

Policy 2021-02

PRIVATE STREET

DEDICATION POLICY

NEWTOWN TOWNSHIP

DELAWARE COUNTY, PA

## **PRIVATE STREET DEDICATION POLICY**

### **INTRODUCTION**

In some of the older neighborhoods in the Township, some road/streets were constructed as private streets to be used for only those living on that street. These roads were never dedicated and/or constructed to the Township's requirements for roads. As such, these roads are owned and maintained by the property owners. From time to time, the residents living on these roads approach the Township requesting the Township to take on ownership and maintenance of these private roads.

### **PURPOSE AND GOALS**

The purpose of this policy is to give the Township Staff, appointed officials and the Board of Supervisors direction on how to address the potential for taking dedication of streets/roads in the Township that for whatever reason were not dedicated during construction or land development.

The goals of private Road/Street dedication policy are:

- Make sure all dedicated roads in the Township meet minimum PennDOT standards

- Make sure all dedicated roads in the Township promote safe and pleasant conditions for motorist, pedestrians and cyclists

- Make sure the Township can maintain all dedicated roads in perpetuity while using the Township resources wisely.

Taking dedication of existing private streets should meet the minimum criteria the following principals and statutes for taking dedication.

- Street/Road dedication process must comply with all Second Class Township Codes specifically related to Chapter XXIII Roads, Streets, Bridges and Highways (Especially sections 2314 and 2315)

- Street/Road dedication of private streets process should be community driven and supported.

- Street/Road dedication should improve the quality of life for the residents of the Township.

### **DEFINITIONS**

Private Road – shall mean any road that is not owned by the Township or another public entity

Dedicated Road – shall mean any road for street that has been deed to and is owned and maintained by the Township

### **ELIGIBLE STREETS**

A road may be considered for dedication provided it meet the following criteria:

The road must be located within an area zoned residential or mixed use with a residential component unless approved for dedication during land development

The road must serve a minimum of at least three parcels

The road must meet current Township standards or be able to be reconstructed to meet current Township standards

## ROAD FEATURES

The Township adopts and incorporates the PennDOT standards in their entirety related to local and connector roads. The latest standards will apply unless the specifically modified by the Township.

Based on location and proximity to other Township streets that have or need other improvements the road reconstruction and dedication may require street lights, sidewalks, storm-water infrastructure, and curbing.

## IMPLEMENTATION

### PROCESS

The following steps are to be followed throughout the Private Road Dedication Program:

1. **Inquiry:** Initial contact made by specifically impacted property owners inquiring about Private Road Dedication or the Township itself identifies a Street/Road that may benefit from dedication.
2. **Informational Presentation:** If requested by 20% of the specifically affected property owners, staff will schedule a preliminary meeting to present background information on Road/Street Dedication and explain the Township's Road/Street Dedication policy. This will be a meeting open to the public.
3. **Petition:** After staff reviews minimum petition requirements (***50% of generally affected property owners***) with residents, petition submitted.
4. **Township Funding for Feasibility Study:** If the petition receives at least 50% support of the resident abutting the private road to be dedicated the staff will present to the Board the request for a Feasibility Study along with a not to exceed cost of the Study.
5. **Feasibility study:** The Township Engineer will do a preliminary study to determine if there is a reasonable possibility and cost related for the private road to be upgraded to meet the Township's Road Dedication Standards.
6. **Vote:** Specifically affected property owners vote. ***70% must vote in favor of project*** to proceed with the Development of the Plan and agreement to cover the cost of the developed plan. If result of vote is favorable, the Road reconstruction plan development is placed on a Board of Supervisors Agenda for approval.
7. **Develop Plan:** The Township engineer to do a preliminary plan and provide cost estimates for the private road to be brought up to Township Road Dedication Standards.

