

**VALLEY TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

**ACCESS EASEMENT, PRIVATE ROADS/STREETS
AND PRIVATE DRIVEWAYS**

ORDINANCE NO: **210**

ADOPTED: May 10, 1999

EFFECTIVE: **May 28, 1999**

THE TOWNSHIP OF VALLEY ORDAINS:

In any residential district, every use, building or structure established after the effective date of this ordinance shall be on a parcel which adjoins a public street or an access easement of record to a public street. Such street right-of-way, private easement, private road/street or private driveway that serves more two lots or dwellings shall be at least 66 feet wide with a roadbed of at least 16 feet and be accessible by emergency equipment. Access easements of record or private roads/streets and driveways that serve two lots or two dwelling units shall be constructed according to the following procedures and conditions:

A. The owner(s) or title holder(s) of the property over which such private road/street or driveway shall be constructed, shall be required to record an easement of a width not less than 66 feet for street and utility purposes, dedicating the use of the same for ingress and egress purposes from a public street for the benefit of the owner and users of the property or properties.

B. Private roads/streets and private driveways serving residents shall be constructed of at least a 12 inch sand subbase and 6 inches of compacted road gravel, a width of 22 feet, and a center street crown with a two percent slope to adjacent drainage ditches. Ditches shall have a minimum depth of one foot with side slopes not to exceed 1:4.

C A street maintenance agreement, easement agreement, and deed restrictions shall be recorded in the County Register of Deeds office for Allegan County, Michigan providing for the perpetual private (non-public) maintenance of such roads/streets, driveways and/or easements to a necessary and reasonable standard to serve the several interests involved. The following shall be included:

1 Financing improvement and/or street maintenance: a method of initiating and financing such a road/street or driveway and/or easements to keep the road in a reasonably good and usable condition.

2. Method of apportioning costs: a workable method of apportioning the cost of maintenance and improvements.

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3. *Failure to make necessary repairs: the foregoing easement agreement shall include a notice and consent agreement that if repairs and maintenance are not made, the Township Board may assess the owners of parcels fronting and bordering the private road/ street or driveway in a reasonable proportionate manner without the necessity of any additional petition for such improvements from the benefited property owners and following such assessment, make the necessary repairs and improvements in accordance with Paragraph B above.*

4. *Non-interference provision: or provision that the owner(s) of any and all of the property using the 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 or right to use the road/ street or driveway.*

D. *All lots served by a private road/ street or private driveway must meet the zoning ordinance district requirements in which they exist.*

E. *The private road/ street or private driveway shall have a name and street sign consistent with the Allegan County Road Commission standards. A location map of the street/ road and street/ road name shall be submitted to any fire departments serving Valley Township, Allegan County Sheriff's Department and any emergency service organization serving Valley Township.*

F. *Prior to the commencement of any such private road/ street or private driveway development, the developer shall submit to the Township Planning Commission in writing an application for a special use permit and all required documents including construction plans showing the location of the private road/ street or private driveway with respect to nearby public roads, and the parcels proposed to be served by such a private road/ street or private driveway for the Planning Commission 's review and recommendation to the Township Board with respect to granting or denying the special use permit. The Planning Commission shall conduct a public hearing in accordance with the special use procedure set forth elsewhere in this ordinance and shall make a recommendation to the Township Board to either approve or deny said private road/ street or private driveway special use permit. In making the final decision, the Township Board may deny, approve, or approve with additional or substitute conditions the request for a private road/ street or private driveway special use permit.*

G. *The Township Board shall have the final decision regarding applications for a private road/ street or private driveway.*

H. *A private road/ street or private driveway which serves more than two dwelling units or two lots, or more than one commercial or industrial activity shall be constructed to the standards of the Allegan County Road Commission exclusive of the requirements for blacktop or other final finishing.*