

Laying Out and Construction of Town Highways and Roads

6-2-1	Application to Lay Out and Construct Highway
6-2-2	Restrictions on Laying Out Highways
6-2-3	Procedure After Application is Filed
6-2-4	Duties of Applicants After Application is Filed
6-2-5	Proceedings After Notice
6-2-6	Order, Award and Recording
6-2-7	Damages
6-2-8	Appeals
6-2-9	Payment of Construction Expenses
6-2-10	Preliminary Inspection
6-2-11	Performance Bond
6-2-12	Roadway Specifications; Construction Specifications for Roads Constructed by Private Parties
6-2-13	Final Inspection

Sec. 6-2-1 Application to Lay Out and Construct Highway.

An application under this Chapter to lay out and construct a new Town highway, other than as part of to a new subdivision or plat, may be filed by six (6) or more resident freeholders of the Town. Said application must in writing and it may be delivered to any Supervisor or the Town Clerk. The application shall contain a complete description and a survey map of the property in question. New streets and roads in subdivisions and plats shall be constructed pursuant to the Town subdivision ordinance and this Chapter where it is not in conflict with the Town subdivision ordinance.

State Law Reference: Section 80.02, Wis. Stats.

Cross-Reference: Title 14 and Land Division and Subdivision Code

Sec. 6-2-2 Restrictions on Laying Out Highways.

- (a) No Town highway shall be laid out through or upon any cemetery without the consent of those having the control of the cemetery.

- (b) No Town highway shall be laid through or upon any structure, yard or enclosure used for educational or charitable purposes.
- (c) No Supervisor shall act in laying out, altering, widening or discontinuing any highway in which he/she may be personally interested.
- (d) When the laying out of a highway would require the construction of a bridge costing more than One Thousand Dollars (\$1,000.00), exclusive of donations, the order of the Supervisors laying out such highway shall not be effective unless approved by the electors of the Town, and an estimate by the Wisconsin Department of Transportation shall be conclusive of the cost of such bridge for the purposes of this Section.
- (e) Without the consent of the owner, no Town highway shall be laid out through or upon any garden or orchard or any building or fixture used for trade or manufacture or any other building or fixture or the yard or enclosure necessary to the use thereof, when the damage thereby caused thereto, exclusive of the damage to the land, exceeds Three Hundred Dollars (\$300.00).

State Law Reference: Sections 80.02, 80.03 and 80.04, Wis. Stats.

Sec. 6-2-3 Procedure After Application is Filed.

- (a) On application made pursuant to Sec. 6-2-1 above, the Town Board shall prepare a notice fixing therein a time and place at which they will meet and decide upon the application.
- (b) The notice shall specify as near as practicable the highway proposed to be laid out, widened, altered or discontinued and the tracts of land through which the highway passes.
- (c) If the application is for discontinuance, the notice shall specify the tracts of land abutting on the highway which will be benefited or injured by such discontinuance.
- (d) When the description in the aggregate exceeds two hundred (200) words in length, the notice may state that such descriptions are contained in the application as provided in Sec. 80.02, Wis. Stats., and shall give the name and address of the Town Clerk to whom the application has been delivered.

State Law Reference: Section 80.05(1), Wis. Stats.

Sec. 6-2-4 Duties of Applicants After Application is Fixed.

- (a) Applicants shall at least ten (10) days prior to date of hearing give notice by registered mail to all occupants and owners of record of lands through which the highway may pass.
- (b) Applicants shall give notice to the Wisconsin Department of Natural Resources by registered mail.

- (c) Applicants shall give notice to the Board of Soil and Water Conservation District by registered mail.
- (d) Applicants shall publish the notice as a Class 2 notice under Ch. 985 of the Wisconsin Statutes.
- (e) Failure of applicants to comply with this Section will invalidate the entire proceeding.

State Law Reference: Section 80.05(2), Wis. Stats.

Sec. 6-2-5 Proceedings After Notice.

- (a) The Supervisors shall meet at the time and place stated in the notice pursuant to Sec. 6-2-3(a).
- (b) The Supervisors are to be satisfied that all notices as required by this Chapter and the Laws of the State of Wisconsin have been complied with.
- (c) The Supervisors shall personally examine the highway which is the subject of the application and shall hear any reason that may be offered for or against laying out, widening or altering the highway.
- (d) The Supervisors shall, after complying with Subsections (a), (b) and (c) above, decide upon the application and shall grant or refuse the same as they deem best for the public good.
- (e) The Supervisors may adjourn said hearing from time to time, not exceeding in all thirty (30) days from the time of the first meeting, giving public notice of the time and place of such adjournment and by filing forthwith of such adjournment in the office of the Town Clerk.