8. **Public meeting:** Public information meeting(s) will be held with all generally affected residents to disseminate information on proposed Road/Street Dedication plan and receive input, after which the Road/Street Dedication plan will be finalized by the resident paid engineer.
9. **Vote:** Specifically affected property owners vote. **70% must vote in favor of project** to proceed with implementation. If result of vote is favorable, the Road/Street Dedication plan is placed on a Board of Supervisors Agenda for approval.
10. **Construction:** If result of vote of residents and Board of Supervisors is favorable, the Road/Street Dedication project may move forward with reconstruction plan will be constructed as funding allows, subsequent to Township Board passing a resolution in favor of implementing the plan.
11. **Dedication:** Once Constructed the Board will take dedication of the street.

## **1. Inquiry**

Upon initial contact made by a specifically affected property owner inquiring about private Road/Street Dedication, Township staff will discuss the program procedures and petition requirements. The property owner will be required to submit a Private Road/Street Dedication Inquiry form to the Township. Staff will then determine the area affected and neighborhood boundary lines. Typically a resident will have concerns with road dedication will be limited to one segment or “block” of roadway. However, if the implementation of Road/Street Dedication on one roadway section may transfer storm water problems to a parallel or perpendicular local roadways, the affected neighborhood area shall be addressed as a whole. This affected neighborhood area is called the generally affected area and will be determined by Township staff, taking into consideration the natural, reconstruction of the dedicated roadway. The generally affected area will be determined based on expected storm-water impact base on topography.

Township staff will then discuss with the inquiring parties the minimum petition requirements, as well as the boundaries of the generally affected area and the specifically affected area via the telephone. A preliminary field review by Township staff may be required and a meeting with the inquiring parties may also occur if needed. Petition forms, informational brochures and maps detailing the generally affected area boundaries shall be provided to the inquiring party. In the alternative, the Township may identify a potential need for private Road/Street Dedication, in which case the Township will initiate the process at Step 4.

## **2. Informational Presentation**

Staff will provide a public informational presentation to present background information on private Road/Street Dedication and explain the Township's private Road/Street Dedication policy if requested by 20% of the specifically affected property owners, by completing and submitting a Petition for Informational Meeting, which will be available at the Township building.. Notification of the public meeting by the Township will be made through the Newtown Township webpage and by notifying the

contact person identified on the Petition form.. In addition, the residents initiating the request for private Road/Street Dedication may produce and distribute flyers at their own cost with the Township's approval. Any other advertisements initiated and paid for by neighborhood residents must be approved in advance by the Township.

### **3. Petition**

Staff will provide information on the boundaries of the generally affected neighborhood, minimum petition requirements, petition forms, and any informational brochures to residents wishing to pursue private Road/Street Dedication.

Once a qualifying petition is submitted, the Township Manager or his designee will act as the liaison that serves as the main contact person between the Township and the property owners of the neighborhood. The Township Manager or his/her designee will, among other duties, coordinate with Township staff on the development of the private Road/Street Dedication plan, help contact property owners adjacent to private Road/Street Dedication, distribute appropriate information to neighbors as needed, be available to answer questions from area residents about private Road/Street Dedication, help organize the public meeting, and present the proposed private Road/Street Dedication plan to their neighbors.

In order for a neighborhood to proceed with the private Road/Street Dedication program, a petition shall be submitted to the Township signed by property owners from a minimum of 50% of the total number of generally affected properties within the neighborhood boundaries determined by Township staff. In the event there are multiple owners of a property, only one property owner shall be counted for that parcel. The purpose of obtaining signatures from owners of a minimum of 50% of foot frontage the generally affected properties is to verify there are a significant number of residents interested in private Road/Street Dedication before proceeding through the remainder of the private Road/Street Dedication program. Although only specifically affected property owners may vote on the final private Road/Street Dedication plan, all generally affected property owners should remain informed during the development process and be provided opportunities for input.

### **4. Funding Feasibility Study**

After the petition has been received, Township staff will schedule with the Township Engineer to get a quote for the cost of doing a Feasibility Study. The cost will be presented to the Board of Supervisors for review and approval. If funding exceeds what is currently budgeted for engineering project the Board may either increase the budget or schedule the study for a future fiscal year.

