



Marshall County Judge / Executive's Office

Andrew Pagel
Deputy Judge / Executive
andrew.pagel@marshallcountky.gov
October 19, 2023

Kevin Spraggs
Judge / Executive
kevin.spraggs@marshallcountky.gov

Cory Daniel
Administrative Assistant / Fiscal Court Clerk
cory.daniel@marshallcountky.gov

To: Marshall County Fiscal Court
Re: Proposed Addition of Lake Marie Drive into County Maintenance

During the October 3, 2023 session of the Marshall County Fiscal Court, the Court assigned Road Superintendent Roy Wadkins, Deputy Judge/Executive Andrew Pagel, and Building Inspection Director Casey Counce to review the road that Marie Foust petitioned to be added to County Maintenance.

Advertisement for the October 23, 2023 9:00am public hearing was placed in the October 5 issue of the Tribune Courier. On October 4, the same date as the review, notices for the hearing were also posted at the following locations: the Foust-Sledd Rd./Lake Marie Dr., Foust-Sledd/U.S. 68W intersection, and Alben Dr./Foust-Sledd Rd. intersections as required by KRS 178.070. After careful observation of the petitioned roadway, the reviewers concluded that it was *not* recommended that the County take over the maintenance of Lake Marie Drive. The findings are stated below.

Fundamental issues:

- The road is only three years old; guidelines require 15 years
- There was no evidence base asphalt *seen*; 2 ½ inches are required
- There is not a dedicated right-of-way; no subdivision plat has been recorded

Observed shortcomings that will be problematic:

- Rippled surfaces between the first and second culverts indicating a compromised base
- Edges of the road were crumbling in various places, including the right side near the field
- Some evidence of ponding on some bridge/roadway edges, particularly the first bridge
- Some separation between the brick bridge and the concrete curb
- A culvert would serve well at the Puckett property; water will likely go over the roadway
- Some road banks did not appear to be stable and have adequate ground cover to prevent erosion
- The pond and a dock are within the right-of-way
- Many culverts are failing, showing rust, allowing a probe to poke through.

Observed areas where the road met requirements:

- Driving surface is at least 20 feet wide
- Road was crowned with appropriate slope
- Shoulders were properly sloped and at least three feet wide
- Minus the pond and dock, relevant structures and obstacles were off the right-of-way
- The cul-de-sac had a greater than 30 foot radius
- Only one culvert was too short

Respectfully,


Andrew Pagel


Casey Counce

Roy Wadkins

Application for EXISTING ROAD Addition into the Marshall County Road System

Date: 9/5/23

Person or persons requesting addition of road to county road system:

Petitioners Name Marie Faust PH# 270-703-7579

Property owner #1 Jason Henson (Ashley) Kelli Thweatt

Property owner #2 Robert Ferrel (Kimberly)

Property owner #3 Kris Lovett

Property owner #4 Virgil Puckett (Yvonna)

Property owner #5 Moss Wirtledge (Sandra Nellie)

If additional space is needed sign on back of page

Length & Width of Road: _____

(Key will have -
per Nicole)

Thickness of asphalt base _____

Requested name of road: Option # 1 _____

Option # 2 _____

Do all property owners whose property will be affected by addition of this road; agree to adoption of this road by the Marshall County Fiscal Court into the county road system?

☒ Yes ☐ No

Have the property owners read the Fiscal Courts requirements for adoption of an existing road and agree with all requirements? (Attached)

☒ Yes ☐ No

Does the requested road meet and comply with the Fiscal Courts requirements?

☐ Yes ☒ No

1. Marie Ann Faust
Name (print full name)
504 Lake Marie DR
Street Address/P.O. Box
Benton, Ky 42025
City/State/Zip
703-7579

Marie A. Faust
Signature

Signature

Deed Book 458, page 234
(where your deed is recorded)

2. Jason Hanson & Ashley Hanson
Name (print full name)
151 Lake Marie Drive
Street Address/P.O. Box
Benton, Ky 42025
City/State/Zip

Jason Hanson
Signature

Ashley Hanson
Signature

Deed Book 458, page 631
(where your deed is recorded)

3. Robert Ferrel, Kimberly Ferrel
Name (print full name)
391 Lake Marie DR
Street Address/P.O. Box
Benton, Ky 42025
City/State/Zip

Robert Ferrel
Signature

Kimberly Ferrel
Signature

Deed Book 477, page 320
(where your deed is recorded)

4. Kris Lovett
Name (print full name)
252 Lake Marie Dr
Street Address/P.O. Box
Benton, Ky 42025
City/State/Zip

Kris Lovett
Signature

Kris Lovett
Signature

Deed Book 478, page 577
(where your deed is recorded)

