

RESOLUTION 2023-02

A RESOLUTION CREATING A COST APPLICATION FOR THE INSTALLATION OF CULVERTS OR ENTRANCES AND RESCINDING RESOLUTION 2003-14, SAME, ADOPTED AUGUST 4, 2003

WHEREAS, the installation of an entrance crossing any ditch along a County road falls under the authority of the County Engineer; and

WHEREAS, Kansas Statutes grant this authority to the County Engineer to ensure that citizens can travel safely along roadways; and

WHEREAS, while it is the duty of the County to provide entrances for access in certain situations, it is incumbent upon the County to assess the charge to citizens when the entrance is provided at citizen request in order to assure fair taxation.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Barton County, Kansas, that pursuant to K.S.A. 68-543a, and any amendments thereto, that the following is hereby adopted:

FIRST, in counties which have not adopted the County unit road system, such as Barton County, whenever it is necessary in the County Engineer's opinion for the County to construct a new ditch along a County road in front of any property at such depth as will in the opinion of the officials in charge of such road obstruct an existing access to such property from the public highway, it shall be the duty of the County Engineer to cause to be constructed and maintained an entrance, including a properly sized culvert as required to provide adequate drainage, over such ditch so as to make a good, safe crossing. The cost of the entrance and culvert will be at the County's expense.

When such property where a new ditch is constructed does not have an existing access and the installation of an entrance is requested by the property owner or the owner's agent for the landowner's convenience, the cost of such entrance and culvert shall be paid by the owner. All moneys for the payment of such materials shall be deposited in the Barton County Road and Bridge Fund.

SECOND, whenever any property owner shall request an additional entrance on a County Road that has an existing ditch, the cost of the entrance and culvert shall be charged to the property owner if the entrance and culvert are installed by the County. The County Engineer may require the property owner to deposit the estimated cost of such installation before installing and constructing the entrance and culvert. The property owner may install and construct such additional entrance and culvert, but only after first obtaining approval of plans therefore and permission to do so from the County Engineer. Any such work shall be done by the owner subject to the direction and supervision of the County Engineer.

The costs associated with an entrance may include:

- Earthwork construction,
- Culvert(s), end sections, and associated materials, and
- Entrance surfacing material

THIRD, a culvert is defined as per K.S.A. 68-1101. An entrance culvert shall be installed as per the County Engineer's decision to provide adequate stormwater flow and allow for safe side slopes along the entrance. A culvert may be a pipe, a reinforced concrete box culvert, or other type of structure as approved to adequately carry ditch drainage. In a situation where a detailed drainage study is needed to determine the proper size of culvert, the landowner may be required to arrange for and pay the cost of such study by a licensed engineer, and to pay any and all costs for the design of the culvert. In a situation where the County Engineer or other licensed engineer determines that a culvert pipe is adequate, the County Engineer will approve the installation of a pipe not to exceed forty (40) feet in length, plus end sections, unless a longer pipe is required for safety.

FOURTH, it shall be a public offense for any property owner or other person to construct a culvert or entrance across any ditch along a County road without first having secured approval of the plans therefore and permission to do so from the County Engineer. Any person who shall violate the provisions of this section shall be subject to a fine and be required to remove the unauthorized entrance at the owner's expense.

FURTHER, that a representative of the County Engineer may be designated to provide the services as detailed herein; and

FURTHER, the adoption of this administrative resolution does not obligate Townships to operate under said regulations unless adopted by the Township; and

FURTHER, that this Resolution shall become effective upon publication in the official County newspaper.

ADOPTED this 4th of January, 2023.

BOARD OF COUNTY COMMISSIONERS



Shawn Hutchinson, Chairman



Barb Esfeld, Commissioner

APPROVED IN MEETING

Kirby Krier, Commissioner


APPROVED IN MEETING

Jon Prescott, Commissioner



Jennifer Schartz, Commissioner

ATTEST:



Bev Schmeidler,
County Clerk



APPROVED AS TO FORM:



Patrick Hoffman,
County Counselor