

2021 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:

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 THE MARSHALL COUNTY FISCAL COURT SHALL NOT ACCEPT A ROAD INTO THE COUNTY ROAD SYSTEM UNLESS THE ASPHALT IS ACQUIRED FROM A STATE-APPROVED ASPHALT PLANT.

FINALLY, NOTICE IS HEREBY 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, a “new road” is hereby defined as a road that is either not yet in existence at the time of the passage of this Resolution or a road that has not yet been substantially completed at the time of the passage of this Resolution. A road that is gravel only shall not be considered as being “substantially completed” and must satisfy all of the requirements as a “new road” under this Resolution.

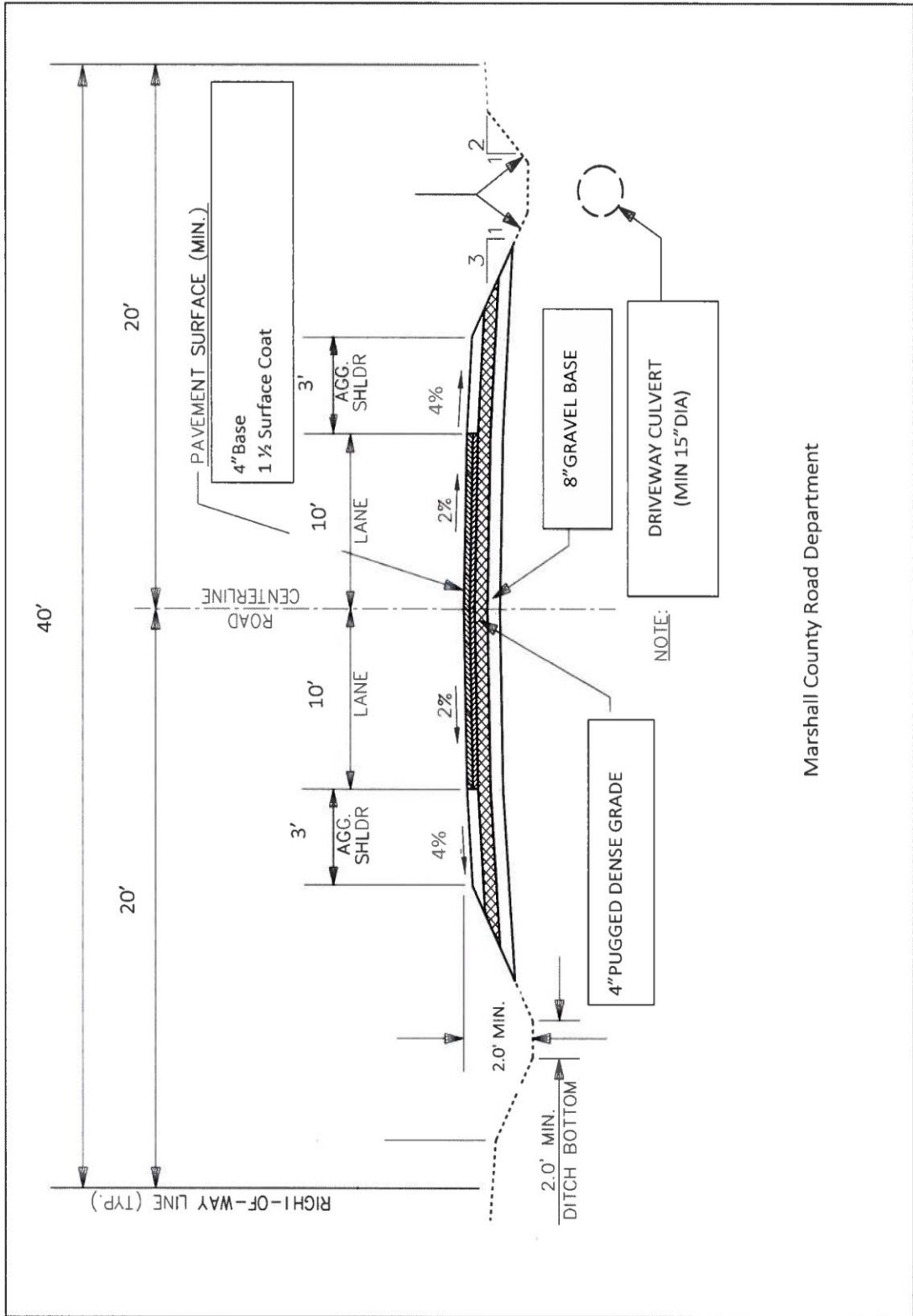
1. A person or entity making a request shall first file an application with the Marshall County Road Superintendent before any on-site construction takes place to ensure that the Marshall County Road Superintendent has full access to the site and an opportunity to inspect and oversee all phases of the 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. The decision of the Marshall County Fiscal Court is final and there shall be no appeal therefrom.
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 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.
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 (4) 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 should 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 base coat and 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 the base coat and final surfacing. The asphalt base coat and final surface shall be of "Class One" grade.
- r. See attached illustration for example of new road construction.



Marshall County Road Department



# 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 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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