# Marshall County Fiscal Court Public Hearing October 23, 2023

Re: Lake Marie Drive

The Marshall County Fiscal Court held a public hearing at 9:00 a.m. on Monday, October 23, 2023 Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners and the County Attorney were present. Kevin Spraggs, County Judge/Executive presided.

Deputy Judge Andrew Pagel read the Road Viewers Report, which recommended that Lake Marie Drive not be taken into the County Road Maintenance System.

Judge Spraggs asked, three times, if there was anyone present to speak in favor of the Court taking Lake Marie Drive into the County Road Maintenance System. Marie Foust, Kris Lovett, and Bob Ferrel addressed the court.

Judge Spraggs then asked, three times, if there was anyone present to speak in opposition of the Court taking Lake Marie Drive Lane into the County Road Maintenance System. No one spoke.

Judge Spraggs closed the hearing.

Respectfully submitted by:

Cory Daniel Fiscal Court Clerk



# Marshall County Judge / Executive's Office

Andrew Pagel
DeputyJudge / Executive
andrew.pagel@marshallcountyky.gov
October 19, 2023

Kevin Spraggs

Judge / Executive
kevin.spraggs@marshallcountyky.gov

Cory Daniel

Administrative Assistant / Fiscal Court Clerk

cory.daniel@marshallcountyky.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: $9/5/25$	
Person or persons reques	sting addition of road to county road system:
Petitioners NameM	arie Foust PH# 270-703-7579
Property owner #1	Jason Henson (Ashley) Kelli Thweat
Property owner #2	Robert Ferrel (Kemberly)
Property owner #3	Kins Lovett
Property owner #4	Virgil Puckett (yvenna)
Property owner #5	Virgil Puckett (yvenna) Moss Wictledge (Sandra Nellie)
If additional space is needed s	sign on back of page
Length & Width of Road	( Rey will have - pervicole
Thickness of asphalt base	
Requested name of road:	Option # 1
	Option # 2
Do all property owners who by the Marshall County Fisc	see property will be affected by addition of this road; agree to adoption of this road cal Court into the county road system?
• Yes	s O No
Have the property owners rewith all requirements? (Atta	ad the Fiscal Courts requirements for adoption of an existing road and agree ched)
<ul><li>Yes</li></ul>	O No
Does the requested road mee	et and comply with the Fiscal Courts requirements?
O Yes	<ul><li>No</li></ul>

1.	Marie Ang Foust Name (print full name)	Marie U-Joust Signature
	Street Address/P.O. Box  Benton, Ky 42025  City/State/Zip  703-7579	Signature  Deed Book 458, page 234  (where your deed is recorded)
2.	Name (print full name)  151 Lake Marie Orive  Street Address/P.O. Box  Berdon, Ky 42005  City/State/Zip	Signature  Signature  Deed Book 45%, page 631  (where your deed is recorded)
3.	Robert Ferrel, Rimberly Ferre Name (print full name)  39   Lake Marie DR Street Address/P.O. Box  Boxon, KY 42005  City/State/Zip	Signature  Deed Book 477, page 320 (where your deed is recorded)
4.	Name (print full name)  AS2 (ale Mme Pr  Street Address/P.O. Box  Bythy ky 42025  City/State/Zip	Signature  Deed Book 478, page 527 (where your deed is recorded)

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5.	Name (print full name)  376 Lake Mare No. Box  Street Address/P.O. Box  City/State/Zip	Signature  Deed Book 486, page 63 (where your deed is recorded)
6.	Name (print full name)	Sandy Massignature
	296 Gate RD Unit A Street Address/P.O. Box	a.
	Bendon, Ky 42025 City/State/Zip	Signature  Deed Book 487, page 438  (where your deed is recorded)
7.	Name (print full name)	Signature
	Street Address/P.O. Box	Signature
	City/State/Zip	Deed Book 488, page 425 (where your deed is recorded)
•	Name (print full name)	Signature
	Street Address/P.O. Box	Signature
	City/State/Zip	Deed Book 488, page 415 (where your deed is recorded)

Attach additional signature pages as needed.

