

**PRINCETON TOWNSHIP**  
**MILLE LACS COUNTY, MINNESOTA**  
Resolution No. 2022-13

**RESOLUTION ACCEPTING A PLATTED  
ROAD FOR TOWN MAINTENANCE**

**WHEREAS**, 16<sup>th</sup> Street and 68<sup>th</sup> Avenue (“Road”) are located within Princeton Township (“Town”) and were dedicated to the public as 16<sup>th</sup> Street and 68<sup>th</sup> Avenue in the plat of the Silver Lake Oaks (“Plat”), a copy of which is attached hereto as Exhibit A;

**WHEREAS**, the Minnesota Supreme Court has indicated that “the mere platting of the land did not instantly create an obligation upon the town board to open and maintain the dedicated streets. Our cases have consistently held that the municipality may determine the time it will open a street and assume the maintenance thereof.” *In re Maint. of Rd. Areas Shown on Plat of Suburban Ests.*, 250 N.W.2d 827, 831 (Minn. 1977)(citations omitted);

**WHEREAS**, in accordance with the Development Agreement (“Agreement”) by and between the Town, Silver Lake Oaks, LLC (“Developer”), and Judith Bergeron, the Developer agreed to construct the Road in accordance with plans approved by the Town and the Town’s road standards, as determined by the Town Engineer;

**WHEREAS**, as a condition to accepting the Road as a Town road, the Agreement provides that upon the completion of the construction of the Road, the Town Engineer would inspect the Road and verify proper construction and completion of the Road and that the Town Engineer would subsequently make a recommendation to the Town Board as to whether to accept the initial construction of the Road, as well as the placement of the bituminous wearing course;

**WHEREAS**, the Agreement provides that the Developer may formally request acceptance of the Road upon expiration of a two (2) year warranty period and the issuance of certificates of occupancy for at least 50% of the residential lots within the Plat;

**WHEREAS**, on November 29, 2022, the Town Engineer confirmed in writing that the construction of the Road was proper and complete;

**WHEREAS**, the two (2) year warranty period set forth in the Agreement has expired, certificates of occupancy have been issued for at least 50% of the residential lots in the Plat, and the Developer has formally requested that the Town accept the Road and to agree to open and maintain the Road as part of its system of publicly maintained town roads;

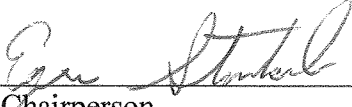
**WHEREAS**, the Town Board determines the Road was properly built and is in sufficient condition to meet its standards for the Town to agree to take it over for public maintenance.

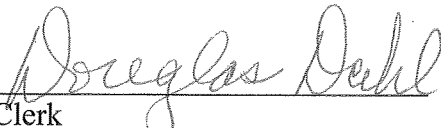
**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board as follows:

1. The Town Board hereby agrees to open and maintain the above-described Road as part of its system of publicly maintained town roads effective as of the date of this Resolution.
2. The Town will maintain the Road in a manner similar to other roads of its type in the Town. The Town does not guarantee any particular type or level of maintenance beyond its duty to keep the Road open and reasonably passible.
3. The decision to open and maintain the Road is limited to this Road and does not constitute acceptance of any other road, or portion of road, and does not obligate the Town Board to accept any other roads for maintenance.

Adopted this 20<sup>th</sup> day of December 2022.

**BY THE TOWN BOARD**

  
\_\_\_\_\_  
Chairperson

Attest:   
\_\_\_\_\_  
Clerk