

CITY OF ROSEMOUNT

POLICY TITLE: **RIGHT-OF-WAY AND BOULEVARD MAINTENANCE**

EFFECTIVE DATE: **MARCH 3, 2008**

POLICY NUMBER: **P - 6**

PROPOSED BY: **PUBLIC WORKS**

DATE APPROVED
BY COUNCIL: **MARCH 3, 2008**

DATE AMENDED
BY COUNCIL: **NOVEMBER 20, 2018**

PURPOSE

The purpose of this policy is to define roles and responsibilities for right-of-way and boulevard maintenance within the City. The City will save valuable time and resources by involving property owners and home owners' associations with responsibility for maintenance of these areas. Establishing this Policy will also prevent confusion over maintenance responsibilities and expectations in future developed areas.

For the purpose of this Policy, the following definitions are utilized:

right-of-way – a street, alley or easement permanently established for the passage of persons and vehicles and the installation of public utilities, including the traveled surface of lands adjacent that are formally dedicated to such usage

boulevard – area of land between the street, and the sidewalk or bike trail (properties without a sidewalk or bike trail do not have a boulevard as defined here, but do contain public right-of-way)

collector street – a locally significant street that provides connectivity between arterial streets or other important activity centers such as commercial areas, schools, parks or neighborhoods

local street – a low-volume street (neither arterial nor collector) that connects City blocks and individual land parcels, with its main function being access rather than mobility

businesses – all properties included in the Commercial or Industrial zoning classification

home owners' associations – single or multi-family housing developments governed by an association

For the purpose of this Policy, responsible right-of-way and boulevard maintenance includes the following components:

1. Boulevards and rights-of-way area shall be mowed when grass/vegetation exceeds four (4) inches.
2. Boulevards and rights-of-way area shall remain cleared of debris and weeds.
3. Proper drainage shall be maintained on sidewalks and trails to avoid areas of water ponding. Turf that is preventing proper drainage along a trail or sidewalk must be re-graded to ensure proper drainage.
4. Boulevard and right-of-way trees shall remain pruned so that no part is within ten (10) feet of the ground, and so that no part is restricting the view or safe passage of any pedestrian or vehicle traffic, or obstructing the view of street signs, street lights, or intersection sight-distance.

POLICY

MAINTENANCE

This Policy defines right-of-way and boulevard maintenance for the following properties:

Residential Property that is not part of a home owners' association

Other Properties such as businesses, churches, schools and home owners' associations

Residential Property (not part of an association) on Local Streets

- Property owners shall be responsible for components 1, 2 and 3.
- The City shall be responsible for component number 4.
- Removal and replacement of a damaged or dead tree located in a boulevard or right-of-way shall be performed by the City, at the City's discretion. A replacement tree will be provided to the property owner upon request, to be installed by the property owner, at least 20-feet behind the back of the curb.

Residential Property (not part of an association) on Collector Streets

- Property owners shall be responsible for components 1, 2 and 3 for front boulevards and rights-of-way area.
- The City shall be responsible for components 1, 2 and 3 for side and rear boulevards and rights-of-way area.
- The City shall be responsible for component number 4.
- Removal and replacement of a damaged or dead tree located in a boulevard or right-of-way shall be performed by the City, at the City's discretion. A replacement tree will be provided to the property owner upon request, to be installed by the property owner, at least 20-feet behind the back of the curb.

Other Properties

- Businesses, churches, schools and home owners' associations are responsible for components 1 - 4.
- Removal and replacement of a damaged or dead tree located in a boulevard or right-of-way is the sole responsibility of the business, church, school or home owners' association. Replacement trees must be planted at least 20-feet behind the back of the curb.

FIGURE 1 identifies the boulevard and right-of-way areas to be mowed by the City.

IRRIGATION FACILITIES

- Irrigation systems constructed in the right-of-way will be held subject to the terms and conditions of the City of Rosemount Right-of-Way Ordinance.
- Private irrigation systems may be built in the right-of-way in conjunction with a public improvement project. Once the public improvement project has received the base course of bituminous, no street crossings, borings or open trench excavations will be allowed.
- Location, maintenance and repair of all private irrigation facilities is the sole responsibility of the property owner or home owners' association.
- Private irrigation systems within right-of-way and public roadway crossings shall be registered with Gopher State One Call.
- The City will not be held responsible for snowplowing damage to irrigation facilities located in the right-of-way.
- The City will have no responsibility for maintenance, operation or replacement of private irrigation systems.

OTHER TERMS AND CONDITIONS

- The City will remove any portion of a tree located on private property that falls into the public right-of-way due to a storm or other such natural occurrence, up to the point at which it is no longer blocking pedestrian or vehicle traffic. Removal of the remaining portion and its subsequent replacement is the sole responsibility of the property owner. Replacement trees must be planted at least 20-feet behind the back of the curb.
- The City prohibits property owners from planting new trees in the boulevard or public right-of-way. Developers and builders that are required to plant front yard trees shall ensure the trees are planted at least twenty (20) feet behind the back of the curb. If special consent is granted by the City Administrator to plant a tree in the public right-of-way, the property owner or home owners' association shall be solely responsible for the maintenance of such trees.
- All boulevards and rights-of-way area established through future development shall be maintained as defined in this Policy.

PROCEDURE

The Public Works and Community Development Departments will work together throughout the development approval process to ensure that developers are informed and educated about their right-of-way and boulevard maintenance responsibilities.

When the City becomes aware of a situation where the Policy is not being followed, Staff will inform the property owners about the Policy and provide enough information to encourage future compliance.

FIGURE 1 – Boulevards Mowed by the City

