

TOWN OF SPOONER

WASHBURN COUNTY, WISCONSIN

ORDINANCE No. O3-14-2017

**AMENDED and RESTATED
TOWN ROAD DESIGN STANDARDS ORDINANCE**

**To Regulate Public Town Road Design and Construction
In the Town of Spooner**

and

**To Require Recorded Maintenance Agreements
for Private Roads**

and

To Require Permits for New Driveway Access to Town Roads

WHEREAS there are approximately twenty-one and a half (21.5) miles of Town Roads within the Town of Spooner at the time of adoption of this March 14, 2017 Amended and Restated Town Road Design Standards Ordinance, and;

WHEREAS the Wisconsin Statutes limit the dollar amount of the Town of Spooner annual real estate tax levy, and;

WHEREAS the annual tax revenues received by the Town of Spooner for the Town Roads maintenance budget are consumed by the Town's annual maintenance, repair, patching, snow removal, clearing of Town Road Right-of-Way and combined chip sealing/repaving/reconstructing of existing Town Roads, and;

WHEREAS the annual tax revenues received by the Town of Spooner do not provide sufficient surplus funds to enable the Town of Spooner to pay for new additional Town Roads, including but not limited to the payment for the Pavement Surface of Road; and

WHEREAS Drainage within the Right-of-Way of Town Roads usually requires the installation of a culvert underneath the land area of that portion of a new Driveway or Private Driveway located within the Right-of-Way of a Town Road in order to maintain the existing drainage of the Town Road, and

WHEREAS the Town Board of Supervisors of the Town of Spooner, Washburn County, Wisconsin, has the specific authority under s.61.34(1) as adopted pursuant to s.60.10(d) and s.60.22(3), Wisconsin Statutes, the specific authority under Chapter 82, Wisconsin Statutes and the specific authority under Chapter 236, Wisconsin Statutes, to adopt this restated and amended ordinance to regulate public road design, public road construction and public road drainage within the Town of Spooner.

NOW THEREFORE, The Town Board of Supervisors of the Town of Spooner, Washburn County, Wisconsin, does adopt this amended and restated ordinance, known as the Town Road Design Standards Ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting, and proper notice having been given, in order to promote the safety of the traveling public and to afford satisfactory access to police, fire fighters, emergency medical technicians, snow removal, sanitation and road maintenance providers, provides for the minimum road design standards for Town Roads, the recording of the Private Road Maintenance Agreements for Private Roads constructed on parcels of real estate located within in the Town of Spooner and for the requirement of a Permit for Access from Private Driveway to Town Road, the Town Board of Supervisors ordains as follows:

SECTION 1. Definitions

- A. "Base Course" shall mean the supporting gravel material of the Road, including Road shoulders on both sides of the Road Bed. Base Course does not include the Pavement Surface of Road.
- B. "Drainage" shall mean the gradual drying of the Pavement Surface of Road and Base Course by a system of ditches, trenches, channels, culverts and design slope of Road.
- C. "Driveway" or "Private Driveway" shall mean a Road located within a real estate parcel of land containing not more than two (2) residential building(s) which Road provides access for said residential building(s) located on said singular parcel of real estate to a Public Road. If a Road provides access to a Public Road for three (3) or more residential buildings or three or more parcels of vacant residential real estate, or combination thereof, said Road is a Private Road. The extension of an existing Driveway or Private Driveway or Driveway easement or Private Driveway easement to provide access to a Public Road for an additional residence(s) creates a Private Road of the former Driveway or Private Driveway. A Driveway or Private Driveway shall not mean any field Road used solely for agricultural purposes. A new Driveway or Private Driveway requires a Permit for Access to Town Road as described on subparagraph M of this Section 1.
- D. "Grade" shall mean the rate of ascent or descent of a Road. For example a rise of ten feet (10') over a distance of one hundred feet (100') would compute to a grade of ten percent (10%).
- E. "Gravel" shall mean gravel conforming to Wisconsin Department of Transportation

("WIDOT") Standard Specifications 315 of 2011 Edition wherein the maximum aggregate size is three fourths inch (3/4").

F. "Pavement Surface of Road" shall mean the hard asphalt or concrete surfaced area upon which vehicles travel, constructed upon the Road Bed pursuant to the specifications of this Ordinance.

