

VILLAGE OF ENOSBURG FALLS
Street Dedication Ordinance

Article I Section 401

The purpose of this Ordinance is to provide a listing of the requirements and procedures to be followed by a person or entity that desires to dedicate a street and related improvements or portion thereof to the Village of Enosburg Falls.

General Requirements:

- A. Any offer to dedicate any street and related improvements or portion thereof shall be made on forms as may be provided by the Village, along with the required supporting documentation and required fees. Offers for dedication may be submitted to the Village at any time during the calendar year, however, the Village will not act to formally accept any offer of dedication prior to April 15 nor later than September 1 of any calendar year.
- B. An offer to dedicate streets and related improvements or portions thereof does not impose any duty upon the Village concerning maintenance or improvement of any streets and related improvements or portions thereof until the Village has made actual acceptance of the dedication by ordinance or resolution.
- C. With respect to streets within an approved subdivision or development (as those terms are defined in the Vermont Land Use Statutes) the owner or developer shall maintain all streets and related improvements or portions thereof in a subdivision or development in travelable condition, including the prompt removal of snow therefrom, until such time as the streets and related improvements or portions thereof are accepted by the Village as part of the Village highway system by ordinance or resolution. Nothing in this paragraph shall waive or otherwise modify the rights granted to the Village under the Vermont Highway Statutes.
- D. In the event the Village accepts dedication of any street and related improvements or portion thereof, the Village shall require the posting of financial security to secure structural integrity of said street and related improvements or portion thereof as well as the functioning of said street and related improvements or portion thereof in accordance with the design and specifications as depicted on the final plan for a term of eighteen (18) months from the date of acceptance of dedication. Said financial security shall be in the form of an insured bond or an irrevocable letter of credit, and shall be in an amount to be determined by the Village Trustees, but in no event less than ten percent (10%) of the actual cost of the construction of said street and related improvements or portion thereof.

The Village may draw down on the security instrument by a draft accompanied by certification, in writing, signed by any member of the Board of Trustees, its officers or its authorized representative, that Owner or Developer has failed to correct any structural integrity of said street and/or related improvements or

portions thereof as well as the functioning of said street and/or related improvements or portion thereof to a condition and manner as set forth in the Final Plan and in accordance with Village standards.

- E. When a developer requests the Village to consider the acceptance of dedication of any street and related improvements or portion thereof and less than ninety percent (90%) of the total number of lots or units of occupancy of the project are complete, and in exchange for such consideration, the developer shall enter into a developer's agreement with the Village and shall be required to provide financial security, in addition to that required by "D" above, to secure against street damage caused by construction of the remaining lots or units of occupancy. Said agreement shall be in a form acceptable to the Village, and the amount of such financial security shall be fifteen percent (15%) of the actual cost of the installation of the said street and related improvements or portion thereof. The form of the developer's agreement as well as the conditions to be included therein shall be developed and agreed upon by the Village and the developer at such time as the developer requests the Village to consider the acceptance of dedication of any street and related improvements or portion thereof and less than ninety percent (90%) of the total number of lots or units of occupancy of the project are complete. The Village shall hold such financial security and utilize it to pay for the repair of any damage occurring to the street and related improvements or portion thereof during the period between the commencement of construction and any particular lot or unit of occupancy and the completion of such construction irrespective of whether or not it can be established that the damage to the road was caused by contractors or other persons working in and about the lot or unit of occupancy.
- F. This policy is intended to provide a general list of requirements and procedures to facilitate street dedication. Unknown or unforeseen conditions may arise and could require the owner or developer to provide additional information or documentation, as may be required by the Village, to fully evaluate the adequacy of the offered improvements.

Required Documentation:

One original and three copies of the following documents shall be submitted to the Village with any offer of dedication.

- A. As-Built Plans – Prior to the offer of dedication and/or the consideration of the final release of the financial security posted to secure the completion of the approved plans, the owner or developer shall provide the Village with one (1) Mylar and two (2) prints of the final as-built plan sealed by a registered surveyor showing the following:
1. Actual location of all boundary markers which were placed to monument the right-of-way line along both sides of each street, and at the beginning and end of

all curves including intersection radii and at all angles. When the outside perimeter of a tract falls within or along an existing Village or Town road right-of-way, then the right-of-way of that roadway shall be monumented at the above-referenced points.