### **5. Feasibility Study**

After the Board of Supervisors approval has been received, Township staff will schedule an Engineer Feasibility study on the proposed private Road/Street dedication to determine if the roadway can meet township road specifications. A review of drainage will be performed to determine potential storm water impacts and what infrastructure improvements may need to be made.

If the criteria to qualify for private Road/Street dedication are met, the Township will also analyze the impact of potential private Road/Street dedication on other roadways in the neighborhood. A committee formed by Township personnel to include the Police Chief, Public Works Director, the Road Master, Township Engineer and others as Township Manager sees fit, will develop a recommendation as to whether private Road/Street dedication are appropriate, and if so, to what extent.

## **6. Vote of Feasibility Study**

A notice which describes in detail the finding of the Feasibility Study for the private Road/Street dedication plan will be mailed by the Township to the owner of each parcel of property in the generally impacted area, defined by the boundaries previously determined by Township staff. Those specifically affected parcels eligible to vote will receive a ballot along with a copy of the finding of the Feasibility Study for the private Road/Street dedication plan. Property ownership will be determined from the most recent general update of the records of the Township. The notice will contain the following information as applicable:

- written and graphic description of the feasibility of proposed private Road/Street dedication plan;
- summary of data which support implementation of private Road/Street dedication plan;
- description of boundaries of the generally affected area;
- identification of specifically affected properties;
- estimated cost to recreate a developed plan for the private Road/Street dedication plan and funding sources;
- 70% of the specifically affected properties must vote in favor of the project for it to go forward;
- An official voting ballot form for specifically affected properties eligible to vote to be returned to the Township, and the voting deadline.

All notices and voting ballots will be mailed by Newtown Township through regular United States Postal Service to the mailing address on record for the property owner. In order for the proposed private Road/Street dedication plan to be prepared, at least 70% of the specifically affected properties and at least a majority of the foot frontage of the properties must be in favor of the proposal. Each specifically affected property parcel shall be counted as one vote. In the case of multiple property owners for one parcel, only one vote signed by one of the owners shall be counted for that property, and if conflicting votes are received for that property, it shall be counted as in favor. In the case of a property owner owning multiple properties within the specifically affected area eligible to vote, one vote for each property owned will be accepted. If an agency or group entity (such as a real estate company) is the official property owner on record other than an individual person, an official agent of the company may sign the official voting ballot.

Only original signatures will be accepted. A replacement ballot may be provided upon the property owner's request. Votes are final once received by Township staff. If a property owner wishes to change his or her vote after submitting the official ballot to the Township and it is within the voting period, the property owner may request a replacement ballot as previously described. No ballots or replacement ballots shall be received after the official voting deadline has passed. Votes mailed to the Township must be received before the expiration of the voting period.

The voting period shall be 60 calendar days from the date of mailing of the official ballot. No votes will be accepted after the expiration of the voting period.

Voting ballots may be returned by mail or hand delivered directly to the Township prior to the voting period deadline. At the conclusion of the voting period, official ballots received by Township staff will be verified. If at least 70% and the majority of the foot frontage of the specifically affected properties are in favor of the private Road/Street dedication plan, the private Road/Street dedication project will be forwarded to the Board of Supervisors to be considered at a business meeting as well as prioritized against other approved projects.

If 70% and the foot frontage of the specifically affected properties are not in favor of moving forward with the private Road/Street dedication plan, the area shall not be reconsidered for private Road/Street dedication for a period of **three (3)** years from the date the petition was received by Township staff, unless the Township determines that a significant change in area conditions affecting traffic has occurred. Such significant changes may include new construction, roadway improvements, changes in land use, or similar changes creating regional impacts. A new petition will be required after the three-year waiting period to initiate the private Road/Street dedication process again.

