

RESOLUTION 2020-44

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
LEAVENWORTH COUNTY, KANSAS, ESTABLISHING A POLICY FOR THE
CLOSURE OR RESTRICTION OF TRAVEL UPON CERTAIN COUNTY ROADS AS
AUTHORIZED PURSUANT TO K.S.A. 68-126; ESTABLISHING THE FINANCIAL
RESPONSIBILITY OF SUCH RESTRICTION OR CLOSURE**

WHEREAS, K.S.A 68-126 authorizes the Board of County Commissioners of any county of the state of Kansas to close or restrict public travel upon roadways of the county under certain conditions; and,

WHEREAS, the Board of County Commissioners of Leavenworth county, Kansas, (“the Board”) has, from time to time, received requests from owners of property adjacent to certain county roadways that such closure or restriction of travel by the public be implemented; and,

WHEREAS, the closure or restriction of travel by the public upon county roadways should be undertaken only in certain limited circumstances and with the cost of such closure or restriction to be borne by the owners of property adjacent to those roadways affected; and,

WHEREAS, the establishment of a stated policy for the closure or restriction of travel by the public upon certain county roadways will apprise the owners of property adjacent to those certain roadways of the terms and conditions upon which such closure or restriction shall take place;

NOW BE IT THEREFORE RESOLVED:

1. That the closure or restriction of travel by the public upon any county roadway, as authorized pursuant to K.S.A. 68-126, shall undertake by an order of this Board only in the following instances:

(a) When such roadway services no more than two (2) residential structures; and,

(b) When such closure or restriction of travel by the public will minimally impact the general public; and,

(c) When such closure or restriction is requested, in signed writing, by all owners of property adjacent to and served by such roadway; and,

(d) When the purpose of such closure or restriction is to protect the property of the owners of property adjacent to and served by such roadway through reducing trespass upon such property, the dumping of trash and debris upon such property and the misuse of the public roadway for purposes other than travel by the general public; and,

(e) When the closure or restriction of travel upon such roadway is done in such manner as to not preclude travel upon such roadway by emergency or utility vehicles or persons who have a lawful need for travel upon such roadway; and,

(f) When the owners of property adjacent to and served by such roadway have agreed to bear all costs for the closure or restriction of travel by the public upon such roadway, to include the construction and maintenance of any gates or fences as authorized by the Board, all necessary and appropriate signage notifying the public of such closure or restriction as deemed necessary and appropriate by the Board and the costs of the removal of all gates or fences and signage upon the conclusion of the period of closure or restriction of travel by the public upon such roadway; and,

(g) When the owners of property adjacent to and served by such roadway have agreed to construct and maintain all gates or fences and signage as authorized by the Board and have prepared and submitted to the Board the design of such gates or fences and signage for approval

by the Board; and,

(h) When the owners of property adjacent to and served by such roadway have agreed that the roadway be designated as a low-volume, low-maintenance road by the county and that the county shall perform no maintenance upon such roadway during the period of closure or restriction of travel by the public; and,

(i) When the owners of property adjacent to and served by such roadway have posted with the county clerk, as required by the Board, adequate surety in the form of a bond or letter of credit, as approved by the Board, to cover the future costs of the removal of all gates or fences and signage and the costs of the reopening of such roadway upon the conclusion of the period of closure or restriction of travel by the public upon such roadway; and,

(j) When such other requirements for the closure or restriction of travel by the public upon such roadway as the Board may find necessary and proper have fulfilled.

2. That the period of time during which the closure or restriction of travel by the public upon such roadway is authorized pursuant to this resolution shall end upon;

(a) A determination by the Board that it is in the best interests of the public that such closure or restriction of travel by the public upon such roadway come to an end; or,

(b) The request of any owner of property adjacent to and served by the roadway.

3. That prior to any closure or restriction of travel by the public upon any county roadway made pursuant to this resolution that the matter of the request for such closure or restriction be heard and considered by the Board in open session with the matter having been listed on the agenda of the Board.

4. That any prior resolution, in conflict with topics addressed here, is hereby repealed as it pertains to the Leavenworth County

RESOLVED THIS 4th DAY OF November, 2020.


DOUG SMITH, CHAIR, 3RD DISTR.


CHAD SCHIMKE, 4TH DISTRICT


JEFF CULBERTSON, 1ST DISTRICT


MIKE STIEBEN, 5TH DISTRICT


VICKY KAAZ, 2ND DISTRICT


ATTEST: JANET KLASINSKI,
COUNTY CLERK

