



# Private Road Maintenance Agreement

## I. Parties

This **Private Road Maintenance Agreement** (shall be called "**Agreement**" hereinafter) made between the parties below;

**Owner 1**

**Owner 2**

**WHEREAS** the parties to this Agreement, (individually called as "**Owner**" and collectively as "**Owners**") are joint owners with equal shares of the real property located \_\_\_\_\_, and they share access to a private road known as \_\_\_\_\_ (called "**Private Road**" hereinafter),

**WHEREAS**, the Owners desire to enter into this Agreement to establish the terms and conditions for the maintenance, repair, and use of the Private Road,

**NOW THEREFORE**, the Owners hereby agree as follows:

### 1. Access Easement

The Owners agrees and undertakes that the Private Road shall be subject to a perpetual, nonexclusive easement for ingress and egress granting access to all the parcel owners and their occupants, agents, employees, guests, services and emergency vehicles.

### 2. Maintenance Responsibilities

All Owners shall be responsible for the general maintenance and upkeep of the Private Road. This includes, but is not limited to regular grading or repaving as necessary to maintain the road's surface in good condition, Snow removal during winter, drainage maintenance to prevent erosion and water buildup and routine inspections to identify required repairs.

In the event of emergency situations that require urgent action to ensure road safety and accessibility, any Owner who becomes aware of such an issue shall promptly notify the other Owner. The Owners will collectively decide on the course of action.

Any proposed alterations, improvements, or modifications to the Private Road, including changes to its configuration, road widening, or significant changes to the road's surface, must be discussed and agreed upon by all Owners before implementation. Such alterations shall be made at the collective expense of the Owners, and all Owners must consent to the changes.

The Owners shall hire professional contractors, maintenance companies, or other qualified service providers to carry out the maintenance and repair work on the Private Road if it is required. All costs associated with these services shall be shared equally among the Owners.

### **3. Cost Sharing**

Road maintenance, snow plowing and road improvement costs shall be shared on a pro-rata basis between the parcel owners sharing access to the above mentioned road.

### **4. Construction Standards**

The Private Road shall be constructed and maintained so as to meet, at all times, the minimum construction standards for private roads prescribed by federal and State laws and all related requirements, including, but not limited to, a minimum thickness of gravel or pavement, a minimum road width, a minimum vertical clearance above the road, and adequate drainage.

### **5. Miscellenaous**

- Should any provision in this Agreement be deemed invalid or unenforceable, the remaining provisions of the Agreement shall not be affected and each term and condition shall be valid and enforceable to the extent permitted by law.
- This Private Road Maintenance Agreement replaces all previous agreements or understandings between the parties regarding the described Private Road.
- If a dispute arises over or in accordance with any aspect of the improvements, maintenance, repair or replacement, a third party arbitrator shall be appointed to resolve the dispute.

- This Agreement shall be governed by and construed in accordance between the federal laws and the applicable laws of the State of \_\_\_\_\_.

**IN WITNESS WHEREOF**, the Owners have executed this Private Road Maintenance Agreement as of the date of the last signature below.

**Owner 1**

**Name**

**Date**

**Signature**

\_\_\_\_\_

**Owner 2**

**Name**

**Date**

**Signature**

\_\_\_\_\_

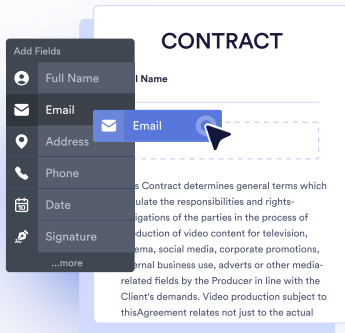


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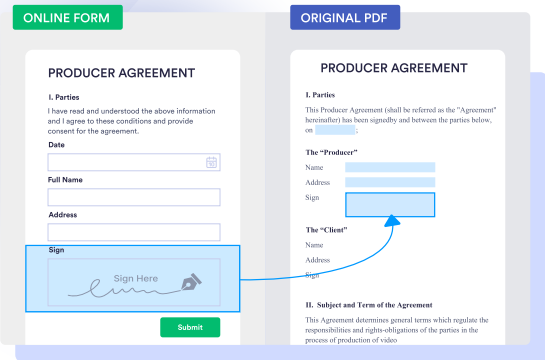
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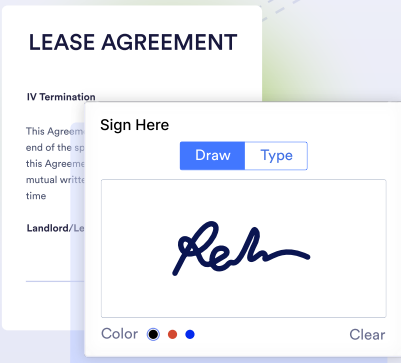
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