G. "Private Road" shall mean a Road over which the public does not have the right to pass except with the specific invitation and/or consent of the real property owner(s) or lessee(s) of the real property parcel(s) upon which the Road is constructed. A Private Road means the Town of Spooner has no duty to maintain said Road because it is both private and has not been accepted by the Town of Spooner as a Public Road.

H. "Public Road" shall mean a Road over which the public has a right to pass. A US Highway, a State Highway, a County Highway and a Town Road are all examples of a Public Road. The right to pass by the public shall include the right of pedestrian traffic to walk on the full width of the Right-of-Way of the Public Road.

I. "Right-of-Way" or "ROW" shall mean the legal description of the real property and/or easement land area upon which a proposed Town Road is constructed. The minimum width of a proposed Town Road Right of Way is sixty-Six Feet (66'). The minimum diameter of the Right-of-Way of a Cul-de-Sac of a proposed Town Road is one-hundred twenty feet (120').

J. "Road" shall mean an open way for vehicles, persons and animals, especially an open way lying outside of an urban district. The word Road standing by itself shall not mean a Private Road nor shall it mean a Public Road. The word Road standing by itself shall not mean a Town Road. The word Road standing by itself shall not mean a field Road nor shall it mean a Driveway or a Private Driveway.

K. "Road Bed" shall mean the prepared layer of the proposed Private Road or the proposed Town Road that has been graded pursuant to the following design specifications with the Base Course installed at the thickness and width pursuant to the specifications of this Town Road Designs Ordinance. Road Bed does not include the Pavement Surface of Road.

L. "Town Road" shall mean

(i) any Road that complies with the Road Design Standards of this Ordinance and is formally accepted by the Board of Supervisors of the Town of Spooner pursuant to this Road Design Standards Ordinance or;

(ii) any Road that both (a) is in existing public use prior to the January 13, 2015 adoption date of the Road Design Standards Ordinance and (b) said Road is listed prior to the January 13, 2015 adoption date of the Road Design Standards Ordinance in the most current published annual Wisconsin Road Transportation Aids schedule as a Town Road maintained by the Town of Spooner.

M. "Permit for Access to Town Road" shall mean the *PERMIT for ACCESS FROM PRIVATE DRIVEWAY TO TOWN ROAD OF TOWN OF SPOONER* attached as Exhibit A to this Amended Restated Town Road Design Standards Ordinance.

SECTION 2. Applicability

A. This Town Road Design Standards Ordinance, as amended to require a Permit for a

new Driveway Access to a Town Road, shall be applicable to all Town Roads within the Town of Spooner laid out pursuant to Chapter 82, Wisconsin Statutes, by the Board of Supervisors after adoption of this Ordinance.

B. This Town Road Design Standards Ordinance shall be applicable to all proposed Town Roads set forth within a proposed Plat submitted to Washburn County pursuant to Chapter 236, Wisconsin Statutes to subdivide by said Plat real property located within the Town of Spooner.

C. This Town Road Design Standards Ordinance shall be applicable to all proposed Town Roads set forth within a proposed Certified Surveyor Map (also referred to as a "CSM") of real property located within the Town of Spooner pursuant to s. 236.34, Chapter 236, Wisconsin Statutes.

D. In the event of conflict(s) of this Town Road Design Standards Ordinance with the County Highway standards from time to time, of Washburn County, Wisconsin, the more restrictive standards of said two standards, setting forth the greater/larger minimum requirements, shall apply.

SECTION 3. Applicability to Private Roads

A. The Section 4 Road Design Standards are not a mandatory requirement for real estate owner constructed Private Roads, however this Town Road Design Standards Ordinance shall be applicable as to all proposed Private Roads created by either a Plat or a Certified Surveyor Map ("CSM") as to the hereinbelow provisions of Section 6 Private Road Maintenance Agreement.

B. In addition Owners and real estate parcel sub dividers may adopt and utilize all or a selection of the hereinbelow provisions of Section 4 Town Road Design Standards to said owner's proposed Private Roads with the CAVEAT that only Roads designed and constructed pursuant to all of the provisions of Section 4 Town Road Designs Standards, including the provisions of Subsection E Pavement Surface of Road, are qualified to be considered for adoption by the Town Board of Supervisors as a Town Road pursuant to the provisions of Section 5 Procedures.