5. Virgil Puckett, Yvonna Puckett
Name (print full name)

376 Lakewood Dr
Street Address/P.O. Box

Benton Ky 42025
City/State/Zip

Virgil Puckett
Signature

Yvonna Puckett
Signature

Deed Book 486, page 63
(where your deed is recorded)

6. Moss Whitledge Sandra Nellie
Name (print full name)

296 Gate RD Unit A
Street Address/P.O. Box

Benton, Ky 42025
City/State/Zip

Sandra Nellie
Signature

Signature

Deed Book 487, page 438
(where your deed is recorded)

7. ~~Robert Puckett~~
Name (print full name)

Street Address/P.O. Box

City/State/Zip

Signature

Signature

Deed Book 488, page 425
(where your deed is recorded)

8. Kelli Thweatt
Name (print full name)

Street Address/P.O. Box

City/State/Zip

Kelli Thweatt
Signature

Signature

Deed Book 488, page 425
(where your deed is recorded)

Attach additional signature pages as needed.

EXISTING ROAD REQUIREMENTS

2021 RESOLUTION OF THE MARSHALL COUNTY FISCAL COURT AMENDING ALL PRIOR RESOLUTIONS AND ESTABLISHING PROCEDURE FOR ACCEPTANCE FOR EXISTING ROADS INTO THE COUNTY ROAD SYSTEM

WHEREAS, the Marshall County Fiscal Court does wish to amend its prior resolution regarding the acceptance of existing roads into the county road system,

NOW THEREFORE BE IT RESOLVED by and through the Marshall County Fiscal Court that:

NOTICE IS HEREBY GIVEN THAT REGARDLESS OF WHETHER ACCEPTANCE INTO THE COUNTY ROAD SYSTEM IS SOUGHT, ANY PERSON OR ENTITY CONSTRUCTING OR IMPROVING A PUBLICLY DEDICATED ROADWAY HAS STATUTORY DUTIES AND OBLIGATIONS UNDER KRS 178.117 THAT MUST BE FOLLOWED.

NOTICE IS FURTHER GIVEN THAT EVEN IF ALL OF THE REQUIREMENTS OF THIS RESOLUTION ARE MET, IT DOES NOT GUARANTEE THAT THE MARSHALL COUNTY FISCAL COURT WILL ACCEPT THE ROAD(S) INTO THE COUNTY ROAD SYSTEM. SEE NUMERICAL PARAGRAPH 2 BELOW.

For purposes of this Resolution, an "existing road" is hereby defined as a road that has had a base coat of asphalt capable of supporting traffic and open to the public for a sufficient period of time so that the Marshall County Road Superintendent has the ability to inspect said road and determine that there are no signs of failing asphalt or other significant problems with said road.

1. A person or entity making a request shall first file an application with the Marshall County Road Superintendent before any on-site construction takes place to ensure that the Marshall County Road Superintendent has full access to the site and an opportunity to inspect and oversee all phases of the construction. Depending on the complexity of the work involved, the Marshall County Fiscal Court may authorize the Marshall County Road Superintendent to charge reasonable fees for his or her services as permitted in KRS 178.117.
2. Any person or entity requesting that a road not in the County Road System be accepted and taken into the County Road System shall satisfy the following minimum requirements and file an appropriate Petition with the Marshall County Fiscal Court. In all instances, the Marshall County Fiscal Court shall have the sole discretion on whether to accept a road or roads into the County Road System, taking into account all relevant factors, including, but not limited to, budget concerns, cost-benefit analysis, desires of any and all affected citizens, and feasibility of maintaining a road at that particular location.

