

THE BOARD OF COUNTY COMMISSIONERS

OF

FRANKLIN COUNTY, KANSAS

RESOLUTION 08 - 05

**A RESOLUTION RESTRICTING THE ISSUANCE OF
BUILDING PERMITS ON MINIMUM MAINTENANCE ROADS**

WHEREAS, K.S.A. 19-101, provides that a county may exercise the powers of home rule to determine its local affairs and government authorization under the provisions of K.S.A. 19-101a; and

WHEREAS, the County desires to amend their policy in regard to the issuance of building permits for non-agricultural structures on minimum maintenance roads and this is a permissible exercise of home rule power, pursuant to K.S.A. 19-101a;

WHEREAS, the Board of County Commissioners finds that direct access from a County or State maintained road or highway system for non-agricultural development is necessary to provide required services and to protect and promote the public health, safety and general welfare of the residents of Franklin County, Kansas

NOW, THEREFORE, BE IT RESOLVED that resolution 06-075 is repealed.

FURTHER, BE IT RESOLVED that the Franklin County Board of County Commissioners hereby directs that no building permit shall be issued for the construction of a non-agricultural structure located on a minimum maintenance road unless said structure has direct access onto a full maintenance road. A structure shall be deemed to be located on a minimum maintenance road if the structure has no access to a full maintenance or private road other than by traveling on a minimum maintenance road. Prior to a building permit being issued, the land owner shall, in accordance with Franklin County Resolution 08-04, make a written request for an upgrade of the minimum maintenance road to a full maintenance road and receive approval for the upgrade of the minimum maintenance road. The landowner shall enter into a binding agreement with the County to upgrade said road and have paid all costs due and owing for said upgrade. The building permit shall establish an address and access onto the full maintenance road and no access point shall be granted onto any minimum maintenance road for a non-agricultural structure.

Passed and adopted in regular session this 20th day of February 2008.

/s/ Karen S Farrell
Karen S. Farrell
Chairman

/s/ John E Taylor
John E. Taylor
Vice-chairman

/s/ Donald C Hay
Donald C Hay
Commissioner

/s/ Roy C Dunn
Roy C. Dunn
Commissioner

/s/ Donald R Stottlemire
Donald R Stottlemire
Commissioner

Attested and Recorded, this 20th day of February 2008.

/s/ Shari Perry
Shari Perry

County Clerk