

**ALBANY TOWNSHIP
TOWN ROAD CONSTRUCTION STANDARDS
ORDINANCE NUMBER 2009-01**

THE ALBANY TOWNSHIP BOARD OF SUPERVISORS ORDAINS:

Preamble

Minnesota Statute §164 authorizes a town board, as a road authority, to establish and maintain town roads for benefit of the public. Establishing and maintaining roads is one of the most vital functions of town government and requires a considerable amount of the township's treasury. Because town roads are so important, they generate many questions and a high potential for disagreement. The goal of these road policies and standards is to provide clarification on the various road issues frequently encountered.

In developing this policy for how to best undertake road maintenance activities in the Town, the Board has had to balance a number of factors including, but not limited to, the following: public safety; the amount of funds available for these activities; the wish to maintain an efficient transportation system; enable the delivery of emergency services; avoid damage to property; and the cost effective allocation of resources. A further explanation of some of these policy considerations follows:

- 1. Budgetary:** The funds the Town has available for road maintenance, road improvement, and snow plowing operations are derived from two sources. The first is the town road and bridge tax levy that is set by the town electors at the annual town meeting held in March. The second source of funds comes from the gas tax imposed and collected by the state, a small portion of which is distributed to towns to help maintain their roads. The Board has no direct control over either source of funding. A proposed levy is submitted to the town electors at the annual town meeting, but the actual amount of the Town's road & bridge levy is determined solely by a vote of the electors.

- 2. Contract for Services:** The Town has no road maintenance staff or equipment so the Board contracts with independent contractors for various road services.

Because the Town obtains these services through a non-exclusive contract, it does not have direct control over the availability of personnel, equipment, or the timing of the service delivery. The Town indicates through this policy and the service contract the work to be performed and the performance expectations, but the contractor must remain free to exercise initiative, judgment, and discretion in how best to perform or provide the services.

Section 1.00. Purpose and Authority.

1. Purpose.

a. Provide for the health, safety and welfare of the Albany Township residents by requiring the necessary services, such as properly designed roads.

2. Authority. This ordinance is adopted pursuant to Minn. Stat. Chapter 462- and 164 the Township Road Statute. The Town Board reserves the right to amend any portion of this document by motion at any town board meeting.

Section 2.00 Definitions:

1. Primary Road – Platted roads serving as thoroughfares, generally running on section lines.
2. Secondary Road – Roads serving clusters of dwellings, generally on lakeshore and maintained by the Township (grading, minor graveling, and snow plowing).
3. Development Road – Platted roads designed as part of a subdivision.
4. Minimum Maintenance Road – Road designated for reduced maintenance by the Town.
5. Private Road – Generally long established roads used as private drives by multiple dwellings on lakeshore. Legal status is unknown.
6. Cartway – Easement across private property to allow access to other land owners.
7. Platted Roads-roads dedicated by plat.
8. Unplatted Roads-Roads dedicated by easement.

9. Town line Roads-Roads that have shared responsibility between townships.

Section 2.00 3.00 Platted Roads

The township shall not accept nor shall it maintain any roads dedicated by plat after this ordinance becomes effective unless the party dedicating said road or roads first complies with the terms of this ordinance.

Section 3.00 4.00 Un-Platted Roads

The township shall not accept nor shall it maintain any roads dedicated by easement after this ordinance becomes effective unless the party dedicating said road or roads first complies with the terms of this ordinance.

Section 5.00 Primary Roads

The following roads will be considered as Primary Roads in Albany Township:

251 th Avenue	350 th Street
249 th Avenue	360 th Street
248 th Avenue (North of I94)	365 th Street
245 th Avenue	Saint Anna Drive
239 th Avenue	Quaker Road
230 th Avenue (South of 360 ^t St.)	Orchard Road
225 th Avenue	Sand Lake Road
205 th Avenue	Fifth Lake Road
330 th Street	

Section 6.00 Secondary Roads

The following roads will be considered as Secondary Roads in Albany Township:

253 th Avenue	335 th Street
248 th Avenue(South of I94)	340 th Street
238 th Avenue	355 th Street
235 th Avenue	373 rd Street
230 th Avenue (North of 360 th St)	375 th Street
219 th Avenue	Pioneer View Road
207 th Avenue	Rushmeyer Lake Road
322 nd Street	Meadowview Drive
325 th Street (West of 249 th Ave)	Northridge Circle
334 th Street	Northwind Road

Section 7.00 Town Line Roads

The following roads are shared between townships and contracts are in place:

- 380th Street-Krain Township
- 255 Avenue-Oak Township
- 320th Street-Farming Township

Section 4.00 8.00 Required Improvements

- (1) All roads dedicated by plat or otherwise after this ordinance shall be constructed and improved to the standards set out in this ordinance before the Township shall accept or maintain such roads.
- (2) Prior to the installation of any required improvements on such road, the party dedicating the road shall enter into a contract in writing with the Township under which the dedicating party agrees to construct the road to Township specifications at the expense of the dedicator, and also agrees to pay all expenses incurred by the Township related to such dedication and construction, including Township engineering fees for reviewing plans and inspecting construction of the road, and attorney's fees related to the road dedication and construction. This agreement shall contain a requirement that the dedicator establish an escrow with the Township to cover the Township's engineering and attorney's fees. The Township may draw upon such escrow to pay such costs incurred by the Township, and shall return any remaining in such escrow after the construction has been completed and all Township engineering and legal fees related to the road have been reimbursed by the dedicator or drawn from the escrow fund.
- (3) The road shall be constructed in accordance with the plans and specifications as approved by the Township Board.