C. In the event of conflict(s) of this Town Road Design Standards Ordinance with the County Highway standards, from time to time, of Washburn County, Wisconsin, the more restrictive standards of said two standards, setting forth the greater/larger minimum requirements, shall apply.

Section 4. Road Design Standards

A. Cul-De-Sac(s) - The maximum length of a Cul-De-Sac Road designed to have one end closed is four thousand feet (4,000') long from the line of connection of said Cul-De Sac Road with a Public Road to the Cul-De Sac. The Cul-De Sac turnaround Right-of-Way shall be not less than one hundred twenty feet (120') diameter [or sixty feet (60 ') radius], with a Pavement Surface of Road turnout of not less than ninety-six feet (96') diameter [or forty-eight feet (48') radius].

B. Base Course - The minimum Base Course of the Road Bed shall be four inches (4") of compacted thickness of three quarter inch (3/4") Gravel.

C. Culverts - Town Road Culverts, if required by the written owner's engineer drainage plan, shall be installed at the elevation and location as designated in the owner's engineer drainage plan. The minimum length of Town Road Culvert installed in Road Bed shall be two feet (2') greater than the width of the Base Course on both sides of said Base Course of the Road. Apron end Walls

shall be installed with the Town Road Culvert. The diameter of the Town Road Culvert shall be determined by the owner's engineer's written drainage plan, but in no event shall the diameter of the Town Road Culvert be less than eighteen inches (18") in diameter.

(i) ROW Culverts required for drainage within a Town Road Right-of-Way at the location of the junction of a proposed new Driveway creating access to a Town Road shall be adequate for the predicted surface water drainage within said Right-of-Way but in no event shall said required ROW Culvert be less than twelve inches (12') diameter nor less than fourteen feet (14') in length.

D. Drainage - In order for any Private Road or a proposed Town Road, to be considered for adoption by the Board of Supervisors as a Town Road, the drainage of the Road and the drainage of the Right-of-Way upon which the Road is located shall be designed by a licensed engineer with written plans designating swales, ditches and culverts, as required to provide proper drainage pursuant to then current Washburn County drainage requirements for County Highways.

E. Grade - The Grade of ascent or descent of a Private Road or a Town Road shall not exceed eight percent (8%). The Owner of the parcel of real estate upon which a Private Road or a Town Road is proposed may request a waiver of this Grade provision upon submitting to the Board of Supervisors written licensed engineer plans demonstrating hardship of enforcement of this Grade limitation provision of the Road Design Standards Ordinance.

F. Pavement Surface of Road - The hard surface course to be constructed by the real property owner upon the Road Bed of any proposed Town Road shall be a minimum of two inches (2") thick compacted hot-mix asphalt conforming to "WIDOT" Standard Specifications 460, 2011 Edition or four inches thick concrete composition. The minimum width of the Pavement Surface of Road is twenty feet (20') wide.

G. Shoulders of Pavement Surface of Road - Gravel shall be laid two feet (2') wide adjoining and adjacent the edge of both sides of the Pavement Surface of Road of a proposed Town Road. In addition the Gravel shall be laid up and packed down to the surface level of the Pavement Surface of Road on both sides of the Pavement Surface of Road.

SECTION 5. Procedures

A. Determination of Applicable Standards -

(i) Private Road(s) The owner of any parcel of real property in the Town of Spooner, (or the said owner's agent designated in a written authorization signed by said owner,) may, at said owner's election, apply to the Town Board of Supervisors for determination that the owner's engineer written plans of Private Road construction designed by owner's licensed engineer, comply as plans for the owner's Private Road with the Town Road Design Standards of this Ordinance.

(ii) Town Road(s) Determination by the owner of any parcel of real property in the Town of Spooner, (or the said owner's agent designated in a written authorization signed by said owner,) that the owner's engineer written plans of proposed Town Road construction designed by owner's licensed engineer, comply as plans for the owner's proposed Town Road with the Town Road Design Standards of this Ordinance is mandatory and not elective by said owner. Said owner shall apply to the Town Board of Supervisors for determination

that the owner's engineer written plans of Private Road construction designed by owner's licensed engineer, comply as plans for the owner's Private Road with the Town Road Design Standards of this Ordinance.

