

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 (4⁰0).
 - 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.

Application for EXISTING ROAD Addition into the Marshall County Road System

Date: _____

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

Petitioners Name _____ PH# _____

Property owner #1 _____

Property owner #2 _____

Property owner #3 _____

Property owner #4 _____

Property owner #5 _____

If additional space is needed sign on back of page

Length & Width of Road: _____

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