



Village of Downers Grove

Official Village Policy Approved by Village Council

Description:	Private Roads, Village Policy Relative to	
Res. or Ord. #:	Res. 95-36	Effective Date: 7/17/96
Category:	Engineering and Public Works	
	<input type="checkbox"/> New Council Policy	
	<input checked="" type="checkbox"/> Amends Previous Policy Dated:	1/25/88
	Description of Previous Policy (if different from above):	
	<u>Private Roads #78-18, #80-59, and #88-6</u>	

RESOLUTION 95-36

A RESOLUTION AMENDING CERTAIN POLICIES OF THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE RELATIVE TO PRIVATE ROADS IN THE VILLAGE

WHEREAS, the Council of the Village of Downers Grove has determined that it is necessary to establish policies concerning requirements for and procedures regarding Village control and maintenance of private roads in the Village; and,

WHEREAS, on January 25, 1988, the Village Council adopted Resolution 88-6 entitled "A Resolution Establishing Certain Policies of the Council of the Village of Downers Grove Relative to Private Roads in the Village".

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Downers Grove, Illinois, as follows:

FUTURE PRIVATE ROADS

1. That it is the policy of the Village of Downers Grove that it will discourage plans or plats for or improvements of any future developments within the Village, and especially residential developments, which include private roads which might be considered public streets by the general public.
2. That in such cases as the Village Council may approve plans for plats for any future development within the Village, which may include private roads which may be considered public streets by the general public, such roads shall be constructed in accordance with Chapter 19 of the Village Code.
3. That in such cases as private roads may be approved or provided pursuant to Paragraph 2 hereof, the street markers designating such roads shall clearly state that such street is a private road.

CONTRACTS FOR TRAFFIC ENFORCEMENT ON EXISTING PRIVATE ROADS

4. That in the case of existing private roads where only traffic enforcement is desired, the Council of the Village of Downers Grove may, authorize contracts for traffic enforcement of private roads and parking lots in residential developments in the Village only if:

(a) The owner or owners association of that development requests in writing that the Village contract to provide traffic enforcement for its private roads and parking areas; and

(b) The Parking and Traffic Commission and the Village Manager determine upon their independent investigations that the private roads and parking areas can be efficiently and effectively patrolled by the Village, so as to cause no excessive burden upon the resources of the Village if such a contract were accepted; and

(c) The Village Council has the final authority, pursuant to any contract, to establish reasonable traffic regulations and the costs for enforcing such regulations for the private roads or parking areas concerned; and

(d) The contract conforms to the requirements of Chapter 625 of the Illinois Compiled Statutes, Sections 5/11-209 and 5/11 2-9.1.

MAINTENANCE OF EXISTING PRIVATE ROADS - DEDICATION

5. The Council of the Village of Downers Grove may accept dedication of any existing private road or roads in the Village if:

(a) The road proposed to be dedicated serves more than three (3) dwelling units or businesses which have no individual access to the dedicated street; and

(b) The Village Manager, upon the recommendation of the Director of Public Works, determines upon his independent investigation that the road or roads proposed to be dedicated are of such construction and in such a state of repair as to cause no excessive burden upon the resources of the Village if dedication were accepted; and

(c) The road or roads proposed to be dedicated are of a width no less than 24 feet, are of a width sufficient for normal street maintenance, including curb and gutter, if present, and consist of at least a 2" asphalt cover on an 8" stone base of roadway or other dust free material similar in strength, or the owners of the proposed road or roads to be dedicated upgrade or pay the Village for upgrading the existing roadway to a reasonably safe and dust free condition prior to acceptance of dedication by the Village; and

(d) The road or roads proposed to be dedicated are not a part of an off-street parking facility for the development.

MAINTENANCE OF EXISTING PRIVATE ROADS - EASEMENT

6. That in the event residents of the residential developments are unable or unwilling to dedicate the road or roadway or in the event the Village of Downers Grove is unable or unwilling to accept dedication of the road or roadway area, the Village may accept an easement to maintain the said roadway or portions hereof, only if:

(a) The roadway serves more than three (3) dwelling units or businesses which have no individual access to a dedicated street; and

(b) The Village Manager, upon the recommendation of the Director of Public Works, determines upon his independent investigation that the road or roads proposed for maintenance are of such

construction and in such a state of repair as to cause no excessive burden upon the resources of the Village if maintenance were accepted; and

(c) The road, or roads, proposed for maintenance are not a part of an off-street parking facility for the development; and

(d) The property owners agree to pay for a specified maintenance plan performed by the Village. The method, amount of payment, and arrangements with respect to liability shall be established by the Village Council at the time the easement agreements are entered into.

7. This policy is not intended nor shall it impose or create any liability or obligation on the Village to undertake any inspection, maintenance or any other action related to private roads. No liability shall be imposed on the Village, its officers, agents or employees, as a result of the existence of this policy, or any actions or inactions taken with respect to this policy. It is further expressly acknowledged that any activities undertaken by the Village in relation to this policy shall be within budgetary limitations as may from time to time be set by the Village Council. The validity of any action otherwise taken by the Council in accordance with applicable law shall not be invalidated, impaired, or otherwise affected by noncompliance with any part of the policy set forth herein. It is expressly understood that this policy is a general guideline and shall not place any mandatory obligations upon the Village, its officers, agents or employees.

8. All resolutions or parts of resolutions in conflict with the provisions of this resolution, and specifically Resolutions 78-18, 80-59 and 88-6, are hereby repealed.

9. This resolution shall be in full force and effect from and after its passage as provided by law.

Betty M. Cheever, Mayor

Passed: July 17, 1995

Published: July 18, 1995

Attest: Barbara Waldner, Village Clerk