B. Determination of Applicable Standards required for proposed Town Road - No owner shall commence construction of any Road proposed by said owner to be considered for adoption by the Board of Supervisors as a Town Road, without said owner receiving the formal preliminary approval of the owner's licensed engineer's written plans of the proposed Roads' compliance with the Town Road Design Standards of this Ordinance.

(i) If owner is subdividing a parcel of real estate located within the Town of Spooner, containing a proposed Town Road, by a plat ,

(a) the owner is required by this Ordinance, pursuant to s. 236.21(2)(b), Wisconsin Statutes, to furnish the Town of Spooner a policy of title insurance naming the Town of Spooner as the said policy Insured and listing all parties holding an interest, easement, mortgage and/or lien in the parcel of real estate proposed to be subdivided, and

(b) the proposed plat shall contain a certificate by the owner of the land in substantially the following form: "As owner I(we) hereby certify that I(we) caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plat. The Right-of-Way depicted in the plat is dedicated to the Town of Spooner, free and clear of all liens, encumbrances and mortgages, as a Town Road pursuant to the provisions of the Town of Spooner Town Road Design Standards Ordinance". This certificate shall be signed by the owner, the owner's spouse, and all persons holding an interest in the fee of record or by being in possession and, if the land is mortgaged, by the mortgagee of record. These signatures shall be acknowledged in accordance with s. 706.07, Wisconsin Statutes.

(ii) In the event that owner proposes to utilize a Certified Surveyor Map ("CSM") conforming to the provisions of s. 236.34, Wisconsin Statutes, to subdivide a parcel of real estate located within the Town of Spooner, containing a proposed Town Road, the CSM is required by this Ordinance to contain a certificate by the owner of the land in substantially the following form: "As owner I(we) hereby certify that I(we) caused the land described on this CSM to be surveyed, divided, mapped and dedicated as represented on this CSM. The Right-of-Way depicted in this CSM is dedicated to the Town of Spooner, free and clear of all liens, encumbrances and mortgages, as a Town Road pursuant to the provisions of the Town of Spooner Road Design Standards Ordinance". This certificate shall be signed by the owner, the owner's spouse, and all persons holding an interest in the fee of record or by being in possession and, if the land is mortgaged, by the mortgagee of record. These signatures shall be acknowledged in accordance with s. 706.07, Wisconsin Statutes.

(iii) As a further condition of the Town of Spooner's approval of either the owner's aforesaid plat, or owner's CSM, this Ordinance, pursuant to s. 236.13 (2)(a), Wisconsin Statutes, requires the owner, prior to the filing with Washburn County Register of Deeds of the plat or of the CSM subdividing the real property to either,

(a) install completely the proposed Town Road, including Pavement Surface of Road, and provide to the Town Clerk both proof of payment of the said

installation and written releases of all contractor and material provider's liens and claims, or

(b) provide to the Town of Spooner, a renewable, one year term, surety bond executed by subdividing owner and endorse by an insurance company licensed by the Wisconsin Insurance Commissioner to do business in Wisconsin in the amount of One hundred twenty-five percent (125%) of the written dollar amount good faith estimate of the owner's licensed engineer, who prepared the written plans of the proposed Town Road, of the dollar amount needed to complete all aspects of said proposed Town Road, including Pavement Surface of Road.

C. Preliminary Review and Costs of Town's Review of Owner's Licensed Engineer's Written Plans. All owner's expenses and costs of the preparation of owner's licensed engineer's written plans, including surveys, proposed plats with proposed Town Road dedications if applicable, proposed Certified Surveyor Map with proposed Town Road dedications if applicable and written specifications of Town Road Design Standards of any Road proposed by owner to be accepted by the Board of Supervisors as a Town Road, shall be at the sole expense of said owner without recourse to the Town of Spooner for any owner or owner's agent's presentation to the Board of Supervisors. At the discretion of the Board of Supervisors, owner shall consent to a preliminary onsite meeting that may be scheduled by the Board or Supervisors to review the site of the proposed Town Road.

