

**TOWN OF SOUTH THOMASTON
MUNICIPAL ROAD ACCEPTANCE ORDINANCE**

TITLE: This ordinance shall be known and may be cited as the "Municipal Road Acceptance Ordinance" of the Town of South Thomaston (hereinafter Town), Maine.

PURPOSE: The purpose of this Ordinance is to provide a uniform, consistent, and equitable process for determining if a private road shall be considered for dedication and acceptance as a municipal road by the Town.

PRELIMINARY THRESHOLD REQUIREMENTS: Prior to submitting an application for the dedication and acceptance of a road proposed to be accepted as a municipal road, the applicant must comply with the following standards.

Sixty-Seven Percent Rule: Sixty-Seven percent of the lots abutting and/or accessed by the private road proposed for acceptance as a municipal road must be developed, including the construction of the principal structure.

Road Design and Construction Standards: The private road proposed for acceptance as a municipal road shall be built to the Section VII; Road Design and Construction Standards of the Town's Subdivision Regulations and shall be paved in accordance with Section VII.

APPLICATION PROCESS AND REVIEW PROCEDURE: This section outlines the process, procedure, and timeline required by the Town to review and accept a private road as a municipal road. Documentation to be filed by December 1st at the Town Office by the applicant shall include the following information.

Warranty Deed: A warranty deed with metes and bounds description of land to be offered as a proposed municipal road.

Plot Plan: A plot plan of the proposed municipal road at a scale not more than (100) feet to one (1) inch including ownership of adjoining lots, drainage courses, drainage easements, and all angles, bearings, and radii.

Road Profile: A profile of the proposed municipal road at a scale of (40) feet to one (1) inch

Road Cross Section: A cross section of the proposed municipal road at a horizontal scale of (5) ft. to (1) inch and a vertical scale of (1) foot to (1) inch.

As Built Information: The as built location, size, and materials of water and sewer mains, storm drains, culverts, and underground and overhead utilities.

Warranty Agreement: The applicant shall provide a written warranty for a period of two years after the acceptance of the municipal road by the Town. The warranty shall state that the applicant will be financially responsible for the repair of any defects or conditions as determined by the Road Commissioner to be unsatisfactory to the Town and which arise out of the failure of the applicant or developer to construct the road to Section VII. Road and Design Construction Standards of the Town's Subdivision Regulations.

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Title Opinion: Statement from an attorney that they have examined the title of the proposed municipal road and confirm that the applicant has marketable title to the proposed roadway.

Inspections: : The Road Commissioner, Fire Chief and Code Enforcement Officer, as well as other Town Officials as directed by the Board of Selectmen, shall inspect the proposed municipal road for compliance with all Town and Regulations and shall report to the Board of Selectmen.

Review and Recommendation: The Board of Selectmen shall review the supporting documentation, employee reports and estimate the five (5) year fiscal impact of the proposed road and make a determination whether or not to include the matter on the warrant for the Annual Town Meeting. To be voted on at Town Meeting.

MISCELLANEOUS PROVISIONS

Performance Guarantee: Prior to a road being accepted as a municipal road the applicant shall provide the Town with a performance guarantee of \$2,500 per mile rounded up to the nearest quarter mile for a period of two years from the date of acceptance to repair defects or conditions in the road that are determined by the Road Commissioner to be unsatisfactory and arise out of the failure of the applicant to properly design and construct the road to the Section VII; Road and Design Construction Standards of the Town's Subdivision Regulations.


The performance guarantee shall be tendered in the form of a check payable to the Town, letter of credit, or performance bond. The performance guarantee shall be acceptable to the Town Treasurer.

The Board of Selectmen may waive the performance guarantee provided the road has been constructed and in place for a minimum of two years and there are no known defects at the time of the proposed acceptance as determined by the Road Commissioner.


Right of Petition: This ordinance shall not be construed as extinguishing a resident's right, under MRSA Title 30A, Section 2522, to file a petition seeking Town Meeting approval for dedication and acceptance of a private road as a town road.

Right of Board of Selectmen: If the Board deems it in the best interest of the Town, this ordinance shall not prevent the Board of Selectmen from seeking Town Meeting approval, including Special Town Meeting approval, for dedication and acceptance of any private road as a town road. The Selectmen may set fees and charges as they deem appropriate.

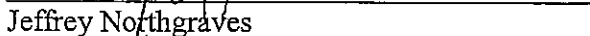
Board of Selectmen:



Penelope Alley



John Spear



Jeffrey Northgraves

This ordinance was enacted March 25th, 2008.



Barbara J. Black, Town Clerk