Section 5.00 9.00 Construction Plans

Construction plans for the required improvements, conforming in all respects to Township standards and the applicable ordinances, shall be prepared at the applicant's expense by a professional engineer registered in the State of Minnesota; said plans shall contain the engineer's seal. The plans, together with a list of construction materials, shall be submitted to the Township Engineer for approval. Copies of the plans approved by the Township, plus two prints, shall be filed with the Township.

Section 6.00 10.00 Road Access Standards

Subpart 6.04. 10.01 General Access Standards

- A. All accesses onto a Township road shall be aligned to be straight and perpendicular to the centerline of the adjacent Township roadway within the limits of the Township right of way.
- B. When the opportunity exists, access locations will be directed onto roadways with a lower functional classification.
- C. All facilities such as signs, entrance medians (divided entrances), culvert headwalls, fencing, etc., shall be placed/constructed outside of the permanent Township right of way.
- D. Access(es) will need to be aligned with street accesses and/or entrances on the opposing side of the roadway, if possible.

- E. Culverts constructed/placed within the Township right of way as part of an access should be specified as a minimum of 18 inches in diameter. Plastic pipe will not be used. Culverts shall be installed at the expense of the property owner.
- F. Any culvert required to be constructed as a part of an access (that is located within the Township right of way) that crosses under existing or proposed Township streets/roads shall be specified as reinforced concrete pipe, tied with appropriate steel ties and shall be a minimum of 24 inches in diameter.
- G. Accesses will be shared between adjacent properties/parcels whenever possible and practical.
- H. Only one access per property/parcel will be allowed.
- I. Plans for new street access(es) will need to be submitted to the Albany Township Ordinance Administrator for review and approval prior to issuance of the permit.

Subpart 6.02- 10.02. New Access Spacing Guidelines

Each new access(es) onto Township roads shall be separated from adjacent accesses according to the following standards:

- A. Collector roads, accesses on the same side of the road shall be located at a minimum of 300 feet (County Roads 10/41/154/156 and State Hwy 238).
- B. Access onto Township roads shall have a minimum separation distance of 125 feet.
- C. Field accesses will be spaced on a one access per 40-acre frontage.
- D. Separation distances may be modified **(by Variance)** by recommendation of the Planning Commission, due to parcel size, roadway/street access geometrics and/or proposed use of street.

Subpart 6.03- 10.03 Access Width Guidelines

- A. Residential access surfacing width shall be a minimum of 16 feet and a maximum of 24 feet.
- B. Commercial and industrial access surfacing shall be a maximum of 30 feet in width.
- C. Field accesses shall be a minimum of 16 feet in width and a maximum of 24 feet in width.

Subpart 6.04- 10.04. Driveway Access Standard

All residential dwellings or combinations of residential dwellings that access Township streets/roads shall be improved to ensure access for emergency

vehicles and shall be continuously maintained. The access shall be constructed of an all-weather (i.e. Gravel, bituminous, or concrete) driving surface.

Section ~~7.00~~ 11.00 Albany Township Road Specifications and Standards

Roads shall be designed to the following specifications unless the Town Board specifically finds that modifications to these standards are warranted.

Subpart ~~7.04~~ 11.01 Design Specifications

1. A minimum road right of way of 66 feet for residential areas and a minimum right of way of 80 feet for commercial and industrial areas.
2. A minimum finished roadway top width of 28 feet for residential areas and a minimum top width of 36 feet for commercial and industrial areas, which includes driving surface width and shoulders.
3. All developments shall be limited to one access to a collector road, subject to review by the Township Board of Supervisors.
4. Roadway shall be built to a minimum of 30 MPH design speed in residential areas and a 40 MPH design in other areas.