3. Any road taken into the County Road System shall be deeded to the Marshall County Fiscal Court by Quitclaim Deed. Said Quitclaim Deed shall contain a proper legal description of the road, source of title and be supplied by the Petitioner at the Petitioner's expense to the Marshall County Fiscal Court for consideration of acceptance.
4. No roadway shall be presented to the Marshall County Fiscal Court for acceptance without first being inspected by the Marshall County Road Superintendent to ensure that the roadway in question meets all applicable standards and guidelines established by this Resolution and any other applicable rules and regulations.
5. Any existing road being considered for acceptance into the County Road System must meet the following minimum standards and specification of the County, along with any other applicable rules and regulations:
 - a. The minimum right-of-way width of said road shall be forty (40') feet.
 - b. The minimum driving surface shall be twenty (20') feet in width.
 - c. An "existing road" must have had at least a two and one half inch (2 1/2") base coat of black top capable of supporting traffic and open to the public for at least the past fifteen (15) years with no signs of failing blacktop.
 - d. If said road is showing signs of failing blacktop, the petitioner may be required to repair any and all failing sections or areas by rebuilding those failing sections or areas to achieve an adequate gravel base, asphalt base, and final surface coat at the discretion of the Marshall County Road Superintendent.
 - e. Petitioner may be required to hire a licensed engineer to show proof of thickness of asphalt base.
 - f. The gravel base shall be compacted to the satisfaction of the Marshall County Road Superintendent or licensed engineer before the asphalt base is applied.
 - g. If said road requires any additional asphalt base coat or asphalt riding surface, the County may elect to install same if the petitioner pays the County in advance and within one (1) year of the filing of the petition for all costs of materials.
 - h. The road shall be crowned and have a slope of two percent (2%) from center.
 - i. Shoulders of the road shall be no less than three (3') feet wide and have a slope of four percent (4%).
 - j. A cul-de-sac or turn-around large enough to accommodate a school bus or other large equipment will be required on any dead-end road. If a cul-de-sac is used it must have a minimum radius of thirty (30') feet measured at the edge of the blacktop.
 - k. No road shall be taken into the County Road System unless the county right-of-way is free of all trees and brush.
 - l. All cross culverts must be in good condition, properly sized (diameter/length), and substantially free of rust.
 - m. Driveway entrance pipes shall be no less than fifteen (15") inches in diameter and twenty-four (24') feet in length. The Marshall County Road Superintendent may allow for variations depending on ground conditions.
 - n. A minimum two (2') feet ditch, as measured from riding surface, shall be provided along the roadway on each side. All road ditches must lie in the county right-of-way.

- o. No roadway shall be accepted into the county road system unless the road banks have been stabilized and have adequate ground cover to prevent erosion of soil.
- p. No person, property owner, developer, or builder may construct any object or structure in the county right-of-way.
- q. All mailbox receptacles in the county right-of-way should easily breakaway, as required by law, if hit by a motor vehicle (no brick or stone mailboxes allowed).
- r. No island(s) in the middle of a cul-de-sac or road is allowed.
- s. At the discretion of the Marshall County Road Superintendent, a right-of-way may be required to be wider at cuts and fills.
- t. The petitioner shall be responsible for payment to the county for the initial installation of any and all required signs and markers, including, but not limited to, stop signs, road name signs, speed limit signs, etc.
- u. The proposed road shall not be subject to water ponding for a prolonged period of time.
- v. All culverts must have a clean out every fifty (50') feet.
- w. The Marshall County Road Superintendent or licensed engineer may allow for variations as deemed reasonable and/or necessary in their discretion.

Done this 21st day of December, 2021. Motion by Commissioner Collins and seconded by Commissioner Lamb, members present voting unanimously in favor.

By: _____

County Judge/Executive

ATTEST:

By: _____

Marshall County Fiscal Court Clerk

Murray Paving, Inc.

1161 State Route 94 East, Murray, KY 42071
Phone: 270-753-0411 ** Fax: 270-753-0473
tcurd@murraypaving.com

Proposal Submitted To: Marie Foust	Phone:	Date: August 21, 2020
Street: 252 Lake Marie Road	Cell: 270-703-7579	
City, State, and Zip Code: Benton, Ky. 42025	Job Name: Lake Marie Road	
Attention:	Job Location: Marshall County	

We Hereby propose to:

Grade & compact aggregate base.

Install 2.5" compacted asphalt base & 1" compacted asphalt surface.

Note: Price includes 20' wide roadway, one 80' Cul-De-Sac, two bridge widenings, related radii and one driveway connection.

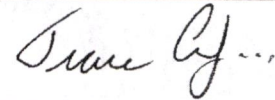
Due to the fluctuations in the liquid asphalt and fuel markets, asphalt placed after September 30th, 2020, will be subject to a asphalt and fuel price adjustment. This price adjustment will be calculated per the KDOT specifications.

We hereby propose to furnish material and labor, complete in accordance with above specifications, for the sum of: \$85,900.00

Payment to be made as follows: Net Upon Completion

All material is guaranteed to be specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. MPI will not be responsible or liable for any loss or additional cost associated with Force Majeure. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance. After 60 days, unless prior arrangements are made, 1.5% interest will accrue on any unpaid balances. Owner will pay for any attorney fees incurred due to collections.

Authorized Signature: _____



Trace Curd

Authorized Signature: _____

Date of Acceptance: _____

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted.

Note: This proposal may be withdrawn by us if not accepted within thirty (30) days. If in agreement with this proposal, please sign and return to our office by fax, e-mail or mail.