

VILLAGE OF MATTAWAN
PRIVATE ROAD ORDINANCE
ORDINANCE NO. 188

An Ordinance to establish rules, regulations and standards relating to the private construction of roads within the Village of Mattawan.

THE VILLAGE OF MATTAWAN ORDAINS:

SECTION 1 PURPOSE.

The purpose of this Ordinance is to establish standards and rules for the planning, construction, maintenance and ownership of roads which are constructed by private parties within the Village of Mattawan.

SECTION 2 PRIVATE ROADS.

A private road which serves more than one separately owned parcel, or more than one dwelling unit shall be constructed only under the conditions specified in this section, as a special land use requiring prior approval of the Village Planning Commission.

- A. The owner(s) of property over which such private road is to be constructed shall be required to record an easement having a width of at least sixty-six (66) feet for roadway purposes, dedicating the use of the same for ingress and egress from a public street for the benefit of the owner and users of the property or properties involved.
- B. A roadway maintenance agreement, easement agreement, and deed restrictions shall be recorded in the County Register of Deeds Office for Van Buren County, Michigan, providing for the perpetual private (nonpublic) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the several interests involved. The easement agreement shall include a provision which provides that owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with the normal ingress and egress and use of the road by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the private road.
- C. All lots served by an existing private road must meet the Zoning Ordinance district requirements in which they exist. Setbacks shall be measured from the edge of the private road right-of-way.
- D. The private road shall have a name and street sign consistent with the Van Buren County Road Commission standards. A location of the private road and street name shall be submitted to the Village Fire Department, Van Buren County Sheriff Department, and any emergency service organization serving the Village of Mattawan.
- E. Prior to the commencement of any such private road development, the developer shall submit in writing to the Village Planning Commission all of the foregoing required documents, construction plans and private road location with respect to nearby public roads and the parcels proposed to be served by such private road for the Planning Commission's review with respect to the granting or denial of the special use application. The Planning Commission shall conduct a special use hearing in accordance with the statute and the Village Zoning Ordinance.
- F. Upon written notice from the Village, private roads shall become the property of the Village. At the time ownership transfers, the Village shall assume responsibility for the maintenance of the roadway.
- G. The party requesting permission to build a private road shall be responsible for professional service costs incurred by the Village, including, in part, engineering and attorney fees.

SECTION 3 EFFECTIVE DATE.

This Ordinance shall be effective upon publication.