State Law Reference: Section 80.06, Wis. Stats.

Sec. 6-2-6 Order, Award and Recording.

- (a) When Supervisors lay out, alter, widen or discontinue any highway, they shall make and sign an order therefor, incorporating therein a description of the highway and cause survey thereof to be made when necessary.
- (b) Damages are to be awarded to landowner pursuant to Sec. 6-2-7 hereafter and Sections 80.09 and 80.10, Wis. Stats.
- (c) The order and award of damage shall be filed and recorded in the office of the Town Clerk within ten (10) days after the date fixed by the notice or adjournment for deciding upon the application.
- (d) If the Supervisors fail to file the order and award within ten (10) days, they shall be deemed to have decided against the application.
- (e) A certified copy of the order shall be transmitted by the Town Clerk to the Winnebago County Highway Commissioner.

State Law Reference: Section 80.07, Wis. Stats.

Sec. 6-2-7 Damages.

(a) The applicant(s) shall secure a release of damages from all occupants and owners of record and file it with the Town Clerk. The damages sustained by any person upon whose land any highway be laid out, widened or altered shall be fixed by agreement signed by the owner and the Supervisors and be filed in the Town Clerk's office. Such agreement and every release of damages given shall bar any further claims for damages by the owner and all persons claiming under him/her. A land conveyance shall accompany the release of damages, which shall be properly recorded with the Winnebago County Register of Deeds.

(b) If any owner does not so agree with the Supervisors as to his/her damages or does not deliver to the Supervisors a written release of all claims for damages, the Supervisors shall, at the time of making the highway order, assess the damages and make a written award specifying the sum awarded by them to each owner. The award shall be signed by the Supervisors and be filed in the Town Clerk's office with the order laying out, widening, altering or discontinuing the highway.

State Law Reference: Sections 80.09 and 80.10, WI. St. Stats.

Sec. 6-2-8 Appeals.

(a) Appeal From Highway Order shall be pursuant to Section 80.17 WI. Stats.

(b) Appeal From Award of Damages by the owner shall be pursuant to Sec. 80.24 WI. Stats.

State Law Reference: Sections 80.17 and 80.24, WI. St. Stats.

Sec. 6-2-9 Payment of Construction Expenses.

All expenses involved in the preparation, construction and dedication involved in highway construction under this Chapter shall be borne by the applicant(s).

Sec. 6-2-10 Preliminary Inspection.

Prior to the design, preparation and construction of any roadway to be dedicated to the Town of Vinland, the applicant shall notify the Town Road Superintendent. An on-site meeting shall then be arranged to be attended by the Town Road Superintendent, applicant's engineer and applicant. Plans must be provided in order for the Town Road Superintendent or other designated qualified individual to check the design and the drainage.

At the option of the Town Board, the applicant(s) shall prepare the highway (grade, ditch and gravel, etc.) one year and surface it the next year in order to further compact the roadbed. If so, the applicant(s) shall provide a bond or irrevocable letter of credit which would enable the Town to finish the road, in case of default by the applicant(s). The performance bond, irrevocable letter of credit or cash escrow agreement shall be equal to the Town Board's or its consultant's estimated cost of the required improvements adjusted for inflation. If the required improvements are not complete within the eighteen (18) month period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the Town and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Town Board, at its option, may extend the bond period for any additional period not to exceed one (1) year; however, the initial bond shall be required to run one (1) year beyond the initial date of acceptance of improvements.

Sec. 6-2-12 Roadway Specifications; Construction Specifications For Roads Constructed by Private Parties.