D. Acceptance of Completed Proposed Town Road upon Final Acceptance. Upon completion by owner at owner's sole cost and expense of the proposed Town Road, the Town Board of Supervisors shall either schedule a final inspection of the proposed Town Road or designate an independent licensed engineer to make a final inspection of the proposed Town Road. The Board of Supervisors shall accept or reject, with written comments if rejection, the proposed Town Road at the next scheduled meeting of the Town Board of Supervisors following the Board of Supervisor's final inspection or receipt of the final inspection report of the Board designated independent licensed engineer.

(i) The owner of the real property has the option of providing to the Town of Spooner the surety bond described herein above in Section 5 (B) (3)(iii)(b) if the said owner elects not to complete the proposed Town Road prior to the plat or Certified Surveyor Map being filed with the Washburn Register of Deeds.

(ii) If the proposed Town Road has not been dedicated to the Town of Spooner in either the plat or the CSM, the owner shall deliver to the Town of Spooner Town Clerk an easement document signed by the owner(s), joined by the owner(s)'s spouse(s) if married, granting to the Town of Spooner in perpetuity a Right-of-Way easement for a Public Road and for public utilities over and under the real property of the Right-of-Way for the proposed Town Road, free and clear of all liens, encumbrances and mortgages.

SECTION 6 Private Road Maintenance Agreement

A. Sec. 62-43, Ordinances of Washburn County, Wisconsin, requires, in part, that "Road maintenance agreements must be recorded for private roads, . . ."

B. The Town of Spooner Town Road Design Standards Ordinance requires a written

agreement, entitled "Private Road Maintenance Agreement" to be executed by the owner of a plat or the owner of a Certified Surveyor Map subdividing a parcel of real property within the Town of Spooner which plat or CSM contains a Private Road and deliver a signed counterpart of said Private Road Maintenance Agreement to the Town Clerk. The said Private Road Maintenance Agreement shall contain the following written provisions;

(i) The legal description of the parcel of real estate that the plat or Certified Survey Map containing the Private Road, subdivides;

(ii) The name of the subdivision;

(iii) The legal description of the real property of the Right-of-Way of the Private Road;

(iv) The name of the Private Road;

(v) The name of the Public Road that the said Private Road provides access to;

(vi) The name of the owner(s) subdividing the parcel of land.

(vii) (a) The statement that the owner(s) subdividing the land agrees to maintain said Private Road. In the event the owner(s) declines to maintain said Private Road, the Private Road Maintenance Agreement shall designate the proposed third party successor owner(s) of subdivided parcels in the subdivision who will mutually and jointly be obligated to maintain said Private Road. The Town of Spooner shall not be named as the entity obligated to maintain the Private Road. The owners signatures and/or the signature(s) of the third party successor owner(s) shall be acknowledged in accordance with s. 706.07, Wisconsin Statutes, or,

(b) The owner(s) subdividing the parcel of land containing the Private Road may form a Wisconsin not-for-profit corporation as a lot owner's or home owner's association which association corporation has the obligation, pursuant to the Private Road Maintenance Agreement, to maintain said Private Road. In the event the owner(s) subdividing the parcel elects to form the association corporation, a certified copy of the articles of incorporation of said association corporation shall be filed as an exhibit to the Private Road Maintenance Agreement. The articles of incorporation of said association shall provide that each and every successor owner of a lot or parcel within the subdivided parcel shall automatically become a member of said association corporation upon becoming a successor owner of the subdivided parcel or any portion thereof.

(viii) State that "maintenance" of the Private Road shall included snow plowing, sanding, salting, Road Bed surface grading from time to time if the Private Road has not been constructed with a Pavement Surface of Road, additional Gravel added to Road Bed from time to time as needed, repair and replacement of Drainage facilities including Town Road Culverts and ROW Culverts as needed, clearance of Private Road Right-of-Way of shrubs and trees and maintenance and replacement of street signs and traffic signs;

(ix) Attach as an exhibit measuring 8 1/5 inches by 11 inches a copy of the plat or Certified Surveyor Map (CSM) depicting all the land area of the Right of Way of the said Private Road.

C. Owner shall file with the Washburn County Register of Deeds the completed Private Road Maintenance Agreement, together with all required exhibits, signed by both the owner(s)

subdividing the parcel of land and by the individual or entity agreeing to provide the maintenance, simultaneously with the filing of the Washburn County approved plat or Certified Surveyor Map in the Washburn County Register of Deeds.

