

2020 RESOLUTION OF THE MARSHALL COUNTY FISCAL COURT
AMENDING ALL PRIOR RESOLUTIONS AND ESTABLISHING
PROCEDURE FOR ACCEPTANCE FOR NEW AND EXISTING ROADS
INTO THE COUNTY ROAD SYSTEM

The Fiscal Court of Marshall County does hereby resolve as follows:

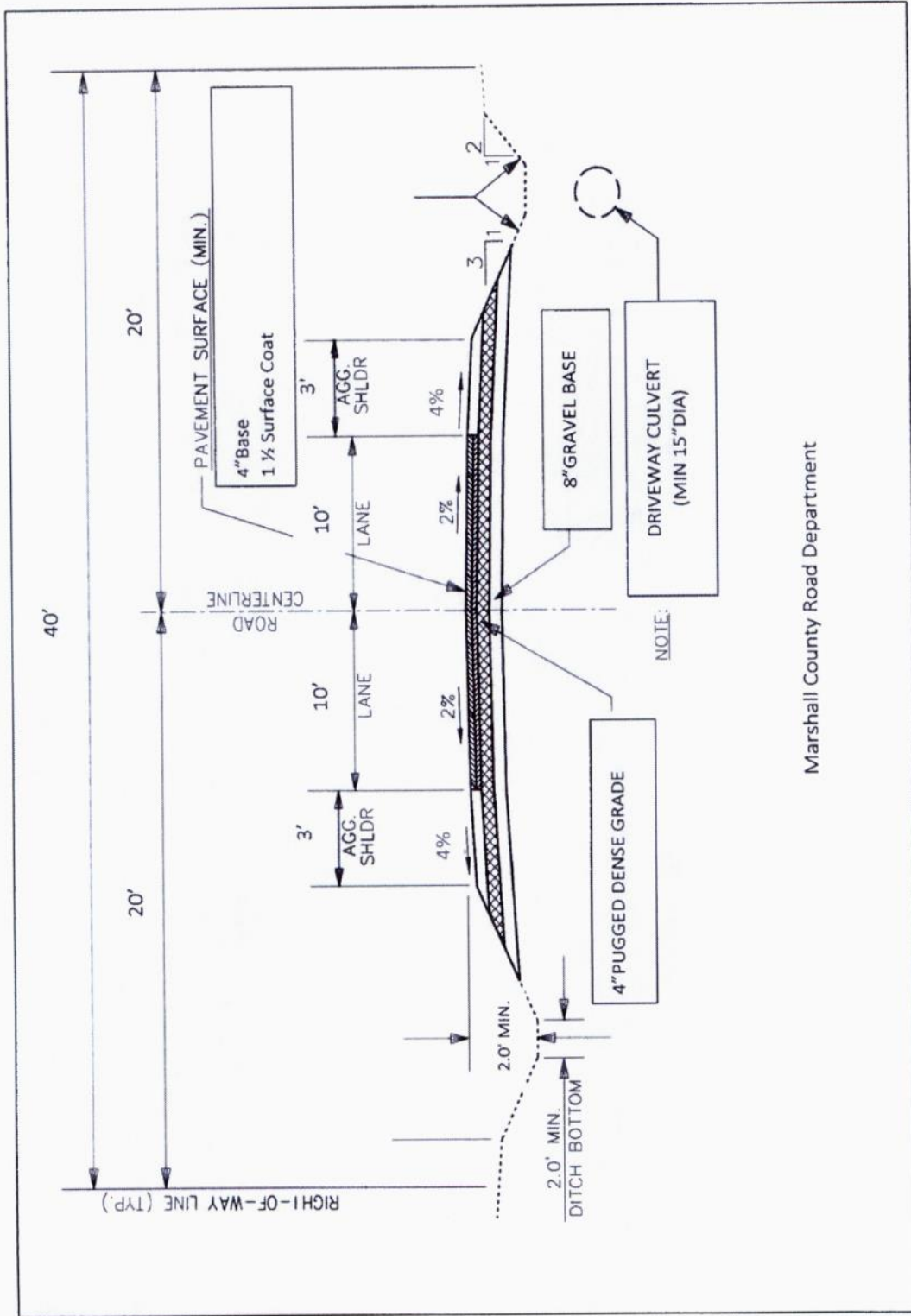
WHEREAS, the Marshall County Fiscal Court has now determined that the requirements for the acceptance for roads for upkeep and maintenance into the County Road System should be amended in order to adequately protect the public's interest; and,

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

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. In the alternative, a person or entity making a request may engage the services of a licensed engineer to design and construct the road who is both willing and able to certify to the Marshall County Road Superintendent that the completed road meets the minimum requirements of the County, as well as any other applicable rules and regulations.
4. Any road taken into the County Road System shall be deeded to the Marshall County Fiscal Court by Quitclaim Deed.
5. No roadway shall be presented to the Marshall County Fiscal Court for acceptance without first being inspected by the Marshall County Road Department to ensure that the roadway in question meets all applicable standards and guidelines established by this resolution and any other applicable rules and regulations.

