

Deerwood Township Road Dedication and Acceptance Policy

This policy letter describes the procedures and requirements for the Deerwood Township Board of Supervisors (“Board”) to accept maintenance of a road dedicated to the public (“Public Road”). The process shall begin with a petition from the citizens desiring the Township to take over maintenance of the Public Road. If the road is not already dedicated to the public, the petition must be accompanied by a petition for the establishment of a town road that complies with Minnesota Statutes § 164.07, or a cartway petition under Minnesota Statutes § 164.08. If the road is to be dedicated to the public via easement under Minn. Stat. §164.15, all property owners affected by the easement must join in the petition.

A. Procedure

1. The petitioner shall complete and submit to the clerk a Petition to Request Township Maintenance of Road application, which form shall be provided by the clerk. The clerk will deliver the Petition to the Road Overseer.
2. The Road Overseer, in consultation with the town attorney, will determine whether the Petition is a complete Petition (“Complete Petition”), and first determine the legal status of the road:
 - a) Legally dedicated road (platted or existing public easement): The Road Overseer will determine whether the location of the traveled roadbed is within the legally dedicated roadbed. If a survey is needed to establish the boundaries of the dedicated road, the petitioners shall provide a certificate of survey.
 - b) Town Road: If there is no legally dedicated road, the Road Overseer and town attorney will determine whether the petitioners have submitted a complete petition under Minn. Stat. §164.07.

- c) Easement: If the road is to be established via easement dedicated to the public pursuant to Minn. Stat. §164.15, the petitioners must provide a certificate of survey, title work for the property over which the easement is to run, proposed easement and consent of all property owners affected by the easement. The Road Overseer and town attorney will determine the completeness of the information submitted.
 - d) Cartway. If a landowner has submitted a petition for a cartway under Minn. Stat. § 164.08, the Road Overseer and town attorney will determine whether the petitioners have submitted a complete petition. This policy shall apply to a cartway petition.
 - e) If the requirements of subparts a, b, c or d are met, the petition will be considered a “Complete Petition.”
3. Road Condition Report. The Road Overseer will examine the proposed road and shall submit a Road Condition Report that describes whether the road is in at least as good condition as the poorest road currently under township control and maintenance (not including minimum maintenance roads). If the road is not in sufficiently good condition as determined by the Road Overseer, the Road Overseer will determine what work is required to bring it up to sufficiently good condition. Unpaved roads will be compared to unpaved roads and paved roads to paved roads.
4. The Road Overseer will then submit the Complete Petition and Road Condition Report to the Board. The Board will hold a public meeting which will include an on-site road inspection. The Board will then hold a vote on whether to accept the road. A vote on the petition may be tabled, from time to time, if the Board determines it needs more information before proceeding to a vote.

B. Policy Considerations

1. When deciding whether to accept maintenance of a publicly dedicated road, a town road established by Minn. Stat. §164.07, Minn. Stat. §164.08 or an easement, the Board may

consider and balance any number of policy considerations, including, but not limited to, the following:

- a) Costs to the Township to maintain the road
 - b) Alternatives to public maintenance
 - c) Future development within the Township
 - d) The effect of public maintenance on the environment and natural resources
 - e) Economies of scale of maintaining nearby roads
 - f) Equitable distribution of Township resources
2. The final decision regarding whether to accept public maintenance of a road is the in the sole discretion of the Board.
3. The Board may also impose reasonable conditions upon acceptance of maintenance of a road, such as requirements that the road be brought up to certain specifications by the petitioners, costs of the proceedings are paid by petitioners, etc.
4. All roads within subdivision developments must comply with Crow Wing County ordinances and policies for subdivision road development.

c. Costs. The expense of the public meeting for the Petition will be covered by the Township. All other expenses associated with the Petition will be covered by the petitioners, including, but not limited to, surveyor fees, attorney fees, road improvement or construction costs, etc.

*Adopted July 15, 2019 by Board
motion at a special meeting.*

Carol Pundt



7/3/2019