

FRANKLIN COUNTY FISCAL COURT

ORDINANCE NO. 9, 2006 Series

AN ORDINANCE AMENDING ORDINANCE # 4
ADOPTED February 24, 1998, FISCAL COURT
ORDER BOOK 17, PAGE 371, RELATING TO THE
ADOPTION OF MINIMUM STANDARDS OF
CONSTRUCTION OF ALL ROADS WHICH
MAY BE HEREAFTER INCLUDED WITHIN THE
FRANKLIN COUNTY ROAD SYSTEM AND
ACCEPTED FOR FUTURE MAINTENANCE BY
FRANKLIN COUNTY, KENTUCKY

WHEREAS, from time to time the Fiscal Court of Franklin County is the recipient of requests from citizens and taxpayers of Franklin County to accept, as a part of the Franklin County Road System and for purposes of future maintenance, various public ways or orphan roads within Franklin County, Kentucky that have not heretofore been a part of the Franklin County Road System or accepted for the purpose of full maintenance by Franklin County, and.

WHEREAS, in the past, such roads or public ways have differed greatly in the standards of construction to which they were originally built and in their condition when their acceptance by Franklin County for future maintenance was sought and requested, and

WHEREAS, these variations have resulted in the imposition of a substantial and increasing burden upon available Franklin County road funds, and

WHEREAS, it is important and beneficial to establish uniform standards and specifications for any and all roads or public ways that may be hereafter considered by the Franklin County Fiscal Court for acceptance as a part of the Franklin County Road System,

NOW THEREFORE, be it ordained by the Fiscal Court of Franklin County that no roads or public ways which are not a part of the Franklin County Road System as of July 1, 2006, will be considered for acceptance, or accepted, as a part of said system, nor shall any county funds be expended for the future maintenance thereof, unless such roads or public ways meet, fulfill or exceed the following requirements and conditions:

1. NEW ROAD WAYS

A. RIGHT-OF-WAY: A minimum right-of-way of 40 feet shall be conveyed by the adjoining property owners to Franklin County. Said right-of-way shall be cleared, graded and sloped to provide an adequate width for the roadway, adequate drainage and sight distance, all to be approved by the Franklin County Road Superintendent. Any newly proposed road, for a subdivision, shall otherwise satisfy all of the requirements of Article 4, Section 4.3 of the Frankfort/Franklin County Subdivision Regulations.

B. ROADBED CONDITION: The roadway shall be prepared and shall provide a ten (10) inch stone base dense grade aggregate, for a minimum width of eighteen (18) feet. Said roadways shall further be prepared and shall provide for a minimum of three (3) inch bituminous asphalt base and a one and one-half (1½) inch bituminous asphalt surface. Any newly proposed road, for a subdivision, shall otherwise be built to meet or exceed the minimum design criteria as prescribed in Article 6, Section 6.4 of the Frankfort/Franklin County Subdivision Regulations.

C. DENSITY OF POPULATION: Prior to acceptance for County maintenance, said roadway shall contain adjoining thereto, at least ten (10) permanent single family residences suitable for human occupancy per mile of said roadway. The County will accept for all maintenance purposes any newly proposed road, for a subdivision, which is built per the specifications as prescribed in the Frankfort/Franklin County Subdivision Regulations. Provided however, the developer/owner and assigns (hereinafter collectively referred to as the "developer") may choose not to install the final cap on a road until the subdivision, section or phase (as hereinafter defined) is fifty

percent (50%) occupied, in which event the County will accept for snow and ice removal, but not for maintenance of drainage facilities, any road within that subdivision, section or phase when proper installation of DGA and asphalt base is complete. Should the developer choose the foregoing procedure, the developer will be required to maintain in effect a letter of credit, surety bond or satisfactory performance guarantee (hereinafter referred to as the "bond") in an amount sufficient to cover the cost of the final cap at all times until the subdivision, section or phase is fifty percent (50%) occupied, at which time the developer shall be required to place the cap on the road or if the developer should not do so, the County shall cash the bond and place the final cap. Thirty (30) days before expiration of the bond, the County shall cash said bond and apply the proceeds therefrom to the completion of the road(s) unless the developer furnishes evidence of renewal of the bond. The bond required above shall be a part of and not in addition to the requirements of the Planning Commission and shall be effective for a period of one (1) year, renewal annually, provided that the amount thereof shall be *prorata* reduced upon the satisfactory installation of the DGA and asphalt base.

D. PHASE DEVELOPMENT: To qualify for phase development of a subdivision the developer must submit to the County Planning Director a preliminary subdivision plat of the complete subdivision and indicate on said plat the boundaries of the phases or sections in which the subdivision will be developed and the proposed sequence of development. A presently existing platted subdivision may qualify for phase development if the developer submits a copy of the approved final plat to the Franklin County Planning Director with the proposed phases or sections indicated as described above, so long as each proposed phase or section constitutes at least twenty-five percent

(25%) of the total subdivision as finally platted. Each phase or section must abut an existing county, state, or city maintained road. Presently existing subdivisions which have houses located on any non-county maintained road, must include those roads in their initial proposed phase or section. Any subdivision proposed after August 1, 1992 must indicate on the preliminary subdivision plat submitted to the Planning Commission the boundaries of the proposed phases or section and the sequence of their proposed development.