6. In either instance, the road 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 of any road to be accepted into the County Road System shall be twenty (20) feet. In most cases, the minimum gravel base on said road shall be of such gradation, material, quality and quantity as to furnish a stable base of twelve (12) inches thick and twenty-six (26) feet in width. The 12-inch gravel base shall include a top-layer minimum of four (4) inches of pugged dense grade. The Marshall County Road Superintendent or the licensed engineer may allow for variations in the overall depth of the base depending on the ground conditions, but in no instance shall the top-layer pugged dense grade be less than four inches thick.
 - c. The subgrade shall be compacted to the satisfaction of the Marshall County Road Superintendent or licensed engineer prior to final surfacing.
 - d. Shoulders on such roads shall be at least three (3) feet wide and have a slope of four percent (4%).
 - e. The road shall be crowned and have a slope of two percent (2%) from center.
 - f. 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 or the licensed engineer may allow for variations depending on the ground conditions.
 - g. A minimum two (2) feet deep ditch, as measured from the riding surface, shall be provided along the roadway on each side. All ditches must lie in the county right-of-way.
 - h. Drainage shall be provided according to accepted engineering practices, subject to the approval of a licensed engineer or the Marshall County Road Superintendent. All cross culverts shall be sized to facilitate the flow of four (4) inches of rain per hour.
 - i. A cul-de-sac or turn-around will be required on any dead-end road. The size will be determined by the circumstances of that particular road to be approved by the Marshall County Superintendent or licensed engineer, with a minimum thirty (30) feet cul-de-sac radius at the edge of the blacktop.
 - j. 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.
 - k. No person, property owner, developer or builder may construct any object or structure in the county right of way.
 - l. All mailbox receptacles in the county right of way must easily breakaway, as required by law, if hit by a motor vehicle.

- m. No island(s) in the middle of a cul-de-sac or road is allowed.
- n. At the discretion of the Marshall County Road Superintendent or a licensed engineer, a right of way may be required to be wider at cuts and fills.
- o. The Petitioner shall be responsible for payment to the County for installation of any and all required signs and markers, including, but not limited to, stop signs, road name signs, speed limit signs, etc.
- p. No road shall be taken into the County Road System unless the county right of way is free of all trees and brush.
- q. The asphalt base coat shall be four (4) inches in depth and one and a half (1 1/2) inches of asphalt surface coat (riding surface) and such surface shall be a minimum of twenty (20) feet in width. The County will install the final asphalt surfaces if the Petitioner pays the County in advance and within one (1) year of the filing of the Petition for all costs of final surfacing.
- r. See attached illustration for example of new road construction.



Marshall County Road Department

PETITION

The undersigned, all being adjacent property owners of real estate located in Marshall County, Kentucky, by affixing their signatures on this Petition do hereby state their objection/support for the following proposed action: (Check (a) (b) or (c) and fill in the name of the road; if more than one road is the subject of this Petition, be sure to list the names of all roads)

- a. Petition for County Road Maintenance - NEW Road
of _____
 (name of road or roads)

The undersigned understands that once his/her signature is affixed to this Petition, it cannot be removed because of a change of opinion, change of conditions or otherwise. The undersigned understands that the Petition must be signed personally by an adjacent property owner wishing to be counted among those supporting or objecting to this Petition. No resident can sign this Petition for another adjacent property owner and by affixing his/her signature hereto, the undersigned acknowledges this to be his/her free and voluntary act. The undersigned further understands that they are not legally required by disclosing the information requested herein, but the information may be necessary to validate their signature.

Before filing a Petition, the undersigned should review the Resolution passed on July 11, 2016, by Marshall County Fiscal Court concerning the requirements for the acceptance of new roads and existing roads. If the petitioners affirm that said requirements have been met, the following in addition to those as set out in the Resolution are required to be submitted with the Petition:

1. Three copies of a drawing highlighting the road and actual footage requested to be taken in or discontinued. All landowners with PVA map numbers should be identified on the drawing. A survey plat is recommended.
2. Attach a copy of each property owners Deed to the Petition.
3. Confirm road name availability with PVA.

Application for New Road Addition into the Marshall County Road System

Date: _____

Property owner #1 _____

Contact Number #1 _____

Property owner #2 _____

Contact Number #2 _____

Length & Width of Road: _____

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

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 a new road and agree with all requirements? (Attached)

Yes No

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

Yes No

All affected property owners signatures required:

If additional space is needed, sign on the back of this page