

## **PORT SHELDON TOWNSHIP**

### **ROAD IMPROVEMENTS POLICY**

- 1. Purpose and Intent.** The intent of this Policy is to afford an alternative mechanism for making road improvements to certain public roads located in subdivisions, planned unit developments, condominium projects (including site condominium projects) and open space developments (“Developments”). At times property owners in such Developments desire their streets to be improved. Due to funding and other construction and maintenance priorities for the county road system, the Ottawa County Road Commission (“OCRC”) is not in a position to perform the road improvements in a prompt fashion. However, the OCRC has been and remains willing to enter into an arrangement with the Township for such improvement projects for the roads in the Developments if all, or a large portion, of the costs for such work is contributed by the Township and/or the property owners. The purpose of this Policy is to state the procedures and conditions under which the Township will consider requests for contracting with OCRC for road improvements in Developments.
- 2. Road Improvements.** For purposes of this Policy, road improvements shall refer to work to be done to maintain or to upgrade existing county roads in Developments. Such work includes, for example, repaving of roads, widening of the paved surface, installation or maintenance of shoulders and installation of curbing for drainage purposes. Road improvements do not include the initial construction or paving of a road in a Development, nor does it include snowplowing, salting or other weather related maintenance of roads.
- 3. Initial Request to OCRC.** Prior to making a request under this Policy, the property owners in a Development must first make a written request to the OCRC for the road improvements. If the OCRC’s response is to deny the request or to state that such request may be considered for action at more than one year from the date of the written response or at some unspecified time, a request may be made under this Policy.
- 4. Request to the Township.** If the precondition of Paragraph 3 is met, a written request for the road improvements may be made to the Township Supervisor. The request must be made by an association of the property owners of the Development, which shall have the authority to raise and to pay the funds to be contributed by the property owners of the Development towards the road improvements. The written request shall specify the road improvements sought and shall designate a representative of the association for contact. The Supervisor may require additional detail or clarification of the scope and nature of the road improvements, which shall promptly be provided by the representative.
- 5. Procedure.** Upon receipt of the complete written request, the Supervisor shall present the matter to the Township Board for consideration. If the Township Board determines to proceed with the road improvement project, the Supervisor shall be authorized to contact the OCRC to negotiate the arrangement for the road improvement project and obtain estimates of the costs for the road improvements and of the time frame for the road improvements. Upon receipt

from the OCRC of the estimate and other negotiated terms for the road improvements, the Supervisor may forward such information (or a summary of it) to the representative of the association, together with a statement of the funds to be contributed by the association for the road improvements.

With the time specified by the Supervisor, the representative of the association shall advise in writing of the association's commitment to proceed with the road improvements and that the required funds to be contributed are available and held for payment on the road improvements.

The Supervisor will then negotiate a final draft of a written agreement between the Township and the OCRC for the road improvements. The agreement will then be presented to the Township Board for approval. Upon Township Board approval, the association shall pay its portion of the costs for the road improvements to the Township. Upon receipt of those funds, the Township will execute and deliver the agreement to the OCRC for the road improvement project.

If the road improvement project is let for bids and the bids received are higher than the original estimate, the Supervisor shall provide notice of the amount of the lowest responsible bid to the representative of the association. Within the time stated in the Supervisor's notice, the association shall pay its pro rata share of the additional costs for the project. If payment is not received within the time specified, the Township may advise the OCRC to reject all bids and cease consideration of the project. The funds already contributed by the association shall then be returned to the association, less the association's pro rata share of any costs for engineering and legal services rendered to such date.

**6. Cost Allocations.** An association of a Development seeking road improvements under this Policy shall contribute 50% of the total costs of the road improvements project. The total costs shall include without limitation, labor costs, material and equipment costs, engineering and inspection fees, and legal fees relating to the project. The Township shall contribute no more than 50% of such costs. If the Township negotiates in the agreement for payment of a portion of such costs by the OCRC, that will reduce the percentage of the costs to be paid by the Township.

**7. Township Discretion.** In determining whether to act favorably on a request under this Policy, the Township Board will consider fund balances, its budget, projected funds available in the future, the potential of changes in the Township's finances due to events that may occur and the best interests of the Township. Until an agreement is executed with the OCRC, the Township Board retains the sole and complete discretion to determine not to proceed on any particular request for road improvements under this Policy, for any reason. This Policy does not provide any right or entitlement of any property owners or Development association to obtain road improvements under this Policy.

**8. OCRC Standards.** All road improvement projects by an arrangement under this Policy shall be designed, contracted for, constructed and inspected in compliance with the standards, rules, regulations and policies of the OCRC.

9. **Extra Construction Costs.** IF during construction of a road improvement project, extra costs are incurred for labor and/or material and equipment that are billed to the Township and that exceed the costs stated in the agreement with the OCRC, the Township shall give notice of such extra costs to the association representative and the association shall pay the full amount of such extra costs to the Township within 30 days.

10. **Road Improvements under Statute.** This Policy is only an alternate mechanism for obtaining road improvements more expeditiously than may otherwise be available. This Policy does not affect the rights and procedures that may be afforded by statute or the ability of any property owner to proceed under statutory provisions.

POLICY ADOPTED AT THE REGULAR MEETING OF THE TOWNSHIP BOARD ON \_\_\_\_\_, \_\_\_\_\_, 200\_\_ UPON THE FOLLOWING ROLL CALL VOTE:

Yes: \_\_\_\_\_  
No: \_\_\_\_\_

\_\_\_\_\_  
Kathy Van Voorst, Township Clerk

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Howard Baumann, Supervisor