

**TOWN OF FREMONT LAND USE REGULATIONS 7.4.5
RESOLUTION RELATING TO THE LAYING OUT AND CONSTRUCTION OF
HIGHWAYS PRIOR TO THEIR DEDICATION TO THE TOWN OF FREMONT
AS PUBLIC HIGHWAYS.**

The Town Board, pursuant to the authority conferred by law, resolves as follows:

SECTION 1: The purpose of this resolution is to regulate the laying out and construction of highways prior to their dedication to the Town of Fremont as public highways.

SECTION 2: (a) Wherever used in this resolution, the term "highway" shall be construed to include any type of road or thoroughfare constructed or planned to be constructed for dedication to the Town of Fremont as a public highway pursuant to law.

(b) Wherever used in this resolution, words in the singular number include the plural and words in the plural number include the singular.

(c) The word "shall" is mandatory and not directory. Words in the present tense include the future.

(d) All applications for approval of plans shall be made as heretofore specified in this regulation.

(e) All applications shall be accompanied by three copies of the highway plans and profiles of each highway showing existing and proposed grades as well as the necessary detail required by the provisions of this regulation.

(f) All applications for the dedication of a highway to the Town of Fremont shall be accompanied by a proposed warranty deed conveying said highway to the town, with all necessary releases from mortgages or other claimants. Such deed shall describe the road to be conveyed as shown on map and shall state the date on which said map was filed in the Steuben County Clerk's office and the number thereof. Maps are to be of size acceptable to the Steuben County Clerk.

SECTION 3: (a) The owner or all the owners shall have had the land comprising the highway surveyed, mapped, and a map thereof shall have been filed in the Steuben County Clerk's office, and adequate metal or stone boundary markers shall be inserted in a permanent manner at intervals of not less than 500 feet on tangents and P.C. and P.T. of curves along the boundary lines of such highways. Boundary lines at road intersections shall have a minimum radius of 25 feet.

(b) If sewer, water, gas or other utility service is to be installed in such highway, they shall be installed prior to the final surfacing of such highway, and all laterals and other service connection shall be installed and brought to the outer street line prior to such final surfacing.

SECTION 4: The minimum right-of-way width hereinafter laid out shall be fifty (50) feet. These widths shall be measured from lot line to lot line. Said widths shall be measured normal to the lot lines on tangents and on radical lines with curves. Approved turn-a-rounds are to be used on dead end streets and roads. Recommended radius of turn-a-rounds shall be 50 feet minimum.

SECTION 5: There shall be no reserve strips controlling access to highways except where control of such strips is definitely placed in the Town under the offer to dedicate.

SECTION 6: Highway grades shall not exceed eight percent (8%) nor be less than one percent (1%) at the ditch. Changes may be made with the approval of the Town Superintendent.

SECTION 7: The highway shall be shaped and crowned so as to slope laterally in order to drain surface water off the roadway onto sides of the highway where shallow ditches or gutters shall be built to carry off said water. Recommended crown one quarter inch (1/4") per foot. If the grade or pitch of the road is sharp, so that flow of surface water might wash out said ditches or gutters, same shall be lined with stone and bound with hard topping to prevent such washing out. These ditches or gutters shall be connected at all intersections by piping of a size and length prescribed by the Superintendent of Highways of the Town of Fremont, and he may require the installation of catch basins or dry wells at such locations as he deems necessary to properly catch and carry off such surface water as he may estimate will accumulate along the highway or at said highway intersections. Headwalls may be required by the Town Superintendent. Bridges over (5) five foot span to be approved by the County Superintendent.

Proper drainage shall be installed where required. Drainage pipe is to conform to the standard usage adopted by the Town Superintendent of Highways. A profile map, in duplicate, shall be filed with the Town Board, showing the grade and fall of surface water to be not less than one percent (1%), and also showing the final disposition of flow, which must be to a live stream or well established natural drainage ditch. If the grade and fall of surface water is shown to be less than the above prescribed, the Superintendent of Highways of the Town of Fremont shall require the installation of a surface water drainage system consisting of piping and catch basins or dry wells of such size as he deems necessary under the circumstances. In case where access to a live stream or well established natural drainage ditch is required, easements or right-of-way leading thereto shall be secured and conveyed to the Town of Fremont as below set forth.

The developer or owner laying out said street or highway shall obtain all necessary easements of rights of way to take care of any surface water caused by reason of the development of said street or highway, and by reason of the installation of culverts or surface drains. No street or highway will be taken over by the Town of Fremont, nor approved by the Town Superintendent of Highways before such necessary easements or rights of way have been obtained and the legal sufficiency thereof shall be passed upon by the attorney for the Town of Fremont. Such easements or rights of way shall be at least twenty (20) feet in width.