Fiscal2013(as)

# Murray Paving, Inc.

1161 State Route 94 East, Murray, KY 42071 Phone: 270-753-0411 \*\* Fax: 270-753-0473

tcur	rd@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:	Job Name:					
Benton, Ky. 42025	Lake Marie Road					
Attention:	Job Location:					
	Marshall County					
We Hereby propose to:  Grade & compact aggregate base.						
Install 2.5" compacted asphalt base & 1" comp	pacted asphalt surface.					
Note: Price includes 20' wide roadway, one 80 one driveway connection.	'Cul-De-Sac, two bridge wid	enings, related radii and				
Due to the fluctuations in the liquid asphalt and fu-	el markets, asphalt placed after Sente	omber 30th 2020 will be subject to a				
asphalt and fuel price adjustment. This	price adjustment will be calculated pe	r the KDOT specifications.				
We hereby propose to furnish material and lal the sum of: \$85,900.00	bor, complete in accordance v	with above specifications, for				
Payment to be made	de as follows: Net Upon Con	mpletion				
All material is guaranteed to be specified. All work to be completed		1 11				
in a workmanlike manner according to standard practices. Any		June of				
alteration or deviation from above specifications involving extra cost will be executed only upon written orders, and will become an	Authorized Signature:	Since of				
extra charge over and above the estimate. MPI will not be	January Digitatare.	Trace Curd				
responsible or liable for any loss or additional cost associated with	A +1	Trace Curd				
Force Majeure. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other	Authorized Signature:					
necessary insurance. Our workers are fully covered by Worker's Compensation Insurance. After 60 days, unless prior arrangements	Date of Acceptance:					
compensation insurance. After 60 days, unless prior arrangements are made, 1.5% interest will acrue on any unpaid balances. Owner will pay for any attorney fees incurred due to collections.	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.

# **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 <sup>1</sup>/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 <u>may</u> 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.
  - 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	s 21st day	of December o, members	, 2021.	Motion	by Com	mission	er Colli	ns and	d seco	nded	d by
By:			present	voting t	mammo	usiy iii i	avoi.				
	ounty Judg	e/Executive		54							
ATTEST:											
By:	/ //arshall Co	unty Fiscal C	ourt Cle	erk	_						

# ASSIF

Contact: Gerry K. Gilbert, Office Manager (p)527-3162 (f)527-4567 features@tribunecourier.com Classified Deadline: Noon Tuesday

All Ads MUST Be Prepaid

The Tribune Courier Accepts These Credit Cards:





20 WORDS OR LESS: \$9.50

## 0150 GARAGE /ESTATE

HUGE INDOOR SALE
Oct 6 & 7 from 8 a.m. - Noon
3464 Hwy. 641 N. New items
antiques, glassware, holiday
decor,clothes, musical instruments, tools and much more.

0600 REAL ESTATE FOR RENT

The Housing Authority of Benton (E.H.O.)

The Housing Authority of Benton is now accepting applications for 0 to 4 bedroom apartments in Benton and Calvert City

For more information, call 527-3626

Working Families, handicapped & elderly receive first preference



# WALNUT COURT APARTMENTS BENTON HOUSING

Now accepting applications for bedroom units. Must be 62, handicapped or disabled.

Phone (270) 527-3626 0600 REAL ESTATE FOR

## **Calvert City Apartments**

has immediate openings for two BR apartments. Includes refrigerator, stove, water, sewer and trash removal. Income based.

Please call (270) 395-7325.





## 0900 LEGALS

PUBLIC NOTICE

BM Blankenship Lane
A public hearing will be held
by Marshall County Fiscal
Court at the courthouse in the
Marshall County Fiscal
Courtroom, 1101 Main St.,
Benton, KY on October 23,
2023 at 9.30 a.m. for the purpose of hearing comments for
or against taking a portion of
BM Blankenship Lane out of
the county maintenance
system.

the county maintenance system.
All interested in Marshall County are invited to the hearing to submit verbal or written comments on taking a portion of BM Blankenship Lane out of the county maintenance system. Any person(s) who cannot submit written comments or attend the public hearing but wish to submit comments, should call the Office of the County Judge/Executive at 270-527-4750.
Kevin Spraggs
Judge Executive

PUBLIC NOTICE
Lake Marie Drive
A public hearing will be held
by Marshall County Fiscal
Court at the courthouse in the
Marshall County Fiscal
Court at the courthouse in the
Marshall County Fiscal
Court of the County fiscal
Court of the County fiscal
County are in the purpose of hearing comments for
against taking Lake Marie
Drive into the county maintenance system
All interested in Marshall
County are invited to the hearing to submit verbal or written
comments on taking Lake
Marie Drive into the county
maintenance system. Any
person(s) who cannot submit
written comments or attend
the public hearing but wish to
submit comments, should call
the Office of the County
Judge/Executive at 270-5274750.
Kevin Spraggs
Judge Executive



# 1000 HOME SERVICE DIRECTORY

## **APPLIANCE** REPAIR

I have 20 years experience repairing all makes and models of all major appliances. Please call me at (270) 331-4359.

2023 TAX COLLECTION SCHEDULE

MARSHALL COUNTY

Marshall County Sheriff Matt Hilbrecht will begin collecting the 2023 Property Taxes starting on October 15th. The Tax Collection Schedule is as follows:

In Schedule is as follows: "
Starting Date Ending Date
2% Discount 10/15/2023 - 11/15/2023
Face Amount 11/16/2023 - 12/31/2023
5% Penalty 01/01/2024 - 01/31/2024
10% Penalty + 10% Add-On 02/01/2024 - close of business
04/15/2024

## Leave forests and parks clean.

Forest Service, U.S.D.A.