Subpart ~~7.02~~ 11.02 Construction Specifications

1. A minimum ditch separation of 2 feet below finished grade, and a minimum ditch width of 6 feet.
2. A minimum slope for in slopes shall be 4:1 and back slope shall be 4:1.
3. Compacted class 5 gravel road surface shall be 28 or 36 feet wide, minimum of 8% binder. The thickness shall vary according to soil types; sandy soil minimum of 6 inches for residential, 8 inches for commercial-industrial and clay type soil a minimum of 10 inches (see attached Exhibits A, B and C for road construction plans).
4. A plant mix bituminous surface shall be placed in accordance with MNDOT Specifications #2360. This surface shall be 24 feet wide and have a compacted thickness of 3.5 inches for seven ton and 4 inches for nine ton roads; and 36 feet wide with 4.5 inches on ten ton roads.
See attachments A-B-and C for road specifications.
5. If recycled asphalt pavement is proposed, it must be approved by Township engineer and at a minimum must submit an approved trial mix design.
6. Town Board shall decide the required tonnage strength construction on each dedicated road.

Subpart ~~7.03~~ 11.03 Drainage and Erosion Standards

1. All roads shall be built to be free of drainage problems.
2. All apparent snow traps shall be eliminated.
3. All roads shall be built to be free of flooding.
4. All roads shall be constructed to handle a 10 year frequency storm and the design shall be reviewed for a 50 and 100 year frequency

storm assessment.

5. All topsoil removed for construction shall be replaced on road inslopes, backslopes, and ditch bottoms and shall be seeded with Rye and Brome grass or as approved by Township Engineer.
6. Culverts shall be placed to maintain drainage required. All culverts shall be steel or reinforced concrete. No plastic or PVC pipe allowed. Minimum diameter shall be 18 inches with aprons.
7. All roads must be constructed to comply with MPCA's NPDES Construction General Permit.

Subpart 7-04: 11.04 Engineering and Maintenance Standards

1. All roads shall be subject to review and approval by the Township Board and the Township Engineer as far as they pertain to the above requirements. The Township Board will not accept any Road dedications by private owners until all conditions of the above specifications have been met.
2. The Township Board reserves the right to require trial mix design verification and testing of field samples by Township Engineer. The developer shall pay the inspection and testing costs.
3. At all dead ends of such roads there shall be a minimum cleared right of way diameter of 120 feet, and surface diameter of 90 feet for a turnaround. The Township shall not be responsible for shrubs, trees, flowers, or any other personal property within the 120 foot cleared diameter.
 4. The Township may agree to do snow removal on a contract basis for newly asphalted roads but will not be responsible for damages incurred due to improper road construction.
 5. The Township will not agree to accept any maintenance of a new road until it has been paved for two (2) years to the Township specifications.

Section 12 Blacktop Paving of Roads

Subpart 12.01 Policy

1. It shall be the policy of Albany Township to blacktop township roads based upon need and at the discretion of the town board. Considerations shall be: Traffic volume, historic use, anticipated future use, maintenance issues, and cost estimates.
2. Roads selected for blacktopping in the Town's long term road plan will receive priority.
3. Requests for blacktopping Non-Primary Roads will be taken on a first come basis.

4. The Township has full authority to accept or reject any requests for blacktopping township roads.

5. This policy is to support the Town's long term road plan and may be modified as required to meet Township needs

Subpart 12.02 Paving Requests By Petition

If the landowners along township road desire to have their road blacktopped, the following requirements must be met:

1. Road must have a minimum 66-foot right-of-way, with no obstructions.
2. Road must be platted and dedicated to the Town.
3. All requests must be submitted by petition.
4. Petition requests for Primary, Secondary, and Development Roads must be submitted to the Town board in one of two ways:
 - a) One hundred percent (100%) of the landowners have signed the petition and agree to pay for all costs for the proposed project prior to awarding any contract for construction.

OR

- b) Seventy five percent (75%) of the affected landowners have signed a petition requesting a special assessment tax district.

Subpart 12.03 Cost Sharing Guidelines

1. Guidelines for Primary Roads

The cost of tarring Primary Roads in the Township shall be paid in part or in total (depending upon the circumstances) as part of the Township's road and bridge expenditures. The actual expenditure provided by the Township and the amount to be assessed to benefiting properties shall be determined according to the specific road involved and in particular, the number of parcels adjoining the portion of said road to be tarred and availability of funds.

2. Guidelines for Secondary Roads

Costs Paid by Township	Cost Paid by Landowner
0% upgrading of road area prior to improvement	100% upgrading of road area prior to improvement
0% construction costs, includes aggregate base and surfacing	100% of construction costs, includes aggregate base and surfacing
0% engineering and contingencies	100% engineering and contingencies
0% legal and administrative costs	100% legal and administrative costs

3. Guidelines for repair/upkeep of "paved" Primary Roads

Regular on-going maintenance of paved primary roads will be paid by the Township, based upon the availability of funds.

4. Guidelines for repair/upkeep of "paved" Secondary Roads

100% of the cost of maintenance of Secondary roads shall be borne by the parcels of real estate benefiting from and/or located on said Secondary road.

Section 8.00. 13.00 Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Adopted this _____ day of _____, 2016 by the Board of Supervisors of the Town of Albany.

BY THE BOARD

Town Chairperson

Attest: _____
Town Clerk