

**TOWN OF PELICAN, CROW WING COUNTY, MINNESOTA**

**MOTION TO SET ROAD SPECIFICATION STANDARDS**

**Whereas;** Pelican Township, Crow Wing County, Minnesota, has legal authority over certain local roads, and

**Whereas;** Pelican Township does lawfully accept certain roads by petition or other lawful means for the purpose of converting such roads to Town Roads, and

**Whereas;** The Town of Pelican, in 1997, embarked on a comprehensive, phased Road Improvement Plan designed to improve and standardize the condition of all Public Roads within the Town, and

**Whereas;** To maintain consistency among roads offered to the Town for acceptance, minimum construction and maintenance standards must be met, and

**Whereas;** Consistent specifications and standards for Town Roads are likely to result in safer, more manageable roads.

**THEREFORE BE IT RESOLVED** ,that Pelican Township, Crow Wing County, Minnesota, does confirm and direct that a Road Acceptance Policy with specifications for minimum construction and maintenance standards shall apply to all roads hereafter accepted by Pelican Township, and **BE IT FURTHER RESOLVED** ,that all new Town roads shall meet this specification regardless of manner or form of offer, and,  
**BE IT RESOLVED** ,that conforming roads to a single common standard is in the best interests of the Township, users and the public good.

Attest: \_\_\_\_\_  
Clerk, Town of Pelican

Signed: \_\_\_\_\_  
Chairman, Town of Pelican

Dated \_\_\_\_\_

Dated \_\_\_\_\_

**TOWN OF PELICAN, CROW WING COUNTY, MINNESOTA**  
**THIS DOCUMENT FOR USE BY PETITIONER**

**Road Acceptance Policy**

The following is a general outline of conditions under which the Town Board will consider and act upon a road dedication request. The Board of Supervisors reserves the right to impose additional standards to be met as a condition of acceptance, may require funds to be placed into an escrow account for distribution and further retains the right to lessen, increase, modify or waive standards as conditions warrant. The Town Board may also impose inspection costs and legal or other fees as a condition of acceptance of any roadway when it sees fit.

**Method of Conveyance**

**Deeded Transfer.** The Town Board prefers that all roadways be conveyed in their entirety including the Real Property to the Town via a **Warranty Deed. A Quit Claim or other "Deeded" transfer of title is also acceptable. In the absence of a Warranty Deed to the Real Property, a recordable Irrevocable Tree Cutting Easement signed by all affected property owners should be presented with the applicant's request to accept the road.**

**Easement by Grant or Dedication by Fee Owner.** Assigned easements must be supported by an independent Title Opinion, (written in favor of the Township), or Township attorney review, verifying that the easement can be properly conveyed to the Town. All roadways considered by the Town Board must be supported by a **Title Opinion and recent Plat of Survey** showing existing structures, public roads and highways, private egress and ingress roads, enforceable easements and "above ground" and "underground" utilities. In the case of a dedication by Easement, the petitioner's recordable "right of use" documentation must be presented.

**Tree and Brush Easement.** All roadways presented for acceptance by the Town Board must include a recordable "Tree and Brush cutting easement" in favor of the Town and for its sole use and discretion.

**Road Dedications for Public Good.** Roadways offered to the Town should be for the "Good of the Public". Should be of "Benefit to the Town". Should serve at least two properties as egress or ingress per 1000 feet of proposed road (Typical). Should be supported by a signed petition from adjoining and other property owners who own affected property and regularly use the roadway. Must not be private driveways to only one property.

**Property Taxes.** All Property Taxes payable on deeded property shall be paid at the time of transfer to the Town. Certification of taxes paid should be included with documentation.

**Escrow Account.** At its discretion, the Town Board may require the establishment of an escrow account for unknown costs of a road presented for acceptance. This account may be used to pay property taxes, legal matters road improvements or any other unknown costs of bringing such a road up to the Town's standards. All residual monies in the escrow account shall be returned to the landowner upon complete settlement of such road issues herein and in any event, shall be returned

within twenty four calendar months of acceptance of the road by the Town. The terms of funds disbursement from the account shall be acceptable to the Town.

**Roadway Specifications** All legal descriptions and specifications on roads presented for acceptance should be Supported by Survey or Plat. Attach copy of Plat or Survey to other documentation at time of Public Hearing at regular meeting.