## **5. Develop Plan**

If it is determined that a road qualifies and is appropriate for private Road/Street dedication, Township staff will develop a private Road/Street dedication plan. The Staff will work with the residents to determine if they want to use the Township Engineer to develop the construction document or hire an independent engineer. The selected engineer will design the project and determine all applicable cost. The plan will take into account existing driveways connections to road right-of-ways, intersecting side streets, horizontal or vertical curvature of the roadway, curbing and drainage. The plan must also take into account existing infrastructure such as fire hydrants, drainage inlets, utility boxes, manholes, poles, etc. If they do not currently exist, the plan must adequately address those needs.

The property owners will be informed of how the roadway and features that are proposed and where they will be located and how the locations were determined. Input from residents and field reviews or meetings may occur as needed.

Where applicable, Township staff will coordinate development of the private Road/Street dedication plan with representative of PENNDOT and adjacent municipalities.

## **6. Meeting open to the Public**

If the Township committee finds that a road is appropriate for private Road/Street dedication, all generally affected property owners with road frontage will be given notice of a meeting open to the public hearing through a Township mailing so that their views and opinions may be expressed regarding the proposed private Road/Street dedication plan for their road. The notice will include the purpose of the meeting and a description of the proposed private Road/Street dedication plan.

Notification of the meeting will also be published on the Township webpage and emails as available In addition; the residents initiating the request for traffic calming may produce and distribute flyers at their own cost with the Township's approval.

All Township residents are welcome to participate in the meetings and offer comments/opinion.

Township staff will conduct the meeting. Township staff will:

Briefly present background information on private Road/Street dedication in general and the Township's private Road/Street dedication program and process;

Review the boundaries of the generally affected area and identify specifically affected properties;

Review results of the feasibility study from the affected area and other applicable data as needed;

Explain the further steps required to implement the plan.

The Township Manager or his/her designee will:

Review the neighborhood concerns which initiated the private Road/Street dedication process and any other background information as needed;

Help present the proposed private Road/Street dedication plan developed for the affected area.

Official minutes may be taken if deemed necessary by Township staff. Township staff present at the meeting will receive and record any concerns of the residents in the generally affected area. After the meeting, Township staff will consider any concerns brought up at the meeting and investigate any issues necessary before the private Road/Street dedication plan is finalized.

## **7. Vote**

A notice which describes in detail the finalized proposed private Road/Street dedication plan will be mailed by the Township to the owner of each parcel of property in the generally impacted area, defined by the boundaries previously determined by Township staff. Those specifically affected parcels eligible to vote will receive a ballot along with a copy of the finalized private Road/Street dedication plan. Property ownership will be determined from the most recent general update of the records of the Township. The notice will contain the following information as applicable:

- written and graphic description of the proposed private Road/Street dedication plan;
- summary of data which support implementation of private Road/Street dedication plan;
- description of boundaries of the generally affected area;
- identification of specifically affected properties;
- estimated cost of the private Road/Street dedication plan and funding sources;
- 70% of the specifically affected properties must vote in favor of the project for it to go forward;
- An official voting ballot form for specifically affected properties eligible to vote to be returned to the Township, and the voting deadline.

All notices and voting ballots will be mailed by Newtown Township through regular United States Postal Service to the mailing address on record for the property owner. In order for the proposed private Road/Street dedication plan to be implemented, at least 70% of the specifically affected properties and at least a majority of the foot frontage of the properties must be in favor of the proposal. Each specifically

affected property parcel shall be counted as one vote. In the case of multiple property owners for one parcel, only one vote signed by one of the owners shall be counted for that property, and if conflicting votes are received for that property, it shall be counted as in favor. In the case of a property owner owning multiple properties within the specifically affected area eligible to vote, one vote for each property owned will be accepted. If an agency or group entity (such as a real estate company) is the official property owner on record other than an individual person, an official agent of the company may sign the official voting ballot.