D. Owner shall list as an exception to the title of the real estate in each deed, or instrument of conveyance of a parcel or lot conveyed by subdividing owner to a successor third party grantee of a parcel or lot in the plat or Certified Surveyor Map (CSM) subdivision, the Private Road Maintenance Agreement together with the Washburn County Register of Deeds Index file number of the recording of said Private Road Maintenance Agreement.

SECTION 7 Resolution #1-9-05. Upon March 1st, 2015, the Effective Date of the prior Road Design Standards Ordinance passed January 13th, 2015, the prior Town of Spooner Resolution #1-9-05 regarding "Transfer of private road in(sic) to Town of Spooner" is superseded, except as to existing Private Roads in existence prior to said March 1st, 2015 effective date. Private Roads in existence prior to March 1st, 2015 shall be subject to Town of Spooner Resolution #1-9-05.

SECTION 8 New Driveway Permit requirement.

A. No construction of a new Driveway, nor the reconstruction, rerouting or alteration of an existing Driveway or Private Driveway, providing access to a Town Road may commence until the Town Board of Supervisors has issued a Permit for Access to Town Road designating the approval of the applicants proposed location of a Drainage culvert in the Right-of-Way of the Town Road to which the Driveway or Private Driveway creates access to said Town Road.

B. In the event applicant(s) does not intent to install a culvert within the Town Road Right-of-Way, Applicant shall arrange, by letter written request, for any one of the then three elected Supervisors, to physically inspect the location of the proposed Driveway or Private Driveway. If said inspecting Supervisor is of the opinion that no culvert is required at the applicants location of a Driveway or Private Driveway, said Supervisor shall note the date of said inspection on the proposed Permit for Access to Town Road with the notation that "NO CULVERT REQUIRED" and schedule the applicant's proposed Permit for Access to Town Road for the next regular meeting of the Board of Supervisors for consideration of the Board by vote of the Board with a quorum. If a majority of the Board of Supervisors approves the issuance of the applicant's Permit for Access to Town Road, the inspecting Supervisor shall thereafter sign applicant's Permit for Access to Town Road as the issuing Town of Spooner Supervisor.

C. In the alternative, if upon inspection of the site of the proposed Driveway or Private Driveway, the Supervisor is of the opinion that a culvert is required for drainage purposes, applicant shall attached to the proposed Permit for Access to Town Road a sketch depicting the location and measurement of the culvert with a minimum diameter of twelve inches (12"). The application shall be scheduled by the inspecting Supervisor for the next regular meeting of the Board of Supervisors for consideration of the Board by vote of the Board with a quorum.

SECTION 9 Penalty Provision. Any person, partnership, limited partnership, limited liability company, corporation or other legal entity that fails to comply with any provision of this Amended and Restated Road Design Standards Ordinance, shall, upon determination by the Board of Supervisor's of said failure to comply, pay a forfeiture of not less than Fifty Dollars (\$50,00) nor

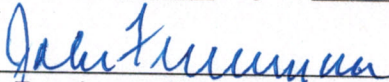
more than One Hundred Dollars (\$100.00), plus the applicable surcharges, assessments, and costs of enforcement for each violation. Each day a violation exists or continues after the Board of Supervisors determines a failure to comply, constitutes a separate offense under this Amended and Restated Town Road Design Standards Ordinance.

(i) In addition, pertaining to ROW Culverts, if the owner(s) of a parcel of land in the Town of Spooner, installs, connects or constructs a new Driveway or Private Driveway providing access to a Town Road without obtaining a Board of Supervisors approved *PERMIT for ACCESS FROM PRIVATE DRIVEWAY TO TOWN ROAD OF TOWN OF SPOONER* or if the owner of a parcel of land in the Town of Spooner installs, connects or constructs the connecting Driveway or Private Driveway in violation of the terms and provisions of a Board of Supervisors approved and issued *PERMIT for ACCESS FROM PRIVATE DRIVEWAY TO TOWN ROAD OF TOWN OF SPOONER*, the Town Board of Supervisors may, by majority vote with fourteen (14) day prior written notice to said owner of the date, time and place of Town Board of Supervisor's Meeting, Resolve to correct and reinstall/install the ROW Culvert, if required by said Permit. The cost of materials and construction labor and supervision shall be billed to the said owner/applicant upon completion of the work. If said bill is not paid by owner in full with ten (10) Days of delivery of said billing by the Town of Spooner, The Board of Supervisors has authority to bring a Court action for the amount of the unpaid Billing together with filing fees and attorney's fees. If a Judgment is entered by a court of Law in favor of the Town of Spooner and against the owner, said Judgment shall be filed with the Washburn County Register of Deeds as a lien against the owner's parcel of land.