The following "Construction Specifications for Roads Constructed by Private Parties Standards" shall be applicable for both new roads ordered constructed under this Chapter and for roads required as a condition of new plat/land division approval. The following minimum construction specifications shall pertain to roads, including roads set out on plats, in the Town of Vinland, and these specifications must be met before such roads shall be accepted by the Town of Vinland as public roads:

- (a) **Road Right-of-Way.** The road shall have a right-of-way width of sixty-six feet.
- (b) **Preparation of Road Base.** The road right-of-way shall be graded and drained to include sufficient ditches and culvert pipes for adequate drainage of the area, considering the highway and adjacent land development, including proposed development. The road shall be graded with a thirty (30) foot top and the back slop of ditches shall end not less than two (2) feet from the right-of-way line. That part of the road right-of-way not occupied by the road shall be graded with gradual sloping ditches having a minimum depth of eighteen (18) inches from the grade level of abutting property. Materials excavated from the construction of ditches shall be used as necessary for raising and leveling the road bed.
- (c) **Culverts.**
 - (1) **Private Entrance Culverts.** Private entrance culvert pipes shall be placed in ditches so as to provide adequate drainage of standing and running water. Private entrance culvert pipes shall be a

minimum of eighteen (18) inches in diameter and twenty-four (24) feet in length and shall be of sufficient size to carry the surface water drainage of the area considering the highway and adjacent land development, including proposed development.

- (2) **Public Culverts.** Public culverts, including culverts at the entrance to connecting public road, shall be a minimum of eighteen (18) inches in diameter and forty (40) feet in length.
- (3) **Cul de Sacs.** Any road which at a terminus does not connect with a public road shall be constructed with a cul de sac having a minimum diameter of one hundred (100) feet, exclusive of ditches.

(d) Minimum Requirements Concerning Material.

- (1) **Base.** All roads shall have a base constructed of crushed stone which shall be in order to provide a base course of one hundred eleven (111) tons per one hundred (100) running feet and a surface course of eighty-one (81) tons per one hundred (100) running feet with a road surface width of twenty-eight (28) feet. To allow for proper base settling, no final surface layer construction will be conducted for at least one (1) year from completion date of the proposed road base construction.
- (2) **Stone Size.** The base course shall consist of seven (7) inches of one and one-half (1-1/2) inch crusher run or larger stone. The top course shall consist of five (5) inches of three-fourths (3/4) inch crusher run stone. The applicant shall furnish a written certificate of the supplier of stone, certifying the road proposed for acceptance by the Town of Vinland, upon request of the Town Board.
- (3) **Additional Base Material.** If, in the opinion of the Town Board/Road Superintendent, soil forming the foundation for a road proposed to be accepted by the Town of Vinland is unstable as a result of water saturation or unstable composition of soils or is otherwise so unstable as to preclude the construction of a sound and durable public road in accordance with the minimum specifications otherwise established by this Section, the Town Board of the Town of Vinland may require construction of additional base materials before such road shall be accepted as a public road.
- (4) **Surface Course.** The surface must consist of either crushed aggregate or bituminous concrete composition suitable for anticipated traffic loads. The minimum amount of pavement necessary for acceptance must be at least four (4) inches in thickness. Such material shall be laid down at a width of not less than twenty-two (22) feet with its centerline corresponding to the centerline of the right-of-way.
- (5) **Shouldering.** Shouldering shall be placed on each side of the pavement. Shouldering must correspond with the height of the pavement. It shall be a gravel mixture of one-half (1/2) or five-

eighths (5/8) inch crusher run with a width of two (2) feet from said pavement on each side.

- (6) **Authority of Higher Standards.** The road design standards in this Subsection as stated above are intended to be minimum design standards. The Town Board shall have the discretion to impose higher design standards where, in the opinion of the Town Board, local conditions require higher standards or anticipated traffic in quantity or quality will require higher standards.
- (e) **Time for Acceptance.** No road shall be accepted by the Town of Vinland as a public road until after the expiration of one (1) year after the construction of such road has been completed.

Sec. 6-2-13 Final Inspection.

Upon completion of the proposed highway, the Town Road Supervisor or any other qualified individual shall proceed to make the final inspection, accepting or rejecting road as the case may be. After all the provision of this Chapter have been complied with, the roadway or easement will be inspected by the Town Road Superintendent and, at that time, proof will be made by the presenting of waivers of liens or receipted bills that all work that has been done has been paid for or arrangements have been made for the payment through written instruction by the subdivider. If the road is rejected, corrections shall be made as recommended by the Town Road Superintendent, upon the recommendation of a qualified individual or firm before final inspection can then be made again. If final acceptance is then made, the owner or owners shall turn over to the Town the deed of all land necessary for the road as previously mentioned.

