

FINAL Draft

SECTION 3.21 PRIVATE ROADS

A. Purposes

The purposes of this Section are to regulate the design and construction of private roads; to permit private roads for residential uses only; to ensure that adequate safety measures for emergency response and access are provided on private roads; and to provide a safe environment for residents serviced by a private road.

B. Private Road site plan review

B.1. Private roads shall be considered by the Planning Commission through the site plan review process. The private road may not be constructed unless the Planning Commission approves the site plan and the zoning administrator issues a Private Road Construction Permit.

In addition to the applicable information required by Article 12, private road applications shall include:

B.1.a. The configuration of proposed lots served by the private road;

B.1.b. A detailed written description of the development to be served by the private road;

B.1.c. Private road construction specifications with cross sections that show, at a minimum, precise location, grade, route, elevation, dimensions, and design of the private road;

B.1.d. Proposed future extensions of the private road within the development and to adjacent lands;

B.1.e. Location of and distance to any public streets which the private road is to intersect;

B.1.f. A survey including legal description of the right-of-way of the private road, and a survey including legal description for each lot to be served by the private road, both by a licensed land surveyor;

- B.1.g. The location of existing and proposed public and private utilities to be located in and within twenty (20) feet of the proposed easement for the private road;
- B.1.h. A draft road maintenance and access easement agreement and deed restrictions to be reviewed by the Township attorney, at the applicant's expense, to verify compliance of 3.21.D;
- B.1.i. A review letter or permit from the Allegan County Road Commission or State Department of Transportation stating the location of the proposed private road meets their requirements;
- B.1.j. A letter from the Allegan County Road Commission indicating there is no known duplication of the proposed private road name.

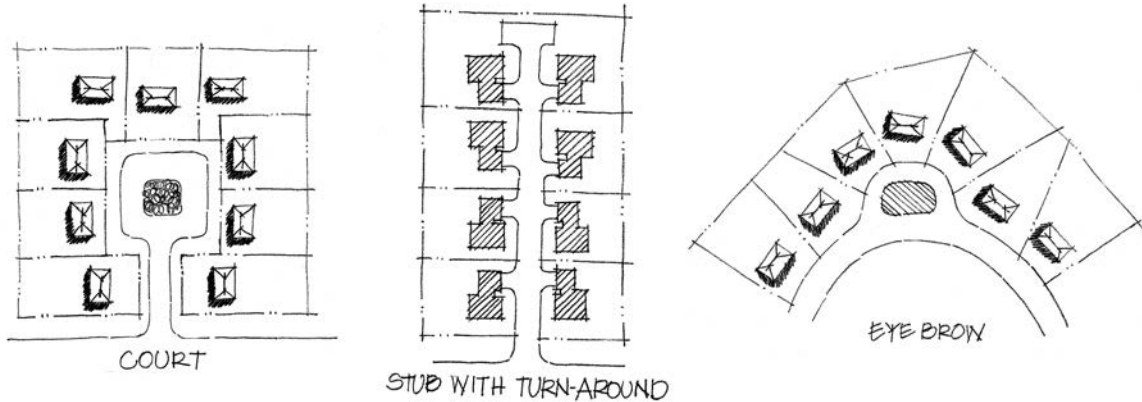
C. Design Requirements

C.1. Design Standards for private roads shall meet the standards of the following:

Lots Served	2-4	5 or more
Right-of-way width	33 ft.	66 ft.
Width of traveled surface (centered within ROW)	12 ft.	20 ft.
Shoulder size (each side)	---	3 ft.
Subbase	12 inches of 95% compacted Class II granular material, to extend full width across grade	12 inches of 95% compacted Class II granular material, to extend full width across grade
Base	6 inches County Road Commission specification 22A or equivalent,	6 inches County Road Commission specification 22A or equivalent,
Maximum length from a public street	2,640 ft.	2,640 ft.
Inside radius of horizontal curves	25 ft.	25 ft.
Minimum drainage slope from center of traveled surface to edge of grade width	2.5%	2.5%

- C.2. The Planning Commission may modify the subbase, base and/or surface materials at its discretion if the applicant's engineer has submitted reports and findings that warrant the use of similar standard material.
- C.3. Planning Commission may require:
 - C.3.a. An easement for future private road extensions or connections to public streets.
 - C.3.b. A turnout for bus service or mail delivery.
 - C.3.c. A turnout for fire apparatus if the road exceeds five hundred (500) feet in length.
- C.4. Private roads shall serve no more than fifteen (15) parcels and not to exceed fifteen (15) single family dwellings.
- C.5. If any private road is designed to append, abut, or extend from another private road, then the private road from which the proposed private road appends, abuts, or extends shall conform to the standards in this Section.
- C.6. The maximum grade of the private road shall not be more than ten (10) percent in any three hundred (300) feet of run length, with the exception that the maximum grade within thirty (30) feet from the intersection of the private road with a public street or another private road shall be four (4) percent.
- C.7. All bridges and culverts shall be capable of supporting a vehicle load of an HS-20-type vehicle, based on State Department of Transportation standards.
- C.8. The minimum distance between intersections of rights-of-way for private roads or public streets, or any combination of them, shall not be less than two hundred (200) feet, as measured along the right-of-way line.
- C.9. Any lot created with frontage on both a public street and a private road shall take driveway access off the private road.

- C.10. A series of dead-ends or cul-de-sacs are discouraged. Eyebrow, court, or stub roads are preferred. Reasonable accommodation shall be made for future road extensions and possible interconnections with adjacent properties.