AN ORDINANCE RELATING TO THE ANNUAL BUDGET AND AMENDMENT THEREOF:

NOW BE IT ORDAINED BY THE FISCAL COURT OF MARSHALL COUNTY THAT: SECTION ONE: The annual budget for fiscal year 2023 – 2024 is amended to:

# 02-0000-47040 01-0000-47040 79-0000-49010 01-0000-49010 84-0000-4504N 84-0000-4504N 01-0000-47040 01-0000-47040 01-0000-49100 02-0000-49100 Total Road Surplus Surplus Equipment Sheriff Fund – Cash Balance July 1 General Fund – Cash Balance July 1 Reneral Fund - Cash Balance July 1 NRCS Debris Removal Reimbursem Transfer Out Transfer In Studies Equipment \$15,050.00 \$16,785.00 \$14,000.00 \$15,100.00 \$529,573.50 (\$529,573.50 \$529,573.50 \$33,155.84 (\$27,155.84) \$27,155.84

b) Increase Expenditure Account(s)
02-9200-99900 Road Rese
01-5401-73900 County Pa
79-5015-31900 Sanitation
01-5227-754100 Sanitation
01-7700-60200 Lease Pay
11-5028-73300 Eleas Pay Accountis)
Road Reserves
County Parks Equipment
Sheriff's Office Tech/Software
Sanitation Fine
Sanitation - Capital Projects
Lease Payment - CFSB
Fiscal Court - Enterprise Vehicle Lease
EQUIPMENT

\$16,785.00 \$16,785.00 \$14,000.00 \$12,000.00 \$3,100.00 \$529,573.50 \$6,000.00 \$27,155.84

**SECTION TWO:** The amounts added to the revenue and expenditure accounts in Section One are for governmental purposes.

Approved by the MARSHALL COUNTY FISCAL COURT the 19th day of September, 2023.

Kevin Spraggs, County Judge/Executive

Approved as to form and classification this \_\_\_\_\_

This amendment to the budget ordinance was adopted by the Marshall County Fiscal Court, Kentucky, on this the day of , 20

Kevin Spraggs, County Judge/Executive

# ABSOLUTE REAL ESTATE AUCTION 59 Maclew Lane, Gilbertsville, KY 42044



TRACT 1 DETAILS: Lot 6 - 0.50 Acre Lot -This Beautiful 3 Bedroom 2 Bath Lake Home Is Move In Ready With Newly Finished Basement That Houses A Spacious Utility Room, Bedroom Full Bath, And 2nd Fireplace In The Extra Living Area. There's A Newly Added 28'x30' Deck Perfect For Sitting Out On And Looking Out At The View Of Buckhorn Bay. Ready To Go Boating? Take A Stroll 2 Minutes Away To Your Private Dock! Only A 4 Minute Drive On Your Golf Cart To Moors Marina And Ralph's Harborview Grill. Lake Life At It's Best! TRACT 2: Lot 7 - 0.74 Acre Lot. TRACT 3: Lot 5 - 0.36 Acre Lot



# ABSOLUTE REAL ESTATE AUCTION 95 Old Dublin Road, Mayfield, KY 42066



TRACT I DETAILS: This Three-Bedroom Three Bath Vinyl Sided Home Is Situated On A 1.67 Acra Lot And Has A 1 Car Attached Garage
The Main Floor Has Well Maintained Hardwood Floors. The Kitchen Has Beautiful Wood Cabinetry, Updated Counter-Tops, And An
Island With Eat In Bax. Also Located On the Main Floor is The Firmary Bedroom And A Primary Bathroom With Walk in Closest. There
Are 2 Spacious Bedrooms Upstains With a Full Bath. Exterior Features Include A Well-Rept Hard, Concrete Diversey With Beautiful
Mature Trees, Underground Bunker, Pond With Fountain, Lean-To Storage, Outdoor Shed, And Back Deck For Outside Entertainment
FRACT 2 DETAILS: This Tract Is Structed On 0.69 Acres And Provides Enteless Opportunities For Car Enthussists And Technicians.
Home Business And Hobbyists. The Concrete Driveway And Ample Parking Space Leads to 3 Shops. Shop 1. Measures Approximately
BOX's8 Monton Building, Has Wafer Access And A Separed Office Waiting Boom Meas. Shop 2. Measures Approximately 24's 40' Amnuality As A 9's9' Bathroom, This Building Is Equipped witHAC And Water Access. Shop 3 - Measures Approximately 22's2' And Has HVAC.



4 Post Parking Lift 8,000 (B) Capacity