Only original signatures will be accepted. A replacement ballot may be provided upon the property owner's request. Votes are final once received by Township staff. If a property owner wishes to change his or her vote after submitting the official ballot to the Township and it is within the voting period, the property owner may request a replacement ballot as previously described. No ballots or replacement ballots shall be received after the official voting deadline has passed. Votes mailed to the Township must be received before the expiration of the voting period.

The voting period shall be 60 calendar days from the date of mailing of the official ballot. No votes will be accepted after the expiration of the voting period.

Voting ballots may be returned by mail or hand delivered directly to the Township prior to the voting period deadline. At the conclusion of the voting period, official ballots received by Township staff will be verified. If at least 70% and the majority of the foot frontage of the specifically affected properties are in favor of the private Road/Street dedication plan, the private Road/Street dedication project will be forwarded to the Board of Supervisors to be considered at a business meeting as well as prioritized against other approved projects.

If 70% and the foot frontage of the specifically affected properties are not in favor of the private Road/Street dedication plan, the area shall not be reconsidered for private Road/Street dedication for a period of **three (3)** years from the date the petition was received by Township staff, unless the Township determines that a significant change in area conditions affecting traffic has occurred. Such significant changes may include new construction, roadway improvements, changes in land use, or similar changes creating regional impacts. A new petition will be required after the three-year waiting period to initiate the private Road/Street dedication process again.

## **8. Construction**

If the Board of Supervisors votes in favor of the private Road/Street dedication, the private Road/Street dedication plan is placed on a schedule for the installation of the traffic calming features. The private Road/Street dedication plan is being fully or partially funded by the township it will be constructed as funding allows, subsequent to Township Board passing a resolution in favor of implementing the plan. If there are multiple neighborhoods that have voted for private Road/Street dedication, a waiting list may be developed by Township staff until such time as the features can be constructed.

## **FUNDING**

The Township may support the private Road/Street dedication Program on an on-going basis by allocating funds, when available, through the budgetary process. All projects are conditioned on funding being available. A successful vote does not guarantee the private Road/Street dedication.

Developers and residents may also contribute funding on a voluntary basis to a specific project in an effort to address community concerns. For a development or redevelopment project that impacts an adjacent residential roadway in a neighborhood that has petitioned for private Road/Street dedication, the developer may choose to install the infrastructure need to dedicate the private road/street, such as an enhanced storm water, curbing, or other during the construction of their project. If it is not feasible for a developer to install the infrastructure as part of their project, the developer may donate funds to the Township that will be reserved for use when the Township completes the private Road/Street dedication. Any contributions to the private Road/Street dedication program by developers will be on a voluntary basis.

The any cost not covered by donations from residents for a developer will be assessed to the adjacent property owners of the dedicated road/street as allowed by the Second Class Township Code.

## **OTHER PRIVATE ROAD DEDICATION PROGRAM ISSUES**

### **CONTINUAL MAINTENANCE**

After the construction of each private Road/Street dedication plan is complete, the Township should make efforts for ongoing maintenance of the dedicated road/street. The Township will take on the snow removal, ongoing maintenance and future repair/improvements to the dedicated roadway.

### **MODIFICATION OF AFTER DEDICATION OF PRIVATE ROAD/STREET**

The Township, on its own initiative, may modify the infrastructure and roadway as need in the interest of public safety.

### **LIGHTING**

Street lighting installations shall not be required with the dedication of private Road/Street in neighborhoods. Adequate signing and pavement markings will be installed as needed reflective at night to sufficiently warn and guide a motorists on the roadway.

## **SUMMARY**

The private Road/Street dedication Policy allows Township staff and property owners in Newtown Township to work together to develop neighborhood private Road/Street dedication plans. It also provides a streamlined procedure for the development of private Road/Street dedication plans.

This private Road/Street dedication Policy shall serve as the supporting guidelines for Newtown Township private Road/Street dedication Program. It supports Newtown Township transportation, planning, environmental, economic and social goals, objectives and principles.