

### **300.3 Dedication & Construction of Town Road Ordinance**

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Whereas, it is deemed expedient, necessary and in the best interests of the Town of Berry, Dane County, Wisconsin and the public that an ordinance be adopted to regulate the dedication and construction of town highways in the Town of Berry;

The Town Board of the Town of Berry, Dane County, Wisconsin, does ordain as follows:

#### **SECTION I – PURPOSE**

For the purpose of promoting the health, safety, welfare and convenience of the public, and pursuant to village board powers of the Town of Berry as provided by Section 60.18(12) and 60.29(13) of the Wisconsin Statutes, the Town of Berry hereby establishes and creates the following regulations regarding the dedication and construction of town highways in the Town of Berry.

#### **SECTION II – PRELIMINARY APPLICATION**

Prior to the filing of a formal petition to lay out, widen, alter or discontinue a town road, the property owner interested in the same shall make application to the Town Clerk by a written letter requesting a meeting at the location of the proposed highway or project, and upon receipt of said application, the Town Clerk shall notify the applicant, Town Highway Commissioner, Town Engineer and/or County Highway Engineer for a meeting at the site of the proposed project.

#### **SECTION III – PETITION**

Any person interested in laying out, widening, altering or discontinuing a town road shall file a petition with the Town Clerk containing the required number of signatures and other information as required by Section 80.02 of the Wisconsin Statutes. Upon receipt of the petition the Town Board shall meet and set a time and place for hearing as provided by Section 80.05 of the Wisconsin Statutes, and the petitioner (applicant) shall thereupon give the necessary notice as provided by Section 80.05 of the Wisconsin Statutes.

#### **SECTION IV – HEARING**

The supervisor shall meet at the time and place stated in the notice for hearing and shall proceed to examine personally such highway and hear any reason that may be offered for or against said highway, and shall decide upon the application, and shall grant or refuse to grant the application as they deem best for the public good and as provided by Section 80.06 of the Wisconsin Statutes

#### **SECTION V – ORDER LAYING OUT HIGHWAY**

When the supervisors lay out, alter, widen, or discontinue any highway, they shall make and sign an order as provided by Section 80.07 of the Wisconsin Statutes.

#### **SECTION VI – DAMAGES**

Damages sustained by any person upon whose land a highway is laid out, widened, altered or discontinued may be fixed by an agreement signed by the owner and the supervisors and filed with the Town Clerk in the manner as set forth by Section 80.09 of the Wisconsin Statutes.

#### **SECTION VII – WIDTH AND CONSTRUCTION**

Any proposed highway shall be at least four (4) rods (66 feet) in width, properly graded and ditched as specified and directed by the Town Engineer, with a maximum grade of twelve percent (12%). Any highway must include a roadbed not less than twenty-eight feet (28') wide, with eight inches (8") of crushed rock properly compacted. Culverts as specified by the Town Engineer shall be required for any necessary crossroad drainage. In the event the road has a dead end, a fifty foot (50') radius turn-around (cul-de-sac) shall be included. The roadbed shall be paved at such time as specified by the Town Engineer with an asphalt mix as required by state and county specifications, having a width of not less than twenty-two feet (22') and a thickness of not less than two and one-half inches (2 ½"), including one and one-half inch (1 ½") binder coarse and one inch (1") surface coarse.

#### **SECTION VIII – BOND**

The applicant shall provide a performance bond for any paving, and which bond shall continue until such date as the supervisors determine to pave said road, but not more than two (2) years from construction of the roadbed and application of crushed rock and grading.

#### **SECTION IX – EXPENSES**

All expenses related to said road shall be paid entirely by the applicant, including expenses related to the hearing.

#### **SECTION X – SEVERABILITY**

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

#### **SECTION XI – EFFECTIVE DATE**

This ordinance shall be effective upon its enactment and publication or posting as provided by law.

Dated this 8<sup>th</sup> day of February, 1982

Published: January 28, 1982

Judy Rendall, Clerk  
William Wille, Supervisor

Herman Hoffmann, Chair  
Oscar Wendt, Supervisor