

**AN ORDINANCE CONDITIONING SUBDIVISION
DEVELOPMENT APPROVAL ON PRIOR BITUMINOUS
IMPROVEMENT OF AN UNIMPROVED TOWNSHIP
GRAVEL ROAD WHOSE RIGHT OF WAY ACCESSES
THE ADJOINING PROPOSED SUBDIVISION AND
LIES BETWEEN AND COUNNECTS WITH THE
EXISTING BITUMINOUS ROADS OR HIGHWAYS**

ORDINANCE NO. 15

The Township of New Market, Scott County, Minnesota does ordain as follows:

SECTION I. PURPOSE, POLICY AND INTERPRETATION

In order to provide for the safe use of the township public roads and their appurtenances, and the projected increase in traffic resulting from surrounding development urban in character, it is necessary for the Town Board of Supervisors to require those segments of township roads serving proposed subdivision be improved to a 9-ton bituminous pavement rating. With Scott County Zoning Ordinance changes made to accommodate multiple residential units, the motor traffic generated by existing residential and proposed developments in creating or contributing to unsafe conditions for travel on gravel roads designed for single family farm transportation.

Therefore, the Township Board of Supervisors does hereby declare a capital improvement policy for its roadways that approval for a platted cluster subdivision be conditioned upon the construction of bituminous road improvement to a 9-ton standard established by the Minnesota Department of Transportation for the segment of a township gravel road that will serve the proposed subdivision development.

**SECTION II. LOCATION AND EXTENSION OF BITUMINOUS ROAD
IMPROVEMENT**

That part of a segment of a township gravel road which provides accessibility to a proposed platted clustered subdivision will require bituminous improvement to a 9-ton standard extending along the full length of the subdivision boundary line that adjoins any part of the roadway segment. The segment of the township gravel road lying between an existing bituminous road or highway that must be upgraded to a 9-ton bituminous standard shall be the shortest half of the segment measured from either corner along the boundary line contiguous to the segment's right of way to the closest existing bituminous road or highway. The length of the roadway that has been improved with bituminous paving by the subdivision applicant, owner or authorized agent, must be completed and certified for acceptance by the township engineer.

SECTION III. PRELIMINARY SUBDIVISION APPROVAL PROCESS

Before a proposed subdivision preliminary plat is recommended by the township for approval by the County, the subdivision's applicant shall comply with all the County Zoning and

Subdivision ordinances that require the submission of a survey, topographic map and all necessary preliminary engineering work. A developer's agreement shall also be executed by the applicant and the township that includes the conditions of performance relating to the 9-ton bituminous improvement of the contiguous township road as prescribed in Section II of this ordinance.

The agreement shall require the developer to furnish and construct the improvements contained therein at the developer's sole cost and in accordance with the plans, specifications and conditions approved by the Township. The contract shall include provisions for supervision of construction activities by the Township Engineer, and grant to the Township Engineer authority to correlate the work to be done under the agreement with other road work being done or contracted by the Township. The agreement shall require the developer to make an escrow deposit or to furnish a letter of credit from a recognized bank in the amount of the Township Engineer's estimate of the total cost of the subdivision streets and Township road improvements to be completed by the developer pursuant to the agreement including all costs to be incurred by the Township. In the event the developer requests permission to postpone construction of the township road segment until construction of the platted subdivision roads in the development as configured in the final plat that has been approved, the escrow deposit or letter of credit shall be in an additional amount of one hundred and twenty-five percent (125%) of the estimated cost for construction of the 9-ton bituminous improvement to the township road segment.

This Ordinance shall become effective from and after its date of passage and publication according to law.

Adopted and passed at a regular monthly meeting by New Market Town Board of Supervisors, Scott County, Minnesota, this 3rd day of April 2007.

**BOARD OF SUPERVISORS
TOWNSHIP OF NEW MARKET**

By: _____
Chairman, George Silverness

ATTEST:

Clerk, Albert Zweber

Published in _____ this 10th day of May, 2007.

SENDING REPORT

May. 07 2007 11:14AM

NO.	OTHER FACSIMILE	START TIME	USAGE TIME	MODE	PAGES	RESULT	*CODE
01	9528462010	May. 07 11:13AM	01'05	SND	00	COMMUNICATION ERROR	(43)

*CODE = FOR SERVICE CENTER USE ONLY

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Subdivision ordinances that require the submission of a survey, topographic map and all necessary preliminary engineering work. A developer's agreement shall also be executed by the applicant and the township that includes the conditions of performance relating to the 9-ton bituminous improvement of the contiguous township road as prescribed in Section II of this ordinance.

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TOWNSHIP OF NEW MARKET**

By: 
Chairman, George Silverness

ATTEST:


Clerk, Albert Zweber

Published in *The New Prague Times* this 10th day of May, 2007.

Jay To 952-758-4135

Please publish 1 time²
May 10, 2007

SENDING REPORT

May. 07 2007 11:17AM

NO.	OTHER FACSIMILE	START TIME	USAGE TIME	MODE	PAGES	RESULT
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May. 07 2007 11:12AM

NO.	OTHER FACSIMILE	START TIME	USAGE TIME	MODE	PAGES	RESULT
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May 7, 2007

New Market Township
c/o Albert Zweber
23765 Texas Avenue
Lakeville, MN 55044

Re: New Market Township Subdivision Ordinance No. 15

Dear Albert:

Enclosed please find the final version of the roadway ordinance for publication. Also, just a reminder that the published ordinance copy must be recorded in your ordinance book within 20 days after publication. Until we get a completed book of ordinances put together, create a file called "Ordinance Book" to put it in, if you don't have one already that you have used in the past.

Very truly yours,

Robert A. Nicklaus

RAN:dm
Enclosure

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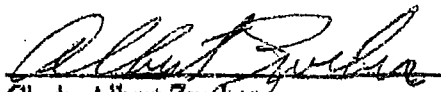
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**BOARD OF SUPERVISORS
TOWNSHIP OF NEW MARKET**

By: 
Chairman, George Silverness

ATTEST:


Clerk, Albert Zwebler

Published in Lakeland Life & Times this 10th day of May, 2007.

Fax to 952-846-2010

Please publish 1 time

May 12, 2007