

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION
Policy on Local Service Roads	Board of County Commissioners	5-15-2019	3.0

The intent of this policy is to provide a consistent mechanism in which residents of Leavenworth County can obtain road and Right of Way infrastructure improvements. The funding requirements outlined in this policy are intended to provide a fair and equitable cost share between public and private interests. Participation in this policy by County residents is voluntary, and any Right of Way or other easements required under this policy must be freely dedicated.

1. Opening of a new road.

Follow procedures outlined in the Statutes. (K.S.A. 68-102 et seq., 12-752 et seq.) All costs of opening the road are to be paid for by the petitioner for the road. This includes right-of-way, surveys, grading and all construction costs. Persons petitioning to open a road should see Leavenworth County Department of Planning & Zoning for pertinent Regulations, and follow the most recent edition of the Leavenworth County Department of Public Works Road Construction and Storm Water Drainage Standards.

2. Opening of a road which is shown on the records as having road right-of-way in a platted subdivision or platted town.

The new road shall meet the requirements established in the most recent edition of the Road Construction and Storm Water Drainage Standards.

3. Improving of an existing unmaintained road that is shown on the records as having dedicated Right of Way.

a. Person and/or persons shall send written request to the Board of County Commissioners including at a minimum the following information:

- i. Which road it is to be improved.
- ii. Addressed to the Board of County Commissioners, with a copy to the County Engineer.
- iii. Specify the place of beginning, the place of termination and the total length of the road.
- iv. Section, Township, and Range in which the road is located.
- v. Signature of the requestor, address, phone number and the date.

- b. Persons requesting a road to be opened or extended shall pay a licensed professional Engineer to design a set of Road and Drainage Improvement Drawings in accordance with the latest edition of the Road Construction and Storm Water Drainage Standards. The roadway shall extend at a minimum the distance as required under the subdivision regulations, or is a safe driveway location whichever is greater.
- c. A total of 60' of Right of Way (or 80' on a section line) must be present in order to allow for construction of the road. Any additional ROW required to achieve this width must be freely dedicated by petitioning residents. Leavenworth County will not initiate condemnation proceedings, as this is a voluntary program.
 - i. Any permanent Right of Way easements required to achieve the minimum width must be filed with the County Register of Deeds before work can begin.
 - ii. Any Legal Descriptions prepared for permanent Right of Way easements must be signed, sealed and dated by a Registered Land Surveyor
- d. The landowners shall move all existing fences along the proposed improvement length to the established limits of the Right of Way, and replace with new fence if they wish to have the property fenced. Leavenworth County will not replace any existing fencing.
- e. Adjacent landowners are to provide sufficient working space beyond the permanent right-of-way for back sloping and installation of cross road pipes. Temporary Construction Easements may be required to accomplish this work
- f. The requestor's will be responsible for hiring a contractor to construct the road to the approved engineering design. All costs associated with re-opening, opening, or extending the roads will be at the sole cost of the requestor.
- g. Once the improvements are complete in accordance with the latest edition of the Road Construction and Storm Water Drainage Standards the County Engineer must review and accept the completed roadway, and recommend to the BOCC for inclusion into the maintained roadway network.

4. Minimum Maintenance Roadways

- a. These roads are identified as low volume roads and further defined in KSA 68-5,102.
- b. These road are within existing rights of way, but not maintained at current county gravel road standards.
- c. Roads in this category are intended to provide limited occasional use by only a few individuals, primarily for intermittent access to field or other properties.
 - i. These road may be bladed upon the request of adjacent land owners.
 - 1. This will not exceed two times per year per road.
 - 2. This work will be completed at a time convenient to the established road maintenance schedule. (This does NOT include snow removal)
 - 3. An additional rock must be provided by the land owner
 - ii. Leavenworth County will not maintain any drainage structures on minimum maintenance roadways.
- d. These roads are to be signed "Minimum Maintenance, Travel at Your Own Risk"

- e. These roads are not intended to serve residential dwellings.
 - i. Roadway Improvements to facilitate full access shall comply with Section 3 of this Policy.

5. Turn around for school buses.

- a. When school district determines a bus needs to utilize a driveway for a turn around, the following conditions must be met.
 - i. The school district must request school bus turn around in driveway.
 - ii. Written permission by the landowners must be provided.
 - iii. Turn around must remain at this location for at two (2) seasons.
- b. The County will provide sufficient rock surfacing in the driveway to lesson damage caused by the bus. The Department of Public Works has final approval of bus turn around locations. If existing County road can be utilized, a driveway turn around will not be provided.

This policy supersedes any and all previous Local Service Road and no grandfather clause is provided.



BOCC Chairperson

5-13-19
Date of Adoption