SECTION 8: Prior to being offered for dedication to the Town, all roads shall be graded and surfaced as follows: All highways or roads offered for dedication shall be suitable and properly graded and shall meet with the approval of the Town Superintendent of Highways. Fill shall be added, using suitable run-of-bank gravel or material acceptable to the Town Superintendent, properly crowned and compacted, to be approved by the Town Superintendent of Highways. All boulders, organic material, soft clay, spongy material, and any other objectionable material shall be removed and replaced with suitable material. The subgrade shall be properly shaped, rolled with a 10 ton roller and uniformly compacted to conform with accepted cross section grades.

There shall be a gravel base of at least twenty-six (26) feet in width, located in the center of the proposed highway, allowing for eighteen (18) feet of roadway and four (4) feet of supporting shoulders on each side, and said gravel base shall be run-of-bank gravel of the quality described below and compacted to twelve (12) inches. The top three (3) inches shall be crushed run-of-bank gravel, maximum size to be determined by the Town Highway Superintendent. Greater thickness where poor subsoil is encountered may be ordered by the Town Superintendent.

Run-of-bank gravel shall consist of hard durable particles of gravel and filler of sand or other finely divided mineral matter. The gravel shall be free from organic matter and lumps or balls of clay. Shale or crumbly rock will not be accepted.

SECTION 9: When a road has been accepted by the Town under conditions outlined in Section 277 of the Town Law pending final surfacing and approval, the responsibility and liability for maintenance of the drainage system and roadway shall rest with the owner and/or developers. The Town shall have the responsibility and liability for snow removal and ice control.

SECTION 10: The Steuben County Superintendent of Highways shall make the final decision on sizes and quantities of materials, methods of construction and other details outlined in Sections 6, 7, and 8, if the Town Superintendent and the owners and/or developers are unable to agree.

SECTION 11: The use of proper names for road names is discouraged. The Town Board of the Town of Fremont must by law approve road names and may change any chosen by the developer or owner to avoid duplication, or for any other reason of its own.

(8)

Road signs eight inches wide and eighteen (18) inches long at the top of iron poles three (3) inches in diameter shall be erected by the owner or developer, in the first instance, later to be maintained by the Town of Fremont.

SECTION 12: No street or highway shall be taken over by the Town unless it meets all of the above requirements and approval of the Town Superintendent of Highways. No special district improvements shall be placed or installed in any street or highway of the Town until such street or highway has been properly graded and drained as provided in this resolution and approved by the Town Superintendent of Highways.

SECTION 13: Approval in writing shall be obtained by the owners and/or developers from the New York State Department of Transportation regarding drainage where proposed streets or highways intersect state roads and its permission to connect said streets with such roads.

Approval in writing shall be obtained by the owners and/or developers from the Steuben County Superintendent of Highways regarding drainage where proposed streets or highways intersect county roads and his permission to connect said streets with such roads.

SECTION 14: All previous regulations or resolutions affecting the acceptance of roads by the Town are hereby rescinded.

SECTION 15: The Town Board may, in the exercise of its best judgment, refuse to accept title to any street, roadway, or highway in said Town, notwithstanding that all the foregoing rules and regulations have been performed and complied with.

SECTION 16: Any amendments to the foregoing must be made with the approval of the Town Board and the Town Highway Superintendent.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~ of

Fremont

~~Town~~

~~Village~~

Local Law No. 1 of the year 2015.

A local law Town of Fremont Land Use Regulations 7.4.5
(Insert Title)

Resolution Relating to the Laying Out and Construction
of Highways Prior to Their Dedication to the Town of Fremont
as Public Highways

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~

~~City~~ of

Town of Fremont

~~Town~~

~~Village~~

as follows:

SEE COPY OF LOCAL LAW
ANNEXED HERETO

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2015 of the ~~(County)(City)~~(Town)(Village) of Fremont was duly passed by the Town Board on August 11, 2015 in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Norma J. Kilbury
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
Norma J. Kilbury Town Clerk
Date: 8/12/2015

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Steuben

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature
Brian C. Schu
Attorney for the Town
Title

~~County~~
~~City~~ of Fremont
~~Town~~
~~Village~~

Date: August 12, 2015

DEPARTMENT OF STATE

ONE COMMERCE PLAZA
89 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR
CESAR A. PERALES
SECRETARY OF STATE

August 19, 2015

Fremont Town Clerk
Norma J kilbury
8217 Cream Hill Rd
Arkport NY 14807

RE: Town of Fremont, Local Law #1. 2015, filed on 8/18/2015

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated.
Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
Linda Lasch
Principal Clerk
State Records and Law Bureau
(518) 474-2755

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <i>Linda Lasch</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to: <i>State Records & Law Dept. of State Bureau 41 State Street Albany, New York 12231</i>	B. Received by (Printed Name)	C. Date of Delivery <i>AUG 17 2015</i>
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
PS Form 3811, February 2004	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Domestic Return Receipt	7010 1670 0001 6265 6455 102595-02-M-1540	