

PROCEDURE FOR ACCEPTANCE OF STREETS IN A SUBDIVISION

A developer/owner of a subdivision *street(s)* who desires to have the streets within the subdivision accepted by the town must submit a letter to the Board of Selectmen requesting that an Article be placed on the Warrant for the next scheduled Town Meeting to accept the streets within the subdivision. This letter must be received in the Selectmen's Office at least seventy-five days prior to the Town Meeting. Such a letter must be accompanied by the following additional items:

1. *As built plan showing layout and certification of all pins and boundary markers approved by the Planning Board.*
2. *Report from the Planning Board recommending acceptance of the subdivision street(s) and certifying that the street(s) was constructed in conformity with definitive plan and should be accepted.*
3. *Report of DPW after review of construction and condition of road, sidewalks, boundary markers, infrastructure including drainage, water, sewer, hydrants, paving, grades, curbing, etc.*
4. *Warrant Article with legal description (see attachment 1).*
5. *A deed conveying clear title to the subdivision road(s) to the Town of Ware (this deed will be from the developer if he/she has retained title to the subdivision road(s); otherwise from the owners of all lots fronting on the subdivision road(s). Developer/owner(s) is responsible for all title fees and recording fees.*
6. *Title certificate which shall be updated at expense of owner/developer at time of recording deed to subdivision road.*

The Board of Selectmen, after receipt of the letter requesting acceptance and the above items, will proceed to schedule a public hearing on the street acceptance. This hearing will take place, either during a regularly scheduled Selectmen's meeting, or at a special meeting scheduled specifically for this purpose. At the meeting, the Board of Selectmen will review all written documentation and reports *received from any* departments, boards and committees regarding the subdivision.

The Selectmen will decide whether the subdivision street and related work, such as underground utilities and landscaping, was constructed in conformance with the Definitive Subdivision Plan, subject to any changes that were approved by the Planning Board and will rely upon a written recommendation from the Planning Board that the street is in conformance with the Definitive Plan and should be accepted. The Planning Board and DPW recommendations must be received by the Board of Selectment prior to the Public hearing. At the public hearing, the Board of Selectmen will vote upon whether to place the Article to accept the subdivision street on the warrant for the next Town Meeting. If the Board decides to place the Article on the Warrant, it will be presented as a Board of Selectmen's Article and a member of the Board will speak in favor of it at the Town Meeting.

The Board of Selectmen will ensure that the information supplied by the developer along with the letter requesting the inclusion of an Article requesting acceptance on the Town Meeting

warrant are complete and accurate. The Board will rely on the expertise of various departments and Town Counsel to assist them in making this determination.

The Board will inform any Developer/owner(s) who submits an Article for street acceptance by petition {the signatures of ten (10) registered voters} and which lacks the necessary supporting documentation that said Article will be placed on the Warrant with a negative recommendation by the Board.

After the Selectmen vote to accept the layout, it is not established until the layout, with the boundaries and measurements of the way, is filed with the Town Clerk, and not less than seven days thereafter *the private way and deed thereto* are accepted by the Town Meeting.

ATTACHMENT I

To see if the Town will vote to accept as a public way the private way known as,

_____, bounded and described as follows; Beginning at a
(enter street name)

point.....

(enter bearings and distances)

.....

(enter bearings and distances)

.....

(enter bearings and distances)

..... and back to the point of beginning, as shown on a plan of land

recorded on _____ in Book _____, Page _____,
(date) (#) (#)

and to further see if the Town will vote to accept the deed to said property bounded and described above, providing that all title costs, closing costs and recording costs are paid by _____[developer/owner(s)] or take any other action relative thereto.