- C.11. All private roads which do not terminate at another private road or public street right-of-way shall terminate with a cul-de-sac or tee turnaround, to be determined and approved by the Fire Department.

Other areas, not at the end of a private road, for maneuvering or turn-around of firefighting equipment shall be subject to approval by the Fire Department.

- C.12. Vehicle passing/pull-out lanes may be required by the Planning Commission for safety reasons. Any such passing/pull-out lanes shall be not less than nine (9) feet in width and forty (40) feet in length and must conform to the standards of the improved surface of the private road and be approved by the Fire Department.

- C.13. All intersections of private roads and their private driveways shall be designed for adequate safety; this may include a stop or yield sign.

- C.14. Regulation Michigan State Highway STOP signs shall be positioned and installed in accordance with the Michigan State Manual of Uniform Traffic Control Devices on all private roads where they meet public streets.

- C.15. Adequate utility easements shall be provided within or adjacent to the private road or easement and dedicated as such.

- C.16. Marker posts, for purposes of providing distance information to emergency response personnel, may be placed at locations determined by the Fire Department, at the expense of the applicant.
- C.17. All gates blocking access to a private road shall have an access code determined by the Fire Department, and be equipped with a keyed switch, which will keep the gate open. The keyed switch must use a Knox Box Key.
- C.18. The improved surface of any private road shall be a minimum of twenty- five (25) feet from any adjoining lot that does not derive access from the private road.
- C.19. Private road construction shall preserve, as much as practical, significant natural features such as mature trees, natural slopes, wetlands, and bodies of water.
- C.20. All private roads shall be continuously maintained in a way that they are readily accessible to and usable by all vehicles in all types of weather.
- C.21. Dwelling addresses shall be posted in a conspicuous place for each lot accessed by the private road.

D. Maintenance and Access Easement Agreement, Declaration of Easement

A draft road maintenance and easement agreement, including a declaration of the easement for the private road, shall be provided with the application requesting approval of a private road established or extended after the date this Section is adopted. The road maintenance and easement agreement and declaration of easement shall provide at a minimum as follows:

- D.1. The agreement shall run with the land and specifically address the liability and responsibility of the parties to that agreement to maintain the private road pursuant to the specifications of this Section. This shall include but is not limited to provisions for annual maintenance, snow removal, and the eventual repair or reconstruction of the private road.
- D.2. The agreement shall include rules regarding voting rights and responsibilities of parties to the agreement in relation to road maintenance and improvements.
- D.3. The agreement shall include the legal description of the private road easement and all properties served by the private road.

- D.4. The agreement shall provide for the requirement to grade, drain, dust control and otherwise maintain the private road in accordance with the requirements of this Ordinance.
- D.5. The agreement shall include a notice and consent clause that if repairs and maintenance are not made, the Township Board may assess (charge) the owners of parcels fronting or bordering the private road in a reasonably proportionate manner without the necessity of any additional petition for such improvements from the benefited property owners. Following that assessment, the agreement shall provide the Township Board may make the necessary repairs and improvements in accordance with the design standards of this Section.
- D.6. The agreement shall include a provision that the owners of any and all of the properties served by the private road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the private road.
- D.7. The agreement shall include a statement that the road is private and will not be maintained by the Allegan County Road Commission or Ganges Township. This provision will not prevent the Allegan County Road Commission or Ganges Township from accepting the private road as a public street in the future.
- D.8. The agreement shall state that the owners of all properties served by the private road will permit planned future private road or public street tie-ins or extensions with appropriate cross-access agreements.
- D.9. The agreement shall include a statement that all owners of all properties served by the private road shall indemnify and hold the Township, including the Township Board, Township Planning Commission, Township staff, Township consultants, and other such persons or bodies representing the Township, harmless from any and all claims for personal injury or property damage arising out of the use of the private road or of the failure to properly construct, maintain, repair, and replace the private road.
- D.10. The final approved road maintenance and easement agreement and declaration of easement shall be recorded with the Allegan

County Register of Deeds. Notarized signatures of the owners of the parcels served by the private road are required as part of the document being recorded. An as recorded copy of the document must be provided to the Zoning Administrator.

- E. Requirements for road construction, maintenance and final approval
 - E.1. Upon completion of construction of the private road:
 - E.1.a. The applicant shall remove and properly dispose of any and all trees, shrubs, construction debris and rubbish. They shall also restore all drainage ditches with topsoil, seed, and mulch.
 - E.1.b. The applicant shall provide a set of "as built" drawings and a letter signed and sealed by a licensed engineer certifying that the private road and the entrance has been completed in accordance with the requirements of the standards of this Section and approved site plan.
 - E.2. All private road ditching, drainage and culverts for drainage outside of the public right-of-way will be periodically inspected to ensure proper drainage.
 - E.3. No parcel or parcels having frontage on the private road may be sold, conveyed, or leased, nor may a building permit be issued for the parcel or parcels, until the private road has been: fully constructed and documented in full compliance with this Section 3.21.
 - E.4. Previously Constructed private roads or recorded legal easements
 - E.4.a. A private road or recorded easement constructed prior to the adoption of this Section or the predecessor to this Section may continue in use and need not be improved to the standards required of this Ordinance so long as the private road or easement serves the same number of parcels or single family dwellings that it served at the time of construction, and so long as the private road or recorded easement met all applicable requirements in place at the time of construction.
 - E.4.b. If a land division is applied for and will exceed the number parcels or single family homes served at the time of construction of a private road or easement that will result in an additional burden, the standards in this Ordinance must be satisfied.

