one year after the *effective date of acceptance* of the public road by the City of Hallowell. The warranty shall state that the applicant will be financially responsible for the repair of any defects in materials or workmanship that cause the road to fall below the street design and construction standards as set forth in Chapter 9 of the Hallowell Code of Ordinances.

## **Inspection**

The City Manager, Highway Foreman and Code Enforcement Officer shall conduct a final inspection of the proposed public road for compliance with the street design and construction standards of Chapter 9 shortly before the Council votes on acceptance, *and again before the effective date of acceptance*. Final roadway inspection will include inspection of the drainage structures and appurtenances and a site inspection to ensure the project has been constructed in accordance with the approved subdivision plans.

## **Review and Approval**

- 1) *Review and recommendation by the City's Highway Committee.* The Highway Committee shall review the request for acceptance and make a recommendation to the City Council.
- 2) *Review by City Attorney.* The City Attorney shall review the application, dedication, and supporting documentation for the proposed public road and report to the City Manager.
- 3) *Review by the City Council.* The City Council shall review and act upon the application, dedication, and supporting documentation for the proposed public road. The final decision as to whether to accept a road remains within the legislative discretion of the City Council.

## **Records and Filing**

The applicant shall provide two paper copies of detailed drawings of the project as built. Information to be included: the as-built location, size, and materials of water and sewer mains, storm drains, culverts, and underground and overhead utilities.

## **Effective Date**

This Road Acceptance Policy became effective on December 7, 2015 by vote of the Hallowell City Council and will remain in effect unless it is amended or replaced with a new policy.

First Reading            October 13, 2015

Second Reading        November 8, 2015, with amendments

Third Reading           December 7, 2015