

**FRANKLIN COUNTY  
COMMISSION AGENDA ITEM**

<b>TO:</b> BOARD OF FRANKLIN COUNTY COMMISSIONERS	<b>Reviewed:</b>
<b>FROM:</b> Lisa Johnson	<b>Ext:</b> 3485
<b>DEPARTMENT:</b> Administration	
<b>DATE:</b> Wednesday, February 20, 2008	<b>No:</b>

**ITEM: Consider a Resolution establishing Policy for Minimum Maintenance Roads in Franklin County and repealing Resolution 05-081 and a Resolution restricting the issuance of Building Permits on Minimum Maintenance Roads and repealing Resolution 06-075.**

Background: Per the Commission's study session on Monday, February 11, 2008 and the consensus of the Commission, resolutions have been prepared amending the minimum maintenance road policy and the policy regarding building permits on minimum maintenance roads. The resolutions were provided to the Commission at their regular meeting on Wednesday, February 13, 2008 and per the direction of the Commission were placed on the agenda for the regular meeting on Wednesday, February 27, 2008.

Recommended Action:

Attachments: Resolutions

**BOARD OF COUNTY COMMISSIONERS  
OF  
FRANKLIN COUNTY, KANSAS  
RESOLUTION NO. 08- \_\_\_\_\_**

**A RESOLUTION ESTABLISHING A POLICY FOR MINIMUM MAINTENANCE ROADS  
IN FRANKLIN COUNTY, KANSAS AND REPEALING RESOLUTION 05-81**

WHEREAS, K.S.A. 68-102 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:

1. Resolution 05-81 is hereby repealed.
2. 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 for the road, the reasons why they believe the road should be upgraded and their intent to provide the necessary right of way and pay the costs per this resolution.
  - b. The Board shall provide notice and hold a public hearing in accordance with K.S.A. 68-102a before making any decisions regarding the request.
  - c. The Board shall have 30 days following the public hearing to consider the request and render a decision on a case by case basis. 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.
3. The Public Works Administrator shall have great latitude in the method employed to actually complete the upgrade of the road and shall determine the appropriate road standard on a case by case basis. The following requirements are mandatory and will be met regardless of the method employed:
  - a. The landowner shall be responsible for paying all of the costs for the rock to upgrade the road including the costs to rock the road the year following the upgrade. This shall include 1000 ton of rock per mile and 500 ton of rock per

mile the year following the upgrade, the cost of signage, bridges if necessary and any costs for crossroad drainage including but not limited to culverts, whistles, and pipes. Further, the landowner shall provide all necessary right of way for the upgrade. If erosion control is necessary the landowner shall either pay the costs or provide said service to the County.

- b. The upgrade must attach to either a full maintenance road or a hard surfaced road.
  - c. An estimate of the costs shall be provided to the landowners and the landowner shall pay said funds prior to the commencement of the upgrade by the County. Said funds shall be placed into an escrow account pending completion of the upgrade. At said time the County shall be paid the funds due and owing the County from said account. Funds for the additional gravel the following year shall remain in said account until the work is completed and the County will then be paid the final funds. Any funds remaining in said account after all work is complete shall be returned to the landowner. If costs exceed the original estimate the County will assume the difference in costs.
- 4. A minimum maintenance road is generally not established when the road serves a residence or a 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.
  - 6. 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 Administrator in writing by the landowner or lessee, and must be deemed 'essential' by the Public Works Administrator 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 devised (i.e. signs) will be minimum. 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 with 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 point of entry onto a minimum maintenance road shall be signed, in accordance with K.S.A. 68-102.

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 this \_\_\_\_ day of February 2008, by the Board of Franklin County Commissioners.

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Karen S. Farrell  
Commissioner District 1

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John E. Taylor  
Commissioner District 2

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Roy C. Dunn  
Commissioner District 3

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Donald C. Hay  
Commissioner District 4

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Donald R. Stottlemire  
Commissioner District 5

Received and recorded this the \_\_\_\_ day of February 2008.

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Shari Periy  
County Clerk

**THE BOARD OF COUNTY COMMISSIONERS  
OF  
FRANKLIN COUNTY, KANSAS**

**RESOLUTION 08 -**

**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-\_\_\_, 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 \_\_\_\_\_ day of February 2008.

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Karen S. Farrell  
Chairman

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John E. Taylor  
Vice-chairman

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Donald Hay  
Commissioner

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Roy C. Dunn  
Commissioner

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Donald Stottlemire  
Commissioner

Attested and Recorded, this \_\_\_\_\_ day of February 2008.

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Shari Perry  
County Clerk