

**RESOLUTION 05-81 OF THE BOARD OF
COUNTY COMMISSIONERS OF FRANKLIN COUNTY, KANSAS**

A RESOLUTION ESTABLISHING A POLICY FOR MINIMUM MAINTENANCE ROADS IN FRANKLIN
COUNTY, KANSAS AND REPEALING
RESOLUTION 04-107.

WHEREAS, K.S.A. 68-5,102 allows the Board of County Commissioners to declare roads as minimum maintenance roads, and;

WHEREAS, it is in the County's best interest to declare certain roads minimum maintenance in order to allocate scarce resources to those roads that are most commonly and heavily traveled by the public, and;

WHEREAS, the Board desires to amend its policy on upgrading minimum maintenance roads to full maintenance roads,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, KANSAS THAT THE FOLLOWING POLICY IS HEREBY ADOPTED:

Resolution 04-107 is hereby repealed.

The procedure for returning a minimum maintenance road to a full maintenance road shall be as follows:

a. The property owners requesting the change from minimum to full maintenance shall make a written request to the Board of County Commissioners stating the name and location of the road, the reasons why they believe the road should be upgraded and their intent to pay for the necessary improvements.

b. The Board shall provide notice and hold a public hearing in accordance with K.S.A. 68-102a before making any decision regarding the request.

c. The Board shall have 30 days following the public hearing to consider the request and render a decision. The Board shall notify the property owner of their decision by regular first class mail, postage prepaid.

d. If the Board approves the request it shall direct the Public Works Administrator to oversee the improvement of the road.

The Public Works Administrator shall have great latitude in the method employed to actually complete the upgrade of the road. The following requirements are mandatory and will be met regardless of the method employed:

e. All costs of the upgrade will be the responsibility of the property owner(s) requesting the upgrade. Costs may include but are not limited to: acquisition of adequate right of way, engineering, and construction.

f. The upgrade will be designed by an engineer licensed by the state of Kansas and will meet all County specifications.

g. The work will be performed by a bonded and insured contractor, not by the property owner(s) themselves.

h. No upgrade under this plan shall be less than one half mile in length and must attach to either a full maintenance road or a hard surfaced road.

i. If the owner desires to have the County design and build the upgrade, the County shall estimate the costs of the upgrade. The estimated cost of the upgrade will be made available to the County in secured funds, a bond, or letter of credit upon which the County may draw. All costs exceeding the initial estimate shall be the responsibility of the property owner(s).

A minimum maintenance road is generally not established when the road serves a residence or business.

5. A minimum maintenance road should be a low-volume, local road in use solely for local access, although occasional through traffic is possible.

The public should expect and anticipate ruts and rough surfaces on minimum maintenance roads: the following factors are to be used as guidelines for maintenance of minimum maintenance roads:

a. The surface of such road should be natural.

b. Ditches will be maintained only if such maintenance will reduce continuing maintenance requirements for the county.

c. Snow removal will not be provided, except when access is essential. Requests for 'essential' snow removal must be made to the Franklin County Public Works Department in writing by the landowner or lessee, and must be deemed 'essential' by the Public Works Department before snow removal will take place.

d. Mowing will not be provided: except that one annual mowing may be provided at the County's option.

e. Crossroad drainage structures will be utilized only if general maintenance for the county will be reduced by such use. Structures (boxes, culverts, etc.) should have a low frequency runoff design.

f. The use of traffic control devices (i.e.: signs) will be minimal. The decision to use or not to use signs will be based upon the provisions of the "Manual of Uniform Traffic Control Devices". Examples of signs which might be necessary are:

1- 'Bridge weight limit' if less than the legal load limit.

2- 'Turn', if the turn could not be negotiated at the prevailing speed of the road.

g. All points of entry onto a minimum maintenance road shall be signed, in accordance with K.S.A. 68-5, 102.

This resolution shall become effective upon its adoption by the Board of County Commissioners and subsequent publication in the official county newspaper.

Approved and adopted by the Board of County Commissioners on this 8th day of August, 2005.

/s/ Donald R. Stottlemire
Donald R. Stottlemire, Chairman

ATTEST:
/s/ Shari Perry
Shari Perry, County Clerk

APPROVED AS TO FORM
/s/ Blaine Finch
Blaine Finch, County Counselor