2. Actual location of all iron pins set to mark all individual lot lines.
 3. Actual cul-de-sac radius.
 4. Actual horizontal and vertical location of the traveled portion centerline versus the right-of-way centerline.
 5. Actual location of floodplain by elevation and dimension from property line.
 6. Actual location and cross section of swales and accompanying easements.
 7. Actual horizontal and vertical location of storm water management facilities including type and size of storm drainage pipes or culverts.
 8. Detention basin (if required under the Agency of Natural Resources Storm Water Discharge Rules):
 - a. Actual contours of the detention basin.
 - b. Actual outlet structure and details including type, size and inverts of outlet pipes.
 - c. Actual elevation of the embankment and emergency spillway.
 - d. A table showing the state/storage/discharge curve for the constructed conditions.
 - e. A table providing a comparison of the approved design vs. the as-built discharge rates from all detention facilities.
- B. Legal Descriptions, as established by a survey prepared by a surveyor licensed to practice in the State of Vermont, for each street or portion thereof offered for dedication;
- C. A certificate of title by an attorney licensed to practice in the State of Vermont, or title insurance policy, acceptable to the Village, for the land being offered for dedication. The amount of title insurance provided must be in an amount satisfactory to the Village, but in no event less than the assessed value of the street and associated improvements.
- D. Street Damage Agreement (if required during construction of a development);

- E. Deed of Conveyance titled "Deed of Dedication" and should contain the following clause after the legal description:

"The Board of Trustees of the Village of Enosburg Falls, Franklin County, Vermont, in consideration of the within Deed of Dedication for the streets described above, and having satisfied ourselves that the above described streets have been constructed in accordance with the specifications for streets within the Village, do hereby accept dedication of the above streets.

VILLAGE OF ENOSBURG FALLS

By: Gary Chapman 7/8/08
Chairman

- I. All applicable fees as established by the Board of Trustees and a check made payable to the Enosburgh Town Clerk in the statutory amount for recording fees.

Minimum Specifications:

- A. All streets offered for dedication shall have the following minimum specifications:

1. All proposed streets shall conform to the version of the Village Road Standards Policy in effect at the time of filing of the application.
2. All streets shall have a minimum width of fifty (50) feet, unless additional width is required by the Village Zoning or Subdivision Regulations for a landlocked parcel.
3. All new streets shall intersect, as near as possible, at right angles with existing streets.
4. No gradient shall exceed 12%.
5. The minimum width of the paved portion shall be 24 feet.
6. Cul-de-sacs shall have a minimum radius of 40 feet.

- B. The Trustees may, upon the recommendation of the Inspection Committee, grant a variance from these Minimum Standards in the appropriate case.

Procedure:

Following submission of the required plans, documents and fees, one copy is forwarded to the Village Attorney and one copy is forwarded to the Village Director of Public Works for their respective review and processing. The Chairman of the Board of Trustees shall appoint an Inspection Committee to review the documentation, take comments from the Village attorney and Director of Public Works, visit the site of the proposed streets, and receive advice from such other local or state sources as it deems necessary. Upon completion of its review, the committee shall make its recommendations to the full Board for the acceptance or rejection of the offer of dedication, along with any conditions attached thereto.

Upon submission of the committee's recommendations, the request will be scheduled for official action by the Board of Trustees at a public meeting held between April 15 and September 1.

With respect to any offer of dedication, the Village Trustees may, at their discretion, condition acceptance upon the creation of a tax increment financing district under 24 V.S.A. § 1892, or upon the imposition of a special assessment under 24 V.S.A. § 3252, with the approval of the voters.

If the offer is accepted and the terms and conditions of acceptance are fulfilled to the satisfaction of the Trustees, the Chairman shall execute and/or authorize the execution of all necessary documents. The applicable executed documents shall be given a final review by the Village attorney and then recorded in the Town of Enosburgh Land Records. The street shall then be added to the Village's highway map.