E. RELEASE OF LIABILITY: In order for a road, not accepted by the County for all maintenance purposes, to qualify for county snow and ice removal, the developer must release Franklin County in writing from liability for ordinary damage to the road done by County work crews prior to the final cap being placed on the road.

F. BUILDING PERMITS: No building permit shall be issued to anyone for construction within a subdivision on a road not theretofore accepted by the County for all maintenance purposes unless there is a effective bond as prescribed above; except, anyone, other than the developer, purchasing a lot prior to August 1, 1992 may be issued a permit.

G. STREET LIGHTS: No newly proposed road into a subdivision off of an existing County, City, or State maintained road will be accepted by the County for maintenance, unless street lights have been installed by the applicable utility company to the utility's specifications at the expense of the developer at the entrance of such road into the subdivision, unless otherwise approved by the Franklin County Fiscal Court.

H. ENCROACHMENT APPROVAL: All entrances onto a County maintained road shall be required to have encroachment approval by the Franklin County Planning Director or the Franklin County Road Superintendent to assure a safe sight distance. All entrances shall have installed an adequate culvert or other method to handle drainage. This approval will be affixed to the Building Permit.

2. ORPHAN ROADS

A. DEFINITION: "Orphan Road" is defined as a given roadway located in Franklin County, Kentucky; outside the corporate limits of the City of Frankfort, not presently being maintained by any governmental entity, having at least 10 permanent single family residences suitable for human occupancy per mile of said roadway, and which has been laid off as a public road and used without restriction by the general public for at least fifteen (15) consecutive years immediately prior to the petition for adoption as required by KRS Chapter 178.

B. CONSIDERATION: The Fiscal Court shall give consideration to adopt an Orphan Road provided that more than 55% of the property owners on the roadway have petitioned the Court to adopt an Orphan Road into the County Road system and more than 55% of the property owners abutting the roadway have signed a petition stating that they are willing to dedicate the road for public use.

C. REPORT TO THE COURT: Upon presentation of the Petition set forth in Section 2.B., above, the County Judge/Executive shall appoint two (2) viewers, who along with the County Road Engineer shall view the ground and make a written report to the Court stating the advantages and disadvantages to the public and the petitioners from the proposed work, including grades and bearings as well as other facts and

circumstances that may enable the Court to determine whether the work should be undertaken by the County. The viewers and the County Road Engineer shall state out in their report whether such road should be established. The report shall further state whether it would be necessary to take any burial ground, orchard, yard or any part thereof or to destroy or injure buildings. The report shall also state the probable costs of the work, as well as list the name of the land owners whose property would be damaged by the improvements of the existing roadway, and which property owner or owners (if any) should be required compensation and the extent to which they would be entitled.

D. VIEWING BY THE COURT: If it appears from the report that the interest of the public would be furthered by adoption of the Orphan Road, the member of the Court shall personally examine the proposed work.

E. NOTICE AND PUBLIC HEARING: If, after the report and viewing by the members of the Court, the Court then decides to further consider to adopt the Orphan Road, the Judge/Executive shall appoint a date for a hearing to allow interested parties to present further information and shall cause public notice to be given of the date and time of the hearing.

F. ADOPTION: If, upon completion of the report, viewing and public hearing, the Court adopts by Ordinance the Roadway, the Road shall be established as follows:

(i). RIGHT-OF-WAY: A minimum right-of-way of 30 feet (15 feet from centerline) shall be conveyed by the adjoining property owners to Franklin County, unless the Fiscal Court finds that due to topography or otherwise, the 30 feet minimum cannot be met. Said right-of-way may be cleared, graded and sloped to provide an

adequate width for the roadway, adequate drainage and sight distance, with the approval of the Franklin County Road Superintendent

(ii). ROADBED CONDITION: The Franklin County Road Department shall prepare the roadbed by providing an eight inch (8") stone base dense grade aggregate, a minimum width of fourteen feet (14') and a double chip seal standard. The adjoining property owners shall pay in advance for all materials and the County will furnish all labor and equipment to bring said roadbed to this standard.

(iii). CONDITIONS: Anything beyond the normal scope of work; i.e., grading, ditching, etc. shall be added to the cost of the adjoining land owners, according to the Road Superintendent's recommendation.

(iv). LIMITS OF LIABILITY FOR PRE-EXISTING OBJECTS IN RIGHT-OF-WAY: The County will not be responsible for replacement or cost of fences, trees, or any other object that is in said right-of-way. The Franklin County Fiscal Court, at their discretion, may or may not accept roads that meet these requirements.

3. CONFLICT: All ordinances or parts of ordinances in conflict with this ordinance, as amended, are herewith repealed to the extent of any conflict.

4. SEVERABILITY: If any part or parts of this ordinance is found invalid, such invalidity shall not effect the remainder of the ordinance unless the whole shall be found invalid.

This Ordinance No. 9 2006 Series, shall become effective on the date of the second reading and adoption.

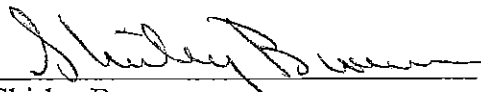
Introduced and given first reading in summary at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 4 day of August, 2006.

Given second reading and adoption at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 1 day of September, 2006, and of record in Fiscal Court Order Book 21, Page 132



Robert Roach
County/Judge Executive

ATTESTED TO:



Shirley Brown
Fiscal Court Clerk