SECTION 10 Effective Date The provisions to regulate public Town Road design and construction and the provision to require recorded maintenance agreements remain effective as of March 1st, 2015. The provisions to require a Permit for Access from Private Driveway to Town Road is prospectively effective on April 1st, 2017.

The town clerk shall properly post or publish this amended ordinance as required under s. 60.80, Wisconsin Statutes.

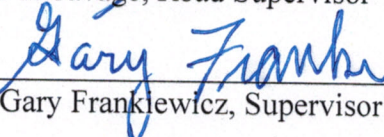
Adopted this 14th day of March, 2017.



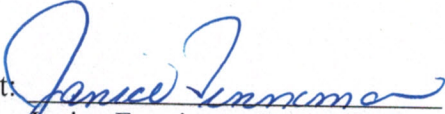
John Fenniman, Chairperson Supervisor



Pat Savage, Road Supervisor



Gary Frankiewicz, Supervisor

Attest: 

Janice Fenniman, Town Clerk

Exhibit A
to Amended and Restated Town Road Design Standards Ordinance

TOWN OF SPOONER
Washburn County, Wisconsin

***PERMIT for ACCESS FROM PRIVATE DRIVEWAY TO TOWN ROAD OF
TOWN OF SPOONER***

Name and address of Applicant

Name of Town Road

Print Name(s)

Street Address

Phone:

(Distance from nearest Landmark)

Surface of Driveway

LOCATION: _____ side of named Town Road,
(direction)

_____ from
(Distance - in Feet or Miles)

Quadrant _____ Section _____ Township _____ North, Range _____ West

Culvert, if required by Board of Supervisors, to be installed pursuant to attached sketch depicting location and measurement of culvert.

NOTE: In the event applicant does not plan to install a culvert within the Town Road Right of Way/ Town Road Easement, Applicant shall arrange for any one of the then three elected Supervisors to physically inspect the location of the proposed Driveway or Private Driveway. If said inspecting Supervisor is of the opinion that no culvert is required at the applicants location of a Driveway or Private Driveway, said Supervisor shall note the date of said inspection on the proposed Permit for Access to Town Road with the notation that "NO CULVERT REQUIRED" and schedule the applicant's proposed Permit for Access to Town Road for the next regular meeting of the Board of Supervisors for consideration of the Board by vote of the Board with a quorum.

SITE INSPECTED ON _____ **by:** _____
Supervisor

CULVERT **REQUIRED**

NO CULVERT REQUIRED

In the event inspection determines that a Culvert is required for drainage purposes, this Application must be accompanied with a sketch depicting the location of a Drainage culvert in the Right-of-Way of the Town Road to which the Driveway or Private Driveway creates access to said Town Road.

Issuance of this Permit by the approving signature of a sitting Supervisor of the Town of Spooner shall not be construed as a waiver of Applicant's obligation to comply with any other restrictions/requirements imposed by Town of Spooner Ordinances and/or Washburn County Zoning Ordinances and/or Wisconsin Statutes and Rules.

In the event Applicant fails to comply with the provisions and terms of the Town Road Design Standards Ordinance including the attached sketch depicting the area of connection of Applicant's Driveway with the above named Town Road, the Town of Spooner by it's Board of Supervisors retains the authority to correct and reinstall/install the ROW Culvert, if required by said Permit. The cost of materials and construction labor and supervision for said correction, installation/reinstallation shall be at Applicant's sole economic expense.

Signature of Applicant

Town of Spooner

Signature

By: _____

Supervisor

Print Name

Date Permit Issued: _____

Signature

Print Name

Copy mailed to:

Webster Macomber, Zoning Administrator
Washburn County
PO Box 506
Shell Lake, WI 54871