Minimum Specifications:

- Total R.O.W. at least Sixty-six (66) feet wide in width including driven surface, shoulder and ditch area.
- Twenty-two (22) feet wide hard surface asphalt road bed at narrowest point.
- Unless directed otherwise by Town Board, the driven surface shall consist of a 2 inch bituminous asphalt mat sloped outward enough to carry surface drainwater to the shoulder .
- Aggregate base of no less than 4 inches compacted CL5 (Class 5)
- Thirty (30) feet wide passage clear of tree, branch, brush and other vegetation width to thirteen (13) feet in height. No overhanging trees present or threatening within this clear area.
- Cul-de-sac or other “turn-around area” sufficient for Town vehicle use.
- No Wetlands to affect Town's right and ability to maintain or improve. County and State should become involved if Wetlands are shown to be nearby. A notarized statement from Landowner to that effect will be provided with other documentation.
- No driveway headwall obstructions within the 66 foot roadway R.O.W.
- Mailbox and newspaper box placement shall conform to the Town’s Road Standards or as directed by the Town Board through it’s appointed Road Supervisor.
- All existing private driveway entrances providing egress or ingress from or to proposed roadway shall be of a design approved by Town Board.
- Necessary culverts of approved size and construction, and drainage to be in place at time of acceptance.
- All exposed rocks larger than 4 inches across to be removed.
- All utilities within road R.O.W. to be located and declared in documentation.
- Any other conditions or preparation deemed appropriate or necessary by the Town Board.

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## Road Acceptance Policy

**THIS DOCUMENT FOR USE BY TOWN BOARD**

### **Chronology**

- **Initial contact** by landowner with intent.
- Landowner presents **documentation to Town Board**:
- Instruments of conveyance. (Deed, easement and tree easement)
- Title opinion.
- Survey, plat, utility map, etc.
- Statement of known Wetlands present in R.O.W.
- Statements from other users supporting action.
- Certification from County that all property taxes have been paid.
- "On-Site" inspection by Town Board.
- Legal research if needed.
- Place on agenda at next regular or special meeting. Receive Public Comment on landowner petition. Discuss any cost impact to Town. Escrow account issues.
- Road Supervisor: opinion and condition summary. Recommend to accept/deny.
- Final Board discussion of all involved issues. Recommendation to accept or deny by motion.
- Deed Registration with County Recorder's office.
- Add maintenance needs to road maintenance schedule.
- Add to Town Road Inventory.

### **Considerations**

On roads accepted via easement, cost consideration will be looked at regarding future road width expansion. In this case scenario, the Town would not have the right to retain or sell the timber which is to be removed for expansion purposes and should make the appropriate financial arrangements with the landowner for the cost of widening the roadway prior to acceptance. The good of the public should be the determining factor in all acceptance matters considered by the Board.

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**Town Board**

**ROAD ACCEPTANCE CHECKLIST**

Updated February 11, 2002

- Request from Landowner to Accept Roadway
- Petition from users to Town Board of Supervisors.
- Rationale in fact for acceptance for public road
- Road serves at least two or more property owners per 1000 feet. (Is the only egress).
- Accepting road would benefit the Town of Pelican.
- Accepting road would be for "good of the public".
- Road Specifications as follows:
  - Sixty-Six (66) foot wide Right Of Way with necessary "turn-arounds" and tree easement.
  - Twenty-Two (22) foot wide Driven Surface including at least four inches of compacted Class 5 and 2 inches of compacted asphalt.
  - Open roadway of at least Thirty (30) feet wide by Thirteen (13) feet high (centered over road driven surface) clear of brush and tree limbs and other obstructions.
- Entire R.O.W. certified as "Non-Wetland" impacted.
- Road base material satisfactory for intended and future use and consistent with other nearby roads.
- No driveway headwalls within Right Of Way.
- Necessary culverts, spillways and drainage provisions in place.
- No rocks larger than four (4) inches in diameter.
- All "under" and "over" ground utilities identified on plat map.
- ELECTRIC TELEPHONE GAS CABLE TV SEWER/WATER Documentation.
- Title to R.O.W. conveyance instrument. (Include Tree cutting deed to Town of Pelican).
- Certified Title Opinion proving ownership and any liens.
- Survey or plat showing R.O.W. and existing road as used.
- Certification of Property Taxes paid.
- Escrow account established if applicable.
- Board Action
- "On-Site" inspection and opinion by Road Supervisor.
- Road condition (as-exists) approved by Town Board.
- Legal research required by Town Board is completed.
- Public comment and input received and considered by Town Board.
- Acceptance and immediate improvement costs approved by Town Board.